No. 10450

United States
Circuit Court of Appeals
For the Ninth Circuit.

HARRY BRIDGES,

Appellant,

vs.

I. F. WIXON, as District Director, Immigration and Naturalization Service, Department of Justice,

Appellee.

Transcript of Record

VOLUME I

Pages 1 to 492

Upon Appeal from the District Court of the United States for the Northern District of California, Northern Division

Rotary Colorprint, 590 Folsom St., San Francisco

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur.]

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In the United States District Court for the Northern District of California, Southern Division

No. 23673 W

In the Matter of the Petition of

HARRY BRIDGES

for a Writ of Habeas Corpus

PETITION FOR WRIT OF HABEAS CORPUS

To the Honorable the Judges of the United States District Court for the Northern District of California, Southern Division:

The petition of Harry Bridges respectfully shows to this honorable court and alleges:

I.

Petitioner is unlawfully detained, restrained of his liberty, and imprisoned by Francis A. Biddle, as Attorney General of the United States of America, and by his agents, servants, officers and employees, including I. F. Wixon, as District Director of Immigration and Naturalization at San Francisco, California, and the agents, servants, officers and employees of said Wixon, at and in the City and County of San Francisco, State of California.

II.

Said detention, restraint and imprisonment are and purport to be by virtue of a certain warrant of deportation, ordering the deportation of petitioner to the country of Australia, a copy of which

warrant is filed herewith, marked Exhibit A, and by this [1*] reference incorporated herein.

III.

Said warrant of deportation was issued pursuant to a certain decision and order made by said Biddle on the twenty-eighth day of May, 1942. A copy of said decision and order is filed herewith, marked Exhibit B, and by this reference incorporated herein.

IV.

On or about February 12, 1941, a certain warrant was issued by the Attorney General of the United States for the arrest of petitioner. Pursuant to said warrant, a hearing was held in the City and County of San Francisco, State of California, from March 31, 1941, to June 12, 1941, before Charles B. Sears as Presiding Inspector. A copy of the transcript of proceedings at said hearing is contained in seven (7) bound books, submitted herewith, and marked Exhibit C. By this reference said exhibit is incorporated herein.

The said warrant for the arrest of petitioner appears at pp. 2-3 of Book I of said Exhibit C and also appears as Government's Exhibit 1 in said proceedings. Reference is hereby made to said warrant, and by said reference incorporated herein.

A total of 359 exhibits were admitted in said proceedings, 345 of which were admitted in evidence and the remaining 14 admitted for identifi-

*Page numbering appearing at foot of page of original certified Transcript of Record.

cation. Petitioner does not have copies of said exhibits, and for that reason is unable to submit the same herewith. All of said exhibits are in the possession of said Attorney General, his agents, servants, officers and employees. Petitioner requests that said Attorney General, his agents, servants, officers and employees, be required to submit said exhibits to this honorable court at the time of and with the filing of return or other appearance of the Attorney General herein, and that said exhibits shall thereupon be deemed incorporated herein. [2]

V.

On or about September 2, 1941, petitioner caused to be brought before said Charles B. Sears, as Presiding Inspector, a motion for an order directing a hearing for the examination of witnesses with respect to the use, by agents of the Federal Bureau of Investigation, the Department of Justice, and the said Attorney General, of wiretapping against petitioner in violation of Sec. 605 of the Federal Communications Act (47 USC sec. 605). No copy of the motion, and of the affidavits submitted in support thereof, are in the possession of the petitioner or his attorneys in San Francisco. Copies thereof are in the possession of Carol King, one of petitioner's attorneys, whose office is in New York City, New York. Neither petitioner nor his San Francisco attorneys has had time or apportunity within which to obtain from said Carol King copies of the said motion and affidavit. The said Carol King has been requested to forward

forthwith to petitioner's San Francisco attorneys copies of said motion and affidavits, and petitioner prays this honorable court to permit said copies to be filed within a reasonable time, as Exhibit D; and that, upon the filing of said Exhibit D, the same may be deemed to be incorporated by reference herein.

On or about the nineteenth day of September, 1941, said motion was presented to and argued before the said Presiding Inspector, and no transcript or other written record of said proceedings was taken. On or about the twenty-fifth day of September, 1941, the said motion was denied in a memorandum of decision made and issued by the said Presiding Inspector. Said memorandum appears as an appendix at pp. 182-185 of Exhibit E, which is hereinafter more particularly described.

On or about the 26th day of September, 1941, said Presiding Inspector did make, render and issue a certain memorandum of decision, together with his proposed findings of fact, proposed [3] conclusions of law, and proposed order, all of which are contained within the document herewith filed as Exhibit E.

VI.

On or about the twenty-ninth day of October, 1941, petitioner caused to be filed before the Board of Immigration Appeals of the Immigration and Naturalization Service, Department of Justice, and with the said Attorney General, certain exceptions to the said proposed findings of fact, proposed conclusions of law, and proposed order, of the Pre-

siding Inspector. A true copy of said exceptions is submitted herewith, marked Exhibit F, and by this reference incorporated herein.

VII.

Thereafter, briefs on behalf of petitioner and on behalf of said Attorney General and the said Department of Justice were submitted to said Board of Immigration Appeals, and on the twenty-fourth day of November, 1941, a hearing and oral argument took place before the said Board in Washington, D. C. On or about the third day of January, 1942, the said Board made, issued and rendered its findings of fact, conclusions of law, decision and order, cancelling the aforementioned warrant of arrest and closing the said proceedings against petitioner, and providing that execution of said order be stayed pending further order of the Attorney General or of said Board. A copy of said findings of fact, conclusions of law, decision and order of the Board is filed herewith, marked Exhibit G, and by this reference incorporated herein.

VIII.

On or about the twenty-eighth day of May, 1942, said Attorney General made, rendered and issued certain findings of fact, conclusions of law, decision and order (the same being the aforementioned Exhibit B) ordering the deportation of petitioner to Australia as aforesaid. Said findings of fact, conclusions of law, decision and order of the Attorney General is the sole basis for [4] the issuance of

said warrant of deportation under which petitioner is held, detained, restrained of his liberty, and imprisoned.

IX.

The cause or pretense of petitioner's restraint, detention and imprisonment, according to the best knowledge of petitioner, and according to the best of petitioner's information and belief, is as aforesaid. Petitioner is not detained, restrained or imprisoned by virtue of any process or mandate issued by any court of the United States or by any judge thereof; nor is he committed, detained, restrained of his liberty or imprisoned by virtue of a final judgment or decree of any competent tribunal made in a special proceeding instituted for any cause or by virtue of execution or process issued upon any judgment, decree or final order other than as aforesaid.

X.

Petitioner entered the United States of America lawfully in the year 1920, subsequently married, and has one American-born child. Petitioner has resided in the United States continuously since the said date of his entry, and has not been convicted at any time for the commission of any crime under federal or state law, with the exception of minor traffic offenses involving the payment of small fines.

XI.

The said detention, restraint and imprisonment

of petitioner are and each of them is unlawful and illegal for each of the following reasons:

a. The evidence contained in the record of said proceedings (to wit: Exhibit C) was and is insufficient as a matter of law to support the Attorney General's findings of fact, conclusions of law, decision and order, or the said warrant for the deportation of petitioner or the said proposed findings of fact, proposed conclusions of law, and proposed order of the said [5] Presiding Inspector.

b. The said evidence was and is sufficient as a matter of law to support the said findings of fact, conclusions of law, decision and order of the Board of Immigration Appeals.

c. The action of the Attorney General reversing the said findings of fact, conclusions of law, decision and order of the Board of Immigration Appeals was and is erroneous and void for each of the following reasons:

(1) In that the Attorney General did not find that the said findings of fact, conclusions of law, decision and order of the said Board was unsupported by the evidence;

(2) In that it appears from the face of the said findings of fact, conclusions of law, decision and order of the said Attorney General that the findings of fact, conclusions of law, decision and order of the Board of Immigration Appeals was and is supported by the evidence in said record.

d. The action of the Attorney General reversing the said findings of fact, conclusions of law,

decision and order of the Board of Immigration Appeals was and is erroneous and void in that the Attorney General's findings of fact, conclusions of law, decision and order is based upon:

(1) Witnesses whose testimony was rejected as unworthy of belief by the Board of Immigration Appeals;

(2) The testimony of one James O'Neil, which testimony was not and is not legally evidence upon which an order or warrant of deportation can be based in whole or in part;

(3) The testimony of one Harry Lundeberg, an admitted enemy of petitioner, whose testimony was inherently improbable, internally inconsistent, equivocal, evasive and untruthful, and directly in contradiction to prior statements given by the said Lundeberg to representatives of the United States Government, and by reason thereof is not legally [6] evidence upon which an order or warrant of deportation can be based in whole or in part.

(4) The testimony, taken as a whole, of certain witnesses whose individual testimony was not accepted by the Attorney-General, or by the Presiding Inspector, as establishing the facts to which they testified.

(5) Certain testimony concerning a strike at the plant of the North American Aviation Corporation, which was not and is not legally evidence upon which an order or warrant of deportation can be based in whole or in part.

(6) Certain evidence concerning a mimeo-

graphed paper called the Waterfront Worker, which testimony was not and is not legally evidence upon which an order or warrant of deportation can be based in whole or in part.

XII.

Each of the facts alleged in the paragraph immediately preceding serves to deny and deprive petitioner of due process of law, in violation of the Fifth Amendment to the Constitution of the United States; and the said detention, restraint and imprisonment of petitioner, and the said Findings of Fact, Conclusions of Law, Decision, and Order of the Attorney General, and the said warrant of deportation, do and each of them does, for the reasons contained in the paragraph immediately preceding, serves to deny and deprive petitioner of due process of law in violation of the Fifth Amendment to the Constitution of the United States.

XIII.

The said warrant of arrest, the entire said proceeding to deport petitioner, and other activities of the Government to achieve that purpose, the said Findings of Fact, Conclusions of Law, Decision, and Order of the Attorney General, the said [7] warrant of deportation, and the said detention, restraint and imprisonment of petitioner, do and each of them does serve to deny and deprive petitioner of due process of law, in violation of the Fifth Amendment to the Constitution of the United States, in that:

A) All of the issues involved in said proceeding, except the question of membership in the Industrial Workers of the World, had theretofore been decided, to-wit: by the decision, on or about January 8, 1940, of Frances Perkins as Secretary of Labor of the United States, adopting the Findings and Conclusions of James M. Landis as Trial Examiner, in a proceeding entitled "In the Matter of Harry R. Bridges", a copy of which Findings and Conclusions is filed herewith, marked Exhibit H, and by this reference incorporated herein; and by reason thereof the said issues decided in said first proceeding became, were, and are res judicata, and became, were, and are final and conclusive administrative determinations as to all issues, except the question of said I.W.W. membership, involved in the said second proceeding before Presiding Inspector Sears.

B) Petitioner was subjected to double jeopardy.

C) All the activities of the Government, including said second hearing, serve to deny petitioner the equal protection of the law.

D) The 1940 amendment to the Deportation Law pursuant to which said second proceeding was conducted (Act of October 16, 1918, as amended by Act of June 5, 1920 and Act of June 28, 1940, 8 U.S.C. 137), as applied to petitioner, was and is an ex post facto law, in violation of Article I, Section 9, of the Constitution of the United States.

E) Petitioner was denied adequate notice of the charges contained in said warrant of arrest,

and was denied adequate opportunity to prepare his defense to said charges. [8]

F) Petitioner was denied the right to examine the prior statements of witnesses produced against petitioner, which statements were under the control of the representatives of the Attorney General who presented the evidence against Petitioner at said second hearing.

G) Petitioner was denied the equal protection of the laws insofar as the warrant for his arrest, the warrant for his deportation, and the Findings of Fact, Conclusions of Law, Decision, and Order of the Attorney General are based upon membership in or affiliation with the Marine Workers Industrial Union, and petitioner was denied an opportunity to prove that no other deportation proceedings have been brought on such grounds for more than seven years.

H) Petitioner's motion for an order directing an examination of witnesses with respect to the use of wire tapping against petitioner in connection with the preparation of the said second hearing, and/or the use made of intercepted telephone messages as a result of said wire tapping, was denied.

XIV.

The said detention, restraint and imprisonment of petitioner is unlawful and illegal, for the reason that petitioner has been deprived of his right to freedom of speech, freedom of press, the right peaceably to assemble and to petition the Government for a redress of grievances, in violation of

the first amendment to the Constitution of the United States; and has been deprived of liberty and property without due process of law in violation of the fifth amendment to the Constitution of the United States, in that:

A) The said statute as written deprives petitioner of said rights.

B) The said statute, as construed and applied to petitioner, would deport petitioner for membership in or affiliation with a proscribed organization which has not been shown to believe in or advocate the immediate forcible overthrow of the government [9] of the United States.

C) Petitioner has been ordered deported for no more than limited cooperation for legitimate objectives, as constituting affiliation under said statute.

D) Petitioner has been ordered deported for membership in or affiliation with an organization that distributes, or has in its possession for distribution, proscribed literature, without any showing that petitioner was in any way connected with such distribution or that petitioner had knowledge of such literature.

E) The statute requires relinquishment of the right to belong to organizations proscribed by the statute, thereby imposing conditions on the right of an alien to remain in the United States which are in violation of said constitutional rights.

F) The statute as construed and applied against petitioner does not provide a sufficient rule or standard of conduct.

XV.

The said detention, restraint and imprisonment of petitioner is unlawful and illegal for each of the following reasons:

A) The finding of affiliation with the Marine Workers Industrial Union and the Communist Party is not warranted by the statutory use of that term nor by its judicial construction.

B) Petitioner was denied a hearing for the examination of witnesses with respect to:

(1) The use of wire-tapping in connection with the preparation or presentation of evidence in the 1941 hearing of this case; and

(2) The use made either directly or indirectly of intercepted telephone messages and facts ascertained as a result of such wire-tapping.

C) The evidence does not establish that the petitioner at any time had knowledge that the Marine Workers Industrial Union:

(1) Was a part of the Communist Party, or dominated or controlled by it; or [10]

(2) Was at any time an organization, association, society or group proscribed by the said statute.

D) The evidence does not establish that the Marine Workers Industrial Union was a part of the Communist Party, dominated or controlled by it, within the meaning of the said statute.

E) The evidence does not establish that the Marine Workers Industrial Union at any time was an

organization, association, society or group prescribed by the said statute.

F) Petitioner was denied equal protection of the laws, in violation of the fifth amendment to the Constitution of the United States, for the reason that no other deportation proceedings have been brought for more than seven years based upon membership in or affiliation with the Marine Workers Industrial Union.

G) All of the aforementioned conduct of the Attorney General was arbitrary, capricious, and in disregard of the evidence, and constitutes an illegal abuse of his discretion.

H) The entire said second proceeding against petitioner was not a bona fide investigation to ascertain the facts.

XVI.

Jurisdiction is conferred on this court by 28 USC sec. 452, giving the judges of the District Courts power to grant habeas corpus for the purpose of an inquiry into the cause of restraint of liberty.

XVII.

Petitioner does not have extra copies of the exhibits referred to herein, and for that reason is unable to serve such copies upon the said Attorney General or the said District Director of Immigration and Naturalization at San Francisco. Said exhibits are numerous and extremely lengthy, and it would therefore be burdensome and expensive for petitioner to prepare copies of said exhibits;

and it would require many weeks before copies of all said exhibits could be prepared. Copies of each and all of the [11] said exhibits are in the possession or under the immediate control of the said Attorney General and the said District Director. Petitioner therefore requests that this honorable court direct that service of copies of the within petition may be made without service of copies of said exhibits.

Now, Wherefore, petitioner prays for the issuance of an order, directed to the said Attorney General and the said District Director, to show cause why the writ of habeas corpus should not be granted petitioner; and that, upon the hearing and disposition of said order, this honorable court grant and issue to petitioner the writ of habeas corpus, and order the discharge from custody of petitioner, restoring petitioner to his liberty; and that this honorable court issue its order that, pending further order of this court, the custody of said Harry Bridges shall not be disturbed nor transferred, nor shall he be taken out of the jurisdiction of this court, except in accordance with the said order or the further order of this court; and that the court issue its order that, pending the further order of this court, the said Harry Bridges be forthwith admitted to bail in a sum

to be fixed by the court; and for such other and further relief as may be just and proper in the premises.

HARRY BRIDGES

CAROL KING

100 Fifth Avenue, New York City

GLADSTEIN, GROSSMAN, MARGOLIS & SAWYER

560 Mills Tower, San Francisco

Attorneys for Petitioner [12]

State of California
City and County of San Francisco—ss.

Harry Bridges, being first duly sworn, deposes and says: that he is the petitioner named in the foregoing petition; that he has read the same and knows the contents thereof; that the same is true of his own knowledge, except as to those matters therein stated on information and belief, and as to such matters, he believes it to be true.

HARRY BRIDGES

Subscribed and sworn to before me this 2nd day of June, 1942.

[Seal] DOROTHY H. McLENNAN

Notary Public in and for the City and County of San Francisco, State of California.

[Endorsed]: Filed June 2, 1942. [13]

[Title of District Court and Cause.]

ORDER TO SHOW CAUSE WHY WRIT OF HABEAS CORPUS SHOULD NOT BE GRANTED

Upon reading and filing the verified petition of Harry Bridges for a writ of Habeas corpus, and it appearing to the court from said petition that said Harry Bridges is illegally detained, restrained of his liberty, and imprisoned by Francis A. Biddle as Attorney General of the United States, his agents, servants, officers and employees, including I. F. Wixon, District Director of Immigration and Naturalization at San Francisco, California, his agents, servants, officers and employees; and good cause appearing therefor:

It Is Hereby Ordered that the said Francis A. Biddle and the said I. F. Wixon be and appear before the above entitled court, in the Department of the Hon. Martin I. Welsh, Judge thereof, on the 8th day of June, 1942, at 10 o'clock a. m. thereof, or as soon thereafter as *coucil* may be heard, to show cause, if any [14] they have, why the writ of habeas corpus should not issue as prayed for in said petition;

And It Is Further Ordered that, at the said time and place, the said Francis A. Biddle and the said I. F. Wixon, their agents, servants, officers and employees, produce to the said court all of the exhibits in their possession or under their control, admitted in evidence or for identification in those certain proceedings before Charles Brown

Sears as Presiding Inspector, entitled "In the Matter of Harry Renton Bridges", File No. 55973/217, Immigration and Naturalization Service, Department of Justice;

And It Is Further Ordered that, pending further order of this court, the custody of said Harry Bridges shall not be disturbed or transferred, nor shall he be taken out of the jurisdiction of this court, except in accordance with this order or the further order of the court;

And It is Further Ordered that, pending the further order of this court, the said Harry Bridges be, and he hereby is, at the suggestion of the District Director of Immigration, forthwith admitted to bail in the sum of $3000;

And It Is Further Ordered that on or before the 3rd day of June, 1942, a copy of this Order, together with a copy of the aforementioned Petition, exclusive of the exhibits filed therewith, be served personally on the said I. F. Wixon, and on the said Francis A. Biddle by leaving the said copies with the office of Frank J. Hennessy as United States Attorney for the Northern District of California.

Dated: June 2, 1942.

A. F. ST. SURE
District Judge

[Endorsed]: Filed June 2, 1942. [15]

[Title of District Court and Cause.]

RETURN TO ORDER TO SHOW CAUSE

Comes now I. F. Wixon, as District Director, Immigration and Naturalization Service, United States Department of Justice at San Francisco, California, through August Kuckein, as Inspector in Charge, Legal Division, of the United States Immigration and Naturalization Service at San Francisco, California, regularly assigned hereunto by said District Director, of Immigration and Naturalization, and for cause why a writ of habeas corpus should not issue herein, shows:

I.

That the petitioner herein is detained by your respondent I. F. Wixon, as District Director, Immigration and Naturalization Service, United States Department of Justice, at San Francisco, California, under and by virtue of a warrant of deportation duly and regularly issued by the Attorney General of the United States after a hearing duly and regularly held before a Presiding Inspector [16] of the Immigration and Naturalization Service.

II.

That a true copy of said warrant of deportation and the original record of the entire proceedings pertaining thereto are submitted herewith and marked Exhibit "A" and made a part hereof.

Wherefore, respondent prays that the petition for writ of habeas corpus herein be denied.

Dated: This 22nd day of June, 1942.

AUGUST KUKEIN,
Inspector in Charge, Legal Division as aforesaid, hereunto authorized for and on behalf of I. F. Wixon, District Director, United States Immigration and Naturalization Service at San Francisco, California.

[Endorsed]: Filed June 22, 1942. [17]

[Title of District Court and Cause.]

AMENDED PETITION FOR WRIT OF HABEAS CORPUS

To the Honorable the Judges of the United States District Court for the Northern District of California, Southern Division:

The amended petition of Harry Bridges respectfully shows to this honorable court and alleges:

I.

Petitioner is unlawfully detained, restrained of his liberty, and imprisoned by Francis A. Biddle, as Attorney General of the United States of America, and by his agents, servants, officers and employees, including I. F. Wixon, as District Director of Immigration and Naturalization at San Francisco, California, and the agents, servants, officers and employees of said Wixon, at and in the City and County of San Francisco, State of California. [18]

II.

Said detention, restraint and imprisonment are and purport to be by virtue of a certain warrant of deportation, ordering the deportation of petitioner to the country of Australia. A copy of said warrant was filed with the original petition for a writ of habeas corpus herein, marked Exhibit "A", and by reference incorporated therein.

III.

Said warrant of deportation was issued pursuant to a certain decision and order made by said Biddle on the 28th day of May, 1942. A copy of said decision and order was filed with the original petition for writ of habeas corpus herein, marked Exhibit "B", and by reference incorporated therein.

IV.

On or about the 12th day of February, 1941, a certain warrant was issued by the Attorney General of the United States for the arrest of petitioner. Pursuant to said warrant, a hearing was held in the City and County of San Francisco, State of California, from March 31, 1941, to June 12, 1941, before Charles B. Sears as Presiding Inspector. A copy of the transcript of proceedings at said hearing is contained in seven (7) bound books, submitted with the original petition for writ of habeas corpus filed herein, marked Exhibit "C", and by reference incorporated therein.

The said warrant for the arrest of petitioner appears at pp. 2-3 of Book I of said Exhibit "C" and also appears as Government's Exhibit "1" in said

proceedings. Reference is hereby made to said warrant, and by said reference incorporated herein.

A total of 359 exhibits were admitted in said proceedings, 345 of which were admitted in evidence and the remaining 14 admitted for identification. Petitioner does not have copies of said exhibits, and for that reason is unable to submit the same herewith. All of said exhibits were in the possession of said Attorney General, [19] his agents, servants, officers and employees. Petitioner requested that said Attorney General, his agents, servants, officers and employees, be required to submit said exhibits to this honorable court at the time of and with the filing of return or other appearance of the Attorney General herein, and that said exhibits shall thereupon be deemed incorporated herein. Since the filing of the original petition for writ of habeas corpus, said exhibits have been filed herein.

V.

On or about September 2, 1941, petitioner caused to be brought before said Charles B. Sears, as Presiding Inspector, a motion for an order directing a hearing for the examination of witnesses with respect to the use, by agents of the Federal Bureau of Investigation, the Department of Justice, and the said Attorney General, of wiretapping against petitioner in violation of Section 605 of the Federal Communications Act (47 USC 605). Copies thereof have been filed, since the filing of the said original petition for writ of habeas corpus herein, as Exhibit "D" to said original petition, and by reference have been incorporated in said petition.

On or about the 19th day of September, 1941, said motion was presented to and argued before the said Presiding Inspector. No transcript or other written record of said proceedings was taken. On or about the 25th day of September, 1941, the said motion was denied in a memorandum of decision made and issued by the said Presiding Inspector. Said memorandum appears as an appendix at pp. 182-185 of Exhibit "E", which is hereinafter more particularly described.

On or about the 26th day of September, 1941, said Presiding Inspector did make, render and issue a certain memorandum of decision, together with his proposed findings of fact, proposed conclusions of law, and proposed order, all of which are contained with- [20] in the document filed as Exhibit "E" to the said original petition for writ of habeas corpus herein, and therein incorporated.

VI.

On or about the 29th day of October, 1941, petitioner caused to be filed before the Board of Immigration Appeals of the Immigration and Naturalization Service, Department of Justice, and with the said Attorney General, certain exceptions to the said proposed findings of fact, proposed conclusions of law, and proposed order, of the Presiding Inspector. A true copy of said exceptions was submitted with the original petition for writ of habeas corpus herein, marked Exhibit "F", and by reference incorporated therein.

VII.

Thereafter, briefs on behalf of petitioner and on behalf of said Attorney General and the said Department of Justice were submitted to said Board of Immigration Appeals, and on the 24th day of November, 1941, a hearing and oral argument took place before the said Board in Washington, D. C. On or about the 3rd day of January, 1942, the said Board made, issued and rendered its findings of fact, conclusions of law, decision and order, cancelling the aforementioned warrant of arrest and closing the said proceedings against petitioner, and providing that execution of said order be stayed pending further order of the Attorney General or of said Board. A copy of said findings of fact, conclusions of law, decision and order of the Board was filed with the said original petition for writ of habeas corpus herein, marked Exhibit "G" to the said original petition, and by reference incorporated therein.

VIII.

On or about the 28th day of May, 1942, said Attorney General made, rendered and issued certain findings of fact, conclusions of law, decision and order (the same being the aforementioned Exhibit "B") ordering the deportation of petitioner to Australia as aforesaid. Said findings of fact, conclusions of law, decision and [21] order of the Attorney General is the sole basis for the issuance of said warrant of deportation under which petitioner is held, detained, restrained of his liberty, and imprisoned.

IX.

On the 29th day of May, 1942, Major Lemuel B. Schofield, Special Assistant to the Attorney General in charge of the Immigration and Naturalization Service, by telephone communications with petitioner's San Francisco attorneys of record, demanded that petitioner surrender himself immediately, and in any event not later than June 1, 1942. Petitioner's said attorneys informed said Schofield of their desire and intention to prepare and file with the Attorney General an application for a hearing or rehearing of the said cause, and if said application failed of its purpose, a petition for a writ of habeas corpus in the District Court of the United States, and requested reasonable time therefor. Said Schofield refused to grant such time, and petitioner is informed and believes and therefore alleges that said Schofield caused to be wired to the office of the said I. F. Wixon at San Francisco, California, a telegraphic warrant of deportation, and said Wixon was instructed to take petitioner into custody immediately. The intervention of the holidays on May 30th and May 31st prevented said Wixon from taking petitioner into custody on those days. In great haste and without adequate time for proper research and preparation, petitioner's attorneys prepared, on said holidays, the original petition for a writ of habeas corpus herein, and an application to the Attorney General for a hearing or rehearing of said cause. The latter was filed with the office of the Attorney General on June 1, 1942, by petitioner's New York attorney of record.

who made efforts to secure additional time before petitioner should be required to surrender, so that the said application to the Attorney General for a hearing or rehearing could be filed, presented, argued, and ruled on by the said Attorney General, and if the said application were [22] denied, the said petition for a writ of habeas corpus could be properly and adequately prepared. Said efforts included requests made to W. W. Brown, the then Chief of the Warrant branch of the Immigration and Naturalization Service, who by law was authorized to fix the date of surrender, and to the said Schofield, and also a request transmitted to the Attorney General. Except that petitioner's attorneys were given to understand that no steps would be taken by the said Wixon to take petitioner into custody until June 2, all of said requests failed of their purpose and, under threat of immediate arrest, petitioner was required to and did surrender himself to the said Wixon on the morning of June 2, 1942.

X.

The cause or pretense of petitioner's restraint, detention and imprisonment, according to the best knowledge of petitioner, and according to the best of petitioner's information and belief, is as aforesaid. Petitioner is not detained, restrained, or imprisoned by virtue of any process or mandate issued by any court of the United States or by any judge thereof, nor is he committed, detained, restrained of his liberty or imprisoned by virtue of

a final judgment or decree of any competent tribunal made in a special proceeding instituted for any cause or by virtue of execution or process issued upon any judgment, decree or final order other than as aforesaid.

XI.

Petitioner entered the United States of America lawfully in the year 1920, subsequently married an American citizen, and has one American-born child. Petitioner has resided in the United States continuously since the said date of his entry, and has not been convicted at any time for the commission of any crime under Federal or state law, with the exception of minor traffic offenses involving the payment of small fines. [23]

XII.

The entire said proceedings to deport petitioner and other activities hereinafter described to achieve that purpose, the said findings of fact, conclusions of law, decision and order of the Attorney General, the said warrant of deportation, and the said detention, restraint, and imprisonment of said petitioner, do and each of them does serve to deny petitioner the equal protection of the laws, in violation of the 5th Amendment to the Constitution of the United States in that:

Beginning with 1934, the Immigration and Naturalization Service of the Department of Labor has repeatedly conducted investigations to determine whether petitioner was subject to deportation on the charge that he was a member or affiliate of

the Communist Party. The results of said investigations were summarized in a Labor Department Memorandum, a copy of which is herewith filed marked Exhibit "J"* and by this reference incorporated herein. Said Memorandum was prepared and signed in 1936 by W. W. Brown, legal advisor, Thomas S. Finucane, member of the Board of Review, and Joseph Savoretti, chief examiner of the Legal Branch, and states that petitioner's "deportation was then [at the time of the Pacific Coast maritime strike in 1934] and later urgently sought by the interests which he had antogonized," and that petitioner's "record has been exhaustively investigated". Said report concluded as follows:

> "In short, whenever any legal ground for the deportation of Bridges has been brought to the attention of the Department of Labor, it has been investigated, but invariably it has been found that he was in the clear, and that his status as an immigrant was entirely regular."

The said 1936 Memorandum referred to a report of the District Director of Immigration and Naturalization at San Francisco, dated February 2, 1936, which stated as follows:

> "The investigation of the alien referred to above [Bridges] has failed to show that he is in any manner connected with the Communist Party or with any radical organization." [24]

*There will be no Exhibit "I" of this petition.

The said District Director reported, as set forth in said Labor Department Memorandum, that the Crime Prevention Detail of the San Francisco Police Department had "been unable to date to obtain any evidence that the Alien [Bridges] has ever been a member of the Communist Party or in any manner directly affiliated with or a member of any radical organization." Even a rumor that Bridges had a criminal record in Australia was investigated, with the result that the American consul at Melbourne reported on November 5, 1934, "that the police authorities at Melbourne had no record of Bridges."

On February 28, 1936, Daniel W. MacCormack, the then Commissioner of the Immigration and Naturalization Service, testified as follows concerning petitioner before a sub-committee of the House Appropriations Committee, 74th Congress, 2d Session:

> "The facts, however, are that there is no shred of evidence in our files, or in the files of the San Francisco Police Department, to indicate that he is in any way subject to the provisions of the immigration law because of his radical views."

Under date of March 2, 1938, a warrant was issued for the arrest of petitioner upon the ground that it appeared that he was subject to deportation pursuant to the provisions of Section 2 of the Act of October 16, 1918 as amended by the Act of June 5, 1920, 8 USC 137. The said warrant was served on petitioner on March 5, 1938, and pending further proceedings petitioner was released on his own

recognizance. A hearing on said warrant was originally set for April 25, 1938, but was postponed due to the holding of the U. S. Circuit Court in the case of Kessler v. Strecker, 95 F. (2d) 976.

Thereafter on January 24, 1939, Representative Thomas introduced a resolution (House Resolution 67, 76th Congress, 1st Session) for the Impeachment of Frances Perkins, Secretary of Labor, James L. Houghteling, Commissioner of the Immigration and Naturalization Service, and Gerard D. Reilly, Solicitor of the Department of Labor, for high crimes and misdemeanors in conspiring "from September 1, 1937 * * * to commit offenses against the United States, by failing [25] and neglecting to enforce the immigration laws of the United States * * * against Alfred Renton Bryant Bridges." Two months later, the House Judiciary Committee filed House Report No. 311, which took up "the salient facts of each allegation forming the bases of the resolution." The report concluded that "after a consideration of all the evidence in this case, the committee is unanimous in its opinion that sufficient facts have not been presented or adduced to warrant the interposition of the constitutional powers of impeachment by the House." (p. 10)

In April, 1939, the United States Supreme Court rendered its decision in the case of Kessler v. Strecker, 307 US 22. Shortly after said decision the warrant of arrest against petitioner was amended. Originally said warrant charged petitioner with past membership in and affiliation with an organization proscribed by the said immigration

law. By virtue of said amendment, the said warrant charged petitioner with present as well as past membership in and affiliation with a proscribed organization. Hearings on said amended warrant before Trial Examiner James M. Landis, Dean of the Harvard Law School, opened on July 10, 1939 and continued through September 14, 1939. Under date of December 28, 1939, the said Trial Examiner transmitted his findings and conclusions, a copy of which was filed with the original petition for writ of habeas corpus herein, marked Exhibit "B", and by reference incorporated therein. Upon the basis of said findings and conclusions, Secretary of Labor Frances Perkins cancelled the warrant of arrest and dismissed the proceedings against petitioner under date of January 8, 1940.

Thereafter, on May 15, 1940, a special bill was introduced (HR 9766, 76th Congress, 3rd Session) directing the Attorney General "notwithstanding any other provision of law" forthwith to take into custody and deport petitioner, on the alleged ground that his "presence in this country the Congress deems hurtful." Said bill died in the Senate Committee on Immigration.

On June 28, 1940, the Alien Registration Act became law. [26] It included a provision adding past membership in and affiliation with proscribed organizations as grounds for deportation. Said provision was enacted to overrule the decision of the Supreme Court in the said Strecker case, and to accomplish the deportation of petitioner. Thereafter, the Federal Bureau of Investigation con-

ducted a nation-wide investigation against petitioner, over a period of three months, during which hundreds of persons were interviewed, resulting in the compilation of a 2500-page report which was submitted to the Attorney General. On February 12, 1941, the Attorney General ordered a warrant of arrest to be issued against petitioner, and petitioner was arrested under said warrant on February 14, 1941. Despite the fact that petitioner was released on his own recognizance in connection with the first said proceeding against him and appeared and attended whenever required therein; and despite the fact that the said Immigration and Naturalization Service usually has not required any bail, or, where bail has been required, the same has been set at $500, petitioner was required by the Department of Justice to post bail in the sum of $3000.

The hearing on said second warrant of arrest was set for March 31, 1941, and petitioner's applications and motions, supported by affidavits, for a reasonable postponement of said hearing were denied.

Even after the Presiding Inspector filed, on September 26, 1941, his proposed findings and conclusions recommending petitioner's deportation, another special bill, HR 1644, was introduced in Congress and came up without notice on the private bill calendar, on October 6, 1941, and was passed by the House by unanimous consent, with less than fifty members of the House present.

On January 3, 1942, the Board of Immigration Appeals unanimously decided the case favorably to

petitioner, ordered the cancellation of the warrant of arrest, and the dismissal of the proceedings against petitioner. Petitioner is informed and believes [27] and therefore alleges that since the creation of the Board of Immigration Appeals on or about September 3, 1940, in no instance has the Attorney General reversed a unanimous decision of said Board except in the case of petitioner.

For more than twenty years no deportation proceedings have been taken against any alien on the charge of membership in or affiliation with the International Workers of the World, for the reason that the said Immigration and Naturalization Service was convinced and had ruled that said organization was not proscribed by the deportation statutes. Ever since approximately January 3, 1934, no deportation proceedings have been taken against any alien on the charge of membership in or affiliation with the Marine Workers Industrial Union, an affiliate of an organization known as the Trade Union Unity League, for the reason that, on said date, the said Immigration and Naturalization Service held and ruled that membership in or affiliation with the Trade Union Unity League or any union affiliated therewith did not constitute grounds for deportation. Despite these facts, in said second proceeding petitioner was charged with past affiliation with said Marine Workers Industrial Union, and with past membership in said International Workers of the World, although said membership was limited to a few months in the year 1920 and was terminated by petitioner because

of his disagreement with the principles, program and activities of said organization, all of which was known by the said Immigration and Naturalization Service prior to the making of said charge against petitioner.

By virtue of the foregoing facts, petitioner has been singled out for, and has been subjected to, discriminatory and unequal treatment, and petitioner has been denied the equal protection of the laws, in violation of the 5th Amendment to the Constitution of the United States. [28]

XIII.

As alleged, on January 3, 1934, the said Department of Labor held and determined that membership in or affiliation with the Trade Union Unity League or any of its affiliated trade unions, including the Marine Workers' Industrial Union, was not grounds for deportation. Further, ever since said date, and until the time of the filing of the within petition, in no instance have any deportation proceedings been taken against any alien for membership in or affiliation with said Trade Union Unity League or any of its affiliated trade unions, including the Marine Workers' Industrial Union, except in the case of petitioner. Petitioner is informed and believes and therefore alleges that since January 3, 1934, the said Department of Labor and the said Department of Justice have known, and it is a fact that, there are, and throughout said period have been, in the United States several thousands of aliens who have been members of or affiliated

with said Trade Union Unity League, or one or more of its affiliated trade unions, including the said Marine Workers' Industrial Union, and, because of *an* pursuant to the said ruling and decision on January 3, 1934 as aforesaid, both the said Department of Labor and the said Department of Justice have knowingly and deliberately refused and failed to bring deportation proceedings against any such aliens. By virtue of the foregoing facts, petitioner has been denied the equal protection of the laws, in violation of the Fifth Amendment to the Constitution of the United States.

XIV.

The warrant of arrest in the said 1939 deportation proceedings against petitioner charged that petitioner "became and now is" a member of and affiliated with an organization proscribed by law, which organization was thereafter alleged by the Government to be the Communist Party. At the opening of the said hearing, the Government called petitioner to the witness stand and asked the fol-
[29] lowing questions:

"By Mr. Shoemaker:

"Q. At this time I just wish to ask you but two questions. Are you an alien?

"A. I am.

"Q. Are you now a member of the Communist Party? "A. No.

"Q. Or have you at any other time in the past been a member of the Communist Party?

"A. No.

"Mr. Shoemaker: No further questions at this time. I will ask the witness to leave the stand."

(Transcript of 1939 proceedings, p. 11.)

Additional evidence that the said 1939 hearing involved not only present membership and affiliation, but also past membership and affiliation is contained in the Government's statement of its theory of the case. In its brief to Dean Landis, the Government said:

"It will be recalled that in the case of Kessler vs. Strecker, supra [59 S. Ct. 694], the respondent admitted that he joined the Communist Party in November, 1932, and asserted that his membership terminated prior to March 1, 1933, and had never been renewed. The The opinion held, in effect, that the Act of 1918 as amended by the Act of 1920 did not provide for the deportation of an alien who had ceased to be a member of a subversive organization 'at the time of his arrest.' That opinion, it should be pointed out, and the fact should be emphasized, is not controlling in the instant case. In the Strecker case it was taken and accepted on the part of the Secretary of Labor, the trial court, the Appellate Court, and the Supreme Court, that the alien had once been a member of the Communist Party but was no longer a member thereof at the time of the arrest. That does not hold true in the instant case. It is the Government position that it has shown that prior to the arrest of Harry Bridges he was a member of the Communist

Party and has continued as such. It contends, and submits it has been proved, that, the alien having been shown to be a member of the Communist Party, the obligation rested upon him to show that he had ceased to be such member, and in the absence of such showing there is a legal presumption he remained a member, and therefore is subject to deportation under the Act of 1918 as amended.

"Membership and affiliation having been shown by the [30] government, it is a reasonable inference that if such membership and affiliation had ceased the alien would have asserted that as a defense. It is a well settled principle of law that where a fact is peculiarly within the knowledge of the person charged, the burden of proof of that particular fact rests upon such person." (pp. 100-1)

In his Findings and Conclusions, Dean Landis expressly recognized that the questions of past as well as present membership and affiliation were issues in the case. This, he wrote, as follows:

"The alien's response to the charge against him was a complete and unequivocal denial. Not only did he deny that he was a member of the Communist Party but he also denied that he had ever been a member of that party." (Landis, Findings and Conclusions, p. 7.)

By virtue of the foregoing, all of the issues involved in said second proceeding, except the question of membership in the Industrial Workers of

the World, had previously been decided and settled by the decision, on January 8, 1940, of the Secretary of Labor, adopting the said Findings and Conclusions of Dean Landis. A copy of said Findings and Conclusions was received in evidence in the said second proceedings as Alien's Exhibit "12". The said issues thus decided in and settled by said first proceeding became, were and are res judicata, and, except for the question of membership in the Industrial Workers of the World, became, were and are final and conclusive administrative determinations as to all the issues involved in the said second proceeding.

XV.

If the technical legal rules of res judicata are found inapplicable in this proceeding, there is nonetheless a denial of due process of law under the Fifth Amendment to the Constitution of the United States by reason of the facts alleged in Paragraph XIV, by a principle analagous to res judicata.

XVI.

The amended warrant on which the 1939 hearing against petitioner was held, charged: [31]

"(1) That, after he entered the United States, he became and now is a member of an organization that advises, advocates, and teaches the overthrow by force and violence of the Government of the United States;

(2) That, after he entered the United States he became and now is affiliated with such an organization;

(3) That, after he entered the United States he became and now is a member of an organization that causes to be written, circulated, distributed, printed, published, and displayed printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States;

(4) That, after he entered the United States he became and now is affiliated with such an organization."

The warrant on which the 1941 hearing was held, charged that after entering the United States, petitioner has been a member of or affiliated with an organization, association, society or group that believes in, advises, advocates or teaches the overthrow by force or violence of the Government of the United States; that writes, circulates, distributes, prints, publishes, or displays, or has in its possession for these purposes written or printed matter advising, advocating or teaching said doctrine.

By reason of the foregoing, and of the facts alleged in Paragraph XIV, petitioned has been subjected to double jeopardy in violation of the 5th Amendment of the Constitution of the United States.

XVII.

If the technical legal rules of double jeopardy are found inapplicable in this proceeding, there is nevertheless a denial of due process of law under the 5th Amendment to the Constitution of the United States by reason of the facts alleged in

Paragraphs XIV and XVI, by a principle analogous to double jeopardy.

XVIII.

Petitioner has been found deportable and has been ordered deported for past membership in and affiliation, antedating the passage of said statute, with organizations proscribed by law. The [32] said 1940 Amendment to the Deportation Law is, as written, and as construed and applied to petitioner, an ex post facto or retroactive law, in violation of the prohibition of Article 1, §9 of the Constitution of the United States.

XIX.

The detention, restraint and imprisonment of petioner is illegal, unlawful and unreasonable for the reason that petitioner has been deprived of his right to freedom of speech, freedom of press, freedom of assmbly, to petition the Government for a redress of grievances, and of liberty, of property, and of due process of law, in violation of the 1st and 5th Amendments to the Constitution of the United States, in that:

A. Said statute, 8 USC section 137, as written, is unconstitutional and deprives petitioner of the aforementioned rights and privileges.

B. Said statute, as written, and as construed and applied against petitioner, renders a person deportable for past membership without present membership an any organization proscribed by said statute. It thereby imposes an unreasonable lim-

itation upon the aforementioned rights and privileges.

C. Said statute, as construed and applied against petitioner, would result in deportation for membership in or affiliation with an organization whose existence, doctrines or activities have not been shown to, and do not, present a clear, serious or imminent danger of accomplishing any substantive evil which said statute is designed to prevent.

D. Said statute, as construed and applied to petitioner, would result in deportation for beliefs or activities which have not been shown to, and do not, present a clear, serious, or imminent danger of accomplishing any substantive evil which said statute is designed to prevent.

E. Petitioner has been ordered deported for membership [33] in or affiliation with organizations proscribed by said statute, although:

(1) There is no evidence or finding that petitioner had knowledge of the proscribed character of any of said organizations, or of the proscribed character of the activities, doctrines, or literature of any of said organizations.

(2) There is no evidence or finding that petitioner participated in the distribution of proscribed literature.

(3) There is no evidence or finding that petitioner had knowledge that the Marine Workers Industrial Union was a part of the Communist Party or dominated or controlled by it.

F. Petitioner has been ordered deported for affiliation with the Marine Workers Industrial Union. It has not been shown that the said organization engaged in any except legitimate trade union activities.

G. Said statute, as written, and as construed and applied to petitioner, contains no reasonably ascertainable standard as to what acts or conduct are proscribed by said statute.

H. By reason of all the facts set forth in this paragraph (Paragraph XIX), the said statute as written, and as construed and applied to petitioner, imposes conditions on his right to remain in the United States which are in violation of the 1st and 5th Amendments to the Constitution of the United States.

XX.

Petitioner was denied procedural due process of law in violation of the 5th Amendment to the Constitution of the United States in that:

A. He was denied adequate prior notice of the nature of the charges and was denied adequate opportunity to prepare his defense to said charges. The said warrant of arrest was served on petitioner on February 14, 1941. Said warrant charges [34] petitioner with violation of the said Act of October 16, 1918, as amended by the Acts of June 5, 1920 and June 28, 1940,

> "In that after entering the United States he has been a member of or affiliated with an organization, association, society or group that believes in, advises, advocates or teaches the

overthrow by force or violence of the Government of the United States; that after entering the United States he has been a member of or affiliated with an organization, association, society, or group that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display, written or printed matter advising, advocating, or teaching the overthrow by force or violence of the Government of the United States."

On or about March 18, 1941, a motion was made to Charles B. Sears, Presiding Inspector, in the office of the Department of Justice, Washington, D. C., for a postponement of the hearings, and a further motion for an order providing that counsel might examine the report of the Federal Bureau of Investigation or other evidence with reference to petitioner upon which the warrant of arrest issued, or if such permission was refused, that counsel for petitioner be furnished a list of the witnesses whose statements were taken by the Department of Justice and upon whose evidence or testimony the Government relied in issuing the warrant of arrest against petitioner. Said applications were denied by the Presiding Inspector, but in the absence of a stenographer no record of said denials has been preserved. The motions and supporting papers were introduced at the hearing and re-

ceived in evidence marked Alien's Exhibits 1, 2, 3 and 4, and are hereby made part of this petition.

Not until the first day of the hearing was petitioner informed, and then through the opening statement of Government counsel, that the organizations to which the charges contained in the warrant of arrest referred were the Communist Party, the Marine Workers Industrial Union, and the Industrial Workers of the World. Petitioner was given no notice of the times when or the places where the [35] Government claimed that petitioner was a member of or affiliated with any of such organizations.

The general and sweeping character of the charges in the warrant of arrest, together with the refusal to permit counsel to know upon what evidence said warrant of arrest issued, and the further refusal to grant counsel, in the light of the uncontradicted facts shown in Alien's Exhibits 1, 2, and 4, additional time in which to prepare for the hearing in the case at bar, each separately and all taken together, served to deny petitioner knowledge of the charges which he was required to meet, and time to prepare to meet such charges, and thereby served to deprive petitioner of due process of law in violation of the 5th Amendment to the Constitution of the United States.

B. Shortly after the commencement of the hearing, Government witness Chase admitted during cross-examination by petitioner's counsel, that he had, prior to appearing as a witness at said hearing, given statements to representatives of the Depart-

ment of Justice, which statements said Chase admitted were inconsistent with his testimony in chief on direct examination. Petitioner's counsel moved that said statements be produced and made available for examination and for possible impeachment purposes. Government counsel admitted that the prior statements of said witness were in their possession, but refused to produce said statements. The Presiding Inspector ruled that he would not require the production by the Government of the prior statements of any witnesses produced at the hearing by the Government, even though such satements were in the possession of Government counsel and were, in material respects, inconsistent with the testimony given by such witnesses. This ruling operated to deprive petitioner of the right of full cross examination of Government witnesses.

C. During the said hearing, petitioner applied to the Presiding Inspector for the issuance of subpoenas and subpoenas [36] duces tecum upon Frances Perkins as Secretary of Labor, Gerard B. Reilly as Solicitor of the Department of Labor, and Lemuel B. Schofield as Special Assistant to the Attorney General in charge of the Immigration and Naturalization Service, in order to establish through said witnesses and the documents called for by said subpoenas, the facts set out in Paragraph XIII. Said applications are in writing, and appear as Alien's Exhibits 28 and 29 for identification in the record of said hearing. Said applications are hereby referred to and by this reference incorporated herein. The said applications were denied by the

Presiding Inspector, and he refused to issue the subpoenas and subpoenas duces tecum called for therein.

During the said hearing petitioner offered in evidence a copy of the ruling of Daniel W. MacCormack as Commissioner of Immigration and Naturalization, and the opinion of Charles Wyzanski as Solicitor of the Labor Department, made under date of January 3, 1934, in which membership in the affiliation with the Trade Union Unity League or any of its affiliated unions, including the Marine Workers Industrial Union, was held not to constitute grounds for deporatation. Said document, which appears as Alien's Exhibit 15 for identification in the record of the said hearing, is hereby referred to and by this reference incorporated herein. The Presiding Inspector refused to receive said exhibit in evidence.

During the said hearing, petitioner offered in evidence a copy of a letter dated November 18, 1934, written by Daniel W. MacCormack as Commissioner of Immigration and Naturalization, which letter refers to evidence in possession of the United States Department of Labor material and pertinent to the questions of affiliation and doctrines, ever since July 1, 1933, of the Marine Workers Industrial Union and the Trade Union Unity League. Said document appears as Alien's Exhibit 25 for identification, and is hereby referred to and by this reference incorporated herein. The Presiding Inspector refused to receive said exhibit in evidence. [37]

XXI.

The said detention, restraint and imprisonment of petitioner, and the Attorney General's Decision and Order, are illegal and void, and error of law was committed, for each of the following reasons:

A. As alleged in Paragraph V, petitioner moved for an order directing the examination of witnesses with respect to the illegal use of wire-tapping against petitioner in connection with the preparation or presentation of the said second hearing. Said motion was accompanied by supporting affidavits. In the Memorandum of Decision made by said Presiding Inspector, it is found as a fact that agents of the Federal Bureau of Investigation did violate Section 605 of the Federal Communications Act by committing illegal acts of wire-tapping against petitioner. Notwithstanding petitioner was denied a hearing, although requested by him, for the examination of witnesses with respect (1) the use of such wire-tapping in connection with the preparation or presentation of evidence in the 1941 hearing of this cause, and (2) the use made either directly or indirectly of intercepted telephone messages and facts ascertained as a result of such wire-tapping. By reason of the foregoing, petitioner was deprived of the opportunity to establish that evidence in the record of said cause, which was considered by the Attorney General, should have been stricken because it had been illegally obtained.

B. The action of the Attorney General in reversing the Findings of Fact, Conclusions of Law,

Decision and Order of the Board of Immigration Appeals is erroneous and void in that:

(1) The Attorney General did not find that said Findings, Conclusions, Decision and Order of said Board were unsupported by substantial evidence;

(2) It appears from the face of the Attorney General's Opinion and Decision that the said Findings, Conclusions, [38] Decision and Order of the Board were considered by the Attorney General to be supported by substantial evidence.

(3) The record contains substantial evidence to support the said Findings, Conclusions, Decision and Order of the said Board of Immigration Appeals.

C. The Attorney General relied on, gave consideration to, and partially based his decision upon the testimany of Government witnesses Diner, Honig, Laurence, Cannalonga, St. Clair, Wilmot, and Thompson, notwithstanding that the testimony of said witnesses was not accepted by either the Presiding Inspector or the Board of Immigration Appeals as establishing the facts to which they testified.

D. The Attorney General relied on, gave consideration to, and partially based his decision upon the testimony of the Government witnesses set forth in Paragraph C, solely and concededly on the basis of the volume of their testimony, despite the fact that the individual testimony of each of said wit-

nesses was not accepted by him as establishing the facts to which each such witness testified.

E. The aforementioned Lemuel B. Schofield was in charge of the preparation and presentation of said second hearing against petitioner, both as chief prosecutor in said 1941 proceeding and as Special Assistant to the Attorney General in charge of the Immigration and Naturalization Service. Throughout said hearing, said Schofield was biased and prejudiced against petitioner. Petitioner is informed and believes and therefore alleges that said Schofield sought to and did abuse the authority and special prestige of his office to, and he did, influence the judicial deliberations of the Attorney General in reaching the latter's decision, by informally urging the Attorney General to order the deportation of petitioner, and by expressing to the Attorney General opinions adverse to petitioner, which opinions were not based on the record [39] of said hearing. The Attorney General failed and neglected to provide petitioner with an opportunity to meet and overcome the contentions and urging of said Schofield.

F. Petitioner is informed and believes and therefore alleges that the Attorney General did not read the petitioner's briefs, motions, pleadings, or affidavits, or the transcript and exhibits in said second hearing.

G. The rules of the Immigration and Naturalization Service, which have the force and effect of law, throughout the times involved in this paragraph, provided as follows:

"Section 90.3 Board of Immigration Appeals; powers. (a) Subject to the provisions of section 90.12, the Board of Immigration Appeals in behalf of the Attorney General shall have authority:

(1) To issue orders of deportation after proceedings in accordance with law and regulations; to order the cancellation of warrants of arrest issued in such proceedings; and in connection therewith to exercise such of the discretion conferred upon the Attorney General by law as is appropriate to the disposition of such appeals;"

"Section 90.12 Board of Immigration Appeals; reference of cases to the Attorney General. In any case in which a dissent has been recorded; in any case in which the Board shall certify that a question of difficulty is involved; in any case in which the Board orders the suspension of deportation pursuant to the provisions of section 19(c) of the Immigration Act of 1917, as amended, or in any case in which the Attorney General so directs, the Board of Immigration Appeals shall refer the case to the Attorney General for review of the Board's decision. In any case in which the Attorney General shall reverse the decision of the Board, or in any case in which suspension or deportation is ordered pursuant to the provisions of section 19(c) of the Immigration Act of 1917, as amended, the Attorney General will state in

writing his conclusions and the reasons for his decision."

The decision in this cause of the said Board of Immigration Appeals was unanimous in favor of petitioner, and no member of said Board recorded a dissent. Said case is not one in which the [40] Board ordered suspension of deportation pursuant to Section 19(c) of the Immigration Act of 1917 as amended. Petitioner is informed and believes and therefore alleges that the said Board did not certify the case to the Attorney General, nor did the Attorney General direct the said Board to refer said case to him for review. Petitioner has never received notice of any such certificattion or direction, and the official record and file of the 1941 hearing does not contain any such certification or direction.

H. The Decision and Order of the Attorney General were made without according petitioner any opportunity for a hearing before the Attorney General, and without hearing any evidence or argument of petitioner's counsel, and without permitting the filing of briefs on petitioner's behalf, and without informing petitioner of the proposed action of the Attorney General prior to the issuance of said Decision and Order.

The Attorney General's decision relies upon the collective testimony of Government witnesses Diner, Honig, Laurence, Cannalonga, St. Clair, Wilmot and Thompson, who had not been relied upon by the Presiding Inspector or the Board of Immigra-

tion Appeals as establishing the truth of any facts to which they testified.

Immediately after the Attorney General's said Decision and Order, and prior to petitioner's surrender pursuant to the warrant of deportation, petitioner filed a petion and motion for a hearing or re-hearing before the Attorney General. A copy of said motion and petition is filed herewith, marked Exhibit "K", and by this reference incorporated herein. Said motion and petition was denied in a Memorandum Opinion, a copy of which is filed herewith, marked Exhibit "L", and by this reference incorporated herein, without any hearing or opportunity for hearing being afforded petitioner before the Attorney General.

I. The entire second proceeding against petitioner did [41] not constitute a bona fide investigation to ascertain the facts, but was a proceeding instituted and conducted for the purpose of establishing preconceived and biased views and conclusions against petitioner.

J. The said Decision and Order of the Attorney General was arbitrary, capricious, discriminatory, and unfair, and was made in wilful disregard of the evidence, and without evidence to support it, and in wilful disregard both of settled rules of evidence and of the rules of the Immigration and Naturalization Service, and without affording petitioner a proper or fair hearing or adequate opportunity for proper preparation for hearing.

K. Petitioner is informed and believes and therefore alleges that in reaching his decision, the

Attorney General relied on or had in mind confidential information not disclosed to petitioner, consisting in part of the aforementioned 2500-page F.B.I. report.

XXII.

The said detention, restraint and imprisonment of petitioner is unlawful, the Attorney General's Decision and Order are illegal and void, and error of law was committed, for each of the following reasons.

A. The Attorney General's decision accepts as true certain extra-judicial statements found by him to have been made by Government witness James O'Neil. O'Neil testified at said hearing that he did not make such statements and that the facts contained in such attributed statements are not true. The said extra-judicial statements were unsworn and unsigned, not given in any hearing or judicial proceeding or any public proceeding, and were without any notice to petitioner or opportunity for cross-examination on behalf of petitioner. Neither before nor after the making of such statements was O'Neil asked by anyone to be sworn or to sign such statements.

Said statements were received in evidence by the Presiding In- [42] spector over objection of petitioner's counsel and are the basis in part for the said deportation order against petitioner.

By virtue of the following, settled rules of evidence in administrative proceedings have been violated, petitioner has been deprived of cross-examination of a witness giving material testimony, and

rules of the Immigration and Naturalization Service have been wilfully violated. Said rules are as follows:

Section 150.1 (c) [formerly 19.1(c)]

"Investigations; interrogation of aliens under investigation. All statements secured from the alien or any other person during the investigation, which are to be used as evidence, shall be taken down in writing; and the investigating officer shall ask the person interrogated to sign the statement. Whenever such a recorded statement is to be obtained from any person, the investigating officer shall identify himself to such person and the interrogation of that person shall be under oath of affirmation. Whenever a recorded statement is to be obtained from a person under investigation, he shall be warned that any statement made by him may be used as evidence in any subsequent proceeding."

Section 150.(d) [formerly 19.1(d)]

"Investigations; refusal to make recorded statement under oath or affirmation. Whenever, in the course of an investigation, admissions or statements are obtained from an alien or statements are made by any other person which indicate that the alien may be subject to arrest and deportation, but the alien or other person refuses to make a recorded statement under oath or affirmation or refuses or is unable to sign the recorded statement by name or by mark, the investigating officer shall make a

report in writing to the officer-in-charge, setting forth the facts admitted or stated as to the alien's status under the immigration laws. This report may be used in support of an application for a warrant of arrest, when the investigating officer certifies that no other evidence to establish the facts stated in the report can be readily obtained. Statements obtained in confidence may be included in such report, without disclosure of their source, only if the officer in charge certifies that in his belief such statements are trustworthy."

Section 150.6(i) [formerly 19.6(i)] [43]

"Hearing; use of statement or admissions made during investigation. A recorded statement made by the alien (other than a General Information Form) or by any other person during an investigation may be received in evidence only if the maker of such statement is unavailable or refuses to testify at the warrant hearing or gives testimony contradicting the statements made during the investigation. An affidavit of an inspector as to the statements made by the alien or any other person during an investigation may be received in evidence, otherwise than in support of the testimony of the inspector, only if the maker of such statement is unavailable or refuses to testify at the warrant hearing or gives testimony contradicting the statement and the inspector is unavailable to testify in person."

B. The Attorney General's decision relies upon certain testimony of Government witness Harry Lundeberg. Said testimony was full of substantial discrepancies and contradictions and the most material point of his testimony was admittedly inconsistent with statements made by him on at least three different occasions to Government officials. Lundeberg concededly borne extreme hostility toward petitioner, and his testimony was entirely uncorroborated.

C. The Attorney General's decision finds that petitioner was an editor of a memographed paper entitled the Waterfront Worker, which was, until some time in August, 1933, a publication of the Marine Workers Industrial Union. and that petitioner was such editor beginning December, 1932.

The Attorney General's decision also finds that the Waterfront Worker was dominated, after September 15, 1933, by the Marine Workers Industrial Union or the Communist Party. There is no evidence to support either finding.

D. The Attorney General's decision finds that petitioner was affiliated with the Marine Workers Industrial Union, and that said union was a part of the Communist Party, dominated and controlled by it There is no evidence to support either of said findings.

E. The Attorney General's decision relies on Government [44] witnesses whose testimony contains discrepancies, contradictions and internal inconsistencies so substantial as to point clearly to the unreliability of such testimony

F. The Attorney General's decision rejects testimony of petitioner for minor discrepancies which are due to the natural limitations of human observasion and recollection.

G. The Attorney General's decision fails, refuses and neglects to consider evidence produced by petitioner

H. The Attorney General's decision rejects the testimony of petitioner without according him the presumption of innocence to which his testimony is entitled

I. The Attorney General's decision fails to consider the presumption adverse to the Government created by the knowing and wilful use by Government representatives of false testimony against petitioner.

J. The aforementioned ruling of Daniel W. MacCormack as Commissioner of Immigration and Naturalization, referred to in Paragraph XX(C), was a final ruling and decision and was binding on the Attorney General.

K. The evidence introduced against petitioner was insufficient to overcome the prima facie case in favor of petitioner established by Exhibit "H" and the order based thereon of Secretary of Labor Frances Perkins.

L. The Attorney General's Decision and Order is not supported by substantial evidence.

XXIII.

The Attorney General's Decision and Order is based upon an erroneous conception and definition of the term affiliation, not warranted either by the

statutory use of that term or by its judicial construction.

XXIV.

The Attorney General's Decision and Order is erroneous and [45] void insofar as it construes and applies 8 USC 137, as amended 1940, retroactively to acts occurring prior to the date of passage of the 1940 amendment to said statute.

XXV.

Each of the errors hereinabove set forth taken separately, and all of them taken together, constitute error of law, and rendered said second hearing unfair, and served to deprive petitioner of a fair hearing and of liberty, property, and the things that make life worth living, without due process of law, in violation of the 5th Amendment to the Constitution of the United States.

XXVI.

Jurisdiction is conferred on this court by 28 USC section 452, giving the judges of the District Courts power to grant habeas corpus for the purpose of an inquiry into the cause of restraint of liberty.

XXVII.

All of the exhibits filed with, and by reference incorporated in, the original petition for a writ of habeas corpus herein, are and each of them is hereby referred to and by this reference incorporated herein, with the same exhibit designations which they bear as exhibits to the said original petition.

Petitioner does not have extra copies of the ex-

hibits referred to herein, and for that reason is unable to serve such copies upon the said Attorney General or the said District Director of Immigration and Naturalization at San Francisco. Said exhibits are numerous and extremely lengthy, and it would therefore be burdensome and expensive for petitioner to prepare copies of said exhibits; and it would require many weeks before copies of all said exhibits could be prepared. Copies of each and all of the said exhibits are in the possession or under the immediate control of the said Attorney General and the said District Director. Petitioner therefore requests that this honorable court direct that service of copies of [46] the within petition may be made without service of copies of the exhibits.

Wherefore, petitioner prays for the issuance of an order, directed to the said Attorney General, to show cause why the writ of habeas corpus should not be granted petitioner; and that, upon the hearing and disposition of said order, this honorable court grant and issue to petitioner the writ of habeas corpus, and order the discharge from custody of petitioner, restoring petitioner to his liberty; and that this honorable court issue its order that, pending further order of the court, the custody of said Harry Bridges shall not be disturbed nor transferred, nor shall he be taken out of the jurisdiction of this court, except in accordance with the said order or the further order of this court; and that the court issue its order that, pending the further order of this court, the said Harry Bridges be

forthwith admitted to bail in a sum to be fixed by the court; and for such other and further relief as may be just and proper in the premises.

HARRY BRIDGES
LEE PRESSMAN
Congress of Industrial Organizations
Washington, D. C.
CAROL KING
100 Fifth Avenue, New York City, N. Y.
GLADSTEIN, GROSSMAN, MARGOLIS AND SAWYER
560 Mills Tower, San Francisco, California
By RICHARD GLADSTEIN
AUBREY GROSSMAN
Attorneys for Petitioner [47]

State of California
City and County of San Francisco—ss.

Richard Gladstein and Aubrey Grossman, being first duly sworn depose and say: that they are attorneys of record for the petitioner named in the foregoing petition; that the petitioner is absent from the jurisdiction where they have their office, and for that reason unable to verify said petition; that they have read the foregoing petition and know the contents thereof, and the facts therein stated are within their knowledge; that said petition is true of their own knowledge, except as to those matters

therein stated on information and belief, and as to such matters, they believe it to be true.

RICHARD GLADSTEIN
AUBREY GROSSMAN

Subscribed and sworn to before me this 6th day of July, 1942.

[Seal] DOROTHY McLENNAN
Notary Public in and for the City and County of San Francisco, State of California

Receipt of service.

[Endorsed]: Filed July 6, 1942. [48]

EXHIBIT "A"

United States of America
Department of Justice
Washington

WARRANT—DEPORTATION OF ALIEN

San Francisco file No. 12020/25037
No. 55973/217-A

To: District Director of Immigration and Naturalization, San Francisco, Calif.

Or to any Officer or Employee of the United States Immigration and Naturalization Service.

Whereas, after due hearing before an authorized immigrant inspector, and upon the basis thereof, an order has been duly made that the alien

Alfred Renton Bryant Bridges or Harry Bridges or Harry Renton Bridges, who entered the United

States at San Francisco, California on the 12th day of April, 1920, is subject to deportation under the following provisions of the laws of the United States to wit: The Act of October 16, 1918, as amended by the Acts of June 5, 1920, and June 28, 1940, in that:

(1) After entering the United States he has been a member of an organization, association, society, or group that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States;

(2) After entering the United States he has been affiliated with an organization, association, society, or group that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States;

(3) After entering the United States he has been a member of an organization, association, society, or group that writes, circulates, distributes, publishes, and displays printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States;

(4) After entering the United States he has been affiliated with an organization, association, society, or group that writes, circulates, distributes, publishes, and displays printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States;

(5) After entering the United States he has been a member of an organization, association, society, or group that caused to be written, circulated, distributed, published, printed, and displayed

printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States.

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Attorney General under the laws of the United States and by his direction, do hereby command you to deport the said alien to Australia at the expenses of the appropriation "Salaries and Expenses, Immigration and Naturalization Service, 1942," including the expenses of an attendant, if necessary. Delivery of the alien and acceptance for deportation will serve to cancel the outstanding delivery bond.

For so doing this shall be your sufficient warrant.

Witness my hand and seal this 29th day of May, 1942.

(Sgd) W. W. BROWN,
W. W. Brown,
Chief, Warrant Branch.

[Endorsed]: Filed Jun. 4, 1943. Paul P. O'Brien, Clerk.

EXHIBIT B

[Endorsed]: Filed June 2, 1942. Walter B. Maling, Clerk.

IN RE

HARRY BRIDGES

BEFORE THE

ATTORNEY GENERAL

IN

DEPORTATION PROCEEDINGS

UNITED STATES DEPARTMENT OF JUSTICE

HARRY BRIDGES

BEFORE THE

ATTORNEY GENERAL

IN

DEPORTATION PROCEEDINGS

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1942

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IN RE HARRY BRIDGES

Case No. 55973/217

BEFORE THE ATTORNEY GENERAL IN DEPORTATION PROCEEDINGS

This case comes to me for decision from the Board of Immigration Appeals.

History of the Case.

On March 2, 1938, the Assistant to the Secretary of Labor issued a warrant for the arrest and deportation of Harry Renton Bridges[1] on the ground that he was subject to deportation pursuant to the provisions of Section 2 of the Act of October 16, 1918, as amended by the Act of June 5, 1920. Section 2 of that Act provides as follows:

> * * * any alien who, at any time after entering the United States, is found to have been at the time of entry, or to have become thereafter, a member of any one of the classes of aliens enumerated in section one of this Act, shall, upon the warrant of the Secretary of Labor, be taken into custody and deported * * *.[2]

Section 1 of the Act (as amended by the Act of June 5, 1920) insofar as relevant to this report, is as follows:

> Aliens who * * * are members of or affiliated with any organization, association, society or group that believes in, advises, advocates, or teaches: (1) The overthrow by force or violence

[1] The warrant was served on Bridges on March 5, 1938.

[2] 40 Stat. 1012.

of the Government of the United States * * * (3) The unlawful damage, injury or destruction of property, or (4) Sabotage—

Aliens who are members of or affiliated with any organization, association, society, or group that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display, any written or printed matter of the character described in paragraph (d).

The giving, loaning, or promising of money or anything of value to any organization, association, society, or group of the character above described shall constitute affiliation therewith; but nothing in this paragraph shall be taken as an exclusive definition of advising, advocacy, teaching, or affiliation.[3]

James M. Landis, Dean of the Harvard Law School, was appointed trial examiner for the purpose of the hearing which lasted from July 10 to September 14, 1939.

On April 17, 1939, the Supreme Court of the United States, in *Kessler* v. *Strecker*,[4] construed the above-quoted Act so as to confine the Secretary of Labor to a determination of the relation of the alien to an organization, seeking and advocating the overthrow of the Government by force and violence, to the time at which the arrest of the alien took place. The trial examiner, on December 28, 1939, found[5] that the evi-

[3] 41 Stat. 1008, 1009.
[4] 307 U. S. 22 (1939).
[5] Landis, J. M., In the Matter of Harry Bridges (1939), p. 134.

dence did not establish that Bridges was a member of nor affiliated with the Communist Party of the United States of America, the organization under scrutiny, at that time.[6] The Secretary of Labor sustained the finding, cancelled the warrant, and dismissed the proceedings on January 8, 1940.[7]

On June 28, 1940, Congress amended the statute referred to so as to provide for deportation of an alien who was "at the time of entering the United States, or has been at any time thereafter" a member of any one of certain classes of aliens.[8] On June 14, 1940,[9] the

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[6] The trial examiner pointed out that one type of evidence examined as to Bridges' membership or affiliation with the Communist Party was that which consisted of alleged conduct consistent only with such membership or affiliation (p. 9). In this connection, testimony and evidence were developed which showed Bridges' "well-defined opposition toward 'red baiting'; his acceptance of aid and assistance in his industrial struggles from the Communist Party—indeed, his solicitation of that aid; his expressed disinclination to disavow that help; his association with persons admittedly Communists, an association that derives primarily from his requests for and acceptance of such aid. There are, specifically, his support of the Western Worker during the 1934 maritime strike; his requests for aid in connection with such issues as the *King-Ramsey-Connor* and *Modesto cases*, and the United Labor Party ticket; his not infrequent conferences with the Communist officials on the Pacific coast in regard to these and other matters; his admiration of the sincerity of persons in the trade-union movement, some of whom were avowedly Communists, and his willingness to work with them in the realization of his trade-union ideas" [p. 133].

[7] Sears, Charles B., Memorandum of Decision in the Matter of Harry Renton Bridges, p. 2.

[8] 54 Stat. 673. (The classes of aliens are those enumerated in Section 1 of the Act of October 16, 1918, as amended June 5, 1920).

[9] 54 Stat. 230, 1238.

Immigration and Naturalization Service had been transferred from the Department of Labor to the Department of Justice, pursuant to the provisions of the Reorganization Act of 1939.[10] The Attorney General, in view of the amendment referred to, directed the Federal Bureau of Investigation to make a further investigation to determine whether, under the law as changed, grounds existed for re-opening the deportation proceedings against Bridges. As the result of this further investigation a warrant was issued by the Attorney General and Bridges was arrested on February 14, 1941, and released under bond of $3,000. The Hon. Charles B. Sears, a retired judge of the New York Court of appeals, was appointed an Inspector in the Immigration and Naturalization Service to preside over the hearings, take testimony, and make the appropriate recommendations, in accordance with the provisions of Sec. 150.6 of the Regulations of the Immigration and Naturalization Service.[11]

The Presiding Inspector held hearings in San Francisco from March 31 to June 12, 1941.[12] Bridges was represented by Carol King, of New York, and Richard Gladstein and Aubrey Grossman of San Francisco. The public and the press were admitted to the hearings.[13] The evidence covers 44 volumes of 7546 typewritten pages. In addition the Government introduced 297 exhibits, and the alien 62. On September 26, 1941. the Presiding Inspector transmitted to the

[10] Approved April 3, 1939, 54 Stat. 563.
[11] Sears, p. 2–3.
[12] Sears, p. 5.
[13] Sears, p. 6.

Attorney General his memorandum of decision, covering 187 printed pages. His Proposed Findings of Fact [14] and Conclusions of Law,[15] made in accordance with the regulations of the Service, held, in part, that the Communist Party of the U. S. A. was, "from the time of its inception in 1919 to the present time—an organization that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States";[16] that it was an organization that "writes, circulates, distributes, prints, publishes, and displays printed matter advising, advocating, or teaching" such overthrow;[17] that "the Marine Workers' Industrial Union was a part of the Communist Party dominated and controlled by it" [18] and advocated similar overthrow;[19] and that after entering the United States the alien had been a member of the Communist Party [19a] and had been affiliated with both the Communist Party [20] and the Marine Workers' Industrial Union.[21] Judge Sears accordingly concluded that Bridges was subject to deportation under the statutes referred to; and submitted a proposed order for his deportation.[22]

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[14] Sears, p. 178.
[15] Sears, p. 179.
[16] Proposed Finding of Fact No. 3.
[17] Proposed Finding of Fact No. 4.
[18] Proposed Finding of Fact No. 7.
[19] Proposed Finding of Fact No. 8.
[19a] Proposed Finding of Fact No. 9.
[20] Proposed Finding of Fact No. 10.
[21] Proposed Finding of Fact No. 11.
[22] Sears, p. 180.

The alien excepted to the proposed findings, and, in accordance with the usual practice, briefs were filed by both sides and oral argument was had before the Board of Immigration Appeals on November 24, 1941. On January 3, 1942, the Board handed down a long opinion (99 mimeographed pages) which contained Findings and Conclusions that the record did not establish that Bridges was at any time a member of or affiliated with any organization proscribed by the statute, and accordingly entered an order that the warrant of arrest and bond be cancelled, execution of the order to be stayed pending further order of the Attorney General.[23] The case is therefore now before me for decision.

The Issues Involved.

The statute under which this proceeding is brought is the Act of October 16, 1918,[24] as amended by the Acts of June 5, 1920[25] and June 28, 1940.[26]

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[23] Memorandum of Board of Immigration Appeals, In re: Harry Renton Bridges, p. 99.

[24] 40 Stat. 1012.

[25] 41 Stat. 1008. The relevant portions of that statute are as follows:

"Aliens who * * * are members of or affiliated with any organization, association, society, or group that believes in, advises, advocates, or teaches: (1) The overthrow by force or violence of the Government of the United States * * * (3) The unlawful damage, injury, or destruction of property, or (4) Sabotage——

"Aliens who are members of or affiliated with any organization, association, or group that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue,

The issues presented are chiefly issues of fact, and they are vigorously contested. The Government claims that Bridges after entering the United States was a member of and affiliated with the Communist Party of the U. S. A. and the Marine Workers' Industrial Union, and that both these organizations advocated and advocate the overthrow by force or violence of the Government of the United States. Judge Sears found in favor of the Government on both these issues.[27] The Board of Immigration Appeals determined that Bridges' membership in or affiliation with these organizations had not been established, and therefore deemed it unnecessary to decide whether the Communist Party or the Marine Workers' Industrial Union comes under the statute. The alien offered no evidence to controvert this.[28] There was ample evidence to sustain it, which I shall now discuss briefly as, although not admitted, it is not disputed.

History of the Communist Party—Its aims and purposes.

The Communist Party of the United States, a section of the so-called Third International, was founded in 1919;[29] and, after its name was changed several times,

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or display, any written or printed matter of the character described in paragraph (d).

"The giving, loaning, or promising of money or anything of value to any organization, association, society, or group of the character above described shall constitute affiliation therewith; but nothing in this paragraph shall be taken as an exclusive definition of advising, advocacy, teaching, or affiliation."

[26] 54 Stat. 673.

[27] Sears, p. 179.

[28] Board Memorandum, p. 3.

[29] Transcript, p. 54.

finally became The Communist Party of the U. S. A. in 1929.[30] The Third International advocated the class struggle, which was described as entering the phase of civil war in America. Illegal methods were also advocated, where necessary, to carry on its work; systematic agitation in the army; the renouncing of patriotism; and the revolutionary overthrow of capitalism.[31]

The American "section" adopted a program declaring:

> The Communist Party will systematically and persistently propagate the idea of the inevitability of and necessity for violent revolution and will prepare the workers for armed insurrection as the only means of overthrowing the capitalist state.[32]

The Communist Party teaches the violent overthrow of existing governments, including the United States. This concept reaches back to the famous Manifesto of Marx and Engels of 1848,[33] which declares:

> The Communists disdain to conceal their views and aims. They openly declare that their ends can be attained only by the forcible overthrow of all existing social conditions.[34]

In The Thesis and Statutes of the Third International (1920) this doctrine is expanded. "The mass struggle means a whole system of developing demonstrations growing ever more acute in form, and logically

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[30] Gov. Ex. 135, pp. 296, 299, 300; Gov. Ex. 129, pp. 2, 17; Gov. Ex. 130, pp. 18, 19.

[31] Gov. Ex. 94, pp. 27–32.

[32] Gov. Ex. 98, pp. 6–7.

[33] Gov. Ex. 91, p. 3.

[34] Gov. Ex. 91, p. 44.

leading to an uprising against the capitalistic order of Government."[35] Lenin speaks of the necessity of violent revolution.[36]

This and much other documentary evidence introduced by the Government, and the oral evidence of a number of witnesses to the same effect, who testified that the Communist Party of the United States had indoctrinated its members with these purposes,[37] establishes, as Judge Sears concludes, that it is an organization that advises, advocates, and teaches the overthrow by force and violence, of the Government of the United States.[38]

The evidence also sustained the Government's contention that the Party writes, circulates, distributes, prints, publishes, and displays printed matter advising such overthrow, so that the Party comes within the purview of the statute.[39] This also Judge Sears found.[40]

Penetrative Activities of the Communist Party.

Penetration into trade unions was strongly emphasized in Communist literature, and conveersion of their members by constant agitation and propaganda. Reforms in the labor movement should be accepted as

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[35] Gov. Ex. 94, p. 47.

[36] Gov. Ex. 182, pp. 19–20.

[37] Tr. pp. 51–55, 76, 93, 115–117, 285, 363–364, 376–378, 381, 1393–1394, 1398, 1433–1434, 1863–1864.

[38] Sears, p. 178.

[39] Gov. Ex. 93, pp. 6, 12–13; Gov. Ex. 105, p. 16; Gov. Ex. 182, pp. 9–34; Gov. Ex. 184, pp. 14–18; Gov. Ex. 95, pp. 36–37; Gov. Ex. 98, p. 7; Gov. Ex. 102, p. 62; Gov. Ex. 237, p. 20; Gov. Ex. 120, pp. 32, 54, 59, 62; Gov. Ex. 225, p. 453; Gov. Ex. 239, p. 57; Gov. Ex. 138, pp. 127, 14.

[40] Sears, p. 178.

screens behind which revolutionary activities could be carried on. To carry out this program the Trade Union Educational League was formed about 1921, for the purpose of infiltration into the A. F. of L. unions, of "boring from within."[41] "Fractions" were organized within particular unions to advance the aims of Communism behind the "front" of education.[42] The union was the American affiliate of the Red International of Labor Unions, which was the Trade Union Bureau of the Comintern.[43] The League was to compel its Party members to join labor unions; the Party was to engage in strikes and wage movements, to war against class collaboration plans, and to organize the unorganized.[44]

In 1929 the Trade Union Educational League became the Trade Union Unity League, which began a new program of organizing directly its revolutionary industrial unions controlled directly by the Communist Party.[45] Its official publication was "Labor Unity", of which the Government witness Nat Honig was for a time editor.[46] The T. U. U. L., as it was called, openly supported[47] and was dominated[48] by the Communist Party.

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[41] Tr. pp. 72–77; Gov. Ex. 135, pp. 164–165.

[42] Tr. p. 444; Tr. pp. 72–77, 150, 161; Tr. pp. 368–372; Gov. Ex. 120; p. 6.

[43] Tr. p. 78; Tr. p. 137.

[44] Tr. pp. 208–213.

[45] Tr. pp. 234–236; Gov. Ex. 164, p. 809; Gov. Ex. 220, p. 26; Gov. Ex. 129, p. 32; Tr. pp. 486–487; See also Gov. Ex. 66.

[46] Gov. Ex. 135, p. 218.

[47] Gov. Ex. 135, p. 220; Gov. Ex. 221, p. 13.

[48] Tr. pp. 443–448; Gov. Ex. 220, p. 31; Gov. Ex. 164, pp. 799, 810.

The Trade Union Unity League chartered the Marine Workers' Industrial Union in 1930.[49] The Government contended that Bridges was a member of or affiliated with this Union during the years 1932, 1933, and 1934. This Union included both seamen and longshoremen in its membership, contrary to the craft type of organization of the A. F. of L. It was liquidated in 1935.[50]

Judge Sears found, and I concur in the finding, that affiliation with or membership in the Marine Workers' Industrial Union was grounds for deportation.[51]

Front Organizations.

Testimony on "front organizations" showed that they were represented to the public for some legitimate reform objective, but actually used by the Communist Party to carry on its activities pending the time when the Communists believe they can seize power through revolution.[52] The Party took control of the Workers' Alliance as a medium through which to organize the unemployed, "to develop widespread militant mass struggles," and "to build the revolution" through association in "a militant class-conscious unemployed organization."[53]

Other Communist front organizations were the International Labor Defense, whose immediate purpose

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[49] Gov. Ex. 221, p. 8; Tr. p. 1920.

[50] Gov. Ex. 164, p. 812; Tr. 1920, 5886.

[51] Sears, p. 62. The alien himself evidently recognized the character of this organization since he testied in the 1939 hearing that he was aware that the goal stated by the M. W. I. U. was the establishment of a "Revolutionary Workers Government."

[52] Tr. pp. 78–79.

[53] Tr. pp. 450–454.

was to defend Communists, but among whose members were many non-Communists unaware of its Communist control;[54] the All-American Anti-Imperialist League,[55] the American Negro Labor Congress,[56] and the American League against War and Fascism.[57]

The Background and History of Bridges.

Bridges is a citizen of Australia.[58] He entered the United States in 1920, and has not returned to Australia. In 1933, having been a longshoreman, he became active in trade-union work on the San Francisco water front. It is apparent that he has done much to improve the conditions that existed among the longshoremen. He was successful in reorganizing and leading the International Longshoremen's Association, an A. F. of L. union. He led the 1934 maritime workers' strike on the Pacific Coast; was president of the local I. L. A. from 1934 to 1936, and Pacific Coast president in 1936. In 1937 his union was expelled from the A. F. of L., changed its name to International Longshoremen and Warehousemen's Union, and affiliated with the C. I. O., of which Bridges was promptly elected Pacific Coast District President. He holds several important offices in the C. I. O.[59]

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[54] Tr. pp. 179–180.

[55] Gov. Ex. 35; Tr. pp. 154–155; see also Gov. Ex. 18, pp. 1–2; Gov. Ex. 36, pp. 7, 12; Gov. Ex. 60.

[56] Gov. Ex. 36; Tr. pp. 160–163; see also Gov. Ex. 28, pp. 4–5.

[57] Tr. pp. 365–368; 454–459; 1262, 1264–1265.

[58] Tr. p. 10.

[59] This information is not disputed and it is more fully developed in Judge Sears' memorandum. See pp. 82–88.

Bridges' Connection with the Waterfront Worker.

There is sharp disagreement between the Presiding Inspector and the Board of Appeals as to whether or not Bridges' connection with the "Waterfront Worker" shows affiliation with an organization proscribed by the statute. Judge Sears holds that it does;[60] the Board, convinced that "the alien's testimony on the matter is consistent and truthful,"[61] finds that at the time Bridges was connected with the paper it was not an organ of the Marine Workers' Industrial Union or of the Communist Party.[62]

The "Worker" was a mimeographed sheet published in San Francisco from December 1932 until 1936. It was first issued by the Marine Workers' Industrial Union,[63] identified as an affiliate of the Communist Party. Bridges with a group of longshoremen was active in the publication of the paper.[64] At the 1939 hearing little was made of this fact, and no copies of the paper were introduced in evidence. At that hearing Bridges testified that he became connected with the paper in September or October, 1932, "maybe a month or two," after it had been running.[65] Thirteen copies of the paper were introduced at the second hearing, the first, dated February 1933, being numbered "Volume 1, No. 2." The same number refers to the "first issue," and to the "December issue." Judge

[60] Sears, p. 97.
[61] Board memorandum, p. 43.
[62] Board memorandum, p. 43.
[63] Tr. p. 2553.
[64] Tr. pp. 2551–2565.
[65] Tr. pp. 2562–2563.

Sears concludes that the first issue under Bridges' sponsorship was that for December 1932, giving reasons which seem to me persuasive.[66] He notes that of the issues of the paper in evidence, four of the five published prior to September 15, 1933, acknowledge the assistance of the M. W. I. U.; and that the alien, in the 1941 hearing, stated that his group had not taken it over till September 1933,[67] contradicting what he had previously said, apparently to disassociate himself from any connection with the M. W. I. U. Judge Sears concludes that there was no change in the sponsorship of the paper in September 1933, and that Bridges and his group were responsible for its publication from 1932 to 1936. Judge Sears finds during that time no substantial change in the paper's policy.[68]

Bridges admitted that the address, 830 Market Street, was the first used by his group; yet it was used only before July 1933. Judge Sears further concludes that the paper during Bridges' sponsorship was under the control of M. W. I. U. and the Communist Party, because (1) of the acknowledged cooperation with M. W. I. U. at first, and later the favorable treatment of M. W. I. U. and T. U. U. L. and other Communist-sponsored organizations; (2) consistent attacks upon reactionary leaders of the A. F. of L.; (3) support of Communist candidates for political office; (4) advice to read Communist

[66] Sears, p. 91.
[67] Sears, p. 92.
[68] Sears, p. 92.

literature; and (5) the use of addresses of Communists or Communist organizations.[69]

The Board treats Bridges' changed testimony at the two hearings as a normal inconsistency, the first testimony being merely a slip of the tongue as to the year;[70] and concludes that the hiatus in publication referred to by him at the first hearing had actually occurred in 1933, when in the August issue the paper was dated by the day of publication (Aug. 15, 1933) instead of by mere reference to the month, as previously.[71] The paper had changed from a monthly to a semimonthly basis in July, yet a full month elapsed between August 15 and September 13.[72] This and certain evidence of changed editorial policy in the paper pointed out by the Board is not highly persuasive. The main consideration is the alien's veracity. Judge Sears heard him testify at the second hearing, and was not impressed. The Board did not have that advantage, and merely passed on the written record. I accept Judge Sears' finding on this point.

The Board having found that Bridges did not become connected with the "Waterfront Worker" until after September 15, 1933, considers the nature of the paper only after that date. But having agreed with Judge Sears' finding that Bridges had been connected with the paper since December 1932, I concur also with his finding that the paper was Communist

[69] Sears, p. 94.

[70] Board memorandum, p. 18.

[71] Board memorandum, pp. 18–20.

[72] Board memorandum, see table p. 19.

dominated since that date. No single reason given by Judge Sears conclusively establishes this: that the paper attacked A. F. of L. leaders; that it supported Communists for political office (Bridges said he would not decline to support people with respect to matters on which he was in agreement with them solely because they were Communists); because it advised reading Communist literature (Bridges claimed such literature alone printed the truth on labor matters); finally, because of the use of Communist addresses by the paper, though to my mind this latter reason is the most convincing of all. The first address, 830 Market Street, San Francisco, Room 421, was the headquarters of the Needle Trade Workers Industrial Union, a T. U. U. L. affiliate. The second, 3470 Nineteenth Street, San Francisco, was a building occupied by Walter Lambert, an admitted Communist.[73] The third, P. O. Box 1158, San Francisco, was rented by Harry Glickshon, an admitted Communist, who had been responsible for the publication of the "Worker" under the M. W. I. U.[74] Standing alone no reason, except perhaps this last, is conclusive; but they are cumulative, and taken together, make out a strong case.

The Presiding Inspector accordingly concluded that Bridges' connection with the "Waterfront Worker" showed his affiliation with the Communist Party.[75]

This link, Judge Sears held, was supported by further evidence. Bridges was chairman of the strike commit-

[73] Gov. Ex. 219.
[74] Gov. Ex. 211.
[75] Sears, pp. 97–98.

tee of the International Longshoremen's Association in the 1934 strike.[76] He worked with Harry Jackson, an admitted Communist, in getting the Marine Workers' Industrial Union (a Communist union) to join the strike, and induced seamen to join the latter union.[77] Bridges opposed the adoption of a resolution by the Central Labor Council and by his own union, repudiating Communist organizations;[78] and, before the resolution was adopted, notified Sam Darcy, District Organizer of the Communist Party, that the resolution was being contemplated.[79] He approved acceptance of the services of the Western Worker, the Communist Party newspaper, to help the strike by publishing a daily strike bulletin free of charge.[80] This cooperation was referred to by William Z. Foster in his book, From Bryan to Stalin. "Harry Bridges," Mr. Foster wrote, "was elected chairman of the I. L. A. strike committee, and the 'Western Worker', local Communist organ, was endorsed as the official strike journal."[81] William F. Dunne in a pamphlet describing the strike said: "The leadership passed into the hands of a left-wing group, working in fraternal cooperation with the M. W. I. U., headed by Harry Bridges."[82] Judge Sears concludes that these associations and transactions were further evidence of the

[76] Tr. pp. 5401, 5411, 5423, 5848.
[77] Tr. pp. 5755–5757, 5854–5855.
[78] Tr. p. 7388.
[79] Tr. p. 5956.
[80] Tr. p. 5789.
[81] Foster, Wm. Z., *From Bryan to Stalin* (1937), p. 260.
[82] Dunne, Wm. F., *The Great San Francisco General Strike* (1934), p. 47.

alien's affiliation with the Communist Party.[53] I think this conclusion is not unwarranted.

Testimony Bearing on Bridges' Membership in or Affiliation with the Communist Party.

Judge Sears examines in detail the evidence of fifteen witnesses as bearing on Bridges' membership in or affiliation with the Communist Party. Much of this evidence is rejected as being untrustworthy, contradictory, or unreliable. However, the evidence of two witnesses is accepted as showing that Bridges was a member of the party. If this evidence is believed—and Judge Sears believed it—the doubt is decided. The question is substantially one of credibility. The Review Board did not think the evidence credible. But it should be remembered that Judge Sears saw the witnesses on the stand, watched their demeanor and expression, and was in a far better position to judge their truthfulness than the Review Board, dealing with the cold print of the record.

The two most important witnesses as to membership are Harry Lundeberg and James D. O'Neil.

Harry Lundeberg.

Lundeberg, a prominent A. F. of L. West Coast labor leader, testified that in the summer of 1935, at a dinner in Bridges' home, a man, whom Bridges later told Lundeberg was Sam Darcy, a prominent Communist, asked Lundeberg to join the Communist Party, saying that Bridges was a member. Bridges said: "You don't have to be afraid because nobody has to know you are a member of the Communist

[53] Sears, p. 103.

Party"; and added: "You don't have to be afraid, because I am one, too."[84] Bridges denied the conversation;[85] denied that Darcy had ever been at his house;[86] but admitted that Lundeberg had dined with him in 1935.[87] The witness testified that Bridges' wife, his daughter, and his secretary were at the dinner.[88] Bridges thought that his wife and secretary had been there.[89] They were not called to testify; and the Presiding Inspector felt, rightly, I think, that their absence weakened Bridges' statement,[90] although the Board was of the opinion that no such inference could be drawn.[91]

Lundeberg was by his own admission a biased witness; but so for that matter was Bridges. Lundeberg had previously told Federal Agents that he had no information that Bridges was a Communist.[92] But Judge Sears thought that this was a "natural reluctance * * * to testify"; and believed the evidence.[93] As I have said, it is solely a matter of credibility. Judge Sears was the "trial judge," and it seems to me not inappropriate to accept his reaction to the witness. The Review Board analyzes Lundeberg's testimony at great length and rejects it for several reasons. Lunde-

[84] Tr. pp. 7006–7010; 7087.
[85] Tr. pp. 7509–7510.
[86] Tr. p. 7361.
[87] Ibid.
[88] Tr. p. 7083.
[89] Tr. pp. 7362; 7503.
[90] Sears, p. 106.
[91] Board memorandum, p. 83, footnote 105.
[92] Tr. p. 7087.
[93] Sears, p. 106.

berg had on three previous occasions told Government Agents that he had no information that Bridges was a Communist. When subpoenaed in this case he told the story to counsel for the Immigration Service the night before he was called. But anyone who is familiar with witnesses, and their reluctance to testify, as referred to by Judge Sears, knows that such a contradiction frequently occurs. Judge Sears was impressed with the "natural, rugged, hard-bitten fashion" with which Lundeberg testified.[94] The Review Board thought that since Bridges' testimony on other matters showed no indication that self-interest operated he should be believed in this question.[95] But because a man tells the truth in one instance hardly indicates that he is not lying in another. And Judge Sears saw and heard Bridges, while the Review Board did not.

James D. O'Neil.

O'Neil, a Government witness, failed to appear, and had to be cited. As publicity director of the C. I. O. he shared offices with Bridges after 1936. The two men were intimate. In October 1941 he made a statement to two FBI agents, which was taken down by a stenographer who was present, that he joined the Communist Party in December 1936;[96] that he walked into Bridges' office one day in 1937 and saw Bridges pasting assessment stamps in a Communist Party book; and that Bridges reminded the witness that he had not been attending Party meetings.[97] O'Neil admitted making

[94] Ibid.
[95] Board memorandum, p. 93.
[96] Tr. p. 2403.
[97] Tr. p. 2408.

the statement, testified that what he had stated was the truth, but that it was garbled, and untrue in the particulars mentioned.[98] The stenographer, however, verified the correctness of the statement;[99] and Major Schofield testified that later O'Neil had repeated the statement to him and to other witnesses. Judge Sears admitted the statement, saying:

> Whatever may be the common-law rule in relation to the reception of such evidence as that of Mrs. Segerstrom and Major Schofield, in this hearing the parties are not confined to common-law proof. Hearsay is admissible but the character of such evidence is an element to be used in its evaluation. The principal reason for the exclusion of hearsay at common law is that the opportunity for cross-examination is absent. In the present case, the sanction of cross-examination was present. Although the statement given to Mrs. Segerstrom and the statement made in the presence of Major Schofield were not under oath, there is something equivalent, for O'Neil testified on the stand that he told the truth in his interview with the agents of the FBI and in the interview at which Major Schofield was present. There is, in my opinion, therefore, every reason why this testimony should be heard and considered as substantive proof.[100]

Judge Sears was convinced of the truth of the statement. Certain inconsistencies between the statement, and what the witness said in his later conversation with Major Schofield, were emphasized by the Board. But

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[98] Tr. pp. 2387–2388, 2282, 2288, 2293–2294.

[99] Tr. pp. 2401–2413.

[100] Sears, p. 114.

these go to details, and do not affect the substance of what he said. It is important to note that the Board found "that O'Neil did make to Segerstrom [the stenographer] and Major Schofield the statements attributed to him by these witnesses."[101]

The Board held that the statements were admissible for purposes of impeachment, but not as affirmative, probative evidence.[102] The Board, admitting that the technical rules of evidence do not apply to administrative procedures, was of the opinion, nevertheless, that the fundamental requirement of a fair hearing required that the statements be excluded.[103] With this I cannot agree. They were not submitted in the absence of the witness but only after he had taken the stand, admitted that he had made them, said he had spoken the truth when he made them, and denied merely that he had been correctly reported.

The Board cited Regulations (Section 150.1 (c) (d)) of the Service providing that statements of persons during an investigation must be taken down in writing, the signature requested, and the interrogation made under oath.[104] The Board concluded that this was not done and that the statements were therefore inadmissible. But as the Board says, the regulations were not called to the attention of the Presiding Inspector,[105] and no objection was made to the admission of the statements on the ground that they had not been taken in conformity

[101] Board memorandum, pp. 61–62.
[102] Board memorandum, pp. 64, 66.
[103] Board memorandum, p. 71.
[104] Board memorandum, p. 65.
[105] Board memorandum, pp. 66–67.

with the Regulations. The Regulations provide (d) that where the alien refuses to make a recorded statement under oath or to sign, the investigating officer shall make a report in writing which "may be used in support of an application for a warrant of arrest, when the investigating officer certifies that no other evidence to establish the facts stated in the report can be readily obtained. * * *"[106] It does not appear whether O'Neil was asked to sign the statement and swear to it. On the whole question I am of the opinion that Judge Sears' decision to admit the statements was appropriate and legally sound. The courts have constantly emphasized the fact that the technical legal rules of evidence do not apply to administrative proceedings such as deportation hearings. Hearsay evidence is properly admitted in such proceedings.[107]

The Board stressed the impropriety of Judge Sears' admission of the O'Neil statement in violation of the "published Departmental Regulations."[108] Had the alien raised the question at the time of the hearing, compliance with the Departmental Regulations would have been obligatory and a deliberate rejection of a request to exclude the testimony would have rendered appropriate the objections now raised by the Board.[109] No objection having been raised by the alien through-

[106] Fed. Reg. Jan. 4, 1941, p. 68 ff.; Fed. Reg. Jan. 11, 1941, p. 1 ff.

[107] *Nicoli* v. *Briggs*, 83 F. (2d) 375 (1936); *Kjar* v. *Doak*, 61 F. (2d) 566 (1932); *Healy* v. *Backus*, 221 F. 358 (1915); *U. S. ex rel Bilokumsky* v. *Tod*, 263 U. S. 149 (1923).

[108] Board memorandum, p. 64.

[109] Ex parte Radivoeff, 278 F. 227 (1922).

out the hearing, however, he waived the right to object on the technical ground that the statement was not taken in accordance with the rules.[110]

The Board found that O'Neil's statements are not credible.[111] Judge Sears found the opposite.[112] Not having heard him testify it is difficult for me, acting necessarily in a reviewing capacity, to judge. Again I believe that more weight should be given Sears' findings, on matters involving credibility, than the Board's.

Other Evidence of Bridges' Association with the Communist Party.

There was other evidence tending to associate Bridges with the Communist Party. Lee F. Barlow testified that in 1935 Bridges, in answer to a question, said that the only way that a young fellow could get ahead in the labor movement was to join the Party.[113] Though denied by Bridges,[114] the Presiding Inspector reached the conclusion that the conversation took place.[115] This has some significance in the general picture. There was testimony that on August 16, 1935, Bridges discussed with several active members of the Communist Party, at least two of whom

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[110] *U. S. ex rel. Vajtauer* v. *Commissioner*, 273 U. S. 103 (1927); *U. S. ex rel. Coria* v. *Commissioner*, 25 F. Supp. 569, 570 (1938); *Nicoli* v. *Briggs*, 83 F. (2d) 375, 378 (1936); *Kjar* v. *Doak*, 61 F. (2d) 566, 567 (1932); *Evanoff* v. *Bonham*, 50 F. (2d) 756, 758 (1931).

[111] Board memorandum, p. 74.

[112] Sears, p. 115.

[113] Tr. p. 7130.

[114] Tr. p. 7361.

[115] Sears, p. 118.

were not members of a trade union, the contents of a telegram which he proposed to send to an officer of his local union.[116] Judge Sears believed the evidence, and thought it showed a close association with Communists in line with other evidence of affiliation.[117] Howard Rushmore's testimony was to the effect that Bridges had praised the Youth Congress, and mentioned cooperation which he had received from the National Students League—both identified as front organizations of the Communist Party.[118] Judge Sears did not consider that this testimony established Bridges' membership in or affiliation with the Communist Party, but did show Bridges' attitude towards the Party and its program.[119] Bridges' "sympathetic attitude towards Communists" was shown, said Judge Sears, by the testimony of Ezra F. Chase and John S. Horn, which, however, fell short of establishing membership.[120] Bridges' attack on so-called red-baiting tended to sustain this attitude.

Judge Sears excluded other evidence that Bridges had attended Communist meetings on the ground that it was inconclusive, unreliable, or contradictory—the evidence of Diner, that Bridges had attended a convention of the Communist Party on September 23, 1934;[121] of Honig, who claimed to have seen Bridges

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[116] Tr. pp. 1240–1241, 1245–1246, 1249, 1276, 1282, 1285, 1290–1292.

[117] Sears, p. 123.

[118] Tr. p. 728 ff.

[119] Sears, p. 133.

[120] Sears, p. 137.

[121] Sears, p. 141.

at a number of "top fraction" meetings a short time before the 1936–1937 strike;[122] of Thomas Lawrence, who claimed to have seen Bridges at a Communist meeting at some time between May 9 and July 31, 1934;[123] of Maurice J. Cannalonga, who testified that Bridges had participated in Communist "fraction" meetings;[124] of Richard A. St. Clair, who gave testimony that he had seen Bridges three times at Communist headquarters;[125] of Robert P. Wilmot, that he had seen Bridges at a Communist "fraction" meeting and had heard him confess to being a Communist;[126] and of John Oliver Thompson, who testified that Bridges had gone with two Communists to the Party's headquarters in New York.[127] All of these witnesses were, at one time or another, members of the Communist Party. Although Judge Sears concluded that their evidence, for one reason or another, did not establish membership in or affiliation with the Communist Party, taken as a whole it cannot, because of its volume, be completely disregarded.

Judge Sears found that the alien was not opposed to the publication in a trade-union newspaper of Communist releases provided that they were favorable to the policies being pursued by trade-unionists themselves. This finding is largely based on Bridges' own testimony that: "I believed that if the Communist Party happened to send in a statement saying they

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[122] Sears, p. 144.
[123] Sears, p. 147.
[124] Sears, p. 152.
[125] Sears, p. 155.
[126] Sears, pp. 158–159; Tr. pp. 1659–1662.
[127] Sears, p. 160.

would do everything they could to support the particular dispute at that time in behalf of the Union position, my position would be that I wouldn't have any great objection to seeing that carried in the union paper." [128]

The North American Aviation Strike.

On June 5, 1941, the workers at the North American aviation plant in Los Angeles, engaged in production essential to the national defense, went on strike in violation of an agreement not to strike pending mediation before the National Mediation Board.[129] Richard L. Frankensteen, National Director of Aviation of the C. I. O., gave his opinion that the strike, though the demands were justified, was Communist maneuvered and unwarranted,[130] Bridges, who kept in close touch with the situation, regarded the strike as justified; and, though C. I. O. director of the State of California, did nothing to avert it or call it off—a view apparently in conflict with other C. I. O. high officials,[131] Judge Sears held, justifiably I think, that though this did not, as the Government contended, show membership or affiliation, it did show Bridges' sympathetic attitude toward a strike denounced as a Communist maneuver.[132]

Conduct Establishing a Pattern of Affiliation.

Judge Sears summarizes Bridges' attitude towards the Communist Party and its policies by saying that the "isolated instances," while not evidence to estab-

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[128] Sears, pp. 157–158.
[129] Gov. Ex. 294.
[130] Tr. p. 7452.
[131] Tr. p. 7476 ff.
[132] Sears, p. 163.

lish membership in or affiliation with the Communist Party, nevertheless show a sympathetic or cooperative attitude on his part to the Party, and form "a pattern which is more consistent with the conclusion that the alien followed this course of conduct as an affiliate of the Communist Party, rather than as a matter of chance coincidence."[133] This conclusion, said Judge Sears, was strengthened by his consistently favoring nondiscrimination against union men because of Communist membership; and by his excoriating "red baiters," as he called those who took an opposite view, which "amounted to cooperation with the Communist Party in carrying out its program of penetration and boring from within."[134]

The I. W. W. Organization.

I need not discuss the evidence of Bridges' membership in the Industrial Workers of the World as a ground for deportation, since Judge Sears was unable to conclude that "the I. W. W. during the period of Bridges' membership advocated or circulated documents advocating the illegal destruction or injury of property."[135] A contrary conclusion would not seem to be warranted.

Bridges as a "Good" Labor Leader.

Judge Sears permitted Bridges to show that he was a "good" labor leader.[136] Undoubtedly he helped to establish better working conditions as a result of the 1934 strike, and particularly to secure for maritime

[133] Sears, p. 169.
[134] Sears, pp. 169–170.
[135] Sears, p. 175.
[136] Sears, pp. 166–168.

workers higher wages. Judge Sears held that the evidence, however, was without probative value. Because Bridges was a "good" labor leader, and thought that a Communist could be a good labor man, hardly shows that Bridges was not a Communist. The argument is a non-sequitur.

Wiretapping.

Judge Sears' ruling on the alien's motion in relation to alleged wiretapping seems to me to present nothing of which the alien can complain. The alien made no showing whatever that wiretapping was used to obtain any of the evidence introduced against him at the hearing. The hearing was concluded on June 12, 1941. The alien now alleges that his wires were tapped from August 5 to August 22, 1941. Even assuming this allegation to be true, it certainly constitutes no ground for vitiating the hearing. Nothing in the decisions of the Supreme Court in *Nardone* v. *United States*,[187] or *Goldstein* v. *United States*[188] indicates that wiretapping employed after the completion of court or administrative proceedings, and never made the foundation of evidence introduced in such proceedings, is to be regarded as in any manner relevant.

Double Jeopardy.

The alien claims that the 1939 hearing established that he was neither a member of nor affiliated with the Communist Party of the United States of America, and that hence he was put in double jeopardy by

[187] 308 U. S. 338 (1939).

[188] 62 Sup. Ct. 1000; see also *Goldman* v. *United States*, 62 Sup. Ct. 993.

the proceedings before Judge Sears. This contention must be rejected. As Judge Sears says: "No jeopardy at all is involved for that word has application only to prosecutions of a criminal nature."[139] A deportation hearing is not a criminal prosecution—a fact which the courts have pointed out in numerous well-considered cases. *Mahler* v. *Eby*, 264 U. S. 32 (1924); *Bugajewitz* v. *Adams*, 228 U. S. 585 (1913); *Zakonaite* v. *Wolf*, 226 U. S. 272 (1912). Reference may also be made to *Helvering* v. *Mitchell*, 303 U. S. 391 (1938) in which Mr. Justice Brandeis expressly states that "in the civil enforcement of a remedial sanction there can be no double jeopardy."[140]

Res Judicata.

The doctrine of *res judicata* likewise has no application to this proceeding. Deportation is not a punishment, nor are deportation proceedings similar to criminal prosecutions. Decisions in such proceedings are decisions of the executive department, rather than of the judicial. Executive decisions, as Mr. Justice Holmes pointed out in *Pearson* v. *Williams*,[141] a leading immigration case, "cannot constitute *res judicata* in a technical sense."

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Accordingly, I accept and affirm Findings of Fact (1) to (3), inclusive, and (8) to (10), inclusive, of the

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[139] Sears, p. 16.

[140] P. 404.

[141] *Pearson* v. *Williams*, 202 U. S. 281 (1906); See also *Wilbur* v. *United States*, 281 U. S. 206, 217 (1929); *United States ex rel. Tremaine* v. *Commissioner of Immigration*, 209 Fed. 137 (1913); *White* v. *Chan Wy Sheung*, 270 Fed. 764 (1921).

Board of Immigration Appeals; I reverse the Board's Findings (4) to (7), inclusive; I reverse the Board's Conclusions of Law; and I make the following Findings of Fact and Conclusions of Law, proposed by Judge Sears, to wit:

Findings of Fact

1. That HARRY RENTON BRIDGES is an alien, to wit, a native and citizen of Australia;

2. That said alien entered the United States at the port of San Francisco, California, April 12, 1920, as a member of the crew of the barkentine *Ysabel;*

3. That the Communist Party of the U. S. A., from the time of its inception in 1919 to the present time, is an organization that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States;

4. That the Communist Party of the U. S. A., from the time of its inception to the present time, is an organization that writes, circulates, distributes, prints, publishes, and displays printed matter advising, advocating, or teaching the overthrow by force and violence of the Government of the United States;

5. That the Communist Party of the U. S. A., from the time of its inception to the present time, is an organization that causes to be written, circulated, distributed, printed, published, and displayed printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States;

6. That the Communist Party of the U. S. A., from the time of its inception to the present time, is an or-

ganization that has in its possession for the purpose of circulation, distribution, publication, issue, and display, printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States;

7. That the Marine Workers' Industrial Union was a part of the Communist Party, dominated and controlled by it;

8. That the Marine Workers' Industrial Union was an organization that believed in, advised, advocated, and taught the overthrow by force and violence of the Government of the United States;

9. That after entering the United States the alien has been a member of the Communist Party;

10. That after entering the United States the alien has been affiliated with the Communist Party;

11. That after entering the United States the alien has been affiliated with the Marine Workers' Industrial Union.

Conclusions of Law

That under the Act of October 16, 1918, as amended by the Acts of June 5, 1920, and June 28, 1940, the alien HARRY RENTON BRIDGES, is subject to deportation in that:

1. After entering the United States he has been a member of an organization, association, society, or group that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States;

2. That after entering the United States the alien has been affiliated with an organization, association, society,

or group that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States;

3. That after entering the United States the alien has been a member of an organization, association, society, or group that writes, circulates, distributes, publishes, and displays printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States;

4. That after entering the United States the alien has been affiliated with an organization, association, society, or group that writes, circulates, distributes, publishes, and displays printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States;

5. That after entering the United States the alien has been a member of an organization, association, society, or group that caused to be written, circulated, distributed, published, printed, and displayed, printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States.

/s/ FRANCIS BIDDLE,
Attorney General.

MAY 28, 1942.

ORDER

I therefore order that the alien, HARRY RENTON BRIDGES, be deported to Australia at the expense of the Government on the charges that:

1. After entering the United States he has been a member of an organization, association, society, or

group that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States;

2. After entering the United States he has been affiliated with an organization, association, society, or group that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States;

3. After entering the United States he has been a member of an organization, association, society, or group that writes, circulates, distributes, publishes, and displays printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States;

4. After entering the United States he has been affiliated with an organization, association, society, or group that writes, circulates, distributes, publishes, and displays printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States;

5. After entering the United States he has been a member of an organization, association, society, or group that caused to be written, circulated, distributed, published, printed, and displayed printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States.

/s/ FRANCIS BIDDLE,
Attorney General.

MAY 28, 1942.

U. S. GOVERNMENT PRINTING OFFICE: 1942

EXHIBIT "D"

Immigration and Naturalization Service United States Department of Justice

Case No. 55973/217

In the Matter of

HARRY R. BRIDGES

Deportation Hearing

Sirs:

Please Take Notice upon the annexed affidavit of Harry R. Bridges, verified the 29th day of August, 1941, the annexed affidavit of Leon Goodelman, verified the 28th day of August, 1941, and the annexed affidavits of Lawrence Kammet, Virginia Gardner, and Carol King, each verified and 2nd day of September, 1941, the undersigned will move at a time and place to be fixed by the Presiding Inspector in the above-entitled matter after such notice as he shall direct, for an order of the Presiding Inspector directing a hearing for the examination of witnesses with respect to/(a) the use of wiretapping in connection with the preparation or presentation of evidence in connection with the 1941 hearings against Harry R. Bridges, and/or (b) the use made either directly or indirectly of intercepted telephone messages and facts ascertained as a result of such wiretapping,/and further directing that any evidence secured from any intercepted telephone message or messages or based either directly or indirectly upon such intercepted telephone message or messages be stricken from the transcript of

Exhibit "D"—(Continued)

the hearings in the above-entitled proceedings, and for such other and further relief as shall be proper.

Dated, New York, September 2, 1941.

Yours, etc.,

CAROL KING,

Attorney for Harry R. Bridges. Office & P. O. Address, 100 Fifth Avenue, Borough of Manhattan, City of New York.

GLADSTEIN, GROSSMAN, MARGOLIS and SAWYER,

Of Counsel.

To:

HONORABLE CHARLES B. SEARS,

Presiding Inspector.

LEMUEL B. SCHOFIELD,

Special Assistant to Attorney General in Charge of Immigration and Naturalization Service, Department of Justice, Washington, D. C.

State of New York,
City of New York,
County of New York—ss.

Harry Bridges, being duly sworn, deposes and says:

I am the President of the International Longshoremen's and Warehousemen's Union, C.I.O., with a membership of some 30,000. My office address is at

Exhibit "D"—(Continued)

593 Market Street; Room 317, San Francisco, California.

On or about the 12th day of February, 1941, a warrant for my arrest was issued by the Immigration and Naturalization Service, Department of Justice, and thereafter from the 31st day of March for a period of approximately eleven weeks hearings in connection with these warrant proceedings were conducted in San Francisco, and the matter is now pending decision.

During the months of July and August, 1941, I have been intermittently at the Hotel Edison located at 228 West 47th Street, Borough of Manhattan, City, County and State of New York.

Shortly after I began to reside at the Hotel Edison I became suspicious that my actions were being watched and my conversations listened in on. This suspicion became a certainty on or about the 5th day of August, 1941. On that day, in the lobby of the Hotel Edison, I saw a person I recognized as an agent whom I had previously seen on the West Coast. Thereafter I went back to my room, Room 1027, and looked under the door between Room 1027 and the adjoining room, Room 1025, and saw equipment in Room 1025 which I recognized as wiretapping equipment.

Beginning on or about the 21st day of July I had been located at the Hotel Edison in Room 827. On or about July 31st when I returned to the hotel I was assigned to Room 1027. I left the hotel on August 1st, and when I came back on August 4th I

Exhibit "D"—(Continued)

asked for a single room, not a room with double beds, and a room higher up. My suspicions were aroused by the fact that I was again assigned to Room 1027 which I stated I did not want.

Shortly after I saw this equipment on the floor, which consisted of earphones, wires, and a portable recording machine, I 'phoned a number of trade unionists with whom I transacted business explaining to them that my wires were being tapped and that confidential information should not be conveyed to me over the telephone.

On or about August 7th or 8th I secured a pair of field glasses and later a pair of binoculars. I thereupon went to the roof of the Hotel Piccadilly, located at 227 West 45th Street, Borough of Manhattan, City, County and State of New York, and from there was able to look into Room 1025 of the Hotel Edison. The curtains of Room 1025 were open as were also the windows, and the wiretapping equipment was lying partly on the bed and partly on the floor.

On the following day I rented Room 1231 at the Hotel Piccadilly, and with my binoculars I saw three or four persons in Room 1025 of the Hotel Edison. I gave up this Room 1231 in the Piccadilly on or about August 15th.

On or about August 18 Lawrence Kammet rented Room 929 at the Hotel Piccadilly for the use of the newspaper PM. Thereafter Leon Goodelman, a reporter for that newspaper, and Eugene Badger, a camera man for the same paper, were in the room a

Exhibit "D"—(Continued)

large part of the time. Both from Room 1231 and Room 929 of the Hotel Piccadilly, I and my friends observed the occupants of Room 1025 of the Hotel Edison. We saw them using earphones and otherwise engaged in what appeared to be listening in on conversations and 'phone calls of Room 1027 at the Hotel Edison. So that I could observe this at times friends of mine went to Room 1027 at the Hotel Edison, and at other times so that the observers in the Piccadilly could witness it, I went to my room at the Hotel Edison, Room 1027.

On Tuesday morning, August 19, I realized that Room 1025 at the Hotel Edison was not occupied for the first time as far as I knew since I had occupied Room 1027. I turned on the radio, put through a call on the telephone, and then unscrewed the cover of the telephone box and opened it. At this time Lawrence Kammet was in my room. When the telephone box was opened he and I observed a black microphone attached to the other wires in the telephone box. I thereupon screwed back the cover of the telephone box.

On Thursday, August 21, in the evening of that day, Leon Goodelman, Eugene Badger, Lawrence Kammet, and I were in Room 1027 at the Hotel Edison. I called the manager, Hugh J. Conners, again unscrewed the telephone box, and showed him the mechanism. Eugene Badger took pictures of the box with the cover open. I told Mr. Conners that my wire was being tapped by the occu-

Exhibit "D"—(Continued)

pants of the next room, Room 1025, and I wanted to know what the hotel proposed to do about it. Mr. Conners disclaimed any knowledge or responsibility for what was going on and stated that he could not disturb the occupants of the next room. He called the house detective, Fred Collier, and I asked Mr. Collier whether he had been in the adjoining room. He denied having been in there although I had seen him leave that room. The occasion on which I had seen him leave that room was when he came into my room when my telephone had gone dead, and he stopped to tell me that it was off the hook, when in fact this was not the case until Collier himself shoved the telephone so that it was partly off the hook.

On Thursday evening after I had opened the telephone box in Room 1027 I heard the telephone bells in Room 1025 tinkle, and likewise heard a sound as though wires were being clipped and suitcases being hastily shut. At this time my telephone rang and the operator asked me if I was calling downstairs, which was quite impossible otherwise the operator downstairs could not have gotten me. I stated to the operator that apparently the next room had gotten their wires crossed, and called upon Conners and Collier to witness this episode. I asked Conners to call the occupants of the next room, Room 1025 from my room, Room 1927, but he refused to do so but agreed to call them from downstairs. Meanwhile the camera man, Badger, sat down in the hallway just outside my room and said

Exhibit "D"—(Continued)

in a loud voice that he would stay there for thirty days if necessary, but that he would take a picture of the occupants of Room 1025.

Thereafter an employee of the telephone company, who identified himself as J. Seuss, came to Room 1027 and I showed him the microphone and asked him what it was. He would go no further than to say that it was not standard telephone equipment but refused to give it a name. After a time he did says, "Your guess is as good as mine."

At my request Oliver M. Salisbury, vice-president of the American Communications Association, who was a licensed electrician, came with a friend of his who was identified as employed for fifteen years by the Radio Corporation of America as a radio technician. Both Mr. Salisbury and his friend identified the mechanism in my telephone box as a radio induction microphone which was not standard equipment in a telephone box. They stated that it was capable of picking up the conversation in the room and over the telephone.

At about 2:30 A.M. on Friday morning, August 22, the occupant of Room 1025 opened his door and ran out. The camera man, Badger, took a flashlight picture of his back as he fled down the hall.

At about 3 A.M. on August 22 one of the owners of the hotel, Nathan Kramer, came to my room and I asked him to open Room 1025. He refused to do this but agreed to go into the room himself if all of the persons in Room 1027 would go back into that room and close the door. Thereafter Mr. Kramer

Exhibit "D"—(Continued)

came back into Room 1027 and stated that Room 1025 was unoccupied.

At about 4 A.M. on Friday morning three plain-clothes men, one of them Lieutenant Jacobs of the New York Police force, came to my room and stated they came upon the request of the hotel management. After I told them that the F. B. I. had been tapping my wires they said they would rather not have anything to do with the matter. They did ask the manager to let them go into Room 1025, but when he refused to do so they left at about 6 A.M.

At about 3 P.M. on Saturday, August 23, Mr. Shepherd, the assistant manager, finally let me and Lawrence Kammet look into Room 1025. We found a clamp attached to the radiator and connected to it was a length of rubber insulated wire containing two strands which had apparently been clipped. We also found three pieces of black wiring tape about an inch or an inch and a half in length. In the dresser drawer there were two pieces of carbon paper, and by holding this up to the light we discovered that each piece carried the same words, and that the words at the end of the sheet were

"Evelle J. Younger
Special Agent".

I asked Mr. Shepherd to put this material in the hotel safe, and he placed all of it in a large envelope which he sealed.

On information and belief, that the tapping of

Exhibit "D"—(Continued)

my telephone wire from at least on or about the 5th day of August, 1941, to and including the 22nd day of August, 1941, was instigated and carried out by the Federal Bureau of Investigation. On information and belief, that a substantial portion of the evidence introduced at the deportation hearing against me was obtained, directly or indirectly, thru the tapping of telephone wires of myself and other witnesses at the said hearing. The sources of my information and the grounds of my belief are the fact that the Federal Bureau of Investigation has been tapping my wires subsequent to the said hearing, and that there was even more reason to tap telephone wires of myself and other witnesses prior to and during the said hearing.

I discovered the said tapping of my telephone wires as a result of the fact that I was suspicious that my wires would be tapped because public authorities had listened in on my conversations in the past as, for instance, during the 1937 Convention of the Maritime Federation at Portland, Oregon, when Doyle and Brown of the Portland Police Department concealed a dictaphone in my room which I discovered. (Cf. Findings and Conclusions of the Trial Examiner, p. 57.)

On Saturday, August 23, I moved from the Hotel Edison and moved to Room 929 at the Hotel Piccadilly, in which I am now residing.

On Monday, August 25, I was informed by Mr. Goodelman and Mr. Kammet that the package containing the articles discovered in Room 1025 had

Exhibit "D"—(Continued)

been given to the former occupants by the Hotel Edison. I thereupon looked in the telephone book for the name Evelle J. Younger and found that he was listed as residing at 307 East 44th Street, Borough of Manhattan, New York City, with the telephone number of Murray Hill 6-7490.

HARRY R. BRIDGES.

Sworn to before me this 29th day of August, 1941.

[Seal] SALLY N. FUCHS,
Notary Public, New York
County.

State of New York,
City of New York,
County of New York—ss.

Leon Goodelman, being duly sworn, deposes and says:

I reside at 41 Horatio Street, Borough of Manhattan, City, County and State of New York.

I am a reporter for the newspaper PM.

Attached hereto and made a part hereof are articles written by me which appeared in the said newspaper on the 25th, 26th and 28th days of Au-

Exhibit "D"—(Continued)

gust, 1941. I can say that the facts stated in the said articles are true of my own knowledge.

LEON GOODELMAN.

Sworn to before me this 28th day of August, 1941.

[Seal] SALLY N. FUCHS,
Notary Public, New York
County.

New York New York

PM, MONDAY, AUGUST 25, 1941

PM, TUESDAY, AUGUST 26, 1941

Labor Labor

PM, MONDAY, AUGUST 25, 1941

THURSDAY, AUGUST 28, 1941

State of New York,
City of New York,
County of New York—ss.

Lawrence Kammett, being duly sworn, deposes and says:

I reside at 500 St. Johns Place, in the Borough of Brooklyn, County of Kings, City and State of New York.

I am a publicity writer on the staff of the Greater New York Industrial Council, C. I. O.

On Wednesday, August 13th, I was in Room 1231 at the Hotel Piccadilly with Virginia Gardner and Harry Bridges for several hours, from about 7:30 or 8 P.M. to about 9:30 or 10 P. M. I was stationed at the window sitting on the floor with field glasses.

Exhibit "D"—(Continued)

The lights in the room were out and the shade was partially drawn but was raised enough so that I could look out and see a man sitting at a typewriter in Room 1025 at the Hotel Edison. He was apparently just sitting and not typing.

After a while Harry Bridges and I went to Room 1027 at the Hotel Edison. We had a conversation in that room and then I went back to Room 1231 at the Hotel Piccadilly. Through my field glasses I could see Harry Bridges telephoning in Room 1027 of the Edison and the regular lights were out in Room 1025. However there seemed to be a light on the floor. I saw a man get up with earphones on his ears and a wire coming down from each earphone to a single cable under the man's chin. He stood up for a few minutes, then knelt down and went out of sight. He appeared to be a tall and large man.

On Monday, August 18, I rented a room on the south side of the Hotel Piccadilly, Room 929. I was in the room from about 7 P. M. until midnight. I observed Harry Bridges come into his room, Room 1027 at the Hotel Edison. Prior to that the next room in the Edison, Room 1025, was dark. When Bridges entered Room 1027 the light in the adjoining room, Room 1025, went on and the shade was pulled down. The room remained in that condition for about an hour until Harry Bridges left room 1027, at which time the shade in Room 1025 was raised and the light in that room went out. On this occasion there were with me in my room, Room

Exhibit "D"—(Continued)

929 at the Hotel Piccadilly, Leon Goodelman, a reporter for the newspaper PM, and Eugene Badger, a camera man for the same paper. On Tuesday morning a Big Bertha Camera was delivered to Room 929 at the Hotel Piccadilly for the said Badger. On several occasions on Tuesday, August 19, Wednesday, August 20, and on Thursday, August 21, I saw two different individuals, one apparently light-haired, and one apparently dark-haired, in Room 1025 at the Hotel Edison. On one occasion, I do not quite remember on which one of these days, I saw as I recall it, the light-haired man pasting together scraps of paper with a yellow tube of glue.

On Tuesday morning, August 19, I went into Room 1027 which was then occupied by Harry Bridges. On that occasion Bridges began to hunt around his room. He unscrewed the cover of the telephone box and opened the box. When the box was open both Bridges and I plainly saw a black microphone attached to the other wires in the telephone box with shiny, new, chromium or steel wires. After seeing this Bridges screwed back the cover of the telephone box.

On Thursday, August 21, at or about 5 P. M. the said Goodelman, said Badger, Bridges and myself were in Room 1027 at the Hotel Edison. Bridges called the manager, Hugh J. Conners, and showed him the microphone. Bridges said his wire was being tapped by occupants of the next room and he wanted to know what the hotel was going to do

Exhibit "D"—(Continued)

about it. Mr. Conners said it was all new to him, and he disclaimed knowledge or responsibility. He said he could not disturb the occupants of the next room. Conners called the house detective, Fred Collier, and Bridges asked Collier whether he had ever been in the adjoining room. The house detective disclaimed having been in the next room although he had been seen to leave that room to tell Bridges that his telephone was off the hook when in fact this was not the case. While the individuals aforesaid were in Room 1027 I heard the telephone bells tinkle in Room 1025, and heard a noise which sounded like wires being clipped and suitcases being shut. There was a general commotion in Room 1025. Bridges' telephone rang. Bridges said, apparently in answer to a question, that the persons in the next room had apparently gotten their wires crossed, and called upon Conners and Collier to witness this episode. Conners agreed to call the occupants of the next room from downstairs. Meanwhile Badger sat down on a chair in the hallway with his camera focused on the doorway of Room 1025 and said in a loud voice that he would keep vigil for thirty days if necessary, but that he would take a picture of the occupants of that room.

A telephone man who identified himself as J. Seuss came to Room 1027 and stated that the microphone was not standard equipment, that he did not care to name it, and added, "Your guess is as good as mine", or words to that effect.

Exhibit "D"—(Continued)

Thereafter one, Oliver M. Salisbury, vice-president of the American Communications Association, a licensed electrician, arrived with a friend identified as employed for fifteen years by the Radio Corporation of America as a radio technician. Both agreed that the mechanism which was not standard equipment in the telephone box was a radio induction microphone capable of picking up the conversation in the room and over the telephone.

After these persons had been in Room 1027 I went back to Room 929 at the Hotel Piccadilly and lay on the bed there with my field glasses trained on Room 1025 of the Hotel Edison. The shades were down, the lights were out, and the room was in darkness, as it was by then 9 P. M. At or about 2:30 A. M. I heard a commotion from Room 1027 which sounded as if there were about six people in the room, and I saw a flash on that side of the Hotel Edison. Thereafter I went back to Room 1027 at the Hotel Edison.

At or about 3 A. M. Nathan Kramer, the manager of the Hotel Edison, was asked by Bridges to open Room 1025, but refused to do so. He was willing, however, to go in that room himself if the persons in Room 1027 would close the door. We did so and Mr. Kramer thereafter came back and reported that Room 1025 was unoccupied. He stated nothing about any luggage in the room.

At about 4 A. M. of that morning, Friday, August 22, three plainclothes men, one of them Lieutenant Jacobs of the New York Police, came to Room

Exhibit "D"—(Continued)

1027. After Bridges said that the F. B. I. had been tapping his wire the plainclothes men said that they would rather not be in the middle. They were not sure about the law and they would rather check on it. However they did ask the manager to let them in on a friendly basis which the management refused to do. The detectives left at about 6 A. M.

At about 3 P. M. on Saturday, August 23, the assistant manager, Mr. Shepherd, let Bridges and myself look in Room 1025. One bed was not made up and the shades were drawn. One window on the court side was open. It was about three feet from the window of an adjoining room. We found a clamp commonly used in grounding listening devices attached to the radiator, and affixed to it was a twelve foot length of rubber insulated wire containing two strands of wire which had been clipped. We also found three pieces of black wiring tape about one and a half inches in length. In the dresser drawer there was some carbon paper. I held up a sheet and at the bottom saw the words

"Evelle J. Younger
Special Agent".

There was also a tube of LePages glue. Mr. Shepherd took all of these articles and placed them in a large envelope sealed. He stated that they were the property of the occupants of Room 1025.

A short time after Bridges and myself had investigated Room 1025 at the Hotel Edison a repre-

Exhibit "D"—(Continued)

sentative of the New Young Telephone Company came to Room 1027 of the Hotel Edison at Bridges' request, and was asked by Bridges to remove the microphone from the telephone in that room. In order to do so he had to go into Room 1025, and Bridges and I accompanied him into that room in the presence of the assistant manager, Mr. Shepherd. The representative of the telephone company thereupon opened the terminal box of the telephone in Room 1025 and found that the wires from the microphone which were in the telephone box in Room 1027 were attached to the wires in the box in Room 1025. He thereupon unfastened the wires. I was asked to go into Room 1027 and remove the microphone from the telephone box in that room, and I did so, at the same time pulling out the wires which were connected to the telephone box in Room 1025.

On Monday, August 25, Goodelman and I went to the Hotel Edison. We were informed by Mr. Conners that the package containing the articles discovered in Room 1025 had been picked up by the occupants of the room at about 12 o'clock of that day. He refused to disclose the claimants and said he had no comment to make.

Thereafter on that day we went to 307 East 44th Street, New York City, and asked for Evelle J. Younger, that being his address as it appears in the New York telephone book. The house man stated that Younger had checked out an hour before. We went to the desk clerk and found that

Exhibit "D"—(Continued)

a forwarding address had been left, Evelle J. Younger, Federal Bureau of Investigation, Seattle, Washington.

LAWRENCE KAMMET

Sworn to before me this 2nd day of September, 1941

[Seal] SALLY N. FUCHS
Notary Public, New York County

State of New York.
City of New York
County of New York—ss.

Virginia Gardner, being duly sworn, deposes and says:

I am the secretary of the Citizens Committee for Harry Bridges with offices at 1265 Broadway, Borough of Manhattan, City, County and State of New York, Room No. 619.

On or about Wednesday, the 13th day of August, 1941, I went into a room at the Hotel Piccadilly, located at 227 West 45th Street, Borough of Manhattan, City, County and State of New York. I went to this room at or about 6 P. M. with Harry Bridges and Lawrence Kammet. I stationed myself at a window. I looked through a pair of binoculars at Room 1025 of the Hotel Edison, located at 228 West 47th Street, Borough of Manhattan, City, County and State of New York. Through the curtains of that room I could see a man sitting at a typewriter.

Exhibit "D"—(Continued)

After he had been with me for some time in the room at the Hotel Piccadilly, Lawrence Kammet left, taking Mr. Bridges' key to his Edison room, No. 1027. When Kammet entered that room, the man at the typewriter in Room 1025 dived to the floor, but soon returned to his position at the typewriter. In about fifteen minutes, Kammet returned to the room where Mr. Bridges and I were watching through glasses. Mr. Bridges then left and went over to the Edison, and shortly thereafter we saw him come to the window of No. 1027.

Kammet and I waited for about half an hour in the room at Hotel Piccadilly. Meanwhile, three friends joined Mr. Bridges, whom we observed. There was a red glow from the floor in Room 1025 at the Hotel Edison. At the close of about half an hour Kammet left the Hotel Piccadilly and went to Room 1027 at the Hotel Edison. At this time I knelt on the floor holding the binoculars for about thirty minutes. During this time I saw the man in Room 1025 getting up in a crouching position. He rose a little further, perhaps in a kneeling position. The short window curtains were slightly apart at the windows in his room, and I got a profile view of the man and could see an attachment across his head and earphones at his ears. I saw a profile view of his face. He had a ruddy complexion and dark hair which, I believe, was parted in the middle. He had a rather broad face. He was wearing a white shirt. The light went out in Bridges' room, Room 1027, and the

Exhibit "D"—(Continued)

man in the next room went down to the floor. At that point my telephone rang, and shortly thereafter the telephone in Room 1025 likewise rang. The man in that room stood up. He was very tall and I could see him speaking at the telephone. At this time he wore no earphones. After he had answered the telephone he dropped down to the floor again where he remained until I left the room at the Hotel Piccadilly.

VIRGINIA GARDNER

Sworn to before me this 2nd day of September, 1941

[Seal] SALLY N. FUCHS
Notary Public, New York County

State of New York
City of New York
County of New York—ss.

Carol King, being duly sworn, deposes and says:

I am one of the attorneys for Harry R. Bridges in connection with the deportation proceedings now pending against him.

Upon the basis of the facts set forth in the annexed affidavits of Harry Bridges, verified the 29th day of August, 1941, of Leon Goodelman, verified the 28th day of August, 1941, and of Lawrence Kammet and Virginia Gardner, both verified the 27th day of August, 1941, it seems plain that Bridges' telephone in Room 1027 of the Hotel Edison, 228 West 47th Street, Borough

Exhibit "D"—(Continued)

of Manhattan, City, County and State of New York, was tapped by agents of the Federal Bureau of Investigation from at least on or about August 5, 1941, until August 22, 1941.

The warrant of arrest against Bridges issued on or about February 12, 1941. He was put under arrest and released on bail February 14, 1941. The application by counsel for additional time to prepare for the hearing was opposed by Lemuel B. Schofield, Special Assistant to Attorney General in Charge of Immigration and Naturalization Service, and the hearing commenced on March 31, 1941.

Before and during the hearing, counsel did not have facts at their disposal to establish that wire-tapping was unlawfully employed, either directly or indirectly, by the Federal Bureau of Investigation or the Immigration and Naturalization Service in the securing of evidence which was presented at the said hearing.

In Nardone v. U. S., 302 U. S. 379, the United States Supreme Court had reversed convictions for frauds on revenue because "a vital part of the prosecution's proof" consisted of telephone messages intercepted in violation of 47 U. S. § 605.

Section 605 of the Federal Communications Act, United States Code, Title 47, in part provides:

> "* * * no person not being authorized by the sender shall intercept any communication and divulge or publish the existence, contents,

Exhibit "D"—(Continued)

substance, purport, effect, or meaning of such intercepted communication to any person."

When the Nardone case came before the United States Supreme Court a second time, the judgment was again reversed. Nardone v. U. S., 668. At that time, Mr. Justice Frankfurter recognized that the only question open to the United States Supreme Court was " 'whether the [trial] judge improperly refused to allow the accused to examine the prosecution as to the uses to which it had put the information' which Nardone v. U. S., supra, found to have vitiated the original conviction." Mr. Justice Frankfurter said:

> "A sensible way of dealing with such a situation—fair to the intendment of §605, but fair also to the purposes of the criminal law—ought to be within the reach of experienced trial judges. The burden is, of course, on the accused in the first instance to prove to the trial court's satisfaction that wire-tapping was unlawfully employed. Once that is established—as was plainly done here—the trial judge must give opportunity, however closely confined, to the accused to prove that a substantial portion of the case against him was a fruit of the poisonous tree."

United States v Weiss, 34 F. Supp. 99, likewise arose after the reversal by the Supreme Court of a conviction based upon evidence secured by wiretapping (Weiss v. United States, 308 U. S. 321).

Exhibit "D"—(Continued)

The government stipulated among other things that:

"Whereas the defendants in the above named case intend to apply to this Court for an order:

* * * * *

"B. Directing the United States to submit to an examination with respect to the uses made by it of such intercepted messages and facts ascertained by it as a result of such use:"

The Court granted subdivision B as set forth above.

In the case at bar, contrary to the situation presented in the second Nardone and second Weiss case, the wire-tapping was discovered only after the hearing had been conducted. But that does not change the applicable principle. In view of the fact that any adjournment of the hearing was opposed by Major Schofield who was actively engaged in preparing the Government's case, and he refused to furnish defense counsel with prior statements of government witnesses, opportunity to discover wire-tapping before or during the hearing was seriously circumscribed. If the F. B. I. was tapping Bridges' wires after the hearing, it is a fair inference that they had tapped not only his wires but those of other witnesses when the case was being prepared for hearing. This cannot be definitely ascertained without an examination of the appropriate government officials. To paraphrase the words of Mr. Justice Frankfurter in the second Nardone case: having proved, as is plainly done by the annexed affidavits, that wire-tapping was unlawfully employed, the Presiding Inspector must

Exhibit "D"—(Continued)

give opportunity to Bridges "to prove that a substantial portion of the case against him was a fruit of the poisonous tree."

CAROL KING

Sworn to before me this 2nd day of September, 1941

[Seal] SALLY N. FUCHS
Notary Public, New York County

[Endorsed]: Filed June 4, 1943. Paul P. O'Brien, Clerk.

EXHIBIT "E"

IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

File No. 55973/217

In the Matter of Harry Renton Bridges

MEMORANDUM OF DECISION

Charles B. Sears,
Presiding Inspector.

LETTER OF TRANSMITTAL

To the Honorable the Attorney General:

I submit herewith my memorandum in the matter of the deportation of Harry R. Bridges. With it I am transmitting the record, with exhibits. Included in the memorandum is a summary of the evidence, my findings and a proposed order.

Exhibit "E"—(Continued.)

A word or two of explanation seems necessary. The record is not in the form prescribed by the rules of the Department (Sec. 150.6 (b) of the Regulations of the Department of Justice, Immigration & Naturalization Service, effective Jan. 20, 1941). It includes, in addition to objections of counsel and the rulings on them, arguments of counsel and colloquies between counsel and the Presiding Inspector in respect thereto. These are included under a stipulation made by counsel and appearing at page 7545 of the record. In view of the voluminous character of the report of the hearing and the form taken by objections and arguments in discussion, it was thought best by counsel for the Government and for the alien and by myself, to submit as the record the entire reporter's transcript of what took place on the hearing, without revision of any kind.

In the summary of the evidence, I have included some analysis as well as some statements of the grounds upon which the evaluation of the testimony is founded. This has been done so as to make clear the bases for the findings on individual matters which are interspersed in the summary itself. A bare summary of the evidence without these interspersed analyses and comments would, I have thought, be less easily understandable.

The Government first offered a vast amount of evidence relating to the character, aims, and acts of the Communist Party of the United States and of certain other organizations subsidiary to it, or

Exhibit "E"—(Continued.)

allied with it. Documents formed a large part of this evidence. This I have treated in the first section of the memorandum following some general introductory matter.

In the second section of the memorandum the subject is the alien's relations to these organizations. As far as possible, I have broken this part of the case up into episodes, for easier understanding, and in general have treated the credibility of witnesses in connection with the testimony given by the witnesses as to the episodes themselves. The name of the principal witness as a heading in a number of instances identifies the episode.

In the third section of the memorandum I have treated matters relating to the Industrial Workers of the World, an organization in which the alien was concededly a member in the year 1921.

In an appendix, I have inserted my memorandum on the motion argued September 19, 1941, in relation to an examination as to wiretapping.

Respectfully submitted,

CHARLES B. SEARS,

Presiding Inspector.

Buffalo, N. Y., September 26, 1941.

Exhibit "E"—(Continued.)

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Exhibit "E"—(Continued.)
Immigration and Naturalization Service
Department of Justice

File No. 55973/217

In the Matter of Harry Renton Bridges

MEMORANDUM OF DECISION

INTRODUCTORY

HISTORY

The present is the second proceeding looking toward the deportation of Harry Renton Bridges. On March 2, 1938, a warrant was issued by the Assistant Secretary of Labor for the arrest of Bridges upon the ground that it appeared that he was subject to deportation under Federal Statutes. A hearing followed which opened on July 10, 1939, before James M. Landis, Dean of the Harvard Law School, who had been appointed trial examiner for the purpose of the hearing, and closed Sept. 14, 1939. Findings and conclusions were transmitted to the Secretary of Labor under date of Dec. 28, 1939, containing a final conclusion as follows: "The evidence, therefore, establishes neither that Harry Renton Bridges is a member of or affiliated with the Communist Party of the United States of America." Upon the basis of this conclusion, the Secretary of Labor cancelled the warrant of arrest and dismissed the proceed-
(1*) ings on January 8, 1940. As a result of the

* Page numbering appearing on page of original Sears Opinion.

Exhibit "E"—(Continued.)

decision of the Supreme Court of the United States in Kessler v. Strecker, 307 U. S. 22, the determination of the Secretary of Labor was confined solely to the relation of Bridges at the time the proceeding was instituted and being prosecuted, to an organization seeking and advocating the overthrow of the Government by force and violence. Evidence offered by the Government on that proceeding as to Bridges' relations to the Communist Party previous to the institution of the proceeding on March 2, 1938 was material only so far as it was probative of a membership or affiliation at the time of the investigation.

Following the dismissal of the warrant, Congress amended the law relating to the deportation of aliens, so as to provide for the deportation of one "who was at the time of entering the United States, or, has been at any time thereafter, a member of, or affiliated with such an organization."

Subsequent to the enactment of this amendment, the Attorney General[1] directed the Federal Bureau of Investigation to make an investigation to determine whether, under the new provision of the Alien Registration Act, grounds existed for reopening the deportation proceedings against Bridges. A report having been made by the Federal Bureau of Investigation, a warrant was issued by the Attorney General under date of February 14, 1941.

---

(1) The Immigration & Naturalization Service was transferred from the Department of Labor to the Department of Justice pursuant to the Act of June 28, 1940 (54 Stat. 675; 8 U. S. C. 458).

Exhibit "E"—(Continued.)

Bridges was arrested, and the (2) undersigned was appointed by the Attorney General an Inspector in the Immigration & Naturalization Service for the purpose of presiding at the hearing, held as prescribed by the rules and regulations of the Department of Justice.[2]

THE APPLICABLE STATUTE.

The Alien Registration Act of Oct. 16, 1918, as amended by the Acts of June 5, 1920 and June 28, 1940, (8 USCA 137), so far as relevant to this proceeding is as follows:

> Any alien who was at the time of entering the United States, or has been at any time thereafter, a memebr of any one of the classes of aliens enumerated in this section of this act, shall, upon the warrant of the Attorney General, be taken into custody and deported in the manner provided in this subchapter. The provisions of this section shall be applicable to the classes of aliens mentioned in this act, irrespective of the time of their entry into the United States.

The section of the Act referred to in the above excerpt provides:

> Aliens who * * * are members of or affiliated with any organization, association, society or group that believes in, advises, advocates, or

(2) Sec. 150.6 of the Regulations of the Department of Justice, Immigration & Naturalization Service.

Exhibit "E"—(Continued.)

teaches: (1) The overthrow by force or violence of the Government of the United States * * * (3) The unlawful damage, injury or destruction of property, or (4) Sabotage—

Aliens who are members of or affiliated with any organization, association, society, or group (3) that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display, any written or printed matter of the character described in paragraph (d).*

The giving, loaning, or promising of money or anything of value to any organization, association, society, or group of the character above described shall constitute affiliation therewith; but nothing in this paragraph shall be taken as an exclusive definition of advising, advocacy, teaching, or affiliation.

THE PRESENT PROCEEDING AND THE CHARGES CONTAINED IN THE WARRANT OF ARREST

The warrant of arrest instituting this proceeding, dated Feb. .., 1941, directed that Harry Renton

---

* Paragraph (d) describes written or printed matter advising, advocating or teaching (1) The overthrow by force or violence of the Government of the United States * * * (3) The unlawful damage, injury or destruction of property, or (4) Sabotage—

Exhibit "E"—(Continued.)

Bridges be taken into custody and be granted a hearing to enable him to show cause why he should not be deported, in conformity with the above quoted law. The reasons assigned in the warrant were:

> (a) After entering the United States he has been a member of or affiliated with an organization, association, society, or group that believes in, advises, advocates, or teaches the overthrow by force or violence of the Government of the United States; and
>
> (b) That after entering the United States he has been a member of or affiliated with an or-(4) ganization, association, society, or group that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue or display, written or printed matter advising, advocating, or teaching the overthrow by force or violence of the Government of the United States.[3]

Pursuant to this warrant, the alien was taken into custody, as directed, on February 14, 1941, released under bond of $3,000.00, and a hearing before myself, acting as Presiding Inspector, was held in San Francisco, California, beginning March 31, 1941, and ending June 12, 1941. The evidence

(3) Gov. Ex. #1.

Exhibit "E"—(Continued.)

adduced at the hearing is reported in forty-four volumes, one for each hearing day, totaling 7,546 typewritten pages. In addition, the Government introduced 297 exhibits, and the alien 62.

During the course of the proceeding, the Government amended its warrant, in conformance with Departmental rules and regulations,[4] to include two additional charges. These additional charges are:

> (1) That he is an alien who, after entering the United States, became a member of an organization, association, society, or group, which advised, advocated and taught the unlawful damage, injury or destruction of property and sabotage; and
>
> (2) That after entering the United States he became a member of an organization, associa-
> (5) tion, society or group that circulated and distributed written or printed matter advising, advocating or teaching the unlawful damage, injury, or destruction of property and sabotage.[5]

The regulations of the Department of Justice relating to hearings such as the instant one require:

> As soon as practicable after the hearing has been concluded, the Presiding Inspector shall prepare a memorandum setting forth a sum-

(4) Sec. 150.6 (1) of the Regulations of the Department of Justice, Immigration & Naturalization Service.

(5) Tr. 2482.

Exhibit "E"—(Continued.)

mary of the evidence adduced at the hearing, his proposed findings of fact and conclusions of law and a proposed order.[6]

THE PROCEDURE

Representation of parties

Throughout the hearing, the Government was represented by Albert Del Guercio of Los Angeles, California, Paul V. Myron and Clarence N. Goodwin of Washington, D. C.

The alien was represented by Carol King of New York City and Richard Gladstein and Aubrey Grossman of the firm of Gladstein, Grossman, Margolis, and Sawyer of San Francisco, California.

The hearings were held in a courtroom of the Federal Court House on Mission Street in the City of San Francisco, California.

The public was admitted to the hearing at all times so far as the accommodations of the room permitted. Representatives of the Press were present and were assigned special facilities. (6)

The subject and scope of this proceeding

This is not a judicial proceeding. It is an administrative proceeding in an Executive Department of the Government, looking toward executive action.[7] It is not a criminal prosecution and rules

(6) Sec. 150.7 (a) of the Regulations of the Department of Justice, Immigration & Naturalization Service.

(7) Pearson v. United States, 202 U. S. 281; Zakonaite v. Wolf, 226 U. S. 272.

Exhibit "E"—(Continued.)

of criminal procedure and practice are inapplicable.[8] The only subject of investigation is whether Bridges has been since his arrival in the United States a member of, or affiliated with, subversive organizations as charged. Should he be found to come within a deportable class, he is not thereby adjudged in such a proceeding as this to have been guilty of criminal or even reprehensible conduct. A determination against him and a finding of ground for deportability simply means that he is found to have violated a condition of the privilege of remaining in this country, which he has been enjoying.[9] The investigation is not one of trade union practices or the merits or defects of trade unionism. The workers' movements, their organizations, their committees, their ambitions, their purposes and aims, the great trade union organizations such as the American Federation of Labor and the Congress of Industrial Organizations are not, nor is any one of them the subject of this investigation. The statute does not relate to any of these matters. Unless there is a purpose and intent on the part of an organization to overthrow the Government by force and vio- (7) lence, or unless there is a distribution by the organization of literature advocating such overthrow, or unless there is an advocacy of the illegal destruction of property or an

(8) United States ex rel. Bilokumsky v. Tod, 263 U. S. 149; Bugajewitz v. Adams, 228 U. S. 585.

(9) Fong Yue Ting v. United States, 149 U. S. 698, 730; Helvering v. Mitchell, 303 U. S. 391, 399.

Exhibit "E"—(Continued.)

advocacy of sabotage, membership in or affiliation with it is in itself immaterial. This should be clearly understood, for a misapprehension of the scope of this proceeding might result in injustice to innocent, well-intentioned, and useful groups of citizens. On the other hand, the fact that the alien has long been a member of trade unions whose loyalty to our Government is unchallenged and, doubtless, has performed services of value to his fellow members, and has long had, and continues to have the personal respect and confidence of the members of such organizations does not help him if the basis of the privilege of remaining here has been violated by him in any respect.

Membership in or affiliation with the Communist Party and certain of its subsidiaries or allies, notably the Trade Union Unity League, the Marine Workers Industrial Union, and membership in the Industrial Workers of the World constitute the conduct claimed by the Government in this proceeding, as grounds for deportation, pursuant to the statute.

The burden of proof to establish facts alleged is here, as generally, on the person asserting them; in this proceeding the burden of proof is on the Government,[10] and facts to form a basis for determination must be established by the greater weight of evidence.[11] (8)

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(10) United States ex rel. Bilokumsky v. Tod, 263 U. S. 149, 153.

(11) Whitfield v. Hanges, 222 Fed. 745, 751.

Exhibit "E"—(Continued.)

Subpoenas

Subpoenas were issued in every case where a request, in accordance with the rules of the Department, was presented to me, except in the case of requests for the examination of Lemuel B. Schofield, Special Assistant to the Attorney General in Charge of Immigration and Naturalization; Francis Perkins, Secretary of Labor, and Gerald D. Reilly, Solicitor of the Department of Labor, and for the production of documents by them from Government archives and files.

The ground for alien's applications for such subpoenas was his claim that this proceeding so far as it related to Bridges' connection with the M. W. I. U., the I. L. D., the T. U. U. L., the I. W. W. denied Bridges the equal protection of the laws, amounting to a denial of due process, in violation of the Fifth Amendment of the Constitution in that, since 1920, the Immigration and Naturalization Service has held that membership in the Industrial Workers of the World did not render an alien deportable, and that since January 3, 1934, has ruled that membership in or affiliation with the M. W. I. U. and I. L. D. and T. U. U. L. did not render an alien deportable, and despite the presence in the country of many thousands of members of such organizations, since 1920, no proceeding has been instituted nor any action taken to carry forward any proceeding theretofore instituted to deport any alien for membership in or affiliation

Exhibit "E"—(Continued.)

with the Industrial Workers of the World, and that since January 3, 1934, no proceeding has been instituted, depsite the presence in the country of thousands of alien members of such (9) organizations, nor any action taken to carry forward any proceeding theretofore instituted to deport any alien for membership in or affiliation with the Marine Workers Industrial Union, the International Labor Defense or the Trade Union Unity League, whereas the present proceeding against Bridges is based upon such memberships or affiliations.

The requests for these subpoenas were denied, first, because I was of the opinion that I was without power to call before me the present head of the Immigration Service in the Department of Justice, or the present head or Solicitor of the Department of Labor, in which Department the Immigration Service was previously included, and, second, because any official ruling of a Department or Service of the Government would be a matter of public record and could be otherwise produced, and, third, because in my opinion the evidence sought was wholly immaterial, the fundamental questions of the character of the organizations mentioned being a matter of fact, open to proof in each particular case. The constitutional point I refer to elsewhere.[12]

Production of documents

Requests for the production of documents, al-

(12) See p. 14, post.

Exhibit "E"—(Continued).

legedly in the possession of the Department, were made in the open hearing.[13] These requests I denied. My opinion is that as an Inspector in the Department, I was not empowered to require the Attorney General, the head (10) of the Department, to produce any documents. The law permits an alien whose deportation is sought to produce evidence, and the rules of the Department provide for the issuance of subpoenas, but this is far from permitting the alien to explore the archives of the Department. I asked counsel for the Government to call these requests to the attention of the Attorney General. Counsel reported that the Attorney General had entrusted to Counsel the determination, as to whether particular documents in the possession of the Department should be produced. On one occasion, an assertion was made by representatives of the Government that no such documents were in the possession of the Government.[14] Such assertions I unqualifiedly accepted. On other occasions, the Government Counsel refused to produce statements of witnesses taken by agents of the Federal Bureau of Investigation on the preliminary investigation.[15]

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(13) Tr., pp. 19-23, general motion for examination of Government's evidence; Tr., pp. 647-658, request for Chase's prior statements to F. B. I.

(14) See p. 61, fn. 11, post.

(15) Tr., 647-658.

Exhibit "E"—(Continued.)

Rules of evidence

The common law rules governing the admissibility of evidence were not strictly applied; they are not applicable in a general sense to a proceeding of this character.[16] In fact, common law rules were not insisted upon by either party. Hearsay was freely admitted. At times, objection was made to hearsay of higher degree, that is hearsay of hearsay, or even further removed. The fact that testimony presented is hearsay (11) bears upon its probative value. This element I have tried always to consider.

The only rules applied to the admission and exclusion of evidence rest on fairness and on relevancy. In the application of the principle of fairness, I could only be guided by my own judgment, in which experience had its part. In the few instances where I rejected proffered evidence, it was in my opinion, unsubstantial. In determining what evidence is substantial I have applied the test given by Mr. Chief Justice Hughes in Edison Consolidated Co. v, National Labor Relations Board, 305 U. S. 197, 229—"Substantial evidence is more than a mere scintilla. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion."

AFFILIATION

The statute upon which this proceeding is based makes affiliation with, as well as membership in,

(16) Wigmore Evidence (3rd Ed.), p. 54, et seq.

Exhibit "E"—(Continued.)

certain organizations a ground for deportation. An accurate definition of this word at this time is certainly not necessary and very likely impossible. Its ultimate defintion may be reached when a sufficiently large number of cases have determined whether particular relationships of great variety are, or are not, within the content of the word. Then the line of demarcation may be clearly pricked out. Today that stage has not been reached. This is not an unusual problem of judicial construction.

Affiliation is clearly a word of broader content than membership, and of narrower content than sympathy. (12) Generally, there will be some continuity of relationship to bring the word into application. This is, however, not necessarily so, for the statute itself provides that the giving, loaning, or promising of money or anything of value to any organization, association, society, or group of the character described in the Act, shall constitute affiliation, and further provides that this language shall not be taken as an exclusive definition of advising, advocacy, teaching, or affiliation. 8 U. S. C. A., Section 137 (f). It is to be noted that the very acts referred to in the statute are declared to be themselves an affiliation and not evidence of affiliation. Here permanence is not necessary under the statutory definition. The following cases are illustrative of conduct amounting to affiliation:

Wolck v. Weedin, 58 F. (2d) 928.

Kjar v. Doak, 61 F. (2d) 566.

Exhibit "E"—(Continued.)

Sorquist v. Ward, 83 F. (2d) 890, affirming 11 Fed. Supp. 525.

U. S. ex rel. Yokinen v. Commissioner, 57 F. (2d) 707.

U. S. ex rel. Fernandas v. Commissioner, 65 F. (2d) 593.

Branch v. Cahill, 88 F. (2d) 545.

Examples of conduct not amounting to affiliation occur in—

Kettunen v. Reimer, 79 F. (2d) 315.

Tolsky v. Wilson (unreported) opinion of Hand, J., in the Southern District of New York, filed June 22, 1920.[17] (13)

Affiliation may doubtless be shown circumstantially. Assisting in the enterprises of an organization, securing members for it, taking part in meetings organized and directed by or on behalf of the organization, would all tend to show affiliation. The weight to be given to such evidence is, of course, determined by the trier of the fact. It is unnecessary further to define the word.

CONTENTIONS OF THE ALIEN OF A CONSTITUTIONAL AND LEGAL NATURE

A. Constitutional

During the hearing and in his brief the alien has raised certain constitutional questions which I consider briefly.

(17) See Al. Ex. 12, p. 11.

Exhibit "E"—(Continued.)

1. Due process of law, fifth amendment

Insufficient time to prepare case.—The alien seeks to predicate a violation of the constitutional guaranty on the alleged shortness of time given him to prepare his case before the hearing began. The Attorney General fixed March 31, 1941 as the date of the hearing. Bridges was served with the warrant of arrest and notified of the date of the hearing on February 14, 1941. It is obvious that ample time for preparation was thus allowed.

Denial of equal protection of the law.—Bridges claims that to deport him on a charge of membership in the I. W. W. or membership in or affiliation with the M. W. I. U. would violate the constitutional guaranty because, he contends, no alien has been deported on such grounds for many years. (14)

The Congress enacted the law. If the I. W. W. or the M. W. I. U. falls within the classes of societies described in the law and Bridges was a member of or affiliated with them or either of them, no general practice order of a Department or inaction of authorities could give him immunity. Laws are not so easily set aside. Whether the I. W. W. or the M. W. I. U. comes within the description presents a question of fact. A ruling by the Secretary of Labor in 1934 that such proceedings should not be prosecuted if based solely on membership in or affiliation with the M. W. I. U. would have been merely a practice direction which could be revoked at any time. As to the M. W. I. U., it should be noted that

Exhibit "E"—(Continued.)

as this organization was dissolved in 1935, and as the law, as it stood before June 28, 1940, confined deportation proceedings such as the present one to aliens who, at the time of the institution of the proceeding were members or affiliates of described organizations, there could be no proceeding having reference to the M. W. I. U. from the time of its dissolution in 1935 to the 28th day of June, 1940. For factual as well as legal reasons, I conclude that the alien's point is not well taken.

General unfairness of the proceeding.—Here, of course, the challenge is to the hearing generally. The reported stenographic minutes are presented unrevised. I believe the hearing was a fair one, but the question of its fairness can be ultimately determined better by the authorities reviewing the case than by myself. (15)

2. Double jeopardy, fifth amendment

On account of the 1939 hearing the alien contends that he has been twice put in jeopardy for the same offense. This contention attacks the validity of the entire proceeding. It is a claim upon which as a presiding inspector appointed to conduct the hearing and file a memorandum, I believe that I am not called upon to pass. I cannot review the action of the Attorney General in issuing the warrant.

Were this question before me, I would reject the contention. This is a civil, as distinguished from a criminal, proceeding as has already been pointed out. No jeopardy at all is involved for that word

Exhibit "E"—(Continued.)

has application only to prosecutions of a criminal nature. An order of deportation is but the revocation of a privilege, voluntarily granted.[18]

3. Ex posto facto law: Art. I, Sec. 9, U. S. Const.

The alien contends that the amendment of the Alien Registration Act by the act of June 28, 1940 (8 U. S. C. A. 137) is ex post facto as related to this proceeding. The Act broadened the grounds of deportation from membership in or affiliation with certain organizations described in the Act, at the time the proceeding was instituted,[19] to such membership or affiliation at the time of entry into the country, or at any time thereafter.

The constitutional provision applies only to criminal (16) laws. The statute here involved is not a criminal law as already shown. What I have written as to the alien's contention as to double jeopardy is pertinent here.[20]

B. Res Judicata

The alien seeks a dismissal of this proceeding on the principle of res judicata. He relies upon the dismissal of the 1939 proceeding. The Attorney General on February 14, 1941 instituted this proceeding and directed that a hearing take place. The evidence presented by the government before me is wholly different from that offered in 1939. Not a single witness sworn on the part of the government

(18) Helvering v. Mitchell, 303 U. S. 391, 399.

(19) Kessler v. Strecker, 307 U. S. 22.

(20) Mahler v. Eby, 264 U. S. 32.

Exhibit "E"—(Continued.)

in this proceeding was sworn in the hearing of 1939. The charge stated in the warrant is different, for while it includes the charge which was the subject of the 1939 proceeding, it also includes a broader range, namely, membership in or affiliation with the organization at any time from the date in 1920 of the entry of the alien into this country. It is, however, not necessary to consider this contention as an original matter. It has been established by controlling authorities that the doctrine of res judicata is not applicable in a technical sense to deportation proceedings.[21] (17)

SECTION. I. THE HISTORY, NATURE, OBJECTS, AND METHODS OF THE COMMUNIST PARTY OF THE UNITED STATES

A. ORIGIN

In 1919, representatives of the Communist Parties of eight countries convened at Moscow, Russia, in what was termed the First Congress of the Communist International and laid the foundation for "A single World Party of the revolutionary proletariat and * * * formulated its basic task as the struggle for the proletariat in the form of Soviets throughout the world."[22] The Communist Party of the United States became a "section" of this organization in its first year.[23]

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(21) Pearson v. Williams, 202 U. S. 281; White v. Chan Wy Sheung, 270 Fed. 764.

(22) Gov. Ex. 228.

(23) Tr. 53-55; see also p. 21, post.

Exhibit "E"—(Continued.)

The 1919 Moscow Meeting laid the foundation of the "Third International," so called because it was the third attempt to form an international organization of workers. The "First International" was established at a meeting in London in 1864 and adopted the "Manifesto" of Marx & Engels, as its fundamental concept.[24] The "Second International" established at Paris in 1889, has been repudiated by the "Third International" as a renegate movement. The "Third International" considers itself the successor to the "First International," and condemns the "Second International" as "Undermined by opportunism and damaged by the treason of its leaders who have taken the side of the Bourgeoisie * * *.[25] (18)

The Second World Congress of the "Third International" met in Moscow in July and August 1920, adopted the "Theses and Statutes of the Third (Communist) International" and enacted twenty-one rules as conditions for joining the Communist International. I summarize the substantial parts of the twenty-one rules as far they bear upon the issues in this proceeding.[26]

> Agitation and propaganda should correspond with the program of the Third International, and the entire Party Press should be edited by reliable Communists who have proved their loyalty to the cause of the proletariat revolu-

(24) Gov. Ex. 91; Gov. Ex. 103.

(25) Gov. Ex. 94.

(26) Gov. Ex. 94, pp. 27-32.

Exhibit "E"—(Continued.)

tion. Communists should avail themselves of every opportunity to denounce the Bourgeoisie and its Agents and all other reformists, in the press, popular meetings, Labor Unions, etc.

The class struggle in almost every country of Europe and America is entering the phase of civil war. Under such conditions the Communists can have no confidence in bourgois laws. They should create everywhere a parallel illegal apparatus, which at the decisive moment should do its duty by the party, and in every way possible assist the revolution. In every country where, in consequence of martial law or of other exceptior laws, the Communists are unable to carry on their work lawfully, a combination of lawful and unlawful work is absolutely necessary.

A persistent and systematic propaganda and agitation is necessary in the army, where Communist groups should be formed in every mili- (19) tary organization. Wherever, owning to repressive legislation, agitation becomes impossible, it is necessary to carry on such agitation illegally. But refusal to carry on or participate in such work should be considered equal to treason to the revolutionary cause, and incompatible with affiliation with the Third International.

Every party desirous of affiliating with the Third International must renounce all social patriotism and social pacifism and should dem-

Exhibit "E"—(Continued.)

onstrate to the workers the necessity for revolutionary overthrow of capitalism, and the parties must also carry on a persistent and systematic work in the Labor Unions and other Mass Organizations forming Communist groups within the unions designed to win them over to Communism. Such parties must also be committed to a complete democratic centralization of power and to assistance to the Soviet Republics against all counter revolutionary forces and propaganda, even to the extent of propagandizing disloyalty among troops to be sent against Workers Republics.

The program of any such Party must be in accordance with the resolutions of the Communist International and must be approved by that body. Further, all resolutions of the Communist International and its Executive Committee are binding upon all parties joining the Communist International and, further, the leading organs of the Press are bound to publish the important documents of the Communist International.

The Communist Party of the United States had its inception in 1919, as a result of a split in the Socialist (20) Party.[27] This early party was divided into factions which were merged in 1921 into the

(27) Gov. Ex. 164, p. 794; Gov. Ex. 97, p. 1; Tr. 53-55.

Exhibit "E"—(Continued.)

"Communist Party of America."[28] This organization declared itself to be a "section" of the Communist International;[29] and adopted a program in conformance with the program and policies of the Communist International, declaring:

> The Communist Party of America, section of the Communist International, is that part of the working class which is most advanced, intelligent, self-sacrificing, and class conscious. It is, therefore, the most revolutionary part of the working class. The Communist Party has no other interests than those of the working class as a whole. It differs from the general mass of workers in that it takes a comprehensive view of the entire historical development of the working class. At every turn of the road, it endeavors to defend the interests, not of separate groups or trades, but of the entire working class. The Communist Party is the organized political power by means of which the more advanced part of the working class leads the whole proletarian and semiproletarian mass.
>
> During the proletarian dictatorship, the

(28) The two factions which merged in 1921 were "The United Communist Party" and "The Communist Party of America." See Gov. Ex. 98. "The United Communist Party" was itself the result of a fusion in the previous year of the "Communist Party" and the "Communist Labor Party." See Gov. Ex. 97; Gov. Ex. 99, pp. 483-484.

(29) Gov. Ex. 98, pp. 1, 5.

Exhibit "E"—(Continued.)

Communist Party will continue to systematically direct the work of the Soviets and revolutionized industrial unions. The Communist Party (21) as the vankuard (vanguard) of the proletarian movement will direct the struggle of the entire working class on the politic and economic fields. It will guide the proletariat in the field of education and social life. The Communist Party must be the animating spirit in the Soviets, revolutionized industrial unions, and in all proletarian organizations.

* * *

The Communist Party will systematically and persistently propagate the idea of the inevitability of and necessity for violent revolution and will prepare the workers for armed insurrection as the only means of overthrowing the capitalist state.[30]

Due to the pressure of Government prosecution of members of subversive groups, the early Communist parties in the United States carried on their activities underground.[31] But in late 1921, the "Workers Party of America" was organized as the legal expression of the Communist Party of America.[32] In 1923, upon instructions from the Communist International, the Communist Party of America

(30) Gox. Ex. 98, pp. 6-7.

(31) Gov. Ex. 98, p. 7; Gov. Ex. 164, p. 795; Gov. Ex. 135, p. 292.

(32) Gov. Ex. 164, p. 795; Gov. Ex. 108, preface, and Gov. Ex. 111, p. 5; Gov. Ex. 135, p. 295.

Exhibit "E"—(Continued.)

was dissolved and the Workers Party of America became the sole exponent of the Communist movement in the United States, functioning as a section of the Communist International.[33] In 1925, its name was officially changed to the "Workers (Communist) Party, the American Section of the Com- (22) munist International." [34] and it openly declared its goal to be revolutionary overthrow of capitalism and the substitution therefor of a Soviet Government.[35] In 1929, the last dissentient faction within the party, the so-called "Lovestone Group," was liquidated and the Party was renamed "The Communist Party" or "The Communist Party of the U. S. A."[36] It still retains this name.

B. WITNESSES AND DOCUMENTS

The foregoing outline of the origin of the Communist Party in the United States is based upon the oral testimony of a number of witnesses and upon a mass of documentary evidence introduced by the Government. A statement of the identity of the witnesses and their opportunities for gaining knowledge of the subject seems pertinent here.

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(33) Gov. Ex. 135, p. 295; Gov. Ex. 108, p. 20; Gov. Ex. 109, p. 5; Gov. Ex. 99, p. 484; Gov. Ex. 112, p. 6; Gov. Ex. 135, p. 295.

(34) Gov. Ex. 135, p. 296; Gov. Ex. 104, pp. 26, 27.

(35) Gov. Ex. 99, pp. 484-485.

(36) Gov. Ex. 135, pp. 296, 299, 300; Gov. Ex. 129, pp. 2, 17; Gov. Ex. 130, pp. 18, 19; Tr. 57-58.

Exhibit "E"—(Continued.)

Benjamin Gitlow is at present a lecturer and writer. He was a member of the Communist Party of the United States continuously from its inception in 1919 through its various stages, until 1929, when he was expelled due to his refusal to apply the dictates of Stalin and the Comintern to the policy of the American Party.[37]

He has held various important Party positions. In the American Party he was a member of the Central (23) Executive Committee (C. E. C.), the Political Committee (Polcom or Politburo), and a member of the Secretariat, and in 1929 he was its General Secretary. In the Communist International (Comintern), he has been a member of the Executive Committee (E. C. C. I.) and of the Executive Committee of the Red International of Labor Unions (R. I. L. U. or Profintern), as well as of the "presidiums" of both of those organizations. He was the Communist Party candidate for Vice President of the United States, both in 1924 and 1928, and was once a candidate of the Communist Party for Mayor of the City of New York. In 1919, he was convicted in the State of New York on a charge of criminal anrchy[38] and was in prison for three years before being pardoned by Governor Smith.

Gitlow identified a large number of documents

(37) This expulsion was probably a part of the purge which liquidated the so-called "Lovestone Faction." See Gov. Ex. 164, p. 793.

(38) See Gitlow v. New York, 268 U. S. 652.

Exhibit "E"—(Continued.)

introduced in evidence as Government exhibits. These consisted chiefly of minutes of the meetings of the Central Executive Committee, the Political Committee and the Secretariat of the American Party, copies of which had come to him in the regular course as a member of those bodies. He also identified many pamphlets and books as official expressions of the Communist Party or expressions of Communist leaders circulated and distributed by the Party, and also documents setting forth the management and control of Communist Party printing and publishing agencies. His intimate association with the Communist Party of the United States and with the Communist International qualified him to testify concerning the history and development of the (24) Communist movement, its aims, objectives, and methods.

In view of this witness's close association with the Communist Party, his evident intelligence and the fact that his testimony is corroborated by documents and oral statements of other witnesses, I have no doubt as to the general accuracy of his testimony with reference to the period during which he was a member of the Party. His testimony relating to a subsequent period, supplemented by the other evidence in the record, shows that while there were tactical changes and fluctuations in policy to meet the needs of current situations, the fundamental policies and ultimate objectives have not changed in any manner material to the issues in this case.

Exhibit "E"—(Continued.)

The witness, Ezra F. Chase, has been treated elsewhere in connection with his testimony as to the alien's relations to the Communist Party.[39] It is sufficient here to say that Chase's varied activities and responsible positions in the Communist Party in Los Angeles qualify him to testify concerning the organization, principles, and activities of the Party, and to identify various documents as having been circulated and distributed by the Communist Party. His testimony in these respects is amply supported by that of other witnesses and by documentary proof.

Farrel Schnering, like Benjamin Gitlow, gave no direct evidence concerning the alien himself, but testified only as to the aims and objectives of the Party, its organization and program and the activities carried (25) on by the Party itself, and some of its subsidiary organizations. Although his testimony had a tendency toward prolixity, it showed a thorough knowledge of the terminology and theory of Communist principles and strategy.

Schnering first became a member of the Communist Party in January, 1930, after having had a rather extensive grounding in Socialistic Theory. He left the Party in May 1930, returned to it in June 1931, and remained until December 1935, when he was expelled for criticizing some of its policies. Shortly after his induction into the Party he became active in the International Labor Defense

(39) See page 133, post.

Exhibit "E"—(Continued.)

(I. L. D.) Organization[39] in the State of Wisconsin, and was its State Secretary upon assignment of the Communist Party. He attended the National Nominating Convention of the Communist Party in 1932 as a delegate from the Milwaukee Section, and in the same year attended a National Convention of the I. L. D. in Cincinnati. He was a director of the Milwaukee Workers School, where he taught at the direction of the District Executive Committee of the Communist Party. He participated in organizing the American League Against War and Fascism, in the State of Wisconsin,[40] assisted in the organization of the National Students League,[41] and had charge of the Communist Party activities on the campus of the University of Wisconsin. He was editor of the newspaper "Wisconsin Voice of Labor," the (26) official publication of the Communist Party for the State of Wisconsin, named to that position by the District Committee of the Party. In 1934, he was the candidate of the Communist Party for the office of Attorney General of the State of Wisconsin. At the time of his expulsion from the Party in December 1935, he was a member of the District Political Bureau.

The testimony of Schnering is concerned chiefly with various Front Organizations of the Communist Party,[42] with which he was obviously familiar.

(39) See page 72, post.

(40) See page 73, post.

(41) See page 74, post.

(42) See page 66, post.

Exhibit "E"—(Continued.)

In its general aspects it is corroborated by that of other witnesses and by the documentary evidence. He identified various items of literature which to his knowledge were circulated and distributed by the Communist Party. His oral testimony leaves no doubt that he was conversant with the terminology, literature, and doctrine of Communism and technique of Communist organization.

Howard Rushmore is at present a newspaper reporter associated with the New York Journal and has been a member of the American Newspaper Guild since 1935. He has written a number of articles chiefly on the subject of Communism for the American Magazine, Readers Digest, American Mercury, and the Christian Herald. He joined the Communist Party in the Fall of 1934, at St. Louis, Missouri. His activities in the Party have been largely in the newspaper field and in connection with the Young Communist League (Y. C. L.) which he described as the Junior Section of the Communist Party. (27)

His first position in connection with his Communist activities was as Managing Editor of the Young Worker, official organ of the Young Communist League. Thereafter, during the summer of 1936 and until March 1937, he was in North and South Dakota as organizer for the Young Communist League. At the same time, he edited a special farm page for the Daily Worker, official newspaper of the Communist Party, published in New York. He was also during this period for a short

Exhibit "E"—(Continued.)

time organizational secretary of the Communist Party of Iowa. From about May 1937 until December 1939, he was in New York on the staff of the Daily Worker, in various capacities, including that of Assistant Editor and Managing Editor of the magazine section of the Sunday Worker, the Sunday issue of the Daily Worker. He left the Party in December 1939, owing to fundamental difference over policy. His abandonment of the Party was precipitated by his refusal to review the motion picture, "Gone With the Wind" as Fascist propaganda.

The testimony of this witness concerns itself chiefly with the policies of the Communist Party with regard to its newspaper publications and the manner of exercising control over them and giving them the "Party Line." He identified a large amount of literature which he testified was circulated and distributed by the Communist Party.[43]

The witness Rushmore impressed me as being forthright and as qualified, through his background of ac- (28) tivity in the Communist Party, to testify with regard to the matters disclosed by him. His testimony to a great extent is corroborated by that of other witnesses and by documentary proof.

The witness, Nathaniel Honig, is considered elsewhere with reference to testimony specifically asso-

(43) He gave one item of evidence tending to connect the alien with the Communist Party. This item is treated at page 132, post.

Exhibit "E"—(Continued.)

ciating the alien with the Communist Party.[44] While some of his testimony referring directly to Bridges has been contradicted and some impeaching evidence presented, I find in those circumstances no reason to disregard entirely his general testimony of the subject of Communism, with particular reference to the T. U. U. L. and the M. W. I. U. His qualifications in this respect are set forth elsewhere.[45] My attitude toward the testimony of this witness has been to give credence only to those portions which are supported by other credible evidence and circumstances.

The witness, John Oliver Thompson, has also been treated in another section of this memorandum.[46] Aside from the testimony referring specifically to the alien, he gave some evidence relating generally to the Communist Party, The Y. C. L., The New York Workers Schools, and The Marine Workers Industrial Union. Since that evidence is largely cumulative and not necessary to the decision in this proceeding, I have largely disregarded it, although it is in the main corroborated by other evidence.

(29)

This witness was a member of the Y. C. L. from 1929 to 1932, at which time he was graduated into the Communist Party and remained a member until August 1935. During this period he was also active in the M. W. I. U. He went to the New York

(44) See page 141, post.

(45) See page 141, post.

(46) See page 160, post.

Exhibit "E"—(Continued.)

District Workers School and to the National Training School, both institutions of the Communist Party, where he was instructed in the Communist theory and practice, particularly with reference to work in the M. W. I. U. and Communist tactics for workers in the Marine Industry.

The testimony of William C. McQuistion, relating directly to the subject of the alien's membership in or affiliation with the Communist Party is treated in another section of this memorandum.[47] Aside from that testimony, he gave general evidence concerning the organization, objects and practices of the M. W. I. U. and the relation of that organization to the Communist Party. He was a charter member of that organization and remained with it until its was abandoned in 1935. He was a member of its National Bureau and National Fraction. Essentials of his testimony in this regard are borne out by the testimony of other witnesses and by documentary proof, and only so far can it be credited.

C. EVIDENCE RELATING TO ADVOCACY OF THE USE OF FORCE AND VIOLENCE TO OVERTHROW THE GOVERNMENT OF THE UNITED STATES

The ultimate objective of Communism and of the Communist Party of the United States is that society shall be transformed from one based upon the concept (30) of capitalism to one purely socialistic. The Communist Party believes and teaches this

(47) See page 127, post.

Exhibit "E"—(Continued.)

transformation can be accomplished only by the overthrow of all Capitalist Governments, the United States Government being in that category, and the substitution therefor of a dictatorship of the proletariat, patterned after the Government of Soviet Russia. To the accomplishment of this end, all the more immediate aims and objectives of the Communist movement are directed. This objective, the Communist Party believes, advises, advocates, or teaches, cannot be accomplished by peaceful means, but only through the violent overthrow of existing Governments and the forceful suppression of the present "bourgeois" ruling classes.

The above concept is grounded primarily upon the famous "Manifesto" of Marx and Engels in 1848, which has since been interpreted and expounded by their followers in the Third International and particularly by Lenin. The "Manifesto" closes with the exhortation:

> The Communists disdain to conceal their views and aims. They openly declare that their ends can be attained only by the forcible overthrow of all existing social conditions. Let the ruling classes tremble at a Communist revolution. The proletarians having nothing to lose but their chains. They have a world to win.
>
> Workingmen of all countries, unite![48]

The witness Gitlow explained the interpretation currently placed upon the "Manifesto" as follows:

(48) Gov. Ex. 91, p. 44; see Branch v. Cahill, 88 F. (2d) 545.

Exhibit "E"—(Continued.)

A. The present Communist Party interpretation of that Manifesto is to lay down the policy (31) that it is necessary to overthrow, in order to overthrow capitalism it is necessary to do it forcibly through a violent revolution. They go even further and say that it also gives and it also approves or it also lays the basis for the manner in which the Communists will set up their own state as a dictatorship in order to change the social system from a Capitalistic one to a Communistic one.[49]

This doctrine is expanded and expressed in "The Theses and Statutes of The Third (Communist) International," promulgated by the Second World Congress in 1920, in the following terms:

The Communist International makes its aim to put up an armed struggle for the overthrow of the International Bourgeoisie and to create an International Soviet Republic as a transition stage to the complete abolition of the state. The Communist International considers the dictatorship of the proletariat as the only means for the liberation of humanity from the horrors of capitalism. The Communist International considers the Soviet form of Government as the historically evolved form of this dictatorship of the proletariat.[50] * * *

The mass struggle means a whole system of

(49) Tr. 285-286.

(50) Gov. Ex. 94, p. 4.

Exhibit "E"—(Continued.)

developing demonstrations growing ever more acute in form, and logically leading to an uprising against the capitalistic order of Government.[51] (32)

Lenin treats the doctrine as follows:

> We have already said above and shall show more fully later that the teaching of Marx and Engels regarding the inevitability of a violent revolution refers to the Bourgeois state. It cannot be replaced by the proletarian state (the dictatorship of the proletariat), through "withering away", but, as a general rule only through a violent revolution. * * * The replacement of the Bourgeois by the proletarian state is impossible without a violent revolution. The abolition of the proletarian state, i. e., of all States, is only possible through "withering away."[52]

Similar expressions in Communist literature are abundant.[53]

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(51) Gov. Ex. 94, p. 47.

(52) Gov. Ex. 182, pp. 19-20, State and Revolution, by V. I. Lenin, 1932, International Publishers Co., Inc.

(53) In the references here given, only a few of the most salient pages are referred to. In each case where the reference is a book or pamphlet, a reading of the entire document would be more satisfactory to an understanding of the doctrine expressed than mere consideration of the pages referred to. Gov. Ex. 93, pp. 6, 12-13; Gov. Ex. 105, p. 16; Gov. Ex. 182, pp. 9-34; Gov. Ex. 184, pp. 14-18; Gov. Ex.

Exhibit "E"—(Continued.)

The oral testimony of the various witnesses not only corroborates the documnetary expressions of the teachings of the Communist Party but also demonstrates that the Party has been successful in its purpose of indoctrinating its adherents with its precepts. Some excerpts from the oral testimony in this respect are (33) set out and references to the transcript in the footnote[54] indicate other similar expressions.

Q. And were the aims and objectives of the Party also set up in this constitution?

A. Yes, surely.

Q. And what were the aims and objectives?

A. The aims and objectives of the Communist Party then set up were the revolutionary aims and objectives as outlined later by the Communist Internationale, that is, working for organizing the forces to overthrow the Government of the United States and to set up in its place a new form of Government to be known as the Dictatorship of the Proletariat, patterned after the form of the government of Soviet Russia.

Q. And how was that to be accomplished with regards to the use of force and violence?

95, pp. 36-37; Gov. Ex. 98, p. 7; Gov. Ex. 102, p. 62; Gov. Ex. 237, p. 20; Gov. Ex. 120, pp. 32, 54, 59, 62; Gov. Ex. 225, p. 453; Gov. Ex. 239, p. 57; Gov. Ex. 138, pp. 127, 142.

(54) Tr. pp. 51-55, 76, 93, 115-117, 250, 285, 363-364, 376-378, 381, 1393-1394, 1398, 1433-1434, 1863-1864.

Exhibit "E"—(Continued.)

A. Well, it was understood and stated very definitely in the programs that that could not be accomplished without engaging in a violent revolution which, if successful, would succeed in overthrowing the Government of the United States.

Q. You have mentioned the dictatorship of the Proletariat. Just what do your mean by that expression?

A. Well, the bolsheviks or the communists of Russia brought that term into prominence, and they declared that once a revolution took place the old state, or the old Government, had to be replaced by a new form of Government, which they called the Dictatorship of the Proletariat, not a democratic government, but the opposite, (34) a dictatorship, which should proceed to lay the basis for the transformation of society from a capitalist basis to a socialist basis.

Q. Does the Communist Party of the United States have any other aims than that which you have just stated?

A. All its aims are predicated to that ultimate aim.[55]

* * * * * *

Q. And ultimately use the unions for the purpose of accomplishing their ultimate aim and objective? A. Yes.

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(55) Tr. pp. 55-56.

Exhibit "E"—(Continued.)

Q. Which is——

A (Interposing). The overthrow of the Government of the United States.

Q. How?

A. By force and violence, by the process of the revolution, the armed uprising of the American working class.

Q. And that is the aim and objective of the Communist Party as you know it?

A. That is the aim and objective of the Communist Party as I know it; and the Communists, of course, contend that this is a matter that has been decreed by history and history has cast them in the role of those particular people who are going to lead, guide, and direct their armed uprising which they speak of as the revolution.[56]

Q. That is the overthrow of the Government of the United States (35)

A. That is right.

Q. By force and violence and substitute therefor the Soviet form of Government?

A. Yes. Let me interject here: This matter, of course—and violence is understood by every Party member. As a matter of fact, one of the conditions for membership in the party is that a worker has reached the point, or any person has reached the point, where he understands that force and violence must be used to smash and destroy the capitalist Gov-

(56) Tr. pp. 441-442.

Exhibit "E"—(Continued.)

ernment. That is what brings a man into the Communist Party.[57]

* * * * * *

Q. This was the Communist Party policy?

A. Oh, yes.

Q. To attract and influence this group of people to adopt their principles and ultimately join with them in the overthrow of the Government by force and violence?

A That is right.[58]

The foregoing excerpts from the documentary and oral proof are merely illustrative of a large mass of evidence of like effect. I conclude that this evidence establishes that the Communist Party of the United States believes in, advises, advocates, and teaches the overthrow, by force and violence, of the Government of the United States, within the terms of the statute relating to the deportation of aliens. The period covered by this evidence begins with the inception of the Communist Party of the United States, in 1919, and covers most of the years from that time until shortly prior to this pro- (36) ceeding. There is no evidence that the fundamental aims of the Party have changed since 1919, and I conclude that these continued substantially the same until the time of the hearing in this matter.

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(57) Tr. p. 454.

(58) Tr. p. 461.

Exhibit "E"—(Continued.)

D. EVIDENCE RELATING TO THE DISTRIBUTION OF LITERATURE

The excerpts from literature quoted or referred to in the foregoing subdivision demonstrate that the Communist Party advocates the use of force and violence to overthrow the existing Government of the United States. The documents referred to were identified by the several witnesses as having been circulated and distributed by the Communist Party through its regular channels. Evidence was presented in the hearing, showing the manner in which these activities have been carried on and their extent. I therefore make reference to some of the more pertinent portions of the evidence in this respect.

The Communist Party of the United States has a literature department which prints, publishes and distributes approved writing through various channels controlled by the Party. Most of the Communist books and pamphlets introduced in evidence by the Government were printed and published by the Workers Library Publishers, Inc., and the International Publishers, Inc. The former was organized at the direction of the Polcom,[59] and incorporated under the laws of the State of New York.[60] The International Pub- (37) lishers is also a New York corporation organized by the Com-

(59) Gov. Ex. 29, Tr. pp. 134-135.

(60) Gov. Ex. 86; Tr. pp. 275-278; Gov. Ex. 87; Tr. p. 279; Tr. p. 1376.

munist Party of the United States, at the direction of the Comintern.[61] References to other publishing and printing establishments of the Communist Party are set out in the footnote.[62]

The Communist Party also prints and circulates a number of periodicals. Chief among these are the newspapers the "Daily Worker," official organ of the Communist Party, and the "Sunday Worker," published in New York City, and the monthly magazine, "The Communist."[63] On the Pacific Coast, the Communist Party had as it official newspaper the semi-weekly "Western Worker."[64] In 1936, this paper was evidently supplanted by the "Peoples World," a daily newspaper.[65]

Various witnesses testified generally as to the extent and manner of carrying on the Communist Party program of propaganda through the publication of literature.[66]

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(61) Gov. Ex. 84; Gov. Ex. 85; Tr. pp. 271-275; Tr. p. 1429.

(62) Comprodaily Publishing Co., Gov. Ex. 81; Tr. pp. 267-269; Daily Worker Publishing Co., Gov. Ex. 82; Gov. Ex. 83; Tr. pp. 269-271; Prompt Press, Inc., Co., Gov. Ex. 195; Tr. pp. 801-802; Daily Publishing Co., Gov. Ex. 196; Tr. pp. 802-803; Freedom of the Press Co., Gov. Ex. 197; Tr. p. 802; F-A Printing Corp., Gov. Ex. 193; Tr. p. 800; F. & D. Printing Co., Gov. Ex. 194; Tr. p. 801.

(63) Gov. Ex. 75; Tr. pp. 256-260; Tr. p. 718; see also Gov. Ex. 72; Gov. Ex. 89; Gov. Ex. 90.

(64) Gov. Ex. 76.

(65) Gov. Ex. 76; Tr. pp. 464, 718, 777-778.

(66) Gov. Ex. 15; Tr. pp. 94, 373-375, 462, 1368-1371.

Exhibit "E"—(Continued.)

The extent to which Communist Party teachings has been carried on through the medium of printed matter (38) is also illustrated by extracts from a report made to the plenum of the Communist International, reprinted by the "Party Organizer," a publication of the Central Executive Committee of the Communist Party of the United States. In this report, there is given a summary of the progress made by the American Party in the publication and distribution of Party literature,[67] which the author summaries as follows:

> The lowest edition published this year was 4,000 and the highest 60,000. The 60,000 wasn't a one-cent pamphlet either. It was Why Communism? and retailed at 10c. We are preparing a new edition of the pamphlet at 5c. We expect to publish 250,000 during the year—starting with 100,000. We published 11 pamphlets on trade unionism and labor struggles. We published 4 Y. C. L. pamphlets. It is very interesting to say that the best distribution was received of the youth pamphlets. Ninety percent were sold. They were published in 20,000 to 25,000 editions. The Y. C. L. primarily handled the distribution.
>
> As far as our theoretical literature is concerned, we have a great increase in interest in this type of literature At the beginning of the crisis, about 50,000 pieces were published a year. In 1934, over 500,000 were issued. This

(67) Gov. Ex. 188, pp. 40-44.

Exhibit "E"—(Continued,)

shows a tremendous interest in Marxist-Leninist literature, precisely because of the crisis, and we must encourage still further the distribution of this type of literature. A good example, of course, is Stalin's book of 128 pages. 100,000 (39) published to retail at 10c. About 80,000 have been distributed already. This sort of literature is wanted more and more, but agitational literature is still our main task. In connection with our theoretical literature, we must remember that we have to be constantly on guard against any and all attempts to bring alien ideology into our movement. Our literature is a great weapon against this. All sorts of would-be Marxist literature is being published by bourgeois publishers and the renegades. Our job is to fight it with our own theory which must be kept clear and undefiled.

I conclude, that this evidence sustains the Government's contention that the Communist Party writes, circulates, distributes, prints, publishes, displays, and causes to be written circulated, distributed, printed, published, and displayed and has in its possession for those purposes written or printed matter advising and teaching the overthrow by force and violence of the Government of the United States, and that the Communist Party of the United States therefore comes within the purview of the statute under which the alien's deportation is sought.

Exhibit "E"—(Continued.)

E. STRATEGY AND TACTICS EMPLOYED BY THE COMMUNIST PARTY TO ACCOMPLISH ITS OBJECTIVES

In the preceding subdivisions of this memorandum, I have pointed out briefly the aims and objectives of the Communist Party, its advocacy of force and violence and its publication and distribution of literature advocating its doctrines. (40)

My findings in relation to those matters are sufficient without further comment, to conclude that the Communist Party of the United States comes within the purview of the statute with which we are here concerned. In view of the rules of the Department requiring me to give a summary of the evidence in the hearing, I summarize the proof relating to the strategy and tactics employed by the Communist Party to carry out its objectives in the United States.

The strategy of the Communist Party to accomplish its final aims in the United States has been formulated around the more immediate objective of gaining control over the masses, schooling them to the necessity for a violent revolution, and training them in revolutionary tactics. In furthering this objective, the Communist Party conceives itself and its members as the vanguard of the working classes, directing them, as the most important section of the masses, into a revolutionary state of mind, which will be ultimately utilized in effecting the proletarian revolution and the dictatorship of

Exhibit "E"—(Continued.)

the proletariat. A few excerpts from the Party literature illustrate this immediate aim.

> The task of our Party today, the tasks of this convention have been clearly and systematically set forth in the documents before us for adoption, especially the Theses and Decisions of the 13th Plenum of the Executive Committee of the Communist International. * * * My report has been for the purpose of further elaborating these fundamental directives and discussing some of our central problems concretely in the light of these directives. All these tasks set (41) forth in the documents before us are particular parts of the one general task * * * of winning the majority of the toiling masses for the revolutionary struggle for their immediate political and economic needs as the first steps along the road to proletarian revolution, to the overthrow of capitalist rule, the establishment of a revolutionary worker's government, a Soviet government, and the building of a Socialist society in the United States.[68]
>
> The doctrine of the class struggle, as applied by Marx to the question of the State and of the Socialist revolution, leads inevitably to the recognition of the political rule of the proletariat, of its dictatorship, i. e., of a power shared with none and relying directly upon the armed force of the masses. The overthrow of the bourgeoisie is realizable by the transforma-

(68) Gov. Ex. 136, p. 102.

Exhibit "E"—(Continued.)

tion of the proletariat into the ruling class, able to crush the inevitable and desperate resistance of the bourgeoisie, and to organize, for the new economic order, all the toiling and exploited masses.[69]

It follows that for revolution it is essential first that a majority of the workers (or at least a majority of the class-conscious, thinking, politically active workers) should fully understand the necessity for revolution and be ready to sacrifice their lives for it; secondly, that the ruling classes be in a state of governmental crisis which draws even the most backward masses into politics * * * weakens the government and makes it possible for the revolutionaries to overthrow it rapidly.[70] (42)

(1) The Party as the Vanguard of the Working Class.

The Party must first of all constitute the vanguard of the working class. The Party must absorb all the best elements of the working class, their experience, their revolutionary spirit and their unbounded devotion to the cause of the proletariat. But in order that it may really be the vanguard, the Party must be armed with a revolutionary theory, with a knowledge of the laws of the movement, with a knowledge of the laws of revolution * * *

(69) Gov. Ex. 182, p. 23.

(70) Gov. Ex. 183, pp. 43-44.

Exhibit "E"—(Continued.)

Only a party which adopts the point of view of the vanguard of the proletariat, which is capable of raising the masses to the level of the class interests of the proletariat, is capable of diverting the working class from the path of craft unionism and converting it into an independent political force. The Party is the political leader of the working class.

* * * Every army at war must have an experienced General Staff if it is to avoid certain defeat. All the more reason therefore why the proletariat must have such a General Staff if it is to prevent itself from being routed by its mortal enemies. But where is this General Staff? Only the revolutionary party of the proletariat can serve as this General Staff. A working class without a revolutionary party is like an army without a General Staff. The Party is the Military Staff of the Proletariat.[71]

The international imperialist bourgeoisie has killed off ten million men and maimed twenty million in "its" war, the war to decide whether (43) the English or the German robbers are to rule the world.

If our war, the war of oppressed and exploited against oppressors and exploiters, results in half a million or a million victims in all countries, the bourgeoisie will say that the sacrifice of the former is justified, while the latter is criminal.

(71) Gov. Ex. 183, pp. 107-109.

Exhibit "E"—(Continued.)

The proletariat will say something altogether different.

Now, amid the ravages of the imperialist war, the proletariat is thoroughly mastering that great truth taught by all revolutions and left as a heritage to the workers by their best teachers, the founders of modern Socialism. That truth is, that there can be no successful revolution without crushing the resistance of the exploiters. It was our duty to crush the resistance of exploiters when we, the workers and toiling peasants, seized state power. We are proud that we have been doing it and are continuing to do it. We only regret that we are not doing it in a sufficiently firm and determined manner.[72]

The successful struggle of the Communist International for the dictatorship of the proltariat presupposes the existence in every country of a compact Communist Party, hardened in the struggle, disciplined, centralized, and closely linked up with the masses.

The Party is the vanguard of the working class, and consists of the best, most class-conscious, most active and most courageous members. It incorporates the whole body of experience of the proletarian struggle * * *. It is a revolutionary organization, bound by iron discipline and strict revolutionary rules

(72) Gov. Ex. 184, p. 18.

Exhibit "E"—(Continued.)

of (44) democratic centralism, which can be carried out owing to the class-consciousness of the proletarian vanguard, to its loyalty to the revolution. * * *[73]

The dictatorship of the proletariat is a persistent struggle, Lenin says further, "sanguinary and bloodless, violent and peaceful, military and economic, educational and administrative"—against the forces and traditions of the old society. The force of habit of millions and of tens of millions is a terrible force. Without an iron party steeled in the struggle, without a party enjoying the confidence of all who are honest in the given class, without a party capable of keeping track of and influencing the mood of the masses, it is impossible to conduct such a struggle successfully.[74]

It must be emphasized that capitalism will not simply come to an end; it can only be ended by the organized actions of the working class in collaboration with its allies from other sections of the population.

The revolution does not simply happen; it must be made. This does not imply that the Communist Party "makes" the revolution. The socialist revolution is carried out by the great masses of toilers. The Communist Party, as the vanguard of the most conscious toilers, acts as their organizer and guide. It gives the masses

(73) Gov. Ex. 185, pp. 62-63.

(74) Gov. Ex. 186, p. 42.

Exhibit "E"—(Continued.)

political awareness of their problems, a realistic program that will solve these problems; the heightened class consciousness of the workers leads them to follow the Communist Party.[75] (45)

F. PROGRAM OF THE COMMUNIST PARTY WITH REGARD TO THE LABOR MOVEMENT

As indicated in the above excerpts, the chief emphasis in the strategy for obtaining control over the masses is to enlist the support of the workers, since they constitute a large section of the proletariat. It is of primary importance that they should be captured as sympathizers, affiliates or members in the Communist scheme. To this end, the Party had adopted an opportunistic program for the purpose of insinuating itself into the ranks of organized labor as well as the unorganized group of workers. In general, the device employed is to play upon the needs, dissatisfactions and sympathies of the working masses, by fostering demands, encouraging strikes, mass demonstrations and other forms of political and physical expression.[76] The following excerpts from Communist literature illustrate this principle:

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(75) Gov. Ex. 231, p. 125.

(76) In addition to the excerpts the following references in Government Exhibits illustrate the program; Gov. Ex. 19, p. 3; Gov. Ex. 60; Gov. Ex. 73; Gov. Ex. 74; Gov. Ex. 26, p. 1; Gov. Ex. 56, p. 1; Gov. Ex. 20, pp. 4-5.

Exhibit "E"—(Continued.)

In (It) is necessary to be able to withstand all this, to go the whole length of any sacrifice, if need be, to resort to strategy and adroitness, illegal proceedings, reticence and subterfuge, to anything in order to penetrate into the Trade Unions, remain in them, and carry on Communist work inside them, at any cost.[77]

The art of warfare under modern conditions consists in mastering all forms of fighting and all the achievements of science in this sphere, (46) utilizing them intelligently, combining them intelligently, or making timely use of one or another of these forms as the circumstances of the situation require.

The same applies to the forms of struggle in the political sphere. The forms of struggle in the political sphere are even more varied than the forms of warfare. They change with the development of economic life, social life, and culture, with the condition of classes, the relation of the contending forces, the nature of government and, finally, with international relations. The illegal form of struggle under absolutism, combined with partial strikes and workers' demonstrations; the open form of struggle, when "legal opportunities" existed and mass political strikes of the workers; the parliamnetary form of struggle at the time, say, of the Duma and extra-parliamentary demonstrations of the masses at times assuming the

(77) Gov. Ex. 105, p. 50.

Exhibit "E"—(Continued.)

character of armed insurrections; lastly, state forms of struggle, when the proletariat had taken power and is able to utilize all the means and forces of the state, including the army—such in general are the forms of struggle which were developed in the practice of the revolutionary struggle of the proletariat. It is the duty of the Party to master these forms of struggle, to combine them intelligently on the field of combat, and skillfully to direct the struggle into such forms as are particularly expedient in the given situation.

The forms of organization of armies and the kinds of troops are usually adapted to the forms and methods of conducting warfare. The former change with the latter. In a war of maneuvers the issue is frequently decided by massed (47) cavalry. In trench warfare, on the other hand, the cavalry plays either no part at all, or a subordinate part; artillery and aviation, gas and tanks, then decide everything.

The aim of the art of warfare is to utilize all the various kinds of troops, to perfect them and to skillfully combine their operations.

The same is true of the forms or organization in the political sphere. Here, as in the military sphere, the forms of organization are adapted to the forms of struggle. Secret organizations of professional revolutionaries in the era of absolutism; educational, trade union, cooperative and parliamentary organizations

Exhibit "E"—(Continued.)

(the fractions in the Duma, etc.) in the era of the Duma; factory and workshop committees, peasant committees, strike committees, Soviets of workers' and soldiers' deputies, revolutionary military committees, and a large proletarian party uniting all these forms of organization, during the period of mass action and insurrection; finally, the state form of organization of the proletariat when the power of government becomes concentrated in the hands of the working class — such in general are the forms of organization which, under varying conditions, the proletariat can and must utilize in its struggle against the bouregeoisie.

It is the duty of the Party to master all these forms of organization, perfect them and skillfully combine their work at each particular moment.[78]

In order that it may fulfill its historic mission of achieving the dictatorship of the proletariat, the Communist Party must first of all set itself (48) to accomplish the following fundamental strategic aims:

Extend its influence over the majority of the members of its own class, including working women and the working youth. To achieve this the Communist Party must secure predominant influence in the broad mass proletarian organizations (Soviets, trade unions, factory councils, cooperative societies, sport organiza-

(78) Gov. Ex. 185, pp. 31-32.

Exhibit "E"—(Continued.)

tions, cultural organizations etc.). It is particularly important for the purpose of winning over the majority of the proletariat, to capture the trade unions, which are genuine mass working-class organizations closely bound up with the everyday struggles of the working class. To work in reactionary trade unions and skillfully to capture them, to win the confidence of the broad masses of the industrially organized workers, to relieve and remove from their posts the reformists leaders, represent important tasks in the preparatory period.[79]

When the revolutionary tide is not rising, the Communist Parties must advance partial slogans and demands that correspond to the everyday needs of the toilers, and combine them with the fundamental tasks of the Communist International. * * * United front tactics also occupy an important place in the tactics of the Communist Parties throughout the whole pre-revolutionary period as a means towards achieving success in the struggle against capital, towards the class mobilization of the masses, and the exposure and isolation of the reformist leaders. (49)

The correct application of united front tactics and the fulfillment of the general task of winning over the masses pre-suppose in their turn systematic and persistent work in the trade unions and other mass proletarian or-

(79) Gov. Ex. 185, pp. 62-63.

Exhibit "E"—(Continued.)

ganizations. It is the bounden duty of every Communist to belong to a trade union, even a most reactionary one, provided it is a mass organization.[80]

(4) A persistent and systematic propaganda and agitation is necessary in the army, where Communist groups should be formed in every military organization. Whenever, owing to repressive legislation, agitation becomes impossible, it is necessary to carry on such agitation illegally. But refusal to carry on or participate in such work should be considered equal to treason to the revolutionary cause, and incompatible with affiliation with the Third International.[81]

The elementary means of the struggle of the proletariat against the rule of the bourgeoisie is, first of all, the method of mass demonstrations. Such mass demonstrations are prepared and carried out by the organized masses of the proletariat, under the direction of a united, disciplined, centralized Communist Party. Civil war is war. In this war the proletariat must have its efficient political officers, its good polical general staff, to conduct operations during all the stages of that fight.

The mass struggle means a whole system of developing demonstrations growing ever more acute in form, and logically leading to an up-

(80) Gov. Ex. 185, pp. 67-68.

(81) Gov. Ex. 94, p. 28.

Exhibit "E"—(Continued.)

ris- (50) ing against the capitalist order of government. In this warfare of the masses developing into a civil war, the guiding party of the proletariat must, as a general rule, secure every and all lawful positions, making them its auxiliaries in the revolutionary work, and subordinating such positions to the plans of the general campaign, that of the mass struggle.[82]

The revolutionary will accept a reform in order to use it as a means wherewith to link legal work with illegal work, in order to use it as a screen behind which his illegal activities for the revolutionary preparation of the masses for the overthrow of the bourgeoisie may be intensified.[83]

While the Communist Party of the USA does not openly state this as a purpose on all occasions or is not ostensibly engaged in this particular task at all times this is the stated reason for building mass Communist Party for fighting for better conditions such as shorter hours, higher wages, more relief to the unemployed, and all of the other demands raised in the various struggles organized by or under the leadership of the Communist Party. These demands are what are termed temporary demands or aims, and they are brought forward solely for the purpose of increasing the mem-

(82) Gov. Ex. 94, p. 47.

(83) Gov. Ex. 183, p. 103.

Exhibit "E"—(Continued.)

bership of the Communist Party and establishing the Communist Party as the leader of the working class and its allies. * * * While the Communist Party does not hesitate to use the ballot in order to get before the electorate of the country in order to bring forward its program and its temporary (51) demands, this is regarded as only a make-shift at the best, and further is only another means of building the influence and membership of the Communist Party.[84]

The Trade Union Educational League

The program outlined above found its expression in the American Labor Movement through the organization, about 1921, of the Trade Union Educational League (T.U.E.L.).[85] The program of this organization was one of infiltration of Communist Party members into the so-called reactionary A. F. of L. Unions, and "boring from within." This was accomplished by organizing a nucleus of Communist Party members within a particular union, called a "fraction," which worked secretly, organizing opposition or left-wing movements, pursuant to a program formulated by the Communist Party.[86] The object of this policy was eventually to wrest control of the A. F. of L. Unions from their "reactionary leaders," in order to prepare them for

(84) Tr. pp. 1273-74.

(85) Tr. pp. 72-77; Gov. Ex. 135, p. 164.

(86) Tr. pp. 72-77; Gov. Ex. 135, p. 164-65.

Exhibit "E"—(Continued.)

the role invisioned for them in the ultimate "revolution."[87] The T. U. E. L. was a so-called "front organization" whose true purpose of advancing the aims of Communism was screened by the ostensible legitimate purpose of educating its members in the principles of labor organization.[88] The T. U. E. L. was the American affiliate of the R. I. L. U., which in turn (52) was the Trade Union Bureau of the Comintern.[89] In connection with the functions of the T. U. E. L., and the trade union policies and tactics of the Communist Party during this period, and the place of this program in the entire Communist scheme, a letter from the Comintern and Profintern received by Gitlow from the Secretary of the American Section in July 1925, outlining the program of the American Party is quoted in full.[90]

> Dear Comrades: It is of extreme importance to the life and growth of the Workers Party that its members as a whole realize better the necessity of more intensive work in the labor unions. The labor unions are the basic mass organizations of the workers. They wage war against the employers as one of the most important sectors of the front of the class strug-

(87) Tr. pp. 78-79; 444.

(88) Tr. p. 444; Tr. pp. 72-77, 150, 161; Tr. pp. 368-72; Gov. Ex. 120, p. 69.

(89) Tr. p. 137.

(90) This letter is also reproduced in full in the record, pages 208-13 of the transcript.

Exhibit "E"—(Continued.)

gle. The capture of the leadership of the labor union masses in their struggle is vitally necessary not only for the strengthening of the Workers Party at the present time, but also for the ultimate victory of the revolutionary struggle. The capture of the labor unions is our first and foremost task.

That the Workers Party as a whole does not yet thoroly realize the exceptional importance of trade union activity is clear from the fact that only 40% of the Party membership are members of labor unions, and even if (of) those only very few are active in the latter work. If the unions are weak and are dominated by the reactionaries, it is the business of the Communists to strengthen them and to wage a relentless fight against the (53) leadership and the policies of the reactionaries. In those places and industries where no labor unions exists the Communists must take the initiative and organize unions. We must not sit with our hands folded and wait until the labor bureaucracy finds it necessary to form unions. The organization of the masses into labor unions is the historical task of the Communist movement in America.

The Party must use disciplinary measures to compel its members to join the labor unions and become active in them. It must be firmly fixed in the mind of every Party member that no worker in an industrial country like America

Exhibit "E"—(Continued.)

can be a real Communist unless he is an active labor unionist. The Party must take a determined stand against any sign of slackness in labor union activity. The work in the labor unions must be regarded as the basis which will determine the success of the Party in most other spheres of work.

The Workers Party must render the utmost assistance to the Trade Union Educational League. Wherever the Party has branches the latter must regard it as their duty to set up and maintain local branches of the League. Party members who are trade unionists must actively engage in the work of the League. In the League as a whole and in each separate labor union organization the Party members must be united into a Communist fraction and on all questions act unanimously as one body. The League must resume publication of its central organ and extend the literature department both of which must be supported by the Party members and by the Party as a whole. The idea that (54) the League represents an organization independent of the Party must be eradicated.

The Workers Party must also do everything within its power to prevent itself becoming isolated from the masses. It must resist the tendencies to reduce the Trade Union Educational League to the position of an exclusive organ of the Communists and their closest sympa-

Exhibit "E"—(Continued.)

thizers, irrespective of whether such tendencies are a result of pressure from outside or of pressure on the part of the Party members anxious to keep out nonpartisans. The Party must strive to convert the League into an extensive Left Bloc Organization lining up all the revolutionary and progressive elements in the labor unions against the reactionary bureaucracy.

The Communist strategy in the labor unions must be to unite, thru the medium of the Trade Union Educational League, all the left wing elements against the old officialdom and their policies. Every struggle of the workers and all everyday activities must be directed to this object. One of the important features of the work in the labor unions is without fail to utilize the elections of trade union officers and of the delegates to the local district, national and A. F. of L. conventions. Among the so-called progressive elements there is a growing tendency to develop an opposition against the reactionary labor union bureaucracy and to put up their own ticket in opposition to them at elections. This tendency must be stimulated and developed by the Workers Party as a means of bringing the workers under its influence. In every election, both in local unions, central Trades Councils and in the international union, the Communists, where (55) they are not sufficiently strong to secure the elec-

Exhibit "E"—(Continued:)

tion of their own candidates, must unite with the progressives and support joint candidates on the basis of the united front. It should be remembered that the officialdom of the American Federation of Labor and of the international unions does not represent a single reactionary mass. The closer the labor union official is to the shop and the dues-payer, the more subject he is to the direct influence of the masses of the workers. Among these elements there are many who are disgusted with the policies of the heads. This discontent, tho not yet organized, nevertheless represents opposition to the old course. The Party must give every possible assistance to the progressive elements in their struggle against the reactionary bureaucracy. The League must strive to establish a united front with these elements on the basis of a concrete program of action.

The League should be actively supported by the Party in the prosecution of the League program endorsed at the Third Congress of the R. I. L. U. Particular attention should be given to the following points.

1. Strikes and Wage Movements.

The Party must actively engage in every strike and wage movement. It must also arouse the masses to take up such movements. It must skillfully utilize these movements for political ends. It must have a program of de-

Exhibit "E"—(Continued.)

mands for each mass movement of this kind and the Communists must fight for the leadership in the struggle. The wage-cutting campaign carried out by the capitalists must be opposed by a countercampaign of strikes. (56)

2. Class Collaboration.

The Party must conduct a relentless war against all class collaboration plans, such as the Labor Banks, Insurance Companies, the B. & O. Plan, etc., which are being foisted upon the workers by the reactionary bureaucracy. This campaign must be opposed by a militant struggle for a class-war policy. The Party must steadily expose the incapability, corruption, and treachery of the reactionary bureaucracy.

On the question of Labor banking, our policy must be to oppose the establishment of new banks on the present basis and to demand that the existing banks be reorganized on cooperative lines, that they break with Wall Street and refrain from locking up strike funds in various investments.

3. Organization of the Unorganized.

In every labor union the Party must raise the question of the organization of the unorganized The Party should also utilize its shop nuclei for the organization of the organized and to obtain the leadership in all their struggle. Where labor unions exist the policy of the Party must be to strengthen them. Where

Exhibit "E"—(Continued.)

there are no labor unions the Party must take the initiative and form unions.[91]

The T. U. E. L. as an affiliate of the R. I. L. U., was subordinate to the Comintern, the R. I. L. U., and their committees, and also to the C. E. C. of the American Party. In this connection, it is noted that a constitution and program for the T. U. E. L. were considered by the Polcom as evidenced by the minutes of Nov. 2, (57) 1927.[92] The minutes of the top committees of the Party contain numerous instances of direct instructions to be carried out by the T. U. E. L., even in detailed matters.[93]

The Trade Union Unity League

The policy which gave rise to practice of infiltration into the established Labor Unions and "boring from with" had two immediate aims: (1) To organize a left-wing opposition within the A. F. of L. Unions, and, (2) To evolve a new central organization by merging these left-wing groups with similar blocs within the large number of independent unions existing at that time,[94] but, about 1929, the strategy which led to the development of the T. U. E. L. began to undergo a change, upon direc-

(91) Tr. pp. 208-213.

(92) Gov. Ex. 32; see also transcript, pp. 139-40.

(93) Gov. Ex. 10, p. 7; Gov. Ex. 13, p. 3; Gov. Ex. 20, pp. 5-6; Gov. Ex. 21, pp. 1-3; Gov. Ex. 26, p. 2; Gov. Ex. 27, p. 3; Gov. Ex. 31, p. 2; Gov. Ex. 36, pp. 1-4; Gov. Ex. 41.

(94) Tr. p. 171; Gov. Ex. 66.

Exhibit "E"—(Continued.)

tions from the Comintern and the R. I. L. U. The new policy was expressed in the transformation of the T. U. E. L. at a Convention in August 1929 into the Trade Union Unity League (T. U. U. L.), which began a program of organizing and chartering its own revolutionary unions, controlled directly by the Communist Party[95] These unions were of the industrial type, as distinguished from the craft unions of the A. F. of L.[96] The T. U. U. L. policy, however, did not entirely supplant the former "boring from within" tactic in the (58) already established Unions, but rather was designed to complement that strategy, since the T. U. U. L. emphasized the organization into unions of previously unorganized workers.[97] The official publication of the T. U. U. L. was "Labor Unity" of which the Government witness Nat Honig was for a time editor.[98]

The T. U. U. L., like its predecessor, the T. U. E. L., was affiliated with the R. I. L. U. and was dominated by the Communist Party and its governing committees.[99] Its National Committee was composed chiefly, if not entirely, of members of the

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(95) Tr. pp. 234-236; Gov. Ex. 164, pp. 809; Gov. Ex. 220, p. 26; Gov. Ex. 129, p. 32; Tr. pp. 486-487; See also Gov. Ex. 66.

(96) Tr. pp. 72-73.

(97) Gov. Ex. 221, pp. 6-7; Gov. Ex. 135, p. 218.

(98) Gov. Ex. 135, p. 218.

(99) Tr. pp. 443-48; Gov. Ex. 220, p. 31; Gov. Ex. 164, p. 810, 799.

Exhibit "E"—(Continued.)

Communist Party,[1] and it openly supported the program of the Communist Party.[2] The T. U. U. L. became the central organization of a group of revolutionary unions which it chartered.[3]

The Marine Workers Industrial Union

One of the unions chartered by the T. U. U. L. was the Marine Workers Industrial Union (M. W. I. U.), which is treated separately because it is specifically alleged that the alien was a member of, or affiliated with it, particularly during the years 1932, 1933 and 1934. This union was formed in 1930 and included both seamen and longshoremen in its membership, contrary to the craft type of organization of the A. F. of L.[4] It was liquidated in 1935.[5] (59)

It is the alien's contention that membership in or affiliation with the T. U. U. L. through its subsidiary, the M. W. I. U., is not grounds for deportation under the statutes controlling this proceeding. This claim is grounded upon an advisory ruling dated January 3, 1934,[6] by Daniel W. MacCormack, then Commissioner of Immigration & Naturalization, approved by the Assistant Secretary of Labor,

(1) Gov. Ex. 135, p. 218.

(2) Gov. Ex. 135, p. 220, 170; Gov. Ex. 221, p. 13.

(3) Gov. Ex. 221; Gov. Ex. 135.

(4) Gov. Ex. 221, p. 8; Tr. p. 1920.

(5) Gov. Ex. 164, p. 812; Tr. 1920, 5886.

(6) This ruling was not admitted in evidence, but is in the record as alien's exhibit 15 for identification.

Exhibit "E"—(Continued.)

to the effect that membership in the T. U. U. L. and M. W. I. U. should not be used as the sole ground for an alien's deportation. The alien further asserts that since Jan. 3, 1934, no alien has been deported for membership in the T. U. U. L. or the M. W. I. U. It is claimed that the Commissioner's ruling was based upon information in the files of the Department of Labor, that the T. U. U. L. had disassociated itself from the R. I. L. U., as evidenced by a letter dated Dec 19, 1934, written by Commissioner MacCormack to the Chief of Police at Phoenix, Ariz.[7] This letter contains a statement that the Department had sworn statements in its files to the effect that at a meeting of the T. U. U. L. on July 1, 1933, a resolution had been adopted severing connection with the R. I. L. U. It further states that testimony to the same effect was given by Nat Honig, editor of "Labor Unity" in the case of Chatham Shoe Co. v. Shoe Workers Industrial Union, at a trial before Justice Edward J. McGoldrich on Oct. 6, 1933. (60)

In the present proceeding, the witness Nat Honig stated that he had testified in the Chatham Shoe case but that his testimony there was not that a disassociation had occurred but that the T. U. U. L. had, sometime in 1933, ceased to acknowledge its affiliation with the R. I. L. U. Honig's testimony in this respect is borne out by the pamphlet "The

(7) A copy of this letter appears in the record as alien's exhibit 25 for identification.

Exhibit "E"—(Continued.)

Trade Union Unity League Today,"[8] and official publication of the T. U. U. L., of which he was the author. This pamphlet was published in 1934 and makes no mention of affiliation with the R. I. L. U., but it enunciates substantially the same program as the earlier publication, the "Trade Union Unity League, Its Program, Structure, Methods, and History,"[9] in which the affiliation of the T. U. U. L. with the R. I. L. U. was openly announced.

I excluded from evidence the advisory ruling and the letter, but in considering this matter, I have treated these documents in the same manner as if they were actually in evidence. The advisory ruling was simply a factual determination for the guidance of administrative officials and has no binding effect in this proceeding.[10] The letter contains only hearsay of the weakest variety and has no other substantiation.[11]

My conclusions with regard to the M. W. I. U. are—— (61)

1. That it was chartered by and was a subsidiary of the T. U. U. L., an affiliate of the R. I. L. U. and of the Comintern, and that affiliation with or

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(8) Gov. Ex. 221.

(9) Gov. Ex. 220.

(10) See page 10, ante.

(11) A request was addressed to L. B. Schofield, head of the Immigration and Naturalization Service that he examine the files of his bureau for the documents or reports referred to in the letter. (Al. Ex. 25.) He reported that a search revealed no records relating to this matter. Tr. 4800-4808.

Exhibit "E"—(Continued.)

membership in the M. W. I. U. is grounds for deportation of an alien within the purview of the statute.

2. That the T. U. U. L. did not, in fact, disassociate itself from the R. I. L. U. although there was probably a change in policy in about July 1933, under which the T. U. U. L. ceased acknowledging such association.[12]

3. An examination of the doctrines of the M. W. I. U., disclosed by the preamble in its membership book,[13] convines me that irrespective of the affiliation or lack of affiliation, that organization comes within the purview of the statute, warranting the deportation of an alien affiliated with it.[14]

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(12) This conclusion is further suggested by the fact that William Z. Foster, Secretary of the T. U. E. L. and its successor the T. U. U. L., and an authority of the Communist Party on trade-union matters, in his book, "From Bryan to Stalin," (Gov. Ex. 135), narrates the history of the T. U. E. L., its affiliation with the R. I. L. U., its subsequent reorganization into the T. U. U. L. and its dissolution in 1935, without suggesting that there was ever a change in the status of the T. U. U. L. with regard to the R. I. L. U. The witness Schnering also testified that the T. U. U. L. was affiliated with the R. I. L. U. through the year 1935. It is noted that Earl Browder states that there was a cancellation of the association of the T. U. U. L. with the R. I. L. U., but he places it in the year 1934. Gov. Ex. 164, p. 799. See also Gov. Ex. 191, pp. 1, 5.

(13) Gov. Ex. 276 for identification.

(14) The alien himself evidently recognized the character of this organization since he testified in

Exhibit "E"—(Continued.)

4. If the alien was affiliated with the M. W. I. U. as early as 1932, as contended by the Government, or in (62) fact at any time before July 1933, disasssociation of the T. U. U. L. from the R. I. L. U. at a later period would be immaterial.

Fractions

Reference has already been made to "Fractions" which were employed as a part of the policy of infiltration into the established labor unions and "boring from within." This device was used because the established labor unions were often hostile to Communists,[15] and its was, therefore, necessary to employ camouflage and subterfuge. Fractions were described by the witness Gitlow as secret cells within the trade unions,[16] composed of the Communist members of the union, which because of their unity of action and militancy were able to elect their candidates for office, direct the policies of the union, and exert an influence disproportionate to the size of the fraction.[17] These "Fractions" by exploiting the grievances of the workers were able to foment dissension and draw to themselves the disgruntled

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the 1939 hearing that he was aware that the goal stated by the M. W. I. U. was the establishment of a "Revolutionary Workers Government."

(15) Gov. Ex. 135, p. 183. For example, see Gov. Ex. 15 for a motion passed by the Polcom on April 19, 1926.

(16) Tr., pp. 71-76.

(17) Tr., pp. 72-75.

Exhibit "E"—(Continued.)

elements.[18] Under the banner of progressivism, left wingism and other ostensibly legitimate programs, these Communist nuclei were able to enlist the support of many Non-Communists who were perhaps unaware that they were thereby furthering the cause of Communism. (63)

This strategy is illustrated by the following excerpts from Party literature, and the references in the footnote to other documentary and oral evidence.[19]

> Every party desirous of belonging to the Communist International should be bound to carry on systematic and persistent Communist work in the labor unions, cooperatives, and other labor organizations of the masses. It is necessary to form Communist groups within the organizations, which by persistent and lasting work should win over labor unions to Communism. * * * These Communist groups should be completely subordinated to the party in general.[20]
>
> * * * It is the bounden duty of every Communist to belong to a trade union, even a most reactionary one, provided it is a mass organization. Only by constant and persistent work in the trade unions and in the factories for

(18) Tr., pp. 72-75; 250-252.

(19) See also Gov. Ex. 135, pp. 260-61; p. 264; Gov. Ex. 148, p. 1175; Gov. Ex. 156, pp. 47-48; Tr. pp. 72-79; Tr. pp. 207-213; Tr. pp. 385-388.

(20) Gov. Ex. 94, p. 29.

Exhibit "E"—(Continued.)

the steadfast and energetic defense of the interests of the workers, * * * will it be possible to win the leadership in the workers' struggle and to win the industrially organized workers over to the side of the Party.[21]

* * * In (it) is necessary * * * to go the whole length of any sacrifice, if need be, to resort to strategy and adroitness, illegal proceedings, reticence and subterfuge, to anything in order to penetrate into the Trade Unions, remain in them, and carry on Communist work inside them, at any cost.[22] (64)

In their activities within all other organizations, the members of the Communist Party always follow a united policy, which they work out through Party fractions, composed of all Party members in a given organization. Thus the members of the Party never cancel one another's work by conflicting policies, but rather develop the fullest possible power behind the single policy.[23]

* * * The Communists belonging to any organization form a special fraction which discusses the problems of its organization and proposes a line of action for its members. This enables the Communists * * * to follow the same line. The Party fraction advocates mili-

(21) Gov. Ex. 95, p. 82.

(22) Gov. Ex. 105, p. 50.

(23) Gov. Ex. 116, pp. 20-21.

Exhibit "E"—(Continued.)

tancy and strives to transform the whole organization into a real fighting unit.[24]

A. The policy of the Communist Party towards trade unions is the following:

"The Communist Party seeks to gain as much control of the trade unions as it possibly can. In order to influence the trade union members the Communist Party adopts programs and issues slogans, and takes up demands in the trade unions; building up official organizations, progressive groups, and manipulates these groups with one purpose in mind: To gain a dominant influence over the trade union membership so they can direct these members in any activities that they want to. And, ultimately, of course, if they control the trade unions, they control the economic lives of the country and if a revolutionary situation should develop they can use the (65) trade unions very effectively to bring about a successful culmination of such revolution.[25]

Q. Now, you have mentioned a "Fraction." What is a Fraction—what do you mean by a "Fraction"?

A. A Fraction in Communist terminology means, let us say, in the Carpenters' Union we have 20 members of the Carpenters' Union, or Communist Party members. These 20 mem-

(24) Gov. Ex. 120, p. 69.

(25) Tr. p. 72.

Exhibit "E"—(Continued.)

bers are organized into a Fraction of the Carpenters' Union to carry out the orders of the Party in the Carpenters' Union. It is a cell organization within the larger body which seeks to attract the non-Communist cells to it so that the Communist Party eventually will control the organization.[26]

Front Organizations

Another device employed in carrying out the policy of winning the confidence of the masses and gaining control over them was the use of so-called "Front Organizations." These presented to the public an innocuous or legitimate objective by espousing causes which would attract certain elements of the masses, but in actuality they were designed and controlled by the Communist Party for the purpose of gaining the confidence and sympathy of various elements of the masses and, perhaps, ultimately to recruit them into the ranks of the Party. Control of these organizations by the Communist Party was insured by its "Fractions" within them,[27] and by keeping its members or sympa- (66) thizers in key positions. The general scheme is described by the witness Gitlow, in connection with the T. U. E. L., which has already been alluded to:

A. Not exactly. The Trade Union Educational League is a front organization of the Communist Party. It may be formed——

(26) Tr. p. 75.

(27) Gov. Ex. 39, p. 2.

Exhibit "E"—(Continued.)

Front organizations may be formed for a short period of time, or they may be formed for an extended period of time, depending on the circumstances, and the front organizations are used by the Communist Party for the express purpose of reaching non-Communists who cannot be reached directly through the Communist Party, you see.

Q. And would you say that they are formed only for the purpose of furthering the cause of the Communist Party?

A. Their actual purpose is for furthering the cause of the Communist Party, but that is not—that is never given as the public purpose of the organization.

Q. But it is, however, the real purpose of the organization?

A. It is, however, intrinsic (intrinsically), the real purpose of the organization.

Q. And it is only one of the means used to promote a situation so that the revolution may be brought about at the proper time?

A. All this is preparatory work to the time when the Communists believe they can seize power through revolution.[28]

The witness Schnering, too, gave a general description of the methods and purposes of "Front Organiza- (67) tions in describing the work of the Communist Party among the unemployed:

(28) Tr. pp. 78-79.

Exhibit "E"—(Continued.)

Q. I see. Now, can you give us any idea of any other group or class of people that the Communist Party endeavored to bring into its fold, and the methods used?

A. Yes, the petty bourgeois intellectuals.

Q. What is that?

A. The petty bourgeois intellectuals.

Q. What class would you say they belonged to? Would that be relief workers?

A. Oh, it might be certain categories of relief workers. It might be——

Q. (Interposing.) Well, did they attempt to organize the relief workers?

A. Oh, yes, we attempted to organize the relief workers with the Unemployed Councils, and on March 6, 1930, in most parts of the country, large demonstrations were held to protest against starvation, demand more and better relief, and the payment of unemployment insurance on the basis of full wages, and not one cent less than that, as the party put it.

Q. Now, were there any organizations established for that purpose among the relief workers that you know of?

A. Well, the Unemployment Councils began their activities before the days of the Public Works Programs, there was no Public Works Program back in 1930. So it was a proposition to organize workers into the Unemployment Councils in order that they might struggle for better relief. Then, by the time

Exhibit "E"—(Continued.)

the WPA came along the Unemployment Councils had liquidated because, at that point, the party had taken control (68) of the Workers Alliance, and the Workers Alliance became the medium through which the party organized and made contact with unemployed workers who were either on direct relief or working on the WPA or some other relief Public Works Program.

Q. What was the aim and objective of the party in organizing relief workers?

A. To develop widespread militant mass struggles to extend the influence of the Communist Party among the unemployed, in short, to build the revolution and to use, of course, the unemployed organizations, as the party uses all organizations in which it wields influence, as a recruitment ground for the party.

Q. And what sort of propaganda was issued by the Communist Party in order to influence these relief workers, if you know?

A. You mean as regards the unemployed organizations?

Q. Yes, what sort of a line, what sort of a party line was used to influence the relief workers and gain their support in the Communist Party movement?

A. Well, the Communist Party caused the Unemployment Councils to contend that capitalism had condemned millions of the unemployed to starvation, to give them only the

Exhibit "E"—(Continued.)

most miserable existence on relief, and that it became the problem and the duty of workers to insist that if the capitalists couldn't give them a job that they still had to fit and feed them properly. To do this they had to organize themselves; they had to associate themselves in a militant class-conscious unemployed organization. And at that moment (69) the Unemployed Councils, which had been organized and were controlled by the Communist Party, was the only organization, of course, which fought for adequate relief for the unemployed.

Now, these unemployed workers were told it would never do under any circumstance for you to go to these people expecting that, on the basis of reason, you will be able to persuade them to give you decent relief. You will only get as much as you are able to wring out of them and force them to give you as a result of your militancy and your organized power.

Now, then, we would point out this condition will always exist; from now on and henceforth there will be more and more millions of workers condemned to a relief standard of living and, therefore, it will be necessary for you to continue to associate yourself and fight militantly for better relief.

And, of course, the bait that the party held forward was that it would be able, as a result of this militant struggle, to win unem-

Exhibit "E"—(Continued.)

ployment and social insurance for the unemployed, but this could only be won, it had to be understood, on the basis of the most militant kind of struggle. Now, then, we pointed out of, course, that during the process of all of the circumstances and all of these things that there was a country, however, where the workers—where there was no unemployment, excepting for those workers who were physically unable to work, or who, because of old age or other circumstances beyond their control, couldn't find a job; that country was the Soviet Union and there, of course, unemployment (70) insurance was paid and social insurance was paid and the payments—the sum of payment, was very, very liberal. And, of course, it was a very wonderful thing that the Soviet workers had acquired all these things. They had done it, however, only as a result of having exercised their revolutionary power to overthrow capitalism in Russia and displace the capitalist government with the dictatorship of the proletariat. The conclusion that the American workers ought to draw was only until they had followed in the footsteps of the Russian workers and farmers would they be able to reach a solution for the problem of the worker on relief.[29]

The nature, purposes, and extent of the "Front

(29) Tr. pp. 450-454.

Exhibit "E"—(Continued.)

Organization" tactic is further illustrated in the evidence concerning some of the specific organizations which are treated below:

The International Labor Defense (I. L. D.)

The International Labor Defense was one of the most active and effective of the so-called "Front Organizations." It was conceived by the Communist International and is a section of the International Red Aid (I. R. A. or Mopr.), having been organized in the United States about 1926 upon instructions from the Comintern. Its immediate purpose is to assist and defend Communists who encounter legal difficulties by providing bail, lawyers, and other assistance. It was completely dominated by the governing committees of the Communist Party and got its instructions directly (71) from the Comintern and the I. R. A. through the American Central Executive Committee.[30]

It was incumbent upon all Party members to belong to the I. L. D.[31] However, the I. L. D., being a "Front Organization," included Non-Communists, many of whom were unaware of the purpose and control of the organization. Care was exercised, however, to insure that control should remain in the hands of its members. This is pertinently illustrated by a resolution of the Political Committee under date of June 27, 1925, selecting

(30) Tr. pp. 102-105, 157-158, 383, 417-420, 1259; Gov. Ex. 39, p. 1; Gov. Ex. 46, pp. 2-3.

(31) Tr., p. 108; Gov. Ex. 33, p. 5.

Exhibit "E"—(Continued.)

a slate of candidates for offices in the I. L. D., in which the Communist and Non-Communist members were carefully distinguished, and the offices divided between them, insuring a majority of Communists on the Executive Committee of the I. L. D., by selecting several Communists who were not disclosed as such.[32] Other examples of directions issued to the I. L. D. by the C. E. C. establish its complete domination by the Communist Party and thus ultimately by the Comintern.[33]

Other front organizations

The All-American Anti Imperialist League (A. A. A. I. L.) was another Front Organization devised by the Communist Party of the United States, upon instructions from Moscow, to present an Anti-Imperial- (72) ist and Non-Communist front. Its control and direction by the Communist Party is evidenced by the manner in which its policies and programs were directed by the governing committees of the Party.[34]

The American Negro Labor Congress (A. N. L. C.) was ostensibly a Negro Organization, designed to improve the conditions of negro workers and to put forward a policy of self-determination for the negro population of the United States. Al-

(32) Tr., pp. 179-180.

(33) Gov. Ex. 8, p. 6; Gov. Ex. 29, p. 4; Gov. Ex. 18, p. 5; Gov. Ex. 19, p. 4; Gov. Ex. 25, p. 5; Gov. Ex. 32, p. 2; Tr. pp. 105, 107, 138, 146-148, 191-192.

(34) Gov. Ex. 35; Tr. pp. 154-155; see also Gov. Ex. 18, pp. 1-2; Gov. Ex. 36, pp. 7, 12; Gov. Ex. 60.

Exhibit "E"—(Continued.)

though the Communist Party denied that it had anything to do with this organization, it was, in fact, organized by the Communist Party of the United States upon express instructions from the Comintern and its policies were predetermined by the Polcom of the American Party.[35] Its ultimate purpose, like that of other "Front Organizations" was to enlist this element of the popultaion for the ultimate Communist aim of revolutionary overthrow of the Government.

Similarly, the American League Against War and Fascism, organized in 1933, later denominated The American League For Peace And Democracy, was identified by various witnesses as a Front Organization of the Communist Party, parading the dangers of fascism and the inevitability of imperialist wars under fascist and capitalist regimes.[36]

Unemployed Councils, too, were promoted by the Communist Party to enlist the support of unemployed workers and to exploit their grievances so as to recruit (73) them to the Communist cause.[37] The Communist Party also developed an organization within the ranks of the Ex-Service Men, called the "Workers Ex-Service Men's League."[38]

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(35) Gov. Ex. 36; Tr. pp. 160-163; see also Gov. Ex. 28, pp. 4-5.

(36) Tr. pp. 365-368, 454-459, 1262, 1264-1265.

(37) Tr. pp. 450-454, 360-361, 401-402, 1263-1266; Gov. Ex. 164, p. 799; Gov. Ex. 28, p. 1.

(38) Tr. pp. 403, 1259-1263.

Exhibit "E"—(Continued.)

Other organizations identified as Front Organizations of the Communist Party. were "The Friends of the Soviet Union,"[39] "American Youth Congress,"[40] "National Students' League,"[41] and "The American Students' Union,"[42] "The American Peace Mobilization,"[43] "The Committee for the Foreign Born."[44]

Communist Party Schools

Another phase of the teaching and propaganda activity of the Communist Party was its schools, called "Workers Schools," which were established in various cities of the United States, the principal one being in New York City.[45] Control was exercised over them by the C. E. C. through its agitation and propaganda department (Agitprop).[46]

These schools were a form of Front Organization, being "to all intents and purposes nonpolitical organizations, interested only in the education of the masses,"[47] but their actual purpose was "to

(39) Tr. p. 813.

(40) Tr. pp. 812, 831.

(41) Tr. pp. 459, 813.

(42) Tr. pp. 459, 813.

(43) Tr. p. 812.

(44) Tr. p. 813.

(45) Tr. pp. 93-94.

(46) Gov. Ex. 30, pp. 2-3; Gov. Ex. 51, p. 2; Tr. 136.

(47) Tr. p. 433.

Exhibit "E"—(Continued.)

educate as (74) many workers as possible to the Communist Party Line without their knowing it."[48] They were "recruiting agencies for the Communist Party."[49] The witness Schnering was at one time a director of the Milwaukee Workers School and an instructor. At its peak, seven hundred members were enrolled in this school.[50] As an example of the policy pursued in the instruction, Schnering described that in a course in American Labor History, taught by himself, the theme was that there could be no solution of American Labor problems until the American Workers should follow a course similar to the revolutionary policy, successfully pursued by the workers of Russia.[51] The "line was the Communist Party line, because the Communist Party controlled the school,"[52] and the ultimate purpose of the school was to commit the students to the Party line as one phase of the policy of gaining control over the Labor Unions in order to use them in accomplishing the ultimate objective of overthrow of the Government of the United States by force and violence.

In addition to the Workers Schools, the American Communist Party has sent many students to the Lenin School in Moscow, Russia, which was

(48) Tr. p. 434.

(49) Tr. p. 434.

(50) Tr. pp. 434, 441.

(51) Tr. pp. 437-438.

(52) Tr. p. 440.

Exhibit "E"—(Continued.)

established by the Comintern for the purpose of training professional revolutionists. Their expenses are paid by the Party while they attend this school.[53] (75)

The Policy of Hypocrisy and Deceit

As a practical concomitant of the practice of infiltrating into organized Labor Unions and "boring from within" and the development and control of front organizations, it was necessary to employ a strategy to enable the Communists to carry on their work in these organizations, despite efforts of such groups to exclude or oust them. To meet this situation, the so-called policy of "hypocrisy and deceit" is employed. Party members are instructed not only to conceal their membership, but also to deny it when expedient. It has already been pointed out that the fractions are secret organizations, and that certain Labor Organizations have sought to exclude Communists from their ranks. The minutes of the Committees of the C. E. C. contained many specific instructions that specified members of the Party should under various circumstances deny that they are members, and that they should answer other questions in a specified manner.[54] (76)

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(53) Tr. pp. 101-102; Gov. Ex. 18, p. 5; Gov. Ex. 38, p. 1.

(54) Gov. Ex. 15, p. 3; Gov. Ex. 8, p. 6; Gov. Ex. 17; Gov. Ex. 20, p. 1; Gov. Ex. 41; Tr. 99, 172-174, 179-181.

"Comrades Overgaard and Johnstone reported on the attitudes of Comrades who have been advised

Exhibit "E"—(Continued.)

The witness Schnering described this policy as follows:

A. Well, you see, as far as the Communist Party is concerned, from the Marxist point of view all truth is relative. We did not hesitate to send out instruction (instructed) witnesses to court, instructed in the sense that we would sit down before a trial opened and make a case as best we could. There was no compunction about lying at all. That is, from time to time there were many cases—I think that I could recall instances in which 50 or 60 witnesses knew many hours before they came to court that they were going there to lie. For example, John Jones might have been accused of striking a policeman at a demonstration. We would produce witnesses who would swear that John

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to deny Party membership in connection with the expulsions in the Machinists Union." Gov. Ex. 9, p. 2.

"1. That we declare it to be the Party policy to keep our members in the trade unions and that the members in the trade unions must carry on a vigorous struggle to prevent their expulsion. As a means of combatting the methods of the bureaucrats to expell the Communists, it is necessary that our members, wherever possible deny membership in the Party in order to retain membership in their union. In other circumstances the members shall take the position that they have withdrawn from the Party in order to avoid their expulsion. It is also permissible if members must, to sign statements declaring that they are not members of the Party, or the Tuel in order to avoid expulsion from the union." Gov. Ex. 9, p. 3.

Exhibit "E"—(Continued.)

Jones was seen by them 60 feet away from the policeman at the time that he was struck.[55]

A corollary of this policy is the adoption by Party Members of aliases to be used upon the membership rolls of the Communist Party, in order that their identity should not be disclosed if such lists fall into the hands of employers or officials. This strategy was particularly important in the case of persons whose known membership in the Party would create embarrassment or loss of employment, such as in the case of Government employees, Labor leaders, and teachers.[56] (77)

This policy also takes the form of instructions to Party Members that they should lie in "Capitalist Courts" when it is necessary for the good of the Party. In this connection, the witness Gitlow testified that William Z. Foster concealed his membership in the Communist Party and swore falsely under oath in connection with the Bridgeman trial,[57] and Schnering testified that "truth is no issue as far as a Marxist, a Communist or Bolshevik, whichever you wish to call him, is concerned; truth is scoffed at. * * * Lenin says a bourgeoisie truth presupposes a lie. All the Bolshevists are liars. Truth is a bourgeois quality with which all good Bolsheviks may easily dispense."[58]

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(55) Tr. p. 422.

(56) Tr. pp. 65, 77-78.

(57) Tr. pp. 172-174.

(58) Tr. p. 423; see also pages 422-424; 174-175, 749-751, 1435-1437; see also Gov. Ex. 105, p. 50; Tr. 1274-1275.

Exhibit "E"—(Continued.)

Trade Union Policy After 1935

In March 1935, the T. U. U. L. was liquidated. During the years 1933 and 1934, particularly, the T. U. U. L. and the Communist Party had encouraged and participated in a series of successful strikes. Prior to the disbanding of the T. U. U. L., its unions had been largely absorbed by the A. F. of L. With its dissolution there was instituted a new policy on the part of the Communist Party in relation to its trade union activities.[59]

The new policy was apparently in line with a program outlined by the Comintern in its 1935 convention.[60] It has taken the form of penetrating into the (78) established trade unions as during the period of the 1920's. By this time, however, the established trade unions had become more receptive to a militant and progressive program. Thus, William Z. Foster was able to say in 1939 in the 20th anniversary number of "The Communist."[61]

> **The general position of the Communists in the trade unions, as well as their organizational methods, has changed fundamentally in the present period as compared with earlier stages in the life of our Party. The Communists in the trade unions are no longer merely an op-**

(59) Gov. Ex. 164, pp. 800, 812.

(60) See testimony of Rushmore quoted at p. 81 post.

(61) Gov. Ex. 164, p. 814.

Exhibit "E"—(Continued.)

position force, as they were in the T. U. E. L. and T. U. U. L. years. Today, occupying many official posts in both A. F. of L. and C. I. O. Unions, and everywhere working in full co-operation with progressive leaders, and rank and file, Communists share directly, although as yet usually in a minor measure, in the official responsibility of carrying on the movement. Communists, as officers, are participating in tasks of policy-making and administration in A. F. of L. and C. I. O. Unions on a scale quite unknown in the periods of the T. U. E. L. and T. U. U. L., and they are helping to build the highest type of trade union leadership the American Labor Movement has yet known. This new leadership, based upon efficient service and democratic responsibility to the rank and file, has broken completely with the many autocratic and reactionary practices which have so long disgraced many sections of A. F. of L. officialdom. (79)

With the change in trade union policy starting about 1935, or perhaps as a part of that policy, the chief emphasis of the Party became the identification of its program with the ideals and traditions of democracy. This phase of the program is described by the witness Rushmore as follows:

A. (Examining booklet)[62] This is not only a Communist pamphlet, but probably one of

(62) Gov. Ex. 146.

Exhibit "E"—(Continued.)

their most important ones. This gave the new line of the Trojan horse policy of the frontal organizations in adopting the democratic front and things like that. It was distributed in tens of thousands of copies throughout the United States. I would say this is one of their major publications of the last five years.

Q. When you say adopted Trojan horse tactics, what do you mean by that?

A. It stems from the old fable of the Trojan horse. I believe Dimitroff referred to it in this particular pamphlet as boring from within. The Communists decided at the Communist International Convention at Moscow in 1935 that their old tactics weren't getting them very far and they would have to, I believe the phrase was, penetrate the bourgeoise trade unions—that meant A. F. of L.—and bore from within and attempt to get leadership in these unions, and they even soft pedaled their attacks on religion and tried to bore from within the churches. It extended from without the sphere of American social and political life to penetrate, to capture, and to control.

Q. Was all that for the purpose of deceiving?

A. Certainly.[63] (80)

With further reference to the new "democratic front," Rushmore identified a copy of the consti-

(63) Tr. pp. 757-758.

Exhibit "E"—(Continued.)

M. W. I. U. for a month or two, after which it lapsed for five or six weeks before his group took it over. Thus, taking September as the date when the "Waterfront Worker" was first published by the M. W. I. U. and allowing one or two (90) months for its publication by that group, plus five or six weeks during which it was not published at all, the date at which the Bridges' group took it over would be sometime in December 1932.

In the 1939 proceeding, evidently the early issues of the "Waterfront Worker" were not in evidence to permit verification of the oral testimony by the dates of the papers themselves. In the present hearing, several early copies of the "Waterfront Worker" were put in evidence by the Government. I conclude that the first issue of the "Waterfront Worker" under the alien's sponsorship was the issue for December 1932. This conclusion is based upon the following items of evidence:

1. The earliest copy of the "Waterfront Worker" introduced in evidence was dated February 1933, and is numbered "Volume 1, No. 2," indicating that there had been one earlier issue in this series. In the February 1933 issue, on page 1, there is a reference in one of the items to the "first issue" and on page 6, a reference is made to the "December issue." The "first issue" and the "December issue" are evidently the same and constituted Volume 1, No. 1, of the series.

2. The "Waterfront Worker" for Sept. 15, 1933, carries an item on page 1, stating that it had been

Exhibit "E"—(Continued.)

rious habits. The paper immediately found wide interest among the longshoremen.

Then, of course, we had no set plan. All we used to say in the paper was "to organize."[77]

* * * * * * *

Q. Do you know how long the Waterfront Worker had been running at the time when you first took it over?

A. Not very long. It is pretty hard to remember. If I recall, we took it over around September or October 1932, or it was running then and we took it over later. I can't set the exact date. I would have to get the original issues and check it up.

Q. I think you said, Mr. Bridges, in your prior testimony, about September 1932. Something like that. But the point I want to know is about how long it had been running prior to that time.

A. I can't remember. Maybe a month or two. My first recollection of ever seeing it was September of 1932.[78]

From the latter excerpt, it is to be noted that Bridges is not sure whether his group took it over in September 1932, or whether that is the time when the paper first appeared under the auspices of the M. W. I. U. It is to be noted also that it is his testimony that the paper had been published by the

(77) Tr. pp. 2550-2551.

(78) Tr. pp. 2562-2563.

Exhibit "E"—(Continued.)

had been instrumental to a large degree in the publication of this paper by a group of longshoremen, which included himself, after its alleged abandonment by the M. W. I. U. He was also responsible for its final abandonment in 1936. There is, however, a material variance in his testimony on the two hearings, particularly with regard to the time when he and the group of longshoremen with whom he was associated took over the publication. In the 1939 hearing, he testified that his group started the paper in September or October 1932, but in the present hearing, he stated that that date was an error and that his group did not take over the paper until September 1933. The evidence concerning the date when Bridges and his group assumed publication of the "Waterfront Worker" is signficant, not only because the date itself is important, as bearing on M. W. I. U. control while he was an editor, but also because the effort to modify the statements made in 1939 is enlightening in itself.

In the 1939 hearing, the alien testified:

> There was really no start toward real organization until September 1932, when we started our waterfront paper. The waterfront paper generally dealt with the ills of the longshoremen. In other words, these various straw bosses or gang foremen along the waterfront, who we used to call slave drivers, they were written up in the (89) paper in their va-

Exhibit "E"—(Continued.)

State of California. He was removed from this office in 1937, when his union was expelled from the A. F. of L., perhaps due to its participation in the 1936-1937 strike, hereafter referred to.[75]

After the expulsion of the I. L. A. from the A. F. of L., it changed its name to "International Longshoremen and Warehousemens Union," (I. L. W. U.), and affiliated with the C. I. O. in July 1937. Immediately thereafter, Bridges was elected Pacific Coast District President of that union, and has held the office ever since. At the present time, he also holds the office of C. I. O. Director for the State of California, and is a member of the National Executive Board as well as a member of several National Committees of the C. I. O.

B. The Waterfront Worker

The "Waterfront Worker" was a mimeographed newspaper published from December 1932 until the summer of 1936. It is the Government's contention that this newspaper was an instrument of the M. W. I. U., controlled and dominated by that organization and by the Communist Party and, further, that the alien's admitted connection with it establishes that he was affiliated with the M. W. I. U. and the Communist (88) Party.[76] The alien himself gave testimony both in the 1939 hearing and in the present proceeding, to the effect that he

(75) See pages 123-132, post.

(76) The M. W. I. U. has already been identified as a T. U. U. L. affiliate and through it an affiliate of the Communist Party, see page 59, ante.

Exhibit "E"—(Continued.)

a part of the scheme for organizing the men into a union and fighting the waterfront conditions heretofore described.[74]

The coast convention of maritime workers unions, for which the Albion Hall Group had agitated, was convened in San Francisco early in 1934. At this convention, various demands were asserted, and a strike dead-line set; after which the actual strike was postponed at the request of the President of the United States, and a mediation board set up, whose compromise agreement was repudiated by the coast longshoremen. On May 9, a strike was called. The M. W. I. U. struck in sympathy on May 10, and the International Seamen's Union (I. S. U.) at first resisted, but was forced into the strike on May 15th.

Bridges was elected chairman of the strike committee in his I. L. A. Union, and also of the Joint Marine Strike Committee, which was set up about June 17. During this period, he was also a member of the Joint Executive Committee and a delegate to the San Francisco Labor Council. He emerged from the strike which was settled July 31, 1934, as a recognized leader in the Pacific Coast labor movement. He was Presi- (87) dent of the local I. L. A. from 1934 to 1936, and was elected Pacific Coast President of the I. L. A. in 1936. Also in that year he became a member of the A. F. of L. Executive Committee, and Vice President for the

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74) This matter is treated elsewhere, pages 88-97, post.

Exhibit "E"—(Continued.)

a fight to oust the then President of the company union. It also insisted upon a regular accounting of funds. The Albion Hall Group was composed of from ten to thirty members, which functioned "more or less secretly," and had for its purpose the proper organization of the union meetings. The meetings of the Albion Hall Group were held just prior to the regular union meetings, in order that members might go into such meetings with a definite program. Its existence was not mentioned in the union meetings until after certain individuals had dropped out of the group, offered criticism, and challenged the group's policies. When this occurred, members of the group would openly defend it and its policies.

Bridges stated that the only requirements for membership in the Albion Hall Group were, that a member also be a member of the I. L. A. Union, a working longshoreman, and in accord with the group policies. The group was finally successful in putting through a program calling for a convention of all Pacific Coast mar- (86) itime unions. It is noteworthy that practically all of the decisions of this group were ultimately adopted in the union itself.

In December 1932, or January 1933, there came into existence on the waterfront a mimeographed paper called the "Waterfront Worker." In the 1939 hearing, Bridges testified that he, with others, started the waterfront paper in September 1932 as

Exhibit "E"—(Continued.)

a week. (3) The "speed-up," a method of getting a greater amount of work out of the men by hiring fewer, and requiring them to do the same amount of work, resulting in overtaxing them physically and creating greater working hazards in already hazardous work. (4) "Blue Book Unions," company unions, controlled by the employers which enabled them to carry out and perpetuate the above described practices. These company unions were in existence from the time Bridges started to work on the waterfront, until October 1933, when they were forced out of existence by the newly revived and militant I. L. A. Union, of which Bridges became an early member.

Bridges testified that there were Communist Party agitators on the waterfront as early as 1931, also speakers and propagandists for the I. W. W. and the M. W. I. U. They distributed literature. The success of the I. L. A. in reorganizing and securing a large (85) membership in 1933 was attributed by Bridges both to the ground work laid by the agitators and also to the National Recovery Administration's encouragement of unionizing labor at that time.

In 1933, about July, he organized a group within the Union, called the "Committee of 500," also known as the "Albion Hall Group." This group originally strove for immediate election of officers, adoption of a constitution, and regular membership meetings. It also worked to keep the company union from again stifling the I. L. A. and led

Exhibit "E"—(Continued.)

in early 1922, until about June 1933, he belonged to various Company Unions, which he "does not count as unions," and also belonged to the International Longshoremen's Association (I.L.A.), an A. F. of L. Union, for a short period in 1924, when that union made an abortive attempt at reorganization. In June 1933, he again joined the I. L. A. in San Francisco.

Bridges gave a description of the conditions prevailing upon the waterfront during 1934 and prior thereto, which gave rise to the 1934 Waterfront Strike.

These conditions were chiefly: (1) The "black list," which was a form of discrimination against all workmen who expressed themselves in opposition to existing conditions. Such workmen were blacklisted by the employers, thus preventing their employment. There (84) were probably only three employers who did not participate in this form of discrimination. (2) The "shape-up," a method of hiring longshoremen, whereby candidates for employment were required to congregate each morning on the docks, where the foremen would select their crews. This method of employment resulted in grievances, particularly, the "kick back," a petty form of graft by foremen who would require a return to them of certain percentages of the earnings of those selected; and favoritism, the "star gang," an unequal distribution of available work, preferred men often earning from $40.00 to $70.00 a week while others got from $8.00 to $20.00

Exhibit "E"—(Continued.)

for declaration of intention.[72] On March 28, 1939, he filed a declaration of intention.[73] This last declaration is apparently still pending.

The papers filed as above described contain inconsistencies with reference to Bridges' date of birth and date of marriage.

While he was shipping from Australian ports, he belonged to the Australian Seamen's Union. Immediately upon coming to San Francisco, in 1920, he joined the Sailors Union of the Pacific (S. U. P.), an A. F. (83) of L. Union, and was a member of this union until June or July 1921, or, at least, until after the 1921 New Orleans strike. He held several minor positions in this union, such as memberships on committees, and served as picket captain during the New Orleans strike. At this time he was also a member of the Eastern Gulf Sailors Association. In New Orleans, during the strike, he joined the Marine Transport Workers Union No. 510, affiliated with the Industrial Workers of the World (I. W. W.). He was a member of this union from June or July 1921 to the early part of 1922. He dropped out of the I. W. W. because, as he says, "I didn't like some of the tactics and policies of the union, and did not believe that they would bring about the things I had in mind as an individual at that time."

From the time he dropped out of the I. W. W.

(72) Gov. Ex. 297.

(73) Gov. Ex. 296.

Exhibit "E"—(Continued.)

of fifteen, shipping in and out of Australia as an able-bodied seaman. He finally left Australia late in 1919 and arrived in the United States at the Port of San Francisco in April 1920, as a member of the crew of an Australian ship. He left the ship at San Francisco and has never returned to Australia. He had been in the United States previously in the year 1918, but did not make an "entry" at that (82) time. From April 1920 until about September 1922, he worked on American ships, the last few months of this period on a ship of the U. S. Geodetic Survey. Late in 1922 or early in 1923, he began work ashore with a paint firm in San Francisco and later went to work as a longshoreman, and continued in such work until 1934, when he became a trade union official. His duties as a trade union official have furnished his occupation since that time.

Bridges has begun proceedings for admission to citizenship three times. He filed his first declaration of intention in New Orleans, La., on July 13, 1921.[69] He allowed this declaration to lapse. On June 15, 1928, he filed in San Francisco, California, a preliminary form for petition for naturalization,[70] and on August 9, 1928, a declaration of intention.[71] This declaration he also allowed to lapse. On May 7, 1936, he filed another preliminary form

(69) Gov. Ex. 277.

(70) Gov. Ex. 278.

(71) Gov. Ex. 279.

Exhibit "E"—(Continued.)

ary traditions and the rediscovery and reevaluation of American history in general." [67]

Rushmore, who was a member of the Party until December 1939, testified that despite the adoption of the (81) "Trojan Horse" policy starting about 1935 or 1936 in this country, the Communist Party has nevertheless continued circulating and teaching the same fundamental doctrines and has circulated and advised the reading of literature to the same effect, and that the objective of the Communist Party is still fundamentally the overthrow of existing bourgeois governments by force and violence.[68]

SECTION II. EVIDENCE RELATING TO THE ALIEN'S MEMBERSHIP IN AND AFFILIATION WITH THE COMMUNIST PARTY AND ASSOCIATED ORGANIZATIONS

A. Harry Renton Bridges, His Personal History and Connection With the Labor Movement

Bridges' alienage is not disputed. He is a citizen of Australia, having been born in Melbourne, Victoria, on July 28, 1901. He received his formal education in Australia. He attended Government schools and St. Brandam School in Melbourne and the Christian Brothers College in West Melbourne. He then worked for a time in the office of a stationery firm. Then he went to sea at about the age

(67) Gov. Ex. 164, pp. 800, 801-802, 813.

(68) Tr. 780-797.

Exhibit "E"—(Continued.)

tution and bylaws of the Communist Party of the United States,[64] which illustrated what he described as the "Trojan Horse" or "watering down" policy. With regard to this document, he testified:

> A. (Examining pamphlet.)[65] This was widely distributed, principally because this is a new constitution for the Communist Party in which they set forth their Trojan horse policy and watered down the more revolutionary aspects of their program, at least temporarily, and in this constitution they hail in the first paragraph the traditions of Jefferson, Paine, Jackson, and Lincoln, which, in '34, all of these national heroes in '34 they were declaring as bourgeous democrats and fakes and everything like that. This constitution was then widely distributed for its effect on the front organizations. People in these front groups who didn't know much about the Communist Party from reading this would think it is a left wing form of the New Deal.[66]

Earl Browder and William Z. Foster, too, have pointed out the new emphasis placed by the Communist Party upon the "American democratic traditions" and "the revival of American revolution-

(64) Gov. Ex. 158.

(65) Gov. Ex. 158.

(66) Tr. pp. 768-769.

Exhibit "E"—(Continued.)

advocating a certain policy for ten months. This relates the advocacy of that policy back to December 1932 (as there was no issue for January 1933), and indicates a continuous policy during that entire period.

3. The December 1934 issue carries an announcement concerning the Third Birthday Party of the (91) "Waterfront Worker," which indicates inferentially that the then existing "Waterfront Worker" had been "born" at least two years previously, in December.

4. References are made in various other publications indicating that the December issue was the first, and that the February 1933 issue was the second of the series.[79]

It is noted that of the issues of the "Waterfront Worker" in evidence, four of the five, published prior to September 15, 1933, acknowledge the assistance of the M. W. I. U., while the September 15 issue and succeeding ones do not expressly acknowledge such assistance. In the present proceeding, the alien stated that the M. W. I. U. had started the publication of the "Waterfront Worker" in January 1933[80] and that his group had taken

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(79) Gov. Ex. 125 and Gov. Ex. 131 and the comments with reference thereto on page 96 post.

(80) It is probable that this date was arrived at because the Feb. 1933 issue was numbered Volume 1, No. 2. From other evidence I have concluded that Volume 1, No. 1, came out in Dec. 1932, rather than Jan. 1933. This variance, however, is of no great significance.

Exhibit "E"—(Continued.)

it over in September 1933 and had nothing to do with it prior to the latter date.

My analysis of the testimony of the alien in this respect, together with an examination of the copies of the "Waterfront Worker" introduced in evidence, convinces me, however, that there was no change in the sponsorship of the "Waterfront Worker" in September 1933, and that the alien and his group were responsible for its publication from December 1932 until its abandonment in 1936. These conclusions are based (92) upon the following facts: (1) They are substantially in accord with the alien's testimony in the 1939 proceding, at which time there was apparently less reason to disclaim association with the paper in its early stages. The change of his testimony with regard the date in the present proceeding suggests an effort to avoid the implications in his earlier testimony. (2) A comparison of the issues of the paper before and after September 1933 fails to disclose any substantial change in its policy but, on the contrary, demonstrates a striking continuity of program and policy, including an extremely cooperative attitude with regard to the M. W. I. U.[81] (3) The paper shows no appreciable variance in mechanical or technical details before and after September 1933.

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(81) Note in this connection, particularly, a reference in the Sept. 15, 1933, issue (Gov. Ex. 281) to the statement that the "Waterfront Worker" had advocated a certain policy for ten months. This indicates just the opposite of the alien's contention.

Exhibit "E"—(Continued.)

(4) The numbering of the paper continues in the same consecutive series with no break at the September 15 issue. (5) Although the alien in the present proceeding disavowed any connection with the paper prior to September 1933, upon cross-examination he admitted that the address 830 Market Street was the first address used by his group. This address was used only before July 1933. This testimony is consistent only with the fact that he did have a connection with the paper prior to September 1933. (6) The early issues of the "Waterfront Worker" beginning with December 1932, are in complete harmony with the description given by the alien in 1939, of the paper, at the (93) time it was first taken over by his group.[82] One of the major themes of the early issues was the plea for organization. By Sept. 1933, other evidence shows that Local 38-79 of the I. L. A., to which Bridges and his group belonged, was organized and that his group was then active in fighting the leadership of the union and in other ways exerting a strong influence within the Union itself through the paper and through the Albion Hall Group.

I conclude further, that the "Waterfront Worker" was from December 1932 to its abandonment in 1936, an instrument of the M. W. I. U.,[83] and of the Communist Party and that it was under the domination and control of those organizations dur-

(82) See page 90, ante for the pertinent excerpt from that testimony.

(83) This organization was liquidated in 1935.

Exhibit "E"—(Continued.)

ing that period. These conclusions rest primarily upon the following grounds: (1) The acknowledged cooperation with the M. W. I. U. in the early issues of the paper and subsequent favorable treatment of the M. W. I. U., T. U. U. L., and other Communist-sponsored organizations during the paper's entire existence, (2) Consistent attacks upon the so-called "reactionary" leaders of the A. F. of L. (3) Support of the Communist candidates for political office. (4) Advice to read Communist literature. (5) The use of addresses of Communists or Communist-affiliated organizations. The first address was 830 Market Street, San Francisco, Room 421, headquarters of The Needle Trade Workers Industrial Union, a T. U. U. L. affiliate. The second address was 3470 19th (94) Street, San Francisco, a building occupied by Walter Lambert, an admitted Communist, who, on his application for electric service[84] gave his occupation as Manager, Workers Ex-Service Men's League, a Communist front organization.[85] The third address was Post Office Box 1158, San Francisco, which box was rented by Harry Glickshon,[86] generally known

(84) Gov. Ex. 219, identified by witness George B. VanSyckle, adjuster for the Public Gas and Electric Co., as applications for electric service at 3470 19th Street which service was furnished from August 1933 to March 1934.

(85) See page 74, ante.

(86) Gov. Ex. 211 and Gov. Ex. 212, identified by Daniel B. Black, Assistant Cashier of the San Francisco Post Office, as the application of Harry

Exhibit "E"—(Continued.)

by his alias, Harry Jackson, an admitted Communist and M. W. I. U. organizer, who had been responsible for the publication of the "Waterfront Worker" under the sponsorship of the M. W. I. U.

Even crediting the alien's explanation that addresses were used which would avoid discovery of those responsible for the publication of the "Waterfront Workers," by employers, the use of these addresses demonstrates a close cooperation with Communists and Communist Organizations. The alien's assertion that he was not aware that the addresses were those of Communists is unconvincing. In attempting to explain, he enmeshed himself in various contradictions and inconsistencies which can only strengthen the conclusion of the Communist connections of the paper.[87] (95) (6) Reference in of-

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Glickshon for a post office box, and the accounting sheet for box number 1158 which was assigned to him. Box rental was paid from Feb. 6, 1934, to June 30, 1936.

(87) Some of these contradictions have already been pointed out, such as his explanation of the address 830 Market Street at a time when he assertedly had no connection with the paper. Another occurs in his statement that Herman Mann had something to do with the changes of the address. He had previously explained that none of those directly associated with the editorship of the paper had anything to do with these addresses, but at another point it appears from the alien's own testimony that Mann was one of the original editors. Elsewhere, he explained that the fear of discovery by waterfront employers and other officials induced them to send others to the addresses who could not be discriminated against if they were discovered.

Exhibit "E"—(Continued.)

ficial Communist Party literature to the "Waterfront Worker" consisting of favorable criticism and suggestions, which were subsequently acted upon.[88] (96)

Later, he stated that these persons were probably followed and seen as they turned the mail over to the editors. When it was pointed out that this should, under his theory, have led to discrimination against them, he stated that after four or five months they no longer feared discrimination since they then had a strong Union, which could protect them. It was after this period, however, that the change of address from 3470 19th Street to the post office box occurred, which change evoked the explanation that Jackson was used in order that the real editors might escape discovery. His devious explanation in connection with the use of Jackson was made in the face of his statement that they no longer cared after four or five months and his statement in the 1939 proceeding that he was "pretty sure the police department, the Industrial Association and all such groups" knew who was responsible for the paper, or who were its editors.

(88) Thus, the "Party Organizer," official organ of the C. E. C. of the Communist Party for Jan. 1933 (Gov. Ex. 131), reviews the Dec. 1932 issue of the "Waterfront Worker" and criticizes its failure to mention the role of the M. W. I. U. in the Labor movement. Subsequent issues of the "Waterfront Worker" carried such favorable comment as evidenced by the following Government exhibits: 204, 205, 247, 283, 248, 249. The "Party Organizer" for Feb. 1933. (Gov. Ex. 125) comments upon various items in the first two issues of the "Waterfront Worker" and offers suggestions with regard particularly to the need for, and methods of, organization of waterfront employees. This "line" too is subsequently emphasized.

Exhibit "E"—(Continued.)

(7) Other "thin" explanation or rationalizations of the change in testimony between 1939 and 1941: (a) The alien asserted that there was a lapse in the publication of the paper just prior to his taking over the editorship. There was no such lapse just prior to September 1933. This explanation was given before it appeared that the Government had copies of these papers. In the 1939 hearing Bridges promised to bring to the hearing a file of the earlier issues of the paper, but later stated he was unable to procure them. The dates given by the alien in the 1939 hearing are consistent with such a lapse in the publication between September and December 1932. (b) Upon being shown one of the earlier copies of the "Waterfront Worker," he suggested that use of the word "stevedore" indicated the writing had been done by persons unfamiliar with the waterfront. This was one of the reasons assigned for the failure of the paper under the M. W. I. U. Later issues admittedly, under the editorship of his group, used the word "stevedore" in a sense not distinguishable from the use in the earlier issues.

CONCLUSION

Having concluded, as heretofore stated, that the "Waterfront Worker" from December 1932 until its abandonment in 1936 was an instrument of the M. W. I. U.[89] and of the Communist Party, and fur-

(89) See note page 88 ante.

Exhibit "E"—(Continued.)

ther that the alien was associated with it as one of its editors, I conclude that the alien's association with the "Waterfront Worker" demonstrates his affiliation with (97) both the M. W. I. U. and the Communist Party, if not actual membership in either, or both, of those organizations.

C. COOPERATION WITH THE COMMUNIST PARTY AND THE M. W. I. U. AND ASSOCIATION WITH THEIR MEMBERS DURING THE 1934 STRIKE

I have already concluded that the alien was affiliated with the Communist Party and the M. W. I. U. as evidenced by his association with the "Waterfront Worker" during the years 1932-1936.[90] Some further items of evidence establish that the alien cooperated with these organizations and their members particularly during the 1934 strike.

Bridges admitted that the I. L. A. strike committee, of which he was chairman, cooperated closely with the M. W. I. U. with his full approval. The M. W. I. U. notified the I. L. A. before the strike that it would cooperate. Bridges was instrumental in getting the I. L. A. to go on strike, which it did on May 9, 1934, followed the next day by the M. W. I. U. He was well acquainted with Harry Jackson[91] and worked with him so far as the strike was concerned. When the question arose as to whether dele-

(90) See p. 88 ante.

(91) See page 95 ante.

Exhibit "E"—(Continued.)

gates from the M. W. I. U. should be seated on the Joint Strike Committee, Bridges favored it. He was active at this time in inducing seamen to join the M. W. I. U. and actually conducted groups of seamen to M. W. I. U. headquarters for that purpose, although he was aware at the (98) time that the goal stated by this organization was the establishment of a "Revolutionary workers' government." The significance of the help of the M. W. I. U. in the strike is attested by Bridges' statement that the strike would have been lost without it.

It is also significant that Bridges met and talked with Sam Darcy, District Organizer of the Communist Party, "quite a few times" during the 1934 strike. On June 22, 1934, the San Francisco Central Labor Council, of which Bridges was a member passed a resolution as follows:

> Therefor, be it resolved, by the San Francisco Labor Council in regular meeting assembled on Friday, June 22, that we repudiate all Communist Organizations, especially the so-called Marine Workers Industrial Union, and denounce their efforts to inject themselves into an industrial conflict for the sole purpose of making converts to Communism.

Bridges opposed the adoption of this resolution both in the Central Labor Council and in his own union, and notified Darcy before its adoption that the resolution was contemplated. He continued to meet with Darcy thereafter.

Exhibit "E"—(Continued.)

Bridges' admitted meetings and associations with leaders of the Communist Party and of the N. W. I. U. during the 1934 strike assumes additional significance from the fact that Bridges was extremely busy with many Committee and union meetings and activities during this strike period. It is highly improbable that Bridges would have taken time for such meetings unless they had a direct bearing on his strike activities. (99)

Near the beginning of the strike, three representatives of the Communist Party, Sam Darcy, Lawrence Ross, and probably Elmer Hanoff, came to the strike committee of which Bridges was chairman and offered the services of the "Western Worker," the Communist Party newspaper, to the strike committee. This offer was accepted with Bridges' approval, and thereafter the "Western Worker" published a daily strike bulletin free of charge.

The alien's cooperation with the Communist Party, the N. W. I. U., and the members of those organizations was recognized and appreciated by the leadership of those organizations. William Z. Foster, in his book, "From Bryan to Stalin,"[92] says:

> In 1932, on the then largely unorganized San Francisco waterfront, the C. P. and T. U. U. L. carried on their work intensively along two main lines: the seamen were organized into the T. U. U. L. Marine Workers Industrial Union

(92) Gov. Ex. 135, p. 260.

Exhibit "E"—(Continued.)

and the longshoremen into the A. F. of L. International Longshoremen's Association. Following out this policy, there was in 1933 a strong N. W. I. U. organization built up along the Pacific Coast and, together with other militant workers, the T. U. U. L. forces succeeded in organizing a large I. L. A. local union among the disorganized Frisco dock workers. The leader of the longshoremen was Harry Bridges and the head of the local M. W. I. U., Harry Jackson; both left wing militants. The Secretary of the California district of the Communist Party was Sam Darcy.

(100) The strike movement began among the longshoremen early in the spring of 1934. The San Francisco local had taken the lead in lining up the weak I. L. A. Coast locals to present demands to the employers. The employers, aided by corrupt I. L. A. top leaders, tried the usual schemes of delay, conciliation, and arbitration to break up the rapidly developing militant movement. Rejecting these maneuvers, the I. L. A. locals declared a strike on May 9th and had the whole Pacific Coast tied up within two days. Harry Bridges was elected Chairman of the I. L. A. strike committee, and the Western Worker, local Communist organ, was endorsed as the official strike journal.[93]

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(93) Gov. Ex. 135, p. 260. In the same account Foster goes on to say: "But it was in the big Pacific Coast Marine and San Francisco general strike

Exhibit "E"—(Continued.)

Similarly, William F. Dunne in his pamphlet, "The Great San Francisco General Strike," writes:

> The Marine Workers Industrial Union—affiliated to the Trade Union Unity League—raised the question of a general strike. The Left wing in the leadership of the I. L. A. and the Joint Strike Committee of the Waterfront Unions, headed by Harry Bridges, in San Francisco, endorsed the proposal to call upon the Bay Counties' unions for a general strike.
>
> Harry Bridges and the committee of strikers brought the question of a general strike to the Central Labor Councils in San Francisco and Oakland. The official leaders opposed it. (101) Bridges and the committee then began a systematic canvass of all local unions affiliated to the Central Labor Councils.
>
> * * * * * *
>
> The influence of the M. W. I. U. in the strike movement was far greater than its membership figures would indicate. It was the initiator of the united-front program which solidified the ranks of the marine workers and it had a great part in the general strike in the Bay Counties.

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that the C. P. and T. U. U. L. did their most important strike work in this period. In fact, in this struggle their influence was decisive. It so happened that I was in San Francisco during the general strike although too sick to take an active part in it. It was the greatest torture for me to be in the midst of such a glorious struggle and yet to be unable to help."

Exhibit "E"—(Continued.)

* * * * * * *

"The leadership passed into the hands of a left-wing group, working in fraternal cooperation with the M. W. I. U., headed by Harry Bridges.

* * * * * * *

The West Coast strike reached its highest point in San Francisco because the leadership of the waterfront workers there was class conscious, militant and determined enough to take the question directly to the rank and file and win them for united front action over the heads of the official A. F. of L. leaders.

The strike reached its highest point in San Francisco because the influence of the Communist Party in the waterfront unions was strong enough to defeat the reactionary leadership.[94]

In the Party Organizer for August 1934, an article entitled "Two Lessons from the San Francisco General Strike" carries the following:

The answer to this question is clear. The longshoremen took the control of their strike from the hands of the labor bureaucracy and (102) placed it in the hands of a rank-and-file leadership, which firmly resisted all efforts of the fakers and the government to betray it. The masses in Toledo and Milwaukee and Minneapolis were in motion, the Party played a role in all of these strikes, the workers adopted our

(94) Gov. Ex. 191, p. 5, 8-9, 46, 47.

Exhibit "E"—(Continued.)

slogans and attempted to carry them out, but were defeated by the strategy and tactics of the bosses and the bureaucrats. Why could this occur? Was it because the workers in Toledo and Milwaukee and Minneapolis were less militant, or less determined, than the longshoremen in San Francisco? No, the answer lies in the fact that in these places the Party was working from without. We did not have a firm base among the workers. But in San Francisco the Party had carried out a policy of concentration among the longshoremen, who are a decisive section of the working class, and had built a strong opposition movement within the reformist union. Consequently when the labor leaders appeared before the workers with their betrayal policy, there was a strong organized group within the union, which was able to expose their maneuvers and defeat them.[95]

Other such expressions are referred to in the footnote.[96]

These associations and transactions are, in my opinion, further evidence of the alien's affiliation with the Communist Party and the M. W. I. U. at the time they occurred and therefrom I find that Bridges was affili- (103) ated with the M. W. I. U.

(95) Gov. Ex. 236, pp. 1-2.

(96) Gov. Ex. 191, pp. 34, 37, 67; Gov. Ex. 165, pp. 24-25; Gov. Ex. 138, p. 107.

Exhibit "E"—(Continued.)

and the Communist Party at the time of the 1934 strike.

D. HARRY LUNDEBERG

Harry Lundeberg, a prominent trade union figure on the Pacific waterfront for many years, was called as a witness by the Government. He is the Secretary-Treasurer of the S. U. P., Head of the Seafarers' International Union of North America and Vice-President of the State Federation of Labor in California. In April 1935 he was elected the first President of the newly formed Maritime Federation of the Pacific. He occupies a position in the A. F. of L. organization somewhat comparable to that of Harry Bridges in the C. I. O. The two men were friendly from the time they first met in 1934, but beginning in October 1935 they became involved in a series of disputes about trade union affairs, which has embittered their relation to each other.

Lundeberg testified that in the summer of 1935, he was invited by Bridges to have dinner with him and a friend whose name was not disclosed at the Bridges' home. Present at the Bridges' house at the time of this dinner, were Bridges' wife, his stepson and daughter, Miss Norma Perry who was then Bridges' secretary, and another man whom Lundeberg did not know. This man was first introduced to the witness by Bridges under the name of Jacobson, a carpenter. Afterwards, Bridges told the witness that the man was Sam Darcy, who was at that time known to Bridges as a prominent Com-

Exhibit "E"—(Continued.)

munist.[97] Lundeberg stated that in the course of (104) conversation between Bridges, Darcy and himself, Darcy asked Lundeberg to join the Communist Party, saying that if Lundeberg joined the Communist Party it would do Lundeberg a lot of good, and the Communist Party would give him a lot of support. Darcy also said that Bridges was a member of the Communist Party and Bridges said "You don't have to be afraid because nobody has to know you are a member of the Communist Party." Further, Darcy remarked "We will give you lots of publicity and will build you up and make a great labor leader out of you." In another place Lundeberg testified that after Darcy had asked him to join the Communist Party, as above mentioned, Bridges said, "You don't have to be afraid, because I am one too." In reply to that urging, Lundeberg said, "Well, it is O. K., do what you like, I will do what I like."

Bridges denied that this conversation occurred. He denied that Darcy had ever been at his house, but admitted that Lundeberg was at his house for dinner in 1935.[98]

Lundeberg on cross-examination, stated that he had been interviewed several times by Agents of the Government, beginning in 1939, and that until the day before he gave his testimony he had told the

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(97) See pp. 98-9, ante.

(98) The date of this occurrence is somewhat uncertain but it is certain it was between April and September 1935.

Exhibit "E"—(Continued.)

agents that he had no information that Bridges was a Communist. He had, however, repeated the account of the incident to sailors from time to time. He admitted that he had been convicted several times of "fighting" in various parts of the world. (105)

The question for me to answer is whether the Government has established that Bridges admitted to Lundeberg at the time specified that he was a member of the Communist Party. If he did so admit, it is in my judgment conclusive evidence of the fact. Lundeberg is strongly biased against the alien. On the other hand, Bridges himself is the most interested of all witnesses in his own behalf. The previous contradictory statements of Lundeberg must be taken into consideration but in this regard we must also notice Lundeberg's statements that he told the Federal Agents that he was not willing to testify and we must recognize the natural reluctance of persons to testify in such proceedings as this. If Darcy was not at the house, as Bridges asserts, it was within the power of Bridges to corroborate his statement in this respect by the testimony of his wife, his stepson and perhaps by his daughter, though she was very young at the time, and by his then secretary, Norma Perry, who previous to the hearing had ceased to occupy that position. None of these witnesses was called, nor was reason given for their absence. These persons were seemingly close to Bridges and would not reasonably be expected to testify in favor of the Govern-

Exhibit "E"—(Continued.)

ment. Their absence weakens Bridges' statement that Darcy was not present at the time that Lundeberg had dinner at his house.

Lundeberg gave his testimony in a natural, rugged, hard-bitted fashion. He impressed me with his truthfulness. He made no effort to conceal his enmity for Bridges. He characterized Bridges' labor record with (106) a damaging phrase, saying "It stinks". He expressed the view that the trade-union movement on the Coast would be better off without him. However, I do not believe his bias would cause him to deviate from the truth.

I reach the conclusion, therefore, that the conversation did take place substantially as testified by Lundeberg and that Bridges did then and there admit to Lundeberg that he was a member of the Communist Party.

E. JAMES D. O'NEIL

James D. O'Neil was produced by the Government. He was obviously hostile. A subpoena was served upon him to appear at the office of the Federal Bureau of Investigation, and he failed to respond. A subpoena was then issued by a District Judge of the United States, and he disregarded its command. He was then cited to appear before the District Judge to answer a charge of contempt. It was after this that he was produced as a witness.

James D. O'Neil was broadcaster and writer. He became editor of the "Voice of the Federation," an official organ of the C. I. O., on the last day

Exhibit "E"—(Continued.)

of 1936. He continued as Editor of the "Voice of the Federation" until the following June, when he became publicity director for the Western Region of the C. I. O., and as such shared offices with Bridges in the headquarters of the C. I. O. He handled practically all of Bridges' mail, answered requests made to Bridges for articles to appear in publications, and wrote the articles for Bridges. He held this position for about three years and it is apparent became intimate with Bridges. (107) After leaving this position, he became connected with the broadcast of the C. I. O. News Reporter. In October 1940, while at a radio station in San Francisco, he was interviewed by officers of the F. B. I. on two occasions and went to the F. B. I. office at 111 Sutter Street, and was again interviewed there. The witness stated he was not sure of the date, but other evidence established that it was on October 7, 1940. At that time he answered questions which were put to him, and he testified expressly that the answers which he then gave were true. There was a stenographer present, according to O'Neil, in addition to himself and two men, who were F. B. I. Agents. The Government counsel on O'Neil's direct examination, evidently relying on a statement purporting to have been made by O'Neil to F. B. I. Agents and subsequently introduced in evidence, asked O'Neil questions and received denials as follows:

Q. Did you during any time that you were so employed in Mr. Bridges' office walk into

Exhibit "E"—(Continued.)

his office one day and saw on Bridges' desk a Communist Party book in which Mr. Bridges was putting assessment stamps?

A. No. At this point I want to say that that is exactly what I told the F. B. I. men that questioned me.

Q. Now, just a minute! I haven't asked you that. I am asking you if you saw him.

A. I did not.

Q. You did not?

A. No.

Q. Did you see Mr. Bridges putting assessment stamps in a Communist Party book about (108) 2:00 P. M. in Bridges' office in the Balboa Building at 593 Market Street sometime in 1937? A. I did not.

O'Neil's interview with the F. B. I. Agents being then referred to, O'Neil emphatically denied that he had made any such statement to F. B. I. Agents as was implied in the above excerpt. He denied that he had ever been a member of the Communist Party, he denied that he had stated to the F. B. I. officers that he was a member of the Communist Party, he denied stating to the F. B. I. Agents that Bridges was a member of the Communist Party. He denied specifically that he had dictated any statement to a stenographer in the F. B. I. office, at the interview of October 7, although he stated that there was a stenographer present while the officers were asking him questions and that she took notes.

Exhibit "E"—(Continued.)

During the course of the examination, Government's Counsel read what purported to be a statement made by him to F. B. I. Agents. O'Neil testified that the statement, while incorrect in the particulars already mentioned as well as in others, was a garbled and incorrect summary of several interviews. Some of the statements were true and others were not, being merely founded on questions which had been put to him, many of which he had answered in a way contrary to what appeared in the statement itself.

The witness further testified that on an evening in the week before he was sworn as a witness, he was again interviewed by the F. B. I. Headquarters, by F. B. I. Agents and by Major L. B. Schofield, Special Assistant (109) to the Attorney General, in charge of the Immigration and Naturalization Service, and he swore that at this interview he stated that he was unwilling to appear to testify in this proceeding and told them that he had nothing to add to the case. He denied stating in the presence of Major Schofield and the officers, and the Counsel that the reason he did not want to appear to testify was because he had been such a close friend of Harry Bridges that if he did testify against him, he would be called a "rat." He admitted that he told them that his work in the Labor Union had always been a clean one, and that absolutely he was going to have no connection with this case. He stated that what he had told the agents of the F. B. I. was true, but asserted that he did

Exhibit "E"—(Continued.)

not say to Major Schofield and the others present, that Bridges was a Communist, or that he saw him paste stamps in his Communist book.

At the close of the testimony of O'Neil, the Government swore Gertrude Segerstrom, a stenographer in the employment of the Government in the F. B. I. Service. She had been with the F. B. I. four years. She testified that on the evening of October 7, 1940, she was called into a room at the F. B. I. offices where there were present James O'Neil and two F. B. I. Agents; that one of the agents, Mr. Cassidy, requested her to take down O'Neil's statement. She was introduced to O'Neil. He sat on one side of a desk and she sat directly across from him. He dictated a statement to her and she took it in shorthand. Occasionally while O'Neil was dictating he would turn to the agents and (110) perhaps make some explanation of what he had said, and perhaps as he did that they may have asked him a few questions. However, he would then turn to her and give her a shorter version of what he had just said. She took only that part of what was said in the room which O'Neil spoke directly to her. She produced on the witness stand her shorthand notes and a typewritten transcription. The important parts of this statement are the following:

> I joined the Communist Party in either the latter part of November or the first part of December 1936, under the name of Ben Harrison.

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Exhibit "E"—(Continued.)

On another occasion I walked into Bridges' office, it always being my privilege to do so after first having assured myself that he was alone, and there on his desk was a new Party book, which had just been issued and into which Bridges was putting assessment stamps. This was about two o'clock in the afternoon in Bridges' office in the Balboa Building, 593 Market Street, Room 509, in 1937. I expressed amazement that he was doing this openly with the book in plain view on top of his desk. However, he nonchalantly continued to put the stamps in place and then returned the book to his pocket. I knew this was a Communist Party book because I had one myself and it was just like it. It was the general practice to pay your dues to the Communist Party dues collector and, in return, to receive stamps which he tore off from a bloc and which you inserted in your book at your leisure. There is no doubt (111) in my mind but what that was Bridges' membership book in the Communist Party.

* * * * * *

On several occasions Bridges reminded me that I had not been attending Party meetings and asked me, "What's the score?" I think I told him it was nothing to nothing in the last of the 9th as far as I was concerned and so far as the Party was concerned, and he advised me to take it easy and not let my own feelings obscure my judgment.

Exhibit "E"—(Continued.)

It is my belief that Bridges never at any time attended any Communist Party meetings. He might have met with one or two of the trusted and highest officials of the Party, as that would be all that would be necessary to conduct any business he had with them.

Bridges never stated to me that he was a member of the Communist Party. It was always tacitly understood and assumed that such was the case.

* * * * *

Everybody in the employ of the C. I. O. and the unions with their headquarters in the Balboa Building, with one exception, were members of the Communist Party. This I know because I attended meetings with them, paid dues at the same time they did. There was no secret, no bones made about it at all. The one exception was Herman Stuyvelaar. When a vacancy occurred in the personnel of the C. I. O. headquarters that vacancy was invariably, without exception to my knowledge while I was there, supplied after consultation with Schneidermann from the Communist Party headquarters. (112)

Mrs. Segerstrom testified that after the statement was finished she read it back to O'Neil and that he made "a couple of corrections," which she explained on the witness stand.

Major Schofield was also sworn and testified in respect to the conversation occurring between O'Neil,

Exhibit "E"—(Continued.)

Government counsel Del Guercio, Assistant Director Connelley, and Agent Cassidy of the F. B. I. and himself, on the 22nd day of April 1941, during the week before O'Neil's appearance at the hearing. He does not mention Agent Smith as being present. Major Schofield gave this testimony:

> He (O'Neil) was asked whether he had been a Communist and stated he had been a member of the Communist Party and had been active in its behalf here in San Francisco. He was asked whether or not Harry Bridges was a member of the Communist Party, and he said he was. He then said and volunteered this: That he, O'Neil, so far as he knew, was the only man who had visual evidence of the fact that Bridges was a Communist. We asked him what he meant by that, and he said that on one occasion he had actually seen Bridges pasting dues stamps in Bridges' membership book in the Communist Party.

Major Schofield further testified that O'Neil on this occasion also said:

> That he would be known as an enemy of labor if he testified against Bridges and that he would lose all his friends in the labor movement and the labor crowd, and he wouldn't be able to live in San Francisco if he testified against Bridges. (113)
>
> * * * He said "I am not afraid, but I just won't testify against Bridges." * * * That he wouldn't honor the subpoena and respond to

Exhibit "E"—(Continued.)

it, and then it was explained to him—I took part in this explanation—that if he failed to answer that subpoena we would, of course, under our duty be obliged to ask the Court to subpoena him and a subpoena would be served by a Deputy Marshal. And we pointed out to him the risks he ran if he failed to answer and respond to that kind of a subpoena. He then said that he didn't think that he would testify anyway or answer any subpoena, but he would make up his mind what he was going to do. And he also said that if we forced him to testify we "would be sorry," as he put it.

Major Schofield testified that there was no threat, intimidation, or coercion used in any way. In fact, O'Neil himself testified that there was no intimidation, unless a statement of Major Schofield—that the Government had ways and means to protect him in his position in the radio station at Marysville, where he was employed, could be so construed.

It was strenuously urged by Counsel for the alien at the hearing, and similar argument is made in the alien's brief, that the admission of the statement taken by Mrs. Segerstrom was error and that the statement itself, under the circumstances, was without probative value, and that the testimony of Major Schofield was erroneously received and was without probative value. These contentions are based upon the theory that O'Neil was a Government witness, that he said nothing of value to the Government, and that while it would (114) have been permissible to

Exhibit "E"—(Continued.)

produce contradictory statements of the witness on material points, there were no material points in his testimony in chief, and that impeaching him was merely negativing a complete blank. It is to be noted, however, that the witness testified that what he did say to the Government agents in the presence of the F. B. I. stenographer was true and that what he said to Major Schofield was the truth. There was no suggestion that he was attempting to falsify when he was interviewed, or to confuse the Government agents. At the same time, he expressly denied having made the statements vitally material in this investigation.

Whatever may be the common-law rule in relation to the reception of such evidence as that of Mrs. Segerstrom and Major Schofield, in this hearing the parties are not confined to common-law proof.[99] Hearsay is admissible but the character of such evidence is an element to be used in its evaluation. The principal reason for the exclusion of hearsay at common law is that the opportunity for cross-examination is absent. In the present case, the sanction of cross-examination was present. Although the statement given to Mrs. Segerstrom and the statement made in the presence of Major Schofield were not under oath, there is something equivalent, for O'Neil testified on the stand that he told the truth in his interview with the agents of the F. B. I. and in the interview at which Major Schofield was present.

(99) See page 11 ante; also U. S. v. Corsi, 65 F. (2d) 564.

Exhibit "E"—(Continued.)

There is in my opinion, therefore, every reason why this testimony should be heard and con- (115) sidered as substantive proof.[1] It falls within the definition of substantial evidence heretofore quoted.[2]

There remain the questions of fact as to whether O'Neil made the statements attributed to him by Mrs. Segerstrom and Major Schofield and, if so, whether they embody the truth. Mrs. Segerstrom and

(1) This view is fully supported by Dean Wigmore in the 3rd edition of his work (3 Wigmore, Evidence, 3rd ed., section 1018 (b)); "It does not follow, however, that prior self-contradictions, when admitted, are to be treated as having no affirmative testimonial value, and that any such credit is to be strictly denied them in the mind of the tribunal. The only ground for so doing would be the hearsay rule. But the theory of the hearsay rule is that an extrajudicial statement is rejected because it was made out of court by an absent person not subject to cross-examination. * * * Here, however, by hypothesis the witness is present and subject to cross-examination. There is ample opportunity to test him as to the basis for his former statement. The whole purpose of the hearsay rule has been already satisfied. Hence, there is nothing to prevent the tribunal from giving such testimonial credit to the extrajudicial statement as it may seem to deserve. Psychologically, of course, the one statement is as useful to consider as the other; and everyday experience outside of courtrooms is in accord."

See also Chicago, St. Paul, Minneapolis & Omaha Railway Company v. Kulp, 102 F. (2d) 352, 133 A. L. R. 1445 and note at 133 A. L. R. 1454, 1462; United States v. Graham, 102 F. (2d) 436, certiorari denied, 307 U. S. 643.

(2) See page 12, ante.

Exhibit "E"—(Continued.)

Major Schofield appeared to me entirely reliable and their testimony deserving full credit. If their testimony is not true, there has been a dastardly attempt to deceive me as the Presiding Inspector, by false testimony, for there is no chance of a mistake here, and if I were to believe that O'Neil was "framed," or his declarations falsified, I should look with suspicion upon the entire case presented by the Government. No such idea finds (116) warrant in the testimony as I heard it and as I have reviewed it. I reach the conclusion that the statement taken in shorthand by Mrs. Segerstrom represents the considered declarations of O'Neil and that the testimony of Major Schofield truthfully sets forth what O'Neil said in his presence.

If O'Neil's statements to Mrs. Segerstrom and Major Schofield were false, and O'Neil had no knowledge or information as to Bridges' Communist membership, he would hardly have been so loath to testify, for nothing he could truthfully have said would have hurt his friend, Bridges. The very lengths to which he went to avoid the witness stand indicate to my mind that he feared his appearance on the stand would be harmful to Bridges. This would be so only if the occurrences narrated in his statements to Mrs. Segerstrom and Major Schofield were true, or he was in possession of other information damaging to Bridges' case. His explanation of fear for his own reputation, should he appear, is tenuous.

Having thus concluded that O'Neil made the state-

Exhibit "E"—(Continued.)

ments attributed to him by Mrs. Segerstrom and Major Schofield, I am also convinced of their truth. I do not overlook O'Neil's repudiation of the statements or Bridges' denials of the facts recited therein.

Taking into consideration all the evidence bearing on this phase of the proceeding, I conclude that it is established that the narrations contained in O'Neil's statement to Mrs. Segerstrom and in his conversation in the presence of Major Schofield are the truth, and I find the fact that in accordance therewith that Bridges was in 1937, a member of the Communist Party. (117)

F. LEE BARLOW

Lee Barlow, a Government witness, is a resident of Seattle, and a member of the Sailors Union of the Pacific, an A. F. of L. Union. He was a delegate to the Convention of the Maritime Federation of the Pacific in Seattle in 1935. He saw Bridges in the Convention and met him personally.

An issue of Communism arose in the Convention on the eligibility of a delegate from the Firemen's Union. On leaving the Convention, on one occasion, Barlow in company with several others, talked with Bridges. The subject of Communism again arose. Barlow asked Bridges what he thought of the Communist Party and Bridges replied that the only way that a young fellow could get ahead in the labor movement today was to join the Communist Party.

Exhibit "E"—(Continued.)

Bridges denied making such a statement as Barlow attributed to him, at any time. There was proof that in 1939 Barlow had stated to a Government representative that he knew nothing about Bridges. It is a very simple statement to which Barlow testified. It is the kind of a statement that a young man curious about Communism would be apt to remember. I think it would be more likely to be remembered by a person in Barlow's position than it would be by Bridges himself.

I reach the conclusion that the greater weight of evidence establishes that the conversation took place. It indicates a sympathetic attitude toward Communism in line with other evidence as to Bridges' membership in, or affiliation with, the Communist Party. (118)

G. RICHARD AND DAWN LOVELACE

Richard and Dawn Lovelace were husband and wife. Richard Lovelace died March 13, 1941, before the hearing in this proceeding. Dawn Lovelace was sworn as a witness. A signed statement of Richard Lovelace given to the Government on Sept. 12, 1940 was admitted in evidence. The admission of such a statement, where the maker of the statement cannot be produced as a witness, is expressly authorized by the Departmental rules.[3] Even in the absence of a rule such a statement may be received in evidence

(3) Sec. 150.6 (i) of the Regulations of the Department of Justice, Immigration & Naturalization Service.

Exhibit "E"—(Continued.)

in an administrative proceeding. The testimony of Dawn Lovelace and the written statement of Richard Lovelace, so far as they relate to the same occurrences are in substantial accord. Only such discrepancies occur as are to be expected in testimony of participants in an event occurring several years before.

Both Richard and Dawn Lovelace have been members of the Communist Party, as was generally known. Richard Lovelace was a member from June 1932 to January 1939. He took a prominent part in various Communist Front Organizations, including the Workers Ex-Service Mens League, the International Labor Defense, and the American League against War and Fascism. He was a member of the Section Committee of the Party at Portland, Oregon, and ran for Congress on the Communist Party ticket in 1932. Dawn Lovelace was a member from May to October 1935. She wrote for the "Voice of Action," a Com- (119) munist newspaper, and was chairman of its Portland Bureau. She has contributed newspaper and feature articles to the Daily Worker, Sunday Worker, Western Worker, the New Masses, and also to such well known publications as Forum, New Republic and Common Sense.

After Richard Lovelace's retirement from the Communist Party he was active in the American Legion and was chairman of one of the committees of that organization in Portland. On an evening of the week of August 16, 1935, Bridges, accompanied by Hugh Adams, identified by the Lovelaces

Exhibit "E"—(Continued.)

as a Communist, and two other men, came to their apartment between eight and nine o'clock. Richard and Dawn Lovelace were alone at the time. Richard Lovelace in his statement said that they came seeking James A. Murphy, organizer of the Portland Section of the Communist Party. Dawn Lovelace testified that when they came they asked for Matt Meehan, but as he was not there, Murphy was sent for, and a message left for him at his apartment which was in the same building. While waiting for Murphy the time was occupied by Bridges dictating to Dawn Lovelace a report on a Maritime Conference in Washington, from which he had recently returned.

Murphy came in shortly after midnight and a discussion followed as to the contents of a telegram which Bridges proposed to send to Henry Schmidt, an officer of Bridges' local union. The telegram was to advise the longshoremen of the tactics to be pursued in order to prevent the waterfront employers from locking them out. At about 1:30 to 2:00 o'clock in the morn- (120) ing, the conference broke up, and Bridges left with the apparent intention of sending the telegram. The stay of Bridges in the Lovelace's house was thus four or five hours in duration.

Bridges admitted being at the Lovelace apartment, saying that he went there to obtain the services of a typist. He admitted sending a telegram as indicated, but stated it was sent to Jack Creary, an official of the union, and not to Schmidt. He denied

Exhibit "E"—(Continued.)

that he discussed the contents of the telegram at the Lovelace home that evening.

The alien offered no direct evidence to impeach the creditability of Dawn Lovelace. He attempted, however, to impugn the character and creditability of Richard Lovelace. For this purpose, he called two witnesses, Virgil MacMickle and Charles Yoeman. MacMickle testified that Lovelace's reputation for truth and veracity was bad, that he would not believe him under oath, and that during the last two years of his life, his conduct was irrational and that he was suffering from paranoia, at least to some extent, and was a drunkard. He testified to seeing certain letters purporting to have been written by Lovelace to a woman, afterwards identified as the wife of the witness Yoeman, which he described as obscene and extortionate. He advised Yoeman to exhibit them to the Postal Authorities. Yoeman testified that he showed the letters to the Postal Authorities, who advised that, their transmission through the mails was not in violation of Postal Laws. Thus, according to the expressed opinion of the Postal Authorities, (121) as stated by Yoeman, they could have been neither obscene nor extortionate.[4] Yoeman finally took the letters to Lovelace and complained about them. Lovelace told Yoeman that he didn't know the addressee was really married. No further letters were received by Yoeman's wife. As to paranoia and irrational conduct, MacMickle

(4) Federal Code, Title 28, Sections 334 and 338a.

Exhibit "E"—(Continued.)

was contradicted explicity by Dr. F. J. M. Ernest, the neuropsychiatrist at the Portland Veterans' Hospital, who was a fellow member with Lovelace in the American Legion Post, and had several times examined Lovelace at the Veterans' Hospital where Lovelace was a patient, and where he finally died. He had had close association with Lovelace in Legion activities.

I give no credence or weight to any of the testimony of MacMickle. Indisputable evidence shows that he was not qualified to testify as a doctor, and that he falsified on his application for the practice of naturopathy in the State of Oregon, and thereafter as a member of the State Board of Naturopathic Examiners, passed upon his own application. His medical testimony is valueless. Aside from his lack of medical qualifications and his attempt to set himself up as a medical expert, his testimony as a lay witness was largely refuted by the other alien's witness, Yoeman, and would in any case be unworthy of belief.

Considering all the testimony, I reach the conclusion that Richard and Dawn Lovelace were both credible witnesses, that the attack on the credibility of Richard (122) Lovelace fails, that Bridges did discuss the form of the message to be sent to the longshoremen's union with the Communists then present, at least, two of them not being members of a trade union. This testimony is important as evidence of the conduct of Bridges in dealing with Communists, especially nontrade union members.

Exhibit "E"—(Continued.)

It shows a close association with Communists in line with other evidence as to Bridges' membership in or affiliation with the Communist Party.

H. THE MADISON SQUARE GARDEN MEETING

On December 16, 1936, Bridges addressed a mass meeting at the Madison Square Garden in New York City. The evidence as to the character and purpose of the meeting and as to the impelling reasons for Bridges' participation are in violent conflict. No account is so convincing that I can say that it is established. Under such circumstances no finding of membership in or affiliation with the Communist Party can be based on this episode or its surrounding circumstances. However, the summary of the evidence at the hearing would be incomplete if I did not give an outline of the conflicting testimony.

During the Fall and Winter of 1936-1937, the maritime unions of the West Coast, including the I. L. A. were on strike. Bridges at that time was president of the Pacific Coast District of the I. L. A., an affiliate of the A. F. of L. Some East Coast seamen's union, affiliated with the A. F. of L., were also on strike, as well as certain groups of longshoremen who were supporting the strike independently and in defiance of their unions and the national officers of the A. F. of L. (123)

The Government contends that the Madison Square Garden Mass Meeting was held under the

Exhibit "E"—(Continued.)

auspices of the Communist Party, and that Bridges traveled from San Francisco to New York and spoke at the meeting upon direct orders from the Politbureau of the Party. According to the Government's claim, Bridges thus demonstrated his membership in the Communist Party.

The alien, on the other hand, asserts that the meetings was under the auspices of the East Coast Strike Committee and that Bridges' attendance followed arrangements between the West Coast Strike Co nittee and the executive committee of Bridges' own union, in collaboration with the East Coast Strike Committee. The arrangements were made, he asserts, prior to the time when the Communist Party is claimed to have ordered him to attend. Bridges denies that the Communist Party gave him orders on this or any other occasion, or that the Communist Party paid the expenses of his trip East.

Four witnesses, in addition to Bridges himself, gave testimony relating to this episode. The first three now to be mentioned were Government witnesses; the fourth was produced by the alien.

William C. McQuistion, now living at Port Arthur, Texas, has had a turbulent career in the labor movement. He became a member of the Communist Party in 1922, and was thereafter intermittently a member until 1935. He was a charter member of the M. W. I. U. organized in 1930, and was a member of its National Bureau and National Fraction. According to McQuistion, the M. W. I. U. was dissolved in (124) 1935, pursuant to a decision of the

Exhibit "E"—(Continued.)

National Fraction and of the R. I. L. U. His bitter opposition to this action involved him in a dispute with higher officials of the Communist Party which resulted in his suspension. He has, however, cooperated with the Party since that time and has acted as an advisor, particularly in labor matters. He served as a volunteer in the Spanish Loyalist cause in Spain for fifteen months and then deserted. In August 1938, he returned to the United States. After this he became an official of the National Maritime Union (N. M. U.) but was expelled in 1939 when he walked out of the National Convention following a controversy over his credentials. Since 1939, he has been engaged in research and literary work, chiefly on the subject of Communism. He testified before the Dies committee in 1939, and has been employed by that Committee to do research. During the time of his association with the Communist Party, he was convicted of various misdemeanors in connection with labor and Communist activities of a militant nature. In 1939, he was charged with murder in Louisiana. This he called a Communist Party frame-up. He voluntarily waived extradition, was tried and acquitted. He has held many positions of prominence and confidence in labor unions and in the Communist Party. He is a man of intelligence.

Peter J. Innes is now a sergeant in the United States Army. He was never a member of the Communist Party. He was active in the 1936-1937 strike on both the East and West Coasts. He was a member of the Seamen's Defense Committee on the East

Exhibit "E"—(Continued.)

Coast in the (125) Summer of 1936.[5] In August of that year, the Committee sent him to the West Coast.[6] He was thereafter elected chairman of the Strike Committee of the East Coast seamen on the West Coast. He was given credentials to sit on the Pacific Coast Strike Committee. He has testified before the Dies Committee and on the witness stand showed strong bias against Communism.

Ethel Mullaney, of New York, was the manager of the Booking Department of the Madison Square Garden. As such she arranges leases and writes the contracts and takes general care of the rentals. She identified the lease for the Garden for the evening of December 14, 1936, for a meeting under the auspices of the Joint Strike Committee of Seamen,[7] and testified that the arrangements for the lease

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(5) This Committee was an aftermath of an East Coast seamen's strike in the Spring of 1936, engaged in by certain rank and file seamen. Curran described it as an "outlaw" strike.

(6) Curran testified that Innes was sent to the West Coast in August as advertising representative or "salesman" for "The Pilot," a newspaper published by the Seamen's Defense Committee. Innes testified that he was on the West Coast as representative of the Seamen's Defense Committee. Regardless of his title, Innes evidently had a position of responsibility and did represent the Seamen's Defense Committee until the strike started. It is noted that Bridges conferred with him prior to the strike in regard to strike policy. After the strike started he was given credentials to sit on the West Coast Committee.

(7) See Gov. Ex. 260; Gov. Ex. 261.

Exhibit "E"—(Continued.)

were made by David Leeds, the treasurer of the Communist Party of the District of New York. The rental of thirty-five hundred dollars was paid in advance in full when the lease was signed and delivered, by a check signed (126) by David Leeds. Her testimony is unimpeached and uncontradicted. I accept it as establishing the facts to which she testified.

Joseph Curran, called by the alien, has since 1938 been president of the N. M. U. He is one of six National Vice-Presidents of the C. I. O. In 1936-1937, he was the chairman of the East Coast Joint Strike Committee. Previous to the organization of this committee, he was chairman of the Seamens Defense Committee, of which Innes had also been a member. On the Joint Strike Committee, McQuistion was the representative of the Marine Firemens Union, an A. F. of L. affiliate.

The testimony of McQuistion and Innes—I need not separate them here—was to the effect that the morale of the eastern seamen was low, and the Strike Committee, and particularly its Communist Fraction, determined to get Bridges to come on to New York to give a "pep" talk. McQuistion said Bridges flatly refused. The Communist Fraction designated Tommy Raye, member of the Politbureau of the Communist Party, to get in touch with him and to tell him it was a Party decision that he come. McQuistion, from New York, called Innes on the telephone. He was reached in Bridges' office in San Francisco. McQuistion told Innes to take Bridges

Exhibit "E"—(Continued.)

to a telephone pay station and to call a certain number in New York, also a pay station, "collect." This maneuver was to escape detection. Innes did as he instructed. McQuistion, who was waiting, turned the New York end of the line over to Raye while Innes turned the San Francisco end (127) over to Bridges. McQuistion heard Raye's part of the conversation. After some argument Raye said over the telephone that it was Party orders—"The Political Bureau and Fraction have made the decision. You have to come." Raye also told Bridges to make it official by sending news of Bridges' decision over the teletype. Innes did not hear Bridges' end of the conversation, but said that after the talk was over, Bridges said to him, "It looks like I got to go to New York." On December 10, a telegram was sent on Bridges' behalf to the Strike Committee as follows:

> Harry will speak at mass meeting Madison Square Garden December Fourteenth Stop Request you make immediate arrangements for round-trip airplane ticket with United Airlines and notify by telegraph Stop In addition to public mass meeting also arrange mass meetings of longshoremen in Boston and New York Stop Acknowledge receipt and keep us posted as to arrangements. ABAJCF.[8]

The story as given by Curran and Bridges is that for some time it had been contemplated that delegations from the West Coast should go to the East

(8) Al. Ex. 47.

Exhibit "E"—(Continued.)

Coast to enlist support there for the West Coast Strike. The East Coast Strike was one of sympathy with the West Coast. Bridges never had any doubt about going East; the only question was as to the date, which had to be fixed to fit into his program of meetings and speeches on the West Coast. Bridges testified that early in December he had arranged meetings in other East Coast cities, except perhaps as to the dates. The trip was (128) made, according to both Bridges and Curran, in fulfilment of the previous arrangements. Bridges stated that it was on December 9 that he definitely made up his mind to go East for the December 14 meeting. The telegram quoted above appears to be the announcement of this decision. The message is inconsistent with the theory that the meetings in other East Coast ports had already been fully arranged.

There are other inconsistencies in the Bridges-Curran version which led me to conclude that their testimony was not a frank and complete disclosure of the circumstances surrounding this meeting. I allude to only a few of them. It is doubtful whether Bridges' trip East was a "delegation" visit such as was contemplated in early arrangements.[9] Ryan, the International President of the I. L. A., had, according to Bridges, promised aid to the West Coast Strike. This aid had not been forthcoming. The program for the delegation visits included a provision that the delegation was to "contact Ryan immedi-

(9) Al. Ex. 32, 34.

Exhibit "E"—(Continued.)

ately on arrival" in New York. Bridges reached New York December 14. He did not get in touch with Ryan for several days. He made at least one or two speeches to the workers first. The explanation by Bridges and Curran that it was necessary to go East to enlist support for the West Coast Strike is also inconsistent with Bridges' statement that at the time in question the West Coast Strike was already won. Nor is it explained why Bridges demanded and received his travel expenses from the East Coast Strike Committee when the purpose of the trip (129) was solely to benefit the West Coast, and why it was necessary to explain this to his union's District Convention in 1937. This is particularly true in view of the impoverished condition of the East Coast Strike Committee, so vividly described by Curran. There is no explanation of the source of the $275.00 paid for Bridges' plane ticket unless the money came from the same source as the rental for the Garden, that is, the Communist Party.

As I view this part of the evidence, I find it not inconsistent with the story of the telephone message between Raye and Bridges, as given by McQuistion and Innes. It is for other reasons that I do not accept the story of the telephone message.

In addition to the bias of McQuistion and Innes and the unusual maneuver pursued in making the call, and the coincidence of finding Innes in Bridges' office, there is a circumstance, it seems to me, even more significant. Innes and McQuistion were examined before the Dies Committee on the general subject of Communism. The subject of the Madison

Exhibit "E"—(Continued.)

Square Garden meeting was included. The telephone message is of great importance as showing Communist domination of Bridges and, indirectly, of the mass meeting; and, yet, Innes made no mention of it in his testimony before the Dies Committee. The testimony of McQuistion on this hearing is not so definite as to what his evidence before the Dies Committee was, but it is a fair assumption that he, too, was silent before the Dies Committee on this crucial incident, else the record of his testimony there would have been shown at the hearing, in this proceeding. (130)

As to what happened in New York after Bridges arrived there on the afternoon of December 14, there is similar conflict between the testimony produced by the Government and by the alien. Innes describes a meeting of Communists in Bridges' hotel room on his arrival, and both he and McQuistion tell about a meeting of Communists in an ante-room at the Garden after the Mass Meeting. In the latter meeting, they say, McQuistion turned over to Leeds the money collected at the Mass Meeting for the benefit of the strikers and Leeds gave Bridges about five hundred dollars towards his expenses. This is all categorically denied by Bridges,[10] who said

(10) Innes stated that in the meeting in Bridges' hotel room, Tommy Rave informed Bridges of the change in the date of the Madison Square Garden meeting from December 14 to December 16 because the "Garden" was not available on the former date, and outlined Bridges' itinerary for other meetings on the East Coast. Despite Bridges' assertion that

Exhibit "E"—(Continued.)

he got no cash money from the East Coast. Curran's testimony as to the payment for the Garden rental is wavering and wholly unreliable. He first said he knew all about it; that he had asked a man named Lawrenson to go out to get some money. Later when it came to his attention that the Communist Party had rented the Garden, he said that they only guaranteed the rental, and that a deficit for the meeting was carried on the Strike Committe's report. (133) Finally, his statement was, in substance, that he didn't know much about the rental.

All in all, I make no finding on this episode. Grounds for suspicion as to the alien's explanations are ample. Suspicions, however, do not obviate the necessity of proof. Disregarding the telephone conversation, the chain of proof breaks at the link of Bridges' knowledge of the Communist character of the meeting. As I do not credit the testimony of McQuistion and Innes, I find that neither the telephone conversation between Raye and Bridges, or the communication of Bridges with the Communists before and after the mass meeting are established.

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the other meetings were all arranged before he arrived in New York, he evidently had no knowledge of this change before his arrival there. Since he spoke every night of his stay in the East, the change in date must have necessitated a change in the date of at least one of the other meetings, but Bridges does not explain how this change was accomplished on such short notice.

Exhibit "E"—(Continued.)

I. HOWARD RUSHMORE

This witness has already been considered in connection with his testimony relating to the general subject of communism.[11]

He testified also that in July 1935, while he was on the staff of the "Young Worker," official organ of the Y. C. L., he interviewed Bridges during a Convention of the Youth Congress in New York City, after Bridges and Louis Weinstock, a member of the C. E. C. of the Community Party had spoken, at a meeting sponsored by the A. F. of L. Committee for Unemployment Insurance.[12] In the interview Bridges praised the Youth Congress[13] and mentioned coopera-
(132) tion which he had received on the west coast from the National Students League."[14]

Rushmore also testified that during the time he was associated with various Communist publications he came to know Bridges as a "sacred cow," which he described as one to whom only favorable publicity is given. On cross-examination, he identified other persons and organizations who were mentioned in the Communist papers, classifying them as to whether they were also accorded consistent favorable publicity or otherwise; the inference being that Communist

(11) See page 28, ante.

(12) A Communist-inspired and supported movement. See Gov. Ex. 135, pp. 226, 301; Gov. Ex. 164, p. 799; Tr. 2586, 6074.

(13) See page 74, ante.

(14) See page 74, ante.

Exhibit "E"—(Continued.)

organizations and leaders were the only ones who were consistently in the "sacred cow" category.

In and of itself, I do not consider this testimony of Rushmore as establishing Bridges' membership in or affiliation with the Communist Party. I do consider it as an item revealing Bridges' attitude toward Front Organizations and a program which was inaugurated and strongly supported by the Communist Party, and further as showing that Bridges aided these organizations and this program by publicly expressing his approval of them. This evidence also shows that the Communist Party and its organs supported and gave aid to Bridges by according him favorable publicity.

J. EZRA CHASE

Ezra F. Chase, a Government witness, was a member of the Communist Party from 1931 to 1934, and again from 1935 until he resigned in December 1937. During his membership he was an organizer of the (133) Communist Party and Secretary of the American League against War and Fascism, and ran for various public offices on the Communist Ticket, and was a member of the Communist Fraction in the Los Angeles Central Labor Council. He attended the Communist Party schools. His experience in Communist organizations qualified him to speak with authority as to Communist practices and policies. His in this respect is referred to elsewhere.[15]

In September 1937 he was a member and organizer

(15) See page 25, ante.

Exhibit "E"—(Continued.)

of the Upholsterers International Union, an A. F. of L. affiliate. Chase testified that early in September of that year he received a telephone call from Lou Barron, organizer of the Trade Union Section of the Communist Party in Los Angeles, and an instructor in the Communist Party School, who told Chase that there was to be a meeting at 1210½ West Washington Boulevard on the following morning. Barron instructed him to attend the meeting and to get in contact with two other Communist members of the Upholsterer's Union, and to instruct them to attend. Barron stated to Chase that Harry Bridges was to speak at the meeting, and would outline and lay down the line to be followed in the matter of A. F. of L. Unions going over to the C. I. O. Barron also said to Chase that failure to attend the meeting would result in disciplinary action by the Control Committee of the Communist Party. Chase stated that there were about 25 or 30 people present at the meeting, ten or fifteen of whom Chase knew to be Communists, (134) and one knew Chase as a Non-Communist. Bridges' speech dealt in general with the subject which Barron had indicated. He favored the policy of carrying unions over to the C. I. O. as a whole, not "to chip off any small chunks from the membership." In the course of the remarks, Bridges took "quite a shot at the Red Baiters," saying "there was a time that when I felt that if anyone was opposed to the Communist Party that it was his privilege to so speak, but experience has taught me that those who make a practice of red-baiting are agents of the bosses

Exhibit "E"—(Continued.)

and are the enemies of true trade unionists and should be treated with distrust."

Bridges, himself, admitted speaking at this meeting. He said it was a trade union meeting called by himself through J. R. Robertson, the Southern California Regional Director of the C. I. O. He said that he had just returned from Washington and that he called a series of meetings on the Pacific Coast to report as to the discussions that he had with the National Officers of the C. I. O. and to convey his report to the local officials. Bridges said that his speech related to C. I. O. charters. He warned against charters being sought or granted for small groups, explaining that this made for disruption and destruction in the trade union movement.

The alien's counsel directed this question to Bridges: "At that meeting, or at any meeting, did you lay down or intend to lay down any policy to govern the conduct of the Party Members on the question of C. I. O. affiliation?"—to which Bridges replied, "The line we (135) laid down was to govern all members of the C. I. O. regardless of affiliation."

The alien called another witness who had attended this meeting, John S. Horn, for twenty-seven years the secretary of the Beer Drivers Union, an A. F. of L. local in Los Angeles. Horn is a member of the Unemployment Reserves Commission of the State of California. He testified that he attended the meeting as a trade-unionist and that Bridges' talk was on the subject of Trade Union Organization, that the talk dealt only in generalities, and that he was dis-

Exhibit "E"—(Continued.)

appointed in it. He added, "I thought, with due respect to the gentleman, that it was very inocuous as an organization talk and it didn't impress me enough to remain vividly in my memory."

On the cross-examination of Horn, this occurs:

> Now, didn't you also tell the F. B. I. that in your opinion Bridges' speech in 1937 was tinged with Communism?
>
> A. I think it had that phraseology.
>
> Q. You did say that was the truth?
>
> A. In a mild way.
>
> Q. Was it the truth, did you tell the truth to the F. B. I. when they questioned you about that?
>
> A. I think I did, to the best of my knowledge.

Two matters stand out as proved from the testimony of Chase, Bridges, and Horn: First, that Bridges attended this meeting, spoke about the organization of C. I. O. unions out of the membership in A. F. of L. unions, and made an attack on what is called "red (136) baiting," and second, that he laid down the line for trade unionists, whatever their affiliation.

Chase's testimony to the effect that he was directed by a leader of the Communist Party to attend the meeting as his duty as a Communist falls short of establishing membership by Bridges in the Communist Party. The policy which Bridges as a trade unionist advocated apparently ran parallel to that advocated at the time by the Communist Party itself.

I find that the testimony of Chase and Horn falls short of establishing by itself Bridges' membership

Exhibit "E"—(Continued.)

in the Communist Party. Still it has a general application in showing him sympathetic attitude towards Communists, and to be taken into consideration with other evidence on the matter of Bridges' affiliation with the Communist Party.

The alien devoted a great deal of effort in an attempt to discredit Chase and to establish that he is what is known as a labor spy. This is treated elsewhere." [16]

K. SAM DINER

Sam Diner, a naturalized American citizen, now the proprietor of a ladies' apparel shop at San Rafael, California, was called as a witness by the Government.

He was for many years a member of trade unions and from 1931 to 1936 or 1937 was a member of the Communist Party. His acquaintance with Bridges antedates the 1934 strike, in which he cooperated. During and after the 1934 strike, he saw Bridges several times. The most important part of his testimony (137) relates to a Convention of the Communist Party which he states was held in Fresno on Sunday, September 23, 1934. Diner drove to Fresno on this occasion from San Francisco with a man and women whom he identified as Sam Darcy and his wife. They registered at the Hotel Travelers in Fresno, Diner under his own name, and the others as Mr. and Mrs. Arthur Frank.[17] The next morning Diner attended

(16) Page 165, post.

(17) Gov. Ex. 198.

Exhibit "E"—(Continued.)

the Convention which had been called by District No. 13. The Convention was a closed one, only members of the Communist Party were permitted to attend. The purpose of the Convention was to check up on the defects and results of the work of the Communist Party during the general strike period in July 1934. Diner acted as temporary chairman of the Trade Union Committee. Diner testified that Harry Bridges came to the Convention in the afternoon, was a member of the Trade Union Committee, and spoke before the Committee in the late afternoon on the subject of the general trade union movement, his speech being in the nature of a report. The attendance of Bridges at this closed Communist Convention, if established, would be very persuasive, if not actually conclusive, as to the membership of Bridges in the Communist Party. Bridges himself denied his attendance at any Convention in Fresno in 1934, and stated that he never attended a Communist Convention at Fresno or anywhere, at any time, and had never been in Fresno until late in 1935.

With this conflict in the evidence, it is necessary to give special attention to the credibility of the witness (138) Diner. Diner has a long history of participation in trade unionism. He was a member of the Needle Trade Workers Industrial Union, a T. U. U. L. Union, which had apparently previously been affiliated with the A. F. of L. It was disbanded late in 1934, or absorbed by the I. L. G. W. U. Prior to 1934, he had been President of the N. T. W. I. U. and had

Exhibit "E"—(Continued.)

been a director of the Communist Party Workers School.

The Headquarters of the Communist Party at 121 Haight Street were purchased by Diner in his own name, under instructions from Sam Darcy. Afterwards, Diner transferred the property to others.

On cross-examination, appeared that Diner was expelled from the Communist Party and removed from his office in his trade union in 1936 or 1937. His statement is that he had earned the ill will of the Communist Party by refusing to follow the Party line, in rejecting certain certain applicants for employment, recommended by the Party. He was removed from his position in his trade union after a hearing. The specific charge against him seems to have been that he had received $50.00 from an employer, which he admitted. He admitted also that the act was unethical, and when the hearing took place before the committee of his union, he did not formally explain it, and even informally he did not truthfully explain it. He said that at the present hearing was the first time he had given the truthful explanation. Briefly it was this: That he had a deep friendship for Sam Darcy. He received letters from Sam Darcy from Europe, asking him to secure the (139) removal of an indictment found in California against Darcy. The witness went to a lawyer, indicated by Darcy, and was informed that this could be done for a thousand dollars. He gave the lawyer $300.00 at the time and then went about trying to collect the balance. The $50.00 which he received from

Exhibit "E"—(Continued.)

the employer was used toward the accomplishment of what Darcy desired, although Diner's purpose in asking the employer for the money was not disclosed to the employer. He could not tell the truth about this transaction when the charge against him came before the Labor Union Committee, on account of Darcy's connection with the matter. Such is the explanation which was very voluminously given.

His expulsion from the Communist Party he claimed to have been illegal, and said that he had had a talk with Earl Browder about it, and that Browder had advised him to appeal to the Central Authorities and had, in fact, offered to pay Diner the expense of a trip to the East for the appeal.

It also appeared by the testimony of Charles M. Dullea and Emma Katzer that a proceeding or action was brought against Diner under Section 701 of the California Penal Code, relating to threats to do bodily harm. In this action or proceeding, before a Justice's Court in Sonoma County, he was placed under bond of $500.00 for six months, to keep the peace.

Diner was not an impressive witness. His story as to the Trade Union Meeting, where he was removed from officers, is not convincing. We have the fact that he made threats of bodily harm, found in the proceeding (140) under which he was bound over to keep the peace. On the other hand, there is Bridges' denial.

I reach the conclusion, looking at all the testimony

Exhibit "E"—(Continued.)

as to this episode that it is not established by the preponderant weight of evidence.

L. NATHANIEL HONIG

Nathaniel Honig is a newspaperman, now employed by the Seattle Post Intelligencer. He was a member of the Communist Party from November 1927 to November 1939. From 1927 to May 1, 1934, he was editor of the magazine "Labor Unity" in New York, which was the organ of the T. U. E. L. and T. U. U. L. and in that capacity was a member of the National Executive Board of the T. U. U. L. During this period he wrote at least two pamphlets for the Communist Party having particular reference to the Labor Movement. These pamphlets were written at the direction of the C. E. C. and were edited for that Committee by one or more of its members. With William Z. Foster then the National Secretary of the T. U. U. L. he wrote a book entitled "Industrial Unionism." On May 1, 1934 he was sent to the Soviet Union by the C. E. C. as a "referant" between the R. I. L. U. and the trade union movement in this country. After three or four months in the Soviet Union his position was changed to that of Official Representative of the American Communist Party. He returned to the United States about September 1, 1935, and worked for a short time in the New York District of the Communist Party and was then sent to San Francisco. (141)

Exhibit "E"—(Continued.)

He became a member of the staff of the Western Worker early in 1936, first as Labor Editor, then after four or five months as Managing Editor, although he continued while Managing Editor to gather labor news. He continued on the paper until June 1937. In 1939 he severed his connection with the Party, after the announcement of the German-Russian pact of that year. He says he was also disillusioned by the opportunistic and undemocratic methods pursued by the Communist Party.

It is his testimony that for a short time before the 1936-1937 Strike, during the strike, and for some time thereafter, he attended a number of top fraction Communist meetings. These meetings during the strike were held weekly; after the strike biweekly. He attended in all some ten meetings before the strike ended, and six thereafter. He gave a list of persons attending the meetings and said that generally there was present a high Communist official. He named Bridges as a participant in these meetings. During the strike, the day-to-day progress and conduct of the strike were discussed and the role of the Communists in it. At some meetings after the strike, the Communist policy of carrying the Union into the C. I. O. was discussed as well as the actions of Communist members in relation thereto.

Bridges' attendance at these Communist Meetings would be convincing evidence of his membership in and affiliation with the Communist Party. The burden was on the Government to prove the

Exhibit "E"—(Continued.)

facts on which it relied by the greater weight of evidence. The alien violently (142) attacked the credibility of the witness, as relating to these meetings. I do not understand that he questions Honig's membership in the Communist Party, or the high position which he occupied. The alien offered the testimony of Ruth Givan, a fellow employee with Honig on the Seattle Post-Intelligencer, who declared that his reputation for veracity was bad, and that she would not believe him under oath. The Government itself brought out in the direct examination of Honig that he had taken a couple of books from a stand in a store in Seattle, having accompanied representatives of the store to the police station, paid for the books, and no further complaint or legal proceeding was taken against him. He explained the transaction as a mistake on the part of the store people.

Ruth Givan testified that from a window across the street, she saw Honig coming out of the store, presumably on the occasion when he said he took the books, and that he was wildly gesticulating and waving his arms. This continued until his arms were pinned by two women from the store, whom she described as store detectives. These he tried to shake off. She did not explain where he had the books, if he had them at all, when this occurred. No one other than Miss Givan was sworn by the alien as to this incident. The testimony, including Honig's own, and the fact that the Government saw fit to introduce it, raises a suspicion, at least,

Exhibit "E"—(Continued.)

that Honig was pilfering. The circumstantial evidence is not, however, conclusive, for it can be found consistent with Honig's explanation. As (143) to his reputation for veracity, the Government swore J. W. Farmer, President of the Local Union of the American Newspaper Guild, of which Honig is a member, who testified that Honig's reputation for truth and veracity was very good.

The alien calls attention to the rather sketchy character of the witness' description of what took place in the top fraction meetings; that the man against whom Bridges is said to have spoken at these meetings was his well known opponent, namely: Harry Lundeberg, that Bridges did not favor the transfer of the Longshoremen's Union to the C. I. O. until July 1937, which was after Honig severed his connection with the Western Worker, that when first interviewed by the F. B. I. Honig said that he knew nothing favorable to the Government's case against Bridges. He explained the conflict between his early statement and his testimony in the hearing by saying that an examination of the F. B. I. record convinced him that the F. B. I. was not hostile to the labor movement.

Bridges expressly denied attendance at any of these Communist Fraction Meetings and said that he never had seen Honig until Honig came into the hearing room. Likewise, Henry Schmidt, who was said by Honig to have been present at some of the top fraction meetings, denied having attended any

Exhibit "E"—(Continued.)

meetings with Honig during the 1936-1937 strike, or at any time.

When I take into consideration these conflicts and all the evidence relating to these matters, I conclude that the Government has not established by the greater weight of evidence the attendance of Harry Bridges at these Communist fraction meetings. (144)

M. THOMAS LAURENCE

Thomas Laurence, a witness for the Government, living in Los Angeles, is employed at the present time by the Red Cross as a cutter. He testified that he was a member of the Communist Party from April 1933 until the early part of 1935. He had been a member of the I. L. G. W. U. since 1932 and had been a member of the Communist fraction in that union. Laurence left the Communist Party because of loss of confidence in the leaders of the district organization. While a member, he had on many occasions permitted Communist groups to meet in his apartment on the first floor of the building at 1114 Belleview Street. At some time between May 9 [18] and July 31, 1934, a Communist organizer whose name is not disclosed arranged with Laurence to allow his apartment to be used for a meeting of the section committee of the Party. The

(18) The testimony of Morris F. Wales indicates that the date was probably not before May 19, 1934, since that is the date on which he started getting electric service.

Exhibit "E"—(Continued.)

organizer informed Laurence that Harry Bridges was to be present at the meeting. At the same time that this meeting was being held in Laurence's apartment, Laurence, himself, attended a Communist unit meeting in the apartment of Frank Ryan on the second floor of the same building. Out of curiosity Laurence left the unit meeting and with another person went downstairs and looked through the window of his own apartment and there saw a man whom he identified as Harry Bridges seated with five or six others. At the same time he saw Lawrence Ross and Meyer Baylin, Communist (145) Party members, evidently attending the meeting with Bridges. On cross-examination Laurence said that he had never previously seen Bridges. He did, however, point him out in the courtroom. Frank Ryan, the tenant of the apartment upstairs where the unit meeting was held, was called by the Government and testified that he recalled the meeting in his own apartment and that Laurence told him privately that evening that Bridges was attending a meeting downstairs. On cross-examination he said he could not say whether the meeting downstairs was a Communist or a trade-union meeting. Bridges himself denied attending such a meeting as Laurence described. The longshoremen's strike of 1934 began May 9 and ended July 31. Bridges stated that he was not in Los Angeles during the period of the strike. His alibi testimony was corroborated to some degree by Henry Schmidt and Fred Heiner. In further attack upon the testimony

Exhibit "E"—(Continued.)

of Laurence and to show his bias, two witnesses, David Bernstein and Bernard Appel, were called by the alien. Appel testified to violent statements made by Laurence against Bridges; for example, that he, Laurence, said he would do anything in the world to get him, and would even lie to hang him. Bernstein testified that Laurence's reputation for veracity was bad and that Laurence would get red in the face and his eyes become bloodshot when he spoke of Bridges. The conduct of Laurence on the stand did not substantiate these last statements. He exhibited no particular animosity against Bridges, although he showed himself to be decidedly hostile to policies which he called Communistic and which he said Bridges supported. (146)

The evidence taken as a whole, does not justify a finding that Bridges attended this Communistic meeting in Los Angeles. Giving full weight to all the evidence, there is too much chance of mistake in identification on the part of Laurence to say that his testimony constitutes the greater weight of evidence in the face of Bridges' denials supported as stated. Error in the identification of the man whom he had never seen before would be too easy. The fact that the Communist organizer told Laurence that Bridges was to be there would be apt to influence him in making the identification. The organizer's statement itself is of little or no probative force.

I therefore find that the attendance of the alien at a Communist meeting in Los Angeles at the

Exhibit "E"—(Continued.)

place and time mentioned is not established by the greater weight of evidence.

N. MAURICE J. CANNALONGA

Maurice J. Cannalonga, a witness produced by the Government, was a seaman employed at the time that he was first called to the stand as an electrician on a steamer. He had been a member of the Communist Party from about the beginning of the year 1936 to July 1937.

Questions relating to the credibility of this witness gave occasion to the presentation of a large amount of testimony with a plethora of circumstance. It is, in my judgment, unnecessary to narrate the details, for I have come to the conclusion, upon a consideration of all the evidence, that no reliance is to be placed upon any tes- (147) timony offered by this witness. I, therefore, summarize his statements briefly. The principal evidentiary statements on his direct examination related to his participation in Communist Fraction Meetings, which Bridges also attended. One such meeting, at least, was in Seattle at the Gowman Hotel and others were in San Francisco. At one such meeting in San Francisco, both Bridges and William Schneidermann, a well-known Communist official, were present and both took part in discussion. On cross-examination, it appeared that Cannalonga had been interviewed by F. B. I. Agents more than once before testifying, and had given three statements to the officials setting forth, along with other matters,

Exhibit "E"—(Continued.)

the circumstances of the Fraction Meetings referred to. His testimony was finished on the afternoon of April 17, and he was excused as a witness.

Nineteen days later there was called as a witness for the alien Mr. Roy D. Shoemaker, an Oregon Court Stenographer and Attorney at Law. When the alien's counsel began examining him about an occurrence on May 4 in the office of Mr. William P. Lord, an attorney and notary public in Portland when in the presence of Mr. Lord and Roscoe Craycraft, Mr. Gladstein, one of Bridges' counsel, had interrogated Cannalonga, an objection was made by the Government to the reception of the evidence on the ground that contradictory statements were not admissible unless the witness making them had been previously interrogated about them and given an opportunity to explain. A long discussion took place, in the course of which alien's counsel, Mr. Gladstein, asserted that he had asked Cannalonga to return to San Francisco to (148) testify, but that he had refused. In order to accommodate the Court Stenographer, Mr. Shoemaker, and to obviate the necessity of his remaining in San Francisco until Cannalonga had been brought back and testified, I permitted Shoemaker to read his stenographic notes of the examination of Cannalonga by Mr. Gladstein in Mr. Lord's office, without prejudice to a motion to strike the evidence out. Subpoenas were issued for service upon Cannalonga, but before he could be served with them he had disappeared from Portland and his whereabouts were said to be unknown.

Exhibit "E"—(Continued.)

A few days later Roscoe Craycraft was sworn as a witness and stated, at variance with counsel's own earlier assertion, that Cannalonga had told Mr. Gladstein himself, before the examination in Mr. Lord's office took place, that he would be glad to return to San Francisco and testify further, but desired first to go to Seattle to take the matter up with some other persons who he thought would be involved in his testimony. Under the peculiar circumstances of the disappearance of Cannalonga, after his statement that he would be glad to return to San Francisco, I permitted Craycraft to testify to statements made by Cannalonga before he was examined by Mr. Gladstein in Mr. Lord's office on May 4. He testified, in substance, that Cannalonga had told him that he had sworn in part falsely at the hearing, that he had not been present at a Communist Fraction Meeting at which both Schneiderman and Bridges were present, and that he had been intimidated into making statements to the F. B. I. to such (149) effect and to swearing as he did upon the stand because of a threat by the F. B. I. agents, that he might be prosecuted on a charge of violating the Mann Act.[19] Later, in the statement in Mr. Lord's office, he again asserted that at no fraction meeting attended by him had both Schneiderman and Bridges been present at the same time.

(19) Cole Jackman, for the alien, also testified that Cannalonga had told him that the F. B. I. "had the heat on him" and that he had to do pretty much as they told him.

Exhibit "E"—(Continued.)

In Mr. Lord's office, Mr. Gladstein asked the witness about the claimed intimidation by F. B. I. Agents, but it was shown that Cannalonga made no answers to questions in relation thereto.

It should be noticed that Craycraft testified that it was he who had first brought up in his conversation with Cannalonga the matter of the alleged Mann Act violation, basing it upon a rumor which he had heard upon the water front. Still later, on June 4, Cannalonga was brought back to the hearing, and then testified, in substance, that on the 3rd and 4th of May, the days when Craycraft and Mr. Gladstein were claimed to have talked to him and when the examination in Mr. Lord's office occurred, he was so drunk that he did not remember much of what occurred. On May 3rd he asserted he was celebrating his birthday. He reasserted, however, that there had been no intimidation by Government agents, and stated that there had been no violation of the Mann Act by him, and that the story in that respect was fantastic.

Bridges denied attendance at any fraction meetings. Several witnesses were sworn to show that Cannalonga (150) was not drunk on the 3rd or 4th of May.[20] I am forced to conclude that Cannalonga,

(20) For this purpose Ray D. Shoemaker and Roscoe Craycraft were recalled. Wm. P. Lord, who administreed the oath, testified to this effect; also Louis E. Young, a longshore foreman. W. A. Eigner testified for the Government that Roscoe Craycraft purchased a fifth of rum on May 3, presumably for Cannalonga.

Exhibit "E"—(Continued.)

was not so drunk on those days as to be unable to understand the questions that were put to him and the answers he gave, in the Lord examination, or as not to understand the interviews which he had with Mr. Gladstein and Craycraft. I reject entirely the alien's claim of intimidation by agents of the F. B. I. It rests solely on Craycraft's testimony of what Cannalonga said; it is wholly repudiated by Cannalonga himself.[21] The Government agents who had taken Cannalonga's statements, Abraham Dickstein and John Madala, were sworn as witnesses. They denied explicitly the alleged intimidation and further swore that they had never heard of any possible charge against Cannalonga for violation of the Mann Act, or of any facts to justify such a charge, and that an examination by them of the records of the Department showed no such information on file. No attack upon their credibility was made by the alien. They were, in my opinion, thoroughly credible witnesses. I believe them implicitly. I cannot tell where the truth lies in any uncorroborated statement of Cannalonga. At times, in my judgment, he clearly falsified, particularly in relation to his alleged intoxication, and other events subsequent to his first appearance as (151) a witness. Under these circumstances, I find that the testimony of Cannalonga to establish Bridges' attend-

(21) Lawrence F. Shirley corroborated Cannalonga on an incidental detail.

Exhibit "E"—(Continued.)

ance at Communist Meetings and his membership in the Communist Party is without value.

O. RICHARD A. ST. CLAIR

Richard A. St. Clair, a general laborer, living in Los Angeles, California, was, according to his own testimony, a member of the Communist Party from March to December 1934, and from September or October 1935 to December 1936. In 1934, he worked as a guard at the Communist Party Headquarters at 37 Grove Street, San Francisco. The Communist Headquarters were moved from that address to 121 Haight Street in June 1935. He continued to be employed as a guard at the Haight Street Headquarters until the latter part of June 1936.

St. Clair had first seen Bridges during the Longshoremens Strike of 1934. He testified to three occasions on which he had seen Harry Bridges at the Communist Headquarters at 121 Haight Street. On the first time, in September 1935 Bridges entered the headquarters alone and went to the office of William Schneiderman and Elmer Hanoff, officials of the Communist Party. The second occasion was in May 1936. At that time, the witness was r g the rounds of the building in performance of his duties as a guard. He had access to all the rooms. In performing his services, he entered a room on the third floor and there observed seated at a table

Exhibit "E"—(Continued.)

seven men: Harry Bridges, Henry Schmidt, John Scho- (152) macker, Elmer Hanoff, William Schneiderman, Walter Lambert, and Lawrence Ross. On the table before them were papers. Seeing these men, St. Clair immediately left the room and going downstairs took a seat at the bottom of the stairway to guard them from interruption. When the men came down from the top floor, Bridges went to the office of Schneiderman, and Schmidt and Schomacker entered the office of Hanoff. From these offices Bridges came out first and left the building. A few moments later, Schmidt left and then Schomacker. When Hanoff appeared, St. Clair testified that he said to Hanoff, "There are about two guards there at this building, * * * Harry Bridges has time and again denied that he was a Communist, * * * If seeing eyes observed Harry Bridges, Henry Schmidt, and Schomacker at this building and it becomes known to the public, * * * there may be a raid on this building here and we two boys would get our heads busted open." Hanoff then said, "Bridges is all right, he is one of us." St. Clair asked, "Do you mean by that Harry Bridges is a Party Member," and Hanoff replied "Yes," and added "Keep your mouth shut, * * * Don't say anything to no one about this," and the witness added "Hell no! I won't. Hanoff, we should be proud to have a fellow like Harry Bridges in the Party." The third occasion when St. Clair saw Bridges at the Communist Headquarters was at the time of a Mass Meeting, probably in March

Exhibit "E"—(Continued.)

1936. Bridges came to the door and asked to see Walter Lambert. St. Clair told him to wait at the (153) door and then brought Lambert there to meet Bridges. Bridges and Lambert went upstairs together.

On cross-examination, the witness recounted reasons for his open opposition to the Communist Party, beginning in 1937 or 1938. He voiced his complaints against the Communist Party to everyone who would listen, including the public authorities of the State of California and officials of the United States Government.

Bridges on the stand denied having been at 121 Haight Street on any of the occasions mentioned by St. Clair, and denied that he was ever at 121 Haight Street after that became Communist Headquarters. He had previously been at this address on two occasions only, when he purchased books at the bookstand. Henry Schmidt denied that he had been present at any such meeting as St. Clair described.

St. Clair's testimony, if believed, would be persuasive as to the membership of the alien in the Communist Party in 1936. However, I am not impressed by it. The quoted conversation with Hanoff strikes me as inherently improbable. His repeated convictions for drunkenness are at least a circumstance. His deep-seated and violent bias weakens his credibility. His vanity perhaps had weight in influencing him towards the sensational. It may be significant, that as he left the witness

Exhibit "E"—(Continued.)

stand, he said, "I am surprised that it ended so soon."

The alien produced a witness, named George A. Graham, a representative of the Orange County Branch of the Associated Farmers, an organization which Graham swore was interested in combatting (154) subversive activities and opposed the closed-shop principle in trade-unionism. Graham testified that he had secured a job for St. Clair and in 1939 had taken him, by car, to the place where he was interviewed by the Immigration Officers. No impropriety is suggested by the evidence. His testimony is irrelevant.

On the entire record, I find that the presence of Bridges at the Communist Headquarters on the three occasions mentioned by St. Clair is not established by the greater weight of evidence.

P. ROBERT P. WILMOT

Robert P. Wilmot, who lives at Portland, Oregon, and who since January 1941 has been employed by "The Wood Worker," a Trade Union Magazine, was called as a witness by the Government.

He was formerly a member of the Communist Party, having joined, seemingly during the last week of 1936, under the name of W. P. Ayer, and was expelled in July 1939. He was Editor of the "Labor New Dealer," a paper published by all the trade unions in Portland, Oregon, for fourteen

Exhibit "E"—(Continued.)

months, beginning October 1, 1937. He first met Bridges during a longshoremen's meeting in Portland in October 1937.

Wilmot testified as to a number of meetings and conversations with Bridges which took place in Portland during April 1938. He was indefinite as to their dates and sequence and was somewhat self-contradictory in these respects. I point out only the more important subjects of his testimony.

1. There was a Communist fraction meeting at the New Lennox Hotel, where Bridges told a group of (155) Communists present that Joe Ring would tell them what to do. Bridges then left, and at the meeting which followed, a discussion occurred as to the advisability of removing from office Capt. E. B. O'Grady, C. I. O. Regional Director for Portland and John Brost, his assistant. Ring is said to have stated in effect that Bridges had power to remove them but wanted the decision of the fraction which he would carry out. The meeting decided against the removal of O'Grady at that time, but for the removal of Brost, and for the appointment of Wilmot in Brost's place.

2. Wilmot narrated what took place at a meeting between Bridges, Ring, and himself occurring within twenty-four hours following the fraction meeting. Wilmot then told Bridges that he did not want Brost's job and Ring said, "The kid here doesn't think we ought to fire Brost." Wilmot on cross-examination stated he was not sure that there

Exhibit "E"—(Continued.)

was such a meeting between Bridges, Ring, and himself.

3. On an occasion when Wilmot was discussing with Bridges his troubles as Editor of the Labor New Dealer, Bridges said, "We Communists must stick together; if we don't what sort of discipline will we have in our organization".

4. At one time Bridges and Wilmot were discussing certain raids, and Wilmot's "line" in connection with writing them up, and Wilmot told Bridges that he was willing to write the stories himself but did not want to publish Communist releases or quote any one as it would affect the circulation badly. Bridges expressed the opinion that the Communist Party statements should be printed in the paper. (156)

5. In a conversation which took place in the newspaper office, Bridges stated to Wilmot, "Now is the time * * * that the Communists have got to step out and get going, and they can show their face now after the Supreme Court decision in Louisiana * * * now we can shoot the works."

6. Bridges also in a talk with Wilmot told him, when asked what the policy of the New Dealer should be, that the paper "ought to get two persons across the river named Helmig and Hartung," who, according to Wilmot were leading an anti-Communist fight in Oregon.

Bridges denied being in the New Lennox Hotel Communist Fraction Meeting and asserted he was not in Portland in April 1938, stated he did not

Exhibit "E"—(Continued.)

want to remove Brost at that time and did not remove him for some time thereafter. He denied having made the statements attributed to him by Wilmot to the effect that "We Communists must stick together," and that "Now is the time that the Communists have got to step out." He said that Helmig and Hartung were engaged in disruptive union activities and did not deny that he might have had talks about the paper's policies, and gave this testimony:

A. As I understand, the question was my position in regard to printing official Communist releases. I still say it might depend. For example, if there was a lot of trouble up there at that time, a lot of action and tie-ups. I believe that if the Communist Party happened to send in a statement saying they would do everything they could to support the particular dispute at (157) that time in behalf of the Union position, my position would be that I wouldn't have any great objection to seeing that carried in the union paper. That would be my position even now. Maybe.

Q. Have you ever taken the position that under no circumstances should any official press release or statement of the Communist Party be printed in a trade-union paper?

A. No, I haven't; not generally speaking, no.

Three witnesses called by Bridges directly im-

Exhibit "E"—(Continued.)

peached the reputation of Wilmot.[22] One of these, Virgil MacMickle, I have discussed elsewhere and put no reliance on his testimony.[23] Lee A. Meyer, a State administrative officer of the Oregon W. P. A. testified from the records of that Agency that Wilmot was discharged from the W. P. A. on September 4, 1940, for "drunkenness during project working hours."

In the welter of contradiction, only in part referred to above, I find that it is not established that Bridges attended the Communist fraction meeting at the New Lennox Hotel or was present immediately before the meeting, and I find it is not established that he made the remarks begining, "We Communists must stick together" or the remark beginning "Now is the time that the Communists have got to step out." I do find, however, that Bridges did advise with Wilmot as to the policy of the "Labor New Dealer" and showed that he was not opposed to the publication in a trade-union newspaper of Communist releases provided that they (158) were favorable to the policies being pursued by trade-unionists themselves.

This last-mentioned finding is consonant with Bridges' general sympathetic attitude toward the Communist Party and Communists and bears on the general subject of affiliation.

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(22) Robert MacGregor, Thomas Imper, and Virgil MacMickle.

(23) See page 122, ante.

Exhibit "E"—(Continued.)

Q. JOHN OLIVER THOMPSON

John Oliver Thompson, produced as a witness by the Government, lives in Yonkers, N. Y. He was a member of the Communist Party from 1929 to August 1935. He testified that during the winter of 1934-35 he was employed as an elevator operator in the Communist Headquarters on 12th Street in the City of New York. He had previously received instructions to take no one but persons known to him as Communists to the ninth floor during meetings of the Central Executive Committee. One evening, when the Committee was meeting, Roy Hudson and J. Peters, two well-known Communists, entered the building with a third man. Following his instructions, John Oliver Thompson asked the third man to what floor he wanted to go, and one of the others said, "That's all right. He is with us. This is comrade Bridges." Thompson then took all three men in the elevator to the ninth floor. At the hearing, Thompson identified the alien as the man he had seen in New York.

On cross-examination, the witness said that he had been convicted of manslaughter in the second degree, in New York State, for the killing of his wife, and had served a prison sentence and was then on parole. (159)

Bridges on the witness stand testified that the incident did not occur, and that he was not in New York City between the year 1921 and July 1935, and that he had never been inside the Communist Headquarters in New York City.

Exhibit "E"—(Continued.)

I conclude that the presence of Bridges at the Communist Headquarters in New York City in the winter of 1934-35 is not established by the greater weight of evidence. In reaching this conclusion, I take into consideration the possibility of mistake inherent to the hearsay character of the introduction and the absence of a previous acquaintance. I also have considered the time which has elapsed, as bearing upon the witness' memory, and his conviction as bearing on his credibility. I also consider the denials by the alien himself. The testimony of this witness in respect to the doctrines and tactics of the Communist Party stands uncontradicted and is in line with other testimony. It is treated elsewhere.[24]

R. AMOS FLOYD KELLEY

Amos Floyd Kelley, produced as a witness by the Government, was a hotel keeper at the Atwood Hotel in Seattle, Washington. Bridges stayed at this hotel from May 2 to May 23, 1937. Eugene Dietrich, a friend of Bridges, stayed at the hotel at the same time. Kelley expressed to Dietrich a desire to meet Bridges. Dietrich later invited Kelley to his room when Bridges was there. After the men had had some drinks, in the course of a general conversation, Dietrich said to Bridges, "Harry, you are one of the swellest guys I (160) have ever known, it it wasn't for that Commie Outfit you belong to." In reply, Bridges said, "That is all right,

(24) See page 29, ante.

Exhibit "E"—(Continued.)

you will see the time you are damned glad to belong to our outfit." Sometime later, Kelley inquired of Dietrich what Dietrich had meant by "Commie Outfit," and was informed by Dietrich that he meant a Communist group. "Didn't you know that Bridges belonged to that outfit?" To which Kelley said, "No; how would I know it?"

On cross-examination, the witness said that at the meeting at which Kelley was present Bridges and Dietrich were acting in a jolly fashion and impressed him as being very close friends. Kelley testified: "At the time I never even gave it a second thought because I had no occasion to take it serious, and I paid no attention to it."

Bridges does not deny that this conversation took place. In fact, he said that it was quite possible that it occurred, that he had on many occasions been in Dietrich's room and had drinks with him, and that Dietrich was "always wisecracking and kidding about the Communist Party." Bridges further said in substance that such a conversation would be facetious. Inasmuch as it did not impress Kelley as serious at the time, I hold it too equivocal to base a finding of membership or affiliation thereon. It is not necessary to consider certain testimony on which the alien comments as showing bias.

Exhibit "E"—(Continued.)

S. THE NORTH AMERICAN AVIATION AND THE INTERNATIONAL WOODWORKERS OF AMERICA STRIKES

On June 5, 1941, the workers at the North American Aviation plant in Los Angeles, whose designated bar- (161) gaining agent was the United Automobile Workers Union (U. A. W.), a C. I. O. affiliate, went on strike despite a mediation then pending before the National Mediation Board, and despite an agreement not to strike during the progress of the mediation or for three days after the Board had made its recommendation.[25] Bridges was fully aware of the situation previous to the strike, having talked personally with the entire committee in charge and the officials of the Union during the I. L. W. U. Convention in Los Angeles early in April. He had kept in touch by telephone since then. He was in full sympathy with the strikers' demands, and regarded the strike as justified. He had been aware that strike action was contemplated, but did not know that the strike would be precipitated so suddenly.

On Sunday, June 8, three days after the strike was called, he talked by telephone with a union official named Connelley,[26] and told him "to pull in his punches and duck it and not to call that strike."

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(25) Gov. Ex. 294.

(26) Connelley's exact union position is not clear. He was evidently a leader of the union at the North American plant.

Exhibit "E"—(Continued.)

The advice was given because Bridges thought the strike was going to be "smashed" by the intervention of Federal troops. At this time he gave Connelley a message to convey to the strikers at a meeting to be held Sunday afternoon: "Well, tell the fellows best wishes and good luck from me."[27]

(162)

Richard L. Frankensteen, National Director of Aviation of the C. I. O. was a Government witness. Immediately on learning of the strike, he proceeded to Los Angeles, arriving there by plane on Friday morning, June 6. His aim was to get the strikers back to work by Monday morning, June 9. In Frankensteen's opinion the strike was Communist maneuvered and was unwarranted. He thought the demands justified, but felt they should be left for negotiation through the National Defense Mediation Board. To end the strike, he threatened the union with loss of its C. I. O. charter. He removed from office the C. I. O. officials in the local who refused to follow the policy of the C. I. O. higher officials.

The Government contends that Bridges' attitude and actions with regard to this strike are proof of his membership in and affiliation with the Communist Party, inasmuch as he here supported a

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(27) Another Government witness, Foster Hailey, a reporter for the New York Times who "covered" the mass meeting on Sunday afternoon, testified that Connelley delivered the message from Bridges in these words: "Bridges sends his best wishes and pledges his full and complete support."

Exhibit "E"—(Continued.)

Communist maneuvered strike which designedly stopped production declared by the United States essential to the National Defense.

Viewing all this evidence in a light most favorable to the Government's contention, I reach the conclusion that it does not rise to the level necessary to establish Communist membership or affiliation. It is true that Bridges at this time was C. I. O. Director for the State of California and might have used his powerful influence to avert the strike or call it off earlier. It was, however, not until Monday night, June 9, that he called Philip Murray, National President of the C. I. O., on the telephone and requested his permission (163) to go to Los Angeles to settle the strike, and he at no time publicly urged the strikers to return to work. Apparently he was not interested in doing this. The only reason he gave for advising calling it off, was his belief in its ultimate failure. He tried to reach Connelley by telephone on Saturday night, but failed; he did reach him on Sunday, and then believed the strike doomed through the probable intervention of Federal troops. Bridges evidently took a view in conflict with that of other high C. I. O. officials. Immediately on hearing of the strike, they exerted the utmost efforts to stop it. Bridges on the other hand acted only when failure of the strike through Government intervention was apparent. The evidence, however, merely shows that Bridges had a sympathetic attitude toward a strike

Exhibit "E"—(Continued.)

denounced as I have shown as a Communist maneuver.

Concurrently with the North American strike in Los Angeles, there was in progress in the northwest a strike of the International Woodworkers of America, a C. I. O. union, despite certification of the controversy to the National Defense Mediation Board for mediation.

It does not appear that Bridges had any jurisdiction over the union involved. He sent a telegram to the president of the union pledging the full support of the I. L. W. U. The attitude so expressed by Bridges, while perhaps contrary to the purpose of the mediation procedure provided by the National Defense Mediation Board, is not of itself evidence of Communist affiliation. (164)

T. LABOR SPIES AND TRADE UNION ETHICS

The alien devoted much effort to show that Ezra Chase had done labor spying. It was shown that he had furnished information to the Police of Los Angeles. The alien called on Captain William F. Hynes and Charles D. Catherman, officers of the Los Angeles police in charge of labor troubles to establish this. There is no evidence that such information reached the employers. I find no impropriety in the police department obtaining informa-

Exhibit "E"—(Continued.)

tion, in any legal way of the probability of future events which might call for police action.[28]

Questions to McQuistion as to "labor spying" produced no proof of such practice.

The alien produced evidence from which he draws the conclusion that Sam Diner violated the rules and ethics of his trade union in his relation to his wife's business as a tradesman in the garment business.

These facts even if given the full effect claimed by the alien have little or no importance. At most, they are merely circumstances to be taken into consideration in determining the weight to be given the testimony of the witnesses. No finding unfavorable to the alien is based on the testimony of either Ezra Chase or Sam Diner, although I do not base my evaluation of their testimony on the alien's contention.

I fail to discover any effect on the Government's case from this "labor spy" contention of the alien or from evidence offered by the alien in respect thereto. (165)

U. BRIDGES AS A GOOD LABOR LEADER

Bridges offered expert proof that he was a

(28) The alien also produced Jeannine Lowry, a secretary who testified that Chase had spoken in Los Angeles under the auspices of the German-American Bund.

Exhibit "E"—(Continued.)

"good" labor leader.[29] At the hearing he sought to justify this by pointing to the statement of the Government witness, Diner, to the effect that he, Diner, stated from his own experience that one could not be a Communist and a good labor leader. The alien's argument in this respect would fall into this syllogistic form—A good labor leader cannot be a Communist—Bridges was a good labor leader —Therefore Bridges could not be a Communist.

The difficulty in applying such reasoning lies in the word "good." If recognition is given to the policy of hypocricy and deceit as a Communist doctrine, the assessment of "goodness" objectively becomes impossible. Under the Communist plan of boring from within, it becomes necessary, of course, for a Communist becoming a labor leader to strive

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(29) Witnesses who testified in effect that Bridges is, in their experience with him, a good labor leader were: Sam Kagel and H. P. Melnikow, associate and director respectively of the Pacific Coast Labor Bureau which has often represented unions in which Bridges was interested in arbitration proceedings. Wayne L. Morse, Dean of the University of Oregon Law School, who has been arbitrator in a large number of arbitration proceedings in which Bridges' union was interested and in which Bridges took part, and Fred Heiner, a shipping clerk for the Waterfront Employers Association, who was previously a longshoreman and a close associate of Bridges since about 1923. Another witness, Benjamin E. Mallary, a member of the State of California, testified that Bridges' reputation for truth and veracity among the members of the California Personnel Management Association is excellent.

Exhibit "E"—(Continued.)

to be a "good" leader in eyes of the members whatever ultimate dis- (166) rupting purposes he may cherish. Thus the argument fails entirely. The whole mass of proof as to the character of the alien as a labor leader is in my opinion without probative value. I have no doubt that Bridges' leadership was good in the eyes of his fellow unionist. He helped to establish better employment and working conditions as a result of the 1934 strike. He undoubtedly greatly aided the maritime workers in securing higher wages. He is entitled to credit in these respects. He may well have shown good judgment and even wisdom in negotiations and in determining for or against strikes or mediation or arbitration. On the other hand, it is to be noted that in 1937 he worked against his superiors in the A. F. of L. and he and his union were expelled therefor. He favored strikes disapproved by his A. F. of L. superiors. Even while a high official of the C. I. O. he sent encouraging messages to men engaged in a strike disapproved by the C. I. O. National leaders.

However, the Government does not attack his character as a labor leader. Bridges himself says a Communist, in his opinion, can be a good labor man. He held membership in the Communist Party mere politics and as such gave no attention to a man's Communistic affiliation. He is shown to have been consistently opposed to discrimination against an individual for his Communist connections. Here the

Exhibit "E"—(Continued.)

alien himself repudiates the syllogistic argument above mentioned.

There is another and deeper meaning of the word "good." If, as already shown the Communists in favoring the entry of their members to trade unions, do (167) so far the ulterior purpose of gaining control of the unions for a forcible and violent conflict to bring about in proper season the overthrow of the Government, and the Dictatorship of the Proletariat, then, however "good" the leadership of the Communist in the trade union movement may be from the position of the trade union members, the Communist is still a menace and it is for such reason doubtless that the legislation was enacted upon which this proceeding is brought.

The question of goodness or badness in this latter respect does not find a necessary answer in the public action of the individual in trade union movements. The evidence of goodness as testified to by the alien's witnesses does not meet the point. It lies deeper. It is to be resolved only by a determination of the alien's unavowed purposes, best discoverable in Communist membership.

V. ATTITUDE OF BRIDGES TOWARD THE COMMUNIST PARTY, ITS POLICIES AND ITS AFFILIATED ORGANIZATIONS

In the foregoing summary, instances were noted and reviewed, which in my judgment, demonstrated a sympathetic or cooperative attitude on the part of the alien toward the Communist Party, the Ma-

Exhibit "E"—(Continued.)

rine Workers Industrial Union and other Communist organizations. The alien, in fact, admitted a certain amount of cooperation, but sought to justify his conduct upon the ground that it was expedient or good trade union practice. Other instances show a cooperative and sympathetic attitude toward various Front Organizations of the Communist Party and (168) toward certain Communist-sponsored programs and policies. There is also evidence that he cooperated with known members of the Communist Party and affiliated organizations, and very often shared their views, upon political, social, and, particularly, labor questions.

Viewed as isolated instances, I did not consider such items of evidence as establishing the alien's membership in or affiliation with the Communist Party or its subsidiary organizations. In my judgment, however, these instances viewed as a whole form a pattern which is more consistent with the conclusion that the alien followed this course of conduct as an affiliate of the Communist Party, rather than as a matter of chance coincidence. In this respect, I do not rely upon any single incident, but rather upon a course of conduct extending from the year 1932 and comprising a large number of instances where the views and conduct of the alien were not only strikingly similar, but were actually the same as the conduct and views espoused by the Communist Party.

This conclusion is strengthened by the alien's expressed attitude with regard to the place of Com-

Exhibit "E"—(Continued.)

munists in the labor unions. He has consistently favored nondiscrimination against union men because of Communist membership and excoriated "Red baiters" as he called those who took an opposite view. At a time when unions were fighting the infiltration of Communists into the labor movement in general, the Communist Party, as heretofore pointed out,[30] was pursuing a policy of penetration into the labor unions against the will of the unions and their leaders. Bridges' position of nondiscrimination actually amounted to cooperation with the Communist Party in carrying out its program of penetration and boring from within.

In consistently attacking those who opposed the absorption of Communists into the unions as Red Baiters his view was that the cry of Communism was a tool of the "reactionary labor leaders" to destroy the labor organizations. It appears, however, that he adopted this attitude with regard to all those who raised the cry of Communism without discrimination as to whether the anti-Communist movement in the particular instance was sincere or otherwise.

Bridges' unswerving attitude of nondiscrimination and his uniform condemnation of Red Baiters is strongly corroborative of the finding of membership or affiliation made on an analysis of particular episodes.

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(30) See page 46 et seq., ante.

Exhibit "E"—(Continued.)

SECTION III. BRIDGES' MEMBERSHIP IN THE INDUSTRIAL WORKERS OF THE WORLD IN 1921 AS A GROUND FOR DEPORTATION

The "Industrial Workers of the World" (I. W. W.) is an association founded in 1906, having as its purpose the organization of the workers to secure the abolition of capitalism and of the wage system. The aims of the I. W. W. are thus stated in its preamble: "It is the historic mission of the working class to do away with capitalism. The army of production must be organized, not only for the every-day struggle with (170) capitalists, but also to carry on production when capitalism shall have been overthrown. By organizing industrially, we are forming the structure of the new system within the shell of the old."

The Government does not contend that the I. W. W. advocates the overthrow of the Government of the United States by force and violence. It could not well do so, in the face of the decision of the United States Supreme Court, Fiske v. Kansas, 274 U. S. 380. Under that decision the Government cannot successfully contend that the preamble of the I. W. W. shows an advocacy of the unlawful destruction of property or sabotage. The Government grounds its case in respect to the character of the I. W. W. upon certain documents introduced in evidence.

The warrant upon which Bridges was arrested

Exhibit "E"—(Continued.)

did not charge him with membership in or affiliation with any organizations or groups, except those which advocated the overthrow of our Government by force and violence. During the course of the hearing, however, the warrant was amended by inserting a charge that the alien had been, since his arrival in this country, a member of or affiliated with an organization, association, society, or group that advised, advocated, and taught the unlawful damage, injury, and destruction of property and sabotage, and that while in the United States he became a member of an organization, association, society, or group that circulated and distributed written or printed matter, advising, advocating, or teaching the unlawful damage, injury, or destruction of property and sabotage. The only organization sug- (171) gested by the Government to fall within the description of the amendment is the I. W. W. During the year following Bridges' entry into the United States, he became a member of the I. W. W.; the time of his joining is given by him as June or July 1921. He retained his membership six or seven months. He was familiar with the I. W. W. movement in Australia before coming to the United States. He knew of the character of the I. W. W. when he arrived, and said to him it was a trade-union, a little better than those he had seen around.

The question presented is whether the I. W. W. during the time of Bridges' membership falls within the discription of organizations given in the stat-

Exhibit "E"—(Continued.)

ute, that is, (1) those advocating the unlawful damage, injury, or destruction of property or, (2) those advocating sabotage or, (3) those distributing printed matter advocating such purposes. The documents offered by the Government, other than the membership book, containing the preamble referred to, are four in number:

The I. W. W., Its History, Structure, and Methods, by Vincent St. John, revised 1917.

Sabotage, its History, Philosophy, and Function, by Walker C. Smith, bearing no date of publication.

The Revolutionary I. W. W., by Grover H. Perry, bearing a publication date of July 1916.

I. W. W. Songs to Fan the Flames of Discontent, by Joe Hill, bearing publication date Feb. 1917.

To identify these documents and establish that they represented in their contents principles advocated by (172) the I. W. W. and that the documents were themselves circulated by the I. W. W., the Government produced as a witness, Algia E. Reese, who was a member of the society from 1918 to 1920. He ceased to be a member of the organization at least six months before the alien joined it. Reese testified that these documents were distributed in the Locals which he visited during the time he was a member and represented the doctrines advocated by the society.

McQuistion, a witness elsewhere considered,[31]

(31) See p. 127, ante.

Exhibit "E"—(Continued.)

swore that he had been a member of the I. W. W. from 1919 to 1924. On being shown a copy of the pamphlet by St. John on the "History, Structure, and Methods of the I. W. W.," he said he had read the book while he was a member of the I. W. W., that the book stated the principles of the I. W. W. at that time. He further testified, however, that it came out in different editions, and he did not know which edition he read. He did testify that St. John was recognized, and still is, as the leading theoretician of the I. W. W. In explanation of his indefiniteness, McQuistion testified that he was never very active in the I. W. W. but was largely working for the Communists, more than the I. W. W., for the wrecking of the organization or to take it over.

The alien produced Claude Erwin as a witness. At one time, he had been a member of the General Executive Board of the organization. He was on the District Organization Committee for California in 1919 and served on that Committee until he became District (173) Secretary in 1920. Since then he has been an organizer and still carries an organizer's credentials. Erwin identified a resolution of the General Executive Board, published May 4, 1918, officially disavowing belief in or advocacy of destruction of property or violence. He identified the minutes of the General Executive Committee published Sept. 4, 1920, showing the adoption of a resolution instructing all branches

Exhibit "E"—(Continued.)

to destroy the pamphlet "Sabotage" by Flynn and Smith. He further testified that the Government Exhibit of the history of the I. W. W. by Vincent St. John was not in circulation in 1921, and that a revised edition had been published in 1919, in which the language particularly relied upon by the Government as showing advocacy of illegal destruction of property and sabotage had been excised. According to this witness, Perry's book on the Revolutionary I. W. W. was not distributed in 1921, it being then out of print. Erwin testified explicitly that the I. W. W. never advocated sabotage through these pamphlets and never went on record endorsing the action discussed in these pamphlets. Erwin's credentials since 1920 contained the following: "The I. W. W. in none of its doctrines in the past or present has ever advocated the destruction of life or property, but has, in fact, always strenuously opposed such teachings, methods and tactics. Furthermore, it is against the principles of the Industrial Workers of the World to destroy anything in any way, shape or form."

There are pages in the exhibits introduced advocating the destruction of property and sabotage, and if (174) the Song Book is to be taken seriously it corroborates such advocacy. In itself the Song Book is, at best, tenuous proof. There is thus no direct proof that the documents in evidence, other than the song book were circulated while Bridges was a member, though there is proof of

Exhibit "E"—(Continued.)

earlier circulation and discontinuance according to Erwin before Bridges joined.

Viewing the evidence as a whole, I am unable to find that it is established by the greater weight of evidence that the I. W. W. during the period of Bridges' membership advocated or circulated documents advocating the illegal destruction or injury of property.

Bridges' explanation of his withdrawal of his membership in the society may have some significance. He testified that he withdrew because he became convinced that he was not in accord with the principles of the society, that he found it anarchistic and syndicalistic.[32] (175)

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(32) In the 1939 hearing, Bridges stated his understanding of the I. W. W. at that time in the following terms:

Q. Do you know what the aims and purposes of the I. W. W. were at that time?

A. I wasn't very familiar with them. When I found out what they were I got out of it fast.

Q. How long were you in?

A. For a period of a few months, I think. I wasn't a very good member. It did not agree with my views.

* * * * * *

Q. I think you said awhile ago that you had been a member of the I. W. W. or Industrial Workers of the World, for a short period.

A. Right.

Q. Do you know anything about the aims and purposes of that organization at that time?

A. Well, I knew at that time, and not to any great extent. I found out after I was in a short while. I know what they are now. I disagreed with them.

Q. Would you tell us what you thought the aims

Exhibit "E"—(Continued.)

"Syndicalistic" is a word of somewhat uncertain content, "criminal syndicalism" used in certain penal statutes is defined in them as the destruction or injury of personal property under certain circumstances. Syndicalism in a broad sense may be defined as the doctrine favoring the taking over of industry and the instruments of production by the workers so as to bring about an industrial Government. The accomplishment of it, as advocated by the I. W. W., is to be by economic rather than by political action.

The word "sabotage" as used in the statute is also of uncertain meaning. Sometimes it is defined as the unlawful damage, injury, or destruction of property,[33] or wilful and malicious physical damage or injury to physical property.[34] It is to be noted, however, that in the statute upon which the

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were at the time you joined it, and what you know now about it?

A. Well, their aims are syndicalistic, I think. They are more or less an Anarchist group. In other words, they prate and carry on under a program of the extreme rank and file-ism, and all they succeed in doing is creating a lot of general disruption and bogging down the advance of labor generally under a cloak or a guise of democracy.

I believe they are disruptive. I don't like their program. * * * Tr. pp. 2534-2535.

(33) Ex parte Morse, 38 Idaho 506. The Idaho statute now in effect defines "sabotage" very broadly.

(34) Burns v. United States, 274 U. S. 328.

Exhibit "E"—(Continued.)

alien's deportation is sought, the word "sabotage" is set apart from the preceding words, "the unlawful damage, injury or destruction of property." It seems, therefore, that "sabotage" as used in the statute is a word of broader (176) content than that contained in the phrase "unlawful damage, injury, or destruction of property." Some definitions are given in the opinion in Burns v. United States, 274 U. S. 328, at 338. In the pamphlet on "Sabotage" by Walter C. Smith, already referred to, the following occurs: "Sabotage may mean the direct destruction of property. Again, it may mean indirect destruction through organized inefficiency," page 21.

I am inclined to the view that the word "sabotage" as used in the statute before us would include such direct action as cripples the instrumentalities of production whether property is actually damaged, injured, or destroyed or not. The difficulty here is that there is a failure to prove by a fair preponderance of the evidence that the I. W. W. at the time of Bridges' membership in it favored and advocated, or published or circulated pamphlets or written or printed matter advocating or advising such acts as would constitute sabotage even under the broad definition suggested.

My conclusion is that it was not established by the greater weight of evidence that the I. W. W. at the time Bridges was a member of an organization falling within the purview of the statute in the particulars I have discussed.

Exhibit "E"—(Continued.)

SECTION IV. PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

Pursuant to the regulations governing this proceeding, I make the following proposed findings of fact, conclusions of law and order. (177)

Proposed Findings of Fact

1. That Harry Renton Bridges is an alien, to wit, a native and citizen of Australia;

2. That said alien entered the United States at the port of San Francisco, California, April 12, 1920, as a member of the crew of the barkentine Ysabel;

3. That the Communist Party of the U. S. A., from the time of its inception in 1919 to the present time, is an organization that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States;

4. That the Communist Party of the U. S. A., from the time of its inception to the present time, is an organization that writes, circulates, distributes, prints, publishes, and displays printed matter advising, advocating, or teaching the overthrow by force and violence of the Government of the United States;

5. That the Communist Party of the U. S. A., from the time of its inception to the present time, is an organization that causes to be written, circulated, distributed, printed, published, and dis-

Exhibit "E"—(Continued.)

played printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States;

6. That the Communist Party of the U. S. A., from the time of its inception to the present time, is an organization that has in its possession for the purpose of circulation, distribution, publication, issue and display, printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States; (178)

7. That the Marine Workers' Industrial Union was a part of the Communist Party, dominated and controlled by it;

8. That the Marine Workers' Industrial Union was an organization that believed in, advised, advocated and taught the overthrow by force and violence of the Government of the United States;

9. That after entering the United States the alien has been a member of the Communist Party;

10. That after entering the United States the alien has been affiliated with the Communist Party;

11. That after entering the United States the alien has been affiliated with the Marine Workers' Industrial Union.

Proposed Conclusions of Law

That under the Act of October 16, 1918, as amended by the Acts of June 5, 1920, and June 28, 1940, the alien, Harry Renton Bridges, is subject to deportation in that:

Exhibit "E"—(Continued.)

1. After entering the United States he has been a member of an organization, association, society or group that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States;

2. That after entering the United States the alien has been affiliated with an organization, association, society or group that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States;

3. That after entering the United States the alien has been a member of an organization, association, (179) society, or group that writes, circulates, distributes, publishes, and displays printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States;

4. That after entering the United States the alien has been affiliated with an organization, association, society, or group that writes, circulates, distributes, publishes, and displays printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States;

5. That after entering the United States the alien has been a member of an organization, association, society, or group that caused to be written, circulated, distributed, published, printed, and displayed, printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States.

Exhibit "E"—(Continued.)

Proposed Order

That the alien, Harry Renton Bridges, be deported to Australia at the expense of the Government on the charges that:

1. After entering the United States he has been a member of an organization, association, society, or group that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States;

2. After entering the United States he has been affiliated with an organization, association, society, or group that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States; (180)

3. After entering the United States he has been a member of an organization, association, society, or group that writes, circulates, distributes, publishes, and displays printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States;

4. After entering the United States he has been affiliated with an organization, association, society, or group that writes, circulates, distributes, publishes, and displays printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States;

5. After entering the United States he has been a member of an organization, association, society, or group that caused to be written, circulated, distributed, published, printed, and displayed printed matter advising, advocating, and teaching the over-

Exhibit "E"—(Continued.)

throw by force and violence of the Government of the United States.

CHARLES B. SEARS,
Presiding Inspector. (181)

APPENDIX

Immigration and Naturalization Service,
Department of Justice

File No. 55973/217

In the Matter of Harry Renton Bridges

Memorandum of Decision of Motion in Relation to Wiretapping

On September 2, 1941, Harry Renton Bridges, the alien, noticed a motion before me as Presiding Inspector for an order "directing a hearing for the examination of witnesses." According to an amended notice of motion, the subject of the examination sought was: (a) The use of wiretapping in connection with the preparation or presentation of evidence in connection with the 1941 hearings against Harry R. Bridges, and (b) The use made either directly or indirectly of intercepted telephone messages and facts ascertained as a result of such wiretapping. The notice also included a demand that an order direct any evidence secured from any intercepted telephone message or messages, or based either directly or indirectly upon such intercepted message or messages, be stricken

Exhibit "E"—(Continued.)

from the transcript of the hearings. To support this motion there were presented affidavits as follows: (182)

Of Harry Bridges, verified August 29, 1941;

Of Leon Goodelman, verified August 28, 1941;

Of Lawrence Kammet, verified September 2, 1941, and

Of Carol King, verified September 2, 1941.

The motion was argued before me, in Washington, on September 19, 1941. On the argument of the motion, the alien presented a further affidavit of Carol King, verified September 18, 1941, which was added to the motion papers with the consent of Government Counsel. The Government filed a response to the motion, asserting, (1) The insufficiency of the moving papers as failing to disclose facts showing any interception of telephone messages prior to or during the hearing in this proceeding, and (2) the insufficiency of the moving papers as failing to show that any evidence, information, or facts involved in the hearing were obtained directly, or indirectly, by the intercepting of any telephone messages. The response contained a second paragraph to the effect that if the Presiding Inspector did not sustain the Government's contention and deny the motion, the United States reserved its right to deny by affidavit or otherwise that there was any interception of telephone messages prior to, during, or in connection

Exhibit "E"—(Continued.)

with this proceeding and to deny that any evidence, information, or facts were obtained in this proceeding, directly or indirectly, by interception of telephone messages.

To understand the motion, it is not necessary to detail the facts contained in the original affidavits. Suffice it to say that there is enough in them to show that telephone wires in the room of Harry Bridges in the Edison Hotel in New York City, having interstate connections, were tapped by agents of the Federal Bureau of Investigation from August 5, 1941, to Au- (183) gust 22, 1941, so that communications by telephone were intercepted and heard by agents of the F. B. I. The affidavits show a violation of Section 605 of the Federal Communications Act (47 U. S. C. Section 605), during the period mentioned.

Evidence obtained directly or indirectly by such procedure, by Government Agents, cannot be received in the United States Courts of Justice; Nardone v. United States, 308 U. S. 338; Nardone v. United States, 302 U. S. 379; Olmstead v. United States, 277 U. S. 438. The same rule should, in my opinion, be applied in administrative proceedings such as this. The rule of procedure upon which the alien relies is stated thus, in the opinion of Mr. Justice Frankfurter in Nardone v. United States, 308 U. S. 338, 341, "The burden is, of course, on the accused in the first instance to prove to the trial court's satisfaction that wire tapping was unlawfully employed. Once that is established

Exhibit "E"—(Continued.)

* * * the trial judge must give opportunity, however closely confined, to the accused to prove that a substantial portion of the case against him was a fruit of the poisonous tree."

The hearing in this case was closed on June 12, 1941, and the evidence was then complete. More than a month and a half elapsed before wiretapping occurred.

It is self-evident that the wiretapping referred to as occurring in August could have had no relation to evidence offered or received at the preceding hearing. The procedural rule above quoted cannot refer to wiretapping in vacuo. It must be confined to wiretapping from which evidence for the trial or hearing was, at least, obtainable, else there could be no investigation in respect to evidence obtained by its use. The mere showing of subsequent violation of the Communications Law does not warrant an investigation. (184)

Claim was made on the argument that the wiretapping by agents of the F. B. I., in violation of the statute, occurring subsequent to the hearing was sufficient to prove circumstantially that wiretapping occurred before. I reject this contention. The existence of such wrongdoing cannot be established by other wrongdoing of a similar nature. We know, of course, that the F. B. I. made an investigation of this case before the hearing began. No person taking part in that investigation is shown to have been involved in the wiretapping referred to in the affidavits. Even that circum-

Exhibit "E"—(Continued.)

stance would in my judgment not be enough. The alien in the affidavits submitted has failed completely to establish a prima facie case that any wiretapping occurred, except after the hearing was closed.

The alien also asks for an examination to determine the very fact upon which he has the burden of proof, the existence of preceding interception of communications by tapping wires. Founded only on suspicion, this request is for a mere fishing excursion, for which I find no warrant either in the authorities or in reason. The alien's suspicion cannot sustain the burden of proving facts.

Carol King, in her supplementary affidavit, charges a conspiracy of four named Government officials in the Immigration and Naturalization Service, and catalogues many acts which she asserts were committed pursuant to the conspiracy. The affiant can have no personal knowledge of any of the acts stated. There is no statement of the sources of her information. It is a list of accusations without more and adds nothing to the original affidavits.

For these reasons, I deny the motion.

Dated: Buffalo, N. Y., September 25, 1941.

CHARLES B. SEARS,
Presiding Inspector. (185)

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INDEX TO ABBREVIATIONS

A. F. of L.	American Federation of Labor.
C. E. C.	Central Executive Committee of the Communist Party of the United States.
Comintern	Communist International.
C. I. O.	Congress of Industrial Organizations.
E. C. C. I.	Executive Committee of the Communist International.
F. B. I.	Federal Bureau of Investigation.
I. L. A.	International Longshoremen's Association.
I. L. D.	International Labor Defense.
I. L. W. U.	International Longshoremen's and Warehousemen's Union.
I. R. A. (Mopr.)	International Red Aid.
I. S. U.	International Seamen's Union.
I. W. W.	Industrial Workers of the World.
M. W. I. U.	Marine Workers Industrial Union.
Polcom, Politburo, Politbureau	Political Committee or Political Bureau of the Central Executive Committee of the Communist Party of the U. S. A.
R. I. L. U. (Profintern)	Red International of Labor Unions.
S. U. P.	Sailors Union of the Pacific.
T. U. E. L.	Trade Union Educational League.
T. U. U. L.	Trade Union Unity League.
Y. C. L.	Young Communist League.

[Endorsed]: Filed June 2, 1942. Walter B. Maling, Clerk. (187)

EXHIBIT "F"

Department of Justice
Immigration and Naturalization Service
Before the Board of Immigration Appeals

In the Matter of

HARRY RENTON BRIDGES

File 55973/217

EXCEPTIONS TO PROPOSED FINDINGS, CONCLUSIONS AND ORDER

Pursuant to Section 19.7(e) of the Immigration Rules, exceptions are hereby taken on behalf of the above-named alien to the Proposed Findings, Conclusions and Order of the Presiding Inspector in the above-named case.

I

Exception is hereby taken to the following Proposed Findings of Fact:

1. That after entering the United States the alien has been a member of the Communist Party.

2. That after entering the United States the alien has been affiliated with the Communist Party.

3. That after entering the United States the alien has been affiliated with the Marine Workers' Industrial Union.

4. That the Marine Workers' Industrial Union was a part of the Communist Party, dominated and controlled by it.

5. That the Marine Workers' Industrial Union was an organization that believed in, advised, advo-

Exhibit "F"—(Continued.)

cated, and taught the overthrow by force and violence of the Government of the United States.

6. That the Communist Party of the U.S.A., from the time of its inception in 1919 to the present time, is an organization that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States.

7. That the Communist Party of the U.S.A., from the time of its inception to the present time, is an organization that writes, circulates, distributes, prints, publishes, and displays printed matter advising, advocating, or teaching the overthrow by force and violence of the Government of the United States.

8. That the Communist Party of the U.S.A., from the time of its inception to the present time, is an organization that causes to be written, circulated, distributed, printed, published, and displayed printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States.

9. That the Communist Party of the U.S.A., from the time of its inception to the present time, is an organization that has in its possession for the purpose of circulation, distribution, publication, issue and display, printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States.

Exhibit "F"—(Continued.)

II

Exception is hereby taken to the failure of the Presiding Inspector to find:

1. That the evidence does not establish that the Industrial Workers of the World during any time that the alien was a member thereof, was an organization, association, society, or group which:

(a) Advised, advocated, or taught the unlawful damage, injury, or destruction of property or sabotage; or

(b) Circulated or distributed written or printed matter advising, advocating, or teaching the unlawful damage, injury, or destruction of property or sabotage.

2. That the evidence established the unlawful use of wire-tapping against the alien in connection with the 1941 hearing.

3. That the unlawful use of wire-tapping against the alien as established by the evidence warranted a hearing to investigate the extent to which such unlawful wire-tapping was used in the preparation or presentation of the 1941 hearing.

4. That the facts set out in the applications for subpoenas and subpoenas duces tecum on Frances Perkins, Gerald D. Reilly and Lemuel Schofield were, if true, sufficient to establish that the alien was denied the equal protection of the laws.

5. That with the exception of the issue involving membership in the Industrial Workers of the World, the alien has been once in jeopardy in

Exhibit "F"—(Continued.)

the first hearing on the same issues which are involved in the second hearing.

6. That with the exception of the issue involving membership in the Industrial Workers of the World, the issues of the second hearing are identical with the issues involved in the first hearing.

7. That the alien was not given sufficient notice, prior to the hearing, of the nature of the evidence upon which the warrant issued.

8. That the requests of alien during the hearing for examination of written statements made by Government witnesses prior to their testifying were sufficient in form and content, and stated good cause for the granting of such requests.

9. That the evidence does not establish that the alien had knowledge that the Communist Party of the U.S.A. at any time was an organization, association, society or group that:

(a) Did or does believe in, advise, advocate, or teach; or

(b) Did or does write, circulate, distribute, print, publish, or display printed matter advising, advocating, or teaching; or

(c) Did or does cause to be written, circulated, distributed, printed, published, or displayed printed matter advising, advocating, or teaching; or

(d) Has or had in its possession for the purpose of circulation, distribution, publication,

Exhibit "F"—(Continued.)

issue, or display, printed matter advising, advocating, or teaching

the overthrow by force or violence of the Government of the United States.

10-11: That the evidence does not establish that the alien at any time:

(a) Did or does believe in, advise, advocate, or teach; or

(b) Did or does write, circulate, distribute, print, publish, or display printed matter advising, advocating, or teaching; or

(c) Did or does cause to be written, circulated, distributed, printed, published or displayed printed matter advising, advocating, or teaching; or

(d) Has or had in his possession for the purpose of circulation, distribution, publication, issue or display printed matter advising, advocating, or teaching the overthrow by force or violence of the Government of the United States.

12. That the evidence does not establish that the alien at any time had knowledge that the Marine Workers' Industrial Union was a part of the Communist Party, or dominated or controlled by it.

13. That the evidence does not establish that the alien had knowledge that the Marine Workers' Industrial Union at any time was an organization, association, society or group that:

(a) Did or does believe in, advise, advocate,

Exhibit "F"—(Continued.)

or teach the overthrow by force or violence of the Government of the United States; or

(b) Did or does write, circulate, distribute, print, publish, or display printed matter advising, advocating, or teaching the overthrow by force or violence of the Government of the United States; or

(c) Did or does cause to be written, circulated, distributed, printed, published, or displayed printed matter advising, advocating, or teaching the overthrow by force or violence of the Government of the United States; or

(d) Has or had in its possession for the purpose of circulation, distribution, publication, issue or display printed matter advising, advocating, or teaching the overthrow by force or violence of the Government of the United States.

14. That the evidence does not establish that the Communist Party of the U.S.A. at any time was or is an organization that:

(a) Did or does believe in, advise, advocate, or teach the overthrow by force or violence of the Government of the United States, within the meaning of 8 USC, Section 137 as amended; or

(b) Did or does write, circulate, distribute, print, publish, or display printed matter advising, advocating, or teaching the overthrow by force or violence of the Government of the

Exhibit "F"—(Continued.)

United States, within the meaning of 8 USC, Section 137 as amended; or

(c) Did or does cause to be written, circulated, distributed, printed, published, or displayed printed matter advising, advocating, or teaching the overthrow by force or violence of the Government of the United States, within the meaning of 8 USC, Section 137 as amended; or

(d) Has or had in its possession for the purpose of circulation, distribution, publication, issue, or display any printed matter advising, advocating, or teaching the overthrow by force or violence of the Government of the United States, within the meaning of 8 USC, Section 137 as amended.

15. That the evidence does not establish that the Marine Workers' Industrial Union was a part of the Communist Party, or dominated or controlled by it, within the meaning of 8 USC, Section 137 as amended.

16. That the evidence does not establish that the Marine Workers' Industrial Union at any time was an organization, association, society, or group that:

(a) Did or does believe in, advise, advocate, or teach the overthrow by force or violence of the Government of the United States, within the meaning of 8 USC, Section 137 as amended; or

Exhibit "F"—(Continued.)

(b) Did or does write, circulate, distribute, print, publish, or display printed matter advising, advocating, or teaching the overthrow by force or violence of the Government of the United States, within the meaning of 8 USC, Section 137 as amended; or

(c) Did or does cause to be written, circulated, distributed, printed, published, or displayed printed matter advising, advocating, or teaching the overthrow by force or violence of the Government of the United States, within the meaning of 8 USC, Section 137 as amended; or

(d) Has or had in its possession for the purpose of circulation, distribution, publication, issue, or display any printed matter advising, advocating, or teaching the overthrow by force or violence of the Government of the United States, within the meaning of 8 USC, Section 137 as amended.

17. That the evidence does not establish that the alien at any time has been a member of or affiliated with any organization, association, society, or group that:

(a) Did or does believe in, advise, advocate, or teach the overthrow by force or violence of the Government of the United States, within the meaning of 8 USC, Section 137 as amended; or

(b) Did or does write, circulate, distribute,

Exhibit "F"—(Continued.)

print, publish, or display any printed matter advising, advocating, or teaching the overthrow by force or violence of the Government of the United States, within the meaning of 8 USC, Section 137 as amended; or

(c) Did or does cause to be written, circulated, distributed, printed, published, or displayed any printed matter advising, advocating, or teaching the overthrow by force or violence of the Government of the United States, within the meaning of 8 USC, Section 137 as amended; or

(d) Had or has in its possession for the purpose of circulation, distribution, publication, issue, or display any printed matter advising, advocating, or teaching the overthrow by force or violence of the Government of the United States, within the meaning of 8 USC, Section 137 as amended.

18. That the evidence does not establish that the alien at any time has been a member of or affiliated with any organization, association, society, or group which was a part of, or dominated or controlled by, or affiliated with, any organization, association, society, or group that, within the meaning of 8 USC, Section 137 as amended:

(a) Did or does believe in, advise, advocate, or teach the overthrow by force or violence of the Government of the United States; or

(b) Did or does write, circulate, distribute,

Exhibit "F"—(Continued.)

print, publish, or display printed matter advising, advocating, or teaching the overthrow by force or violence of the Government of the United States; or

(c) Did or does cause to be written, circulated, distributed, printed, published, or displayed printed matter advising, advocating, or teaching the overthrow by force or violence of the Government of the United States; or

(d) Has or had in its possession for the purpose of circulation, distribution, publication, issue, or display any printed matter advising, advocating, or teaching the overthrow by force or violence of the Government of the United States.

9. That the evidence does not establish that the alien at any time has been a member of or affiliated with the Communist Party of the U.S.A.

20. That the evidence does not establish that the alien at any time has been a member of or affiliated with the Marine Workers' Industrial Union.

III

Exception is hereby taken to the Proposed Conclusions of Law:

1. After entering the United States the alien has been a member of an organization, association, society or group that believes in, advises, advocates, and teaches the overthrow by force or violence of the Government of the United States.

Exhibit "F"—(Continued.)

2. That after entering the United States the alien has been affiliated with an organization, association, society or group that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States.

3. That after entering the United States the alien has been a member of an organization, association, society, or group that writes, circulates, distributes, publishes, and displays printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States.

4. That after entering the United States the alien has been affiliated with an organization, association, society, or group that writes, circulates, distributes, publishes, and displays printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States.

5. That after entering the United States the alien has been a member of an organization, association, society, or group that caused to be written, circulated, distributed, published, printed and, displayed, printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States.

IV

Exception is hereby taken to the failure of the Presiding Inspector to propose the following Conclusions of Law:

Exhibit "F"—(Continued.)

1. That after entering the United States the alien has not been a member of any organization, association, society, or group which:

(a) Did or does advise, advocate, or teach the unlawful damage, injury, or destruction of property or sabotage; or

(b) Did or does circulate or distribute written or printed matter advising, advocating, or teaching the unlawful damage, injury, or destruction of property or sabotage.

2. That after entering the United States the alien has not been a member of any organization, association, society, or group which:

(a) Did or does believe in, advise, advocate, or teach; or

(b) Did or does write, circulate, distribute, print, publish, or display printed matter advising, advocating, or teaching; or

(c) Did or does cause to be written, circulated, distributed, printed, published, or displayed printed matter advising, advocating, or teaching; or

(d) Has or had in its possession for the purpose of circulation, distribution, publication, issue or display printed matter advising, advocating, or teaching

the overthrow by force or violence of the Government of the United States, within the meaning of 8 USC, Section 137 as amended.

3. That after entering the United States the

Exhibit "F"—(Continued.)

alien has not been a member of any organization, association, society, or group which was a part of, or dominated or controlled by, any organization, association, society or group that:

(a) Did or does believe in, advise, advocate or teach; or

(b) Did or does write, circulate, distribute, print, publish, or display printed matter advising, advocating, or teaching; or

(c) Did or does cause to be written, circulated, distributed, printed, published, or displayed printed matter advising, advocating, or teaching; or

(d) Has or had in its possession for the purpose of circulation, distribution, publication, issue or display printed matter advising, advocating, or teaching

the overthrow by force or violence of the Government of the United States, within the meaning of 8 USC, Section 137 as amended.

4. That the alien was entitled to a hearing for the examination of witnesses with respect to:

(a) The use of wire-tapping in connection with the preparation or presentation of evidence in the 1941 hearing of this case; and/or

(b) The use made either directly or indirectly of intercepted telephone messages and facts ascertained as the result of such wire-tapping.

5. That the refusal to issue, at the alien's request, subpoenas and subpoenas duces tecum on

Exhibit "F"—(Continued.)

Frances Perkins, Gerald D. Reilly, and Lemuel Schofield operated to deny the alien the equal protection of the law, in violation of the Fifth Amendment of the United States Constitution.

6. That the refusal to issue, at the alien's request, subpoenas and subpoenas duces tecum on Frances Perkins, Gerard D. Reilly and Lemuel Schofield operated to deny the alien due process of law, in violation of the Fifth Amendment of the United States Constitution.

7. That, with the exception of the issue involving membership in the Industrial Workers of the World, the decision on the first hearing constitutes res judicata as to all issues involved in the second hearing.

8. That, with the exception of the issue involving membership in the Industrial Workers of the World, the second hearing places the alien twice in jeopardy, in violation of the Fifth Amendment of the United States Constitution.

9. That the refusal, prior to the hearing, to give the alien proper notice of the nature of the charges against him, operated to deny him due process of law, in violation of the Fifth Amendment of the United States Constitution.

10. That the alien was entitled upon his request during the hearing to examine the prior written statements of Government witnesses, and the denial of such requests was improper, and operated to prejudice the rights of the alien.

Exhibit "F"—(Continued.)

11. That an alien who is found to be a member of or affiliated with an organization, association, society, or group which:

(a) Believes in, advises, advocates, or teaches the overthrow by force or violence of the Government of the United States; or

(b) Writes, circulated, distributes, prints, publishes, or displays printed matter advising, advocating, or teaching the overthrow by force or violence of the Government of the United States; or

(c) Causes to be written, circulated, distributed, printed, published, or displayed printed matter advising, advocating, or teaching the overthrow by force or violence of the Government of the United States; or

(d) Has in its possession for the purpose of circulating, distribution, publication, issue or display printed matter advising, advocating, or teaching the overthrow by force or violence of the Government of the United States

is not thereby rendered deportable unless it is found that he had knowledge thereof, or participated therein, during such membership or affiliation. If 8 USC, Section 137 as amended is construed contrariwise, then such construction of the statute denies the alien due process of law, in violation of the Fifth Amendment of the United States Constitution, and denies the alien free speech, free press and peaceable assembly, in violation of the

Exhibit "F"—(Continued.)

First Amendment of the United States Constitution.

12. That an alien who is found to be a member of or affiliated with an organization, association, society, or group which is a part of, or dominated or controlled by, another organization, association, or group that:

(a) Believes in, advises, advocates, or teaches the overthrow by force or violence of the Government of the United states; or

(b) Writes, circulates, distributes, prints, publishes, or displays printed matter advising, advocating, or teaching the overthrow by force or violence of the Government of the United States; or

(c) Causes to be written, circulated, distributed, printed, published, or displayed printed matter advising, advocating, or teaching the overthrow by force or violence of the Government of the United States; or

(d) Has in its possession for the purpose of circulation, distribution, publication, issue or display printed matter advising, advocating, or teaching the overthrow by force or violence of the Government of the United States

is not thereby rendered deportable unless it is found that he had knowledge thereof, or participated therein, during such membership or affiliation: If 8 USC, Section 137 as amended is construed contrariwise, then such construction of the statute denies the alien due process of law, in violation

Exhibit "F"—(Continued.)

of the Fifth Amendment of the United States Constitution, and denies the alien free speech, free press and peaceable assembly, in violation of the First Amendment of the United States Constitution.

13. That 8 USC, Section 137 as amended, as sought to be applied in this case, operates to deprive the alien of his life, liberty and property without due process of law, in violation of the Fifth Amendment of the United States Constitution.

14. That 8 USC, Section 137 as amended, as sought to be applied in this case, operates to abridge the alien's freedom of speech, freedom of press, and freedom of peaceable assembly, in violation of the First Amendment of the United States Constitution.

15. That the application of 8 USC, Section 137 as amended, to the affiliation of an alien with the Marine Workers' Industrial Union, which ceased to exist in 1935, makes the statute an ex post facto and retrospective law, and operates to deny the alien due process of law, in violation of the Fifth Amendment of the United States Constitution.

16. That the second proceeding against the alien constituted discriminatory treatment and a denial of the equal protection of the law, in violation of the Fifth Amendment of the United States Constitution.

17. That 8 USC, Section 137 as amended, is unconstitutional and in violation of the First and

Exhibit "F"—(Continued.)

Fifth amendments of the United States Constitution.

V

Exception is hereby taken to the proposed order providing:

"That the alien, Harry Renton Bridges, be deported to Australia at the expense of the Government."

VI

It is hereby proposed that there be an order providing:

"That the warrant of arrest against the alien, Harry Renton Bridges, be cancelled, and the deportation proceeding against him be dismissed, and the bond now outstanding for his appearance be cancelled."

Respectfully submitted,

CAROL KING
100 Fifth Avenue,
New York City, N. Y.

GLADSTEIN, GROSSMAN,
MARGOLIS and SAWYER
By RICHARD GLADSTEIN
AUBREY GROSSMAN
Mills Tower
San Francisco, Calif.

Oct. 29, 1941

Exhibit "F"—(Continued.)

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service
Before the Board of Immigration Appeals

In the Matter of

HARRY RENTON BRIDGES

File 55973/217

REQUEST FOR ORAL ARGUMENT, AND SPECIFICATION OF DATE THEREFOR, PURSUANT TO SECTION 90.5 OF THE IMMIGRATION RULES

Pursuant to Section 90.5 of the Immigration Rules, request is hereby made on behalf of the alien in the above case for oral argument before the Board of Immigration Appeals in connection with the Exceptions herewith filed on behalf of said alien to the Proposed Findings of Fact, Conclusions of Law, and Order of the Presiding Inspector in the above case.

Further pursuant to said section, Monday, the 24th day of November, 1941, at a time convenient to the said Board of Immigration Appeals, is hereby specified as the date on which it is desired

Exhibit "F"—(Continued.)

that the said Board of Immigration Appeals shall hear the said oral argument.

CAROL KING
100 Fifth Avenue,
New York City, N. Y.

GLADSTEIN, GROSSMAN,
MARGOLIS and SAWYER
560 Mills Tower,
San Francisco, Calif.

Oct. 29, 1941.

[Endorsed]: Filed June 4, 1943. Paul P. O'Brien, Clerk.

EXHIBIT "G"

55973/217—San Francisco January 3, 1942

In re: HARRY RENTON BRIDGES

Before the Board of Immigration Appeals in Deportation proceedings.

Board: Messrs. Fanelli, Finucane, Charles and Cooley.

In Behalf of Respondent:
Carol King, Attorney, New York City
Gladstein, Grossman, Margolis and Sawyer,
Attorneys, San Francisco

By Richard Gladstein
Aubrey Grossman

Exhibit "G"—(Continued)

In Behalf of the Immigration and Naturalization Service:

Albert Del Guercio
Paul V. Myron
Clarence N. Goodwin
Edward J. Ennis, Of Counsel

CHARGES:

Warrant—Act of October 18, 1918, as amended by Act of June 5, 1920, and
Act of June 28, 1940 (Sec. 23(a)),

in that after entering the United States he has been a member of or affiliated with an organization, association, society, or group that believes in, advises, advocates or teaches the overthrow by force or violence of the Government of the United States; that after entering the United States he has been a member of or affiliated with an organization, association, society or group that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue or display, written or printed matter advising, advocating, or teaching the overthrow by force or violence of the Government of the United States.

Lodged—That he is an alien who, after entering the United States, became a member of an organization, association, society or group, which advised,

Exhibit "G"—(Continued.)

advocated and taught the unlawful damage, injury or destruction of property and sabotage.

—That after entering the United States he became a member of an organization, association, society or group, that circulated and distributed written or printed matter advising, advocating or teaching the unlawful damage, injury, or destruction of property and sabotage.

Warrant of arrest was issued on the above charges February 12, 1941 and served February 14, 1941. Hearing was accorded the Respondent at San Francisco, California, March 3, 1941 through June 12, 1941, at which time Respondent was represented by the attorneys above mentioned. Over 7500 pages of testimony were taken and 345 exhibits were accepted in evidence. The Presiding Inspector, Judge Charles B. Sears, in a report totaling one hundred and eighty-five pages, recommends deportation on all charges except the lodged charges. The Alien has excepted to the Presiding Inspector's proposed findings. The Service has taken no exceptions. Briefs were filed, and oral argument was heard November 24, 1941

The mass of evidence and the respect and careful consideration due the proposed findings of the Presiding Inspector have required in this case an opinion of some length.

It is our unanimous opinion that the warrant must be cancelled

The charges lodged while the hearing was in progress have their basis on the theory that the Industrial

Exhibit "G"—(Continued.)

Workers of the World, during the time the Respondent admits he was a member, advocated and circulated literature advocating the unlawful damage, injury or destruction of property and sabotage. The Presiding Inspector found that during this period the Industrial Workers of the World did not engage in such advocacy either orally or in published writings. To this the Service has taken no exception. We find that the record fully supports the conclusion of the Presiding Inspector and hence no further discussion is required.

The charges in the warrant of arrest are based on the premise that the Respondent, after entering the United States was a member of or was affiliated with either the Communist Party or the Marine Workers Industrial Union or both and that these organizations have aims proscribed by the Act of 1918, as amended.

On these charges, the evidence falls into two main divisions: first that dealing with the question whether the Communist Party and the Marine Workers Industrial Union, are, or were, organizations of the kind described in the Act of 1918, as amended, and second that dealing with the question of whether the Respondent is or was a member of or affiliated with either or both of these organizations.

Our study and analysis of the record requires us to find that membership in or affiliation with either the Communist Party or the Marine Workers Industrial Union has not been established.

Voluminous evidence to show that the Communist Party has aims proscribed by the 1918 Act, as amended, is part of the record. The Alien offered no

Exhibit "G"—(Continued.)

evidence to controvert this. A discussion of this evidence and a decision thereon is unnecessary because of our findings on the issues of membership and affiliation. So also is unnecessary a decision on the controversial issue of the character of the Marine Workers Industrial Union in reference to the 1918 Act.

Upon several legal and constitutional issues raised by the Alien, we do not pass. He challenges the instant proceeding generally upon the ground that the entire matter is res judicata because it was determined in the 1939 deportation proceeding against him.[1] He also contends that, by reason of the second hearing, he is subjected to double jeopardy in violation of the Fifth Amendment to the United States Constitution. In addition, the statute under which the warrant issued is challenged on a number of other constitutional grounds. First, it is said to be an ex post facto law violative of the prohibition in Article I, Sec. 9, cl. 3. Second, two infringements of the rights secured by the First and Fifth Amendments are charged, namely, that the statute as written deprives the alien of his protected privileges of freedom of speech and action generally, and that it does so by imposing an unconstitutional condition upon their exercise. Third, four aspects of the Presiding Inspector's proposed application of the statute are cited as showing it to be unconstitutional as con-

(1) A more limited contention based upon this doctrine will be referred to infra p. 431, n. 77.

Exhibit "G"—(Continued.)

strued. All involve the First and Fifth Amendments.[2] Finally, the proceeding itself was attacked as falling short of that fairness required by the Fifth Amendment. This attack was both general and particularized. The specific grounds detailed were three in number: insufficient notice, denial of the right to examine prior statements of witnesses, and refusal to reopen for an investigation into alleged wire-tapping by the Federal Bureau of Investigation. Upon these contentions we make no findings.

Aside from these purely legal problems, the case presented to the Presiding Inspector by the Service contained testimony of numerous witnesses which we do not pass upon in detail. The Presiding Inspector rejected the testimony of numerous witnesses

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(2) 1. The proposed application of the statute is said to deny due process because it involves deportation for membership in an organization not shown to advocate overthrow of the Government by force and violence.

2. It is said to constitute such denial under an analogy to the Equal Protection clause on the ground that no previous deportations for membership or affiliation with the M.W.I.U. have been undertaken for some years.

3. It is said to deny due process by basing deportation on the ground merely of membership in an organization which distributes literature, in the absence of a showing that the Alien knew the contents of the literature.

4. The statute as construed is said to be so indefinite in its delineation of affiliation as to be unconstitutional.

Exhibit "G"—(Continued.)

presented to show membership.[3] Independent analysis of their testimony convinces us that its rejection was more than justified.[4]

Our discussion falls under the two main headings, Affiliation and Membership. These two issues are, of course, complementary rather than exclusive. However, since testimony which does not establish affiliation cannot establish membership, we treat only

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(3) Out of fifteen witnesses relied on by the Service to show membership, only two, O'Neil and Lundeberg, were accepted as directly supporting the proposed finding on that point, and one, Barlow, was given some weight in the determination.

(4) It is unnecessary to detail here the patent contradictions and extreme improbabilities which riddle the testimony of Richard A. St. Clair; nor need we recreate the atmosphere of complete unreliability which the cold words of the record eloquently convey. The tortuous convolutions of Maurice J. Cannalonga's testimony rendered it worthless on its face. No consideration need be given the suggestion of improper conduct on the part of the F.B.I. in coercing him into appearing. That he lied freely is evident; and if it were not, his story was confused and unimpressive to a degree which would have rendered it valueless had there been no cross-examination or subsequent impeachment. William C. McCuistion appears in a light scarcely more favorable. The episode to which he and Innes testified contained initially strong elements of the improbable. His testimony as to how and where he met Bridges varied. He attempted to bolster it by connecting it with an alleged attempt on Bridges' part to "get" Lundeberg at a time when the record shows Bridges and Lundeberg were on terms of friendship and mutual cooperation. And, finally, his testimony is replete with statements which suggest a mental state bordering on egomania. Indeed, although there are other adequate grounds, one of

Exhibit "G"—(Continued.)

the two main witnesses, O'Neil and Lundeberg, under Membership, and all other secondary testimony under Affiliation.

The case presented on affiliation comprises a disconnected group of items showing that, on occasion, the Alien maintained friendly relations with some Communists, opposed "red-baiting", cooperated di-

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the strongest factors tending to discredit Peter J. Innes, another witness, is the fact that his testimony dovetails so perfectly with that of McCuistion. Neither is worthy of credence. John O. Thompson is another discredited witness whose testimony merits no analysis here. Insofar as Ezra Chase and the Lovelaces gave testimony requiring comment, they are discussed below on the point of affiliation. Nathaniel Honig's testimony presents a slightly more complex problem. Where other Service witnesses testified only to isolated Communist meetings at which they claimed to have seen Bridges, Honig remembered at least sixteen. He did not, however, remember the address or the name of the owner of any of the homes where they took place, apparently because he was instructed to forget them (1462). He also remembered little or nothing specific which occurred at them. He was the only witness whom Bridges might have been expected to remember, had they had the alleged contacts, but whom he denied ever having met. The Alien's testimony on this point was corroborated by Schmidt. The evidence of Amos Kelley, Thomas Laurence and Sam Diner presents no elements worthy of mention here beyond those detailed by the Presiding Inspector.

(5) In only two instances did more than one witness presented by the Service testify to the same alleged occurrence. The testimony of the two Lovelaces related to one meeting; and that of Innes and McCuistion partially coincided on another episode. All other instances were isolated ones not inter-re-

Exhibit "G"—(Continued.)

rectly or indirectly with the M. W. I. U. or Communists in cases in which he states they were seeking specific ends which he and his union also sought for reasons legitimately connected with their own welfare, and expressed views thought to have similarity to some of those espoused by members of the M. W. I. U. and of the Communist Party. This presentation at best has but few elements not passed upon in the previous proceeding. It is doubtful that, taken at their claimed value, those elements would justify departure from the result there reached. And upon analysis, it becomes apparent that the elements of difference here present have no substantial tendency to worsen the Alien's position under existing law. But wholly apart from all such questions, we have concluded upon independent examination that the matters brought to our attention by the Service and relied on by the Presiding Inspector in his proposed findings, insofar as they find support in the record, do not warrant our holding that the Alien was affiliated to any proscribed organization within the meaning of the applicable statute.

On membership, we have rejected the evidence given by O'Neil and Lundeberg as not worthy of belief. That of O'Neil, a witness who perjured himself on the stand, comprises unsworn hearsay and is internally contradictory. That of Lundeberg, admittedly an active rival—even enemy—of the Respondent, is also internally inconsistent. Further,

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lated or supported by the evidence of more than one alleged participant. Cf. the testimony of Ryan and Laurence.

Exhibit "G"—(Continued.)

the record strongly suggests evasion and equivocation on the part of that witness; and it is clear that, on occasion, he has made statements contradicting the ones relied on.

We have, accordingly, concluded that the case relied on by the Service and accepted by the Presiding Inspector, is not sustained.

In the detailed discussion which follows, we take up first the legal requisites of affiliation and the evidence presented to fulfill them, and second the membership witnesses.

I. AFFILIATION

A. The Meaning of Affiliation

The Act of 1918, as amended, makes an alien who is or has been affiliated with an organization proscribed by the act deportable equally with a member. "Affiliation" has not been defined in the statute.[6] At best the term is inexact. We have no aid from the legislative history of the statute in determining what is included and what is excluded. No comprehensive definition of the term has ever been attempted, and

(6) Section 4(e) does provide:

"(2) The giving, loaning or promising of money or anything of value to any organization, association, society or group of the character above described shall constitute affiliation therewith; but nothing in this paragraph shall be taken as an exclusive definition of advising, advocacy, teaching, or affiliation."

But this language has no application to this case and is of no assistance in determining whether facts other than those governed by it come within the scope of "affiliation".

Exhibit "G"—(Continued.)

we attempt none. But we do have some assistance from judicial authority.

The cases in which affiliation was held established are so much stronger than the record here as to be of little assistance. Employment as managing editor of a paper published by the Communist Party, and being an instructor and a director of a school teaching the theory of Marxism-Leninism under the official guidance and leadership of the Communist Party and the Communist International were held to be facts establishing affiliation within the meaning of the Act. Branch v. Cahill, 88 F.(2d) 545 (C.C.A. 9th, 1937). Selling "The Daily Worker", a Communist paper, copies of which were received directly from the Communist Party, announced sympathy with the form of government in the Soviet Union and willingness to establish such a form of government in the United States by force, sympathy with the aims of the Communist Party and desire to become a member (although thwarted in this desire because considered not sufficiently intelligent to join), membership in the Unemployed Council, an organization indirectly associated with the Communist Party, and finally contributing money to the Communist Party were considered sufficient to establish affiliation. Wolck v. Weedin, 58 F. (2d) 928 (C.C.A. 9th, 1932). In that case, however, the giving of money to an organization proscribed by the act is in and of itself under the statute affiliation irrespective of other circumstances. Membership in an organization which is affiliated with another organization proscribed by the statute constitutes affiliation with the

Exhibit "G"—(Continued.)

latter. Kjar v. Doak, 61 F. (2d) 566 (C.C.A. 7th, 1932); In re Saderquist, 11 F. Supp. 525; aff'd 83 F. (2d) 890 (C.C.A. 1st, 1936). In a concurring opinion where the court upheld deportation on the ground of past membership in the Communist Party, Judge Augustus Hand expressed the view that affiliation with the Communist Party was established by an alien's pledging himself to perform certain tasks prescribed by the Party in order to secure reinstatement. United States ex rel. Yokinen v. Comm'r 57 F. (2d) 707 (C.C.A. 2d, 1932).

The nearest approach to a definition is found in United States ex rel. Kettunen v. Reimer, 79 F. (2d) 315 (C.C.A. 2d, 1935), where the facts stated were found insufficient to constitute affiliation. This case involved an alien, previously a distributor of "The Daily Worker" among other papers, who attended a meeting of the Communist Party, executed an application for membership in the Party, paid the admission fee, but who later changed his mind about becoming a member and asked the secretary to whom he gave his application to withhold formally submitting it. The alien never became a member of the Party. The Court stated:

> "In deciding this case, we shall not attempt to give a comprehensive definition of the word 'affiliation' as used in the statute. Very likely that is as impossible as it is now unnecessary. It is enough for present purposes to hold that it is not proved unless the alien is shown to have so conducted himself that he has brought about a status of mutual recognition that he may be re-

Exhibit "G"—(Continued.)

lied on to cooperate with the Communist Party on a fairly permanent basis. He must be more than merely in sympathy with its aims or even willing to aid it in a casual intermittent way. Affiliation includes an element of dependability upon which the organization can rely which, though not equivalent to membership duty, does rest upon a course of conduct that could not be abruptly ended without giving at least reasonable cause for the charge of a breach of good faith. So tested we cannot agree that there was evidence to establish that this relator was affiliated with the Communist Party."[7]

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(7) In the unreported case of United States ex rel. Tolsky v. Wilson (S.D. N.Y. 1920), a similar view was expressed. The opinion states:

"The upshot of the evidence, therefore, comes to this: That there was found upon his person an announcement of lectures to be given by a revolutionary organization and that he was distributing a pile of papers, among which was the manifesto of this organization, at some 'act' or 'performance' at Turner Hall, the character of which is not stated. His possession of an announcement of lectures is not evidence of anything whatever, except that he was interested enough not to throw it away. Even had he attended the lectures it would have been no evidence that he was a member of or affiliated with the Union.

"Nor does the distribution or sale of the pamphlets among which the manifesto was one constitute evidence of affiliation or membership with the Union. Nothing is shown of the other documents, how many or what they were. That he meant to have the document reach the hands

Exhibit "G"—(Continued.)

The Kettunen definition was accepted in the decision of the 1939 deportation proceeding against Bridges. It is adequate here. Whatever may be the exact limits of the term, it is sufficient for decision that "affiliation," when not otherwise defined by statute, connotes at the least some bond, however informal, of some continuing dependability between a proscribed organization and the person affiliated.

B. Affiliation—The "Waterfront Worker"

Pivotal to the case presented by the Service as showing affiliation is the evidence regarding the Alien's connection with the "Waterfront Worker",

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of others was of course evidence that he approved of its effect upon them, and that he was therefore in general sympathy with its sentiments. There are, it is true, other possible interpretations even of this, but it seems to me that there would be evidence that his own beliefs were in harmony with those expressed and that he was willing to help in their propaganda. An effective form of propaganda is of course by means of such printed pamphlets.

"That is, however, not the ground for his deportation, which depends upon his membership or affiliation with the organization. It would obviously be an inference without any just foundation whatever to conclude that he was a member, because he distributed its manifesto. Argument upon that seems scarcely necessary. As to affiliation the case is not so clear, and depends upon how one defines that word. I take it to mean a connection more loose than membership usually applicable to a relation of cooperation between the members of two or more organizations. Perhaps it may also include an irregular connection of a single individual with the society, not amounting to membership.

Exhibit "G"—(Continued.)

a mimeographed paper published from December of 1932 until 1936. That paper[8] dealt primarily with

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However this may be, it seems to me pretty clear that it involves a mutual recognition of permanent cooperation between the organization and the person affiliated and not a spasmodic or casual assistance. Mere sympathy with the aims of the society, even accompanied by efforts to further its aims, does not fall within that word.

"I can find nothing in the evidence throwing any light upon the character of the meeting in Turner Hall, or even that it was held under the auspices of the Union, but, if so, that would not be enough. To distribute pamphlets for the Union indicated no affiliation with it in the sense that I understand it. One may be willing for that moment to help, but there must be some more permanent nexus than that." (Underscoring supplied.)

(8) Constant reference to the "Waterfront Worker" as a newspaper tends to mislead. It was simply a mimeographed collection of news items, essays, letters and diatribes which, according to the testimony was edited after September 15, 1933 by methods bordering on anarchy. It had no headquarters, no consistently supervised and regulated policies, no editing or revision of submitted articles. The "editors" sometimes mailed in their own contributions. The staff did not remain constant, the format varied and publication dates were highly irregular, at least in 1934 when, presumably under the press of events attending the strike, the paper jumped from a bi-monthly very nearly to a weekly. (2557; 5385-6; 5795-8; 5825-9; 5914; and see Government Exhibits listed in Table, infra p. 390). The editors were eight or ten in number (5813-6).

Exhibit "G"—(Continued.)

the labor problems of the San Francisco longshoremen. Bridges, in both the 1939 and the 1941 hearings, testified that he had been one of a number of men who were instrumental in its publication over a portion of its existence.

The Service contends that the paper was shown to be an instrument of the Marine Workers Industrial Union[9] and of the Communist Party; and that the Alien's connection with it as one of its editors establishes his affiliation with both of those organizations (Service Brief, pp. 28-44). The Presiding Inspector accepted this contention in the findings he recommends. (P.I. 92-7).

The "Waterfront Worker" evidence, not intrinsically more important than other matters relied upon to show affiliation generally, assumes exceptional significance to the Service's case for three reasons. First, it comprises the most striking and only substantial difference between the case presented on affiliation in 1939 and that in the present record.[10]

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(9) The question whether the M.W.I.U. was itself an organization proscribed by law is here assumed solved in the Service's favor. It is, however, very doubtful that that union was shown to be more than an affiliate to some extent of the Communist Party. Contrast the Presiding Inspector's statement (P.I. 62) with: In re Harry Renton Bridges, file 55973/217, Appendix A to the opinion of January 8, 1940, p. 102; State v. Diamond, 27 N. M. 477, 483-4, 202 Pac. 988 (1921). Thus, there would be a serious question as to the effect even of proof that the Alien was, in turn, affiliated with it.

(10) As to the effect if any of the fact that much of the evidence in this hearing relates to matters previously passed on, see infra p. 431, n. 77.

Exhibit "G"—(Continued.)

Whereas in 1939 no issues of the "Waterfront Worker" were in evidence (P. I. 91) and little or no reference was made to its content, in this hearing a number of issues were introduced and analyzed. Second, this evidence is presented by the Service and accepted by the Presiding Inspector as the starting point from which, explicitly or implicitly, the other analyses of and conclusions on affiliation proceed. And, finally, it comprises one of the two specific instances proposed by the Presiding Inspector as bases for adverse findings on the Alien's credibility as a witness. [11]

As a basis for the recommended finding of affiliation, the relevance of the "Waterfront Worker" depended upon the following chain of reasoning: The paper discloses that it followed or favored certain policies and the paper together with other evidence shows that some or all of its loose association of editors engaged in certain activities, all of which taken as a whole justify an inference that its editors maintained the forbidden degree of connection with one or more proscribed organizations. Bridges was one of those editors. He was, therefore, affiliated within the meaning of the statute.

A refinement of the problem thus presented is provided by the Alien's contention that he participated in the editing of the "Waterfront Worker" during that period only which followed September 15, 1933. He conceded that the paper prior to that date was

(11) The other, the Madison Square Garden episode, will be treated infra p. 487, n. 111.

Exhibit "G"—(Continued:)

put out under M.W.I.U. auspices. But he testified that subsequent to September 15, 1933, the date when he became connected with it, it was not. The Presiding Inspector recommends both a finding that the Alien did become an editor prior to September 15, 1933 (P. I. 92), and also the broad finding that affiliation on the part of its editors was shown for the entire period of the paper's existence, both before and after September 15, 1933 (P. I. 94).[12] Because the latter recommendation was made to depend in some indefinite, but large, part on the former,[13] they will be analyzed in the order given.

1. The Issue as to the Time When the Alien Became Connected with the "Waterfront Worker."

So far as is shown by this record, the paper first came into existence in December of 1932.[14] It is conceded that, at the time of its origin, the "Waterfront Worker" was edited by members of the M. W.

(12) A finding that the "Waterfront Worker" was an instrument of the M.W.I.U. until it ceased publication in 1936 (P.I. 94; Service Brief, p. 33) would be plainly erroneous. The M.W.I.U. disbanded in 1935 (1921; 5886; P.I. 59; Service Brief, p. 33). Moreover, such a finding would seem unduly sweeping in view of the fact that the only issue in evidence published later than December 1934 (Gov. Ex. 250) is one for April 1936 (Gov. Ex. 251).

(13) See infra p. 413.

(14) (P.I. 88; 91). Bridges thought January of 1933 (P.I. 92, n. 80; 5378). It seems clear, how-

Exhibit "G"—(Continued.)

I. U. The Alien testified at both hearings,[15] however, that the paper ceased publication for a time after it had proved unsuccessful under M. W. I. U. sponsorship, and that his group then revived it (2553; 5823) and edited it independently of any financial or mechanical connection with or assistance from the M. W. I. U. (5391-2). This testimony is not controverted.

The recommended finding that Bridges and his group did not start publication of the paper in September, 1933, but were responsible for the paper's publication for the entire period from December of 1932 until its abandonment in 1936 (P. I. 92), rests upon alleged internal inconsistencies in the Alien's testimony and upon inconsistencies thought to appear between that testimony and the characteristics of the paper as revealed by examination of the numbers introduced in evidence (P. I. 92-7).

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ever, that he was mistaken. The earliest issue in evidence is Volume I, No. 2; it refers back to a "first issue" and a "December issue"; and a reference to the first issue in another periodical places the first issue in December of 1932 (Gov. Ex. 131, p. 26). This mistake was based on the explicit assumption that Volume I, No. 1 must have preceded by one month Volume I, No. 2, which the Alien saw in evidence (see Gov. Ex. 203; 5832). And it is consistent with his testimony that he knew little about the publication of the earlier issues (5378; 5800).

(15) All references to the Alien's 1939 testimony, unless otherwise marked, relate to that portion of the present record containing sections of the 1939 testimony read into evidence at the instant hearing. See 2527 ff.

Exhibit "G"—(Continued.)

The first basis upon which is rested the refutation of the Alien's testimony here is his own prior testimony at the 1939 hearing (P. I. 89, 90, 93). In that proceeding Bridges stated that the M. W. I. U. had started the paper, that it had then lapsed for five or six weeks and that he had assisted in its revival in September or October of 1932, after that lapse (2553-4). His memory as to dates was uncertain, however, for he could not remember whether September or October of 1932 was when the paper was revived by his group or whether it was merely in existence then and taken over later (2554; 2562-3).

Pointing out that this testimony was given in a hearing at which less emphasis was placed on the matter (P. I. 93), the Presiding Inspector accepts part of it as true and rejects the Alien's 1941 correction and amplification of it. He thus concludes that, in fact, the paper was in existence in September or October of 1932, then lapsed for a time, and that the first issue with which the Alien was connected was that of December 1932 (P. I. 90, 91).

This conclusion suffers from grave difficulties: Nowhere in the record is there indication that there were any numbers of a paper called the "Waterfront Worker" preceding the "Volume I, No. 1" of December 1932.[16] It is thus necessary, in order to

(16) The assertion is made for the first time in the Service's brief (pp. 30-1) that the "Waterfront Worker" must be identical with a certain "longshore bulletin" referred to in a book by William F. Dunne, a Communist (Gov. Ex. 191, p. 64), as having been published by the Communist Party in

Exhibit "G"—(Continued.)

agree with the view taken of the Alien's 1939 testimony, to assume that there was a separately numbered series of "Waterfront Workers" published prior to December of 1932, although no issue in such a series was in evidence and no one testified that it ever existed.[17] Moreover, to conclude that the

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1932. Nothing is cited nor is anything found in this record to support the assertion. Note that there was apparently an official publication of the M.W.I.U. and its predecessors published from October 1, 1928 (Gov. Ex. 242, p. 1) until approximately December 1933 (id. p. 8, 9, 27). It is conceivable that this was the "longshore bulletin" referred to, although no such inference need here be drawn.

(17) It may be observed that the review of the December 1932 issue appearing in the "Party Organizer" refers to it as the "first issue" (Gov. Ex. 131, p. 26).

An odd episode in McCuistion's testimony may be noted, also, although it is not cited by the Service or by the Presiding Inspector.

> "Q. When was the paper first published?
>
> * * *
>
> "A. The approximate date was two years after the strike; I should say around the early part of '32 or the latter part of '31—it might have still been in existence." (2102)

This testimony is not only substantially meaningless. It was given by an unreliable witness who was not believed by the Presiding Inspector on the material points of his testimony adverse to the Alien and whom we do not find credible (see supra, p. 373, n. 4). No weight can be given to his further statements that the "Waterfront Worker" was edited by a Communist Fraction in New York (e.g. 2099-2102).

Exhibit "G"—(Continued.)

Alien's connection with the paper began in 1932 would ignore the unchallenged testimony at both hearings that Bridges began to participate in editorship in connection with his activities in the International Longshoremen's Association—an organization which did not exist on the coast in 1932 and which he did not join until after its appearance there in June of 1933. Such a conclusion would, further, while purporting to accept his 1939 testimony, reject the only reason given at either hearing for the existence of a gap in publication—namely the failure of the M. W. I. U. to make a success of the paper. Yet it would be predicated upon a finding that a gap did exist in 1932.

The Alien, in explanation of his previous testimony, stated in the current proceeding that in 1939 he had testified mistakenly as to the year, and that he actually became connected with the paper in September or October of 1933 (5797-8; 5379; 5803). This is a plausible explanation, since it is predicated upon a slip of the tongue or the memory as to one item only—the year in which the change occurred. He was consistent in placing the event in September or October; and he explained why that fact stuck in his memory, the reason being the Matson strike, which was called in October 1933. (5366-8; 5386; 5803; 5830-1.) If supported by other items of testimony or of documentary evidence, this explanation may be believed.

The Alien did so support it. He stated positively

Exhibit "G"—(Continued.)

that the hiatus in publication mentioned in the previous hearing had occurred just prior to September or October of 1933 (5801), and that the point at which the editorship changed is shown by a change in the masthead of the paper (5804; 2554), a gap in the regular appearance of its issues (5823; 2553) and other similar items showing a change in editorship at that time.

The table of "Waterfront Worker" issues set forth on page 390 shows such a gap in publication just prior to September 15, 1933. That tabulation

Exhibit "G"—(Continued.)

TABLE OF ISSUES OF "WATERFRONT WORKER" IN EVIDENCE

Volume & Number	Date of Issue	No. of Pages	Witness & Date Introduced in Evidence		Available to Alien prior to his testimony (18)	Gov. Ex. No.
I, 2	Feb. 1933	8	Diner	4/16/41	X	203
I, 6	June 1933	8	Diner	4/16/41	X	204
I, 7	July 1933	6	Diner	4/16/41	X	205
I, 8	July 1933	6	McCuistion	4/24/41	X	247
I, 9[19]	Aug. 15, 1933	6	Bridges	5/29/41		280
I, 10[20]	Sept. 15, 1933	4	Bridges	5/29/41		281
I, 12	Oct. 18, 1933	6	Bridges	6/ 2/41		283
II, 3	Jan. 29, 1934	8	McCuistion	4/24/41	X	248
II, 4	Feb. 12, 1934	8	McCuistion	4/24/41	X	249
II, 7	Mar. 22, 1924	8	Bridges	6/ 2/41		285
II, 35	Nov. 19, 1934	6	Bridges	6/ 2/41		286
II, 41	Dec. 31, 1934	8	McCuistion	4/24/41	X	250
IV, 15	Apr. 13, 1936	8	McCuistion	4/24/41	X	251

[18] See infra p. 26 for the reasons why it is apparent that the Alien did not have any copies of the "Waterfront Worker" for this period available for examination except these in evidence when he testified.

[19] This was the last issue in which the masthead or other parts of the paper acknowledged the cooperation of the M.W.I.U. All previous ones do.

[20] This is the issue which the Alien identifies as the first to appear under the editorship of the group with which he was associated. It is the first of the two consecutive issues in which publication is attributed to I.L.A. members. After the October 18 issue, the masthead is silent as to sponsorship, although references to the I.L.A. group as editors appear in the body of some subsequent issues.

Exhibit "G"—(Continued.)

reveals all issues prior to that of August 15 to have been dated by month only, no day of publication being mentioned. Also, but a single issue appears each month until July, when two were published. Thus, the paper started as a monthly, changing in July to a semi-monthly. In this setting, the date line, "August 15", on the next following issue strongly suggests that continuation on a semi-monthly basis was then contemplated, since in the past when it had been appearing monthly, the day of the month had not been thought important to mention. So too, the fact that the September 15 issue was numbered 10 and the October 18 issue was numbered 12 shows that semi-monthly publication was in force at that time also. Thus, between two periods in which the paper was published on a semi-monthly basis appears a month—between August 15 and September 15—when no paper was issued.

While these facts may not be conclusive,[21] it is reasonably to be inferred from them that there was a cessation of publication for some part—or all—of the four weeks' interval.[22] The conclusion that

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(21) They do, however, preclude an affirmative finding such as that recommended by the Presiding Inspector that "there was no such lapse just prior to September 1933." (P.I. 97).

(22) That it was a gap of, at most, four weeks, rather than one of five or six weeks or two months as the Alien thought, is clearly not a material variance on his part.

Exhibit "G"—(Continued.)

some such hiatus did exist is further borne out by examination of the sizes of the various issues. No issue prior to that of September 15 had fewer than six pages, while the September 15 issue had but four. Their respective sizes are as follows: February and June issues, which appeared monthly, eight pages; two July issues and the August 15 issue, appearing at two-week intervals, six pages. Thus, assuming an unbroken publication schedule and an unchanged staff, the record indicates a production capacity of eight pages monthly in the early period and of twelve pages monthly in the later months. Yet, after a full month's interval, the succeeding issue, that of September 15, fills four pages only.[23] There is no evidence of change in the circumstances of publication which might explain this other than the Alien's statement that publication lapsed at this time and new editors took over.

True, it is the fact that the numbering of the issues was unbroken and that other indicia of continuity appeared (P.I. 93).[24] But that fact does not

(23) See infra p. 397, for Bridges' testimony that the paper first appeared as a four-page one, growing later to six and finally to eight pages. Compare Table, supra p. 390.

(24) Thus, reference is found in the December 1934 issue to the paper's third birthday; and it is clear that the first one must have been December 1932. Similarly, the paper in one issue states that it has been advocating a certain policy for ten months — again evidently including the early months of 1933.

Exhibit "G"—(Continued.)

warrant an inference unfavorable to Bridges' evidence that the editorship changed. The Alien testified that the group with which he collaborated took over the paper in an effort to profit by whatever good will it had gained.[25] It is entirely consistent with the situation described that they should have carried on the form and numbering and continued those labor policies with which they agreed,[26] stressing the continuity of the paper itself without emphasizing unduly such changes as there were. Such maintenance of the indicia of continuity in newspaper entities is not unusual despite alterations in management and policy.[27] We cannot hold that here it proves an absence of such change.

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(25) Although consistent in his statements that the M.W.I.U. had failed in its objective of gaining the longshoremen's patronage for the paper, the Alien testified that, before its abandonment, it had gained some following among the unemployed. He stated further that the unemployed offered a serious threat as potential strikebreakers, and that one of the principal purposes of his group in taking over the paper was to utilize its influence with them. (5386-7; 5810).

(26) See infra p. 30 for detail as to the alterations in the paper's policies. Note that the Alien did not profess to know much about the policies of the previous editors (5378).

(27) A striking example of change in policy which was not emphasized as such is the statement on page 2 of the issue for January 29, 1934, where it is flatly denied that the paper was published by the M.W.I.U. or helped by it otherwise than by the contribution of news items and by similar matters which comprised a kind of assistance the paper would and did accept from anyone. Cf. Alien's

Exhibit "G"—(Continued.)

There are affirmative evidences of a change in editorship. The June issue, the second July issue and the August 15 issue all carry in the masthead, prominently displayed, the statement that the paper is issued by a group of longshoremen with the cooperation of the M. W. I. U.[28] The September 15 and October 18 issues, however, state in the masthead that the paper is edited by a rank and file group in the I.L.A., and reference to the M.W.I.U. is omitted. This change, significant in itself, is given added importance by the fact that, both in his 1939 and 1941 testimony, Bridges refers to such an alteration in the masthead (2554; 2556; 5380), stating in the current hearing that it was the surest indication of when M. W. I. U. sponsorship left off and that of his group began (5804). In the latter hearing, moreover, it appears that this change was the basis upon which he immediately identified the September 15 issue as the first one with which he was connected (5831-2).

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statements (5799-5803). Contrast the flaunting of M.W.I.U. cooperation in the issues which preceded the time when the Alien stated he became connected with the paper.

(28) The other two early issues credit publication simply to "a group of longshoremen," but mention in the body of the paper the cooperation of the M.W.I.U. Bridges testified that this "group" was wholly different from the one of which he was a member (5379-80; 5798-9; 5808-10). And nothing is cited or found in the record to support the Service's argument to the contrary (Service Brief, p. 32).

Exhibit "G"—(Continued.)

Other alterations appear in the characteristics of the paper following September 15, 1933. At intervals throughout the issues of the earlier period occur sentences which show their writer to have had pretensions to a degree of literary sophistication. Such, for instance, is the effect of the peroration which terminates the leading article on page one of the issue for June:

> "Longshoremen, of the McCormick Company and all other companies, do you not think it time to arouse yourselves from your lethargy and put an end to these miserable conditions by organization?"

There are other examples. That is not to say, however, that the greater part of the language employed in the earlier issues fails to reflect a less educated waterfront origin. It does. The significant point is that the more sophisticated style does not appear at all in the issues following September 15.

Two similar evidences of changed editorship are observable. In the issues preceding that of September 15, much of the material purports to come from "A Correspondent" at some port or location other than San Francisco. And not a few items carry date lines which are obviously imitative of customary newspaper style.[29] After September 15, the

(29) e.g., "Copenhagen, May 23—On May 1, the sailors of the cruiser * * * etc." (June issue, p. 7); "New York, Aug. 6—A cable from the International Seamen's * * * etc."; "Santiago, Chile, Aug. 8—All the crews on the ships * * * etc." (Aug. 15 issue, p. 4).

Exhibit "G"—(Continued.)

former of these evidences of some slight acquaintance with the forms of professional journalism disappears. The latter diminishes markedly in the first succeeding issue and is dropped soon thereafter, and with it disappears also the last vestige of the foreign news which had indicated connection with some fairly extensive news-correspondent service. As a general observation it may be said, too, that following September 15, the paper shows a rapid and striking trend towards concentration on matters of local labor interest to the exclusion of those broader and more remote ones which appear in the early issues and support the testimony that the paper was then the organ of a body having more catholic interests.

Bridges testified to the existence of many of these differentiating factors. He was specific about the altered masthead (2554; 2556; 5380; 5798; 5804) and stated as to the methods by which the paper had been edited by the predecessors of his group, "* * * the paper operated in a way like a regular newspaper does, * * *" (5384). Moreover, wider deviations from consistency in formal matters appear in the later issues than are observable in the earlier ones, and this tends to bear out his testimony as to the rather helter-skelter manner in which the editorial functions were carried on by his group (5385-7; 5795-6; 5825-9; 5907-9; 5913-14)[30]. He fur-

(30) "Q. You were editor? * * * " "A: Everybody edited it." (2553). See p. 381, n. 8 supra as to the methods by which the paper was edited.

Exhibit "G"—(Continued.)

ther testified that the first issue with which he was connected came out at the time of the Matson dock strike in the Fall of 1933. (5386; 5803; 5830-1). And that strike is the subject of much of the material in the September 15 issue.[31]

It is noteworthy also in this connection that Bridges early in his testimony described the paper as having started with four pages, later increasing to six and finally to eight (5378). This fits the course of its development after September 15, 1933; it does not describe the earlier issues.[32]

Such corroborations of his testimony by the is-

(31) A collateral matter is important here. The Presiding Inspector supports his inference that the "Waterfront Worker" was in the Alien's control from December 1932, by pointing out that the early numbers fit Bridges' description of the paper as one emphasizing organization. He makes the statement that by September 1933 the organizing period in the I.L.A. was over. This ignores the testimony that organization of the type that the Alien and his group sought was touched off by the winning of the Matson strike in October of 1933 (5366-8; cf. 3069, 1939 Transcript). The paper itself supports this testimony. And nothing is cited or found to support the Presiding Inspector's tacit assumption that Bridges was engaged in organizing activities in December 1932, some months before the I.L.A. charter was granted in June 1933. Indeed, it seems to be conceded that, as the Alien testified, he was not even a charter member of the I.L.A., although he joined it soon after its revival in the middle of 1933 (5941-2).

(32) See Table, supra p. 390. The alien was here responding to a question about the issues published by the M.W.I.U. in the early months.

Exhibit "G"—(Continued.)

sues of the paper itself might be less than impressive but for the apparent fact that the Alien had not before testifying examined a file of the "Waterfront Workers" issued during this period (5800-1). As the Presiding Inspector observed (P.I 97), the key issues were not yet in evidence when his important testimony was given (5823-4)[33] (see Table, supra p. 390). Moreover, the striking errors in his testimony serve to show that he had not familiarized himself at any recent date with even the most obvious facts about the publication.[34] And, viewed in

(33) For example, there were only two issues of the "Waterfront Worker" introduced which contained the masthead reference to the I.L.A. group of longshoremen. Neither of these had been introduced at the time when the Alien gave his most positive testimony about that matter.

(34) Thus, he testified in 1939 that five or six weeks intervened between the two editorships (2553), and in the 1941 hearing he widened the gap to two months (5801-3). Obviously, enlarging the gap in publication served no purpose beneficial to his contention; and, equally obviously, either period he mentioned was too long on the face of things once the issues of the "Waterfront Worker" were examined. Again, he was led on cross-examination into testifying at one point that there was no issue for September 1933 (5824), although when confronted with such an issue a short time later, he unhesitatingly identified it as the first one edited by his group (5831). It is difficult to agree with the implication of the Presiding Inspector (P.I. 97, 93, 91) that this latter discrepancy was the result of the Alien's hope that the Service did not have proof to contradict him, since it occurred

Exhibit "G"—(Continued.)

this light, they strongly attest his honesty as a witness.

While some of his mistakes are strongly in his favor, however, there is one discrepancy[35] which, on

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at a time when the cross-examiner was patently pressing the point.

> "A. * * * Now, if you have enough issues there you can follow them right down the line * * *. If you have got all the issues, you will see the issue in there, the first issue we put out * * *. Now, if you have got them all, you have got that one, too."
>
> "Q. You would be surprised what we have got. You will get some surprises before it is over." (5803-4).

Nine issues had been introduced prior to this colloquy. Bridges' testimony about the gap in publication followed it. It is difficult to see what purpose was to be served by misstatement in view of the fact that, when produced, the papers themselves disclosed evidence corroborating the substance of his contentions.

Similar in effect is the Alien's mistake as to when the first issue of the paper appeared (supra p. 384, n. 14); so too of his testimony about the size of the early issues (supra p. 397, n. 32).

(35) Some significance is also attached by the Presiding Inspector to Bridges' statement that the manner in which the word "stevedore" was used in an early issue proves that its then editor was no true longshoreman and, in contrast, that it was not so used in the issues with which he was connected (5802; 5833-4). We agree with the Presiding Inspector (P.I. 97) that the issues before and after September 15 do not reveal to the lay mind any marked distinctions in usage in this respect. If there are any, they lie in nuances of meaning not discernible to a reader unversed in waterfront ter-

Exhibit "G"—(Continued.)

the surface appears less innocuous. He stated in the current hearing that the address first used by his group was one on Market Street (5834-5). The papers in evidence reveal that the Market Street address was never used after July. This, with some justification, was taken as an indication that Bridges was in fact an editor before September 15 (P.I. 93). The apparent force of such a discrepancy is mitigated, however, when the testimony is read in its entirety. His identification of the Market Street address as one used by his group is coupled with the statement that he had no recollection on this point whatever until he saw that address on one of the earlier issues produced at the hearing (5834-5). This assertion must, in turn, be taken together with his repeated statements throughout the hearing that he had never attached any importance or paid any attention to the mailing addresses used (5878-9), had never visited any of them (5835-6), and professed no independent recollection about them. He also testified that when his group took over the paper they took over its old address (5381-2).[36]

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minology. Bridges insisted, however, that the difference was plain (5833-4); and at most, that testimony, if erroneous, constitutes no more than a failure on the Alien's part to produce affirmative proof of a minor substantiating factor. Rejection of his opinion on a point of usage does not raise it to the level of a misstatement of fact material to the case.

(36) This is borne out by the papers themselves. The same address (3470 19th Street) is used from July 1933 to February 1934, at which time it is changed for a post office box which is used for the

Exhibit "G"—(Continued.)

Hence it may be inferred that Bridges simply identified the wrong address as the one his group had inherited in September. It is an interesting coincidence that in the 1939 hearing he made the exact converse of this mistake on the same point. He there mentioned a post office box as being the first address used by the paper under the editorship of his group (2563).[37] No such box was used by the paper until February of 1934, some months after it had changed hands.

To label devious the testimony on such matters simply because, when elicited piecemeal more than five years after the event and over the course of two hearings, it does not present a tightly articulated and smoothly rationalized story, would be little short of gratuitous. The Alien's testimony is not that of a witness who is straining to justify himself by dovetailing every detail of carefully planned or coached testimony. Broad and memorable items emerge through the confused surface, which inevitably results from the evidence-taking process, as a solid structure of consistent major facts—the Matson strike, the gap in publication, the change

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remainder of the paper's existence. It is noteworthy that Bridges made no pretense of remembering specifically why this latter change of address was made (5877-8; cf. 5867).

(37) In this hearing, his testimony shows he mistakenly thought the 19th Street address was a box (5867-8). It seems clear that the only change the Alien knew of was the one from a building to a post office box which occurred in 1934.

Exhibit "G"—(Continued.)

in the masthead. That they do so is of itself impressive. Minor deviations in this setting are evidences of uncoached and forthright honesty.[38] At least in the absence of testimony contradicting him, we cannot disbelieve his version of events. We accordingly conclude that Bridges became connected with the "Waterfront Worker" on or slightly before September 15, 1933, after the former staff had abandoned the enterprise.

There is then, in our view, no connection between the Alien and the prior publication, admittedly sponsored by the M.W.I.U. And there is no deliberate untruth to impugn other sections of his testimony.

2. The Bearing on Affiliation of the Issues of The "Waterfront Worker" Published after September 15, 1933

Our finding on the time issue necessitates a segregation not undertaken by the Presiding Inspector of the evidence bearing on the period following September 15, 1933. The fact that there was a change in editorship is explained on this record only by the abandonment of the enterprise by the M.W.I.U. Similarities in form or substance between the issues published before and after Septem-

(38) An episode similar in effect is worth parenthetical note. Bridges, on a matter having no direct bearing on the success of his contentions, flatly contradicted the testimony of his own witness Schmidt, although he had heard and apparently recalled it (5811-2). See also infra p. 487, n. 111.

Exhibit "G"—(Continued.)

ber 15 are relevant to the extent only that they tend to show the new staff to have maintained whatever connection with the M.W.I.U. and the Communist Party the old one had.

As has been suggested above, similarities in form have no such tendency. Of such similarities in substance as appear it may be said that they relate almost exclusively to the grievances of the waterfront.[39] And insofar as they do so they have but little relevance. In the circumstances disclosed by this record, no overt differences in labor policy could be expected to mark the change in editorship. Sponsorship of the paper at its inception by the M.W.I.U., which was at that time attempting to organize the longshoremen (2578; 5359), led it to dwell upon their grievances. The M.W.I.U., as a "front" organization, advocated the policies of a legitimate labor body (5361-2; P.I. 40-82; Service Brief, p. 22-24). It is accordingly difficult to predicate affiliation on the part of the editors of the "Waterfront Worker" after September 15 upon the fact merely that the papers after that date contain labor items in many respects similar to some of those

(39) The grievances which are the subject of similar comments on the part of the old and the new staff respectively, are largely those enumerated by the Presiding Inspector in discussing the causes of the 1934 strike, namely: the blacklist, the "shape-up", the speed-up and, underlying all, the great enemy, the "Blue Book", or company union (P.I. 84-5). All items which do not deal with such matters and as to which any suggestion of impropriety was made are discussed in the text.

Exhibit "G"—(Continued.)

which appeared before. To establish this point it would be necessary to show policies pursued after the change in editors which were in and of themselves illegitimate. No such showing is made.

The proposed findings state that the "Waterfront Worker" was "an instrument of the M.W.I.U., and of the Communist Party and that it was under the domination and control of those organizations". It is said that there was "favorable treatment of the M.W.I.U., T.U.U.L., and other Communist-sponsored organizations" during the entire period of the paper's existence (P.I. 94).[40] Reference is also made to "an extremely cooperative attitude with regard to the M.W.I.U." (P.I. 93). The issues published after September 15 do not support these conclusions. They contain no reference to the T.U.U.L. There are fewer and less favorable references to the M.W.I.U. in the period prior to and during the 1934 strike[41] than might have been expected in

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(40) It has already been noted that during 1936 the last year of the paper's publication, the M.W.I.U. did not exist. See supra p. 384, n. 12.

(41) The total number is six, three of which appear in the issue for September 15, 1933, and one in each of the October 18, 1933, January 29, 1934, and February 12, 1934 issues respectively. Of this total, two are news items concerning strikes outside of San Francisco in which the M.W.I.U. cooperated with I.L.A. longshoremen (Sept. 15, 1933, p. 1; Feb. 12, 1934, p. 1); one deals with a strike where the M.W.I.U. and "longshoremen" cooperated (Sept. 15, 1933, p. 3); two mention strikes by the M.W.I.U. alone (Sept. 15, 1933, p. 2; Oct. 18, 1933, p. 5); and one comprises a denial that the M.W.I.U.

Exhibit "G"—(Continued.)

view of the assistance that organization rendered the I.L.A. in supporting the I.L.A. strike position.[42] After the end of the strike, but one reference to the M.W.I.U. appears, and that is in a letter to the editors (December 31, 1934 issue, p. 7). Still less appears to support the generality that favorable treatment was accorded "other Communist-sponsored organizations".[43]

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is the sponsor of the "Waterfront Worker" (Jan. 29, 1934, p. 2). Note the reason given by the Alien for emphasizing instances of cooperation between sailors and longshoremen with respect to strikes (5409; 5421 ff.). The remainder of the issues in evidence do not mention the M.W.I.U. at all. (See March 22, 1934; November 19, 1934; and April 13, 1936 issues.)

(42) The record is replete with material on this point, setting forth legitimate reasons for cooperation between the two organizations. See especially 5394-5442 and P.I. 99. And note that the Alien's group foresaw the necessity for enlisting M.W.I.U. support some months before the strike took place (5409). See infra p. 420 for discussion of the effect of the cooperation between the I.L.A. and the M.W.I.U. during the strike period.

(43) The Presiding Inspector cites no instances in support of the statement (P.I. 94). Detailed exposition of all references to organizations and other potentially suspect matter cannot be undertaken here. The Service's brief before the Presiding Inspector (pp. 228-32), however, contains an enumeration of instances which we accept as showing the ground on which the charge was deemed to rest. The instances not treated below are here listed: 1. A pacifist editorial containing favorable mention of the Soviet Union (Oct. 18, 1933, p. 6). 2. A favorable article on The Bay Region Congress

Exhibit "G"—(Continued.)

The Presiding Inspector finds indicative of domination by the M.W.I.U. and the Communist Party the "Waterfront Worker's" "Consistent attacks upon the so-called 'reactionary' leaders of the A. F. of L." (P.I. 94). All such attacks, which appear

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Against War and Fascism (Jan. 29, 1934, p. 2). 3. A poem stating that the bosses hate progressives and Communists. This was a contribution to the letters to the editors section (March 22, 1934, p. 4). 4. An article denouncing terror, beatings etc. directed against employers, and prophesying a day of reckoning before a worker's tribunal (Nov. 19, 1934, p. 5). See the Alien's statement on this (5939). 5. A paid advertisement for a workers' school which offered, among other things, a course in Communism (Dec. 31, 1934, p. 5). 6. The announcement of a plea by Dimitroff, whom McCuistion identified as a Communist (Service Brief before the Presiding Inspector, p. 231), on the subject of freeing Thaelmann, one of the defendants in the Reichstag fire trial (April 13, 1936, p. 5).

Of these, the last probably appeared after Bridges ceased to take active part in the editing (2562). But it and the remaining five items taken together fall short of demonstrating on the part of the editors a covert attachment to forbidden doctrine. Overt sympathy with Communist philosophy is not sufficient to constitute affiliation. (See p. 378 supra). And these scattered items at most do not approach showing such a state of mind. Moreover, if they did, responsibility for all of them is difficult to trace directly to the Alien in view of the testimony as to the methods by which the paper was edited. In short, this evidence again is even less material than much that is contained in the Alien's own testimony, discussed infra pp. 420 ff. on the point of affiliation generally, and passed on, in large part, in the 1939 proceeding.

Exhibit "G"—(Continued.)

in some quantity, purport explicity to stem from disagreements on union policy. The record does not permit us to conclude that such was not the case or that the policies on the paper's side of the controversy were not legitimate. To hold otherwise would require this Board not only to determine the merits of the labor controversy involved, but to find that the side espoused by the "Waterfront Worker" was so plainly erroneous as to justify a conclusion that the editors could not have taken it in good faith.

Mention should be made of the alleged "Support of the Communist candidates for political office" (P.I. 94). It is more than doubtful that the record establishes this;[44] but even assuming that it does, the paper itself shows that in the single instance involved (Service Brief, p. 35), the support given the named individuals was based solely upon the platform on which they ran. No element of that platform had any apparent relation to forbidden doctrine (October 18, 1933 issue, p. 2).[45] The strong-

(44) The candidates supported in the issue for October 18, 1933, p. 2 were not identified as to party affiliation. The only support for the statement that they were Communist candidates was reference to a story in a copy of the "Western Worker" never received in evidence (Gov. Ex. 284 for idf., p. 1); and Bridges had no independent recollection on the matter (5895-7; 5901-6).

(45) Bridges expressed agreement with the platform at this hearing (5898). It listed cash relief; abolition of the vagrancy laws; no evictions; gas, water and electricity for the unemployed, and un-

Exhibit "G"—(Continued.)

est inference that may be drawn from the episode, therefore, is weaker than what Bridges many times acknowledged—that he would not decline to support people with respect to matters on which he was in agreement with them, solely because they were accused of being or were in fact Communists (5897-5904; 6164; cf. 6101; 5819-22; 6084-5).[46]

A somewhat similar question is involved in the charge that the "Waterfront Worker" advised the reading of Communist literature (P.I. 94). Three instances of such advice are set forth in the Service's brief.[47] They comprise one in which the

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employment relief. The evidence relating to the disingenuousness of the Communist Party (P.I. 46-82; Service Brief, p. 22-24) has some bearing here. That organization's concealment of its true aims removes much of the force from any attempted showing that the editors were favorably inclined towards some Communists or towards certain matters Communists approved, since it tends quite as strongly to suggest that the editors were the victims of deception as that they were practitioners of it.

(46) Cf. In re Harry Renton Bridges, file 55973/217, Appendix A to the opinion of January 8, 1940, pp. 124.6. See infra p. 426, n. 75.

(47) Service Brief, pp. 36-7. The Presiding Inspector does not refer specifically to any. No additional ones were discovered on examination of all the issues in evidence. Adequate support is thus not found for the Service's sweeping allegation that the paper "continually advised its readers to read Communistic literature including the Western Worker and the Daily Worker, concededly official organs of the Communist Party, and other Communist writings." (id. p. 36).

Exhibit "G"—(Continued.)

"Waterfront Worker's" readers are advised to read the "Western Worker" (March 22, 1934, p. 2), another which places the "Western Worker" and "The Daily Worker"[48] in the category of the "Workers' Press" which subscribers are urged to read (Nov. 19, 1934, p. 5), and a third involving a recommendation of William F. Dunne's[49] pamphlet on the 1934 strike (Jan. 28, 1935[50]).

The first of these pieces of advice is accompanied by a full exposition of the reasons behind it. They are the same as those given by the Alien at both hearings (2539-41; 6000-2; 6147-9), namely that none of the other newspapers then available printed reliable labor news or, indeed, any labor news at all.[51] So too, the second item clearly shows that the advice to read the named papers was not intended

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(48) Both are official organs of the Communist Party.

(49) Dunne was stated on this record to be a Communist official. The Service's contention that an announcement that Dunne was scheduled to speak on the same topic at a "Waterfront Worker" "birthday party" constituted the equivalent of advocating that Communist literature be read, does not merit separate attention (Service Brief, p. 37, n. *).

(50) This issue was in the Service's possession but was not introduced in evidence. It was, however, made the basis for questioning; and the Alien agreed that the issue contained the recommendation (5934).

(51) Bridges partially excepted the New York Times from his statement (2539).

Exhibit "G"—(Continued.)

to convey approval of them qua Communist publications, but was based on an asserted contrast between their truthfulness on labor matters (cf. 5935; 2539-40) and that of the Hearst press. Nothing in this record enables us to pass upon the relative merits of the publications involved. And in any event, the absence of evidence contradicting the Alien's statements and those in the "Waterfront Worker" prevents rejection of the evidence that such advice flowed from legitimate motives, even were the record to show it was predicated on an erroneous view of the facts.

A similar explanation was made of the third item. Bridges stated that Dunne's pamphlet on the 1934 strike was, in the main, accurate.[52] It was Bridges' position that labor should be advised to read any matter correctly publicizing its exploits. He testified further:

> "I am sure, if you will look through the various issues, you will find on occasion we urged that this, that, or the other particular publication be read, because it dealt in some way with the Waterfront, or our general problem." (5935).

We find in these three instances no warrant for concluding that the "Waterfront Worker" advocated the reading of Communist literature generally, or for any purpose other than that stated

(52) He added that he thought there were some inaccuracies (5930), but that it was good enough to advertise and support (5935-6).

Exhibit "G"—(Continued.)

in its own columns and in the Alien's testimony at both hearings. That purpose, to call attention to publications treating accurately labor matters of peculiar concern to longshoremen, we cannot hold to be one which shows that the editors who entertained it maintained the forbidden degree, or any degree, of relationship to the Communist Party.

The Presiding Inspector cites one further ground[53] for his proposed finding that the "Waterfront Worker" was so involved with proscribed organizations as to implicate Bridges as one of its editors. This is the fact that the paper used as mailing addresses a hall and a post office box each of which was shown to have been rented by a Communist (P.I. 95; 96 n. 87).[54]

This point, initially not a strong one,[55] attained considerable significance in the proposed findings because of the view there taken of Bridges' explanation as to why the addresses were used (P.I.

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(53) Another ground, not here discussed, relates to a period prior to the time when the group with which Bridges collaborated took over the editorship. (P.I. 96, and see supra p. 384).

(54) A third address referred to in the proposed findings (830 Market Street) was not used during Bridges' connection with the paper. See supra p. 399.

(55) It is clear from the record that these addresses were mailing addresses only and were not used as offices or for any other purposes by the editors (5392-4).

Exhibit "G"—(Continued.)

94-6), namely that he had "enmeshed himself in various contradictions and inconsistencies" (P.I. 95). Bridges' explanation is not intrinsically incredible. He stated in the 1939 hearing (2552; 2556), where no importance seems to have been attached to the matter, and again in this proceeding, that the editors felt it necessary to remain anonymous to escape the wrath of the employers. In this hearing he added that their method of doing so was to use the addresses of persons already completely in the employers' bad graces (5878-83). That such a stratagem should have been used seems possible—even likely—in the circumstances.[56]

The Alien's explanation was thought defective because of a deduction that one of the addresses, the post office box rented by Jackson,[57] a Com-

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(56) Bridges' remark that his messengers to and from these addresses were probably followed by employers' spies (5890-1) is not inconsistent with the explanation given (but cf. P.I. 95, n. 87; Service Brief, p. 37). The record is not clear on the point, since it does not appear that these spies were efficacious during the period when secrecy was thought essential (5890-1). The testimony is clear that the employers did not discover who the editors were during the danger period (2556; 5393). But in any event, a full demonstration that the editors' stratagem was unsuccessful would have been no fair indication that it had not been adopted for the reason stated.

(57) The Alien thought Jackson was repaid for the expense incurred (5886).

Exhibit "G"—(Continued.)

munist (5879-84; 869-70), was adopted[58] after the necessity for secrecy had disappeared (P.I. 95, n. 87). The box was first rented February 6, 1934 (1193; 5892). Bridges had testified that the editors no longer had great need for concealment after four or five months (5891). The Presiding Inspector found between those statements a discrepancy which can exist only if it is assumed that the Alien did not become connected with the paper in September 1933. We have concluded that he did.[59] And, in any event, it is circular reasoning to predicate such an assumption on an alleged discrepancy which disappears if the Alien's testimony is accepted.[60]

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(58) The editors continued to use this box until 1936 when the paper ceased publication. There is no evidence that Jackson had anything to do with it after its initial rental (1197); and he is stated to have left San Francisco some time before the paper ceased to use the box (5886).

(59) See supra pp. 384-402.

(60) Another alleged discrepancy merits only passing attention. The Alien, it was pointed out, testified at one stage of the proceedings that none of the editors had any contact with the mailing addresses (5870; 5889). Just previously he had remembered that Herman Mann, one of the group who aided in putting out the paper, had "helped to rent" the post office box (5868). This is, in strictness, not even a verbal contradiction. Read farily, moreover, this passage shows that Bridges was confused and thought that the 19th Street address was a box, which confirms his testimony that he knew nothing about it. And his statement about Mann is no more than a hazy recollection that Mann was

Exhibit "G"—(Continued.)

Another ground for disbelieving the explanation was found (P.I. 95, n. 87) in the Alien's statement at the 1939 hearing that the employers and others knew who was editing the paper (2558-60). That statement itself is unidentified as to time; but taken in its context, it plainly refers to the circumstances in which the paper's publication was abandoned in 1936 (2558-60).[61] The testimony is clear that the employers did not know who the editors were during the early months of Bridges' connection with the editing group (2556; 5393). The statement cited thus loses altogether what minor relevance it might have had.[62]

The Presiding Inspector also finds "The Alien's assertion that he was not aware that the addresses were those of Communists" unconvincing. (P.I. 95). The record does not show that the Alien made such a general assertion. It is revealing to ex-

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the member of the group who carried on negotiations to obtain a mailing address—probably the one Jackson rented later.

(61) Another somewhat similar statement, unidentified as to time, appears on p. 2556. But it refers only to suspicions on the part of the employers and is coupled with an assertion that the editors denied their connection and that the employers "would have paid one million dollars to have found out * * *." See also p. 5393 where similar testimony appears at the current hearing.

(62) Plainly, again, even had such an admission been made, the fact that the editors realized their stratagem was not wholly successful could have but little tendency to show that they had not adopted it.

Exhibit "G"—(Continued.)

amine his testimony as to each of the three addresses referred to.

Of these, one was never used by the paper during the time that Bridges was connected with it.[63] Nothing in the record suggests that he had any special reason to know who occupied it. When asked whether it was the address of the Needle Trades Union, he replied, "I think so. I am not quite sure," (5867).

The second was the one which was inherited with the paper. Bridges did say that he knew nothing whatever about this address, that he was under the impression that it was a home, not a hall,[64] that he had never had anything to do with it, and that he did not know why it was finally changed (5870-8).[65] He also indicated that he had always thought, and still did think, the whole matter unimportant (5877). His testimony on this point is consistent with the evidence bearing on why the addresses were used and how the mail was ob-

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(63) See supra pp. 399-400.

(64) It was in fact a hall (Gov. Ex. 219).

(65) Under a misapprehension as to what address was being discussed, he stated at another point:

> "I don't recall. I think it was for the purpose of switching it around, and getting a new address, and in that way divorce it from the waterfront, from the M.W.I.U. group * * *." (5867).

Exhibit "G"—(Continued.)

tained from them.[66] We do not think it untruthful.

As to the third address, the post office box, the Alien did not profess ignorance. He testified at some length about how and why it was obtained, and it is clear that nowhere in that testimony did he intend to deny that he knew it was rented by a Communist. On the contrary, he asserted that he thought it was, both on direct and on cross-examination (5392-4; 5879-84); although he did not claim to have any very specific recollection about the details.

We do not find the Alien's testimony on the subject of these three addresses unconvincing. Indeed, his statements on the entire subject may be characterized as those of a witness who was making an honest effort to recall what he could about matters which had occurred six or eight years before, about which he did not profess to have had intimate knowledge at the time of their occurrence,[67] and to which he had attached no importance.

A final point about the addresses remains. The Presiding Inspector states, "even crediting the

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(66) See supra p. 400. It is consistent, too, with his obvious lack of knowledge about which addresses were used at what time. See supra p. 401; p. 413, n. 60; and p. 415, n. 65.

(67) It is evidently assumed by the Service that since the Alien was an "editor" of the "paper" he must have had detailed knowledge about the addresses. Such an assumption ignores the testimony about the manner in which the editorial function was carried on by a loose and fluctuating group. See supra p. 381, n. 8.

Exhibit "G"—(Continued.)

Alien's explanation that addresses were used which would avoid discovery of those responsible for the publication of the 'Waterfront Workers', by employers, the use of these addresses demonstrates a close cooperation with Communists and Communist Organizations" (P.I. 95).

Again attention must be called to the fact that, on the view here taken as to the time when the Alien's connection with the paper began, the first address was never used by his group, and the second was taken over with the paper. It seems apparent that the former is wholly irrelevant and the latter scarcely less so. No valid inference of close cooperation flows from mere acquiescence on the part of the Workers' Ex-Service Men's League and Walter Lambert, its secretary, in the continued use of their hall as a receiving point for mail. And that the Alien did not closely cooperate in the matter is clear from his testimony that he never visited the hall and did not know who occupied it.[68]

The manner in which the third address was obtained does indeed show that Jackson cooperated with the group with which the Alien was connected.[69] He consented to rent a post office box in his name for their use. He did so in furtherance

(68) See supra p. 414 on the credibility of this testimony.

(69) Probably through Herman Mann. See supra p. 413, n. 60.

Exhibit "G"—(Continued.)

of their attempt to deceive a common enemy.[70] Without entering into extended discussion of the meaning of words, we find that this single minor episode does not constitute such "close cooperation" between Jackson and the editors as will justify drawing any inference unfavorable to the Alien on the question of affiliation.

Beside the scattered items the Presiding Inspector mentioned as pointing to affiliation, there are specific indicia which point the other way.[71] The explicit denial of M.W.I.U. sponsorship has been mentioned and it is thought to be not wholly without weight here (see 5391-2). So also the rapid abandonment of foreign news items and discussions of broader theoretical matters in favor of concentration on local and coastwise matters directly affecting the San Francisco union longshoremen is significant. Finally, the paper taken as a whole conveys an impression quite the opposite of that reflected by analysis of the minutiae upon which

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(70) It should be noted that Jackson was the logical choice for this purpose. He was well known as a Communist organizer on the Waterfront and could not possibly suffer as a result of being credited by the employers with responsibility for the paper.

(71) One minor item seems to indicate an attitude at variance with that ascribed to the Communist Party's adherents by this record. An article on the suppression of a speech by an I.L.A. member states: "We laughed when the 'Reds' were chased off the Front but now it is another story * * *." (Jan. 29, 1934 issue, p. 3).

Exhibit "G"—(Continued.)

the Service's case was founded and which were made the basis of the proposed findings. From September 15, 1933, on, it was unquestionably an informal organ only of the I.L.A., which voted confidence in it (6152). Enumeration of the items selected for unfavorable emphasis draws attention from the overwhelming predominance of concern exhibited in the paper's columns for matters of interest only to members of that organization. Infrequent and casual mention of the M.W.I.U., the I.S.U., and other organizations, suspect or otherwise, constitutes an infinitesimal portion of the subject matter treated.[72] And we cannot conclude that it shows on the part of the editors a purpose to subvert their readers through the medium of a trade union paper which was such in seeming only.

That the paper displayed a militant attitude cannot be questioned, but that its militancy went beyond anything consistent with a legitimate, if embittered, labor viewpoint on the controversies involved in a sharp labor struggle does not appear from the issues in the record. Strident name call-

(72) The Service lists eleven references to organizations deemed suspect. References to the I.L.A. and its activities number in the hundreds. It may be noted, too, that something less than a fair sampling of the paper is available here. Out of a number of issues which undoubtedly surpassed eighty at the most conservative possible estimate, thirteen only were introduced. And all are Government exhibits selected, presumably, because they contained items regarded as indicative of affiliation.

Exhibit "G"—(Continued.)

ing appears in plenty. Incitement of tempers already overheated may have passed the bounds of judgment or taste. But adherence to a broader and deeper philosophy of revolt by violence is not shown.

In sum, the evidence relating to the "Waterfront Worker" convinces us that the Alien's testimony on the matter is consistent and truthful. We find that the group with which he collaborated began to edit the paper sometime just prior to September 15, 1933. We find that, from that time on, the paper was not an organ of the M.W.I.U. or of the Communist Party. And we find in consequence that none of the evidence adduced establishes that the Alien was, by reason of his participation in the editorship of or his activities in connection with the "Waterfront Worker", affiliated to either of those organizations.

We therefore conclude that the parts of the record and the exhibits relating to the "Waterfront Worker" fail to sustain the proposed finding of the Presiding Inspector that Bridges, as one of its editors, was affiliated with the Communist Party. They similarly fall short of establishing that he was affiliated with the M.W.I.U., no matter whether that organization be viewed as a branch of, or a front for, the Communist Party or as a proscribed organization itself.

C. Affiliation—Other Activities, Beliefs, or Associations of Bridges or His Union

The recommended finding of affiliation rested

Exhibit "G"—(Continued.)

heavily but not solely on the "Waterfront Worker". Other incidents pointed out in the Presiding Inspector's report merit some consideration. Perchance, the Presiding Inspector would have attached less weight to them had he reached the findings we have been compelled to adopt on the "Waterfront Worker", namely, that Bridges in his connection with that paper was not connected with the M.W.I.U., and that his testimony in relation to the subject is honest.

In the main the other incidents cluster about the 1934 West Coast marine strike, which began with the longshoremen. Some background here is necessary. The I.L.A., the longshoremen's union of which Bridges was an influential member, was a legitimate union with legitimate grievances. The strike was legitimately directed to removing the grievances. It did. (4483-5; 5345-58; 5361; 4488-9; 5364; 5369; 5374-7; 5394-5; 5401). That much is unquestioned. It is urged, however, that mutual assistance between the I.L.A. and the M.W.I.U. during the strike shows Bridges' affiliation to the M.W.I.U. We think not.

The I.L.A. went on strike on a coastwise basis May 9, 1934 (5397). Plainly enough, a longshoreman strike could not hope for success without aid from the seamen (6134). Two seamen's unions were operating on the West Coast: the International Seamen's Union of Ameriea, with a membership of from four to five hundred, and the M.W.I.U., with a membership of around two thousand (5398; cf.

Exhibit "G"—(Continued.)

1549-50; 7124). The I.S.U. refused to support the strike and urged its members to do longshoreman work to help break the strike (6133). Later, circumstances involving a lockout forced the I.S.U. into the strike (5399). Prior to the strike, the M.W.I.U. informed the I.L.A. of its intended support and that support materialized. The two unions established joint picket lines and soup kitchens (5401). The collaboration was on a coastwise basis (5397-8). Bridges participated in this union activity to the extent that he was a power in his local in San Francisco (5411; 5437-9; 5443). Yet, assuming for the sake of brevity that all the activity of his union, here, is to be attributed to Bridges, we see no evidence of affiliation.

Whatever may have been the extent to which the M.W.I.U., at most a Communist front organization, was dominated by the Communist Party, it was undoubtedly in its operating aspects and to the bulk of its members a genuine and virile labor union (2582-3; 7040). As a labor union, the I.L.A. accepted its support. So too, it accepted the support of other labor unions—the Teamsters, the Machinists, the Boilermakers, the licensed radio, deck, and engine room officers (5437; 5405-6). The putative, hidden, ultimate aims of one participant in a clear union situation supply no warrant under the statute to pass judgment on the wisdom of the union policy of all other participants.

That the aims of Bridges, personally, were legiti-

Exhibit "G"—(Continued.)

mate union aims is rather clearly shown by the evidence relating to his solicitation of members for the M.W.I.U. When, at the beginning of the strike, the I.S.U. was hostile and not accepting unorganized seamen for membership (6133), Bridges urged seamen to join the friendly M.W.I.U., but only after the I.S.U. refused to accept them (2579). "Our only concern," says Bridges, "[was] in getting the workers at that time into an organization to win our strike." (2573). When the I.S.U. changed its attitude, joined the strike (5399) and accepted unorganized seamen, Bridges then took the position that the seamen should join that union (6135-6). Later Bridges not only recommended that unorganized seamen join the I.S.U., but was instrumental in having existing members of the M.W.I.U. go over to the I.S.U. This finally resulted in so many seamen leaving the M.W.I.U. that it was disbanded toward the end of 1935. (2584-5).

In this connection, it is significant, too, that Bridges, although frequently urged to do so by Jackson, an M.W.I.U. organizer, never joined the M.W.I.U. and never urged longshoremen to join it (5754; 6131). Yet, the M.W.I.U. was organized for some time prior to the start of the I.L.A. in San Francisco and its membership was open to longshoremen (Gov. Ex. 242; 5940-2; Gov. Ex. 276).

Here, certainly, was no continuous bond between the M.W.I.U. and Bridges justifying mutual ex-

Exhibit "G"—(Continued.)

pectations of support. Rather, Bridges and his union accepted M.W.I.U. support when it was useful to their union ends, helped the M.W.I.U. to get members only in order to help themselves, refused M.W.I.U. support when in their judgment such support was not helpful to their union ends,[73] and finally, indeed, assisted the M.W.I.U. only to its grave.

The Communist Party and its West Coast publication, the "Western Worker", supported the

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(73) Bridges' I.L.A. local voted to seat M.W.I.U. delegates on the Joint Marine Strike Committee, a committee with Bridges as Chairman, consisting of representatives of the striking unions. On the protest of others, the M.W.I.U. delegates withdrew. (5951-2). Later in the strike, however, the I.L.A. approved a resolution of the San Francisco Labor Council which denounced the Communists and the M.W.I.U. as a Communist organization and advised the I.L.A. to disavow any connection with the M.W I.U. This action of his union was binding on Bridges and he followed it. (6188-9; 6192-3; 5954-5). Personally, Bridges had, prior to the adoption and approval of the resolution, opposed it (7388-9; P.I. 99). Bridges also avows that when Darcy, a Communist Party member, was at I.L.A. union headquarters on another matter, he told Darcy of the pendency of the Labor Council's resolution (5956). In neither Bridges' personal position on the resolution, nor in his volunteering to Darcy the fact of its pendency is there any evidence of a bond of affiliation. The former, on this record, was no more than his judgment as a union man and delegate on a union matter. The latter is isolated and too equivocal in its context seriously to tend to support a finding of affiliation.

Exhibit "G"—(Continued.)

strike (5853);[74] and in the writings of apologists for that Party its part in the strike is made larger by unsupported insinuation of association with the San Francisco labor leader, Bridges. See William Z. Foster's "From Bryan to Stalin", Gov. Ex. 135, p. 260; William F. Dunne's "The Great San Francisco General Strike", Gov. Ex. 191, pp. 5, 8-9, 46, 47; and the "Party Organizer" for August 1934, Gov. Ex. 236, pp. 1-2. But the only incident in the record which even tends to connect Bridges with such support is the acceptance by the I.L.A. Strike Committee, of which Bridges was Chairman, of an offer by the "Western Worker" to donate the use of its printing facilities to the extent of printing a daily "I.L.A. Strike Bulletin". The I.L.A. Bulletin was not part of the "Western Worker"; the material printed was supplied by the I.L.A.; and the "Western Worker" had no editorial supervision over it. (5786; 5789). Here again the I.L.A. or Bridges accepted such unsought help toward winning the strike as was offered—but as we have seen only for the moment. Expectation by Bridges and the I.L.A. that it should be forthcoming did not precede the "Western Worker's" offer, and compensatory return by the I.L.A., if expected by

(74) So did the "Catholic Leader", among other papers (6110).

Exhibit "G"—(Continued.)

the Communists, did not follow acceptance of the offer.[75]

Finally, in the absence of some substantial evidence pointing toward affiliation or membership, and there appears to be none in this record, the few re-

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(75) The same attitude of accepting help for his union but only for the sake of his union is expressed by Bridges in response to a question as to what was his position on printing a Communist Party release in a union paper:

> "As I understand, the question was my position in regard to printing official Communist releases. I still say it might depend. For example, if—there was a lot of trouble up there at that time, a lot of action and tie-ups. I believe that if the Communist party happened to send in a statement saying that they would do everything they could to support the particular dispute at that time in behalf of the union position, my position would be that I wouldn't have any great objection to seeing that carried in the union paper."

He ruefully adds, "That would be my position even now, maybe." (5501).

Undeviatingly, Bridges' position is the same on the question of voting for a political candidate whom he might know to be a Communist:

> "The question of support only goes to whether he is a unionist or not. If he is a bad unionist, we don't care what he is, we are against him; if he is a good one, we don't care what he is, we are for him. His first allegiance must be for the union." (6164).

Such a position could be criticized, were it relevant, as too narrow in loyalty. But it remains the fact that a cavalier approach to Communists which cares not whether a man is a Communist or not shows no sympathetic bond of affiliation.

Exhibit "G"—(Continued.)

maining scattered items cleaimed to bear on affiliation show nothing in and of themselves. That Bridges on one occasion praised the American Youth Congress (Gov. Ex. 134); that on another he attacked "red-baiters" in the belief that they "are usually agents of the bosses and are the enemies of true trade unionists and should be treated with distrust" (392-3; P.I. 136-7, but cf. P.I. 165); that he might have consistently attacked so-called "reactionary" leaders of the A. F. of L. (P.I. 94); that amongst his large acquaintance, he knew and talked with some Communists (5888; 5956-66; 6076-91)—these items on the periphery of evidence would be consistent with a picture of affiliation or membership drawn in the main by other evidence of substance. But, as they stand in the record, the inferences to be drawn are too many and varied to permit selection of the one inference, affiliation.[76] There are as many

(76) So too, if Bridges had made the passing remark that the only way a young fellow could get ahead in the labor movement today was to join the Communist Party; or if he had consulted with Communists on the contents of a telegram involving a labor union matter. However, while they are of no great materiality, it should be noted that neither the remark, nor the consultation, is, in our view, established by the record. The remark is testified to by the witness Barlow who claims to have heard it in the presence of his father in a conversation occurring on the stairs of the hall at the end of a day's session of the Maritime Federation of the Pacific convention in 1935. (7130-3). Bridges does not recall the incident and feels sure he never made

Exhibit "G"—(Continued.)

items that look the other way. Bridges supported "Ham and Eggs", a bitterly fought political issue in California. The Communist Party was opposed to it. (6169). In the last election, Bridges supported the position taken by John L. Lewis—contrary to the attitude of the Communist Party (6169). He differed with Walter Stack, a prominent Communist, on the question of affiliating the Martime Federation of the Pacific (apparently to the C. I. O.). Stack opposed it. Bridges was for it (6163-4). A

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the remark (7361). If made, the remark could have been facetious or ironic as well as serious. Barlow as a young man curious about Communism might be more apt to remember the remark than Bridges. Yet four years after the event in 1939, at the time of the previous hearing, Barlow, when interviewed by agents of the Federal Government had no information in reference to Bridges as a Communist (7140-1); six years after the event, he recalls no ambiguous remark. Incredible, too, is his testimony under oath on the stand, that in the whole period between the 1939 interview and the giving of his testimony here in response to a subpoena he was not again interviewed by agents of the Government in reference to his knowledge on Bridges (7141-2). The Service could learn what was in Barlow's mind only from Barlow's lips. We find that the making of the remark in any serious vein is not established by the preponderance of evidence.

The occurrence involving consultation on a telegram rests upon the testimony of the Lovelaces, Dawn, the wife, who testified, and Richard, the husband, now deceased, whose testimony is by way of sworn affidavit. Dawn in August 1935 was a rank and file Communist in Portland and a member of the American Newspaper Guild, and Workers Alliance (1233; 1238; 1280; 1282; 1290; 1355-6). Rich-

Exhibit "G"—(Continued.)

committee of which Bridges was chairman investigated and rejected, during the 1934 strike, an offer of legal assistance from the International Labor Defense (5917-21), found by the Presiding Inspector (P.I. 71) to be a Communist organization whose "immediate purpose is to assist and defend Communists who encounter legal difficulties by providing bail, lawyers, and other assistance." Bridges was opposed to the position of the M.W.I.U. that

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ard was a local Portland official of the Communist Party, being a member of the Portland Section Executive Committee (1266); he, also, was a member of the Workers Alliance (1355). Bridges came to their apartment in August 1935 in the company of Hugh Adams, a longshoreman, but known to them as a Communist, and two other members of the Maritime Federation of the Pacific (a maritime union organization) in San Francisco. (1240; 1276; 1249; 1290). Adams introduced Bridges to the Lovelaces (1240). According to Dawn, Adams asked for Matt Meehan, then an important official in Bridges' union, the I.L.A. (1240-1; 1285; 1291-2). According to Richard, the visiting group sought James A. Murphy, Section Organizer of the Portland Section of the Communist Party, and then or shortly prior thereto Secretary of the National Lumber Workers Union, who lived in the same apartment house as the Lovelaces (1276; 1335). Dawn, in an aside to Adams, rebuked him for bringing Bridges to the apartment of open Communists and for looking for Matt Meehan there since "There was no reason for it." (1285, 1282). Some hours later, Murphy, in response to a note left by Richard, joined the group (1242; 1245; 1276-7). The intervening time was occupied by Dawn's typing, at Bridges' request, notes he dictated on a Maritime Conference in Washington, D. C., from which he had just returned, and by sociable inter-

Exhibit "G"—(Continued.)

longshoremen, teamsters, engineers and seamen should all be in one union (2578-9). He refused Jackson's invitations to join the M.W.I.U. (5754). His stated beliefs are in favor of collaboration between capital and labor (2570) and opposed to the Communist policy of fomenting strikes (P.I. 46; 212; Gov. Ex. 239, pp. 60-3). Bridges believes in arbitration and direct negotiation to settle labor differences with the strike used only as a last resort (5519-23; 5527; 5530-2). That belief, according to other wit-

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course concerning his recent experiences in the East (1292; 1244-5; 1276). When Murphy arrived, Bridges discussed with him and Lovelace the contents of a telegram that Bridges should send to Henry Schmidt, President of the I.L.A. in San Francisco, on the tactics to be pursued to avoid an expected lockout in San Francisco (1276-7; 1245-6).

Bridges recalls the incident, but his version differs. He was attending a District Executive Board meeting in Portland, shortly after his return to the West Coast from a Maritime Conference in Washington. Because he wished to dictate his notes on this conference before leaving Portland the next morning, Hugh Adams took him to Dawn Lovelace to have this work done. Bridges and Adams were accompanied by a couple of other union members. (5473-4). Bridges has no recollection of meeting either Richard Lovelace or James Murphy on this occasion (5474-5). While in Portland, Bridges testifies, he sent a telegram concerned with an issue that was discussed at the Executive Board meeting and directed the union in San Francisco to participate in a vote dealing with boycotting cargoes going to British Columbia because of a strike there in progress (5475-6). The telegram, Bridges says, was sent to Jack Creary, not to Henry Schmidt (5475).

Inherently, the Lovelace version is less plausible than Bridges'. True, the Lovelaces, except to the

Exhibit "G"—(Continued.)

nesses, has been practiced by Bridges with consistency (4572-7; 4908-9).[77]

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extent noted, corroborate each other. As Dawn succinctly puts it, "We always worked together (1299) * * * As long as my husband had given a statement to the FBI, why it was agreeable with me that I should corroborate his statement (1304)." Yet Bridges could not have expected to find Meehan at the Lovelaces'; and, as an expert in San Francisco maritime matters, he is unlikely to have sought the advice of Murphy, a local Portland Communist official versed, as far as this record shows, only in lumber. In contrast Bridges' version is reasonable. He wished to dictate, before he left Portland the following morning, a memorandum on a conference he had recently attended. It is understandable that he might have asked some one of his associates where he could find help in this matter. Admittedly, Adams was acquainted with the Lovelaces and knew that Dawn Lovelace could do this work for Bridges. The fact that Bridges very frankly admits going to the Lovelace apartment and dictating his memorandum on the Washington conference while forgetting many of the incidental details lends weight ot the conclusion that that was his purpose in going there. Bridges failed even to remember whether Richard Lovelace was present. There is no reason to believe that Richard Lovelace was not present nor is there any reason for Bridges to be equivocal on this point since he had admitted his own presence at the apartment. We conclude that the Lovelace version is not established by the preponderance of the evidence.

(77) The Alien urges that the issue of affiliation is for the most part, if not entirely, res judicata because of the decision in the 1939 Bridges deportation proceeding. True, in many instances, the present record goes into the same facts brought out in the 1939 proceeding. The association of

Exhibit "G"—(Continued.)

D. Affiliation—Conclusion

We have reviewed the evidence as bits making up an attempted complete mosaic, yet evaluating each particle so that its true worth might stand out in the whole with chiseled clarity. The picture fails to materialize. We can find on this record only that affiliation is not established.

Bridges with the M.W.I.U. during the 1934 strike (Alien Ex. 12, pp. 102-3), the aid offered to Bridges' union by the International Labor Defense (Alien Ex. 12, p. 103), the aid given by the Communist paper, the "Western Worker", in the 1934 strike (Alien Ex. 12, pp. 103-4), Bridges' association with Communists (Alien Ex. 12, 105, 124) and non-discrimination of Bridges against Communists in labor unions (Alien Ex. 12, p. 125) were all considered when the decision, favorable to Bridges, in the 1939 case was reached. Then, no implications adverse to the Alien were drawn from these incidents. The technical legal rules of res judicata may not apply in an administrative proceeding of this character [Pearson v. Williams, 202 U. S. 281; Flynn ex rel. Ham Loy Wong v. Ward, 95 F. (2d) 742 (C.C.A. 1st, 1938)]. Yet there is a serious question whether an administrative agency should relitigate time after time the same factual issues in the same type of proceeding [Ex parte Gagliardi, 284 Fed. 190 (D. C. W. D. Wash. N. D. 1922); In re Barratt's Appeal, 14 App. D. C. 255 (1899); Wong Chow Gin v. Cahill, 79 F. (2d) 854 (C.C.A. 9th, 1935); Wong Kam Chong v. United States, 111 111 F. (2d) 707 (C.C.A. 9th, 1940); In re Ondrei Kimmen, 55906/451, Board of Review, March 20, 1940]. We do not pass on this point, however, since our appraisal of the evidence makes it unnecessary.

Exhibit "G"—(Continued.)

II. MEMBERSHIP

A. James D. O'Neil

James D. O'Neil, produced by the Service, was a most tantalizing witness. Speculation as to the ultimate motives for his testimony may fill many fascinating tomorrows. But on the record before us, decision on his testimony both on and off the stand is relatively simple. His testimony off the stand is not to be heard, and when heard his testimony on and off the stand cannot be believed.

At the outset of O'Neil's testimony, counsel for the Service immediately claimed O'Neil to be hostile and questioned him on failure to answer subpoenas (2263-70).

During the course of the examination, counsel read to O'Neil a statement alleged to have been made by him to agents of the F.B.I. in an interview on October 7, 1940 (2280 ff.). The statement, later admitted in evidence (Gov. Ex. 255), reads, so far as material to the substantive issues in this proceeding, as follows:

> "I joined the Communist Party * * * under the name of Ben Harrison.
>
> * * *
>
> "On another occasion I walked into Bridges' office, it always being my privilege to do so after first having assured myself that he was alone, and on his desk was a new Party book, which had just been issued and into which Bridges was putting assessment stamps. This was about

Exhibit "G"—(Continued.)

two o'clock in the afternoon in Bridges' office in the Balboa Building, 593 Market, Room 509, in 1937. I expressed amazement that he was doing this openly with the book in plain view on top of his desk; however, he nonchalantly continued to put the stamps in place and then returned the book to his pocket. I knew this was a Communist Party book because I had one myself and it was just like it. It was the general practice to pay your dues to the Communist Party dues collector and, in return to receive stamps which he tore off from a block and which you inserted in your book at your leisure. There is no doubt in my mind but what that was Bridges' membership book in the Communist Party.

* * *

"On several occasions Bridges reminded me that I had not been attending [Communist] Party meetings and asked me, 'What's the score?'

* * *

"It is my belief that Bridges never at any time attended any Communist Party meetings. He might have met with one or two of the trusted and highest officials of the Party, as that would be all that would be necessary to conduct any business he had with them.

"Bridges never stated to me that he was a member of the Communist Party. It was always

Exhibit "G"—(Continued.)

tacitly understood and assumed that such was the case. . .

* * *

" . . . Bridges said that fraction meetings had been conducted in the room [Bridges' hotel room] . . . By this he meant top fraction meetings of the Communist Party. . . "

It was further contended and avowed by counsel for the Service that O'Neil had made certain statements to agents of the Service and of the F.B.I. in an interview at the F.B.I. offices on April 22, 1941, a few days before O'Neil testified. Such alleged statements of O'Neil were read off (2322 ff.; 2342), sentence by sentence, by counsel for the Service, and so far as material to the substantive issues here, went as follows:

"Harry Bridges is a Communist, and I saw him paste stamps in his book with his name in the book. It was his right, his own name." (2326-7)

* * *

"Yes, I walked into Harry Bridges' office, and I said, 'You g. d. fool!' He was relaxed and with his feet on the desk, and he said, 'I did not have time today.' I said, 'You g. d. fool! You are nuts!' And he said, 'I am O. K.' It was under the name of Dorgan. That is where you fellows are wrong. It was an Irish name. He was very proud of it." (2341-4)

* * *

"I don't want to testify and will not testify,

Exhibit "G"—(Continued.)

but I have actual visual knowledge of his membership, and I know he was a member of the Communist Party. I have discussed this with him and Harry would discuss the matter with me. He would discuss the Party line and sometimes he would digress from it." (2530-1)

"You have a lot of witnesses testifying who do not know what a real top fraction meeting is. A top fraction consisted of Bridges, Gladstein, Schneidermann." (2351-2)

* * *

"I have attended at least five Communist Party meetings with Bridges and Hanoff was at all of these. . . The meetings I attended with Bridges were closed Communist Party meetings." (2357; 2358; 2360)

O'Neil denied making, and denied the truth of, all of the statements we have quoted from both interviews, with the exception of the sentence, "It is my belief that Bridges never at any time attended any Communist Party meetings."

Gertrude Segerstrom, an F.B.I. stenographer, testified as to the contents of the statement of October 7th which she states she took on direct dictation from O'Neil in the presence of F.B.I. agents Smith and Cassidy (2400 ff.). Major Schofield, head of the Service, testified that the following occurred at the April 22nd interview in the presence of himself, Service counsel Del Guercio, and Assistant Director Connelley and Agent Cassidy of the F.B.I. (2322-3; 4809; 4810):

Exhibit "G"—(Continued.)

"He [O'Neil] was asked whether he had been a Communist and stated he had been a member of the Communist Party and had been active in its behalf here in San Francisco. He was asked whether or not Harry Bridges was a member of the Communist Party, and he said he was. He then said and volunteered this: That he, O'Neil, so far as he knew, was the only man who had visual evidence of the fact that Bridges was a Communist. We asked him what he meant by that, and he said that on one occasion he had actually seen Bridges pasting dues stamps in Bridges' membership book in the Communist Party."

Counsel for the Alien have urged that the reception of the Segerstrom and Schofield evidence, even for the purpose of impeachment would be error, and urge more strongly that in any event such evidence cannot be considered as affirmative, probative evidence in this proceeding. Preliminary to these question we are forced to consider whether O'Neil did make the statements at the two interviews testified to by Segerstrom and Major Schofield, for if he did not, there are no prior, contradictory statements by O'Neil for consideration. And if he did not the Segerstrom-Schofield testimony was a fabrication which, at the least, would plainly not aid the Service's case.

On that preliminary question, it is immediately noticeable that the alleged O'Neil statements of October 7th are not internally consistent; the alleged

Exhibit "G"—(Continued.)

O'Neil statements of April 22nd are not internally consistent; and finally, the statements of October 7th and April 22nd are not consistent with each other. Fabrication would hardly be so slipshod. In the October 7th interview O'Neil allegedly stated his belief that "Bridges never at any time attended any Communist Party meetings." Still in the same statement, Bridges told O'Neil that Party meetings in which he (Bridges) had clearly participated (2411) were held in Bridges' hotel room. When we turn to the April 22nd interview on this point, confusion grows. There, it is claimed by the Service that O'Neil stated that a real top fraction Communist Party meeting consisted of Bridges and others (2351-2), and that he (O'Neil) had "attended at least five Communist Party meetings with Bridges" (2358-9).

Similarly, in the October 7th statement, O'Neil did not see the name in Bridges' Party membership book on the occasion when he found Bridges in his office pasting stamps in the book (2407); but in the April 22nd interview, it is claimed that O'Neil, speaking of the same occasion, stated both that the name in the book was "his [Bridges'] right, his own name name" (2326-7), and that "it was under the name of Dorgan" (2342-3).[78]

Yet, again, on the point of whether Bridges ever

(78) Bridges' mother's maiden name was Doigen (10). It is possible that the name "Dorgan" as quoted in the text is the result of an error in transcription, although none is claimed by counsel. In any event, neither "Dorgan" nor Doigan" constitutes any part of Bridges' own name (5338).

Exhibit "G"—(Continued.)

revealed to O'Neil his membership in the Communist Party, there is contradiction. We have O'Neil stating in the October 7th interview that:

> "Bridges never stated to me that he was a member of the Communist Party. It was always tacitly understood and assumed that such was the case." (2408)

But we have O'Neil purportedly stating in the April 22nd meeting that he "knew" Bridges was a member of the Party and that he discussed Bridges' membership in the Party with Bridges (2351).

Such glaring inconsistencies and contradictions in the substance of the O'Neil statements as claimed by the Service tend strongly to indicate that the statements were not manufactured by the Service or any other agents of the government.

The fact of inconsistencies and contradictions far outweighs in our minds what might otherwise have been the impressive manner in which O'Neil in a lengthy examination under close and persistent questioning fails to break down, but in a consistently natural way stands by his complicated, yet in and of itself, plausible explanation of the statements of October 7th and April 22nd.[79]

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(79) O'Neil denies that he dictated any statement to Segerstrom (2282-3). He admits that a stenographer was present at both interviews taking notes of running conversations (2283; 2353). However, it is his position that the October 7th statement is a garbled, composite summary of six separate interviews with the F.B.I., including the April 22nd interview, founded on questions put to

Exhibit "G"—(Continued.)

In addition, Segerstrom and Major Schofield were highly credible witnesses. Segerstrom testified in convincing detail as to the circumstances of the Oc-

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him, but not faithful, in many instances, in reproducing his answers. To put it in his own words, O'Neil testified (2387-8):

"In the course of the meeting, which was read as a statement, paragraph by paragraph, the questions that were asked as now appear to be questions that were asked me corroborated by myself. Let me see! That was, I believe, the third meeting, if I am not mistaken. Two took place at the radio station. The third one took place at 111 Sutter. There were two subsequent metings at the house. On that occasion I was called on the phone and asked if I would come down to 111 Sutter, and I felt and I said that I felt I had nothing to add to what had already been said. Well, they came out to the house anyway on two different occasions. I couldn't say exactly how long, but I believe that one of the sessions up there when they were going over names, calling up names of men and women both, who were prominent in the labor movement. 'Did I know that they were affiliated with the Communist Party?' 'Did I ever attend Communist metings with them?' The answer was that I had not. 'Well, so and so' and somebody would be brought in who I might or might not know. When I say 'brought in', their name brught in and I was told that they had said that I had been at such meetings.

"Well, I stated that they were meetings of Labor's Non-Partisan League, they were meetings of the Maritime Federation of the Pacific, they were meetings of the CIO Council. The meetings were a great many varied labor groups, at which I was present and in which

Exhibit "G"—(Continued.)

tober 7th interview and minor corrections in her stenographic notes made upon her reading back O'Neil's dictation (2411-12). Major Schofield was

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these figures were present because, for instance, I believe at that time Henry Schmidt was the President of the Local of the ILA at one time and later on of the ILWU. Certainly I attended such meetings but they were not Communist meetings. And I so stated. And yet time and again, you understand, once a question was answered that wasn't the end of it. It was brought up at the subsequent meeting, or possibly the same evening with the statement that 'this man' or 'that man' was reported to have seen me, or 'It was reported that you were seen there, Jim, and it was a Communist meeting.' That is why this statement this morning is a composite picture of the entire six interviews and not of any one particular one."

O'Neil reiterates this explanation in plausible detail and with reference to particular items (2281-2; 2288; 2290; 2293; 2302; 2303-4; 2311-12, 2398-9).

Some significance might have been attributed to the fact that O'Neil in many instances denies neutral details of the statements, and, further in some instances, consistently with his explanation does not deny having stated certain neutral details of the statement but denies stating such details at the October 7th or April 22nd interview. See 2292, 2294-5 (denies stating various details as to how he obtained the editorship of the "Voice of the Federation" on the ground that he doesn't believe he went into such detail on the occasion claimed); 2296 (denies stating that he succeeded Henry Schrimpf as editor of the "Voice"); 2299-2300 (on the ground that he always had Lundeberg's enmity, denies stating that his editorship of the "Voice" incurred it); 2300 (denies stating that he was removed from the editorship without charges being

Exhibit "G"—(Continued.)

patently bluff and honest. A more subtle and elusive witness would have sought to avoid frank expression of his concept of the case and his duty toward it.[80]

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filed; states that he might have said this at another interview); 2301 (denies stating that he answered "practically all of Bridges' mail" etc.); 2304 (denies stating that Bridges would call him to tell him what Bridges wanted emphasized); 2318 (denies stating that a microphone had been installed in Bridges' hotel room; states that such a statement appeared in the "Voice" but not as a statement from him); 2338 (denies that he was asked whether an alien Communist should be deported and that he answered in the affirmative); 2344-5 (denies stating he began to work for Bridges in 1937 or 1938); 2346 (denies that he was asked whether he had made a statement to anybody and that he answered that Bridges did not know of his statement to the F.B.I.); 2348-9 (denies that he was asked whether George Wilson is a Communist and that he answered in the negative); 2359 (on the ground that he has met Mickey Orton, he denies that he stated or could have stated that he had not met Mickey Orton); 2360 (denies stating that he never attended meetings with Pritchett or Orton); 2362-3 (on the ground that the subject wasn't discussed at the April 22nd interview, denies stating at that interview details as to his job as publicity director and his salary).

(80) On cross-examination Major Schofield testified, in part, as follows:

"Q. Well now, in your position as Special Assistant to the Attorney General is it or is it not the fact that you may be called on by the Attorney General to give your recommendations or your views with respect to a particular case?

A. Oh, he could. It isn't customary, but he could.

Q. And, therefore, it is possible that the Attorney General * * * may call on you for your views

Exhibit "G"—(Continued.)

For the foregoing reasons, we accept the Presiding Inspector's recommendation that we find that O'Neil did make to Segerstrom and Major Schofield the statements attributed to him by these witnesses. We have believed it fitting, however, to examine that recommendation closely and thoroughly. It would scarcely be appropriate for this Board, which in many practical aspects is a part of the Service and is all aspects part of the Department, cursorily to assume the making of the statements merely because an alternative decision might involve a serious charge of maldoing by other employees of the same Department.

There remain three questions. First, was the testimony of Major Schofield and Segerstrom, proving O'Neil's prior statements to them, admissible as impeachment evidence; second, was such testimony admissible as affirmative, probative evidence in

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or your opinions with respect to whether or not there should be a deportation order issued against Harry Bridges?

A. Well, he might. But if he didn't I would think it my duty to give him my views.

Q. I see. And you have pretty definite views on this matter, don't you, Major?

A. I do, based upon the evidence that I have examined and testimony that I have heard and the results of the investigation that has been made." (4819-20).

* * *

"Q. Major, do you consider it in accordance with the American tradition with respect to the judicial process for you, as the Chief of the Service, prosecuting this case, to play a role, give any view, express any opinion or exert any influence

Exhibit "G"—(Continued.)

support of the Service's case; and third, if it was so admissible, are the prior statements of O'Neil to be credited.

While the matter is not free from doubt, we hold that the prior statements are admissible for purposes of impeachment. It is recognized that the rule in judicial proceedings, criminal and civil alike, is plainly otherwise. Here there was no surprise; neither was there any testimony by O'Neil affirmatively damaging to the Service's case.[81] In the absence of both surprise and affirmatively damaging evidence, prior contradictory statements for im-

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for the purpose of affecting the final decision of this case?

A. Well, I don't know what you mean by that. I think it is my duty, yes, or I wouldn't be doing it. I think it is my duty to do everything I can to see that the evidence is presented here to support my conviction that Harry Bridges is a Communist, is one of the leading Communists of the United States. Yes.

Q. And to exert every influence within your powe upon the Attorney General or anyone else to secure a decision in accordance with that view?

A. Every legitimate influence, except that I wouldn't include the Attorney General, no. I mean, I would prefer him to make up his own mind after he reads the record.

Q. But you would not bar yourself from expressing your views or exerting your influence in the making of that decision? * * *

A. * * * I wouldn't bar myself, you say?

Q. Yes.

A. No, I would regard it my duty to give him what I think the evidence shows." (4837-8)

(81) According to the Service's contention, its representatives had been advised by O'Neil a few

Exhibit "G"—(Continued.)

peachment of one's own witness are generally rejected in the courts.[82] And there is some force to the Alien's contention that to permit impeachment of O'Neil is to negative a complete blank. Cf. Kuhn et al v. United States, 24 F. (2d) 910, 913, (C.C.A. 9th, 1928); cert. denied 278 U. S. 605. Yet we are not bound by all judicial rules of evidence. The judicial rule of rejection is based in large part on the serious danger of prejudice in the minds of a lay jury. Trained lawyers passing on the evidence here can be expected to distinguish sharply between impeachment evidence and affirmative probative evidence. Finally, while there was on affirmative evidence to impeach here, we believe the Service was entitled to the introduction of the Schofield-Segerstrom testimony for the purpose of removing the unfavorable inference, not easily isolated and rejected in any mind, legal or lay, that might possibly have arisen from the Service's not proving the making of the prior contradictory statements claimed. Cf. Griffin Wheel Co. v. Smith, 173 Fed.

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days before the hearing that he would not testify and that if he were forced to testify the Service "would be sorry" (4811; 4813). At the very start of O'Neil's testimony, the Service claimed him hostile (2263-70). O'Neil's testimony on the stand consisted, in substance, of denials that he had stated or knew any circumstances connecting Bridges with the Communist Party.

(82) Hickory v. United States, 151 U. S. 303 (1894); In re De Gottardi, 114 Fed. 328 (S. D. Cal., 1902; Randazzo et al. v. United States, 300 Fed. 794 (C.C.A. 8th, 1924); Arine v. United States, 10 F. (2d) 778 (C.C.A. 9th, 1926); Sullivan v. United

Exhibit "G"—(Continued.)

245, 248 (C.C.A. 9th, 1909). Having claimed contradictory statements, the Service was entitled to prove them to avoid any possible inference of sharp practice or fabrication.

The Presiding Inspector chose, however, to consider the testimony as affirmative, probative evidence.[83] This was error.

Such use of the testimony was improper under the published Departmental Regulations which govern this deportation proceeding. The Regulations carefully delimit the field of use of a prior state-

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States, 28 F. (2d) 147 (C.C.A. 9th, 1928); Young v. United States, 97 F. (2d) 200 (C.C.A. 5th, 1938); People v. Jacobs, 49 Cal. 384 1874); State v. Stephens, 116 La. 36 (1906); Sturgis v. State, 2 Okla. Cr. 362 (1909; Beach v. The State, 138 Ga. 265 (1912); Travelers Ins. Co. v. Hermann, 154 Md. 171 (1927); State to use of Chenoweth et al. v. Baltimore Contracting Co., 177 Md. 1 (1939). Many of the cases require both surprise and affirmatively damaging evidence before impeachment of one's own witness, by proof of prior contradictory statements, is permitted. Tacoma Ry. & Power Co. v. Hays, 110 Fed. 496 (C.C.A. 9th, 1901); Sneed et al. v. United States, 298 Fed. 911 (C.C.A. 5th, 1924); cert. denied 265 U. S. 590; Louisiana Ry. & Nav. Co. v. McGlory, 20 F. (2d) 545 (C.C.A. 5th, 1927), cert. denied 275 U. S. 570; Selover et al. v. Bryant Adm'r., 54 Minn. 434 (1893); State v. D'Adams, 84 N. J. L. 386 (1913); Penhansky v. Drake Realty Construction Co., 109 Neb. 120 (1922). Some cases reject such evidence even when surprise and affirmatively damaging evidence are both present. Murray et al. v. Third Nat. Bank of St. Louis, 234 Fed. 481 (C.C.A. 6th, 1916); Hurley v. The State, 46 Ohio St. 320 (1888).

(83) The original view of the Presiding Inspec-

Exhibit "G"—(Continued.)

ment as evidence in deportation proceedings both as to the necessity for use of the statement and the guaranties that must be present in the statement before its use as evidence is permitted.[84] The testimony here does not show requisite necessity and guaranty.

The Regulations provide in Section 150.1(c)(d), formerly Section 19.1 (c)(d),[85]

"Investigations; interrogation of aliens under investigation. All statements secured from

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tor at the hearing may have been to limit the reception of such evidence to impeachment purposes. In this connection, the Alien relies on the Presiding Inspector's statements on the Schofield testimony made in answer to the objection that such testimony impeached a Service witness (4811):

"I will take it. I think they may impeach their own witness. Of course, it isn't original proof of the matter."

(84) The regulations entitled "New Regulations Governing The Arrest and Deportation of Aliens" promulgated December 31, 1940 (Fed. Reg., Jan. 4, 1941, p. 68) were adopted as a result of an extensive study of Service procedures undertaken by the Secretary of Labor's Committee on Administrative Procedure which emphasized the fundamental, due process right of cross-examination and the need for developing in the Service a "critical awareness" of the problems raised by permitting some types of hearsay evidence. See, The Secretary of Labor's Committee on Administrative Procedure, The Immigration and Naturalization Service, pp. 87-88. (Department of Labor, Washington, D. C., May, 1940).

(85) Fed. Reg. Jan. 4, 1941, p. 68; Fed. Reg. Jan. 11, 1941, p. 1.

Exhibit "G"—(Continued.)

the alien or any other person during the investigation, which are to be used as evidence, shall be taken down in writing; and the investigating officer shall ask the person interrogated to sign the statement. Whenever such a recorded statement is to be obtained from any person, the investigating officer shall identify himself to such person and the interrogation of that person shall be under oath of [sic] affirmation. Whenever a recorded statement is to be obtained from a person under investigation, he shall be warned that any statement made by him may be used as evidence in any subsequent proceeding.

"(d) Investigations: refusal to make recorded statement under oath or affirmation. Whenever, in the course of an investigation, admissions or statements are obtained from an alien or statements are made by any other person which indicate that the alien may be subject to arrest and deportation, but the alien or other person refuses to make a recorded statement under oath or affirmation or refuses or is unable to sign the recorded statement by name or by mark, the investigating officer shall make a report in writing to the officer-in-charge, setting forth the facts admitted or stated as to the alien's status under the immigration laws. This report may be used in support of an application for a warrant of arrest, when the investigating officer certifies that no other evidence

Exhibit "G"—(Continued.)

to establish the facts stated in the report can be readily obtained. . . . ."

Section 150.6(i), formerly Section 19.6(i), provides:

"Hearing: use of statement or admissions made during investigation. A recorded statement made by the alien . . . or by any other person during an investigation may be received in evidence only if the maker of such statement is unavailable or refuses to testify at the warrant hearing or gives testimony contradicting the statements made during the investigation. An affidavit of an inspector as to the statements made by the alien or any other person during an investigation may be received in evidence, otherwise than in support of the testimony of the inspector, only if the maker of such statement is unavailable or refuses to testify at the warrant hearing or gives testimony contradicting the statment and the inspector is unavailable to testify in person."

It is clear from the provisions of Section 150.1 (c)(d) that the investigating officer in obtaining a "recorded statement", that is, a statement "taken down in writing", must seek by specific request to obtain the statement over the signature of the maker and by interrogation under oath (or affirmation). When Section 150.6(i) is fairly read in conjunction with Section 150.1 (c)(d), it is such a "recorded statement", so safeguarded, that is permitted as evidence under Section 150.6(i) when the

Exhibit "G"—(Continued.)

maker of the statement gives contradictory testimony on the stand. The O'Neil statement testified to by Major Schofield was received as an oral statement. Neither the O'Neil statement to Major Schofield, nor the O'Neil statement to Segerstrom was by interrogation under oath; neither was signed by O'Neil; and in neither case is there any showing that O'Neil was asked to swear and sign, or that being asked he refused to swear and sign. (2430-1).

The departures of these statements from the requirements of the Regulations are not minor. The problem of hearsay is a serious one. The search for truth must be unfettered. But that search must not be prejudiced by error resulting from blithe, unguarded impairments of the right of cross-examination. The right of cross-examination is itself an aid to truth. Here a written statement at the Schofield interview would have guarded against mistake in hearing, memory or transition. As to both statements, the oath and signature of the maker would at least have shown O'Neil to be, on two occasions, willing to pin himself down, and to do so under oath, thus providing the safeguard of fear of perjury prosecution; and, contrariwise, had he been asked to swear and sign and refused, the fact of his unwillingness, on two occasions, so to pin himself down, would have been of no small weight in evaluating the truth of the statements made.

We find that the use of the Segerstrom and Schofield testimony as affirmative, probative evidence was error under the controlling Regulations of the

Exhibit "G"—(Continued.)

Department. Considering the question apart from the Regulations, which were not cited to the Presiding Inspector, we still find error.

It is suggested that the unsworn, extra-hearing statements made by O'Neil to Segerstrom and Major Schofield were "something equivalent" to testimony by O'Neil under oath at the hearing because O'Neil testified that what he told the agents of the Government was the truth (P.I. 110, 115). There is no comfort in that. It is clear on this record that O'Neil undeviatingly denied making to Government agents any of the material statements claimed by the Service. Moreover, O'Neil's testimony that the statements he made to the Government agents were the truth was given on the basis of the twice-reiterated explanation of the Presiding Inspector that such testimony would not mean the statements that the Service claimed he made (2376-7). Even if no explanation had been made to O'Neil, it would still be difficult, for example, to find that he testified that he did state that he was "amazed" to see Bridges putting stamps in a Party book, and that that was the truth, when, in denying the making of such a statement, he testified (2308):

> "I wouldn't have been amazed—I would have dropped dead if such a thing would have happened."

O'Neil swore to "Nay!" No process of reasoning can make it an oath to "Yea!" In re DeGottardi, 114 Fed. 328, 334 (S.D. Cal. 1902); McDonald,

Exhibit "G"—(Continued.)

Adm'r. v. New York Central and Hudson River Railroad Company, 186 Mass. 474 (1904).[86]

The O'Neil statements to Segerstrom and Major Schofield were unsworn. And O'Neil's denial on the stand that he had made the material parts of those statements effectively prevented the Alien from protecting himself by cross-examination. Had O'Neil admitted making the statements, the question here might have been closer, for on that hypothesis cross-examination might have elicited that he lied to confuse, or that, to borrow a phrase (3055) he "was all gowd up" or any other possible explanation. True, O'Neil was present at the hearing, and in a technical sense available for cross-examination by the Alien. But in the face of a completely favorable denial of the making of the statements, the Alien had no opportunity to cross-examine as to the truth of the statements denied. To receive the statements as affirmative evidence would deprive the Alien of cross-examination on

(86) The suggestion that a prior contradictory statement made out of court becomes a statement under oath on the stand because the maker testifies that what he said out of court was the truth is not entirely novel. At another time and place it might have had appeal. Cf. Pollock and Maitland, History of English Law, Vol. 2, pp. 648-649. In the two cases cited in the text, which are the only cases found on the point, the suggestion was flatly rejected and it was held that prior contradictory statements could not be received as affirmative evidence.

Exhibit "G"—(Continued.)

highly material evidence at the very heart of the case.[87]

We can find no warrant for this in judicial proceedings. Indeed, the courts generally deny prior contradictory statements affirmative weight and this even when the maker admits making them, and, hence, some modicum of protection for the defending party is present.[88]

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(87) Of course, we dismiss as too unreal any possible suggestion that the remedy of the Alien was to indulge in fantasy and cross-examine O'Neil on the hypothesis that he had made the statements claimed.

(88) Hickory v. United States, 151 U. S. 303, 309; United States v. Block, 88 F. (2d) 618 (C.C.A. 2d, 1937), cert. denied 301 U. S. 690; Bernhardt, Adm'r. v. Chicago B. & Q. Railroad Company, 132 Neb. 346 (1937), cert. denied 302 U. S. 685; Young v. United States, 97 F. (2d) 200 (C.C.A. 5th, 1938) reh. denied 97 F. (2d) 1023; New York Life Insurance Company v. Bacalis, 94 F. (2d) 200 (C.C.A. 5th, 1938); Rosenthal v. United States, 248 Fed. 684 (C.C.A. 8th, 1918); McDonald, Adm'r. v. New York Central and Hudson River Railroad Company, 186 Mass. 474 (1904); State v. Saporen, 205 Minn. 358 (1939); Zevodnick v. A. Rose and Son, 297 Pa. 86 (1929). In the Block, Young, McDonald, and Saporen cases, supra, the makers of the prior statements admitted making them. In the Block case, the Court thought that the defendant might have had effective protection since the making of the prior contradictory statement there involved had been admitted, and speculated as to the desirability of a more discretionary rule against hearsay, but nevertheless found the use of such statement as affirmative evidence reversible error,

Exhibit "G"—(Continued.)

Nor can we find warrant for this in the concept that this is, admittedly, an administrative rather than a judicial proceeding. Admittedly, too, this

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since it was "not free so to make over the law" (p. 620).

Chicago, St. P., M. & O. Ry. Co. v. Kulp, 102 F. (2d) 352 (C.C.A. 8th 1939) Cert. denied 307 U. S. 636, cited by the Service is scarcely a holding contrary to the cases cited in the first paragraph of this footnote, which cases deal not with the more doubtful issue in this case of admitting as evidence prior statements denied on the stand, but only with the more favorable point (favorable for admission) of admitting as evidence prior statements the making of which is admitted on the stand. In the Kulp case, a death action against a railroad, the prior statements of defense witnesses, introduced by plaintiff as part of his original case, had been admittedly made, but made to defendant in the absence of plaintiff; the witnesses were in fact agents of the defendant, and the Court, at least in part (p. 356) treated the statements as admissions of the party defendant; it was not urged to the Court that the prior statements, which were subsequently contradicted, were inadmissible and, finally, the Court held that the case was disposable on other good ground (p. 357). Contrast the square holding of the same Court in the Rosenthal case that prior contradictory statements even though admittedly made cannot be used as affirmative evidence.

DiCarlo v. United States, 6 F. (2d) 364 (C.C.A. (2d), 1925); Curtis v. United States, 67 F. (2d) 943 (C.C.A. 10th, 1933; London Guarante and Accident Co. v. Woelfle, 83 F. (2d) 325 (C.C.A. 8th, 1936); and United States v. Graham, 102 F. (2d) 436 (C.C.A. 2d, 1939), cert. denied 307 U. S. 643 are inapposite here. They merely hold with some difficulty that it is not reversible error for a trial court in its discretion to permit cross-examination of one's own witness for impeachment purposes or

Exhibit "G"—(Continued.)

deportation proceeding is not a criminal prosecution although the issues here [(cf. Fong Lum Kwai v. United States, 49 F. (2d) 19 (C.C.A. 9th 1931)]

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protection against accusation of subornation of perjury by inquiring about prior, contradictory statements; and indicate that a jury may properly consider the whole conduct and bearing of the witness on the stand in reaching the result that the version of the facts given in the prior statements is the true one in the case. In all these cases, the witness admitted the making of the prior statement.

Dean Wigmore in the first edition of his treatise agreed with the cases that prior contradictory statements even when admittedly made cannot be used as affirmative evidence (2 Wigmore, Evidence, 1st Ed. (1904), Sec. 1018(b));

> "It follows * * * that Prior Self-Contradictions, when admitted, are not to be treated as assertions having any substantive or independent testimonial value; they are to be employed merely as involving a repugnancy or inconsistency; otherwise they would in truth be obnoxious to the Hearsay Rule."

He is now contra. 2 id., 2nd Ed. (1923), Sec. 1018(b); 3 id., 3rd Ed. (1940), Sec. 1018(b). He argues, while recognizing that the law is otherwise, that the hearsay rule is "satisfied"; the witness being present and subject to cross-examination, there is "ample opportunity to test him as to the basis for his former statement." It is clear that Dean Wigmore is concerned only with prior statements which the witness admits he made which is not the fact in the proceeding before us for a denial of the making of the prior statements cannot be "tested as to the basis" for making them. Even Dean Wigmore's limited view has been pungently criticized:

> "That, we submit with deference, is not enough to qualify the previous contradictory assertion as substantive evidence, the oath of

Exhibit "G"—(Continued.)

and the penal consequences of deportation [see Ng Fung Ho v. White, 259 U. S. 276, 284; Wallis v. Tecchio, 65 F. (2d) 250, 252, (C.C.A. 5th, 1933)]

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the witness solemnizes his former extrajudicial state- not at all. It goes only to his testimony which is occasion for and target of impeachment. The previous statement was when made and remains an exparte affair, given without oath and test of cross-examination. Important also is the fact that, however much it may have mangled truth, there was assurance of freedom from prosecution for perjury.

"The chief merit of cross-examination is not that at some future time it gives the party opponent the right to dissect adverse testimony. Its principal virtue is in its immediate application of the testing process. Its strokes fall while the iron is hot. False testimony is apt to harden and become unyielding to the blows of truth in proportion as the witness has opportunity for reconsideration and influence by the suggestions of others, whose interest may be, and often is, to maintain falsehood rather than truth.

"There are additional practical reasons for not attaching anything of substantive evidential value to extrajudicial assertions which come in only as impeachment. Their unrestricted use as evidence would increase both temptation and opportunity for the manufacture of evidence. Declarations extracted by the most extreme of 'third degree' methods could readily be made into affirmative evidence. In criminal cases the defendant would have a similar opportunity to entrap the state's witnesses, and use as evidence all their extrajudicial assertions. The same enlargment of the field of inquiry would result in civil cases.

"If presence of the witness in court, under oath and subject to cross-examination, is

Exhibit "G"—(Continued.)

are not entirely dissimilar.[89] Unlike other administrative agencies, we deal here not with the complications of a technical subject but with the liberty of a human being—albeit, an alien.[90] The difference might be thought material enough to require some distinction in treatment of limitations on the opportunity to cross-examine. Yet we rest not on that.

Administrative agencies, generally, including this one, are not bound by the strict common-law rules of evidence. "But the more liberal the practice in admitting testimony, the more imperative the obligation to preserve the essential rules of evidence by which rights are asserted or defended." Interstate

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enough to permit admission of his previous statements, the result should not be confined to those which happen to be contradictory. The hearsay rule, if considered satisfied as to contradictory statements, would be equally so as to declarations agreeing with the testimony of the witness. The presence in court, under oath and subject to cross-examination, of the declarant, must serve to satisfy the hearsay rule as to both or as to neither kind of declaration. We hold that it is not satisfied in either case, and hence that the extrajudicial assertion brought in by way of impeachment must be confined to that field." (State v. Saporen, 205 Minn. 358, 361-362 (1939) per Stone J.).

(89) It is of some psychological interest that at the hearing all participants, the Service, the Respondent, and the Presiding Inspector slipped naturally into the technically erroneous use of the terms "Government", "Defense", "Trial", etc.

(90) See Annual Report of the Secretary of Labor, Fiscal Year Ended June 30, 1939, pp. 213-214.

Exhibit "G"—(Continued.)

Commerce Commission v. Louisville & Nashville R. R. Co., 227 U.S. 88, 93; Tri-State Broadcasting Co. Inc. v. Federal Communications Com'n, 96 F. (2d) 564, 566 (App. D. C. 1938); Svarney v. United States, 7 F. (2d) 515, 517, (C.C.A. 8th, 1925). The admonishment in all three decisions was addressed to administrative action resulting in deprivation of cross-examination in various hearsay situations held unfair. So too, opportunity to cross-examine has been emphasized in judicial review of deportation proceedings as afundamental requirement of a fair hearing to be but warily relaxed; and in deportation cases, presenting varying circumstances, deprivation of cross-examination by reception of hearsay of varying degree has been held reversible, administrative error making the administrative hearing unfair. Svarney v. United States, 7 F.(2d) 515 (C.C.A. 6th, 1925); Ungar v. Seaman, 4 F. (2d) 80 (C.C.A. 8th, 1924); Ex parte McMahon, 1 F.(2d) 456 (W.D. Wash., 1924); Ex parte Tom Yuen, 230 Fed. 656 (N.D. Cal., 1915); United States ex rel. Papa v. Day, 45 F. (2d) 435 (S. D. N. Y., 1930); Brader v. Zurbrick, 38 F.(2d) 472 (C.C.A. 6th. 1930); Browne v. Zurbrick, 45 F.(2d) 931 (C.C.A. 6th, 1930):

Some hearsay is undoubtedly permissible in deportation proceedings, to what extent and under what circumstances we need not, and cannot decide here, for the nature of the subject allows of no rule of thumb. Suffice it as to the state of the authorities that no authority is cited, and we find none, that

Exhibit "G"—(Continued.)

sanctions the deception in administrative deportation proceedings of unsworn, prior contradictory statements the making of which is denied on the stand.[91]

Fundamentally, as an administrative agency, we

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(91) The Service relies on Ghiggeri v. Nagle, 19 F. (2d) 875 (C.C.A. 9th, 1927); and Hays v. Zahariades, 90 F. (2d) 3 (C.C.A. 8th, 1937), cert. denied. 302 U. S. 734. Both cases involved sworn depositions or affidavits admitted by the makers to have been made. At that, both cases are questionable authority for the admission as evidence of even such prior contradictory statements. In the Ghiggeri case, the alien consented to the introduction of the disposition and expressly waived cross-examination. The real question of substance there appears to have been whether it was arbitrary to place any belief in the deposition. The Zahariades case hardly involved the problem. The makers of the affidavits admitted under oath on the stand both that they had been made and that they were true.

Chinese exclusion cases, such as United States ex rel. Ng Kee Wong v. Corsi, 65 F. (2d) 564 (C.C.A. 2d, 1933); Fong Kong v. Nagle, 57 F. (2d) 138 (C.C.A. 9th, 1932); Moy Said Ching v. Tillinghast, 21 F. (2d) 310 (C.C.A. 1st, 1927); and Wong Wey v. Johnson, 21 F. (2d) 963 (C.C.A. 1st, 1927) have little pertinence here. We pass over the differences between deportation and exlusion generally. These cases all present the same picture of a Chinese applicant, born in China, who claims to be the son of another Chinese, an American citizen, who has been in China. The facts of the relationship are buried in the interior of China and in the minds of the putative son, the putative father who is the real proponent in these cases, and any identifying witness of Chinese race that the father can find to help him. The backdrop of this uniform picture is cool fraud, calculatingly practiced in

Exhibit "G"—(Continued.)

are required in deciding the question of the admissibility as evidence of the O'Neil prior statements to

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many cases with Oriental patience, sometimes over the course of decades. The problem thus raised of the rich fraud in an area where the facts are available only to those who might be fraudulent is separately treated in administration. It has evoked its own solution in practical administrative and judicial devices. Family relationship statements made under oath are secured from American citizens of Chinese race at the beginning and end of trips to and from China, and practically at any other time of opportune contact with the Service; and such sworn statements are carefully kept as official records of the Service. Further, since the applicant and his proponent father and identifying witnesses are in possession of the true facts, it has become settled that the burden is on the applicant's side to establish the relationship; that the sworn records of the Service may be used to show a conflict in prior sworn statements; and that a serious conflict may cast enough doubt on the whole case to result in an order of exclusion that is not arbitrary. See United States ex rel. Yee Kwong Seung v. Director of Immigration, 102 F. 2d) 1021 (C.C.A. 2d, 1939); Fong Kong v. Nagle, supra; United States ex rel. Ng Kee Wong v. Corsi, supra.

Such were the prior contradictory statements admitted in the Chinese exclusion cases—sworn statements of the father or identifying witness, official records kept as a practical device against known fraud, all admitted at the hearing to have been made. Moreover, recognizing the realities of the peculiar Chinese situation, the admission of prior statements of the father, certainly, and even of the Chinese identifying witness, goes little, if any, further than the well-settled "Admissions" rule. The father is the clear proponent in these cases and the identifying witness is in the circumstances closely identified with him. Lastly, the prior sworn

Exhibit "G"—(Continued.)

weigh the factors of materiality, reliability, and protection of the Alien.[92]

The O'Neil prior statements were obviously highly material. They were equally unreliable. And there was no effective protection for the Alien. With the factors of high unreliability and lack of protection present, the materiality of the statements all the more requires their exclusion as evidence. It is one thing to distinguish between impeachment testimony and affirmative evidence, it is another to admit questionable evidence without safeguards for some undefined value of what it is worth. "If it is true of juries, it is not wholly untrue of judges that they too may be 'impregnated by the environing atmosphere.' Mr. Justice Holmes, in Frank v. Mangum, 237 U. S. 309, 349." See the dissenting opinion of Mr. Justice Frankfurter in Harry Bridges, petitioner v. State of California, U. S. Sup. Ct., No. 1, Oct. Term 1941 (U. S. L. W. December 9, 1941, p. 4074).

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statement used in each of the Chinese exclusion cases cited was made under circumstances reasonably guaranteeing its truth and was credible on its face. That important fact is not present here. See the text, pp. 458-466.

(92) See Consolidated Edison Co. v. National Labor Relations Board, 305 U. S. 197, 229; Interstate Commerce Commission v. Louisville & Nashville R. R. Co., 227 U. S. 88, 93; John Bene & Sons v. Federal Trade Commission, 299 Fed. 468 (C.C.A. 2d, 1924); Report of Attorney General's Committee on Administrative Procedure, Sen. Doc. No. 8, 77th Cong., 1st Sess., pp. 70-71.

Exhibit "G"—(Continued.)

The prior statements of O'Neil are excluded from use as affirmative evidence.

Yet, in any event, those statements are, on the record here, not credible, and we so find. O'Neil lied under oath in this proceeding when he denied making the statements. His unsworn prior statements show him therein the bragging sensationalist with little regard for precision in truth. O'Neil "knew" that everybody employed in the West Coast offices of the C.I.O. and everybody employed by the unions with offices in the same building (with one startling exception) were members of the Communist Party—"there was no secret, no bones made about it at all" (Gov. Ex. 255, 5th page). He "knew" further that vacancies there in C.I.O. personnel were "invariably, without exception to [his] knowledge while [he] was there, supplied after consultation with Schneidermann from the Communist Party headquarters" (Gov. Ex. 255, 5th page). It is claimed by the Service that O'Neil at the Schofield interview asserted that the Service had "a lot of witnesses testifying who do not know what a real top fraction meeting is" (2351); but O'Neil does. "A top fraction consisted of Bridges, Gladstein, Scheinermann" (2352); and what is more, he "knows" that all of the Alien's counsel in this proceeding are Communists—Gladstein, Grossman and Margolis on the West Coast, and King on the East Coast (2352-57). For all of this he states no supporting detail.

Judging from the prior statements, a feeling for

Exhibit "G"—(Continued.)

drama, personal drama,—even martyrdom, apparently accompanied his gift for the sensational. He obtained the editorship of the "Voice of the Federation" by showing up when "even at that moment the Maritime Federation Executive Board was meeting * * * to pick an editor." Two other applicants previously under consideration were rejected and O'Neil got the job the next day, New Year's Eve. On New Year's Day, but not before O'Neil withdrew from a dinner on New Year's Eve "at the request of practically the entire San Francisco Communist Party," he was "informed" that "a very important person was waiting to see [him] in the house." He "immediately recognized" Harry Bridges "from his pictures". Bridges had called to tell O'Neil how to run the paper. (Gov. Ex. 255, 1st and 2nd pages). Later days grew more mournful. A Communist bigwig after a dramatic conference complained that he, O'Neil, was "a bad influence in the C.I.O.," that he "should be removed," and that "Bridges was listening to [him] too much." (Gov. Ex. 255, 5th page). He was forced, for a while, as a member of the Communist fraction in the Newspaper Guild to be "the man on the flying trapeze," and sought a place "where there was a net under me." It became "0 to 0 in the last of the 9th as far as" he and the Party were concerned (Gov. Ex. 255, 4th page). And it is alleged by the Service as O'Neil's statement that if called as a witness in this proceeding he might "as well jump in the Bay and have it over with"

Exhibit "G"—(Continued.)

(2364); indeed, he would "go up on the stand and say that to testify is a crucifixion" (2363).[93]

O'Neil's introduction to the most dramatic incident of his prior statements is itself theatrical. At the Schofield interview, which was after the Segerstrom interview, he "volunteered this: That he, O'Neil, so far as he knew, was the only man who had visual evidence of the fact that Bridges was a Communist" (4810). On being asked at the Schofield interview what that meant, O'Neil recounted, of course, the incident previously recounted to the F.B.I. at the Segerstrom interview of seeing Bridges put stamps in a Party book. This incident has its inherent improbabilities. On the 7546 pages of this record, it is clear that Bridges' membership in the Party, if Bridges were a Communist, would be hidden under the Communist Policy of "hypocrisy and deceit" not only from the public but also from rank and file Communists. O'Neil, himself, says in the Segerstrom statement:

"It is my belief that Bridges never at any

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(93) There is also some indication in the record that O'Neil played Judas as well as Ananias. He saw Bridges just before the Segerstrom F.B.I. interview to inform him that the F.B.I. had called him, and he saw Bridges immediately after the Segerstrom interview to tell him what had happened. He did not tell Bridges that he had just told the F.B.I. that he believed Bridges to be a Communist (2335-6). After the Segerstrom interview, Bridges asked O'Neil to serve on the Bridges Defense Committee (2350). The following day, O'Neil called his friend (2341; 4816), Cassidy,

Exhibit "G"—(Continued.)

time attended any Communist Party meetings. He might have met with one or two of the trusted and highest officials of the Party, as that would be all that would be necessary to conduct any business he had with them." (Gov. Ex. 255, 4th page)

Yet Bridges, according to the same O'Neil statement, apparently carried a Party book around in his pocket; paid his dues, like everyone else, to a dues collector (Gov. Ex. 255, 4th page). And, according to the further statement of O'Neil claimed by the Service, Bridges was faithfully putting the assessment stamps in the book when O'Neil saw him because as Bridges said, "I did not have time today" (2341).[94]

F.B.I. agent on this case, and as the Service claims, informed him of Bridges' offer. He is claimed to have suggested that if given assurance that he would not be called as a witness he would serve on the Defense Committee where he "could act as an informant and in that way the Bureau [F.B.I.] would have a pipeline to all of the activities transpiring in regard to the Defense Fund" (2364-8). Which side, if either, or both, was being betrayed only O'Neil might know. Yet, while there is no need to place reliance on this point, the indication of the presence of this kind of abortive middleman and the misty atmosphere surrounding him are not conducive to belief in his statements.

(94) We place no reliance on the fact that Bridges was supposed to be sitting "relaxed * * * with his feet on the desk" and using his thumb to place stamps in the Party book on his desk (2341-2; Gov. Ex. 255, 4th page). O'Neil's implication that this episode involved a physical impossibility lacks supporting detail in the record.

Exhibit "G"—(Continued.)

But most serious, and fatally defective, are the internal contradictions in the O'Neil statements on material points. O'Neil has "attended at least five Communist Party meetings with Bridges." Bridges held top fraction Party meetings in his hotel room. Bridges reminded O'Neil that O'Neil was not attending Party meetings. "Bridges never at any time attended any Communist Party meetings" (Gov. Ex. 255, 4th and 6th pages; 2358-9). Bridges discussed Bridges' membership in the Party with O'Neil. Bridges never stated to O'Neil that he was a member of the Party (2408; 2351). O'Neil did not see the name in Bridges' Party book. He did see the name. "It was his [Bridges'] right, his own name." It was not Bridges' "own name", "it was under the name of Dorgan" (2407; 2326-2327; 2342-3).[95]

It is recommended (P.I. 117), nevertheless, that O'Neil's prior statements be believed because of the fact that he sought to avoid testifying, and the inference that therefore "the occurrences narrated in his statements * * * were true, or he was in possession of other information damaging to Bridges' case." We might agree with the Presiding Inspector that O'Neil lied in explaining his reluctance to testify on the ground that his mere appearance in the case would hurt his reputation with Labor since many union men read only headlines (2392). O'Neil might have lied at any given point in his testimony

(95) For the detail on the contradictions set forth in the text, see supra pp. 433-437.

Exhibit "G"—(Continued.)

or prior statements. But it does not follow that therefore his prior statements were true.[96] He might have feared to say openly what he was willing to say secretly, whether or not it was truth; or more likely, knowing that he had lied previously in connection with the case,[97] he might have been possessed with an all-permeating fear of perjury prosecution.

But on the record here, we need not speculate as to the springs of action that moved O'Neil. Nor need we weigh at this point the superior credibility of the Alien, who denied the truth of the material parts of the O'Neil statements (5513-5).[98] It is enough that O'Neil is not the appealing matter-of-fact witness whose only errors would be honest mistakes; and that his statements are what they are. Clothing O'Neil in kindly formal language, we conclude that the material incidents of

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(96) Neither does it follow that "he was in possession of other information damaging to Bridges' case." But we suppose it is clear enough, in any event, that even if he had other information, it would not be relevant to the record before us.

(97) It is clear he did some lying in the prior statements. All parts thereof couldn't be true.

(98) The Alien's denial was entered solely to protect him against the possibility of use of the statements as affirmative evidence over his objection (5513-4).

Exhibit "G"—(Continued.)

his prior statements are not established by the greater weight of the evidence.[99]

B. Harry Lundeberg

Harry Lundeberg, a prominent trade union figure on the Pacific waterfront for many years, was produced by the Service as a witness in rebuttal. He occupies a position in the A. F. of L. organization somewhat comparable to that of Harry Bridges in the C.I.O.[100] Originally friendly, relations between the two men have become embittered (7017; 7122; 7362 ff.).

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(99) It is a matter of no consequence here; but it should at least be noted that the O'Neil prior statements alone, even if they were admitted as affirmative evidence and believed, could not support an order of deportation. Mere uncorroborated hearsay does not constitute the substantial evidence necessary to the validity of an administrative order. See Consolidated Edison Company v. National Labor Relations Board, 305 U. S. 197, 229-230; National Labor Relations Board v. Washington Dehydrated Food Company, 118 F. (2d) 980, 985 (C.C.A. 9th, 1941).

(100) Lundeberg has been a member of the Sailors Union of the Pacific for eighteen years (7000), and held office in that Union as early as 1934 (7036). As early as April, 1935, he was elected and served as the first President of the Maritime Federation of the Pacific (7000). He is the Secretary-Treasurer of the Sailors Union of the Pacific, head of the Seafarers' International Union of North America, and Vice President of the State Federation of Labor of California (6999). Bridges is C. I. O. director for the State of California, a member of the Executive Board of the C. I. O., and an official of the I.L.W.U. (5977).

Exhibit "G"—(Continued.)

Lundeberg testified that he has been to Bridges' home once. He went to dinner, as the result of Bridges' casual invitation to Lundeberg down on the waterfront "to come up to have dinner with him and a friend of his" (7086-7; 7006). Lundeberg went alone.[101] At the house, he found Bridges, Bridges' wife, Norma Perry, who was then Bridges' secretary, and a fourth person, introduced as Jacobson, a carpenter (7080; 7083).[102] Shortly afterwards, as Lundeberg testified, Jacobson told him that his real name was Darcy (7084). (Bridges admits knowing a Darcy who is a Communist (5749). The witness does not remember whether the introduction of Jacobson, or the giving of

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(101) The witness was somewhat uncertain about this detail. Verbatim, his testimony was on cross-examination:

"Q. When you went to dinner at Harry Bridges' house did you go alone?

A. No.

Q. Whom did you go with?

A. I went there with—well, I went alone but I met people there.

Q. What other people did you meet there?

A. I met Bridges' wife and Bridges' secretary.

Q. Did you bring anybody?

A. No." 7050-1).

A few minutes later, the Alien's counsel returned to the subject:

"Q. When you came into the house you say you didn't bring anybody to the house with you?

A. Not that I remember." (7082).

(102) He can't remember whether Bridges' daughter was there. "She might have been in and out of there; I don't know." (7083).

Exhibit "G"—(Continued.)

Jacobson's real name as Darcy was in the presence of the others in the house or not (7085-6).

Sometime during the evening, the discussion, which is important here, is said to have taken place. Present at the discussion were said to be Lundeberg, Darcy, and Bridges. The others were not present (7082). The first inquiry as to the substance of the discussion was on direct: (7007)

> "Q. Will you relate all the conversation that you had in Bridges' home at that time with Darcy, yourself and Bridges?
>
> A. Well, I don't remember the details. We talked about various things on the waterfront, and unions, and so forth. Darcy asked lots of questions. It was a general conversation."

After a few intervening questions on another point, counsel returned to the subject with a specific question as to whether Darcy asked Lundeberg "to do anything." This elicited the information that Darcy asked Lundeberg to join the Communist Party, and stated that the Party would aid him by giving him support (7007). A further specific question as to whether Darcy said "anything about Bridges' being a member of the Communist Party in Bridges' presence" brought forth the response: "He mentioned several people who was a member of the Communist Party" (7008). Counsel persisted. The record continues:

> "Q. What did he [Darcy] say about Bridges?

Exhibit "G"—(Continued.)

A. Well, he said he was a member of the Communist Party.

Q. What did Bridges say?

A. Well, he says, 'You don't have to be afraid because nobody has to know you are a member of the Communist Party if you join.'

Q. Did Bridges join Sam Darcy in urging you to join the Communist Party?

A. No. Sam Darcy is the guy—Sam Darcy was the guy who wanted me to join the Party." (7008)

Lundeberg went on to state that Darcy promised him lots of publicity and to "make a great labor leader out of" him. Lundeberg replied that he wasn't interested in joining the Party, that he had always belonged to a trade union, and couldn't see why he should belong to the Party. (7008-9). After an admonition by the Presiding Inspector that the examination was leading and to be very careful, Mr. Del Guercio, Service Counsel, continued his direct examination: (7009-10).

"By Mr. Del Guercio:

Q. Was anything else said by either Sam Darcy or by Harry Bridges at that time?

A. Well, I can't remember. There was a general conversation.

Q. Now, did you join the Communist Party?

A. I should say not.

Q. Can you recall at this time anything else that Bridges may have said in the presence of Darcy and yourself at that time?

Exhibit "G"—(Continued.)

Presiding Inspector: That he did say.

A. I can't remember the details. It was a general conversation.

By Mr. Del Guercio:

Q. Generally, in substance, what did Bridges say? We don't expect you, of course, to remember the exact words or the——

Presiding Inspector: Have you given the substance as far as you remember it?

The Witness: Well, the substance was, as I told you, that Darcy asked me to join the Communist Party and Bridges says, 'You don't have to be afraid because I am one too,' and the old stuff, and the conversation was friendly all the way through, and I just laughed at it and forgot about it."

The witness' version of the conversation on cross-examination was substantially the same as that we have just quoted from his testimony on direct (7087).

Bridges testifies that Lundeberg has been to his house for dinner once; but that Darcy never has. He agrees that his wife was present on the occasion of Lundeberg's visit. He also believes that Lundeberg is correct on the point that Norma Perry was present.[103] It is his thought that Norma Perry brought Lundeberg up to the house (7361-2; 7502-3). Bridges denies that there has ever been any differ-

(103) Bridges adds that he thinks his "two children, the boy and the girl" were at the house at the time of the Lundeberg visit (7362).

Exhibit "G"—(Continued.)

ence between him and Lundeberg as to following the Communist Party Line or as to Lundeberg's joining the Party; denies that he has ever told Lundeberg that he, Bridges, was a member of the Party; and denies that he has ever told Lundeberg that he had nothing to be afraid of and should join the Party (7509-10; 7502).[104]

Counsel for neither side saw fit to call Mrs. Bridges, Norma Perry or Darcy.[105] It is our task

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(104) Neither Lundeberg nor Bridges fixes the time of the dinner definitely. It occurred sometime between the end of June and September, 1935. (7006; 7007; 7030; 7035; 7037; 7046; 7081-2; 7114; 7118; 7126; 7361; 7386-7; 6065; 5902; 6070-1; 6161; 7362). The exact date of the dinner might have been of some importance for it is the uncontradicted evidence of a Service witness that Darcy attended as a delegate a convention held in Moscow which began the last week in July of 1935 and lasted about a month (1481).

(105) This fact, unexplained since it was not raised by either side at the hearing, raises no inference unfavorable to either the Service or the Alien. The failure to call Darcy, a prominent Communist, is readily understandable as a reasonable judgment on a close trial question from the viewpoint of either counsel. While the Service had the burden of proof, counsel for the Service was entitled to rely on his judgment that Lundeberg alone had carried that burden, and was not required to call Norma Perry and Mrs. Bridges as witnesses in whom he might have had no confidence. Nor can the Service's burden be transferred to the Alien by raising an unfavorable inference against him for counsel's failure to call Norma Perry and Mrs. Bridges. Since they were not present (7082), they could not have testified to the material point here,

Exhibit "G"—(Continued.)

to weigh the uncorroborated word of Lundeberg, admittedly a biased witness, against the uncorroborated word of Bridges, obviously an interested witness in his own behalf. Biased witnesses can and do tell the truth; so too, defending parties. Has bias or self-interest operated here to distort truth?

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the content of the conversation which Lundeberg recounts. Cf. Mammoth Oil Co. v. United States, 275 U. S. 13, 51-3; Hann v. Venetian Blind Corp., 111 F. (2d) 455 (C.C.A. 9th, 1940); De Gregorio v. United States 7 S. (2d) 295, 296 (C.C.A. 2d, 1925); Peoria Life Insurance Co. v. Smith, 47 F. (2d) 279, 280 (D.C. Mich., 1931). It cannot even be assumed that they have any recollection of a casual dinner which occurred five or six years ago. Further, to say that Mrs. Bridges and Norma Perry are friendly to Bridges and in his control is an assumption on this record, and at best in the case of Perry is contrary to the record. Cf. Mammoth Oil Co. v. United States, supra; Robinson v. Union Central Life Insurance Co., 144 Fed. 1005 (C.C. Ga., 1906). Norma Perry first volunteered to act as a stenographer for Bridges' union in the 1934 strike. He fired her along with others. "Somehow she got back," and after the strike, was hired by Bridges' union over Bridges' opposition as a regular union stenographer. She was assigned to Bridges as one of several secretaries against his will. He finally fired her for the second time on suspicion that she was a labor spy. See Bridges' testimony on cross at 6067-8 which precedes the appearance of Lundeberg in the case; and Alien Ex. 12, p. 148. Perry, then, if anything, might be thought hostile to Bridges and friendly to the Service. An unfavorable inference, if any were drawn here, would be against the Service. But we draw none.

Exhibit "G"—(Continued.)

Lundeberg's bias against Bridges is conceded. The two men disagreed as early as October 1935 on fundamental union policy and have disagreed in a series of disputes in the years since (7075; 7122; 7362 ff.)[106] Both men tend to disclaim personal enmity but that their differences have deepened into enmity is rather clear on this record (7017; 7018; 7102-3; 7500-1; 7502; 7504). Still, a man might be scrupulously fair toward his enemy. Against this background we examine Lundeberg's testimony.

Striking is the fact that Lundeberg gives three, successive, growing versions of the conversation at Bridges' home. The first does not implicate Bridges at all—"Well, I don't remember the details. We talked about various things on the waterfront, and unions, and so forth. Darcy asked lots of questions. It was a general conversation" (7007). In the second version, Darcy tried to persuade Lundeberg to join the Party, and, while Bridges did not participate in the persuasion, he did say, "Your don't have to be afraid because nobody has to know you are a member of the Communist Party if you join" (7008). Only in the last and third version does Lundeberg add that Bridges said, "You don't have to be afraid because I am one too" (7009-10).

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(106) Several specific instances of disputes are given in the record. An underlying basic controversy, according to Bridges, appears to have con-

Exhibit "G"—(Continued.)

A possible explanation is that Lundeberg testified with reluctance either out of over-scrupulous fairness toward an enemy or out of avoidance of being too important a witness against a labor leader in what to him may appear to be a labor case. Yet Lundeberg apparently had overcome any such reluctance the night before his taking the stand when in an interview following upon a subpoena he volunteered to counsel for the Service that Bridges at the dinner had admitted to him that he was a Communist (7089; 7101). A witness, reluctant for such reason, would hardly tell a story that grows stronger and stronger until on cross he becomes the champion of his side in clear hostility to Alien's counsel (7068; 7070; 7042-60; 7128). It is at least as likely an hypothesis that he at first hesitated to commit perjury, but having once decided to do so, he assumed a strong offensive in uneasiness. That view is consistent with Lundeberg's statement to Government agents in three different interviews during the six years since the

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cerned Lundeberg's policy of "job action." This is described at 7271:

> "The most basic disagreemnt again was this question of job action which was at the root of the whole thing again, because I can recollect distinctly Lundeberg making the motion that any time the majority of a crew of a ship wished to take action to tie that ship up the entire coast swing in behind them with their support, and that official motion was made in the minutes and was defeated, but that was the basic matter below everything, although there were a few things that I think we agreed on."

Exhibit "G"—(Continued.)

dinner in 1935 that he had no information that Bridges was a Communist (7088-90; 7120-1). A middle hypothesis is no less disturbing. It may be that Lundeberg, whose recollection of the details of the dinner occasion is slight (7007; 7009; 7080-8), does not recall the exact substance of the conversation, and that the all-important admission of Bridges crept into his third version only as an unnoticed, immaterial (to him) variant of the second version.[107] This would make his testimony as to Bridges, admission of membership of slight weight, particularly when it was given in response to suggestive leading questions on direct.

We evaluate, too, the force of Lundeberg's prior, contradictory statements. He admits that he has thrice told agents of the Government that he had no information that Bridges was a Communist (7088-91; 7120-1).[108] The witness does not claim

(107) Something similar may account for another difference between the first two versions as against the third. In the first two, we have a serious conversation about unions and the waterfront. Darcy makes a persuasive effort to get Lundeberg into the Party. He tells him the good it will do him. But Lundeberg answers soberly that he isn't interested, he's always belonged to a union, and "couldn't see why" he "should belong ot the Communist Party" (7007-9). The general tone of the conversation strikes a different note in the third version: "The conversation was friendly all the way through, and I just laughed at it and forgot about it." (7010; 7087).

(108) The first denial of information on Bridges as a Communist was made by Lundeberg to then

Exhibit "G"—(Continued.)

to have forgotten the dinner incident on these occasions, all three of which occurred since the dinner. To the contrary, he claims to have mentioned the dinner conversation "to a lot of sailors from time to time," "to some of the officials and the members of the Sailor's Union," although on request he was unable to name any of them (7088). The suggestion (P.I. 106), that Lundeberg's three statements contradicting his testimony here are to be understood in the light of a "natural reluctance" to testify in this type of proceeding, helps not. Were that theory accepted, it would still show only that Lundeberg on three past occasions lied when for reason sufficient to him he deemed it expedient. The Alien claims that expediency exists here, too, in the bitter union rivalry between Bridges and Lundeberg (Alien's Brief, pp. 20-1; 22-3. See supra, p. 85). In fact, Lundeberg, himself, on the stand, does not make the explanation suggested. He does evade questions as to the prior contradictory statements; and the admission that they were made is but slowly wrung from Lundeberg on cross-examination (7088-99; 7120-1). Yet immediately after making his reluctant admission, Lundeberg in testifying as to his meeting with

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counsel for the Service handling the 1939 Bridges deportation hearing, and at the time of that hearing. The second was made to two agents of the F.B.I. in the fall preceding this hearing. The third was made to Major Schofield and counsel for the Service a month or six weeks before Lundeberg testified.

Exhibit "G"—(Continued.)

counsel for the Service the night before he took the stand, at which meeting he revealed for the first time his information on Bridges, states (7101):

"Naturally, I told the truth. I am not going to tell the Government a lie, am I?"

The Presiding Inspector notes that Lundeberg gave his testimony "in a natural, rugged, hard-bitted fashion" (P.I. 106). These are adjectives of varying content and connotation. It may well be. On the record here, Lundeberg impresses neither in truthfulness nor in forthrightness. His testimony preliminary to a final admission that he told agents of the F.B.I. last fall that he had no information on Bridges' membership in the Party, needs no comment: (7087-92)

"Q. Now, you say that that night Bridges said, admitted to you that he was a Communist?

A. Well, that is what I said. He stated 'Nothing to be afraid of; I am a member of the Communist Party' and shrugged his shoulders and laughed. And I said 'Well, it is O.K.; do what you like; I will do what I like.'

Q. Have you ever told anybody about this?

A. Oh, I have mentioned that from time to time.

Q. This specific—this particular admission, Mr. Lundeberg?

A. Oh, I mentioned it to a lot of sailors from time to time.

Q. All right; who is the first person you ever mentioned it to? Do you remember?

Exhibit "G"—(Continued.)

A. Oh, I can't remember whom I have mentioned it to.

Q. Well, name any person to whom you have mentioned it?

A. Oh, to some of the officials and the members of the Sailor's Union. I can't tell who the first was.

Q. When is the first time that you ever mentioned to anybody that Bridges had admitted to you that he was a Communist?

A. Oh, I can't remember.

Q. When is the first time you ever told any Government agency anything to that effect?

A. I have never told the Government agency that at any time.

Q. At any time up to the time that you took the stand? A. Well, I was——

Q. (Interposing) At any time up to the time you took the stand, Mr. Lundeberg?

A. I talked to Mr. Del Guercio last night. I was called in. He had a subpoena against me. Otherwise, I didn't want to go to jail for 60 days so I went up and saw him.

Q. I am not asking you anything as to the subpoena, I am asking you now when is the first time you ever told any representative of any Government agency that Bridges had told you that he was a Communist? Last night? A. Yes.

Q. Now, have you ever been approached prior to last night with respect to testifying in this case or in any case against Bridges?

A. Yes; I was approached here last fall by a couple of men from the FBI.

Exhibit "G"—(Continued.)

Q. Did they seek information from you?

A. Yes; they asked me to testify against Bridges.

Q. Well, did they ask you questions?

A. No.

Q. They asked you no questions at all?

A. They asked me lots of stuff and I told them 'I don't know; I don't want to testify. I don't want nothing to do with it.'

Q. Well, what did they ask you?

A. They didn't get the chance to ask me because I said 'I want nothing to do with you.'

Q. How long were they with you?

A. Oh, I would say about half an hour or so.

Q. Well, during that half hour they asked you some questions, didn't they?

A. Yes, they shot questions at me but I didn't—they didn't get any answers.

Q. You didn't answer any questions of any kind? A. I says 'I don't know.'

Q. What questions did they ask you, Mr. Lundeberg?

Mr. Del Guercio: If your Honor please, the witness has already testified that he didn't answer any questions. What difference does it make?

Mr. Gladstein: No; he has just testified——

Presiding Inspector: I think it might have some significance. I will take it.

A. They asked me if I wanted to testify in the Bridges trial and I says 'No.'

Exhibit "G"—(Continued.)

By Mr. Gladstein:

Q. Well, that didn't take half an hour. What else did they ask you?

A. Maybe it was twenty-five minutes; I don't know.

Q. Well, didn't they ask you whether you had any information as to whether Bridges was a Communist?

A. I don't know what they asked me. They asked me if I would testify. I told them 'No.'

Q. Did they ask you whether you would testify before they asked you if you had any information as to whether Bridges was a Communist?

A. They asked me whether I wanted to testify and I said 'No.' They kept on asking the same thing. I said 'No.' And I didn't give them any information and they left me in disgust.

Q. Mr. Lundeberg, do you mean to testify that for twenty-five minutes or half an hour some FBI Agents kept asking you just the question, 'Do you want to testify?' And that you kept saying 'No', and that there were no questions directed to you asking for information as to whether Bridges was a Communist?

A. Well, you know in twenty-five minutes you can waste a lot of time. See, first of all when people talk to me I want to know who they are, see; they have got to produce the stuff. And I asked them a lot of questions, see, so I didn't give them a chance to ask me so much, see.

Q. Well, now, will you please answer this: Did the FBI Agents ask you to testify against Harry

Exhibit "G"—(Continued.)

Bridges before they asked you what information you had or might have that would prove Bridges was a Communist?

The Witness: Will you repeat that again?

Mr. Gladstein: Certainly. Read it.

Presiding Inspector: Read the question.

(The question referred to was read by the reporter as above recorded.)

A. They asked me if I had any information and I says 'No.' Then, they asked me whether I wanted to testify at the Bridges' trial and I said 'No.' Whether I said that before or after I couldn't tell you. It is pretty hard to remember.

By Mr. Gladstein:

Q. Let's see if I have this straight, Mr. Lundeberg. The two FBI agents asked——

Mr. Del Guercio: (Interposing) He has the testimony of the witness. It isn't necessary—whether or not Mr. Gladstein has it. He can read it from the record.

Mr. Gladstein: That was simply——

Presiding Inspector: That is preliminary.

Mr. Gladstein: (Continuing) ——an expression; yes.

By Mr. Gladstein:

Q. Did the FBI men ask you if you had information that would prove Bridges was a Communist, and did you then say 'No,' and did they then ask you to testify against Bridges, is that the way it happened?

Exhibit "G"—(Continued.)

A. I don't remember if they asked me one question first or afterward.

Q. It might have happened that way?

A. Might and might not.

Q. Did either they, or you, mention this meeting, or this supper at Bridges' house? A. No.

Q. Is last night the first time that this was mentioned in any discussion between you and a representative of the Government, or any branch of it?

A. That is right."

And see also 7120-1.

As impressive in evasiveness is his testimony on the Shepherd Line controversy. This subject was introduced on direct (7018) with Lundeberg stating that "Bridges led a bunch of goons through the Sailor's Union picket line in Seattle and broke their picket line on the whole Pacific Coast when we had a fight with the shipowners. He took the side of the shipowners." On cross, Lundeberg begins by flatly denying that this was a jurisdictional dispute between his union and the National Maritime Union (7042). There follow in the record, p. 7042 to p. 7060, many pages of the unresponsive, and at times incredible, backing and filling of a witness who is not forthright. The same lack of candor is present in his exposition of his police record. See the record at 7108-13.

With considerable diffidence, we cannot accept the learned and experienced Presiding Inspector's statement that Lundeberg was impressive in his truthfulness. The record is clear—to the contrary.

Exhibit "G"—(Continued.)

And in performance of our duty of decision, we must decide to the contrary.[109]

Finally, in connection with weighing the worth of Lundeberg's testimony, the Alien urges two improbabilities in Lundeberg's story. It is unlikely, he urges, that Bridges, at the dinner, would have revealed Party membership to Lundeberg, when Lundeberg had been openly fighting Communists for some months at least prior to the time of the dinner. It is true that Lundeberg does say without hesitation (7037) that "absolutely" he has openly fought Communists ever since he became President of the Maritime Federation of the Pacific in April 1935, which at the least is approximately two months before the time of the dinner. But the force of the suggested improbability is weakened by Lundeberg's statement at another point in the record (7936) that he didn't start fighting the Communists until they threatened him sometime after the occurrence of the dinner (7114). There

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(109) In all fairness, the full context of the Presiding Inspector's treatment of Lundeberg's truthfulness should be given. It is: (P.I. 106-7)

> "Lundeberg gave his testimony in a natural, rugged, hard-bitted fashion. He impressed me with his truthfulness. He made no effort to conceal his enmity for Bridges. He characterized Bridges' labor record with a damaging phrase, saying 'It stinks'. He expressed the view that the trade-union movement on the Coast would be better off without him. However, I do not believe his bias would cause him to deviate from the truth."

It may be that the statement "he impressed me with

Exhibit "G"—(Continued.)

is however considerable force to the additional argument that it is unlikely that Darcy would have promised to "build up" Lundeberg and "make a great labor leader out of" him (7008). It is the fact that Lundeberg at the time of the dinner was already a powerful figure in maritime matters on the Pacific Coast.[110] As the elected President of the Maritime Federation of the Pacific, Lundeberg at the time of the dinner headed that combine of the various maritime unions on the Coast, including the Longshoremen, the Sailors, the Marine Cooks and Stewards, the Marine Firemen, etc. (7007)

Against such testimony of Lundeberg's we weigh Bridges' denial. We are not concerned, of course, with the general undesirability or desirability of Bridges as an alien resident. In evaluating his denial, we are concerned with the record here on Bridges as a witness. If self-interest led him to lie, to evade, to stretch the truth, the record should show it. Scrutinizing his testimony from end to

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his truthfulness" is based not on the manner and content of Lundeberg's whole testimony but rather on the fact which follows the statement, namely, that "he made no effort to conceal his enmity for Bridges." But that fact is not persuasive. Concealment of Lundeberg's enmity on this record would scarcely have been feasible. See 7122; 7363 ff.; 7074-5.

(110) Indeed, were the fact otherwise, there would have been little reason for a carefully set plan to bring Lundeberg into the Party. See Service Brief, p. 55.

Exhibit "G"—(Continued.)

end, we find no indication that self-interest so operated. Rather, he is impressive. He is no part of a preconceived and prepared general plan of defense. Unfavorably to his case, he unhesitatingly contradicts his own witness (5811). Indeed having testified from memory as to what his own personal records showed, he voluntarily corrects himself the next day after checking his memory against his records overnight (5649). With his own counsel trying hard properly to identify and introduce some teletype messages through him, Bridges when asked about his filing system answers, "They were filed, maybe not very efficiently, but we filed them away in the cellar some way." Alien counsel persisted in his effort. The Presiding Inspector said to Bridges, "I can't understand still who it went to, or where it was sent, or where it came from." To which Bridges replied, "As a matter of fact during the strike there was some inexpert people on the other end sending a lot of these messages and we had a tough time understanding some of them ourselves."[111] (5588; 5595). Similarly, in the middle of a long series of questions on direct obviously

(111) This occurred in the midst of Bridges' confused testimony concerning a Madison Square Garden Meeting which, far from being devious, reasonably reflects the chaotic system of intercommunications and arrangements between the East and West Coast resulting from the schisms and cross-purposes of the then current strike. The voluminous record on the Madison Square Garden Meeting is further obscured by the incredible testimony of Innes, McCuistion, and Curran.

Exhibit "G"—(Continued.)

designed to elicit as many controversies between Bridges and Lundeberg as possible, the Alien's counsel inquires whether the two had disagreed on racial discrimination. In response, Bridges volunteers that that dispute between his union and the S. U. P. antedated Lundeberg's leadership of the S. U. P. (7372). He frequently volunteers information which, in view of the approach of the Service in this case, might well have been thought dangerous on the issue of affiliation. For example, he did not in fact collaborate with William F. Dunne, a Communist, in writing "The Great San Francisco Strike", but he volunteers that he might have, if he had been asked (5935). These specific instances faithfully reflect the forthright nature of his testimony. Errors he made, undoubtedly. But, as we have seen in analysis of the Waterfront Worker testimony (supra, pp. 28-9), those errors are the honest mistakes of a witness relying on a human memory rather than a prefabricated defense.[112]

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(112) A minor point may be noted. A declaration of intention filed by the Alien in 1921 (Gov. Ex. 277) shows his birth date as July 28, 1899. A preliminary form for petition for naturalization and a declaration of intention filed by the Alien in 1928 (Gov. Ex. 278-9) show his date of birth as July 29, 1899, and July 28, 1899, respectively. The preliminary form, filed in 1928, shows the date of his marriage as December 2, 1923. A preliminary form for a declaration of intention and a declaration of intention, filed in 1936 and 1939, respectively, show his birth date as July 28, 1900 and his

Exhibit "G"—(Continued.)

Heedful of all pertinent factors, we have weighed the evidence. That the conflict must be resolved in the Alien's favor, we think clear. It is found, therefore, that the dinner conversation as testified to by Lundeberg did not occur; that Darcy was not present at that occasion; and that Bridges made no admission of Communist Party membership.

III CONCLUSION

We find, therefore, that the evidence in this record does not establish that Harry Renton Bridges was at any time a member of or affiliated with any organization proscribed by statute.

FINDINGS OF FACT

Upon the basis of all the evidence in this case, it is found:

(1) That the respondent, Harry Renton Bridges, is an alien, a native and citizen of Australia;

(2) That the respondent has resided in the

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date of marriage as May 1, 1934 (Gov. Ex. 296-7). Counsel did not choose to ascertain the reasons for the apparent variation in dates of birth and marriage. Apparently, there was nothing to be gained by conscious falsehood. The variations in date of birth may be the result of carelessness or doubt as to the exact date. The two widely separated dates of marriage are strongly suggestive of two marriage ceremonies. In any event, the worst possible inferences are not reflected in his testimony here.

Exhibit "G"—(Continued.)

United States since his arrival at the port of San Francisco in April 1920;

(3) That the respondent last entered the United States in September 1922;

(4) That after entering the United States, the respondent has not been a member of the Communist Party;

(5) That after entering the United States, the respondent has not been affiliated with the Communist Party;

(6) That after entering the United States, the respondent has not been a member of the Marine Workers Industrial Union;

(7) That after entering the United States, the respondent has not been affiliated with the Marine Workers Industrial Union;

(8) That the respondent was a member of the Industrial Workers of the World from about July 21, 1921 to the end of 1921 or early part of 1922;

(9) That during the time the respondent was a member of the Industrial Workers of the World, that organization did not advise, advocate or teach the unlawful damage, injury or destruction of property or sabotage;

(10) That during the time the respondent was a member of the Industrial Workers of the World, that organization did not circulate or distribute written or printed matter advising, advocating or teaching the unlawful damage, injury of destruction of property or sabotage.

Exhibit "G"—(Continued.)

CONCLUSIONS OF LAW

Upon the basis of the foregoing findings of fact, it is concluded that under the Act of October 16, 1918, as amended by the Acts of June 5, 1920 and June 28, 1940, the respondent is not subject to deportation on any of the following grounds—.

(1) That after entering the United States, he has been a member of an organization, association, society or group that believes in, advises, advocates, or teaches the overthrow by force or violence of the Government of the United States;

(2) That after entering the United States he has been affiliated with an organization, association, society or group that believes in, advises, advocates, or teaches the overthrow by force or violence of the Government of the United States;

(3) That after entering the United States, he had been a member of an organization, association, society or group that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue or display written or printed matter advising, advocating, or teaching the overthrow by force or violence of the Government of the United States:

(4) That after entering the United States, he has been affiliated with an organization, association, society or group that writes, circulates, distributes, prints, publishes, or displays, or causes to be written,

Exhibit "G"—(Continued.)

circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue or display written or printed matter advising, advocating, or teaching the overthrow by force or violence of the Government of the United States;

(5) That after entering the United States, he became a member of an organization, association, society, or group that advised, advocated and taught the unlawful damage, injury, or destruction of property and sabotage;

(6) That after entering the United States, he became a member of an organization, association, society or group that circulated or distributed written or printed matter advising, advocating or teaching the unalwful damage, injury, or destruction of property and sabotage.

ORDER

The warrant of arrest and bond are cancelled and the proceedings closed. Execution of this order is stayed pending further order of the Attorney General or of this Board.

The foregoing is the unanimous opinion, findings and order of the Board; Board Member Ashurst not participating.

Chairman, Board of Immigration Appeals

[Endorsed]: Filed June 2, 1942. Walter B. Maling, Clerk.

No. 10450

United States
Circuit Court of Appeals
For the Ninth Circuit.

HARRY BRIDGES,

Appellant,

vs.

I. F. WIXON, as District Director, Immigration and Naturalization Service, Department of Justice,

Appellee.

Transcript of Record

VOLUME II

Pages 493 to 967

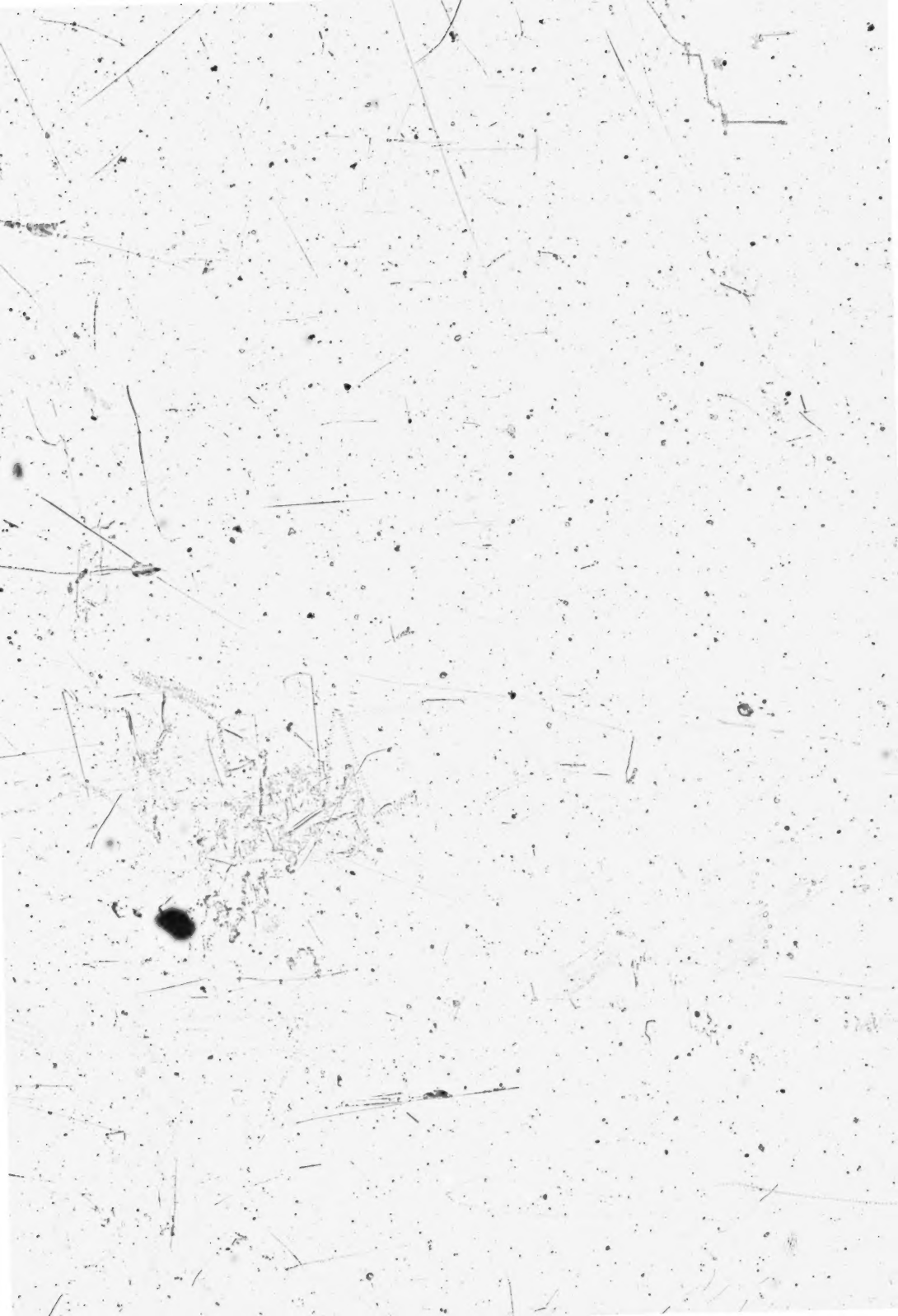
Upon Appeal from the District Court of the United States for the Northern District of California.

Northern Division

Rotary Colorprint, 590 Folsom St., San Francisco

EXHIBIT "H"

[Endorsed]: Filed June 2, 1942. Walter B. Maling, Clerk.



IN THE MATTER OF HARRY R. BRIDGES

FINDINGS AND CONCLUSIONS OF THE TRIAL EXAMINER

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1939

LETTER OF TRANSMITTAL

DECEMBER 28, 1939.

To the SECRETARY OF LABOR:

I have the honor to submit herewith my findings in the matter of the deportation of Harry R. Bridges.

These findings are, perhaps, unusually long and detailed but I have thought it desirable to state in full the bases which underlie my conclusions. I have, therefore, set forth substantially every item of evidence contained in the long and voluminous record and attempted to give it that weight that it deserves. Any other method of approach seemed to me futile, for conclusions as to the credibility that should attach to the witnesses in this proceeding can be satisfactorily reached only after painstaking and minute analysis of their testimony. That process alone permits a fleeting doubt to be dismissed or to ripen into the conviction that what is paraded as truth bears the unmistakable marks of falsehood.

Inasmuch as my conclusions are that the evidence does not permit the finding that Harry R. Bridges is either a member of the Communist Party or affiliated with that party, I have not deemed it necessary to find whether or not, upon the extended evidence presented by this record, that party advocates, advises or teaches the overthrow of the Government of the United States by force or violence or causes to be written, circulated, distributed, printed, published, or displayed printed matter advising, advocating, or teaching the overthrow of the Government of the United States by force or violence.

Respectfully yours,

JAMES M. LANDIS,
Trial Examiner.

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I. INTRODUCTORY

1. THE FORMAL CHARGES

On March 2, 1938, a warrant was issued by the assistant to the Secretary of Labor for the arrest of Harry Renton Bridges, an alien. This warrant recited that it appeared that Bridges was subject to deportation pursuant to the provisions of section 2 of the act of October 16, 1918, as amended by the act of June 5, 1920, 8 U. S. C. section 137; ordered that Bridges should be taken into custody and that a hearing should be granted him enabling him to show cause why he should not be deported in conformity with law.[1] See 8 U. S. C. section 155.

The specific charges made in the warrant against Bridges were four in number:

(1) That, after he entered the United States, he became a member of an organization that advises, advocates, and [2] teaches the overthrow by force and [3] violence of the Government of the United States;

(2) That, after he entered the United States, he became affiliated with such an organization;

(3) That, after he entered the United States, he became a member of an organization that causes to be written, circulated, distributed, printed, published, and [4] displayed printed matter advising, advocating, and [5] teaching the overthrow by force and [6] violence of the Government of the United States;

(4) That, after he entered the United States, he became affiliated with such an organization.

On June 12, 1939, following the decision of the Supreme Court of the United States in *Kessler* v. *Strecker*, 307 U. S. 22, the warrant was amended.[7] The only change made in the specifications of the grounds upon which the warrant was issued was that all four charges in the amended warrant were framed to state that Bridges both was and is a member of or affiliated with the organization described.

Preliminary to the hearing counsel for Bridges filed a request for a bill of particulars asking, among other things, for the name of the organization referred to in the warrant, the date when and the place where Bridges was alleged to have become a member, the written documents, if any, tending to prove that membership, and numerous other particulars. The Government opposed the granting of this request save as to the name of the organization referred to in the warrant, which was stated to be the Communist Party of the United

[1] This warrant was served on Bridges in Baltimore on March 5, 1938. Pending further proceedings Bridges was released from custody upon his own recognizance.
[2] The warrant reads "and;" the statute reads "or."
[3] The warrant again reads "and;" the statute reads "or."
[4] The warrant again reads "and;" the statute reads "or."
[5] The warrant again reads "and;" the statute reads "or."
[6] The warrant again reads "and;" the statute reads "or."
[7] The amended warrant was served on Bridges in San Francisco on June 12, 1939.

States of America. The Government's contentions in this respect were upheld on June 27, 1939, by the examiner in a written opinion which is attached hereto as appendix I.

2. THE PROCEDURE

A. Representation of Parties

Pursuant to paragraph 1 of subdivision D of rule 19 of the Immigration Rules and Regulations, hearings were opened on July 10, 1939, to enable Bridges to show cause, if any there be, why he should not be deported. In these hearings the Government was represented by Thomas B. Shoemaker of Washington, D. C., Arthur J. Phelan of San Francisco, Raphael B. Bonham of Seattle, Roy J. Norene of Portland and John B. Boyd of Seattle. Bridges was represented by Carol King of New York City, Richard Gladstein, Aubrey Grossman, and Ben Margolis, the latter three from San Francisco. Two witnesses, Harper L. Knowles and Stanley M. Doyle, who had been subpoenaed at the request of Bridges, were specially represented by Harry W. Glensor and Pierce J. Deasy of San Francisco.

B. Extent of the Hearings

These hearings continued almost uninterruptedly for 11 weeks, occupying each day, 5 days of the week, from 9:30 a. m. to 4 p. m. They were finally closed on September 14, 1939. In all 45 days were occupied in the actual taking of testimony. Seventeen witnesses were called by the Government in connection with the direct presentation of its case, 2 of whom were witnesses testifying merely to identify certain documentary evidence.[8] In addition 15 further witnesses were called by the Government in rebuttal, 2 of whom might more properly have been regarded as witnesses for the case in chief.[9] Twenty-seven witnesses[10] were called by the alien, 4 of whom were called merely to identify certain documentary evidence.[11]

The testimony covers 7,724 pages, exclusive of 274 exhibits. As indicative of the time consumed respectively by the parties, a rough count would attribute 2,900 of these pages to interrogation of witnesses by the Government, 3,600 to interrogation of witnesses by counsel for the alien, 500 to interrogation of witnesses by the examiner and the balance to proceedings of a miscellaneous nature. Of the 274 exhibits, 138 were introduced by the Government and 136 by the alien.

C. Public Character of Hearings

The hearings were held in San Francisco Bay on Angel Island at the headquarters of the Immigration Service.[12] Departing from the tra-

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[8] These two witnesses were John R. Phillips and A. Ruckein, Immigration Inspectors.
[9] These two witnesses were Miles G. Humphreys and David Prescott Barrows.
[10] Exclusive of John L. Leech, who after being called by the Government was recalled by the alien, but inclusive of Al Rosser whose testimony was taken by deposition in the Penitentiary at Salem, Oreg.
[11] These witnesses were R. L. Rumsey, William H. Parker, Raymond Rollins and C. E. Trafton.
[12] The hearings were held on one day at the San Quentin Prison in order to take the testimony of two witnesses who were then in prison, having been convicted of murder in the second degree. Subpenas had been served upon these defendants, but upon being advised that they could not respond to them at Angel Island, arrangements were made through the courtesy of the warden, Cort Smith, to take the testimony at the prison. The proceedings in connection with the effort to take the testimony of Stanley M. Doyle, efforts which occupied 2 days, were conducted at the Post Office Building in San Francisco.

ditional practice in deportation proceedings, the hearings were open to the public. Permission to attend them had, however, to be requested of the immigration authorities or of the examiner. This device was necessary due to the limitations of space in the hearing room itself. Permission was generally granted to all who applied. Standing permits were granted to persons representing interests whose concern with the conduct of the proceedings was more than a casual one, as, for example, other departments of the United States Government, duly accredited representatives of the press, the Bridges Defense Committee, the American Civil Liberties League, the International Labor Defense and the King-Ramsay-Conner Defense Committee. At no time was it necessary to resort to measures to preserve order and decorum in the hearing room.

At the opening of the hearings a motion was made in behalf of the alien to move the hearings to the city of San Francisco. The purpose of the motion was to afford greater opportunity to the public to attend the hearings and also to avoid the inconveniences necessitated by the daily boat trip to Angel Island—a trip occupying about a half an hour each way—and such other inconveniences as necessarily flowed therefrom. This motion was opposed by the Government upon the ground that better facilities for the protection of its witnesses could be afforded on Angel Island. The motion was temporarily denied by the examiner and, when renewed by the alien at the close of the Government's case in chief, was finally denied for reasons set forth in full upon the record. The examiner's opinion denying the motion is attached hereto as appendix II.

D. Rules of Evidence Applied

Certain aspects of the procedure that prevailed during the hearing deserve comment. The strict rules governing the admissibility of evidence at common law were not applied by the examiner, nor were they insisted upon by the parties. *Cf. Stephens*, ADMINISTRATIVE TRIBUNALS AND THE RULES OF EVIDENCE, *passim*. Indeed, relatively few objections based upon the fact that the testimony proffered should be excluded at common law were made either by the Government or the alien. Objections were, however, frequently interposed, even by the examiner, upon the ground that a particular line of inquiry seemed too irrelevant to the main issues or that the questions sought to elicit answers not with reference to the witnesses' knowledge of facts but with reference to his opinions as to what normal human conduct might have dictated in a particular situation. The examiner also pursuant to traditional legal practice, refused to permit counsel for the alien to introduce other than reputation testimony as to the character of the alien, excluding counsel's attempts to get upon the record individual opinions as to alien's veracity and credibility. One witness, Harper L. Knowles, after having taken the stand, at the suggestion of the examiner, employed counsel on his own behalf, inasmuch as there appeared to be a possibility that some personal privilege of the witness might be put in issue.

Due to the fact that the defense sounded in conspiracy, the range of cross-examination and defense testimony was much broader than would normally have been the case. This, however, is the normal concomitant of any attempt to prove conspiracy either by way of prosecution or defense. See 1 WIGMORE, EVIDENCE, section 370.

E. Issuance of Subpenas

Subpenas were issued for most of the witnesses who appeared. The Government subpenaed such witnesses as it chose to subpena without consultation with the examiner. Subpoenas requested by the alien were first submitted to the examiner for his approval. In all these cases the examiner gave the Government the opportunity to interpose objections to the issuance of the particular subpena. Objections were informally made in a few instances but in every case in which a subpena was requested the subpena was issued. To the examiner it seemed that if the testimony sought was prima facie relevant, the subpena should issue. The extent to which the due process clause of the Fifth Amendment requires the issuance of subpenas at the request of an alien, when the Government exercises that power in its own behalf, has never been clearly elaborated by the decisions.[13] At most, however, these cases formulate the minimum restrictions placed by due process upon the exercise of administrative power in administrative proceedings rather than suggesting the practice that best promotes standards of justice and fairness. Despite the fact that deportation proceedings are technically civil in nature, in substance they carry the serious penalty of forfeiture of home and possibly of livelihood. *Cf. Ng Fung Ho* v. *White*, 259 U. S. 276; *Wallis* v. *Tecchio*, 65 F. (2d) 250. For this reason a principle analogous to that expressed in the Sixth Amendment to the Constitution of the United States with reference to the right of an accused in criminal prosecutions to have compulsory process for the obtaining of witnesses in his favor seems applicable to proceedings of this nature. But *cf. Berkman* v. *Tillinghast*, 58 F. (2d) 621; *Murdoch* v. *Clark*, 53 F. (2d) 155. Such a principle was in substance applied by the examiner.

F. Production of Documents

Two circumstances in this connection deserve comment. The first relates to a series of requests made by the alien for the production of certain documentary evidence in the possession of the Government. This evidence consisted either of affidavits of witnesses taken before immigration officials—witnesses who were later called to the stand—or of correspondence between officials of the Department of Labor stating facts that tended to impeach the testimony of witnesses called by the Government.[14] This evidence was sought purely to impeach testimony already given by witnesses for the Government. Obviously the examiner as a subordinate official of the Department of Labor could not issue compulsory process for the production of documentary evidence within the possession of the Department. Counsel for the Government, claiming to be bound by Department regulations, re-

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[13] *Cf. Low Wah Suey* v. *Backus*, 225 U. S. 460; *Yeung How* v. *North*, 223 U. S. 707; *Missouri ex rel. Hurwitz* v. *North*, 271 U. S. 40; *Goldsby* v. *United States*, 160 U. S. 70; *Austin* v. *United States*, 19 F. (2d) 127, cert. denied in 275 U. S. 523; *Chun Shee* v. *Nagle*, 9 F. (2d) 342; *Maltez* v. *Nagle*, 27 F. (2d) 825; *Whitfield* v. *Hanges*, 222 Fed. 745. For the analogous problem in State practice, see *Brinkley* v. *Hassig*, 130 Kan. 874, 289 Pac. 64, app. dismissed, 282 U. S. 800; *Jewell* v. *McCann*, 95 Ohio 193, 116 N. E. 42; *State* v. *Laborde*, 161 La. 771, 109 So. 485; *Owens* v. *State*, 169 Miss. 141, 152 So. 651; *Matter of Danaher* v. *Harris*, 236 App. Div. 481, 260 N. Y. Supp. 22; *Coney Island Dairy Products Corp.* v. *Baldwin*, 243 App. Div. 178, 276 N. Y. Supp. 682.

[14] An obvious difference exists between documentary evidence of this character and memoranda made by counsel during the course of an investigation reflecting counsel's own opinions upon the value of testimony acquired in the preliminary examination of a witness. The latter type of documentary evidence would be inadmissible even if proffered.

fused in each instance to produce the evidence requested even though it was then in their possession.[15]

The first of these requests was granted by the secretary. Thereafter to afford greater expedition the examiner was empowered to refuse or grant any such request that might be made. Some requests of this character were denied, others were granted, the basis of decision in each case being the relevancy of the documentary evidence requested.

G. Contumacious Witnesses

One witness, Stanley M. Doyle, proved to be a problem in contumacy. The circumstances surrounding this contumacy are set forth in detail in appendix III. They are significant in weighing the credibility of certain testimony given by other witnesses relating to Doyle. His conduct throughout evidenced a desire not to testify and efforts were made to interpose every trivial legal technicality that could be conceived of to avoid truthfully detailing his relationship to the facts put in issue—efforts that were promoted by tactics of his counsel that at best can be designated as shabby. To the examiner it seemed that Doyle's protestations as to his patriotism accorded ill with the avowed duty of a citizen to testify fully and truthfully in a proceeding authorized by law, especially one which so involves the public interest.

3. THE ISSUES AND THE NATURE OF THE DEFENSE

A. Alienage of Bridges

No question is made as to the alienage of Bridges. A native Australian, he entered the United States on April 12, 1920, at San Fran-

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[15] Counsel for the Government, at the hearing and subsequently, have taken the position that these documents, especially the earlier affidavits of witnesses made before immigration officials, were privileged communications and thus the Government was under no duty to produce them. They rely upon *Arnstein* v. *United States*, 296 Fed. 546; *Totten* v. *United States*, 92 U. S. 105; *Vogel* v. *Gruaz*, 110 U. S. 311; *In re Quarles and Butler*, 158 U. S. 532. The *Totten* case has no bearing on the issue. The last two cases deal with a different problem, namely the privilege that is accorded public officials to conceal the identity of informants. This is, of course, a recognized privilege based upon the public interest in making access by outsiders to prosecuting officials easy and unembarrassing. See 5 WIGMORE, EVIDENCE, secs. 2374, 2375. It is not an absolute privilege but one whose recognition lies within the discretion of the trial judge. *Marks* v. *Beyfus*, L. R. 25 Q. B. D. 494; *Reg.* v. *Richardson*, 3 F. & F. 693. The *Arnstein* case, a decision by the Court of Appeals of the District of Columbia, confuses the situation presented by the *Vogel* case with the problem of where such evidence is sought to impeach a witness that the prosecution has already called. That confusion is most marked in the case of *State* v. *Rhoads*, 81 Ohio St. 397, 91 N. E. 186, the most pertinent authority for the Government's point of view, but a case that has been much criticized. See 4 WIGMORE, EVIDENCE, sec. 2224. Oregon and the Philippine Islands give the doctrine of the *Rhoads* case a measure of support but indicate that the evidence should be produced if the proper foundations for its production have been laid. See *State* v. *Yee Guck*, 99 Ore. 273, 195 Pac. 363; *State* v. *Brake*, 99 Ore. 310, 195 Pac. 583; *United States* v. *Baluyot*, 40 Phil. Rep. 385. All the other jurisdictions, where the question has arisen, have refused in the interests of common fairness to permit prosecutors to follow such a policy of concealment. *State* v. *Guagliardo*, 146 La. 949, 84 So. 216; *Riggins* v. *State*, 125 Md. 165, 93 Atl. 437; *People* v. *Davis*, 52 Mich. 569, 18 N. W. 362; *Centoamore* v. *State*, 105 Nebr. 452, 181 N. W. 182; *State* v. *Archer*, 32 N. Mex. 319, 255 Pac. 396; *People* v. *Walsh*, 262 N. Y. 140, 186 N. E. 422; *People* v. *Wargo*, 149 Misc. 461, 268 N. Y. S. 406. The Court of Criminal Appeals in England has given short shrift to the claim that such documents are privileged. *Rex* v. *Clarke*, 22 Cr. App. R. 58. As Dean Wigmore says, "It seems wiser to stand firm upon ordinary considerations of fairness, and to hold that the prosecution is not entitled at the trial to withhold from the inspection of the accused and the jury any documents or chattels relevant to the case." 4 WIGMORE, EVIDENCE, sec. 2224. Indeed, weightier considerations would seem to underlie the privilege of non-disclosure that attaches to testimony given before a grand jury than to testimony taken in preliminary investigations before an executive or administrative official. But the now universal rule is that a witness may be impeached in any subsequent trial, civil or criminal, by self-contradictory testimony given by him before a grand jury. See cases collected in 5 WIGMORE, EVIDENCE, sec. 2363.

cisco. He filed first papers for naturalization in 1921. Application was made for final papers in 1928 but the application was deemed too late upon the ground that the 7-year period for filing had elapsed. He filed first papers again in 1928, but these were again permitted to lapse. He filed first papers for the third time in 1936. His application for naturalization is thus still pending.

B. Issues in This Deportation Proceeding

The deportability of Bridges hinges upon the proof as to whether (1) he is (*a*) a member of or (*b*) "affiliated with" the Communist Party of the United States of America, and (2) whether, if a member or so affiliated, that party (a) believes in, advises, advocates, or teaches the overthrow by force or violence of the Government of the United States" or (*b*) "causes to be written, circulated, distributed, printed, published, or displayed written or printed matter advising, advocating, or teaching the overthrow by force or violence of the Government of the United States."[16] Both issues involve findings of fact upon which, if there is any evidence to sustain the findings, the determination of the Secretary of Labor is by law made final. *United States ex rel. Vajtauer* v. *Commissioner of Immigration*, 273 U. S. 103; *United States ex rel. Bilokumsky* v. *Tod*, 263 U. S. 149; *Zakonaite* v. *Wolf*, 226 U. S. 272, 8 U. S. C. § 155. That the finding with reference to the question of Bridges' membership or affiliation with the Communist Party is a finding of fact is obvious. Also it is a question of fact whether the Communist Party of the United States of America as of a particular time[17] falls within the statutory ban of advising, advocating, or teaching the overthrow by force and violence of the Government of the United States is also a question of fact. That many decisions of Federal courts[18] have sustained previous findings of the

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[16] Misunderstanding of the statutory basis upon which the deportation of so-called alien radicals rests seems peculiarly rife. Harper L. Knowles, who was respectively a member for some 4 years of the Special Americanism Committee, the Subversive Activities Commission, and the Radical Research Committee, committees created by the California American Legion, as well as being chairman of two of them, though concerned constantly and actively with the deportation of alien radicals, testified that he thought they could be deported upon the mere ground that they were "undesirable."

[17] *Kessler* v. *Strecker*, 307 U. S. 22, indicates that the *locus poenitentiae* it gave the alien is also available to the organization. *Cf. Ex parte Pilpetein*, 41 F. (2d) 53. The *Strecker* case left uncertain the particular time as of which the facts of membership, etc., have to be proved, though the inference derivable from the opinion is that the significant time is that of the issuance of the warrant of arrest.

[18] The decisions of the Federal courts may be conveniently here classified. The following have, except where otherwise indicated, regarded membership in the Communist Party a ground for deportation. That issue was not always explicitly presented in every one of these cases, though in all of them such membership is implicitly regarded as an adequate basis for deporting the alien.

First Circuit: *Skeffington* v. *Katzeff*, 277 Fed. 129; *Berkman* v. *Tillinghast*, 58 F. (2d) 621; *In re Saderquist*, 11 F. Supp. 525, aff'd. *sub nom. Saraquist* v. *Ward*, 83 F. (2d) 890; *Murdock* v. *Clark*, 53 F. (2d) 155 (holding membership in Trade Union Unity League ground for deportation).

Second Circuit: *United States ex rel. Vojnovic* v. *Curran*, 11 F. (2d) 683, cert. den. in 271 U. S. 682, *sub nom. Vojnovic; United States ex rel. Yokinen* v. *Commissioner of Immigration*, 57 F. (2d) 707, cert. den. in 287 U. S. 607 (this case must be regarded as overruled in regard to past membership being sufficient ground for deportation by *Kessler* v. *Strecker*, 307 U. S. 22); *United States ex rel. Fernandez* v. *Commissioner of Immigration*, 65 F. (2d) 593; *United States ex rel. Mannisto* v. *Reimer*, 77 F. (2d) 1021, cert. den. in 296 U. S. 600; *United States ex rel. Ohm* v. *Perkins*, 79 F. (2d) 533; *United States ex rel. Abern* v. *Wallis*, 268 Fed. 413 (S. D. N. Y.); *United States ex rel. Lisafeld* v. *Smith*, 2 F. (2d) 90 (W. D. N. Y., belief in Communist party doctrine regarded as sufficient); *United States ex rel. Vajtauer* v. *Curran*, 15 F. (2d) 127 (S. D. N. Y.), aff'd without consideration of this issue in 273 U. S. 103; *United States ex rel. Fortmueller* v. *Commissioner of Immigration*, 14 F. Supp. 484 (S. D. N. Y.). *Cf. United States ex rel. Georgian* v. *Uhl*, 271 Fed. 676.

Third Circuit: *United States ex rel. Boric* v. *Marshall*, 4 F. Supp. 965 (W. D. Pa.), app. dismissed in 67 F. (2d) 1020, cert. granted in 290 U. S. 623, cert. dismissed upon request of petitioning counsel in 290 U. S. 709 (membership in Trade Union Unity League regarded by the District Court as ground for deportation—a position upon which the Department of Labor reversed itself and for that reason requested the dismissal of the writ of certiorari);

Department of Labor that the Communist Party of the United States of America is within that ban, though persuasive, especially when based upon essentially similar evidence, is not conclusive of the question at the present time. *Strecker* v. *Kessler*, 95 F. (2d) 976, 96 F. (2d) 1020, aff'd on other grounds in 307 U. S. 22. But *cf. Ungar* v. *Seaman*, 4 F. (2d) 80. Not only is there the possibility that the characteristics and objectives of the Communist Party of the United States of America have changed, but it is possible, in the light of changing economic and political conditions, to view the type of radical advocacy indulged in by that party as now so indefinitely related to force or violence as to cast doubt upon its appropriate inclusion within the ban of the statute. See *Antolish* v. *Paul*, 283 Fed. 957, 959. Constant re-examination of the theses and aims of such radical organizations is thus under the statute the responsibility of the Secretary of Labor.[19]

C. Nature of the Defense

The alien's response to the charges against him was a complete and unequivocal denial. Not only did he deny that he was a member of the Communist Party but he also denied that he had ever been a member of that party.

Further, the theory of the defense was that the charges made against the alien were the result of a conspiracy, engaged in by persons on the Pacific Coast who were bent upon getting rid of Bridges because of his admittedly militant and radical labor leadership. The most prominent of these persons were alleged to be Harper L. Knowles, chairman of the radical research committee of the California Department of the American Legion, Capt. John J. Keegan, chief of detectives of the Portland Police Department, together with certain of his subordinates, and Stanley M. Doyle, sometime special agent of the State of Oregon. The evidence as to Bridges' Communist membership and affiliations, it was contended, would prove to be false if inquiry were made into the circumstances under which it was procured.

United States v. *Tapolcsanyi*, 40 F. (2d) 255 (cancellation of naturalization certificate on the ground of membership in the Communist Party).

Seventh Circuit: *Antolish* v. *Paul*, 283 Fed. 957; *Kjar* v. *Doak*, 61 F. (2d) 566; *Werrmann* v. *Perkins*, 79 F. (2d) 467 (party not specified in opinion of court); *Gebartus* v. *Paul*, 3 F. (2d) 145 (deported for distributing literature not specifically named as Communist Party literature).

Eighth Circuit: *Ungar* v. *Seaman*, 4 F. (2d) 80; *Jurgans* v. *Seaman*, 25 F. (2d) 35 (concession by counsel that membership in Communist Party is ground for deportation); *In re Soraljeff*, 59 F. (2d) 536 (E. D. Mo.) (holding that alien seeking to achieve aims of communism by advocacy of change in government by constitutional amendment is ground for deportation of alien—probably erroneous, for *cf.* Sibley, J., dissenting in *Strecker* v. *Kessler*, 96 F. (2d) 1020, 1021: "No one doubts that the economic aims of Communism may be lawfully promoted by a citizen or an alien in the United States, so long as they are sought to be attained by peaceful means. But the advocacy of attainment by force and violence is outlawed, because laying the foundation for treason."); app. dismissed in 62 F. (2d) 1080.

Ninth Circuit: *Kenmotsu* v. *Nagle*, 44 F. (2d) 953, cert. den. in 283 U. S. 832; *Ex parte Vilarino*, 50 F. (2d) 582; *Evanoff* v. *Bonham*, 50 F. (2d) 756; *Saksagansky* v. *Weedin*, 53 F. (2d) 13; *Wolck* v. *Weedin*, 58 F. (2d) 928 (affiliation but not membership proved); *Sormunen* v. *Nagle*, 59 F. (2d) 398; *Greco* v. *Haff*, 63 F. (2d) 863 (membership in Trade Union Unity League regarded as ground for deportation); *Branch* v. *Cahill*, 88 F. (2d) 545. *Cf. In re Van Lacken*, 22 F. Supp. 145 (N. D. Cal., denial of citizenship because of sympathy toward communistic doctrine).

The Nova Scotia Supreme Court and the Ontario Court of Appeal have reached the same conclusion on the basis of substantially similar legislation, *Kay* v. *Buck* [1932] 3 D. L. R. 97; *Re Worozcyt*, 58 Can. Cr. Cas. 161.

The Fifth Circuit reached a different conclusion in *Strecker* v. *Kessler*, 95 F. (2d) 976, 96 F. (2d) 1020, aff'd without decision on the point of present membership as a basis for deportation in 307 U. S. 22. The High Court of Australia has also been confronted with substantially the same problem. See *King* v. *Hush*, 48 Comm. L. Rep. 487.

[19] Thus in 1934 the Department of Labor, despite the fact that its prior conclusion to the effect that membership in the Trade Union Unity League was a ground for deportation, had been upheld by the courts (see cases in note 18), upon the advice of its then Solicitor, Charles E. Wyzanski, Jr., changed its policy and directed that thereafter no warrant for the deportation of any alien should be issued solely upon the ground of such alien's membership in the Trade Union Unity League and other specified left-wing labor organizations. See *United States ex rel. Borio* v. *Marshall*, 290 U. S. 709.

D. SCOPE OF THE INQUIRY AT THE HEARING

It is obvious that testimony to the effect that an individual, unconnected with those officials of the Department of Labor who were responsible for the preparation of the case against Bridges, had offered improper inducements to witnesses to testify against Bridges, would be wholly irrelevant to the issues in this proceeding if these witnesses were never called to the stand. On the other hand, evidence that officials of the Department of Labor who were engaged in the preparation of this case had offered improper inducements to witnesses to testify in this proceeding would be admissible under strict common-law principles, even though those witnesses were never called by the Government (*Allen* v. *United States*, 164 U. S. 492; *Craig dem. Annesley* v. *Earl of Anglesea*, 17 How. St. Tr. 1217; *Egan* v. *Bowker*, 5 All. (Mass.) 449). The admissibility of such evidence rests upon the ground that a party's fraud in the preparation and presentation of his cause is some evidence for concluding that the cause is a weak or unfounded one. The extent of the inference to be drawn from such evidence "does not apply itself necessarily to any specific fact in the cause, but operates, indefinitely though strongly, against the whole mass of alleged facts constituting his cause" (1 Wigmore, Evidence, sec. 278).

With one exception, to be noted later, no testimony of this nature was adduced which directly involved officials of the Department of Labor. However, much testimony was offered concerning improper inducements made to witnesses by other persons not officials of the Department. The relevancy of all such evidence must rest upon one of two grounds. If the improper inducements were made to persons who were called as witnesses in the case, testimony concerning the making of such inducements and the response of the witnesses thereto, is relevant irrespective of who may have made the inducements (*Commonwealth* v. *Min Sing*, 202 Mass. 121, 128, 88 N. E. 918). Of course, the mere offer of a bribe is of no consequence if one concludes that such an offer was not only rejected but had no effect upon the witness (*Attorney-General* v. *Hitchcock*, 1 Ex. 91; cf. *Commonwealth* v. *Sacket*, 22 Pick. (Mass.) 394).

A second ground upon which the relevancy of improper inducements to witnesses can be predicated stems from the connection that may be shown to exist between the offerors of the inducements and the officials connected with the preparation and presentation of the case. Relevancy here exists irrespective of whether the witnesses have been called to the stand. (Cf. *Nowack* v. *Metropolitan Street Ry. Co.*, 166 N. Y. 433, 60 N. E. 32.) The degree of connection that must be shown to exist between the offerors of the inducements and the officials conducting the case depends not upon any technical ground of agency but rather upon finding the existence of actual moral connivance between them (cf. *Commonwealth* v. *Min Sing, Supra; Winchell* v. *Edwards*, 57 Ill. 41; *Moore* v. *Atlantic Coast Line R. Co.*, 137 S. C. 319, 135 S. E. 473).

These principles governed the admissibility of such evidence as was proffered at the hearing. They govern too the weight to be given to this evidence in reaching the ultimate conclusions.

II. METHOD EMPLOYED IN ANALYSIS AND PRESENTATION OF TESTIMONY

The testimony in the case divides generally into two broad fields. The first relates to proof of Bridges' membership and/or affiliation with the Communist Party of the United States of America. The second concerns the principles, theories, tactics, and activities of the Communist Party, especially in regard to its alleged advocacy of the overthrow of the Government of the United States by resort to force and violence. For reasons stated in the prefatory remarks no analysis of this second field has been made.

Testimony relating to Bridges' membership and/or affiliation with the Communist Party, in the main, consists of four different types. The first of these is testimony relating to Bridges' attendance at Communist Party meetings—meetings open only to members of the Communist Party. Attendance at such meetings would, of course, be adequate proof of membership. The second type of testimony concerns alleged admissions by Bridges that he was a member of the Communist Party. The third type consists of alleged conduct by Bridges consistent only with Communist Party membership or with Communist Party affiliation. The fourth type relates to the political and economic beliefs of Bridges which, it is urged, are those held only by members of the Communist Party or by persons affiliated with that party.

It would be possible to break down the mass of testimony that has been offered into the four categories named above. To do so, however, would confuse rather than illumine, for many witnesses gave testimony of more than one type while the challenge as to the credibility of a witness went normally to the whole of that witness' testimony. Adequately to appreciate the nature of these challenges requires understanding not only of the whole of such witness' testimony but also in many instances the setting in which it must be placed. Consequently the method of approach adopted has been that of dealing with each witness' testimony as a whole, together with such independent testimony as puts in issue the credibility of that witness. On occasion, such as in connection with the testimony of John L. Leech or the Magnolia Bluff meeting—occasions where testimony from many witnesses centers about one theme—the attempt has been made to treat a theme as a whole. Conclusions have frequently been reserved until the end. This method, it is believed, gives the best basis for evaluation of the whole testimony.

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III. MEANING OF AFFILIATION

The statute proscribes affiliation equally with membership. Clearly affiliation was introduced into the statute to import something less than membership (*Kessler* v. *Strecker*, 307 U. S. 22, 30). Certainly that relationship with an organization which is equivalent to membership but which may fail to constitute membership for technical reasons can be deemed to come within the meaning of affiliation. Probably this was the main purpose underlying the original introduction of the phrase into the statute.

The degree to which the term embraces more than that conception is left obscure both by the legislative history of the statute and its judicial interpretation. The phrase first appears in sections 38 and 39 of the act of March 3, 1903, 32 Stat. 1213, 1221, which related only to the exclusion of so-called anarchists and the refusal to naturalize them. These sections were offered as amendments on the floor of the Senate. No discussion as to their meaning or scope is contained either in the debates or the conference committee report. The phrase is then carried over without discussion into later legislation such as the act of June 29, 1906, section 7, 34 Stat. 596, 598, the act of February 20, 1907, section 38, 34 Stat. 898, 908, the act of February 5, 1917, section 2, 39 Stat. 874, 875; and the act of October 16, 1918, section 1, 40 Stat. 1012. The act of June 5, 1920, 41 Stat. 1008, added a significant subsection which now appears as 8 U. S. C. section 137 (f):

> For the purpose of this section: (1) The giving, loaning, or promising of money or anything of value to be used for the advising, advocacy, or teaching of any doctrine above enumerated shall constitute the advising, advocacy, or teaching of such doctrine; and (2) the giving, loaning, or promising of money or anything of value to any organization, association, society, or group of the character above described shall constitute affiliation therewith; but nothing in this paragraph shall be taken as an exclusive definition of advising, advocacy, teaching, or affiliation.

That this provision was intended to include those who contributed money or anything of value to such organizations without being members of such organizations is patent both from the words of the enactment and the debates attending the passage of the act. (See 59 Cong. Rec. 1002; H. Rept. 504 and Sen. Rept. 648, 66th Cong. 2d sess.) But further than this the legislative history of the section does not inform.

That the making of contributions to the proscribed organization is sufficient to constitute affiliation would thus seem clear (*Wolck* v. *Weedin*, 58 F. (2d) 928). Also it seems evident that membership in another organization which in turn is subsidiary to or allied with the proscribed organization would constitute affiliation (*Kjar* v. *Doak*, 61 F. (2d) 566; *In re Saderquist*, 11 F. Supp. 525, aff'd in 83 F. (2d) 890).

General definitions of the nature of affiliation have been attempted only occasionally. Throughout these attempts is to be found the thought that to constitute affiliation more than mere sympathy is

necessary. Something approaching cooperation with the proscribed organization seems essential.[20] Thus the court in *United States ex rel. Fernandas* v. *Commissioner* (65 F. (2d) 593), speaks of the fact that the alien "has been regularly engaged with well-known Communists in their activities." Similarly Judge Augustus Hand specially concurring in *United States ex rel. Yokinen* v. *Commissioner* (57 F. (2d) 707, 708), says: "It is enough that the alien Yokinen, by pledging himself to perform certain tasks prescribed by the Communist Party in order to secure reinstatement, must be regarded as affiliated with it." The fullest expression[21] in this respect is to be found in *Kettunen* v. *Reimer* (79 F. (2d) 315, 317), where Circuit Judge Chase says:

> In deciding this case, we shall not attempt to give a comprehensive definition of the word "affiliation" as used in the statute. Very likely that is as impossible as it is now unnecessary. It is enough for present purposes to hold that it is not proved unless the alien is shown to have so conducted himself that he has brought about a status of mutual recognition that he may be relied on to cooperate with the Communist Party on a fairly permanent basis. He must be more than merely in sympathy with its aims or even willing to aid it in a casual intermittent way. Affiliation includes an element of dependability upon which the organization can rely which, though not equivalent to membership duty, does rest upon a course of conduct that could not be abruptly ended without giving at least reasonable cause for the charge of a breach of good faith. So tested, we cannot agree that there was evidence to establish that this relator was affiliated with the Communist Party. His application for membership would indicate his then sympathy with its aims, but his reconsideration and failure to join shows his unwillingness to let his sympathy control his actions, and there is no proof which shows any mutual recognition that cooperation was to be expected from him.

The language of Judge Chase seems appropriate. "Affiliation" is plainly a word that speaks in terms of a stronger bond than "association." In the corporate field its use embraces not the casual affinity of an occasional similarity of objective, but ties and connections that, though less than that complete control which parent possesses over subsidiary, are nevertheless sufficient to create a continuing relationship that embraces both units within the concept of a system. In the field of eleemosynary and political organization the same basic idea prevails. Thus thinking in terms of affiliation as distinguished from membership must have regard to a bond of this general nature existing, explicitly or implicitly, between the alien and the proscribed organization.

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[20] Thus in *Branch* v. *Cahill* (88 F. (2d) 545), being the director of the official Communist paper, being an instructor at the official Communist school, and soliciting funds for the support of the Communist Party was deemed by the Court sufficient to constitute affiliation.

[21] In an unreported decision, *Tolsky* v. *Wilson* (S. D. N. Y.), June 22, 1920, Judge Hand said:

"As to affiliation the case is not so clear, and depends upon how one defines that word. I take it to mean a relation of cooperation between the members of two or more organizations. Perhaps it may also include an irregular connection of a single individual with the society, not amounting to membership. However this may be, it seems to me pretty clear that it involves a mutual recognition of permanent cooperation between the organization and the person affiliated and not a spasmodic or casual assistance. Mere sympathy with the aims of the society, even accompanied by efforts to further its aims, does not fall within that word."

IV. ANALYSIS OF TESTIMONY

1. LAURENCE A. MILNER

A. Introductory

Laurence A. Milner is a native-born citizen of the United States who held the rank of major in the Oregon National Guard Reserves. During the World War he was captain of the Headquarters Company, Three Hundred and Fourty-sixth Regiment, Ninety-first Division. After the war he became the custodian of the Multnomah Armory. He lost that position in 1933 due to the operation of the Economy Act. In 1933 he was employed by the Military Department of the State of Oregon to investigate subversive activities. This job was created for him as an "easy" job to help him during a period of convalescence. It was originally intended to be merely temporary but Milner was continued in it until 1937.

Milner's operations were of an undercover nature. Pretending to be sympathetic with radical causes, he insinuated himself into gatherings of radicals. He posed very effectively, according to him, as a Communist sympathizer, and thus gained access to their councils. His advocacy of the Communist cause was pronounced. He became chairman of a committee protesting the deportation of one William Baer, a Communist, and in that capacity precipitated for publicity purposes a scene in the immigration headquarters at Portland. He was for a time secretary of the Portland branch of the American League Against War and Fascism, which, according to his testimony in this proceeding, was Communist-controlled. He also testified in behalf of Dirk DeJonge, a Communist tried and convicted under the Oregon Criminal Syndicalism Act—a case that was attended with considerable notoriety. See *State* v. *DeJonge*, 152 Ore. 315, 51 P. (2d) 674. He also presided at open radical meetings. On one occasion he played an active role as an *agent provocateur* of mob violence. During the 1936 strike he addressed a group upon how a mob could break up a military wedge sent against it to disperse it—instructions that he claimed were later put into effect by strikers in a clash that they had with the Portland Police Department. This speech and his other activities received plenty of publicity and were all indulged in for "build-up" purposes. Indeed, so successful did he seem to have portrayed to others that he was a Communist that his earlier associates shunned him, the American Legion repudiated him, and his former friend, Detective William Browne, of the so-called "red squad" of the Portland Police Department, threatened to beat him up.

Curiously, however, he never became a member of the Communist Party, even though he claimed to be one of two men—the other being a lawyer, Irving Goodman, active in the representation of radical interests—who were admitted to Communist meetings closed to all but

party members. He testified that the excuse he gave to other Communists for not becoming a party member was that he had a claim then pending in connection with his retirement before the Board of Appeals of the Veterans' Bureau and that he was afraid that he would lose out on this claim if the Bureau realized that he had become a member of the Communist Party. This explanation truly puzzles, for every other opportunity that came to Milner of making plain to the world that he was affiliated with the Communist Party was eagerly seized upon by him so as to conceal more effectively his under-cover role. If anything would have aroused the supposed prejudices of the Veterans' Bureau, this open conduct would seem to have been capable of doing so rather than the action of secretly joining the party.

There is no question but that Milner associated constantly with Communists, radicals, and militant labor leaders. An exhibit in the case consists of 77 pages of detailed reports by Milner to his superiors concerning his activities—a portion of some 1,400 reports that Milner made during these years. These 77 pages constituted all those that in Milner's judgment were relevant to the question of Bridges' Communist affiliations. Milner possessed a car and he put this and himself at the disposal of his radical associates who called upon him frequently to drive groups to various meetings. Nothing in his testimony or these reports gives any indication that he ever reached a position of responsibility in any radical organization apart from the chairmanship of the Baer Defense Committee and the secretaryship of the Portland branch of the League against War and Fascism. Indeed, as one ponders his excuse for not joining the party, the conclusion seems inevitable that normally astute leaders in the party would have hesitated upon that ground alone to have thrust responsibility upon him or to have admitted him into their confidence.

B. General Nature of Milner's Testimony

Milner's direct testimony with reference to Bridges centers about the times that he drove Bridges to various meetings, his attendance at closed Communist meetings at which Bridges was present, his witnessing of two contributions made by Bridges to the Communist Party, and certain statements made by Bridges. Milner's hearsay testimony relates to statements made by others to him of Bridges' party membership and his attendance at closed Communist meetings. Milner throughout had very little independent recollection of the events to which he testified. He had constantly to rely upon his reports to refresh his recollection. Even this was frequently insufficient so that he was compelled on occasion to read the reports themselves.

C. Milner's Account of the Seattle Trip in April 1935

Milner's first association with Bridges occurred in April of 1935. Bridges, on his way to Seattle from Portland, had been unable to get plane reservations. So, at the request of Harry Gross, Milner, on April 25, 1935, drove Bridges and Gross to Seattle where Bridges was scheduled to speak at the Labor Temple.[22] Gross, a lawyer who is

[22] In the car was also a woman who had been picked up at the airport. She was trying to get to Seattle because of the death of someone in her family and had also been unable to get plane reservations. The presence of this woman was corroborated by Bridges. Milner's report for that day, however, makes no mention of her presence.

now dead, does not seem to have been a member of the Communist Party but acted on occasion as legal adviser to the Communist Party and to various radical organizations. Gross was also active among the more militant labor groups in the Pacific Northwest. Milner is very indefinite as to the nature of the conversation that occurred during this 4½-hour trip. His report for that day fails to remark upon any conversation that may have occurred. He testified at one time that the talk was with regard to the Maritime Federation, various activities within the labor movement; and that there also was discussion of the Communist Party activities within the labor movement. Later he said he could not identify that conversation with any particular trip.

After the Labor Temple meeting; Milner repaired with Bridges, Harry Jackson, Harry Gross, Ed Stack, and Henry Schrimpf to a restaurant. Jackson was admittedly [23] a Communist. He seems then to have been a sort of lieutenant for Morris Rapport, the district organizer and the chief Communist official for the Pacific Northwest. Ed Stack, a member of the Marine Firemen's Union of Seattle, was alleged to be a Communist.[24] There is no evidence to indicate who Schrimpf was. Milner stated that in the restaurant Jackson asked Bridges for $25 for the Communist Party, suggesting that Bridges charge this to his expense account. Bridges claimed he could not do this, whereupon Jackson asked Bridges for his dues and Bridges gave him $2.50, stating that he did not want a receipt. Bridges also is alleged to have said that he would send Jackson the $25 when he returned to San Francisco.

This story, apart from Bridges' version of the incident,[25] seems strange in one particular. Bridges, if he was a member of the Communist Party, would admittedly have been a member of that section of the party that was operating in San Francisco. As such he would have been a member of a different district than the Seattle district. It would be unusual, to say the least, for an official in one district to be collecting dues from a member of the party attached to another district, while that member happened to be casually visiting in Seattle.

D. Milner's Account of the Fraction Meeting in Portland in May 1935

Milner again saw Bridges in Portland on May 6, 1935. A convention of the International Longshoremen's Association was then in session in Portland. On the evening of that day he testified that he drove Bridges, Gross, Schmidt, John Shoemaker, and Wolff to a Communist fraction meeting [26] held at Henry Ireland's residence in Port-

[23] The term "admittedly" is used when this fact is admitted by both sides.

[24] Bridges could recall no "Ed" Stack, but did recall a Walter Stack, who he believed was the man referred to by Milner. Walter Stack was admittedly a Communist.

[25] Bridges testified that his acquaintance with Jackson went back to 1932, when Jackson was an organizer for the Marine Workers Industrial Union. Jackson's activity in this union resulted in his being blacklisted by the waterfront employees. This left him little means of support. Bridges testified that he frequently gave Jackson a few dollars when he was hard up, a common custom among seafaring men.

[26] The term "fraction meeting" was frequently used by various witnesses not always with the same significance. It can, in general, be understood to apply to a meeting of a group of Communists, closed to all except party members. Those attending are usually more than mere rank and file members of the party. As the significance of the members who attend increases, there comes a point where the "fraction meeting" is referred to as a "top fraction meeting." Other than this difference, the record leaves blurred the line of distinction between the two types of meetings.

land.[27] At this meeting were Jackson, Fred Church,[28] Ireland, and four other men whose names Milner could not obtain. Those present canvassed the attitude of the delegates at the Convention to the proposal that Bridges should be made the president of the International Longshoremen's Association. Various members were assigned to contact doubtful delegates to line them up for Bridges.

Jackson, according to Milner, announced that all Communist Party delegates to the Convention had been assessed $2 for Convention purposes and proceeded to collect that sum from those present including Bridges. Milner also testified that Bridges during the meeting stated: "Wouldn't the bosses like to catch him (*sic*) attending such a meeting."[29]

E. Milner's Account of the Communist Meeting in Seattle in July 1936

Milner testified to a second closed Communist meeting that occurred on July 12, 1936. On July 9 Milner again drove Bridges to Seattle. Gross and Mat Meehan[30] accompanied them on this trip. During the trip Bridges and Gross, according to Milner's report, discussed some Communist faction meetings that they had attended in Hollywood under the sponsorship of moving-picture actors such as Robert Montgomery, Frederic March, and Miles Stannard.[31]

During the day of July 12, Bridges was admittedly engaged in counting ballots at the headquarters of the International Longshoremen's Association in Seattle. Milner states that at 4 p. m. he and Gross drove Bridges to Rapport's apartment where they were joined by Harry Jackson and Ed Stack. Here they discussed certain tactics of Lundeberg, of the Seamen's Union, which were being opposed by Bridges. The Communist Party was said also to be opposed to Lundeberg's tactics. Plans were laid by the group to discredit Lundeberg. Also they discussed the agreement which was to be put before the shipowners on September 30. In connection with this Rapport stated that the Communist district organizers for the San Francisco and Seattle districts had been instructed to call a conference to draft the demands that the new agreement should contain. Bridges agreed to the calling of such a conference late in July at Grant's Pass in Oregon, half way between San Francisco and Seattle, at which he would be present.

Milner in his report suggested to his superiors that, if they would get Colonel Jones, a military intelligence officer of the United States Army stationed in San Francisco, to keep a close watch on Bridges

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[27] Schmidt was alleged to be a Communist by Milner and others. John Shoemaker, sometimes spelled Schomaker, was admittedly a Communist. Wolff and Ireland were alleged by Milner to be Communists. Nothing else appears as to the character of these two men save that Bridges denied knowing Ireland.

[28] Nothing appears to indicate who Fred Church was save the inference from Milner's testimony to the effect that he must have been a Communist because of his presence at this meeting.

[29] Bridges had no memory of any such meeting. He stated that during the Portland convention he attended many labor caucuses called to discuss problems as they cropped up at the convention. He testified that he had never attended any meeting with Milner. He had ridden with Milner several times and believed that Milner was Gross' chauffeur.

[30] Mat Meehan was the secretary of the International Longshoremen's Association. Milner alleged that he was a Communist.

[31] These three men were thus inferentially regarded by Milner as Communists. There is no other evidence to that effect. Bridges stated that Montgomery was once the president of the Screen Actors' Guild, and that he had had occasion to discuss trade-union matters with both Montgomery and March. The reference to Miles Stannard is probably to Lionel Stander.

during the latter part of July, proof of Bridges' Communist affiliations might be forthcoming. No evidence is in the record to indicate whether this meeting at Grant's Pass ever took place.

The Rapport meeting ended at about 7 p. m.[32] Milner then drove Gross and Bridges back to headquarters where the counting of the ballots was taking place. Milner testified that then Bridges took up a bundle containing about a thousand ballots that had come in from Oakland, laughed and stated that by the looks of them they had been made out by the same man with the same pencil and were all, except two or three, marked for Bridges and Meehan. "That is the result you get," Bridges said, according to Milner, "when you have a secretary and president heading an organization." Milner's understanding of this remark was that it meant that with a Communist president and Communist secretary heading an organization tactics of this character would be employed to maintain Communist domination of the organization.

F. Milner's Testimony on Bridges' Communistic Remarks

Milner testified to two general remarks made by Bridges which were proffered as evidence tending to indicate Bridges' Communistic affiliations. At one time when Milner, Gross, and Bridges were together and while they were overlooking United States battleships in Portland harbor, Bridges stated: "We will see a day when we can sink those 'damn' things because they are the enemy of the workers." Milner could not date this conversation except to state that it happened during fleet week. His reports contain no record of the incident.

At another time when Milner was driving Bridges and Gross to Seattle, he stated that Bridges informed him that his work-out squads in San Francisco took good care of all opponents of the Communist Party by having them beat up, destroying their homes, and employing other methods of driving fear into the weaker workers of the waterfront. Milner's reports again carry no record of such a remark having been made by Bridges. His report for September 23, 1934, however, carries an account of a speech made by Jackson at a Communist meeting where Jackson stated that the Communist Party in San Francisco during the 1934 strike organized riot squads assigned to duties of the type described above.

G. Hearsay Testimony Given by Milner

Though the other testimony of Milner with regard to Bridges' affiliations is hearsay, it deserves examination. Milner stated that Gross had told him that Bridges was a Communist. This particular statement is not buttressed by any evidence as to the basis upon which Gross rested his conclusions. Milner also testified that he had been told by Rapport, Gross, and Jackson (evidently on separate occasions) that

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[32] Bridges' testimony with reference to this alleged meeting is that no such meeting occurred. He testified that he first met Rapport in 1937 at the Longshoremen's Convention in Seattle. He testified also that on July 12, 1936, he was at union headquarters until 5:30 p. m., counting ballots. The minutes of the executive board meeting for July 12, 1936, were introduced in evidence to support Bridges' testimony in this respect. They read as follows: "The executive board [of which Bridges was president] met at the district office to recheck district ballots. All were present, working from 10 a. m. until 5:30 p. m., with 1 hour off for lunch. Matt Meehan, Dist. Sec'y I. L. A." These minutes were read and approved at the next day's meeting.

no Communist was to speak to or recognize Bridges in public while he was in the Northwest because the Communist Party did not wish the public or officials to see Bridges having any contact with members of the party. None of these statements were identified by the place, time, or circumstances of their utterance.

A further incident concerns the Maritime Federation Conference in San Francisco in 1935. Milner drove four delegates to this conference from Portland. They were Jackson, Ed Stack, Kraterly, and T. J. Johnson.[33] On August 10, 1935, a meeting of the Communist delegates was held. Milner stated he could not attend this because the San Francisco Communists insisted upon admitting no one but party members. His story of the meeting is derived from Ed Stack. The meeting was called to present a program to the Conference at its general meeting. At this meeting Bridges was stated to have been present.[34] Milner in his report gives the details of the program that was agreed upon. That program was adopted the next day at the general meeting and according to Stack and Jackson would result in giving the Communist Party control of the Pacific Coast waterfront. The program as such seems outwardly to be that which would be proposed by a militant labor union.[35]

H. False Testimony Admittedly Given by Milner

This summary includes all that seems relevant in Milner's testimony with the exception of the exposure that Milner gave false testimony in the DeJonge trial and also on the witness stand at this hearing. It is necessary to detail this at length. It thrusts deep and, because it portrays Milner as a man who has no regard for an oath, it tends to discredit every utterance made by him.

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[33] Kraterly and Johnson were alleged to be Communists.

[34] Milner's testimony is confused with reference to another Communist meeting he alleged was held on April 11, 1935, at 11 p. m. His reports speak of a conference of the rank and file delegates held at Redman's Hall at that time at which 145 members were present. In his oral testimony he alleged this to have been a meeting of the Communist delegates, the question being specifically asked him by the examiner. This seems highly improbable in that at an admittedly non-Communist meeting of the general rank and file delegates Milner reports only 47 as being present. Milner attended the 7 p. m. meeting but on his own statement he was excluded from all Communist meetings in San Francisco. This incident typifies the general inaccuracy and lack of independent recollection that characterized Milner.

[35] The program had nine points. They are as follows:

"First, that the rank and file delegates upon their return home will immediately work with their unions for a favorable vote not to handle scab cargo. This would show a solidarity in support of the Vancouver, B. C., strike.

"Second, that Harry Bridges, Harry Lundeberg, and Patty Morris tour the Pacific coast and explain to the workers what happened at the Washington Conference. This tour should include Vancouver, B. C., and should start after the Seamen's Conference, which will be held in San Diego August 15.

"Three, that the Maritime Federation set up a speaker's bureau whose duty it would be to inform all workers of their rights and duties, especially as to the rank and file control.

"Four, that the Voice of the Federation and leaflets be sent to the East Coast and Gulf ports to keep the rank and file informed as to the gains made in working conditions and the rank and file control of this coast.

"Five, that leaflets be sent to all unions and workers in the interior which will give them the true conditions of the water front and appealing to them to support the Maritime Federation Workers.

"Sixth, that key men be placed on all ships to organize the rank and file of each ship so that if a strike comes, the workers will be well prepared.

"Seven, that Labor Day be known as a day of struggle, organization, and protest, and that this go into effect in 1937. Due to the shortness of time when parades are held this coming Labor Day in which politicians and police will take part, workers when passing reviewing stands will turn their faces in the opposite direction.

"Eight, that all members of the International Longshoremen's Association will work in their various locals to stop the agitation against San Francisco.

"Nine, that delegates work within the various locals spreading propaganda for the organization of a Labor Party."

On the afternoon of the first day that Milner was on the stand, his direct examination having been concluded, he was cross-examined with reference to the testimony he had given in the DeJonge case. After rehearsing some of it, he was questioned as to whether he had spoken the truth at that trial. Over and over again he testified that he had.[36] At the same time he told of how Stanley M. Doyle, then special prosecutor for the State in that case, had approached him and tried to induce him on the evening of the day that he testified to change the testimony that he had given. Milner stated that Doyle had suggested that if Milner changed his testimony Doyle would procure him a job and would help him get his retired pay back from the Veterans' Bureau. Milner said that he refused to accept Doyle's suggestion because he had immediately taken an indefinable aversion to Doyle. Milner continued to refuse later to work with Doyle or to give him any information even though he had admitted to Doyle at his first meeting that he was an under-cover operator working for the State.[37] He continued to reject Doyle's proposal, he stated, because he distrusted Doyle and disliked his methods.

On the afternoon of the second day Milner was confronted with his testimony in the *DeJonge case*. That disclosed that he had testified that he did not know DeJonge was a Communist; whereas in this proceeding he testified that he had known DeJonge was a Communist some 4 months prior to that time. In the *DeJonge case* he also testified that he was not working. He again testified there that the American League against War and Fascism was not affiliated with the Communist Party; in this proceeding he testified to the contrary.[38] In the *DeJonge case* he was recalled to the stand after he had originally testified and after he had been approached by Doyle. He then testified in that case that Doyle had talked to him during the interval but had never suggested to him that he should change his testimony. He testified to the contrary in this proceeding.

Milner was thus forced to admit that much of the testimony that he gave in the DeJonge trial was deliberately false despite the fact that he testified the day before repeatedly that that testimony was true. He explained that he had testified falsely in the DeJonge case in order to build himself up as a good Communist sympathizer among his new associates. He justified his admitted lying upon the basis of

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[36] The following are the pertinent questions and answers:
"Q. Did you tell the complete truth in your testimony in that case?
"A. I did.
"Q. You are sure of that?
"A. Yes.
"Q. When you testified how long you had known DeJonge, and what his home life was, you told the entire truth, is that true?
"A. As far as I knew him.
"Q. Well, did you say something that you didn't know to be a fact?
"A. No.
"Q. Every bit of your testimony in that case was true, is that correct?
"A. As far as I know.
"Q. As far as you knew at that time it was?
"A. Yes.
"Q. Is that correct?
"A. Yes."

[37] There are several curious angles of this testimony. Milner was always very secretive about his work. Browne of the Portland detectives, who was engaged in the investigation of subversive activities, according to Milner, believed Milner to be a Communist. But Milner admitted his connections with the State Military Department immediately to Doyle when Doyle asserted that he had learned from the Portland police who and what Milner was. Secondly, although Doyle at their first meeting knew that Milner held an official position with the State as an under-cover operator, Milner testifies that Doyle's inducement to him to get him to change his testimony was, in part, the offer of a job.

[38] His efforts to reconcile these two statements were lame and unworthy of credence.

a creed which he stated as follows: "I considered it my duty as a military intelligence officer to do anything to gain my purpose without being disclosed."

However one may view this as justification for perverting the machinery of justice, Milner's justification for the giving of that false testimony gives no excuse for his continuing that same practice in this proceeding. Nor does it explain the false testimony that he gave in the DeJonge trial regarding the attempted subornation of Milner by Doyle. For Milner would have aided his Communist "friends" by disclosing Doyle's efforts to tamper with a witness. Denying the effort helped the prosecution not the defense. Indeed, Milner seems at the DeJonge trial to have testified falsely to help himself by helping his Communist "friends" and at the same time to have testified falsely to suppress important evidence that might have benefited DeJonge. In this proceeding he testified falsely to avoid disclosure of the fact that he had done so before.

I. Credibility of Milner

Milner's testimony in this proceeding is deserving of little, if any, credence. His reports, his oral testimony both fail to convince that he was either careful in his observations or acute in his perceptions. These reports disclose an under-cover operator anxious to flood his superiors with information regardless of its relevancy or accuracy. Milner in these reports and on the stand exhibited a lack of appreciation of the nature of evidence upon which conclusions to be valid must rest. The incidents he recounts either fall apart on examination or lack that proof that carries conviction. His reports indicate also a definite bias against labor-union activity and a viewpoint towards that activity that makes his work, when judged from his reports, smack of mere labor espionage. His spectrum provides no measurement for distinguishing labor-union activity from communism.

Milner's deliberate giving of false testimony in this proceeding as well as in the DeJonge case is enough in itself to destroy any belief in his credibility. *Falsus in uno falsus in omnes* is not of universal applicability, but it is a valid rule of inference where the falsehoods are both deliberate and significant. Milner can best be dismissed as a self-confessed liar, a man who has admittedly tried twice—once successfully—to make falsehood parade as truth.

2. THE INCIDENTS TESTIFIED TO BY JOHN L. LEECH

A. Introductory

John L. Leech was born in Toledo, Ohio, where his father pursued the painting and decorating trade. In 1921 or 1922, when about 19, he was found guilty of forging a postal money order for a minor sum and was sentenced to an hour's detention in the custody of the marshal. He testified originally that he came to California in 1929.[39]

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[39] Leech's original testimony on this was very specific.

"Q. Why is there any doubt in your mind as to when you left Toledo, then?

"A. There is no doubt.

"Q. All right. Then you left Toledo in 1929 and you lived there from the time you were arrested until 1929. Is that correct?

"A. I lived in Toledo during—or the vicinity—during that entire time; yes, sir."

but later, being confronted with relief records that showed he had claimed to have come there in 1924,[40] he claimed that his "last unbroken period of residence in Los Angeles was from 1929" and that that was the meaning of his original statement.[41] He pursued the painting and decorating trade in Los Angeles but with success that was not only meager but inconsequential. Meanwhile he had acquired a family. At the time he testified in this proceeding he had 7 children, the oldest of whom was 15 and the youngest a mere babe in arms. Going on relief in 1929 he joined Local No. 1 of the Relief Workers Protective Union in Los Angeles, met some Communists among their ranks and sometime thereafter joined the Communist Party.[42] A hint of the conditions against which Leech had to struggle is revealed in the testimony of his one-time friend, Bundy. Their first meeting dates back to the fall of 1933,[43] when the county police burned one of the mushroom-like collections of shacks in which the California unemployed lived. This particular collection went by the name of Hooverville. Leech with his wife and children lived in this "city" before they were driven out by the action of the police. That under these conditions Leech should have supported the Communist Party is not surprising.

Leech as a Communist forged ahead in the ranks. He became in turn literature agent, subsection organizer, organizational secretary of the Los Angeles section and county organizer. He also was a member of the California State Committee of the Communist Party from 1934 to 1936. For his work for the Communist Party he originally testified that during 1934 to 1935 he received $10 a week and in the middle of 1936 he was advanced to $20 a week. He did no work other than this; nor did his wife or children supplement his earnings in any way. According to his original testimony, he eked out this $10 a week by obtaining relief until 1936 from the County of Los Angeles.[44] When that relief was stopped in 1936, his wages from the Communist Party were increased to $20 a week. Leech ran as the candidate of the Communist Party for the State Assembly in 1934 and for Congress in 1936. He was thus during these years an open and avowed Communist and known as such to the police authorities.[45] His Communist Party name was John A. Lewis.[46] Leech's theoretical grasp of communist doctrine was more than ordinary. He used its political vocabulary with fluency[47] and with considerable accuracy.

[40] Leech first went on relief "to the very best of my [his] recollection" late in 1929.

[41] Counsel for the alien received from one witness hearsay testimony that during 1924 to 1929 Leech had been in jail. A check made with the help of the Federal Bureau of Investigation and the Utah Penitentiary failed to disclose any such incident.

[42] Leech placed the time of his joining as September, 1931. Bundy states Leech joined a week after the Hooverville incident.

[43] Leech placed the beginning of this friendship in 1932.

[44] Not only was Leech dogged by poverty but also by misfortune. In 1932 his daughter Thelma was burned severely from waist to foot at a neighbor's bonfire. This necessitated continuous hospitalization until 1937 and Thelma had some 30 operations performed upon her. Leech himself giving his daughter of his skin and his blood. These same years also witnessed collarbone fractures on the part of another daughter and one son.

[45] During these years Leech was arrested several times for taking part in demonstrations, alleged rioting and the like. None of these charges seem to have been pressed. He was arrested in 1934 or 1935 during a raid upon a liquor establishment where he had gone to get a drink, found guilty and fined $20. The sentence was, however, suspended.

[46] The practice of Communists assuming fictitious names for Communist purposes seems to have been quite current on the Coast. The purpose was undoubtedly to make seizure of Communist records thereby less illuminating to the police, for it must be remembered that during some of these years the advocacy of Communist doctrine was a criminal offense under State laws.

[47] Leech was afflicted with verbal haemophilia. It seemed impossible for him ever to answer straightforward questions simply. Much of this was equivocation following upon Leech's being caught in earlier misstatements; much of it flowed from a curious pretense to knowledge about totally irrelevant matters; much of it, however, sprang merely from a habit of using 10 words where 1 would have sufficed.

In the middle of 1937 Leech was expelled from the Communist Party. Originally he claimed that he had resigned from the party on November 6, 1936,[48] which would have been 3 days after his congressional defeat. He stated that he then resigned upon his own volition, but that he continued to be listed by the Communist Party for some time thereafter as a member of the party. He stated that the reasons that impelled him to resign were his desire to be relieved of the burden of work that membership entailed and also his growing conviction that the Communist Party was not sincerely interested in helping the mass of American workers but contrariwise was playing upon their desires to help itself.[49] He later explained that this was not a resignation but a "release," that he had made a request for a release of the State executive committee which had granted it with the proviso that he continue to be active for 1 week after November 6.[50] He then further explained the discrepancy thus apparent between his original and his later statement by admitting that he remained technically a member of the party. He even admitted that at the time that he had communicated with the Communist Party he suggested that he would be willing to take a transfer to the Denver section[51] of the party.[52] Leech claimed never to have received notice of his expulsion from the party, saying that even now, despite the fact that he had heard reports of it, he did not definitely know he had been expelled.[53]

The action of the Communist Party expelling Leech, the report of which incidentally gives in parenthesis his party name of Lewis, took place on April 22, 1937. The report of this action is published in the Western Worker, a Communist organ, for June 24, 1937.[54] It corroborates the fact that prior to that time he had sought to resign.

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[48] His insistence upon having "resigned" falls to conform exactly with his own testimony that when a man joins the Communist Party he formally continues to be a member until expelled and the party emphasizes this lifetime membership in its induction of new members.

[49] Leech made no reference to difficulties connected with his Congressional candidacy as a reason for his resignation.

[50] This helps to explain a later statement of his that he resigned on November 13 rather than November 6.

[51] At one time Leech even stated that after November 1937, he had gone to Denver for about 2 months on an assignment from the Communist Party. This, however, was many days later after Leech was recalled to the stand to explain discrepancies between his testimony and the relief records.

[52] Each succeeding explanation by Leech of his severance of his relationship with the Communist Party adds to one's confusion. One is tempted to assume that Leech's purpose for these successive and cumulatively complicated explanations derived from a desire to conceal something, but there is no testimony other than the so-called findings of the State executive committee of the Communist Party to even permit one to make a guess as to what it might have been. Those findings have, of course, no evidentiary value.

[53] Leech's testimony as to when he first heard of his expulsion is far from clear. On direct examination he stated that when Browne visited him about June 24, 1937, Browne seemed to be in possession of this information. On cross-examination Leech forcibly stated twice that he heard of his expulsion first when Doyle visited him, a visit that took place more than a month later.

The following account of Leech's expulsion from the Communist Party is contained in a letter sent on July 15, 1937, by Captain Hynes of the Los Angeles Police Department to Harper L. Knowles:

"Suspicion of Leech's integrity and sincerity as a Communist, first arose some months ago, and investigation of his activities was launched. He is a painter by trade and incurred the disapproval of the party when he was found to be scabbing. Nonparty persons protested to the party at the time that this discovery was made, but no action was taken then, as the party wished to build up its case against Leech before exposing him to the public. Although there was some suspicion among the Los Angeles leaders that he was a spy, no positive evidence could be found. However, other charges provided the necessary excuse for expelling him from the party."

[54] The report of the State executive committee's action recites that Leech had been expelled as "an unreliable and irresponsible individual, whose actions and conduct have been such as to raise serious suspicion and doubts as to his loyalty to the working-class movement. 'He was deceptively bureaucratic in his party work, disregarding and distorting committee decisions, antagonizing comrades against each other by talking to one against the other, and vice versa; neglecting his work and then lying about it. He was closely involved in the financial machinations of Seymore Robbins (Stanley Lawrence) and joined the latter in reprehensible schemes of practically trying to blackmail people for financial

B. General Nature of the Leech Testimony

Leech's testimony with reference to Bridges can best be examined by starting from a summary of that testimony set forth in an affidavit made by him on August 30, 1937, at Portland, Oreg., in the presence of Immigrant Inspector Wise, Stanley M. Doyle, Detectives Walter B. Odale and Clifton H. Watson of the Portland Police Department, and his wife, Mary Leech. The affidavit recites that he attended two meetings organized by the California State Committee of the Communist Party at which Bridges was present, and also an enlarged meeting of the California District Committee at which Bridges made a report relating to the coming crises in the maritime strike situation. This enlarged meeting occurred in January or February of 1936 at Redman's Hall in San Francisco. The affidavit also states that Bridges went under the party name of Rossi,[55] that Leech had been introduced to Bridges as Rossi, and that Bridges as Rossi had been proposed as a member of the Central Executive Committee of the Communist Party to the nominating committee at the national Communist Party convention in New York City in June of 1936.[56] Leech also asserts in this affidavit that after his original contact with Detective Browne of the Portland Police Department—the man who had first sought to elicit what information he had about Bridges—two Communists, Louis Barron and George Shaffer, accompanied by an attorney, Spencer Austrian,[57] had asked him to "make a statement and *sign an affidavit*" [58] denying that he knew or believed Bridges to be a member of the Communist Party; that he had signed "this statement," but that it was false; that he had done so "because of an unconscious reaction to the discipline of the Communist Party to which I had been previously subjected, and because I feared that my refusal to make such a statement would work personal hardship and danger to myself and family."

C. Leech's Account of the Enlarged District Committee Meeting in 1936

The circumstances of the enlarged district committee meeting, as detailed by Leech, are herewith summarized. The meeting occurred either in January or February of 1936 in Redman's Hall. The Los Angeles delegation, after arriving in San Francisco, were directed to proceed to the Hub Restaurant, where they were met by a squad captain and conducted to the hall. Some 50 members were present, among whom, besides Bridges and Leech, were James Thorme, M. Pelman, Eva Shaffron, Rudie Lambert, Louis Barron, Pettis Perry, Paul Alexander, Stanley Hancock, one Richardson, William Schneiderman, the district organizer for the San Francisco district,[59] Lawrence Ross, E.

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and other means of leaving the United States of America for some foreign country. He made mysterious trips without informing the party, lied about reasons for his resigning and asking for a transfer to another district, and secretly returned to Los Angeles after going to Denver, avoiding the party ever since."

[55] Rossi is the name of the then mayor of San Francisco.

[56] Leech did not claim Bridges was present at this convention.

[57] Leech in his affidavit did not affirmatively state that Austrian was also a member of the Communist Party. He made that definite statement later, a statement that Austrian contradicted.

[58] Italics are the Examiner's.

[59] Some confusion exists on the record as to the extent of the San Francisco district and the Seattle district. Leech put California, Oregon, and Nevada in district 13. Communist membership books from Seattle indicate that that district is district 12.

"Pop" Hanoff, George Maurer, John Broman, one Schoemaker (probably not John Shoemaker), and one Saunders.[60] Bridges, introduced as Comrade Rossi, made a report at the meeting on the impending crisis in the maritime situation. He left shortly thereafter.

D. Leech's Account of the Communist Meeting in May of 1936

The second closed Communist meeting at which Bridges was alleged to be present occurred 3 or 4 days before May 31, 1936, the day of the holding of the annual State convention of the Communist Party in San Francisco. This was, according to Leech, a meeting of the State committee. It was held in San Francisco at Hanoff's office on 121 Haight Street, the general headquarters of the Communist Party. Those present were William Schneiderman, Betty Gannett, Hanoff, Lawrence Ross, George Maurer, Bridges, and Leech.[61] Originally Leech said that this meeting discussed and determined to submit Bridges' name to the nominating committee of the national convention that was to be held late in June of 1936 in New York as the California choice for a member of the central committee. Bridges, according to Leech, was elected.[62] The next day, still on direct examination, in rehearsing this meeting he stated that the business of the meeting concerned the preparation of agenda for the forthcoming State convention, making no reference then to the Bridges nomination. Shortly thereafter Leech again referred to the business of this meeting and again made no mention of Bridges' candidacy, even though he was specifically asked the question whether Bridges participated in the discussion.[63] To that he replied: "I would not attempt to say what part Bridges took."

E. Leech's Account of a Third Communist Meeting

The third meeting occurred also in San Francisco, but Leech was unable to identify the place of the meeting other than that it was somewhere in the residential section of the city, nor could he place its date, except that he believed it had occurred about the time of these other two meetings. At this meeting Leech placed Schneiderman, Gannet, Hanoff, Ross, Bridges, and himself. The purpose of the meeting was to prepare for a later meeting that was to be held in Sacramento to urge the repeal of the criminal syndicalist laws.

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[60] Of those named, Leech, Perry, Hancock, Richardson, Schneiderman, Ross, Maurer, Broman, and Saunders appear as members of the State committee of the Communist Party in the official roster published pursuant to the election laws by the State of California on September 26, 1936. Lambert appears as such in the roster of September 20, 1934. Hanoff was alleged by Leech to have been district organizational secretary and was at one time acting district organizer. Eva Shaffron was said to be organizational secretary to the Communist Party in Los Angeles. Thorme was said to be a member of the Los Angeles section committee of the Communist Party. Paul Alexander was said to be organizational secretary of the San Diego section of the Communist Party. Barron was alleged to have been a member of the Los Angeles section of the Communist Party and also president of the Furrier Workers Union in Los Angeles. Barron ran as a Communist candidate for Congress in 1938.

[61] Leech, Schneiderman, Gannett, Ross, and Maurer appear in the State published roster of 1936 as members of the State committee. Hanoff does not appear as such in the rosters of 1934, 1936, or 1938. He was, however, admittedly a Communist. On December 5, 1930, Hanoff was found to be a Communist and a warrant for his deportation was issued. Nothing appears as to why this warrant was not executed.

[62] None of the other ex-Communists who testified to Bridges being a Communist ever made mention of his having held this important office.

[63] That the New York convention was present to Leech's mind is obvious from his reference on this occasion to the fact that the meeting discussed the election of delegates to the New York convention.

F. The Issue Presented by the Leech Testimony

Bridges denied that he had participated in these meetings, stating that he could not remember ever having seen Leech prior to this hearing. Bridges also stated that he was in Los Angeles attending a convention from May 4 to about June 10, 1936, and that therefore it would have been impossible for him to have attended the May 31 meeting.[64] But no record evidence to this effect was produced. Indeed, such evidence as might normally be available would hardly convince, for, due to the proximity by air and train of San Francisco to Los Angeles, it could not exclude the possibility of a brief visit during this time to San Francisco. Counsel for the alien thus chose to attack Leech's testimony generally. To appreciate the weight of this attack on Leech's credibility, it is necessary to relate the circumstances surrounding the meetings of Leech with Browne and Doyle, and his giving of a statement denying that he knew Bridges was a member of the Communist Party.

G. Leech's Account of the Browne Visit and of the Leech "Affidavit"

Leech's version of these incidents, as he reviewed them upon his first appearance upon the stand, will first be summarized. Browne came to Leech's home in Los Angeles on a day in the latter part of June, 1937. Leech was not home at the time, because, as Leech definitely stated, he happened to be at work. When Leech came home, some time after 4 p. m., Browne again reappeared. He drove up to the house in an automobile, which he parked on the other side of the street. Browne identified himself as a member of the Portland police department and Leech invited him into the house. Browne stated that he was there by the authority of Capt. John J. Keegan, the chief of detectives of the Portland police department. Browne and Leech talked in the sitting room, Mrs. Leech being present for part of the time and the children running in and out. Browne asked Leech to give him information about Bridges' political affiliations and political activities. Leech admitted that he told Browne generally that he believed Bridges to be a member of the Communist Party,[65] but that he would not give Browne specific information on that subject because among other reasons he didn't want to jeopardize his

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[64] Bridges originally stated that his recollection of the time of his return to San Francisco would put it in the neighborhood of June 20. Counsel for the Government produced evidence which clearly put Bridges in San Francisco on June 13. The reliance of counsel for the alien, however, was throughout upon the falsity of the Leech testimony rather than an alibi.

[65] Leech was very indefinite about what he told Browne. The examiner in order to clear up his mind on this point broke in upon the cross-examination of Leech to have the following colloquy with him on July 14:

"Q. Therefore, you would say, then, that the appropriate inference to be taken from your remarks with Browne would be that you knew something but what it was, whether it indicated that Harry Bridges was a member or whether it indicated that Harry Bridges was not a member, could not have been deduced from your statements?

"A. Yes, sir, I believe that is correct.

"The Examiner (continuing). I am sorry [to interrupt], Mr. Grossman, but I wanted to get that clear on the record.

"On July 17, at the conclusion of Leech's redirect examination, further testimony of Leech having left this matter in doubt, the examiner again questioned Leech:

"Q. Then * * * you did not disclose information to Mr. Browne?

"A. Not any concrete or specific information, but to the effect that I did know and believe Mr. Bridges was a member of the Communist Party.

"Q. Just general information?

"A. Yes, sir, general, very general."

family. Leech denied that he was on relief at the time of Browne's visit and was very positive that Browne had not discussed the question of whether Leech had been receiving relief illegally. Browne urged Leech to turn his back on the Communist Party and told him he could arrange for Leech to go up to Portland, there give an affidavit to the immigration authorities, and return to Los Angeles, Browne paying the expenses for this trip. Leech refused to cooperate and Browne thereupon left. Leech denied that Browne had ever offered him money to testify against Bridges.

Shortly thereafter [66] Leech told his friend Bundy of Browne's visit. Bundy was also a Communist and at that time he and Leech were working together. Bundy, Leech stated, relayed the story of Browne's visit to the Communist Party. As a consequence of that Barron, Shaffer, and Austrian called upon him one evening. Bundy was also with them but he did not get out of the car. Leech was not in when they came and Mrs. Leech refused to admit them. They sat in front of the house in their automobile and a few minutes thereafter Leech appeared. He admitted them to the house and they insisted that he should sign a statement to the effect that he had no knowledge that Bridges was a Communist. This he agreed to do fearing some sort of reprisal if he refused.

Barron, Shaffer, and Austrian returned the next evening as it was getting dark. Leech met them outside. His wife and children were sitting on the front porch. The three men did not get out of the automobile. Leech talked to them a few minutes, scanned the statement that they had brought and signed it. He placed the statement against the automobile when he appended his signature to it. He was given a copy of the statement that he signed. Leech was positive that he made no alteration in the original statement but simply signed it. He was positive also that he was not asked to swear to its truth and that it therefore was not an affidavit.

Leech kept the copy of the statement and later produced it at the hearing.[67] Asked to describe it, he said it was "approximately one-half page in length" and again "not in excess of a half to three-quarters of a page long at the most." The statement consists of two pages, the signature being at about the middle of the second page. Leech's memory of its content was also vague. He stated that it recited that he had been approached by Browne, that Browne had offered him a sum of money to give testimony against Bridges, but that he had no knowledge that Bridges was a Communist. This was all that Leech could remember as to its content.

H. The Corroborating Testimony of Mrs. Leech

Before dealing with the Doyle visit it seems best to comment on the corroborating testimony that exists with reference to this version of the Browne visit and the Leech statement. The corroborating witnesses were three, Mrs. Leech, and Thelma and Joyce Leech, the two elder daughters of the household.

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[66] Leech made this period 2 or 3 days.

[67] Leech stated that Government counsel knew that he had this copy of the statement, but he had never been asked to exhibit it to them.

Mrs. Leech, the substance of whose testimony was taken in affidavit form in the immigration office in Portland before the same witnesses and at the same time that Leech's affidavit was taken, corroborated in general Leech's story of Browne's visit. She stated that only Browne, Leech, and herself were in the living room. Her memory of the content of the conversation that took place between Leech and Browne was only very general, but she was definite on two matters. The first was that Browne had not told Leech where Browne was staying nor how Leech could get in contact with him.[68] The second was that Leech had told Browne that Leech knew Bridges was a Communist, that he had attended Communist meetings with Bridges, but that he would make no statement to that effect. She testified also that Browne, after being so informed by Leech, made no particular efforts by appeals to patriotism or the like to get Leech to change his mind and agree to make a statement.

With reference to Leech's signing a statement for the two Communists and Austrian, her testimony was more definite. Sitting on the porch she watched the proceeding, saw Leech sign the statement, and was certain that he had only briefly scanned it and had made no alterations in the statement. She added the fact that she had been strenuously opposed to Leech's signing this statement because she had no use for the Communist Party.[69]

I. The Corroborating Testimony of Thelma and Joyce Leech

Thelma and Joyce Leech appeared on the stand many days later as rebuttal witnesses for the Government. Thelma was 13 years old in June of 1937. She testified that she was in and out of the living room during Browne's visit. She testified that Browne asked her father to sign a statement to the effect that Bridges was a Communist, but that her father had refused to do so. She recalled the time of Browne's visit, its duration, the fact that he had on a dark suit and brown shoes, that Mrs. Leech had taken Browne's hat and placed it on the bed, on what side of the street Browne's car was parked, what direction it faced and even what color it was. She had no direct knowledge of the circumstances surrounding Leech's statement to the Communist delegation, not having witnessed either of these two visits.

Joyce Leech was 11 years old in June of 1937. She also corroborated the details of Browne's visit. Her memory was more detailed than Thelma's. She testified that she was in the living room for all but 15 minutes of the visit and during that 15 minutes was in the middle bedroom.[70] Her testimony as to the nature of the conversation that

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[68] Leech was also definite on this point.

[69] Mrs. Leech had also been a member of the Communist Party, but she had left the party in 1934 and had been urging Leech for some time to do the same thing.

[70] Thelma had stated that, during Browne's visit, her brothers and sisters were out playing in the yard. Joyce's testimony as to Thelma's presence is as follows:

"Q. [by Mr. Shoemaker.] Wasn't he [Bundy] in the room talking to Mr. Browne and your father at the same time?

"A. No.

"Q. Why do you say 'No'? Do you • • •

"A. (Interrupting.) There was nobody in the room besides daddy, mama, and myself.

"Q. Was Thelma there?

"A. I don't know whether she was there at the exact minute when I was talking about, but she was there part of the time."

Joyce's eagerness to make her testimony persuasive can be illustrated by the following:

"Q. Well, couldn't Mr. Bundy have been in some other part of the house and you not know it?

"A. No.

"Q. Why? Why couldn't he have been in some other part of the house?

"A. I went through every room in the house."

occurred tallied with Thelma's. Joyce, however, had observed the two visits of the Communist "delegation" to Leech. She testified to many of the details of their first visit, stating that she had listened in on the conversation. Her knowledge of the second visit was very much more detailed than her mother's. She was even certain that from her point of observation on the porch, her father could not have signed his name on the paper more than once. She remembered that these men and her father didn't look at each other in a very friendly fashion, that the car in which they rode was a two-door sedan and that it was black, that on the occasion of their first visit Mr. Bundy was sitting in the back seat. But despite the neat way in which these minute details fitted the earlier testimony, she testified that she had not talked over her testimony either with her sister, or her father or her mother.

J. Leech's Account of the Doyle Visit

One can now return to Leech's version of the subsequent visit of Doyle. Prior to that visit, however, and subsequently to the date of the visit of the Communist "delegation," Leech stated that he had written Captain Keegan of that latter visit. It is difficult to understand what prompted Leech to do so, even in the light of his testimony that he sent this letter to Keegan because he was ashamed of the statement that he gave to the Communist "delegation." All Leech knew of Keegan was that Keegan was Browne's chief. When one recalls that Leech according to his own testimony stated that he did not want to have anything to do with the Bridges matter, it is strange that upon his own initiative he should write to Keegan of his having given a statement to the Communist Party that Bridges was not a Communist—a letter [71] that was almost certain to involve him in the very matter he was seeking to avoid.

This letter of Leech was later introduced in evidence.[72] One fact about this letter is of interest. Its date, July 26, 1937, makes necessary the following inference: That sometime after 7 p. m. on that day when Leech signed the statement at the request of the Communist "delegation" and before retiring for the night, Leech went to his typewriter and there wrote this letter to Keegan. Such a quick reversal of action, based as it was upon what Leech stated to be his own moral revulsion to his earlier action, would seem one that, considering Leech's other detailed knowledge of these happenings, should have stuck in his mind. But, though he remembered sending the letter to Keegan, all he could repeatedly testify to was that this time interval, which could not have exceeded a few hours, was in the neighborhood of 2 to 3 days.

The story of Doyle's visits to Leech in Los Angeles, as pieced together by Leech's testimony and that of his wife, runs in the following manner. Several weeks after Browne's visit [73] Doyle stepped off a streetcar [74] and called at about 2 p. m. at the Leech home. Doyle,

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[71] The letter closes in these terms: "While it is my duty to protect my family from danger, I want you to know that I signed this paper for our own protection, and not to create any difficulties for your department in your work."

[72] It purported to have been in Keegan's possession. Keegan sent it on to Government counsel after Leech had first testified, stating that it might be valuable in corroborating Leech's story. The letter is typewritten on plain yellow paper and bears Leech's signature in pencil.

[73] Mrs. Leech put the time of Doyle's visit along toward the last of July. It is impossible accurately to date these visits except that they occurred after July 26, 1937.

[74] Mrs. Leech and both the children were positive that Doyle came by streetcar. Thelma Leech even volunteered that Doyle was the only person that got off that particular streetcar on that day at that time at that particular stop.

representing himself as a special agent of the State of Oregon and indicating to Leech that he knew what had transpired between Leech and Browne, again sought to induce Leech to testify against Bridges. Leech raised the question of his own personal safety, and Doyle assured him not only that the Federal Government would give Leech protection, but also that he would provide for the transportation of Leech, his family, and his household goods to Portland [75] and would get Leech a job in Portland.[76] No agreement was reached between Leech and Doyle that day, but that night Mr. and Mrs. Leech talked over Doyle's proposition, determined that they would comply with his request if the details that Doyle mentioned could be satisfactorily arranged. When Doyle returned the next evening at about 6:30, after Doyle had given Leech the necessary assurances, Leech agreed to go to Portland and testify. Doyle than gave Leech $110 to cover the expenses of transporting his family to Portland.

Approximately a week thereafter the Leeches were on their way to Portland, traveling in Leech's own 1930 Nash. A trailer carried their personal effects and a few of their household goods. He arrived in Portland on August 30, 1937, registered at an auto camp, immediately made contact with Doyle at the Multnomah Hotel and with Mrs. Leech and Doyle proceeded to the immigration offices and gave an affidavit there to the authorities.

A few more of the details of this episode may be sketched in. Both conversations with Doyle occurred in the living room with at least Mrs. Leech present.[77] At no time did Leech tell Doyle what specific information he possessed with regard to Bridges, but despite this Doyle was willing to promise what Leech asked in return for his going to Portland. Leech also made no inquiry as to Doyle's authority to speak for the Immigration Department with reference to Doyle's assurance that the Federal Government would provide him with protection, and this despite the fact that Leech was always clear that Doyle never gave him the impression that he was a Federal official.

After Leech's visit to the immigration headquarters in Portland he was taken by Doyle and Detective Watson to union headquarters and there introduced. Sometime later he got employment as a painter. Leech was still employed when he testified in this proceeding. The Portland police from August 1937 on kept a watch on him and his family.

On December 8, 1937, Leech gave another affidavit to an investigator for the Special Committee on Un-American Activities of the House of Representatives. This affidavit was substantially similar to that which he gave to the immigration authorities.[78] He was ap-

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[75] Leech's affidavit states that Doyle was to provide money sufficient to defray these expenses and provide for the purchase of a second-hand Ford automobile which would afford the necessary means for Leech's transportation.

[76] Leech's testimony leaves very uncertain at which of the two meetings these various promises were made by Doyle. His first extensive recitation of the Doyle visits leaves one with the impression that on the first occasion all Doyle promised was Federal protection. Later discussion with his wife gave him the notion that his personal safety demanded that, if he gave the affidavit, it would be necessary for him to move to Portland. Consequently, he made this suggestion to Doyle on his second visit and thereupon Doyle came forward with the other assurances named above.

[77] As will be seen later the two children, Thelma and Joyce, also were alleged to be present. Even though they were in and out, they seem to have been able to have heard the significant things that transpired.

[78] This affidavit was presented to the committee by Captain Keegan. See hearings before a Special Committee on Un-American Activities, House of Representatives, 75th Cong., 3d sess. on H. Res. 282, p. 2913. The Examiner was permitted by agreement of counsel to this testimony of Keegan.

proached at some indefinite time to write for the newspapers and was offered a substantial sum if he would do so. However, he refused to do so. As to this matter he testified first that he never discussed the question of writing for the newspapers with anyone, specifically Keegan and Norene, but later admitted that he may have done so.[79] No further conduct on the part of Leech, prior to his appearance on the stand in this proceeding, is of significance.

The corroborative testimony with reference to the Doyle visits again comes from Mrs. Leech and the two children. In the main, they supported his testimony. It is of interest, however, to note that though Leech had testified that he gave Doyle no specific information with reference to Bridges, Mrs. Leech on cross-examination was led into saying that Doyle and Leech had discussed Leech's attendance with Bridges at some Communist meetings "where it was decided who should run for certain offices in the Communist Party," and even remembered the mention of Redman's Hall on that occasion. Thelma Leech in her testimony seemed somewhat confused between the Browne visit and Doyle's first visit.[80] Joyce Leech gave a few details on the Doyle visits, indeed, giving no indication that she had witnessed more than one.

K. The Sources of the Contradictory Versions of the Browne Visit and the Leech "Affidavit"

Before dealing with those issues which are crucial to Leech's general credibility, it is best to get the version of Browne's visit and the so-called Communist statement as depicted by the testimony of witness called by the alien. That version can be pieced together primarily from the testimony of Bundy, Austrian, and a woman stenographer, Craney Goldman.

L. The Background of Bundy

Bundy like Leech had drifted into California about 1929 in search of employment. As a roofer he seems to have had almost as hard a time as Leech in finding work. He, too, joined the Communist Party some time in 1933. He had, however, none of the organizing gifts of Leech nor any of Leech's capacity to revel in the theories of Com-

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[79] An exhibit in the case is a letter from Norene to Gerard D. Reilly, the Solicitor of the Department of Labor, dated December 18, 1937. It reads in part as follows: "I have to advise for your information that the witnesses John Leech, Herbert Mills, and John Ferguson are becoming very impatient over what they claim is the long and unusual delay of the Department in arriving at some conclusion in the Bridges case. This applies more particularly to Leech and Mills who are very restive and impatient and who are almost daily threatening to tell the complete story to the newspapers; in fact, from what I can learn, I am not at all sure that they have not already done so. I have done my very best to persuade them to abide by the wishes of the Department and the only reason I have for feeling I have been successful is that, so far as I am aware, nothing has appeared in the papers as yet. I have been assisted in this effort by the local police officers but they haven't approached the task with any enthusiasm for the reason that they are likewise impatient." The Government did not produce this letter upon its own initiative. Counsel for the alien suspected its presence and requested its production of the examiner. The latter by the authority vested in him ordered its production and its introduction in evidence.

[80] Compare, for example, the following, referring to Doyle's first visit and Doyle's request that Leech make an affidavit regarding Bridges:

"Q. Do you remember what your father said, or did you hear what he said?

"A. My father said he was out of the party and didn't want to be bothered with it any more."

The answer is apt for Leech's alleged reply to Browne, but not to his reply to Doyle. Compare again the following:

"A. I knew my father had told him he wanted to be through with the party, and then when Mr. Browne was ready to leave . . .

"Q. Mr. Browne?

"A. I mean Mr. Doyle. When he was ready to leave he [Leech] said he would think it over."

munism. Bundy, as distinguished from Leech, was a laconic individual, chary of words, dull in wit, and thoughtless in his responses. Leech gave distince evidences of self-education and ambition; Bundy none. His conduct on the stand, were it not that one knew he knew no better, could have been regarded as discourteous. Yawning at frequent intervals, he seemed to exhibit little concern as to the important questions directed to him. About the only emotional flash he exhibited occurred when he expressed his conviction that Leech was a liar. He was easily confused and frequently patently did not exert the mental effort necessary either to understand a question or to give more than a very casual answer. But, as distinguished from Leech, there was never any equivocation manifested by Bundy, nor—and this is of interest—did he at the invitation of examining counsel pretend to information about matters of which he could have had no knowledge. Again, it is significant as one studies Bundy's testimony to see how the matters about which he felt able to testify concerned him and his relationship to passing events. Events as such passing under his ken were vague and indefinite for Bundy, despite the significance that they might have to the issues of this proceeding. Indeed, events were seized upon by the tenacles of Bundy's memory only when they touched him. Nevertheless, confusion and contradiction characterize his testimony, and it is upon such a weak reed as Bundy that one, in large part, has to rely to gage the truth of Leech's declarations.[51]

Bundy worked as a squad captain and organizer for the Communist Party until some time in 1936,[52] when tired of the duties that membership in the party entailed he quit.[53] Bundy, after a series of minor and major marital difficulties, was divorced in 1936.[54] Bundy

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[51] Were one to conclude that Bundy was lying at the instigation of counsel for the alien this would, in substance, conclude the case. This makes Bundy's credibility a more important issue than the credibility of Leech, for even though one throws out all of Leech's testimony, this would not conclude the case.

[52] Bundy placed the date late in 1935 or early in 1936. His affidavit of registration (an affidavit executed in order to enable him to vote) which is dated March 21, 1936, recites that he intends to vote for the Communist Party at the ensuing primary election. This is not conclusive that Bundy was still a member of the Communist Party. He left the party with no hard feelings. Indeed, when he testified in this proceeding he seemed still to be sympathetic toward some of its aims. He admitted that he had tried to keep his eldest son from enlisting in the United States Marines, saying that they might eventually be fighting on different sides. He admitted telling his son that Communist literature was much to be preferred to the current cheap magazines that his son was reading.

[53] Bundy, unlike Leech, "quit." He had no knowledge of any Communist tenet that members could not cease to be members upon their own volition.

[54] Much was made during the hearings of Bundy's marital infelicity. Its bearing upon this proceeding lies only in its ability to test Bundy's general veracity. Bundy admitted readily enough that he had been arrested for being drunk and fighting, but denied that he had ever beaten up his wife or that he had pleaded guilty to such a charge. He readily admitted, however, to having plead guilty of being drunk. Justice of peace records that were introduced relate that on September 5, 1933, Bunday was arrested by his wife for battery. This charge was dismissed by agreement a few days later. On November 7, 1933, Bundy plead guilty to a charge of having assaulted his wife, and was sentenced to 90 days' imprisonment. The sentence was suspended and Bunday was put on probation for 6 months. Similar action was taken on a battery charge brought at the time, with the difference that on this charge Bundy had been committed to jail pending trial because he couldn't find $100 worth of bail.

On September 15, 1934, he was again arrested for battery by his wife, but the case was later dismissed when his wife failed to press the charge. The variance between the records and Bundy's testimony seems insignificant. "Beating up" to Bundy was a matter of the degree of force used. It may well be that his contention—that his plea of guilty on the assault and battery charges was a plea of guilty to drunkenness—was his understanding of the action that he took to get himself out of jail. The technicalities of legal procedure and the meaning of various legal steps are frequently beyond intelligent laymen, to say nothing of those whose capacity to grasp the meaning of events is limited. And Bundy had no motive, even that of dignity, to effect a concealment of these facts. In 1936 the Bundy couple were divorced. The sequel to these events bear witness to the platitude that hope springs eternal. As Bundy left the stand in this proceeding the following felicitous colloquy took place:

"Q. You told me that you were about to become remarried, is that right?
"A. Thinking about it pretty strong.
"Q. With whom?
"A. My ex-wife."

worked with Leech during the few weeks that Leech was employed in March of 1937. Later Leech got him work with the Waldon Roofing Co., where Leech was employed as the foreman on some painting jobs.[85] Some time around these dates Bundy testified that he brought to Leech's attention an article in a paper that told of Leech's expulsion from the Communist Party.[86] About then Leech also requested Bundy to help him get reinstated with the Communist Party. Bundy had passed on Leech's request for a reopening of this case to a Communist friend of his, Byrnes, but nothing further come of it.

M. Bundy's Account of the Browne Visit

One Wednesday afternoon in June,[87] Leech and Bundy were at work on a house a few blocks away from the Leech residence. Leech asked Bundy whether the latter had seen Leech's daughter looking for him. Bundy had not. Leech then told Bundy[88] that she had brought him word that two police officers were at his home. Leech told of how he had returned and there found Browne who had offered him $1,000 to make an affidavit against Bridges, an offer that had been refused.[89] Leech said that Browne had told him to think it over, had left word where Leech could get him that evening,[90] and was coming back the next day to see him again. Leech thought, according to Bundy, that if he revealed these facts to the Communist Party they could send somebody up the next day to overhear Browne's conversation and that giving the Communist Party this information might help to bring about his reinstatement in the Party. Bundy thereupon agreed to go down with Leech to the Communist headquarters.[91]

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[85] The records of this company show that the employment commenced some time during the week ending June 19, 1937.

[86] Bundy was uncertain as to the date of this occurrence and also whether the article was the one already referred to in the Western Worker of June 24, 1937. He stated that he had seen that article but had also seen one in some other paper that carried a picture of Leech.

[87] Bundy could not place the date better than this. If the date were a Wednesday it would probably have been June 23, 1937. The so-called Leech 26-page statement would make this date Thursday, June 24.

[88] Bundy claimed that Leech's reason for telling him this story was Leech's desire to get Bundy's reaction to the course of conduct that Leech had pursued.

[89] A part of this conversation occurred, according to Bundy, while the two men were resting under a tree.

[90] On this detail Bundy is both uncertain and contradictory. Testifying as to this, he mentions it first in connection with the story of Browne's second visit. His testimony reads as follows:

"A. [Quoting Browne] * * * 'you talk it over with your wife, think it over and let me know how much money you want to sign this affidavit. You get in touch with me.' He didn't say where or nothing. I think more than likely he gave it to him the next day * * * I mean John was to call him the next day at 7 o'clock and let him know about it.

"Q. [By counsel for the alien obviously confused.] You mean the previous day John was supposed to have called Mr. Browne that night?

"A. Yes."

The matter is still left in some confusion. That confusion is increased by Bundy's account of this detail in his statement to Austrian. This reads:

"Q. That was the sum and substance of the whole conversation [the reference being to Browne's second visit]?

"A. Yes. John was to let him know by 7 o'clock that night. Said, 'I will give you and your wife a chance to talk it over. At 7 I will have to leave for Portland. I will be at the hotel. You can call me.' John did not go, because I watched him until 8:30. Hard up as he was, and with someone digging at him, I just thought I would watch. Watched until 8:30. John did not leave until then, and he did not go, I am satisfied with that."

Leech in his alleged statement to Austrian puts the time when he was to call Browne after Browne's second visit. Leech also makes no reference to Browne's leaving for Portland that night.

[91] The curious *prima facie* contradictions that characterize Bundy's testimony are exemplified by his account of this incident in the statement that he allegedly gave Austrian. This reads in this connection as follows: "* * * Before he [an unnamed man from Portland] left, he told John when he would set his price to let him know. Nothing more I know about it. Told John I would get in touch with the party again and give him a

At quitting time Bundy drove Leech down to the Communist headquarters on Spring Street. He parked the car in a lot next door and Leech told him to go up and try to see Klein. Bundy did not find Klein in but found a woman in the office who referred Bundy to Barron. The latter went down with Bundy to the car. There Leech and Barron talked but Barron seemed doubtful whether he or anyone would do as Leech suggested but said that he would take it up at a meeting that night.

Bundy then drove Leech home, came back to the Leech home after supper, and the two of them talked there for a number of hours.[92] The next morning Bundy and Leech again talked about the matter and, Leech having heard nothing from the Communist Party, a suggestion was made and agreed to that Bundy should secret himself in Leech's house and there overhear Browne's conversation.[93] About noon[94] Bundy turned up in Leech's house and there ate his lunch. Leech came in about 12:30 and was given some lunch by his wife. The two of them were sitting in the Leech kitchen when Mrs. Leech announced that Browne was coming. Bundy got up, went through the dining room, and secreted himself behind a door in the middle bedroom. Browne was ushered in by Mrs. Leech, met by Leech, and the three of them sat down in the front room.[95]

From where Bundy was concealed he said that he could only see Mrs. Leech during the time that she was in the room. After Browne and Leech sat down, they were both out of his line of vision. He could, however, overhear the conversation.[96] It lasted for about 2 hours. Bundy testified merely as to its main content. This was that Browne, after finding that Leech still adhered to the position he had taken the day before, raised his offer to $2,000. This, being again refused, Browne said that he had come down to Los Angeles with $10,000, had spent some of it, but was willing to go higher than the $2,000 if Leech would make the affidavit. All Leech would have to do would be to fly up to Portland, make the affidavit and return. Browne pointed out that he couldn't give Leech the money for testifying but he could arrange it so that the money would be in Browne's room and Leech could come in and get it and walk out. Leech, however, despite Browne's urging, refused. Browne then got up to go. Bundy thereupon left his hiding place, still concealed, went through

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trial. Said he wished I would. Just never done it. I've worked every day. Had a talk with Burns [Byrnes] and someone was to meet me at Burns's house and never done it. Comrade Burns was to meet me at his office at 5:15, but never showed up.

"Q. You took a message down to the office?

"A. Yes; a couple of weeks ago. That was the evening that the first fellow [Browne] came out."

Had it not been for the accident of this unresponsive answer to Austrian's question, there would be nothing in this statement to confirm this visit of Bundy to the Communist headquarters. But this is characteristic of his testimony. Suddenly, Bundy without prodding would make a remark which, frequently would make coherent what otherwise would have been contradictory answers. For example, Bundy testified that after his first visit with Gallagher he had never seen him again, when shortly beforehand he had testified about a second time that he had seen Gallagher. Upon being questioned as to this inconsistency by the examiner, he pointed out that these two visits occurred on the same day—a matter that had escaped the examiner but which is supported by a close reading of the testimony that he gave the day before in regard to Gallagher. A quick witted witness would have been capable of dealing in this manner with false testimony, but it is absurd even to suggest that Bundy possessed mental nimbleness.

[92] That Bundy was a constant visitor at Leech's house was testified to by everyone.

[93] Bundy was not certain who made this suggestion. At one time he testified that this suggestion was made the night before and discussed with Mrs. Leech.

[94] Bundy once put this time as 2 p. m., but his next few answers convince that this was a casual mistake.

[95] Mrs. Leech was not there during all the conversation.

[96] At no time did Bundy testify that he had any difficulty, due to the noise made by passing streetcars, in overhearing the conversation.

a bathroom into the front bedroom and through the window of that room saw Browne get into a four-seated car, driven by another man, and drive off. Bundy and Leech shortly thereafter returned to work.[97]

Bundy's alleged hiding place deserves some comment at this point. On the stand he drew a rough sketch plan of the Leech house, marked out the point where he was hiding, the respective positions of Leech and Browne, and his route to the front window. Asked specifically where the door to the middle bedroom was and how it swung, he marked this door as being nearer to the front of the house than to the back, and swinging in from the dining room toward the front of the house in a southerly direction. He testified several times that he was standing and "squatting" "behind" this door, and that he had no recollection that the children had come into that bedroom while he was there.

N. Bundy's Account of Incidents Intervening Between the Browne Visit and the Leech "Affidavit"

The next day, Friday,[98] Leech told Bundy that he was afraid that the police might be after him to make him testify.[99] Leech consequently asked Bundy if he might stay with him for a few days and Bundy agreed. After work that day Bundy took Leech home and then out to his house. This was in the process of being built by Bundy and was located in one of Los Angeles' more removed suburbs, Bell Gardens.[1] Leech lived with him for 5 or 6 days.

Leech went home to live the next Thursday or Friday, went away that week-end into the nearby mountains, and Bundy saw him again the following Tuesday. A few days thereafter Leech told him he had had another visitor. He described this man as representing a chamber of commerce or some similar organization and as having come from Portland. This man also asked Leech to make an affidavit against Bridges, showed Leech a blank check made out for $5,000 and told Leech he could have this if he would testify against Bridges. Leech stated that he had refused to do so.

O. Bundy's Account of the Signing of the Leech "Affidavit."

One Friday toward the latter part of July, Leech and Bundy quarreled. Leech as foreman insisted upon Bundy and the other men working on Saturday. This Bundy refused to do,[2] and when Leech still insisted Bundy walked out.[3]

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[97] That night, after supper, Bundy and Leech went to a saloon and over their drinks talked. Bundy had little memory of this conversation. This, it will be observed, is contradicted by Bundy's description of this incident in his statement to Austrian where he says that he stayed with Leech that evening until 8:30.

[98] There is a serious discrepancy between this and Leech's alleged statement to Austrian—a discrepancy that is commented upon later.

[99] Leech's having violated relief regulations had, according to Bundy, been mentioned by Browne, but that fact was stressed very little by Bundy in his testimony on the stand as being the reason for Leech's fear of the police. In his statement to Austrian, Bundy says that Browne made general threats against Leech of subpenaing him and having him picked up for vagrancy if he refused to talk.

[1] Bundy was building this house himself. It was not then completed. Only the frame and floor had been built. Some sheathing, made of Frigidaire boxes, covered one side of the house. Bundy lived in a tent by the house.

[2] Union painters in Los Angeles did not work on Saturday. This job, however, was not a union job.

[3] The testimony is not clear as to whether Bundy simply walked out on this particular job or whether he quit his employment with the Waldon Roofing Co. entirely. This is unfortunate, for the point, as will be seen, is of some importance. The records of the Roofing Company show that Bundy was employed by them until August 6, 1937. However the Friday that Bundy testified to would be July 23, 1936. For that week he was paid

The next evening, Saturday, about 5 or 6 p. m., three men drove up to Bundy's house. One of them was Barron, whom he recognized. The other two were Austrian and Shaeffer.[4] They asked Bundy to take them to Leech's house. He agreed and got in the car with them. On the way over[5] there was discussion as to whether Leech would sign a statement for them. Bundy remembered this and remembered also that he told them that he was not sure that Leech would sign such a statement but that Leech would have signed a statement sometime previous.[6]

Arriving at Leech's house, they failed to find Leech in, but as they were standing about the car trying to determine what to do, Leech appeared. The three men got out and went into Leech's house. Bundy stayed outside in the car[7] and shortly thereafter Mrs. Leech came out of the house and talked to him. Bundy remembers little of this talk[8] save that Mrs. Leech wanted to know who one of the men was and whether he was a Communist. Bundy not knowing to whom she referred could not answer her. About 20 minutes later the three men came out of the house, got into the car and took Bundy home. On the way back, the others told Bundy that Leech had refused to sign a statement for them but that Leech had indicated that he might do so for Austrian if Austrian would return the next day.

P. Bundy's Account of the Statement Given Austrian

Sunday around 1 p. m. Austrian and a young lady appeared at Bundy's home. Bundy states he was not there when they arrived but came upon them shortly thereafter. The lady was a stenographer, Craney Goldman. Bundy is under the impression that Austrian told him either that he had gotten a statement from Leech or was going to get one. Austrian asked Bundy to make a statement and Bundy agreed to do so. He got into the front seat with Austrian, Miss Goldman moving to the rear. There, with Miss Goldman taking him down in shorthand, he talked. This interview took about 20 minutes and then Austrian and Miss Goldman drove away. A copy of this alleged statement was introduced in evidence.[9]

$43.12 indicating a full week of work. For the next week ending July 30, 1937, he was paid only $13.72. Bundy testified that he never saw Leech again after that day. Counsel for the Government contend that the records of the Waldon Roofing Co. disprove this. But all the records show is that Bundy continued on the pay roll of the company until August 6th, not that he worked with Leech.

[4] Bundy at the hearing did not know Shaeffer's name. He said he had never seen him since that evening.

[5] Bundy was positive that Austrian drove the car. Austrian, who had been on the stand before Bundy, testified to the contrary. Leech also was under the impression that Austrian was the driver of the car in which the Communist "delegation" had come to see him the night he signed the statement.

[6] Bundy's memory of this incident is of interest. That the question of Leech signing a statement should have been broached to Bundy is not surprising in view of the earlier meeting of Bundy and Barron. To Bundy, however, this group of men was also a Communist "delegation"; that is, there is nothing in his testimony which gives any inkling that this was other than a matter that flowed naturally but tardily from his and Leech's earlier visit to the Communist headquarters. It is true that he did not allege, even when queried by Mrs. Leech that evening, that Austrian and Shaeffer were Communists. But to Bundy, Barron must have appeared as the leader of this little enterprise, and hence it must have seemed to him to have been a Communist enterprise. But Bundy cogitated only slowly and never manifested much curiosity about other people's lives.

[7] Bundy answering on cross-examination the questions as to why he stayed in the car referred to the difficulties he had had with Leech the day previous and his consequent lack of desire to see him.

[8] Bundy's statement to Austrian, however, relates that Mrs. Leech was angry at her husband for not accepting the money that had been offered him.

[9] Bundy claimed that he had not seen this statement before it was shown to him on the stand.

Q. Subsequent Conduct of Bundy

Sometime in July of 1939 Bundy, after reading Leech's testimony in this proceeding, got in touch with his friend Byrnes and suggested that he ought to be put in contact with some lawyer who might know something about Bridges. Byrnes that day took him down to the offices of Leo Gallagher, an attorney in Los Angeles, well known for his representation of the Communist Party and for his affiliation with that party.[10] Gallagher talked with him at length and that night Bundy was visited by Austrian, Gallagher, Henry Stapleton [11] and a doctor whose name he could not remember.[12] What Bundy knew was again very briefly discussed and Bundy agreed to become a witness in this proceeding.

About a week or so before Bundy appeared on the stand in this proceeding he went to see Austrian to give Austrian some information that had been given him regarding Leech. The information was to the effect that Leech had spent some time in the Utah penitentiary.[13] This information proved upon being checked to be untrue.[14]

These are the outlines of Bundy's contribution to the defense version of the Browne visit and of the Leech "affidavit" to the Communist "delegation." Before estimating what weight, if any, should be given to Bundy's testimony it seems best to describe Austrian's and Miss Goldman's version of these incidents.

R. Austrian's Account of the Leech "Affidavit"

Spencer Austrian is a practicing lawyer in Los Angeles. He is also a notary public. In 1937 Austrian was associated in practice with Joseph Aidlin. One of their clients was the Los Angeles Local of the International Longshoremen's and Warehousemen's Union—a C. I. O. Union. On Saturday, July 24, 1937, in Aidlin's absence Austrian was called up by telephone by one of the organizers of that local and told that a man by the name of Leech [15] had been offered large sums of money to make out an affidavit that Bridges was a Communist. Austrian told the organizer that he would get in touch with Leech and asked for Leech's address. The organizer replied that he would get it. Later the organizer again called saying that he would send two men to Austrian's office with the address.

These two men—Barron and Shaeffer—didn't know Leech's address but told Austrian they could take him to a man who did. Whereupon the three men drove out to Bundy's house and there got Bundy to take them to Leech's home. Arriving at Leech's home, Barron, Shaeffer, and Austrian learned that Leech was out but would be back

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[10] Gallagher ran in 1934 on the Communist ticket for Associate Justice of the Supreme Court of California. Counsel for the Government point with suspicion to the fact that Bundy first sought the advice of a Communist lawyer. But Byrnes, a Communist, would naturally have referred Bundy to Gallagher.

[11] Bundy knew Stapleton was a longshoreman: He did not know whether Stapleton was a Communist.

[12] This according to Austrian was Dr. Tashian, reported to be a Communist.

[13] Bundy had no direct knowledge of this. He did state that at one time Leech had talked to him about being in jail. As has been pointed out before, there is no evidence to show that Leech had ever been in the penitentiary.

[14] A check of the records of the Federal Bureau of Investigation failed to disclose any evidence that Leech had ever been in jail.

[15] Austrian had met Leech sometime after the E. P. I. C. campaign in 1934. Austrian had taken an active part in that campaign and stated that he protested to Leech of the part that the Communist Party had played in and subsequent to that campaign.

shortly. Consequently they waited in the living room. In a few minutes he arrived. In the conversation that thereupon ensued Leech became quite angry, upbraiding Barron for not having come sooner in view of Leech's visit a month ago to Barron. Leech said that he would not have anything more to do with the Communist Party. Austrian interrupted to suggest that Leech might be willing to discuss the matter with him if he came back alone. To this Leech agreed.[16] Thereupon the three men left, dropping Bundy at his home on the way back.

Austrian that evening sought to get a court reporter to go out with him to the Leech home Sunday morning. Failing to do so, he finally reached Miss Goldman late that night and she agreed to come. Miss Goldman was a stenographer for Raskin and Solotoy, a law firm having joint offices with Austrian. As such Austrian naturally knew her, but he had never theretofore employed her.

On Sunday morning Austrian picked up Miss Goldman at her residence about 8:30 a. m. They stopped for breakfast on the way, stopped again at a drug store to permit Austrian to purchase a note book for Miss Goldman, and arrived at about 10 a. m. at the Leech house.

There Austrian left the car, found Leech at home, and, upon Leech's suggestion that they go outside to talk because his wife was angry about the whole matter,[17] invited Leech into the car. There, with Leech and Austrian sitting in the front seat and with Miss Goldman sitting in the rear seat, Austrian after some preliminary talk asked questions, which Leech answered. Miss Goldman transcribed both questions and answers in her notebook. This took about 2 hours.

From there Austrian and Miss Goldman went to Bundy's house. They found it after considerable difficulty and there essentially the same process was repeated. Austrian's account of this incident differs from Bundy's only in very minor details.[18] Following that Austrian about 3:30 p. m. took Miss Goldman to dinner and dropped her later at her hotel with instructions to type the statements.

By Monday afternoon Miss Goldman had only some of the pages typed. Austrian nevertheless dictated an affidavit [19] for Leech to sign which Austrian later in the evening took out to the Leech house together with such portions of the Leech statement as had then been typed.[20] Leech again slipped out and sat with Austrian in his car. There Leech read the portions of his statement that had been transcribed. Leech remarked that he didn't like to see some of the statements that he had made about his wife down in black and white. Austrian replied that he wasn't interested in the statement particularly, that all he wanted Leech to sign was the affidavit and thereupon Leech removed those pages, including the carbon copies, that referred to his wife.[21] Leech then read over the affidavit and made certain

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[16] Austrian testified that at that time no definite arrangement was made either as to when he was to come back or that Leech would give him a statement when he did.

[17] Austrian stated that Leech had said that Leech's wife had wanted him to take the money that was being offered Leech. This is, of course, mere hearsay as to Mrs. Leech, but it is direct testimony as to Leech's reason for going out to Austrian's car rather than inviting Austrian into the house.

[18] Austrian testified that he first saw a woman at the Bundy house. This could only have been a neighbor's wife, for Bundy's wife had then left him.

[19] Austrian stated that he dictated this affidavit in the afternoon.

[20] These pages, some 15 in number according to Austrian, had not been sorted. The carbon copies were then still clipped to the originals.

[21] This record of Leech's answers to Austrian's questioning was introduced in evidence. It is a statement of 26 pages. Pages 6, 7, and 12 are missing.

corrections in it and then signed the affidavit. Austrian in Leech's presence also signed it, filled in the date and impressed his notary's seal upon it, giving Leech a copy of the affidavit, which, however, had neither Leech's interlineations, Austrian's signature, nor the notarial seal. After some more conversation,[22] Austrian left.

Austrian later mailed copies of this statement and of the affidavit to the Union.[23] Later he suggested to one of the organizers that steps should be taken against Browne for subornation of perjury and for impersonating a Federal officer. Austrian retained copies of the question and answer statement and the original of the affidavit in his files. About a year prior to this proceeding[24] Austrian gave counsel for the alien a copy of the question and answer statement and permitted them to make a photostat of the affidavit.

Extended cross-examination of Austrian brought out some additional details. Austrian denied that he was a Communist but admitted to sympathy and association with organizations that many people class as left in sympathy and viewpoint.[25] In cross-examination Austrian was unable to recall many of the minor details concerning his three trips to see Leech. On cross-examination he also reviewed his later association with the case, his visit with Stapleton, Gallagher, and Tashian to see Bundy[26] and Bundy's later visit to his office. He revealed that he had spent a day with counsel for the defense at the time when Leech was first on the stand going over for their benefit his associations with Leech. Nothing of any material significance was brought out during Austrian's cross-examination with the exception of Austrian's denial that he had ever represented the Communist Party or had arranged on their behalf for the lease of a hall in Los Angeles. Since this incident was made much of by the Government in its rebuttal in an effort to discredit Austrian, the circumstances surrounding it and its general significance are set forth in an appendix.[27]

S. Goldman's Account of the Leech "Affidavit"

Miss Goldman was the stenographer who accompanied Austrian at the time when he took the two statements from Leech and Bundy. To her this occasion was one that was in the formal routine of work. Consequently, many of the minor details relating to these two incidents have now escaped her memory. This is, indeed, to be expected. Were it otherwise her testimony would be for that very reason suspect. Though counsel for the Government complain of her inability to remember these minor details, they forget that 2 years have now passed since that Sunday morning when Miss Goldman accompanied

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[22] Leech tried to get Austrian to intervene with the Communist Party and bring about his reinstatement. Austrian later wrote them, but received in reply only the clipping already referred to that recited Leech's expulsion and the reasons underlying it.

[23] Bridges testified that he had had a copy of the Leech affidavit forwarded to the Department of Labor. A search of the Department's files failed to turn up any evidence that this document had ever been received by them.

[24] This was about the time when this hearing was first scheduled to proceed.

[25] Such as the American Civil Liberties Union and the Abraham Lincoln Brigade.

[26] It will be remembered that Bundy testified that these four men called upon him the evening of the day that he had been taken by Byrnes to see Gallagher. Austrian testified that while he was in San Francisco and at the offices of counsel for the alien, Stapleton had come in and told them of the fact that contact would be made with Bundy. He and Stapleton thereupon flew down to Los Angeles, went direct from the airport to Gallagher's office and were then driven out by Dr. Tashian to see Bundy. Leech was on the stand on July 12, 13, 14, and 17. The application by counsel for the defense for a subpoena for Bundy was made on Monday, July 17.

[27] See Appendix IV.

Austrian upon a trip that she could not then have envisaged as potentially so significant.[28]

Miss Goldman had been asked some few weeks before her appearance at this proceeding to search for the stenographic notebook in which she had taken down the Leech and Bundy statements. She was unable to find them, but she seems never to have been commanded by her superiors to keep her stenographic notebooks with the result that her general practice was to destroy those that were more than 6 months old.

Her testimony generally corroborates that of Austrian. It differs in certain minor details.[29] She was confident, for example, that she telephoned Austrian in reply to his message early on Sunday morning rather than on Saturday night. She saw no women at Bundy's house when they arrived but had a memory of Austrian talking to a young man of 18 or 20 before Bundy arrived. She added the further information that the entire transcription of the Leech and Bundy statements took her about a week, but though she was sure that she had given Austrian some pages of the Leech statement on Monday afternoon she did not know how many pages were completed by that time.

T. Analysis of the Leech and Bundy Statements

It seems best next to turn to the Leech and Bundy statements that were transcribed by Miss Goldman. The Leech statement, as has been noticed, consists of 26 pages of which pages 6, 7, and 12 are missing. It recounts that Leech was approached first upon a Thursday by a man who stayed at the Clark Hotel, room 543, and was registered under the name of William Browne. It tells of how he was notified of Browne's visit through a note sent to him by his wife through his little girl. Leech came home and invited Browne in. Browne then told Leech he was a member of the United States Immigration Department, that he knew that Leech had been expelled from the Communist Party, and that he wanted information on Harry Bridges. He pulled a sheaf of affidavits from his pocket, one of which outlined a district committee meeting of the Communist Party at Redman's Hall in San Francisco at which Bridges was present and another district bureau meeting at 121 Haight Street prior to the district convention of the Communist Party at which Bridges was also present. Browne then offered

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[28] Miss Goldman occasionally volunteered a minor detail, not directly responsive to any question that was asked her, which was of interest as corroborating other testimony. On the other hand she could not fill in certain details that even counsel for the alien hopefully sought, to elicit from her. Compare, for example, her testimony in regard to hunting for the Bundy house, her remembrance that the Leech house was on a dead-end street, her memory of the general physical surroundings of the Bundy house, and contrast therewith the lack of any memory or notice of Bundy's physical defects.

[29] The Government calls attention to certain other discrepancies. It asserts that Miss Goldman testified there were white posts at the end of the Leech Street, which admittedly were not there. The street ended in a railway embankment and one telephone pole stood part way up this embankment. A close reading of Miss Goldman's testimony shows that she was clear, that the street was a dead-end street. She further volunteered that she had a vague impression that there were white poles at the end of the street but it cannot be asserted that this was a matter of which she was certain. The Government also points to differences in the testimony of Austrian and Miss Goldman as to times of arrival at the Leech house, the time of eating dinner, the elapsed time of the Leech interview and other similar matters. But coincidence in these details would be greatly suspect, variation natural. The Government also implies that Miss Goldman stated that Austrian dictated the affidavit to her on Monday morning, whereas he stated that this occurred on Monday afternoon. But this is a misreading of the evidence. Miss Goldman referred to the subject on four occasions and at no time was she willing to be definite as to the exact time of day when the dictation took place.

Leech $1,000 if he would give this information. Browne also pointed out that Leech had been accepting relief illegally. When Leech refused to do as Browne suggested, the latter argued some more but left with the suggestion that he would be back the next day at 1 o'clock.

The statement then recounts Leech's and Bundy's visit to Barron,[30] Leech's request for Barron's assistance, the failure of the Communist Party to come to his aid, and his suggestion around noon of the next day to Bundy that the latter should conceal himself and overhear the conversation. It recounts at length Browne's second visit. On this occasion Browne suggested the possibility of more money but no definite sum was mentioned. At the close of this visit, Mrs. Leech stated that they would think it over but Leech determined that he would neither communicate again with the party or have anything further to do with Browne.

The statement recounts that on the following Sunday afternoon Browne again drove up to Leech's house. A third time he was asked in. This time he suggested that Leech fly up with him to Portland and there sign an affidavit. Further persuasive efforts were tried, including the suggestion of more money but no definite sum was named. Leech refusing to comply with Browne's request, he again left.

The statement then relates that about a week later a man, whose name Leech could not remember, called upon him. He represented that he was the secretary of the Oregon Joint Chamber of Commerce.[31] This man stated that he was aware of Browne's visit, that he deprecated Browne's method of handling this affair, knew that $1,000 would not be enough, and then pulled two checks from his pocket. One was for $2,000 and the other was in blank. He suggested that $5,000 or even $10,000 might be an appropriate sum if Leech would, as he expressed it, do them a favor. Leech again refused and after some further conversation this man left.

The Bundy statement embraces only three pages. It tells of Leech's conversation with Bundy following the first Browne visit in which Leech tells of Browne's first offer of $1,000. It then tells of Browne's second visit when Bundy overheard the conversation. In recounting this visit no mention is made of a definite sum being offered other than the original $1,000 except that Browne "raised the ante." Nor is any mention made of how and where Bundy concealed himself. It states that at the end of this interview Leech was to call up Browne by 7 p. m. but that Leech had not done so because Bundy had watched him until 8:30 p. m.

The statement then relates that Leech asked Bundy "the next day" to let him stay with him and how Leech stayed with Bundy for 4 or 5 days. It also recounts a subsequent conversation between Leech and Bundy in which Leech tells of the visit of the Chamber of Commerce man and his offer of $5,000. It ends substantially with the following:

Q. Did John say anything about his wife?
A. His wife, she would like very much for him to. Was pretty peeved last night. Made a couple sarcastic remarks. She's very much enthused over it. Would like it very much. Very mad last night * * *.

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[30] A page probably dealing with Leech's talk to Bundy is missing.
[31] The statement later refers to this association as the Oregon Associated Chambers of Commerce and the Associated Oregon Chambers of Commerce.

Judgment as to the authenticity of these statements should have prime regard to several factors.[32] Among these is the internal evidence of their being statements given by the two persons named.[33] In this respect there is much to lead to a belief that they are what they purport to be. The language employed by Leech is characteristically that which he employed upon the stand. His answers are enormously detailed, never direct and to the point, but rambling and replete with immaterial facts. Again and again expressions that are familiar to Leech occur in this statement. There is Leech's general ponderosity and pomposity in the use of words, his tendency to elaborate, qualify, and adumbrate. Similarly the Bundy statement reflects his laconic qualities, his tendency to jumble things together, and his innate lack of accuracy of statement. In other words examination of the statements from this standpoint gives no evidence to prove the contention that they are spurious.[34]

More serious are certain problems raised by a consideration of the fact that the Leech "affidavit" was drawn up by Austrian upon the basis of what he claimed to have learned from the statements that he got from Leech and Bundy. Examining that affidavit closely several matters are apparent.[35] The affidavit recites that Leech's party name is John A. Lewis. There is no mention of this fact in the 26-page statement. Austrian was at a loss to explain how he learned this fact. The only possibilities are that Leech may have told him this in preliminary conversation or that this fact may have appeared on 1 of the 3 missing pages of the 26-page statement, probably page 12. Again the affidavit makes no mention of Browne's third visit, though it mentions the first two and the visit of the man from the Chamber of Commerce. Thirdly, it places that latter visit a week prior to the making of the affidavit whereas the 26-page statement places it a week subsequent to Browne's third visit.

The most puzzling of these problems arises from the fact that both in the affidavit and in the 26-page statement Browne's name is spelled "Browne." Neither Austrian nor Miss Goldman could remember Leech spelling it for them at their request nor did Austrian know

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[32] The Government in its brief makes the contention that the taking of this 26-page statement would have occupied more time than the 2 hours alleged by Austrian and Miss Goldman to have been occupied by the incident. They state that they have proved to their satisfaction that this could not have been done physically within this time. But no proof of this nature was ever offered at the hearing. Obviously judicial notice cannot be taken of such a questionable proposition.

[33] The Government contends that inasmuch as Austrian's questioning is leading, this in itself is proof that the documents are spurious, inasmuch as Austrian admittedly had no knowledge of these matters other than what he could have derived from Leech. It is true that there are a few leading questions, but these occur only on the first page of the statement and could be explained by the fact that preliminary to transcription Leech and Austrian chatted both on the sidewalk and in the car.

[34] The Government also contends that internal evidence in the Leech statement proves it to be spurious. They point particularly to the use of the word "yesterday" by Leech in a phrase where in speaking of Browne's second visit he says: "I talked with him in quite detail, going over what information we had gone over yesterday, so that Bundy could hear him." "Yesterday" can obviously have reference to the day before the second Browne visit not to the day before the time of the taking of this statement. The error can well be viewed as a natural one. They point again to the fact that prior to the visit of the man from the Chamber of Commerce the following statement is made by Leech: "Bundy and I discussed it several times. He knew I was not responsive to the proposition, though we both did talk in a casual way, because we knew each other very intimately, what a lot of fun a fellow could have with ten thousand dollars." Since $10,000 is not mentioned in the statement until the visit by the man from the Chamber of Commerce, the Government contends this is the type of error that indicates spuriousness. But it is clear that Leech and Bundy talked about the problem both before and after the visit of the man from the Chamber of Commerce and it is easily possible for Leech to have then been thinking in terms of his talks with Bundy without segregating those talks into two different periods of time.

[35] This affidavit is set forth in appendix V.

otherwise of Browne's existence. But more surprising is the fact that Leech in his letter to Captain Keegan, written on the night that he signed the affidavit and after he had signed it, spells the name several times as "Brown." This leads to the suggestion that either the 26-page statement is spurious or the letter to Keegan which Keegan forwarded is spurious—the latter a serious reflection upon the integrity of the Portland police and not lightly to be indulged in but one that in the light of events detailed later cannot be easily dismissed.[36]

A third angle from which these statements must be examined is their lack of correspondence with the testimony of Bundy. It is unnecessary to go into the many minor variances but some of the major ones deserve comment. The first of these is that at no time is there any mention either in Bundy's statement or in Bundy's testimony of the third visit of Browne. Instead, Bundy both in his testimony and in his statement has Leech coming to stay at Bundy's house the day after Browne's second visit, while Leech in his statement makes no mention of this fact at all. A second is that Bundy in his testimony has Browne making Leech an offer as high as $10,000, whereas both in his statement and the Leech statement Browne raised his original proposition of $1,000 to a higher indefinite figure, but it is the man from the chamber of commerce who first talks in terms of $5,000 and $10,000. Thirdly, in his statement Bundy has himself leaving Leech at 8:30 p. m. the night after Browne's second visit, whereas he testified that he and Leech that night went to a saloon and stayed there until 12 p. m. Fourthly, neither Austrian nor Miss Goldman, at the time of their taking Leech's statement, or Bundy, at the time of his overhearing Browne in the living room, make any reference to experiencing any difficulties due to the passing of street-cars. The excessive character of the noise made by the passing street-cars was commented upon both by the two Leech children and by the two immigration inspectors who viewed the Leech premises.[37] One thing is patent upon the face of Bundy's testimony and that is that he had not, as he testified, refreshed his memory by reading over a copy of his statement prior to taking the witness stand.

U. Bundy's Eavesdropping Position

Before commenting further on Bundy's testimony, it is desirable to return to that portion of it in which he tells of how he overheard

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[36] Indeed the spelling of "Browne" as "Brown" in the Leech-Keegan letter is in itself a matter of suspicion. There is no question but that the affidavit is genuine. Taking then the Government's hypothesis that the affidavit was made out by Austrian with the assistance of some Communists such as Barron and Shaeffer within a period of 24 hours and upon the basis of information that they received through Bundy and Leech that Browne had seen Leech, how, one asks, did these men know the correct spelling of a somewhat obscure detective in the Portland police department? It is, of course, possible that they may have verified it by long distance telephone to Portland or that there may have been some record of that fact available to them in Los Angeles. But the spelling of Browne as "Brown" in the Leech-Keegan letter thrusts as much doubt upon the genuineness of that letter as it does upon the 26-page statement of Leech, especially so when one considers the absence of any real reason for Leech to have written such a letter to Keegan.

[37] These two inspectors also made some tests as to the possibility of a person in the middle bedroom of the Leech household overhearing a conversation carried on in the living room. A conversation would be carried on in the living room in a normal tone of voice by one inspector while the other inspector secreted in the middle bedroom tried to listen. The result was that the listening inspector could hardly hear anything more than a jumble of sound. But the test was not impressive. A normal tone for the inspector who made the test was so low and so indistinct that the examiner was hardly able to hear him as he testified on the witness stand a few feet removed from the examiner. Indeed, the examiner had to tell the inspector to speak up so that he could be heard.

Browne talking to Leech. It will be remembered that Bundy drew a sketch plan of the house and described with minuteness the spot where he was concealed. He placed himself behind the door of the middle bedroom and had that door swinging in toward the middle bedroom in a southerly direction toward the front of the house. Actually that door swings in toward the middle bedroom in a northerly direction toward the back of the house. This fact was stressed greatly by the Government to prove Bundy's statement to be false.

The point is of importance. Bundy always put himself behind the door, looking through the crack of the door, never peeping through the door through a crack left by the door being only partly open. He described the line of his vision as embracing neither Leech nor Browne when they were sitting down but only Mrs. Leech on the duofold. If one accepts this testimony, his sketch of his position on the face of his drawing would not have permitted him this line of vision. In other words, Bundy's testimony as to his line of vision would have had to be false if Bundy's sketch had been accurate. For his testimony in this respect to be true the door to the middle bedroom would have had to swing exactly the way that the Government eventually proved it did. Indeed, the more one ponders this incident, the more one is convinced that on this point Bundy told the truth. If this had been fabrication by Bundy, he would have hardly drawn a sketch which on its face proved that he could not have seen what he claimed to have seen. It was the Government's corrections of Bundy's rough sketch that proves he could have stood behind that door and seen exactly what he stated he had seen.

V. Analysis of the Leech "Affidavit"

Several matters strike very deeply at the question of Leech's credibility. The first of these to be considered revolves about the so-called "affidavit" that Leech signed denying that he had any knowledge that Bridges was a Communist. It will be remembered that Leech stated that this was not an affidavit, that Austrian had not signed or sealed it in his presence, that he had merely scanned it casually and had not made any interlineations upon the typewritten document.[38] Upon all these matters Leech finally became positive under the pressure exerted by cross-examination.

It is interesting to notice the development of Leech's testimony on these points. His first answers to questions along this line were somewhat indefinite. He stated that he had only a vague impression of the contents of the affidavit, that he believed he had made no corrections in it, that he did not remember whether or not he had read it but that it was "likely" that he had scanned it. Confronted with a photostatic copy[39] of the affidavit, he was unwilling to identify the signature thereon as his. As to the interlineations on the document, he answered that they could be his handwriting but that he had no recollection of making any interlineations.

The next day that he testified, a copy of the affidavit that had been in Leech's custody was produced by Leech himself. This was identical

[38] The "affidavit" with its interlineations is set forth in Appendix V.
[39] The original of the photostat was introduced the following day.

with the original save for the absence of the signature, the interlineations, the signature of Austrian, and the written-in dates and the notarial seal. Pressed again with reference to the interlineations he stated that he had not made the interlineations, but was still "not satisfied" that the signature was his, though he admitted that it had many of the characteristics of his signature. Pressed further he became positive that he had not made interlineations and charged that they had been put on after he had signed the document if he had signed that document.[40]

Leech was followed after the noon recess that day by Mrs. Leech. She, it will be remembered, sat on the porch that evening "just as it was getting dark" and witnessed the incident of Leech signing the affidavit. She also testified that Leech had not made any changes in the document. Many days later 11-year-old Joyce Leech, who was also on the porch watching her father, was certain that he had signed a paper only once and had signed only one paper.

The interlineations so far as their content goes are utterly unimportant. But in the light of Leech's positive statement that they were not his—a statement corroborated by his wife and child—the fact as to whether or not they were his becomes important. Especially is this so since Austrian's testimony directly contradicts Leech on this point. In short, they provide a litmus test on veracity as between Leech and Austrian.

Two handwriting experts were called on this issue, one by counsel for the alien and the other by the Government. Both agreed on one point—that the signature on the so-called affidavit was made by Leech. The former, E. O. Heinrich, testified that in his opinion the interlineations were in the handwriting of Leech; the latter, Charles H. Stone, that they were in the handwriting of someone other than either Leech or Austrian. A detailed analysis of their testimony and the methods employed by them is included herewith in an appendix.[41] On this direct conflict of opinion, that of Heinrich is very much to be preferred to that of Stone, whose opinion was demonstrated to be utterly worthless. Heinrich's opinion is so compelling that one is driven to the conclusion that not only was Leech mistaken but in the light of his subsequent definitive assertions his testimony in this respect was both untrue and false.

W. Leech's Relief Record

A second important test of Leech's veracity relates to his position as a recipient of relief. This question was raised because counsel for the alien from the beginning made efforts to discover whether Browne had threatened Leech because of his discovery that Leech had been accepting relief illegally and because of the suspicion that Leech had finally agreed to testify because of similar pressure exerted by others. It is not necessary even ultimately to determine whether such threats had ever been made; it is only necessary to consider Leech's testimony insofar as it represents a truthful portrayal of his own situation.

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[40] Leech's positiveness that he had not made these interlineations increased the more that he was pressed in this connection. Prior to Leech's being recalled to the stand, E. O. Heinrich testified as a handwriting expert that these interlineations were in Leech's handwriting. Leech on the stand later stated that Heinrich's testimony did not lead him to alter his earlier testimony.

[41] See appendix VI.

Here again the progression of Leech's testimony is of significance. The issue was opened early on cross-examination. The question and answer are characteristic:

> Q. Were you on relief at the time he [Brownie] came to see you?
> A. No.
> Q. When was the last time that you had been on relief?
> A. I think, if I remember correctly, that I had been on relief several weeks or possibly a few months just previous to that time, and it is possible that for periods even during that time—because I did not have steady employment at my work—it is possible that I was registered and qualified even at that time or just prior to that time to receive relief.

The next day Leech answered more broadly that he had never knowingly been the recipient of relief in violation of law.

Leech also in this connection testified with respect to his earnings. He stated that just prior to leaving Los Angeles he had been making $48 a week, that his average for the 6 months prior to his leaving was "in the neighborhood of $25 or $28 a week; $105 or $110 a month, perhaps"; that over the year prior to his leaving "it would strike pretty close to $20 or $22, something like that, average per week."[42] The inference from these statements alone is that during both the 6 months and the year referred to Leech, if on relief at all, was so simply for very short periods.[43]

Some days after Leech had left the stand his relief records were introduced. They established that he had been on relief from November 30, 1934, to January 9, 1936; that he had reapplied on November 16, 1936, and had been put on relief on November 23, 1936, and continued thereon until April 3, 1937,[44] when relief was discontinued because he received private employment. Leech reapplied for relief on May 17, 1937, and relief was again started on May 24, 1937. It was continued from then on without interruption until the case was closed on August 30, 1937, effective as of September 3, 1937, due to notice from Leech received by way of the mail on August 30, 1937, that he was on his way to Toledo, Ohio. Leech's relief budget was on the basis of $37.70 semimonthly.

At no time from November 23, 1936, until August 30, 1937, except for the break of the month and a half in April and May, do the records of the State relief administration reflect the receipt of any outside earnings by Leech. Recipients were under a duty to report the receipt of such earnings directly to the central office or to the monthly visitor. The rules of the relief administration require that a recipient's relief be discontinued if his earnings are in excess of his relief budget. If they are less than his budget, the recipient continues eligible for relief, but they are deducted from the amount that he is entitled to receive except that he is allowed to retain without deduction an amount equal to 25 percent of his monthly budget. For fraudulently obtaining and receiving relief a recipient is criminally liable and also liable civilly for the amount that he has fraudulently received.

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[42] Leech added in this connection, inasmuch as he admitted his average was less than the average for painters in Los Angeles, the following: "I want to make clear here that the year as you raised it there—that the year back from the time I left Los Angeles, a portion of that year, had been spent in Communist Party activity."

[43] One inference is patent: namely, that this average represented "earnings" and not relief.

[44] The period when relief is discontinued does not correspond with the date of the receipt by the recipient of his last relief check. Because the amount paid is computed for the time for which aid is required, the date of the receipt of the check may be as much as 2 weeks in advance of the time of the discontinuance of relief.

With these relief records it is important to contrast three facts. The first is that Leech, according to his testimony, received $10 a week from the Communist Party from 1934 to 1936, and $20 a week from the same source from the middle of 1936 to early November of 1936. The second is that Detective Browne's visit occurred on June 23 or 24, 1936. The third is that the records of the Waldon Roofing Co. show he was employed there continuously from about May 22, 1937, to August 21, 1937, receiving a total of $419.14. His highest weekly earnings during that period were $47.17; his average weekly earnings were approximately $32.24.

Other matters in the relief records are also of interest in this connection. The monthly visitor's report [45] as of June 24, 1937, recites: "Interviewed woman in home. Man was out looking for work at the time. Man is making every attempt to find private employment so that he can become self-supporting. He has had no work as yet and no odd jobs." As of July 8, 1937, the report reads: "Interviewed woman in home. According to woman, man has been able to pick up a few odd jobs, and hopes to secure permanent employment in the near future. She will notify office immediately when man secures work." As of July 15, 1937, the report adds: "Letter from man stating that he had been unable to secure private employment and it further stated that he contacted USES [United States Employment Service] office in an effort to secure employment but had been unsuccessful." As of August 23, 1937, there is this entry: "Interviewed man and woman in home. The six children were present also. Man stated that his brother-in-law has written him from Toledo, Ohio, requesting that he return to that city to live nearer to his mother, who is quite aged. Brother-in-law is to send money for transportation. Man will let visitor know as soon as arrangements for the trip have been completed." A final entry as of August 30, 1937: "Postal card received from man from Redding, Calif., stating that man and family are en route to Ohio, where family expects to establish residence. Man stated that he wished his case to be closed * * *."

Leech was recalled to the stand to explain the patent conflict between his testimony and the relief records. This day and a half, during which Leech was on the stand, perhaps exhibits his habits of evasion, qualification, and tenuous elaboration at their height. At one and the same time he would admit and deny the correctness of the relief records. Similarly he both admitted and denied knowledge of the relief regulations requiring him to report outside earnings to the relief authorities—reports which would have brought about a reduction in relief payments.

On the question of whether Leech had ever made any report to the relief authorities during the period from November 1934 to January 1936, of the weekly income of $10 to $15 that he received from the Communist Party, the quotation of a few of Leech's answers will give some indication of the character of his testimony: [46]

Q. Did you report any of that income of $10 a week from the Communist Party to the relief administration, or the relief authorities, or any representative of the relief administration or relief authorities?

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[45] The actual reports of the monthly visitor are not available. A summary of the report is dictated by the visitor to a stenographer who then makes a transcription of it for the official files. As such these summaries are admissible in evidence under the exception to the hearsay rule regarding entries made in the regular course of business (*Mississippi River Logging Co.* v. *Robson*, 69 Fed. 773; see 3 Wigmore, Evidence, sec. 1530).

A. I believe that I did on two or three occasions; I believe that at one time, through the influence of certain members of the Communist Party that were also connected with the relief administration, that they offered me, in addition to the $10 a week that I was getting, supplementary aid if I needed it or wanted it.

Q. Just a minute. We will forget about supplementary aid. Do you understand the question? The question is, did you report or did you not report to the relief authorities, or any of their representatives, this $10 a week income which we are referring to?

A. I can definitely say that to their representatives, yes; in an official manner by communicating or going into the office, I can't say that I recall I ever did.

Q. To whom did you report and when?

A. One of the persons to whom I reported and discussed it with was John E. Jeffery who, in 1934, was the Communist Party election campaign manager in Los Angeles * * *. In 1935 Mr. Jeffery went to work for the State Relief Administration in Los Angeles and, during this period, was also the Communist Party organizer of the Social Service Workers units in Los Angeles * * *.

Q. Was Jeffery acting as representative of the relief administration in handling your case when you gave him this information, or was he just working on relief, I mean, in the relief administration?

A. I cannot say definitely just exactly what Mr. Jeffery's role at that time was * * *.

Q. Did you ever report this income to that person who was assigned by the relief administration to visit your home, or you, and check up on you, your case, and your income?

A. In the sense of reporting it, I don't know what I ever did; I want to further qualify that by saying, however, that with my visitors I have discussed the matter. Whether it can be interpreted on the basis of a report, I don't know.

Q. Do I understand you to say that you did give the information that you were receiving $10 a week from the Communist Party to one of the visitors who was assigned by the relief administration to take care of your case?

A. I would say definitely, yes; though qualifying this by saying that I do not know, I do not remember, whether I made a specific report in writing or whether it was simply an oral discussion with the visitor, I don't know.

Leech admitted that he had never given the relief authorities any notice of his having been employed by the Waldon Roofing Co. from May 22 to the middle of August—a period during which he was continuously receiving relief. As a reason for not doing so, he claimed that the job had been gotten through them and that therefore he felt himself under no necessity to give them notice. This, of course, is an insufficient explanation to justify his cashing of relief checks while so employed.

Leech was forced into a position where he was compelled to deny the reports of the relief visitors. He suggested that their incorrectness was due not only to the carelessness of the visitors but insinuated that among these visitors were Communists who made reports in this manner to discredit him. But to attribute such penetrating prescience to these visitors is absurd, and an examination of their reports adds to build a belief in their general accuracy.[46]

Leech was again in difficulty in dealing with his postcard from Redding, Calif., which was received by the relief authorities on August 30, 1937, in which he stated that he was on his way to Toledo, Ohio. He was then actually on his way to Portland, Oreg., Redding being on one of the main automobile routes from Los Angeles to Portland.

[46] These reports, for example, tally quite remarkably with events of whose occurrence there is no doubt. They recite very accurately such matters as Leech's blood poisoning, the hospitalization of Thelma Leech, the collarbone fractures of Joyce and young John, and Marguerite's serious bout with pneumonia.

He admitted that he had written such a postcard and admitted that he had lied to the relief authorities with reference to his destination. He justified that upon the ground that he was attempting to conceal his destination from Communists in the relief administration rather than from the relief authorities themselves.

It is impossible accurately even to summarize this day and a half of testimony by Leech. In evasion, qualification, and contradiction it is almost unique. Its flavor cannot be conveyed by a few scattered abstracts from the record, for the evasions are truly labyrinthine in nature. Pages of the record are consumed in Leech's efforts to deal with questions that had simple affirmative or negative answers. Indeed, one would be tempted to regard Leech's evasionary tactics as pathological in character, were it not that behind this screen of verbiage was a motive—Leech's desire first to conceal and later to refrain from admitting that he had fraudulently been accepting relief with the knowledge and aid of Mrs. Leech.

X. Leech's Susceptibility to Suggestion

One feature of Leech's testimony deserves special notice. It is his susceptibility to suggestion. Leech, for example, testified at length concerning Communist tactics and theory. In his effort to depict the evil practices indulged in and encouraged by Communists, he told of how they suborned perjury in our "capitalistic" courts. To make his testimony more impressive Leech suggested that he himself had indulged in these tactics. He insisted upon depicting himself in such a role when questioned in that regard by the Examiner.[47] Some days later counsel for the Government recognized the seriousness of that admission. Consequently when Leech was recalled to the stand they took the opportunity of suggesting to him that he withdraw his earlier damaging remarks. Leech readily did so.[48]

A second illustration of this occurred in another connection. Leech, because of his long association with the Communist Party, was asked

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[47] "Trial Examiner LANDIS. I don't want to continue along that line, except I wanted to clear up just one point in your testimony, your use of that phraseology in that connection, some time back, that you participated in some of the court cases, might, as it stands, be subject to the impression that perhaps you yourself went into court and testified falsely, or that, if not, you engineered false testimony. Do you wish that impression to be left?

"The WITNESS. I am afraid it has to remain."

[48] The record on this point is of interest:

"Q. Mr. Leech, I think you testified here during the past week—it may have been before that—that testimony had been given by Communists in trials in the courts which was not true and correct, is that true?

"A. That is correct.

"Q. Did you yourself ever give any testimony in a trial which was not true?

"A. I have never knowingly or with intent given false testimony in any court or any other place.

"Q. Will you tell us of any case where you know where members of the Communist Party might perhaps have given testimony in a case in court which they knew to be false? * * *"

Objection having been made to this question, a colloquy ensued between the Examiner and counsel. A portion of this colloquy goes as follows:

"Mr. SHOEMAKER. * * * I was afraid that the impression might have been created—small, perhaps, but there—that this witness had on one occasion and perhaps others gone in and testified falsely in connection with a case in court.

"Trial Examiner LANDIS. I am very frank to confess that the impression was very distinctly left on my mind, in the original testimony of Mr. Leech, that he himself did engage in activities of that nature.

"Mr. SHOEMAKER. That is just the thought that I have.

"Trial Examiner LANDIS. The impression was left on my mind—I recall that I interrupted the witness and called his attention to the inference that his remarks left, and I said, 'Do you want to leave that inference, Mr. Leech?' and he said: 'I am afraid it must be there.' That was my memory of that.

"Mr. SHOEMAKER. And that is the point that I am trying to clear up here now."

by counsel for the Government to identify certain books and pamphlets, that had been offered by the Government, as having been issued with the *imprimatur* of the Communist Party. He did so with reference to a number of them. The bases upon which he rested his opinion that these particular books and pamphlets had been published and distributed with the official authorization of the Communist Party were then explored on cross-examination by counsel for the alien. Finally questioning turned toward one book, entitled "The History of the Communist Party of the Soviet Union." A portion of the testimony in this connection is worth quoting:

Q. [by counsel for the alien] Was the "History of the Communist Party of the Soviet Union," something like that red book, distributed by the Communist Party before you left the Communist Party?

A. I would not say that the book——

Q. (interrupting) "Yes" or "No," please.

A. "The History of the C. P. U. S. R." was published in book form in this same form, to the best of my recollection, during my period of schooling in 1936 and, with an instructor from the Soviet Union, we studied this book. I believe that it is the identical book.

Q. Will you please state what is the evidence upon which you base your statement that this book, referring to the red book you just referred to, is officially approved in its entirety by the Communist Party of the U. S. A.?

A. The general contents of this book, plus the fact that to the very best of my knowledge the same book was the book that was used by instructors under the authority of the high section of the party.

Q. First, you say, refer to the general contents. Does that mean you examined the general contents and decided it was consistent with the theories of the Communist Party and, therefore, you concluded it must have been officially approved? Is that what you mean?

A. I examined the contents this noon in such a manner as to convince me that it is the identical book that was used by the Communist Party for a course of instruction in 1936.

* * * * * * *

Q. Well, let's get this summarized, Mr. Leech. Very simply state the reason why you know this particular book is officially approved by the Communist Party of the U. S. A. as a representation of its theory.

A. I have given my opinion on that.

Q. Summarize it.

A. I cannot go further than to say that on the basis that I believe that this volume, from its source of publication, and from the fact that this identical volume, or a volume very similar to it, and which I am convinced there has been no material change in the contents, was utilized by the Communist Party in 1936 and by myself for a course of instruction.

Q. Do you know when this book was first published in the United States?

A. No; I don't.

Q. Will you examine it and see if you can indicate from the book itself, or from the introduction, or anything in there, when it was first published in the United States and, if you can find out, also state when it was first published anywhere.

A. (examining book) I see that this book, from the fly leaf here, indicates it as being copyrighted in 1939.

* * * * * * *

Q. Will you examine this page (indicating) and see if there is any reference to events on December 11, 1937?

A. (examining book) Yes.

No evidence was proffered by the Government to show that a book of this nature, of which the book in evidence could have been a revised edition, was in existence prior to 1939.

Further illustration of this susceptibility of Leech to suggestion is unnecessary.[49] But ultimate judgment on Leech's credibility must still await examination of further evidence, for like one tin soldier falling in a file of soldiers, the necessary consequence of disbelieving Leech is to disbelieve others who also came forward with testimony on the issues involved in this proceeding. The question of Leech is not an isolated one; an appreciation of its significance calls for an examination of the background from which that testimony and other testimony sprang. This background is the part played in this proceeding by the Portland Police Department, Harper Knowles and Stanley M. Doyle.

Y. Harper L. Knowles

1. General Nature of Knowles' Activities

Harper L. Knowles is a resident of San Francisco and a member of the American Legion. During the 1934 maritime strike, certain prominent members of the American Legion in San Francisco became greatly exercised by the threat to peace and order that they believed was implicit in the strike. They were also under the belief that the strike, if not the work of Communist agitators, was receiving its militant direction from such a source. They organized a casual committee whose function was to press for the adoption of resolutions at the coming annual convention of the California American Legion which would extend the activities of the Legion to the investigation and suppression of subversive and un-American activities. Knowles was a member of this committee.

These resolutions were passed by the 1934 convention and resulted in the creation of the Subversive Activities Commission. Knowles became a member of this and its chairman in 1935. He continued as its chairman when in 1936 this commission was reorganized as the Radical Research Committee of the Legion.

The methods employed by this committee are of interest. Their headquarters were in the Veterans' Building in San Francisco. There, under Knowles' direction, were collected not only radical literature, but an elaborate index was kept with reference to individuals and organizations deemed to be radical. Hundreds of informants scattered throughout the State, most of them volunteers and many of them Legionnaires, supplied the central office with data on the doings of radicals and agitators in their various vicinities.

Some idea of the coverage of this committee can be gotten from a brief description of its contacts with other organizations. Beneath the central committee, which consisted of nine members, were 24 districts each of which had its own subversive activities committee. In addition the larger of the 530 posts in the State had similar commit-

[49] Leech's insistence that he made no alterations on the so-called Communist "affidavit" seem to derive also from this tendency. Uncertain on that point in the first instance Leech became positive in his denials as the issue, originally wholly immaterial, became a focal point of veracity. Similarly a review of the testimony on this "affidavit" confirms the impression originally made upon the examiner that Leech was led into an insistence that this "affidavit" was not an affidavit but a mere statement as a result of suggestive questioning from counsel and the examiner.

tees. The committee itself had close working arrangements with the Army, the Navy, the State Bureau of Criminal Identification, police departments, sheriffs' offices, the State Peace Officers Association, immigration inspectors, private detective agencies, manufacturers, labor and industrial associations, farmers protective associations, chambers of commerce, and civic, fraternal, and other veterans' groups.

It was stated that the committee's working arrangement with the Army and the Navy and the Immigration and Naturalization Service was a "one-way arrangement," that is, information was only supplied and not exchanged. However this may be, close working arrangements for the interchange of information existed with the other groups. William Young of the Young Detective Agency was a member of the San Francisco subversive activities committee, and Harry Machel of the Charles Watkins Agency was formerly a commander of Oakland Post No. 5. The cooperation of Mr. Morrill of the State Bureau of Criminal Identification is evidenced by the fact that he supplied an employee of the Legion upon Knowles' request with an automobile operator's license in a fictitious name in order to conceal her identity.[50] Captain Hynes of the Los Angeles Police Department conducted *ad hoc* investigations at Knowles' request.

Knowles' relations with the Portland Police Department were particularly intimate. Not only was that department officially instructed by its chief to cooperate with Knowles, but Detective Browne of that department was also the chairman of a Legion subversive-activities committee for Oregon similar to that of which Knowles in California was the head. He cooperated with Knowles in both capacities, and other officers of that department, such as Keegan and Bacon, supplied Knowles with information and were in turn supplied with information by Knowles. In addition, Stanley M. Doyle, then acting as a special agent for the State of Oregon under the special direction of Governor Martin[51] and also engaged in ferreting out subversive activities, worked together actively with Knowles. He used Knowles' office on occasion, maintained some files there, gave him copies of reports that he sent to Martin's office, played around with him sociably, and even occasionally borrowed small sums of money from him.

Knowles also had intimate contacts with the Industrial Association of San Francisco and the Associated Farmers.[52] The exchange of information that went on with these two associations, particularly the former, was even more extensive. Knowles would supply them with the records of individuals in whom the Industrial Association was interested and had a close working arrangement with officials in that association who were interested in combatting the spread of militant unionism. Knowles also received information from T. G. Plant of the Waterfront Employers' Association, particularly the

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[50] Sec. 338 of the California Vehicle Code (as amended in 1935) provides: "It is unlawful for any person * * * (e) to use a false or fictitious name in any application for an operator's or chauffeur's license or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application."

[51] The record leaves no doubt but that Doyle acted also in other capacities, but there is little evidence to indicate who his other employers or supervisors were. Bakesy testified that Doyle was employed by the Industrial Association of San Francisco and the Waterfront Employers' Association or by individuals of consequence in these associations, but Bakesy's information on this precise point is at best secondhand.

[52] Knowles was employed in 1938 by the Associated Farmers for 3 months. In that capacity his work was substantially the same as that with the American Legion.

reports of one Bakesy, who was allegedly employed by Plant as an undercover operator.

The committee also worked in cooperation with the special agents of public utilities, telephone, railroad, and steamship companies, particularly with the chief special agent for the telephone company in San Francisco. Wire and wireless dictograph equipment was also available to the committee. Many of the assisting Legionnaires were also deputized law-enforcement officers. In addition, the committee had on its staff a number of undercover agents, operating as Communists or as militant unionists.

There is abundant evidence to indicate that the work of Knowles' committee came perilously close to that of those organizations whose sole effort is to combat militant unionism. The spread of unionism was watched with concern, particularly its spread into the unorganized agricultural areas of the State. A close differentiation was not always made between labor agitators and those truly engaged in subversive activities. Indeed, the close alliances that existed between Knowles' committee and the powerful employer associations lead to the conclusion that Knowles, whether wittingly or unwittingly, was frequently made the tool of their policies.

II. KNOWLES' EARLY CONCERN WITH BRIDGES' DEPORTATION

Knowles' relationship to the issues presented by this proceeding is not always clear. He was neither a candid nor a forthright witness. His memory tended too frequently to become beclouded when answers might have proven to be too revealing. Recollection, even when it existed, tended at times to be suspiciously faulty. Because of these tendencies it becomes necessary on occasion to disbelieve him and also to treat a hesitant qualified admission tortuously wrung from him as far more significant than would be the case with an open witness.

Knowles' interest in Bridges goes back several years to some time soon after the 1934 strike. During 1935 and 1936 he had some correspondence with the Department of Labor in which he claimed to have given them enough information to prove that Bridges was a Communist and in which he accused the Department in no uncertain words of coddling Communists. At the 1936 convention of the American Legion, an alleged report of the legal adviser to the Department of Labor was circulated quite widely among the members.[53] That report reviewed Knowles' correspondence with the Department, concluded that the type of evidence he submitted was wholly worthless, that the Department had no evidence upon which to proceed against Bridges, and criticized Knowles' attitude as prejudiced and his language as "intemperate and overbearing."

III. KNOWLES' LATER TACTICS

Knowles' activities after that report are marked by a change in tactics. Thereafter he no longer continues to submit to the Department unfounded rumors and hearsay to the effect that Bridges is a Communist, or extracts of speeches by Bridges. Instead efforts are

[53] No evidence was introduced to establish the fact that this report was authentic. Knowles, however, believed that it was, and for its materiality in this connection it is Knowles' belief as to its authenticity that is significant rather than its authenticity.

begun to be made to furnish proof along different lines. Also about this time the Portland police begin to take an active and energetic hand in the Bridges' matter and Doyle begins to bend his energies toward the same end.[54] Knowles' policy in this connection was to fish in troubled waters. Several incidents are worth reviewing in this connection in order to get a glimpse of the methods employed by Knowles and his coworkers.

IV. THE COX STATEMENT

Ivan F. Cox held the position of financial secretary of the San Francisco Longshoremen's Union. Some time in 1936 or 1937 he became involved in trouble because of an alleged shortage of funds. Cox seems to have held a belief that he was being victimized by the union,[55] and he therefore seemed to be a likely source from which information concerning Bridges might be forthcoming. Certain it is that many conferences were held with Cox in which Knowles, Doyle, Barker of the Industrial Association, and others participated.[56] Two uses for Cox were devised. One was to get him to make an affidavit against Bridges; the other was to file a suit for conspiracy against numerous union leaders, charging them with being Communists and as such attempting to destroy Cox, and claiming damages for $5,100,000. The latter proceeding from the standpoint of the technique employed is of interest. The source of the idea is not discernible from the record, nor is it clear to whom this $5,100,000 was to go if any such judgment could be obtained. The suggestion was made that $5,000,000 was to be turned over to the State and $100,000 was to go to Cox as an inducement for revealing this conspiracy. On this particular point the record shows that Knowles lapsed into his customary aphasia, but Knowles did testify that he believed that Doyle offered Cox as an inducement in this matter a job with Edward Vandeleur, an A. F. of L. leader, a job that later actually materialized. The complaint when filed was printed and widely distributed. Knowles was active in promoting that distribution.

Cox also gave an affidavit against Bridges. This affidavit was not introduced in evidence nor is the record clear as to the circumstances under which it was given. The record does disclose that at about this time Mr. Bonham, the Director of the Immigration and Naturalization Service for the Pacific Northwest, Doyle, Captain Keegan, Knowles, Mr. and Mrs. Cox and a stenographer met in a hotel room in San Francisco and that on that occasion Cox made a statement. Knowles testified that this statement was on Cox's "experiences" with Bridges.

No such statement was introduced in evidence. Cox later publicly repudiated all the statements he had made to Doyle and to Bonham. It is of interest to note that at the taking of this statement in San Francisco, neither the law-enforcement officials of San Francisco nor the immigration authorities of San Francisco were

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[54] Knowles met Doyle in 1935 but the period of Knowles' close association with Doyle begins later.

[55] It is impossible to determine from the record whether this belief was Cox's own or whether he was encouraged by others to entertain that belief.

[56] Knowles testified that he and Doyle checked the story of victimization, pooled their information, and that these checks substantiated Cox's story.

present. Instead, the Seattle director, whose juridiction extends to Portland but not to San Francisco, and the Portland Police Department officiated.

V. CONTACT WITH FERGUSON

J. E. Ferguson was the business agent of the Marine Firemen's Union. In 1937 a difficulty arose in San Francisco between the Longshoremen and the Sailors Union of the Pacific and in that contest the position of the Marine Firemen became crucial. Ferguson wished to have the Marine Firemen side with the Sailors, and Ferguson in that predicament turned to Doyle who in turn discussed the matter with Knowles. Doyle, a Dr. Malcolm,[57] and others met and evolved a plan whereby membership books in the Marine Firemen's Union would be distributed to W. P. A. workers. These workers would then vote to support Ferguson on that issue. This is what occurred later.[58] Knowles' part in this proceeding is indefinite. He knew of it either before or after its occurrence and discussed the matter with Doyle and Malcolm. The incident is of significance inasmuch as Ferguson appears later as an important actor. Ferguson was later expelled from the Marine Firemen's Union. Ferguson also gave Keegan some kind of an affidavit against Bridges. Whatever this was, it was not introduced in evidence.

VI. CONTACTS WITH MILLS

Knowles also was aware that one Herbert Mills had given an affidavit on Bridges through Doyle. Mills was a ne'er-do-well laborer who thereafter in Portland, despite certain protection afforded him by some of the Portland police, got into difficulties with the law. At the time of this hearing Mills was not to be found and his affidavit was not proffered by the Department of Labor. Mills had later threatened to expose Doyle if considerations that Mills alleged Doyle had promised were not forthcoming. Mills made this threat in a letter addressed to Knowles on September 12, 1938.[59]

Knowles' testimony as to what he did with this letter is of interest. He states that he "did nothing about it," that he did not turn it over either to the Portland Police Department[60] or to the Immigration Service, but that he just filed it and did not let anybody know anything about it. Actually he first gave it to Mumpower, a Portland police detective, who happened to be in San Francisco. Mumpower in turn telephoned to Captain Keegan about it and the latter expressed doubts as to its authenticity. Mumpower then compared it with Mills' handwriting and satisfied himself that it was authentic. Knowles then related all these facts to an immigration official in San Francisco and permitted him to make a copy of Mills' letter. It is

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[57] Malcolm was a member of one of the subordinate subversive activities committees of the American Legion and worked quite closely with Knowles.

[58] Knowles only admitted that he "believed" these matters took place. But since Knowles talked over these matters with Doyle and talked to Malcolm a day or two after, his "belief" would seem to have a fair basis of fact.

[59] The letter reads in part as follows: "Please be advised: unless the agreement between Mr. Doyle and myself is fulfilled immediately I will call upon Miss Perkins, Labor Department, Washington, D. C., for an investigation, as it was through a branch of her department that I became involved in the deportation affair of Harry Bridges."

[60] Knowles was asked the direct question as to whether he had consulted Mumpower in connection with the letter.

incredible that this recent incident escaped Knowles' memory. It was impossible to listen to Knowles' two accounts of this incident without being convinced that on occasion he lied when he dared to [61] and conveniently forgot matters when an outright denial might make for subsequent embarrassment.

VII. OTHER CONTACTS

Knowles also got information directly or indirectly from one Waugaman, a union official. Knowles discovered later that Waugaman was being threatened with prosecution by a bonding company because of his misuse of union funds. Knowles again got reports from Arthur Scott alias Kent alias Margolis, a reputed Communist but an undercover agent for other employers, who later was accused of many burglaries, convicted of two and while in jail was interceded for by Captain Keegan. Scott had also given an affidavit that Bridges was a Communist, an affidavit which again was not proffered in evidence. Knowles also received reports from one Musbak, an undercover Communist informer. Musbak was subpenaed by counsel for the alien but the subpena was not pressed after discovery of the fact that Musbak was in jail for banditry in Los Angeles.

VIII. RELATIONSHIP WITH LEECH

This recital suffices to give some indication of Knowles' methods, sources of information and associates. It makes significant Knowles' indirect contact with Leech. The circumstances of that contact are clouded by the mists of Knowles' memory. Certain it is that Knowles saw Browne at a time that is close to the time of Browne's visit to Leech. Certain it also is that at this period Knowles and Doyle were quite intimate in their working association. On two items of evidence there is no doubt. The first is that Captain Hynes of the Los Angeles Police Department gives in reply to a confidential inquiry made of

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[61] Another example of the incredibility inherent in Knowles' testimony is the following: Knowles admitted that he "had been one of the foremost people on the Pacific coast who had been demanding a hearing against Bridges." His activities in that connection have already been summarized. He admitted that Doyle informed him, within a week or so of the event, that Doyle had gotten an affidavit from Leech. Yet the following colloquy takes place:

"Q. Did he [Doyle] tell you how he came to get such an affidavit?
"A. No.
"Q. Did you ask him?
"A. No."

The examination continues:

"Q. And it is your testimony that that [the time when Doyle tells him of the Leech affidavit] is the first time that the name of Leech meant anything so far as conversations or correspondence are concerned?
"A. Yes.
"Q. And the first time certainly that the idea of Leech being a witness or an affiant against Bridges came out?
"A. Yes."

The next day Knowles' letter to Captain Hynes, of the Los Angeles Police Department, was produced which shows that a month earlier Knowles inquired of Hynes with regard to Leech. This letter from Knowles says expressly: "3. In your opinion, could Leech testify of his own knowledge that Bridges is a Communist Party member?"

Similarly in the light of the inducement admittedly made by Doyle to Cox and the allegations made by Mills against Doyle, compare the following:

"Q. [by Mr. Shoemaker]. Have you any knowledge, without regard to how it was acquired, that any person was offered any inducement to secure an affidavit in the Bridges' case?
"The WITNESS. Read that, please.
"[The question referred to was read by the reporter as above recorded.]
"A. I have no knowledge of it.
"Trial Examiner LANDIS. By that you mean the actual witnesses that have appeared in this proceeding?
"Mr. SHOEMAKER. No; anyone.
"The WITNESS. Anyone?

him by Knowles on July 15, 1937, such information as his department has with reference to Leech, information that indicated Leech was also in trouble.[62] The second is that Doyle on August 20, 1937, writes Hynes in part as follows:

> On the matter that William C. Shurley and I investigated, I have the promise of the person in question that he believes that a trip to the piney regions of the Northwest would prove beneficial to him and his family and I will probably make the journey next week, if I am able to provide the "means" for transportation. * * *
>
> I hope that Bill Shurley weathered the oral hurricane that no doubt obtained during the examination last Wednesday.
>
> Both Harper Knowles and the writer want to express our grateful thanks and appreciation for the courtesy I received to both yourself and Bill Shurley. * * *

That Leech to Knowles was another fish in troubled waters is amply clear. Also it is apparent that Knowles thought in terms of utilizing some means to get an affidavit from him.[63] Leech was in difficulty and Leech as an important ex-Communist might, if he testified, carry great weight. It was an opportunity of the type that might be seized by Doyle.[64]

Z. The Portland Police Department

I. INTRODUCTORY

The activities of the Portland Police Department furnish some background to both the Leech testimony and the testimony of other witnesses. The concern of the State officials of Oregon and the police officials of Portland with communism and radicalism derives in part from the fact that under the recently repealed criminal syndicalist laws of the State the advocacy of Communist doctrine

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[62] A portion of this letter is quoted in note 53, supra.

[63] The chain of inference is plain for these are the admitted facts. Knowles had seen Browne before and/or after Browne's return from Los Angeles. Then follows Knowles' inquiry of Hynes. Knowles is in intimate contact with Doyle. Subsequently Doyle gets Leech to agree to testify.

[64] Knowles' own estimate of Doyle is illustrated by the following:

"Q. Did Doyle ever tell you that he had offered Bakesy some money to make an affidavit, and Bakesy said 'Nothing doing'?

"A. No.

"Q. You don't recall?

"A. I don't recall.

"Q. It might have been told you but you don't remember?

"A. I don't think it was.

"Q. But it is possible that it was?

"A. Possibly, yes.

"By Trial Examiner Landis: Q. That answer interests me, Mr. Knowles. 'Possibly.'

"A. Your Honor, he is asking for a conversation——

"Q. (Interrupting.) Yes; I quite agree, but I am just interested in that answer. To interpret that leads me to this type of inference, Mr. Knowles, and I just want to tell you the possibilities of my inference along that line—simply the possibilities. You and Doyle knew each other quite well.

"A. Yes.

"Q. You associated with each other in this particular business, and yet, even though your memory on these points is somewhat forgetful on occasion—I am not critical of it—you are willing to leave an inference in the record that Doyle was the kind of man who might have offered another man money to make a statement under oath?

"A. I don't think that is the inference I intended, at least.

"Q. I think you had better look over that testimony pretty clearly.

"A. Counsel asked me if it 'might have been possible.'

"Q. If it 'might have been possible.' [:] But, surely, Mr. Knowles, if you are in a sense a sort of business associate with one man and somebody else makes an accusation of a very serious character against him, if you know that man well, you have been associated with him for years, was your reaction that such an accusation might possibly be true. Is that your reaction to that situation?

"A. Well, my reaction would be that he hadn't made such an offer. That would be my reaction.

"Q. But you wouldn't put it beyond the bound of probability?

"A. It is possible; yes. I don't know."

This admission taken by itself is meaningless but the circumstances of this colloquy, only part of which are revealed in the printed record, were such as to invite an outright and indignant denial by Knowles. That denial was not forthcoming.

was regarded as criminal. See 1937 Oreg. Laws ch. 362, repealing 1933 Oreg. Laws ch. 459, see also *State* v. *DeJonge*, 152 Oreg. 315, 51 P. (2d) 674, reversed in *DeJonge* v. *Oregon*, 299 U. S. 353; *State* v. *Pugh*, 151 Oreg. 561, 51 P. (2d) 827; *State* v. *Denny*, 152 Oreg. 541, 53 P. (2d) 713. To combat the spread of communism special agents such as Doyle and under-cover operators such as Milner were employed by the State. The Portland police adopted similar tactics. For some years one Merriel Bacon was employed as an under-cover operator by them. Similarly Browne, Watson, Odale, and Mumpower of that force were active in getting evidence on Communists, Browne being also the head of an American Legion committee on subversive activities.

II. KEEGAN'S GENERAL ATTITUDE

Capt. John J. Keegan is the Chief of Detectives of Portland. He was subpenaed at the request of the alien and testified in this proceeding concerning the activities of the Portland police in connection with Harry Bridges. It is primarily from Keegan's testimony that the activities of the Portland Police Department in this connection have to be reconstructed.

To question the testimony of such a significant law-enforcement official as Keegan is a serious matter; but the conclusion is inescapable that his testimony is far from reliable. As will be seen, not only was Keegan's respect for an oath negligible, but he was again and again faced with testimony so variant from that which he had given that he was forced either to alter his original story or to make its hollowness patent by the crudeness of his subsequent explanations.

Keegan originally sought to minimize his activities in connection with investigating Bridges. It was only natural that he should make this attempt for Bridges' alleged communism was a subject matter for the concern of the immigration authorities rather than the local police.[65] Cooperation between the Federal and local authorities is common and is obviously desirable, but the situation is most unusual when the local police spend considerable sums of money and carry on a wide investigation through a large area in order to get evidence that is of utility only to the Federal authorities. Keegan claimed originally that his investigation of Bridges was only the normal investigation that the police would ordinarily undertake in such matters [66] but the evidence belies that claim.

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[65] It may be imagined that the Portland police were conducting an investigation of Bridges in regard to other matters than his alleged communism, but it is impossible to entertain this belief in the light of the fact that always the evidence which was sought related to Bridges' alleged Communism.

[66] Keegan's claim in this regard is set forth in the following testimony:

"Q. [By counsel for the alien.] But this was a little different from the ordinary crime?

"A. The same as far as I was concerned; just another investigation.

"Q. Just another investigation as far as you were concerned?

"A. As far as I was concerned; yes.

"Q. No special interest in Bridges?

"A. Not as far as I was concerned personally; no.

"Q. You didn't have any strong feeling that here was an investigation which required immediate attention and unusual attention?

"A. Not necessarily no. Bridges isn't any more to me than anybody else.

"Q. You would class the investigation of Bridges, perhaps, along the same lines and in the same category as maybe an investigation of say breaking into a house in Portland?

"A. Just to me another investigation.

"Q. Just about the same?

III. KEEGAN'S INVESTIGATORY ACTIVITIES

Only the broad outlines of this investigation can be set forth. It begins early in June of 1937, at the time when the Maritime Workers' Federation was holding its annual convention in Portland. On that occasion Doyle called upon Keegan, told him of his assignment to investigate Bridges, and was assigned Browne as an aide. While Keegan generally investigated the convention, Doyle and Browne concealed a dictaphone in Bridges' room which was, however, discovered.

Keegan next transferred the activities of his men to California. This may have been done on the suggestion either of Doyle or Knowles. Though Keegan claimed that he had not cooperated with Knowles in the Bridges' matter, the record establishes that Keegan was then in touch with Knowles and that his chief, Niles, had instructed Keegan and Odale to cooperate with Knowles.[67] Pursuant to some suggestion Keegan sent Browne on at least two trips to California in late June and July of 1937.

On one of these trips Browne saw Knowles and on the other he saw Doyle. He probably saw both of them on both occasions for Browne seems to have made Knowles' headquarters his while he was in San Francisco.[68] One of these trips took Browne down to see Leech in Los Angeles. Browne reported to Keegan the results of his visit. This report fails completely to tally with Leech's account of Browne's visit. According to Keegan, Browne reported that Leech was willing and ready to testify or as Keegan put it: "I think Browne sold him America the first trip." This variance is in itself unimportant. What is important is that Browne's trip was at Keegan's direction,[69] that the expenses of that trip were paid by Keegan,[70] and that Browne on this trip was in contact with Knowles and also probably Doyle.

"A. Yes. He is no more important to me than any other investigation. They are all important as far as I am concerned, every investigation I have to make.

"Q. The whole case, really, I mean, as far as deportation of Bridges is concerned, and the investigation that was carried on by you in that connection, was a deportation case within the jurisdiction of the Portland Department of Immigration? Correct?

"A. The jurisdiction of the Immigration Department.

"Q. Yes; that was a correct statement, wasn't it?

"A. It is their jurisdiction, their authority. The local authorities have nothing to do with it.

"Q. Do I properly describe the case as you regarded it?

"A. Describe it again. Mr. Gladstein: Will you read it? (The second from the last question and answer were read by the reporter as above recorded.)

"Trial Examiner LANDIS. I think you can rephrase that question better, Mr. Gladstein, because an answer either yes or no to that—it is too full of pregnant phrases to make me sure what an answer of yes or no would mean.

"Mr. GLADSTEIN. All right.

"By Mr. GLADSTEIN. Q. It is simply this, Captain. I understood from your testimony that you figured that the Bridges case and the investigation of Bridges was regarded by you as a deportation case?

"A. As far as he was concerned personally; yes.

"Q. And, therefore, a case within the jurisdiction of the Department of Immigration?

"A. Absolutely."

[67] Chief Niles on July 15, 1937, had written Knowles that he had given such instructions to Keegan and to Odale. Faced with this letter after his original denial that he had cooperated with Knowles, Keegan stated that he had never received such instructions from Niles. Keegan's statement does not convince, for there is too ample evidence of actual cooperation between the two.

[68] This would not only be natural because both Knowles and Browne were chairmen of their respective State subversive committees, but it seems established from the fact that when Keegan sought on July 7, 1937, to get into contact with Browne in San Francisco, he telegraphed Knowles to give instructions to Browne.

[69] Keegan testified that no officer under his direction could leave the city without his permission.

[70] Keegan stated that all the traveling expenses of his men when in line of duty were met by him. No vouchers were requested of him, and Keegan, in turn, made no detailed statement of the expenses of his men to the chief of police.

On the other of these trips Browne was put into contact with Herbert Mills, through Doyle in San Francisco. Later Mills was brought to Portland and taken over to the immigration authorities, where he gave an affidavit against Bridges. Mills thereafter remained in Portland for a while. He was soon arrested for disorderly conduct and found guilty, but sentence seems to have been suspended. He then broke his leg falling through a skylight in an effort, according to Keegan, to steal beer. Recovered from this, Mills, "took a shot at a fellow," was convicted of assault and battery, and sentenced to imprisonment for 6 months. Before this last event he gave Keegan an affidavit against Bridges.[71] While Mills was in jail he gave a contrary affidavit to one Anderson, alleged to be an attorney for the Communist Party. Released from jail, Mills disappeared, later to write from Pennsylvania his threat to expose Doyle if Doyle would not live up to his agreement—a matter already adverted to.

Keegan also sent Mumpower to San Francisco and Los Angeles sometime in 1937 and there is evidence to show that Mumpower was in San Francisco on this same quest later in 1937 and also in 1938. What the purpose of Mumpower's visits was is not disclosed save that they are both concerned with the Bridges matter.

Keegan and Mumpower also went to San Francisco in connection with the Cox statement, where they met Knowles, Doyle, and Bonham, a matter that has already been detailed. The only new matter in this connection that is revealed by Keegan is that he was in San Francisco on this occasion in consequence of a request from Bonham, which indicates some prearrangement between Knowles or Doyle and Bonham, or, at least, a working arrangement on the Cox matter between Knowles and Doyle in San Francisco, Keegan in Portland, and Bonham in Seattle.[72]

Keegan was also in touch with J. E. Ferguson. Ferguson talked to Keegan on several occasions about Bridges and finally one day late in 1937 or early in 1938 gave Keegan some evidence on Bridges, which Keegan thought significant enough to lead him to take Ferguson over to the immigration headquarters in Portland.

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[71] This affidavit was introduced by Keegan in evidence before the House Committee on Un-American Activities.

[72] Keegan originally sought to give the impression that he never worked with Knowles:
"Q. Have you ever had any contact with Harper Knowles on the *Bridges case*?
"A. No, I don't believe I ever have.
"Q. That is, you have never talked to him about the case or corresponded with him on it?
"A. No."
Compare also the following:
"Q. Yes, and you were never requested to go yourself, or send somebody else, to other cities—San Francisco, Salt Lake, Los Angeles—places like that, to either participate in conferences or interview witnesses or gather evidence against Bridges; and never requested by Bonham or Norene?
"A. No, no."
And for further misinformation in this regard compare the following:
"Q. Did you yourself take any trips other than the—well, you have already described the trips Browne took, and Mumpower took one. Did you yourself take any trips in connection with the *Bridges case*, say, conferences on it, or yourself go to any witnesses?
"A. No.
"Q. You made no such trips?
"A. No.
"Q. Either to San Francisco or to Seattle or to Los Angeles or anywhere?
"A. I have been to Los Angeles and San Francisco, and Seattle too.
"Q. I mean——
"A. During this investigation, but not particularly to gather evidence against Mr. Bridges.
"Q. In other words, you yourself did not leave Portland, for example, and take the same kind of a trip that Browne did to look for a witness?
"A. Oh, no.
"Q. And you yourself never went to any, let us say, conference in San Francisco where the purpose was to lay plans for the presentation of the evidence in the *Bridges case*?
"A. No, sir."

Keegan never met Arthur Scott. He got reports from him, however, and evidently thought highly of Scott's evidence. When he was informed by the Beverly Hills police that Scott was wanted for burglary, he communicated with the chief of the Los Angeles police, saying that this request of him looked phony and seemed "as if someone is trying to locate Scott through this department for the reason that he has been playing ball with us." He adds: "I would like to ask if you will make a confidential investigation to see whether or not these are the true facts regarding Scott as to his burglary activities, as you are well aware what we are trying to do in regard to Harry Bridges."

Keegan's irresponsibility under oath is revealed in connection with another incident in regard to Scott. After Scott was convicted and imprisoned, an application was made by Scott for commutation of sentence. Keegan not only filed an affidavit in support of that application but also got Browne, Odale, Mumpower, and Governor Martin of Oregon to file affidavits. Despite the fact that Keegan had never met or seen Scott, he swears in this affidavit:

> I know the petitioner. * * * I am convinced, from my personal observation of Kent [alias Scott] and my knowledge of the work he has done, that without him the immigration authorities would have been at a great loss to interpret the activities of the Communist Party and members thereof, and particularly the acts of persons sought to be deported by reason of their connection with the Communist Party.

Keegan also was in intimate contact with Aaron Sapiro, a Los Angeles attorney and a witness called by the Government in this proceeding. Sapiro's relationship to this proceeding will be discussed later. It is sufficient merely to note at this stage Keegan's intimacy with Sapiro and his efforts to encourage Sapiro, who had already furnished Keegan with a copy of Scott's affidavit against Bridges, to continue with his good work. Keegan had Sapiro brought up from Los Angeles to Portland to discuss aspects of the Bridges matter and in that connection through Mumpower he furnished Sapiro $50 for air transportation from Los Angeles to Portland and back.

IV. KEEGAN'S MISREPRESENTATION OF THE ACTIVITIES OF THE PORTLAND POLICE

This recital is sufficient to show Keegan as one of the prime movers in the effort to bring about the deportation of Bridges. It illustrates his close connections with Doyle and Knowles. It illustrates also that his claim that the Bridges' investigation was a normal, routine investigation is pure fiction. The question naturally arises as to why Keegan made and insisted so strenuously on this claim.

Keegan's testimony from the beginning shows an effort to conceal his activities and the activities of his men. True, he and they were in contact with witnesses of very doubtful character. But it is not necessarily odious for the police to seek evidence from men of questionable character and with criminal records. The administration of justice frequently requires resort to such aids. A reason that could motivate such insistent concealment was that the means employed were in themselves disreputable, means that might discredit the evidence that had been adduced.

Keegan's efforts to misrepresent the position of the Portland Police Department in this connection have only thus far been touched upon.

Their extent truly amazes. Keegan started off with the contention that the Bridges' investigation for him was simply an ordinary, routine investigation. Not only do the activities of his office disprove that to be the fact, but his own conception of the significance and character of the investigation, as disclosed in the record, proves that from the beginning he tried to mislead the examiner in this respect. His intercession for Scott with Chief Davis of the Los Angeles police as evidenced by his letter of December 4, 1937, has already been noted. Already on October 4, 1937, he had written Davis requesting Davis to find out if one Thorne could not be gotten to furnish evidence against Bridges. In that letter he says: "No doubt you are aware of what we of the Portland Police Department are attempting to do regarding Harry Bridges. * * * If this [getting a statement from Thorne] can be done, I would ask you to do this as soon as possible as things are moving very rapidly and we expect drastic action soon, but as you are aware, this is not an ordinary Communist case." On April 20, 1938, he writes in a postscript in a letter to Sapiro: "Aaron. After this was typed I heard from Los Angeles. Our mayor and Governor are calling Copeland at once, to demand a hearing. The New Orleans case [*Strecker v. Kessler*, 95 F. (2d) 976] is so different from ours. They did not ask a thing regarding the com. party in that case, but we sure will and prove every word. Jack Keegan." On December 7, 1938, Keegan appears before the Dies committee, traveling on funds supplied by the mayor of Portland, to testify that his office had found Bridges to be a member of the Communist Party. Yet on August 9, 1939, testifying at this proceeding he says:

Q. [By counsel for the alien.] Just another investigation, as far as you were concerned?

A. As far as I was concerned, yes.

Q. No special interest in Bridges?

A. Not as far as I was concerned personally, no.

Q. You didn't have any strong feeling that here was an investigation which required immediate attention and unusual attention?

A. Not necessarily, no. Bridges isn't any more to me than anybody else.

Another sample of Keegan's testimony in this connection is of interest. Keegan, it will be remembered, sent his own men to San Francisco and Los Angeles to contact witnesses. Asked why he employed his own men for this purpose at unquestionably unusual expense, he stated that he did so because he had confidence in these men and had never to his recollection in such instances sought the aid of other police departments in Los Angeles, San Francisco, or Seattle. Yet there-

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"A. I just said a while ago that I would much rather have it done by my own members—members of my own department, rather.

"Q. Men in whom you had a certain amount of confidence, and who you felt were better equipped to handle this kind of an investigation in the Bridges case than anybody that the Immigration Department or the police department in some city might send; is that correct?

"A. Yes; not knowing who the men were, what their ability was.

"Q. For example, if it was possible for you to, let us say, contact the immigration office in San Francisco and say that you had a tip, maybe, that a man named John Doe in San Francisco, or Jim Mills, might have some information on the Bridges case, and you suggested that they send somebody out to see him; you never did anything like that?

"A. Not that I can recall. I don't believe I did.

"Q. Either in San Francisco or Portland or Seattle or Los Angeles?

"A. Not to my knowledge. I don't believe I did.

"Q. Well, it would be contrary to the way in which you would handle a thing of this kind? That is, you would regard it as important to you to send a man like Browne, or a man like Watson or Mumpower, or somebody like that, that you knew personally? Is that correct?

"A. I wouldn't send Watson; no. Watson, you must bear in mind—he was not a police officer.

"Q. Well, let us take Watson out of that question, and the answer would be that you wouldn't ask just anybody in any of these immigration offices up and down the coast;

after he was shown to have done so in connection with the request made on October 4, 1937, of Chief Davis of the Los Angeles Police Department in connection with James Thorne.

V. KEEGAN'S ESTIMATE OF DOYLE

Keegan again worked closely with Doyle. Asked with reference to his attitude toward Doyle he made the following answers:

Q. [By counsel for the alien.] Well, when he [Doyle] said he wanted help, I suppose you wanted to know what this help was to be, didn't you? Or did you repose perfect confidence in the man?
A. Absolute confidence.
Q. You had absolute confidence in Mr. Doyle?
A. Yes, sir.
Q. And you always felt he was a pretty reliable man?
A. Yes, sir.
Q. No question about that in your mind?
A. No; no question at all about Larry Doyle in my mind.
Q. You still feel the same way today as you did then?
A. I do.

A few minutes later the subject was again touched upon:

Q. [By counsel for the alien.] You had a friendly relationship, you considered him a trustworthy sort of person, and one in whom you could repose confidence?
A. Absolutely.
Q. Is that right?
A. Yes, sir.
Q. You considered him a man of integrity?
A. Absolutely.

A third time the subject was raised:

Q. [By counsel for the alien.] You never told anybody or made any intimation to anyone that Doyle was not a man who could be trusted? That has never happened, has it?
A. No.
Q. You never felt in your own mind that anything Doyle might do—I mean—let us put it this way: You have never come to believe from anything you have come to learn about Doyle that he might do something, let us say, with respect to gathering evidence in the Bridges case that would be illegal or improper?
A. No. I never had that suspicion of Larry Doyle.
Q. Never had the suspicion of him that he might be crooked or do a crooked thing?
A. No, sir.
Q. And you never expressed that opinion orally or in writing to anybody, is that correct?
A. I always had the highest regard for Larry Doyle.
Q. And you have never expressed any contrary opinion to anybody?
A. No.
Q. Is that correct?
A. Not to my knowledge.
Q. Is that true?
A. No; I never did.

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you would prefer, in view of your consideration of the case and its importance, to send a man like Browne and Mumpower; is that correct?
"A. Absolutely.
"Q. And it is your best recollection, is it, that you never asked, let us say, somebody from the San Francisco Police Department or the Los Angeles Department to go and interview a witness or make a contact for you in connection with the Bridges case?
"A. Not to my recollection, I don't believe I did.
"Q. And the same would be true, I suppose, of the immigration officers in San Francisco and Los Angeles?
"A. Yes."

Some days earlier, at the time when Sapiro was on the stand two letters from Keegan to Sapiro had been introduced in evidence. The first of these, written on January 20, 1938, reads as follows:

DEAR AARON: A few days ago I wrote a letter to Doyle thanking him for the material he did not send to me. I did not mention any letters received from you but in his reply he quoted your letter to him, and in part he says:

"Your Jew 'boy friend' may think he is pretty hot stuff but here is one Irish Gentile that doesn't subscribe to the idea and, further, Sapiro can go to hell with his affidavit [the Scott affidavit] as I have a copy of it and I'd recommend that he and some of his associates not hold their breath until I do one damn thing again that will aid them. I am sending any material that I may acquire to either R. P. Bonham or Roy Norene, and I again state that my purpose in this matter is solely to deport Bridges and I am entirely without selfish interest in this endeavor. I neither expect or ask any reward or pay, neither do I seek any publicity for anything I may have done or will do."

In my opinion I think that you are a damn sight faster than he. So show him some fast work.

I doubt the statement made by Larry [Doyle] that he neither expects or asks any reward of pay.

The second, written on January 26, 1938, reads:

Received your letter and hope you run across Larry [Doyle] while in San Francisco. I know your meeting should be very friendly. * * * As to me being friendly with Doyle, that is out, and I don't trust Doyle, I am not working with Doyle, I did not give him a copy of the statement [of Arthur Scott] and I did give a copy to the gentleman you told me to give one to—Captain Goff of the San Francisco Department. If Larry has a copy, I do not know where he got it, as he did not get one from me, and will not get one from me.

If I ever did have any confidence in Doyle, it surely has been shaken and absolutely broken. I lost all faith when he sent me that last letter, a part of which I quoted to you. I hope that you and I will continue on friendly terms as it looks now from latest reports that we are getting some action on Bridges.

Following the noon recess of an hour Keegan's testimony on this subject changed remarkably. This testimony, though lengthy, requires quotation, for on occasion it is replete with qualification—a rare habit on the part of Keegan.

Q. [By counsel for the alien] Captain, are you sure that you never expressed to anybody an opinion on Doyle to the effect that Doyle was a crook and was not to be trusted?

A. I don't think I expressed that to anybody in just that term, that he was a crook and could not be trusted, I might have ribbed somebody to throw some pep into them or something.

Q. Did you ever tell Aaron Sapiro in a letter that you thought Doyle was a crook and was not to be trusted?

A. If you show me the letter I will see.

Q. I want your recollection first. You testified today that your faith and confidence in Doyle's integrity and honesty was such that you had never expressed a bad opinion of him. What is your recollection?

A. Not to my recollection I don't think I did and mean it. I might have ribbed somebody which I do in a lot of cases to pep them up a little bit.

Q. During the noon recess did you discuss with anybody any of the testimony you had given this morning?

A. No; I don't think I did; not to my knowledge and recollection.

Q. Did you discuss it with any of counsel for the Government?

A. The testimony I gave here?

Q. The testimony you gave this morning?

A. I don't think I did.

Q. Did you discuss with anybody the testimony that you gave this morning on Doyle?

A. Not that I can recall.

Q. You should be able to know positively.

A. Well, we talked about a lot of incidents.

Q. Did you talk to somebody about whether you had written Sapiro on the subject of Doyle?

A. I don't believe I did. I don't recall speaking to anybody about Sapiro that I can recall right now.

Q. That you cannot recall?

A. No.

Q. It is possible that during the noon hour you did discuss with somebody the testimony that you gave regarding your opinion of Doyle?

A. No, no, no; I don't think so.

Q. Somebody mentioned to you perhaps that you had written a letter to Sapiro on the subject of Doyle?

A. Not that I can recall; no.

Q. You cannot recall now whether somebody during the noon recess discussed that subject with you?

A. No, sir.

Q. You cannot recall that?

A. No.

Q. It is possible that it might have happened?

A. I don't know. I don't recall it.

* * * * * * * *

Q. During today's recess did you discuss any of your testimony with counsel for the Government or any of them?

A. I don't think I did.

Q. Did you discuss anything concerning your testimony on Doyle or Sapiro or Leech?

A. Not that I recall.

Q. What did you talk about?

A. Generalities; talked about this weather out here.

Q. Can you remember anything you talked about?

A. Not in particular.

Q. Nothing at all?

A. Nothing that I should remember, that I figured was of any importance.

Q. Can you remember one single thing that you discussed perhaps with Mr. Bonham during the noon recess?

A. We were talking in there at the table, telling stories.

Q. Are you sure, are you positive, that you did not talk to Mr. Bonham or Mr. Norene or to Mr. Shoemaker or to anybody else concerning any testimony that you have given me this morning?

A. I don't believe I did.

Q. But you are not certain?

A. I don't believe I did.

Q. But you are not certain?

A. I don't think I talked to them about the case, to my knowledge.

Q. You made the statement that you believe—this is the effect of your statement—you believed that Doyle was working on the Bridges case with the expectation of a reward or receiving some pay?

A. Does that say that in there?

Q. Did you have it in your mind to convey that?

A. Does that have—read that letter, there. Does it say that there?

* * * * * * * *

Q. Did you?

A. No, sir.

Q. What idea did you intend to convey when you said, "I doubt the statement made by Larry that he neither expects or asks any reward or pay"?

A. I don't know any particular reason, unless it was to pep up Mr. Sapiro there, to get Doyle to get more evidence.

Q. To do what?

A. The same as with a baseball player; pep him up.

Q. How do you mean?

A. Bawl him out, along that line.

Q. Bawl Sapiro out?

A. Him and Doyle to have that little argument there.

Q. What did you intend to accomplish with Sapiro by making that statement about Doyle?

A. Get out more evidence from Larry and vice versa.

Q. You wanted Sapiro to work a little harder and a little faster to get evidence; is that it?

A. To think harder, yes; and to get evidence.

Q. But you didn't intend that Mr. Sapiro should understand that you believed that Doyle was the kind of a man who would work on the Bridges case for pay; you didn't want him to get that idea?

A. No, sir. As far as I was concerned, Harry is honest and trustworthy.

Q. You have always felt that?

A. I do. I do yet.

* * * * * * *

Q. You wanted to play Sapiro against Doyle, is that the idea and pep them both up; pep both of them up.

A. That was my intentions; yes.

Q. So that they would both be more productive of evidence on the Bridges case?

A. To get busy; yes.

Q. Now, in exhibit 19, a letter that you wrote to Sapiro on January 26, 1938, you said, "As to me being friendly with Doyle, that is out, and I don't trust Doyle." What did you mean by that? What you said?

A. Just what I repeated a minute ago.

Q. Just what you said.

A. Yes.

Q. Did you mean the things you said in this letter?

A. No, no; that was just [pause].

Q. You didn't mean that?

A. Not definitely, no.

Q. What do you mean "not definitely"?

A. In other words, I put it in there to put that feeling of——

Q. You wanted Sapiro to believe that you were telling him something that you really thought?

A. In other words, just camouflage, in other words.

Q. Camouflage?

A. Yes.

Q. You mean that you were thinking one thing but saying another?

A. That is the idea.

Q. But you wanted Sapiro to believe not what you had in your own mind but what you were saying on paper; is that it?

A. Yes, so he would work harder; in fact, outstep Doyle in getting evidence, if possible.

Comment upon this incident is unnecessary, despite the fact that days later counsel for the Government on cross-examination [74] sought to rebuild Keegan's trustworthiness.[75]

VI. THE FINANCING OF KEEGAN'S ACTIVITIES

It is necessary now to turn to the source of the funds used by Keegan in this extensive investigation. In his original testimony in this connection Keegan stated that he provided the funds for all the trips that his men took into California, that no books were kept with reference to those expenses but that he paid them to his men upon their statements. In turn Keegan would get funds from the chief of the Portland police for which personally he had to make no accounting. According to Keegan, the chief asked no questions of Keegan as to the purpose of his expenditures and his requests were

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[74] Actually in the nature of re-direct examination inasmuch as Keegan, though called by the alien, was a hostile witness.

[75] The following questions and answers were given:

"Q. You were questioned yesterday [the date of the questioning referred to was August 9, 1939, the date of this cross-examination is August 15, 1939] about letters addressed by you to Aaron Sapiro. Had you discussed those letters with anyone, or had they been called to your attention at any time before you were questioned by Mr. Gladstein?

"A. No.

"Q. Did anyone at all, Captain——

"A. (Interrupting.) Question me regarding the letters?

"Q. Yes.

"A. No.

"Q. Were they discussed with anybody?

"A. No sir."

always met. Keegan also testified that he had never paid or authorized the payment of transportation expenses for bringing any witness in the Bridges case to Portland. His original denials in this respect were specific with regard to Sapiro's expenses from Los Angeles to Portland.[76]

Here again Sapiro had previously testified to the contrary. Keegan was consequently forced to change his testimony. He stated that after leaving the stand the first day Mumpower had called his attention to this discrepancy and had reminded him that Mumpower had paid these expenses. But Keegan still insisted that Mumpower had never informed him that Sapiro's expenses were being paid, despite the fact that the admitted routine would require Mumpower to go through Keegan in order to get reimbursement for any outlay that he might have made.

The most crucial point with reference to Keegan's testimony on expenses revolves about an ultimately admitted payment of $250 to Browne. Keegan not only emphatically denied that he had ever received money from Rosser,[77] the secretary-treasurer of the Teamsters' Union in Portland, now in jail for arson, or Estabrook,[78] the secretary and business agent of the Warehousemen's Union in Portland, but he was equally emphatic in his denial that any of his men had received any money from this source. Because of later incidents the repeated and emphatic denials of Keegan in this connection deserve quotation:

> Q. Well, is it your testimony that neither directly nor indirectly did you receive it, nor have any of your men in the Portland Police Department received any money to assist in connection with the Bridges' case, Bridges' investigation?
>
> A. Personally, I have not received one 5-cent piece, and I don't believe that any of my men have. * * *
>
> Q. Did Esterbrook ever give you any money of any kind?
>
> A. No, sir; Esterbrook never gave me any money.
>
> Q. Did Esterbrook give Browne or any of your officers, to your knowledge, any money of any kind for any purpose?
>
> A. No. They tried to pin the same thing on me during those trials, for your information, Mr. Gladstein.
>
> Q. What was that?
>
> A. The question you are leading up to there, that I accepted money.
>
> Q. What trial was that?
>
> A. Rosser's trial; Esterbrook's trial. He is under sentence of about 3 years, too. They tried to pin that same thing on me then, but they didn't get any place.
>
> Q. I see. Now, do you remember sending Bill Browne to Esterbrook's office at the Labor Temple in the summer of 1937, to get some money?
>
> A. No.
>
> Q. Do you remember hearing that Browne had gone down there and asked for $250?
>
> A. Did I what?

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[76] "Q. Do you remember ever giving Mr. Sapiro any money to reimburse him for any expenses he might have incurred in connection with the Bridges case, or preparation of the case?

"A. I never gave Sapiro or anybody else any money.

"Q. You never gave him a cent?

"A. No, sir.

"Q. In your presence did any representative of the Immigration Department, or any other person, give Mr. Sapiro any money to reimburse him for expenses he had incurred to take a trip in connection with a conference on the Bridges' cas

"A. Not to my knowledge.

"Q. Well, if it had happened you would know it?

"A. I know that it never happened—never did anything like that in my presence.

"Q. In your presence such a question of reimbursement of Sapiro was never discussed; is that correct?

"A. There never was."

[77] An admitted payment by Rosser to Keegan of $80 is irrelevant in this connection.

[78] The name is spelled as both "Estabrook" and "Esterbrook" in the record.

Mr. GLADSTEIN: Read it, please
(The question referred to was read by the Reporter as above recorded.)
A. No; I do, not.
By Mr. GLADSTEIN. Q. Do you remember Esterbrook coming up to the police station and paying Browne $250?
A. No.
Q. Did Browne tell you about it?
A. No, sir.
Q. Would you say it didn't happen?
A. I would say it didn't happen.

Keegan was then asked to identify a photostatic copy of a receipt that Browne had given Estabrook for $250. Keegan stated it looked like Browne's signature but that he would not want to identify it.[79] His further answers in that respect are as follows:

Q. * * * Do you know anything about it?
A. I don't know anything about it.
Q. You never discussed it with Browne?
A. No.
Q. You never discussed it with Esterbrook?
A. No.
Q. You never discussed it with Rosser?
A. No.
Q. Did you think they were keeping some secrets from you?
A. I don't know what that was for. They have been friends for years and years.

The impact that this receipt had on Keegan's mind at that time is not only disclosed by this testimony. After he was excused that day from the stand, he stated to counsel for the alien and to the examiner that he was disturbed and concerned by the production of this alleged receipt and would make an investigation into the circumstances surrounding it when he went back to Portland.[80]

VII. ROSSER'S TESTIMONY ON FINANCING KEEGAN

To get at the truth of this incident and the possible source of Keegan's funds for the investigation of Bridges, it becomes necessary to consider the testimony of Rosser and Estabrook. Albert E. Rosser's testimony was taken by deposition because he was then in jail under sentence for arson in the Salem Penitentiary in Oregon.[81] That very fact alone is of great relevance in judging Rosser's credibility and were it a question of Rosser's word as against Keegan's word, even in the light of Keegan's open unreliability, one could hardly take Rosser's word. But the issue proves not to be so simple. It thus becomes necessary to examine Rosser's testimony.

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[79] This receipt was not admitted in evidence as of this time but was admitted later because of further identification.

[80] These facts are not only personally known to the Examiner but they appear of record in the later deposition of Keegan. The occasion for a discussion of this subject by the examiner with both counsel and Keegan was preparatory to the outlining of procedures that would be employed to take depositions from Rosser and/or Keegan and/or Browne.

[81] Counsel for the Government objected to the introduction of Rosser's deposition at this hearing upon the ground that a copy of that deposition had been seen by Estabrook before he testified, and before the deposition was offered in evidence. The original copy of the deposition was transmitted directly to the examiner and no allegation is made that the deposition itself has been tampered with. The irregularities relating to giving it publicity reflect upon the judgment of counsel for the alien and his appropriate regard for the explicit instructions of the examiner, which were observed with scrupulous care by counsel for the Government. These irregularities, however, do not go to the admissibility of the deposition as such; they do affect the weight to be given to Estabrook's testimony. The Government's objection to the admissibility of this deposition, upon which the examiner reserved his ruling at the time, is thus overruled.

Rosser was the secretary of the teamsters' union and also of the Joint Council of Drivers with headquarters in Portland. He claimed that he had paid Keegan several thousand dollars beginning in 1937 for the investigation of Communist activities in connection with labor unions, particularly in connection with Bridges.[82] One payment alone is of interest here. He claimed that he had reimbursed Estabrook $1,250, $1,000 of which Estabrook told him had been paid Keegan directly and $250 of which Estabrook told him had been paid to Browne. He claimed that Estabrook had made these payments under the orders of Dave Beck, the international organizer of the teamsters' union, and that he, Rosser, had repaid Estabrook through the joint council. Rosser identified the original of the Browne receipt which he said Estabrook had given him when Estabrook had been repaid.

VIII. ESTABROOK'S TESTIMONY ON FINANCING KEEGAN

Estabrook testified in this proceeding. He had also been indicted for dynamiting. He was tried three times on this charge. Twice the jury disagreed. The third time he was convicted but the conviction was reversed on technical grounds on appeal. No effort had as yet been made to retry him.[83]

Estabrook was the secretary of the warehousemen's union which is affiliated with the International Brotherhood of Teamsters. Unions affiliated with that brotherhood are represented on the Joint Council of Drivers, which is the governing teamster authority for that region. Rosser and Estabrook were both members of this council.

Estabrook testified that his union also paid Keegan money, particularly in connection with the salary on one Stroup, as undercover operator for the Portland police. With reference to the $1,250 before mentioned, Estabrook stated that Rosser called him on the long distance phone and told him to take $1,000 in cash over to Keegan.[84] Before doing so, inasmuch as this cash was to be taken from the warehousemen's union funds, Estabrook in addition to Rosser's assurance of repayment got a similar assurance from other members of the Joint Council then present.[85] He thereupon drew the cash from the union funds[86] and took it over to Keegan who did not give him a receipt for it.

The next day, according to Estabrook, Browne called upon him and asked him for $250. Estabrook refused, saying that he had no authority to pay him. He was then called up again by Rosser and told to take $250 over to Browne. He did so. Browne, without being asked for it, gave Estabrook a receipt for the $250.

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[82] Rosser was a leading though disreputable figure in the A. F. of L. movement in Oregon. He and his organization were opposed to the infiltration of the C. I. O. movement. Bridges was the leader of the C. I. O. movement and as such a leader of an association that Rosser regarded as antagonistic to the teamsters' union, and other A. F. of L. organizations.

[83] Estabrook had been arrested several times in connection with labor disturbances. On these occasions he had always been released before trial except on two occasions. On these occasions he had always been released before trial except on two occasions, excluding the dynamiting charge, he went to trial. At one of these trials the judge threw the charge out; at the other there was a verdict of not guilty. Estabrook's claim was that all these were a series of "frame-ups." One judge and one jury seem to have agreed with him.

[84] Estabrook when asked about Rosser's statement that Beck had instructed Estabrook to make this payment, said without hesitation that Rosser had lied and had done so in his opinion because of his animosity to Beck.

[85] The offices of the joint council were in the same building as those of the warehouseman's union.

[86] It is clear that the union would normally have funds in excess of $1,000 in its safe. Dues as collected were banked only weekly.

A few days thereafter Rosser returned and in the name of the joint council gave Estabrook a check to the order of the warehousemen's union for $1,250. Estabrook did not claim that he thought himself or Rosser guilty of wrongdoing in paying this money over to Keegan, stating that he believed it was for the purpose of investigating communistic activities—a purpose of which he then approved and even now approves.[87]

One might readily be tempted immediately to dismiss the testimony of both Rosser and Estabrook as unreliable, for they both undoubtedly were vindictive toward the Portland police. But the fact remains that their story as to the $1,250 transaction is partially borne out by the books of the union and the records of the bank, and, more important, that Keegan ultimately admitted the genuineness of the receipt that Browne gave Estabrook for $250. This receipt reads as follows: "Received of J. Estabrook $250 to be returned Sept. 18, 1937. Wm. D. Browne." There is also in evidence a check drawn by the Joint Council of Drivers, countersigned by P. Joe Brady and A. E. Rosser, dated September 29, 1937, on a Portland bank to the order of the warehousemen's local for $1,250.

The books of the warehousemen's union are less illuminating because some of them are missing. The offices of this union were raided by the State police in February of 1938 and all the books and records of the union were removed. Only some of these books and records were returned to the union after they had been retained by the police for a year and a half. Among the books that Estabrook testified were missing was the journal itemizing daily expenditures.[88] The day book in which were posted the receipts of the union was returned. An examination of this book discloses an entry showing the receipt by the union of $1,250 following the words "Reimbursed by joint council." The union's bankbook showing a record of bank deposits shows a deposit made on September 30, 1937, of $2,029.50, which was claimed to include the $1,250—a claim that is substantiated by the record of deposit and payment on the check itself.

IX. KEEGAN'S EXPLANATION OF THE BROWNE RECEIPT

Keegan was examined by deposition immediately after Rosser's deposition was taken. This time Keegan admitted the authenticity of the Browne receipt but denied ever having received money from Rosser or Estabrook.[89] His story about the Browne receipt can best be given in his own words:

> This [the receipt] was shown to me on the witness stand in California, at Angel Island while I was on the witness stand. I knew nothing about that. I told Mr. Gladstein I would investigate it when I came up here which I did. I asked Brown about it, Sgt. Brown, and he said that he did get $250 off Esterbrook; that Esterbrook wanted to give this money to use in the Bridges investi-

[87] A. And at that time I was under the impression that that is what it was, and as far as contributing money, I personally would contribute money right today, towards any fund to investigate anybody that was a Communist, providing they are a Communist * * *. And why Captain Keegan should take the witness stand and swear under oath that he didn't receive any money from me is beyond my comprehension. If I was Captain Keegan, I would be very proud of the fact that there was money paid in by citizens that were willing to do these things.

[88] Estabrook made the claim that Keegan was associated with the State police in this raid and testified that he saw Keegan poring over the books when he later tried to get them returned. Keegan denied this.

[89] Except the $80 above referred to.

gation, and that he told Esterbrook at the time that he didn't think I would take that $250; if I wouldn't he would give it back to him. I was in California at the time and Brown got me on the telephone and I told him to take no part in it and he gave it back to Esterbrook and he asked for the receipt and Esterbrook told him it was up in his office. He met Esterbrook on the street or down in my office, I don't know which one, and Esterbrook told him the receipt was up in his office and he said he would tear the receipt up. That is the explanation of the $250 which I promised I would investigate.

On cross-examination Keegan added little, except the following explanation of his original lack of memory:

Q. On the signature, Captain, when I showed you the receipt and you identified Brown's signature and I explained what the $250 was about, you told me Brown never obtained any money from Esterbrook for anything and you didn't believe he would, and this was the first time you had heard any indication of it; after you got off the stand and we were on the porch you told me you were going to investigate it.[89]

A. Yes, sir.

Q. So at that time the entire $250 transaction had completely slipped your mind?

A. Yes.

Q. It was only when Brown talked to you a couple of weeks ago that suddenly the whole thing flashed back into your memory and you recalled it?

A. Yes.

It is wholly unnecessary to this proceeding to resolve the issue of fact as to Keegan's source of funds as between Keegan on the one hand and Rosser and Estabrook on the other. Keegan's ultimate explanation of the Browne receipt is, however, far from convincing. Brought to his attention so dramatically and so insistently in this proceeding he denied any knowledge of it. His own later explanation makes it, even apart from the alleged long-distance call to him, an incident of the type upon which memory if it does not immediately fasten is certainly easily refreshed. This explanation also places Browne in a situation of more than unusual carelessness, returning cash but leaving in Estabrook's hands a receipt for $250 with a pledge to return it. Again Keegan's explanation tends to contradict the normal inference derivable from the words "to be returned" upon the face of the receipt, for from Keegan's testimony the transaction between Browne and Estabrook could not be construed otherwise than as a gift. For this proceeding the relevance of this incident lies in its tendency to throw light on Keegan and Keegan does that sufficiently by his own testimony.

X. COMMENTS ON THE KEEGAN TESTIMONY

Keegan's testimony deserves a brief rehearsal. One cannot discount his discrepancies as due to an inability to understand events. He is a trained police officer with years of service. Yet he swears falsely in behalf of Scott. His contradictions are both frequent and with regard to major matters, not in respect to minor uneventful details. He is required again and again to devise explanations, crude

[89] Counsel for the alien claimed that the last portion of this question was not correctly transcribed by the reporter who took the deposition and that following the semicolon the question should read: "After you got off the stand and we were on the porch you told me you were going to investigate it because you thought Browne might have been knocking down on the side. Do you remember saying that to me?" Counsel for the Government admit that the stenographer's notes read this way, but that from the word "because" through the word "remember" the notes had been scratched out, "indicating, although she has no recollection of this, that she was told to strike out that part of the question."

in character, when documentary evidence and other testimony directly contradict his original recitals. He misled the examiner again and again only to be forced by documentary evidence and the testimony of others ultimately to reveal a wholly different story of his activities and the activities of his men than he first sought to portray. The picture that Keegan draws of himself is not one of a chief of detectives confident of the integrity of his office and the trustworthiness of his men and their tactics.

AA. Testimony Relating to Stanley M. Doyle

I. Relevancy of Doyle Testimony

Pertinent to a consideration of the validity of the Leech testimony is the evidence that relates Stanley M. Doyle to this proceeding. Counsel for the alien sought to establish that Leech had testified falsely not only by evidence relating to improper inducements made to Leech by Browne, but they also contended that Leech was offered improper inducements by Doyle, who, it will be remembered, finally got Leech to testify.

There is no direct testimony that Doyle made such inducements to Leech. That fact is sought to be established by evidence that Doyle made improper inducements of a similar nature and under similar circumstances, to others in the effort to get them to testify against Bridges and by the fact that the opportunity for such inducements was present in the case of Leech. Apart from any consideration of Doyle's connection with the Government in this case, common law rules of evidence could be invoked to permit the introduction of testimony of similar inducements in the effort to convince that Doyle used the same methods on Leech. Cf. *People* v. *Ruef*, 14 Cal. App. 576, 114 Pac. 54; *In re Mason*, 147 Minn. 383, 181 N. W. 570; *People* v. *Duffy*, 212 N. Y. 57, 105 N. E. 839. See 1 Wigmore, Evidence, § 304. But Doyle was also connected with the preparation of this case by the Government. Not only did he procure Leech for the Government. He also procured Mills and was associated with Bonham in getting the Cox statement. Despite the fact that neither of the statements procured from these two men were employed in this proceeding, Leech's affidavit was. This is sufficient on principles of common law already discussed to make admissible evidence of improper inducements made by Doyle to other witnesses. *Moore* v. *Atlantic Coast Line R. Co.*, 137 S. C. 319, 135 S. E. 473; *Novack* v. *Metropolitan Street Ry. Co.*, 166 N. Y. 433, 60 N. E. 32. See 1 Wigmore, Evidence, § 278. The evidence relating to Doyle's improper approaches to witnesses thus, on both these grounds, deserves examination.

II. Summary of Evidence Already Discussed

Some evidence along this line has already been recited. There is Mills' letter to Knowles threatening to expose Doyle unless Doyle lived up to an unspecified agreement. There is Knowles' tortuous admission that Doyle was the type of man of whom Knowles could harbor the suspicion that he might possibly suborn perjury. There is Knowles' admission that he believed that Doyle had promised Cox a job if he would testify. There is Leech's own admission that Doyle had agreed to get Leech a job in Portland, gave him $110 for moving

expenses, with the additional promise of a second-hand Ford. There is Keegan's expressed distrust of Doyle and his methods.

These things, save for the Mills' threat, whose exact nature is not discernible, are not wholly negligent. They go beyond what might be regarded as the normal methods employed to induce unwilling witnesses to testify to the truth. Further evidence was also proffered.

III. THE INHERENT WEAKNESS OF THE KING-RAMSAY TESTIMONY

Earl King and Ernest Ramsay were convicted early in January of 1937 of murder in the second degree. They are both in the San Quentin prison in California. Under the California procedure their sentences have not as yet been set, an appeal from their conviction having been adversely determined only in 1939. Both men were trade-union officials at the time of their arrest. Both have been regarded as Communists; both deny those allegations. Both theretofore and since have been friends of Bridges.

Testimony from criminals is, of course, highly suspect, especially so from criminals such as these, convicted of a grave crime, complaining of that conviction as having been obtained through perjured evidence and thus naturally vindictive toward law-enforcement officials. Their testimony might therefore be completely disregarded. But before doing so it is wise to examine it.

IV. MRS. RAMSAY'S TESTIMONY

Mrs. Ramsay, the wife of Ernest Ramsay, testified that on a Friday night "around in August" of 1937, J. E. Ferguson telephoned her in Oakland and arranged to meet her the next day in San Francisco. They met the next Saturday morning and Ferguson took her to Doyle's apartment where she met Doyle and Mrs. Doyle. Doyle asked her whether she or Ramsay knew that Bridges was a Communist. She informed him that neither of them knew him to be a Communist. Doyle then suggested that if she would sign a statement that Bridges was a Communist he would get her husband out of San Quentin. Mrs. Ramsay refused. Thereafter Ferguson took her to her mother's home and tried to prevail upon the mother to get Mrs. Ramsay to sign such a statement. Mrs. Ramsay still refused.

Two or three days later, according to Mrs. Ramsay, at Ferguson's bidding she and Ferguson and Mr. and Mrs. Doyle went to San Quentin.[91] They went to the captain of the guard's room[92] where Ramsay was brought in.[93] Doyle asked Ramsay whether he knew Bridges was a Communist. Despite Ramsay's denial of such knowledge, Doyle offered to procure Ramsay's freedom if he would sign a statement to that effect. Doyle stepped away allowing Ramsay and his wife to talk the matter over, but Mrs. Ramsay did not urge him to sign the statement and Ramsay still refused. Doyle and the others thereupon left. Mrs. Ramsay never saw Doyle again. On her next visit to see her husband this matter was discussed between them.

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[91] San Quentin was then about an hour's drive from San Francisco.

[92] This is not the normal reception room for visitors but is a larger room in which attorneys are permitted to talk to their convict clients. A guard is stationed at the far end of the room from where the attorney and the convict confer.

[93] Mrs. Ramsay stated that Doyle did not sign the customary reception slip required in order to interview a prisoner. She was very positive of this fact. It should be remembered that Mrs. Ramsay, because of her former visits, was familiar with prison routine.

V. RAMSAY'S TESTIMONY

Ramsay's account of this incident is substantially the same as that of Mrs. Ramsay. He stated that before Doyle made the suggestion that he sign a statement against Bridges he had told Doyle that he did not believe Bridges to be a Communist. Ramsay also testified that he later told King of this incident and that he also told King that Doyle was going to see him about the same matter. About a month or so later Ramsay stated that he was called into the general reception room to see Ferguson, and Ferguson urged him to sign the statement but Ramsay still refused. Ramsay also said that Ferguson stated that Doyle was at that moment in the captain of the guard's room seeing King.

VI. EARL KING'S TESTIMONY

King's statement is again substantially the same. King stated that Doyle offered him his freedom if he would testify against Bridges, and King also refused. Both King and Ramsay said that Doyle threatened to pin other crimes on them if they continued in their refusal. King and Ramsay agreed not to tell others of these matters except their attorneys. King, some time thereafter, informed his attorney of Doyle's visit, King's attorney being one of the attorneys for the alien in this proceeding.

VII. THE PRISON RECORDS

The prison records of visitors were subpenaed. Three visitors' slips were produced. These visitors' slips were obviously not too carefully kept.[94] One dated July 31, 1937, shows that Doyle, Ferguson, and Mrs. Ramsay called on Ramsay on that day.[95] Another dated September 30, 1937, discloses that Doyle called on King on that day. A third dated also on September 30, 1937, is a reception slip for Ramsay on which are both Doyle's and Ferguson's names. The time of the second slip reads: "In, 11:00; out, 11:25";[96] of the third: "In, 10:50; out, 11:30."[97] The time of the second and third thus overlap, or, in other words, they seem to corroborate Ramsay's statement that Doyle on September 30, 1937, was seeing King while Ferguson was seeing Ramsay.[98]

This is, of course, of slight, even negligible significance. The interesting fact that is established wholly independently of the testimony of Mrs. Ramsay, Ramsay, and King, is that Doyle when he visited Ramsay took with him both Mrs. Ramsay and Ferguson. Some speculation may justly be aroused by this circumstance—a

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[94] There was no record of Doyle signing the visitors' book at the outside gate, a normal routine requirement.

[95] The fact that Mrs. Doyle's name did not appear on this slip would be explained by the fact that she did not talk to Ramsay but stood only at the far end of the room.

[96] These reception slips have a time stamp on back. The time stamp tells when the reception slip was handed in. The "In" and "Out" recording is to indicate the time of the interview with the prisoner.

[97] This slip has the time 10:50 written over the time 10:20.

[98] These records of visits were not available to counsel for the alien until they were produced in response to a subpena. This occurred subsequent to Ramsay's testimony. Prior to Mrs. Ramsay's testimony and Ramsay's testimony there was available to counsel for the alien evidence indicating that the prison records would show that one "D. M. Doyle" had been accorded a reception with King on September 30, 1937; the time of the visit, however, was not then available.

matter difficult to reconcile with the theory that Doyle's visit to Ramsay should be regarded merely as that of an investigator searching for evidence on Bridges.

VIII. GARFIELD KING'S TESTIMONY

In this same connection a further incident is worth relating. Garfield King, the brother of Earl King, is a practicing attorney in Vancouver, British Columbia. On February 10, 1938, King was requested to call upon Shearer, the local representative of the United States Immigration Department in Vancouver. Shearer told King that the Government wished to secure further evidence which would substantiate the claim that Bridges was a member of the Communist Party. He then read a letter that he had received from Bonham, who was Shearer's superior officer. In this letter Bonham intimated that there was some doubt as to Earl King's guilt, stated that he understood that Earl King, because of a situation that had arisen in connection with his wife, might no longer be on good terms with the Communist Party, and suggested that if Garfield King would advise Earl King to furnish evidence on Bridges, Bonham would use his influence to secure a pardon for Earl King. Garfield King stated that Shearer at no time suggested that Garfield King should get his brother to testify falsely in this matter, but Garfield King stated that he believed the proposal not to be an honorable one and that he was led by inference from other happenings that he detailed to the conclusion that Shearer considered it in the same light. Garfield King rejected this overture.

Garfield King took notes of this conversation. When he returned to his office, on February 26, 1938, he formulated the substance of the conversation in written form and embodied it in an affidavit sworn before a Canadian notary.

Garfield King's testimony was uncontradicted by the Government. It was given in the presence of Bonham, and thus the Government thereafter had ample opportunity to rebut it. No such effort was made, the Government contenting itself with the argument that, inasmuch as Garfield King admitted that it was not suggested to him explicitly that he should urge Earl King to testify falsely, the action of Bonham could not be truly criticized. Obviously this inferentially admits the truth of Garfield King's testimony.

The extraordinary nature, to say the least, of this conduct is patent. There is justification for Government officials to act in behalf of a guilty individual to mitigate his sentence if that individual will partly expiate his crime by helping the Government to bring other guilty parties to justice. But expiation for guilt was not in issue here. No one would question the impropriety of a Government official threatening to throw an innocent man into jail on a groundless charge unless he produced certain testimony. There is little substantial distinction between such conduct and that here involved—withholding action that might release an assumedly innocent man from jail unless he produced certain testimony.

Furthermore, the very method of approaching Earl King through his brother, who could hardly be presumed to have knowledge as to the truth of the matters upon which Earl King's testimony was being

sought, is devious and unusual. The incident, besides not being very creditable to the Government, affords some basis for not completely disbelieving the assertion that Doyle, whose very integrity was put in issue, could have transcended the bounds of propriety which seem not too clearly to have been envisaged by one Government official.

IX. THE BAKCSY TESTIMONY

One further incident, revolving about Charles G. Bakcsy, requires notice. Captain Bakcsy in his younger days was a seafaring adventurer. Subsequently he became engaged in police and investigatory work. He worked in that capacity at one time for the Burns Detective Agency, at another for Government officials including the special intelligence bureau of Gen. Leonard Wood. His conduct has not always received approbation from his superiors. In 1913 he was dismissed from the Portland police force for incompetency and inefficiency.

Bakcsy testified that he was employed from April 1935 to August 1935 by T. G. Plant, a leading official in the Waterfront Employers Association to investigate water front labor activities and particularly Bridges. Following the termination of that employment Bakcsy stated that he was employed by Hugh Gallagher, the president of the Matson Line. On November 23, 1935, he stated that Doyle and one Byington Ford came to see him at Carmel and insisted that he sign a statement that he had seen Bridges at a Communist meeting in the home of Lincoln Steffens. He refused to do this inasmuch as he had just come from there and insisted that Bridges had not been there. Bakcsy stated that Doyle suggested that Bakcsy would lose his job if he did not sign such a statement. Bakcsy, however, refused to do so. The same threat and the same refusal were repeated later that evening after Bakcsy had been to the Steffens' home and satisfied himself that Bridges had not been there.

Mrs. Bakcsy corroborated part of Captain Bakcsy's statement. Mrs. Bakcsy occupies the position of Captain Bakcsy's private secretary. She testified that, according to the custom that seemed to have prevailed in that curious household, she was stationed in a small room next to the room in which the conversation with Doyle was held, and that there she made notes of the conversation.

Bakcsy testified to other matters also, but this testimony need not be reviewed. Bakcsy failed to carry conviction to the examiner. It is impossible to separate truth from fiction in his testimony. It was bizarre and at times fantastic. It seems best not to permit the testimony of either Captain or Mrs. Bakcsy to play a real part in reaching such ultimate conclusions as must be reached in connection with the matters that are at issue in this proceeding.

X. THE MILNER TESTIMONY ON DOYLE

Testimony against Doyle was also extracted from Government witness Milner. He, it will be remembered, testified that Doyle requested him to change the testimony that he had already given on the stand in the DeJonge trial. Doyle's promises then were the offer of a job and the promise of rehabilitation. But Milner's testimony has already been analyzed and the conclusion reached that he is untrustworthy.

With reference to this particular incident, Milner testified under oath in Portland that Doyle had not sought to get him to change his testimony and testified in this proceeding directly to the contrary. There is a possibility, in the light of the other testimony of record, that Milner may have testified truly in this proceeding with regard to Doyle, but that possibility stems only from the conformity of Milner's testimony to the general design of Doyle's activity rather than from any confidence that may be placed in the general veracity of Milner.

XI. DOYLE'S OWN CONDUCT

These are the allegations regarding Doyle that were on record when he finally appeared in response to a court order to testify in this proceeding. And it is in the light of this record of persistent evasion by Doyle of his duty to testify that this mass of testimony must be weighed. For the record establishes that Doyle knew of these charges that had been made against him. His actions in the face of that knowledge—actions which are rehearsed at length in an appendix [99] and thus need not be reviewed here—are mutely eloquent. They drive one irresistibly to the conclusion that Doyle's conduct in the collection of evidence against Bridges was not too unlike that which this array of evidence portrays.

BB. Conclusions as to the Credibility of Leech

Leech's credibility must be weighed not only in the light of his own evasions and misstatements and of the directly contradictory testimony of other witnesses, but also in the light of the Knowles-Keegan background to which Browne and Doyle are inextricably tied. That background in itself gives little reason to impose confidence in witnesses whose eventual willingness to testify is brought about by men accustomed to employ methods of a disreputable nature, as evidenced by their action in other similar cases. It is, of course, true that despite these factors a witness may nevertheless be telling the truth, for in cases such as these willing witnesses are necessarily a rarity. But in such an event candor and a modicum of coherence can rightly be expected to attend the witness' own testimony. These were absent with regard to Leech.

Leech's falsification of his relief record is to a degree understandable. The poverty and the ill luck that dogged Leech were tragic in the extreme. That under these conditions an otherwise honest man might be led to cheat a little is neither extraordinary nor too blameworthy. It is hard to condemn slight lapses in this long struggle against poverty and illness. One can understand, too, how the first reaction in such a situation led to evasion and falsification in the hope of concealing the extent of that wrongdoing. Were this all, Leech might still be believed. But he lied in other important respects which have relevance only to his testimony in this proceeding. His variant stories on his arrival in California and his termination of his connections with the Communist Party, his falsification in regard to the signing and correction of the so-called affidavit, his vagueness in regard to the Communist meetings to which he testified as contrasted with an other-

[99] See appendix III.

wise capacious memory for detail, are all examples of the innumerable matters that tend to create each its separate doubt. These doubts cumulated possess an overwhelming force.

There is further the directly contradictory testimony of Bundy, Austrian, and Goldman. Few witnesses in this proceeding carried as much conviction as Miss Goldman. Her part was always a minor one. Her testimony rang true to the conception that the incident to which she testified was routine and fairly trivial in character. There was no pretense to a memory of minor details that could not have survived the erasing hand of 2 years of a busy and active life. Austrian's testimony again stood effectively the tests of severe cross-examination. Even considering his experience and his prior contacts with this proceeding some breaks of a truly significant character should have occurred in that testimony were it false. Bundy, despite his inconsistencies of detail, is curiously consistent on the major points. Impossibly superb coaching would have been required for example to have his line of vision of the Leech living room correspond with the structural plan of the house as it actually was instead of that plan as he himself conceived it to be.

The record does not disclose why Leech was ultimately induced to testify in the manner that he did; nor is it necessary to find or to try and infer why he was induced so to do. The Keegan testimony, however, gives every basis for indulging in suspicious inferences with reference to his Department. Boyle fares equally ill. There is nothing, however, in this record that gives a basis for concluding otherwise than that those Government officials who produced Leech upon the witness stand were in ignorance of the damaging testimony that that production set in motion.

3. AARON SAPIRO

A. Sapiro's Background

Aaron Sapiro, a Government witness, is now a practicing attorney in Los Angeles. For many years Sapiro has led an active and energetic life, much of his energy having been devoted to legal work in connection with trade associations and labor unions. In New York and Chicago and elsewhere he organized associations of dealers, merchants, laundry owners, dyers and cleaners, tailors, milk distributors, and motion-picture operators. These activities brought Sapiro into collision with the law. Sometime in 1933 Sapiro was indicted in Chicago with a number of other defendants, including trade associations and unions, for conspiring to restrain trade by unlawful acts, such as bombing, acid throwing, and the like. He and all the other defendants were acquitted of the charge. In 1934 he was indicted in New York, together with one Roth, for attempting to influence jurors in an action then pending in a United States court. The other individual was convicted, but Sapiro was acquitted. Judge Knox, of the United States District Court for the Southern District of New York, despite this acquittal, insisted that disciplinary action against Sapiro should be taken. Judge Knox, after a hearing, ordered Sapiro's disbarment. This decision was reversed on appeal on technical grounds and the cause remanded to the district judge for further proceedings. See *In re Doe* (95 F. (2d) 386). Judge Knox there-

upon again found Sapiro guilty of conduct justifying his disbarment. An order striking Sapiro's name from the court's roll of attorneys and barring him from further practice in that court was entered. This order was affirmed on appeal. See *In the Matter of Sapiro* (101 F. (2d) 1018).

Judge Knox's findings in that case are a severe indictment and reflection upon Sapiro's integrity. Without mincing words, Judge Knox states:

> In other words, he (Sapiro) was content that justice should be improperly influenced, if not polluted, at its source. This, in my judgment, when one considers Sapiro's experience and intelligence, was a serious offense. But there is an additional factor to be taken into account. It is this: In his approaches to Mrs. Chauvin, Roth made statements that were intended, I have no doubt, to cause her to become aware that it would be to the advantage of herself and husband if he were to vote for Harwood's acquittal. To put the matter differently, bribery was suggested, if not actually offered. While the proof before me will not support a finding that Sapiro had previously authorized Roth to suggest that bribes were available to Jurors Chauvin and Magrino, I do believe and find that Roth reported to Sapiro the entire substance of what he had said to Magrino and to Mrs. Chauvin. Respondent was thus made aware of the attempt to corrupt one of the jurors who was sitting in judgment upon the acts of his client. And yet he did nothing to avoid a possible miscarriage of justice. To my mind this constituted nothing less than corrupt misconduct, and in the absence of any extenuating circumstances merits disbarment. For an attorney knowingly to permit himself and client possibly to profit as a result of the attempted bribery of a juror is about as culpable as was the offer of the bribe. Sapiro's position was much like that of a man who knowingly buys stolen goods from a thief.

Sometime around 1935 Sapiro transferred his major activities to the Pacific coast. He became the chief counsel to the Sailor's Union of the Pacific, of which Lundeberg was the head. He also represented in specific claims the Marine Firemen's Union, the Marine Cooks and Stewards, the Alaska Fishermen's Union, the strike committee of the International Longshoremen's Union of the San Pedro district, and possibly others. To understand Sapiro and his activities in connection with these unions it is important to realize that Sapiro, just as in the case of his trade associations, did not limit himself to the role of the normal legal adviser. He became extremely active in the formulation of maritime union policy not only in these unions but also on the entire Pacific coast water front. He addressed innumerable union meetings; his counsel was often controlling in the development of union policies, and for a time he might be said to have dominated by his energy and his innate intelligence the unions that he represented. Sapiro unquestionably belongs to the type of lawyer found frequently in financial, corporate, and even labor practice, who not merely counsels but organizes and directs, and in the development of his plans makes those broad, opportunistic judgments that normally are the concern of the banker, the businessman, or the union leader.

B. Sapiro's First Meeting with Bridges

The year 1936 on the Pacific coast water front was an exciting one. Difficulties between the shipowners and labor were becoming acute. Rivalry among various union leaders was developing and friction was increasing between the international labor unions and the local groups on the west coast. Among the dominant personalities in the maritime labor field were Lundeberg of the sailors and Bridges of the longshoremen.

In February of 1936 Sapiro came to San Francisco from Los Angeles to represent the sailors' union of the Pacific in litigation arising out of the expulsion of that union from the International Seamen's Union. Sapiro was then staying at the St. Francis Hotel. According to Sapiro, Williams, the assistant editor of the Western Worker, called upon him and wanted him to meet one of the important, militant labor leaders in San Francisco, whom he later named as Harry Bridges. Williams stated that Bridges could not come to see Sapiro openly in the St. Francis Hotel but that a private meeting would have to be arranged. This was agreeable to Sapiro, so that night at 11 p. m. Williams came for Sapiro and took him to an apartment house. Bridges dropped in at the same place a few moments later. Discussion, irrelevant to this proceeding, ensued for a half an hour and Bridges then drove Sapiro back to his hotel.

C. Sapiro's Statement as to Bridges' Communist Affiliations

Sapiro then testified that at a meeting between him and Bridges late in April or early in May, Bridges said in substance to him: "You are just like all those easterners. You are just like Earl Browder. When he came out here in 1934 he could not understand the rank-and-file movement, and when I met him out at Fleishacker Pool, out on the beach,[1] I had to show him what a fool he was." He didn't know what the rank-and-file movement [2] was, and I showed him that I would take the rank-and-file workers even from Mike Casey in the teamsters' union."

The tenor of this conversation also turned to the growing rift between Bridges and Lundeberg, the head of the sailors' union, and Sapiro then told Bridges that he was still following Lundeberg's lead.

D. Sapiro's Statement on Bridges' Control of the Communist Party

Nothing particularly relevant to the issues in this proceeding occurred in three meetings held between Sapiro and Bridges in Los Angeles in May and June of 1936; but late in June of 1936 Sapiro testified that Bridges came to see him at the St. Francis Hotel in San Francisco. Discussion turned upon whether Sapiro and Lundeberg were going to permit the marine firemen and the cooks [3] to be added in an action that the sailors' union then had initiated before the National Labor Relations Board. Sapiro objected to this addition and Bridges insisted upon it, claiming that Sapiro was blind to the true situation. Differences also arose between Bridges and Sapiro as to the arrangement that Sapiro was seeking to perfect in order to bring the Sailors' Union of the Pacific back into the International Seamen's

[1] This reference is to a Communist meeting that was allegedly held on the beach near the Fleishacker Pool which was addressed by Browder and was attended by the leading Communists in the labor movement in San Francisco. The meeting was supposedly a secret one. Fleishacker Pool borders the beach on the western side of the city. The pool, said to be the largest swimming pool in the country, is on the western end of Golden Gate Park. North of the pool is an amusement park and south of the pool is a United States military reservation in which Fort Funston is situated.

[2] The rank and file movement generally refers to a movement that began in the waterfront unions in 1933 and 1934 that sought to get away from the older leadership by restoring more power to the rank and file worker. It has made for more active participation by the average union member in the formulation of union policy.

[3] The full names of these two unions were the Marine Firemen's Oilers', Watertenders and Wipers' Association and the Marine Cooks' and Stewards' Association.

Union. When Sapiro stated that he was following Lundeberg's lead, Bridges replied that he was running maritime affairs on the west coast, for he was running the Communist Party and the Communist Party ran the maritime unions. When Sapiro objected that the Communist Party did not run the sailors' union; Bridges answered that that was not the case and proceeded to detail for Sapiro's benefit the extent of the influence of the Communist Party. He then went on to relate that "in the sailors' union they had Saunders, Quitenton, and Mills; in the International Longshoremen's Association they had Schmidt and Shoemaker in San Francisco and Donnelly and Bowen in San Pedro; in the cook's they had Cayton; in the American Radio Telegraphers Association they had Pyle, Jordan, Rathborne, and Brown; and that they had a complete organization in every port on the coast and that they had an organization whereby they could get out publicity and get out this Marine Worker, and get out anything they wanted, and in 24 hours they could have leaflets produced on any subject at any point on the coast; that the I. L. A. (the International Longshoremen's Association) was the big strong one and that was under his control; and that the I. L. A. men, the longshoremen, never went to sea, but that the I. L. A. kept enough of them on shore, put them in, if necessary, on permit cards, so they could keep control of those meetings in these other organizations; and they could destroy any man they wanted within 24 hours by the publicity, and that in some places, such as Seattle, they had a publicity organ, and publicity organization, under a man named Stack." Sapiro also claimed that Bridges stated that he gave orders to William Schneiderman, the chief official of the Communist Party in California. Bridges, according to Sapiro, in "very plain words" told him that he must line up with Bridges and give up Lundeberg or else that Bridges would use his strength to get Sapiro thrown out.

E. Hearsay Testimony Given by Sapiro

This is the substance of the direct testimony given by Sapiro relating to Bridges' alleged membership in the Communist Party. Sapiro, however, added considerable hearsay testimony on the same issue, and this, despite the general weakness that rightly attaches to hearsay testimony, deserves review. In August of 1936 Earl Browder came to the west coast in connection with his campaign for President of the United States on the Communist ticket. Sapiro, though he disagrees politically with Browder, had been a friend of Browder for some time. He still holds a high regard for Browder's sincerity. Sapiro stated that he met Browder in a hotel cafe later one night after Browder had finished a political speech, that he complained to Browder of Bridges' tactics in the maritime situation, and that Browder, after saying that Bridges was one of the hardest men in the Communist Party to handle, told Sapiro that he wanted to go into the subject later in detail with him. The next morning Browder called on Sapiro, and after listening to Sapiro's story, Browder told him that he would give orders to Bridges to work together with Sapiro. He further told Sapiro that Bridges was very powerful in the Communist Party because of his control of the longshoremen.

Soon after this discussion Sapiro saw Bridges again in San Francisco. The discussion between the two centered upon what attitude

Bridges was going to take before the longshoremen with reference to a strike vote. Sapiro thought it would be best not to precipitate a strike then and suggested that he (Sapiro) could persuade Lundeberg to keep the sailors from taking a strike vote if Bridges would agree to pursue the same policy with the longshoremen. Sapiro said Bridges agreed to this policy and thereupon, with Lundberg's consent, Sapiro persuaded the sailors not to take a strike vote. He learned shortly thereafter that Bridges was advocating that the longshoremen should take a strike vote, and when he remonstrated with Bridges he could get nothing out of Bridges except that he had changed his mind.

After this strike was over,[4] in March of 1937 Roy Hudson, a former official of the Marine Workers Industrial Union and allegedly the head of the maritime activities of the Communist Party, called on Sapiro in Los Angeles and showed him an article that he had written in The Communist. The article criticized the Sailors' Union of the Pacific for breaking up the maritime unity of the coast, and when Sapiro said that the true fault lay with Bridges and his double-crossing, Hudson replied that the facts were otherwise. Hudson then told Sapiro that after Bridges had seen Sapiro and had agreed not to ask for a strike vote from the Longshoremen, Bridges telephoned to Hudson. Hudson then told him that the party line had changed and that the party now wanted the strike, and Bridges for that reason was compelled to take the action that he did. Hudson also told Sapiro that Browder had spoken to him of what Browder had told Sapiro what he would do in regard to Bridges, and further talk was had between them regarding Bridges.

In May of 1937 Sapiro stated that Schneiderman, the chief Communist official on the west coast, called on him. Again talk was had with reference to Bridges, and Schneiderman told Sapiro that Bridges was such an egotist that he was a hard person for the party to handle, but that nevertheless Schneiderman would do his best to bring Bridges into line.

Also about that time Sapiro testified that at a party in Los Angeles he met Miss Wilson, Mr. Dodd, and Mr. Jerome. All of these people were Communists, Jerome being one of the editors of The Communist. Jerome said that Browder had told him to see Sapiro, that Sapiro ought to work with them, and that the Communists were all going C. I. O., and that Bridges was going to deliver the maritime unions for them.

Late in the summer of 1937 Sapiro stated that he called on Browder in New York and there complained to Browder of Bridges' activities. Browder again agreed to talk to Bridges or have him talked to. Sapiro stated that Browder later telephoned saying that he had talked to Bridges.

Sapiro also stated that early in 1937, while he was at Washington, appearing before the Merchant Marine Committee of the Senate, J. E. Ferguson, who was then a leading official in the Marine Firemen, told him that he had sat in with Bridges in several Communist top-fraction meetings of the Maritime Federation.

Also Sapiro stated that in 1938 he became counsel for Arthur Scott, who had been an organizer of the Communist Party in San Francisco County. Scott was then in jail, having been arrested for

[4] The strike began on October 28, 1936, and continued until February 4, 1937.

burglary. Scott told Sapiro that Bridges was a member of the State Central Committee of the Communist Party and a member of the State Executive Committee of the Central Committee of the Communist Party, as well as having been a member of the top fraction of the Maritime Federation since 1936. Scott, it will be remembered, was an undercover operator, but Sapiro, claiming the lawyer-client privilege, refused to divulge who Scott's superiors were.

This hearsay testimony of Sapiro's must be considered differently than the testimony regarding alleged admissions by Bridges. The latter type of testimony would obviously be admissible under common-law rules of evidence, whereas the hearsay testimony would be entirely excluded. Although in administrative proceedings these rules of inclusion and exclusion are necessarily much more flexible, hearsay testimony still remains hearsay testimony and as such subject to the inherent weaknesses that such testimony possesses. Moreover, in these instances nothing was shown which prevented the Government from calling Browder, Schneiderman, Ferguson, Hudson, or Scott to the stand and thereby subjecting them to cross-examination. The Government contends that inferences should be drawn from the failure of counsel for the alien to subpena these individuals. This, however, is clearly wrong, for even though it may be proper to relax the common-law rules of evidence to permit the introduction of hearsay testimony, to insist that inferences are to be drawn from the failure of the other side to call to the stand those whose sayings are being retailed, would be to impose undue burdens of rebuttal upon the defense as a result of admitting normally inadmissible testimony.[5] Instead, the reverse is true. Such inferences as can be drawn from the fact that none of these persons were called to the stand, tend to weaken rather than strengthen the hearsay testimony proffered by the Government.

F. Enmity Between Sapiro and Bridges

Any evaluation of Sapiro's testimony must take into account the growing enmity between Sapiro and Bridges, for that testimony is contested at almost every point by Bridges. The recital above made gives some indication of the trend that their relationships were taking soon after the two of them met. That enmity, which the record discloses in great detail and which will be dwelt upon further, blazed furiously between the two of them at this proceeding. Their mutual hate stood between so intense as almost to be visible.

In addition to the earlier testimony of Sapiro which tends to charge Bridges with precipitating the maritime strike of 1936, Sapiro also accused him of prolonging the maritime strike of 1936 for some 6 or 8 weeks merely in order to prevent Lundeberg and the Sailors' Union from getting any credit for its settlement.

In December of 1936 Bridges accidentally ran over and killed a small boy. Sapiro acted as his lawyer and claimed the credit for having charges arising out of this accident dismissed. Bridges asserted both that Sapiro's aid was useless in this matter and that he

[5] This is particularly true in cases of this nature for under the rules of the Immigration Service, witnesses subpenaed at the request of the alien may be required to be paid compensation for their loss of time in addition to witness fees, travel, and subsistence. These latter costs are the only costs that the Government is required to bear. See Rule 24, sub. C, par. 1.

had not authorized Sapiro to act for him,[6] and refused to pay him anything. Sapiro then brought suit against Bridges for a fee of about $1,000. Bridges has been vehement in his condemnation of this action.

On July 16, 1937, Bridges wrote a letter to one Hentschell warning him to be on his guard against Sapiro, charging Sapiro with pursuing disruptive tactics among the unions, charging him with fashioning and pressing policies favorable to the shipowners and, in short, with being interested primarily in getting fees for himself rather than faithfully serving the interests of his clients. This letter reached Sapiro's hands and Sapiro on September 1, 1937, demanded a retraction which Bridges point-blank refused. Subsequently Sapiro filed a libel suit against Bridges which is still pending.

On September 7, 1937, Sapiro wrote a long open letter to John L. Lewis. This letter is extremely bitter in its tone. It attacks Lewis not only for splitting the ranks of labor but particularly for permitting Communists to get control of the C. I. O. unions. The letter also charges that Bridges is a Communist, charges that a number of other named C. I. O. leaders are Communists, threatens to prove these facts by legal action, calls upon Lewis to throw the Communists out, and clearly implies that Lewis is guilty of running the C. I. O. for the benefit of the Communist Party.

Sapiro by that time or soon thereafter had lost the confidence of his labor clients as well as their business. He then gathered a new crop of clients among labor men who had been ousted as a consequence of the A. F. of L.-C. I. O. split. He filed several suits in behalf of the International Longshoremen's Association against the new C. I. O. union, the International Longshoremen and Warehousemen's Union, and against Bridges, trying to claim for the ousted A. F. of L. members the rights and privileges of which the new union was in possession. In these cases he was acting in behalf of Mr. Ryan, the president of the International Longshoremen's Association, a bitter enemy of Bridges. Many suits of a similar nature were also filed by Sapiro. In 1938 his original union, the Sailors' Union of the Pacific, deserted him, a desertion that led to his bringing a suit against them for fees that he alleged were due to him. The suit was compromised but Sapiro's honorary membership in the Sailors' Union of the Pacific was canceled.[7]

G. Bridges' Account of His Relationship With Sapiro

Bridges' account of his dealings with Sapiro differs considerably from that of Sapiro. Bridges generally confirms as to time and place the occasions upon which he encountered Sapiro. The nature of these encounters, as Bridges described them, was wholly different.

Bridges testified that around February of 1936 he learned through the newspapers that Sapiro was representing the Sailors' Union of the Pacific in connection with its difficulties with the International Sea-

[6] Sapiro seems to have acted upon the authorization of certain other union officials.

[7] With regard to testifying in this proceeding, Sapiro was first approached by Bonham in Los Angeles. Shortly thereafter both Keegan and Mumpower called upon him, and later he went to Portland at the expense of the Portland Police Department to confer with them and the immigration officials. Only one matter need be observed in this connection. When Keegan and Mumpower talked to Sapiro in Los Angeles, they, according to Sapiro, knew of his earlier talk to Bonham and of its content. This is of interest in indicating close cooperation between Bonham and the Portland Police Department.

men's Union. Inasmuch as Bridges represented the longshoremen and the longshoremen were on record as supporting the sailors, he had a distinct interest in the controversy, and consequently called on Sapiro at the St. Francis Hotel. The two of them there discussed the question. Bridges testified that there was no reason for him not to call on Sapiro openly and deal with him normally on a matter of business in which they had a joint interest. Bridges said he saw Sapiro several times in this connection.

The next specific occasion that Bridges recalls having seen Sapiro was late May or early June of 1937 in Los Angeles. A Maritime Federation convention was then in progress and Bridges stated that he and Herman Stuyvelaar, another delegate to the convention, called at Sapiro's request. Sapiro asked to see Bridges alone, to which Bridges agreed. Sapiro, after some preliminary conversation, showed him a telegram addressed to Sapiro which read, in substance: "Please get in touch with our friend at once. In regard to the people in Washington, it looks very dangerous. Do all that you can about it and see that everything is taken care of. Joe Brown." Sapiro then explained that the words "our friend" referred to Bridges and "the people in Washington" referred to the immigration authorities and the possibility of deportation proceedings. He then explained that he was getting orders to protect Bridges and that the "Joe Brown" was really "Earl Browder." Bridges said he was noncommittal, but that the incident aroused his suspicion and that thereafter he constantly regarded Sapiro with distrust.

Later on he again saw Sapiro when Sapiro was concerned with the problem of representing the sailors before the National Labor Relations Board. Sapiro was taking the position that the sailors ought to be a single bargaining unit, whereas Bridges was opposed to this on the ground that, in accordance with the history of collective bargaining in maritime matters and on the coast, the bargaining unit should include the marine cooks and the marine firemen.

Bridges claimed that in these and later conferences Sapiro was always a mysterious person, hinting at powerful and indirect influences that he could bring into play in dealing with union matters. Sapiro frequently told Bridges how close he was to Earl Browder[8] and how effectively he therefore could translate Communist policy to Bridges and to the west coast. Sapiro would also assert mysteriously to Bridges that he knew that Bridges was running the Communist Party on the west coast, but that Bridges was off line for he (Sapiro) knew the true doctrine from Browder. Bridges testified that on these occasions he would deny and ridicule the assertion.

One incident in this connection is of interest. Sapiro in discussing the differences between Bridges and himself in regard to the sailors' union being the appropriate bargaining unit for the unlicensed deck personnel employed on vessels testified as follows:

> A. The issue was whether or not we were going to permit the firemen and the marine cooks and stewards to be added as parties to the proceeding. I objected and Mr. Lundeberg objected, and Mr. Bridges was insisting that we had better yield because, whether we wanted to or not, they were going to be added and he had positive information to that effect.
>
> Q. Did he say how he had this information?
>
> A. He did not, but what he said turned out to be correct.

[8] There was in evidence a title page from one of Browder's books with the following in Browder's own handwriting: "To Aaron Sapiro in admiration of a good but difficult task well done! Earl Browder."

It will be noticed how in this connection Sapiro hints that mysterious forces were at work, with which Bridges was intimate, to bring about the inclusion of the firemen and the cooks with the sailors in the appropriate bargaining unit. But such a coordination of unions had not been infrequent in this field, for before the break the sailors, the firemen, and cooks were all distinct unions under the International Seamen's Union. They have a long history of bargaining together as a unit for the unlicensed sea-going personnel,[9] particularly on the Atlantic coast.[10] On the Pacific coast that unity of action does not seem to have been as uniform,[11] though in 1934 the personnel embraced by all these three unions was recognized by the National Longshoremen's Board in 1934 as the appropriate bargaining unit.[12] Thus for the Sailors' Union of the Pacific in 1936 to insist upon bargaining separately for the unlicensed deck personnel was a departure from the existing practice. Moreover, events hardly bear out the contention that they failed to accomplish that objective, for in 1936, in a proceeding before the National Labor Relations Board, in which Sapiro represented the Sailors' Union of the Pacific, the Board found that the International Seamen's Union was not pressing a claim to represent the unlicensed deck personnel.[13] Since then in Pacific coast controversies the Board has recognized that union as an appropriate bargaining agency for the unlicensed deck personnel.[14]

Bridges' story of the breach that occurred between him and Sapiro during the 1936 strike needs reviewing because of the Hudson incident referred to by Sapiro. Bridges stated that they were aware that the employers had planned a lock-out for September 30, 1936. Sapiro advised that the lock-out should be allowed to take place, thereby placing the onus of tying up the coast on the employers. Bridges and Ryan and Tobin, then the labor chairman of the Democratic Party, believed it best to put off the disruption of relationships until after the pending Presidential election. The strike was delayed until October 28. After the strike began, the policy pursued was that, inasmuch as the prime end was to get something for the seafaring unions, the Longshoremen, then the most powerful of the unions, would not sign any agreement until the demands of the other unions had been satisfied. This policy was pursued, but Sapiro, after some of these other unions had made tentative agreements with employers, tried to get them finally to sign up and in that way leave the Longshoremen high and dry. Bridges, regarding this as an effort to split the maritime labor front, thereupon carried the issue directly to the seafaring unions and had Sapiro's policy reversed.

Similarly the two of them disagreed upon the policy to be pursued with reference to the Copeland "fink" books.[15] Sapiro proposed that

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[9] See Section of Labor Relations, Federal Coordinator of Transp., Hours, Wages, and Working Conditions in Domestic Water Transportation, vol. 1, 180.

[10] See the Atlantic Agreement of 1917, and *In the Matter of American Fruser Line*, N. L. R. B. 64. Also see *In the Matter of American Fruser Line*, 7 N. L. R. B. 79.

[11] *Cf. In the Matter of General Petroleum Corp.*, 5 N. L. R. B. 982.

[12] This board, which consisted of Archbishop Hanna, Assistant Secretary of Labor McGrady, and O. K. Cushing, was appointed pursuant to Public Res. No. 44, 48 Stat. 1183.

[13] *In the Matter of Pacific S. S. Co.*, 2 N. L. R. B. 214.

[14] *In the Matter of Associated Oil Co.*, 5 N. L. R. B. 893.

[15] Under the Copeland Act of June 25, 1936, § 3, 49 Stat. 1930, seamen were required to carry continuous discharge books. Inasmuch as these books would show whether seamen had or had not continued to work during a strike, the seamen were opposed to their use on the ground that they would be the basis for union discrimination by employers. For this reason they were called fink books. (See H. Rept. No. 381, 75th Cong. 1st sess.)

even after the economic issues in the strike were settled that the strike should be continued until the Copeland Act was repealed.[16] Bridges regarded this as in effect continuing the strike as a strike against the Government. He proposed instead that arrangements should be made with the Department of Labor and the Department of Commerce to defer putting the policy into effect until the act could be amended, but was insistent that upon the settlement of the economic issues the men should go back to work. The latter policy was pursued and the obnoxious act was amended.[17]

Further elaboration of the various points upon which conflict ensued between Sapiro and Bridges need not here be made. That conflict, beginning in the summer of 1936, became intense following the 1936 strike. It is plain that Bridges regarded Sapiro as a destructive factor in the maritime labor field, despised and distrusted his methods, and came to hate him personally.

The extent of his ill feeling is made manifest by his letter of July 16, 1937, to Hentschell, and the extent of Sapiro's venom can be gaged by Sapiro's letter to John L. Lewis of September 7, 1937. Each was definitely out to destroy the other's influence. For the moment the victory went to Bridges.

One further item of Bridges' testimony is also pertinent in this connection. Bridges testified that he met Browder for the first time in the late summer of 1936. He attended an open mass meeting at which Browder, then a candidate for the Presidency, spoke and afterward was introduced to Browder by Hanoff. Bridges stated that he had never met Browder since.

H. Evaluation of Sapiro's Testimony

It is a difficult task adequately to articulate the bases upon which Sapiro's testimony must be assessed, for demeanor and manner counted so greatly in this connection. His character is intrinsically important in any such assay. Sapiro's character was revealed partly upon the record and partly by his demeanor. Upon the record we find a man whom Judge Knox, the senior district judge for the United States District Court for the Southern District of New York, condemned twice in no uncertain words as being willing to see the administration of justice polluted at its source. His earlier activities in connection with the organization of trade associations in Chicago and New York, even though he was acquitted in the one indictment that was brought against him, hardly help to build a sense of confidence in his integrity. His work with the maritime unions on the Pacific coast gives one a similar impression. A lawyer with as much intelligence as Sapiro undoubtedly possesses, if he also has true integrity and a sense of responsibility toward his clients, is not normally discovered later to be in such difficulties with the cause he purports to represent; nor does

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[16] Sapiro denied this. He stated that he believed the matter could be adjusted effectively for the time necessary to procure a congressional amendment by enjoining the collectors from requiring the use of the books. (But cf. *Johnson* v. *Rylander*, 18 F. Supp. 689, where a preliminary injunction brought by Sapiro against the collector in San Francisco was denied by the United States District Court for the Northern District of California.) Sapiro claimed that he sold his policy to all the unions despite Communist opposition.

[17] (See act of Mar. 24, 1937, 50 Stat. 49.) "The seamen representing the West Coast Independent Seamen's Organization, the American Federation of Labor, and the Department of Commerce, through the Bureau of Navigation, have agreed upon the terms set forth in the pending bill." (Senator Copeland in 81 Cong. Rec. 2406. See also 1937 Report of Secretary of Commerce 146.)

a man of integrity engage in the curious tactics that Sapiro pursued in the summer of 1937—seeking to cooperate with Browder and at the same time damning Browder's associates in the fashion in which he did in his letter to Lewis. His lack of loyalty to the causes that he purported so devoutly to serve is again illustrated by the fact that his later clients were his earlier clients' enemies.

Sapiro is not an unusual type. His testimony makes him out to be a man who trades upon his associations to their fullest extent and who, in the effort to build himself up, speaks glibly of what he purports others have told him. By purporting to share confidences he seeks to draw confidences from others and thereby hopefully cements a relationship beyond the bounds of dissolution. One gets the impression that truth matters little in this process, the concern being the end rather than the means.

Sapiro's testimony is interesting from two other angles. One is the extent of the self-serving declarations that it contained. He was careful—too careful—to give the impression of a man devoutly bent upon serving the cause of labor, but believing that at the present time it is following the lead of false messiahs. He was eager to establish his disapproval of Communist tactics and philosophy, but at the same time, in order to preserve his role as a liberal, he took great pains to protest his regard for individuals in the Communist Party, his friendship and close association upon an intellectual level with them, and his consequent admission into at least outer fringes of their confidence. Still pursuing his liberal role, he took pains to express his distrust of Doyle, of Captain Hynes, and of Knowles. He protested somewhat too much that his interest was still that of bringing about labor unity and peace on the water front for his own litigious tactics can hardly be said to comport with that desire.

Finally, Sapiro's testimony possesses elements of inherent improbability. No reason exists why it should have been necessary for Bridges to meet Sapiro for the first time secretly and in the dead of night. Bridges was not pursuing policies and tactics that required his concealment. None of the other meetings between Sapiro and Bridges were given this aura of conspiracy and mystery. One wonders again why Bridges on such slight acquaintance, and fully conscious then of the possibility of deportation proceedings being initiated against him, should so suggestively intimate to Sapiro, when he was then at odds with him, his connections with Browder and the Communist movement.[18] One wonders again what reason should have prompted Bridges, when the rift between him and Sapiro was becoming increasingly more serious, to tell Sapiro by name all the alleged undercover Communists in the labor movement of the Pacific coast. Again, considering the alleged policy of concealment pursued by Communists in labor organizations, it is strange that Browder, upon being accosted by Sapiro in a public cafe, should so readily admit Bridges' Communist affiliations; and it is somewhat odd that on the next day, after an ex parte statement from Sapiro on the maritime situation, Browder should be so willing to translate Sapiro's suggestions into an "absolute order" to Bridges. Mere friendship gives no adequate explanation for such a course of conduct. Furthermore, it is exceedingly

[18] No testimony in proof of the alleged Communist meeting on the beach by the Fleishhacker pool was ever offered save that Detrich testified that he knew such meetings occurred but only upon the basis of hearsay.

strange that Hudson, who theretofore was unknown to Sapiro, and who, according to Sapiro, was familiar with Sapiro's opposition to the policies that the Communist Party was pursuing, should so readily tell Sapiro of the manner in which Bridges was forced to repudiate his word and take the party line. People can conceivably act in ways as extraordinary as these, but something more than the word of a disbarred and repudiated attorney seems required to carry such a burden of proof.

4. MILES G. HUMPHREYS

A. Introductory

Miles G. Humphreys [19] became a member of the Communist Party in Oakland, Calif., in 1924. In 1927 he was dropped from the party for nonpayment of dues. He joined the Communist Party again in New York City in 1930 or 1931, and was later transferred to California. He ceased paying dues to the party in January of 1937, and ceased to be a member of the party sometime between March and May of 1937.[20] Sometime later he was expelled from the party.

Humphreys was active in trade union matters, specializing in the problem of organizing men into unions. Indeed, according to his claim there were few unions in Oakland organized from 1936 on for which he had not been responsible. As a member of the Communist Party, Humphreys had held many different positions. Among them were unit organizer, section educational director, organizational secretary, section organizer and member of the State committee. Until recently he was a member and business agent of Local Industrial Union No. 96, a C. I. O. union, and also an organizer and delegate to the C. I. O. Labor Council of Oakland. In the former capacity he received $35 a week; in the latter $50.

B. Humphreys' Top Fraction Meetings

It is important in analyzing Humphreys' testimony to see its progression, i. e., the incidents as he described them on direct examination and the changes in these incidents that he was forced to admit under cross-examination. Humphreys said he had known Bridges since 1934 and stated that he knew Bridges to be a Communist because he sat with him in some 20 or 30 Communist meetings in San Francisco and in 1 in Los Angeles. These meetings were State committee meetings, State executive committee meetings, and top fraction meetings. The first of the meetings occurred in 1935. The top fraction meetings all occurred in the C. I. O. headquarters in San Francisco. He testified that today fraction meetings are referred to as caucus meetings when a Communist speaks of them to a nonparty member, but as fraction meetings as between Communists. These fraction meetings he

[19] Humphreys was called by the Government as a rebuttal witness. But since none of his testimony is in the nature of rebuttal testimony, it is appropriately considered at this time.

[20] The circumstances under which and the time when Humphreys ceased to be a member of the Communist Party are later of some significance. On direct examination he stated first: "I quit the Communist Party in April or May of 1937." Again on direct he said: "I ceased to be a member, I believe, it was in March or April." Under the rules of the Communist Party, if he ceased to pay dues in January, he should have been suspended in March and dropped from the rolls in May.

stated could not be attended by any save Communists.[21] He was emphatic on this point,[22] insisting upon it thrice,[23] four times,[24] and even five times.[25] Humphreys, however, made two grave errors. By his own direct testimony he placed these top fraction meetings in 1937, after he had not only ceased to be a member of the Communist Party but had turned back his Communist membership book. He also placed them in Bridges' C. I. O. headquarters, offices which Bridges did not occupy until after Humphreys had ceased to be a member of the Communist Party.

His belabored effort to explain the quandary that this left him in deserves quotation:

Q. I see. Now, as a non-Communist, Mr. Humphreys, why were you invited to all the top fraction meetings that were held in San Francisco?
A. I wasn't.
Q. You came and they allowed you to stay?
A. I didn't say I attended all those meetings.
Q. I thought you said that you attended maybe 20 or 25 meetings over a period of some 4 or 5 months. Didn't you testify to that?
A. Yes, I did.
Q. Was your testimony wrong?
A. Not exactly.
Q. Well, was it right or was it wrong?

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[21] Humphreys stated:
"Q. Could a fraction meeting ever be attended by persons who are not Communist Party members?
"A. Not a fraction meeting. I might qualify that.
"Q. Any way you wish.
"A. Except the meeting that I walked into in Los Angeles. It is possible that fraction meetings are walked into by non-Communist members, and then they are turned into a so-called caucus."

[22] Humphreys' second reference to this matter is the following:
"Q. I think you said you attended between 20 and 30 meetings with Harry Bridges of the Communist Party.
"A. Yes.
"Q. Were each and every one of these meetings meetings of the Communist Party solely as distinguished from meetings of the union?
"A. Yes.
"Q. In each instance, were the men who were present members of the Communist Party?
"A. Yes.
"Q. Could anyone, other than a Communist Party member, have attended these meetings?
"A. Not these meetings; no.
"Q. Why?
"A. Because they were Communist Party meetings exclusively. We have had many caucuses or meetings other than these meetings where Harry Bridges was present; but these meetings were Communist Party meetings exclusively.
"Q. Would they be fraction meetings or top fraction meetings?
"A. Top fraction meetings."

[23] Humphreys' third reference to the matter, the first reference on cross-examination, is as follows:
"Q. I want to get this very straight, Mr. Humphreys, with no mistake. About 2 or 3 months after Bridges became west coast C. I. O. director, at his office in the Balboa Building——
"A. (Interrupting.) At his offices.
"Q. (Continuing.) In the Balboa Building in San Francisco there began to be held a series of Communist top fraction meetings; correct?
"A. Yes.
"Q. With only Communists in attendance?
"A. At these fraction meetings; yes.
"Q. I mean these Communist fraction meetings we are discussing?
"A. Yes."

[24] Humphreys' fourth reference to this matter is as follows:
"Q. Were these Communist meetings?
"A. Yes.
"Q. Were they open only to members of the Communist Party?
"A. Yes.
"Q. Now, we are talking about top fraction meetings, aren't we?
"A. Yes."

[25] Humphreys' fifth reference to this matter is as follows:
"Q. All of these people that attended these meetings were Communists?
"A. All the meetings that I have specified as Communist Party meetings, yes.
"Q. Well, that is the top fraction meetings?
"A. Yes. We have had others that attended meetings that were not Communists.
"Q. That would not be the top fraction meetings?
"A. No."

A. I had not been expelled from the Communist Party.[26]
Q. Let me understand this. You left the Communist Party within the first 3 or 4 months of 1937?
A. I quit the Communist Party, yes.
Q. Is that correct?
A. Yes.
Q. All right. Nevertheless in the latter part of 1937 and in the early part of 1938 you went regularly to top fraction meetings of the Communist Party?
A. Yes.
Q. When you were not a member?
A. Yes.
Q. Those meetings, however, were open only to members of the Communist Party except for you?
A. I had not been expelled from the Communist Party.
Q. Let me ask this question. Those meetings were open only to Communist Party members with the exception of yourself?
A. Sure.
Q. Is that your testimony?
A. Yes.

C. Other Communist Meetings

One might leave Humphreys with this except that the balance of his testimony is also of interest as illustrating those pressures which led him into a morass of prevarication. The State committee meetings that he claimed to have attended with Bridges were between seven and nine in number.[27] They began in the fall of 1934. The last of these occurred variously in the fall of 1935,[28] the spring of 1936,[29] and the spring of 1937.[30] Humphreys also testified that he attended two State executive committee meetings with Bridges at 121 Haight Street.[31] He admitted that he himself had never been a member of the State executive committee.

Humphreys also claimed to have surprised Bridges in a Communist fraction meeting in Los Angeles in August of 1938.[32] He said that he was looking for one Roy Specter at the C. I. O. offices in Los Angeles and was told by a stenographer that he would find Specter in the conference room. Going to the conference room he found a meeting in progress of which Bridges was the chairman. This he stated was a Communist fraction meeting. Asked how he knew that fact, he gave several reasons. He stated that the persons present were Communists but he admitted that he did not know who all of the persons present

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[26] Humphreys had placed the turning in of his Communist membership book prior to the time of these meetings.

[27] Humphreys stated that both Leech and Bridges were present at one or more of these meetings. Humphreys, however, stated that none of these meetings occurred at 121 Haight Street. Leech put his State committee meeting at which Bridges was present at 121 Haight Street.

[28] Humphreys further testified:
"After that, why I attended the State committee meeting up until the fall of '35. * * *
"Q. You don't recall any meetings in 1936?
"A. Executive committee meetings which were in the spring of '36, but I don't remember any State committee meetings during '36."

[29] "A. The last State committee meeting of the Communist Party I attended was in the spring of 1936.
"Q. What is that?
"A. In the spring of 1936."

[30] "A. The last State committee meeting I attended was in the spring of 1937. I attended this meeting upon the request of Carl Barnes over the question of starting a newspaper."

[31] Close scrutiny of Humphreys' testimony will show that he placed these meetings once in 1935, but mostly in 1936.

[32] Humphreys first put this meeting in August of 1935:
"Q. Have you ever sat in a Communist Party meeting with Harry Bridges in Los Angeles?
"A. I happened into a meeting that Harry Bridges was acting as chairman of.
"Q. When was that, please?
"A. August 1935.
"Q. August 1935?
"A. Yes."

were, and though there were 25 or 30 persons there, he could only recall the names of Bridges, Specter, McCarthy, and Mitchner.[33] The second reason that he gave was that the meeting must have been a Communist meeting for it was neither a C. I. O. council meeting nor a C. I. O. executive board meeting; because some of the persons present were not members of either group. A third reason was that he had not been notified of the meeting. He believed that he should have been because the meeting concerned itself with a strike in progress in the American Can Co. and he was interested and concerned with the strike. A fourth reason was "the manner in which the discussions were held," a matter which reduced itself to the fact that no minutes were taken and that the remarks were made in an informal manner though it was a "formal meeting."[34] Further analysis of Humphreys' chain of thinking seems unnecessary.

D. Humphreys' Occasion to Testify

Humphreys stated that he was first asked to testify in this proceeding by Government officials Phelan and Bonham, a statement he had to correct on redirect examination to Farelly and Bonham. He refused at that time to testify for the Government. He next stated that he interviewed Government counsel, Mr. Shoemaker, at the latter's request and that on that occasion he was asked questions which together with his answers were transcribed by a stenographer. He was even certain on redirect examination by Government counsel that his answers were taken down by a stenographer. When counsel for the alien pressed for the production of this statement, Government counsel were forced to state that Humphreys' questions and answers on that occasion had not been transcribed and that there had been no stenographer in the room.[35]

E. Contradictory Testimony

The explanation of Humphreys is to be found in the testimony of several other witnesses. Bridges stated that beginning in the fall of 1937 almost weekly meetings of C. I. O. officials in the San Francisco Bay area were held in his offices and that Humphreys, then an official in Oakland, would be present at these meetings. He also stated that in July and August of 1938 labor troubles connected with the fishermen and the workers in the American Can Co. frequently required

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[33] Specter was admittedly a Communist. There is no evidence other than Humphreys' allegation, to show that McCarthy and Mitchner were Communists. Humphreys stated that the word "Comrade" was used by members of the group two or three times, but this he stated was not a reason for his concluding that the meeting was a Communist meeting.

[34] Humphreys' basis for this conclusion is contradictorily set forth in the following three quotations:

"Q. All right. Now, was this a formal or an informal meeting?

"A. It was a formal meeting, because it was definitely called—Roy Specter knew of this meeting and attended this meeting.

"Q. But it was called in a formal manner?

"A. The way all fraction meetings are usually held.

"Q. Do you know how this meeting was called?

"A. Well, I know that I was supposed to meet Roy Specter in the morning, but I didn't meet him.

"Q. Do you know how the meeting was called?

"A. No; I don't."

[35] "Mr. Shoemaker (interrupting). Let me state right there that the witness is slightly confused. I never had a stenographer with me. I think that it was Tuesday night, if I recall it, and he did make a statement some time ago, as I recall it, before one of our other men; but I didn't have any stenographer with me the other night, and I never gave him a copy of any statement. He may have gotten a copy of the other statement which he gave to the Examiner."

him to go to Los Angeles, and that when he went there his normal practice was to confer with the union leaders concerned. Bridges stated that Humphreys was in some of these early conferences until by Bridges' orders he was barred because of the suspicion that Humphreys was an agent of the employers.

Charles A. Duarte, president of the Oakland unit of the International Longshoremen and Warehousemen's Union, testified that during the teamsters' blockade—a struggle between the A. F. of L. teamsters and the C. I. O. longshoremen—Humphreys approached him and suggested that they should get together a group of 10 or 15 warehousemen and physically take over the control of the Teamsters' Hall, then call a meeting and put themselves in control of the teamsters' union. As a result of this proposal charges were preferred against Humphreys before the labor council, which Duarte was deputed to prosecute. The charges accused Humphreys of advocating a policy of terrorism and of promoting strikes in the canneries in contradistinction to the policy then being advocated by the council. Humphreys was found guilty of both these charges and removed from his official position in the council.[36]

Arthur T. Johnson, a member of Local 76, C. I. O., United Automobile Workers of America, testified that in October or November of 1937, because organizational activities within the Chevrolet plant had slowed down, his head committeeman had called together a group of about 15 men. Humphreys addressed this group and urged them to organize "goon squads," or groups of men that would be instructed in methods of fighting and the use of small arms to promote their organizational drive by threats of physical force. The group, however, had no patience with this suggestion and refused to take Humphrey's plans seriously.

Beverly Chatman was a member of a local C. I. O. trade union and was employed by the Blue Bird Potato Chip Co. He was the shop steward of his group and thus came into frequent contact with Humphreys. He stated that Humphreys had induced him to join an organization called the Legions of Democracy,[37] whose purpose was to preserve democracy, promote industrial peace, and oppose all forms of communism, nazi-ism, and fascism. Chatman stated that he joined because he was opposed to communism and agreed to take a position as organizer at $35 a week. That job, however, never materialized. Chatman stated that on one occasion he, as shop steward, went with Humphreys to discuss certain grievances with his employers, Baer and McAphee. During that discussion Humphreys asked Baer for financial help for his Legions of Democracy, which Baer promised him. The picture of the purposes of the Legions of Democracy gradually disgusted Chatman so that he dropped out of the organization. Chatman also stated that Humphreys suggested to him that he should be one of the group that would take over the Teamsters' Hall by resort to physical violence.

Lew Z. Howard belonged to Humphreys' union, Local Industrial 96, and was chairman of its board of trustees. He stated that he was the presiding officer at a meeting of the union in June of 1939 in Odd Fellows' Hall at which the findings of the trial board against Hum-

[36] Humphreys accused the council of being 80 percent Communist. Less than 80 percent, however, of the council voted guilty on the charges.
[37] Humphreys admitted that he had organized this group.

phreys were presented to the union and Humphreys was given the opportunity to speak in his behalf. Some 450 members attended this meeting. Howard said that Humphreys, during the course of his speech, stated that there were rumors to the effect that he was going to testify against Bridges but that these rumors were false because he had no knowledge of Bridges' political affiliations.

Houston T. Parker was also a member of the board of trustees of Humphreys' union. He stated that the union trial board had found Humphreys guilty of substantially the same charges as had been preferred against him before the labor council. They recommended that a fine of $1,000 should be levied against him. These recommendations were the subject matter of action before the union meeting in Odd Fellows' Hall and were adopted by the union. He said that Humphreys in addressing the union in his own behalf stated that, despite such rumors as there might be to the contrary, he was not going to testify against Bridges because he had no knowledge of Bridges' political aims.

Subsequent to these actions of the labor council and Local Industrial Union 96, Humphreys filed suits against both unions for his back pay, attaching the bank accounts of both organizations. At the time that these suits were filed Humphreys issued a public statement saying that he had chosen this method of answering and exposing a plot by Bridges, Goldblatt (Bridges' assistant), Ward, Schlipf, Schneiderman, Hanoff, Lambert, and the Communist Party to force him out of the labor movement. It is not clear whether Humphreys was asked by Government officials to testify prior to the issuance of this statement; his willingness to testify, however, dated from a time subsequent to the publicity given to his charges.

5. JOHN L. LEPPOLD

A. Leppold's Opinion Evidence

John L. Leppold is a ship steward. He became a member of the Marine Cooks and Stewards Union in 1935. In 1938 he was expelled from the union after two trials [38] upon the ground that he had been engaged in the antiunion activities. Leppold stated that on the water front, because of his opposition to Communism, he had been given the name of "No. 1 red baiter," and that his union as well as other maritime unions were on record against "red baiting" activities. Since being expelled from the union, Leppold has had great difficulties in getting a position.

Leppold was of the opinion that Bridges was a Communist and based that opinion upon the following incident. At a labor meeting, at which Bridges was chairman, a motion was made to put a picket line about the German and Italian consulates. An amendment was offered to the motion that the picket line should be extended to include the Russian consulate and the headquarters of the Communist Party at 121 Haight Street. Bridges attacked the amendment as a red-baiting, stool-pigeon amendment. Just what happened to both the original motion and the amendment is left in some doubt by the record, but Leppold's testimony indicates that both were lost.

[38] Leppold's lawyer protested the first expulsion upon grounds not disclosed on the record. The protest, however, was heeded by the union and Leppold was given a second trial.

After this meeting Leppold stated that Bridges criticized him for "bucking the rank and file." Leppold asked Bridges if by that he meant the Communist Party. According to Leppold, Bridges made no answer, whereupon Leppold said: "If you mean the Communist Party, to hell with it. I won't have any part of it." Bridges then, according to Leppold, turned around and walked disgustedly away.

There is no testimony that particularly contradicts Leppold. Bridges always admitted that he was militantly opposed to what he conceived to be "red baiting" tactics because of his opinion that the employees and the conservative element in labor tended to condemn progressivism by calling it Communism.[39] For that reason many of the unions had passed resolutions condemning "red baiting" tactics.

6. THEODORE M. STARK

A. Rapport's Reference to Bridges

Theodore Marion Stark lives in the neighborhood of Bellingham, Wash. He joined the Communist Party in August of 1934, but in 1937 was expelled. He was sentenced in 1924 to 2 years in the reformatory for riding in a stolen automobile. In 1936 he received a 60-day suspended sentence for distributing handbills.

Stark testified at length upon Communist doctrines, tactics, and strategy. But Stark's testimony with reference to Bridges' affiliations was limited to one item. Stark testified that he had never met or seen Bridges. He had heard of him as a militant labor organizer, but the only time that he had heard of him in connection with the Communist Party was on an occasion in January of 1935 in which some Communists were discussing with Rapport, the Communist district organizer, means for distributing some foreign literature in sea-going vessels. The following is Stark's statement in that connection:

> Maurice Rapport, the district organizer, said "Well, here's a way that Comrade Bridges"—then he turned around and said "Harry Bridges" in Seattle—"in Frisco," rather, "the way he handles the method of getting out this literature, directing the work," is the way that the district organizer put it, "such as concealing it in places aboard ship, in the funnels, between floors of lumber when they floor with the lumber and stuff like that."

This literature which Stark and the others were to distribute called upon the Japanese and Chinese to join labor unions and strive for better pay and better conditions. It did not, so far as Stark knew, call upon them to join the Communist Party. Stark also testified that when Rapport used the expression "Comrade Bridges" and then changed it to "Harry Bridges," he did not get the impression that Rapport was trying to cover something up. Stark stated that he got no particular impression from that remark.

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[39] "A. [Bridges] • • • In 1933 and 1934 industrial unionism was Communism. Anybody that talked industrial unionism at that time was declared a Communist.

"For example, if you supported the release of Tom Mooney in most of the unions you were declared to be a Communist.

"At that time the unemployment insurance bill, known as the Lundeen bill for unemployment insurance, was pending in Congress. I presented resolutions in support of the same to our meeting in support of that bill and they were voted down because they were said to be communistic. The A. F. of L. was on record against unemployment insurance at that time and claimed it would wreck the union. Their convention in 1933, or 1932, at that time condemned the resolution for unemployment insurance."

7. FREDERICK ALLEN

A. Introductory

Frederick Allen is a resident of San Francisco and a former secretary of the Fish Reduction Workers' Union.[40] He is or was a member of the Marine Firemen's Union as well. Allen succeeded Ernest Ramsay as secretary of the Fish Reduction Workers' Union in September of 1937 and continued in that position for a little more than a year.

Allen testified that following the suggestion of a man now dead, whose name he could not remember, he joined the Communist Party in January of 1937. When he resigned in November of the same year he destroyed all record evidence of his membership. Allen stated that he was not regarded as too reliable a member, nor did he believe that he ever had the confidence of the officers of the Communist Party. His knowledge of Communist doctrine was admittedly sparse. He could remember only one book or pamphlet, Browder's What is Communism, that he had read upon the subject. He attended only one meeting at 121 Haight Street, the headquarters of the Communist Party in San Francisco, and that was an open one. He had attended no "top fraction" meetings, but he stated that his group had fraction meetings every full moon.

B. The Communist Meeting in the Balboa Building

In the summer and fall of 1937 the C. I. O. and A. F. of L. issue became of burning moment along the San Francisco waterfront. Allen testified that at one occasion between September 15 and October 15, 1937, after Bridges had become the west coast director of the C. I. O., he was requested to attend a meeting at Bridges' office in the Balboa Building. Going up there, he found present Botinovitch, Thomas, Espey, Wolfe, and Henderson. They conferred in a conference room not far from Bridges' own office. Bridges was not at this conference.

To appreciate the nature of this conference, it is necessary to know something of the people who attended it. Botinovitch was the business agent of the United Fishermen's Union; Espey, with whom Allen stated he was "very vaguely acquainted," was an official from Seattle of the United Cannery, Agricultural, Packing, and Allied Workers of America; Henderson, whom Allen had never met before, and who had come on from the East, was president of that union; Thomas was an official from the North of the United Fishermen's Union; Wolfe was the president of the San Francisco Union of Alaska Cannery Workers. Prior to this time some of the unions in the fish industry had already affiliated themselves with the C. I. O.

After the group had gathered Allen stated that he asked Henderson where Bridges was. Henderson replied that Bridges was not going to attend and then a few moments later said: "Well, let us get started here. We are all party members, and Mr. Bridges has to go to Oakland, and he won't attend." They then got down to business which

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[40] The Fish Reduction Workers' Union embraces persons employed in the processing of fish for fertilizer, cat and dog food, and the like. It embraces some 150 to 250 at this time.

was a consideration of the question whether the Fish Reduction Workers' Union should affiliate itself with the C. I. O.

Allen stated that he objected to the way in which this conference sought to ramrod him into the C. I. O. He gave no details as to the nature of that ramrodding process. Instead he testified as follows:

Q. (By the examiner.) * * * Were there objections voiced at that meeting to joining the C. I. O.?
A. No.
Q. No. So that, in substance, a suggestion by Mr. Botinovitch or Mr. Henderson to join the C. I. O. would have been greeted with approval by everybody there concerned?
A. Yes.
Q. Including yourself?
A. Yes.
Q. You were in favor of joining the C. I. O. then?
A. Yes.

Allen was quite certain that this was a Communist meeting. No specific reason for its being such a meeting was adduced by him other than Henderson's alleged remark. Henderson, it will be remembered, never met him before; nor was Allen quite sure who Espey was. There is no evidence other than Henderson's alleged remark to show that Henderson or Espey or Thomas or Wolfe or Botinovitch were members of the Communist Party. Allen did not state that he had attended other Communist gatherings with any one of these persons. Other than Henderson's alleged remark, his basis for inferring that this was a Communist meeting is contained in the following:

Q. (By counsel for the Government.) Could this have been a meeting of persons other than members of the Communist Party?
A. No.
Q. Why couldn't it have been a union meeting?
A. Well, because there were various unions represented there; there was the Alaska Cannery Workers' Union, there was the Fish Reduction Workers' Union, and I don't know what Conrad Espey represents from Seattle.
Q. What was to be the subject of the meeting?
A. The subject of the meeting was to go C. I. O. and the procedure.
Q. Well, who was to go C. I. O.? The Communist Party?
A. No, the various unions.
Q. In other words, the subject up for discussion was whether or not the Communist Party members, so far as they control the situation, were to take the unions over into the C. I. O.; is that correct?[a]
A. That is correct.

There is nothing to indicate that subsequent to this meeting Allen, although he testified that he was entirely agreeable to affiliating with

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[a] It should be noticed that this is a leading question. There is no further reference by Allen to this matter. Instead he testified as follows:
"Q. (By the examiner.) Of course, that problem of a union affiliating itself with the C. I. O. is a rather complicated problem, is it not?
"A. Yes.
"Q. That is, there are a lot of other things to be considered besides the mere question of emotion which one may have in that matter, technical matters, details with reference to funds, details with reference to charter, internal union politics, all those matters?
"A. Yes.
"Q. I suppose they were considered at length that evening?
"A. Well, I don't think that there was any doubt at all in our mind but what these things could be accomplished.
"Q. But was there discussion as to the details of carrying out the program of joining the C. I. O. at that meeting?
"A. No.
"Q. No discussion as to the details?
"A. No.
"Q. No discussion, for example, as to what would happen to the funds when a C. I. O. charter was taken out and the A. F. of L. given up?
"A. No."

the C. I. O.,[42] did anything pursuant to any resolve that was agreed to at this meeting. He called no fraction meeting of his fellow Communists; he did not even discuss the "instructions" that he received at this meeting with any fellow Communist. Instead there follows this sequel.

C. Allen's Difficulties With His Union

Some time in late October a vote on affiliating with the C. I. O. was taken among the members of the Fish Reduction Workers' Union. This vote was taken by mail and the members voted for the C. I. O. in the ratio of about 2 to 1.[43] Prior to the mailing of the ballots a conference was held as to what should be done with about $4,000 of union funds that was in Allen's possession.[44] To avoid difficulties in this connection between claims that the A. F. of L. and the C. I. O. might make to these funds, a plan was proposed whereby the union should turn these funds back to the members and the members would in turn pay them and their dues to a benevolent association set up for the purpose, which association could then turn them over to the C. I. O. or the A. F. of L. as its membership might direct. What happened subsequently to this and what Allen's position was on this plan the record leaves in some doubt. It is clear, however, that a motion was passed at a union meeting authorizing Allen to turn over the funds to a selected committee [45] and that he refused to do so. Thereupon, in accordance with the California procedure, a citation was served on Allen to come to the district attorney's office to show cause why a criminal complaint should not issue against him. Allen, before the district attorney's representative, took the position that he could not turn these funds over because he was a bonded officer of the A. F. of L.[46] He said he had consulted with Vandeleur, an A. F. of L. leader, and Vandeleur had threatened to cite him if he turned the money over. The district attorney's representative, realizing that this was an A. F. of L.–C. I. O. contest, refused to intervene.

The sincerity of Allen's position in this respect may well be doubted, for shortly thereafter he wrote the union offering to turn the money over minus his expenses upon receipt of an honorable withdrawal card from the union. Prior to this charges had been preferred against Allen before the union, and Allen attempted to defend himself.[47] Certain it is that Allen's conduct precipitated a fierce internecine dispute. His conditional offer to pay over the money was rejected and he was removed from his post in the union. He has had difficulty since in securing employment on the water front. These and all his

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[42] Compare the following besides the testimony above quoted:
"Q. [By the examiner.] But I am talking about this meeting [the meeting in the Balboa Building] Did you change your mind about your union affiliating with the C. I. O. subsequent to that meeting?
"A. No. I have never changed my mind. • • •
"Q. Did you oppose joining the C. I. O. then?
"A. No.
"Q. At no time?
"A. At no time."

[43] Allen claimed that this victory for the C. I. O. was mainly attributable to Communist propaganda, though he admitted that less than 10 percent of the men who voted for the C. I. O. were Communists.

[44] This $4,000 was kept by Allen in cash in a safety-deposit box.

[45] Allen testified that he did not oppose this motion.

[46] Allen's counsel on this occasion was Milton Sapiro, an associate of Aaron Sapiro.

[47] There is reference in the record to another meeting at the Labor Temple called by Allen in which he stated his position. The time sequence with reference to this meeting is impossible to determine.

troubles he attributes to the Communist Party.[48] Allen, however, kept the $4,000, which he says he spent in organizing another union in Aberdeen, Wash.

D. Allen's Connection with Ferguson

Allen's occasion to testify in this proceeding arose out of a chance meeting that occurred between him and J. E. Ferguson at the Tanforan race track. An implied reference was made by Ferguson to the coming deportation hearings and Ferguson told Allen that he might want to get in touch with him. Ferguson took Allen's telephone number. Some days later someone, unknown to Allen, called him, said he was speaking for Ferguson and told him that Government counsel would shortly get in touch with him. A few days later Government counsel called and requested him to come down to the Federal Building.

E. Bridges' Account of the Balboa Building Meeting

Bridges testified that he undoubtedly met Allen but could not remember doing so on any specific occasion. He could not remember the meeting to which Allen referred, but admitted readily that a meeting between the men named could have been held in the conference room referred to by Allen. That room was open to many groups for the purposes of a conference, and conferences in the fall of 1937 on the issue of affiliating with the C. I. O. came thick and fast and might frequently have been held in that room.

8. WILLIAM H. HOWARD

A. Bridges' Statement to Howard

William Henry Howard was a member of the Marine Firemen's Union from 1935 until 1938. He ceased then to remain a member because he became disgusted with the policies that the firemen were pursuing. While a member of the firemen, Howard became a member of the strike negotiating committee for Portland in the 1936 strike. Howard has not been to sea since 1937. Since then he has worked ashore seemingly unprofitably. He was on pick-and-shovel work with the W. P. A. in Portland for 6 months, but 2 months before he testified, a cut threw him out of even this meager employment.

Howard's testimony, other than hearsay testimony, boils down to one statement alleged to have been made by Bridges. During the 1936 maritime convention in San Pedro, Howard met Bridges on the sidewalk in front of the Radio Telegraphers' Union Hall. Howard said that Bridges urged him not to follow the lead of certain delegates and warned him that these delegates would be waving the red flag at Howard, telling him "what a Commy" Bridges was. The remainder of the conversation is best set forth in Howard's own words:

> I says, "That is neither here nor there with me, Harry. I don't care what they say."
>
> He says, "Maybe I am a Commy. If I am, I might be damn proud of it."
>
> I says, "I don't care, Harry. It doesn't make any difference to me what you are."

[48] Allen testified to having attended a Communist fraction meeting shortly before the issuance of the citation. He says that he was criticized at this meeting for not turning the funds over and that he thereupon resigned and then and there severed his connections with the Communist Party.

B. Hearsay Testimony of Howard

In addition to this, certain hearsay testimony was introduced. Howard states that one Rover, whom he identified only by having the first name of "Bill" and being a member of the firemen's union from Seattle, had urged him to join the Communist Party. This solicitation occurred in 1937 in a saloon on Third Street in Seattle. In the course of Rover's selling efforts Rover made the point that the party had "a lot of big shots" in it. Again Howard's picturesque language serves:

> I says, "Have you?" I says, "Well," I says, "probably you have. But," I says, "who are they that are so big?"
> "Well," he says, "don't you know?"
> And I says, "No, I don't."
> "Oh," he says, "you ought to know."
> "Well," I says, "probably I ought to know, but I don't."
> "Well," he says, "how about Bridges?"
> I says, "Is Bridges a Communist?"
> He says, "Why, don't you know that? You should know it."
> I says, "No, I don't know it." I says, "I always thought he was, but I don't know it for certain." I says, "Are you one?"
> He says, "Why, certainly."
> And I says, "You say Bridges is a Communist?"
> And he says, "Yes."
> "Well," I says, "that is all right. If he is a Communist, that don't make me one. I don't intend to be one."
> "Well," he says, "then the only thing I can say," he says, "is you are on the wrong side of the fence."
> I said, "All right, I will stay on it. And let him stay on his side."

About the same time one Catalonga, who was on a strike committee with Howard in Portland, also sought to get Howard to join the Communist Party. Catalonga stated, according to Howard, that Bridges had suggested to him that he feel Howard out. Howard replied that if that were true Bridges ought himself to come and ask him to join. Howard testified that Catalonga also told him that Bridges was the "high muckety-muck" in the Communist Party.

C. Howard's Opinion Evidence

Another item of opinion evidence was offered by Howard which deserves brief summarizing. Howard was asked by counsel for the Government whether during the 1937 convention in Portland anything had transpired that would make him believe that Bridges was a Communist. Howard replied that there was one in particular and that was Bridges' introduction of a resolution that the affiliated unions of the Maritime Federation should join the C. I. O. Howard stated that "we had made a study of the C. I. O. and we come to the conclusion that the C. I. O. was a Communist-controlled organization. * * * We considered it [the resolution] as a deliberate attempt of the Communist Party to dissolve the unity that we held in the Maritime Federation."

Comment upon the opinion evidence offered by Howard is unnecessary. Other witnesses also regarded the C. I. O. and the Communist Party as substantially the same. Howard's direct testimony is entirely credible.[49] Consideration of its weight can well be deferred until Bridges' own testimony in that connection is analyzed.

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[49] Bridges admitted having encountered Howard at the San Pedro Convention.

8. EUGENE G. DETRICH

A. Hypothetical Admission By Bridges

Eugene George Detrich is now an international organizer for the International Longshoremen's Association, the A. F. of L. longshoremen's union. He served in the Navy many years ago, terminating his relationship with the United States Government as a result of a bad-conduct discharge. Outside of one negligible incident he has not been involved with the criminal side of the law.

Detrich was on the stand for almost a day, but that day, though it produced much of interest in connection with the water-front difficulties in San Francisco, brought forth little evidence upon the issue of Bridges' membership in the Communist Party. Only two items of direct testimony are to be found. The first consisted of hypothetical admissions by Bridges of Communist membership. Their substance is set forth in the following answer made by Detrich:

> Well, I have heard him [Bridges] asked on the floor of a meeting if he was a Communist. He always has evaded it; he puts it like this—something of this nature: "If getting out here and getting conditions for the workers," and so on and so forth, "is communism, I guess I am a Communist." Things like that—that is usually his way.

B. Bridges' Solicitation of Detrich

The second consisted of an asserted solicitation made by Bridges to Detrich to join the Communist Party. The testimony in that connection also deserves repetition:

> Q. (By counsel for the Government.) Did Mr. Bridges ever ask you to join the water-front section of the Communist Party?
> A. No, not directly; he never asked me that.
> Q. You say "not directly"; did he ever do it in a roundabout way, or did he hint that you should——
> A. (Interrupting.) Well, he left inferences that I should get smart to myself and get wise to the program that was going on, play it the right way, the way it had been programmed.
> Q. Well, what impression did you get from his remarks?
> A. I usually never gave it a thought; usually ridiculed it and stabbed it off.
> Q. Did you feel, when he indicated that you should get educated——
> A. (Interrupting.) I had a very good inkling what he was referring to, because I had been contacted previously by other people.
> Q. What did you think he was referring to?
> A. Well, lining up with the section, I guess; all I could figure it to be.
> Q. Section of the Communist Party, is that what you mean?
> A. Yes; the group we were programming.

Extended comment as to probative value of the first item of evidence is unnecessary. It proves only that Bridges was friendly to certain aims of the Communist Party—a fact that Bridges freely admits and which will be considered later. The weight of the second item should be gaged in the light of further analysis of Detrich's testimony.

C. Mrs. Bridges' Statement to Detrich

Apart from much testimony to the effect that there were persistent reports on the water front that Bridges was a Communist—a fact which need hardly be doubted—Detrich offered one item of hearsay

testimony.[50] On one occasion, which Detrich said was either in 1935 or 1936, Detrich stated that he telephoned Bridges at his home. Bridges was out of town and Detrich talked to Mrs. Bridges. It is impossible adequately to summarize this conversation. Rather Detrich should speak for himself:

> He hadn't been home for a few days, and his wife had a peeve on, and she told me that she didn't care if she never seen him again, and so on and so on, you know, and she said she was going to make it hot for him; and I laughed at her and tried to humor her along.
>
> She says, "I am going to show him up for what he is."
>
> I said, "What is that?"
>
> She says, "Well," she says, "I have got his book."
>
> And I said, "What do you mean—his book?"
>
> She said, "I have got his book in the Communist Party. Everybody on the water front don't believe he is a Communist."
>
> I said, "Aw, get off your foot, Aggie." I was calling her about meeting with Mr. Bridges, so I could talk to her that way.
>
> She says, "Well," she had it, and she was going to flash it, give it to the world; she was going to call up one of the newspapers, I think, at that time and give it to them, she says.
>
> I says, "You haven't got his book."
>
> She says, "Yes; I have." * * *
>
> Q. (By counsel for the Government.) Did you have any interest in it at all?
>
> A. None whatsoever. I naturally thought it was just a little war between he and his wife. They get those peeves on, you know. * * *
>
> Q. Was she telling you the truth or was she just talking?
>
> A. At that time I never gave it a thought. I thought she was just talking.
>
> Q. Have you given it any thought since?
>
> A. Yes; quite a bit.
>
> Q. What have you thought about it since?
>
> A. I believe now that she did have it. * * *
>
> Trial Examiner LANDIS. I am just anxious to know the date. You say that was sometime in '35; and, as I remember your testimony, you said that you did not believe her statement?
>
> The WITNESS. I didn't. I never even give it a thought.
>
> * * * * * * *
>
> The WITNESS. Oh, I didn't even bother. I was kidding her along on the phone.
>
> Trial Examiner LANDIS. Oh, you just regarded the thing as simply a facetious conversation?
>
> The WITNESS. She was just a little mad at Harry, because other times I have called her up, too, and Harry had been out of town a day or two, and I get a snappy answer; she bawls him out.

It is difficult to take seriously hearsay testimony that Detrich himself at the time it was given believed to be mere talk.

D. DETRICH'S OPINION EVIDENCE

1. DETRICH'S RELATIONSHIP TO BRIDGES

Detrich's further testimony consisted of opinion evidence. One need not question the sincerity of Detrich's belief that Bridges was a Communist, but before it becomes possible to share it, some examination of the basis for his belief should be made. Since Detrich's present belief is a rationalization based upon viewing a situation in retrospect, his present relationships with Bridges need also to be examined. He broke with Bridges first over Bridges' candidacy for the head of the

[50] Detrich also testified at one time that Harry Gross told him that Bridges was running the affairs of the Communist Party on the coast, but later stated that all that Gross did was to leave the inference that Bridges was a member of the Communist Party. This item of testimony deserves only notation, not consideration.

International Longshoremen's Association on or about 1935. Later Bridges publicly attacked Detrich for not contributing 10 percent of his salary as international organizer for the benefit of the 1936 maritime strike fund. When Bridges finally successfully advocated that the Maritime Federation and its unions should affiliate themselves with the C. I. O., Detrich opposed him. Detrich remained in his important official post with the A. F. of L. International Longshoremen's Association, the great mass of his group having affiliated itself with the C. I. O. as the International Longshoremen and Warehousemen's Union. In that capacity he is now one of the plaintiffs in the litigation pending between the A. F. of L. longshoremen and the C. I. O. longshoremen.

II. THE ALBION HALL GROUP

Detrich has known Bridges for some 10 years. As longshoremen they worked together in opposition to the Longshoremen's Association of San Francisco, an alleged company union, that dominated the San Francisco water front prior to 1933 and was finally dissolved after the 1934 strike. In 1933 an independent union, the International Longshoremen's Association was organized and chartered by the American Federation of Labor. Bridges became a member of its executive board. The majority of the officials, however, seemed to men like Detrich and Bridges too reactionary and its president, Lee J. Holman, in the opinion of both of them was in the employ of the shipowners. It was in opposition to this reactionary official control that the rank and file movement was organized.

The opposition to the official International Longshoremen's Association policy in 1933 centered in the so-called Albion Hall or Equality Hall group. Bridges seemed to have been responsible for its organization. Detrich was one of its members and among other members were John Shoemaker,[31] Henry Schmidt, J. G. White, John Shaw, and some 15 or 20 others. These men were all members of the International Longshoremen's Association. They met secretly before meetings of the International Longshoremen's Association and there formulated programs which they then would try and carry through the association. In the main they were successful. Detrich was very active in this group and he and Bridges were deputed to tour the coast in the effort to impregnate the longshoremen of the coast with their demands and their conception that maritime labor problems should be handled on a coastwise rather than a local basis. It is not too much to say that the strike of 1934 sprang from the policies initiated and sponsored by the Albion Hall group.[32]

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[31] Bridges stated that he did not believe Shoemaker was a Communist at this time. He stated that he believed Shoemaker was now a Communist.

[32] Detrich claimed that he quit the Albion Hall group because of its Communist policies. This seems clearly an afterthought. Detrich was one of the two men who was deputed to propagandize for their demands and brought about the calling of the coastwise longshoremen's convention that met on February 25, 1934, in San Francisco and voted to call a coastwise strike in the event that their wage-and-hour demands were not met. The Albion Hall group continued in existence until the end of the 1934 strike and then gradually dissolved as its purposes had been obtained. Detrich seems to have quit the group sometime before the 1934 strike. There is little doubt but that he was not as enthusiastically militant as that group as a whole was. His charge that the group was communistic springs from his belief that a number of its members were Communists, but the proof that the men he named, with the exception of a few, were Communists rests only upon his assertions. The fact that others of them were also Communists may well have been true. According to Detrich's own testimony a number of them were not Communists.

III. THE MARITIME WORKERS' INDUSTRIAL UNION

A brief reference to some of the events of this strike is necessary. The International Seamen's Union in 1934 was neither very active nor very militant. A number of the unlicensed seagoing personnel were then members of the Maritime Workers' Industrial Union. This union was organized along industrial lines, had been chartered by the Trade Union Unity League, and was unquestionably considerably more left wing than the normal trade-union. Its policy and its program undoubtedly attracted into its fold many maritime workers who were either members of the Communist Party or were sympathetically inclined with its aims. Its constitution spoke in more radical and revolutionary terms of the necessity of remedying the plight of the worker and of the impossibility of doing so other than by resort to at least economic force.[53] It dwelt upon the class struggle and the iniquities of the bosses in sharper and more bitter terms than the manner in which those subjects are today touched upon in the constitution of the American Federation of Labor.[54] It undoubtedly had a number of Communists in important official positions. In the minds of many people the M. W. I. U. was a Communist or Communist-controlled union, despite the fact that a contrary conclusion was reached on January 3, 1934, by the Solicitor to the Department of Labor and confirmed by the Commissioner of Immigration and Naturalization.[55] It would be impossible on this record to determine the communistic or noncommunistic character of the M. W. I. U.; nor is it necessary to do so.

On May 9, 1934, the longshoremen went on strike. The M. W. I. U. then had a large number of men in the seafaring group than the International Seamen's Union. The M. W. I. U. went out on strike on May 10, 1934, in sympathy with the longshoremen. Bridges claimed that it was largely the pressure of the M. W. I. U. that forced the seamen's union officially to join the strike on May 15. Bridges' relationships with the M. W. I. U. were always friendly. Claiming that the International Seamen's Union neither welcomed members nor was an effective union until after the 1934 strike, Bridges admitted that he had frequently urged seamen, who were seeking some organizational nucleus, to join the M. W. I. U. possibly before the strike and certainly during the period between May 10 and 15. Here the testimony of Detrich and Bridges was contradictory. To Detrich the M. W. I. U. was a Communist union and Detrich claimed that Bridges had urged him to join it.[56] Bridges admitted freely that

[53] The constitution of the M. W. I. U., for example, contains phraseology of this character: "Victory in this struggle (the revolutionary struggle of the whole working class against the capitalist system) can be won only by the most relentless, militant, and revolutionary struggle for the whole working class. * * * It (the M. W. I. U.) rejects and condemns the treacherous class-collaboration policy of the A. F. of L. which seeks to delude the workers into believing that it is possible for them to live 'in peace' with the capitalists. * * *"

[54] Compare the following from the preamble of the constitution of the American Federation of Labor: "Whereas the struggle is going on in all the nations of the civilized world between the oppressors and the oppressed of all countries, a struggle between the capitalist and the laborer, which grows in intensity from year to year and will work disastrous results to the toiling millions if they are not combined for mutual protection and benefit;

"It, therefore, behooves the representatives of the trade and labor unions of America in convention assembled, to adopt such measures and disseminate such principles among the mechanics and laborers of our country as will permanently unite them to secure the recognition of rights to which they are justly entitled."

[55] See *U. S. ex rel. Boric* v. *Marshall*, 290 U. S. 709.

[56] Detrich testified that he "believed" Bridges was a member of the M. W. I. U. No effort was made to probe the basis of that belief. It probably stemmed from the activities noted above in which Bridges indulged.

he had urged seamen for the reasons stated to join the M. W. I. U., but had not urged the longshoremen to do so,[57] that he had welcomed the help of the M. W. I. U. and had worked with them, but that since the longshoremen had an effective union to which they could turn, he had not suggested that the longshoremen should join the M. W. I. U.

Bridges' admittedly friendly attitude toward the M. W. I. U. was demonstrated also by his subsequent actions. Following the termination of the strike the seamen's union still was opposed to the M. W. I. U. It started to pursue a policy whereby it both refused admittance to seamen who had become members of the M. W. I. U. and also discriminated against those of its members who had joined the union. Because of the help given the longshoremen by the M. W. I. U. Bridges protested this policy and claimed to have been instrumental in getting the seamen's union to accept members of the M. W. I. U., provided that they would then dissociate themselves from the M. W. I. U. This, according to Bridges, was responsible for bringing about the eventful dissolution of the M. W. I. U.

IV. THE INTERNATIONAL LABOR DEFENSE

Another incident which Detrich referred to as being a basis for his general belief that Bridges was a Communist also related to the 1934 strike. Detrich and Bridges were both members of the strike defense committee during the 1934 strike. The legal affairs of the strikers had been handled by one Leo Collins. Detrich claimed that Bridges brought about Collins' discharge and the employment of one George Anderson and the International Labor Defense. Detrich claimed that this was a move to put the Communist Party in charge of the strike because Anderson was known to represent Communists[58] and the International Labor Defense was claimed by him to be a Communist organization. In this connection Detrich testified that he and Bridges and some other members of the strike defense committee went one day to 121 Haight Street in San Francisco.[59] General problems in relationship to strike tactics were discussed there with a number of people including Elaine Black, an admitted Communist, who was then with the International Labor Defense. Bridges admitted that this meeting took place, stating that the International Labor Defense had offered its services to the strike committee and that committee had voted to look into the matter. Pursuant to that authorization this meeting was held. Detrich did not claim that anything relating to the Communist Party was discussed at this meeting nor that this was a meeting of Communists. Nor is there any evidence in the record to show the extent to which the International Labor Defense participated officially or unofficially in the defense of strikers.

V. BRIDGES' SUPPORT OF THE WESTERN WORKER

A third basis upon which Detrich seems to have based his opinion is Bridges' support of the Western Worker. The Western Worker was then the official newspaper of the Communist Party on the

[57] Detrich was a working longshoreman.

[58] This appears to be the same Anderson to whom Mills, when in jail, gave a statement and the Anderson who represented one of the defendants in the King Ramsay-Conner trial. There is no further evidence as to who Anderson was.

[59] This was not then the headquarters of the Communist Party.

Pacific coast. Detrich testified that at one time when the International Longshoremen's Association had been asked to subscribe to an advertisement in the Western Worker, Bridges had defended the paper, but the association had turned him down. Bridges' testimony on this point in the main corroborates Detrich. Bridges' testimony is quite exact and tends to give the setting of this incident. When the 1934 strike broke out, Bridges stated that the unions had great difficulty in getting their publicity out, for the daily press printed only the releases of the employers and not those of the unions. To this there were two exceptions—the Western Worker and the Catholic Leader. The Western Worker then proposed to the unions that it would print a special strike bulletin daily if the strike committee would accept it as its official paper. The consideration flowing to the Western Worker from this official acceptance was obviously the creation of support and sympathy from the unions for the paper, possibly resulting in increased subscriptions. Some sympathy and support for the Communist Party might also proximately flow therefrom. The offer was accepted by the strike committee and the unions, and Bridges stated that he urged its acceptance and even urged people to subscribe to the Western Worker. He stated that he also knew that there was a proposition placed before the longshoremen, evidently about this time, to subsidize the Western Worker or to give it a donation, but he could not remember whether the motion was passed or not. Bridges did not hesitate to leave the inference that he would have supported such a motion. Bridges' attitude in this general situation is described in some testimony in which he refers to conversations that he then had with Darcy,[60] the chief Communist official at that time in San Francisco:

A. In addition to that, 1934 maritime strike, when every other method was used to defeat it there was only one more argument left, and that was, of course, the cry of "Communism!" I discussed with Darcy many times the sentiment of the people down there and that we couldn't afford to have any dealings with them.

Q. You mean by "down there," down on the——

A. Our people on the water front.

Q. Yes.

A. And eventually that was what the program was. I didn't think it was fair because——

Q. You didn't think what was fair?

A. I will explain in a minute. I didn't think it was fair, the action we subsequently took, because amongst the only friends that we had in that strike—at least in the beginning, the only people that showed a little friendliness towards us—were the Communist Party and the Communist Party officials. However, there was such a red scare raised—an organized red scare

[60] Bridges' first contact with Darcy is described by him as follows:

"We had been on strike [the 1934 strike] about 2 weeks and there was a youth demonstration—that is a Communist Party demonstration, a youth demonstration. They were parading or marching, and all of a sudden the police charged them. They bottled the whole bunch of them up in the street right in front of our union hall across the street, and there was a line of police on each end of that street and in between they had 200 or 300 of these young kids—I would say, young boys and girls about 16 or 17, and then the cops closed in and they began to beat them to death.

"A lot of those people ran into our union hall and we hid them and concealed them. They were frightened to move and they didn't like to move and they didn't know what to do.

"Our strike committee contacted the Communist Party headquarters to ask them what they wanted to do with these kids, and I believe that Darcy was one. I think somebody else came down with him at that time, came down there to see us about it, to see what could be done. I don't exactly know what developed, but that was the first occasion because of the happening that I remember meeting Darcy."

raised—in the press that eventually we took certain actions in the union to openly claim and publicize in many ways that we had no dealings, contacts, or associations whatsoever with the Communist Party. It was only fair to tell them about this before it took place.

VI. BRIDGES' OTHER ASSOCIATIONS WITH THE COMMUNIST PARTY

Detrich's opinion was further based upon the fact that Bridges associated with Communists and that the policies his unions pursued were communistic. As to the former, Bridges has freely admitted the fact of such associations and such friendships. As to the latter Detrich was not very specific. An antiwar resolution and a resolution in favor of the Scottsboro boys seemed proof to Detrich of communistic tendencies, also the support by Bridges of an anti-Rossi political ticket. It is true that in that connection the United Labor Party ticket,[61] which was headed by Redfern Mason, was supported by Bridges. These candidates, who were opposed to the alleged antilabor policy of Mayor Rossi, also had the support of the Communist Party, and Bridges was active in getting the Communist Party to support this ticket. It is further clear that on this issue and other political issues, such as the King-Ramsay-Conner and Modesto issues, Bridges sought and received the support of the Communist Party. In the EPIC campaign of Upton Sinclair he also sought their aid, but on that occasion it was not forthcoming. Consideration of the significance of Bridges' actions in these matters is best deferred until consideration can be given to Bridges' activities in connection with the Communist Party as a whole.

10. JAMES W. ENGSTROM

A. Introductory

James W. Engstrom has been sailing in merchant ships from Atlantic and Pacific ports since 1926. Shortly before the 1934 maritime strike he joined a union for the first time, becoming a patrolman of the Marine Firemen's Union in Seattle. Before that time he had come into contact with Roy Hudson in Baltimore. Hudson, an official of the Marine Workers' Industrial Union, had asked him to join the Communist Party, but Engstrom had refused.[62]

Engstrom first met Bridges in 1934. Bridges, he stated, was in Seattle following the 1934 strike trying to persuade the International Seamen's Union to accept former members of the Marine Workers' Industrial Union, among whom there were admittedly a number of Communists, upon the condition that they should give up their membership in the latter union. There is no occasion to question this statement, as Bridges freely admitted that he had persuaded the International Seamen's Union to adopt this policy.

[61] This ticket was headed by Redfern Mason of the American Newspaper Guild. When the San Francisco Labor Council voted to support Rossi, the maritime unions generally disagreed. Independent candidates were then put in the field under the name of the United Labor Party in protest against Rossi.

[62] Engstrom claimed to have attended at the invitation of Hudson, a Communist fraction meeting in Baltimore, the type of meeting which all the other witnesses testified was closed to all but members of the Communist Party.

B. Engstrom's Account of the Washington Convention in 1936

In January of 1936 Engstrom went to Washington to the convention of the International Seamen's Union of America, representing the Pacific coast firemen. Earl King, then secretary of the Marine Firemen in Seattle, was another representative. Engstrom stated that King asked him to help him to seat two east-coast delegates, who had not been properly designated as such. King wanted to see them seated because they were members of the Communist Party.[63] Engstrom agreed to do so and later the situation was discussed with King and Hudson. Hudson stated that Bridges would handle the work of organizing protests in favor of seating these delegates among the seamen on the west coast.[64]

C. Engstrom's Testimony on Joining the Communist Party

Among Engstrom's associates in Seattle was Walter Stack, an admitted Communist. Stack, Engstrom stated, asked him on several occasions to join the Communist Party, stating that he might as well join inasmuch as Engstrom was already following the party line. Engstrom said that Stack never definitely told him that Bridges and King were members of the Communist Party but did leave him with that impression.

In 1936 Engstrom was a delegate to the Seattle Labor Council. He stated that he was approached by Stack and some other unnamed Communists and asked to run for president of the council. Stack asserted that he and the other Communists would support Engstrom if he joined the party. Engstrom testified that joining the party was the only matter they insisted upon as a condition of supporting him, and that they did not ask him also to support the party line. Engstrom wanted this Communist support but was fearful that he would lose other support if it became known that he was a Communist. Stack assured him that the fact of his membership would be kept secret. Engstrom thereupon joined, gave Stack $5, and was later issued a Communist membership book. This book he said he had later destroyed because he was fearful that it might be found.[65]

Engstrom at no time paid any further dues than the $5. Nor did Engstrom attend any of the Communist schools that other witnesses from the Seattle district, who were Communists, said they attended. Engstrom also claimed not to have attended more than "three or four or half a dozen at the most" Communist meetings during the period that he was a member, the last of these meetings having occurred early in 1937. Engstrom never resigned from the Communist Party but simply later stopped going to meetings. He ceased later to be a member of the Communist Party in his own mind but stated that

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[63] Engstrom was not then a member of the Communist Party.

[64] Bridges' testimony in regard to this incident differs radically. He stated that his group on the Pacific coast were struggling to have delegates to the International Seamen's Union convention elected by the membership in opposition to the prevailing practice of appointing them. Some of the local unions elected delegates but the International Union refused to seat them. He and his group organized protests among the seamen against such action. "We had met," he said, speaking of King, Quitenton, and Engstrom, "and talked this matter over and planned this matter with those delegates before they ever left the west coast."

[65] The book was issued to him in the name of J. W. Strom.

he never took any overt action to sever his membership even to the extent of informing anyone of this fact, beyond that of failing to attend meetings.

D. Engstrom's Account of the San Pedro Convention

In June of 1936 Engstrom was a delegate to the Maritime Federation Convention in San Pedro. Earl King and Bridges were also delegates to the same convention. King and Bridges at that time were two of the outstanding men advocating left-wing policies. One day, according to Engstrom, he was asked by King to come up to his room. There he met Bridges. They asked Engstrom if he would follow the party line if they supported him for the presidency of the convention, making clear to him that they would not support him if he refused to follow the policies of the Communist Party. Engstrom replied that he would follow whatever policy that in his judgment would work for the best interests of the water front.

A short time thereafter at the convention meeting Engstrom stated that he opposed an amendment offered by Bridges.[66] King called him out of the meeting and stated that he should not oppose this amendment if he wanted Bridges' support for the amendment was part of the program of the Communist Party.

A day or so later Engstrom stated that he was asked by King to attend an evening Communist fraction meeting in the American Radio Telegraphers' Association hall in San Pedro.[67] He did so. He

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[66] Engstrom's memory of the nature of this amendment was dim. He could only remember that it had something to do with the paper published by the federation, "The Voice of the Federation."

[67] On direct examination Engstrom stated that this was a Communist meeting. On cross-examination he was asked why he was willing to attend such a large fraction meeting if he wanted to keep the fact of his Communist membership concealed. The following colloquy gives Engstrom's explanation:

"Q. [By counsel for the alien.] Didn't you feel that this meeting, with 25 or 30 others, might expose your membership pretty generally?

"A. No. I will explain that. In fact, I talked to Earl King about it when he told me about the meeting taking place. I told Earl at that particular time, I said, 'Earl, if a meeting is held at this particular place, ARTA Hall, isn't it likely to leak out to the effect that it is a fraction meeting?' He says, 'No. That can be taken care of. We can call it a left-wing group meeting.'

"Q. And did he explain how he could justify to the other delegates that it was a left-wing meeting?

"A. Yes. For the simple reason that there were very few of those that weren't in the 'know' that definitely knew who was in the party. In other words, to my knowledge everyone that was at that meeting at all times always stated that he was not a member of the party. Even Earl King stated that, as I did.

"Q. Is this correct: All the circumstances of the meeting, everything about the meeting, the character of the meeting, was such that it could have been called convincingly a caucus meeting, a left-wing caucus meeting, and not a party meeting?

"A. No. It could be by anyone that didn't know; yes. I will explain that. I would like to clear it up so you can get it clear. I knew that there were numerous left-wing delegates at that convention and were supporting the left wing right down the line that did not and were not asked to attend that meeting.

"Q. Well, let me ask you this question: When Earl King told you this meeting be passed off as a left-wing caucus——

"A. (Interrupting.) That is right.

"Q. (Continuing.) You were convinced by him, were you not, that you were safe enough and it could be passed off as a left-wing caucus?

"A. Naturally.

"Q. Did you feel safe after the meeting was held also?

"A. Naturally.

"Q. Then it must have been a fact that everyone who would have been in a left-wing caucus would also have been invited to this meeting, isn't that correct?

"A. No. I just stated——

"Q. Wouldn't this be true: If you should have this meeting as a left-wing caucus and there were some ones who would have been invited to a left-wing caucus who weren't invited to this meeting, you still would not convince him that it was a left-wing caucus meeting?

"A. I still don't get your question.

"Q. You say you are convinced this could have been called a left-wing caucus. You state that if there would have been criticism afterward in the convention you state that

stated that there were 25 or 30 people present, including King and Bridges. The purpose of this meeting was to draw up a slate of candidates. Engstrom was asked whether he would support the party line if they would support him for president. He said he was given to understand that he would not receive the support of this group if he refused to support the party line. Engstrom again replied that he would support whatever policy that in his judgment would make for the best interests of the water front.

There is no doubt but that Engstrom received the support of Bridges and King and their associates for the presidency at this convention. He failed, however, to be elected.

E. Engstrom on the Magnolia Bluff Meeting

Engstrom also testified that he attended one Communist fraction meeting in Seattle with Bridges. This meeting occurred in the latter part of 1936 following a public address given by Bridges. Engstrom believed that this meeting occurred at Howard Costigan's home and that among those present were Constigan,[68] Rapport, Harry Jackson, and Bridges. He had no memory of what subjects were discussed at this meeting. Since this is undoubtedly the meeting to which four other Government witnesses, John Davis and Gordon Caster and their wives, testified, consideration of this aspect of Engstrom's testimony will be deferred until the testimony of these witnesses is analyzed.

F. Engstrom's Later Connections With the Maritime Federation

Engstrom was a delegate again in 1937 to the Maritime Federation Convention that was held that year in Portland. In this connection he testified to no particular contacts with Bridges. This time Henry Schmidt asked him to his room. He found John Shoemaker and a Mr. Ross[69] there, an attorney from Portland. Again he received the support of the Bridges' group, and this time he was elected.[70]

Engstrom was reelected president of the federation in 1938. Nothing about this convention was, however, linked up with the issues in this proceeding. Engstrom resigned from the presidency in April of 1939. According to him, difficulties within his organization and his ill health prompted the resignation.

G. Engstrom's Associations With Ferguson

Engstrom is a friend and associate of J. E. Ferguson, formerly of the Marine Fireman.[71] They lived next to each other and frequently

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you could say this was not a Communist Party meeting, that it was a left-wing caucus. I say, in order to say that you must have been able to show that everyone who was invited to this meeting could been invited to a left-wing caucus. I wasn't invited and I would have been invited if it had been a left-wing caucus.

"A. Not necessarily.

"Q. Why not?

"A. Because there is a question that when all of the left-wing members are not asked to appear at a caucus, they might just designate certain ones."

[68] Costigan was the secretary of the Washington Commonwealth Federation.

[69] There is no evidence to indicate who Ross was. There is a Harry Gross, who was an attorney in Portland and acted as a legal adviser to the Communist Party. There is also a Lawrence Ross, who was admittedly a Communist and associated with the Western Worker.

[70] Engstrom stated that he also received great support from a more moderate group because they did not believe that he was a Communist.

[71] Ferguson was expelled from the Marine Firemen in about 1937. Sometime ago Ferguson was set upon by a gang of thugs and severely beaten up. Ferguson was said not to have made any identification of these thugs or complained to the police.

discussed the Bridges case. The inference seems apparent that Ferguson had much to do with Engstrom testifying in this proceeding. He was present when Engstrom was first examined by the immigration officials and seems to have had something to do with Engstrom's final decision to testify in this proceeding.[72]

H. Engstrom's Expulsion From the Union

A few other facts in regard to Engstrom are necessary in order to complete the picture. Engstrom was recently suspended from the firemen's union inasmuch as he had failed to pay his dues for more than a year. He had also failed to pay the latest strike assessment that his union had levied upon its members. He was fined $150 by the union in that connection because of the conclusion that nonpayment of dues by an important official was a significant offense. Engstrom's ability to support himself has always seemed to have been a touch and go proposition. His method of doing so is by borrowing minor amounts from his friends.[73] Since his resignation from the federation this seems to have been his only visible means of support. Among his creditors are Ferguson, at least two hotels, and numerous other individuals.

I. Bridges' Contradictory Testimony

Consideration of Engstrom's testimony must take into consideration Bridges' account of these events. Bridges admitted that he supported Engstrom for president of the Maritime Federation in 1936. He stated that the longshoremen had to pick a sea-going candidate in order to have any chance of success. He said that his group selected Engstrom[74] because that would give them the support of the Marine Firemen despite the fact that they were aware of Engstrom's weaknesses and his general reputation in trade-union circles of being a "pie card."[75] Engstrom, he stated, had a hard time going along with them and at the same time keeping in with the other side—tactics that Engstrom admitted he pursued. He said that he was surprised to discover that Engstrom was a Communist, for he had never believed that Engstrom possessed the energy that in his opinion was necessary to be a Communist. According to Bridges the chief reasons leading to Engstrom's resignation stemmed from his expensive habits and his debts, for Engstrom informed him that he was afraid to go to his own office for fear of his creditors.

J. King on Engstrom

King generally corroborated this account of Engstrom's candidacy at the 1936 Maritime Federation. He stated that in 1936 he was op-

[72] At his first meeting with the immigration officials Engstrom testified that, although he discussed the Bridges situation with them for about an hour, he was then undecided as to whether he would testify. He finally agreed to do so a few days before he actually testified. During this interval he discussed the problem with Ferguson.

[73] Engstrom's testimony in regard to his creditors is neither forthright nor exact. It is plain that his tendency was to minimize both the amount and number of these obligations.

[74] Bridges admitted that there must have been several caucuses in which Engstrom's candidacy was discussed. He claimed that these caucuses were caucuses of the opposition or left-wing group. King was active in these conferences but Bridges stated that King always had his doubts in regard to Engstrom despite the fact that Engstrom was King's protégé.

[75] In trade-union parlance, a "pie card" is the name given to a man whose concern is primarily the trade-union job and the money in that job rather than the interests of the membership of the union.

posed to the Paddy Morris and Harry Lundeberg and was keeping his eye open for a candidate. Engstrom, whom he said he had taught "Unionism from the ground up" seemed a likely one and he succeeded in convincing his associates to support him.

K. Evaluation of Engstrom

It is not difficult to assess Engstrom's testimony. With the exception only of Miles G. Humphreys, whose tendency toward prevarication was almost pathological, Engstrom left a convincing impression that he was not telling the truth. Indeed, it is the examiner's conclusion that Engstrom never was a Communist. From the beginning he demonstrated complete ignorance of those Communist tactics and policies as to which the testimony of all the other Communists and the under-cover operators called to the stand was substantially uniform. We find Engstrom, for example, attending a fraction meeting—a closed Communist meeting—without either being a member of the Communist Party or having demonstrated any sympathetic viewpoint toward its aims. We find him never paying any dues when every Communist testified as to the significance that the party placed upon the payment of regular monthly dues, suspending those whose arrears continued for as much as 2 months.[76] Despite his patent ignorance of Communist theory, Engstrom had never attended any of the so-called schools conducted by the party in that district. His claimed attendance at fraction meetings subsequent to his alleged joining of the party was not only infrequent but vague in the extreme. As of the time in 1936 that he claimed to have gotten Communist support for his candidacy as president of the Maritime Federation, he admittedly had no knowledge of the party line.[77]

What is most improbable was Engstrom's assertion that, despite his unwillingness to support the party line in 1936 and 1937, the Communist Party put their support behind him. Every other witness on Communist doctrine and tactics pointed to "democratic centralism" as one of the important tenets of Communism in action. This is the doctrine that is the essence of both fraction and top fraction meetings, the insistence that the action of the majority of the group binds the whole group after a decision is taken. It seems utterly improbable that the Communist fraction of the Maritime Federation would have agreed to support Engstrom when he again and again refused to be bound by this principle.[78] Again Engstrom's own admission that he did not have the confidence of the party members because they did not believe that he was putting his whole-hearted support behind the party comports ill with his tale of their support of him for this important position. Indeed, the picture that Engstrom painted of himself as a

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[76] For nonpayment of dues for 2 months the regulations of the party provided for suspension. If nonpayment continued for 2 further months, the defaulting member's name was stricken from the rolls.

[77] Compare the following: "A. At that particular time [the reference is to late 1936] I didn't know definitely what the Communist Party line was; although I had been informed what it was following, but I hadn't been definitely informed at that time what it was." At this time, late 1936, Engstrom was advocating affiliation with the C. I. O. Bridges was then advocating remaining with the A. F. of L., and Engstrom claimed that Stack told him that the latter was the party line.

[78] It may be supposed that the Communists concerned in this matter were willing to accept Engstrom, even though he would not agree to follow the party line, because he was the best candidate that they could hope to put across. But there is no hint of this nature in Engstrom's testimony. Instead, he gives the impression that his attitude was entirely satisfactory to the Communist group.

reformed member of the Communist Party was utterly unconvincing; the portrait as it emerged was instead one of a weak-willed, characterless individual from whose once promising hands the reins of leadership had slipped and who in desperation was now pursuing new hypocritical tactics in the hope that these might succor him from the loneliness of his failure and for a time again surround him once more with "friends."

11. JOHN R. DAVIS

A. Introductory

John Ryan Davis is now working for the water department of King's County, Wash. He has been sailing in merchant ships since 1928. In 1933, for his bravery at sea in saving human life, he was awarded medals by the United States Government,[79] Lloyds, and by the Life Saving Beneficial Association of New York. In 1934 he joined the Sailors' Union of the Pacific, became a member of the negotiating committee [80] for Aberdeen in 1935, and business agent of his local union in Aberdeen. In the summer of 1935 Davis joined the Communist Party, remaining a member of the party, despite his disagreement with their views and tactics until February of 1937. In March of 1937, Davis and his newly married wife left Aberdeen for the East. Davis was arrested in Indiana on a warrant charging him with grand larceny. He was brought back to Washington for trial. Charged with leaving a shortage of $1,800 in his accounts with his union, he was found guilty of grand larceny as charged. The jury recommended leniency and he was given a suspended sentence. Davis is now on probation and Government immigration officials contacted him through the probation officer. He was first unwilling to testify but stated that, after discussing the matter with his wife, he agreed to do so. Because of this incident Davis was expelled from his union.

B. Davis' Account of the Haight Street Meeting

Davis met Bridges sometime toward the end of 1934 or the beginning of 1935. For a month or so prior to September 30, 1935, Davis was in San Francisco as a member of the negotiating committee for his union. He testified that during this time he went to two Communist fraction meetings at which Bridges was present. One of these occurred at 121 Haight Street, the headquarters of the Communist Party in San Francisco.[81] He said that he was told to attend this meeting by either Dave Saunders or one Byers, both sailors whom he alleged were Communists.[82] Though he had been to 121 Haight Street once or twice thereafter, he could recall very little about the features of the place save that it was a small hall. About 15 or 20 men were congregated there. Though he testified that all these men were Communists, Davis could not recall anybody who was there

[79] See act of June 20, 1874, sec. 7, 18 Stat. 125, 127.

[80] The contracts covering the unlicensed seagoing personnel and the shore workers expired on September 30, 1935. Prior to that negotiating committees were created for the various groups covered by these contracts consisting of two members from each port. They met for the most part in San Francisco.

[81] Davis stated that he did not know that this was the headquarters of the Communist Party, but that he had the impression it was a Communist "hang-out."

[82] Saunders was admittedly a Communist.

except Bridges;[83] nor could he remember who the chairman of the meeting was, though he believed that Bridges was not the chairman. Though he stated that Communist fraction meetings were called by the authority of the unit organizer in the district, he could not recall the name of the unit organizer. His testimony as to the subject-matter of the discussion is equally vague—"different water-front questions" upon which no decisions seemed to have been made.[84]

C. Davis' Account of the Clay Street Meeting

A second meeting of this character to whose occurrence Davis testified took place in Bridges' office on Clay Street.[85] Davis' testimony with reference to this meeting is even more vague. On direct examination he stated this was a Communist "caucus" and that Dave Saunders, Byers, and Bridges' secretary, Norma Perry, were among those present. The others he did not know by name but he was certain that they were all Communists. "Just discussed maritime questions" was his total contribution to the question of what occurred at the meeting. On cross-examination Davis stated that some member of the Communist Party had suggested to him that he should go and talk to Bridges before going back to Seattle. He did so, found Bridges at his Clay Street offices, and two or three longshoremen and two or three sailors with him. "The caucus" then began, Davis said. As to the subject of the discussion, the following is Davis' testimony:

Q. The subject of the discussion was what?

A. Well, I think we discussed my going back to Seattle. I think I stayed there a few minutes, or something like that, at the time.

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[83] The following is Davis' testimony on this point on direct examination:
"A. One was held at Haight Street; I don't know the number.
"Q. And at this particular meeting, held on Haight Street, who was present?
"A. Several sailors and longshoremen.
"Q. Were the persons present members of the Communist Party?
"A. Yes.
"Q. And Harry Bridges was there?
"A. Yes, sir."
Davis' testimony on cross-examination was no more illuminating:
"Q. Did you recognize the sailors standing at the door when you got there?
"A. Yes.
"Q. Who were they?
"A. I think a fellow by the name of Usinger; I think that was the fellow I met at the door.
"Q. Who was he?
"A. He was a member of the Sailors' Union.
"Q. Anybody else?
"A. There were other sailors in there, but I don't remember their names now.
"Q. All right. You and the sailors went in this room?
"A. Yes.
"Q. How many sailors were there?
"A. Probably five or six sailors anyway.
"Q. When you got into the room was there anybody there?
"A. Yes; there were people in there.
"Q. How many?
"A. I don't recall how many there were when I arrived, but when the meeting was under way there were about 15 or 20 there.
"Q. Did you recognize any of them, other than these sailors?
"A. Yes.
"Q. Can you remember who they were?
"A. Harry Bridges.
"Q. Anybody else?
"A. Not offhand.

* * * * * * *

"Q. Were all of those at the meeting Communists?
"A. To my knowledge; yes.
"Q. Well, what is your knowledge on it?
"A. What I was told, that it was to be a Communist meeting."

[84] Bridges testified that he attended no such meetings at 121 Haight Street.

[85] Bridges testified that it was entirely possible for him to have conferred with Davis about this time in his offices at Clay Street, but he stated that he had no recollection of seeing him there.

Q. Is that all you can remember about the meeting?
A. That's all.[86]

Davis could remember the names of only Saunders, Byers, and Norma Perry of the 10 or 12 he claimed were present but was certain that they were all Communists.

D. Other Items of Davis' Testimony

Three other items of Davis' testimony in this connection are also of interest. Davis said that Bridges asked him to use his influence to get James Engstrom to join the Communist Party sometime in 1935, but that he was not successful in doing so. He also said that Bridges asked him in late 1936 or early 1937 to try and get Lundberg to follow the policies of the Communist Party.[87] Davis, however, testified that in April of 1936 he had a falling out with Lundeberg when Lundeberg found out that he was a Communist. Their relationship ceased to be a friendly one and the fact that he and Lundeberg were opposed to each other was generally known to the membership. Davis also said that Bridges once reprimanded him for not accepting the resignation of one George Larson, who was the secretary-treasurer of the Sailors' Union of the Pacific, and thereby make an opening for a Communist.[88]

E. Davis on the Magnolia Bluff Meeting

Davis was another of the Government witnesses who testified to attending the Communist meeting on Magnolia Bluff in Seattle following the mass meeting at which Bridges spoke late in 1936. Since Engstrom, Davis, Castor, Mrs. Davis, and Mrs. Castor also gave evidence in connection with this meeting it is highly important carefully to analyze Davis' testimony in this connection. This meeting, Davis said, was a top fraction meeting as distinguished from a mere fraction meeting. About 20 people were present, all of whom Davis said he knew. On direct examination Davis stated that besides himself and Bridges, he recalled six other people being present.[89] They were Matt Meehan, Bruce Hannon, Gordon Castor, Ernie Fox, Phil Pott, and Pilcher.[90] At this meeting, which began about 11 p. m. and lasted for about an hour and a half, they discussed the maritime program, the lumber industry, and sending some Communists back with Davis to Aberdeen to oppose Lundberg in the Sailors' Union of the Pacific. On cross-examination he added two more names to this list, those of Harry Jackson and Morris Rapport, both well-known Communists, and said that he believed that he had been asked to come by Jackson.

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[86] Later Davis added that it was suggested to him, by someone other than Bridges, that he should carry out the Communist policy when he went back to Seattle, but, when asked what any of these policies were, said that he could not remember any of them.

[87] Bridges stated that he might very well have suggested to Davis that he try and get Lundberg to go along with his policies. Differences between Lundberg and Bridges started in the neighborhood of October of 1935.

[88] Bridges recalled this incident. He stated that Larson was then an employers' agent and is now openly working for the employers. Larson tendered his resignation but Davis refused to accept it. Bridges turned on Davis for this action and asked him whether he was working for the union, "or stringing along with Larson." When Larson later resigned, his place was taken by Lundberg.

[89] Davis could not remember whether Engstrom or Costigan had been present.

[90] Pilcher was a longshoreman from Everett, Pott a longshoreman from Seattle, Fox a member of the Sailors' Union of the Pacific from Seattle. Hannon and Castor were both witnesses in this proceeding.

He said Jackson called the meeting to order and then the floor was thrown open to discussion. He remembered also that coffee was served at this meeting.

12. THE MAGNOLIA BLUFF MEETING

A. GORDON C. CASTOR

The testimony of two witnesses with reference to the Magnolia Bluff meeting has already been recounted. Gordon C. Castor was the third witness to testify to the same meeting. He is a man of 61 years of age. He joined the Communist Party in 1936. In 1937 the local union to which he belonged became affiliated with the International Woodworkers of America, which, in turn, is affiliated with the C. I. O. Castor was an organizer for the International Woodworkers. He stated that in late 1937 he was requested by Rapport to solicit members for the Communist Party, refused to do so, and as a consequence lost his job as organizer on January 1, 1938. He also intimated that the loss of that job was also occasioned by his ceasing to be a member of the Communist Party. He claimed at the present time to be a member of the Shingle Weavers Union, which is affiliated with the A. F. of L.

Castor testified that in November of 1936 he attended a top fraction meeting in a house on Magnolia Bluff, in Seattle, following a mass meeting at which Bridges had spoken. Some 15 or 16 persons were present. Castor recalled Bridges, Rapport, Jackson, John Davis, and Pilcher as being all those that he could recall as being present. He was practically certain that Engstrom was not present [91] and he also believed that Costigan was not there. The subjects discussed at this meeting related to the coming elections in the maritime unions and cooperation between the maritime groups and the lumber workers.[92]

A 1938 Communist membership book in the name of G. W. Cartier, which Castor said was his party name, was introduced in evidence. This book does not recite when it was issued. It contains, however, a 10-cent dues stamp for January of 1938. The serial number of this book is 81481, that of Mrs. Castor's book 81482.[93] According to the regulations of the Communist Party, which are printed in these books, members earning from $112.66 to $160 are required to pay $1 monthly and members earning up to $47 a month are required to pay 10 cents. Castor earned $150 a month as organizer for the International Woodworkers up until January 1, 1938. Thereafter for a while he ceased to earn anything.

Castor had testified that his last payment of dues was made in December of 1937,[94] and that he had lost his position as organizer be-

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[91] Castor was of the opinion that the meeting to which Engstrom testified was a different meeting than the one he attended.

[92] Despite the fact that Castor stated that it was the practice at top fraction meetings "to reach concrete particular decisions," he could not recall any decisions that came out of this meeting. He said that "the only discussion I remember clearly, and conclusions, were just general cooperation on any and all points that we could, between the lumber workers and the maritime unions."

[93] Mrs. Castor's book was issued on January 13, 1938.

[94] "Q. [By counsel for the Government.] When was your membership in the Communist Party terminated?

"A. I believe the last dues I paid, when this receipt was issued, in December of 1937. I paid no dues afterwards."

A receipt was introduced showing a dues payment by G. W. Cartier on October 25, 1937, of $10, stated to be for seven regular and three I. S. payments at $1 each. This would correspond with the fact that Castor at that time was paying dues at the rate of $1

cause he had ceased to be a member of the Communist Party. This book seemed to contradict him on both these points, since the 10-cent dues payment seemed to indicate that he had made a dues payment when he was earning under $47 a month and also that after January 1, 1938, he was still a member in good standing of the Communist Party. Castor's explanation with reference to these two matters was as follows:

Q. (By the Examiner.) And as I look at this membership book of yours, I find a 10-cent payment made for January of 1938, which would correspond with the fact that after January 1, 1938, you were unemployed, and therefore your dues, according to this schedule here, would be 10 cents a month.

A. Well, now, I testified that I quit the organization at the expiration of 1937, but since you brought that to my attention, everybody is told to change their books before the first of the year, after a certain period, and I believe now that I did pay that 10 cents in cash when that stamp was put in there. As a matter of fact, that was when I got the book.

Q. So that you were a member in good standing of the Communist Party in January of 1938?

A. I was; yes.

Q. Well, then, would you explain just how you inferred that you lost your position as business agent, as the result of ceasing to be a member of the Communist Party?

A. Well, it is rather devious.

Q. Because that, you see, occurred prior to the time you ceased to be a member of the Communist Party.

A. In order to ease a fellow out, why they just keep telling you, "Oh, it will only be a short time and we will put you back to work," just so that you won't say—you cannot say, "Well, look, I am going to blow up and tell what I know, because they fired me."

They just try to ease you out in that manner.

When they want to get rid of anybody in the party they start ignoring them until they get disgusted and quit, in some cases. In other cases they just simply expel them from the party.

In my case I drew that inference for this reason: I drew the inference that I lost my job for the reason that my record as an organizer, not only in the I. W. A., but when I worked for the Brotherhood of Carpenters and Joiners, was first-class. In other words, it was efficient work and I was the oldest man on their pay roll, helped form the organization. I lost my position with the carpenters because of the fact that I joined the Communist Party. Therefore, I couldn't see any reason why I should be let out unless everybody was let out, and there was no further people kept on the pay roll in that kind of a capacity; because my record was so good that I didn't see how it could possibly be done unless it was did through the fact that I wouldn't follow the orders issued to me.

So I drew that inference. Now, then, that is not to say that it is absolutely true; it is just an inference that I drew, as I believe I testified to.

B. Mrs. Castor

I. On direct examination

Mrs. Castor has been married to Gordon Castor since 1917. She was first called to the stand on rebuttal by the Government. On direct examination she stated that she joined the Communist Party in October of 1937 and terminated her membership on January 13, 1938.[95]

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per month. The I. S. dues are explained by the following regulation: "As an expression of our International Solidarity with the Communist Parties of other countries that need our aid, every member is to pay once every 4 months (April, August, December) an amount equal to one month's dues. * * *." A second receipt claimed to be for dues paid by Castor of $5 was introduced in evidence. This receipt is dated December 20, 1937. The two receipts together would complete the total dues requirements of Castor for the year based upon a monthly wage of $150.

[95] A 1938 membership book in the Communist Party in the name of Lily Walter, which Mrs. Castor said was hers, was introduced in evidence. It contains one 10-cent dues stamp for January. Mrs. Castor stated that Lily Walter was her Communist name, the Walter being her maiden name. Her maiden name is correctly spelled "Wolter."

She said that she and Castor attended a mass meeting at the Civic Auditorium in Seattle in November of 1936. After the meeting she, Castor, Harold Pritchett,[96] and Harry Pilcher were standing around, when Harry Jackson came over and notified Castor that there was going to be a top fraction meeting. Castor spoke up and said: "My wife is with me." Jackson replied: "That is all right; she can go, too." They drove out to a house on Magnolia Bluff, where Castor went into the living room and she went into the breakfast nook because she was not allowed to go into the living room. In the breakfast nook she sat with the lady of the house whose name she could not recall. Later two other women came in, to whom she said she was never introduced. The four of them played cards. After about an hour she left with her husband, Pritchett, and Pilcher.

II. ON CROSS-EXAMINATION

The cross-examination of Mrs. Castor involved her in a series of amazing contradictions and impossible situations. She testified that she had first learned that her husband was a member of the Communist Party at the time of this mass meeting and because of the reply that her husband gave to Jackson's invitation. A moment thereafter, however, she stated that she knew Harry Jackson was a Communist because she had sat in Communist meetings with him, and she placed these meetings before the mass meeting, or more than a year prior to the time that she joined the Communist Party. Asked how she was enabled to attend these Communist meetings, at which she then admitted that everyone present other than herself was a Communist, she stated that she went with her husband. Yet upon her own admission it was only subsequent to that time that she learned her husband was a Communist. Further efforts at prevarication took place which simply involved Mrs. Castor more deeply in the pit that she had dug for herself.

Mrs. Castor's account of the circumstances under which Government official Boyd made contact with Castor also differs considerably from Castor's own account. Her testimony on the reasons that led her first to join the Communist Party and then within a few months to separate herself from it is both contradictory and meaningless.[97] She

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[96] Harold Pritchett is the president of the International Woodworkers of America. He is an outstanding C. I. O. official in the Seattle region. He has been alleged to be a Communist. Mrs. Castor is the only witness who placed Pritchett at this meeting.

[97] Compare the following:

"Q. Why did you join the Communist Party?

"A. Well, at the time I joined it, I thought it was something I wanted to belong to.

"Q. Why did you think it was something you wanted to belong to? What did you think it was?

"A. Well, I was interested in organizational work, labor work, ladies' auxiliary, and I thought it could help me. But later I found out it was something I didn't want to belong to at all.

"Q. At the time you joined it, did you know anything about the program and policy of the Communist Party?

"A. Some.

"Q. Did you agree with it at that time?

"A. Well, in a way, and in a way, no.

"Q. In what respect did you disagree with it when you joined?

"A. I can't answer that one.

"Q. You must have meant something when you said that, when you said that you disagreed in some respects, or you agreed in a way and in another way didn't. Think, and try to tell me what it was that you disagreed with them about.

"A. Well, I disagreed with their principles and their tactics they used.

"Q. Then why did you join the Communist Party?

"A. Well, as I said before, I thought it was something I wanted to belong to, and I changed my mind afterward.

stated that she became dissatisfied with the Communist Party before her husband did, but also said that she never discussed her dissatisfaction with her husband nor did she know when he quit the party because he never discussed the matter with her.[98] Castor's own testimony was to the effect that he became dissatisfied with the Communist Party some 6 or 7 months before he quit and that he was quite open in manifesting this dissatisfaction.[99] This would put the date of his

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"Q. Even though you disagreed with their principles, you thought it was something you wanted to join and belong to, is that correct?
"A. I can't answer that.
"Q. I beg your pardon?
"A. I can't answer that.
"Q. You won t answer it? Can you tell me why you won't answer?
"A. Well, I don't know. • • •
"Q. Is it that you don't know the answer, or you are unwilling to give an answer, Mrs. Castor?
"A. I just don't know how to answer that question. • • •
"Q. Then what was the reason why you joined it, when you didn't agree with its principles?
"A. I didn't say I didn't agree with its principles.
"Q. What did you say?
"A. After I joined the party, after I found out it was something I didn't want to belong to.
"Q. Well, I understood you to say, Mrs. Castor—you correct me if I am wrong—that at the time you joined, you did not agree with some of its principles. Did I correctly understand you?
"A. No; I joined it. When I joined the party I thought it would help me in my organizational work, ladies' auxiliary work.
"Q. Well, let us forget about whether it would help you. I want to know whether you agreed with all the principles of the Communist Party at the time you joined it.
"A. Yes; I did.
"Q. All right. Did you later disagree with some of the principles of the Communist Party?
"A. Yes.
"Q. With which principles?
"A. Their methods and their tactics they use in the meetings, in union meetings.
"Q. When did you make up your mind that you disagreed with the Communist Party?
"A. After I had attended a few meetings.
"Q. Well, about when? Give me the dates, please.
"A. The last Portland convention.
"Q. When was that?
"A. In the fall, in November of 1937.
"Q. In other words, only a month after you joined?
"A. Yes.
"Q. You indicated that you joined the party because you thought it would help you in the work you were doing. What did you mean by that?
"A. Well, working along different lines, auxiliary work—oh, for different things the auxiliary done, like P. T. A., recreation rooms, and play fields for children; the like of that. That is the work I was interested in.
"Q. Well, I can see how the auxiliary would help you, but why would it help you to join the Communist Party?
"A. Well, I don't know.
"Q. What is the answer, please?
"A. I said I didn't know.
"Q. Well, you are the one that brought up the question, Mrs. Castor; you are the one that suggested that you thought that joining the Communist Party would help you, so I am jus pursuing it further and asking you what you had in your mind when you said that.
"A. Well, I thought it would work along the same lines with me, on some things.
"Q. Is that as definite as you can be on it?
"A. Yes."

[98] "Q. Are you sure he didn't quit before you did?
"A. He did not.
"Q. You are sure of that?
"A. Not to my knowledge.
"Q. Well, are you sure of it or not?
"A. Well, as I said, I don't know.
"Q. Do you have anything which justified you in saying he didn't quit before you did? Do you have any information of your own knowledge from which you can say he did not quit before you did?
"A. No; I don't. He quit of his own accord and didn't ask me whether he could quit or not.
"Q. I am concerned with whether you know when he quit.
"A. I don't know."

[99] "Q. When did you form the conclusion that the Communist Party advocated the use of force and violence to overthrow the Government of the United States?
"A. To make a definite statement of the particular date that I made that conclusion would be impossible. After attending meetings, hearing the political theory and set-up discussed, I was forced to come to the conclusion that they didn't care what methods they used so long as they got control.

dissatisfaction before the date when Mrs. Castor joined the party. Her voluble protestations that in all these matters she was telling the truth obviously cannot convince.

Mrs. Castor, however, confirmed Sweeney's statement that Castor had left his job about a week before he testified. She added that he was not working at the present time.

C. Mrs. Davis

Mrs. Davis was married to John Davis on December 1, 1936. She was also a rebuttal witness. She stated that she had become a member of the Communist Party under the name of Velma Phillips in January of 1937. How long she remained a member is somewhat in doubt. She stated that she terminated her membership "around in January of 1937," but also that she went to two or three Communist meetings after she joined and that she dropped out just about a month or two after she joined. The Phillips Communist membership book recites that it was issued on January 11, 1937. It contains one 10-cent initiation stamp and no dues stamps.

She said that in November of 1936 she and John Davis were sitting in a cafe in Aberdeen,[1] when Heinie Huff, a Communist, came up to them and told John Davis that there was going to be a mass meeting in Seattle and a top fraction meeting after the mass meeting. He urged Davis to be there because he said that Bridges was going to be there.

Mrs. Davis said that she and Davis drove up to Seattle and attended the meeting in the Civic Auditorium. After the meeting Davis went to the top fraction meeting alone because she was not allowed to go. She went to stay with friends and saw nothing more of Davis that night.

In attempting to place the date of this mass meeting Mrs. Davis "couldn't say" how long after the mass meeting she was married and eventually hazarded a week as her best guess. Record evidence establishes that this mass meeting occurred either on Monday, November 30, 1936, or on Monday, December 7, 1936. Mrs. Davis thus was married either the night after the meeting or 6 days previously. The night before a wedding one would believe would be an important date in a

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"Q. When did you first form that opinion generally?
"A. I formed it in about, I would say, June or July of 1937.
"Q. Will you explain why you didn't leave the Communist Party immediately after you formed that opinion?
"A. Yes, sir. I didn't leave it for the reason that I thought perhaps I would be able to combat some of their activity that I did not approve of in the labor unions.
"Q. You remained in the Communist Party for 6 months, for the purpose of opposing or interfering with their activities in the trade-unions, is that correct?
"A. Insofar as it dictated the policy in the labor unions.
"Q. And I suppose when you finally left the party it was because you felt that you could no longer interfere with their activities in the trade unions, is that correct?
"A. Well, I had intended to leave the party for quite some time, and when I was removed from my position as organizer—as I stated a few minutes ago, I am too old to work in that industry again and, therefore, would not be able to come in contact very much with the workers in that industry, so I felt that usefulness had lapsed, so I just simply dropped it.
"Q. Were you known openly as a member of the Communist Party before you dropped out?
"A. Yes, by a great many people, because I believed this: If an idea merits the support of the workers, that it does not have to be concealed, so I did not conceal to any great extent my affiliation with the Communist Party, and I will add just a little bit further, that I lost my job as international organizer with the Brotherhood of Carpenters and Joiners through joining the Communist Party."

[1] Aberdeen is about 160 miles from Seattle.

young lady's mind; also a young wife might well remember a night 6 days after her wedding when her husband failed to come home, especially when either of these events occurred not in her home town but in a large city to which the two of them had journeyed.

D. HENRY M. SWEENEY

Henry M. Sweeney was called by counsel for the alien to rebut the testimony of Castor. Sweeney lives in Raymond, Wash., and is employed at the Anbell Shingle Mills. He is a member of the local shingle weavers union—an A. F. of L. union—and the steward at the mill. As steward he is the union's representative with regard to grievances of employees. The mill operates under a trade agreement which provided that employees within 30 days had to become members of the shingle weavers union.

Sweeney said that he met Castor[2] in the first part of June 1939 when he first came to work. Sweeney asked him for his union card and Castor replied that he had no shingle weavers' card, but belonged to the sawmill and timber workers in Spokane, a union affiliated with the C. I. O. Castor then said that he would arrange to get a transfer to the Gray's Harbor local and then to the Raymond local.[3] Later Castor told Sweeney that he was arranging for this transfer. No further discussion was had on this subject during the month or so that Castor worked at the mill.

Sweeney also stated that on the Saturday evening preceding the week on which Castor testified in this proceeding[4] Castor said to him that the immigration officers were after him for the second time and that they wanted him to come to San Francisco to testify against Bridges. Castor, according to Sweeney, added: "If I do I will never have to work in a shingle mill any more." Sweeney said that at the time he had the impression that Castor was "loose in the head." Castor did not appear for work the following Monday[5] and Sweeney has not seen him since.

Sweeney added that he had heard that Castor had substantially made the same statement to four other men at the mill. None of these four men were called.[6]

Sweeney said he could not elaborate upon the statement of Castor that he quoted,[7] nor would he be swerved from that statement.[8]

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[2] Sweeney called him George Castor in stead of Gordon Castor.

[3] The purpose of this maneuver seems to have been to save the $6 that Castor would have been required to pay to join the Raymond local directly.

[4] Castor testified on Thursday, July 27, 1939.

[5] Castor made no mention of this fact but Mrs. Castor admitted it.

[6] Sweeney testified that he personally paid the expenses of one witness—not one of these four men—to come down to San Francisco to testify in this proceeding. This witness was never called by counsel for the alien.

[7] "Q. Did he say that money would be paid to him at some time?
"A. He didn't say no such thing.
"Q. Did he say that he would get any money at all?
"A. He did not. He didn't say anything about money.
"Q. He just made the one observation that he was going to be able to retire?
"A. He said he wouldn't have to work in a shingle mill any more."

[8] "Q. [By counsel for the Government.] Do you know whether he said, made his statement in this language: 'If I do testify I will never be able to work in a shingle mill again'?
"A. No. That wasn't the statement.
"Q. Did he say, 'I will never have to work in a shingle mill again'?
"A. He said, 'I will never have to work in a shingle mill again.'"
Compare the question of Government counsel quoted above with the later statement made by Mrs. Castor:
"Q. [By counsel for the alien.] What was the discussion he (counsel for the Government) had with your husband about testifying?
"A. He wanted him to come down here and testify in the case.

Sweeney stated that after Castor had testified he reported these facts to the president of the longshoremen's union in Raymond. He was sent up to see Bridges, who happened to be in Seattle, and was later sent to San Francisco at the expense of the local longshoremen's union.

E. Bruce Hannon

Bruce Hannon is the individual at whose house the Magnolia Bluff meeting took place. He was then an officer of the local longshoremen's union in Seattle and is now living in San Francisco as the secretary of the Maritime Federation. Hannon said that he had been intimate with Bridges since 1935 and that when Bridges during the maritime strike of 1936 came to Seattle to address a mass meeting, he and another union man, Henry Geary, went to the train to meet him. Hannon took him to his hotel, then to a radio station, then to dinner and then to the mass meeting. After the mass meeting he took Bridges to his home to a purely social gathering,[9] where a number of union officials and his neighbors dropped in. They sat about chatting, being served coffee and doughnuts by his mother, while some of the women played cards in the dining room. About midnight the gathering broke up.

Hannon's memory as to the persons that were present is vague. He knew his mother and his two brothers were present. He thought that Engstrom might very well have been there since he was then secretary of the Northwest strike committee. He believed that Matt Meehan was there, could not recall whether John Davis was there, knew that Henry Geary was there, and said that he had never to his knowledge met Castor. He was definite that neither Rapport nor Jackson were there, and said that Pilcher, Poth, and Fox might have been there but did not think that Pritchett had been present. Cross-examination added little to this testimony.

F. Bridges' Account of the Meeting

Bridges' story of the Magnolia Bluff meeting is more detailed than that of Hannon. Bridges remembered the meeting also as a social gathering at Hannon's house following the mass meeting. Among those present he remembered Hannon, Meehan, Costigan, John Davis, and Engstrom. Bridges could not remember ever having seen Castor. He was postive that Rapport was not there because he had a distinct recollection of first meeting Rapport in April of 1937, shortly after Bridges became west-coast C. I. O. director. He saw Rapport in connection with his activities in the organization of Labor's Non-Partisan League, which he called "the political arm of the C. I. O."

"Q. What did your husband say?
"A. He said 'No.'
"Q. Did he give any reasons?
"A. Yes.
"Q. What reasons?
"A. He said if he came down here and testified in this case, that he wouldn't be able to work in the shingle mills again."

[9] "A. Usually, especially during a time of a strike like that, it is quite the custom, when someone like Harry Bridges comes to town, or some other trade-union leader comes to town, when he goes out to some of the fellows' house, people drift around out there. They would drift out to my place, for instance, and my mother always serves something to them. It is just the usual and customary thing."

G. Conclusions on the Magnolia Bluff Meeting

There seems little question but that Engstrom's meeting at "Costigan's house" was the Magnolia Bluff meeting. Engstrom's reference to a meeting at about this time following a mass meeting at which Bridges spoke, Bridges' testimony that Engstrom was there, Hannon's impression that he was there, all tend to confirm that conclusion.

The issue presented, however, is whether this gathering was a Communist meeting. With reference to one of the witnesses that testified to this fact, Mrs. Castor, one can be sure that she lied in many major particulars, particularly those dealing with her relationship to the Communist Party, to Jackson and to her husband's Communist affiliations. She, however, was produced to corroborate Castor's testimony. That she and Castor talked over her corroborating testimony before she took the stand is certain, for she admitted that Castor had supplied certain details that she had forgotten, that they had talked over his testimony, and that she had originally refused to testify until she had thought it over. If her testimony is false it almost necessarily follows that Castor's testimony is false.

Almost the same approach can be made to Davis' testimony through Mrs. Davis. In addition, Davis' own testimony is intrinsically weak. Its vagueness gave the impression of a subdued sense of stress that is difficult to appreciate apart from the visual impression created by his demeanor on the stand. Even the record as it stands discloses a man testifying to the minimum details necessary for the purpose, never going beyond to volunteer one item that would fill in with a background of realism the bare bones of his recital. His subsequent addition of Jackson and Rapport to the persons present at this meeting, two of the most prominent Communists in that region, at the time sounded suspicious. It appears in the same light as one reviews the whole of his testimony.

There are other matters that fail to ring true in this recital. According to Mrs. Davis the top fraction meeting was planned long in advance for Davis was informed of it beforehand by Huff in Aberdeen. According to Mrs. Castor, Castor received a casual invitation to it as he was standing about after the mass meeting. Neither Davis nor Castor testified themselves as to the source of their invitations, Castor only saying that he believed Jackson had asked him to come. Castor particularly, it would seem, would have had some occasion to comment on two important byproducts of that invitation—byproducts to which Mrs. Castor testified. The first of these is that that casual invitation was the first notice that Mrs. Castor had that her husband was a Communist; the second is that Castor was permitted to take Mrs. Castor, a non-Communist, with him to a Communist top fraction meeting and leave her playing cards in the next room.

There is again Davis' and Castor's failure to place Pritchett at this meeting, particularly Castor's failure for Pritchett and was one of the leading union officials in his line of business—woodworking. Other matters, too, disturb. There is the holding of this meeting at Hannon's house and there is no evidence, other than Davis' allega-

tion, that Hannon was a Communist.[10] He himself testified to the contrary. Indeed, if one eliminates Jackson and Rapport from the meeting, there is no definite proof that any of the others were Communists, with the exception of Davis and Castor.[11] Again, without even considering Sweeney's testimony, Castor originally testified wrongly in connection with his termination of his membership in the Communist Party, a point of some significance in considering his general credibility.

Contrariwise, Hannon's explanation of the meeting is natural and normal. For a friend to invite Bridges after the mass meeting to his home for coffee and doughnuts and to gather about a group of trade-union men to meet him personally and to chat casually about the strike and the progress of the trade-union movement, is the type of thing that constantly occurs in the lives of those who have occasion to plead their causes in public. That among this group Communists might be present is entirely plausible but, considering the established falseness of so much of the testimony presented in this connection, no conviction attends the attempt to transform this social gathering into a top fraction meeting.

13. HARRY R. BRIDGES

A. Introductory

Much of Bridges' testimony has already been adverted to in connection with the consideration of the testimony of other witnesses. There are other aspects of that testimony that are important, however. His own testimony relates, for example, to many matters that must be considered independently of anything else from the standpoint of whether they furnish a basis for concluding that there was that "affiliation" between him and the Communist Party that the statute envisages.

Harry Renton Bridges was an active trade-unionist before he left Australia, where in 1920 trade-unionism both on the organizational and political side was in a more advanced stage than in the United States. There is slight doubt but that Bridges' present conceptions as to the place of trade-unionism derive considerably from his Australian experiences and upbringing. In 1921 Bridges was in New Orleans when the seamen's strike occurred. He was arrested there for loitering, held in the police station a few hours, and then released. At that time he also became a member of the I. W. W., but within a few months termi-

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[10] Of great interest in this connection is Castor's testimony in which he has no recollection of the place where this meeting was held other than the fact that it was on Magnolia Bluff. Compare with this Mrs. Castor's testimony, given after Bridges had identified the meeting as having occurred at Hannon's house:

"Q. Do you know whose house if was that the meeting was held at?
"A. I didn't at that time, but I do since.
"Q. Who told you since?
"A. Who told me since?
"Q. Yes.
"A. Mr. Castor.

. . . . . .

"Q. When did Mr. Castor tell you whose house this meeting was held at?
"A. When did he tell me?
"Q. Yes.
"A. Let's see—about a month ago.
"Q. Never before?
"A. No.
"Q. Did you ask at that time or did he volunteer it?
"A. We were talking about it."

[11] Comment has already been made on Engstrom's claim to be a Communist.

nated his relationship with that organization because he disagreed with their views.[12]

B. The 1934 Maritime Strike

Little of significance to the issues in this proceeding occurred with reference to Bridges prior to 1933.[13] He was then a longshoreman in San Francisco. He was active in establishing the International Longshoremen's Association in San Francisco as opposed to the allegedly company-controlled Longshoremen's Union of San Francisco. His activities in connection with the Equality Hall or Albion Hall group have already been detailed. These activities eventually wrested the control of the International Longshoremen's Association from Lee J. Holman and the other officials of that association. That group also largely formulated and pressed those policies that eventually brought about the 1934 maritime strike.

The evidence with reference to Bridges' associations with the Communist Party during the 1934 strike deserves retelling. Apart from Detrich's subsequent rationalization that the Albion Hall group was dominated by Communists, this record cannot be said to establish that the policies pursued by the longshoremen, the joint strike committee or the San Francisco Labor Council during the 1934 strike were Communist policies as such. Communists were undoubtedly to be found in the membership or on the executive boards of one or more of these organizations. That the general policies pursued had the support of these Communists and the officials of the Communist Party seems more than likely, for Communist policy tends to support, even agitate for, any industrial unrest.

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[12] "Q. Do you know anything about the aims and purposes of that organization at that time?

"A. Well, I knew at that time, and not to any great extent. I found out after I was in a short while. I know what they are now. I disagreed with them.

"Q. Would you tell us what you thought the aims were at the time you joined it, and what you know now about it?

"A. Well, their aims are syndicalistic, I think. They are more or less an anarchist group. In other words, they prate and carry on under a program of the extreme rank and file-ism, and all they succeed in doing is creating a lot of general disruption and bogging down the advance of labor generally under a cloak or a guise of democracy. I believe they are disruptive. I don't like their program. Instead of trying to explain it generally, I can give specific examples. We have, for example, in the Northwest still a lot of I. W. W.'s at the present time in the woods. They believe more in a program of direct action to settle every dispute instead of other types of action.

"Q. What do you mean by 'direct action'?

"A. Strikes. In other words, we believe in strikes, and we believe in direct action under the proper circumstances and at the proper time when it is the best thing to do. But there comes a time that you can go a little too far with direct action. The I. W. W. philosophy was never to sign an agreement, for example; never to arbitrate; never to mediate; never to consolidate. The reason that the I. W. W. was broken up was because they are a splendid fighting bunch up to a point. They gained many improvements and benefits for the people they represent, the workers generally, but they tried to carry on the same tactics and they didn't consolidate. They are absolutely opposed to any type of political action. The philosophy of the I. W. W. can generally be expressed that they are going to take over the means of production by economic measures. In other words, they propose that one of these days everybody will be organized into industrial trade-unions without any political activity whatsoever; and that at the proper time all the trade-union workers will walk out of the factories and, I presume, in that way cause a collapse of the financial and general system, and that they will return and operate the factories themselves, and what not."

[13] In 1932 Bridges, Schmidt, and Shoemaker, and others started a mimeograph newspaper on labor matters for the water front called "The Waterfront Worker." A paper of that name had been run formerly by the Marine Workers Industrial Union and had been discontinued. Bridges and his group bought the mimeograph machine upon which the paper was printed from that union. The paper was in existence from 1932 to 1936. Also during that time a paper, the Maritime Worker, was issued by the Communist Party. No connection between these two was established.

Bridges' own testimony admits that at this time he sought for support in many quarters and found support among Communists. He encouraged seamen to join the Marine Workers' Industrial Union in which the Communist membership was stronger than in any other of the maritime groups. He welcomed the support given to the strikers by the Western Worker, the official organ of the Communist Party; was active in getting the strike committee to accept it as its paper; encouraged subscripions[14] to the paper; and also the giving of some financial aid to it through the method of advertising in the paper. He thus not only welcomed Communist aid, but protested against severance of this friendly relationship when the red-baiting cry of the other side made severance a wise policy for the maritime unions to pursue.

Some evidence was offered in the attempt to prove that Bridges associated with Communists at a secret meeting place they had at the Chateau Pierre, at 501 Baker Street, San Francisco. That evidence is analyzed in a separate appendix.[15] It was not proffered as evidence to establish Bridges' attendance at Communist meetings at the Chateau Pierre; it was pressed to dispute his general veracity inasmuch as he had denied that he had ever been at the Chateau. As such it fails in that particular purpose.

C. Associations With Communist Officials

There is no doubt but that Bridges had at that time, and has since, friends and associates who are Communists. At no time was he hesitant to admit these associations nor to deny that on occasion he had sought the help of the Communist Party, as he has sought the help of the Democratic and the Republican[16] Parties, as allies in the industrial and political struggles in which his unions were involved. He sought Communist help specifically in connection with the United Labor Party ticket in 1935, in the King-Ramsay-Conner and the Modesto cases, and on other unnamed occasions. On some occasions he stated that he had tried to keep them from interfering in what he regarded as strictly trade-union matters.[17]

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[14] Bridges admitted that he had subscribed to both the Daily Worker and the Western Worker. He no longer personally subscribes to them, but his office subscribes to the Daily Worker, and Bridges admitted that he reads it.

[15] See appendix VII

[16] Bridges admitted ruefully that his influence with the Republican Party was very slight.

[17] "Q. You said, I think, that on occasions you have called the officials of the Communist Party when you felt that they were intruding on the trade-union purposes?

"A. Yes.

"Q. Do you recall any particular occasion when you did that, or whom you called?

"A. I can recall a couple of things, which may seem small in relating them, but to me at the time they seemed large and important. I am separating now what I believe are trade-union issues, that is, separate and apart from political issues. I can give this example: We have certain regulations in our unions—in my own local union we have a rule to the effect that you cannot hold office for more than 2 years. Then you are automatically out of office at the end of 2 years. I found that the Communist Party members, or one of them that I knew was a Communist Party member, was advocating that this rule be eliminated and the Constitution be amended to throw it out. I am for the rule. It was through me that it was put in there in the first place, and it is going to stay there if I can see that it is done. When I found out that at least one person that I knew was a Communist Party member advocating that it was not a fair or democratic rule—and it is a matter of opinion—I opposed it, and I notified the Communist Party that I didn't like it. That would be one example. Of course, I would say that, as far as the arguments th[illegible] these fellows put up, they were somewhat logical and convincing."

D. Refusal to Discriminate Against Communists

Bridges has also refused to adopt any policy whereby his unions would exclude or discriminate against any person upon the ground of membership in the Communist Party. Instead, he has actively sponsored a policy of nondiscrimination. The necessity for adoption of the policy of nondiscrimination arose, Bridges claimed, from employers' activities that charged every militant policy pursued by the unions was communistic. For that reason it was alleged that anti-red-baiting resolutions were commonly adopted by the various unions that Bridges influenced.[18]

Bridges offered no apologies for the Communists that were in his unions. He regarded them, in the main, as "militant and sincere" and as good union men. He admitted that undoubtedly both as union men and as Communists they might have supported him for official positions in the union, but denied that he had ever sought their support for office as Communists or the support of the Communist Party for such an end.

E. Refusal to Deny Communist Membership

The same reason, Bridges claimed, might dictate his refusal on occasion to deny that he was a member of the Communist Party. He claimed that to deny an accusation of this nature, if hurled at him in some animated meeting, would tend too easily to divert the gathering from the issues that were under discussion to the issue of Communism.[19] He denied, too, that he had ever admitted that he was a Communist, except perhaps facetiously. In other words, the type of remark which Howard claimed that Bridges uttered in San Pedro, he impliedly admitted could have been made by him.

F. Visits to Communist Headquarters

Bridges admitted that he had occasionally dropped in at the Communist headquarters when they were at 37 Grove Street, but that all he had done on those occasions was to purchase some pamphlets at the bookstore that they maintained in that building. He admitted also that he had been to their later headquarters at 121 Haight Street. The first occasion has been detailed in connection with the analysis of Detrich's testimony. The second was described as follows:

"Later on in 1934 [July] I specifically recall another meeting, and that was at the time of the riots on the water front, where there were some 200 or 300 people shot, gassed, and clubbed, and we were moving them to hospitals, and here and there. A lot of our people were at

[18] Bridges stated that he had little fear that the policy of nondiscrimination would lead to Communist control of the unions. He believes their democratic methods of doing business would be an adequate bulwark against such infiltration.

[19] "A. Well, I had to learn the hard way and I have appeared before many groups when such a question was asked. It was for the purpose of putting me on the griddle. You may take such groups that I generally believe and recognize as antilabor groups, such as the American Legion, for example. When you are asked a question like that, the follow-up question, if you answer it, 'I am not a Communist,' then they propose, 'Why don't you do something about that? Why don't you organize a few squads to purge the Communists? Why don't you see that they are thrown out of the unions?' I don't believe in laying a basis for such follow-up questions like that, when you are not in a position to argue them and answer them at full length."

121 Haight Street, that being kind of a hospital. I guess, in picking people up off the sidewalk when they were laying there unconscious, they didn't stop to ask whether they were members of the I. L. D., or members of the Communist Party. They just got them in machines, or wagons, and got them up there.

"I think other members of the strike committee went to 121 Haight Street. There is a large room up there and there were some hundred people laying on the floor, generally pretty well beaten up or shot, and a lot of our fellows were among them.

"That was the reason I went up there then."

G. Communist Associates and Friends

Bridges knew many individuals who were admittedly Communists.[20] The occasions upon which he met Browder, Darcy, Jackson, Rapport, Davis, and Humphreys, have already been described. He met Schneiderman during the 1936 campaign and has seen him frequently since. He met James Branch when Branch was active on the water front in 1931 and 1932. He met Ida Rothstein through her activities in connection with the unemployed. He knew Minnie Carson inasmuch as she was, according to his recollection, a delegate to the San Francisco Labor Council in 1934. He met Alexander Norral[21] when Norral was connected with the Workers' Alliance. He was in one or two conferences with Elaine Black, who was an officer of the Industrial Labor Defense. These conferences were concerned with matters of labor defense. He saw Lawrence Ross and Elmer Hanoff at the time when the Western Worker offered its services to the strike committee. Other admitted Communists that he knew included Walter Stack, Walter Lambert, Rudy Lambert, Betty Gannet, Sam Telford, Roy Hudson, John Shoemaker, and Pettis Perry. Bridges seems to have been particularly intimate with John Shoemaker.

H. Bridges' Political and Social Beliefs

1. Relevancy of Beliefs

Bridges' beliefs are also relevant to the issue of membership or affiliation with the Communist Party for coincidence between his beliefs and the tenets of the Communist Party may be a basis for inferring membership or affiliation. He was examined at length with reference to them. Bridges seemed never hesitant in expressing his political faiths and convictions. Indeed, quite the contrary; for, given an opportunity to express himself, he forcibly and volubly expatiated upon the viewpoints that he held and his methods of propagandizing for them.

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[20] Bridges' connection with admitted Communists only are treated in this connection. He associated and was intimate with many individuals alleged to be Communists by one or more witnesses in this proceeding, such as the moving-picture actors, Robert Montgomery and Frederic March, or trade-union officials such as Matt Meehan, Pritchett, Schmidt, and even his attorneys in this proceeding. But to draw inferences from these associations would be to indulge in the process of lifting oneself by one's own bootstraps.

[21] Alexander Norral was a candidate for Congress on the Communist ticket in 1934.

II. PUBLIC OWNERSHIP OF MEANS OF PRODUCTION

Bridges was asked frequently concerning his views with reference to the problem of the "social ownership of the means of production," by which is meant the degree to which the ownership of the major means of production should be taken over by the Government. He stated that he was heartily in favor of extending Government ownership, believing that such maladministration of enterprise as would ensue could hardly equal the existing inefficiency of the private administration of enterprise.[22] For Government to take over enterprise without compensation, however, he believed would be a violation of constitutional prohibitions. He admitted that the extension of Government ownership would naturally have the ultimate effect of doing away with employers as a class, but he disclaimed having any such an end in view because he thought that was impossible of immediate realization. As to this he said:

> We have enough trouble on our hands at this time even getting the right to organize, the right to recognition, the right to have our trade-unions, or even to get a 10-cent-an-hour increase in wages. It seems to me that it might be all very well to talk about it, but before we get to the point where we can talk about it, even beyond the point of getting 5 cents or 10 cents an hour a day more, or an increase in wages, if we raise the issue that we are going to take over the means of production that is a long, long ways ahead.
>
> I am not concerned with that. I believe it will be 30 or 40 years hence, and I do not think I will be around. There are plenty of things to be done today, for instance, the matter of gaining simple recognition of trade-unions and so on. There are areas in this country and in this State where we do not dare to go in as trade-unions.

III. THE CLASS STRUGGLE

Bridges believed that the employing class had as yet failed to concede the right of workers to organize and their claims to a decent livelihood. Because of this there was in existence in this country a true class struggle, not merely in theory but in actuality. On this issue he commented as follows:

> Q. (By Counsel for the Government.) Well, is it a class struggle?
> A. Is there a class struggle?
> Q. Yes.
> A. Very definitely.
> Q. And in this class struggle, who are opposed; who are on the different sides?

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[22] "A. Under certain circumstances, as I have already explained, there is lots of room for a lot more public ownership or Government ownership; and under those circumstances I certainly believe in the abolition of private property. I don't see why a handful of individuals should control enormous tracts of land here, why they should control all the public utilities; I don't see why they should control the railroads or the oil wells, or many of the natural resources of the country. They stole them in the first place. * * *

"Q. (By counsel for the Government.) Well, would you believe in the abolition of private property for the reasons stated by the Communists?

"A. That brings to my mind the idea—when they talk of private property, they don't talk of somebody's two-by-four piece of land; they don't talk of a person's machine or house, or one thing and another like that——

"Q. (Interrupting.) Will you pardon me right there? I believe that is exactly what Mr. Marx and Mr. Engels mean.

"A. Well, I certainly am 100 percent opposed to anything like that. That private property in the sense as you describe it to me, I take it to mean the big utilities, the big factories, the big industrial plants; in other words, the means of production of the various heavy industries. That is the way I construe that. And I am in favor of Government ownership of those things; yes; and if the Government can't make a better job of running them and paying something to the people that work in them than private industry has, then I would say give it back to private industry again. But I am pretty sure the Government can do it."

A. Well, here is the way I would answer it: We generally find that there seems to be a great aversion to talking about the class struggle. The employer interests, they say it should be hushed up and never spoken of. The reactionary labor leaders, or the conservative labor leaders, say the same thing. But the class struggle is here and it is a struggle between the class on one hand that is represented—or that represents, or that I would describe as the large corporate interests of the country, and on the other hand between the working people, the small business people, the small farmer, and such as that.

Now, I can go into more detail; I think I can give specific examples on the matter, but that is where I draw the line.

* * * * * * *

On the one hand, if we have a group of employer interests, and on the other hand we have a group of workers, say, and the workers want an increase in wages, which means a lessening of the dividends or the income of the employer interests, and those employer interests, from a fair and honest point of view say, "Well, we have got maybe a little more than we need. It won't hurt us to give a little of that to that group of workers"—I think if they adopted that position the whole thing could be amicably arranged. But I have never run into that kind of a situation.

* * * * * * *

Q. Well, from your observation and your experience do you believe that the class struggle can be worked out amicably between the employer and the unions?

A. I can't see anything else but trouble, and trouble is going to occur. We have, for example, the small farmer. Rapidly he is being eliminated. In California 90 percent of the farms, farming is carried on by the big banker-farmer and the small farmer is being forced off his land; he is being foreclosed on, and he is losing out all the way down the line. It comes about because of the large banker-farmer corporations.

We have the same thing with the corner grocery store, the corner drug store. It is not the labor union that is hurting the corner grocery store. Every one of them will tell you that because they depend for their livelihood and their trade on the working man. As long as he is organized and getting decent wages the corner grocery store, the corner drug store, and the butcher shops prosper. The thing [redacted] is hurting those people are the chain stores, chain markets, chain drug stores, chain grocery stores. They are all open shop and nonunion and they chisel on wages and sell to the public, and cut down the prices on the small businessman. If that keeps on—it is spreading all the time. The chain stores and the big corporations are spreading all the time and engulfing and eliminating the small businessman, generally known as the middle class.

I presume, from a practical point of view, that I see every day, that these large corporations are getting control of everything, and they will have a monopoly in their associations and corporations and if that keeps on I do not know what is going to be the outcome. I think you will probably have about 30,000,000 people on relief. Those people on relief will demand that they stay on relief, and the big corporations, as they have already done, will deny them the relief.

But they won't answer the question, "Are they going to starve to death?" They will say, "It is none of our business. We are sorry, but it is none of our business."

It is our business in the trade unions to do something about it. It is a condition before us and we have to do something about it. I cannot ignore it.

This is a struggle between the two classes. It is not a question of whether you believe in it or not, it is a question of facts that are before you, and any person in the trade-union movement, unless he is completely devoid of brains, knows this is the situation.

The only thing that I see to do about it right now is to organize the trade unions and we will head off a little bit of it.

* * * * * * *

Q. Do you think then these two will be so utterly opposed that there will be a class war which will mean guns, bombs, and things of that kind, to perhaps reconcile the differences between the two classes?

A. I am not passing opinions on it. I am stating the facts. As I say, that exists right today and right at this very minute. Everywhere in the country today, in practically every locality in the country there are workers now being shot down on picket lines.

I have never stood for, have never allowed any of our unions, any of our workers, to arm themselves, to use clubs, or anything else.

In the 1934 strike I stood there at the union headquarters, with guards, and all of the men were rolled, every single man in our union, to see if they had guns. We found a few, maybe, and they were thrown in the safe.

When the attack came on us on July 5 there was a public statement, and I can bring it here, in the newspaper and that was to urge all the men and tell them that they could not fight tear gas, machine guns, and rifles, and not to fight back; that we would organize public opinion against this murder.

I have never run into one union worker yet that started this use of tear gas, or police clubs, or anything like that. It is always started by the employers, or their provocateurs. Never once have I found a group of workers that relished the idea of running up against guns, and the police line, the National Guard, or anything else.

Today in every section of the country there are people being shot down, not for revolutionary activity, but because they are trying to strike and picket and get increased wages.

That is enough trouble for us to consider, without worrying about what is going to happen 20 or 30 years from now.

Bridges held the opinion that groups of people in the country were organized to oppose the interests of labor as he saw them. That organization he stated was frequently on a national scale as in the case of the National Association of Manufacturers, the United States Chamber of Commerce, the Associated Farmers, and others. He believed that other organizations avowedly concerned with objectives that should have no relationship to the "class struggle," as he defined it, had mostly unwittingly been drawn into its vortex and become partisans against the interests of labor. Among these he placed the American Legion, the United States Immigration Service, the National Guard, the police, and frequently the courts.

IV. PENALTIES FOR UNFAIR LABOR TACTICS

Bridges was so insistent upon preserving the rights of labor to organize that he wished to improve the mechanisms in the law to secure that right. He believed that sanctions should be devised which would prevent penalties for violations of that right being passed on, in an economic sense, to consumers and to labor, the effect that he argued would attach to a mere pecuniary penalty that might be imposed upon an offending corporation or employer. He believed that under these circumstances some penalty in the form of temporary or permanent confiscation of industrial property might be proper. The idea was only vaguely formed in his mind but might be thought of in terms of labor bankruptcy. In other words, if management proved itself utterly incompetent to effect an appropriate solution of its continuing obligation to labor, something akin to a petition for receivership ought to be available to these "labor creditors." [23]

[23] Cf. *U. S. v. Lowden* (U. S. Sup. Ct., decided Dec. 4, 1950):
"In the preparation and execution of the plan it speedily became apparent that the great savings which would result from consolidation could not be effected without profoundly affecting the private interests of those immediately concerned in the maintenance of the existing Nation-wide railway system, the railroad security holders, and employees. The security holders are usually, though not always, favorably affected by economies resulting from consolidation. But the Commission has estimated in its report on unification of the railroads that 75 percent of the savings will be at the expense of railroad labor. Not only must unification result in wholesale dismissals and extensive transfers, involving expense to transferred employees, but in the loss of seniority rights which, by common practice of the railroads, are restricted in their operation to those members of groups who are employed at specified points or divisions. It is thus apparent that the steps involved in carrying out the congressional policy of railroad consolidation in such manner as to secure the desired economy and efficiency will unavoidably subject railroad labor relations to serious stress, and its harsh consequences may so seriously affect employee morale as to require their mitigation both in the interest of the successful prosecution of the congressional policy of consolidation and of the efficient operation of the industry itself, both of which are of public concern within the meaning of the statute."

Akin to this conception is another utterance of Bridges. It might, he contended, be possible that the organized corporate wealth of this country might so oppose a liberal legislative program advanced by labor as to refuse to continue production as a protest against it. Such a capital strike, he insisted, could never be countenanced and in the event that it did occur the workers acting through the Government would be compelled to take over the factories and operate them themselves.

V. EXISTING UNFAIR DISTRIBUTION OF REWARDS

Bridges also protested against the unequal distribution of rewards that he believed characterized our existing system. His position was not that an absolute equality was the ideal, but that such differentiations as should be made should have some rational base, that is either skill, training, or the extent of the contribution made. Too much irrationality, he observed, characterized the present scheme of things and that very irrationality was too frequently defended by the interests opposed to the growth of trade-unionism.

VI. EMPHASIS UPON DEMOCRATIC PROCEDURES

Bridges insisted that the answers to the problems that were thus posed could be made more effectively through the extension of the democratic machinery rather than otherwise. Bitterly critical of many of those now in control of that machinery, his insistence was that this condition was not a necessary consequence of the machinery itself but was an excrescence that could be eliminated particularly by the growth of trade-unionism. Because of this belief which he stated he possessed in the democratic mechanism, trade-unionism, he contended, had to enlarge its conception of objectives. The maintenance of those claims that ordinarily go under the name of civil liberties would thus be one of its concerns.

VII. ATTITUDE TOWARD COMMUNISM

Bridges' views on communism would put him in direct opposition to those who believe that communism is in itself a danger to the democratic method. Communists, he claimed, were normally good trade-unionists. He failed to accord with the viewpoint that regarded the Communist Party as a true revolutionary party bent upon bringing about the overthrow of the Government by resort to force and violence. He was pronounced in his opposition to purging the unions of members simply because they were communists or excluding persons from membership upon that ground. On the other hand, he believed that the reliance placed by Communist theory in true revolutionary tactics—a fact that he doubted as being a tenet of most Communists that he knew—contained more folly than danger. His own judgment of the strength of the existing system led him to the view that the pursuit of such aims was utterly impracticable, indeed, so impracticable as to not deserve the dignity of governmental suppression. That suppression, he believed, tended too frequently to play into the hands of those who were outwardly battling against communism but inwardly directing their efforts under that facade

toward the destruction of the trade-unionist movement. It was for this reason, he claimed, that he was frequently militant in his opposition to the attacks made by others on communism.

VIII. MISCELLANEOUS MATTERS

Among particular political programs that Bridges admitted he supported were proposals for heavy inheritance taxation, which he regarded as being a means for breaking the existing concentration of wealth. He favored Upton Sinclair's EPIC campaign in California in 1934, the United Labor Party in San Francisco in 1935, and the Democratic national ticket in 1936. With reference to the Russian experiment, he claimed not to have sufficient knowledge upon which to base a judgment. Voluble in his opposition to fascism and nazi-ism, he believed that as far as he knew the Russians held objectives more compatible with the interests of the workers and their liberties than those that characterized the other two systems.[24]

Bridges was not critical of the existing framework of American constitutional Government. He suggested a constitutional amendment giving suffrage to soldiers and sailors, believing that their inability to vote stemmed from the Constitution. Other than this he thought that the objectives he held to be desirable could be attained under the existing system.

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[24] It should be observed that this testimony was given prior to the recent accord reached between Russia and Germany. Judicial notice can seemingly be taken of the widespread effect that this accord, followed by the Polish and Finnish invasions, has had on many persons that formerly held hopes, as to the integrity of the aims professed by the U. S. S. R.

V. CONCLUSIONS ON REMAINING MATTERS

1. ON BRIDGES' MEMBERSHIP IN THE COMMUNIST PARTY

The preceding analysis has led to the complete rejection of the testimony of certain witnesses. Though in some part these rejections rest upon those impressions as to credibility, impossible adequately to articulate, which the trier of the facts must necessarily glean from the demeanor of the witnesses on the stand, the grounds for these rejections have in the main been set forth at length in the preceding pages. To go over this ground once again is unnecessary and unwise for appreciation of the bases for these rejections must have regard to the minute analysis heretofore made.

There remains, however, the testimony of a number of witnesses as to whom no conclusions have yet been reached. Though they are witnesses who play minor roles, some comment upon their testimony seems desirable. These witnesses are Leppold, Stark, Howard, Detrich, Allen, and a portion of Davis' testimony. Apart from Davis, most of this testimony is either hearsay in nature or of the opinion variety. Where it has rested upon opinion, the bases of the opinions have been probed in order to discover whether the inferences shared by the holder are such that one can be satisfied that they represent the fact. Analysis of the bases upon which Leppold, Howard, and Detrich rest their conclusions that Bridges was a Communist, seems inadequate to establish that fact. All of them derive their conclusions from Bridges' general opposition to attempts to attack particular trade-union policies as communistic. There is no question but that this represented Bridges' attitude, but opposition to "red baiting" is not the equivalent of proof of Communist membership.

There are other bits of hearsay testimony more or less specific in character, running from Stark's statement that Rapport inadvertently referred to Bridges as Comrade Bridges to Howard's statement that Rover had said that Bridges was a Communist. To accept these as proof requires one frequently to leap the barriers of both the common-law rule against hearsay testimony as well as the rule against opinion evidence. Allen's recital of Henderson's remark, apart from the inherent incredibility that generally attaches to Allen's entire testimony, also falls within this category. In many of these situations all that the testimony gives is an additional item of opinion evidence weakened by being a step further removed. It thus does not conform with the most elementary principles of judicial proof.

The hypothetical admissions on the part of Bridges of Communist membership testified to by Howard and Detrich must also be dismissed. They again prove only that Bridges had no hostility toward the Communist Party as such, not that he was a member of that party.

Davis' statements with regard to the two Communist meetings he attended with Bridges are not convincing. There is the general doubt that pervades all of Davis' testimony. The grounds for the possession of this doubt have been set forth before during the analysis of that testimony. Furthermore, it is clear that Davis was in error in treating the Magnolia Bluff meeting as a Communist meeting. That meeting was not only nearer in point of time than the Clay Street and Haight Street meetings, but his recollection of the persons present at the Magnolia Bluff meeting and of the nature of the talk at that meeting was clearer than his remembrance of the others. Why Davis should have testified as he did need not here be answered; it is enough to conclude that his testimony distorted facts that he may, in part, have experienced.

Bridges' own statement of his political beliefs and disbeliefs is important. It was given not only without reserve but vigorously as dogma and faiths of which the man was proud and which represented in his mind the aims of his existence. It was a fighting apologia that refused to temper itself to the winds of caution. It was an avowal of sympathy with many of the objectives that the Communist Party at times has embraced, an expression of disbelief that the methods they wished to employ were as revolutionary as they generally seem, but it was unequivocal in its distrust of tactics other than those that are generally included within the concept of democratic methods. That Bridges' aims are energetically radical may be admitted; but the proof fails to establish that the methods he seeks to employ to realize them are other than those that the framework of democratic and constitutional government permits.

2. ON BRIDGES' "AFFILIATION" WITH THE COMMUNIST PARTY

Bridges' relationships to the Communist Party have already been sketched at length. They are, in general, his well-defined opposition toward "red baiting"; his acceptance of aid and assistance in his industrial struggles from the Communist Party—indeed, his solicitation of that aid; his expressed disinclination to disavow that help; his association with persons admittedly Communists, an association that derives primarily from his requests for and acceptance of such aid. There are, specifically, his support of the Western Worker during the 1934 maritime strike; his requests for aid in connection with such issues as the *King-Ramsay-Conner* and *Modesto cases* and the United Labor Party ticket; his not infrequent conferences with the Communist officials on the Pacific coast in regard to these and other matters; his admiration of the sincerity of persons in the trade-union movement, some of whom were avowedly Communists, and his willingness to work with them in the realization of his trade-union ideas.

This evidence, however much it may disclose lack of judgment or associations that may be regarded by others as reprehensible or unfortunate, falls short of the statutory definition of affiliation. Persons engaged in bitter industrial struggles tend to seek help and assistance from every available source. But the intermittent solicitation and acceptance of such help must be shown to have ripened into those bonds of mutual cooperation and alliance that entail con-

tinuing reciprocal duties and responsibilities before they can be deemed to come within the statutory requirement of affiliation. Judge Chase in *Kettunen* v. *Reimer*, 79 F. (2d) 315, and the other judges in the cases heretofore reviewed,[25] insist upon the application of this standard. To expand that statutory definition to embrace within its terms *ad hoc* cooperation on objectives whose pursuit is clearly allowable under our constitutional system, or friendly associations that have not been shown to have resulted in the employment of illegal means, is warranted neither by reason nor by law.

3. CONCLUSION

The evidence therefore establishes neither that Harry R. Bridges is a member of nor affiliated with the Communist Party of the United States of America.

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[25] See the authorities collected in pt. III, *supra*. See also Thatcher, J., in *United States ex rel. Voich* v. *Commissioner of Immigration*, S. D. N. Y. reported in U. S. Daily, July 19, 1929, p. 8: "The relator consorted with radical agitators, and no doubt sympathized with their views; but this is not enough to warrant his deportation, unless prejudice is to take the place of proof. The statute is specific. This is no evidence to bring the relator within its terms."

APPENDIX I

OPINION ON REQUEST FOR BILL OF PARTICULARS

This is a proceeding brought by the Government of the United States, acting through the Department of Labor, pursuant to the provisions of section 19 of the act of February 5, 1917 (8 U. S. C. sec. 155), for the deportation of Harry R. Bridges on the ground that he is one of the classes of aliens subject to deportation by section 2 of the act of October 16, 1918, as amended by the act of June 5, 1920 (8 U. S. C., sec. 137).

On March 2, 1938, a warrant for the arrest of Bridges was issued by the assistant to the Secretary of Labor. This warrant recites that since it appears upon evidence submitted that Bridges is subject to deportation under the provisions of the acts above recited, he is ordered to be taken into custody and that a hearing is to be granted to him to show cause why he should not be deported in conformity with law. The warrant also sets forth four reasons as to why Bridges is thought to be deportable under the provisions of the law. These are, in brief: (1) That after he entered the United States he became a member of an organization that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States; (2) that after he entered the United States he became affiliated with such an organization; (3) that after he entered the United States he became a member of an organization that causes to be written and circulated printed matter advising the overthrow by force and violence of the Government of the United States; and (4) that after he entered the United States he became affiliated with such an organization.

On April 12, 1938, counsel for Bridges filed a request for a bill of particulars. This request asks particulars concerning the name of the organization above referred to, the date when he is alleged to have become a member, the place where he is alleged to have become a member, the written documents, if any, tending to prove his alleged membership, the manner in which it is claimed he became affiliated with such organization, the specific acts or conduct which are alleged to constitute such affiliation, and the printed matter advising the overthrow of the Government of the United States which such organization caused to be written or distributed. The Government opposes the granting of this request save as to the name of the organization to which the charges in the warrant for his arrest relate (Cf. *Ungar* v. *Seaman*, 4 F. (2d) 80). This organization, the Government replies in its memorandum opposing the request, is the Communist Party of the United States of America.

Proceedings in deportation cases must comport with those fundamental requisites of fairness, of due process of law, that attach to judicial and administrative procedure alike (Cf. *Chin Yow* v. *United*

States, 208 U. S. 8). One of these is that a person charged with an offense or, as here, alleged to be within a category of deportable aliens, shall have notice of the nature of the charge adequate to give him the opportunity to meet it. But that principle of fair notification does not require the Government in advance of a hearing to furnish the respondent with the evidentiary details upon which a particular charge rests when that charge is already described with the fullness of phraseology that the statute itself employs (*United States* v. *Gooding*, 12 Wheat. 460; *Johnson* v. *United States*, 5 F. (2d) 471). Not only is ample opportunity to meet evidence with counter evidence, examination with cross-examination, given at the hearing itself, but the officer in charge can always mold the procedure so as to guard against unjustifiable surprise (Cf. *In the Matter of Meehan*, 1 S. E. C. 238).

Apart from those items that relate to the name of the organization of which the alien is alleged to be a member and with which he is alleged to be affiliated, this request for particulars seeks in substance discovery of the evidence upon which the principal charges rest. That can await the hearing, particularly in this case since the Government alleges that some of its witnesses have shown timidity in being willing to testify. The Government urges rightly therefore that a disclosure prior to the hearing of their names, or of dates, or other points of evidence would tend to prejudice its interests.

Since the Government in its submitted memorandum has met the request for particulars with regard to the items above mentioned, to wit, those that relate to the name of the organization involved, the request for further particulars is herewith denied.

JAMES M. LANDIS, *Trial Examiner.*

CAMBRIDGE, MASS., *June 27, 1939.*

APPENDIX II

OPINION ON MOTION FOR CHANGE OF VENUE

Before proceeding with the testimony I want to dispose of one matter that has been pending and that is counsel for the alien have renewed their motion to remove these proceedings from Angel Island to San Francisco, praying particularly that that motion will be granted at the close of the presentation of the Government's case.

Counsel argue that the reasons that have been advanced by the Government prior to this time, namely, the protection of the Government's witnesses, can more easily be made effective if the proceedings be held here than in San Francisco no longer prevails since the witnesses after that time will be the alien's witnesses and not the Government's witnesses.

They further argue that their convenience, as well as the convenience of others, will be well served by having the proceedings in San Francisco. They also urge that the purpose of securing an open trial for the alien can better be accomplished there than here.

Though admitting that some system will have to be put into force so that the place of trial in San Francisco will not be overcrowded, they point out that greater facilities for admitting the public are available there than here. The admission of even such limited numbers of the public is to them an important thing, inasmuch as a more accurate sense of the procedure as well as a feel of the atmosphere of the proceeding can thus be acquired by greater numbers of the public at first hand and thereby serve to counteract or to support the pictures presented of the hearing by the diverse and sometimes discordant voices of the public press.

They state that because of the restrictions that, from the want of room have necessarily been imposed upon attendance at this hearing, persons, particularly members of unions with which the alien is associated, are anxious as to whether that openness that attends other judicial and administrative hearings prevails under the conditions here at Angel Island.

The disposition of this motion has given me such concern that I believe it necessary to state the reasons which underlie my action.

As a matter of strict law no right even to any kind of an open hearing attaches to proceedings of this nature. Deportation has been held by the courts again and again to be a civil proceeding to which the requirements of the sixth amendment to the Constitution of the United States, calling for an open trial, do not apply. Furthermore, the practice of the Department of Labor, as I have been advised, has uniformly been against admitting other than the parties and their counsel to hearings of this nature.

But I do not choose to rest my decision upon considerations relating merely to power, for the motion itself is addressed to discretion and

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not to a claim of right. Indeed, the seriousness of the consequences of deportation to the alien involved, despite the fact that the proceeding is regarded as technically civil in character, lead me to the conclusion that those constitutional standards of fairness in criminal administration set forth in the sixth amendment should have application by analogy to proceedings of this character. Indeed, it has seemed especially wise to me that in this proceeding the normal closed procedure of deportation hearings has been departed from.

I ask myself therefore whether the requirements of an "open trial"—such as those constitutionally required in criminal cases—have been met in this proceeding. Preliminary to that answer, I shall rehearse the requirements that have been in force hitherto at this proceeding. Admission has been by pass only, those passes being given out either by myself or the immigration director, Mr. Haff. These passes have been given to every representative of the public press that to my knowledge has applied. They have also been given out to representatives of organizations who have a direct or indirect interest in the proceedings, such as the American Civil Liberties Union, the Bridges Defense Committee, the King Defense Committee, the International Labor Defense. Others, whose desire to attend the hearings has arisen from little more than a legitimate and praiseworthy interest in public affairs, have also been granted passes to attend. I have denied, I believe, only one request and that upon reasons that seemed to me at the time valid. It is true that the infrequency with which the steamer runs and the hour or so taken up by transportation to and fro make attendance at this hearing practically impossible for the casual observer. But his apperception of the nature and manner of the proceeding would in any event be limited by what could be gleaned by him in a few minutes' time.

Restrictions such as these seem to me to meet both the spirit and substance of the requirements of the sixth amendment. The purpose of that requirement has never been set forth better than by Judge Cooley at page 647 of the eighth edition of his work on constitutional limitations. He says:

> The requirement of a public hearing is for the benefit of the accused; that the public may see that he is fairly dealt with and not unjustly condemned, and that the presence of interested spectators may keep his triers keenly alive to a sense of their responsibility and to the importance of their functions; and the requirement is fairly observed if, without partiality or favoritism, a reasonable proportion of the public is suffered to attend, notwithstanding that those persons whose presence could be of no service to the accused, and who would only be drawn thither by a prurient curiosity, are excluded altogether.

Other authorities to the same effect are *United States* v. *Buck*, 24 Fed. Cases, 14, 680; *Reagan* v. *United States*, 202 Fed. 488 (a decision of the circuit court of appeals for this circuit); *State* v. *Nyhus*, 19 N. D. 326, 124 N. W. 71; *Bloomer* v. *Bloomer*, 197 Wis. 140, 221 N. W. 734. Compare also *People* v. *Murray*, 89 Mich. 276, 50 N. W. 995; *Ohio* v. *Hinsley*, 75 Ohio St. 255, 79 N. E. 462.

It is true, however, that a specific reason of the Government for holding the hearing in Angel Island—namely the protection of the Government's witnesses—will cease to exist after the Government concludes its case. I suggested, however, a further reason to counsel both for the Government and for the alien. That reason stems from the fact—of which I cannot pretend to be ignorant—that this pro-

ceeding has excited not only the interest but the emotions and prejudices of great numbers of people. Indeed, witnesses have testified on the stand to veiled and specific threats, and one claim of intimidation of a witness here in this room was called to my attention. Though much of this talk that arises from communications not made under oath can be dismissed as falling within the category of old wives' tales, there seems to me sufficient foundation to believe that there is a possibility of reprisal, either by words or action, being visited upon some accuser, whether that accusation be made in attack on or in defense of the alien. I suggested to counsel that the occurrence of such an incident, because of the recriminations that would then be freely indulged in, probably by both sides, might seriously jeopardize the interests of the alien or the Government or both, and that the chances of averting such an incident seemed to me for better if the proceeding should continue here rather than be removed to San Francisco.

Counsel for the alien, however, are willing to take that risk. They point out that such contingencies are normal to any criminal trial where local passions have been aroused. Admittedly that is so, but in weighing that contention I have to consider both that the responsibility for protecting the alien in this proceeding from unwarranted accusations on subsidiary matters not relevant to the issues in this proceeding but tending to prejudice the unbiased consideration of those very issues is mine as well as that of counsel for the alien, and, secondly, I have to consider my limited powers as an administrative official as contrasted with a judge. Without the power to punish for contempt persons who are unruly in my presence or persons who by threats or otherwise obstruct the orderly administration of justice, without the ability to hold persons for grand-jury action, and also without the assistance of court officers such as are attached here to the Department of Labor and available for that purpose, a difference of no mean degree exists between an administrative official and a judge. Indeed, as I survey my responsibilities and the limited means with which the law equips me to discharge them, I am driven to the position where I believe that I cannot with due regard to the interests of the alien and the Government concur with counsel in their request. I regret that this is so, and I should prefer that it were otherwise. But it is the best balance that, amid these conflicting and often impalpable considerations, I have been able to strike.

The motion is denied.

JAMES M. LANDIS, *Trial Examiner.*

ANGEL ISLAND, *August 2, 1939.*

APPENDIX III

STANLEY M. DOYLE

Early in the proceedings a subpena was issued for Doyle upon the request of the alien. The subpena was served upon him by an immigration official by leaving it at his place of residence in Lamberton, Minn. That service was probably legally defective even though it seems to correspond with the current practice of the Department of Labor. See 1 Chitty, Archibold's Practice (10th ed.) 329; Sichel, Practice Relating to Witnesses, 74. Its original defectiveness was, however, cured by his admission of service prior to the issuance of the rule to show cause. (*Feree* v. *Strome*, 1 Yeates (Pa.) 303; *Chicago & Aurora R. R.* v. *Dunn*, 18 Ill. 494; Rapalje, Law of Witnesses, 518). Difficulties arose with reference to assuring to Doyle the payment of his witness and mileage fees. Since Doyle could not be contacted by immigration officials, no arrangements could be made with him with reference to these fees.[1] The examiner consequently required as preliminary to the issuance of the subpena, arrangements to be made for the tender to Doyle through the United States district attorney in Minnesota of the statutory mileage fees from Minnesota to San Francisco and for the deposit with the examiner of funds sufficient to pay both the return mileage fees to Minnesota and such sums as might be found by the examiner to be due to Doyle for the loss of time occasioned by compliance with the subpena. The whole sum was not tendered to Doyle before leaving Minnesota because of doubts as to the fees to which he was legally entitled and the compensation he could justifiably claim.

Doyle announced through the press and otherwise that he would not respond to the subpena unless his mileage fees, to San Francisco and return, together with $50 per day by way of compensation were paid to him in advance. Thereupon, pursuant to subdivision B of rule 24, a rule was obtained from the United States District Court for the Northern District of California ordering Doyle to appear and show cause why he should not present himself and testify at the hearing.[2] Weeks elapsed before this rule could be served upon Doyle. The United States marshal for Minnesota was aided in his search for

[1] Paragraph 1 of subdivision C of rule 24 of the Immigration Rules and Regulations reads: "If a witness subpenaed at the request of the alien or his representative demands that he be recompensed for time lost from his employment, arrangements therefor must be made by the alien or his representative as a condition precedent to the issuance of the subpena." To make this rule at all sensible it is necessary to read the word "subpenaed" as "to be subpenaed." That, however, creates an impracticable situation for the demand for compensation for time lost is likely to arise in the case of hostile witnesses only subsequent to the service of the subpena. The rule does not specify that the "arrangements" to be made must be pursuant to an agreement with the witness. It read in this fashion a hostile witness by refusing to agree can defeat service of the subpena. The examiner consequently determined that the rule would be met if appropriate "arrangements" for the payment of these fees were made even though they were independent of the witness' consent. The rule is further subject to criticism in that it burdens an alien with the cost of loss of time of his witnesses whereas the Government's obligation extends only to the statutory fees.

[2] This proceeding was brought under the authority of 8 U. S. C. § 152. *United States* v. *Parsons*, 22 F. Supp. 149. Jurisdiction in these cases by specific provisions of the statute is conferred upon the United States district court of the district in which the investigation is being made, contrary to the universal and preferable practice in similar situations of conferring this jurisdiction upon the district court of the district where the witness is found or is resident. Cf. *Robertson* v. *Railroad Labor Board*, 268 U. S. 619.

Doyle by immigration officials. The examiner also suggested to the Secretary of Labor that the assistance of the Attorney General of the United States be invoked to help effect that service. Finally by a ruse the service was effected.

The examiner was informed that Doyle would appear on Monday, September 11, 1939, at 9:45 a. m. By Friday, September 8, 1939, the hearing was substantially concluded except for the testimony of Doyle. The examiner, whose duties at home were pressing, thereupon adjourned the hearing until Monday. On Sunday the examiner was informed by Doyle that due to eventualities over which he had no control he would not arrive "to testify until some time Tuesday."

On Monday the hearing was concluded very shortly save for the testimony of Doyle. The examiner then announced that inasmuch as his other duties were pressing and that inasmuch as Doyle's conduct was such as to give no assurance that he would appear on Tuesday, the hearing would be adjourned until such time as Doyle appeared and that that portion of the hearing would take place before a deputy examiner, Mr. John G. Clarkson. The examiner also concluded that inasmuch as Mr. Clarkson's duties were to be limited to those of a presiding officer, having no duty to find the facts, that the testimony of Doyle should not be taken publicly but rather by way of a deposition. This testimony upon its conclusion would be forwarded to the examiner and by him be made a part of the public record.

Doyle presented himself before Mr. Clarkson on Wednesday, September 13, 1939. He was then represented by counsel, Mr. Harry W. Glensor, of San Francisco. At this hearing the alien, his counsel, and counsel for the Government were also present. Through his counsel Doyle stated that he was "willing to take the stand and be sworn upon payment of the balance of his witness fees and mileage." * * * and that he was "now waiving his compensation for loss of time." "I want to make that clear," added his counsel. Thereupon Mr. Clarkson, the presiding officer, after stating that "Mr. Doyle is here and is willing to testify," proceeded to calculate those fees. A sum of $131 was arrived at, which was agreed to by Doyle and by counsel for the alien. A check for that sum was given to Doyle, drawn against the funds specially deposited by the alien for this purpose. Thereupon Doyle was sworn, but immediately thereafter his counsel stated that he advised Doyle not to answer any questions upon the ground that the hearing was a closed hearing—a fact known to counsel long before that time. Counsel stated that Doyle would continue in that refusal until a court of competent jurisdiction should rule that Doyle should be obliged to testify. Mr. Clarkson, following the specific orders of the examiner, ruled that the hearing should remain closed. Doyle persisted in his refusal to testify.

Upon objection by counsel for the alien that the agreement had been that Doyle upon receipt of the $131 would testify, Mr. Glensor replied that all he had said was that Doyle would then take the stand and be sworn. He added: "I said that repeatedly and I carefully chose that language." That Mr. Glensor had thereby deliberately misled the parties present at the hearing, including the presiding officer, is not open to question.

Counsel for the alien requested the presiding officer to rule that Doyle should retain the check, but the presiding officer believed he was powerless to do more than request its return, a request that was refused by Doyle.[3] The hearing was then adjourned pending a move to secure a court determination upon the obligation of Doyle to testify.

The court proceeding took place on the morning of September 14, 1939. At this juncture Doyle reinjected the issue of fees into the case by withdrawing his offer to waive such compensation as he might be entitled to for lost time. He first demanded $50 a day. That demand, however, rapidly declined to $20 and then to $15.[4] Doyle explaining that his original demand was purely to "chill" counsel for the alien. The court ruled against Doyle's claim that he was entitled to a public hearing, but the amount of fees due to Doyle and the manner of their payment were left in doubt. The subsequent order signed by the court ordering Doyle to testify made no mention of fees and compensation.

That afternoon the hearing was reconvened to take the testimony of Doyle. Counsel for Doyle thereupon refused to permit Doyle to take the stand until his fees were paid to him, fees that included not only the $131 that had been previously agreed to, but also that should include additional compensation for loss of time. Counsel for Doyle also took the position that they would consider themselves to have the right to appeal again to the court from any determination that the presiding officer might make with regard to what should be paid to Doyle as compensation for his loss of time.

The presiding officer directed Doyle to answer in accordance with the court's order, but he refused to do so. Counsel for the alien then reverted to the original position that they had taken with reference to Doyle, i. e., that they would abide by whatever determination should be made by the presiding officer as to what was due to Doyle by way of mileage and witness fees and compensation for loss of time, that this sum would be put up with the presiding officer to be paid over to Doyle when he had fulfilled satisfactorily to the mind of the presiding officer his obligation to testify, but that no moneys should be paid to Doyle prior to that time. The presiding officer suggested that there should now be paid to witness his mileage fees to San Francisco, his witness fees and compensation for loss of time to date, exclusive of the amount already paid to him, that each day that he testified he should be paid a witness fee for that day and further compensation for loss of time, and that at the close of his testimony return mileage fees should be paid. Doyle stated that he would accept this suggestion. This offer was, however, rejected by counsel for the alien. The presiding officer thereupon intimated that he would then excuse the witness. Before doing so, he inquired of the Government if they wished to call Doyle. The Government declined to do so. Thereupon the witness was excused.

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[3] The presiding officer was requested to ask the bank to stop the payment of this check but he declined to take such action. Thereupon counsel for the alien took action to stop its payment. At the close of the hearing Doyle was left in possession of the check upon which payment had been refused by the bank. Subsequently Doyle's counsel requested the examiner to order counsel for the alien to release the stop-payment order. Counsel for the alien informed the examiner that they would comply with whatever order he might make in this respect. The examiner declined, however, to make any order, believing the issue was one that should be fought out by Doyle and the alien.

[4] Doyle later was agreeable to the suggestion that $10 was sufficient.

APPENDIX IV

AMATEUR SPORTS CLUB LEASE

Austrian testified that he had never represented the Communist Party. He admitted readily to having known Emma Cutler as a family friend for many years and that he believed her to be a member of the Communist Party. Queried specifically as to whether he had ever arranged for a lease on a hall in Los Angeles for the Communist Party during the 1936 presidential campaign, he stated that all he did in connection with that lease was to act as a stakeholder of certain money that the lessor required as a deposit in order to cover any damages that might occur to the hall. He denied specifically that he had arranged in the first place for the lease.

On rebuttal the government called two witnesses whose story of this incident varies from that given by Austrian. These two witnesses were Reuben Licker and Saul Bernard, both of whom are attorneys who practiced together in Los Angeles. Bernard is also president of a corporation known as the Amateur Sports Club which owns an auditorium in Los Angeles. According to them, on or about September 10, 1936, Emma Cutler got in touch with Bernard to lease the auditorium for the night of October 11, 1936. A conference followed in Bernard's office at which Bernard, Licker, Emma Cutler, Austrian, and another officer of the Amateur Sports Club were present. The terms of the lease were then arranged, the sum being $150, of which $50 was then paid down.

Licker and Bernard testified that Cutler stated at this conference that she wanted the auditorium for an open forum to discuss all the candidates then running for President and that no mention was then made that the hall was to be used for a Communist rally. At that time a provision was also inserted in the lease requiring the lessee to deposit $100 with Austrian to cover any breakage that might occur.

Some time later, after this meeting had been advertised as a Communist rally at which Ford, the Communist candidate for Vice President, was to speak, Bernard, with the consent of his directors, notified Cutler that they were going to cancel the lease. Cutler thereupon appeared at Bernard's offices and protested vigorously against such action. Austrian, having been telephoned to, also protested.

Two or three days before the scheduled meeting Bernard was notified that a restraining order was being sought against the lessor. He immediately called a conference of the lessor's officers and that night they all left on a private yacht for Catalina Island in order to evade service of the order. They stayed away for the necessary length of time. Police guarded the hall to prevent Communists from having a meeting in it.

Later an action was brought by Cutler for and on behalf of the Communist Party for damages for canceling the lease. The lessor

replied that no representation had been made by Cutler that the hall was to be used for a Communist rally but that a contrary representation had been made. In this action Leo Gallagher was the attorney of record for Cutler and Austrian was a witness in the case. The jury rendered a verdict for the defendant.

The significance of this incident relates only to the correctness of Austrian's statement in this proceeding that he had never acted as an attorney for the Communist Party nor as an attorney for Emma Cutler. Accepting Licker's and Bernard's statement at their face value it falls short of such proof. It is true that Austrian helped Cutler in negotiating the lease, but it seems doubtful, even in the light of the later protests to Austrian, that he was regarded as Cutler's attorney either by Cutler or by Licker and Bernard. When the protest against cancelation was made and action threatened it was Cutler who made this protest. Moreover, she made it personally rather than through or in association with Austrian. Furthermore, if Austrian had been regarded as the attorney for Cutler, it would be most unusual to have made him the stakeholder of the breakage money when its payment over would necessarily involve disputes between Cutler and Licker and Bernard. Austrian seems rather to have considered himself as acting merely as a friendly counselor to Emma Cutler who was an old friend of the family. This being so, Austrian's testimony in this proceeding on this point is not subject to real criticism.

It is argued that the incident has further relevance with regard to Austrian's credibility in that it tends to prove him to have been guilty of perjury.[1] Even taking the testimony of Licker and Bernard at its face value, that Austrian had testified in the later legal proceeding that there had been no misrepresentation in the negotiation of the lease, the verdict of the jury does not establish the fact that Austrian committed perjury in that proceeding. That jury, it is true, may not have believed him. But it is elementary that a jury's verdict has conclusiveness only with reference to the issues it determines, in this case the liability for damages for cancelation of the lease. Any other rule would brand all witnesses who may have testified for a losing party as perjurers.

[1] Licker made a statement to this effect upon the stand, claiming that the reason he was testifying in the proceeding was partly to show up Austrian as guilty of perjury. He was summarily interrupted by the examiner as it was obvious that Licker was intending to make for his benefit and that of the audience a speech upon the depth of his patriotism and his concern for the integrity of the legal profession. There is enough in the record apart from such inferences as Licker's own loose testimony furnishes, to doubt the possession of either of these two qualities by this witness.

APPENDIX V

THE SO-CALLED LEECH AFFIDAVIT

[Matter stricken through is stricken in this copy. The interlineations are inserted in brackets following the stricken matter. Italicized words are handwritten; words not italicized are typewritten. Exhibit notations are omitted.]

STATE OF CALIFORNIA,
County of Los Angeles, ss:

John L. Leach, being first duly sworn, deposes and says:

My name is John L. Leach [*Leech*]; I was formerly a member of the Communist Party, occupying the position of Los Angeles County Organizer and member of the California State Committee until about November 1936. The name under which I held membership in the Communist Party was John A. Lewis. I understand that I was expelled from the Communist Party sometime in the spring of 1937.

About June 23, 1937, I was approached by a man calling himself William E. Browne, who claimed to be a United States officer, an Immigration Department officer, a United States Intelligence Department officer, and a Portland, Oregon, policeman. This man offered me the sum of One Thousand Dollars to make an affidavit which would state that Harry Bridges was a member of the Communist Party, and would state that said Harry Bridges was present at certain meetings of the Communist Party at which I was present. He explained that he wanted me so to testify before a United States District Court and that the affidavit would not be produced as long as I told the same story. I refused because to my best knowledge and belief Harry Bridges is not a Communist or a member of the Communist Party, nor was he at any such meetings where I was present. Later this man returned and offered me Two Thousand Dollars to make such an affidavit. I likewise refused this offer. About a week ago another man called upon me, representing himself to be the secretary of an organization called the Oregon Associated Chambers of Commerce, and offered me first the sum of Five Thousand Dollars to give such false testimony and to make such a false affidavit. Later he indicated that he would be willing to pay Ten Thousand Dollars for this service, as he called it; and when this was refused, he told me to name my own price. When I informed him that I was not interested in his offer, regardless of the amount, he states that he [*they*] would be back and that I [*he hoped I*] would change my mind.

(Sgd.) JOHN L. LEECH.

Subscribed and sworn to before me this 26th day of July 1937.

[NOTARY'S SEAL] *Spencer Austrian.*
Notary Public in and for said County and State.

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APPENDIX VI

THE HANDWRITING EXPERTS

E. O. Heinrich was an expert employed by counsel for the alien. He is a consulting criminologist who has been engaged for the last 30 years as an examiner of suspected and disputed writings. Heinrich's career has included occupying the position of assistant instructor in chemistry and physics, chief of police of Alameda, city manager of Boulder, and visiting lecturer in the University of California. He has his own physical and chemical laboratory, and has been employed as an expert by the Government and by private parties in a great many cases, some of moment and some less of moment than of notoriety.

Heinrich was asked by counsel for the alien to render an opinion as to whether the interlineations on the so-called Leech affidavit and the signature to that affidavit were in the handwriting of Leech, and also whether he could determine whether or not they had been written against the side of an automobile. He was supplied with a photostatic copy of the Leech affidavit and with several exemplars, i. e., writings admittedly in the handwriting of Leech. These exemplars were 10 in number. There were declarations of candidacy executed by Leech in 1934 and 1936. Four were signatures of Leech executed at this hearing and three were various sentences written by Leech at this hearing at the suggestion of the Examiner. All the exemplars were supplied in the form of photostats.

Heinrich's method of examination was to make enlarged photographs of the exemplars and the questioned writing. With the use of them he examined the quality of the writing as reflected in the writing speed and the manner in which the pen is operated, comparing curving movements and the character of the edge of the lines to determine whether they were clear cut and continuous or broken. He then examined the manner in which the pen was held with reference to the line of writing, the shading emphasis on the down strokes and up strokes in the writing and the pen pressure as exhibited by the depth of the lines and also, after microscopic comparison with the originals, by the depth of the furrow left in the paper. His examination of the many individual and particularistic characteristics of the various writings was extensive and thorough. He also analyzed the degree of consistency that existed between the slope of the questioned writing and the slope of the exemplars. Angular tests on the slope of the various letters were also made and the results of all these tests were detailed by him at length.

Upon the basis of this exhaustive examination, Heinrich expressed a very definite opinion that both the interlineations and the signature of the Leech affidavit were in the handwriting of Leech. Also after a microscopic examination of the ink, Heinrich testified that in his

opinion the same ink was used for both the interlineations and the signature. Finally Heinrich testified that he could find no evidence upon which he could either affirm or deny that the writing on this affidavit had been executed with the paper in a vertical position. Nothing in the cross-examination of Heinrich cast doubt upon the accuracy of his observations or the validity of his methods.

Opposing Heinrich was Charles H. Stone, the Government's expert. He reached the opinion that the signature in the Leech statement was by Leech but that the interlineations were in the handwriting of some individual other than Leech or Austrian. Stone is employed by the State Bureau of Criminal Investigation and for the past 12 years has concerned himself with handwriting problems. He also has testified as an expert in many cases.

Stone was furnished with a photostatic copy of the Leech affidavit and photostatic copies of two exemplars, one a signature of Leech executed at the hearing and the other some writing executed by Leech also at this hearing. These were examined by Stone for an hour in the immigration offices at Sacramento. He employed only his spectacles and his pocket magnifier. At the end of the hour Stone expressed his opinion to the immigration inspector. This opinion was the same that he expressed upon the witness stand. It was in substance that the signature on the Leech affidavit was genuine; that the interlineations were all in the handwriting of the same person, and that these interlineations were neither in the handwriting of Leech nor of Austrian.

Stone's opinion is worthless. It was based upon a cursory examination with too few exemplars. It rested upon differences in certain minor characteristics between the interlineations and the two exemplars but these differences ceased to be differences when compared with the characteristics of Leech's handwriting in the exemplars that had not been submitted to him. He made no measurements, failed to recognize obvious similarities that were even apparent to an untutored eye. He made no photographic enlargements in order to aid his examination despite the fact that the suspected writings—the interlineations—were admittedly smaller than normal. Stone's integrity is, of course, not in question but the superficiality of his methods, his inaccuracy in observation, rendered his opinion useless.

Contrariwise Heinrich's opinion is compelling. Though admittedly the examination and analysis of handwriting is not an exact science, based as it is upon mathematical probabilities, Heinrich's testimony convinced that the possibility that the interlineations had been written by someone other than Leech was infinitesimal. One must therefore necessarily conclude that the interlineations and the signature in the Leech affidavit were written by Leech.

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APPENDIX VII

501 BAKER STREET

The testimony of a number of witnesses establishes that the Chateau Pierre at 501 Baker Street was a meeting place for Communists during 1934. The Chateau was outwardly a restaurant with a bar in the basement. Both restaurant and bar seemed to have been frequented by the general public and no claim is made that every person who attended the restaurant and the bar was a Communist. The Chateau was run by Pierre Margolis and Sam Goodwin. His son was Arthur Margolis alias Scott, alias Kent, the undercover operator who was a Communist and was later convicted of burglary. He and his wife, Norma Perry, lived with Pierre Margolis on the second floor. On the top floor was a room which was said to be the place where Communist meetings were held. Two admitted Communists, Ida Rothstein and Minnie Carson, were employed at the Chateau as pantry girls or waitresses in 1934. Among other frequent guests who were admitted Communists were Elaine Black and Leo Gallagher.

Bridges testified that, though he had been asked up to 501 Baker Street by Norma Perry and others, he had never been there. Four witnesses testified that they had seen him in the bar. Admitting the accuracy of their testimony, that testimony does not prove that Bridges was a Communist.[2] It does, however, go to his general credibility. But there is considerable doubt as to the accuracy of the observations of these witnesses.

Joseph W. Marcus said that he went to work as catering manager at the chateau in late June or early July of 1934. He stated that he saw Bridges three or four times a week at the bar downstairs. He said that Bridges was commonly the invited guest of Norma Perry and that he had seen Bridges sitting with Arthur Scott, Norma, and Sam Goodwin but never with Leo Gallagher. Marcus was not cross-examined.

John A. Kessler was a supervising chef at the chateau from August of 1934 to March of 1935. He worked mainly on the first floor. He stated that both Ida Rothstein and Minnie Carson were employed at the chateau as long as he had been employed, but when asked to identify them from pictures submitted to him by Government counsel identified a picture of Elaine Black as "Carson" and a picture of Ida Rothstein as "Minnie." He said he had seen Leo Gallagher at the chateau and that he had seen Bridges there four times in 1934, twice at the bar talking to Goodwin and twice going upstairs to a meeting. Bridges had been pointed out to him by the bartender. He said he had seen Harry Jackson there eight times going up to meetings and that he had seen Elaine Black there. He also added

[1] The testimony of the four witnesses is contradictory on this minor point.
[2] This is inferentially admitted by the Government in its brief upon the facts.

that Minnie Carson and Ida Rothstein attended these meetings. He could not recall ever having met Joseph Marcus.

Cross-examination of Kessler brought forth unbelievable and truly ridiculous contradictions. Asked who attended the meetings upstairs, he said that Minnie and Ida and Bridges and Gallagher were all those he could name. He then added Jackson at the suggestion of counsel, then a moment later added Goodwin, then added Pierre Margolis. Asked how he knew who Gallagher and Jackson were, he said that they had been pointed out to him by one of the waitresses. He said that Jackson had not been pointed out by Ida because "she only pointed out two or three." A moment later he said Ida had pointed out Jackson, a moment thereafter said it had not been Ida, and then again said he was certain that it had been Ida. He then became confused as to who pointed out Gallagher to him, stating on this occasion that it was the bartender.[3]

Asked how he could identify these people, he stated that he had done so from photographs submitted to him at the immigration office. After stating that Elaine Black's name was familiar but that he didn't know her, he then said he had seen her there. He stated four or five pictures had been submitted to him by the immigration inspectors, that he had immediately picked out the two waitresses; and as to the third the following colloquy deserves quotation:

Q. What about the third one? What did you say?
A. I said, "I have seen that fellow."
Q. Fellow?
A. Fellow.
Q. And somebody told you it was Elaine Black?
A. That is right.

He then went further to add that he had picked out Leo Gallagher and Harry Jackson also from the "four or five" pictures that had been shown him.

At this point the Examiner showed Kessler a series of pictures of these individuals asking him to identify them. He was unable to identify Jackson; he identified another alleged Communist, Louise Todd, as working there;[4] he identified Minnie Carson first as working there but quickly changed his answer to state that she only came there as a guest. He did, however, correctly identify a newspaper photograph of Leo Gallagher.[5]

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[3] Later Kessler answered as follows:
"Q. Was any other important person ever pointed out to you at 501 Baker, other than Mr. Bridges, for instance?
"A. No."
Then again as follows:
"Q. Do you recall any person was ever pointed out to you at Pierre's Chateau, at 501 Baker Street, other than Harry Bridges?
"A. Just this Gallagher."
Once again as follows:
"Q. Gallagher and Bridges were the only two people that were pointed out to you, is that right?
"A. Yes.
"Q. That is why you remember their names?
"A. Yes."

[4] There is no evidence at all that Louise Todd ever worked there.

"Q. Did you set your mind on identifying these pictures when Dean Landis showed you some pictures, and when Mr. Shoemaker showed you some pictures?
"A. At that time I did.
"Q. Here this afternoon?
"A. Yes.
"Q. You really set your mind on those things?
"A. I try to; yes.
"Q. I mean, you set your mind on them and tried hard so you wouldn't make any mistakes?
"A. I didn't want to make any mistakes; no.
"Q. I say, you did set your mind to that, didn't you?
"A. Yes.

With reference to his visit to the immigration office on April 18, 1938, Kessler first placed Government officials Phelan and Bonham there. On redirect examination he added Farelly to the group, keeping Bonham there and finally adding Shoemaker to the group.[6] It is plain from the examination that Government counsel sought to get Kessler to correct statements with reference to the presence of Bonham and Shoemaker for the affidavit that was taken records only the presence of Phelan, Farelly, and a stenographer. Government counsel, however, did not choose further to enlighten the Examiner on this point.

Kessler's affidavit of April 18, 1938, and his supplementary affidavit of April 21, 1938, further contradict his oral statements on the stand. They state that Ida Rothstein was employed at the Chateau when Kessler first went there "but she did not stay very long because she got married"; that Ida Rothstein never attended any of the meetings upstairs; that he had never actually seen Bridges going upstairs to a meeting but had seen him talking to Goodwin;[7] that he had only seen Jackson there twice. The affidavit illustrates that the process employed with reference to the identification of witnesses from photographs was suggestive to a high degree—a practice careful investigating officers conscientiously eschew.

John Mickleson was employed as bartender at 501 Baker Street from August to December of 1934. He recalled Ida and Minnie as having worked there. He stated that he saw Bridges on one occasion "for a few seconds" in the bar and that he knew it was Bridges because Goodwin had pointed him out. Mickleson said Bridges "wasn't doing a thing" on that occasion. He did not recall Kessler as having worked there nor had he ever seen Gallagher there.

On cross-examination much confusion attended the witness' efforts to describe the methods employed by the Government in its preliminary investigation in getting Mickleson to identify Bridges. Mickleson first stated a number of pictures were shown him, among which Bridges' picture was not included, and that he could not identify any of them. He then stated that only one picture had been shown to him. His confusion in this regard led the examiner to suggest what might have been the method of procedure, namely, that after the first series of pictures had been shown to him, and after he had replied "Harry Bridges" to the question of whether he had ever seen any Communists at the chateau, the picture of Bridges had been shown and he had then identified that. Mickleson readily and gratefully accepted the examiner's suggestion as to what had happened.

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[6] Kessler still insisted that Shoemaker and Bonham were at the April 18 interview on re-cross-examination.

[7] The supplementary affidavit adds:
"Q. But you did see Bridges there?
"A. Yes; about three or four times.
"Q. Did you know then who he was?
"A. No; I didn't.
"Q. In just what place did you see him there?
"A. A couple of times in the hall and a couple of times down below in the bar talking to Goodwin.
"Q. Did you ever see him on the upper floors, or going upstairs?
"A. No; but he must have gone upstairs because there was no one in there then.
"Q. Would this be after the place had closed?
"A. No; a couple of times he was there just before lunchtime, and a couple of times during the supper hours.
"Q. Why do you think he must have gone upstairs on those occasions?
"A. Because when he was admitted to the place Mr. Goodwin was upstairs in his office and he usually asked from the girl or whoever opened the door, 'Is Mr. Goodwin in?' and then he proceeded to go upstairs."

Mickleson also stated that on this occasion he was positive that he had signed a statement at the immigration office,[8] a fact that counsel for the Government denied.[9] Counsel for the alien asked that this statement be produced but Government counsel declined. Though the examiner had authority to order its production, he declined because he believed that to do so would only encumber the record. It was patent to the examiner that Mickleson was responsive to any suggestion that he believed friendly and that his testimony as to the fleeting glance that he had of Bridges 5 years ago was too untrustworthy for serious consideration.

Cleo Zanazzi was employed as a waitress at 501 Baker Street from August of 1934 to February of 1936, working mainly in the basement. Of her fellow employees she could remember Kessler, Marcus, Mickleson, a Minnie Hensley[10] and a waitress named Ida. She said she saw Bridges once in the bar and knew it was Bridges because Goodwin pointed him out to her.[11] She said that she had also caught a "fleeting glance" of Gallagher. The witness was positive in her identification because she said she "never forgot a face."

Cross-examination developed little further information. On being shown pictures of Ida Rothstein, Minnie Carson, Elaine Black, and Harry Jackson, she stated she had no recollection of seeing any of these individuals. On being shown Gallagher's picture she said the face looked familiar to her but she could not say that she had seen him there. She also said that she had possibly seen Louise Todd but was not sure of it.

One further witness, William H. Penoat, hardly deserves mention. He was active in later legal proceedings concerned with the taking over of the premises at 501 Baker Street from Margolis. He stated that he heard from people, whose names he could not remember and whom he could not identify, that Bridges had been a visitor at Chateau Pierre.

It is impossible to regard this testimony as seriously shaking the general credibility that otherwise may be deemed to attach to Bridges. The testimony of the four witnesses viewed as a group is contradictory;[12] the testimony of three of them viewed individually suffers from the same fault. Great care must be taken with casual identification testimony, particularly when it concerns an individual whose doings and physiognomy have been almost a daily concern

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[8] "A. * * * After we went into the other room with the stenographer there were no pictures shown, but only a fountain pen for me to sign the statement.
"Q. You signed the statement?
"A. I signed that statement."
"Mr. GROSSMAN. Mr. Shoemaker, do you have the statement there?
"Mr. SHOEMAKER. I don't have any statement that he signed.
"Mr. GLADSTEIN. He said he did.
"Mr. GROSSMAN. He said he did.
"Mr. SHOEMAKER. He didn't sign any statement."

[9] The witness identified Minnie Hensley as a cashier. Kessler had stated that Minnie Carson was the cashier.

[10] The length of time during which she saw him is set forth in the following answer:
"A. I just saw him a few minutes because I was too busy to pay any attention to anybody at the time."
Also by the following:
"Q. How long did you get a chance to observe Mr. Bridges?
"A. Just a few minutes; not even that. I went on with my work."

[11] Compare, for example, Marcus' testimony that he had seen Bridges three or four times a week in the bar downstairs with Mickleson's statement that he had only seen Bridges once. Marcus' duties kept him normally upstairs, whereas Mickleson was the bartender.

of the public press and especially when that identification testimony goes back some 5 years in point of time. (See Moore, Treatise on Facts, c. 25.) Furthermore, in these cases the normal safeguards employed to avoid the dangers of suggesting the answers to potential witnesses do not seem to have been used in the preliminary examinations.[13] (See Wigmore, Principles of Judicial Proof, sec. 208.) It thus seems best completely to disregard this testimony concerning Bridges' having been seen at the bar downstairs in the Chateau Pierre.

[13] Contrast, for example, the inability of Kessler and Zanazzi to identify their ex-employees with their ability to identify a casual guest.

U. S. GOVERNMENT PRINTING OFFICE 1949

EXHIBIT "J"

MEMORANDUM FOR THE COMMISSIONER OF IMMIGRATION AND NATURALIZATION

Pursuant to your instructions, we have reviewed various letters addressed to the Secretary of Labor, yourself, or other officers of the Immigration and Naturalization Service, during the period from December 1935 to June 1936 by Mr. H. L. Knowles, Chairman, Subversive Activities Committee, Department of California, the American Legion, and submit the following summary and report:

The first of the letters in this series is dated December 5, 1935, and addressed to yourself. In it Mr. Knowles protests against the transfer from the Alameda County Jail to the detention barracks at Angel Island in San Francisco Bay of Isaac Finkelstein and George Geoffrein, two aliens against whom deportation proceedings were pending on the ground that they were in the U. S. in violation of law in that they were members of an organization (the Communist Party) advocating the overthrow of the government by force or violence.

It is not clear from the record why these two aliens were confined in the Alameda County jail in the first place, as it is the established practice to make use of our own detention barracks in all cases where such barracks are available Economy and convenience would distate this practice if there were no other reasons for it. In the case of Finkelstein and Geoffrien it was charged by the International

Exhibit "J"—(Continued.)

Labor Defense that these prisoners were being supplied in the Alameda County jail with only one meal a day. This charge was not investigated, but the District Director at San Francisco was instructed to transfer the two men to Angel Island and arrange for their segregation there, if considered necessary. Mr. Knowles was advised in reply to his letter:

"It is not the practice of this Service to detain aliens who have been made the subject of deportation proceedings in local or county jails where the Government maintains adequate detention quarters, as is the case at San Francisco. There appearing to be no sufficient reason for making an exception in the two cases under discussion, the District Director at San Francisco was instructed by telegraph on December 4th to transfer the aliens from Alameda County mail to Angel Island for detention pending final termination of their cases, if during such time they were not released under bond."

Mr. Knowles professed to regard this case as proving the inclination of the Immigration and Naturalization Service to "coddle" Communists. He apparently considers that aliens accused of Communistic activities and held for investigation should be treated with the utmost severity, and that complaints made by them or on their behalf should be ignored. This is not the policy of the Immigration and Naturalization Service, which endeavors to furnish as little justification as possble for representations that these deportees are political martyrs.

Exhibit "J"—(Continued.)

The tone of Mr. Knowles' letter on this case and of his subsequent communications is illustrated by the following extracts:

"The circumstances in connection with these two acknowledged Communists present such glaring evidence of the seditious activities of the Communist Party as to leave no room for doubt as to the purposes of that body and to leave no excuse whatever for intercession or delays in connection with the immediate deportation of these individuals from the U. S. Inasmuch as your department should possess all of the facts in connection with these cases, I am not going into details. However, I am constrained to tell you that the American [49] Legion cannot longer look with complacency upon the apparent attitude of the Bureau of Immigration as concerns its catering to and coddling of alien Communists. If the Department of Labor cannot find ways and means of making existing statute law effective, then methods will have to be found for some other organization to ensure law enforcement."

Unfortunately it is impossible to proceed in these cases as summarily as Mr. Knowles might wish. In the case of Isaac Finkelstein the first hearings were held on Oct. 25, 1935, wartant of arrest was requested on November 1, 1935, the Board of Review considered the case and recommended deportation Jan. 25, 1936, and deportation warrant was issued February 14, 1936. However, although Finkelstein furnished detailed information concerning his

Exhibit "J"—(Continued.)

parentage and the date and place of his birth in Poland, he had no documentary evidence of citizenship, and efforts to secure from the Government of Poland, a passport for his return to that country have thus far proved unavailing. Moreover, Finkelstein's attorney apparently intends to carry the case into the courts on a writ of habeas corpus, which may involve further delay. It may be many months before Finkelstein's attorney exhausts all possibilities of appeal, and even then, it may be impossible to proceed with his deportation if the Government of Poland declines to receive him. The case of George Goeffrein is still pending. If and when an order for his deportation is issued, he too can carry his case into the courts by applying for a writ of habeas corpus, and, if he loses his final appeal, passport difficulties may be encountered as in the case of Finkelstein.

The delay in the deportation of these two aliens which is by no means unusual under existing law and procedure, and still more, the possible failure to deport them at all, will, in all probability, be ascribed by Mr. Knowles to the indifference, laxity or malfeasance of the Department of Labor, although every possible effort consonant with the law may have been made to expel them from the country.

The second letter in this series, dated December 18, 1935, addressed to the Commissioner of Immigration and Naturalization, carried as an enclosure an issue of the "news Letter and Wasp", in which

Exhibit "J"—(Continued.)

Joseph P. Ryan, President of the ILA and Paul Sharrenberg, sec. of the California State Federation of Labor, were quoted as denouncing Harry Bridges as a Communist. Mr. Knowles concluded his letter with these words:

"As an American citizen and as State Chairman of the Subversive Activities Commission, I now call upon you to issue the necessary instructions to the end that an immediate and thorough investigation be made of the citizenship status of Harry Bridges, to be followed by such action as your oath of office requires you to take."

In subsequent letters Mr. Knowles reverts again and again to the case of Harry Bridges, leader of the S. F. Waterfront strike and the general strike of 1934, whose deportation was then and later urgently sought by the interests which he had antagonized. His record has been exhaustively investigated, with results which may be summarized as follows:

Harry Bridges, a native of Australia, and a British subject, was legally admitted to the U. S. at the port of S. F., California, on April 12, 1920, and, so far as our record show, has resided in this country continuously since that time. He filed declarations of intention to become an American citizen in New Orleans in 1921 and in S. F. in 1928, both of which he allowed to expire. A third declaration filed in S. F. is now valid. [50]

In connection with Bridges and the District Di-

Exhibit "J"—(Continued.)

rector, Immigration and Naturalization Service, at S. F., reported under date of February 2, 1935:

"The investigation of the alien referred to above has failed to show that he is in any manner connected with the Communist Party, or with any radical organization.

"The Crime Prevention detail of the local police department, comprising eleven officers and the Captain of Police in charge, one of whose chief duties is to investigate activities of radicals and of leaders of the Communist Party in particular, have likewise been unable to date to obtain any evidence that the alien has ever been a member of the Communist Party or in any manner directly affiliated therewith, or a member of any radical organization.

"In discharging the duties of my detail at the city prison in investigations of aliens arrested and charged with crime, and of aliens arrested and charged with Communistic or radical activities, I have maintained a very close contact with the Crime Prevention Detail from a period long antedating the general strike in S. F. until the present date. I, therefore, know that the officers of said detail have made constant effort to obtain evidence that would in any way connect the alien with radical organizations, or show his membership therein, but with the results heretofore set forth."

It was reported to the District Director at S. F. that Bridges was implicated in the criminal destruction of a railroad bridge in Australia prior to his arrival in the U. S. and that he had a criminal

Exhibit "J"—(Continued.)

record in Australia. If true, this would make him deportable. The report was investigated at the request of this service by the American Consul in Melbourne, Australia, who, under date of November 5, 1934, reported that the police authroities at Melbourne had no record of Bridges.

It was also reported that Harry Bridges was identical with one Harold Harvey, a know Communist, whose activities were referred to in the Fish Committee hearings, but when Bridges' thumbprint, obtained from seamen's identification cards was compared with the corresponding thumbprint of Harold Harvey, on file in the Bureau of Identification of the New Orleans Police Department, it was established that Harold Harvey and Harry Bridges were two entirely different individuals.

A report that Harry Bridges had recently visited Canada was also carefully investigated, as he would be deportable if he had reentered the U. S. without examination. No evidence of this alleged visit to Canada was found, but it was discovered that he had apparently been impersonated there on one occasion by an individual bearing some slight resemblance to Bridges, who sought to cash in on the latter's notoriety.

In short, whenever any legal ground for the deportation of Bridges has been brought to the attention of the Department of Labor, it has been investigated but, invariably, it has been found that he was in the clear, and that his status as an immigrant was entirely regular.

Exhibit "J"—(Continued.)

Following the receipt of Mr. Knowles' letter of December 18, 1935, quoting Paul Sharrenberg, sec., of the California State Federation of Labor, as charging in a public address that Bridges was a Communist, Mr. Sharrenberg was requested to submit any evidence he might have to support this charge. He stated that he had no evidence, but spoke from information and belief. [51]

Under date of Dec. 29, 1935, Mr. Knowles wrote to the Commissioner of Immigration and Naturalization, transmitting a copy of "The American Citizen" for November 22, 1935, and clippings from the San Francisco Examiner of December 22, 1935, and December 24, 1935, relating to "local radical aliens" and claiming to "definitely link Harry Bridges with subversive activities."

In an effort to explain to Mr. Knowles and to other officers of the American Legion clearly and fully the activities of the Immigration and Naturalization Service in deportation cases and the limitations of the law, a conference was arranged at S. F. on January 9, 1936, between Mr. Knowles and other members of the Legion, and District Commissioner Cahill and other officials of the Immigration and Naturalization Service. At this conference all of the questions previously raised by Mr. Knowles were discussed and full information was furnished concerning the action taken by the Service. Reporting on this conference, the District Commissioner wrote:

"The gentlemen from the American Legion were

Exhibit "J"—(Continued.)

apparently satisfied that we are doing everything we possibly can according to the law. We assured them that we will investigate any case they refer to us, if they will furnish us with definite and reliable information. The result of the meeting was an understanding on both sides * * * I am free to state that, for the time being at least they are convinced that the Immigration and Naturalization Service in this District is efficient and alert and endeavoring to enforce the law."

Commissioner Cahill was mistaken in his belief that Mr. Knowles was satified, even temporaily, for on Jan. 13, 1936, that gentleman addressed a letter to the Commissioner of Immigration and Nat., in which he renewed his protests against the transfer of Geoffrein and Finkelstein from the Alameda County jail to Angel Island, and reverting to the Bridges case said:

"Pending further developments I have withheld publicity in the Bridges matter. However, my patience, as well as that of several hundred thousand Legionnaires has become exhausted. . . Action is in order, and unless it is forthcoming immediately, I shall not only feel at liberty to give national publicity to existing conditions, but I shall feel it to be my duty as an American Citizen."

This is tantamount to a declaration that, although the Dept. of Labor, after exhaustive investigation, had been unable to discover any legal grounds for the deportation of Bridges, as Mr. Knowles had

Exhibit "J"—(Continued.)

been informed, deportation proceedings should nevertheless be started.

Mr. Knowles also stated in this letter that "It is my firm conviction, as well as that of my associates that the activities of your local officials . . . are curbed by the restrictions placed upon them by the restrictions placed upon them by you or by the Secretary of Labor." He listed six reasons for this confiction. The points involved are raised again in subsequent letters and will be dealt with later.

In a letter to the Secretary of Labor dated Feb. 3, 1936, Mr. Knowles complained that letters addressed by him to the District Director at S. F. "remained unanswered, if not ignored." Two days later, on Feb. 5th, he again wrote to the Sec. of Labor to say that this was an inadvertence and that the District Director, Mr. Haff, never at any time refused to answer any communication addressed to him. He intimated that it was the District Commissioner who failed to reply to his communications. Commenting on this, the district commissioner, Mr. Cahill, stated that he had answered the only two letters addressed to him by Mr. Knowles. Pertaining to this controversy, [52] there is in the files a copy of a letter addressed to Mr. Cahill by Mr. Knowles, stating; "* * * * * Since you have deemed it expedient to refer all matters to the Central Office of the Dept. of Labor at Washington, D. C. we shall in future be pleased to address all of our correspondence to the Sec. of Labor and the

Exhibit "J"—(Continued.)

Commissioner of Immigration and Nat. and not to subordinates in the Department."

Various letters addressed by Mr. Knowles to the Central Office during the past six months have, in fact, remained unanswered, since it has become perfectly apparent that he did not want either information or explanations, but was engaged merely in a game of heckling.

In a letter dated Feb. 8, 1936, addressed to the Commissioner of Immigration and Nat., Mr. Knowles raised the question of deportations to Russia, referring to news dispatch published two years before to the effect that a former Assistant Sec. of Labor

"had departed for Russia for the announced purpose of approving some agreement with that country providing the issue of passports for the return to Russia of Russians ordered deported from the U. S. We understood that * * * * no such trip was ever contemplated by the Dept. of Labor, and, further, that this report was disseminated apparently with the deliberate intention to be misleading and solely for the purpose of influencing the actions of the American Legion and that might in any way cast reflections upon the Administration."

The facts concerning these Russian cases are perfectly well known. They were discussed at some length in the report of the Commissioner of Immi. and Nat. for the fiscal year 1935, published as an appendix to the Annual Report of the Sec. of La-

Exhibit "J"—(Continued.)

bor for that year (Pages 80-81). The following paragraphs are quoted from that report:

"The deportation of aliens is no longer the simple procedure which obtained in earlier days. The governments of various countries to which deportations are made have adopted more stringent rules relative to the acceptance of their subjects or alleged subjects, with the result that it has become necessary in most instances to present virtually absolute proof that an alien held for deportation is a citizen or subject of the country to which removal is directed.

"Attempts to effect deportation necessarily fail in the case of large number of aliens who refuse to furnish information from which citizenship can be established or are held by the governments of which they were subjects to have expatriated themselves in any way or another.

"A most conspicuous example is afforded by subjects of the former Russian Empire, who were born in territory now included in countries or areas formerly a part of that Empire, but have not complied with the requirements necessary to preserve their citizenship, and therefore will not be accepted under deportation orders by the governments established in their native lands. In addition to these are others who were born in Russian Territory now included in the USSR, and, according to the nationality laws of the Soviet union have not taken steps to acquire Soviet citizenship. These various cases represent an accumulation which be-

Exhibit "J"—(Continued.)

gan during the World War, when deportations to many European countries were necessarily suspended, and include also cases in which deportation was ordered during the long period when there was no diplomatic relations between the US and the Soviet Government. During the period of non-recognition Soviet Union passports, essential to deportation, could not be applied for, and [53] therefore cases were necessarily held in abeyance. Due to the refusal of the newly formed countries to accept deportees who were born within their borders, it has become necessary to direct the deportation of all subjects of old Russia to the Soviet Union, and there is now an accumulation of approximately 1,110 cases in which deportation has been so directed.

"Efforts to secure needed passport or travel documents from representatives of the Soviet Union in the U. S. have disclosed that these representatives are not authorized to issue the needed documents. The only alternative was to institute negotiations with the Soviet Government, and such negotiations are now underway through the customary channels."

It seems unnecessary to comment on Mr. Knowles gratuitous suggestions that a news dispatch concerning Russia deportation was inspired by the Dept. of Labor with the deliberate intention to be misleading and solely for the purpose of influencing the actions of the American Legion except to say that it is typical of the tone of his entire correspondence with this Department.

Exhibit "J"—(Continued:)

In a letter dated Feb. 17, 1936, addressed to the Commissioner of Immigration and Nat., Mr. Knowles takes exception to an opinion of the Solicitor of the Dept. of Labor holding that membership in certain left wing labor organizations does not, in itself, constitute grounds for the institution of deportation proceedings, although members of such organizations who themselves believe in or advocate, or who are members of organizations which believe in or advocate, the overthrow of the Government of the US by force or violence, are subject to the institution of deportation proceedings. The organizations specifically covered by this opinion were:

National Miners Union, Marine Workers Industrial Union, Tampa Tobacco Workers Industrial Union, National Textile Workers, Metal Workers Industrial Union, International Labor Defense, Trade Union Unity League.

After studying the history of these organizations the Solicitor of the Dept. of Labor, in the opinion in question, found that they had never resorted to any physical or verbal attack upon the American political structure, that throughout the life of these organizations they had been an industrial force rather than a political one, and that there was no evidence that the organizations listed had ever executed or advocated policies aimed at the overthrow of the Government of the U. S. The Solicitor further stated as follows:

"Membership in each such union is avowedly solicited only from those working in a particular industry. Activities are directed almost exclusively

Exhibit "J"—(Continued.)

in economic channels. Antagonism, if any is promoted, is toward the older and more conservative unions, but not toward democratic government. For the U. S. to deport a man merely for membership in such a union is to deport a man for seeking to overthrow conservative union domination, not for seeking to overthrow the Government of the U. S.

Mr. Knowles may, of course, take issue with this interpretation of the law. Nevertheless, the Solicitor is the authorized legal advisor of the Sec. of Labor, and administrative officers of the Dept. must be governed by his opinion.

In a letter dated March 19, 1936, addressed to the Commissioner of Immi. and Nat. Mr. Knowles stated: [54]

"My attention has been directed to the fact that one George Lansbury, said to be a leader of the Independent Labor Party in the British Parliament and an ardent disciple of Lenin, is to arrive in America sometime during the month of April, 1936 * * * I therefore, in behalf of the members of the American Legion, whose loyalty cannot be questioned, specifically demand of you that you refuse entrance to this country to Mr. Lansbury * * * You have ample time to fortify yourself with this man's record, and if he is admitted in the face of this protest, national publicity will be given to your dereliction of duty."

Persons intending to visit the U. S. first have to apply to an American Consul abroad for a visa, which issued only if there appears to be no legal

Exhibit "J"—(Continued.)

bar to admission. Hence Mr. Knowles' peremptory demand should properly have been addressed to the Sec. of State, except perhaps that even Mr. Knowles might not have felt himself justified in issuing instructions to the Sec. of State.

Mr. Lansbury, a former member of the British Government and one of the most distinguished and respected men in British public life, according to the British "Who's who" and the "Political Handbook of the World", published by Harper & Bros. for the Council on Foreign Relations, Inc., is not a member of the Independent Labor Party but is a leader of the Labor Party, which has no Communistic affiliations, and which, under Ramsay MacDonald, was twice responsible for the government of Great Britain. He has been a member of parliament since 1922, held office when the Labor Party was in power, served as a member of a Royal commission, and was apparently appointed to the Privy Council. There were, of course, no legal grounds for barring him from the U. S. He was granted a visa by the Consular authorities in England and made his visit to the U. S. in due course.

In a letter to the Commissioner of Immi. and Nat. dated March 21, 1936, Mr. Knowles demanded the deportation of Marcus Graham, editor of "Man—A Journal of the Anarchist Ideal and Movement", published in San Francisco. He called attention in this letter to the fact that Marcus Graham was ordered deported some years ago and concluded with the statement: "There is no reason in sight to ac-

Exhibit "J"—(Continued.)

count for the laxity of the Dept. of Labor in this instance."

The records of this Service show that a warrant was issued for the deportation of Marcus Graham, alias Robert Parsons, under date of Nov. 15, 1930. At the time of his hearing in deportation proceedings Graham refused to answer questions except to say that he was born in Montreal, Canada. The Canadian authorities refused permission for Graham's removal to that country, as no record could be found of his birth in Montreal or elsewhere in the Dominion.

This is one of many cases, including the Russian cases dealt with above, in which deportation is impossible because of lack of proof as to citizenship in the country to which deportation is proposed, and not due to any laxity in the Dept. of Labor as Mr. Knowles alleges.

In a letter to the commissioner of Imm. and Nat. of March 21, 1936, Mr. Knowles also protested against a statement by the Commissioner in support of the Korr-Coolidge Bill, he said inter alia:

"At such a time as this, when every citizen of America is straining under the burden of taxation, the great portion of which is being spent of wasted on 'relief' projects, and when aliens are not only evading this burden of taxation but are actually benefiting by the proceeds thereof, it is most unseemly for an official of the government openly to advocate the enactment of legislation that cannot but increase the burden on Americans." [55]

Exhibit "J"—(Continued:)

The arguments for and against the Kerr-Coolidge Bill have been presented at great length at hearings before Committees of Congress, in official reports and in the press. They cannot be summarized here to any advantage. It may be stated, however, that Mr. Knowles' charge that the enactment of this bill would increase the burden on Americans is without any vestige of foundation. The exact opposite is true. The bill proposes to allow certain aliens of good character who are now deportable to remain in the U.S. and thereby relieve the Government of expense of providing for their dependents. It would moreover, permit the deportation of three times as many alien criminals as are deportable under existing law.

On April 7, 1936, Mr. Knowles addressed a letter to the Commissioner of Immi. and Nat., transmitting to the Commissioner a copy of the "Crockett Signal" containing a report of a speech delivered by Harry Bridges and of an interview with Bridges. On April 15, 1936, he forwarded an affidavit by Carl Stoffregen, publisher of the "Crockett Signal", embodying his version of a conversation with Bridges. Knowles contended that this affidavit and the other material submitted was sufficient basis for instituting deportation proceedings against Bridges. The affidavit and the material in question were referred to the Acting Solicitor of the Department of Labor, who recommended against the institution of proceedings, expressing the opinion that:

Exhibit "J"—(Continued.)

"It is highly probable that a Federal Court would reject as capricious and without basis your finding on the evidence submitted that Bridges came within the statute cited, were such a course adopted."

The opinion, moreover, was expressed by other competent legal officers of the Dept. that, instead of serving the ends sought by Mr. Knowles if deportation proceedings were instituted on the evidence submitted by him it would, in all probability, give Bridges the opportunity of conclusively demonstrating in court that he is not subject to deportation as a person who believes in or advocates the overthrow of the Government by force or violence.

In a press release enclosed with a letter dated April 16th, Mr. Knowles, among other things, adverts to the objection made in his letter to the Commissioner of Immi. and Nat. dated Jan. 13, 1936, to "closing all deportation records to the public which naturally prevents a check by any organization or individual on the operation of the Departments." As to this objection, it may be stated that the regulation with reference to the examination by the public of the records of the Immi. and Nat. Service has been in effect since 1915, and has remained in effect, without change, under succeeding administrations, including the present administration. The regulation is a reasonable one and its purpose is obvious as to hardly require explanation. To permit the records of the Immi. and Nat. Service to be thrown open for public inspection would not only be prejudicial to the Government and

Exhibit "J"—(Continued.)

the public interest, but would also create the utmost confusion in the offices where these records are kept and would also be most unfair to the interest of the individuals primarily concerned in such records. It would furthermore, create an unlimited opportunity for fraud and blackmail. The regulation under discussion requires that persons, who may have a personal material interest in the subject matter, may make application to the Sec. of Labor to examine such records, provided that the application is accompanied by an affidavit setting forth the interest of the applicant and showing the reason why and the purpose for which examination of the records is desired. It may be said, however, that such applications will not be granted only when, in the judgment of the Secretary, such action will not be prejudicial to the public or the Government interest.

[56]

In this so-called "press-release, Mr. Knowles again calls attention to his letter of Jan. 13, 1936, to the commissioner of Immi. and Nat., and refers to "the widely known apathy of the Immi. Dept. in the apprehension and deportation of alien communists." This allegation is without foundation in fact. Our records show the number of anarchists and kindred classes deported in the last eleven years to be as follows:

1925, 22; 1926, 4; 1927, 9; 1928, 1; 1929, 1; 1930, 1; 1931, 1; 1932, 51; 1933, 74; 1934, 20; 1935, 17; 1936, 47.

As indicated by the figures above quoted, there

Exhibit "J"—(Continued.)

has been no apathy on the part of the Immi. and Nat. Service "in the apprehension and deportation of alien Communists". In spite of Mr. Knowles insistence to the contrary, the Immi. and Nat. Service will continue to adhere to its policy of handling of these cases in a legal and orderly way, and will also continue to refuse to institute deportation in any case without proper legal evidence.

Under date of May 4, 1936, Mr. Knowles wrote to the Commissioner of Immi. and Nat. concerning two articles published in S. F. newspapers concerning the declaration of intention filed by Harry Bridges, containing statements which he said were obviously untrue. He attributed these statements to the District Commissioner at S. F. Neither statement was issued by this Service, although one is attributed by the reporter to the District Commissioner at S. F., who denies that he made the statement attributed to him.

Bridges' application for citizenship has been handled as that of any other applicant. Where it is to be granted or rejected will be determined by the court when and if his final petition has been filed. In a letter on this subject, addressed by Mr. Knowles to Mr. H. L. Chaillaux, Director of the National Americanism Commission of the American Legion, the statement is made that "we also have reasons to believe that Bridges has never at any time been questioned as to his beliefs by the Immi. and Nat. Service." The fact is that Bridges has been subjected to the usual examination and his sworn state-

Exhibit "J"—(Continued.)

ment he attaches himself to the American form of government is on file.

Under date of June 9, 1936, Mr. Knowles addressed a letter to the Commissioner of Immi. and Nat. with reference to an article in "The Open Forum", a periodical published by the American Civil Liberties Union, wherein a part of the record of examination in deportation proceedings against one Frank Kooi was quoted. Mr. Knowles wrote:

"The information contained in the article and the way it is presented with quotations marks shows that it must have been furnished by someone connected with the Immi. Service . . . We think that the present responsibility for giving out what transpired at the hearing should be made the subject of inquiry and discipline by your office."

In a letter dated June 25, 1936, Commissioner Cahill states that no one connected with his office furnished the information appearing in the published article. He states that the alien, Frank Koci, was represented in the deportation proceedings by attorneys Ausin Lewis and Ernest Besig. Attorney in immigration cases are held to be entitled to a copy of the record of hearing in such cases, as are attorneys in other judicial or administrative proceedings. A copy of the record of hearing in the Koci case was loaned for the preparation of a brief to Mr. Besig, who states that he furnished the information appearing in "The Open Forum" for June 9.

On June 10, 1936, Mr. Knowles wrote to the com-

Exhibit "J"—(Continued.)

missioner of Immi. [57] and Nat., saying that the American Legion "want to know the reason for the delay" in the deportation of Jack Warnick. He concluded the letter with the statement that he was inclined.

"to the belief that you personally are sympathetic to the cause of Communism an radical aliens, and I will say to you frankly that unless some immediate action is taken by your dept., both nationally and locally, in the fulfillment of your oath of office, efforts will be made by the American Legion to bring about a full Congressional investigation of the administration of your office."

Our records show that a warrant for the arrest of Jack Warnick in deportation proceedings was issued on Oct. 2, 1935, charging that he is a member of or affiliated with an organization proscribed by the Act. of Oct. 16, 1918, as amended by the Act of June 5, 1920. A hearing was held under this warrant at San Francisco, on Oct. 4, 1935, and the record of the proceedings was forwarded to the Dept. in Mar. 1936. The record shows that Warnick has resided in the U. S. with the exception of a few short absences, since 1908 or 1909. He testified that he was born in Montreal, Canada, on Jan. 11, 1907. The matter of his return to Canada was taken up with the Canadian authorities, who reported under date of July 7, that no record could be found of the alien's birth in Montreal, and, therefore, a letter authorizing his return to Canada under deportation proceedings would not be issued.

Exhibit "J"—(Continued.)

This is the status of the case at the present time.

The numerous extract quoted from the letters of Mr. Knowles show that his attitude from beginning to end has been prejudiced and his language intemperate and over-bearing. He resorts constantly to threats and abuse. The majority of his letter are too abusive to merit the courtesy of a reply. Any answer that may be made to him will serve only to prolong a useless correspondence.

(Signed) W. W. BROWN,
Legal Advisor.
THOMAS S. FINUCANE,
Member Board of Revies.
JOSEPH SAVORETTI,
Chief Examiner, Legal
Branch. [58]

EXHIBIT "K"

Before the Attorney General
of the United States
Immigration and Naturalization Service

Case No. 55973/217

In the Matter of

ALFRED RENTON BRIDGES,

Deportation Proceeding.

Honorable Sir:

Please take notice that upon the annexed petition, verified the 31st day of May, 1942, of Carol

King, Esq., one of the attorneys for the above named respondent, the undersigned respectfully move that a hearing or rehearing of the issues of law and fact in the above captioned proceeding be accorded forthwith, at such time and place and upon such notice as you may direct.

CAROL KING,
100 Fifth Avenue,
New York City.
GLADSTEIN, GROSSMAN,
MARGOLIS & SAWYER,
By RICHARD GLADSTEIN,
AUBREY GROSSMAN,
Mills Tower, San Francisco,
California.
Attorneys for Respondent.

To: Honorable Francis Biddle,
Attorney General of the United States,
Department of Justice,
Washington, D. C. [59]

Before the Attorney General
of the United States
Immigration and Naturalization Service

Case No. 55973/217

In the Matter of

ALFRED RENTON BRIDGES,

Deportation Proceeding.

The petition of Carol King respectfully shows and alleges:

I am one of the attorneys for Harry Bridges, the Respondent herein.

On or about January 3, 1942 the Board of Immigration Appeals handed down an extended opinion at the conclusion of which it made the following order:

> "The warrant of arrest and bond are cancelled and the proceedings closed. Execution of this order is stayed pending further order of the Attorney General or of this Board.
>
> "The foregoing is the unanimous opinion, findings and order of the Board: Board Member Ashurst not participating."

Heretofore and since the inception of the Board of Immigration Appeals in no instance has its decision been reversed by the Attorney General and in consequence the argument of counsel before the Board of Immigration Appeals has been an appropriate hearing before the body determining the issues.

In the present proceeding the respondent was never given and has not yet had an opportunity to be heard by the official who determined his case.

I therefore request that a hearing or rehearing be accorded the respondent before Hon. Francis Biddle, the [60] Attorney General of the United States to consider all of the issues involved in the proceeding and more particularly to consider the following issues where in the said Attorney General most particularly erred in rendering his opinion on the 28th day of May, 1942:

(1) The question whether the Waterfront Worker during the time that respondent was connected with it was an organ of the MWIU or of the Communist Party. There is no evidence to support the conclusion in the Attorney General's opinion that respondent became connected with the paper in December, 1932, when it first began and this conclusion is based solely on assumption and conjecture which can have no probative value. Before the institution of any deportation proceedings against Bridges and when the matter was not in litigation the paper flatly denied on page 2 of the issue of January 29, 1934 (Gov. Ex. 234) that it was published by the MWIU or helped by it otherwise than by the contribution of news items. The Attorney General relies for this assumption upon the opinion of Presiding Inspector Charles B. Sears which is equally without basis in the evidence and actually is in conflict with the evidence in certain particulars, as for instance, when it states "that the 'Waterfront Worker' was from December 1932 to its abandonment in 1936, an instrument of the MWIU" when the MWIU was not in existence in 1936 and was liquidated in 1935. The Attorney General relies on the view of the Presiding Inspector against respondent's veracity but exclusive of the respondent's testimony there is not a scintilla of evidence on the point so that the Attorney General necessarily concludes that respondent became associated with the paper in December 1932 although neither respondent nor any other witness so testified. A rehearing would afford respondent an opportunity to point

[61] out various other inconsistencies and manifest errors in the Attorney General's opinion.

Furthermore, the Attorney General approves the reasoning of the Presiding Inspector that the paper during Bridges' sponsorship was under the control of the MWIU and the Communist Party in part because of its "consistent attacks upon reactionary leaders of the A. F. of L." Such reasoning would equally apply to many leaders as well as members of the A. F. of L. and the entire philosophy behind the inception and history of the C. I. O. Such reasoning is irrational.

(2) With reference to the "testimony" of O'Neil, the Attorney General incorrectly relied upon the advisory opinion of the Presiding Inspector and said:

> "The Board held that the statements were admissible for purposes of impeachment, but not as affirmative, probative evidence. The Board, admitting that the technical rules of evidence do not apply to administrative procedures, was of the opinion, nevertheless, that the fundamental requirement of a fair hearing required that the statements be excluded. With this I cannot agree. They were not submitted in the absence of the witness but only after he had taken the stand, admitted that he had made them, said he had spoken the truth when he made them, and denied merely that he had been correctly reported."

Finally the Attorney General said that

> "On the whole question I am of the opinion

that Judge Sears' decision to admit the statements was appropriate and legally sound."

This overlooks the fact that the Presiding Inspector can make recommendations but has no power or authority to make decisions and that final rulings on evidence are properly the function only of the Board of Immigration Appeals (cf. Rules, General Order No. C-26, §19 6(e)).

Subsequent to the hearings the witness O'Neil, upon [62] whom the Attorney General relies, was convicted of perjury because of his testimony at the hearing.

(3) The Attorney General despite the fact that both the Presiding Inspector and the Board of Immigration Appeals placed no credence in the testimony of Thomas Lawrence, Maurice J. Cannalonga, Richard A. St. Clair, Robert P. Wilmot, John Oliver Thompson, said that "taken as a whole it cannot, because of its volume, be completely disregarded." Although the Attorney General rules, where there is a conflict in the conclusions reached upon the same evidence between the Presiding Inspector and the Board of Immigration Appeals, that the former should control, because he saw the demeanor of the witnesses, the Attorney General nevertheless accepts as having probative value testimony of witnesses not believed even by the Presiding Inspector. Thus each individual liar's evidence apparently has no probative value but the cumulative effect of testimony by five liars "taken as a whole . . . cannot . . . be completely disregarded".

(4) With reference to the incident of the North American strike the Attorney General wrote:

> "Judge Sears held, justifiiably I think, that though this did not, as the Government contended, show membership or affiliation, it did show Bridges' sympathetic attitude towards a strike denounced as a Communist maneuver."

Thus the respondent's attitude is plainly not proof of membership or affiliation—it is at most "a sympathetic attitude towards a strike denounced as a Communist maneuver" (our underscore), i. e. the maneuver may or may not be Communist but the fact that it is so denounced is considered by the Attorney General as sufficient to make respondent's attitude toward it of some evidentiary value. This, it is submitted, is in conflict not alone with all the rules of evidence in judicial proceedings but as well with the requirement of a [63] fair hearing inherent in due process in administrative proceedings.

The errors in the opinion of the Attorney General heretofore pointed out, are illustrative of the false reasoning throughout, which cannot be clarified in detail except in a document as extended as the decision of the Board of Immigration Appeals. Upon the argument of the hearing or rehearing and in the briefs therein submitted finally, an opportunity would be given to point out the faulty reasoning and manifest errors committed.

A hearing or rehearing is now sought because of the aforementioned and other improprieties in the Attorney General's views which, because of the lim-

ited jurisdiction of the court on habeas corpus proceedings in deportation cases can never be judicially reviewed. The court cannot pass upon the weight of the evidence. On this point, Brandeis, J., writing for the Court in Tisi v. Todd (264 U. S. 131, 132), said:

> "We do not discuss the evidence; because the correctness of the judgment of the lower court is not to be determined by enquiring whether the conclusion drawn by the Secretary of Labor from the evidence was correct or by deciding whether the evidence was such that, if introduced in a court of law, it would be held legally sufficient to prove the fact found:
>
> "The denial of a fair hearing is not established by proving merely that the decision was wrong. Chin Yow v. United States, 208 U. S. 8, 13."

Only by a hearing or rehearing before the Attorney General can the errors committed be corrected, and a labor leader whose work is important to the war effort be freed from extended and costly litigation which will serve to divert his attention from his important war efforts, and the labor movement be saved from anxiety and expense. [64]

Wherefore petitioner respectfully requests that an opportunity be given to respondent and his attorneys to present argument and briefs to the Honorable Attorney General of the United States so that he may in the light of such briefs and argument reconsider and reverse his decision.

. . . . . .

United States of America,
Southern District of New York—ss.

Carol King, being duly sworn, says, that she is the petitioner above named; that she has read the foregoing petition and knows the contents thereof, and that the same is true to the knowledge of deponent, except as to the matters therein stated to be alleged upon information and belief, and as to these matters she believes it to be true.

Sworn to before me this 31st day of May, 1942.

[Notarial signature, stamp and seal.]

SAMUEL W. WEISS. [65]

EXHIBIT L

Before the Attorney General
of the United States
In Deportation Proceedings

In re:

HARRY BRIDGES

Case No. 55973/217

Now, this fourth day of June, 1942, upon the petition of Carol King, one of the attorneys for the respondent Harry Bridges for an opportunity to present argument and briefs to the Attorney General in favor of a reconsideration and reversal of his decision and order of May 28, 1942, due consideration having been given by me to the said petition and the allegations therein contained, it is

hereby ordered that the petition be, and the same is hereby denied.

/s/ FRANCIS BIDDLE,
Attorney General. [66]

[Title of District Court and Cause.]

TRAVERSE TO GOVERNMENT'S RETURN

Before Honorable Martin I. Welsh.

Petitioner above named herewith files his traverse to the Government's return herein, and alleges:

I.

Each and every allegation in the amended petition for writ of habeas corpus filed herein, together with the exhibits annexed thereto or therein incorporated, is, and they are all, hereby referred to, and by this reference realleged and incorporated herein, with the same force and effect as though set forth at length.

II.

The Government's return to the order to show cause, and the warrant of deportation and original record annexed to said return as Exhibit A, are, and each of them is, insufficient to justify denial of the writ of habeas corpus herein. [67]

III.

Said return and annexed exhibit are, and each of them is, insufficient, and they and each of them do actually serve, to establish that petitioner was de-

prived of liberty without due process of law, in violation of the Fifth Amendment to the Constitution of the United States, in that no substantial evidence was introduced at the hearings accorded petitioner in support either of the charges in the warrant of arrest or the findings in the warrant of deportation herein.

IV.

The said warrant and annexed exhibit are, and each of them is, insufficient, and they and each of them do actually serve, to establish that petitioner was deprived of liberty without due process of law, in violation of the Fifth Amendment to the Constitution of the United States, in that the hearings accorded petitioner were unfair, because the Rules and Regulations of the Immigration and Naturalization Service were violated in admitting, as affirmative proof of the facts therein set forth, testimony concerning certain private, unsworn and unsigned statements of one James D. O'Neil; and also in that, as the Board of Immigration Appeals stated in its decision, "The fundamental requirement of a fair hearing required that the statements be excluded", and by reason thereof said hearings, at which said incompetent statements were received and in which said statements constituted so large and vital a portion of the evidence, cannot and do not, consistent with the said due process clause of the Fifth Amendment to the Constitution of the United States, constitute the basis for the issuance of a warrant of deportation.

V.

The said return and annexed exhibit do, and each of them does, fail to deny that the Immigration and Naturalization Service [68] discriminated against petitioner in hastening to require petitioner's immediate surrender for deportation, whereas the Rules of the Immigration and Naturalization Service, §150.12(c), provide that "'. . . the Chief of the Warrant Branch . . . shall have authority . . . to exercise the powers of the Attorney General or the Commissioner of Immigration and Naturalization . . . to stay the execution of a warrant of deportation: Provided, however, that no stay, beyond six months from the date of the issuance of such warrant shall be granted without approval by the Special Assistant in Charge.'" Petitioner is informed and believes and therefore alleges that said Rule has uniformly been interpreted and applied so that, where an alien is ordered deported who has an established domicile in the United States and has resided in the United States with his family, and especially where the members of his family are citizens of the United States, he is allowed ninety days from and after the time of the issuance of a warrant of deportation before he is required to surrender for deportation. The refusal to allow petitioner the said usual time in which to surrender, in the face of petitioner's request for such time, as in the amended petition for writ of habeas corpus alleged, served to and did deny petitioner the equal protection of the laws, and thereby further deprived him of liberty without due process of law, in violation

of the Fifth Amendment to the Constitution of the United States.

VI.

The said return and annexed exhibit are, and each of them is, insufficient in that they do, and each of them does, fail to deny that the Attorney General fails to accord petitioner a fair hearing or any opportunity at all to be heard, and in that the Attorney General did not set forth in his decision that the Board of Immigration Appeals had (and it is the fact that said Board had not) certified that a question of difficulty was involved, or that the [69] Attorney General had (and it is the fact that notice has never been given petitioner that the Attorney General had) directed that the case be referred to himself for review, and thus the Attorney General failed to set forth jurisdictional facts upon which he purported to rely in rendering his decision, all of which did and does serve to deprive petitioner of due process of law, in violation of the Fifth Amendment to the Constitution of the United States.

VII.

The said return and annexed exhibit are, and each of them is, insufficient in that they do, and each of them does, fail to deny that the Attorney General made his decision without hearing the evidence in behalf of and against petitioner, and without having the legal and factual issues argued before him. In truth and in fact the argument made on behalf of petitioner before the Board of Immi-

gration Appeals was not stenographically or otherwise recorded, and was not transcribed, and therefore was not available to the Attorney General, who was personally not present at the time said argument was made to said Board. Petitioner was thus further deprived of liberty without due process of law, in violation of the Fifth Amendment to the Constitution of the United States.

VIII.

The said return and annexed exhibit are, and each of them is, insufficient in that they do, and each of them does, fail to deny that the Attorney General rendered his decision without informing petitioner of his proposed action. More particularly, the Attorney General did not serve upon petitioner or petitioner's counsel any proposed findings of fact or proposed conclusions of law. Petitioner was thereby further deprived of liberty without due process of law, in violation of the Fifth Amendment to the Constitution of the United States. [70]

IX.

The said return and annexed exhibit are, and each of them is, insufficient to, and they and each of them does, contradict the allegations in the amended petition that petitioner was deprived of liberty without due process of law, in that he was denied the equal protection of the laws, in violation of the Fifth Amendment to the Constitution of the United States. The Attorney General purports to rely in his decision upon the enactment of the Amendment of June 28, 1940 to the Immigration Act of October 16, 1918

(18 U.S.C. §137), when in truth and in fact such amendment did not present any new issue, but has served only to give a colorable basis for the issuance of the second warrant of arrest served on petitioner February 14, 1941. The said amendment did and does provide for deportation of an alien who was "at the time of entering the United States, or has been at any time thereafter" a member of a proscribed organization (54 Stat. 673). The Attorney General's opinion states in part:

> "The Attorney General in view of the amendment referred to, directed the Federal Bureau of Investigation to make a further investigation to determine whether under the law as changed, grounds existed for re-opening the deportation proceedings against Bridges."

Although the Attorney General thus purported to rely on the amendment of the law, whereby not alone present membership or affiliation but past membership or affiliation warranted deportation, in truth and in fact the 1939 proceeding was concerned, not alone with present membership or affiliation, but even more with past membership or affiliation; indeed, all of the evidence introduced in said hearing against petitioner was evidence of past membership or affiliation, and no evidence whatsoever of present membership or affiliation was introduced by the Government, and the Government's case for present membership and affiliation relied entirely upon inferences drawn, or presumptions based upon, evidence of past membership and affiliation [71]

With reference to petitioner's further contention that he was denied the equal protection of the laws, and thereby deprived of his liberty without due process of law in violation of the Fifth Amendment to the Constitution of the United States, in that no other deportation proceeding has been instituted for membership in or affiliation with the Marine Workers Industrial Union since January 3, 1934, the Attorney General's opinion is silent, but apparently relies on and accepts the following statement contained in the Memorandum of the Presiding Inspector:

> "As to the M.W.I.U., it should be noted that as this organization was dissolved in 1935, and as the law, as it stood before June 28, 1940, confined deportation proceedings such as the present one to aliens who, at the time of the institution of the proceeding were members or affiliates of described organizations, there could be no proceeding having reference to the M.W.I.U. from the time of is dissolution in 1935 to the 28th day of June, 1940. For factual as well as legal reasons, I conclude that the alien's point is not well taken." (p. 15)

The foregoing statement is a plain distortion, inasmuch as proceedings for past membership and affiliation could have been, and in fact were, instituted and brought by the Immigration Service up to the date of the decision of the United States Supreme Court in Kessler v Strecker, 307 U.S. 22, i.e., April 17, 1939. The fact that the Immigration Service brought no such proceeding for membership in or affiliation with the Marine Workers Industrial Union, or any other

union affiliated with the Trade Union Unity League, from January 3, 1934 to date; and the further fact, as petitioner is informed and believes and therefore alleges, that general instructions were issued by the Immigration Service to its inspectors, on or about January 3, 1934, not to initiate, and if initiated to discontinue, deportation proceedings for membership in or affilitation with the Marine Workers Industrial Union or any other union affiliated with the Trade Union Unity League; and the further fact that, as petitioner is informed and believes and therefore alleges, thousands [72] of persons, many of them aliens, were or had been members of or affiliated with such unions, all of which was known to the said Immigration Service, all serve to and do refute the attempted explanation, as aforesaid, for proceeding against petitioner for such alleged membership in or affiliation with the said Marine Workers Industrial Union on the basis of the change in law after January 28, 1940.

X.

The said return and annexed exhibit do, and each of them does, fail to deny that the application of the said amendment of January 28, 1940, to petitioner did and does constitute an ex post facto or retroactive law, in violation of the prohibitions of Article I, §9 of the Constitution of the United States, and thereby further deprives petitioner of liberty without due process of law, in violation of the Fifth Amendment to the Constitution of the United States, in that:

1. With respect to affiliation in the Marine Workers Industrial Union, all proof must have

stopped at least by 1935, inasmuch as the said organization admittedly either went out of existence at said time, or even at an earlier date, to-wit: January 3, 1934, since on said day the Commissioner of Immigration and Naturalization ruled that membership in or affiliation with the Marine Workers Industrial Union did not constitute grounds for deportation, whereas the order to deport petitioner purports to be under and by virtue of an act which did not become law until the year 1940, to-wit: the amendment of June 28, 1940;

2. With respect to membership in or affiliation with the Communist Party, the charge against petitioner is that, after entering the United States, he "has been" a member of or affiliated with said organization. After the 1939 [73] hearing against petitioner, the Trial Examiner in his Findings and Conclusions found neither membership in nor affiliation with the Communist Party. The said 1940 amendment to the Immigration and Naturalization Laws was enacted to authorize and direct deportation for past membership and affiliation in proscribed organizations. As alleged, the Attorney General directed a further investigation of petitioner "to determine whether under the law as changed, grounds existed for re-opening deportation proceedings against Bridges" (emphasis ours). All the evidence relied on by the Attorney General in his order of deportation against petitioner concerns the same kind of

acts or conduct embraced within the same period of time covered by the evidence at the first hearing against petitioner, to-wit: from 1932 through a part of 1938; whereas the order to deport petitioner purports to be under and by virtue of an act which became law in 1940.

XI.

The said return and annexed exhibit, and the Opinion and Decision of the Board of Immigration Appeals, and the Decisions and Order of the Attorney General, established that petitioner was deprived of liberty without due process of law, in violation of the Fifth Amendment to the Constitution of the United States, in that:

1. The Attorney General reversed the Findings of Fact, Conclusions of Law, Decision and Order of the Board of Immigration Appeals without finding the said Findings, Conclusions, Decision and Order unsupported by substantial evidence;

2. Said Findings, Conclusions, Decision and Order of the Board of Immigration Appeals were supported by substantial evidence;

3. The Attorney General, in his decision, relied in part on the testimony of Government witnesses Diner, Honig, Lawrence, Canna- [74] longa, St. Clair, Wilmot and Thompson, none of whom he had seen or had the opportunity to observe when they gave their testimony, and none of whose testimony was accepted either by the Presiding Inspector or the Board of Immigration Appeals as establishing the facts to which they testified;

4. The Decision and Order of the Attorney General is based upon an erroneous conception and definition of the term "affiliation," for which no support or warrant can be found in the statute as written (8 U.S.C. §137) or as judicially construed;

5. The Attorney General, in his decision, manifestly adopts the following method in resolving the conflict between the proposed Findings and Conclusions of the Presiding Inspector, and the Decision of the Board of Immigration Appeals, to-wit: said Attorney General counter-poses the said proposed Findings and the said Decision against each other, and in instance after instance resolves said conflict in favor of said proposed Findings, and adversely to the Decision of said Board, upon the ground that the said Presiding Inspector saw and heard the witnesses at said hearing; and in so doing, the Attorney General violates his own Rules and Regulations, and the Rules and Regula ions issued and promulgated by the Department of Justice, for the reason that the said Rules and Regulations do not warrant, justify, or authorize the Attorney General to resolve such conflict as the aforesaid by resort to the fact that the Presiding Inspector had seen the witnesses, inasmuch as the said Rules and Regulations expressly provide that, notwithstanding the fact that the Presiding Inspector sees and hears the witnesses and the Board of Immigration Appeals does not, the former has power and authority only to propose Findings and Conclusions, whereas the Board is expressly given authority and power to make a binding decision. Thus, the pattern,

contained in and laid down by said Rules and Regulations, according to which decisions shall be arrived at [75] and made, is violated by the Attorney General's resort, as aforesaid, to the fact that the Presiding Inspector has seen witnesses, as the basis for overruling the Decision of the Board. In violating the said Rules and Regulations, the Attorney General violates the law, for the said Rules and Regulations have the force and effect of law;

6. Petitioner is informed and believes and therefore alleges that no hearing has ever been accorded by the Attorney General in any Immigration or Deportation proceeding, and there is no procedure in the Regulations of the Immigration and Naturalization Service or elsewhere for application to be made for any hearing, nor for any hearings to be granted, by the Attorney General in any Immigration or Deportation proceeding.

XII.

The issuance of the warrant of deportation, a copy of which is attached to the return herein, and the detention of petitioner thereunder, do and each of them does deprive petitioner of due process of law, in violation of the Fifth Amendment to the Constitution of the United States, in that petitioner is thereby deprived of the equal protection of the laws, and further in that the issues in the said second hearing which resulted in the issuance of the said warrant, were and are res judicata, and in that petitioner was subjected to double jeopardy in and by said second hearing against him, and in that the said 1940 amendment to the Deportation Law, as

applied to petitioner, is an ex post facto or retroactive law, also violating Article I §9 of the Constitution of the United States. Said warrant issued as a result of the said Decision and Order of the Attorney General overruling the Decision of the Board of Immigration Appeals, without any notice or opportunity for argument having been accorded petitioner or his counsel, and without any finding that the decision or findings of the Board of Immigration Appeals were or are without evidence to support them, or were or are in conflict [76] with the evidence; and petitioner is further informed and believes and therefore alleges that the Attorney General had not read or familiarized himself with the record, briefs, pleadings, affidavits, transcript, and exhibits in the second hearing against petitioner.

Said warrant and detention thereunder further do, and each of them does, deprive petitioner of his rights of freedom and speech, freedom of press, freedom of peaceable assembly, and freedom to petition the Government for a redress of grievances, all in violation of the First Amendment to the Constitution of the United States.

XIII.

Each of the errors pointed out hereinabove, and in the amended petition for writ of habeas corpus herein, taken separately, and all of them taken together, were and are prejudicial to petitioner, and did and do serve to deprive petitioner of liberty without due process of law, in violation of the Fifth Amendment to the Constitution of the United States.

Wherefore, petitioner prays that the writ of habeas corpus issue, and that the petitioner may have his freedom.

LEE PRESSMAN,
Congress of Industrial Organizations, Washington, D. C.
CAROL KING,
100 Fifth Avenue, New York City, New York.
GLADSTEIN, GROSSMAN, MARGOLIS & SAWYER,
560 Mills Tower, San Francisco, California.
By RICHARD GLADSTEIN,
AUBREY GROSSMAN,
Attorneys for Petitioner. [77]

State of California,
City and County of San Francisco—ss.

Richard Gladstein, being first duly sworn, deposes and says:

That he is one of the attorneys for the petitioner in the above entitled matter; that petitioner is outside of the City and County of San Francisco, State of California, where affiant has his offices, and he therefore makes this verification on behalf of said petitioner; that he has read the foregoing Traverse to Government's Return and knows the contents thereof; that the same is true of his own knowledge, except as to the matters which are therein stated on in-

formation and belief, and as to those matters that he believes it to be true.

RICHARD GLADSTEIN.

Subscribed and sworn to before me this 24th day of August, 1942.

(Seal) DOROTHY H. McLENNAN,
Notary Public in and for the City and County of San Francisco, State of California.

(Receipt of service.)

[Endorsed] Filed Aug. 24, 1942. [78]

[Title of District Court and Cause.]

NOTICE OF MOTION AND MOTION FOR ORDER TO TAKE DEPOSITION.

To Frank J. Hennessey and Louis R. Mercado, United States Attorney and Assistant United States Attorney Respectively:

Before Honorable Martin I. Welsh

You and Each of You Will Please Take Notice that, on the 25th day of September, 1942, at 10 o'clock A. M. thereof, or as soon thereafter as counsel can be heard, in the courtroom of the Hon. Martin I. Welsh, at Sacramento, California, the above-named petitioner will, and he hereby does move the Court for an order to take the deposition of Hon. Francis Biddle, Attorney General of the United States, and Earl G. Harrison, Esq., Commissioner, Immigration and Naturalization Service, or any person or persons that he or they may designate, at such time and place

and before such officer as the Court shall direct, concerning the following matters.

I.

1. Whether subsequent to January 3, 1934, any instruction, direction, memorandum, or other written or printed information or order was sent to the field officers or the Central Office of the Immigration and Naturalization Service advising such officers or any of them to discontinue or not to [79] institute deportation proceedings against any class of persons or against any individual alien because of his or their membership in or affiliation with the Marine Workers' Industrial Union, the Trade Union Unity League, or any affiliate of the Trade Union Unity League.

2. Whether subsequent to January 3, 1934, any deportation proceeding was instituted or carried forward against any alien because of his membership in or affiliation with the Marine Workers' Industrial Union, the Trade Union Unity League, or any affiliate of the Trade Union Unity League.

3. Whether the Immigration and Naturalization Service knew or had facts upon which they should have known that there were and are thousands of aliens in the United States who at the time were, are, had been or have been members of or affiliated with the Marine Workers' Industrial Union, the Trade Union Unity League, or any affiliate of the Trade Union Unity League after January 3, 1934.

4. Whether in or about or subsequent to the year 1920, any instruction, direction, memorandum, or

other written or printed information or order was sent to the field officers or the Central Office of the Immigration and Naturalization Service advising such officers or any of them to discontinue or not to institute deportation proceedings against any class of persons or against any individual alien because of his or their membership in or affiliation with the Industrial Workers of the World.

5. Whether in or about or subsequent to the year 1920, any deportation proceeding was instituted or carried forward against any alien because of his membership in or affiliations with the Industrial Workers of the World. [80]

6. Whether the Immigration and Naturalization Service knew or had facts upon which they should have known that there were and are thousands of aliens in the United States who at the time were, are, had been or have been members of or affiliated with the Industrial Workers of the World in or about or subsequent to the year 1920.

II.

A direction to the said Hon. Francis Biddle, Attorney General of the United States, and Earl G. Harrison, Esq., Commissioner, Immigration and Naturalization Service, or any person or persons that he or they may designate, requiring him or them upon the taking of the said deposition to produce the following:

1. All written opinions, rules, instructions, memoranda, communications, formal or informal, or regulations of whatever nature or kind which were sent to

the field officers or the Central Office of the Immigration and Naturalization Service advising such officers or any of them to discontinue or not to institute deportation proceedings against any class of person or against any individual alien because of his or their membership in or affiliation with the Marine Workers' Industrial Union, the Trade Union Unity League, or any affiliate of the Trade Union Unity League.

2. All written opinions, rules, instructions, memoranda, communications, formal or informal, or regulations of whatever nature or kind which were sent to the field officers or the Central Office of the Immigration and Naturalization Service advising such officers or any of them to discontinue or not to institute deportation proceedings against any class of person or against any individual alien because of his or their membership in or affiliation with the Industrial Workers of the World. [81]

The above matters are material and relevant in support of petitioner's claim that he is being denied equal protection of the laws and is being denied his liberty without due process of law in violation of the Fifth Amendment to the Constitution of the United States. None of such matters can be proved without the taking of said deposition and the issuance of said subpoenas.

Petitioner also requests such other, further and different relief as may seem proper to the Court upon this motion.

Yours, etc.,

LEE PRESSMAN,
Congress of Industrial Organizations, Washington, D. C.
CAROL KING,
100 Fifth Avenue, New York, N. Y.
GLADSTEIN, GROSSMAN, MARGOLIS & SAWYER,
561 Mills Tower, San Francisco, California.
By: RICHARD GLADSTEIN,
AUBREY GROSSMAN,
Attorneys for Petitioner. [82]

[Title of District Court and Cause.]

AFFIDAVIT OF CAROL KING IN SUPPORT OF NOTICE OF MOTION AND MOTION FOR ORDER TO TAKE DEPOSITION

State of New York,
City of New York,
County of New York—ss.

Carol King, being first duly sworn, deposes and says:

I am one of the attorneys for Harry Bridges, the petitioner herein. During the hearings conducted before Presiding Inspector Charles B. Sears I signed applications for a subpoena and a subpoena duces

tecum for Frances Perkins, Secretary of the Department of Labor, Gerard D. Reilly, formerly Solicitor of Labor, and Lemuel B. Schofield, the then acting Chief of the Immigration and Naturalization Service, in order that these three officials should appear and testify at such hearings and produce documents in their possession with reference to deportation proceedings instituted subsequent to the order of the Commissioner of Immigration, Daniel W. MacCormack, dated January 3, 1934, against aliens for membership in or affiliation with the Marine Workers' Industrial Union and the Trade Union Unity League, and with reference to deportation proceedings instituted in or about or [83] subsequent to the year 1920 against aliens for membership in or affiliation with the Industrial Workers of the World. A copy of said applications is attached hereto and made a part hereof.

The said Presiding Inspector declined to issue the said subpoenas [Transcript, pp 5047-50] and the applications thereafter were marked Alien's Exhibits Nos. 28 and 29 for identification [Transcript, p 5051.]

In his Memorandum of Decision the Presiding Inspector wrote:

"Subpoenas were issued in every case where a request, in accordance with the rules of the Department, was presented to me except in the case of requests for the examination of Lemuel B. Schofield, Special Assistant to the Attorney General in Charge of Immigration and Naturalization; Frances Perkins Secretary of Labor and Gerard D. Reilly, So-

licitor of the Department of Labor, and for the production of documents by them from Government archives and files.

"The ground for alien's applications for such subpoenas was his claim that this proceeding so far as it related to Bridge's connection with the M. W. I. U., the I. L. D., the T. U. U. L., the I. W. W. denied Bridges the equal protection of the laws, amounting to a denial of due process, in violation of the Fifth Amendment of the Constitution in that, since 1920, the Immigration and Naturalization Service has held that membership in the Industrial Workers of the World did not render an alien deportable, and that since January 3, 1934, has ruled that membership in or affiliation with the M. W. I. U. and I. L. D. and T. U. U. L. did not render an alien deportable, and despite the presence in the country of many thousands of members of such organizations, since 1920, no proceeding has been instituted nor any action taken to carry forward any proceeding heretofore instituted to deport any alien for membership in our affiliation with the Industrial Workers of the World, and that since January 3, 1934, no proceeding has been instituted, despite the presence in the country of thousands of alien members of such organizations, nor any action taken to carry forward any proceeding theretofore instituted to deport any alien for membership in or affiliation with the Marine Workers Industrial Union, the International Labor Defense or the Trade Union Unity League, whereas the present proceedings against Bridges is based upon such membership or affiliations. [84]

"The requests for these subpoenas were denied, first, because I was of the opinion that I was without power to call before me the present head of the Immigration Service in the Department of Justice, or the present head or Solicitor of the Department of Labor, in which Department the Immigration Service was previously included, and, second, because any official ruling of a Department or Service of the Government would be a matter of public record and could be otherwise produced, and, third, because in my opinion the evidence sought was wholly immaterial, the fundamental questions of the character of the organizations mentioned being a matter of fact, open to proof in each particular case." (pp. 9-10.)

The said Presiding Inspector was in error in stating that any official ruling of a Department or Service of the Government would be a matter of public record, and could be otherwise produced. The rulings of the Immigration and Naturalization Service are not matters of public record and are in fact kept secret and confidential and are frequently not even mimeographed for the use of the Service. [See Immigration and Naturalization Service, pp. 127-135.]

On or about the 28th day of August, 1942, I requested Earl G. Harrison, Esq., Commissioner, Immigration and Naturalization Service, to furnish the information here sought and at that time left with him a draft of the motion hereto annexed. On the 8th day of September, 1942, I received the annexed letter from the said Commissioner stating that "the motion should be presented to the Court in due

course and pending action by the Court the information will not be furnished in any other manner.

Wherefore deponent respectfully requests that this Court direct the taking of depositions of Hon. Francis Biddle, Attorney General of the United States, and Earl G. Harrison, Esq., Commissioner, Immigration and Naturalization Service, or any person or persons that he or they may designate as hereinabove requested.

CAROL KING.

Sworn to before me this 8th day of September, 1942.

SALLY N. FUCHS,
Notary Public, New York County. New York County Clerk's No. 186. Commission expires March 30, 1944. [85]

(Copy)

Earl G. Harrison
Commissioner

Department of Justice
Immigration and Naturalization Service
Philadelphia

55973/217

September 5, 1942

Mrs. Carol King
100 Fifth Avenue
New York City, N. Y.

Dear Mrs. King:

In accordance with the request made by you in our conference a few days ago I have discussed

with the Department the matter of your motion for order to take deposition. It is our opinion that the motion should be presented to the Court in due course and pending action by the Court the information will not be furnished in any other manner.

Very sincerely yours,
(Signed) EARL G. HARRISON
Commissioner [86]

Before the Department of Justice of the United States of America

Case No. 55973/217

In the Matter of

HARRY RENTON BRIDGES

APPLICATION FOR SUBPOENA

State of California
City and County of San Francisco—ss.

Carol King, being first duly sworn, deposes and says:

That she is one of the attorneys for Harry Renton Bridges in the above proceedings and that certain testimony is necessary and material for the issues involved in the said proceedings, and that the testimony of Frances Perkins, Gerard D. Reilly, and Lemuel B. Schofield is relevant and material therein, more particularly on the issue of

whether said Harry Renton Bridges is being denied equal protection of the laws, in violation of Article 5 of the Amendments to the Constitution of the United States, in that since in or about 1920 the Immigration and Naturalization Service as the said Frances Perkins, Gerard D. Reilly and Lemuel B. Schofield well know, has held that membership in or affiliation with the Industrial Workers of the World did not render an alien deportable and since on or about January 3, 1934, has ruled that membership in or affiliation with the Marine Workers Industrial Union, the International Labor Defense or the Trade Union Unity League did not render an alien deportable, and that no alien should be arrested for membership in or affiliation with said organizations, and that since 1920, despite the presence in the country of many thousands of alien members of [87] such organization, no proceedings have been instituted, nor any action taken to carry forward any proceeding theretofore instituted to deport any alien for membership in or affiliation with the Industrial Workers of the World, and that since January 3, 1934, no proceedings have been instituted, despite the presence in the country of thousands of alien members of such organizations, nor any action taken to carry forward any proceeding theretofore instituted to deport any alien for membership in or affiliation with the Marine Workers Industrial Union, the International Labor Defense or the Trade Union Unity League, whereas it is now sought to deport the said Harry Renton Bridges for former membership in the said Industrial

Workers of the World and for former membership in or affiliation with the Marine Workers Industrial Union, the International Labor Defense and the Trade Union Unity League. That said Frences Perkins, Gerard D. Reilly and Lemuel B. Schofield will not appear without a subpoena.

Wherefore, applicant prays that subpoenas be issued requiring Frances Perkins, Gerard D. Reilly and Lemuel B. Schofield to attend as witnesses at the trial of the above proceedings.

(Signed) CAROL KING

Dated for Appearance, Wednesday, May 28, 1941.

Subscribed and sworn to before me this 22nd day of May, 1941.

[Seal] DOROTHY H. McLENNAN

Notary Public in and for the City and County of San Francisco, State of California.

My commission expires December 24, 1942. [88]

Before the Department of Justice of the United States of America

Case No. 55973/217

In the Matter of

HARRY RENTON BRIDGES

APPLICATION FOR SUBPOENA DUCES TECUM

State of California

City and County of San Francisco—ss.

Carol King, being first duly sworn, deposes and says:

That she is one of the attorneys for Harry Renton Bridges in the above case, and that certain documents are necessary and material to the issues involved in the said case and the said documents are, to wit: all written opinions, rules, instructions, memoranda, communications, formal or informal or regulations of whatever nature or kind promulgated by the Immigration and Naturalization Service, or any officer thereof, dealing with or bearing upon the arrest, deportation or discharge of any alien or class of aliens based upon membership in or affiliation with the Industrial Workers of the World, the International Labor Defense, the Marine Workers Industrial Union or the Trade Union Unity League, and more particularly such opinions, rules, instructions, memoranda, communications and regulations determining or indicating in any way that any alien or class of aliens should not be arrested for or proceeded against for membership in or affiliation with said Industrial Workers of the World, International Labor Defense, Marine Workers Industrial Union or Trade Union Unity League, or that warrants of arrest should be [89] cancelled or proceedings discontinued or terminated in the case of any alien or class of aliens theretofore arrested because of membership in said Industrial Workers of the World, International Labor Defense, Marine Workers Industrial Union or Trade Union Unity League.

Said opinions, rules, instructions, memoranda, communications and regulations are material to the

issues by reason of their bearing upon the question of whether said Harry Renton Bridges is being denied equal protection of the laws guaranteed by Article V of the Amendments to the Constitution of the United States in the construction and application of the Immigration Laws and rules promulgated pursuant thereto and are necessary to be produced in order to establish that said Harry Renton Bridges is in fact being denied equal protection of the laws guaranteed by Article V of the Amendments to the Constitution of the United States in the construction and application of the Immigration Laws and rules promulgated pursuant thereto in that it is sought to deport said Harry Renton Bridges for former membership in the Industrial Workers of the World whereas the Immigration and Naturalization Service despite the presence in the United States of many thousands of alien members of such organization has not sought to deport any alien for either former or existing membership in said Industrial Workers of the World since 1920, and is now seeking to deport said Harry Renton Bridges for former membership in or affiliation with the International Labor Defense, the Marine Workers Industrial Union and the Trade Union Unity League, whereas the Immigration and Naturalization Service despite the presence in the United States of thousands of members of such organizations has not sought to deport any alien for former membership in or affiliation with the International Labor Defense, the Marine Workers Industrial Union or the Trade

Union Unity League [90] since on or about January 3, 1934.

Affiant believes that Frances Perkins, Gerard D. Reilly and Lemuel B. Schofield have custody of said opinions, rules, instructions, memoranda, communications and regulations and will not appear without subpoena.

Wherefore, affiant prays that subpoenas duces tecum be issued requiring said Frances Perkins, Gerard D. Reilly and Lemuel B. Schofield to attend as witnesses in the trial of the proceedings and to bring with them the documents above described.

(Signed) CAROL KING

Date for Appearance: Wednesday, May 28, 1941.

Subscribed and sworn to before me this 22nd day of May, 1941.

[Seal] THOMAS A. DOUGHERTY

Notary Public in and for the City and County of San Francisco, State of California.

[Endorsed]: Filed Sept. 14, 1942. [91]

[Title of District Court and Cause.]

NOTICE OF MOTION, AND MOTION, FOR ISSUANCE OF SUBPOENA DUCES TECUM

To Frank J. Hennessey and Louis R. Mercado, United States Attorney and Assistant United States Attorney Respectively:

Before: Honorable Martin I. Welsh.

You and Each of You Will Please Take Notice that, on the 31st day of August, 1942, at 10 o'clock a.m. thereof, or as soon thereafter as counsel can be heard, in the courtroom of the Hon. Martin I. Welsh, at the Post Office Building, 7th and Mission Streets, San Francisco, California, the above named petitioner will, and he hereby does, move the court for its order directing the issuance of a subpoena duces tecum against Francis Biddle as Attorney General of the United States, and/or J. Edgar Hoover as Director of the Federal Bureau of Investigation, requiring the said Biddle and Hoover, or either of them, personally or through representatives selected by them or either of them, to bring and pro- [92] duce at a time and place to be fixed by the said court:

1. All written statements, whether in narrative or question and answer form, and whether signed or unsigned, made or dictated by, or taken from, one Maurice J. Cannalonga, which said statements were taken by Earl Connelley, the then Administrative Assistant to the said

J. Edgar Hoover, and which said statements at all times since have been and now are in the possession and under the control of the said Biddle and/or Hoover; and

2. All records, reports or transcripts of interviews, statements, affidavits, reports, and all other writings of any kind or character dealing with or pertaining to that certain investigation conducted by agents or officers of any branch of the United States Government between May 6 and June 6, 1941, into the circumstances surrounding the taking of that certain deposition, on May 6, 1941, in Portland, Oregon, of the said Cannalonga, and particularly covering the question of whether the said Cannalonga was drunk during the taking of said May 6 deposition, which said records, reports, etc., have been and now are in the possession and under the control of the said Biddle and/or Hoover,

then and there to be examined under oath concerning the same.

Said motion will be, and is, made upon the ground that said statements and the said reports, etc., are material and necessary to enable petitioner to establish that the Government, on the 4th day of June, 1941, produced the said Cannalonga as a witness against petitioner in the hearings heretofore held in the above matter, well knowing that said Cannalonga intended to, and in fact did, wilfully give false testimony.

Said motion will be, and is, based upon this notice, the [93] affidavit of Richard Gladstein, hereto annexed, and all of the records, papers, pleadings and exhibits on file in this proceeding.

Dated: August 24, 1942.

LEE PRESSMAN
Congress of Industrial Organizations
Washington, D.C.
CAROL KING
100 Fifth Avenue
New York City, New York
GLADSTEIN GROSSMAN
MARGOLIS AND SAWYER
560 Mills Tower
San Francisco, California
By RICHARD GLADSTEIN
AUBREY GROSSMAN
Attorneys for Petitioner.

MEMORANDUM OF POINTS AND AUTHORITIES

See authorities cited in Opening Brief on behalf of petitioner, PP. 267-8. [94]

[Title of District Court and Cause.]

AFFIDAVIT OF RICHARD GLADSTEIN IN SUPPORT OF NOTICE OF MOTION, AND MOTION, FOR ISSUANCE OF SUBPOENA DUCES TECUM

State of California,
City and County of San Francisco—ss.

Richard Gladstein, being first duly sworn, deposes and says:

I am one of the attorneys of record for Harry Bridges, petitioner in the above matter.

During the hearings in the above matter, conducted before Presiding Inspector Charles B. Sears, the Government produced against petitioner a witness named Maurice J. Cannalonga, who testified in substance and effect that petitioner had attended certain Communist Party meetings at which the said Cannalonga was present. Said testimony was given on April 17, 1941. Shortly thereafter, on May 4, 1941, the said Cannalonga gave a deposition under oath [see Alien's [95] Exhibit 13 in evidence] in Portland, Oregon, repudiating the said testimony given on the witness stand, and stating further that the said testimony given at the hearing was false, and was known to be false by the Government agents who produced him as a witness.

On June 4, 1941, Cannalonga was again produced by the Government as its witness, and he then testified in substance and effect that he did not know what he had said in the May 6, 1941, deposition, because he had been drunk [see Transcript, p. 633].

In so testifying, the said Cannalonga wilfully gave false testimony, and the said Presiding Inspector expressly found, in his Memorandum of Decision, as follows:

> "At times, in my judgment, he [Cannalonga] clearly falsified, particularly in relation to his alleged intoxication, and other evidence subsequent to his first appearance as a witness." [See Sears, Memorandum of Decision, pp. 151-2.]

Also concerning said testimony, the Board of Immigration Appeals found as follows:

> "The tortuous convolutions of Maurice J. Cannalonga's testimony rendered it worthless on its face . . . That he lied freely is evident." [See Decision of the Board of Immigration Appeals, p. 5, footnote 4.]

Before producing said Cannalonga as a witness for the second time, the Government agents in charge of the prosecution against petitioner announced their intention to investigate the "circumstances surrounding" the taking of the said May 6 deposition [see Transcript, p. 3058], and did in fact conduct such an investigation [see Transcript, p. 7294]. Affiant alleges as a fact that said Government agents, as a result of said investigation, well knew that said Cannalonga was not drunk during the taking of the said May 6 deposition. Affiant is informed and believes and therefore alleges that, in accordance with the usual procedure in such cases, records, memoranda and

written reports of the said investigation into the circumstances surrounding the taking of the May 6 deposition, and particularly concerning the question of whether said Cannalonga was drunk during [96] the taking of the said May 6 deposition, were made by agents of the Federal Bureau of Investigation and of the Immigration and Naturalization Service of the Department of Justice, and said records, reports, etc., ever since have been and now are in the possession and under the control of the said Biddle and/or the said Hoover.

Between June 1 and June 4, 1941, the said Cannalonga was in the constant "protective custody" of agents of the Federal Bureau of Investigation [see Transcript, pp. 6360-70]. During said period, at least two Government agents were with Cannalonga at all times except when he went to bed [see Transcript, pp. 6368-71].

While said Cannalonga was in such protective custody, Government agents, particularly the said Earl Connelley, took from Cannalonga one or more written statements, the taking of which occupied in the neighborhood of four hours or more; and thereafter the said Cannalonga signed one or more of said statements [see Transcript, pp. 6354-66].

Affiant alleges it as a fact that the said Government agents, as a result of the said statement or statements taken from the said Cannalonga, and of the aforementioned records, reports, etc., well knew that the said Cannalonga was not drunk at the time he gave the aforementioned May 6 depo-

sition, and well knew that in producing Cannalonga on June 4 to testify to the contrary, they, the said agents, wilfully and knowingly participated in the presentation of evidence which they knew or should have known was false and untrue.

The materiality of said statement or statements and said records, reports, etc., to the issues in the above proceeding consists of the fact that the said Government agents in charge of the prosecution against petitioner are shown by said statement or statements and said records, reports, etc., to have attempted to, and they did, deceive the Presiding Inspector sitting at said hearing, the Board of Immigration Appeals, and the Attorney General, and by [97] reason thereof suspicion is cast upon the entire case presented against petitioner by the Government. In this connection, the Government is not entitled to be protected against the inquiry requested in the foregoing notice of motion and motion by resort to any theoretical presumption of innocent conduct, particularly in view of the fact that the identical agents of the Government who were in charge of the prosecution of the above proceeding against petitioner, have expressly been found, by the Presiding Inspector, guilty of a violation of §605 of the Federal Communications Act, in that they illegally tapped telephone wires in the room of petitioner during a period of more than two weeks, from August 5 to August 22, 1941

[see Sears, Memorandum of Decision, Appendix, pp. 183-4].

RICHARD GLADSTEIN

Subscribed and sworn to before me this 22nd day of August, 1942.

[Seal] DOROTHY H. McLENNAN

Notary Public in and for the City and County of San Francisco, State of California.

(Receipt of Service.)

[Endorsed] Filed Aug. 24, 1942. [98]

In the District Court of the United States for the Northern District of California Northern Division.

NO. 1836

In the Matter of the Petition of

HARRY BRIDGES

For a Writ of Habeas Corpus.

Lee Pressman
Congress of Industrial Organizations
Washington, D. C.

Carol King
100 Fifth Avenue, New York City, N. Y.

Gladstein, Grossman, Margolis and Sawyer
560 Mills Tower, San Francisco, Cal.
Attorneys for Petitioner.

Frank J. Hennessy,
United States Attorney,
Northern District of California,

Louis R. Mercado,
Assistant United States Attorney for the Northern District of California,
Post Office Building, San Francisco, Cal.
Attorneys for Respondent.

.....

OPINION and ORDER [99]

The petitioner, Harry Bridges, an alien, in his application for the issuance of a writ of habeas corpus, attacks the legality of his detention by the United States Immigration Authorities, for deportation to Australia, on numerous grounds each of which will be considered. In answer to an order issued by this Court to show cause why the writ of habeas corpus should not be granted, the respondent, I. F. Wixon, as District Director, Immigration and Naturalization Service of the Department of Justice, made return that the petitioner is being detained "under and by virtue of a warrant of deportation duly and regularly issued by the Attorney General of the United States after a hearing duly and regularly held before a Presiding Inspector of the Immigration and Naturalization Service." The hearing referred to in the return constituted the second inquiry into the deportability of Harry Bridges. The entire record pertaining to the second deportation proceedings was submitted with the return. The

petitioner's traverse thereto does not take issue with the verity of the record thus submitted, but rather with the sufficiency of the return to justify a denial of the writ. I have, therefore, examined the petition of Harry Bridges to determine if the same alleges grounds for the issuance of the writ, considering the sufficiency of the allegations contained in the petition in the light of what is revealed by the records of the Immigration Service pertaining to the proceedings culminating in the order of deportation against petitioner.

Petitioner invokes the protection of the double jeopardy clause of the 5th amendment to the United States Constitution as a bar to the deportation proceedings resulting in his present detention. He contends that prior deportation proceedings taken against him in 1938 and 1939 involved the same charges, of which he was then cleared, as those involved in the later proceedings for which he is now held for deportation. [100]

I will not here consider the claimed identity of factual issues involved in the two deportation proceeding since in neither proceeding was petitioner charged with any offense within the meaning of the double jeopardy clause. And consequently there was no double jeopardy. The United States Supreme Court has held that a deportation proceeding is aimed at the revocation of a privilege and not as punishment for crime. (Mahler vs. Eby, 264 U.S. 32; 44 Sup. Ct. Rep. 283). And has stated that the constitutional protection against double jeopardy

applies only to proceedings essentially criminal, of which nature proceedings in deportation do not partake. (Helvering vs. Mitchell, 303 U.S. 391, 398, 399 and footnote, page 399)

In the warrant of arrest which instituted the second deportation proceedings against petitioner on February 14, 1941, it was charged of petitioner that "after entering the United States he has been a member of or affiliated with an organization, association, society, or group that believes in, advises, advocates, or teaches the overthrow by force or violence of the Government of the United States; and that after entering the United States he has been a member of or affiliated with an organization, association, society, or group that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue or display, written or printed matter advising, advocating, or teaching the overthrow by force or violence of the Government of the United States."

[101]

His detention for deportation on these grounds, if established, is justified by the provisions of the Alien Registration Act of October 16, 1918, as amended by the Acts of June 5, 1920 and June 28, 1940 (8 USCA 137) as follows:—

> "Any alien who was at the time of entering the United States, or has been at any time thereafter, a member of any one of the classes of aliens enumerated in this section, shall, upon

the warrant of the Attorney General, be taken into custody and deported in the manner provided in section ..... of this title. The provisions of this section shall be applicable to the classes of aliens mentioned in this act, irrespective of the time of their entry into the United States."

One of the classes of aliens mentioned in the Act and to which the provisions of the above quoted excerpt apply are:

"Aliens who ..... are members of or affiliated with any organization, association, society or group that believes in, advises, advocates, or teaches: (1) The overthrow by force or violence of the Government of the United States...."

"Aliens who are members of or affiliated with any organization, association, society, or group that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display, any written or printed matter of the character described in paragraph (d)"

Paragraph (d) mentioned in the above quotation refers to written or printed matter advising, advocating or teaching the overthrow by force or violence of the Government of the United States.

The order of deportation in the second proceeding is based upon the finding of the Attorney-General that after entering the United States in 1920, peti-

tioner has been a member of the Communist Party of the United States, and affiliated therewith and with the Marine Worker's Industrial Union, and that these organizations are within the class proscribed by statute. [102]

In the earlier deportation proceeding instituted against the petitioner in 1938 and terminating in his favor in 1939, the issue was confined to the alien's membership in or affiliation with the Communist Party of the United States at the time of the institution and prosecution of that proceeding. The issue was thus limited because of the decision of Kessler vs. Strecker, 307 U.S. 22, interpreting the Act of October 16, 1918 as it read prior to its amendment in 1940, to render an alien deportable upon proof of existing membership in or affiliation with proscribed organizations, but not because of any such past and discontinued membership or affiliation. The trial examiner in the first hearing found that the evidence did not establish existing membership or affiliation on the part of petitioner with the Communist Party of the United States and the Secretary of Labor, accordingly, dismissed the proceedings. By the amendment of June 28, 1940, Congress clarified its intent to include within the deportable class those aliens who, at any time since entry into the United States, have been members of or affiliated with organizations within the proscribed class, regardless of whether or not their membership or affiliation may have terminated before deportation proceedings against them are commenced. It was pursuant to this amendment

that the second proceeding against petitioner was instituted to inquire into his deportability for past membership in or affiliation with organizations proscribed by law.

I do not consider tenable the argument of petitioner's counsel that the Act as amended in 1940, reasonably construed, should be held to refer to alien membership in or affiliation with proscribed organizations found to exist either at the time of the alien's entry into the United States or at any time after passage of the 1940 amendment, but not to membership or affiliation having its inception after the alien's entry into this country but [103] terminating before passage of the 1940 amendment. The Act as amended in 1940 provides for the deportation of any alien "who was at the time of entering the United States, or has been at any time thereafter" a member of or affiliated with the described organizations. This language is sufficiently plain in its application to all cases of such membership or affiliation shown to exist at the time of an alien's entry into the United States or at any time thereafter.

Petitioner claims that since the only evidence in the second proceeding which can support a finding of former membership in or affiliation with a proscribed organization on his part relates to a period of time antedating the passage of the 1940 amendment, that consequently, as applied to him, the 1940 amendment is an ex post facto law. It is not an ex post facto law because it is not a criminal law.

"It is well settled that deportation, while it

may be burdensome and severe for the alien, is not a punishment. . . . The right to expel aliens is a sovereign power necessary to the safety of the country and only limited by treaty obligations in respect thereto entered into with other governments. . . . The inhibition against the passage of an ex post facto law by Congress in Section 9 of Article I of the Constitution applies only to criminal laws. . . . , and not to a deportation act like this. . . . "

(Mahler vs. Eby; 264 U.S. 32, 39)

It appears from the findings and conclusions of the trial examiner at the first deportation hearing in 1939, that much of the evidence there relied on by the Government to substantiate its charge of the alien's deportability on the ground of existing membership in or affiliation with the Communist Party of the United States, related to past activities of Harry Bridges. This evidence was offered on the theory that such membership or affiliation, shown to have once existed, would be presumed to continue in the absence of proof to the contrary. It is petitioner's argument that although the issue of the first hearing was confined to [104] the question of his existing membership in or affiliation with the Communist Party of the United States, this issue was determined in his favor only after an investigation into his activities ever since his entry into the United States in 1920; that the scope of inquiry in these two proceedings was co-extensive; that the decision of the trial examiner in 1939 that the Government failed to establish present

membership or affiliation with the Communist Party of the United States necessarily involved a determination by him that it failed to establish any past membership or affiliation at any time since petitioner entered the United States, from which present membership or affiliation could be inferred; and that thus the question of the alien's deportability for membership in or affiliation with the Communist Party of the United States at any time was decided in his favor in 1939 and was res judicata and not open to further investigation thereafter.

Had the evidence offered in proof of petitioner's deportability been the same in each proceeding, petitioner might well argue a want of due process in subjecting him to deportation on the same ground supported by the same evidence which, after a full hearing before an impartial trial examiner, was found insufficient to establish his deportability. But such was not true in petitioner's case. Presiding Inspector Charles B. Sears, who heard the evidence in the 1941 hearing, stated on page 17 of his Memorandum of Decision, that "The evidence presented by the government before me is wholly different from that offered in 1939. Not a single witness sworn on the part of the government in this proceeding was sworn in the hearing of 1939. The charge stated in the warrant is different, for while it includes the charge which was the subject of the 1939 proceeding, it also includes a broader range, namely, membership in or affiliation with the organization at any time from the date in 1920 of the entry of the alien into this country." While the proof submitted at

the second hearing on the issue of petitioner's membership and affiliation with the [105] Communist Party of the United States, was, on the whole, new and different from that offered in the 1939 hearing, it must nevertheless be admitted that there was some evidence received at the second hearing which was also considered at the first hearing. This evidence is referred to in the footnote, on page 52, of the Memorandum of the Board of Immigration Appeals. The evidence was of a circumstantial nature relating to activities of petitioner allegedly consistent only with Communist Party membership and affiliation, such as his association with known Communists and with the Marine Workers Industrial Union, his acceptance of Communist Party aid during the 1934 Maritime Strike and his policy of nondiscrimination against Communists in labor unions. At the first hearing, the trial examiner refused to draw any inference from this class of evidence unfavorable to the alien.

At the second hearing, this evidence was again considered and, weighed with new and additional proof of petitioner's Communist Party membership and affiliation, offered for the first time in 1941, was accorded a different interpretation. The reevaluation of this evidence at the second hearing, in the light of further evidence not theretofore produced does not, in my estimation, correspond to a relitigation of the same issues on the same probative facts. I find no want of due process in thus reopening the investigation into the deportability

of the petitioner on grounds supported by new and additional evidence not theretofore considered. Deportation is not punishment for crime. It is to remove aliens whose presence here is deemed inimicable to the welfare of the country. If this be so in any particular case, deportation cannot be frustrated by virtue of the occurrence of a prior investigation, which did not reveal all of the facts establishing cause for deportation.

Nor is there any merit to the contention that the doctrine of res judicata bars a re-inquiry into deportability. Deportation proceedings are administrative, not judicial. And a decision in a deportation proceeding is an executive decision, not a judicial determination. Decisions of the executive department do not [106] constitute res judicata. (Pearson v. Williams, 202 U.S. 281; 26 Sup. Ct. 608. Flynn v. Ward, 95 Fed. (2nd) 742.)

Petitioner claims he has been denied the equal protection of laws and thus has been deprived of due process of law. He alleges that on January 3, 1934, the Department of Labor ruled that membership in or affiliation with the Marine Worker's Industrial Union was not grounds for deportation and that ever since that time, no alien save petitioner has been subjected to deportation for membership in or affiliation with that organization, although there are thousands of aliens in the United States known by the Department of Labor and the Department of Justice to have been members of and affiliated with the Marine Worker's Industrial Union. Concededly, the discriminatory exercise of

a discretionary power vested by law in an administrative agency may constitute a denial of the constitutional guarantee of equal protection of laws to those discriminated against. But here, the obligation imposed by the Act of October 16, 1918 upon first, the Secretary of Labor and later, the Attornew-General, to deport those aliens therein designated as deportable, is mandatory and not discretionary. A failure on the part of the agency charged with this positive duty, to act in other proper cases, whatever the reason may have been that prompted the inaction, cannot on any constitutional grounds result in a grant of immunity from deportation to petitioner if he in fact comes within that class of aliens which Congress has decreed by law to be subject to deportation. (Thompson v. Spears, 91 Fed. Rep. (2nd) 430, 434)

The contention of petitioner that it was the sole object of Congress, in enacting the Amendment of 1940 to the Act, to effect his deportation, is answered by the following pertinent language taken from the case of Soon Hing v. Crowley, 113 U.S. 703; 5 Sup. Ct. Rep. 730:

> "And the rule is general, with reference to the enactments of all legislative bodies, that the courts cannot inquire into the motives of the legislators in [107] passing them, except as they may be disclosed on the face of the acts, or inferable from their operation, considered with reference to the condition of the country and existing legislation. The motives of the legislators, considered as to the purposes they had

in view, will always be presumed to be to accomplish that which follows as the natural and reasonable effect of their enactments. Their motives, considered as the moral inducements for their votes, will vary with the different members of the legislative body. The diverse character of such motives, and the impossibility of penetrating into the hearts of men and ascertaining the truth, precludes all such inquiries as impracticable and futile."

The Act of October 16, 1918, as amended, is assailed upon the ground that it allegedly violates the constitutional right of free speech and freedom of assembly, in that it renders aliens deportable for membership in or affiliation with organizations whose activities do not present a clear, serious or imminent danger of accomplishing any substantive evil which the statute is designed to avert. This argument necessarily assumes that Congressional power over the admission and expulsion of aliens is not unrestricted, but that it may only be exercised within the bounds of constitutional limitations. There are indications that the law of the land is to the contrary. In Tiaco v. Forbes, 228 U. S. 549, 557.57 L. Ed. 960, 965, there was involved the question of the legality, in view of the due process clause of the Philippine Bill of Rights, of the action of the Philippine Government through its Governor-General and Legislature, in summarily ordering the deportation of a named alien. In affirming the order of deportation, Justice Holmes stated:

"It is admitted that sovereign states have inherent power to deport aliens, and seemingly that Congress is not deprived of this power by the Constitution of the United States. . . . Furthermore, the very ground of the power in the necessities of public welfare shows that it may have to be exercised in a summary way through executive officers. . . . So that the question is narrowed further to the inquiry whether the Philippine government cannot do what unquestionably Congress might."

"As Congress is not prevented by the Constitution, the Philippine Government cannot be prevented by the Philippine Bill of Rights alone."

I do not consider it necessary to uphold the validity of the Act of Congress in this case upon the broad principle that [108] Congress may, as an incident of sovereignty, expel resident aliens on any or no grounds at all. For Congress undoubtedly may, within the bounds of constitutional limitations enact legislation looking toward the expulsion of aliens whose course of conduct while residents of this country, has marked them with the possession of qualities which can reasonably be said to render their continued presence here undesirable in the interests of public welfare. By the Act of October 16, 1918, as amended in 1940, Congress has classified within the category of aliens whose presence it deems inimicable to the welfare of this country, those aliens who, through past participation by membership in or affiliation with subversive

organizations, have indicated at least a one-time disposition of hostility toward our established form of government and a willingness to see it destroyed by force and violence. In subjecting such aliens to deportation, it cannot be said that Congress has acted capriciously. Although such aliens may have discontinued their subversive affiliations, they nevertheless have manifested a spirit of disloyalty; they have shown a willingness to accept the hospitality and protection offered them by this country while participating in activities designed, not toward peaceable and constitutionally authorized changes in its government, but rather toward the eventual revolutionary and violent overthrow of the government whose protection they have enjoyed. The Congressional assumption that such aliens do not constitute desirable material for residents or citizens of this country is not arbitrary and unreasonable and consequently, it is not in excess of Congressional power to provide for their deportation. If the result is a curtailment of their freedom of speech while in this country, it is a curtailment consonant with the constitutional guarantees of the Bill of Rights.

> "It is a fundamental principle, long established that the freedom of speech and of the press which is secured by the Constitution does not confer an absolute right to speak or publish, without responsibility, whatever [109] one may choose, or an unrestricted and unbridled license that gives immunity for every possible

use of language and prevents the punishment of those who abuse this freedom."

(Gitlow v. People of the State of New York, 268 U.S. 652, 666; 45 Sup. Ct. 625, 630.)

Congressional power over the deportation of undesirable aliens is co-existent with guaranteed freedom of speech. Both should be so construed that the efficacy of neither is thereby destroyed. I see no cause for compliant that Congress has not confined itself to the deportation of alien members or affiliates of those subversive organizations only whose activities present a clear, serious or imminent danger of accomplishing the evil which the legislation is designed to prevent. Aliens who, by their associations, have evidenced belief in the forcible and violent overthrow of our Government, become none the more desirable material for residents or citizens of this country because their views do not embrace the conception of immediate revolution but are directed rather to forcible and violent overthrow of organized government at some indefinite future period when the opportune moment may present itself.

Petitioner argues that the Act of October 16, 1918, as amended, should be construed to refer only to aliens who are shown to have been possessed of knowledge of the proscribed character of the organization with which they have affiliated themselves; that otherwise, the Act would lack the essential element of due process. Congress has made

alien membership in or affiliation with proscribed organizations grounds for deportation without reference to knowledge on the alien's part of the proscribed character of the organization with which he has affiliated himself. The act is not ambiguous in this regard and offers no room for the play of judicial interpretation of legislative intent. Nor is the legislation wanting in due process because it decrees deportation to be the consequence of acts voluntarily done regardless of the state of intent of the doer. In the law of crimes, unlawful acts intentionally only in the sense of [110] voluntarily done may, without violating the due process clause, be punished although the doer did not know of the unlawful nature of his acts and intended no wrong. (Shevlin-Carpenter Co. v. Minnesota, 218 U.S. 57; State v. Hennessy, 195 Pac. 211.) I do not believe that Congress acted arbitrarily in failing to consider the state of mind of an alien affiliating himself with a proscribed organization. It is reasonable to presume that a person is cognizant of the character of an organization with which he associates himself. On the other hand, proof of his actual state of mind is difficult and, in many instances, impossible. These considerations, in my opinion, afford adequate warrant, in the interests of public welfare, for the application of the deportation statute under consideration to all alien members or affiliates of proscribed organizations without regard to their intent in becoming such. Its application in individual cases will conceivably work hardship on aliens innocent of any seditious

designs. However, it is not the function of this court in this habeas corpus proceeding to consider the wisdom of legislation, but only its constitutionality.

Petitioner's remaining claims of illegal detention are directed to alleged unfairness of the deportation hearing and inadequacy of the evidence to support the order of deportation resulting in a claimed want of due process. The attack on the fairness of the proceedings will be first considered.

Petitioner asserts that the Presiding Inspector denied him his constitutional right to procedural due process in the following particulars: that he was not given a sufficient opportunity to prepare his defense; that he was denied adequate prior notice of the nature of the charges lodged against him which, as described in the warrant of arrest, were too indefinite to apprise him of the organizations with which it was alleged he was affiliated; that he was refused an opportunity to examine Federal Bureau of Investigation reports or other evidence on which the warrant of arrest was issued, and was denied a list of the witnesses whose statements were taken [111] by the Department of Justice and on whose evidence the Government relied in issuing the warrant of arrest.

The record establishes that petitioner was served with a warrant in the second proceeding on February 14, 1941 and six weeks later, on March 31, 1941, the hearing before Presiding Inspector Charles B. Sears opened. The hearing lasted al-

most two and one-half months. At its commencement, the Presiding Inspector announced that, ". . . if in the course of this hearing it seems reasonable that some opportunity should be given to Mr. Bridges to investigate any subject arising in the hearing, I will take that into consideration and will endeavor to give Mr. Bridges full opportunity, reasonably, to make investigation of the matters which are brought before him of which it might be said he had no knowledge or information." (Transcript, p. 22.) The record shows that this policy of fairness was studiously pursued throughout the hearing, and refuses petitioner's contention that, by limitation of time, he was deprived of adequate opportunity to prepare his defense.

When the hearing opened before Presiding Inspector Sears, Mr. Goodwin for the Government, made an opening statement in which he designated by name, the organizations of which petitioner was charged to have been a member and affiliate. Petitioner did not, prior to the commencement of the hearing, request any bill of particulars asking for the names of the organizations referred to in the warrant of arrest. In the first deportation proceeding, the petitioner made such a request and the Government complied therewith, naming the Communist Party of the United States. (Findings of Trial Examiner Landis, p. 1.) The assumption is justified that petitioner was not surprised when, at the opening of the second hearing, Government counsel again designated the Communist Party of

the United States as one of the proscribed organizations involved in the second hearing. If the fact is that petitioner became cognizant for the first time at the opening of the second hearing, [112] that he was also being charged with affiliation with the Marine Worker's Industrial Union, he had two and one-half months thereafter, while the hearing progressed, to meet this additional charge.

The request of petitioner to be informed, prior to the second hearing, of the evidence on which the warrant issued and the names of the witnesses upon which the Government would rely in proving its case, was denied. Petitioner does not claim the right to such information in advance of the hearing by virtue of any rule of the Department of Justice. Due process does not, as a matter of law, require these steps to be taken in an administrative proceeding. And I do not see wherein the denial of petitioner's request for this information resulted in an unfair hearing. During the course of the second hearing, lasting almost two and one-half months, petitioner was represented by counsel; he became fully acquainted with the nature of the charges made against him and was confronted with the evidence upon which they were based. He was given full opportunity to cross-examine Government witnesses and had ample time and opportunity to present competent evidence in refutation of the charges made against him. In Seif v. Nagle, 14 Fed. Rep. (2nd) 416, 417, the Circuit Court of Appeals of this Circuit stated:

> "The objection that the alien was not permitted to examine the warrant of arrest, that the warrant was not read to him, and that the evidence upon which it was based was not shown to him, as required by rules 4 and 22, governing procedure by the Department of Labor, is not of vital importance, provided the alien had a fair hearing."

Petitioner avers he was denied due process because of certain alleged erroneous rulings of the Presiding Inspector made in the course of the hearing. He complains of the refusal of the Presiding Inspector to grant his request for subpoenas and subpoenas duces tecum for officials of the Department of Labor and the Immigration and Naturalization Service of the Department of Justice. Petitioner sought to establish through them and documents under their control that on January 3, 1934, the Immigration and Naturalization Service ruled that membership in or affiliation with [113] the Marine Worker's Industrial Union was not grounds for deportation; and that ever since said ruling, no alien save petitioner has been subjected to deportation proceedings because of affiliation with the Marine Worker's Industrial Union, although there were thousands of alien members and affiliates of such organization in the United States. The evidence sought was intended to show that the deportation proceedings instituted against petitioner operated to deny him equal protection of laws and, consequently, due process of law. I have already ruled that petitioner was not deprived of

the equal protection of laws by virtue of the facts sought to be established through this line of evidence and, therefore, find no error or want of due process in the ruling of the Presiding Inspector refusing to issue subpoenas for the production of such evidence.

Petitioner also complains that he was denied the opportunity of proving a ruling of the Commissioner of Immigration in 1934 to the effect that membership in the Marine Worker's Industrial Union should not be used as the sole ground for an alien's deportation, and a letter written by such Commissioner in December 19, 1934, to the Chief of Police at Phoenix, Arizona, stating that the Department of Labor had sworn statements in its files to the effect that the Trade Union Unity League, of which the Marine Worker's Industrial Union was a subsidiary, had, on July 1, 1933, adopted a resolution severing connection with the Red International of Labor Unions. Although this proffered evidence was excluded by the Presiding Inspector, it was nevertheless considered and weighed by him. Inspector Sears, on page 61 of his Memorandum, stated in regard to this ruling and letter:

> "I excluded from evidence the advisory ruling and letter, but in considering this matter, I have treated these documents in the same manner as if they were actually in evidence. The advisory ruling was simply a factual determination for the guidance of administrative officials and has no binding effect in this pro-

ceeding. The letter contains only hearsay of the weakest variety and has no other substantiation." [114]

Petitioner complains that he was not permitted to examine prior statements of government witnesses made to agents of the Federal Bureau of Investigation, and that the denial of his request for the production of these statements constituted error. He desired these statements for whatever value they may have been to him in the cross-examination of witnesses and for impeachment purposes in the event they may have been found to contain contradictory statements. (Petitioner's Opening Brief, p. 188.) However, petitioner made no showing, in support of his request for these prior statements, that they actually contained contradictions to testimony later given on the stand, nor does the record indicate in any way that such was the fact. There is no claim made that the government suppressed evidence favorable to the alien and no such presumption can justifiably be indulged in because of the Government's refusal to produce prior statements of its witnesses. Concededly, without these prior statements, the latitude of petitioner's cross-examination may have been restricted; and better administrative practice might dictate a policy of disclosure of prior statements of witnesses. But I cannot say that the Government's refusal to disclose such prior statements rendered the hearing so essentially unfair as to result in a want of due process. Petitioner was confronted with all of the witnesses whose

testimony was considered in arriving at the final decision to deport him, and was given the opportunity of cross-examining these witnesses. He was permitted to produce evidence in his own behalf and subpoenas were issued at petitioner's request, whenever properly made, except in the case mentioned on page 9 of Inspector Sear's Memorandum and previously referred to and discussed in this opinion. I am satisfied that due process was accorded him throughout the hearing before Inspector Sears.

At the conclusion of the hearing before the Presiding Inspector, briefs were filed by counsel for the Government and the [115] petitioner. In these briefs, the factual issues involved in the deportation proceeding, and the evidence relating thereto were argued at length. Argument was also made on the constitutional and legal issues which are being raised by petitioner in this court. Thereafter, Presiding Inspector Sears, in accordance with Departmental regulations, prepared a memorandum of decision and transmitted the same to the Office of the Attorney General, together with the 7,545 page transcript of the hearing and accompanied by the numerous exhibits filed in the proceeding. The Memorandum of Decision prepared by the Presiding Inspector contains a summary and analysis of the evidence, and assigns reasons for the weight and evaluation accorded the same. The constitutional and legal issues involved were also considered, and an opinion was expressed with reference thereto. The conclusion reached by the Presiding

Inspector was that the evidence established that since his entry into the United States, the petitioner has been a member of the Communist Party of the United States, and has been affiliated with that party and with the Marine Worker's Industrial Union; and that these two organizations are within the class of organizations proscribed by the deportation statute. And appropriate findings, conclusions and order were proposed. Petitioner excepted to the proposed findings, conclusions and order of the Presiding Inspector, and the matter came before the Board of Immigration Appeals, a board established in the office of the Attorney-General and performing such powers as are conferred upon it by direction of the Attorney-General. The legal and factual issues were again briefed and there was also oral argument before the Board of Immigration Appeals. The Board found that the greater weight of the evidence did not establish that petitioner was at any time a member of or affiliated with either organization in question. The Board did not express its opinion on the character of these organizations or the legal issues raised, save as to its interpretation of the legal meaning of the term "affiliation". The opinion of the Board carefully weighed and [116] analyzed the evidence bearing on the issue of petitioner's alleged membership and affiliation with the organizations involved, and the conflict on these factual issues were resolved in petitioner's favor. On January 3, 1942, the Board of Immigration Appeals made the following order: "The warrant

of arrest and bond are cancelled and the proceedings closed. Execution of this order is stayed pending further order of the Attorney-General or of this Board." On May 28, 1942, the Attorney-General rendered his opinion, in which he adopted the findings and conclusions proposed by the Presiding Inspector and ordered the deportation of petitioner. The Attorney-General's opinion in support of the conclusion therein reached, is interspersed with numerous references to Inspector Sear's Memorandum, the Board Memorandum, the transcript of the hearing and exhibits filed, and to legal authority deemed controlling. It evinces a careful examination of the record and studied deliberation. Any further inquiry into his mental processes is unwarranted in this proceeding.

In view of the facts related in the foregoing paragraph, which find support in the record before me, I reject petitioner's contention, made on information and belief, that the Attorney-General reached his decision without reading the record of the second hearing, or that he was motivated by information extraneous to the record or by any other improper influences in reaching his conclusions; or that his findings and conclusions were based on any consideration save that of the evidence in the case appearing from the record submitted to him, and the law deemed applicable thereto.

Nor do I think that under the circumstances here present, the petitioner was in any way deprived of a fair hearing because he may have lacked the

opportunity of arguing his case further before the Attorney-General, or by reason of a procedural defect, if any there was, in the manner of certifying the case from the Board of Immigration Appeals to the Attorney-General. Petitioner filed briefs with the Presiding Inspector and with the Board of [117] Immigration Appeals. His side of the case, on the facts, was well presented in the opinion of the Board of Immigration Appeals. These documents were all a part of the record submitted to the Attorney-General. Petitioner makes no claim that had he been given the opportunity of arguing his case further before the Attorney-General he would have raised any point which had not been fully covered already in his briefs on file or in the Board Memorandum. The failure to give petitioner the opportunity of re-arguing his side of the case before the Attorney-General did not deny him due process.

It is claimed that the Attorney-General was without power to overrule the decision of the Board of Immigration Appeals, since there was substantial evidence to support the same. Section 90.12 of the Regulations of the Department of Justice, Immigration and Naturalization Service, empowers the Attorney-General to review the decision of the Board and to reverse that decision stating in writing his conclusions and the reasons for his decision. This regulation does not limit the review of the Board's decision to the determination solely of whether there was substantial evidence to support the same. In my opinion, it is consonant with

the purport of this regulation and the requirements of fair play, for the Attorney-General upon reference of the case to him for final decision, to contrast the Board's opinion with that of the Presiding Inspector upon whom is imposed, by departmental rules, the duty of making his recommendations regarding the decision which should properly be reached on the evidence adduced before him, and to study such evidence and if satisfied therefrom that the greater weight thereof supports the proposed findings and conclusions of the Presiding Inspector, to adopt his proposals as the final decision in the matter. A deportation proceeding is administrative, not judicial, in nature. The rules applicable to judicial proceedings do not govern. Due process in deportation hearings does not require any particular form of procedure, only that the form adopted afford the alien a fair hearing and that any order of deportation made against [118] him be based on substantial evidence.

Petitioner alleges that he has been denied a fair hearing in that, "The Attorney-General's decision fails to consider the presumption adverse to the Government created by the knowing and wilful use by Government representatives of false testimony against petitioner." The allegations of the petition do not state what testimony is alleged to be false, the materiality thereof, what government representatives are alleged to have knowingly used the same against petitioner, what knowledge of the alleged falsity thereof the Attorney-General possessed, or whether the order of deportation was

based on such testimony. I do not consider petitioner's allegations adequate to warrant the issuance of the writ on the ground that facts have been stated which, if true, would establish want of due process in the deportation proceeding taken against him. From petitioner's brief is gleaned the information that the witness alleged to have testified falsely is Maurice Cannalonga. His testimony claimed to be false is that given at the hearing on June 4, 1941 to the effect that he was drunk when he gave a statement under oath in Portland, Oregon, on May 4, 1941, contradicting his testimony previously given at the hearing on April 17, 1941. Whether or not Cannalonga was drunk when he gave the statement under oath which he later repudiated is not material to any of the issues in the deportation proceeding. Nor does it appear that any portion of his testimony which was material to the issues actually weighed to any substantial extent in the conclusion arrived at by the Attorney-General. Therefore, assuming the testimony of Cannalonga to have been false, petitioner's cause was not prejudiced since the Presiding Inspector gave no weight at all to the same. (Sear's Memorandum, page 152) and the Attorney-General, but passing and negligible consideration. (Attorney-General's Opinion, page 25.)

Petitioner does not allege that the order of deportation made against him resulted from the introduction of known perjured [119] testimony. He does not thereby bring himself within the rule of law announced in the case of Mooney v. Holohan,

294 U. S. 103; 55 Sup. Ct. 340, that a conviction based on perjured testimony knowingly used by the prosecuting authorities is void. It is not here claimed that Cannalonga's testimony was the basis for the order of deportation, or that the evidence relied on to support the order of deportation was fabricated. All petitioner claims is that some testimony was introduced which was known to be false by those government representatives responsible for its production, and that the Attorney-General, in his decision, failed to consider a presumption adverse to the Government resulting from the same. The record does not establish and there is no presumption that Cannalonga was produced with knowledge that he intended to give false testimony or that his testimony was in fact false. There is no allegation that the Attorney-General knew facts extraneous to the record which put him on notice that the testimony of Cannalonga was false or knowingly fabricated. He cannot be charged with having committed error in failing to consider a presumption unless he is also chargeable with knowledge of the facts giving rise to the presumption.

I am satisfied of the fairness of the hearing accorded petitioner throughout the second deportation hearing.

There remains the question of the existence of substantial evidence to support the order of deportation.

The Attorney-General found from the evidence that the Communist Party of the United States

of America, and the Marine Worker's Industrial Union, advocated the overthrow of the Government of the United States by force and violence, and otherwise came within the purview of the deportation statute; and that subsequent to petitioner's entry into the United States, and while these organizations were within the class proscribed by law, petitioner has been a member of the Communist Party of the United States of America and affiliated therewith and with the Marine Worker's Industrial Union. [120]

In the course of the deportation proceeding, petitioner did not attack the sufficiency of the evidence with respect to the proscribed character of the organizations in question. The evidence in support of the findings relating to their character is summarized by Inspector Sears in his Memorandum at pages 18-82, and referred to in the Opinion of the Attorney-General at pages 7-10. The evidence there summarized fully supports the findings based thereon, and it is not the function of this court to further review the same.

On the finding of the petitioner's membership and affiliation with the Communist Party of the United States, the evidence chiefly relied on was the testimony of Harry Lundberg that petitioner had admitted Communist Party membership to him in 1935, and evidence of statements made by James O'Neil to government representatives on two occasions in the course of the investigation into the deportability of petitioner, that he had seen petitioner posting assessment stamps in a Communist

Party membership book, and that petitioner had reminded O'Neil to attend Party meetings.

If the statements of James O'Neil had been the only proof upon which depended the attribution of Communist Party membership and affiliation to petitioner, I would not hesitate to find a complete want of substantial evidence to support the order of deportation on that ground. The statements testified to were unsigned and unsworn and there is no proof that O'Neil was asked to sign or swear thereto, or being asked, refused to do so. Consequently, their introduction in evidence, as affirmative proof of the facts allegedly stated was violative of controlling departmental regulations. (Sec. 150.1 (c) of the Regulations of the Department of Justice, Immigration and Naturalization Service). The fact that no objection was made to the use of the statements in evidence on that ground, would not seem to justify their introduction by the Government contrary to its own regulations. Moreover, the statements were [121] pure hearsay. The opportunity of cross-examining O'Neil was entirely lacking because he denied having made any portion of the statements attributed to him which was damaging to petitioner. In my opinion, the requirements of a fair hearing would not have been fulfilled if the order of deportation in this case had been based solely on this hearsay evidence, introduced in violation of departmental regulations, and consisting of proof of prior contradictory statements of a witness, offered as affirmative proof of the facts stated, with no opportunity of cross-examination being afforded the alien because the witness denies having made the statements attrib-

uted to him. However, the fact that such statements were admitted in evidence and given weight did not invalidate the proceedings if there was other substantial evidence relied on to support the order made. The admission of hearsay evidence does not of itself operate to render unfair the entire hearing. Ex parte Shigenari Mayemura, 53 Fed. Rep. (2nd) 621).

> "Moreover, a hearing granted does not cease to be fair, merely because rules of evidence and of procedure applicable in judicial proceedings have not been strictly followed by the executive; or because some evidence has been improperly rejected or received . . . To render a hearing unfair the defect, or the practice complained of, must have been such as might have led to a denial of justice, or there must have been absent one of the elements deemed essential to due process."
>
> (Bilokmusky v. Tod, 263 U. S. 149, 157).

Here, there is the testimony of Harry Lundberg that in 1935, petitioner admitted his Communist Party membership to him. Lundberg's testimony is outlined in the summary of the evidence by Inspector Sears at pages 104-107 of his Memorandum of Decision. Petitioner objects to Lundberg's testimony because showed himself to be a biased and prejudiced witness; that he had previously denied knowledge of any Communistic affiliations of Bridges; that his uncorroborated testimony of oral admissions of petitioner is in its nature essentially weak. Conceding all this, these are considerations affecting the weight and credibility of the evidence and not its competency and admissibility as proof [122] of the fact. The de-

termination as to the weight of evidence or as to the credibility of witnesses in a deportation proceeding is exclusively for the immigration authorities, in the absence of a showing that their action in this regard is arbitrary. I cannot say, as a matter of law, that the testimony of Harry Lundberg is so unsubstantial as to lend no support to a finding based thereon of past Communist Party membership and affiliation by petitioner. Particularly is this so in view of the fact that there is other evidence in the record of a circumstantial nature which, while not of itself sufficient to show proscribed membership and affiliation, does tend to lend credence to the testimony of Lundberg that in 1935 petitioner had admitted to him Communist Party membership. This evidence is reviewed in the opinion of the Attorney-General at pages 23 to 27. It consists of statements, conduct and activities of petitioner held to show a sympathetic and co-operative attitude toward the Communist Party and other Communist organizations, and a close association and co-operation with known members of the Communist Party.

There is also evidence to support the finding of the Attorney-General on the issue of petitioner's affiliation with the Marine Worker's Industrial Union in the proof connecting him with the "Waterfront Worker" as co-editor of that paper while it was a publication of the Marine Worker's Industrial Union, and as such, followed a policy of support to Communist sponsored organizations and Communist Party candidates for political office, and advocated the reading of Communist literature. There is a sharp conflict in the evidence with re-

gard to when the petitioner first became connected with the paper, petitioner claiming that he had nothing to do with the publication prior to September 15, 1933 and that at that time, it was no longer an organ of the Marine Workers' Industrial Union. The Attorney-General determined that Bridges first became connected with the "Waterfront Worker" in December, 1932 and that his [123] connection therewith continued throughout the paper's existence to 1936; and that during the entire time of petitioner's connection with the paper, it was an instrument of the Marine Worker's Industrial Union which was, in turn, an affiliate of the Communist Party of the United States. The conclusion thus drawn from the facts in evidence is not, in my opinion, unwarranted. The evidence with regard to the "Waterfront Worker" is summarized and analyzed by the Presiding Inspector in his Memorandum at pages 88 to 98. There is, further, the evidence that petitioner in 1934, recruited numerous members for the Marine Worker's Industrial Union.

Petitioner asserts that the deportation statute contains no reasonably ascertainable standard as to what acts or conduct are therein proscribed. I cannot agree. The statute specifically proscribes membership in and contribution to funds to subversive organizations. Congress has thus expressed its policy of deporting aliens who lend their active support and assistance to a proscribed organization in a manner reasonably calculated to add to its strength and consequent ability to further all of its aims and objects, including those of a subversive nature. The conduct condemned is that which can reasonably be said to

support the progress of proscribed organizations towards the recognition of their ultimate unlawful goal. It is this line of conduct which renders aliens, the non-members, nevertheless affiliates of proscribed organizations. Tested by this standard, it is my opinion that the evidence in the record hereinbefore referred to, substantially supports the finding of petitioner's affiliation with the Marine Worker's Industrial Union.

Petitioner's motion to Inspector Sears for an order for the examination of witnesses in regard to the alleged use of wire tapping tactics against petitioner by the Federal Bureau of Investigation was properly denied. The motion was based upon the claim of petitioner that wiretapping was employed against him subsequent to the second [124] hearing. If this be true, it affords no basis for the contention of petitioner that any of the evidence introduced against him at the second hearing was obtained by the use of illegal tactics.

I conclude that the record of the second proceeding inquiring into the deportability of petitioner, Harry Bridges, establishes that the order of deportation against petitioner was made after a fair hearing on substantial evidence, and no error of law occurred which operated to deprive petitioner of due process of law or any other of his constitutional rights.

The two motions pending before this Court for the issuance of subpoenas and subpoenas duces tecum for the purpose of taking depositions is therefore denied, and:

It Is Ordered, that the petition of Harry Bridges for a Writ of Habeas Corpus be and the same is here-

by Denied, and petitioner is remanded into the custody of the respondent.

Dated: February 8th, 1943.

MARTIN I. WELSH,
United States District Judge.

[Endorsed]: Filed Feb. 8, 1943. [125]

[Title of District Court and Cause.]

NOTICE OF APPEAL TO CIRCUIT COURT OF APPEALS

Notice Is Hereby Given that Harry Bridges, petitioner above named, hereby appeals to the Circuit Court of Appeals for the Ninth Circuit from the order or final judgment, denying the petition for a writ of habeas corpus herein, entered in this action on February 8th, 1943.

Dated: March 3, 1943.

LEE PRESSMAN,
Congress of Industrial Organizations, Washington, D. C.
CAROL KING,
220 Broadway, New York, New York.
GLADSTEIN, GROSSMAN, MARGOLIS, SAWYER,
By RICHARD GLADSTEIN,
AUBREY GROSSMAN,
560 Mills Tower, San Francisco, California.
Attorneys for Petitioner.

[Endorsed]: Filed March 3, 1943. [126]

[Title of District Court and Cause.]

SUPERSEDEAS BOND

Know all men by these presents that we, Harry Bridges, as principal, and George Wilson and Morris Watson, as sureties, are held and firmly bound unto I. F. Wixon, as District Director, Immigration and Naturalization Service, United States Department of Justice, at San Francisco, California, in the full and just sum of Two Hundred and Fifty ($250.) Dollars, to be paid to the said I. F. Wixon, as District Director, Immigration and Naturalization Service, United States Department of Justice, at San Francisco, California, his successors, executors, administrators and assigns; to which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, by these presents.

Sealed with our seals and dated this 2nd day of March, 1943.

Whereas, on February 8, 1943, in an action pending [127] in the United States District Court for the Northern District of California, Southern Division, between Harry Bridges as petitioner, and I. F. Wixon, as District Director, Immigration and Naturalization Service, United States Department of Justice, at San Francisco, California, as respondent, a final judgment or order was rendered against the said Harry Bridges and the said Harry Bridges having filed a Notice of Appeal by such final judgment or order to the United States Circuit Court of Appeals for the Ninth Circuit;

Now, the condition of this obligation is such, that

if the said Harry Bridges shall prosecute his appeal to the effect and shall satisfy the judgment in full, together with costs, interest and damages for delay, if for any reason the appeal is dismissed, or if the judgment is affirmed, or shall satisfy in full such modification of the judgment and such costs, interest and damages as the said Circuit Court of Appeals may adjudge and award, then this obligation to be void; otherwise to remain in full force and effect.

HARRY BRIDGES.
GEORGE WILSON.
MORRIS WATSON.

ACKNOWLEDGMENT AND JUSTIFICATION OF SURETIES

State of California,
City and County of San Francisco—ss.

George Wilson and Morris Watson, the sureties whose names are subscribed to the above undertaking, being severally duly sworn, each for himself, says that he is one of the sureties named in the above undertaking, that he is a resident and householder in said City and County, and is worth the sum in the said undertaking specified as the penalty thereof, [128] over and above all his just debts and liabilities, exclusive of property exempt from execution.

GEORGE WILSON.
MORRIS WATSON.

State of California,
City and County of San Francisco—ss.

On this 2nd day of March in the year One Thousand Nine Hundred and Forty-three, before me,

Dorothy H. McLennan, a Notary Public in and for the City and County of San Francisco, State of California, residing therein, duly commissioned and sworn, personally appeared George Wilson and Morris Watson known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my Official Seal at my office in the City and County of San Francissco, State of California, the day and year in this certificate first above written.

(Seal) DOROTHY H. McLENNAN,
Notary Public in and for the City and County of San Francisco, State of California.

My Commission expires Dec. 21, 1946.

Approval of the foregoing Supersedeas Bond is hereby agreed to.

FRANK J. HENNESSY,
United States Attorney.
LOUIS R. MERCADO,
Assistant U. S. Attorney.
GLADSTEIN, GROSSMAN,
MARGOLIS & SAWYER,
Attorneys for Petitioner. [129]

The foregoing Supersedeas Bond is hereby approved.

MARTIN I. WELSH,
Judge of the District Court.

[Endorsed]: Filed Mar. 3, 1943. [130]

[Title of District Court and Cause.]

ORDER STAYING EXECUTION AND ADMITTING TO BAIL.

On motion of the petition above named, and upon consent of the respondents herein,

It Is Hereby Ordered that, upon the filing of a notice of appeal herein to the Circuit Court of Appeals, execution of and any proceedings to enforce the order and judgment entered here on the 8th day of February, 1943, be and are stayed pending the final determination of petitioner's appeal from said order and judgment, upon the filing by petitioner, and approved by this Court, of a supersedeas bond in the sum of Two Hundred and Fifty (250.00) Dollars, and the petitioner Harry Bridges shall be, and hereby is ordered to be admitted to bail in the sum of Three Thousand ($3,000.) Dollars, pending the final determination of said appeal; and that, upon the filing of such bail or bond, the bail or bond heretofore filed in this action shall be discharged and released, and the sureties thereon exonerated. [131]

Dated: March 3rd, 1943.

MARTIN I. WELSH,
United States District Judge.

The above order is hereby agreed to.

FRANK J. HENNESSY,
United States Attorney.
LOUIS R. MERCADO.
GLADSTEIN, GROSSMAN,
MARGOLIS & SAWYER,
Attorneys for Petitioner.

[Endorsed]: Filed Mar. 3, 1943. [132]

[Title of District Court and Cause.]

STIPULATION AS TO RECORD ON APPEAL

It is hereby stipulated by and between the parties hereto that the record on appeal herein shall consist of the following items:

1. Petition for writ of habeas corpus, and exhibits thereto attached.
2. Order to show cause why writ of habeas corpus should not be granted.
3. Return to order to show cause.
4. Amended petition for writ of habeas corpus, and exhibits thereto attached.
5. Traverse to government's return.
6. Notice of motion and motion for order to take depositions, and affidavit thereto attached.
7. Notice of motion and motion for issuance of subpoena duces tecum, and affidavit thereto attached.
8. Transcript of the evidence. [133]
9. Original exhibits in evidence.
10. Opinion and order of the District Court, filed herein on February 8, 1943.
11. Judgment.
12. Notice of appeal.
13. This stipulation.

Dated: This 5th day of May, 1943.

FRANK J. HENNESSY,
United States Attorney.

GLADSTEIN, GROSSMAN,
SAWYER & EDISES,
Attorneys for Petitioner and
Appellant.

[Endorsed]: Filed May 3, 1943. [134]

[Title of District Court and Cause.]

ORDER RE RECORD ON APPEAL

Upon stipulation of the parties hereto,

It Is Hereby Ordered as Follows:

1. The Clerk of the above-entitled court shall release and send to the United States Circuit Court of Appeals for the Ninth Circuit, for inspection by that court, and in lieu of copies, the original exhibits in evidence in the proceedings before the Department of Justice.

2. The Clerk of the above-entitled court shall release and send to the United States Circu*ti* Court of Appeals for the Ninth Circuit, in lieu of any additional copies of the transcript of proceedings before the Department of Justice, one copy of the transcript heretofore filed with the said clerk; and the filing of additional copies of said transcript by appellant shall not be required.

3. The Clerk of the above-entitled court shall release and send to the United States Circuit Court of

Ap- [135] peals for the Ninth Circuit, and in lieu of additional copies, one each of the following opinions and decisions, copies of which have heretofore been filed with the clerk of said court:

A. The findings and conclusions of James M. Landis, trial examiner.

B. The memorandum of decision by Charles B. Sears, presiding inspector.

C. The findings of fact, conclusions of law, decision and order of the Board of Immigration Appeals.

D. The findings of fact, conclusions of law, decision and order of the Attorney General,

and the filing by appellant of additional copies of said opinions and decisions, or any of them, shall not be required.

4. The following portions of the record on appeal need not be printed, and copies thereof, already in printed form, to a number to be fixed by said Circuit Court of Appeals, may be filed with the clerk of said Circuit Court of Appeals, and thereafter integrated with those portions of the record which are printed:

A. The findings and conclusions of James M. Landis, trial examiner.

B. The memorandum of decision of Charles B. Sears, presiding inspector.

C. The findings of fact, conclusions of law, decision and order of the Attorney General.

Dated: This 6th day of May, 1943.

LOUIS E. GOODMAN,
Judge of the United States District
Court. [136]

It is hereby stipulated that the above order may issue.

Dated: This 5th day of May, 1943.

FRANK J. HENNESSY,
United States Attorney.
GLADSTEIN, GROSSMAN,
SAWYER & EDISES,
Attorneys for Petitioner and Appellant.

[Endorsed]: Filed May 8, 1943. [136a]

[Title of District Court and Cause.]

ORDER EXTENDING TIME FOR FILING RECORD AND DOCKETING APPEAL

Upon the stipulation of the parties hereto, and for good cause,

It Is Hereby Ordered that the time within which the record on appeal herein may be filed and the appeal docketed in the Circuit Court of Appeals for the Ninth Circuit is extended until the 1st day of June, 1943.

Dated this 9th day of April, 1943.

A. F. ST. SURE,
United States District Judge.

[Endorsed]: Filed April 9, 1943. [137]

United States Circuit Court of Appeal
for the Ninth Circuit.

No. 10450

HARRY BRIDGES, Appellant.

vs.

I. F. WIXON, as District Director, Immigration and Naturalization Service, Department of Justice. Appellee.

ORDER EXTENDING TIME TO FILE RECORD AND DOCKET APPEAL.

Upon the stipulation of the parties hereto, and for good cause,

It Is Hereby Ordered that the time within which the record on appeal herein may be filed and the case docketed in this Court is extended until the first day of August, 1943.

Dated this 24th day of May, 1943.

CURTIS D. WILBUR,
Judge of the United States
Circuit Court.

[Endorsed]: Filed May 24, 1943. [138]

CERTIFICATE OF CLERK U. S. DISTRICT COURT TO TRANSCRIPT ON APPEAL

I, Walter B. Maling, Clerk of the United States District Court for the Northern District of Califor-

nia, do hereby certify that the foregoing 138 pages, numbered from 1 to 138, inclusive, contain a full, true and correct transcript of certain records and proceedings in the matter of the petition of Harry Bridges for a writ of Habeas Corpus, No. 1836, as the same now remain on file and of record in this office; said transcript having been prepared pursuant to and in accordance with the Stipulation as to Record on Appeal, copy of which is embodied herein.

I further certify that the cost of preparing and certifying the foregoing record on appeal is the sum of Twenty-three and 85/100 ($23.85), Dollars, and that the same has been paid to me by the attorneys for the appellant herein.

In witness whereof, I have hereunto set my hand and the official seal of said District Court, this 2nd day of June, A. D., 1943.

[Seal] WALTER B. MALING,
Clerk.
By F. N. LAMPERT,
Deputy Clerk. [139]

Before the Immigration and Naturalization Service
United States Department of Justice

Case No. 55973/217

In the Matter of

HARRY R. BRIDGES

Deportation Hearing
Court Room 276,
Federal Building,
San Francisco, California,

March 31, 1941.

Met, pursuant to notice, at 10:00 A. M.

Before: Charles B. Sears, Presiding Inspector.

Appearances:

Albert Del Guercio,
Clarence N. Goodwin,
Paul V. Myrom, and
Trent Doser,
appearing on behalf of the Immigration and Naturalization Service, United States Department of Justice.

Carol King,
Richard Gladstein, and
Aubrey Grossman,
Mills Tower, San Francisco, California,
appearing on behalf of the Alien. [1*]

*Page numbering appearing at top of page of original Reporter's Transcript.

PROCEEDINGS

Presiding Inspector: We will begin the hearing. Is the Alien present?

Mr. Bridges: Yes.

Presiding Inspector: Will you stand up, Mr. Bridges?

(Whereupon the Alien, Mr. Bridges, stood.)

The rules of the Department require me to first permit you to inspect the Warrant of Arrest. Have you seen it?

Mr. Bridges: I haven't.

Mr. Del Guercio: I have the original Warrant of Arrest, and I may state that it was served upon the Alien here at San Francisco on February 14, 1941.

Presiding Inspector: He has a right at this time to inspect it.

(Whereupon the Warrant of Arrest was handed to Mr. Bridges.)

Mr. Del Guercio: I will show the Alien the original, and I have a copy of the original which I offer in evidence as Exhibit No. 1.

Presiding Inspector: Will you have it marked?

(The document referred to was received in evidence and marked Government Exhibit No. 1.)

Presiding Inspector: The regulations require me to read this to you, Mr. Bridges, to let you know verbatim what it contains and explain it to you. The Warrant provides:

The Act of October 16, 1918, as amended by the Acts of June 5, 1920, and of June 28, 1940, have been violated in that after entering the United States he has been a member of or affiliated with an [2] organization, association, society, or group that believes in, advises, advocates or teaches the overthrow by force or violence of the Government of the United States; that after entering the United States he has been a member of or affiliated with an organization, association, society, or group that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue or display, a written or printed matter advising, advocating, or teaching the overthrow by force or by violence of the Government of the United States.

Now, to explain that to you, of course, I may call those groups, societies, associations, organizations, by a single name, and call them "groups" for the sake of simplicity; and the charge is that you have been a member of or affiliated with such groups, and those groups are alleged to be groups which advocate—I do not use the synonymous or varying words—advocate the overthrow of the Government of the United States by force or violence. We may call that subversive for simplification of language.

Then it also charges that you have been a member of or affiliated with such groups which publish, or advertise, or seek to circulate subversive literature, that is, literature which advocates ad-

vises or encourages the subversive enterprise, that is, the overthrow of the Government of the United States by force and violence.

I hope I have made that clear to you. You probably already understand it fully as well as anyone else in the [3] court room, but the regulations of the Department require me to explain it to you.

Now, you are represented by counsel, Mr. Bridges?

Mr. Bridges: That is correct.

Presiding Inspector: And have you given the names of your counsel to the reporter?

Mrs. King: The reporter has the names, yes.

Presiding Inspector: Will you state who they are for my benefit, Mrs. King? I know your name.

Mrs. King: Well, for the—you know me—and then this is Mr. Richard Gladstein (indicating), I would like to present to your Honor, and Mr. Aubrey Grossman I would also like to present to your Honor, both of San Francisco, who can be located in the Mills Tower if your Honor should wish to get in touch with them between sessions.

Presiding Inspector: Very well.

Are there present other counsel to take part in the——

Mrs. King: Not at the present time, and there may not be if there is no——

Presiding Inspector: (Interposing) Oh, it is not material; I simply ask for information.

Mrs. King: I doubt it. Mr. Gladstein and Mr. Grossman are members of the firm of Gladstein, Grossman, Margolis and Sawyer, and they may

later get assistance from that firm, but substantially you have counsel before you.

Presiding Inspector: My said duty is to place the alien under oath or affirmation.

Will you rise and raise your right hand. [4]

(The oath was thereupon duly administered to the alien, Harry Renton Bridges, by the Presiding Inspector.)

Presiding Inspector: I am required to advise you of the penalty for perjury.

What is the fine, Mr. Schofield?

Mr. Scofield: $10,000.00.

Presiding Inspector: The penalty for perjury is a maximum punishment of five years imprisonment and $10,000 fine; that is the maximum.

I have already entered on the record the warrant of arrest.

I am also required to advise you of the provisions of Paragraph C concerning applications for the privilege of departure in lieu of deportation or suspension of deportation.

Under the provisions of Section 19 (c), briefly—I don't suppose you care to be advised in detail about this—you have the right to make application for voluntary departure from the country or for a suspension of the deportation under circumstances in case of reasons such as having members of the family who are American Citizens; and such things. I can give you the details if you would like to have them but I doubt if they have any materiality here.

You waive that, do you not?

Mrs. King: I just wanted to say that Mr. Bridges waives [5] that explanation, and he understands it will be explained in toto by counsel. It is unnecessary for you at this time to go into the problem.

Presiding Inspector: I thought you would take that attitude.

Mrs. King: Because Mr. Bridges is not intending to depart voluntarily and he is fighting to remain in the United States and become a citizen.

Presiding Inspector: Well, it is my duty under the regulations to make these explanations.

Now, we will let the Government——

Mr. Del Guercio: May I ask that Mr. Bridges take the stand, please?

Mrs. King: If your Honor please, at this time I should like to suggest that counsel for Mr. Bridges feel that it is unfair for Mr. Bridges to have to take the stand before the Government redevelops its case, in view of the fact that there has been this extended hearing before Dean Landis, which you are undoubtedly familiar with, and the law seems to be plain that the burden of proof is on the Government.

If I may, I would like to present to your Honor a memorandum with reference to the problem of the alien not having to take the stand until the Government's case has been presented.

Presiding Inspector: You may present the memorandum. [6]

Mr. Del Guercio: Are you furnishing us with a copy?

Mrs. King: Yes, surely.

Presiding Inspector: Before we go into this, at the time you, Mrs. King, made the motion in Washington for a continuance you presented certain papers to me which I said would be a part of the record. I have them here. I wish you would look at them and see that these are the papers and then I will hand them to the reporter to have them marked.

Mrs. King: (Examining documents) Those seem to be.

Presiding Inspector: Then, they may be marked.

The Reporter: How many are there, please?

Mrs. King: The question was put, "How many are there?" It depends whether each affidavit is counted separately.

Presiding Inspector: Oh, I think not, as they are folded together. Let each separate bundle be marked with a single number.

(The documents referred to were received in evidence and marked Alien's Exhibits 1, 2, 3, 4.)

Mr. Del Guercio: If the Court please, I believe we could save time if counsel for the Alien understands the reason why he is called. I believe the Government of course, could call the Alien to the stand here at any time. Under Section 16 of the 1924 Act we may compel his testimony, requiring him to appear and testify under subpoena, if necessary.

Now, the purpose of calling Mr. Bridges at this

time is to merely ask him his name, identify him as being the person [7] named in the warrant, and establish through him alienage.

Now, I believe his counsel there would even stipulate as to that, and that is the only purpose at this time of calling Mr. Bridges, not of examining him extensively.

Mrs. King: We are quite willing to stipulate to that, and one of the reasons that I jumped up, perhaps too fast, is that we have certain motions that we should like to make before any of the testimony in the case is in. [8]

Mr. Del Guercio: I believe it would be improper, if the Court please. I believe that we have a right to call Mr. Bridges at this time without waiting to hear any motions on his behalf.

Mrs. King: It seems to me that this——

Presiding Inspector: (Interposing) Well, I think that this is a very small point; it really doesn't matter.

Will you let Mr. Bridges testify to his alienage and then we will allow the motion to be made just as though no testimony had been received?

Mr. Gladstein: Very well, your Honor. Take the stand.

HARRY RENTON BRIDGES

was called as a witness on behalf of the Government, and having been first duly sworn, was examined and testified as follows:

Direct Examination

By Mr. Del Guercio:

Q. What is your name?

A. Bridges; Harry R. Bridges; Harry Renton Bridges.

Q. Where do you reside?

A. My present private address?

Q. Yes.

A. 54 Upper Terrace, San Francisco.

Q. What is your occupation, Mr. Bridges?

A. At the present time I am a Union official, generally a longshoreman when I am not a Union official.

Q. You say "A Union official." Just what do you mean? [9] What is your present position exactly?

A. President of International Longshoremen's and Warehousemen's Union.

Q. Are you the Harry Renton Bridges named in this Warrant? A. I am.

Q. Where were you born, Mr. Bridges?

A. Melbourne, Australia.

Q. What date? A. July, 1901; July 28th.

Q. July 28th? A. Yes.

Q. What is your father's name?

A. Alfred Ernest Bridges.

Q. And where was he born?

(Testimony of Harry Renton Bridges.)

A. New South Wales, Australia.

Q. New South Wales, Australia. Of what country is your father a citizen?

A. Well, born in Australia, makes him a subject of Great Britain.

Q. So far as you know, he is a citizen of Australia? A. Absolutely, born there.

Q. What is your mother's maiden name?

A. Doigan; Doigan, D-o-i-g-a-n.

Q. Doigan. Where was she born? [10]

A. Ireland, Dublin.

Q. Of what country is she a citizen?

A. Great Britain.

Q. Of what country are you a citizen, Mr. Bridges?

A. I presume I would be the same; Great Britain.

Q. Well, "you presume"; you mean you are; you know that you are a citizen of Great Britain?

A. That is correct, outside of the application I have filed.

Q. What is your—outside of the application on file? Just what do you mean by that?

A. (No response.)

Mr. Gladstein: May I interrupt to suggest, your Honor——

Presiding Inspector: Yes.

Mr. Gladstein: I doubt whether the witness should be questioned as to the legal effect upon his citizenship, upon his being a citizen of the British

(Testimony of Harry Renton Bridges.)

Empire by the fact that he has heretofore filed an application for citizenship in the United States.

Presiding Inspector: You don't claim that you are a citizen of the United States?

The Witness: No, your Honor.

Presiding Inspector: I think that is sufficient at this time.

Mr. Gladstein: Thank you. [11]

Mr. Del Guercio: Yes.

Q. (By Mr. Del Guercio) What is your marital status, Mr. Bridges?

A. I didn't get the question.

Q. What is your marital status? Are you married—— A. Yes.

Q. Or single? And to whom are you married?

A. To whom?

Presiding Inspector: Your wife's name.

By Mr. Del Guercio:

Q. What is your wife's name?

A. Agnes Brown was her maiden name.

Q. Agnes Brown; that is her maiden name?

A. Yes, sir.

Q. Where were you married?

A. San Francisco.

Q. What date? A. 1934.

Q. 1934. What month? A. May.

Q. May 1934? A. Yes, sir.

Q. In San Francisco? A. San Francisco.

Q. Do you have any children of that marriage? [12]

A. Two children; oh, one step-son, I should say.

(Testimony of Harry Renton Bridges.)

Q. One step-son? A. One step-son.

Q. And one child, your own child?

A. Yes.

Mr. Del Guercio: That is all.

Presiding Inspector: That is all for the time being.

(Witness temporarily excused.)

Mrs. King: If your Honor please, this is the second time in considerably less than two years that Mr. Bridges has been put on trial in San Francisco to defend himself against charges made against him by the Immigration and Naturalization Service.

At the first hearing, as you know, Dean James M. Landis found that there was no credible evidence that Harry Bridges was a member of the Communist party, and we are here assuming—although the Government has not yet informed us—that the organization with which Mr. Bridges is charged with affiliation or membership, is the Communist party.

Now, he is to be tried again on a substantially identical charge, for Dean Landis examined evidence not alone of present membership but of the then past membership of Harry Bridges.

It will be recalled that in the previous trial Mr. Bridges was charged both with present and past membership, [13] and that appears both in the Warrant of Arrest that originally issued in 1938 and the amended Warrant of Arrest which the Service

issued shortly before the hearing in 1939. That present and past affiliation was likewise mentioned in the two warrants of arrest. That hearing lasted eleven weeks; the Government called 32 witnesses; the record, without exhibits, of which the Government introduced some 138 exhibits, totalled close to 8,000 pages.

At the close of the hearing Mr. Bridges was completely exonerated in the findings and conclusions of Dean Landis, and I should like at this time to request that the findings and conclusions of Dean Landis, if they are not part of the present record, be made a part thereof.

Mr. Del Guercio: I object to that, your Honor. I believe this is all without the issue. We are not concerned here at this time with what occurred at the previous hearing. This is an entirely new proceeding based on a new warrant, has no connection whatsoever.

Presiding Inspector: That may be so. I will hear Mrs. King.

Mrs. King: If your Honor please, as I understand it, this case has the same number as the old case; it is part of the record, and ordinarily the immigration file becomes automatically part of the new hearing, and there is no problem as to that.

Mr. Del Guercio: That is an incorrect statement, if your Honor please.

Presiding Inspector: Well, I will hear Mrs. King.

Mrs. King: Now, I should like to finish. Regardless [14] of this problem of the introduction, which I will take up later, of Dean Landis' report,

I should like to finish on the problem of the motions which I wish to present to your Honor.

Now, proceedings are now instituted against Mr. Bridges. The excuse given is that there is a new law, passed last year, requiring deportation for past membership. The Government also claims apparently that there is new evidence.

As to the new law, we say that this is no excuse. Witnesses at the last hearing testified to past membership. Testimony of past membership was given by each and every one of the witnesses that testified to membership at all.

These witnesses were Laurence A. Milner, John L. Leech, Aaron Sapiro, Miles G. Humphries, John L. Leppold, Theodore M. Stark, Frederick Allen, William H. Howard, Eugene G. Detrich, James W. Engstrom, John R. Davis, Gordon C. Castor, Joseph W. Marcus, John A. Kessler, John Mickleson, Cleo Zanazzi, William H. Penoat.

This, as I say, included every witness as to membership or affiliation, and these witnesses testified to past membership, some of them a number of years, quite a number of years prior to the issuance of the warrant of Arrest, and Dean Landis made it quite plain that he did not believe these witnesses at that hearing.

I shall not burden you long, but I should like to read a few of the comments with reference to these witnesses.

He said with reference to Laurence Milner that

"His testimony is deserving of little, if any, credence." [15]

Presiding Inspector: Do you think it is going to help us to read the matter? If it is proper to receive it, why it will all be there.

Mrs. King: All right.

Presiding Inspector: And if it isn't proper to receive it, why, your telling us about it won't help.

Mrs. King: Anyway, I can say that in summarizing the findings and conclusions that none of this evidence was believed by Dean Landis.

Mr. Bridges came to this country 21 years ago. The last hearing, its length, and the number of witnesses the Government called, serves to indicate that the Government had then investigated all of the acts and statements of Mr. Bridges from the date of his lawful entry on April 12, 1920, until the date of this hearing in 1939. When I say "this hearing" I mean the first hearing in San Francisco against Harry Bridges.

The question is: Is Mr. Bridges to be retried each time his enemies dig up some new witness to testify against this leader of the CIO? For Mr. Bridges we claim the present proceeding cannot legally and constitutionally be brought and we have, in so far as was possible in the brief time allowed to us, prepared a *memoranda* of law to support our conclusions. These conclusions are that the present proceedings serve to place Mr. Bridges twice in jeopardy, in violation of the Fifth Amendment to the Federal Constitution; that the matter is res judicata and cannot properly be reopened; that the

new law [16] under which the present proceedings are brought is unconstitutional and in violation of the First, fifth and Eighth Amendments to the Constitution of the United States; and that its application to Mr. Bridges for alleged conduct antedating its enactment constitutes an ex post facto law violating Article I, Section 9 of the United States Constitution; that all of these matters separately, and especially all of them taken together, serve to deny Mr. Bridges that due process of law to which he is guaranteed by the Fifth Amendment of the Constitution of the United States.

We, therefore, ask that the present proceedings be dismissed in accordance with law, and that the Warrant of Arrest be cancelled and that the bail be exonerated.

Now before your Honor says anything further may I request that I be permitted to file a motion to dismiss, and memoranda of law with reference to the problem of double jeopardy, the fact that this is an ex post facto law with reference to res judicata and with reference to the problem of due process. [17]

Presiding Inspector: Well, of course, in the proper Court you will be entitled to be heard on those matters, and in the proper Court the fact that you have made this motion will be given due weight, I have no doubt, but it seems to me that the motion is irrelevant to my duties here.

I will look at the brief, as you requested, and will not rule upon it finally at this time.

We will go on with the case.

Mrs. King: Before I give you the briefs, just as a matter of mechanical detail, I should like to make a further application, which, I believe, is within your jurisdiction—of course I think that all of this is within your jurisdiction, but assuming, for the purpose of the coming application, that this is a matter for the Courts rather than for your Honor, I should like to say that we seek to have the issues of this case limited so that we are not required, at least to re-try issues which have been disposed of. For this purpose we ask that the Government be restricted in the introduction of evidence.

The former hearing closed on September 14, 1939. We respectfully ask that you refuse to admit any testimony dealing with any act or statement the time of which was prior to September 14, 1939, that is, the date of the close of the last hearing.

When that hearing came to a close, events up to that date [18] were disposed of. At least that period of time cannot be covered again without violating the principles of both double jeopardy and res judicata.

Finally, there must come an end to litigation.

I should like to submit to your Honor, before you rule on the second point, the memoranda with reference to these questions, and I shall at the same time give Government counsel a copy of each.

Presiding Inspector: Of course, you realize Mrs. King, that this is not a judicial, but an administrative hearing. I am anxious that it have all

the dignity of a judicial hearing and all the protection to the parties that the law throws around a judicial proceeding. I do not mean by that the rules of evidence, I mean to say the fundamental doctrine of fairness, fair play, which lies at the basis of our American law.

I will read your memorandum. I do not know whether counsel would like to read it before saying anything about it, but I won't stop the production of evidence at this time.

Mr. Del Guercio: I do not believe it is necessary. I believe our opening statement will satisfactorily answer counsel's position.

Mrs. King: Now, if your Honor please, I am sorry to impose on you longer, but I should like at this time to renew the application for the inspection of evidence on which the Warrant of Arrest issued. [19]

I have also prepared a memorandum of law, as well as a written motion, with reference to this problem.

It seems to me that the alien, Harry Bridges, is seriously handicapped when he has been here for 21 years, and has no knowledge of what the Government is going ahead to try and prove on him, if the Government is not somewhat limited in providing material concerning which we have prior notice.

I am not trying to say they would be barred, but I say we are entitled to some notice, and that the Department of Justice, the Attorney General himself, has recently, through his Committee on Ad-

ministrative Procedure, made it plain that that kind of notice is part of appropriate judicial procedure.

In this connection I would like to read what he says, what the Committee said in its final report:

"In fixing the time and places for formal and informal proceedings due regard shall be had for the convenience and necessity of the parties involved or their representatives."

Now, in addition to that the separate Committees dealing with the separate adminstrative branches of the Government—for instance, the procedure with reference to the Federal Communications Commission states:

"The preparation of the issues to be included in the Notice of Hearing is now given much more time and consideration by the members of the legal staff than was formerly the case. For one thing, notices of hearing now leaving the Commission do not contain among the issues the overly-generalized [20] 'Whether the granting of this application shall serve public interest, convenience and necessity.'"

Now, we contend that this generalized charge in the Warrant of Arrest, that Mr. Bridges should show cause why he should not be deported because he is a member of or affiliated with—as set out therein—that we have no notice at all of the real charge against him.

The old rules of the Immigration Service, as I said in Washington, provide that at the opening of the hearing counsel for the Alien was entitled as

a matter of right to see the evidence on which the Warrant issued.

It seems to me that the other administrative bodies—and I have collected in the memorandum the references to statements with reference to the other administrative bodies—were coming closer to giving you judicial notice and a Bill of Particulars of the offense or the charge, and that it is quite improper to expect Mr. Bridges to go on trial, after this length of time, without real knowledge of what he is charged with.

Mr. Bridges has been in the United States, I think we calculated some 7650 days, and in all that time we really do not know what day, what act, what statement he made, or what act he did that brings him, according to the Government, within the terms of this Immigration Law.

So I should like to renew both my motion and my memoran- [21] dum, my application to your Honor, to examine the evidence on which the Warrant issued, or at least to be apprised of the names of the witnesses, so that we can really get an opportunity to prepare for this hearing.

(Whereupon the memoranda above referred to were passed to the Presiding Inspector.)

Presiding Inspector: Mrs. King, this motion was made practically in the same form before me in Washington. I then denied it.

I will receive at this time your memorandum and will examine it. However, in the meantime I am going to deny this motion. I think the matter is one for the discretion of the Department of Justice, and is not a legal right.

It may be that when you have heard the opening statement, which has been intimated will be made here, you will be satisfied.

I will say further, however, Mrs. King, that if in the course of this hearing it seems reasonable that some opportunity should be given to Mr. Bridges to investigate any subject arising in the hearing, I will take that into consideration and will endeavor to give Mr. Bridges full opportunity, reasonably, to make investigation of the matters which are brought before him of which it might be said he had no knowledge or information.

Anything else, Mrs. King? [22]

I will read this memorandum (Indicating) and if I think I am wrong it will be no hardship for me to say so, and then make an opposite ruling.

Mrs. King: If your Honor pleases, I will file at this time two motions:

1. The motion to dismiss.
2. The motion for examination.

Also the memorandum on the latter.

Presiding Inspector: I will receive the briefs.

(The documents referred to were passed to the Presiding Inspector.)

Mrs. King: I should also like to file, and I am not quite sure whether I have already done it, a memorandum of law on the subject of——

Presiding Inspector: Didn't you file it?

Mrs. King: I don't know whether I did or not—I have reference to res judicata and double process.

Presiding Inspector: Res judicata?

Mrs. King: Yes.

Presiding Inspector: Res judicata, that one is gone.

Mrs. King: All right.

Presiding Inspector: There is one blank folder here. It has no title on the outside.

Mr. Del Guercio: If the Court please, I forget to ask Mr. Bridges just one question regarding his entering the United States. [23]

Presiding Inspector: You may ask him right there.

HARRY RENTON BRIDGES

was recalled as a witness on behalf of the Government, and having been previously duly sworn, testified further as follows:

Direct Examination (Resumed)

By Mr. Del Guercio:

Q. When did you enter the United States?

A. April 1920.

Q. Is that the first time you entered the United States? A. Yes.

Q. And in what manner?

A. As a seaman. I had been here before, but never entered.

Q. What was the name of the vessel on which you arrived? A. Barkentine Ysabel.

Q. At what port? A. San Francisco.

Q. And you have been here continuously since, excepting for several departures as a seaman?

A. Yes. I have been in San Francisco since

(Testimony of Harry Renton Bridges.)

1922 and in the years between, two years between, I was a seaman on American vessels.

Mr. Del Guercio: That is all. Thank you.

(Witness excused.)

Mr. Del Guercio: May we make our opening statement? [24]

Presiding Inspector: Yes.

Mr. Goodwin: There are some things, your Honor, that are a little extraneous to the merits of the case, but which, in justice to the Attorney General and the Administration, should be said at this time, and very briefly.

It has been suggested, and there are some who have suggested, that this proceeding is inspired by the influence or pressure of those who desire the deportation of the Alien, not because of his membership in or affiliation with the Communist Party, but because they wish to get rid of him as a disturbing factor in industrial relations. There is nothing that has occurred in the history of this case, or in the history of this Administration, that justifies in any way any such inference or suggestion and it is resented.

Many of those protesting those proceedings have in their zeal even asserted that the issuing of this second warrant by the Attorney General constitutes a persecution. Here, again, nothing could be further from the truth. I call attention to the fact that after the conclusion of the first hearing there was introduced in the House of Representatives a

bill which provided, "That notwithstanding any other provision of law the Attorney General be, and is hereby, authorized and directed to take into custody forthwith and deport forthwith to Australia, the country of which he is a citizen or subject, the alien, Harry Renton Bridges, whose presence in this country the Cong- [25] ress deems hurtful." That bill passed the House of Pepresentatives by an overwhelming majority and was referred by the Senate to its Committee on Immigration. Thereupon, the Attorney General wrote the Chairman of that Committee denouncing the bill as a departure from an unbroken American practice and tradition, and that as an American he would not, for the sake of his own liberty, deny the protection of uniform and indiscriminatory laws and a fair hearing to even the humblest or meanest of men, and that as an official of the United States he could not, in good conscience, do other than recommend strongly against the bill. The alien is, therefore, still here in this country with his status under investigation by a distinguished and learned judge because of the action taken by the Attorney General of the United States which prevented his summary deportation.

Now, your Honor, proceedings of this character are ordinarily conducted by the regular officials of the Immigration Service, but the Attorney General in view of the importance of this matter determined that hearing ought to be conducted by someone entirely outside of the Government, and he therefore selected a former Justice of the Supreme Court of

the State of New York, later a Judge of the Court of Appeals of that State, to conduct the hearing. Therefore, it must be evident to any fair-minded man that the Attorney General and the Administration have done everything in their power to [26] assure to the alien a fair, impartial and orderly hearing.

It is necessary at the outset to say something in regard to the character of the instant proceeding and the principles governing it. An orderly presentation of the case seems to require such a statement at this time.

In the first place, it must be emphasized that the statute under which these deportation proceedings are brought is neither criminal nor penal, but is, on the contrary, a remedial statute enacted in the interest of furthering the great constitutional purpose of insuring domestic tranquility and promoting the common defense.

The deportation of the alien in the instant case is sought under a statute compelling the issuing of a deportation warrant in any case where an alien has at any time been a member of, or affiliated with an organization that advises, advocates or teaches the overthrow by force and violence of the Government of the United States, or of an organization, association, society or group that believes in, advises, advocates or teaches the unlawful damage, injury or destruction of property or sabotage.

To determine the character and purpose of such statute, there must be an understanding of the

compelling circumstances which make their enactment necessary.

From its earliest inception this Government welcomed to these shores the oppressed and disinherited of all the world. [27] At the same time, however, it made it clear that entry and domicile were not matters or right and that continued residence here depended upon the sovereign will as expressed by the Congress of the United States. While the Congress extended a broad and generous hospitality, the interests of the United States remained paramount, and it was imperative that the Congress should determine from time to time, the conditions under which aliens might enter and the conditions under which they might remain. There have, moreover, been developments in the last half century which have made the question of fixing these conditions important and serious, and this can be best illustrated by a glance at the conditions with which we are confronted at the present hour.

We have now nearly five million registered aliens, coming from every known part of the world, having every known concept of government, every conceivable political belief and with every conceivable standard of conduct and attitude towards society. They are all our guests and none of them owe allegiance to the United States; they may properly remain only so long and under such conditions as Congress may from time to time impose with an eye single to the welfare of the United States. No nation on this earth has extended to so many aliens such generous hospitality. Obviously, however, the

presence here of this great undigested alien mass, a large part of which, through oppression and tyranny, has become infected with a hatred of all Government, creates a disturbing problem in times peace [28] and a menace in times of war.

As indicated, the object of deportation statutes is not in any degree or in any way to inflict punishment on the alien, but to protect the citizen and the welfare of the country. The Congress of the United States may at any time properly provide for the deportation of aliens for reasons entirely apart from acts of criminality or misconduct and neither in the case grounded on misconduct or on innocent action or inaction is the result punishment not the infliction of a penalty. The result may be disadvantageous, but it is disadvantageous alike whether grounded on innocent or criminal action.

This disposes of the suggestion that by this hearing the alien is subjected to double jeopardy. As this is not a criminal action or a proceeding under a penal statute the principles and reasoning which apply to such statutes have no application here.

In the case of penal or criminal statutes, your Honor, the purpose of the statute or the law is punishment, and for centuries practically the only punishment inflicted even for the smallest infraction of the law was death. Therefore, in view of the fatal consequences which followed conviction there were developed numerous safeguards for the benefit of the accused. They included the rule that no man should be twice put in jeopardy for the same offense although it might be made de- [29] finitely certain that newly discovered evidence made his actual

guilt indubitable. Likewise, he could not be convicted unless his guilt were proven beyond a reasonable doubt, although the fair preponderance of the evidence indicated that he was guilty. Again as the purpose of the statute or law was to mete out punishment to the offender, and the rules of conduct to be followed should be definitely known in advance there grew up the salutary rule that penal and criminal statutes should not be retroactive and must be strictly construed so that nothing should be included in the statute except what was clearly and expressly stated.

None of these rules has any application to the law under consideration or the instant proceeding. If the alien suffers a disadvantage as the result of the proceeding, it is incidental and is in no way the object for which the statute was passed.

With respect to objections to the fairness of issuing a second warrant for deportation, after one warrant has been issued and cancelled after a prolonged hearing, there are two definite answers. In the first place, the statute is mandatory and the duty of the Attorney General continues, and his obligation is not satisfied by the issuing of a warrant if after its cancellation it appears that the alien is in fact within the classes of aliens subject to deportation. The mischief to be avoided is the continued residence of a person [30] within the enumerated classes. If it were a matter of crime and punishment the law would be satisfied by the arraignment and acquittal of the accused and no further action could be brought against him. With

respect to deportation, however, the purpose of the statute is not carried out so long as an alien subject to deportation remains domiciled here. Whenever it shall be legally determined that he is among the classes subject to deportation he must go, no matter how strongly the evidence in another case might have indicated the contrary.

The second reason is that since the first hearing Congress has effected a change in the deportation statute which makes this alien deportable on other grounds than those formerly applicable. The original charge in the deportation warrant was that after he entered the United States he became a member of an organization that advises, advocates or teaches the overthrow by force or violence of the Government of the United States, and that after he entered the United States he became affiliated with such an organization. After this warrant was served, the United States Supreme Court concluded in Kessler vs. Strecker, 307 U. S. 22,—in which the distinguished counsel now representing the alien appeared successfully—that an alien could not be deported because of past membership in or affiliation with such an organization, but could only be deported on the ground that he was at the time a member of or affiliated with the organization described. [31]

The point to be emphazied there is "That He Was At The Time."

In consequence, that warrant was amended so that the only issue presented was as to whether the alien was at the time the warrant was issued a

member of or affiliated with such an organization. Following this, however, Congress in the Act of June 28, 1940, amended the statute so as to make past membership in or affiliation with such an organization a ground for deportation.

I have suggested that in doing this, Congress really reinstated its actual, if not its legal intent—the argument of the distinguished counsel here to the contrary notwithstanding.

A ground on which the Government demands the deportation of the alien is that after entering the United States he has been a member of or affiliated with the Communist Party of the United States of America which is an organization which advises, advocates or teaches the overthrow by force and violence of the Government of the United States.

In the instant case I suggest that the fact that the Communist Party of the United States of America advises, advocates and teaches the overthrow by force and violence of the Government of the United States is a matter of common knowledge, but full and indubitable evidence of that fact will be offered in its proper place at this hearing. [32]

There is among well-disposed and intelligent people a disposition to regard the activities of such organizations as the Communist Party of the United States of America as innocuous and negligible. A contrast is made between the relatively small group of persons included in such organizations as compared with 135 million people of the United States generally well disposed to its Constitutional Government and its support. If we are

concerned alone with the matter of the immediate effect of the teachings of the Communist Party, then we may perhaps consider them as negligible in their influence so far as the overthrow of the Government is concerned, but we will show that the Communist party is not concerned, and, likewise, we are not concerned with the present alone. We feel at the moment secure and protected against any current of subversive opinion and any probability of revolutionary action largely because our population as a whole has reasonable satisfaction in conditions as they exist and a confidence in our ability to remedy what is wrong. But within a decade we have seen conditions so disquieting and problems so apparently insoluble as to overshadow our people with the fear of chaos, disorder and revolution. In coming decades like conditions may and almost inevitably will appear again, and we must think of what effect the present current of propaganda may have then.

But, regardless of what may happen at a future time, the attitude and feeling of our alien guests toward the Government and toward this country is of large importance at the present [33] hour. It is obvious that even in tranquil times and ordinary circumstances the presence in the country of aliens who are disaffected is undesirable, but it is a particularly disturbing factor in such times as the present. Clearly, the known fact of the membership of an alien in an organization which teaches or advises the overthrow of this Government encourages disaffection among other aliens even where

he takes no part in Communistic propaganda. The welfare of the country and its stability are best served by bringing as large a part of our alien population as possible within the lines of loyal citizenship. The Communist Party holds the view that the present economic organization of the country is undesirable and should be changed. Such convictions are, of course, a matter of right, and if the teachings of the Communist Party went no further, they would be beyond rightful criticism. But when the party goes further and advocates the substitution of a proletarian dictatorship in place of our Constitutional Government, and the accomplishment of this through force or violence, it becomes, as it has, a festering sore in the body politic. Therefore, the removal from this country of all aliens who are members of or support such an organization is a matter of national self-preservation. Danger of proletarian revolution may or may not be far in the future, but the matter of weakening or destroying the good will of the alien to our Government is a menacing evil in the present hour and Congress [34] has proscribed it.

I have just spoken of the ill consequences of support of such an organization as the Communist Party as though it were inimicable to the interests of the country as actual membership therein. Obviously, the thing that advances the interests and tends to secure the aims of the Communist Party depends on support and cooperation rather than formal enrollment. The question will, therefore,

arise in this case as to whether cooperation and support, such as will be shown by the evidence here, constituted affiliation, which is banned by the statute equally with membership.

It may be contended that, as said by Circuit Judge Chase in the case of Kettern vs. Reimer, 79 F-2 (315-317)—affiliation "is not proved unless the alien is shown to have so conducted himself that he has brought about a status of mutual recognition that he may be relied on to cooperate with the Communist Party on a fairly permanent basis * * * Affiliation includes an element of dependability upon which the organization can rely, which, though not quivalent to membership duty, does rest upon a course of conduct that could not be abruptly ended without giving at least reasonable cause for the charge or breach of good faith."

We contend, however, your Honor, that when checked by all the cardinal principles of statutory interpretation there is nothing that indicates or supports the conclusion at which [35] Judge Chase arrived. I do not at this time wish to undertake an extensive discussion of this question, important though it may prove to be. We will show that the conduct of the alien did bring about a status of mutual recognition that he might be relied on to cooperate with the Communist Party on a fairly permanent basis, and that he did cooperate with the Communist Party on a definitely permanent basis.

Also that there was an element of dependability manifest upon which the organization could rely and upon which it did rely.

We respectfully suggest, however, that no such demonstration is necessary and that in interpreting this statute the commonsense and cardinal principle of interpretation should be followed and that must be interpreted in view of the mischief sought to be avoided and in harmony with all of its provisions.

What was the mischief sought to be presented? It was very definitely the support of the Communist Party and like organizations by aliens resident in the United States. It was aid and cooperation which the Congress obviously desired to prevent and which it is clear they intended to embrace within the scope of the statute.

For a demonstration of this we do not need to go outside the statute itself. For example, the statute expressly says that:

"The giving, loaning or promising of money or anything of value to an organization, association, society or group of the character above described, shall constitute affiliation [36] there with."

A single gift, your Honor, and the giver becomes affiliated within the meaning of the statute.

I ask your Honor to place this explicit interpretive declaration of the statute alongside of the definition laid down by Judge Chase and see how in any way the two can be reconciled. Obviously the giving or promising of money or other thing of any value cannot be said to bring "about a status of mutual recognition that he may be relied on to cooperate with the Communist Party on a fairly permanent basis."

It is very clear that when one contributes money to an organization he does not expressly or impliedly agree in any way to cooperate further. Yet the statute declares that such giving, loaning or promising of money or anything of value "shall constitute affiliation," although Judge Chase's definition excludes such a meaning from the intention of the statute. What is there in the giving of money that justifies Congress in declaring that it should constitute affiliation? Obviously it was the view of Congress that one became affiliated with a subversive organization if he gives it support. It evidently conceived of the giving of support as something analogous to giving aid and comfort to the enemy. The sense in which the word was used therefore, intended to include anybody who affiliated himself with such an organization through giving it cooperation and support. You cannot exclude coopera- [37] tion and support from the meaning of affiliation without ignoring and denying what Congress has expressly said it shall include. In construing a statute we must, of course, consider the entire provision, and what is here contended for is further supported by the statement that "but nothing in this paragraph shall be taken as an exclusive definition of * * * affiliation."

The sense in which we claim the word was used is clearly indicated by the language of the statute itself, while the definition laid down by Judge Chase, is entirely incompatible with it.

It is clear that the views of the court, expressed in the Kettern case stem directly from the earlier

opinion in the Tosky case (unreported), where Judge Hand said that it seemed pretty clear to him that affiliation "involves a mutual recognition of permanent cooperation between the organization and the person affiliated."

As heretofore indicated, this runs directly counter to the interpretative provisions of the Act of June 5, 1920, already quoted. The question, therefore, arises as to how the learned and distinguished Judge could have arrived at such a conclusion with reference to the meaning of the statute in the teeth of this irreconcilable interpretation of Congress.

Now, your Honor, it is impossible for so learned and distinguished a Judge as Judge Hand to find himself in any such judicial dog house. I think that the answer to the question is very clear. [38]

Judge Hand gave his decision in the District Court June 22, 1920; just two weeks after the enactment referred to. Apparently there was no time in the interim for the printing of the statute and the inference is very clear that it was not and could not have been brought to his attention. I think it is equally clear that there is nothing in the report of the case with which Judge Chase gives his opinion, that indicated that this was at any time brought to his attention. I think he must be, therefore, exonerated from any inconsistency in holding, laying down the rule that he did in the absence of the knowledge of the interpretation directly put upon the statute by Congress itself.

I have given some time to that matter, your

Honor, because the question of affiliation seems important and will be important in this case.

I may close by saying that the Government's case is briefly, this: There has been for many decades an economic theory that all wealth is produced by labor, that the use of it belongs to labor, and, therefore, the control of that wealth should be in their hands. That is a crude statement of a very complicated economic philosophy having to do with a multitude of people throughout the world which is not capable of any brief, exact statement. By the end of 1917 the revolutionary leaders of Russia who adhered to that doctrine had overturned the newly constituted constitutional government [39] of that country and had set up what they called a proletarian dictatorship. These leaders planned the extension of this economic and political program throughout the world.

In consequence, they called a Communist International Conference in Russia which became known as the Third International, and by abbreviation is referred to as the Comintern. This International planned the organization of Communist Parties in every part of the world, to be governed by an Executive Committee located in Moscow. Its object was the overthrow through force and violence of all existing governments, and the substitution of proletarian dictatorship. The Comintern has had for its basic principle unity of action through absolute obedience. The evidence will show that all members are required to pledge themselves to such obedience, and the party has never had a democratic organiza-

tion responding to the will of the majority, but it is an army acting under orders, and largely foreign orders.

To accomplish their ultimate purpose in the United States, they adopted a policy of infiltration into the organized labor unions for the purpose of their control. It was a step in the accomplishment of their purpose to have this Government overturned and a proletarian dictatorship substituted here.

The evidence will show that for the purpose of strengthening their control over the trade union movement on the West Coast, the Communist Party sought and obtained the membership, [40] affiliation, cooperation and aid of the alien whose case is now being heard.

I submit, your Honor, that the question of his reasons for yielding to this influence is entirely immaterial. The statute equally bans alien membership in and affiliation with such an organization and the motive in joining and cooperating with it, is entirely beside the point.

It would serve no useful purpose to outline in detail the proofs on which the Government will rest its case. The evidence will speak for itself. We will show that the alien Harry Renton Bridges shortly after he first entered this country in 1920 became a member of the Industrial Workers of the World, an organization which believed in, advised, advocated and taught the unlawful damage, injury and destruction of property and sabotage. We will further show that subsequently he became a mem-

ber of and became affiliated with the Communist Party of the United States of America, an organization which believed in, advised, advocated and taught the overthrow by force or violence of the Government of the United States.

We will further show that he became affiliated with the Marine Workers Industrial Union, a section of the Communist International, an organization which believed in, advised, advocated and taught the overthrow by force or violence of the Government of the United States. [41]

The evidence which will be presented in regard to the alien's membership in and affiliation with the organization just mentioned must be received and considered in the light of the fact that, although enjoying the hospitality of this country for twenty years, he has failed to become a citizen and to take oath of allegiance and to protect and defend the Constitution and laws of the United States against all enemies foreign and domestic. [42]

Mr. Gladstein: If your Honor please, I think it is very close to the noon recess. I was wondering whether your Honor wanted to declare a recess and, if so, I would suggest there may be preliminary matters such as the hours during which we will meet that might be taken up by counsel in the chambers.

Presiding Inspector: What do you say about that?

Mr. Del Guercio: Well, we would prefer to go right on, if the Court please, to speed this along.

Presiding Inspector: Mr. Gladstein, I had

thought that the hours could be—and this, of course, is subject to a revision—I will hear you on this—from ten o'clock in the morning until half past twelve, and from two o'clock in the afternoon until in the neighborhood of five, and that we would have a Saturday session from 10:00 o'clock to half past twelve. I am anxious to expedite this hearing as much as I can without injury to anyone's interests.

Mr. Gladstein: We are likewise, but it must be apparent that that and other matters would be proper subjects for discussion between counsel.

Don't you think, your Honor, in view of the fact that you intend today to go to 12:30——

Presiding Inspector: Yes.

Mr. Gladstein (Continuing): ——that this would be an appropriate time to have a morning recess so we can take up these matters? [43]

Presiding Inspector: Yes, we will have ten minutes.

(Whereupon a short recess was taken.)

Mr. Del Guercio: If the Court please, at this time I would like to suggest, and I make it in the form of a motion, that all witnesses, Government and alien witnesses alike, be barred from the court room until at least such a time as their testimony has been heard.

I don't believe counsel has any objection to that.

Mr. Gladstein: We are agreeable to that, your Honor.

Presiding Inspector: It may be so taken as the rule of this hearing.

Mr. Del Guercio: If there are any witnesses now present or expected to testify I believe they should go out from the court room.

Presiding Inspector: Well, do you know whether yours are here?

Mr. Del Guercio: We know that none of ours are here.

Presiding Inspector: None of the Government witnesses are in the court room.

Mr. Gladstein: We will take a look around. We don't know of anybody that we have asked to come that we intend to put on this morning.

Presiding Inspector: Well, probably the people in the court room know whether they expect to give testimony in this case. [44]

Mr. Gladstein: No, on the contrary, your Honor.

Presiding Inspector: Don't they?

Mr. Gladstein: No, because we have no way of knowing what the Government intends to put on. I think Mr. Sauer is in the audience, however, and that there is a possibility—this is simply speculative on our part—that we may require him as a witness; if he is present, why, I am sorry to ask him to leave.

I don't see anyone moving so the possibility is that he is not here.

Mr. Sauer: Did you mention my name?

Mr. Gladstein: Would you leave, Jay? There is a possibility you may be needed to testify later in the case; we don't know.

That is all that I know of at this time, your Honor.

Presiding Inspector: Now, we will go ahead with the presentation of the evidence.

Mr. Del Guercio: Our witness is coming in; he has been called.

Presiding Officer: Yes.

Mr. Del Guercio: Will you take the stand and be sworn?

BENJAMIN GITLOW

called as a witness on behalf of the Government, having been first duly sworn, testified as follows:

Presiding Inspector: Give your full name and address, [45] please.

The Witness: Benjamin Gitlow, 5 West 91st Street, New York City.

The Reporter: Spell your last name, please.

The Witness: G-i-t-l-o-w.

Direct Examination

By Mr. Del Guercio:

Q. What is your present occupation, Mr. Gitlow? A. Lecturer and writer.

Q. And where were you born?

A. Elizabethport, New Jersey.

Q. You are a citizen of the United States?

A. I am.

Q. Have you ever been a member of the Communist Party? A. I have.

Q. For how long a period?

A. From its inception up to the year 1929.

(Testimony of Benjamin Gitlow.)

Q. Is that what is now known as the Communist Party of the United States?

A. That is right.

Q. Of America? A. Yes, sir.

Q. And did you hold any offices in the Communist Party?

A. I did. I was a member of the Central Executive Committee of the Communist Party; I was a member of the Political [46] Committee, a member of its Secretariat, and in 1929 I was General Secretary of the Communist Party.

Q. And were you also a member of the Executive Committee of the Communist Internationale?

A. I was.

Q. And of the Red International of Trade Unions? A. I was.

Q. Were you also a member of the Presidium of both those Internationales? A. I was.

Q. What is a Presidium, Mr. Gitlow?

A. It is a floor committee that handles the affairs of the Communist Internationale.

Q. And while you were a member of the Communist Party did you ever run for public office on the Communist ticket?

A. I did. I was Vice Presidential candidate for the party in 1924 and in 1928, and ran for Mayor of New York City. I forget the year, the exact year.

Q. Were you ever arrested and prosecuted because of your activities in connection with the Communist movement in the United States?

(Testimony of Benjamin Gitlow.)

A. In 1919.

Q. And on what charge?

A. The charge of criminal anarchy.

Q. Criminal anarchy in what state? [47]

A. New York.

Q. In New York State? A. Yes, sir.

Q. You were tried? A. I was tried.

Q. Were you convicted?

A. I was convicted.

Q. Were you sentenced? A. Yes, surely.

Q. What sentence did you get?

A. Five to ten years.

Q. And while serving this sentence did the Communist Party bestow any honors upon you?

A. Well, naturally they did.

Q. What honors?

A. Well, all the honors that they give a leader of the Communist Party who goes to jail for serving the body.

Q. You mentioned that you were a candidate for the Mayor, I believe, on the Communist ticket of New York City? A. Yes, sir.

Q. Was it while you were serving such a sentence that you were nominated to run for Mayor?

A. That is right.

Q. And, I believe you said that you were an honorary member of the Presidium? [48]

A. No; I was a member.

Q. A member of the Presidium?

(Testimony of Benjamin Gitlow.)

A. Yes, sir.

Q. That meets in Moscow, I believe; is that correct? A. Yes, surely.

Q. And while you were in jail serving this sentence were you also elected an Honorary member of the Moscow Soviet? A. That is right.

Q. What is the Moscow Soviet?

A. Well, that is the local government for the City of Moscow.

Q. Now, you have mentioned, or mention has been made of the Communist Internationale. What is the Communist Internationale?

A. It is the international organization of the Communist parties of all countries of the world.

Q. What is its function?

A. Its function is to lead and direct that movement on a world scale.

Q. By "that movement" you mean the Communist movement throughout the world?

A. Throughout the entire world, yes.

Q. And how does it function, Mr. Gitlow?

A. Well, the Communist Internationale functions in the following fashion: In the first place it has a regularly con- [49] stituted executive committee which is supposed to be the leading committee of the Communist International. It also has offices like a President and Secretary of the Communist International and various departments. The non-Russian parties, I mean like the American Communist Party, or the German Communist Party, which are affiliated to the Communist In-

(Testimony of Benjamin Gitlow.)

ternational, must carry out all decisions of the Communist International. The only party that has the right to reconsider decisions of the Communist International is the Russian Communist Party which dominates and controls the Communist International.

No party belonging to the Communist International can disobey a decision of the Communist International, and the Russian Communist Party, to its political committee, can make decisions for the Communist International which are binding on all parties belonging to the Communist International.

Q. So that the Communist Party of the United States cannot, if it wanted to, act independently of the decision of the Communist International; is that correct?

A. It cannot, and it never has.

Q. Now, you have mentioned the Russian Party. Will you explain, if you know, of course, just what is the Russian Party?

A. The Russian Communist Party is the party which rules the Soviet Union. It is unlike a political party in our sense of the term because the Russian Communist Party is actually the Government of Russia. It determines all the policies and [50] all the laws for the Soviet Union in advance and, therefore, it is the Government which controls Russia and it is the Russian Government in turn, through the Russian Communist Party, which dominates and controls the Communist Internationale.

(Testimony of Benjamin Gitlow.)

Q. And do you know who is at the head of the Russian Communist Party?

A. Joseph Stalin today is at the head of the Russian Communist Party.

Q. Does the Communist Internationale, or the Communist Party of which the Communist Party of the United States is a part, as you have testified—does it advocate, teach the overthrow of the Government of the United States by force and violence?

A. That is the accepted and fundamental principle of all Communist Parties and of the Communist Internationale, that in order to achieve the aims of the Communist movement the Communists must prepare for the violent overthrow of what they call Capitalist Government.

Q. And by the use of the word "Capitalist Government" they mean all governments that are not—say, all governments but the present Soviet Government? A. That is true.

Q. Does the Communist Internationale and the Communist Party of the United States publish in print, or cause to be published, and print literature setting forth its aims and [51] objects?

A. Oh; I think they print and circulate a voluminous literature.

Q. Voluminous. By what means, if you know, does the Communist Party hope to accomplish its objectives? I believe you have just testified that they hoped to do so, or will do so, rather, through the use of force and violence; is that correct?

(Testimony of Benjamin Gitlow.)

A. They will prepare so that if conditions warrant the engaging in actual violence or revolution they will be prepared to do so.

Q. Now, is there any question about that at all?

A. There is not.

Q. About the use of force and violence in accomplishing their aims?

A. No question whatsoever as far as that particular subject is concerned. From its very inception the Communist movement was organized and predicated on the proposition that in order to achieve communism it would be necessary to violently overthrow existing capitalistic government.

Q. Do they advocate or teach that it would be necessary to first organize or obtain a majority of the people in any particular country before they launch this revolutionary movement?

A. No; they will determine the ripeness for revolution [52] on conditions prevailing at the particular time, and not on the question of a mandate from the people.

Q. And who is to determine when the time is ripe for the launching of this revolution and the overthrowing of the Government by force and violence?

A. The Communist Party in the particular country after it gets the approval of the Communist Internationale.

Q. And do you know of your own knowledge, because of your membership in the Communist Party and your holding of offices in the Communist

(Testimony of Benjamin Gitlow.)

Internationale, that the Party, the Communist Party and the Communist Internationale teaches the overthrow of the Government of the United States by force and violence? A. Absolutely.

Q. Are you familiar with the origin and development of the Communist movement in the United States? A. I am.

Q. How was the Communist Party first organized in this country?

A. The Communist Party was first organized in this country as the result of a split which took place in the Socialist Party, and this split took place over the question of policies and tactic, and one of the important elements in this question was the question of the advocacy of force and violence. [53]

The Communist Party was organized in Chicago in 1919 and immediately sought affiliation to the Communist Internationale. A call went out for the organization of the Communist Internationale. This call was sent out by Lenin, who was the outstanding leader of the Soviet Union at the time, and signed by others, to meet in Moscow to consider the question of the organization of a world communist movement. They called it the Third Internationale, Communist Internationale. Then, after that preliminary meeting another meeting was held, I believe, in the year 1920, the latter part of 1920, called the Second Congress of the Communist Internationale, at which the fundamental principles of the Communist Internationale were

(Testimony of Benjamin Gitlow.)

decided upon, a constitution drawn up, and the Internationale actually formed, and the American Party affiliated with the Communist Internationale, right from the start, and has been a member of the Communist Internationale up to the present time.

Q. Did you take a part in drawing up the constitution and program of the Communist Party?

A. I did.

Q. And that was about when?

A. The year 1919.

Q. And just what did you do? What part did you have?

A. Well, I was a delegate to the convention. I was a member of the National Committee of the left wing of the Socialist Party, and at the convention in Chicago, together with other [54] delegates we formulated the program and the constitution of the party.

Q. And were the aims and objectives of the Party also set up in this constitution?

A. Yes, surely.

Q. And what were the aims and objectives?

A. The aims and objectives of the Communist Party then set up were the revolutionary aims and objectives as outlined later by the Communist Internationale, that is, working for organizing the forces to overthrow the Government of the United States and to set up in its place a new form of Government to be known as the Dictatorship of the Proletariat, patterned after the form of the government of Soviet Russia.

(Testimony of Benjamin Gitlow.)

Q. And how was that to be accomplished with regards to the use of force and violence?

A. Well, it was understood and stated very definitely in the programs that that could not be accomplished without engaging in a violent revolution which, if successful, would succeed in overthrowing the Government of the United States.

Q. You have mentioned the dictatorship of the Proletariat. Just what do you mean by that expression?

A. Well, the bolsheviks or the communists of Russia brought that term into prominence, and they declared that once a revolution took place the old state or the old Government had to be replaced by a new form of Government which they called [55] the Dictatorship of the Proletariat, not a democratic government, but the opposite, a dictatorship which should proceed to lay the basis for the transformation of society from a capitalist basis to a socialist basis.

Q. Does the Communist Party of the United States have any other aims than that which you have just stated?

A. All its aims are predicated to that ultimate aim.

Q. Well, while you were active in the Communist Party of the United States did you attend meetings of the Central Executive Committee?

A. Oh, yes, sir.

Q. What is the head of the Communist Party of the United States, and where is it located?

(Testimony of Benjamin Gitlow.)

A. What do you mean by "the head"?

Q. The controlling body, if there is any such——

A. Well, the controlling body of the Communist Party of the United States is in Moscow.

Q. In Moscow? A. Of course.

Q. Do they have a Secretariat or a Committee, or whatever it is, in the United States?

A. Yes, sir.

Q. That carries out the program of the Communist Internationale through the Communist Party of the United States?

A. Yes, sir. Well, the Communist Party has a national, [56] or a Central Executive Committee: then it has a smaller committee known as the Political Committee; then, it has a still smaller committee known as the Secretariat, generally consisting of three members which carry on the affairs of the organization.

Q. Were you ever a member of such committee?

A. I was a member of all those committees.

Q. Did you ever have a membership card in the Communist Party? A. Yes, I believe I did.

Q. I will show you what purports to be three membership cards, the first one in the Workers Party of America, the second one in the Workers (Communist) Party of America, the next Workers Party of America, and the third, what purports to be an envelope on which is signed "Membership Card" and containing the symbol, the hammer and sickle, and the name of Benjamin Gitlow, and ask you if you can identify these documents?

(Testimony of Benjamin Gitlow.)

A. (Examining documents): Yes, these are all mine.

Q. These are your membership cards?

A. Yes, sir.

Q. Now, is there any difference between the Workers Party of America, the Workers (Communist) Party of America and the present Communist Party of the United States of America?

A. The only difference is in the name. [57]

Q. Is in the name?

A. That was the development, in which the Communist Party went through a process and finally adopted the name "Communist Party".

Mr. Del Guercio: I offer these in evidence, if your Honor please.

Presiding Inspector: I will receive them and have them marked.

(The four cards referred to were received in evidence and marked Government's Exhibits 2, 3, 4 and 5.)

Mr. Del Guercio: If your Honor please, for various reasons I would like to substitute for the originals, photostatic copies of these exhibits if counsel has no objection.

Mr. Gladstein: No objection. Could we, during the recess, examine them and see that they are photostatic copies?

Mr. Del Guercio: Yes.

Mr. Gladstein: Otherwise, we have no objection.

Presiding Inspector: That may be done. The

(Testimony of Benjamin Gitlow.)

photostats may be marked with the same numbers that the originals now bear.

Mr. Del Guercio: We will have the originals here for the inspection of counsel.

By Mr. Del Guercio:

Q. I will now show you what purports to be a membership card in the Workers Communist Party of America, American Section of the Communist International, and ask you if you can [58] identify this document.

A. (Examining document) Yes; I can identify that.

Q. What is it?

A. It is a membership card of the Workers Communist Party of America.

Q. Whose card is it?

A. It happens to be the card of my wife.

Q. You know that of your own knowledge?

A. Yes, sir.

Q. Under the heading "Party Membership", appearing on this booklet, appears the following:

"Sec. 1, Art. 3, Page 27.

"Every person who accepts the program and statutes of the Communist International and of the Workers (Communist) Party, who becomes a member of a basic sub-organization of the Party, who is active in this organization, who subordinates himself to all the decisions of the Comintern and of the Party, and regularly pays his membership dues may be a member of the Party."

Was that the rule at the time you went in?

(Testimony of Benjamin Gitlow.)

A. Yes; that has always been the rule.

Q. Could a person join the Communist Party without accepting and pledging himself to carry out these dictates? A. That is quite impossible.

Mr. Del Guercio: So I won't have to repeat it, may it [59] be understood that I am offering photostatic copies?

Mr. Gladstein: Yes.

Mr. Del Guercio: I will withdraw the originals and offer the photostatic copy.

Presiding Inspector: Have both the original and the photostatic copy marked.

Mr. Del Guercio: I now offer the membership card just identified.

(The card referred to was thereupon received in evidence and marked Government Exhibit No. 6.)

By Mr. Del Guercio:

Q. I believe you testified that you were a member for some period of time of a number of committees which controlled the Communist Party in the United States of America? A. I did.

Q. What were those committees?

A. The Central Executive Committee, the Political Committee, the Secretariat, the Trades Union Committee of the Central Committee, the Needle Trades Committee of the Central Committee, the Management Committee of the Daily Worker—any number of committees.

(Testimony of Benjamin Gitlow.)

Q. You mentioned the Political Committee. What is the Political Committee?

A. The Political Committee is the ruling Committee of the Communist Party of the United States. [60]

Q. And how many members are there on such a committee?

A. That depends. The membership may vary from seven to more members.

Q. They must necessarily be, of course, members of the Communist Party, outstanding members?

A. Only outstanding members of the Communist Party.

Q. And where did they meet at the time you were on the Committee?

A. They generally met at the headquarters of the Communist Party, in whatever city they happened to be in.

Q. And what effect did their decisions have on the Communist Party of America and on the policies of that party?

A. Their decisions were always binding on the Party and its membership.

Q. I show you a document purporting to be the minutes of the Politbureau, dated September 2, 1925, and will ask you if you can identify this?

A. (Examining document) Yes; I can identify it.

Q. What is it?

A. That is the minutes of the Political Com-

(Testimony of Benjamin Gitlow.)

mittee of the Communist Party of the United States.

Mr. Del Guercio: Excuse me, counsel. I didn't show it to you. Do you care to see it?

Mr. Grossman: When you get through.

Mr. Gladstein: Are you going to ask questions on it? [61]

Mr. Del Guercio: Yes.

Mr. Gladstein: May we see it?

(The document was passed to counsel for examination.)

By Mr. Del Guercio:

Q. How did this document come into your possession, Mr. Gitlow?

A. As a member of the Political Committee of the Party I received copies of its minutes.

Q. And that was the usual course of business?

A. Yes.

Q. Who are Ruthenberg, Lovestone, Bedacht, Foster, Cannon, Dunne, and Comrades Loeb, Engdahl, N. H. Tallentire and M. Hansen, shown as being present at this particular meeting?

A. Well, some of them were members of the Political Committee.

Loeb was the Manager of the Daily Worker.

Engdahl was the Editor of the Daily Worker.

Tallentire was an organizer at that time, I believe of the Minneapolis district, but I wouldn't be quite sure.

Hansen was a member of the Party.

(Testimony of Benjamin Gitlow.)

Mr. Del Guercio: I believe that that has been sufficiently identified, and I offer this document in evidence as Government's Exhibit next in order.

By Mr. Del Guercio:

Q. Were the members of the Communist Party mentioned at the [62] time?

A. All of them; yes.

Mr. Del Guercio: I offer this Government's Exhibit next in order.

Presiding Inspector: If there is no objection it will be received. Both the original and the photostatic copy may be marked in evidence.

Mr. Del Guercio: Yes. I believe it is understood that I would offer the photostat.

Mr. Gladstein: Yes.

(The document referred to was received in evidence and marked Government's Exhibit No. 7.)

Presiding Inspector: Were those men whose names were mentioned voting members of the Committee at this time?

Mr. Del Guercio: The minutes do not show it, if the Court please. I might ask the witness that question.

By Mr. Del Guercio:

Q. Were all of those shown present voting members of the Committee?

A. No, not all those you read.

Q. Who were the voting members?

(Testimony of Benjamin Gitlow.)

A. The voting members of that group were Ruthenberg, Lovestone, Bedacht, Foster, Cannon. The candidate present, and who didn't vote, was Dunne. That meant that he acted as [63] an alternate and in case one of the members was absent then the alternate voted.

Loeb was not a member, Engdahl was not a member, Tallentire was not a member—these were not members with voting power.

Q. You say they were not members, and by that you mean they were not members of the Politbureau but were members of the Communist Party, is that right? A. That is right.

Q. On Page 11 of this document appears this under the heading of "Mexican Party".

"Comrade Green reported on the deplorable situation of the Mexican Party in detail and at length.

"Motion by Comrade Green that the American Party send $200 to the Mexican Party as soon as possible. That one worker be contributed to the Mexican Party, possibly Comrade Gomez."

It thereafter appears that the motion carried unanimously.

Is that correct?

A. Well, this is correct and deserves some explanation. Green, Comrade Green, represented as the maker of this motion, this Comrade Green's real name was Gusev. Gusev was a member of the Control Commission of the Communist Party of the Soviet Union. He was a Russian and not an American, and was one of their military experts.

(Testimony of Benjamin Gitlow.)

He was sent as a representative to [64] the Communist Party of the United States by the Communist International, and he came into this country through Mexico and as a result he investigated the affairs of the Mexican Party, reported on them and the following motions were made.

Q. Is it the practice of the Communist Party of America to conceal the names and identity of certain of their members?

A. Well, in a case like that of Gusev, who came here under a different name and illegally, as a special representative of the Communist International, his name and whereabouts were kept in the utmost secrecy.

Q. And the reason for that was as you just explained? A. Yes, sir.

Q. Does the Communist Party make that one of its policies to conceal the names of their members when they believe that the occasion requires it?

A. Yes, sir; when they believe the occasion requires it they do so.

Presiding Inspector: We will recess at this point until 2:00 P. M.

(Whereupon, at 12:30 P. M. a recess was taken until 2:00 P. M. of the same day.) [65]

After Recess—2:00 P. M.

Presiding Inspector: You may call your witness and we will proceed.

BENJAMIN GITLOW

resumed the stand and testified further as follows:

Direct Examination (Resumed)

By Mr. Del Guercio:

Q. Mr. Gitlow, I believe you testified this morning that you had been convicted and sentenced for a violation of the Anarchy Act of the State of New York, is that correct?

A. That is correct.

Q. Were you pardoned for that offense?

A. Yes; I was pardoned.

Q. By whom? A. Governor Smith.

Q. How long a sentence did you serve all together? A. I served about three years.

Q. Mr. Gitlow, I will show you what purports to be the minutes of the Politbureau, dated October 12, 1925, and ask you if you can identify that?

A. (Examining document) Yes, I can.

Q. What is that?

A. These are the minutes of the political committee of October 12, 1925.

Q. What was the purpose of that particular meeting? [66]

A. Well, they had a number of matters that were taken up at this meeting. I would have to read the document—the matter of the Needle Trades; then they had the question of the American Negro Labor Congress; the question on the Russian representative to U.S.S.R.; the matter on the Research Bulletin; matters concerning the Italian

(Testimony of Benjamin Gitlow.)

Convention; the matter on a letter written by Poyntz.

Q. Now, you mean all these matters were discussed and a decision arrived at? A. Yes, sir.

Q. And, I believe, you testified before, that the effect of such a decision was binding upon all members of the Communist Party?

A. See, the Communist Party, you must understand, is organized from the top down, and the political committee is the leading committee of the Communist Party. If it makes a decision that is like a military order to the body organization and to its membership, and those decisions must be obeyed; you can't disobey them.

Q. Now, who is the Robert—may I offer that in evidence, if your Honor please?

Presiding Inspector: Yes, that may be received.

Mr. Del Guercio: And marked Exhibit next in order. I will offer the photostatic copy.

(The document referred to was received in evidence and marked Government's Exhibit No. 8.) [67]

By Mr. Del Guercio:

Q. Now, I note that Minor is mentioned in this report? Who is Minor?

A. That is Robert Minor.

Q. And who is he?

A. Well, he is a member of the Communist Party. He was a member of the political committee and, I understand, he is now Acting General Secretary of the Communist Party.

(Testimony of Benjamin Gitlow.)

Q. He has taken Comrade Foster's place?

A. No; Comrade Browder's place.

Q. All right; I beg your pardon.

I note that on page 6 of this document that the following motion appears:

"That in the Painters' Union, the following shall not deny party membership: Hansen and Jones of Seattle, Swabeck and Johnstone of Chicago and Stevens of Minneapolis," and that the motion was carried unanimously. Is that correct?

A. (Examining document) That is correct.

Q. Will you explain the significance of such a motion and why it was necessary to make it, and what its effect is?

A. We have these matters called to our attention in the political committee repeatedly always referring to the activities of Communists in labor organizations. At that particular time in the Painters' Union a resolution was adopted by the Painters' Union outlawing Communists from that organization, and [68] it became necessary to determine a policy for Communist Party members in the Painters' Union, and the Political Committee decided that the known-leaders of the Communist Party, who were members of the Painters' Union, should not deny membership in the Communist Party, but that all other Communists who were members of the Painters' Union should deny such membership.

Q. And that decision, as you said before, is binding upon the particular members involved?

(Testimony of Benjamin Gitlow.)

A. Absolutely.

Mr. Gladstein: May we go off the record a moment, please?

Presiding Inspector: Off the record.

(Discussion off the record.)

Presiding Inspector: We will go on with the hearing.

By Mr. Del Guercio:

Q. I will show you another document here, dated October 27, 1925, purporting to be the minutes of the Politbureau, and ask you if you can identify that.

A. (Examining document) Yes; I can identify it.

Q. What is that document?

A. Those are the minutes of the Political Committee of October 27, 1925.

Q. And that is similar to the other meetings that you have testified to? A. Yes.

Q. Now, I note that in this particular meeting a motion [69] was made by Comrade Cannon, and carried, that those Comrades known as Communist Party members who cannot deny membership, and named on the list of the Union, shall state that they have withdrawn from the Communist Party, or will withdraw from the Communist Party. Is that correct?

A. Just a moment. I will read the reference to it.

Q. I believe there is a marker there on page 11.

(Testimony of Benjamin Gitlow.)

A. Page what?

Q. Page 11.

A. On page 2 reference is made to the Machinists' Union if that is what you refer to.

Q. Yes. I believe that is right.

A. That is in line with the same policy adopted in the other Union you questioned me about, the Painters' Union, just a little while ago.

Q. That is the usual practice of the Communist Party, is it not?

A. Oh, yes; that was the usual practice. It came up repeatedly.

Q. Now, I believe mention is made in that document there of organizing and creating trade union organizations. Do you find a reference to such a matter?

A. There are a number of references to the Party's activities in trade unions.

For example, there was a report of the Industrial Com- [70] mittee on the International Ladies' Garment Workers Union.

Comrade Ruthenberg reported that several questions had arisen in the Industrial Committee meeting. He proposed that the Politbureau pass upon, as follows:

Motion by Ruthenberg that Comrade Gitlow represent the Party at the International Ladies' Garment Workers Union Convention November 29.

Then there is another matter, for example, on the Anthracite situation, referring to the Miners' Union.

(Testimony of Benjamin Gitlow.)

Motion by Ruthenberg that Comrade Tallentire remain in charge for the Central Executive Committee, and that Comrade Reed work in cooperation with him. Reed was a special party organizer among the Anthracite members of the United Mine Workers of America.

Then there was an item in reference to the Furriers' Convention—the Furriers' Convention of November 9th. Comrade Ruthenberg reported that the situation with the Furriers pointed to the possibility of the Left Wing gaining control and it was necessary that the party lay down a basis for the proper line to be followed in such a case. Also it is necessary for the party to decide on a minimum program on the basis of which we can work with the Left Wing and other groups in the Furriers.

Then there was a series of motions and if you want me to read them I will read them. [71]

Q. I don't believe it is necessary. Let me just ask you this question: Do you know what the policy of the Communist Party is towards trade unions generally? A. I certainly do.

Q. Will you state that policy.

A. The policy of the Communist Party towards trade unions is the following:

The Communist Party seeks to gain as much control of the trade unions as it possibly can. In order to influence the trade union members the Communist Party adopts programs, and issues slogans, and takes up demands in the trade unions; builds up official organizations, progressive groups,

(Testimony of Benjamin Gitlow.)

Left Wing groups, and manipulates these groups with one purpose in mind: To gain a dominant influence over the trade union membership so they can direct these members in any activities that they want to. And, ultimately, of course, if they control the trade unions, they control the economic lives of the country and if a revolutionary situation should develop they can use the trade unions very effectively to bring about a successful culmination of such revolution.

Q. What you have just stated is the declared policy of the Communist Party of the United States? A. Yes.

Q. Does the Communist Party sometimes foster their own trade union organizations? [72]

A. They pursue a flexible policy. There was a time when Moscow, which is the starting factor in all policies, decided that the Communists—that is in the year 1921—should enter the American Federation of Labor and bore from within.

At that time the Trade Union Educational League was formed with Foster at the head, and the policy was to work within the trade unions to gain control of the trade unions.

Later on, in 1928 and 1929, Moscow ordered a change in that policy and the Communist Party proceeded to build unions of its own, which they called Revolutionary Industrial Unions, and they built a center for such a union as the T.U.E.L., and changed the name of the Trade Union Educa-

(Testimony of Benjamin Gitlow.)

tional League, from a purely opposition center for opposition within the trade union, to a center for unifying trade unions, because they were building at that time unions of their own which they called Industrial Unions.

Q. Now, did the Communist Party, of course, on instructions from the Comintern, form these unions for the purpose of bettering the working conditions of the laboring man?

A. No. These unions were formed at that time for special Russian considerations and had nothing to do with American conditions, or the interests of the workers in the American unions.

Q. Was the interest of the worker considered at all [73] in the formation of such trade unions?

A. No; because had they considered the interests of the workers they would have formed these dual opposition unions.

The reason for the formation of those unions were Russian interests. That was prior, just prior to the launching of the Five-year Plan; and the Five-year Plan was a plan which exacted tremendous sacrifices from the Russian people. It was the intention of the leaders of the Russian Communists to point out to the Russian masses that they had to make these sacrifices because there was a revolutionary situation all over the world, and workers all over were up in arms and rebelling, and so forth.

So, in 1928 and 1929, these revolutionary unions were organized and they had no reason for existence so far as American conditions were concerned.

(Testimony of Benjamin Gitlow.)

Q. And who do they use to form these trade unions, or who do they use to bore from within the unions, like the American Federation of Labor and the C.I.O.?

A. Well, the first step, of course, is the organization of the Communist members within these unions into a Fraction, or some form of organization; and then through the Fraction a broader movement is organized, either a Left Wing group, or a progressive opposition, and a program is drawn up for these progressive groups. In all instances these programs were drawn up most of the time by the Communist Party. [74]

Through these movements, progressive movements and Left Wing movements, they succeeded in gaining the cooperation of many who were not members of the Communist Party.

Q. Now, you have mentioned a "Fraction." What is a Fraction—what do you mean by a "Fraction?"

A. A Fraction in Communist terminology means, let us say, in the Carpenters' Union we have 20 members of the Carpenters' Union, or Communist Party members. These 20 members are organized into a Fraction of the Carpenters' Union to carry out the orders of the Party in the Carpenters' Union. It is a cell organization within the larger body which seeks to attract the non-Communist cells to it so that the Communist Party eventually will control the organization.

(Testimony of Benjamin Gitlow.)

Q. You mentioned the Trade Union Educational League. A. Yes, sir.

Q. What is the Trade Union Educational League?

A. The Trade Union Educational League was formed, I believe, in the latter part of 1921 or the beginning of 1922; it was—the plans for its formation were discussed in Moscow when Foster visited Moscow and, joined the Communist Party in Moscow, and the finances for its organization came from the Soviet Union, and it was formed here for the purpose of building up an opposition movement within the American Federation of Labor against the Gompers leadership in the American Federation of Labor. [75]

Q. With what in view?

A. With the purpose in view of gaining control of the American Federation of Labor for the Communist Party.

Q. And for what purpose?

A. For the eventual purpose, if need be, of using it for revolutionary purposes.

Q. Now, when you use the word "revolutionary" you mean by that violence, force and violence, do you not, and not in its academic sense?

A. Because the Communist Party from its very inception laid down the principle that the revolution against capitalism will necessarily have to be a violent one, in which the use of force and violence will be a necessity.

(Testimony of Benjamin Gitlow.)

Presiding Inspector: May I question to understand about these Fractions?

Mr. Del Guercio: Surely.

Presiding Inspector: Were these Fractions publicly recognized within the unions?

The Witness: No, no; they were secret organizations, within the unions.

By Mr. Del Guercio:

Q. And along that line, the identity of certain members was concealed, if the situations required?

A. The Fraction membership was always concealed.

A. Always concealed. [76]

Now, but Communists operating in the trade unions, if it became dangerous for them to operate in the trade unions and might cause their expulsion from the trade unions, they hid their identify as Communist Party members, or denied that they were Communist Party members.

Q. If there was danger of their being exposed, then, they would deny their membership?

A. Certainly, that is right.

Q. That was the policy and is the policy of the Communist Party in the United States, is it not?

A. It certainly is.

Q. And that is one of the reasons why they sometimes use aliases in joining the Communist Party?

A. Well, no, in joining the Communist Party an alias is not used because the Communist Party knows the right name of every member who joins

(Testimony of Benjamin Gitlow.)

the party, but in the party membership roll an alias is substituted for the right name, and that was generally applied to persons who held positions which they might lose, which positions were very strategic, and particularly to Civil Service employees.

Q. Now, by persons having strategic positions, do you mean such as labor leaders?

A. Well, it might have been labor leaders, might have been heads of research organizations, it might have been workers [77] in important Government positions, teachers and so forth.

Q. Concerning this Trade Union Educational League you say it was created by the Russian Party or the Communist International?

A. Yes.

Q. And what relation is there between the Trade Union Educational League and the Communist International?

A. No direct relationship between the Trade Union Educational League and the Communist International. Once the Trade Union Educational League was formed it was directed and controlled by the Communist Party of the United States, and its relations, the relations of the Trade Union Educational League to the Communist International came through the Communist Party of the United States, and not independently as such.

Q. And would you say, then, that the aims and objects of the Trade Union Educational League are the same as those of the Communist Party?

(Testimony of Benjamin Gitlow.)

A. Not exactly. The Trade Union Educational League is a front organization of the Communist Party. It may be formed—

Front organizations may be formed for a short period of time, or they may be formed for an extended period of time, depending on the circumstances, and the front organizations are used by the Communist Party for the express purpose of reaching non-Communists who cannot be reached directly through the Com- [78] munist Party, you see.

Q. And would you say that they are formed only for the purpose of furthering the cause of the Communist Party?

A. Their actual purpose is for furthering the cause of the Communist Party, but that is not—that is never given as the public purpose of the organization.

Q. But it is, however, the real purpose of the organization?

A. It is, however, intrinsic, the real purpose of the organization.

Q. And it is only one of the means used to promote a situation so that the revolution may be brought about at the proper time?

A. All this is preparatory work to the time when the Communists believe they can seize power through revolution.

Q. Now, the Red International of Labor Unions; are you familiar with that? A. Yes, sure.

Q. What is that?

(Testimony of Benjamin Gitlow.)

A. The Red Inernational of Labor Unions was formed by the Communist International in Moscow for the purpose of creating a trade union center in Moscow that would be controlled by the Communist International and by the Bolshevik leaders of Russia.

Mr. Del Guercio: May I offer at this time in evidence [79] the document which the witness has just identified?

Presiding Inspector: Certainly; received without objection.

(The document referred to was received in evidence and marked Government's Exhibit No. 9.)

By Mr. Del Guercio:

Q. Mr. Gitlow, I will show you another document, dated December 23, 1925, purporting to be the minutes of Polcom and ask if you can identify it.

A. (Examining document) Yes, I can identify it.

Q. I don't remember whether you have defined "Polcom", or what the Polcom it.

A. Polcom, and Politbureau and Political Committee are all the same. It is a contraction of the name Political Committee. Pol for political and Com for Committee.

Q. What is that document that you have, Mr. Gitlow?

A. Those are the minutes of the Political Committee of December 23, 1925.

(Testimony of Benjamin Gitlow.)

Q. How did you come by it?

A. As a member of the Political Committee I received these minutes.

Q. Does that document there contain anything regarding the collaboration of the Red International Labor Unions with the Marine Transport Workers of the I.W.W. and other revolutionary organizations? I believe a reference is made on page [80] 5 under the heading "Marine Transport Workers Cable received by Com George." A. Yes.

Q. What is the significance of the cable received by Comrade Harrison George, read by Comrade Ruthenberg?

A. Well, I will have to read the cable in order to——

Q. Would you read it out loud, please?

A. All right.

"RILU—That is the Red International of Labor Unions—"Executive Bureau Empowers Comrade Harrison George Act Representative RILU Transport Workers Section at United Front Conference Meeting Havana Cuba January Fifteenth Nineteen Twenty Six. Stop Our position Stop Fight War Danger and Imperialism Fostered by Capitalist Government Generally and Today United States Particularly Stop Against Pan American Labor Federation as Tool North American Imperialism Stop Against T U Collaboration with Employers Stop Against Disorganized State Labour Movement Stop Favour Class Struggle Proletarian Organizations Trade Union Unity Nationally Internation-

(Testimony of Benjamin Gitlow.)

ally for International Federation Transport Workers All Branches Transport for Close Collaboration DILU Organizations with Other Revolutionary Organizations Seamen Particularly MTW 510 IWW Stop Detailed Instructions Materials Following Stop."

This is a cable appointing Harrison George Representative [81] of the RILU to a conference of North and South American Seamen's Organizations to be held in Havana, Cuba, for the purpose of organizing the seamen against what we call Yankee imperialism, and at the same time to try to get the collaboration of as many non-Communist organizations for that purpose.

Q. Non-Communist organizations, such as the I.W.W.?

A. Such as the I.W.W. here, for example, specifically mentioned, but they included all seamen's organizations.

Q. So that the Communist Party does not hesitate to ask for the assistance of other revolutionary organizations for the purpose of fostering their own aims and objectives? A. Of course not.

Q. Is there any relation between the Trade Union Unity League and the Red International of Labor Unions?

A. Yes, it is directly affiliated with the Red International of Labor Unions.

Q. And the Red International of Labor Unions, is, of course, controlled by, created and controlled by the Communist International?

(Testimony of Benjamin Gitlow.)

A. Created and controlled by the Communist International.

Q. It has the same objectives and aims, ultimate objectives and aims?

A. Yes, only it specializes on the trade union field.

Q. I believe that Browder is mentioned in this document. Who is Browder? [82]

A. That is Earl Browder, who was then Editor of the Labor Herald; and later became the General Secretary of the Communist Party of the United States.

Q. He is shown as being present at this particular meeting, is he not?

A. Yes; he was not then a member of the Political Committee.

Q. Now, there is also shown as being present one Bob, B-o-b.

A. Bob was a member of the Young Communist International sent from Moscow as a member with full potentiary powers to the Young Communist League organization in the United States.

Q. Is that his true name?

A. No, that is not his true name.

Q. Do you know his true name?

A. I don't remember his true name.

And you have here also present a Frank Miller whose real name is Virola, V-i-r-o-l-a, and he was sent by the Communist International to be a representative with full power to the Communist Party of the United States.

(Testimony of Benjamin Gitlow.)

Mr. Del Guercio: I offer this document in evidence, if your Honor pleases, as Government's Exhibit next in order.

Presiding Inspector: It may be received and the original and copy marked.

(The document referred to was received in evidence and marked Government's Exhibit No. 10.) [83]

By Mr. Del Guercio:

Q. I have here another document dated December 30, 1925, purporting to be the minutes of the Political Committee, and ask you if you can identify that?

A. Yes, those are minutes of the Political Committee.

Q. I believe you are shown as being present at that particular meeting. A. Yes.

Q. What was the purpose of this particular meeting?

A. Well, there were many purposes of it. One is they considered the situation in the Amalgamated Clothing Workers, and they considered the situation in the Carpenters' Union, considered the United Front in New York on Soviet Russia, considered the Bulgarian United Front, took up the question of representatives to the Executive Committee of the Communist International.

Q. Well, now, on that question, on that point, the Executive Committee of the Communist International, what is that?

(Testimony of Benjamin Gitlow.)

A. That is the Executive Committee of the Communist International.

Q. Well, what is its functions? Who is it composed of? What does it do?

A. Well, it is composed of members of the Communist Parties affiliated to the Communist International, and also a [84] larger number of representatives from the Communist Party of the Soviet Union, and it is a directing Executive of the Communist International.

Q. And do party members of the Communist Party of the United States of America ever attend this Executive Committee?

A. Yes; not only—if they are members of the Executive Committee and happen to be in Moscow they attend all of its meetings, but periodically the Executive Committee holds plenary sessions, when it becomes necessary for every Communist Party to send the members of the Executive Committee and representatives of the plenary sessions and the executive sessions of the International, and at this meeting that question was taken up.

Q. Did you ever attend such a meeting?

A. Oh, yes.

Q. About how many times?

A. I attended the sessions of the Executive in 1927. I attended them again when I was at the Congress of the Provintern in 1928, and I attended them again in 1929.

Q. All these meetings were held where, of the Executive Committee?

(Testimony of Benjamin Gitlow.)

A. All these meetings are held in Moscow.

Q. Moscow, Russia? A. Russia, yes.

Presiding Inspector: Do the non-Russion members have equal vote with the Russion?

The Witness: The non-Russian members have equal votes with [85] the Russians, but they haven't equal power, and I will explain that to you, so you will understand it.

The Communist Parties, the non-Russian Communist Parties cannot instruct their delegates to the Executive. They must come to the Executive Committee meetings uninstructed.

The delegates of the Russian Parties can be instructed by the Russian Party; that is one point of difference. Next, all decisions of the Executive are binding on all parties except the Russian Party. The Russian Party, in its Political Committte, in its Political Bureau, can reconsider decisions of the Executive of the Communist International, and whatever changes it makes are binding on the International and binding on all other parties. [86]

Q. They change that without consulting the various Communist Parties of the other countries?

A. Whenever that takes place only the Russian Political—the Political Committee of the Russian Party alone meets and makes its decisions.

Q. I note among those present at that particular meeting are Hathaway and Sullivan. Who are Hathaway and Sullivan?

A. Sullivan was a District Organizer of the Party. Hathaway later became the Editor of the

(Testimony of Benjamin Gitlow.)

Daily Worker and today has disappeared entirely. Nobody knows where Hathaway is today or what has happened to him.

Q. What is Hathaway's full name?

A. Clarence Hathaway.

Q. Clarence Hathaway. Now, I notice that also Bedacht was present. Do you know Bedacht?

A. That is Max Bedacht; he was a member of the Political Committee.

Mr. Del Guercio: I offer this document in evidence as Government's Exhibit.

Presiding Inspector: It may be received, the original and copy marked.

(The document referred to was received in evidence and marked Government's Exhibit No. 11.) [87]

By Mr. Del Guercio:

Q. I will show you another document dated January 4, 1926 and ask you if you can identify it.

A. (Examining document) Those are minutes of the Political Committee of January 4, 1926.

Q. And how did you come into its possession, Mr. Gitlow?

A. As a member of the Committee I received these minutes.

Q. Now, I notice on Page 1 there under "CI representatives"—is that it? Does the "CI" stand for the Communist International?

A. That stands for the Communist International.

(Testimony of Benjamin Gitlow.)

Q. That a motion was made by Ruthenberg "That Comrades Bedacht and Cannon be elected as representatives of the C.E.C. to appear before the Comintern on the American question and that they be the American delegates to the EECCI," and that thereafter an amendment was made by Comrade Johnstone that Comrade Browder be sent over as the representative of the opposition to the new appeal on the trade union resolution which is being presented to the CI," further "that Comrade Bittelman be one of the delegates."

That motion was carried, was it not?

A. Well, the Johnstone motions weren't carried.

Q. The Johnstone motions were not carried?

A. No.

Q. The other motion by Ruthenberg was? [88]

A. Yes; was carried.

Q. What is the CEC?

A. Central Executive Committee of the Communist Party of the United States.

Q. Of which you were speaking a moment ago?

A. Yes.

Q. What is the EECCI?

A. There are one too many "E's" in there. That is the Executive Committee of the Communist International.

Q. And you have also testified concerning that?

A. Yes.

Mr. Del Guercio: I offer that document, if your Honor please, as the exhibit next in order.

(Testimony of Benjamin Gitlow.)

Presiding Inspector: It will be received and marked as usual.

(The document referred to was received in evidence and marked Government's Exhibit No. 12.)

By Mr. Del Guercio:

Q. On this exhibit, which has just been introduced, Mr. Gitlow, I note there was present Darcy, followed by the letters "YWL". Do you know who that Darcy is?

A. That is Samuel Darcy, I believe.

Q. Samuel Darcy—who is he?

A. He was a member of the Political Committee of the Young Workers League. That is the organization of young [89] Communists.

Q. Do you know what he is at the present time?

A. No, I don't.

Q. I will show you another document dated January 8, 1926——

Presiding Inspector: Has the last one been marked?

Mr. Del Guercio: Yes.

By Mr. Del Guercio:

Q. (Continuing) ——and ask you if you can identify it?

A. (Examining document) Yes. Those are the minutes of the Political Committee of January 8, 1926.

Q. And you came into its possession in the same manner as the others?

(Testimony of Benjamin Gitlow.)

A. In the same manner as I testified to before; yes.

Q. The "Bob" again mentioned as being present is the Bob concerning whom you have heretofore testified? A. The same party.

Q. As being the Russian representative?

A. Yes; to the Young Communists' League Organization.

Q. Mention is again made in this meeting of the TUEL, and that is the Trade Union Educational League of which you have already testified about? A. That is right.

Q. I believe you testified here before that the Communist International controls the activities of the Communists [90] throughout the world.

A. That is right.

Mr. Del Guercio: I offer this document and ask that it take the exhibit number next in order.

Presiding Inspector: It will be received and marked in the same way.

(The document referred to was received in evidence and marked Government Exhibit No. 13.)

By Mr. Del Guercio:

Q. I show you another document—the date is illegible—on the second page of which there are these figures: "4/8/26," and ask you if you can identify it.

A. (Examining document) Those are the minutes of the Political Committee.

(Testimony of Benjamin Gitlow.)

Q. That is of the same committee concerning which you have been testifying?

A. Yes.

Q. And you came into possession of this document in the same manner?

A. In the same manner.

Q. I note that a motion was made and carried to send a comrade to the Philippine Islands under the instructions and direction of the Eastern Department of the Comitern.

A. What page is that on?

Q. On page 1, at the bottom of page 1: [91]

"Motion made by Ruthenberg: That the Org. Dept. shall make a survey in order to"—and then something that is eligible—"a comrade who can be sent to the Philippines under the instructions and direction of the Eastern Department of the Comintern."

That motion was carried unanimously, is that correct?

A. Yes. That refers to a decision—the Comintern is divided into departments that handles the special affairs in different parts of the world. You have the Anglo-American Department, which handles the British and American matters; and you have the German Department, which handled the German matters; and you have the Scandinavian Department, which handled the Scandinavian countries, Sweden, Norway and Denmark; and the Far Eastern Department, which handled China, Japan and the Far Eastern countries and colonies.

(Testimony of Benjamin Gitlow.)

The Far Eastern Department made a request upon the Party, the Communist Party of the United States, at that time, that it send one of its members to the Philippines to work for the Far Eastern Department of the Communist International in the Philippines Islands.

Mr. Del Guercio: I offer that document as Government Exhibit next in order.

Presiding Inspector: It will be received and marked in the usual way. [92]

(The document referred to was received in evidence and marked Government's Exhibit No. 14.)

By Mr. Del Guercio:

Q. Does the Communist Party conduct training schools for its members? A. It does.

Q. And do you know what the purpose of such schools are?

A. To educate the members of the Communist Party in Communist theory, policies and tactics; and furthermore, to prepare the Communist Party membership for leadership for the movement wherever it is required.

Q. All for what purpose?

A. All for the general purpose of preparing the party to take over power in the country.

Q. Through force and violence?

A. Yes, sir.

Q. I show you a document dated April 15, 1926, and ask you if you can identify it.

(Testimony of Benjamin Gitlow.)

A. (Examining document) Those are the minutes of the Political Committee of April 15, 1926.

Q. I note that on page 2 of this document mention is made of the Workers' School of New York. Are you familiar with that school?

A. Yes, I am.

Q. What is it? [93]

A. That is a Communist Party school. The main school of the Communist Party is situated in New York.

Q. And there appears also on that document a motion made by Comrade Lovestone that the publication of literature used in the Workers' School be made through the Party Printing plant, and that in each instance the literature be approved by the Central Executive Committee before publication. Is that the usual practice?

A. That is the usual practice. The Communist Party leaves nothing to chance. Every action, everything that is done, must first be approved before it is done.

Q. So that everything that purports to be the literature of the Communist Party has the approval,—must have the approval of the Communist Party? A. Must have; yes.

Q. Are you familiar with the Daily Worker publication? A. I am.

Q. Do you know how the Daily Worker was organized or created?

A. Yes. It was created in 1924. There was a special decision of the Communist International

(Testimony of Benjamin Gitlow.)

directing that the Communist Party of the United States establish a daily paper and it should proceed to raise a fund of $100,000, and as part of that fund the Communist International sent to the United States $35,000. [94]

Q. You say that was formed in about 1924?

A. Yes.

Q. And why was it formed?

A. Well, as a newspaper of the Communist Party to further the aims and purposes of the organization.

Q. Was it formed for any other purpose than furthering the aims and purposes of the Communist Party? A. For no other purpose.

Q. Is it owned and operated by the Communist Party?

A. It is owned and operated by the Communist Party from the beginning up to the present time.

Q. Did you ever bring any money from Moscow for use by the Daily Worker?

A. Yes. I brought money here in 1928.

Q. In 1928? A. Yes.

Q. How much?

A. I brought an initial $3,000 of a fund of $35,000, which was donated by the Communist International for our Presidential Campaign in that year.

Q. Did you bring any other moneys?

A. No; personally I never did.

Q. Who gave you that money?

A. I received that money in Berlin.

Q. In Berlin? [95] A. Yes; in Berlin.

(Testimony of Benjamin Gitlow.)

Q. From whom?

A. From the Secret apparatus of the Communist International which was maintained in Berlin for that purpose.

Q. And did you turn it over to the——

A. (Interposing) On my arrival here I turned it over to the Party.

Q. To the Party? A. Yes.

Q. Under what circumstances—who did you turn it over to?

A. I turned it over to Mr. Lovestone at the convention of the Party, which was held at that time in New York City—the nominating convention of that Party.

Q. The Daily Worker, I assume, is a daily paper? A. A daily newspaper.

Q. A daily newspaper? A. Yes.

Q. Where is it published?

A. Originally it was published in Chicago. In 1928 it was moved to New York and it is published there now.

Q. Has it recently changed ownership, do you know?

A. That is a fictitious change in ownership. The policy of the paper hasn't changed, and the editors are all Communist Party editors, and the paper is owned and controlled by the Communist Party.

Q. Would you say that it is the organ of the Communist [96] Party of the United States of America?

(Testimony of Benjamin Gitlow.)

A. Of course it is the organ of the Communist Party.

Q. And it so states at least on some of the publications?

A. Even if it didn't state it, it still would be the organ of the Communist Party of the United States.

Mr. Del Guercio: I offer that document in evidence.

Presiding Inspector: It may be received and marked as usual.

(The document referred to was received in evidnece and marked Government's Exhibit No. 15.)

By Mr. Del Guercio:

Q. I show you a document dated June 7, 1926, and ask you to state what it is.

A. (Examining document) Those are the minutes of the Political Committee of June 11, 1926.

Q. There is a stamp on the front of this document "Read and destroy." Who put that on there, Mr. Gitlow?

A. It was put on by the National office of the Communist Party when they mailed them out.

Q. How did you come in possession of this document? A. It was mailed to me.

Q. And you didn't destroy it?

A. No. I kept it.

Q. I believe your name appears on this document as being [97] present?

A. Yes; it so appears.

(Testimony of Benjamin Gitlow.)

Q. And also that of Darcy? A. Yes.

Q. Is that the same Darcy?

A. The same Darcy.

Q. Foster is also mentioned as being present. What Foster is that? A. William Z. Foster.

Q. Who is he, Mr. Gitlow?

A. He was the Chairman of the Party at the time and I believe he still is Chairman of the Communist Party.

Q. I note on page 2 there was some discussion concerning the Daily Worker—at the bottom of page 2. Do you recall that discussion?

A. Well, we had a number of occasions where we had friction between the Managing Department, the Business Managing Department of the Daily Worker, and the Editorial Department, and this was one of these occasions on which the matter was discussed by the Political Committee.

Q. Does the Political Committee direct the policy of the Daily Worker?

A. The Political Committee selects the editors of the Daily Workers, the Business Staff of the Daily Worker, determines the policy of the Daily Worker and is the chief boss of the [98] Daily Worker.

Mr. Del Guercio: I offer this document in evidence.

Presiding Inspector: It is received.

(The document referred to was received in evidence and marked Government's Exhibit No. 16.)

(Testimony of Benjamin Gitlow.)

By Mr. Del Guercio:

Q. I show you another document dated June 15, 1926, and ask you to state what it is.

A. (Examining document) Those are the minutes of the Political Committee.

Q. You came into possession of this document in the same manner? A. Yes.

Q. You were present at this meeting?

A. It was present; yes.

Q. I note on page 1, under the heading "Motions by Ruthenberg," that this appears:

"That if it is necessary for the Comrade to do so, to retain his citizenship in the United States, he shall answer the questions as follows:

"1. That he is attached to the Constitution of the United States.

"2. That he takes the oath of allegiance to the Constitution of the United States.

"3. On the question of the Soviet Government he shall [99] declare that he has no opinion on the question because he has not sufficient knowledge of the situation.

"4. He shall declare that he favors the workers and farmers controlling the Government in order to create better conditions for themselves. At the present time he shall state that he is in favor of workers and farmers nominating their own candidates.

"5. That if it cannot be proven that he is a member of the Party, he shall deny membership in the Party."

(Testimony of Benjamin Gitlow.)

That motion was made and unanimously carried by the Political Committee, is that correct?

A. That is correct.

Q. And that is binding upon all members of the Communist Party?

A. On all members of the Party.

Presiding Inspector: We will suspend the hearing for five minutes.

(Whereupon a short recess was taken.)

Presiding Inspector: You may proceed.

By Mr. Del Guercio:

Q. Mr. Gitlow, I note that mention is made in this meeting of the Lenin School. Do you know what the Lenin School is? A. Yes, I do.

Q. What is it? [100]

A. The Lenin School was established by the Communist International in Moscow for the purpose of training professional revolutionists who were to act as outstanding leaders for the Communist Parties of all countries, and the Communist Parties of all countries selected students for the Lenin University.

Q. Where is that school located?

A. At Moscow.

Q. Did you ever attend such a school?

A. No, I didn't.

Q. You previously testified, I believe, concerning the Workers' School? A. Yes.

Q. Were you ever an instructor in such a school?

(Testimony of Benjamin Gitlow.)

A. No, I never was an instructor in such a school.

Q. Did you ever teach in such a school?

A. I gave a few lectures in the Workers' School, but I never was an instructor or teacher in the Workers' School.

Q. You say the purpose of this Lenin School is to educate Party members along revolutionary lines?

A. Yes. It is to train Party members in revolutionary policies, tactics, theory and principle, to make some outstanding professional revolutionists and outstanding leaders of their respective Communist Parties.

Q. Did the American Party of the Communist International ever send any students to this Lenin School? [101]

A. We have sent plenty of students to that school.

Q. Who pays their expenses?

A. The fare is paid by the Communist International. The School has living quarters, and the upkeep, and everything else, is paid by the Communist International: If they have dependents in the country from which they come a certain amount is stipulated for the upkeep of these dependents. All expenses, everything is paid by the Communist International.

Q. And upon completion of this course I assume that they return to the United States?

(Testimony of Benjamin Gitlow.)

A. Not necessarily. Sometimes they are given what I would call post graduate instruction and they are sent on missions to all parts of the world before they return to their mother Party.

Q. Some of them do come back to the United States?

A. Oh, yes. For example, Clarence Hathaway came back to the United States. He graduated from the Lenin School and became a member of the Communist Party of the United States, and also Editor of the Daily Worker.

Q. Do you know of any others who attended this Lenin School?

A. Yes; Charles Krumbein, Margaret Undjus and Joseph Zack.

Q. Mention is also made in this document of the ILD. What does "ILD" stand for, if you know?

[102]

A. International Labor Defense.

Q. And what kind of an organization is that?

A. The International Labor Defense is an organization of the Red Aid International, and organized for the purpose of defense, defending Communists who get into trouble with the authorities, providing lawyers, bail, and so forth.

Q. You say it was created by the International Red Aid?

A. Yes. When Cannon was in Moscow, I believe in 1926, he brought back to the American Party instructions from the Red Aid International that we shall proceed to build a defense organization that

(Testimony of Benjamin Gitlow.)

shall be affiliated to the Red Aid International, and the Political Committee met at the time and drafted the program and laid down the policies, and even decided on who the leading committees of the International Labor Defense should be.

All matters were decided upon by the Political Committee of the Party.

Q. Do you mean that the International Labor Defense is one of the organizations of the Communist International, created by the Communist International, conceived and created by it?

A. Absolutely.

Q. And who is Mr. Cannon?

A. Mr. Cannon is no longer a member of the Communist Party; but at that time he was a member of our Political Committee and became the first Secretary of the International Labor Defense. [103]

Q. And it is an organization then that was formed to carry out the purpose of the Communist Party or the Communist International?

A. Absolutely.

Q. Is there any question about that?

A. No question whatsoever.

Q. Do you know who the present head of the International Labor Defense is?

A. I believe the Chairman now is Congressman Marcantonio.

Q. Who controls the policy of the ILD, the International Labor Defense?

A. The policy is controlled by the Political Committee of the Communist Party.

(Testimony of Benjamin Gitlow.)

Q. How does it exercise control over the International Labor Defense?

A. It exercises its control by taking up all matters of the International Labor Defense at meetings of the Political Committee, making decisions as to personnel, policy, and so forth, and these decisions are then carried out by the International Labor Defense.

Q. Are all members of the ILD necessarily members of the Communist Party?

A. Not necessarily.

Q. Why is that?

A. The organization is a front organization. Its real [104] purpose is camouflaged in order to attract as many non-Communist members as possible.

Q. But would it be possible for the organization to obtain a sufficient number of non-Communist Party members so they could exercise control over the ILD? A. Never.

Q. Why is that?

A. Because in organizing the ILD special care is taken that it is so formed and so constituted that the Communists always have the dominating control and influence in the organization.

Q. And you stated that the purpose of the ILD is to what——

A. The purpose of the ILD is to serve as a defense organization for Communists to begin with, and for causes which the Communists undertake as their own cause.

Q. You mean the ILD is used as a defense

(Testimony of Benjamin Gitlow.)

agency for every important Communist that is arrested?

A. It is used for every important Communist, and nonimportant Communist that is arrested, but they may take other cases and defend them if they can make political capital out of such defense.

Q. That is the only purpose that they take other cases for? A. That is the only purpose.

Q. Does the Communist International exercise any control over the ILD? [105]

A. The Communist International exercises control over the ILD and over the Communist Party.

Mr. Del Guercio: I offer this document in evidence, if your Honor please, as Government's Exhibit next in order.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 17.)

By Mr. Del Guercio:

Q. I show you another document, dated June 29, 1926, and ask you to state what it is.

A. Those are the minutes of the Political Committee of June 29, 1926.

Q. Were you present at that meeting?

A. No, I was not.

Q. How did you come into possession of this document?

A. As a member of the Political Committee I received it.

(Testimony of Benjamin Gitlow.)

Q. On Page 5 of this document, under the heading "ILD"—what does "ILD" stand for?

A. International Labor Defense.

Q. That is the organization you have been speaking about? A. That is right.

Q. Now, there appears this motion by Comrade Cannon:

"To confirm Chicago as the place and the first week of September as the date of the ILD national conference.

"To officially approve of the federation form of organization in building the language sections of the ILD." [106] Is that correct?

A. That is correct.

Q. And that motion was unanimously carried?

A. That was carried unanimously.

Q. At a meeting of the Political Committee of the Communist Party?

A. At a meeting of the Political Committee of the Communist Party; yes, sir.

Q. Was that binding on the International Labor Defense? A. That was.

Q. And binding also upon every other member of the Communist Party?

A. On every member of the Communist Party.

Q. Do you recognize the signature of C. E. Ruthenberg—does it appear on practically all of these documents? A. Yes.

Q. Is that his signature?

A. (Examining signature) That is his signature.

(Testimony of Benjamin Gitlow.)

Mr. Del Guercio: I offer this document in evidence as Government's Exhibit next in order.

Presiding Inspector: It may be received and marked as usual.

(The document referred to was received in evidence and marked Government Exhibit No. 18.)

By Mr. Del Guercio:

Q. Do you know of any members of the *IDL* who are mem- [107] bers of the Communist Party?

A. Who are members of the Communist Party?

Q. As well?

A. Practically every member—not practically—every member of the Communist Party is ipso facto a member of the International Labor Defense.

Q. And how do you know that, Mr. Gitlow?

A. Because we had instructions that every member becomes a member of the International Labor Defense.

Q. Instructions from whom?

A. From the Political Committee of the Party to the membership.

Q. And you were on the Political Committee at the time such instructions were given?

A. Yes, absolutely.

Q. You have mentioned Mr. Marcantonio as being the present President of the *IDL*. Do you know if he is a member of the Communist Party?

A. That I don't know.

Q. You don't know? A. No.

Q. Do you know any officials of the *IDL* who are members of the Communist Party?

(Testimony of Benjamin Gitlow.)

A. I know a year ago one of the officials, the Secretary [108] of the organization was, Anna David.

Q. Anna David?

A. Anna David was a member of the Party.

Q. What position did she hold in the ILD, if you know?

A. She was Secretary of the ILD.

Q. What kind of an office is that, Secretary?

A. That is the most important office of the International Labor Defense.

Q. Does a non-Party member—and when I say "non-Party member," I mean the Communist Party—ever hold a position of Secretary of the ILD? A. Never since its existence.

Q. Would it be possible for a non-Party member to hold the position of Secretary of the ILD?

A. It might be possible, but the practice was never made.

Q. As far as you know, no one has ever been Secretary of the ILD who is not a member of the Communist Party? A. Never.

Q. Do you know of any important case, any important Communist case that was not defended by the ILD?

A. Well, when there—sometimes when important Communist cases develop the Communist Party, for special reasons, organizes a separate defense organization around that case and the ILD cooperates with that special defense organization.

(Testimony of Benjamin Gitlow.)

Q. What do they call that defense organization? [109]

A. That depends on what the case happens to be. For instance, at the time of the Michigan trials of William Z. Foster and C. E. Ruthenberg, the Communist Party organized a special defense organization for those cases with which organization the ILD cooperated.

Q. And that is the usual practice of the Communist Party, is to, whenever in a case of that kind —the first thing is to form a defense committee?

A. If that is advisable they will do so, yes.

Mr. Del Guercio: I offer that document in evidence, if your Honor please, as Government's Exhibit next in order.

Presiding Inspector: It may be received.

The Reporter: It has already been received.

Presiding Inspector: Well, we will receive it only once.

By Mr. Del Guercio:

Q. I will show you another document dated September 28, 1926, and ask you to state if you can identify it.

A. Those are minutes of the Political Committee.

Q. And you gained its possession in the same manner as you testified before?

A. The same manner.

Q. Is there any reference in this document to the International Labor Defense?

A. (No response.)

(Testimony of Benjamin Gitlow.)

Mr. Del Guercio: If you don't mind, I can help the witness by reference to the paragraph, I believe, on page 4. [110] You have no objection?

Mr. Gladstein: None at all.

By Mr. Del Guercio:

Q. On the top of page 4, Mr. Gitlow.

A. (Examining document).

Q. On the motion made by Lovestone, among other things, "That the ILD shall start a defense campaign against the frameup."

A. Yes, I see that.

Q. Is that correct? A. That is correct.

Q. And that motion was unanimously carried?

A. Yes.

Q. Is that correct?

A. Yes, and there was another motion, down below, made by Dunne, "That the defense of the Passaic strikers be the major campaign of the ILD for the present period."

Q. Yes, and that was equally binding upon the ILD?

A. Equally binding on the ILD and on the party membership.

Mr. Del Guercio: I offer this document in evidence as Government's Exhibit next in order.

Presiding Inspector: Received.

(The document referred to was received in evidence and marked Government's Exhibit No. 19.) [111]

Presiding Inspector: Did the ILD have a governing Board?

(Testimony of Benjamin Gitlow.)

The Witness: The ILD had a small Committee.

Presiding Inspector: Appointed how? By the Communist Party or by the members?

The Witness: The actual Committee was appointed first by the Political Committee and then they went through the formality at a convention of the Party to elect an Executive, and the Executive, in turn, through the formality to elect this small ruling body.

By Mr. Del Guercio:

Q. Similar to a Fraction meeting, Mr. Gitlow?

A. No, even a little different than that.

Q. The same process?

A. Because when we—to make that clear for you, the Political Committee decided when the ILD should hold its conference.

Q. Yes.

A. Then the Political Committee appointed a steering committee for the ILD conference, and this steering committee was given the slate of officers, the slate for the Executive Committee and for the officers of the organization, and then at the conference a caucus of all Communist delegates to the conference is called at which the instructions of the Political Committee are presented to be carried at the conference.

Then, after the Executive is elected the Party slate for [112] the small Directing Committee is put through. The Communists never leave anything to chance; everything is decided upon in advance.

Q. In advance. I will show you another docu-

(Testimony of Benjamin Gitlow.)

ment dated October 13, 1926, and ask you to state if you can identify that.

A. The minutes of the Political Committee.

Q. Were you present at this meeting?

A. I was present, yes.

Q. And on page 1 hereof I note a reference again to the Daily Worker. Is that correct?

A. Yes, in reference to the moving of the Daily Worker from Chicago to New York with instructions from the Communist International on this matter.

Q. Did that question also need to be taken up at the Political Committee?

A. Oh, yes, that was taken up at the Political Committee and it was even taken up in Moscow by the Communist International.

Q. The Daily Worker—the staff of the Daily Worker could not have done that without directions from the Political Committee, is that what you mean?

A. If they did it, they would find themselves out of the Party in a very quick and short time; they couldn't do it.

Q. Now, on page 3 of this document reference is made to the Labor Unity magazine. Do you find that reference, Mr. [113] Gitlow?

A. How far down on the page is that? On page 4, did you say?

Q. Now, I may be in error. It may be on page 4. Do you find a reference to it on page 4?

A. I will see. (Examining document) No.

(Testimony of Benjamin Gitlow.)

Q. Well, in any event, are you familiar with the Labor Unity magazine?

A. I am familiar with it.

Q. What is it?

A. It is the magazine of the Trade Union Educational League.

Q. A Communist controlled magazine?

A. Certainly.

Q. Who publishes it?

A. It is supposed to be published by the Trade Union Educational League, but the Trade Union Educational League never had sufficient funds to publish anything. It got whatever funds it got either from Moscow or through the Communist Party.

Q. And what is it used for?

A. It is used to propagandize the ideas of the Trade Union Educational League.

Q. With what end in view?

A. The end in view to carry out successfully the program of building up a strong block within the unions dominated by the [114] Communist Party.

Q. And for what purpose?

A. That eventually for the objectives of the Communist Party.

Q. Which is——

A. Which is the overthrow of the Government and the establishment of a dictatorship of the proletarians.

(Testimony of Benjamin Gitlow.)

Q. The overthrow, would you say, by force and violence? A. By force and violence, yes.

Mr. Del Guercio: I offer this document in evidence.

Presiding Inspector: Received.

(The document referred to was received in evidence and marked Government's Exhibit No. 20.)

By Mr. Del Guercio:

Q. I will show you yet another document, Mr. Gitlow, dated October 29, 1926, and ask you to state if you can identify it.

A. That is a meeting of—the Political Committee minutes of a meeting of the Political Committee.

Q. And were you present at that meeting?

A. No, I was not present.

Q. How did you come in possession of this document?

A. As a member of the Political Committee I received it.

Q. I direct your attention to page 3 of this document and particularly to that portion of it under the heading [115] "Anti-militarist work." What is meant by the expression, "anti-militarist work?"

A. By that expression is meant work to undermine the military activities of the Government.

Q. By whom?

A. By the Communist Party.

(Testimony of Benjamin Gitlow.)

Q. Is that one of their policies?

A. One of their policies necessarily. If they are to accomplish a revolutionary overthrow of the Government they must disorganize the military forces of the Government they seek to overthrow.

Q. How do they go about doing it, if you know?

A. They go about doing it by organizing a special department and carrying on special work at its direction, and they even go to the extent of developing demands for those who are serving in the military forces. They raise certain issues and certain demands for them in order to get their good will and in that way to gain some contact, and later, influence over them.

Q. Now, anti-militarist, that does not mean that the Communist Party is an anti-militarist, does it?

A. The Communist Party is far from anti-militarist. The Russians have the largest army in the world.

Q. They are anti-militarist, then, in the so-called capitalistic countries?

A. Their anti-militarism consists in weakening the [116] military might of their opponents and strengthening their own military arm.

Q. For the purpose of what?

A. For the purpose of achieving power for themselves.

Mr. Del Guercio: I offer this document in evidence, if your Honor please, as Government's Exhibit next in order.

(Testimony of Benjamin Gitlow.)

Presiding Inspector: It will be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 21.)

By Mr. Del Guercio:

Q. I show you a document dated November 19, 1926, and ask you if you can identify that.

A. Yes, minutes of the Political Committee.

Q. Were you present at this meeting?

A. I was present at this meeting.

Q. I note on page 2 under the heading "Daily Worker"—have you found that reference?

A. (Examining document) Yes, I have that reference.

Q. A motion was made and carried for organization of the campaign in New York for the Daily Worker. Is that correct?

A. That is correct.

Q. And somewhere in this document, Mr. Gitlow, mention is made of the Inprecorr, I-n-p-r-e-c-o-r-r? What is the Inprecorr? [117]

A. The Inprecorr, International Press Correspondents; that is the news release of the Communist International.

Q. They even have a news release?

A. Yes.

Mr. Del Guercio: I will offer this document in evidence.

Presiding Inspector: It will be received.

(The document referred to was received in

(Testimony of Benjamin Gitlow.)

evidence and marked Government's Exhibit No. 22.)

Mr. Del Guercio: I want to withdraw—with the Court's indulgence—I said that the Inprecorr was mentioned in that last document; it is not. It is mentioned in the document that I am about to offer.

Q. I will show you a document dated February 24, 1927, apparently, and ask you to state if you can identify it.

A. (Examining document) Minutes of the Political Committee.

Q. And on page 5 of this document appears the reference to the Inprecorr concerning which you have just testified; is that correct?

A. That is correct; yes.

Q. That is the Inprecorr Telegraph Agency?

A. Yes, sir.

Q. And where are its headquarters or main office?

A. Where? At this time in New York.

Q. In New York. [118]

Now, I note that a leter from the Comintern was read dealing with the establishment of the Inprecorr Telegraph Agency "——necessity of appointing someone here to handle this end of the work," and that thereafter a motion was made by Lovestone, which was carried, "that we elect Comrade Joe Freeman, and until Comrade Freeman's arrival from Moscow, Comrade Verne Smith should take care of that."

(Testimony of Benjamin Gitlow.)

Is that correct? A. That is correct.

Q. Now, I notice that sometimes in these documents—well, in all, practically everywhere in these documents, mention is made of "Comrade".

Is that the usual salutation of the Communist Party?

A. That is the usual salutation of the Communist Party, but it is not confined only to the Communist Party.

Q. Not necessarily, but is it always used by the Communist Party?

A. Yes; if they want to insult you they call you Mr., not comrade.

Q. They call you what?

A. Mr., and not comrade.

Q. Mr., and not comrade? A. Yes, sir.

Q. But they never insultingly refer to anyone as comrade, do they? [119] A. No.

Q. They never jestingly refer to anyone as comrade, do they?

A. Well, they might; they know how to use sarcasm, too.

Q. What?

A. I say a Communist knows how to use sarcasm.

Q. In that taught in Lenin's school?

A. Oh, they teach many things.

Mr. Del Guercio: I offer this document in evidence as Government's Exhibit next in order:

Presiding Inspector: It will be received.

(Testimony of Benjamin Gitlow.)

(The document referred to was received in evidence and marked Government's Exhibit No. 23.)

By Mr. Del Guercio:

Q. I will show you another document dated April 13, 1927, I believe, and ask you if you can identify it.

A. (Examining document) Those are the minutes of the Political Committee.

Q. Were you present at this meeting?

A. I was present, yes.

Q. I direct your attention to page 3 of this document under the heading "Daily Worker" and note that a motion was made and carried "making recommendations as to the personnel of the sub-committees——" of the Daily Worker management "as follows: [120]

Management Committee: Brodsky, Trachtenberg, Stachel, Miller, Dunne, Engdahl, Boyce and Saltzman." Is that correct? A. That is correct.

Q. Is that the duty of the Political Committee to also appoint—make recommendations for such committees to the Daily Worker, or sub-committees?

A. If the recommendations happen to be appointments, that is the duty of the Political Committee. I told you it was the chief boss of the Daily Worker.

Q. Who is the Brodsky mentioned?

A. Joseph R. Brodsky, the Attorney.

Q. He is what? A. An attorney.

Q. Is he a member of the Communist Party?

(Testimony of Benjamin Gitlow.)

A. He is a member of the Communist Party.

Q. You know that of your own knowledge?

A. I know that of my own knowledge.

Q. Is he also a member of the ILD?

A. Was a member of the ILD, too, in my time.

Q. Where is he located at the present time?

A. New York.

Q. Where?

A. I don't know the particular address.

Q. Whom is he associated with, do you know?

A. Well, he was associated, at my time, with Hale; [121] Nellis and Short.

Q. And at the present time?

A. I think Shor—King and Brodsky have an office together; I am not sure.

Q. King? A. Yes, sir.

Q. What King do you mean?

A. The attorney in this case for Bridges.

Q. Miss Carol King? A. Yes, sir.

Q. Mrs; I beg your pardon.

Are reports regularly submitted to the Communist International, Mr. Gitlow?

A. Reports are regularly submitted to the Communist International in detail on the activities of the Party. Our minutes, our reports, copies of our minutes and our reports are sent to Moscow. In addition, there are special reports drawn up for the Communist International.

Q. Who makes these reports out?

A. The General Secretary of the Party, and

(Testimony of Benjamin Gitlow.)

other members of the Party are designated to make those reports. They go over regularly.

Mr. Del Guercio: I will offer this document in evidence.

Presiding Inspector: It may be received.

Mr. Del Guercio: As Government's Exhibit next in order. [122]

(The document referred to was received in evidence and marked as Government's Exhibit No. 24.)

By Mr. Del Guercio:

Q. I will show you a document dated April 21, 1927, and ask you if you can identify that.

A. (Examining document) Minutes of the Political Committee. [123]

Q. Were you present at this meeting?

A. I was not present.

Q. And how did it come into your possession?

A. As a member of the Political Committee I received it.

Q. I direct your attention to page 10 under the heading "CI Statements", and to the statement that "Comrade Bedacht stated that at the previous meeting of the Polcom the question was up as to submission of statements for transmission to the CI", and that thereafter a motion was made by Bedacht to the effect "That the statements to the CI be submitted for transmission up to tomorrow night and if not the Political Committee inform the CI that evidently there is unwillingness to comply with

(Testimony of Benjamin Gitlow.)

the request of the CI, and we request the CI to act on the question without further delay."

What significance does that have, Mr. Gitlow?

A. Well, that refers to an internal factional situation within the party at the time, in which the CI requested that both sides send statements to Moscow on their position, and evidently some of the members had not yet sent their statements and a time limit was set.

Q. I direct your attention to the bottom of page 5 of this document, apparently some motions by Lovestone as follows: "After report on outstanding accounts of the plant:

"1. That the IWA be instructed immediately to take steps [124] to liquidate its full debt which amounts to $180.

"2. That the ILD be instructed to secure $350 for the DW", and that that motion was carried. Is that correct? A. That is correct.

Q. Does the Political Committee instruct the ILD?

A. Always. In this case it was instructed to take $350 out of its own funds and turn it over to the Daily Worker.

Q. That is the International Labor Defense?

A. That is right.

Q. And what is the DW?

A. Daily Worker.

Mr. Del Guercio: Daily Worker.

I offer this document in evidence, if your Honor please.

(Testimony of Benjamin Gitlow.)

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 25.)

By Mr. Del Guercio:

Q. Now, Mr. Gitlow, are conventions of the Communist Party ever held?

A. They are supposed to be held periodically.

Q. Periodically? A. Yes, sir.

Q. And upon whose direction are they held?

A. They are always held on the direction of the Communist International. [125]

Q. Could they hold a convention in the United States without the consent and approval of the Communist International?

A. They must first get the consent and approval of the Communist International.

Q. I will show you a document dated April 22, 1927, and ask you if you can identify that?

A. Those are minutes of the Political Committee.

Q. Were you present at this meeting?

A. I was not present.

Q. And how did this come into your possession?

A. As a member of the Political Committee I received this.

Q. Now, I note on the first page another reference to the International Labor Defense, second paragraph; is that correct?

A. (Examining document) That is correct.

Q. And what is that reference about?

(Testimony of Benjamin Gitlow.)

A. That is in reference to the Sacco-Vanzetti Committee and the policies that the ILD pursued in its relations with the Boston Committee for the defense of Sacco-Vanzetti, and it was stated that the policy pursued by the ILD was correct and in line with the policy previously laid down by the Political Committee.

Q. But would you say that the Communist Party directed the Policy of the ILD in connection with the Sacco-Vanzetti case? [126]

A. Every step of the policy.

Q. Through its attorneys, of course?

A. No; through the ILD officers and committee, who, in turn, saw to it that the attorneys carried it out, but in this case it was not a question of the attorneys because the boss of the committee hired the attorneys. The ILD only carried on an agitational campaign in defense of Sacco-Vanzetti and raised funds. The actual defense was done by the Boston Committee.

Q. I direct your attention to page 4 of this document under the heading "CI Statements" and ask you if there is any reference there to holding a convention of the Communist Party in the United States?

A. (Examining document) Yes, "Motion by Bedacht to elect a sub-committee of two with full power to act, consisting of Comrades Lovestone and Bedacht to draw up and transmit immediately a statement of the Polcom to the Comintern giving reasons for the necessity of an early convention

(Testimony of Benjamin Gitlow.)

of the Workers Communist Party. The statement must be drawn up along the following lines:——" In other words, the Party was preparing to ask permission from the Communist International to hold a convention.

Q. And how are instructions from the Communist International transmitted to the Communist Party of the United States, if you know? [127]

A. In many ways. They are transmitted by letter, by cable, by sending special representatives here.

Q. By cable; do they do that in code, if you know?

A. Sometimes in code and sometimes not in code; it depends on the nature of the cable.

Q. Would they ever send an instruction, an important instruction not in code?

A. Sometimes they send important instructions not in code, but generally confidential matters and important matters came over in code.

Mr. Del Guercio: I offer this document in evidence, if your Honor please.

Presiding Inspector: It may be received and marked, Government's Exhibit.

(The document referred to was received in evidence and marked Government's Exhibit No. 26.) [128]

By Mr. Del Guercio:

Q. I will show you a document dated April

(Testimony of Benjamin Gitlow.)

25, 1927, and ask you if you can identify this document?

A. (Examining document) The minutes of the Political Committee of that date.

Q. Were you present at that meeting?

A. No, I was not present.

Q. How did the document come into your possession?

A. I received it as a member of the Committee.

Q. I note there is quoted a telegram from ECCI Kuusinen. Do you find that?

A. I don't see it. I have a cable here quoted——

Q. (Interposing) On page 2?

A. Page 2? I was looking on page 1.

Q. At the bottom of page 2. A. Yes.

Q. Do you find that reference? A. Yes.

Q. What does "ECCI" stand for?

A. Executive Committee of the Communist International.

Q. Who is Kuusinen?

A. Kuusinen was the Secretary——

Q. (Interposing) Secretary of the ECCI?

A. Yes.

Q. And that is a cable then received by the Communist [129] Party here in the United States from Kuusinen in Moscow? A. That is right.

Q. Mention is made in this cable of "Ben". Do you know to whom that refers?

A. That refers to myself.

Q. And following the reading of that telegram I note that a motion was made by Wolfe, and

(Testimony of Benjamin Gitlow.)

carried, that, among other things, that Comrades Foster, Lovestone and yourself, then Ben Gitlow, make preparations to leave at once in order to attend the executive session. Is that correct?

A. That is correct.

Q. Did you attend the executive session?

A. I did.

Q. Where was it held? A. In Moscow.

Q. Who were present?

A. Present—all the leaders of the Communist Party of all countries, plus the representatives of the Russian Communist Party.

Mr. Del Guercio: I offer this document in evidence, your Honor.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government Exhibit No. 27.) [130]

By Mr. Del Guercio:

Q. I will show you a document dated October 7, 1927, and ask you if you can identify it.

A. (Examining document) Those are minutes of the Political Committee.

Q. Were you present at this meeting?

A. I was present.

Q. I direct your attention to page 4 of this document, particularly the heading "Editorship of Daily Worker." Do you find that reference?

A. I do.

Q. I note that a motion was made by Lovestone

(Testimony of Benjamin Gitlow.)

that Comrade Minor be made the Editor of the Daily Worker. That motion was carried, is that correct? A. That is correct.

Q. And is that Comrade Minor the Robert Minor——

A. (Interposing) Who is now acting General Secretary of the Communist Party.

Mr. Del Guercio: I offer this document in evidence, if your Honor please.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 28.)

By Mr. Del Guercio:

Q. I show you a document dated October 12, 1927, and ask [131] you if you can identify it?

A. (Examining document) Those are the minutes of the Political Committee.

Q. Were you present at this meeting?

A. I was present; yes.

Q. I call your attention to page 4 of this document, and particularly to those matters appearing under the heading "TUEL & ILD Conferences." To what organizations do they refer?

A. Trade Union Educational League and the International Labor Defense.

Q. And I note that a report by Comrade Foster on the TUEL Conference was had, is that correct?

A. That is correct.

(Testimony of Benjamin Gitlow.)

Q. And that Comrade Cannon reported on the ILD Conference? A. That is correct.

Q. And a conference apparently to be held November 11, the 40th Anniversary of the Haymarket martyrs. Who are the Haymarket martyrs referred to?

A. Those were the labor leaders who raised the agitation for the eight hour day back in 1880 something, and tried—a bomb exploded and they were tried and convicted.

Presiding Inspector: That was a Chicago affair?

The Witness: A Chicago affair. [132]

By Mr. Del Guercio:

Q. Reading further on, "It is to be linked up with the Sacco-Vanzetti case. Comrade Cannon requested more publicity in the Freibeit."

Is that correct? A. Yes.

Q. What is the Freibeit?

A. That is a Jewish Daily Newspaper of the Communist Party.

Presiding Inspector: Is that published in Yiddish?

A. It is published in Yiddish in the City of New York.

By Mr. Del Guercio:

Q. I want to call your attention to page 2 of this document, Mr. Gitlow, with reference to a motion made by Lovestone as follows:

"1. The Literature department shall be separated from the Daily Worker and the Party.

(Testimony of Benjamin Gitlow.)

"2. A special corporation known as the Workers Library, publishers shall be organized to take care of the publications. It shall have separate accounts, pay its own expenses and be the Literature, Publishing and Distributing Department of the Party.

"3. 50 per cent of its net proceeds shall go to the Daily Worker, 25 per cent to the National Office, and 25 per cent for further publications. [133]

"4. The Workers Library Publishers shall also publish the Communist whose name and form shall be changed to those of the Workers Monthly.

"5. The Secretariat shall appoint the head of the Literature Department.

"6. Literature sold through the Daily Worker shall serve as a source of revenue for the Daily Worker, the exact proportion to be arranged through agreement between the Daily Worker manager and head of the Literature Department.

"7. The Literature Publishing Committee or Directing Committee of the Workers Library, Publishers, shall be: Head of the Literature Department; head of the Agitprop Department; Daily Worker manager; Comrade Trachtenberg."

That motion was unanimously carried, is that correct? A. That is correct.

Q. And that was the formation of the Workers Library, publishers, Mr. Gitlow?

A. That is right.

Q. And that is a printing house?

A. No. That is the Literature Department of

(Testimony of Benjamin Gitlow.)

the Communist Party. The booklets and pamphlets may be published in any number of printing establishments, but they are printed for Workers' Library, Publishers, which sell and distribute them.

Q. And any document that bears the name "Workers Library, [134] Publishers," is an official publication of the Communist Party?

A. That is right.

Q. And the Workers Library, Publishers, was created, controlled, and is controlled by the Communist Party? A. Yes.

Mr. Del Guercio: I offer this document in evidence, if your Honor please.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government Exhibit No. 29.)

By Mr. Del Guercio:

Q. I believe you explained the Secretariat.

A. Yes. That is the small confidential committee of three.

Q. Composed of high Communist Party functionaries?

A. Generally the Secretary of the Party, the Chairman of the Party and one other.

Q. I will show you a document dated October 20, 1927, and ask you to identify it.

A. (Examining document) Those are the minutes of the Political Committee.

Q. Were you present at this meeting?

(Testimony of Benjamin Gitlow.)

A. I was present; yes.

Q. I note that Comrade Lovestone reported at this meeting that a communication had been received from the CI—that is [135] the Communist International? A. Yes.

Q. ——relative to Party Schools, and especially with reference to a Central Party School. Also a letter from the Agitprop Dept. requesting that the question of a National School be taken up at the next Polcom meeting.

Is that correct?

A. The department of the Party that has to do with agitation and propaganda.

Q. What kind of agitation.

A. Whatever agitation and propaganda the Party desides upon—the Communist agitation and propaganda.

Q. And they have a special department for that purpose?

A. A special department; and this department also takes care of educational activities of the Party and supervises all the literature that is printed by the Party.

Q. I also direct your attention here to page 1, under the heading "C I Communications":

"Comrade Lovestone reported that a letter had been received informing us that the Fourth Congress of the Red International of Labor Unions is to be held in March, 1928."

A motion was thereupon made by Lovestone to

(Testimony of Benjamin Gitlow.)

the effect that the notice be referred to the Trade Union Department for recommendations and action, and that was carried unanimously. Is that correct?

[136]

A. That is correct.

Q. The Red International of Labor Unions, that is the parent organization of the TUEL, is it?

A. The Trade Union Educational League is affiliated to the Red International of Labor Unions. That is the International Trade Union organization of the Communist International.

Q. Affiliated with and controlled by the Communist International?

A. It is a baby of the Communist International, its own organization.

Mr. Del Guercio: I offer this document in evidence as Government's Exhibit next in order.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 30.)

Presiding Inspector: Off the record.

(Discussion off the record.)

Presiding Inspector: You may proceed.

By Mr. Del Guercio:

Q. I show you another document dated October 27, 1927, apparently, and ask you if you can identify it.

A. (Examining document) Those are the minutes of the Political Committee.

(Testimony of Benjamin Gitlow.)

Q. Were you present at that meeting?

A. Just a moment—no, I was not present. [137]

Q. How did this document come into your possession?

A. I received it as a member of the Committee.

Q. I direct your attention to the bottom of page 2 of this document. There appears a motion by Stachel as follows:

"That the ILD send somone into Colorado, who also can be correspondent for the Daily Worker."

The motion was carried unanimously.

Was that binding upon the ILD?

A. That was binding on the ILD; sure.

Q. And just above that reference, Mr. Gitlow, appears a motion by Dunne as follows:

"That we arrange for a conference with the IWW in some city near the seat of the present struggle in order to work out a common program of organization in the territory."

It that correct?

A. That is correct.

Q. To what did that struggle refer, Mr. Gitlow, if you know?

A. I believe that struggle referred to the strike of the IWW in the coal mines of Colorado at that time.

Q. And this was a direction that a conference be had with the IWW for that purpose, for that particular strike? A. Yes.

Mr. Del Guercio: I offer the document in evidence.

(Testimony of Benjamin Gitlow.)

Presiding Inspector. It may be received. [138]

(The document referred to was received in evidence and marked Government's Exhibit No. 31.)

Q. I show you another document dated November 2, 1927, and ask you if you can identify it.

A. (Examining document) Those are the minutes of the Political Committee.

Q. Were you present at that meeting?

A. I was.

Q. I refer you to page 6 of that document, particularly to the matters appearing under the heading "TUEL Conference." That is the Trade Unity League—the Trade Union Educational League?

A. Yes; that is the Trade Unity League—Trade Union Educational League.

Q. And what was said in reference to that matter at that meeting?

A. You meant the motion in reference to the Conference?

Q. Yes, and with reference to the TUEL proposed constitution.

A. It says:

"Comrade Foster reported on the proposed constitution for the TUEL to be presented to the Conference, with the following section added:

"The TUEL in order to establish working relations with [139] the unorganized masses, shall build up and establish connections with workers' clubs, shop committees and other groups in unorganized plants and cities. Into all groups and leading committees

(Testimony of Benjamin Gitlow.)

of the TUEL—shall be included representative elements from the unorganized plants in the respective industries and localities."

Q. And, thereafter a motion was made by Lovestone on procedure, is that correct?

A. Yes. "That we meet tomorrow at 10:00 A. M. on the following points of the order of business: TUEL constitution, Mining Reports and reports by Comrade Foster on the Auto, Rubber and Chicago Traction."

Q. And that motion was carried?

A. Yes, sir.

Q. Does this mean that the Political Committee formulated the constitution for the TUEL?

A. Yes, sir.

Presiding Inspector: I think we will stop here.

At a conference of counsel this morning, I will state to the public present, the hours for the session were somewhat changed. We will endeavor to sit in the morning from 10:00 to 12:30, and from 2:00 to 4:00 in the afternoon.

There will be no session this week on Saturday.

There will be no session next week.

Mr. Del Guercio: May I offer this last document in [140] evidence before adjourning?

Presiding Inspector: Certainly. I thought you had done it. It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 32.)

Presiding Inspector: We will recess until tomorrow morning at 10:00.

(Whereupon, at 4:30 P. M., an adjournment was taken to April 1, 1941, at 10:00 A. M.) [141]

Court Room 276,
Federal Building,
San Francisco, California,
April 1, 1941.

Met, pursuant to adjournment, at 10:00 A.M. [142]

PROCEEDINGS

Presiding Inspector: Mrs. King, before we proceed, I want to make an explanatory statement.

In relation to your offer of the findings and decision of Dean Landis in respect to membership in the Communist Party, I rejected the offer as going to the whole case. Of course, then your motion was to dismiss and quash the Warant.

I have ruled on that, denying your motion. But I leave open for consideration, when you have the case, as to whether I will receive it in proof of some incidental fact. I have not yet passed on that particular question.

That is merely an explanation.

Now, if you will call your witness and proceed.

Mr. Del Guercio: Mr. Gitlow

BENJAMIN GITLOW

called on behalf of the Government, having been previously duly sworn, testified further as follows:

Direct Examination
(Resumed)

By Mr. Del Guercio:

Q. Mr. Gitlow, I will show you a document

(Testimony of Benjamin Gitlow.)

dated November 30, 1927, and will ask you if you can identify it.

A. (Examining document) Those are the minutes of the Political Committee.

Q. Where you present at that meeting?

A. I was present; yes.

Q. Now, I refer you to page 2 of this document, to the [143] matters under the heading "Letter from the CI." What is the "CI?"

A. Communist International.

Q. And there appears under that heading, "Comrade Lovestone read the attached letter from the Presidium of the Comintern," and that thereafter a motion was made by Lovestone to the effect that the Agitprop prepare a letter to all DECs based on as many of the facts herein contained as can be released and brought up to apply to American conditions.

To what did Comrade Lovestone refer?

A. Comrade Lovestone referred to the letter which he received from the Presidium, which probably dealt with its views on certain developments of the country and in order to acquaint the membership of the Party with the views of the Presidium on these matters the Agitprop Department, that is the Agitation and Propaganda Department of the Party, prepared a letter on the basis of the letter received from the Communist International to send to the Party members.

(Testimony of Benjamin Gitlow.)

Q. I see. And was this one of the matters used by the Presidium of the Comintern to transmit its instructions to the Communist Party of the United States?

A. That was only one of the methods; they used many other methods.

Q. What do the initials "DEC" stand for?

A. District Executive Committee. [144]

Q. In the United States?

A. That means the District Executive Committees of the district organizations in the United States.

Q. Does the Communist Party have districts in the United States?

A. Yes. The organization is divided into districts. They have so many districts representing different sections of the country.

Q. Are you familiar with the various districts, that is, at the time you were in the Communist Party?

A. I think I am more or less familiar with the various districts.

Q. And how many were there at the time you were in, if you recall?

A. I think somewhere in the neighborhood of 15 districts.

Q. 15 districts? A. Yes, sir.

Q. And who was at the head of the districts; that is, what was the official position of the head of the district? A. District Organizer.

Q. District Organizer? A. Yes, sir.

(Testimony of Benjamin Gitlow.)

Q. How many were there on the Pacific Coast at the time you were in the party?

A. How many districts?

Q. Yes. [145] A. Two districts.

Q. Located where?

A. One in Seattle and one at Los Angeles—or one at San Francisco, rather, which was the headquarters at that time.

Q. And one at Seattle?

A. And one at Seattle.

Q. And how were the District Organizers chosen?

A. The District Organizers are chosen by the Political Committee and then referred to the District Executive Committees to elect them.

Q. Do you know the numbers of the districts here on the Pacific Coast at the time you were in the Party?

A. I think the California District was District 13; I am not sure at this time.

Q. I see.

A. They have changed the form of the District Organization.

Mr. Gladstein I didn't get that.

(The question referred to was read by the reporter.)

Presiding Inspector: Speak a little louder, please.

By Mr. Del Guercio:

Q. I call your attention to page 5 of this docu-

(Testimony of Benjamin Gitlow.)

ment, the matters under the heading "ILD." There appears thereunder the following: "Comrade Cannon reported on the ILD Conference and its work." Is that correct?

A. That is right. [146]

Q. And thereafter a motion was made by Cannon, which was carried unanimously, and among other things that the Polcom—that is the Political Committee, is it not? A. Yes.

Q. Of which you were a member?

A. Yes.

Q. That the Polcom approve the work and the general line of policy of the ILD work.

Now, what is the ILD referred to in that?

A. The International Labor Defense.

Q. Also as part of the same motion it appears: "To reiterate the original Party decision that every member of the Party should be a dues paying member of the ILD."

A. That is correct. I told you that in answer to one of the questions yesterday. You asked me about the ILD organization and I told you that every member of the Party automatically becomes a member of the International Labor Defense.

Q. And there also appears this; as part of the same motion the following appears "To instruct the Jewish Bureau to organize a Jewish Section of the ILD."

A. That refers to the Jewish Bureau of the Communist Party.

(Testimony of Benjamin Gitlow.)

The Polcom instructed the Jewish Bureau to proceed to organize its Jewish ILD organization.

Q. Now, I believe you have testified previously that the decision reached by this Polcom was binding upon all members [147] of the Communist Party; is that correct?

A. The decisions are always binding on all members of the Party.

Q. I refer you now to page 7—no—immediately below on page 5, immediately below the motion made by——

A. (Interposing) You mean page 5 or page 6?

Q. Page 5, Mr. Gitlow. Immediately below the motion made by Cannon appears a motion made by yourself—by Gitlow. Is that yourself?

A. That is myself, yes.

Q. It appears that you made this motion, "that Comrade Baron should be present at the time the reorganization of the New York District ILD is considered" and that that motion was carried unanimously; is that correct?

A. That is correct.

Q. Now, the ILD mentioned therein is the International Labor Defense?

A. The ILD mentioned there is the New York District of the International Labor Defense, the largest district of the International Labor Defense, and a question of its reorganization was considered first by the Political Committee of the Party. [148]

Q. If you will turn to page 7 of these minutes,

(Testimony of Benjamin Gitlow.)

under the heading "Daily Worker—Labor Unity," is that the magazine "Labor Unity" that you have testified concerning?

A. The Daily Worker is the Daily Worker, and the Labor Unity was the organ of the Trade Union Educational League.

Q. The Trade Union Educational League?

A. Yes.

Q. And the control of the Labor Unity, you stated, I believe, was exercised by this Political Committee or Polcom Committee?

A. According to these minutes it is very obvious. Comrade Lovestone reported on the question of putting Verne Smith on as Editor of the Labor Unity. The Secretariat recommends that the question be referred to the Polbureau with the following motions:

"1. That Smith be transferred from the Daily to edit Labor Unity.

"2. That Smith stay on the Daily Worker.

"3. That Smith should stay on the Daily Worker until adequate substitute help should be found for him and in the meanwhile Labor Unity be gotten out by Browder."

That proved conclusively that both the Daily Worker and Labor Unity were controlled, directed and dominated by the Political Committee of the Party.

Q. And the Browder mentioned is Earl Browder? [149]

A. That is Earl Browder; yes.

(Testimony of Benjamin Gitlow.)

Presiding Inspector: Labor Unity was a magazine?

The Witness: Labor Unity was a magazine that purported to be a non-Communist magazine, but published by the Communist Party through its organization, the Trade Union Educational League, which paraded as a non-Party organization.

Mr. Del Guercio:

Q. Do you see the Mr. Smith mentioned in this Committee report in the court room?

A. Yes; I think I see him back there.

Q. Where is he?

A. Well, he is kind of heavy set too.

Mr. Del Guercio: Will Mr. Smith stand up, please, if he is in the court room?

(Whereupon the party pointed out by the witness stood.)

By Mr. Del Guercio:

Q. What is Mr. Smith's position at the present time in relation to the Communist Party, if you know?

A. I read an account in the Peoples World and I believe he is a collaborator with the Peoples World published in San Francisco.

Mr. Del Guercio: I didn't get the answer. Will you read the answer, Mr. Reporter?

(The answer referred to was read by the reporter as above recorded.) [150]

The Witness: That is the Western Daily Communist newspaper.

(Testimony of Benjamin Gitlow.)

Mr. Del Guercio: I offer this document in evidence.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 33.)

Mr. Del Guercio: May we have the record show that Mr. Smith was identified by the witness?

Presiding Inspector: Yes. Mr. Smith voluntarily rose.

Mr. Del Guercio: Yes.

Presiding Inspector: He was identified.

By Mr. Del Guercio:

Q. One more question. Was this Mr. Smith a member of the Political Committee at the time?

A. No.

Q. Was he present at that meeting?

A. I would have to see the minutes to verify whether he was present. (Examining minutes) No, he was not present at that time.

Q. He was not present? A. No.

Q. I will show you another document, dated January 11, 1929, and ask you to state if you can identify it?

Mr. Gladstein: I thought it was dated 1928.

Mr. Del Guercio: 1929, I believe, Mr. Gladstein — [151] no, 1928; you are right.

A. (Examining document) Those are the minutes of the Political Committee.

(Testimony of Benjamin Gitlow.)

By Mr. Del Guercio:

Q. Were you present at this meeting?

A. I was present—no, let me see—I was not present.

Q. I believe this shows that you were absent, is that correct? A. Yes.

Q. How did you come into possession of this document?

A. As a member of the Political Committee it was mailed to me.

Q. Please refer to the matters appearing under the heading "Nicaragua, Mexico, Havana," on page 1 of this document.

A. This was in reference to the anti-Imperialist work, so-called, of the Party, at which Comrade Lovestone reported about the response of the District to instructions to call meetings on the Havana Conference. A suggestion was made that the Party should cable to the Cuban Party asking them to demonstrate against the Convention and stating the Party viewpoint thereon.

I think that had to do with reference to a campaign against the Pan-American Conference that was held in Havana at the time.

"Leaflets had been distributed in Boston, Philadelphia [152] and San Francisco to the soldiers, sailors, and marines."

Also special leaflets were printed by the Party and distributed to the soldiers, sailors and marines asking them not to cooperate with the Government's efforts at that time, particularly in Nicaragua.

(Testimony of Benjamin Gitlow.)

We sent marines to Nicaragua and there was a campaign being carried on there by Sandino and the Party took a stand against that action on the part of the United States Government.

Q. Do you know what the leaflets urged the American soldiers, sailors and marines to do?

A. I don't recall at that time.

Comrade Gomez reported that a leaflet was being published, 20,000 copies, on the Nicaragua situation, and that the meeting to be held Sunday where Sandino's brother will be one of the speakers.

Then there is a series of motions in reference to that.

Q. Who was the Sandino mentioned there?

A. Sandino was the head of the rebel forces in Nicaragua at the time.

Q. Do you know if the Communist Party was cooperating with him at that time?

A. The Communist Party at that time cooperated fully with Sandino and carried on negotiations with his brother, who happened to be in the United States at the time.

Q. Do you know if the Communist Party furnished Mr. Sandino [153] money?

A. This money was furnished to Sandino through other sources; not directly through the American Communist Party.

Mr. Del Guercio: I offer this document in evidence, if your Honor please.

Presiding Inspector: It may be received.

(The document referred to was received in

(Testimony of Benjamin Gitlow.)

evidence and marked Government's Exhibit No. 34.)

By Mr. Del Guercio:

Q. I show you another document dated January 18, 1928, and will ask you if you can identify it?

A. (Examining document) Those are the minutes of the Political Committee.

Q. Were you present at this meeting?

A. No; I was not present.

Q. And you came into possession of this document in the same manner?

A. As a member of the Political Committee; yes.

Q. I refer you to page 4 of this document under the heading "Anti-Imperialist". What was discussed regarding that matter?

A. "Comrade Gomez reported on the recommendation to get someone else for Secretary of the AAAIL"— That is the All-American All Imperialist League. "The Committee now recommends the reconsideration of its former action for the following rea- [154] sons: Wrong move politically to remove someone merely because he is a Communist; that it is necessary to have someone who represents the point of view of the Party.

"Comrade Lovestone reported to the Secretariat on the question of the WIR"—that is the Workers International Relief "taking steps to organize for the raising of funds for medical aid for Sandino's army."

Now, this all-America Anti-Imperialist League

(Testimony of Benjamin Gitlow.)

was organized by the Communist Party on instructions from Moscow for the express purpose of presenting a so-called non-Communist Anti-Imperialist front.

Gomez was a Party member and was Secretary of the organization, and evidently some of the non-Communists connected with the All-American Anti-Imperialist League didn't want a Communist at the head of the organization.

The matter was discussed by the Political Committee and it was decided to keep a Communist Secretary as Secretary of the organization.

The other motion refers to a motion by Lovestone that the Workers International Relief, which is a part of an international organization with headquarters in Moscow for the purpose of collecting funds for relief purposes, directing that the American branch of that organization, the Workers International Relief, collect funds for medical supplies for Sandino's army.

The question of munitions and such other things came directly. [155] through confidential committees set up by the Communist International, and not through the American Party at that time. [156]

Q. Were you present at any Committee meeting which discussed the question of furnishing guns and ammunition to Sandino's Army?

A. No; that was a special committee.

Q. That was a special committee?

A. Yes, of the Communist International.

Q. Of the Communist International?

(Testimony of Benjamin Gitlow.)

A. Yes.

Q. In Moscow, Russia?

A. It was in Moscow, Russia, at the time.

Q. I refer you now to page 4—no—to page 5 of this document, particularly the motions made by Dunne. To what does that refer, Mr. Gitlow, the last motion appearing on that page?

A. (Examining document): Well, that is in reference to an indictment of the Daily Worker, and Comrades Engdahl, Dunne and Gordon who were connected with the Daily Worker at the time, by the Federal Grand Jury of the New York District, and Dunne made motions that the Daily Worker give such publicity to this indictment, that the Daily Worker and the Party start a campaign for financial support of the Daily Worker on the basis of this indictment; a whole series of motions concerning the defense of the Daily Worker and the raising of funds for their defense.

Q. Now, was a motion made by Dunne to the effect that the [157] International Labor Defense should have charge of the case and that they should at once begin organizing mass support for the defense?

A. That is true; that was included in the series of motions.

Q. And that motion was carried?

A. That motion was carried unanimously.

Q. And do you know if thereafter the International Labor Defense did carry out that instruction?

A. Of course, it carried it out.

(Testimony of Benjamin Gitlow.)

Q. Do you know what the Daily Worker was indicted for at that time?

A. I can't recall at this time the specific indictment.

Q. Now, among the motions made by Dunne appears this:

"The main slogan of the campaign shall be: 'Defend the Daily Worker, the only American Daily that fights for the working class.'" Is that correct?

A. That is the motion that was made by Dunne, yes.

Q. Now, does the Daily Worker fight for the working class?

A. No; the Daily Worker fights for the Communist Party, fights for the Soviet Union, and in the last analysis fights for everything that Joseph Stalin does.

Q. And all of its efforts are directed to the accomplishment of the aims and objects of the Communist Party; is that correct?

A. All its efforts are subject to the aims and objects [158] of the Communist Party, dictated by Moscow, and in the last analysis, by Stalin.

Q. And the ultimate aims and objects of the Communist Party, is, as you have previously testified, the forcible overthrow of the Government of the United States by force and violence?

A. That is correct.

Q. And do you know why the Communist Party would direct that such a slogan as I have just read to you, as follows: "The only American Daily that

(Testimony of Benjamin Gitlow.)

fights for the working class—" do you know why they use such slogan?

A. They use such slogans because the Communist Party wants to use, as its main vehicle in the overthrow of the Government, the working class, and for that purpose they parade as the vanguard, as the champions, as the fighters for the working class.

Mr. Del Guercio: I offer that document in evidence, your Honor.

Presiding Inspector: It may be received.

(The document referred to was received in evidence as Government's Exhibit No. 35.)

By Mr. De Guercio:

Q. I will show you another document dated June 14, 1928, and ask you to state what it is.

A. (Examining document): Those are the minutes of the Political Committee. [159]

Q. And were you present at this meeting?

A. I was present, yes.

Q. I will direct your attention to page 1 of this document, under the heading "Negro Question", and ask you to state what matters were discussed regarding the Negro Question at this Political Committee of the Communist Party?

A. Comrade Swift submitted the following motions for the Negro Committee on the situation of the Pullman Porters. "Attached draft of statement was submitted by Comrade Swift:"

Comrade Swift's real name was Joseph Pogany,

(Testimony of Benjamin Gitlow.)

P-o-g-a-n-y, and he was sent to the Communist Party of the United States by the Communist International, and he operated in the Party under two names, under the name of John Pepper and the name of John Swift.

The motions are as follows: That "The Party must enter actively into the Pullman Porter situation.

"2. A statement should be issued in the name of the Party; another one in the name of the ANLC—" —American Negro Labor Congress,—and a third in the name of the TUEL", and this is important: This motion—to clarify what it means—the American Negro Labor Congress was presumably, as far as the public was concerned, a Negro organization and not a Communist Negro organization. The Communists denied that they had anything to do with the American Negro Labor Congress, but this Congress was organized under special instructions from the Communist [160] International. Its funds are supplied by the Communist Party and its policies were determined by the Political Committee of the Party, and, of course, the same can be said of the TUEL, which indicates how they operated in so-called non-Party, or front organizations which the Party from time to time organized.

Q. And why did the Communist Party enter actively into the Pullman Porter situation? For what purpose?

A. The purpose in the Pullman Porters was the

(Testimony of Benjamin Gitlow.)

same as in any other organization, to make contacts and to win influence among the Negro workers, and in the Negro population for its own objectives.

Q. Well, would you say that they entered into it for the purpose of helping the Negro?

A. They may at the beginning have done a number of things that might have helped the Negroes, but their ultimate aim was to gain influence over the Negroes, to use the Negroes for their own purposes.

Q. Do you know what the Communist Party's policy or program was regarding the Negro situation in the United States?

A. In 1928 a special commission was appointed by the Communist International at its Sixth World Congress, that was held in Moscow, to consider the Negro question, and in said Congress a decision was made on Negro policy for the United States, and the policy adopted was one of self-determination for the Negro population in the United States, and that Party, in those sections of the South in which the Negro population [161] constituted a majority of the country, of the territory, that there the Party should advocate the organization of an independent Negro Republic.

Q. And do you know how they were to accomplish this policy, this program?

A. Naturally, the successful culmination of such a policy would depend on a general revolution in the United States.

(Testimony of Benjamin Gitlow.)

Q. And you say that that policy was formulated by the Communist International and transmitted to the Communist Party in the United States to carry into effect?

A. Yes, it was transmitted to the Communist Party of the United States. The Communist Party of the United States never discussed the question. It became Party policy, and literature on the matter was published also.

Q. What do you mean by saying that that was never discussed by the Communist Party of the United States?

A. Because it was settled in Moscow first; in other words, it was not a recommendation from the American Party for consideration by the Communist International, but it was discussed in Moscow first. There the decision was made and the policy handed down to the American Party, and the American Party had to adopt that and to accept it and to carry it out. Naturally, anybody knowing conditions in the United States would know that the carrying out of such a policy would lead to the [162] most bloody Civil War, particularly in the South.

Q. Mr. Gitlow, I refer you to page 10 of this meeting, particularly under the head of "Election of Members to the ECCI."

Is that the Executive Committee?

A. Just a moment; I will get the page.

Q. Of the Communist International?

A. Yes, that is to the Executive Committee of the Communist International.

(Testimony of Benjamin Gitlow.)

Q. I note that a motion was made and carried, "that the Secretariat, Lovestone, Foster and Gitlow, be the three delegates." To what does that refer, Mr. Gitlow?

A. That is that they shall be the three delegates for membership in the Executive Committee of the Communist International.

Q. And are you the Gitlow mentioned?

A. I am the Gitlow mentioned.

Q. Was that motion carried?

A. That motion was carried.

Q. And did you serve in such capacity?

A. I served in such capacity.

Q. And did you go to Russia thereafter?

A. I went to Russia—what year was that—I went to Russia after that to the Fourth World Congress of the Red International of Trade Unions.

[163]

Q. That motion, it appears, was made by Stachel. Who is Stachel?

A. That is Jack Stachel. He was a member of the Central Executive Committee and the head of the organization department of the Party.

Q. What is the first name?

A. Jack Stachel.

Q. Jack; I beg your pardon.

And who is the Bittleman mentioned immediately following that motion?

A. That is Alexander Bittleman.

Q. And who is he?

(Testimony of Benjamin Gitlow.)

A. A member of the Political Committee of the Party.

Mr. Del Guercio: I will offer this document in evidence, your Honor.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 36.)

By Mr. Del Guerico:

Q. I will show you another document dated June 27, 1928, and ask you if you can identify it.

A. (Examining document): Those are the minutes of the Political Committee.

Q. Were you present at that meeting?

A. I was present at that meeting.

Q. I refer you to page 4 of this meeting. On the [164] bottom of page 4 there appear motions made by Gitlow as follows:

"1. That the ILD shall take steps immediately to secure the release of Murdoch and Beal so that they can take up their strike activities."

Did you make such a motion?

A. I made such a motion.

Q. And was it carried?

A. It was carried, yes.

Q. As part of the same motion I note this, Mr. Gitlow:

"That Zelms be removed as ILD organizer of the Massachusetts District."

Did you make such a motion?

(Testimony of Benjamin Gitlow.)

A. Yes, I made such a motion.

Q. Well, I note immediately thereunder that that was withdrawn in favor of the Stachel motion made later? A. Yes, sir.

Q. Is that correct? A. That is right.

Q. And what was the Stachel motion in connection with that matter?

A. That Zelms go to New York on money from the International Labor Defense.

Q. Did the Political Committee have authority to do that?

A. Well, if the Political Committee—if the ILD had a thousand dollars, and it was all the money it had in its [165] treasury, and the Political Committee wanted it, it could make a motion for the ILD to turn it over.

Q. In other words, it exercised complete control over the ILD?

A. Complete and absolute control.

Q. I refer you to page 5 of this document under the heading "Motions by Weisbord" to the effect that "the ILD National Office at once get into the field and make a survey of what is to be done."

Is that correct?

A. On what page do you say that is?

Q. On page 5, about the middle.

A. (Examining document): Yes.

Q. To what does that refer, Mr. Gitlow?

A. That refers to the New Bedford District, and a motion made by Weisbord instructing the ILD National Office to send one of its organizers to

(Testimony of Benjamin Gitlow.)

New Bedford to make a survey of what it can do in the situation.

Mr. Del Guercio: I offer this document in evidence, if your Honor please.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 37.)

Presiding Inspector: These white slips that are attached to the documents are just blank slips?

Mr. Del Guercio: Yes, your Honor. [166] They are only for our identification and not a part of the document.

Presiding Inspector: That is quite all right, but I haven't seen them and I didn't know if there was any writing on them.

By Mr. Del Guercio:

Q. I will show you another document dated November 14, 1928, and ask you if you can identify it.

A. (Examining document): Those are the minutes of the Political Committee.

Q. Were you present?

A. I was present, yes.

Q. Mention is made in it of the CEC. What is the CEC?

A. Central Executive Committee of the Communist Party.

Q. On page 1 of this document appears "1. International Communications."

To what does that refer, Mr. Gitlow?

(Testimony of Benjamin Gitlow.)

A. "International Communications" refers to communications from the Communist International.

Q. From the Communist International?

A. Yes.

Q. There also appears on page 1 a motion by Lovestone, "To reaffirm the Polbureau decision to send Comrade Wicks as the representative to the Profintern." Is that correct?

A. That is correct.

Q. What is the Profintern? [167]

A. The Profintern is the Red International of Trade Unions.

Q. And located where? A. In Moscow.

Q. And who is the Comrade Wicks mentioned?

A. He is a member of the Party.

Q. Do you know his full name?

A. I think it is Harold M. Wicks.

Q. Now, on page 7 of this document, under the heading of: "Report by Foster on Trade Union Appropriation," reference is made to certain funds received during the absence of Foster as members of the Secretariat.

A. On what page is that?

Q. Do you know what that had reference to? On page 4; I beg your pardon; on the top of page 4.

A. Yes. "That the Polburo takes cognizance of the following facts:——"

That is the "Report by Foster on Trade Union Appropriation."

"Motion by Lovestone: That the Polburo takes cognizance of the following facts: –

(Testimony of Benjamin Gitlow.)

"1. These funds were sent and received here during the absence of Foster and Lovestone as members of the Secretariat.

"2. These funds were sent through the regular channels and received as such.

"3. The information received during the absence of [168] Comrades Foster and Lovestone regarding these funds was confusing.

"4. That the funds, however, were sent entirely for mining work and even far in excess of the appropriation.

"5. That the Secretariat go over the accounts of the mining expense from date of receipt of funds till today and check up to see if any money has not yet been sent on mining, or if any debts were contracted on the basis of this appropriation, the Secretariat takes steps to meet the debts.

"6. The Polcom takes note of the fact that almost all the debts contracted on the basis of the appropriation of this sort forthcoming, have already been paid."

This refers to a special fund, the original amount, the first payment of which amounted to $50,000, which was sent to this country by the Communist International to finance a campaign in the Miners' Union, the object of which was to defeat John L. Lewis as President of the Miners' Union in the forthcoming elections. Later that fund was augmented, and these motions refer to that special fund. [169]

(Testimony of Benjamin Gitlow.)

Q. Do you know that, Mr. Gitlow, of your own knowledge?

A. I know that of my own knowledge, as a member of the Secretariat, as a member of the Polcom, and as a member of the Provintern, and one who had intimately to do with the expenditure of these funds.

Q. How were the expenditure of these funds accounted for, Mr. Gitlow?

A. They were accounted for—whoever expended the funds received receipts on an ordinary piece of paper for so much and so much money. They were not kept in the bookkeeping accounts of the National office of the Party.

Q. Why not?

A. They were kept in strictest confidence.

Q. Why weren't they kept in the usual course of business?

A. Because if the Party books had to be audited, or if something happened, if an investigation was made of Party accounts, the Party would have difficulty in accounting for the expenditure of such a large sum of money.

Q. Is that the same Foster concerning whom you have previously testified?

A. William Z. Foster; yes.

Q. Did he have any connection with the forming of the TUEL in the United States?

A. Yes. He was the original head of the Trade Union Educational League. [170]

(Testimony of Benjamin Gitlow.)

Q. Do you know the circumstances under which he organized the TUEL in the United States?

A. Yes. Foster made a trip to Moscow in 1921, and in Moscow the question of how to get control of the American trade unions was discussed, and a policy was adopted.

They had two parts to that policy: One was that Foster should organize what we called a left wing opposition movement, to be known as the Trade Union Educational League, to concentrate on boring within the American Federation of Labor. That was one part of the policy, which was the organization of the Trade Union Educational League. The Comintern supplied the funds for getting that organization started. It sent a special representative to this country, Scott, who had ample funds to see that the work progressed properly.

The other part was the question of organizing a broad opposition movement in the American Trade Union movement.

Moscow conceived the possibility of uniting the progressives in the American Federation of Labor, the independent unions then in existence, primarily the Amalgamated Clothing Workers of America, and the Railroad Brotherhoods, into a bloc that would break away from the American Federation of Labor and form a separate trade union organization.

That policy culminated in success when the Congress for Industrial Organizations was organized.

(Testimony of Benjamin Gitlow.)

Q. At the time that Foster organized this TUEL was he a [171] member of the Communist Party?

A. At that time—he joined the Communist Party in 1921 in Moscow, but when he returned to this country we kept his membership secret and up 'till the end of 1924 he paraded as a non-Communist.

Q. He stated, did he not, that he was not a Communist when asked during that period of time?

A. Oh, yes; and during the Bridgman Trial he testified he was not a Communist Party member.

Q. He testified falsely, did he not?

Mr. Gladstein: Would you fix the year of that, your reference there?

Mr. Del Guercio: About Foster testifying concerning——

Presiding Inspector: The Bridgman Trial—read the previous question, please.

(Question referred to was read by the reporter as above recorded.)

By Mr. Del Guercio:

Q. When was the Bridgeman Trial?

A. In 1924.

Q. What was the occasion for Mr. Foster denying that he was a member of the Communist Party?

A. Because we organized the whole defense of Foster on that basis, and Foster, operating as the leader of the Trade Union Educational League appeared in the country as a [172] progressive trade unionist and not as a Communist, and all the time he was a member of the Political Committee of the

(Testimony of Benjamin Gitlow.)

Party, and served on the most confidential committees of the Party organization.

Presiding Inspector: Read the first part of that last answer. I want to have Mr. Gitlow clear on whether he hasn't misstated one name there.

(The answer referred to was read by the reporter as above recorded.)

Presiding Inspector: You mean the defense of Foster?

The Witness: The defense of Foster. He was indicted in Michigan as a result of a secret convention.

Presiding Inspector: You are not now talking about the Bridgeman case at all?

The Witness: No; no.

Presiding Inspector: I misunderstood you.

By Mr. Del Guercio:

Q. You say that Foster testified falsely under oath that he was not a member of the Communist Party? A. That is correct.

Q. Upon whose direction did he so testify?

A. The whole policy for that defense was worked out by the Political Committee of the Party.

Q. And it is the practice of the Communist Party to instruct its members, particularly labor leaders, to deny mem- [173] bership in the Communist Party if it serves their purpose?

A. Absolutely.

Q. And Foster was a labor leader at that time, was he not?

(Testimony of Benjamin Gitlow.)

A. Well, he tried to create the impression that he was a labor leader.

Q. And that is denominated by the Communist Party as their policy of hyprocrisy and deceit?

A. That was one of the accepted practices. You can find verification of that in the founder of the Communist movement, Lenin, in his pamphlet "Left Sickness", in which he discusses the trade union question.

Mr. Del Guercio: I offer this document in evidence, if your Honor please.

Presiding Inspector: It will be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 38.)

By Mr. Del Guercio:

Q. Do you know, Mr. Gitlow, what the instructions of the Communist Party are regarding the giving of testimony in any court of law by Communist Party members?

Mr. Gladstein: As of what time?

Mr. Del Guercio: As of any period within his knowledge.

A. That depends on the particular case and the particular circumstances. The Communists always believe in flexibility [174] in tactics and in policy.

Q. Have they ever instructed, within your knowledge, members of the Communist Party to appear in a court of law and deny their membership in the Communist Party? A. They have.

(Testimony of Benjamin Gitlow.)

Q. On how many occasions?

A. On many occasions.

Q. That is, they are instructed to testify falsely under oath?

A. As to their membership in the Communist Party?

Q. That they are not members of the Communist Party? A: Yes.

Q. That is an established practice of the Communist Party when it suits their purposes?

A. When it suits their purposes; yes, sir.

Mr. Del Guercio: I believe I offered the last document in evidence?

Presiding Inspector: Yes; it has been marked.

By Mr. Del Guercio:

Q. Mr. Gitlow, that practice and policy was also the practice and policy in connection with alien members of the Communist Party applying for citizenship?

A. With all members of the Communist Party, whether they applied for citizenship or in court, or where the circumstances brought them. [175]

Q. I will show you a document dated November 23, 1928, and ask you to state if you can identify it?

A. (Examining document) Those are the minutes of the Political Committee.

Q. Were you present at this meeting?

A. I was present; yes.

Mr. Del Guercio: May I ask the Court's indulgence for a moment, please?

(Testimony of Benjamin Gitlow.)

Presiding Inspector: Yes.

By Mr. Del Guercio:

Q. I note, Mr. Gitlow, among those present is shown one Marcus—M-a-r-c-u-s—that is, present at this meeting of the Political Committee of the Communist Party, is that correct?

A. That is correct.

Q. Was he present? A. He was present.

Q. Who is Marcus?

A. Marcus was a representative of the Communist International to the American Party.

Q. Is that his true name?

A. Not his true name; no.

Q. I refer you to the matters appearing under the heading "International Communications" appearing on page 1, at the bottom of page 1. To what do they refer, Mr. Gitlow? [176]

A. "Communication from Engdahl stating that the Secretariat of the International Committee of Mopr has decided that Rose Baron should be National Secretary of the ILD."

Engdahl, at the time, was the Party representative, the American Communist Party representative to the Communist International. He reported to us on a decision of the International Committee of Mopr—that is the parent organization, the international parent organization of the ILD, the organization in Moscow to which the ILD is affiliated, that it had decided that Rose Baron should be made the National Secretary of ILD.

(Testimony of Benjamin Gitlow.)

Q. That is the usual manner in which the Secretary of the International Labor Defense——

A. (Interposing) That was the usual manner, and that recommendation was not carried out because it didn't come through the Party, through the Communist International. The proper instructions for such a change in ILD officialdom should have been transmitted to the Communist International by the Mopr, and then if the Communist International agreed with the International Mopr Committee's decision, then to the United States.

Q. Do you know the Rose Baron mentioned there? A. I know Rose Baron.

Q. Personally? A. Yes. [177]

Mr. Del Guercio: I offer this document in evidence.

Presiding Inspector: It will be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 39.)

By Mr. Del Guercio:

Q. I show you some papers dated, typewritten papers, dated June 27, 1925, and ask you to state if you know what they are?

A. (Examining papers) That is a meeting of the Secretariat.

Q. On the top of the first page appears "Executive Council." What is that?

A. I don't see it—just a moment—I don't see any "Executive Council" here.

(Testimony of Benjamin Gitlow.)

Presiding Inspector: You are not looking at the same paper, I take it.

The Witness: Probably not.

By Mr. Del Guercio:

Q. Well, it is my error—on the second page.

A. There are two sets of minutes here; one set is that of the Secretariat and the other one is of the Executive Council.

Q. Yes. It is the second page that you have where reference is made to the Executive Council. What is that?

A. That was the title used for the Political Committee [178] in the year 1925.

Q. And I note Comrade Cannon submitted a slate of candidates for the National Committee of the ILD, and that thereafter Comrade Lovestone made a motion that three others be added; is that correct?

A. Yes. This is very interesting, this motion.

"Comrade Cannon submitted the following list for members of the Executive Committee of the International Labor Defense League."

There was a conference to be held soon of the International Labor Defense and the Political Committee was considering how to constitute the National Committee of the International Labor Defense, and the following recommendations were made by Cannon:

That the Party members to the National Committee shall be Dolla, Cannon, Maurer, Dunne, Cora Meyer, William Mollenhauer, Robert Minor, Har-

(Testimony of Benjamin Gitlow.)

rison George, Foster, Karsner, Ruthenberg, Gitlow, Dan W. Stevens, Fred Merrick, Rose Baron and Fred Beidenkapp.

That the non-Party members, not members of the Party, who should be made members of this Committee, should be Debs, Nearing, Robert W. Dunn, R. W. Whitaker, Bishop M. Brown, Wentworth, Howat, A. S. Blackwell, Ellen Hayes, McNamara, Meitzen, Ralph Chaplin, and Fred Mann.

But among this list of non-Party members we had the follow- [179] ing secret Party members whose membership was not disclosed: Robert W. Dunn, Bishop M. Brown, Meitzen and Ralph Chaplin.

Q. You said the ones you last mentioned were Communist Party members whose identities were not disclosed by the Communist Party?

A. Yes.

Q. Was that in accordance with this practice of hypocrisy and deceit?

A. That is part of the general policy in that direction; yes.

Mr. Del Guercio: I offer this document in evidence, if your Honor please.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 40.)

By Mr. Del Guercio:

Q. I will show you a document dated July 24, 1925, and ask you if you can identify it?

(Testimony of Benjamin Gitlow.)

A. (Examining document) They are the minutes of the Secretariat.

Q. And were you present at this meeting?

A. No, I was not present.

Q. How did this document come into your possession?

A. As a member of the Political Committee I received it.

Q. Now, there appears on this document, under the heading "Policy in the Machinists' Union," among other things, [180] this: "That those members of the Party who are not known as members of the Party shall sign the statement required denying membership in the organization." Is that correct? A. That is correct.

Q. Is that common practice of the Communist Party?

A. That was the common practice in all trade union situations in which the membership of the Party was tantamount to expulsion from the Union.

Q. And what do the words "sign the statement required denying membership in the organization" mean?

A. Well, the Machinists' Union requires each and every member to sign a statement denying they are members of the Communist Party, and the Party instructed its membership in the Machinists' Union to sign such a statement.

Q. And was that done in other unions?

A. That was done in other unions also.

(Testimony of Benjamin Gitlow.)

Mr. Del Guercio: I offer this document in evidence, if your Honor please.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 41.)

Presiding Inspector: We will recess for five minutes.

(Whereupon a short recess was taken.)

Presiding Inspector: I think we are all ready to proceed. [181].

By Mr. Del Guercio:

Q. I will show you a document dated October 19, 1925, and ask you if you can identify it.

A. (Examining document) Those are the minutes of the Secretariat.

Q. And how did you come into possession of this document?

A. As a member of the Political Committee I received it.

Q. I refer you to page 3 of this document, to the matters appearing immediately following the heading "Rules for Credit". To what does that refer, Mr. Gitlow?

A. The Daily Worker at that time also ran a job printing plant in Chicago. The organizations of the Communist Party did their printing in the Daily Worker job printing plant. The Daily Worker was too liberal in granting credit so the

(Testimony of Benjamin Gitlow.)

Political Committee reviewed the situation and adopted certain rules for credit in the future.

Q. And what were those rules, particularly with reference to the International Labor Defense?

A. "The International Labor Defense must reduce its indebtedness to $500, and the credit limit of that organization shall be that amount hereafter with the further rule that no bill shall run longer than 30 days."

Q. I now call your attention to page 5 of this document, those matters appearing under the heading "Further AAAII Matters." To what organization does that refer? [182]

A. The All-American Anti-Imperialist League.

Q. And reference is made therein to the Marine Transport Workers Conference to meet in Havana, Cuba, January 15, 1925. What was the Marine Transport Workers Conference, Mr. Gitlow?

A. That was a conference which was organized by the Communist International through the Red International of Trade Unions, to be held in Cuba, and it was for the purpose of bringing together the Marine Transport organizations of all countries on the basis, first, of anti-Imperialist workers and, second, to organize them into a block for special work on the water fronts and on the high seas.

Q. So that the Marine Transport Workers was a Communist conceived organization?

A. A Communist conceived Conference—a Conference at that time.

Q. And what was its purpose, its object?

(Testimony of Benjamin Gitlow.)

A. Its object primarily was to form an organization of transport workers in the Western Hemisphere which would be controlled by the Communists.

Q. And to what end?

A. Towards the general Communist ultimate end.

Q. Which is?

A. Is to gain control and influence over the members of the Marine Transport Industry so they can use them in a revolutionary capacity whenever necessary. [183]

Mr. Del Guercio: I offer this document in evidence, if your Honor please.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 42.)

By Mr. Del Guercio:

Q. I will show you a document dated October 27, 1925, Mr. Gitlow, and ask you to state what it is?

A. (Examining document) Those are the minutes of the Secretariat.

Q. Were you present at this meeting?

A. No, I was not present.

Q. How did you come into possession of this document?

A. As a member of the Political Committee.

Q. I notice there as present, Loeb, Bell, and Wirkula, on the matter of the Daily Worker, is that correct?

(Testimony of Benjamin Gitlow.)

A. Correct. Loeb was business manager of the Daily Worker; Wirkula was in charge of the plant, and Bell was one of the workers in the Daily Worker.

Q. I call your attention to the matter appearing on page 1 of this document under the heading "Federated Press", and ask you what that refers to?

A. Well that refers to a protest on the manner in which the Federated Press handled a story concerning the handling of Hillquit in New York City in which some slurring [184] remarks were made of the Communists who picketed the boat, and a motion was made by Comrade Cannon to send a protest to the Federated press, stating the facts of the case and caution Comrade Shields to be more careful in the future.

Shields worked on the Federated Press at that time and was a Party member. This motion was made instructing him to be more careful in the future.

Q. Now, there is also mention made on page 1 of these minutes to the Anita Whitney case in California.

Do you know what that refers to?

A. No, I don't know. I know generally that it referred to one of the old cases here involving the IWW, but the exact nature of the case I don't know.

Q. Well, now, under that heading there appears this statement:

(Testimony of Benjamin Gitlow.)

"Comrade Cannon reported that Roger Baldwin had started a campaign to secure a pardon for Anita Whitney, a WP member of much prestige, who is in jail in California together with a number of IWW members. Anite Whitney takes a stand against this"—and then the next word is blurred—"individual pardon."

Thereafter a motion was made by Cannon as follows:

"Nationally and in California, our policy is to use the Anita Whitney case as a basis for a fight for the unconditional release of Comrade Whitney and the IWWs." [185]

That motion was carried unanimously, was it not?

A. That is right.

Q. That was binding upon all Communist Party members? A. That is right.

Mr. Del Guercio: I offer this document in evidence, if your Honor please.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 43.) [186]

By Mr. Del Guercio:

Q. I show you another document dated September 15, 1927, and ask you if you can identify it.

A. (Examining document) Those are the minutes of the Secretariat.

Q. Were you present at this meeting?

A. I was present, yes.

(Testimony of Benjamin Gitlow.)

Q. I refer you to page 2 of this document to the matter appearing under the heading, "Representatives to Comintern and Profintern," and ask you to state what motions, if any, were made on that matter?

A. "Motion by Lovestone: That we send two new representatives, Engdahl to the Comintern and some first line comrade to the Profintern. That Harrison George should not be kept as the representative of the Profintern."

Voting for that motion was two for the motion and one against, which meant that Lovestone's motion carried, and Engdahl went to the Comintern as the representative of the Communist Party of the United States, and another person was elected later, I suppose, for the representative to the Profintern.

Q. Now, who is the Harrison George mentioned?

A. Harrison George is the Editor of the Peoples World, a member of the Communist Party, and at the time of this motion was a representative of the Party to the Profintern.

Mr. Del Guercio: I offer this document in evidence, if your [187] Honor please.

Presiding Inspector: It will be received.

(The document referred to was received in evidence and marked as Government's Exhibit No. 44.)

By Mr. Del Guercio:

Q. Is he any relation, if you know, to Earl Browder?

(Testimony of Benjamin Gitlow.)

A. I think he married Earl Browder's sister; I am not sure.

Q. I will show you another document dated September 16, 1927, and ask you if you can identify it?

A. A meeting of the Secretariat.

Q. Were you present at the meeting?

A. I was present, yes.

Q. I refer you to the matter appearing at the bottom of page 1 under the heading "Cablegram to CI" and ask you to state what that refers to?

A. That refers to a cable which Lovestone took up at the meeting of the Secretariat for transmission to the Communist International, and it is as follows:

"Infecci Central Decides Weinstone Remain NewYork Organizer Stop Swabeck Chosen National Work Probably Departmental Head Stop TUC Organized Parity Basis Stop Foster Head Tudepartment Stop Lovestone ExecutiveSecy."

It means—translated it means as follows:

Inform the Executive Commitee of the Communist International that the Central Executive Committee of the Communist Party [188] of the United States desires that Weinstone shall remain the organizer of the New York District Stop. That Swabeck was chosen for national work"—probably some departmental head of the Party "Stop That the Trade Union Committee of the Central Executive Committee of the Party was organized on a paritive basis", meaning that both factions in the Party had equal membership on the Trade Union Com-

(Testimony of Benjamin Gitlow.)

mittee of the Party. "Stop That Foster is the head of the Trade Union Department of the Party Stop That Lovestone is the Executive Secretary of the Party."

And all these appointments and changes in the Party organization, before they actually could go into effect, had to meet with the approval of the Communist International.

Q. And was it for that reason that they were transmitted to the Communist International?

A. That was the reason they were transmitted.

Mr. Del Guercio: I offer this document in evidence.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 45.)

The Witness: What is the number of that Exhibit, please?

The Reporter: Government's 45.

By Mr. Del Guercio:

Q. I will show you a document dated September 21, 1927, and ask you if you can identify it.

A. (Examining document): Those are the minutes of the [189] Secretariat.

Q. Were you present at that meeting?

A. I was present.

Q. I refer you to page 4 of this document, under the heading "Pickens." Comrade Lovestone reported that Comrade Pickens desires permission to

(Testimony of Benjamin Gitlow.)

go to the Soviet Union", and that thereafter a motion was made by Lovestone "That we notify Comrade Pickens that when he is ready to go we will take the matter up with him", and that was carried. A. Yes, sir.

Q. Why was it necessary to make such a motion in connection with the desire of Comrade Pickens to go to Russia?

A. Well, no Party member could leave the United States on his own volition and go to the Soviet Union. He had to get permission first from the Party. The Party acted as a sort of consulate for the Soviet Union in such matters, not only for Party members, but also for non-Party members, for non-Party people as well. Before any man of prominence could leave the United States for the Soviet Union the Communist International would make a—would ask for information concerning the individual and whether we approved his going to the Soviet Union.

Mr. Del Guercio: I offer this document in evidence.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 46.)

By Mr. Del Guercio: [190]

Q. I refer you to the second page of this document, under the heading, "ILD." That is the International Labor Defense?

(Testimony of Benjamin Gitlow.)

A. (Examining document) Yes, sir.

Q. And what was taken up at this Committee meeting regarding the ILD?

A. At this Committee meeting there was taken up the question of the location of the national office of the ILD, and also matters concerning the coming national conference of the International Labor Defense.

Q. I will show you a document dated, apparently, October 19, 1927, and ask you to state what it is.

A. (Examining document) Minutes of the Secretariat.

Q. And were you present at this meeting?

A. I was present, yes.

Q. May I see that, Mr. Gitlow, please?

A. Surely (Handing document to Mr. Del Guercio).

Q. Here; thank you. I wanted to compare it with the photostat that I had.

I call your attention to page 2 of this document, and particularly to the matters under the heading "ILD matters," and ask you to state what was discussed and done regarding ILD matters at this meeting?

A. According to the minutes "Comrade Cannon reported that the program of the conference will be presented to the Secretariat within a week."

[191]

In other words, he was preparing a program for the conference which had to meet with the approval

(Testimony of Benjamin Gitlow.)

of the Secretariat and the Political Committee, which we would get in a week's time.

"Motion by Cannon: That the National Office instruct all Party papers to turn over their subscription lists for use by the International Labor Defense.

"Motion by Cannon: That all arrangements be authorized for Comrade Cannon's making a tour for two months from coast to coast.

"Amendment by Lovestone: That the tour of Comrade Cannon should cover a total of two months, though not continuous."

Motion and amendment carried.

Q. Now, at the bottom of that page, Mr. Gitlow, appears this:

"Women's Work" and under it appears the name of Comrade K. Gitlow.

A. That was my mother.

Q. Your mother. And what was discussed and done by the Political Committee in that connection?

A. My mother was elected to go to the Tenth Anniversary Celebration of the Soviet Union and also to investigate conditions of the working woman in the Soviet Union.

Q. Now, on the next page, page 3, I note that a motion was made by Lovestone, among other things "That a credential be given to Comrade Gitlow as a member of the Party and as a [192] responsible figure in the women's work."

What kind of a credential does that refer to, Mr. Gitlow?

(Testimony of Benjamin Gitlow.)

A. That is the credential given to party members from the Communist Party of the United States to the Communist International.

Q. And do you know if such a credential was given your mother? A. Yes, sir.

Q. Did she go to the Soviet Union?

A. Yes, she went.

Mr. Del Guercio: I offer this document in evidence.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 47.)

By Mr. Del Guercio:

Q. I show you what purports to be a silk certificate of identification containing the hammer and sickle and the legend "Central Executive Committee—Workers Party of America—" and ask you if you can identify it?

A. (Examining document) Yes.

Q. Was that the certificate that was given to your mother?

A. Yes, that is the form of the credential that was given to every Party member going to Moscow to present to the Communist International. It was generally sewn underneath the [193] lining of one's coat.

Q. Very many of these certificates issued?

A. To every Party member who goes on official business such a certificate was issued in my times.

(Testimony of Benjamin Gitlow.)

Q. On official business. Now, what do you mean, "Official business"?

A. In which the Party—for example, my mother at that time went officially to be represented at the celebration, and to the Women's Department of the Communist International, to investigate women's work and the affairs of working women in the Soviet Union.

Q. That is signed by whom, Mr. Gitlow?

A. That is signed by the Executive Secretary of the Party, and if he is not present, by any member of the Secretariat.

Q. Have you ever issued any of those?

A. I have.

Q. Those certificates? A. I have.

Q. How many would you say?

A. I can't say at this time, but any number of them.

Q. Are they generally issued to—you say they are generally issued to persons leaving the United States on the business of the Communist Party?

A. Yes, sir. [195]

Mr. Del Guercio: I will offer this in evidence, if your Honor please.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked as Government's Exhibit No. 48.)

By Mr. Del Guercio:

Q. Would such a certificate be given to a non-Party member? A. Never.

(Testimony of Benjamin Gitlow.)

Q. Would such a certificate ever be given to a non-Party member to give to a member of the Communist Party? A. Never.

Q. I show you a document dated December 13, 1927, and ask you to state if you can identify it.

A. (Examining document) These are the minutes of the Secretariat.

Q. And were you present at this meeting?

A. I was present, yes.

Q. I call your attention to matters appearing on page 1 under the heading, "Seamen's Club."

What is the Seamen's Club referred to?

A. In 1926, in Moscow, a special commission considered the question of the organization of the Marine Transport Workers all over the world, and what policy to pursue in their organization, and it was decided at that time that in important ports in Europe, South America and the United States and Asia, as well, that the Communists should proceed to establish Seamen's [195-A] clubs, to which they should invite seamen, give them certain facilities for their comfort and for their stay in port, and as a result of that, to make contact with the seamen and then to proceed to organize them. For that purpose money was set aside. In the United States the two outstanding Communists who were in charge of the organization of the seamen's clubs were Roy Hudson and George Mink. A sum of money was set aside by the Communist International for that purpose and they proceeded to organize seamen's clubs on the Atlantic Coast and

(Testimony of Benjamin Gitlow.)

in certain of the Latin American countries. These were the seamen's clubs.

Q. Were any seamen's clubs organized on the West Coast?

A. Not at the beginning, no; not that I know of.

Q. And how long did the seamen's clubs remain in existence?

A. Well, there is—some of them are still in existence.

Q. And what was the purpose of forming the seamen's clubs?

A. Seamen's clubs were formed for the purpose of attracting the seamen by giving them facilities such as cheap lunches, a social hall where they could gather, an opportunity to check their baggage, arranging socials where they could have a good time, and where we would send our Communist members to the seamen's clubs to entertain the seamen who happened to be in port [196] and in that way to get the goodwill of the seamen so we could use them for our political and organizational purposes.

Mr. Del Guercio: I offer this document in evidence, if your Honor please.

Presiding Inspector: It may be received:

(The document referred to was received in evidence as Government's Exhibit No. 49.)

By Mr. Del Guercio:

Q. Is Roy Hudson at present a member of the Communist Party, do you know?

(Testimony of Benjamin Gitlow.)

A. He is a member of the Communist Party and is at present a member of the Political Committee of the Party, and is in very high esteem in the Party at the present time.

Q. I will show you a document dated January 16, 1928, and ask you if you can identify it.

A. (Examining document) A meeting of the Secretariat.

Q. Were you present at this meeting?

A. Just a moment (Examining document).

Q. How did you come in possession of this document?

A. No, I was not present at this meeting. As a member of the Secretariat and Political Committee at that time I received it.

Q. Under the heading, "Joint Defense," appearing at the top of page 1 of this document reports were made by certain persons and thereafter a motion was made, among others this one: [197]

"The ILD is to lend $1000 on the New York Bazaar account", and was that motion carried?

A. That motion was carried, yes.

Q. Could the Political Committee direct the ILD to furnish funds?

A. It could even direct the ILD to jump off the Brooklyn bridge and it would have to do it.

Q. And that is the International Labor Defense? A. Yes.

Q. Is that correct? A. Yes.

Mr. Del Guercio: I offer this document in evidence.

(Testimony of Benjamin Gitlow.)

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 50.)

By Mr. Del Guercio:

Q. I show you another document dated September 8, 1927, and ask you if you can identify it?

A. (Examining document) Those are the minutes of the Central Executive Committee.

Q. I refer you to page 3 of this document, Mr. Gitlow, the matters appearing under the heading "Representative of Party to CI". To what does that refer?

A. That refers to the election of a representative of the Communist Party of the United States to the Communist International. [198]

Q. And who were elected as the Communist Party representatives to the CI at that time?

A. Well, at that time they weren't elected, according to this motion. It says "That the selection of the party representative to the CI be made immediately upon the Party's removal to New York."

Q. To New York? A. Yes.

Q. Oh, I see. I call your attention to page 1 of this document, and particularly to the matter appearing under "Election of Secretariat of Three". To what does that refer, Mr. Gitlow?

A. That referred to the election of the Secretariat.

(Testimony of Benjamin Gitlow.)

Q. And who were elected to the Secretariat at that time?

A. J. Lovestone, William Z. Foster and myself.

Q. And did you serve?

A. I served, yes.

Q. You also served on the Polbureau?

A. Yes, sir.

Mr. Del Guercio I offer this document in evidence.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 51.)

By Mr. Del Guercio: [199]

Q. I show you a document marked "Confidential" and ask you if you can identify it?

A. (Examining document) This is a confidential letter from the Agitprop Department of the Communist International to the Central Committee of the Communist Party of the United States, dealing particularly for the Women's Department and for the Agitprop Department, outlining the rôle of the Communist women in the war—in a war, should one take place.

Q. How did it come into your possession, Mr. Gitlow? A. I received it.

Q. You received it from whom?

A. I received it from my mother at that time in Moscow.

(Testimony of Benjamin Gitlow.)

Q. I note up on top there it states,—reference is made to "K. Gitlow". A. Yes, sir.

Q. Is that to your mother?

A. Yes, sir.

Q. And what appears above that? What is the writing that appears above that?

A. "Mailed to".

Q. Whose writing is that, if you know?

A. I don't know; I couldn't tell you.

Q. And what date is this? There appear some figures in the middle of the page.

A. 1927, the 31st of the eighth month, 1927.

[200]

Mr. Del Guercio: I offer this document in evidence.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 52.)

By Mr. Del Guercio:

Q. I will show you a two-page typewritten document and ask you if you can identify it? Two or three pages, I believe; three pages.

A. (Examining document).

Q. Three pages. What is that?

A. This was a special document drawn up by the delegation from the United States to the Fourth Congress of the Profintern, dealing with the aims of the party, the immediate aims of the party, respective of the party, in the Needle Trades situation.

(Testimony of Benjamin Gitlow.)

Q. And to whom was the report made?

A. It was made to the Executive of the Red International of Trade Unions.

Q. And how did you come into its possession?

A. I was the Chairman of the delegation to the Congress and I received a copy of it and kept that copy for my own reference.

Q. Did you help prepare this report?

A. I helped to draft it, too.

Mr. Del Guercio: I offer this in evidence. [201]

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 53.)

By Mr. Del Guercio:

Q. I will show you a paper containing some writing and ask you if you can identify it?

A. (Examining document) Those are copies of cables which we received from the Communist International, from some of our Party members in Moscow.

Q. How many such cablegrams does this document contain?

A. One, two, three, four.

Q. And how did you come in possession of this document? A. How I came?

Q. Yes.

A. As a member of the Political Committee of the Party I received copies of these cables and I made copies of them.

(Testimony of Benjamin Gitlow.)

Q. Do you know whose handwriting that is that appears at the bottom of the page?

A. That is my own handwriting.

Q. Your own. Who is "Hunky," H-u-n-k-y?

A. Hunky stands for John Pepper, John Swift and Joseph Pogany. He was a Hungarian, so when he sent the cable he signed it "Hunky." [202]

Q. Who is the Kruse mentioned?

A. That stands for William Kruse. He is no longer a member of the Party. At that time he was a student at the Lenin University.

Mr. Del Guercio: I offer this document in evidence.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 54.)

By Mr. Del Guercio:

Q. I will show you a document here purporting to be a report of William Z. Foster and Alex Bittleman, dated Moscow, January 18, 1926, and ask you if you can identify it?

A. (Examining document) Yes.

Q. And how did you come in possession of this document?

A. In 1927, when I was a delegate to the Plenum of the Executive Committee of the Communist International, the archives department of the Communist International gave me a copy of a report on the American Party situation which Foster and

(Testimony of Benjamin Gitlow.)

Bittleman presented to the Communist International in the year 1926. That is how I got this report.

Mr. Del Guercio: I offer this document in evidence.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 55.)

By Mr. Del Guercio: [203]

Q. I will show you a document purporting to be, or headed, rather, "The reorganization of the Workers' Party," dated June 20, 1925, and ask you if you can identify it?

A. (Examining document) Yes; this is an official letter, which the Party had mimeographed, which it received from the Communist International dealing with the reorganization of the Party.

Q. And how did you come in possession of it?

A. Well, not only—I got it as a member of the Political Committee, but all leading officials of the Party received this letter. It was sent to all the districts and all leading officials and functionaries of the Party.

Mr. Del Guercio: I offer this in evidence, your Honor.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 56.)

(Testimony of Benjamin Gitlow.)

By Mr. Del Guercio:

Q. Do you know with what this document deals?

A. Which? Let me have it.

(Mr. Del Guercio handed the document to the witness.)

The Witness: (Examining document) This letter dealt with the Bolshevization of the Party, the Communist International. We had representatives to the Communist International before this letter was published, and the Communist International discussed with our Party representatives what steps the Party [204] must take to make it a real Bolshevik Party, patterned after the Bolshevik Party of Russia, the Communist Party of Russia. And as a result of that, the Communist International drew up a letter of instructions on the Bolshevization of the Party, how to turn the American Party into a true Bolshevik Party, and these instructions went to the party districts and party leaders and were, through them, transmitted down to the party membership.

Q. I show you a paper here containing typing and ask you if you can identify it?

A. (Examining document) This is a copy of a resolution adopted by the Communist International on the internal situation in the American Communist Party.

Q. Does that deal with the same matter contained in the preceding exhibit?

(Testimony of Benjamin Gitlow.)

A. No, something entirely different.

Q. How did you come in possession of this document?

Mr. Gladstein: I didn't hear that question.

(The question referred to was read by the reporter.)

A. (Examining document).

By Mr. Del Guercio:

Q. If you know?

A. Yes, I know how I came in possession of it. I received a copy of that as a member of the Political Committee.

Q. Now, I note, among other things, that this appears: [205]

"We therefore propose the following measures based upon the decisions of the CI on the American Party situation and as the means of achieving the unity of these two groups," and particularly to the second one, "That we accept the decision of the Red Trade Union International on the industrial policy of our party and that we immediately take steps to put it into effect."

Do you know what that decision was?

A. At this time I couldn't tell you.

Mr. Del Guercio: I offer this document in evidence, if your Honor please.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 57.) [206]

(Testimony of Benjamin Gitlow.)

By Mr. Del Guercio:

Q. I show you what appears to be an original letter dated July 28, 1925, on a letterhead of Workers Party of America, National Office, 1113 West Washington Boulevard, Chicago, Illinois, and ask you to state what it is.

A. (Examining letter) This is a letter from C. E. Ruthenberg, Executive Secretary of the Party, stating that "hereto is a copy of the letter from the Comintern and Profintern in reference to trade union work of the Party."

Q. And you received this letter?

A. Yes; I received this letter.

Q. And to what does—I believe mention is made in the letter to an enclosure, is that correct?

A. Right.

Q. To what does the enclosure refer?

A. It refers to a letter from the Communist International and the Red International of Trade Unions, the trade union work of the Communist Party of the United States, outlining policies and giving directions for that work.

Q. And what was the policy of the Communist Party announced with reference to trade union matters?

A. Well, I would have to read this whole letter at this time, if that is what you want.

Mr. Del Guercio: If the Court please, I believe that we should take the time to read this particular document because [207] the Government contends that this is—or will show and will offer

(Testimony of Benjamin Gitlow.)

evidence to show that it is also the present policy of the Communist Party with reference to the same matters.

Presiding Inspector: You want to read it now?

Mr. Del Guercio: Yes.

Presiding Inspector: Very well. Do you want it taken down by the reporter?

Mr. Del Guercio: Yes. (Reading)

"Dear Comrades:

"It is of extreme importance to the life and growth of the Workers Party that its members as a whole realize better the necessity of more intensive work in the labor unions. The labor unions are the basic mass organizations of the workers. They wage war against the employers as one of the most important sectors of the front of the class struggle. The capture of the leadership of the labor union masses in their struggle is vitally necessary not only for the strengthening of the Workers Party at the present time, but also for the ultimate victory of the revolutionary struggle. The capture of the labor unions is our first and foremost task.

"That the Workers Party as a whole does not yet thoroly realize the exceptional importance of trade union activity, is clear from the fact that only 40% of the Party membership are members of labor unions, and even if those only very few are active in the latter work. If the unions are weak and are dominated [208] by the reactionaries, it is the business of the Communists to strengthen

(Testimony of Benjamin Gitlow.)

them and to wage a relentless fight against the leadership and the policies of the reactionaries. In those places and industries where no labor unions exist the Communists must take the initiative and organize unions. We must not sit with our hands folded and wait until the labor bureaucracy finds it necessary to form unions. The organization of the masses into labor unions is the historical task of the Communist movement in America.

"The Party must use disciplinary measures to compel its members to join the labor unions and become active in them. It must be firmly fixed in the mind of every Party member that no worker in an industrial country like America can be a real Communist unless he is an active labor unionist. The Party must take a determined stand against any sign of slackness in labor union activity. The work in the labor unions must be regarded as the basis which will determine the success of the Party in most other spheres of work.

"The Workers Party must render the utmost assistance to the Trade Union Educational League. Wherever the Party has branches the latter must regard it as their duty to set up and maintain local branches of the League. Party members who are trade unionists must actively engage in the work of the League. In the League as a whole and in each separate labor union organization the Party members must be united into a Communist fraction [209] and on all questions act unanimously as one body. The League must resume publication of its

central organ and extend its literature department, both of which must be supported by the Party members and by the Party as a whole. The idea that the League represents an organization independent of the Party must be eradicated.

"The Workers Party must also do everything within its power to prevent itself becoming isolated from the masses. It must resist the tendencies to reduce the Trade Union Educational League to the position of an exclusive organ of the Communists and their closest sympathizers, irrespective of whether such tendencies are a result of pressure from outside or of pressure on the part of the Party members anxious to keep out non-partisans. The Party must strive to convert the League into an extensive Left Bloc Organization, lining up all the revolutionary and progressive elements in the labor unions against the reactionary bureaucracy.

"The Communist strategy in the labor unions must be to unite, thru the medium of the Trade Union Educational League, all the left wing elements against the old officialdom and their policies. Every struggle of the workers and all everyday activities must be directed to this object. One of the important features of the work in the labor unions is without fail to utilize the elections of trade union officers and of the delegates to the local, district, national and A. F. of L. [210] conventions. Among the so-called progressive elements there is a growing tendency to develop an opposition against the reactionary labor union bureauc-

(Testimony of Benjamin Gitlow.)

racy and to put up their own ticket in opposition to them at elections. This tendency must be stimulated and developed by the Workers Party as a means of bringing the workers under its influence. In every election, both in local unions, central Trades Councils and in the international union, the Communists, where they are not sufficiently strong to secure the election of their own candidates, must unite with the progressives and support joint candidates on the basis of the united front. It should be remembered that the officialdom of the American Federation of Labor and of the international unions does not represent a single reactionary mass. The closer the labor union official is to the shop and the dues-payer, the more subject he is to the direct influence of the masses of the workers. Among these elements there are many who are disgusted with the policies of the heads. This discontent, tho not yet organized, nevertheless represents opposition to the old course. The Party must give every possible assistance to the progressive elements in their struggle against the reactionary bureaucracy. The League must strive to establish a united front with these elements on the basis of a concrete program of action.

The League should be actively supported by the Party in [211] the prosecution of the League program endorsed at the Third Congress of the R. I. L. U. Particular attention should be given to the following points.

(Testimony of Benjamin Gitlow.)

"1. Strikes and Wage Movements.

"The Party must actively engage in every strike and wage movement. It must also arouse the masses to take up such movements. It must skilfully utilize these movements for political ends. It must have a program of demands for each mass movement of this kind and the Communists must fight for the leadership in the struggle. The wage cutting campaign carried out by the capitalists must be opposed by a counter-campaign of strikes.

"2. Class Collaboration.

"The Party must conduct a relentless war against all class collaboration plans, such as the Labor Banks, Insurance Companies, the B & O Plan, etc., which are being foisted upon the workers by the reactionary bureaucracy. This campaign must be opposed by a militant struggle for a class war policy. The Party must steadily expose the incapability, corruption and treachery of the reactionary bureaucracy.

"On the question of Labor banking, our policy must be to oppose the establishment of new banks on the present basis and to demand that the existing banks be reorganized on cooperative lines, that they break with Wall Street and refrain from locking up strike funds in various investments. [212]

"3. Organization of the Unorganized.

"In every labor union the Party must raise the

(Testimony of Benjamin Gitlow.)

question of the organization of the unorganized. The Party should also utilize its shop nuclei for the organization of the organized and to obtain the leadership in all their struggle. Where labor unions exist the policy of the Party must be to strengthen them. Where there are no labor unions the Party must take the initiative and form unions."

I do not believe it is necessary to read the rest because it doesn't refer particularly to American policy.

Mr. Del Guercio:

Q. Is that the policy of the Communist Party, Mr. Gitlow?

Mr. Gladstein: Are you asking is that, or was that the policy at the time he was a member?

Mr. Del Guercio: I think when it is established as the policy at one particular period that status is presumed to continue until the contrary is established.

Mr. Gladstein: We have been very patient here yesterday and today and have made no objections to counsel phrasing many questions in the present tense. But it appears from the testimony of the witness that his connection with the Communist Party, I think, was severed in 1929. Many of these questions obviously he cannot answer of his own knowledge, or on first hand experience.

We realize that your Honor, when reading the record, will [213] take that into consideration. But

(Testimony of Benjamin Gitlow.)

if counsel is going to continuously phrase these questions in the present tense we then want to make an objection at this time and ask him to confine his questions to this witness to the period of time when he claims to have had first-hand knowledge, experience and information.

Presiding Inspector: I suggest you confine your question, first, to the time that the witness was a member of the Party.

Mr. Del Guercio: Very well.

By Mr. Del Guercio:

Q. Was that the policy of the Communist Party during the period of time that you were a member of it?

A. At that particular time, yes, when this letter was issued and that was in 1925.

Mr. Del Guercio: I offer that document in evidence.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 58.)

Presiding Inspector: Have you finished with this document?

Mr. Del Guercio: Yes.

Presiding Inspector: And that general subject?

Mr. Del Guercio: Yes.

Presiding Inspector: You are going to take up something else other than the trade union policy?

Mr. Del Guercio: We can stop right here. [214]

(Testimony of Benjamin Gitlow.)

Presiding Inspector: We will recess until 2:00 this afternoon.

(Whereupon, at 12:30 p. m. a recess was taken until 2:00 p. m. of the same day.) [215]

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CHARLES ELMORE CROPLEY
CLERK

TRANSCRIPT OF RECORD
IN SEVENTEEN VOLUMES

IN THE

Supreme Court of the United States

October Term, 1944

No. 788

HARRY BRIDGES,

Petitioner,

vs.

I. F. WIXON, as District Director, Immigration and Naturalization Service, Department of Justice,

Respondent.

VOLUME III

Pages 969 to 1419

UPON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT

Rotary Colorprint, 55 Eleventh Street, San Francisco

No. 10450

United States

Circuit Court of Appeals

For the Ninth Circuit.

HARRY BRIDGES,

Appellant,

vs.

I. F. WIXON, as District Director, Immigration and Naturalization Service, Department of Justice,

Appellee.

Transcript of Record

VOLUME III

Pages 969 to 1419

Upon Appeal from the District Court of the United States for the Northern District of California, Northern Division

Rotary Colorprint, 590 Folsom St., San Francisco

After Recess — 2:00 P. M.

Presiding Inspector: You may proceed.

BENJAMIN GITLOW

a witness called on behalf of the Government, having been previously duly sworn, resumed the stand and further testified as follows:

Direct Examination (Resumed)

By Mr. Del Guercio:

Q. Mr. Gitlow, I will hand you a document dated November 28, 1928, and ask you if you can identify it?

A. (Examining document) This is a release from the National Office of the Workers Communist Party which was sent to all Party units on November 28, 1928, dealing with the calling of the Party Convention on February 1, 1928, in New York City.

Q. And by whom is it signed?

A. It is signed by Jay Lovestone, the Executive Secretary of the Party.

Q. And there appears to be attached to it a direction "To all District Organizers, to all Party units, to all editors," is that correct?

A. Yes. That is the call to the Convention that is attached to it.

Q. Where did you get this document?

A. I got this as a member of the Political Committee.

Q. And is the agenda of the Convention attached to [216] this document?

A. Yes. It says as follows:

(Testimony of Benjamin Gitlow.)

"In accordance with the call of the Central Executive Committee issued November 8th, with the approval of the Executive Committee of the Communist International, the Central Executive Committee has decided upon the following rules to govern the Sixth National Convention, to be held in New York City on February 1, 1929."

In other words, even the rules for the Convention were approved by the Communist International.

"The agenda for the National Convention follows:

"1. Report of the Central Executive Committee (economic and political situation activities of the Workers (Communist) Party and tasks before the Party).

"2. Report of the National Executive Committee of the Young Workers (Communist) League.

"3. Report of the Sixth World Congress of the Communist International.

"4. Report on the Right Danger and Trotskyism.

"5. Report on Trade Union Work.

"6. Party Organization Problems.

"7. Negro Work.

"8. The War Danger and the Struggle Against American Imperialism. [217]

"9. Election of the Central Executive Committee and the Central Control Commission."

Q. What is the World Congress, Mr. Gitlow?

(Testimony of Benjamin Gitlow.)

A. That is the Convention of the Communist International.

Q. Where is it held?

A. It is held in Moscow.

Q. How often are they called or held?

A. According to the statutes they are supposed to be held every two years, but they are not held as often as that. Sometimes a period of as long as four years goes by before a Convention is held.

Q. Have you ever attended a Congress of the Communist International?

A. No; I never attended the Congress.

Q. And what is this war danger and struggle against American imperialism?

A. That is the point on the agenda in which the tactics which the Communists would use during a war crisis would be considered plus the policy that the Party would use in its struggle against American Imperialism.

Q. And are reports of these various Congresses published? A. Yes, they are published.

Q. By whom?

A. They are published by the Central Executive Committee of the Party.

Q. And distributed? [218]

A. And distributed.

Q. And what effect does the decision of the World Congress have upon the Communist Party?

A. Such decisions are always binding upon all Communist Parties.

(Testimony of Benjamin Gitlow.)

Mr. Del Guercio: I offer that document in evidence, if your Honor please.

Presiding Inspector: It will be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 59.)

Presiding Inspector: You mean they are binding on the Central Executive Committee?

The Witness: Of which party?

Presiding Inspector: Of the Communist Party.

The Witness: Yes, always. The only party that could change the decision of the World Congress of the Communist International would be the Russian Party.

Presiding Inspector: And they could?

The Witness: Yes; but no other party.

By Mr. Del Guercio:

Q. And why can the Russian Party of the Communist International change it?

A. Because they enjoy the favored position of being the real boss of the outfit—that is, to put it bluntly.

Q. I will show you what purports to be a "Resolution on the American Question, final text endorsed by Presidium [219] of ECCI, July 1—" — in ink, and the "6" underneath on the typewriter, I think—"1927," and ask you if you can identify that.

A. (Examining document). Yes. That is an official decision of the Communist International

(Testimony of Benjamin Gitlow.)

dealing with the question of the American Party, its policies, its internal situation. That was made on July 7, 1927.

Q. You say July 7th?

A. Yes. Here it is underneath in the Russian form, 6/7/27.

Q. Oh! And how did you get this document, Mr. Gitlow?

A. I was present in Moscow at the time as a delegate to the Executive Committee to the Communist International, the decision was made, and was one of the delegates. It was handed to me with the stamp of the Communist International.

Q. And the stamp, where does that appear?

A. (Examining document) On the last page.

Q. On the last page. I want to call attention to the seal appearing on the last page of this document.

Now, that is the seal, you say, of the——

A. (Interposing) That is the seal of the Communist International.

Q. By whom is this document signed?

A. What is that?

Q. By whom is it signed?

A. This document was signed by Braun. [220]

Q. B-r-o-w-n?

A. B-r-a-u-n, here, in the name of the sub-commission. The Communist International appointed a sub-commission to go into the American question, as they called it, dealing with the affairs of

(Testimony of Benjamin Gitlow.)

the Party, both its political and internal affairs, and the Chairman of that Sub-commission was Braun.

Q. Do you know who he is?

A. I know who he is. He signed this decision which was reached in Moscow, and later he was appointed to be the representative of the Communist International to the American Party preceding the convention and during the convention, and for a short period after the convention in 1927. The same Braun later was sent to Brazil to ferment a revolution in Brazil, was arrested, and is in prison at the present time, but the Comintern does nothing to defend him or to take up his case.

Q. Now, this is a decision reached by the Presidium on the American question?

A. That is right.

Q. And what effect did this resolution have upon the Communist Party in the United States?

A. It was binding on the Communist Party of the United States.

Q. And what was the American question referred to in the document? [221]

A. At that time that referred to the policies of the Party in reference to the struggle against imperialism, meaning American Imperialism, and the war danger. In 1927 the Communist International was already preparing for a war crisis, which they expected would break out soon, and in preparation for that crisis all Communist Parties had to develop tactics in line with the particular conditions that prevailed in their own countries, as well

(Testimony of Benjamin Gitlow.)

as to accept the general Communist policies in reference to activities during a crisis; that was one phase.

Then, the internal problems—I would say the domestic problems, rather, concerning the Party in the United States dealing with the political situation; the trade union question, and other matters which concerned the American Party and its activities in this country, and third, the internal situation in the Party, that is, whatever friction or factional situation you had between the leadership and the Party.

Mr. Del Guercio: I offer this document in evidence, your Honor.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 60.)

By Mr. Del Guercio:

Q. Now, I will show you what purports to be an agreement for the carrying out of the resolution of the American question adopted by the Presidium of the Executive Committee of the [222] Comintern, and ask you if you can identify it?

A. (Examining document) Yes, I identify this.

Q. How did you come in possession of this document?

A. As one of the delegates to the Executive Committee of the Communist International I received this document which was signed by the following

(Testimony of Benjamin Gitlow.)

persons: "J. Lovestone, myself, John Pepper, James P. Cannon, William Z. Foster, William W. Weinstone and Braun," as I reported before, who was head of the sub-commission appointed to handle the American affairs at the Communist International at that particular time. This has the signatures of all the delegates from the American Party who were present in Moscow, plus the seal of the Communist International.

Q. And it was executed and signed in Russia?

A. It was executed and signed in Russia.

Q. Well, why was it necessary to have an agreement for the carrying out of the resolution?

A. Because we had a factional situation in the Party and they wanted to make sure that we would have on black and white the agreements reached in liquidating that factional situation.

Mr. Del Guercio: I offer this document in evidence, your Honor.

Presiding Inspector: It may be received. [223]

(The document referred to was received in evidence and marked Government's Exhibit No. 61.)

By Mr. Del Guercio:

Q. I will show you what purports to be an original letter on the letter head of the "Communist *Part* of the United States of America, Section of the Communist International" dated August 25, 1929, and ask you to identify it.

A. (Examining document) That is a letter from the Executive Department to myself.

(Testimony of Benjamin Gitlow.)

Q. Did you receive the letter?

A. I received the letter, yes.

Q. Was that written before or after your expulsion from the Communist Party, Mr. Gitlow?

A. Well, I wouldn't be sure of the dates, whether it was before or after; evidently, it was before I was expelled.

Q. Now, this letter speaks of material concerning the situation in California and asking you to return it.

To what material does it refer particularly?

A. It refers to material dealing with an internal situation we had in the California District of the Party, which was considered by the National Convention of the Party, and then was referred to the Communist International, and I, as General Secretary of the Party, took all that material to Moscow with me.

Q. Did you return it as requested? [224]

A. No, I did not.

Q. You kept it? A. Yes, sir.

Mr. Del Guercio: I offer this letter in evidence.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 62.)

By Mr. Del Guercio:

Q. I will show you an original letter dated June 21, 1929, on the letter head of the Communist Party of the United States of America, and ask you to identify it.

(Testimony of Benjamin Gitlow.)

A. (Examining letter) This is a letter that was sent to me.

Q. By whom?

A. By Robert Minor, for the Executive Department of the Party, and the Secretariat.

Q. Now, with what does this letter deal?

A. That letter deals with the situation which led up to my expulsion from the Party.

If you want I will read it all and explain it.

Q. If you please.

A. (Reading): "Dear Comrade Gitlow: By action of the Political Committee of June 19, 1929, you are herewith instructed immediately to make a written statement to the Political Committee of the Party through the Secretariat [225] before the question of your future work in the Party is settled. In this statement you must make clear the following points:

"1. To declare that you accept without reserve and recognize the complete correctness of the Comintern Address and the other Comintern decisions on the American question."

This was a decision on the American question reached in Moscow in 1929 in the form of what was known as an address to the American Party, and in this address to the American Party Sfalin required, Stalin personally, required of me that I should sign a confession in Moscow that I had acted against the principles of Communism and the Party; that I had supported Herbert Hoover, and other such ridiculous charges.

(Testimony of Benjamin Gitlow.)

He wanted me to sign that confession to prove that I was a good Communist.

I told Stalin to his face that he could keep his confession; that when I went back to the United States I would fight him.

This is the letter then of the Party to me that I should sign this confession if I wanted to continue to work for the Party.

"2. To declare that you will carry out the Address and the decisions and defend the political correctness of the Address and the decisions before the Party."

In other words, not only should I sign the confession, but [226] defend its correctness and its political logic, and so forth and so on.

"3. To declare that you will support and defend the present leadership of the Communist Party of the United States of America in its work of carrying out the Comintern line and in its fight against all forms of open or concealed opposition to the Communist International and to the leadership of the American Party.

"4. To declare that you denounce and emphatically condemn the anti-Comintern conduct of the majority of the delegation of the Communist Party of the United States of America in Moscow in reference to the position there taken toward the Comintern Address."

At that time there was an appeal from the majority of the Party against Stalin's order that the majority should give up its leadership of the Ameri-

(Testimony of Benjamin Gitlow.)

can Party and turn that leadership over to the minority of the Party. The Party wanted me, in addition to signing Stalin's confession, also to turn my back upon those members of the delegation that fought against Stalin's move in Moscow at that time. [227]

"The Political Committee at the above-mentioned meeting of June 19th decided to instruct you to make a written statement as above described"—in other words, they make the statement and ask you to rewrite it as above described—"within 48 hours after receipt of these instructions, to be delivered into the hands of the Secretariat by the end of the 48-hour period."

If I didn't do that I stood expelled from the Party.

Q. Did you make such a written statement?

A. I made a reply to this in which I reiterated my stand and position and refused to accept the orders of Stalin and the Communist Party.

Q. What happened after that?

A. I was expelled from the Party.

Q. Were you officially notified of your expulsion?

A. No. You could read the Daily Worker — they had reams of abusive language against me, called me all kinds of names, and notifying the public that I was guilty of every crime under the sun and stood expelled from the Party.

(Testimony of Benjamin Gitlow.)

Q. And did they review in the Daily Worker your work for the Party from its inception to 1929?

A. No. They always forget that. They always deal with the last point and forget the first.

Q. I note on this letter the following legend. "Official Organ 'Daily Worker' ". Does that appear on all the letter- [228] heads of the Communist Party? A. It did in my time.

Q. Now, you said that you were in Russia and that Stalin himself asked you to sign certain confessions?

A. Well, I will explain that to you. I arrived with a delegation in Russia in 1929. They appointed a special commission to handle the appeal of the majority of the American Party in Russia. The Chairman of that Commission was Molotov, who is now the Secretary of Foreign Affairs for the Soviet Union. He was Secretary, handling the affairs of the American Party, the appeal at that time.

At the first meeting of the Commission Stalin himself was present and spoke.

At subsequent meetings of the Commission Stalin was present and spoke.

When the decision was finally reached by the Commission, and approved by the Executive Committee of the Communist International, Stalin was present, made a speech, demanded that the decision be accepted.

At that memorable meeting I refused to accept the decision and also told Stalin that I would return

(Testimony of Benjamin Gitlow.)

to the United States and fight against him and the decision.

In addition to that, after that a special meeting of the Executive was held at which a whole series of motions were drafted. These motions were read by Molotov, dealing with the [229] American question.

These motions were of the following nature:

1. All who had refused to accept Stalin's decision on the American Party were removed from all official posts in the Party.

In addition to that, new officials for the Party were appointed.

Furthermore, the Comintern elected a special representative to go to the United States with full power to do anything he wanted to do with the American Party. This representative went under the name of Williams.

In addition, a motion was read and carried at that Executive at which a large sum of money was put aside to finance the position of Stalin in his fight against what he called the opposition to his line in the American Party.

Furthermore, the representative that was sent to the United States was given the power to remove officers, to remove editors, to expel members, to nullify all decisions. He had absolute autocratic power over the Party.

That is the kind of control that Stalin has over the International Communist movement.

Q. Were you detained in Russia?

(Testimony of Benjamin Gitlow.)

A. Oh, yes.

Q. That is, following your refusal to sign the confession?

A. After my refusal to accept Stalin's decision I was held [230] under the pretext of being a witness on certain charges lodged against John Pepper.

I demanded to be given my passports in order to leave the Soviet Union as quickly as possible. I was kept back for about four weeks before I was permitted to leave the Soviet Union.

In the meantime Stalin had dispatched those Communists in Moscow who supported his position, plus his representatives, plus the money to carry on the fight in the United States.

After that I received my passports and came back to the United States.

It is to be noted in this respect that when a Communist from another country comes to Moscow he must give up his passports. His passports are taken by the Organization Department, a special bureau of the Organization Department of the Comintern, which is under the direction of the Ogpu, and the Chief of that Department is a member of the Ogpu. That is the political police, or the Commissariat of Internal Affairs in the Soviet Union. You cannot leave Moscow unless the passport is returned to you. In that way they keep many, many Communists in Moscow for months, and years, and very often certain Communists in opposition are forced into suicide because of the

(Testimony of Benjamin Gitlow.)

tactics used by the machine against them in Moscow, fighting against which is hopeless on their part.

Mr. Del Guercio: I offer this document in evidence, if your Honor please. [231]

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 63.)

By Mr. Del Guercio:

Q. I show you a paper on the back of which appears the letterhead of the Workers Communist Party of America, and on the other side of which contains some figures, and ask you to identify it.

A. (Examining paper) This is a notation on moneys received from the Communist International for the special miners' fund in the United States.

Q. Is that the fund concerning which you previously testified this morning? A. Yes.

Q. In whose handwriting are these figures?

A. They are in the handwriting, I believe, of Nemser—N-e-m-s-e-r.

Q. And how did you come into its possession?

A. I was entrusted with the funds when the other two members of the Secretariat, William Z. Foster and Jay Lovestone went as delegates to the Sixth World Congress of the Communist International, and necessarily I had to have an accounting.

Mr. Gladstein: Could we have the date of that, Mr. Del Guercio?

Mr. Del Guercio: There is no date on it. [232]

(Testimony of Benjamin Gitlow.)

The Witness: That was in 1928.

Mr. Gladstein: Maybe the witness knows.

The Witness: That was in 1928.

By Mr. Del Guercio:

Q. There appears this date at the bottom of the page——

A. (Interposing) That is the eighth month and the 30th day.

Q. Of what year? A. 1928.

Q. And there was a balance of how much on that date?

A. A balance at that time of $2150.

Mr. Del Guercio: I offer this document in evidence, if your Honor please.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 64.)

By Mr. Del Guercio:

Q. I show you a red delegate card, "Trade Union Unity Convention, Cleveland, Ohio, August 31, 1929," and ask you how you came into the possession of such card—first, in whose name is this card issued?

A. I will have to have some more light—I cannot make out the name.

Q. Perhaps you didn't get my question. In whose name is the card issued?

A. I thought you meant who signed the credential card. [233] That was made out in my name.

(Testimony of Benjamin Gitlow.)

Q. You say this is a credential card?

A. Yes.

Q. And who gave you the card?

A. The Credentials Committee at the Trade Union Unity Convention that was held in Cleveland, Ohio, on August 31, 1929.

Q. Was this after your expulsion from the party?

A. That was after my expulsion from the Party, but as a member of the National Committee of the Trade Union Unity League, or the Trade Union Educational League, which called this conference, I was entitled to a delegate's status at the Convention.

Q. Did you attend that Convention?

A. I attended that Convention, but I was surrounded by a Party goon squad that told me if I opened my mouth they would take very good care of me.

Q. What sort of a Convention was this?

A. The Convention which organized the Trade Union Unity League.

Q. Is that the successor of the Trade Union Educational League?

A. That was the successor of the Trade Union Educational League.

Q. And who sponsored the Trade Unity League?

A. It came as a result of a decision of the Communist [234] International to organize such a league, and to drastically change the policy of the Party from working inside of the existing trade

(Testimony of Benjamin Gitlow.)

unions of the A. F. of L., and to organize unions controlled and dominated completely by the Communist Party. I spoke about that yesterday when you questioned me.

Q. And how long did that convention last?

A. That convention lasted over a weekend, I believe.

Q. Were you present throughout the entire period of the convention?

A. Yes, I was present.

Q. Surrounded all the time by this so-called Communist goon squad?

A. Well, the convention was about 90 per cent Communist attended.

Mr. Del Guercio: I offer this card in evidence, if your Honor please.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 65.)

By Mr. Del Guercio:

Q. I show you a document entitled, "Resolution of the Broadening of the TUEL and the building on an oppositional bloc in conformity with the CI decision" and ask you if you can identify it?

A. (Examining document) Yes; this was a very important [235] document that was drawn up in line with the decision of the Communist International in the year 1927, and at that time the Communist International insisted that we try to

(Testimony of Benjamin Gitlow.)

form a progressive bloc in the trade union movement. It was the beginning of the tactic which culminated in success in the organization of the CIO. For a short period of time in 1929 that policy was abandoned but later on it was picked up again, and this is the decision of the Communist International which was interpreted and digested for the benefit of the Party members.

Q. And how did you come into possession of this document?

A. As a member of the Political Committee I received this document.

Q. Now, on the bottom of page 5 of this document appears this: "Comrad Harrison George, Secretary of the National Committee in IWW, shall, in cooperation with Comrade Wangerin of the Railroad Amalgamation Committee, submit proposals for the organization of a Port Bureau in New York."

To what does that refer, Port Bureau, particularly in New York?

A. Well, Harrison George at that time was a member of the IWW, and we organized an opposition movement in the IWW and constituted a national committee on that opposition movement, and Harrison George was Secretary of that national committee of the opposition movement in the IWW.

This Comrade Wangerin was Secretary of the Railroad [236] Amalgamation Committee. The opposition movement in the Railroad Brotherhood was called the Railroad Amalgamation Committee,

(Testimony of Benjamin Gitlow.)

and Wangerin, a member of the Party, was Secretary of that Committee, and being experienced in trade unions, since Wangerin had to do with railroad transportation, and Harrison George was familiar with the Transport Workers, the Marine Transport Workers Union of the IWW, they were asked to submit concrete plans for the organization of a Port Bureau to handle the question of the organization of the Waterfront Workers and the Seamen.

Q. Well, was this Comrade George, Harrison George, also a member of the Communist Party at the time?

A. He was a member of the Communist Party at the time.

Q. And at the same time a member of the IWW?

A. Yes, sir.

Q. The IWW is the Industrial Workers of the World?

A. Of the World, but the IWW was not a Communist organization; in fact, the IWW fought the Communist Party. He was Secretary of an opposition movement in the IWW which sought to get hold of the IWW for the Communist Party.

Mr. Del Guercio: I offer this document in evidence.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 66.)

(Testimony of Benjamin Gitlow.)

By Mr. Del Guercio:

Q. I show you a letter, an original letter, dated [237] September 13, 1923, on the letter head of the "Trade Union Educational League", and ask you if you received this letter?

A. (Examining document) Yes, I received this letter.

Q. That is addressed to you?

A. That was addressed to me.

Q. By whom? A. By Earl Browder.

Q. Now, I note on the letter head that William Z. Foster is named as Secretary-Treasurer.

A. That is right.

Q. Of the Trade Union Educational League, and this was at the time that he was denied membership in the Communist Party?

A. That is right.

Mr. Del Guercio: I offer this document in evidence, if your Honor please.

Presiding Inspector: It will be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 67.)

By Mr. Del Guercio:

Q. What was Earl Browder at the time this letter was written, Mr. Gitlow?

A. He was acting as the unofficial secretary of the Trade Union Educational League, because Foster was on the road most of the time, and as Editor of Labor Herald.

(Testimony of Benjamin Gitlow.)

Q. Well, Earl Browder at the time, was he a member of [238] the Communist Party?

A. And he was a member of the Communist Party at the same time.

Q. Was he openly associated with the Trade Union Educational League? A. Yes.

Q. Earl Browder? A. Yes.

Q. I will show you an original letter dated February 25, 1927, and ask you if you can identify it?

A. (Examining document) Yes, that is a letter from Earl Browder to me.

Q. About what?

A. Asking me to write some articles for Labor Unity.

Q. Labor Unity; now, is that a magazine, did I understand you to say, or a newspaper?

A. No; that is a magazine.

Q. A magazine? A. Yes, sir.

Q. Under the control of the Communist Party?

A. Under the control of the Communist Party.

Q. And the acting editor at that time, according to this letter, was Earl Browder?

A. No; the editor was Earl Browder, and there was a stamp putting Earl Browder's signature per the acting editor. [239] I can't remember who the acting editor was at the time, but the official editor was Earl Browder.

Q. Did you write any articles for the Labor Unity?

A. I can't recall at this time whether I did or not.

(Testimony of Benjamin Gitlow.)

Q. Did you generally contribute articles at all, or did you, during the time you were a member of the Communist Party?

A. Yes, I did. I know I wrote articles for Labor Herald, but whether I wrote some for Labor Unity, I can't recall.

Mr. Del Guercio: May we have a short recess?

Presiding Inspector: Yes, a short recess.

(Whereupon a short recess was taken.)

Mr. Del Guercio: If the Court please, I will offer that last document in evidence.

Presiding Inspector: Wasn't that received?

The Reporter: No sir, it was not.

Presiding Inspector: It will be received now.

(The document referred to was received in evidence and marked Government's Exhibit No. 68.)

By Mr. Del Guercio:

Q. I will show you another original letter dated January 10, 1926, on the letter head of the Labor Unity, "The Voice of Militant Labor", and ask you if you received this letter?

A. (Examining document) I received this letter. [240]

Q. And who sent it to you?

A. Earl Browder.

Q. And what are the contents of the letter?

A. A request for an article on the Amalgamated Clothing Workers Union.

Q. Did you submit such an article?

(Testimony of Benjamin Gitlow.)

A. I don't recall whether I did or not.

Q. This indicates that they have written to you before about that article; is that correct?

A. Oh, yes, very often.

Q. You were a member of the Communist Party at the time, of course? A. I was, of course.

Mr. Del Guercio: We offer this in evidence.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 69.)

By Mr. Del Guercio:

Q. I will show you a document purporting to be the "Resolution on building the Trade Unity League" and ask you if you can identify that?

A. (Examining document) Yes.

Q. How did this come to your possession?

A. As a member of the Political Committee.

Q. And when did you get this? [241]

A. I got that in 1928, I believe.

Q. Well, was this prior or after the convention there in Chicago?

A. Just a moment. Let me look over the document and I will be more sure about it.

Q. In Cleveland, instead of Chicago.

A. (Examining document) No, I think that was after; that was not in my time. [242]

Q. That was after you disassociated yourself with the Communist Party? A. Yes.

Q. Could you determine now how you received this document?

(Testimony of Benjamin Gitlow.)

A. Well, I couldn't tell you now. In the Party I received documents officially. This document I received from contacts in the Party, but not in an official capacity.

Q. Is it possible that this could have been prepared prior to the time of the Convention of the TUUL in Cleveland?

A. No, this cannot be because it mentions the unemployed demonstrations in March, which was after my expulsion from the Party.

Q. Now, on page 3 of this document appears this;

"The lack of sufficient leading forces who follow the correct revolutionary line is one of the elementary reasons for the weakness of the TUUL. The problem of new cadres is a vital problem for the TUUL, its revolutionary unions and for all sections of the RILU."

Is that the reason, as you understand it, for the formation of the TUUL?

A. Well, that was one of the reasons that they wanted the TUUL, but that wasn't the only reason.

Q. And further on it appears:

"Our cadres must have Bolshevik clarity and Bolshevik ability to organize workers." [243].

What is meant by that?

A. Well, they must act like Bolsheviks, following the example of the Russian Bolsheviks in organizing the workers, and utilizing the workers' movement for Communist political purposes.

Q. Do you know how the Bolsheviks work?

(Testimony of Benjamin Gitlow.)

A. They work in any number of ways, depending on the particular situation and the circumstances and the time.

Mr. Del Guercio: I offer this document in evidence, if your Honor please.

Mr. Gladstein: We object. It hasn't been identified by the witness in any way. There is no authenticity shown. The witness doesn't explain how he received it. In fact, he doesn't explain that he did receive it.

Presiding Inspector: Perhaps you had better identify that further.

Mr. Del Guercio: I understood the witness to say it was given to him through his contacts.

Presiding Inspector: It isn't very clear that he got it from members of the Communist Party, or that there is any connection between that and the Communist Party.

By Mr. Del Guercio:

Q. Can you now at this time recollect as to how you came into possession of this particular document?

A. I have made it a point since my disassociation with [244] the Communist Party to follow the Communist Party very closely and to keep in touch with all developments in the Communist movement, and to come into possession of all literature, pamphlets, books, documents, and so forth, concerning the Communist movement, so I am fully acquainted with every phase of the Communist movement.

(Testimony of Benjamin Gitlow.)

Q. And was it in the course of such associations that you received this document?

A. Yes.

Q. Can you say more definitely from whom you may have received it? A. No, I couldn't.

Q. Well, are you certain it was received from a member of the Communist Party?

A. I am certain it was received from Communist sources, and it is an authentic Communist document.

Mr. Del Guercio: I make the offer again.

Presiding Inspector: Did it issue from the Communist office by internal evidence, can you tell?

The Witness: No; that I couldn't tell.

Presiding Inspector: Do you still object?

Mr. Gladstein: Yes.

Mr. Grossman: This same question will come up again, and to which we object, and we would like to give a prepared statement which we have to—— [245]

Mr. Del Guercio: (Interposing) I will withdraw the document, please.

Presiding Inspector: It is withdrawn.

By Mr. Del Guercio:

Q. I show you an original letter dated July 2, 1925, on the letterhead of the Trade Union Educational League, and ask you did you receive this letter and the enclosure therein mentioned?

A. Yes; I received this letter.

Q. What is it about?

(Testimony of Benjamin Gitlow.)

A. It refers to decisions of the National Committee of the Trade Union Educational League. The letter was sent me by William Z. Foster, with the minutes of the National Committee of the Trade Union Educational League held July 1, 1925.

Q. Are you familiar with the signature of William Z. Foster? A. I am; yes.

Q. Is that his signature?

A. (Examining signature) That is his personal signature.

Mr. Del Guercio: I offer this document in evidence.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 70.) [246]

By Mr. Del Guercio:

Q. What was the enclosure, Mr. Gitlow?

A. The minutes of the National Committee of the Trade Union Educational League held, I believe, July 1st, and I think there is a date mark on it, 1925.

Q. I will show you what purports to be the minutes of the D. W. Management & Prom. Comm., dated February 26, 1927, and ask you to identify it.

A. Those are minutes of the Daily Worker Management and Promotional Committee of the Central Executive Committee elected by the Polcom.

Q. And I note there were present——

A. (Interposing) Present, Trachtenberg, Salzman, Royce, Brodsky, and Miller;

(Testimony of Benjamin Gitlow.)

Q. Were they all members of the Communist Party at the time?

A. Members of the Communist Party.

Q. And is that the same Joe Brodsky that you testified concerning previously?

A. The same Joe Brodsky I testified about before.

Q. Do you know Bert Miller, who appears here as the Secretary of the Daily Worker Management Committee?

A. Yes. He was the Business Manager of the Daily Worker at the time.

Mr. Del Guercio: I offer this document in evidence. [247]

Mr. Gladstein: Before that is done could we ask how Mr. Gitlow, who doesn't appear to have attended the meeting, came into possession of the document?

By Mr. Del Guercio:

Q. How did you come into possession of this document?

A. At that time I was the special representative of the Polcom to the Daily Worker on Management Affairs and I received minutes of all these meetings.

Q. In the usual course of the business of that Committee? A. Yes.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 71.)

(Testimony of Benjamin Gitlow.)

By Mr. Del Guercio:

Q. I will show you what purports to be a signed copy of a letter dated October 7, 1925, to "All Members of the Former Central Executive Committee of the Party," signed by C. E. Ruthenberg, General Secretary, and ask you if you can identify it?

A. (Examining letter) Yes; I can identify it.

Q. What is it?

A. That is a copy of a letter directing that the stocks held in the Daily Worker Publishing Company by members of the Central Executive Committee should all be turned over to the Secretariat of the Party. This letter was signed personally [248] by Charles E. Ruthenberg. It was made in duplicate form for there were many members of the Central Executive Committee who held stock in the Daily Worker Publishing Company in the name of the Party, and they were directed to transfer the stock to the Secretariat of the Party.

Q. And did you receive directly that copy of the letter? A. Yes.

Mr. Del Guercio: I offer it in evidence, if your Honor please?

Presiding Inspector: Received.

(The document referred to was received in evidence and marked Government's Exhibit No. 72.)

By Mr. Del Guercio:

Q. This letter is dated October 7, 1925. Were

(Testimony of Benjamin Gitlow.)

you a member of the Central Executive Committee at the time? A. Yes.

Q. Was any of the common stock of the Daily Worker issued in your name?

A. I think it was issued in the names of the members of the Central Executive Committee and we had to return that stock to the Secretariat.

Q. I show you a letter, original letter, dated October 28, 1925, on the letterhead of the Workers Party of America, addressed to "Benjamin Gitlow", and signed by "C. E. Ruthenberg, General Secretary," and ask you if you received this letter? [249]

A. (Examining letter) Yes; I received this letter.

Q. Did you also receive the enclosure mentioned?

A. Yes; I received the enclosure mentioned.

At that time, that was at the beginning of the Anthracite coal miners strike, I was designated by the Central Executive Committee to be the Party representative and the Party Director of the Policy in the Anthracite strike region and, as a result, I got this letter with the leaflet enclosed, which outlined the policy of the Party.

This leaflet was published by the Party, its printing was paid for by the Party, and it was issued in the name of the Progressive Miners' Committee, and signed by Alex Reid, Secretary, who happened to be a Party Member, and the leaflet was entitled "Miners! Are we fighting or playing with the Bosses?" And then it goes on to say:

(Testimony of Benjamin Gitlow.)

"An open letter to President John L. Lewis by the Progressive Miners' Committee."

The leaflet was drawn up by the Political Committee of the Party, printed with Party funds, and distributed among the miners in the name of a so-called non-Communist Miners' Progressive organization.

Q. And is that one of the practices of the Communist Party? A. Oh, yes.

Q. That is, to prepare such leaflets?

A. Yes. Where they controlled trade union officials in [250] bona fide unions they prepare the material for them, and these officials issue it in the name of the Union.

Mr. Gladstein: May I call your Honor's attention again to the habit of Government Counsel to lapse into the phrasing of his questions in the present tense in asking the witness about matters that he himself dates as of prior to 1929?

Presiding Inspector: I think it is clear that that probably is the fact.

Mr. Gladstein: Is that your understanding, Mr. Del Guercio?

Mr. Del Guercio: Yes.

By Mr. Del Guercio:

Q. But you say you have kept in touch with the Communist movement since your expulsion from the Party? A. Oh, yes.

Q. In what manner, Mr. Gitlow?

A. By following up its literature, by having contacts with members of the Communist Party who

(Testimony of Benjamin Gitlow.)

report to me on the affairs in the Communist Party, and generally by keeping a very close contact and observation of the movements, following closely all its developments.

Q. From your associations with the various members of the Communist Party since your expulsion, and from the reading of the official Communist Party literature, would you say that it is the practice at the present time of the Communist Party to prepare such literature? [251]

A. Oh, yes.

Mr. Gladstein: I think this calls for an opinion and conclusion and it is just a guess, and not first hand knowledge, or experience, and I object for that reason.

Presiding Inspector: It may not be very clearly stated; nevertheless I think I will receive it.

Mr. Del Guercio: What?

Presiding Inspector: I will receive it, although it may not be very convincing.

The Witness: I will say in this respect that you have to account for the fact that if you will turn your attention to the material that comes out of the unions which are controlled by the Communist Party at the present time, you will find that they deal with the same slogans, they support the same issues, they take the same political stand, showing clearly that they follow 100 per cent the line of the Party, and that the practice that prevailed in my time still continues today.

Mr. Gladstein: Now, that is rather vague and

(Testimony of Benjamin Gitlow.)

ambiguous, and I move to strike the answer unless it is tied up with something very specific. The witness hasn't said anything which enlightens the Court in any way.

Mr. Del Guercio: On the contrary, it seems that he has.

Presiding Inspector: I think I will receive it. The Presiding Examiner is going to be very liberal in the receiving of evidence. [252]

Mr. Gladstein: All right, your Honor.

By Mr. Del Guercio:

Q. I call your attention to the Union label stamp that appears at the bottom of this leaflet. Do you know what that signifies?

A. Well, the No. 290 on the Union label signifies the shop which is entitled to use that Union label.

Q. Was that particular shop used many times by the Communist Party?

A. I don't know. You would have to check back and find what shop 290 represented for me to tell you.

Mr. Del Guercio: I offer this last document in evidence, if your Honor please.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 73.)

By Mr. Del Guercio:

Q. I will show you what purports to be a signed copy of the Strike Meeting, Wilkes-Barre, on Sep-

(Testimony of Benjamin Gitlow.)

tember 9, 1925, and I will ask you if you can identify that?

A. (Examming document) Yes; I can identify that. [253]

Q. Now, how did it come into your possession?

A. August Valentine, who signed this, was the Secretary of the Party Fraction in the Anthracite. He was sent in. He did not originally come from the Anthracite. He was a young miner; he was sent into the Anthracite to act as the Secretary of the Party Fraction. This was one of his reports which he sent to me as a representative of the Political Committee in the Anthracite situation at the time.

Q. And with what does this deal?

A. This deals with the distribution of leaflets and Daily Workers in the strike territory.

Q. And does it also show how many leaflets and copies of the Daily Worker were distributed there?

A. Yes.

Q. I believe it states that 15,000 leaflets and 1,075 Daily Workers were distributed; is that correct?

A. Well, I think so. That is what it says. I didn't tabulate it; I didn't add it up. If you add it, then, that would be——

Q. (Interposing) That is stated on there; the total is given on it.

A. Wait just a moment. (Examining document) Oh, yes, the total is $15,000 leaflets and 1,075 Daily Workers.

(Testimony of Benjamin Gitlow.)

Mr. Del Guercio: I will offer that in evidence, if your Honor please. [254]

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 74.)

Mr. Del Guercio: If the Court please, may we ask your indulgence for a moment? We have a number of documents that are not in the room that will necessitate a short recess in order to obtain them.

Presiding Inspector: Can you get them ready in five or ten minutes?

Mr. Del Guercio: Yes.

Presiding Inspector: A short recess.

(Whereupon a short recess was taken.)

Mr. Del Guercio: If your Honor please, at this time I would like to offer in evidence certified copies of statements of ownership, management, circulation, etcetera, required by the Acts of Congress of August 24, 1912, and March 3, 1933 of the following publications: The Daily Worker for the years October 1, 1934, October 1, 1935, October 1, 1936, October 1, 1937, October 1, 1938, October 1, 1939, and also for the Daily Worker and the Sunday Worker for the year 1940, also for The Communist for the year 1935, 1936, 1937, 1938, 1939, and for the Sunday Worker October 1, 1936, 1937, 1938, 1939.

(Testimony of Benjamin Gitlow.)

These certified copies are under the seal of the Post Office Department of the United States.

Mr. Gladstein: May we see them, counsel?

(Mr. Gladstein examines documents.) [255]

Mr. Del Guercio: Is there any objection to their introduction?

Mr. Gladstein: No.

Presiding Inspector: Received without objection.

(The document referred to was received in evidence and marked Government's Exhibit No. 75.)

By Mr. Del Guercio:

Q. Now, reading from the first statement of ownership dated October 1, 1934, for the Daily Worker, appears this:

"George Wishnak, who, having been duly sworn according to law, deposes and says that he is the Business Manager of the Daily Worker, and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management (and if a daily paper, the circulation), etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, as amended by the Act of March 3, 1933, embodied in section 537, Postal Laws and Regulations, printed on the reverse of this form, to wit:

"That the names and addresses of the publisher, editor, managing editor, and business managers are:

(Testimony of Benjamin Gitlow.)

"Publisher, Comprodaily Publishing Company, Inc., 50 East 13th Street, New York City; Editor, Clarence Hathaway, 50 East 13th Street, New York City; Managing Editor, James Casey, 50 East 13th Street, New York City; Business Manager, George Wishnak, 50 East 13th Street, New York City.

"2. That the owner is: (If owned by a corporation, its [256] name and address must be stated and also immediately thereunder the names and addresses of stockholders owning or holding one per cent or more of total amount of stock. If not owned by a corporation, the names and addresses of the individual owners must be given. If owned by a firm, company, or other unincorporated concern, its name and address, as well as those of each individual member, must be given.)

"Earl Browder, 50 East 13th Street, New York City; M. Greenbaum, 50 East 13th Street, New York City; A. Markoff, 50 East 13th Street, New York City."

Now, Mr. Gitlow, do you know the Earl Browder mentioned in this certificate? A. Yes.

Q. And who is he?

A. Earl Browder, the former General Secretary of the Communist Party.

Q. And do you know M. Greenbaum?

A. M. Greenbaum, I don't know.

Q. A. Markoff?

A. A. Markoff is now dead; he was a charter member of the Communist Party.

Q. Do you know George Wishnak?

(Testimony of Benjamin Gitlow.)

A. George Wishnak, yes; he was a member of the Communist Party. He no longer is a member of the Communist Party. [257]

Q. On the second statement of ownership dated October 1, 1935, of the Daily Worker, Carl Brodsky is mentioned as one of the owners of the Daily Worker.

Do you know that Carl Brodsky?

A. I do.

Q. Who is he?

A. He is a member of the Communist Party.

Q. Is he the brother of Joseph Brodsky?

A. Brother of Joseph Brodsky.

Q. Do you know the Clarence Hathaway mentioned in the certificates?

A. That is Clarence Hathaway, the former editor of the Daily Worker, member of the Communist Party, a graduate of the Lenin School, and his whereabouts is now unknown.

Q. Now, on the certificate of ownership, et cetera, of the Daily Worker for October 1, 1937, David Leeds is shown as the Business Manager and one of the owners of the Daily Worker. Do you know that David Leeds? A. I do.

Q. Who is he?

A. A former member of the Communist Party; I don't think he is a member today.

Q. Do you know when he ceased to be a member of the Communist Party?

A. Not exactly. [258]

Q. On the certificate, statement of ownership

(Testimony of Benjamin Gitlow.)

of The Communist for October 1, 1935, W. E. Douglas is shown as the Business Manager. Do you know who that Douglas is? A. I don't.

Q. And the owner is shown as the Communist Party of the United States and Earl Browder, General Secretary. Do you know that Earl Browder? A. Yes, sir.

Q. Is he the same Earl Browder you previously mentioned?

A. The same Earl Browder I referred to before.

Q. On the certificate of ownership of October 1, 1937, of The Communist, Joseph Fields is mentioned as the Business Manager. Do you know that Joseph Fields? A. I don't know him.

Q. On the statement of ownership for the Sunday Worker, dated October 1, 1936, Joseph North is shown as the Managing Editor. Do you know that Joseph North?

A. I don't know his personally.

Q. And the Comprodaily Publishing Company is shown as one of the owners. What is the Comprodaily Publishing Company, if you know?

A. A Communist Party Publishing Company, a contraction.

Q. On the statement of ownership of the Sunday Worker for October 1, 1938, Jack Lowry, L-o-w-r-y, is shown as one of the owners. Do you know him? [259] A. I don't.

Q. And on the statement of ownership of the Sunday Worker of October 1, 1935, Harry Kauf-

(Testimony of Benjamin Gitlow.)

man, Benjamin J. Davis, and Avrum Landy are shown with the Daily Publishing Company, Inc., as being the owner of the Sunday Worker.

Do you know any of those three persons mentioned, Kaufman, Davis and Landy?

A. Landy, Avrum Landy.

Q. Who is he?

A. A member of the Communist Party. [260]

Presiding Inspector: We will run about five minutes longer.

Mr. Del Guercio: If the Court please, at this time I offer in evidence a number of statements of ownership filed under the same back, under the seal of the Post Office Department of the United States, containing the statements of ownership for the Sunday Worker for the year 1940, the Daily Worker for the year 1940, The Communist for the year 1940, the People's World for the year 1940, People's World for the year 1939, People's World for the year 1938, the Western Worker for the year 1937, the Western Worker for the year 1936, the Western Worker for the year 1935, the Western Worker for October 1, 1934.

I would like to call the attention of the Court to the statements of ownership of the Western Worker for the years 1937, 1936. The Communist Party, U.S.A., William Schneiderman, Secretary; Anita Whitney, Chairman, are shown as the owners of the Western Worker.

Is that correct?

Mr. Gladstein: The record will show.

(Testimony of Benjamin Gitlow.)

Mr. Del Guercio: And for the year October 1, 1935, the Communist Party, Lawrence Ross, Organizer, and John Morgan, Secretary, are shown as the owners of the Western Worker for that year.

And for the year 1934, the Communist Party, District 13, [261] San Francisco, California, principal officers, Sam Darcy, District Organizer, and Walter R. Lambert, Organizational Secretary, are shown as the owners.

By Mr. Del Guercio:

Q. On the statement of ownership for the People's World for September 27, 1940, Mr. Gitlow, Harrison George is shown as one of the owners. Is that the same Harrison George concerning whom you have previously testified?

A. That is the same Harrison George, who is a member of the Communist Party, and Editor of the People's World, and a member of the Central Executive Committee, or the National Committee of the Communist Party.

Mr. Del Guercio: I offer it in evidence.

Presiding Inspector: It may be received without objection.

(The document referred to was received in evidence and marked Government's Exhibit No. 76.)

Presiding Inspector: We will recess until tomorrow morning at 10:00.

(Whereupon, at 4:05 P.M. an adjournment was taken to Wednesday, April 1, 1941, at 10:00 a. m.) [262]

Court Room 276,
Federal Building,
San Francisco, California,

April 2, 1941.

Met, pursuant to adjournment, at 10:00 A. M.

[263]

PROCEEDINGS

Presiding Inspector: We will proceed.

Mr. Del Guercio: Mr. Gitlow.

BENJAMIN GITLOW

called on behalf of the Government, having been previously duly sworn, testified further as follows:

Direct Examination (Resumed)

Mr. Del Guercio: At this time, if your Honor please, I want to introduce in evidence a certified copy of Certificate of Incorporation of the National Daily Worker Publishing Association, Inc., pursuant to Article 2 of the Stock Corporation Law of the State of New York.

I do not believe there is any objection to this introduction.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government Exhibit No. 77.)

Mr. Del Guercio: This certificate, among other things, shows that the names and post office ad-

(Testimony of Benjamin Gitlow.)

dresses of the directors until the first annual meeting of the stockholders shall be as follows:

Isaac Shorr, 41 Union Square, New York City; Carol Weiss King, 41 Union Square, New York City; Fay Siegartel, 41 Union Square, New York City. [264]

By Mr. Del Guercio:

Q. Now, Mr. Gitlow, was the National Daily Worker Publishing Association, Inc., a Communist owned and operated corporation?

A. It was.

Q. And were these directors the real directors of that corporation? A. No, they were not.

Q. You know that of your own knowledge?

A. I know that of my own knowledge.

Q. Do you know the Isaac Shorr mentioned as one of the first directors of this corporation?

A. I do.

Q. Do you know Carol Weiss King?

A. I do.

Q. Is she in court?

A. She is in court.

Q. Do you know Fay Siegartel?

A. I do.

Q. Who is Carol Weiss King?

A. One of the attorneys in court.

Mr. Del Guercio: These Articles of Incorporation are dated October 18, 1927.

I offer in evidence now, if your Honor please, certified copy of ownership of the management of

(Testimony of Benjamin Gitlow.)

The Communist for the [265] year—let's see—executed October 1, 1932, taken from the national archives.

I don't believe there is any objection to its introduction.

Presiding Inspector: It will be received.

(The document referred to was received in evidence and marked Government Exhibit No. 78.)

Mr. Del Guercio: This document shows that The Communist was published monthly at New York, New York, for October 1, 1932, and that the publisher was the Communist Party of the United States, 50 East 13th Street, New York City; Editor, Earl Browder, William Z. Foster and William W. Weinstone.

By Mr. Del Guercio:

Q. Mr. Gitlow, are you familiar with those three persons? Do you know those three persons?

A. I know those three persons, yes.

Q. And you knew them as members of the Communist Party?

A. All three members of the Communist Party.

Mr. Del Guercio: I also offer in evidence the certified copy of ownership for The Communist, executed October 13, 1933, taken from the national archives and request that it be marked Government's Exhibit next in order.

Presiding Inspector: No objection to it, it will be received.

(Testimony of Benjamin Gitlow.)

(The document referred to was received in evidence and marked Government Exhibit No. 79.) [266]

Mr. Del Guercio: Also statement of ownership for The Communist executed October 1, 1934, taken from the national archives.

Presiding Inspector: Also received without objection.

(The document referred to was received in evidence and marked Government Exhibit No. 80.)

Mr. Del Guercio: I would like to call the Court's attention to the fact both certificates of ownership show that the Communist Party of the United States of America is shown as the owner of the magazine, publisher, rather.

Mrs. King: May I ask the reporter does that take us through Exhibit 80?

The Reporter: Yes.

Mrs. King: Thank you.

Mr. Del Guercio: I now offer the certified copy of certificate of incorporation of the Comprodaily Publishing Company for the year 1929 for the State of Illinois and ask that it be marked Government's Exhibit next in order.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government Exhibit No. 81.)

(Testimony of Benjamin Gitlow.)

Mr. Del Guercio: Among other things, this certificate shows the names and post office addresses of each subscriber of this Certificate of Incorporation and the number of shares of stock each agrees to take are as follows: [267]

Isaac Shorr, 799 Broadway, New York City, number of shares, 1; Carol Weiss King, 799 Broadway, New York City, number of shares, 1; Fay Siegartel, 799 Broadway, New York City, number of shares, 1.

By Mr. Del Guercio:

Q. Mr. Gitlow, were they the real owners of this Comprodaily?

A. They were not; they were the dummy owners.

Q. Who is the real owner of the Comprodaily Publishing Company?

A. The Communist Party, and the direct ownership was exercised through the Political Committee and Secretriat.

Q. Why did they use dummy directors, Mr. Gitlow?

A. Well, in the incorporation generally these matters were taken care of by Joseph R. Brodsky, and he incorporated it in that matter.

Q. Was it under the direction of the Communist Party particularly?

A. Well, it was done under the direction of the Communist Party and to hide the real ownership because that could be taken care of later.

(Testimony of Benjamin Gitlow.)

Q. That is the same Carol Weiss King whom you have identified as defendant's counsel?

A. Yes.

Q. One of defendant's counsel? [268]

A. Yes.

Mr. Del Guercio: I now offer in evidence a certified copy of The Daily Worker Publishing Co. from the Secretary of State under the seal of the Secretary of the State of Illinois, containing a number of documents regarding The Daily Worker Publishing Co. This is dated October 30, 1940.

I offer it in evidence and ask that it be marked the next Government Exhibit in order.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government Exhibit No. 82.)

Mr. Del Guercio: The first statement appearing on this certificate, among other things, is the following:

"The name of such corporation is The Daily Worker Publishing Co.

"The object for which it is formed is to do a general publishing, printing, manufacturing and trading business."

This statement is dated 1924 and contains a list of the subscribers to the preferred stock.

By Mr. Del Guercio:

Q. Mr. Gitlow, was that the true object of The Daily Worker Publishing Co. as you knew it at that time?

(Testimony of Benjamin Gitlow.)

A. One of the objects of The Daily Worker Publishing Co. was to engage in the job printing business at that time and to do a general commercial business in printing. [269]

But its main object, of course, was to carry the news and interpret the news from the Communist standpoint, and to carry on Communist propaganda and education through the columns of the paper.

Mr. Del Guercio: I also offer a certified copy of the Annual Report of The Daily Worker Publishing Co. for the year 1927, under the seal of the Secretary of the State of Illinois dated October 30, 1940, and ask that it be received as Government's Exhibit next in order.

Presiding Inspector: It will be received as an exhibit.

(The document referred to was received in evidence and marked Government Exhibit No. 83.)

Mr. Del Guercio: Among other things, this document states that the directors of The Daily Worker Publishing Co. at that time were C. E. Ruthenberg, President.

By Mr. Del Guercio:

Q. Is that the same C. E. Ruthenberg who was Secretary of the Political Committee and the Politbureau concerning which you have testified?

A. Yes; Secretary of the Party and a member of the Politbureau and Secretary.

(Testimony of Benjamin Gitlow.)

Q. I also note that Max Bedacht is shown as one of the Directors, and is listed as Secretary-Treasurer. Who is Max Bedacht?

A. Max Bedacht was a member of the Political Committee [270] of the Party.

Q. Of the Communist Party?

A. Of the Communist Party; yes.

Q. And the following are shown as Directors: William Z. Foster, Jay Lovestone and J. P. Cannon. Do you know those three persons?

A. All three were members of the Political Committee, at the time, of the Communist Party.

Mr. Del Guercio: I now offer a certified, exemplified copy of a certificate of ownership of the International Publishers and Booksellers, Inc. for the year 1924 under the seal of the County Clerk of New York County, State of New York, and ask that it be marked as Government's Exhibit next in order.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government Exhibit No. 84.)

By Mr. Del Guercio:

Q. Mr. Gitlow, I believe that you have heretofore testified concerning the formation of the International Publishers and Booksellers, Inc.?

A. No, I haven't.

Q. Were you a member of the Polcom, of the Politbureau at the time of the formation of this corporation? A. I was; yes, sir. [271]

(Testimony of Benjamin Gitlow.)

Q. Did you participate in the discussions leading up to its formation?

A. The International Publishers was formed in the following manner: At that time the Communist International decided to organize a chain of publishing houses in all important countries for the dissemination of the literature of the Communist International, and particularly of the works of Lenin, what they called the classical works of Communism, and the International Publishers was the publishing house for the United States.

It was started originally by A. A. Heller financing the organization of the company in the United States and as a result of the money he put into it he received at that time 61 per cent of the stock and the Communist International retained 49 per cent of the stock.

When I went to Moscow in 1927 the Literature Department of the Communist International took up with me the question of International Publishers and they wanted to know what rights they had under the stock division arrangement.

I told them that anybody who controls 61 per cent of the stock of the corporation in the United States actually controlled that corporation and could do with it whatever they want.

Well, they immediately made arrangements for changing that division and its operations as a corporation in the State of New York, but its actual ownership rests with the Communist International

(Testimony of Benjamin Gitlow.)

and it is the official publishing house of the [272] Communist International.

Q. And it publishes and distributes Communistic literature?

A. It publishes and distributes Communistic literature.

Presiding Inspector: Is Mr. Heller a member of the Party?

The Witness: Mr. Heller was a member of the Party.

Mr. Del Guercio: I offer a certified and exemplified copy of change of name of the International Publishers & Booksellers, Inc., under the seal of the Secretary of State of the State of New York, dated November 7, 1940. The change of name is to that of the International Publishers Co., Inc.

By Mr. Del Guercio:

Q. Now, Mr. Gitlow, what caused the International Publishers & Booksellers, Inc., to change their name to International Publishers Co.?

A. I don't know.

Q. You don't know? A. No.

Q. The Certificate of change of name was executed by Abraham A. Heller, Edith Heller and Alexander Trachtenberg.

Do you know any of those signers?

A. I know A. A. Heller and Alexander Trachtenberg.

Q. Who is A. A. Heller?

A. A. A. Heller is the original—one of the orig-

(Testimony of Benjamin Gitlow.)

inal organizers of International Publishers who supplied the capital to start it here.

A. Is he a member of the Communist Party?

A. He is a member of the Communist Party.

Q. Who is Alexander Trachtenberg?

A. Alexander Trachtenberg is—I believe he is in charge of the International Publishers, the manager of the [274] organization. He is a member of the Central Executive Committee—he is a member of the Central Executive Committee of the Communist Party, and he is today a member of the Communist Party.

Mr. Del Guercio: I will offer this in evidence.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked as Government's Exhibit No. 85.)

Mr. Del Guercio: I now offer certificate of incorporation of the Workers Library Publishers, Inc., under the Seal of the Secretary of State of the State of New York and ask that it be marked Government's Exhibit next in order.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked as Government's Exhibit No. 86.)

By Mr. Del Guercio:

Q. Do you know what the Workers Library Publishers, Inc., is, Mr. Gitlow?

A. It is the literature department of the Communist Party.

(Testimony of Benjamin Gitlow.)

Q. Is it controlled by the Communist Party?

A. Organized and controlled by the Party.

Q. And would you say that all of those associated with it were under the direction and control of the Communist Party?

Mr. Gladstein: I think that calls for obviously an [275] opinion and conclusion, a hazard and a guess.

Mr. Del Guercio: If you know. This witness here was a member of the Polcom Committee.

Presiding Inspector: When was this? What is the date of this?

Mr. Del Guercio: 1928.

Presiding Inspector: I will receive it.

Mr. Gladstein: Excuse me; it is not the document to which we are objecting. There is a question.

Presiding Inspector: Read the question.

(The question referred to was read by the reporter.)

Presiding Inspector: Well, I think that follows from what he has already testified to, that all members were under the control of the Communist Party.

Mr. Gladstein: He is not asking as to members.

Presiding Inspector: These are all stated to be members.

Mr. Gladstein: He is asking whether all persons associated with this publishing house——

Presiding Inspector: (Interposing) Read that question again.

(The question referred to was re-read by the reporter.)

(Testimony of Benjamin Gitlow.)

Mr. Gladstein: Now, the wording of that question, your Honor, refers to a previous question that——

Presiding Inspector: I understand. I don't think you will gain anything by that question. I will exclude it. [276]

Mr. Del Guercio: Very well. I won't press it.

Mr. Gladstein: Thank you.

Mr. Del Guercio: This document shows, among other things, that the names and post office addresses of the Directors, until the first annual meeting of the stockholders, shall be as follows:

Beatrice Carlin, 43 East 125th Street, New York City.

Do you know that person?

A. First of all, "43 East 125th Street" was the national office of the Communist Party.

Q. Of the Communist Party?

A. Beatrice Carlin was a member of the Communist Party and was the first Director of the Workers Library Publishers.

Q. Alexander Trachtenberg of 43 East 125th Street, New York City. Is that the same Alex Trachtenberg?

A. That is the same Alex Trachtenberg of International Publishers who was a member of the Communist Party, and at that time a member of the Central Executive Committee, and also an alternate to the—what we call a candidate to the Political Committee of the Party.

(Testimony of Benjamin Gitlow.)

Q. J. Lovestone, 43 East 125th Street, New York City?

A. He was at that time the Secretary of the Party.

Q. And Jack Stachel, S-t-a-c-h-e-l, the same address?

A. Jack Stachel, yes; he was a member of the Party, a member of the Central Executive Committee and in charge of the [277] organization department of the party.

Q. Bertram D. Wolfe?

A. Bertram D. Wolfe was at that time a member of the Party.

Q. The same address.

A. And was head of the Agitation Propaganda Department of the Party and a member of the Political Committee.

Q. This certificate also shows the names and post office addresses of each subscriber of this certificate of incorporation, and the number of shares of stock each agrees to take are as follows:

Isaac Shorr, 41 Union Square, New York, number of shares, 1; Carol Weiss King, 41 Union Square, New York City, number of shares, 1; Fay Seigartel, 41 Union Square, New York City, number of shares, 1.

Is that the same Carol Weiss King concerning whom you have previously testified?

A. Yes, that is the same Carol Weiss King.

Q. As counsel, one of Respondent's counsel in this proceeding? A. Yes, sir.

(Testimony of Benjamin Gitlow.)

Mr. Del Guercio: I now offer certificate of increase of the capital stock of the Workers Library Publishers, Inc., under the Seal of the State of New York, dated November 7, 1940, and ask that it be marked Government's Exhibit next in order. [278]

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 87.)

By Mr. Del Guercio:

Q. This certificate shows Robert Miner and Wallace E. Douglas as being the President of the Workers Library Publishers, and Secretary respectively. Do you know who Robert Minor is?

A. I know Robert Minor.

Q. Who is he?

A. He is the acting General Secretary of the Communist Party today.

Q. At the present time. Do you know Wallace E. Douglas? A. I do not.

Mr. Del Guercio: I now offer in evidence certificate of incorporation of the World Tourists, Inc., November 7, 1940—no—filed and recorded January 1, 1931, under the Seal of the State of New York.

Mr. Gladstein: What is the year, Mr. Del Guercio?

Mr. Del Guercio: Recorded January 16, 1931.

Mr. Gladstein: Oh, recorded?

Mr. Del Guercio: Yes. I ask that it be marked Government's exhibit next in order.

Presiding Inspector: It may be received. [279]

(Testimony of Benjamin Gitlow.)

(The document referred to was received in evidence and marked Government's Exhibit No. 88.)

Presiding Inspector: Now, the document, as I understand, is dated in '31?

Mr. Del Guercio: That was filed and recorded that day, although some of the instruments were executed in 1927.

Presiding Inspector: Filed in what office?

Mr. Del Guercio: There is a certificate of incorporation that was executed June 6, 1927; by Joseph Brodsky, Isaac Shorr and Fay Siegartel in the presence of Carol Weiss King, and there also appears the jurat of Carol Weiss King on the 9th day of June, 1927, wherein she states that "—Joseph R. Brodsky, Isaac Shorr and Fay Siegartel, to me known and known to me to be the individuals described in and who executed the foregoing instrument in and who executed the foregoing instrument, and they duly severally acknowledged to me that they executed the same."

By Mr. Del Guercio:

Q. Mr. Gitlow, do you know what the World Tourists, Inc., is? A. Yes.

Q. What is it?

A. The World Tourists, Inc., was organized in 1927 as a Communist travel agency and for two purposes; one, that the profits of the World Tourists should go to the treasury of the Communist Party to finance its activities, and second, to give the Communist Party an agency to facilitate the shipments

(Testimony of Benjamin Gitlow.)

of [280] persons who desired to visit the Soviet Union, and to facilitate the sending of delegations, et cetera, from the Party to Moscow.

Q. Do you know the Joseph R. Brodsky? Is it R. Brodsky? A. Yes, I do.

Q. Shown as one of the incorporators?

A. Yes.

Q. And who is he?

A. He is the same Joseph R. Brodsky mentioned before, a member of the Communist Party, and the attorney for the Communist Party.

Q. And I believe you testified that he is also at the present time an associate of Mrs. Carol King?

A. I did, yes. [281]

Mr. Del Guercio: I now offer a certified copy of a statement of ownership of the Daily Worker for the year 1932 filed with the Post Office Department, and under the seal of The National Archives, and ask that it be received.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government Exhibit No. 89.)

Mr. Del Guercio: This statement of ownership shows that the Daily Worker, on October 1, 1932, that the publisher of the Daily Worker was the Comprodaily Publishing Co., Inc.

By Mr. Del Guercio:

Q. Was that a Communist controlled organization? A. That is.

(Testimony of Benjamin Gitlow.)

Q. It also shows that the owner is the Comprodaily Publishing Co., Earl Browder, Morris A. Greenbaum and Dr. A. Markoff. Do you know those persons?

A. I know Dr. Markoff and Earl Browder.

Q. Do you know them as members of the Communist Party? A. I do.

Q. This document also shows that Vern Smith is the Managing Editor. Is that the same Vern Smith whom you have heretofore identified in this court room?

A. The same Vern Smith, with a wonderful imagination.

Mr. Del Guercio: I now offer statement of Ownership, Management, Circulation, of the Daily Worker executed September [282] 30, 1933, taken from the records of the Post Office Department, and under the seal of the National Archives.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government Exhibit No. 90.)

By Mr. Del Guercio:

Q. The Comprodaily Publishing Co., Inc., is shown in this document as the publisher and one of the owners. Is that the same Comprodaily Publishing Co. you have heretofore mentioned.

A. Yes; the same.

Q. And the address of that company is shown

(Testimony of Benjamin Gitlow.)

as 50 East 13th Street, New York City. What address is that, Mr. Gitlow?

A. That is the present headquarters of the Communist Party of the United States.

Q. And G. Wishnak is shown as the Business Manager. Do you know him?

A. G. Wishnak was a member of the Communist Party. He no longer is.

Q. Was he a member at the time he executed this?

A. He was a member at this time: yes.

Q. Mr. Gitlow, I will show you a pamphlet entitled "The Communist Manifesto," by Karl Marx and Friedrich Engels, published by International Publishers, New York, and I will ask you if you can identify this pamphlet. [283]

A. (Examining pamphlet) This is the version of Communist International of "The Communist Manifesto" of Karl Marx and Friedrich Engels, which was edited by the Communist International and published in all languages, and printed. This is the edition of that version printed by the International Publishers and distributed in this country.

Q. Did the Communist Party cause that pamphlet to be published and printed?

A. The Communist International did.

Q. Communist International? A. Yes.

Q. Did the Communist International, or the Communist Party of the United States distribute, display and circulate that copy?

A. They did.

(Testimony of Benjamin Gitlow.)

Q. Does it contain the accepted doctrines and practices of the Communist Party and of the Communist International?

A. Well, this is a question of dispute because "The Communist Manifesto" of Karl Marx has been adopted as the guiding principle for all wings of the Socialist movement, and each one of them gives their own interpretation to the Manifesto. The Communist Party has one interpretation, for example, and to take an insignificant party like the Socialist Labor Party, it gives the Manifesto an entirely different interpretation. The Social Democratic Federation, whatever is [284] left of the old Socialist Party of the United States, also accepts this classical document of Socialism and gives it its own interpretation.

Q. By "Manifesto" you mean what, Mr. Gitlow, what particular—you refer, do you, particularly to this statement:

"The Communists disdain to conceal their views and aims. They openly declare that their end can be attained only by the forcible overthrow of all existing social conditions. Let the ruling classes tremble at a Communist revolution. The proletarians have nothing to lose but their chains. They have a world to win.

"Working men of all countries, unite!"

A. At the time that manifesto was written the Russian Revolution did not take place until many years later. The Communist Party was not in existence and that matter became a matter of interpreta-

(Testimony of Benjamin Gitlow.)

tion for the different wings of the Socialist movement.

Q. What is the present Communist Party interpretation of it?

A. The present Communist Party interpretation of that Manifesto is to lay down the policy that it is necessary to overthrow, in order to overthrow capitalism it is necessary to do it forcibly through a violent revolution. They go even further and say that it also gives and it also approves or [285] it also lays the basis for the manner in which the Communists will set up their own state as a dictatorship in order to change the social system from a Capitalistic one to a Communistic one.

Mr. Del Guercio: I offer this document in evidence.

Presiding Inspector: We can almost take judicial notice of it. It is a familiar piece of literature. We will receive it.

I say, we would almost take judicial notice of it.

(The document referred to was received in evidence and marked Government Exhibit No. 91.)

By Mr. Del Guercio:

Q. Has the Communist Party in the United States in the past and in the present caused to be distributed in the United States among its members and others this pamphlet? A. Oh, yes.

Q. And how was it distributed, if you know, Mr. Gitlow?

(Testimony of Benjamin Gitlow.)

A. By selling it and giving it away, and using it as a text in its schools, and so forth.

Q. It is used in its schools, you say?

A. Yes, surely.

Q. And was? A. Yes.

Q. I show you a book entitled "The Communist International," by V. I. Lenin, translated from the Russian as issued [286] by the Marx-Engle-Lenin Institute, Moscow, USSR, published by the International Publishers, 381 Fourth Avenue, New York, and ask you if you are familiar with this book?

A. (Examining book) Yes.

Q. Does that contain the practices and policies of the Communist Party?

A. That contains the views of Lenin on the Communist International on policies and tactics.

Q. And is that adopted by the Communist Party of the United States?

A. Well, this book is accepted and sold and distributed by the Party.

Q. Distributed by the Party?

A. Yes.

Q. Through the same agencies?

A. Through the same agencies.

Mr. Del Guercio: I offer that book in evidence, if your Honor please.

Presiding Inspector: I suppose there is no objection to it. I will receive it.

Mr. Grossman: We are discussing it now.

Mr. Gladstein: There may be an objection to it.

(Testimony of Benjamin Gitlow.)

Presiding Inspector: I will withhold the ruling.

By Mr. Guercio:

Q. Who is the V. I. Lenin mentioned? [287]

A. He is considered the founder of the modern Communist movement.

Mr. Gladstein: We have only one basis, your Honor, to object to the introduction of the volume offered by the Government and that is this: The book shows on its face that it was published in the year 1938. The witness has already testified that his connection with the Communist Party terminated in 1929. We do not see, therefore, how he would be in a position to testify concerning a document, the publication of which is 1938.

Presiding Inspector: When did Lenin die?

The Witness: 1924.

Presiding Inspector: I will receive it.

(The document referred to was received in evidence and marked Government's Exhibit No. 92.)

Presiding Inspector. Again, this is almost known to everyone who has made a study of this subject. This is merely to show background, I suppose?

Mr. Del Guercio: Yes, it is, your Honor.

Presiding Inspector: Of Communist beliefs?

Mr. Del Guercio: Yes.

By Mr. Del Guercio:

Q. You have read this book, Mr. Gitlow?

A. I have read the works of Lenin. There is a

(Testimony of Benjamin Gitlow.)

compilation of speeches and writings of Lenin. There have been any number [288] of such compilations published from time to time, and some speeches are in separate pamphlets, and so forth.

Q. Are the teachings of Lenin accepted as the doctrines and practices of the Communist Party?

A. They are accepted as the doctrines and as the principles and policies of the Communist Party in so far as they have been changed by Stalin.

Q. This shows that it is published by the International Publishers. Is that the same International Publishers concerning which you have previously testified? A. That is.

Presiding Inspector: We will take a short recess.

(Whereupon a short recess was taken.) [289]

By Mr. Del Guercio:

Q. I show you a pamphlet entitled "The Foundation of the Communist International by V. I. Lenin", published by the International Publishers, New York, Copyrighted 1934 by International Publishers Co., Inc., printed in the U.S.A.", and ask you if you can identify it?

(Examining pamphlet): Yes.

Q. What publishing company is that?

A. International Publishers.

Q. And that is the International Publishers Company that is controlled by the Communist—owned and controlled by the Communist Party?

A. Owned and controlled by the Communist International.

(Testimony of Benjamin Gitlow.)

Q. By the Communist International, and do you know by whom this document is distributed?

A. It is distributed by International Publishers and by the Communist Party also.

Q. Have you read this booklet?

A. Yes, a long time ago.

Q. There were previous copies of the same document?

A. Yes, surely. It is a reprint of speeches made by—or a speech made by Lenin in 1919, I believe, in March.

Q. And this contains, if you know, the teachings of Lenin? A. Yes.

Q. And are they accepted by the members of the Communist [290] Party? A. They are.

Q. As the teachings of Lenin? A. Yes.

Mr. Del Guercio: I will offer this document in evidence.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 93.)

By Mr. Del Guercio:

Q. I will show you a booklet entitled "Theses and Statutes of the Third (Communist) International, adopted by the Second Congress July 17th-August 7th, 1920, Publishing Office of the Communist International, Moscow, 1920. Reprinted by United Communist Party of America," and ask you if you can identify this book?

(Testimony of Benjamin Gitlow.)

A. (Examining book): I can.

Q. What does this book contain, Mr. Gitlow?

A. This contains the Theses and Statutes of the Third Communist International adopted at the Second Congress of the Communist International, and contains the fundamental principles of the organization, the basic principles, I would say, of the organization, plus the 21 points, which was the basis of admission to the Communist International.

Q. The "21 points"; just what are the 21 points, Mr. Gitlow?

A. Before any political organization could join the [291] Communist International they had to accept the 21 points. For example, the American Socialist Party in 1919 agreed to join the Communist International but they refused to accept the 21 points, and, as a result, it was not admitted to the Communist International.

The 21 points contain the basic principles and conception of the Communist International.

Q. And you say this book contains those 21 points?

A. This book contains those 21 points.

Q. Will you read from it, Mr. Gitlow?

A. All right. I have it here; I would rather read from this.

(Reading): "The Second Congress of the Communist International rules that the conditions for joining the Communist International shall be as follows:

(Testimony of Benjamin Gitlow.)

"1. The general propaganda and agitation should bear a really Communist character, and should correspond to the programme and decisions of the Third International. The entire party press should be edited by reliable Communists who have proved their loyalty to the cause of the proletarian revolution. The dictatorship of the proletariat should not be spoken of simply as a current hackneyed formula, it should be advocated in such a way that its necessity should be apparent to every rank-and-file working man and woman, to each soldier and peasant, and should emanate from everyday facts systematically recorded by our [292] press day by day.

"All periodicals and other publications, as well as all party publications and editions, are subject to the control of the presidium of the party, independent of whether the party is legal or illegal. The editors should in no way be given an opportunity to abuse their autonomy and carry on a policy not fully corresponding to the policy of the party.

"Wherever the followers of the Third International have access, and whatever means of propaganda are at their disposal, whether the columns of newspapers, popular meetings, labor unions or co-operatives,—it is indispensable for them not only to denounce the bourgeoisie, but also its assistants and agents—reformists of every color and shade.

"2. Every organization desiring to join the Communist International shall be bound systematically

(Testimony of Benjamin Gitlow.)

and regularly to remove from all responsible posts in the labor movement (Party organizations, editors, labor unions, parliamentary factions, co-operatives, municipalities, etc.), all reformists and followers of the 'centre', and to have them replaced by Communists, even at the cost of replacing at the beginning 'experienced' men by rank-and-file working men.

"3. The class struggle in almost every country of Europe and America is entering the phase of civil war. Under such conditions the Communists can have no confidence in bourgeois laws. They should create everywhere a parallel illegal apparatus, which at the decisive moment should do its duty by the party, [293] and in every way possible assist the revolution. In every country where, in consequence of martial law or of other exceptional laws, the Communists are unable to carry on their work lawfully, a combination of lawful and unlawful work is absolutely necessary.

"4. A persistent and systematic propaganda and agitation is necessary in the army, where Communist groups should be formed in every military organization. Wherever, owing to repressive legislation, agitation becomes impossible, it is necessary to carry on such agitation illegally. But refusal to carry on or participate in such work should be considered equal to treason to the revolutionary cause, and incompatible with affiliation with the Third International.

"5. A systematic and regular propaganda is

(Testimony of Benjamin Gitlow.)

necessary in the rural districts. The working class can gain no victory unless it possesses the sympathy and support of at least part of the rural workers and of the poor peasants, and unless other sections of the population are equally utilized. Communist work in the rural districts is acquiring a predominant importance during the present period. It should be carried on through Communist workingmen of both city and country who have connections with the rural districts. To refuse to do this work, or to transfer such work to untrustworthy half reformists, is equal to renouncing the proletarian revolution. [294]

"6. Every party desirous of affiliating with the Third International should renounce not only avowed social patriotism, but also the falsehood and the hypocrisy of social pacifism; it should systematically demonstrate to the workers that without a revolutionary overthrow of capitalism no international arbitration, no talk of disarmament, no democratic reorganization of the League of Nations will be capable of saving mankind from new Imperialist wars.

"7. Parties desirous of joining the Communist International must recognize the necessity of a complete and absolute rupture with reformism and the policy of the 'centrists', and must advocate this rupture amongst the widest circles of the party membership, without which condition a consistent Communist policy is impossible. The Communist

(Testimony of Benjamin Gitlow.)

International demands unconditionally and peremptorily that such rupture be brought about with the least possible delay. The Communist International cannot reconcile itself to the fact that such avowed reformists as for instance Rutati, Modigliani, Kautsky, Hillquit, Longuet, Macdonald and others should be entitled to consider themselves members of the Third International. This would make the Third International resemble the Second International.

"8. In the Colonial question and that of the oppressed nationalities there is necessary an especially distinct and clear line of conduct of the parties of countries where the bourgeoisie possesses such colonies or oppresses other nation- [295] alities. Every party desirous of belonging to the Third International should be bound to denounce without any reserve all the methods of 'its own' Imperialists in the colonies, supporting not only in words but practically a movement of liberation in the colonies. It should demand the expulsion of its own Imperialists from such colonies, and cultivate among the workingmen of its own country a truly fraternal attitude towards the working population of the colonies and oppressed nationalities, and carry on a systematic agitation in its own army against every kind of oppression of the colonial population.

"9. Every party desirous of belonging to the Communist International should be bound to carry on systematic and persistent Communist work in the labor unions, co-operatives and other labor or-

ganizations of the masses. It is necessary to form Communist groups within the organizations, which by persistent and lasting work should win over labor unions to Communism. These groups should constantly denounce the teachery of the social patriots and of the fluctuations of the 'centre'. These Communist groups should be completely subordinated to the party in general.

"10. Any party belonging to the Communist International is bound to carry on a stubborn struggle against the Amsterdam 'International' of the yellow labor unions. It should propagate insistently amongst the organized workers the necessity of a rupture with the yellow Amsterdam International. It should [296] support by all means in its power the International Unification of Red Labor Unions, adhering to the Communist International, which is now beginning.

"11. Parties desirous of joining the Third International shall be bound to inspect the personnel of their parliamentary factions, to remove all unreliable elements therefrom, to control such factions, not only verbally but in reality, to subordinate them to the Central Committee of the party, and to demand from each proletarian Communist that he devote his entire activity to the interests of real revolutionary propaganda.

"12. All parties belonging to the Communist International should be formed on the basis of the principle of democratic centralization. At the present time of acute civil war the Communist Party

(Testimony of Benjamin Gitlow.)

will be able fully to do its duty only when it is organized in a sufficiently thorough way, when it possesses an iron discipline, and when its party centre enjoys the confidence of the members of the party, who are to endow this centre with complete power, authority and ample rights.

"13. The Communist parties of those countries where the Communist activity is legal, should make a clearance of their members from time to time, as well as those of the party organizations, in order systematically to free the party from the petty bourgeois elements which penetrate into it.

"14. Each party desirous of affiliating with the Communist International should be obliged to render every [297] possible assistance to the Soviet Republics in their struggle against all counter-revolutionary forces. The Communist parties should carry on a precise and definite propaganda to induce the workers to refuse to transport any kind of military equipment intended for fighting against the Soviet Republics, and should also by legal or illegal means carry on a propaganda amongst the troops sent against the workers' republics, etc.

"15. All those parties which up to the present moment have stood upon the old social and democratic programmes should, within the shortest time possible, draw up a new Communist programme in conformity with the special conditions of their country, and in accordance with the resolutions of the Communist International. As a rule, the pro-

(Testimony of Benjamin Gitlow.)

gramme of each party belonging to the Communist International should be confirmed by the next congress of the Communist International or its Executive Committee. In the event of the failure of the programme of any party being confirmed by the Executive Committee of the Communist International, the said party shall be entitled to appeal to the Congress of the Communist International.

"16. All the resolutions of the congresses of the Communist International, as well as the resolutions of the Executive Committee are binding for all parties joining the Communist International. The Communist International, operating under the conditions of most acute civil warfare, should be [298] centralized in a better manner than the Second International. At the same time, the Communist International and the Executive Committee are naturally bound in every form of their activity to consider the variety of conditions under which the different parties have to work and struggle, and generally binding resolutions should be passed only on such questions upon which such resolutions are possible.

"17. In connection with the above, all parties desiring to join the Communist International should alter their name. Each party desirous of joining the Communist International should bear the following name: Communist Party of such and such a country, section of the Third Communist International. The question of the renaming of a party is not only a formal one, but is a political question

(Testimony of Benjamin Gitlow.)

of great importance. The Communist International has declared a decisive war against the entire bourgeoise world, and all the yellow Social Democratic parties. It is indispensable that every rank-and-file worker should be able clearly to distinguish between the Communist parties and the old official "Social Democratic" or "Socialist" parties, which have betrayed the cause of the working class.

"18. All the leading organs of the press of every party are bound to publish all the most important documents of the Executive Committee of the Communist International.

"19. All those parties which have joined the Communist [299] International, as well as those which have expressed a desire to do so, are obliged in as short a space of time as possible, and in no case later than four months after the Second Congress of the Communist International, to convene an Extraordinary Congress in order to discuss these conditions. In addition to this, the Central Committees of these parties should take care to acquaint all the local organizations with the regulations of the Second Congress.

"20. All those parties which at the present time are willing to join the Third International, but have so far not changed their tactics in any radical manner, should, prior to their joining the Third International, take care that not less than two-thirds of their committee members and of all their central institutions should be composed of comrades who have made an open and definite declaration prior

(Testimony of Benjamin Gitlow.)

to the convening of the Second Congress, as to their desire that the party should affiliate with the Third International. Exclusions are permitted only with the confirmation of the Executive Committee of the Third International. The Executive Committee of the Communist International has the right to make an exception also for the representatives of the 'centre' as mentioned in paragraph 7.

"21. Those members of the party who reject the conditions and the theses of the Third International, are liable to be excluded from the party. [300]

"This applies principally to the delegates at the Special Congresses of the party."

Q. Now, Mr. Gitlow, these 21 points which you have just read are the basic principles of the Communist International, are they not?

A. Yes, they are.

Q. Were they accepted by the Communist Party of the United States? A. They were.

Q. And you were present, I believe, at the convention of the Communist Party there in Chicago about 1919?

A. In the year 1919 it was decided to help in the formation of the Communist International, and to join it, we formed.

Q. Now, these 21 points remain constant, do they not?

A. They have remained in force up until the present time.

(Testimony of Benjamin Gitlow.)

Q. They are still the doctrines of the Communist Party?

A. They are still the doctrines of the Communist Party.

Q. And is this book distributed by the Communist Party?

A. This book was distributed by the Communist Party.

Q. "Was distributed". May I have that?

A. (Witness handed book to Mr. Del Guercio.)

Mr. Del Guercio: I offer this in evidence, your Honor, as Government's Exhibit next in order.

Presiding Inspector: It may be received. [301]

Mr. Del Guercio: I have a photostatic copy of it and I ask that the photostat copy be accepted.

Presiding Inspector: Certainly, we will proceed that way.

Mr. Del Guercio: There is no objection, I understand?

Mr. Gladstein: No.

(The book referred to was received in evidence and marked Government's Exhibit No. 94.) [302]

By Mr. Del Guercio:

Q. Does this book contain other doctrines, plans and practices of the Communist Party?

A. It does.

Q. And are such doctrines, plans and practices accepted by the Communist Party of the United States? A. They are.

(Testimony of Benjamin Gitlow.)

Q. And binding upon all members of the Communist Party?

A. And binding on all members of the Communist Party.

Q. Now, on page 4 of this document I read:

"The Communist International makes its aim to put up an armed struggle for the overthrow of the International bourgeoisie and to create an International Soviet Republic as a transition stage to the complete abolition of the State. The Communist International considers the dictatorship of the proletariat as the only means for the liberation of humanity from the horrors of capitalism. The Communist International considers the Soviet form of Government as the historically evolved form of this dictatorship of the proletariat."

Is that an accepted doctrine of the Communist Party?

A. That is the fundamental doctrine upon which the Communist movement rests.

Q. And remains constant?

A. That remains constant.

Q. That is not a flexible doctrine, is it? [303]

A. That is not the flexible tactics or policies from day to day; that is the basic foundation of the movement.

Q. And that has been adopted necessarily by the Communist Party of the United States?

A. Of course.

Q. On page 27 of this document appears this—strike that.

(Testimony of Benjamin Gitlow.)

On page 47 of this document appears this:

"The elementary means of the struggle of the proletariat against the rule of the bourgeoisie is, first of all, the method of mass demonstrations. Such mass demonstrations are prepared and carried out by the organized masses of the proletariat, under the direction of a united, disciplined, centralized Communist Party. Civil war is war. In this war the proletariat must have its efficient political officers, its good political general staff, to conduct operations during all the stages of that fight."

Is that one of the accepted doctrines of the Communist Party of the United States?

A. That is one of the accepted doctrines, principles of the Communist Party, and that explains why the Communist Party is organized on a military basis from the top down, and that its decisions are tantamount to military decisions as far as the rank and file soldiers of the Party organization are concerned. [304]

Q. That isn't a flexible doctrine?

A. No; that is not a part of the flexible doctrine.

Q. That is a constant one? A. Yes.

Q. That is the policy the Communist Party of the United States adopted?

A. It has never been changed; yes.

Q. On page 36 of this document appears this:

"The working class cannot achieve the victory over the bourgeoisie by means of the general strike alone, and by the policy of folded arms. The proletariat must resort to an armed uprising."

(Testimony of Benjamin Gitlow.)

Is that a fundamental doctrine of the Communist Party?

A. That is a fundamental concept and principle of guiding the Communist Party in all its work.

Q. And that has been adopted by the Communist Party of the United States of America as an affiliate of the Third International?

A. Absolutely.

Q. And it is still their policy, do you know?

A. Still their policy.

Q. And that is one of their constant policies?

A. That is one of the constant unchanging policies.

Mr. Del Guercio: I offer this document in evidence, your Honor. [305]

Presiding Inspector: It has already been received.

By Mr. Del Guercio:

Q. I show you a booklet entitled "Program of the Communist International," bearing the hammer and sickle and a star, copyright in 1929 by Workers Library Publishers, Inc., P. O. Box 148, Station D, New York City. First Edition, December 1929; Second Edition, June 1933; Third Edition, February 1936, printed in the United States of America. I will ask you if you are familiar with that pamphlet?

A. (Examining pamphlet): This is the program of the Communist International that was adopted at the Sixth World Congress of the Com-

(Testimony of Benjamin Gitlow.)

munist International which was held in the year 1928. The program was drawn up mainly through the efforts of Bukharin, who was the President of the Communist International at that time. Later this same Bukharin, who wrote the program of the Communist International, was liquidated as a renegade and a traitor because of his opposition to Stalin.

Q. And does it contain the accepted doctrines and practices of the Communist International?

A. Yes, it does.

Q. And are these the practices and doctrines accepted by the Communist Party of the United States? A. They are.

Q. Does the Communist Party of the United States dis- [306] tribute or cause to be distributed, this booklet? A. They do.

Q. Is the Workers Library Publishers, Inc. owned and controlled by the Communist Party of the United States?

A. Owned and controlled by the Communist Party.

Q. Are the members of the Communist Party of the United States bound by the doctrines and practices stated in this booklet? A. They are.

Mr. Del Guercio: I offer this booklet in evidence, your Honor, as Government's Exhibit next in order.

Presiding Inspector: It will be received.

(The document referred to was received in

(Testimony of Benjamin Gitlow.)

evidence and marked Government Exhibit No. 95.)

By Mr. Del Guercio:

Q. I read from page 9 of this booklet:

"This program of the Communist International, as the supreme critical generalization of the whole body of historical experience of the international revolutionary proletarian movement, becomes the program of struggle for the world proletarian dictatorship, the program of struggle for world communism."

Is that one of the doctrines of the Communist International?

A. Yes, sir; that is the ultimate aim of the Communist [307] International, the aim of world revolution and converting the entire world into a Soviet dictatorship.

Q. And is that accepted by every member of the Communist Party in the United States?

A. By every member of the Communist Party, yes, sir.

Q. I read again from page 10:

"Basing itself on the experience of the revolutionary labor movement on all continents and of all peoples, the Communist International, in its theoretical and practical work, stands wholly and unreservedly upon the ground of revolutionary Marxism and its further development, Leninism, which is nothing else but Marxism of the epoch of imperialism and proletarian revolution.

(Testimony of Benjamin Gitlow.)

"Advocating and propagating the dialectical materialism of Marx and Engels and employing it as the revolutionary method of the cognition of reality, with the view to the revolutionary transformation of this reality, the Communist International wages an active struggle against all forms of bourgeois philosophy and against all forms of theoretical and practical opportunism. Standing on the ground of consistent proletarian class struggle and subordinating the temporary, partial, group and national interests of the proletariat to its lasting, general, international interests, the Communist International mercilessly exposes all forms of the doctrine of 'class peace' that the reformists have accepted from the bourgeoisie. Expressing the [308] historical need for an international organization of revolutionary proletarians—the grave-diggers of the capitalist order—the Communist International is the only international force that has for its program the dictatorship of the proletariat and communism, and that openly comes out as the organizer of the international proletarian revolution."

Is that an accepted doctrine of the Communist International?

A. Yes; that is an accepted doctrine of the Communist International, and its opposition to all other philosophies does not stop the Communist International, through the Soviet Union, coming to terms and cooperating with the Nazi Government.

Q. Is that accepted by all members of the Communist Party of the United States?

(Testimony of Benjamin Gitlow.)

A. It is; yes.

Q. On page 35 of this document I read:

"Proletarian revolution, however, signifies the forcible invasion of the proletariat into the domain of property relationships of bourgeois society, the expropriation of the expropriating classes, and the transference of power to a class that aims at the radical reconstruction of the economic foundations of society."——

Is that another doctrine of the Communist International?

A. That is a fundamental principle of the Communist Party movement. [309]

Q. And accepted by every Communist?

A. And accepted by every Communist.

Q. I read again on page 36:

"The conquest of power by the proletariat does not mean peacefully 'capturing' the ready-made bourgeois state machinery by means of a parliamenatry majority. The bourgeois resorts to every means of violence and terror to safeguard and strengthen its predatory property and its political domination. Like the feudal nobility of the past, the borgeoisie cannot abandan its historical position to the new class without a desperate and frantic struggle. Hence, the violence of the bourgeoisie can be suppressed only by the stern violence of the proletariat. The conquest of power by the proletariat is the violent overthrow of bourgeois power, the destruction of the capitalist state apparatus, bourgeois armies, police, bureaucratic hier-

(Testimony of Benjamin Gitlow.)

archy, the judiciary, parliaments, etc., and substituting in its place new organs of proletarian power, to serve primarily as instruments for the suppression of the exploiters."

Is that another basic doctrine of the Communist Party?

A. That is a basic principle of the Communist movement.

Q. And is that accepted by every Communist member, member of the Communist Party?

A. By every Communist member; yes.

Q. I read again on page 87 of this document:

"The Communist International—the International Workers' [310] Association—is a Union of Communist Parties in various countries; it is the World Communist Party. As the leader and organizer of the world revolutionary movement of the proletariat and the protagonist of the principles and aims of Communism, the Communist International strives to win over the majority of the working class and the broad strata of the propertyless peasantry, fights for the establishment of the world dictatorship of the proletariat, for the establishment of a World Union of Socialist Soviet Republics, for the complete abolition of classes and for the achievement of socialism—the first stage of communist society."

Is that another doctrine of the Communist Party? A. It is.

Q. And accepted by every member of the Communist Party?

(Testimony of Benjamin Gitlow.)

A. Accepted by every Communist Party member.

Q. Does the Communist Party teach that they could accomplish this dictatorship of the proletariat by any other means than a violent overthrow of the existing form of government?

A. They consider the use of the ballot box, or peaceful means in the accomplishment of revolutionary ends, as an illusion on the part of those who seek a complete social change, and the Communist Party tries to impress its membership with the fact that as far as Communists are concerned they conceive the possibility of social change, fundamental [311] social change, only through the form of a violent revolution.

Q. All of these so-called front organizations, and any organization organized by the Communist Party, or by the Communist International, are directed towards these ends?

A. All are directed toward these ends, and the front organizations are to facilitate the Communist Party in its efforts of reaching as large a circle of the people as possible. If they cannot reach them directly through the Party they reach them through the front organizations.

Q. And these organizations, so-called front organizations are not organized for any other purpose, are they?

A. No; not for any other purpose.

Q. By these organizations I assume you mean the ILD as one of them?

(Testimony of Benjamin Gitlow.)

A. The ILD; yes. Also the former League for Peace and Democracy, the American Negro Labor Congress—any number of organizations. The woods are full of them.

Q. All directed to this violent overthrow of the Government of the United States by force and violence?

A. All organized for the purpose of giving the Communist Party access to people that you could not otherwise reach, so that the Communist Party, in the course of its activities, can influence these people in Communist directions.

Q. I show you a booklet entitled "Manifesto and Program, Constitution, Report to the Communist International, Communist [312] Party of America, Chicago, Illinois—1219 Blue Island Avenue, Chicago, Illinois—and will ask you if you can identify it?

A. (Examining booklet) Yes. This is the Manifesto and Program and Constitution adopted by the Communist Party at its convention in Chicago in 1919; and the report included and transmitted to the Communist International following the close of that convention.

Q. Do you know when that was published?

A. That was published right after the convention.

Q. And the convention was when?

A. 1919.

Q. And was it published by the Communist Party at that time?

(Testimony of Benjamin Gitlow.)

A. It was published by the Communist Party at that time.

Q. Was it distributed by the Communist Party?

A. It was distributed by the Communist Party.

Q. Does it contain the program of the Communist Party? A. It does.

Q. Is it still accepted as one of the publications of the Communist Party?

A. Well, I don't know whether they accept everything in this original 1919 program, but basically it contains the position of the Communists on important issues.

Q. This was distributed by the Communist Party? [313] A. That was.

Mr. Del Guercio: I offer it in evidence.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government Exhibit No. 96.)

By Mr. Del Guercio:

Q. I show you a pamphlet headed "The Communist," dated Saturday, June 12, 1920, and ask you if you can identify that?

A. (Examining pamphlet) Yes, I can.

Q. What is that?

A. That is the official organ of the Communist Party of America, the same party that published the Program and Report to the Communist International, the first issue of this paper at the Chicago Convention.

(Testimony of Benjamin Gitlow.)

Q. I believe you have testified that before anything can be published concerning Communist matters that they must be edited by some high functionary of the Communist Party? A. Yes.

Q. Do they ever deviate from that practice?

A. No.

Q. And does this contain communistic matters at that time accepted by the Communist Party?

A. At that time; yes.

Q. Was this distributed and displayed and circulated by the Communist Party? [314]

A. Yes; and sold by them and circulated by them.

Mr. Del Guercio: I offer this in evidence.

Presiding Inspector: It may be received.

Mr. Del Guercio: I offer the photostatic copy in evidence.

Presiding Inspector: It may be received. Mark both the original and the copy.

(The document referred to was received in evidence and marked Government Exhibit No. 97.) [315]

By Mr. Del Guercio:

Q. I show you another copy of "The Communist, Official Organ of the Communist Party of America, (Section of the Communist International), Volume I, No. 1", dated "July", and in pencil "1921" and ask you if you can identify it?

A. (Examining magazine) Yes.

Q. Is that published at the direction of the Communist Party? A. That was, yes.

(Testimony of Benjamin Gitlow.)

Q. And was this magazine distributed, caused to be distributed by the Communist Party?

A. It was.

Mr. Del Guercio: I offer this document in evidence, your Honor.

Presiding Inspector: It may be received.

Mr. Del Guercio: I offer the photostatic copy.

Presiding Inspector: Mark both with the same number.

(The document referred to was received in evidence and marked Government's Exhibit No. 98.)

By Mr. Del Guercio:

Q. I will show you a magazine entitled "The Workers Monthly, The Seventh Anniversary, September, 1926, Daily Worker Publishing Company, 113 W. Washington Blvd., Chicago, Illinois" and ask if you can identify that?

A. (Examining magazine) This is The Workers Monthly [316] but not published by the Daily Worker.

Q. Isn't it? By whom is it published?

A. By The Workers Monthly.

Q. By The Workers Monthly. Is that a Communist controlled organization?

A. Official organ of the Workers Communist Party of America.

Q. And was this magazine caused to be published and circulated by the Communist Party?

A. It was.

(Testimony of Benjamin Gitlow.)

Q. Do you know if this is the issue which contains an article directed against John Lewis?

A. Just a moment. I will look it up and see.

(Examining magazine) Yes. It contains an article directed against John L. Lewis, written by William Z. Foster, called "A Dangerous Situation", and it opens up as follows:

"The United Mine Workers of America is falling to pieces. The whole organization is in serious danger of destruction. It is collapsing under the attacks of the coal operators and through the misleadership of the corrupt Lewis Administration. The entire American labor movement—" et cetera, et cetera.

Q. That is along the lines that you have testified to here at this hearing? A. Yes.

Mr. Del Guercio: I will offer this document in evidence. [317]

Presiding Inspector: It may be received.

Mr. Del Guercio: May I offer the photostatic copy? I understand there is no objection.

Presiding Inspector: Yes.

(The document referred to was received in evidence and marked Government's Exhibit No. 99.)

By Mr. Del Guercio:

Q. I show you a pamphlet entitled the "Constitution of the Workers Party of America, as amended by the Second National Convention, New York City, December 24-25 and 26, 1922" and ask you if you can identify it?

(Testimony of Benjamin Gitlow.)

A. (Examining pamphlet) Yes. That is the——

Q. (Interposing) Is that an official publication of the Communist Party?

A. That is an official publication of the Workers Party of America in 1922 which was then the legal expression of the Communist Party.

Q. Of the present party?

A. The Communist Party itself then functioning as an underground organization.

Q. And does this contain the doctrines—well, this is the Constitution?

A. That is the Constitution of the legal——

Q. (Interposing) Department?

A. Expression of the Communist Party, because the [318] Communist Party itself was an underground organization that operated legally through the Workers Party.

Q. And was this distributed by the Workers Party of America?

A. Both by the Workers Party and by the Communist Party.

Q. Distributed and circulated? A. Yes.

Mr. Del Guercio: I will offer this in evidence, if your Honor please.

Presiding Inspector: Yes, it may be received.

Mr. Del Guercio: That is a photostatic copy of it.

(The document referred to was received in evidence and marked Government's Exhibit No. 100.)

(Testimony of Benjamin Gitlow.)

Presiding Inspector: Did the two parties have similar membership?

The Witness: Yes, to all intents and purposes.

Presiding Inspector: There was some diversity?

The Witness: There was a little diversity.

Presiding Inspector: I merely wanted to clarify, in my own mind, what the Workers Party was.

Mr. Del Guercio: Very well, your Honor.

Presiding Inspector: I think you told us that they finally were consolidated, weren't they?

The Witness: In the year 1924 the two parties were consolidated into one party. The underground party was abandoned. [319] The Committees, the top committees of both organization were joined and the party, as such, became an affiliate of the Communist International.

Mr. Del Guercio: May I go back to Government's Exhibit 96, a moment, if your Honor please?

Q. This Government's Exhibit is the "Manifesto and Program Constitution, Report of the Communist International", and, I believe, Mr. Gitlow, you testified that this was adopted by the Communist Party then in existence?

A. Yes, the year 1919.

Q. 1919. And that this was published by the Communist Party? A. It was.

Mr. Del Guercio: If you will permit me, your Honor, I would like to read from page 1 as it connects the Communist Party with the IWW of which the Respondent here, we contend, was a member.

(Testimony of Benjamin Gitlow.)

"The workers of Russian smashed the front of international Capitalism and Imperialism. They broke the chains of the terrible war; and in the midst of agony, starvation and the attacks of the capitalists of the world, they are creating a new order.

"The class war rages furiously in all nations. Everywhere the workers are in a desperate struggle against their capitalist masters. The call to action has come. The [320] workers must answer the call.

"The Communist Party of America is the party of the working class. The Communist Party proposes to end Capitalism and organize a workers' industrial republic. The workers must control industry and dispose of the products of industry. The Communist Party is a party realizing the limitations of all existing workers' organizations and proposes to develop the revolutionary movement necessary to free the workers from the oppression of Capitalism. The Communist Party insists that the problems of the American worker are identical with the problems of the workers of the world."

And again on page 17 it states:

"It shall be a major task of the Communist Party to agitate for the construction of a general industrial union organization, embracing the I.W.W., W.I.I.U., independent and secession unions, militant unions of the A.F. of L., and the unorganized workers, on the basis of the revolutionary class struggle."

(Testimony of Benjamin Gitlow.)

Q. Now, Mr. Gitlow, the I.W.W. mentioned therein was the Industrial Workers of the World, was it not?

A. Yes. But they are no part of the Communist Party at that time. What the Communist Party decided to do was to try to capture the I.W.W.

Q. Did they know it as a revolutionary organization, the Communist Party? [321]

A. They called it a revolutionary organization, but they saw the limitations of its program.

Q. That is, the Communist Party saw the limitations of the I.W.W.? A. Program, yes.

Q. But they did understand it and know it as a revolutionary organization?

A. They—as I told you, they called it a revolutionary organization and they wanted to get control of the members of the I.W.W. the same as they do A. F. of L. unions.

Q. Yes.

A. And for that reason they adopted this tactic.

Q. I will show you another document headed "Workers (Communist) Party of America, the 4th National Convention held in Chicago, Illinois, August 21-30, 1925, published by the Daily Worker Publishing Company."

Are you familiar with this book?

A. (Examining book) Yes, I am familiar with this book.

Q. Is that published by the Daily Worker Publishing Company as indicated on the front thereof?

A. That was.

(Testimony of Benjamin Gitlow.)

Q. And was this book distributed by the then Communist Party of the United States?

A. Well, it was the official report of the Central Executive Committee to the Fourth National Convention of the [322] Party, and ordered published by the Party?

Q. And was it circulated by the Party?

A. Circulated and distributed to the Party membership.

Mr. Del Guercio: I offer a photostat of this in evidence, if your Honor please.

Presiding Inspector: The original and photostat may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 101.)

By Mr. Del Guercio:

Q. I will show you a book entitled "The Platform of the Class Struggle, National Platform of the Workers (Communist) Party, National Election Campaign Committee of the Workers, (Communist) Party, Published for the National Election Campaign Committee by Workers Library Publishers, 43 East 125th Street, New York, New York", and ask you if you can identify it?

A. (Examining book) Yes, I am acquainted with that.

Q. And was that published, or caused to be published by the Communist Party?

A. Yes, in the year 1928 in the election campaign.

(Testimony of Benjamin Gitlow.)

Q. And was that distributed and circulated by the Communist Party?

A. Yes, widely distributed and circulated.

Q. And does it contain the platform of the class struggle as so indicated?

A. The election platform of 1928. [323]

Mr. Del Guercio: I offer this book in evidence.

Presiding Inspector: It may be received.

(The book referred to was received in evidence and marked Government's Exhibit 102.)

By Mr. Del Guercio:

Q. I will show you a booklet headed the "Manifesto of the Communist Party by Karl Marx and Friedrich Engels, edited and annotated by Friedrich Engels, authorized English translation, International Publishers, New York," and ask you if you can identify it?

A. (Examining booklet) That is identical with the one you introduced before.

Q. Yes.

A. Only published in a different year.

Q. And it is published by the "International Publishers of New York"? A. Yes.

Q. That is a Communist controlled organization?

A. That is controlled by the Communist International.

Q. By the Communist International?

A. Yes, sir.

Q. Was this document distributed by the Communist Party then in existence? A. It was.

(Testimony of Benjamin Gitlow.)

Q. And circulated by them? [324]

A. Certainly.

Mr. Del Guercio: I offer this in evidence.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 103.)

By Mr. Del Guercio:

Q. I will show you a booklet entitled "The Party Organization and Introduction by Jay Lovestone, Workers (Communist) Party of America, 1113 W. Washington Blvd., Chicago, Illinois, published for The Workers (Communist) Party of America by the Daily Workers Publishing Co., 1113 W. Washington Blvd., Chicago, Illinois," and ask if you can identify it?

A. (Examining booklet) Yes, I can identify this. This was published by the Party and contains a letter from the Communist International to the Central Executive Committee on the question of the reorganization of the Communist Party, and also on the Constitution of the Party.

Q. Was that circulated by the then Communist Party? A. It was.

Q. And distributed by them? A. Yes.

Q. Circulated and distributed? A. Yes.

Q. And caused to be printed and published by them? [325] A. Yes.

Mr. Del Guercio: I offer it in evidence.

Presiding Inspector: It may be received.

(Testimony of Benjamin Gitlow.)

(The document referred to was received in evidence and marked Government's Exhibit No. 104.)

By Mr. Del Guercio:

Q. I will show you a booklet called "Left Wing Communism, an Infantile Disorder, by N. Lenin, The Marxian Educational Society, 5941 Jos Campau Avenue, Detroit, Michigan," and ask you if you can identify it?

A. (Examining book) Yes, I can identify this booklet.

Q. Was that booklet caused to be published and printed by the then Communist Party?

A. No; this was published by the Marxian Educational Society, and organization in Detroit which later on the Communist Party inherited, but similar works of this order were published by the Communist Party and distributed, because this book, "Left Wing Communism, an Infantile Disorder by N. Lenin" is one of the most important Communist pamphlets written by Lenin. It is one of the classic works of Lenin which every Communist is expected to read and to digest, and copies of this were printed from time to time by the Party. They are contained in the collected works of Lenin which are published by the International Publishers as the recognized [326] position of Lenin on the questions raised within this pamphlet.

Q. And this contains the same material?

A. This contains the same material, though, this

(Testimony of Benjamin Gitlow.)

particular pamphlet was not published by the Communist Party.

Q. Was this pamphlet distributed by the Communist Party?

A. This pamphlet was distributed by the Communist Party.

Q. And circulated?

A. And circulated. This pamphlet printed by The Marxian Educational Society was circulated in very large quantities by the Communist Party.

Mr. Del Guercio: I offer this document in evidence.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 105.)

Presiding Inspector: We will suspend until 2:00 o'clock.

(Whereupon at 12:35 o'clock p.m., a recess was taken until 2:00 o'clock p.m., of the same day.) [327]

After Recess—2:00 P. M.

Presiding Inspector: You may proceed.

BENJAMIN GITLOW

called on behalf of the Government, having been previously duly sworn, testified further as follows:

Direct Examination
(Resumed)

By Mr. Del Guercio:

Q. Mr. Gitlow, I will show you a booklet called "Selected Works by V. I .Lenin," published by the International Publishers, and ask you if you are familiar with this book?

A. (Examining book) Yes, I am familiar with it.

Q. Is that book published by the International Publishers? A. Yes.

Q. And that is the organization owned and controlled by the Communist Party?

A. Communist International; yes.

Q. Was this booklet circulated and distributed by the Communist Party?

A. Many copies of that book in one form or another; yes, sir.

Q. And does it contain the accepted doctrines, practices and policies of the Communist Party, Communist International, and, of course, the Communist Party of the U. S. A.? A. Yes.

Mr. Del Guercio: I offer this book in evidence, your Honor. [328]

Presiding Inspector: It may be received.

(The document referred to was received in

(Testimony of Benjamin Gitlow.)

evidence and marked Government Exhibit No. 106.)

By Mr. Del Guercio:

Q. I will show you a booklet called "The Struggle Against Imperialist War and Tasks of the Communists, Resolution of the Sixth World Congress of the Communist International," published by the Workers Library Publishers, P. O. Box 148, Station D, New York City, and ask you if you can identify this booklet.

A. I know the resolution. I haven't seen this booklet, but the resolution is contained in the exhibit just introduced, resolution of the Sixth World Congress of the Communist International. These are identical resolutions.

Q. And the Workers Library Publishers that published this book, as you stated before, are owned and operated by the Communist Party?

A. By the Communist Party; yes.

Q. Do you know if this document was distributed and circulated by the Communist Party?

A. Not in this form that I know of personally, but in the other form which you showed me, I know that.

Q. But you know it is published by the Workers Library Publishers? A. I do.

Mr. Del Guercio: I offer this book in evidence.

[329]

Presiding Inspector: It may be received without objection.

(Testimony of Benjamin Gitlow.)

(The document referred to was received in evidence and marked Government Exhibit No. 107.)

By Mr. Del Guercio:

Q. I will show you a booklet entitled "Program and Constitution Workers Party of America, Adopted at National Convention, New York City, December 24-25-26, 1921, published by Lyceum and Literature Department, Workers Party, Room 405-799 Broadway, New York City," and ask if you can identify it?

A. (Examining booklet) Yes, I can.

Q. And what is the Lyceum and Literature Department of the Workers Party?

A. That was the Lecture and Literature Department of the Workers Party at that time, and the Workers Party at that time, as I informed you before, was the legal expression through which the underground Communist Party at the time operated.

Q. And was this document published and distributed, or caused to be published and distributed by the Workers——

A. (Interrupting) Party.

Q. (Continuing) Party? A. Yes, sir.

Q. And it was circulated by the Workers Party? A. Yes, sir.

Q. And it contains the true program and constitution of [330] the Workers Party?

A. It does.

(Testimony of Benjamin Gitlow.)

Q. Of America? A. It does.

Mr. Del Guercio: I offer this booklet in evidence.

Presiding Inspector: Received.

(The document referred to was received in evidence and marked Government Exhibit No. 108.)

By Mr. Del Guercio:

Q. I will show you a copy of "The Worker, an Organ of Revolutionary Working Class Expression" dated "Saturday, March Three, 1923," and ask you if you can identify this?

A. That is the Weekly Organ of the Workers Party published in New York City.

Q. Was it owned and controlled by the then Communist Party? A. Yes, it was.

Q. And was this their official organ?

A. This was the official organ of the Workers Party, the legal expression of the Communist Party.

Q. This was before the organization of the Daily Worker?

A. Yes, that was before the launching of the Daily Worker, and at that time Ruthenberg was the Secretary, the Executive Secretary of the Workers Party.

Q. And did I understand you to say that everything that [331] was printed in this had to be edited by some high functionary of the Communist Party?

A. That had to met with the approval of the Communist Party.

(Testimony of Benjamin Gitlow.)

Mr. Del Guercio: I offer this in evidence, if your Honor please, and ask that the photostatic copy be substituted therefor.

Presiding Inspector: Yes, received: Mark them both so there is no question about it.

(The document referred to was received in evidence and marked Government Exhibit No. 109.)

By Mr. Del Guercio:

Q. I will show you a booklet entitled "On The Road to Bolshevization" published by the Workers Library Publishers, 39 East 125th Street, New York, New York," and ask you if you are familiar with this booklet?

A. (Examining booklet) Yes, I am familiar with this booklet.

Q. And the publishing company there is controlled and owned by the Communist Party?

A. It is.

Q. And was that booklet distributed and circulated by the——

A. (Interposing) Communist Party.

Q. ——Communist Party? [332]

A. Yes, sir.

Q. Are you familiar with the contents of this booklet?

A. It contains Excerpts from Theses of Sixth World Congress, the Open Letter from the Comintern to Sixth Convention of the Communist Party of the United States, the Address of the Comintern to the Membership of the Communist Party of the

(Testimony of Benjamin Gitlow.)

United States, and the Decision of the Central Committee of the Communist Party of the United States on the Address of the Comintern.

Q. Just what is—I believe you explained before here, the Comintern Address? A. Yes, sir.

Q. Does that contain the Comintern Address?

A. That contains the Comintern Address.

Q. Can you state briefly what it is?

A. The Comintern Address, as I stated before, was the confession which was drawn up in Moscow at the orders of Joseph Stalin, which Joseph Stalin demanded that I and other members of the Communist Party of the U. S. A. sign. Our refusal to sign that confession resulted in our expulsion from the Party.

Mr. Del Guercio: Yes. I offer this booklet in evidence, your Honor.

Presiding Inspector: It may be received. [333]

(The document referred to was received in evidence and marked Government's Exhibit No. 110.)

By Mr. Del Guercio:

Q. I show you an issue of "The Worker, an Organ of the Revolutionary Working Class Expression," for Saturday, January 20, 1923, and ask you if you can identify that?

A. (Examining pamphlet) That is the official weekly organ of the Worker Party.

Q. And that is similar to the——

A. (Interposing) To the one before.

Q. ——the one introduced before?

(Testimony of Benjamin Gitlow.)

A. Yes.

Q. And that was the official organ of the then Communist Party?

A. Of the the then Workers Party, which was the legal expression of the Communist Party at the time.

Mr. Del Guercio: I offer this in evidence.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government Exhibit No. 111.)

Mr. Del Guercio: It is understood that the photostatic copy may be substituted?

Presiding Inspector: Yes.

By Mr. Del Guercio:

Q. I show you a booklet entitled "The Second Year," [334] published by the Literature Department, Worker Party of America, 1099 North State Street, Chicago, Illinois, and ask you if you are familiar with this book?

A. (Examining book) Yes, I am familiar with this book.

Q. Was that caused to be published by the then Communist Party? A. It was.

Q. And was it circulated and distributed by the then Communist Party? A. It was.

Mr. Del Guercio: I offer this book in evidence, your Honor.

Presiding Inspector: It may be received.

(The document referred to was received in

(Testimony of Benjamin Gitlow.)

evidence and marked Government's Exhibit No. 112.)

By Mr. Del Guercio:

Q. I show you a magazine called "The Workers Monthly, a Communist Magazine," for September 9, 1925, and ask you if you can identify that?

A. (Examining magazine) Yes, I *am*.

Q. By whom was this published?

A. It was published by the Communist Party.

Q. And were the matters contained therein edited and approved by the Communist Party, or someone on behalf of the Communist Party? [335]

A. This Workers Monthly at that period, in September, 1925, was a combination of a number of journals, which were contracted into one and published by the Communist Party. If you will turn to the masthead you will find the Workers Monthly a combination of the Labor Herald—that is the former official organ of the Trade Union Educational League—the Liberator, and Soviet Russia Pictorial. That was the journal of the Friends of Soviet Russia at the time. All these three, which were formerly published as non-party organs, were combined into one, that is, the Workers Monthly, and published officially as the organ of the Communist Party.

Mr. Del Guercio: I offer that magazine in evidence, your Honor, and ask that the photostatic copy be substituted.

Presiding Inspector: It may be received.

(Testimony of Benjamin Gitlow.)

(The document referred to was received in evidence and marked Government Exhibit No. 113.)

By Mr. Del Guercio:

Q. I will show you a copy of the "International Press Correspondence", Volume 9, No. 12, dated March 1, 1929, and ask you if you can identify it?

A. (Examining document) Yes, I can.

Q. What is the "International Press Correspondence"?

A. That is a news release of the Communist International, published in a number of languages.

[336]

Q. Where is it published, do you know?

A. Well, this one, at the time, was published in Vienna.

Q. But under the direction of the Communist International? A. Yes.

Q. Published and distributed by them?

A. Published and distributed by the Communist International and by the Communist Parties of the various countries.

Mr. Del Guercio: I offer this in evidence and ask that a photostatic copy be substituted.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government Exhibit No. 114.)

By Mr. Del Guercio:

Q. I will show you another copy of the "Inter-

(Testimony of Benjamin Gitlow.)

national Press Correspondence," Volume 9, No. 27, dated June 7, 1929, and ask you to state if it is similar to the one you previously identified?

A. (Examining document) This is similar to the one just introduced.

Q. And it is also published and distributed under the control of the Communist International?

A. That is right.

Mr. Del Guercio: I offer this in evidence and ask that a photostatic copy be substituted.

Presiding Inspector: It may be received. [337]

(The document referred to was received in evidence and marked Government Exhibit No. 115.)

By Mr. Del Guercio:

Q. I show you a booklet called "Why Every Worker Should Join the Communist Party," and ask you if you are familiar with that booklet?

A. (Examining booklet) I am familiar with the booklet.

Q. And you are familiar with its contents?

A. Yes.

Q. By whom is it published?

A. It was published by the Communist Party.

Q. And was it distributed and circulated by the Communist Party?

A. It was.

Q. Would you say that this is one of the most widely distributed small pamphlets ever issued?

A. We published such pamphlets from time to time when I was in the party, "Why Every Worker Should Join the Communist Party"; the original

(Testimony of Benjamin Gitlow.)

series was started by Charles E. Ruthenberg, and they were continued and changed from time to time.

Q. Do you know if this was sold or given away free?

A. It was sold, and given away free, both.

Q. By members of the Communist Party?

A. Yes.

Mr. Del Guercio: I offer it in evidence, your Honor. [338]

Mr. Gladstein: What date did the witness say this particular document was put out?

By Mr. Del Guercio:

Q. When was this document first put out?

A. That particular one I couldn't say.

Q. This says on the back, "Communist Party Membership Drive 1929-30. Application for membership in the Communist Party of the U. S. A." It further states: "The undersigned declares his adherence to the program and statutes of the Communist International and the Communist Party of the U. S. A. and agrees to submit to the discipline of the Party and to engage actively in its work." Does that refresh your memory?

A. Well, I think that was issued right after my expulsion from the Party.

Q. There were similar documents published by the Communist Party before? A. Yes.

Q. Having the same contents?

A. The same, or a little different.

Q. And you know of your own knowledge that

(Testimony of Benjamin Gitlow.)

it was distributed by the Communist Party even after your expulsion? A. Yes.

Mr. Del Guercio: I offer it in evidence.

Mr. Gladstein: Before the offer is ruled on, your Honor, [339] I would like to say this: As I understand the witness' testimony, he says, first, that as to the particular document which is now being offered by the Government he does not, of his own knowledge, know whether it was distributed, or when it was distributed because he was no longer connected with the Communist Party; secondly, that similar documents were distributed. And when counsel asked Mr. Gitlow whether the same document or the same contents were distributed in the form of a document, he said "The same, or a little different."

Now, it seems to us that an appropriate foundation for the receipt of this document has not yet been laid.

Mr. Del Guercio: Do you question the authenticity of this document, or do you question that it was distributed by the Communist Party?

Mr. Gladstein: You have not yet established it, Mr. Del Guercio.

Mr. Del Guercio: That is for the Court to say.

Presiding Inspector: You may ask some clarifying questions.

By Mr. Del Guercio:

Q. Mr. Gitlow, have you ever seen this particular document? A. I have.

Q. Do you know whether or not this document,

(Testimony of Benjamin Gitlow.)

or one, similar to it, of course, was distributed by the Communist Party?

A. Many similar to that have been distributed by the Party. [340]

Q. Distributed by the Communist Party of the United States?

A. Yes; just as the statement by the Daily Worker, after my expulsion, was distributed by the Party.

Q. By whom were they distributed?

A. By Communist Party members.

Presiding Inspector: When you say "a little different" do you mean any substantial difference in contents?

The Witness: Well, there would be a difference in contents. For example, when Ruthenberg wrote the pamphlet, "Why you should Join the Communist Party," that was before my expulsion. This pamphlet (indicating) was written after my expulsion and the situation was different and the pamphlet was framed accordingly.

By Mr. Del Guercio:

Q. You kept up with your former friends in the Communist Party after your expulsion?

A. With as many as would associate with me; yes.

Q. And because of your association with such persons do you know whether or not this pamphlet was distributed by the Communist Party?

A. I know it is the same thing, this pamphlet,

(Testimony of Benjamin Gitlow.)

advertised in the Daily Worker, and printed under the auspices of the Communist Party.

Mr. Del Guercio: I renew my offer. [341]

Presiding Inspector: Received.

(The document referred to was received in evidence and marked Government Exhibit No. 116.) [342]

By Mr. Del Guercio:

Q. While you were a member of the Communist Party, Mr. Gitlow, was every prospective member or applicant for membership in the Communist Party required to sign a pledge similar to that contained on the back of this booklet, Government's Exhibit 116? A. Yes, sir.

Q. I will show you another copy of the "International Press Correspondent, Volume 6, No. 40, dated May 13, 1936" containing, among other things, the "theses and resolutions adopted at the VI Session of the enlarged E.C.C.I., 17th February to 15th of March, 1926", and ask you if you can identify it?

A. (Examining document) I can.

Q. And by whom was that published?

A. By the Communist International.

Q. And was it distributed and circulated by the Communist International?

A. By the Communist International and by the sections of the Communist Party.

Q. In the various countries of the world?

A. Yes.

(Testimony of Benjamin Gitlow.)

Mr. Del Guercio: I offer this in evidence and ask that the photostat copy of it be substituted for the original.

Presiding Inspector: It may be received.

(The document referred to was received [343] in evidence and marked Government's Exhibit No. 117.)

By Mr. Del Guercio:

Q. I show you a booklet entitled "Working Class Against Capitalist Class is the Main Issue of the Communist Party, Election Platform, Communist Party, U. S. A." and ask if you can identify it?

A. (Examining booklet) No; this was published after my time.

Q. Have you ever seen such a book?

A. No, I haven't seen this one.

Mr. Gladstein: Is the document described in the record so that, despite the fact it has not been offered in evidence, the record will show what the title of the document is? Did you describe it?

Presiding Inspector: Yes, I think the title was given. If you would like to have it marked for identification, it might be marked.

Mr. Del Guercio: Well, I will do that, have it marked for identification.

Presiding Inspector: Have it marked for identification but not in evidence.

Mr. Del Guercio: I haven't offered it in evidence.

(Testimony of Benjamin Gitlow.)

Presiding Inspector: No, just mark it for identification. You asked some questions about it; it won't do any harm.

(The document referred to was marked as Government's Exhibit No. 11? for identification.) [344]

By Mr. Del Guercio:

Q. I show you a booklet called the "Communist Nucleus, What it is, How it Works, by M. Jenks" and ask you if you can identify it? On page 2 hereof appears, "Workers Library No. 7."

A. (Examining booklet) Yes, I can identify this. This booklet was published by the Communist Party and it was written by M. Jenks, who was sent by the Communist International to the Communist Party to supervise the reorganization of the Communist Party.

Q. Do you know the M. Jenks personally?

A. I do.

Q. You know him as a member of the Communist Party?

A. He was not a member of the Communist Party. He was sent by the Communist International to the American Communist Party to supervise the reorganization of the Party.

Q. And was this booklet distributed and circulated by the then Communist Party?

A. It was.

Q. Do you know if it still is circulated and distributed? A. That I couldn't tell you.

(Testimony of Benjamin Gitlow.)

Mr. Del Guercio: I offer this booklet in evidence, your Honor.

Presiding Inspector: It may be received.

(The booklet referred to was received in evidence and marked Government's Exhibit No. 119.) [345]

By Mr. Del Guercio:

Q. Now, Mr. Gitlow, you have testified, I believe, that you were expelled from the Communist Party of the United States of America in 1929; is that correct? A. That is correct, yes.

Q. Have you since your expulsion continued to read Communistic literature up until the present time? A. I have.

Q. Would you say how much Communist literature you have read?

A. Well, quite a good deal. I follow the Communist press and Communist books, and I follow both the official books and the books that are critical of the Communist movement.

Q. And do you recognize, or did you recognize at the time you read such literature as being official literature and publication of the Communist Party of the U. S. A.?

A. Well, I should surmise that the Communist Party, when it publishes literature, expects you to recognize that it is its literature.

Q. Have you, since your expulsion, read pamphlets and publications published and printed by the Communist Party of the U. S. A., and by the Communist International? A. I have.

(Testimony of Benjamin Gitlow.)

Q. Have you kept in touch with the policies and practices and aims and objectives of the Communist Party of the U. S. A. [346] in any other way since your expulsion? A. I have.

Q. Up to the present time?

A. Up to the present time.

Q. Are you familiar with the present aims, objects and policies of the Communist Party of the U. S. A.?

A. I am; I am familiar with its immediate aims and also its ultimate aims.

Q. And are you familiar with the aims and practices of the Communist Party, particularly between the period 1932 and 1939? A. I am.

Q. Has there been any change in the fundamental policies, purposes, aims and objectives of the Communist Party of the United States between 1929 and the present time? A. No.

Mr. Gladstein: Very general, your Honor.

Presiding Inspector: It calls for a yes or no answer.

Mr. Gladstein: All right.

Presiding Inspector: Has there been any change?

The Witness: No fundamental change.

By Mr. Del Guercio:

Q. No fundamental change. Has the Communist Party of the United States of America continued, since 1929, to believe in, advise and advocate and teach the overthrow of the Government of the United States by force and violence? [347]

(Testimony of Benjamin Gitlow.)

A. It has.

Q. Does it do so today, so advise, advocate and teach? A. Yes, it does.

Q. And does it print and publish publications advocating, teaching and advising the overthrow of the Government of the United States by force and violence?

A. It has not withdrawn the works of Lenin, to my knowledge.

Q. Would you say that it does today?

A. It does, yes.

Q. Has it been since 1929, and is it still dominated and controlled by the Communist International, that is, the Communist Party of the United States? A. It is.

Q. And, I believe, you called the Russian Communist Party the MOPR?

A. No, no; that is the Red Aid International.

Q. The Red Aid International. You don't know the name of the Russian Party?

A. The Russian Party? The Communist Party of the Soviet Union.

Q. Does the Russian Party still dominate the Communist International?

A. The Russian Party dominates the Communist International and every section of the Communist International. [348]

Q. And it does so today?

A. It does so today.

Q. Now, you have testified that when you went to Soviet Russia in 1929 on behalf of the Communist

(Testimony of Benjamin Gitlow.)

Party you had some disagreement with Monsieur Stalin.

A. That is true.

Q. What was the nature of that disagreement?

A. The nature of that disagreement was not over the fundamental principles and concepts of Communism, but over the question of the rights of the Communist International over the American Party. Stalin, in 1929, demanded that the American Communist Party remove the leadership it elected of the Party, and replace it with a leadership which was dictated by Stalin.

As a result of Stalin's orders to the American Party, I, and a number of other members of the Communist Party went to the Communist International to appeal against Stalin's decision.

At that time I was of the opinion—I was still a Communist and I was of the opinion that if we were to have a Communist revolution in the United States that revolution necessarily would have to be made by American Communists. The Russian Communists wouldn't make a revolution in the United States. Therefore, I fought against the dominance of the party by Joseph Stalin and the Russian Bolsheviks at that particular time. [349]

And, as a result of that fight, the Communist Party of the United States was taken over body and soul, very completely, by Joseph Stalin, and the leaders who were maintained in the Party organization necessarily realized that they could maintain their leadership only by complete subserviency to the orders and dictates and to the rule of Stalin.

(Testimony of Benjamin Gitlow.)

You had in the United States then not a native revolutionary party, which is possible, but you had in the United States a party which was owned, operated, controlled, dominated, by the ruler of Russia and by the Russian Government, serving its purposes completely.

Q. A foreign dominated party?

A. A completely foreign dominated party.

Q. And would you say that it is still a foreign dominated party?

A. Well, I should say even more so than it was in my time, because in my time some of the leaders thought they could object to some of the rulings of the Russian leaders, but now you have no such objection. You have complete servility on the part of the party to the Russian leadership, and if you will examine Communist literature, official Communist literature, and the official press of the party, you will not find a single line or a single word of criticism of the Soviet Government, of criticism of the leaders of the Soviet Government, a single word of criticism of Joseph Stalin. Quite an [350] unheard of thing, it seems, when you look over that matter.

How is it possible that in a country as large as Russia everything that is officially done must meet with approval? There is nothing happening in Russia that is subject to criticism as far as the official Communist press is concerned.

Q. Now, during the time that you were a member of the Communist Party from 1919 up to the time

(Testimony of Benjamin Gitlow.)

of your expulsion were you in complete accord with the principles and doctrines and policies and practices and objectives of the Communist Party?

A. I was.

Q. And did you, yourself, believe in, advise, and advocate as a member of the Communist Party the forcible violent overthrow of the Government of the United States?

A. I did, as a Communist, believing in those principles, I certainly did.

Q. And as a member of the Communist Party did you teach those principles, particularly with reference to the revolutionary and violent overthrow of all existing forms of government, particularly the Government of the United States?

A. I did.

Q. Now, Mr. Gitlow, you have testified that you were first a Socialist.

A. I joined the Socialist movement in the year 1907.

The Socialist Movement at that time was a democratic organization, believed in democracy, and proposed to achieve [351] the ends of Socialism through the democratic process.

The Russian Revolution broke out in 1917 and, as a result of that event, it created a turmoil and had a tremendous effect upon the membership of the Socialist Party, and many in the Socialist Party believed that the Bolsheviks at that time showed the way to the achievement of Socialism, not only in Russia, but throughout the entire world. And

(Testimony of Benjamin Gitlow.)

being a believer in Socialism, I accepted the Bolshevik principles and took an active part in the organization of the Communist Party in this country.

At the time, however, when the movement started we accepted all the tenets of iron discipline, the organization of a political party on a military basis, but the Communist International and its control and dominance over the movement had not yet taken place. That came a short while afterwards. When that came, took place, I was of the opinion, as all Communists were, that we needed a world revolutionary party, represented by the Communist International, to achieve Socialism on a world scale, and I was an active Communist and a member of the organization and a worker for the organization.

As I told you, my first break with Communism came in the year 1929 over the question of the rights of the Americans in the world party. And from then on, I began to review and restudy the philosophy, the principles, and everything pertaining not only to the Communist movement, but to the Socialist [352] movement, and to general political developments.

As a result of that study I did not change my Communist views completely, but I formulated certain reforms in the Communist movement which I thought were essential. I was still a Communist, remember. Among those, I thought in a country like Russia, it was necessary to have some form of democracy limited to Communists who accepted the

(Testimony of Benjamin Gitlow.)

Communist program, and that in a country like Russia it is possible to have two parties, or three parties, or four parties, instead of just one party.

I also was of the opinion that the Russians had no right to dominant control over Communist Parties in other countries. But when Hitler came into power in 1933 I concluded that the role of Communism was inimical, was dangerous, and was against progress, and I changed my beliefs in Communism. However, I still maintained that the Communist movement, being made up primarily of working men and working women, made up primarily of the under dogs in society whose slogans and appeals were aimed at the elements in society, —I was of the opinion that it might be possible in the future for the Communist movement to overcome the bad features of this organization and to really constitute itself as a force for the underprivileged and for the oppressed of the entire world.

But as years progressed my belief in this too was very deeply shaken; and in a very short period of time I came to the conclusion that Communism was not a way out for the masses. [353] particularly reviewing the events which were taking place in Russia, seeing how the Russian State, known as the Dictatorship of the Proletariat, developed, how it became a state over the people, how it denied the people in Russia all rights, how the unions in Russia were denied the right to strike, denied the right to defend the interests of the workers that were forced by the Governmnt to belong to that union.

(Testimony of Benjamin Gitlow.)

I reviewed the effects of the Five-Year Plan, the actions of the Government against the rural masses, and then the whole political oppressive system that resulted in the numerous purges which took place in the Soviet Union, and here we had a super state, a dictatorship, a tyranny in the true sense of the word, far more tyrannical than the tyrannies of Ancient Greece where you had a country ruled from the top down, and no expression of any opposition to those in position of rulership permitted by the Government, a press owned and controlled by the Government, schools owned and operated and controlled, all of them, by the Government, all avenues of public opinion owned and controlled by the Government, a judicial system that was a farce and denied all rights to the individual when hailed to Court. All this convinced me that this was a Frankenstein which would bring tremendous consequences for the world. And when the Soviet Union signed the pact with Nazi Germany in August 1939 I just came to the conclusion that there were no [354] differences between Fascist States and Communist States, that both were ruled from the top down, that in both states you had a dictatorship, that in both states only on political party ruled, that in both states you had one man on top in absolute power, and when these two states got together, one from the extreme right and the other from the extreme left, and the consequence of that Union was to plunge the world into war, I came to the conclusion that we must treat

(Testimony of Benjamin Gitlow.)

Nazi Germany and Soviet Communist Russia identically the same way.

And it was for this reason that I took up the public fight against the Communist movement and agreed—and I want to assure you that it took a great deal of effort and a great deal of thinking and a great deal of person sacrifice on my part, and it broke for me acquaintances and friends untold in number to take up the fight that I have taken up, and nevertheless I took this fight up, knowing all the consequences involved, because I believe that we have, over a period of years, achieved certain rights, certain democratic privileges which are most important to mankind, and most important to the progress of society. Take away these privileges, destroy these rights, destroy democracy, take away the right of a man to think for himself and you enter the stages of absolute slavery, and you have what you have in Communist Russia today.

Our country is not perfect, but our democracy is something which gives us certain rights. And I reverted back to the [355] democratic processes and decided to do everything in my power to oppose any force, whether it is the Communist, whether the Fascist, whether the Nazis, that will take away my right to think as an individual and to act as an individual and to speak that which I believe in.

That is the reason I have taken the course which I have taken. [356]

(Testimony of Benjamin Gitlow.)

Mr. Del Guercio: You may cross examine.

Mr. Gladstein: If your Honor please, the defense is not interested in the character of the testimony given by the witness, Mr. Gitlow, and we, therefore, do not have any questions to ask of him. It may, however, develop, because we cannot foresee what the Government's case will be, that we may desire at some future time in the case to ask some questions of the witness. We, therefore, wish to have the Government agree to make Mr. Gitlow available if and when such an occasion arises.

Mr. Del Guercio: If the Court please, Mr. Gitlow has been on the stand here for several days and——

Presiding Inspector: They say they have no cross examination so far as now appears.

You are excused.

The Witness: Thank you.

(Witness excused.)

Presiding Inspector: Call your next witness.

Mr. Del Guercio: May we have a short recess, please?

Presiding Inspector: We will recess for five minutes.

(Whereupon a short recess was taken.)

Presiding Inspector: Mr. Del Guercio, we are ready for the next witness.

Mr. Del Guercio: Take the stand and be sworn, please, Mr. Chase. [357]

EZRA CHASE,

called as a witness on behalf of the Government, having been first duly sworn, testified as follows:

Presiding Inspector: Give your name and address to the reporter.

The Witness: Ezra—E-z-r-a—Chase.

Presiding Inspector: Your address?

The Witness: Of Los Angeles.

Direct Examination

By Mr. Del Guercio:

Q. Mr. Chase, are you a member of any union at the present time? A. No, I am not.

Q. Have you ever been a member of any labor union? A. Yes, I have.

Q. Of what unions have you been a member?

A. The Upholsterers' International Union.

Q. And with what organization was that affiliated? A. The American Federation of Labor.

Q. And during what period of time?

A. From 1935 to December of 1937.

Q. Have you ever been a member of the Communist Party of the United States of America?

A. Yes, I have.

Q. When did you join the Communist Party?

[358]

A. I joined the Party in 1931.

Q. Where? A. In Los Angeles.

Q. And why did you join the Communist Party at that time?

A. Well, I found myself unemployed temporarily and somewhat bewildered as to the outcome of

(Testimony of Ezra Chase.)

the situation, and that probably helped me to join the Party.

Q. And for how long a period of time were you a member of the Communist Party?

A. I was in the Party then until some time in 1934, when I lapsed out for a period of about six or seven months; and then I rejoined it in 1935.

Q. Well, did you disassociate yourself from the Communist Party entirely in 1934?

A. No, not entirely. I merely quit attending meetings.

Q. And when you say you rejoined the Communist Party in 1935, what do you mean?

A. I had went to work in the furniture industry, and I joined a Union having jurisdiction in there, and the Union was completely dominated by Party members, and it would facilitate matters if I rejoined, which I did.

Q. And how long were you in the Communist Party following 1935?

A. I continued in the Communist Party until December of [359] 1937 when I denounced the party in a meeting with both Communists and non-Party members, and I told them that I could no longer go on with the policies of the Communist Party, and that I would be opposed to them from that day on.

Q. During the time that you were a member of the Communist Party did you hold any official positions in the Party?

A. Yes, I did. I held a number of positions.

(Testimony of Ezra Chase.)

I was at various times Unemployed Organizer. I was the Secretary of the American League against War and Fascism in Los Angeles; I was a Party Organizer at various times; I was a part of the Communist Steering Committee in the Central Labor Council.

Q. Now, what was that first organization, Communist Organization you spoke of?

A. Various Unemployed Organizations, the first one being the Unemployed Council.

Q. Unemployed Council?

A. That is right.

Q. When was that organized?

A. I couldn't say when the Unemployed Council was first organized, but it was some time in the Twenties. We started organizing it in Los Angeles about 1931.

Q. And you were one of the organizers of that Unemployed Council in Los Angeles?

A. Yes, I was.

Q. Were you acting upon directions at the time this [360] Unemployed Council was organized?

A. Yes.

Q. Under whose directions?

A. Ida Rothstein and Lawrence Ross.

Q. And who were Ida Rothstein and Lawrence Ross?

A. Ida Rothstein at that time was the Section Secretary.

Q. Of what?

A. Of the Communist Party.

(Testimony of Ezra Chase.)

Q. And who was Lawrence Ross?

A. Lawrence Ross was the Organizer, the Section Organizer.

Q. You said that Ida Rothstein was a Section Organizer?

A. No; she was the Section Secretary and Lawrence Ross was the Organizer.

Q. Organizer of what?

A. Of the Communist Party.

Q. What is a Section Organizer?

A. Los Angeles was formerly known as the Section of this District 13. District 13 was comprised of the State of California and part of Arizona and Nevada, having its headquarters in San Franicsco, and Los Angeles was then—actually it was a subdistrict known as a Section of District 13.

Q. Do you know who was the District Organizer of the Communist Party at that time?

A. Sam Darcy was the District Organizer.

Q. Sam Darcy? [361]

A. Yes, sir. His true name was Samuel Tardek——T-a-r-d-e-k. His party name was Sam Darcy.

Q. And his true name was what?

A. His true name was Samuel Tardek. His party name was Sam Darcy.

Q. By "Party name" what do you mean?

A. Well, practically all of the Party members use a different name on the records of the Party, and in their membership books, and oftentimes they are generally known by an assumed name.

(Testimony of Ezra Chase.)

Q. By an assumed name other than their true name?

A. Yes; not all the time, but oftentimes.

Q. When you used the word "Party" you meant the Communist Party of the United States?

A. I mean the Communist Party; yes.

Q. Did you join the Communist Party under an assumed name? A. Yes, I did.

Q. And what was the assumed name you used?

A. I was advised to use an assumed name and I used the name of F. E. Shrader—S-h-r-a-d-e-r. That was the name that appeared on my first Party book.

Q. Were you told why you should use an assumed name in joining the Communist Party?

A. Yes, I was.

Q. By whom? [362]

A. It was explained to me that as long as my true name did not appear on the Party Book it would be very difficult for anyone to prove membership.

Q. For anyone—whom do you mean?

A. The law enforcement officers.

Q. And who told you that?

A. The man that took my application. His name was Frank Wilson.

Q. Frank Wilson? A. Yes.

Q. Now, you said you were one of the organizers of the Unemployed Council? A. Yes.

Q. And that this Unemployed Council was created by the Communist Party?

A. Yes, it was.

(Testimony of Ezra Chase.)

Q. Is that correct? A. Yes, sir.

Q. Why was it organized?

A. It was organized so that the Communist Party could use it as an organization for regimenting and mobilizing the forces of the unemployed into the revolutionary movement.

Q. What do you mean by "revolutionary movement"?

A. Of the Communist Party. The Communist Party is a revolutionary organization on a world-wide scale and designed [363] for the overthrow of every non-Communistic Government and, I might state, the violent overthrow.

Q. The violent overthrow of every capitalistic country? A. That is right.

Q. Is the United States a capitalistic government? A. It is.

Q. Does the Communist Party so consider it?

A. Yes, they do.

Q. And you say this Unemployed Council was for the purpose of achieving, one of the means, rather, of achieving that end?

A. It had as its purpose, yes, the organizing of the unemployed, and of bringing them closer to the revolutionary movement.

Q. And how long were you associated with the Unemployed Council?

A. The Unemployed Council became definitely identified with the Communist Party, and it became necessary, in 1933, to make a change of policy

(Testimony of Ezra Chase.)

so the Unemployed Council, we allowed it to drop out of existence in name, and it was then replaced with a new organization under the name of the Relief Workers Protective Union.

Q. And you continued with it under the changed name? A. Yes; I continued with it.

Q. And did it have the same objectives?

A. The program was the same. [364]

Q. You say you were also connected with the American League against War and Fascism?

A. Yes, I was.

Q. What type of organization is that?

A. The American League against War and Fascism was an organization that was designed to bring into the revolutionary movement those elements that were opposed to war and to Fascism.

Q. By whom, who designed this?

A. The Communist Party.

Q. The Communist Party of the United States?

A. Yes.

Q. And do you know who conceived the idea of forming this American League against War and Fascism?

A. It was an outgrowth of a Congress that was held in Amsterdam, Holland.

Q. In Amsterdam?

A. Amsterdam, Holland,—a World Congress was held in Amsterdam, Holland. That was participated in by the leading pacifists and revolutionists and apponents of Fascism throughout the world.

At the conclusion of the Congress delegates went

(Testimony of Ezra Chase.)

back to their respective countries to set up similar branches in their countries.

In the United States it became the American League against War and Fascism. [365]

Q. Who was the delegate, if you know, that came to the United States to organize such an organization?

A. Well, I can tell you of one that was present and delivered the keynote speech, and that was Henri Barbusse—B-a-r-b-u-s-s-e—I believe it is.

Q. Did you know him?

A. He was a well-known French Communist, and I do not think there is any dispute on that from any source.

Q. When you say "a French Communist", you mean he was a member of the Communist Party in France? A. Yes.

Q. And you say he was sent, or came to the United States to organize the American League against War and Fascism?

A. I wouldn't say that he came here to organize it, but he came here as one of the speakers, and one of the moving forces of it, and attended the Congress that was held in New York, and delivered a keynote speech.

Q. Did you ever hold any position in the American League against War and Fascism?

A. I was the Los Angeles Secretary.

Q. The Los Angeles Secretary? A. Yes.

Q. And who appointed you as Secretary of the American League against War and Fascism?

(Testimony of Ezra Chase.)

A. I was appointed by Elmer Hanoff—H-a-n-o-f-f.

Q. And who was Elmer Hanoff? [366]

A. Elmer Hanoff at that time was the County Organizer of the Party in Los Angeles.

Q. Of what party?

A. The Communist Party.

Q. The Communist Party of the United States?

A. Yes.

Q. Of which you were a member?

A. Yes; of which I was a member.

Q. Were you appointed Secretary of the American League against War and Fascism because you were a Communist member? A. Yes.

Q. What were your duties—were you given any instructions by Elmer Hanoff?

A. Yes; I was given instructions by him as to what we hoped to make out of the organization.

Q. What were those instructions?

A. Hanoff told me that the American League against War and Fascism was designed to become one of the most important organizations in the revolutionary movement; that it would have as its duty the organizing and uniting under a united front all of those forces that were opposed to war, and opposed to Fascism; and that some day, possibly, when we were about to enter into an imperialistic war, the American League against War and Fascism could be used then to paralyze and to stop still the wheels of American Industry.

(Testimony of Ezra Chase.)

Q. How long did you continue as Secretary of the American [367] League against War and Fascism?

A. I occupied the office only a short while, possibly a month or two. I asked to be relieved of it.

Q. Why?

A. I didn't feel that I was the best fitted to contact the type of people that they were hoping to reach with the organization and I asked to go back to unemployed work.

Q. Whom did you ask?

A. I asked Elmer Hanoff.

Q. Why did you go to Elmer Hanoff?

A. Because he was the man who was directing the Communist Party's activities in Los Angeles.

Q. Was he openly associated with the American League against War and Fascism?

A. No. I never saw him around the American League against War and Fascism; but he assigned to aid me, advise me, a number of Communist Party members would become a Board of Directors for the organization.

Q. And you took all your instructions from Elmer Hanoff during the time that you were Secretary?

A. Yes, in the main. If I wanted to know anything about what to do in the organization I could go to Elmer Hanoff.

Q. Did you have any letterheads while you were secretary of the American League against War and Fascism?

(Testimony of Ezra Chase.)

A. There were letterheads, yes, of the organization. [368]

Q. Did anyone's name appear on the letterhead?

A. No, I believe not.

Q. Did your name appear thereon?

A. No.

Q. Did that of Elmer Hanoff appear on the letterhead? A. No.

Q. Did the name of the Communist Party of the United States appear on the letterheads?

A. No, it didn't.

Q. And you say you were relieved of your duties as Secretary? A. Yes.

Q. By whom—Elmer Hanoff?

A. He excused me from that, and appointed in my place a woman by the name of Seima Matlin.

Q. Did you also know her as a member of the Communist Party? A. Yes, I did.

Q. Did you remain active in this League?

A. No. I ceased activity in the American League.

Q. Did you participate in any other activities of the Communist Party during the time that you were a member?

A. Yes; I was active all of the time.

Q. Did you belong to—strike that. I believe you testified that you belonged to the Upholsterers' Union? A. Yes.

Q. Did the Upholsterers' Union have a fraction composed [369] entirely of Communists?

A. Yes. We had two Communist Party units in the Union. We had a fraction that was active.

(Testimony of Ezra Chase.)

Q. What is a fraction?

A. A fraction is a group of leading Communists that meet for the purpose of discussing some specific problem.

Q. Some specific problem in connection with what?

A. Well, in a union it would usually be matters confronting the union.

Q. And you say that your Upholsterers' Union had such a fraction? A. Yes.

Q. Composed of how many members?

A. We had about 25 or 26 members at the peak of it.

Q. Does a fraction have a leader, a Chairman, or whatever he may be called?

A. A Chairman is elected at each meeting.

Q. At each meeting? A. Yes.

Q. There is no permanent Chairman?

A. No permanent Chairman, no; neither in the unit or in the fraction.

Q. And this fraction within the Union is composed entirely of members of the Communist Party?

A. Always. If they weren't all Communists it wouldn't be a fraction. [370]

Q. I see. How long were you connected with such a fraction while you were a member of the Upholsterers' Union?

A. From some date in 1935 to December of 1937.

Q. Was it known to the other members of the Union that there was a Communist fraction within the Union?

(Testimony of Ezra Chase.)

A. There was some knowledge among some of the members, but never a thorough knowledge. They weren't aware of it to the extent that they knew that vital decisions of the Union were already predecided in the Communist fraction before they reached the floor of the Union. They didn't know that much about it.

Q. Were you ever a member of the Steering Committee of any fraction or Union?

A. Why, I was a delegate to the Central Labor Council in Los Angeles, that is, the American Federation of Labor, and we had a fraction in the Central Labor Council that acted as a Steering Committee?

Q. What is the Steering Committee?

A. They were the floor leaders who would bring issues on the floor and lay the policy to guide the conduct of the rest of the fraction members.

Q. Was it purely a Union matter?

A. No, it wasn't exactly.

Q. Well, of whom was it composed?

A. I am afraid we don't understand each other correctly. [371]

Q. I am trying to find out exactly what the Steering Committee is, of whom it is composed.

A. Well, it is made up of all delegates—all would have to be delegates to the Central Labor Council, delegated by some local union. The Communists organized what was called, they called, a progressive bloc, and the purpose of this progressive bloc was to bring in non-Communists when they could,

(Testimony of Ezra Chase.)

and this bloc, its actions, would be controlled by a few of the Communists in there, which was known as the Fraction in the Central Labor Council, and usually they were the members of the Steering Committee.

Now and then an outsider who wasn't a Communist would also become a part of the Steering Committee and a floor speaker.

Q. While you were a member of the Communist Party did you ever run for public office?

A. Yes. I was a candidate for City Councilman in the 8th Councilmanic District.

Q. On what ticket?

A. Communist Party ticket.

Q. Were you a candidate for any other office?

A. I was a candidate in the 56th Assembly District for the State Assembly.

Q. On what ticket?

A. The Communist Party ticket.

Q. Did you have any hopes of being elected? [372]

A. Well, I wasn't elected; I had some hopes.

Q. Why did you enter such elections on the Communist ticket?

A. The Communists take part in election campaigns and, to the extent of their financial ability and their organized forces, they will put forth candidates for various public offices for a number of reasns.

Q. Do you know those reasons?

A. Well, I know some of them. The Commu-

(Testimony of Ezra Chase.)

nists realize that there is little or no possibility, especially in the early stages of their election campaigns, to effectively elect anyone; but they do derive a great deal of propaganda by having their candidates on tickets where they can appear on platforms with other candidates, for the purpose of exposing and ridiculing the programs of other political candidates, and at the same time getting over their own propaganda to the public.

Q. While you were a member of the Communist Party did you attend Communist meetings?

A. Yes.

Q. How many of them, approximately?

A. You go from morning until night—one meeting after another.

Q. While you were a member of the Communist Party were you instructed to read certain literature? [373]

A. Yes. The reading of certain literature was obligatory.

Q. Compulsory, you mean? A. Yes.

Q. The reading of what literature was made compulsory?

A. We were required to read, out here on the West Coast, what was the Daily Worker—I mean the Western Worker, and it is now known as the People's World. We were required to read that publication.

Then there was the Party Organizer, and certain ones of us were urged to read the International

(Testimony of Ezra Chase.)

Press Correspondence, called the Imprecorr, the Communist Magazine; and various pamphlets and periodicals that would come out from time to time, such as the pamphlet by M. J. Olgin on "Why Communism?" We were obliged not only to read that, but to buy numerous copies for either resale or redistribution.

Q. Are all these publications, newspapers, periodicals that you have mentioned published and controlled by the Communist Party?

A. Most of them are published by the—the name has slipped my mind—International Publishers. I believe that to be a Communist Controlled publishing company; yes.

Q. Who instructed you to read such literature that you described?

A. Instructions would come down through the Org. meetings. [374]

Q. What is that?

A. That is the Organizers' meetings. The Literature Agent would come to the meeting equipped with the required literature, and the various members would avail themselves of copies of it.

Q. And at these Communist meetings would Communistic literature usually be sold?

A. Yes; at all of the units meetings.

Q. Would Communistic literature be distributed? A. Yes.

Presiding Inspector: What do you mean by "Unit meetings"?

(Testimony of Ezra Chase.)

The Witness: Each week—just a moment—each Communist Party member is assigned to a unit. A unit usually consists of anywhere from five or six members to seldom over 10 or 15 members. Those unit members will meet once each week and that is known as a unit meeting. But inside of that unit there is usually a fraction and a Fraction will meet separate of the unit to discuss some, maybe, just a single issue, where the unit will discuss the problems confronting the Party as a whole, the entire program.

By Mr. Del Guercio:

Q. I will show you a booklet headed "Why Communism?" by M. J. Olgin, and ask you if that is the pamphlet you testified about?

A. Yes, that is the pamphlet. [375]

Q. And have you read that pamphlet?

A. Yes, I have.

Q. And you were directed, you say, to read this on instructions from leaders of the Communist Party? A. Yes.

Q. And is this pamphlet distributed by the Communist Party?

A. Yes; in book shops and their units, sold around picnics, and affairs of various kinds.

Q. Does this contain the teachings and doctrines of the Communist Party?

A. Yes; those are the teachings of the Communist Party.

Q. I will read from page 32 of this document: "The capitalist State is a glaring fact. It is flesh

(Testimony of Ezra Chase.)

and blood of the capitalist system. It stands in the way of the workers' progress towards a new, free life. Can it be abolished by gradual transformation? Those who say it can are the staunchest supporters of the capitalist robbers and the most active promoters of imperialist wars. Their theory is not harmless, indeed. It is a poisonous theory. It is a smoke screen behind which cruel capitalist exploitation is hiding.

"We Communists say that there is one way to abolish the capitalist State, and that is to smash it by force. To make Communism possible the workers must take hold of the State machinery of capitalism and destroy it." [376]

And to read on further:

"Once you agree that this State is your enemy the answer to the question is not difficult. Once you have freed yourself from the democracy illusion your road is clear."

Is that the teaching of the Communist Party of which you were a member?

A. That is the teaching; yes.

Q. Is that what they teach all of their members?

A. Anyone joining the Communist Party quickly comes to realize that the Communist Party is a revolutionary organization for the forcible overthrow of the Government. Now, the Communists wouldn't want it any other way. They know they couldn't take it any other way. The main bone of contention between the Communist Party and the Socialist Party has been for years around that very

(Testimony of Ezra Chase.)

issue. When the split took place at the Second International the right and left wing was formed; the Socialists taking the right wing under the belief that the change of government could be effected by democracy or by ballot; and the left wing being formed on the theory that no capitalist country would ever surrender its control over the people by peaceful measures. That group formed the Third International which is the Communist Party of today.

Q. Now, I will read here from page 63 of this book:

"This cannot be accomplished peacefully. The exploiters won't give up their loot even after their State power is crushed. [377] They will have to be routed. The Soviet government will have to expropriate the expropriators by force. The latter will conspire and plot against the new system; they will organize counter-revolutionary uprisings. The Soviet State will have to crush these with an iron hand. The former exploiters will be given no quarter."

Please answer "yes" or "no". Is this also some of the teachings of the Communist Party?

A. Yes. That was used as a text book time and time again in classes known as "Fundamentals of Communism."

Q. And reading again from page 69:

"The Communists belonging to any organization form a special fraction which discusses the problems of its organization and proposes a line of action for its members. This enables the Communists in a

(Testimony of Ezra Chase.)

reformist union or fraternal organization to follow the same line. The Party fraction advocates militancy and strives to transform the whole organization into a real fighting unit."

Is that the same kind of a Fraction that you have previously testified about? A. Exactly it.

Q. Is that the purpose of such a Fraction?

A. Yes. A small fraction can usually gain control of an organization in a reasonable length of time without a great deal of difficulty. [378]

Mr. Del Guercio: I offer this pamphlet in evidence.

Presiding Inspector: It will be received.

(The document referred to was received in evidence and marked Government Exhibit No. 120.)

Q. Did you ever attend any schools while you were a member of the Communist Party?

A. Yes, I have.

Q. What kind of schools?

A. I have attended classes on "Fundamentals of Communism"; I have attended classes in "Trade Union Tactics."

Q. Who conducted these schools?

A. Lou Baron conducted some of them.

Q. Who is Lou Baron?

A. Lou Baron was the organizer of the Trade Union Section of the Communist Party.

Q. In Los Angeles? A. In Los Angeles.

Q. And you attended the schools conducted by him? A. By Lou Baron; yes.

(Testimony of Ezra Chase.)

Q. They were known as Communist Schools?

A. Yes.

Q. Any other schools?

A. Yes; conducted by Mat Pelman, who was the Educational Director at various times of the Communist Party. [379]

Ethel Shipman conducted some of the classes. Ida Rothstein conducted some of them. Lawrence Ross conducted some of them—and there were others.

Q. What was taught at these schools?

A. The most popular classes were usually those on "Fundamentals of Communism," "Trade Union Practices," and "Anti-War and Anti-Fascist Activity." Practically every phase of the Communist activity would be covered by classes. There would be classes on the subject of organizing, there would be classes on public speaking, there would be classes on workers journalism, there would be classes on workers self-defense in court, and those were usually taught by a lawyer.

Q. And these classes, were they open to others than members of the Communist Party?

A. No, they wouldn't be. [380]

Q. Confined strictly to members of the party?

A. Members of the party. There would be classes from time to time that would be conducted where anyone could bring non-party members. The ones I am referring to, though, were those that were strictly within the party.

(Testimony of Ezra Chase.)

Q. Were you instructed in any of these classes as to how the government was to be overthrown?

A. Well, you gain a pretty good general knowledge after attending these classes for a length of time; the idea becomes quite general, and it seems, without a great deal of suggestion, that the violent overthrow will become necessary. The Communist Party will start the early education of a member, oftentimes, by explaining to them some of their competitive organizations, namely, the Socialist Party, and they will refer to it as a reformist type of an organization that is actually an additional leaning post for the capitalist system after their republican party and their democratic party have collapsed, that the capitalistic system would then utilize the Socialist Party. They criticize the Socialists, call them reformists, pacifists, things of that kind, because the Socialists do not believe that the use of force and violence will be necessary, where the Communists openly state and point out to the students in their classes that nowhere in the annals of history has a ruling class ever surrendered its rule over the people without the use of force and violence, that at any time, should the [381] workers become sufficiently strong to affect an important social change by the use of the ballot, that the capitalist system then will lay aside all pretense of democracy and rule by popular assembly, and will then rule them with brute force and will stand before them in its hideous reality which they call Fascism.

(Testimony of Ezra Chase.)

Q. Now, you say at some of these classes you were also instructed as a Communist as to how how you should behave when you were in Court.

A. Yes, there was a pamphlet issued on the subject also.

Q. What was the name of that pamphlet?

A. Called "Under Arrest". The idea of the pamphlet was to instruct a worker, when under arrest, how to conduct himself in Court without the aid of counsel.

Q. And who instructed you?

A. Leo Gallagher had classes on workers' self defense and Al Wiren taught classes on workers' self defense.

Q. Who is Leo Gallagher?

A. Leo Gallagher is an attorney in Los Angeles that has been defending radical cases over a period of years.

Q. Is he a member——

A. (Interposing) He was the one who was called by the Communists who were on trial in Berlin, Germany for the burning of the Reichstag. It was Leo Gallagher who went there as their defense attorney. [382]

Q. Do you know him as a member of the Communist Party?

A. I couldn't definitely place Leo Gallagher as a member of the Communist Party. I believe him to be, yes. He couldn't enjoy the confidence of the Communists to the extent that he does without being a member.

(Testimony of Ezra Chase.)

Q. And do you know him to be a member of the ILD?

A. Yes, Leo Gallagher is a member of the ILD and was at one time a member of the Juridical Committee of the International Red Aid. That is by his own words; he told me so.

Q. The what? I didn't get that.

A. The Juridical Committee of the International Red Aid which is—I will make a brief explanation. The ILD is the American section of the International Red Aid, which is the defense machinery that is set up on an international basis for the defense of the actions of Communists in various capitalistic countries. The American section is known as the ILD.

Q. And Leo Gallagher, you say, came to some of these classes and gave instructions as to what to do? A. Yes.

Q. In Court?

A. We were instructed, when under arrest, to give a name, but it need not necessarily be the right name, and to refuse to give our address.

Q. Well, did he tell you that if you were asked under [383] oath what your true name was, that you were to falsely swear and give an assumed name?

A. We weren't supposed to take an oath. It is not customary for Communist Party members to take an oath, but to affirm.

Q. To affirm. Leo Gallagher instructed you that

(Testimony of Ezra Chase.)

you were to give a false name when you were asked for——

A. (Interposing) At the time of arrest.

Q. At the time of arrest.

A. But we could give our name of a false name, either one.

Q. Well, were you to give your true name if you were so asked upon affirmation in Court?

A. You could, yes, because that would be easily gained, anyway.

Q. Who asked Leo Gallagher to give instructions at these conference meetings, do you know?

A. I presume that it would be those that were acting for the ILD and of the leading members, of which there has been a very close association.

Mr. Gladstein: Will you read the last question and answer, please?

(The question and answer referred to were read by the reporter.)

By Mr. Del Guercio:

Q. Is this the pamphlet that you refer to, "Under [384] Arrest"?

A. (Examining pamphlet) Yes, that is the pamphlet.

Mr. Del Guercio: I will offer in evidence this pamphlet entitled "Under Arrest", Workers Self-Defense in the Courts, issued by the International Labor Defense.

Presiding Inspector: It may be received.

(The pamphlet referred to was received in

(Testimony of Ezra Chase.)

evidence and marked Government's Exhibit No. 121.)

By Mr. Del Guercio:

Q. By whom was this pamphlet distributed?

A. This was distributed by the International Labor Defense. It was distributed in the various party units; it was sold in the party bookshop.

Q. Was it sold and distributed also in closed Communist meetings? A. Yes, sir.

Q. Did Leo Gallagher use this book while teaching or lecturing on the subject?

A. He didn't exactly need it; he wrote it.

Q. While you were a member of the Communist Party did you become familiar with any of its practices and policies, particularly with reference to trade union matters?

The Witness: I didn't get all of the question.

(The question referred to was read by the reporter.)

A. Yes, I did.

By Mr. Del Guercio: [385]

Q. What were those policies and practices?

A. I was a part of an American Federation of Labor Union and our purposes there in the early beginning were to convert the American Federation of Labor from the craft type of organization to the industrial type of organization, and to push the organization further to the left, to work in it as much as we would work in any other organizations in order to extend the Communist influence, so that

(Testimony of Ezra Chase.)

the American Labor Movement could be utilized as a revolutionary force.

Q. What were some of its practices in that connection? How would they operate? How were you told to operate?

A. Well, in the early stages of it a great deal of our work would have to—on account of our weakness in the beginning would have to be confined in criticising the leaders of the American Federation of Labor, by pointing out their close connection with employers, their membership in political clubs, and other things about the bosses, the high salaries that they received at various times, and too, in general, break down the morale and the confidence that the members of the union might have, and to advocate the industrial form of organization.

Q. And were you told by leaders of the Communist Party why you were doing this work, or why you were to do this work in trade unions, for what purpose, with what objects, aims?

A. Well, we all, when you go into trade union work [386] by this time you have reached a certain stage of development where you understand just what you are doing. The Communist Party is building a revolution and they couldn't very well build it without having control over the most important industries, at least, that is, the workers in those industries. Their interest in the trade union is not essentially what it would appear to be on the surface, an interest in the wages, hours and conditions

(Testimony of Ezra Chase.)

of workers, but the Communist Party is very practical in its approach to people in various walks of life. They at all times approach them on a basis of their immediate needs. If it is unemployment, it is on a basis of food, clothing and shelter and for a greater amount of relief. If it is the worker that is on a job or in a trade union it is the improvement of his hours, his wages and his conditions. That is the basis upon which the Communists have to, and they do, approach workers, but that is not the actual aim. The Communist Party knows and they readily point out to workers that there is no actual solution to any of their problems under the capitalist system, that their only solution will eventually come from the overthrow and the destruction of the capitalist system and the setting up of a proletarian dictatorship, and it is their purpose to conduct their organization inside of the trade union movement, because the trade union movement offers a powerful force for the calling of a general strike, for instance, in which they could paralyze the industry of a nation and possibly could be converted to Civil War. That is their main [387] interest in the trade union.

Q. And where would you learn the Communist Party policy and practice, or where would you be given instructions concerning the policy and practice to be followed in boring within these trade unions?

A. I know of no other place that that could be

(Testimony of Ezra Chase.)

obtained outside of membership in the Communist Party.

Q. And who would give those instructions?

A. That would be delegated to various responsible Communists.

Q. And only by responsible Communists?

A. That is right.

Q. Would any one else but a Communist ever instruct a Communist Party member as to the Party line to be pursued in the trade union matters?

A. I have never known of an instance, and I would seriously doubt it.

Q. And when you speak of the "Party line", what do you mean by the "Party line"?

A. The Party refers to the line as being descriptive of the method that they are using to accomplish a certain task.

Mr. Del Guercio: Do you intend to adjourn now, if your Honor please?

Presiding Inspector: I thought we might go on about ten minutes. We have lost quite a little by recess.

By Mr. Del Guercio: [388]

Q. Do you recognize the Respondent here in these proceedings, Harry Bridges?

A. Yes, I recognize him.

Q. Where is he?

A. Sitting at the end of the table (Indicating).

Q. Did you ever hear Mr. Bridges discuss the

(Testimony of Ezra Chase.)

Communist Party line to be followed in trade union matters?

A. Well, I would put it this words: Bridges addressed a meeting; well, two meetings that I know of, in Los Angeles. One of them at the Olympic Auditorium where we were given instructions from the Party to publicize the meetings in the units and on the floor of the trade union. It was in July of 1937 and he was debating a man by the name of Latham—I believe that date is about correct—where Bridges presented the case of the Maritime Workers and Mr. Latham that of the employers, I believe. We were instructed to publicize that meeting as extensively as we possibly could.

At another date, about September 1937, I was called on the phone at the union headquarters of the Upholsterers' Union by Lou Baron.

Q. That is the same Lou Baron who you said testified?

A. Yes, the organizer of the trade union section of the Communist Party.

I was told by Lou Baron that there would be a meeting held the following morning at ten o'clock at 1210-½ West [389] Washington Boulevard. Now, the reason for this meeting being called was that there had been considerable confusion in the ranks of Party members, Communist Party members, and members of the American Federation of Labor and in the CIO itself as to what the procedure would be in moving A. F. of L. unions into the CIO.

There had been a number of opinions on it.

(Testimony of Ezra Chase.)

There were a number of A.F. of L. locals, where part of the members wanted to move CIO and part wanted to remain A.F. of L. Some of the members wanted to split the unions and take as many members out as they could over to the CIO. Sometimes, they wanted to take an entire local over to the CIO.

Q. Just a minute. Did Lou Baron tell you what the purpose of the meeting was?

A. Well, yes. I am explaining the circumstances that led up to the necessity for calling this meeting. And Lou Baron called me—it was late one afternoon in the union office—and he told me to get Joe Silva, who was the President of the union, and Walter Westfall, who was the Business Agent—both of them are Communists, however—and that we were to attend the meeting where Harry would outline and lay down the line that was to be followed in the matter of American Federation of labor unions going CIO.

Q. By "Harry" whom do you mean?

A. Harry Bridges. [390]

Q. Harry Bridges. And what line did Mr. Baron say?

A. He didn't state the line; we got that at the meeting.

Q. But he did tell you that you were to attend the meeting so that you could hear the line that Harry Bridges would tell you to follow?

A. That is correct. He was laying down the line that was to be followed.

(Testimony of Ezra Chase.)

Q. Do you know if he told any other Communists or Party members to be present?

A. Well, there were quite a few there.

Q. There were quite a few there. How many were there, would you say?

A. Oh, there was about 25, probably, maybe 30 people present.

Q. And how many of those people were Communists?

A. I was not acquainted with all of them. I would say, I think, I knew 10 or 15 of them to be Communists. I knew one who was not a Communist.

Q. Who was not a Communist?

A. There was one present who was not a Communist, to my knowledge. There could have been others among those with whom I was not acquainted.

Q. And do you know the names of those that were present that were members of the Communist Party? [391]

A. There was Walter Westfall, Joe Silva, Eddie Sugar, S-u-g-a-r, Bill Gately, Don Healy, Matt Pellman, Lou Baron, and a man by the name of Schat, S-c-h-a-t.

Q. These were all members of the Communist Party?

A. These were all members of the Communist Party.

Q. Did the Alien here, Mr. Bridges, speak at that meeting? A. Yes, he did.

(Testimony of Ezra Chase.)

Q. And what did he say?

A. Well, he was—he outlined there that the policy of the A. F. of L. union should not be to chip off in any small chunks—this was the essence of what he said—from the American Federation of Labor, but that they should strive to elect delegates to their Central Councils, Central Labor Council, who were firmly toward the CIO, and those that were holding national conventions should elect delegates to the national convention who would be friendly to that, and that the effort should be put forth to swing the entire International, if possible, over to the CIO; that was the general line that he laid down.

Q. Do you remember anything else that the Alien said at that meeting?

A. Yes; he took quite a shot at the Red baiters.

Q. What did he say about "Red baiters?" [392]

A. I—just a moment. (Pause) Oh, he said in words to this effect—he says, "There was a time that I felt that if anyone was opposed to the Communist Party that it was his privilege to so speak, but"—he says "experience has taught me that those who make a practice of Red baiting are usually agents of the bosses and are the enemies of true trade unionists and should be treated with distrust."

Q. Did he say anything else at this meeting that you recall?

A. I don't recall anything else of importance.

Q. How long did Mr. Bridges speak at that meeting, if you know?

(Testimony of Ezra Chase.)

A. Well, I arrived late and he was on the floor speaking when I arrived—I don't believe I was over five minutes late—and he possibly spoke 30 to 40 minutes.

Q. And after the meeting were you given any instruction by Elmer Hanoff?

A. No, I was not. After the meeting we went back to our usual affairs. We called a Fraction meeting in the union of which I was a member and we discussed it, what was said, so that we would have a thorough understanding of it. It was taken up at the following unit meeting and we proceeded to follow those lines in the union. We discouraged the union from moving CIO as a local union, and a few weeks later a split came in the entire International and the greater part of it moved over to the CIO. [393]

Q. You mean you proceeded to follow what the Alien here had told you to do at that meeting?

A. Yes, that was the program that was followed.

Q. And you followed that as a member of the Communist Party? A. Yes, we did.

Q. Were you bound, as a member of the Communist Party, to do what the Alien here told you to do at that meeting?

A. Yes, incidentally we were; that became the program that we followed.

Q. Well, why. Who told you that? Who told you to do that?

A. Lou Baron told us very definitely that that

(Testimony of Ezra Chase.)

would be it, that the line would be laid down at that meeting.

Q. That that would be the line?

A. And that became the line.

Q. Was there any deviation, or could you deviate, if you wanted to, from the line that this Alien stated at that meeting?

A. Well, you can't—when the Party lays down a line their discipline is very rigid, you can't deviate from it to any serious extent without being called in on it.

Mr. Gladstein: The answer is not responsive. I would like to have the question read.

Presiding Inspector: Read the question. [394]

(The question referred to was read by the reporter.)

Presiding Inspector: Now, that is two questions. First, was there any deviation, and second, could you deviate?

The Witness: Well, I want to answer that question again.

We were told very plainly by Lou Baron that the line would be put down which was to guide our future activity in going CIO at this meeting addressed by Harry Bridges.

By Mr. Del Guercio:

Q. There is no question about that?

A. There was no question about it. And the three of us, who were Party members, that were instructed to attend that meeting, were warned

(Testimony of Ezra Chase.)

over the telephone that failure to attend that meeting would be followed by disciplinary action on the part of the Party.

Q. Who told you that?

A. Lou Baron.

Q. Would be followed by disciplinary action by whom?

A. By the Communist Party, by the Control Committee.

Q. And you did follow the line set forth by the Alien?

A. Yes, we followed that. I didn't follow it exactly.

Q. What?

A. I didn't follow it exactly.

Q. What do you mean by that?

A. I had a break with them a day or two after that. [395]

Q. You had a break with whom?

A. With the Communist Party, a few months after that, rather.

Mr. Gladstein: Well, when was it, Mr. Chase?

Mr. Del Guercio: Just a minute. I think I still have the witness.

Presiding Inspector: Yes, but we will find out when it was.

The Witness: I broke with the party—it was about two months after.

By Mr. Del Guercio:

Q. About two months after that?

A. Yes, sir.

(Testimony of Ezra Chase.)

Q. Well, now, when you said then, that you didn't follow what Harry Bridges had laid down——

A. (Interposing) Well, in the meantime I had decided that I was not going to go CIO.

Q. And you then broke with the Communist Party? A. It led to the break.

Q. It led to the break? A. Yes, sir.

Q. And when did you quit the Communist Party?

A. I quit the Communist Party in December of 1937.

Q. Did you quit of your own volition?

A. I quit of my own accord; I denounced them in an open [396] meeting.

Q. You denounced whom in open meeting?

A. The Communist Party.

Q. That was where?

A. That was held at the trade union headquarters at 546½ South Spring Street in Los Angeles.

Q. And when was that?

A. (No answer.)

Presiding Inspector: I think we will stop here at this point..

(Whereupon, at 4:10 P.M., an adjournment was taken to April 3, 1941, at 10:00 A.M.)

[397]

Court Room 276,
Federal Building,
San Francisco, California,

April 3, 1941.

Met pursuant to adjournment, at 10:00 A. M.

[398]

PROCEEDINGS

Presiding Inspector: We will proceed with the hearing.

Mr. Del Guercio: Take the stand, Mr. Chase.

EZRA CHASE

called on behalf of the Government, having been previously duly sworn, testified further as follows:

Direct Examination (Resumed)

By Mr. Del Guercio:

Q. Mr. Chase, I believe you testified yesterday that you broke with the Communist Party because of its policies in connection with Trade Union matters; is that correct?

A. In part, yes, sir. I had reached a point where I didn't want no revolution under the leadership of the Communist Party as well.

Q. That was shortly after the Alien here had laid down the Party line, the Communist Party line, that you were to follow in trade unions?

Mr. Gladstein: I object to that very leading and suggestive question. We ——

(Testimony of Ezra Chase.)

Mr. Del Guercio: (Interposing) I——

Mr. Gladstein: (Continuing) ——Just a moment, Mr. Del Guercio, you haven't yet allowed counsel to make an objection.

Mr. Del Guercio: All right. [399]

Mr. Gladstein: We have not interrupted questioning of the witness, Gitlow, because, as we stated yesterday, we were not interested in that character of testimony. Now, as to the testimony of the character being sought to be elicited from Mr. Chase we think that ordinary fairness and the usual rules of evidence should apply to the extent that Mr. Del Guercio should not place leading questions in the mouth of the witness, but should simply ask him for his testimony.

Presiding Inspector: I suppose, as a general rule, that is so. I think the witness has pretty well covered the matter that you asked about.

Mr. Del Guercio: I think he has. I will withdraw that question.

By Mr. Del Guercio:

Q. When did you disassociate yourself from the Communist activities?

A. In December of 1937.

Q. And have you been connected with the Communist Party since that time?

A. Not in any way.

Q. Have you ever been arrested, Mr. Chase?

A. Yes, I have been arrested a number of times, possibly nine or ten times.

Q. When?

(Testimony of Ezra Chase.)

A. During the years that I was active in the Communist [400] movement.

Q. And what was the occasion for your arrests?

A. I was arrested at a Communist Party Section Convention in Long Beach in the early part of 1932.

Q. Is that the first time?

A. That was my first arrest. I was next arrested——

Q. (Interposing) What was the result of that arrest?

A. I was released without prosecution. The next arrest was when William Z. Foster was campaigning for President. I was arrested along with William Z. Foster.

Q. You were arrested the second time—I didn't get the last part.

A. The second arrest was when William Z. Foster was campaigning for President. I was one of the speakers on the same program and the driver of the car; we were arrested at the Plaza in Los Angeles.

Q. What were you charged with?

A. Charged with suspicion of criminal syndicalism.

Q. What was the outcome of that arrest?

A. Released without prosecution.

Q. That is the William Z. Foster who was candidate at the time for President on the Communist ticket? A. Yes, sir.

(Testimony of Ezra Chase.)

Q. When was your next arrest?

A. I was arrested in a riot in the County Charities [401] offices, in Los Angeles.

Q. What kind of a riot was that?

A. It was a riot of unemployed.

Q. Sponsored by whom?

A. It was sponsored by the Unemployed Councils.

Q. The Unemployed Council with which you have testified that you were connected?

A. That is correct.

Q. And that was the organization that was formed by the Communist Party?

A. Yes, sir.

Q. And what was the outcome of that arrest?

A. I was charged with 15 counts of battery and assault, and one count of inciting to riot. The outcome of the trial was an acquittal on the rioting charges and a hung jury on six or seven counts of the battery and assault, and the other counts are still standing with the case off calendar.

Q. Were you arrested at any other time?

A. I was arrested again at a street meeting at 43rd and Central and released without charges.

Q. Where was that?

A. In Los Angeles.

Q. And what was the occasion for that arrest?

A. It was an election campaign meeting conducted by the Communist Party. [402]

Q. Were you arrested at any other time?

A. I was arrested while conducting a meeting

(Testimony of Ezra Chase.)

of the Workers Ex-Service Men's League in a hall in the Phillips Building at 224 South Spring in Los Angeles.

Q. And what were you charged with?

A. Suspicion of criminal syndicalism.

Q. What was the outcome of that arrest?

A. That was a release without prosecution.

Q. Any other arrests?

A. I was arrested and convicted on two counts, one of theft of illuminating gas, one of theft of electricity. The case grew out of the actions that were being taken by the Unemployed Councils and by the Unemployed Co-operative Relief on the opening of meters when the service had been discontinued for inability to pay for it. Those meters were opened, great numbers of them were opened. I was arrested and tried on that charge, and convicted, and served a sentence in the Los Angeles County jail.

Q. And under whose directions were you acting at the time you opened these meters?

A. Under the directions of the Communist Party.

Q. Any particular person in the Communist Party?

A. Ida Rothstein and Lawrence Ross.

Q. Why were you given such directions by Ida Rothstein?

A. It was the purpose of the Unemployed Council to [403] furnish resistance to any attacks that

(Testimony of Ezra Chase.)

were allegedly made on the unemployed. Their program was one of demanding a greater amount of relief and demanding that the utilities, things of that sort, be furnished to the unemployed. [404]

Q. Did you steal the electricity for your own personal use?

A. It was turned on in my house. I didn't turn it on. But it was turned on there and that was the evidence that was used in my conviction.

Q. And that was when?

A. I believe that was in '32 or '33.

Q. Have you had any other arrests?

A. Let me think—there were some others.

Q. What?

A. There were some others,—Let me think—I cannot think of any others at this time.

Q. What is your present occupation, Mr. Chase?

A. I am engaged in structural pest control work.

Q. Structural pest control work?

A. Amusing as it may seem—termite extermination.

Q. Mr. Chase, can a Communist be a good labor man?

Mr. Gladstein: May I have the question?

(The question referred to was read by the reporter as above recorded.)

Mr. Gladstein: I think that calls for the conclusion and opinion of the witness.

Mr. Del Guercio: I will withdraw the question. You may cross examine.

(Testimony of Ezra Chase.)

Presiding Inspector: You have the witness, Mr. Gladstein. [405]

Mr. Grossman: We wish to ask at this time that we be given a reasonable time to check up on the direct examination of this witness before we are compelled to put on our cross examination. The reasons are: As your Honor knows, in our discussion with reference to our motion for particulars as to the nature of the charge, and the evidence to support it, and the names of witnesses, we stated it was impossible for us to prepare against the entire country and against every possible witness without notice.

Your Honor stated that, in so far as unfairness was developed, or created by reason of this that something would be done to take care of it.

Very frankly, here is the problem: We do not come here and state that we have not done all we can to prepare. This trunk in back of me (indicating) is an indication that we have prepared generally as well as we can. But that does not mean we have prepared specifically against this witness. About the best we can do is to prepare against all anti-labor stool pigeons, or police spy men, who came in contact with Harry Bridges throughout the various places in this country that he has gone, which is not a specific preparation.

With reference to Mr. Chase now, Mr. Chase comes from Los Angeles. Immediately after the end of the hearing yesterday we did our best to

(Testimony of Ezra Chase.)

establish communication with Los Angeles for the purpose of checking his story. [406]

It is quite obvious that we have not yet been able to obtain the results of that check.

Tomorrow is the last day of the hearing until a week from Monday. We will perhaps be equally unprepared, because of the difficulty of getting this material by tomorrow, for tomorrow's hearing.

Therefore, what we think is a reasonable request is that we be given until the next hearing day after tomorrow in order to cross examine Mr. Chase. Not being given that time we state very clearly and frankly if we have to cross examine Mr. Chase without any opportunity to check or verify his story, or Mr. Chase, before the cross examination, is, in effect, denying us the right of cross examination. Obviously, cross examination doesn't consist merely of asking him to repeat his story, but consists of examining him on the basis of information which we obtain indicating his story is false which is, of course, not limited to what he gives us from the stand.

Therefore, we make the request that we be given until the first hearing day after tomorrow, for the cross examination of Mr. Chase.

Presiding Inspector: You can go on to some extent, can't you, today, with this witness? You may not finish.

Mr. Grossman: That is a very practical question and I will give you a very practical answer.,

(Testimony of Ezra Chase.)

We have certain suspicions about Mr. Chase. We have—— [407]

Mr. Del Guercio: (Interposing) I think these remarks are out of order and——

Presiding Inspector: I will hear them. Go ahead. These are remarks from counsel and not evidence.

Mr. Grossman: We would be misleading your Honor if we stated we didn't have some suspicion of some idea of where to go as to what we would find. To compel us, however, to examine Mr. Chase on the basis of these unverified stories, on the basis of merely our suspicion, instead of documents, instead of concrete information, is to put us at this disadvantage: We will be unable to force Mr. Chase to state positively what we want him to state under oath; and we have the right to see if Mr. Chase will tell the truth with respect to information that we have here when we have made the check. Otherwise, as I say, what we are compelled to do is to give Mr. Chase advance information of our suspicions without being able to see whether he will tell the truth on other lines of inquiry.

Frankly, we could go ahead on our suspicions but not on the basis of actual information yet. We think it is unfair to require us to go ahead at this time on that basis.

Mr. Goodwin: May it please your Honor, do I understand that it is proper practice on the examination of a witness, when he is turned over to the defense or to the other side for cross examina-

(Testimony of Ezra Chase.)

tion, to suspend until there can be an investigation in regard to the witness? I never heard of such a [408] practice. If the witness has made untruthful statements certainly that can be brought out by rebuttal testimony. But I have never yet heard of the suspension of cross examination in order to investigate the witness himself.

We want to give all possible latitude, but if that practice is adopted in this case I don't know but what we might as well decide to live here more or less indefinitely.

Presiding Inspector: I have made that decision already.

Mr. Grossman: I could agree with Mr. Goodwin with respect to his statement that he does not understand that to be proper practice, but the reason that Mr. Goodwin has not heard of the procedure that we are requesting is that in most jurisdictions we are aware of, if not all, the person charged with a crime, or even a person in a civil suit is given notice. In California, a man charged with a criminal offense is entitled to the transcript of the Grand Jury proceedings at which he was indicted, or to the transcript of the proceedings in a preliminary hearing, which gives him the evidence, as well as the names of the witnesses. It is my understanding——

Presiding Inspector: That is not the rule in New York at any rate.

Mr. Grossman: It is a general rule here.

(Testimony of Ezra Chase.)

Presiding Inspector: The names of witnesses sworn before the Grand Jury are given.

Mr. Grossman: We haven't had that done, of course, and [409] that is the reason we are making this request and that is why Mr. Goodwin hasn't heard of this request generally being made before.

Mr. Goodwin: Counsel knows this is not a criminal proceeding; that it is an ordinary administrative proceeding. Every step is being taken to protect the rights of the Alien here by the Court. I do not see that there is anything analogous to a criminal hearing in the case at all.

Mrs. King: If your Honor please, I am not famaliar with criminal proceedings, but in Immigration proceedings I do know that until fairly recently the names of witnesses, in fact, the entire evidence on which the Government proceeded was given to the attorney for the Alien. This is sometimes still done, but it has not been a rule of the Immigration Service for some years, although it was formerly such a rule.

However, in the ordinary case what happens is you have a hearing, then there is another hearing, perhaps in three or four weeks, and during that interval you, of course, have plenty of time to make your investigation.

But here we have a continuous hearing for days on end which, as you know, is extraordinary, and it seems to us that in such a situation we should have time between the calling of the witness and his cross examination, and most especially because

(Testimony of Ezra Chase.)

the Government would not reveal its evidence, or the names of witnesses, we feel that we are entitled to make the [410] investigation and to have time to make a proper investigation so that the true facts may be before your Honor.

Presiding Inspector Do you think that tomorrow morning you will be able to go ahead, don't you, with this witness, on cross examination?

Mrs. King: I think we could really be well prepared if we had longer.

Presiding Inspector: I think we will allow you to suspend the cross examination until tomorrow morning.

Mrs. King: Thank you.

Presiding Inspector: You may be excused, but you be here tomorrow morning.

Call your next witness.

Mr. Del Guercio: I object to that procedure, your Honor.

Presiding Inspector: Enter the objection on the record.

We will have the witness here tomorrow morning.

(Witness temporarily excused.) [411]

Presiding Inspector: In Washington, when you weren't present, Mr. Del Guercio, a motion was made by Mrs. King for the names of the witnesses. This motion I denied. But I assured Mrs. King at that time that she would be given an opportunity to make an examination whenever I thought it was necessary, and it is in the line of that ruling then, to

which no objection was made, that I make this postponement until tomorrow morning.

Mr. Goodwin: I assume, your Honor, that the same indulgence will be extended to us with reference to the defense?

Presiding Inspector: Certainly, certainly; certainly it will.

Call the next witness.

Mr. Del Guercio: The next witness is being called, your Honor.

I might state, your Honor, that this puts the Government at a disadvantage here. We are acting in good faith here; we are producing our witnesses in Court here. They are giving their testimony on the stand, and counsel have ample opportunity to cross examine them. Certainly this hearing is not going to deteriorate into an acquisition here to permit counsel to go on a fishing expedition without anything to go on. They say they have some suspicion here; I question that challenge very much. They have no suspicions at all of this witness. There is nothing to indicate that this witness [412] is not telling the truth on the stand, and they have no right to make such statements here.

Presiding Inspector: That doesn't impress me, either your statement or theirs. Call the next witness.

Mr. Myron: Mr. Schnering.

May the witness be sworn?

Presiding Inspector: Stand up and raise your right hand.

FARRELL SCHNERING

a witness called by and on behalf of the Government, being first duly sworn, testified as follows:

Direct Examination

By Mr. Myron:

Q. What is your full name?

A. Farrell Schnering.

Q. Where do you live?

A. I live in Milwaukee, Wisconsin.

Mr. Grossman: May we have the full name?

The Witness: Farrell Schnering, F-a-r-r-e-l-l S-c-h-n-e-r-i-n-g.

By Mr. Myron:

Q. What is your address in Milwaukee?

A. 1247 North 11th Street.

Q. Are you a member of the Communist Party?

A. Presently, no.

Q. Have you ever been a member of the Communist Party? [413] A. Yes, sir.

Q. When did you become a member of the Communist Party?

A. I first became a member of the Communist Party in January, 1929. I remained a party member until about the month of May, 1930 and then I just dropped away from the party but remained——

Q. (Interposing): Now, before we get to that, when did you become interested in the Communist Party movement? A. About 1927.

Q. Will you tell us the circumstances, that is, from that time leading right up to your membership?

(Testimony of Farrell Schnering.)

A. You mean leading from the time of my interest?

Q. When you first became interested in the Communist Party until the time of your membership?

A. Well, I first became interested in the Marxist movement—I wish to put it that way—when I was about 16 years old. My father was a self-styled Social Democrat and he had substantially more than just an academic interest in Marxism, and he had a good library, a rather extensive Marxist library. I then did considerable reading of Marxian literature, but I didn't feel that my interest in Marxism went beyond, at that time, just an academic interest.

By 1926 or '27 I had met a few members of the Communist Party and other people who called themselves Communists. Now, it is a fact that my father had been inclined to sympa- [414] thize with those people who had split the Socialist Party in this country in 1919 and wanted to go along in support of the Russian revolution. But after I met some people who had been associated with the party in 1927 I became more vitally interested in the movement, and from time to time I was able to acquire certain party literature, pamphlets, and things of that sort on occasions.

Q. Did any members of the Communist Party influence you to join? A. Did what?

Q. Did any of the members of the Communist Party influence your decision to join?

A. In a sense, yes, but my mind was pretty well made up before I actually came into the party as

(Testimony of Farrell Schnering.)

a result of a rather long standing interest in the movement.

Q. Did you talk to anyone just prior to joining, that might have influenced you at that time to join?

A. Well, they influenced me in the sense that they hurried me into making my decision. That is the reason——

Q. (Interposing): Who were "they"?

A. Principally a fellow by the name of Fred Bassett Blair, another fellow by the name of Norman Saader.

Q. Where were you living at this time?

A. When I first became interested in the party I was, during this period I spoke of—my father being a Social Democrat—I was living in Madison and I became further in- [415] terested in the party and began to read actual party publications in 1927, as I stated previously. At that time I was living in the City of Milwaukee.

Q. You say you joined in January of 1930?

A. Yes, sir.

Q. Did you receive a membership book at that time? A. I did.

Q. And were you given any instructions at the time you received your membership book as to how you should keep it and what you should do with it?

A. Party members were given to understand that a membership book is something they should guard very carefully, that it is not advisable to carry the membership book upon your person, that

(Testimony of Farrell Schnering.)

it is not advisable to allow non-party people to see your membership book, and the membership book is something that is the personal property of the party member, and is not to be displayed promiscuously.

Q. And those instructions were given to you when you joined the party? A. Yes, sir.

Q. Now, you were not very active in the party at that time immediately after or subsequent to your joining the party in January of '30?

A. That is right.

Q. And sometime subsequent to that time, January '30, [416] you became interested in some of the movements, Communist Party movements?

A. Yes, I became interested in the International Labor Defense, which at that time, was one of the leading Innocence Clubs for the party.

Q. When was that?

A. Well, that was in 1930, after I had joined the party.

Q. And, of course, you were closely associated with the members, and leaders of the Communist Party in Milwaukee at that time?

A. That is right. Milwaukee, at that time, was a Section of District Eight. That is a Section of the Chicago District of the Communist Party.

Q. And having joined the party in January '30 you had their confidence and trust?

A. Oh, yes.

Q. And you then became a member of the ILD?

A. Yes, sir.

(Testimony of Farrell Schnering.)

Q. What is the ILD?

A. Well, the International Labor Defense might be described as a civil liberties organization of the Communist Party. The program of the International Labor Defense was to defend workers, who, from time to time, might be arrested as a result of their activities in the labor movement, or activities on any issue regarding civil liberties, the rights of [417] nationality and racial minorities, et cetera, and the International Labor Defense would undertake to supply them with counsel, as well as to prepare a—that is, they would supply them with counsel and then prepare a mass defense.

The International Labor Defense instructed all people that there was no hope for justice in the class courts, as they are defined by the International Labor Defense and the Communist Party.

Q. Now, what was the relation of the ILD to the Communist Party?

A. Well, it worked out like this: workers presumably joined the International Labor Defense because they understood the nature of capitalistic justice. In understanding the nature of capitalistic justice, from that they understood that it was necessary to associate themselves to struggle militantly for the defense of workers who were victimized by capitalism.

Now, during this process of struggle, according to the reasoning of the International Labor Defense, during this process of the struggle against Capitalists' injustice the workers became more

(Testimony of Farrell Schnering.)

aware of the nature of capitalism, and through the struggle for the defense workers, of course, they came to understand the mass power of the workers. And the next stepping stone from this, of course, was membership in the Communist Party. So that the International Labor Defense, on the basis of its mass contacts with workers, on the [418] question of defense was able to reach workers and recruit them to the Communist Party, but the responsibility for this recruitment lay with the party Fraction within the International Labor Defense.

Q. And the ILD was organized and controlled and dominated by the Communist Party?

A. Yes, sir.

Mr. Gladstein: Your Honor, we object to that kind of question on the ground it is compound and leading.

Mr. Myron: Now, that isn't leading.

Presiding Inspector: Of course, we have already had a good deal of testimony on that.

Mr. Gladstein: So we have, your Honor, but questions of this character which call for answers to three different points and which are leading should not be——

Presiding Inspector: Separate the question.

By Mr. Myron:

Q. You were a member of the ILD, the District Unit of the ILD at Milwaukee; is that true?

A. Yes. I was first Assistant Secretary, and then I became the State Secretary of the Interna-

(Testimony of Farrell Schnering.)

tional Labor Defense in Wisconsin. Then, I became a member of the National Committee of the International Labor Defense.

Q. Now, were you a member of the Communist Party? A. Oh, yes. [419]

Q. And was it through the influence of the Communist Party that you obtained the official position of the ILD?

A. I was assigned to this job by the Communist Party.

Q. For what purpose?

A. To run the organization in the State of Wisconsin, to perpetuate myself in office as long as the party wished me to hold that position, and to assure that at all times the state organization of the International Labor Defense, through the District Committee, would remain committed to the policies of the Communist Party.

Q. Now, your last answer states the policy of the Communist Party in regard to your position in the ILD, is that right? A. That is right.

Q. That is the party policy that you have just given us?

A. That is the party policy as regards the ILD or any other Innocence Club that I ever had anything to do with.

Q. And is the basis for your previous answer that the ILD is controlled and dominated and organized by the Communist Party, is that true?

A. That is right.

(Testimony of Farrell Schnering.)

Q. Now, you said you were Secretary of the ILD? A. State Secretary, yes.

Q. And you told us that the purposes of that organiza- [420] tion were to defend, or provide for the defense of party members, Communist Party members?

A. Of any worker, Communist Party members, or any other person who was arrested as a result of participation in the labor movement, or taking part in any struggle that had to do with civil liberties, or the right of nationality and racial minorities.

Q. Now, what steps would be taken by the Communist Party in directing the actions of the ILD in that respect when a member was arrested or under charges, placed under charges?

A. Well, the first thing that the International Labor Defense would do would be to try to get this man or woman, this person out of jail on bail, engage counsel for him, and then we would begin to prepare a case.

Now, we always took this position: The attorneys do not try these cases. We try the case and the attorney is only a mouthpiece, in the strict sense of the word. We would only choose those attorneys wherever it was possible, of course, who would agree to pursue a class struggle policy in a court room, that is, we said the court room, to us, represents only a forum in which we will unmask the nature of capitalist justice.

(Testimony of Farrell Schnering.)

Q. Then, it was the usual policy of the ILD, being a part of the Communist Party, to hire attorneys to represent [421] the members of the party and defend them in courts?

A. Yes, and wherever possible we chose attorneys who were at least sympathetic with the program of the party.

Q. Of course, the usual policy is to let the defendant take care of his own case, isn't it?

A. Whenever he is able to do that.

Q. It is only when it is a very important issue the ILD will come in on behalf of the Communist Party and represent the men under——

A. (Interposing): The ILD always came in on its own behalf as the International Labor Defense.

Q. Now, are you familiar with the policy of the Communist Party in regard to testimony which a party member might give in court or might be required to give in court? A. Oh, yes.

Q. What is the policy of the Communist Party in that respect? What do they advise?

A. Well, you see, as far as the Communist Party is concerned, from the Marxist point of view all truth is relative. We did not hesitate to send out instruction witnesses to court, instructed in the sense that we would sit down before a trial opened and make a case as best we could. There was no compunction about lying at all. That is, from time to time there were many cases—I think that I could recall instances [422] in which 50 or 60 witnesses knew many hours before they came to court that

(Testimony of Farrell Schnering.)

they were going there to lie. For example, John Jones might have been accused of striking a policeman at a demonstration. We would produce witnesses who would swear that John Jones was seen by them 60 feet away from the policeman at the time that he was struck.

Q. Then, it is the policy of the Communist Party, as you have just stated, to make false statements under oath? A. Oh, yes.

Q. If it is for the best interests of the party?

A. Truth is no issue as far as a Marxist, Communist or Bolshevik, whichever you wish to call him, is concerned; truth is scoffed at.

Q. That is what the Communist Party teaches and advocates? A. That is right.

Q. Among its membership?

A. Yes. Lenin says a bourgeoisie truth presupposes a lie. All the Bolshevists are liars. Truth is a bourgeoisie quality with which all good Bolsheviks may easily dispense.

Q. Now, along those lines are they also requested to conceal their identity on certain occasions?

A. Not only requested but advised and instructed to conceal their identity.

Q. And when it is for the interests of the party they [423] are told to deny that they are members of the Communist Party? A. Oh, yes.

Q. Now, as a member of the, or as an officer of the ILD did you have occasion to attend any of the party conventions and meetings? A. Oh, yes.

(Testimony of Farrell Schnering.)

Presiding Inspector: You mean the Communist Party Conventions?

Mr. Myron: These are the conventions of the ILD, your Honor.

Presiding Inspector: Yes.

By Mr. Myron:

Q. Is that true?

A. I attended conventions of the International Labor Defense whenever they were held.

Q. Now, did you attend a convention some time in May or June of 1932 at Chicago? A. Yes.

Q. A national nominating convention?

A. Yes sir, in the month of May, 1932, I attended the national nominating convention of the Communist Party.

Q. Who asked you to attend that convention?

A. Well, I was a party delegate. I was a delegate from the Milwaukee organization of the party.

Q. And that was at Chicago?

A. Yes, in the Peoples Auditorium. [424]

Q. Do you remember any of the important issues that were discussed at that convention?

A. Oh, yes.

Q. Could you describe some of them?

A. Well, the most important business of the convention was to nominate presidential and vice-presidential candidates. William Z. Foster and James Ford were nominated presidential and vice presidential candidates.

Q. Now, this was the ILD convention?

(Testimony of Farrell Schnering.)

A. No; no; this was the nominating convention of the Communist party.

Q. I see.

A. The International Labor Defense, however, sent delegates to that convention.

Q. And you represented the ILD at that convention, is that right?

A. No; I was representing the Milwaukee Section of the Communist Party.

Q. All right, go on.

A. Well, an issue discussed at the convention was described as the revolutionary upsurge of the masses in 1932, and there were sundry speeches by leading figures in the party.

Earl Browder, in his opening address to the convention at the session in the Peoples Auditorium was of the opinion that the revolution was probably rather imminent, and they discussed how best the American working class could be organized and [425] mobilized for struggles for power, Soviet power. The solutions to the problems of the American workers were said to be bound up with the problem of building a Soviet America. [425-a]

Q. Were you an official of the Communist Party at that time?

A. I was just a member of the Communist Party at that time, assigned to active work in the International Labor Defense.

Q. Now, did you attend any convention of the ILD during your membership? A. Oh, yes.

(Testimony of Farrell Schnering.)

Q. Did you attend a convention in October of 1932 in Cleveland of——

A. (Interposing): Yes. That was the national convention of the International Labor Defense.

Q. And what was discussed, or what was the purpose of that convention?

A. The purpose of that convention was to discuss the problems of the International Labor Defense, how the ILD could best mobilize the American Workers for their own defense.

The Scottsboro Case was one of the central issues before the convention.

Also the problem of the release of Tom Mooney and others in a similar position.

Q. During that convention did you have occasion to attend any meetings of the Communist Party?

A. Yes. At conventions of the International Labor Defense, or at conventions of any other front organization that [426] I ever attended, the Party always holds Fraction meetings.

The procedure usually is this: We held a Fraction meeting the night before the opening of the convention in order to advise the Party members what would be expected from them the next day on the floor of the convention.

Each evening of the 1932 convention of the International Labor Defense we held Fraction meetings in order that we might evaluate the experiences of the day and plan our line for the coming day.

(Testimony of Farrell Schnering.)

Q. And that was the policy of the Communist Party?

A. That is the policy of the Party. The Party must, of necessity, pursue such a policy. How else would it manage to run these conventions?

Q. Now, did you ever meet a representative of the Soviet Union?

A. At the 1932 Convention——

Q. (Interposing): Meaning the convention——

A. (Continuing): ——the convention I am now discussing—I met a representative of the International Red Aid, which was the parent body of the International Labor Defense.

The circumstances under which I saw this man and heard this man are these: Prior to the convention, the national convention of the ILD in the month of October, 1932, I would say about six months prior to the convention, we began—by "we" I mean the International Labor Defense—we began an [427] effort to organize youth branches of the International Labor Defense.

Now, the Communist Party and the International Labor Defense were of the opinion that the young workers ought to be organized to defend young workers and others against capitalistic injustice.

This was a rather trying problem to organize these young people, but we had found that we had to have a youth movement.

So I finally persuaded a young woman in Milwaukee to take on the task of building youth branches

(Testimony of Farrell Schnering.)

of the International Labor Defense. We spent quite a lot of time and quite a sum of money on this task.

By the time the convention of the International Labor Defense which I have mentioned previously, convened in Cleveland, on my way to Cleveland, I felt I would be able to report some progress by reason of the fact that in our district we had built two good youth branches in the city of Milwaukee, there being about 75 young people organized in both of those branches.

But at Cleveland we learned that the International Red Aid had frowned upon organizing separate youth branches of the ILD.

Now, it seems that over in Philadelphia, where they had had some experiences with youth branches, the results had been somewhat disastrous for class conscious workers. The young [428] people became more interested in playing baseball than in projecting the class struggle, and it reached the point where the boy's ability to play baseball might be the first consideration, rather than his integrity as a class conscious young worker. Of course, the Communist Party deplored this situation.

I understand that there had been some trouble in Germany as well.

In any case, the International Red Aid advised that it would no longer be the policy of its American Section, that is, the International Labor Defense, to organize the youth separately, but rather we

(Testimony of Farrell Schnering.)

would bring the older workers and the young workers into the same branch.

Q. From whom did you learn this?

A. I learned this from the Organization Commission of the Central Committee of the Communist Party.

Q. Who was that? A. What?

Q. Who was that? A. I don't understand.

Q. Who held that position?

A. Well, it was held by a group of men.

Q. Well, did any one of the men speak to you and tell you that?

A. I received a letter from Lawrence Emery, I received a letter from Frank Spector, I received a letter from William [429] L. Patterson.

Q. What was their position in the Party?

A. The position of all these men was that they were speaking as a part of the national Fraction of the Party; that the Organization Commission of the Central Committee of the Communist Party had advised them that henceforth the policy of the ILD might not be to pursue the policy of organizing youth branches. This was not a final decision, however, until we got to Cleveland.

At Cleveland, however, on the second night or the second day of the convention, we held a Fraction meeting and William L. Patterson, also a member of the Communist Party, or he wouldn't have been at the Fraction meeting, told us that because of the wishes of the IRA, and because of the wishes of

(Testimony of Farrell Schnering.)

the Central Committee of the Communist Party of the United States, and because of the experiences thus far in organizing youth branches, we would terminate that policy, liquidate the youth branches, and bring the young people into the same branches with the older people.

There were some of us who were inclined to look askance on the feasibility of pursuing that policy, because we felt it was quite impossible to bring young workers, let us say, 18 or 19 years of age, some only 16 years of age, into a branch made up of grandfathers and grandmothers, in any case mothers and fathers. We didn't see how we could do that. [430] Those of us who had obtained a measurable success in organizing these youth branches had done so at the expense of considerable work. We felt that the International Red Aid had erred in declaring this new policy; that the Central Committee of the Communist Party had erred in supporting that policy. With us it was not a matter of just opposition to a decision for the sake of that, but rather we were seeking to clarify what was an important issue.

Those of us who opposed the liquidation of the youth branches spoke to that effect that night. I think I talked about two hours, if I remember rightly.

Finally, myself and a comrade from Buffalo, continued to hold out in opposition to the idea of liquidating the youth branches.

Well, at that time it was getting late—it was

(Testimony of Farrell Schnering.)

about half past one in the morning—and we were already tired. Patterson got up and said, "Now, Comrades, all of us know, first of all, that it is not permissible for those of us who belong to the Party to oppose decisions made by the leading committees of the Party." He pionted out to us "Here the Central Committee has ruled. It has ruled on the basis of the decision of the IRA and, therefore, there is no point in us sitting here until morning fighting a decision that is binding upon all of us."

At this point he said he wanted to introduce another [431] Comrade, and he introduced a Comrade who represented the IRA. Now, he didn't introduce this Comrade by name, because that is not the policy of the Party to do so.

Q. Did he say he was representative of the IRA?

A. He said he was a Comrade from Moscow who represented the IRA.

The Comrade from the IRA told us: "Here, now, this has gone far enough." He told us, pointed out to us, once again that the decisions of the parent body were final and binding upon the American Section. He said, "However, in view of the fact that this may create so much confusion, as some of the Comrades have pointed out, we can make a compromise and permit you three months' time in which to bring about the liquidation of the youth branches. But the IRA has ruled and you will do as you are told to or you will get out."

Q. You took part in the forming of this youth

(Testimony of Farrell Schnering.)

movement in Milwaukee, did you not, previous to this convention?

A. Previous to this time I had given directions to the young lady who actually organized the youth branches.

Q. Had you built up some sort of an organization?

A. Yes. I had about 75 young people organized into two youth branches of the International Labor Defense.

Q. In view of the decision of the IRA representative and the Committee, what did you do?

A. After I got back to Milwaukee?

Q. Yes? [432]

A. After I got back to Milwaukee we began to explain to these young people that a new policy was going to be pursued; that is, we said that the American working class, to defend itself against Capitalistic injustices, must display the unity and solidarity of the masses and, therefore, it will not do to have the young people and the older people divided, but to make this unity and solidarity more clear in the face of the workers, we are going to put you in one branch.

Q. This, again, was the policy and teachings and advocacies of the Communist Party?

A. Right.

Q. And you were using that at that time to carry out the orders of the IRA delegates?

A. These are the dialectics of the revolution at work in the International Labor Defense.

(Testimony of Farrell Schnering.)

Q. And you did liquidate that youth movement, or youth clubs? A. Oh, yes.

Q. Does the Communist Party have schools of expression?

A. Will you repeat the question?

Q. Do they have public speaking classes or schools of expression?

A. Yes. The Communist Party organizes workers' schools, to all intents and purposes non-political organizations, interested only in the education of the masses. [433]

Q. Are you familiar with any of these schools that were organized and run by the Communist Party?

A. I was one of the directors and one of the teachers in the Milwaukee Workers' School, which we organized in 1934.

Q. One of the what?—Directors?

A. One of the Directors and one of the teachers.

Q. What subjects did you teach?

A. I have taught, at various times in the Milwaukee Workers' School, public speaking, parliamentary law, American Labor History, Marxism and Leninism.

Q. What was the purpose of these schools?

A. The purpose of these schools was to educate as many workers as possible to the Communist Party line without their knowing it.

Q. Well, were they all members of the Communist Party? A. Decidedly not.

Q. They were not?

(Testimony of Farrell Schnering.)

A. No. Any worker was eligible to come to the school. In fact, we would go just as far out of our way to get a non-Communist as we would to persuade a Party member to come in.

Q. Of course, it was the policy of the Party, through its instructors, to influence the students of the school to follow Communist Party policies?

A. Yes. The school is also a recruiting agency for the Communist Party. [434]

Q. You mentioned the IRA. What is the IRA?

A. The International Red Aid is the parent body of the American Section of the International Labor Defense. That is the International organization.

In Germany it was called the International Red Aid.

In this country it was called the International Labor Defense.

Q. Where is its principal office?

A. Moscow.

Q. Who controls the IRA?

A. The Communist International.

Q. And how did you describe the relationship of the ILD to the IRA?

A. The International Red Aid at Moscow is the parent organization of the International Labor Defense; that is, the International Labor Defense in this country is the same section of the International Red Aid. Now, the International Red Aid maintained a presidium, a presiding committee, which is in session the year round in Moscow. This

(Testimony of Farrell Schnering.)

presiding committee was made up of the representatves of the various sections of the International Red Aid; that is, the German Section, the American Section, the French Section, and from every country where a section of the International Red Aid existed they sent a delegate to Moscow to sit on the presiding committee and deal with the world problems of the International Red Aid [435] and advise various sections of the IRA on tactical lines and so forth.

Presiding Inspector: We will take a short recess.

(Whereupon a short recess was taken.)

Presiding Inspector: Anything further?

My. Myron: Yes.

Presiding Inspector: Go ahead.

By Mr. Myron:

Q. In connection with your position in these schools that you referred to where you were an instructor, would you tell us just what was taught by you?

A. You mean specifically what I taught?

Q. Yes.

A. Taught my pupils in the Workers' School?

Q. Right. What subjects, first, and then we can probably go into a discussion of the subject matter.

A. Well, I taught American Labor History. That was one thing I taught. The book that we used was Anthony Bimba's History of the American Working Class.

Q. In lecturing on these subjects did you advise,

(Testimony of Farrell Schnering.)

teach the pupils what should be done in labor groups, labor organizations?

A. Oh, yes. As a teacher of American Labor History I pointed out the reformist character of the American Labor movement; that the mis-leaders of labor, as we called them, [436] had committed the American Labor movement to a policy of class collaboration; that is, these men had been so deliberately treacherous that they had given the members of the American Labor movement every reason to feel that something could be gained by class collaboration; that is, that it was possible for the workers and employers to sit down at a table and bargain collectively in an amicable fashion and that that would result in benefits for the worker. We taught our students that this was the most dangerous pitfall of all; that the policy of the labor movement ought to be one of out and out uncompromising class struggle.

We dealt with various situations that had occurred from time to time in American Labor history.

Q. And what you stated should be the policy of the labor movement?

A. Well, yes, yes. We always pointed out that in Russia the workers and the peasants had resorted to more militant organization; that they had followed the leadership of Lenin and the Bolsheviks, and that they had associated themselves in a revolutionary fashion and the culmination of that revolution was November, 1917, when the workers and peasants rose up in arms, uprising, and by force

(Testimony of Farrell Schnering.)

and violence which, of course, history had forced upon them in the Czarist Government, and the class forces in Russia, and they had destroyed root, stem and branch, and left no stone standing of the old order, and [437] they had displaced the old order with the dictatorship of the proletariat and the Soviet form of government.

We indicated that there would be no solution of the problems of the American workers until such time as the American workers would follow a similar course.

Q. And this was the policy——

A. (Interposing) Then we pointed out that the Communist Party was the only organization in the world that pursued such a program. Therefore, it became the duty of any class conscious worker, any reasoning worker, once he understood the issues, to become a member of the Communist Party and to understand that ultimately he would associate himself with other workers for the seizure of power and the establishment of a Soviet America.

Q. And you were teaching at this school under whose direction?

A. Under the direction of the District Committee of the Communist Party, District 18, in the State of Wisconsin.

Q. Who was your immediate superior?

A. Nominally, you mean?

Q. Well, who would you call your immediate superior?

(Testimony of Farrell Schnering.)

A. The Comrade who held the title of Director of the Workers' School, was a young lady by the name of Mary Allen, who was the wife of the District Organization Secretary, whose name was Harry Yaris. She was the Director of the Milwaukee [438] Workers School. But, of course, I didn't consider her my superior. My superior was Morris Childs, who was the District Organizer of the Communist Party, and whose word was law in the Workers' School, as well as in all other matters relating to the administration of the Communist Party in the State of Wisconsin.

Q. What books were used at this school?

A. Well, we used, as I mentioned before, Bimba's History of the American Working Class. But we found out that Bimba wasn't too accurate, and we had to use "Trade Unionism, in the United States" by Selig Perlman, Professor at the University of Wisconsin, and a man whom we had always termed the Socialist Fascist, but this represented the best work on the subject at the time.

We also used the "Collective Works of Lenin," as published by the International Publishers.

We used Bukharin's "Historical Materialism," and from time to time we drew from Bukharin's pamphlet, "The A.B.C. of Communism."

We used the Communist Manifesto, and we drew on Marx' "Das Kapital".

We also used—I mentioned previously the Communist Manifesto—and we used "The Revolution

(Testimony of Farrell Schnering.)

of 1848", and we used Engels' "Socialism, Scientific and Utopian."

We drew from the "Origin of the Family, Private Property [439] of the State," and sundry pamphlets and books that had been issued either by the International Publishers or Workers' Library Publishers.

In each case, for each course, we prepared a rather comprehensive outline, and these works that I have mentioned were the sources from which we drew to prepare the outlines that I have mentioned.

Q. Was there any discussion of the tactics and methods to be used by the membership of the Party in their relationship with trade unions?

A. In the Workers' School, because it was to all intents and purposes a non-political organization, we put it this way—"What every class conscious worker ought to do." That is, we pointed out that it became the duty of every class conscious worker to belong to the union in the industry in which he was employed; that class conscious workers ought to strive to make as many mass contacts as they possibly could in the Party. We spoke then of the duty of Party members. But in the Workers' School, you see, this was to all intents and purposes an educational institution for the purpose of carrying on workers' education; but our line was the Communist Party line because the Communist Party controlled the school.

For example, the Communist Party wishes to send its members into unions and other organizations where they can make mass contacts. [440]

(Testimony of Farrell Schnering.)

In the school we tried, as a result of those courses, to commit a worker to the Party line, and here was a man or a woman armed with the Party line, a scalpel of Marxism and Leninism, we used to call it, and he would join a group, or he belonged to some fraternal organization, or some other group, and there our Fraction contacted him and knew he was a student in the Workers' school and more or less committed to the Party line. He was of great use to the Party in these organizations.

We had 700 members enrolled in the Milwaukee Workers School at the high point.

Q. Then it was the object of the Communist Party to influence the members of the union, through contacts made with Communist Party members who were also in the union?

A. That was one of the means that we used; yes, sir.

Q. And that was for the purpose of gaining control and domination of the labor unions?

A. Yes; as far as we were able to do so.

Q. And ultimately use the unions for the purpose of accomplishing their ultimate aim and objective?

A. Yes.

Q. Which is——

A. (Interposing) The overthrow of the Government of the United States.

Q. How? [441]

A. By force and violence, by the process of the revolution, the armed uprising of the American Working class.

(Testimony of Farrell Schnering.)

Q. And that is the aim and objective of the Communist Party as you know it?

A. That is the aim and objective of the Communist Party as I know it; and the Communists, of course, contend that this is a matter that has been decreed by history and history has cast them in the role of those particular people who are going to lead, guide and direct this armed uprising which they speak of as the revolution. [442]

Presiding Inspector: Were the schools front institutions?

The Witness: Yes.

Presiding Inspector: What organization was nominally in control of them?

The Witness: Well, the Workers School was an organization.

Presiding Inspector: By itself?

The Witness: By itself. It was called the Milwaukee Workers School, and we had a few innocents who could be exploited to very good advantage.

Presiding Inspector: As sponsors for the school?

The Witness: As sponsors or supporters of the school.

By Mr. Myron:

Q. Of course, they had the confidence of the party leaders?

A. Oh, yes. We had a man in Milwaukee who was beyond reproach. He was an Economics Professor at the Marquette University of Economics, a man who contributed to other publications. He

(Testimony of Farrell Schnering.)

wrote a section of the American Encyclopedia of Social Science. That man was named Lyle Cooper. He was beyond reproach. Who would ever suspect that Lyle Cooper was a member of the Communist Party?

Q. Was he a member? A. Yes, sir.

Q. Are you familiar with the TUUL?

A. The Trade Union Unity League, you mean? [443]

Q. Yes. A. Yes.

Q. Will you describe the TUUL for us, its relationship with other organizations?

A. Well, the Trade Union Unity League was the American Section of the Red International of Labor Unions, the headquarters of which are in Moscow.

Now, in the early days of the Communist Party the Trade Union Unity League was called the Trade Union Educational League. That was during the period when the party was seeking to bore from within the American Federation of Labor.

Q. What do you mean by that, "to bore from within?"

A. To build Fractions, to send Communists into the labor movement, and to conduct themselves in such a fashion as will cause those activities to finally culminate in Communist domination of the labor movement.

Now, this Trade Union Educational League claimed to be purely an educational association, to educate the members of the American Labor

(Testimony of Farrell Schnering.)

Movement as to what constitutes good labor organization. In 1924 there began a factional fight within the party. William Z. Foster and others associated with him in the Central Committee of the party contended that it was time to withdraw from the American Federation of Labor, that the A. F. of L. was essentially a reformist in its character and committed to a policy of class collaboration [444] and, therefore, said Foster and his associates "It does not—the A. F. of L. does not represent the American working class". And another reason was that the American Federation of Labor was insignificant in numbers in comparison with the vast number of people who worked for their living here in this country, and the party did not feel that if it succeeded in taking control of the A. F. of L. it would have established a sufficient mass base for operation. And so they contended that it would be best to pursue a new policy, to build revolutionary unions in this country, and that the Trade Union Educational League became the Trade Union Unity League, and they went forth to organize militant, revolutionary, industrial unions in the United States.

They had the Steel and Metal Workers Industrial Union, for example, which took jurisdiction over our workers engaged in the metal working industries, and organized them into industrial unions.

Q. Let me get you straight on that. The TUUL organized this union?

(Testimony of Farrell Schnering.)

A. The TUUL chartered the Steel Workers—Steel and Metal Workers Industrial Union, and the Steel and Metal Workers Industrial Union would go into an industry and organize—try, rather—if never succeeded in doing so—would try to organize the workers in that plant, the machinists and tool workers, the machine hands, and the sweepers, all the workers in an industrial union, and those unions, of course, had been [445] inspired by the Communist Party. And to facilitate the organization of the TUUL, during the period of its existence, every party member was given to understand that it was his obligation, as a matter of party discipline, to belong to the Trade Union Unity League, to be affiliated with the Union in the industry in which he worked. If he were a coal miner, he belonged to the National Miners Union; if he were a metal worker he belonged to the Steel and Metal Workers Union; if he were a cook he belonged to the Food Workers Industrial Union.

Q. Now, was it possible for a member to be—or a person to be a member of both unions?

A. Oh, you could be a member of as many unions as you wanted to. You could belong to the Steel and Metal Workers Industrial Union even though you had never been inside a metal working plant.

Q. Now, what is the Red International?

A. The Red International of Labor Unions was

(Testimony of Farrell Schnering.)

the parent body of the Trade Union Unity League.

Q. Is there any connection between the Red International and the Third International?

A. They are one and the same, but the Red—oh, you mean the Red International of Labor Unions?

Q. That is right.

A. The Red International of Labor Unions was inspired [446] and organized by the Communist International and Lovosky was the head of the RILU.

Q. And that was true at the time that you were a member of the Communist Party in 1931 to '35?

A. Oh, yes. Now, you see the party had in the Central Committee the Trade Union Commission of the Central Committee. Jack Stachel, S-t-a-c-h-e-l, for a long time headed the Trade Union Commission of the Central Committee of the Communist Party, and the Trade Union Commission of the Central Committee was, of course, responsible for the welfare of the Trade Union Unity League, and in the district organization of the party we also had the District Committees, and the Trade Union Commission, and I was a member of that Commission in the Wisconsin District of the Communist Party, and it was our task to see to it that the party was able to operate and maintain a trade union center.

Now, during that period I belonged to the Steel and Metal Workers Industrial Union Local at the A. O. Smith Corporation; I belonged to the local of that organization at the Harnischfeger Corpora-

(Testimony of Farrell Schnering.)

tion, and I belonged to a group at the Allis-Chalmers, and to a group we had at the Meyer Manufacturing Company. I belonged to four unions and from time to time I used to meet with the Food Workers Industrial Union if I had the time to do so.

Q. Then, you might say that the TUUL has the same [447] relationship to the Communist Party in the United States as the Red International has to the Third International in Russia?

A. That is right.

Q. They are all one group?

A. But the RILU is the parent of the TUUL.

Q. And the controlling factor of all those organizations is the Third International?

A. That is right.

Q. Now, does the TUUL organize and set up its own unions? Is that what you said a moment ago?

A. The TUUL did. The organization is nonexistent in this country now.

Q. I see, but they did in the past set up various unions?

A. They did; they weren't too successful.

Q. And organized among the various laboring classes? A. Yes, sir.

Q. Membership in those unions?

A. That is right, and those unions then became recruiting centers for the Communist Party.

Q. I see; and they were a part of the TUUL?

A. That is right.

(Testimony of Farrell Schinering.)

Q. Organized and established and under the control of the TUUL, is that right? [448]

A. That is right.

Presiding Inspector: And the TUUL was wholly Communist?

The Witness: Oh, there were many members of the Trade Union Unity League who were not Communists. There were many workmen in the shops who joined the Trade Union Unity League, but the leadership of the Trade Union Unity League was at all times either in the hands of actual members of the party, or persons whom the party was very, very sure would at all times remain committed to party policy.

Presiding Inspector: And the control was through the Communist Fractions?

The Witness: Through the Fractions of the Communist Party which existed within the Trade Union Unity League.

By Mr. Myron:

Q. Did you know of an organization, Marine Workers Industrial Union? A. Yes, sir.

Q. Do you know whether that was a TUUL union?

A. That was a TUUL union. We tried very hard—Milwaukee is a big port on the Great Lakes, you know, and we tried very, very hard to build a Marine Workers Industrial Union in the Milwaukee port. However, we were not successful. We never get beyond a number of, oh, four or five or six seamen who were interested, lake seamen who were

(Testimony of Farrell Schmering.)

interested in the Marine Workers Industrial Union. We assigned a few fellows, [449] unemployed workers in the party who had never been on a ship, to see what they could do with the Marine Workers Industrial Union. We tried, through the medium of the Unemployment Councils, to establish relationship with seamen who laid in Milwaukee port over the winter. I talked to several groups of seamen but the seamen on the Great Lakes did not react very favorably to any of our efforts to organize a Marine Workers Industrial Union in the Milwaukee port.

Q. You spoke of "we". Did you mean that you had some part in organizing the Marine Workers Industrial Union in Milwaukee?

A. I had some part in trying to organize a Marine Workers Industrial Union but we were never successful.

Q. And under whose instructions did you make an attempt to organize these workers?

A. The District Committee of the Communist Party.

Q. I see. Now, can you give us any idea of any other group or class of people that the Communist Party endeavored to bring into its fold, and the methods used?

A. Yes, the petty bourgeois intellectuals.

Q. What is that?

A. The petty bourgeois intellectuals.

Q. What class would you say they belonged to? Would that be relief workers?

(Testimony of Farrell Schnering.)

A. Oh, it might be certain categories of relief workers. It might be—— [450]

Q. (Interposing) Well, did they attempt to organize the relief workers?

A. Oh, yes, we attempted to organize the relief workers with the Unemployed Councils, and on March 6, 1930, in most parts of the country, large demonstrations were held to protest against starvation, demand more and better relief, and the payment of unemployment insurance on the basis of full wages, and not one cent less than that, as the party put it.

Q. Now, were there any organizations established for that purpose among the relief workers that you know of?

A. Well, the Unemployment Councils began their activities before the days of the Public Works Programs, there was no Public Works Program back in 1930. So it was a proposition to organize workers into the Unemployment Councils in order that they might struggle for better relief. Then, by the time the WPA came along the Unemployment Councils had liquidated because, at that point, the party had taken control of the Workers Alliance, and the Workers Alliance became the medium through which the party organized and made contact with unemployed workers who were either on direct relief or working on the WPA or some other relief Public Works Program.

Q. What was the aim and objective of the party in organizing relief workers?

(Testimony of Farrell Schnering.)

A. To develop widespread militant mass struggles [451] to extend the influence of the Communist Party among the unemployed, in short, to build the revolution and to use, of course, the unemployed organizations, as the party uses all organizations in which it wields influence, as a recruiting ground for the party.

Q. And what sort of propaganda was issued by the Communist Party in order to influence these relief workers, if you know?

A. You mean as regards the unemployed organizations?

Q. Yes, what sort of a line, what sort of a party line was used to influence the relief workers and gain their support in the Communist Party movement?

A. Well, the Communist Party caused the Unemployment Councils to contend that capitalism had condemned millions of the unemployed to starvation, to give them only the most miserable existence on relief, and that it became the problem and the duty of workers to insist that if the capitalists couldn't give them a job that they still had to fit and feed them properly. To do this they had to organize themselves; they had to associate themselves in a militant class-conscious unemployed organization. And at that moment the Unemployed Councils, which had been organized and were controlled by the Communist Party, was the only organization, of course, which fought for adequate relief for the unemployed.

(Testimony of Farrell Schnering.)

Now, these unemployed workers were told it would [452] never do under any circumstance for you to go to these people expecting that, on the basis of reason, you will be able to persuade them to give you decent relief. You will only get as much as you are able to wring out of them and force them to give you as a result of your militancy and your organized power.

Now, then, we would point out this condition will always exist; from now on and henceforth there will be more and more millions of workers condemned to a relief standard of living and, therefore, it will be necessary for you to continue to associate yourself and fight militantly for better relief.

And, of course, the bait that the party held forward was that it would be able, as a result of this militant struggle, to win unemployment and social insurance for the unemployed, but this could only be won, it had to be understood, on the basis of the most militant kind of struggle. Now, then, we pointed out, of course, that during the process of all of the circumstances and all of these things that there was a country, however, where the workers—where there was no unemployment, excepting for those workers who were physically unable to work, or who, because of old age or other circumstances beyond their control, couldn't find a job; that country was the Soviet Union and there, of course, unemployment insurance was paid and social insurance was paid and the payments—

(Testimony of Farrell Schnering.)

the sum of payment, was very, very liberal. And, of course, it was a very wonderful thing that the Soviet workers had acquired all [453] these things. They had done it, however, only as a result of having exercised their revolutionary power to overthrow capitalism in Russia and displace the capitalist government with the dictatorship of the proletariat. The conclusion that the American workers ought to draw was only until they had followed in the footsteps of the Russian workers and farmers would they be able to reach a solution for the problem of the worker on relief.

Q. That is overthrow of the Government of the United States? A. That is right.

Q. By force and violence and substitute therefor the Soviet form of Government?

A. Yes. Let me interject here: This matter, of course—and violence is understood by every party member. As a matter of fact, one of the conditions for membership in the party is that a worker has reached the point, or any person has reached the point where he understands that force and violence must be used to smash and destroy the capitalist Government. That is what brings a man into the Communist Party.

Q. Are you familiar with an organization known as the American League Against War and Fascism?

A. Oh, yes; I happened to organize that thing.

Q. When? A. In 1933. [454]

Q. In Wisconsin? A. Oh, yes.

(Testimony of Farrell Schnering.)

Q. What was the purpose of that organization?

A. Well, Hitler had come to power, and the party had at its disposal in Milwaukee, and everywhere else, a large number of second rate intellectuals; quite a number of broken down school teachers, a number of writers whose principal grudge against capitalism was that they couldn't find any publisher to publish their articles or their books, a few old ladies who, I understood in previous years were militant followers of Margaret Sanger and turned to Bolshevism later on, and we had to do something with these people, and Hitler had come to power and it had become necessary to protect a mass struggle against Fascism. And so the party decided that it would organize this American League Against War and Fascism.

Now, you see, the Twelfth Plenium of the Twelfth International had declared this, "That the world has entered—" I am quoting now from the theses—someone check me if I misquote—"That the world has entered into a new round of wars and revolutions and Soviet power is of the order of the day."

Now, it was said, however, that the masses might check this imperialistic war and the CI seemed to feel at that time that the war was bound to determine to resolve itself in an [455] imperialistic war and form the Soviet Union. They weren't thinking about the possibility of Herr Adolph and Uncle Joe getting together at that time. So it was said that the masses might be able to check this war and seize

(Testimony of Farrell Schnering.)

power before the imperialistic war broke out, that is, they might be able to arm the masses, they might be able to rouse the masses to revolutionary action before this new imperialistic war broke out.

Well, Adolph Hitler came to power on the 30th of December, 1933, and about eleven weeks before that time the Thirteenth Plenium of the Communist International said, "The German working classes are now face to face with Bolshevism. We will soon vision the final triumph of the power, final power in Germany."

But Hitler came to power instead. Then, they had a problem, not the struggle against war, but the struggle against Fascism. Here I must point out the party had always lumped German Nazism and Italian Fascism into the same basket and spoke of it generally as Fascism. So it became necessary for the workers of the world and the impoverished middle classes, as they were called, and the toiling intellectuals—I have never happened to run into a toiling intellectual myself, but that is what the party called them—to associate themselves in a great united front to struggle against war and Fascism.

Now, in this country that struggle expressed itself [456] through this organization which was formed in 1933, the American League for Peace and Democracy. So we mobilized these middle class people, these intellectuals and so forth to join this organization, and we sent a number of them from Milwaukee.

(Testimony of Farrell Schnering.)

Q. When you speak of "we", whom do you refer to?

A. The Communist Party, they convened there in the first Congress of the American League, the first United States Congress against war. And then we said, the party said, "Now, here is the great American middleclass; here are the cream of the American intellectuals and they have become conscious of the threat of war and Fascism" and so they formed a great united front organization to go out and fight it, and that was how the American League was first organized.

Now, the party controlled the American League lock, stock and barrel, and the organization achieved measurable success from its organization onward, but by the time the Second Congress against war and Fascism, which was held in 1934 in the Ashland Auditorium in the City of Chicago on Van Buren Street, Ashland Avenue, they determined that something drastic was going to happen. We had taken the American League about as far as we could take it, unless we could succeed in getting a better cooperation from the labor movement, from the unions, and that became one of our principal problems from 1934 onward, to make still broader mass contacts for the American. [457] League for Peace and Democracy.

Finally the American League Against War and Fascism became the American League for Peace and Democracy. The party's line of reasoning was this: That the name "American League Against

(Testimony of Farrell Schnering.)

War and Fascism" indicated a negative position and they chose to change the name to a League for something, rather than against something. And also at the time that the name was changed to the American League for Peace and Democracy, by this time the Seventh World Congress of the Communist International had taken place in the month of August, 1935, and there the Communist International had committed itself and all of its Sections to the peoples' front program, that is, the threat to democratic forms of government had become so great as a result of the rise of Fascism that all Christian and liberty-loving peoples sought to associate themselves into a broad political coalition for the purpose of fighting for the preservation of these things which the Communist Manifesto away back in 1848, and to which the Party still subscribed, declared would have to be destroyed before the workers could bring about their own emancipation. [458]

But with the American League for Peace and Democracy I had a great deal of experience, particularly the activities of that organization in the State of Wisconsin. I was very busy at the Second United States Congress against War, which was held in the Ashland Auditorium in Chicago. I attended the Congress and I attended the Fraction meetings which were held in the evening, wherein the Party determined just what it would do and what it was not going to do at that Second Congress against War.

(Testimony of Farrell Schnering.)

Q. Now, was there any attempt on your part to organize on behalf of the Communist Party student groups in colleges or high schools?

A. Yes. I am a former student of the University of Wisconsin, which is the State University of my home state, and we began our activities there with the National Student League. Now, I had charge, for the District Committee, of Communistic Party activities on the campus at the University of Wisconsin, and at other schools and colleges in our State where we were attempting to carry on Communistic work, and our activities at the University of Wisconsin centered in an organization called the National Student League. That was finally liquidated when the American Student Union was formed.

Now, in that capacity, it was my task to go down to the University from time to time and meet with members of the Young Communist League and meet with members of the National [459] Student League. On occasions I would go down and give lectures. The University of Wisconsin has been in the habit for a number of years now of having a summer seminar for workers in industry, and those of us who live in the State of Wisconsin feel that that seminar is a very good thing, and the seminar tried to take a very broad point of view and give the students all angles. And they would permit members of the Communist Party to come down to their summer school for workers and lecture on the position of the Party. I have, on occasions, given talks

(Testimony of Farrell Schnering.)

to the students in the summer seminar at the University of Wisconsin.

Now, the National Student League, at the time it existed and I was in charge of Party activities at the University of Wisconsin, was trying to build this organization among students on the basis of the class struggle. For example, we would go to the students; they would go to the students at our instruction, that is, my instructions, who represented the District Committee, to project a struggle for free text books, greater student help, more academic freedom for the student body, and then, of course, in the N.S.L. the advantages on Soviet education were always pointed out to the students, and all these advantages of student education accrued to Soviet students, of course, by reason of the fact that Russia was the one country and the only country where the masses of the people had associated themselves in a revolutionary organization [460] under the leadership of Lenin in the Bolshevik Party and they had overthrown the Czarist form of government, had smashed capitalism, and had displaced all of those institutions with the Dictatorship of the proletariat and the Soviet form of Government. Students who found that they were having trouble paying their way through school, students who felt decidedly restricted by the lack of academic freedom were given on the one hand a great deal of hope that by joining the N.S.L. they might overcome some of these evils, but they would never be eradicated until such time as the National Student

(Testimony of Farrell Schnering.)

Body, as a whole, would have associated itself with the proletariat in the revoltionary organization which would eventually follow in the footsteps of the Russian masses, which meant, then, that the American masses would overthrow the Government of the United States, smash capitalism, root, stem and branch, organize the Soviet America, a workers' and farmers' government, the political basis of which would be the dictatorship of the proletariat here in the United.

Q. This was the Communist Party policy?

A. Oh, yes.

Q. To attract and influence this group of people to adopt their principles and ultimately join with them in the overthrow of the Government by force and violence? A. That is right.

Q. Now, does the Communist Party use, or organize and [461] establish newspapers or other means of transmitting their Party policy to the public generally?

A. The Party has a tremendous press. We used to brag that there was scarcely a language spoken in the country in which a Communist paper was not printed. They had many weekly papers; the Daily Worker which was the official publication of the Communist Party. They published many, many tons of pamphlets, books, through the Workers Library Publishers and the International Publishers. The Central Committee itself from time to time published pamphlets. The International Labor Defense had a magazine "The Labor Defender," and

(Testimony of Farrell Schnering.)

the Finnish—the Finlanders, even though a small national group, maintained two daily papers, one in New York and one in our own state, in the State of Wisconsin, a paper which is called Ettaanpaen, which was published in New York City.

Q. Did the Communist Party have a local newspaper in Wisconsin?

A. Yes, we established in 1936 a weekly paper called "The Wisconsin Voice of Labor." I was editor of that paper.

Q. And was the policy, Communist policy set forth?

A. On the masthead we printed "Official Publication of the Communist Party in the State of Wisconsin."

Q. Who directed the publication of that paper?

A. I was the editor of the paper, named to that position by the District Committee of the Party.

[462]

Q. By the what?

A. By the district Committee of the Communist Party.

Presiding Inspector: What year was that?

A. 1934; the paper ceased publication in June, 1935.

By Mr. Myron:

Q. Where did you receive the funds to finance the issuance of that newspaper?

A. We raised the funds by subscription, that is, we began a campaign to raise enough money to permit the publication of a working class paper in

(Testimony of Farrell Schnering.)

the State of Wisconsin, and we had our people, Party members and sympathizers, go out and approach them on this proposition, and we had a picnic to raise some money, and other affairs.

The unit organizations, the Party organizations had to sponsor activities which would raise money for the Party, and we had to raise $1500 before we could begin the publication of the paper. Well, we succeeded in doing that, and then we liquidated the paper for purely tactical reasons in the month of June, 1935.

Q. What do you mean by "Tactical reasons"?

A. Well, in 1934 it became apparent that very profound changes were going on in the country. We began at this time to liquidate the Trade Union Unity League. The tendency was toward a still broader aspect of the united front and we felt that in view of the way things were shaping up for us there was [463] not really a basis for an out and Communist paper in the State of Wisconsin. So we liquidated the paper because we thought it would be far better if we could come back with another paper, a non-partisan paper, or, let us say, a paper like the Peoples World or the Midwest Daily Record in Chicago, a non-political paper, you know, which should be controlled by the Party, but which to all intents and purposes would be a non-partisan paper.

Now, it is also a fact that we discussed with the Comrades in Chicago—we discussed with Bill Gebert, who was the Secretary still at that time—Bill,

(Testimony of Farrell Schnering.)

I guess, is now in New York City attached to the Central Committee, most of his work under their direction—Bill was of the opinion, "Well, Comrades, what is the paper worth?" They had had a paper in Chicago; they liquidated that. And we knew from our contacts with the Central Committee that the Central Committee in 1934 was looking toward the possibility of establishing a newspaper in the Middle West which would probably be published in the City of Chicago, which the Party would control. Therefore, we could not expect any great cooperation from the Central Committee in the matter of our newspaper.

Now, Clarence Hathaway, who was the editor of the Daily Worker, was a pretty good friend of mine, and whenever Clarence came into Milwaukee I used to spend as much time as possible with him. [464]

Now, Clarence was of the opinion—he said "Well, Comrades"—he said, "it is a notable success that you have established a paper here in the State of Wisconsin, but—" he said, "I am inclined to believe that the paper will very soon outlive its usefulness." And I had discussed this matter of the Party press with Hathaway because he was an authority on it; he was Editor of the Daily Worker, and Hathaway made it very clear to me that I could not expect, nor the Party organization in Wisconsin could not expect any great cooperation from the Central Committee on the matter of the newspaper, because anything that the Central Com-

(Testimony of Farrell Schnering.)

mittee would do would tend toward establishing a mass paper for the entire middle west which would be published in the City of Chicago.

Q. You mentioned the united front. What was the united front?

A. Well, the united front—the history of the united front went like this: Originally the united front was a coalition of masses of workers and poor farmers who had formed this united front, first of all to progress militant struggles for their own welfare. Among these workers in this united front were to be the most advanced and class conscious workers who understood the reformist character of the American labor movement, who opposed the class collaboration policies to which the American labor movement had been committed by the mis-leaders of labor, William Green, and in those days John L. [465] Lewis was a mis-leader of labor, and who had entered this united front for the purpose of bringing about a rank and file control of the labor movement, and to commit the labor movement to more clear-cut class struggle policies, and to generally project this whole mass struggle of the masses against capitalism. They would repudiate the mis-leaders of labor. They would repudiate the reformist leaders of labor. They would accept as a result of this united front—so the Communist Party calculated, and this was the whole purpose of the united front—these people would then accept the true leadership of the masses which was the revolutionary leadership of the Communist

(Testimony of Farrell Schnering.)

Party. And that, of course, would be the only true leadership by reason of the fact that the Communist Party, and the Communist Party alone is the only organization in the United States which seriously and wholeheartedly had in mind the objective of organizing and mobilizing the masses of the people for the overthrow of the Government of the United States, for the destruction of capitalism, for the establishment of a Soviet America and the dictatorship of the proletariat.

Well, there was a process of evolution went on in this united front tactic. Originally we told the workers that we would not trifle with the social fascists, that is, those people who went so far as to talk about Socialism but indeed were Fascists because they clung to a reformist class collaboration policy. And we said it would be utterly impossible, we [466] Communists in Milwaukee, why, how could we ever make a deal with Dan Hone? We called Dan Hone the great faker, you know, Socialist faker, is what we called Dan Hone. Why, we said we couldn't ever make a deal with Dan Hone. And how could Comrade Browder, with all his revolutionary integrity, ever think of associating himself with Norman Thomas?

This united front had to be from below. But after the Seventh World Congress of the Communist International and with the enunciation of the Peoples Front Party, then, the Party began to turn toward the policy of coat tail grabbing, that is, grab the coat of some prominent man and ride along.

(Testimony of Farrell Schnering.)

if you can; for instance, if a man became popular. We learned this lesson as a result of what took place in Germany. Now, Herr Adolph had said that he was the man who was going to preserve the tradition of the German people and carry it forward, and Ernst Targler and Thaelmann said "Oh, Hitler is a misleader. What we must do is destroy the tradition of the German people, and we are the men of the future, we Communists, who will destroy the old order and establish the new."

Well, the Party reasoned that Hitler had been rather smart in exploiting the traditions of the German people, and the World Congress with its denunciation of the Peoples Front tactics began a movement to exploit the tradition of peoples as far as possible, and to bring the Communists forward as the only ones who represented the tradition of the people, not [467] those who were going to destroy it, the better to deceive the masses of the people.

And so a person who was in a prominent position, for example President Roosevelt became a very popular figure, one of the most popular, the most popular President in American history, and the Communist Party would seek to ride the coat tails of a man like President Roosevelt, and they would say, "Now, President Roosevelt has advocated quarantining of the aggressors and we Communists advocate collective security. Why, it is the same thing. If you support Roosevelt, why, you just have got to support us as well."

(Testimony of Farrell Schnering.)

And if you support a man in the labor movement who speaks about unity, let us say any leader of the labor movement who speaks about unity, the Communists say, "Why, they got on John L. Lewis' coat tail."

Q. All this is done, of course, for the purpose of influencing certain groups of people?

A. It was done to influence; it was done to influence the masses, as the Communists say.

Q. Were you ever a candidate for public office?

A. Yes; I ran for Attorney General in 1934 in the State of Wisconsin.

Q. On the Communist Party ticket?

A. That is right.

Q. How were you nominated?

A. Nominated by the—I was nominated at a nominating [468] convention of the Communist Party.

Q. Where was that?

A. That was held in Milwaukee.

Presiding Inspector: Are you a member of the bar?

The Witness: No.

Presiding Inspector: You didn't have to be a member of the bar to be Attorney General?

The Witness: No, no.

Presiding Inspector: In Wisconsin?

The Witness: No.

Presiding Inspector: I didn't quite understand the dates that you were a member of the Party?

The Witness: I joined the Party first in Janu-

(Testimony of Farrell Schnering.)

ary 1930. I remained in the party until May 1930 and then I left the Party on a very friendly status; I just fell away, and then, in 1931, about June, 1931 I joined the Party again and I remained in the Party until December, 1935.

By Mr. Myron:

Q. Did you terminate your membership voluntarily? A. Did I what?

Q. Did you terminate your membership voluntarily? Did you leave the Party voluntarily or were you expelled?

A. I was expelled from the Party.

Q. You were expelled from the Party?

A. Oh, yes.

Q. What were the circumstances? [469]

A. Well, I hadn't intended to be expelled. The Communist Party permits, what has always been spoken of as self-criticism. Well, self-criticism is one of the doubtful ingredients of the revolution, so I indulged in a bit of self-criticism. I was inclined to feel that the Party was making many mistakes in the State of Wisconsin in the tactics being pursued as regards issues which I felt were of vital importance to the people of our state. And so I was—I thought that "My goodness, this is a terrible thing that the Party should make these mistakes. I, as a good Bolshevik, must prevail upon the Comrades to change their point of view and pursue that policy which may bring a greater result." But the Party told me that I was an old Bolshevik in a responsible position in the Party organization in the State of

(Testimony of Farrell Schnering.)

Wisconsin, that I should know that it was quite out of reason that I should be raising this criticism, and they said, "Without doubt you want to disrupt the District Committee and the District Committee organization in the State of Wisconsin. You will have to cease this criticism at once."

Well, I said, that I wouldn't do that, that, as a matter of my conscience I could not do so, and the Party then ordered me to cease all criticism. I contended that this I wouldn't do. So then they proceeded to accuse me; oh, they made—they accused me of very frank formality. They said that I was a victim of petty bourgeoisie parliamentary illusions. Well, I said, "I am sorry, Comrades, that the diagnosis reveals such a [470] deep-seated malady. Do you think there is any hope for me?" "Not unless you stop your criticism."

And so the Party, the District Political Bureau, of which I was a member, the District Bureau of the Party, proceeded to accuse me of sundry crimes and finally, after long deliberation which extended over the period from about the middle of June to the end of December, 1935, they finally decided that I had been expelled from the Party three months before that.

Q. Were you notified of your expulsion?

A. I was notified of my expulsion on December 30, 1935, after I had prevailed upon the Party for three months to define my status.

Q. By whom were you notified?

(Testimony of Farrell Schnering.)

A. The District Committee, by Gene Dennis, who, at that time, was State Secretary of the Party in Wisconsin.

Q. Mr. Schnering, were you ever arrested?

A. Was I ever arrested? Yes, in the City of Fond du Lac.

Q. What was the occasion for that arrest?

A. Well, that arrest was the aftermath of a meeting to protect against a farm eviction.

Q. Were you acting on behalf of the Communist Party? A. Yes.

Q. And what did you do? What caused your arrest?

A. Well, on a certain day I received a letter from our [471] Section organizer at Oshkosh, Wisconsin, asking me, or advising me, first of all, that the farmers in Winnebago County wanted me to come out to a little town called Omro and make a speech. In this speech they wanted me to set forth the attitude of the Communist Party on farm evictions. That is, the agrarian program of the Communist Party. They were curious; they wanted to know what we thought about these farm evictions, and what we could offer.

Well, of course, I was only too glad to go and talk to the farmers. So I went up to this little town of Omro and I made a speech. Of course, I talked about the United Farmers League, which was another Communist front organization among the farmers, and after that meeting was over that night at Omro one of the fellows—I don't remember who he was—he

(Testimony of Farrell Schnering.)

was a farmer that lived down near Cambellsport—asked me if I would come down to his farm and stay over night with him and go over to Fond du Lac the next afternoon, that they were going to have a—the Judge was going to give a decision regarding the property that belonged to a woman by the name of Mrs. Brome. They wanted to know if I would come over there to Fond du Lac and we would have a little meeting outside the court house.

Well, I was always willing to go to meetings at that time, so I stayed with this farmer and the next afternoon we went over to Fond du Lac, and there were a number of farmers and townspeople. Fond du Lac is a small town at the end of [472] Fox River Valley. The population was about 20,000. So there were about two or three hundred people, about three hundred people concentrated in the court house yard, so I began to make a speech. I was introduced in the course of time.

Now, the night before at Omro I had been told that on the occasion that Mrs. Brome had been evicted from her farm that the undersheriff and the deputy sheriff had been drinking whiskey and were intoxicated. So the next afternoon I mentioned the fact, that I had learned and had reason to believe that the undersheriff and his deputy were under the influence of liquor on the day that Mrs. Brome was evicted.

Well, there was a lawyer in the crowd who told the sheriff that then and there he could arrest me and charge me with criminal libel. They did that.

(Testimony of Farrell Schnering.)

I was not in jail very long. The farmers raised $200.00 bail for me. I got out of jail and it was a few weeks after that that I went to trial; I never served any time.

Q. Did you defend yourself?

A. Oh, yes, I defended myself. Those of us who were Party members, and able to defend ourselves, were not bound by any of the ethical standards of the legal profession, you see, and so we tried, wherever possible, to defend ourselves. When a Communist defended himself in a court room, then the court room really became a forum in which the program of the Communist Party was set forth, particularly the attitude of the Communist Party on courts and class justice. [473]

Q. Was that true in your case? A. Oh yes.

Q. You used the court room as a forum?

A. I did, rather successfully, too.

Q. Will you explain how you did take over in that case?

A. Well, on the day that my trial was to occur I was faced with a problem. The problem was this: They were going to—I calculated that there would not be less than a couple of hundred farmers at the trial. There would be a number of workers there, and here the capitalistic court would provide me with an audience, a forum from which I could speak, and I wondered just how I was going to get away with it.

Well, the District Attorney said, "Now—" he said, "If you will pay the costs in this matter I think we

(Testimony of Farrell Schnering.)

can arrange to drop the whole thing. "Well," I said, "How much would the costs be?" He said, "$50.00." "Oh, no," I said, "I couldn't think of paying that kind of money. I would sooner prove that the Sheriff was drunk." And I told him I had plenty of witnesses. But in this case the witnesses upon whom I was depending were not Communist Party members; they were just ordinary farmers from Winnebago County; they didn't know much about class justice and mass defense. These men would have been horrified if I had gone to them and said, "Now, here, you did see that Sheriff drunk, didn't you?" "No."

They were just good honest farmers who had let their [474] imagination run away with them, but I found that out after I got to my trial that morning. So here I was. How am I going to manage to make a speech. I wouldn't pay the $50.00. I had a lawyer with me and he said, "Well, I think we better pay the $50.00 and get it over with." Oh, no, I wouldn't concede that. I told the fellow, "As a matter of fact, I am enjoying this whole thing. When I get through here I will appeal this thing to a higher court and we will have some more noise over it. There is nothing I like better than to defend myself in court." So we went to the court room. When I came before the judge to enter a plea of guilty or not guilty, I told the court that I wished to make a statement before I entered a plea. Well, he said, "You can't do that, because that will constitute a—that would be

(Testimony of Farrell Schnering.)

making a plea with reservation and the Supreme Court in the State of Wisconsin has decided that you can't do that. If you do this you will be pleading guilty."

Well, I said, "O. K.," I would have to plead guilty, then. That would be all there would be to it—but I wanted to make this statement—so I made a statement to this effect: Now, I said, "It is a fact that I did come on a certain day to the City of Fond du Lac. I came at the request of certain townspeople and farmers who asked me to come and make a speech in which I would set forth the opinions of the Communist Party. [475]

Q. And you used that as an opportunity to express the opinions and policies of the Communist Party? A. Yes.

Q. And that was the opportunity you were looking for?

A. Yes, sir, that is right.

Q. And that was following the Party policy?

Mr. Myron: May it please your Honor, I think we have come to the point now where the witness will identify certain literature and I suggest that we have a recess at this time until two o'clock to give us time to get the literature in order.

Presiding Inspector: You think it would expedite matters?

Mr. Myron: Yes.

Presiding Inspector: Counsel has asked that we adjourn until two o'clock so he may arrange the documents which he is going to present.

(Testimony of Farrell Schnering.)

Mr. Gladstein: Through this witness?

Mr. Myron: Yes.

Presiding Inspector: We will adjourn until 2:00 o'clock.

(Whereupon, at 12:15 p. m. an adjournment was taken until 2:00 p. m. of the same day.) [476]

After Recess—2:00 o'Clock P. M.

Presiding Inspector: All right, Mr. Myron.

FARRELL SCHNERING

called on behalf of the Government, having been previously duly sworn, testified further as follows:

Direct Examination—(Resumed)

By Mr. Myron:

Q. Mr. Schnering, I show you a pamphlet entitled "Communist Election Platform," and on its first page it shows "Against Imperialist War—For Jobs and Bread. Vote Communist!" And there are two pictures on that page. On the inside cover it shows it was published by the Workers Library Publishers, June 1932. I will ask you if you can identify this?

A. (Examining pamphlet) Yes I can identify this. I remember this particular pamphlet very well. It is a so-called Central Committee pamphlet.

Q. Are you familiar with the contents of this pamphlet? A. Yes.

Q. Do the contents of that document express the principles and doctrines of the Communist Party?

A. Yes; they square with all that.

(Testimony of Farrell Schnering.)

Q. Do you know whether or not the Communist Party distributed and circulated that document?

A. Yes, I know they did.

Q. During your membership in the Communist Party?

A. During the period of my membership in the Communist Party; yes.

Q. I ask you to turn to the back of the cover, and there you will notice it was published by the Workers Library Publishers.

A. That is right.

Q. Are you familiar with that publishing company? A. Yes.

Q. Is that publishing company a part or a section of the Communist Party?

A. As far as I know, it is.

Mr. Myron: I offer it in evidence.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government Exhibit No. 122.)

Mr. Myron: I ask that a photostatic copy be substituted.

Presiding Inspector: Yes; the same as before.

By Mr. Myron:

Q. I show you a pamphlet entitled, "War Against Workers' Russia!" by Earl Browder, issued by the Communist Party, U. S. A. and ask you if you can identify that?

A. (Examining pamphlet) I can.

(Testimony of Farrell Schnering.)

Q. Are you familiar with the contents of that pamphlet? A. Yes.

Q. Do they express the principles and doctrines of the [478] Communist Party? A. Yes.

Q. And was that pamphlet issued by and distributed by the Communist Party? A. It was.

Q. During your membership in the Communist Party?

A. During my membership in the Communist Party; yes.

Mr. Myron: I offer this in evidence as the Government's next exhibit, your Honor.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 123.)

By Mr. Myron:

Q. I show you a pamphlet entitled "Party Organizer,' issued by the Central Committee Communist Party, U. S. A., and ask you if you can identify that.

A. (Examining pamphlet) Yes; I am familiar with this.

Q. Was that issued by the Communist Party?

A. Yes. That was issued by the Central Committee and every party member was supposed to read more or less religiously the Party Organizer in order that he might be guided properly in the organizational task which he undertook for the Party.

Q. Are you familiar with the contents of that booklet? A. I am.

(Testimony of Farrell Schnering.)

Q. And what do they represent, the contents? Are they [479] instructions——

A. (Interposing) They are the instructions or, as said in Party circles, directions of the Central Committee.

Q. Was that issued generally to the public or limited to members of the organization?

A. It is supposed to be pretty generally limited to just the Party membership.

Q. And it was issued by the Communist Party to Party members?

A. Yes. It was distributed to the Party members through the unit organizations of the Party, and every Party member was supposed to read the Party Organizer in order that he might be properly guided.

Mr. Myron: I offer this in evidence as Government's next exhibit in order.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 124.)

Mr. Myron. The date on this last booklet was July, 1932.

By Mr. Myron:

Q. I show you a pamphlet entitled "Party Organizer," issued February 1933, by the Central Committee of the Communist Party, U. S. A., and ask you if you can identify that?

A. (Examining pamphlet) I can.

(Testimony of Farrell Schnering.)

Q. Was that issued, circulated and distributed by the [480] Communist Party of the United States?

A. It was; that is right.

Q. And was that similar to the last pamphlet, issued only to members of the Party?

A. Yes.

Q. And not to the public generally?

A. No.

Q. Are you familiar with the contents of that pamphlet? A. Yes.

Q. Do they express the teachings and doctrines of the Communist Party? A. It does.

Mr. Myron: I offer it in evidence, your Honor.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 125.)

By Mr. Myron:

Q. I show you a pamphlet entitled "Party Organizer," issued August-September, 1933 by the Central Committee, Communist Party, U. S. A., and ask you if you can identify that?

A. (Examining pamphlet) I can also identify this particular piece of literature.

Q. Are you familiar with the contents?

A. I am. [481]

Q. Do they represent the teachings and doctrines of the Communist Party of the U. S. A.?

A. Yes.

Q. And has that document been distributed and circulated by the Communist Party?

(Testimony of Farrell Schnering.)

A. It has.

Q. To members of the Party? A. Yes.

Q. And not to the public generally?

A. Not generally.

Mr. Myron: I offer this in evidence, your Honor.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 126.)

By Mr. Myron:

Q. I show you a booklet entitled "Membership Book No. 3203, Communist Party of the U. S. A., Section of the Communist International, name, Jos. Zijic," and ask you if you can identify that?

A. (Examining book) I recognize this and identify this as one of the earlier membership books distributed by the Party to Party Members certifying their membership in the Party.

Q. When was this book issued?

A. 1930.

Q. 1930? [482]

A. This is identical with the first membership book I had as a member of the Communist Party.

Q. I call your attention to the last page of this membership book on the subject of "On Discipline."

"He who weakens, no matter how little, the iron discipline of the Party of the proletariat (especially during the period of dictatorship, effectually helps the bourgeoisie against the proletariat.

"The Party as the best training school for working

(Testimony of Farrell Schnering.)

class leaders, is the only organization competent, in virtue of its experience and authority to centralize the leadership of the proletarian struggle, and thus to transform all non-Party working mass organizations into accessory organs and connecting belts linking up the Party with the working class as a whole."

Is that the doctrine and teaching of the Communist Party? A. It is.

Mr. Myron: I offer this in evidence as Government's next exhibit in order.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 127.)

By Mr. Myron:

Q. I show you a pamphlet entitled "Party Organizer" issued July, 1931 by the Central Committee Communist Party, U. S. A., and ask you if you can identify that?

A. (Examining pamphlet) I also identify this one.

Q. Does that represent the teachings and doctrines of the Communist Party? A. It does.

Q. And has that pamphlet been issued, published and circulated by the Communist Party?

A. That is right.

Q. And similar to the other issues of that pamphlet, only to members and not to the public generally?

(Testimony of Farrell Schnering.)

A. Generally speaking that is what happened.

Q. I will read from page 21 of this pamphlet:

"The special feature of the Communist Party is its strictest discipline, i. e., the unconditional and exact observance by all members of the Party of all directions coming from their Party organizations. A Party member may disagree with this or that Party decision, may consider it wrong, but once the decision is passed it must be observed. Failure to comply with Party discipline, disobedience and breaches of discipline are regarded by the Bolsheviks as a most serious offense against the Party and violations of the Party discipline are severely penalized down to expulsion from the Party. Moreover, during the civil war, especially during times of danger to the Republic, the Party imposed a war discipline upon its membership. There were even cases of Communists being shot for refusing to go to the front by orders from the Party which threatened to [484] demoralize the other members of the Party."

Do you know if that is the Party policy in regard to its members? A. Very definitely it is.

Q. And they are instructed along those lines?

A. They are so instructed.

Q. And you were an instructor in one of the Communist Party Schools, were you not?

A. Right; and we never failed to emphasize this matter of Party discipline.

Mr. Myron: I offer this in evidence as Government's next exhibit in order.

(Testimony of Farrell Schnering.)

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government Exhibit No. 128.)

By Mr. Myron:

Q. I show you a book entitled "Thesis and Resolutions from the Seventh National Convention of the Communist Party of U. S. A.," by Central Committee Plenum, March 31-April 4, 1930, and ask you if you can identify that?

A. (Examining book) I identify this piece of literature. That was rather widely sold during the period of my membership in the Party. It was impressed upon the Party members that they should read this particular piece of literature in order that they might become precisely informed as to the [485] attitude, position, etc., of the Central Committee.

Q. And this represents the teachings and doctrines of the Communist Party?

A. Oh, yes, sir. At the time this was circulated it was a very basic piece of literature.

Q. And it was issued by the Communist Party?

A. That is right.

Q. And published and distributed and circulated by the Party? A. That is right.

Q. I read from page 32, the Chapter entitled "Resolution on Building the Trade Union Unity League."

"Part I—General Analysis.

"1. The role of the Party.

(Testimony of Farrell Schnering.)

"The most fundamental task of our Party in mass work is the building of the revolutionary unions of the Trade Union Unity League into broad mass organs of struggle. The recent communications of the Comintern and Profintern have again laid stress upon this elementary necessity. It is in this work that there lies the key to the development of our Party into a mass Communist Party.

"The Party must develop a keen sense of responsibility for the building of the revolutionary unions. It must play the leading role in the Trade Union Unity League, not by substituting itself for the T. U. U. L. and actually taking over trade union [486] functions, but by stimulating its entire membership through the fraction system to build the revolutionary unions, to support them in their activities and to give them correct political guidance. The only way the revolutionary unions can grow into powerful mass organs is by the most complete support of the Party. In successfully building the revolutionary unions the Party lays the best basis for its own recruitment and mass leadership."

I ask you if you can interpret that as it has been interpreted by the Communist Party leadership, and by reason of your official position as an instructor in the Communist Party schools?

Mr. Gladstein: It seems that the document speaks for itself. I don't quite get the question counsel is asking.

(Testimony of Farrell Schnering.)

By Mr. Myron:

Q. Have you used that document in school work as an instructor?

A. That is right; we did.

Q. Have you taught pupils in classes, in your lecture work, using that as a preparation for your lecture work?

A. The statements contained herein are the Party line.

Q. And that is the Party line which the Communist Party follows and orders you to instruct any members of the Party on?

A. At the time I was a teacher in the school; yes.

Q. Will you interpret, as the Communist Party has asked [487] you to interpret it?

Mr. Gladstein: If I may again state, the question of interpreting of a certain document is the thing that I make my objection to. If counsel is seeking from the witness what his instructions were at the time that he was, as he says, teaching from that particular document, or the contents of it, we don't have any objection to that.

Presiding Inspector: I think that really is his question—"What did you teach on the basis of that instruction?"

Mr. Gladstein: We have no objection to that.

Mr. Myron: I will withdraw the question.

Presiding Inspector: That is what you really asked.

By Mr. Myron:

Q. Was this document circulated and distributed by the Communist Party? A. It was.

(Testimony of Farrell Schnering.)

Mr. Myron: I offer it in evidence, your Honor.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 129.) [488]

By Mr. Myron:

Q. I show you a pamphlet entitled "Struggles Ahead" theses on the economic and political situation thoughts of the Communist Party, adopted by the Seventh National Convention June 20-25, 1930, published by the Communist Party of the U. S. A., and ask you if you can identify that?

A. (Examining pamphlet) Yes, I recognize this pamphlet and identify it as a piece of literature that was distributed by the Communist Party during the period of my membership in that organization.

Q. And does that contain the doctrines and teachings of the Communist Party?

A. Yes; this pamphlet sets forth the problems that the Party and its members were facing and how far the Party intended to deal with those problems.

Q. And was that circulated and distributed?

A. Rather widely, yes.

Q. By the Communist Party?

A. By the Party.

Mr. Myron: I offer this, your Honor, and ask that a photostatic copy be substituted.

Presiding Inspector: It may be received. Have them both marked.

(Testimony of Farrell Schnering.)

(The document referred to was received in evidence and marked Government's Exhibit No. 130.)

By Mr. Myron: [489]

Q. I show you a pamphlet entitled "Party Organizer" issued January 1933 by the Central Committee, Communist Party, U. S. A., and ask you if you can identify that?

A. (Examining pamphlet) I identify this as a publication of the Communist Party, circulated by the Communist Party.

Q. Does that represent the teachings and doctrines of the Communist Party? A. It does.

Q. And has that been issued and distributed and displayed by the Communist Party?

A. It has.

Mr. Myron: I offer this, your Honor.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 131.)

By Mr. Myron:

Q. I show you a pamphlet entitled "Guide to the XIIth Plenum, E.C.C.I.", described on the cover as a handbook for propagandists, published by the Workers Library Publishers, Box 148, New York City, and ask you if you can identify that?

A. (Examining pamphlet) Yes, this is a piece of literature that was widely circulated by the Com-

(Testimony of Farrell Schnering.)

munist Party during the period of my membership in that organization.

Q. Does that contain the teachings and doctrines of [490] the Communist Party?

A. It does. This contains the teachings and the doctrines of the Executive Committee of the Communist International of which the American Party is the American Section.

Q. And has that been issued and circulated and distributed by the Communist Party?

A. Yes.

Q. During your membership?

A. That is right.

Mr. Myron: I offer this, your Honor.

Presiding Inspector: It may be received.

Mr. Myron: And ask that the photostatic copy be substituted.

Presiding Inspector: Certainly.

(The document referred to was received in evidence and marked Government's Exhibit No. 132.)

Mr. Myron: You may cross examine.

Cross Examination

By Mr. Grossman:

Q. Mr. Schnering, are you at the present time employed? A. No.

Q. When was the last time you were employed?

A. When was the last time I was employed? About 20 months ago.

Q. Where were you then employed?

(Testimony of Farrell Schnering.)

A. WPA. [491]

Q. And for how long before that were you on WPA?

A. For how long before that? I worked on the Federal Writers' Project for a year and I worked on another project for about three months.

Q. And you say about a year and three months you were on WPA?

A. All together I was on WPA about 18 months.

Q. Were you relief or non-relief on WPA?

A. Relief.

Q. Now, was this WPA employment after you left the Communist Party? A. It was.

Q. All of it? A. Yes, sir.

Q. Between the time that you left the Communist Party and the time that you went on WPA did you have any employment? A. What is that?

Q. Between the time that you left the Communist Party and the time that you went on WPA did you have any employment? A. No.

Q. And about how long a period was that?

A. I began working on the WPA first in November, 1935. I was not officially out of the Party until December 30, 1935, but to all intents and purposes I was out of the Party, but the Party and myself had not officially terminated our rela- [492] tionship until December 30, 1935.

Q. During the time that you were in the Communist Party did you have any employment?

A. No; I was too busily occupied as a Communist functionary.

(Testimony of Farrell Schnering.)

Q. How did you support yourself during the time that you were a member of the Communist Party? A. I was on relief.

Q. During that entire time? A. Yes.

Q. Was it State relief or County relief?

A. County, Milwaukee County.

Q. Did you receive any income at all from the Communist Party during that period?

A. From time to time I did.

Q. Can you give me an estimate as to the times that you received such money?

A. I never received—I received it on a weekly basis.

Q. Well, was it stretched through the entire period that you were in the Communist Party?

A. What is that?

Q. Would it stretch through the entire period that you were in the Communist Party?

A. You mean by that, did I, during the entire time I was in the Communist Party, from time to time receive re- [493] muneration from the Party?

Q. Let me put it this way: During every one of the years you were in the Communist Party did you receive some income from the Party?

A. Some, yes, but in many cases a negligible sum.

Q. What was the maximum amount you received in any one year? What was the maximum amount you received in any one year from the Communist Party?

A. I don't recall. We never paid much attention to that; we were out for power.

(Testimony of Farrell Schnering.)

Q. Can't you give me any kind of an estimate at all?

A. The maximum that I received in any one year?

Q. Yes. A. I am afraid that I can't.

Q. Well, would it be more than a hundred dollars.

A. Would it be more than a hundred dollars?

Q. Yes. A. I would say that it would.

Q. Would it be more than $500.00?

A. I doubt that.

Q. It might have been, though?

A. It might have been.

Q. How much a week were you supposed to get from the Communist Party?

A. Technically we were supposed to get a salary of $25.00 a week. I was supposed to get that money from the [494] International Labor Defense as a member of the Communist Party. I was supposed to see to it that the ILD was able to give me that much money.

Q. Were there any weeks when you received the entire $25.00? A. No.

Q. Did you have any other income during the time that you were working for the Communist Party except the income you received from the Communist Party or the ILD? A. No, I didn't.

Q. And is it correct to say that during that entire time that you were in the Communist Party you had no employment except the employment with the Party or the ILD?

A. That would be a correct statement.

(Testimony of Farrell Schnering.)

Q. Now, how have you supported yourself for the—I think it was, you said, 20 months, since you left WPA, and the time of this hearing?

A. How have I supported myself?

Q. Yes.

A. I have done a lot of lecturing; I have written several magazine articles.

Q. Anything else?

A. Yes; I had a job that I didn't count as a job at all; it only lasted three days. The CIO didn't permit me to work.

Q. Anything else? [495] A. That is all.

Q. Then, to summarize, since you left the WPA you supported yourself entirely on lecturing, writing and a job you had for three days; is that correct?

A. That is correct.

Q. Could you estimate very generally, of course, what your income has been by month, or by year, if you wish to do it that way, since you went off WPA and until this hearing?

A. Oh, I would say I have made about $800.00 in that 20 months' period.

Q. And you lived on that $800.00?

A. I did.

Q. Have you ever received any money for lecturing or speaking concerning the Communist Party?

A. I have never received any money for lecturing.

Q. Or speaking?

(Testimony of Farrell Schnering.)

A. Concerning the Communist Party?

Q. Concerning the Communist Party?

A. Yes, sir.

Q. Could you give me the occasions, please, and the amounts of money that you received?

A. I am afraid I can't give you all of them at this time.

Q. Well, give me those that were most remunerative first.

A. Well, for example, I spoke in the City of Racine, [496] Wisconsin, in the month of November, a year ago, and I received a fee of $25.00 for that lecture.

Q. For whom did you speak?

A. I spoke under the auspiees of the American Legion which held a series of winter forums in the public auditorium in Racine, Wisconsin, forums dealing with a variety of subjects.

Q. Will you give me another.

A. I spoke at Mount Mary College in Milwaukee a year ago last February. I received $40.00 for that lecture. That is a girls' college.

Q. And when was that?

A. A year ago February.

Q. What was your subject?

A. What was my subject.

Q. Yes.

A. I was speaking on the Communist International.

Q. Will you give me another example of one of the most remunerative speaking engagements?

(Testimony of Farrell Schnering.)

A. Yes. I spoke—I gave a talk in the City of Kenosha, Wisconsin, in December, 1939, and for that talk I received $25.00.

Q. Under whose auspices was that?

A. The auspices of the American Legion.

Q. Would it be fair to say that you have given quite a few speeches under the auspices of the American Legion on [497] this subject?

A. No; I would only be safe in saying that I gave three speeches under the auspices of the American Legion dealing with the subject of Communism.

Q. Is there any organization for which you gave more than three speeches on it?

A. Yes, but I didn't get paid for them.

Q. I beg your pardon?

A. There is an organization that I made many, many speeches before but I didn't receive any payment.

Q. On the subject of Communism?

A. I didn't get any pay for making those speeches.

Q. On the subject of Communism?

A. That is right.

Q. And when was this?

A. This was over the course of the last two and one-half or three years.

Q. And the name of the organization?

A. The Holy Name Society, the Archdiocese of Milwaukee. [498]

Q. Now, am I correctly summarizing your testimony when I state that you lived this entire 20

(Testimony of Farrell Schnering.)

months' period since you went off WPA on a total sum of $800? A. That is what I said.

Q. And were your aided in living during that period in the sense that someone paid for part of your living expense or your clothing or something like that?

Mr. Del Guercio: If the Court please, that has already been asked and answered.

Mr. Grossman: All right, I will put it differently.

By Mr. Grossman:

Q. You understand when I speak of your "income" that it may be income in money or it may be income in the form of someone else giving you something of value; you understand that?

A. I understand you.

Q. And that was what you understood when you stated your total income was the equivalent of $800.00?

A. I told you that I had earned $800.00 in the last 20 months.

Q. Well, did you earn anything that was in an equivalent of money, not money?

Mr. Del Guercio: I object to that question too.

By Mr. Grossman:

Q. Such as clothing?

Presiding Inspector: I will take it. [499]

Mr. Grossman: Pardon?

Presiding Inspector: I will allow it.

(Testimony of Farrell Schnering.)

By Mr. Grossman:

Q. Such as clothing or rent or such other things as you spent monthly to live?

A. That I earned, you mean?

Q. For your work did you receive anything besides money during this 20 months period?

A. No.

Q. Will you list some of the writing that you did during this period?

A. I wrote a number of articles for a magazine, "America" which was published in New York City.

Q. Will you name another magazine or newspaper, please, for which you wrote?

A. I wrote for "The Catholic World"; I wrote an article called "The Comintern's Parade to Munich."

Q. Can you name any other magazine or publication?

A. I wrote an article for a magazine called the "Liguorian", L-i-g-u-o-r-a-n.

Q. During the period that you were a member of the Communist Party did you conceal in any respect at all that membership?

A. Very frequently.

Q. Were you, during any of that time, an open member [500] in the sense that you informed every one on all occasions that you were a member?

A. 95 per cent of the time I was an open member of the Party because I represented the Party publicly on many, many occasions.

Q. Well, during what part of that period were

(Testimony of Farrell Schnering.)

you an open member and during what part were you not an open member?

A. Most of the time, as I have just stated, I was an open member of the Party because I was a functionary for the Party.

Q. State in months and years, please. Was it the first portion that you were an open member, or, rather, a secret member, and the last portion that you were an open member?

A. There were situations arising from time to time when I was an open member of the Party. Where I went among the farmers and the farmers didn't know that I was a member of the Party, there I denied the fact that I was a party member, but generally speaking, most of the situations which I encountered I was an open member of the Communist Party because I was a functionary for the Party. I could hardly have been a functionary for the Party and have denied my existence as a Party member.

Q. You discussed the International Labor Defense and the Communist Party Control of that organization. Was the Communist Party Control of that organization—when I say [501] "that organization" I refer to it on a national scale as, I think you did in part of your testimony—was this control of the ILD by the Communist Party an open one or a secret one?

A. The International Labor Defense was supposed to be an non-partisan and a non-political organization. Naturally the Party denied the fact that it controlled the International Labor Defense

(Testimony of Farrell Schnering.)

and the International Labor Defense denied the fact that the Party controlled the International Labor Defense.

Q. Would you say that most of the members of the International Labor Defense knew that the organization was controlled by the Communist Party?

A. I would say that there were a large number of them who did.

Q. Yould you say that most of them knew it?

A. You are speaking now nationally or of my own organization of the ILD?

Q. Nationally, so far as you know?

A. I would say that the most of them don't know it, didn't know it.

Q. That would go for the entire period that you knew of the organization? A. I think so.

Q. And what would that period be?

A. I was familiar with the International Labor Defense from the latter part of 1930 until the day I left the Communist [502] Party in December 1935.

Q. Did you have any direct connection with the Communist Party or, rather, have you had any since you were expelled?

A. What do you mean by that?

Q. Well, have you functioned in any group or unit or part of the Communist Party since that time?

A. Since the time I left the Party?

Q. That is right. A. No.

Q. Anything you know about the Communist

(Testimony of Farrell Schnering.)

Party, then, is based only upon those things which are open, I suppose, distributed openly by the Communist Party, or stated openly by the Communist Party or its members; is that right?

A. No; I have friends who belong to the Party at this time.

Q. Then, you have received other information since you left the Communist Party which you don't know of your own knowledge, but you know because of the knowledge of someone who has told you; is that right? A. That is right.

Q. Do you continue to read the Communist Party press? A. Oh, yes.

Q. As regularly as you did when you were a member?

A. Not as regularly as when I was a member, but I usually keep pretty good track of it. [503]

Q. Yes. Do you consider that your main business or employment now is writing and speaking on Communism? A. No, no, I don't.

Q. Are you seeking employment or work in other fields than writing or speaking on communism?

A. I am, but unfortunately I have had quite a tussle with the Communist Party and the Communist domination of the CIO in our own State, in the State of Wisconsin, makes it impossible for me to hold a job at my trade, which happens to be an electric welder.

Q. You undoubtedly were familiar at the time you were receiving relief, when you were working

(Testimony of Farrell Schnering.)

with the Communist Party, familiar with the laws or the rules governing the giving and receiving of relief?

A. That is very correct, but we Communists cared nothing about laws. As a matter of fact, it was a policy——

Q. (Interposing) Just a minute.

Mr. Del Guercio: Let the witness answer. That is a reply to your question.

Mr. Grossman: No; a "yes" or "no" answer will suffice. I am going to allow him to explain too.

By Mr. Grossman:

Q. The answer is "Yes," you were familiar, and you started I think, to explain that you had received relief illegally, did you not? Now, go ahead.

[504]

Mr. Myron: Let him answer, himself.

By Mr. Grossman:

Q. All right, did you, during that period, receive relief illegally? A. I think not.

Q. Why do you say you think not?

A. Because I explained to the Relief Department that I got some money for work that I did for the Party but not enough to live on.

Q. Did you inform the Relief Department as to each of the items of income that you did receive during that period?

A. The Relief Department never questioned me on that score.

(Testimony of Farrell Schnering.)

Q. But you did inform them that you had received some income?

A. I told them that my income was insufficient to support myself.

Q. And that satisfied the Relief Department?

A. Apparently it did because they gave me relief.

Q. And were you obliged to make that statement in writing as to your income when you were receiving relief? A. No, not that I recall.

Q. To whom in the Department was it made generally; to social workers? A. Yes. [505]

Q. Do you know what the rules or the law was, or were, governing the amount of income you were entitled to have and still receive your relief?

A. I was never given any specified sum I would be entitled to have before I could get relief.

Q. You don't know, then, whether there was any limit on the amount of income you were entitled to have and still receive relief from the ——

A. (Interposing) I told the Relief Department that my income was insufficient to support me and the Relief Department gave me relief; they gave me a meal ticket.

Q. Then, the social workers, upon being told by you that you had other income but it was insufficient for your needs, never inquired as to the amount of that income; is that correct?

A. Oh, on occasions I told them that I had been paid five or ten dollars by the Party, by the International Labor Defense.

(Testimony of Farrell Schnering.)

Q. Were you ever told after you went off relief —were you ever told that you had been receiving relief illegally by anyone? A. No, no.

Q. In what county was it that you received relief? A. Milwaukee County.

Q. During the entire period? [506]

A. You mean the entire period during which I was receiving relief?

Q. That is right.

A. That is the place I received it.

Q. Could you state for me the address at which you were living during the time that you received relief?

A. Living at 1429 North Aster Street.

Q. During the entire period?

A. During most of it.

Q. And will you state the other addresses?

A. 1247 North 11th Street.

Q. Any other? A. No.

Q. Do you at the present time live alone?

A. At the present time I live with my stepfather and my mother and my stepbrother.

Mr. Grossman: No more questions.

Presiding Inspector: That is all. Anything further?

Mr. Myron: I will just ask one question, your Honor.

Redirect Examination

By Mr. Myron:

Q. You mentioned a moment ago there were times when you denied your membership in the

(Testimony of Farrell Schnering.)

Communist Party while you were actually a member? A. Yes. [507]

Q. That was in accordance with the policy of the Party to do so?

A. Yes, that was in accordance with the policy of the Party to do so.

Q. Under instructions of Party leaders you did so on certain occasions when it worked for the best interests of the Party?

A. If I had revealed by Party membership I would not have been able to accomplish the tasks I had before me.

Mr. Myron: That is all.

(Witness excused.)

Mr. Del Guercio: That is our last witness today. We didn't anticipate finishing so soon and for that reason we didn't prepare another witness.

Presiding Inspector: That is quite natural. You would like to adjourn until tomorrow morning?

Mr. Del Guercio: Until tomorrow morning.

Presiding Inspector: Well, we will adjourn until tomorrow morning.

(Whereupon at 3:00 o'clock p. m. an adjournment was taken until Friday, April 4, 1941, at 10:00 o'clock a. m.) [508]

Court Room 276,
Federal Building,
San Francisco, California,
April 4, 1941.

Met, pursuant to adjournment, at 10:00 A. M.

PROCEEDINGS

Presiding Inspector: We will proceed with the hearing. Call Mr. Chase.

EZRA CHASE

called on behalf of the Government, having been previously duly sworn, testified further as follows:

Cross Examination

By Mr. Gladstein:

Q. Mr. Chase, by whom are you now employed?

A. I would decline to state in public who I am employed by. I am employed in private enterprise, I might add. I have no objection to notifying the Court by whom I am employed.

(Offering data to the Presiding Inspector.)

Presiding Inspector: I cannot take testimony unless it is in open court.

By Mr. Gladstein:

Q. What is the nature of that employment?

A. Pest control work; structural pest control work.

Q. Will you please give us a description of what kind of work that is?

(Testimony of Ezra Chase.)

A. It is a matter of examining buildings, homes, commercial buildings, for the presence of termites, wood destroying beetles, rot, various kinds of fungi —things of that sort.

Q. Who is your employer?

A. I am going to decline to state publicly.

Q. How long——[510]

A. (Interposing) I don't want a bunch of Communists calling up that place and molesting and jeopardizing my employment.

Presiding Inspector: Just answer the question. Be careful. The witness declines to answer. Do you want to press it?

Mr. Gladstein: I think we are entitled to an answer, your Honor.

Presiding Inspector: I think you can state who you are employed by.

A. I work for the Guaranty Fumigating and Exterminating Company.

By Mr. Gladstein:

Q. And the address?

A. 4826 South Main Street, Los Angeles.

Q. How long have you held that employment?

A. I have been there about three months.

Q. Three months?

A. About two to three months. [511]

* * * * * * *

Q. Just prior to obtaining that employment what were you doing?

A. I was employed by the Golden State Termite and Pest Control Company.

(Testimony of Ezra Chase.)

Q. Also in Los Angeles?

A. 2116 Labraya Avenue, Los Angeles, California.

Q. For how long a period of time were you employed by this second named organization?

A. Approximately one year.

Q. That takes us back to about the beginning of 1940; is that correct? A. Yes; roughly.

Q. What was your employment just prior to that?

A. I was working for the United States Housing Authority.

Q. Where? A. In Los Angeles.

Q. Who was your immediate employer, that is, your immediate supervisor?

A. I can't at the moment recall the man's name; I believe I have his address, oh, Yetter was his name.

Q. Spell it, please.

A. Y-e-t-t-e-r, I believe.

Q. With what department or division of the Housing Authority were you employed?

A. I was an enumerator. [512]

Q. Out of what office did you work?

A. The office locations changed from time to time; part of the time 74 Flower Street in the City of Los Angeles and part of the time it was in a building at First and Broadway which has since been demolished, and for a short period in San Pedro, California.

Q. All told how long were you employed with the United States Housing Authority?

(Testimony of Ezra Chase.)

A. Oh, probably six or seven months.

Q. That would be, in other words, beginning approximately in the middle of 1939; correct?

A. About that.

Q. Unless there were periods between the successive employments during which you were unemployed. Were there such periods of unemployment?

Mr. Del Guercio: I don't understand that question, if your Honor please. Let him elicit that information from the witness.

By Mr. Gladstein:

Q. I am asking the question whether there were periods between the successive employments that you have enumerated, Mr. Chase, during which you were unemployed? A. No, there was not.

Q. You understand me, don't you?

A. No, there were no periods. [513]

Q. First of all, you understand me, don't you?

A. I believe that I do.

Q. Now, you can answer the question.

A. There might have possibly been a day or two.

Q. But substantially no period of unemployment? A. Not that I recollect.

Q. All right. Now, we are back to about the middle of 1939 when you became an employee of the United States Housing Authority. What was your employment just prior to that?

A. Just prior to that I had been on the WPA and was transferred from that to United States Housing Authority.

(Testimony of Ezra Chase.)

Q. For how long had you been on the WPA continuously prior to the middle of 1939?

A. Possibly three months, to the best of my knowledge.

Q. Doing what? A. As a night watchman.

Q. Where?

A. On a storm drain project in the vicinity of Florence and Holmes Avenues in Los Angeles.

Q. That brings us to about March or April, roughly, of 1939; correct? A. That is right.

Q. What were you doing just prior to that?

A. I was on relief.

Q. For how long a period? [514]

A. Let's see—well, about where in 1939 now?

Q. We are about in March or April of 1939.

A. Of 1939. From about January of 1938 up to this period I was on relief.

Q. That is from January 1938 until about March or April 1939, the time when you went on WPA, you were on relief?

A. To the best of my memory that is correct.

Q. Was this work relief or——

A. No; I was classed as unemployable for a while.

Q. That brings us back to the first of January, 1938; correct? A. Yes, sir.

Q. Just prior to that what was your employment?

A. I had been employed as an organizer by the Upholsterers International Union, Local 15.

Q. During what period of time?

(Testimony of Ezra Chase.)

A. From about August to about December of 1937.

Q. Did you say to the end of December, 1937?

A. The early part of December, I believe, would be more accurate. That is an approximate date to the best of my memory.

Q. Well, be as definite as you can, please, to assist us, Mr. Chase.

A. Well, I believe the early part of December would be quite accurate.

Q. That would mean within the first two weeks? [515]

A. It would not go beyond that, no.

Q. In other words, some *were* close to the middle?

A. I know it was after Thanksgiving and that it could have been some time through the early part of December; I would say the very early part of it, it seems to me. [516]

* * * * * * *

Q. Some time shortly before or around the middle of December?

A. I believe it would be before.

Q. What is that?

A. I believe it would be a little before the middle of December.

Q. That is in the year 1937?

A. That is right.

Q. And you stated, I think, that you began this job of organizer in August of 1937.

A. About the first of August.

(Testimony of Ezra Chase.)

Q. And just prior to the first—withdraw that. Was that a paid position? A. That was.

Q. What were you receiving?

A. I was receiving $40.00 a week and car expense.

Q. Now, just prior to August of 1937 what were you doing?

A. I was working for the Sterling Furniture Manufacturing Company.

Q. For how long? A. About one year.

Q. That takes us back to about August of 1936, correct? A. That is right.

Q. Have you now enumerated all of the work that you performed during the period covered by your testimony this mornig? [517]

A. To the best of my memory, I have.

Q. If you had done anything else you would know it, would you not?

A. I can't recollent anything else. We have had rather precarious times and we had to move about from one job to another. I believe that is accurate.

Q. And this includes both remunerative and non-remunerative employment, is that correct?

A. That is right.

Q. When you were an organizer for the Union what was that Union.

A. The Upholsterers' International Union, Local 15.

Q. Of course, you were a member of that organization in order to obtain that position?

A. That is right; yes.

(Testimony of Ezra Chase.)

Q. And it was a paid position in the organization, is that right? A. That is right.

Q. How long had you been a member of that organization?

A. I joined the Union in 1935.

Q. Did you remain continuously a member in good standing?

A. Up until December of 1937; yes.

Q. You mean you did not remain a member of the organization after your organizer's position terminated?

A. Possibly a week or two. [518]

Q. In other words, Mr. Chase, you lost, or your position as organizer for the Union terminated close to the middle of December, is that right?

A. Prior to the middle of December.

Q. Yes. And then for a week or two thereafter you remained a member of the Union, that is, a rank and file member. A. Yes.

Q. Correct? A. Yes.

Q. That would, in other words, mean that your membership in the Union would terminate approximately Christmas of 1937?

A. I believe a little before that.

Q. How much before?

A. I cannot remember exactly; I am sorry.

Q. It wouldn't be more than a week before, would it?

A. I am sorry, but I cannot remember distinctly just what that would have been.

(Testimony of Ezra Chase.)

Q. Well, your best recollection is that you remained a member of that Union up until a few days, a couple of days before——

Mr. Del Guercio: (Interposing) I object to this line of questioning. The question has been asked me and answered many times. The witness here has stated that he cannot recollect, [519] and he has given his best recollection.

Mr. Gladstein: I haven't finished the question yet.

Presiding Inspector: He has a right to press him. I will allow it.

Mr. Gladstein: Thank you.

By Mr. Gladstein:

Q. What I want is your best judgment, you understand, Mr. Chase.

A. The things that we are talking about happened during the months of November and December in the main, and it is rather hard for me to remember exactly the dates. I have kept no record.

Q. I appreciate that, but I want you to put your minds to it. Let me see if I have this straight: Shortly prior to the middle of December, 1937, your job as Organizer of the Upholsterers' Union, Local 15, terminated, correct?

A. Will you restate that?

Mr. Gladstein: Read the question, please.

Presiding Inspector: Read the question.

(The question referred to was read by the reporter as above recorded.)

(Testimony of Ezra Chase.)

A. No, I don't believe that is correct.

By Mr. Gladstein:

Q. State where it is incorrect.

A. On careful consideration, the job as Organizer termi- [520] nated, I believe, a few days before Thanksgiving of that year.

Q. Then were you incorrect in the testimony you gave me a few moments ago?

A. I acted as Organizer right after that—anyway, I was officially removed from the payroll about that time, but I continued to function in the Organizing Committee. I believe the pay stopped, on careful consideration, about a day or two possibly before Thanksgiving. It is easy for me to be slightly off a week or two. After all, this is quite a ways back. I am trying to remember my dates as accurately as I can.

Q. All right. Let me see if I have this now: As far as the pay received by you from Local 15 for the job of Organizer is concerned, your present testimony is that it terminated around Thanksgiving of 1937, is that correct?

A. Yes, that would probably be the closest date that I could fix to that.

Q. But you continued to act as an organizer without pay thereafter?

A. For a short period, yes; maybe a week or so.

Q. And then you did not continue— withdraw that. And then after the discontinuance of your activity as an Organizer you still continued to re-

(Testimony of Ezra Chase.)

main a member of the organization until shortly before Christmas of 1937, is that correct?

A. That is approximately so.

Q. During the time that you were a member of the Com- [521] munist Party were you sincere about your Communism?

A. I was, yes, up until, oh, possibly about 1936.

Q. Until when? A. About 1936.

Q. What happened at that time to make you change your feeling?

A. Well, events that were taking place in Germany and France, in the general bureaucratic control of the Communist Party, their inability to attract to them the type of Americans that I had hoped would embrace the movement at some time, its complete foreign domination, the high-handed manner in which we were herded about, and a number of things, caused me to turn against the Communist Party.

Q. In 1936?

A. It was about 1936 some time.

Q. What part of 1936?

A. I would say possibly about the middle of 1936.

Q. Feeling that way, Mr. Chase, why did you continue to remain a member of the Communist Party?

A. For several reasons.

Q. State them.

A. I was working in the furniture industry and was a member of a Union that was dominated by the Communist Party from the International on down,

(Testimony of Ezra Chase.)

and it was very hard for me to make a break out of the Communist Party and at the same time [522] be able to hold to my work. I had reached a point where I wanted to injure the Communist Party, and I wanted to take active opposition to them.

Q. That was in the middle of 1936?

A. About that time; yes.

Q. Did you do anything to carry into effect this state of mind that you had reached?

A. Yes, I believe I did.

Q. What?

A. I cooperated with various organizations that were opposed to Communism.

Q. Name them.

A. I unwound some of their work, obstructed some of their recruiting work inside of the Union.

Q. Name them, please.

A. There was a factional dispute going on among the Party members in the Union itself, and one group was trying to gain control of the Communist influence, and the other was trying to achieve exactly the same thing. Each side was trying to stuff the Party unit in there with members so as to gain a greater amount of control over it. I knew that one faction was trying to recruit certain members who were non-Communist in there, and through discussions with those fellows I prevented their joining the Communist Party.

Q. That is to say, from about the middle of 1936 on, [523] while you were a member of the Com-

(Testimony of Ezra Chase.)

munist Party, you were secretly working against the Party, is that right?

A. I believe it could be stated that way; yes.

Q. Is there any doubt about that in your mind, Mr. Chase?

A. No, there isn't.

Q. Then please answer positively.

Mr. Del Guercio: Do you have any objection to his having worked secretly in that manner?

Mr. Gladstein: Just a moment——

Presiding Inspector: I think you have the answer.

Mr. Gladstein: What?

Presiding Inspector: I think you have the complete answer.

By Mr. Gladstein:

Q. Now, Mr. Chase, you said that you cooperated with some organizations in your secret work against the Communist Party, is that right?

A. That is right.

Q. Name them, please.

A. I have cooperated at various times with the Federal Bureau of Investigation, with the American Legion, with the Sheriff's Department of Los Angeles, with the Police Department of Los Angeles, the U. S. Immigration Service, and my information has been freely given to any legally constituted body that wanted it.

Q. And that was beginning when?

A. About 1936.

(Testimony of Ezra Chase.)

Q. Now, when you say your information was "given," what do you mean?

A. I mean that I was taking up active opposition to the Communist Party, and I was cooperating with organizations whom I felt displayed a like interest.

Q. I understand, but you said you were giving information to certain legally constituted bodies, right? A. Right.

Q. What you mean to say by that is that you transmitted information to them?

A. Yes, about the Communist Party. [525]

Q. I suppose that would take written form as well as oral form?

A. At times, yes, both written and oral.

Q. Both written and oral? A. Yes.

Q. Is that right? A. That is right.

Q. With whom were you working in the Police Department?

A. I used to make reports to Captain Hines of the Red Squad.

Q. Captain Hines?

A. Captain Hines, William Hines.

Q. Of the so-called——

A. (Interposing) Of the so-called Red Squad.

Q. Beginning when; when did you start to make written reports to him?

A. Oh, I believe I made him a written report in possibly, some time in 1936.

Q. That is beginning in 1936 and continuing thereafter? A. From time to time.

Q. Is that correct?

(Testimony of Ezra Chase.)

A. Yes; I was never employed by him; I cooperated with him. If I had any information that I thought would be of interest pertaining to the Party's activity, why, I would give it to him.

Q. What was your designation or number?

Mr. Del Guercio: Just a moment. I object to that. The witness has not said he had a designation or number.

Mr. Gladstein: I am asking the question.

Presiding Inspector: No; your question assumes it.

Mr. Gladstein: I will withdraw the question.

By Mr. Gladstein:

Q. Did you have a designation or number?

A. I told him in sending that in I was not going to sign my name to those things, that I would designate them by B-50.

Q. In other words, your number or designation was B-50? A. That would be right.

Q. Is that right?

A. Yes; I wouldn't sign the articles.

Q. Now, on these reports that you sent to Captain Hines, how many all told would you say that you sent him in writing? That includes both in your hand and typewritten, Mr. Chase?

A. It would be very hard for me to state.

Q. Well, give us your best judgment.

A. Oh, probably a dozen or two.

Q. Twelve to twenty-four?

A. Something like that.

(Testimony of Ezra Chase.)

Q. It could be more? [527]

A. Possibly, yes.

Q. And, what in general, would be contained in these reports?

A. The activities of the Communists in the local union, or any others that happened to come under my observation.

Q. You say the activities of the Communists in the local union?

A. Yes; in the International too. This International was also dominated and controlled by the Party.

Q. So that your reports would cover activities that occurred within the union itself, is that right?

A. Communist activity inside the union, I would say.

Q. Well, let me put it this way: You would report, I take it, on the meetings of the Communist groups as such? Correct?

A. Yes, I would at times.

Q. And also you would report on what took place in the union meetings in so far as those meetings reflected what you considered as Communist activities; is that right?

A. Yes, I would. I also made reports to J. W. Buzzel of the Central Labor Council at one time; I forgot to mention that.

Q. I think you said you made a number of oral reports as well. You remember I asked you whether your reports were written and oral and you said "Yes."

A. Yes, they were both. [528]

(Testimony of Ezra Chase.)

Q. How many oral reports did you make to Captain Hines?

A. Oh, it would be hard to state. I could only make—I couldn't even venture a wild guess.

Q. Give us your best judgment, please.

A. I couldn't make a guess; probably 30, 40.

Q. Would these be in person or over the telephone, or both?

A. Over the telephone.

Q. Any of them in person?

A. Oh, I have talked to him from time to time.

Q. In his office?

A. Yes, I was in his office one day.

Q. And any other times besides that?

A. I don't recollect over once.

Q. Where were the other times?

A. Over the telephone.

Q. No; where were the other times when you spoke to him personally to make these reports?

A. I talked to him one time in his apartment.

Q. At his home? A. At his home.

Q. Only once?

A. That is all that I recollect.

Q. Where else?

A. I believe that would be all?

Q. At your home? [529]

A. No, he has never been to my home.

Q. At any other office?

A. Not that I recollect.

Q. At the office of the American Legion?

A. No.

(Testimony of Ezra Chase.)

Q. At the FBI? . . No.

Q. At the District Attorney's office?

Mr. Del Guercio: If your Honor please, the witness has stated he has not talked to Hines at any other place.

Presiding Inspector: He is trying to refresh his recollection.

Mr. Gladstein: That is correct, your Honor.

A. I believe I met him in the District Attorney's office briefly one time; we exchanged a word or two.

By Mr. Gladstein:

Q. Yes. In the Immigration Service?

A. No.

Q. The Sheriff's office? A. No.

Q. Mr. Buzzel's office? A. No.

Q. Can you think of any other place besides Captain Hines' apartment, the District Attorney's office and Captain Hines' office——

A. (Interposing) Not that I—— [530]

Q. (Interposing) Just let me finish. (Continuing)——where you made oral reports to Captain Hines?

A. Not that I could recollect. I have bumped into him possibly a time or two on the street.

Q. You say that you made some reports to him when you met him on the street?

A. No, I did not.

Q. Now, with respect to the written reports, did you retain copies? A. No, I did not.

Q. Of any of them? A. Not any of them.

(Testimony of Ezra Chase.)

Q. In what form did you prepare them, that is, did you write them out in your own hand?

A. Yes.

Q. All of them? A. Yes.

Q. How many copies of your reports would you make? A. One.

Q. Only one? A. Never more.

Q. You never sent a copy of a report that you sent to Captain Hines to anybody else?

A. (No response.)

Q. Do you understand the question? [531]

A. Yes, I am just trying to think. Oh, there has possibly been things in his reports, yes, that went to others, no doubt.

Q. Well, did you yourself send them to others?

A. I believe there was, oh, one instance that I also gave it to J. W. Buzzel.

Q. Anybody else?

A. Not that I recollect at the present.

Q. Did you ever report orally or in writing to any employer in the furniture industry?

A. Never.

Q. Never did that? A. Never.

Q. Do you know what Captain Hines was doing with your reports?

A. I have a fairly good idea, yes.

Q. Tell us.

A. Captain Hines was head of a division of the Police Department whose purpose——

Mr. Del Guercio: (Interposing) Just a moment, if your Honor please. I object to this question. It is a matter not particularly within the

(Testimony of Ezra Chase.)

witness' knowledge as to what Hines did with the information that he received here.

Presiding Inspector: Where did you get this idea that you say you have a pretty good idea? [532]

The Witness: Hines as head of a—what was called the Intelligence Division of the Police Department whose purpose it was to combat subversive activities.

Presiding Inspector: And it is from that that you——

The Witness: (Interposing) And that was my——

Presiding Inspector: (Interposing) (Continuing)——you have your idea as to what was done?

The Witness: That is right.

By Mr. Gladstein:

Q. Did you discuss it with him at any time, as to what he did with the report or any parts of them? A. No.

Q. Never did? A. I never did.

Q. Now, going to these reports, did you ever report to Captain Hines in writing or orally whether the union was contemplating any strike action at any plant?

A. Well, yes, for several reasons I wanted that to be known. Our union had organized a beef squad inside the local union, and there were several plants that were notoriously open shop, and at one time they had secretly declared a strike, or had decided rather, to throw a picket line and to beat up a bunch of the workers at the Universal

(Testimony of Ezra Chase.)

Furniture Company, if they could. And I told Hines that I thought he should send some men down there, that there may be trouble, [533] and there was trouble, even with the presence of the Police.

Q. So you reported to Captain Hines that the union was intending to strike that particular plant?

A. This was predetermined in the Communist Fraction; it was distinctly Communist activity.

Q. Well, now, am I to understand that the union did not contemplate this action?

A. Decisions were always made in the Communist Fraction, and they were introduced on the floor, and my experience in trade unions is they will vote for practically anything that is put to them in the right way.

Q. All right.

A. And the Fraction would invariably have its way and its motions would be carried.

Q. Now, in this particular instance, then, your statement is that the Communist Fraction decided on a strike; is that right? A. That is right.

Q. And that they proposed that on the union floor and it was adopted, is that right?

A. They usually had what they called a strike committee that was made up of Communists and they would, some time or other, bring up a certain problem pertaining to a shop and would usually ask for power to act.

Mr. Gladstein: Would you please read——

The Witness: (Interposing) And the local would grant [534] them power to act.

(Testimony of Ezra Chase.)

By Mr. Gladstein:

Q. You can answer that yes or no, can't you?

A. No, I don't believe a yes or no answer is hardly adequate on that.

Q. Let me ask it this way: Did the union adopt the idea of starting this particular plan that we are discussing now?

A. This is as I stated before; this action first took place——

Mr. Myron: It has already been answered.

Presiding Inspector: He just wanted to know whether there was action taken by the union itself in favor of the strike in this particular case.

The Witness: To the best of my memory the strike committee had power to act.

By Mr. Gladstein:

Q. From whom did it get that power?

A. In the membership.

Q. Membership of what?

A. Of the local union.

Q. All right. So, as I understand it, the local union authorized a group of its members on a strike committee to declare a strike; is that correct?

A. To act for the union, yes.

Q. In acting for the union? [535]

A. That is right.

Q. Now, as I understand it, you reported that fact and the contemplated strike to Captain Hines; correct?

A. Yes; just prior to that there was a man had his skull fractured in one of those affairs, and a

(Testimony of Ezra Chase.)

bunch of window lights, and all, were kicked out of the factory, and I knew that these fellows were going down there carrying clubs and weapons in their pockets and I didn't want any human injury to be involved in there. It turned out there was a fight there with some heads broken and there were some cars damaged.

Mr. Gladstein: Now, if your Honor please, I move all of this last answer, with the exception of the first word which was "Yes", a direct response to my question, be stricken as non-responsive.

Presiding Inspector: The rest was entirely voluntary but I will let it stand.

Mr. Gladstein: All right, your Honor.

By Mr. Gladstein:

Q. Now, let me just have this clear, Mr. Chase. The union membership created a strike committee; is that right? A. That is right.

Mr. Del Guercio: If your Honor please, I think that is enough of this. He is going into the same matter again. It isn't for counsel's understanding; it is for the under- [536] standing of the Court here.

Mr. Gladstein: This is cross examination, your Honor.

Presiding Inspector: Surely, I understand, but you have covered that particular thing.

Mr. Gladstein: I want it very clear in the record.

Presiding Inspector: If it is only to get a running start, why, I will let you ask it.

(Testimony of Ezra Chase.)

Mr. Gladstein: Thank you, your Honor.

By Mr. Gladstein:

Q. The union membership created a strike committee? A. Yes, sir.

Q. And endowed the strike committee with authority to call a strike?

A. Yes, that could be——

Q. (Interposing) What is that?

A. That is in substance correct.

Q. And the strike committee did call a strike; correct?

Mr. Del Guercio: I object again, your Honor.

Presiding Inspector: This is still getting that strike.

The Witness: I would like to add this: There was not over two or three members in that union that knew that this strike was going to take place against this factory. The members of that union were told to meet at a certain address in [537] Los Angeles and then they were to march over and strike a factory without even being known.

By Mr. Gladstein:

Q. Mr. Chase, did the strike committee declare a strike?

Mr. Del Guercio: Just a minute.

Presiding Inspector: If you know, yes or no.

The Witness: Yes.

Mr. Gladstein: All right.

The Witness: And they had no members in the factory——

Presiding Inspector: (Interposing) Just a

(Testimony of Ezra Chase.)

minute, that is all right. You have answered it. Go ahead.

By Mr. Gladstein:

Q. Are you opposed to trade unions?

A. No, I am not. [538]

Q. You are a strong advocate of them?

A. I believe in trade unionism, yes.

Q. Therefore, I suppose you would be opposed to what are generally considered anti-labor activities or forces? A. Yes, I am.

Q. I suppose that would include labor espionage?

A. I have never committed labor espionage.

Q. You would be opposed to it?

A. I have committed espionage against the Communist Party.

Q. But you would be opposed to labor espionage? A. Yes, I would.

Q. That is to say, spying on trade unions for the purpose of transmitting——

A. (Interposing) Spying on trade unions for the purposes——

Q. (Interposing) Let me finish, please.

Mr. Del Guercio: Is counsel trying to define espionage?

Mr. Gladstein: I am trying to ask a question, your Honor.

Presiding Inspector: Just a moment. Let's hear the last question.

(The question was read by the reporter as above recorded.)

(Testimony of Ezra Chase.)

Presiding Inspector: Finish the question.

Mr. Gladstein: That is right. Thank you.

By Mr. Gladstein: [539]

Q. (Continuing) ——information to employers concerning activities of the Union?

A. Of the Communists in the Union, I would be concerned——

Presiding Inspector: (Interposing) No, no; the question was, in general, whether you were opposed to spying on trade unions?

The Witness: Yes, I am opposed.

By Mr. Gladstein:

Q. For the benefit of the employer?

A. Yes, I am opposed to that, and I have never done any of it.

Q. Never done any of it? A. No.

Q. Never tried to do any of it? A. No.

Q. Ever try to get a job doing any?

A. No.

Q. Ever apply for a job to do labor spying?

A. No.

Q. Never did? A. No.

Q. If you ever had you would remember it?

A. I believe I would.

Q. You don't think a thing like that would very likely slip your mind, do you? [540]

A. I hardly think so.

Q. Never applied, for example, say, to the Pinkerton Agencies to become what is called an industrial investigator? A. No.

(Testimony of Ezra Chase.)

Q. Never did? A. No.

Q. Or the William J. Burns Agency?

A. No.

Q. Or, say, the Glen E. Bodell Agency?

A. No.

Q. Never did? A. No, I never.

Q. If you had you would remember it?

A. I have never made no applications to those organizations.

Q. You wouldn't want to do any labor spying for any of those organizations, would you?

A. I would be a guard, or something of that sort, but I wouldn't do labor spying work.

Q. Well, you make a distinction between a guard and an investigator, is that right?

A. Yes; I wouldn't mind being a guard.

Q. But you would be opposed to being what is called an industrial investigator?

A. An industrial spy, I would. [541]

Q. Have all the answers you have given me here been true?

A. To my best—to the best of my knowledge I believe they have.

Q. You have never made an application, oral or written, to any detection agency to do any labor spying or industrial investigation; correct?

A. I asked several of them about jobs as guard at one time.

Q. But you never made a written application?

A. I have no recollection of ever having made a written application.

Q. Well, I want you to think very hard about

(Testimony of Ezra Chase.)

this, Mr. Chase. I want you to tell me whether you have ever made an oral or written application for a job as an industrial investigator, or labor spy?

A. I can't remember that I ever have.

Q. Well, can't you say yes or no?

A. I can't remember that I have.

Q. Well, opposed, as you are, to labor spying, can't you tell me whether you have ever done it?

Mr. Del Guercio: That has been asked and answered, if your Honor please?

Presiding Inspector: I think he has answered that.

Mr. Gladstein: Could I have the last answer?

[542]

(The last answer was read by the reporter as recorded.)

By Mr. Gladstein:

Q. "I can't remember that I have," you say. Well, Mr. Chase, that indicates to me that it is possible you did——

Mr. Del Guercio: (Interposing) If your Honor please——

Mr. Gladstein: (Interposing) I haven't finished, your Honor; I haven't finished my question.

Presiding Inspector: Let counsel ask the question. Don't answer it.

By Mr. Gladstein:

Q. It indicates to me, Mr. Chase, by your last answer, that it is quite possible you did apply for a job as a labor spy?

(Testimony of Ezra Chase.)

A. No, I have not applied for any job as a labor spy.

Mr. Del Guercio: If your Honor please, I object.

Mr. Gladstein: Can we not have the answer?

Presiding Inspector: No; it isn't any question. You asked what the indication is to you.

Mr. Gladstein: I did ask a question.

Presiding Inspector: You asked whether it was proper as an indication to you. We are not interested in the indication to you.

By Mr. Gladstein:

Q. I will put it this way: Is it possible that you did [543] make such an application?

A. I asked for jobs, yes, at various places, but I didn't specify being a labor spy, and I don't recollect whether I was given an application or not.

Q. Did you ever make an application to become an industrial investigator?

A. I really can't recollect just what was said. It was just a few minutes I spent in a few offices.

Q. Is it possible you did?

A. I hardly think so.

Q. Then, your answer would be "No"?

A. I am not really quite clear on it; I can't remember exactly.

Q. Are you in doubt about this, Mr. Chase?

A. I don't remember.

Q. You mean that there is some doubt in your mind?

(Testimony of Ezra Chase.)

A. I don't remember just what was said. It was so long ago that I have probably forgotten it, but I do know that I have been in agencies; yes.

Q. This is oral conversations that you have had with agencies?

A. To the best of my memory; yes.

Q. You have never made a written application for a job as a labor spy?

A. I don't recollect. [544]

Q. Can't you say "yes" or "no"?

A. No. I just don't recollect that I ever did. I have been to many places for employment and in some instances applications have been given and in some places they haven't.

Q. Is it possible that you did make an application for a job as a labor spy?

A. It could be possible.

Q. It could be?

A. But I have no recollection of it,—I don't remember.

Mr. Del Guercio: Counsel here is attempting to confuse the witness. He uses the term "labor spy" and "labor investigator." I would like to know if there is any position or if counsel has any information that there is a position as "labor spy" with any kind of detective agency, or any other kind of an agency?

Presiding Inspector: I think counsel is within his rights of cross examination.

Mr. Gladstein: Thank you, your Honor.

(Testimony of Ezra Chase.)

By Mr. Gladstein:

Q. Now, let us see—until the middle of 1936 I think you said that you were sincere about your belief in Communism, is that right?

A. Yes, I was.

Q. Did you believe in the overthrow of the Government by force and violence? [545]

A. Yes, at one time I did, and I advocated that theory a number of times.

Q. And I think you testified that you were arrested several times in connection with unemployment activities?

A. I stated "Communist activities."

Q. Were you openly acting as a member of the Communist Party at the time?

A. At various times I was acting openly as a Communist Party member. There were times when I was told to come out into the open, and there were times when efforts were made to sort of cover up my membership.

Q. Did you ever lead demonstrations?

A. Oh, yes; I have led demonstrations.

Q. Did any of them result in riots?

A. Yes.

Q. Then you, as a leader of these demonstrations, guided the incitement to riot?

A. There was one demonstration that took place in the——

Q. (Interposing) Just a moment—can't you answer the question?

A. Yes, I would state it did lead to rioting.

(Testimony of Ezra Chase.)

Mr. Gladstein: I want you to listen to the question and state whether you can answer "Yes" or "No", and if you wish to explain it you may.

Presiding Inspector: Read the question. [546]

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: Do you refer to this one?

Mr. Gladstein: Any of them.

Presiding Inspector: The question isn't clear.

Mr. Gladstein: I will withdraw it and put it again.

Presiding Inspector: You put them all in.

By Mr. Gladstein:

Q. I understood from your testimony, Mr. Chase, that on a number of occasions there were riots resulting from demonstrations by groups, of which you had the leadership, is that correct?

A. Yes.

Q. I am asking you now whether you, as a leader of those groups, were responsible for the incitement to riot?

A. No, I don't believe that I was.

Q. You were not personally? A. No.

Q. You had no intention to see that a riot occurred? A. No, I didn't.

Q. You didn't do anything like that?

A. No. I was trying to keep everything as peaceful as I could.

Q. I see. Was that in line with the Communist Policy? A. Yes.

(Testimony of Ezra Chase.)

Q. To keep everything as peaceful as possible?

[547]

A. Yes, sir. I was appointed to lead that committee by the Communist Party.

Q. In order to keep things as quiet as possible?

A. No.

Q. For what purpose?

A. I was acting on my own judgment and handling the Committee as effectively as I possibly could.

Q. What was the purpose of handling the Committee?

A. I went as their spokesman before the Relief officials.

Q. What instructions, if any, did you have from the Communist Party with respect to causing a riot?

A. Well, I wasn't instructed to cause a riot; no.

Q. I see. A. Definitely not.

Q. So that any riots which occurred, you say, which did occur, were not in accordance with Communist policy instructions to you?

A. We hadn't hoped to incite a riot; no.

Q. What?

A. It wasn't our hope to incite a riot; we knew it would take place.

Q. Did you ever get paid for being an undercover agent? A. I never received a cent.

Q. Did you receive anything else of value other than money? A. No. [548]

Q. Were jobs found for you? A. No.

(Testimony of Ezra Chase.)

Q. Nobody ever obtained or promised to obtain a job for you in consideration for your services?

A. No; and I have never had such a job.

Q. You were just being an angel, is that it?

A. I was actively opposing the Communist Party.

Mr. Del Guercio: Just a moment——

Presiding Inspector: Just a moment. I will exclude the question.

Mr. Gladstein: All right, your Honor.

Presiding Inspector: I don't know what the figure of speech means.

By Mr. Gladstein:

Q. I want to go back for a minute to the business of labor spying. I think you testified that your best judgment is that you never made a written application to become either a labor spy or industrial investigator, correct?

A. I said I didn't recollect.

Q. Mr. Chase, I am looking now at a copy of the Hearings before a Subcommittee of the Committee on Education and Labor, United States Senate, and popularly known as the LaFollette Committee, published by the United States Government Printing Office, Part 65, and I am looking at page 23734.

I see there an application—— [549]

Mr. Del Guercio: (Interposing) May I see that?

Mr. Gladstein: I am not offering it in evidence, your Honor, but I am phrasing a question on it. I

(Testimony of Ezra Chase.)

would like not to be interrupted before asking the question.

Presiding Inspector: You may ask the question.

By Mr. Gladstein:

Q. I see here an application to the Glen E. Bodell Detectives, by a man who gives his name as Ezra Frank Chase. What is your name?

A. That is my name.

Q. And who gives his age in the year 1937 as 41. What was your age then?

A. That was my age.

Q. And who says that he was born in Idaho Falls, Idaho. Where were you born?

A. That is correct.

Q. And who says he was born in the year 1896. When were you born? A. That is right.

Q. What is that? A. That is right.

Q. And who gives his then address as 121 E. 119 St., Los Angeles. Where did you live at that time?

A. At that address.

Presiding Inspector: You are asking for the contents of this document? [550]

Mr. Gladstein: No, your Honor.

Presiding Inspector: You have said, "I see here," and then you have asked whether that was correct. I think counsel may examine it.

Mr. Del Guercio: You refused my request to examine it.

Mr. Gladstein: I will let him look at it. I have no objection to him looking at it.

(Testimony of Ezra Chase.)

Mr. Del Guercio: Just a moment. You have shown me this document here, and you have wanted the Court to believe that this witness here made application for a job as a labor spy.

Mr. Gladstein: I do not wish, your Honor, counsel to reveal any of the contents of this document while I have the witness under cross examination. I have that right, your Honor.

Presiding Inspector: Yes. Hand it back to counsel.

(Whereupon Mr. Del Guercio returned the document mentioned to Mr. Gladstein.)

Presiding Inspector: Go ahead.

By Mr. Gladstein:

Q. Is your memory refreshed enough to be able to state whether or not you did file an application with Glen E. Bodell Detectives on December 13, 1937?

A. Well, the information that you have there is correct, yes; there is no doubt about that.

Q. Answer the question that I asked you.

Presiding Inspector: Does it refresh your recollection— [551] "yes" or "no"—on the subject? That means when you heard this do you now remember it?

A. Yes; I remember of talking to the Bodell Agency and of being given, it seems, an application blank, and I think they gave me a stamped envelope, but to my memory it don't seem that I had ever filled it out, or mailed it in.

(Testimony of Ezra Chase.)

By Mr. Gladstein:

Q. Let's go through it. I read here that the applicant in this case filled out it and said that he was married, and had a child named Delores. Did you have a child named Delores?

A. Yes; that is right.

Q. That his mother's name was May Chase. What is your mother's name?

A. That is right.

Q. That her address was 623 Downington Avenue, Salt Lake City, Utah. What is your mother's address? A. You are right again.

Q. And under "Marks or scars" the applicant who filled out this application to the Glen E. Bodell Detectives, stated "Tattoos, right forearm, also on upper right and left. arm." Do you have such tattoos? A. Would you like to see them?

Q. Answer the question. A. Yes.

Q. Do you? A. Yes. [552]

Q. Does this refresh your recollection enough now to be able to state whether you did fill out——

A. (Interposing): Yes, I possibly filled it out.

Q. (Continuing): Let me finish the question before you answer it. Does this now refresh your recollection sufficiently to be able to state whether you filled out and signed an application of the character that I am reading?

A. Yes: I recall that they gave me an application and apparently I must have filled it out. I re-

(Testimony of Ezra Chase.)

call that it laid on the shelf in my closet for several months in my house and I apparently filled it out and mailed it.

Q. What was your purpose in filling out that application?

A. I think that they are an authorized detective agency and that they do quite a variety of detective work.

Q. What kind of work were you trying to do with them?

A. I wasn't interested in any labor spying, but I would have welcomed a job in any factory where there were Communists present. I would have been very glad to have taken a job, yes, and I would take one now of spying in any factory where Communists are involved.

Q. Now, you were seeking, in other words, a job as an industrial investigator, is that right?

Mr. Del Guercio: Counsel has been reading from this application. He has not read it all. He is reading portions of it. The application does not state that the applicant was [553] seeking a job as a labor investigator.

Presiding Inspector: You must not deceive the witness.

Mr. Gladstein: I wouldn't.

Presiding Inspector: I don't know.

Mr. Gladstein: I certainly will not do that, and I will stand corrected if at any time in this proceeding it is shown that I have deceived the witness.

Presiding Inspector: Go ahead.

(Testimony of Ezra Chase.)

Mr. Del Guercio: I say that you have been, and I ask that you show the document to the Court.

Presiding Inspector: Let Mr. Gladstein go ahead.

Mr. Gladstein: Thank you.

Read the last question, please.

Presiding Inspector: I rely on you as a member of the Bar not to deceive the witness.

Mr. Gladstein: Yes, your Honor.

(The question referred to was read by the reporter as above recorded.)

A. I would, yes, where Communism was involved. I think you will find something in there about seditious activities in my qualifications in that line.

By Mr. Gladstein:

Q. Do you remember that now?

A. I am commencing to remember, yes, what I had stated when I was in the office, that I had experience and understood the [554] Communist movements, and I believe that will so state.

Q. In other words, now that you have remembered filling out this application you testify that you stated in the application that your purpose was to do investigation in factories——that would be industrial investigation—of an anti-Communist nature, is that right?

A. Involving seditious activities.

Mr. Myron: Counsel is incorrectly stating the witness' answer.

(Testimony of Ezra Chase.)

Mr. Gladstein: He has answered.

Presiding Inspector: Read the answer, the last answer just now given.

(The answer referred to was read by the reporter as above recorded.)

Presiding Inspector: Proceed.

By Mr. Gladstein:

Q. You were then a member of a labor union, weren't you, at the time you filled out this application? A. No, indeed.

Q. You had already ceased being a member of the union, is that right?

A. Yes. That came right after that.

Q. You are sure of that?

A. At the time that I talked to several agencies it was possibly in December. [555]

Q. You are sure of that, are you?

A. Well, I can't be too sure of my dates in that period because, after all, it was such a short period of time, and there were a lot of things happening at that time, and I can't be too certain because I have kept no records.

Q. Would you change your mind if I read from this application the following: "Are you a member of any lodge or organization: American Legion 'Union Labor Post.' American Federation of Labor. Upholsterers' Union."

A. I was probably not yet out of—well, I had my dues, I think, paid up to January the 1st.

Q. Your answer——

(Testimony of Ezra Chase.)

A. (Interposing): I believe I had my card.

Q. Your answer is now that at the time you filled out the application to the Glen E. Bodell Detective Agency you were a member of the Union?

A. No. I definitely was not then.

Q. Your statement in the application was incorrect?

A. It could be, yes, that I had probably utilized that as a qualification. But I was not employed by that Union.

Q. Well, were you saying something in the application which was incorrect?

A. It could have been that I had utilized that as a qualification, not for the purpose of a serious misrepresentation, though. [556]

Q. Do you remember whether the application required references?

A. They usually do, and I believe that one did too.

Q. Do you remember which persons were used as references?

A. I would have undoubtedly used Captain Hynes as one.

Q. Who else?

A. I couldn't recollect that.

Q. Well, you used a man by the name of R. J. Ruthbard, didn't you? A. Yes.

Q. Who was he?

A. That is my brother in law.

Q. You used a man by the name of J. A. Reshaw, didn't you?

(Testimony of Ezra Chase.)

A. Those are just character references; yes.

Q. That is to say—by the way, who was Reshaw?

A. He is a real estate operator.

Q. Located where?

A. On Vernon Avenue, in Los Angeles.

Q. Now, you were using these three references to vouch for your character and your integrity, correct?

A. Yes; people that knew me. I think that was all that was required.

Q. How long had you known Captain Hynes prior to the [557] time you made this application?

A. I suppose I have known Captain Hynes probably since about 1931.

Q. No. I mean in the kind of relationship that you sustained toward him at the time that you signed the application to the Glen E. Bodell Detectives.

A. That was probably a year or a year and a half.

Q. Now, in this application you will remember, won't you, Mr. Chase, that there were spaces provided for an applicant to place an "X" after that type of work which he sought, do you recall that?

A. No, I don't.

Q. You don't remember that?

A. No, I don't recollect just what it looked like.

Q. In the one I am looking at there are four such categories, watchman, guard, special police, and investigator. And there is an "X" after the

(Testimony of Ezra Chase.)

word "investigator." Does that refresh your recollection?

A. No, it doesn't. I still don't recollect any of that part.

Mr. Del Guercio: If your Honor please, I believe that counsel's statement here will indicate that he has been deceiving the witness. He has been asking the witness here, based on the information contained in this application, to admit that he has made application for a job as a labor spy and a labor [558] investigator, and he has indicated right now there isn't a single thing in the application that would justify or warrant counsel in asking any questions concerning that.

Presiding Inspector: I will take that into consideration.

By Mr. Gladstein:

Q. Do you remember whether the name of the agency appeared at the top of the application?

A. No, I couldn't state that.

Q. You don't remember that at all?

A. No, I don't.

Q. Would it refresh your recollection if I told you it says "Glen E. Bodell Detectives"?

A. Yes, I know the firm; yes.

Q. Would that refresh your recollection so you could state now whether the application you signed bore that heading?

A. I don't believe that I received an application form from anyone else but Glen Bodell. I

(Testimony of Ezra Chase.)

don't believe I have ever been in possession of any other forms.

Q. So your testimony now would be, would it, that if a name was on top of the application you signed it would be "Glen E. Bodell Detectives"?

A. Yes, I think so.

Q. Underneath there it says "State Prison Board Permit No. 326." Do you remember anything about that?

A. What is that statement again, please? [559]

Mr. Gladstein: Read it, please.

(The question referred to was read by the reporter as above recorded.)

A. No, I don't.

By Mr. Gladstein:

Q. And underneath that, Mr. Chase, is the expression "Industrial Investigations". Do you remember that being on the application?

A. No, I don't.

Q. But if it appears in this document you wouldn't question it was in the application you signed?

A. No. I wouldn't question the document. I just don't recollect it.

Q. Now, under "Remarks" a space is provided in the application for the applicant to make statements of his own. Do you remember anything about that? A. No, I can't recollect it.

Q. Let me see if I can refresh your memory. Under "Remarks" in the application that I have

(Testimony of Ezra Chase.)

been referring to, the first remark is "Good understanding of subversive activity."——

Mr. Del Guercio (Interposing): If the Court please——

A. I think that is right.

Mr. Del Guercio: Just a moment. I would like to see if counsel is reading that correctly. I have reason to believe, in view of the statements heretofore made, that he is now deceiving [560] the Court in connection with reading this document. I question everything that counsel says.

Presiding Inspector: Very well.

Mr. Gladstein: Very well. I will allow counsel to check. You don't have to hold, because your hand is shaking.

Mr. Del Guercio: So is yours.

Mr. Gladstein: Not as much as yours is.

Mr. Del Guercio: I am not a Communist and you are.

Mr. Gladstein: If your Honor please——

Mr. Del Guercio (Interposing): Well, you didn't have to say that.

Mr. Gladstein: Did your Honor hear that remark?

Presiding Inspector: No. I am blind and deaf today. Go right on.

Mr. Gladstein: Your Honor will recall that in the last question I asked the witness whether there was a space in which he could voluntarily make statements under the caption "Remarks", and I read the first statement: "Good understanding of

(Testimony of Ezra Chase.)

subversive activity", and he said "Yes, that is correct."

Have I misread that, Mr. Del Guercio?

Mr. Del Guercio: Go ahead. I will tell you when you misread it.

Mr. Gladstein: Thank you.

By Mr. Gladstein:

Q. Your answer is you recall it? [561]

A. Yes.

Q. The next sentence is: "Know trade unions and how to deal with them."

A. That is where the Communists are active.

Q. Mr. Chase, that expression, "Know trade unions and how to deal with them"—do you recall writing that?

A. Yes, I do. That means nothing.

Q. Means nothing—next is "Could work as salesman in Dept. store." Do you recall that?

A. Yes.

Q. That is correct, isn't it? A. Yes.

Q. Next is "Do clerical work, good public speaker, machine shop, factory work, quickly adaptable to semi-skilled work." Is that correct?

A. That probably would be correct.

Q. Then "Have worked as a professional still photographer." Is that correct?

A. That is right.

Q. Then "Automobile, aircraft, rubber, meat packing, O. K." Remember that?

A. That is right.

(Testimony of Ezra Chase.)

Q. That is correct, isn't it? A. Correct.

Q. "Date: December 13, 1937." Remember that?

A. What is the date? [562]

Q. December 13, 1937.

A. Yes, that would be about right.

Q. And signed "Signature of applicant, Ezra F. Chase"? Remember that?

A. That is right.

Mr. Del Guercio: Just a minute: "Signature of applicant" is not on there.

Mr. Gladstein: This, of course, is a printed volume and does not contain Mr. Chase's original signature. That is understood.

By Mr. Gladstein:

Q. You don't deny you signed that application?

A. No, I don't deny it.

Mr. Gladstein: Thank you.

Presiding Inspector: Have you read it all now, Mr. Gladstein?

Mr. Gladstein: There are parts that I have not read, but I will introduce the whole thing in evidence, your Honor. We may have further questions on this.

I may say, your Honor, that this is the only volume I have, and I prefer to be entitled to make a photostat of this particular exhibit. You see this occurs in a book and there is printing on the opposite side.

Presiding Inspector: How much longer is it than what you have already read? [563]

(Testimony of Ezra Chase.)

Mr. Gladstein: There is quite a good deal of personal, intimate details, such as observations of physical description, and so on, things of that kind, questions as to the use of firearms, and so on. It would take perhaps five minutes to read it into the record.

Mr. Del Guercio: Why not read the whole thing into the record?

Mr. Gladstein: I don't have any objection to that.

Presiding Inspector: That perhaps will be the easiest way out.

Mr. Gladstein: I will read it now.

Mr. Del Guercio: May I check you?

Mr. Gladstein: Yes, by all means, Mr. Del Guercio.

I am afraid that Mr. Del Guercio wouldn't read it loud enough for the reporter to hear it.

Presiding Inspector: Never mind; proceed.

Mr. Gladstein: (Reading.)

(The document read by Mr. Gladstein reads in words and figures as follows, to-wit:)

EXHIBIT 10553

(Front of Application)

Glen E. Bodell Detectives

State Prison Board Permit No. 326

Industrial Investigations

510-513 Fay Building, Los Angeles

Application for Employment as: [564]

Investigator: X. Special Police: Guard: Watchman:

(Testimony of Ezra Chase.)

Name in full Ezra Frank Chase. Age: 41.

Where born: Idaho Falls, Idaho. Year: 1890.

Previous residence: Salt Lake City, Utah. Number years: 6.

Present address: 121 E. 119 St—L.A., Phone Number: TW 5178.

Married: Yes. Names and ages of Children: Delores, 8.

Name of Parents of living: May Chase (Mother).

Address: 623 Downington Ave. Salt Lake City, Utah.

Physical description: Athletic. Weight: 170. Height: 59".

Build: Med. Stout.

Complexion: Ruddy. Color of hair: Brown. Eyes: Blue.

Marks or Scars: Tattoos—rt forearm also on upper right and left arm.

Observations of Physical Description: Partially Bald. Wear Glasses. Reg. Features.

Number of years of police experience:

Formerly employed by: Communist Party, 6 yrs; Upholsterers Union, 2 yrs.; Sterling Furniture Mfg. Co., 1 yr. "upholsterer." L. A. Swift & Co., 1 yr. (Bethlehem Steel Co., 6 mos. Blast Furnace) Penna. Hercules Powder Co., 3 yrs Shell machine) Utah.

Number of years: 6 c. p. Address: Los Angeles. Phone:

In what capacity: Organizer, Upholsterer, Clerical, Laborer.

(Testimony of Ezra Chase.)

Cause of Leaving: Left Communist Party—objective obtained.

Are you an ex-service man: Yes. Outfit: U. S. Navy.

Honorable discharge; yes: Yes. No.: #121-13-26.

[565]

Are you a member of any Lodge or Organization: American Legion, "Union Labor Post." American Federation of Labor. Upholsterers Union.

Have you ever been convicted of a felony: No.

Do you own property: Yes. Description: 4R. Cottage, 121 E. 119 St.

Do you own an automobile: Yes. Make: Dodge. License No. 4U5563.

Color: Dk. Green. Legal owner: Self.

Have you ever been involved in a serious automobile accident: None.

Q. Where: None. When: None.

Do you own a side arm: No. Make: No.:

Do you own a Rifle: No. Make: No.:

Do you own a Pistol: No. Make: No.:

Are you familiar with the use of guns: Yes.

(Back of Application)

Give names of three references as to character and integrity who can be interviewed by phone or personal call.

Name: R. J. Ruthbard. Address: 601 Cloverdale. Phone No. WH 6119.

Name: Capt Wm. F. Hynes. Address: Klinker Bldg. Phone No. MU 4891.

(Testimony of Ezra Chase.)

Name; J. A. Reshaw. Address: 142 W. Vernon. Phone No. CE 20715. [566]

NOTICE

The applicant for a position with the Glen E. Bodell Industrial Investigators makes this application with the full understanding that if he is employed by this organization, he will of his own free will and accord submit his finger prints for the purpose of identification as to previous character. And same will be the property of Glen E. Bodell Industrial Investigation Service.

Your Social Security Account No.: 551-03-3574.

Do you have a gun permit issued: No. No.: No. Date: No., Revoked: No.

Are you a Commissioned Special Police Officer or Deputy Sheriff: No.

Have you been fingerprinted: Yes. By whom: L.A. Police Dept.

Date: Remarks:

Good understanding of subversive activity. Know trade unions and how to deal with them. Could work as salesman in Dept. Store. Do clerical work, good public speaker, machine shop, factory work, quickly adaptable to semiskilled work. Have worked as a professional still photographer.

Automobile, Aircraft, Rubber, Meat Packing. O. K.

Signature of Applicant: Ezra F. Chase.

Date: December 13, 1937.

(Testimony of Ezra Chase.)

Presiding Inspector: What is the date? [567]

Mr. Gladstein: December 13, 1937.

Presiding Inspector: You may proceed.

By Mr. Gladstein:

Q. Now, Mr. Chase, at the time you made your application to the Glen Bodell Detective Industrial Investigations did you know what kind of a reputation, if any, that organization had in organized labor?

Mr. Del Guercio: Just a minute, if your Honor please.

Would you mind reading that question again?

Presiding Inspector: Read the question, Miss Reporter.

(The question referred to was read by the reporter.)

Presiding Inspector: That is a double question, but at the same time, I think the witness can answer that.

Mr. Gladstein: Thank you.

Presiding Inspector: He may say he doesn't know that it had any.

A. The local that I represented used to hire their agents as guards up in the dances that they gave.

By Mr. Gladstein:

Q. Now, what kind of a reputation did the Glen Bodell Agency have with respect to union or strike activities among trade unions?

Mr. Del Guercio: Just a minute.

(Testimony of Ezra Chase.)

By Mr. Gladstein:

Q. If you know that?

Presiding Inspector: That is, if it had any, and if he [568] knows.

Mr. Gladstein: If it had any, and if he knows.

A. I have heard little or nothing about it.

By Mr. Gladstein:

Q. None at all? None at all?

A. Well, our union there had a little discussion about our union hiring special police from the Bodell Agency to be present at the dances.

Q. When was that?

A. At one dance in particular; I believe it would have been held in November, 1937. The armed officer that was at that dance to keep order was from the Glen Bodell Agency.

Q. Where was the dance held?

A. 121 West 18th Street.

Q. What kind of a place is that?

A. That was the Upholsterers Union Headquarters. They had a large auditorium used for dancing and a beer permit.

Q. Who hired the guard?

A. I don't know; someone in the union hired him.

Q. Did you?

A. No; it would have been Walter Westfall or William Standera who made the arrangements.

Q. Now, at the time that you made your application to the Glen Bodell Agency, did you know

(Testimony of Ezra Chase.)

whether the Glen Bodell Agency had a reputation of providing strike breakers and labor [569] spies in industrial disputes? A. No, I didn't.

Q. Or in unions? A. No, I didn't.

Q. You didn't know about that? A. No.

Q. Did you know whether the Bodell Agency had a reputation of having provided strike breakers and labor spies in the Salinas lettuce strike in the year 1936? A. No.

Presiding Inspector: Whether they had a reputation for it?

The Witness: No, I didn't.

By Mr. Gladstein:

Q. You didn't know that?

A. No, I didn't.

Q. Now, during these conversations you had with Captain Hines, which, I think you said, was about the middle of 1936 on—is that correct?

A. Yes, to the best of my memory.

Q. Well, we want everything according to the best of your memory. You understand that?

A. Yes, sir.

Q. Now, during that period of time in your conversations with Captain Hines did he give you any advice as to how to achieve your objectives? [570]

A. Never.

Q. Never at any time? A. No.

Q. He just took your reports and said nothing?

A. There was a time or two that he asked me about Communist activity of various natures, but

(Testimony of Ezra Chase.)

my reports were voluntary at all times. I was under no obligation to him.

Q. Well, I understood that from your testimony this morning, but I am now trying to find out whether you discussed these reports with him and whether Captain Hines made any suggestions to you? A. No, I recollect no such a thing.

Q. You felt that he was satisfied with your reports and had no suggestions to make?

Mr. Del Guercio: I object, your Honor, to the form of the question. That isn't a question to ask of the witness.

Presiding Inspector: I think the witness may answer; he is well able to take care of himself.

A. I hadn't never given it any thought from that viewpoint.

Mr. Gladstein: Well, will you listen to the question, Mr. Chase, and see whether you can answer it more directly than the answer you have given?

The Witness: I believe I understood it.

Presiding Inspector: Read the question, Miss Reporter.

(The question referred to was read by the reporter.) [571]

The Witness: I never gave it any consideration, whether he was satisfied or not. Certain Communist activity took place and I reported the facts as I saw it.

(Testimony of Ezra Chase.)

By Mr. Gladstein:

Q. And he never made any suggestions to you; is that right? A. No.

Q. Is that correct? A. That is correct.

Q. Then it would be your testimony, would it, that Captain Hines never suggested to you that you should do what you could to stir up the membership of the union?

Mr. Del Guercio: I object, your Honor.

A. No, I have no such recollections of anything like that; it is ridiculous.

By Mr. Gladstein:

Q. He never did that?

A. Not to my knowledge.

Q. He never suggested that you should stir up the membership on the proposition that there was too much secrecy on the part of the union?

A. No, no.

Q. He never made any such suggestions?

A. No, no.

Q. Did you ever try to stir up the membership because [572] of too much secrecy in the union?

A. I don't recollect anything of that nature.

Q. It is possible that you did?

A. I hardly think so.

Q. Are you uncertain when you say "I hardly think so?"

A. Well, your question is pretty broad.

Q. Well, let's put it this way: Did Captain Hines ever suggest to you that you try to stir up the mem-

(Testimony of Ezra Chase.)

bership because of the absence of financial reports in the union?

A. Well, there was a great deal of dissension going on in the union regarding financial reports which were seldom given and never correct. There was discussion that was quite general inside the union, and it didn't require any stirring up on that line.

Q. Did you yourself attempt to do any stirring up on that line?

A. I, at different times, did want to see a more careful accounting of the union's funds. There was money being spent for beef squads and things of that sort that the members didn't know about. On one instance there we paid $50.00 to Chester Jordan to get the Longshoremen's Beef Squad up there to beat up a few workers at the Kroehlar strike, a few things of that sort. There was probably $500.00 in a safety deposit box at the disposal of the beef squad that members of the union would have liked to have known a little more about. [573]

Q. Now did you, yourself, then use that to stir up the membership on the incorrectness or absence of financial reports?

A. No, I can't recollect that I ever did make any serious issue out of it.

Q. It is possible that you did?

A. Oh, I have commented on it, I believe, at times, but I don't believe to the extent that it would have stirred up the union to any extent.

(Testimony of Ezra Chase.)

Q. Did Captain Hines suggest that you do any of that?

A. No.

Q. Never did?

A. I have no recollection of any such thing.

Q. Do you remember a meeting in your local union in March of 1937 when you were running for office as a delegate to the convention?

A. Yes, I do remember such a meeting.

Q. And do you remember that you were not elected as a delegate because the San Diego members of the union cast their votes for an opponent of yours by the name of Yost, Y-o-s-t?

A. Yes, I remember that very well.

Q. Did you tell Captain Hines about that?

A. Yes, I believe I did, because it was a pretty clever piece of party conspiracy. [574]

Q. What did you tell Captain Hines?

A. I think I gave him an idea of the way the Communists in the union had maneuevered that election.

Q. In writing?

A. I remember distinctly that I had a majority of the votes out of the floor, and the Communist Fraction authorized Walter Westfall to call San Diego to take their votes by phone, and they brought in 26 votes in a solid block.

Q. So, do I understand that you wrote a report and sent it to Captain Hines?

A. I believe I did write that out and sent it to him, yes.

(Testimony of Ezra Chase.)

Q. Do you recall what else you said in that report?

A. No, I wouldn't; I had no copy of it.

Q. Did you tell Captain Hines in your report, Mr. Chase, that you jumped up and made a motion that the election was valid and legal, and so forth? You remember doing that, don't you?

A. No, I don't recollect at the time just what I did.

Q. Do you remember telling Captain Hines in this written report that you had expected soon to get Westfall and a man named Standera and Silva out of the Communist Fraction?

A. Yes; they were wavering; they were about to pull away from it; the whole three of us were about to pull away from the Communist Fraction. [575]

Q. That is right. You intended to get them to pull away and expected to do so?

A. Yes, that was correct.

Q. That was in your report to Captain Hines?

A. I don't recollect whether it was in the report or not, but that was the state of affairs.

Q. Then, it is quite likely that it was in the report? A. Yes, it could have been, yes.

Q. And you were the person, that is, you were working on Westfall and Standera and Silva to get them out of the Fraction?

A. Yes, I wanted to separate them from the Communist movement.

Q. Then, as a matter of fact, your purpose, I take it, would be to do what?

(Testimony of Ezra Chase.)

A. We wanted to eliminate the Communist Party in that local.

Q. So that you could rebuild the union under the control of yourself, Standera, Westfall and Silva; correct?

A. The better way to do it would be that we could get it out from the influence of the Communist trade union commission which we were resentful of at the time.

Q. But your purpose there would be, would it not, in separating these three men whose names you have mentioned, that it would give you control and enable you to rebuild the union? [576]

A. Yes, we would have had control, then, and we could have rebuilt the union without interference and without making money donations and this and that to various phases of the Communist program, which I was honestly resentful of, and I believed the other three too felt that way about it.

Q. And you reported that to Captain Hines?

A. Yes, I believe I did.

Q. Did you ever use any other name besides Ezra F. Chase?

A. In the party, yes; I have used a couple of names.

Q. Well, outside of your party names?

A. I don't recollect, now.

Q. Ever use R. F. Chase? A. No.

Q. Rubin F. Chase?

A. Not to my knowledge; I don't recollect anything like that.

(Testimony of Ezra Chase.)

Q. Aren't you sure about that?

A. No, I have never used the name Rubin F. Chase.

Q. Frank Chase?

A. Frank Chase is my real name.

Q. You have used that, then?

A. Yes, I have; that is my true name.

Q. Have you used—well, your true name is Ezra Frank Chase? A. Ezra Frank Chase. [577]

Q. You have used Frank Chase?

A. I have went both by the name of Ezra Chase and Frank Chase; I am known that way at the present time.

Q. Ever use the name of Rubin Chase?

A. No.

Q. What was the designation which you said you sent your reports under to Captain Hines?

A. I used to just scratch B-50 on them.

Q. Was there ever any change of designation during the time that you were signing reports?

A. No.

Q. Never?

A. Not that I recollect, any other change.

Q. You mean you don't recall, but it is possible that there was a change?

A. I hardly think that it is possible.

Q. But you are not sure?

A. Well, I believe that I would state that I am sure of that.

Q. You believe you would state that you are sure? A. Yes, sir.

(Testimony of Ezra Chase.)

Mr. Del Guercio: If your Honor please——

Presiding Inspector: (Interposing) Oh, that is a matter of speech.

By Mr. Gladstein:

Q. Did you ever apply for a job with the Pasadena [578] Police Department? A. Never.

Q. Or the Chief of Police in Pasadena?

A. Never; I have never met them, never had any conversation with them whatever.

Q. Now, at this meeting where, as you described it, you lost the election as a delegate to a forthcoming convention because of the San Diego votes——

A. Yes, sir.

Q. (Continuing) There was also elected a full time Secretary and Treasurer; remember that?

A. Yes, sir.

Q. At a salary of $40.00 a week: correct?

A. Yes.

Q. And expenses? A. Yes.

Q. You reported that to Captain Hines, didn't you?

A. Yes, I—no, I don't know that I did: I possibly might have, did, yes.

Q. The union at that time was in a bad state financially, wasn't it?

A. Yes, we probably were about that time in very bad shape for money.

Q. And, of course, you told Captain Hines that?

A. I might have done.

Q. When did you first establish contact with

(Testimony of Ezra Chase.)

Captain [579] Hines with respect to the relationship which you are now discussing, that is, in giving him information?

A. I think that has already been asked and answered.

Q. I want as near as——

Mr. Del Guercio: (Interposing) If your Honor please, the witness has already stated that.

Presiding Inspector: I think he has.

Mr. Del Guercio: He stated it over and over.

By Mr. Gladstein:

Q. Well, you said it was about the middle of 1936, I think? A. Yes, sir.

Q. Is that right? A. That is what I said.

Q. How did you establish that contact?

A. I happened to run into Hines and he asked me how I was getting along in my revolutionary activity. I let him know that I was not in accord with the Party. I told him that I was no longer in accord with the Party.

Q. What did he say?

A. He said, "What is the matter? Are you losing confidence in your future governors?"

Q. Then, what did you say?

A. Oh, a little idle chatter took place. I don't recollect the conversation that I had some years back.

Q. Where did this conversation take place? [580]

A. I think it was along Broadway.

Q. Who else was present, if anybody?

A. No one else.

(Testimony of Ezra Chase.)

Q. Just the two of you?

A. Just the two of us.

Q. What else happened in this conversation?

A. I don't think anything else took place. Oh, I told him at the time—yes, I remember definitely now I told him at the time that I would be very glad to give him material that he could use, that would be useful in opposing Communism.

Q. You told him that on the occasion of this meeting? A. Yes.

Q. And what did he say?

A. Well, he said something to the effect that I could probably help him out from time to time.

Q. And how soon thereafter did you start making reports to him?

A. Oh, I don't recollect just how soon. I made him some reports, yes.

Q. Well, now, you must have worked out your method of sending reports to him; or speaking to him orally at that conversation or later on, I take it?

A. Oh, I had his phone number.

Q. Well, when did you get that? [581]

A. I think I got it from him the time I was talking to him. He told me to give him a ring sometime.

Q. At this first conversation when you said you would supply him with information; is that right?

A. Yes, I think he gave me his phone number at that time.

Q. Well, what else was said with respect to your reports?

A. I don't recollect anything else being said. We only talked for a moment or two.

(Testimony of Ezra Chase.)

Q. Well, didn't you discuss the question of whether you should sign your reports?

A. No, we didn't.

Q. Not at that time? A. No.

Q. When did you?

A. I don't recollect that there was ever any discussion over it.

Q. You never did sign actually your reports?

A. No, I didn't sign any.

Q. Well, what arrangements were made so that he could tell from whom he was getting the report?

A. I told him what I would put on them.

Q. What did you tell him?

A. I told him that I would put an identifying mark of B-50 on them. [582]

Q. And what did he say to that?

A. I don't think he made any comment of any amount; might have said "All right."

Q. Who suggested that number? You or he?

A. I did.

Q. What did he say?

A. Nothing that I recollect.

Mr. Del Guercio: If the Court please, I think I will enter another objection here. We are getting far afield. This is cross examination for one purpose and this is apparently an inquisition here for another purpose.

Presiding Inspector: Well, I assume that Mr. Gladstein has some purpose in this.

Mr. Gladstein: That is right, your Honor.

(Testimony of Ezra Chase.)

Presiding Inspector: Of course, it isn't fully apparent to the Presiding Examiner. Every question on both sides is asked several times.

By Mr. Gladstein:

Q. Going back for a moment to that March meeting in the union, Mr. Chase, when the San Diego telephone votes defeated you when you were running for delegate, although you were defeated as a delegate to the convention, in another respect it was really very helpful to have the thing happen that way, wasn't it?

Mr. Del Guercio: Just a minute, your Honor.

Presiding Inspector: I didn't understand that.

[583]

Mr. Gladstein: Your Honor, I may say this is preliminary to something which I represented to your Honor that I have reasonable ground to believe is appropriate. Now, I would prefer not to——

Presiding Inspector: (Interposing) Well, I don't quite understand the question.

Read the question again.

(The question referred to was read by the reporter.)

Presiding Inspector: Helpful to him?

Mr. Gladstein: Yes, helpful to Mr. Chase.

Presiding Inspector: Very well.

A. No; if you feel that I would have capitalized upon that for disruptive activity you are mistaken, because when I took office in that union as organizer their funds were in a very bad condition: they,

(Testimony of Ezra Chase.)

practically had none. Their membership was possibly less than 200 and a great part of them were in bad standing, and under my leadership in the union it went to a paper membership of 1800. The members that were totally paid up to date, I believe, would have approximated 1100, there being about 400 that were either wholly or partially in good standing. I organized, during my time in that union, may factories that no one would dispute that they had put forth every effort to organize for a number of years. I could name a number of those factories. I was sincerely out to organize and to get as many people into [584] the union, and to negotiate agreements where wages, hours and conditions would be obtained.

By Mr. Gladstein:

Q. Well, let's get back to this meeting, Mr. Chase. I am trying to find out if this isn't——

Presiding Inspector: (Interposing) This is an explanation, I suppose, why it was not helpful to him?

By Mr. Gladstein:

Q. Well, as I understand it, you were trying to break off certain people from the Communist Fraction, you said? A. Yes.

Q. Yes, and the manner in which these votes from San Diego came in was considered pretty raw, was it, against you?

A. It was very raw, yes.

(Testimony of Ezra Chase.)

Q. And there was some dispute in the membership, I take it?

A. The membership was quite demoralized by the way the thing was done because the majority of them on the floor had voted for me.

Q. Yes. So, in other words, that disgust at the way you were defeated would, in a way, because of the way you were defeated, help you with the membership; isn't that correct?

A. Yes, it might have helped me some. [585]

Q. Yes. Now, as I recall your testimony, Mr. Chase, you were present at two meetings where Harry Bridges spoke. One was in an auditorium and the other was at a place on Washington Boulevard? A. That is correct.

Q. Those are the only times?

A. Those are the only times, yes.

Q. Now, let's take first the meeting in the auditorium. What auditorium was that?

A. The Olympic Auditorium.

Q. A large auditorium?

Q. Yes, it is quite large.

Q. How many people attended?

A. I could only venture a guess; probably a couple of thousand.

Q. Was it open to the public? A. Yes.

Q. Advertised? A. Yes.

Q. Who were the speakers?

A. Harry Bridges, a Mr. Latham of the Hawaiian Steamship Lines, I believe and there was a Minister

(Testimony of Ezra Chase.)

from Boyle Heights. Aside from that I recollect no other speakers.

Q. What was the subject of discussion?

A. The labor conditions in the maritime industry, to the best of my memory. [586]

Q. Do you remember anything that Harry Bridges said that night?

A. No, I don't recollect anything definite that he stated there.

Q. All right. Now, the other meeting, I think, you said was somewhere on Washington Boulevard?

A. Yes, sir.

Q. What was that address?

A. 1210½ West Washington Boulevard.

Q. What kind of a place was that?

A. That was the union headquarters of the Longshoremen and Warehousemen's Union.

Q. What kind of a building was it, can you tell us? A. It is a two-story building.

Q. What was it used for aside from an office, if anything?

A. I couldn't recollect just what is on the ground floor, whether that is apartments or whether it is business. I couldn't recollect definitely just what is there.

Q. What time did that meeting take place?

A. I think it was called for about 10:00 o'clock in the morning.

Q. Do you remember the date?

A. It would be about September or October, as nearly as I remember. [587]

(Testimony of Ezra Chase.)

Q. Well, which?

A. I believe about September.

Q. When in September?

A. I don't remember the exact date.

Q. Well, do you remember what part of the month?

A. I believe it would have been toward the latter part of the month.

Q. During the last two weeks?

A. Yes, I believe that that would be quite close to it.

Q. Closer to the end of the month or closer to the middle of the month?

A .Well, now, it is a pretty hard matter to remember just the exact date of events that took place several years ago.

Q. You wouldn't want to be positive?

A. I would be better informed as to who was there.

Q. I will get around to that, too.

Now, do you know how the meeting was called?

A. I know how I got my call.

Q. I didn't ask you that. I said, "Do you know how the meeting was called?"

A. No, I don't.

Q. What kind of a meeting did that purport to be?

A. My understanding of it was that it was to be the policy that the A. F. of L. unions and party members were to be guided in moving A. F. of L. unions into the CIO. [588]

(Testimony of Ezra Chase.)

Q. Did you get that understanding from what was said during the meeting? A. Yes, I did.

Q. You got that from the discussion during the meeting itself—— A. Yes.

Q. Let me finish, please, Mr. Chase. Just a moment.

Presiding Inspector: Well, he can't tell when your question ends. That seemed to be all. Don't scold the witness.

Mr. Gladstein: I am sorry, your Honor.

Presiding Inspector: Now, if you want to add anything to the question, add it.

By Mr. Gladstein:

Q. I want this very clear, Mr. Chase. Did you get from the speeches made at that meeting in the Warehouse Hall the idea that the policy was being laid down as to what A. F. of L. and Communist Party members were supposed to do on the question of CIO affiliation?

A. Yes, I had that impression.

Q. From what did you gain that impression?

A. From the remarks of the speaker and from the instructions that I received, and from whom I received them, to go to that meeting.

Q. Well, now, let's confine ourselves to the meeting itself for the moment. [589]

What remarks were made during the meeting itself which gave you the idea that a policy was there being laid down for what A. F. of L. and Communist Party members were to do with respect to CIO affiliation?

(Testimony of Ezra Chase.)

A. Well, there was confusion in Los Angeles as to the best procedure to follow in getting unions and union members over to the CIO. Many of them in the local of which I was a part were wanting to go out and set up a local and affiliate with the CIO, create a new union in the industry, take what members they could get and move over to it; some of them had that idea. There was others that wanted to put it to a vote on the floor of he union and to move the local union over. And this meeting was—it was outlined by Bridges that they weren't to split the unions, the locals, but they were to elect delegates to central bodies and, I believe, to national conventions and things of that sort, to work to the movement of the entire International, if possible. That, in substance, is what I think the meeting was about.

Q. Well, I asked you what remarks were made by Bridges or any other speaker at this meeting from which you derived the conclusion that the policy was being laid down at that meeting for members of the American Federation of Labor and members of the Communist Party with respect to CIO affiliation?

Mr. Del Guercio: Just a minute, Mr. Witness, please.

The Witness: Yes. [590]

Mr. Del Guercio: I object to the question as having been asked and answered several times, if your Honor please. The witness has given an answer.

(Testimony of Ezra Chase.)

Presiding Inspector: I am not quite sure whether he has answered it or not. He may have answered it.

Mr. Gladstein: I don't think he has.

Presiding Inspector: I think I will allow him to answer it again.

Now, the question is as to what the remarks made at the meeting were in this respect?

The Witness: He was laying down a policy that would be followed—to be followed by A. F. of L., and CIO unions, too, for that matter, in furthering the program of the CIO and moving A. F. of L. unions into the CIO, but the important part of it was that my instructions came over the telephone from the organizer of the Communist Trade Union Section, that I would have to attend the meeting or suffer disciplinary action, and to take two other Communist officers of the local union with me, where Harry Bridges was to lay down the line.

By Mr. Gladstein:

Q. Now, Mr. Chase, a while ago, when I asked you what you relied on for your conclusion that Harry Bridges was laying down a policy for Communist Party members at this meeting, you said first remarks at the meeting, and second the instructions you got over the telephone. Remember that?

[591]

Mr. Del Guercio: Just a minute, if your Honor please. I object to that as being argumentative.

Mr. Gladstein: No, your Honor. This is introductory——

(Testimony of Ezra Chase.)

Presiding Inspector: (Interposing) I am not sure whether that is exactly right or not. It may be or it may not.

By Mr. Gladstein:

Q. Well, is that correct?

Mr. Del Guercio: Just a minute, please.

Mr. Gladstein: He just said "Yes".

Presiding Inspector: Let the witness answer that and then explain it.

Mr. Gladstein: Thank you.

By Mr. Gladstein:

Q. Did you say "Yes" to that question, Mr. Chase?

A. No, I haven't given you a "Yes" or "No" answer to that question.

Q. I thought I heard you say "Yes"?

A. I don't think it should be answered as such.

Q. I think the Judge will be the judge of that.

Presiding Inspector: I am going to let you explain. Now, go ahead.

The Witness: It has long been understood among Communists in the trade union movement——

Presiding Inspector: (Interposing) No, that will hardly do. [592]

Mr. Del Guercio: I don't understand the question myself.

Presiding Inspector: Read the question.

The Witness: Read the question.

Mr. Gladstein: I will go way back, your Honor.

(Testimony of Ezra Chase.)

Mr. Del Guercio: Let the stenographer read the question.

Mr. Gladstein: Your Honor, I do not wish to take advantage of the witness in any way.

The Witness: No, of course.

Presiding Inspector: No, but we will have to have order; no comments.

Mr. Gladstein: Yes, I will review this just briefly.

By Mr. Gladstein:

Q. Mr. Chase, you recall that a little while ago I asked you what it was that occurred upon which you formed the conclusion that Harry Bridges was laying down a Communist Party policy at this meeting on Washington Boulevard; you remember that? A. Yes.

Q. Don't you? A. Yes.

Q. All right, and you answered me, first you said because of remarks that were made at this meeting at Washington Boulevard, and second because of instructions that you got from a Communist, you say, over the telephone; you remember that? A. That is right. [593]

Q. Then, I asked your what remarks at the meeting on Washington Boulevard were made from which you derived the conclusion that Harry Bridges was laying down a policy for Communist Party members and A. F. of L. members with respect to CIO affiliation? Will you please state those remarks?

Presiding Inspector: Well, now, just a moment.

(Testimony of Ezra Chase.)

That isn't founded on his answer. He said he got it from two sources.

Mr. Gladstein: Yes.

Presiding Inspector: He didn't name the one source alone or, at least, I don't know that he did, but the two together. Now, if you want to ask him whether he got that impression from each of them separately you may ask him that, but you assumed in the question.

Mr. Gladstein: As I understood the witness——

Presiding Inspector: (Interposing) We may not understand each other.

Mr. Gladstein: I see.

Presiding Inspector: But he has given two sources, hasn't he, together?

Mr. Gladstein: That is right, your Honor.

Presiding Inspector: Now, you take one of those sources without connection with the other and ask him, assuming that it was from that alone——

Mr. Gladstein: (Interposing) No, I am not saying that. [594]

Presiding Inspector: Well, that is the implication that I get from the question.

Mr. Gladstein: Well, I will withdraw it and put it this way:

Presiding Inspector: You understand.

Mr. Gladstein: Yes, I think I know what your Honor is pointing out. I simply want this: The witness has given two points; one is the remarks at the meeting and the other is a telephone conversa-

(Testimony of Ezra Chase.)

tion. Now, for the moment, I wish to confine my questioning to the remarks at the meeting.

Presiding Inspector: Yes.

Mr. Gladstein: For the moment I want to know what those remarks were and that is why I am asking the witness what——

Presiding Inspector: (Interposing) You may ask what was said at the meeting, of course.

By Mr. Gladstein:

Q. What are the remarks that you had in mind when you gave this answer a moment ago, that is, with respect to remarks and the telephone conversation by which you concluded that Harry Bridges was laying down the Communist policy?

Mr. Myron: Your Honor, I think that question is vague. I think he can ask what remarks were made by Harry Bridges.

Presiding Inspector: Yes, I think you better rephrase: what remarks were made.

Mr. Gladstein: All right, I will reframe it. [595]

By Mr. Gladstein:

Q. What remarks were made by Harry Bridges at this meeting?

Presiding Inspector: Well, I rather think he has also told them.

Mr. Gladstein: Well, I would like them again, your Honor.

Presiding Inspector: Very well, you may have them again.

What did Bridges say at the meeting?

(Testimony of Ezra Chase.)

The Witness: Well, I outlined already what he had stated, that it would be improper for small groups of trade unionists to split their locals and move over to the CIO in small groups, that that was not what the CIO wanted, that they wanted the entire International, and they should work toward those ends; that, in essense, is what the meeting was about.

By Mr. Gladstein:

Q. Those are the remarks that Harry Bridges made at that meeting?

A. But those are not all of the remarks.

Q. What other remarks?

A. He made another remark there about Red baiting—at that time there was considerable Red baiting,—it was cropping up in various local unions—that the Party was trying to put the damper on Red baiting, to discredit the Red baiters as much as they could, and he said, in words to this effect: "There was a time when I thought that if a man was opposed to the Communist Party that it was his right to so speak". [596] He says, "Experience has taught me to treat with distrust those who Red bait."

Q. Any other remarks that he made at that meeting that you remember?

A. That is about all that I recall.

Q. So that represents, in essence, all of the remarks at the meeting made by Harry Bridges which was part of your answer to my question as to what you relied on when you said that Harry

(Testimony of Ezra Chase.)

Bridges was laying down the Communist policy at that meeting; correct?

Mr. Myron: Just a minute. That isn't what the witness said.

Presiding Inspector: No, I don't think he said that.

Mr. Myron: The witness has answered two questions. I think he said at first he was directed by the Communist Party to go to this meeting to hear Harry Bridges lay down the Party line. Then, he stated what he heard at the meeting which, according to the witness, is the party line.

Mr. Gladstein: Could we have the question read, please?

(The question referred to was read by the reporter.)

Mr. Gladstein: Isn't that correct?

Presiding Inspector: No, I don't think that is correct.

Mr. Gladstein: I will withdraw that question.

Presiding Inspector: I think you should try to sever it from what the witness has said was the original instruction.

By Mr. Gladstein: [597]

Q. First of all, before we finish that, the people at this meeting on Washington Boulevard, how many were there? A. Oh, probably 25.

Q. Did you know them all?

A. No, I didn't.

Q. Well, did you know who they all were?

(Testimony of Ezra Chase.)

A. No, I didn't know who all of them were.

Q. Did you know whether all of them were trade unionists from one trade union or another?

A. Well, I believed them all to be from trade unions, yes.

Q. Name some of those who were present.

A. There was Robertson.

Q. What union was he from?

A. United Rubber Workers.

Q. Who else? A. There was John Horn.

Q. What union was he from?

A. The Brewery Workers. There was Bill Gately.

Q. What Union?

A. Mine, Mill, and Smelter Workers Union.

Q. Who else? A. There was Lou Baron.

Q. What union was he from?

A. The Furriers. [598]

Q. Did he hold an office in that union?

A. He held some office there; his main office was in the Communist Party.

Q. Did he hold an office in the union?

A. Of some nature, yes, a member of the Executive Board or something of that nature. I don't know just what it was, but I do know that he was an officer.

Q. He was a union officer? A. Yes.

Q. Who else? A. J. Miller.

Q. What union was he from?

A. Business Agent of the Furriers Union. Kingpin of the Communist Party.

(Testimony of Ezra Chase.)

Q. Whom was he representing—withdraw that. Who else?

A. He was representing both the——

Q. (Interposing) Just a moment, please. I withdraw the question.

Presiding Inspector: He withdrew the question. Strike the question.

By Mr. Gladstein:

Q. Who else was present?

A. Walter Westfall.

Q. What union was he from?

A. Business Agent—the Upholsterers.

Q. Who else? [599] A. Joe Silva.

Q. What union was he from?

A. President of the Upholsterers.

Q. Who else? A. Eddie Sugar.

Q. What Union?

A. United Auto Workers.

Q. Did he hold an office?

A. Sort of a free-lance organizer, to the best of my memory.

Q. Who else? A. Matt Pellman.

Q. What union? A. 884 of the Carpenters.

Q. Who else?

A. That is all I can think of from memory. [600]

Q. Can you think of any person who was present at that meeting who was not an officer or representative of a trade union?

A. No, I don't know of anyone who was not connected with a trade union, but they were all

(Testimony of Ezra Chase.)

connected with the Communist Party with the exception of two I knew.

Q. Who were the two?

A. J. R. Robertson and John Horn, of the Brewery Workers. Neither one, to my knowledge, was a Communist.

Q. Do you remember whether a man by the name of Coulter was there?

A. I don't know Coulter.

Q. You never heard of Mr. Coulter of the Oil Workers? A. No, I never heard of him.

Q. You don't know whether he was present?

A. I don't know whether the Oil Workers had any representative there or not; I don't recollect.

Q. Well, that is, as far as your memory goes they may have or may not have had a representative there?

A. Yes; but I don't know—I didn't know the Communists that were there from the Douglas Aireraft either, but they were there.

Q. Was Mr. Buick there?

A. I don't recall Mr. Buick being there.

Q. What union was he from? [601].

A. He was connected with the International Ladies' Garment Workers. He might have been there, but I don't recollect him being there.

Q. Was he a Communist? A. No.

Q. Now, on this phone conversation, with respect to the meeting itself, how long prior to the meeting did the phone conversation occur?

A. You mean the conversation, with Lou Baron?

(Testimony of Ezra Chase.)

Q. Yes; the one that you have testified about.

A. I got the call about 5:00 or 6:00 in the evening the day before.

Q. Where were you at the time?

A. In the Union headquarters, the Upholsterers' Union.

Q. Now, give us your best recollection of exactly what was said in this phone conversation, would you please, Mr. Chase? I realize it is a long time ago, but I want you to give us your best recollection.

A. Yes. Baron told me that there was going to be a very important meeting the following morning at 10:00 o'clock. I don't recall whether he said "Comrade Bridges" or "Harry Bridges"—he oftentimes in my presence referred to Bridges as "Comrade" and at other times at "Harry" Bridges. But he said "Bridges will lay down the Party line to be followed. Now, you, yourself, and Joe Silva, and Walter Westfall, being [602] the outstanding party members, and holding office in the Union, are to be present at this meeting, and failure to attend will be followed by disciplinary action. So impress that on their mind."

Q. What did you say?

A. I told him "All right."

Q. Was there any occasion for Baron telling you that if you didn't attend there would be disciplinary action?

A. Well, that is quite common practice. There are so many meetings to be attended of the Com-

(Testimony of Ezra Chase.)

munist Party that oftentimes a member might miss some meeting, but a meeting of sufficient importance, you will be notified, and it is obligatory to attend or disciplinary action will follow.

Q. Do you remember whether Baron said that Bridges was going to lay down the Party line?

A. Yes.

Q. Is that the expression used?

A. That is the line he used.

Q. No, no—I want to know whether Baron used the expression over the telephone "Party line"?

A. Yes.

Q. He did? A. Yes.

Q. You remember that? A. Yes. [603]

Q. He didn't use just the word "line"?

Mr. Del Guercio: He just testified he used "Party line".

Mr. Gladstein: This is cross examination.

Presiding Inspector: Go ahead. He may press it.

By Mr. Gladstein:

Q. He didn't use just the word "line", did he?

A. I am positive he used the words "Party line".

Q. He didn't use the word "policy"?

A. No. The Communists seldom express themselves with that word. "Line" is the word that is used more frequently than the word "policy".

Q. So that your testimony now is that Baron did not use the word "policy", but used the words "Party line", correct? A. That is right.

(Testimony of Ezra Chase.)

Q. Are you sure about that? A. Yes.

Q. I want you to think hard about this—still "yes"? A. Yes.

Q. Did you ever testify before the Dies Committee? A. Yes, I did.

Q. When? A. I believe in April.

Q. April of when? A. Of 1940. [604]

Q. About a year ago? A. Yes.

Q. Was your memory better about this 1937 business then than now, or is it better now?

A. Well, that would be hard to state.

Q. You think as time elapses your memory gets better or gets worse—what about it?

A. Restate it.

Q. I am asking you whether you think your memory gets better or worse as time goes on?

Presiding Inspector: I wouldn't go into that. I am not interested in the witness' view of that.

Mr. Gladstein: I will withdraw the question.

Do you want to check me, Mr. Del Guercio?

Mr. Del Guercio: I certainly do. What are you going to read from?

Mr. Gladstein: I am now reading from Volume 13 of the Hearings before the Special Committee on Un-American Activities, House of Representatives, Seventy-Sixth Congress, under the title "Investigation of Un-American Propaganda Activities in the United States," commonly known as the Dies Committee, and these proceedings occurred on April 25, 1940, and I am reading from page 8033 of the volume that I have named.

(Testimony of Ezra Chase.)

I want you to listen to this, Mr. Chase.

"I was called to the telephone in the Union headquarters, [605] and Lou Barron was speaking on the other end. Lou Barron at that time was the Organizer of the Trade-Union Section of the Communist Party. Lou Barron told me that Harry was in town and he said, 'Harry is holding a meeting at 1210½ West Washington Boulevard,' and he said, 'You, yourself, and Walter Westphal and Joe Sylva are to go there as the representatives of the Union.' "——

Mr. Del Guercio: (Interposing) "Your union".

Mr. Gladstein: Yes—" 'your union'. He says 'and Bridges is going to lay down the policy, the new policy, with which we are to follow in regard to taking of A. F. of L. unions over to the C. I. O.' And I attended that meeting."

By Mr. Gladstein:

Q. Was that testimony given by you before the Dies Committee? A. That is right.

Q. Under oath? A. Yes.

Q. Was it true?

A. The two reports are substantially the same.

Q. I am asking you whether the testimony you gave before the Dies Committee was true?

A. Yes, I will say that it was.

Q. Why didn't you tell the Dies Committee that Lou Barron had used the expression "Comrade Bridges" over the tele- [606] phone and that he had used the expression "Party line"?

(Testimony of Ezra Chase.)

Mr. Del Guercio: There is nothing to indicate that he was asked that.

Presiding Inspector: He said in his examination that he wasn't sure whether he used the name "Comrade".

Mr. Gladstein: Today, your Honor?

Presiding Inspector: Today.

Mr. Gladstein: He was pretty sure about "Party line."

Presiding Inspector: Yes, but not about——

Mr. Gladstein: (Interposing) I will withdraw the part about "Comrade Bridges".

By Mr. Gladstein:

Q. Why didn't you tell the Dies Committee that Mr. Baron had used the expression "Party line" in his telephone conversation?

A. Well, I felt that about all that was required was to be able to remember in substance what was said, I wasn't pressed for exact wording as I am now, and I was quoting to the best of my memory, or what I thought to be what was said, to convey the meaning.

Q. You were asked by the representative of the Dies Committee who questioned you whether you thought Bridges was a Communist, weren't you?

Mr. Del Guercio: Just a moment. There isn't anything there to indicate that he was asked that.

[607]

Mr. Gladstein: I will change the form of the question.

(Testimony of Ezra Chase.)

Presiding Inspector: I will rely on you that you have some basis for the question.

Mr. Gladstein: I will withdraw the question.

By Mr. Gladstein:

Q. Were you asked by a representative of the Dies Committee as to whether you considered Bridges a Communist?

A. I believe I was asked that question; yes.

Q. And you told them that you did, correct?

A. Yes.

Q. In substance, that is what you said?

A. Yes. I have believed for a number of years Bridges to be a Communist.

Q. And don't you remember that you were asked what information, what basis you had for your belief, weren't you asked that?

Mr. Myron: Was he asked that? The record is right here.

Mr. Gladstein: I can ask the witness for his recollection.

Presiding Inspector: Are you relying on the fact that you have a basis for that?

Mr. Gladstein: I will withdraw the question and put it another way.

By Mr. Gladstein:

Q. Were you asked whether you had any information, any dependable information, or sound grounds, to believe that [608] Harry Bridges was a member of the Communist Party?

(Testimony of Ezra Chase.)

Mr. Del Guercio: Just a moment. Are you reading that from the report now?

Mr. Gladstein: I am asking a question.

Mr. Del Guercio: I think the witness has a right to know whether he is reading from that report or not.

Presiding Inspector: You have the transcript of the testimony?

Mr. Gladstein: Yes, I do.

Presiding Inspector: You shouldn't ask that question unless it was asked.

Mr. Gladstein: First of all, I have a right to test the recollection of the witness.

Presiding Inspector: Not on a vital point.

Mr. Gladstein: The difficulty with your question, your Honor, if I ask the question the witness is told which way he may answer the question without any difficulty.

Presiding Inspector: The proper question is "Did you do this or that in substance?"

Mr. Gladstein: Before I can ask what he said I have to ask what he was asked.

Presiding Inspector: "Was this or that in substance asked?"

By Mr. Gladstein:

Q. I will put it this way: In substance, Mr. Chase, were you asked whether you had any information, dependable [609] information, or sound grounds, to believe that Harry Bridges was a Communist Party member?

(Testimony of Ezra Chase.)

Mr. Del Guercio: If your Honor please, I object to that same question. He hasn't indicated whether he is reading from this document.

Presiding Inspector: I will rely on Mr. Gladstein to not deceive the witness.

Mr. Del Guercio: He has said so many times that he wouldn't deceive the witness.

Presiding Inspector: He may answer that question. Were you asked that?

A. I don't recollect whether I was asked that question in that way or not. Your wording is so different from what it would have been there. I really don't recollect, recognize exactly just what it was.

By Mr. Gladstein:

Q. My wording is so different? Let me read this to you, Mr. Chase.

Mr. Myron: You are going to read from the record?

Mr. Gladstein: Yes. You watch it.

Mr. Gladstein: (Reading):

"The Chairman:" —That is Congressman Martin Dies—"Do you have any information, any dependable information or sound grounds, to believe that Harry Bridges was a member of the Communist Party? [610]

By Mr. Gladstein:

Q. Were you asked that question?

Mr. Myron: He just said he didn't remember.

Mr. Gladstein: I have a right to ask the question.

(Testimony of Ezra Chase.)

Presiding Inspector: Proceed.

A. Questions about Bridges were asked, but I don't recollect whether that question was asked in that way or not.

By Mr. Gladstein:

Q. If the record shows, as I have just read it, would you be ready to accept that question?

A. Of course. I am merely telling you I don't recollect. If it is in the report why that is correct, of course.

Q. Then you are willing to say now, if the record shows that you were asked the question as I put it, it was asked? A. Yes.

Q. All right. Do you remember your answer?

A. No, I don't remember it word for word, but it would have been a confirmation of my belief of Bridges to be a Communist, because I have believed that over a period of time, and I have had reasons for believing it.

Q. You understand that the question which I have just read called for information, or sound grounds for your belief? You understood that, didn't you? A. Yes.

Q. Do you remember what your answer was to that question? [611]

A. Not distinctly; no.

Q. Suppose I read it——

Mr. Myron: (Interposing) Just a moment. He says he doesn't remember the question and I don't see how he can remember an answer to a question that he doesn't remember being asked.

(Testimony of Ezra Chase.)

Presiding Inspector: Perhaps if his memory is refreshed by the answer he may remember.

By Mr. Gladstein:

Q. I will read the question, Mr. Chase, so you will be clear on it. The question asked by Congressman Martin Dies was this:

"Do you have any information, any dependable information or sound grounds to believe that Harry Bridges was a member of the Party?"

Then the answer:

"Mr. Chase: I have never doubted it, and neither has any other Communist among themselves."

Do you remember giving that answer?

A. Yes, I do. It could have been fortified considerably, too, if I had been pressed by further questioning on that.

Q. Well, weren't you pressed for further questioning on that?

A. No, I wasn't. I think the report will show. It gives the next question that was asked. [612]

Q. Your recollection is that you were not pressed further by the questioner, is that right?

A. No, I wasn't.

Q. Well, now, let me read to you what happened right after that last answer that you gave.

Mr. Myron: What happened?

By Mr. Gladstein:

Q. Do you know the last answer of yours that I have just read was one in which you said, "I

(Testimony of Ezra Chase.)

have never doubted it, and neither has any other Communist among themselves?" Do you remember that? A. Yes.

Q. The next question by the Chairman was this:

"The Chairman: Well, on what would you base such a belief?"

Do you remember being asked that question?

A. Not clearly; no.

Q. You don't remember, but if it appears in the record you would be ready to admit that that was asked, correct? A. Yes, of course.

Q. Do you remember what your answer was?

A. No, I don't.

Q. Have you any idea at all as to what your answer was?

A. It could have been from a number of angles.

Q. You understood by that question, didn't you, that you [613] were being asked by Congressman Dies to give whatever dependable or sound information you had that was the basis of your belief that Harry Bridges was a member of the Communist Party? You understood that, didn't you?

Mr. Myron: (Interposing) Just a moment. You asked that question previously. Now you are referring to a different question, aren't you?

Mr. Gladstein: I am asking the question that I am asking now, which I think is appropriate.

Presiding Inspector: I think I will allow it.

Mr. Gladstein: Thank you.

Read the last question, please.

(Testimony of Ezra Chase.)

(The question referred to was read by the reporter as above recorded.)

A. Yes.

By Mr. Gladstein:

Q. When was the first time that you ever told anybody that you had information to the effect that Harry Bridges was a Communist?

A. I believe to Ellis and Dunne, the Department of Immigration—they are two men, one named Ellis and the other named Dunne.

Q. When was this?

A. About the time of the last Bridges Trial was going on.

Q. Before, during or after? [614]

A. I believe it was during.

Q. And how did you happen to be giving this information to Mr. Ellis and Mr. Dunne?

A. They came to my house to see me.

Q. Will you describe in a general brief way what took place?

A. They came to my house and had a conversation with me, and asked me to come to the office, if I would drop into their office in the next day or so.

Q. Did they first ask you, when they were at your house, what they wanted of you?

A. Yes.

Q. What did they say?

A. They asked me if I had any knowledge of

(Testimony of Ezra Chase.)

Harry Bridges being a member of the Communist Party.

Q. What did you say?

A. I told them it was my opinion that he was. I believe that is what I told them.

Q. What else did they say?

A. I don't recollect exactly what all was said.

Q. You think that was the essence of everything said on this first occasion?

A. There was more said than that. It is hard to remember verbatim conversations that took place so long ago.

Q. Is there anything of importance that stands out in your mind besides what you have told us?

[615]

A. No, I don't believe there was.

Q. Then, I understand you, they asked you to come up to their office? A. Yes.

Q. Did you do so?

A. Yes, I went up there.

Q. How long after the occasion when they came to your house?

A. I believe it was about the next day.

Q. Where did you go?

A. To the Federal Building.

Q. Los Angeles? A. Yes.

Q. And where did you go in that building?

A. It was in the Department of Labor, I believe, at that time.

Q. Who did you see?

A. Mr. Ellis and Mr. Dunne.

(Testimony of Ezra Chase.)

Q. Anybody else present?

A. Yes; there was a stenographer.

Q. Tell us what took place on that occasion?

A. I made a statement for them. I don't recollect just everything that was in the statement.

Q. What kind of a statement?

A. It was pertaining to Bridges and Communistic activi- [616] ties in general.

Q. You mean an affidavit? A. Yes.

Q. That is to say, you were asked questions by them, were you?

A. No, I don't know whether it was an affidavit or not. I am not certain about that.

Q. Did you sign it?

A. I couldn't be so sure about that. I doubt I did because there were several typographical errors in the copy that I glanced over at a subsequent date.

Q. Did you ever sign a copy of it?

A. I am not sure that I did.

Q. What is your best recollection?

A. That I am not sure.

Q. Your best recollection is that you have no recollection? A. I am not sure.

Q. Well, now——

Presiding Inspector: I think we will stop here until two o'clock.

(Whereupon, at 12:30 p. m. an adjournment was taken until 2:00 p. m. of the same day.)

[617]

After Recess
2:00 o'Clock P.M.

Presiding Inspector: You have the witness, Mr. Gladstein.

Mr. Gladstein: Thank you.

EZRA CHASE

called on behalf of the Government, having been previously duly sworn, testified further as follows:

Cross Examination (Resumed)

By Mr. Gladstein:

Q. Mr. Chase, just before we suspended this morning I was inquiring about a meeting you had with some Immigration Inspectors. Before we go any further with that I would like to go back for a moment and ask you about the local union to which you belonged. That was called the Upholsterers' Union, I think you stated?

A. International Upholsterers' Union, Local 15.

Q. Did it always retain that name while you were a member of it?

A. Well, while I was a member of it; yes.

Q. Did it have some other name, or number, prior to your getting in, or after you left?

A. Local 15 has been an old local in Los Angeles and has been known as such for a time prior, beyond my connection with it. There was an Amalgamation at one time, however, of a local union

(Testimony of Ezra Chase.)

called Local 10 of the Trade Union Unity League, [618] which was the Communist group that moved into Local 15, and dropped their identity as the Trade Union Unity League.

Q. Did you ever belong to any other local of the Upholsterers' Union besides Local 15?

A. Never.

Q. Now, I think you said that you never received any money from Captain Hynes for the reports that you submitted to him?

A. That is correct.

Q. Did you receive anything for expenses?

A. No.

Q. Did you receive anything of value, or a consideration of any kind for those reports?

A. No.

Mr. Del Guercio: Your Honor, that has been asked and answered several times.

Presiding Inspector: Yes. I will allow it to stand.

By Mr. Gladstein:

Q. In addition to Captain Hynes, did you have any contact with anyone else in the Los Angeles Red Squad? A. No.

Q. Nobody besides him? A. No.

Q. Did Captain Hynes ever advise you who to contact in the event you couldn't reach him? [619]

A. No.

Q. Never at any time? A. No.

Q. You are sure about that?

(Testimony of Ezra Chase.)

A. No, I have no recollection of any such instruction?

Q. No. Do you know Lieutenant Wellpot?

A. I knew all of the members of the Red Squad including Wellpot.

Q. Well, you know him, do you?

A. Yes, sir, I knew Rudy Wellpot.

Q. Did you know him at the time you were submitting reports to Captain Hynes?

A. Yes, I had known him prior to that date.

Q. Do you know whether Lieutenant Wellpot knew that you were submitting records to Captain Hynes? A. No, I don't.

Mr. Myron: Now, you Honor——

Mr. Gladstein: (Interposing) I am asking for his knowledge. He has answered the question. I don't see any reason for an objection, your Honor.

Presiding Inspector: I don't know, but, of course, he has a right to make the objection.

Mr. Gladstein: All right.

Presiding Inspector: Do you want to strike it out?

Mr. Myron: If he asks of his own knowledge if he knows. [620]

Mr. Gladstein: Would you read the question, Miss Reporter?

Presiding Inspector: I don't think it makes much difference.

The Reporter: Will you spell "Wellpot", please?

Mr. Gladstein: W-e-l-l-p-o-t.

(Testimony of Ezra Chase.)

Is that correct?

The Witness: I believe that is the way he spells it.

By Mr. Gladstein:

Q. Now, during all this time I believe you stated that your number, your operative number was B-50? A. That is correct.

Q. That is true, is it? A. Yes, sir.

Q. Now, how would that be written, B-50?

A. It could be that way or just B50.

Q. Just one more question about the question of remuneration or expenses.

You have already testified that you never received from Captain Hynes either pay for expenses or anything else for these reports. Did you receive any pay or expenses or anything else of value from any other person for these reports?

A. No.

Q. You did not? A. No.

Q. Now, I think you have already said also that Captain [621] Hynes never instructed you as to how you should go about your activities within the Upholsterers' Union; is that correct?

A. Never.

Q. He never did? A. No.

Q. Did you ever ask him for instructions?

A. No, I can't recall that I ever did.

Q. Well, will you make an effort to remember, Mr. Chase, so that I can get as exact an answer as it is possible for you to give?

(Testimony of Ezra Chase.)

A. Oh, it is possible I might have asked him a question at some time but I don't recollect the incident.

Q. Well, did you ever ask him—withdraw that. Did he ever give you instructions, for example, with respect to how to break strikes?

A. No.

Q. Or anything in connection with strikes?

A. No, I have no such recollections.

Q. Did you ever ask him for instructions with respect to breaking strikes?

A. I have never tried to break a strike.

Q. No; I asked you whether you ever asked him for instructions with respect to breaking strikes? A. No, not that I recollect.

Q. Could you have? [622]

A. I have no recollection of any such.

Q. Is it possible that you did ask him for instructions as to how to break a strike?

A. I remember no such a thing.

Q. You said earlier today that you were a strong supporter of trade unions. How do you reconcile that statement with the statement you have just made that you don't recollect as to whether you ever asked for instructions on how to break a strike?

Mr. Myron: I object to that, your Honor.

Presiding Inspector: Yes, I will exclude that. That isn't quite what he said.

Mr. Gladstein: Well, read back the question and answer, will you, Miss Reporter?

(Testimony of Ezra Chase.)

Presiding Inspector: He said he had no recollection of any such matter.

Mr. Gladstein: That is what I thought I put in the question, your Honor.

Presiding Inspector: No.

Mr. Gladstein: Didn't I?

Would you read the question? I will correct the question if that is incorrect.

Would you read the question?

Presiding Inspector: That he never had any recollection of ever having asked it, should be the question. [623]

Mr. Gladstein: Well, I will withdraw that and put it this way:

Presiding Inspector: You see, you imply in that something in the answer which is not quite there; it is only a shade of difference.

Mr. Gladstein: Well, I will try to remove the shade, your Honor.

Q. I asked you, Mr. Chase, whether you had ever received instructions from Captain Hynes as to how to break a strike, and you said "No"; is that correct?

Presiding Inspector: You see, you are asking it on a basis of a failure to recognize something positive; now, that is negative, his failure to recollect. Then, of course, you can fail to recollect, have no recollection about anything which is consistent either with it never having occurred or of it having occurred and your recollection is not right, but

(Testimony of Ezra Chase.)

when you say you have no recollection there is no proof it ever occurred.

Mr. Gladstein: I see; I understand it.

I think, your Honor, perhaps we can get at it by questions directed to the state of mind of the witness as of the time of this occurrence. Would that be a proper approach?

Presiding Inspector: I think so. If he has any recollection of his state of mind at the time; yes.

[624]

By Mr. Gladstein:

Q. Well, Mr. Chase, was your state of mind with respect to trade unions such that after the time you started making reports to Captain Hynes you could have asked him for information, or instructions as to how to break a strike?

A. I have no recollection.

Mr. Myron: I object to that. Ask him what his state of mind was at the time.

Presiding Inspector: He can answer what his state of mind was at the time.

By Mr. Gladstein:

Q. What is the answer?

A. I have no recollection of having made any such inquiry.

Q. What was your then state of mind with respect to strike breaking in general?

A. I would be against it if it were being conducted by a union whose purpose it was to use it as a revolutionary battering ram.

(Testimony of Ezra Chase.)

Q. In general, your position would have been against strike breaking?

A. Yes; aside from the Communistic angle that might be involved.

Q. And the exception would be what?

A. The exception is of the Communistic angle that may be [625] involved.

Q. What do you mean by that?

A. I mean that if the union was under the leadership of Communists in there that I might even be in favor of breaking it.

Q. That is to say, if a Union was under the leadership of people that you knew or thought were Communists, you would be in favor of breaking the strike as a general proposition?

A. Communist strikes are so——

Q. (Interposing) Couldn't you answer "Yes" or "No"?

A. If the strike was under the leadership of Communists, and I considered it a strike which had as its basis the extension of the powers of the Communist Party in the Trade Union movement, or to fortify their revolutionary ambitions, yes, I would be very proud to help break that strike.

Q. Now, what kind of a strike would such a strike be?

A. Well, we have a number of examples of them throughout the country today. We have had many of them in the past too.

Q. Suppose the strike was on the basis of demands for wages, hours and working conditions,

(Testimony of Ezra Chase.)

would that fit within the exception that you have named?

Mr. Myron: I object to this, your Honor.

Presiding Inspector: If he can answer it I will allow it.

A. Communists, as I have stated previously, approach workers on a basis of their immediate problems and grievances. [626] The approach of Communists to the workers in a factory or an industry will usually be on the basis of hours, wages or conditions; but the real purposes of the Communists, which are known to them, are something entirely different from that. I wouldn't be guided by the asserted claims or promises that the Communist leadership of a given strike may have.

Mr. Gladstein:

Q. In other words, if the leadership of the Union is Communist that would determine your attitude toward the strike?

Mr. Del Guercio: That isn't what the witness said.

Mr. Gladstein: I will withdraw the question.

Q. Would one of your reasons for being against that strike be that if the strike was won that fact would help the Communists gain prestige or greater control of the Union?

A. Yes. Whenever they conduct a successful strike why naturally that furthers the interests of the Communist International.

Q. Did you ever report to Captain Hynes, or

(Testimony of Ezra Chase.)

anyone else in his department, upon any other Communistic activities except those within the Upholsterers' Union, of which you were a member?

A. Yes, I have.

Q. Tell us about those, will you, the organization to begin with.

A. I made reports on the formation of the California People's Legislative Conference. [627]

Q. When was that?

A. About June of 1937.

Q. Any other organization on which you made a report to Captain Hynes?

A. Well, the Laborers' non-partisan League would be in connection with the California People's Legislative Conference. I included them both in the same report.

Q. Was this report submitted under your usual designation of B-50?

A. I believe it would have been; yes.

Q. Is there any doubt about that in your mind?

A. My answer is I believe it would have been.

Q. I am asking you if there is any doubt in your mind.

A. I have made reports on those two sources; some of them were signed by my name, but I don't believe Captain Hynes would have one direct from me. He may have had one from some other source.

Q. The reports would have been either signed by you or by your designation of B-50?

A. Yes.

Q. But not by anything else?

(Testimony of Ezra Chase.)

A. No; it wouldn't have been.

Q. Or any other name? A. No.

Q. Or any other designation? [628]

A. No.

Q. Any other organizations as to which you reported Communistic activities to Captain Hynes?

A. I don't recollect any at the moment.

Q. All right. Now, this morning you testified that there was a strike while you were a member of the Upholsterers' Union on which you made a report to Captain Hynes. At what plant was that strike?

A. I believe the one you are referring to to be the Universal Furniture Manufacturing Company.

Q. When did it occur?

A. About July of 1937; July or August—I believe it was the first part of August—that would be more accurate.

Q. I didn't hear that.

A. The first part of August would be the more accurate.

Q. Now, you prefaced your answer by the statement that you believed I was referring to it. I am asking you for the one you referred to this morning. Is it the Universal Manufacturing Company?

A. Yes; that is the one.

Q. That is the one you are referring to?

A. That is the one I had in mind; yes.

Q. Did you ever make any reports to Captain Hynes, or anyone in his department, with respect to any strike at any other plants? [629]

(Testimony of Ezra Chase.)

Mr. Del Guercio: If your Honor please, I am getting a little confused here. I don't know whether we are trying the Alien her to determine whether Mr. Bridges is a member of the Communist Party, or whether Captain Hynes. I would like to be straightened out on that.

Mr. Gladstein: Does your Honor wish to hear the basis of this examination?

Presiding Inspector: No. I think it is a question of credibility.

Mr. Gladstein: That is correct, your Honor.

Will you read the last question?

(The question referred to was read by the reporter as above recorded.)

A. I believe I wrote something on the strike of the Kroehler Manufacturing Company.

Q. (By Mr. Gladstein) When did that strike occur, please?

A. That strike strung out over quite a period of time. To the best of my memory it was going on over possibly the greater portion of 1937.

Q. And you were making reports during the course of the strike?

A. Oh, I probably made one, maybe more. I don't really recollect any, but the importance of it, and of the issues involved, why, I am inclined to believe that I at least made a report of it. [630]

Q. Did you ever make, in either of those cases, the Universal Manufacturing Company or the Kroehler case, any report to Captain Hynes in ad-

(Testimony of Ezra Chase.)

vance of the calling or establishing of the strike?

A. I called Hynes on the phone the night before we were to picket the Universal Manufacturing Company and I told him that I expected that there was going to be trouble, and I didn't think that the situation warranted having any trouble; that we had no members whatever in the factory, and the picket line was to be formed for organization purposes. There was a great deal of feeling existing between the workers in the Universal Manufacturing Company and those in the Union, and I anticipated that there would be violence committed there, and I didn't want that to happen, but some happened in spite of the presence of the Police Department.

Presiding Inspector: You have already told about that, haven't you?

The Witness: Yes.

By Mr. Gladstein:

Q. Did you, other than the case of the Universal Manufacturing Company, or the Kroehler Manufacturing Company, ever inform Captain Hynes in advance of the actual establishment of a strike and picket lines?

A. I have no recollection of anything like that; no.

Q. Try hard to remember? [631]

A. No, I don't remember.

Q. Did you ever, in advance of—withdraw that. Did you, in advance of the Universal strike, the

(Testimony of Ezra Chase.)

one that you have just testified about, ask for instructions from Captain Hynes?

Mr. Myron: Just a moment. He said definitely that he never asked for instructions from Captain Hynes.

Presiding Inspector: Unless you can refresh his recollection it wouldn't help very much.

A. I can't remember that I ever did ask for instructions.

Presiding Inspector: That is the same answer given before. If you can refresh his recollection you will be permitted to do so.

By Mr. Gladstein:

Q. Let's go to the Universal Furniture Manufacturing Company for a moment, Mr. Chase. Why did you inform Captain Hynes in advance of the strike that there were to be picket lines established?

A. I wanted the police department to be there, because I didn't want a street fight to break out there; I didn't want the Union in trouble; I didn't want to be in trouble myself, and I knew that trouble was going to happen there. Some arrests were made because of throwing rocks there that morning.

Q. Is that the only reason?

A. Yes. I knew that trouble was—I wanted to keep [632] peace there. There was no good purpose to be achieved by the Union in throwing that picket line around that factory. The whole thing was stupid from beginning to end. I had talked

(Testimony of Ezra Chase.)

against it and tried to break it in the Union, and I was determined to try to break it at all costs.

Q. Despite the fact that the Union voted the strike?

A. The Union didn't actually and directly vote that strike.

Q. Despite the fact that the Union authorized the Strike Committee to call the strike?

A. Yes, sir.

Q. Despite the fact that the Strike Committee did——

A. (Interposing) The Strike Committee was made up of Communists.

Q. Just a minute. Despite the fact the Strike Committee called the strike?

A. The Strike Committee was the Communist Party and I was disregarding their decisions.

Mr. Gladstein: I would like to hear a "yes" or "no" answer.

Mr. Del Guercio: He has a right to explain.

Mr. Gladstein: I have no objection to any explanation but I am asking a question which could be answered——

Presiding Inspector: (Interposing) Well, the question was despite the fact that the Union had authorized its strike [633] Committee to call, do I understand, this particular strike?

Mr. Gladstein: Yes, your Honor.

Presiding Inspector: Had the Union authorized the Strike Committee to call this particular strike?

(Testimony of Ezra Chase.)

The Witness: The Union had given the Strike Committee a bill, a free bill to go ahead and act as they saw fit. A number of strikes were in contemplation; they were not mentioned specifically.

Presiding Inspector: I think that is sufficient basis for you to ask the question if you wish to.

By Mr. Gladstein:

Q. Do you remember any other strike in which you informed Captain Hynes in advance?

A. No, I don't recall.

Q. Were there any other strikes that you can remember that occurred while you were in the organization?

A. Oh, they had them all the time.

Q. Could you name a few?

A. Oh, they struck the Angelus Furniture Company.

Q. Yes.

A. Without any members in it; Moody Manufacturing Company.

Q. Yes, any others?

A. The Sterling Manufacturing Company.

Q. Sterling? Did you say Sterling, Mr. Chase? [634] A. Yes.

Q. Any others?

A. Crown Upholstering Company.

Q. Crown. Well, that will be sufficient.

A. It will include all the furniture upholstering shops in Los Angeles.

(Testimony of Ezra Chase.)

Q. Now, did you inform Captain Hynes in advance of the strike in the Angelus plant?

A. It could be possible; I have no recollection of it, though.

Q. Moody?

A. That could be possible but I don't recollect.

Q. Sterling?

A. The Sterling strike would not be called as an individual. Every year when a new agreement was negotiated—that was a closed union shop. All the closed shops would be struck once a year.

Q. Crown? A. Crown was a closed shop.

Q. Now, you say it is possible that you did call Captain Hynes in advance of both the Angelus and Moody cases?

A. I could be possible, yes.

Q. What would have made it possible? What would have caused you to do that?

A. I can't recollect what I did, or I wouldn't be able [635] to recollect just what would have caused it, unless I had considered there was some important angles at the time; they are quite a while back.

Q. Well, what could have caused you to call him in advance in the case of either of those strikes?

Mr. Myron: He says he doesn't recollect.

Mr. Gladstein: I know, your Honor, but I am entitled to have the witness give as exact and definite an answer as possible.

Presiding Inspector: He says he will have to

(Testimony of Ezra Chase.)

know the circumstances; he doesn't recollect. Haven't you got it already?

Mr. Gladstein: I don't think sufficiently.

Presiding Inspector: Under certain circumstances he has done this. Hasn't he given the purposes? I don't want to cut you off on the matter.

Mr. Gladstein: All right, your Honor.

Presiding Inspector: I think you have gotten it pretty thoroughly.

By Mr. Gladstein:

Q. Could it have been, Mr. Chase, because you were asking for instructions from Captain Hynes?

A. No. I never had to ask for any instructions on the conduct of a strike.

Q. You are sure about that? A. No. [636]

Q. You mean you are not sure about it?

A. I mean that I hadn't asked for instructions on it.

Q. You never did?

A. I have no recollection of it.

Q. Mr. Chase, in Volume 64 of a publication entitled "Violations of Free Speech and Rights of Labor, Hearings before a Subcommittee of the Committee on Education and Labor, United States Senate," popularly known as the LaFollette Committee, Part 64 containing supplementary exhibits, on page 23577 there is an exhibit which reads as follows:

(Testimony of Ezra Chase.)

"Furniture Workers Union
Exhibit 10304
(Intra-Departmental Correspondence)
Los Angeles Police Department
Office of:"

"B-50.
Captain Hynes or Lieutenant Wellpot."

Mr. Del Guercio: Are the inflections in the transcript also?

Mr. Gladstein: "We called a strike tonight 9/16." That is September 16—"all workers will go out at 7:30 A.M. tomorrow.

"Moody—" M-o-o-d-y "Bed Co., 154 East 57th Street. If you have any special instruction for me leave note with night man at office and I will call in tomorrow night. [637]

"The name "Catherman"—C-a-t-h-e-r-m-a-n—"12M", the letter "M" standing for "midnight"—"9/16."

Having read that exhibit, does this——

A. I have no knowledge——

Q. (Interposing) Just a moment, please. I haven't asked you a question, Mr. Chase.

Does this refresh your recollection as to whether or not you called in to Captain Hynes or Lieutenant Wellpot to advise of the calling of the strike at the Moody Bed Company?

A. I can't recognize that report.

Q. What about the report?

A. I have no recollections of that report. There

(Testimony of Ezra Chase.)

are a few things in that that sound rather queer to me.

Q. State them, please.

A. Would you re-read that?

Q. Yes. Better than that, you read it.

A. You know, these things were hauled out of the files by a couple of Communist Attorneys, Dave Sokol and Al Wierin, and, I think, some funny stuff has been pulled, if you want to know what I think.

Q. So the record may be clear, Mr. Chase, I am showing you what purports to be an official copy of the LaFollette Committee Reports, Part 64, Page 23577, and I call your attention to Exhibit 10304 at the bottom of that page and you can read that for yourself and study it for a while. [638]

A. (Witness examining document.)

Mr. Del Guercio: Then, also that portion, if I may add, if it does indicate as to how the LaFollette Committee got possession of those.

Mr. Gladstein: He can read the whole volume, if he wishes.

The Witness: The reason I want to question this is——

Mr. Gladstein: (Interposing) These are public documents, your Honor. I mean to say I am sure Mr. Del Guercio would have no difficulty in getting copies from the LaFollette Committee, or, for that matter, if there is any question about these we will join any request with Mr. Del Guercio for the original exhibits from the LaFollette Committee, what-

(Testimony of Ezra Chase.)

ever they may be, the photostatic copies or whatever the documents are. We would like to have those.

The Witness: This report smacks of being fictitious for a number of reasons. I know the name of the Moody Mattress Company and I know it well, and it is not the Moody Bed Company and I made no such a report. That report has been cooked up from another source; I didn't make it. [639]

By Mr. Gladstein:

Q. What other reason, please?

A. That is enough.

Q. Is that the only reason?

A. I wouldn't have called it the Moody Bed Company.

Q. Is that the only reason?

A. And I have no recollection of any such a report.

Q. Are those all your reasons?

A. That ought to be enough.

Q. Are those all your reasons?

A. That is all I could think of, but I would never have made the mistake of calling that the Moody Bed Company.

Q. You realize, of course, that this is supposed —this is the report for the person to whom you spoke over the telephone. You realize that, don't you?

A. I don't recollect ever making any such call.

Q. Do you deny that it was made?

(Testimony of Ezra Chase.)

A. No. I don't deny that a call was made, but I have no recollection of ever having made it.

Presiding Inspector: It is hearsay, isn't it, Mr. Gladstein? This is hearsay; this was hearsay before the Committee, wasn't it?

Mr. Gladstein: If I may say, your Honor——

Presiding Inspector: (Interposing) Was the man who made that sworn?

Mr. Gladstein: Well, as I understand it——

[640]

Presiding Inspector: (Interposing) Well, was the man who made that sworn?

Mr. Gladstein: I do not know. I think these are Exhibits taken from the files of Captain Hynes.

Mr. Del Guercio: By whom?

Mr. Gladstein: By the LaFollette Committee.

Mr. Del Guercio: Oh, just a minute now. Does it state that in there?

Mr. Gladstein: Well, I may state this simply on my information, and it is subject to check——

Presiding Inspector: (Interposing) Yes. You don't know; you haven't examined it that far?

Mr. Gladstein: No. I am of the opinion that the LaFollette Committee held a hearing not long ago in San Francisco and Los Angeles. In connection with the hearings in Los Angeles—I think this is a matter of common knowledge that such hearings were held and that Senator Thomas was here and, I think, conducted hearings in this building in San Francisco, and also——

(Testimony of Ezra Chase.)

Presiding Inspector: (Interposing) Well, I merely asked for information.

Mr. Gladstein: Also in Los Angeles.

Presiding Inspector: Whether it appeared in the record that the man who made that entry was sworn, or is it just hearsay?

Mr. Gladstein: Well, we have no way of knowing except [641] from the internal evidence in the volume, which I have not examined. This, however, is an official report of the——

Presiding Inspector: (Interposing) Perhaps, it doesn't make any difference. I merely wanted to know for the moment.

Mr. Myron: I think I might clear your Honor's mind by stating that it purports to be a telephone call that was made to the Police Department.

Presiding Inspector: Who made the report?

Mr. Myron: I don't know, your Honor. I haven't access to it to find out whether it is a record——

Mr. Gladstein: (Interposing) Well, the report itself, your Honor, indicates from the internal evidence that Agent B-50 called——

Presiding Inspector: (Interposing) Called whom?

Mr. Gladstein: A person named Catherman.

Presiding Inspector: Now, was Catherman sworn?

Mr. Gladstein: I do not know.

(Testimony of Ezra Chase.)

By Mr. Gladstein:

Q. Do you know Mr. Catherman, C-a-t-h-e-r-m-a-n?

A. I know no such man; I have never heard the name before.

Q. Never have? A. No.

Presiding Inspector: My only point in asking it was to know whether it was fully sworn to, as it might affect the [642] credibility, that was all, in the face of the witness' statement.

Mr. Gladstein: Well, I think, your Honor, we can undertake to find out what the La Follette Committee states with respect to these documents.

Presiding Inspector: Yes. Well, you can do that sometime.

Mr. Gladstein: That will require some search, though.

Presiding Inspector: Yes.

By Mr. Gladstein:

Q. Now, let's go back, Mr. Chase, to the statement you were giving to the Immigration Inspectors whose names were Ellis and Dunne.

By the way, when they first called on you in your home did they tell you how they learned that you might have some information concerning Harry Bridges?

A. I don't recall that they did.

Q. You don't recall that? A. No.

Q. Well, what do you recall them telling you when they came to the house?

A. They showed their identification.

Q. Yes.

(Testimony of Ezra Chase.)

A. And told me that they understood that I had been in the Party.

Q. What else? [643]

A. And wanted to know possibly what I knew that would be of use to them in the Bridges case; that was the case in question at the time.

Q. The case was going on at the time?

A. I believe it was.

Q. And what happened after that?

A. They made arrangements with me, to meet them the next day.

Q. And, I think, you have said that you met them in the Immigration offices in Los Angeles?

A. Yes, sir.

Q. And there were present Mr. Ellis, Mr. Dunne, yourself and a stenographer?

A. Yes, sir.

Q. Man or woman stenographer?

A. It was a woman.

Q. Know the name? A. No, I don't.

Q. Now, please describe for us what procedure occurred at that time.

A. What procedure?

Q. What took place?

A. Well, we proceeded to draw up a statement.

Q. Well, tell us how it was done.

A. I dictated it and the stenographer took it down in shorthand and then made it on the typewriter. I think. [644]

Q. Don't you remember?

(Testimony of Ezra Chase.)

A. Yes, it was taken down in shorthand and then typed.

Q. It was typed?

Mr. Myron: He said it was typed.

A. Yes.

By Mr. Gladstein:

Q. Was it shown to you after it was typed?

A. I am in doubt about that, whether it was or not.

Q. Were you asked to sign it?

A. I am in doubt about it, whether I signed the report or not.

Q. This morning you said something about corrections. To what did you have reference?

A. I have read a report of it and there were several things in there that were in error. That is what made me think that I possibly hadn't signed the copy, because stenographers often make mistakes in things of that nature.

Q. Where did you read a report of what you dictated that day to the stenographer?

A. The FBI had a copy of it.

Q. When did you see that?

A. I believe I saw that Tuesday night.

Q. Of this week? A. Yes.

Q. Where did you see it? [645]

A. At the FBI office.

Q. In San Francisco?

A. In San Francisco.

Q. Who was present at the time it was shown to you?

(Testimony of Ezra Chase.)

A. I believe Mr. Findlay and one other man; I don't recall his name. I am not well enough acquainted with them to remember them all.

Q. Anybody else?

A. I believe there were just two of them present.

Q. Describe for us what was shown to you.

A. I think it was two typewritten sheets of paper.

Q. Signed?

A. I don't recall. I think that it was a copy that had been copied from an original that I had made, as I remember. I was pretty tired; I just shot through it in rather a hurry; I didn't really pay a great deal of attention to it.

Q. The original had been signed by you?

A. I don't know.

Q. Was it a statement in which you stated what you knew concerning Bridges?

A. It contained things on that line, yes.

Q. That is, it purported to be a statement as to your information concerning whether Harry Bridges was a member of or affiliated with the Communist Party; correct?

A. Yes, that would be the subject.

Q. And this was a copy, a two-page copy of an original [646] statement; is that right?

A. I think that is correct.

Q. Did they tell you where the original statement was? A. No, never asked.

Q. Do you know where it is? A. No.

(Testimony of Ezra Chase.)

Q. Is it your recollection that you signed the original statement?

A. I can't recollect that I did.

Q. But you don't know?

A. No, I don't.

Q. It is possible that you did?

A. It is possible that I didn't.

Q. Well, it is possible that you did and it is possible that you didn't?

A. Yes, it is; I really don't know.

Mr. Gladstein: If your Honor please, we would like to have permission to examine the statement that the witness has testified about.

Presiding Inspector: I think you have wasted a good deal of time on it already.

Mr. Gladstein: What do you mean?

Presiding Inspector: You have asked each question about four times.

Mr. Gladstein: Well, we are now asking your Honor to [647] make available to us——

Presiding Inspector: (Interposing) Do you want to ask your adversaries if they want to produce it?

Mr. Gladstein: Would you produce the original of the statement, Mr. Del Guercio?

Mr. Del Guercio: If your Honor please, I have no such statement; I have never seen it. I am not saying that such a statement doesn't exist. I haven't produced it and don't intend to produce it; I haven't seen it.

(Testimony of Ezra Chase.)

Mr. Gladstein: Your Honor, in connection with the relevancy of our right to have the statement, first of all let me check this and see. I simply want to ask for information whether anyone seated at the table for Government counsel——

Presiding Inspector: (Interposing) You can't ask each one. If they won't offer it you have your proper——

Mr. Myron: Do you mean did the Government use this statement to present the evidence?

Mr. Gladstein: No; I am asking whether anybody—whether you, for example, Mr. Myron, have in your possession——

Mr. Del Guercio: (Interposing) Just a moment. I object to this procedure, your Honor. He should address his remarks to the Court.

Presiding Inspector: He may ask whether you will produce it. If you say "No" that is all there is to it.

Mr. Del Guercio: If he will ask me—I am in charge of the Government's case—I will say no, I will not produce it. [648]

Mr. Gladstein: I am doing this in line with your Honor's suggestion.

Presiding Inspector: He said, "No."

Mr. Gladstein: First, I want to know if they have it. As I understand, Mr. Del Guercio says he hasn't it.

Mr. Del Guercio: Don't misquote me.

If the Court please, I said that I have never seen such a statement, that I do not have it now——

(Testimony of Ezra Chase.)

Presiding Inspector: (Interposing) And you don't intend to produce it?

Mr. Del Guercio: Don't know anything about it, and I refuse counsel's request to make any further inquiry.

Presiding Inspector: All right, go ahead.

Mr. Gladstein: First, could we not find out whether other Government counsel have this statement?

Presiding Inspector: I think we could assume that other Government counsel are under Mr. Del Gurcio's control; he has charge of them all.

Mr. Gladstein: If your Honor please, concerning the relevance of this statement and our right to have it, I would like to have you hear Mrs. King on this question, because it is obviously of vital importance. [649]

Mrs. King: This same proposition, if your Honor please, arose in connection with the last hearing at which time Government Counsel did, as they do now, refuse to permit us to have previous statements.

With reference to that Dean Landis—I am reading from his report—said:

"The first relates to a series of requests made by the Alien for the production of certain documentary evidence in the possession of the Government. This evidence consisted either of affidavits of witnesses taken before Immigration Officials—

(Testimony of Ezra Chase.)

witnesses who were later called to the stand—or"—

That part of his statement is immaterial.

Dean Landis explained that Counsel for the Government, claiming to be bound by the Department regulations, refused in each instance to produce the evidence requested, even though it was then in their possession.

"The first of these requests was granted by the Secretary."

That is, Dean Landis took up with Secretary Perkins, who was then in charge of the Labor Department, under which Department the Immigration Service then was, the question of furnishing counsel for Mr. Bridges with written statements. Secretary Perkins did furnish them.

However, in support of this report Dean Landis cites the applicable law on this question and he says:

"Counsel for the Government, at the hearing and subsequently, [650] have taken the position that these documents, especially the earlier affidavits of witnesses made before immigration officials, were priviliged communications and thus the Government was under no duty to produce them. They rely upon Arnstein vs. United States, 296 Federal, 946"—

I will not read all of the authorities. The conclusion reached by Dean Landis, and the authorities, can be found in Footnote 15, at page 5 of his report, which I would like to have in the present proceeding. It concludes:

(Testimony of Ezra Chase.)

"As Dean Wigmore says, 'It seems wiser to stand firm upon ordinary considerations of fairness, and to hold that the prosecution is not entitled at the trial to withhold from the inspection of the accused and the jury any documents or chattels relevant to the case. Indeed, weightier considerations would seem to underlie the privilege of non-disclosure that attaches to testimony given before a Grand Jury than to testimony taken in preliminary investigations before an executive or administrative official. But the now universal rule is that a witness may be impeached in any subsequent trial, civil or criminal, by self-contradictory testimony given by him before a grand jury."

Now, in this case Government counsel, of course, content that they do not have this statement. The witness has said that it was given to Immigration Inspectors at Los Angeles; that it was seen by him in the FBI office in San Francisco. [651]

I do not have to tell your Honor that both the Immigration Service today, and the FBI, are under the Department of Justice, and that there is no possibility that what is in the hands of the FBI is not in the hands of the Immigration Service or vice versa. In other words, these statements are in the hands of the Department of Justice and, consequently, the Department of Justice, whether it is the FBI or the Immigration Service, is in a position to give us these statements and we feel, more especially in view of the fact that the credibility of this witness is seriously questioned, that

(Testimony of Ezra Chase.)

we are entitled to these statements to determine whether there are any contradictory statements in the preliminary statement that he made in the Immigration Office in Los Angeles at the time of the last hearing, that is, in 1939.

Presiding Inspector: What do you say about that, Mr. Del Guercio?

Mr. Del Guercio: If the Court please, we are not, of course, concerned with what occurred in the Landis hearing, we are not trying this case on any evidence, or on the evidence that was introduced in that hearing. This is an entirely new and separate hearing. It is based, of course, on the rules promulgated by the Attorney General. We are not required under the rules to furnish counsel with any transcripts of any testimony that may have been taken prior to the issuance of the Warrant of Arrest. We are relying on that rule and we are [652] proceeding in accordance with that rule, and I believe that that is all that is required.

Now, this statement that counsel refers to was taken, I understand, some time during the course of the last hearing.

Mr. Gladstein: (Interposing) We do not hear you. I am sorry, but will you please speak up?

Presiding Inspector: He simply says that it was taken in the course of the last hearing and he differentiates between the last hearing and this one as being entirely separate.

Of course, they do not claim that this was in preparation for this hearing; but they say that they

(Testimony of Ezra Chase.)

would have a right, as it has been used in the preparation of the witness for his testimony, that it was shown him, and that they would have a right to see it.

I do not think I have power to rule on the matter.

Mr. Gladstein: Before you rule——

Presiding Inspector: I doubt I have authority to rule on the matter.

Mr. Gladstein: (Continuing) —— let me add this——

Mr. Del Guercio: (Interposing) May I finish?

Mr. Gladstein: Yes.

Mr. Del Guercio: I cannot change the rule of the Department. That is the rule of our Department and I am bound by it.

Presiding Inspector: Certainly. I do not believe I have [653] any authority to rule, Mr. Gladstein, on this point. It is a Departmental matter.

Mrs. King: If your Honor please, whether you have authority or not——

Presiding Inspector: You don't think I have, do you?

Mrs. King: I refuse to get involved in that problem.

I would suggest that at the time that Dean Landis was confronted with a similar dilemma——

Presiding Inspector: He took the same view, evidently.

Mrs. King: (Continuing) ——he wrote to the

(Testimony of Ezra Chase.)

Secretary of Labor and requested her to furnish the statement.

Now, I am requesting you to request Attorney General Jackson to furnish us with this statement. In other words, the rules of the Department, in so far as they are public, make no provision with reference to this situation at all.

I seriously doubt whether there are any rules yet, because they are in the making. The Departmental rules relating to deportation have not been fully formulated.

Presiding Inspector: Probably so.

Mr. Del Guercio: If your Honor please——

Mrs. King: May I finish?

Mr. Del Guercio: May I correct that misunderstanding? I am sure it is a misunderstanding. They have already been filed in the Federal Register.

Mrs. King: I have the Federal Register right here, but [654] I have information from the officials in Washington that the rules in the Federal Register are not complete.

Mr. Del Guercio: That is news to me.

Mrs. King: In view of these circumstances, in view of the importance and interest involved in this situation, may I request your Honor to ask Attorney General Jackson if he will furnish to the Attorneys for Mr. Birdges the preliminary statement of this witness so that a precedent may be set in this case with reference to this type of situation?

Mr. Del Guercio: We don't need a precedent.

(Testimony of Ezra Chase.)

Presiding Inspector: I will suggest to you, Mr. Del Guercio, that you communicate during the coming week with the Attorney General himself—I do not request that it be produced—and that he advise as to what the Departmental view is on the matter.

Mr. Del Guercio: If you suggest that I will.

Presiding Inspector. Yes, I do. I am not asking anything from the Attorney General, but I am asking you to get a ruling of the Attorney General so as to cover this point.

I feel very certain that I have no power, that it is not within my commission here, to direct one way or the other in this matter.

Mr. Del Guercio: I think the position of the Court is correct on that.

Mr. Gladstein: I don't know whether the record shows it [655] but, of course, our purpose in requesting it is for the purpose of examining whether the witness, at the time he made a prior statement, made statements which are inconsistent with his testimony here, or which tend to impeach his testimony.

Presiding Inspector: I think that is perfectly clear, the purpose.

By Mr. Gladstein:

Q. Aside from the statement you gave to Mr. Dunne and Mr. Ellis, have you ever made any other statement concerning what information you had as to Harry Bridges being a Communist?

A. There may have been portions of it in the report to the Dies Committee.

(Testimony of Ezra Chase.)

Q. A written statement?

A. It would have been included, yes, in my statement to the Dies Committee. The subject would have been touched on; yes.

Q. I don't mean your testimony, I mean a statement which you gave in writing?

A. Well, that is what I am referring to. I am referring to my report to the Dies Committee.

Q. You made a report to the Dies Committee?

A. Yes; they took a statement from me.

Q. Who, from the Dies Committee, took a statement from you? A. Yes.

Q. Who did? [656] A. James Stedman.

Q. Anybody else? A. And the FBI.

Q. I am referring now just to the Dies Committee. Was Mr. Stedman present with a representative of the FBI at the time?

A. Mr. Stedman was the investigator for the Dies Committee, as I understand it.

Q. Where did you meet him?

A. In the Federal Building in Los Angeles.

Q. Who else was present?

A. A stenographer.

Q. Anybody else?

A. Well, Mr. Hurley could have been present. He was a portion of the time when I was interviewed.

Q. Do you know his full name?

A. No, I don't.

Q. Is it George Hurley?

(Testimony of Ezra Chase.)

A. I am inclined to believe it is; I am not positive.

Q. Now, you mentioned a moment ago that you spoke to the Dies Committee representative and the FBI. Did you mean to imply that you spoke to both or to representatives of both the FBI and the Dies Committee at the same time?

Mr. Del Guercio: He spoke to the Dies Committee and he spoke to a representative of the FBI. He testified on that [657] point.

By Mr. Gladstein:

Q. Now, I am asking whether he means to say that he spoke to representatives of both the FBI and the Dies Committee at the same time.

A. No.

Q. You did not? A. No.

Q. All right. Now, where did you say you spoke to the representative of the Dies Committee?

A. In the Federal Building in Los Angeles.

Q. Do you know in whose office it was?

A. It was their office, I presume; they were occupying it.

Q. How did you happen to go up there?

A. I was called.

Q. By whom?

A. I think Mr. Stedman called me on the phone.

Q. Tell us about the conversation, if you will?

A. He just called me and wanted to see me.

Mr. Del Guercio: I think that is going far afield. He already questioned this witness concerning the

(Testimony of Ezra Chase.)

testimony given before the Dies Committee. He has the report before him. Now he is going into the preliminary matter of it.

Mr. Gladstein: I will withdraw the question.

[658]

Presiding Inspector: He has withdrawn the question.

By Mr. Gladstein:

Q. At Mr. Stedman's request you went to that office, is that correct? A. Correct.

Q. And you say there was a stenographer present? A. Yes.

Q. Did you dictate a statement to her as to what you knew about Harry Bridges being a Communist?

A. Yes. It would have been contained in there some place. I wouldn't say it was all that I knew, but there was mention made of it, I am sure.

Q. How long a statement was it?

A. Well, I was making a statement there as to general policy of the Communist movement. I wasn't dealing at any great length on any particular phase or branch of it, but dealing more with the general policy.

Q. What was the date of this, please?

A. It was over a period of time in 1939, I believe.

Q. You mean you went up there on more than one occasion to give statements?

A. Yes. We didn't complete it at one sitting.

Q. Over how long a period did you make these statements?

(Testimony of Ezra Chase.)

A. Oh, it was done at times that were convenient to both of us. I was up there maybe three or four different times. [659]

Q. Well, from the first time until the last time you were up there how long a period elapsed?

A. I have no idea.

Mr. Del Guercio: I want to interject another objection. If we continue this we will be here all summer. There should be some limit to this.

Presiding Inspector: I am already reconciled to that.

Mr. Gladstein: You want me to explain the purpose?

Mr. Del Guercio: No, you need not explain.

Mr. Gladstein: If Mr. Del Guercio is questioning——

Mr. Del Guercio: (Interposing) I would rather hear the witness, for that matter.

Presiding Inspector: I think you have gone far enough. I suggest you go to something else. You have shown these statements were made on the general subject of the Communist activities as the witness viewed them, without any particular reference to any individual, is that right?

The Witness: That is right. Individuals may have been mentioned here and there, but it was just the general policy in the main.

By Mr. Gladstein:

Q. Didn't you testify a moment ago that you did talk about Harry Bridges in a statement you gave to the Dies Committee?

(Testimony of Ezra Chase.)

A. Yes, but I make no claim as to the report being ab- [660] solutely complete in none of its contents. It is more of a summary of Communistic activities throughout the United States in a general way. I made no attempt to make the report absolutely complete on everything that I knew about it.

Q. Did you sign the statement when it was finally prepared? A. Yes.

Q. Did you get a copy of it?

A. There was a copy made for me. I don't believe I ever picked it up.

Q. Don't you know?

A. No, I didn't; I am sure I didn't pick it up.

Q. All right. Now, you have mentioned two statements; one to the Immigration Inspectors in Los Angeles by the name of Ellis and Dunne, and the other to the two representatives you have named of the Dies Committee. Other than those two have you ever made any statement containing your information or knowledge concerning whether Harry Bridges was or is a Communist?

A. I recollect no others.

Q. None at all?

A. No. I have no recollection of any others at this time.

Q. Did you ever give a statement to the FBI?

A. I thought I had told you about that.

Q. Well, as I recall it, you have testified to one you [661] gave to the Immigration Department, and one you gave to the Dies Committee——

(Testimony of Ezra Chase.)

Mr. Del Guercio: (Interposing) Pardon me, Mr. Gladstein. I may be wrong, but I thought I heard the witness testify that he had made a statement to the FBI.

Mr. Gladstein: Did he?

Presiding Inspector: I think Mr. Myron questioned him on that, didn't you, as to whether they were at separate times?

Mr. Myron: I think he made the statement that it was at the time the one was made to the Dies Committee. That was in the form of a question.

Presiding Inspector: I thought there was some testimony on that. I don't know as it is very material. I thought there was some such testimony.

By Mr. Gladstein:

Q. Did you give a statement to the FBI?

A. Yes.

Q. That is, to representatives of the FBI?

A. Yes.

Q. When?

A. That would be about September or October of last year.

Q. That would be after the statement that you gave to the Dies Committee? A. Yes.

Q. This is a third statement? [662]

A. Yes.

Q. A written statement? A. Yes.

Q. Signed? A. Yes.

Q. Did you get a copy? A. No, I didn't.

Q. Did you ask for a copy? A. No, I didn't.

Q. And you never received one? A. No.

(Testimony of Ezra Chase.)

Q. With respect to what you said concerning Harry Bridges, and affiliation with or membership in the Communist Party, is there any difference between what you said in the written statement you gave to the FBI and in the written statement that you gave to the Dies Committee representatives?

Mr. Del Guercio: I object to the question, to the form of the question.

Presiding Inspector: The question is rather an unusual question. You haven't the documents here. I will permit you to ask whether he recalls any difference in those statements; I mean when the same subject was covered in both documents. You wouldn't want omissions in one statement and affirmative matters in another.

Mr. Gladstein: We don't have the documents. We are trying, [663] of course, to find out whether there are any inconsistencies in his statements.

Presiding Inspector: You can hardly find it out from the witness.

Mr. Gladstein: We can ask, first of all, whether there are or not.

Presiding Inspector: As far as he remembers.

Mr. Gladstein: Yes; of course.

Presiding Inspector: Ask him whether he remembers any difference between these three statements as to statements of fact. Of course, it has been very clear, in the statement that he gave during the Landis investigation, he didn't cover all the activities of the Communist Party, or it is prob-

(Testimony of Ezra Chase.)

able he didn't, as he did in the statement given the Dies Committee. You don't mean that?

Mr. Gladstein: I am not interested in that. I confine my question to the defendant, Mr. Bridges, in this case.

Presiding Inspector: Ask if he remembers any difference in the statements. He may state that.

Mr. Gladstein: Thank you.

Presiding Inspector: You can put the question that way.

By Mr. Gladstein:

Q. I think you put the question. Do you understand the question? A. Yes? [664]

Q. Answer it.

A. There could be some difference. The reports weren't absolute duplicates of one another, I am quite sure. There are a number of reasons that I have as to why I believe Harry Bridges to be a Communist. At one time I may consider that for a certain reason and at another time it may be for another reason, because anybody who has been in bed with Communists as long as Harry Bridges has must have left a lot of tracks.

Presiding Inspector: I don't know that that advances us very far.

Mrs. King: May we have a recess?

Presiding Inspector: You are inquiring about things you haven't the fundamental knowledge of.

Mr. Gladstein: We don't have the documents.

Mr. Del Guercio: Of necessity, any answer to a

(Testimony of Ezra Chase.)

question would depend, first, on the circumstances under which the question is asked; and, secondly, the formation of the question, and on the state of mind of the witness at the time.

Presiding Inspector: That is quite obvious.

By Mr. Gladstein:

Q. At the time you made the statement for the FBI last year were you shown either of your prior statements that you had given to the Dies Committee or to the Immigration Inspectors? [665-6]

A. I don't recall whether I was or not.

Q. Don't you remember that?

A. No, I don't.

Q. At the time that you gave the statement to the Dies Committee representatives were you shown the statement that you had given to the Immigration Inspectors during the last Bridges hearing?

A. I don't remember.

Q. You don't recall that either? A. No.

Mrs. King: If your Honor please, the statement to the FBI, as opposed to the statement to the Immigration Service, is likewise in the hands of the Attorney General as the head of the Department of Justice. I should like, therefore, to request that when Mr. Del Guercio writes to the Attorney General with reference to the statement given to the Immigration officials, that he should also at the same time write with reference to instructions concerning the statement made to the FBI.

Presiding Inspector: I think that would be fair.

(Testimony of Ezra Chase.)

Mr. Del Guercio: I will only do so at your request.

Presiding Inspector: I request it.

Mr. Gladstein: Would your Honor want a recess at this time?

Presiding Inspector: We will take a short recess. [667]

(Whereupon a short recess was taken.)

Presiding Inspector: Mr. Gladstein, the witness is yours.

Mr. Gladstein: Yes.

By Mr. Gladstein:

Q. For a moment, Mr. Chase, I want to ask you about the Moody—M-o-o-d-y—strike. Is that right?

A. Yes.

Mr. Del Guercio: M-o-o-v-y?

Mr. Gladstein: M-o-o-d-y.

By Mr. Gladstein:

Q. Did the American Federation of Labor, Central Labor Council, in Los Angeles, have the Moody Company on the so-called "Unfair list" or "We do not patronize" list?

A. I do not believe so.

Q. Is that your best recollection?

A. Yes. It would very likely have been me who would have introduced the motion in the Central Labor Council, and I have no recollection of having made any such motion.

Q. But you would not want to be sure about that?

(Testimony of Ezra Chase.)

A. I wouldn't be positive, no, sir, but my best recollection is it wasn't.

Q. Do you know whether the Central Labor Council supported the Moody strike in any way?

A. No. The Central Labor Council seldom supported the [668] strikes that were called by Local 15. They regarded it as a Communist Union and any support they did give was usually with the left hand.

Q. Was any support given in the case of the Moody Strike by the Central Labor Council?

A. No.

Q. Can you think of any strike conducted by Local 15, while you were in it, to which——

A. (Interposing) Well, I——

Q. (Continuing) I haven't finished the question yet. You cannot answer the question until I have finished.

Mr. Del Guercio: If you make it short he might be able to.

Mr. Gladstein: I will ask the question again.

Q. Can you think of any strike of Local 15, while you were a member of it, to which the Central Labor Council did give support?

A. What do you mean by "support"?

Q. Support on the picket lines, financial support, support by resolutions asking unions to support it, putting the Company on the unfair list, asking other unions or other employers to boycott the firm—all of those things will be included within my word "support".

(Testimony of Ezra Chase.)

A. Yes. The Central Labor Council throughout the United States, I believe, gave support on the strike against [669] the Kroehler Manufacturing Company, not especially at the plant in Los Angeles, but because of it being a nation-wide concern, and there were bona fide strikes against it that were sanctioned by the American Federation of Labor in various localities throughout the United States; but as far as getting any support for the strike there in Los Angeles was concerned, it was negligible. [670]

Q. Well, what kind of support, negligible, or otherwise, did the Central Labor Council give to Local 15 in the Kroehler case?

A. It was placed on the unfair list.

Q. That is, the company was?

A. Yes, and the longshoremen, at the expense of $50.00 they loaned us the beef squad to come up there and mess things up a little.

Q. Now, what about the Universal strike? Did the Central Labor Council give any support to Local 15 in that case? A. None whatever.

Q. Not at all? A. (No response.)

Q. What is the answer?

A. Well, wait just a moment. The Universal, I do believe, was on the unfair list but that was the extend of the support.

Q. That is one of the strikes concerning which you have——

A. (Interposing) No, I——

(Testimony of Ezra Chase.)

Q. I haven't finished yet, please.

Universal is one of the strikes concerning which you made reports to Captain Hynes; correct?

A. Just a moment. There is one issue that is not clear on that Universal. The Universal was on the unfair list with the American Federation of Labor prior to the calling of that strike, and any support that it received from the Central Labor [671] Council was not because of that strike, but it was because of past connections.

Q. In the case of the Angelus strike did the Central Labor Council give support of any kind to Local 15——

A. (Interposing) There was another union——

Q. (Interposing) I haven't finished yet, Mr. Chase.

A. I can't tell when you are through.

Q. In the case of the Angelus strike did——

Mr. Del Guercio: Angelus or Angeles?

By Mr. Gladstein:

Q. How is it pronounced? A. Angelus.

Q. How is it spelled? A. A-n-g-e-l-u-s.

Q. In the case of the Angelus strike—that is the one you were testifying about earlier this afternoon? A. Yes, sir.

Q. In that case, in that strike did the Central Labor Council give support in any form to Local 15 of the Upholsterers' International?

A. No, but another A. F. of L. union claiming jurisdiction over a portion of the plant broke the strike by going through the picket line.

(Testimony of Ezra Chase.)

Q. What union?

A. The Furniture Workers' Union; it is an affiliate [672] of the Carpenters and Joiners.

Q. What Local?

A. I just can't recall the number of the Local at the moment, but it is an affiliated union with the Carpenters and Joiners.

Mr. Del Guercio: If your Honor please, I don't want it to appear that I am trying to limit counsel's cross examination, but I think we have reached a point here where we should decide what are reasonable limits and what are unreasonable limits. We are going far afield, it seems to me, with inquiries into these various strikes.

Presiding Inspector: Well, in many of these cases, I suppose, he has concluded by the answers of the witness, that they are on the direct issues of Mr. Bridges' membership in the Communist Party, or on the subversive enterprises of the Communist Party.

Mr. Del Guercio: But these other strikes are so far afield and so far remote.

Presiding Inspector: They don't harm you because if they aren't on one of those two issues, if they simply go to the credibility of the witness on a collateral point, counsel is concluded by the answer of the witness.

Mr. Gladstein: May I say, in view of Mr. Del Guercio's objection, what our purpose is in going into this character of testimony with the witness so that it will be clear? [673]

(Testimony of Ezra Chase.)

It is our purpose to show that the strikes, which were conducted by Local 15, Upholsterers' Union, to which the witness has testified, did, in fact, receive official support from the American Federation of Labor in Los Angeles and were bona fide trade union strikes, that it follows as a consequence that when this Witness Chase acted as an informer and undercover operator for Captain Hynes, giving him reports concerning these strikes and concerning the breaking of the strikes and informing him in advance of the calling of the strikes, that Mr. Chase thereby places himself in the position of an anti-labor spy and that he, thereby, by virtue of that fact is the kind of person who, having that kind of a bias and prejudices, places great doubt upon any testimony that he gives in this case against Mr. Bridges. That obviously goes to the question of the credibility of the witness.

Presiding Inspector: Yes, but on those points you are bound by the evidence of the witness; they are purely collateral to the main issue.

Mr. Gladstein Well, now, if your Honor please——.

Presiding Inspector: You may ask all you wish within limits about the conduct of this witness for himself. You couldn't contradict him on collateral points. You could go on forever, if that were so.

Mr. Gladstein: Well, your Honor——

Presiding Inspector: (Interposing) On the question of [674] credibility you may not contradict the witness by direct testimony.

(Testimony of Ezra Chase.)

Mr. Gladstein: Do you mean, your Honor, that we are bound——

Presiding Inspector: Now, it is elementary, elementary in the law.

Mr. Gladstein: I wish to ask a question.

Do you mean we are bound by this witness' answers as to bias or prejudices?

Presiding Inspector: Certainly, as to definite points, as to definite actions.

Mr. Gladstein: Well, now, if your Honor please——

Presiding Inspector: You may show bias and prejudice by other witnesses, of course.

Mr. Gladstein: That is right.

Presiding Inspector: But that must be bias and prejudice directly and not by a contradiction of this witness on collateral issues, but it is elementary of the law; every law student knows it.

Dean Landis laid it down in his report; he discussed it.

Mr. Gladstein: Well, as a matter of fact, your Honor, Dean Landis correlated the authorities pointing out the relevance of testimony which goes to show that a witness has a bias or prejudice of an anti labor character.

Presiding Inspector: Certainly, that is all competent to show; it is competent; I am not stopping you. [675]

Mr. Gladstein: Yes, your Honor.

Presiding Inspector: It is all competent, but you are bound by the evidence of the witness.

(Testimony of Ezra Chase.)

Mr. Gladstein: I think we would be entitled to call other witnesses.

Presiding Inspector: We haven't come to it anyway.

Mr. Gladstein: All right, your Honor.

Presiding Inspector: On collateral matters, on collateral matters you are bound by the evidence of the witness.

Mr. Gladstein: Is it your Honor's position that the bias or prejudice of the witness would be a collateral matter?

Presiding Inspector: Why, certainly, or his credibility. Supposing you asked him if he stole $50.00 from John Doe on such and such a day.

Mr. Gladstein: That would be collateral.

Presiding Inspector: That would be absolutely collateral.

Mr. Gladstein: Suppose I asked him if he was getting a thousand dollars for testifying and he said "No" and I could prove otherwise?

Presiding Inspector: Yes, but the question, whether you asked him or not would be evidence which would be admissible whether you had asked him or not.

Mr. Gladstein: Well, in other words, —

Presiding Inspector: You can't ask him anything to contradict him for the purpose of showing that what he has testified [676] on the stand has been false.

Mr. Gladstein: I didn't quite understand it.

Presiding Inspector: For the purpose of show-

(Testimony of Ezra Chase.)

ing he has falsely testified on the stand, with that sole purpose.

Mr. Gladstein: You say I can't?

Presiding Inspector: No. Just the example I gave, if you asked him as to whether he had stolen $50.00 from John Doe on a certain day, and he said, "No", you couldn't put John Doe on the stand and show that he did, because that would have no purpose; that would have no purpose in this case.

Mr. Gladstein: I agree with that.

Presiding Inspector: Unless it bore on one of the issues.

Mr. Gladstein: That is correct.

Presiding Inspector: Now, you can show independent evidence, whether he has testified about it or not, bearing on his credibility.

Mr. Gladstein: Well, as I understand it——

Presiding Inspector: Independent testimony to show that he is not a faithful witness, to show bias.

Mr. Gladstein: I see.

Presiding Inspector: You can show that he said, for example, to Richard Roe that he had a personal grudge against Mr. Bridges, we will say, for the sake of argument.

Mr. Gladstein: Yes.

Presiding Inspector: You could show direct bias, whether [677] he testified about it or not.

Mr. Gladstein: Yes.

Presiding Inspector: Well, that is the rule.

Mr. Gladstein: Well, I don't think we have any disagreement there.

(Testimony of Ezra Chase.)

Presiding Inspector: Perfectly elementary. I think every lawyer that ever tried a case knows that.

(Discussion off the record.)

Mr. Gladstein: What was the last question?

Mr. Grossman: Your Honor, do I understand that the record thus far does not include any argument of counsel?

Presiding Inspector: It includes the objections of course, and the rulings on them.

Mr. Grossman: But no——

Presiding Inspector: (Interposing) I think you will find—I am not quite sure of it—I think you will find that the rule laid down by the Attorney General says that argument is not included in the——

Mr. Del Guercio: (Interposing) At the discretion of the Presiding Judge.

Presiding Inspector: At the discretion of the presiding Judge.

Mr. Grossman: I think it is our position that it may not be a part of a certain kind of record, but that it becomes a part of the record of this case. We want some permanence [678] to be attached, if possible, to the arguments made, though that may be excluded when you transmit an official record to Attorney General Jackson.

Presiding Inspector: Very well, we will have no trouble about it.

Mr. Gladstein: Will you read the last question, please?

(The question referred to was read by the reporter.)

(Testimony of Ezra Chase.)

By Mr. Gladstein:

Q. I think you said, Mr. Chase, that you work as a pest control operator? A. Yes, sir.

Q. Is a license required for that kind of a job?

A. The firm at the present time must be licensed; the person in charge is required to be licensed.

Q. You are not the person in charge?

A. No.

Q. The employees are not required to be licensed?

A. Not as yet.

Q. Well, then, actually an employee would not be a pest control operator, but working for a pest control operator; is that right?

A. Well, I didn't say I was a pest control operator. I said I was working as a pest control inspector and somebody else injected that part into it.

Q. Now, Mr. Chase, when did you say you left the Upholsterers' Union? [679]

A. I said that was around the early part of December, around the early part.

Q. Before that you had a paid job as organizer?

A. Yes, sir.

Q. Did you lose that position? A. Yes.

Q. What? A. Yes.

Q. By action of the membership of the union?

A. By action of the Communist Fraction in the union.

Q. You mean the union did not act on it?

A. The Executive Board acted upon that and the Executive Board was about 70 to 80 per cent Communist.

(Testimony of Ezra Chase.)

Q. Did the membership of the union act on it or not?

A. The membership would probably verify the acts of the Executive Board; I don't know that they did in this case.

Q. So you can't say? A. No.

Q. But what the membership did authorize or verify—— A. No.

Q. Well, let me finish.

A. I am not informed on that.

Q. You are not in a position to say that the membership did not authorize or verify your dismissal from the post as organizer?

A. No, I don't know it to be a fact one way or the [680] other.

On my dismissal as organizer—just a moment here; I misunderstood you there. No, the membership did act on my dismissal as organizer, absolutely. I was misunderstanding you; my error.

Q. When did Local 15 go to the CIO?

A. Some time in December, I believe.

Q. Of what year? A. 1937.

Q. Were you in agreement with that movement?

A. No.

Mr. Del Guercio: I object, your Honor.

What difference does it make whether he was in agreement or disagreement with that with the issues in this case, or to the credibility of the witness.

Mr. Gladstein: It is preliminary.

Presiding Inspector: I will take it. I am allowing very wide latitude here.

(Testimony of Ezra Chase.)

Mr. Del Guercio: Very.

Presiding Inspector: You shall have it too.

The Witness: I started to say that when we came really close to the move I went to J. W. Buzzel of the Central Labor Council and I reported to him the conditions that were—the events that were happening, and he sent a telegram to William Green in Washington who authorized the Upholsterers International to send a man out to try to gain control of the [681] union again.

By Mr. Gladstein:

Q. I take it you were opposed to the move to the CIO?

A. Yes. Incidentally, on this subject, Walter Westfall, the Communist Party member who was the Business Agent, made a statement to the American Federation of Labor covering the conspiracy of the Communists inside the union to take it to the CIO.

Q. Well, then, I take it that you would have been opposed all the way along to affiliation with the CIO?

A. I would have taken action, yes, to have opposed any move that the Communists were making.

Q. Well, were you opposed to affiliation of Local 15 with the CIO?

Mr. Myron: He has answered the question.

A. Yes. I considered the CIO, to a large extent and especially in the furniture industry, to be under Communist domination and I would have opposed that, yes.

(Testimony of Ezra Chase.)

By Mr. Gladstein:

Q. For how long a period before the actual move to CIO were you openly opposed to it?

A. There was a time that I thought I would like to go CIO, but when it reached the point to where I knew I was definitely going to break with the Communist Party I done an about face and swung my support back to the American Federation of Labor. [682]

Q. Now, I think you said——

A. (Interposing) There was, for a long while, I was in favor of the CIO, made a number of talks in favor of it.

Q. I see.

A. At the instructions of the Communist Party, of course, and you must understand at this point that my livelihood was wrapped up in the furniture industry, and being a member of the Communist Party, I couldn't just walk out and get another job. You sometimes have to do things in order to make a living that you probably wouldn't like to do. And having been involved with the Communists, I did not have the economic strength to break with them at any time that I wanted to. I had wanted to for quite a long time, but I had to do their bidding because they were the master in that union.

Q. Do I understand, then, that there was a time, when you were advocating affiliation to the CIO not because you believed in it, but because you regarded that as the most expedient thing for you personally?

(Testimony of Ezra Chase.)

A. No, I wouldn't state it that way by a long shot.

Q. How would you state it?

A. It is because my economic welfare was firmly in the hands of the Communist Party and I was acting under the lash of necessity at their orders.

Q. Without the exertion of the Communist Party in that union would it have gone CIO? [683]

A. No.

Q. Now, for how long a period of time before that actual move to the CIO did you take an open position against that change of affiliation?

A. Oh, probably just a few weeks before I took an open position.

Q. And prior to that time for how long a period had you secretly been opposed to CIO affiliation but not in a position, as you have explained it, to openly oppose such change of affiliation?

A. I couldn't state; I don't recollect how long it would have been. There were times in there that I was somewhat undecided as to which way to move; I didn't know what to think. I was not exactly satisfied inside the American Federation of Labor, and events took place that made it appear that I would be even less satisfied inside of the CIO.

Q. Well, what caused you to be indecisive about this?

A. Well, I didn't like the CIO mainly on the ground that the Communists were in control of a great portion of it.

Q. And what caused you to be indecisive with respect to staying in the A. F. of L.?

(Testimony of Ezra Chase.)

A. I believed that——

Mr. Del Guercio: Just a moment, please. I am getting so that I confess here I don't know when to object and when not to object.

Presiding Inspector: You may object any time that you [684] think.

Mr. Del Guercio: But it has gone so far afield.

Presiding Inspector: You may object any time you believe it is improper.

Well, we have gone into the question of indecision and I think I will allow counsel to ask the witness how the indecision arose and how it was resolved; we are already in this.

The Witness: I would like to answer the question.

Mr. Gladstein: Read the question, please.

Presiding Inspector: Read the question.

(The question referred to was read by the reporter.)

A. I had no trade union experience or no experience whatsoever with labor organizations until such time as I had went into the Communist Party, and going in there they gave me the first signs of a working class education. I read such books as William Z. Foster's entitled "Labor Fakers" and various other pamphlets that were written for the purpose of denouncing and discrediting the American Federation of Labor, and putting forth the industrial union program of the Trade Union Unity League, the Trade Union Educational League, and such as that, and from only hearing one side of the

(Testimony of Ezra Chase.)

question, and having it driven to me throughly and over such a period of time I had come to regard the American Federation of Labor as an organization made up of a lot of crooks and thieves, fakers, a bunch of ogres of various kinds. Through this schooling I [685] had reached a point to where I had nothing but contempt and hatred for the American Federation of Labor. But, as I went further in and had a greater insight into the way the Communist Party conducted its union affairs I could understand then, and I could appreciate that the American Federation of Labor was a far greater instrument of value in the hands of working men for extending their working conditions and not excepting the fact that it did not have, as a part of it, the violent overthrow of our Government.

Now, when I commenced to get a complete picture of it I sincerely regretted in my heart that I had ever taken the steps and had ever made some of the utterances that I made against the American Federation of Labor and other institutions which are a part of this country, and I have tried to make reparations of that.

Presiding Inspector: Any further questions?

Mr. Gladstein: Oh, yes.

Mr. Del Guercio: May I ask just one question and then I will cease. What kind of a line is this?

Mr. Grossman: You mean the witness' statement?

Mr. Del Guercio: No, the line that you are taking now?

(Testimony of Ezra Chase.)

Mr. Grossman: What do you mean by "line?" Do you want to know the next question?

Mr. Del Guercio: No; sit down.

Mr. Grossman: All right. If your Honor please, I think we might as well have an understanding at this time with [686] respect to the conduct of Mr. Del Guercio. I think it ought to be in accord with the usual court room manner in respect to members of the bar. I don't know whether Mr. Del Guercio is a member of the bar, but I assume he is, and if he is, he certainly ought to give the respect and dignity that is due to the Court and to counsel who are participating in any case.

Presiding Inspector: Let's hear the next question.

By Mr. Gladstein:

Q. Now, I think you said you went back to the Dies Committee to testify in April of 1940; is that right? A. Yes.

Q. At whose expense?

A. At the expense of the Dies Committee, I presume.

Q. Don't you know?

A. They are the ones—I suppose it comes directly from them, but out of the Government indirectly.

Q. Now, who paid your expenses? Did you do so? Did you get money to pay them?

A. No; arrangements were made that I was to get my ticket and I was paid off for my witness

(Testimony of Ezra Chase.)

fee at the Treasury Department of the United States Government.

Q. From whom did you get your ticket?

A. From the United Air Lines.

Q. Do you know who arranged for that ticket to be given to you at the United Air Lines?

A. No, I do not. [687]

Q. Well, who advised you that you could pick it up there? A. James Stedman.

Q. The representative of the Dies Committee?

A. Yes.

Q. You say you received a witness fee?

A. Yes.

Presiding Inspector: Well, isn't this a little remote from the issues before us? It is the usual practice, I suppose.

By Mr. Gladstein:

Q. What other expenses besides the airplane ticket did you receive?

Mr. Myron: Of course, your Honor, if there is any evidence that the Alien wishes to offer that anything was improperly done in securing his evidence as a witness before the Dies Committee, why, we won't object to the question, that is, if they make an offer of evidence.

Mr. Gladstein: We just have a right to ask.

Presiding Inspector: Yes, but I don't suppose you claim anything of that kind so far as yet.

Mr. Gladstein: All right.

(Testimony of Ezra Chase.)

By Mr. Gladstein:

Q. Mr. Chase, going back for a moment to the time that you were giving a statement to the Immigration Inspectors during the 1939 Bridges Hearing, after you gave that statement did you ever hear from the Inspectors again? [688] A. No.

Q. Or from anybody else? A. No.

Q. You did not testify as a witness in the last hearing? A. No; you know that.

Q. Did anybody tell you why your testimony was not used? A. No.

Mr. Del Guercio: I object to that, if your Honor please.

Presiding Inspector: Well, he says, "No."

By Mr. Gladstein:

Q. Were you told at the time your statement was taken as to whether you would be willing to be a witness? Were you asked that?

A. That is better. Yes.

Q. What did you say?

A. I said yes I would.

Q. But no one asked you to be a witness, is that correct?

Mr. Myron: Well, that is evident; he was not a witness, was he?

Mr. Gladstein: That doesn't follow.

Presiding Inspector: I think he has already answered that. [689]

Mr. Gladstein: Well, I didn't remember that he had.

(Testimony of Ezra Chase.)

Presiding Inspector: I think so, but to be sure, did any one ask you?

The Witness: They asked me if I would be willing to testify. I told them "Yes."

Presiding Inspector: Yes, but you weren't asked to be a witness after?

The witness: No.

By Mr. Gladstein:

Q. Was there anything else said in that connection in that conversation?

A. Not that I recollent.

Q. What names, if any, were mentioned during that conversation that you remember?

Mr. Myron: Which conversation is he referring to? I am wondering why this examination is being made? Is it for the purpose of delaying this witness over here for the next week.

Presiding Inspector: I don't know, can't tell. Go ahead, Mr. Gladstein.

Mr. Gladstein: Counsel says that the witness may not know which conversation we are talking about. I thought it was clear, but I will make it clear which one I am discussing.

Q. I am talking now, about the time, Mr. Chase, that you went up to the Immigration Office and there were present [690] with you a stenographer and two Immigration Inspectors whose names you have given. I think they were Dunne and Ellis, or Ellis and Dunne; is that right? A. Yes, sir.

Q. Now, on that occasion—will you direct your mind to that occasion? A. Yes, sir.

(Testimony of Ezra Chase.)

Q. Tell us all that was said with respect to the possibility of your testifying in the Bridges case that you can remember.

A. I am very sorry; I don't remember.

Mr. Del Guercio: If your Honor please, I object to that. It has already been asked and answered. He has had the witness in that office there.

Presiding Inspector: I think you have covered that. He says he was asked whether he would be a witness and he said he was willing to be a witness, and they didn't ask him to be a witness afterwards.

Now, what more can there possibly be than that?

By Mr. Gladstein:

Q. Did they ask you whether you had ever sat at my meetings with Mr. Bridges?

Mr. Del Guercio: I object to that as being asked and answered.

This witness has given all the conversation that was had there at that particular time.

Presiding Inspector: I will take that as an attempt to [691] refresh his recollection.

Mr. Gladstein: Will you read the question?

(The question referred to was read by the reporter.)

A. I don't remember.

By Mr. Gladstein:

Q. Did they ask you whether you had ever heard Mr. Bridges make any speeches?

A. I don't remember.

Q. Did they ask you whether you had ever sat in

(Testimony of Ezra Chase.)

any Communist Party meetings with Mr. Bridges?

A. I don't remember.

Q. Did they ask you whether you had ever seen any membership book in the Communist Party purporting to belong to Mr. Bridges?

A. I do not remember.

Q. Did they ask you what information you had that would prove that Mr. Bridges was a Communist?

A. I can't remember what was asked me at that interview. I think I have stated that a number of times.

Q. Do you remember anything that you said in that conversation?

Mr. Myron: He has repeated the conversation a few times.

Mr. Gladstein: I am asking him now if he remembers anything that occurred.

Mr. Myron: You mean other than what he has already said?

Mr. Gladstein: I don't know what he has already said. [692]

Mr. Myron: Well, the record contains it.

Presiding Inspector: I think you did ask him about that.

Mr. Gladstein: All he said, he dictated a statement, on it.

Mr. Myron: That is saying a lot.

Mr. Gladstein: All right, let me ask it this way:

Q. Do you remember anything that you dictated in your statement to the Immigration——

(Testimony of Ezra Chase.)

A. (Interposing) No, I don't; I don't clearly remember what was in the statement.

Q. Can you tell me anything at all that you dictated in that statement?

Mr. Myron: That was asked and answered.

A. It concerned the Bridges matter. Just what was said in the statement I do not recollect at this time.

Mr. Del Guercio: If the Court please, obviously counsel could ask a million and one questions as to, did you say this, did you say this other thing. Now, there certainly is a limit there.

Presiding Inspector: Yes, I think he has got about to the limit.

Mr. Gladstein: Not quite, your Honor. I have one more question.

Presiding Inspector: About to the limit.

By Mr. Gladstein:

Q. Isn't it true that you saw this statement that you dictated to the Immigration Inspectors only Tuesday of [693] this week, or last week?

A. It seems to me that I did, but I wouldn't be too positive about that. I was rather tired getting in, and I saw a statement, and I am not going to be too sure that it was that statement either, because I have been doing quite a little bit of reading and looking around, and I could be mistaken on that. It is entirely possible I could have been mistaken.

Presiding Inspector: The next question.

(Testimony of Ezra Chase.)

By Mr. Gladstein:

Q. At any time in your discussions with the FBI Agents were you told why you were not called as a witness in the 1939 hearings?

A. No, I was not.

Mr. Myron: What would they know about the reasons why he was not called, or anything like that?

Mr. Gladstein: I am just asking the question.

Mr. Myron: Do you intend to offer evidence to that effect?

Mr. Gladstein: I have a right to ask the question; don't I, your Honor?

Presiding Inspector: I am not sure about that. Would they have a right? Would an FBI agent have a right to tell—would he be the person who would conclude whether a person should be a witness or not? [694]

Mr. Gladstein: No.

Presiding Inspector: Well, then, I wouldn't ask the question. I don't think you will get anywhere with it.

By Mr. Gladstein:

Q. Well, has anybody ever told you why you were not called as a witness?

Mr. Del Guercio: Just a minute. That is the same question in a different form.

Presiding Inspector: Any one of the people in the room might have told him that; we couldn't go into that, any person.

(Testimony of Ezra Chase.)

Mr. Gladstein: That would include responsible officials. In other words, I don't want to pin it down to any branch of the Government.

Presiding Inspector: You can ask if Mr. Landis told him that, or the counsel in that case told him that——

Mr. Gladstein: (Interposing) Well, I am, of course, referring to representatives of the Government. I can put it in this way:

Presiding Inspector: Well, ask if representatives of the Government——

By Mr. Gladstein:

Q. (Interposing) Has any representative of the Government, or any Department of the Government ever told you why you were not called as a witness in the last hearing? [695]

A. No.

Q. Now, you testified that in the telephone conversation between you and Mr. Baron, Mr. Baron said that Comrade Bridges was coming into town; is that right?

Mr. Myron: Are you testifying for the witness?

Presiding Inspector: Now, wait; you are quoting testimony this time.

Mr. Gladstein: Well, I will withdraw it and put it this way:

Q. Did Mr. Baron use the expression "Comrade Bridges" in his telephone conversation to you?

Presiding Inspector: Now, we have been all over that, and the witness said in answer to your question

(Testimony of Ezra Chase.)

that he either said "Comrade Bridges" or "Harry Bridges" and he was not sure which.

By Mr. Gladstein:

Q. Is that a correct statement?

A. That is correct.

Q. That is, you don't remember whether it was Comrade Bridges or Harry Bridges?

A. In circles in the Party I have heard him referred to both ways innumerable times and it is hard to remember the exact precise instance.

Q. How many times have you heard Mr. Bridges referred to as Comrade Bridges?

A. Oh, a number of times. There is no Communist in the [696] movement that don't believe Harry to be a member; that is common knowledge?

Q. Now, how many times have you heard Mr. Bridges referred to as Comrade Bridges?

A. Probably hundreds or innumerable times by practically all of them that I have come in contact with.

Q. Perfectly open and not any attempt to conceal it?

A. I said among members.

Q. I say that; is that correct?

A. And then when the movement came on, though, to cover him up more, at the time of the 1934 strike, it being quite a success, the Communist stuck their chin out a mile to take credit for that strike, and it was openly boasted among Party members themselves and it was quite general, but as the heat was turned on, why, they commenced then to cover up.

(Testimony of Ezra Chase.)

Q. When was that heat turned on?

A. Oh, I would say right about some time in 1937 while they were getting pretty tight on the subject, quite tight.

Q. From about that time on they stopped referring to Mr. Bridges as Comrade Bridges?

A. I don't know what they did after I left the Party.

Q. Well, what is your testimony on the subject?

Mr. Myron: There it is, right there.

Presiding Inspector: Go ahead, Mr. Gladstein, Don't interrupt unless you have an objection.

By Mr. Gladstein: [697]

Q. Were these references being made as Comrade Bridges continuously while you were in the Party, up until 1937; that is what I want to know.

A. Yes; not only that, but Elmer Hanoff who was the County organizer, by the way, told me definitely on one occasion that Bridges was a Communist.

Q. When was this?

A. That was in 1934 during the Longshoremen's strike; he told me that the Communists had the leadership of it.

Q. Is this the first time that you have mentioned this to anybody?

A. I have known it quite a while.

Q. Is this the first time you have ever mentioned that to anybody?

(Testimony of Ezra Chase.)

A. Oh, I might have mentioned it a time or two, but it actually happened.

Q. Mr. Chase, tell me when, prior to today, that you have ever mentioned the fact that Elmer Hanoff, if it is a fact, as you testified, told you that Bridges was a Communist?

A. I probably haven't.

Q. What is the answer?

A. I probably haven't told it very generally.

Q. You probably have not?

A. Yes, sir. There are several things that I haven't told generally that went on in the Communist movement that I might decide to tell some time.

[698]

Q. Mr. Chase, why did you not tell the Dies Committee you were being asked what information you had that would prove that Bridges was a Communist, this statement of Elmer Hanoff to you as to the effect that Bridges was a Communist?

A. Well, I didn't consider the testimony on the Bridges case before the Dies Committee as having a great deal of importance. I was testifying more as to general policy and Communist movement on a very wide scale, and I was not going into any great lengthy detail to furnish complete testimony on any particular phase of it.

Questions were being directed to me by first one; by the time I would get it half answered someone else would interject a question.

Q. Is that your reason? Is that your explana-

(Testimony of Ezra Chase.)

tion? A. Well, that could be, yes.

Q. Well, is it or not?

A. I said that I didn't testify completely to every phase of every subject.

Q. Mr. Chase, I asked you what the reason was that you did not mention this Hanoff incident to the Dies Committee, and you have just given an explanation. I am now asking you if that is your complete explanation to that question?

A. It might have, at the time, escaped my memory. I have mentioned possibly time and again that different members have referred to Bridges and have stated that he was a member [699] of the Communist Party.

Q. Did you ever tell that to any representative of the United States Government?

A. I don't recollect that I did. There is a few other things that I haven't told yet, too.

Q. Did you mention that Elmer Hanoff told you that Bridges was a Communist in any of these three statements that you gave, Immigration Department, Dies Committee and FBI?

A. Yes, I told the FBI.

Q. In that statement?

A. In a statement.

Q. Tell us what you said in that statement?

Mr. Del Guercio: I object, your Honor. He has just told him there what he said in that statement.

Mr. Gladstein: I mean concerning this incident. This is something new that the witness has not yet testified about.

(Testimony of Ezra Chase.)

Presiding Inspector: That is true, but he just told you that he told them that.

Mr. Myron: With the did of counsel they refreshed his memory.

Mr. Gladstein: Well, now, there is no——

Presiding Inspector: Haven't you got it all?

Mr. Gladstein: Not yet, your Honor. This is the first time this has been mentioned in the case and, therefore, I [700] think I have a right to ask it.

Presiding Inspector: I haven't heard it before.

Mr. Gladstein: Neither had I.

Presiding Inspector: No.

Mr. Gladstein: And I would be very surprised——

Presiding Inspector: (Interposing) You may, of course, ask about it.

Mr. Gladstein: Thank you.

Presiding Inspector: But I think, as to the last question, you have already had the answer.

Mr. Gladstein: Well, as I understand it, the witness has said that he talked to the FBI and gave the FBI a statement he did tell them about this Elmer Hanoff conversation. Now, I want to go into the substance of what he told them, the essence of it.

Presiding Inspector: If there is anything more you may, of course.

Mr. Gladstein: Yes.

By Mr. Gladstein:

Q. Will you please tell us what you told the FBI in this written statement concerning this incident

(Testimony of Ezra Chase.)

of Elmer Hanoff telling you that Bridges was a Communist?

Mr. Myron: You mean other than what he has already told?

A. I have about stated it; yes, there were other things in the report. [701]

By Mr. Gladstein:

Q. Concerning this incident, Mr. Chase?

A. No, nothing other than what we have stated here.

Q. Then, what?

A. Nothing other than what we have stated here on this particular phase of it.

Q. You mean what we have stated?

A. Yes, I have stated in their report, yes, that Elmer Hanoff told me that. There is other people have told me that, too, that I haven't mentioned.

Q. Who is Elmer Hanoff?

A. Elmer Hanoff was the County organizer, or Section organizer of Los Angeles at the time.

Q. Would you call him an important Communist?

A. Yes, he is a very important Communist.

Q. Were any of the other people who told you that Bridges was a Communist important people in the Communist Party?

A. Not so much so as Hanoff, no.

Q. Well, name some of the other important ones.

A. Ronald Keith told me that Bridges was a Communist. He had belonged up here; he is not so prominent.

(Testimony of Ezra Chase.)

Q. Who else?

A. Well, I never took the trouble to ask them, but they commonly refer to him as Comrade Bridges; they accepted him as a Communist through the Communist movement. You never hear them lambasting or criticising his actions, do you? [702]

Q. Now, in your direct examination for the Government in this case you did not mention this Hanoff incident. Can you explain why?

Mr. Del Guercio: Just a minute, if the Court please. In the first place counsel is misleading the witness.

Do you say that I asked the witness if Elmer Hanoff had asked if he was a member of the Communist Party?

Mr. Gladstein: Would you read the question?

(The question referred to was read by the reporter.)

Mr. Del Guercio: I think that speaks for itself because I didn't ask him, if your Honor please.

Presiding Inspector: I will let him answer.

Can you tell why? Yes or no.

The Witness: No, I don't know; it was not asked. It was not included in the statement. I would have answered it if it had been asked.

(Messrs. Gladstein and Grossman examine documents.)

Mr. Del Guercio: Does counsel desire a recess? Will it take very long?

Mr. Grossman: Two minutes.

(Testimony of Ezra Chase.)

Mr. Gladstein: Would your Honor be adverse to a recess for a couple of moments?

Presiding Inspector: No, not at all.

(Whereupon a short recess was taken.)

[703]

Presiding Inspector: Mr. Chase, would you be willing to write a letter for us?

The Witness: Write?

Presiding Inspector: Would you object to writing something with a pen and pencil?

The Witness: No, I wouldn't.

Presiding Inspector: Well, will you write——

Mr. Goodwin (interposing): I want to interpose, on the part of the Government, a formal objection to taking a specimen of the handwriting of this witness in advance of the offer of any document in court, or of any request, or any question presented to the witness as to whether a given document is in his handwriting.

We have discussed this, and we have given our reasons for our objection, and I am stating them merely for the present purpose of the record.

Presiding Inspector: We will see about any document afterwards.

We would like to have some of your handwriting now. I suggest that you write, not your signature, but write—let me see a document——

Mr. Gladstein (interposing) Read from this.

Presiding Inspector: What is that?

Mr. Gladstein: Dean Landis' report.

Presiding Inspector: That might be difficult.

[704]

(Testimony of Ezra Chase.)

Write this:

"This is the month of April in the year 1941 and the weather here in San Francisco has not been true California weather, according to the statements of people living here."

Sign that.

(Whereupon the witness wrote in ink and signed as requested.)

Presiding Inspector: Now write the following:

"But others who do not live in California are doubtful in this matter, although they have no personal knowledge sufficient to form a belief."

Sign that.

(Whereupon the witness wrote in pencil and signed as requested.)

Presiding Inspector: I am grateful to you.

Mark this for identification.

Mr. Gladstein: Could we have a photostat made of that, your Honor?

Presiding Inspector: Yes.

The Reporter: How shall I mark it, your Honor?

Presiding Inspector: It is an exhibit written at the request of the Court. Use the next exhibit number and call it "Court's Exhibit No."—whatever the next number is.

(The document referred to was marked Court's Exhibit No. 133 for identification.)

[705]

Mr. Gladstein: We have no further questions.

Presiding Inspector: Let me have the document that you spoke of so I may mark it.

(Testimony of Ezra Chase.)

(The document referred to was handed to the Presiding Inspector by Mr. Grossman.)

Mr. Del Guercio: I don't believe there are any questions on redirect.

Presiding Inspector: I have marked four photostatic pages with the date, April 4th, and either my initials or my name on them.

Mr. Del Guercio: All right. They will be available to us?

Presiding Inspector: Yes; they will be available.

Are there any other documents?

Mr. Gladstein: That is all, your Honor.

Mr. Del Guercio: I will ask that the witness be excused.

Presiding Inspector: Yes. See how I have done that?

Mr. Del Guercio: Yes. That is the document to be offered by the defense?

Presiding Inspector: The ones they contemplate offering, I assume.

(Whereupon the documents referred to were returned to Mr. Gladstein.)

Presiding Inspector: There are no questions in rebuttal?

Mr. Del Guercio: No. [706]

Presiding Inspector: You are excused.

(Witness excused.)

Mr. Gladstein: Will you give permission to the reporter—I think that he probably has arrangements with his photostatic service—to have a photostat made of that exhibit so we may have exemplars?

Presiding Inspector: You may have the very important weather report and comment photostated; yes.

Mr. Gladstein: Thank you.

Presiding Inspector: It is eight minutes to five o'clock. Do you want to call another witness?

Mr. Del Guercio: I would rather not, your Honor.

Presiding Inspector: Then we will take a recess until Monday, April 14th, at ten o'clock in the morning, the understanding being about that as we agreed, all of us, in chambers.

Mr. Gladstein: Yes.

Presiding Inspector: That is, that if Mr. Bridges finds it necessary, in his opinion, to be away not more than one day of the week following next week, when an election takes places in his Union, he will be allowed to be away that day.

(Whereupon, at 4:55 o'clock P. M., Friday, April 4th, an adjournment was taken until Monday, April 14, 1941, at 10:00 o'clock A. M.) [707]

Court Room 276,
Federal Building,
San Francisco, California,

April 15, 1941.

Met, pursuant to adjournment, at 10:00 A. M. [708]

PROCEEDINGS

Presiding Inspector: All right, Mr. Del Guercio.

Mr. Del Guercio: If the Court please, at the last

session, I believe it was Friday, counsel for the Alien requested the Court that you instruct us to communicate with the Attorney General in regard to making available to the defense certain statements made by Government witnesses prior to their appearance on the stand.

The matter was discussed with the Attorney General by Mr. Schofield who, as you know, is in charge of the Immigration and Naturalization Service. I have his reply.

The Attorney General has left the matter entirely within my discretion. He has also stated that it is his desire, as well as the desire of Mr. Schofield, that if in any case a witness should, when called to testify, vary in any substantial or material way from prior statements made by the witness so as to indicate that he is testifying falsely, this should be frankly revealed by the Government.

I will follow that policy throughout.

Mrs. King: If your Honor please, I do not exactly know what the implications of Mr. Del Guercio's remarks are, but this request was made with reference to a specific witness, Ezra Chase. He hasn't stated specifically whether he will or will not furnish the statements previously made by Ezra Chase to the Immigration Service, and to the FBI. But I rather as- [709] sume from his statement that he will not furnish them. I should like at this time to request him specifically to furnish those statements so that we will be talking about something definite and, if possible, so that we can obtain those statements.

Presiding Inspector: Do you want to say anything?

Mr. Del Guercio: No; I think my remarks to the Court cover generally the whole situation.

Presiding Inspector: Very well.

Do you want to cross examine Mr. Chase further?

Mr. Gladstein: Well, your Honor, we have not considered that because, frankly, we did not think that the Government would choose not to reveal a prior statement made to the FBI when it is claimed, as we have made the claim, that that statement, if revealed, would show contradictory statements, that is to say——

Mr. Del Guercio (interposing): There is no support for any such statement, if the Court please, and counsel has no business making any such remark.

Presiding Inspector: No; I understand your position on that. We will have to go to something else.

If you wish to cross examine Mr. Chase further, you may, he may be called, but if you don't care to cross examine him further we will have the next witness.

Mr. Gladstein: Could we consider that question for a [710] moment, your Honor?

Presiding Inspector: Yes, certainly.

Mr. Del Guercio: Of course, the Witness Chase was excused, your Honor.

Presiding Inspector: Yes, but——

Mr. Grossman (interposing): Your Honor, at this time we are not prepared to cross examine Mr.

Chase because we haven't completed our investigations of handwriting and other—— .

Presiding Inspector: Well, we will go on with another witness. If you want to make an application later I will hear you. Call the next witness.

Mr. Del Guercio: Take the stand——

Mrs. King (interposing): If your Honor please, before the examination of this witness is started I should like to go further into this problem of statements which are being withheld by the Government. This matter was gone into fully at the last hearing and it was shown that common fairness required that the statements be furnished to the attorneys for Mr. Bridges. We believe that this same rule should go at the present time. However, the Government, of course, runs its own case. However, if these statements are not to be furnished we suggest that a presumption should result from the failure to produce these statements. Obviously we cannot be bound by Mr. Del Guercio's opinion that the statements——

Presiding Inspector (interposing): Oh, well, no inference [711] that they are the same will be drawn or any inference that they are not the same.

Mr. Del Guercio: I also resent that remark of counsel.

Presiding Inspector: The Examining Investigator will draw no inference one way or the other from their absence because it is beyond the power of the Presiding Investigator to——

Mrs. King (interposing): Well, Dean Landis certainly did not regard it as beyond the power and stated to the Government at that time that it was

approprite that an inference—that we should argue that an inference could be drawn if the Government did not produce these, and if you——

Presiding Inspector (interposing): Well, my present view is that—of course, I haven't made up my mind on that—but my present view is that no inference will be drawn by me one way or the other. Certainly no hostile view will be drawn.

Mrs. King: Well, if your Honor please, in view of your position and your present statement the attorneys for Mr. Bridges request that they have an opportunity to submit a memorandum of law with reference to this problem to establish that probably a presumption, and certainly an inference, is proper in the event that evidence solely within the power of one party is withheld by that party and is not produced for the consideration of the official who is investigating—— [712]

Presiding Inspector (interposing): I will receive an argument in writing on that when the time comes. Of course, this evidence, as you call it, is not original evidence. It is simply—all you want it for is to effect the credibility of the witness.

Mrs. King: Yes, and this is a witness, of course——

Presiding Inspector (interposing): Well, I won't go any further with it now, but you may submit such an argument, of course.

Mrs. King: And you have a witness here who has been shown, from the written statement which appears in the Dies Committee reports, did testify in a very different way.

Mr. Del Guercio: He did not.

Presiding Inspector: This is argument which will come up ultimately, of course. There is no use in advancing it now. I understand what you mean. We will go on with the witness.

Raise your right hand and be sworn. [713]

Supreme

[redacted], PETITIONER,

v.

[redacted] DIRECTOR, IMMIGRATION AND [redacted] SERVICE, DEPARTMENT OF [redacted]

ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE [redacted] CIRCUIT

PETITION FOR CERTIORARI FILED [redacted]

CERTIORARI GRANTED JANUARY 29, 1945.

No. 10450

United States

Circuit Court of Appeals

For the Ninth Circuit.

HARRY BRIDGES,

Appellant,

vs.

I. F. WIXON, as District Director, Immigration and Naturalization Service, Department of Justice,

Appellee.

Transcript of Record

VOLUME IV

Pages 1421 to 1915

Upon Appeal from the District Court of the United States for the Northern District of California, Northern Division

HOWARD RUSHMORE

called as a witness on behalf of the Government, having been first duly sworn, testified as follows:

Direct Examination

By Mr. Del Guercio:

Q. What is your name?

A. Howard Rushmore—R-u-s-h-m-o-r-e.

Q. Where do you live?

A. 75 Thayer Street, New York City.

Q. What is your occupation?

A. I am a reporter.

Q. Mr. Rushmore, have you ever been a member of the Communist Party? A. I was.

Q. When did you join the Communist Party?

A. Approximately the fall of 1934.

Q. And where?

A. In St. Louis, Missouri.

Q. And what was the name of the Communist Party at that time?

A. The name was the Communist Party of the United States.

Q. And how long did you remain a member of the Communist Party?

A. Until December 19, 1939.

Q. Now, while you were a member of the Communist Party did you hold any positions within the Party? [714]

A. Yes; I held a number of positions.

Q. What was your first position?

A. My first position was Managing Editor of

(Testimony of Howard Rushmore.)

the Young Worker which is the official organ of the Young Communist League at that time.

Q. For how long a period did you hold that position? A. About one year.

Q. Where was that?

A. In New York City; 35 East 12th Street.

Q. Just prior to your joining the Communist Party what was your occupation?

A. I was engaged in newspaper work in my home town, which was Mexico, Missouri.

Q. Why did you join the Communist Party?

A. Because at that time I thought their program was substantially one that was appropriate for Americans who had ideals of liberty and democracy. At that time I was about 21 years of age and about the age when youth is rather idealistic, and from the Communist literature that I saw, and the other propaganda that I received, I thought there was an answer to what I had been seeking in the form of a democracy that was perhaps extended further than our own.

Q. Were you born in this country?

A. Yes. I was born in Mitchell, South Dakota.

Q. Now, what other positions did you hold in the Communist [715] Party?

A. For a period, the summer of 1936, I was the North and South Dakota Organizer of the Young Communist League.

Q. The Young Communist League—now, is that affiliated with the Communist Party?

(Testimony of Howard Rushmore.)

A. Well, the best way to describe the Young Communist League, I think, would be to say it is a junior section of the Communist Party, molded very closely along the lines of the parent organization.

Q. Does it have the same aims, purposes and objectives as the Communist Party?

A. Yes; the same aims.

Q. Is it controlled by the Communist International, the same as the Communist Party of the United States is?

Mr. Gladstein: All of the last three questions have been leading and suggestive. May we ask for a ruling asking counsel on direct examination not to lead the witness?

Mr. Del Guercio: This is a matter that is already in evidence, your Honor. It is for the purpose of expediting the examination of this witness.

Presiding Inspector: Do not lead any more than you can help. If it is just repetition, something already in the record, of course the Examiner will take that into consideration. But be careful about it.

By Mr. Del Guercio:

Q. By whom is the Young Communist League controlled? [716]

A. Properly it is controlled by the Young Communist International, which has its headquarters in Moscow.

Q. And who, in turn, if anyone, controls the Young Communist International?

(Testimony of Howard Rushmore.)

A. Well, that naturally is controlled by the Communist Party, the Communist International.

Q. Did you hold any other positions while you were a member of the Communist Party?

A. Yes. During the summer of 1936, when I was out in the Dakotas, and throughout the Great Plains, I edited a special farm page of the Daily Worker.

Q. And for how long a period?

A. That extended up until around March, 1937.

Q. You say you "edited"—what do you mean by that?

A. Well, I gathered the news of the Great Plains, as far as the farmers went, the various farm programs the Party was carrying out, and by and large any news pertaining to farm activities; and this news, stuff, I would send to the Daily Worker in time for their national edition which was sent throughout the country. They had a special page they called the farm page. Most of the stuff was compiled by myself.

Q. I see. For how long a period of time did you do that work?

A. Well, during the late summer of 1936 and until March 1937. I believe it was discontinued approximately March 1937. [717]

Q. What other positions did you hold?

A. For a brief period of time, in connection with my newspaper work there in the Great Plains, I was Organizational Secretary of the Communist Party of Iowa.

(Testimony of Howard Rushmore.)

Q. Any other positions?

A. Yes. Then I returned to New York and joined the staff of the Daily Worker; and on the Daily Worker I alternately served as feature editor, general assignment man, ships' news, assistant editor and managing editor of the magazine section of the Sunday Worker.

Q. How do you become a member of the staff of the Daily Worker?

A. There is one obligation which, I think, is held pretty firm, at least throughout the time I had anything to do with the Communists, and that is you have to be a member of the Party to become a member of the Daily Worker Staff.

Q. You mean a member of the Communist Party?

A. A member of the Communist Party; yes.

Q. And you were a member of the staff for how long a period?

A. Well, that was from about May 1937 until December 1939.

Q. I believe you have already testified concerning the Sunday Worker, that you edited that paper?

A. No. It was the magazine section, a supplement sent out to the other Communist papers, the People's Daily World, the [718] Chicago Midwest Daily Record, and it was included in the New York Sunday Worker. It was a 12-page magazine section of which I was the managing editor.

Q. Was this also inserted in the Daily Worker?

(Testimony of Howard Rushmore.)

A. Yes. The Sunday Worker, to be exact, was the title of it.

Q. You say you contributed articles to all of these papers mentioned by you?

A. Yes; I had a number of articles.

Q. Were you required to submit your articles to anyone before they were published?

A. Yes. The Daily Worker has an editorial board of—it varies from four to six or seven members—and all copy, features, news, everything else, has to be submitted to one member of the editorial board before it is O.K.'d and put in the paper.

Q. While you were on the staff of the Daily Worker did you ever have any staff meetings?

A. We had frequent staff meetings; approximately once a week, I would say.

Q. And what was discussed at these staff meetings?

A. Various matters pertaining to the changes in party policy, or what lines to follow on particular things affecting the news. The meetings were held more frequently, I would say the last year I was there in 1939 when there were rapid changes in the Party line, and the editorial board called [719] in often a special member from the Political Bureau of the Communist Party to give us the proper line on these events, because often we were rather confused as to how to keep abreast of the Line and the news at the same time.

Q. How many times would a representative from

(Testimony of Howard Rushmore.)

the Political Bureau appear at these staff meetings?

A. Well, that varied. Sometimes there would be a member of the Political Bureau and sometimes not, present. It might be a specialist in other affairs pertaining to the Daily Worker.

Q. Who was the Business Manager of the Daily Worker while you were a member of the staff?

A. The first Business Manager I ever knew there was David Leeds—L-e-e-d-s. [720]

Q. David Leeds. And was he also a member of the Communist Party? A. Yes, sir.

Q. You know that of your own knowledge?

A. I do.

Q. Does he have any other name?

A. He has another name; I have heard it. I don't remember—it is Amerilgo, or something like that. I don't know how it is spelled; I don't know how to pronounce it.

Q. Do you know if David Leeds is his correct name?

A. I was told even while on the Worker that this other name was his real name, but I paid little attention to that because most of the people around there used assumed names. It was nothing new to——

Q. (Interposing): Did he ever have a position with the Communist Party?

A. Yes. I knew at one time he was Financial Secretary of the New York Communist Party.

Q. Now, during any time that you were a mem-

(Testimony of Howard Rushmore.)

ber of the Communist Party did you ever have occasion to interview the Alien here, Mr. Bridges?

A. Yes, in the summer of 1935.

Q. And what was your position in the Communist Party at that time?

A. Well, that was shortly after I came to New York from [721] Missouri and I was Managing Editor of The Young Worker at that time.

Q. And The Young Worker, that is the official organ of the Young Communist League?

A. It was, yes.

Q. And do you see the Alien here in this court room? A. Yes, I remember Mr. Bridges.

Q. Do you recognize him? A. Yes, sir.

Q. Where is he?

A. He is sitting at the end of this table, the counsel table, at the end to my left.

Mr. Del Guercio: May the record show that the witness has identified him?

Presiding Inspector: Certainly.

By Mr. Del Guercio:

Q. Where did this interview take place?

A. I believe the name of the place was the Manhattan Opera House, something like that. I forget the exact—there are so many of those meeting halls in New York and I covered a number of meetings. I believe it was the Manhattan Opera House.

Q. And did you interview anyone else about the same time?

(Testimony of Howard Rushmore.)

A. Yes, I was assigned to interview these people in the Youth Congress, which was coming very rapidly to the fore then [722] in the Young Communist League's program, and I talked to Mr. Bridges and a Mr. Louis Weinstock.

Q. Who was Louis Weinstock?

A. Louis Weinstock I knew to be even at that time a member of the Central Committee of the Communist Party, and is now one of the officials of District Council Nine of the Painters Union, New York City.

Q. Who instructed you to interview Mr. Bridges and Mr. Weinstock?

A. The Editor of The Young Worker, whose name was Joseph Cohen, C-o-h-e-n.

Q. And did you write the result of your interview with Mr. Bridges and Mr. Weinstock?

A. I did.

Q. And did it appear in The Young Worker?

A. It did.

Q. Well, what was this Youth Congress movement, Mr. Rushmore?

A. That was one of the most important of the front organizations which was started by the Young Communist League and the Communist Party in '35, when they adopted their Trojan horse policy. However, to be correct, the Youth Congress, as such, came into being before that time. About in 1934 or '33—I don't know the exact date on that—I was not in New York then—there was some sort of a Youth Convention called there [723] at

(Testimony of Howard Rushmore.)

New York University and there was quite a split in the organization over policy and the Young Communist League took over the largest wing of this youth movement and called it the Youth Congress, and it really came to the forefront and to its rather wide scope in 1935.

Q. And you say it was completely dominated and controlled by the Communist Party?

A. I would say that from my experience, yes.

Q. And what was the purpose of the Youth Congress?

A. The proper claimed purpose was to give jobs to unemployed youth, to fight race discrimination, and to preserve democracy, peace and freedom. The actual aims, of course, were the aims of the Young Communist League.

Q. And what was that?

A. The similar aim to that of the Communist Party, an ultimate revolutionary overthrow of the capitalist order and establishment of proletarian dictatorship.

Q. And you were instructed, you say, to interview the Alien here concerning the Youth Congress? A. To interview who?

Q. The Alien here?

A. Yes. I was told to interview Mr. Bridges by Mr. Cohen, my editor.

Q. Also Mr. Weinstock?

A. That is correct. [724]

Q. Who, you say, is a member of the Politbureau? A. No, of the Central Committee.

(Testimony of Howard Rushmore.)

Q. Of the Central Committee.

A. He might have been a member of the Political Bureau; I don't know about that.

Q. I will show you what purports to be here a photostatic copy of the New York, Tuesday, July 23, 1935, page three, on which appears an article "Bridges and Weinstock Praise Youth Congress" by Howard Rushmore, and ask you if you can identify that?

A. (Examining document): Yes, that is a photostat of The Young Worker.

Q. Now, was that a correct transcription of your article on Bridges and Weinstock Praise Youth Congress? A. It is.

Q. Now, there appears on this photostatic copy the following "The Young Worker, Official Organ of the National Executive Committee, Young Communist League, 35 East 12th Street, New York City." Is that correct? I believe you have testified that The Young Worker was the official organ of the Young Communist League?

A. Yes, sir.

Q. And is that a photograph of Harry Bridges?

A. Could I see that a little closer, please?

Q. (Handing document to witness.) [725]

A. Yes, that is.

Mr. Gladstein: If your Honor please, while we are waiting, are we to understand that it is the theory of Mr. Del Guercio that it is material to the issues of this case that Mr. Bridges permitted himself to be interviewed by a reporter, or is it his

(Testimony of Howard Rushmore.)

contention that there is something that Mr. Bridges said in that interview which is material? If the latter is the case, we are waiting for him to reach the actual statements that Mr. Bridges made.

Mr. Del Guercio: My theory, if I may reply to counsel, is that Harry Bridges, throughout the period of time from about 1932 to the present time, has been a member of and affiliated with the Communist Party, and that his conduct throughout this period of time has been such as to lead anyone to believe that he was a member of the Communist Party.

Mr. Gladstein: Well, I renew the question. I am simply wondering whether counsel intends——

Presiding Inspector (Interposing): I don't suppose he has to answer it unless he wishes to.

Mr. Gladstein: Let us have this understanding, if your Honor please: I do not see Mr. Del Guercio marking for identification a document which has been shown the witness.

Mr. Del Guercio: I will offer it in evidence, if that will relieve you.

Mr. Gladstein: All right.

Presiding Inspector: Doesn't it seem to be wise to ask [726] him whether this is a true account of what Mr. Bridges said?

Mr. Del Guercio: I believe I did ask the witness.

Presiding Inspector: I didn't hear it.

(Testimony of Howard Rushmore.)

By Mr. Del Guercio:

Q. If I haven't, is this a true account of what Mr. Bridges said at that time?

A. It is, your Honor.

Presiding Inspector: I will receive it.

Mr. Del Guercio: I will offer it in evidence at this time and ask it be marked.

Presiding Inspector: I will receive it.

(The document referred to was received in evidence and marked Government's Exhibit No. 134.)

By Mr. Del Guercio:

Q. Now, Mr. Rushmore, I note from this article that Mr. Bridges made mention of the National Students League. Are you familiar with that?

A. Yes. The National Students League was, I think, the first—as far as I know is the first outright Communist organization of the Students College and High School Students.

Q. And what kind of an organization was it?

A. Well, it was patterned along the lines of the Young Communist League, only it was to be set up in its various units in the colleges and schools wherever it could be established.

Q. Well, was it also a Communist organization?

[727]

A. To the best of my knowledge it was.

Mr. Del Guercio: May I read from this article, if the Court please?

Presiding Inspector: Yes.

(Testimony of Howard Rushmore.)

Mr. Del Guercio: As to what Bridges said about the National Students League at that time.

Presiding Inspector: Yes.

Mr. Gladstein: May I suggest that the whole thing be read if there is going to be any part of it read, your Honor?

Mr. Del Guercio: Yes, I will be glad to read the whole part of it.

"Bridges and Weinstock Praise Youth Congress.

"'I think the American Youth Congress is a splendid thing,' Harry Bridges said. Tired from days of speech-making and endless meetings with rank and file longshoremen, the West Coast leader nevertheless grew immediately enthusiastic when I asked him for his opinion on the Congress.

"'An important step forward in the youth movement,' the San Francisco strike leader said. 'Perhaps one of the most important things in many years as far as the youth is concerned.'

"In the press conference he was asked about the young longshoremen. 'None of them are very young. They can't join until they are least 21 years old and most of our workers on the West Coast are way over that age.' [728]

"During his speech at the Manhattan Opera House Bridges had several times spoken of football teams scabbing during the General Strike. I asked him if he referred to the athletes from the California Universities.

"'Yeah,' Bridges said, smiling. 'The coaches must have wanted to give their boys a workout.

(Testimony of Howard Rushmore.)

Stanford sent their first and second string football team down for a——' "

You needn't snicker there, Mrs. King.

Mrs. King: Would you address the Court, Mr. Del Guercio?

Presiding Inspector: Go ahead; I will run this Court. Now, go ahead and read.

Mr. Del Guercio: " 'The coaches must have wanted to give their boys a workout.' "

Presiding Inspector: That refers to everyone, of course. We are going to have a proper hearing here. Everyone is going to have their opportunity. Go right ahead.

Mr. Del Guercio: " 'Stanford sent their first and second string football team down for a workout. They got it.' I didn't ask what kind of a workout, but I imagined, from Bridges' words, that the squad probably were more than satisfied.

" 'But don't get me wrong on the college students,' the longshoremen's leader hastened to add. 'Five members of the National Students League came over to the general Labor council meeting and pledged us that they would help us in any way [729] they could. About the only scabs from the universities were the athletes.'

"Surrounded by a crowd of longshoremen and workers waiting to shake his hand, Bridges asked to be excused from any more interviewing. 'I'm pretty tired,' he grinned.

(Testimony of Howard Rushmore.)

"'A Great Thing'" — Weinstock.

"I also asked Louis Weinstock, militant leader of the Painters' Union, about the American Youth Congress. Weinstock, who spoke on the same platform with Bridges at the Manhattan Opera House, did not hesitate in beaming approval of the Congress.

"'I've followed it closely and think the youth of the United States certainly are doing a great thing,' Weinstock said. 'It's swell how the A. F. of L. locals sent youth representatives. The broad united front is a real advance in the fight against starvation wages for the youth.'" [730]

By Mr. Del Guercio:

Q. Now, Mr. Rushmore, during any of these staff meetings of The Daily Worker was the name of the alien ever brought up?

A. Once or twice, that I remember.

Q. And in what connection?

Mr. Gladstein: Just a moment, if your Honor please. Unless a foundation is laid that the alien is supposed to have been present at any of these occasions about which he is about to be asked it is quite obvious that the questioner is seeking hearsay, and I think we may as well have an understanding on this whole question of hearsay; because how would it be possible for us to defend against the kinds of double and triple hearsay which counsel could request? How would it be possible for us to check on the veracity of the statements of any witness if, in the absence of Mr.

(Testimony of Howard Rushmore.)

Bridges, people talk about him, and testimony is permitted of that hearsay character?

We recognize that to some extent, within the discretion of the Examiner in administrative proceedings, hearsay is admissible, and that the real question is one as to the weight or value of that hearsay, but if we are going to have nothing but hearsay, as we have had from Mr. Chase already, as we are about to have apparently from this witness, let us have an understanding, because we have a lot of hearsay of our own concerning the FBI and others on the other side of this case.

Are we going to open the doors wide to hearsay or are we [731] going to confine ourselves to evidence which is admissible in common law?

I think I recall a public statement made by Major Schofield—I don't know whether the press quoted his accurately—in which he was reported to have said at the time of the argument, the original argument on the postponement, that the hearing, he anticipated, in this case, would not be as long as the last, for one reason because the rules of common law applicable in evidence would govern more strictly in this case than in the last.

I think we should have some understanding on this question of hearsay.

Presiding Inspector: The Examiner won't make any general ruling on this matter, but, of course, you may interpose an objection later when the proceeding is a little more developed.

Go ahead, Mr. Del Guercio.

(Testimony of Howard Rushmore.)

Mr. Del Guercio: What was your answer?

The Witness: Will you repeat the question, please?

(The question was read by the reporter as above recorded.)

A. At one staff meeting——

Mr. Gladstein: (Interposing) Just one moment. May the record reflect our objection to the present question on the ground it calls for hearsay?

Presiding Inspector: Yes.

Mr. Gladstein: Also that we now move to strike the answer [732] to the preceding question to which we did not have an opportunity to object before the answer came.

Presiding Inspector: Yes, you may have it appear that [redacted] objection was made, or that you made a motion to strike, and that motion I will deny, and the other objection generally may also appear to this whole line of testimony as hearsay.

Mr. Gladstein: That is, the record may now show, so that it will not be necessary for us, your Honor, to repeat these objections; is that correct?

Presiding Inspector: Yes, but if it comes to a crucial question I think you ought to interpose. I am now merely allowing this to sketch the background to see what is to be definitely shown about this matter.

Mr. Gladstein: But are we to understand that in a general sense the record is now to reflect that it may be deemed that we are objecting to this

(Testimony of Howard Rushmore.)

general line of questioning on the ground it is hearsay and it will not be necessary for us to specifically repeat that objection as to each question?

Presiding Inspector: Yes, you are correct, you are correct about that.

Mr. Gladstein: Yes.

Presiding Inspector: That will be satisfactory?

Mr. Gladstein: Yes, thank you.

A. (Continuing) At one staff meeting at which we were addressed by Jack Stachel the name of Mr. Bridges came up briefly. [733] Stachel was a member of the Political Bureau of the Communist Party and assigned by the Bureau and by the Central Committee to have charge of all trade union work of the Party, and occasionally he talked to us when something important was coming up in connection with our work in trade union matters. And on this day—I think it was the latter part of '38—Stachel talked to us and mentioned the West Coast in his discussion. He usually talked for about an hour, dealing with various phases of West Coast labor, and I forget the—some of the leaders he was discussing, but he was putting them in their various classifications, and I remember distinctly he said to us, when he mentioned Bridges he said: "Now, Comrades, we all know where Bridges stands." I remember that statement made by Stachel.

By Mr. Del Guercio:

Q. Now, while you were a member of the staff of The Daily Worker did you have occasion to con-

(Testimony of Howard Rushmore.)

sider the treatment that was to be accorded matters pertaining to Bridges?

A. Well, he was one of a number of trade union leaders who were more or less the national heroes of The Daily Worker and the Communist Party.

Q. How was he considered by the The Daily Worker?

A. Well, I would say that he was——

Mr. Gladstein: I object to that question as being vague and indefinite. Now, I understood The Daily Worker, by [734] the question here, was a newspaper.

Mr. Del Guercio: I didn't say The Daily Worker was a newspaper. I said it was the official organ of the Communist Party.

Mr. Gladstein: I think the question is, how was Mr. Bridges considered by The Daily Worker. Isn't that the question?

Presiding Inspector: That means the staff, of course, of The Daily Worker.

Mr. Gladstein: That is incompetent, irrelevant and immaterial as to how they considered him.

Mr. Del Guercio: If your Honor please——

Presiding Inspector: (Interposing) I don't know exactly what you seek.

Mr. Del Guercio: One of the issues in this case is whether or not the alien here was a member of the Communist Party.

Presiding Inspector: Certainly.

Mr. Del Guercio: Now, there are a number of ways of establishing that. One is, of course, by

(Testimony of Howard Rushmore.)

producing the membership card, if the alien ever had one, and another way, of course, is by showing his conduct for an extended period of time.

Presiding Inspector: Yes, but the impression of these men, as to whether they have regarded him with favor or not, doesn't advance this very much.

Mr. Del Guercio: Well, in this connection here too, that here is an admitted member of the Communist Party during the [735] period of time to which we allege that Bridges, the alien here, was a member. It is the same as being a member of a fraternal organization. Certainly it would go to members of that organization to determine who are members of the——

Presiding Inspector: (Interposing) Yes; I don't say that I will exclude this question but it doesn't advance the argument very far, just to say what they asked him, what their impression was about it.

Mr. Del Guercio: Not impression; what treatment.

Presiding Inspector: Well, what their attitude was toward him. What was the exact phrase?

Mr. Gladstein: How they considered him.

Presiding Inspector: How they considered him.

Mr. Del Guercio: Well, I will withdraw that question and frame this one:—

Presiding Inspector: They might consider him favorably.

By Mr. Del Guercio:

Q. What kind of treatment did The Daily

(Testimony of Howard Rushmore.)

Worker, the official organ of the Communist Party of the United States, give, if any, to the alien here?

Mr. Gladstein: I object, in the first place, on the ground that this is incompetent, irrelevant and immaterial; secondly, I should think it calls not for the best available evidence. I suppose that the best method of determining what kind of treatment—assuming that this is material in this case—was accorded to [736] Mr. Bridges by the staff of The Daily Worker would be to show the sheets, the actual copies of The Daily Worker in which write-ups or interviews concerning Bridges appeared, and not to ask for secondary evidence from this witness.

I make the objection on both of those grounds, your Honor.

Presiding Inspector: If this were a Court I would exclude this question, but in this general investigation where very wide scope is afforded to each side, I think I will receive this particular question and the answer.

By Mr. Del Guercio:

Q. You may answer.

A. During my time on The Daily Worker, and in my various capacities there, I came to know Mr. Bridges as a figure in our news there, as what the newspaper men called a "Sacred cow". That, to translate it, means a person to whom only favorable publicity is given, and favorable display of the particular news involving him, and never a criticism; or, you might say, all around 100 per

(Testimony of Howard Rushmore.)

cent favorable treatment by the members of the staff of the various newspapers.

Q. Was he given such favorable treatment as a "Sacred cow" all during the time that you were a member of the staff of The Daily Worker?

A. He was.

Q. From your interview with Mr. Bridges there in connection with the Young Worker, or the Workers' Congress—excuse me—Youth Congress, and from your experiences there as a [737] member of the staff of The Daily Worker over an extended period of time, and from your other knowledge gained while you were a member of the Communist Party, would you say that the alien here was a member of the Communist Party during that period of time?

Mr. Gladstein: Could we ask that the question be read? I am sorry, but I did not hear it.

(The question referred to was read by the reporter as above recorded.)

Mr. Gladstein: If your Honor please, we certainly do object to a question of this kind which calls for opinion, guess, conclusion, hazard, venture, and which has within the framing of the question several compound, indefinite, assumed portions.

If your Honor will have the question read back you will see what I have reference to.

Presiding Inspector: I have heard it twice.

Mr. Del Guercio: I will strike the question and ask him if, in his opinion, Mr. Bridges was a member of the Communist Party?

Mr. Gladstein: We object to that. That isn't

(Testimony of Howard Rushmore.)

evidence. People aren't supposed to take the stand and give opinions. The witness is supposed to be here to testify under oath. I can get thousands of people to come in here and give opinions on the question. We object to the question because it calls [738] for hazard, guess and opinion, rather than evidence.

Presiding Inspector: I will exclude it.

Mr. Gladstein: Thank you.

Presiding Inspector: But you may show anything else that he knows.

By Mr. Del Guercio:

Q. During the time that you were a member of the Communist Party did you become familiar with the literature published and distributed by the Communist Party?

A. Yes; I saw a great deal of it.

Q. I will show you a book called "From Bryan to Stalin," printed in the U. S. A. by the International Publishers Co., Inc., copyright, 1937, and ask you if that is one of the pieces of literature that you are familiar with?

A. (Examining book) Yes; I have seen that book.

Q. Was this book circulated and distributed by the Communist Party of the U. S. A.

A. Yes. That particular book, "From Bryan to Stalin" was given quite a wide circulation. Foster is the National Chairman of the Communist Party. I remember, in my own experience, we reprinted several chapters of that particular book

(Testimony of Howard Rushmore.)

in the Magazine Section, of which I was the Managing Editor, of the Sunday Worker—Sunday Worker Magazine Section. We did this to give the book the widest possible publicity and to increase sales.

[739]

Mr. Del Guercio: If the Court please, I would like to read from page 260 of this book, as it has to do with the 1934 strike, and we will offer evidence in this case to connect the alien with the 1934 strike.

Presiding Inspector: Who is the book by?

Mr. Del Guercio: This is by Foster.

Presiding Inspector: I think he has been shown to be a member of the Communist Party, or the leader?

Mr. Del Guercio: That is correct.

Mr. Gladstein: There is only one question I would like to ask and that is this: Whether Mr. Del Guercio intends to introduce the volume or just read certain excerpts from the contents?

Mr. Del Guercio: I will introduce the volume.

Mr. Gladstein: All right.

Mr. Del Guercio: I will offer it now in evidence.

Presiding Inspector: Very well. It will be received.

(The book referred to was received in evidence and marked Government's Exhibit No. 135.)

Presiding Inspector: Off the record.

(Remarks outside the record.)

(Testimony of Howard Rushmore.)

Presiding Inspector: Proceed.

Mr. Del Guercio: Reading from this book:

"But it was in the big Pacific Coast Marine and San Francisco general strike that the C. P."—

[740]

That is the Communist Party?

A. That is the usual abbreviation, C.P., for the Communist Party.

Mr. Del Guercio: (Continuing reading) —"and T. U. U. L."—

What does that stand for?

A. Trade Union Unity League.

Mr. Del Guercio: (Continuing reading) —"did their most important strike work in this period. In fact, in this struggle their influence was decisive. It so happened that I was in San Francisco during the general strike although too sick to take an active part in it. It was the greatest torture for me to be in the midst of such a glorious struggle and yet to be unable to help.

"Here I have space for no more than a bare outline of this historic fight. In 1932, on the then largely-unorganized San Francisco waterfront, the C. P. and T. U. U. L. carried on their work intensively along two main lines: the seamen were organized into the T. U. U. L. Marine Workers Industrial Union and the longshoremen into the A. F. of L. International Longshoremen's Association. Following out this policy, there was in 1933 a strong M. W. I. U. organization built up along the Pacific Coast and, together with other militant workers, the T. U. U. L. forces succeeded in or-

(Testimony of Howard Rushmore.)

ganizing a large I. L. A. local union among the disorganized Frisco dock workers. The [741] leader of the longshoremen was Harry Bridges and the head of the local M. W. I. U., Harry Jackson; both left wing militants. The Secretary of the California district of the Communist Party was Sam Darcy.

"The strike movement began among the longshoremen early in the spring of 1934. The San Francisco local had taken the lead in lining up the weak I. L. A. Coast locals to present demands to the employers. The employers, aided by corrupt I. L. A. top leaders, tried the usual schemes of delay, conciliation and arbitration to break up the rapidly developing militant movement. Rejecting these maneuvers, the I. L. A. locals declared a strike on May 9th and had the whole Pacific Coast tied up within two days. Harry Bridges was elected Chairman of the I. L. A. strike committee, and the Western Worker, local Communist organ, was endorsed as the official strike journal.

"The open-shop employers were determined at all costs to defeat the militantly-led longshoremen, the heart of whose demands was the right to organize. This aroused the fighting spirit of the marine workers generally. The T. U. U. L. union, the M. W. I. U. promptly called out its seamen in support of the 12,000 striking longshoremen and tied up every ship coming into Frisco. The other marine unions, A. F. of L., followed suit, and soon the entire marine industry of the Pacific Coast was paralyzed. Ten unions, with 30,000 workers,

(Testimony of Howard Rushmore.)

were now out. [742] The striking unions made a Solidarity Pact and formed the Joint Strike Committee of 50, with Harry Bridges as Chairman."

And reading from page 264, the second paragraph:

"The 30,000 maritime workers continued their coastwide strike until July 31st, when they agreed to arbitration. By force of their solidarity and fighting spirit, they managed to secure a favorable decision. Later the I. L. A. reelected its fighting leader, Bridges; the marine unions built up their strength, united themselves into the Maritime Workers Federation, and established the best wages, hours and working conditions to be found on any American coast.

"In this great strike the C. P. and T. U. U. L. forces made a number of errors. Among these were a certain hesitation at times in exposing the treachery of the A. F. of L. leaders, the failure to spread the struggle to the Atlantic and Gulf coasts, a lack of activity by the left labor forces to get control of the General Strike Committee, etc. But in the main it was a splendid and successful fight and it cast much deserved credit upon the Communist Party and the other militant fighters who led it so gallantly."

By Mr. Del Guercio:

Q. I will show you a booklet, Mr. Rushmore, called "Report to the 8th Convention Communist Party," by Earl Browder, and ask you if you are familiar with this booklet?

(Testimony of Howard Rushmore.)

A. (Examining booklet) I have seen that sold in the [743] St. Louis Workers' Book Shop. I think I got hold of one of those very shortly after I came in contact with the Communists down there.

Q. Was that then distributed and sold under the auspices the Communist Party?

A. Oh, yes.

Q. And circulated by them?

A. Circulated in that particular area; I know that. And that would lead one to think it was circulated throughout the country, for St. Louis is one of their main districts, and all districts are supplied with this literature.

Q. And does it contain the accepted doctrines and teachings of the Communist Party?

A. That is the speech of Earl Browder, I think —may I see that again?

Q. (Handing booklet of the witness)

A. Yes, that is a report of Earl Browder's, who was at that time General Secretary of the Communist Party of the United States. You might say this is the proletarian bible of the Communists.

Mr. Del Guercio: I offer this in evidence as Government's exhibit next in order.

Presiding Inspector: It may be received.

(The booklet referred to was received in evidence and marked Government's Exhibit No. 136.) [744]

By Mr. Del Guercio:

Q. I show you a book called "The Communist," March, 1935, published monthly by the Communist

(Testimony of Howard Rushmore.)

Party of the U.S.A., and ask you if you can identify that?

A. (Examining book) Yes. This magazine is an official organ of the Central Committee of the Communist Party and is required to be read by all Party members. I recognize the by-lines of Earl Browder, Robert Minor, Anna Damon, Alex Biddleman, F. Brown and Bill Lawrence. These people, to my own knowledge, I know to be members of the Communist Party and most of them national leaders of the Party.

Q. How about Alex Biddleman?

A. He is a member of the Polburo, and probably the outstanding Marxist theoretician of the Party.

Q. And does this book, magazine, contain the accepted doctrines and the teachings of the Communist Party?

A. Yes; this is an official magazine.

Mr. Del Guercio: I offer this magazine only for one article, if your Honor please, being the "Report to the National Agitation and Propaganda Conference, January 18, 1935."

Presiding Inspector: You simply offer that article?

Mr. Del Guercio: Yes. I have a photostatic copy of it which I would like to substitute for the original.

Presiding Inspector: Very well; that may be done. [745]

(Testimony of Howard Rushmore.)

(The document referred to was received in evidence and marked Government's Exhibit No. 137.)

By Mr. Del Guercio:

Q. I will show you the February 1935 issue of The Communist, published by the Communist Party of the U. S. A., and ask you if you are familiar with that issue?

A. (Examining magazine) Yes; I have seen this issue.

Q. And that, like the previous one that you identified, contains the accepted doctrines and teachings of the Communist Party?

A. That is correct.

Mr. Del Guercio: I will offer this book in evidence and ask that a photostatic copy be substituted for the original.

Presiding Inspector: It may be received.

(The book referred to was received in evidence and marked Government's Exhibit No. 138.)

Mr. Del Guercio: May we ask for a short recess?

Presiding Inspector: Certainly. We will take a short recess.

(Whereupon a short recess was taken.)

Presiding Inspector: Proceed, Mr. Del Guercio.

By Mr. Del Guercio:

Q. I will show you a booklet called "Resolutions

(Testimony of Howard Rushmore.)

Seventh Congress of the Communist International," including the closing speech of G. Dimitroff, published by the Workers [746] Library Publishers, New York, and ask you if you can identify that booklet?

A. (Examining booklet) Yes.

Q. Is this booklet distributed and circulated by the Communist Party? A. It was; yes.

Q. Does it contain the accepted doctrines and teachings and practices of the Communist Party?

A. Yes. That is the summary of the resolutions of the Communist International meeting, which is the highest govering body of all the Communist Parties.

Mr. Del Guercio: I offer this in evidence as Government's Exhibit next in order.

Presiding Inspector: It may be received.

(The booklet referred to was received in evidence and marked Government's Exhibit No. 139.)

Mr. Del Guercio: Reading from the top of page 27:

"While preparing the working class for rapid shifts in the forms and methods of struggle as circumstances change, it is necessary to organize, in proportion as the movement grows, the transition from the defensive to the offensive against capital, steering toward the organization of a mass political strike, in which it is indispensable that the participation of the principal trade unions of the country should be secured." [747]

(Testimony of Howard Rushmore.)

By Mr. Del Guercio:

Q. Is that one of the practices and doctrines of the Communist Party, or was it at that time?

A. Yes. I personally went through, I think, the greatest period of these particular shifts in the Party line. I know myself, and a number of other Daily Worker reporters who were on the paper at the time I was there, were sometimes a bit bewildered by these many shifts that would come out almost overnight, and we had quite a time keeping up with the Party line and its changes towards trade unions and other organizations.

Q. Their methods were changed as circumstances or situations developed, is that correct?

A. That is correct.

Q. But would their basic principles and doctrines change?

A. No. I would say that the teachings of Lenin and Stalin and, of course, Marx, were always the base of all the Communist policies and programs. However, they did go through some astonishing maneuvers. I remember in 1936 that they ostensibly forgot Lenin and Stalin in favor of a rather weird collection of characters. They lumped together at one time Father Divine and Lincoln, and would go to quite extremes in putting forth all of a sudden new Communist heroes which they claimed had fitted into the Party line at the moment.

Q. For what purpose? [748]

A. For the evident purpose of recruiting and

(Testimony of Howard Rushmore.)

spreading their propaganda to the American people who formerly had rejected the theory of a proletarian revolution and who possibly might have been fooled by this new democratic line.

Q. While you were a member of the Communist Party did you become familiar with these practices and policies of the Communist Party?

A. What practices do you mean?

Q. Well, refer particularly—did you ever hear of the practice of hypocrisy and deceit?

A. Yes; I heard of that a number of times.

Q. Does the Communist Party have such a policy of hypocrisy and deceit?

A. That is their outstanding policy, I would say.

Q. Their outstanding one. What is this policy of hypocrisy and deceit?

A. An example, I think, in the trade union field would be the idea that they are putting over to the rank and file of a particular union involved, that they are leading them to struggle for better wages, shorter hours, better working conditions, and things like that. That is what I would call a sublime hypocrisy because the ultimate aim is not to better the conditions of the American workers, but to recruit them into the Communist Party and prepare them as stooges for this hoped-for proletarian revolution. [749]

Q. And in following out that policy of hypocrisy and deceit what do they instruct particularly their members to do?

(Testimony of Howard Rushmore.)

A. Well, the members, of course—you mean the leaders in the various unions, or just what do you mean by that?

Q. The leaders in the various unions in particular?

A. Well, these leaders, if they are Communists, are pretty well schooled in Communist technique. That technique is very elastic and flexible. They may put forth almost any proposal or any policy to fit the given moment, and to ultimately strengthen their position, and even to strengthen their union.

Q. Well, now, these labor leaders, Communist Party labor leaders, are they instructed to disclose their membership in the Communist Party?

A. I would say up until the time I knew anything about the Communist Party—before that they were rather open and, you might say, to a semi-degree, honest in that they would say they were Communists and were after such and such a goal. But when I came into the Party and doing my newspaper work there covering various union activities, I found they tried to completely submerge the identity of known Communists, if they were labor leaders. For instance, Weinstock, I knew to be a member of the Central Committee in New York, and known as an aggressive labor leader, and no mention was made of him in the Daily Worker of his being a Communist. [750]

Q. In carrying out this policy of hypocrisy and

(Testimony of Howard Rushmore.)

deceit what are the members instructed regarding the giving of testimony in the courts of this country?

A. Well, the devoted Party member has been taught, and it is very carefully taught, if he is in a position where he should know this, that a court of law is nothing but a capitalist institution and, as such, one of the worst, and to lie before a court or to in any way give false testimony, is not a disgrace; on the contrary, it is an honor to the Party if it advances the Party's end. [751]

Mr. Del Guercio: I don't know if I offered this last document in evidence.

The Reporter: Yes, it was offered and received.

By Mr. Del Guercio:

Q. And what you have just said concerning instructions given to members of the Communist Party, of course, applies also to members of the Communist Party, members of the so-called front organization like the ILD, the Marine Workers Union and such similar organizations?

A. That applies throughout the front groups. I remember one example during the Civil War in Spain. Some committee, medical committee set up to aid the Loyalists was aided by a Minister and the Communists went to some length to use this Minister as their leading front individual, and he died in 1938, I believe, and then the Daily Worker came out and said he was a member of the Communist Party, only after he was dead. Before that they went to some length to say he was not

(Testimony of Howard Rushmore.)

a Communist and even intimated he was not pro-Communist.

Q. I will show you a pamphlet called "Democracy or Fascism", Earl Browder's Report to the 9th Convention of the Communist Party, published by Workers Library Publishers, New York City, June 1936, and ask you if you can identify it?

A. (Examining pamphlet) Yes, that pamphlet was widely distributed by the Communist Party during that year. [752]

Mr. Del Guercio: I offer this in evidence as Government's Exhibit next in order.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 140.)

By Mr. Del Guercio:

Q. You say that was distributed and published by the Communist Party?

A. Very widely distributed, yes.

Q. I will show you another issue, August, 1936, of "The Communist" published monthly by the Communist Party of the United States of America and ask you if you are familiar with that issue?

A. (Examining pamphlet) I recognize the by-lines on the cover—they are also in the index—of Bittelman, Harrison George, David Ramsey, V. J. Jerome. All these persons I know of my own knowledge to be members of the Communist Party.

Q. I note here an article on The World Peace Conference by Harrison George.

(Testimony of Howard Rushmore.)

You say you recognize Harrison George as a member of the Communist Party?

A. Yes; I knew Mr. George personally while I was on the staff of the—that was The Young Worker at the time I knew him.

Q. What does he do at the present time? [753]

A. Mr. George, I believe, is Editor of The Peoples World.

Q. And is The Peoples World an organ of the Communist Party?

A. They proclaimed it was not an organ but it is a Communist Paper financed by the Communist Party.

Q. Do you know what positions, if any, Harrison George occupied in the Communist Party either here in the United States or elsewhere?

A. Before I came to New York I had heard that Harrison George had been a writer for the Daily Worker. He edited a column called "Red Sparks" as a member of the staff, and in the spring of '36 I met him there and had several conversations with him. He came from my part of the country and we got rather familiar, talking about the old times anew. While we were talking he said that he had been engaged in Comintern work, I believe down in Brazil, South America, at least. Comintern work means in American language a special agent for the Communist International.

Q. Do you know if he was ever an agent of the so-called OGPU?

(Testimony of Howard Rushmore.)

A. That would be the same thing.

Mr. Del Guercio: I will offer this document in evidence.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 141.) [754]

Mr. Del Guercio: In the interest of time may I offer these next four documents here all at one time?

Presiding Inspector: I have no objection.

Mr. Del Guercio: Have you any objection?

Mr. Gladstein: No, but will you keep them all in order?

Mr. Del Guercio: Yes.

Mr. Grossman: Any particular articles?

Mr. Del Guercio: No.

By Mr. Del Guercio:

Q. I will show you four booklets, or magazines, the first one called "Resolutions of the Ninth Convention of the Communist Party" published by the Workers Library Publishers, 1936; the next the December, 1935 issue of The Communist, published monthly by the Communist Party of the United States; the next "Party Organizer" Volume VIII, December, 1935, issued by Central Committee, Communist Party of the U.S.A., and the last, the January issue of "The Communist," and ask you if you can identify these four books?

A. (Examining books) This January 1938 issue

(Testimony of Howard Rushmore.)

of "The Communist" I remember particularly because that was while I was on the staff of the Daily Worker and we were given this every month; it was required reading of all staff members. The others I also can identify as official Communist publications.

Q. And were they distributed, all four documents, by [755] the Communist Party?

A. (Affirmative nod.)

Q. Did you say "Yes"?

A. Yes, they were.

Mr. Del Guercio: I offer these four booklets in evidence, your Honor, in the order in which they were given.

Presiding Inspector: They may be received.

(The booklets referred to were received in evidence and marked Governmnt's Exhibits Nos. 142, 143, 144 and 145.)

By Mr. Del Guercio:

Q. On Government's Exhibit 143, the December 1935 issue of The Communist appears an article by—appears two articles, one by William W. Weinstone and another by Roy Hudson.

Is that the same Weinstone you interviewed at the time you interviewed the Alien?

A. No; that is William Weinstone, who was formerly the Communist Party organizer in Detroit in what they call the auto district. Louis Weinstock was the one that I referred to in the article.

Q. How about Roy Hudson? Do you recognize him?

(Testimony of Howard Rushmore.)

A. Yes; Hudson I knew personally as the waterfront—we called him the waterfront commissar of the Party. He was assigned by the Central Committee. I think he is—he is on the Political Bureau now, assigned to all waterfront work.

Q. And a member of the Communist Party, of course? [756]

A. A member of the Central Committee, I am sure, and I think of the Political Bureau.

Q. I will show you a booklet called "Dimitroff, Working Class Unity—Bulwark Against Fascism", published by the Workers Library Publishers, New York, and ask you if you can identify it?

A. (Examining booklet). This is not only a Communist pamphlet, but probably one of their most important ones. This gave the new line on the Trojan horse policy of the frontal organizations in adopting the democratic front and things like that. It was distributed in tens of thousands of copies throughout the United States. I would say this is one of their major publications of the last five years.

Q. When you say adopted Trojan horse tactics, what do you mean by that?

A. It stems from the old fable of the Trojan horse. I believe Dimitroff referred to it in this particular pamphlet as boring from within. The Communists decided at the Communist International Convention at Moscow in 1935 that their old tactics weren't getting them very far and they would have to, I believe the phrase was, penetrate the

(Testimony of Howard Rushmore.)

bourgeois trade unions—that meant A. F. of L.—and bore from within and attempt to get leadership in these unions, and they even soft pedaled their attacks on religion and tried to bore from within the churches. It extended from without the sphere of American social and political life to penetrate, to capture and [757] to control.

Q. Was all that for the purpose of deceiving?

A. Certainly.

Q. And you say this was widely distributed by the Communist Party?

A. Very widely, yes, one of their major pamphlets.

Mr. Del Guercio: I will offer this booklet in evidence.

Presiding Inspector: It will be received.

(The booklet referred to was received in evidence and marked Government's Exhibit No. 146.)

By Mr. Del Guercio:

Q. I will show you now the March 6th, 1939 issue of the Daily Worker and ask you if you can identify that particular issue?

A. (Examining paper.) Yes, I recognize this as the Daily Worker.

Q. And is that an official organ of the Communist Party, or was it at that time?

A. It was and still is in spite of their policy of disclaiming any official connection with the Party.

Q. Do they at the present time disclaim——

(Testimony of Howard Rushmore.)

A. (Interposing) Oh, they claim now they have nothing to do with the Communist Party even though it is published in the headquarters of the Party.

Q. Is that another Trojan horse tactic?

A. Yes; it is one, I think, to escape the new law about [758] registering as a foreign agent, also to escape the numerous creditors. They have a number of creditors that are always after them. They use the capitalist court in many ways to evade this.

Mr. Del Guercio: I offer this copy in evidence and ask that the photostat be substituted.

Presiding Inspector: It may be received.

(The paper referred to was received in evidence and marked Government's Exhibit No. 147.)

By Mr. Del Guercio:

Q. Where is the national headquarters of this Party, or where was it at the time you were a member?

A. It was and still is—they have two addresses: a long building running between 12th and 13th Streets, in downtown Manhattan. One address is 50 East 13th; the other is 35 East 12th.

Q. I will show you a booklet called "Abridged Proceedings, Seventh World Congress, the Communist International", No. 17-18, organ of the Executive Committee of the Communist International, published by the Workers Library Publishers, and ask you if you can identify it?

(Testimony of Howard Rushmore.)

A. (Examining booklet) Yes; this was widely distributed by the Communist Party.

Q. And does it contain the practices and teachings of the Communist Party?

A. The very important ones, that is, of the Committee [759] of the Communist International, the Executive Committee.

Q. Whatever is contained in this booklet is binding upon every Communist Party member?

A. Very binding, yes.

Q. I read from page 1175 of this booklet: "'If the Communist Parties wish to become a real mass force capable of advancing the revolution, they must link up with the trade unions and rely upon them for support.'"

Was that the policy of the Communist Party at that time? A. Yes, as I knew it, it was.

Mr. Del Guercio: I offer this in evidence as the Government's next exhibit.

Presiding Inspector: It may be received.

(The booklet referred to was received in evidence and marked Government's Exhibit No. 148.)

By Mr. Del Guercio:

Q. I will show you a number of magazines, booklets and newspapers—not newspapers—they are copies of the Daily Worker—the first called "The Communist International," August 1938 issue, organ of the Executive Committee of the Communist Party; the second, "The War and the Working

(Testimony of Howard Rushmore.)

Class" by Georgi Dimitroff, General Secretary of the Communist International; the next, "The Struggle Against War, the Peace Policy of the Soviet Union" by Robert Minor, published by the Workers Library Publishers, October 1936; the next "Social- [760] ism, War and America" by Earl Browder, General Secretary, Communist Party, U.S.A., published by the Workers Library Publishers, November, 1939, and the next, copy of the Sunday Worker dated New York, November 5, 1939, and the last, copy of the Sunday Worker, dated New York, Monday, November 6, 1939, and I ask you if you can identify all of these documents?

A. (Examining documents) Yes, these are all official Communist documents.

Q. Were they distributed and circulated by the Communist Party? A. Yes, sir.

Q. With particular reference to the booklet called "The War and the Working Class" by Georgi Dimitroff, do you know when this was issued?

A. I don't remember the year on that.

Q. Do you recognize the print of the Workers Library Publishers?

A. They had a union label on there that was usually indicative; I think it was 209. That is usually the give-away on their publications.

Mr. Del Guercio: Well, this shows on a certain page, your Honor, that it was published by the Workers Library Publishers, Incorporated. P. O. Box 148, Station D, New York, New York. Then appears the union label and the number 209.

(Testimony of Howard Rushmore.)

I will offer these documents in evidence in the order in which they were presented to the witness.

[761]

Presiding Inspector: They may be received.

(The document referred to were received in evidence and marked Government's Exhibits Nos. 149 to 154 inclusive.)

By Mr. Del Guercio:

Q. I will show you a booklet called "Handbook of Marxism" published by the International Publishers, New York, and ask you if you recognize this book?

A. (Examining book) Yes; that was sold at the Workers Book Store there on 13th Street when I was in New York connected with the Party.

Q. Was it caused to be sold by the Communist Party? A. Yes.

Q. Distributed by the Communist Party?

A. That is correct?

Q. Circulated by it? A. That is right.

Q. Does this contain the accepted doctrines, teachings of the Communist Party?

A. It is a condensation of the major works, I believe, of Marx, Engels, Lenin and Stalin and others.

Q. And are the doctrines and teachings here binding upon every member of the Communist Party?

A. I would say those are the basic teachings of Communism.

(Testimony of Howard Rushmore.)

Mr. Del Guercio: I will offer this book in evidence, if your Honor please. [762]

Presiding Inspector: It may be received.

(The book referred to was received in evidence and marked Government's Exhibit No. 155.)

Mr. Del Guercio: I would like to read an excerpt from this book, if your Honor please, on page 1041:

"In order that revolutionary work and revolutionary action may be co-ordinated and in order that these activities may be guided most successfully, the international proletariat must be bound by international class discipline, for which first of all, it is most important to have the strictest international discipline in the Communist ranks.

"This international Communist discipline must find expression in the subordination of the partial and local interests of the movement to its general and lasting interests and in the strict fulfilment, by all members, of the decisions passed by the leading bodies of the Communist International.

"Unlike the social-democratic Second International, each Section of which submits to the discipline of 'its own,' national bourgeoisie and of its own 'fatherland,' the Sections of the Communist International submit to only one discipline, viz., international proletarian discipline, which guarantees victory in the struggle of the world's workers for world proletarian dictatorship."

(Testimony of Howard Rushmore.)

By Mr. Del Guercio:

Q. I will show you a booklet called "The Communist [763] Party, A Manual On Organization" by J. Peters, published by the Workers Library Publishers, and ask you if you can identify it?

A. (Examining booklet) Yes, I have seen this publication. It was a very important one inasmuch as it was used as a guide by all the party organizers, particularly unit organizers and section organizers and organizers of what they call the industrial or shop units. It gave a very complete detailed picture of how the Party units should be set up in various industries, or in street units, very inclusive and very important to the Party.

Q. And is it used particularly by labor leaders?

A. Well, I would say it is used by labor leaders who are members of the Communist Party.

Q. Yes, that is what I mean. And this is circulated, of course, and distributed by the Communist Party? A. It is.

Mr. Del Guercio: I offer this in evidence as Exhibit next in order.

Presiding Inspector: It may be received.

(The booklet referred to was received in evidence and marked Government's Exhibit No. 156.)

By Mr. Del Guercio:

Q. On page 42 of this booklet a definition is given of the Communist International as follows: "The Communist International is the interna-

(Testimony of Howard Rushmore.)

tional organi- [764] zation of Communist Parties in all countries. It is the World Communist Party. The Communist Parties in the various countries affiliated to the Comintern are called Sections of the Communist International."

Is that correct? A. That is correct.

Q. And again on page 104 are set forth the conditions for membership in the Communist Party, and among the conditions are these: I read.

"'I now take my place in the ranks of the Communist Party, the Party of the working class. I take this solemn oath to give the best that is in me to the service of my class. I pledge myself to spare no effort in uniting the workers in militant struggle against fascism and war. I pledge myself to work unsparingly in the unions, in the shops, among the unemployed, to lead the struggles for the daily needs of the masses. I solemnly pledge to take my place in the forefront of the struggle for Negro rights; against Jim-Crowism and lynching, against the chauvinist lies of the ruling class. I pledge myself to rally the masses to defend the Soviet Union, the land of victorious Socialism. I pledge myself to remain at all times a vigilant and firm defender of the Leninist line of the Party, the only line that insures the triumph of Soviet Power in the United States.'

"Our Party application carries this declaration:

"'The undersigned declares his adherence to the program [765] and statutes of the C.I. and the Communist Party of the U.S.A. and agrees to

(Testimony of Howard Rushmore.)

submit to the discipline of the Party and to engage actively in its work.' "

Does that appear, or usually appear on membership books of the Communist Party?

A. That is an oath, I believe, which, I think, was administered in 1935 and, perhaps, prior to that. I heard it administered in 1935 at Madison Square Garden to several hundred newly recruited Communists and this was at a large rally, a rather impressive thing. They put it on for its showmanship value, I would say. I never heard that particular oath administered after that; they may have changed the wording. That is pretty strong for the line they later adopted, but on the Party card which you signed as an applicant, I think the latter portion which you read there is correct, if I remember.

Q. Well, there is something in here about Fascism, that they pledged themselves to fight Fascism. Did they change that policy after Lenin, or Stalin and Hitler got together?

A. Well, they pledged to fight Fascism and, oh, I know they were doing that when I joined and up until the time that Hitler became a comrade they were very active in doing that, but as soon as the pact was signed there was a marked decrease in that Nazi-anti-Fascist program of theirs. [766]

Q. And were you associated with the Daily Worker after the getting together of Hitler and Stalin? A. Only for a brief time.

Q. And did the policy of the Daily Worker

(Testimony of Howard Rushmore.)

change in connection with its fight against Fascism after that meeting?

A. Yes, it changed to a marked degree. I know when the pact was signed there was some consternation around there, particularly among the staff members, even on the editorial board where there was usually a serene calm reigning. They had quite a time deciding what line their editorials should take explaining this. I think it was held up one day until they could get a complete formulation. When they did publish the editorial there were hundreds of letters from Daily Worker readers protesting this pact and demanding a better explanation. I know of two staff members being assigned to write letters from readers which glowingly hailed this pact, letters written in the city room of the Daily Worker, whereas, the protesting letters were never printed; most of them were destroyed.

Q. I will show you what appears to be an application card for membership in the Communist Party of the U.S.A. after the year 1936, and ask you if you recognize this card?

A. (Examining card) Yes, I have seen this card. If you will notice their slogan, it has been much watered down from the one you read. They just ask for adherence to the [767] program and statutes of the Communist International of the Communist Party, and agree to submit to the discipline of the Party. There is no mention there of the Leninist line and things like that. It changed:

(Testimony of Howard Rushmore.)

within a period of a year there they changed their recruiting slogan.

Q. Well, do you recognize this as an application card for membership in the Communist Party?

A. Yes, I have seen this card.

Mr. Del Guercio: I offer that in evidence and ask that a photostatic copy thereof be submitted for the original, that we be permitted to withdraw the original.

Presiding Inspector: It may be received.

(The card referred to was received in evidence and marked Government's Exhibit No. 157.)

By Mr. Del Guercio:

Q. I will show you a pamphlet called "The Constitution and By-Laws of the Communist Party of the United States of America," published by the Workers Library Publishers, Incorporated, August 1938, and ask you if you can identify it?

A. (Examining pamphlet) This was widely distributed, principally because this is a new constitution for the Communist Party in which they set forth their Trojan horse policy and watered down the more revolutionary aspects of their program, at least temporarily, and in this constitution they hail in the first paragraph the traditions of Jefferson, Paine, [768] Jackson and Lincoln, which, in '34, all of these national heroes in '34 they were declaring as bourgeois democrats and fakes and everything like that. This constitution was then

(Testimony of Howard Rushmore.)

widely distributed for its effect on the front organizations. People in these front groups who didn't know much about the Communist Party from reading this would think it is a left wing form of the New Deal.

Q. And this was done for what purpose?

A. For the obvious hypocracy engaged in by the whole Trojan horse program.

Mr. Del Guercio: I will offer this in evidence, if your Honor please.

Presiding Inspector: It may be received.

(The pamphlet referred to was received in evidence and marked Government's Exhibit No. 158.)

By Mr. Del Guercio:

Q. You say this was distributed by the Communist Party? A. It was.

Q. I will show you what appears to be a later edition of the Constitution and By-Laws of the Communist Party of the United States of America, published by the Workers Library Publishers, third printing, October of 1939, and ask you if you can identify this?

A. (Examining pamphlet) Yes, I have seen this pamphlet.

Q. Was that also distributed and circulated by the Comunist Party? [769] A. It was.

Mr. Del Guercio: I will offer this in evidence, your Honor, and ask that a photostatic copy be substituted.

(Testimony of Howard Rushmore.)

Presiding Inspector: It may be received.

(The pamphlet referred to was received in evidence and marked Government's Exhibit No. 159.)

By Mr. Del Guercio:

Q. I will show you a booklet called "Dimitroff, Speeches at the Seventh World Congress, The United Front Against War and Fascism," published by the Workers Library Publishers, New York, and ask you if you are familiar with that booklet?

A. (Examining booklet) Yes, I know that.

Q. Was this booklet distributed, circulated by the Communist Party? A. It was.

Mr. Del Guercio: I offer this in evidence as Government's Exhibit next in order and ask that a photostatic copy thereof be substituted.

Presiding Inspector: It may be received.

(The booklet referred to was received in evidence and marked Government's Exhibit No. 160.) [770]

By Mr. Del Guercio:

Q. I will show you a copy of the English Edition of the "International Press Correspondence," Volume 18, No. 32, dated June 25, 1938, and ask you if you are familiar with that issue?

A. (Examining magazine) This is one of the publications that all the Daily Worker staff members had to read. We were given this whenever it came out and required to read it. I know it

(Testimony of Howard Rushmore.)

was circulated and sold by the Communist Party.

Q. What is the International Press Correspondence?

A. That is similar, but on a more frequent publication basis, to the Communist International Magazine. This gives the official, you might say, the actual Moscow line, on the work of the Communist Parties throughout the world. All of this material is very carefully edited. This paper speaks for the voice of the Communist International and it is the voice of the Communist International.

Q. Is it accepted as binding upon members in the United States?

A. Any program laid down in this particular publication would be binding on them; yes.

Mr. Del Guercio: I offer this in evidence and ask that a photostatic copy be substituted for the original.

Presiding Inspector: That may be done. It will be received. [771]

(The magazine referred to was received in evidence and marked Government's Exhibit No. 161.)

By Mr. Del Guercio:

Q. I have here a number of documents, the first being the March issue of The Communist; the next being a copy of the Special Edition of the "World News and Views," formerly the International Press Correspondence, for Thursday, April 6, 1939; the next being the September, 1939, issue of The Com-

(Testimony of Howard Rushmore.)

munist, "Twenty Years of the Communist Party of the U.S.A.;" and the last being a booklet called "Milestone in the History of the Communist Party," by Alex Bittleman, published by the Workers Library Publishers, New York, and ask if you can identify these documents?

A. (Examining documents) Yes; these are all Communist publications.

Q. Were all these publications circulated and distributed by the Communist Party?

A. They were.

Q. All four of them? A. Yes.

Mr. Del Guercio: I offer these in evidence in the order shown to the witness, and ask that a photostatic copy of the "World News and Views" be substituted for the original thereof.

Presiding Inspector: That may be done. They will be received. [772]

(The documents referred to were received in evidence and marked Government's Exhibits 162, 163, 164 and 165.)

By Mr. Del Guercio:

Q. I have here a number of booklets, the first being "Resolutions of the Ninth Convention of the Communist Party," published by the Workers Library Publishers, 1936; the next being the September 1936 issue of "The Communist International"; the next "Dimitroff, Full Report and Speech in Reply to Discussion, the United Front Against Fascism and War," published by the

(Testimony of Howard Rushmore.)

Workers Library Publishers, New York, Third Edition, October 1935; and the last being the September 1938 issue of "The Communist," and ask you if you can identify these four documents?

A. (Examining documents) Yes. I recognize them. They are all Communist documents.

Q. Were all four of these documents distributed by the Communist Party? A. Yes, they were.

Q. And circulated by it? A. Yes, they were.

Mr. Del Guercio: I offer them in evidence in the order shown to the witness.

Presiding Inspector: They may be received.

(The documents referred to were received in evidence and marked Government's Exhibits 166, 167, 168 and 169.) [773]

By Mr. Del Guercio:

Q. I show you a booklet called "Party Organizer," dated July 1938, issued by the Central Committee, Communist Party, U. S. A., and ask if you can identify that? A. (No answer)

Presiding Inspector: Did the witness answer?

The Witness: No. I thought he was going to show me the others.

This is the Party Organizer issued by the Central Committee of the Communist Party. I have seen this, this particular copy, and I know it was distributed by the Communist Party.

Mr. Del Guercio: I offer this in evidence as Government's Exhibit next in order.

Presiding Inspector: It may be received.

(Testimony of Howard Rushmore.)

(The booklet referred to was received in evidence and marked Government's Exhibit No. 170.)

By Mr. Del Guercio:

Q. I show you a pamphlet called "An Open Letter to All Members of the Communist Party," issued by the Central Committee of the Communist Party, U.S.A., and ask you if you can identify that?

A. (Examining pamphlet) This was printed and distributed a year or two before I knew anything about the Communist Party; but this particular document was later re-printed in various forms, a very important thing at that time, and held [774] good until 1934 and 1935, this particular policy.

Q. Was it distributed during the time that you were a member of the Communist Party?

A. I have seen it in a book, I believe, of Browder's speeches, or something like that; it was a part of that book. I have never seen this particular pamphlet before in this form, but I know this Open Letter was published by the Communist Party and distributed in other forms.

Presiding Inspector: Whose letter is it?

The Witness: It is called "An Open Letter," which was adopted by the Extraordinary National Conference of the Communist Party of the U. S. A., held in New York City, July 7-10, 1933.

Presiding Inspector: No author?

The Witness: No; put out by the Central Committee, Communist Party, U.S.A.

(Testimony of Howard Rushmore.)

By Mr. Del Guercio:

Q. Can you recognize it as such? A. Yes.

Mr. Del Guercio: I offer it in evidence.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 171.)

By Mr. Del Guercio:

Q. I show you a copy of "Sunday Worker," for Sunday, February 19, 1939, and ask you if you recognize that issue of [775] the Sunday Worker?

A. (Examining newspaper) Yes. This is the Sunday Worker. I was on the staff at that time and was in charge of getting out this supplement which was issued in the Sunday Worker.

Q. And that was caused to be published by the Communist Party? A. Yes.

Mr. Del Guercio: I offer this in evidence as Government's Exhibit next in order, and ask that a photostat thereof be substituted for the original.

Presiding Inspector: That may be done. It may be received.

(The newspaper referred to was received in evidence and marked Government's Exhibit No. 172.)

By Mr. Del Guercio:

Q. I show you a booklet called "Earl Browder Reports to the Ninth Convention of the Communist Party," Manhattan Opera House, New York, June

(Testimony of Howard Rushmore.)

24, 1936, published by the Workers Library Publishers, New York, and ask you if you recognize that document?

A. (Examining booklet) Yes; this is a Communist Party document.

Q. I believe it states that Earl Browder was then the General Secretary of the Communist Party, is that correct? A. He was at that time; yes.

Q. Was this distributed and circulated by the Communist Party? A. It was. [776]

Mr. Del Guercio: I offer it in evidence as Government's Exhibit next in order.

Presiding Inspector: It may be received.

(The booklet referred to was received in evidence and marked Government's Exhibit No. 173.)

By Mr. Del Guercio:

Q. I will show you a pamphlet called, "Resolutions of the 10th Convention of the Communist Party, U.S.A., the Democratic Front, the 1938 Elections, Party Building," published by the Workers Library Publishers, Inc., July 1938, and ask you if you recognize that?

A. (Examining pamphlet) I do. That is an official Communist Party publication.

Q. Was it distributed by the Communist Party?

A. It was.

Q. And circulated by it? A. It was.

Q. On page 18 of this pamphlet appears the following:

(Testimony of Howard Rushmore.)

"Of equal importance and urgency with the recruitment of new members is the rapid expansion of the Daily Worker, Sunday Worker, Daily Record and People's World, on a scale that would correspond to the growing role and influence of our Party, as the indispensable instrument for realizing the present objectives and historic aims of the working class movement, and extending also our shop and neighborhood papers." [777]

Are all those papers mentioned in there Communist-controlled publications?

A. Yes, they are.

Mr. Del Guercio: I offer that in evidence as Government's Exhibit next in order.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 174.)

By Mr. Del Guercio:

Q. I show you a booklet called "The Communist International," organ of the Executive Committee of the Communist International, published by the Workers Library Publishers, and ask you if you recognize this document?

A. (Examining booklet) I do.

Q. Was that booklet circulated and distributed by the Communist Party? A. It was.

Q. Does it contain the teachings and doctrines of the Communist Party?

A. The basic teachings.

(Testimony of Howard Rushmore.)

Mr. Del Guercio: I offer that in evidence as Government's Exhibit next in order.

Presiding Inspector: It may be received.

(The booklet referred to was received in evidence and marked Government's Exhibit No. 175.)

By Mr. Del Guercio: [778]

Q. I show you a copy of the Sunday Worker, for May, 1929, and call your attention to the Special Supplement appearing therein, and ask you if you recognize this paper?

A. (Examining paper). Yes; for this particular edition of the Sunday Worker I was the City Editor.

Q. At that time? A. Yes.

Mr. Del Guercio: I offer in evidence, if your Honor please, only the Special Supplement appearing in this paper, and ask that a photostatic copy thereof be substituted for the original.

Presiding Inspector: It may be received.

(The special supplement referred to was received in evidence and marked Government's Exhibit No. 176.)

Presiding Inspector: Will you have enough documents to occupy the afternoon?

Mr. Del Guercio: No, I do not believe so, your Honor. I believe it will take another half hour, or an hour at the most.

Would you like to adjourn at this time?

Presiding Inspector: It is now half past twelve

(Testimony of Howard Rushmore.)

and I think we will adjourn at this time and reconvene at 2:00.

(Whereupon, at 12:30 p.m., a recess was taken until 2:00 p.m. of the same day.) [779]

After Recess

2:00 o'Clock P.M.

Presiding Inspector: You may resume, Mr. Del Guercio.

HOWARD RUSHMORE

called on behalf of the Government, having been previously duly sworn, testified further as follows:

Direct Examination (Resumed)

By Mr. Del Guercio:

Q. Mr. Rushmore, I will show you Government's Exhibit No. 145. The Communist for January, 1938. Are you familiar with that particular issue of The Communist?

A. (Examining magazine) Yes.

Q. You mentioned, or testified this morning concerning this so-called Trojan Horse policy of the Communist Party, and at about 1936 they began concealing their real aims?

A. The policy was actually established in 1935 at the Moscow convention of the Communist International, but the actual working out of that policy didn't get going in this country, I would say, until the latter part of 1935 and early 1936.

Q. Now, this magazine here, The Communist,

(Testimony of Howard Rushmore.)

Government's Exhibit No. 145, on the back page of the front cover, suggests readings for Lenin Memorial Day, certain books by Lenin, Browder, Stalin and Alex Bittleman, that were printed and published prior to that time? [780]

A. Yes. I am familiar with most of those publications.

Q. Most of them were published, however, prior to the time that they began to adopt this Trojan Horse policy?

A. Yes; most of them were.

Q. Did they nevertheless continue to circulate and distribute literature which contained the basic principles of Communism?

A. Oh, they did, yes.

Q. And they did, as indicated by this advertisement here in this Communist Magazine, continue to suggest the reading and distribution of such publications?

A. Yes, that was part of the policy, even though they—a milder form was being advocated, the Party members were still urged to read the basic teachings of Lenin, Stalin, Marx, and so forth.

Q. So that they never abandoned at any time the basic principles, teachings of Lenin and Stalin?

A. No.

Q. And others?

A. No, not at any time.

Q. Mr. Rushmore, I have here a number of documents, the first one being a copy of the Daily Worker for Tuesday, November 15, 1938; the sec-

(Testimony of Howard Rushmore.)

ond one being a booklet called "The Fight for Recovery, Stop the Sit-Down Strike of Big Business," by Mary Collins, published by the National Campaign Committee [781] of the Communist Party by Workers Library Publishers, 1936; the next one a booklet called "The Democratic Front", by Earl Browder, General Secretary, Communist Party, U.S.A., published by the Workers Library Publishers, and the next being a booklet called "Theory as a Guide to Action," by Earl Browder, published by the Workers Library Publishers, January 1939; and the last being a copy of the Daily Worker for Wednesday, September 7, 1938, and I will ask you if you can identify all these documents?

A. (Examining documents) Yes, these are all Communist documents.

Q. Were all these documents distributed by the Communist Party? A. They were.

Q. And circulated by the Communist Party?

A. They were.

Mr. Del Guercio: I offer these in evidence in the order shown to the witness.

Presiding Inspector: They may be received.

Mr. Del Guercio: And I ask that photostatic copies of the Daily Worker be substituted for the originals.

Presiding Inspector: That may be done.

(The documents referred to were received in evidence and marked Government's Exhibits 177, 178, 179, 180 and 181.) [782]

(Testimony of Howard Rushmore.)

By Mr. Del Guercio:

Q. I will show you a booklet called "State and Revolution," by V. I. Lenin, revised translation, published by International Publishers, New York, 1935, and ask you if you are familiar with this booklet?

A. (Examining booklet) Yes.

Q. Was this booklet distributed and circulated by the Communist Party?

A. Widely distributed.

Q. And does it contain the accepted doctrines and principles of the Communist Party?

A. Yes, it does.

Mr. Del Guercio: I want to call the Court's attention to the fact that this booklet here is listed on Government's Exhibit No. 145 as literature which should be read and distributed.

I offer it in evidence.

Presiding Inspector: It may be received.

(The booklet referred to was received in evidence and marked Government's Exhibit No. 182.)

Mr. Del Guercio: If the Court please, I would like to read from this booklet on the question of the advocacy of force and violence by the Communist Party—reading at the bottom of page 9:

"But what is forgotten or glossed over is this: If the [783] State is the product of the irreconcilable character of class antagonisms, if it is a force standing above society and 'increasingly sepa-

(Testimony of Howard Rushmore.)

rating itself from it,' then it is clear that the liberation of the oppressed class is impossible not only without a violent revolution, but also without the destruction of the apparatus of state power, which was created by the ruling class and in which this 'separation' is embodied."

And reading again from page 19 of this same booklet, at the bottom of the page:

"We have already said above and shall show more fully later that the teaching of Marx and Engels regarding the inevitability of a violent revolution refers to the bourgeois state. It cannot be replaced by the proletarian state (the dictatorship of the proletariat) through 'withering away,' but, as a general rule, only through a violent revolution."

And again on page 23, at the bottom of the page:

"The doctrine of the class struggle, as applied by Marx to the question of the State and of the Socialist revolution, leads inevitably to the recognition of the political rule of the proletariat, of its dictatorship, i.e., of a power shared with none and relying directly upon the armed force of the masses. The overthrow of the bourgeoisie is realizable by the transformation of the proletariat into the ruling class, able to crush the inevitable and desperate resistance of the bourgeoisie, and to organize, for the new economic order, all [784] the toiling and exploited masses.

"The proletariat needs state power, the centralized organization of force, the organization of vio-

(Testimony of Howard Rushmore.)

lence, both for the purpose of crushing the resistance of the exploiters, and for the purpose of guiding the great mass of the population."

By Mr. Del Guercio:

Q. I will show you a booklet called "Foundations of Leninism," published by International Publishers, New York, and ask you if you are familiar with this booklet?

A. (Examining booklet) Yes. That was issued and in the first printing there were 100,000 copies. It was unusual for a Communist publication and there was wide distribution of it by the Communist Party.

Q. Who was it distributed by?

A. The Communist Party and its agencies.

Q. Does this booklet contain the doctrines and teachings of the Communist Party?

A. It does.

Mr. Del Guercio: I would like to call the Court's attention to the fact that, although this booklet was published in 1934, it is shown in Government's Exhibit 145 as being one of the books that was suggested to be read and distributed.

Now reading from pages 50 and 51 of this book:

"The dictatorship of the proletariat does not arise on the basis of bourgeois order; it arises while this order is [785] being torn down, after the overthrow of the bourgeoisie, in the process of the expropriation of the landlords and capitalists during the process of socialization of the principal instru-

(Testimony of Howard Rushmore.)

ments and means of production, in the process of violent proletarian revolution. The dictatorship of the proletariat is a revolutionary power based on violence against the bourgeoisie."

And again reading from page 52, the middle of the page:

"Democracy under the capitalist system is capitalist democracy, the democracy of an exploiting minority based upon the restriction of the rights of the exploited majority and directed against this majority."

Again reading from the bottom of this same page:

"Second deduction: The dictatorship of the proletariat cannot come about as a result of the peaceful development of bourgeois society and of bourgeois democracy; it can only come as the result of the destruction of the bourgeois state machine, of the bourgeois army, of the bourgeois civil administration and of the bourgeois police."

Again reading on page 103 we find.

"The revolutionary will accept a reform in order to use it as a means wherewith to link legal work with illegal work, in order to use it as a screen behind which his illegal activities for the revolutionary preparation of the masses for the overthrow of the bourgeoisie may be intensified.

"This is what the revolutionary utilization of reforms [786] and agreements in an imperialist environment means."

(Testimony of Howard Rushmore.)

Now continuing at page 108, the bottom of the page, and continuing on page 109:

"Every army at war must have an experienced General Staff if it is to avoid certain defeat. All the more reason therefore why the proletariat must have such a General Staff if it is to prevent itself from being routed by its mortal enemies. But where is this General Staff? Only the revolutionary party of the proletariat can serve as its General Staff. A working class without a revolutionary party is like an army without a General Staff. The Party is the Military Staff of the proletariat."

I will offer this document in evidence as Government's Exhibit next in order.

Presiding Inspector: It may be received.

(The booklet referred to was received in evidence and marked Government's Exhibit No. 183.) [787]

Mr. Gladstein: I notice, our Honor, that the last document just submitted was introduced also in the former trial against Mr. Bridges. I am wondering what distinguishing marks the reporter is making to show what number it takes now.

It probably has a different number from the one it had before, doesn't it?

The Reporter: The old exhibit is scratched off and the new exhibit number will be on this with the date as of today.

Mr. Gladstein: Thank you.

(Testimony of Howard Rushmore.)

By Mr. Del Guercio:

Q. I will show you another booklet called "A Letter to American Workers" by V. I. Lenin, published by the International Publishers, 381 Fourth Avenue, New York, and ask you if you are familiar with this book?

A. (Examining book) Yes, that is a Communist Publication.

Q. And was it circulated and distributed by the Communist Party? A. It was.

Mr. Del Guercio: I will offer it in evidence, if your Honor please, as Government's Exhibit next in order.

Presiding Inspector: It may be received.

(The book referred to was received in evidence and marked Government's Exhibit No. 184.)

Mr. Del Guercio: And I desire to call the Court's [788] attention to the fact that this document is also another one of those mentioned in Government's Exhibit 145.

And reading from page 16 of this booklet, beginning at the bottom of the page:

"Representatives of the bourgeoisie understand that it was worth letting the country go through long years of civil war, the abysmal ruin, destruction and terror which are connected with every war for the sake of the overthrow of Negro slavery and the overthrow of the rule of the slave-owners. But now, when we are confronted with the vastly

(Testimony of Howard Rushmore.)

greater task of the overthrow of capitalist wage slavery, the overthrow of the rule of the bourgeoisie —now the representatives and defenders of the bourgeoisie, as well as the socialist-reformists, frightened by the bourgeoisie and shunning the revolution, cannot understand and do not want to understand the necessity and the legality of civil war.

"The American workers will not follow the bourgeoisie. They will be with us for civil war against the bourgeoisie. The whole history of the world and the American labor movement strengthens my conviction."

Presiding Inspector: Who wrote that?

Mr. Del Guercio: V. I. Lenin.

By Mr. Del Guercio:

Q. V. I. Lenin, is he sort of a patron saint of the Communist Party? [789]

A. I would say he is the ranking patron saint, even before Marx.

Q. I will show you another book entitled "Strategy and Tactics" published by the International Publishers, Copyright, 1936, and ask you if you are familiar with that?

A. (Examining book) I have seen that distributed.

Q. Distributed by the Communist Party?

A. That is correct.

Q. And does it contain, as the title indicates, strategy and tactics?

(Testimony of Howard Rushmore.)

A. As the title indicates, I have never read that particular volume but I am familiar with the general content, that it is a basic formulation of Communist action for the world parties.

Mr. Del Guercio: I offer this book in evidence as Government's Exhibit next in order.

Presiding Inspector: It may be received.

(The book referred to was received in evidence and marked Government's Exhibit No. 185.)

By Mr. Del Guercio:

Q. I will show you a book called "Problems of Leninism" by Joseph Stalin, published by the International Publishers, New York, and ask you if you are familiar with that?

A. (Examining book) I am.

Q. Who is the Joseph Stalin mentioned?

A. He is the Russian Dictator, Joseph Stalin.

[790]

Q. And was this booklet circulated and distributed by the Communist Party? A. It was.

Mr. Del Guercio: I will offer this in evidence, if your Honor please.

Presiding Inspector: It may be received.

(The booklet referred to was received in evidence and marked Government's Exhibit No. 186.)

Mr. Del Guercio: And if I may be permitted to do so, I would like to read from page 19 of this book, 19 and 21.

(Testimony of Howard Rushmore.)

"Can such a radical transformation of the old bourgeois system of society be achieved without a violent revolution, without the dictatorship of the proletariat?

"Obviously not. To think that such a revolution can be carried out peacefully within the framework of bourgeois democracy, which is adapted to the domination of the bourgeoisie, means one of two things. It means either madness, and the loss of normal human understanding, or else an open and gross repudiation of the proletarian revolution."

And going down, skipping one paragraph:

"That is why Lenin states that '. . . . the liberation of the oppressed class is impossible not only without a violent revolution, but also without the destruction of the apparatus of state power, which was created by the ruling class.' " [791]

And on page 39:

"Fifthly, the concept of the dictatorship of the proletariat is a concept of the state. The dictatorship of the proletariat must necessarily include the concept of violence. There is no dictatorship without violence if dictatorship is to be understood in the strict sense of the term. Lenin defines the dictatorship of the proletariat as 'power based directly on violence.' "

By Mr. Del Guercio:

Q. I will show you another booklet called "The Proletarian Revolution and Renegate Kautsky" by V. I. Lenin, published by the International Pub-

lishers, New York, Copyright 1934, and ask you if you are familiar with that?

A. (Examining book) Yes, I have seen that book occasionally.

Q. And was this publication distributed and circulated by the Communist Party?

A. It was.

Mr. Del Guercio: I offer this in evidence, your Honor, as Government's Exhibit next in order.

Presiding Inspector: Received.

(The book referred to was received in evidence and marked Government's Exhibit No. 187.)

Mr. Del Guercio: And for further literature on the advocacy of force and violence by the Communist Party I direct the Court's attention to pages 19, 20 and 22 of this booklet. [792]

By Mr. Del Guercio:

Q. I will show you a pamphlet called "The Party Organizer", March 1935, issued by the Central Committee, Communist Party of the U. S. A., and ask you if you are familiar with this document?

A. (Examining pamphlet) Yes, I have seen this particular copy of this publication.

Q. And is that distributed and published by the Communist Party? A. It is.

Mr. Del Guercio: I offer this document in evidence, your Honor, as Government's Exhibit next in order.

Presiding Inspector: Received.

(Testimony of Howard Rushmore.)

(The pamphlet referred to was received in evidence and marked Government's Exhibit No. 188.)

Mr. Del Guercio: And for the purpose of showing how the Communist Party circulates and distributes and the amount of the distribution of these various publications I read from page 42 and 43 of this book.

"The lowest edition published this year was 4,000 and the highest 60,000. The 60,000 wasn't a one-cent pamphlet either. It was Why Communism?, and retailed at 10 cents. We are preparing a new edition of the pamphlet at 5 cents. We expect to publish 250,000 during the year—starting with 100,000. We published 11 pamphlets on trade unionism and [793] labor struggles. We published 4 Y. C. L. pamphlets. It is very interesting to say that the best distribution was received of the youth pamphlets. Ninety per cent were sold. They were published in 20,000 to 25,000 editions. The Y. C. L. primarily handled the distribution."

By Mr. Del Guercio:

Q. What is the Y. C. L.?

A. It refers to the Young Communist League.

Q. I will show you a pamphlet called "Capitalist Stabilization has Ended", Thesis and Resolutions, apparently of the Twelfth Plenium of the E. C. C. I., published by the Workers Library Publishers, and ask you if you are familiar with this document?

A. (Examining document) This was published in 1932 but I have seen a copy of this. I remember

(Testimony of Howard Rushmore.)

the title "Capitalist Stabilization has Ended" provoked an argument one day. I was talking to some Communist there in New York about that. The advantage of trying to push a pamphlet like this out where I came from with the title "Capitalist Stabilization has Ended", I said it was not very intriguing. I remember that incident, although the pamphlet was printed about two or three years before I knew anything about the Communist Party, but it was distributed widely, yes.

Q. It was distributed?

A. Yes; there were some still around at the time I got ahold of that. [794]

Q. When you say it was distributed you mean it was distributed by the Communist Party?

A. Yes.

Mr. Del Guercio: I offer this in evidence as Government's Exhibit next in order.

Presiding Inspector: It may be received.

(The pamphlet referred to was received in evidence and marked Government's Exhibit No. 189.)

Mr. Del Guercio: And reading from page 20 and 21 of this document:

"In regard to organization, the chief tasks of the Sections of the C.I. are: (a) carefully to conceal the Communist nuclei in the factories, combining this with fearless mass work; (b) to immediately proceed to form strictly secret nuclei in military units and the militarized organizations of the bourgeoisie

(Testimony of Howard Rushmore.)

in munition factories, on the railroads and in the ports; (c) to wage a determined struggle against provocation in all forms; (d) to take measures to insure that the Party can promptly pass to an illegal basis in case of necessity;"

And again from the bottom of page 20:

"The E.C.C.I. insists on the Y.C.L. being converted into a real mass organization, and imposes on all the Communist Parties the duty of securing an improvement in the political mass work among the youth and the strengthening of the Party [795], leadership of the work of the Y.C.L. Equally, the Comintern insists on the conversion of the sports leagues, and the I.L.D. (I.R.A.) into real mass organizations."

By Mr. Del Guercio:

Q. Now, Mr. Rushmore, what is the E.C.C.I.?

A. That is the Executive Committee of the Communist International.

Q. And the Y.C.L.?

A. Young Communist League.

Q. And the I.L.D.?

A. That probably is the International Labor Defense.

Q. And the I.R.A., if you know?

A. I don't know about that. [796]

Presiding Inspector: You said something about the International Red Aid?

The Witness: It might be; I am not familiar with that.

(Testimony of Howard Rushmore.)

Mr. Del Guercio: I believe there is already evidence in the record on that by Mr. Gitlow.

Presiding Inspector: Yes — International Red Aid.

By Mr. Del Guercio:

Q. I show you a booklet called "The Communist Party in Action," by Alex Bittelman, published by the Workers Library Publishers, New York, in May of 1934, and ask you if you are familiar with that?

A. (Examining booklet) I have seen this particular pamphlet.

Q. Was it distributed and circulated by the Communist Party? A. It was.

Q. Do you know the Alex Bittelman who is shown to have written this article? A. I do.

Q. Is he a member of the Communist Party?

A. He is a member of the Political Bureau of the Communist Party and one of the national leaders.

Mr. Del Guercio: I offer this in evidence as Government's Exhibit next in order.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 190.) [797]

By Mr. Del Guercio:

Q. I will show you a booklet called "The Great San Francisco General Strike," by William F. Dunne, published by the Workers Library Publishers, October 1934, and ask you if you are familiar with that?

(Testimony of Howard Rushmore.)

A. (Examing booklet) I have seen that pamphlet; yes.

Q. Was it distributed and published by the Communist Party? A. It was.

Q. And circulated by it? A. It was.

Q. Do you know the Wm. F. Dunne who prepared this?

A. I know him as former editor of the Daily Worker and now on the staff of the Daily Worker.

Q. Is he a member of the Communist Party?

A. He was a member of the Central Committee until he was expelled, and I think he was reinstated at one time and is now back in the good graces of the Communist Party.

Mr. Del Guercio: If the Court please, on page 5 of this document appears this:

"The Marine Workers Industrial Union—affiliated to the Trade Union Unity League—raised the question of a general strike. The Left wing in the leadership of the ILA and the Joint Strike Committee of the Waterfront Unions, headed by Harry Bridges, in San Francisco, endorsed the [798] proposal to call upon the Bay Counties' unions for a general strike.

"Harry Bridges and the committee of strikers brought the question of the general strike to the Central Labor Councils in San Francisco and Oakland. The official leaders opposed it. Bridges and the committee then began a systematic canvass of all local unions affiliated to the Central Labor Councils."

(Testimony of Howard Rushmore.)

I offer this to show that Harry Bridges and the Marine Workers Industrial Union are shown, by this booklet, to be affiliated to the Trade Union Unity League.

I offer this in evidence as Government's Exhibit next in order.

Presiding Inspector: It may be received.

(The booklet referred to was received in evidence and marked Government's Exhibit No. 191.)

By Mr. Del Guercio:

Q. I will show you a pamphlet called "Political Education the Ultimate Aim," published by the International Publishers, New York, copyright 1935, and ask you if you are familiar with that?

A. (Examining pamphlet) I am.

Q. Was this published, distributed and circulated by the Communist Party? A. It was. [799]

Mr. Del Guercio: I offer this in evidence as Government's Exhibit next in order.

Presiding Inspector: It may be received.

(The pamphlet referred to was received in evidence and marked Government's Exhibit No. 192.)

Mr. Del Guercio: If the Court please, I now offer in evidence a certified copy of the Certificate of Incorporation, for the year 1936, of the F-A Printing Corp., under the seal of the Secretary of State of the State of New York, and ask that it be

(Testimony of Howard Rushmore.)

admitted in evidence and marked Government's Exhibit next in order.

Presiding Inspector: It may be received without objection.

(The document referred to was received in evidence and marked Government's Exhibit No. 193.)

By Mr. Del Guercio:

Q. Do you know what the "F-A Printing Corp." is?

A. That is a Finnish printing company located in the national office of the Communist Party on the fourth floor.

Q. Who actually owns and controls it?

A. That would be the Communist Party, probably what is called the Finnish Section of the Communist Party.

Mr. Del Guercio: I have here, if your Honor please, a certified copy of a certificate of incorporation of the F & D Printing Co., Inc., for the year 1935, under the seal of the Secretary of State of the state of New York, and I offer it in evidence. [800]

Presiding Inspector: It may be received without objection.

(The document referred to was received in evidence and marked Government's Exhibit No. 194.)

By Mr. Del Guercio:

Q. What is the F & D Printing Co.?

(Testimony of Howard Rushmore.)

A. That is an abbreviation for the Freiheit Daily Worker.

Q. What kind of a corporation is that?

A. The Freiheit is a Communist daily newspaper printed in Yiddish. The Daily Worker is the official organ of the Communist Party.

Q. Is the F & D Printing Co. owned and controlled by the Communist Party? A. It is.

Q. On the Certificate of Incorporation, on the third page thereof, appears this:

"The office of the corporation is to be located in the Borough of Manhattan, City, County and State of New York."

And then it gives an address, 35 East 12th Street, New York City. What address is that?

A. That is the national headquarters of the Communist Party.

Mr. Del Guercio: If the Court please, I have three documents here I would like to introduce in evidence. The first one is a certified copy of a Certificate of Incorporation of the Prompt Press, Inc., for the year 1934. [801].

The second is a certified copy of a Certificate of Incorporation for the Daily Publishing Co., Inc., for the year 1939.

The third is a certified copy of a Certificate of Incorporation for the Freedom of the Press Co., Inc., for the year 1940.

All three documents are under the seal of the Secretary of State of the State of New York.

I ask that they be received.

(Testimony of Howard Rushmore.)

Presiding Inspector: They will be received without objection.

(The documents referred to were received in evidence and marked Government's Exhibits 195, 196 and 197.)

By Mr. Del Guercio:

Q. Do you know what the Prompt Press, Inc., is?

A. That is a print shop located near the national office of the Communist Party.

Q. Is it owned and controlled by the Communist Party? A. It is.

Q. Are you familiar with the Freedom of the Press Co., Inc.?

A. Not personally. That is an incorporation set up by the Daily Workers after I left the paper.

Q. How about the Daily Publishing Co., Inc.?

A. Yes; that is a legal maneuver in which to escape payment [802] of a criminal libel action against the Daily Worker. They changed the corporation name and papers while I was still there.

Q. You testified this morning that during all of the time that you were on the staff of the Daily Worker the alien here, Harry Bridges, was given extraordinary treatment by the Daily Worker, is that correct?

A. Mr. Bridges was given unusual favorable treatment by the Daily Worker while I was there.

Q. Over what period of time was that?

A. That included the period of time I was on the Young Workers and on the Daily Worker; approximately four years.

(Testimony of Howard Rushmore.)

Q. In your experience had any non-communist person ever been given such favorable treatment by the Daily Worker and the Sunday Worker?

Mr. Grossman: We object to the question as assuming something not in evidence.

Mr. Del Guercio: If he knows.

Presiding Inspector: He is asking for first, the fact; and, second, his opinion about it.

Mr. Grossman: That assumes something not in evidence.

Presiding Inspector: Of course, other people were treated some way by the Daily Worker, and he wants to know whether those people were given such favorable treatment.

Mr. Grossman: It carries with it an implication which, [803] perhaps, your Honor doesn't see.

Presiding Inspector: I do not think there is any implication there. However, we will consider that matter if there is any.

The Witness: Shall I answer?

Presiding Inspector: Yes.

A. No person who deviated from the Party line, or who disagreed with the Party line, would be given consistent favorable treatment.

I can cite a couple of cases. One is President Roosevelt, who was called a Fascist, anti-Semitic, and a lot of other names, around 1936, and then they switched to supporting him in the election; and then, that is, about 1939, now, they are calling him a Fascist again.

I could name a number of other very prominent

(Testimony of Howard Rushmore.)

people who, at one time or another, for a period of several years, supported the Communist Party, but to have that consistent support seems to indicate that that person is in the high regard of the editors of the paper.

By Mr. Del Guercio:

Q. What were your activities directed to during your membership in the Communist Party, Mr. Rushmore?

A. My major activity was along journalistic lines, newspaper work, writing.

Q. Did you know William Hinckley, who is National [804] Chairman of the Youth Congress?

A. I did.

Q. Was he a member of the Communist Party, or of the Young Communist League?

A. I don't know of my own knowledge about that.

Q. Did you ever attend any meetings with the Political Bureau of the Young Communist League?

A. I attended one meeting briefly, one time, in the spring of 1936.

Q. What was discussed at that particular meeting?

A. I wasn't in on the general discussions. They allowed only very high officials of the Young Communist League at these Political Bureau meetings. They called me in to discuss a question dealing with a pamphlet they planned to get out and on which they wanted me to help write it, and I was called

(Testimony of Howard Rushmore.)

in to discuss the pamphlet and left as soon as I had finished. [805]

Q. During your membership in the Communist Party did you ever meet Clarence Hathaway?

A. Yes, I knew Mr. Hathaway very well.

Q. Was he a member of the Communist Party?

A. He is not now.

Q. Was he at the time? A. He was.

Q. And I believe you testified that Roy Hudson was a member of the Communist Party?

A. He is a member of the Political Bureau of the Communist Party, the Central Committee. I am sure of that.

Q. Do you know Al Lannon, L-a-n-n-o-n?

A. Yes, I know him to be one of—what they called the commissars of the waterfront, in other words, one of the Communist Party leaders on the New York waterfront.

Q. A member of the Communist Party?

A. Yes, naturally.

Q. Do you know Joseph Curran, C-u-r-r-a-n?

A. I have met Mr. Curran briefly in my newspaper work for the Daily Worker; I don't know him personally.

Q. Do you know him to be a member of the Communist Party?

A. I have heard he is a member of the Communist Party.

Q. Is that his true name? [806]

A. As far as I know.

Q. Do you know Ella Reeve Bloor?

(Testimony of Howard Rushmore.)

A. I do.

Q. Who is she?

A. She is a member of the Central Committee of the Communist Party, probably their most active woman leader.

Mr. Del Guercio: You may cross examine.

Mr. Gladstein: May we have a short recess now?

Mr. Del Guercio: May we have a short recess now?

Presiding Inspector: Yes; you seem to be in agreement on that.

(Whereupon, a short recess was taken.)

Presiding Inspector: All right, Mr. Gladstein.

Mr. Gladstein: Mr. Grossman will conduct the cross examination.

Cross Examination

By Mr. Grossman:

Q. Mr. Rushmore, in the latter part of your testimony you were referring to President Roosevelt and his treatment in the Daily Worker. Would it be correct to state that during certain periods while you were on the Daily Worker staff President Roosevelt was treated as if he were a sacred cow, but during other periods he was attacked bitterly and seriously?

A. That is what I said, in effect.

Q. Yes. What period was it? What periods were there during which President Roosevelt was treated carefully and [807] like a sacred cow?

Mr. Del Guercio: Just a minute, your Honor.

(Testimony of Howard Rushmore.)

I object to the remark of counsel about the President being treated in that manner.

Presiding Inspector: I will take it. Go ahead. You opened the door.

A. During the year '37—I can speak of that, having worker there most of that year—and the early part of '38. However, there was rather a cautious approach, pretty enthusiastic support, yet, criticism at frequent times of various policies of the President and of the Administration. I wouldn't classify him as a sacred cow at that time.

By Mr. Grossman:

Q. What would you say was the attitude toward John L. Lewis during the period that you worked on the Daily Worker?

A. The period that I worked there the attitude toward John L. Lewis was pretty much of favorable treatment throughout.

Q. During what period would that be?

A. Well, that would be '37, '38 and '39.

Q. What would you say was the attitude toward Father Divine during the time that you worked on the Daily Worker?

A. They had sort of broken away from Father Divine when I came on there. They supported him, I think, one year and he got his followers to march in a May Day parade, and then they had some bickering. I don't know what happened [868] there, whether the Father wanted to take over the Communist Party or vice versa, but I do not know

(Testimony of Howard Rushmore.)

there was a break there and no longer a support of that particular movement there in Harlem.

Q. But there was a time when the Daily Worker definitely and always supported Father Divine?

A. I couldn't say that.

Q. You mean you weren't working on the staff at that time? A. No.

Q. What was the attitude toward the C.I.O. when you were working on the Daily Worker?

A. The attitude toward the C.I.O. was of support throughout the time I was there.

Q. Unfailing support?

A. Toward the—you mean the organization as such?

Q. Yes. A. I would say that; yes, sir.

Q. What was the attitude toward the President's wife during the time that you worked on the Daily Worker?

A. Well, I remember both favorable and unfavorable criticism of Mrs. Roosevelt.

Q. Do you remember any particular times when the attitude toward her was entirely favorable, no matter what she did? [809]

A. No, I don't think there was any such time.

Q. What was the attitude of the Daily Worker toward Mayor LaGuardia?

A. That has jumped rapidly from one extreme to the other.

Q. Can you give me the period or periods during which he was treated very carefully and delicately and always praised?

(Testimony of Howard Rushmore.)

A. My guess would be in '37, and maybe not throughout the year, because very often there would be a sharp attack on various policies of LaGuardia even though in general they were supporting him.

Q. Do you remember the attitude of the Daily Worker toward Heywood Broun?

A. The attitude toward Broun varied too. Broun at one time was an active Socialist. He was very cordially hated by the Communists and even after he formed the Newspaper Guild he was not entirely liked by the Communist Party. There was only a period of, say, two years that I can recollect where generally they supported Broun's policies.

Q. During those two years was there any criticism of Heywood Broun?

A. I don't recall whether there was or not.

Q. Were there any Congressmen or Senators, that is, of the National Congress, who were treated by the Daily Worker as you state John L. Lewis was treated, for example? [810]

A. Well, I stated that Lewis was not treated consistently favorably. Do you that, or just what do you mean by that?

Q. Didn't you state during the period you were on the Daily Worker he was treated favorably?

A. That Lewis was?

Q. Yes.

A. I said generally, although there could have been criticism; there probably was criticism here or there.

(Testimony of Howard Rushmore.)

Q. Do you remember any Congressmen or Senators who were treated very favorably by the Daily Worker?

A. You mean the sacred cow category?

Q. Yes, in other words, who seemed to be treated unusually well?

A. Well, I can think of two. One of them, to my knowledge, is a member of the Communist Party, Jerry O'Connell of Montana.

Q. Who is the second?

A. A Congressman named Bernard of Minnesota.

Q. What about Maverick?

A. What about Maverick?

Q. Yes.

A. As I recollect it, there was also this question of criticising Maverick. At the time he wrote a book which they liked very much and then he changed certain of his policies and they criticised him quite a bit about it.

Q. Would you say, though, that even with respect to a [811] man like Maverick there were times when he was treated like a sacred cow, in other words, even when he should have been criticised he was not?

A. Not a fellow like Maverick. They would criticise him if they thought he had deviated from the party line.

Q. What would you say was the attitude toward the American Labor Party?

A. That also varied. For a time they supported

(Testimony of Howard Rushmore.)

it completely. Then when the right wing decided to kick out the Communists, reduce the Communists, naturally, the Daily Worker did not support them; in fact, they supported the left wing group which was set up.

Q. During what period did they support them unqualifiedly?

A. I would say during the '36 election it was virtually unqualified; I am not sure it was completely so though.

Q. Would you say the attitude of the Daily Worker toward the American Youth Congress was unusually friendly?

A. Completely; it has always been.

Q. Can you think of any other organizations or federations generally similar to the American Youth Congress that were treated in the same way?

A. Well, virtually all the Communist Party front groups such as the American League for Peace and Democracy which is now the American Peace Mobilization; the International Labor Defense, the organizations such as—oh, some of the pro- [812] fessional, like the Lawyers Guild, and a number of others. I can list them at quite some length if you want.

Q. I wish you would, please.

A. All right; the American Students Union, Friends of the Soviet Union; of course, going back in the early days of the Students movement, the National Students League.

Q. Consumers Union?

(Testimony of Howard Rushmore.)

A. Consumers Union, I would say received favorable treatment, yes.

Q. I mean unduly favorable, indicated they were giving the treatment because they felt it was Communist dominated, rather than because they deserved it?

A. I was told on one occasion by one of the Daily Worker Editors to reprint Consumer Union reports whenever possible. They would always give us permission.

Q. You understand what I mean, Mr. Rushmore. I mean an organization who was not treated fairly in the sense that you were merely reporting favorable things about it, and an organization that was treated in the sense that you reported unfavorable matter in the sense that the organization was Communist controlled. Would you say the Consumers Union was or was not in that category?

A. I would say it was, as I recollect.

Q. What about the Committee for the foreign born?

A. That was also a Communist front group and supported as such by the Daily Worker and the Communist Party. [813]

Q. Can you think of any other organizations that would fall in that category? League of Women Shoppers?

A. I recollect they did receive some publicity. I am not very familiar with that particular organization. I understood it was one of the Party groups; I was not sure about that.

(Testimony of Howard Rushmore.)

Q. Do you remember the attitude of the Daily Workers toward Governor Olson?

A. I know they supported him in the election campaign. I don't know how enthusiastically, though. I think the Peoples World was set up at that time, if I am not mistaken, and that probably was the main support of him.

Q. What about Labor's Non-Partisan League?

A. Labor's Non-Partisan League? That depended upon the individuals in the particular vicinities and communities who were heads or officials of the Labor's Non-Partisan League.

Q Mr. Rushmore, are you now a member of any union?

A. I am a member of the American Newspaper Guild; I have been since 1935.

Q. Are you employed at the present time?

A. I am.

Q. And by whom?

A. I am employed by the New York Journal as a reporter.

Q. How long have you been employed by them?

[814]

A. Since August, 1940.

Q. And before August, 1940, were you employed?

A. I was engaged in free lance writing.

Q. For which publications?

A. Oh, a number of them; American Magazine, Reader's Digest, American Mercury, Christian Herald Magazine.

(Testimony of Howard Rushmore.)

Q. Did you run any articles on Communism?

A. Quite a few, yes.

Q. Did you write most of your articles on Communism?

A. Well, I wrote—yes, I would say most of them were on Communism.

Q. Did you write any articles on the CIO?

A. No.

Q. Did you write any articles on the functioning of Communists in the trade unions?

A. I indicated in one article in the American Magazine that the role of the Communist in the trade union was to destroy trade unionism, but I didn't make that an article; just part of an excerpt.

Q. Did you support yourself between the time that you left the Daily Worker and the time you got your present job by this free lance writing?

A. I did.

Q. Solely by that?

A. Solely by that. [815]

Q. Since the time that you left the Daily Worker have you had any other income than was obtained by this free lance writing and obtained by your present employment? When I say "your present employment" I mean on the newspap

A. Yes, I understand. No, that was my only source of income, those two things.

Q. Did you testify before the Dies Committee?

A. I did in one private hearing.

(Testimony of Howard Rushmore.)

Q. And where was that held?

A. Held in New York. They asked me to testify on one particular subject in a private hearing which was not open to the public.

Q. When was that?

A. That was in the fall of 1940.

Q. And what was the subject?

A. I was, as I understand it—at this private hearing I was told not to reveal what I testified to so I certainly couldn't do that here.

Q. Well, the Examiner will have to rule whether you can or can't.

A. I was under oath and I was told not to.

Mr. Grossman: May we have a ruling, your Honor, as to whether there is any privilege attaching to what the subject matter was of that hearing?

Presiding Inspector: What have you to say about that, Mr. Del Guercio? [816]

Mr. Del Guercio: I don't believe the witness should be compelled to reveal what he testified. He was under oath at that time. He took an oath not to reveal what testimony he gave. It has not been made public; it has not appeared in any of the issues of this case.

Presiding Inspector: Well, it doesn't seem as though it were material. It has not been shown——

Mr. Grossman (interposing): I don't know whether it is or isn't.

(Testimony of Howard Rushmore.)

By Mr. Grossman:

Q. Did this subject matter have anything to do with Harry Bridges. A. It did not.

Q. Did it have anything to do with the trade unions? A. It did not.

Q. Did it have anything to do with the CIO?

A. It did not.

Q. Have you ever given any affidavits to the Dies Committee? A. I have not.

Q. What were the circumstances surrounding your leaving the Communist Party?

A. I made that pretty much a matter of public record in my various writings. As I indicated this morning, the hypocracy and the deceit of the Party finally caused me to recognize that what I thought it was was completely another thing, [817] and I decided to leave them as enthusiastically as I joined them, I mean enthusiastically as before I was leaving. I was very glad to leave the Communist Party.

Q. Well, then, am I to understand that you withdrew rather than being expelled?

A. No; I sent a letter of resignation to the Editor of the Daily Worker after the incident involved around a movie review which is pretty much a matter of public record now, and I had no interest in whether they expelled me or what they did.

Q. You mean you resigned from the Daily Worker staff or from the Communist Party?

A. Well, both, effective both, resigned from the Daily Worker staff under such circumstances, and

(Testimony of Howard Rushmore.)

publicly attacked them; I think they expelled me. They had some statements in their paper later on about the whole thing.

Q. What was the issue?

A. This particular issue involved a movie, "Gone With the Wind" which I was asked to call a Fascist picture and I refused to do that, particularly since the editors who asked me to do that had not seen the picture. I asked them in all fairness to see the movie, to then judge whether or not I was wrong or right. They refused and ordered a blanket review, calling it Fascist, anti-Negro and everything else, when I didn't think it was that.

[818]

Q. You mean the difference between you and the Communist Party was solely the difference as to an evaluation of the movie "Gone With the Wind"?

A. Certainly not. That was sort of a combination of a lot of differences which I had had, and had been growing over a period of a year or two on the Worker.

Q. Did you differ—when I say "differ" I mean the different attitudes on your part and on the part of the Daily Worker toward the picture "Gone With the Wind" reflect any political disagreement?

A. I would say that was the main disagreement, was a political disagreement.

Q. I mean, did this incident over the criticism of that movie reflect this disagreement?

(Testimony of Howard Rushmore.)

A. Yes, I would say so.

Q. Well, could you express in simple language, then, what this political disagreement was which your criticism of the movie brought out?

A. I would say that basically it was the freedom of press and speech which I had thought of all people the Communists encouraged, and I had found through actual experience they discourage it; that reflected that, generally speaking.

Q. Was there any other difference which your attitude toward the movie discouraged?

A. If you are hinting at the Negro angle, no.

Q. I am not hinting. I wanted to know if there were [819] any fundamental reasons for the disagreement? Very frankly, it appears to me it would be very strange that you——

Mr. Del Guercio: (Interposing) We are not concerned with what it appears to you.

Presiding Inspector: Let's hear the question; then object. Go ahead.

By Mr. Grossman:

Q. I am concerned, Mr. Rushmore, with this: It would seem off-hand that a mere disagreement in reviewing a movie would not be such for one to take such very serious steps, or, perhaps for an organization to take such serious steps.

Mr. Del Guercio: Just a minute.

Presiding Inspector: Finish the question.

By Mr. Grossman:

Q. Therefore, I am concerned with whether in

(Testimony of Howard Rushmore.)

your differing opinions with respect to this movie, there may not have been involved some diametrically opposed views on some political questions?

Presiding Inspector: Don't answer that.

Mr. Del Guercio: I object, your Honor, to the form of the question.

Presiding Inspector: I think the form is very objectionable. [820]

By Mr. Grossman:

Q. Now, is your answer still the same, Mr. Rushmore, to the effect that the only political difference which the reviewing of this movie brought to life, was a difference on freedom of speech?

Mr. Del Guercio: Just a minute, if your Honor please. This witness has already testified that there were other differences.

Presiding Inspector: I think that is so. He said this was a culmination.

By Mr. Grossman:

Q. What are the other differences?

Mr. Del Guercio: If your Honor please, I object to that, too. He has already given his other differences. If counsel is paying no attention that is his hard luck.

Mr. Grossman: Let us assume that I wasn't paying attention, I still have a right to get it clear.

Presiding Inspector: Sure, but not more than once. He already told you that the principle of hypocrisy and deceit had influenced him; so he told you something.

(Testimony of Howard Rushmore.)

Mr. Grossman: But I don't know that that is all, and he hasn't so indicated.

Presiding Inspector: Ask him if it is all.

Mr. Grossman: I am asking him if there is any other difference.

Presiding Inspector: I didn't understand you to ask that. [821]

By Mr. Grossman:

Q. Were there any other political differences between yourself and the Communist Party at the time of this review?

A. Those are the fundamental differences. When I speak of suppression of freedom of speech, and the continuance of hypocritical and deceiving policies, that covers a wide area and that is the fundamental reason for my leaving them.

Q. Does this represent all of them—I mean, all of those you consider important?

A. If you want to go into minor details—the fact that Hitler who, I thought, had been the only party fighting Fascism, but then I found out they had joined it, and a few things like that, entered into it.

Q. I am not concerned with those disagreements that are to you minor. I am concerned with all those that are important to you. Have you stated all those that were important bases of disagreement at that time between you and the Communist Party?

A. I would say so; yes.

(Testimony of Howard Rushmore.)

Q. Would it be correct then that you agreed with the Communist Party, at the time you left the Communist Party, on the question of force and violence, and the use of it to overthrow, or the possible use of it to overthrow a capitalist government?

A. It would not.

Mr. Grossman: May I have the question and answer read, [822] please?

Presiding Inspector: Wasn't that a complete answer?

Mr. Grossman: I think it was, but I would like to have the question read.

Presiding Inspector: The answer is directly as you asked.

Mr. Grossman: I want the question read to refresh my memory, the entire question, and the implication of the answer.

Presiding Inspector: I didn't understand that you asked for the question to be read.

Mr. Grossman: Yes.

Presiding Inspector: I didn't so understand you.

(The question and answer referred to were read by the reporter as above recorded.)

By Mr. Grossman:

Q. Will you explain then why you did not state that was one of the major disagreements between you and the Communist Party?

A. I certainly think that point is covered when you speak of freedom of speech, and things like that.

(Testimony of Howard Rushmore.)

You cannot have force and violence and freedom of speech at the same time.

Q. When did you first make up your mind that the Communist Party had views on force and violence with which you were not in agreement?

A. I had debated that for a considerable period of time. I might say that in my work as a newspaper man I didn't see [823] some of their more intricate operations. But when I was in Iowa I saw one instance of force and violence, namely, a strike called by the Communist Party purely for publicity's sake, and in which some people were injured, unnecessarily, I thought, and I objected to that, and similar things such as that that I encountered.

Q. When I refer to the overthrow of the government through force and violence, Mr. Rushmore, I refer to making some fundamental change in the economic or political system through the use of force and violence. Did you consider these——

Mr. Del Guercio: (Interposing) Just a minute.

Presiding Inspector: Let him finish his question.

By Mr. Grossman:

Q. (Continuing) Did you consider these examples you have just given, of violence taking place during a strike, examples of force and violence being used to change the economic or political system?

Mr. Del Guercio: Just a minute. I object to

(Testimony of Howard Rushmore.)

the question. Counsel is attempting to define, give his own definition of the use of force and violence.

Presiding Inspector: I will allow the question.

A. I would say those were some of the——

Presiding Inspector: We will allow wide latitude on cross examination.

A. I would say that was an example of some of the [824] preliminary steps that they were taking toward the ultimate goal.

By Mr. Grossman:

Q. Then would this be a correct statement of your views at the time you were a member of the Communist Party: That you believed with the Communist Party on the question of force and violence to change the economic or political system until you saw certain examples of violence in a strike and at that time you date your beginning to disagree with the Communist Party on the issue of force and violence?

Mr. Del Guercio: Just a minute——

Presiding Inspector: If he can answer.

A. I would say that I completely disagreed with them on the question of force and violence as advocated in some of the Russian literature, the literature of Lenin and Stalin, and I always thought that was the business of Russia; but as American born, being born in an American community, I couldn't see such a transition in America, and I doubted if it could and I didn't think the Communist Party had to go through that method, and

(Testimony of Howard Rushmore.)

I didn't think they would until I encountered these other examples and got in New York, and got into the major league, so to speak, and saw what they really wanted to do.

By Mr. Grossman:

Q. When did you first reach the conclusion, which you indicated you had reached, that the Communist Party in this [825] country advocated the same things that they advocated in Russia before the Revolution?

A. I never reached any conclusion on that. I had experiences there on the Daily Worker, I would say in the latter part of 1938, and I became aware that there were a number of OGPU agents there, obviously people not only of foreign birth, but of foreign ideas; and I found out they were the actual leaders of the Communist Party. That worried me quite a bit because I didn't believe that the American Radical Party should be headed by foreign-born people, particularly of that type.

Q. Returning to the question of force and violence, Mr. Rushmore, did you ever, during the entire time that you were in the Communist Party, believe in the overthrow of the United States Government through force and violence?

A. I will say to that question, "No."

Q. And for what period, during which you were in the Communist Party, did you feel that the Communist Party of the United States equally did not believe in the overthrow of the United States Government through force and violence?

(Testimony of Howard Rushmore.)

Mr. Del Guercio: Just a minute!

Presiding Inspector: Is that material?

Mr. Grossman: I think it is.

Presiding Inspector: Is it material what his belief was?

Mr. Grossman: In the first place, I think it is material whether this particular witness believed in the overthrow of [826] the United States Government through force and violence. It is also material as to whether, during the time that he was in the Communist Party, he believed in the same doctrines the Communist Party believed in.

Presiding Inspector: I will allow it. It may be rather remotely material.

Mr. Del Guercio: May I be heard?

Presiding Inspector: Yes.

Mr. Del Guercio: I don't believe that it is material for this reason: First of all, we are not charging this witness with believing in the advocacy of the overthrow of the Government of the United States by force and violence. We are not charging the alien here with believing in the use of force and violence in the overthrowing of the Government of the United States. We are charging the alien with belonging to an organiaztion, affiliated to an organization that believes in and advocates and teaches the overthrow of the Government by force and violence.

Presiding Inspector: This witness has been shown to be a member of the Communist Party and on that account I think I will allow this on

(Testimony of Howard Rushmore.)

cross examination. I am not sure that it has much materiality.

He may answer the question.

The Witness: May I have the question read?

(The question referred to was read by the reporter as above recorded.) [827]

Presiding Inspector: It is of very little materiality as to what he believes the Party or the organization that he belongs to believes in.

Mr. Del Guercio: There is no evidence in the record that the organization seeks at any time to——

Presiding Inspector: I say, it is of very little materiality.

Mr. Grossman: It strikes me as very strange that after Mr. Del Guercio has this witness identify so many different Communist documents theoretically, obviously, and this witness has stated so positively that he has held positions of importance in the Communist Party, that he could fail to appreciate and clearly understand at all times during which he held these important positions, if he did hold them, what the doctrines of the Communist Party were. It is quite obvious that the theory of the Government is that the Communist Party did hold these views on force and violence; yet this witness attempts to give us the impression during this entire period he did not hold the same doctrines of force and violence. As a matter of fact, his explanation is, I will say, unconvincing to me, con-

(Testimony of Howard Rushmore.)

sidering his purported familiarity with these documents. That is why I am pressing it further because I frankly don't know what the answer is; whether he did believe in the doctrines up to now, and perhaps still does; or whether he disagreed with such doctrines during the entire time that he was in the Communist Party; or whether perhaps he is not telling the [828] truth under oath because he thinks it will have some effect on the credibility we will give his testimony here.

Presiding Inspector: I will take the answer if he can answer it.

A. At the time I went to New York to work for the Communist Party as such it was a period when they began to advocate Americanism, and that was one of the reasons I was brought there, I found out later. While I was there in an official capacity I agreed pretty thoroughly with the Communist Party on their general principles, as far as I knew them, until I found out differently, on trade unionism, on race discrimination, and a lot of the more theoretical aspects of the Communist Party program.

As far as identifying these particular pamphlets. I have seen these pamphlets around a number of the Party book stores, and the Daily Worker. We had access to a lot of literature that was given to us to read.

I do not think that I said that I had read all of these particular pamphlets. I have seen them and some of them I have read.

(Testimony of Howard Rushmore.)

By Mr. Grossman:

Q. When first did you read the pamphlet "Foundations of Leninism?"

A. Will you show the pamphlet to me, please?

Q. (Handing pamphlet to witness) [829]

A. I think I read that late in 1934 or early 1935.

Q. Did you read it through?

A. I don't think I did.

Q. When did you first read the pamphlet or the document, "State and Revolution?"

A. I think I read that in 1935.

Q. When did you first read the document, "The Proletarian Revolution and Renegade Kautsky?"

A. I don't ever remember reading that. It was probably in the Lenin Library, and I have seen it sold in book stores.

Q. When did you first read the pamphlet, "Why Communism?" A. What pamphlet?

Q. "Why Communism?"

Mr. Del Guercio: I didn't show him that.

The Witness: I wasn't shown that.

By Mr. Grossman:

Q. Did you read the pamphlet written by a man named Peters—I have forgotten the name—do you know the one I am referring to?

A. Yes—"Manual on Organization."

Q. When did you first read that?

A. I read portions of that in the spring of 1937, particularly those portions dealing with the unit organizations.

(Testimony of Howard Rushmore.)

Q. At any time have you ever made reports on your [830] activity within the Communist Party, or within any union, to the FBI?

A. I have not. You mean while I was in the Communist Party or while I was in a union?

Q. Yes.

A. I have not.

Q. Have you made reports to any organization of your activities within the Communist Party or any union? A. While I was in either?

Q. Yes. A. No, I have not.

Q. When first were you advised that you were going to be a witness in this case?

A. Approximately a month ago.

Q. About a month ago? A. That is right.

Q. Would you say that the American Youth Congress was generally known as a Communist organization in 1935?

A. I wouldn't say it was as well known then as it is now as a Communist front organization.

Q. Would you say that it is generally known now as a Communist organization?

A. I would say so.

Q. Do you recall any period during which the wife of the President of the United States was connected in any way with [831] the American Youth Congress?

A. She spoke at one or two of their meetings. I didn't cover the meeting and I don't remember when it was.

(Testimony of Howard Rushmore.)

Q. Did she speak during the period when you stated it was generally known that the American Youth Congress was a Communist organization?

A. If you will give me the date when she spoke I will answer.

Q. Do you remember that she spoke?

A. Yes, but not the date. If she spoke in 1935 it wasn't as well known as a Communist front organization as now.

Q. Was it then known as a Communist organization—and when I say "known", I mean outside the Communist Party?

A. Certainly; but not as widely exposed as a Communist front organization as it has been in the last year or two.

Q. Would you say intelligent people, intelligent in the sense that they knew about political organizations, and organizations like the American Youth Congress, knew in 1935 that the American Youth Congress was a Communist organization?

Mr. Del Guercio: I object to the form of the question.

Presiding Inspector: If he can answer the question; all right.

The Witness: May I have the question again?

(The question referred to was read by the reporter as above recorded.) [832]

A. That is pretty involved.

Presiding Inspector: That is indefinite.

By Mr. Grossman:

Q. What did you mean when you said it was

(Testimony of Howard Rushmore.)

generally known as a Communist organization in 1935?

A. I didn't say it was generally known; I said it was widely known, I believe, now.

Q. What did you mean when you said it was widely known as a Communist organization in 1935?

A. I say it is widely known now because of being exposed by a number of newspapers and magazines and——

Q. (Interposing) We are endeavoring to——

Mr. Del Guercio: (Interposing) Just a minute. The witness is answering your question.

By Mr. Grossman:

Q. What do you mean when you said in 1935 it was widely known that the American Youth Congress was a Communist organization?

A. I did not say in 1935 it was widely known as a Communist organization.

Mr. Grossman: I wonder if we could have the reporter, without too much trouble, go back to that portion of the testimony?

Presiding Inspector: No, no; we will not stop to go back.

By Mr. Grossman: [833]

Q. What did you say with respect to 1935, with respect to whether the American Youth Congress was known as a Communist organization?

A. I said in 1935 I didn't think it was as widely known as a Communist organization as it is now. However, there had been a number of arficles,

(Testimony of Howard Rushmore.)

magazine articles, newspaper articles, stories at that time in a number of papers, and magazines, accusing it of being a Communist front organization. The Congress was held in Detroit, I think, in 1935, and I know at that time there was a great deal of accusation on all sides as to its communistic policy.

Q. Do you remember where that convention was held you referred to?

A. The 1935 convention, as I recollect, was held in Detroit.

Q. Do you remember who addressed that convention? A. No, I don't.

Q. Do you remember whether Governor Murphy addressed that convention? A. I do not.

Mr. Grossman: No further questions.

Presiding Inspector: Anything further, Mr. Del Guercio?

Mr. Del Guercio: May I have a second?

Presiding Inspector: Yes.

Mr. Del Guercio: No further questions, your Honor. [834]

Presiding Inspector: You are excused.

Mr. Del Guercio: The witness is excused?

Presiding Inspector: Yes.

(Witness excused.)

Mr. Del Guercio: We have another witness, your Honor.

Presiding Inspector: You had better call him.

Mr. Del Guercio: A few minutes ago I told him to go home.

Presiding Inspector: Then you won't call him. Do you want to recess until tomorrow morning?

Mr. Del Guercio: If you please.

Presiding Inspector: Ten o'clock tomorrow morning.

(Whereupon, at 3:55 P. M., an adjournment was taken until Wednesday, April 16, 1941, at 10:00 A. M.) [835]

Court Room 276,
Federal Building,
San Francisco, California.

April 16, 1941.

Met, pursuant to adjournment, at 10:00 A.M. [836]

PROCEEDINGS

Presiding Inspector: All right Mr. Del Guercio, will you resume?

Mr. Del Guercio: Will you take the stand, Mr. Diner?

Presiding Inspector: Stand up, please, raise your right hand and be sworn.

SAM DINER

called as a witness on behalf of the Government, having been first duly sworn, testified as follows:

(Testimony of Sam Diner.)

Direct Examination

By Mr. Del Guercio:

Q. What is your name?

A. Sam Diner—D-i-n-e-r.

Q. Where do you reside? A. San Rafael.

Q. What is your present occupation?

A. I run a ladies' apparel shop.

Q. Have you ever been a member of the Communist Party? A. I was.

Q. When did you first join? A. 1931.

Q. Where? A. San Francisco.

Q. And for how long a period did you remain a member of the Communist Party?

A. Until September 1936—1936 or 1937; I don't [837] remember exactly.

Q. And during the time that you were a member of the Communist Party were you assigned any tasks by the Communist Party? A. I was.

Q. And what were those tasks, beginning from the start?

A. My major objective was to organize the unorganized workers in our industry.

Q. And what industry was that?

A. The Ladies' Garment Workers.

Q. Were you a member of the Ladies' Garment Workers Union at that time?

A. At that time, no.

Q. Did you later become a member of that union? A. Yes, sir.

Q. When was that? A. 1934.

(Testimony of Sam Di

Q. 1934. Were you a member of the Communist Party at the time of the 1934 strike?

A. I was.

Q. Were you given any assignment by the Communist Party in connection with any activity in the 1934 strike? A. No.

Q. Did you participate in the 1934 strike?

A. I did.

Q. And what did you do? [838]

A. Well, at that time I was a member already of the International Ladies' Garment Workers Union. My task was to see that all the workers were out of the shops to participate in the strike.

Q. Who gave you that task? Who assigned you that task to see that the——

A. (Interposing) The Union.

Q. The Union? A. Yes.

Q. As a member of the Communist Party were you given any instructions in connection with having your Union strike? A. No, no.

Q. Did you hold any positions in the Communist Party? A. I did.

Q. What were they?

A. I had various functions. I was a member of the Board of Directors of the School.

Q. Of the School?

A. Yes, Workers School.

Q. What kind of a school is that?

A. Well, teaching the philosophy of Marxian theory and helping to organize workers for struggle in the various unions.

(Testimony of Sam Dinn.)

Q. And who gave you that assignment?

A. Well, that was the fundamental thing of the school.

Q. Well, I mean how were you appointed as instructor or [839] organizer in the school?

A. Well, the reason I was appointed at that time—the appointment came before—may I explain?

Q. Surely.

A. Before I joined the A. F. of L. Union back again I was a member of the Needle Trade Workers Industrial Union which broke away originally from the A. F. of L. At that time I was elected President of the Needle Trade Workers Industrial Union and I was told at that time by being a President of a Union that it would be a logical thing for me to be a member of the school so as to build up the prestige among the workers.

Q. Who told you that? A. Mr. Darcy.

Q. Is that Sam Darcy? A. Yes, sir.

Q. What was his position in the Communist Party?

A. He was District Organizer, District 13.

Q. And District 13 covered the San Francisco area? A. Yes, sir.

Q. Proceed. A. Yes, sir.

Q. Are you through with your——

A. (Interposing): I am through.

Q. Now, you say you were President of this International [840] Ladies' Garment Workers Union?

(Testimony of Sam Dine

A. No; I didn't say that. I said I was President of the Needle Trades Workers Industrial Union.

Q. Was that affiliated with the American Federation of Labor? A. No.

Q. What kind of a union——

A. (Interposing): Trade Union Unity League.

Q. And that was a Communist organization, was it not? A. Supposed to be.

Q. Well, was it sponsored by the Communist Party? A. Yes, it was.

Q. And you were President of that Union?

A. Yes.

Q. Now, during the 1934 strike here in San Francisco were you Treasurer of the Emergency Defense Committee? A. I was.

Q. What kind of a committee was that?

A. To defend civil liberty rights.

Q. Who organized it?

A. I don't know who organized it.

Q. How did you become the Treasurer of it?

A. I was told by Darcy.

Q. Is that the same Sam Darcy?

A. Yes. [841]

Q. What did he tell you? A. What?

Q. What did Sam Darcy tell you?

A. He told me that I was supposed to take over the office and be the Treasurer of this Defense Committee.

Q. And were you given any funds?

A. No, sir—funds for what?

Q. To carry on your work?

(Testimony of Sam Dinc.)

A. The funds were there when I came in.

Q. The funds were where, who had them?

A. In the bank, I guess.

Q. Were they turned over to you?

A. Yes.

Q. You mean that you had access to the funds that were in the bank? A. I had.

Q. How much money was in there?

A. Oh, I don't remember; a few hundred dollars, I guess.

Q. And was the money there placed in the bank in your name? A. Yes.

Q. Who placed it there, do you know?

A. I don't know who placed it there, but I signed.

Q. Who told you that the money was in the bank?

A. The Committee that was in charge before me.

[842]

Q. Had there been a prior Defense Committee?

A. Yes.

Q. Who were some of the members of the prior Committee?

A. Some of them I didn't know at all.

Q. Do you know any of them?

A. Yes, I do.

Q. What are their names?

A. One was a man by the name of Falchoff.

The Reporter: Spell it, please.

The Witness: I don't know how to spell it.

(Testimony of Sam Diner.)

By Mr. Del Guercio:

Q. F-a-l-c-h-i-o-f-f?

A. Maybe that is the way; I don't know how to spell his name.

Q. Do you know any others?

A. A fellow by the name of Wilson.

Q. Is that the—what Wilson is that, what did he do at that time?

A. He was supposed to take care of the office at that time.

Q. Where did you have your offices?

A. The original office we had was at 6th and Market, where the International Labor Defense was. Then we moved to 7th and Market, to a private office.

Q. Did you have any instructions as to whether or not [843] you should work with the ILD?

A. Well, they were about the same. I mean not exactly instructions, but we consulted one another pertaining for what purpose the money should be used.

Q. Who in the ILD did you consult with?

A. Elaine Black.

Q. Who else?

A. Wilson, I just mentioned, and Falchoff.

Q. Did you consult with any attorney members of the ILD?

A. Well, whenever it was necessary to use an attorney we consulted with an attorney.

Q. Who of the attorneys did you consult?

(Testimony of Sam Diner.)

A. Mr. Anderson.

Q. Mr. Anderson? A. Yes.

Q. Who is Elaine Black?

A. She was the Secretary of the ILD at that time. I don't know what she is now.

Q. Was she also then a member of the Communist Party? A. She was.

Q. And who is Anderson, Leo Anderson?

A. He is an attorney.

Q. Was he also a member of the Communist Party? A. I don't know.

Q. I mean George Anderson, is that not right?

[844]

A. Yes.

Q. Will you state just what you did as Treasurer of the Emergency Defense Committee?

A. I was supposed to bail out all those arrested, to see that necessary funds were available for that emergency fund.

Q. Anything else?

A. To secure legal advice from attorneys if it was necessary to defend the workers.

Q. Were you to go anywhere else than to the ILD to secure attorneys for the persons that were arrested?

A. As I said before, both Committees worked in conjunction with one another.

Q. Both Committees—what was the other Committee?

A. The ILD and the Civil Liberties Defense Committee.

(Testimony of Sam Diner.)

Q. They were working together, you say?

A. Yes.

Q. And how much money did you expend during the time that you were treasurer?

A. I judge we handled about $10,000 or $12,000.

Q. Well, now, you originally had $300, you say, that was made available to you in the bank?

A. I didn't say $300. I said a few hundred dollars. The exact amount I don't remember. [845]

Q. Well, where did you get the rest of the money?

A. From various loans, donations.

Q. Well, from what sources?

A. People that had a sympathetic attitude toward the issue involved.

Q. Did any of that money represent dues from Communist Party members? A. No, sir.

Q. Did the ILD furnish you any money?

A. No, sir.

Q. Did Sam Darcy furnish you any money?

A. No, sir.

Q. During the time you were treasurer of this Emergency Defense Committee did you contact the Alien here, Mr. Bridges? A. No, I didn't.

Q. Do you know him? A. Yes, I do.

Q. Where is he?

A. Right there (Indicating).

Mr. Del Guercio: May the record show that the witness has identified Mr. Bridges?

(Testimony of Sam Diner.)

Presiding Inspector: No objection to that?

Mr. Gladstein: No objection.

By Mr. Del Guercio:

Q. When did you first meet the Alien here?

[846]

A. Oh, I met him several times right after the general strike.

Q. Right after the general strike?

A. Yes, sir.

Q. And where was the first time you met him?

A. In the ILA office.

Q. ILA office? A. Yes.

Q. That is the International Longshoremen's Association? A. Yes, sir.

Q. And what was the occasion of that meeting?

A. Oh, just a question of visiting about trade union activity.

Q. Trade union activity in what?

A. Yes, sir.

Q. In your own union? A. Yes, sir.

Q. That was the Needle Trade Workers Union?

A. No; that was already the International Ladies' Garment Workers Union.

Q. And when was that about?

A. That was right after the strike, around 1934 or '35.

Q. When did you next meet the Alien?

A. I met him once in his house.

Q. When was that?

A. Around the same time, maybe a few months

(Testimony of Sam Dimer)

after. I [847] can't remember exactly the date, but it was between '34 and '35.

Q. Will you state the occasion for going——

A. (Interposing): The very same thing, talking over matters regarding union business.

Q. Well, did anyone send you to his house?

A. Yes, sir.

Q. Who sent you?

A. An officer of the Communist Party.

Q. Do you know which one?

A. I don't remember exactly the name, but I was told—somebody took me up; I didn't know where he lives; somebody took me up there.

Q. Well, what member of the Communist Party told you to go to Mr. Bridges' house?

A. Well, that was either Sam Darcy or Hanoff.

Q. Is that Elmer Hanoff? A. Yes, sir.

Q. Was Sam Darcy then connected with any union? A. No.

Q. Was Elmer Hanoff connected with any union? A. Not that I know.

Q. Well, why did Sam Darcy or Elmer Hanoff tell you to go to Bridges' house?

A. Well, just to meet him. We were on the verge of organizing some organized workers and I wanted to get some information from Harry.

[848]

Q. Some information from whom?

A. From Mr. Bridges.

Q. And you say you went over to Bridges' house with someone else? A. I was.

(Testimony of Sam Diner.)

Q. Do you know who that person is?

A. Yes.

Q. What is his name? A. Jeff.

Q. Jeff? Is that Jeff Goodman?

A. Yes, sir.

Q. Was he also a member of the Communist Party? A. Yes, he was.

Q. And whom did you meet when you went to Bridges' house?

A. I met his wife. He was not home at that time but he arrived later.

Q. He arrived later. And did you have any conversation with Bridges when he arrived?

A. Just about a few minutes.

Q. What did you talk about?

A. About whether he can give me some information regarding organizing certain crafts that was not organized yet.

Q. And now what kind of information regarding organizing? Was it to be a purely union activity or was it a Communist activity?

A. No, purely union activity at that time. [849]

Q. Purely union activity at that time?

A. Yes, sir.

Q. And did Mr. Bridges tell you——

A. (Interposing): He gave me some information that I asked for.

Q. You say you only talked to him about a minute and a half? A. No, a few minutes, I said.

Q. A few minutes. Five minutes?

(Testimony of Sam Diner.)

A. Well, maybe ten; more than five minutes.

Q. More than five minutes? A. Yes, sir.

Q. Approximately ten?

A. Approximately ten.

Q. Did you tell Bridges who sent you?

A. No, I didn't.

Q. Who else was present when you——

A. (Interposing): Nobody.

Q. Nobody. Was Jeff present?

A. Yes, sir.

Q. When did you next speak to Mr. Bridges?

A. I met him next at the—on Clay Street in his office.

Q. And what was the occasion of that meeting?

A. I think just a visit.

Q. Just a visit? [850] A. Yes, sir.

Q. A social visit?

A. Yes, I think a social visit.

Q. On Clay Street? You mean Mr. Bridges' home on Clay Street? Was he living there at that time?

A. No, that was his office, union office.

Q. Oh, his office. When did you next meet him?

A. Next I met him in Fresno.

Q. In Fresno. And when was that?

A. That was right after the general strike.

Q. Right after the 1934 general strike?

A. Yes, sir.

Q. And what was the occasion of that meeting?

A. I was delegate to the State Convention of the Communist Party.

(Testimony of Sam Diner.)

Q. And can you trace the time more definitely than right after the 1934 general strike?

A. Well, it was on a Sunday, some time in the fall.

Q. Sometime in the fall? A. Yes.

Q. Of what year? A. 1934.

Q. 1934. And you say that there was a convention of the Communist Party there at Fresno at that time? A. Yes, sir.

Q. Where were you living at that time? [851]

A. San Rafael.

Q. San Rafael. And how did you get down to Fresno?

A. Well, I was working at 49 Fourth Street at that time. Mr. Darcy and Mrs. Darcy called at the time when I quit at 12:30 and they took me to Fresno.

Q. You drove with Sam Darcy and his wife to Fresno? A. Yes, sir.

Q. Did you register there in a hotel at Fresno?

A. I did.

Q. What hotel did you register at?

A. I think it was the Travelers, if I am not mistaken.

Q. Did Sam Darcy and his wife register in the same hotel? A. They did.

Q. And under what name did you register?

A. My own name.

Q. Did Sam Diner register?

A. Sam Diner, yes; I am Sam Diner.

Q. No, I mean Sam Darcy; excuse me.

(Testimony of Sam Diner.)

A. He did.

Q. Did he register before or after you did?

A. I think he registered before me.

Q. And you registered immediately after he did?

A. Yes, sir.

Q. Did Sam Darcy register in his correct name?

A. I don't know. [852]

Q. I will show you what appears to be the original register of the Hotel Travelers, Fresno, California, on which appears the name of S. Diner, for December 22, 1934, and ask you if that is your signature?

A. (Examining document): Yes, sir.

Q. Then, that is the day that you arrived in Fresno, December 22, 1934?

A. I don't exactly remember the day, but that was in the fall, I know.

Q. Well, did you arrive on the same day that you registered there?

A. Yes sir, I arrived on Saturday night and I registered on Saturday night.

Q. And you say that Sam Darcy registered in the same hotel just before you did?

A. Yes, sir.

Q. Well, now, immediately above your name appears this:

"Mr. and Mrs. Arthur Frank, F-r-a-n-k."

Could that be Sam Darcy?

A. I couldn't say that.

Q. But you do know that he registered immediately before you did?

(Testimony of Sam Dir

A. I registered after him.

Q. After him? A. Yes, sir. [853]

Q. There was not anybody else——

A. (Interposing): Between, no.

Q. Between his registration and your registration? A. No.

Mr. Del Guercio: I offer this in evidence, if your Honor please.

Presiding Inspector: It will be received without objection.

(The register referred to was received in evidence and marked Government's Exhibit No. 198.)

By Mr. Del Guercio:

Q. And now this shows that you were assigned room 236. Where was Mr. Darcy and his wife assigned?

A. I think it was adjoining my room.

Q. Do you know that it was adjoining to yours?

A. Yes, sir.

Q. Now, this says that Mr. and Mrs. Arthur Frank were assigned to room 235 and you were assigned to room 236. Would that be correct?

A. Oh, yes, that would be correct.

Mr. Del Guercio: I ask that the photostat of this be substituted for the original.

Presiding Inspector: No objection, it may be done.

By Mr. Del Guercio:

Q. Now, you say that you went to Fresno to at-

(Testimony of Sam D
tend a Convention of the Communist Party. [851]

A. That is what I said.

Q. Who called that convention?

A. District Thirteen.

Q. District Number Thirteen?

A. Yes, sir.

Q. Of which, you have testified, I believe, that Sam Darcy was the organizer? A. Yes, sir.

Q. And who instructed you to appear at the convention? A. Sam Darcy.

Q. And was the convention held the same day you arrived in Fresno? A. No.

Q. When was it held?

A. The following day.

Q. The following day? A. Yes, sir.

Q. That was on Sunday? A. Yes, sir.

Q. The day following your arrival in Fresno?

A. Yes, sir.

Q. Were others than Communist Party members permitted to attend this convention? A. No.

Q. Of the Communist Party? A. No.

Q. Was it a purely closed Communist Party Convention? [855] A. Yes, sir.

Q. There is no question about that in your mind?

A. No question in my mind. [856]

Q. Did you see the Alien here, Mr. Bridges, at that convention? A. I did.

Q. What was he doing there?

A. As much as I was doing there.

Q. Well, now, what kind of a convention was

(Testimony of Sam Diner.)

this Communist Party convention, what was it called for?

A. Well, it was called for to have a check-up of shortcomings and achievements during the general strike.

Q. A check of what?

A. Of various activities that had been done and not been done.

Q. In what lines? A. All lines.

Q. In all lines? A. Yes.

Q. Were there various committees?

A. Yes.

Q. Were you on any committee?

A. I was.

Q. On what committee?

A. Trade Union Committee.

Q. Trade Union Committee? A. Yes.

Q. What was your position on that Committee?

[857]

A. I was Temporary Chairman at that time.

Q. And what was Mr. Bridges, the Alien, here?

A. Mr. Bridges spoke before that Committee.

Q. Was he a member of your Committee?

A. Yes.

Q. You say he spoke before your Committee. When did he do that?

A. In the afternoon, late in the afternoon.

Q. During the convention? A. Yes.

Q. In what part of the convention—where was this convention held? A. In Fresno.

Q. Do you know the place?

(Testimony of Sam Diner.)

A. I don't know the name of it, but I know the place.

Q. Would you recognize a photograph of it? I will show you a photograph of a building here and ask you if you can identify it?

A. (Examining photograph) Well, the place wasn't so decorated as it is now. Maybe it has been remodeled since then; I don't know. But I can recognize the inside better than the outside.

Q. You can't recognize that building as it is there now as the place where the convention was held?

A. It wasn't so clean. [858]

Q. You say you can recognize the inside of it?

A. More than the outside; yes.

Q. I will show you some photographs here and ask you if you can recognize any of these photographs?

A. (Examining photographs) I can recognize this one.

Mr. Del Guercio: I offer this photograph in evidence at this time as Government's Exhibit next in order.

Presiding Inspector: It may be received without objection.

(The photograph referred to was received in evidence and marked Government's Exhibit No. 109.)

A. (Examining photograph) I recognize this one.

Mr. Del Guercio: I offer this in evidence and ask that it be marked.

(Testimony of Sam Diner.)

Presiding Inspector: It will be received without objection.

(The photograph referred to was received in evidence and marked Government's Exhibit No. 200.)

A. (Examining photograph) I recognize this one.

Mr. Del Guercio: I ask that this one be marked and I will offer it in evidence.

Presiding Inspector: Received without objection.

(The photograph referred to was received in evidence and marked Government's Exhibit No. 201.) [859]

A. (Examining photograph) And this is a duplicate, the same as another one.

Mr. Del Guercio: That is a duplicate. I will withdraw that.

A. (Examining photographs) That is all I recognize. Maybe it has changed since then.

By Mr. Del Guercio:

Q. You recognize Government's Exhibits 200, 201, and 199 as being the inside of the place where this Communist Party held its convention in 1938 on a Sunday? A. I do.

Mr. Grossman: Have you marked for identification the front view of the hall that the witness said he couldn't identify?

Mr. Del Guercio: No.

(Testimony of Sam Diner.)

Mr. Grossman: If not, I would like to have you do that.

Mr. Del Guercio: I don't know as I will.

Mr. Grossman: I submit, your Honor, we are entitled to have some record of the picture that the witness could not identify.

Presiding Inspector: I do not see any objection to having it marked, Mr. Del Guercio, for identification.

Mr. Del Guercio: I will withdraw my objection and I will offer it for identification. [860]

(The photograph referred to was marked for identification as Government's Exhibit No. 202.)

By Mr. Del Guercio:

Q. Have you seen this place since this Communist Convention? A. Yes, I have.

Q. With whom did you go to Fresno?

A. Mr. Devereaux.

The Reporter: Spell it, please.

The Witness: I don't know how.

Mr. Del Guercio: D-e-v-e-r-e-a-u-x.

By Mr. Del Guercio:

Q. He is an agent of the Federal Bureau of Investigation? A. Yes, sir.

Q. And you then recognize the place as being the meeting place of this Communist Convention?

A. Yes.

Q. You said that the Alien here spoke at a meeting of your Committee? A. What?

Q. That he spoke at a meeting of your Committee? A. Yes.

(Testimony of Sam Dinc[illegible])

Q. That was inside the hall?

A. Yes. [861]

Q. And during the time of this Convention, is that correct?

A. It was in a separate room from the hall.

Q. In a separate room?

A. In the building; yes, sir.

Q. And what did he speak about?

A. Oh, about the general trade union movement; that is about all.

Q. Was it a speech or was it more in the nature of a report?

A. It was more of a report than a speech because it didn't last very long.

Q. To whom did he make this report?

A. To the entire committee.

Q. And you were acting at that time as Chairman?

A. Temporary Chairman of the Committee; yes.

Q. And how were you appointed Temporary Chairman of this Committee?

A. By Mr. Darcy.

Q. And was this a Committee within the Communist Party convention that was being held there at Fresno at the time?

A. All conventions are broken up into committees.

Q. I see. What else occurred at this Communist Party convention? A. In what way? [862]

Q. Well, did anybody else make any speeches?

A. Oh, several others made speeches.

Q. Who else, besides the Alien here?

A. I think Mr. Darcy spoke.

(Testimony of Sam Diner.)

Q. What did he speak about?

A. About the various shortcomings as far as the general strike was concerned, and part of its achievements. I can't remember exactly the words; it is impossible.

Q. The shortcomings of whom?

A. Of the Communist Party.

Q. Of the Communist Party. Did anybody else talk at the convention?

A. At this moment I can't recollect unless I can refresh my memory.

Q. How long did this convention last?

A. All day.

Q. All day. And were you in attendance all that day? A. Yes, sir.

Q. Do you know if the Alien here, Mr. Bridges, was in attendance all day?

A. Well, as I say, he came in there around early in the afternoon and he was there until dark.

Q. Now, are you sure that this was a purely Communist convention? A. Definitely.

Q. Could anybody but a member of the Communist Party [863] have attended this convention?

A. Oh, no.

Q. Under any circumstances? A. No.

Q. Who else was present at this convention besides Sam Darcy and the Alien here?

A. A member of the Comintern was there.

Q. A member of the Comintern. Do you know his name? A. No, I don't.

(Testimony of Sam Diner.)

Q. Do you know what name he used at this convention? A. No.

Q. Where did he come from?

A. I don't know.

Q. You say he was a member of the Comintern. How do you know that?

A. I was introduced to him.

Q. By whom? A. By Mr. Hanoff.

Q. Mr. Hanoff was also there? A. Yes.

Q. And did this Russian member of the Comintern make a speech?

A. I don't know whether he was a Russian or not.

Q. I thought you said he was. Excuse me.

A. No, I didn't.

Q. Did he talk? [864] A. No.

Q. Who else was present at this convention, if you can recall?

A. A lot of people were there but I don't know their names.

Q. Was George Wolfe there?

A. I think he was there.

Q. Was Jeff Goodman there? A. Yes.

Q. That is the same Jeff Goodman that you have previously testified about? A. Yes, sir.

The Reporter: Spell it, please.

Mr. Del Guercio: J-e-f-f G-o-o-d-m-a-n.

By Mr. Del Guercio:

Q. Was Walter Lambert there?

A. I don't remember.

(Testimony of Sam Dinier.)

Q. Where was this representative of the Comintern sitting in this convention?

A. He was sitting in the background near a window.

Q. In the back near a window? A. Yes.

Q. Why did he choose that particular place to sit, if you know? A. I do know. [865]

Q. Why?

A. The rumor was circulating around that the American Legion was going to break up the convention and he was supposed to be the first one to get out in case of a thing like that happening.

Q. And that is why he was sitting near the window? A. Yes.

Q. You say you were connected with the Needle Trades Workers Union? A. I was.

Q. Did you hold any office?

A. I was President of this Union.

Q. President of that. Where did you have your offices at that time? A. 830 Market Street.

Q. 830 Market Street? A. Yes.

Q. And during what year did you have your office there? A. One year.

Q. What year was that?

A. That was, I think, in 1933.

Q. Are you familiar with the mimeographed sheet, the Waterfront Worker?

A. I know the name.

Q. Well, did the Waterfront Worker use the offices you [866] had as its mailing address during that period of time you occupied it?

(Testimony of Sam Diner.)

A. Yes.

Q. And who asked—did you give them permission to use the office? A. I didn't.

Q. Who gave them permission?

A. The Secretary of the Union.

Q. The Secretary of the Union. Who was the Secretary of the Union at that time?

A. Fred Firestone.

Q. Fred Firestone? A. Yes.

Q. Was he a member of the Communist Party?

A. He was.

Q. A functionary? A. He was.

Q. Did he hold any other office than Secretary of your Union? A. In the Union?

Q. No; otherwise in the Communist Party or anywhere else?

A. Yes. He was at that time Waterfront Organizer!

Q. Waterfront organizer? A. Yes.

Q. For the Communist Party? [867]

A. He was.

Q. I show you a copy of the Waterfront Worker, dated San Francisco, February 1933, on page 3 of which appears this:

"Waterfront Worker

"This paper is issued by a group of longshoremen for longshoremen for the Waterfront Worker, (Room 421) 830 Market St., San Francisco, Calif."

Is that the offices you were occupying as President of the Needle Trades Workers Union at that time?

A. Yes.

(Testimony of Sam Diner.)

Q. Do you recognize this particular issue of the Waterfront Worker?

A. I don't know about this issue; I recognize the Waterfront Worker.

Mr. Del Guercio: I offer this in evidence, if your Honor please, as Government's Exhibit next in order.

Presiding Inspector: Received without objection.

Mr. Del Guercio: I ask that a photostat thereof be substituted for the original.

Presiding Inspector: It may be done.

(The document referred to was received in evidence and marked Government's Exhibit No. 203.)

GOVERNMENT'S EXHIBIT No. 203

[Cut] Waterfront Worker Price 1c

Vol 1 No. 2 San Francisco Feb. 1933

Organizing The "Front"

Tom Mooney Sends Greeting

California State Prison.
San Quentin, Calif.
December 22nd, 1932.

"Waterfront Worker"
San Francisco, Cal.

Dear Fellow Workers:

I was exceedingly interested in the bulletin recently sent in care of my Defence Committee. I think the "Waterfront Worker" can become a most

(Testimony of Sam Diner.)

Government's Exhibit No. 203—(Continued)

effective organizational force on the waterfront and I hope that efforts will be made to see that it is regularly distributed.

The importance of organizing the longshoremen and waterfront workers along militant lines is only too self-evident. At this time especially is this so. The water front workers have always responded to militant leadership and if the longshoremen; who are taking the iniative, stick to the task of interesting the workers belonging to the marine industry in their day to day problems, victory is bound to ensue. My best wishes for a strong, militant and fighting Industrial Union.

Comradely yours,

(Signed) Tom Mooney (34921)

Unemployment Relief

This problem of unemployment amongst longshoremen is one that demands some action, especially since so few men are working in regular gangs and since so many old timers are now put on the spot by the shipowners. It is high time that we raised certain demands before the county, state and federal government, such as the following;

Unemployed Cash Relief of a Minimum of $10 A Week. (the money to come from a tax on the profits of the shipowners and from the Construction Loan Fund to the shipowners passed by the Jones-White Act.)

The Next Steps

The "Frisco" waterfront is ripe for organiza-

(Testimony of Sam Diner.)

Government's Exhibit No. 203—(Continued)

tion. Things are beginning to stir. The interest in the first issue of the "Waterfront Worker" is proof of this. Many longshoremen after reading it are asking a number of questions. What is this new outfit? What is behind it? What does it intend to fight for, and how? Of these questions asked, this issue will answer them in part, but it will take future issues of this paper, and the future growth of the organization started to answer these questions in full.

In the first place, the longshoremen involved in this developing movement mean to carry on a fight against the speed-up methods of the shipowners as one. We are organizing to fight for these demands which concern us and all longshoremen:

1. For a deep cut in the size of the load; this to be included in the new working rules.
2. For more men in a gang.
3. For a real fight against further wage-cuts.

What sort of organization have we in mind that will be effective in a fight for these demands?

To begin with sucking our thumbs will get us nowhere. The main push must come from ourselves, and especially those on the job. Leaving it to a few officials as in the past will not do. This means we must begin with the organization of groups amongst the gangs on the docks. These groups can expose greviances on their particular dock, recruit and carry on organizational work amongst the rest of the men in the gangs, and in

(Testimony of Sam Di...)

Government's Exhibit No. 203—(Continued)

time act as the leadership in action taken on some particular dock against a greviance.

These groups work on the quiet till they are strong enough. Representatives from the groups meet those from other groups to exchange experiances, discuss greviances and to figure out ways and means of overcoming them, such as job action, etc. These groups will form the basis of a wide and general organization of all longshoremen. These are only the outlines. Future issues of this paper will fill in the details from actual experiances.

Page 2 Waterfront Worker Feb. 1933.

The "Speed-Up"

The life of a longshoreman on the water-front is not a bed of roses by a long shot. But by far the worst kick we have coming is the one that has made things on the "Front" unbearable and that should more than anything else spur us to action, is the terrific speed-up. The shipowners always hungry for profits, have been quick to take advantage of the unorganized state of the longshoreman. They have piled work on him, the sky being the limit.

What does the speed-up mean? First, it means complete exaustion. A man putting in a full days work on one of the speed-up docks (and there are few exceptions) is only fit for bed when he gets home. If he is lucky enough to be on one of the docks that gets steadier work and sometimes a little overtime, the exaustion is complete. To pep him-

(Testimony of Sam Dinn.)

Government's Exhibit No. 203—(Continued)

self up for some more of that he has to take a few more drinks. And after a few, he takes a few more, with the result that the bootlegger gets most of his pay.

The speed-up brings in its train other results. The feaverish running around and exaustion results in increased accidents. Working at such a fast pace and the bigger and bigger loads means that a ship will take so much less time to load or discharge and more than doubles the unemployment now on the waterfront. This not only means less work but also amounts to a wage-cut and a huge one at that. A man puts out about three times as much work for 75c an hour as he formerly put out for $1 an hour. This means in an indirect way he is really working for 30c an hour. The shipowners know that when the lower costs of loading and discharging show on their ledgers in double profits.

The shipowners also us a free hand in getting rid of the older men who may not be able to stand the gaff as well as the younger men. This has resulted in hundreds of "old timers" who have built up the treasuries of the shipowners, now being forced to walk up and down the waterfront without even a chance to make even their bread.

There is hardly a wrinkle in the development of the speed up that the shipowners have overlooked. They have introduced the fast jitney. The double board is the rule. The size of the gang has been cut. The loads have been increased and are still

(Testimony of Sam Diner.)

Government's Exhibit No. 203—(Continued)

increasing. Finally the shipowners in their wisdom have carefully picked bosses that know how to speed-up. And how well the shipowners have found what they wanted.

The increase of the size of the loads is the main method in the speed-up. Four bales of cotton make a load in place of two or three. A ton and a half of lead makes a load instead of the former 1800 pounds. Twenty bags of rice now make a load instead of twelve or fifteen. Over thirty bags of coffee is the rule, and instead of a couple of oil drums in a sling, as many as eight now make a load.

Swayne and Hoyte is a good example. On sugar there is no limit as long as backs can still stand it. Forty cases of canned goods is common in place of the previous eighteen. The loads are climbing higher and higher. "Pile them up boys," say the shipowners. "Pile them up higher and higher, one tier, two tiers, three tiers, and faster boys, faster. The hook is hanging. Pile 'em up boys; the B. B. says it's O. K."

The shipowners give loving attention to the speed-up bosses. They have gone to the trouble of importing them from other ports. And why shouldn't they when such geniuses as big Knute Larsen can conceive such a bright idea as using boards for practically everything; when such a speed-up genius as "Lord" Nelson is still at large; when the speed-up geniuses on the American-Hawaiian can so easily think of using two scows on a bridle as they did the

(Testimony of Sam Diner.)

Government's Exhibit No. 203—(Continued)

other day. Even the brains of these bosses work on the speed-up basis.

The other day "Overtime" Fred wanted to save some overtime for the American-Hawaiian. The idea suddenly flashed across his mind that two loads of drums could be hooked on the same gear. So he did this and the American-Hawaiian is in a few dollars and the longshoremen eat beans and don't go to the movies.

Well, it's all true. But what can be done about it? Some suggest that we slow down. That's O. K. but that requires a high degree of organization. It requires co-operation between parts of a gang and amongst gangs on a dock; and that is not possible where there is no organization amongst men and everyone is accustomed to work as an individual. If that it done by individuals it does not go very far. Another man will just take his place. The only solution is new working rules and the organization to enforce them: smaller loads, larger gangs, no speed-up bosses. This is the solution. And with the help of the rest of the longshoremen organization will be built on the "Frisco" waterfront and the solution worked out.

Speed-Up Works Both Ways

Bad stowage and bum dunnage resulted in "Mustache Charley" and "Anarchist Brown" of the Dollar Line being laid off for a while because two bails of silk were spoiled by oil.

(Testimony of Sam Diner.)

Government's Exhibit No. 203—(Continued)

N.Y.K. Moves

With the beginning of the new year the N.Y.K. has decided to move from the south side of Market St to Pier 37. They are also going to discontinue their old method of engagement so the B.B. delegate will have a job trying to collect dues.

Feb. 1933 Waterfront Worker Page 3

WATERFRONT WORKER

This paper is issued by a group of longshoremen for longshoremen. Write for the Waterfront Worker, (Room 421) 830 Market St., San Francisco, Cal.

News-Getters Wanted

This paper can become our best organizer. With your help we intend to improve it. It can become a real factor on the "Frisco" waterfront. It can be used not only as a medium for exposing the many greviances, also for the clarification of the many problems we are faced with, but also for the building of organization to better our conditions. Groups can soon arise who will take the lead in organizing a regular longshore army to put an end to the shame and curse of the "Frisco" waterfornt. This is a common task. Write for the "Waterfront Worker" of the situation as you see it. We want to cover all questions. Become a regular correspondent—a newsgetter from the "Front" and from the docks. Support the "Waterfront Worker."

(Testimony of Sam Diner.)

Government's Exhibit No. 203—(Continued)

Moratoriums for the Shipowners'

Again the shipowners are to petition the government to "give greater latitude" in their dealings with delinquent shipowners who borrowed from the Constructn Fund of the U. S. S. B.. T. V. O'Connor, Chairman of the Board made the statement that "just now the U. S. B. is observing a 'policy of forbearance' in respect to interest payments and curtailment of outstanding loans"

$122,744,00 has been loaned for 48 ships, launched from Jan.1930 to Oct. 1932 (33 months). All but 10 vessels received ten year mail contract subsidies amounting to $300,000,000.

The shipowners certainly know how to concerve their profits.

Matson Line Profits

Despite the far reaching effects of the crisis the Matson Navigation Co. still continues to pay dividends and no wonderwhen $67,000 for each outward voyage is the reported government mail subsidy.

Last year a $6 dividends per share was paid as compared to $4 per share the year previous. The Matson Nav. Co. besides owning the Matson Terminals,astevedoring organization, the LASSCO, the Oceanic SS Co and half interest in the Oceanic & Orental Nav Co (American-Hawaiian owns the other half), and share in the inter-Island Steam Nav. Co., also owns the controlling interest in the Territorial Hotel Co. (Royal Hawaiian, Moana, Seaside Hotels).

(Testimony of Sam Diner.)

Government's Exhibit No. 203—(Continued)

$27,800,000 is its present authorized capital as compared with the $5,000,000 in 1921. They paid stock dividends of as high as 150% after the war.

Injuries to Longshoremen

Accidents, especially in these days of speed-up, are not uncommon,despite all of the bosses' safety. first schemes. Not only is a Longshoreman,when employed,constantly risking life and limb, but in cases where he does not get busted up,and it doesn't end fatally, there is still the fight for compensation facing him. He still has the struggle to get an injury rating from the so-called "Impartail" Referees of of the Compensation Commission of the Department of Labor. Hundreds of permanently injured longshoremen have found themselves after the "impartial" hearing of their case, suddenly cut off from further compensation,and too incapicated to carry on their own vocation. The only thing left is starvation. Sometimes they have found themselves blacklisted also through bucking the company doctors.

This is how it usually works.Under the clauses of the Act a longshoreman can get his own doctor, but he has also to be examined by the shipowners company doctor. Very seldom will one doctor dispute the diagnosis of another doctor who has handled the case before him. The longshoreman learns what that means when the company doctor gets together with the other doctor for a decision.

Many of the doctors whom the longshoremens

(Testimony of Sam Diner.)

Government's Exhibit No. 203—(Continued)

lawyer may have referred him to are, like the lawyers, closely connected with the shipowners and working things both ways. Money talks, and usually when there is a conference of three doctors the one who represents the shipowners has all the say. Under these circumstances is it any wonder that so many longshoremen are turned down for a permanent injury rating thru lack of evidence,etc.

While there is no one to fight for the longshoremen these things will continue. The best thing is to bear in mind the old maxim, "an ounce of prevention is worth a pound of cure".

Organize to fight against the speed-up and to enforce real union working rules. This is the best way to prevent accidents.

Our Main Aims

We are out to build an organization, THAT can set a limit of so much on aboard for all docks. All to be fined who don't comply.

THAT can not only prevent furhter wagecuts, but can also win back the old scale of wages.

THAT can as an organized body force the shipowners and their county, state and federal legislative bodies to guarantee all unemployed or semi-unemployed longshormen Unemployed Cash Relief of a minimum of $10 a week.

Organize Dock Groups

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Panic in the "Blue Canyon"

The "Waterfront Worker", we learn, is not only in popular demand on the "Front" but has been asked for in other quarters. It must have been funny when Stein went up to the mailing address we gave and asked the guy there for six copies of this bulletin. As it happened the guy there had not been informed about the "Waterfront Worker" so he did not know what Stein was talking about. Stein introduced himself as a "union" official; said he was interested in the same thing as we are (he didn't mention anything about our proposal for a moratorium on dues, though).

When he failed to get the "Waterfront Worker" he gave a longshoreman 50¢ to try and get six copies.

What we are curious about is why Stein wanted six copies. D'y' think it's because he likes to see his name in print? Or May be he wants to give one or two copies to some of his friends; say "Scabby Peterson" of the Fink Hall or the "Law and Order" gang of the Chamber of Commerce. What do you think?

Same B. B. Delegates Hold Office

Well the elections are over—we mean of the "Blue Book"—and we don't want to come out with the wise guy stuff "I told you so", but it is no news to us that the same B.B. delegates are holding down their "pie card" jobs.

(Testimony of Sam Diner.)

Government's Exhibit No. 203—(Continued)

On the face of it, it was nice and democratic; pretty speeches and all that. They even used the old gag about the recent wage-cut. When times get better and prosperity shows up around the corner, etc. they would see that we got the old scale. O, yeh?

"Red" the Radical

It is reported that quite an argument has ensued around our old friend "Red" of the B.B. Some say he is as radical as we are, or at least he can shoot the radical phrases; some say not.

Well the argument is easily settled. We propose to do the same thing as the European debtor nations are doing—declare a moratorium, only this time of course on the matter of dues to the B.B. If "Red" supports us on this in preference to his dues collecting job at fifty-five bucks a week, then he will be as radical as we are.

Beware of the guy that talks radical and acts the other way.

Does "Scabby" Peterson Hold the Bag?

On the matter of the $30,000 of the longshoremen's money in the "Blue Book" treasury. We have been informed that it was Stein himself who made the statement to a longshoreman who was forced to join up in the B.B. He is reported to have said that the treasury is not kept in the name of the B.B. so that no one could bring suit against them. Then the question arises, in who's name is the money held? This

(Testimony of Sam Diner.)

Government's Exhibit No. 203—(Continued)

we heard was none other than our old friend "Scabby" Peterson of the Fink Hall.

Bust the Dues Collecting Rackett

"The word is out for you" is the warning we have often received when the B.B. is on our trail for back dues to this shipowners company union. Plenty of us have figured out how to evade this racket. Some of us have gotten by for a considerable period only to be either pulled off the job or forced to pay up. It is reported that some longshoreman on the Matson dock was recently cought after getting by for several years.

This rackett of the B.B. will continue as long as we remain unerganized. Individual action will get us no where. We think it is about time that we started a real organized campaign along the whole waterfront and to deckare a moratorium on dues and agitate for the longshoremens money in the B.B. trasury being utalized for the relief of unemployed members.

More Lives Sacrificed to Profit

Thirty members of the crew of the French S/E Atlantic lost their lives when a fire destroyd this $18,000,000 luxury liner at sea on Jan. 4th. Suspicion of the origin of the fire has caused an investigation. No passengers were aboard.

This is the third French liner to be burned down in the last year.

(Testimony of Sam Diner.)

Government's Exhibit No. 203—(Continued)

Shipowners Holler

The Shipyard Maritime Association has strongly objected to the economy proposal to place the administration of the Longshoremen and Harborworkers Compensation Act in the hands of the Department of Labor and thereby abolish the Employers Compensation Commission.

The shipowners stated that "it was most unreasonable and unwise to intrust the interests of the maratime employers to a department which could not be expected to consider same from other than a partisan standpoint, and with a prejudice which would work grave injury to such maritime employers."

We fail to see why the shipowners are getting so hot and bothered about the change from their Department of Commerce to their Department of Labor. If the long shoremen had a say in the matter it would be different.

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Lessons of the—— By M. S.—

1919 Longshore Strike

How the "Blue Book" shipowners company union was introduced on the "Frisco" water front when the "Red Book" unions broke up.

The long drawn out longshoremens strike of 1919 resulted in the final break-up of the Riggers & Stevedores' Union (Red Book) and the coming into existence of the shipowners' "Blue Book" company union (Longshoremen's Association of San Francisco).

(Testimony of Sam Diner.)

Government's Exhibit No. 203—(Continued)

Much can be learned that longshoremen can use to advantage at the present period.

The strike was characterized by the militant stand of the rank and file longshoremen against the vicious attacks of the shipowners, who were supported by the Chamber of Commerce, the city officials including Mayor Rolph, and by the treachery of the officials of the A. F. of L.

Before the strike, which lasted from the middle of September to the end of December, the shipowners had started a drive to increase loads and cut the size of the gangs. The longshoremen answered with the strike, which began with a walk-out of a couple of hundred men but soon developed into a complete tie-up of the port. The longshoremens demands called for a load limit of 1200 pounds, 16 men to a gang, and travelling time.

Early in the strike a conference of both sides was called by Rolph who was then mayor; but it ended without any success. After it, Rolph called on the shipowners to organize themselves more strongly. With this support of the city administration, the shipowners worked skillfully and persistenely with the aim of completely breaking the "Red Book" union. What were the methods used?

In the first few days of the strike, when the shipowners succeeded in bringing in about 150 scabs, the mistake was made of taking a defensive instead of an offensive attidude; a strong picket line should have been put on. Plenty of other weaknesses were shown

(Testimony of Sam Diner.)

Government's Exhibit No. 203—(Continued)

on the part of the leadership which were utalized to full advantage by the shipowners.

Through their press the shipowners made the claim that most of the men were against the strike, which they said was forced by a "radical minority" of the union calling for a rising vote instead of a secret ballot. This whine in the public press had for its purpose the isolation of the militant leadership and shows that the shipowners were also working thru their agents in the union. They followed this up with a refusal to meet in conference with the rank and file strike committee. On Oct. 14 when the fatal mistake was made of permitting the strike being taken out of the hands of the rank and file committee, the shipowners made even more arrogant demands that negociations be taken out of the hands of the officials and put into the hands of "appointed" men on the bigger docks, evidently having certain "safe" ones in mind. Compliance with these maneuvers added to the strength of the shipowners and gave them more opportunity to work within the union.

Another factor in the final betrayal was the role played by the A.F. of L. officals. The Central Labor Council stabbed the longshoremen in the back by proposing that the shipowners demand for a secret ballot be granted, and by urging for a compromise without a fight. Casey of the teamsters by all kinds of subterfuge prevented his members from striking in sympathy. The same can be said of the officials of the I.S.U.

(Testimony of Sam Diner.)

Government's Exhibit No. 203—(Continued)

Now for the final page in the story of the strike, and the dirtiest of them all:

The shipowners had been consistantly working to break the union from within. On Oct. 29th, the Chamber of Commerce supported the shipowners by sending out an appeal for funds "to be used in such ways at it deems wise and effective in meeting the present intollerable situation on the waterfront". On Dec. 8th they had collected a strike-breaking fund of $100,000. On Dec 9 the press carried the following:

"The Longshoremen's Association of San Francisco (B.B.) was organized last night at a meeting called at Eagle Hall by stove dore foremen. The Waterfront Employers union, it was stated, has offered to enter into a five year agreement with the Associaition. It was also stated that the employers had to provide headquarters for the new organization. The meeting last night was held under police protection, 30 plain clothesmen being present."

On Dec. 11th, Bryan and Stein stated that the "Blue Book" would work on a closed shop basis. In other words the "Red Book" men must join it to work.

On Dec. 23rd, the shipowners stated that they would not employ any "Red Book" men unless they joined the "B.B."

Nothing more need be said. The longshor men know the rest and can draw their own conclusions and learn plenty.

(Testimony of Sam Diner.)

Government's Exhibit No. 203—(Continued)

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What's Happening in Other Ports

SAN PEDRO:—"The problem of further wage-cuts will come up with a bang next month" is how the local press expresses the situation in this port. A cut has already gone into effect immediately following the new scale set by San Francisco.

The new scale paid is as follows: Hold men 75c and $1.15 overtime; on the dock 65c and $1 overtime; car gangs 55c with the same for overtime. The shipowners cunningly apply the rule of "divide and conquer" by giving the sop of 85c and $1.20 overtime for hatchtenders and winch drivers with the purpose in mind of speeding up the lower ratings.

TACOMA:—The wage-cut of 10c that was put over in San Francisco and back East prior to that, has gone into effect in all N.W. ports. The only thing that prevented the longshoremen from striking was lack of leadership. The I.L.A. officials didn't begin to move until a few days before the cut went into effect.

Only 29 members of the "New Town" local attended the first meeting called. The situation was allowed to drag till after Jan. 1st when the cut became effective. A few men proposed to stay at home and refuse to accept the cut. There is some talk of the need of a new union since the I.L.A. officials refused to act.

(Testimony of Sam Diner.)

Government's Exhibit No. 203—(Continued)

EVERETT:—The I.L.A. (67 members) at its Dec. 17th meeting rejected proposals to accept a cut and called for a delegates meeting from all locals in the N.W. No action was taken.

SEATTLE:—On Dec. 15th, the "Fink Hall" committee met (employers and employees). The 10c cut was announced which the longshoremen refused to accept. On Dec. 23rd another meeting was held and again the wage-cut proposal was rejected. The executive committee overuled them.

The sentiment was strong against the cut but as in Tacoma the I.L.A. district leadership allowed things to drift.

Bjorklund, district organizer of the I.L.A. came to Seattle and stated that an organizational drive would be started soon. Little is expected to come of it.

The maneuver of the shipowners in offering free rent in the Fink Hall to the I.L.A. is believed to be the first step in establishing something similar to the "Blue Book" in "Frisco." Since the upkeep of the Fink Hall costs the shipowners about $20,000 a year they are looking favorably to all longshoremen joining the I.L.A. provided they control it through Bjorklund and Co. just as they do back East through Ryan, the International President.

PORTLAND: — The I.L.A. here has closed up. About 25 old timers kept the hall open but due to the sabotage Bjorklund they were finally forced to give up.

(Testimony of Sam Diner.)

Government's Exhibit No. 203—(Continued)

INTERNATIONAL NEWS

Havana Dockers Prepare for Struggle

Harbor workers in Havana, Cuba, are calling a congress to prepare for action against rationalization. The introduction of Sea Trains will be one of the most important points taken up. These Sea Trains or ferries now run between New York and Havana, also from New Orleans to Cuba. (ISH Press Service)

Japanese Seamen Win Strike

A report from Tokio dated Nov. 5th, states that steamers on the Inland Sea service have been tied up by striking crews. The essential parts of the engines were removed and prevented these ships being worked by scabs. The later reports state that the seamen have won their demands. (N.Z. Seamens Journal)

French Dockers Strike Against Cut

On Dec. 3rd, 4,000 longshoremen in the port of Le Havre struck against a cut in wages.

On Dec. 10th the longshoremen in Dunkirk came out in sympathy. The crews of the American ships Liberty and Pipstone County refused to work cargo although 75 francs a day was offered them. The crew of the Dutch ship Cryusen battled the scabs who came aboard to work cargo.

Longshoremen in other French ports and in Belgium have answered the call sent out by the strik-

(Testimony of Sam Diner.)

Government's Exhibit No. 203—(Continued)

ers and have refused to handle ships diverted from the striking ports.

Latest information states that 8000 men are now out in Le Havre alone. A solidarity demonstration of 20,000 took place in the troop-policed streets of Le Havre (ISH Press Service).

Self Help

Seattle:—Unemployed workers here smashed the plate glass windows of a clothing store on the "Skid Roads" early Christmas morning, helping themselves to underwear, shoes and other necessities.

A "Bright" Idea

We don't know whether it was "Overtime Fred" or "Berkely Bill" who conceived the "bright" idea of hitching two scows to an automobile bridle. Anyway the bosses went around smiling when they saw how it worked. However the "idea" is not yet perfect but in time they hope to have it so that there will be only one man to a scow.

The nickels and cents that we collected on the Dec. issue of the "Waterfront Worker" has helped to pay for half of the present issue; the rest has been donated. Again, thanks.

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(Cut)

Correspondence

Letters From Longshoremen.

Correspondence from longshoremen is one of the

(Testimony of Sam Diner.)

Government's Exhibit No. 203—(Continued)

most important features of this paper. We want to hear from every man who has anything at all to say. Write to-day Let us know what are the conditions as you've met them. Your name will not be mentioned. Mail it to the "Waterfront Worker" (Room 421, 830 Market St.) Below are afew letters from longshoremen who have already answered our call for correspondence.

"Frisco" Longshoreman For Organization

Editor, The Waterfront Worker: To say it is time something was done about conditions on the waterfront is to say the least.I was sure glad to get a copy of your bulletin,and to see that at last there is a move towards a change.It certainly can be seen that if the present policy of big loads and lots of 'em coupled with the new cut in wages,is continued,the old saying of a stevedore needing nothing but a"strong Back and a weak mind"wont be a joke,but a fact.

I hope that in your next issue there will be more details as to how you intend to go about organizing men on the front,and as to how I and others that I know feel the same way,can help. For the present you may depend on me to be a loyalreader and booster of this paper.

Dock Walloper.

A Letter from "Pedro"

Editor, Waterfront Worker:Have read with interest the paper you sent me.Maybe you would

(Testimony of Sam Diner.)

Government's Exhibit No. 203—(Continued)

like to know of th e conditions here We are already working under the new wage-cut agreement with the Fink Hall which they put over by promising more days of work per week.In the last six months more speed up and mechanical changes have been introduced. For instance on Pier 53 the shipowners went to work and extended the loading capacity of the trailers.They used to have 4,now they have 2.on pulp they added two more bales,making eight bales to a load.They figure on piling them up some more when the new system is working more smoothly. In the hold the gang is cut down from 6 men to 4——and they have to handle the 2 more bales per load.On the dock about 4 car gang men handle pulp with a locomotive crane. There is no end to the speed-upmethods. Those that I showed the Waterf ront Worker to were pl eased to see that something has been started in "Frisco".Will get some of the boys together here.

"Buy American" — With What?

A recent letter to one of the local news-papers, apparently from a longshore has some interesting observations on present problems—observations of special importanceto longshoremen.Only lack of space prevents me from quoting it in full. The writer of the letter severley criticizes the "Buy American"campaign,as advocated by Hearst.The following are extracts:

"His(Hearsts)latest gold brick is 'Buy Ameri-

(Testimony of Sam Diner.)

Government's Exhibit No. 203—(Continued)

an". If the people of the different nations adopt the idea of buying home manufactured goods only, the international transport workers will soon be added to the 'unemployed." . . . "Does Mr. Hearst think we can have export without import? If he does he has a pipe dream." . . "We cannot expect to see American and foreign ships leaving our ports loaded with American-made goods and come back empty for more, while all industrialized nations are frantically seeking world markets for their own surplus products." . . "Mr Hearst is always trying to throw dust in our eyes by raising irrevelent issues so that we may not see the real cause of unemployment everywhere, namly; Concentration of wealth into fewer and fewer hands; a state of affairs that comes about thru the exploitation of the many by the few.

Letters From Longshoremens Wives

In the next issue we wpect to hear what some of the longshoremens wives have to say. Longshoremen are not the only ones who suffer from wage-cuts, and unemployment. . Even speed-up effects the longshoremens wife as it results in the husbands not only comming home played out after the shipowners have sweated every available ounce of energy out of him, but irritable through overwork they often seek recreation in a few drinks that may cause endless quarrels in the family. Lets hear from the longshoremens wives.

(Testimony of Sam Diner.)

Government's Exhibit No. 203—(Continued)

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Under Below (illustration)

—By the Hatch Tender—

For or Against

Our slams at certain gang bosses may seem that we are against all gang bosses in general. This is not the case. We are against those bosses who play the game of the shipowners and against the interests of the longshoremen.

Fouled

We have not been able to confirm this, but there might be something to the story. It is reported that a certain particularly vicious gang boss got fouled in the cargo recently. How to get him out was the problem. One of his gang suggested putting a rope sling around his neck and pulling him loose with the gear. Anyway, finally someone went down and pried him clear with a pick. Pity for the gang boss's wife and kids, this longshoreman said, was the only reason he did not plant the pick into the soft part of his Boss's anatomy.

An "Admiral" On the Bum

Times must be tough,all right."Admiral" Nelson (the same we referred to last month) is to be seen now playing the horses. He is still interested in speed and is trying to pick a "fast one". Now that he has no poker game to cut he has to fall back on the ponies. So have the mighty fallen!

(Testimony of Sam Diner.)

Government's Exhibit No. 203—(Continued)

Another Speed-up King

Big Knute, we are informed was the guy who conceived the bright idea—plenty of men have cursed him for it since. We mean about the matter of using boards for all kinds of things. Through this Swayne and Hoyt now sling 8 oil drums, while even on the hungry California docks, up till recently 3 drums were a load. This bird was also famous for getting gangs to report to the bootlegger for orders. Soon we hope to have a say about things also.

Swiping Gear

One of our readers has been inquiring from us as to whether Mack of the Steel dock still swipes new rope slings and sneaks out of sight so that he can splice them into scows. We are not able to give the required information. Maybe someone else can, but it is not unusual for some gang bosses to steal for their masters. "Overtime Fred" is an example. This is what the system breeds.

Dollar by Name and Dollar by Nature

"When we make a deal, and if we make one, it will be a good deal for the Dollar Steamship Lines. Otherwise the deal doesn't go." So R. Stanley Dollar, president of the Dollar Steamship Lines was quoted as saying at a Christmas dinner for employees of the company aboard the liner President Hoover at San Francisco. (Pacific Shipper).

Speaking of "deals", we got a dirty one recently

(Testimony of Sam Direy)

Government's Exhibit No. 203—(Continued)

when the 10c wage-cut was put over. It was a "good deal" for our friend Dollar all right. When we are strong enough we intend to make a deal with Dollar, and one that will "go". We know a few things about "good deals" and how to organize to put them over ourselves.

Back to "Prosperity"

According to a bunch of university professers who recently held a congress back East, if we were to return to the 1929 "prosperity" period, 50% of the Unemployed would still be jobless as a result of the introduction of new machinry and methods of speed-up. We agree, only we figure they are too conservative in the estimate—that an even greater percentage of workers would be disemployed.

The conclusions to be drawn are first we are entitled to live and since the shipowners can get support from the government, why can't the unemployed get relief? Yes, we support the demand for UNEMPLOYMENT INSURANCE from the state.

Working Rules in Other Ports

From Portugal, we learn that longshoremen have working rules there and that a limit set for one man to handle is 60 pounds. All over this means doubling up.

From other parts of the world we have as yet little information on working conditions. One fact is known and that is the shipowners themselves

(Testimony of Sam Diner.)

Government's Exhibit No. 203—(Continued)

boast of "Frisco" as the greatest speed-up port in theworld. We figure on changing this in time. Way down in Australia the wheat "lumpers" on the decks forced a change through organizing, from the 5 bushel bags to three bushell bags. In certain ports down there they also have a 15 minutes rest period for a morning and afternoon "Smoke". We can enforce working rules when we also get organized strong enough.

[Endorsed]: Filed June 2, 1942.

By Mr. Del Guercio:

Q. Do you know who the editors of the Waterfront Worker were at that time? [868]

A. I don't.

Q. Who appeared at your office as representatives of this Waterfront Worker?

A. Well, I really can't say who did. I was working all day. I can't say who did.

Q. You don't know who—you can't recollect at this time who represented it? A. No.

Q. Do you know Harry Jackson? A. I do.

Q. Who is he? A. Who he is?

Q. Yes. A. Harry Jackson.

Q. Do you know him by any other name than "Harry Jackson"?

A. He has another name, I think—Glickshone.

The Reporter: Spell it, please.

(Testimony of Sam Diner.)

The Witness: I don't know how.

By Mr. Del Guercio:

Q. Is it G-l-i-c-k-s-h-o-n-e?

A. I suppose so.

Q. That is as near as you can figure it out?

A. Yes.

Presiding Inspector: He said "Yes." [869]

By Mr. Del Guercio:

Q. Did you know Harry Jackson to be a member of the Communist Party at that time?

A. I do.

Q. What was his position in the Communist Party?

A. Well, I can't tell what his position was at that time.

Q. Well, can you state whether or not you knew Harry Jackson to be a member of any union?

A. I think he was a member of the Waterfront Workers Industrial Union.

Q. Waterfront Workers Industrial Union?

A. Union. I don't know if it is on Market Street near——

Q. (Interposing) Do you mean the Marine Workers Industrial Union?

A. The Marine Workers Industrial Union, that is right.

Q. He was what for that union?

A. He was what?

Q. What was his position?

A. He was supposed to be organizer.

(Testimony of Sam Usher.)

Q. Organizer. But was he a worker? Do you know whether he worked for a living?

A. How could he live if he don't work.

Q. I don't know. Was he a longshoreman?

A. I think he was a sailor, wasn't he? Supposed to be.

Q. Did Harry Jackson ever come to see you at your offices? [870] A. He did.

Q. At 830 Market Street?

A. He used to come to visit us at 77 Fourth Street; we had an office at that time at 77 Fourth Street.

Q. 77 Fourth Street? A. Yes, sir.

Q. When did you have your offices there?

A. During '29 and '30.

Q. '29 and '30? A. Yes; '31, I guess, too.

Q. That was prior to the 1934 strike?

A. Yes, sir.

Q. I will show you a copy of the Waterfront Worker for June 1933, volume 1, No. 6, and on page 3 thereof appears this:

"Waterfront Worker, 830 Market Street, Room 421, San Francisco, California."

Is that the address of your offices at that time?

A. Yes, sir.

Q. Do you recognize this issue of the Waterfront Worker?

A. (Examining document) I said I don't recognize the issue exactly, but I recognize the Waterfront Worker.

Q. You have seen these before?

(Testimony of Sam Diner.)

A. Yes, sir.

Q. You have seen them in your offices at that time? [871] A. Yes, sir.

Mr. Del Guercio: I offer this in evidence, if your Honor please.

Mr. Gladstein: May we see it before you offer it, please?

(The document referred to was passed to counsel.)

Presiding Inspector: Received without objection.

(The document referred to was received in evidence and marked Government's Exhibit No. 204.)

GOVERNMENT'S EXHIBIT NO. 204

Waterfront Worker

This paper is issued by a group of organized longshoremen. We acknowledge the help given us by the M. W. I. U.

Waterfront Worker

Volume 1—No. 6 June 1933

Action Against Short-Timing on 26
The New Deal on 40

(from a correspondent)

The superintendent of the McCormick Steamship Company at Pier # 40, Stratmeyer —by name, has issued strict orders forbidding longshoremen inside the dock before working hours, therefore, denying them shelter frome the elements of the weather and

(Testimony of Sam Diner.)

Government's Exhibit No. 204—(Continued)

the use of the lavatories. His reason for s o doing are that the men gamble in their spare time, notwithstanding that h e—Stratmeyer, and other white collared gentry are continually gambling and smoking inside the dock. Longshorem men, this lackey is a high salaried employee receiving more in a month then any of you workers do in a year and you are the ones who pay him out o f the profits that you pile up for the McCormick Steamship Company. He is also having the hatch bosses continualy shouting at the men "to hurry-up as there are plenty of good men out side the gate," with plenty of emphasis on the "goos men".

Longshoremen, o f the McCormick Company and all other steamship companies, do you not think it time to arouse yourselves from your lethargy and put an end to these miserable conditions by organization?

Teamsters Gain Victory

The militant stand taken by t h e teamsters against a wagecut has forced the draymen to back out and abandon the idea. Moreover the Draymen were forced to sign a two year agreement during which time no change in wages or working conditions is to be attempted.

When the cut of fifty cents a day was first introduced t h e men voted almost unanimously against it (9 4 4 against, 6 for) and stuck to it.

The stubborn resistence of the rank and file o f the teamsters and their threat of strike action,

(Testimony of Sam Diner.)

Government's Exhibit No. 204—(Continued)

showed the Draymen t h a t they were tackling a tougher job then they expected.

Organization made this victory possible. If the teamsters can stand up and fight, why in the hell can't we.

—o—

On May 11th, the 3 steady gangs on Pier 26 were cheated out of half an hour. The trick was done in the following manner: The gangs were working on the Texan. They knocked off at 5 and took the 5:40 to Oakland, arriving there at 6:20. Instead of immediately turning to they were made to wait to 6:30. As could easily be seen, the idea was to save half an hour on the men and when the gangs got their pay they found that was just exactly what had been done.

A number of the men decided that this short-timing could not be allowed to pass without a fight. They got together and drew up a letter to Stein explaining the case and demanding action on it by the B.B. The letter pointed out that this act was a violation of the working rules, that it was up to the B.B. officials to see that they were carried out, and that if the B.B. officials were really looking out for the interests of the men, as they claim, they would immediately take steps to get that half hour back for the men.

Copies of this letter were also posted up inside Pier 26. The "Waterfront" learns that so far the

(Testimony of Sam Diner.)

Government's Exhibit No. 204—(Continued)

B.B. has done nothing. We, as well as the men on Pier 26, are convinced that Stein & Co. have no intention of doing anything.

This practical example shows in plain colors the nature of the B.B.racket.Such violation s of the working rules,that are still in effect at the present time, occur every day. We must follow up this example of gross violation of our working rules and put pressure on the B.B. officials to enforce them or get off the waterfront and make room for an organization that will fight for our rights.

The Blue-Book Racket Must Go!!

—o—

Waterfront Worker

Page 2 June 1933

U.S.Congress Against War to Meet

With all the talk of peace, war preparations on the Pacific and in the rest of the world continue at a madder pace than ever. We know that while t h i s peace talk is going on we, ourselves, are daily handling munitions and other war material. T h e following appeal received by us should arouse the active interest of all the workers on the waterfront. This appeal is issued by Sherwood Anderson, Theodore Dreiser, Upton Sinclair, leading literary figures, in the name of the American Committee for Struggle against War, 104 Fifth Ave.New York City, N.Y. This appeal calls on all organizations and individuals opposed to war to participate in a United States

(Testimony of Sam Diner.)

Government's Exhibit No. 204—(Continued)

Congress Against War in New York City, on Sept. 2,3,4, It reads in part as follows:

"War, never far distant in this mad dog-eat-day society of ours, is terrifyingly close these days. In China the slaughter of men, women and children, combatants and non-combatants continues from day to day. In South America undeclared war continues with unabated intensity. In Europe, the counter-revolution in Germany has produced two hostile alliances both of which are busy arming for another warld war. Even in this country people are talking of war as a means of restoring prosperty—without realizing that war under present conditions would mean the suicide of our whole civilization.

We have been depending on statesmen and diplomats to preserve the peace of the world. We can do so no-longer. The time has come when we must act ourselves—or face our defeat.

"All individuals and organizations must cooperate in building union against the war forces and war actions facing us today. Let all the opponents of war come together against this common horror; the interst of all demand that this union against war be formed.

Anyone wishing the full call can get it at the "Waterfront Worker" address. A Conference will be held in San Francisco on July 9. For information write, to Committee for Struggle Against War, Room 201, 1179 Market St. San Francisco, Calif.

(Testimony of Sam Diner.)

Government's Exhibit No. 204—(Continued)

2nd National Convention of
the M.W.I.U.
New York
July 15

The M.W.I.U. Convention

In our last issue we published a letter from the MARINE WORKERS INDUSTRIAL UNION inviting the longshoremen of this port to elect a delegate to the National Convention of the M. W. I. U. to be held in New York City, July 15th. Since that time, we have received the official call for the Convention which reads in part:

"Thousands of longshoremen in Boston, the coastwise men in New York and the New Orleans dockers have rebelled, despite the leaders of the I. L. A., have taken organized action against the continuous attacks of the shipowners. The strike on the point Gorda, Munmistic, Belgenland, Walter D. Munsen, and West Kebar are a few of the actions of the seamen against wage cuts, two watches and rotten conditions.

"To work out a fighting program of action, to unite all our forces and to prepare for such action as will stop the wage cuts, and win better conditions the MARINE WORKERS INDUSTRIAL UNION is calling for convening of its Second National Convention, in New York City on July 16, 17, and 18."

Waterfront Worker To send Delegate

This Convention Call sounds good to us. We be-

(Testimony of Sam Diner.)

Government's Exhibit No. 204—(Continued)

lieve it is possible to work out a common program of action for all longshoremen. We believe that a thorough discussion of our problems with the stevedores, seamen, tow-boatmen, etc. from many other ports, that will be at the Convention, might help us considerably. And finally, we believe that any organization in this port, to be successful, must be connected up with the organized longshore men in other ports.

For these reasons the groups on the various docks that publish this paper, have decided to send a delegate to this Convention. It will mean a real sacrifice in time and money but we think it will prove well worth it. Any stevedore wishing to help us raise the money to send our delegate is invoted to send a contribution, no matter how small, in care of the Waterfront Worker.

San Francisco, California.

—o—

June 1933 Waterfront Worker Page 3

We know that every stevedore has something on his mind. Say it in the Waterfront Worker. All correspondence is treated confidentially. You need not sign your name or address. Address the

Waterfront Worker
830 Market St., Rm. 421
San Francisco, California

[Printer's Note: The above is in a border of asterisks.]

(Testimony of Sam Diner.)

Government's Exhibit No. 204—(Continued)

THE MAIL BAG

Tied to the Gate

Editor,

Waterfront Worker

George Haskell, Pier #32, is becoming very liberal, with the time of the stevedore. Tuesday, May 23rd, he kept a number of men waiting all day to be picked to work the Maunawili. At 8 o'clock in the morning he told the stevedores to come back at 1 p. m. to wait. At 1 p. m. he told the men to wait. At 1:30 p. m. a few men were picked to work the Yale. The other men had to wait until 5 p. m. to be picked to load the Maunawili, and were ordered to report at 7:30 p. m.

George Haskell makes a practice of making men wait around to be picked for work when he could very easily tell them to report at a certain hour and not have to wait around the dock gate.

One Thursday, he checked a number of stevedores out who were working the Yale at 3:30 p. m. and made them wait to 5 p. m. to be picked. Men who are made to wait have to buy their meals when they could very easily save this money by being told to report at a stipulated time. The bosses take every advantage at this time because so many men are unemployed.

A Stevedore

(Testimony of Sam Diner.)

Government's Exhibit No. 204—(Continued)

The Big Shot

Mr. Editor

Waterfront Worker

Harry Jenson,one of the big shots of the waterfront took a gang over to 14th Street to work and in 3½ hours came back to #48 on this side to finish the ship. He told his gang that if they wanted to work that they would not get any travelling time so Mr. Stein was told about it and he wanted to know what they wanted him to do about it so the big shot Jenson, layed off the gang. He is a big help to the men that work for him. He would let you die before he would get a watercan and he raises hell for waking him up.

A Longshoremen

—o—

Gaffers and Walkers

Comrade Editor

A while back at the Richmond Ford Plant,a hatch gaffer was running about and shouting when the Ford plant super asked a longshoreman who that feller is, and on being told he was the boss of the gang, immediately went up to him and told him he did not want so much noise around there and he closed like a clam at low tide.

In another hatch the gaffer had already sent in a few loads of automobile parts, and the same super on seeing the parts in the hold, ordered them sent ashore and to clean up the hold before loading. Thereon, the hatch boss said it was all right, mean-

(Testimony of Sam Diner.)

Government's Exhibit No. 204—(Continued)

ing the hold did not need sweeping. So the super said, "Never mind, I am in charge" so out came the freight again and the gaffer would remind you of a small boy after chastisement.

Flatfoot Olson of the McCormick Steamship Company at Pier #40 was ordered to bring eight men over to a ship, but he took it upon himself to bring only six, and on starting to work was asked why he did not bring the eight men as was ordered by the Walker Oliver, and he said he thought eight men were too many. Thereupon, Oliver told him he ought to make him go in the hold and do the two men's work that he failed to bring and he was whimpering something which was not intelligible.

Sometime ago a vessel was to come to Port Costa to load grain for Europe and it was talked about for two weeks before arrival. Woodside was the stevedore and he took the names, addresses and phone numbers of the gaffers (bosses) who were running after him and took the easiest way out, telling them he would send for them if he had an opening. There were 52 in all promising to put in all the way from 1200 to 1800 sacks an hour. He, Woodside, only used two bosses who were with him for years so the efficiency experts didn't get a chance to show their skill.

A Waterfront Worker

(Testimony of Sam Diner.)

Government's Exhibit No. 204—(Continued)

Page 4 June 1933

ON THE SPOT
WATERFRONT WORKER
OUR "FRIEND" WICKS

Waterfront Worker

Gentlemen:

I just wanted to know whether the Blue Book Agents work on Saturdays or not. I happened to be at the Tanforan Race Track Saturday, the 22nd. (April-delayed.) I saw our "friend" Wicks down there and his face was not all smiles. I guess he did not connect with any of the fast horses because his face was a mile long.

Sincerely,

A....., a stevedore

EDITORIAL NOTE:

Why should the B. B. agents work Saturday or any other day? Haven't they a few thousand strong backs working for them? And does "A" really think that collecting brass from bootleggers and forcing men to pay into the racket, is work? We might ask—Did Al Capone . . .work? . . . . Does a second story man work?

In one sense the B. B. agents do work. For fourteen years they have been working for the shipowners. And we must admit, they have done a good job.

However, we should answer "A's" question. We do not think that all BB agents "work" Saturday.

(Testimony of Sam Diner.)

Government's Exhibit No. 204—(Continued)

It is such a poor day to make money. We hope soon to relieve them of their work on all days. Then "A" will not see them at the track but in the souplines, unless some shipowners reward them for years of faithful service.

—o—

"Red" has been heard to say "this or that man helps to pay my wages." This raised a discussion amongst a few stevedores as to whether the money "Red" gets was wages or highway robbery. One stevedore claimed that it was highway robbery, and richly illustrated his point in the following manner:

"If a man comes into my house, sticks a gun into my ribs and says, 'Give me 75c per month or I'll take the bread out of your family's mouth,' is that man getting wages?" Red does the same only he does it on a dock and he can take your bread by getting you fired.

—o—

SEND YOUR MATERIAL IN EARLY

—o—

THE "NEW DEAL" AND THE WORKERS

The Reconstruction Finance Corporation continues to loan hundreds of millions to the railroads and banks on worthless securities. The government continues to subsidize the ship owners. This is

(Testimony of Sam Diner.)

Government's Exhibit No. 204—(Continued)

part of the "New Deal". Roosevelt is out to bring back prosperity all right for the bosses. What about the workers? For the workers the "New Deal" has brought:

1. A 15% wage cut for all federal employees. Postmen, mail clerks, soldiers, sailors—what have you—all took a 15% cut.

2. A cut of close to half a billion dollars in diability allowanee s and compensation to wounded and injured veterans of the last war. And no payment of the bonus.

3. The loss of millions of dollars of workers' savings in the closed banks which failed to open.

4. A program of "cheap money"—which means your dollar buys less and less food and clothing. Since the new deal started, prices have gone up an average of 11 points but we don't notice wages going up, in spite of all the tall stories in the press. In other words, we all take an indirect wage cut.

What a deal! To us the "New Deal" looks like a dirty deal for the workers.

—o—

I.L.A. HEAD TO SEND UNION MEN TO WORK FOR A DOLLAR A DAY

Joseph P. Ryan, President of the I. L. A. (at a salary of $8,000 per year), President of the Central Labor Council of greater New York, member of the Supreme War Board, etc. has been appointed to the New York State Emergency Relief Board.

(Testimony of Sam Diner.)

Government's Exhibit No. 204—(Continued)

This makes the fifth job he holds, drawing pay on all of them.

This appointment is in recognition of his services in holding down the starving longshoremen. Recently a committee of unemployed stevedores who visited the State Emergency Relief Board and asked for assistance, were told to go out to the forced labor camps. This means that appart from asking the stevedores to scab at a dollar a day on the reforestation service, Ryan, as a member of the War Board, is out to build a military trained force among the longshoremen. Thus, the relief and war plans go hand in hand.

—o—

BECOME A SUBSCRIBER—We can send the "WATERFRONT WORKER" to your home.

WATERFRONT WORKER

Attempt to Revive RED BOOK fails!!

That the stevedores on the San Francisco front have lost faith in the old line craft unions was proven a couple of months ago when an attempt to revive the old Red Book, that is, the I.L.A. fell through. Attempting to cash in on the sentiment for organization created largely by the WATERFRONT WORKER, two old timers, former officials of the Red Book, tried to call a meeting with the object of

(Testimony of Sam Diner.)

Government's Exhibit No. 204—(Continued)

starting up the old union again. Despite the sentiment for organization on the waterfront, the scheme did not work. Why?

First of all, because the longshoremen have seen the craft unions in action. In 1916 and 1919, the stevedores were in the Red Book and the sea men were organized in the I.S.U. controlled by Andy Foureseth. In both years the longshoremen struck and the backbone of both strikes was broken by the failure of the I.S.U. to take up the fight with them. In 1921 and again in 1923 the seamen got a taste of the same medicine when their strikes were broken largely through the failure of the longshoremen to stand by them. The lesson is clear. Unless the longshoremen and seamen are organized in ONE UNION with one united leadership the prospects of success in any big struggle with the ship owners are slim indeed.

THE RECORD OF THE I.L.A.

Second, the stevedores know the record of the I.L.A. to which the Red Book was affiliated. They saw recently the Tacoma longshoremen, where the I. L. A. has complete control, take a cut without a murmer from the union. They know that Ryan, President of the International Longshoremen's Association, signed an agreement with the ship owners last year which included a wage cut for every port on the Atlantic organized in the I.L.A. And they know that when the Boston longshoremen re-

(Testimony of Sam Diner.)

Government's Exhibit No. 204—(Continued)

fused to accept Ryan's sell-out agreement and struck against it, Ryan himself brought in scabs to smash the strike.

We want an organization that will bring results, that will defeat wage cuts and not help the shipowners force them down our throats. Such a union must take in both seamen and longshoremen—in fact, all workers in the industry. It must do its best to secure united action of the teamsters and all other workers connected with the water front. It must at all times be in the control of the rank and file members and not a small set of highly paid officials.

—o—

Waterfront Worker is more than a paper, it is also an organizer. Support it. Send in your Contributions.

—o—

OUR POLICY

THE WATERFRONT WORKER and the organized group of stevedores on the principal docks which publish it, stand solidly for the organization of such a union. It cannot be built from the outside. It must be built by US, the stevedores, right here on the docks.

Already a start has been made by the organization of small groups of reliable men on the main docks. These groups are beginning to get into ac-

(Testimony of Sam Diner.)

Government's Exhibit No. 204—(Continued)

tion, in a small way for the present. As they grow, they will more and more, organize and lead the fight on each dock against short timing, pay for all travelling time, against the slave driving and abuse of certain bosses and the whole system of petty graft and bribery on the front and other grievances of which there are many.

In the course of the fight for these small demands, we will organize and train ourselves, and we will lay the basis for a powerful union on the waterfront, capable of protecting the interests of all stevedores. Such is our policy.

—o—

The Marine Workers Industrial Union requests us to print the following three announcements:

* * * * * * * * * * * * * * * * * * * *

* Previous to the Unity Convention to be held *
* in New York City on July 16, 17, 18th, there *
* will be a local conference held in San Francisco *
* to take up the special problems of the seamen *
* and waterfront workers in the California Ports. *
* At this Conference delegates to represent Calif- *
* ornia Ports will be elected, Delegates to the con- *
* ference can be elected from groups of stevedores *
* and seamen getting together for this purpose, *
* or from ship crews. For further information *
* write to Marine Workers Industrial Union, *
* 268 Market St. Room 217. The local Confer- *
* ence will be held June 24,25, 1933. *

* * * * * * * * * * * * * * * * * * * *

(Testimony of Sam Diner.)

Government's Exhibit No. 204—(Continued)

* *

* On Saturday evening, June 24 the Marine *
* Workers Industrial Union will give an enter- *
* tainment and dance at the Worker's Center 1223 *
* Fillmore St. *
* Admission: Employed — .25c *
* Unemployed— .05c *

* *

* *

* The New Headquarters of the Marine Work- *
* ers Industrial Union Is Located at 268 Market *
* Street, Room 217. *

* *

Page 6 June 1933

WATERFRONT WORKER

UNDER BELOW

RUSSIAN LOU, THE "EGGSPERT"

Russian Louis on the Dollar piers is quite an efficiency "eggspert". He is a timesaver as lowering the boom on the fly or while working cargo which is a most dangerous thing to do while men are working below. He is also getting to be somewhat of a financier and money changer with his cashing in on the brass.

When Louis leaves this earthly sphere, the Dollar Steamship interests will reward him with a niche in the Hall of Fame.

(Testimony of Sam Diner.)

Government's Exhibit No. 204—(Continued)

We have had a bit of information about Amiel, boss on the Matson for a long time, but we desisted from a slam because it would also mean a slam for some of the men. But should we desist?

The fact is that sometime ago Amiel got a gang to paint his house. Under the present conditions on the front some of the weaker ones amongst us will go to that extent to keep the family in groceries and under a roof. But there are also professional belly-crawlers who will do that under any conditions. To the first class we wish to advice that such tactics in the end do not not either help them or anyone else on the front. They make matters worse. To the second class we haven't words strong enough to express ourselves. But we will take care of them when we have more organization on the waterfront.

—o—

OUR "BETTERS"

How many bosses are there that try to impress us that they are our betters? We got an example of how better they are the other day on Pier #41.

Joe Ferrara—drunk as usual. Joe disappeared inside the foreign ship—to get a few more drinks. As luck would have it, the gang plank was already lifted and Joe, with a few more drinks inside of him, found himself on the partly lifted gangplank. The gang was delighted. Some hollering, "Jump", hoping he was a bad jumper. The rest hollered to

(Testimony of Sam Diner.)

Government's Exhibit No. 204—(Continued)

the crew, "Take him with you." It would have been a good riddance all right, but there are always more like him.

—o—

COMMON INTERESTS

We can be proud of our ingenuity in inventing descriptive names. Even our Australian brothers have heard of it and are trying hard to go us one better and seem to be making a go of it too. Here are some choice ones coined in Sidney, Australia. They all refer to gang bosses.

"The snake"—(No snakes on the S.F. Waterfront?).

"The Spit".

"The Grey Shadow".

"The Admiral"—(Have they heard of Admiral or Lord Nelson?).

"The Blushing Lad"—(We heard that Wine Miller blushed when he was shown the WATERFRONT WORKER).

"The Worm"—(Any worms here?)

—o—

BIG BRAINS IN ACTION

In the last issue of the WATERFRONT WORKER we gave an idea of the salaries the big boys get. What do they do for it? Here's an idea:

(Testimony of Sam Diner.)

Government's Exhibit No. 204—(Continued)

Examiner, May 1, 1933

"Isle Stevedores Evade Injuries"

"Kanaka, Japanese and Filipino stevedores in the Hawaiian Islands have a lower accident rate than other ports, for five reasons.

"The first is, that they generally have large families. In the second place, they work barefoot. Such is the finding of Byron O. Pickard, safety engineer for the Pacific American Steamship Association, and Capt. Francis W. Edwards, assistant operating manager for the Matson Navigation Company.

"They find that the stevedores by going barefoot seem to hold on to pier and dock like an abalone sunning itself on a rock. Hence, they don't fall, nor do they drop cargo boxes on their toes, an operation conducive to more or less discomfort. As for the 'large family' factor in safety regulations, the necessity of feeding many mouths makes the island stevedores less anxious about laying off while nursing crushed feet or other anatomical dents."

Yes, you got to have brains to be a boss.

—o—

TOO GOOD A SERVANT

There is such a thing as being just a little too good—a little too wise. Harry Cook on #39 is very much that way. Harry goes hog-wild when he sees a piece of cargo. Fast is not enough for him. He tries to be a better servant than any other gang

(Testimony of Sam Diner.)

Government's Exhibit No. 204—(Continued)

boss, yet he does not seem to hit the mark. When there is any overtime, others get it while he stands by. The fact is that a man can overdo himself. Even the bosses can't stand his hollering and mad antics. Get wise to yourself, Harry?.

June 1933 page —7—

WATERFRONT WORKER

CRAFT SCABBING

History teaches many things. Looking back for the last seventy or eighty ears, on the Pacific Cost, the conditions of the longshoremen and seamen presented a picture of continuous class struggle. Wages rose and fell in the never ending battle with the shipowners.

Viewed in the light of modern trustified industry the early forms of organization of the stevedores—benevolent societies and mutual protection associations, craft unions, etc.—are in no way in keeping with the present situation. The class struggle against the shipowners for wages and conditions is war and in modern times demands a well developed and trained army. Such must be the modern union.

In the past, every weakness of the stevedores was utilized by the shipowners to their own advantage. One of those main weaknesses was the narrow craft division between the seamen and stevedores in particular. Divide and conquer—was the steam-

(Testimony of Sam Diner.)

Government's Exhibit No. 204—(Continued)

ship owners policy. Craft differences assumed the character of one section of the industry scabbing on the other. The history of the failure of craft unionism is illustrated by many such instances. Even federations of craft unions were common. In this respect, the officials were the most bitter and mainly to blame. There were, and still are, the main opponents to industrial unionism. Local craft or trade autonomy was a constant thing they harped on. Trouble was experienced mainly between seamen and longshoremen. The dispute developed over the discharging of cargo whether the seamen should confine their work to navigating at sea only.

Back in 1887 the "wharvies" in Port Pirio, Australia, requested the sailors of the Pacific not to discharge cargo. The stevedores in San Francisco asked them not to work overtime on the docks.

In December 1891 union longshoremen in Frisco refused to take lumber from the union crew of the "Annie Larson" and forced the captain to discharge the sailors. The breach widened the following March when the union seamen refused the request of the longshoremen's union not to discharge cargo to anyone but union men.

In September-October 1900, there was further trouble in which the teamsters were involved and which finally resulted in the agreement that the sailors work inside the rail, (in the hold) each union to refuse to receive from non-unionists.

(Testimony of Sam Diner.)

Government's Exhibit No. 204—(Continued)

Become a Regular Contributor to Water-Front Worker

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NEWS FROM OTHER PORTS

Red Hook, Brooklyn, N. Y.—A delegate of the I.L.A. tried to collect dues from a longshoremen with a large family. When the longshoremen refused to pay, the delegate struck him across the mouth with a black-jack, sending him to the Hospital where he stayed two weeks.

Baltimore M.D.—Over a hundred negro and white longshoremen, belonging to the International Longshoremen's Association, an A. F. of L. organization, responded to the call of the Marine Workers Industrial Union to march on to Washington to protest against the frame-up of the nine Scottsboro boys, and to demand that the President use his dictatorial powers and release them. Sixty white and fifty negro long shoremen responded.

(By Marine Worker Correspondent)

Panama Railroad ships alias the United States Government, which runs them gave the boys a cut to "private" scale of $55 several months ago. Now it is giving them another cut 15% cut, and they are more surprised than pleasd at being treated so by Uncle Sam, on the Eve of the great inflation.

(Testimony of Sam Diner.)

Government's Exhibit No. 204—(Continued)

INTERNATIONAL NEWS

Barcelona, May 22.—Ships flying the Nazi emblem, the swastika, now an official German symbol, will not be unloaded in this port, according to a decision of the Dockworkers Trade Union.

Yesterday, the dockworkers refused to unload a ship flying the swastika and succeeded in beating off the police in a bitter fight that took place at the dock warehouses.

Rotterdam, April 28 (by mail) The Chinese crew of the dutch steamship "Olderkork" went on strike yesterday refusing to sail with a cargo of arms and munitions that had been loaded for Japan.

Today the Chinese seamen were driven on board by armed policemen, aided by secret sevice men, who brandished loaded revolvers and forced some of the Chinese seamen to march on board with their hands up.

Copenhagen, May 23—On May 1, the sailors of the cruiser "Olderkerk" sent a delegation to the captain, demanding leave from 1 p.m. on. When he asked them if they wanted to join the First of May demonstration they said: "Yes". He then rejected their demand.

The sailors at once voted to go on strike, and after striking three hours they won a complete

(Testimony of Sam Diner.)

Government's Exhibit No. 204—(Continued)

victory. The Captain gave the whole crew permission to join the May Day Demonstration.

Material recivied and not printed in this issue will appear in the July issue

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WATERFRONT WORKER

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This paper is issued by a group of longshoremen for longshoremen. Room 421, 830 Market Street, S.F.

—o—

Extra Men and Swampers

Elsewhere in this issue we publish a letter from a stevedore complaining of the habit of Haskell on the Matson dock keeping the extra men waiting all day and then sending them home without an hour's work. Almost every boss on the front gives the extra men and swampers the same run-around. It's "Stick around boys", and, "Wait until 2 o'clock boys". There is no earthly reason for it. The company knows when the ship will dock. The stevedore bosses know how many men they will use and when they will want them.

It is just about time we put a stop to this stuff and it can be done: All we need is a little organiza-

(Testimony of Sam Diner.)

Government's Exhibit No. 204—(Continued)

tion among the extra men and some united action and we can compell the companies to establish regular hours of hiring, say at 8 o'clock and 1 o'clock, with no hiring in between. This will cut out the old "stick around" stuff.

Then there is the question of pay for short shift as soon as the job is done. We can win that too if we only buckle down to the job of organization. What do you think about it, extra men and swampers? Let's hear from you! Write!

—o—

The next issue of the Waterfront Worker will be out on time. Watch for it.

AN IMPORTANT EVENT

The great majority of the seamen and longshoremen want to fight back against the present conditions. The strike on the "Point Gorda" in Frisco some months ago, the recent strikes on a number of ships on the east coast, and strike action taken by the stevedores in Boston, Philadelphia and the Gulf Ports in the last two years prove this. The popularity of the "Waterfront Worker", the first real move for organization here—is added proof. But we lack sufficient organization and leadership. The Unity Convention called by the Marine Workers Industrial Union has as its main aim the development of such organization under a unified and

(Testimony of Sam Diner.)

Government's Exhibit No. 204—(Continued)

militant leadership. It is to the interest of the stevedores of San Francisco as well as those of all other ports to take an active part in this convention and to give full support to its decisions.

THE MOONEY TRIAL

Matt Brady, the District Attorney, acknowledged that Mooney was framed on perjured evidence, but he refused to produce this evidence in court so that Mooney could refute it and expose the whole rotten frame-up. Judge Ward agreed that Mooney is innocent but he even refused to allow the defense the right to introduce evidence proving his innocence and instead ordered a directed verdict without one shred of evidence being produced.

These gentlemen are all agreed that Tom Mooney was framed, that he is absolutely innocent—But They Are Also Agreed That He Shall Remain in San Quentin the Rest of His Natural Life. This is class justice with a vengeance! And it all proves just one thing. That Tom Mooney will never be freed until the masses of workers by militant and insistent demand force his freedom!!

THE BLUE BOOK RACKET MUST GO!!

Mr. Del Guercio: And I ask that a photostat copy thereof be substituted for the original.

Presiding Inspector: It may be done.

(Testimony of Sam Diner.)

Mr. Del Guercio: I would like to call the Court's attention to what appears on the first page of this copy:

"This paper is issued by a group of organized longshoremen. We acknowledge the help given us by the M.W.I.U."

And I would also like to call the Court's attention, if I may, please, to this that appears on page two of this issue under the heading "The M.W.I.U. Convention.

"In our last issue we published a letter from the Marine Workers Industrial Union inviting the longshoremen of this port to elect a delegate to the National Convention of the M.W.I.U. to be held in New York City, July 15th. Since that time, we have received the official call for the convention which reads in part:——" and I won't take the time to read what follows.

And also to what appears on page 5 of this issue, on the [872] bottom thereof:

"On Saturday evening, June 24, the Marine Workers Industrial Union will give an entertainment and dance at the Workers's Center, 1223 Fillmore Street.

"Admission: Employed—25c. Unemployed—.05c."

And just below it appears this:

"The new headquarters of the Marine Workers Industrial Union is located at 268 Market Street, Room 217."

(Testimony of Sam Diner.)

By Mr. Del Guercio:

Q. I will show you another copy of the Waterfront Worker, Volume 1, No. 7, July 1933, on page 3 of which appears this:

"Waterfront Worker, 830 Market Street, Room 421, San Francisco, California."

Is that the room in which you were occupying offices at that time?

A. (Examining document) Yes, sir.

Q. And is this another copy of the Waterfront Worker as you knew it then? A. Yes, sir.

Mr. Del Guercio: I offer this in evidence as Government's Exhibit next in order and ask that a photostat copy thereof be substituted for the original.

Presiding Inspector: Received in the same way as the others without objection.

(The document referred to was received in evidence and marked Government's Exhibit No. 205.) [873]

GOVERNMENT'S EXHIBIT No. 205

Waterfront Worker

Issued by:

A Group of Longshoremen.

Volume 1, No. 7 Waterfront Worker July 1933

Crew of S. S. Makura Strike in Frisco.

After refusing to work for the last four days the

(Testimony of Sam Diner.)

Government's Exhibit No. 205—(Continued)

crew of the New Zealand S. S. Makura finally forced the captain to accede to their demand for the regular $10 draw on their wages at current rates of exchange. All kinds of promises were made by the captain in an effort to get them to turn to. Only their determination that the ship would not sail till all demands were granted, forced a complete surrender by the Company.

Still Speeding Up

Editor Waterfront Worker:

The ways and means committee for speeding up production at Pier 26 has been at work again.

This time it decided that as six slabs of copper in a load wasn't sufficient to keep the gangs busy every second of the time, why not make it seven. Well, seven it has become, and unless some steps are taken to prevent it, we will probably soon be slinging eight.

Here's wishing you luck with the paper, and we hope you keep up the good work.

A waterfront worker

What Does "The News Letter" Mean?

Like the rest of the stevedores we have signed up in the I.L.A. and paid the 50c. Like the rest of the stevedores we are fed up with the B.B. and have organized to finally smash it. It is now up to us to make the new union a real fighting weapon of the stevedores able and ready to win better wages and working conditions and to protect all our interests.

(Testimony of Sam Diner.)

Government's Exhibit No. 205—(Continued)

To do this we ourselves must take control of our organization. The "News Letter" issued by a self appointed executive board has convinced us that we must start doing this immediately. What does this letter contain? And what does it mean to us?

To the surprise of everyone we find out that a complete slate of officers has been installed without a meeting of the men, without the men voting on it or even being consulted on it. This in spite of the fact that a meeting has been promised us daily for two weeks. We also find that there is also an executive board. Who elected it? Have we no say in those things? This letter further states that "Communications have been forwarded to waterfront employers requesting conference for the prupose of considering proper wages and conditions of work." The "News Letter speaks of a secret ballot? We must remember that that was what was demanded by the ship owners from the Red Book in the 1919 strike. They did not demand that for our good. Experience has shown that the secret ballot can easily be fooled with.

Men elected by the stevedores themselves must handle these matters. This slate of officials, this executive board, are not the doing of the men who signed for the I.L.A. They are self elected. We have time and again pointed out the sell-out puts put over by the high officials of the I.L.A. in other ports when the men allowed a few officials to take

(Testimony of Sam Diner.)

Government's Exhibit No. 205—(Continued)

their union away from them and run it to suit themselves. (New Orleans strike sell-out; acceptance of two wage cuts in Tacoma without an attempt at a comeback. President Ryan importing scabs to break the spirit of the Boston stevedores in 1931.)

This is bound to happen when the men themselves do not become active in building and running the organization. When the men allow a few officials to run the outfiit, the majority lose interest in it and another B.B. is the result. We have had 14 years of the (Continued on Page 2).

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"THE NEWS LETTER"

(Continued from page 1)

B. B., we must take care. A bad start has been made. To correct it we propose that we demand the following be done:

1. A meeting of all men who have signed up be immediately called. Lack of a hall is no excuse, we have enough money in the treasury and all kinds of halls are available.

2. That at this meeting the following be done:

a. A chairman be elected from the floor to insure fair hearing to all.

b. The men elect their own officials—these should be stevedores well known to the men on the docks.

c. That an Executive Board of 24 to 30 be nomi-

(Testimony of Sam Diner.)

Government's Exhibit No. 205—(Continued)

nated and elected from the floor, its members representing the different docks. Such a board should be made up of trusted rank and file stevedores from the docks.

d. That this board be instructed to take care of the negotiations with the ship owners and to report to the membership. Men elected by the stevedores themselves should handle the funds and all affairs of the organization. These are not only our interests but the interests of every other stevedore. We call on them for their cooperation and support in carrying these steps out.

For Rank and File Control. For an Immediate General Meeting.

A group of stevedores

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Editor Waterfront Worker:

A bunch of us fellows that live on the Eastbay side and are working at Pier 28 for the American Hawaiian Co. have been wondering why you have never mentioned the fact that when we are ordered to be at work in Oakland we are not paid any fare money. It has been reported to the Blue Book many times and no action taken. A few months ago the same system was started at Pier 26 and is still in force.

A stevedore

(Testimony of Sam Diner.)

Government's Exhibit No. 205—(Continued)

Craft Scabbing.

(Continued from last issue)

Despite the fact that the various waterfront craft unions were affiliated together in Federations or Marine Councils from time to time, craft rivalry continued on the Frisco Waterfront and at times broke out into open hostility. Under these conditions the life of the central affiliate body was of short duration.

One of the earliest domestic squabbles we can record was in October 1887 when the Steamship men's Union was expelled from the federated trades and Labor Council for "underbidding" (craft scabbing) in a jurisdictional fight. It readmitted the F. T. and L. C. two years later, but again withdrew in 1890 and organized the City Front Labor Council which finally amalgamated with the F. T. and L. C. a year later.

The successor to the City Frant Labor Council was formed in 1901. The life of this central affiliafe body was as short-lived as its predecessors. In 1902 slumbering rivelry broke out afresh. Without warning the Longshoremen's Convention changed the name of the Union to the International Longshore Marine Transport Workers' Ass'n. This alarmed the officials of the I.S.U. who feared the absorbtion of their union and incidentaly their pie card jobs. The fight was carried into several conventions of the A.F.of L. before the longshoremen

(Testimony of Sam Diner.)

Government's Exhibit No. 205—(Continued)

were finally forced to resume their old craft union title.

Of all the craft union officials who opposed industrial unity, Andy Feruseth of the I.S.U. was probably one of the most bitter. Under such "leadership" the I.S.U. refused to support the 1916 longshore strike and later the 1919 strike when they withdrew from the Waterfront Federation which also went out of existence.

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News From the Banana Wharf

(correspondence)

Admiral Nelson, formerly of Pier #35 but at present on Pier #46 has failed to look out for the interest of some of his under-studies. Billy Snow who was a good loyal subordinate under the Admiral, is at present putting some weight on his shoulders. (Carrying bananas).

July 1933 Waterfront Worker Page 3

(Cut)

THE MAIL BAG

We will need the pages of the Waterfront Worker more than ever. Things will be happening - meetings, differences of opinion etc.

Use the Waterfront Worker to express yourself.

Waterfront Worker
830 Market St., Rm. 421,
San Francisco, California

(Testimony of Sam Diner.)

Government's Exhibit No. 205—(Continued)

Frank Words From the Rank and File

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Waterfront Worker,
Fellow Stevedores:

The "Blue Book" is going to hell fast from now on, thanks to the "Waterfront Worker". In the Waterfront Worker if I recollect correctly, I read that if we would organize into a union of our own we could easily make the shipowner and stevedore contractor give us a nice Christmas present instead of giving them one more this coming Christmas.

June 23 the "Daily News" comes out with the news about the national industrial recovery act, telling how a worker has the right under that act to choose his own union.

A guy by the name of Lee Holman also read the same in the News, and takes advantage of it by getting himself connected with the I.L.A. in Tacoma, Washington, the secretary of the Tacoma, I.L.A. Mr. Bjorglund put Mr. Lee Holman wise how to go about it.

Monday, June 26, 1933 down comes Mr. Lee Holman, selling organized labor for 50c apiece. Pretty good! Who has been putting the spirit in us that we want to organize? No one but the Waterfront Worker. I take off my hat to your paper, because it is sincere and stands only for us workers.

(Testimony of Sam Diner.)

Government's Exhibit No. 205—(Continued)

On everybody's lips is who is Holman? Some say he was in the Charity and Barter Rackets until he found out there was not much in it. According to what I hear on the water front his reputation is not very good. Well, we'll see.

When we get right down to business and start electing our officials for the new union, we should attend those meetings and elect only those who are at

(Continued top of next col.)

present working on the Frisco water front. No one else should be trusted, as even our own kind may turn crooked, but it is up to us to look out for that. I am sure the Waterfront Worker is going to be of great help to us in this way.

This letter is written by a hard working stevedore. I am not affiliated with any other outfit but the Blue Book, which I was forced to join in order to eat. I have signed the I.L.A. petition and have donated 50c. I am out to break the Blue Book with the rest of my 3000 fellow stevedores who have done likewise, but it must be strictly a stevedore's union run by us and not by some expert or wise guy, who is just trying to get rich quick like Mr. Stein from the Blue Book.

A stevedore

Waiting on Pony Maloney

If you, the reader of this article were to ask Jack (Pony) Maloney what horse today has a

(Testimony of Sam Diner.)

Government's Exhibit No. 205—(Continued)

chance to win, he would tell you. But on the other hand, if you were to ask him what time a ship will arrive, he will tell you he does not know. So therefore, you are compelled under these deplorable conditions to hang around for needless hours where otherwise if they, Jack Maloney and his retinue, would inform us as to what time the ship will arrive, we could eliminate this tedious waiting in suspense. As they have no regard for us, we need not expect any change unless we do the changing. So we should do a little more thinking and then some action.

A waterfront worker

Correspondence not printed in this issue will be printed in future issues.

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UNDER BELOW

(Cut)

The Cattle Market

From a correspondent.

Cushion Foot Olsen at pier 40 McCormick S.S. Co. was out the other day to hire two men. There were some sixty stevedores there and he milled through them for some time before he could make a choice. He would remind you of a stock buyer. The only difference was he didn't feel the muscles or look at the teeth.

(Testimony of Sam Diner.)

Government's Exhibit No. 205—(Continued)

Play Time on 41

At pier41 ShirmerStevedoring Co: a crowd of parasites were in the warf playing imitation golf with a coconut shell. George Schirmer seemed to be the lead off men, and they were amusing themselves while the stevedores were dragging heavy loads from one ton up across the dock and sweating blood. Humpty Dumpty Humphries was buzzing around like a fly in a bottle and stepped like one who the whole existence of the universe depended upon. Joe Ferrara, the walker, with his big mustachio, which reminds one of handle bars ona bicyele, had his hat on the back of his head and was racing from one end of the dock to the other trying for more speed. The wharf is literally plastered with signs of Safety first, which is only a blind for investigators seeking information in regards the many accidents which occur there. Let a stevedore try to take heed of the signs and he will soon find the gate.

The Pearl Diver

From a correspondent.

Ed Gordon, a gaffer at Pier 23,a short time ago was a pearl diver (dishwasher) on the White Flyers (Harvard-Yale) so left that work to become a longshoremen and a poor excuse for one as th other fellow had todo his work

But he did not stay long in the capacity of a

(Testimony of Sam Diner.)

Government's Exhibit No. 205—(Continued)

worker, and being a good mixer by handshaking he obtained a cheese knife (Shriner's button) and stepped into bossdom. To see him around a ship with gloves on, and he never tuches anything, he puts on all the pump and dignity of a count of no account.

Flatfoot the Ambitious

From our correspondent.

When Flatfoot Olsen of McCormick S.S.Co. has not work for his gang, he jumps in one of the other gangs and takes a stevedore's place, keeping you stevedores outside the gate that much longer. He believes if he could get enough overtime with his single-track brain, he would not be long in attaining the status of Ford, Rockefeller, Schawb, and et-al, in a financial way. He is like his ilk all over this front, lording it over the men in his gang with a puerile notion that he is a supermen. If he had the foresight to look beyond his nose he could see numerous self-imagined supermen paving the sidewalks.

Mustachio Joe in a Panic

From our correspondent.

We must not forget Mustachio Joe Ferrara, of pier 41. The other day there was a man distributing handbills advertizing some restorant close by. Mustachio Joe came outside the dock and ogled him for a while and then started circling around him. The Bill peddler could not make him out and

(Testimony of Sam Diner.)

Government's Exhibit No. 205—(Continued)

got scared and left. Joe, of the bicycle handle-bar mustache thought the bill peddler had the Waterfront Workers and does not know yet what it was all about.

Too Bad

From a correspondent.

Seven Dollar John is not getting his gullet wetted in these times of stress with free booze. Indications point to a time in the not distant future when these knaves will be under control. What have Ritchey, Seven Dollar John, Tanglefoot of the Calif. Stev. Co., and the rest of their ilk, got for their miserable traitorous actions.

Scandal ??

The above is more then scandal otherwise it would have never reached this page, included in these scandal items are some of the most burning grievances onthe Waterfront.

Looking them over we see: The unlimited power of the gang boss to choose according to his own taste and without least consideration for the men.

The ridiculous spectacle of the walls plastered with safety first signs alongside mad and killing speed up.

Keeping hundreds of men tied to the gate.

Petty grafting bosses . . . These are the things we should keep in mind when we start cleaning up the waterfront.

(Testimony of Sam Diner.)

Government's Exhibit No. 205—(Continued)

July 1933 Waterfront Worker Page 5

(Cut)

ON THE SPOT

Sapping the B.B. Treasury

Thirty Thousand odd bucks is quite a fair amount of "dough" especially when viewed in the light of a stevedore's wages and the years of toil and sweat that it takes to earn that much. We are referring to the B. B. treasury, every cent of which has been dearly earned.

Now there has come a change on the Front. The B. B. must go and "Red" will no longer be able to collect dues as of old. But what of the treasury that still remains, even though the membership is gone? Do you think Stein will turn it back to the stevedores and reimburse the membership? Not likely, No ! Mr. Stein & Co. will sit tight as long as they have ten members, as provided by the constitution, and will sap the treasury until there is not a cent left. At the rate of wages they are paid it ought to last them about five or six years.

What can the stevedores do about it? Taking it to court would be useless, and from the legal angle of the constitution things are pretty tight. According to Sec.7, Art. 17, "The funds or property. . . . shall not be divided among the members, except by unanimous consent of all the members present at an advertised meeting; but shall remain

(Testimony of Sam Diner.)

Government's Exhibit No. 205—(Continued)

the property of the Association as long as there are ten (10) members willing to continue it."

Well, it takes eight members in good standing to call a special meeting. What do you think are the chances of getting some of that "dough" for the stevedores?

B. B. Society Notes

Red has been on a "vacation". He'll soon have another and a long one, too.

Stein & Co. are very busy now-a-days; pulling strings to save the racket. It's no use. It wont be long now.

News From Other Ports

Everett. A form of equal distribution of work is applied in this port where working conditions are among the best on the Pacific Coast. Last month every stevedore made the $55 maximum wage. This limit which was set to prevent the bosses' pets from hogging all the work and to prevent blacklisting, is not favored by the Fink Hall or Stevedoring Companies who have done everything possible to break it. As in Portland the I.L.A. has gone out of existence. The only organization remaining to back the grievance board being a stevedore's social club.

Seattle. New labor saving machinery in the form of the high piling lift truck has been adopted on the Admiral Line docks, displacing sixty men.

(Testimony of Sam Diner.)

Government's Exhibit No. 205—(Continued)

It is reported that similar measures have been adopted on the Admiral Docks in other ports.

Philadelphia. The I. L. A. is putting on its seventh annual button drive and Polly Baker, the local organizer, is up to his old tricks. Every morning he is to be seen on the waterfront accompanied by his bodyguard, which includes his right hand thug, Krouzberger, who has been expelled at least five different times from the I. L. A. Polly no longer does his flagging (pulling a man off the job) personally since a stevedore bent a lead pipe around his dome. Despite all of this not many new dollar buttons are bo be seen on the front.

Brooklyn, N.Y. Vigorous protest took place on Pier 18 against the job racket of Mr. Martino, boss stevedore for Castellano Bros., Stevedoring Co. Martino is also the bootlegger who sells wine to the longshoremen's barding houses owned by the ILA. delegates, Patsy and Comardo. Naturally since the jobs go from the boardinghouses, the stevedore who buys the most wine gets the most work. This is why the longshoremen gathered on the dock and raised hell.

Stockton. Stockton has a channel to the sea which was completed a short while ago. Commodities, fruit, canned and fresh, grains, barley, rice, beans and other cargoes will be loaded at Stockton, thereby cutting into the bay district's shipping.

(Testimony of Sam Diner.)
Government's Exhibit No. 205—(Continued)

Waterfront Worker Calls Meeting In Eagles Hall

Despite the most vicious slander and the ridiculous and lying accusation that the Waterfront Worker was the same as the B. B., about one hundred stevedores attended the first open meeting called by the Waterfront Worker in co-operation with the Marine Workers Industrial Union to hear a report on the new National Industrial Recovery Act and its relation to the present organizational move on the Front.

"Don't got to this meeting", Holman and Colburg told the stevedores, and in regular A.F. of L. fashion brought forward the "red" scare. "It's the Communists, and if you go there it will mean strike. We can get the old scale for you without fighting."

The Stevedores were urged to beware of wild promises made that wages and conditions would be improved under the National Industrial Recovery Act. As an example, the new code for the textile industries set the basic wage at $12 a week in the north and $11 a week in the south. In the same way the longshoremen would not receive a cent increase under the new act unless they were sufficiently organized under a militant program to enforce demands.

(Testimony of Sam Diner.)

Government's Exhibit No. 205—(Continued)

It was pointed out that many stevedores have been "sold" on the idea of getting a few officials to do their fighting, but this will not solve the problem. Stevedores should beware of those leaders who promise the world. Anything may be better than the B.B., but it was pointed out that the only way to be sure that this new I.L.A. would not be another B.B. masquerading under a different name, was to take no chances, but to organize fighting groups within the I?L.A. itself, to elect honest officials and to put forward a militant program in the interest of the rank and file and in this way prevent any clique control.

—oOo—

As in the past the Marine w Workers Industrial Union has given us their cooperation and help in issueing this paper.

The next issue of the Waterfront Worker will contain the report of the Unity Convention being held in New York July 16, 17 & 18th.

Some Aspects of the "New Deal".

The National Industrial Recovery Act with its high promises has succeeded in building more false hopes and illusions in the mind of the workers then any other scheme so far offered to solve the crises.

Practice has already has shown the lie of these promises. In the textile and needle industry where

(Testimony of Sam Diner.)

Government's Exhibit No. 205—(Continued)

codes have been fixed the wages now are set at $12 in textile and $15 in the needle industries. It is important to note that $22 was the average in the needle industry before the setting of code. In California in the needle industry minimum wage law for women calls for $16. The code reduced the scale to $13.20. The code has just started to work and we already have those examples.

What more can be expected can be gleaned from reports in the S.F. Examiner of July 13. "At his (Roosevelt's) direction Hugh Johnson is studying the possibility of a blanket code establishing a 35 hour week and $14 minimum wage for all industries". In figures this means 40c an hour (inflation money at that). "Johnson called a hearing Wednesday on a code for ship-builders providing a 40 hour week and a wage scale of 35c and 40c an hour. With the dollar have dropped about 25% these wages are low indeed. On the Waterfront a wage raise of 20c would make the wages even as compared with the value of the dollar a few months ago.

Another provision that has been hailed far and wide is recognition of workers representatives by the arbitration board. However only representatives are accepted who are willing to accept these starvation codes. The few codes quoted above, been carried through with the approval and help of the A.F. of L.

(Testimony of Sam Diner.)

Government's Exhibit No. 205—(Continued)

It can be seen already that this Act as an Anti-working class measure. We must organize not only for conference table but for the protection of our standards of living with action.

Merchant and Navy Sailors Haul Down Hitler Flag.

Olympia Wash. German S.S. Portland raised a Nazi flag while lying at Olympia dock, next to the frigate "Constitution". Stevedores joined by sailors from the old "ironsides" from the S.S. Lewis Luchenbach and the Danish motorship "Amerika" they pulled it down. The flag was not flown again.

Mr. Del Guercio: I would like to call the Court's attention to what appears on page 6 of this Waterfront Worker. It reads as follows:

"As in the past the Marine Workers Industrial Union has given us their cooperation and help in issuing this paper.

"The next issue of the Waterfront Worker will contain the report of the Unity Convention being held in New York July 16, 17 & 18th."

By Mr. Del Guercio:

Q. Do you know Walter Lambert, Mr. Diner?

A. I do.

Q. Do you know him as a member of the Communist Party? A. I do.

(Testimony of Sam Diner.)

Q. Do you know what position he occupies or occupied in the Communist Party?

A. I think he was at that time District Secretary.

Q. District Secretary. "At that time" what do you mean? During the 1934 strike?

A. During my presence in the Party.

Q. During the time that you were a member of the Communist Party? A. Yes, sir.

Q. Mr. Diner, are you familiar with the premises of 121 Haight Street, San Francisco?

A. Yes, I am.

Q. What is that place? [874]

A. It is the headquarters of the Communist Party.

Q. Headquarters of the Communist Party. Did you ever hold title to that property?

A. I did.

Q. When?

A. I don't remember the exact year.

Q. Well, did you purchase the property?

A. I did.

Q. Would you tell us how you purchased it?

A. Bought it.

Q. Well, for yourself? A. No.

Q. For whom?

A. For the Communist Party.

Q. And through whom did you purchase the property? How did you do it? Will you tell us all of the transaction concerning that, the purchase of that property.

(Testimony of Sam Diner.)

A. Before we purchased the property we had an office—I say "we" because I was a member at that time.

Q. A member of the Communist Party?

A. Yes; that is why I use the name "we". (Continuing) ——at 37 Grove Street, and right after the general strike this place was supposed to be vacated; the Party got orders to move. And we looked around for some other quarters which we couldn't find. Finally this place was for sale. It was [875] owned by the Young Hebrew Association. And I was told to fish around, so to speak, to find out what it could be bought for, and I went to the man that was the Trustee, part of the Trustee, one of the Trustees, rather, of that property. His office was at Sutter Street someplace. I went in there and found out all particulars about it and came back and reported. There and then it was decided that I am to purchase that place in my name; that was the transaction.

Q. Well, now, who told you to do these things?

A. Mr. Darcy.

Q. Sam Darcy? A. Yes, sir.

Q. He was then the district organizer of the Communist Party? A. Yes.

Q. And who gave you the money with which to purchase the property?

A. Well, the money was brought by Mr. Gallagher to me.

Q. Mr. who?

(Testimony of Sam Diner.)

A. Mr. Gallagher, Leo Gallagher.

Q. Is that an attorney from Los Angeles?

A. Yes.

Q. He gave you the money to purchase this property? A. Yes, yes.

Q. And you understood that you were purchasing it for [876] whom?

A. For the Communist Party.

Q. You weren't purchasing it for Leo Gallagher? A. No.

Q. But he gave you the money?

A. Yes, sir.

Q. And was the title to the property given in your name? A. Yes, sir.

Q. And did you execute any instrument to either Leo Gallagher or to the Communist Party regarding this property to the effect that you were holding it either for Leo Gallagher or the Communist Party? A. Oh, no, no.

Q. You had both the legal and equitable title to the property? A. That is right.

Q. Were there any other persons named on the instrument as being owners of the property?

A. Well, afterwards two more came into the picture; I didn't know them.

Q. You didn't know them?

A. Not at all.

Q. Well, did you give the two others an interest in the property? Did you execute some kind of an instrument [877] transferring——

(Testimony of Sam Diner.)

A. (Interposing) I was told to do it.

Q. You were told to do it by whom?

A. Mr. Darcy.

Q. Sam Darcy? A. Yes, sir.

Q. How much money did you pay for this property?

A. I don't remember the number; it is a few thousand dollars.

Q. A few thousand dollars, Did you give a receipt to Mr. Gallagher for the money that he gave you? A. No.

Q. Just handed you the money?

A. Yes, sir.

Q. Mr. Gallagher, do you know him as an attorney for the ILD in Los Angeles?

A. I do.

Q. That is the ILD, the International Labor Defense? A. Yes, sir.

Q. I will show you what appears to be a contract to purchase certain property dated San Francisco, California, May 21, 1935, and ask you if you recognize that?

A. (Examining document) Yes, I do.

Q. What is that?

A. My signature is there. [878]

Q. Your signature. You are the Sam Diner mentioned therein? A. Yes, sir.

Q. And this shows that you paid $500.00 down. Did you put a deposit as indicated on this instrument of $500.00? A. I did.

(Testimony of Sam Diner.)

Q. To secure the sale of the property?

A. I don't remember the amount, but I did.

Mr. Del Guercio: I will offer this in evidence, if your Honor please, as Government's Exhibit next in order.

Presiding Inspector: Received without objection.

Mr. Del Guercio: And I ask that a photostat be substituted.

Presiding Inspector: Yes.

(The document referred to was received in evidence and marked Government's Exhibit No. 206.)

By Mr. Del Guercio:

Q. How long did you hold that property in your name, Mr. Diner? For how long a period?

A. Not very long, just months.

Q. Months? A. Months.

Q. Then, what did you do with it?

A. I was told to assign the property to somebody else.

Q. Who told you to do that? [879]

A. Mr. Gallagher.

Q. Mr. —? A. Gallagher.

Q. Leo Gallagher? A. Yes, sir.

Q. And to whom did he tell you to assign it?

A. He brought three people to the office; that is all I know.

Q. Do you know the names of the people?

A. No, I don't.

(Testimony of Sam Diner.)

Q. And did you assign——

A. (Interposing) I did.

Q. (Continuing) ——your interest and your title, whatever interest you had in this property to these three people? A. That is true.

Q. You executed an instrument?

A. What?

Q. You executed an instrument?

A. No; just signed it.

Q. You signed it? A. That is right.

Presiding Inspector: That is what he means.

The Witness: Yes, I signed an instrument, that is right, a release.

By Mr. Del Guercio: [880]

Q. Did your wife also have an interest? Was she shown as having an interest in this property?

A. No; she signed over all the community rights to me at the purchasing time.

Q. And did she give a release to Leo Gallagher also, or to anybody else? A. I don't think so.

Q. But she did execute a release to you?

A. To me.

Q. Did you ask her to do it?

A. No; I was told to do it.

Q. Who told you to do that?

A. Mr. Gallagher.

Q. Do you know, Mr. Diner, whether or not the International Labor Defense had its offices at 121 Haight Street during the 1934 strike?

A. I don't know.

(Testimony of Sam Diner.)

Q. You testified, Mr. Diner, that you had about —that you handled, rather, about—I don't remember the exact amount—but about $10,000 during the time that you were Secretary-Treasurer of the Emergency Defense Committee during the 1934 strike.

Now, how much of that money did you put up as bail?

A. Oh, most of it, I guess, with the exception of some [881] money left.

Q. And what became of that bail money?

A. I don't know.

Q. Well, did you get it back? A. No.

Q. Did anybody get it back?

A. All the receipts made out from the bail clerk was made to my name.

Q. When you deposited bail you mean you——

A. (Interposing) Whether I deposited or somebody else deposited it. Now, not all the time did I go bail out people; I gave the money to somebody else and a receipt was made out in my name. So, after it was all through, I endorsed those receipts, and whoever got the money, I don't know.

Q. Well, to whom did you endorse?

A. To the ILD.

Q. To the ILD? A. Yes, sir.

Q. To any particular person?

A. Well——

Q. (Interposing) In the ILD?

A. Well, Elaine Black was the Secretary.

(Testimony of Sam Diner.)

Q. Well, did you assign these receipts to Elaine Black?

A. Not in her name. I just endorsed it, my signature, and anybody can collect the money if the endorsement is [882] correct.

Q. Well, did you receive any of that money from Elaine Black or from anybody?

A. I was not supposed to receive any; I was all through with the money.

Q. No, I mean—perhaps, you don't understand my question.

Did you receive any of that money that you put up for these various bails there, to bail out various people? Did you receive any of that money?

A. From who?

Q. From the ILD or from Elaine Black?

A. No.

Q. Well, who told you to assign those receipts to the ILD? A. The Party.

Q. By "the Party" you mean what?

A. Darcy.

Q. Sam Darcy? A. Yes, sir.

Q. Sam Darcy who was then the district organizer of the Communist Party? A. Yes, sir.

Q. He told you to assign those receipts to the ILD? A. Yes. [883]

Q. Mr. Diner, you say you left the Party in 1936?

A. Either in '36 or '37; I don't remember the date.

(Testimony of Sam Diner.)

Q. How did you terminate your connection with the Communist Party? A. I was expelled.

Q. For what? Why were you expelled? What caused your expulsion?

A. It would take four days if I tell you what caused it.

Q. We don't want to take four days, but can you state briefly just what caused your expulsion from the Communist Party?

A. Well, for the last two years prior to the expulsion the Party and I didn't agree in various policies and actions in the Union. By the way, I want to state at that time I was organizer for the International Ladies' Garment Workers Union, a paid officer, and my business was to secure jobs for workers irrespective of where they are affiliated, or who they are affiliated with, and from then on there were rifts between the Party and myself, and the various members that belonged to the union or Party members began to disagree on policies and action, as far as I am concerned. Several times I was called to the test to state my position in the union now, why I changed my entire point of view regarding the situation and workers, obtaining jobs and securing their livelihood, and from then on we began to quarrel quite often, and when Sam Darcy left the city and [884] somebody else took it over, Schneiderman, from then on we began to disagree entirely on policy.

Q. You mean after Schneiderman appeared?

A. After Sam Darcy left.

(Testimony of Sam Diner.)

Q. And Schneiderman appeared as the district organizer? A. Yes. [885]

Q. Why did you continue with the Communist Party during the time that you were having these differences?

A. Well, I was waiting to be thrown out.

Q. You were waiting to be thrown out?

A. Yes.

Q. You say that most of the differences were caused because of your action in your trade union?

A. I was a better union man than a member of the Communist Party.

Q. And was that what caused your rift with the Communist Party? A. Yes.

Q. In what way were you a better union man than a Communist?

A. I will explain that a little bit more.

In my office I had a chart, as big as the background here (indicating), and it was divided into the amount of sections that existed in the industry—operator, presser, cutter, finisher, helper, whatever it was—and if anyone came up to ask for a job, an operator came up and asked for a job, I looked at the chart and saw that he was next to get a job and was way below; and I told him that he is the sixth one on the list to get a job. That is what happened.

Q. Let me see if you make this clear. A Communist would come to your office looking for a job—— [886]

A. (Interposing) I didn't say that. I will

(Testimony of Sam Diner.)

come to that later. I say any worker who came to town and asked for a job as an operator, I will say, I looked at the chart and saw that in order for him to be eligible to get a job he has to come next——

Q. (Interposing) He has to wait until his turn comes?

A. Yes. But sometimes I got a note from the headquarters of the Communist Party to put that person to work.

Q. Would you do it?

A. I refused, told him when he was the next to come he would get a job. I said, "I am working for the Union now."

That is the beginning of the trouble and that is what happened.

Q. For how long a period did this continue?

A. This continued until I was out of the Party.

Q. Were you given a hearing by the Communist Party? A. Oh, yes.

Q. When was that?

A. Well, in the industry where you are a member there is existing a Fraction, organized by the members of the Communist Party from the particular Union that you are a member of. That Fraction meets once a week.

Q. This Fraction is composed only of members of the Communist Party?

A. Yes; within the industry. [887]

Q. Within that particular Union?

A. Correct.

(Testimony of Sam Diner.)

Q. And not open to anyone else?

A. No. At that Fraction meeting you discussed problems concerning the Union, how members of the Communist Party should proceed and act. There I was brought on the table that I am not acting as a Communist. By the way, I was not present at those meetings—I was not present at the end of those meetings but at the beginning I was—later on I refused to come to the Fraction meeting. When I was absent at that meeting somebody preferred charges that I am not a good member of the Communist Party, and I don't act within the framework basically of the Communist Party activity in the Union.

I was called to the Disciplinary Committee on Labor Day, 1936 or 1937—I don't remember—and there was a committee to question me about the various rumors and accusations.

By the way, the organizer of the Fraction meeting was present to present their case.

They analyzed the arguments, and they told me at that time that there is no room for expulsion, but they warned me if it happened again that I will be expelled.

Q. You mean they told you there was no ground for your expulsion? A. No.

Q. You mean that is what they did tell you?

[888]

A. Yes.

Q. Were you told to be a better Communist than a trade union man? A. I was.

(Testimony of Sam Diner.)

Q. What did they mean by that, to be a better Communist than a trade union man?

A. It means a lot of things.

Q. Does it mean that you cannot be a good trade union man and a Communist at the same time?

A. Personally, I don't think so.

Q. You mean you cannot be a good trade union man and a Communist at the same time?

A. You cannot.

Q. You can't.

A. To the best of my ability I was trying to and it didn't work.

Q. What happened after that, after you were advised by this Disciplinary Committee to be a better Communist than a trade union man?

A. What happened?

Q. What happened after that?

A. After that?

Q. Yes.

A. After that I was expelled; two weeks after that.

Q. Were you officially expelled and notified of it? [889] A. No.

Q. How do you know that you were expelled?

A. A friend of mine met me on the street and said "Did you see the Western Worker this morning?"

I said "Not yet."

Q. Did you say the Western Worker?

A. Yes. I said "Not yet."

(Testimony of Sam Diner.)

He took me up to his room and showed me a little clipping at the bottom of the paper that I was temporarily expelled until I will be proven otherwise.

Q. Were you advised to that effect?

A. No; no, not at all.

Q. Were you told that you could appeal from that decision? A. Oh, yes.

Q. By whom?

A. Well, I was told by various people in the Party headquarters, I mean, higher-ups. I don't recollect their names. I did talk to Foster here once.

Q. Foster?

A. William Z. Foster, and I talked to Earl Browder when he was here.

Q. When did you talk to Foster and Earl Browder?

A. Regarding the situation that the Party claims I am not a good Party member and a good union man.

Q. When did you talk to Earl Browder and Foster? [890]

A. I talked to Browder after the expulsion.

Q. After the expulsion? A. Yes.

Q. What did Earl Browder advise you to do, if anything?

A. Well, he says I can appeal, and they offered me to pay transportation to go down to New York to meet with the Central Committee about this question of mine.

(Testimony of Sam Diner.)

Q. Did you take up the offer?

A. No, I didn't.

Q. Why?

A. I wasn't interested any more.

Mr. Del Guercio: May we have a recess?

Presiding Inspector: Yes.

(Whereupon a short recess was taken.)

Presiding Inspector: We will resume.

By Mr. Del Guercio:

Q. Just one more question, Mr. Diner. Referring back to this Communist Party Convention at Fresno, California, was that convention of the Communist Party in any sense of the word a purely union matter, trade union matter?

A. No; it was a Party matter.

Q. It was a Communist Party Convention?

A. Yes, sir.

Mr. Del Guercio: That is all. You may cross examine.

Mr. Grossman: Your Honor, we wish to ask for a postpone- [891] ment of the cross examination of Mr. Diner for the reasons we stated before.

I would like to state to your Honor that we definitely did not anticipate, or know about, or even hear any rumors about the testimony of this man, so we made no preparation whatsoever. We think this falls within the discussion that was had at various times before with respect to our being caught unawares. We think that a reasonable time for preparation would be about two days. We, there-

(Testimony of Sam Diner.)

fore, request that we be permitted until Friday to cross examine Mr. Diner.

Presiding Inspector: I think you can proceed to some extent. We won't pass on the question of whether you must conclude the cross examination at this time. But there are a lot of matters that have been covered here that fall within the knowledge of your client that you must know all about.

Mr. Del Guercio: May I be heard?

Presiding Officer: I do not think it is necesarsary.

Mr. Del Guercio: All right.

Presiding Inspector: Proceed.

Cross Examination

By Mr. Grossman:

Q. Mr. Diner, you have been a bit indefinite about the time when you were expelled from the Communist Party? A. What?

Q. I say you have been a bit indefinite about the time [892] when you were expelled from the Communist Party.

Mr. Myron: Now, just a minute, your Honor. That wasn't the question. He didn't say he was——

Presiding Inspector: (Interposing) Well, that is getting a start. He hasn't asked the question yet. Go ahead.

By Mr. Grossman:

Q. As I recall your testimony, the best you could do was to say it was some time in 1936 or some time in 1937. I would like to have you give some

(Testimony of Sam Diner.)

attention to that and see if you can fix the time more definitely with relation to any event, for example.

A. Well, the event was right after Labor Day.

Q. But is there any way that you can determine whether it was more likely in 1936 than '37, or vice versa? A. No, I think it is in 1937.

Q. Was there anything happening in the union at the time you were expelled, or before that time or soon after, that would give you some inkling as to the year in which it took place?

A. No.

Q. At the time you were expelled were you a member of the union still?

A. I was Business Representative of the union.

Q. That is of the ILDWU, is that correct? [893]

A. Right.

Q. For how long after you were expelled did you remain, did you hold that position in the union?

A. A few weeks.

Q. Then, by determining when you left that position in the union it would be possible to determine which year you were expelled from the Communist Party? A. I think it was in 1937.

Q. And what were the circumstances surrounding your leaving your position with the union?

A. There was no circumstances at all.

Q. Did your term expire? A. No.

Q. Had you been elected to that office you held?

A. Yes, sir.

(Testimony of Sam Diner.)

Q. May I have the name of that office again, please?

A. Business Representative of the union, International Ladies' Garment Workers Union.

Q. All right. Did you discontinue holding that position at the end of a term or in the middle of, or during a term?

A. Well, it was towards the end of the term.

Q. Well, but was it the end or just toward the end of the term?

A. Towards the end of the term. [894]

Q. All right. Did you leave that office because of some action of the union? A. Yes, sir.

Q. You are sure of that, aren't you?

A. Definitely.

Q. All right. What were the circumstances that surround your leaving that office?

A. There was no circumstances at all.

Q. Well, tell me how it happened?

A. I just happened.

Q. What do you mean? The union just threw you out or what?

A. Oh, no; I am still carrying a union card.

Q. Mr. Diner, you know better than we do why you——

Mr. Del Guercio: (Interposing) Just a minute. That is argumentative, if your Honor please. Know better than who does?

Presiding Inspector: Well—

(Testimony of Sam Diner.)

By Mr. Grossman:

Q. Mr. Diner, do you know why you discontinued being——

Presiding Inspector: (Interposing). Go ahead. I think it is merely the form of counsel's question.

By Mr. Grossman:

Q. Mr. Diner, do you or do you not know why you dis- [895] continued holding that position with your union?

A. Well, if you want to know I am going to tell you.

Q. The question is, Mr. Diner, do you know?

A. I have to say more than "No" or "Yes".

Q. You mean you can't answer "Yes" or "No", whether you know?

A. Unless I elaborate the situation broader than you want me.

Q. All right, elaborate.

A. Somebody's ears might ring when I say that, but I can't help it.

In 1936 Sam Darcy was wanted by the law and he was out of the country. I received various communications from Mr. Darcy from abroad sent to New York and resent to me.

By the way, this I am revealing I have never said up 'till now, before the agents, even. The counsel forces me to say that and I am saying it.

Q. Just one moment before you continue, Mr. Diner.

Mr. Del Guercio: Now, just a minute. Don't

(Testimony of Sam Diner.)

interrupt the witness. He is answering the question.

Presiding Inspector: I have got to hear what counsel is saying. Go ahead.

Mr. Grossman: I have a right to make a statement.

Presiding Inspector: What is it you wanted to say [896]

By Mr. Grossman:

Q. Now, you recall, Mr. Diner, what the question was. It dealt with why you left your position. Now, this is an answer that you say must be made in order to explain why you left your position.

A. Definitely.

Mr. Grossman: All right.

Presiding Inspector: In the union?

The Witness: In the union.

Mr. Grossman: All right, continue.

Presiding Inspector: All right, go ahead.

The Witness: I received one letter from Norway telling me that I should try to find possible means to squash that indictment that the State of California had against Mr. Darcy. He mentioned names who to go to and I did go.

When the Party got wind of the situation I was called before the Party Committee and they asked me to turn over the letter to them because they wanted to compliment Mr. Sam Darcy for sending mail to me and telling me what to do. I refused to turn over those letters to them and I also refused to talk about the question altogether.

(Testimony of Sam Diner.)

Besides being the district organizer from the Communist Party I had a brief friendship deep in my heart for Mr. Sam Darcy, and I just kept it for myself, with one more person in this community, because he told me to consult with that [897] particular person. The reason I don't mention that name is because I don't want to involve anyone that was misled just like anybody else on this question.

I proceeded with the various instructions that Mr. Darcy gave me and it began to look favorable, and about—and I answered the letter right away, that I am doing everything possible on the question mentioned. I didn't tell him what or when, in the mail. About two months later I received another letter from Paris telling me a certain initial, and I knew what the initial was, to go and see whether the thing could not be straightened out. And he also mentioned the very same person as he mentioned in the first letter, and I should try to raise funds to see whether it isn't possible to squash the entire thing.

The attorney involved is dead now and I refuse to mention his name at present. This is the name, the initial that Mr. Darcy gave me instructions to talk. The reason he gave that name, because that particular person done things in the past such—similar to things like that, trying to straighten matters out that should come before the law and didn't.

I said before that outside of being district organizer I had a brief friendship towards Mr. Darcy, and if God himself would come to me and tell me not to do it I would do it anyhow. Now, that is the truth.

(Testimony of Sam Diner.)

I went out to various sources trying to collect money, [898] borrowed money, and I paid some of the money back myself for two years in order to make the debts that I borrowed to squash that thing.

I went to that attorney and I said, "How much?" Now, that is speaking plain language; how much. He said, "A thousand dollars." Well, I had previous transactions with that person and he took my word for it that the thousand dollars would be paid after the job is done. I gave him $300.00 as a retaining fee to see that this case should not come to trial.

And I went to a friend of mine here in town, a manufacturer, that previously I worked for him, and that might be important to mention. I had lived once in Vacaville and one morning I came to work and I didn't whistle. I used to whistle when I worked. That is a song, perhaps, they wrote about that. And I was happy all the time when I worked, and that morning when I came into work I didn't whistle and I didn't sing and I didn't work. So after 5:00 o'clock he wanted to know is anything wrong with me, called me into the office, and I said, "Well, it is a private matter." "Is anybody sick?" I said, "No." Then, finally he wanted to know what was the matter. I told him that the mortgage at the French American Bank is due the following morning of $820.00 and they will foreclose my little home in Vacaville and I don't feel happy about it. That man called his book- [899] keeper and he wrote out a check in my name for $820.00. That was in 1924.

(Testimony of Sam Diner.)

Ever since he was a friend; I don't consider him as a boss; I considered him as a friend and I worked for him for many, many years after.

As I said before, I was trying to raise that thousand dollars very bad. I raised the $300.00. I went to this particular man and I told him I needed a loan. He said, "Well, I had a bad season. How much is it?" I says, "As much as you can spare" and he made out a check to me, S. Diner, for $50.00.

What is this all about? I will tell you what, if the defense attorney wants to know. I was caught between the devil and the deep sea. At the International Union offices I was a rat, a Communist, a disrupter, trying to organize the workers for the Communist Party instead of for the union. At the union I was a renegade—at the Party I was a renegade, not trying to organize the workers on the matters that they told me to organize. And by the way, I was elected Business Representative, despite the International officers; they were against me from the beginning until the end. They knew my affiliation.

Once we had a convention here in town and Mr. Dubinsky called me in his hotel and said; "Sam, you are a fine guy, you are a capable person. I will take you to New York. You are wasting your time here." I said, "No, this is my place. [900] I started something here and I am going to finish it." He said, "Tell me, are you a member of the Communist Party?" I said, "Yes." Well, that is at least more than anybody else answered, and he didn't like that.

(Testimony of Sam Diner.)

And they were trying to find every means of avenue to get something on me in order to oust me out of the office.

We had a joint relations committee established in our union, Mr. Cargar. He was the original director of the NRA.

The Reporter: Spell that name, please.

The Witness: I don't know.

Mr. Cargar was a stooge for the International Ladies' Garment Workers Union against me. Why was he a stooge? Why were they so determined to get me out of the office? That telephone in my office was never idle, and in all the other offices there was extensions. They listend to it. On day Gallagher called me; one day Hanoff called me; one day this guy called me; the next day somebody else, and they knew that I am not attending to my business. They had all those things ready for in case of an explosion, but the workers were for me. The workers knew that I am a member of the Communist Party. I had stated so in the open meeting that I am a member of the Communist Party, but I am also a worker; I am a member of the industry. And the workers were the ones that kept the morale going, as far as I am concerned. That Cargar, his function was to look to the payroll and report to me whether a [901] worker was underpaid according to the minimum wage scale established in that industry. His records—his function was, as I said, to look over every payroll, and there he found a payroll made out, a check to Sam Diner for $50.00. Now, we got him. Instead to

(Testimony of Sam Diner.)

come to me and ask me that question he wrote a letter back to Dubinsky that "I have just got the fellow where you want him. I have a check made out to Mr. Sam Diner for $50.00."

In other words, they pretended it to be a bribe or a graft, $50.00. So Dubinsky instructed the office here to have a trial, and before the trial took place the party called me and they said, "We know that you did not take $50.00 bribe." And by the way, that manufacturer is the most peaceful person in the entire industry, never had a strike, a small concern, very small, and never had a trial, never had a strike, never had any difficulty with that particular man. There was no reason for him to give a bribe. The Party knew it and before the trial took place they called me. They said, "Sam, you are shielding something. What is it?" I said, "Nothing. I did not take it as a bribe. If I wanted to take the $50.00 as a bribe I would certainly not take a check made out to Sam Diner; I am smarter than that."

So it is an obvious case that this thing is private thing and it is between me and the man that I took $50.00 from, but they knew deep in their hearts that I am shielding something [902] that I will not reveal.

During the time of the trial Walter Lambert's brother and somebody else came out to my home and asked me for the letter that Sam wrote, the last letter, because they wanted to prefer charges against Sam Darcy. And by the way, Sam Darcy was expelled as a member of the Central Committee at the very same time, but in order to substantialize their argument I should turn over the letter. And I

(Testimony of Sam Diner.)

showed the letter to Mr. Schneider—Schneiderman, the present district organizer. I showed him the letter and he promised me, on his word of honor—I was there at the office—that he will read the letter and give it to me back, and he kept his word for once and he gave me the letter back, and a few days after the very same committee came out and said to me, "Give us the letter because we want to prefer charges against Sam Darcy for writing you a letter of that sort, not to us." Their vanity was touched, and I refused to give the letter.

When the Party told me again I was doing wrong I still refused to submit the truth of the matter. It was not a question of lying. I had no motive in it. I had nothing to gain. But it was a question of shielding a friend. That is all I did.

This was a major issue, and the Union and the Party at that time they united themselves to convict me as unbecoming an officer in the Union until such time that I will be able to prove worthy of the situation when the Party will take me back and I will be able to run for office again. [903]

That is your answer.

Q. I still don't have an answer. Do you mean that——

Mr. Del Guercio: (Interposing) You have your answer. I object to that statement of counsel.

Mr. Grossman: The record will speak for itself. I tried to find out how he left his office and he still hasn't told me.

(Testimony of Sam Diner.)

Mr. Del Guercio: I insist that he has.

By Mr. Grossman:

Q. Must I assume that Mr. Dubinsky framed you so this Union threw you out from that office?

A. I didn't say that.

Q. Then how did you happen to leave the office? Did you resign?

A. No.

Q. How did you get out?

A. I said a minute ago that I was tried and found not competent enough to be a business representative.

Q. By whom were you tried?

A. By a committee of the Union.

Q. Was it elected in the usual way?

A. No; it was appointed.

Q. Was it elected in the way that the Constitution and rules of that Union provide?

Mr. Del Guercio: The witness has said that it was appointed and wasn't elected. [904]

Presiding Inspector: I don't know—I suppose we would have to go into the rules if you insist on that.

Mr. Grossman: I want to know whether this witness admits or not that the rules and the Constitution, and everything governing that Union were followed and complied with, and whether his being removed from that office was legal in every way, or whether he is attacking the method used.

Presiding Inspector: Don't you think that is pretty far afield?

(Testimony of Sam Diner.)

Mr. Grossman: Far afield? Wasn't this man thrown out of his position in the Union?

Mr. Del Guercio: He hasn't testified to that.

Mr. Gladstein: If your Honor please—

Presiding Inspector: Just a moment! One counsel at a time. Sit down, please, Mr. Gladstein.

Talking to you, Mr. Grossman, I say that this is far afield of what we are considering here. It may be very important in Union matters, but I don't see that it has much relevancy. I will exclude that question until you produce the rules.

Mr. Grossman: I will state this as to the relevancy of this line of inquiry.

Presiding Inspector: Never mind the relevancy now. I exclude it on the form of your question.

Mr. Grossman: I will withdraw that question. But you raised a doubt as to its relevancy. [905]

Presiding Inspector: But that is persuasive merely. It doesn't seem to have the effect.

By Mr. Grossman:

Q. Will you please itemize for us everything the Union did immediately before your being removed from that position with reference to it?

A. Itemize what?

Q. Pardon? A. Itemize what?

Q. All the actions of the Union with reference to your being removed from your position in the Union.

Presiding Inspector: Just a moment. You mean the steps which were taken?

Mr. Grossman: Yes.

(Testimony of Sam Diner.)

A. The President of the Union appointed a committee at an executive session, at the regular executive session of the Union, not mentioning what the matter was at all. He said, "You and you, and you, are going to be a committee tomorrow night." I even didn't know what they were talking about.

The following day when the committee is supposed to take part in discussing the problem I was called in. They said, "This is the charge against you: That you took $50 bribe from Mr. So and so, and here is the check."

That was the entire procedure, appointed by the President of the Union a Committee to suit him, or best qualified, and [906] that was the end.

By Mr. Grossman:

Q. Was the hearing held at the same time that you were presented with the charges?

A. What do you mean? Of course the hearing was held.

Q. At the same time? A. Yes.

Q. Immediately following the time that you were presented with the charges?

A. I was not presented with any charges until the hearing took place.

Q. Were you presented with the charges before the hearing took place. A. No.

Q. Were you presented with the charges after the hearing took place? A. No.

Q. Then when, with relation to the hearing, were you presented with the charges?

(Testimony of Sam Diner.)

Mr. Del Guercio: Just a moment. I object to the question. The witness has already answered that he was presented with the charges during the hearing.

Presiding Inspector: I will allow it. Go ahead.

By Mr. Grossman:

Q. When, with relation to the hearing, were you presented [907] with the charges, Mr. Diner?

A. At the time the hearing took place. Up to that time I didn't have no knowledge of what they were cooking there.

Q. Had the hearing started at the time you were presented with the charges?

A. The charges were presented during the time of the hearing.

Q. Was any evidence produced at the hearing before you were presented with the charges?

A. No.

Q. Was there evidence produced at the hearing?

A. Yes.

Q. Did this committee make any finding or recommendation with reference to you? A. Yes.

Q. What was their finding or recommendation?

A. The finding was nothing, until the first Vice President of the International called a mass meeting and he said, "Despite your decision he is going to be out," and this is on the record.

Q. What was the name of that man?

A. Mr. Fineberg.

Q. It is your testimony, is it, that this committee that was appointed by the President of the Union made no finding whatsoever with respect to you?

(Testimony of Sam Diner.)

A. They found reprimanding me of borrowing money from a [908] manufacturer that we have contractual relationship with, and it wasn't ethical.

I agreed that it wasn't ethical.

But when this decision was rendered and the wolves saw they can't get me out, Mr. Feinberg called a special meeting, spoke for two hours, which I was present at, and this is the remarks he made: "Despite of your defending Diner, you keep Diner and we will take the charter."

That is what his remarks were.

Then I stood up and told the members that some day they will find out the truth; that the charter is more important than Sam Diner, and I walked out from the hall.

The following day I went up to the Union and they gave me a working card to go to work, and I went to work in a factory.

Q. Was any action taken with reference to you at that specially called meeting at which Mr. Feinberg spoke? A. I told you.

Q. Was any action taken, Mr. Diner?

A. I don't know what you call "action."

Q. Was any motion passed with reference to you?

A. No motion was made. I told you that Mr. Feinberg made that statement.

After that I stood up and pleaded with the workers because—let me tell you another thing: I was asked if I would [909] not come up at that meeting and plead with the workers to be passive in the situation,

(Testimony of Sam Diner.)

or otherwise something would have happened. I wanted to avoid that happening.

Q. Is it your testimony, Mr. Diner, that at this meeting that we are referring to, no motion was passed, no resolution was passed, no action was taken by the membership there with reference to you as a member of the Union, or as a holder of this office in the Union?

Mr. Del Guercio: Just a moment. Counsel is purporting to state what the testimony is. There has been no such testimony here.

Presiding Inspector: I think I will allow it. This is his interpretation of it.

By Mr. Grossman:

Q. Do you want the question read back by the reporter?

A. By anybody; I don't care.

Presiding Inspector: Read the question, Mr. Reporter.

(The question referred to was read by the Reporter as above recorded.)

Presiding Inspector: I think this means—and correct me if I am wrong—you mean formal action?

Mr. Grossman: Of course.

Presiding Inspector: It might be action considered by no objection being taken.

Mr. Grossman: I mean by the membership; the membership [910] has various ways of acting. I think Mr. Diner, as an official of the Union for some time, would recognize what I mean by the distinction

(Testimony of Sam Diner.)

between action of the membership as such and by some individuals.

Presiding Inspector: That wasn't what I meant.

Mr. Grossman: I mean formal action by the membership.

Presiding Inspector: Was there a vote taken?

The witness: Let me go back——

Presiding Inspector: Was there a vote taken?

The Witness: There was no vote taken.

Presiding Inspector: Was there any opposition to Mr. Feinberg's statement?

The Witness: That is why I want to go back for just a paragraph.

Presiding Inspector: "Yes" or "No"—was there any opposition to Mr. Feinberg's statement?

The Witness: Quite a number of oppositions.

Presiding Inspector: That answers the question.

By Mr. Grossman:

Q. To your knowledge, Mr. Diner, after this hearing that we have discussed, did the local union to which you belonged, or the International union to which you belonged, take any action to remove you from your position in the Union?

A. I seems that I made it clear, but I am going to make it clearer for you. [911]

Q. First, just answer that question "Yes" or "No".

A. Well, I can't answer it "Yes" or "No". I must talk about it.

Q. All right—talk.

A. When Mr. Feinberg made up his mind that

(Testimony of Sam Diner.)

at any cost this thing must go through; the devil itself couldn't stop it. That is the way people work in the Union, or any other organization.

Well, the Union, to me, was very dear. I helped build that Union since 1910, and to me it meant life and death that that Union should go to pieces on account of my ownself.

When Mr. Feinberg came up and prepared his speech to talk to the vast majority of the people there, when he made a definite stand that the charter will be taken away, that there was only one alternative left for the workers to do, either keep Sam Diner, or he takes the charter, that was a serious remark.

I felt it was my duty, and I didn't speak up, because Mr. Feinberg was still an officer, and I felt that it should not be my position to try to break the thing that I helped build. You don't break up a home when you build it yourself.

But finally I stood up and pleaded with the workers, because I knew what was organizing in that hall, and I was trying to the utmost to prevent bloodshed, if you please. That is a strong word, but that is the truth. I went up, took my coat off, and I spoke, as little as I understand, as much as I know. I [912] pleaded with the workers to calm down; that the decision of a superior officer must be law; that some day or another the truth of the matter will come out; but at this time I am willing to submit to the desire of the black reactionary forces. That was my word. I urged

(Testimony of Sam Diner.)

the people to accept the recommendation of Mr. Feinberg. No vote was taken in the hall. The hall walked out. They didn't wait until the meeting adjourned. Downstairs we had to call the police to stop fights.

That is all. No vote was taken. They gained their objective and I gained mine.

Q. Is it your statement, Mr. Diner, that Mr. Dubinsky and Mr. Feinberg had made up their minds that they were going to remove you from your position as business agent irrespective of whether or not you had done anything which would justify removal from that position, and that they seized on this opportunity to do so?

A. I think you know better than that. However, you are an attorney and I am going to answer you.

Whatever and whenever people of that sort don't want you nobody can save you. You are out. That is just a question of time. I was in there in the office not to the liking of them.

I want to quote another instance here while we are talking about it——

Presiding Inspector: I think you had better not until you are asked about it.

Go ahead. [913]

By Mr. Grossman:

Q. In your reference to people of "that sort" did you refer to Dubinsky and Feinberg, was that the group you were talking about?

A. I referred to Dubinsky, Sam Darcy, or any-

(Testimony of Sam Diner.)

one connected with an organization that is determined to gain their objective.

Q. All right. Now, here is the problem, Mr. Diner, and I would like to have you give the best answer you can as to which alternative is correct. I am concerned with whether you were expelled or removed from your position in the Union——

A. (Interposing) I answered that.

Q. (Continuing) Just a moment. I have two alternatives I am going to state and I would like to have you tell me whether either are correct.

I am concerned with whether or not you were removed from your position in the Union because the membership was convinced that you had acted in a way a Union official should not act—that is one alternative—or whether you were removed from your position in the Union, though you had done nothing wrong as an officer, solely because Dubinsky and Feinberg insisted on it? Is either of those alternatives correct and, if so, which one?

Presiding Inspector: Doesn't this merely call for the operation of his mind?

Mr. Grossman: He has a great deal of information, your [914] Honor, upon which he can base an answer from his personal knowledge. If he is able to state that it was the position of the membership that they should not have acted, he can know that of his own knowledge.

Presiding Inspector: I don't know whether he can. He can have an idea about it and an opinion.

(Testimony of Sam Diner.)

Mr. Grossman: If it is based on facts I am willing to hear it.

I would like to know whether this man admits that he acted, or the membership considered he acted in a way that was not proper for a Union member, or for a Union official to act, or whether he claims he was merely framed by Dubinsky and Feinberg and that his conduct was not something of importance to the Union.

Presiding Inspector: Do you want his opinion or his own actions?

Mr. Grossman: I want his opinion as to what transpired in the Union and the expressions by the membership on the one hand, and by Dubinsky on the other.

Presiding Inspector: If you can answer it, go ahead.

Mr. Del Guercio: May I be heard on that?

Presiding Inspector: You may.

Mr. Del Guercio: The witness has already given an account of what has occurred. Now counsel is asking for the same thing all over again. He has given everything that he knows concerning [915] that situation.

Presiding Inspector: That may be so, but at the same time he wants to know, from the position of the Union, as this witness knows it as a member of the Union, whether that was an expulsion or not. Is that really what you are getting at?

Mr. Grossman: Yes.

(Testimony of Sam Diner.)

Mr. Del Guercio: I object to the question as being in the alternative.

Mr. Grossman: I have a right to ask the question in that way.

Presiding Inspector: Do you want to frame your question again?

Mr. Grossman: Is there an objection to it? I would rather have it read if there is no objection.

Mr. Del Guercio: There is an objection.

Presiding Inspector: There is an objection.

Read the question, Mr. Reporter.

(The record was read by the reporter as follows:

"Q. All right. Now, here is the problem, Mr. Diner, and I would like to have you give the best answer you can as to which alternative is correct. I am concerned with whether you were expelled or removed from your position in the Union——

"A. (interposing) I answered that.

"Q. (continuing) Just a moment. I have two alternatives I am going to state and I would like to have you tell [916] me whether either are correct.

"I am concerned with whether or not you were removed from your position in the Union because the membership was convinced that you had acted in a way a Union official should not act—that is one alternative—or whether you were removed from your position in the Union, though you had done nothing wrong as an officer, solely because Dubinsky and Feinberg insisted on it? Is either of those alternatives correct and, if so, which one?")

(Testimony of Sam Diner.)

By Mr. Grossman:

Q. Is either of those alternatives correct?

Presiding Inspector: That is a difficult question for me to understand, at least, but if the witness understands it he can answer.

The Witness: I do understand it.

Presiding Inspector: Answer it.

The Witness: I can answer it, too.

By Mr. Grossman:

Q. The first question is whether either of those alternatives is correct.

A. You asked a question and I can answer it by——

Q. (By Mr. Grossman) Just a minute. First, answer if either of those alternatives is correct.

Mr. Del Guercio: (Interposing) Just a moment. He is answering the question. [917]

By Mr. Grossman:

Q. First, I would like an answer to the question as to whether either of those alternatives is correct. Answer the question "Yes" or "No."

Presiding Inspector: You have asked more than that.

Mr. Grossman: I asked first whether either is correct.

Presiding Inspector: Put one question at a time. Strike all that question and start over again.

By Mr. Grossman:

Q. Was it correct that the membership of this local union of which you were an officer removed

(Testimony of Sam Diner.)

you from that office because they were convinced that you had acted in such a way as a member and official of a trade union should not act; is that correct? A. No.

Q. Is it correct that you were removed from your office in your local union despite the fact that you had done nothing wrong in that office solely because Dubinsky and Feinberg insisted you should be so removed? A. Yes, sir.

Q. All right, that is all on that.

Do you happen to know of your own knowledge whether any action was taken by the local union formally to remove you from your position?

A. No. [918]

Q. In the union? A. No.

Presiding Inspector: You mean you don't know, or no action was taken?

The Witness: No action was taken while I was there.

By Mr. Grossman:

Q. Do you happen to know whether any formal action was taken by the International Union or the Executive Board of the International Union to remove you or suspend you from that position?

A. Yes, sir.

Q. At what meeting or by what individual was this action taken?

A. Let me talk now. You asked me a question: I have to answer it; I have to talk about it, now. May I?

(Testimony of Sam Diner.)

Presiding Inspector: Go ahead.

The Witness: We have to go back into a little history here. When the Needle Trade Workers Industrial Union decided that there is no more room for their existence, that we have to penetrate again into the A. F. of L. unions, we dissolved that Needle Trade Workers Industrial Union, and we rebuild and we dissolve at just a snap of the finger. Then, I was the last one to enter that union. The union decided—the A. F. of L. Union decided they don't want me there, and I don't blame them. The workers, however, wanted me there. And the workers from the A. F. of L. Union, mind you, went to [919] the General Executive Board through mail, or otherwise, and told them that I have a certain amount of influence among the cloak makers, that it would be better to rebuild the union with my presence than without my presence. They can't keep me out of the industry despite the fact that the Needle Trade Workers Industrial Union dissolves itself, but I am still a member of the industry and they can't deprive me of making a living, so the best thing to do is to take him in, and I went in; they took me in.

Two months later a district convention of the International Ladies' Garment Workers Union took place, was supposed to take place, rather, and delegates were supposed to be elected, and the workers nominated me as a delegate and I got 99-9/10 per cent of votes for that delegation.

(Testimony of Sam Diner.)

By Mr. Grossman:

Q. How many voted?

A. A few hundred. And the ones that were prior before I came in, die-hards of the International, so to speak, I mean the old timers,—never mind—they were defeated, and you know what happened. Mr. Feinberg flew from New York to come to a meeting and deprive the workers of their votes saying that Sam Diner cannot be a delegate to this convention, and despite of the fact that the people voted so unanimously I was not seated. That is your answer.

Mr. Grossman: I submit, your Honor, that that is in no [920] way an answer to my question.

Presiding Inspector: I told you I didn't understand the question and I don't understand the answer.

Mr. Grossman: If the question could be read I think that would be clear it is not in any sense an answer.

Presiding Inspector: Well, you can press the witness.

By Mr. Grossman:

Q. The question was—and I will repeat it—whether any action was taken by the International Union or any of its officers to remove you from your office as Business Agent in the local union?

A. First of all——

Presiding Inspector: (Interposing) Well, now——

(Testimony of Sam Diner.)

The Witness: (Interposing) No.

Presiding Inspector: That is an answer.

The Witness: No.

Mr. Grossman: All right. You could have saved us a lot of time if we had that before.

Your Honor, do you want to adjourn?

Presiding Inspector: I thought, perhaps, we might finish with this witness.

Mr. Grossman: I don't think we can.

Presiding Inspector: Very well, then, we will adjourn until 2:00 o'clock.

(Whereupon at 12:30 p.m., a recess was taken until 2:00 o'clock of the same day.) [921]

After Recess
2:00 O'Clock P. M.

Mr. Grossman: Ready, your Honor?

Presiding Inspector: Yes.

SAM DINER

called as a witness on behalf of the Government, having been previously duly sworn, testified further as follows:

Cross Examination (Resumed)

By Mr. Grossman:

Q. Mr. Diner, how long before you were removed from your position as Business Agent did this transaction concerning the $50.00 take place—rather, the loan of the $50.00 took place how long before you

(Testimony of Sam Diner.)

were removed from your position as Business Agent?

A. Oh, I think about a month or so; maybe five weeks. I don't remember the date.

Q. At least it was a short time?

A. Well, if you call a month or so a short time; yes.

Q. It wouldn't have been as long as a year?

A. Oh, no; no.

Q. And your best guess is a month to five weeks, something like that?

A. I wouldn't say definitely, but it was a short time. It was during the time that I was Business Agent and I wasn't on for a full term, so it couldn't have been a year. [922]

Q. During what term were you Business Agent?

A. I think during 1937, or 1936; something like that.

Q. For how long were you Business Agent?

A. Oh, for about nine or ten months to the best of my recollection.

Q. It wasn't over a year?

A. I don't remember. I don't think so; I don't remember anyhow.

Q. Were they one year terms? A. No; no.

Q. How long was the term for that you were elected for?

A. You get elected every year; every election.

Q. Were you re-elected for a second year?

A. Well, first I was in for a short time, if I remember, not elected at all. I was put in there

(Testimony of Sam Diner.)

and then, a short time before the election, and then I was officially elected.

Q. Who put you in?

A. Who put me in? The workers.

Q. Well, wasn't there any official action taken?

A. No. That doesn't go like that. It goes—the Business Agent prior to me was elevated to another place, a fellow named White. Then they combed around for a person to take over the office, and the workers got together and proposed me, even without my knowledge of it, and when they got sort of a favorable answer they asked me whether I would accept it. [923] By the way, before I accepted I consulted with the Party and they told me to accept the offer.

Q. How long did you serve before the election took place?

A. I don't remember; a short time.

Q. Then the total time you served as Business Agent was a short time before the election and less than a whole term after the election?

A. Correct.

Q. Now, could you state again, as well as you can spell it, the name of this man who discovered from the books of the company information on this $50.00 loan? A. Cargar.

Q. Could you spell it as well as you can?

A. No, I don't.

Q. Now, it was your testimony, was it, that as part of his authority under the NRA he was enabled to examine the books of the employer and

(Testimony of Sam Diner.)

in so examining the books he found this information?

A. His business was to examine the payroll of the workers and in that payroll he found my name written out, "S. Diner, $50.00."

Q. Well, where did he get his authorization to do that? From the NRA?

A. No; by mutual consent from the Manufacturers Association [924] and the Union which I was responsible for drawing up a contract to that effect.

Q. Well, what did that have to do with the NRA?

A. Well, I said before he was an officer in the NRA, to refresh your memory who he is.

Q. Oh, I see. Now, this transaction involving the $50.00 took place about how long after you contacted the attorney with reference to getting the indictment——

A. (Interposing) It was at the same time.

Q. About the same time?

A. About the same time, I mean a month or two or three before; it was within a short time; I mean, it didn't go into years; it went into months. To be exact, how many days or how many weeks I really don't remember.

Q. Now, Mr. Diner, you stated that you at present have a business at San Rafael?

A. I have had it for eleven years.

Q. And what is the name of that business?

A. Marin Smart Shop.

Q. Marin Smart Shop. Does anyone else own part of that business or is it owned entirely by you?

(Testimony of Sam Diner.)

A. Owned by my wife originally, and that remained; she opened the business while I was working.

Q. During the time that you were business agent of the Union she was running this—she owned and ran this shop, is [925] that right? A. Correct.

Q. For how long a period of time have you been working in this shop?

A. Up until the end of 1937.

Q. You mean beginning then?

A. (No response.)

Q. In the shop in San Rafael, for how long a time have you been working there?

A. Since 1937.

Q. Since you left——

A. (Interposing) Left the shop. Which shop? The city, any shop that I worked.

Q. The time when you went to work in the shop in San Rafael was how long after you were removed from your position as Business Agent?

A. I was removed before.

Q. How much time was there between your removal as Business Agent and your going to work in this shop in San Rafael?

A. You mean what shop?

Q. The shop you now own.

A. My place, huh?

Q. The shop you now own?

A. It is not a shop; it is a store. [926]

Q. I beg your pardon; the store. A. Yes.

Q. How much time between your going to work

(Testimony of Sam Diner.)

in this store in San Rafael and your removal as Business Agent?

A. Oh, about three or four months.

Q. Have you had any other employment—withdraw that. After you were removed as Business Agent did you go to work in the industry?

A. Yes, sir.

Q. Did you work for one or several employers?

A. For two.

Q. And you worked for those two a total of three, four months, something like that?

A. Something like that, yes.

Q. Yes. After that time did you have any employment except employment in this store in San Rafael? A. No.

Q. Did you have any income except income from that store in San Rafael?

A. Did I have what?

Q. Any income except income from that store in San Rafael? A. No.

Q. And since that time when you first went to work in this store in San Rafael you have worked continuously there? [927] A. Correct.

Q. Up to and including today?

A. Yes, sir.

Q. Mr. Diner, have you ever used any other names? A. Never.

Q. Are you a citizen of the United States?

A. I am.

Q. By birth or by naturalization?

A. By naturalization.

(Testimony of Sam Diner.)

Q. When were you naturalized?

A. In 1916.

Q. And where were you naturalized?

A. In Oakland.

Q. Have you ever been convicted of any crime?

A. No.

Q. Have you ever been charged with any felony?

A. Yes.

Q. When was that?

A. It was during the strike in Oakland.

Q. Were there any other occasions when you were charged with a felony? A. No.

Q. Did this occasion grow out of the strike?

A. Yes, sir.

Q. Were you acquitted on this occasion? [928]

A. I was.

Q. Within the last five years have you ever been on relief or WPA? A. Never.

Q. When was the first time that any representative of the FBI spoke to you about your information on Harry Bridges, or about testifying in this case?

A. Oh, about two or three months ago.

Q. Where did it take place?

A. They came into my establishment and asked my name, and showed their credentials, who they are.

Q. Do you remember the names of those men?

A. Yes. Devereaux and Hopton.

The Reporter: Spell them, please?

Mr. Del Guercio: D-e-v-e-r-e-a-u-x—H-o-p-t-o-n.

By Mr. Grossman:

Q. That was the first time that you discussed

(Testimony of Sam Diner.)

with any representative of the FBI what you knew about Harry Bridges?

A. I didn't discuss it with them. I made a date with them at their office.

Q. And did you go through with the appointment that you made? A. I did.

Q. At your store? A. I did.

Q. And when did this appointment take place? [929]

A. I don't know when; within the last three months.

Q. How long after they came to your store?

A. A couple of days afterward.

Q. At that time did you tell them what you knew about Harry Bridges?

A. I didn't tell them; they asked me questions and I answered them.

Q. In answering the questions did you tell them all you knew about Harry Bridges?

A. All that I knew about Harry Bridges.

Q. At that time did you sign any statement?

A. I did.

Q. At any other time have you had a conference with the agents of the FBI at which you told them what you knew about Harry Bridges?

A. Well, I had about two or three of them, that is, the same thing continuing. We didn't finish at one time. It took about three meetings, I guess.

Q. The statement was not signed then at this first meeting, is that correct? A. No, sir.

(Testimony of Sam Diner.)

Q. I was signed at the end of these several meetings? A. Yes.

Q. How many different statements did you sign?

A. Only one statement I signed. [930]

Q. In that statement did you make in substance all the statements about Harry Bridges that you have made here today? A. Exactly.

Q. Did you ever speak to any representative of the Immigration and Naturalization Service concerning what you know about Harry Bridges?

A. No, I did not.

Mr. Del Guercio: Just a minute, please. I don't believe that he knows who are the representatives of the Immigration and Naturalization Service, if your Honor please.

Mr. Grossman: His answer is "No."

Mr. Del Guercio: Well, do you know whether I am a representative of the Immigration and Naturalization Service?

The Witness: I don't know.

Presiding Inspector: Of course the answer means "No" as far as his information lies.

Mr. Grossman: Yes.

By Mr. Grossman:

Q. Have you spoken to any other representative of the Government concerning what you know about Harry Bridges, except those that you have named?

A. I did not.

Q. Have you ever spoken to any representative of the State Government, or of any City Govern-

(Testimony of Sam Diner.)

ment, with reference to [931] what you know about Harry Bridges? A. I did not.

Q. Or have you discussed with any representative of the Federal Government, outside of those that you have named, what you know about Harry Bridges? A. No, I did not.

Q. At these conferences with the representatives of the FBI was anyone else present except those persons that you have specifically named?

A. No.

Presiding Inspector: Do you mean that absolutely as you asked it, clerks or stenographers?

Mr. Grossman: I was assuming he was including clerks or stenographers.

By Mr. Grossman:

Q. Excluding anyone who was making notes of what transpired there, there was no one else present, is that right? A. No; just three of us.

Q. But there was a stenographer taking down notes, was there? A. No.

Q. One of these men, one of these two men you have named took down notes?

A. Yes: At the time of the completion of the thing the stenographer was there. [932]

Q. Have you ever discussed what you know about Harry Bridges with any representative of the Dies Committee? A. No, sir.

Q. Have you ever testified before any Governmental Committee as to what you know about Harry Bridges? A. No, I did not.

Mr. Grossman: It will take about a minute

(Testimony of Sam Diner.)

reading a statement that has just been handed to me, your Honor. I haven't had a chance to go over it.

Presiding Inspector: Yes.

By Mr. Grossman:

Q. Mr. Diner, was the man from whom you borrowed the $50.00 an official at that time of the Cloak & Suit Manufacturers Association?

A. No.

Q. Was he just prior to that time?

A. No.

Q. Was he immediately after that time?

A. After that time?

Q. Yes. A. I don't know. [933]

Q. Are you sure of that?

A. Yes, I am sure.

Q. What did you say, Mr. Diner, was the name of that defense committee or defense organization of which you were Treasurer?

A. The Civil Liberties Right.

Q. Civil Liberties what?

A. The Civil Liberties Defense Committee.

Q. And how long were you Treasurer of that organization? A. A short time.

Q. About how long?

A. Oh, maybe a couple of months or so.

Q. Not longer than that?

A. I don't think so.

Q. What were the circumstances surrounding your leaving that position of Treasurer of that organization? A. Circumstances?

(Testimony of Sam Diner.)

Q. Yes. A. I don't know.

Q. Well, what happened?

A. There was no money; everything was on paper; and all the paper was assigned to the proper station.

Q. No, I mean what happened? How did you happen to leave? [934]

A. The Committee gave itself up.

Q. You mean the Committee was disbanded?

A. Yes, sir; gave up the office and the show was over.

Q. You were Treasurer, then, until the Committee disbanded, is that right?

A. Yes, sir.

Q. During the time that you were Treasurer of that Committee, or after you left the position of Treasurer of that Committee was any charge made, to your knowledge, to the effect that you had either used for your own purpose or failed to return, or embezzled any of the money of that Committee? A. No siree.

Q. You are sure no such charge was ever brought to your attention?

A. Definitely, definitely not.

Q. Was your signature sufficient to withdraw money from the funds of that Committee, or was it arranged that several people had——

A. (Interposing). My signature was sufficient.

Q. This would be for the entire time that you were Treasurer of this Committee?

A. Yes, sir.

(Testimony of Sam Diner.)

Q. When you left that job as Treasurer of that Committee did you account for all the funds that had come into your [935] possession as Treasurer of that Committee?

A. Accounted and signed by the district committee of the Communist Party.

Q. And when you left that job you had turned over to some successor or some person all of the funds that had been given to you as Treasurer of that Committee, or you had explained their being spent, is that correct?

A. There was no funds; everything on paper, bail put up for people pending trial, when the Committee disbanded itself.

Q. Was there any question when you left as Treasurer of that Committee whether there was any shortage in the funds of that Committee?

A. No, no such question was brought up because the money was there.

Q. Were books kept by that Committee?

A. Books kept by the Communist Party, not by that Committee.

Q. Did you keep any books?

A. No, sir.

Q. You mean to say, then, that you have no record of the money that you had received?

A. The Party had the records; the Party put in a Secretary of their own. I was only Treasurer, not Secretary.

Q. Then, it is your testimony that you had nothing to do with the keeping of records of financial transactions while [936] you were Treasurer?

(Testimony of Sam Diner.)

A. No, sir.

Q. You did nothing more than sign checks, is that correct?

A. If I was told to sign the check.

Q. That is correct, but you had nothing to do more with the financial details except to sign checks?

A. Tried to see that the treasury should always be full; that was my duty, too.

Q. Did you have anything to do with obtaining money for the use of this Committee?

A. Obtaining money?

Q. Yes. A. Not exactly.

Q. Well, did you obtain any money for this Committee? A. Yes, I did.

Q. What the total sum that you obtained?

A. Thousands of dollars.

Q. It was obtained, was it, as loans and gifts?

A. I always received an order to go to this and that person, that there would be money waiting for me, and I did so. I didn't know those people from Adams.

Q. And did you give receipts to those people from whom you obtained money?

A. You bet; the receipts was made out before I went [937] for money, not from me, but from the office.

Q. You mean you didn't sign any of the receipts? A. No, sir.

Q. Now, when charges were brought against you in your local union with respect to this $50.00

(Testimony of Sam Diner.)

did you make any explanation at all in the local union as to this $50.00?

A. First of all there was no charges made by the local union.

Q. I said in the local union.

A. Charges were made by individual people.

Q. In the local union, was the question.

A. It was never brought charges in the local union.

Q. At the time some charges were brought by someone, Mr. Diner, who had something to do with the local union, did you make any explanation to that union or to the trial committee with respect to the $50.00?

A. I couldn't make no explanation because I had to shield something.

Q. Did you——

A. (Interposing): So I couldn't tell the truth.

Q. Did you or did you not?

A. I answered that.

Q. Will you please answer it directly. Did you make any explanation?

A. No, I did not. [938]

Q. Did you ever make any explanation to the membership of the union either formally at a meeting or informally as to the $50.00?

A. Well, I don't know. Formally I never made any statement.

Q. Informally, did you?

A. Perhaps, I did.

Q. What explanation did you make?

(Testimony of Sam Diner.)

A. I don't remember the explanation; a flimsy one.

Q. It was not the true one?

A. It was not the truth.

Q. While you were Business Agent of this union did you have anything to do with the store owned by your wife in San Rafael?

Mr. Del Guercio: Well, if your Honor please, I object to that line of questioning. It is not relevant; immaterial; already gone into.

Presiding Inspector: I don't understand it, the point of it, but I will receive it.

Mr. Grossman: I will be more specific.

By Mr. Grossman:

Q. Did you have anything to do with the business of the store in San Rafael? For example, did you buy for the store? Did you sell in the store?

[939]

A. I was never home.

Q. Then; you had nothing to do whatsoever with the business transactions of that store in San Rafael—

A. Very little.

Q. Just a minute. Let me finish my whole question.

A. All right, pardon me.

Q. You had nothing to do with the business transactions of this store in San Rafael during the period that you were Business Agent of the union?

A. Very little.

Q. What was that little?

A. Sometimes, if I went in the morning to the office the wife told me to go up here and here and

(Testimony of Sam Diner.)

get this and this, so I went there, fulfilled the mission of your own wife.

Q. In other words, you were doing some buying, were you, of dresses?

A. No, I did not.

Q. Did you do anything for this store in San Rafael while you were Business Agent of the Union?

A. I said that if my wife told me that she was short of something, go up here and here and give this, and they shipped it.

Q. In other words, you were merely a messenger boy to transmit an order from your wife to the company, is that all? A. Yes, sir. [940]

Q. Were you ever criticized in your union for having anything to do with buying merchandise for this store in San Rafael at the same time that you Business Agent of the union?

A. They knew before they elected me Business Agent that he have a store, but I was never criticised. They knew I had a store.

Q. Do you mean that it was your store when you said you had a store?

A. My wife. Well, that is—it is in her name and is still in her name.

Q. But you considered it was your store at the time you were Business Agent, in the sense, at least, it was yours and your wife's?

A. She is my wife; it is my store too.

Q. As a matter of law it is possible for it to be her property and not yours.

(Testimony of Sam Diner.)

A. No, it is mutual; I guess that is the way it should be.

Q. That was true during the entire time you were Business Agent? A. Yes, sir. [941]

Q. Is it possible for you to name these companies from whom, to whom you delivered these orders from your wife, and from whom you picked up or arranged for the picking up of merchandise—can you name those companies?

A. I can if I have to, but I refuse to answer that.

Q. On what basis do you refuse to answer?

Mr. Del Guercio: If your Honor please, I don't see the materiality of this. Does counsel think it a crime for a person to go into business with his wife?

Presiding Inspector: I don't know, but I think I will let him answer. You had better answer that.

The Witness: Sure—I can give a dozen.

By Mr. Grossman:

Q. Will you do so, please?

A. Yes—Jimmy Thompson, Hamburger Apparel and Seaman—that is about all.

The Reporter: Spell the last name, please.

The Witness: I don't know; you know.

By Mr. Grossman:

Q. Now, these companies that you have named employed members of your Union, isn't that correct?

A. They did not. They are jobbers.

Q. Did you deal as Business Agent of the Union

(Testimony of Sam Diner.)

with any of these companies that you have just named? A. With one.

Q. Which one? [942]

A. Jimmy Thompson.

Q. What was the nature of the relationship between the Union and Jimmy Thompson at the time you were Business Agent?

A. He had an outside shop.

Q. Did he have a contract with the Union?

A. Yes, he did.

Q. Did you negotiate with him in any way?

A. A correction—he did not have no contract. It was a sub-contract.

Q. Did he have any relationship with the Union?

A. He didn't sign any agreement. He obligated himself to give his work to a Union shop; that was his obligation.

Q. What kind of garments generally are sold in this store in San Rafael?

Mr. Del Guercio: Just a minute. I don't think that is material. Counsel must be getting——

Presiding Inspector: Counsel seems to think it is of importance. Proceed.

By Mr. Grossman:

Q. Are the garments that are sold, and were sold during this period in the San Rafael store, generally the same garments that are produced by members of your local Union in San Francisco, the same general type?

(Testimony of Sam Diner.)

A. Every garment is produced by local unions, whether it is in San Francisco or New York.

Q. Within the jurisdiction of your local—in other [943] words, are the garments produced under the jurisdiction of the International Ladies' Garment Workers Union?

A. Some garments are and some are not.

Q. Most of them are?

A. I wouldn't say most of them. Now they are. At that time we had a small establishment and we had merchandise that didn't have no label at all; there was no union at all.

Q. But produced by workers who were eligible to join your International Union?

A. Wouldn't be produced by anybody else.

Q. What is the answer, "Yes" or "No"?

A. Yes.

Mr. Grossman: Your Honor, we have no more question, but, as we indicated at the beginning, we didn't feel that we could make a complete examination because of the necessity of checking further and we, therefore, renew our request.

Presiding Inspector: If you have anything further to bring out call it to my attention hereafter. Mr. Diner will doubtless not be far away.

The Witness: If your Honor please, may I make a statement? I will be away for about two days.

Presiding Inspector: That will be all right.

Mr. Del Guercio: May the witness be excused?

Presiding Inspector: Ultimately; yes. If I think it is material, and counsel brings something

(Testimony of Sam Diner.)

to my attention, and I [944] think it is material, I shall ask you to bring back the witness.

Mr. Del Guercio: We are not required to keep him here at Government expense?

Presiding Inspector: You can release him and we will be back. We will trust him.

Mr. Grossman: That is all.

Presiding Inspector: That is true with witnesses generally.

Mr. Del Guercio: I am concerned with the expense.

Presiding Inspector: I don't think that is necessary at all. If we find there is something material that counsel wishes further to ask him why, you will use the usual way to bring him back.

Mr. Del Guercio: By subpoena by the defense.

Presiding Inspector: We will bring him back. You will come back?

The Witness: Sure I will.

Presiding Inspector: There will be no trouble about it at all.

(Witness temporarily excused.)

Mr. Del Guercio: It will take a minute to bring in the next witness.

Presiding Inspector: Stand up, raise your right hand, and be sworn. [945]

THOMAS LAURENCE

called as a witness on behalf of the Government, having been first duly sworn, testified as follows:

Direct Examination

By Mr. Del Guercio:

Q. What is your name??

A. Thomas Laurence—L-a-u-r-e-n-c-e.

Q. What is your place of residence?

A. 1249 West 58th Street, Los Angeles, California.

Q. Are you at present employed?

A. Yes. I am employed as a cutter for the Red Cross.

Mr. Grossman: May I have the answer read, please?

(The answer referred to was read by the reporter as above recorded.)

By Mr. Del Guercio:

Q. Have you ever previously given any testimony in connection with the Harry Bridges matter? A. No.

Q. Are you affiliated with any labor organization at the present time?

A. I am a member of the International Ladies' Garment Workers Union.

Q. Where?

A. In Los Angeles, California.

Q. For how long a period of time have you been a member [946] of that Union?

A. For about eight years; since 1932.

(Testimony of Thomas Laurence.)

Q. Are you a member in good standing at the present time? A. Yes.

Q. Have you ever been a member of the Communist Party? A. Yes.

Q. When did you join the Communist Party?

A. I joined the Communist Party in April of 1933.

Q. And for how long a period did you remain in the Communist Party?

A. For approximately two years.

Q. When did you leave the Communist Party?

A. About 1935; about the first of the year.

Q. State whether you were expelled or whether you left voluntarily?

A. I left voluntarily.

Q. While you were a member of the Communist Party were you given any tasks to perform for the Communist Party?

A. No, no specific tasks. I wasn't an officer or any functionary.

Q. You never were a functionary or an officer of the Communist Party? A. No.

Q. Were you connected with any particular unit within the Communist Party? [947]

A. Well, all Party members belong to a unit. I belonged to the trade union group within the Party.

Q. What do you mean "trade union group"?

A. Trade union Fraction.

Q. Was that of the union in which you were a member? A. Yes.

(Testimony of Thomas Laurence.)

Q. There was a Communist unit within that Union?

A. Well, there was a Communist Fraction in that Union; yes.

Q. Composed entirely of members of the Communist Party?

A. Composed entirely of members of the Communist Party; yes.

Q. And you were a member of that unit?

A. Yes.

Q. What was the purpose of that Unit?

A. That was to take up all questions pertaining to the action and behavior, and the policies that the Party members were supposed to take up within the Union.

Q. Do you know the Alien here, Harry Bridges?

A. Yes.

Q. Where is he?

A. He sits right there. (Indicating).

Mr. Del Guercio: May the record show he has identified Harry Bridges?

Presiding Inspector: Yes. There is no question about [948] that, is there?

By Mr. Del Guercio:

Q. When did you first see the Alien, Harry Bridges?

A. The first I saw of him was pictures in the paper.

Q. When did you first see him physically?

A. The first time I saw him physically was at a meeting that we held in my home.

(Testimony of Thomas Laurence.)

Q. At a meeting that was held in your home. Where was your home at that time?

A. At 1114 Bellevue Street.

Q. What city?

A. Los Angeles, California.

Q. And with whom were you living there?

A. I was living with my wife.

Q. And how long had you had that apartment up to that time?

A. A very short time; I would say a couple of months.

Q. When did this meeting occur in your apartment at the time you saw Bridges there?

A. This occurred during the time of the strike the waterfront strike in 1934.

Q. Could you be more specific than that?

A. No, I couldn't.

Q. Some time during the 1934 strike?

A. Some time during the 1934 strike.

Q. That was between May 9, 1934 and July 31, 1934? [949] A. Yes.

Q. Now, was your apartment ever used for Communist Party meetings?

A. Yes; my apartment was used for generally; Communist unit meetings and also it was used for meetings of the sub-section organizers.

Q. Well, now, what is the sub-section organizers?

A. That is a meeting that takes place weekly of all the organizers of the Communist units of a certain section.

(Testimony of Thomas Laurence.)

Q. Were you ever a member of such a section?

A. No, I wasn't an organizer of a unit, so I didn't belong to that.

Q. But they held meetings in your apartment?

A. Yes.

Q. Were you present at such meetings?

A. No, I wasn't.

Q. And how frequently would the Communist Party hold section organizers' meeting in your apartment?

A. They would hold them, I say, about maybe once a month, the sub-section meetings, because they always wanted to vary them; they didn't want to hold them consecutively twice in the same place. They would try to find different meeting places all the time. There was a scarcity of meeting places so they oftentimes asked me to use my place.

Q. Was that the usual practice of the Communist Party [950] at the time to hold such meeting in different homes?

A. Yes; that was the usual practice.

Q. And who would ask you for the use of your apartment to hold such section organizers' meetings in?

A. Generally speaking, one of the section organizers would ask me.

Q. Can you give us the names of any persons who would ask you?

A. No, I couldn't recall right at the present.

Q. Do you know Elmer Hanoff. A. Yes.

(Testimony of Thomas Laurence.)

Q. Would he ever ask for the use of your apartment for such meetings?

A. No. Generally he wouldn't ask me. It would be some of the organizers, possibly the organizer of the unit that I belonged to, because he was in closer contact with me. [951]

Q. Now, this particular meeting at which you say you saw Bridges, who asked you for the use of the apartment?

A. One of the organizers of this sub-section that I belonged to asked me if they could have my house for a meeting of the Section Committee.

Q. Of the Section Committee? A. Yes.

Q. Of the Communist Party?

A. Of the Communist Party; yes, sir.

Q. And what did you say?

A. I said, "Yes."

Q. Well, do you know the name of this person? A. No, I can't recall the name.

Q. What else did he say in connection with the meeting?

A. Well, he—after he had asked me for the meeting and intimated it was going to be a Section meeting, he said to me they were going to have a meeting with Harry Bridges.

Q. Was anyone else present? How many were present when he made that statement to you?

A. There was nobody but this organizer and myself.

Q. And yourself. And did you consent to give them the use of your apartment for such a meeting? A. I did, yes.

(Testimony of Thomas Laurence.)

Q. He told you specifically that it was to be a meet- [952] ing of the Section organizers of the Communist Party?

A. The Section Committee, that is, the top Section Committee.

Q. The top Section Committee of the Communist Party? A. Yes, sir.

Q. Did he say that you could be present?

A. No, he didn't.

Q. Did you give him the key to your apartment?

A. Well, generally the back door was open, and then when they go in they lock it; the lock the front door themselves.

Q. And when was this meeting to be held in your apartment?

A. Well, this meeting was held at night and it was held on a Thursday night.

Q. You say you weren't present at the meeting?

A. I was not present.

Q. Where were you that night?

A. Thursday night is the night they held the unit meeting. I was at a unit meeting upstairs in the same house on the third—or second floor it is.

Q. Now, you are distinguishing between the unit meeting of the Section Committee meeting?

A. Yes; this was just a common ordinary unit meeting of the Party members, rank and file.

Q. And you say you were attending such a meeting? [953] A. Yes.

Q. In whose apartment was that?

(Testimony of Thomas Laurence.)

A. In the apartment of Frank Ryan, was the name of the man that lived there, and a fellow by the name of Harp, H-a-r-p; Elmer Harp, I believe is the name.

Q. Now, did you, during the time that the meeting was being held downstairs in your apartment, go down to your own apartment?

A. Yes, I and another fellow went down.

Q. Who was the other fellow?

A. I don't recall who the other fellow was.

Q. What did you do?

A. Well, we looked in the window.

Q. You looked in the window. Were the curtains down?

A. Yes, they were down most of the way; just probably about three or four inches from the bottom.

Q. Why did you look in the window?

A. Well, we all wanted to take a look at Harry Bridges.

Q. Did you see him? A. Yes, sir.

Q. Who else did you see in there?

A. Well, I can remember two of them that were there. I remember seeing Lawrence Ross and a man by the name of [954] Meyer Baylin.

Q. Was Lawrence Ross a member of any union?

A. No.

Q. Was Meyer Baylin a member of any union?

A. Meyer Baylin at times worked in the office of the Needle Trades Industrial Union, but I don't

(Testimony of Thomas Laurence.)

believe as a member; he never was a Needle Trades worker.

Q. Did you know Lawrence Ross to be a member of the Communist Party?

A. Yes, he was one; he was one of the Section leaders of the Party.

Q. Did you know Meyer Baylin to be a member of the Communist Party?

A. Yes, he was also a member of the top Section of the Communist Party in this Section.

Q. Did you see anyone else in the room?

A. There were others, a couple of others, but I don't recall who they were.

Q. Was Pop Hanoff there?

A. I don't recall whether Pop Hanoff was there or not.

Q. How many were there all together? How many did you see, rather, while you were peeking?

A. I can't recall whether there were five or six. I know it was not a large meeting.

Q. Could there have been more than six?

A. I am positive there weren't more than six.

[955]

Q. Five. A. Might have been five, yes.

Q. What were they doing when you saw them?

A. They were sitting talking; I didn't hear them.

Q. What part of the room, or in what room?

A. Well, the house has—the house I was living in, or the apartment has three rooms. It has a kitchen, bedroom and living room. The living

(Testimony of Thomas Laurence.)

room is right in the middle and they were in the living room; that was the only room that had chairs.

Q. Where was the window from which you were peeking?

A. There was windows all around. You could look in from the bedroom, into the living room, and you could look straight in, and you could look in from the kitchen window.

Q. Why did you leave the Communist Party, Mr. Laurence?

A. I lost complete confidence in the leaders of the district of this Communist Party.

Q. Were any charges ever made against you?

A. No.

Q. Have you ever been a labor spy?

A. No.

Q. A so-called labor spy? A. No.

Q. Have you ever been an informer?

A. No. [956]

Q. Have you ever been arrested? A. No.

Q. Have you ever been on relief?

A. I was on relief, I think, about a week or two.

Q. When was that?

A. I think that was in either '34 or '35; I can't remember just when.

Q. And where was that?

A. That was in Los Angeles.

Q. Did you ever write any articles about Bridges at any time?

A. I wrote an article for the publication of The Justice.

(Testimony of Thomas Laurence.)

Q. The Justice. What is The Justice? A Magazine?

A. The Justice is the trade paper of the International Ladies' Garment Workers Union.

Q. What was your articles about?

A. It was answering Harry Bridges on charges that he had charged the International Ladies' Garment Workers Union with sabotaging the CIO.

Q. You mean Bridges had made that charge?

A. Yes.

Q. And you replied to it?

A. I replied to it.

Q. What was your reply substantially, briefly?

[957]

Mr. Gladstein: Just a minute.

May we interrupt to suggest that the best evidence would be the article itself?

Mr. Del Guercio: He wrote the article. He ought to know, I guess.

Presiding Inspector: Yes, I suppose the article itself would be the best evidence.

Mr. Gladstein: Yes, and moreover, may I ask again that your Honor admonish counsel to address remarks to the Court and not across the table. I simply raised the objection to the question on the grounds——

Mr. Del Guercio: (Interposing) The admonition isn't necessary.

Presiding Inspector: Well, now, I will rule on this, if necessary.

I think you may go on, Mr. Del Guercio.

(Testimony of Thomas Laurence.)

By Mr. Del Guercio:

Q. Do you have a copy of that article?

A. Yes, I have a copy, but I haven't a copy of The Justice, no. I have a copy of a Socialist paper that the same article was taken from.

Q. Is it the same article?

A. Substantially the same.

Q. Do you have it with you?

A. Yes, I have. [958]

Q. May I see it?

A. Yes. (Handing document to Mr. Del Guercio)

Mr. Del Guercio: May I ask the Court's indulgence for a moment until I look it over?

Presiding Inspector: Certainly. We will take a very short recess.

(Whereupon a short recess was taken.)

By Mr. Del Guercio:

Q. At the time you wrote this article for The Justice what was your position in the union?

A. Business Agent.

Presiding Inspector: Did he answer?

The Reporter: Yes, sir; Business Agent.

By Mr. Del Guercio:

Q. Have you written any other articles?

A. No.

Q. About Bridges? A. No.

Q. Have you ever been arrested, Mr. Laurence?

A. No.

Q. At any time? A. No.

(Testimony of Thomas Laurence.)

Q. Anywhere? A. No.

Mr. Del Guercio: You may cross examine. [959]

Mr. Gladstein: If your Honor please, in connection with this witness, and the cross examination, may we have the same understanding which, I think, your Honor expressed this morning, that is to say, that we will proceed with the cross examination of this witness on such matters as we are prepared to proceed with at the present time?

Presiding Inspector: It seems we covered the whole field here.

Mr. Del Guercio: Does counsel state he has no information concerning this particular meeting, that you are unprepared in that respect?

May I ask that question of counsel?

Presiding Inspector: He hasn't said that. I won't let you interrogate counsel.

Mr. Grossman: May I say something?

Presiding Inspector: Yes.

Mr. Grossman: I say this only because this question has been raised. If Mr. Del Guercio intends to imply by his question——

Presiding Inspector: I don't care what he intends to imply.

Mr. Grossman: Just so there won't be any——

Presiding Inspector: You need not fear anything in that regard. Of course, the same thing will apply to Mr. Del Guercio's remarks.

Mr. Grossman: I want to state for the record, your Honor, [960] that we are not stating here that we are totally unprepared for this witness as

(Testimony of Thomas Laurence.)

for the last witness. We do not want it to appear that we are misrepresenting the facts. We are partially prepared for this witness.

Possibly that answers the question.

Presiding Inspector: Go ahead and see how it develops.

Cross Examination

By Mr. Gladstein:

Q. May I see that article, Mr. Laurence, please?

A. (Producing newspaper or publication).

Q. Will you find it for me, please?

A. (Indicating).

Q. Now, Mr. Laurence, I think you said that in 1934 you were living with your wife at 1118 Bellevue? A. 1114, I believe it was.

Q. And you had been living there a very short time? A. That is correct.

Q. Was there anybody else in your family besides your wife? A. No.

Q. Just you and her? A. That is all.

Q. And what is her name, please?

A. Catherine.

Q. Do you still live at that address? [961]

A. No, I don't.

Q. What address do you live at now?

A. 1249 West 58th Street.

Q. With your wife?

A. Yes. I am married again.

Q. Pardon? A. Not with the same wife.

Q. You have since become divorced and remarried? A. I have; yes.

(Testimony of Thomas Laurence.)

Q. When were you divorced from Mrs. Catherine Laurence?

A. I was divorced last fall; this last fall.

Q. Last fall? A. Yes.

Q. That would be in the fall of 1940?

A. Yes.

Q. Now, this house on 1114 Bellevue, what sort of a house was it, how big a house?

A. It was a four-family flat, two flats below the street, more or less of a basement at.

Q. And do I understand that you and your wife rented that house?

A. We rented the apartment on one side.

Q. You rented one of the apartments?

A. Yes.

Q. You didn't rent the whole house and sub-let a part of [962] it? A. Oh, no.

Q. I think you mentioned that there were other people who lived in that house? A. Yes.

Q. In other apartments? A. Yes.

Q. Would you name all those people whom you can remember now?

A. The only people I know were the people in the apartment where we had the other meeting—Ryan and Elmer Harp.

Q. Those are the only two names you can remember? A. That is the only two.

Q. Were they living in separate apartments or in the same apartment, those two that you named?

A. Those two were living in the same apartments.

(Testimony of Thomas Laurence.)

Q. Do you recall which apartment?

A. Well, let me see—I know exactly which apartment it was in.

Q. Can you describe it?

A. Well, I can describe the type of house. It is a frame structure, a brown building, with four family flats, two on one side and two on the other. It is a square house and it faced Bellevue Street. Bellevue came into Sunset; and Bellevue and another street, Beaudry, met there, and this house was sitting right where those two streets came together.

[963]

Q. In which of those flats were you and your wife living?

A. I was living at the bottom on this side (indicating) in the basement flat.

Presiding Inspector: Right hand side as you looked at the building from the street?

The Witness: If you look——

Presiding Inspector: From Bellevue.

The Witness: From Bellevue it would be on the left.

By Mr. Gladstein:

Q. Looking at it from Bellevue it would be on the left as you entered the house? A. Yes.

Q. And from the same position, looking from the same position, how would you describe the apartment in which Mr. Ryan and Mr. Harp lived?

A. Well, it was all in the same order—it was a bed room, a living room and a kitchen. And upstairs where they lived there was a long stairs up

(Testimony of Thomas Laurence.)

the back, and they had sort of a porch on the outside.

Q. Was there apartment directly above yours?

A. No, not directly above. They were on the other side of the house.

Q. Well, if you were looking from Bellevue you would say that they occupied the apartment to your right? A. Yes.

Q. In contradistinction to the apartment that you [964] occupied, which was to the left looking from that same position, is that right?

A. Just one moment. In order to enter my apartment you couldn't enter it from the front because we were in the basement apartment and that had a side entrance. But the apartment that they lived in faced exactly toward the front, toward Bellevue, and it was on the right hand side; but to go to my apartment you had to go down a step on the side of the house because it was in the basement.

Q. Well, if you were to take a line and divide the house in two lengthwise; in other words, a line dividing the apartments on one side from the apartments on the other, would it be correct to say that the apartment occupied by you would be to one side of that line, whereas the apartment occupied by Mr. Harp and Mr. Ryan would be on the side?

A. Correct.

Q. And your apartment would be what you call the basement, is that right?

A. Yes; and theirs the top.

(Testimony of Thomas Laurence.)

Q. Theirs would be on the top floor?

A. Yes; top floor.

Q. When were you first contacted with respect to giving testimony in this case?

A. I didn't understand the question.

Mr. Gladstein: Read it, please.

(The question referred to was read by the reporter as [965] above recorded.)

A. I should say that was about five or six months ago.

Q. By whom, please?

A. By an agent for the FBI.

Q. Do you recall his name?

A. Yes. His name was Williams.

Q. I didn't hear that. A. Williams.

Q. Was he alone or did he have someone else with him? A. He was alone.

Q. Where were you at the time that he made this contact with you?

A. I was at my place on West 58th Street.

Q. You mean at your home? A. Yes.

Q. This was in the evening, was it?

A. Yes; it was in the ning.

Q. Did he tell you how he happened to come to you?

A. I don't recall. I believe he found my address through the International Ladies' Garment Workers Union. That is all I can remember.

Q. Did he at that time ask you for information concerning Harry Bridges?

A. He asked me in this manner: He told me

(Testimony of Thomas Laurence.)

who he was, and he asked me what I knew. Do you want what I said to him? [966]

Q. Well, did you tell him what you knew?

A. Yes.

Q. Did you tell him substantially the things you have testified here to today? A. Yes.

Q. Did you tell him that you saw Mr. Bridges in this apartment by looking through the window?

A. Yes.

Q. That is, the window of your house?

A. Yes.

Q. And that this occurred in the evening?

A. Yes.

Q. Did you tell him what time in the evening it was?

A. I don't recall whether I told him the time or not.

Q. Did you tell him that it happened, and you have stated, during the waterfront strike?

A. Yes.

Q. Did you tell him whether it happened during any particular part of that strike, that is to say, before or after the general strike, or during the general strike?

A. I can't recall that I said at any special time.

Q. Do you now remember whether this incident to which you testified, do you place before the general strike, or after the general strike, or during the general strike?

A. During the general strike—what do you

(Testimony of Thomas Laurence.)

mean, do you [967] mean by general strike that was here in San Francisco?

Q. Yes.

A. No, I can't recall. I know it was some time during the waterfront strike, but I can't recall whether it was during the general strike or before or after, or how.

Q. You know that the general strike occurred during the period of the waterfront strike, don't you? A. Yes.

Q. That the waterfront strike started before and lasted until after the general strike? A. Yes.

Q. But you are unable to say whether this incident that you have described, you would place during the general strike, or immediately before, or immediately after? A. No, I couldn't say.

Q. Is that correct? A. Yes, sir.

Presiding Inspector: You have asked that four times and got the same answer each time. Can't we hurry this along?

Mr. Gladstein: If I may say so, it is obviously important to attempt to find out as specifically——

Presiding Inspector: It doesn't require four questions to get the same answer each time.

Mr. Gladstein: I am also interested in testing the recollection of the witness. [968]

Presiding Inspector: But you don't add anything—"Is this so?" "Am I right?" Just repeat it. The record will be interminable.

This isn't an admonition. It is merely a suggestion.

(Testimony of Thomas Laurence.)

By Mr. Gladstein:

Q. Was the first meeting with Mr. Williams, or at that first meeting, did you give him any written statement? A. I did not.

Q. Did you meet with him again thereafter?

A. I did.

Q. How long after the occasion that you have already talked about?

A. I think it was a matter of maybe two or three weeks; I am not positive.

Q. Where did the second meeting occur?

A. At the same place.

Q. Also in your home? A. In my home.

Q. Were there any others present besides yourself and Mr. Williams on the second occasion?

A. No.

Q. And there were none others present on the first occasion? A. No.

Q. What took place on the second occasion?

[969]

A. He took a written statement from me as to what I had told him.

Q. Did you write it out in your handwriting?

A. No. I think he wrote it out and I signed it.

Q. What was the procedure that was followed in this written statement, that is, did you dictate for him to write it out, or did you——

A. Substantially, yes: I dictated it for him to write out. He asked about it and I said, "This is the way."

Q. Did you then read it? A. Yes.

(Testimony of Thomas Laurence.)

Q. Did you sign it? A. Yes.

Q. And he took it with him? A. Yes.

Q. Did you receive a copy of it?

A. No, not that I recall.

Q. Did you request a copy?

A. I did not.

Q. Since that second occasion have you discussed the question of your testimony in this case with anybody else?

A. Yes. I discussed it with—you mean this signed statement?

Q. Well, the contents of the statement.

A. Why, I discussed it with Ryan.

Q. With whom? [970] A. Frank Ryan.

Q. When did you discuss it with him?

A. Well, immediately afterwards.

Q. Immediately after what?

A. After a few days, a few days after I had talked to the investigator. I had named him, Ryan, as being one of the men at those meetings.

Q. Well, then, would you say that you first spoke to Ryan immediately after, or a few days after the first occasion of your meeting with Williams, or after the second occasion?

A. After the second occasion.

Q. That is, after you had given a signed statement? A. Yes.

Q. And where did you see Ryan?

A. I met him where he works, down near where he works.

(Testimony of Thomas Laurence.)

Q. Did you work at the same place, or did you at that time? A. No, I didn't.

Q. Was it at Mr. Williams' suggestion that you went to see Mr. Ryan? A. No.

Q. It was your own idea? A. Yes.

Q. Did you discuss with Mr. Ryan the fact that you had given a statement? [971] A. Yes.

Q. Did you request him to give a statement?

A. No. I told him he could give his own.

Q. Did you discuss with him——

A. (Interposing) The only discussion I had with Ryan was that I told him I had a meeting with the investigator and that I had told him, the investigator, that he was at that meeting. That is the only discussion I had with him. [972]

Q. That you had told the investigator who was at the meeting?

A. That Ryan was at a certain meeting that I named, in his apartment.

Q. I see. Have you seen Mr. Ryan since that time? A. On several occasions, yes.

Q. Have you discussed this question of testifying—— A. (Interposing): No.

Q. (Continuing): ——in the Bridges case with him? A. No.

Q. Have you ever asked him to be a witness in the case? A. No.

Q. Did you discuss with him on any of the occasions that you have seen Mr. Ryan this incident of looking through the window? A. No.

(Testimony of Thomas Laurence.)

Q. Did you ask him whether he recalled any such incident? A. I did not.

Q. Now, Mr. Laurence, I haven't had a chance to read this entire article which you handed me, but I want to ask you some questions about it so that it can be identified in the record.

Mr. Del Guercio: Just a minute, please.

May I ask if that is going to be offered in evidence? [973]

Presiding Inspector: I don't know.

Mr. Del Guercio: If he is going to ask any questions about it——

Mr. Gladstein (Interposing): I don't know either. I think it ought to be identified as long as I am going to ask——

Presiding Inspector (Interposing): All right, you may have it marked for identification.

(The document referred to was marked Alien's Exhibit No. 5 for identification.)

By Mr. Gladstein:

Q. Would it be correct to say, Mr. Laurence, that for some time you have been opposed in your views as to appropriate trade union policies or program, to what you consider the policies or program of Mr. Bridges?

A. I have been opposed, yes.

Q. And your opposition would date from when, would you say, beginning when?

A. My opposition would date from the advent of the CIO in 1937.

Q. What makes you date it as of that time?

(Testimony of Thomas Laurence.)

A. What makes me date it as of that time?

Q. Yes.

A. Well, that would require some explanation.

Q. Well, I get the impression that you imply disagreement [974] with the idea of the CIO. Would that be a correct impression?

A. No, that would not be a correct impression.

Q. Well, would you explain why you put it as of that time?

A. I misunderstood you. At that time in 1937 I disagreed with the policies, as you stated, followed by Bridges at that time, but I did not have any objections—the fact of the matter is I believed very much in the CIO movement.

Q. Well, then, you would say that some time in 1937—— A. (Interposing): Yes.

Q. (Continuing): You became opposed in your mind to the policies that Mr. Bridges was following in his union, or in the trade union movement, is that correct? A. (No response.)

Mr. Gladstein: Would you read the question?

Presiding Inspector: Don't you think we ought to know what those policies are if you are going to ask those definitely?

Mr. Gladstein: First I want to get the general answer.

Presiding Inspector: Yes, I know.

Mr. Gladstein: Yes, I will go into that.

Mr. Del Guercio: If your Honor please, I object to the form of the question. We ought to go into the policies first.

(Testimony of Thomas Laurence.)

Presiding Inspector: No, I will allow that; that is, heretofore you have asked whether he was opposed to what he [975] understood the policies were. Now, you have asked it directly, and yet you haven't shown what those policies are.

Mr. Gladstein: Well, I will get into those, your Honor.

Presiding Inspector: Well, how can he—he can't testify to that except what he——

Mr. Gladstein (Interposing): Considers.

Presiding Inspector: Considers it.

Mr. Gladstein: That was an inadvertence on my part. I left it out of the second question.

Presiding Inspector: You changed your question.

Mr. Gladstein: I am sorry, your Honor; I didn't mean to. I will reframe the question.

Presiding Inspector: Yes, very well.

By Mr. Gladstein:

Q. I simply want to get this, Mr. Laurence: Is it true that during some time in 1937 you became, in your own mind, strongly opposed to the union policies and program which you considered Mr. Bridges was following? A. Yes.

Mr. Del Guercio: Just a minute—all right.

By Mr. Gladstein:

Q. Now, would you name some of the policies or portions of the program which you considered that he was following to which you felt opposed?

A. In order for me to answer that question, in 1937 was [976] the time that Bridges was appointed

(Testimony of Thomas Laurence.)

as Regional Director of the CIO, and at the time that he was appointed Regional Director of the CIO, and before Bridges waws appointed as Regional Director of the CIO, there was a CIO group functioning in the City of Los Angeles, and this group was an anti-Communist group. They didn't want the Communists to get control of the—it was not—it was only a professional organizational committee, you might say, meeting in the halls of the International Ladies' Garment Workers Union, and my opposition came at the time that Bridges was appointed Regional Director, and at that time the whole policy of the Communists changed and they began to flock into the CIO movement by whatever manner or means they could devise to get into it. And when the first election was held for the CIO Industrial Council that was the time, or shortly—about that, that was about the time that this change took place within the Communist Party and the labor movement, because prior to that, very prior to that, I distinctly remember that they were hollering, they were shouting and stating to the members, stating at the meetings to stay in the American Federation of Labor. And Jordan, who was then an organizer for the ART, told me a month and a half before Bridges was appointed that he was going to be appointed, and I noticed from that time on this terrible influx from the Party members all over the city into the CIO movement.

Q. In Los Angeles? [977]

(Testimony of Thomas Laurence.)

A. In Los Angeles, with an attempt to capture control of the local CIO movement.

That was the date and the time that my opposition started to, which you are now asking me, the policies of Bridges, what he stood for.

Q. Well, I was asking you for those policies followed by Mr. Bridges, or which you considered that he was following, or those portions of the trade union program which you felt that he was following to which you were opposed. Do you feel that you have answered that question?

Mr. Del Guercio: Well, if your Honor please, I think the witness has answered that question.

Presiding Inspector: Well, if he has anything further to say he may say it.

Mr. Del Guercio: He has indicated that Mr. Bridges was following the Communist Party line.

Presiding Inspector: We quite understand it, Mr. Del Guercio, but if there is anything further he may state it.

Mr. Gladstein: Do you want the question read?

The Witness: What is that?

Mr. Gladstein: Do you want the question read?

The Witness: The question that you asked me?

Mr. Gladstein: Yes, the present question.

The Witness: Yes, read it, please.

(The question referred to was read by the reporter.)

A. I will add this much further, and I stated this [978] also to the investigator: That as far as

(Testimony of Thomas Laurence.)

anybody connected on the Pacific Coast with the labor movement and in the trade union movement there was never any doubt about the policies that Bridges was following as far back as 1934, from the general strike, that he was following a policy outlined by the Communist Party in 1934 and was through 1937. As far as we were concerned we knew where Bridges stood, by that I mean, any man that was directly concerned in connection with the CIO movement or the A. F. of L. movement knew that the policies of Bridges were those that were laid down by the Communist Party and followed by the Communist Party.

By Mr. Gladstein:

Q. Now, will you please state, Mr. Laurence, what specific examples you can remember of Mr. Bridges following the Communist Party policy between 1934 and 1937, as you have put it?

A. The objectives of the Communist Party between those dates, that I can remember, was the organizations that they were endorsing; the movement in Spain, the League for Peace and Democracy; the movement in Spain and the boycotts, Nazi boycotts of the anti-Nazi League. All these things were introduced into the trade union of the CIO by the Communists. The fact of the matter was they absorbed the first three months of the CIO Industrial Council with meetings absolutely foreign to trade union questions. We were discussing nothing [979] but aid to China, aid to Spain, peace and

(Testimony of Thomas Laurence.)

democracy, and all other questions unrelated absolutely to regular, trade union policies.

Q. Well, am I to understand, Mr. Laurence, that a part of your opposition, then, to Mr. Bridges would be based upon what you considered his support for the Hollywood Anti-Nazi League in the trade unions?

Mr. Del Guercio: If your Honor please, he never mentioned a word about the "Hollywood Anti-Nazi League."

Mr. Gladstein: Let us go back to the answer. I thought I heard him say anti-Nazi League.

Presiding Inspector: I think he did.

Mr. Grossman: It happens that is the correct name. We might as well have the record state the correct name.

Presiding Inspector: I don't know anything about it. I will take judicial notice of it.

Mr. Gladstein: I think I can clear it up.

By Mr. Gladstein:

Q. When you say "anti-Nazi League", Mr. Laurence, were you referring to the Hollywood Anti-Nazi League?

A. I was thinking of that.

Mr. Gladstein: Would you now read the question that I asked?

(The question referred to was read by the reporter.)

A. No, because to put the question in such a manner, [980] I couldn't answer that question in

(Testimony of Thomas Laurence.)

the way you have asked it. I have no objection whether Bridges as an individual, or any other individual backs the Hollywood Anti-Nazi League, but the main thing that I pointed out was this: That they brought all of these questions into the trade union movement at the expense of the basic functions of the trade union movement.

By Mr. Gladstein:

Q. When you say "they" you mean the Communists? A. Yes, sir.

Q. And am I to conclude, then, that when Bridges supported the activities of the anti-Nazi League that indicated to you that he was following the Communist policy?

Mr. Del Guercio: Just a minute, if your Honor please. He is only limiting it to one organization. The witness stated a number of organizations.

Mr. Gladstein: I will prove the others but I cannot go to all of them at the same time, your Honor.

Presiding Inspector: Has he said that?

Mr. Gladstein: I am asking him.

A. I answered you when I said that as far as any person connected with the trade union movement on the Pacific Coast and the position of Bridges as being a Communist was taken for a matter of granted; they all knew it, that he followed the Communists all the way down the line.

By Mr. Gladstein: [981]

Q. For example, you mean on such things?

A. Now, I don't state because one organization he supported, that he was wrong in supporting it

(Testimony of Thomas Laurence.)

Q. No, but you gave us an example of the Anti-Nazi League, is that correct? A. Yes, sir.

Q. Another one I think you said was aid to China, is that right? A. Yes, sir.

Q. In other words,——

Presiding Inspector (Interposing): Supporting them in the trade unions.

Mr. Gladstein: Yes, that is what I mean.

Presiding Inspector: That is what you mean.

By Mr. Gladstein:

Q. Is that correct, Mr. Laurence?

A. I said supporting them in the trade unions.

Q. Yes.

A. At the expense of the basic functions for which a trade union is organized.

Q. All right. Now, let's see if we have this clear. In other words——

Mr. Del Guercio (Interposing): The witness has stated what it is, your Honor. I don't think it is necessary for counsel to recapitulate. [982]

Presiding Inspector: I am going to hear him. Go ahead.

Mr. Gladstein: Thank you.

By Mr. Gladstein:

Q. In other words, if I may summarize, Mr. Laurence, so we can have this clear, your position of disagreement with Mr. Bridges is that you feel that policies such as bringing into the trade unions the question of support for the Anti-Nazi League

(Testimony of Thomas Laurence.)

or for boycotting goods to Japan, or matters of that sort——.

Your Honor, I can't concentrate on asking a question while counsel——

Presiding Inspector (Interposing): I think you are doing very well, Mr. Galdstein. Go right along.

Mr. Gladstein: Thank you, your Honor, but counsel is making a——

Mr. Del Guercio (Interposing): I am ready for an objection.

Mr. Gladstein: I have no objection to objections being made to my questions.

Presiding Inspector: Now, do you want to start the question over again?

Mr. Gladstein: I think I would like to.

Presiding Inspector: All right, go ahead.

By Mr. Gladstein:

Q. I am using in this question, Mr. Laurence,—so that you won't feel that I am trying to confine you in any way, I am using the Anti-Nazi League and an aid to China as [983] an example only.

A. Yes, sir.

Q. Examples that you yourself gave.

A. Yes, sir.

Q. But you can consider—and I want the record to show that I am not attempting to confine you to these two but simply to make the question short. A. Yes, sir.

Q. All right. Now, your position is, is it, that your opposition to Bridges is that he supported activities in the trade union movement on behalf

(Testimony of Thomas Laurence.)

of the Anti-Nazi League, or the question of aid to China which you felt was at the expense of the basic functions of the trade unions; would that be correct? A. I would add to it——

Q. (Interposing): Well, would it be correct as far as it goes? A. Yes, sir.

Q. Now, do you want to add something?

A. Yes, sir.

Q. Please do.

A. Because that don't consist of all of my objections.

Q. All right, add to it.

A. If you had read the article you would have seen there Bridges behaviour with the union here in the City of [984] San Francisco, the Office Workers Union, upon which protests were made, that the charter was yanked and taken away from them, and the part that Bridges played in that charter was also an objection.

Q. Well, then, let's see, another point of difference between you and Mr. Bridges is that you felt that he was wrong on the question of a revision of the charter dealing with an Office Workers Union in San Francisco, is that correct?

A. Yes, and an attack upon the——

Q. (Interposing): I didn't hear the answer.

A. Yes, I said, "Yes", and an attack upon the ILGWU as sabotaging the CIO.

Q. Now, on this question of the Office Workers—you mentioned the ILGWU also; we will get to that in a moment. A. Yes, sir.

(Testimony of Thomas Laurence.)

Q. But for a moment let's confine ourselves to the Office Workers Union of San Francisco. Am I correct in saying that your testimony is that part of your opposition to Bridges is that you felt he had no right, and you believed that he did do this, to yank or jerk or rescind the charter of the Office Workers? A. Yes, but may I add yet——

Q. Certainly.

A. That also this: That in the position that he took in their support he also supported the Communists in their packing of meetings, in their fraud in elections, see, and in [985] their booing and their tactics. He supported by his presence of paper unions fraudulently conducted elections, booing and general tactics practiced by the Communists in the trade union movement of which he, I have never known, never criticized.

Q. Now, do you know of your own knowledge, as a matter of fact, whether Harry Bridges ever did rescind or cause the rescision of a charter of the Office Workers Union?

A. I only read it.

Q. Where did you read it?

A. I can't recall. I also heard it from the lips of one of the workers in the office of the—in the San Francisco ILGWU office.

Q. Did you, perhaps, read it in the Socialist Call? A. I did not.

Q. You are sure of that?

A. No; I got it from one of the girls in the office, I said, that worked in the office of the Inter-

(Testimony of Thomas Laurence.)

national Ladies' Garment Workers Union here in Los Angeles.

Q. Who was the girl?

A. I don't know her name.

Q. Now, you mentioned "fraudulent elections."

A. Yes, sir.

Q. Do you, of your own knowledge, know any fraudulent elections to which Mr. Bridges was a party?

A. I didn't say Mr. Bridges was a party. I said the [986] Communists conducted fraudulent elections which he has never condemned; he has supported them.

Q. Is it your statement that Mr. Bridges has supported fraudulent elections in the unions?

A. I said he supported—he has never condemned; he has by omission of his criticism absolutely supported them.

Q. Would you give some illustrations?

A. Yes, I will give the illustrations. In the CIO, when the first election was carried on my wife was a member of the organizing committee of the Western Union employees. The man who was the head of the organizing drive was a man by the name of C. H. Jordan; I think that is the name; Chester Jordan. When the election took place, my wife—I was a delegate from my union with the right to vote. When I got to the meeting that night there were two delegates, two delegates from this union that was only in the process of organizing, and my wife had been to every meeting and never

(Testimony of Thomas Laurence.)

heard of anybody that was even elected or appointed as a delegate to vote at that election.

Q. To vote from what union?

A. To vote for the Secretary of the CIO Industrial Council.

Q. Where?

A. That was in Los Angeles, and she also challenged that vote. [987]

Q. What was this vote? Was it an election in the council for council offices?

A. Yes, it was an election for the council Secretary.

Q. When was it held?

A. It was held in 1937.

Q. All right, proceed, Mr. Laurence.

A. Huh?

Q. Proceed. Have you finished?

A. Then I said, I stated that they sent delegates. This is one instance which concerned my wife that I know specifically about that she challenged, made an open statement at this meeting that there was never any delegates elected.

Q. Elected from what union?

A. There was never yet any union; there was only an organizing committee.

Q. Organizing committee in what field?

A. In the communications field of the Western Union.

Q. All right. Well, what was the name of the organizing committee?

(Testimony of Thomas Laurence.)

A. The Western Union Organizing Committee; I imagine that was all you could call it. A few workers got together out of the Western Union and tried to organize that plant.

Q. They formed an organizing committee?

A. They formed an organizing committee.

Q. They sent delegates to the council? [988]

A. They never sent any delegates because there was nobody ever knew—there was just two delegates appeared there.

Q. I see. Were there other organizing committees in Los Angeles at the time?

A. Other organizing committees?

Q. Any other organizing committees in other fields? A. I imagine there were.

Q. What did Mr. Bridges have to do with that election?

A. Have to do with that election?

Q. Yes.

A. The only charge against Mr. Bridges at that election is this, and this is another one: That when that election took place the longshoremen were the last people to come into this CIO Industrial Council in Los Angeles, and the direct charges made, and I have a copy of the thing at home, by the Trade Union Conference was that Bridges came down on the night they were going to have an election and talked so long that they had to postpone the election so they could bring the longshoremen in to swing the vote for the Communist Party the next week.

(Testimony of Thomas Laurence.)

Q. That is what you base the statement that you made on? A. Yes.

Q. I didn't hear the answer.

A. I said, "Yes." What statement are you talking [989] about now?

Q. The same that you made concerning Bridges' connection with this.

A. That is Bridges' connection with the CIO Council.

Q. Have you anything to add to that?

A. I can't recall at the minute.

Q. Well, now, this election in the council, was there an election at all? A. Yes, there was.

Q. Who participated in it? Delegates to the council? A. Yes, sir.

Q. How were these delegates chosen by the various unions?

A. Generally speaking, they were elected, or appointed, in some unions appointed.

Q. Were you a delegate, for example?

A. Yes, I was.

Q. How were you selected?

A. Appointed by the joint board of the International Ladies' Garment Workers Union.

Q. Similar methods were used, I take it, in other unions? A. Yes, sir.

Q. Elected or selected, is that right?

A. Yes, sir. [990]

Q. Was there anything wrong, to your knowledge, with the selection or election of longshore delegates to that council election?

(Testimony of Thomas Laurence.)

A. No, no, there was nothing wrong about it, only the purpose for which it was done. You see, there were two men running for the office of Secretary.

Q. Yes.

A. And Jordan was connected with the Maritime Industry at one time.

Q. Who was the other man?

A. William Busick. [991]

Q. And who was Jordan?

A. Jordan was a member of the Maritime Union and would invariably get the votes of the longshoremen members.

Q. And am I to understand then that your opposition to Bridges with respect to that incident is that you feel that he supported Jordan and you thought that improper? A. No. You are——

Mr. Del Guercio (Interposing): Just a minute. The witness said he thought Mr. Bridges supported the Communist Party policy.

The Witness: Yes.

Presiding Inspector: I think the witness is able to take care of himself.

By Mr. Gladstein:

Q. Isn't this true, Mr. Laurence, that all that happened in connection with that election is that the election was postponed for a week in order to permit the seating of delegates from the longshoremen? A. Not to my understanding.

Q. Was there a postponement of one week?

(Testimony of Thomas Laurence.)

A. There was a postponement because Bridges talked so long that they weren't able to hold an election.

Q. Did he or did he not in his talk ask for the postponement in order to enable the seating of delegates to take place from the longshore union? [992]

A. I don't know.

Q. You do know, do you not, that the longshore delegates were actually seated thereafter?

A. Yes.

Q. And did participate in the election?

A. Yes.

Q. And you don't claim that there was anything wrong in the way in which the longshore delegates were chosen, do you?

A. I don't know anything about how the longshore delegates were chosen.

Q. Now, were you present the night that you say Bridges made this long talk?

A. I was not.

Q. You weren't present?

A. I was not.

Q. What you have been testifying to is hearsay, is that right? A. Absolutely.

Q. You don't know actually what he said?

A. No, don't.

Q. You don't know what purpose he gave to the group when he expressed himself on this question of the delay?

A. There is a statement put out by the Los Angeles Trade Union Conference, the part that

(Testimony of Thomas Laurence.)

split, withdrew from the CIO Council, that contains the identical statement, identical charge. [993]

Presiding Inspector: Just a moment. Mr. Gladstein, am I wrong in thinking that this whole examination simply relates to what this witness thought was the attitude of Mr. Bridges to which he was opposed? You are not using this as original evidence of what did take place?

Mr. Gladstein: Your statement is correct; that is right.

Presiding Inspector: I wanted to understand that.

Mr. Gladstein: I want to bring out those things which are points of disagreement.

Presiding Inspector: The understanding of this witness?

Mr. Gladstein: Naturally, they would be based on that unless there is some objective concerning which there could be no dispute.

Presiding Inspector: We haven't heard anything of that kind, excepting in relation to this one meeting.

By Mr. Gladstein:

Q. You mentioned the Los Angeles Trade Union Conference. What was that?

A. That was a group that withdrew from the Los Angeles Industrial Council of the CIO because of this domination by the Communists.

Q. Did they ever return?

A. Some of them returned; yes.

(Testimony of Thomas Laurence.)

Q. Which ones did and which ones did not, according to your best recollection? [994]

A. The rubber workers returned, some of the representatives of the automobile workers returned. At present I can't recall any more.

Q. Let me put it this way; Can you think of any groups that were in that Trade Union Conference that have not returned to the CIO Council? A. Groups?

Q. Yes—Unions.

A. I don't know—my Union has been out of the CIO for several years.

Q. That is the ILGWU? A. Yes.

Q. Can you think of any other union, besides that one, which has not returned to the CIO since this incident you have been describing?

A. I don't know; I couldn't positively state. I know this: That many of those groups, unions that were in that Conference, were forced to return through pressure of their International office officials.

Q. You say that some of the groups went back to the CIO only because of the pressure that was put on them from the International?

A. Yes.

Q. Was this pressure put on after the facts, the facts contained in the charges made by the Trade Union Conference, were [995] brought to the attention of the various International officers?

A. After the facts?

Q. Well, now, I will put it this way—that was

(Testimony of Thomas Laurence.)

rather complicated. I understood you to say that when this group, the Los Angeles Trade Union Conference withdrew from the Los Angeles Council it set up charges which it made public?

A. Oh, yes.

Q. Some time thereafter, with the exception of the ILGWU, the rest of the Unions, as far as you know, returned to the CIO Council? A. Yes.

Q. Now, before the return of the various Unions to the CIO Council you said that pressure was exerted by the International Officials in the cases of some local unions in order to get them to come back, is that correct? A. Yes.

Q. Now, before that pressure was exerted do you know if it is a fact that these charges made by the Los Angeles Trade Union Conference were brought to the attention of the International officials of the various International Unions whose locals had gone out with this Los Angeles Trade Union Conference? A. Yes.

Q. Those facts had been brought before the officials? A. Yes.

Q. And despite that the International Officials ordered [996] the local unions to return to the Council, is that correct?

A. That is correct.

Q. Now, can you think of any other points of disagreement, Mr. Laurence, that you feel that you have had with Mr. Bridges on Trade Union policies, or matters since 1934? A. No.

(Testimony of Thomas Laurence.)

Q. You have stated all that you can remember at the present time?

A. At the present time I can't recall any other incidents.

Q. Now, Mr. Laurence, do you remember whether you felt opposition in your mind to the policies you considered Mr. Bridges was following in connection with the Ford strike down in Los Angeles, or San Pedro, rather?

Mr. Del Guercio: Is that contained in the article, may I ask, if your Honor please?

Mr. Gladstein: The city is not mentioned so far as I know.

Mr. Del Guercio: Why not tell the witness that is what is in the article, or introduce the article in evidence?

Mr. Gladstein: I will withdraw the question and put it another way.

By Mr. Gladstein:

Q. Do you recall a strike in Long Beach at the Ford plant? A. I do.

Q. Do you remember when that happened?

A. Approximately at the time I was in the CIO Council, at [997] that time.

Q. Isn't it a fact that you felt in disagreement, that is, you were in disagreement with Mr. Bridges as to his policies in connection with that Ford strike?

A. Are you referring to the article where Bridges has told the workers to go back to work?

Q. Yes. I will show that part of the article

(Testimony of Thomas Laurence.)

to you so it will be fresh in your mind. It is the paragraph that stands out in bold print. Do you want to read it? (Referring to article indicated).

A. Yes; I remember the incident.

Q. What was that incident, please?

A. Well, I wasn't there at this meeting. I only know what the delegates that were at the meeting reported to the CIO Industrial Council, and what was reported to me by CIO members. I can't attend every meeting. The statement was that Bridges had told the workers to go back to work if they had to go back on their bellies. And some of the longshoremen delegates told me in Long Beach that after that meeting, in which Mr. Bridges was booed, he went over to the longshoremen and changed directly about.

Q. Have you finished your answer?

A. Yes.

Q. Isn't it a fact that Mr. Bridges was opposed to that strike for reasons which he made public?

[998]

A. I don't know.

Q. Isn't it a fact that one of the reasons he was opposed to that strike was because he felt there was no possibility of winning it?

A. From my knowledge, any time the Communists do not control or lead a Union, they are not interested in whether the strike is ever won or not. They *had* rather see it lost, and be able to discredit the leadership that is leading that strike.

(Testimony of Thomas Laurence.)

Mr. Gladstein: Would you read the question again, please?

(The question referred to was read by the reporter as above recorded.)

Mr. Myron: He is asking the witness to read Mr. Bridges' mind.

Presiding Inspector: I know, but all these questions, although they are directed as to Mr. Bridges' actions, or his doings, or this thoughts, are only, as explained by Mr. Gladstein, the idea of this witness about them. They have no value as proof of Mr. Bridges' actions.

Mr. Gladstein: That is right.

Presiding Inspector: He is only testing, in other words, the attitude of this witness as bearing upon his own credibility. That is the foundation of this testimony.

Mr. Myron: That attitude in every respect is predicated on the witness' knowledge that Mr. Bridges was following the [999] Communist Party line.

Presiding Inspector: That is what his idea is.

Mr. Myron: Those questions don't include that.

Presiding Inspector: He made that quite clear.

Mr. Gladstein: Would you like to have the question re-read, Mr. Laurence? I would like to have you answer it directly if you can?

The Witness: What is the question?

Mr. Gladstein: Read the last question, please.

(The question referred to was read by the reporter as above recorded.)

(Testimony of Thomas Laurence.)

A. I am not interested in what Bridges might have said for public consumption. My thoughts on the matter are from the point of view that I have seen the workers in any unions where there is a leadership that may be opposed to the Communists or Mr. Bridges.

By Mr. Gladstein:

Q. Did you know that Bridges had stated that he was opposed to this strike at the Ford plant in Long Beach because there wasn't any possibility of winning it? A. Did I know that?

Q. Yes. A. No.

Q. Did you know that some of the persons who were out on that strike have not been able to get back on their jobs since [1000] that time?

A. I don't know anything about the circumstances of it.

Q. Did you know at the time that you wrote this article in June of 1938 that this particular local union of workers had gone on record supporting and endorsing the advice that Bridges had given in connection with that strike?

A. I don't know. May I ask you a question: Was it the same leadership that was out on strike at that time?

Q. If you want to ask the question you will have to come down here.

A. You are implying in your question——

Presiding Inspector: No, no, no. He is asking for information, I think.

The Witness: He is implying——

(Testimony of Thomas Laurence.)

Presiding Inspector: No, no. You are a witness here and you cannot argue it.

By Mr. Gladstein:

Q. Concerning this article, Mr. Laurence, it would be fair to say, would it not, that at least as to a part of the contents of this article which you wrote, you were relying on hearsay information, information that was brought to you?

A. Yes. I relied on information from other members of the Industrial Union Council.

Q. But whether that information was obtained by you first-hand from your own experience or knowledge, or whether it was [1001] obtained simply by hearsay, would it be correct to say that you believed to be correct all of the things that you stated in that article? A. Yes.

Mr. Gladstein: If your Honor please, under the circumstances I think perhaps, especially since the Government has requested it, that that article ought to go into evidence.

Presiding Inspector: Very well.

Mr. Del Guercio: As Alien's Exhibit.

Mr. Gladstein: We have no objection to it.

Presiding Inspector: It may be received.

(The publication referred to was received in evidence and marked Alien's Exhibit No. 5.)

Presiding Inspector: We will suspend at this point, but I would like to see counsel for a moment in chambers.

Tomorrow morning at 10:00 o'clock.

(Testimony of Thomas Laurence.)

(Whereupon, at 4:05 P.M. an adjournment was taken until Thursday, April 17, 1941, at 10:00 A. M.) [1002]

Court Room 276,
Federal Building,
San Francisco, California,

April 17, 1941.

Met, pursuant to adjournment, at 10:00 A.M. [1003]

PROCEEDINGS

Presiding Inspector: We are ready to resume, Mr. Del Guercio. Call your witness.

Mr. Del Guercio: Mr. Laurence is here for further cross examination.

Presiding Inspector: You may proceed with the cross examination.

THOMAS LAURENCE

called as a witness on behalf of the Government, having been previously duly sworn, testified further as follows:

Cross Examination (Resumed)

By Mr. Gladstein:

Q. Mr. Laurence, yesterday I think you said

(Testimony of Thomas Laurence.)

that you were employed as a cutter at the Red Cross? A. Yes.

Q. Is that in Los Angeles? A. Yes.

Q. How long have you been employed there?

A. I started just a week ago.

Q. I didn't hear that.

A. I just started a week ago.

Q. Immediately prior to that where were you employed?

A. I was employed by the Rosamond Cloak and Suit Company as a cutter.

Q. Was there a period of unemployment between those two [1004] employments?

A. There was.

Q. For how long was that period?

A. I should say about two months and a half.

Q. Were you on relief during that period?

A. I was not.

Q. How long did you work for the Rosamond Company? A. Approximately three months.

Q. In what capacity were you employed there?

A. As a cutter.

Q. And before that where were you employed?

A. Before that I wasn't employed steady at any place. In fact, for the past two years I haven't worked steady at any place.

Q. Have you ever been employed to give reports on union activities?

A. Employed to give reports to whom?

Q. On union activities? A. To whom?

Q. Anybody? A. No.

(Testimony of Thomas Laurence.)

Q. Have you ever given such reports?

A. To whom?

Q. To anybody? A. On union activities?

[1005]

Q. Yes.

A. I don't understand what you mean.

Q. Do you know a man by the name of Captain Hynes? A. Yes.

Q. Have you ever given him reports on labor activities? A. I have not.

Q. Have you ever given him reports of any kind? A. No, sir.

Q. Have you ever given reports to anyone?

A. No.

Presiding Inspector: Outside of the labor unions themselves, you mean? He may have given reports within the labor unions.

Mr. Gladstein: I mean outside of the labor movement.

The Witness: Outside of the labor movement, I made no reports to no one.

By Mr. Gladstein:

Q. I believe you said you were Business Agent of your union at one time.

A. For a year and a half.

Q. What union was that?

A. International Ladies' Garment Workers Unions.

Q. Was it a local union?

A. Well, it was a local in Los Angeles, yes.

Q. What local was it?

(Testimony of Thomas Laurence.)

A. I was employed by the Joint Board, not by a local. [1006]

Q. Well, then, you were a Business Agent employed by the Joint Board of the ILGWU?

A. Correct.

Q. Was your employment confined to duties connected with any particular local union?

A. My employment was connected with Local 96 and Local 84.

Q. Both in Los Angeles? A. Yes, sir.

Q. Did you receive that employment by virtue of appointment or election?

A. I was appointed.

Q. For how long a period?

A. I was appointed for the expiration of the term of the other Business Agent that went out.

Q. And how long was that unexpired term to which you were appointed?

A. That was about—well, the elections had been postponed in the union when I went into office; it was about a year.

Q. But the elections were postponed?

A. About six months or a year. Due to internal strife in the organization elections were postponed.

Q. Well, originally when you were first appointed how long did you understand that you were to serve? [1007]

A. Until the next election.

Q. Was there any particular period from that time for the next election to be held?

(Testimony of Thomas Laurence:)

A. Yes, there was.

Q. How long until it was to be held?

A. I believe it was about a year and a half.

Q. So that your testimony is that you were appointed to an unexpired term of a year and a half? A. That is correct.

Q. You filled out that term?

A. I left before the elections; I resigned my position.

Q. You resigned your job? A. I did.

Q. By the way, what time of the evening did you look through the window of your apartment?

A. I don't exactly know the specific time but I imagine that it was around between 7:30 and 8:00.

Q. That is as close as you can put it?

A. That is as close as I can put it.

Q. Do you believe in overthrowing the Government by force and violence?

A. I have never believed in it.

Q. Yesterday you were telling about some of the differences which existed between you and the policies which you considered Mr. Bridges followed. Did you feel pretty strongly [1008] about those differences, Mr. Laurence?

A. Yes, I would say I do.

Q. And always have?

A. Always have, did you say?

Q. Yes.

A. I named you the period of time when I

(Testimony of Thomas Laurence.)

violently disagreed with the policies that were followed by the Communists.

Q. Would it be fair to say that you feel that the policies Mr. Bridges was following were destructive of the trade union movement?

A. Yes, a menace to the trade union movement.

Q. Do you still feel that way?

A. Yes, sir.

Q. And to the CIO? A. No, I don't.

Q. No; I mean do you still feel that the policies Mr. Bridges was following——

A. (Interposing) Are a menace to the CIO?

Q. Yes. A. Yes, sir.

Q. You do? A. Yes, sir.

Q. The Los Angeles Trade Union conference concerning which you gave testimony yesterday, I think you said that you were an individual who was a part of that? [1009] A. I was.

Presiding Inspector: Keep your voice up, if you can, Mr. Laurence.

By Mr. Gladstein:

Q. As a matter of fact, it was in connection with that, was it not, that you wrote this letter to the magazine, The Justice? A. Yes, sir.

[1010]

Q. Now, after that article of yours appeared in the periodical, The Justice, isn't it true that you were taken to task in the CIO Industrial Union Council in Los Angeles and that a letter was authorized written by that Council repudiating your article? A. Yes.

(Testimony of Thomas Laurence.)

Mr. Gladstein: I think that is all, your Honor.

Presiding Inspector: Anything further with this witness?

Mr. Del Guercio: Yes. I have a few questions, your Honor.

Redirect Examination

By Mr. Del Guercio:

Q. Have you ever harbored any personal animosity towards the Alien, Bridges, here?

A. No.

Q. Do you have any now? A. I do not.

Q. Have you ever had?

A. I have never had.

Q. Do you have any personal grievance against Bridges?

A. No; I have no personal grievance whatsoever against him.

Q. Have you had any contacts with him at all during the period of time you have testified? [1011]

A. No personal contacts; no.

Mr. Del Guercio: That is all.

Presiding Inspector: That is all.

Mr. Del Guercio: May the witness be excused?

Presiding Inspector: Yes; you may be excused.

(Witness excused.)

Presiding Inspector: Call your next witness.

Mr. Del Guercio: Yes.

Presiding Inspector: Raise your right hand and be sworn.

FRANK RYAN

called as a witness on behalf of the Government, having been first duly sworn, testified as follows:

Direct Examination

By Mr. Del Guercio:

Q. What is your name? A. Frank Ryan.

Q. And where do you live?

A. 1118 Bellevue.

Q. What City? A. Los Angeles.

Q. Are you employed at the present time?

A. Yes.

Q. What is your employment?

A. I am a cutter and pattern maker at the Belle Sports [1012] Wear.

Q. Where were you born?

A. In the State of Arizona.

Q. Are you married? A. Yes.

Q. Do you have any children? A. Yes.

Q. Are you a member of any union at the present time, labor union?

A. Not at the present time; no.

Q. Have you ever been?

A. I have been—the ILGWU.

Q. Where? A. In Los Angeles.

Q. Have you ever been a member of the Communist Party? A. Yes.

Q. When?

A. During the period from 1933 to 1936.

Q. Where did you join the Communist Party?

A. In Los Angeles.

Q. How did you come to join the Communist Party?

(Testimony of Frank Ryan.)

A. Well, I joined the Communist Party shortly after the Garment Workers General strike, the dress strike, in Los Angeles.

Q. Why did you join the Communist Party? [1013]

A. I felt at that time that their program would benefit the conditions of the workers, that is, it would help in raising the conditions of the workers generally.

Q. Why did you leave the Communist Party?

A. Because I felt the reverse was true, that instead of benefitting the members of unions their policies were detrimental in organizing workers into the unions.

Q. You say your present address is 1114 Bellevue Avenue? A. 1118 Bellevue.

Q. How long have you lived there?

A. I have just been there for the last couple of weeks.

Q. Did you ever live at 1114 Bellevue Avenue, Los Angeles?

A. I lived at 1118 Bellevue Avenue, Los Angeles.

Q. Do you know Mr. Thomas Laurence?

A. Yes, I do.

Q. Did you ever live in the same apartment building that he lived in? A. Yes.

Q. Where was that? A. 1118 Bellevue.

Q. And what apartment did you occupy with respect to Laurence's apartment?

A. He lived downstairs in the basement and I lived upstairs on the second floor. [1014]

(Testimony of Frank Ryan.)

Q. During what period of time was it that you lived in this apartment?

A. I lived there during a period from 1934 to 1936.

Q. Was that during part of the time that you were a member of the Communist Party?

A. That is correct.

Presiding Inspector: What is the witness' name, Mr. Reporter?

The Reporter: Frank Ryan.

By Mr. Del Guercio:

Q. Were any meetings of the Communist Party held at your apartment during the time that you lived there? A. Yes; unit meetings.

Q. Unit meetings? A. Yes.

Q. How often would such unit meetings be held in your apartment?

A. I imagine two or three times.

Q. Two or three times?

A. During the period; yes.

Q. During the entire period? A. Yes.

Q. Would Mr. Laurence attend such meetings in your apartment?

A. He attended at one time I was present, or two times; [1015] yes.

Q. Did you ever attend Communist Party meetings in Mr. Laurence's apartment?

A. Meetings of the same nature, unit meetings; yes.

Q. Were you living in that apartment during the time of the 1934 San Francisco strike?

(Testimony of Frank Ryan.)

A. Yes; I lived there at that time.

Q. Do you recall a particular meeting of the Communist Party held in your apartment at any time during the San Francisco strike in 1934?

A. No, I do not.

Q. Do you recall if Mr. Laurence ever told you that there had been a meeting of the Communist Party in Mr. Laurence's apartment at any time during the 1934 strike? A. No.

Q. Who lived in the apartment with you at 1118 Bellevue Avenue?

A. Herman Harp and later on, George Smith.

Q. Have you ever seen the Alien here, Mr. Bridges?

A. No, only at a mass meeting in Los Angeles for the district.

Q. Did you ever hear of any meeting having been held in Mr. Laurence's apartment at which Mr. Bridges was present?

Mr. Grossman: If your Honor please, we object——

Presiding Inspector: This isn't evidence; it is whether [1015] he ever heard of it.

Mr. Grossman: Still, I am going to object to it as hearsay.

Presiding Inspector: Of course it is hearsay. It isn't of any importance except to identify an occasion, if it does.

Mr. Grossman: It is still hearsay to identify the occasion.

Presiding Inspector: You would probably find

(Testimony of Frank Ryan.)

some fault if this evidence wasn't produced. I will receive it. At least, an argument would be made on failure to produce it.

The Witness: Repeat the question.

Mr. Del Guercio: Read the question, Mr. Reporter.

(The question referred to was read by the reporter as above recorded.)

A. I was told by Mr. Laurence——

Presiding Inspector: "Yes" or "No"—that is all.

The Witness: "Yes" or "No"?

Presiding Inspector: Yes.

A. Yes, I heard there was a meeting being held there.

By Mr. Del Guercio:

Q. Who told you? A. Laurence.

Q. Thomas Laurence? A. Yes.

Q. When did he tell you? [1017]

Mr. Grossman: I am going to object to that as hearsay.

Presiding Inspector: I will receive it. It isn't any proof that it occurred, or very slight.

A. One evening there was a meeting in our apartment and Laurence told me early in this meeting privately that there was to be a meeting in his apartment downstairs at which Harry Bridges was to be present. [1018]

(Testimony of Frank Ryan.)

By Mr. Del Guercio:

Q. Did Mr. Laurence mention if anybody else was to be present at that meeting?

A. No, he did not.

Q. Did he tell you what kind of a meeting was to be held downstairs in this apartment?

A. I can't recall.

Q. How many people were present in your apartment at this time?

A. I would say seven, six or seven people.

Q. Were you subpoenaed to appear as a witness in this proceeding? A. Yes, sir.

Q. And when were you subpoenaed?

A. Last Tuesday or Wednesday.

Q. Tuesday or Wednesday of when? This week?

A. No; last week.

Q. Of last week. And where were you subpoenaed? Where was the subpoena served upon you?

A. At my shop, the shop I work at, in the hall in front of the shop.

Q. After the subpoena had been served upon you did anybody approach you? A. Yes, sir.

Q. Who? A. Margolis. [1019]

Q. Mr. Margolis. What is his full name?

A. I don't know. He introduced himself as Margolis, a lawyer for the Bridges defense here.

Q. And where did he approach you?

A. Downstairs in front of my building.

Q. At Los Angeles? A. Los Angeles.

Q. What did he say to you?

(Testimony of Frank Ryan.)

A. He asked me in regards to the Bridges case. It seems he had heard that I would either—I was either to testify, or had been contacted in some manner.

Q. Did he ask you if you had been subpoenaed?

A. I don't know whether he used those terms or not; I told him I had been.

Q. You told him you had been. Now, when did you tell him you had been subpoenaed?

A. What?

Q. When did you tell him you had been subpoenaed?

A. Well, this was Monday of this week, Monday noon.

Q. Oh! Did you tell him at the beginning of the conversation you had with Mr. Margolis or during the conversation?

A. At the beginning, I believe.

Q. At the beginning. And what did he say then?

A. He asked me if I would be willing to make the same statement to him, or the same answers to the questions that I had to the person who had interviewed me in this case, the agent. [1020]

Q. Did Mr. Margolis tell you who he was, whom he was representing? A. Yes, sir.

Q. Whom did he say he was representing?

A. He said he was representing the Harry Bridges defense, in so far as I can recall.

Q. Did he say that he was an attorney?

A. Yes, he did.

(Testimony of Frank Ryan.)

Q. And did you make a statement to Mr. Margolis? A. Yes, I did.

Q. Did he write it down? A. Yes, sir.

Q. Where?

A. We walked around the corner there on—about a block away into a small restaurant and sat down in the booth and I told him in substance the same thing that I have testified here.

Q. And what did he ask you? Did you have any further conversation with him?

A. None except that either I or he inferred that I didn't have much to contribute in this case. Stated—perhaps, it was myself—and I said I didn't know whether I would even be called to testify.

Q. Did he say if he had contacted any other persons? A. No, he didn't.

Q. Did he ask you if you had been threatened by the [1021] FBI agents?

A. He asked me if this was a complete voluntary statement of mine to the FBI, yes, if there had been any question of threats or intimidation.

Q. And what did you reply?

A. I told him "No," there had not been.

Q. Did he ask you to sign the statement?

A. Yes, he did.

Q. What did you say?

A. Well, I refused to sign because it was questions and answers and it was written in pencil and I didn't feel that I wanted to obligate myself in any way to such a statement.

Mr. Del Guercio: You may cross examine.

(Testimony of Frank Ryan.)

Mr. Grossman: May we have a couple of minutes, your Honor?

Presiding Inspector: Certainly.

Mr. Del Guercio: What?

Presiding Inspector: They want a couple of minutes.

Cross Examination

By Mr. Grossman:

Q. Mr. Ryan, when you spoke to Mr. Margolis did you tell him that Laurence had told you that the meeting at which Bridges was to be was a trade union meeting?

A. I told Mr. Margolis that as far as I could recollect [1022] I didn't know whether it was to be a trade union meeting or not, that is, I couldn't tell what type of meeting this was supposed to be, that is, whether it was a trade union meeting or it was not from Mr. Laurence's remarks.

Mr. Grossman: That is all, no more questions.

Mr. Del Guercio: May the witness be excused?

Presiding Inspector: Yes, I guess so. You are excused.

(Witness excused.)

Mr. Del Guercio: We have another witness coming up.

Presiding Inspector: I beg your pardon?

Mr. Del Guercio: We have another witness.

Presiding Inspector: You will call him right away, will you?

Mr. Del Guercio: Yes, we will call him right now.

Presiding Inspector: Raise your right hand.

MAURICE J. CANNALONGA

called as a witness on behalf of the Government, having been first duly sworn, testified as follows:

Direct Examination

By Mr. Del Guercio:

Q. What is your name?

A. Maurice J. Cannalonga.

The Reporter: Spell it, please.

The Witness: M-a-u-r-i-c-e C-a-n-n-a-l-o-n-g-a.

Mr. Del Guercio: Speak a little louder.

The Witness: I can't; my throat is on the bum.

[1023]

Presiding Inspector: Do the best you can. We all have that trouble now and then.

The witness is evidently very hoarse.

By Mr. Del Guercio:

Q. Where do you live, Mr. Cannalonga?

A. Seattle, Washington.

Q. And what is your present occupation?

A. I was electrician on a ship.

Q. Are you a member of any union at the present time? A. The Marine Firemen's Union.

Q. Marine Firemen's Union? A. Yes, sir.

Q. Is that an affiliate of the CIO?

A. No, it is independent.

(Testimony of Maurice J. Cannalonga.)

Q. An independent union. And how long have you been a member of such union?

A. Since '34.

Q. Are you a member in that union at the present time? A. Yes.

Q. Have you ever previously testified in any case involving Mr. Bridges? A. No.

Q. Have you ever been a member of any other union other than the one you just stated?

A. No. [1024]

Q. Have you ever been a member of the Communist Party, Mr. Cannalonga? A. Yes, sir.

Mr. Del Guercio: Your answer is what?

Presiding Inspector: "Yes," he said.

By Mr. Del Guercio:

Q. And when did you join the Communist Party?

A. Oh, I believe, the latter part of '35 or the early part of '36, somewheres in that time. [1025]

Q. The latter part of 1935 or the early part of 1936? A. Yes; somewhere around there.

Q. And where did you join? A. Seattle.

Q. In Seattle, Washington? A. Yes.

Q. Why did you join the Communist Party at that time?

A. Well, I thought the workers would get a better break through the leadership of the Communist Party.

Mr. Del Guercio: What is that—I didn't hear.

Presiding Inspector: He said he thought the workers would get a better break through the leadership of the Communist Party.

(Testimony of Maurice J. Cannalonga.)

Isn't that what you said?

The Witness: Yes.

By Mr. Del Guercio:

Q. What made you feel that the workers would get a better break by joining the Communist Party?

A. Well, it was just because of the capitalist system, and the troubles that we went through in 1934, getting battered around, trying to make better conditions for ourselves, and so forth and so on.

Q. Well, did anyone ask you to join the Communist Party? A. Yes.

Q. Who? [1026] A. Walter Stack.

Q. Walter Stack—S-t-a-c-k? A. Yes.

Q. How long did you remain a member of the Communist Party?

A. Until about July of 1937.

Q. Then what happened?

A. Well, I quit.

Q. You quit it? A. Yes.

Q. Voluntarily? A. Oh, yes.

Q. You were not expelled? A. No.

Q. Where were you at the time you left the Communist Party?

A. I was ashore and then I shipped out.

Q. Under what name did you join the Communist Party?

A. I joined under my own name, and then was advised to, or took the Party name, "M. J. Cann."

Q. Is that your true name?

A. What is that, sir?

Q. Is that your true name, M. J. Cann?

(Testimony of Maurice J. Cannalonga.)

A. That was my initials. I was told to use a phony name. Instead of putting in a phony name I cut off some of the [1027] letters off my own name.

Q. Who told you to use a phony name?

A. Well, when I joined it was the policy of not using your own name.

Q. It was whose policy?

A. The Party's policy.

Q. What Party, the Communist Party?

A. Yes.

Q. Were you given a membership book?

A. Yes.

Q. And in what name was your membership book? A. M. J. Cann.

Q. You say Walter Stack induced you to join the Communist Party, is that correct?

A. Yes.

Q. What arguments did he use, if any, in getting you to join?

A. He used quite a few arguments.

Q. What were some of them?

A. Well, some of them was that the Communist Party was the leader of the workers in the country and by joining the Party it would build up the unions and give leadership to the members in the union.

Q. Did he say anything else?

A. Well, he mentioned quite a few things. I don't quite [1028] recall them now.

Q. Did he say anything in regard to Harry Bridges? A. Yes, he mentioned Bridges.

(Testimony of Maurice J. Cannalonga.)

Q. What did he say about Bridges?

A. He said that he was a member.

Q. Member of what? A. Of the Party.

Q. What Party?

A. Of the Communist Party.

Q. And he told you that at the time?

A. Yes.

Q. That is, at the time he asked your to join the Communist Party? A. Yes.

Q. During the time that you were a member of the Communist Party were you given any duties to perform by the Communist Party?

A. Yes. I was given routine waterfront work to do, such as contacting ships and getting new members to come into the Party, and build up the Party.

Q. Do you know why they gave you that particular assignment?

A. Yes; to build up the Party.

Q. To build up the Party. Were you popular there at the waterfront at that time? [1029]

A. Yes.

Q. And did you do what they asked you to do?

A. Yes.

Q. And did you get men to join the Communist Party? A. Yes.

Q. How many, would you say?

A. Oh, ten or fifteen; somewhere in that neighborhood.

Q. Do you know what the program of the Com-

(Testimony of Maurice J. Cannalonga.)

munist Party was at that time regarding the building up of Maritime Labor Unions?

A. Yes. Eventually they figured on the world revolution and by having leadership in the Unions, and strikes and so forth, it would create a class conscience of the workers and they, in turn, would be benefitted for the coming world revolution.

Q. And who told you this, Mr. Cannalonga?

A. The Party books, and so forth.

Q. Who did you work with as a waterfront organizer? A. Stack.

Q. Anyone else?

A. There were quite a few, but I don't quite recall now.

Q. Did you ever work along with Morris Rappaport and Harry Jackson? A. Oh, yes.

Q. Who was Morris Rappaport?

A. He was Section Organizer. [1030]

Q. Of what? A. District Organizer.

Q. Of What? A. Of the Communist Party.

Q. When you use the term "Party" you mean the Communist Party? A. Oh, yes; sure.

Q. Who was Harry Jackson?

A. Well, he had the Union end of it, sort of a labor advisor—I don't know what you would call him.

Q. Was he a member of the Communist Party?

A. Yes.

Q. Was Morris Rapport a union man?

A. No.

(Testimony of Maurice J. Cannalonga.)

Q. Was Jackson a union man? A. No.

Q. Did you have any office from which to carry out your work as waterfront organizer for the Communist Party? A. Yes.

Q. Where were your offices?

A. It was in the Eitel Building first, and then we moved upstairs over the public market, in Seattle, at Pike Street, the corner of Pike and First Streets.

The Reporter: How do you spell the name of that building?

The Witness: E-i-t-e-l. [1031]

By Mr. Del Guercio:

Q. Why did they give you an office, Mr. Cannalonga?

A. Well, we had the Red Beacon—we put out a waterfront paper, mimeographed, and we collected dues from the different units.

Q. You put out a waterfront paper?

A. Yes.

Q. What was the name of the waterfront paper? A. The Red Beacon.

Q. The Red Beacon? A. Yes.

Q. Did you have anything to do with this paper?

A. Yes. I helped make it up, edited it, and put out different assignments to the different Party members, articles and so forth.

Q. Well, did you have any other duties besides doing the things that you have said for the Red Beacon and waterfront organizing?

A. Well, contacting the different organizations, waterfront units.

(Testimony of Maurice J. Cannalonga.)

Q. Were you being paid for doing that by the Communist Party? A. Yes.

Q. What? A. Yes.

Q. How much were you being paid? [1032]

A. About $6.00 a week.

Q. Were you doing any other kind of work?

A. No.

Q. That is, during that period of time?

A. No; I was on full duty.

Q. How were you able to support yourself on $6.00 a week?

A. Well, I was living with friends. I didn't have to worry about board and room.

Q. Were you continuously employed by the Communist Party in those functions during that time?

A. I don't know whether you would call that employed or not. It was voluntary.

Q. While you occupied these offices in the Eitel Building on First Avenue and Pike Street, did you have custody of any membership cards?

A. Yes.

Q. How many? A. All of them.

Q. All of them? A. On the waterfront.

Q. All of the membership cards of the waterfront Communist? A. Yes; for Seattle.

Q. For Seattle? A. Yes.

Q. And did you have a membership card, Communist Party [1033] membership card for Phil Poth? A. I don't know.

Q. Do you know Phil Poth?

A. I don't recall him.

(Testimony of Maurice J. Cannalonga.)

Q. Did you have a membership card for Ernie Fox? A. Yes.

Q. Did you have one for John Ryan Davis?

A. Who?

Q. John Ryan Davis? A. Yes.

Q. Do you know Bruce Hannon

A. No, I don't recall him.

Q. Do you know Burt Nelson?

A. I don't believe I do; I can't recall.

Q. Do you know the Alien, Harry Bridges?

A. Yes.

Q. Where is he?

A. Right there (indicating) with a striped tie.

Mr. Del Guercio: May the record show the witness has identified the Alien, Mr. Bridges?

Presiding Inspector: The record may so show, yes, and that he is wearing a striped tie.

By Mr. Del Guercio:

Q. During your membership in the Communist Party did you ever have occasion to meet Harry Bridges?

A. Yes. I was on the Firemen's Negotiating Committee in [1034] the fall of 1935 or 1936.

Q. In the fall of 1936?

A. Yes; just previous to the 1936-1937 strike when we were trying to meet with the ship owners for a better agreement.

Q. And where did you meet Harry Bridges at that time? A. Well, at various places.

Q. Well, can you recall any specific meeting

(Testimony of Maurice J. Cannalonga.)

that occurred during 1936 in which Harry Bridges was present?

A. Oh, yes. There was half a dozen—practically every day.

Q. You would meet with Mr. Bridges every day, practically?

A. Well, during that time, you see, we were negotiating for a new contract.

Q. Negotiating with whom?

A. With the shipowners.

Q. And what was Bridges doing?

A. He was with the longshoremen and we would all go up in the same building.

Q. These meetings that you had with Bridges at that time were not Communist meetings, were they?

A. No, they wasn't Party meetings.

Q. Did you ever attend a Communist Party meeting with Harry Bridges?

A. No, I can't say that I have.

Q. Did you ever attend a meeting with Harry Bridges in which all persons present were members of the Communist Party? [1035]

A. Well, I couldn't say that all persons were Communists.

Q. Well, tell me some of those meetings that you had.

A. Well, the Federation was meeting as a whole, all the fellows on the Negotiating Committee, and we would meet and discuss things as we went along. The shipowners would only meet one group at a time, and we would meet and discuss the headway

(Testimony of Maurice J. Cannalonga.)

we had made. And then there was a few informal meetings where a bunch of us got together and discussed—oh, I don't know what you would call it—the action that had been taken during the day. I recall one instance when the sailors had decided to go on their own and some small group of us met together and decided to go back in the organization and report——

Q. (Interposing) What?

A. (Continuing) ——decided to go back to our own organization and report that the sailors were going to break away from the Federation group, and we were going on our own. [1036]

Q. Well, Mr. Cannalonga, do you remember the time that the Maritime Federation of the Pacific Coast called a strike in 1936?

A. Well, I was in Portland when it was called.

Q. What?

A. I was in Portland when it was called.

Q. You were in Portland when it was called. Now, shortly before the strike was called did you attend any meeting in San Francisco?

A. Yes, I attended dozens of them.

Q. Well, did you attend any Communist Party meetings in San Francisco? A. Yes, sir.

Q. What? A. Yes, sir.

Q. Where was that?

A. Well, some were in private homes and some were at a little—well, mostly all in private homes.

Q. Mostly in private homes? A. Yes, sir.

Q. Well, how did you get down from Portland

(Testimony of Maurice J. Cannalonga.)

to San Francisco at that time, that is, shortly before this——

A. (Interposing) Well, it was an assignment to get down to Frisco. It was a Party decision that I go to Frisco and they were going to build me up again so I could run for office.

Q. By the "Party" you mean the Communist Party? [1037] A. Yes, sir.

Q. Who spoke for the Communist Party? Who told you to go down to San Francisco?

A. It was the decision of, well, Rapport and Jackson.

Q. Rapport and Jackson? A. Yes, sir.

Q. They told you to go down to San Francisco and try to build yourself up among the rank and file there? A. Yes, sir.

Q. That you were to run for Business Agent, did you say? A. Yes, of Portland.

Q. Business Agent for what?

A. Portland for the Marine Firemen.

Q. Marine Firemen? A. Yes, sir.

Q. And you did come down to San Francisco?

A. Yes, sir.

Q. And why did they want you to run for Business Agent of the Marine Firemen's Union?

A. Well, so they could get control of the Portland Local.

Q. Get control of the Portland office?

A. Yes, sir.

Q. Get the control for whom?

(Testimony of Maurice J. Cannalonga.)

A. The Party. [1038]

Q. For the Communist Party?

A. Yes, sir.

Q. And when did you arrive in San Francisco?

A. Oh, I don't recall the date.

Q. Well, with regard to the 1936 strike when did you arrive?

A. Oh, about a month before the strike.

Q. About a month before the strike?

A. Yes.

Q. Did anybody come down with you?

A. No; I come down on a ship.

Q. You came down on a ship? A. Yes, sir.

Q. Were you met by anyone in San Francisco upon your arrival?

A. No; I was told to contact some of the Party members in Frisco.

Q. Did you contact any Communist Party members in San Francisco? A. Yes.

Q. Whom?

A. Oh, I don't recall his name now.

Q. Well, let me ask you this question, Mr. Cannalonga: Did you meet Walter Stack in San Francisco? A. No; he was up in Seattle.

Q. He was up in Seattle at that time? [1039]

A. Yes, sir.

Q. Well, did you attend any meeting there in San Francisco after your arrival? A. Oh, yes.

Q. And where did you attend the meeting?

A. Mostly in private homes.

Q. Some private home. And who took you to this private home?

(Testimony of Maurice J. Cannalonga.)

A. I was driven out to a couple of places by automobile.

Q. But you don't know the place, the particular places you went? A. No.

Q. And who was present at those meetings, at the first meeting?

A. Well, the first meeting, all Communist Party members.

Q. Well, who were some of them?

A. Oh, I don't recall any of their names. There were so many meetings and people that I have met that I would have to be a master mind to remember the names.

Q. Well, was William Schneiderman present?

A. Yes, he was present at one of the meetings.

Q. Was Walter Stack present at any of the meetings?

A. Yes, later on, not when I first got down.

Q. Well, Mr. Cannalonga, did you talk to me about this case before today? [1040].

A. Yes, sir.

Q. What did you tell me about your being willing to appear here and testify?

A. I don't recall.

Q. Well, were you willing to appear to testify?

A. Against the Party, yes.

Q. What? A. Against the Party, yes.

Q. Against the Party. How about against Harry Bridges?

A. Well, I don't know what there is to testify against him.

(Testimony of Maurice J. Cannalonga.)

Q. Well, did you tell me that you were afraid to testify because you would lose your job among the longshoremen? A. No.

Q. Along the waterfront? A. No.

Presiding Inspector: He says "No."

By Mr. Del Guercio:.

Q. Did you tell me that after you testified here you would have to go away from the Coast, that you would have to go inland? A. No.

Q. What? A. I don't remember.

Presiding Inspector: He says "No." [1041]

The Witness: I don't remember.

Presiding Inspector: Now, he says he doesn't remember.

By Mr. Del Guercio:

Q. You do remember talking to me, don't you?

A. Yes, I remember talking to you. There was a telegram——

Q. (Interposing) There was a what?

A. A telegram come down on a ship and I saw—I don't know his name—a couple of men.

Q. Well, when did you talk to me?

A. That was last week.

Q. Last week. And where was it? Where did you talk to me? A. The Elks Club.

Q. In the Elks Club. And who was present?

A. You and about three others. Three others.

Q. You said you didn't tell me you were afraid to testify because if you did you would lose all

(Testimony of Maurice J. Cannalonga.)

your friends and you wouldn't be able to get a job here on the Pacific Coast?

A. Well, not in those words.

Q. Well, what did you say?

A. Oh, I don't quite remember what I said.

Q. Didn't you say that you would have to go to the East somewhere, that you wouldn't be able to get a job?

A. No; I said that I would go back East for a while, yes. [1042]

Q. Yes. Well, didn't you tell me at the time I talked to you that you had seen Harry Bridges in Communist Party meetings?

A. Well, I have seen him in meetings where there was a lot of Communists, yes. I have said that.

Q. Well, what meetings were they that you saw Harry Bridges at Communists meetings?

A. Well, one of them was—oh, there was a bunch of us from the waterfront that were Party members, Schneiderman, and there was a couple of longshoremen there, and Harry, but I don't know—it was in a private home.

Q. Well, when did that occur?

A. That occurred during the—just before—while we were negotiating.

Q. Well, let me ask you, has anybody contacted you since I talked to you? A. No.

Q. Are you sure? A. Positive.

Q. Did you make a statement to any FBI agents?

A. Yes, sir.

(Testimony of Maurice J. Cannalonga.)

Q. When did you make such a statement?

A. Right after I got out of the hospital.

Q. Did you sign it?

A. I believe I did. [1043]

Q. Was it made voluntarily?

A. Yes and no.

Q. What do you mean "Yes and no?"

A. Just what I said.

Q. Well, now, was it made voluntarily?

A. (No response).

Q. Were you threatened? A. Well——

Presiding Inspector: You can answer these questions; answer them.

The Witness: Yes, I am trying to answer them.

Presiding Inspector: Yes, answer them straight. Were you threatened?

The Witness: I don't know.

Presiding Inspector: If you were, say so.

The Witness: No, I don't believe I was.

By Mr. Del Guercio:

Q. Well, you don't believe you were. Do you know if you were threatened or not?

A. No, I was not threatened.

Q. Well, then, you were not threatened by the FBI men? A. No.

Q. Were you threatened by anyone?

A. No.

Q. Well, why do you hesitate about saying——

A. (Interposing) I am trying to recall this stuff. [1044]

(Testimony of Maurice J. Cannalonga.)

Q. Well, where did these men talk to you?

A. They took me up in the FBI headquarters in a room, oh, one of the side rooms, office room, with a screen around the window. I don't know what room it was.

Q. And you made a statement to them?

A. Yes.

Mr. Del Guercio: May I have the statement.

(The statement was handed to Mr. Del Guercio.)

By Mr. Del Guercio:

Q. Now, Mr. Cannalonga,—if the Court please, will you give me a little latitude in this? I believe this is a hostile witness. This has taken me by surprise here.

Presiding Inspector: We will see whether he is.

By Mr. Del Guercio:

Q. You state positively—you understand you are under oath, do you not? A. Yes, sir.

Q. (Continuing) ——nobody has contacted you since I talked to you? A. No.

Q. Well, how many statements did you make to the FBI men?

A. I believe there was two of them.

Q. You are sure it was only two?

A. Yes, I believe so; I am not sure. [1045]

Q. And did you sign them?

A. Yes, I signed them.

Q. You read them over? A. Yes, sir.

(Testimony of Maurice J. Cannalonga.)

Q. Did you make true statements to the FBI men?

A. Well, to the closest of my ability I thought I did.

Q. Well, would you say they were true, everything you told them? A. I believe so.

Presiding Inspector: Could you hear the witness?

Mr. Gladstein: Very good, your Honor.

Presiding Inspector: Speak a little louder, if you can.

The Witness: I am trying to.

Presiding Inspector: Well, do you think if you stood back a little bit, Mr. Del Guercio, that would induce him to speak a little louder?

Mr. Del Guercio: Surely I will do that.

Presiding Inspector: It is a matter of habit frequently witnesses lowering their voice, you know.

Mr. Del Guercio: Surely.

By Mr. Del Guercio:

Q. Do you remember the dates upon which you made the statements to the FBI men?

A. Yes. I got off the branch—I believe it was [1046] September—and I went to the hospital with a hip out of joint, and when I got out of the hospital—oh, I think it was the latter part of September or October, somewheres around there.

Q. And at that time were you shown a photograph of Bruce Hannon? A. I believe so.

Q. And did you identify that photograph?

A. If I knew him?

(Testimony of Maurice J. Cannalonga.)

Q. Yes. Did you identify that photograph? Did you say you knew him?

A. Yes, if I see the photograph again I——

Q. (Interposing) Well, did you say whether or not you knew him when you were shown the photograph? A. Yes, sir.

Q. You said you did know him?

A. Yes, sir.

Q. Then, you do know Bruce Hannon?

A. I believe I do.

Q. Well, why did you testify here previously that you didn't know Bruce Hannon?

A. I didn't recall him at the time.

Q. And were you asked if you knew whether or not Bruce Hannon was a member of the Communist Party? A. I think I was asked that.

Q. And what did you say? [1047]

A. I believe I said he was.

Q. Well, didn't you say that you knew that he was both a member of the Young Communist League as well as the Longshoremen's Unit of the Communist Party at Seattle for the years 1936 and '37?

A. I believe I said that.

Q. Was that the truth? A. I—yes.

Q. Well, when I asked you here a moment ago as to whether or not you knew Bruce Hannon why did you say that you didn't know him?

A. I told you I didn't recall him at the time.

Q. That what?

A. I told you I didn't recall him at the time.

Q. At what time?

(Testimony of Maurice J. Cannalonga.)

A. When you asked me. See, you just freshened my memory then.

Q. Oh, I am refreshing your memory now?

A. Yes.

Q. And didn't you also say that you frequently met Bruce Hannon and that you visited him at the offices of the Young Communist League in the Eitel Building? A. Yes, sir.

Q. Does that refresh your memory some more now? A. Yes.

Q. Well, now, I will ask you: Do you know Bruce Hannon [1048] to be a member of the Communist Party? A. Yes, sir.

Q. Your answer is what? A. Yes.

Presiding Inspector: He said, "Yes."

By Mr. Del Guercio:

Q. Did you make a statement to the FBI men and did you tell me, when I talked to you, that you attended a fraction meeting at the Gowman Hotel at Seattle, Washington, during May or March of 1937 shortly after the 1937 strike?

A. Yes.

Q. Is that correct? A. Yes.

Q. Is that true? A. Yes.

Q. Did you tell the FBI men and did you tell me that there were present at that meeting Morris Rapport? A. Yes, sir.

Q. Al Bristol? A. Yes, sir.

Q. Harry Jackson? A. Yes.

Q. Harry Bridges? A. Yes.

Q. Henry Schmidt? [1049] A. Yes, sir.

(Testimony of Maurice J. Cannalonga.)

Q. Matt Meehan? A. Yes.

Q. Bruce Hannon? A. Yes, sir.

Q. Burt Nelson? A. Burt Nelson?

Q. Yes. A. Yes, sir.

Q. Ernie Fox A. Yes, sir.

Q. Harry Pilcher? A. Yes, sir.

Q. And yourself? A. Yes, sir.

Q. Edward F. Fisher? A. Yes, sir.

Q. Laddie Hope, Everett W. Hope?

A. Yes, sir.

Q. Well, is it true that all those persons were present at that meeting? A. Yes, sir.

Q. And you knew them all to be members of the Communist Party?

A. Well, no. Like I stated I wasn't sure of one or [1050] two of them. Nobody has ever saw Bridges' Party book.

Q. Well, do you believe Mr. Bridges to be a member of the Communist Party?

A. Oh, I thought so, yes.

Q. Do you still think so? A. I don't know.

Q. Well, when did you change your mind?

A. Well, I haven't been in a Party for quite a while now and I don't know.

Q. Well, did you tell me when I talked to you that you didn't believe that Bridges was a member of the Communist Party?

A. I says in my own mind I had no doubt that he was but I was not sure.

Q. At this particular meeting here in the Gowman Hotel who invited you to attend that meeting?

(Testimony of Maurice J. Cannalonga.)

A. Jackson.

Q. Harry Jackson. Was he a union man?

A. No.

Q. Why did you attend the meeting in the Gowman Hotel?

A. Because I was waterfront section organizer.

Q. As waterfront section organizer of the Communist Party Harry Jackson told you to attend this meeting in the Gowman Hotel?

A. Yes, sir. [1051]

Q. And you went there? A. Yes, sir.

Q. And you saw all these men that I have just mentioned?

A. Yes, sir, and a few more besides.

Q. Let's take them one by one. You knew that Morris Rapport was a member of the Communist Party? A. Yes, sir.

Q. You knew that Al Bristol was a member of the Communist Party? A. Yes, sir.

Q. You know that Harry Jackson was a member of the Communist Party? A. Yes, sir.

Q. You knew that Henry Schmidt was a member of the Communist Party?

A. I was not sure of Schmidt.

Q. What?

A. No, I have never seen his Party book so I wouldn't say he was.

Q. Well, did you ever see Rapport's Party book?

A. Yes, I have seen Rapport's Party book.

Q. Did you ever see Bristol's Party book?

A. Yes, sir.

(Testimony of Maurice J. Cannalonga.)

Q. And you saw Jackson's Party book?

A. Yes, sir. [1052]

Q. You never saw Schmidt's Party book?

A. No.

Q. Did you ever see Matt Meehan's Party book?

A. No.

Q. Do you know him to be a member of the Communist Party? A. I believe he was.

Q. And you know Bruce Hannon was a member of the Communist Party? A. Yes, he was.

Q. No doubt about that, is there?

A. I don't believe, no.

Q. And Burt Nelson?

A. Yes, he was, I believe.

Q. And Ernie Fox? A. Yes.

Q. And Harry Pilcher? A. Yes, sir.

Q. And yourself; you knew that you were a member of the Communist Party? A. Oh, yes.

Q. Didn't you? A. Yes.

Q. And Fisher? A. Yes. [1053]

Q. And Hope? A. Yes, sir.

Q. Well, who was present, then, at that meeting that you thought was not a member of the Communist Party, that you didn't believe to be a member of the Communist Party?

A. Well, would you ask me that question again?

Presiding Inspector: Read the question.

(The question referred to was read by the reporter.)

The Witness: Well, I thought all of them were.

(Testimony of Maurice J. Cannalonga.)

By Mr. Del Guercio:

Q. You thought all of them were?

A. Yes sir, but I couldn't prove it.

Q. You believed all were members. And what was discussed at this meeting? What was the purpose of this meeting?

A. Well, they were having—that was the time that they were going to—the CIO—the unions were to go into the CIO and break away from the A. F. of L.

Q. Well, what would a man like Morris Rapport have to do with shifting these unions from the A. F. of L. to the CIO?

A. Well, the Party always—the Party lines always followed industrial type of organization instead of a craft type.

Q. Well, why would Morris Rapport be present at such a meeting to discuss shifting the A. F. of L. Unions to the CIO? Was he a member of any union? [1054] A. No.

Q. Jackson was not, you have testified.

A. What?

Q. Jackson was not? A. No.

Q. Al Bristol was not? A. No.

Q. Well, Mr. Canpalonga, was this a Communist Party meeting to discuss the Communist Party policy of shifting the A. F. of L. Unions into the CIO?

A. Yes, sir.

Q. Did you say "Yes"? A. Yes.

Q. You are sure of that? A. Oh, yes.

(Testimony of Maurice J. Cannalonga.)

Q. No question in your mind at all?

A. No.

Q. And you recall now, don't you, that you attended this meeting on a Sunday morning in May 1937 during the 30th annual convention of the Longshoremen's Association?

A. Yes, yes, it was about then.

Presiding Inspector: Do you hear the witness?

The Reporter: Yes, sir.

Presiding Inspector: Very good, but just keep your voice [1055] up as much as you can.

Mr. Gladstein: May I have the last question and answer read, please?

(The question and answer referred to were read by the reporter.)

By Mr. Del Guercio:

Q. And you are sure that Bridges was present?

A. Yes, sir.

Q. No question in your mind about that?

A. No question.

Q. Did Bridges speak at this meeting?

A. Yes, he was talking.

Q. Well, were they any others present than those I have mentioned?

A. Yes, there was quite a few more present.

Q. How many all together, about?

A. Well, oh, there was about—I would say about 25.

Q. About 25? A. Yes, sir.

Q. What did Bridges talk about?

(Testimony of Maurice J. Cannalonga.)

A. Oh, he was talking about the policy of the A. F. of L. and how the A. F. of L. was trying to force themselves on to the longshoremen on the Pacific Coast, force Ryan, and that the CIO, under the leadership of Lewis, was the right organization to be in, it was an industrial type, and that they [1056] would get away from Ryan's domination of the Pacific Coast, words to that effect.

Q. Now, who was he talking to?

A. To the whole bunch of us.

Q. Was he making a speech or was it just a general discussion? A. General discussion.

Q. No speech-making at that meeting?

A. Oh, no.

Q. Nobody made any speeches, did they?

A. No, nobody made speeches.

Q. Did Morris Rapport talk? A. Yes.

Q. He got into the discussion? A. Yes.

Q. Did Harry Jackson? A. Yes, sir.

Q. Did you? A. Yes, sir.

Q. Now, didn't you attend another meeting in San Francisco about October 1938 at which Mr. Bridges was present? A. Yes, sir.

Q. And where was that?

A. Some private home.

Q. Some private home? [1057]

A. Yes, sir.

Q. And who was present at that meeting?

A. Oh, Stack and Schneiderman and quite a few others.

(Testimony of Maurice J. Cannalonga.)

Q. William Schneidermann, is that?

A. Yes, sir.

Q. And who was William Schneiderman?

A. He is—he was the district organizer for the south and here, for California.

Q. For the Communist Party?

A. For the Communist Party, yes.

Q. Was he a union man?

A. I don't know; I don't think so.

Q. Did he belong to any union?

A. No, I don't believe so.

Q. Walter Stack, you say was there?

A. Yes, sir.

Q. Was Bridges there? A. Yes.

Q. And was Sam Telford there?

A. Yes, I think so.

Q. Was Henry Schmidt there?

A. Yes, sir.

Q. Was Dave Saunders there?

A. Yes, sir.

Q. Was Brown there? [1058]

A. I believe so.

Q. And Pyle? A. I believe so.

Q. Now, all these names that I have mentioned, did you know them to be members of the Communist Party? A. Some of them, yes. [1059]

Q. Who didn't you know to be members of the Communist Party of those that I have mentioned?

A. Well, I can't say the fellows were members if I didn't actually see their books.

(Testimony of Maurice J. Cannalonga.)

Q. At the time you attended this meeting did you know that it was a Communist Party meeting?

A. Oh, yes; it was a Fraction meeting.

Q. How did you know that? A. I was told.

Q. By whom? A. Stack.

Q. He told you to attend? A. Yes.

Q. And you were attending then a Communist Party meeting? A. I suppose so.

Q. Well, was there any doubt in your mind?

A. Well, you know the policy of the Party was at times to have leading figures, non-Communist Party members attend some of their Fraction meetings.

Q. Who was the non-Communist there that was attending that meeting?

A. Like I say, fellows I have been told were Communists, but as far as I am concerned how can I tell?

Q. Did you believe that Bridges was attending that meeting as a non-Communist member? [1060]

A. No, I don't think so.

Q. What capacity was he attending that meeting?

A. I assumed he was a Party member; I was assuming all this.

Q. You knew that Sam Telford was a member of the Communist Party? A. Yes.

Q. And how about Henry Schmidt—I believe you testified you didn't know whether he was a member of the Communist Party? A. No.

Q. How about Dave Saunders?

(Testimony of Maurice J. Cannalonga.)

A. Yes, he was a member.

Q. Brown?

A. Well, I couldn't say he was "Yes" or "No." I thought he was. I assumed it.

Q. And Pyle?

A. The same thing with Pyle.

Q. And what was discussed at this meeting?

A. Oh, negotiations of the contract and the sailors were jamming up things.

Q. Negotiations of the contract between whom?

A. The waterfront unions and the steamship operators.

Q. What was Schneiderman doing at such a meeting where they were negotiating for a contract?

A. He was giving his experience. [1061]

Q. Giving his what?

A. Giving the Party line.

Q. Giving the Party line—the Communist Party line? A. Yes.

Q. Who was he giving that to?

A. He discussed the Party line in regard to contracts.

Q. For the benefit of all those that were at that meeting? A. Yes.

Q. For the benefit of this alien here, Bridges?

A. I believe so.

Q. Was there some discussion there concerning the Sailors Union of the Pacific?

A. Yes.

Q. What discussion was there about that?

(Testimony of Maurice J. Cannalonga.)

A. Well, they were breaking away from the Federation and jamming up—they wanted to go on their own in regard to signing a contract with the shipowners.

Q. Who was talking about the Sailors Union of the Pacific? A. Saunders.

Q. Saunders? A. Yes.

Q. Was he a member of the Sailors Union of the Pacific? A. Yes.

Q. Did Schneiderman participate in that discussion? A. Yes.

Q. Was he a member of the Sailors Union of the Pacific? [1062] A. No.

Q. What did he say about the Sailors Union of the Pacific?

A. Well, he was saying, explaining the harm it would do by breaking up the Federation.

Q. Did he say if the Communist Party wanted that to happen? A. No.

Q. What did he say.

A. Well, you see, in those discussions they never mentioned the Communist Party.

Q. Did Bridges speak at that meeting?

A. I believe he did.

Q. When I say "speak"—he didn't make a speech, did he? A. No.

Q. He discussed, like the other members there discussed, various questions that would come up?

A. Yes.

Q. Did he go in there to ask questions—did Bridges ask any questions of anybody?

(Testimony of Maurice J. Cannalonga.)

A. No, I don't believe so.

Q. Did he ask for any assistance or help?

A. No, I don't think so.

Q. You don't think so. Do you know if he did?

A. No, offhand I couldn't say for the simple reason that it has been quite a while ago and little details like that [1063] a fellow can't remember.

Q. Now, do you know that Bruce Hannon took a trip to New York as a delegate to the American Youth Congress? A. Yes.

Q. When was that?

A. That was, I believe, in '37.

Q. In what? A. 1937.

Q. How do you know that he was a delegate to the American Youth Congress?

A. Well, there was a meeting of one of the, I think it was the YCL.

Q. YCL—is that the Young Communist League?

A. Yes.

Q. What was Bruce Hannon's connection with the YCL?

A. Well, he was taking an active interest in it and it was a party assignment.

Mr. Del Guercio: May we have a short recess at this time?

Presiding Inspector: Yes.

(Whereupon a short recess was taken.)

Presiding Inspector: You may resume.

By Mr. Del Guercio:

Q. Now, you testified this morning that you were Editor of the Red Beacon, is that correct?

(Testimony of Maurice J. Cannalonga.)

A. Yes.

Q. Under whose direction were you working while you were [1064] Editor of the Beacon?

A. Communist Party.

Q. And who in particular in the Communist Party. A. Jackson and Rapport.

Q. Morris Rapport, is that it?

A. Yes.

Q. Now, these statements that you made to the FBI men, I believe you testified you made up two of them on separate dates, is that correct?

A. I think so.

Q. You are sure you didn't make three?

A. It might have been three.

Q. Did you make one in your own handwriting?

A. Yes.

Q. You signed them? A. Yes.

Q. Now, during the time that you made these statements to the FBI men I believe you testified you weren't threatened? A. No.

Q. Coerced? A. No.

Q. Were you induced or were you promised anything? A. No.

Q. You made them voluntarily?

A. Yes. [1065]

Q. Is there any question about that?

A. No.

Q. Did you make one of those statements on October 9, 1940? A. About that time.

Q. And one on October 8, 1940?

A. About that time.

(Testimony of Maurice J. Cannalonga.)

Q. And one in your own handwriting on November 5, 1940? A. Yes; about that time.

Q. And did you tell the truth in those statements? A. To the best of my knowledge.

Q. Are you telling the truth now?

A. I believe I am.

Q. You believe you are? Do you know if you are telling the truth or not?

A. Well, to the best of my knowledge; yes, sir.

Q. Now, were you contacted by any officer of the United States during the last hearing, the Landis hearing, in the Bridges case? A. Yes.

Q. By whom?

A. A fellow from the Immigration Service in Seattle—I don't recall his name. Maybe you know it.

Q. Was it Boyd? A. Boyd; yes.

Q. John B. Boyd? [1066] A. Yes.

Q. Where were you contacted?

A. As I was going to the public out-patient station in Seattle.

Q. When was that?

A. That was quite a while ago.

Q. How long ago, about?

A. About a year ago or so.

Q. What did he say to you?

A. He asked my name and——

Q. (Interposing): Before you go into that, was there anybody else present? A. Yes.

Q. Who? A. The Marine doctor.

Q. The Marine doctor?

(Testimony of Maurice J. Cannalonga.)

A. Yes. He got me in the waiting room, reception room.

Q. Was there anybody but Mr. Boyd present?

A. No; he was alone.

Q. And you were alone?

A. No. I had a friend with me.

Q. What was his name?

A. I don't recall at the time; some fellow off of a ship. He was waiting to go to see the Doctor too.

Q. What was said there? [1067]

A. Boyd came in—somebody pointed me out to him—evidently somebody pointed and told him who I was—and he came in the out-patient station and asked if my name was Cannalonga and I said "Yes." It was in regard to the Bridges deportation case.

Q. What did he ask you in regard to the Bridges case?

A. He asked me if I knew Bridges and I said "Yes." And then he asked would I appear against him. I believe that is what it was.

Q. What did you say? A. I said "No."

Q. Did he ask you if you knew that Bridges had been at any Communist Party meetings?

A. Yes; he asked me that.

Q. What did you say?

A. I told him I didn't think so; words to that effect.

Q. Was that the truth?

A. Well, I thought—I don't know.

(Testimony of Maurice J. Cannalonga.)

Q. Well, now, do you know whether it was the 4th or not when he asked you if you knew whether Bridges had ever attended any Communist Party meetings? A. I said "No."

Q. Why did you say "No"?

A. Because Bridges had never been in any out-and-out Communist meeting; what I mean, a regular Communist meeting called by the Communist Party. [1068]

Q. Have you every been in any meeting called straight by the Communist Party? A. Yes.

Q. Which ones? A. Quite a few of them.

Q. Where?

A. In Seattle and up and down the coast.

Q. What else did your tell Boyd?

A. I don't recall.

Q. Did you have more than one conversation with Boyd?

A. Well, he told me to report down to his office.

Q. How long after the first conversation?

A. That same day.

Q. Did you go to his office?

A. Yes. After the Doctor got through looking me over I went down to his office and Johnny Davis was in his office.

Q. Was in whose office?

A. Boyd's office. Davis was the one that told Boyd who I was when I got off the ship.

Then Boyd asked me if I wanted to appear as a witness against Bridges. And I said "No."

(Testimony of Maurice J. Cannalonga.)

Q. Did he ask you why you didn't want to appear as a witness against Bridges?

A. I don't believe he did.

Q. Did you tell him why you didn't want to appear as a witness against Bridges? [1069]

A. I don't quite recall.

Q. Do you know if you gave any reason why you didn't want to appear as a witness against Bridges?

A. I gave him a couple of reasons.

Q. What were those reasons?

A. I though it was a phony set-up.

Q. You thought it was a phony set-up?

A. Yes.

Q. What do you mean by that?

A. Well, the way Johnny Davis told me in the office there, that I could come down here at Government expense, and so on and so forth, and see the World's Fair, made it sound like, appear as though he was trying to bribe me, or something.

Q. You mean Johnny Davis? A. Yes.

Q. Did Boyd tell you that?

A. No. Then I got sore and I said "The hell"——

Q. Is that the reason why you said you had no information about Bridges? A. Yes.

Q. That wasn't true, was it, when you said you had no information about Bridges?

A. Well, I suppose not.

Q. Is that all that occurred at that time?

A. Well, then, after I got through speaking with

(Testimony of Maurice J. Cannalonga.)

Boyd [1070] I went up and saw Matt Meehan and I made a statement to Matt.

Q. Immediately after you left Boyd?

A. Yes.

Q. You went over to see Mat Meehan?

A. Yes.

Q. Was Matt Meehan a particular friend of yours?

A. I have known him through meetings and so forth.

Q. Was he a particular friend of yours at that time? A. Yes.

Q. And you went to see him? A. Yes.

Q. That is, after you left Boyd's office?

A. Yes.

Q. What did you do?

A. I talked to him and told him about Boyd wanting me to go down as a witness, and I turned him down, and so he called in his secretary and asked me to make a statement, and I made a statement and signed it.

Q. Who was his secretary?

A. I believe the name is in that statement.

Q. Was it Grace Corbin?

A. Yes; Grace Corbin.

Q. And did you know Grace Corbin to be a member of the Communist Party?

A. I had seen her at different meetings; yes.

[1071]

Q. You saw her at different meetings?

A. Yes.

(Testimony of Maurice J. Cannalonga.)

Q. You knew she was a member of the Communist Party? A. I assumed it; yes.

Q. You went up to that office and made a statement? A. Yes.

Q. Who asked you to make the statement?

A. Nobody.

Q. Did you go up and say, "I have a statement to make?" A. No; no.

Q. Tell me what happened?

A. Matt asked me to make a statement, after I had told him what Boyd wanted me to do; and he says, "Well, you had better make out a statement. We will call Grace in." So I made out a statement.

Q. Did you make it out, or did Matt Meehan make it out? A. Both of us made it out.

Q. Did you write in out?

A. No; she took shorthand.

Q. Who, Grace Corbin? A. Yes.

Q. Grace Corbin—do you know if she is still living? A. I don't know.

Q. After the statement was made out what was done? A. I signed it and left. [1072]

Q. Who asked you to sign it? A. Matt.

Q. Who? A. Matt Meehan.

Q. Did he say what he was going to do with it?

A. No.

Q. He didn't tell you what he was going to do with it?

A. Yes. He said that they might use it in the trial, and they might not.

(Testimony of Maurice J. Cannalonga.)

Q. What did Matt Meehan have to do with the Bridges trial?

A. He is Secretary of the Longshoremen's Union.

Q. What did Grace Corbin have to do with the Bridges trial? A. She was his secretary.

Q. And he was going to give it to whom?

A. I believe to the defense lawyers.

Q. Is that why you went to Matt Meehan?

A. No. I was sore at Boyd.

Q. You were sore at Boyd for what Johnny Davis had said? A. Yes.

Q. Are you in the habit of being sore at people because of what somebody else said?

A. Well——

Q. You were furnished with a copy of that statement you [1073] made to Matt Meehan?

A. Yes.

Mr. Del Guercio: I believe you have the original of this. (Handing copy of statement to defense counsel.)

By Mr. Del Guercio:

Q. This John Ryan Davis, do you know him to be a member of the Communist Party?

A. Yes.

Q. I will show you here what purports to be a copy of a statement headed——

A. (Interposing): Can I read it?

Q. (Continuing): ——"Testimony of Maurice J. Cannalonga, August 18, 1939," and I will ask

(Testimony of Maurice J. Cannalonga.)

you if that is a copy of the statement you made to Matt Meehan at that time?

A. (Referring to statement): Yes.

Q. It is? A. Yes.

Mr. Del Guercio: I will offer this in evidence as Government's Exhibit next in order.

Presiding Inspector: Received without objection.

(The statement referred to was received in evidence and marked Government's Exhibit No. 207.)

Mr. Del Guercio: I would like to read this, if your Honor please. I want to ask the witness questions based on it.

Presiding Inspector: Very well. I do not know what real point there is to it. [1074]

Mr. Del Guercio: To show the attitude of this witness, if your Honor please, not only at that time but at this time.

Presiding Inspector: He is your witness. If you want to read it, go ahead.

Mr. Del Guercio: I won't read it all, but I want to ask concerning certain statements made in this document.

Presiding Inspector: Of course, you open up the field to a long cross examination on this, but go ahead and read it all if you want to.

By Mr. Del Guercio:

Q. You state, among other things, in this:

"Davis and Boyd took me into Boyd's private

(Testimony of Maurice J. Cannalonga.)

office then and tried to get me to admit that I had seen Harry Bridges at a Communist Party meeting. I told them, 'No,' that all the time I was in the party I had never seen Bridges at a Party meeting."

Is that correct? A. Yes.

Q. Isn't it a fact that you had seen Bridges at a Party meeting?

A. Well, it is like I say—you know there are Party meetings and there are Party meetings. Now, an out-and-out Party meeting is where they have a Party plenum, where they make decisions for actions and so forth, that had been handed down—like the plenum they had in regard to the Seventh World [1075] Congress of the Comintern, decisions were made and those were analyzed by the Party members, and then brought back to the units, and through these different decisions they were being worked into the unions; like there was one especially against War and Fascism. That was at the time when the Party made decisions to fight War and Fascism, Nazism, Fascism and Japanese aggression in China.

Q. Did you tell Mr. Boyd, at the time he talked to you, on either of the two occasions that he talked to you, of these meetings that you have testified to today? A. No.

Q. Now, there appears on the back of this statement here in some handwriting this statement:

"When I made this statement I was under the impression that Mr. Boyd, through Johnny Davis,

(Testimony of Maurice J. Cannalonga.)

was trying to buy me off. So I gave a copy of this statement to Matt Meehan on his suggestion after I had told him about Boyd and Davis contacting me as I have related in this statement."

And then it is signed "Maurice J. Cannalonga." Is that in your handwriting? A. It is.

Q. When did you put that on there?

A. I put that on in November—later on I put it on up in the office.

Presiding Inspector: So in one sense, Mr. Cannalonga— [1076] let me see if I understand you, and if I don't you can correct me—in one sense you wouldn't call a unit meeting or a fraction meeting a Party meeting?

The Witness: Yes, you would.

Presiding Inspector: You would?

The Witness: Yes. You see, then, in another sense they have other meetings that they call rank-and-file meetings.

Presiding Inspector: In one sense you would call those Party meetings and in another sense you wouldn't, is that what you mean, or are they also Party meetings?

The Witness: Yes, they are; unit and Fraction meetings.

Presiding Inspector: They are Party meetings?

The Witness: Yes, Party meetings. Then sometimes they will have a Fraction meeting of different unions where it is dominated by Communists, and they will have outsiders.

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: You wouldn't call that a Party meeting?

The Witness: No. That is where the catch is and it is pretty hard to separate them.

Presiding Inspector: Yes.

By Mr. Del Guercio:

Q. This meeting at the Gowman Hotel that you have testified about, didn't you testify that Harry Jackson told you it was to be a meeting of the Communist Party?

A. It was a Party Fraction meeting.

Q. It was?

A. Yes. But then you see a lot of Fraction meetings [1077] they will have militant people in there and we can't say absolutely they are Communists. You don't know, you never see their book, and you just assume that they are Communists at some of those meetings.

Q. But what did Harry Jackson tell you about this particular meeting?

A. He said it was a Party Fraction meeting.

Q. A Party Fraction meeting?

A. Correct.

Q. He told you to attend that meeting as a Party Fraction meeting? A. Yes.

Q. And that is how you attended it?

A. Yes.

Q. How about this other meeting at this home here in San Francisco? A. The same way.

Q. He told you that was to be a Communist Party Fraction meeting? A. Yes.

(Testimony of Maurice J. Cannalonga.)

Q. And not any other kind of a meeting?

A. No. But I don't know what he told the others.

Q. I am not asking you what he told the others. Have you ever been arrested?

A. No—yes, I was once for being "stiff".

Presiding Inspector: Well, I think— [1078]

The Witness (Interposing): Well, he asked if I had ever been arrested and if I had said "No." he might refer to that.

Presiding Inspector: Let's not argue about it.

By Mr. Del Guercio:

Q. Have you ever been on relief? A. No.

Q. Your work has always been on the waterfront, hasn't it? A. Yes.

Q. Do you ship in and out?

A. Oh, I have shipped as Foremaster, A.B., oiler, watertender, Junior Engineer, Electrician—about everything there is on a ship.

Q. While you were a member of the Communist Party did you participate in Communist demonstrations? A. Yes.

Q. How many of them?

A. Quite a few of them.

Q. Did you participate in any fights, riots?

A. Yes.

Q. How many of those?

A. Oh, a few of them.

Q. Where did you participate in them?

A. In Seattle.

(Testimony of Maurice J. Cannalonga.)

Q. Anywhere else? [1079] A. No.

Q. Were you ever arrested in connection with any such demonstrations? A. No, sir.

Q. You always got away? A. Yes.

Q. What? A. Yes.

Mr. Del Guercio: You may cross examine. [1080]

Mr. Grossman: Your Honor, we feel that we have a right to examine every statement taken by the FBI or the Government which was used in an effort to impeach their own witness. Now, we have no way of knowing——

Presiding Inspector: I don't see that they have impeached their own witness.

Mr. Grossman: I certainly got that impression.

Presiding Inspector: They offered it for refreshment of recollection, those questions.

Mr. Grossman: I think even Mr. Del Guercio talked about surprise and raised the——

Presiding Inspector: He did, but I couldn't see that he was hostile in any way. I think he was a reluctant witness, but I didn't see hostility.

Mr. Grossman: You say, then, we have no right to examine any of those?

Presiding Inspector: I don't say that, but I wouldn't put it on that basis.

Mr. Grossman: We make the request that the use of these statements to the extent that they were used by the Government justifies our right to examine those statements.

Presiding Inspector: Well, did you show the witness any statements?

(Testimony of Maurice J. Cannalonga.)

Mr. Del Guercio: No, your Honor. [1081]

Presiding Inspector: You read from some. Did you read from any of those?

Mr. Del Guercio: No sir, I did not.

Presiding Inspector: Well, I couldn't quite tell. You held it in your hand. I couldn't quite tell whether you were reading or not.

Mr. Del Guercio: I had several of them. What I was reading from was my own brief.

Presiding Inspector: Well, that would not be interesting. Of course, if you were reading from a statement, then, you should show it to the other side.

Mr. Del Guercio: I realize that, if the Court please, but I was not reading from the statements. I was reading from my own brief.

Mr. Grossman: I have the idea—I may be wrong—the important point is whether the witness is given the impression, by the action of counsel, that counsel is using a verbatim copy of what he said. Now, I think very clearly this witness was given the impression that Mr. Del Guercio, whether he was using a brief in which these were copied or not, was nevertheless given the impression that Mr. Del Guercio was referring to his statement. That being the basis of it, I think we are entitled to it.

Presiding Inspector: I couldn't quite tell myself.

Mr. Grossman: I think that lays the basis nevertheless [1082] for us to examine these.

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: Did you understand you were being asked from the statements that you yourself made?

The Witness: No.

Presiding Inspector: He says he didn't so understand it.

I think you can examine him and see. Proceed.

Mr. Grossman: What was your statement?

Presiding Inspector: I said I think you can go along and we will see about it.

Mr .Grossman: Oh!

Cross Examination

By Mr. Grossman:

Q. Mr. Cannalonga, with reference to these meetings that you have been testifying to your memory is not very clear, is it?

A. Will you repeat that?

Q. Is your memory very clear about the details of these meetings that you have been testifying about?

A. Well, no, it is not very clear, I will——

Q. (Interposing): Do you consider that you have a good, a very good or a bad memory? Can you describe for us what you consider to be the quality of your memory?

A. Well, as far as names and dates I have got a poor memory, but faces, if I see a face once I will always remember [1083] it, so——

Q. Would you say that you would be able to name from memory most of the persons who were

(Testimony of Maurice J. Camalonga.)

at a meeting two or three years before if there were 10 or 12 or 15 or 20 people at that meeting?

A. I couldn't name—I could name some of them, yes, and you know, it is like anything else, you take the fellows that do more talking than others and you have more contacts with, you remember them better, you know, it is only natural, and others that you may see once or twice, then, it is vague.

Q. Would you be able to remember two or three years before the place or the time at which a meeting had taken place?

A. Yes, I can remember the places all right and the approximate time.

Q. You can. And if I asked you about a particular meeting two or three years ago that took place in the City of Seattle do you think you could pretty well remember where that meeting was and when it was? A. I believe so.

Q. You consider your memory pretty good on that? A. I think so.

Q. When was the first time that any representative of the FBI spoke to you about Harry Bridges? A. That was in November. [1084]

Q. Of last year?

A. October; no, I shipped in November.

Q. Of last year? A. Yes, sir.

Q. And how much time was there between the meeting that you have been talking about in the Gowman Hotel and the time that the FBI spoke to you for the first time?

A. About three years.

(Testimony of Maurice J. Cannalonga.)

Q. About three years?

A. Two and a half years it would be.

Q. At the time the FBI spoke to you, or one of their men spoke to you for the first time, do you have a clear recollection of that meeting in the Gowman Hotel?

A. A fairly clear recollection, yes.

Q. Now, I would like to know, Mr. Cannalonga, exactly what was the approach that was made with reference to that meeting by the representatives of the FBI? Now, for example, did the representative of the FBI say to you, "Mr. Cannalonga, we know you were at a meeting at the Gowman Hotel," or did he say that in substance?

Mr. Myron: Just a moment. There is no evidence he said either one of those things. Why doesn't he ask him what the FBI said?

Mr. Grossman: This is cross examination.

Presiding Inspector: This is cross examination.

Mr. Myron: That is leading the witness. [1085]

Presiding Inspector: You can do that on cross examination.

Mr. Grossman: I can do that on cross examination.

Presiding Inspector: I will take it.

The Witness: Will you repeat that?

By Mr. Grossman:

Q. Did a representative of the——

Mr. Del Guercio: (Interposing) What was the last remark of counsel, your Honor?

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: Just a moment, I didn't hear it.

Mr. Grossman: I will repeat it. Did you wish to hear it, your Honor?

Presiding Inspector: No, if it is in the record. What was the remark?

(The testimony referred to was read by the reporter.)

Presiding Inspector: You haven't any right to deceive him.

By Mr. Grossman:

Q. Did he say in substance to you that "We know, Mr. Cannalonga, you were at the meeting at the Gowman Hotel?"

A. What does that word "substance" mean?

Q. I mean, I may not be right in the words but have I got the general principles correct, or the general information, or meaning correct?

A. Yes, sir. [1086]

Q. In other words, he claimed to know about the meeting in the Gowman Hotel before you told him anything about it, is that right?

A. Well, I——

Mr. Myron: I object to that, your Honor.

Presiding Inspector: Well, is that so, or isn't it?

Mr. Myron: If he is going to make an offer that is so, that is all right, it is not objectionable, but it is certainly deceiving the witness.

(Testimony of Maurice J. Cannalonga.)

Mr. Grossman: How am I deceiving the witness?

Presiding Inspector: We will ask him; we will allow that.

Did he say that? Did he give you the impression that he knew about the meeting before he asked you what happened there, if you can remember that?

The Witness: Now, let's see. (Pause). Read that question again, will you?

Presiding Inspector: Read counsel's question.

Mr. Grossman: I will ask it again.

The Witness: Yes.

By Mr. Grossman:

Q. Did you get the impression from the representative of the FBI that he knew, or thought he knew something about the meeting at the Gowman Hotel before you mentioned it or talked to him about it? A. Yes, sir.

Q. All right. He gave you the impression also, did [1087] he not, that he knew or thought he knew some of the people that were present at that meeting?

Mr. Myron: I object to that, your Honor, the form of the question.

Mr. Grossman: This is cross examination.

Presiding Inspector: I will allow it.

A. Yes.

By Mr. Grossman:

Q. All right. How many names did he name,

(Testimony of Maurice J. Cannalonga.)

or persons that he claimed were at that meeting at the Gowman Hotel? A. Oh, four or five.

Q. Are you sure that is all? A. Yes, sir.

Q. He named Bridges, didn't he, as one of those?

A. Yes, sir.

Q. In other words, to summarize, before you mentioned the meeting at the Gowman Hotel the first time you were contacted by a representative of the FBI. He said to you, "Cannalonga—" — in substance "Cannalonga, you attended a meeting at the Gowman Hotel which was a Communist meeting at which Harry Bridges was present?" Did he do that in substance?

Presiding Inspector: Well, now, that is no question.

Mr. Myron: I object.

Mr. Grossman: I recognize I added an element of being a Communist meeting but I submit I nevertheless have a right [1088] to ask a question which is leading and get an answer to it.

Presiding Inspector: I have ruled with you on that, but I don't think that I quite understand the full purport of that question.

Mr. Grossman: All right, I will ask it gain.

By Mr. Grossman:

Q. Is it true, Mr. Cannalonga, that before you gave any information to this FBI man that first contacted you, he told you in substance—I may not have the words right—but in substance——

A. Yes, O.K.

(Testimony of Maurice J. Cannalonga.)

Q. That you, Cannalonga, had attended a meeting at the Gowman Hotel at which Bridges was present?

A. Well, he named—oh, he named a couple of others and then Bridges.

Q. All right, he named Bridges as one of those that he named? A. Yes, sir.

Q. And he also stated to you, did he not, that it was a Communist meeting? A. Yes, sir.

Q. All right. He stated, did he not, that Rapport had been present at that meeting?

A. He did.

Q. And he stated did he not, that Bristol had been present at that meeting? [1089]

A. I believe so.

Q. And he stated, did he not, that Jackson had been present at that meeting? A. Yes, sir.

Q. And he stated, did he not, that Nelson had been present at that meeting?

A. No, I don't recall that.

Q. I see. Your answer is that you don't recall whether he mentioned Nelson?

A. I am not quite clear.

Presiding Inspector: Do you understand he is not asking you what happened. He is asking you if the man told you these things?

The Witness: Yes, if he told me; I get the drift all right.

By Mr. Grossman:

Q. As to Nelson, you don't know if he mentioned Nelson's name or not, is that correct?

(Testimony of Maurice J. Cannalonga.)

A. Yes, sir.

Q. Did he state that Hannon had been at that meeting?

A. I—no; he named some of the lesser lights. I am not quite sure.

Q. Fisher? Did he name Fisher?

A. He named Laddie Hope. [1090]

Q. He named Laddie Hope. Now, how about Fisher? A. I think he did.

Q. How about Pilcher? A. Yes, sir.

Q. Did he name Schmidt?

A. I am not sure.

Q. Did he name Meehan?

A. Well, I wouldn't swear to that either.

Q. Did he name Fox? A. Yes, sir.

Q. Did he state to you where he had gotten that information that enabled him to name these names?

A. No.

Q. Did he give you any indication; did he give you any general statement indicating where he had gotten it from? A. No.

Q. Did he state to you that he had talked to someone who was at that meeting that had given him the information? A. No.

Q. Now, Mr. Cannalonga, I am concerned with the way in which he gave you this information. When he gave you this information or stated these facts, what he said about these facts, about this meeting, he stated them in a way that gave you the impression, did he not, that he believed that

(Testimony of Maurice J. Cannalonga.)

to have taken place, the way he described it? In other words, he was not—— [1091]

A. (Interposing) Yes.

Presiding Inspector: The answer is "Yes".

By Mr. Grossman:

Q. He didn't give you the impression that he was just fishing around with no information. He gave you the impression he knew what he was talking about? A. Yes, uh-huh.

Q. Now, how many men were there the first time that talked to you, FBI men?

A. Two of them.

Q. Two. Did both of them participate in the questioning, or only one?

A. No, both of them.

Q. Did one of them seem to better informed than the other? A. Well——

Q. In other words, did one of them take the lead in the questioning or——

A. (Interposing) No; they kind of shifted. One would ask questions for a while and telling me different things that I knew had happened, and another one would do the same thing.

Q. Now, these men gave you the impression, did they not, that they knew a lot about you?

A. Yes, sir.

Q. Did they talk to you about your union activities? [1092] A. Uh-huh.

Q. And they gave the impression that they had some pretty good information about what you had been doing for the last few years?

(Testimony of Maurice J. Cannalonga.)

A. Well, well, I don't know how to answer that one; that is—will you ask me that one again?

Q. Yes. In other words, they gave you the impression that they knew what you had been doing the last few years, your general activities?

A. Yes, sir.

Q. They checked up on you very carefully before they talked to you? A. I believe so.

Q. That is the impression you got anyhow, wasn't it? A. Yes, sir.

Q. How far back did they seem to have gone in checking up on you? Can you think of the earliest date that they seemed to know something about you?

Mr. Myron: All these are objectionable.

A. I don't recall.

Presiding Inspector: Pretty remote, aren't they?

Mr. Del Guercio: We are not objecting to it, of course, but that doesn't mean——

Mr. Grossman: (Interposing) I will connect it up. I don't think I have to explain to counsel the reason for any [1093] particular question.

Presiding Inspector: I don't understand it myself, but you may go on.

By Mr. Grossman:

Q. For example, did they seem to know about your life for the last year, or did they seem to know about five or ten or twenty years of your life?

A. Well, I——

(Testimony of Maurice J. Cannalonga.)

Q. (Interposing) You didn't get any impression on that? A. No.

Q. But they did seem to have checked up on you pretty thoroughly before they——

Mr. Del Guercio: (Interposing) Well, if your Honor please, the witness has just testified——

Presiding Inspector: (Interposing) He has already answered that.

Mr. Grossman: I may lead him on cross examination.

Presiding Inspector: He has answered it just the way you wanted him to answer it.

Mr. Grossman: I was just referring to a comment of counsel.

Presiding Inspector: Go ahead.

By Mr. Grossman:

Q. Now, this information they had about you, was it solely in connection with your trade union activities or did [1094] some of it deal with your personal activities?

A. Well, I couldn't say off-hand.

Q. Did they seem to know, for example, the places where you had lived?

A. Well, I couldn't say that. They didn't—I don't believe they mentioned the exact places that I had lived, no, because, you know, I have been—you know, after all a guy going to sea he don't stay in one place very long, and I have left home and been away ten years at a crack and sometimes only a couple of months, so that is the only way I can answer that one.

(Testimony of Maurice J. Cannalonga.)

Q. Did they seem to know that you were not then a member of the Communist Party.

A. What was that again?

Q. Did they seem to know that you were not then a member of the Communist Party?

A. Yes.

Q. Did they seem to know at what time your connection with the Communist Party was severed?

A. Yes, sir.

Q. Did they seem to know why that—or how that connection was severed? A. Yes, sir.

Q. Did they seem to know about your views with respect [1095] to the Communist Party?

A. I don't get that.

Q. Did they seem to know what you thought of the Communist Party? A. No.

Q. Were they wrong? I mean, did they express any wrong views about what you thought of the Communist Party or did they express none at all?

A. They didn't express any, I don't believe.

Q. Can you think of anything else about which they seemed to be well informed concerning you?

A. Well, I—no, I don't recall. They seemed to have a general idea of what I had been doing, you know, so forth and so on, not right down to small details, but you know, a general idea as though they knew what they were talking about.

Q. They knew, of course, that you had been talking to Boyd before? A. Yes, sir.

(Testimony of Maurice J. Cannalonga.)

Q. And they knew, of course, what you had told Boyd? A. Yes, sir.

Q. Did they discuss with you your previous conversation with Boyd? A. Yes, sir.

Q. Did that take place—I mean, did they discuss that conversation with Boyd before they went into the dis- [1096] cussion of these meetings?

A. Huh?

Q. What did they discuss with you first, your previous discussions with Boyd, or did they discuss the meetings with you first? Do you understand what I mean? A. No, I don't.

Q. When they first met you did they start talking about what you had said to Boyd?

A. Oh, no, no.

Q. When did they discuss your conversation with Boyd, at the beginning of this interview or in the middle or the end or what?

A. I don't recall when it was. It was while they were interviewing me.

Q. I see. Mr. Cannalonga, have you been shipping rather steadily as a fireman since the time that you were in the Communist Party?

A. Yes, sir.

Q. And exactly, Mr. Cannalonga, what is your attitude toward the Communist Party at the present time?

A. My attitude at the present time?

Q. Yes.

A. Well, I think they are sure wrong in the whole setup on the Coast, for one thing, and some

(Testimony of Maurice J. Cannalonga.)

of the moves they have made, going to bat with Hitler and Japan, I think that was [1097] pretty lousy, and that Finnish adventure was another one.

Q. You feel you disagree pretty strongly with the Communist Party?

A. Well, I don't know what you mean by strong. I disagree with——

Q. (Interposing) There is no doubt in your mind that you disagree with them?

A. Yes, with their policy now.

Q. What are your present views, Mr. Cannalonga, about the policies of Bridges in the unions on the Pacific Coast? Do you agree with him or disagree with him?

A. Well, to be frank, I haven't been following any of that stuff.

Q. Well, the last time you did follow it and formed any opinions, was it in agreement or disagreement with the policies of Harry Bridges in the maritime unions on the Pacific Coast?

A. In agreement.

Q. In agreement? A. Yes, that is it.

Q. In other words, the last time you had any opinion on Bridges it was quite different than your opinion on the Communist Party, is that right?

Mr. Del Guercio: If your Honor please, he didn't testify to that.

Presiding Inspector: I don't see that it is of any use, [1098] comparing the two.

The Witness: Will you repeat that?

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: I suggest you withdraw that question.

Mr. Grossman: All right, I will withdraw it.

By Mr. Grossman:

Q. Do you consider that the Communist Party is a harmful influence among the maritime unions on the Pacific Coast? A. (No response).

Q. Put it this way: Do you believe that the policies of the Communist Party are good or bad for the maritime unions on the Pacific Coast?

A. Bad.

Q. Bad. Now, isn't it true, then, Mr. Cannalonga, that if you think the policies of the Communist Party on the Pacific Coast are bad for the maritime unions, and you think the policies of Bridges are good, you don't think Bridges is carrying out Communist Party policy in the maritime unions on the Pacific Coast?

Mr. Goodwin: A compound question.

By Mr. Grossman:

Q. Is that right, Mr. Cannalonga?

A. Let's get that straight.

Q. All right. You testified that you felt that the position—that the policy of the Communist Party is bad for [1099] the maritime unions on the Pacific Coast. You stated, however, that you think that you agree with——

A. (Interposing) Wait a minute now. Let's get—I said the policy of the Party, yes, but when I was in the Party I thought the policy of the Party was O.K.; don't forget that.

(Testimony of Maurice J. Cannalonga.)

Q. That is right.

A. All right, now, O.K.

Q. All right, I am talking about now. At the present time you feel that the policy of the Communist Party is bad for the maritime unions?

A. Yes, sir.

Q. At the present time you agree, or, at least, the last time you formed any opinion you agreed with the policy of Bridges for the Maritime unions on the Pacific Coast?

A. Well, I haven't seen——

Mr. Del Guercio: Just a minute, before you answer.

First of all it is a compound question. Secondly there is no testimony there as to during what period of time he agreed with Bridges' policy.

Presiding Inspector: It isn't useful unless you define what these policies are.

Mr. Del Guercio: What the policies are.

Presiding Inspector: It won't make any impression. I don't know what the policies you are referring to of Bridges are. [1100]

Mr. Grossman: All right.

By Mr. Grossman:

Q. Mr. Cannalonga, you stated that the last time you formed——

Presiding Inspector: (Interposing) Just a moment. He has stated, of course, generally that he is in agreement with the policies of Mr. Bridges.

Mr. Grossman: Yes.

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: And he has also stated as to certain policies, at least, of the Communist Party he is not in sympathy with those.

Mr. Grossman: All right.

Presiding Inspector: Now, do you get——

The Witness: (Interposing) I can give an example.

Mr. Grossman: I will ask for it. Just a moment.

By Mr. Grossman:

Q. Now, Mr. Cannalonga, give me some examples, then, of the policies of the Communist Party at the present time in the maritime unions with which you disagree and which you think are harmful. A. Of the Communist Party?

Q. Yes.

A. Well, you just got through asking me about the policy of Bridges. Now, you say——

Q. (Interposing) We have changed because there is some [1101] objection.

A. You have shifted now?

Q. Yes. Now, I want some examples of the position of the Communist Party in the maritime unions which you think are harmful to the maritime unions on the Pacific Coast.

A. Well, I tell you I haven't been—see, I have been gone from the Coast here since last November, almost six months. We made a trip to Australia and back. And as far as the policy of the unions, you know, it fluctuates, it swings, and it is never the same, so I haven't been ashore yet. I

(Testimony of Maurice J. Cannalonga.)

haven't even had time to go ashore and get a good heat on, so how am I going to find out the policies of the Communist Party? You see? You get the drift now, don't you?

Q. I understand.

A. O.K. as long as you get the drift.

Q. But the last time you were ashore and formed any opinion about the policies of the Communist Party what generally of those policies did you think harmful to the maritime unions on the Pacific Coast?

A. Well, well,—they—let's see. That is a tough one, too.

Q. All right, let me put it this way: The last time you formed an opinion on it that opinion was that the policy Harry Bridges was carrying out in the maritime unions on the Pacific Coast met with your approval? [1102]

Mr. Del Guercio: Does the witness know what that question means?

Mr. Grossman: I will make it a little more simple.

By Mr. Grossman:

Q. The last time you thought—I am not making it today—you said you hadn't thought about it much recently. The last time you had any opinion on it your opinion was, Mr. Cannalonga, that Harry Bridges policies in the maritime unions were correct and had your approval. Is that right?

A. Yes.

Q. Is that right? A. Yes, sir.

(Testimony of Maurice J. Cannalonga.)

Q. And at the same time that you had this opinion on Harry Bridges your opinion was that the Communist Party policies were bad for the unions on the Pacific Coast, is that right?

A. Yes, some of them.

Q. All right. Now, let's return to the——

Mr. Del Guercio: (Interposing) Just a minute, please. I didn't get the answer to that last question.

The Witness: I said, "Yes, some of them."

Mr. Del Guercio: Some of them.

By Mr. Grossman:

Q. Let's return to the first time that the representatives of the FBI spoke to you, Mr. Cannalonga. You referred [1103] to a meeting at the Gowman Hotel and referred to the fact that the FBI men came to the meeting with you with certain information about that meeting.

Now, isn't it true that they had certain information about other meetings that they stated you had attended?

Mr. Myron: I object to that, your Honor.

Presiding Inspector: I am not sure that I caught all of the words in that question.

Mr. Grossman: Will you read it back?

(The question referred to was read by the reporter.)

Mr. Del Guercio: I don't know if that is the question or not, the "FBI men came to the meeting with you." There is no evidence here of anything——

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: (Interposing) I think the witness can understand that now it is read.

Do you undestand that question?

Mr. Grossman: He has answered it, I think, your Honor. He has answered the question.

The Witness: You said the meetings they spoke of?

By Mr. Grossman:

Q. Yes; they knew about other meetings besides the Gowman? A. Yes, sir.

Presiding Inspector: They seemed to know about other meetings besides the Gowman? [1104]

The Witness: Yes, sure.

Q. Now, you have been testifying about a meeting in San Francisco that you state Schneiderman was present at that you attended. The FBI knew about this meeting also, didn't they, or at least they seemed to before you told them anything about it?

A. I didn't get that.

Presiding Inspector: Did you know that?

The Witness: What is the question again?

Presiding Inspector: Read the question.

(The question referred to was read by the reporter as above recorded.)

A. That is a pretty tough thing to answer.

Presiding Inspector: Let me simplify it for you. The question is this: If these men seemed to know about the meeting in San Francisco before you told them anything about it?

A. That was the impression I got.

(Testimony of Maurice J. Cannalonga.)

By Mr. Grossman:

Q. Wasn't it true, Mr. Cannalonga, that they were pretty positive about this meeting in San Francisco too; in other words, they described the meeting to you in such a way as to give the impression they were certain that it had taken place?

A. I don't quite remember. You know, damn it all, there was a lot of stuff happened, and it was so long ago, and you try to think about it, and you only make a donkey out of yourself trying to answer some of these questions. [105]

Q. I recognize the difficulty. But this is true, isn't it, Mr. Connalonga: That the general impression that these representatives of the FBI gave you was that when they talked about a meeting they gave you the impression that they were positive a meeting had taken place, and that they were positive that certain people had been there—wasn't that the general impression you got out of this interview?

A. Yes; yes.

Q. In other words, generally speaking, this is what happened, isn't it, at this first interview—this is only true in substance, and I won't have the words or the order correct: But in substance, they said to you, "Cannalonga, you were at this Communist meeting, and you were at that Communist meeting, and certain people were there," naming them, "and you were at this meeting, and certain other people were there," naming them, and they gave you the dates, or the approximate dates of the meetings and they

(Testimony of Maurice J. Cannalonga.)

gave you the places or the approximate places of these meetings, isn't that correct and generally speaking?

Mr. Del Guercio: I object to the question in that form.

Presiding Inspector: I think it is a rather complicated question.

Mr. Grossman: I think he understands it.

By Mr. Grossman:

Q. Wasn't that generally true? [1106]

Presiding Inspector: Was that generally true?

A. Yes.

Presiding Inspector: They gave you the impression that they knew about these meetings that you have testified to here?

The Witness: That is the impression I got.

By Mr. Grossman:

Q. And when I say they knew about it, I mean they had definite information as to where and when it was, as well as who were there, isn't that right—they seemed to know, or claimed to know where the meetings were, approximately where, and approximately when, isn't that right?

A. Yes; something on that order.

Presiding Inspector: Are you trying to get into the record a hearsay statement as proof of it?

Mr. Grossman: No.

Presiding Inspector: I suppose it has some such possible implication.

Mr. Grossman: I don't think so.

(Testimony of Maurice J. Cannalonga.)

We will take a recess until 2:00 o'clock.

(Whereupon, at 12:30 P. M., a recess was taken until 2:00 P. M. of the same day.) [1107]

After Recess 2:00 o'Clock P. M.

Presiding Inspector: You may resume.

MAURICE J. CANNALONGA

called as a witness on behalf of the Government, having been previously duly sworn, testified further as follows:

Cross Examination (Resumed)

By Mr. Grossman:

Q. Mr. Cannalonga, where were you born?

A. Massachusetts.

Q. How long have you lived in Seattle, or Portland, or thereabouts?

A. Since, oh, '29-'30.

Q. How long have you been working as a fireman, or similar positions on ships?

A. Well, ever since I was a punk kid.

Q. Referring to this Los Angeles meeting that you talked about, Mr. Cannalonga——

A. (Interposing) What meeting?

Q. The San Francisco meeting that we talked about—you stated that the FBI agents at the first meeting with you had seemed to know, or stated, at least, as if they did know, certain things about this meeting before you told them anything about it.

(Testimony of Maurice J. Cannalonga.)

Wasn't one of those things they told you about the meeting the fact that Bridges was there, or supposed to have been [1108] there?

A. I don't quite recall.

Q. Well, they told you that meeting—before you said anything—they told you that meeting was a Communist meeting, didn't they, the San Francisco meeting? A. I believe so.

Q. Now, during this time, that is, during this first meeting you had with the FBI men, didn't they give you the impression, or try to give you the impression that these facts, or supposed facts that they gave you, were actual facts and they could prove them and force you to admit them whether you wanted to or not?

A. Will you say that again?

Q. During this meeting didn't the FBI men say to you, generally, "These are the facts and we can force you to admit them because we can prove them by someonce else?"

Mr. Del Guercio: Just a minute, if your Honor please. I object to the form of the question—"Didn't they generally tell you these facts."

Presiding Inspector: That means in substance. I take it that means in substance. With that correction I will allow the question.

A. In other words, you mean that they knew about this meeting, and so forth, and that they were in a position to prove it, is that what you mean?

[1109]

(Testimony of Maurice J. Cannalonga.)

By Mr. Grossman:

Q. Didn't they give you that impression?

A. Well, let me see—well, I couldn't say "yes" and I couldn't say "no" to that one. You see, they knew about the meeting, and so forth, you see, and I got the impression that they,—my impressions were that they knew all about it and that I was there.

Q. Didn't they give you the impression that regardless of what you said about this meeting they were prepared to prove that this, or those meetings took place as they stated they did?

Presiding Inspector: Of course, that will open the door to what was said.

Mr. Gladstein: I beg your pardon?

Presiding Inspector: That opens the door to another long part, a long correcting examination, because it is a very doubtful matter.

Mr. Grossman: I am assuming that it is open already, your Honor.

Presiding Inspector: Well, I know, but I mean to say practically open.

Mr. Grossman: Well, I can't help it.

Presiding Inspector: All right, go ahead. Well, I will ask a question, then.

Did they say anything about what they could or couldn't prove, in those words?

The Witness: No [1110]

Presiding Inspector: They didn't talk about proof?

The Witness: No.

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: But you got certain impressions from them?

The Witness: Yes, my impressions were that they knew what the score was and able to——

Presiding Inspector: All right. Now, go ahead.

By Mr. Grossman:

Q. They gave you the impression, Mr. Cannalonga, that regardless of what you did or said they could prove the correctness of the facts that they gave you about these meetings or the alleged facts?

A. Yes.

Presiding Inspector: Although the question of proof was, or was it talked about?

The Witness: No, no question of proof.

Presiding Inspector: But you got that impression?

The Witness: Yes, that is the impression I got. You know, you sit around talking, guys talking about things that happen.

Presiding Inspector: That is what I understand from the answers to your question.

By Mr. Grossman:

Q. Now, during this first conference, Mr. Cannalonga, did these FBI men talk to you about your cooperation with the [1111] Government or with the FBI? Did they discuss that general question at all?

A. I don't get that. You mean——

Q. Put it this way, then: Didn't they say to you, "Mr. Cannalonga, you are dealing with the United States Government. You had better cooperate because we are the United States Government?

(Testimony of Maurice J. Cannalonga.)

A. No, not words in that effect.

Q. All right. What generally were the words that they used?

A. Well, that they were—that it was a Government agency and that they already knew about all these meetings and so forth and you know, that is the impression that I got.

Q. Did you get the impression that being a Government agency they had certain power over you?

A. Well, nobody has got any power over me, for that matter. If I want to do anything I will do it and suffer the consequences.

Q. Well, did you get the impression that they were trying to let you know they had power over you?

A. Well, I don't get your drift.

Q. All right, we will ask it a little differently. How did they bring up this question of their representing the Government? How did it come into the conversation? Did they raise it or did you raise it? Who brought it up first. [1112]

A. Oh, let's see now. I believe I did at first, and they said that they were the FBI Government agency and that their record was 100 per cent in regards to grabbing criminals and so forth.

Q. They told you that the FBI had a 100 per cent record for convictions, is that what they told you?

Mr. Del Guercio: Well, now, just a minute, if your Honor please. I object to that line of questioning and the manner in which counsel is asking it.

Is the FBI on trial here, or this Alien here on trial?

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: Neither of them are on trial, as I understand it.

Mr. Del Guercio: Well, what are we trying to discover here?

Presiding Inspector: We are having an investigation as to whether the Alien is subject to deportation under the statutes of the United States.

Mr. Del Guercio: Well, that is what I thought.

Presiding Inspector: That is what we are here for.

Go on, Mr. Grossman.

Mr. Grossman: May we have an answer to the question, your Honor?

Presiding Inspector: Read the question. I think it is repetition but I am not sure.

(The question referred to was read by the reporter.) [1113]

The Witness: Well, words to that effect, and I got some more on that question.

Presiding Inspector: The witness wants to answer further then, Mr. Grossman.

Mr. Grossman: All right, I have no objection.

The Witness: Will you read that part again, back, please?

The Reporter: Your answer?

The Witness: Yes.

(The last question and answer were read by the reporter as above recorded.)

The Witness: (Continuing) And that they

(Testimony of Maurice J. Cannalonga.)

didn't need stool pigeons and criminals to convict anybody.

By Mr. Grossman:

Q. Did they make any statement as to the attitude of the FBI, or the policy of the FBI, or the Government toward Communists now or in the future?

A. No.

Q. Did they make any statements with reference to your former Communist Party membership, as to whether or not that would expose you to any punishment, present or future? A. No.

Q. Did they make any statement at all as to how the Government, or the FBI, was going to deal with present or past members of the Communist Party?

A. No. [1114]

Q. How many different meetings or conferences did you have with representatives of the FBI?

A. Well, three in Seattle and one in Frisco—four.

Q. Where was the first one?

A. Seattle.

Q. Where in Seattle?

A. Up in their office.

Q. And there were present just two men at that first meeting, is that right? A. Yes.

Q. Where was the second one held?

A. The same place.

Q. Was anyone different present at the second meeting? A. No.

Q. Where was the third one held?

A. Same place.

(Testimony of Maurice J. Cannalonga.)

Q. Was anyone different present at that meeting?

A. Yes.

Q. Who different was present?

A. Another fellow.

Q. Do you know his name?

A. I don't recall his name, no.

Maybe he (indicating Mr. Del Guercio) can give it to you over there.

Presiding Inspector: Is he in the court room?

[1115]

The Witness: No.

By Mr. Grossman:

Q. Do you see the other gentleman in the court room?

A. No; he is not here.

Mr. Del Guercio: I believe he was looking at me.

Presiding Inspector: No. He said maybe you could tell who it was.

Mr. Del Guercio: Did you say I was present?

The Witness: I said maybe you know his name. I don't know it.

By Mr. Grossman:

Q. Mr. Cannalonga, I have been asking you a series of questions on this cross examination with respect to things that the FBI agents said about these meetings and in general I was directing my questions to the first meeting only. Would your answers be any different if I asked you these same questions as to the second, third and fourth meetings? In other words, to refresh your memory, I asked you ques-

(Testimony of Maurice J. Cannalonga.)

tions about what the FBI men had said about the Government and its policy and dealing with Communists and ex-Communists, and so on. Did they say anything different along those lines in the second, third or fourth meetings than they said in the first meeting?

Presiding Inspector: Just a minute. Do not answer yet.

Mr. Del Guercio: First, I want to object to the question. I do not think it is a question at all. It is something counsel [1116] is relating.

Presiding Inspector: I think perhaps it will expedite the hearing. You won't have to go over each meeting then.

By Mr. Grossman:

Q. You understood the question, didn't you?

A. No. There has been so much interruption that I don't understand.

Presiding Inspector: The question, in general, is as to the matters that you have testified to, would there be anything else which you would add as to the other meetings, or would substantially the same answers be given if you were asked the same questions with reference to the other meetings?

By Mr. Grossman:

Q. Do you think of anything substantial that would differentiate your answers so you would have to answer my questions differently? A. No.

Q. That is, with reference to the second, third and fourth meetings? A. No.

(Testimony of Maurice J. Cannalonga.)

Q. Do you have any close relatives who are employed by the Government. A. No.

Q. You have described certain meetings with representatives of the FBI. Have you had any other meetings whatsoever [1117] with any representatives of the Government, or of any police department, or of any state or city government, concerning what you know about Harry Bridges? A. No.

Q. These four meetings or conferences, represent every time you discussed with any representative of the Government what you know about Harry Bridges? A. Correct.

Mr. Grossman: No more questions.

Presiding Inspector: Mr. Del Guercio, the witness is yours.

Redirect Examination

By Mr. Del Guercio:

Q. Did you understand all of the questions that counsel here has asked you?

A. I think I have a fair drift of them.

Q. Did you understand the words that he used?

A. Some of them, no.

Q. Now, to go back to the first contact you had with the FBI men, I believe that took place about October 8, 1940, there in Seattle, is that right?

A. Yes.

Q. Where were you at the time that the officers contacted you?

A. Down at the Immigration Building. [1118]

Q. Immigration Building? A. Yes, sir.

Q. And what time of day was that?

(Testimony of Maurice J. Cannalonga.)

A. What time?

Q. Yes. A. That was in the morning.

Q. In the morning. You went up there voluntarily?

A. No. I was told to go up there.

Q. Did you go up there with anyone?

A. No. I had a fellow drive me down.

Q. Who drove you?

A. A friend of mine.

Q. Did this friend of yours go up to the offices with you? A. No.

Q. What was the first thing that was said to you by the officers?

A. Well, they asked my name and——

Q. (Interposing) Did you give them your name? A. Oh, yes.

Q. What else did they ask you?

A. How long I had been going to sea; sort of a personal history.

Q. That was the very first thing they asked you?

A. Yes. [1119]

Q. They didn't ask you anything else?

A. They asked me if I had been a member of the Communist Party.

Q. Did you tell them? A. Yes.

Q. Did they tell you that they knew you had been a member of the Communist Party before you answered that? A. I believe they did.

Q. What did they say?

A. They said that—I don't know, quite recall all of it.

(Testimony of Maurice J. Cannalonga.)

Q. Well, you have told the defense counsel here that these officers knew that you were a member of the Communist Party, is that right?

A. That I had been a member of the Communist Party; yes.

Q. That you had been a member?

A. Yes.

Q. Did they tell you that?

A. Yes, they did.

Q. Right away?

A. No, not right away; after a while.

Q. How long afterwards?

A. Well, I couldn't say how long. It was, you know, that same morning.

Q. And when did they ask you about this Gowman Hotel meeting—how long had they been talking to you before they [1120] mentioned anything about the Gowman Hotel meeting?

A. I don't remember whether it was the first day or the second day.

Q. You don't know whether it was the first or second day? A. No, sir.

Q. If I gave you a little time could you recollect as to when they asked you about it, whether it was the first day or the second day?

A. I believe it was the second day.

Q. Then you misunderstood counsel's question when you said that the officers told you that they knew, at the first meeting that you had with them, that you had been at the Gowman Hotel meeting? A. Yes; oh, yes.

(Testimony of Maurice J. Cannalonga.)

Q. Did you misunderstand them?

A. Yes.

Q. You didn't mean to imply that, did you?

A. No.

Q. The first day that the officers talked to you did they mention anything about the Gowman Hotel meeting? A. No, I don't believe they did.

Q. Not a word? A. I don't believe so.

Q. You are sure about that? [1121]

A. Quite.

Q. Isn't it a fact, Mr. Cannalonga, that——

Mr. Grossman: (Interposing) May I make an objection? It seems this is still counsel's witness and I think he is cross examining his own witness with this kind of questioning.

Mr. Del Guercio: You opened it up.

Presiding Inspector: I think that is so, but I will allow him to suggest these things to refresh his recollection.

Mr. Grossman: The form of the question is leading on cross examination form.

Presiding Inspector: He may do that to some extent after he has exhausted his recollection.

By Mr. Del Guercio:

Q. Isn't it a fact that the FBI men didn't know anything about the Gowman Hotel meeting until you had told them about it? A. No.

Q. You are sure about that?

A. I am not sure about that.

Q. You are not sure? A. No, sir.

Q. Isn't it a fact also that the FBI men did

(Testimony of Maurice J. Cannalonga.)

not know anything about this San Francisco meeting until you had told them about it?

A. About the Frisco meeting?

Q. Yes. [1122]

A. No; I believe they mentioned it.

Q. Did the FBI men ask you if you had been in any Communist Party meetings with Mr. Bridges in Seattle? A. Yes.

Q. What was your answer to that?

A. "Yes."

Q. That you had been? A. Yes.

Q. The statements that you made to these FBI men, I believe you testified on direct here that you had read them before you signed them?

A. Yes.

Q. You did read them? A. Yes.

Q. And did you understand their contents?

A. I believe I did.

Q. You signed them?

A. Yes, I believe I did.

Q. You signed a statement on the first day that you saw the FBI man? A. Yes.

Q. Did you make any corrections before you signed the statement? A. Yes. [1123]

Q. I will show you what purports to be a signed statement dated October 8, 1940, at Seattle, Washington, signed "Maurice J. Cannalonga" in the presence of John L. Madala and Abraham Dickstein, and I will ask you to read it.

A. (Examining document). Read it? Well, that is sure——

MICRO CARD
TRADE MARK ®
22
44
19742
MATTHEW BENDER & COMPANY
MB
3-69
microcard

(Testimony of Maurice J. Cannalonga.)

Q. (Interposing) Well, I will——

A. (Interposing) Yes, that is it.

Q. Is this the statement that you signed?

A. Yes, that is it.

Q. Is that your signature? A. Yes.

Mr. Del Guercio: Do you suppose there would be any objection if I read it for him?

Presiding Inspector: You better offer it, then.

Mr. Del Guercio: I will offer it in evidence as Government's Exhibit next in order.

Presiding Inspector: Received without objection.

(The document referred to was received in evidence and marked Government's Exhibit No. 208.)

Presiding Inspector: You may read it after the reporter has marked it.

Mr. Del Guercio: (Reading) "October 8, 1940. Seattle, Washington.

"I, Maurice Joseph Cannalonga do hereby make the follow- [1124] ing signed statement to A. Dickstein and John L. Madala who have identif d themselves to me as special agents of the Federal Bureau of Investigation, United States Department of Justice. No threats or promises have been made to me and I am making this statement entirely voluntary and of my own free will.

"I was born on May 3, 1910 at Webster, Massachusetts. I am single. At present I reside at 3003 East 115th Street, Seattle, Washington.

(Testimony of Maurice J. Cannalonga.)

"I have only been arrested one time in my life and that was in 1929 while at San Diego, California."

The Witness: San Pedro.

Mr. Del Guercio: At what?

The Witness: San Pedro.

Mr. Del Guercio: San Pedro, California, I beg your pardon.

"I was arrested by the Police Department there for drunkenness and was charged with vagrancy. I was sentenced to serve thirty days in jail.

"I shipped out to sea for the first time in 1923 and have been a seaman practically ever since that time. During 1925 and 1926 for a period of approximately one and one-half years I worked in the garage of the Acme Transportation Company in Webster, Massachusetts." And that has been corrected there "and Corbi Boat and Shoe Factory."

"Thereafter, for a period of almost a year during 1927 [1125] I worked as a seaman for the United States Coast Guard at New London, Connecticut. In addition to these two jobs I worked as a seaman for various steamship companies both on the East and West Coast.

"The only time I ever appeared as a witness in any civil or criminal litigation was in 1937 at Seattle, Washington. This was either in the Superior Court or Federal Court, I do not remember which. I testified as an expert witness for the plaintiff in the case of Golden versus McCormick

(Testimony of Maurice J. Cannalonga.)

Steamship Company, wherein Seaman Golden sued the McCormick Steamship Company for damages of a personal injury sustained by him while he worked on one of that company's ships. I have been a member of the Pacific Coast Marine Firemen, Oilers, Watertenders and Wiper's Association, an independent union, since June 4, 1934. I am still a member in good standing of that Union and at no time did I ever engage in 'scabbing' nor was I ever affiliated with any other craft or industrial union.

"I have made my home on the West Coast ever since 1929 spending most of this time in Seattle, Washington. For a while I lived and worked out of San Pedro, California, Portland, Oregon, and San Francisco, California. In 1932 I was cited for bravery for my work in connection with the rescue of several people who were ship-wrecked near the Anktipmack Islands in the Pacific Ocean." [1126]

Is that right?

The Witness: Anktipmack.

Mr. Del Guercio: (Reading) "As a citation for this rescue I received a Congressional Medal, a medal from Lloyds of London, a medal from the New York Beneficiary Life Saving Association and a silver plaque from the American Mail Lines. John Ryan Davis, another seaman was a member of the same crew that made this rescue and he likewise received the tokens above mentioned.

(Testimony of Maurice J. Cannalonga.)

"I joined the Communist Party of the United States of America in Seattle, Washington in the middle of 1936. Although I was willing to be enrolled under my correct name the Party, nevertheless, had me enroll under the name of M. J. Cann. Walter J. Stack was the person who approached and interested me in joining the Party and he was the one who signed my application. I recall that this application was signed in one of the restaurants along the waterfront. I still have my membership book which will evidence my membership in the Party. One of Stack's main talking points in getting me to join the Communist Party was that Harry Bridges was also a member of the Party. I remained in the Party until the middle of 1937 when I quit because I could see that the Communist Party was detrimental to honest trade union movements and that the Party was using the labor unions to further their aims. I also quit because I disagreed with many of their tactics and their attitude. [1127]

"I first met Harry Bridges at San Francisco, California in 1934 during the 1934 general strike. At that time I was a representative of the Marine Firemans Union on the negotiating committee. Harry Bridges was likewise a member of this negotiating committee, he representing the Longshoreman group. This negotiating committee met several times with the Federal Conciliatory Board at San Francisco which Board was headed by Mr. McGrady and Senator Wagner.

(Testimony of Maurice J. Cannalonga.)

"I might state that during 1934 and 1935 before I became a member of the Communist Party, it was common knowledge along the waterfront that Harry Bridges was a member of the Communist Party, however, I did not come to know for a fact that he was a member until after I joined the Party in 1936, after which I sat in on several top-fraction Communist meetings with him.

Shortly after I became a member of the Communist Party at Seattle, Washington, and principally through the efforts of Walter J. Stack because I was well versed in labor problems and carried a lot of weight with the rank and file in the Marine Firemens Union, I was elected by the Party as the waterfront organizer of the Communist Party in Seattle, Washington. This election, which was cut and dried took place at a waterfront section plenum which was held in the O.G.T.U. Hall in Seattle about two months after I became a member. [1128] Some of the Party members whom I now recall attending this plenum were:

"John Ryan Davis
"Morris Rapport
"Harry Jackson
"Whitey Baxter
"Reva Baxter
"Phil Poth
"Ernie Fox
"Eugene Dennett
"(And many others)

"At that time the Party program was to build

(Testimony of Maurice J. Cannalonga.)

up labor unions and control them which was the dictate of the Seventh International Congress of the Communist Party. The Party also at that time was making a drive within the organization to get the leaders of the various trade unions into the Party, the Party feeling this action would require numerical rank and file strength which is needed to carry on the class revolution which is the Party's main objective in this country.

"As the waterfront organizer of the Party I was supposed to work along with Morris Rapport and Harry Jackson in my organizational work. After I became organizer the Party established me in a private office in the Eitel Building in Seattle and gave me a Secretary to assist me in my work. I do not recall the name of this Secretary but she was a young girl who at the time had an official position in the Camp Fire Girls."

There is a notation here "This is Elizabeth Boggs."

"I understand that she later quit this association or [1129] was expelled from it. The Party sometime later moved my office to the Market Building located at 1st Avenue and Pike Street on the second floor and we moved to this office at the same time that the Young Communists League moved its offices there. During the time I was the waterfront organizer of the Communist Party I met with Morris Rapport or Harry Jackson almost every day either at the Communist Party headquarters offices in Seattle or in my office.

(Testimony of Maurice J. Cannalonga.)

"I did not receive any salary from the Communist Party while I was engaged in waterfront organizational work but did receive from them money for my meals. This money came out of the waterfront section funds of the Party. These funds were collected from the Secretaries of the various waterfront units of the Party and they consisted of dues, contributions and other forms of revenue. After my secretary and I would take out money which we had to use in connection with the work out of my office, the remainder of this money was given to Miss Harriet Ames who was the Secretary of Morris Rapport, he being the District Secretary of the Communist Party for District No. 12.

"At the time I became waterfront organizer of the Communist Party I was given a list of the Party members of the Waterfront Section which list included both the members true and Party names. Because of this I can competently say that the following persons were members of the Communist Party [1130] connected with the Waterfront Section in Seattle at that time; Phil Poth, Ernie Fox, John Ryan Davis, Bruce Hannon, Burt Nelson, Walter Stack.

"During the time I was a member of the Communist Party I attended either four or five top fraction and Communist meetings at which Harry Bridges was also present. All of these meetings took place right around and during the 1936-7 Maritime Strike on the West Coast. The first top fraction meeting which I definitely recall that I at-

(Testimony of Maurice J. Cannalonga.)

tended at which Harry Bridges was also present took place shortly prior to the beginning of the 1936-7 strike. This meeting took place in a private home in San Francisco, California. I was taken to this place by Walter Stack in an automobile and inasmuch as I only visited this place once I do not have any information as to where it is located or whose home it was. Other Party members that were present at this top fraction meeting were the following: William Schneidermann, California District Organizer of the C.P.A.; Harry Bridges, representing the I.L.A.; Walter Stack, representing the Firemens Union; Henry Schmidt, representing the I.L.A.; Eugene Dietrick, representing the I.L.A.; Sam Telford, representing the Sailor's Union; David Saunders, representing the Sailor's Union; and Brown, representing the A.R.T.A. and Pyle of A.R.T.A." added.

"In addition to the above mentioned Party members there were several others whose identity I do not now recall. The purpose [1131] of this top fraction meeting was to discuss the Party's policy in connection with the activities along the waterfront that was to bring about the 1936-7 strike. I recall that the Sailor's Union at that time wanted to remove itself from the Maritime Federation of the Pacific and wanted to negotiate for themselves. The Party did not want this and they thought it would be a better policy to negotiate as a group rather than as individual unions. The purpose of this meeting was to attempt to bring the Sailor's

(Testimony of Maurice J. Cannalonga.)

Union into the fold and cooperate. I recall that Harry Bridges spoke at this top fraction meeting principally on union matters and policy which were identical with the Party's policy at that time.

"Just prior to the 1936-7 general strike the Party sent me to San Francisco for the purpose of building myself up among the rank and file as the Party wanted me to run for Business Agent of the Marine Firemens Union in Portland, Oregon. This was part of the move to gain control of the various Maritime Unions along the West Coast. I subsequently did run for Business Agent of the Portland Branch of the Marine Firemens Union but lost out.

"When the 1936-7 strike was started I was sent to Portland, Oregon to carry on the waterfront strike activities at that place. Walter Stack was sent to San Francisco to take my place on negotiation committee. I recall that after the 1936-7 strike, while in Portland, Oregon, Morris Rapport, drove Bruce Hannon, Ernie Fox, Ed Fisher of the Sailor's Union and Burt [1132] Nelson to San Francisco, California, where we attended a meeting in some private home. I recall that we drove all night on this trip. This meeting was attended by all of the top fraction leaders of the Communist Party on the West Coast. Other Communists who were present at this meeting that I now recall were: Sam Telford, Dave Saunders, Walter Stack, Henry Schmidt and William Schneidermann. I do not know for certain now whether

(Testimony of Maurice J. Cannalonga.)

Harry Bridges was also in attendance at this Communist meeting. My recollection, however, is that he was. There were, of course, many other members of the Communist Party present at this gathering. I recall that Morris Rapport made a report on the gains of the Party in the way of strength and prestige.

"The 1936 strike ended around the latter part of February, 1937. I was in Portland during all of this strike and lived in a small hotel which is situated over the union hall. This hotel was the strike headquarters of the Marine Firemens Union.

"Another top fraction meeting which I recall I attended and at which Harry Bridges was also present took place sometime during the month of March, 1937, in the private dining room of the Gowman Hotel in Seattle, Washington. Present at this meeting besides Harry Bridges and myself were the following known Communists: Morris Rapport, Al Bristol, Harry Jackson, Eugene Dietrick, Henry Schmidt, Matt Meehan, [1133] Bruce Hannon, Burt Nelson, Ernie Fox, Harry Pilcher, Ed Fisher and Laddie Hope.

"In addition to the above party members there were many others who were likewise present and whose names I do not now recall. The purpose of this meeting was to discuss the coastwise policy of shifting from the A. F. of L. to the C. I. O. The Party decided on this move because it is their belief that militant unions which they advocate, are

(Testimony of Maurice J. Cannalonga.)

organized more on an industrial basis instead of a craft basis.

"I recall that Harry Bridges made quite a talk at this top fraction meeting and strongly urged all of the Maritime Unions to break away from the A. F. of L. and affiliate themselves with the C. I. O. It was also discussed at this meeting the ways and means of accomplishing this shift which was to be by propaganda in that direction.

"In addition to those top fraction meetings which I have discussed above I also attended one or two other such meetings with Harry Bridges. One of these I recall took place in a private home in Seattle at which only six members were present and one or two in San Francisco. I do not now recall the details or circumstances of these meetings.

"During the time I was a member of the Communist Party I attended one of their schools which was designed to teach its members the Party's line to every day problems of the [1134] unions. Whitey Baxter was the principal teacher at this school which lasted three weeks. I recall that Baxter expounded the doctrines of Stalin, Karl Marx and Engells, in connection with the union problems. The school was held in the O.G.T.U. Hall in Seattle. From what I learned in the school I can competently state that the activities and policy employed by Harry Bridges and other leaders of the various Maritime Unions along the Pacific Coast were in conformity with the Party's line in this regard. I have had several private conversations with Harry

(Testimony of Maurice J. Cannalonga.)

Bridges regarding policies in connection with union affairs and from these conversations I can state that Bridges' ideas and activities were in the direction of the Party's program as to these same things.

"At the top fraction meeting at the Gowman Hotel in Seattle I recalled there was quite an argument between Harry Bridges and Morris Rapport in connection with the discussion of the Maritime Unions transferring from the A. F. of L. to the C. I. O. At one point Harry Bridges told Morris Rapport that he was 'crazy'.

"I know for a fact that Bruce Hannon is or was a member of the Communist Party during 1936 and 1937 because of the fact that I saw him pay dues to his unit secretary who was Burt Nelson's wife. I also attended unit meetings with him, some of which were held at his home in the Magnolia Bluff section of Seattle. [1135]

"I have read the foregoing statement which consists of six typewritten pages and it is true to the best of my knowledge and recollection." [1136]

Mr. Grossman: At this time I wonder if we could be notified what effect the introduction of this statement has? Obviously, it is not evidence of the things that it purports to say. At the same time, I gather from the introduction of it that it is not used as impeachment of this witness.

We did not object to it because we don't object to it going in, but we still would like to know what, if any, effect, so far as evidentiary value is concerned, can be given to it.

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: Do you move to strike it out?

Mr. Grossman: We don't want it stricken out, but we would still like to know what effect its introduction has.

Presiding Inspector: We will give it whatever effect it seems logical to have. We cannot tell yet what effect it will have.

You did not object to it, and you didn't ask to confine it in any way, and you don't now.

Mr. Grossman: We don't want to restrict counsel, when we have no objection to it going in, but we would like to know if it is to be considered as evidence of something, and what it is, because we may have an answer to whatever it may be. We cannot conceive, your Honor, of what it could be evidence of; certainly not of the facts, because it is clearly hearsay and there is no basis for the introduction of it for impeachment purposes, because I don't think there is a basis laid for that and I don't think it could be used for that. [1137] There may be some other basis for it, which we cannot see, and that is why I am asking the question.

Presiding Inspector: We will take it and consider it on any logical basis. I don't know what that is now. I have merely heard it read rapidly. I haven't even had the advantage of reading it as counsel has.

Go ahead.

(Testimony of Maurice J. Cannalonga.)

By Mr. Del Guercio:

Q. You have heard me read this statement. Is that a correct statement that you made to the FBI agents at that time?

A. Well, when I made the statement, you see, they made notes and came in with it typewritten later on, and then I signed it. But that wasn't typed as I——

Q. (Interposing): I didn't say it was typed. But is that a correct statement of what you told them?

A. Well, in a sense, yes; in another sense, no.

Q. In what sense is it and in what sense isn't it?

A. Well, just like I said early in the morning I can never prove—like it says there, "Top Fraction," and I said "a Fraction meeting". Well, you see, a Top Fraction meeting and a Fraction meeting in the Party sense of the word is two different animals.

Q. Did they show you this statement and did you read it over before you signed it?

A. Yes, I read it over and signed it; correct.

[1138]

Q. Did you make corrections as you went along?

A. Yes, I did.

Q. How many corrections did you make on the first page?

A. Well, I will count them—like "bootlegging" here.

Q. You struck that out? A. Yes.

(Testimony of Maurice J. Cannalonga.)

Q. You made that correction as to "bootlegging"?

A. Yes. Then I added this on, "The boot and shoe company," and down here (indicating) there is some misspelling.

Q. You made that correction? A. Yes.

Q. So in all you made three corrections on the first page? A. Yes.

Q. In your own handwriting? A. Yes.

Q. And on the second page how many corrections did you make? A. Two.

Q. And on the third page how many corrections did you make? A. Three.

Q. And on the fourth page how many corrections did you make? A. Seven.

Q. Seven corrections? [1139] A. Yes.

Q. And on the fifth page how many did you make? A. Two.

Q. Three, isn't it?

A. [illegible]

Q. [illegible]ons on the fifth page?

A. [illegible]

Q. [illegible] the sixth page there are no corrections at all, is that correct? A. Yes.

Q. You made another statement to the FBI agents, did you not, the following day?

A. Yes.

(The statement referred to was passed to defense counsel.)

Mr. Del Guercio: I didn't give the reason for

(Testimony of Maurice J. Cannalonga.)

putting these in here because I didn't think it was necessary.

Presiding Inspector: It isn't. We will hear that when the case is finally presented.

By Mr. Del Guercio:

Q. You know how to read, don't you?

A. Yes.

Q. You read English, don't you? A. Yes.

Q. How far in school did you go?

A. One year of—let me see—one year of High.

Q. One year of High? [1140]

A. Not quite; just part of it.

Q. Where, in the east? A. Yes, sir.

Q. I will show you a statement here, consisting of three pages, dated Seattle, Washington, June 9, 1940, and ask if you made this statement, and if you signed it and initialed it on each page.

A. (Examining statement): Yes.

Q. Did the FBI agents ask you anything else other than what was contained in this statement the second day you appeared before them?

A. No.

Q. You are sure about that?

A. I believe so.

Q. What is that? A. I believe so.

Mr. Grossman: May we have the last three or four questions and answers read, please?

Presiding Inspector: Yes.

(That portion of the record referred to was read by the reporter as above recorded.)

(Testimony of Maurice J. Cannalonga.)

By Mr. Del Guercio:

Q. You mean they didn't ask you anything but what is contained in this statement the second day?

A. (No answer.)

Q. Let me show you what the statement is before you [1141] answer, to refresh your memory.

A. (Examining statement.)

Q. Have you read it? A. Yes.

Q. Is that a true statement of what you made that day? A. Yes; it pretty well covers it.

Q. Did they ask you anything else that day other than what is contained in this statement?

A. Well, I don't recall that.

Q. Did they ask you anything about the meeting at the Gowman Hotel at which Harry Bridges was present? A. No, I don't think so.

Q. Did they ask you anything about the meeting in San Francisco at which Harry Bridges was present? A. No, I don't believe so.

Mr. Del Guercio: I offer this in evidence, if your Honor please. I don't think it is necessary to read it.

Presiding Inspector: It may be received without objection.

(The statement referred to was received in evidence and marked Government's Exhibit No. 209.)

By Mr. Del Guercio:

Q. You made a third statement to the FBI agents, didn't you? A. Yes.

(Testimony of Maurice J. Cannalonga.)

Q. Is this it? [1142]

A. (Examining statement): Yes.

Q. Is that all in your own handwriting?

A. No, it is not.

Q. Did you sign it? A. I did.

Q. Who wrote this?

A. This guy here (indicating).

Q. Pointing to the name "James A. Robey," Special Agent for the Federal Bureau of Investigation.

Did you read it over before you signed it?

A. Yes.

Q. Are the matters contained therein true?

A. Yes, I believe so.

Mr. Grossman: I wonder if we could have the last four or five questions and answers read, and I wonder if counsel could step back from in front of the witness. The witness is just talking to him.

Presiding Inspector: Certainly, you may have the questions and answers read.

(That portion of the record referred to was read by the reporter as above recorded.)

A. Yes.

By Mr. Del Guercio:

Q. "Yes" to what, it is true?

A. There was a question you asked me, he read, and that was my answer. [1143]

Q. All the matters contained in this statement are true? A. I believe so; yes.

(Testimony of Maurice J. Cannalonga.)

Q. You believe so—do you know they aren't true?

Presiding Inspector: He said "Yes".

Mr. Del Guercio: This is a short one, if your Honor please, and I would like to read it.

Presiding Inspector: Very well.

Mr. Del Guercio: (Reading):

"I, Maurice Joseph Cannalonga, make the following statement to James A. Robey, who has identified himself as a Special Agent of the Federal Bureau of Investigation. I make this statement freely and voluntarily and no promises of reward or threats have been made to me.

"In regard to the statement furnished by me to Special Agents A. Dickstein and John L. Madala on October 8, 1940 regarding a top fraction meeting of the Communist Party held at the Gowman Hotel, Seattle, Wash. sometime during the month of March, 1937, I now definitely recall that this meeting was not held in March but was held sometime during the month of May, 1937, while the I.L.A. convention was being held in Seattle. The reason I definitely recall this meeting was held in May is because of the discussion which took place, of changing from the A. F. of L. and going over to the C. I. O. Also organizational work in the Gulf to be carried on by the [1144] Longshoremen and Warehousemen's Union.

"In regard to Eugene Dietrich being present at the top fraction meeting held at the Gowman Hotel

(Testimony of Maurice J. Cannalonga.)

in May, 1937, to the best of my recollection he was there but it is entirely possible that he was not present because of the lapse of time between then and now, it is somewhat hazy in my memory as to him, due to the great number of meetings I attended at the time. However, I am positive that the others mentioned in my previous statement were present, as well as Harry Bridges.

"I have read the above statement consisting of two pages and have subscribed my name to same certifying that the information contained therein is true and correct."

I offer this in evidence as Government's Exhibit next in order.

Presiding Inspector: It may be received without objection.

(The document referred to was received in evidence and marked Government's Exhibit No. 210.)

By Mr. Del Guercio:

Q. This indicates that at the first meeting with the FBI men you told them that the meeting at the Gowman Hotel in Seattle, Washington, was some time in the month of March, is that right?

A. I believe so.

Q. March 1937? A. Yes. [1145]

Q. And in this statement here you recollected that it wasn't in March, but it was in May of 1937, is that right? A. Yes.

Q. Did anybody put the date "March, 1937" in

(Testimony of Maurice J. Cannalonga.)

your mouth at the first meeting you had with the FBI men? A. No.

Q. Who gave the date of March 1937?

A. I believe I did.

Q. You did? A. Yes.

Q. Did the FBI men say that there was a meeting at the Gowman Hotel in March 1937 at the first meeting? A. No, I don't believe they did.

Q. You told them that first?

A. I believe so.

Q. And you didn't get any impression, did you, that they told you the date was March 1937?

A. No.

Q. Now, isn't it a fact that you were the first one to mention the Gowman Hotel at any time?

A. No; they mentioned it.

Q. What?

A. I believe they mentioned it first.

Q. They mentioned it first? A. Yes.

Q. Who suggested—why did you change the date to May [1146] 1937 at the second meeting with the FBI men?

A. Because there was a mistake in the month.

Q. Who caught the mistake, you or the FBI men? A. I don't recall now.

Q. Did the FBI men say you must have made a mistake, that it was in May instead of March, or did you volunteer that?

A. Will you ask me that question again?

Q. In the first statement you said that this meeting at the Gowman Hotel was in March 1937.

(Testimony of Maurice J. Cannalonga.)

A. I believe I did.

Q. And in the second statement you said it wasn't in March 1937, but it was in May 1937.

A. Yes.

Q. Did anybody suggest to you that you should change the date from March to May 1937?

A. Well, I was called up and they asked me to make that statement.

Q. Did anybody ask you to state that the correct date was May 1937, or words to that effect, or did you remember it yourself?

A. Oh, they called me up and asked me if I had made a mistake in the month, and I told them I didn't think I had, and then they said to think, and finally it was May, after we talked a while.

Q. Who suggested that it was May, if anybody suggested it? [1147]

A. Nobody suggested it. I recalled it myself.

Q. You recalled it yourself? A. Yes.

Q. The FBI men didn't say it was in May, did they? A. No.

Q. You are sure about that? A. Yes.

Q. Positive? A. Positive.

Q. Now, Mr. Cannalonga, you remember talking to me in the Elks Club, don't you, last week some time? A. Yes.

Q. Did you tell me that you were afraid that Harry Bridges and the Communist Party would have a goon squad after you if you testified in this hearing? A. No.

Q. You don't remember telling me that?

(Testimony of Maurice J. Cannalonga.)

A. No.

Q. Do you remember telling me that was the reason why you didn't want to testify here?

A. No; I don't recall it.

Q. Who else was present besides myself when I was talking to you?

A. Oh, there were couple of others.

Q. Do you see them here? A. Yes. [1148]

Q. Who are they?

A. One is the man there (indicating) with the blue suit on.

Q. Mr. Weeks? A. Yes.

Q. Anyone else—do you see the other one in the room?

A. I don't see him; no, he is not in here.

Q. Do you remember my telling you that nobody would beat you up, that we would give you all the protection you needed?

A. Yes, you made a statement to that effect.

Q. When did I make that statement?

A. Oh, up at the Elks Club.

Q. Why did I make the statement; what occurred just before that? When did I make the statement that nobody would beat you up, and that we would give you every protection you needed?

A. Oh, it was just—I don't recall—it was just a general discussion on the whole set-up, as far as I remember, in regards to the way things worked out on the waterfront, and so on and so forth; just a general discussion. That is all it was.

(Testimony of Maurice J. Cannalonga.)

Q. And can you recall now whether or not you did tell me you were afraid you would be beaten up?

A. No, I never said I was afraid of being beaten up. If I am not mistaken, the statement I made to you was that I thought [1149] that after this was all over for quite a while, fellows in sympathy with Bridges, there would be personal beefs amongst myself and a lot of fellows, but just personal matters as to their attitude. There was no mention about beef squads or goons, or what-have-you, as far as I can remember.

Mr. Del Guercio: That is all. [1150]

Presiding Inspector: Do you want to ask anything further, Mr. Grossman?

Mr. Grossman: Oh, yes. Shall we adjourn now for our recess?

Presiding Inspector: Would you like to?

Mr. Grossman: Might as well.

Presiding Inspector: Very well.

(Whereupon a short recess was taken.)

Mr. Grossman: Mr. Gladstein is going to continue in place of me, your Honor.

Presiding Inspector: Very well.

Recross Examination

By Mr. Gladstein:

Q. Mr. Cannalonga, at the time that the first statement was taken from you on October 8, 1940, I think you said that there were two agents of the FBI there, is that correct? A. Yes, sir.

(Testimony of Maurice J. Cannalonga.)

Q. Was there a stenographer present?

A. No.

Q. Did one of the agents take notes while you were talking? A. Yes, sir.

Q. Could you see whether those notes were in shorthand? A. I never noticed.

Mr. Del Guercio: If the Court please, may I interrupt [1151] here? Are we going to allow two cross examinations?

Presiding Inspector: We don't usually, but they asked permission. I don't know that you heard it, but Mr. Gladstein asked permission.

Mr. Del Guercio: And the Court granted it?

Presiding Inspector: That they might continue. Of course, that isn't the usual way, but you may go ahead, Mr. Gladstein.

Mr. Gladstein: What was the last question and answer?

(The last question and answer were read by the reporter.)

By Mr. Gladstein:

Q. Do you remember Mr. Dickstein and Mr. Madala, the two agents?

A. What they looked like, you mean?

Q. Yes. A. Yes, sir.

Q. Do you remember which one was taking the notes? A. I think Madala.

Q. Did you notice what sort of notes he was taking?

A. I believe he had one of those yellow pads.

(Testimony of Maurice J. Cannalonga.)

Q. How long did it take for this discussion to take place during which the notes were made?

A. Well, from their office—the first time I met them I told them that—see, I just came out of the hospital. I had a hip out of joint and I was taking treatments from a doctor. [1153]

Q. Were you in pain at that time?

A. Yes, he was giving me shots and treatments and so I asked them if we couldn't find a better place to go than in that office; those chairs, I couldn't sit. If I sat down any length of time, you know, on a hard seat—so he suggested we go up to his hotel room.

Q. Did you do that? A. Yes, sir.

Q. What hotel was it?

A. I believe it was the Roosevelt in Seattle.

Q. And how long were you in the hotel room?

A. Well, we went down and had dinner and went back up again and I think I had an appointment with the doctor at three that afternoon, at three or four o'clock, three o'clock, I believe, the first day I had to go up to the doctor, Dr. Buckner in Seattle.

Q. Well, what time of the day was it when you first saw these FBI agents that day?

A. In the morning.

Q. About what time?

A. Oh, about ten o'clock.

Q. Did you go to the doctor at three o'clock?

A. Yes, sir.

Q. How long were you there?

(Testimony of Maurice J. Cannalonga.)

A. Oh, I was in there about from a half hour to three- [1154] quarters of an hour.

Q. Did they go with you? A. No.

Q. Did you have an appointment to come back and meet them again after you got through with the doctor? A. The next day.

Q. So you were with them from about ten o'clock in the morning until three in the afternoon?

A. I believe so.

Q. And you had lunch with them that day?

A. Yes, sir.

Q. You spent most of that time in the hotel?

A. Yes, sir.

Q. The reason was because you complained about the pain, is that right? A. Yes, sir.

Presiding Inspector: Do you still feel some pain in your hip?

The Witness: Yes sir, once in a while.

Presiding Inspector: Would you feel better if you took this other chair?

The Witness: No, I am all right. I have killed most of the day; it comes back every so often.

Presiding Inspector: Very well.

The Witness has spoken of it to me before that he felt some discomfort at that time. [1155]

By Mr. Gladstein:

Q. Well, then, you say the next day you saw them, is that right? A. Yes, sir.

Q. Then, it was the second day on which a statement was prepared, is that right?

(Testimony of Maurice J. Cannalonga.)

A. No; the second day I signed the first statement and then the second statement was made that day.

Q. All right. Well, in other words, the very first day that you saw them, the day in which you spent part of the time in the hotel, the hotel room of one of the FBI agents, on that day no statement was actually signed? A. No.

Q. They just took a lot of notes, is that right?

A. I believe some of the discussion was held, I believe so.

Q. On the following day you met them they had a typewritten statement all prepared?

A. Yes, sir.

Q. That is the statement which you signed?

A. Yes, sir.

Q. Now, that statement which you signed, that first one, that contains the language of the FBI agents, not yourself, doesn't it?

A. Well—— [1156]

Q. Doesn't it? A. I presume so.

Q. Well, I will read you the first sentence.

"I, Maurice Joseph Cannalonga do hereby make the following signed statement to A. Dickstein and John L. Madala who have identified themselves to me as Special Agents of the Federal Bureau of Investigation, United States Department of Justice."

That is the first sentence. You didn't tell that to them, did you? A. No.

Q. That is their own language, isn't it?

(Testimony of Maurice J. Cannalonga.)

A. Yes, sir.

Q. That was put in the statement by them, isn't that correct? A. Correct.

Mr. Del Guercio: If the Court please, that is obvious. I don't think he need question the witness on that.

Presiding Inspector: Yes, I think it is obvious too, but I will allow it.

By Mr. Gladstein:

Q. Now, the next sentence——

Presiding Inspector: (Interposing) Of course, I have in mind, Mr. Gladstein, that you are not trying this to a Jury; we all know a little about language. [1157]

Mr. Gladstein: I understand, your Honor, but, of course——

Presiding Inspector: Particularly, I think even the prefect knows a little something about the English language.

Mr. Gladstein: The purpose of this line of questioning——

Presiding Inspector: (Interposing) Oh, go ahead, I understand.

By Mr. Gladstein:

Q. Now, the next sentence, Mr. Cannalonga, reads as follows:

"No threats or promises have been made to me and I am making this statement entirely voluntary and of my own free will."

That was also their language, not yours, wasn't it?

(Testimony of Maurice J. Cannalonga.)

A. Well, that is standard, ain't it, on all statements?

Q. You didn't tell them to put that in?

A. No.

Q. They put that in and you saw it there?

A. Yes.

Q. Now, I want to read this paragraph to you, Mr. Cannalonga. Please listen carefully.

"I joined the Communist Party of the United States of America in Seattle, Washington in the middle of 1936. Although I was willing to be enrolled under my correct name the Party, nevertheless, had me enroll under the name of M. J. Cann. Walter J. Stack was the person who approached and interested me [1158] in joining the Party and he was the one who signed my application. I recall that this application was signed in one of the restaurants along the waterfront. I still have my membership book which will evidence my membership in the Party. One of Stack's main talking points in getting me to join the Communist Party was that Harry Bridges was also a member of the Party. I remained in the Party until the middle of 1937 when I quit because I could see that the Communist Party was detrimental to honest trade union movements and that the Party was using the labor unions to further their aims. I also quit because I disagreed with many of their tactics and their attitude."

Now, does that paragraph contain your language or their language.

(Testimony of Maurice J. Cannalonga.)

In a sense my language.

Q. In a sense yours and in a sense theirs?

A. Yes.

Q. Is that correct? A. Correct.

Q. Could you pick out the parts of that paragraph which represent your language?

A. Well, I will have to read it.

Q. Well, I will hand it to you. It is a paragraph on top of page 2.

A. (Examining document).

Q. You can read it to yourself, if you want, Mr. [1159] Cannalonga, and then when you are ready simply testify as to what parts——

Mr. Del Guercio: (Interposing) Will counsel get off the witness chair there?

By Mr. Gladstein:

Q. (Continuing) ——and then you can testify as to what parts of the paragraph are yours and what part represents the language of the FBI Agents. A. Well——

Presiding Inspector: (Interposing) Well, I will exclude that.

The Witness: That would be harder than hell.

Presiding Inspector: I will exclude that. It is impossible for a witness to do that. You can ask him any word, whether he used that word or not, but to let him read it and then say this and that.

The Witness: It would be pretty hard. After all——

Presiding Inspector: Just a moment. Let me talk here. I have some right here in the court.

(Testimony of Maurice J. Cannalonga.)

To have him pick out and you will ask him "Well, is that your language?" It won't advance anything.

Mr. Gladstein: Well, could I put it this way:

Q. Mr. Cannalonga, would it be correct to say that you would not be able to go through that paragraph and pick out those parts which represent what you told them and those parts which represent their language with exactness? [1160]

Presiding Inspector: He has not said that.

Mr. Gladstein: I am asking that question.

Presiding Inspector: No one can pick out whether an ordinary T or an A and an I or a W were the language of one person or the language of another.

Mr. Gladstein: I am not interested in particular words but in the statements that are contained in the paragraph.

Presiding Inspector: Isn't it all one sentence, or nearly so?

Mr. Gladstein: No, there are a number of sentences involved.

The Witness: I will give you a fair example.

Mr. Del Guercio: If your Honor please——

Presiding Inspector: Wait, let's see what the witness has to say. Let's get along; we have had this so many times and usually it makes no impression on jurors. Now, I don't know what impression it will make on me.

The Witness: You see, in a general sense that is the whole thing in a nutshell, see, only like myself,

(Testimony of Maurice J. Cannalonga.)

when I made that statement I says, I joined the Party, you know, left the Communists out, because when you speak of the Party it is the Communist Party.

By Mr. Gladstein:

Q. All right. Am I to understand then——

A. (Interposing) I joined the Communist Party then. [1161]

Q. Wait a minute. Am I to understand that you told them——

Mr. Del Guercio: (Interposing) Why don't you permit the witness to go on?

The Witness: Yes, I joined the Party.

By Mr. Gladstein:

Q. Am I to understand, Mr. Cannalonga, that you said, "I joined the Party" and the way they put it in "I joined the Communist Party of the United States?"

A. No, I take that back; pardon me. I said I joined the Communist Party. I see; this is at the start.

Q. What did you say?

A. But after that, the Party, after the first statement. He says, "What Party?" I said, "The Communist Party." See I told him, "I joined the Party". He said, "What Party?" I said, "The Communist Party," see.

Q. All right, after that what happened?

A. Well, that is what I mean, and after that every time I referred to a "Party" he would ask

(Testimony of Maurice J. Cannalonga.)

me "What Party"? I would tell him "Communist Party."

Presiding Inspector: I think we may take it that this is in general the language of the person who prepared the statement and not in the literal words of the person, except that that person accepted them by having read it over, corrected it [1162] and signed it.

Now, what difference does it make? If I ask for information as to what he said, whether he said evidenced or proved, whether he said recall or remember or think, how do those things add anything?

Mr. Gladstein: Well, if I remember correctly, your Honor, Mr. Del Guercio himself raised the question of language during the redirect examination.

Presiding Inspector: Well, I am trying to raise it because I don't want to waste too much time on the immaterial points. I think there are a great many material points here.

Mr. Del Guercio: Maybe, I could hurry it along. We are willing to stipulate what the Court just said as to what the statement contains. I have no reason for saying that those were his words, or that I say that they were his words.

Presiding Inspector: No, I understand, Mr. Del Guercio.

The Witness: I thought that was understood.

By Mr. Gladstein:

Q. Now, Mr. Cannalonga, in this statement there is a reference to the meeting at the Gowman Hotel.

(Testimony of Maurice J. Cannalonga.)

As I understood your testimony earlier today, when the FBI agents were talking to you what they said amounted to this: They said, "Now, we know that you were present at the Gowman Hotel at such and such a meeting, that there were certain people there including Harry Bridges." [1163]

That was my understanding of your testimony. Would that be correct? A. Let's see—yes.

Q. Now, did they also tell you that they knew that it was in March, 1937? A. No.

Q. Where did you get March, 1937?

A. Oh, I made a mistake in giving the months because at that time in March I had been in a different meeting and got them confused. I had been in a different meeting and got them confused in months.

Mr. Gladstein: May I have the answer?

(The answer referred to was read by the Reporter.)

By Mr. Gladstein:

Q. Well, at the time you gave the second statement to the FBI agents did you go up to them voluntarily or at their request?

A. They asked me to go up.

Q. All right. When they asked you to go up did they tell you what they wanted you for?

A. No.

Q. What?

A. No, not until I got up there.

Q. Well, when you got up there didn't they tell you what they wanted you for? [1164]

(Testimony of Maurice J. Cannalonga.)

A. Oh, yes.

Q. All right. Didn't they tell you "Now, we think you made a mistake on the date of that Gowman Hotel——"

Mr. Del Guercio: If the Court please——

Mr. Gladstein: I will withdraw that. I think inadvertently I said "second statement". I mean the third.

By Mr. Gladstein:

Q. The one in November, 1940, that was the third statement, wasn't it? A. Yes, sir.

Q. Now, on the occasion when they called you up to their office that time—do you remember that? Do you have that in mind?

A. Yes, I have a recollection of it.

Q. All right. At that time didn't they tell you they wanted you up there because they said you had made a mistake in your previous statement?

Mr. Del Guercio: If your Honor please, there is no such testimony in the record.

Presiding Inspector: He is asking him whether they did say that.

A. Well, I don't quite recollect. I know he talked to me for a while and wrote that out and asked me if that was correct and I glanced through it and I said "Yes." [1165]

By Mr. Gladstein:

Q. This third meeting, you didn't call them up for it, did you? A. No.

Q. They called you? A. Yes, sir.

(Testimony of Maurice J. Cannalonga.)

Q. Do you remember which person it was who called you? A. No, I don't remember.

Q. Do you know whether it was Mr. Roby or Mr. Dickstein? A. I don't recall.

Q. But it was one of them?

A. Yes; it was only a few minutes.

Q. And over the phone they said to you—what was it they said to you?

A. Well, "Come up to the office; we want to see you."

Q. Did they say why they had to see you?

A. No.

Q. Didn't they say they wanted to see you concerning a statement? A. No.

Q. Well, where did they tell you about the statement? When you got up there?

A. When I got up there, I think. You see, it is still hazy as the devil, you know, because it was only a couple of [1166] minutes (as I recall it, a few minutes, and I shipped—I was trying to get my gear collected to go in a rush and I didn't give it much——

Q. (Interposing) Well, how did this question of the third statement come up? Didn't they say to you something like this: "Now, you made a mistake on the question of the date on that Gowman Hotel meeting?" Didn't they say something like that to you?

A. Well, no, not in — they didn't say — they asked me to—oh, I don't remember the exact—it was words to the effect that I had better think back

(Testimony of Maurice J. Cannalonga.)

in regards to that Gowman Hotel meeting and that the dates was not right, or something like that.

Q. That is what they said to you?

A. On that line.

Q. And after that discussion took place, then, the statement was written up in which it was said that that meeting took place in May rather than in March, is that right? A. Yes, yes.

Q. Is that right?

Presiding Inspector: He said "Yes."

A. Yes, sir.

Presiding Inspector: I didn't know if you could hear it.

By Mr. Gladstein:

Q. And on the question of Eugene Dietrick, did that [1167] question come up in the same way as the question of the date on which the Gowman Hotel meeting took place? Did they raise that question with you, too, to think it over as to whether you had made a mistake?

A. I don't recall. At the time, it is like I say, everything was in a turmoil.

Q. Well, you didn't go up there and talk to them about Dietrick on this occasion of the third statement, did you? You didn't mention Dietrick first, did you? A. No.

Q. They mentioned it, didn't they?

A. I believe so.

Q. All right. Now, didn't they say to you "We want you to think about whether or not Dietrick was in there. Maybe you made a mistake", some-

(Testimony of Maurice J. Cannalonga.)

thing of that sort. Didn't they say something like that? A. Yes, something like that.

Q. As a result of your discussion regarding Dietrick, after they made this suggestion, then, you signed the third statement in which there is some different language concerning Dietrick, isn't that correct? A. Correct.

Q. Now, you said a moment ago, answering me, that you were in a turmoil. What did you mean?

A. Well, you know when a guy ships he—anybody that [1168] went to sea knows—after being on a beach, and I was still taking doctor's treatments, and I wanted to get out of town because he was not doing me any good.

Q. That was on the day of the third statement?

A. That was the fifth, wasn't it?

Q. November 5th.

A. Yes, that is the day I shipped.

Q. You were due to ship out?

A. I already made a job; I shipped as an electrician on the Clevdon.

Q. Were you in a hurry to ship out, get on the ship?

A. Yes, sure. Who wouldn't be after being on the beach a couple of months? [1169]

Q. You were also slightly in pain, is that right?

A. Yes; still under a doctor's care.

Q. While you were with the FBI agents on November 5, 1940, were you nervous in any way?

A. Well, I don't get what you mean by "nervous".

(Testimony of Maurice J. Cannalonga.)

Q. You know what it means, don't you, to be nervous? A. No, I don't.

Q. All right. Now, in your third statement, the one on November 5, 1940—by the way, did you read it very carefully before you signed it?

A. Well, what do you mean, carefully?

Q. Well, did you read the statement carefully so that you felt sure it was correct or not?

A. Well, I read the statement.

Q. Were you satisfied with it?

A. I believe so.

Q. In that you make this statement, or this statement is made and you subsequently signed it:

"In regard to the statement furnished by me to Special Agents A. Diekstein and John L. Madaka on October 8, 1940 regarding a top fraction meeting of the Communist Party held at the Gowman Hotel, Seattle, Washington, some time during the month of March, 1937, I now definitely recall that this meeting was not held in March, but was held some time during the month of May, 1937, while the I.L.A. convention was being held in [1170] Seattle. The reason I definitely recall this meeting was held in May is because of the discussion which took place of changing from the A. F. of L. and going over to the C.I.O."

Was that the reason in your own mind that made you feel that you had made a mistake on the date as between March and May? A. Yes.

Q. That was the reason? A. I believe so.

Q. Well, now, in the first statement you were

(Testimony of Maurice J. Cannalonga.)

referring to the same meeting, which you said then was in March, 1937, and you said:

"The purpose of this meeting was to discuss the coastwise policy of shifting from the A. F. of L. to the C.I.O."

That was the same subject, wasn't it?

A. Yes.

Q. How does it happen that you say that the question of shifting from A. F. of L. to the C.I.O. helped you to decide whether it was in March or in May when you give the same reason in both these statements?

Presiding Inspector: Let me see these statements, please.

(The statements referred to were passed to the Presiding Inspector.)

Mr. Gladstein: It may be that the question should be reframed. I don't know whether it is too long or not.

Well, I will withdraw the question and put it another way. [1171]

By Mr. Gladstein:

Q. At the time you made the first statement in October, 1940, Mr. Cannalonga——

Presiding Inspector: Your question didn't quite correctly state it.

Mr. Gladstein: I withdrew the question.

By Mr. Gladstein:

Q. At the time you made the first statement to the FBI agents——

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: I didn't mean, in the statement I made, there was any intention.

Mr. Gladstein: I understand.

By Mr. Gladstein:

Q. (Continuing) ——you knew then, didn't you, that there had been a question in 1937 of shift- in the Gowman Hotel, is that right? A. Yes.

A. Yes.

Q. You knew that, didn't you? A. Yes.

Q. And in your statement you said that that was the purpose, as a matter of fact, of the meeting in the Gowman Hotel, is that right? A. Yes.

Q. And did that fact, the fact that you were talking in that meeting at the Gowman Hotel about the A. F. of L. to CIO affiliation, is that what led you to fix the meeting at that [1172] time and place?

Mr. Del Guercio: Just a moment.

Mr. Gladstein: I will withdraw the question.

By Mr. Gladstein:

Q. At the time you gave the first statement to the FBI did you remember the Gowman Hotel meeting as a meeting where this question was discussed of changing from the A. F. of L. to the CIO?

A. Yes.

Q. Was that the outstanding thing you remembered about the meeting? A. Yes.

Q. Now, in your November 5th statement you also go on, where you are making the correction about the Gowman Hotel meeting, and you say:

"Also organizational work in the Gulf to be car-

(Testimony of Maurice J. Cannalonga.)

ried on by the Longshoremen and Warehousemen's Union."

Maybe, to make that clear to you, I had better go back and read again the sentence that goes just before it. Do you want me to do that?

A. I don't care.

Q. All right. In that sentence you say:

"The reason I definitely recall this meeting was held in May is because of the discussion which took place of changing from the A. F. of L. and going over to the C.I.O." [1173]

Then it goes on and says:

"Also organizational work in the Gulf to be carried on by the Longshoremen and Warehousemen's Union."

Now, didn't you know, when you made the statement on October 8, 1940, the first statement, about the organizational work in the Gulf, that it was carried on by the Longshoremen's and Warehousemen's Union? A. Yes.

Q. Didn't you have that in mind at the time?

A. No.

Q. What? A. I didn't get that question.

Q. Well, was that question of organizational work in the Gulf to be carried on by the Longshoremen and Warehousemen's Union, was that discussed at the Gowman Hotel meeting? A. Yes.

Q. It was? A. Yes.

Q. Didn't you know that on October 8, 1940?

Mr. Del Guercio: Just a minute. The witness doesn't know the date, October 8th. I suggest that

(Testimony of Maurice J. Cannalonga.)

counsel tell him it is the date of the first statement.

I don't think the witness knows that.

Presiding Inspector: I don't know. Have you the dates of these statements definitely in your mind? [1174]

The Witness: Yes, I have now.

Presiding Inspector: I just asked the witness —you may not have heard it—whether he had the dates of these statements definitely in mind.

Mr. Gladstein: Does he?

Presiding Inspector: He says now he has.

By Mr. Gladstein:

Q. The first one, so there will be no mistake, was dated October 8, 1940. A. Yes.

Q. The next one, not quite a month later, is dated November 5, 1940, the next one we are talking about, which is the third statement—I am only talk- about the first and the third. A. Yes.

Q. Now, let me see if I have this correct. At the time that you gave the first statement in October 1940, you knew about the discussion at the Gowman Hotel of the change of affiliation from the A. F. of L. to the CIO on the part of the Longshoreement, correct? A. Yes.

Q. And you also at that time knew about the organizational work in the Gulf to be carried on by the Longshoremen and Warehousemen's Union, correct? A. Correct.

Q. What happened between October 8 and November 5 on [1175] either one of those two things, that is, the question of affiliation change, or the

(Testimony of Maurice J. Cannalonga.)

question of work in the Gulf, that made you feel that you had made a mistake in your first statement when you put the Gowman Hotel meeting in March? Do you understand that?

A. No. I must be dense or something.

Mr. Gladstein: Read the question.

Mr. Del Guercio: Just a moment. If the Court please, I think, in fairness to the witness, he should be told that in his first statement on October 8th he did not state that the reason he believed the meeting was held in March was that some organizational work was going on in the Gulf. I think the witness is confused as to that.

Presiding Inspector: Counsel suggests that in the first statement there is no reason given as to why he thought it was in March. Is that correct?

Mr. Gladstein: There was discussion, but no statement that it is a reason.

Presiding Inspector: That is, a reason for the date?

Mr. Gladstein: Yes.

Presiding Inspector: Counsel suggests that you assumed that in your question, or he takes it that you assumed that was the reason it was given as March.

Mr. Gladstein: I did not want to do that.

Presiding Inspector: An objection was made to it on that [1176] ground. I simply call that to your attention.

By Mr. Gladstein:

Q. Let me put it this way: Referring to this

(Testimony of Maurice J. Cannalonga.)

part of your statement in November, the one that says, "Also organizational work in the Gulf to be carried on by the Longshoremen and Warehousemen's Union," that is one of the reasons you assigned, you gave, in your statement, for changing the month from March to May, do you remember that? A. Yes.

Q. Between October 8th and November 5th, 1940, who told you that organizational work in the Gulf to be carried on by the Longshoremen and Warehousemen's Union took place in May of 1937, rather than in March?

Presiding Inspector: If anyone.

A. No one.

By Mr. Gladstein:

Q. Well, what made you change your view—withdraw that. How do you know that organizational work was carried on in the Gulf in March of 1937? A. It wasn't.

Q. How did you know that it was carried on in May of 1937?

A. You mean organizational work was carried on?

Q. Yes, in the Gulf by the Longshoremen and Warehousemen's Union. How did you know it was carried on in May 1937? A. It wasn't. [1177]

Q. How do you know that it was discussed in that month?

A. Let me see—wasn't that just prior to the ILA convention in Seattle that year?

(Testimony of Maurice J. Cannalonga.)

Mr. Gladstein: Read the question, please.

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: Can you answer that?

By Mr. Gladstein:

Q. How did you know that?

Mr. Myron: Wasn't there an answer to the question?

Presiding Inspector: There was no answer to the question. I think he was thinking aloud.

Mr. Gladstein: I think so.

Mr. Myron: I wonder if we couldn't have the answer read? I didn't hear it. I thought he made some answer but I didn't hear what it was.

By Mr. Gladstein:

Q. Let me put it this way: ——

Mr. Myron: (Interposing) Just a minute. May we have the answer, whatever it was? I would like to find out what it was.

Presiding Inspector: Read the answer.

(The answer referred to was read by the reporter as above recorded.)

Mr. Gladstein: It was not an answer.

Presiding Inspector: I think he was thinking aloud. [1178]

By Mr. Gladstein:

Q. Let's get at it this way: ——

Presiding Inspector: He doesn't state it definitely as his reason.

(Testimony of Maurice J. Cannalonga.)

By Mr. Gladstein:

Q. Isn't it correct that the FBI Agents told you that organizational work in the Gulf to be carried on by the Longshoremen and Warehousemen's Union was discussed in May of 1937—isn't that how you came to know it? A. I don't think so.

Q. How do you think you did come to know it?

A. Oh, by refreshing my memory.

Q. With what did you refresh your memory, do you recall? A. No, I don't.

Q. Do you remember any occasion for refreshing your memory on this matter except in the discussion that you had with the FBI agents in November 1940? A. I don't know.

Q. That is the only time, that is, when you were talking with them in November, 1940, that this question came up of refreshing your memory, isn't that right?

A. I wouldn't swear to it. After all, Christ, that was six or seven months ago.

Q. But in November, 1940, when you were talking to them, the FBI Agents, did you think of this question of organizational work in the Gulf, or did they think of it and express it? [1179]

Mr. Del Guercio: He already answered that question two or three times.

Presiding Inspector: I think he has, but I think I will let him answer it once more.

Mr. Gladstein: Read the question.

(The question referred to was read by the reporter as above recorded.)

(Testimony of Maurice J. Cannalonga.)

Mr. Gladstein: That is in the alternative. I will withdraw it and put it another way.

By Mr. Gladstein:

Q. Isn't it a fact that in this discussion in November, 1940, the FBI Agents brought up this question of organization work in the Gulf?

Presiding Inspector: Is it or isn't it a fact—if you can answer it?

The Witness: To be frank, my memory is too damn vague about it.

Presiding Inspector: You are not sure?

The Witness: I am not sure. If I say "Yes" or "No" I am just making——

Presiding Inspector: The witness says he is not sure.

By Mr. Gladstein:

Q. Is it possible they did, is that right?

A. I am not sure.

Q. Now, you said, I think you said this, that in the November 5, 1940 meeting with the FBI Agents they raised the [1180] question of Eugene Dietrich being present at these meetings, that you talked about in your first statement, is that correct?

Mr. Myron: Are you asking a question or stating that is in evidence?

By Mr. Gladstein:

Q. I am asking you, didn't they do that?

A. Yes; they raised the question in regard to Dietrich.

(Testimony of Maurice J. Cannalonga.)

Q. Do you remember how they raised it, and in what form they raised it, what they said?

A. No, I don't.

Q. Let me ask you whether they said this—I am simply trying to refresh your recollection—did they say something like this: "Cannalonga, you must be wrong about Dietrich having been at those meetings, because Dietrich is not a Communist." Did they say anything like that?

Mr. Del Guercio: Just a moment——

Presiding Inspector: I will allow that. It calls for your recollection as to whether or not they said that, if you can remember.

A. Let me see—no, they didn't put it in that sense of words.

By Mr. Gladstein:

Q. Do you remember what Dietrich said at any of these meetings? A. Who? [1181]

Mr. Gladstein: Read the question.

(The question referred to was read by the reporter as above recorded.)

A. Dietrich? No, I don't.

By Mr. Gladstein:

Q. Do you remember what any particular person said at any of those meetings?

A. No; not every word or phrase.

Q. When, in 1934, did you join the Marine Firemen's Union? A. In San Francisco.

Q. I said when?

A. Right at the start of the strike, 1934 strike.

(Testimony of Maurice J. Cannalonga.)

Q. After the start of the strike or before?

A. Right during the strike, at the start.

Q. You said right at the start. Does that mean a little after it began or a little before?

A. A little after it began.

Q. How long afterward?

A. The strike was called on the 30th of May, I believe; somewhere around that time, and I joined in June.

Mr. Del Guercio: Wasn't any limitation placed on this brief cross examination, or are we going into all kinds of matters?

Presiding Inspector: I think up to the present it has been rather devoted to these statements. [1182]

Mr. Gladstein: It has.

Mr. Del Guercio: But now counsel is going into other matters, for instance, the Marine Firemen's Union.

Mr. Gladstein: This is a matter that properly should have been taken up on cross examination, and not on recross, but was overlooked, and we would like to ask the Court's indulgence.

Presiding Inspector: Let us hear the next question.

By Mr. Gladstein:

Q. Do you remember what ship you were going out on?

A. Yes; President Pierce, San Pedro.

Presiding Inspector: I will allow a little latitude along this line. I think this is to fix dates, isn't it?

(Testimony of Maurice J. Cannalonga.)

Mr. Gladstein: Correct.

By Mr. Gladstein:

Q. You say, or I think you said you just got back from a trip? A. Now?

Q. Yes. A: Yes; I had to quit.

Q. When did you get into San Francisco, into port?

A. San Francisco—oh, it was on Thursday.

Q. Thursday of last week? A. Last week.

Q. What ship did you come in on?

A. The Clevdon.

Q. How long had you been on that ship? [1183]

A. Since November 5th.

Q. That is, November 5, 1940? A. Yes.

Presiding Inspector: Is that ship now in harbor?

The Witness: No. It is up in Portland.

Presiding Inspector: You signed off?

The Witness: Yes; I quit. I was electrician on it.

By Mr. Gladstein:

Q. Were you at the Marine Hospital when you were laid up with your hip? A. Now?

Q. No. When you had your hip difficulty?

A. I was yes. Then they didn't think anything was wrong with my hip. But then I went to a private doctor and he took an X-ray and found the hip had been out of joint and that, in turn, had caused

(Testimony of Maurice J. Cannalonga.)

sciatica, and it pinched the sciatic nerve, and I was losing some of the fluid around the joint.

Q. How long a period did you work doing Communist Party work, as you indicated before?

A. Until, oh, about June, 1937.

Q. All together how long would that be?

A. July 1937—wait a minute—about a year and some odd months.

Q. And that would begin right after you first became a Communist Party member?

A. Yes. [1184]

Q. And it continued throughout all the time that you were a Communist Party member?

Mr. Del Guercio: Are you going to permit him to go all over this again?

Presiding Inspector: I will allow this. It will be very brief, I think.

The Witness: What is the question again?

Mr. Gladstein: Read the question.

Presiding Inspector: Did you do Party work all the time you were a Party member? A. Yes.

By Mr. Gladstein:

Q. That is, Party work for which you were being paid $6.00 a week? A. Oh, no; no.

Q. I want the period of time when you were doing nothing but Party work and getting $6.00 a week.

A. I don't remember. It was off and on. I would make a trip out to catch up my debts, pay the bills I owed, and then I would come ashore, and

(Testimony of Maurice J. Cannalonga.)

then I would make another trip, and so on, would come ashore and go into active party work again.

Q. During any of that time, or at any other time, have you ever been on relief or WPA?

A. No.

Presiding Inspector: He said he hadn't. [1185]

By Mr. Gladstein:

Q. Do you remember Mr. Del Guercio was asking you questions a little while ago along this line, and that you gave testimony that you thought you might have some arguments with some people on the waterfront because of giving testimony here, do you remember that? A. Yes.

Q. Isn't it true, Mr. Cannalonga, that the reason you said that, and felt that——

A. (Interposing) Wait a minute. Don't get me wrong. You see, like I told him, there is no beef squad involved at all. Just like I said, it was just personal, because a lot of guys feel that I did the wrong thing, and so forth and so on, and it is, will be personal beefs.

Q. It is because you know that a lot of the men feel that Bridges has been for a long time persecuted by shipowners, isn't that correct?

A. Yes; correct.

Q. And that the first deportation hearing was a part of that whole thing, is that the way they feel?

Mr. Del Guercio: Just a moment.

Presiding Inspector: I don't think we can go into that. It doesn't make any difference what the people think about the proceedings.

(Testimony of Maurice J. Cannalonga.)

Mr. Gladstein: That was brought out by Mr. Del Guercio. [1186]

Mr. Del Guercio: No.

Presiding Inspector: Not along that line.

Mr. Gladstein: It was brought out on this basis: That Mr. Del Guercio tried to give a certain impression here in his questions, and the witness has answered that the reason he made such statements to Mr. Del Guercio was not that he felt any personal fear, but because he recognized a certain attitude among the workmen on the waterfront, and this attitude which was not clearly set forth in the record, is the one that I am trying to bring out, and that is an attitude about which I would like to have certain testimony.

Presiding Inspector: Very well. Answer the question.

The Witness: What is the question.

Mr. Gladstein: I will reframe it.

By Mr. Gladstein:

Q. Isn't it true that the reason you told that to Mr. Del Guercio was because you know that on the waterfront the men have felt, and do feel, that the attempt to deport Harry Bridges now, and at every previous time, has been an employer-inspired attempt?

Mr. Goodwin: I object to that.

Presiding Inspector: I will take it. Go ahead. You may answer the question.

By Mr. Gladstein:

Q. Is that what the men feel? [1187]

(Testimony of Maurice J. Cannalonga.)

A. You want the attitude of the men on the waterfront?

Presiding Inspector: Just a moment. You mean in general, or that there are people who feel that?

Mr. Gladstein: Union men.

Presiding Inspector: In general?

Mr. Gladstein: Generally.

Presiding Inspector: All right. Is that the general impression, he asked you?

A. The general impression on the waterfront is that he is being persecuted and the first trial——

Mr. Goodwin: (Interposing) I want to intervene to this extent. He is asking him about the efforts to deport Harry Bridges; he is asking him whether that originates with the shipowners on the waterfront. How can he know that? How is that proper cross examination? If they wish to put in a defense of that kind, which is not a defense, that is a part of their own case, is it not?

Presiding Inspector: He is trying to get an explanation of why he said that there were people who might attack him physically if he testified here, which was brought out by Mr. Del Guercio, and he is simply asking for an explanation of that statement. I think I will allow it.

Mr. Goodwin: How does this have anything to do——

Presiding Inspector: I don't know, but Mr. Del Guercio evidently thought it did because he asked him if he didn't feel [1188] that he was in danger, if the testified, of physical attack. Now, he didn't

(Testimony of Maurice J. Cannalonga.)

use that language—that is my explanation of it—but that was the basis of it.

Mr. Goodwin: But what has that to do with the question——

Presiding Inspector: I don't know.

Mr. Goodwin: (Continuing) ——of whether the people on the waterfront, the shipowners, inspired this proceeding?

Presiding Inspector: He is asking, as I understand it, why he answered that he was in danger physically of some personal attack. That is all there is about it.

Mr. Goodwin: How can that be connected with the motive for bringing the hearing?

Presiding Inspector: I don't know. It may. Let us see what the witness says.

Mr. Gladstein: Could we have the last question and answer read?

The Witness: Can I answer that now?

Presiding Inspector: Read the question and answer.

(The question and answer referred to were read by the reporter as above recorded.)

By Mr. Gladstein:

Q. And the feeling is that Bridges is being persecuted by the shipowners, isn't that right?

A. Yes.

Mr. Gladstein: That is all. [1189]

Presiding Inspector: Anything further?

Mr. Del Guercio: No.

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: You are excused.

(Witness excused.)

Presiding Inspector: We will adjourn until tomorrow morning at 10:00 o'clock.

(Whereupon, at 4:20 P. M., an adjournment was taken to Friday, April 18, 1941, at 10:00 A. M. [1190]

Court Room 276,
Federal Building,
San Francisco, California,

April 18, 1941.

Met, pursuant to adjournment, at 10:00 A. M. [1191]

PROCEEDINGS

Presiding Inspector: Call your witness, Mr. Del Guercio.

Mr. Del Guercio: The witness is here, your Honor.

Presiding Inspector: Raise your right hand.

DANIEL B. BLACK

called as a witness on behalf of the Government, having been first duly sworn, testified as follows:

Direct Examination

By Mr. Del Guercio:

Q. What is your name?

(Testimony of Daniel B. Black.)

A. Daniel B. Black.

Q. And your occupation, Mr. Black?

A. Assistant Cashier in the Post Office.

Q. How long have you been so employed?

A. In the Post Office?

Q. Yes. A. 26 years.

Q. 26 years. Were you employed in the Post Office during 1934? A. Yes, sir.

Q. In what capacity?

A. Box Clerk; renting boxes.

Q. Renting boxes. A subpoena was issued to you to product certain records of the Post Office Box Rentals. Did you do so? [1192]

A. I refuse to do so until I see the Judge.

(Passing book of regulations to the Presiding Inspector.)

Presiding Inspector: I will direct you to testify.

The Witness: All right. Yes, sir, I have the records here.

By Mr. Del Guercio:

Q. You have the records here? A. Yes.

Presiding Inspector: It may appear that the witness exhibited to me, as the Presiding Inspector, the regulation in respect to the witness refusing to testify. The regulation says, in substance, that he shall not testify unless directed to by the Court which, I assume, means the presiding magistrate here.

By Mr. Del Guercio:

Q. May I see the records?

(Testimony of Daniel B. Black.)

A. (Producing records.)

Q. Mr. Black, you have handed to me an application for a post office box dated February 6, 1934, submitted by one Harry Glickshon; character of business, sales of waterfront papers; business address, 118 Day Street, residence 118 Day Street; and showing that he was assigned box No. 1158. Did you take that application? A. Yes, sir.

Q. And was that box number assigned to Harry Glickshon as [1193] shown on that paper?

A. Immediately, as soon as he paid his money, that day.

Q. And for how long a period was that Post Office Box rented? A. Until June, 1936.

Q. June 30, 1936 it expired?

A. It was not renewed.

Q. It was not renewed and it was carried in that name throughout that entire period?

A. Yes, sir.

Mr. Del Guercio: I don't know what the regulations of the Post Office Department are relative to releasing these documents.

Presiding Inspector: It is a public document, I suppose.

Mr. Del Guercio: It is a public document. I don't believe it is necessary to enter it in the record unless counsel wants to see it, I will show it to him.

Mr. Gladstein: I would like to see it anyway whether you intend to introduce it or not.

(The document referred to was handed to Mr. Gladstein.)

(Testimony of Daniel B. Black.)

Mr. Gladstein: Was there another document besides this one?

Mr. Del Guercio: No.

Presiding Inspector: The practice in New York is to describe a public document definitely, not to mark it, but give it a number and to receive it in evidence. [1194]

Mr. Del Guercio: I believe I have described one of them, the application. It is headed "Application for Post Office Box", dated February 6, 1934, and it starts off with:

"The undersigned hereby applies for the use of a box in the Post Office and agrees to comply with the postal regulation and rules relative to the renting and use of Post Office boxes."

Presiding Inspector: Is that signed?

Mr. Del Guercio: That is signed by the applicant, Harry Glickshon, G-l-i-c-k-s-h-o-n, who gives his business as sales of waterfront papers, business address 118 Day Street, residence address 118 Day Street, and who gives as references Leon D. Klein, K-l-e-i-n, and after that appears some letters "OOL", residing at 1306 Fillmore Street, and Herman Mann, M-a-n-n, residing at 1147 Lyon, L-y-o-n Street, and on the bottom of this appears that he has been assigned box No. 1158, and then appears the stamped signature of William H. McCarthy, Acting Postmaster.

Presiding Inspector: Very well. Do you offer it?

Mr. Del Guercio: Well, I will offer it.

(Testimony of Daniel B. Black.)

Presiding Inspector: It may be received. It need not be marked but you may give it a number. If you consider it of enough importance you may have it photostated.

Mr. Del Guercio: I believe we will ask that we be permitted to photostat that.

Presiding Inspector: The Postmaster will allow you to do that. [1195]

(The document referred to was received in evidence and marked Government's Exhibit No. 211.)

Mr. Del Guercio: The next document I have is what appears to be a ledger sheet headed "Box Rent and Key Deposit Register," Serial No. T6133-6602, the number of keys to box 3, box No. 1158, date lock changed 4/1/33 to box No. 1159. Immediately below that appears this entry "March 31, 1934, Glickshon" G-l-i-c-k-s-h-o-n, Harry, box date rented, rented on 2/6/34, amount paid 1.80. Then in another column under the heading "Deposited" appears the date 2/6/34 and the amount 20 cents.

By Mr. Del Guercio:

Q. Now, Mr. Black, you say that this person Harry Glickshon rented that box until 1936. Wherein on this document does it appear that he rented that box continuously from 2/6/34 to 1936?

A. (Indicating) Here is the March quarter, June quarter, September quarter——

Q. (Interposing) Will you speak up?

(Testimony of Daniel B. Black.)

A. The boxes are rented by the quarter and the rents are payable quarterly. The rent of $3.00 a full quarter was paid for the June quarter, September and December quarters '34, the full year of '35, and the quarters of March and June '36. That will be until June 30, '36 the box was held and it was rented on February 6, '34. The key was turned in on July 1, '36, the date after the quarter was up and the rent was due. [1196]

Mr. Del Guercio: I offer this document in evidence.

Presiding Inspector: The same procedure is to be followed. You have seen it, Mr. Gladstein?

Mr. Del Guercio: I will show it to him.

Presiding Inspector: It will be received in evidence and it may be given a number, but not marked.

(The document referred to was received in evidence as Government's Exhibit No. 212.)

Presiding Inspector: It may be photostated.

Mr. Del Guercio: You may cross examine.

Cross Examination

By Mr. Gladstein:

Q. Mr. Black, after the very first payment, that is, the payment when the box was first purchased, would it be possible to tell from the records, or from your memory, who made the subsequent payments?

A. No, sir.

Mr. Gladstein: That is all.

(Testimony of Daniel B. Black.)

Mr. Del Guercio: That is all, Mr. Black.

Presiding Inspector: Give the documents back to the witness. They will have to be kept in the possession of the Post Office Department here.

You are excused.

(Witness excused.)

Presiding Inspector: Call your next witness.

[1197]

Mr. Del Guercio: Take the stand.

Presiding Inspector: Raise your right hand.

Supreme Court of the United States

OCTOBER TERM, 1944

No. 738

HARRY BRIDGES, PETITIONER,

vs.

I. F. WIXON, AS DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT

PETITION FOR CERTIORARI FILED DECEMBER 27, 1944.

CERTIORARI GRANTED JANUARY 29, 1945.

No. 10450

United States
Circuit Court of Appeals
For the Ninth Circuit.

HARRY BRIDGES,

Appellant,

vs.

I. F. WIXON, as District Director, Immigration and Naturalization Service, Department of Justice,

Appellee.

Transcript of Record

VOLUME V

Pages 1917 to 2399

Upon Appeal from the District Court of the United States for the Northern District of California, Northern Division

Rotary Colorprint, 590 Folsom St., San Francisco

AMOS FLOYD KELLEY

called as a witness on behalf of the Government, having been first duly sworn, testified as follows:

Direct Examination

By Mr. Del Guercio:

Q. What is your name?

A. Amos Floyd Kelley—K-e-l-l-e-y.

Q. Where do you live, Mr. Kelley?

A. Seattle.

Q. Seattle, Washington? A. Yes, sir.

Q. What is your occupation?

A. Hotel keeper.

Q. Hotel keeper. For how long a period have you been a hotel keeper?

A. Since about 1921.

Q. And at what hotel?

A. Since 1934 I was in the Atwood Hotel in Seattle.

Q. The Atwood Hotel in Seattle?

A. Yes, sir.

Q. And as hotel keeper did you keep a hotel register? A. Yes, sir.

Q. I show you what appears to be a register for Saturday, [1198] May 1, 1937, and ask you if that is the hotel register for the Hotel Atwood, of Seattle, Washington, for that day.

A. (Examining register) Yes, sir.

Q. Does the name of Harry Bridges appear on that register? A. It does.

Q. What does it show?

A. It shows that he had File No. 5665, and

(Testimony of Amos Floyd Kelley.)

registered as H. R. Bridges, of San Francisco, and I put him in Room 121. I roomed him myself.

Q. How long did he remain at that hotel, if you know?

A. I couldn't say off-hand without my reference book.

Q. Is this your reference book?

A. (Examining book) Yes.

Q. Can you tell me the page here, so I can show it to counsel?

A. (Examining reference book) Right here. It was 5/2 to 5/23.

Q. 5/2 to 5/23.

A. Yes; that is May 2 to May 23.

Q. What year? A. 1937.

Mr. Del Guercio: I offer this register in evidence, if your Honor please, as Government's Exhibit next in order. I ask that we be permitted to withdraw this and substitute a photostatic copy. [1190]

Presiding Inspector: That will be permitted. It will be received and marked.

(The register referred to was received in evidence and marked Government's Exhibit No. 213.)

Mr. Del Guercio: I also offer the page in this reference book for the year 1937, which the witness has identified in evidence, and ask we be permitted to photostat that particular page and substitute it for the original.

(Testimony of Amos Floyd Kelley.)

Presiding Inspector: It may be received and that practice may be followed.

(The sheet from reference book referred to was received in evidence and marked Government's Exhibit No. 214.)

By Mr. Del Guercio:

Q. Now, Mr. Kelley, do you recognize the Harry Bridges that you registered at that hotel?

A. Yes, sir.

Q. And as indicated by the records?

A. Yes, sir.

Q. Where is he?

A. Right there. (Indicating)

Mr. Del Guercio: May the record show that he has identified the Alien?

Presiding Inspector: It may show it.

By Mr. Del Guercio:

Q. Did you have a conversation with the Alien there [1200] at the hotel at the time he registered?

A. I did.

Q. Or any time afterwards?

A. I don't recall any particular conversation at the time he registered. I did a short while after that.

Q. Where was that? A. In room 305.

Q. That is the room in which he was registered?

A. No, sir.

Q. In what room was that?

A. He was registered in 121.

(Testimony of Amos Floyd Kelley.)

Q. And what was in room 305, whose room was that? A. Dutch Dietrich.

Q. And who was present?

A. Dutch Dietrich, myself and Mr. Bridges.

Q. And you say that that was the same day that Bridges had registered? A. Yes, sir.

Q. What was the conversation you had with the Alien?

A. I told Mr. Dietrich that I would like to meet Harry Bridges, that I had heard so much about him, so he had a room there and when Harry came in, evidently he invited Harry over to his room to have a drink; and Dietrich called me on the phone and asked me to come up and have a drink with them.

So I went up to have a drink with them. Harry was lying on [1201] the bed and Dutch was acting as bartender, Dutch Dietrich.

After we had had a few drinks, not to exceed three, and were discussing several different issues, Dutch Dietrich commented to Dutch—or to Bridges, that "Harry, you are one of the swellest guys I have ever known if it wasn't for that Commie outfit that you belong to."

Q. What did the Alien say to that?

A. He said, "That is all right. You will see the time that you are damned glad to belong to our outfit."

Q. What did you understand the "Commie" outfit to be?

A. I later asked Dietrich what he meant by that,

(Testimony of Amos Floyd Kelley.)

and he says "It is the Communists. Didn't you know that Bridges belongs to that outfit?"

I said, "No. How would I know it?"

Q. Now, Mr. Kelley, I will show you another, what purports to be a hotel register for the day 8/5/37, a Thursday, and ask you if that is the register of the Hotel Atwood, your Hotel Atwood, at Seattle? A. (Examining register) Yes, sir.

Q. Does the name of Harry Bridges appear on that register?

A. Yes, sir. He registered under the name of "H. Bridges, San Francisco," and my son registered him in.

Mr. Del Guercio: I will offer this in evidence, if your Honor please, as Government's Exhibit next in order. I ask [1202] that we be permitted to make photostats of it and substitute it for the original.

Presiding Inspector: It will be received and that practice will be followed.

(The document referred to was received in evidence and marked Government's Exhibit No. 215.)

Mr. Del Guercio: You may cross examine.

Cross Examination

By Mr. Del Guercio:

Q. Mr. Kelley, when was the first time you were contacted by any representative of the Government with respect to being a witness in this case?

A. I would say about three or four months ago.

Q. By whom were you contacted?

(Testimony of Amos Floyd Kelley.)

A. By an FBI man; I don't recall the name.

Q. Where were you contacted?

A. At my home.

Q. What did he say to you when he first approached you?

A. The exact conversation I am not positive of, but he asked me if I recalled having a conversation with Mr. Bridges, and anyone else in the Atwood Hotel, at any particular time, and I told him I recalled this incident I just described.

Q. Then what did he say?

Mr. Del Guercio: Just a moment, if your Honor please. I will have to object to this line of questioning. It isn't [1203] cross examination. It isn't on anything material to the issue in this case. We are not trying the FBI. This is a proceeding here to determine whether the Alien, Harry Bridges, is subject to deportation.

Presiding Inspector: We are not trying the FBI, but I think I will receive it. It may have some bearing on the credibility of the witness. That, I suppose, is the purpose of the cross examination.

Mr. Del Guercio: If it is——

Mr. Grossman: (Interposing) I don't know what the FBI man said. Apparently Mr. Del Guercio don't want me to find out.

Mr. Del Guercio: No, no.

Mr. Grossman: It may be relevant, what the FBI man said and what Mr. Kelley said.

(Testimony of Amos Floyd Kelley.)

By Mr. Grossman:

Q. What did he say?

A. He asked if I would be willing to volunteer the knowledge as evidence in a deportation proceeding.

Q. What did you say?

A. I advised him that I had no other alternative if I was subpoenaed.

Q. Did he refresh your memory very much about this incident? A. No, he did not.

Q. Do you remember the incident at the time you talked to [1203-A] the FBI man as well as you remember it now? A. I do.

Q. Will you repeat again how much he described the incident before he asked you about it?

Mr. Del Guercio: Just a minute. I object to that.

Presiding Inspector: If he described it at all. He testified he didn't.

Mr. Grossman: To some extent he did.

Presiding Inspector: You don't want him to repeat it.

Mr. Grossman: Yes, to be sure I have it correct.

By Mr. Grossman:

Q. How much did he describe it before he asked you about it?

A. There was hardly a description at all, except that a certain conversation was to have been carried on at the Atwood Hotel, and if I remembered what the nature of the conversation was.

(Testimony of Amos Floyd Kelley.)

Q. Did he tell between whom this conversation was? A. No.

Q. Is it your testimony that the FBI man came to you and said, "Was there a certain conversation at"—what hotel? A. Atwood Hotel.

Q. (Continuing) ——"at the Atwood Hotel," and in reply to that question you gave him the information that you just testified to?

A. Yes, sir. [1203-B]

Q. You are sure that that is all he said in describing the conversation?

A. Not every word he said, no, but it was practically the thing that he meant; he wanted to know what I knew in regard to the matter.

Q. Did he mention that the conversation held with Harry Bridges, that is, involved Harry Bridges?

A. He asked me if it occurred, and if it was with Harry Bridges.

Q. Did he mention Harry Bridges before or after you answered him?

Presiding Inspector: Well, wasn't this testimony that he asked him whether he had a conversation with Harry Bridges?

Mr. Grossman: I asked him to give me all the details that the FBI man gave him. He didn't put in the element of Harry Bridges, according to his previous answer.

Presiding Inspector: You may be right about that.

Mr. Grossman: I am sure of it; I am positive of it.

(Testimony of Amos Floyd Kelley.)

Presiding Inspector: Mr. Reporter, go back to the question and answer where the witness mentioned the first time what the FBI man said to him.

(The question and answer referred to were read by the reporter as follows:

"Q What did he say to you when he first approached you?

"A The exact conversation I am not positive of, but he [1203-C] asked me if I recalled having a conversation with Mr. Bridges, and anyone else in the Atwood Hotel, at any particular time, and I told him I recalled this incident I just described.")

Presiding Inspector: You see, Bridges' name was mentioned at the start. That is the first thing that was said.

Do not deceive the witness.

Mr. Grossman: May we have the second question read, the one I asked after that?

Presiding Inspector: But he already said he remembered the matter with Harry Bridges.

Mr. Grossman: May I have the second one read?

Presiding Inspector: Yes.

Mr. Grossman: I think he changed it in the second one. I asked a second question to get it positive.

Presiding Inspector: What?

Mr. Grossman: I asked a second question to confirm it.

Presiding Inspector: It didn't need any conformation. You had a direct statement.

(Testimony of Amos Floyd Kelley.)

Mr. Grossman: I would like to have it read.

Presiding Inspector: Go back and read the first question and answer previously read and then continue on.

(The reporter read that portion of the record referred to as recorded above.)

Presiding Inspector: That is enough. He already told you that was the very first thing he said. Go ahead and ask the next question. [1204]

Mr. Grossman: If your Honor please——

Presiding Inspector: No argument. Ask the next question. [1205]

By Mr. Grossman:

Q. Did you ever discuss this conversation prior to the time that FBI man came to see you?

Mr. Del Guercio: If your Honor please, with whom?

Mr. Grossman: With anyone.

Presiding Inspector: Well, I will exclude that; it is too indefinite. Refresh his recollection if you want to.

Mr. Grossman: Your Honor, I don't know——

Presiding Inspector: (Interposing) You can't ask whether he discussed it with Mr. James, Mr. Jones, Mr. Robinson. What difference does it make?

Mr. Grossman: It depends on who Mr. James, Mr. Jones and Mr. Robinson are.

Presiding Inspector: You must ask him some identifying question. You don't want to ask whether he discussed it with his wife, the children, all that sort of thing; we would never end.

(Testimony of Amos Floyd Kelley.)

Mr. Grossman: Your Honor, it will take me twenty questions to cover the subject if——

Presiding Inspector: (Interposing) No, it won't because I won't allow twenty questions. Now, ask him some question so that we can make some progress.

Mr. Grossman: All right.

By Mr. Grossman:

Q. Did you ever discuss this conversation before the [1206] FBI man spoke to you with any representative of the FBI, any other representative of the FBI?

A. I don't recall of ever——

Q. (Interposing) Did you ever discuss this before the FBI man talked to you with any other representative of the Government?

A. Not that I can recall.

Q. Did you ever discuss this conversation before the FBI man talked to you with any official of any union? A. Not that I recall.

Q. Did you ever discuss this before the FBI man talked to you with any representative of the Police Department?

A. Not that I can recall.

Mr. Del Guercio: I object to that.

Presiding Inspector: I will allow it. Go ahead. Soon he will have twenty questions.

By Mr. Grossman:

Q. Did you ever discuss this before the FBI man talked to you with Mr. Bonham of the Immigration and Naturalization Service?

(Testimony of Amos Floyd Kelley.)

A. I don't recall it.

Q. Did you ever discuss this before the FBI man talked to you with any employee or representative of the Immigration and Naturalization Service? [1207]

Mr. Del Guercio: If your Honor please, I think it is getting close to the twenty questions.

Presiding Inspector: Well, that may be. Go ahead.

A. I don't recall.

By Mr. Grossman:

Q. Did you ever discuss this before the FBI man talked to you with any member of a union?

Mr. Del Guercio: Well, he has already asked that, if your Honor please, and I object to it on the ground that it has been asked and answered.

Presiding Inspector: Well, do you expect a different answer?

Mr. Grossman: Yes.

Presiding Inspector: Go ahead and answer it.

A. I don't recall any such discussions.

By Mr. Grossman:

Q. Between the time that you say you heard this conversation and the time that the FBI man talked to you did anything happen that refreshed your memory on this conversation?

Mr. Del Guercio: I object to that, your Honor.

A. Yes, there was. Many things happened between the time——

Presiding Inspector: (Interposing) I will al-

(Testimony of Amos Floyd Kelley.)

low it. It is to refresh anything that occurred to refresh his recollection, and he said, "Yes." [1208]

By Mr. Grossman:

Q. What is the answer?

A. The day the convention retired in Seattle one of the Business Agents for one of the unions in California—I don't recall the town—had quite a long conversation with me in the lobby of the hotel in regards to "Kelley, you watch the newspaper in Portland and see what we do to that goon squad tomorrow when we go through." And that recalled to my attention the conversation that was carried on in room 305 between Bridges and myself.

Q. Anything else?

A. And I did notice in the paper where there were two or three of the goon squad put in the hospital after these boys had went through.

Q. And you associated Bridges with the goon squad, did you? A. No sir, I did not.

Q. Then, how did this refresh your recollection?

A. Because of the conversation that was carried on between this other Business Agent and myself.

Q. What is the relationship between a goon squad and Bridges?

A. The activities of a goon squad and the activities of Communism has a little the same relationship in appearance. [1209]

Q. Well, did you associate Bridges with Communism as a result of that conversation you say you heard?

A. No, I recalled the conversation when this man brought up that subject.

(Testimony of Amos Floyd Kelley.)

Q. Now, let me get this straight. The conversation you have been relating, an impression might have been given to you from the conversations that you related that Bridges was associated with Communism, with the Communist Party, is that correct?

A. I didn't get that question.

Q. Did you get an impression——

Mr. Del Guercio: (Interposing) Let the reporter read the question.

Presiding Inspector: Let the reporter read the question.

Mr. Grossman: Will you read it, please?

Presiding Inspector: Do you want to withdraw it?

Mr. Grossman: No.

Presiding Inspector: Read the question, then.

(The question referred to was read by the reporter.)

The Witness: I still don't get the question.

By Mr. Grossman:

Q. All right. Did you get the impression from this conversation which involved Dietrich and Bridges, that Bridges was connected with the Communist Party?

A. You mean the conversation that was in the room [1210] between Bridges, myself and Dietrich?

Q. That is correct.

A. I did get that impression.

Q. All right. Then, if that conversation was recalled to you by this discussion on goon squad activi-

(Testimony of Amos Floyd Kelley.)

ties was it because you associated Bridges with goon squad activities?

Presiding Inspector: Did he say that, that it was recalled to him?

Mr. Grossman: He said the conversation on goon squad activities recalled this, or refreshed his recollection.

Presiding Inspector: I didn't so understand it. Did he use the word "recall"?

Mr. Grossman: Refreshed.

Presiding Inspector: You asked him whether there was anything that occurred between there that impressed his memory?

Mr. Grossman: Refreshed, I think was the word I used.

Presiding Inspector: Refreshed? Maybe you did.

Mr. Grossman: I am pretty sure I did.

Presiding Inspector: We will assume you did.

Mr. Grossman: All right.

By Mr. Grossman:

Q. Did it refresh your memory because you associated Bridges with the Communist Party and both with goon squads?

A. I couldn't say it refreshed my memory. It did impress, reminded me of the conversation, yes, when I heard this [1211] man make those comments.

Q. Now, what else can you remember about this conversation that took place in Dietrich's room?

Mr. Del Guercio: If your Honor please, I object to that. He has already asked him that. The witness has given all of the conversation.

(Testimony of Amos Floyd Kelley.)

Presiding Inspector: I will allow it.

Mr. Grossman: I don't believe I have asked him that.

By Mr. Grossman:

Q. Will you state anything else——

Presiding Inspector: (Interposing) Well, you are entitled to ask if there is anything else.

By Mr. Grossman:

Q. Will you state anything else that you can remember that transpired in that room when Dietrich and Bridges and you were present.

A. Yes, there was a conversation pertaining to revolvers.

Q. What was that conversation?

A. Dutch Dietrich showed me his .38 or—I think it was a .38—it was a little black bull dog—and asked me my opinion as to the best gun, his type or the type that Harry Bridges was supposed to have had, something along that line.

Q. You mean Dietrich said that Bridges was supposed to have had a certain type of gun? [1212]

A. In fact, if I recall the situation, Mr. Dietrich brought both guns to me like this, "Kelley, which do you think is the best gun?"

Q. Well, you say, "If I recall the situation." Do you recall that two guns were brought?

A. That is right; I am of the opinion that they were, yes.

Q. All right. Did Dietrich say one was his and one was Bridges'?

(Testimony of Amos Floyd Kelley.)

A. He didn't say that one was his and one was Bridges. I stood right there and seen it, heard the conversation between him and Bridges, and all of the converation pertaining to everything they talked about.

Q. Well, what happened that caused you to associate one of those guns with Bridges?

A. Dietrich asked me which one I thought was the best gun.

Q. Well, who told you that one of those guns was associated with Bridges, if any one?

A. I seen him reach over to Bridges and pick it up?

Q. You mean Bridges was carrying one of those guns?

A. Bridges had one of those guns.

Q. What kind of a gun was Bridges carrying?

A. I don't recall the make or anything about it. It was a small revolver, apparently about a .32.

[1213]

Q. What was the discussion about these guns?

A. What would be the discussion with any three men that had had a few drinks and one of them was trying to brag his gun up and the other one was trying to brag his gun up, and I was a neutral party sitting back observing what was going on?

Q. Is that all you can remember about the guns?

A. That is all.

Q. Do you recall anything else that transpired during that meeting, or at that time?

(Testimony of Amos Floyd Kelley.)

A. No, I do not.

Q. Can you think of anything else that refreshed your recollection of that meeting between the time that it transpired and the time that the FBI man spoke to you first? A. No, I do not.

Q. You cannot? A. No.

Q. Do you know how the FBI heard that you might have some information on Bridges?

Mr. Del Guercio: I object.

A. They never informed me as to that.

Mr. Del Guercio: That has been gone over and over and over again.

Presiding Inspector: I will allow it. They may have told him.

By Mr. Grossman:

Q. What is your answer? [1214]

A. They never informed me, advised me how they were informed as to what I knew. I never asked.

Q. Did anyone advise you? A. No.

Q. Have you any idea, then, from any information you have as to how the FBI found out you had, or might have some information on Bridges?

Mr. Del Guercio: Well, if your Honor please, why not ask——

Presiding Inspector: (Interposing) I don't think that is very material.

Mr. Grossman: Your Honor, may I state this:

Presiding Inspector: Of course, it may have been from Dietrich; we don't know.

(Testimony of Amos Floyd Kelley.)

Mr. Grossman: Well, the significant thing is that Dietrich testified at the last hearing and didn't mention this incident. That is why——

Mr. Del Guercio: (Interposing) That isn't in evidence at all.

Presiding Inspector: We can't hear that. I will exclude that and order it be stricken out of the record. You must not repeat things of that kind.

Mr. Del Guercio: I ask that counsel be——

Mr. Grossman: (Interposing) Your Honor, that is the [1215] reason I am pressing this point.

Presiding Inspector: Well, we don't know anything about Dietrich. We don't know whether—he may not have said anything about it. What difference does that make?

Mr. Grossman: Well, your Honor——

Presiding Inspector: It doesn't make any difference so far as this case has gone now and I don't see how you can ask this present question, but if you want it, I will let you have it.

Mr. Grossman: Will you try to answer the question?

Presiding Inspector: Of course, you must remember that I have no knowledge of anything that occurred in this other proceeding.

Mr. Grossman: Well, your Honor, this much is true: I have a certain obligation to you to show the relevancy of the questions. That is why I mentioned this about Dietrich. Because of that; I think I am entitled to go further and, more in-

tensively into this question of how the FBI found out about it.

Presiding Inspector: I don't think so, but I will let you have it. Go ahead. I am ruling against my judgment on this. Go ahead.

By Mr. Grossman:

Q. Have you any idea, Mr. Kelley, as to how the FBI found out that you might have some information dealing with [1216] Mr. Bridges?

A. I have no idea how they—only my own conclusion.

Q. Well, I want to know whether you have any facts, or anything like that?

A. No, I have no facts.

Q. That gives you a basis for knowing——

A. (Interposing) No, I have no facts.

Q. What time of day was this incident you have been referring to in Dietrich's room?

A. I couldn't place an exact time but I believe it was shortly after 3:00 o'clock. I used to go to work at 3:00 o'clock in the afternoon.

Q. You say shortly before or shortly after?

A. I said shortly after; you heard me.

Q. Had you had any drinks before this incident took place? A. No, sir.

Q. Of your own knowledge how many drinks did Dietrich have?

A. I don't know. They were drinking before I went up.

Q. Do you know how long before you went up they were drinking? A. No, I do not.

(Testimony of Amos Floyd Kelley.)

Q. How many drinks did you see Dietrich take?

A. I believe it was two while I was there, or three, not [1217] over three.

Q. When you say three, what do you mean, three ordinary drinks, ordinary size?

A. Right.

Q. He was not drinking with a wine bottle or anything like that? A. No.

Q. How many drinks did Bridges have, to your knowledge?

A. I believe I only seen him——

Mr. Del Guercio: (Interposing) That last remark of counsel, if your Honor please, ought to be stricken from the record.

Presiding Inspector: Well, let it stand. I think it is a good thing to have in the record. Go ahead.

The Witness: I believe Harry only had one that I recall.

By Mr. Grossman:

Q. What was the impression you got from that conversation, that Bridges and Dietrich were on very good terms? A. Yes, sir.

Q. Was it a jolly affair, if you understand what I mean by that expression?

A. He impressed me as being—they both impressed me as being very close friends. [1218]

Q. Were they acting in a jolly fashion?

A. Yes, sir.

Q. Did you get the impression that this statement of Dietrich was, however, a very serious statement or a joking, jolly statement?

(Testimony of Amos Floyd Kelley.)

A. At the time I never even gave it a second thought because I had no occasion of take it serious and I paid no attention to it.

Q. Did you pay any more attention to the answer than you did to the question, or were they—you treated them both alike?

A. That is right.

Q. You paid no particular attention to either of them?

A. Other than in the hotel business you naturally observe everything that goes on.

Q. After this occasion did you ever have a telephone conversation with Harry Bridges?

A. Did I ever have a telephone conversation with Harry Bridges?

Q. Yes.

A. I don't recall any such conversation.

Q. Did you ever write a letter to Harry Bridges?

A. I am not positive. I think that I did at one time, I think.

Q. About what?

A. I don't recall. It was pertaining to business, I [1219] think.

Q. Did you ever have any trouble with unions after this occasion?

A. Who wouldn't if they employ people?

Q. Well, it may be usual for you but the question still is, did you have, Mr. Kelley? Will you please answer the question? Did you have any trouble with unions after this occasion?

A. What do you define as trouble?

(Testimony of Amos Floyd Kelley.)

Q. Strikes or threatened strikes?

A. Strikes or threatened strikes?

Q. Or picketing or threatened picketing?

A. I had about three or four—about a week ago I had a run-in with a Business Agent for the Cleaners Union.

Q. How long ago? A. About aweek ago.

Q. Any other?

A. Any other run-ins?

Q. Any other trouble with unions as I have defined it?

A. Oh, I had several arguments, several times I had arguments with them where I felt they were stepping on my toes.

Q. Did you ever get in touch with Harry Bridges to help you out in your difficulties with unions?

A. Harry Bridges to help me out? [1220]

Q. Yes, that is right. Did you? A. No.

Q. What was the answer, please? A. No.

Q. You are sure of that? A. Yes, sir.

Q. Why do you say you might have written to Harry Bridges? What would you have had to write Harry Bridges about?

A. Well, for instance, if I thought I could create business by writing to any individual it was a practice of mine to do so.

Q. Then, you would say if you wrote to Harry Bridges, or if you might have written to Harry Bridges it would have been on the question of his sending you or getting you business and on no other question?

(Testimony of Amos Floyd Kelley.)

Mr. Del Guercio: If your Honor please, the witness says that is his best recollection.

Presiding Inspector: I know. I will take that into consideration. I will allow this question.

Mr. Grossman: Would you read back the question, please, Miss Reporter?

Mr. Del Guercio: If you have the letter I suggest it be shown to the witness.

If your Honor please, that would be the most logical thing [1221] to do.

Presiding Inspector: This is cross examination. I will allow it. To your best recollection.

Mr. Grossman: I am sorry, your Honor.

Presiding Inspector: His best recollection. You want his best recollection.

A. I do not recall of ever writing to him at this moment.

By Mr. Grossman:

Q. Do you recall anything arising that—withdraw that.

Did you ever have anything to do with trying to organize a CIO union among hotel employees?

A. Did I ever have any——

Q. Anything directly or indirectly to do with such a thing?

A. I was a—one of a group of small hotel operators who made an effort—we made some effort to transfer—to start, which I compelled my employees to join, a Local 6 union, to obtain them 25 members to obtain a charter.

(Testimony of Amos Floyd Kelley.)

Q. Local 6, CIO?

A. No, it was an A. F. of L., then after they had obtained a charter I attended an association meeting, a hotel association meeting in the Olympic Hotel whereby a foundation was laid to sign the hotels up with the union, and I stuck up for the [1222] union to the extent that they threatened to throw me out of the hotel association meeting because I stuck up for them. In later negotiations, the Business Agent of Local 6, who happened to have a record as——

Q. (Interposing) Do you consider this is an answer to my question about the CIO?

A. You are asking me, aren't you?

Q. Do you consider this an answer to my question as to whether you had anything to do in organizing the CIO Union?

A. Yes, I am giving you my answer.

Q. All right.

A. They signed the contract with the association compelling me to pay greater wages than a thousand-room hotel, which naturally created friction among all independent hotel operators. And at that time there was an effort to bring the union over CIO and the union itself was in favor of going CIO because of the strife they were having within themselves within their own ranks.

Q. What did you have to do with that?

A. What did I have to do with it?

Q. Yes. You have given a picture of what happened but you haven't told what part you played.

(Testimony of Amos Floyd Kelley.)

Mr. Del Guercio: If your Honor please, that remark of counsel should be stricken as to what he thinks he has been told. This is for the Court, I understand, not for counsel's benefit. [1223]

Presiding Inspector: Yes.

Mr. Del Guercio: Or is it for his benefit?

Presiding Inspector: I don't quite understand the question.

Mr. Grossman: Your Honor, my question obviously didn't call for whether there was an A. F. of L. Union, whether it had any membership or not. I asked him whether he directly or indirectly had anything to do with organizing the CIO union. That is what I am repeating.

A. There was not a CIO union organized; there was not a CIO union organized.

By Mr. Grossman:

Q. Did you directly or indirectly do anything to try to organize a CIO union among hotel employees?

Mr. Del Guercio: If your Honor please, I object to that as already having been asked and answered.

Presiding Inspector: I don't know whether it has ben answered. I will take it. He says there was no CIO union organized but he has left it open as to whether there was any attempt to organize.

The Witness: Yes, there was.

Presiding Inspector: Now, did you have anything to do with it?

The Witness: I attended meetings with other

(Testimony of Amos Floyd Kelley.)

hotel members and some fellow was organizer there that was going to act as [1224] organizer to switch them over, or something, to straighten them out.

By Mr. Grossman:

Q. Now, do you remember getting in touch with Harry Bridges to help you organize a CIO union among hotel employees? A. No.

Q. Would you say that you did not do so?

A. I would say I don't recall it if I did.

Q. Do you recall Harry Bridges refusing to help you organize a CIO union among hotel employees?

Presiding Inspector: Just a moment. Are you referring to writings? Wouldn't it be easier——

Mr. Grossman: (Interposing) I am not certain.

Presiding Inspector: You are not certain.

Mr. Del Guercio: If your Honor please, they made the motion here a little while ago of going through all these things down here, trying, I don't know for what purpose——

Presiding Inspector: (Interposing) That doesn't impress anyone. We will let Mr. Grossman go ahead.

Mr. Grossman: I am not saying there may not be documents in writing on this subject, but obviously being compelled to cross examine without a chance to prepare, we can't have everything here that might—we can't have the entire files of Mr. Bridges here. [1225]

Presiding Inspector: Go ahead.

(Testimony of Amos Floyd Kelley.)

By Mr. Grossman:

Q. Did you have any conversations with Mr. Bridges respecting his aiding you to organize a CIO union among hotel employees?

A. I don't recall any conversation.

Q. Would you say that you did not either orally or in writing ask Harry Bridges to help you organize, or help anyone organize a CIO union among hotel employees?

A. I would say I don't recall any such effort.

Q. Would you state that you did not go up to the office of the CIO in Seattle and discuss this question of the CIO organizing hotel employees with Harry Bridges?

A. I don't recall any such discussion.

Q. Would you say——

A. (Interposing) In fact, Mr. Bridges was an A. F. of L. representative at that time, if you just remind yourself of it.

Q. At which time are we now?

A. May the second.

Q. Of what year? A. 1937.

Q. Is that the time that this question of CIO organization among hotel employees came up?

A. Approximately at that time; it was in the near vicinity, [1226] time, yes.

Q. I still want an answer to my question, Mr. Kelley, which is: Will you state that you did not discuss with Mr. Bridges at the CIO office in Seattle the question of helping you organize a CIO union among hotel employees?

(Testimony of Amos Floyd Kelley.)

A. I answered that once, that I don't recall any such conversation or efforts.

Q. The second question was: Would you state that it did not take place?

Presiding Inspector: If you can recall?

A. I do not recall any such effort.

Presiding Inspector: Have you any recollection on the subject?

The Witness: No.

Presiding Inspector: Whether it did or didn't?

The Witness: No, I have no knowledge.

Presiding Inspector: You can't go further than that. He doesn't remember one way or the other.

Mr. Grossman: All right.

By Mr. Grossman:

Q. Do you recall being informed in any way by Harry Bridges that he would not help you form a CIO union among hotel employees in Seattle?

A. Harry Bridges never informed me any such answers.

Q. Can you be more specific as to when this question [1227] was being discussed of the CIO union among hotel employees? You have stated it was about May, 1937. Can you be more specific?

A. No, I can't.

Q. Over how long a period did it extend?

A. I have no recollection of that myself.

Q. Can you state for how long a period you yourself were interested in the organization of hotel employees in the CIO union? A. How long?

(Testimony of Amos Floyd Kelley.)

Q. For how long a period you personally were interested in——

A. (Interposing) I was interested in anything to keep from being forced out of business by a bunch of radicals, and at all times was in that position, and at all times was in favor of a thousand unions to split up and take the dictatorial policy away from any radical.

Q. When you say "a bunch of radicals" you mean the unions in Seattle that had jurisdiction over the employees of the hotels?

Mr. Del Guercio: If your Honor please, he has not indicated any such thing. He means Communists, from what I gather.

Mr. Grossman: Are you testifying, Mr. Del Guercio, [1228] or is Mr. Kelley testifying?

Presiding Inspector: Neither of you are in order. Now, go ahead with the examination.

Mr. Grossman: I submit my question as proper, your Honor.

A. I mean this: In 1932 Jess Bradley ran for United States Senator on the Communist ticket in Bellingham, Washington. He declared himself with an affidavit he was a member of the Communist Party. He comes down to my hotel. He said, "Your maid can vac this room; she can't vac this one; she can vac this one; she can't vac the hall; she can do this; she can't do that." That is what I call dictatorial Communistic methods. [1229]

(Testimony of Amos Floyd Kelley.)

By Mr. Grossman:

Q. And what union did this gentleman represent? A. Local 6, A. F. of L.

Q. Was it Local 6 of the Building Service International? A. Yes.

Q. Of the A. F. of L.? A. Yes.

Q. Did you have a woman partner in May of 1937? A. A woman partner?

Q. Yes. A. My legitimate wife, is all.

Q. Was she your partner—in other words, did she participate with you in the ownership of this hotel?

A. She lived there in the hotel and we both worked together in operating it.

Q. Did she ever tell you that she had discussed with Harry Bridges the question of organizing the employees of the hotels into the CIO?

A. No. She never advised me of that. If she had I would have told her to keep her nose out of the hotel business.

Presiding Inspector: Don't volunteer.

Mr. Grossman: No more questions.

Mr. Del Guercio: No more questions.

If your Honor please, may we have a short recess?

Presiding Inspector: Yes. [1230]

Mr. Del Guercio: May the witness be excused?

Presiding Inspector: Yes.

(Witness excused.)

(Whereupon a short recess was taken.)

Presiding Inspector: Has the last witness gone?

Mr. Del Guercio: Yes, your Honor.

Presiding Inspector: He has gone?

Mr. Del Guercio: Do you want him back?

Presiding Inspector: Yes; for just a moment.

Mr. Del Guercio: We will see if we can get him.

(Whereupon a search was made for the witness.)

Mr. Del Guercio: He is here, your Honor.

Presiding Inspector: Take the stand again, Mr. Kelley, please.

AMOS FLOYD KELLEY

recalled as a witness on behalf of the Government; having been previously duly sworn, testified further as follows:

Presiding Inspector: Now, Mr. Grossman, in view of your later examination about how the Government might have known of these matters, I am going to allow you to ask a broad question, which I thought was immaterial so far as it bore on what was then before me. So you may ask him if he recalls whether he ever discussed with anybody this matter. This is in view of what subsequently came out.

Mr. Grossman: I understand. [1231]

Cross Examination (Resumed)

By Mr. Grossman:

Q. Mr. Kelley, between the time that this incident took place in Mr. Dietrich's room, and the

(Testimony of Amos Floyd Kelley.)

time that you first spoke to an FBI man about it, did you discuss it with anyone at all?

A. No, I don't recall any discussion.

Mr. Grossman: That is all.

Presiding Inspector: That is all.

(Witness excused.)

Mr. Del Guercio: We will have another witness in just a moment.

Presiding Inspector: Very well.

Raise your right hand.

DAWN LOVELACE

called as a witness on behalf of the Government, having been first duly sworn, testified as follows:

Presiding Inspector: Give your name to the reporter.

The Witness: Dawn Lovelace—D-a-w-n L-o-v-e-l-a-c-e.

Direct Examination

By Mr. Del Guercio:

Q. Where do you live, Mrs. Lovelace?

A. Portland, Oregon.

Q. Are you married? A. I am a widow.

Q. What was your husband's name? [1232]

A. Richard Lovelace—Roby Lovelace. He was known as Richard Lovelace.

Q. When did he die, Mrs. Lovelace?

A. He died March 13th.

(Testimony of Dawn Lovelace.)

Q. This year? A. Last March 13th.

Q. Do you have any occupation at the present time?

A. Yes. At the present time I am working as a writer on the Oregon Writers' Project.

Q. Is that a WPA Project? A. Yes, it is.

Q. Do you have any children?

A. I have one.

Q. Mrs. Lovelace, were you ever a member of the Communist Party? A. I was.

Q. When did you join the Communist Party?

A. In May 1935.

Q. May 1935? A. Yes.

Q. For how long a period did you remain in the Communist Party?

A. For about six months. I dropped out, I believe, it was in October 1925.

Q. What were you doing at the time you joined the Communist Party? [1233]

A. Mainly I was working as a volunteer unpaid reporter and editorial writer with the Voice of Action.

Q. The Voice of Action? A. Yes.

Q. Where was that?

A. It was published in Seattle.

Q. By whom were you employed?

A. Well, I was requested to take this assignment by Lowell Wakefield.

Q. Who is Lowell Wakefield?

A. He was at that time the editor in chief of the Voice of Action.

(Testimony of Dawn Lovelace.)

Q. Was he also a member of the Communist Party? A. Yes, he was.

Q. At that time? A. Yes, he was.

Q. You knew that of your own knowledge?

A. Yes.

Q. Was your husband also a member of the Communist Party at that time?

A. He was, and had been for some time prior to my joining.

Q. Do you know for how long a period of time your husband had been a member of the Communist Party?

A. He joined, I believe it was, in July of 1932.

Q. For how long a period did he remain in the Communist [1234] Party?

A. He left the Communist Party in January, 1939; either December 1938 or January 1939.

Q. Has your husband ever been in the armed forces of the United States?

A. Yes; prior to the World War and during the World War.

Q. Did he serve overseas? A. He did.

Q. Was he wounded?

A. He was, and on more than one occasion.

Q. You say you were employed as a reporter on the Voice of Action just prior to the time you joined the Communist Party?

A. It was quite simultaneous. When Mr. Wakefield asked me if I would take over the work as Chairman of the Portland Bureau of the Voice of Action, it was suggested then that I join the Party.

(Testimony of Dawn Lovelace.)

Q. And did you continue your connections with the Voice of Action after you joined the Communist Party? A. I did.

Q. During all the time that you remained a member of the Communist Party? A. Yes.

Q. And did you learn, during that period of time, that is while you were a member of the Communist Party, as to who controlled the Voice of Action? [1235]

A. I did; in fact, I was well aware of it before I joined the Communist Party.

Q. Who does control it, or who did at that time?

A. The District Committee of the Communist Party.

Q. Who was on the District Committee of the Communist Party at that time?

A. Lowell Wakefield was one of the members, and Morris Rapport.

Q. Morris Rapport? A. Yes.

Q. During the time that you were a member of the Communist Party were you given any assignments by the District Committee of the Communist Party, or any other persons connected with the Communist Party?

A. I was, on frequent occasions. In fact, all of the material was approved or censored by the Communist Party. Of course, my orders came either directly from Mr. Lowell Wakefield, or from the Managing Editor, who was also a member of the Communist Party to my knowledge.

Q. Who was the Managing Editor?

(Testimony of Dawn Lovelace.)

A. James Couer.

The Reporter: Spell it, please.

The Witness: I believe it is C-o-u-e-r. He wrote under the name of Garland Andrews.

By Mr. Del Guercio: [1236]

Q. Did you do any work for the International Labor Defense?

A. Considerably. I wrote publicity, did some organizing work. Much of this was previous to my assignment as Editor of the Portland Bureau of the Voice of Action.

Q. Where did you do this work for the ILD?

A. Mainly in Portland, Oregon. Some of my assignments carried me to Salem.

Q. And under whom did you work with the International Labor Defense?

A. Part of the time under the direction of Irvin Goodman.

Q. Was he a member of the Communist Party also?

A. I wouldn't know as to that. I am sure he wasn't a member at that time.

Q. You said part of the time you worked under Goodman's direction. Under whom did you work the other part of the time?

A. Well, there were various people in charge of the International Labor Defense activities in Portland. Violet Olsen was one, and Mary Todd, part of the time. There was nothing static about the work.

(Testimony of Dawn Lovelace.)

Q. Did you contribute articles, news articles, to the Voice of Action?

A. I did, quite consistently.

Q. Have you contributed articles to any other magazines or papers?

A. So far as left wing, or Communist dominated papers are [1237] concerned, I have contributed news articles and feature articles to the Daily Worker, Sunday Worker, New Masses; and I have also contributed as a free lance writer to Forum Magazine, New Republic, Common Sense.

Q. Did you ever contribute any articles to the Western Worker?

A. Yes, I did. In fact, much of the copy that was [illegible] for the Voice of Action was also written t[illegible]e Western Worker.

Q. Who controlled the Western Worker at the time you wrote those articles?

A. It was the official Party Publication.

Q. By "Party" you mean what?

A. Communist Party.

Q. Mrs. Lovelace, where did you reside during the year 1935?

A. At 1515 Southwest Jefferson Street.

Q. And for how long a period were you residing at that address?

A. We had been living there for about two years. I believe it was October 1935 that we moved to another place.

Q. To go back a little, when you joined the Communist Party did you join under your true name?

(Testimony of Dawn Lovelace.)

A. Yes, I believe I did.

Q. Did you try to conceal your membership in the Communist Party? [1238]

A. No, sir, I never did.

Q. Did all of your friends, and every one you knew, know that you were a member of the Communist Party?

A. They did, those who were at all concerned about it, and were aware of it.

Q. Did your husband conceal his membership in the Communist Party? A. No, he did not.

Q. All of his friends with whom he came in contact knew that he was a member of the Communist Party?

A. Yes, sir. He had no reason, or made no attempt to conceal it.

Q. Were you living at 1515 Southwest Jefferson Street, Portland, Oregon, on or about August 16, 1935? A. I was.

Q. Do you know of any particular event that occurred on or about that date at your apartment, or home?

A. It was—I wouldn't be quite sure that it was the night of August 16th, but it was during the week of August 16th, that one evening Mr. Bridges came to our apartment.

Q. You say "Mr. Bridges." Do you recognize him here in the court room? A. I do.

Q. Who is he?

A. He is the gentleman (indicating) in the gray suit there.

(Testimony of Dawn Lovelace.)

Mr. Del Guercio: May the record show the witness has iden- [1239] tified the Alien?

Presiding Inspector: Yes, in a gray suit, sitting at the end of the table. Mr. Bridges doesn't question the identification, or his counsel.

By Mr. Del Guercio:

Q. Go on, Mrs. Lovelace, and relate what occurred?

A. It was an unanticipated visit. There was no invitation extended. Mr. Bridges was accompanied by Hugh Adams, a longshoreman whom I knew.

Q. What?

A. A longshoreman whom I knew—whom we knew, rather.

There were with him, I believe, two other gentlemen, as I recall it, and I remember very little about them except one of them, his name was Starr.

Q. Was your husband at home at that time?

A. He was.

Q. What happened when the Alien, here, appeared at your home?

A. Well, Mr. Hugh Adams made the introduction. I was rather surprised, and I believe made some comment about the inadvisability of Mr. Bridges being at our apartment.

Q. Just what comment did you make, and to whom did you make it?

A. I made it to Hugh Adams.

Q. What did you say?

(Testimony of Dawn Lovelace.)

A. Well, as I recall, Hugh Adams asked for Matt Meehan, [1240] said they were looking for Matt Meehan.

I raised the question as to why they would be looking for Matt Meehan at our apartment. It seemed very illogical.

Q. What did they say to that?

A. There was no response as I recall. It was casual conversation.

I then rebuked Hugh Adams for suggesting or for having Mr. Bridges come to our apartment.

Q. Why did you rebuke him?

A. Because I felt that it placed Mr. Bridges, his reputation, in jeopardy because our reputation as Communists was rather open.

Q. You rebuked him because you didn't want it known that Bridges was associating with Communists?

A. Yes. I felt at that time it was unwise.

Q. Why did you think it was unwise?

Mr. Gladstein: That is calling for a conclusion.

Mr. Del Guercio: It was her state of mind at the time. It is part of the res gestate. She said she made a remark and rebuked him for bringing Harry Bridges there because he was known as a Communist.

Presiding Inspector: Let's exhaust her recollection first as to what was said.

Was anything said along that line as to why you thought it unwise, or why you rebuked him?

The Witness: I may have made some explana-

(Testimony of Dawn Lovelace.)

tion; I don't [1241] recall. I think such things were rather understood.

By Mr. Del Guercio:

Q. What did you have in mind when you made that remark?

Mr. Gladstein: I renew the same objection.

Presiding Inspector: I think it is of doubtful materiality.

Mr. Del Guercio: I will withdraw the question.

By Mr. Del Guercio:

Q. Was any reply made to your remark?

A. I don't recall that there was.

Q. What happened thereafter? Did they remain in your apartment?

A. Yes. They came into the apartment and we sat down. I believe Harry Bridges sat down on a chair. I believe the other two gentlemen sat on a couch or davenport.

Q. And your husband was there also?

A. Yes; my husband was there.

Q. Did your husband go out at any time?

A. He did later in the evening to learn if James Murphy was home.

Q. If James Murphy was home?

A. Yes. We were living in an apartment house. James Murphy lived on the top floor of the apartment house. We lived on the first floor.

Q. Well, who is James Murphy?

A. James Murphy at that time was the Section Organizer [1242] of the Communist Party.

(Testimony of Dawn Lovelace.)

Q. And who asked your husband to see if James Murphy was home?

A. I don't recall just how that question arose, except that it was agreeable that my husband should ask for James Murphy.

Q. But in any event, the Alien here was present during that time?

A. Yes, he was, and he was perfectly agreeable to——,

Q. (Interposing): To having your husband go out and find Mr. Murphy?

A. Yes; yes, sir.

Q. Did anything else happen at that time?

A. Well, when Mr. Bridges came to the apartment I had been working, as I recall it, either writing some releases for the Voice of Action, or drawing resolutions, or something. I have forgotten just what it was; I was working with a great deal of—I had been involved in a great deal of activity during that week. That was during the Oregon State Federation of Labor convention, and a part of my assignment was to cover the State Federation of Labor Convention for the Voice of Action. Another part of my work was to assist delegates, Party contact delegates in the State Federation of Labor Convention in drawing resolutions on issues which——

Q. (Interposing): You mean Communist Party delegates? [1243]

A. Some of them, I believe, were members of

(Testimony of Dawn Lovelace.)

the Communist Party, although I have no definite way of knowing.

Q. Yes. And did you have any further conversation with Mr. Bridges there at your home?

A. Yes. Hugh Adams had a copy of their resolution which had been submitted in the State Federation of Labor Convention dealing with the farmer—the question of a farmer-labor policy, a third party movement, as they were dissatisfied with this particular resolution and wanted another resolution drawn, and that was one of the things that were discussed in the course of the evening.

I wrote a resolution to be submitted to the State Federation of Labor Convention endorsing the farmer-labor party.

Q. Did Mr. Bridges ask you to do anything for him?

A. Yes, Mr. Bridges made some comment about the typewriter. He said that he had some notes, some material that he wanted typed. He took a sheaf of notes from his pocket and for a considerable period of time dictated from these notes. As I recall, the notes had to do with a conference, a Maritime Conference in Washington, D. C.

Q. Did he say that he had just returned from such a conference?

A. Yes, he spoke quite a bit about the conference and the experiences in the conference, and the notes from which he [1244] dictated had to do with that.

(Testimony of Dawn Lovelace.)

Q. Did your husband come back from James Murphy after he went out to look for him?

A. He returned from James Murphy's apartment very shortly and said that James was not in and, I believe, he left word for him to—for James Murphy to come to our apartment when he returned.

Q. And did James Murphy come to your apartment at any time during the time that Bridges was there?

A. Yes, I believe it was around midnight. I think Esther Murphy, James Murphy's wife, rapped on the door first to see what was wanted. She left and then James Murphy came down.

Q. And what occurred after James Murphy came to your apartment?

A. Well, it was quite apparent that James Murphy and Harry Bridges were acquainted, no introductions were necessary. They greeted each other and we then sat down and Harry—Harry Bridges had mentioned earlier in the evening that he had a question bothering him. He had to send a telegram, I believe, to San Francisco, outlining some—a course of action relative to some longshoremen ILA procedure, and earlier in the evening he had expressed, well, the desire, the wish to confer with somebody about the content of the telegram, what advice or direction he should give in the wire. [1245]

Q. Is that why he asked for James Murphy?

A. Well, that was the reason given for asking for Matt Meehan, and James Murphy seemed to be

(Testimony of Dawn Lovelace.)

an agreeable substitute for Matt Meehan. That, at least, was the apparent content of the conversations. And Bridges and James Murphy and my husband discussed the course of action to be advised in this telegram.

Q. By "this course of action" you mean that the Alien here had come to your apartment not knowing what instructions you wanted to send to this representative down here in San Francisco and so was discussing the matter over with your husband and with James Murphy ?

A. I believe that to be true.

Q. And were you in on all of the discussions that went on about that matter?

A. I was present; much of that time I was busy typing this material.

Q. Well, did they come to any conclusion?

A. Yes, they did.

Q. What happened when they did?

A. As they left Harry Bridges remarked that, well, he would send the wire.

Q. Did he ask you to send the wire?

A. No, he did not.

Q. Now, by that time had you finished with what he had dictated to you? [1246]

A. Yes, I had.

Q. And what did you do? How many copies of Bridges' dictation did you make?

A. I don't recall exactly. He asked that an original and two or three carbons be made and I

(Testimony of Dawn Lovelace.)

asked him if I might have, for my use, one carbon of the material.

Q. What did Mr. Bridges say when you asked him about that?

A. It was perfectly—it was agreeable to him; he didn't object.

Q. And did you keep a copy of the notes?

A. I did, for some time.

Q. And then what happened to them?

A. Well, oh, two or three months later I know in the course of this period I had written an article for The Nation dealing with the maritime situation on the West Coast. It was—the article was purchased and accepted but not published, incidentally, and I don't recall just how long afterwards it was, I had this material, this document or copy in an envelope with some other material. In the meantime my interest had—well, I had become rather indifferent to the whole matter. And a young man came to the apartment—I don't even recall whether we were living in that apartment or whether we had moved to a different apartment, but I think we were still in the same one—and this young man without—oh, he introduced himself casually, but I didn't [1247] pay enough attention to get his name, said that he wanted that material, that the San Francisco longshoremen wanted it. He said they had told him at the Workers Book Shop—that was pretty much a Communist Party headquarters—how to locate me, and

(Testimony of Dawn Lovelace.)

he said that they wanted the material, and I was indifferent to it and so I turned it over to him.

Q. Do you know or did Mr. Bridges tell you to whom he was going to send that wire in San Francisco?

A. Well, Mr. Bridges told me directly very little.

Q. Did you hear him say to whom he was going to send that wire?

A. I believe it was to Henry Schmidt, but as I say, it is a belief.

Q. Now, you spoke about preparing some resolution to be proposed at the convention for the farmer-labor party. A. Yes, sir.

Q. Did the Alien here participate in the discussions on the preparation of that resolution?

A. Yes, he participated in the discussion, made suggestions as to content and phrasing, very helpful suggestions.

Q. Do you know Matt Meehan, Mrs. Lovelace?

A. I do.

Q. Do you know him to be a member of the Communist Party?

A. No, I can't say that I do, I believe that he is [1248] either—he has either been a member or has been very close to the Communist Party but I have no definite knowledge of his party membership.

Q. Hugh Adams, the person that accompanied Bridges at the time that he appeared at your apartment, did you know him before?

(Testimony of Dawn Lovelace.)

A. Yes, I had known Hugh Adams for some weeks.

Q. Was he a member of the Communist Party at that time? A. Yes, he was.

Q. You knew that?

A. I had never seen him in a Party meeting.

Q. But you knew him to be a member of the Communist Party? A. Yes, sir.

Q. Did you know Ted Starr, you say the other person that might have been there?

A. I had never seen him before and I have never seen him since.

Q. Now, Mrs. Lovelace, did any agents of the Government contact your husband during his lifetime in your presence?

A. Two agents of the Federal Bureau of Investigation visited us in our home in my presence.

Q. And do you know, or were you present—strike that, please. [1249]

Do you know if your husband made a statement to the FBI Agents? A. He did.

Q. Do you know if he signed that statement?

A. He did. I was present when he signed it.

Q. And did you read that statement that your husband had made? A. Yes, I did.

Q. In your husband's presence?

A. Yes, sir.

Q. And you saw him sign it? A. Yes.

(Mr. Del Guercio handed document to counsel.)

(Testimony of Dawn Lovelace.)

By Mr. Del Guercio:

Q. One question, please, Mrs. Lovelace. You testified that——

Presiding Inspector (Interposing): Now, counsel are giving attention to the statement.

Mr. Del Guercio: Would you mind listening to this, please, first?

Mr. Gladstein: Yes.

By Mr. Del Guercio:

Q. (Continuing): ——that the Alien here, Mr. Bridges, was discussing with Mr. Murphy and your husband as to what instructions he should include in this telegram that he was [1250] to send to Henry Schmidt. Was your husband a member of the Maritime Union? A. He was not.

Q. Did he have any connection with it at all?

A. No.

Q. Was Mr. Murphy connected with the Maritime Union? A. No.

Q. Did he have any connection with it at all?

A. None whatsoever, except he was a section organizer of the Communist Party.

Q. Was he a union man?

A. He had previously belonged to one of the Red trade unions but he was not at that time.

Q. A member of any union? A. No.

Q. CIO or A. F. of L. or otherwise?

A. No.

Q. Or an independent union?

A. None whatsoever.

(Testimony of Dawn Lovelace.)

Q. And your husband was not a member of any union? A. No.

Mr. Del Guercio: Are you through with it, counsel?

Mr. Gladstein: Yes.

By Mr. Del Guercio:

Q. Mrs. Lovelace, I show you an eleven-page statement [1251] dated Portland, Oregon, September 12, 1940, signed by R. L. Lovelace, witnessed by J. W. Coulter, Special Agent, Federal Bureau of Investigation, United States Department of Justice, and J. A. Robey, R-o-b-e-y, Special Agent, Federal Bureau of Investigation, United States Department of Justice, and "Witness" R. L. Lovelace, and ask you if that is the statement you saw your husband sign and that you read before he signed it? A. (Examining document.)

Mr. Gladstein: Is the question whether she saw it signed, Mr. Del Guercio?. Is that the question?

Presiding Inspector: No, he implies that; he assumes that in the question.

Mr. Gladstein: He is asking her now whether this is the document?

Presiding Inspector: Yes, it is a question for identification.

Mr. Gladstein: I see.

The Witness: That is the statement.

By Mr. Del Guercio:

Q. That is the statement? A. Yes, sir.

(Testimony of Dawn Lovelace.)

Q. Is that your signature on the bottom of page eleven under "Witness?"

A. (Examining document): No; that is my husband's. [1252]

Q. I am only asking for information; I don't know. Is that your husband's signature?

A. That is my husband's signature?

Q. Do you recognize your husband's signature here also following the word "Signed"?

A. Yes, sir.

Q. And does your husband's signature appear on each sheet of this paper?

A. (Examining document): It does.

Mr. Del Guercio: I offer it in evidence, if your Honor please, as Government's Exhibit next in order.

Mrs. King: I object, if your Honor please, on a number of grounds. In the first place the statement is not sworn to; it is merely a signed statement. In the second place, and most importantly, if this statement is introduced in evidence there is no opportunity given for the cross examination of the man who made it, and in the case of Gonzales against Zurbrick, 45 Fed. 2nd 934 which is a case from the Circuit Court of Appeals of the Sixth Circuit, the Court there stated, citing authorities "The right to cross examine even in deportation proceedings is a constitutional one."

It seems to me for this reason the fact that this is mere hearsay, that it is not a sworn statement, that we would be seriously handicapped if we were

(Testimony of Dawn Lovelace.)

not given an opportunity [1253] to cross examine the maker of this statement which is now unfortunately impossible. This statement should not be admitted in evidence.

Presiding Inspector: Let's have a little more information as to how this statement was taken. This witness seems to have been present and to know all about it.

Mr. Del Guercio: She testified, I believe, your Honor, to——

Presiding Inspector: (Interposing) Well, I mean in a little more detail.

Mr. Del Guercio: (Continning) ——the making of the statement.

Presiding Inspector: I will ask the questions.

Mr. Del Guercio: Very well.

Presiding Inspector: Were your present when there was this interview between your husband and the FBI Agents?

The Witness: No, I was not present at the time the interview was had. I believe the discussion extended over a period of two or three days.

Presiding Inspector: Was this statement then brought back to your house in a typewritten form?

The Witness: It was.

Presiding Inspector: And what happened, then, after it was brought back?

The Witness: My husband took this statement and read [1254] it carefully and showed it to me. I read it enough to be sure of the contents and he

(Testimony of Dawn Lovelace.)

then, in my presence, signed the statement and signed each page of it.

Presiding Inspector: Is the content of the statement known to you now?

The Witness: It is.

Presiding Inspector: And do you know of the factual background, that is, do you know whether it is true, what is in the statement, of your own knowledge?

The Witness: I do.

Mr. Del Guercio: Now, I may say, if the Court please, that in the rules you are familiar with, where the witness is not available an ex parte statement is admissible.

Presiding Inspector: I know.

Mr. Del Guercio: In deportation proceedings.

Presiding Inspector: You may examine the witness about this statement, cross examine before it is introduced, if you wish to, or would you prefer to stand on your objection?

Mr. Gladstein: Well, one moment, your Honor.

(Discussion off the record.)

Mr. Gladstein: Could we ask this, your Honor: If this statement is admitted in evidence is it admitted as testimony of Mr. Lovelace or testimony of Mrs. Lovelace?

Presiding Inspector: Well, of course. I have thought of [1255] that, and as the statement goes in, if it does go in, I suppose it is taken as the statement of Mr. Lovelace.

(Testimony of Dawn Lovelace.)

Mr. Gladstein: Therefore, it would be his testimony.

Presiding Inspector: What?

Mr. Gladstein: Therefore, it would be his testimony, would it not?

Presiding Inspector: It would be a statement. You could call it that if you wish to. Of course, the man is deceased.

Mr. Gladstein: I understand that.

Presiding Inspector: And it doesn't gain any importance on that ground, but it is impossible to call the witness. I say, the fact of his death doesn't make it any more important, but it does somewhat affect the admissibility in a proceeding of this kind and while, of course, cross examination is the rule there are certain exceptions to that and I am inclined to admit this statement as a statement of this man who signed it.

Mr. Gladstein: Well, if it is to be admitted as his statement, or as his testimony, there would be no point in our cross examining Mrs. Lovelace concerning that statement since it is not going in as her statement.

Presiding Inspector: Well, there might be; I don't know; I will give you that privilege. [1256]

Mr. Gladstein: In any event, we would prefer not to do that now if the admission of the document is on the ground you stated.

Presiding Inspector: I will receive the statement at this time and I will allow you subsequently

(Testimony of Dawn Lovelace.)

to move to strike it out and present brief on the matter.

Mr. Gladstein: All right.

Presiding Inspector: But for the time being I will receive it.

(The document referred to was received in evidence and marked Government's Exhibit No. 216.) [1257]

Presiding Inspector: Will you read it?

Mr. Del Guercio: I will read it, if your Honor please.

This is dated "Portland, Oregon, September 12, 1940.

"I, Richard Laverne Lovelace, wish to make the following voluntary statement to J. A. Robey, and J. W. Coulter whom I know to be Special Agents of the Federal Bureau of Investigation, U. S. Department of Justice. I was born at Elkhead, Oregon October 10, 1898 and attended school in Douglas County, Oregon and later highschool at Grangeville, Idaho where I graduated in 1916.

"I joined the National Guard in 1915. I was discharged from the active list in January 1917 and was inducted into active service on April 6, 1917 of the Idaho National Guard. The Idaho National Guard became the 116th Engineers of the 41st Division and I went to France with the armed forces in October of 1917. After landing at France, I was transferred to Company C, 2nd Engineers, a regular army organization and remained in France for the duration of the war, returning to this coun-

(Testimony of Dawn Lovelace.)

try in June 1919 where I was discharged July 6, 1919 at Fort DA Russell, Cheyenne, Wyoming.

"While in the armed forces in France, I was wounded and hospitalized October 5, 1918, Base 1, Vichy, France.

"I presently reside at 1515 S. W. Jefferson Street, Portland, Oregon with my wife Dawn and daughter Romaine who is 2½ years old. [1258]

"After my return from France, I was hospitalized on several occasions in the Veterans Administration Facility and held various employment up to June 1932 at which time I joined the Portland Section of the Communist Party, remaining a member in good standing until January 1939.

"During my membership in the Communist Party I was assigned to various activities in Oregon and at Washington, D. C. When I first became a member of the party in Portland, I was assigned the task of organizing a Portland Post of the Workers Ex-Service men's League, a Veterans Front Organization which had been organized at New York in 1930 under the direction and control of the Communist Party. I subsequently participated in defense activities on behalf of the party through the International Labor Defense. In April 1933 at the direction of the Section Bureau of the Portland Section of the Communist Party, I organized a United Front Conference of all Veterans Organizations which was held during the same month in the labor temple auditorium at Portland, Oregon. The purpose of this conference as stated in the call was

(Testimony of Dawn Lovelace.)

to oppose the Economy Act which had recently been enacted. In addition to the stated purpose of the call, the question of payment of bonus and relief for all unemployed was raised and accepted by the conference. The conference also voted to support a Rank and File Convention which had been called for [1259] May, 1933 at Washington, D. C. by the Veterans National Liaison Committee, a committee composed of 5 members, two of whom were members of the New York District of the Communist Party.

"A member of the Communist Party, Portland, was sent to this aforementioned conference to give greetings in the name of the Portland Section of the Communist Party. I was delegated by the conference to organize a delegation of Rank and File Veterans to proceed to Washington, D. C. to participate in the convention which had been called there for May. Late in April, I left Portland with approximately 100 Veterans and proceeded to Washington, D. C. Stop overs were made at Spokane, Bismarck, N. D., Minneapolis, Minnesota, and Chicago, Illinois. At all stop overs, the Contingent was quartered and maintained their headquarters in halls either maintained by, or under the control of the Communist Party. In each of the cities mentioned, I contacted the leading officials of the Communist Party for the purpose of securing this support in raising finances, securing food, etc. for the furtherance of the trip to Washington. The Contingents arrived in Washington early in May

(Testimony of Dawn Lovelace.)

and subsequently participated in the Rank and File Convention which maintained headquarters at Fort Hunt, Virginia.

"On my arrival in Washington, I reported to the Veterans National Liaison Committee at the Maryland Building, 14th and H Streets, Washington, D. C. The Maryland Building headquarters [1260] were in charge of George Brady, Edward Williams, Al Sellers, Harold Hickerson, and Emanuel Levin, the last two named being members of the Communist Party. Approximately 3,000 veterans were quartered in tents at Fort Hunt, Virginia, all tents and equipment being provided by the U. S. Government at the direction of the President of the United States.

"When the forces were organized to run the camp at Fort Hunt, I was made chairman of the camp executive committee. In the meantime Israel Amter and James Ford, members of the Central Committee of the Communist Party U.S.A. had arrived in Washington and at their direction I was attempting to make contact with all the Communist Party members quartered at Fort Hunt. I subsequently contacted approximately 30 members and organized them into what was known as a camp fraction. Later, at the direction of Amter I brought several of these members into Washington and held a conference lasting one entire evening where the policies of the party relative to the Rank and File Convention were discussed. It was stressed at this conference it was necessary for us to raise the level

(Testimony of Dawn Lovelace.)

of our anti war activity, in the convention. Later, at the direct command of Mater I placed a resolution against war to the convention which was rejected by that body in its closing session. Also in the closing session I was elected to a National Committee to carry on the work of the convention and subsequently at a general meeting of this National Committee [1261] was elected to an Executive Committee, and at a later meeting the Executive Committee, was elected to a resident committee to remain in Washington, D. C. during the coming year, and at the first meeting of the resident committee was elected Treasurer. I remained in Washington D. C. until early in November 1933 at which time I was relieved of further duties on my own committee at my own request due to the illness of my wife and myself.

"During my stay in Washington, I not only participated in the activities of the Committee of which I was a member, but participated in the activity of the local section of the Communist Party and also served as a member of the National Arrangements Committee in organizing the first American Congress against war and Fascism which was held in New York in the autumn of 1933. Shortly after the end of the convention I received a letter from the Secretariat of the Central Committee of the Communist Party in New York enclosing a money order which directed me to come to New York immediately. On my arrival in New York I contacted Emanuel Levin and after a night spent pre-

(Testimony of Dawn Lovelace.)

paring a detailed analysis of the Rank and File Convention on the following day appeared with Levin before the political bureau of the central committee of the Communist Party. The people present at this political bureau meeting were Robert Miner, Ella Reeves Bloor, Israel Amter, James Ford, Jack Stachel, Alex Bittelman, and Max Bedacht, also someone who was introduced only under the name of Brown whom I understand to be the repre- [1262] sentative of the Communist International.

"After making our report which occupied approximately two hours, and which was accepted by the political bureau, I was ordered to return to Washington, D. C. to resume my duties with the Veterans Rank and File Committee. After my return to Portland in November of 1933 I became active through the Veterans Rank and File group in the unemployed organizations, and at the direction of the Section Committee of the Communist Party, worked to bring about a Federation of all the various unemployed groups in Multnomah County.

"Sometime in December, a convention was held composed of delegates of all the unemployed groups located in Multnomah County, at which time the Multnomah County Federation of unemployed was formed. I presided as Chairman of the convention and was elected with two other party members—Dirk DeJong and William Webber to the Executive Committee of the Unemployed Federation. I also was elected Vice President at the same convention.

(Testimony of Dawn Lovelace.)

I continued my work with the Multnomah County Federation of the Unemployed until the summer of 1934, always working in collaboration and under the direction of the Section Bureau of the Portland Section of the Communist Party. The Party fraction on the executive committee composed of DeJong, Webber and myself, met frequently to formulate the policies for the executive committee. From time to time general [1263] fraction meetings were held at which all members of the Communist Party who were members of the Federation were present. The purpose of these meetings was to discuss the policies of the Communist Party toward the unemployed Federation and to organize the necessary tactical maneuvers to bring these policies in force. In the early summer of 1934 at the instruction of the Section Bureau of the Portland Section of the Communist Party, I resigned from my place in the unemployed Federation in order to assume the task of building a local branch of the American League against war and Fascism. After approximately 2 months organizational work, sometime in August 1934 a convention was held in the Pythian Temple at Portland, Oregon composed of delegates from Trade Unions, Unemployed Organizations, Civic bodies, and the Communist Party. I prepared and presented the Manifesto which opened the convention.

"One of the high lights of this convention was the occurrence of the soldier in Uniform in the 7th Infantry, Vancouver Barracks, who appeared on

(Testimony of Dawn Lovelace.)

the platform and made a speech in favor of establishing a branch of the American League against war and fascism and stressed the need of more intensive work among the armed forces in the fight against war and fascism. At the closing session, a branch of the American League against War and Fascism was established in Portland and I became a member of its executive committee. [1264]

"One other Communist and several close sympathizers of the party were elected to the executive committee. At the same time, the American League against War and Fascism played an active roll in supporting the waterfront strike which had broken out during the summer of 1934. Various arrests were made among Communist Party members on charge of criminal syndicalism. The American League members packed the court room at the preliminary hearing in the demonstration of the support of the defendants.

"I continued my activity with the American League until the Spring of 1935 at which time, at the direction of the Section Bureau of the Communist Party I returned to work among Veterans.

"At the May convention of the Portland Section of the Communist Party, I was elected to the Section Committee of the Communist Party, and subsequently was elected by the Section Committee to the Section Bureau. I continued my activity in the Rank and File Veterans Organization and assisted through this Veterans Organization, which was an affiliate of the Oregon Workers Alliance,

(Testimony of Dawn Lovelace.)

an organization of unemployed, in building a national wide demonstration against the proposed schedule of hours and wage payments proposed on WPA. This demonstration was held Plaza Park, Portland, August 17, and was followed by a parade through the Streets of Portland. Approximately 10,000 people participated [1265] in the demonstration. This demonstration was a part of nation wide demonstration held on that same day by the Workers Alliance. In all instances the Communist Party participated in formulating the plans for the demonstrations, supplied the ideas and slogans, and did everything possible to make them a success.

"I continued my work in the Workers Alliance through the Veterans Grouping during 1935 but following out the policies of the United Front against War and Fascism as outlined by the 7th World Congress of the Communist International held in Moscow, Russia 1935. I began the disintegration of the Veterans Grouping by persuading the members they should join either the American Legion, Veterans of Foreign Wars or Disabled American Veterans of the World War to do work inside those organizations.

"On November 15, 1935 I was employed as a Senior Research Assistant by the Federal Writers Project, Works Projects Administration. My classification was subsequently changed to that of Senior writer and I was entrusted by the Section Committee of the Communist Party with a task of organizing a local of the American Federation

(Testimony of Dawn Lovelace.)

of Government Employees on the Federal Cultural Projects and white collar projects of the WPA.

"At the Spring convention 1936 of the Portland Section of the Communist Party I was elected to the Executive Committee and in turn elected to the Section Bureau of the Party. At the outbreak of the Spanish Civil War in the summer of 1936 I was [1266] instructed to secure all the support possible from the people employed on my project and other projects with which I had contact in the matter of financial donations and in support of the Spanish Loyalists and Recruits to go to Spain. In October of 1936 we were successful in forming a local of the American Federation of Government Employees. Acting under the instructions of the Communist Party, this local immediately became a recruiting ground and a source of financial support for the Spanish Loyalists. I continued my activity along with the other Communists who were members of the American Federation of Government Employees Local in supporting the committee for industrial organization and opposing their expulsion from the American Federation of Labor until the Spring of 1937 at which time we were refused a permanent charter by the Grand Lodge of the United Federation of Government Employees. The central task which occupied the attention of the union in the Spring and summer of 1936 was the removal of the State Director of the Writers and Historical Records Survey Project—Alfred Powers. The Union at this

(Testimony of Dawn Lovelace.)

time had grown to a membership of approximately 200.

"After being refused the charter by the Grand Lodge of the American Federation of Government Employees on the instructions of the Section Bureau of the Communist Party, the Communist Fraction in the Executive Committee proposed that the organization affiliate the Oregon Workers Alliance. The first effort toward affiliation of membership was rejected and the union [1267] functioned as an independent organization for about 4 months during which period an intensive educational campaign was carried on in behalf of the Workers Alliance. At the end of approximately 4 months period a referendum on affiliation of the Workers Alliance was accepted by a large majority of the membership.

"In July 1937 I was dropped from the Writers Project under quota reduction and approximately two weeks later was returned to work as Senior Research Assistant on the survey of Federal Archives, where I continued my employment until March 1, 1939 at which time I resigned to enter the Veterans Bureau Hospital for a heart complication.

"During 1938 when the Communist Party naturally and logically was intensifying its support for the Spanish Loyalist, I began to have increasing difficulties relative to my ideas and disagreements with the policies of the Communist Party. To all intents and purposes, the party was at-

(Testimony of Dawn Lovelace.)

tempting to use the Union of which I was a member solely as a recruiting ground and as a fund raising organization for what was termed the Spanish Loyalist Cause and this was leading to disintegration of the union. I opposed this policy and was severely censured on various occasions. Due to the development in the International situation and the policy of the party shifting, to all intents and purposes, it became in the main an instrument for carrying out the policy of the foreign office of the Soviet [1268] Union. I discontinued paying dues and attending membership meetings of the party in November 1938. In January 1939 I received notice by mail that charges had been preferred against me before the control commission of the Multnomah County Section of the Communist Party and that I was to appear to answer these charges. Subsequently, sometime in January, I was notified of my expulsion from the party and some thirty days later, which is the period allowed for appeal to the district committee of the Communist Party, and which appeal I failed to make, I was notified of my final expulsion.

"During my approximate 7 years which I spent in the Communist Party, USA, all literature, all speeches of party functionaries, and all discussions at party conventions conclusively prove that the Communist Party of the U.S. is a subsidiary of the Communist International with headquarters at Moscow USSR. The Communist International, without question, in the final analysis, is the gov-

(Testimony of Dawn Lovelace.)

erning body of all of the various National Sections of the Communist Party. The American Party has been affiliated to the Communist International since its organization in 1919. One or more representatives of the Communist International have constantly been maintained in the United States at the expense of the Communist International. These representatives are entrusted with the task of advising the Central Committee of the Communist Party, USA relative to such political policies as that body may formulate. This [1269] representative is also empowered to modify and change such policies as he might believe were not in accord with the current policies of the Communist International. The Communist Party of the USA designates as its highest body the National Convention which in past years was held at infrequent intervals, but which of late years has met annually, usually in New York City. Between Conventions, the National Committee which is elected at each National Convention, is designated as the highest body of the Party. However, to all effects and purposes, the political Bureau which is elected by the National Committee and all of whose members reside in New York, carry on and direct all of the political policies of the party. In addition to this Political Bureau, from the members of the Central Committee, there is elected a control commission which also reside in New York and passes on matters pertaining to party discipline. The Communist Party of the USA has been sub-divided

(Testimony of Dawn Lovelace.)

into districts. These districts may comprise one State or more. At the head of each district there is a district committee composed of party members who have attended the yearly district convention as delegates, and who are elected by the delegates at the district convention. The district committee in turn elects a district bureau, which is usually composed of members residing at or near district headquarters. The district committee also elects district organizers. However, this district organizer must be acceptable to [1270] the National Committee, or briefly, to the political bureau of the central committee and in turn of course to the representative of the Communist International.

"The district is again subdivided into States. At the head of each State Committee would be a chairman, an executive Secretary who had been elected at a State Convention composed of various delegates from the county sections located within that State. However, again, a chairman or executive Secretary could only be elected who had been approved by the District Organizer. Next is what is termed the Basic Organization of the party which is the Unit or Branch. The Unit or Branch is composed of party members working in a particular shop, factory, industry, or located in a particular section of a city, town or country side. At the head of each Branch or Unit would be a chairman, secretary and organizer. These officers of the Branch or Unit could only be elected if

(Testimony of Dawn Lovelace.)

they had been approved of in advance by the county executive committee or county committee.

"Many times Branches or Units are divided into smaller groups known as squads or cells. The purpose of the squad or cell would be the grouping together of all party members who are working together in a particular shop, factory, Union, or unemployed organization. The party also has an organizational form composed of fractions. The fraction is in many instances a duplication of the squad or cell. In other words, a fraction is composed of all the members located in any one particular [1271] union, mass organization, etc. The fractions do not formulate policies. Fraction Secretaries receive instructions relating to all matters of political policy from the Secretary or County Executive Committee. The fraction Secretary in turn passes these instructions on to the members of the fraction and the tactical and organizational work of the fractions is outlined accordingly.

"A top fraction meeting would be a meeting comprised of all of the fraction secretaries of the various fractions located in any particular industry or engaged in any particular strike or other form of struggle.

"From time to time world congresses representing all the National Secretaries of the Communist Party have been held in Moscow USSR. This Congress is composed of delegates elected from all of the various sections of the Communist Inter-

(Testimony of Dawn Lovelace.)

national. The number of delegates each National Section may have is predicated on the paid up membership of that section."

Presiding Inspector: I think we will stop here. We will recess until two o'clock.

(Whereupon, at 12:35 P.M., a recess was taken until 2:00 P.M. of the same day.) [1272]

After Recess
2:00 o'Clock P.M.

Presiding Inspector: You may proceed.

DAWN LOVELACE

called as a witness on behalf of the Government, having been previously duly sworn, testified further as follows:

Direct Examination (Resumed)

Presiding Inspector: Mr. Del Guercio, I believe you were reading a document. Proceed.

Mr. Del Guercio: I will continue the reading. I believe I left off on page 8.

"It is my understanding, and I am sure the understanding of every Communist Party member who attended conventions, listened to speeches by the various leading functionaries of the party, and read the literature of the party, that the principal aim and object of the Communist Party, USA is the overthrow of the Capitalistic system and the

(Testimony of Dawn Lovelace.)

establishment of what is termed Dictatorship of the proletariat for the purpose of building what is termed Socialism in the United States of America. While the Communist Party of the USA does not openly state this as a purpose on all occasions or is not ostensibly engaged in this particular task at all times this is the stated reason for building mass Communist Party for fighting for better conditions such as shorter hours, higher wages, more relief to the unemployed, and all of the other demands raised in the various strug- [1273] gles organized by or under the leadership of the Communist Party. These demands are what are termed temporary demands or aims, and they are brought forward solely for the purpose of increasing the membership of the Communist Party and establishing the Communist Party as the leader of the working class and its allies. The contention of the Communist Party, USA, and the Communist International as well, is that in all capitalistic societies there is a class struggle constantly widening in scope and that the historical role of all sections of the Communist Party is to revolve that class struggle by the over throw of capitalism and the establishment of socialism. I have never heard it contended in any literature or by any speaker of the Communist Party that this could be accomplished by any other means than by force and violence. While the Communist Party does not hesitate to use the ballot in order to get before the electroate of the country in order to bring for-

(Testimony of Dawn Lovelace.)

ward its program and its temporary demands, this is regarded as only a make-shift at the best, and further is only another means of building the influence and membership of the Communist Party.

"The Communist Party is prepared whenever necessary to use either legal or illegal means to gain its ends. In the event a member of the Communist party is required to make a statement under oath in court or otherwise, whether in his own defense or in defense of some other member of the Communist Party, he is instructed that he is to pay no attention to requirements of the [1274] oath and make such statements as will best further the interests of the Communist Party.

"The Communist Party, USA, does not believe that revolution in the United States is imminent. It feels that the United States is a stronghold of world capitalism and has a good deal of ability to survive for a long period of time. It does believe, however, with the continual sharpening of contradictions within the capital structure of the country, that in the event of war over a long period of time, that if the Communist Party has placed itself securely in the leadership of, and in dominance over, the main strata of workers and particularly those in heavy industries, and also has made a considerable penetration into the armed forces of the country, that it would be possible due to the disillusionment of people at war to bring about the early overthrow of the American System of Government.

(Testimony of Dawn Lovelace.)

"The main or concentration points of the Communists in securing membership is first in what is termed the heavy industries, particularly that of transportation and in this particular period, also the various armed forces, such as the regular army, Navy, National Guard, Citizens' Military Training Camps, etc.

"To the best of my recollection, I was first introduced to Harry Bridges near the corner of 3rd and Alder Streets in Portland, Oregon by Harry L. Gross, Attorney at Law, now deceased. Fur- [1275] ther, to the best of my recollection, this introduction took place some time in the Autum of 1934.

"Although in the following months I had occasion to read about Harry Bridges in the Press many times, to hear about him many times through party channels, I had no further direct contact with him until August 16, 1935 at which time he came to my apartment at 1515 S. W. Jefferson Street in Portland, Oregon in the company of Hugh Adams, member of the Waterfront Unit of the Portland Section of the Communist Party. Two other people were with Bridges and Adams, both, according to my understanding, members of the Maritime Federation in San Francisco. One was introduced to me under the name of Starr.

The other's name I have forgotten.

"Bridges at this time had just returned by airplane from Washington, DC where he had appeared as a witness before the Maritime Commis-

(Testimony of Dawn Lovelace.)

sion hearing, and was enroute to his home in San Francisco. The announced purpose of the call of Bridges and Adams to my apartment was that they were seeking James A. Murphy, then Section Organizer, Portland Section of the Communist Party. Murphy was a resident of the same apartment house where I lived. They had been unable to locate Murphy due to the fact he was away from home at the time of their call. They remained during the remainder of the evening in my apartment waiting for Murphy's return, the time merely being occupied by Bridges dictating his report on the Maritime hearings to Dawn [1276] Lovelace, my wife.

Shortly after midnight, Murphy arrived and almost immediately a discussion was entered into in which we all participated relative to the current situation on the waterfront in San Francisco. While I can not remember the details of this conversation, it hinged around the fact that Bridges believed that the waterfront employers in San Francisco were going to attempt to lock out the waterfront workers. A discussion was held around the position of the Communist Party toward this problem, and finally as a result of the discussion, some time early in the morning, Bridges and Murphy went out presumably to send a telegram to Henry Schmidt, President of the Longshoremen&s local in San Francisco outlining the tactics that the longshoremen were to pursue in order to prevent the waterfront employers from locking them out.

(Testimony of Dawn Lovelace.)

"I think it could be safely assumed that it was taken for granted that all of the people present in my apartment at the previously mentioned meeting were members of the Communist Party.

"Sometime subsequent to the meeting with Bridges in my apartment, James Murphy, Section Organizer, Portland Section, Communist Party informed me in private discussion that it was wise for all party members to stay away from Bridges; that he was too hot and the employers were after him and it might help the employers get him.

"I only had occasion to see Bridges twice after the meeting [1277] in my apartment—one time to pass him on 3rd Street near Salmon in Portland, Oregon, and to just say "Hello" and go on by; the other time was to listen to him present his side of a controversy in the Auditorium of the Labor Temple in Portland, Oregon.

"In addition to the foregoing, without any concrete evidence, such as attending a party meeting which had been called for a specific purpose, or seeing a membership book issued to Harry Bridges under his own name or alias, I was so firmly convinced due to the closeness with which Bridges worked with the party due to the manner in which his attitude and work was approved by the party, that had Bridges appeared at the most secret meeting of any grouping of the Communist Party wherein I was serving as door keeper and asked for admission, I would have unhesitatingly admitted him to that meeting.

(Testimony of Dawn Lovelace.)

"I have dictated this statement of my own volition without any coercion and without any promise of remuneration, monetary award, or other inducement.

(Signed) R. L. LOVELACE." [1278]

Mr. Del Guercio: Your Honor, I understand that this is being introduced, of course, as the statement of Mr. R. L. Lovelace, deceased.

Presiding Inspector: Yes.

Mr. Del Guercio: I have here—they have just been laid on the desk—photostatic copies of the Post Office rental.

Do you want to see them?

Mr. Gladstein: The same ones that you had reference to this morning?

Mr. Del Guercio: Yes.

Mr. Gladstein: Weren't there several other pages, Mr. Del Guercio?

Mr. Del Guercio: There were several pages underneath the first one, but they haven't furnished those and I don't know whether I asked for them. I don't recall at this time whether I did or not. I don't believe they are important, in any event, unless you want them.

Mr. Gladstein: No; I simply wanted to ask if this was the complete set of documents to which you have reference and which the record shows were introduced.

Mr. Grossman: This is all you intended to introduce?

(Testimony of Dawn Lovelace.)

Mr. Del Guercio: I am willing to stipulate this is all we had reference to.

Presiding Inspector: Anything further from the witness?

Direct Examination (Resumed)

By Mr. Del Guercio: [1279]

Q. Mrs. Lovelace, while serving on the Voice of Action did you receive any special instructions from Lowell Wakefield regarding particularly building the Maritime Federation of the Pacific under Bridges' leadership? A. Yes, I did.

Q. And what were those instructions?

A. During that summer the Voice of Action, the Portland Bureau of the Voice of Action was located in the McKay Building in Portland, and in the next office the American Radio Telegraphers Association was located, the Portland Local. And during the course of building and consolidating the Maritime Federation I was instructed to cultivate and win the confidence of the Secretary of the American Radio Telegraphers Association in order to break down his resistance to Harry Bridges—he had been quite an opponent of Harry Bridges—to break it down in order to win his support for the Bridges' Presidency of the Maritime Federation.

Q. And who gave you those instructions?

A. Lowell Wakefield and James Couer.

Q. I believe you have previously testified that Lowell Wakefield was a member of the Communist Party at that time? A. Yes, sir.

(Testimony of Dawn Lovelace.)

Q. Was on the District Committee of the Communist Party, is that correct?

A. Yes, he was, that is true. [1280]

Q. And that Mr. Couer was also a member of the Communist Party? A. Yes, he was.

Q. Have you ever been arrested, Mrs. Lovelace?

A. I have on one occasion.

Q. On one occasion. When was that?

A. In 19—in November 1933.

Q. And what for?

A. I believe the charge was—first was disorderly conduct and then changed to obstructing traffic. It was in the course of an unemployed demonstration. That was shortly after we returned from Washington, D. C., when Mr. Lovelace——

Q. (Interposing) Shortly after you and your husband returned from Washington, D. C.?

A. Yes, sir.

Q. Have you ever been on relief, Mrs. Lovelace?

A. Yes, I have.

Q. For what period of time?

A. In Portland from—well, we were certified for relief, in order to be on WPA. We were on relief much of the time we were participating in this activity.

Q. And you are now the sole support of yourself and your child? A. I am.

Q. And you are working on what sort of a Project? [1281] A. Writers' Project.

Q. Writers' Project?

(Testimony of Dawn Lovelace.)

A. Yes. I believe that I will receive a pension, however, as a result of my husband's death.

Q. A pension as a widow of a world war veteran?

A. As a widow of a world war veteran who died as a result of injuries received while in active service.

Q. It hasn't come through yet? A. No.

Mr. Del Guercio: You may cross examine.

Presiding Inspector: Just a minute. I would like to ask a few questions.

What is your education?

The Witness: High School and some University Extension.

Presiding Inspector: And can you tell us in substance what you said to the men in your house in remonstrance against his bringing Mr. Bridges there? Try to put yourself back to the time and tell us what you said if you can.

The Witness: Well, we were standing at the door, as I recall it, and I turned to Hugh Adams and asked him why he brought Bridges to our apartment. As I recall, I made some rather elliptical reference to the fact that we were pretty well labeled.

Presiding Inspector: Referring to being known as Communists?

The Witness: Yes.

Presiding Inspector: And to this you don't remember that [1282] he made any reply?

The Witness: No, I don't. I think he smiled.

(Testimony of Dawn Lovelace.)

Presiding Inspector: You may object to this if you wish.

Mr. Gladstein: We have no objection.

Presiding Inspector: What was the reason that you made this remark of remonstrance?

The Witness: Well, because I felt that for Harry Bridges to be seen at our apartment, had other people dropped in at our apartment at the same time, it would have placed his reputation and his work in jeopardy.

Presiding Inspector: If I am not right about this you correct me—you thought at the time it wasn't well for him to be known as associating with Communists?

The Witness: Yes. That is true. As a matter of fact, your Honor, James Murphy, and other leading members of the Communist Party, had warned us not to associate with Mr. Bridges, particularly in public. That same condition applied to various Communists and leaders in trade union work.

Presiding Inspector: I asked about your knowledge of the circumstances recited in your husband's statement. Of course, some of those occurred elsewhere, and when you said that you knew about them you didn't refer to those, but you were referring to those that happened right about you; or else that you knew them from what your husband had told you?

The Witness: Indirectly—I was with my husband all of [1283] the time.

(Testimony of Dawn Lovelace.)

Presiding Inspector: You were? Did you go to Washington with him?

The Witness: I was with him in Washington, D. C.

Presiding Inspector: I think I have asked questions which left matters somewhat hanging, and I have tried to merely elucidate them.

Mr. Gladstein: We have no objection to that.

Cross Examination

By Mr. Gladstein:

Q. Mrs. Lovelace, proceeding from where Judge Sears left off, would it be correct to say that despite yourself being ill at ease and rebuking Mr. Adams, that Mr. Bridges seemed to feel at ease?

A. Yes, I believe Mr. Bridges was at ease.

Q. Now, is there anything that enables you to fix the date when this incident occurred?

A. Yes; the fact that it was during the week of the 1935 Oregon State Federation of Labor Convention, and immediately preceding the demonstration of August 17, 1935.

Q. Do you recall what time in the evening Mr. Bridges came to your apartment?

A. I believe it was between 8:00 and 9:00.

Q. Do you remember what you were doing before you answered the door?

A. I was writing. [1284]

Q. You weren't typing, but were writing?

A. I was composing on the typewriter.

Q. Do you remember what you were composing?

(Testimony of Dawn Lovelace.)

A. I don't remember exactly, but no doubt it was copy for the Voice of Action, Western Worker and Daily Worker.

Q. Now, after Mr. Bridges and Mr. Adams had come to the apartment, did Mr. Adams tell you what they had come for?

A. He asked for Matt Meehan. He said they were looking for Matt Meehan. Part of my rebuke was wondering why they should be looking for Matt Meehan in our apartment. There was no reason for it.

Q. Did he mention that Mr. Bridges had a desire to have some typing done, some notes?

A. He didn't mention it at the time. In fact, mention of the typing came in an off-hand way later.

Q. How late did Mr. Bridges stay there?

A. Until after midnight. It was quite late, in fact. As I recall, my husband objected to the lateness of the hour, and Mr. Bridges made some remark about, "You ought to see the way we do it in San Francisco. We sit up all night."

Q. When you say your husband objected, at what point did he object?

A. He wanted to go to bed.

Q. I didn't ask why. At what point did he do that? A. Oh, shortly before they left.

Q. Were you still typing Mr. Bridges' notes up at that [1285] time?

A. Possibly not. I think I was through with

(Testimony of Dawn Lovelace.)

that. I am not sure, but I think I made an extra copy.

Q. Was it a long report?

A. It was quite long; yes.

Q. That is the one you made for Mr. Bridges?

A. Yes.

Q. And did he dictate it or did he have notes composed, or what?

A. He had notes from which he was reading and I think he used the notes to refresh his memory and dictated.

Q. Did you take his dictation directly on the typewriter? A. Yes, I did.

Q. How long a report, according to your best recollection, was this when it was completed?

A. I think there were about four pages single space typing.

Q. Do you remember anything about the subject matter of the report?

A. Just vaguely. It had to do with a meeting with O'Grady, I believe, in Washington, D. C.

Q. Mr. O'Grady?

A. Yes. Much of the conversation during the evening had dealt with that meeting, and also with the District Committee Meeting, the ILA District Executive Committee Meeting.

Q. International Longshoremen's Association?

[1286]

A. Yes.

Q. It covered Union affairs, is that right?

A. Yes.

(Testimony of Dawn Lovelace.)

Q. That is, the Longshoremen's Union?

A. Yes.

Q. A few moments ago you said, I believe, in answer to one of Judge Sears' questions, that one of the reasons that you gave this rebuke to Mr. Adams was that at some prior time Mr. Murphy had warned you and your husband to not associate with Mr. Bridges? A. Yes; that is true.

Q. Were you with your husband at the time this warning was given by Mr. Murphy?

A. It was also passed on to me.

Q. I say, were you with your husband at the time Mr. Murphy gave that warning?

A. No, I don't believe I was with him at the time of any definite instructions.

Q. Was it passed on to you by your husband?

A. It was passed on to me by my husband and by others.

Q. This was prior to the time that Mr. Adams and Mr. Bridges came to your house?

A. Yes; and afterwards.

Q. Can you name all of the people who were present in your apartment immediately after Mr. Bridges and Mr. Adams arrived? [1287]

A. My husband, Richard Lovelace, and myself, Hugh Adams and Harry Bridges, and this fellow Starr and one person whom I don't remember.

Q. Later in the evening I think you said Mr. Murphy came in? A. Yes, sir.

Q. Did he walk in uninvited or did someone go to seek him?

(Testimony of Dawn Lovelace.)

A. My husband went to locate him and found him not at home and left a note.

Q. Do you recall at all how the question of Mr. Murphy came into being invited to come to your party came up?

A. No, I don't recall exactly. It arose spontaneously. There was no incident to fix it in my mind.

Q. You don't recall who suggested it?

A. No.

Q. When would you say with respect to the time when Mr. Bridges left, that is, with respect to when he left, how long before that did Mr. Murphy come into your apartment?

A. I think it must have been as late as 1:30 or 2:00 o'clock before they left, and it was around midnight that James Murphy came in.

Q. When you say "before they left", referring to "they" do you refer to Mr. Adams, Mr. Starr, Mr. Bridges and the other man who was with him?

[1288]

A. Yes, sir.

Q. Now, I am not sure just what your testimony on this was. Is it your testimony that Mr. Bridges was receiving instructions of any kind from your husband and from Mr. Murphy on this question of the telegram to send to San Francisco?

A. No, that was not my testimony; I wouldn't say that. Mr. Bridges was conferring with Mr. Murphy and with my husband participating, in the question of the content of this telegram.

(Testimony of Dawn Lovelace.)

Q. Do you remember what the subject matter of the telegram was?

A. I don't remember exactly, no.

Q. Are you sure that it was to be addressed to Mr. Schmidt?

A. I couldn't be too dogmatic about that; I think it was: the same Schmidt entered the conversation.

Q. At that time your husband was a member of a trade Union? A. No, he was not.

Q. Had he ever held a trade union position?

A. What is that?

Q. Had he ever held a trade union position of any kind?

A. Well, not within recent years. He had earlier when he was working for the—I believe the Southern Pacific. I think he was an officer in the Railway Clerks. [1289]

Q. How long prior to 1935 was that?

A. Oh, that must have been in the twenties; it was before I knew him.

Q. You said that Mr. Adams was a member of the Communist Party. Do you know that of your own knowledge?

A. Yes, I know it of my own knowledge.

Q. What is that knowledge?

A. The knowledge is the method of working with him, the fact that I was told by the Communist functionary in charge of trade union work on the waterfront that Hugh Adams would be

(Testimony of Dawn Lovelace.)

the contact, Hugh Adams relationship between me and the ILA activities.

Q. Now, what was this method of working that you have mentioned?

A. That is rather a general question.

Q. Well, you referred to—you used the expression—you said in answer to my question as to what constituted your knowledge, you said "My method of working with Mr. Adams." I think that is the expression you used. What did you mean by that expression?

A. Do you want a specific instance?

Q. Well, can you answer it generally first? If you can't, you might say so.

A. Well, for instance, I would receive information to [1290] be reported in The Voice of Action from Hugh Adams.

Q. To be reported in The Voice of what?

A. Yes, The Voice of Action, this paper that I was associated with.

Q. Yes. You would receive information from Mr. Adams?

A. Yes, relative to union activities.

Q. Yes.

A. And he formed the original or the initial contact with Matt Meehan, introduced me to Matt Meehan.

Q. Who was Matt Meehan at that time?

A. Matt Meehan was a member of the Executive Board of the ILA. I don't recall just what position. Oh, he was a dispatcher, that is right.

(Testimony of Dawn Lovelace.)

Q. Is that a position of importance?

A. What is that?

Q. Was it a position of importance?

A. Considerably.

Q. That is, was he both dispatcher and on the Executive Board, or was he on the Executive Board by virtue of being a dispatcher, do you know?

A. I couldn't say as to that. I only know he was a dispatcher.

Q. When you say the ILA do you mean what was known as the Pacific Coast District of the ILA? Do you know?

A. Well, I suppose the Portland Local was a part of the [1291] Pacific Coast District.

Q. Do you know whether Mr. Meehan at that time was a district officer, that is, a district officer by virtue of that dispatcher's position?

A. No, I don't believe he was.

Q. You said that you don't recall how the question of Mr. Murphy came up, when it did Mr. Bridges seemed to be agreeable. Do you remember anything that was said in that connection?

A. No, I don't remember anything of any moment. The question of Mr. Murphy, as I say, came up spontaneously. There was no discussion about it particularly.

Q. Do you recall anything that was discussed prior to the mention of Mr. Murphy being made?

A. Yes, there was considerable discussion of Mr. Bridges' experiences in Washington, his relationship with what constituted the opposition to his

(Testimony of Dawn Lovelace.)

policy in the Maritime Unions, and one comment that Mr. Bridges made was that while he was on the East Coast he noticed that—I don't recall that he even used the term Communist Party—I don't believe he did—but that they sent YCL—Young Communist League girls out on the waterfront to contact longshoremen and seamen, and he spoke of it—made the comment with considerable disgust. [1292]

Q. Would it be correct to say that he was discussing in an off-hand or social manner his recent experiences in the East? A. Yes, sir.

Q. Now, just before the close of the direct examination Mr. Del Guercio asked you about some instructions that you had received with respect to breaking down, through the medium of The Voice of Action, certain opposition to Mr. Bridges in the Maritime Federation. A. Yes, sir. [1293]

Q. I didn't get the names of the people, or the name of the person who gave you those instructions. Do you care to repeat those?

Mr. Del Guercio: Do you want the reporter——

Mr. Gladstein: (Interposing) It is shorter to simply ask it now.

Presiding Inspector: It is repetition but it is all right.

A. Lowell Wakefield and James Couer both instructed me.

By Mr. Gladstein:

Q. When did this occur?

(Testimony of Dawn Lovelace.)

A. Oh, it occurred over a period of time. It was—you understand that these things don't occur in static meetings or formal meetings.

Q. Well, beginning—

A. Well, it occurred as soon as it was discovered that we were next door to the ARTA crowd.

Q. Well, when was that? A. How is that?

Q. When was that?

A. It must have been in May. I think we took The Voice of Action office—established The Voice of Action office in May of 1935. [1294]

Q. That is in May of 1935? A. Yes, sir.

Q. Then, would you say that your first instructions with respect to attempting, through the medium of The Voice of Action, to break down opposition to Mr. Bridges in the Maritime Federation of the Pacific came in May 1935 or shortly thereafter?

A. Yes, sir.

Q. Who was the person in the ARTA with whom you were supposed or for whom you were supposed to do some work?

The Witness: Your Honor, I hesitate to answer that. Could I explain the circumstances?

Presiding Inspector: Yes, I have no objection to your explaining.

The Witness: This Secretary of the ARTA has been very ill. I don't know him to be still alive, and his wife, however, is still alive, and if it isn't necessary I would rather not mention their names.

(Testimony of Dawn Lovelace.)

By Mr. Gladstein:

Q. Well, exactly what were you supposed to do with this person anyway?

A. Oh, talk matters over with him, win his friendship and confidence, and previously he had been very outspoken in his resentment of Harry Bridges. One remark he made was [1295] that the Maritime Federation was just a tail to Bridges' kite, and another remark that he made was that he was afraid that the Federal Government, if the Maritime Federation continued, that the Federal Government would take over the Merchant Marine, and I don't know how much validity there was to his opinion but his opposition to Harry Bridges was based on such a concept.

Q. Do you recall whether he mentioned to you—I will withdraw that.

First of all, these remarks that you attribute to him, they were made to you, were they?

A. Yes, sir.

Q. Incidentally, the ARTA you are referring to, that is the American Radio Telegraphers Association?

A. Yes, that is true. I believe it has since expanded and became the American Communications Association.

Q. Now, you say you received instructions to—you used the phrase "work on him": is that correct?

A. Yes, sir.

Q. And you proceeded to do so?

A. Yes, sir.

(Testimony of Dawn Lovelace.)

Q. It was in the course of that that this gentleman made such remarks to you? A. Yes, sir.

Q. And so these conversations with him would have [1296] occurred in or shortly after May, 1935; correct?

A. Yes, that is about right. I hadn't met this gentleman prior to May, 1935.

Q. Now, this person in the ARTA on whom you were working, did he occupy an important position?

A. He was Secretary of the Local.

Q. That is the Local of the ARTA?

A. Yes, sir.

Q. Did he hold a position in the Federation?

A. Yes, he was a member of the Columbia River District Council, Executive Committee.

Q. That is, he would be an important person in the Maritime Federation?

A. Yes. The understanding that I received was that he pretty much swung the balance of power in the Columbia River District Council.

Q. Did he express to you any particular issues on which he was in disagreement with Mr. Bridges?

A. No, except the Maritime Federation generally. I don't recall any specific issues that he discussed with me; he may have.

Q. When you say "generally" what do you mean?

A. He objected to the idea of a Maritime Federation.

Q. Oh! And would it be correct to say that his [1297] opposition, his outspoken opposition

(Testimony of Dawn Lovelace.)

made to you of Mr. Bridges in connection with the Federation was that he charged that the Federation was under the domination of the Mr. Bridges?

A. That was that, and he was also suspicious of Communists.

Q. Was The Voice of Action pretty generally known as a Communist paper?

A. Well, I see no reason why it could fool people.

Q. I think you said you were pretty open in your Communist views? A. Yes, sir.

Q. Despite those facts you were assigned to work on a man who was suspicious of Communists, is that correct? A. That is true.

Q. And this man from the ARTA, would it be correct to say that he was a man upon whom Bridges did not have any influence?

A. Yes, I gathered that he didn't listen to Harry Bridges a great deal at first. I also gathered that he became quite a follower of Harry Bridges afterwards.

Q. Later on? A. Yes, sir.

Q. But at that time he was not?

A. No. [1298]

Q. Would you say that his change toward Harry Bridges was due in any part to your work with him?

A. I believe so. We became quite good friends.

Q. Are you a citizen, Mrs. Lovelace?

A. I am.

Q. By birth or naturalization?

A. By birth.

(Testimony of Dawn Lovelace.)

Q. Now, I think you said you were present when Mr. Lovelace signed the statement that Mr. Del Guercio had you read today? A. I was.

Q. Either at that time, or before or after, did you make any statement of a similar character?

A. Yes; I made a statement afterwards.

Q. Afterwards?

A. In fact, Mr. Robey and Mr. Coulter were present in my apartment at my invitation.

Q. How long afterward would you say?

A. A short time afterward, two or three days.

Q. So your statement came after you had read your husband's statement?

A. Yes; but we had discussed the matter at great length before.

Q. Before he had made his statement?

A. We always worked together. [1299]

Q. Did you agree pretty much in your recollections as you had discussed this thing, as to what had happened the night Mr. Bridges came to your apartment?

A. We agreed on the basic facts because basic facts are basic facts. We disagreed on some of the details. I think you will notice some disparity between my husband's statement and my testimony. The question of Matt Meehan was one point of disagreement.

Q. Would it be correct to say that the first time that you saw agents of the Federal Bureau of Investigation in connection with this case was on

(Testimony of Dawn Lovelace.)

one or more of the occasions when they were obtaining a statement from your husband?

A. Yes, that is true.

Q. And subsequently you saw FBI Agents in connection with the taking of your statement?

A. Yes, that is true.

Q. After they had taken your statement did you have occasion to see FBI Agents any more after that?

A. Oh, yes, on occasions; particularly at the time of my husband's illness, death.

Q. Any other occasion?

A. Yes. I think Mr. Robey and Mr. Coulter—I think I visited them on the two or three occasions in the course of their visits to Portland, in the course of their investigation.

Q. Could you briefly define, or refer to the various [1300] separate occasions on which you met with FBI Agents, either at your home, or at their offices, or anywhere else—could you simply say, "The first time was this," briefly, and "The next time was this," and so on?

A. Well, the first time was when I turned my statement—after their visit to my apartment—when I turned my statement over to them.

Another occasion was when they asked if it would be possible to fix the date more specifically. We visited them one evening, both myself and my husband.

Q. Did you make another statement on that occasion? A. No.

(Testimony of Dawn Lovelace.)

Q. You made only one statement?

A. One statement.

Q. When was the next time?

A. I don't recall that I saw Mr. Robey and Mr. Coulter at all after that.

Mr. Del Guercio: If your Honor please, may I object to this line of questioning? I don't think it is important or of any value how many times the FBI Agents visited her unless they have something in back of their mind.

Presiding Inspector: They probably have. I will take it. This is cross examination.

By Mr. Gladstein:

Q. On any of the occasions when you met with FBI Agents, [1301] Mrs. Lovelace, were there any people present, outside of yourself, your husband, and the Agents? A. No.

Q. On any occasion?

A. No, I don't believe so.

Q. Was it possible there might have been someone and you don't recall it?

A. I am quite sure we never met with them when anybody else was present.

Q. Was any other person present, to your best recollection at any time on any of these occasions?

A. No.

Mr. Del Guercio: If your Honor please, that has been asked and answered.

Presiding Inspector: I think she has answered that. She has answered again now.

(Testimony of Dawn Lovelace.)

By Mr. Gladstein:

Q. Could you state how many times in all you spoke with FBI Agents concerning your testimony in this case?

Mr. Del Guercio: I object to that. That has been asked and answered before.

Presiding Inspector: If you can answer anything further you may do so, if you recall.

A. No more than four. I don't believe there were that many. [1302]

By Mr. Gladstein:

Q. Give it some thought, if you will, and see if you can remember.

Presiding Inspector: I didn't hear that.

Mr. Gladstein: First she said four, and then she said she thought, didn't believe it was that many. I wanted her to give it some thought.

The Witness: I said it was no more than four.

By Mr. Gladstein:

Q. You think it was four? A. Yes.

Q. Would you describe the first one?

A. The first meeting?

Q. Yes.

Mr. Del Guercio: I object to that. It has already been done.

Presiding Inspector: I thought she had answered that.

Mr. Gladstein: I don't think so. She has described the first occasion.

Mr. Del Guercio: The record will show she has.

(Testimony of Dawn Lovelace.)

Presiding Inspector: You mean when she talked over the statement first?

Mr. Gladstein: The record is not clear as to where the first occasion was, and who the people were, or even when it occurred. [1303]

Presiding Inspector: If you can answer you may.

A. The first occasion I met FBI Agents was in my apartment in my home.

By Mr. Gladstein:

Q. When was that?

A. That was, I believe, in September, and they came at my invitation relayed by my husband.

Q. That is, you asked your husband to invite them?

A. Yes. As long as my husband had given a statement to the FBI, why it was agreeable with me that I should corroborate his statement.

Q. What was the next time?

A. That was on Thursday night; and on Saturday morning I went to the local field office of the FBI and saw Mr. Robey and Mr. Coulter and turned over to them a typewritten statement.

Q. You typed it up? A. Yes, I did.

Q. At your house? A. Yes.

Q. And you turned it over to them?

A. I did.

Q. Did you sign it in their presence?

A. I did.

Q. Was anybody else present besides yourself and the Agents?

(Testimony of Dawn Lovelace.)

A. My husband was present part of the time.

[1304]

Q. And no one else?

A. No one else.

Q. Now, that constitutes what, the first or the second time when you actually saw the FBI agents?

A. The second time.

Q. When was the third time?

A. Oh, there was one occasion when we met informally in Manning's, Manning's Coffee Shop. Mr. Coulter came in with my husband, and a group of us were having coffee there.

Q. Do you remember who was in the group?

A. I don't think that is material.

Q. You do recall, but you don't want to name them?

A. I see no reason for involving people who are not——.

Q. (Interposing) Did these people who were in the group participate at all in the discussion?

A. Oh, we discussed various phases of life around us.

Q. Oh, no—I mean the discussion with the FBI agents.

A. It wasn't a formal discussion.

Q. Was it an informal discussion of the Bridges case?

A. The Bridges case entered into it; yes.

Q. Now, who were the people who were in that group?

A. How is that?

(Testimony of Dawn Lovelace.)

Q. Who were the people who were in that group, please?

Mr. Del Guercio: If your Honor please——

Presiding Inspector: I think you may answer.

Mr. Del Guercio: She said there was no discussion about [1305] the Bridges case.

Presiding Inspector: She said the Bridges matter entered into the discussion, as I understand it.

The Witness: Yes.

Mr. Del Guercio: I will withdraw my objection.

Presiding Inspector: She said the Bridges matter entered into the discussion and that is why she may give the names if she can.

A. Mr. Foss, Ed Foss, happened into Manning's when we were sitting there.

By Mr. Gladstein:

Q. Who else?

A. My husband, myself, and Mr. Coulter.

Q. Who else was in the group to which Mr. Coulter and your husband came?

A. That is all there was.

Q. Well, I understood you to say that you were in Manning's with a group of people, and that Mr. Coulter and Mr. Lovelace happened into Manning's and saw you and this group of people, isn't that correct?

A. I had been with a group of people; I don't know whether you know Manning's in Portland or not. It is sort of a place where people sit down and somebody will drop in and talk a while and then somebody will leave.

(Testimony of Dawn Lovelace.)

Q. When you said "group" did you mean that word to refer [1306] only to Mr. Foss?

A. Well, I think we just about filled a booth. I think that those of us present constituted a group.

Q. This was before Mr. Coulter and Mr. Lovelace came in the restaurant, wasn't it?

A. No, I don't believe—I had been with some people and I believe Mr. Lovelace, my husband, and Mr. Coulter came in and sat down at the booth with me. Later Ed Foss came in.

Q. Well, which is the group that was discussing the Bridges case?

A. We discussed it informally.

Q. When you say "we" to whom do you refer?

A. We people that I just named.

Q. All right. When was the next time that you spoke to any FBI Agent concerning your statement, or testimony in the Bridges case?

A. I believe the next time was when we discussed the matter of whether or not we could fix the date definitely.

Q. Where did that occur?

A. In the FBI office.

Q. And who was present on that occasion?

A. My husband, myself, Mr. Robey and Mr. Coulter.

Q. Anybody else? A. Nobody else.

Q. Has there been any occasion since that time when you spoke to any FBI agent concerning your testimony, or your state- [1307] ment, or anybody else's testimony in this case?

(Testimony of Dawn Lovelace.)

A. No, I don't believe so, except in the course of preparation to come down to San Francisco.

Q. Do you mean since you came to San Francisco or before?

A. Before I came to San Francisco. It was after I had been served with a subpoena.

Q. Where were you served with a subpoena?

A. At home.

Q. What took place on that occasion?

A. Not very much. An agent of the Immigration Department, whom I had never met before, came to the Apartment and told me he had a subpoena for me, and that is about all.

Q. That is all that happened then?

A. Yes.

Q. I was asking you whether there was any occasion, after the one that you described where you were asked to come to the FBI offices and think about the question of specifying the date, I was asking whether subsequent to that there was any occasion on which you discussed your statement, or your testimony, or anybody else's testimony in this case?

Presiding Inspector: Whatever occurred, you don't want to infer that you made an accurate statement about what occurred, but that was merely for identification?

Mr. Gladstein: For identification. I am not doing any [1308] testifying.

Presiding Inspector: You made certain statements in there as to what occurred.

(Testimony of Dawn Lovelace.)

Mr. Gladstein: Let me clear it up.

Presiding Inspector: That is merely for identification.

Mr. Gladstein: That is right.

Presiding Inspector: There was some discussion about the date, and they asked if you could fix it more definitely. Did you have any further conversation with Government agents or agencies?

The Witness: Yes. I had some conversations with Mr. King, of the FBI, in Portland.

By Mr. Gladstein:

Q. Was this after the time when you were asked to come up to the FBI office and go over the question of specifying the exact date?

A. Yes.

Q. By the way, could you possibly fix the date of that occasion when you were asked to go to the FBI office in connection with this date?

A. No, I don't believe I could.

Q. Any idea at all?

A. There is nothing to fix the date by.

Q. Since that time you say you discussed the matter with Mr. King?

A. Not the Bridges case; no. [1309]

Q. Well, what did you discuss?

Mr. Del Guercio: Now if the Court please, she said she didn't discuss the Bridges case. Certainly counsel don't want to go into any other matter she may have discussed.

Presiding Inspector: No.

(Testimony of Dawn Lovelace.)

By Mr. Gladstein:

Q. All I want, Mrs. Lovelace, is the occasions on which you discussed with any representatives of the Government, or anybody else who may have been present, either your statement to the FBI in this case or the testimony that you were to give in this case, or the testimony or statement of anybody else to be given in this case. You understand the question, don't you?

A. Yes, I understand it. I believe you have it.

Q. And you mentioned Mr. King. Is that one of the occasions?

A. We didn't discuss the Bridges case as such, no.

Q. Why did you mention Mr. King then?

A. Because I saw Mr. King before I came down here to receive instructions from him as to how I should conduct myself, about transportation—just routine procedure.

Q. Is he the last person you saw representing the Government in connection with this case before coming down here? A. Yes.

Q. Let me take you back for a moment to the time when you were in Manning's. You say Mr. Foss dropped in and sat [1310] down and had coffee with you, Mr. Coulter, and your husband, correct?

A. Yes.

Q. Is Mr. Foss a friend of yours?

A. I met him during the election campaign last year, November 1940, October or November.

(Testimony of Dawn Lovelace.)

Q. Was he a friend of your husband's?

A. He was a political friend, of course, of the democratic election campaign.

Q. And since you met him has he been a friend of yours? A. Yes; casually.

Q. Were any introductions made on this occasion at Manning's? A. Yes.

Q. Who introduced whom?

A. I believe my husband introduced Mr. Coulter and Mr. Foss, and they then didn't recall that I had already met Mr. Foss and asked if we were acquainted. I had met Mr. Foss just once before.

Q. Did Mr. Lovelace introduce Mr. Coulter as a representative of the FBI?

A. No, I don't believe so. We were having a cup of coffee and nobody was on official business.

Q. Do you know what he said in making the introduction?

A. I think he said "Mr. Coulter, meet Mr. Foss," or words [1311] to that effect.

Q. Have you ever talked to Mr. Adams about the testimony to be given in this case?

A. Yes, I have; rather, Mr. Adams talked to me.

Q. On how many occasions did you have such a discussion? A. Once.

Q. Where did it occur?

A. Partly in my apartment, and partly in Manning's Restaurant.

Q. Was anybody else present in either of those places on the occasion of this discussion?

A. Mr. Adams came to my apartment to tell me,

(Testimony of Dawn Lovelace.)

or to tell us, rather, he was looking for both me and my husband—my husband didn't happen to be home at the time—and he wanted to know, that is, he told me he had been approached by two Agents of the FBI, and he said that he had given them a statement and he wanted us to back him up.

Q. Back him up on the statement?

A. Yes.

Q. You mean to verify the contents?

A. Yes. And I told him that it was impossible for me to do so; that I saw no reason why I should commit perjury, or involve myself in something for the sake of something I didn't believe in.

Mr. Del Guercio: I didn't get the last answer to that. May I have the reporter read it, please?

Presiding Inspector: Read it, Mr. Reporter.

[1312]

(The answer referred to was read by the reporter as above recorded.)

Mr. Del Guercio: Well, I don't quite understand. I will ask that——

Presiding Inspector: Go back and read a number of questions and answers previous to the last answer.

(That portion of the record referred to was read by the reporter as above recorded.)

Mr. Gladstein: On the occasion that you made that remark to Mr. Adams had he shown you his statement to the FBI?

A. No. He told me he had made one. He told

(Testimony of Dawn Lovelace.)

me he had made a statement. I suggested that he wanted to see both my husband and me, and I suggested we talk down town—I had an appointment to meet my husband in Manning's—and I suggested we walk down town and see him. I informed Mr. Adams that I couldn't back up his statement; that I didn't feel justified in it.

By Mr. Gladstein:

Q. Well, how did you know on that occasion what was in the statement?

A. Because Mr. Adams told me.

Q. Told you what?

A. What his statement—the content of his statement. [1313]

Q. Did you ever actually see the statement?

A. Yes, I did.

Q. Where did you see it?

A. In the FBI office.

Q. When was that?

A. When I went out with Mr. Adams.

Q. When was that?

A. I went with Mr. Adams to Mr. Robey and Mr. Coulter.

Q. Why didn't you mention this visit with Mr. Adams to the FBI offices before when I was asking you for all the occasions?

A. You won't believe this: It hadn't occurred to me.

Q. All right. Tell us what happened at the time that you and Mr. Adams were in the offices of the FBI?

(Testimony of Dawn Lovelace.)

A. Well, I told Mr. Robey and Mr. Coulter that I understood that Mr. Adams had made a statement.

Q. You told them that?

A. Yes, sir. I think Mr. Adams opened the conversation and—oh, I don't recall just how the conversation developed, but the content of it was—the general content was that Mr. Adams' statement was in error.

Q. Who made that statement?

A. How is that?

Q. Who made that statement that his statement was in error? [1314]

A. I don't recall that anybody made it specifically.

Presiding Inspector: She said that is her present interpretation of it.

Mr. Gladstein: All right.

The Witness: Mr. Adams admitted his statement was in error.

By Mr. Gladstein:

Q. Did he change it? A. Yes, he did.

Q. In his own hand?

A. Well, he didn't change it in writing; he simply negated it.

Q. Was another statement made for him?

A. What is that?

Q. Was another statement made for him?

A. I don't know whether it was or not. I didn't inquire into it; I don't know what happened after that.

(Testimony of Dawn Lovelace.)

Q. Did he mention how he happened to be wrong?

A. You mean why he happened to be wrong or——

Q. Well, did he mention first of all in what respects the statement he had given was wrong?

A. His statement was wrong in the period, both the year and the date. I believe he had Bridges' visit to our apartment in 1937. The purpose of the visit, what occurred at the visit, all were in variance with the facts, with the [1315] facts.

Q. Did he say that?

A. Well, he admitted as much, yes.

Q. When you say "he admitted as much"——

Presiding Inspector: (Interposing) Oh, I think her answer is perfectly clear.

Just read the question and answer.

(The question and answer referred to were read by the reporter.)

Presiding Inspector: Now, that is her statement as to not what he said, but what she now says.

By Mr. Gladstein:

Q. I want to ask you this: Are you now saying that Mr. Adams on this occasion, when you and Mr. Adams and the two FBI Agents were present at the FBI offices, that Mr. Adams admitted that his statement previously given to the FBI was wrong in the particulars that you mentioned?

Presiding Inspector: Now, are you asking her as to what she said, or are you asking her as to what she now testifies to?

(Testimony of Dawn Lovelace.)

Mr. Gladstein: I am asking her now whether Mr. Adams did say these things.

Presiding Inspector: I didn't so understand your question. I may be wrong about it. How does the question start? [1316]

(The question referred to was read by the reporter.)

Presiding Inspector: You see, you are asking her——

Mr. Gladstein: (Interposing) I will withdraw that part of the question "Are you now saying."

By Mr. Gladstein:

Q. Is it your testimony on the occasion referred to in the last question, Mrs. Lovelace, Mr. Adams, in your presence, admitted the statement he had previously given to the FBI was wrong in the particulars that you have testified? A. Yes, sir.

Q. Namely, date, purpose of visit to your house and what took place on the occasion of that visit?

A. Yes, that is true.

Q. And what, if anything, was done after he made this admission?

A. I don't recall that anything was done.

Q. Was he asked by the FBI to make corrections in the statement?

A. I don't know. I don't know any more about the relationship of Hugh Adams.

Presiding Inspector: He means on that occasion.

(Testimony of Dawn Lovelace.)

The Witness: No, they didn't on that occasion.

By Mr. Gladstein:

Q. Did you and Mr. Adams leave together on that occasion?

A. No, Mr. Adams left separately. [1317]

Q. Before or after you?

A. He left before I did.

Q. Now, on the day—I think you said that Mr. Adams in his statement had said that it was in 1937? A. Yes, I believe so.

Q. Do you remember what month in 1937?

Presiding Inspector: Do you mean what he said?

Mr. Gladstein: Yes.

Presiding Inspector: How is that material as to what Mr. Adams said?

Mr. Gladstein: Well, if your Honor wishes me to disclose this I will have to.

Presiding Inspector: I would like to have you disclose the point of that. Mr. Adams isn't a witness.

Mr. Gladstein: That may be true, your Honor.

Presiding Inspector: Are you anticipating that he may be a witness?

Mr. Gladstein: I don't know. The Government may call him.

Presiding Inspector: Well, is that what you are anticipating?

Mr. Gladstein: No. As a matter of fact, this is simply for the purpose of examination in order to bring out matters involving credibility. [1318]

(Testimony of Dawn Lovelace.)

Presiding Inspector: Well, I don't see how it affects her credibility as to what Mr. Adams did or did not say. You couldn't in any way contradict her on that. If you want it you may have it, but I don't see that it is material.

Mr. Gladstein: May I have the question?

Presiding Inspector: You may, yes. Read the question.

(The question referred to was read by the reporter.)

Presiding Inspector: That means what month in 1937 he said it was?

Mr. Gladstein: Yes.

A. No, I don't remember.

By Mr. Gladstein:

Q. Was the statement read to you, the statement of Mr. Adams read to you at that time?

A. It was shown to me.

Q. Well, you read it, did you?

A. Yes, briefly.

Q. What is that?

A. I read it briefly. I didn't study it or memorize it.

Q. Well, did you, as you were reading it, notice these errors?

A. I noticed the discrepancies, yes, the discrepancies.

Q. Did you remark upon them?

A. Yes, sir. [1319]

Q. Were there any other discrepancies, as you

(Testimony of Dawn Lovelace.)

call it, other than those you have mentioned which you remarked upon?

A. Yes, there were various discrepancies. I said that—I don't recall whether this was in the statement or in conversation—but he seemed to think that some woman was with him and Harry Bridges at the time they came to our apartment, which was definitely not true, and about the only thing in his statement that was true was that we had some sandwiches and coffee. I believe that was true.

Q. Well, you don't mean that you had sandwiches and coffee at the FBI offices?

A. No, I mean the night of——

Mr. Del Guercio: (Interposing) Counsel knows that the witness meant.

Presiding Inspector: That is perfectly clear.

By Mr. Gladstein:

Q. You meant at your house?

Presiding Inspector: That was perfectly clear.

By Mr. Gladstein:

Q. Do you remember when that was served?

A. No, I don't. Usually when we have visitors at our apartment we have a cup of coffee, if they desire it.

Presiding Inspector: We will take a short recess.

(Whereupon a short recess was taken.)

Mr. Gladstein: Ready, your Honor? [1320]

Presiding Inspector: Yes.

(Testimony of Dawn Lovelace.)

By Mr. Gladstein:

Q. Just a few more questions, Mrs. Lovelace.

Now, on the occasion which you and Mr. Adams were in the FBI office and you were reading his statement and remarking about those things which you claimed were wrong, did you claim that his statement was wrong with respect to whether, at the time Mr. Bridges was in your house, the discussion included conversation concerning the position of the Communist Party toward the problem being discussed?

The Witness: Will you read the question? What was that question again?

Presiding Inspector: Read it.

(The question referred to was read by the reporter.)

Mr. Del Guercio: I object to the question as being too vague, uncertain. I can't understand it.

Mr. Gladstein: I will ask the witness.

By Mr. Gladstein:

Q. Do you understand the question, Mrs. Lovelace? A. No, I don't believe I do.

Mr. Gladstein: I will reframe it.

Presiding Inspector: It is a little complicated.

Mr. Gladstein: I will reframe it.

By Mr. Gladstein:

Q. Let me call your attention now to this occasion when you were in the office of the FBI and Mr. Adams was there [1321] and, as you have

(Testimony of Dawn Lovelace.)

stated, you read through his statement and you commented on certain things in that statement of Mr. Adams which you said were wrong.

A. Yes, sir.

Q. Was one of those things in the statement this question of whether or not on the evening that Mr. Bridges was in your house a discussion took place concerning the Communist Party policy toward the problem then being discussed?

Presiding Inspector: Now, isn't that a double question? Aren't you asking first what was in the statement and second whether it was correct?

Mr. Gladstein: Well, then, I will divide it.

By Mr. Gladstein:

Q. First of all, was there anything in Mr. Adams' statement as to whether or not Communism, or the Communist Party policy was discussed?

Presiding Inspector: Now, you are asking for the contents of a writing which you evidently have before you.

Mr. Gladstein: We do not have. I don't have that. The only exhibit I have is the one that the Government introduced.

Presiding Inspector: Very well.

Mr. Gladstein: That is Mr. Lovelace's. [1322]

Presiding Inspector: Is it very material as to what was in the statement of another man?

Mr. Gladstein: Well, yes.

Presiding Inspector: How is that material?

Mr. Gladstein: Well in the first place——

(Testimony of Dawn Lovelace.)

Presiding Inspector: (Interposing) Another man who is not a witness, unless you want to introduce it as your evidence?

Mr. Gladstein: No; we don't have that statement, but let me say that it is apparent——

Presiding Inspector: (Interposing) I didn't think you wanted that.

Mr. Gladstein: It is apparent, your Honor, that a Mr. Adams made a statement concerning this same incident that was testified to by Mrs. Lovelace.

Presiding Inspector: Yes.

Mr. Gladstein: That this statement was made to the FBI.

Presiding Inspector: Yes.

Mr. Gladstein: This statement is, according to the present witness' testimony, inconsistent with her version of what took place on the night that Harry Bridges came to her house.

Presiding Inspector: Yes. Well, you brought this all up. This is original testimony, isn't it?

[1323]

Mr. Gladstein: Yes, but let me conclude, your Honor.

Presiding Inspector: Yes.

Mr. Gladstein: Now, the position, as we see it, is this: Either Mr. Adams will be produced by the FBI—that we do not know—I mean by the Government in this case. I don't know whether they intend to produce him or not but if they do produce him, then, it is obviously material for us,

(Testimony of Dawn Lovelace.)

through this witness, or in any way in the case, to bring out anything that has taken place raising questions concerning statements by a witness to be produced.

Presiding Inspector: I know, but we can't assume he is going to be produced here. They may not think he is a credible witness.

Mr. Gladstein: All right, either that, either they produce him, or if they do not produce him, then, the question arises as to the failure or refusal to present testimony available to them.

Presiding Inspector: Oh, no.

Mr. Gladstein: Approaching a question of suppression.

Presiding Inspector: Oh, no, not at all; not on a statement. The rule doesn't go that far. Why don't you produce it? He is just as open to you as he is to them.

Mr. Gladstein: Well, as a matter of fact, this question comes out now through this witness.

Presiding Inspector: I know, but you have brought it [1324] out.

Mr. Gladstein: Yes.

Presiding Inspector: It doesn't come out on any real cross examination. It is an original matter that you are bringing out, something about a statement of Mr. Adams.

Mr. Gladstein: What has come out, your Honor, is that the Federal Bureau of Investigation obtained——

Presiding Inspector: (Interposing) I know.

(Testimony of Dawn Lovelace.)

You don't have to repeat what has come out. I think I have listened to the testimony. But I think it is far removed from ordinary cross examination.

Mr. Gladstein: Well, I have only a few questions on this particular topic that I would like to conclude with. I think that they are certainly material on the basis that I mentioned.

Presiding Inspector: Well, I think that is not a proper basis, but I will let you have them. All right, go ahead.

Mr. Gladstein: You don't have to go back. I think I have in mind the question I was asking.

Presiding Inspector: Ask it over again. First ask what is in the statement.

Mr. Gladstein: That is right, the statement of Mr. Adams.

Presiding Inspector: If she can remember.

[1325]

By Mr. Gladstein:

Q. Do you recall whether there was in that statement anything with respect to whether Communism, or the Communist Party policy was discussed at your apartment on the evening when Mr. Bridges was there?

A. I believe there was a negative statement in regard to that. I believe there was a denial that the Communist Party, or Communist Party policy had been discussed.

Q. Now, do you recall whether in the statement——

(Testimony of Dawn Lovelace.)

Presiding Inspector: (Interposing) Now, wouldn't it have been proper for you to ask her directly if that was not a negative? Now, you have asked her something that was not the case, according to her testimony. Do you claim there was this statement, that that policy——

Mr. Gladstein: (Interposing) I haven't seen the statement, your Honor. I asked the question whether there was any.

Presiding Inspector: But you led her as though you knew what was in it.

Mr. Gladstein: Well, I am merely asking the witness whether there was mention made in the statement of Mr. Adams of this subject matter.

Presiding Inspector: Yes, but that wasn't as I understood it. It may be.

Mr. Gladstein: Well, would you read the question? [1326]

Presiding Inspector: Oh, it isn't necessary. She has already stated.

Mr. Gladstein: All right, your Honor. Well, let's see if I have this straight.

Presiding Inspector: She stated there was a negative statement to that effect.

Mr. Gladstein: That is, that there was a statement——

Presiding Inspector: (Interposing) I think we understand the answer.

By Mr. Gladstein:

Q. Was there also, or was there in the statement that Mr. Adams made any mention of the man-

(Testimony of Dawn Lovelace.)

ner in which James Murphy happened to come into your apartment that evening?

Presiding Inspector: If you can remember.

A. I don't remember. I don't recall that he mentioned James Murphy. The statement was very brief and inaccurate.

By Mr. Gladstein:

Q. Now, let's go back for just a moment to the time when Mr. Bridges was in your apartment. From the time that he came in until the time that he left finally did he leave your apartment at any time? A. No, I don't believe so.

Q. And when he left I think you said that he left with Mr. Starr, the man, the unknown man who came with him, [1327] and with Mr. Adams, is that correct?

A. I believe that is correct. It seems to me that somebody left earlier.

Q. Well, your husband didn't leave earlier, did he? I mean, your husband stayed in your apartment? Would that be correct?

A. Yes, my husband stayed in the apartment.

Q. Did Mr. Murphy leave earlier?

A. I was trying to recall. No, I believe it is correct that they left together.

Q. Did Mr. Murphy go up to his apartment earlier or at the same time?

A. Yes, about the same time. They left at the conclusion of the discussion.

Q. You mentioned on direct examination that for a period of time you have been on relief, Mrs.

(Testimony of Dawn Lovelace.)

Lovelace. Would you give me the dates, beginning when and ending when?

A. Oh, I believe around 1933, '32 or '33.

Q. In what city? A. Portland.

Q. And continuing until when?

A. Well, the work on WPA means certifications, certified WPA employment. When my husband went to the hospital two years ago I was employed on the Federal Theatre Project.

Q. Well, then, you were on straight relief in 1932 and [1328] 1933 and then on WPA after that?

A. No; WPA started in 1935.

Q. In 1935?

A. Yes, sir. My husband was drawing partial disability compensation as a disabled veteran.

Q. Yes. Is it correct, then, you were on relief from 1932 until 1935? A. Yes, I believe so.

Q. And then from 1935 you were on WPA, the Writers Project in Portland?

A. Either the Writers Project—part of the time the theatre project. Previous to my husband going to the hospital a little over two years ago I had been doing some volunteer publicity work for the theatre project.

Q. Could you approximate the time in 1935 when you first went on WPA?

A. It was late in 1935; I don't recall the exact time.

Q. How late in the year?

A. About November, I think.

Q. Now, how long all together did you work for The Voice of Action?

(Testimony of Dawn Lovelace.)

A. Well, as a party member, as a Communist Party member I worked from May until, oh, about August or September. In the meantime I had asked for a leave of absence from party activity, Communist Party activity, in order to do some private [1329] writing, but I kept up a less stringent relationship with The Voice of Action than I had before, gradually tapered off.

Q. Until what date? A. What is that?

Q. Until what date?

A. I believe Christmas 1935 was my last contribution to The Voice of Action. They asked me if I would write a short story for the Christmas issue.

Q. Your association with that paper began where?

A. Oh, it began in 1933, I believe in reporting on defense work.

Q. Did you ever receive remuneration for your work on that paper? A. Never.

Q. When did your work on WPA cease?

A. When did my work on WPA cease?

Q. Yes, your job? A. It has not ceased.

Q. Oh, it has continued since the time when it began in 1935? A. Yes, sir.

Q. This all has been in Portland?

A. Yes, it has.

Q. Was your husband employed at any time since 1935? [1330] A. Since 1935?

Q. Yes.

A. He was employed on the Oregon Writers

(Testimony of Dawn Lovelace.)

Project and on the Survey of Federal Archives. He was employed steadily until he went to the hospital, I believe it was in April, 1939.

Q. He was not in private employment during that period from 1935 on? A. No. [1331]

Presiding Inspector: Is there any explanation to make about the present work that you are doing, or the work you have done since 1935 in relation to WPA work?

The Witness: Yes. I think one of the defense counsel's questions was a little bit misleading, or confusing.

Presiding Inspector: Misleading or confusing to you?

The Witness: Yes. But I believe it has been clarified.

Presiding Inspector: It has been clarified?

The Witness: Yes, sir.

Mr. Gladstein: What was the question?

Presiding Inspector: She told me she thought there was some misunderstanding between you but she now says it has been clarified.

Mr. Gladstein: That is all.

Mr. Del Guercio: No more questions.

Presiding Inspector: I would like to ask one question. Is there any explanation in this Voice of Action as to the title of the newspaper. Does it say "Organ of Militant Labor" or anything of that kind?

The Witness: Yes, I believe it does. Also on the masthead is the phrase "Independent Labor

(Testimony of Dawn Lovelace.)

Paper," or something like that. I have forgotten just exactly what it is.

Presiding Inspector: Is the Communist Party mentioned?

The Witness: No, not on the masthead. It is, mentioned in the columns of the paper, however.

Presiding Inspector: Just as it might be mentioned in [1332] the columns of any other newspaper?

The Witness: No. As a matter of fact, the Voice of Action was sometimes used as an organ for the statements of the District Committee of the Communist Party.

Presiding Inspector: Over the signature of the District Committee?

The Witness: Yes; under the by-line of the District Organizer, Morris Rapport.

Mr. Del Guercio: May I ask a question or two?

Presiding Inspector: Yes.

Redirect Examination

By Mr. Del Guercio:

Q. I have here a copy of the Voice of Action, the Friday, May 24, 1935 issue; and on the top of which appears, "The Northwest's Only Working Class Paper." And there is stamped in ink "Workers Book Shop, 64 Alder Street." Is that a copy of the Voice of Action by which you were employed? A. Yes.

Q. What is this address, "Workers Book Shop, 64 Alder Street?"

(Testimony of Dawn Lovelace.)

A. That was then the location of a place where they sold and distributed various pamphlets, the Daily Worker, the Voice of Action, and Western Worker.

Presiding Inspector: That you have already spoken of?

The Witness: Yes. [1333]

By Mr. Del Guercio:

Q. Is that a Communist Party book shop?

A. The Communist Party controlled it; yes.

Mr. Del Guercio: I offer this copy of the Voice of Action in evidence.

Presiding Inspector: You don't offer it for anything contained in it?

Mr. Del Guercio: No, other than the stamp that is shown on here, "Workers' Book Shop, 64 Alder Street."

Presiding Inspector: I want to understand you. There is no article in it that you wish to have me consider?

Mr. Del Guercio: No; just the nature of the paper.

Presiding Inspector: Very well. We will receive it with that understanding. There is no objection to it?

Mr. Gladstein: No objection.

Presiding Inspector: I didn't want to have the whole matter put in evidence.

(The newspaper referred to was received in evidence and marked Government's Exhibit No. 217.)

(Testimony of Dawn Lovelace.)

Mr. Del Guercio: May I have a moment, your Honor?

Presiding Inspector: Yes.

By Mr. Del Guercio:

Q. Mrs. Lovelace, I show you another copy of the Voice of Action for April 19, 1935; and ask you if that is a copy of the Voice of Action paper at the time you were employed by them? [1334]

A. (Examining paper): Yes, it is.

Mr. Del Guercio: I offer this in evidence, if your Honor please, for a specific purpose. On page 4 of this paper appears a photograph of James Murphy, and an article apparently edited by him, reading: "Special news for the lumber workers, edited by James Murphy, Secretary, National Lumber Workers Union."

Presiding Inspector: There is no objection?

Mr. Gladstein: No objection.

Presiding Inspector: It may be received.

(The newspaper referred to was received in evidence and marked Government's Exhibit No. 218.)

Presiding Inspector: Is that all with this witness?

By Mr. Del Guercio:

Q. I might have the witness identify Mr. Murphy's picture which appears on the sheet. Is that the same Murphy who was in your apartment at the time Mr. Bridges was up there (examining picture)?

A. It is.

(Testimony of Dawn Lovelace.)

Mr. Del Guercio: That is all, if your Honor please. May the witness be excused?

Presiding Inspector: Yes. You may be excused.

Mr. Grossman: Just a moment, before the witness is excused.

I would like to say that this witness was put on today [1333] and we started our cross examination immediately. Obviously, we have had too little time to conduct any investigation at all in Portland, the place where this witness resides, and it would certainly be most difficult, and would be unreasonable to expect us, assuming we desire more cross examination, to have her brought back from Portland, which would involve a great deal of expense. So I would like to make what I think is a reasonable suggestion: That she be kept available, at least in the immediate vicinity, so it doesn't mean bringing her back from Portland, until Monday morning, which isn't a long time, and in case we have any cross examination—any further cross examination, we will agree to be prepared by Monday morning for that, or to notify her the first thing Monday morning if we will not wish her any further. The only thing we can do is to ask; otherwise we will have to pay the expense of bringing her back from Portland.

Presiding Inspector: Any objection?

Mr. Del Guercio: That is not only unreasonable, but is unfair. Bearing in mind that these witnesses have a livelihood to make, and they have

(Testimony of Dawn Lovelace.)

appeared here, and they have been inconvenienced by being required to appear here, certainly they should be permitted to go home as soon as their testimony is over and not be kept here any unreasonable length of time.

We have produced a witness here, and her testimony has been given, and she has been cross examined extensively and [1336] exhaustively. Now, certainly if they want her again at any other time they should subpoena her, at their expense, and pay for her transportation, and pay her, as the rules provide, for any loss of employment, etc.

She has testified on the stand that she has a child to take care of.

Presiding Inspector: Has she the child with her?

Mr. Del Guercio: I don't think she has; no.

Presiding Inspector: It is entirely uncertain whether you will want her.

Mr. Grossman: That is true.

Presiding Inspector: I think the likelihood is that you won't.

Mr. Grossman: I cannot say.

Presiding Inspector: Of course you can't.

Mr. Grossman: I cannot say since we have had no opportunity to investigate.

Presiding Inspector: You must have known about that.

Mr. Del Guercio: What is all this (indicating card file boxes on defense counsel table) in front of you, if they have had no time to investigate?

(Testimony of Dawn Lovelace.)

Presiding Inspector: I don't know. I was just beginning to wonder about that.

Mr. Del Guercio: It is practicing deceit.

Mr. Grossman: We are willing to state those occasions [1337] where we are generally or specifically prepared on particular witnesses and when we are not. I will give you my word as a counselor of this Court that we were not generally prepared or specifically prepared for this witness. If we had been we would not state that we were not; but we weren't and, therefore we had no opportunity to prepare at all, and we are being asked to meet what would probably be a very large expense to bring her back even for the smallest amount of additional cross examination.

Presiding Inspector: Hold her a few minutes and we will see.

(Witness temporarily excused.)

Presiding Inspector: Call your next witness.

Mr. Del Guercio: Will you take the stand, please? (Indicating.)

Presiding Inspector: Raise your right hand.

GEORGE B. VAN SYCKLE

called as a witness on behalf of the Government, having been first duly sworn, testified as follows:

Direct Examination

By Mr. Del Guercio:

Q. What is your name?

(Testimony of George B. Van Syckle.)

A. George B. Van Syckle——V-a-n S-y-c-k-l-e.

Q. Where do you reside, Mr. Van Syckle?

A. Berkeley. [1338]

Q. What is your occupation?

A. Adjuster.

Q. You are employed by whom?

A. The Pacific Gas and Electric Company.

Q. You are under subpoena to produce certain records of that company. Did you bring them?

A. I did.

Q. Do you have them with you?

A. I have.

Q. May I have them?

A. (Producing records.)

Q. How long have you been employed by the Pacific Gas and Electric Company?

A. By the Pacific Gas and Electric Company and its predecessor companies, twenty-nine years and three months.

Q. And were you so employed there during the year 1933?

A. In my present occupation as adjuster; yes.

Q. You have handed me an application for service dated San Francisco, California, 8/15/33, signature of applicant, Walter Lambert, tenant, for service at 3470-19th Street; name of applicant, Walter Lambert; occupied as halls; collection address, same; date service wanted 8/16/33; salesman, Ray J. Schinkel.

On the reverse side under "Occupation"—does

(Testimony of George B. Van Syckle.)

that mean [1339] the occupation of the applicant for service? A. Right.

Q. There is shown "Manager"; firm, Workers Ex-Service Men's League; business address, 3470-19th Street; if account guaranteed, name and address of guarantor, Marie Kirk, 264 Peninsula.

And a second application for service dated 8/12/33, made by Walter R. Lambert; location, 3470-19th Street; name of applicant Walter R. Lambert; occupied as assembly rooms; collection address, same; date service wanted, 8/14/33.

On the back of this card appears this information:

"Occupation, not employed."

That is the occupation of the applicant?

A. That is right.

Q. "If account guaranteed, name and address of guarantor, Marie Kirk, 264 Peninsula Avenue."

Did you take these applications, Mr. Van Syckle?

A. I did not take them personally. They were prepared under my direction.

Q. Prepared under your direction?

A. Yes; and I verified the originals.

Mr. Del Guercio: I offer these two applications in evidence, if your Honor please, as Government's Exhibit next in order.

Mr. Gladstein: I don't know whether an appropriate [1340] foundation has been laid because we didn't hear the answers to the last two questions.

Presiding Inspector: He said that he didn't take

(Testimony of George B. Van Syckle.)

these personally, but he verified them, and that they were taken under his direction.

By Mr. Del Guercio:

Q. Were they verified at the time they were taken, or within a short time thereafter?

A. I verified them today.

Q. You are the custodian of these records?

A. I am.

Mr. Del Guercio: I think a proper foundation has been laid for the introduction of the documents.

Presiding Inspector: Do you want to ask any questions before they are received?

Mr. Grossman: Just a moment.

Presiding Inspector: We will receive them.

(The applications for service were received in evidence and marked Government's Exhibit No. 219.)

Mr. Del Guercio: May we be permitted to photostat these records and substitute copies for the originals, both front and back?

Presiding Inspector: Yes.

By Mr. Del Guercio:

Q. Can you tell from your records for how long a period the applicant for service here, Walter Lambert, actually got [1341] service at that address? A. I can.

Q. Will you tell us, please?

A. On the hall lighting, from August 17, 1933 to March 16, 1934.

(Testimony of George B. Van Syckle.)

On the assembly rooms, from August 15, 1933 to March 16, 1934.

Q. And were the bills for the service regularly paid? A. They were.

Q. And do your records show by whom they were paid? A. They do not.

Q. Does your record show to whom the bills were rendered? A. They do.

Q. And to whom were they rendered?

A. Walter Lambert.

Q. At what address?

A. 3470-19th Street, San Francisco.

Q. For the entire period of time that you have testified to?

A. For the entire period of time.

Mr. Del Guercio: You may cross examine.

Mr. Gladstein: We have no questions.

Presiding Inspector: That is all.

(Witness excused.) [1342]

Presiding Inspector: Next witness.

Mr. Del Guercio: We have no other witness today.

Presiding Inspector: I think you had better keep the other witness, Mrs. Lovelace, until Monday.

We will now take a recess until Monday morning at ten o'clock.

(Whereupon, at 4:00 P.M., an adjournment was taken to Monday, April 21, 1941, at 10:00 A.M.) [1343]

Court Room 276,
Federal Building,
San Francisco, California,

April 21, 1941.

Met, pursuant to adjournment, at 10:00 A.M.

[1344]

PROCEEDINGS

Presiding Inspector: You may proceed.

Mr. Del Guercio: If your Honor please, we have Mrs. Lovelace here.

Presiding Inspector: Do you want to cross examine Mrs. Lovelace further?

Mr. Gladstein: Yes, your Honor.

Presiding Inspector: Go ahead.

DAWN LOVELACE

called as a witness on behalf of the Government, having been previously duly sworn, testified further as follows:

Cross Examination
(Resumed)

By Mr. Gladstein:

Q. Mrs. Lovelace, are you acquainted with Captain Keegan of the Portland Police Department?

A. Yes; I know Captain Keegan.

Q. How long have you known him?

A. Oh, I believe I met him last Armistice Day.

Q. Of last year? A. Yes.

(Testimony of Dawn Lovelace.)

Q. Was your husband present at the same time?

A. I believe so. It was in the course of an Armistice Day parade.

Q. Do you know whether your husband knew Captain Keegan prior to that time? [1345]

A. Yes; through his membership in the American Legion Post.

Q. Since that date has there been any social relationship between yourself, your husband and Captain Keegan?

Mr. Del Guercio: Well, if your Honor please, I object to the question.

Presiding Inspector: I will allow it. I don't know where it is leading.

A. Casually; yes, in the course of the American Legion activities.

By Mr. Gladstein:

Q. By that do you mean to imply that you visited his home or that he visited your home?

A. No, I do not.

Q. Have you ever made any reports to Captain Keegan? A. No, I have not.

Q. Have you ever supplied any information to him? A. No more than——

Mr. Del Guercio (Interposing): If your Honor please, "any information" supplied any individual——

Presiding Inspector (Interposing): You mean in relation to the Communist Party or Mr.——

Mr. Gladstein: No. I will make it more definite, your Honor.

(Testimony of Dawn Lovelace.)

Presiding Inspector: Very well. [1346]

By Mr. Gladstein:

Q. Have you ever supplied any information to him with respect to union activities of any kind?

A. I have not.

Mr. Del Guercio: I object to that.

Presiding Inspector: She has answered.

By Mr. Gladstein:

Q. To your knowledge did your husband make any reports or supply Captain Keegan with any information concerning labor or union activities?

A. I don't believe so——

Mr. Del Guercio (Interrupting): Just a moment!

A. (Continuing): ——but I have no way of knowing.

By Mr. Gladstein:

Q. Now, if I were to ask the same questions that I have just asked you, the last three or four, and substitute the expression "Communist activities" for the expression "labor or trade union activities" would your answers to all the questions have been the same?

A. I would like to qualify that.

Q. You may.

A. In the few instances in which I have talked with Captain Keegan casually, we have discussed the various social problems which confronted everybody in every community. Whether or not that

(Testimony of Dawn Lovelace.)

would be—could be construed as supplying [1347] information, it would be a matter of construction. There certainly has been no such relationship.

Q. No such relationship as what?

A. As an informant. And I believe Captain Keegan has enough respect for me that he wouldn't place me in such a position.

Q. Do you know Officer Brown of the Portland Police Department? A. I do.

Q. How long have you known him?

A. For about the same length of time.

Q. Did your husband to your knowledge know Officer Brown prior to the time when you became acquainted with him?

A. Yes. I believe they had known each other for years. I believe they were in the same company overseas.

Q. If I were to ask you the same questions with respect to Officer Brown and I have heretofore asked you concerning Captain Keegan——

Mr. Del Guercio (Interposing): Well, if your Honor please, I object to the form of the question. Is he going to ask her?

Mr. Gladstein: I will if Counsel insists. I was simply trying to save time.

Presiding Inspector: I will allow it, in that form for the sake of expedition.

By Mr. Gladstein: [1348]

Q. Can your think of any question to which your answer would have been different in a sub-

(Testimony of Dawn Lovelace.)

stantial way, Mrs. Lovelace, if I were to ask you concerning Captain Brown, or Officer Brown, the same questions I asked you this morning concerning Captain Keegan?

A. I would answer in the same manner with the same qualifications.

Q. Are you acquainted with Officer O'Dale?

A. Very casually.

Q. And to your knowledge was your husband acquainted with him?

A. He was also acquainted with him casually, I believe.

Q. If I were to ask the same questions with respect to Officer O'Dale that I have heretofore asked you concerning Captain Keegan would your answers be the same?

A. They would be substantially the same with the same qualifications.

Presiding Inspector: Of course, you are probably bound by these answers.

Mr. Gladstein: I beg your pardon?

Presiding Inspector: You are probably bound by these answers. I don't say that positively, but probably.

By Mr. Gladstein:

Q. I think O'Dale is spelled——do you know how to spell it?

A. I believe it is O-D-a-l-e. Whether or not there is [1349] an apostrophe in the name, I don't know.

(Testimony of Dawn Lovelace.)

Q. Do you know a man named Lieutenant Mumpower?

A. I know him casually, too. I believe I met him—talked to him once, unless perhaps he spoke to me at my husband's funeral. [1350]

Q. He is also with the Portland Police Department? A. Yes, I believe so.

Q. All the men whose names we have mentioned this morning are of that department?

A. I believe so.

Mr. Del Guercio: How do you spell the last one?

By Mr. Gladstein:

Q. How do you spell it?

A. M-u-m-p-o-w-e-r—just like it sounds.

Mr. Gladstein: I think that is correct.

The Witness: I wouldn't be sure.

By Mr. Gladstein:

Q. If I were to ask you the same questions with respect to yourself, and with respect to your husband, in reference to Lieutenant Mumpower that I have heretofore asked you concerning Captain Keegan, would your answers be substantially the same, and with the same qualifications?

A. There would be no qualifications whatsoever. I have had one casual conversation in the course of an introduction with Mumpower—whatever he is.

Q. Do you know Mario Bacon?

A. I know who he is. I have seen him once. The circumstances under which I saw him was the

(Testimony of Dawn Lovelace.)

occasion when he came to our home to arrest my husband.

Q. Are you in a position to say whether your husband [1351] sustained toward Mr. Bacon a relationship similar to that which you have described him to have sustained toward Captain Keegan and the others mentioned this morning?

A. I know nothing about any relationship with Bacon. In fact, I would like to make it clear right now that I am not speaking for my husband and his relationship with people during the past year of his life.

Q. Are you acquainted with Mr. Raphael Bonham?

A. I never met Mr. Bonham.

Q. Are you acquainted with Mr. Norene?

A. I have never met Mr. Norene.

Q. Do you know who those gentlemen are?

A. I know they are connected with the Immigration Service.

Q. Do you know Major Laurence Milner?

A. Yes, I have known him for years.

Q. During the past two years what, if anything, has your relationship——when I say "your" I mean by it yours and your husband's, been toward Major Milner in a general way?

Mr. Del Guercio: I object to the question. Major Milner is not involved here.

Presiding Inspector: I will take it. I don't know what it is all about, but I will take it.

A. I haven't anything to conceal.

Mr. Gladstein: What? [1352]

(Testimony of Dawn Lovelace.)

Presiding Inspector: She says she hasn't anything to conceal. Go ahead.

A. Major Milner is also a member of the Portland Post, No. 1, of the American Legion, and during the past two years our relationship has varied. I believe a two-year period covers it. In fact, there has been considerable of a variety of relationship between us during our association.

By Mr. Gladstein:

Q. Within the past two years you have said that your relationship varied. Would you indicate a little more specifically what you meant by that?

A. Prior to my husband's repudiation of the Communist Party there was considerable strain and antagonism, I believe, between Major Milner and my husband and myself. After my husband's repudiation of the Communist Party, particularly after the Communist Party took the position which it did relative to the Moscow-Berlin non-aggression pact relative to the Finnish situation, relative to various other issues, my husband joined the American Legion, Post No. 1, Portland. He was invited to join.

After that Major Milner on occasion drove my husband home from the Post meetings. Occasionally he would drop in after he drove him home.

Since my husband's illness and death Major Milner and his wife have both been very kind and very loyal. [1353]

Q. During the past two years in which there existed this relationship that you have just de-

(Testimony of Dawn Lovelace.)

scribed, Mrs. Lovelace, with Major Milner, can you state whether or not your husband gave information of any kind to Major Milner concerning Union activities?

Mr. Del Guercio: I object to the question—Union activities.

Presiding Inspector: If she knows. She can say "yes" or "no" if she knows.

A. No. My husband did not. In fact, Major Milner never suggested that he was seeking information relative to Union activities. In fact, it is my belief that Major Milner is not interested at the present time in Union or Communist or any other activities.

By Mr. Gladstein:

Q. Would you say that the two of them did not discuss either Union activities or what we shall term Communist activities during the past two years to your knowledge?

Mr. Del Guercio: I object to the question. The witness has already answered the question.

Presiding Inspector: I will allow it. I will hear it.

A. To say that we have not discussed such matters would be stupid.

By Mr. Gladstein:

Q. You mean by that that you discussed——

[1354]

A. (Interposing): Communist activities, the position of the Unions relative to defense activi-

(Testimony of Dawn Lovelace.)

ties in a general way, just as the information which one reads in the newspapers, and which is a part of the life of every American.

Q. You mean your discussions have only been—— A. (Interposing): General.

Q. In a general way?

A. Yes; casual, the same as one discusses it with one's barber.

Q. What is the last time that your husband was a Union member?

A. I believe when he resigned from the Workers Alliance, if that could be called a Union.

Q. Would you date that, please?

A. It was about two years ago when he went to the hospital, when he had to resign from the Project because of going to the hospital; two years ago about now, I believe it was.

Q. And have you been a Union member?

A. Yes. I was a member of the Workers Alliance. I believe I paid one month's dues.

Q. Any other organization?

A. I have been a member of the American Newspaper Guild.

Q. During what period? [1355]

A. During, and for a brief time, for a short time, after my activities with the Voice of Action I was instructed to join the American Newspaper Guild by Lowell Wakefield, and other Communists under whose direction I worked.

Q. Would you date that, please?

(Testimony of Dawn Lovelace.)

A. I don't know as I could recall the exact date. I believe it was in the Fall of 1935.

Q. For how long did you remain a member?

A. Seven or eight months; I believe my book had dues stamps for seven or eight months.

Q. Thereafter——

A. (Interposing): I simply dropped out. It was pointless for me to belong; and, furthermore, I thought it was injurious to the Union for people of my record to continue, particularly, a pointless affiliation with what could otherwise be a splendid Union.

Q. I asked you a few moments ago whether you knew Mr. Bonham or Mr. Norene, and you have already stated you did not. I did not ask you, but I would like to do so now, whether to your knowledge your husband was acquainted with Mr. Bonham?

A. I don't believe he was. I have never heard him mention Mr. Bonham except as a newspaper personality. [1356]

Q. How about Mr. Norene?

A. I don't believe he knew Mr. Norene either. I am quite sure that he knew neither.

Q. Last Friday, Mrs. Lovelace, the name of Frank Foss was mentioned. Do you recall in what connection?

A. Yes, it was mentioned in connection with a very pointless and meaningless, casual coffee shop, oh, encounter.

Q. Your husband knew Mr. Foss, of course?

(Testimony of Dawn Lovelace.)

A. Yes. He knew him in relationship with democratic activities in the democratic party.

Q. Would you say that he knew him well?

A. I don't know what you mean by "well". No, we weren't socially close or socially related.

Q. Was the relation between them friendly?

A. Yes, certainly.

Q. How about the relationship at the present time; that is to say, are you and Mr. Foss friendly?

A. Casually. Since my husband's death Mr. Foss has dropped over to the apartment once, which was perfectly natural under the circumstances.

Q. Are you acquainted with John L. Leach?

A. Not at all. I have read his name in the newspapers but that's all.

Q. Do you know whether your husband was acquainted with him?

A. I'm quite sure he wasn't. [1357]

Mr. Gladstein: I think that is all, your Honor.

Presiding Inspector: That is all. You don't want to ask for anything?

Mr. Del Guercio: Just one question, if your Honor please.

Redirect Examination

By Mr. Del Guercio:

Q. Mr. Gladstein here had asked you regarding your relations with Captain Keegan, Brown, O'Dale and Lieutenant Mumpower,—is that the name?

A. Mumpower, I believe it is.

(Testimony of Dawn Lovelace.)

Q. And Bacon. Did any of these gentlemen contact you recently here regarding your testimony that you would give on the stand?

A. Certainly not.

Q. I mean the officers that I named?

A. No, they have not. And I would——

Q. (Interposing) In any event——

Presiding Inspector: (Interposing) Wait a minute! The witness wants to say something.

A. (Continuing) If it wouldn't be injecting something, I would like to make it clear right now that the only instructions or suggestions that I have received relative to my testimony has come from the Federal Bureau of Investigation Officers and the gentleman who served the subpoena, and the instructions [1358] were only to tell the truth.

Presiding Inspector: Well, that was what you testified to to some extent on Friday?

The Witness: I believe so. And I wanted to emphasize it.

Q. You made a remark here in reply to one of Counsel's questions regarding the Workers Alliance, as to whether or not you consider that a union. Do you consider the Workers Alliance a union? A. A union?

Q. Yes.

A. No, I do not. I don't consider it a union because I believe that its union status has been purely formal and rather fictional.

Q. The Workers Alliance is affiliated with the Communist Party, is it not?

(Testimony of Dawn Lovelace.)

A. No, it is one of the—"affiliated" is hardly the word. I believe it is a very flimsy front organization.

Mr. Del Guercio: That is all.

Mr. Gladstein: No questions.

Presiding Inspector: That is all.

Mr. Del Guercio: May the witness be excused, your Honor?

Presiding Inspector: Yes, you are excused.

(Witness excused.)

Mr. Del Guercio: If your Honor please, I don't know [1359] whether I could make this remark or not, but we have held this witness over the weekend here for what appears to me a useless purpose.

Presiding Inspector: Of course, I can't say about that, and I don't know that it makes any difference. I held the witness. I will take full responsibility.

Mr. Del Guercio: We are calling the next witness.

NAT HONIG

called as a witness for the Government, having been first duly sworn, testified as follows:

Direct Examination

By Mr. Del Guercio:

Q. Will you state your name, please?

A. Yes. Nat Honig; N-a-t H-o-n-i-g.

Q. And where do you reside?

(Testimony of Nat Honig.)

A. Seattle, Washington.

Q. What is your present employment?

A. I am a newspaper man at the Post-Intelligencer, Seattle.

Q. Are you employed full time?

A. Part time.

Q. What do you do? A. Copy reader.

Q. Copy reader. How long have you been employed in that capacity? [1360]

A. For the past three years.

Q. Have you ever been a member of any labor organization?

A. I am a member of the American Newspaper Guild and I have been since 1936.

Q. Have you ever been a member of the Communist Party? A. Yes.

Q. When did you join the Communist Party?

A. In November, 1927.

Q. And under what name?

A. Under my name; Nat Honig.

Q. And how long did you remain a member of the Communist Party?

A. Until November, 1939.

Q. And what happened then?

A. I left the Communist Party.

Q. And you joined the Communist Party in New York. Did you remain there for any length of time thereafter?

A. Yes. I joined in 1927 and remained in the Communist Party in New York until May 1, 1934.

Q. Then where did you go?

(Testimony of Nat Honig.)

A. Then I went to the Soviet Union.

Q. Who sent you to the Soviet Union?

A. The Communist Party.

Q. In what capacity?

A. Originally I was sent there as what they call a [1361] "Referant" to work in the Red International of Labor Unions. The duties of a Referant were to collect data, to furnish data to the Red International of Labor Unions on the American Trade Union movement.

Q. Trade Union movement? In the American Trade Union movement? A. Yes.

Q. And who paid your expenses?

A. The Communist Party of the United States.

Q. Who in the Communist Party gave you instructions to proceed to the Soviet Union?

A. What is that?

Q. Who in the Communist Party gave you instructions to proceed to the Soviet Union?

A. Well, it was a decision of the Central Committee of the Communist Party and actually the instructions came from Earl Browder.

Q. And how long did you remain in the Soviet Union as such?

A. Well, I arrived there approximately June 1, 1934 and remained—left there September 1, 1935.

Q. During the time that you were in Moscow did you continue your duties as a Referant?

A. I did for about three or four months and then I [1362] became the representative—the offi-

(Testimony of Nat Honig.)

cial representative of the American Communist Party to the Red International of Labor Unions.

Q. Who made you the official representative of the Communist Party of the United States?

A. The Central Committee of the Communist Party of the United States.

Q. And it was communicated to you in what manner?

A. It was communicated to the officials of the Red International of Labor Unions and they, in turn, informed me.

Q. And as such what did you do?

A. As such it was my task there to assist in formulating policies to be carried out by the Communist Party of the United States in its trade union work and to meet with representatives from other Communist Parties from other countries both in the Communist International and in the Red International of Labor Unions; exchange experiences of the various trade union movements so that, for instance, say, from the experiences of the German trade union—the Party in the trade unions in Germany, we could get information on how to do our work in the American Communist Party.

Q. How was this done; that is, did you attend meetings?

A. Yes; mainly by attending meetings.

Q. Now, what kind of meetings were they and who were [1363] in attendance?

A. They were meetings of, of course, first, the

(Testimony of Nat Honig.)

officials of the Red International of Labor Unions, representatives of the Communist Party, International itself and the different representatives of the various Communist Parties from different countries.

Q. Now; you speak of the "Red International of Labor Unions". What is that?

A. The Red International of Labor Unions—I don't believe it exists now, but at that time it was the world center for coordinating the work of the various Communist Parties in the trade union field. It was located in Moscow.

Q. And wha was its relation or connection, if any, with the Communist International?

A. It was a section of the Communist International.

Q. Well, was it controlled and dominated by the Communist International?

A. It was controlled by it, because whatever decisions were arrived at in the Red International of Labor Unions—that is, major decisions, decisions of importance—had to be O.K.'d by the Communist International.

Q. Where did you attend these meetings?

A. Well, some of them, of course, were in the headquarters of the Red International of Labor Unions. The address of that in Moscow was in a building called the "Palace of Labor", and others were held in the Comintern Building itself. [1364]

Q. Where was that?

(Testimony of Nat Honig.)

A. That was located on a street called Mokhavaia.

Q. How do you spell it?

A. M-o-k-h-a-v-a-i-a.

Q. How often would you attend these meetings at Moscow?

A. Well, the Red International of Labor Union meetings were held at least once a week. It was a regular practice to hold them at least once a week. Then when anything special came up, say, of an emergency nature in regard to a particularly important situation in the United States, they would be held more often. Meetings with the Communist International of we who were representatives of the R. I. L. U.—I will use those initials for "Red International of Labor Unions"—these meetings were held usually about twice a month.

Q. And you say that you remained in Moscow for how long a period?

A. Well, it was from June 1, 1934 to September 1, 1935. I guess that's about 15 or 16 months.

Q. And then you returned to the United States?

A. Yes.

Q. What did you do upon your return to the United States?

A. Well, for a short time I worked in the District apparatus of the Communist Party in New York City. That's just while waiting for my next actual assignment. Then I was sent to work on the Western Worker in San Francisco here, which was

(Testimony of Nat Honig.)

[1365] the official organ of the Communist Party for the Pacific Coast.

Q. Had you ever been on the staff of the Daily Worker in New York?

A. Yes, before—shortly after I joined the Communist Party in 1927 I assisted on the Daily Worker. I did reportorial work, make-up work, and various other duties.

Q. And then you say you came to the West Coast in connection with your work on the Western Worker?

A. Yes. I came specifically to work on the Western Worker.

Q. And what position did you hold on that paper?

A. When I first came I was Labor Editor, which means being in charge of all trade union news, all industrial news and so forth. Somewhat later I was made Managing Editor.

Q. Managing Editor of the Western Worker?

A. Of the Western Worker.

Q. And where was that paper published at that time?

A. At 121 Haight Street, San Francisco.

Q. And do you know whether that place was the headquarters of the Communist Party at that time? A. It was.

Q. It was? A. Yes. [1366]

Q. I believe you testified that the Western Worker was the western organ of the Communist Party?

A. For the Pacific Coast, yes, sir.

(Testimony of Nat Honig.)

Q. Was it owned and controlled by the Communist Party?

A. It was. I don't know actually what the—I forget now officially what the name is that was used for the publishing company, that was on the masthead, but actually it was an organ of the Communist Party.

Q. Did you write any pamphlets or books for the Communist Party?

A. Yes. I wrote three of them—two of them and then I assisted in writing a third one.

Q. You say you wrote three of them?

A. I wrote two and then I collaborated in writing a third.

Q. With whom did you collaborate?

A. With William Z. Foster.

Q. Who is he?

A. At the time I wrote the pamphlet he was the national secretary of the Trade Union Unity League, and a member of the Central Committee and the Political Bureau of the Communist Party.

Q. What was the first book you wrote?

A. I wrote two of them simultaneously and one was called "The Trade Union Unity League, Its Program, Policy and [1367] Structure"—words to that effect.

The other was called the "Trade Unions Under the NRA."

That might not be the exact title, but that was what it was in essence.

Q. Were you instructed to write these books?

(Testimony of Nat Honig.)

A. Yes, I was.

Q. By whom?

A. By the Central Committee of the Communist Party.

Presiding Inspector: In this country?

The Witness: In the USA; yes.

By Mr. Del Guercio:

Q. Where were you when your wrote these?

A. In New York City.

Q. When?

A. I think it was in 1934; a few months, I believe, before I left for the Soviet Union. Perhaps it was late in 1933.

Q. And before the books were published were they edited by anyone? A. Yes, they were.

Q. By whom?

A. They were edited by Mr. Foster for one, and then they were edited by a member of the Central Committee of the Communist Party, USA. I can't tell you exactly which member it was because it was the policy for any publication sponsored by the Party to be edited by some member of the Communist Party, and [1368] the author didn't particularly have to know which one edited it.

Q. Who published your book?

A. The Workers Library Publishers published both of these that I wrote.

Q. Did you submit them to the publishing house or to the Communist Party?

(Testimony of Nat Honig.)

A. I submitted them to the Central Committee of the Communist Party.

Q. How about the third book?

A. The third book was called "Industrial Unionism." That was published in, I believe, January, 1935, or very early in 1935, by the same concern. It was written in collaboration with Foster.

Presiding Inspector: Where were you at that time?

The Witness: In New York.

Presiding Inspector: I don't remember the date. Was this before or after you had been in Moscow?

The Witness. This third book was after I had returned home.

By Mr. Del Guercio:

Q. I will show you a book called "The Trade Union Unity League, affiliated to R.I.L.U., its Program, Structure, Methods and History," published by the Trade Union Unity League, 2 West 15th Street, New York, and ask you if you can identify that [1369] book?

A. (Examining book) Yes, I can identify it.

Q. Is that the book you wrote?

A. No, this was an earlier book. The one I wrote had the same title. It is mentioned in Foster's autobiography as being written by myself and Foster.

But this book was considered out of date and it was considered necessary by the Central Committee of the Party to write a new one, bring the program

(Testimony of Nat Honig.)

and policies of the Trade Union Unity League up to date.

This new one was the one that I wrote.

Q. Is that why you wrote a new book because of—withdraw that. Are you familiar with this?

A. Yes, I am familiar with this because I used it, as a matter of fact, for a lot of source material for the one I wrote.

Q. Would you say you used that information as authority on some matters?

A. Very much so, on very many matters.

Mr. Del Guercio: I offer this book in evidence, if your Honor please.

Presiding Inspector: It may be received.

(The booklet referred to was received in evidence and marked Government's Exhibit No. 220.)

By Mr. Del Guercio: [1370]

Q. Was this book published and distributed by the Communist Party?

A. This book was—I think this was published before my time. I am not sure; it is quite an old book. I don't remember just who it is published by.

Q. It says that it is published by the Trade Union Unity League.

A. Yes. This book was published by the Trade Union Unity League, 2 West 15th Street, itself, and not by the Communist controlled Workers Library Publishers, Inc.

(Testimony of Nat Honig.)

Q. Was the Trade Union Unity League controlled by the Communist Party?

A. Yes; completely.

Q. Could a writer publish any book without getting the consent of the Communist Party?

A. I can only state as to that, during the time that I was associated with the Trade Union Unity League as editor of "Labor Unity," no pamphlet or book could be published by the Trade Union Unity League until it was O. K.'d and edited by the Communist Party.

This particular book, I think, was published before I became editor of Labor Unity.

Q. Do you know about when it was published?

A. I think that was published, perhaps, in 1930; I wouldn't say definitely, though. [1371].

Q. Do you know when the Trade Union Unity League came into existence?

A. Yes; in 1929.

Q. And as a result of what, if you know?

A. Well, in the first place it was officially organized at a convention in Cleveland and the month, I think, was September or October—I wouldn't swear which—in 1929.

Do you want to know as to what purpose was behind this organization?

Q. Yes. Who called it and——

A. (Interposing) Oh yes. The decision to have that convention in the form of the Trade Union Unity League was made by the Central Committee of the Communist Party, at the suggestion of the

(Testimony of Nat Honig.)

Red International of Labor Unions, in Moscow, and the Communist Party, Central Committee, then informed the Executive Committee of the Trade Union Educational League, which was the predecessor of the Trade Union Unity League, that this convention in Cleveland was to be held for the purpose of forming a new trade union central organization, the Trade Union Unity League, or TUUL.

Q. Who attended this convention, if you know?

A. The convention was attended—I was not present at the convention and I can say who attended only from my knowledge as a member of the Daily Worker staff at the time, because I did handle labor news on the Daily Worker also. The [1372] convention was attended by the entire Executive Committee of the Trade Union Educational League, and among them were William Z. Foster, Jack Johnstone, William F. Dunn, and, I believe, Clarence Hathaway—I wouldn't say definitely as to that but I am pretty certain—and also Ben Gold, who was a leader of the Communist Party work in the Needle Trades Union.

Of course, in mentioning who attended this convention——

Q. (Interposing) I don't expect you to remember all of them.

A. You see, I am not talking as one who was present in mentioning them.

Q. The people that you have mentioned, they were what, so-called high functionaries in the Communist Party?

(Testimony of Nat Honig.)

A. The ones I mentioned, with the exception of Foster and Dunne, the others, and Johnstone, the others were officials or leaders in Trade Unions actually. Foster, Dunne, Hathaway, Johnstone, were officials in the Communist Party.

Q. And when you say "officials in the trade unions," do you mean that they were Communist Party member officials of trade unions?

A. They were officials in the trade unions who, at the same time, were members of the Communist Party, USA.

Mr. Del Guercio: I would like to read a few excerpts from this book here to show the nature of the trade unions.

Presiding Inspector: Very well. [1373]

Mr. Del Guercio: Reading at the bottom of page 28.

"Revolutionary Goal.

"The new unionism sets itself a revolutionary goal. It points out the disaster of the capitalists owning the industries and operating them for their own profit. It advocates that only by overthrow of the present system of capitalist ownership and exploitation and the establishment of a working class society in which production will be carried on, not for private profit, but for the social good, —can the workers improve their conditions and emancipate themselves. The American working class must follow the path beaten out by the Russian workers. Capitalism cannot furnish an improved standard of living for the workers. The

(Testimony of Nat Honig.)

workers have nothing to expect from capitalism but low wages, long hours, unemployment, speed-up, gradual worsening conditions, and war. They must aim at its overthrow.

"The capitalist system is doomed. It cannot overcome its own inherent contradictions. The disparity between the mounting capitalist production of commodities and the growing inability of the markets under capitalism to absorb them, makes eventually for the shut-down of industry, mass unemployment, sharper and sharper economic crises, greater and greater class struggles, devastating world wars, and the eventual mobilization of the working class for the revolutionary overthrow of the capitalist system."

And again on page 31: [1374]

"For the New Labor Union Center: The T.U.U.L.

"The national center of the revolutionary industrial movement in the United States is the Trade Union Unity League, organized in Cleveland, August 31st, 1929. The T.U.U.L. coordinates and binds all the revolutionary union forces into one united organization. It leads and directs the general struggle of the new union movement. It is the American section of the Red International of Labor Unions."

And again on page 35:

"Against Imperialist War and for Defense of the Soviet Union.

(Testimony of Nat Honig.)

"The Trade Union Unity League fights militantly against the impending capitalist war and for the defense of the Soviet Union. Its slogan is: 'Not a man, not a cent, not a gun for Imperialist War.' It seeks to mobilize the great masses of workers against war by organizing strikes, demonstrations, etc., in conjunction with all militant organizations fighting against war. In the event of an Imperialist War it will mobilize the workers to struggle against American imperialism and to transform this war into a class war against the capitalist system itself."

And at the bottom of page 45:

"The T.U.U.L. affiliates itself with the Red International of Labor Unions. It joins hands with the militant workers of the World for international trade union unity. Under the leadership of the R.I.L.U., it takes its place, shoulder to shoulder [1375] with the revolutionary workers in the Soviet Union, in China, in Europe, in all countries in the world proletarian struggle against imperialism."

By Mr. Del Guercio:

Q. Now, Mr. Honig, I will show you a pamphlet called "The Trade-Union Unity League Today, its Structure, Policy, Program and Growth," by Nathaniel Honig. Is that the book you wrote?

A. (Examining book) Yes.

Q. Under instructions of the Communist Party?

A. Yes.

Q. Was that published by the Communist Party?

A. That was published by the Workers Library

(Testimony of Nat Honig.)

Publishers, I believe, and that was the official publishing house of the Communist Party.

Q. Was this pamphlet distributed by the Communist Party?

A. It was distributed at Communist Party Units, in the Communist Party Fractions,—Fractions are Communist Party groups within the trade unions—and Communist Party book stores.

Q. Does this contain the accepted policies, doctrines and practices of the Community Party in connection with trade union matters?

A. Yes, it does. It was officially O.K.'d by the Central Committee of the Communist Party before it could be [1376] published.

Mr. Del Guercio: I offer this pamphlet in evidence, your Honor.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 221.)

Mr. Del Guercio: I would like to read several passages from this pamphlet, if your Honor please.

On page 12, at the bottom of page 12:

"The Trade Union Unity League fights militantly against the imperialist war plans, and pledges the utmost struggle in defense of the Soviet Union, the beacon-light for workers in all countries. It not only participates in demonstrative actions against imperialist war, but its policy is to build the anti-war base in the factories, especially in those industries which are war industries."

(Testimony of Nat Honig.)

Then further on page 13:

"The Trade Union Unity League is not a political organization. It leads the economic struggles of the workers. But it is based on the policy of class against class, and T.U.U.L. unions have come out in support of the revolutionary political class struggles led by the Communist Party, because this Party believes in the class struggle."

And again on page 14.

"The T.U.U.L. points out to the workers the disaster of [1377] the capitalists owning the industries and operating them for their own profits. It leads the workers for their economic demands; but points out to them that only by the overthrow of the capitalist system of exploitation of the workers and by the establishment of a system, where production will be carried on not for private profit but for the social good, will the American workers, and workers in all capitalist countries, completely and finally free themselves from low wages, unemployment, long hours, the speed-up, lowering of conditions in all ways, and war. In Germany and Austria the futility of trying to overthrow the system of exploitation of the workers merely through parliamentary means has been shown."

And again on the last page:

"The perspective of the Trade Union Unity League is for increasing strike struggles."

And then skipping a few lines:

"The rising movement for independent unions

(Testimony of Nat Honig.)

must receive the serious attention of the T.U.U.L.; a flexible policy must be adopted towards the building of these unions; the policy of unity with them is paramount. These policies will lead to a powerful revolutionary trade union movement." [1378]

By Mr. Del Guercio:

Q. Now, Mr. Honig, I will show you another book entitled "The Trade Unions Since the NRA", by "Nat Honig", and ask you if that is one of the books you wrote? A. Yes.

Q. And was this also distributed and circulated by the Communist Party?

A. Yes, it was. It was sold in the Communist Party book stores to the Communist Party units and so forth.

Mr. Del Guercio: I offer this in evidence as Government's Exhibit next in order.

Presiding Inspector: It will be received.

(The book referred to was received in evidence and marked Government's Exhibit No. 222.)

By Mr. Del Guercio:

Q. I will show you a pamphlet here called "The Little Red Library, No. 1, Trade Unions in America" by W. Z. Foster, J. P. Cannon and E. R. Browder, published by the Trade Union Educational League, by the Daily Worker Publishing Company, 1113 West Washington Boulevard, Chicago, and ask you if you can identify that booklet?

A. I can identify it. Although it was published before I became a member of the Communist Party,

(Testimony of Nat Honig.)

it continued to circulate for a few months after I was a member and then it was withdrawn because J. P. Cannon had been expelled from the [1379] Party for differences with the Party. He had been expelled, and, therefore, it was withdrawn.

Q. But you say it was circulated by the Communist Party and found its way into Party channels.

Q. And does it contain in its pages the practices, policies and aims of the Communist Party in connection with trade unions matters?

A. Up to the time it was circulated and during the time.

Mr. Del Guercio: I offer this in evidence as Government's Exhibit next in order.

Presiding Inspector: It may be received.

(The pamphlet referred to was received in evidence and marked Government's Exhibit No. 223.)

By Mr. Del Guercio:

Q. You testified that you were made Editor-in-Chief, I believe, of the Labor Unity Magazine?

A. Yes.

Q. Is this a copy of the Labor Unity Magazine?

A. Yes, that is.

Q. Do you recognize that particular issue?

A. Yes.

Q. On the back of the cover of this book appears this: "Voice of militant labor, labor unity, published monthly by the Trade Union Unity League, Wm. Z. Foster, Secretary". [1380]

(Testimony of Nat Honig.)

A. Yes sir, he was.

Q. Is that the William Z. Foster who was at the head of the Communist Party at one time?

A. He was National Chairman of the Communist Party, yes; not at that particular time. Later he was. He had other titles then.

Mr. Del Guercio: I offer this as Government's Exhibit next in order.

Presiding Inspector: It will be received.

(The magazine referred to was received in evidence and marked Government's Exhibit No. 224.)

Mr. Del Guercio: May we have a short recess?

Presiding Inspector: Yes, certainly.

(Whereupon a short recess was taken.)

Mr. Del Guercio: May I proceed?

Presiding Inspector: Go ahead.

By Mr. Del Guercio:

Q. Mr. Honig, I show you the May, 1934 issue of the Communist Magazine, and ask you if you are familiar with this particular issue?

A. Yes, I am.

Q. Do you know that this is the official magazine of the Communist Party?

A. It is the official theoretical organ of the Communist Party. [1381]

Q. Published monthly by the Communist Party of the United States? A. Yes.

Mr. Del Guercio: I will offer this in evidence, your Honor, as Government's Exhibit next in order.

(Testimony of Nat Honig.)

Presiding Inspector: It may be received.

(The magazine referred to was received in evidence and marked Government's Exhibit No. 225.)

Mr. Del Guercio: I want to read from the bottom of page 467 of this book:

"Tasks of the Party in the trade-union work.

"1(a) Mobilize the entire Party membership for revolutionary trade-union work; (b) for the carrying through of the program of concentration to root the Party in the most important factories, establish trade union organization, for the building of the oppositions in the first place in the most important industries, stimulate, develop and lead the struggle of the workers. Enroll every Party member eligible into the trade unions on the basis of a thorough enlightenment of the membership as to reasons for our emphasis on work in the factories and trade unions. This was fully explained in the Open Letter, which stated that unless the Party established its roots among the decisive sections of the industrial proletariat it cannot become a mass Communist Party. The discussion must be brought into every Party nucleus, into every trade-union [1382] fraction. The Party leadership must not only convince the Party as to the correctness and urgency of carrying through the Open Letter, but also help the membership to carry through the tasks. Every district, section, nucleus, and especially shop nucleus, must work out its plan of work on the basis of the policy of concentration, assign the most ex-

(Testimony of Nat Honig.)

perienced and developed comrades for leadership in the trade-union work. Steps are to be taken to build the trained trade-union fractions and assure their guidance through the Party Committee. The Central Committee, the District Committee and all leading Party Organizations must assume responsibilities for the carrying through of these tasks and the work in the trade unions which is the task of the entire Party. In raising before the Party work in factories and trade-unions as the central task, care must be taken to overcome the opportunist conception of trade-union work. Our trade-union work is not an end in itself—the trade unions are for the Communists a bridge to the masses. As part of our Communist work in the factories, the Party nuclei in the factories must receive the greatest attention from the leading committees. They must receive the greatest guidance and support in building the union in the shop, the shop committee, the publication of a Party factory paper, building the circulation of the Daily Worker, recruiting into the Party."

By Mr. Del Guercio: [1383]

Q. Is that the policy of the Communist Party regarding trade union work, what I have just read?

A. It was at that time.

Q. At that time, that it was just a bridge, not an end in itself; is that correct? A. Yes.

Q. And that is the policy of the Communist Party with relation to trade union matters as you understood it at that time?

(Testimony of Nat Honig.)

A. It was, yes. It was in all that period that I was a member of the Communist Party.

Q. And you were a member of the Communist Party from 1929——

A. (Interposing) '27.

Q. '27 to 1939? A. '39, yes.

Q. I will show you a pamphlet here called "The Platform of Struggle for Urgent Needs of Toilers, Election Platform of the Communist Party, New York State, 1934," issued by the Election Campaign Committee, Communist Party, New York State, 799 Broadway, N. Y. C., and ask you if you are familiar with this pamphlet?

A. Yes, I recognize it.

Q. Was that distributed and circulated by the Communist Party? [1384]

Mr. Del Guercio: I offer this in evidence, your Honor, as Government's Exhibit next in order.

Presiding Inspector: It will be received.

(The pamphlet referred to was received in evidence and marked Government's Exhibit No. 226.)

By Mr. Del Guercio:

Q. Distributed during the time you were a member of the Communist Party? A. Yes.

Q. And during the time it was published?

A. Yes.

Mr. Del Guercio: I want to read just one small paragraph here appearing on page 8 of this pamphlet:

(Testimony of Nat Honig.)

"The first acts of a revolutionary workers' Government would be to open up the warehouses and distribute among all the working people the enormous surplus of stores of food and clothing."

By Mr. Del Guercio:

Q. I will show you another issue of "The Communist" for May, 1938, and ask you if you are familiar with that particular issue?

A. Yes, I am.

Q. And this was published by the Communist Party of the United States? A. Yes. [1385]

Mr. Del Guercio: I offer this book in evidence, your Honor.

Presiding Inspector: It will be received without objection.

(The book referred to was received in evidence and marked Government's Exhibit No. 227.)

Mr. Del Guercio: I want to call the Court's attention, please, to what appears on the back of the cover of this magazine. Among other things, the following appears:

"Read more about Marxism and Leninism, in hundreds of books, pamphlets and magazines for sale at these book stores and literature distributing centers".

Below that appears, among other addresses, this: "San Francisco: 170 Golden Gate Avenue; 1609 O'Farrell Street; 121 Haight Street; 15 Embarcadero."

(Testimony of Nat Honig.)

By Mr. Del Guercio:

Q. I will show you two other booklets, Mr. Honig. One is entitled "15 Years of the Communist International", and the other "Organizational Problems of the Communist Party" by A. A. Zhdanov, the second one published by the Workers Library Publishers, and I will ask you if you are familiar with these two booklets?

A. Yes. This "15 Years of Communist International" has no publishing date, and I believe it was published in [1386] 1935; about that time anyway. The other one I am familiar with.

Q. Were both of these booklets circulated and distributed by the Communist Party?

A. Yes.

Q. During the time you were a member of it?

A. Yes.

Mr. Del Guercio: I offer them in evidence in order shown the witness.

Presiding Inspector: They will be received.

(The booklets referred to were received in evidence and marked Government's Exhibits Nos. 228 and 229.)

By Mr. Del Guercio:

Q. Mr. Honig, I will show you what purports to be a membership book in the Communist Party of the U. S. A., section of the Communist International, membership book No. 2799, in the name of one N. Miller signed by Alex Noral, signature of the District Organizer, and the Party seal appear-

(Testimony of Nat Honig.)

ing thereon, and ask you if you are familiar with such membership books?

A. I don't know the person whose name appears therein. I never met him. But I do know—I can say this: That the membership book I myself possessed in the Communist Party was identical as far as its——

Q. (Interposing) Identical in every respect with regard [1387] to the printed matter thereon?

A. Yes. And membership books that I have handled myself as a member of the Communist Party units were identical.

Q. Can you state, then, of your own knowledge that this book was an official membership of the Communist Party during that period of time?

A. Well, in every appearance it seems to me to be.

Mr. Del Guercio: I offer it in evidence, if your Honor please.

Presiding Inspector: It will be received.

(The membership book referred to was received in evidence and marked Government's Exhibit No. 230.)

Mr. Del Guercio: I ask that a photostatic copy be substituted therefor.

Presiding Inspector: It may be done. [1388]

Mr. Del Guercio: I would like to read a few portions from pages of his membership book appearing on the printed portion of it. On page 14 there appears this:

(Testimony of Nat Honig.)

"The discussion on basic Party questions or general Party lines can be carried on by the members only until the Central Committee has decided them. After a decision has been adopted at the Congress of the Comintern, the Party convention, or by the leading Party Committee, it must be carried out unconditionally, even if some of the members or some of the local organizations are not in agreement with the decision."

And then again on an un-numbered page, the third page from the back under "Party Discipline" this appears:

"1. The strictest Party discipline is the most solemn duty of all Party members and all Party organizations. The decisions of the CI and the Party convention, of the CC and of all leading committees of the Party, must be promptly carried out. Discussion of questions over which there have been differences must not continue after the decision has been made."

Presiding Inspector: The date of that membership card?

Mr. Del Guercio: 1938, I believe.

The Witness: 1933, 1934, I believe it was.

Mr. Del Guercio: 1932—just a minute.

Presiding Inspector: The same kind has been used during the entire time you were a member?

The Witness: No. [1389]

Mr. Del Guercio: This was issued on January 16, 1933.

Presiding Inspector: Some change has been made?

(Testimony of Nat Honig.)

The Witness: Slight changes were made every few years in the printed matter and the cover changed color.

Presiding Inspector: Was there any change in substance?

The Witness: Not in essential substance; no.

By Mr. Del Guercio:

Q. Mr. Honig, I will show you a book called "What is Communism", by Earl Browder, General Secretary, Communist Party of the USA, published by the Workers Library Publishers, and ask you if you are familiar with that book?

A. (Examining book) Yes.

Q. Have you read it? A. Yes, I have.

Q. And was it published, distributed and circulated during the time you were a member of the Communist Party? A. Yes.

Q. What is the publication date?

A. Oh, I think it was in 1933, or 1934. There were several editions of it.

Q. This shows 1936, is that correct?

A. There were quite a few editions of it. Yes.

Q. Does this contain the accepted doctrines, practices and teachings of the Communist Party?

A. Yes. That was written by the Secretary of the [1390] Communist Party.

Mr. Del Guercio: I offer this in evidence, if your Honor please, as Government's Exhibit next in order.

Presiding Inspector: It may be received.

(Testimony of Nat Honig.)

(The book referred to was received in evidence and marked Government's Exhibit No. 231.)

Mr. Del Guercio: I want to read, if your Honor please, from page 129 of this book:

"If bourgeois property is to be maintained under the present conditions of capitalist crisis, then the ruling class says there must be the destruction of surplus goods and productive forces accompanied by the most brutal suppression of the suffering masses. If the productive forces and accumulated wealth of society are to be preserved and further developed, the property rights of the capitalists and the institutions by which they are maintained must be abolished, and the exploiting minority and its agents suppressed. Thus, some form of violence is unavoidable. There is no possible choice between violence and non-violence. The only choice is between the two sides of the class struggle."

Presiding Inspector: You heard that word, French word, bourgeois? (French pronunciation)

The Witness: Yes.

Presiding Inspector: What do you understand is meant by "bourgeois"? [1391]

A. What the Communist Party means by it is the capitalist class; tse upper section of the capitalist class.

Presiding Inspector: That would be the aristocracy, wouldn't it?

The Witness: Well, not in the real——

(Testimony of Nat Honig.)

Presiding Inspector: Bourgeoisie were the people who conducted the French revolution?

The Witness: They were the people who laid the groundwork for the rise of the bourgeoisie as a class.

Presiding Inspector: They were the bourgeoisie themselves?

The Witness: Yes.

Presiding Inspector: Now, is a man who works with his hands and saves his money, and buys his home, a member of the bourgeoisie?

The Witness: No; the Communist Party wouldn't classify him as such.

Presiding Inspector: Why not?

The Witness: A man who works with his hands —you mean works for somebody else?

Presiding Inspector: Yes.

The Witness: No; he would be called a member of the proletariat.

Presiding Inspector: Well, take a public official, who works with his head, the Mayor of a city, is he a member of the [1392] bourgeoisie?

The Witness: It depends on what else he did. If he is just a public official and made his living——

Presiding Inspector: He never did anything else but serve the state since he got out of high school.

The Witness: He would be considered a member of the petty bourgeoisie. These are the people who, according to the Communist definition, who possess some slight amount of property, who don't toil with their hands, in factories, mill or smelter, and in this case, he would be classified as a member of the white

(Testimony of Nat Honig.)

collar class, which is lumped in with the petty bourgeoisie.

Presiding Inspector: They were to be destroyed too?

The Witness: No. In their publications they don't say they are to be destroyed. They are to be won over in proletarian eyes.

Presiding Inspector: But the other bourgeoisie are not to be won over at all, they are to be destroyed?

The Witness: No. They are to be destroyed.

Presiding Inspector: What about a newspaper editor?

The Witness: It depends on what kind of a paper he edits.

Presiding Inspector: He does the same sort of work in either case.

The Witness: Well, if he edits the Peoples World he is not to be destroyed; he would probably be helping in the destruction. [1393]

Presiding Inspector: If he edits, say, the New York Tribune he is to be destroyed?

The Witness: He probably would be.

Presiding Inspector: And by "destroyed" you really mean it, don't you; that is, you mean this is to be a forcible revolution?

The Witness: If they caught up with him, yes; if they didn't skip the country in time to get away.

Presiding Inspector: You don't mean any theoretical, political success by parliamentary, democratic methods?

The Witness: No.

(Testimony of Nat Honig.)

Presiding Inspector: That is out?

The Witness: That is not the final program.

Presiding Inspector: When this revolution is to come about, of course, it is to be determined by the Central authority?

The Witness: It is to be determined, first of all, by probably the Communist International in Moscow—not probably; there is no question it would be—and then the Central Committee of the Communist Party of the United States would be told that they considered the time ripe for a revolutionary situation, for a revolutionary uprising.

Presiding Inspector: Part of the direct action?

The Witness: Yes.

Presiding Inspector: That was so during all the time that you were in the Party? [1394]

The Witness: Yes; but they didn't scorn indirect action either.

Presiding Inspector: Do the best they could with it?

The Witness: Yes.

Presiding Inspector: I wanted to understand these words of large content.

Mr. Del Guercio: Yes, sir.

By Mr. Del Guercio:

Q. Mr. Honig, I will show you another copy of The Communist, for July, 1929, and ask if you are familiar with this particular issue?

A. (Examining magazine) Yes. I looked at the contents to refresh myself to see if I remember the articles. I am familiar with it.

(Testimony of Nat Honig.)

Q. This was published, of course, as indicated on the cover here, by the Communist Party of the USA? A. Yes.

Q. And sold, of course, as a magazine?

A. Yes.

Mr. Del Guercio: I offer this in evidence as Government's Exhibit next in order.

Presiding Inspector: It may be received.

(The magazine referred to was received in evidence and marked Government's Exhibit No. 232.) [1395]

By Mr. Del Guercio:

Q. Has there ever been any question during the time you were a member of the Communist Party that The Communist Magazine was not what it purports to be, one of the organs of the Communist Party of the U.S.A.?

A. No; never any question about it.

Mr. Del Guercio: I would like to read from page 357 and continuing on page 358 and 359 of this magazine:

"'When Communists urge strikes and crippling of industry in time of war we are accused of trying to bring about the defeat of 'our own' government. To that charge we plead guilty. That is precisely our aim. A government engaged in warfare is weaker than at other times in spite of the fact that its savage repressions make it appear strong to the superficial observer. At such a moment an organized drive to stop the production of war supplies, to cripple the transportation system may

(Testimony of Nat Honig.)

result in creating such difficulties that the imperialist forces may be defeated.

"But it is not sufficient in our drive against imperialist war merely to concentrate upon the war industries. We must be able to reach the masses in the armed forces of the nation with revolutionary agitation and propaganda calculated to cause defections and mutiny in the ranks.

"We do not indulge in the social-democratic twaddle about disarmament. We will not tell the soldiers in the army to throw [1396] away their guns and run home. We tell them to hold their guns in their hands and use them against their own capitalist oppressors. When faced with an imperialist war as an accomplished fact we must be able to popularize definite revolutionary slogans among the armed forces. In case of a war between imperialist nations we raise the slogan of fraternization with the soldiers of the opposing army, refusal to obey commands of officers, mutinies, and other forms of disruptive work. In case of a war against the Soviet Union our main slogan will be different. We will then urge the soldiers in the imperialist armies to desert the army and with their guns and as much ammunition as they can get, go over to the side of the Red Army against the imperialistic forces.

"While the capitalists prepare for another imperialist war, we prepare to utilize the difficulties for capitalism arising out of such a war in order to initiate the next stage of the world revolution.

(Testimony of Nat Honig.)

"We realize that such a conflict requires careful preparation under the leadership of a determined Bolshevik party. Turning an imperialist war between nations into a civil war against capitalism is not a simple matter, it is not a game for dilletantes to play. It requires the most highly developed revolutionary strategy and an ability to estimate the relative forces involved in the struggle as well as the precise moment for the launching of the insurrection. [1397]

"When a revolutionary situation is developing, as a result of war or from any other cause, the Party of the proletariat must lead a direct attack against the capitalist state. The slogans put forth must be of such a nature as to guide the movement in its development, which will take the form at first of mass strikes and armed demonstrations. In that stage there arises the question of arming of the working class and disarming the capitalist class. Finally the highest form of struggle is reached wherein it culminates in the general strike and a merging of large sections of the military forces and the workers for armed insurrection against the capitalist state power."

By Mr. Del Guercio:

Q. Mr. Honig, has the Communist Party ever deviated from the doctrines and precepts outlined in the article that I have just read?

A. All the time that I was a member of it those aims were retained.

(Testimony of Nat Honig.)

Q. Now, Mr. Honig, you said that upon your return from the Soviet Union you were used by the Communist Party in trade union activities, is that a correct statement of what you said?

A. Not exactly. I said that prior to going to the Soviet Union—as a matter of fact, because I had done trade union work I was sent to the Soviet Union, because I had been Editor of Labor Unity, the Communist Party trade union magazine. On my return, for a short time, for a month or so, I [1398] worked in the District office, in the New York District of the Communist Party. Then a few months after that I was sent out to San Francisco to be a member of the staff of the Western Worker, which is the predecessor of the Peoples World.

Q. And then it was before you went to Russia that you were Editor-in-Chief of Labor Unity?

A. Yes.

Q. You testified, I believe, that the Trade Union Unity League was created or was conceived, rather, the idea of forming the Trade Union Unity League was conceived by the Communist International?

A. Yes.

Q. And the Communist Party in the United States was ordered to hold a convention in 1929?

A. Yes—not to hold a convention under the name of the Communist Party—but ordered to organize one.

Q. To organize one? A. Yes.

Q. Do you know why the Communist Inter-

(Testimony of Nat Honig.)

national wanted to form the Trade Union Unity League?

A. Yes, sir. The idea was this, briefly speaking: Prior to that the work of the Communist Party in trade unions had been concentrated in the American Federation of Labor Unions with the object of splitting them up, breaking them up, and this was best exemplified by William Z. Foster's famous phrase, "to bore from within." Also with the objective, of course, [1399] of recruiting Communist Party members within the American Federation of Labor.

But by 1929 the American Federation of Labor had expelled many, many Communist Party members and, unfortunately, I think many who weren't, but who perhaps were thought to be. But they had expelled many, many Communist Party members to the point that these Communists had no trade union organization for themselves, those who had been expelled. One reason for the formation of the T.U.U.L. was to find a trade union organization for the Communists who had been expelled from the A. F. of L. to belong to.

Another reason was that in many industries, such as the steel industry, and similar heavy industries, textile, the American Federation of Labor had not done any organization whatsoever. These were industries that the Communist Party wanted to gain a foothold in as they considered them very essential for the aims of the Communist Party in which to have a Communist nuclei. It could not

(Testimony of Nat Honig.)

be done in the American Federation of Labor because the A. F. of L. had not organized in these industries to any extent, so the Communist Party wanted to set up unions in these fields, to have an organization through which to work for its aims in these particular unorganized industries.

Then, of course, I think the chief reason for the formation was that it was felt in Moscow, in the Communist Inter- [1400] national and in the Red International of Labor Unions, that a situation was rapidly occurring where the formation of unions with a direct revolutionary goal would be essential because, as you know, the Wall Street crash occurred in 1929, and unemployment started to increase, plants began to shut down, and they felt that now with this discontent, that this discontent would mount among the working class, and that was a good opportunity to form revolutionary unions to channelize that discontent. [1401]

Q. And they were not forming those unions as one of these exhibits you have just read indicates, "As a means in itself"?

A. No. They were formed with a definite revolutionary goal.

Q. And the Trade Union Unity League was what? What was its function and how did it operate? That is, what did it do?

A. The Trade Union Unity League was supposed to be an equivalent of the American Federation of Labor, a direct rival in the sense of the

(Testimony of Nat Honig.)

A. F. of L. being a central organization for all A. F. of L. international unions. In the same way the Communist Party hoped to make the Trade Union Unity League a national central trade organization to which "Red," as they were called—Red trade unions in each industry would be affiliated.

Q. Did it issue charters to the various——

A. (Interposing) It issued charters to unions which it had set up.

Q. What are some of the so-called unions that belong to the Trade Union Unity League?

A. There was National Textile Workers Union, National Miners Union, Marine Workers Industrial Union, Needle Trade [1402] Workers Industrial Union, Shoe and Leather Workers Industrial Union, Steel and Metal Workers Industrial Union. I imagine those covered the main fields. National Miners Union—I don't know that I have mentioned that. Later on, the Auto Workers Union. That is not the present CIO Auto Workers Union, but that was a Red trade union.

Q. You mentioned the Marine Workers Industrial Union? A. Yes.

Q. Is there a question of its being a Red union, as you stated?

A. Well, it was affiliated directly with the Trade Union Unity League, all of whose National Executive Board members were members of the Communist Party and in most cases members of the Central Committee of the Communist Party. And in all the time that I worked as Editor of Labor

(Testimony of Nat Honig.)

Unity and, incidentaly, as such I was a member of the National Executive Board of the TUUL—and all that time there were no leading officials, particularly no national leading officials of the Marine Workers Industrial Union who were not members of the Communist Party and generally leading members of the Communist Party.

Q. Oh, you were on the governing board of the TUUL?

A. Yes. As Editor of the Labor Unity under its constitution I was automatically a member of the National [1403] Executive Board.

Q. And how does this National Executive Board function with relation to the TUUL and the Marine Workers Industrial Union?

A. It was made up of all the national officers of the TUUL itself, of all the international presidents of the Red trade unions which had been set up, myself as Editor of the official organ, and a few other Communist Party members who were leading officials in these Red trade unions. It would meet generally at least once a week, consider the problems of each union or at least those unions that had any important problems that particular week, make decisions, then consult with members of the Central Committee of the Communist Party on what decisions they made; and then, if it was O.K.'d by the Central Committee of the Communist Party, they were transmitted as decisions to be followed out absolutely by the various unions affiliated with the TUUL.

(Testimony of Nat Honig.)

Q. Why was it necessary to consult the officials of the Communist Party or Central Committee of the Communist Party?

A. It was the Trade Union Unity League had been set up in the first place by the Central Committee of the Communist Party for the chief purpose of carrying out Communist Party work, and the Communist Party aims among the workers.

Q. Would you say, then, that it was a creature of the Communist Party, the Trade Union Unity League? [1404]

A. Yes, of course, in the first place it was a creature of the Communist International and the Red International of Labor Unions.

Q. And it was completely dominated and controlled by the Communist Party?

A. There was never any doubt of that in my mind in all the time that I was closely connected with it.

Q. Was there any doubt in anybody else's mind; that is, who was on the Executive Board?

A. Not on the Executive Board, no.

Q. Was there any member of the Executive Board who was not a member of the Communist Party?

A. I cannot recall a single one, and I believe I knew every one of them in the period that I was Editor of the Labor Unity.

Q. Who were some of the members of the Executive Board?

(Testimony of Nat Honig.)

A. They were not necessarily at the same time members, but in the time that I was.

Q. Yes.

A. But they were also members of the Executive Board. Well, of course, there was William Z. Foster.

Q. There is no question about him being a member of the Communist Party?

A. No, because he ran openly as Communist Candidate for President of the United States several times. Then there was [1405] James W. Ford.

Q. Who was he?

A. He was the leader in Negro Communist Party work among the Negroes. He was a member of the National Executive Committee throughout the period that I was on it.

Q. Was there any question about his being a member of the Communist Party?

A. No, because he ran for Vice-Presidential Candidate of the United States.

Q. On the Communist ticket?

A. Yes. There was Jack Johnstone.

Q. Was there any question about his being a member of the Communist Party?

A. Not to me or to any of us other members of the Executive Board. We knew he was because we also met with him in district committee meetings. And a man by the name of John Schmies.

Q. How do you spell that?

A. S-c-h-m-i-e-s, who when I was Editor of Labor Unity was Assistant Secretary of the Trade

(Testimony of Nat Honig.)

Union Unity League and later was sent to Detroit to do work among the auto workers for the Communist Party, and who later on became District—I think even before that, and then again later became a district official for the Communist Party in the Detroit district. So [2406] there was no doubt about him and his political affiliation.

Then there was, Ben Gold who became President of the Needle Trade Workers Industrial Union which was set up as a TUUL Union. There was——

Q. (Interposing) Is there any question about his being a member of the Communist Party?

A. No, if memory serves we right, he too had run as a Communist Candidate in New York State or New York City elections. I don't remember exactly. There was a man named Potash. I don't remember his first name.

Q. Potash?

A. P-o-t-a-s-h. Who was one of the officials of the Needle Trade Workers Industrial Union, was a member of the Communist Party. I knew that, that he was.

Well, there was Frank Borich, who was President of the International Miners Union. B-o-r-i-c-h. And Ann Burlak, who became President of the National Textile Workers Union, which was set up by the Trade Union Unity League.

Q. Is there any question about those two being members of the Communist Party?

A. No, no. When I say "there was no question", I mean among all of us who were members of

(Testimony of Nat Honig.)

the National Executive Board of the TUUL. There were numerous others.

Q. But you have given the most important ones? [1407]

A. I think I have. I may have omitted some.

Q. Yes. Well, I will show you now a magazine here called "The Communist International", published by the Workers—no, "The Communist International, Organ of the Executive Committee of the Communist International," published by the "Workers Library Publishers, P. O. Box 148, Sta. D. New York City", the June 20, 1934 issue, and I will ask you if you are familiar with this particular publication? A. Yes, I am.

Q. And this magazine is, as indicated on the cover here, the organ of the Executive Committee of the Communist International? A. Yes.

Mr. Del Guercio: I offer this in evidence, Your Honor, as Government's Exhibit next in order.

Presiding Inspector: It will be received without objection.

(The magazine referred to was received in evidence and marked Government's Exhibit No. 233.)

Mr. Del Guercio: And I would like to read from page 392 of this publication, as follows:

"In marine, while the Marine Workers' Industrial Union has led a number of successful strikes among the seamen, the opposition work among the longshoremen in the A. F. of L. is very weak, par-

(Testimony of Nat Honig.)

ticularly in the Atlantic and Gulf Ports. In the strike struggles on the Pacific Coast, it was possible, [1408] by combining opposition work in the A. F. of L. together with the independent activity of the Marine Workers Industrial Union and its correct approach to the united front, to exert some influence on the longshoremen's struggles in San Francisco, and to play an important role in spreading the strike to the seamen".

By Mr. Del Guercio:

Q. I will show you a magazine here called the "Party Organizer", dated August, 1931, issued by the Central Committee Communist Party, U.S.A., and ask you if you are familiar with this particular booklet? A. Yes, I am.

Q. And is it as it indicates issued by the Central Committee of the Communist Party, U.S.A.?

A. Yes.

Q. Distributed by them? A. Yes.

Q. Circulated by them? A. Yes.

Mr. Del Guercio: I offer this booklet in evidence, your Honor.

Presiding Inspector: It may be received.

(The booklet referred to was received in evidence and marked Government's Exhibit No. 234.) [1409]

Mr. Del Guercio: I want to call the Court's attention to the last page of this book. It is a dictionary of abbreviations for all of the abbreviations used.

(Testimony of Nat Honig.)

By Mr. Del Guercio:

Q. Is this the abbreviations used for the various organizations connected or affiliated with the Communist Party?

A. Yes, they are. Some of them are organizations set up by the Communist Party but not openly Communist Party creations.

Mr. Del Guercio: And among those listed, if your Honor please, to which I would like to call the Court's attention, is the Marine Workers' Industrial Union, given the abbreviation "MWIU".

Presiding Inspector: Does that fall within the class you mentioned?

The Witness: Yes. You mean as organizations not supposed to be known openly as Communist?

Presiding Inspector: Yes.

The Witness: Yes.

By Mr. Del Guercio:

Q. How about the ILD? A. The same.

Q. The International Labor Defense?

A. The International Labor Defense. [1410]

Presiding Inspector: But that is not so of the TUUL?

The Witness: Yes, that is openly as far as the membership of various TUUL Unions were concerned. They were not supposed to know, and many of them didn't know, that they were being controlled by the Communist Party.

Presiding Inspector: Didn't it in one of its books says, "affiliate" of the Red International?

(Testimony of Nat Honig.)

The Witness: Yes. But the Red International of Labor Unions wasn't also openly advertised as a section of the Communist International?

Presiding Inspector: In Moscow?

The Witness: Yes, in Moscow.

Presiding Inspector: They had front institutions in Moscow, too?

The Witness: Oh, yes.

Presiding Inspector: What would be the reason for making it an affiliate of Moscow, a trade union institution, if it was not to be Communist?

The Witness: Well, naturally they wanted to set up the world center of the Red trade union work all over the world. They wanted to set it up as near as possible to the Communist International itself, so that decisions of the Communist International could be transmitted as rapidly as possible. Another reason was that it was extremely difficult for any international [1411] organization with the title "Red" in it or which is known or suspected of being a Communist International Organization to gain a haven in any other country but the Soviet Union. And I believe those are the two chief reasons.

By Mr. Del Guercio:

Q. This William Z. Foster was the National Secretary of the Trade Union Unity League, was he not? A. Yes, he was.

Q. Did everybody know that he was a Communist?

(Testimony of Nat Honig.)

A. Yes, because, as I mentioned, he had run as Presidential Candidate of the Communist Party.

Q. There was no effort, like there was in some of these other front organizations, to conceal the identity of the Trade Union Unity League, was there?

A. There was. There was lots of effort in that direction. The idea was that the Trade Union Unity League was to appear simply as an ordinary trade union central organization, just as the A. F. of L. was, and in the literature, however, circulated among party members themselves, among Communist Party members themselves, there was very little—there was a great deal of looseness in describing the TUUL. They would constantly couple up the name of the Communist Party with the Trade Union Unity League and they would refer to them as the "Red Trade Unions", and this became a regular habit. Then when anybody questioned that and would ask "Well, how is it you call them Red Trade [1412] Unions"? They would say, "Well, the term 'Red' simply means unions with simply a militant attitude and policy. It doesn't necessarily mean 'Communist'".

Q. But every member of the Communist Party knew the connections between these various unions, like Marine Workers Industrial Union, to the TUUL and it, in turn, with the Red International of Labor Unions, and in turn, with the Communist International?

(Testimony of Nat Honig.)

A. Any member of the Communist Party who attended the meetings, or even once in a blue moon or read one Communist periodical once in a blue moon understood that.

Q. I will show you a pamphlet here called the "Party Organizer" for April, 1934, issued by the Central Committee, Communist Party, U.S.A., and ask you if you are familiar with this particular pamphlet or magazine? A. Yes, I am.

Q. Was this, as the book indicates, as the pamphlet indicates, issued by the Central Executive Committee of the Communist Party, U.S.A.?

A. Yes.

Q. Was it distributed——

A. (Interposing) Yes.

Q. (Continuing) ——by the Communist Party?

A. Yes.

Mr. Del Guercio: I will offer this in evidence, if your Honor please. [1413]

Presiding Inspector: It may be received.

(The pamphlet referred to was received in evidence and marked Government's Exhibit No. 235.).

Mr. Del Guercio: And I would like to call the Court's attention particularly to pages 26, 27 and 28 of this pamphlet, an article by "X. Y., A Communist Soldier", "Work in the Armed Forces".

By Mr. Del Guercio:

Q. I will show you another issue—August, 1934,—of the "Party Organizer" and ask you if you are familiar with that? A. Yes, I am.

(Testimony of Nat Honig.)

Q. And is that also issued by the Central Committee of the Communist Party of the U.S.A.?

A. Yes.

Q. And distributed? A. Yes.

Q. And circulated by the Communist Party?

A. Yes.

Mr. Del Guercio: I will offer this in evidence as Government's Exhibit next in order.

Presiding Inspector: It will be received without objection.

(The pamphlet referred to was received in evidence and marked Government's Exhibit No. 236.) [1414]

Mr. Del Guercio: And I would like to read from page 1 of this booklet, your Honor, under the title "Two Lessons from the San Francisco General Strike", beginning with the third paragraph:

"The answer to this question is clear. The longshoremen took the control of their strike from the hands of the labor bureaucracy and placed it in the hands of a rank-and-file leadership, which firmly resisted all of the efforts of the fakers and the Government to betray it. The masses in Toledo and Milwaukee and Minneapolis were in motion, the Party played a role in all of these strikes, the workers adopted our slogans and attempted to carry them out, but were defeated by the strategy and the tactics of the bosses and the bureaucrats. Why could this occur? Was it because the workers in Toledo and Milwaukee and Minneapolis were less militant,

(Testimony of Nat Honig.)

or less determined, than the longshoremen in San Francisco? No, the answer lies in the fact that in these places the Party was working from without. We did not have a firm base among the workers. But in San Francisco the Party had carried out a policy of concentration among the longshoremen, who are a decisive section of the working class, and had built a strong opposition movement within the reformist union. Consequently when the labor leaders appeared before the workers with their betrayal policy, there was a strong organized group within the union, which was able to expose their maneuvers and defeat [1415] them."

By Mr. Del Guercio:

Q. I show you another pamphlet here called "Out of a Job," by Earl Browder, "Order from Workers Library Publishers, Inc.," and ask you if you are familiar with this? A. Yes, I am.

Q. Is this pamphlet published, circulated and distributed by the Communist Party? A. Yes.

Q. During the time that you were a member?

A. Yes, it was.

Mr. Del Guercio: I offer this in evidence, your Honor, as Government's Exhibit next in order.

Presiding Inspector: It will be received without objection.

(The pamphlet referred to was received in evidence and marked Government's Exhibit No. 237.)

Mr. Del Guercio: I would like to read a para-

(Testimony of Nat Honig.)

graph from page 20 of this book under the heading "The Final Solution for Unemployment".

"From what has been said, it is clear that unemployment, which is the foundation upon which the capitalist class has built its entire system, can only be finally abolished by the abolition of capitalism. And capitalism can only be abolished [1416] by the working class, organizing its power in strong, fighting trade unions, under the leadership of the Communist Party, and overthrowing the state power of the capitalist class to replace it with the workers' government—the dictatorship of the proletariat, the rule of the propertyless people".

By Mr. Del Guerrio:

Q. I will show you three documents here, the first being the February, 1934 issue of "The Communist" published monthly by the Communist Party of the United States; the second one, a booklet called "The Way Out, a Program for American Labor, Manifesto and Principal Resolutions Adopted by the Eighth Convention of the Communist Party of the U.S.A. Published by the Workers Library Publishers, May, 1934"; and the third, a booklet called "Why a Worker's Daily Press?" by C. A. Hathaway and Sam Don, "Daily Worker, Central Organ Communist Party, U.S.A., Section of the Communist International", and ask you if you are familiar with these three documents?

A. Yes, I am. [1417]

Q. Referring to the first one, The Communist,

(Testimony of Nat Honig.)

for February, 1934, is it, as it is indicated, the publication of the Communist Party of the U.S.A.?

A. Yes.

Q. And distributed and circulated by the Communist Party? A. Yes.

Q. And are the other two documents published, distributed and circulated by the Communist Party?

A. Yes.

Mr. Del Guercio: I offer these three documents in evidence in the order shown the witness.

Presiding Inspector: They may be received.

(The three pamphlets referred to were received in evidence and marked Government's Exhibits 238, 239 and 240.)

By Mr. Del Guercio:

Q. Now, Mr. Honig, I will show you a pamphlet here called "Little Brothers of the Big Labor Fakers," by Wm. Z. Foster, published by the Trade Union Unity League, 2 West 15th Street, New York, and ask you if you are familiar with that?

A. (Examining pamphlet) Yes, I am.

Q. Who distributed this pamphlet, if you know?

A. That was distributed through the Trade Union Unity League itself, and it was on sale at the Communist Party book stores—at least I know it was in the New York book stores of the Communist Party. It was sold at Communist Party [1418] units.

Q. Did the Communist Party distribute it, or assist in its distribution?

(Testimony of Nat Honig.)

A. Assisted in its distribution.

Q. And was this, like the other pamphlets, edited by the high officials of the Communist Party before it was published?

A. Well, that probably didn't have to be because it was written by Foster himself, who was one of the high officials, so that I can't say definitely whether he had to submit it to anybody, but I doubt it.

Q. Was this made available to everybody that wanted to purchase it?

A. To every member of a Trade Union Unity League Union, or to every member of the Communist Party; yes.

Q. And also, you say, to every member of the particular trade union under the T.U.U.L.?

A. All unions under the T.U.U.L.; yes.

Mr. Del Guercio: I offer this in evidence as Government's Exhibit next in order.

Presiding Inspector: It may be received.

(The phamphlet referred to was received in evidence and marked Government's Exhibit No. 241.)

Presiding Inspector: When was it published?

The Witness: 1931.

Mr. Del Guercio: It has a report of William Foster's [1419] speech made on May 10, 1931. It must have been published some time after that date. The pamphlet does not contain a publication date.

I would like to read from page 3 of this booklet:

"The Trade Union Unity League is the American Section of the Red International of Labor Unions. It is composed of industrial unions, organized min-

(Testimony of Nat Honig.)

orities in the reformist organizations and unemployed councils."

And further down on the same page:

"The T.U.U.L. is based on the class struggle."

And again on page 4:

"The T.U.U.L. is a revolutionary union; it fights for the overthrow of capitalism and the establishment of a workers' and farmers' government. On its fight for partial demands, the T.U.U.L. bases its program of organization, education, and struggle of the workers for final emancipation.

"To broaden and intensify its general struggle, the T.U.U.L. makes united front movement with the Comunist Party, with the workers in A. F. of L. unions and other proletarian organizations and with unorganized workers."

By Mr. Del Guercio:

Q. Now, Mr. Honig, you say this was made available to all these unions under the T.U.U.L.?

A. Yes.

Q. And to all members of it? [1420]

A. Yes. By "being made available" I mean, of course, it was distributed in the unions and there offered for sale to all members.

Q. Whether the members were members of the Communist Party or not?

A. Yes; in the case of T.U.U.L. unions, whether they were or not members of the Party.

Presiding Inspector: I notice there that parts of the reformist unions were admitted to membership. Would they be the Communist Fraction?

(Testimony of Nat Honig.)

The Witness: By "reformist unions" they meant the American Federation of Labor unions.

Presiding Inspector: Would they be accepted into the T.U.U.L.?

The Witness: They wouldn't apply. They were very——

Presiding Inspector: What does that refer to?

The Witness: Reformist unions — to minorities, Communist minorities working within those reformist unions.

Presiding Inspector: It isn't mentioned in quite that way.

Mr. Del Guercio: They put it this way:

"to broaden and intensify its general struggle, the T.U.U.L. makes united front movements with the Communist Party; with the workers in A. F. of L. unions and other proletarian organizations, and with unorganized workers." [1421]

Presiding Inspector: But the membership, what does it say that consists of? You read it a few moments ago.

Mr Del Guercio: From this same book?

Presiding Inspector: Yes.

Mr. Del Guercio: It says here:

"The T.U.U.L. is based on the class struggle. It opposes the whole class collaboration line of the American Federation of Labor, including union-management-cooperation, arbitration, the no-strike policy, support of the capitalist parties, etc."

Presiding Inspector: Let me see that pamphlet, please. That isn't what I referred to.

(Testimony of Nat Honig.)

(Government's Exhibit No. 241 was passed to the Presiding Inspector.)

Presiding Inspector: In the very first sentence it says:

"The Trade Union Unity League is the American Section of the Red International of Labor Unions."

The Witness: Yes.

Presiding Inspector: The second sentence reads:

"It is composed of industrial unions, organized minorities in the reformist organizations and unemployed councils."

The Witness: Yes.

Presiding Inspector: What does it mean by "organized minorities in the reformist organizations?" [1422]

The Witness: It means Communist Party members who still remain in certain A. F. of L. Unions to "bore from within."

Presiding Inspector: What other witnesses have called the Communist Fractions in those unions?

The Witness: Yes; they would be Communist Fractions in those Unions.

Presiding Inspector: I don't want to mislead you, if that isn't it.

The Witness: No, no; that is what it was.

By Mr. Del Guercio:

Q. I will show you a pamphlet called "4 Fighting Years, a Short History of the Marine Workers Industrial Union," issued by the Marine Workers

(Testimony of Nat Honig.)

Industrial Union, 2 Stone Street, New York City, and on the back of this appears this:

"Where to join. Headquarters of M.W.I.U."

And, among other addresses, is given "San Francisco, California, Third Floor, 437 Market Street."

I will ask you if you can identify this?

A. (Examining pamphlet) Yes. I can't recall the date of publication of it, but I do definitely recall its circulation among Communist Party members.

Q. Who distributed, who caused its circulation and distribution?

A. Well, of course, it was published by the Marine Workers Industrial Union itself, and the Communist Party members [1423] of the Marine Workers Industrial Union would have it distributed among Communist Party members in other unions and Communist Party units themselves, and also would send a batch of them to each book store of the Communist Party.

Q. And they would be sold and distributed to these Communist Party book stores?

A. Yes. I have seen it in the New York Communist Party book stores.

Q. This article appears to be written by Roy B. Hudson, National Secretary? A. Yes.

Q. Do you know Roy B. Hudson?

A. Yes. He is a member also—I should have mentioned him—of the National Executive Board of the Trade Union Unity League. He was National Secretary of the Marine Workers Industrial

(Testimony of Nat Honig.)

Union, either that or National President—I forget the exact title used—but he was the chief of it.

Q. Is there any question about him being a member of the Communist Party?

A. No; no because I knew him as a member of the Central Executive Committee of the Communist Party and a member of the Political Bureau of the Communist Party.

Mr. Del Guercio: I offer this in evidence, if your Honor please, as Government's Exhibit next in order.

Presiding Inspector: Received. [1424]

(The document referred to was received in evidence and marked Government's Exhibit No. 242.)

By Mr. Del Guercio:

Q. I show you a booklet called "The Point Gorda Strike," published by the Marine Workers Industrial Union, 140 Broad Street, New York City, and ask you if you are familiar with that booklet?

A. (Examining booklet.) Yes. I am familiar with this because it is based on an article, the same title of which appeared in the Labor Unity, when I was made Editor of it. It is an elaboration on the same thing, made into a pamphlet.

Q. Who caused that booklet to be distributed?

A. It was decided by the Central Committee of the Communist Party that it would be a good idea to take this article, "The Point Gorda Strike," and

(Testimony of Nat Honig.)

make a pamphlet out of it. It was suggested to the Trade Union Unity League executive board which, in turn, passed the suggestion on to the Marine Workers Industrial Union, and so it was done.

Q. So your testimony is that it was distributed, or caused to be distributed by the Communist Party? A. Yes.

Mr. Del Guercio: I offer this in evidence, if your Honor please.

Presiding Inspector: It may be received. [1425]

(The document referred to was received in evidence and marked Government's Exhibit No. 243.)

Mr. Del Guercio: I would like to call the Court's attention to the first page of this on which is contained the Marine Workers Industrial Union's preamble—I won't take the time to read it.

On the back of this, on the back cover under "Where to join, Headquarters of the M.W.I.U.", among other addresses, is shown "San Francisco, 78 Clay Street"

Presiding Inspector: We will recess until 2:00 o'clock.

(Whereupon, at 12:30 P. M. a recess was taken until 2:00 o'clock P. M. of the same day.) [1426]

After Recess

2:00 o'Clock P. M.

Presiding Inspector: You may proceed, Mr. Del Guercio.

NAT HONIG

called as a witness on behalf of the Government, having been previously duly sworn, testified further as follows:

Direct Examination (Resumed)

By Mr. Del Guercio:

Q. Mr. Honig, I am going to hand you a certain number of Government Exhibits here, the first one being Government's Exhibit No. 114, and ask you to look at it and tell me if you can identify it.

A. (Examining exhibit) Yes; from the table of contents.

Q. Are you familiar with the International Press Correspondence? A. Yes.

Q. What is that?

A. It is a publication printed in several languages, which reports the news of Communist Parties, rather, not the news, but the progress, and growth of the Communist Parties in all countries.

The English edition, while I was in the Party, was published in London and I think in one period anyway it would be also reprinted in New York.

[1427]

Then there was a French edition a Chinese edition and a Spanish edition, published in the chief cities of each of these respective countries, except the Chinese edition, which, I think, was published in Moscow.

At that time there was an original Russion edition, which was translated into all these languages, but it was published in Moscow.

(Testimony of Nat Honig.)

Q. And was it distributed the circulated during the time that you were in the Communist Party?

A. Yes.

Q. I will show you Government's Exhibit No. 91 and ask you if you can identify that?

A. (Examining exhibit) Yes; this is the Communist Manifesto, by Marx and Engels. I am familiar with it. There were many other editions that were printed and published by the Communist Party.

Q. And was this circulated and distributed by the Communist Party during the time that you were in the Communist Party? A. Yes, it was.

Q. I will show you Government's Exhibit No. 92, "The Communist International", and ask you if you are familiar with it?

A. Yes, I am familiar with it.

Q. I believe that is "The Communist International" by V. I. Lenin? [1428] A. Yes.

Q. Was this book circulated and distributed by the Communist Party during the time you were in the Party?

A. Yes. It was published by the International Publishers, which was one of the publishing houses of the Communist Party.

Q. I will next show you Government's Exhibit No. 93, "The Function of the Communist International" by V. I. Lenin, and ask you if that book was distributed and circulated by the Communist Party during the time you were in the Party?

A. Yes.

(Testimony of Nat Honig.)

Q. I will next show you Government' Exhibit 94, "Thesis and Statutes of the Communist International", and ask you if that book was distributed and circulated by the Communist Party during the time you were in the Communist Party?

A. No. This was published in 1920 or '21. It is the Thesis of a Congress held in 1920 and it was long before I was a member of the Communist Party. I have seen copies of it in possession of Communists. I haven't seen it distributed and sold by the Communist Party during my period of membership.

Q. Did you ever see it in the Communist Library or book shops, Communist bookshops?

A. No. I have merely seen it in the individual possession.

Q. In the possession of individual members of the Communist Party? [1429] A. Yes.

Q. I show you Government's Exhibit 95, "Program of the Communist International", and ask you if that book was distributed and circulated by the Communist Party during the time that you were a member?

A. Yes, this was. This is familiar.

Q. I next show you Government's Exhibit 102, "Platform of the Class Strugle," and ask you if that book was distributed and circulated by the Communist Party during the time that you were a member of the Communist Party?

A. Yes; for a short time after I was, then it was withdrawn from circulation.

Q. I will show you Government's Exhibit 105,

(Testimony of Nat Honig.)

"Left Wing Communism", by N. Lenin, and ask you if that was circulated and distributed by the Communist Party during the time that you were a member?

A. I have never seen this particular edition of it. The same work, "Left Wing Communism" by Lenin, I have seen other editions published later on, but not this particular edition of it.

Q. Did it contain substantially the same matters contained in that book?

A. I can't tell because I haven't read this particular one. I can't tell.

Q. I will show you Government's Exhibit 106, "Imperialism [1430] and Imperialist War", and ask you if that book was circulated and distributed by the Communist Party during the time that you were a member? A. Yes, this was.

Q. Next I will show you Government's Exhibit 107, "Struggle Against Imperialists and Tasks of the Communists", and ask you if that book was circulated and distributed by the Communist Party during the time that you were a member?

A. Yes, this was.

Q. Next, Government's Exhibit 101 "On the Road to Bolshevism".

A. "Bolshevization", yes.

Q. Was that book circulated and distributed by the Communist Party during the time that you were a member? A. Yes, it was.

Q. And next I will show you Government's Exhibit 115, another copy of "The International Press Correspondence", and ask you if the "International

(Testimony of Nat Honig.)

Press Correspondence" was still in effect during the time that you were a member of the Communist Party and still printing such pamphlet?

A. Yes.

Q. Next, Government's Exhibit 116, "Why Every Worker Should Join the Communist Party". Was that pamphlet circulated and distributed by the Communist Party during the time that you [1431] were a member? A. Yes.

Q. The next one is Government's Exhibit 140, "Democracy or Fascism", and ask you if that booklet was distributed and circulated by the Communist Party during the time that you were a member? A. Yes, this was.

Q. And the last is "The Communist", August 16 issue, and ask you if you can identify that particular issue? A. Yes, I can.

Q. And that magazine contains the accepted doctrines, teachings and practices of the Communist Party for that period?

A. Yes; that was the official organ of the Communist Party.

Q. Now, in these books that you have identified, Mr. Honig, do they contain the accepted practices and teachings of the Communist Party during the period of time you were a member of that Party?

A. Yes; those that I have identified, do.

Q. Do you know, Mr. Honig, what the aims, objectives and purposes of the Communist Party were during the time that you were a member of the Communist Party?

A. Yes, I believe I do. [1432]

(Testimony of Nat Honig.)

Q. Do you also know what the teachings of the Communist Party were during that period of time?

A. Yes.

Q. What were the aims, objectives and teachings of the Communist Party during the period of time that you were a member of the Party?

A. The basic aim of the Communist Party of the United States, in the period that I was a member—I won't presume to place them in their order of importance necessarily, but as they come to me.

One was for the overthrow of the democratic system of Government, as we know it in the United States, and a substitution for that of a dictatorship of one party, the Communist Party.

Q. How were they to accomplish that end?

A. The accepted writings advocated, if necessary, that would be done by use of force and violence. In many of the writings it was stated that it was believed that it would be necessary to do so.

Q. Well, was there any doubt that force and violence would be used?

A. Well, it wasn't a question of whether there was any doubt; it was just, as far as the Communist Party leaders were concerned, I suppose—I don't suppose—I know from the discussions with them that they would prefer, if they [1433] could accomplish their aim without a hardship or difficulty they could avoid, they would prefer it that way naturally; if they couldn't, the teachings were to accomplish that aim by whatever means were necessary, or whatever means they thought necessary.

(Testimony of Nat Honig.)

Q. Including the use of force and violence?

A. Yes.

Q. What other objectives did they have?

A. That was their main and definite and final objective.

Q. What was their objective regarding the trade unions?

A. Their objective regarding trade unions was either to utilize existing trade unions, such as the American Federation of Labor Unions, later on the CIO Unions when they came into being, or at various times to create unions in order to obtain a foothold in industries, particularly the basic industries, the heavy industries, such as steel, various mining industries, marine, textile, to obtain a foothold in these industries, and to set up nuclei groups of Communists in these industries to that when the time was considered right for a seizure of power by the Communist Party that they could already have the Communist Party groups in these industries, very active in these basic industries and, as a result, could move immediately to seize these industries. [1434]

Q. Are you familiar with the doctrine or practice of hypocrisy and deceit practiced by the Communist Party?

A. Well, in the various writings of accepted teachers of the Communist Party, such as Lenin and Stalin, and particularly in one book by Lenin, "Left Wing Communism"—I believe it is "Left Wing Communism"—I am practically certain of

(Testimony of Nat Honig.)

that—it is definitely stated, set forth, what methods the Communists can and must use, if necessary to accomplish these aims.

I cannot give exact quotations—that is difficult to do—but it is stated there that Communists should not hesitate to resort to subterfuge, deception, and several more words meaning the same thing, to achieve these aims.

Q. Do they use trickery and terrorism to accomplish their aims?

A. From my experience in the Communist Party, for a long time very little of what you might call terrorism was used. Later on, I think—I don't think but I know—from my own experiences that terrorism not of a major scale or anything, but what I would call individual petty terrorism, was resorted to against those, particularly in unions who were hostile to the Communist aims.

Presiding Inspector: You are talking about this country?

The Witness: I am talking about this country all the time; yes. [1435]

Since I left the Communist Party, particularly in my experience, I can tell you, and I assure you I know, they have resorted to an attempt at terrorism against me myself in Seattle.

By Mr. Del Guercio:

Q. Do you know if the membership of the Communist Party were instructed as to how they should conduct themselves in Courts if they were ever called to testify in the Courts of this country?

(Testimony of Nat Honig.)

A. Yes. They would be told, when a Communist Party member was brought in Court in some case or other, they were told in certain cases it might be necessary to conceal, in many cases, conceal the fact that they were Communist Party members; except in cases where it was pretty well known that they were Communist Party members, they were generally to deny it. Such as, if a man might have run for some office, some public office on the Communist Party ticket, it would be very little use of him to deny in Court that he was a member of the Communist Party. But otherwise, generally, it was an accepted practice.

Q. You mean it was an accepted practice to deny membership in the Communist Party?

A. Yes.

Q. Even when asked under oath?

A. Yes. I would say it this way: That over a period of time that I was a member of the Communist Party that was the [1436] practice.

Q. And would they be instructed to falsely testify under oath regarding other matters touching the Communist Party?

A. I can't say that I ever heard any Communist being instructed to testify falsely under oath regarding other matters. I do know in many, many cases in Court of people, Communists that I knew, and from reading the testimony that they gave they did testify falsely, but I cannot say that they were instructed by the Communist Party to do that. I didn't hear such instructions given.

(Testimony of Nat Honig.)

Q. Now, Mr. Honig, do you know Harry Bridges?

A. Yes. I have met him at Communist Party meetings here in San Francisco.

Q. Now, do you know where he is? Do you see him here in the Court room?

A. Yes. Oh, yes.

Q. Where is he?

A. That's Harry Bridges (Indicating).

Q. Did you know him during the period of time that you were in the Communist Party?

A. I knew him—the major part of the period that I was on the Western Worker here I knew Harry Bridges.

Q. Is he a member of the Communist Party, Mr. Bridges?

A. He was a member of the Communist Party at all the period that I was here in San Francisco on the Western [1437] Worker.

Q. Was he a member of the Marine Workers Industrial Union?

A. I can't state that he was from my own knowledge, that is, from seeing him in the Marine Industrial Workers Union, because the Marine Industrial Workers Union had been abandoned by the Communist Party by the time I had arrived in San Francisco to work on the Western Worker. But in leading Communist Party circles in the East, such as in the Trade Union Unity League, later on when he became known through the 1934 strike it was stated openly between the Commu-

(Testimony of Nat Honig.)

nist Party members and leading positions in the TUUL that Harry Bridges had been a member of the Marine Workers Industrial Union.

Q. Well, now, you testified this morning that you had attended numerous meetings of the Red International of Labor Unions in Moscow, Russia; is that right? A. Yes.

Q. Was the name of Bridges ever brought up in these meetings?

A. Yes. After the—during the 1934 strike in San Francisco and for a considerable period afterwards, at many of the meetings of the R.I.L.U., the Red International of Labor Unions, the work of the Communist Party in the marine industry was naturally discussed as a very important item [1438] on their agenda. The role of Harry Bridges, the part that he was playing in the waterfront—on the waterfront here on the West Coast was naturally very much discussed and very often.

Q. And he was referred to in these meetings?

A. In the early part of the 1934 strike at meetings that I attended in the R.I.L.U. there was considerable—not "doubt". They didn't know yet definitely whether Bridges was a party member, a Communist Party member. There are at some of the meetings that I attended. That is, the Russian people who were leaders of the R.I.L.U. didn't know definitely that he was. Very shortly afterwards, though, through American Communist Party members who came there, through commu-

(Testimony of Nat Honig.)

nications that they received regarding the activities on the waterfront in San Francisco, they knew definitely that he was a member of the Communist Party and they referred to him as such at many of these meetings and discussions.

Q. They knew definitely that Harry Bridges was a member of the Communist Party?

A. Well, they felt that they knew it definitely because they had received word of this through what they regarded as authorized and qualified people, leaders of the American Communist Party.

Q. Who were some of those leaders of the American Communist Party? [1439]

A. Well, at various times while——

Mr. Gladstein: (Interposing) Could we interrupt at this point to point out that the witness is being asked not merely for hearsay but hearsay upon hearsay, and we think an objection lies to the testimony that he has given. We move to strike that testimony on that ground and we object to the line of questioning that Mr. Del Guercio is now pursuing on that point.

Presiding Inspector: I will rule on any particular question.

Mr. Gladstein: Well,——

Presiding Inspector: (Interposing) I don't think that I will strike it out. You have allowed it to go in. If you had taken advantage of hearing it, we will let it stand in the record. But if this last question you object to, I will rule on that.

Mr. Gladstein: I want directly the objection

(Testimony of Nat Honig.)

to go to the last two or three questions. It was impossible to tell simply from the form of the question——

Presiding Inspector: (Interposing) Oh, no. You could have told very well from the form of the question.

Mr. Gladstein: Does your Honor mean that just because we didn't make an objection fifteen seconds or thirty seconds ago——

Presiding Inspector: (Interposing) No—certainly I [1440] do. No, not thirty seconds. It is longer than thirty seconds.

Mr. Gladstein: I want the record to show——

Presiding Inspector: (Interposing) You have allowed this testimony to go in without objection. I can't very well strike it out upon the ground that it is hearsay.

Mr. Gladstein: We will now make this request, if your Honor please. I can't be specific. I think it was the last three questions and answers.

Presiding Inspector: We will hear not the answers, but we will hear the last question and see what that is.

Mr. Gladstein: Could we have the last three or four questions read?

Presiding Inspector: If you would like to have them read, yes. I can't allow testimony to be received and then, if you don't like it, move to strike it out.

(The questions and answers referred to, were read by the reporter, as follows:

(Testimony of Nat Honig.)

"Q. And he was referred to in these meetings?

"A. In the early part of the 1934 strike at meetings that I attended in the R.I.L.U. there was considerable—not "doubt". They didn't know yet definitely whether Bridges was a party member, a Communist Party member. These are at some of meetings that I attended. That is, the Russian people who [1441] were leaders of the R.I.L.U. didn't know definitely that he was. Very shortly afterwards, though, through American Communist Party members who came there, through communications that they received regarding the activities on the waterfront in San Francisco, they knew definitely that he was a member of the Communist Party and they referred to him as such at many of these meetings and discussions.

"Q. They knew definitely that Harry Bridges was a member of the Communist Party?

"A. Well, they felt that they knew it definitely because they had received word of this through what they regarded as authorized and qualified people, leaders of the American Communist Party.

"Q. Who were some of those leaders of the American Communist Party?

"A. Well, at various times while——")

Mr. Gladstein: May I point out that I was mis-

(Testimony of Nat Honig.)

taken when I called this "double hearsay". It is actually "triple hearsay" that is being called for.

Presiding Inspector: The question is, Who were some of the leaders?

Mr. Gladstein: Previous to that.

Presiding Inspector: Well, you let that go.

Mr. Gladstein: We still make our motion to strike.

Presiding Inspector: You have your motion. At the same [1442] time I will deny it. Of course, that doesn't imply that any weight will be given to it.

Mr. Gladstein: I understand that. But so that the record may be clear and so that we don't waive any legal rights on the matter, I wish the record to now show that with respect to the hearsay testimony that was given to the last—in order to be safe on this matter—to the last half dozen questions before I made my objection, I move the Court for leave to have those answers set aside for the purpose of enabling me to object to the questions upon the ground that those questions call for hearsay.

Presiding Inspector: Well, now, how far back do you want to go?

Mr. Gladstein: I think the last six questions will certainly do it, and I mention "six" simply because I think that will cover it. I can't be specific because I didn't keep count of them. But I am talking about now the double and triple hearsay that was asked for, and given by the witness.

(Testimony of Nat Honig.)

Presiding Inspector: Well, I don't know what you mean by "double" and "triple" hearsay.

Mr. Gladstein: Here's one question, for example, where he is asked and here is what he said. He says that somebody who came from the United States told somebody else in Russia who told him or from whom he heard that—Then he goes on and states.

[1443]

Now, in other words, it comes to this witness from Party A who obtained it from Party B, all unknown people, of course. So that, therefore, we have this witness testifying after he gets this from two other people. That is, there is the process of it starting from somebody who was either in the United States or left the United States and then it goes to a second party and now to a third person, namely, the witness. That's what I call "triple hearsay."

Mr. Del Guercio: If your Honor please, Counsel's statement is incorrect. The witness hasn't testified to that. The witness has testified that he attended certain meetings of high Communist officials in Russia; that certain representatives of the Communist Party in the United States appeared there before the meetings and in his presence stated that they knew of their own knowledge that Harry Bridges was a member of the Communist Party.

Presiding Inspector: Well, I didn't quite get that, but that may be what he intended to testify to. I will strike out those answers and let you ask them

(Testimony of Nat Honig.)

again. If the people came there and said that, that is another thing. I didn't so understand it.

We will strike out as far back as you read, the questions and answers. Now, I will let you ask them again.

By Mr. Del Guercio:

Q. Now, Mr. Honig, you testified that you attended certain metings of the Red International of Labor Unions in [1444] Moscow, is that right?

A. Yes.

Q. At any time during these meetings in Moscow, Russia was the name of Harry Bridges discussed? A. Yes.

Mr. Gladstein: We will object to that as calling for hearsay, being immaterial.

Presiding Inspector: I will allow it. Go ahead now.

A. (Continuing) Yes. At quite a number of such meetings at which I was present as representative of the United States Communist Party to the the R.I.L.U., the name of Bridges was mentioned.

By Mr. Del Guercio:

Q. Now, who were at the meetings when the name of Bridges was discussed?

A. Well, there were the usual people who would attend these meetings regularly; representatives of various Communist Parties from practically every important nation in the world. I can mention some names, if you want me to. I mean, some of the delegates, from other countries.

Q. Yes, do that.

(Testimony of Nat Honig.)

A. Well, for instance, from France there was a man named Monmousseau. From Germany there was a man named Heckert—Fritz Heckert. He was the German representative to the Red International of Labor Unions. From China a [1445] delegate was named Li Li Sen. Those are three different names. From—well, some of the Russians, for instance, a man named Kutnik, who was my immediate superior in the Red International of Labor Unions.

Q. Were there any representatives of the Communist International there?

A. At some of these meetings there were. For instance, at various meetings there was a man Kuusinen, who was the leading official of the Communist International and he attended some of those meetings of the R.I.L.U. at which the name of Bridges was referred to.

Q. Were those meetings official meetings of the Red International of Labor Unions? A. Yes.

Q. Who called them?

A. The head of the Red International of Labor Unions; the General Secretary, Losofsky.

Q. And what was the purpose of these meetings?

A. The purpose of these meetings was to discuss the work of the various Communist Parties in the different countries in the trade union field.

Q. And who brought up the name of Harry Bridges?

A. Various times Losofsky himself, the General Secretary, would refer to Harry Bridges as carry-

(Testimony of Nat Honig.)

ing out the program of the Communist Party in the maritime industry. Losofsky, the General [1446] Secretary.

Mr. Grossman: Your Honor, the witness has not stated that Mr. Losofsky did not know this of his own knowledge. It is quite obvious that Mr. Losofsky is giving hearsay, unless Mr. Del Guercio can lay a basis for indicating that he knew of it of his own knowledge.

Presiding Inspector: I don't think there is anything objectionable in the particular answer given.

Mr. Grossman: I am objecting to it as hearsay, your Honor, on the basis that it is quite obvious from the context that this is hearsay from Losofsky.

Presiding Inspector: He only spoke on a general subject. We haven't got what he stated.

Mr. Grossman: We might as well make our objection at this time before we get in the information that would be obvious hearsay.

Presiding Inspector: I am not so sure that this is the time to make it. I have excluded it at the present time. You may make it at the propert time.

Will you read the answer, Mr. Reporter?

(The answer referred to was read by the reporter.) [1447]

Presiding Inspector: That is only his general comment on what he may have read in the newspaper, or anything. It doesn't amount to anything.

Mr. Grossman: Still, it is hearsay

Presiding Inspector: No. It is no objection to

(Testimony of Nat Honig.)

say it is hearsay. I think the objection should be that it is not relevant or material.

Mr. Gladstein: We made that objection previously and we make it again.

Presiding Inspector: I didn't hear that. I heard about the second, third and fourth class hearsay. That is what the objection was. I will let that stand.

By Mr. Del Guercio:

Q. Would official reports from the Communist Party of the United States be the subject of discussions at these meetings?

A. Yes, they would.

Q. And who would read those official reports?

A. Who would read them?

Q. Yes.

A. They would be read by Losofsky himself. They would be sent to him directly from the Communist Party of the United States.

Q. And that was in the regular course of business in these meetings?

A. Yes. I would see many of these reports also. They [1448] would be shown to me.

Q. And would the name of Harry Bridges be in any of these reports?

A. The name of Harry Bridges was in some of them that I saw.

Q. That you saw yourself? A. Yes.

Q. And what was said about Harry Bridges in these official reports received from the Communist Party of the United States?

(Testimony of Nat Honig.)

Mr. Gladstein: Obviously this not only calls for hearsay, but it calls also for something that is not the best evidence; it is calling for a statement as to what is in writing.

Presiding Inspector: We would have to have it more fully described. I doubt very much whether you will gain anything by this line of questioning or not.

Mr. Del Guercio: These were official reports of the Communist Party.

Presiding Inspector: But we haven't the reports, we don't know who made them, and we don't know when they were made, we don't know where they came from, what body.

Mr. Del Guercio: May I ask the witness further questions along this line?

Presiding Inspector: Certainly.

By Del Guercio: [1449]

Q. Where would these reports come from, Mr. Honig, in which Bridges' name was mentioned?

A. They would be reports signed by Earl Browder, General Secretary of the Communist Party of the U.S.A., by Jack Stachel, who at that time was head of the Trade Union Commission of the Communist Party of the U.S.A. I think practically all those reports, as far as I can remember, were under the signatures of those two.

Q. And they were official communications from the Communist Party of the United States to the Comintern, or Red International of Labor Unions?

(Testimony of Nat Honig.)

A. Yes; to the Red International of Labor Unions specifically.

Q. You said you saw two or three of these reports?

A. Yes; I saw some of these reports.

Q. And the name of Harry Bridges was mentioned in those reports? A. Yes, sir.

Q. How was Bridges referred to in those reports?

Mr. Gladstien: I again object on the ground that it calls for hearsay.

Presiding Inspector: That is true, it is hearsay. I suppose they want to show that he was called by some particular title which is prevalent among people belonging to that institution. Isn't that what you are objecting to? [1450]

Mr. Gladstein: I assume that is what Mr. Del Guercio is trying to prove. But we raise again this question of the impossibility of cross examining this witness, and I say this without any intention to reflect——

Presiding Inspector: I know it is impossible to examine on it.

Mr. Gladstein: What could prevent the witness from saying that he had seen this, that and the other in a document which obviously is not accessible to us?

Presiding Inspector: Nothing.

Mr. Gladstein: What would prevent him from doing that?

Presiding Inspector: Nothing.

(Testimony of Nat Honig.)

Mr. Gladstein: Therefore, the impossibility of cross examining on that particular phase is what makes this objection that we now press of great weight and of great value, and is why we make the objection.

Presiding Inspector: From a legal standpoint and according to the technical rules of common law, it is, of course, objectionable. There is no doubt about that. The question is this: Shouldn't we take it in this administrative investigation?

Mr. Gladstein: We have tried, in an effort to expedite the hearing, not to object to various kinds of hearsay that were requested by Mr. Del Guercio. We haven't made objections to all the hearsay he has asked for. This kind of hearsay is [1451] precisely the sort that it would be impossible for us to attempt to rebut, and it would be impossible to cross examine the present witness on, because all he would have to do is to sit there and say over and over again he says he saw this particular reference in a document which is impossible for us to ever get, and which, according to what he says, he saw somewhere outside the territorial limits of the U.S.A.

Mr. Del Guercio: It isn't impossible, your Honor. If the defense wants to they can call Earl Browder here. The witness testified that Earl Browder submitted such a report. We will issue a subpoena for them if they want to get Earl Browder here to testify for the defense. He mentioned the

(Testimony of Nat Honig.)

name of Bridges in that report so it isn't that impossible.

Presiding Inspector. That is all right. We will hear Mr. Gladstein now.

Mr. Gladstein: If Mr. Del Guercio raises the point as to whether the best way of proving Mr. Earl Browder wrote a report which contains mention of Mr. Bridges, if he thinks that is the way of doing it then I imagine it would be up to him to call Mr. Browder, and not up to the defense, because the legal objection we make still has merit. His suggestion that there is a stronger way of attempting to prove the point that he is trying to prove, that is something for him to overcome, and for us, because the burden is on him to establish what he is trying to establish. [1452]

Presiding Inspector: This witness has given the general reputation of Mr. Bridges, as a member of the Communist Party, among those whom he knew. I doubt whether you are going to gain anything by specific reference of this kind.

Mr. Del Guercio: Permit me to ask a few questions along that line and I will see.

Presiding Inspector: Yes.

By Mr. Del Guercio:

Q. Was Mr. Bridges referred to as "Comrade Bridges" in any of these meetings by representatives of the Communist Party of the United States?

Mr. Gladstein: We make the same objection.

Presiding Inspector: I will exclude that.

Mr. Del Guercio: What?

(Testimony of Nat Honig.)

Presiding Inspector: I will exclude that.

Now, you are asking for a particular occasion on which somebody in an official meeting used the name of "Comrade." I don't think that names amount to anything.

By Mr. Del Guercio:

Q. Was Harry Bridges recognized as a member of the Communist Party——

Mr. Gladstein: (Interposing) I object to that not only as——

Mr. Del Guercio: (Interrupting) Wait until I finish my question. [1453]

Presiding Inspector: Let him finish his question.

By Mr. Del Guercio:

Q. (Continuing) ——recognized as a member of the Communist Party in these official meetings of the Red International of Labor Unions at Moscow?

Mr. Gladstein: I object to the question as calling for the opinion and conclusion of the witness, as well as hearsay.

Presiding Inspector: I think perhaps that is so. But the calls for the witness' statement as to what was the general reputation, among those people, as to whether Mr. Bridges was a member of the Communist Party. Despite the fact that it may be of slight importance I will take it.

You may enter your objection.

Mr. Gladstein: We simply want to make the objection that it calls for the opinion and conclusion of the witness.

(Testimony of Nat Honig.)

Presiding Inspector: Not the opinion; there is no opinion here.

Mr. Gladstein: I think it does, because it is asking this witness whether Mr. Bridges was recognized——

Presiding Inspector: I have excluded that question, but I have made a suggestion of another one.

Mr. Gladstein: I see.

Presiding Inspector: The question that I suggest, and I don't know whether Mr. Del Guercio will accept it or not, is [1454] that he may ask whether he knows what the reputation in respect to Mr. Bridges' membership in the Communist Party was among Communist officials. If he says "Yes" I will let him say what it was.

Mr. Del Guercio: I will withdraw the last question and ask you another one.

By Mr. Del Guercio:

Q. You have testified, I believe, that Harry Bridges was discussed in these meetings?

A. Yes.

Q. Do you know Bridges' reputation among those people that were present at these meetings at the time that Bridges was discussed as a member of the Communist Party?

Mr. Gladstein: Just one moment.

Presiding Inspector: "Yes" or "No."

Mr. Gladstein: First, we object to the question on the ground that it calls for reputation testimony, and on the ground that it calls for hearsay, and

(Testimony of Nat Honig.)

on the ground that it calls for the opinion of this witness.

Presiding Inspector: It doesn't call for opinion.

Mr. Gladstein: And on the further ground that no appropriate foundation has been laid for the opinion being called for in the question.

Presiding Inspector: I don't think it calls for an opinion. It is a question of whether he knows his general repu- [1455] tation in this respect among those people. That is all the question is.

"Yes" or "No"—do you know?

A. Yes.

By Mr. Del Guercio:

Q. What was that?

Mr. Gladstein: Same objection.

Presiding Inspector: It is all repetition. It is already in the record. I will allow it. It went in without objection earlier. This is only confined to a particular group. That is all.

Mr. Gladstein: I understand, but in view of what you previously said I thought the safest way and easiest way was to enter an objection to the particular question since you previously announced that you would rule on objections to specific questions.

Presiding Inspector: Yes; but long before that occurred it was testified by this witness that Mr. Bridges was generally recognized as a member of the Communist Party. This is only an amplification, that is, as to whether he was generally recognized

(Testimony of Nat Honig.)

and what his reputation was in that respect among this influential group.

I do not think it is of the greatest importance.

Go ahead.

Mr. Del Guercio: I think the witness went further. He [1456] has testified that he knows Harry Bridges is a member of the Communist Party.

Presiding Inspector: That may be.

You may answer.

A. Yes. His reputation among the leading officials of the Red International of Labor Unions was that of being an active member of the Communist Party, leading member of the Communist Party in the waterfront work and the work among Maritime Unions.

Presiding Inspector: That answers the question.

By Mr. Del Guercio:

Q. I believe that you testified early this morning that after your return from Russia you went to New York, and after remaining there for a few months you came to the West Coast and became associated with the Western Worker?

A. Yes.

Q. What name did you use while you were associated with the Western Worker?

A. Well, as a pen name for articles which I wrote, I used the name "Nat Davis"; that is for articles I wrote for the Western Worker.

Q. How long did you use that name—when did you first begin using it?

(Testimony of Nat Honig.)

A. When I went to the Red International of Labor Unions in Moscow they asked to see my passport. On the passport was [1457] my right name, Nat Honig. They said "You cannot use your right name here. You will have to use an assumed name."

Well, I said I hadn't thought of that, but I suppose I could if I thought of it.

They said, "We will think of a name for you." And they thought of the one "Nat Davis." They said "That will be your name here." That was where I first used that name. It was wished on me in this case.

Q. And what was your work on the Western Worker, what was the nature of it?

A. In the first place, I should say roughly, five or six months, four or five months, I was labor editor, which meant that I was in charge of all trade union news, news of trade union activity, strikes, and so forth, labor disputes.

I was in charge of a labor page—they had a complete labor page—which I myself organized for the Western Worker.

Then later on I was managing editor—not editor-in-chief, but managing editor.

Q. And as such did you attend, purely Communist Party meetings?

A. Yes; all sorts of Communist Party meetings.

Q. How would you attend these meetings, that is, who would request you to attend the meetings?

A. Well, of course, it depends on which type of meeting you are referring to. [1458]

(Testimony of Nat Honig.)

Q. How many types of meetings are there?

A. Each Communist Party member was a member of his unit. That is the lowest, the smallest section of the Communist Party. Well, I attended such unit meetings.

Then there were various Section Committee meetings, meetings of the leading bodies of the Sections, which are territorial divisions of the Communist Party. I attended such meetings here in San Francisco.

Then there were District Committee meetings, to which I was invited to attend many times.

Then there were meetings of the Trade Union Section of the Communist Party, called by the Trade Union Director, so to speak, and I attended many of these.

Then there were what were called Top Fraction meetings of the Maritime Industry.

A Top Fraction consists of those Communist Party members who are leading officials, or the most active Communists within a certain industry or a certain Union.

The Top Fraction meetings that I attended in San Francisco of the Communist Party for the Maritime Industry would be attended by Communist Party members who held leading official positions in the waterfront Unions or unions connected with the waterfront in some way; and they would be attended also by a few who were members of such unions and who were Communist Party members, and who may not have been actually officials

(Testimony of Nat Honig.)

of [1459] those Unions, but, nevertheless, were doing leading work for the Party, very important work for the Party in those unions. And, in addition to them, certain of the leading Communist Party District officials would attend and, perhaps, occasionally some of the County officials here in San Francisco County would also attend.

I, myself, attended, particularly in the period of the 1936 and 1937 strike, at the invitation and request of the Communist Party District, located here at that time at 121 Eighth Street, because as labor editor of the Western Worker it was felt, as they told me, that I should attend these meetings and get the background for the stories on labor events that I would be writing up, particularly on the strike at that time, for the Western Worker.

Q. You described five meetings, types of meetings—the Unit meeting, Section meeting, District meeting, Trade Union Unity League meeting——

A. (Interposing) No, no. At that time there was no Trade Union Unity League. They were not Trade Union Unity League meetings, but being so called by the men in charge of all trade union work for the Communist Party of the District.

Q. And then the Top Fraction meetings?

A. Yes; of the Maritime Industry.

Q. Of the Maritime Industry? A. Yes.

[1460]

Q. How many such Top Fraction meetings of the Maritime Industry did you attend during that period of time, that is, in 1936 and 1937?

(Testimony of Nat Honig.)

A. You say how many of them?

Q. Yes.

A. I couldn't say exactly during the period of the 1936-1937 strike, which lasted, I think, from about, I guess, October or November, perhaps September, 1936, to February 1937, but there was at least one such Top Fraction meeting held each week, generally on a Sunday evening. I don't think I missed more than maybe two or three of such meetings for one reason or another.

So that while I cannot figure out off-hand exactly how many, I did attend practically every one of them during that period of the 1936-1937 strike.

Q. Where would these meetings be held?

A. They would be held at the homes of various more or less obscure members of the Communist Party—the more obscure they were the better it was thought to be—because there would be more protection for these meetings and the more secret they would be.

Q. And who would give you the address of the various meetings?

A. Often they would be given to me by Walter Lambert, who was the man in charge of Trade Union work for the Communist Party in the California District. [1461]

Sometimes it would be given to me by William Schneiderman, the District Secretary of the Communist Party for this District.

Occasionally it would be given to me by Schneiderman's Secretary.

(Testimony of Nat Honig.)

Q. And what would he say to you, if anything, when he gave you the address at which the meeting was to be held?

A. I would be told, and I made it a general practice, and I believe all the people who attended were told and made it a practice, I know I did, if the address was given to me on a slip of paper, of memorizing it promptly and tearing it up; and then when I got to the place, to the address, promptly forgetting the address itself; or else, if I was told the address I would simply memorize it myself and then when I came to the meeting place I would forget it.

I would never be told the name, at least practically never, the name of the party who owned the apartment, or the home at which the meeting was to be held, and I wasn't particularly interested in that. All I wanted was the address so I could get there.

Q. Now, was Walter Lambert connected with any union during that period of time?

A. To the best of my memory, or recollection, is that he was no official of any union. I know he was a member, I think, of some American Federation of Labor Union, but I can't [1462] remember which one it was.

Q. But he was an official of the Communist Party?

A. He was an official of the District of the Communist Party.

Q. Was Schneiderman, Bill Schneiderman, a member of any union?

(Testimony of Nat Honig.)

A. I don't believe he was. I think, I know that he had been a member of the Cleaners and Dyers Union at one time, but I can't say whether he was at that time.

Q. But he was the District Secretary of the Communist Party?

A. District Secretary of the Communist Party; yes.

Q. Now, did you ever see the Alien here in any of those meetings?

A. I saw Harry Bridges present at a good many of these meetings. In fact, during the 1936-1937 strike period, except on those occasions when he was out of town when he would leave town, perhaps, to address a meeting in some other city on the West Coast, he would be present at all these meetings. Those are the only ones I didn't see him at.

Mr. Gladstein: What is the last sentence in that answer?

(The sentence referred to was read by the reporter as above recorded.)

By Mr. Del Guercio:

Q. What do you mean "Those were the only occasions you didn't see him at?" [1463]

A. I say, except the meetings held at a time when Bridges was out of town, I saw him at all the meetings held in the period of the 1936-1937 waterfront strike. In other words, the only ones that he missed that I was present at were those held when he was out of town.

(Testimony of Nat Honig.)

Q. You are talking about the Top Fraction meetings held in private homes here? A. Yes.

Q. Top Fraction meetings of the Communist Party?

A. Yes; of the Communist Party for the Maritime Industry.

Q. These meetings were only attended by members of the Communist Party?

A. They can only be attended by members of the Communist Party.

Q. What was the purpose of these meetings?

A. To work out the day-to-day tactics and strategy to be pursued in the course of the 1936-1937 waterfront strike on the Coast, and particularly for the San Francisco and Bay area.

Q. To work out whose strategy and tactics?

A. The strategy that the Communist Party desired its members in these unions to follow and try to get the workers in these various branches of the Maritime Industry to follow. [1464]

Q. And would a high functionary of the Communist Party be present at every one of these meetings?

A. At every one of these meetings there would be at least one such functionary of the Communist Party.

Q. And who were some of those functionaries that were present during the time that Harry Bridges was present?

A. Very often it would be Walter Lambert; very often William Schneidermann; sometimes Betty

(Testimony of Nat Honig.)

Gannett, who was what they called "Agitprop," Agitation and Propaganda Director for the district; sometimes Frank Spector, who I believe had the title of Organizational Director for the Communist Party for this district at that time; sometimes all of them; sometimes a combination of them, but at least one of them would be present at every such meeting.

Q. And why would such a high functionary of the Communist Party be present?

A. Because these meetings were held for the purpose of working out the Communist Party strategy, the day-to-day strategy and tactics for the waterfront, and a leading official, a member of the highest body of the Communist Party for the district, would have to be there to see that the strategy, the tactics worked out would be in line with what the Communist Party desired.

Q. In how many of such meetings—I mean by "such meetings" top fraction meetings—was Bridges present? [1464-a]

A. I couldn't off-hand tell you how many.

Q. Approximately.

A. I could name a minimum number that I know that I was present at and Harry Bridges was present at at the same time. I would say ten, an arbitrary number, and it is a very arbitrary number.

Q. Would you say there were more than ten such meetings?

A. Yes. It is arbitrary in the sense that there were more than ten. I'm trying to be conservative.

(Testimony of Nat Honig.)

Q. Well, how many would you venture—we want your best recollection, of course. How many such meetings did you attend all together during the 1936-37 strike?

A. I could best answer that by figuring out the number of weeks that that strike lasted.

Q. All right, let's do that. The strike began when? In December of 1936, I believe you said.

A. I believe I said November or December. I can't tell you the exact month. But——

Q. (Interposing) Well, assuming that the strike was called in December——

A. (Interposing) Let us assume it was called in November, just for the purpose of a rough figuring out.

Q. And when did the strike end?

A. It ended in February. [1465]

Q. February, 1937? A. '37.

Q. Now, that would be December, January, February?

A. Well, approximately three months, anyway.

Q. Twelve or thirteen weeks. Would that be correct?

A. Yes, I think that would be correct.

Q. All right. In those twelve or thirteen weeks how many meetings did you have?

A. There would be a minimum of thirteen meetings, figuring on the basis of thirteen weeks; one week anyway. Sometimes it would be more than one.

(Testimony of Nat Honig.)

Q. And at how many such meetings did you see Harry Bridges?

A. Well, again I would say ten anyway, being conservative.

Q. In any of those top fraction meetings at which Harry Bridges was present was the strategy or practices of the Communist Party as set down by either the national headquarters of the Communist Party or the Communist International discussed?

A. Specifically at one meeting, one of the top fraction meetings—I can't remember the exact date—that was held, a change of policy in respect to affiliation of Longshoremen's Union was discussed. This was not during the strike itself. This was one of the later meetings at which Harry Bridges was [1466] present and I was present. And the idea then, the new policy, was to be for the Longshoremen's Union to be affiliated with the CIO, and it was discussed there that this was a policy that had been adopted—that is, transmitted to the Communist Party here at San Francisco from the Central Committee of the Communist Party in New York.

Q. Now, did Harry Bridges participate in the discussions at these various meetings?

A. Yes.

Q. During the strike?

A. Yes. He spoke at these meetings.

Q. What would be the nature of his participation, if you know?

(Testimony of Nat Honig.)

A. Well, in general he would discuss methods that he thought, as he saw them, might be used in strategy in carrying out the work of the Communist Party on the waterfront here in San Francisco and other ports along the Coast, among other things. Then they would discuss the attitude of certain other union officials who were non-Communists towards the Communist Party, towards Bridges; along that line.

Q. Now, were decisions reached in these meetings?

A. Decisions on day-to-day policy, yes. Major decisions, as far as basic policy was concerned, such as change of policy or change of important policy, would come from the Central Committee in New York. [1467]

Q. And what would be the effect of the decisions reached in these various meetings on all the persons, Communist Party members who attended the meeting?

A. Obedience in carrying out such decisions was mandatory.

Q. Was mandatory? A. Yes.

Q. And it would be mandatory upon Bridges to carry it out also?

A. Yes. As a Communist Party member it would be mandatory upon him to do so.

Q. How many other meetings in which Harry Bridges was present did you attend?

A. No other type of Communist Party meeting.

Q. No other type of Communist Party meeting?

A. Was he present at.

(Testimony of Nat Honig.)

Q. Well, did you attend any Communist Party meetings in which Harry Bridges was present after the 1936 strike?

A. Oh, yes. These top fraction meetings continued after that for some time. They perhaps weren't held regularly every week. For a while they were, and an attempt was made to keep them up from that period. But since the major struggle had ended, had been settled it wasn't felt the need to hold them quite as often. But I think they might average from then on once every two weeks. It doesn't mean that they were held every two weeks, but if you struck an average it would [1468] amount to that.

Q. And it was the same type of top fraction meetings of the Communist Party?

A. The same type.

Q. And attended only by Communist Party members?

A. Only by Communist Party members.

Q. And in how many such meetings was Harry Bridges present that you were present at?

A. Do you mean subsequent to the strike?

Q. Subsequent to the 1936-37 strike.

A. He wasn't always present at these meetings after the strike; more occasionally this time. And again I would have to strike a pretty rough average because I can't remember exactly how many. I would say at least half a dozen anyway.

Q. A half a dozen? A. Yes.

(Testimony of Nat Honig.)

Q. And that in addition to the ten that you have just testified to? A. Yes.

Q. Would there also be present high functionaries of the Communist Party who were not officials of labor unions? A. At least one.

Q. And Bridges would participate in such meetings?

A. Yes. That is, he would talk and take part in the [1469] discussions.

Q. Were there any top fraction meetings of the Communist Party before the 1936 strike that you attended in which Harry Bridges was present?

A. No, not before then.

Q. So, then, you would state that you attended roughly about sixteen top fraction Communist meetings in which Harry Bridges was present and participated?

A. Yes. I would say that is a minimum figure.

Q. That is the minimum? That is the most conservative figure you would say? A. Yes.

Q. There probably would be more than sixteen such meetings?

Presiding Inspector: Oh, Mr. Del Guercio, what is the use?

Mr. Del Guercio: All right. I will withdraw the question.

Presiding Inspector: Just to change the tone of voice, I will ask a question or two.

Were these meetings formal meetings?

The Witness: Yes, formal meetings.

(Testimony of Nat Honig.)

Presiding Inspector: Was there a presiding officer?

The Witness: Yes, there was a Chairman.

Presiding Inspector: And people addressed the Chair? [1470]

The Witness: Yes.

Presiding Inspector: What do they call the Chairman?

The Witness: Oh, "Comrade Chairman".

Presiding Inspector: "Comrade Chairman". Did you have a Comrade Secretary?

The Witness: Yes. There would be a comrade who would take notes on what had been discussed.

Presiding Inspector: Sometimes would you pass resolutions?

The Witness: No.

Presiding Inspector: And sometimes express the sense of the meeting?

The Witness: No. They wouldn't pass resolutions at those meetings. They would decide there on what resolutions they thought ought to be passed in the unions.

Presiding Inspector: Oh, yes, yes, they would express the sense of the members there present as to what ought to be done?

The Witness: Yes.

By Mr. Del Guercio:

Q. Was Bridges ever chosen as Chairman in any of these meetings?

A. I can't say definitely that he was. I can only say this about the Chairman: He wasn't a per-

(Testimony of Nat Honig.)

manent Chairman; at each meeting they would try to get somebody to act as Chairman. Generally everybody would be reluctant to do so because, [1471] if you are in the Chair, you don't get as much of a chance to talk. So they would have quite a time trying to get one.

Presiding Inspector: It depends on who the Chairman is?

The Witness: Yes.

Presiding Inspector: It is universal in those meetings to speak of various persons present by a Party name? They call you "Comrade Davis"?

The Witness: It depends. Sometimes.

Presiding Inspector: They would call you "Mr. Davis"?

The Witness: No, they wouldn't use the word "mister". That was bourgeois. But sometimes they would call a man by his first name. They would say "Harry" to Harry Bridges, or they would call Schneidermann "Bill". Sometimes they would say "Comrade Bridges", "Comrade Schneidermann".

By Mr. Del Guercio:

Q. As Managing Editor of the Western Worker were you required to write up the Communist Party policy regarding trade union activities?

A. Yes. Many times—at least I would say several times—I would write articles regarding Communist Party policy in trade unions under the name of Nat Davis.

Mr. Del Guercio: May we have a short recess?

(Testimony of Nat Honig.)

Presiding Inspector: Yes. We will take a short recess.

(Whereupon a short recess was taken.)

[1472]

Presiding Inspector: Resume, Mr. Del Guercio.

By Mr. Del Guercio:

Q. Mr. Honig, who were some of the other men, other than Harry Bridges who attended these top fraction meetings that you described?

A. I will try to kind of group them by the unions they came from. That would be the easiest way, I think. From the Longshoremen's Union there were Henry Schmidt——

Q. (Interposing) Now, just a minute! Henry Schmidt, do you see him in this Court room?

A. Yes. He's the second man from this end standing against the wall (Indicating).

Q. Is he standing near the officer there?

A. Yes.

Q. The man right next to the officer?

A. At least from here it looks like him to me.

Q. Is there any question that that is the Henry Schmidt?

A. Well, from here, as far as my eyes can see, it looks like him to me.

Q. Is he a member of the Communist Party?

A. He was at that time.

Q. What are some of the others?

A. Also from the Longshoremen's——

Q. (Interposing) Who?

(Testimony of Nat Honig.)

A. Also from the Longshoremen was John Schomacker. [1473]

Q. How do you spell that?

A. I believe it is S-c-h-o-m-a-c-k-e-r, or perhaps it has an "e" after that "o". I never knew exactly. And there was "Bebe" Jones. I imagine you spell that "B-e-b-e" Jones. That was the name we knew him by.

Q. Were Schomacker and Jones members of the Communist Party?

A. Yes. They attended the Communist Party top fraction meetings, and Harry Bridges also from the Longshoremen.

Q. And was he a member of the Communist—I believe you have already testified that he was a member of the Communist Party?

A. Yes, I have.

Q. And who else?

A. Also from the Longshoremen there was a man named Halling, but I don't remember his first name.

Q. So I don't need to ask you this question again, all these names that you are going to give are members of the Communist Party?

A. Yes.

Q. All right.

A. Then from the Marine Cooks and Stewards was Revels Cayton, and he would attend these meetings pretty regularly.

Q. Yes.

(Testimony of Nat Honig.)

A. From the Sailor's Union of the Pacific was a man named Al Quittenden. [1474]

Q. Al What?

A. Al Quittenden; Q-u-i-t-t-e-n-d-e-n. Perhaps it was "d-o-n". And Dave Saunders, who occasionally would be at those meetings. They were from the Sailor's Union. I don't believe that they were there officially representing these unions. They were Communists who were extremely active or had leading posts in these unions.

Q. I see.

A. From the Warehousemen's Union, which was part of the Longshoremen's Union, a section of it, were Archie Brown occasionally and Lou Goldblatt.

Q. The Brown also referred to is Zack Brown?

A. No. This is Archie Brown.

Q. Archie Brown?

A. From the American Radio Telegraphists Association were Roy Pyle, Mervin Rathbone, and this Z. Brown. Whether it was "Zack" or "Zeke" I forget. I think it was "Zack". Brown was not only from the ARTA, the American Radio Telegraphists Association, but he was an official of the Maritime Federation of the Pacific in the Bay area at that time. And also, of course, were—I guess I have mentioned some of the leading officials of the Communist Party who would attend those meetings.

Q. Will you state them again?

A. Well, William Schneidermann, Frank Spector. [1475]

(Testimony of Nat Honig.)

Q. What was William Schneidermann?

A. He was District Secretary.

Q. Of the Communist Party? A. Yes.

Q. And what was Frank Spector?

A. He was a member of the District Executive Committee and, I believe, if memory serves me right, Organizational Secretary for the district for the Party at that time, anyway.

Q. Do you know if Frank Spector had been made a subject of deportation proceedings or had been ordered deported as a member of the Communist Party?

A. No, I don't know that. And Betty Gannett, who was what they called Agitprop Director.

Q. Did you ever see Elmer Hanoff in any of these meetings?

A. Yes, he occasionally attended.

Q. Who was Elmer Hanoff?

A. He was a member of the District Executive Committee of the Communist Party. I believe he became severely ill later and was unable to attend these meetings any longer, but I may be wrong as to the time he became ill. He did attend some of these meetings.

Q. How about Sam Telford?

A. Sam Telford occasionally did. He was there as an official of the Communist Party Waterfront Section. [1476]

Q. Now, Mr. Honig, do you know George Wilson?

(Testimony of Nat Honig.)

A. I don't know him socially. I have seen him, met him, spoken to him.

Q. Do you know the Goerge Wilson I mean? I mean the George Wilson that is Chairman of the Harry Bridges Defense Committee, so-called, defense committee?

A. I have heard that he is chairman of that. I have just read that he is.

Q. Do you know him to be a member of the Communist Party?

A. I don't know him from having met with him at any Communist Party meetings, and while I was in San Francisco I can almost definitely state that he was not a member of the Communist Party. But from members of the Communist Party still in the Communist Party in San Francisco and some in the American Newspaper Guild in other cities who still—I still have contact with—I know that he is a member of the Communist Party.

Mr. Grossman: Just a moment! It is quite obvious, though the question does not call for hearsay, this witness has been answering it from hearsay. And I move, therefore, that the answer be stricken, obviously because there cannot be an answer from direct knowledge of the witness.

Presiding Inspector: I will strike out all remarks after his statement that he was quite sure at that time that he [1477] was not a member of the Communist Party.

(Testimony of Nat Honig.)

By Mr. Del Guercio:

Q. Do you know George Wilson's reputation since that time?

Mr. Gladstein: I am going to make the same objection.

Presiding Inspector: Do you think that is material at this time?

Mr. Del Guercio: He is Chairman of the Defense Committee and he has been sitting in the Court room here.

Presiding Inspector: We are not trying the Defense Committee or anything of the kind. I think I will exclude it as too remote.

By Mr. Del Guercio:

Q. Do you know Estolv Ward? A. Yes.

Q. Do you know him to be a member of the Communist Party?

Mr. Gladstein: I object to that as immaterial.

Presiding Inspector: I don't know who he is. Was he at any of these meetings?

Mr. Del Guercio: I think later on we may bring in something about Estolv Ward. He wrote a book here on——

Presiding Inspector: (Interposing) I think we had better postpone it until that time.

Mr. Del Guercio: We won't have this witness available. [1478]

Presiding Inspector: Unless you say that you are going to connect it up. If you say you are going to connect it up, I will take it.

(Testimony of Nat Honig.)

Mr. Del Guercio: That is my present plan, to connect it up. We are laying a foundation for it now.

Presiding Inspector: Well, you don't yet say whether you are going to connect it up.

Mr. Del Guercio: I said we are going to connect it up, that Estolv Ward is a person who wrote a book on the "Persecution of Harry Bridges" or some such book.

Mr. Gladstein: I still make the objection.

Presiding Inspector: I don't think that would connect it up. I will exclude it.

Mr. Del Guercio: Very well, your Honor.

Presiding Inspector: Of course, you have defined the way you are going to connect it up, and I don't think that would be sufficient.

Mr. Del Guercio: I won't press it, your Honor.

Presiding Inspector: Very well.

By Mr. Del Guercio:

Q. Mr. Honig, in any of these meetings that you have described, Top Fraction meetings of the Communist Party, did Harry Bridges ever mention the name of Harry Lundeberg?

A. Oh, yes. He frequently did.

Q. And what did Bridges say about Harry Lundeberg?

A. Well, Bridges didn't like Lundeberg very much. [1479] Lundeberg was consistently opposed to Bridges. In Bridges' own words at these meetings, Lundeberg was fighting the Communist Party policy in the waterfront industries and sometimes

(Testimony of Nat Honig.)

Bridges would be very angry about—would express anger about Lundeberg's attitude, and he would say words which to me seemed to be more in hot-headedness. But he would say definitely that Lundeberg "ought to be dumped" and "We ought to see to it that he is dumped", and he would refer to others in the Sailor's Union who were what he would call "henchmen of Lundeberg".

Q. What do you mean when he used the word "dumped"?

A. Well, "dumped" is a term along the water-front which means "beaten up", perhaps seriously hurt. Beaten up with that general intention of seriously hurting someone.

Q. Who is Harry—well, never mind. Strike that out. Do you know Sam Darcy?

A. Yes, I know Sam Darcy.

Q. Who is Sam Darcy?

A. I don't know what his present position in the Communist Party is.

Q. I mean at the time you were a member?

A. But I knew it, and when I was a member of the Communist Party at various times he was District Organizer of the Communist Party—District Secretary for California.

Q. Here in San Francisco?

A. Yes, with headquarters here. Later on he was— [1480] I knew him before that when he was for a while a member of the Daily Worker's staff in New York. Later on I met him when he was a

(Testimony of Nat Honig.)

delegate to the Seventh World Congress of the Communist International in Moscow, held in 1935.

Q. Can you fix it more definite than that, the year 1935? The month?

A. You mean the month of the Congress?

Q. Yes.

A. I can. It began, I'm definitely sure, the last week in July of 1935 and lasted about a month.

Q. Perhaps this will refresh your memory, Mr. Honig. I am showing it to you for that purpose. I have here a copy of the International Correspondence, the Seventh World Congress of the Communist Party, a continuation of the discussion and report of the activities of the Executive Committee of the Communist International, Seventh Session. "Comrade Browder, U.S.A., as Chairman, opened the session", dated Moscow, July 28, 1935. Among other things there appears "Contents" and under the "5", "1. Comrade Darcy, U.S.A." and a page reference, I believe, to 1275. Does that refresh your recollection as to the time that you saw Sam Darcy in Moscow?

A. Yes, it does. And I recall this particular issue.

Q. Do you know if Sam Darcy made a speech on that occasion?

A. Yes. He made a report as a delegate from the [1481] American Communist Party.

Q. And do you know what in substance was—you heard the speech, didn't you?

A. Yes. I heard the speech.

(Testimony of Nat Honig.)

Q. You were present there?

A. Yes, I was present.

Q. And what briefly was the subject of the speech?

Mr. Gladstein: That is objected to as immaterial, calling for hearsay.

Presiding Inspector: Now, wait!

Mr. Del Guercio: If the Court please——

Presiding Inspector: (Interposing) Wait! Does it relate to Mr. Bridges?

Mr. Del Guercio: Yes, it relates to Mr. Bridges and we have already in evidence that Sam Darcy attended meetings with Harry Bridges here in the U.S.A.

Presiding Inspector: I will take it.

Is Mr. Darcy living?

The Witness: The last I heard of him he was.

Presiding Inspector: Is he around San Francisco?

The Witness: I couldn't say because I don't know.

Presiding Inspector: I will take it.

Mr. Del Guercio: What was the question?

(The question referred to was read by the reporter as above recorded.) [1482]

A. The subject of his speech was mainly on the Maritime—the work of the Communist Party in the Maritime industry of the West Coast, particularly referring to California.

(Testimony of Nat Honig.)

By Mr. Del Guercio:

Q. Did Mr. Darcy mention anything about the activities of the Communist Party during the 1934 strike in San Francisco? A. Yes, he did.

Q. What did he say in that connection?

A. Of course I can't tell you exact words. The speech was a long one. It occurred some time ago. I can only tell you my recollection of the gist of it.

Q. Did Darcy's speech appear in any newspaper?

A. Excerpts from it appeared through an Associated Press dispatch which I recall definitely reading in the New York Times on the front page for July 31, 1935, and that's the only American daily newspaper that I recall any excerpts or any parts of his speech being printed.

Q. For the purpose of refreshing your memory I will show you a photostatic copy of a certain article appearing in the New York Times July 31, 1935, an article written by Harold Denny, "Special cable to the New York Times," bearing the date "Moscow, July 30." Does that article contain any abstracts from Darcy's speech as you heard it?

A. Well, I want to look at the abstracts they have here [1483] yes. (Reading abstracts.) Yes. I have only bothered to read here direct quotes. I haven't read the rest of the text, and the excerpts as they appear here may not be word for word—undoubtedly aren't word for word what he said.

(Testimony of Nat Honig.)

but in essence they are what I heard him say in that speech.

Q. Substantially what you heard? A. Yes.

Q. I will refer you particularly to the statement that appears in this article: "'Even as late as'" —this appears in quotes. "'Even as late as 1933, the sea transport workers on the west coast were not organized in trade unions,' said Mr. Darcy. 'We started persuading the workers not only to join the American Federation of Labor but to become its active leading members. A great number joined and eventually we were at the head of many thousands of workers. A strike committee was elected after the strike had been decided on and our comrades headed it. Nevertheless, the local trade union bureaucrats managed to become strike leaders and finally to betray it.'"

By Mr. Guercio:

Q. Did you hear Darcy say that?

A. Yes. The first sentence or so there may not be word for word, but the last two sentences there —I remember those particularly because they created a sort of a sensation and that stuck in my mind. Those last two sentences are, as far [1484] as I can recall, almost word for word what he did say.

Q. And to what strike was Sam Darcy referring?

A. He had been speaking in his speech of the 1934 strike—the 1934 general strike—prior to that in excerpts which are not printed in the Times, the

(Testimony of Nat Honig.)

speech that I heard him make, and this was a continuation of his reference to that strike. [1485]:

Q. During the 1934 strike here in San Francisco? A. Yes.

Mr. Del Guercio: I offer this article in evidence, if your Honor please, as Government's Exhibit next in order.

Presiding Inspector: It may be received without objection.

(The document referred to was received in evidence and marked Government's Exhibit No. 244.)

By Mr. Del Guercio:

Q. Do you know who was at the head of the strike committee during the 1934 strike on the Pacific Coast here in San Francisco?

A. I wasn't here in 1934 so I couldn't testify as to that.

Mr. Del Guercio: I will withdraw the question. If counsel has no objection I move that the answer be stricken as I withdrew the question.

Mr. Galdstein: You have asked him other things earlier today that he didn't know.

Mr. Del Guercio: Let it stay in there.

Mr. Galdstein: We have no objection to the state of the record as it is.

By Mr. Del Guercio:

Q. Did Darcy say anything in his speech about a coming strike on the Pacific Coast? [1486]

(Testimony of Nat Honig.)

A. Yes. He predicted that there would be a general strike, another general strike along the waterfront in San Francisco in September of 1935.

Q. Did he say who would bring that about?

A. He said the Communist Party would head it, would prepare it and lead it.

Q. Now, Mr. Honig, what is your attitude toward trade unions?

A. My attitude toward trade unions is this: I would say that I inherited, through my father, an attitude of firm support and belief in trade unions. My father was very strict on the question. All of my family were trade union members and it was natural that as soon as I could possibly join a union in any trade that I was working at I would. In the newspaper industry there wasn't a union organized while I was working in it, until 1935, I believe, and then I joined the Newspaper Guild because of my belief in trade unions, in 1936 here in San Francisco.

My attitude toward trade unions is one of firm belief in them, firm belief for the necessity of trade unions, and for their value to those who work and for the industry as a whole.

Q. Have you ever testified before the Dies Committee? A. No.

Q. Have you ever testified before any governmental committee, Federal, State or otherwise?

[1487]

A. Not before any governmental committee.

Q. Now, Mr. Honig, do you know Matt Meehan?

(Testimony of Nat Honig.)

A. I have seen him on a number of occasions at public meetings.

Q. Do you know if he was a member of the Communist Party at any time during your membership?

A. I know from the fact that in Seattle for a time I was a member of the District Committee, of the Northwestern District of the Communist Party and I know that in meetings that I participated in he was referred to, and his work was referred to as a Communist in waterfront work.

Mr. Gladstein: I make the same objection and move that the answer go out.

Presiding Inspector: Strike it out. It is too remote.

Mr. Del Guercio: We are going to establish that Matt Meehan was a member of the Communist Party. We will have other witnesses here.

Presiding Inspector: Matt Meehan?

Mr. Del Guercio: Yes. He was supposed to be at a certain meeting at which Bridges attended.

Presiding Inspector: He is one of the two that has been named?

Mr. Del Guercio: He has been heretofore named several times.

Presiding Inspector: What difference does it make? [1488]

Has anyone testified about his being a member of the Communist Party?

Mr. Del Guercio: Yes; Mrs. Lovelace has.

(Testimony of Nat Honig.)

Presiding Inspector: She testified he was a member of the Communist Party?

Mr. Del Guercio: Yes.

Presiding Inspector: Then you don't need this, if you have direct proof someone referred to him as such. It don't help very much.

By Mr. Del Guercio:

Q. Why did you leave the Communist Party, Mr. Honig? A. Why or when?

Q. Why?

A. I left the Communist Party, in the first place, with the signing of the pact between Nazi Germany and Soviet Russia. I could see no longer any support for the claims of the Communist Party that it was opposed to Fascism. It was to me very much a complete reversal of everything that the Communist Party had taught me, and I had seen it teach other members, and it had had me teach other members, that it stood for, namely, a defense of democracy.

Particularly, in the two or three years previous to that the Communist Party had stated that it was going to change its policy, its attitude toward Democracy, and that really now, sincerely, it wanted to support Democracy,—a step which I, [1489] and many others I knew in the Communist Party, hailed.

With the signing of the pact with Hitler, particularly at a time when the democracies seemed to be almost certain to come to blows with Fascist Germany, to me it represented nothing but

(Testimony of Nat Honig.)

the fact that the Soviet Government was swinging the Communist Party closer into line with what the Fascists stood for.

Subsequent developments along that line convinced me all the more that that was true.

That was, by a long way, the deciding factor in making me leave the Communist Party.

Also I had become disillusioned with the leaders of the Communist Party more and more so for several years before that. But I had operated on the theory, and I had expressed it to other party members when I discussed it, that as long as I felt that I believed in the basic principles of the Party, and I felt I was a sincere Communist Party member, that there was no reason that I should condemn the Communist Party as a whole because of what I thought of the leaders of it, certain leaders, or maybe the majority. But I had seen them very closely, particularly in those recent years, and I had seen them at work, and in the trade unions, and I knew in my mind that they were opportunists; that they were not there mainly for the benefit of the membership of the trade unions, even though in some cases to maintain and strengthen their position [1490] they would have to do certain things to obtain some things for those members.

But experiences with Communist Party members who were leaders of trade unions convinced me that the leadership was opportunistic and, therefore, this represented another disillusionment in

(Testimony of Nat Honig.)

my mind as to the policy, as to the sincerity of the Communist Party leadership.

There a complete lack of democracy within the Communist Party itself was another thing that caused me to leave. There had been some semblance of it when I first entered the Party, and there had been the idea prevalent that there would be more and more democracy allowed; especially allowed members of the Communist Party in reaching decisions in elections on officials of the Communist Party. But it eventually developed to the contrary. In succeeding years any semblance of democracy in the Communist Party disappeared.

The thing, particularly along that line, that made me disillusioned with the party was that there was a constitution drawn up, a very beautiful document, full of high-sounding phrases about democracy, and the rank and file member of the Communist Party, his word being final, and the law and so forth, or words to that effect, and the man who decides the policy, but despite all that—for instance, when it was decided that a change in line of the Communist Party, or change in policy in its attitude toward the people's front, towards building a [1491] democratic front, was to be changed and done away with, the membership were not allowed to vote, but merely informed that there had been a change; that we were no longer going to say "three cheers for democracy," but on the other hand "down with democracy," and "We are going to call it a capitalist democracy"; whereas the day before it was real

(Testimony of Nat Honig.)

democracy we were fighting to preserve, and then the next day it was a capitalist democracy and down with it. No votes were taken among the party members, the membership was not consulted, but was told that it was a new policy and the members would have to obey it if they wanted to remain Communist Party members.

These were the major factors that made me leave the Communist Party.

Q. Mr. Honig, have you ever been charged with any crime?

A. Yes. I was arrested in Bayonne, New Jersey. I think it was in the year 1931. That was in connection with the distribution of the Communist Party Trade Union Unity League literature at a plant there, the Standard Oil Company. My arrest came about because I testified that two girls that were distributing, Young Communist League members who were distributing this literature, and were reputedly cluttering up the streets with it, I testified they were not littering up the streets. As a matter of fact, I had actually bought a copy of the paper they were selling there at the gates of this plant. [1492] I was charged with contempt of court and fined $15 in that case.

That is the only time I have been arrested, or charged with anything.

Q. Have you ever been charged with any other crime since then, and convicted? A. No.

Q. Did you recently have some trouble in connection with some books in Seattle?

(Testimony of Nat Honig.)

A. Yes. In a book store in Seattle, I guess about three or four weeks ago, where I have bought many books, I was held—I wouldn't say "held"—I was taken down to the Police Station in Seattle in connection with some books that were taken from this place. I was not charged, I was not arrested, and the books that I had I paid for, and I was not arrested or charged in the case.

Q. Had you purchased books at that book store before? A. Yes; frequently.

Q. Are you a book collector?

A. Yes. I like books and I collect books.

Q. Have you had any other difficulties——

A. (Interposing): Difficulties—you mean in connection with the police?

Q. In connection with the law, I mean?

A. No.

Q. Have you received any threatening communications [1493] prior to your testifying here?

A. I have not received written threatening communications, but in the past two or three weeks, both at my place of work in the Seattle Post-Intelligencer and at home, my wife and myself have received repeated numerous phone calls, threatening me. When I would answer the phone I would be told that I had better not make any move to say anything or do anything against anybody in the Communist Party.

In some cases later on they simply would be annoying, simply calling up at home, or at the office, and I would answer the telephone and say

(Testimony of Nat Honig.)

"hello", or my wife would, and then they would hang up. There would be three, four, five or six of those things in a row so it didn't seem to be coincidence.

Q. Over how long a period did this happen?

A. Over a period of three weeks.

Q. That was after you made your statement to the FBI officers?

A. After I made my statement to the FBI officers in Seattle I received one such call only. It was before that most of them occurred.

Q. Are you married? A. Yes.

Q. Have you any children? A. One.

Q. How old is the child? [1494]

A. He is two years old; two years old tomorrow.

Q. Are you the sole support of your wife and child? A. Yes.

Q. Do you know Joe Ring?

A. Yes, I know a Joe Ring.

Q. Who is he?

A. Joe Ring was one of the men who attended these Top Fraction meetings that I have described of the Communist Party in the Maritime Industry in San Francisco. He was Bridges' bodyguard. He would follow Bridges about to protect Bridges.

Q. Was he also a member of the Communist Party?

A. Yes; he could not have been present at these Top Fraction meetings unless he were.

Presiding Inspector: The name, please?

Mr. Del Guercio: Joe Ring—R-i-n-g.

(Testimony of Nat Honig.)

Mr. Del Guercio: You may take the witness.

Mr. Gladstein: May we have a few seconds, your Honor?

Presiding Inspector: Yes.

Cross Examination

By Mr. Gladstein:

Q. Mr. Honig, you mentioned the book incident. You say you paid for the book?

A. No, I didn't say a book; I said some books.

Q. Some books? A. Yes. [1495]

Q. Did you pay for the books?

A. What did you say?

Q. Did you pay for the books?

A. Yes, I paid for them.

Q. Before or after the incident that you described when you were taken down to the police station?

A. After—in the police station.

Q. In the police station? A. Yes.

Q. Had you ever done anything like that before? A. No.

Q. Are you sure? A. Yes.

Q. On the day that happened weren't you advised that on the previous day you had taken some books for which you had not paid and that you were followed to your home by representatives of the store detectives in the store from which you took the books?

A. I was never advised anything about that. The only time I heard about such an event was in

(Testimony of Nat Honig.)

a paper published in Seattle, the Washington New Dealer, and I had been informed that the same version of it appeared, not to my very great surprise, in the Peoples World here in San Francisco.

As to being followed to my home on the day before, or the same day, I couldn't possibly have been followed to my home because I worked at the Post-Intelligencer on both those days. [1496]

When I came from my home to the city—incidentally, I hadn't been home but had been staying at somebody else's home because my wife was out of town—but call that temporary abode my home—when I came from there, which was outside the city limits, I didn't go back home until 12:30 or 1:00 in the morning because that was when my shift ended at my place of work. So I could not have been followed home on the day before because I didn't go home once I came to the city.

Q. At the time that you were taken to the police station around that time, were you told by any representative of the store that was involved that you had been trailed by store detectives the previous day.

Mr. Del Guercio: I object to this line of testimony. It isn't proper cross examination.

Presiding Inspector: I will take it. It goes to his credibility.

By the way, you brought it out.

Mr. Del Guercio: What?

Presiding Inspector: You brought it out.

(Testimony of Nat Honig.)

Mr. Del Guercio: Yes.

Mr. Gladstein: Will you read the question, Mr. Reporter?

(The question referred to was read by the reporter as above recorded.)

A. No, I was not.

By Mr. Gladstein:

Q. Or any prior day? [1497]

A. I was not told that I had been trailed.

Q. Did you have a conversation with representatives of the store on the day that you were taken to the police station?

A. Representatives of the store in which this occurred?

Q. Yes.

A. A conversation with reference to these particular books?

Q. Yes.

A. No; not with representatives of the store but of the store detective agency, or whatever it is called.

Q. You did have a conversation with them?

A. Yes.

Q. What did they say?

A. I don't remember their exact words. They said that two books that I had, they thought I was trying to take from the store.

I said, "I will pay for the books."

They told me, "No. We will have to get in touch with the police detective."

(Testimony of Nat Honig.)

They sent for him and he came.

I asked them to take me to the place where I worked so that I could show the people, tell them, that my intentions, so far as they knew, was to pay for the books.

They said "No." They said that they couldn't do that; that they would have to call this police detective and see what he [1498] wanted to do.

He came and he said "We will go down and investigate this man and see if he has a record and see if there is anything against him."

So I was taken to the police station in Seattle. An investigation was made. They took my finger prints, recorded them. They found that there was no record and they gave me back the finger prints.

I paid this police detective for the books, which I had offered to do in the store, and I paid him there. He held the books for me and I came back and got them the next day from him.

I was not arrested and was not charged.

Q. Where did you make the offer to the store detective to pay for the books, inside the store or outside the store? A. Inside the store.

Q. Are you sure about that?

A. Absolutely; in an office, in one of the offices in the store.

Q. Had you gone out of the store before you were taken to the office of the store by the store detective?

A. I was at the — this particular store, called Frederick & Nelson, is a place where they sell

(Testimony of Nat Honig.)

magazines near the entrance to the store. I was there when I had the books. I was looking at the magazines. I was approached by these store detectives there. [1499]

Q. Did you have the books in your hand?

A. I had the books in my hand.

Q. Were you outside the store at the time?

A. When I was approached by them I was at this portion of the store where these magazines were.

Q. Were you leaving the store?

A. I was looking at the magazines.

Q. This is outside the doorway of the store, is it?

A. I would say it is part of the entrance to the store.

Q. Where are you now employed?

A. Seattle Post-Intelligencer.

Q. How long have you occupied that position?

A. You didn't ask me what position so I can't answer.

Q. How long have you been employed with that newspaper?

A. I have been employed as part time copy reader for the past three years. This is now the third year.

Q. This is continuous employment with the Post-Intelligencer? A. I say part time.

Q. Are you now a part-time employee?

A. Yes.

Q. This would run back for the last three years?

(Testimony of Nat Honig.)

A. It extends back over the last three years, including this as one of the years.

Q. That is including 1941, you mean?

A. That is now—this is now the third year.

[1500]

Q. In other words, it would date back to about the beginning of 1939?

A. Yes; it would date back to the opening, start of the summer vacation period there in 1939.

Q. Just prior to that how were you earning a living?

A. Just prior to that I had been employed on the Writers Project, for a few months in Seattle.

Q. Will you give us the date of that employment?

A. The Writers Project—the exact date I can't recall, but I think it was between September 1938 and March 1939.

Q. While you were on the Writers Project were you on relief or a known relief employee?

A. No. I had been certified for relief before that.

Q. Were you a relief employee during this period that you were on the Writers Project?

A. Well, I was told that to work on the Project I would have to be certified as being eligible for relief, though I received no relief, no cash relief.

Q. Then you were known as a relief employee, is that right?

A. Well, I was never called that, but I assume that is the technical title for it.

(Testimony of Nat Honig.)

Q. Just prior to that, that is, we have gone back down to [1501] September, 1938——

A. (Interposing): Yes.

Q. (Continuing): ——how were you then gainfully employed if, at all?

A. For two months—oh, I guess, roughly between a period of June 1, 1938 and September—I wasn't employed at all for those two months.

Q. You were not employed? A. No.

Q. Were you on relief?

A. No. I applied for relief just for certification, so I could be employed on the Writers Project, but not for cash relief.

Q. Just prior to June, 1938, what were you doing?

A. I was Editor of the Timber Worker, the Official organ of the International Woodworkers of America.

Q. For how long?

A. From August, 1937 to June, 1938.

Mr. Gladstein: I notice it is after 4:00. Of course, we can't finish today.

Presiding Inspector: Go ahead for about five minutes longer. We have had pretty long recesses.

Mr. Gladstein: Yes.

By Mr. Gladstein:

Q. So, during any of the period from August, 1937, to [1502] date has your wife also been employed?

A. She was employed—of course, she wasn't my

(Testimony of Nat Honig.)

wife when I first came to the Timber Worker. We were married in May, 1938. From May, 1938—from that time, I guess—I mean, the period we were married, she perhaps was employed for a few weeks at the office of the International Woodworkers of America; specifically in the Timber Worker office. She had worked there before that, but that was before we were married.

Q. For a few weeks you say?

A. For a few weeks after we were married, yes. But she had worked there for a few months before we were married.

Q. And then I understand that she ceased working there, is that right? A. Yes.

Q. Has she had any employment since that time?

A. Oh, she has had a day's work when somebody would ask her to do some stenography from time to time.

Q. During the period when you were on relief, that is, when you were on the Writer's Project as a relief client,——

A. (Interposing): Yes.

Q. (Continuing): ——were you doing any work in private employment?

A. I got one leave of absence of two weeks with the agreement of the Writer's Project there to do some work on the Post-Intelligencer on the copy desk; and then another day—I can't remember the exact time—I think I got two day's leave of [1503] absence. I am not sure of that, though.

(Testimony of Nat Honig.)

But I am pretty sure it is so, for the same purpose.

Q. Your recollection is that on one occasion you got a leave of absence for two weeks to do some work on the copy desk of the Post-Intelligencer?

A. Yes.

Q. And that on another occasion you had a two-day leave of absence for the same purpose?

A. Yes. I am not absolutely sure of the second occasion, but I think it was so.

Q. That is your recollection? A. Yes.

Q. Are you sure of the first?

A. Absolutely.

Q. The work that you were doing for the Post-Intelligencer *Post-Intelligencer,* is that right?

A. Yes.

Q. Was that remunerative? A. Oh, yes.

Q. Were you paid for that?

A. I was paid for that.

Q. Did you report those earnings to the WPA?

A. Oh, yes.

Q. And were deductions made from your WPA wages on account of those earnings? [1504]

A. No deductions were made. I simply didn't work at the Project for that period and received no wages for that period. There was a leave of absence from the Project without pay. That's the arrangement they had.

Q. Well, would it be correct to say during all the time that you were employed on the Writer's Project you did report to the official authorities

(Testimony of Nat Honig.)

of that Project all earnings in private employment that you during that period made? A. Yes.

Q. That is correct?

A. Such reports were submitted by every member working on the Project periodically. I reported whatever earnings I made.

Q. Have you mentioned all the arrests to which you have ever been subjected? A. Yes.

Q. Have you ever given false testimony under oath? A. No.

Q. I want to go back to this for just a moment. Since May, 1938, when you became married, is it correct that your wife's only employment has been for the few weeks, as you described it, in the Timber Worker's office? A. The only thing——

Mr. Del Guercio (Interposing): If your Honor please, the testimony is that she got occasional jobs. They were stenographic jobs. Now, Counsel knows that. [1505]

Mr. Gladstein: Oh, is it?

Presiding Inspector: He said that.

Mr. Gladstein: Oh, excuse me.

Q. Can you name any places where she has worked?

A. The Pacific Coast Labor Bureau. I think that's about the only place she got any other work. They would call her up to do some stenography when they wanted something gotten out in a hurry.

Q. During what period of time? Can you date it?

(Testimony of Nat Honig.)

A. I couldn't exactly, no. I could make a stab at that. I believe some of that work was in 1939, in January or February or March, a part of that work in all three of those months. It was sometimes two days' work, sometimes maybe three days', once perhaps a week or four days that week. Whenever they had to get out, oh, some long document pertaining to their particular work, they would call her.

Q. Well now, there is a rule, is there not, in connection with the Writer's Project that you are required to report to the authorities of the Writer's Project any earnings that you make in private employment?

A. Any earnings that I make in private employment.

Q. And you say that you complied with that rule at all times? A. Yes.

Q. Is there also a rule that you are required to report [1506] any earnings that your wife makes during the period that you are on the Writer's Project?

A. I knew of no such rule and I don't even recall whether, despite the fact that there wasn't to my knowledge any such rule—I think I may have mentioned it or told the person in charge there, but the only rule I know of is that periodically we would be given a slip which asked us and said that the rule was that you must report what outside earnings you yourself had made in that period. I know that I was never asked to report earnings

(Testimony of Nat Honig.)

that anybody else in my family or anybody connected with me had made. This is the only thing, and we were all given this at a regular period. I forgot how often. I think it was quarterly.

Q. You say, however, that you think you did make some report as to your wife's earnings to the Writer's Project?

A. I am pretty sure I mentioned it to the person in charge, because we were friendly and he had met my wife and he knew——

Q. (Interposing) When you say "mentioned" you don't mean——

A. (Interposing) Not in an official report, no. I didn't because I was never asked to make any report on anything but my own.

Q. The earnings, however, that you made in private employment you not only mentioned but you made a report—an [1507] official report—did you?

A. I made a written, signed report on that, yes, at regular intervals.

Mr. Gladstein: Does your Honor wish to convene? I was going to go to another subject matter.

Presiding Inspector: Very well. We had better recess until tomorrow morning.

(Whereupon, at 4:10 o'clock P.M., an adjournment was taken until Tuesday, April 22, 1941, at 10:00 o'clock A.M.) [1508]

Court Room 276,
Federal Building,
San Francisco, California,

April 22, 1941.

Met, pursuant to adjournment, at 10:00 A.M.

[1509]

PROCEEDINGS

Presiding Inspector: Call the witness back.

Mr. Gladstein: Are you ready, your Honor?

Presiding Inspector: Yes.

NAT HONIG

called as a witness on behalf of the Government, having been previously duly sworn, testified further as follows:

Cross Examination (Resumed)

By Mr. Gladstein:

Q. Mr. Honig, do you remember the titles of the books that you took from this store, Frederick & Nelson?

A. Mr. Gladstein seems to be very eager——

Presiding Inspector: Don't argue. Answer the question.

The Witness: I wanted to go into——

Presiding Inspector: No, you don't go into anything. You are not conducting this proceeding. There are counsel here and I am presiding.

(Testimony of Nat Honig.)

The Witness: Excuse me.

Presiding Inspector: Answer the question "yes" or "no". Do you know the names of the books?

A. I don't recall the titles of the books you refer to off-hand.

By Mr. Gladstein:

Q. Now, yesterday I believe we went back to the time that you went on the Writers Project. I believe you said that was in September of 1938?

[1510]

A. Yes, I believe I did.

Q. And just prior to that time I think you said for a couple of months you were unemployed from approximately June to September 1938, is that right? A. Yes.

Q. And then just prior to that, from a period dating from August 1937 until June 1938, you were with the Timber Worker?

A. Yes, approximately.

Q. Why did you leave the Timber Worker?

A. I believe I left the Timber Worker—I was dismissed from the Timber Worker at the orders of Mr. Pritchett, International President of the International Woodworkers of America.

Q. For what were you dismissed?

A. It is a detailed story. I will go into it the best way I can.

Q. Before you do that——

Presiding Inspector: You have asked it. Go ahead.

(Testimony of Nat Honig.)

A. Yes. No reason was given, no official reason was given for what I was dismissed for. I had been a delegate to a Guild International Convention in Toronto, and when I returned I found I was called in by Mr. Orton, Vice President of the Timber Worker, and he said that due to the fact that we had numerous disagreements in discussing policies, and in what was to go into the paper, that they had found it advisable to replace [1511] me with somebody else.

I asked him, I reminded him that before I had left for the convention that I had told him I wanted to resign; and that he had taken me to Mr. Rapport's office and that they both had asked me not to resign; that they couldn't get anybody to replace me.

"Well," I said, "in that case I would be willing to date my resignation as of September 1st if they could get a man to replace me."

They said, "Suppose you just think it over. You go back to the Guild Convention and you think it over. But you find a man to take your place while you are at the Guild Convention in Toronto." This I did.

I went back. When I returned I found this man had been appointed to take my place by Pritchett and Orton. [1512]

By Mr. Gladstein:

Q. Who was that man?

A. Louis Huber; H-u-b-e-r.

Q. Were you not dismissed for incompetency?

(Testimony of Nat Honig.)

A. No such reason was ever given to me, and, in point of fact, a letter was sent to the paper by John L. Lewis, the International President of the CIO, calling the paper the best union paper he had seen or one of the best union papers he had seen in any of the CIO Internationals, and that letter was actually reproduced and printed on the first page of the Timber Worker at Pritchett's request.

Q. Then it would be correct to say that you regarded the dismissal as entirely unjust and unfounded?

A. I would. I regarded it as so.

Q. Did you in connection with that threaten to "get" any of the people whom you regarded as responsible for the loss of your job? A. No.

Q. Did you ever make a statement that you would "get" any of those persons if it was the last thing you did?

A. I recall no such statement that I made.

Q. Would you say that you did or did not make it?

A. I did not make it, to the best of my memory.

Q. We are back now to August, 1937 at the time that you went on the Timber Worker. What was your employment just [1513] prior to that.

A. Well, just prior to that I was in Seattle for about a month. I had been sent for by Rapport, the District Secretary of the Communist Party, and he told me to come immediately; that I would be made Editor of the Timber Worker. When

(Testimony of Nat Honig.)

I came he said that they had not been able to arrange a meeting of the Executive Board of the International Wood Workers of America and that they would have it any day, and that I would sit around and meanwhile the Communist Party would see that I had money to live on, and so forth. Well, that "any day" developed into about three weeks or a month before they finally got the Executive Board together to meet.

Q. How long?

A. Oh, it was about three weeks or so anyway, approximately. And when they did meet I was sent for by the Executive Board, which interviewed me, and then I was appointed by vote of the Executive Board to be Editor of the Timber Worker.

Q. Did you make a written application for the position? A. I believe I did.

Q. To the Timber Worker?

A. To the Timber Worker.

Q. All right. Now, just before you went——

A. (Interposing) To the International Woodworkers' Executive Board.

Q. Just before you went to Seattle, then, which as you say is about a month prior to the time that you got the job [1514] with the Timber Worker, where were you employed?

A. San Francisco, on the Western Worker.

Q. That would be, in other words, ending about June or July of 1937?

(Testimony of Nat Honig.)

A. Yes. I think it was probably June; early in June.

Q. And how long had you been employed just before that continuously with the Western Worker?

A. Well, employed on a salary basis?

Q. Well, how long had you been employed, first of all?

A. I had been connected with the Western Worker since April, 1935.

Q. Continuously until June, 1937?

A. Yes, approximately June.

Q. Part of that time, you say, you were recompensed and in part you were not? A. Yes.

Q. Well, during what period were you paid for your work and during what period were you not paid for your work?

A. It would be impossible to give any regular period because a great deal of the time you might get enough money to have, say, a meal for one day, other times you might get $15.00 for that week, other times you might get $5.00, other times $10.00, many weeks nothing. And it wasn't a question of any long sustained period where you either got some money or either didn't get some money. [1515]

Q. During the period of your employment, whether you were recompensed or not, with the Western Worker did you do your work during all of that time in San Francisco?

A. Yes. Occasionally I would go out of town to cover some story.

Q. How far out of town would you go?

(Testimony of Nat Honig.)

A. Well, for instance, once I went to Sacramento for a day or two to cover some conference. I forget which it was. That is one incident. Once I went down to Los Angeles to cover some conference down there. I forget what they were exactly.

Q. Did you ever go out of the State of California during that period April, 1935, to June, '37 when you were with the Western Worker?

A. No. I never left the State in all that period.

Q. At any time during your employment with the Western Worker were you on a regular salary? Let's put it this way, first of all:——

A. (Interposing). Yes.

Q. (Continuing) ——when you did get a salary, what did it come to?

A. It was supposed to be a salary of $10.00 per week. That was the understanding when I came there. They stated that. "Well, we pay the members of the staff $10.00 a week." The District Secretary, Schneidermann, told me this. [1516]

Q. All right. Could you strike an average, say, half of the time, a part of the time, or three quarters of the time that you were with the Western Worker that you received this weekly salary?

A. You mean an average, that would come to a ten dollars a week?

Q. Yes. A. Yes.

Q. Or whatever you were supposed to get. I understand from you that you were supposed to get $10.00 a week.

(Testimony of Nat Honig.)

A. Yes. Well, I could only strike a pretty rough average.

Q. Your best judgment.

A. Yes, my best judgment. Oh, possibly somewhat less than half of the time; possibly a little more than that, but about that.

Q. About half of the time?

A. I would guess that, yes.

Q. During any of that period, Mr. Honig, were you on relief? A. Yes, in San Francisco.

Q. For how much of the period?

A. I don't remember the exact period. I think it was a question of perhaps anywhere from six weeks to two and a half, three months. But that, too, is a rough guess. That was, [1517] oh, five or six years ago.

Q. Were you on relief under your own name?

A. Yes.

Q. Did you make reports to the relief—withdraw that. A. Yes, you had to.

Q. Just a moment! During the time you were on relief were you receiving any money from the Western Worker?

A. No. We were told—I know I was—that in order to save the Communist Party paying your salary out of the Communist Party's own money, it would be possible and it would be good advice and a good idea to apply for relief and thus be able to have sustenance, money for sustenance. And we were also told—and this was told me by Schneidermann himself, the District Secretary,—that there

(Testimony of Nat Honig.)

were plenty of Party members, plenty of comrades in the relief set-up to see to it that there would be no difficulty in that.

Q. What difficulty are you talking about?

A. Well, the difficulty in the sense of this: That you wouldn't have to say that the Party had told you that they were going to discontinue paying you the money, your salary, for the period that you are on relief; and all you had to say was "Yes, you are working at the Western Worker, you are helping out voluntarily without salary", and to state that frankly; and that the chances are almost anybody that you struck, any visitor for the relief service, would understand that as soon as you [1518] mentioned that.

Q. That was Mr. Schneiderman who told you?

A. Yes; words to that effect.

Q. Now, at any time while you were on relief in San Francisco, and I am now talking about the period from April 1935 to June 1937, did you report to the relief authorities any earnings that you made while you were on the Western Worker?

A. I didn't make any earnings, at any of the time that I received relief, from the Western Worker.

Q. Is it your testimony then that you did not make any report of earnings to the relief authorities?

A. No. I wasn't requested to make a report of earnings, but had I been—I don't recall any request

(Testimony of Nat Honig.)

—had I been requested I would have stated the facts; that I was not earning any salary.

Q. First, let's get an answer to this: It is true that you did not make any report to the relief authorities of any earnings in private employment, or the Western Worker?

Presiding Inspector: He answered that question.

Mr. Gladstein: He has said that——

Presiding Inspector: He answered the question. Ask the next question. He has given a negative answer.

Mr. Gladstein: All right. If your Honor is satisfied that the record is that way it is all right.

Presiding Inspector: I have no doubt about it in my mind. [1519]

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. I think you said yesterday that when you came to San Francisco to work on the Western Worker you were first assigned as Labor Editor?

A. Yes; as make-up man, Labor Editor—I wasn't given a title; I was given the work what is called on regular daily papers as News Editor.

Q. Your main function at that time was to act as Labor Editor?

A. Yes. I reported labor news.

Q. I think you said yesterday that you held that position for four or five months?

A. Yes; I held that position for, that is, solely that position, as far as titles around the office were

(Testimony of Nat Honig.)

concerned, solely that title for about four or five months; or perhaps it was six months. I don't remember exactly. But it was around that approximate period. But when I became Managing Editor I also continued to handle labor news for a period.

Q. When you became Managing Editor did some other person assume the title and duties of Labor Editor?

A. A little later I had to break in somebody to become Labor Editor, to handle that after I gave it up.

Q. Is it correct then that when you changed from Labor Editor to Managing Editor you broke in somebody else to take over [1520] the position of Labor Editor? A. Yes.

Q. How long was that breaking-in process?

A. Oh, I guess it would take about three weeks to a month. I had to take the person around to the Central Labor Council and show him the ropes on covering the Council, and various things of that sort.

Q. Thereafter that person became the Editor?

A. He was understood to be the Labor Editor.

Q. Was he?

A. He was, but he handled the labor news.

Q. And did he continue to handle the labor news as Labor Editor thereafter while you were with the Western Worker?

A. I believe practically the entire time thereafter he did.

Q. Yesterday Mr. Del Guercio asked you about

(Testimony of Nat Honig.)

the Trade Union Unity League and its connection with the Red International of Labor Unions. Were the two affiliated?

A. The Trade Union Unity League was affiliated with the Red International of Labor Unions.

Q. Was it through that affiliation, or brought by reason of that affiliation, that you yesterday said the Red International of Labor Unions dominated and controlled the Trade Union Unity League?

A. Controlled, rather, decided its major policies; yes, [1521] sir.

Q. By virtue of that affiliation?

A. By virtue of that affiliation.

Q. During any of the time that you were connected with the Trade Union Unity League—withdraw that. First of all, would it be correct to say that your connection with the Trade Union Unity League continued until the time you came out to the West Coast?

A. No, no; that is not correct.

Q. When did it end?

A. It ended at the time I sailed for the Soviet Union.

Q. All right. Now, prior to that time—put it this way: Up to the time that your connection with the Trade Union Unity League ended——

A. (Interposing) Incidentally, I couldn't say that even then because in all in my period in the Soviet Union I still was connected with the Trade Union Unity League.

(Testimony of Nat Honig.)

Q. Let me ask first, when your connection with the Trade Union Unity League began?

A. In probably March 1930, I believe the first issue of Labor Unity, the official organ of the TUUL, that I got out was the issue dated March 30, or something like that, 1930.

A. And did your connection continue thereafter continuously until the time that you left for the Soviet Union, or shortly thereafter? [1522]

A. My connection as Editor of Labor Unity continued until the day I sailed for the Soviet Union.

Q. All right. During that period of time did disaffiliation occur between the Trade Union Unity League and the Red International of Labor Unions?

Presiding Inspector: I didn't get the word.

Mr. Gladstein: "Disaffiliation".

A. No formal disaffiliation occurred. It was decided, I believe, perhaps six months or eight months before I sailed for the Soviet Union, that we would drop from, for instance, the masthead of Labor Unity, it might have been before that, but some time much later after I became Editor of Labor Unity anyway, we would drop the line in the masthead of Labor Unity "Affiliated with the Red International of Labor Unions," and that in any future pamphlets or publications gotten out by the Trade Union Unity League, or sponsored by the Labor Unity, that any mention of that affiliation would be dropped; not denying it, but simply dropping any reference to it.

(Testimony of Nat Honig.)

Q. Then is that the only thing that happened that would indicate disaffiliation, or an effort at it?

Mr. Del Guercio: That isn't what the witness said would indicate disaffiliation.

Mr. Gladstein: I am asking him whether there is anything else that took place to indicate disaffiliation.

Presiding Inspector: His interpretation isn't of course, [1523] material. I think the witness understands what is asked.

A. There wasn't anything that actually occurred to indicate disaffiliation, because I remember the meeting of the—or, it was taken up at several meetings of the National Executive Board of the TUUL, where it was distinctly stressed they were still to be affiliated with the Red International of Trade Unions, and would continue to send representatives to the Red International of Trade Unions, but we were to simply drop reference to that in connection in any publications.

By Mr. Gladstein:

Q. Well, then, your testimony would be that there was no disaffiliation?

A. My testimony is that there was no disaffiliation while I was Editor of Labor Unity.

Q. You say your name is Nat Honig?

A. Nat Honig is the name I am known by; yes.

Q. You are not Nathaniel Honig?

A. Nathan Honig, Nathaniel Honig, Nate Honig—they are the same; yes.

(Testimony of Nat Honig.)

Q. Were you editor of Labor Unity in October 1933? A. Yes.

Q. And I think, as you said, a member, by virtue of that position, of the Executive Board of the Trade Union Unity League? A. Yes. [1524]

Q. Do you remember testifying as a witness in a case entitled Chatham Shoe Company against Shoe Workers Industrial Union?

A. Yes, I testified in a—I don't remember the name of the case, but it was a shoe case.

Q. Do you remember that that trial took place before Mr. Justice Edward J. McGoldrick?

A. I don't remember the——

Presiding Inspector: McGoldrick—M-c-G-o-l-d-r-i-c-k.

Br. Gladstein: Thank you.

By Mr. Gladstein:

Q. That took place in October 1933, didn't it?

A. I think it did; I am not sure of the date.

Q. Isn't it true that in that case you appeared as a witness and you testified under oath in substance, that beginning with July 1, 1933, or approximately at that time, the Trade Union Unity League had discontinued and severed its affiliation with the Red International of Labor Unions?

Mr. Del Guercio: Just a minute, if your Honor please. It appears that counsel is reading from something and that the witness should see it.

Presiding Inspector: Show him the testimony.

Mr. Gladstein: I don't have the testimony.

(Testimony of Nat Honig.)

This is just a note of my own to refresh my recollection.

Presiding Inspector: You don't have to show him that. [1525] A. Yes——

Mr. Gladstein: You say "yes"?

Presiding Inspector: I don't think that was an answer to the question.

The Witness: I meant "yes", I am going to answer the question.

What I testified there——

By Mr. Gladstein:

Q. (Interposing) No, no, no.

Presiding Inspector: He asked whether you did testify as he has suggested?

A. No, I did not testify in those words.

By Mr. Gladstein:

Q. Did you testify to that in substance and effect?

A. No; not in that substance and effect.

Q. You are sure of that?

A. Yes. I remember distinctly what I testified when I was sent there to testify.

Q. Did you ever learn after your testimony in that case that the Department of Labor of the United States, in partial reliance, at least, upon your testimony in that case, made the determination that membership in the Trade Union Unity League was not a deportable offense in view of the disaffiliation that had occurred between the Trade Union Unity League and the Red International of Labor Unions? [1526]

(Testimony of Nat Honig.)

Mr. Del Guercio: I object to that. That is a conclusion of the attorney. There is no such ruling.

Presiding Inspector: I will exclude that. [1527]

Mr. Gladstein: It may be that the witness knows, your Honor.

Presiding Inspector: He couldn't know.

Mr. Del Guercio: How could he know?

Mr. Gladstein: Suppose he says that he does know and was in a position to obtain information? He could have been notified personally, for all we know, and I understand from him——

Presiding Inspector: (Interposing) Supposing he were notified? You mean officially by the Labor Department?

Mr. Gladstein: They might have. I don't know. It may be that he was.

Presiding Inspector: Ask him that, then.

Were you ever notified of any such decision? Yes or no.

The Witness: No.

By Mr. Gladstein:

Q. To your knowledge was the organization, that is, the Trade Union Unity League, ever notified of any such decision?

A. Not to my knowledge, no.

Presiding Inspector: I don't think it is material anyway.

Mr. Gladstein: Well, we think it is, your Honor.

Presiding Inspector: Well, I think not. And

(Testimony of Nat Honig.)

what I think is of more importance just now. It may not be ultimately, but it is just now.

By Mr. Gladstein: [1528]

Q. What did you testify to in that case?

Mr. Del Guercio: Well, if your Honor please, that is a broad question.

Presiding Inspector: Yes. I sustain the objection.

By Mr. Gladstein:

Q. What did you testify with reference to the question of disaffiliation between the Trade Union Unity League and the Red International of Labor Unions?

Mr. Del Guercio: If your Honor please, I object to that question.

Presiding Inspector: I sustain that objection.

Mr. Gladstein: May I be heard on that one?

Presiding Inspector: Yes.

Mr. Gladstein: I have asked the witness whether he testified in substance and effect in a certain way concerning a particular subject. The witness says that he did not testify that way on that subject. I am now asking him how he did testify.

Presiding Inspector: Perhaps he didn't testify on that subject. Why don't you ask him that?

Mr. Gladstein: Well, I will ask him that question.

Presiding Inspector: Ask him first whether he testified on the subject of disassociation.

Mr. Del Guercio: If he wants to show inconsistent

(Testimony of Nat Honig.)

statements, I think the rule is that he should confront the [1529] witness——

Presiding Inspector: (Interposing) There may be a record of them or not. This is an oral statement. If the trial wasn't printed it would probably be lost in the surge of time.

Mr. Del Guercio: Shouldn't that be determined first?

Presiding Inspector: Oh, I don't think so. This is a very collateral point.

By Mr. Gladstein:

Q. I will ask you now, Mr. Honig——

Presiding Inspector: (Interposing) Ask him whether he testified on the subject of "disaffiliation", if there is any such word.

By Mr. Gladstein:

Q. I will ask you now in the case that we have been talking about, the Chatham Shoe case in 1933, you did testify on the question of disaffiliation of the Trade Union Unity League from the Red International of Labor Unions.

Mr. Del Guercio: Just a moment! I object to that as having already been asked and answered.

Presiding Inspector: I think not.

Mr. Del Guercio: Two or three times.

Presiding Inspector: I think not. I will allow it.

A. I testified as to the relationship of the TUUL with the RILU. Yes, the question of disaffiliation or not disaffiliation would be part of what I testified about. [1530]

(Testimony of Nat Honig.)

By Mr. Gladstein:

Q. What in substance was your testimony on the question of disaffiliation?

A. I testified to the effect—I can't give exact words, of course, to—the effect, in substance, that the literature, the current literature of the Trade Union Unity League, literature then in use, did not show affiliation of the TUUL with the Red International of Labor Unions. That was the substance, to the best of my recollection.

Q. Well, did you intend by your testimony to give the impression that——

Mr. Del Guercio: (Interposing) Certainly I object to that.

Mr. Gladstein: I haven't finished the question. I have a right to finish the question before we have the "jumping jack." If your Honor please, I would like to be able to finish the question.

Presiding Inspector: No, I don't think—it sounded as though you might have finished.

Mr. Gladstein: I don't think so.

Presiding Inspector: I don't see any reason to chastise Mr. Del Guercio for that. Go ahead and ask the rest of the question.

Mr. Del Guercio: May I say something, too?

Presiding Inspector: No, not until he has finished [1531] his question. Go ahead.

By Mr. Gladstein:

Q. Mr. Honig, in the testimony that you gave on the question of disaffiliation——

(Testimony of Nat Honig.)

Presiding Inspector: (Interposing) Don't answer that.

By Mr. Gladstein:

Q. (Continuing) ——did you intend to give the impression that disaffiliation had occurred?

Mr. Del Guercio: I object to that upon the ground that——

Presiding Inspector: (Interposing) I will allow that.

A. No, I merely intended to show as a factual—as a matter of fact that the literature, the current literature of the Trade Union Unity League did not refer to any such affiliation. That is, most of the literature then being used. At the same time I was shown literature that still was in circulation in the Trade Union Unity League relating to the program—this is to the best of my memory, it is quite a long time ago. I was shown literature, I believe, by the Court which still did refer to such affiliation with the RILU and I was asked if I could identify that as having been published by the TUUL or the Labor Unions, as the case may be, and I did so identify it. But I pointed out that this was not the literature, the latest literature showing the program, policy and so forth.

By Mr. Gladstein:

Q. Is it correct, then, that you drew a distinction in [1532] your testimony between the literature of the Trade Union Unity League prior to a certain period in which there was mention of a connection

(Testimony of Nat Honig.)

or affiliation, on the one hand, and literature after that certain period in which there was no mention of any such affiliation?

A. No, not that kind of a distinction. The distinction I was trying, at least in my way, to draw there, was a distinction of date of publication of the literature. I was just simply trying to show that this literature was published later than that literature and that, therefore, this was more current.

Q. When did you leave the Communist Party?

A. November of 1939 is when I notified the leading members of my party unit that I was leaving.

Q. Could you briefly state the essence of your basic reason for leaving the Communist Party?

A. Yes. I thought I stated yesterday. I tried to in the best way I could, but I can do it again.

The first reason in my mind for making me leave was the signing of the Nazi-Soviet pact. That had been signed about a month and a half before or two months before that. I believe it was late in August of that year and I tried to figure the thing out; talked to other party members, tried to get their opinion, tried to see if it could jibe in any way with the principles that I believed in and with the ideals and princi- [1533] ples that I had in all my time in the Party believed that the Party stood for as far as Fascism was concerned. And I tried and I tried to see every side of the question. I talked to Party leaders, from Rapport down. I talked to ordinary rank-and-file Party members to get every kind of reaction, explanation and every facet of the question

(Testimony of Nat Honig.)

before I wanted to make up my mind, because I had been in the Party a long time and I didn't want to leave just overnight on a snap decision after I had been in it for a long time. But finally I couldn't see that the signing of that Pact and the consequent change in policy, being another change in policy in the American Party could be anything but a complete reversal of everything that I had stood for and thought the Party stood for in relationship to Fascism.

Q. Did you feel then that,——

A. (Interposing) That was one reason.

Q. Oh, all right. Was that the most important reason?

A. I would say that ——

Mr. Del Guercio: (Interposing) I think he gave all the reasons yesterday. They are on direct. Do we want to go over all that again?

Presiding Inspector: I suppose he has the right to go over them.

By Mr. Gladstein:

Q. Was that the most important reason? [1534]

A. This and the next reason I am going to give, it was a tie between them for importance in my mind.

The next reason was that I felt, particularly in my experiences with Party members who are officials of the I. W. A., the International Woodworkers, that their role in the trade unions when they achieved leading positions was an opportunist role. This was something, too, that I thought for a long time. I

(Testimony of Nat Honig.)

can't say that it suddenly came to me. I can't say that I just suddenly became aware of that. It was something that began to disturb me quite a bit from almost the—well, I won't say from almost the day I began to serve as Editor of the Timber Worker, but pretty nearly that.

There were certain things that occurred that I couldn't understand a man, a Communist Party member, who subscribed to a supposedly program of leading the workers into more militant and progressive channels of struggle doing.

The thing that really was the pay-off for me there was the fact that while there were three thousand or so workers locked out in Portland—International Woodworkers' members—starving and we were collecting relief for them, well, men like Pritchett would take trips back East and spend several hundred dollars in expenses on that, and at times fly back, when it seemed to me that they could have saved a lot of that money and they could have achieved whatever they went there for with- [1535] out spending that much money.

Then there were other things, too: I mentioned, for instance, the disagreements I had in connection with what went into the Timber Worker. They were not disagreements on basic policy of the International Woodworkers or even the question of policy of the Communist Party in the trade unions so much.

The first thing that—there were disagreements on this: The first thing I tried to do when I became

(Testimony of Nat Honig.)

Editor of the Timber Worker was to establish as much space as possible for letters from the members of the unions so they could express themselves on anything they wanted. So I built that up to a two-page section out of eight pages.

Naturally, there were many members of the International Woodworkers that didn't agree with the International officials. They didn't like the Communist Party also. There were many who, quite a number who, did like the officials and did like the Communist Party.

Well, letters would come in for those rank-and-file pages. I called them "the voice of the rank-and-file"—from both sides and, as far as space permitted, tried to equalize them because the letters generally were equal in proportion.

I was criticised very severely, not first by Pritchett, who was the International President of the Union, but I was called to Morris Rapport's office, the District Organizer, or District Secretary of the Communist Party, and told that I [1536] was devoting too much space to letters which criticised the Communist Party and the officials of the International Woodworkers. I told him that these were the men who were paying for the paper; that we couldn't possibly refuse to print their letters; we had no right to. And, I said, 'So long as I am Editor, so long as I am permitted to remain Editor I am going to try to continue that policy."

The International Executive Board had endorsed that policy as far as the paper was concerned at

(Testimony of Nat Honig.)

successive meetings and they never had ordered me to not continue doing that.

Then another time what happened was this. Two Communist Party leaders—they were openly and admittedly Communist Party leaders—came to Seattle to make a talk. I forget the occasion. I think it was the anniversary of the Russian Revolution on November 7th. They were C. A. Hathaway and William F. Dunne. And the Communist Party had gotten the use of the Civic Auditorium, which is run by the City of Seattle. Later on the city officials denied the use, revoked the permit to use the auditorium for the Communist Party.

I was called to Rapport's office and I was told to make a "big issue" in the Timber Worker, which was a union paper and not the Communist Party organ. I agreed there should be something in the paper about it, and for that issue I wrote an article saying that in my opinion that, if the city-owned [1537] auditorium was denied to any political group, it could later be denied perhaps as a precedent to a union group. And I made it a question of that.

When the issue came out I was sent for by Rapport, Pritchett and Orton, the International Vice-President, who were in Rapport's office, and I was told that from the Communist Party point of view I had committed a grevious error and a blunder, and so forth and so on down the line. I was told that I should have made that a downright issue of the right of the Communist Party to use the civic auditorium and never mind the question of whether

(Testimony of Nat Honig.)

it be the Union's, or not, to make it a downright question of the civil liberties of the Communist Party. And I told them that I didn't want to do that because it was not a Communist Party newspaper. And from then on I noticed less and less cooperation from Prichett and Orton as far as writing articles for the paper, as far as assisting me in my work, which was the duties of the International officers.

These things led to my resignation, my telling them that I wanted to resign and the rest of what I told you before.

Q. Have you now stated all the basic or important or fundamental reasons why you left the Communist Party?

A. Those two and one more, and that is the complete lack of democracy in the Communist Party. There had been some democracy in earlier days among the rank-and-file members of the Party and in the Party units, but gradually the last three [1538] years I was in the Party that began to dwindle down to the point where it was non-existent.

For instance, no officials of the Communist Party were actually elected by the rank-and-file members before their assuming their positions. A slate would be submitted to a Communist Party Convention and then you were told to vote on that slate. You didn't have any other slate to vote on. It was like voting "Yes." And, as a matter of fact, at Communist Party Conventions that I attended, if you abstained from voting even, you were severely criticised be-

(Testimony of Nat Honig.)

cause that meant that you had a mental reservation against the slate that the Party leadership wanted to be in those posts.

In the Party units particularly I noticed at the time of the singing of that Soviet-German pact, the thing was handed down to the Party members as an accomplished fact and you were told "You have to accept this as a policy now." And many Party members couldn't understand it and said "Well, only two days ago at meetings we were handed outlines for discussion on Democracy and how we should fight to defend Democracy, now we are told to forget Democracy, that it is an implement of the bourgeoisie and of the capitalists. There was no democratic determination of that policy by the Party membership.

Q. Have you now stated all the reasons why you left the Communist Party?

A. I think I have stated the basic reasons. [1539]

Q. Is it not a fact that you yourself believed in the overthrow of the Government of the United States by force and violence?

A. I had to believe that—yes, I did. I necessarily believed that in a major part of the time that I was in the Party as a Party member.

Q. You do now, don't you? A. I do not.

Q. When did you stop believing that?

A. I stopped believing that as far as my own mind was concerned, oh, perhaps a year and a half, two years before I left the Party. And, as a matter of fact, I discussed that with Party officials and I

(Testimony of Nat Honig).

had told them that—I had told them that I was coming to think that such kind of action to achieve social change would not be necessary, and I pointed out to certain reforms being made by the National Administration. And they said—they pointed out "Well, you don't necessarily have to believe that. It's quite possible that in the United States"—this was not writings, this was in personal conversations with me—"It is quite possible in the United States and even probable that there wouldn't have to be force and violence, because all the rest of the world would have done so meanwhile, and all the rest of the thing would fall in our laps".

Well, that kind of sustained me, kept me in the Party for [1540] a while, plus the assurance of the leading members of the Communist Party.

Q. Then is it your testimony that from 1927 to approximately 1937 you did believe in the forcible and violent destruction of the Government of the United States?

A. I would put my belief in that period you mentioned in this way. What I believed was this: That——

Q. (Interposing) Can't you first answer the question "Yes" or "No" and then, if you want to qualify it, you can make as many qualifications as you like?

Mr. Del Guercio: The witness has indicated that he can't answer it "Yes" or "No".

Presiding Inspector: I think he can answer it. Let's see if he can answer it.

(Testimony of Nat Honig.)

A. (Continuing) I don't believe I can definitely say "Yes" or "No" on that question.

By Mr. Gladstein:

Q. All right. If you can't say either "Yes" or "No", go ahead and speak.

A. What I believed from the day I joined the Communist Party, oh, for, say, the next nine or ten years was this: That the Communists could work as far as possible towards transition, towards socialization, in that quite possibly at some point when they got near the point, say, where the masses of people of the country were ready for a change in the system, [1541] for doing away with capitalism as a system, at that time they would be in such a great majority and indicate it so plainly that there might not be the necessity for any kind of struggle or violence.

I thought that there were maybe a 75 per cent chance that that could happen, and many Party leaders told me that. But I did believe this, however: That in case such a situation arose and the organization of the workers that were desirous of that change made it plain to those in control of capitalism that they wanted to achieve a system of socialization now, and if those in control of the capitalist organizations, the capital system as a whole, met them with violence then I did believe, and I sincerely believed that it would be necessary for the working class to resort to violence because they were being met with it.

(Testimony of Nat Honig.)

Q. That is counter-violence after violence first used by some other side?

A. Yes. That was really in my belief. But, nevertheless, I must say openly that it was a belief in the use of violence to achieve that aim.

Q. During the period that you have held the beliefs that you have just described did you consider your beliefs to be consistent or inconsistent with the teachings and advocacies of the Communist Party?

A. I believed them to be largely consistent because, [1542] first of all, I had discussed these questions with leading members of the Communist Party, men like Foster, men like Stachel, who were members of the Political Bureau of the Central Committee of the Party, and in cases even in some Communist writings it has been mentioned that in a country like the United States it might be possible that, well, the capitalists would have no fight left in them in this country because the capitalists in the other countries had been overcome. And I kind of rather like to choose to believe those statements rather than the contradictory statements on that subject appearing probably in the same work by men like Lenin and so forth. Perhaps it was just a matter of wishful thinking on my part.

Q. In what respect would you say that your present views on the subject we are now discussing are consistent or inconsistent with the views you held while you were in the Communist Party?

(Testimony of Nat Honig.)

A. You mean on the subject of violence?

Q. Yes.

A. In the use of violence. I believe now that it isn't—that it will not be necessary in order to achieve a better measure of social justice to use violence for, say, a change in—not—for a change in the way the Government operates and the way the entire system that we live under operates in respect to the people as a whole. [1543]

Q. Well, didn't you say a few moments ago that you believed that there was a 75 per cent chance—that is to say, while you were in the Communist Party you believed—that there would be no violence?

A. Yes, I said that when I was in the Communist Party for the first ten years or so. I understood your last question to refer to my beliefs now.

Q. Yes, your present belief.

A. Yes. At the present moment, yes.

Presiding Inspector: I think it is very clear. Go ahead.

By Mr. Gladstein:

Q. Now, you gave some testimony yesterday about the Marine Workers Industrial Union.

A. Yes. [1544]

Q. You say that was an affiliate of the Trade Union Unity League? A. Yes, that was.

Q. The Marine Workers Industrial Union, I think you said, if I am not mistaken about that—don't feel that I am putting words in your mouth, and you can simply say so—that the Marine Work-

(Testimony of Nat Honig.)

ers Industrial Union was not openly known as affiliated in any way with any organization in Russia?

A. I don't think I said that. The best of my recollection is that my testimony was that it was not openly known as being affiliated with the Communist Party of the United States. Maybe I am wrong about that, but that is what I meant to say.

Q. But what you meant was that there was no open affiliation between the Marine Workers Industrial Union and the Communist Party?

A. Yes; as a matter of fact, no open connection of any kind.

Q. What about the connection of the Marine Workers Industrial Union with the Red International of Labor Unions? Was that an open one, say, take the period during the 1934 strike in San Francisco—what was the situation then?

A. That was an open connection up until the time, I believe you gave the date when you were speaking of my testimony in that Court in New York. Up to that time that was an open affiliation to the Red International of Trade Unions, through [1545] its affiliations with the TUUL. The affiliation of the Marine Workers Industrial Union with the TUUL was openly stated in the Marine Workers Industrial Union literature. In turn, the TUUL affiliation with the RILU was at that time also openly stated.

Q. Well, that period was some time in 1933, wasn't it?

(Testimony of Nat Honig)

A. If I remember right that period you mentioned, I think I agreed with that period; that it was up until then.

Q. What about after that period?

A. After that period the situation applied as I described later; that is, that it was decided that in all TUUL affiliates, and in connection with the TUUL itself, that as far as references in printed literature was concerned affiliation with the RILU, that would be removed from that literature; but that in all actuality such affiliation was not really done away with.

Q. Well, then, were efforts made after this period in October 1933 to openly show a disaffiliation?

A. The efforts that were made were these—it may actually mean what you are saying there—but the efforts actually made were these: Simply to remove any traces, not to deny, not to deny in the literature but I saw, anyway, or that I remember seeing off-hand, or at least there was a decision anyway—I can only speak on what the decision was at one of the meetings I attended of the TUUL Executive Board. The decision was not to make any efforts to deny in printed words [1546] that a disaffiliation had occurred between the TUUL and its affiliates, with the RILU; but simply in any new literature that was published from that time on not to refer to any such affiliation.

Q. Was there an effort——

(Testimony of Nat Honig.)

Presiding Inspector: Read the last answer, please, Mr. Reporter.

(The answer referred to was read by the reporter as above recorded.)

Presiding Inspector: Not to deny that a disaffiliation had occurred, is that what you mean?

The Witness: Yes. I would like to answer it a little more clearly. I guess it was rather mixed up there.

Presiding Inspector: I think it is.

The Witness: I would like to answer that with brevity. The decision made by the Trade Union Unity League Executive Board was to eliminate references in any new literature of the TUUL itself, or its affiliates, to the fact that the TUUL, or its affiliates, were connected in any way with the RILU; but not actually coming out in new literature and denying that. That was the decision made.

Presiding Inspector: Not to deny the affiliation?

The Witness: Yes; not to say in so many words that "We are not affiliated," but simply to revise the old literature.

Presiding Inspector: Say nothing about it?

[1547]

The Witness: Yes; that would sum it up.

Presiding Inspector: I think he has said it both ways now.

Mr. Gladstein: I think he has. It is a matter of taking one's choice.

Presiding Inspector: You said in the first statement, "Not to deny disaffiliation."

(Testimony of Nat Honig.)

The Witness: Not to deny affiliation.

Presiding Inspector: That is what you meant?

The Witness: Yes.

Presiding Inspector: I thought that was what you meant.

The Witness: I might have said it wrong, but that is what I meant.

By Mr. Gladstein:

Q. Now, was the Marine Workers Industrial Union a bona fide trade union?

A. In form it was. It was a bona fide trade union in its structure and form; yes.

In answering that question I don't know if I can properly answer it without some kind of an accepted definition of what a bona fide trade union is.

Q. Put it this way: Did the Marine Workers Industrial Union attempt to organize workers in the Maritime Industry?

A. It did attempt to organize workers in the Maritime Industry.

Q. Did it organize any workers in the Maritime Industry? [1548]

A. Yes; it recruited members into its organization.

Q. Do you know at any period what its trade union membership was?

A. I can only state that roughly, because there would be varied claims made by various officials, by the MWIU. I know as an actual fact, as far as we who were members of the TUUL Executive

(Testimony of Nat Honig.)

Board, we knew without any hot air, and without trying to give an exaggerated impression for readers of our publication—I know as an actual fact, from our meetings, that the reports showed a maximum of maybe 3000 members or 4000 members at any one time in its first period of organization.

Later on there was one report made that it had got as many as 10,000 members, a thing never substantiated to my knowledge.

Q. Would you try to give us an approximate date as to the two periods you are talking about? You said in the first stages there were about 3000 members and then later on you said there were about 10,000.

A. I will try to give approximate dates. It is difficult, but I will try that; yes. I will do it this way. The Marine Workers Industrial Union was set up in 1933—I forget the month—and at the time it was set up it took into its organization and structure the entire Marine Workers Industrial League, which had been its predecessor. In that [1549] Marine Industrial League there were perhaps 2000 to 2500, maybe 3000, members. That in toto was taken over and became the Marine Workers Industrial Union. So that was actually my recollection of the initial membership in size. I think that was an actual membership.

Q. At what period did it achieve a membership of 10,000?

A. About a year later—this is also to the best of my recollection as to the date—about a year later

(Testimony of Nat Honig.)

it began to lead a series of strikes and struggles, and early in 1934—maybe late in 1933—for one thing it led a series of strikes on individual ships, and strike action on individual ships. It did achieve some gains in those strikes for the members, some elementary gains.

Q. What kind of gains are you referring to now?

A. Well, better, perhaps, better sleeping quarters on a particular ship; maybe better food, or something like that. These were the elementary things that they would have disputes about in that stage of the Marine Workers Industrial Union.

Q. Better wages?

A. I don't remember any occasion where wages were an issue, although they may have been.

Q. Shorter hours?

A. Shorter hours were a constant issue that was raised; the question of a three-watch system on a ship, which meant three watches a day, which meant an 8-hour day, or approximately [1550] so. But I don't know whether they actually made that a strike demand during that period.

Q. How about the manning scale? Do you know what I am referring to by that?

A. Yes. I think that was referred to. I know it was a part of the basic program of the Marine Workers Industrial Union, but I can't say definitely.

Q. What was a part of the basic program?

A. The question of wage scales generally was part of the basic program.

Q. I said "manning scale". Do you know what

(Testimony of Nat Honig.)

I mean by "manning scale"? I mean the number of men that are on a ship that occupy the various classifications of work to be performed?

A. I don't recall that being made an issue.

Q. You don't recall one of the issues made by the MWIU was to increase the number of men employed on the ship?

A. That was not raised on the east coast or the gulf coast. I was not familiar with the west coast then.

Q. What about the question of the abolition of employers' hiring halls and the establishment of Union hiring halls—was that an issue?

A. That was part of the basic program. In any dispute they would have they would bring that up.

Q. Did the Marine Workers Industrial Union exercise or [1551] exert any real influence in the 1934 Maritime strike in San Francisco?

A. I can only say that from what was discussed at the Executive Board meetings of the Trade Union Unity League. I wasn't on the West coast and I couldn't testify to the actual situation. I wasn't here. But in discussions at which I was present, Executive Board meetings of the TUUL, it was reported, whenever the maritime situation was discussed, particularly, the west coast maritime situation, that the MWIU had been very influential in bringing the workers on the west coast, in the maritime industry, into a frame of mind where they felt that they should do something to obtain better

(Testimony of Nat Honig.)

conditions. That was discussed, and that their influence generally was there.

Q. A large influence?

A. The report said there was a large influence.

Mr. Del Guercio: If your Honor please, I want the record to show that we are not objecting to hearsay testimony.

Mr. Gladstein: What is that?

Presiding Inspector: He says he is not objecting to the hearsay testimony that you are introducing. Go ahead.

Mr. Gladstein: It would be unusual.

Presiding Inspector: Go ahead.

By Mr. Gladstein:

Q. Mr. Honig, have you ever sought from an International [1552] officer of the American Newspaper Guild, of which you are a member, or any other person, a fraudulent recommendation in order to assist you to secure employment? A. No.

Q. Have you ever asked anyone to give you a recommendation in which it was to be stated that you had worked on the New York World?

A. No.

Q. Have you ever worked on the New York World?

A. Never worked on the New York World, in my life.

Q. Have you ever asked anyone to give you a reference, or recommendation, in which you requested the statement to be made that you had worked on the New York Globe?

(Testimony of Nat Honig.)

Mr. Del Guercio: If your Honor please, does counsel want to make an offer of evidence?

Presiding Inspector: I don't know. I think I will allow it. This is cross examination.

A. No, I never did.

By Mr. Gladstein:

Q. Have you ever worked on the New York Globe?

A. No. The New York Globe went out of existence, I guess, while I was still going to school.

Q. Have you ever asked anyone to give you a recommendation, or reference, in which it was to be stated, at your request, that you had worked for a St. Louis paper by the name of [1553] the Globe-Democrat? A. No.

Q. Have you ever worked for such a paper?

A. I never have been in St. Louis in my life.

Q. Well, then, you have never worked for such a paper? A. No.

Q. Have you ever asked anyone to give you a reference, or recommendation in order to enable you to secure a job and in which, at your request, it was to be stated that you had worked for the San Francisco Bulletin? A. No.

Q. Have you ever worked for the San Francisco Bulletin?

A. Never. You mean the Call-Bulletin, I assume.

Q. Did you ever ask Victor Pasche for a recommendation to enable you to get a job?

(Testimony of Nat Honig.)

A. I might possibly have written him a letter asking him to recommend me as to character, and so forth, yes; and as to my ability as a newspaper man.

Q. Who is Victor Pasche?

A. Victor Pasche is International Secretary-Treasurer—International Treasurer, I guess his title is, of the American Newspaper Guild.

The Reporter: How do you spell the name?

By Mr. Gladstein:

Q. Do you know how to spell his name? [1554]

A. I think I do. I think it is P-a-s-c-h-e.

Mr. Gladstein: Would your Honor object to taking the morning recess now?

Presiding Inspector: No.

(Whereupon a short recess was taken.)

Presiding Inspector: Call back the witness.

By Mr. Gladstein:

Q. Mr. Honig, how many trips have you taken to the Soviet Union? A. Just one.

Q. During the time that you were there you were continuously there? That is, you didn't come back to the United States and then go back there again?

A. No; I never came back to the United States after I left, and then went back; no.

Q. Can you date the first time you ever met Harry Bridges? A. The exact date?

Q. Approximately?

A. The first time I saw Harry Bridges I guess

(Testimony of Nat Honig.)

was at the Central Labor Council. He was there as a delegate. He was simply speaking on the floor as a delegate. The date, I imagine, was about the first week I came here.

Q. When was that?

A. In April 1935, I guess. [1555]

Q. What is the date of the first Sunday night meeting that you were talking about yesterday?

A. I don't remember the exact date.

Q. Well, the approximate date?

Mr. Del Guercio: If your Honor please, I object to the question. What meeting? Was it a Top Fraction meeting? The witness testified to several kinds of meetings.

Presiding Inspector: I think he is now referring to a meeting at the Labor Council.

Mr. Gladstein: I will withdraw the question.

Presiding Inspector: Aren't you?

Mr. Gladstein: No. I will withdraw the question.

By Mr. Gladstein:

Q. You were talking yesterday about some top Fraction meetings that were held on Sunday nights.

A. Yes. I didn't say they were all on Sunday nights. I said generally they were held on Sunday nights.

Q. I want to direct your attention to those meetings. Give me the approximate date of the first of such meetings.

A. I am going to answer that to the best of my

(Testimony of Nat Honig.)

recollection as to the approximate date that it occurred. The first such meeting that I attended, at which I saw Harry Bridges present, occurred perhaps about two weeks or three weeks prior to the opening of the 1936 strike here. It was in the preparatory stage of that, and the discussion at that meeting was [1556] about the preparation for that possible strike.

Q. Am I to infer that you attended these meetings yourself prior to this date, but you did not see Harry Bridges there?

A. No. I can't recall whether at the very first meeting I attended Bridges was there or not.

Q. You don't know that?

A. No, I don't know that definitely.

Q. What was discussed at that first meeting?

A. The entire meeting, as all subsequent meetings, was taken up with discussions of the work along the waterfront, Communist Party work along the waterfront, and in the Maritime Union. That was a topic of discussion too.

Q. What was said in that connection, anything that you can remember?

Presiding Inspector: You are asking about a particular meeting?

Mr. Gladstein: Yes; the first meeting.

Presiding Inspector: Do you think that advances us very much? Here were a series of meetings, according to the testimony. Are you trying to test his recollection? I am asking merely for information. Ordinarily a person in a series of

(Testimony of Nat Honig.)

meetings won't remember what occurred at any particular meeting unless there was something distinct to call his attention to it. [1557]

Mr. Gladstein: I will put it in a general form.

Presiding Inspector: I think we would advance more.

By Mr. Gladstein:

Q. First, let me ask you this preliminary question: You don't know where any of these meetings were held, is that right? Or you can't state now?

A. No. I can't state for the reason that it was strict—a Party policy, promptly to forget, promptly to forget the number. As far as I was concerned, that was my instructions.

Q. You don't know now where those meetings were held, is that correct?

Presiding Inspector: The houses, you mean?

A. No. The exact street addresses, I don't remember.

By Mr. Gladstein:

Q. All right. Now tell us, if you will, some of these specific topics that were discussed at any of these meetings.

A. Well, there was only one general specific topic: always work on the waterfront in the Maritime Unions and maritime industry. There were, what you might call, sub-topics stemming out of that one general specific topic. And I can tell you, if you want, if you mean that, I can tell you what some of them were.

(Testimony of Nat Honig.)

Q. Give me anything that you can remember about any of those meetings.

A. O.K. For instance, not at one meeting but at [1558] many meetings the work of the Communist Party members in the Longshoremen's Union was discussed. The work, the topic, for instance, of how to go about recruiting new Communist Party members in the Longshoremen's Union would be a topic frequently. That would also be a topic in regard to several of the other unions that representatives, that is, members of those unions were present from at the meetings. That was a very frequent topic.

As I mentioned before, at the first meeting that I saw Harry Bridges *at of* those top fraction meetings, the preparation for the 1936 strike was one of the topics. I don't say that these were the first such top fraction meetings held. This was among the first that I attended and, for all I know, that topic may have been discussed before I started attending. But that was also a topic at subsequent meetings until the strike itself occurred.

Another topic that would be discussed was relationship with other unions, in the A. F. of L., for instance. A topic that would be discussed would be the various figures in the Central Labor Council, its officials, their attitude toward the strike, the waterfront unions, their attitude toward Harry Bridges, their political ideas, their ideas on running a trade union. That would be a frequent topic.

(Testimony of Nat Honig.)

Q. All right. Now—excuse me.

A. Well, I could go on, I guess—— [1559]

Q. Go ahead.

A. (Continuing): ——and give you more, if you want them. In that connection the attitude on how to assail, how to criticize or how to attack any trade union officials, particularly in the A. F. of L., who didn't particularly agree with the Communist Party leadership in the trade unions; how to do that, how to do that most effectively was a topic frequently. Oh, there were numerous topics and those were some.

Q. Now, on the topic of the attitude of leading officials of the American Federation of Labor toward Harry Bridges, can you recall anything that was said in that connection?

Mr. Del Guercio: Just a moment, if your Honor please! The witness testified regarding the attitude of the officials of other trade unions in the American Federation of Labor toward Communist Party policy.

Mr. Gladstein: I heard his testimony and one of the things that he said was that, he says, they discussed the attitude of American Federation of Labor officials toward Harry Bridges. I want to ask a question on that. I haven't forgotten the other things he said.

Presiding Inspector: I don't recall that particular point.

Mr. Gladstein: Will you take the answer?

(Testimony of Nat Honig.)

Presiding Inspector: Yes, I will take the answer.

The Witness: Can I have the question again?

[1550]

By Mr. Gladstein:

Q. Certainly. Do you want to hear the previous answer you gave, Mr. Honig?

A. No, no, no.

Q. Isn't it correct that you mentioned that one of the things discussed was the attitude of certain American Federation of Labor officials toward Harry Bridges?

A. Yes, particularly the Central Labor Council officials here.

Q. Yes. I thought you did. All right. Now, what was said? Anything said by anybody in that connection, can you remember?

A. Well, I can't quote specific word for word verbatim phrases, but I can give you the gist of what would be said—of what was said on occasion when these topics were discussed. For instance, the attitude of Vandeleur. I believe his name is Edward F. Vandeleur, who was then, I think, Secretary or President, I guess, of the Central Labor Council. He may have been Secretary. I think he was President. Towards the Longshoremen's Union as a whole, towards the Communist Party, towards what were called "militant trade union policies". That was discussed and, of course, it was generally agreed that Vandeleur's attitude was what they called "reactionary".

(Testimony of Nat Honig.)

And then there would be discussed on how to overcome any influence that he might exert on the membership of the American [1561] Federation of Labor in San Francisco and in the State as a whole in spreading forth his opinions about the waterfront unions, about trade union policies and tactics and so forth.

The same would be discussed about, I remember MacLaughlin, the Teamster's Union official. I forget his first name. And about O'Connell, who was, I think, Secretary of the Central Labor Council at that time. Then the attitude of George Kidwell, who was a delegate to the Central Labor Council from the Bakery Wagon Drivers at the time. And it was regarded that he was generally liberal minded, progressive minded; that sometimes he would tend to agree with one side and other times with another side—with the other side. And John Shelley, also then a delegate of the Bakery Wagon Drivers, and more or less the same attitude was taken towards him and discussions—the same opinion expressed there. I can't say that those are the definite words, but that was the gist.

Q. All right. What decisions, if any, were made in these meetings with respect to Vandeleur?

A. Oh, simply—I don't know whether you could call them actual "decisions"; just a matter of coming to an agreement on what attitude, in turn, would be adopted on him and his influence. You may call them "decisions" if you want to. It was some-

(Testimony of Nat Honig.)

thing commonly agreed on and accepted there, and as far as he was concerned, it was agreed that he should be called "reactionary", "phony" and what not and severely [1562] assailed, to the workers.

Q. You mean that the conclusion or decision as a result of the discussion on Vandeleur was that he was to be publicly assailed? A. Yes.

Q. Any other conclusion or decision?

A. I don't recall any other. That applies to O'Connell, I mentioned; MacLaughlin; more or less the same thing, the same type of decision was reached.

Q. Any other decision or conclusion arrived at with respect to O'Connell or MacLaughlin?

A. No; I just said that more or less the same decision was arrived at.

Q. What decision, if any, was arrived at with respect to Mr. Kidwell?

A. Oh, simply to try to—well, he was regarded as a liberal, who sometimes, well they would use the phrase about him that he would be "muddled"; sometimes in his efforts to be fair minded he would stroll over, he would give aid and comfort to the reactionaries maybe without meaning to do so. That would be discussed. And as far as any decision about him was concerned, I couldn't say definitely that you would call that a "decision" either. It is a matter of how to try to work with him, how to try to convince him that the side that the members there believed in was right.

(Testimony of Nat Honig.)

Q. Well then, is it correct that no conclusion or decision of any specific nature can be recalled by you with [1563] respect to Mr. Kidwell?

A. Not in regard to any kind of action; what you might call "definite action."

Q. To be taken?

A. To be taken about him. Perhaps it might be decided, well, to have Bridges or somebody else talk to the man and get his ideas and give, say, Bridges' ideas.

Q. Any decisions or conclusions that you can recall with respect to the attitude of Mr. Shelley?

A. Much the same as applied to Mr. Kidwell.

Q. And when do you date the making of these decisions with respect to Mr. Vandeleur, Mr. MacLaughlin and Mr. O'Connell?

A. I would say all through that 1936 and '37 strike. That was when they were particularly concerned with the actions and attitudes of these officials.

Q. This was a sort of running decision going throughout the meetings throughout this strike period?

A. I will tell you how they would come up. Somebody would say "Well, did you see what Vandeleur—the statement that Vandeleur made today in the Chronicle?" Or News, or whatever it was, the Examiner. And then they discussed that statement and how to answer that statement.

Q. When you talk about "statements" what kind of statements are you referring to?

(Testimony of Nat Honig.)

A. Well, I couldn't say definitely whether it would [1564] be a statement officially made by Vandeleur in his position, that is, in his post, the office he held; or just maybe a personal statement by Vandeleur.

Q. Yes. But what would be the tenor of that statement?

A. Oh, quite often he would refer to what the Communist Party members regarded as progressive trade unions—he would refer to them as "Red", perhaps. I can't say that that was his definite words, but he would attack certain types of policy and action that the Communists regarded as progressive. He would regard it as reactionary in statements that he would issue, not merely in the strike, but generally all along that period that I was down here in regard to trade union work generally.

Q. Can you remember any particular statement that came up in these discussions that was made by Mr. Vandeleur attacking the waterfront unions or the strike conducted by them?

A. No, I can't.

Q. But there were some statements?

A. I am pretty sure there were. If they weren't statements, then it would be a question of attitude or something that he said on the floor of the Central Labor Council, which in itself is a statement too. This also I—I might have seemed to limit such discussions to that strike period, [1565] but in the period when the affiliation of the Longshoremen to the CIO took place, in that period and the

(Testimony of Nat Honig.)

period of the formulation of that policy, I think also at that time Vandeleur made attacks and these Teamster Officials issued statements attacking it both publicly and in the press, and I know definitely in the Labor Council. And then the same kind of discussion would go on with respect to how to answer that.

Q. When was that, Mr. Honig?

A. I can't tell you the exact date that the change took place now.

Q. Give us your best recollection.

A. To my best judgment it might have been shortly after the strike ended in February, 1936. But that's just an attempt to remember the date. It is not myself trying to be authentic as to that time.

Q. Could it have happened during the latter part of the strike?

A. It either happened then or shortly after the strike was over, in my recollection.

Q. Well, that is your best recollection, is it?

A. Yes.

Q. Was Mr. Bridges present at these meetings where this question of CIO affiliation was discussed?

A. He was present at some of them, yes. [1566]

Q. And that would include meetings during the strike and shortly thereafter? A. Yes.

Q. Now, what was the discussion of CIO affiliation?

A. The consensus of opinion was that it was favorable towards such affiliation at that time. I

(Testimony of Nat Honig.)

don't say that that was true through all meetings. Earlier there had been no agreement towards CIO affiliation and it was felt that it would be best to remain in the affiliation they had then. But when —I can say it this way: That discussions were held in the Trade Union Commission of the Communist Party for the California District regarding correspondence and instructions that had come from the Central Committee of the Party in New York on that question and following such discussions at the Communist Party trade union meetings then the thing was handed to this top fraction of the maritime industry for discussion.

Q. Is it your testimony, then, that the discussions in the top fraction meetings began as a result of instructions being sent from the Central Committee of the Communist Party on the question of CIO affiliation? A. Yes.

Q. What were those instructions?

A. I can't tell you the exact things.

Q. Well, the essence of them.

A. Well, the essence was that they had discussed this [1567] question in New York again at the National Trade Union Commission of the Communist Party, and they had discussed the various aspects of the question, and after long and frequent discussion had come to the conclusion that by this stage it would be better for the longshoremen on the West Coast to go into the CIO. That is, that it would be best for the Communists among the longshoremen to work for such a change-over.

(Testimony of Nat Honig.)

Q. Then, is it your testimony that in some of the meetings at the tail end of the strike and those which took place shortly after the end of the strike instructions were received by the top fraction to the effect that the members of the top fraction were to exert themselves to achieve the change of affiliation as soon as possible of the longshoremen to the CIO?

A. Well now, I am not trying to place the dates as specifically as you have made it there. I did say, as far as my recollection goes, I think it was in that period possibly towards the very end of the strike, towards the tail end of the strike, and in my opinion probably after the strike, and not so long after the strike. But I can't be more specific than that.

Q. According to your best recollection and judgment, the statement that was contained in my question would be a correct one; is that right?

A. Yes. I will tell you what I could—I could date it better this way: Well, let's see! No, I couldn't. I don't think I could be more specific on it than I am trying to. [1568] It may have been some months after the strike at that, but—(Pause).

Q. Well, you left San Francisco not very long after the strike ended, didn't you?

A. Yes. I left San Francisco in September—in June or maybe the first week of July. I forget exactly when.

Q. In 1937?

(Testimony of Nat Honig.)

A. By that time the affiliation——that change-over had occurred and had been in existence for a number of months anyway.

Q. So, therefore, these top fraction meeting discussions of the question of CIO affiliation would have happened, according to your best judgment, in and during the strike and immediately thereafter?

A. Yes. That's according to my best recollection. I would like to——

Q. (Interposing): I haven't asked you a question.

A. No. I am talking on the last question.

Q. You mean you haven't finished your last answer?

A. I am just adding something to my answer, if I may.

Q. Go ahead.

A. I would like to again stress that I can't recall that period specifically. That might have been even early in the strike or just prior to the strike sometime.

Presiding Inspector: You are not sure about the exact period? [1569]

The Witness: No.

Presiding Inspector: I think you have made that clear.

By Mr. Gladstein:

Q. When you added that, did you mean to indicate that because of this difficulty you have in re

(Testimony of Nat Honig.)

membering that it is possible that the question of instructions from New York for the Communists in the top fraction in San Francisco to exert efforts to bring the longshoremen into the CIO could have been discussed during the early stage of the 1936-37 strike and even a little bit before that strike began? Is that what you meant?

A. Yes, I think so. And I will tell you, it is this: This question of the CIO in all unions on the waterfront, as far as discussion in the Communist Party fractions were concerned, had come up from the very time of the actual formation of the CIO, which was at the end of 1935. So that that subject as a possibility came up at all Communist Party meetings in respect to trade unions long before the actual strat of that strike. So as a topic of possible affiliation with the CIO, I would say that that might have been started long before the beginning of the strike even, as a possibility.

Q. All right. Now, so those instructions—I want to talk about those for a minute. Is there any question in your mind that those instructions from the Central Committee of the Communist Party were that the longshoremen on the Pacific Coast [1570] were to go CIO? There is no doubt in your mind about that, is there?

A. The final instructions, yes, before the longshoremen actually did.

Q. And I think you said that those instructions were mandatory on Bridges?

A. As a Communist Party member.

(Testimony of Nat Honig.)

Q. Were they mandatory on Bridges?

A. As a Communist Party member all instructions from any leading body of the Communist Party were mandatory on him.

Q. All right.

A. I would also like to elaborate a word or so on that, too, on the answer that I just gave you, if it is all right. And that is this: That once a decision was arrived at by the Communist Party it was mandatory that it be accepted. There could be discussion as to the merits of that decision, but once a decision was adopted that was mandatory, absolutely.

Presiding Inspector: I think you have already said that.

By Mr. Gladstein:

Q. That is, a Communist Party member would have to follow that decision out?

A. Yes, when that was adopted as a decision

Q. Now, throughout these various meetings—let us take them in a group now, because you undoubtedly would have difficulty, I suppose, trying to think of them in terms [1571] of separate meetings. Can you recall any particular subject that Mr. Bridges discussed during any of those meetings?

Mr. Del Guercio: If your Honor please, I think that has already been asked and answered. He gave a list of the things that had been discussed.

Presiding Inspector: If he can remember anything else. I think that is so.

(Testimony of Nat Honig.)

Mr. Gladstein: I didn't ask him anything about what Mr. Bridges is supposed to have discussed.

Presiding Inspector: No, no. I understand that. You want him to give anything else that he can remember that——

Mr. Gladstein (Interposing): No, that isn't it.

Presiding Inspector: Just read the question.

(The question referred to was read by the reporter.)

Presiding Inspector: You want to know anything else that Mr. Bridges discussed.

Mr. Gladstein: I haven't asked him heretofore.

The Witness: Yes, I can.

Mr. Gladstein: I asked him before about topics that were discussed.

Presiding Inspector: Yes. I suppose they all consist——

Mr. Gladstein (Interposing): Now I am asking him for anything that he says that Mr. Bridges discussed.

Presiding Inspector: Including all you have been over?

Mr. Gladstein: I am asking him now any subject. [1572]

Presiding Inspector: Well, I don't understand. I asked you a simple question. Including what has already been gone over?

Mr. Gladstein: I don't know whether the witness will include it or exclude it. I want to know what he claims Mr. Bridges said.

(Testimony of Nat Honig.)

Presiding Inspector: It doesn't require him to include it or exclude it. I am asking you whether you mean to go over, if Mr. Bridges took part in them, what you have just been over.

Mr. Gladstein: If he claims Mr. Bridges made statements regarding anything he talked about, I want to know those statements.

Presiding Inspector: Now, you want to hear in general anything that Mr. Bridges discussed or took part in the discussion, I suppose.

Mr. Gladstein: Whatever he said that this witness——

Presiding Inspector (Interposing): In substance?

Mr. Gladstein: Yes.

Presiding Inspector: Yes.

A. Well, the topics that I have mentioned that were taken up at these meetings, I should think pretty nearly every one of them Mr. Bridges had something to say on them at one time or another. And here again I can't tell exact words. [1573] But if it were the topic, for instance, on how—what attitude to take towards—how to answer Vandeleur on a certain statement, he would participate, and, of course, he concurred with the rest of those present, that a certain statement was in his mind reactionary and that it should be shown to the workers to be reactionary. That would be in substance what he would say about it, not his exact words. I did mention before——

(Testimony of Nat Honig.)

By Mr. Gladstein:

Q. (Interposing): May I interrupt for just a moment? A. Yes.

Q. What you have just said, you can't actually remember any such thing? You are simply giving a conclusion on it, aren't you?

A. No, no. I mean to say that Bridges would take part in a discussion on some statement made by Vandeleur and Bridges would say—Bridges said not in these exact words, but the gist of it was that he concurred in what the others said there that Vandeleur's particular statement was in his mind reactionary and that it should be answered and that it should be shown to the workers as being reactionary.

Now, that's on one particular subject that I can remember he spoke about.

Q. Well, then, your testimony in regard to the Vandeleur question is that you remember nothing that Mr. Bridges contributed that stands out in your mind except that, you say, he concurred in discussion that took place on that subject? [1574]

A. And he agreed and he urged that an answer should be given.

Q. Was any disagreement expressed by Mr. Bridges on that question or any other that you can remember?

A. I don't recall any. He may—at meetings when Vandeleur was discussed he may have disagreed on just the exact wording, maybe, of a statement that was to be issued and answered of

(Testimony of Nat Honig.)

Vandeleur, but not on the idea that an answer should be issued to it.

Q. Can you recall any subject at all on which Mr. Bridges disagreed?

A. Yes. I can recall one subject that there was disagreement about definitely, and that was the question of, for instance, Lundeberg. I mentioned before here that Mr. Bridges was very bitter about Lundeberg and would in quite a huff state that he believed Lundeberg ought to be "dumped", and there were others there that didn't think that that would be a good thing to do, it would just create a series of "dumpings" and "counter-dumpings", and so forth, and they tried to point that out to Bridges. There was disagreement on that.

Q. Was a decision made on that?

A. No. There was no decision made to do any such thing.

Q. To do any what thing?

A. There was no decision ever made to do any "dumping". [1575]

Q. What was the decision made on the question?

A. Oh, the thing was just dropped, that's all.

Q. There was no decision made? A. No.

Q. The thing was just dropped? A. Yes.

Q. Any other subject on which you say Mr. Bridges disagreed?

A. I should say on almost any topic that came up, you might not call it "disagreement", he would just have a suggestion on the method as to how to

(Testimony of Nat Honig.)

do a particular thing and another one would have another suggestion, and the idea would be to make those suggestions jibe.

Q. Can you think of anything particular or specific?

A. Not specific, no; on almost any of the topics I have mentioned.

Q. All right. Now, can you think of any other topic that Mr. Bridges expressed himself on?

A. Oh, yes. I think he would express himself occasionally on a strike that perhaps some other union was having. The union had called, maybe, on the longshoremen, to give them financial assistance or something like that. It was one of these day-to-day problems; I mean, not one of these basic problems, but one of these things that would come up. And he would talk on to what extent he might think they ought to help that union, and he would say he thought they should help [1576] the union.

Q. Do you remember anything specific in that connection?

A. No. I do believe, though I won't say specifically, there were questions of agricultural strikes in other parts of the State that would occur from time to time and assistance—maybe financially—would be discussed to them.

Q. Well, do you remember anything that Bridges said?

A. Bridges would generally say that he thought that they ought to be helped by the longshoremen to the best of the longshoremen's ability.

(Testimony of Nat Honig.)

Q. Was that in agreement or disagreement with other opinions expressed?

A. No. I don't remember ever having been disagreement on a topic like that.

Q. So you remember nothing specific that Mr. Bridges said on that question of agricultural strikes?

A. No, not specific words; just except his opinion that they ought to be assisted.

Q. Now, you mentioned the Lundeberg issue. That stands out in your mind, does it?

A. That stands out.

Q. Is that the only thing that stands out in your mind where Mr. Bridges disagreed with the others at the meeting?

A. Yes, because that was about the only real case that [1577] I can remember where it was a question of a matter that would affect basic party strategy and, naturally, there was a great deal of calming down of Mr. Bridges by some of the others and there was a great effort to calm him down and tell him that "that is not the kind of thing that we can afford to do".

Q. On all other subjects—fundamental subjects—would you say that Bridges was substantially in agreement with all of the others present, outside of the little minor, tentative or temporary disagreements which were ironed out?

A. At all meetings that I attended substantially so, yes.

(Testimony of Nat Honig.)

Q. That is, substantial agreement?

A. Yes.

Q. And the only fundamental thing on which you can recall any disagreement was the question of Lundeberg? A. Yes.

Q. And then Bridges was completely in accord with the others on the question of CIO affiliation, I take it?

A. Yes, substantially so.

Q. What decision or decisions were made during these meetings on the question of CIO affiliation?

A. The way it would be was this way: A representative of, say, the District Committee of the Party—maybe Schneidermann himself, District Secretary, perhaps——

Q. (Interposing) Could I interrupt just one second?

Mr. Del Guercio: Just a minute! [1578]

Mr. Gladstein: I will give him an opportunity to answer that question.

The Witness: Yes.

By Mr. Gladstein:

Q. I realize that my question assumed something and I wanted to ask you, first of all, whether during these meetings that you are talking about any actual decision or conclusion was arrived at with respect to CIO affiliation on the part of the longshoremen?

A. I will put it this way: ——

Mr. Del Guercio: (Interposing) Just a minute!

(Testimony of Nat Honig.)

I suggest he answer—he was starting to answer the first question and he hasn't completed it yet. Now, Counsel has another question. I believe the witness should answer the first one.

Mr. Gladstein: It may be that the witness will say that there were no such conclusions or decisions. I don't know.

Presiding Inspector: Well, it is technical. I think I will let Mr. Gladstein go ahead.

By Mr. Gladstein:

Q. Do you remember the last question?

A. Yes, I remember. I will answer that by saying that, rather than on basic policies such as the CIO affiliation question, rather than decisions being made there, it would be a question of ratification of proposals brought in. [1579]

Q. Well, in other words, would this be correct? That the top fraction meetings got instructions from the Central Committee in New York City that the longshoremen on the West Coast should go CIO; that this question or these instructions were discussed in the top fraction meetings and that the instructions were concurred in or endorsed or ratified?

Mr. Del Guercio: Just a minute, please! I object to that, if your Honor please. That isn't what the witness testified to.

Mr. Gladstein: I am asking him now.

Mr. Del Guercio: Well, the witness testified just previously that these instructions were received

(Testimony of Nat Honig.)

at these fraction meetings and all that was discussed there was the method and means of carrying them out.

Presiding Inspector: I think the witness can take care of himself.

By Mr. Gladstein:

Q. Were you about to answer "Yes"?

A. I will have to have it repeated.

Q. Don't you remember whether you were about to answer "Yes"? A. I don't recall that.

Q. Whether you were about to answer "Yes"?

A. I don't know.

Presiding Inspector: I don't think that that is a proper [1580] question. I know you don't think so, either.

Mr. Gladstein: Read the question, please.

(The question referred to was read by the reporter.)

The Witness: Substantially my answer would be "Yes", that they ratified that decision.

By Mr. Gladstein:

Q. On the question of CIO affiliation and before the ratification by the top fraction meetings, do you recall any statements or expression of position by Mr. Bridges? A. On that topic?

Q. Yes.

A. Not in so many words. All I can recall after that lapse of time was the general opinion he held on the subject as expressed by him. In words, what words he put it, I can't recall. And the rea-

(Testimony of Nat Honig.)

son for that is that my object in being at the top fraction meetings was simply to gather background material for immediate—in order to enable me better to write up trade union news stories for a paper that came out twice a week and only for that immediate purpose.

Q. Well now, you say you can't remember any words Mr. Bridges used, but you say you do remember a general opinion. What was Mr. Bridges' opinion as expressed in these meetings on this question of CIO affiliation?

A. To the best of my recollection, just prior to the [1581] time that the affiliation actually occurred, Mr. Bridges agreed that it should be done.

Q. Well, do you recall any disagreement during any of those meetings? A. On that subject?

Q. Yes.

A. I don't recall any important disagreement on whether it should or should not be done, no.

Q. All right. Do you remember whether Mr. Bridges urged that the change to CIO take place?

A. I couldn't say that. I can't remember that he definitely urged it.

Q. Do you recall whether he made any reports of any kind mentioning the name of John L. Lewis?

A. He has mentioned John L. Lewis many times. Everybody in those days mentioned John L. Lewis in one way or another, yes. And I know he did.

Q. Well, what did he say about John L. Lewis during these top fraction meetings?

A. Well, I do remember, I think—I can't say

(Testimony of Nat Honig.)

this in definite words—to the best of my recollection at earlier meetings of those top fraction meetings when Lewis was mentioned, he did refer to Lewis, Lewis' past record at times, and he said there were spots in Lewis' record that weren't too good as far as his attitude towards what was called "militant trade unionism" was concerned, and that he hoped that Lewis had [1582] changed now in his attitude towards "militant trade unionism". He did mention such words about Lewis himself. He wasn't talking about the CIO. Just talking about Lewis as a person.

Q. Substantially he would be pro-Lewis, is that right, with reservations?

A. I think he would be pro-Lewis in so far as Lewis gave as his aims now in the trade union movement.

Q. As of that time, you mean?

A. Yes. That is, the aims of industrial unionism.

Q. And Bridges would be pro-Lewis as of that time——

A. (Interposing) Yes.

Q. (Continuing) ——in—wait a minute! Wait a minute!

A. Oh, I am sorry.

Q. (Continuing) ——with respect to Bridges urging affiliation with the CIO, is that right?

A. I didn't say that he himself did the urging. I just told you, as I recall it, his opinion on whether that should be done or not. He didn't——

(Testimony of Nat Honig.)

Q. (Interposing) Well, he was in favor of it?

A. Yes. He concurred in the idea of it.

Presiding Inspector: Did the discussion include when it should be done or how it should be done?

The Witness: Well, as to how, of course, there was only one way it could be done: Just make application for a CIO charter to the International—to the central headquarters of the CIO back East.

[1583]

Presiding Inspector: Would there have to be a vote taken to do that?

The Witness: There would have to be later a vote of the membership of the particular union of the Longshoremen's Union.

Presiding Inspector: That is what I mean.

The Witness: Yes.

Presiding Inspector: Was that discussed?

The Witness: That was at times discussed later, yes.

Presiding Inspector: And when it should be done?

The Witness: Yes. I believe, yes, to my recollection, when it should be done.

Presiding Inspector: If you don't remember these things, just say so.

The Witness: To the best of my recollection, the question of when the question of endorsement by the longshoremen did come up.

By Mr. Gladstein:

Q. Do you recall when it came up?

A. Do you mean at what meeting?

(Testimony of Nat Honig.)

Q. At what approximate meeting. I am not asking you what specific meeting.

A. Oh, after there had been thorough agreement at the top fraction among the members there on the fact that—I mean, thorough understanding on the necessity and the basic reasons why this was being advocated by the Central Committee and the [1584] Trade Union Commission of the Party, after that had been thoroughly gone into and understood, then the next question that came up was how to get the majority of the longshoremen to favor such affiliation. And to my recollection it was thought—it was stated there that the sentiment of the longshoremen was for such affiliation anyway; that is, in San Francisco.

Presiding Inspector: I may not understand this, but the officers could make the application first and get ratification later? Is that the idea?

The Witness: I can't answer that absolutely correctly in a technical sense. I don't know whether the executive——

Presiding Inspector: (Interposing) Then, don't try to.

The Witness: Yes, O.K. [1585]

By Mr. Gladstein:

Q. You recall no decision which set a date of any kind?

A. I think—I don't mean I think—to the best of my recollection such a date for a vote on the question, or it might have been for it to come up at the next convention—I don't recall that exactly

(Testimony of Nat Honig.)

—such a date was discussed, such a time for such a ratification, but what that particular date or time was I can't recall.

Q. But you remember that during one or more of these Top Fraction meetings there was an agreement reached upon the setting of a date when the longshoremen were to either apply for a charter or attempt to go into the CIO?

A. To both apply for a charter and enter into the CIO; yes.

Q. Is that right? A. Yes.

Mr. Gladstein: Your Honor, I would like to turn the examination over at this point to Mr. Grossman, if that is permissible. I have not prepared on several topics and he has. I recognize this is within the discretion of the Court, but I ask your discretion in the matter.

Presiding Inspector: You are not going over the same matters?

Mr. Gladstein: No; not the same matters.

Presiding Inspector: Very well. I see no objection. [1586]

By Mr. Grossman:

Q. When did you for the first time discuss with any representative of the FBI the possibility of your testifying in this case?

A. Last November, I am pretty sure, of 1940, I was called up at my home, and I believe it was by Mr. Dickstein—D-i-c-k-s-t-e-i-n—I believe that is the spelling, and he asked me if I would come up

(Testimony of Nat Honig.)

to his office and see him about something. I said I didn't think so. I said, "I am busy."

He wanted to know if I could come up that day and I said I didn't think so; that I would be working all day.

Then he said, "Can you come up the next day?"

I said "No."

I was trying to dodge the idea of going up to the office. I was trying to put him off.

Well, I think he called—it was on a Wednesday or Thursday—and I said I couldn't go that day. And the following day, which I think was Friday, he said "How about Saturday?" Friday he called up and said "How about tomorrow? Can you come up and talk to us?"

I said, "Yes, I will come up and see what you want."

I went up to his office. I think it was in the Vance Building in Seattle. I am not sure of that, but I think it was.

He said that they had been told—he didn't tell me by whom—that I had been a member of the Communist Party [1587] for quite a while, but that now, particularly in the Newspaper Guild, I had been opposing Communist Party policies as applied to the Newspaper Guild itself, and he had heard all these things; and he also had heard that I knew whether Bridges was a Communist Party member or not. He asked me to tell him were these facts true.

(Testimony of Nat Honig.)

I said, "It is true that I have been a member of the Communist Party, and it is true that in the Newspaper Guild I had been on the side opposed to the Communist Party, as far as the Newspaper Guild itself was concerned, and work in the Guild."

"As for the third question," I said, "I have heard people say that Bridges is a Communist Party member, and I have heard people say he isn't. I am not going to say whether I know he is or not."

I don't recall whether I definitely said—I think I simply ignored the question.

Well, I was asked repeatedly, couldn't I in some way tell them just person to person whether I knew, as one person talking to another—this was in the FBI office—whether I knew whether I had attended Communist Party meetings with Bridges or not.

I said, "I am not prepared to talk on the subject with you."

"Well," they said, "won't you think it over?"

[1588]

I said, "I will think it over."

I went home. Then——

Q. (Interposing) Just a moment.

Mr. Del Guercio: (Interrupting) Just a moment. The witness is answering the question.

Mr. Grossman: I don't want him to go through five or six meetings. I want to confine it to a particular meeting.

Presiding Inspector: Let's go back and find out

(Testimony of Nat Honig.)

what the question was. I have forgotten it, it was so long ago.

(The question was read by the reporter as above recorded.)

Presiding Inspector: It doesn't call for any discussion as to what was said at all.

The Witness: He asked for the time. Well, the answer is that it was in November of last year.

By Mr. Grossman:

Q. Who was present at the FBI office outside of Mr. Dickstein?

A. There were a lot of people in the suite of offices, but in the particular office that I was in there was Mr. Dickstein and Mr. Madala.

Q. During the entire questioning, or conversation between you and Mr. Dickstein and Mr. Madala, was there anyone else present?

A. Only people passing through the room on their way in and out. [1589]

Presiding Inspector: He means taking part in the conversation or discussion.

The Witness: Only the three of us, as far as I know.

By Mr. Grossman:

Q. Was there any stenographer present?

A. No; there was no stenographer present in my conversations with them.

Q. Did anyone among you three take notes as to what transpired?

A. No. I didn't, and I didn't see them take any.

(Testimony of Nat Honig.)

Q. When Mr. Dickstein spoke to you on the telephone did he tell what he wanted to speak to you about?

A. No, he didn't mention specifically what. He just said he wanted me to come up and see him.

Q. Did he tell you enough to indicate they knew what he wanted to see you about?

A. No, he didn't.

Q. Did you know what he wanted to speak to you about? A. No, I didn't.

Mr. Del Guercio: If your Honor please, the witness has answered that two or three times; that he didn't know, that the agent didn't tell him.

Mr. Grossman: I think it will appear that those were different questions.

Presiding Inspector: He has answered. Go ahead. [1590]

By Mr. Grossman:

Q. Will you please tell us why you didn't want to go up to the FBI offices as Mr. Dickstein suggested?

A. Well, for one reason, it was this: That I had been active in the Newspaper Guild in Seattle, and in other cities, and I didn't know what the membership of the Newspaper Guild thought about the FBI as an organization. I knew what lots of them thought about various other types of agencies, but I didn't know what they thought about this one; that is, the majority of the people who were my friends in the Guild and with whom I worked. I

(Testimony of Nat Honig.)

didn't want to take any steps without knowing what they felt about this organization as a whole, the FBI.

Q. Was it your state of mind at the time that you were telephoned by Mr. Dickstein, that you thought he wanted to talk to you about some crime you had committed?

Mr. Del Guercio: I object to that. His state of mind at the time has nothing to do with the issues here. It isn't proper cross examination.

Presiding Inspector: I think that the last sentence contains an implication.

Mr. Grossman: There is no implication there.

Presiding Inspector: Let us hear the question. You listen closely to the question.

(The question referred to was read by the reporter as above recorded.) [1591]

Presiding Inspector: I reject that on the ground that it implies, assumes that he committed a crime.

By Mr. Grossman:

Q. Was your state of mind, at the time you were telephoned by Mr. Dickstein, that you thought he wanted to discuss with you the commission of a crime by anyone?

A. I didn't have the slightest idea what he wanted to discuss with me; so my state of mind was one of puzzlement.

Q. At the time Mr. Dickstein called was your state of mind that you thought Mr. Dickstein believed you had committed a crime?

(Testimony of Nat Honig.)

Mr. Del Guercio: If your Honor please, the witness has just answered that he had none; that it was one of puzzlement.

Presiding Inspector: I will allow you to press it.

A. No. I didn't think, I didn't know what he wanted to see me about; no.

By Mr. Grossman:

Q. Is it correct that the sole basis for your unwillingness to comply with Mr. Dickstein's request was the attitude that you thought other members of the Newspaper Guild might have if you went up to talk to the FBI?

A. No. I didn't say that was the sole basis, and that wasn't. There were other things perhaps equally important.

Q. Will you state the others, please?

A. Yes, as I recall them. One was that I still had a [1592] carry-over from the days when I was in the Party as hostile to dealing with any Government agencies. That is the thing that we had been taught to believe a Commuist Party member should not do, or that any worker or any union member should not do. I still had somewhat of that in my system, that is, a hang-over from that. Therefore, I didn't feel like going either for that reason.

Then, again, I felt that Mr. Dickstein was so vague. I perhaps could understand why he couldn't tell me on the telephone specifically what he wanted me for, but I felt that there was enough vagueness

(Testimony of Nat Honig.)

for me not to want to go to see anybody or something that I had no idea about. This, of course, was not a basic reason.

I think the two first ones were the main reasons.

Q. Can you explain why you changed your mind some time in that week when he first called you, between that time and Friday when he called you again, with reference to going down to the FBI office?

A. Why I changed my mind about seeing him?

Q. Yes.

A. I talked it over with my wife, and with Guild members. They all said, "What harm will it do to see what he wants to ask you, or what he wants to take up with you?"

I said, "Well, I still don't like the idea." But everybody I had spoken to had this opinion: That I might as [1593] well go and see him. So I went.

Q. When you discussed it with other people did you discuss the possibility that he wanted you to give him some information on the Bridges case or on Bridges? A. No, I didn't.

Q. Then when you discussed it with other people, and when you finally made a decision to go down to the FBI office, you still had no better idea than you had at first as to what the subject matter of this discussion was going to be at the FBI office? A. No, I didn't.

Q. How did this meeting end on Saturday? Was there some understanding as to future meetings?

(Testimony of Nat Honig.)

A. To the best of my recollection, the meeting ended on a note that I still—of course, I had been made acquainted with Mr. Dickstein's intentions. After learning those the meeting ended with my telling him that I could not comply with what he was requesting in any form whatsoever. That was the way I felt. I gave him reasons why I felt so.

I said, "As far as I am concerned that is my definite and final opinion on the matter, my definite and final feeling on it."

As far as I felt then it was my final feeling at that time.

He said, "Well, you still can think that over, and I wish [1594] you would. I will get in touch with you next week."

I said, "It will not be necessary for you to do that, but you can do it if you want to. You can call me up again."

That is the way that meeting ended.

Q. What did you tell Mr. Dickstein that you felt on that question?

A. I told Mr. Dickstein that I felt that, in the first place, there was a group of us, and a substantial group, in the American Newspaper Guild who were conducting a fight against certain people in the Newspaper Guild who were Communist Party members; a fight simply to remove a certain influence and hold that they had been having over this local of the Newspaper Guild; that I felt, for one thing, that to get involved in an other question that involved Communism in any way would distract

(Testimony of Nat Honig.)

from my activity and my taking part with my fellow-Newspaper Guild members in that fight against the Communist Party people in the Guild; and for that reason, as one reason, I didn't want to do that; that I didn't want to take part in any way in what he had requested me to do.

Another reason was that I said—also taking into account the feeling of my friends in the Newspaper Guild, I didn't know definitely what they thought of the FBI as an organization in relationship to labor; and that for all I knew they all would think, if I dealt with the FBI in any way, for that matter, even as far as going up to the office, as far I knew, if I dealt [1595] with the FBI in any way, maybe even those very people who were with me, and whom I was working with against the Communist Party control in the Newspaper Guild, maybe even those people will think that this would be an anti-labor thing to do. I wanted to find that out definitely, if the majority of those people involved with me in that struggle, you might call it, in the Newspaper Guild in Seattle, did not think it was anti-labor. I still hadn't found that out.

That was another reason.

These were the main reasons.

One more reason was this: I felt, as a newspaper man, that a newspaper man isn't it—it isn't a rule on any paper, it isn't a fixed rule, but more or less of a kind of a tradition, that a newspaper man should try not to be in the news; his job is

(Testimony of Nat Honig.)

to cover news and not to be in the news. I felt that to do what he asked me to do at that time would probably involve me as a subject to be mentioned in news dispatches and news stories.

That wasn't a very major reason, but it had sort of an influence on me.

Those are about the only reasons I think I gave as far as I remember.

Q. Did Mr. Dickstein tell you he wanted you to be a witness in the Bridges case?

A. Not at first. [1596]

Q. I mean in this Saturday meeting?

A. Yes; this is the Saturday meeting I am talking about. In fact, not at all at that Saturday meeting, as I recall it. He said——

Presiding Inspector: That answers the question.

A. No.

By Mr. Grossman:

Q. Can you explain why, if he didn't discuss you being a witness at the Bridges hearing, you raised the question of a reporter becoming part of the news?

A. Because I felt that to do so, what he did raise, what he did ask, would inevitably result in me becoming a witness in the case.

Q. I am concerned with your state of mind at the time. How did you feel that giving him any information would necessarily involve you in publicity?

A. Because the action he wanted me to take,

(Testimony of Nat Honig.)

rather, the request he made, for me to fulfill that, I felt, judging as a newspaper man, I would be bound to become involved in this particular case and it would lead to my becoming a witness in the case.

Q. Did you tell Mr. Dickstein that you had any information concerning whether Bridges was a Communist?

A. No. I definitely avoided that at that meeting, and at all meetings with him, avoided letting him know whether I [1597] had any information as to my positive definite knowledge on Bridges' political affiliation or belief.

Q. You mean you succeeded, in this whole meeting, in avoiding answering the question as to whether you had any information concerning Bridges being a Communist?

A. Yes; with great difficulty.

Q. But you did succeed?

A. I did succeed.

Q. Did you succeed because Mr. Dickstein discontinued pressing the point, or because he was more concerned with other pionts?

A. I believe, as far as my recollection is concerned, that I succeeded because I kept making it understood to him that I had definitely made up my mind at this time, anyway, about the matter, about his request, and there wouldn't be any point in pressing me further on it. I can't tell how he figured it, but then he stopped pressing me on it.

(Testimony of Nat Honig.)

Q. Did he suggest any other ways in which you could cooperate with him, or help him, except by giving him the information he wanted on Bridges? A. Yes, he did.

Mr. Del Guercio: I object to that, if your Honor please.

Presiding Inspector: He has answered it.

Mr. Del Guercio: Does he mean matters involving this case, or some other matter? [1598]

Presiding Inspector: He answered it.

A. He did; about the Bridges case.

For one thing, he suggested that I tell him definitely, face to face, as one person talking to another, whether I knew Bridges as a Communist Party member. That was the first thing he did ask for. So I definitely said——

Presiding Inspector: The question is did he suggest any other way that you could assist him?

The Witness: Yes. That was one way, by telling him whether I knew, face to face——

Presiding Inspector: We have had that.

Any other?

The Witness: Yes. When I didn't prove willing to do that, he asked, I believe he did this, to the best of my recollection at that meeting, he asked would I be willing to sign an affidavit regarding anything I knew about Harry Bridges.

I told him, "No. If I refused your other request—this being a more important request—naturally I refuse this." And I did reject that request.

(Testimony of Nat Honig.)

By Mr. Grossman:

Q. Did he make any other requests?

A. I don't believe he did, except that I should think it over some more.

Q. Did you have another meeting with any representatives of the FBI? [1599]

A. I had another meeting with both Mr. Dickstein and Mr. Madala.

Q. How did this next meeting come about?

A. Well, it was Mr. Dickstein again who called me up at my home and asked me again to come up to the office and see him. I adopted the same practice of trying to dodge him, putting him off, telling him I was busy.

Finally, toward the end of the following week, I guess it was Thursday or Friday, after that Saturday meeting, again I said, "All right, I will go up this time and talk it over with you again, although I haven't changed my mind about the question."

I did go up.

Q. What happened at the second meeting—and it involved those two other men and yourself?

A. Yes.

Q. No one else?

A. No. I will say this: I was introduced—people would pass by with their work—and I was introduced, "Mr. so and so, meet Mr. Honig," and "Mr. so and so, meet Mr. Honig." That is all the conversation in that respect.

Q. No one else participated in the discussion?

(Testimony of Nat Honig.)

A. No; not at that meeting.

Q. And this next meeting was at the FBI offices, was it? A. That was at the FBI offices.

Q. What transpired at the second meeting?

[1600]

A. Substantially the same thing as at the Saturday meeting. Again I was asked if I would first say, man to man, did I know anything about Bridges, his political connections, and so forth. I rejected that request.

Then the same thing about the affidavit.

In addition, Mr. Dickstein, or Mr. Madala, or both, said, "Well, you know that you could be subpoenaed when a hearing occurs. We don't know definitely when it is going to be, but when it does occur you could be subpoenaed."

I said, "Well, I guess I could be, and if I were I would have to answer it," and I would. I said, "However, if I were you I would recognize the fact that I am not very willing to take part in this at all, and I request if you ever do want to subpoena me you please speak to me first and find out what frame of mind I have about the question."

That was more or less the substance of the conversation at the time.

Q. Did you again in the second meeting refuse to make any statement, oral or in writing, with respect to what you knew about Bridges being a Communist? A. Yes.

Presiding Inspector: You mean, when you said the second meeting, this was the third meeting?

(Testimony of Nat Honig.)

Mr. Grossman: This was the second meeting.

The Witness: This is the second meeting. [1601]

Mr. Grossman: He was telephoned once.

A. I did refuse again.

By Mr. Grossman:

Q. Either in the first or second meeting, did either of these gentlemen make any arguments to you as to why you should comply with their requests?

A. Yes. They gave me the argument, they said, "Well, as a loyal American you should do it,"—arguments along that line; that I should cooperate with the Government in a request that they—they said, at least as a loyal American I should recognize—I am trying to get the exact words—I think they were these: At least as a loyal American I should recognize that I ought to not be unwilling to come up to the office of a division of my government, of the American government, and I ought not have an attitude of thinking they were, well something I might catch something from them—or words to that effect.

I said, "Well, I don't have that attitude. I come up now when you ask me to. But the other attitude I retain on the other subject."

Q. At either of those two meetings did he make any other argument, except those you have just stated, or did either of the men make any argument, except those stated?

A. I guess the only thing you could call an

(Testimony of Nat Honig.)

argument was that they said that they had learned I probably had been in a [1602] position to have known Bridges, and if I had, and if I continued to feel that way, they would probably subpoena me, and, therefore, I would have to tell it anyway, and so if I knew anything about Bridges why shouldn't I tell them.

That is about the sum and substance of it.

Q. Did you intend, during either the first meeting or the second, to give these FBI men the impression that you knew something concerning Bridges' Communist affiliations?

A. No. I intended, as far as I could, to give the impression that I knew nothing about it.

A. At either of these two meetings were you asked any questions about specific meetings, or places, which involved Bridges?

A. To the best of my memory all I said——

Presiding Inspector: No. Answer the question "Yes" or "No".

The Witness: I would like to hear the question again.

Presiding Inspector: Read the question.

(The question referred to was read by the reporter as above recorded.)

A. No; not about specific meetings.

Presiding Inspector: We will take a recess until 2:00 o'clock.

(Whereupon, at 12:35 P.M., a recess was taken until 2:00 P.M. of the same day.) [1603]

After Recess
2:00 O'Clock P.M.

Presiding Inspector: You may proceed.

NAT HONIG

called as a witness on behalf of the Government, having been previously duly sworn, testified further as follows:

Cross Examination (Resumed)

By Mr. Grossman:

Q. Mr. Honig, on what note did the second meeting with the representatives of the FBI end?

A. The second meeting was in last November, and ended on this note: That I still was firm in my rejection of any request that I would in any way take part in the Bridges case.

Q. Did it end on the same note as the first meeting? A. Yes.

Q. Did either of the FBI men state that he wanted to get in touch with you in the future?

A. In respect to that the situation then was, after I left that second meeting——

Q. (Interposing). Before you left the second meeting.

A. Or before, I mean at the culmination of that second meeting, where it stood in respect to this angle was this: That they said that they expected there would be a hearing, oh, some time in March or April, and they said "Next Spring," I think

(Testimony of Nat Honig.)

that is what they said, and that they might subpoena me [1604] for that.

"Well," I said, "If you do intend to do that then I wish you would speak to me first and maybe I can convince you that you ought not do it, feeling the way I do about my wanting to take any part whatsoever in it."

They said, "Well, as that time draws near we will probably get in touch with you."

I said, "That is all right. You can get in touch with me any time you want to."

That is the way it ended up.

Q. At the first meeting did either of these FBI men talk about a hearing in this case?

A. At the first meeting in November?

Q. Yes.

A. Yes. They mentioned that it was going to be—that is, they hoped to have a hearing, or they were working towards that purpose.

Q. Was their expression concerning the meeting any different than the second—concerning the hearing any different in the second meeting than the first?

A. To the best of my memory, fundamentally there wasn't. They also expressed it in the sense that they were working towards that aim of having the hearing some time in the spring.

Q. When was the next time that you had any communication with the FBI after the second meeting? [1605]

(Testimony of Nat Honig.)

A. Oh, after that second meeting, oh, about ten days ago, or maybe——

Q. (Interposing) What happened ten days ago?

A. Well, again, ten or eleven days ago—I don't remember exactly—I think it was on a Thursday—I was again called up at my home by Mr. Dickstein and he said he wanted to see me again. Of course, this time I knew what it was about because then it had been divulged from last year in November. And "Well," I said, "I guess I could do it." He wanted to know if I could see him the next day, which was Friday, and I said, "No, I would be working that day" and I didn't think I would be working Saturday, so I would come down Safurday morning if it was all right with him. So we arranged to come down to the FBI office, which was now in the new Government Building in Seattle.

Q. This was after the hearing had started?

A. I don't remember exactly just when the hearing started. It wasn't any more than ten or eleven days ago, and if the hearing was on then it was after.

Q. Are you sure it wasn't more than two weeks ago? A. I am pretty sure it wasn't.

Q. With reference to the time when you had this trouble with the department store, was it before or after that time? A. It was after that time.

Q. How long after? [1606]

A. I think, oh, about a week approximately.

Q. All right. You went down to the office of the FBI? A. I went down there, yes.

(Testimony of Nat Honig.)

Q. On a Saturday?

A. On a Saturday morning.

Q. And what happened?

A. They asked me——

Q. (Interposing) Who is "they"?

A. Well, Mr. Dickstein and Mr. Madala. They were there and they conducted me into one of the offices in that suite of offices there, and they asked me had I changed my mind or changed my attitude towards testifying in the Bridges case. And I thought it over in all this time. That was about the first thing they asked me, and I——

Q. (Interposing) And you replied what, if you replied?

A. I replied, Yes, that I had changed my mind.

Q. Then what happened?

A. Well then, they proceeded to ask me would I be willing to sign a statement regarding what I knew about Bridges, what I knew about the Communist Party itself, and the Trade Union Unity League, and so forth. And I said that I would.

Q. Who was present when you had this conversation?

A. First just Mr. Dickstein and Mr. Madala, and then later—I don't know just how much later—a stenographer.

Q. How long did the conversation last? [1607]

A. Well, I got there at eleven. I guess I left there about 1:30 or a quarter to two.

Q. Did you give a statement in front of the stenographer?

(Testimony of Nat Honig.)

A. Yes. To the best of my memory,—I did. I started to—wait! At this first time, no. I think that at this meeting I simply told them facts and they took notes on it, asked questions and then they took notes on it.

Q. Was the stenographer there when you gave them this information?

A. I believe at some time in the course of that there was; even at that first meeting there was. I am not certain of it, though, but I believe there was.

Q. Are you certain that the stenographer was there at some time during the conference?

A. During that first meeting?

Q. Saturday, when you first told them you were willing to testify?

A. I feel that there was, but I am not absolutely sure, at that meeting.

Presiding Inspector: By the "first meeting" you are referring to this recent one, this year?

The Witness: The first one this year; yes.

By Mr. Grossman:

Q. Did you give them in substance on that Saturday, all the information you have testified to here? [1608]

A. No, I didn't. I don't believe I was able to collate in my mind all the information I have testified to here at that first meeting with them.

Q. Well, now, after this meeting on Saturday, rather, at the end of this meeting on Saturday,

(Testimony of Nat Honig.)

what arrangements were made, if any, for seeing them again?

A. That meeting ended, to the best of my recollection, on the note that the information I had given them, and which had been then made into notes by Mr. Dickstein and Mr. Madala, one of them, or both—I don't recall which—that these notes would be made the basis of a statement, that is, transformed into a statement, and then I would meet with them, when they called me to meet with them again, and they would either get any additional facts on the question of Bridges and the Communist Party that I could remember, either do that or else they might have a statement all ready for me to sign then. That is the way I left them.

Q. Were the statements that you gave them in this third meeting any different in substance than what you have testified to here?

A. I haven't—which third meeting are you talking about?

Q. The third all together, which was the first of this year. A. I see what you mean.

Q. I will call it the third meeting. [1609]

A. Were they any different than what I testified to here?

Q. Yes.

Mr. Del Guercio: I don't believe the witness understands. Do you mean a contradiction to what he has testified to today, or what?

Mr. Grossman: We will see.

(Testimony of Nat Honig.)

Mr. Del Guercio: I suggest the question, may it please the court, be asked in that manner.

Presiding Inspector: He means different in substance. A. To a certain extent.

Presiding Inspector: He has answered it; to a certain extent, he said.

By Mr. Grossman:

Q. Do you recall in what respect it was different?

A. It was not as complete as what I have stated here in that respect. That was the only respect in which it was different. That is, there were different incidents that I have mentioned here that at this first meeting this year with Mr. Madala and Mr. Dickstein that I had not recalled to the first meeting with them. I hadn't come prepared to make a long statement, and so forth.

Q. At any time after that, that is after the third meeting, or during the third meeting, did any representative of the FBI help you to add details, or fill in details? [1610] A. No.

Q. When did you see them again?

A. I think it was—this was Saturday—I think the next meeting I had with them was Tuesday of the following week, either that or on Monday; I don't recall which.

Q. What happened on the next occasion?

A. On this occasion I again met with them at the office there, and I believe it was on that occasion that they couldn't find a room available where there would be privacy to talk with. All

(Testimony of Nat Honig.)

of the desks, and so forth, were occupied. So they suggested I go over to the Olympic Hotel. We went into a room there—I don't know whether it was a room occupied by Mr. Madala as his residence at the time or what, but he was there, and Mr. Dickstein took me over there.

What occurred there was this: That certain details that I hadn't remembered at this previous meeting, the previous Saturday, I did remember; and they took notes on that. They said from the notes they took then, and the notes they had taken the preceding Saturday, they would have a statement prepared and the next time I met them they would ask me to sign that statement if it was what I said.

Q. This meeting in the Olympic Hotel was just a few days after the Saturday meeting, was it not?

A. Yes; just a few days.

Q. Did you see them the next Saturday? [1611]

A. The next what?

Q. The Saturday after the Olympic Hotel meeting, did you see them?

A. Yes. I saw Mr. Dickstein. That was the day I left Seattle to come down here—that was last Saturday—when Mr. Dickstein met me at the train and he came down here too with me.

Q. Did you sign a statement or affidavit on that Saturday after the Olympic Hotel meeting?

A. No; before that Saturday.

Q. How long before that Saturday?

A. Oh, I guess it was either Thursday or Friday.

(Testimony of Nat Honig.)

Q. The statement had been prepared, hadn't it?

A. The statement, yes.

Q. When you met them? A. Yes.

Q. All told you signed how many statements or affidavits for the FBI? A. One.

Q. Between the second and the third meeting with the FBI you changed your mind about being willing to testify. What was the reason?

Mr. Del Guercio: If your Honor please, that has been asked and answered. Are we going back over the same thing?

Presiding Inspector: I think I will allow it. [1612]

Mr. Grossman: It has never been asked and certainly it couldn't have been answered.

Presiding Inspector: Go ahead. Don't argue.

A. The reason for this—in the first place, the doubts I had in my mind the previous year as to what the members of my own Newspaper Union in Seattle, the Newspaper Guild, would feel if I did testify or take any part in the Bridges case, that had been dissipated by the fact that on three different occasions requests by the Bridges defense, which was brought into our local, were decisively defeated, that being that the Guild furnish financial and other support to the Bridges Defense Committee. That dissipated my doubts on this question because it showed that the overwhelming majority of the membership would not disapprove of my being here at this hearing. That was one reason.

(Testimony of Nat Honig.)

The second reason was this: In discussing the FBI as an organization with different people I knew in the Guild, and otherwise, I did become convinced that it hadn't been an anti-labor organization; and certainly its activities, as far as I was acquainted with them, and as far as I could check on them through old newspaper files, and so forth, didn't show it had been. So that my testifying here would not mean that I was connecting myself in any way with an anti-labor group.

Those were the major reasons. [1613]

Q. Did you imply by your answer that you had made some check of the newspaper files with reference to the FBI between the second and the third meeting?

A. I believe I could say that between the second and the third meeting, to satisfy my own mind in case I were ever again contacted by anybody from the FBI—to satisfy my own mind I did look through newspaper files, to see if there was any reference to the FBI taking part in any anti-labor activity or acting in any anti-labor method.

Q. Have you ever talked to your employer with reference to whether or not you should testify against Harry Bridges? A. No, I haven't.

Q. When I say "your employer" I mean anyone to whom you are subordinate on the newspaper?

A. No. I haven't talked to them with reference to whether I should testify in this case or not.

Q. In your investigations with reference to the FBI did they include a check on the attitude of

(Testimony of Nat Honig.)

the Congress of Industrial Organizations, with reference to the FBI?

A. They didn't have to do that because I——

Q. (Interposing) Just a moment, please! The question is, Did they?

A. They did not. They did not. That is, not the parent body of the CIO.

Q. I am talking about the parent body? [1614]

A. No.

Q. Then you made no check in your analysis of the record of the FBI of the decisions or resolutions of the national body of the CIO, is that correct?

A. That's correct. I didn't make any newspaper check of that.

Q. Did you check before you made up your mind that you were willing to testify upon any action that might have been taken by the International Union of which you are and were a member?

A. I didn't check because I knew their attitude on it.

Q. And what was it at that time?

A. Well, the attitude of the International office, a letter had been sent out under the name of one of the officials urging our local to aid the Bridges Defense by one of the officials. So I knew the attitude of him as an International officer.

Q. Did you make any check as to the attitude of your International Union with respect to the FBI?

Mr. Del Guercio: If your Honor please, I object

(Testimony of Nat Honig.)

to this line of questioning. It is not relevant, it is immaterial, and has no—not even a remote connection with the issues involved in this case.

Presiding Inspector: I suppose counsel for the Alien claims that it affects the credibility of this witness.

Mr. Grossman: His state of mind. I don't merely have [1615] to accept the state of mind. I have a right to probe into the reasons he says motivated him to see if they are the real reasons, your Honor. And that is why I am going into it.

Presiding Inspector: Of course, you first bring them out yourself and then you bore into them.

Mr. Grossman: That's right. I can't bore into them without bringing them out.

Presiding Inspector: Well, I know. But if they were brought out by the other side, that would be so. Of course, you can go to a certain extent. Go ahead.

A. Well, in answer to that I made no check—before I can answer it, though, the term "International Union" is a broad one in my mind, too. I don't know whether you mean by that the entire International Union in respect to each local making it up or the International Executive Board of that Union.

By Mr. Grossman:

Q. I mean any action taken either by the national Executive Body, which would be the Board, I guess, or conventions of the American Newspaper Guild.

A. On this case?

(Testimony of Nat Honig.)

Q. Yes. On the FBI. The question deals with the FBI.

A. Oh, on the question of the FBI, yes. I didn't make any check because I was satisfied that I was familiar with the attitude of both the bodies that you mentioned. [1616]

Q. And what did you believe were those attitudes at that time?

Mr. Del Guercio: I object to that, if your Honor please. His beliefs have nothing to do with his credibility on a matter of that kind. Certainly that is a little far-fetched on his credibility.

Presiding Inspector: Pretty remote.

Mr. Grossman: I beg your pardon?

Presiding Inspector: Pretty remote?

Mr. Grossman: Well, your Honor, his state of mind is not remote and, as I say, I have a right to cross examine——

Presiding Inspector: (Interposing) His state of mind on irrelevant matter is remote.

Mr. Grossman: Well, he gave this as one of the reasons, your Honor, that he made certain investigations concerning the FBI and had reached certain conclusions. I am going to go into those investigations to see exactly what they were and whether he really made them, as he said, and whether they could have affected the conclusion he says he reached.

Mr. Del Guercio: In view of the statement of counsel——

Mr. Grossman: (Interposing) In other words,

(Testimony of Nat Honig.)

I am not limited to having him state that he made certain investigations without being able to investigate whether he actually made them and what were the results of his making them.

Presiding Inspector: You are limited to his answers. [1617]

Mr. Grossman: Yes.

Presiding Inspector: You can't contradict them.

Mr. Grossman: Well, I don't know whether these contradict his answers or not.

Presiding Inspector: Oh, I mean to say by other witnesses.

Mr. Grossman: Well, we haven't got into that this time. I am getting more detail at the present time.

Presiding Inspector: If you are laying a foundation for other production of other witnesses, I think it would be useless.

Mr. Grossman: We had better cross that bridge when we come to it.

Presiding Inspector: No, I warn you now.

Mr. Grossman: Yes, I understand.

Presiding Inspector: Then we will follow it as much as we can, the rule of common law, in that respect. Not absolutely, but quite generally.

Mr. Grossman: Yes.

Presiding Inspector: But you may examine. I don't think he answered the last question.

Mr. Grossman: Will you read the question, Mr. Reporter?

(Testimony of Nat Honig.)

(The question referred to was read by the reporter as above recorded.)

A. I believed that there was no such thing in my International Union, the Guild, as a unanimous attitude on the ques- [1618] tion of the FBI. And I knew for an actual fact that not only was there a question of different locals thinking differently but also within individual locals there would be difference of thought on the question.

By Mr. Grossman:

Q. You detailed certain meetings you had with representatives of the FBI concerning your testifying in this case. Did you have any meetings or discussions or communications with any other representatives or agents of any governmental department or agency concerning this same subject?

A. You mean previous to my coming down to San Francisco with Mr. Dickstein when he took me down?

Q. Well, not only previous to that, but let us say in the last year?

A. Well, before my arrival here, no. Mr. Dickstein and Mr. Madala were the only ones with whom I dealt or met with on this. Since my arrival here, of course, I have talked to Mr. Connolly.

Q. Except for these people and before you came down to San Francisco, did you have any communication at all with any other representative of the Government concerning what you claim to know about Harry Bridges?

(Testimony of Nat Honig.)

Mr. Del Guercio: I object to that, if your Honor please, it has already been asked and answered. He estified he hasn't.

Mr. Grossman: I think this is a more specific question [1619] than the last one.

Presiding Inspector: I think I will allow it.

A. No, I didn't.

By Mr. Grossman:

Q. Do you know Mr. Bonham?

A. I have never met him. I know who he is or have an idea who he is.

Q. Do you know Mr. Norene?

A. I have heard his name, but I have never met him.

Q. Mr. Honig, I am concerned some more with this investigation that you carried out between the second and the third conversations with the FBI men; this investigation as to the attitude of certain union groups toward the FBI, or, rather, the reputation of the FBI, I will put it that way. Did you investigate the attitude of any other trade union group except those you have mentioned with respect to the FBI?

Mr. Del Guercio: I object to that, if your Honor please.

Presiding Inspector: Oh, he can answer that "yes" or "no". Did you or didn't you?

A. I—will you repeat it?

By Mr. Grossman:

Q. Except for those groups which have already

(Testimony of Nat Honig.)

been mentioned, did you investigate the attitude of any other trade union group toward the FBI?

A. Well, I didn't set out to investigate the attitude of [1620] trade union groups towards the FBI.

Q. Did you or didn't you?

A. But of the FBI toward trade unions.

Q. Would you answer that "yes" or "no", please? A. I would have to say "no".

Presiding Inspector: He has intimated that your question is wrong in the first instance.

Mr. Grossman: He has indicated merely——

Presiding Inspector: (Interposing) I mean that your premise is wrong, that he did investigate the attitude of the Labor Unions to the FBI but only as correlative, I suppose.

Mr. Grossman: I think it will change in the next question.

By Mr. Grossman:

Q. Did you finish your answer that you were giving?

A. Yes. When I stated in the first place, or if I didn't make it clear I meant to say it, is I set out to investigate the attitude of the FBI through newspaper clippings toward the Unions, not the attitude of the Unions toward the FBI.

Q. Did you ever investigate the attitude of the Unions toward the FBI's attitude to them? In other words, their conclusion as to whether the FBI was anti-Union?

(Testimony of Nat Honig.)

Presiding Inspector: You mean unions in general?

Mr. Grossman: Any union body. [1621]

Presiding Inspector: Well,——

A. (Interposing) As a by-product of this other investigation I would naturally look for any references to the FBI in respect to unions and strikes, and so I did keep an eye open for that too.

By Mr. Grossman:

Q. All right. Can you tell us which union body's position towards the FBI you examined?

A. I didn't come across any reference in the clippings that I saw or in the newspaper files that I saw to any unions condemning the FBI. I must make it understood that I only went through the files of daily newspapers, not of union newspapers, because they weren't available to me.

Q. Well, I am concerned with whether, Mr. Honig, you made an attempt to get certain kinds of information and the kind I am concerned with now is the kind of information that would develop from trade union bodies passing resolutions or taking other action with respect to the FBI. Did you make any attempt to get that kind of information in your examination?

Mr. Del Guercio: Just a minute!

Presiding Inspector: That is a very broad question, unless he knows more about it than I do. He has only said that he examined newspaper files, and if you mean anything outside of that, of course, you have already got an answer.

(Testimony of Nat Honig.)

Mr. Grossman: Well, your Honor, he stated in reply to [1622] the last question—I don't think it is quite responsive, but he stated that it was the only kind of examination that he was able to make.

Presiding Inspector: That is the only thing that he did make.

Mr. Grossman: That is a different question. I want to know whether he——

Presiding Inspector: (Interposing) Of course, he didn't make anything that he wasn't able to make.

Mr. Grossman: I beg your pardon?

Presiding Inspector: He didn't make any examinations or investigations that he wasn't able to make.

Mr. Grossman: Well, I want to see——

Presiding Inspector: (Interposing) Do you want to ask him that, whether he made any examinations——

By Mr. Grossman:

Q. (Interposing) Did you make any——

Presiding Inspector: (Interposing) Just a moment! Perhaps you had better listen. I said, Do you want me to ask him or you ask him whether he made any investigations which he said he wasn't able to make? Is that the point?

Mr. Grossman: No.

Presiding Inspector: Well, then go on to something else.

By Mr. Grossman:

Q. Did you make any investigation except look-

(Testimony of Nat Honig.)

ing at the [1623] newspapers in your attempt to find out the attitude of the FBI towards Unions?

A. No, except through personal conversations with individual members of the Guild to find out the typical Guild members' attitude towards it.

Presiding Inspector: That is your own Guild?

The Witness: Yes, my own Newspaper Guild.

By Mr. Grossman:

Q. Where were you born, Mr. Honig?

A. In New York City.

Q. Were your parents born in this country also?

A. No, they were not.

Q. Do you happen to know when they came to this country? A. Oh, ——

Mr. Del Guercio: (Interposing) If your Honor please, I object to that. I don't see any connection——

Presiding Inspector: (Interposing) I will take it. I don't know where it is leading, if anywhere. You may answer.

A. (Continuing) I have an approximate idea. About 1881 or 1880; something like that.

By Mr. Grossman:

Q. It is a long time ago?

A. A very long time ago. [1624]

Q. You mentioned, in your discussion of Top Fractions in San Francisco, Sunday night as a meeting time for many of these Top Fraction meetings. Do you recall any other night of the week on which these Top Fraction meetings—I think you said of the waterfront—took place?

(Testimony of Nat Honig.)

Mr. Del Guercio: Just a moment, your Honor. We didn't object when counsel changed during the cross examination.

Presiding Inspector: I am going to allow that. Go ahead.

Mr. Del Guercio: It was understood at that time that he wouldn't touch on matters that had been touched on by other counsel.

Presiding Inspector: I didn't understand.

Mr. Del Guercio: That was covered on cross examination by Mr. Gladstein.

Mr. Grossman: I think that is rather a petty objection for this reason: Mr. Gladstein noted that there was one question which hadn't been fully covered. I have at the most three questions on this and then I am through with this phase.

Presiding Inspector: Go ahead.

By Mr. Grossman:

Q. Do you recall any other night of the week on which these Top Fraction meetings of the waterfront groups took place, except Sunday?

A. No, I don't. I don't remember because it was so infrequent that they weren't held on Sunday. [1625]

Q. I see. During the time since you left your position as Editor of the Timber Worker have you ever received unemployment compensation?

A. Yes. I received unemployment compensation during every winter because then I have the status of a part time worker and when I work any week

(Testimony of Nat Honig.)

that I earn less than $15.00 I am entitled to a pro-rata amount of unemployment compensation.

Q. Then you work less at your present job during the winter? A. Yes; much less.

Q. I take it from your answer that you have, therefore, received unemployment compensation during several years?

A. Yes. My recollection is that I have been receiving it during the past winter, and the winter before, and I don't believe I did three winters ago; I am pretty sure of that. When I say "winter," I mean winter and spring; everything but the summer and fall actually.

Q. Mr. Honig, have you received anything whatsoever of value for testifying in this case?

A. No, I have not.

Q. Have you been promised anything whatsoever of value for testifying in this case?

A. The only thing that I have been told is that my fare and my expenses here as a witness will be covered.

Q. Outside of that, have you been promised any money, [1626] any employment, for testifying in this case? A. None at all.

Q. Have any threats been made against you which would be brought into effect if you did not testify in this case? In other words, has anyone told you that unless you testified certain things will be done, or certain things will be exposed?

A. No.

Q. During the last two or three years—with-

(Testimony of Nat Honig.)

draw that. During the period since you left the job with the Timber Worker have you generally agreed or disagreed with the trade union policies of Harry Bridges?

A. For that period after I was no longer connected with the Timber Worker, but still remained a member of the Communist Party, I generally agreed with him, if not in all, in most all of his policies. I say that because I believed he was—well, maybe I shouldn't explain why. Just to answer the question I will say that I did agree with him in many of them in that period that I remained in the Communist Party.

Q. After you left the Party did you agree or disagree generally with the trade union policies of Harry Bridges?

A. Generally I did, but that doesn't mean I did with all of them, or do today.

Q. Has there been any substantial change in your attitude toward his policies as time went on?

A. Yes, I think I should say "yes"; I think I should say "yes" to that question; since I left the Party, yes. [1627]

Q. What change has there been?

Mr. Del Guercio: I object to that question, if your Honor please. That has no connection at all with this case and is not proper cross examination, and doesn't go to the credibility of the witness.

Presiding Inspector: It may go to the question of bias. I think I will take it. It is a little remote. It may bear on the claim of bias. I will take it.

(Testimony of Nat Honig.)

"A. My change in attitude toward Harry Bridges' trade union policies—incidentally, I can only base my opinion toward his policies on what I have seen in the newspapers, and I admit that would naturally be a second hand interpretation. I have never discussed with him what his policies are. But from what I have seen of his actions described in the newspapers, and his policies at conventions, and so forth, in general his policies, my change has occurred in trying, as a man interested in the trade union movement, trying to analyze just where I felt he was changing in his trade union policies. In other words, I had begun to feel more and more in the last two or three years that Harry Bridges is following a certain type of policy followed by the Communist Party, that is, paralleling the Communist Party in the last two or three years—I say in the last two years—which leads away from the idea of labor unity, unity in the labor movement, that is, the CIO and the A. F. of L. becoming reunited. I have felt that [1628] Bridges has not any longer—this is my personal opinion—any longer during, or any longer is desirous of seeing such unity brought about.

That is the major change in my mind as far as my opinion of his policies are concerned in the trade union field.

By Mr. Grossman:

Q. Is it your conclusion, though, that Mr. Bridges is adopting a policy that is independent,

(Testimony of Nat Honig.)

or is the policy of the CIO National—do you have a conclusion on that?

A. I understand what you mean. It is my conclusion that he is adopting a policy that is in harmony with some officials, national officials of the CIO as a central organization, and not in harmony with perhaps other officials, International officials—National officials and not International—Nationals officials of the CIO.

Q. Do you feel that the position of Mr. Bridges is in harmony, and with which you are now in disagreement, with the resolutions of the CIO conventions——

A. (Interposing) With the CIO?

Q. (Continuing) Just a minute—that his position is in harmony with the resolutions of the CIO conventions, and of the CIO Executive Board, National Executive Board?

Mr. Del Guercio: I object to that question.

Presiding Inspector: Doesn't that have to do with the determination of what those are? [1629]

Mr. Grossman: Not if he says they are in agreement, there is no necessity. I think that may be his answer.

Presiding Inspector: We will take a chance on it and see.

A. The only way I can answer that question is that I know, to my knowledge, there are a great, great many resolutions that have come out of CIO conventions, and the National Executive Board meetings, and perhaps Mr. Bridges policies are in

(Testimony of Nat Honig.)

line with some of those, and perhaps not with others; but I have to be asked about specific resolutions. Then I would rather like to see those resolutions before me before I could answer a question like that.

By Mr. Grossman:

Q. You stated that your ways, that is, your views, yours and Mr. Bridges, have begun to part company. Can you give us some specific example of trade union positions or theories upon which you and Mr. Bridges now, or in the last year or so, have disagreed?

Mr. Del Guercio: I object to that question. The witness testified to no such thing, and there hasn't been any such falling apart. They were never together.

Presiding Inspector: I think he has testified to something that I think would be an answer to the question.

Mr. Del Guercio: Are we going all over the same thing again? [1630]

Presiding Inspector: Hasn't he said that Mr. Bridges favored a separatist attitude while he favored a general united attitude on the part of labor, the labor field?

Mr. Grossman: Yes, in general. I was asking for——

Presiding Inspector: That answers your question.

Mr. Grossman: Not specifically. In other words,

(Testimony of Nat Honig.)

I would like to know if there are any specific issues which he can point out.

Presiding Inspector: "Issues" probably isn't the right word.

Mr. Grossman: I want some concrete things, concrete situations which arise, and resolutions, for example, where he and Mr. Bridges disagreed.

Presiding Inspector: The only thing you are interested in is the attitude of this witness' mind, isn't it?

Mr. Grossman: Correct.

Presiding Inspector: Haven't you got it?

Mr. Grossman: I don't think so because the particular situation——

Presiding Inspector: Can you particularize?

The Witness: Yes.

Presiding Inspector: Go ahead.

The Witness: Yes, I think I can.

Presiding Inspector: I will allow it.

The Witness: I will try to in my own way. My answer will have to be something like this: I don't know personally [1631] what Mr. Bridges' individual attitude and policies are. I have never discussed them with him. I haven't seen him since I left California. I only know from what I have read what would happen in the newspapers at the ILWU Convention, for instance, which seemed to me to indicate what Mr. Bridges' belief was concerning trade union procedure or policy, tactical strategy. Of course, in reading that I knew what my opinion was on such a thing. Now, as to whether I differed

(Testimony of Nat Honig.)

with Mr. Bridges on that, it isn't a question—I couldn't answer that I differed personally, as a person would with Mr. Bridges, as an individual person on these things; but in trying to make a cold analysis of a particular theory of trade union practice, or of a particular action in carrying out trade union practice, I could say just cold objectively I didn't agree with maybe something Mr. Bridges was quoted as having said in a newspaper. At the same time I couldn't say definitely that what the newspaper quoted him as having said he actually did say.

Presiding Inspector: The witness has said he thinks he disagrees in the respect mentioned, but he hasn't sufficient information to tell what Mr. Bridges' attitude actually was objectively.

Mr. Grossman: I have one more minor question with respect to these Fraction meetings, Top Fraction meetings, that was left untouched, and that is the last question.

Presiding Inspector: I will allow it. [1632]

By Mr. Grossman:

Q. Mr. Honig, did these Top Fraction meetings that you described in San Francisco take place at the same time of the day usually?

A. Generally they were called, and it was the desire to have them start at the same time which, to the best of my recollection, would be 8:00 P. M. or 8:30. But naturally they would have to wait before they started until a sufficient number had arrived.

(Testimony of Nat Honig.)

Q. They were always in the evenings, were they?

A. Nearly every one that I can remember were in the evening. There might have been one or two that were in the afternoon on Sunday, but I wouldn't state positively that is so.

Mr. Grossman: No more questions.

Presiding Inspector: Any further questions, Mr. Del Guercio?

Mr. Del Guercio: I have a few questions, if your Honor please.

Redirect Examination

By Mr. Del Guercio:

Q. Mr. Honig, was there any question in your mind, during the entire time that you were a member of the Communist Party, that the Communist Party did advocate and teach the overthrow of the Government of the United States by force and violence? [1633]

A. There was no question in my mind about that, about the fact that they did so advocate.

Q. Was there any question in your mind, during the time that you were a member of the Communist Party, that the Communist Party circulated and distributed literature advocating and teaching the overthrow of the Government by force and violence?

A. I knew that such literature was distributed by the Communist Party.

Q. Now, I believe you said something about 75 per cent—I don't exactly recall your testimony in that connection—but you used the term "75 per

(Testimony of Nat Honig.)

cent" when counsel asked you about the use of force and violence. Just what did you mean by that?

A. What I said, what I believe I said, and what I meant to say, was this: That I was telling that I had discussed with leaders of the Communist Party this question of whether force and violence would be necessary to achieve social change. I think I was asked what my attitude was when I was a member of the Communist Party, say, for the first years I was a member, and I replied this way: As far as my mind, attitude of mind was concerned, I felt 75 per cent—this is my personal mind—75 per cent were satisfied that such social change could be achieved without resort to force and violence, but about 25 per cent, in my mind, felt that it could not be done and to that extent I felt that if it couldn't be I would [1634] subscribe to the idea that force and violence would be necessary.

Q. Did any top leader, high functionary of the Communist Party, ever tell you, or ever say in your presence, that the Communist Party of the United States and any of its affiliated organizations, did not believe in or advocate, or teach the overthrow of the Government of the United States by force and violence?

A. No, no top party leader ever said that.

Presiding Inspector: Let me see if I understand this. You think it is your attitude that the chances are about three to one that the dictatorship of the proletariat could be put into effect by the consent of all the people?

(Testimony of Nat Honig.)

The Witness: It was my attitude when I was a Party member, yes; but not now.

By Mr. Del Guercio:

Q. Now, you mentioned a Mr. Pritchett as being connected with the Timber Worker, or as being the President of the Union that controlled the Timber Worker. Was Mr. Pritchett a member of the Communist Party?

A. He was when I was.

Q. And you also mentioned a Mr. Orton. Is Mr. Orton, or was he a member of the Communist Party at that time?

Mr. Grossman: I object to the question as incompetent, irrelevant and immaterial. I think I am correct in saying that [1635] neither this witness, or anyone else, has put Mr. Orton in any of these meetings. If that is so the ground of relevancy that your Honor discussed before would not apply.

Mr. Del Guercio: It wasn't in connection with a meeting. It was in connection with his working on the Timber Worker.

Presiding Inspector: If he knows whether he is a member of the Communist Party I will allow him to answer, and leave it to you to cross examine as to the source.

By Mr. Del Guercio:

Q. What is your answer?

A. I know Mr. Orton was a member of the

(Testimony of Nat Honig.)

Communist Party when I was with the Timber Worker. [1636]

By Mr. Del Guercio:

Q. With reference to the discussions that took place at these top fraction meetings, in answer to one of Counsel's questions I believe you stated that instructions had been sent down from the Central Executive Committee of the Communist Party to the effect that the membership should strive to have all unions, particularly longshoremen, break away from the American Federation of Labor and affiliate with the CIO. It that correct?

A. Not exactly. But I was referring specifically and only to the longshoremen on the Pacific Coast, not all unions.

Q. Only to the longshoremen. And that such instructions had come from the Central Executive Committee of the Communist Party?

A. That the Communist Party members amongst the longshoremen on the West Coast should work toward that aim.

Q. And I believe you testified that the discussions along that line in these top fraction meetings were to ratify such action. What do you mean by that, by "ratify" the action that had already been taken by the Central Executive Committee of the Communist Party?

A. What I meant by that was this: That at Communist Party meetings of fractions and unions on major questions they weren't given the choice

(Testimony of Nat Honig.)

of either voting "Yes" or "No" or originating a certain basic major policy, but it would come [1637] already decided upon from the Central Committee of the Communist Party to this lower body, the fraction or the Party unit. It would be tossed in there as an accomplished fact and the unit or the fraction would understand that they had the right to talk about it and discuss how it should be put into application, but as far as voting as to whether that was the be the policy, the only thing that would be done about it, there would be a formal acceptance of it, a formal vote on ratifying something that had already been voted by the higher body of the Communist Party. If the unit, the Party unit or the Party fraction—I never heard of such a case happening all the time I was in the Party—but if it had rejected such a major policy or change of policy that came from the Central Committee of the Party, that wouldn't have invalidated that policy decided on by the Central Committee. It would have simply brought a man out from the Central Committee to that group to find out what was wrong, how such a situation could occur. I never heard of it occurring.

Q. Then you didn't mean that the action of the Central Committee in connection with that matter was ratified by these fraction meetings?

A. That was a term that would be used on any major policy that was discussed in a party membership meeting. Whether it was correctly used or

(Testimony of Nat Honig.)

not, in party terminology the word used was that the unit or the fraction would "ratify" a certain decision already made. [1638]

Q. During any of these meetings were persons present asked to give financial assistance to maintain the Western Worker?

A. Yes. That was incidentally a topic that occasionally came up at these top fraction meetings, the necessity to obtain financial support from Communist Party members for the Western Worker and, if possible, also from non-Communist Party members; that is, the Communist Party meetings would try to get such contributions from the others.

Q. Were contributions made for the Western Workers in such meetings? A. What is that?

Q. Were contributions made for the Western Worker in such meetings?

A. Oh, there were times at the top fraction meetings when they would all chip in and give something for it, or perhaps put up some money in order to buy a bundle of the Western Worker or to pay for a bundle of it to be distributed on the waterfront.

Q. The Western Worker at that time was the official organ of the Communist Party?

A. For the West Coast. [1639]

Q. Were any collections made at such meetings for the Communist Party?

A. Yes, in this sense there were: It was the desire of the Communist Party district office, District Committee, that longshoremen particularly, since

(Testimony of Nat Honig.)

they were earning higher wages than many other fields of work, should donate a certain amount, a certain, what was called "subsidy" towards paying the expenses of the Communist Party district office, and often the particular amount agreed upon by the individual member was handed to whatever representative of the District Committee was present at that particular top fraction meeting.

Q. Did you ever see Mr. Bridges here contribute either to the Western Worker or to the Communist Party at any of these meetings?

A. I won't say definitely that I did. I have seen others, but I won't say in that respect that I have seen Mr. Bridges do that.

Q. The name Pastch was brought out by Counsel here.

Mr. Gladstein: What?

Mr. Del Guercio: Pastch; P-a-s-t-c-h.

A. Oh, Pastch.

By Mr. Del Guercio:

Q. Victor Pastch. A. Yes.

Q. Who is he?

A. He's the International Treasurer—Secretary-[1640] Treasurer, I believe is the official title—of the American Newspaper Guild.

Q. Is he also a member of the Communist Party? A. To my knowledge he is, yes.

Q. Do you know Meyer Balen?

A. No, I don't believe I have ever met him. I

(Testimony of Nat Honig.)

have heard the name, but I don't believe I have met him.

Mr. Del Guercio: That is all.

Mr. Gladstein: We have no further questions.

Presiding Inspector: You may leave the stand.

Mr. Del Guercio: May the witness be excused, your Honor?

Presiding Inspector: I would like to have you hold him until the close of this session today. Then there is a matter which Mrs. King brought to my attention and I want to talk it over with Counsel for the Government before Mr. Honig is excused.

(Witness excused.)

Mr. Del Guercio: May we have a short recess?

Presiding Inspector: Yes.

(Whereupon, a short recess was taken.)

Mr. Del Guercio: The next witness will be in shortly.

Presiding Inspector: Yes. Very well. [1641]

ROBERT PATRICK WILMOT

called as a witness on behalf of the Government, having been first duly sworn, testified as follows:

Direct Examination

By Mr. Del Guercio:

Q. What is your name?

A. Robert Patrick Wilmot.

Q. Where were you born, Mr. Wilmot?

(Testimony of Robert Patrick Wilmot.)

A. Butte, Montana.

Q. And what is your present occupation?

A. I am employed by the Woodworker, which is a paper published by the International Woodworkers of America, in Portland, Oregon.

Q. How long have you held such position?

A. I started in there, I believe, January 16.

Q. Have you ever been a member of the Communist Party, Mr. Wilmot? A. Yes, sir.

Q. When did you join the Communist Party?

A. Shortly after Christmas in 1927.

Q. And under what circumstances did you join?

A. Well, I was approached—I was then employed on the Writers' Project and I was approached by a Kenneth Fitzgerald in Portland, who several times solicited me to join. And I finally did. [1642]

Q. What was Kenneth Fitzgerald doing at that time?

A. He was employed as a supervisor on the Historical Records Survey, which was a contiguous project, you might say. We worked in together.

Q. That was a WPA Project?

A. Yes, sir.

Q. And was he a member of the Communist Party?

A. He was a former Candidate for office on the Communist ticket.

Q. Under what name did you join the Communist Party? A. W. P. Ayer.

Q. Why did you use the name of "W. P. Ayer"?

(Testimony of Robert Patrick Wilmot.)

A. Well, I was told not to use my right name and, frankly, it struck me a little funny at the time. So I used that name.

Q. Were you given any assignments by the Communist Party?

A. Well, my first assignment was to write publicity for the North American Committee to aid Spanish Democracy.

Q. The North American Committee to aid Spanish Democracy? A. Yes, sir.

Q. Who gave you such an assignment?

A. James Murphy, the Secretary of the Communist Party there in Portland.

Q. What else did James Murphy do besides being Secretary of the Communist Party at that time?

A. I wouldn't know that. [1643]

Q. Was he a member of any union?

A. I think he had been a member of the Lumber and Sawmill Workers Union when they were A. F. of L., and I believe that after they went CIO that he still paid his dues for a while, but he certainly wasn't working in the industry.

Q. Now, when Murphy gave you these instructions did he tell you anything else?

A. Well, he told me to keep my identity secret in there and not let anybody know I was a Communist.

Q. Did he tell you why you should conceal your identity as a Communist?

A. I was definitely instructed at that time to keep my identity concealed at all times.

(Testimony of Robert Patrick Wilmot.)

Q. Were you given any other assignments other than the one you have just mentioned?

A. Well, I—being a comparative newcomer, on several occasions I was sent out to, oh, rent halls and, for instance, some friends of the Soviet Union had a meeting there and they were having some difficulties with the School Board in getting permission to use one of the auditoriums there for a meeting at which Anna Louise Strong spoke, particularly. And I was sent up to make the application because of the fact that I was so recently in Portland that nobody knew that I was a Communist.

Q. Did you ever do any work for the Labor New Dealer? [1644]

A. Yes, sir. I was the Editor of the Labor New Dealer in Portland for about a year and two months.

Q. Who put you on the Labor New Dealer, if anyone?

A. Definitely the Communist Party. And I was approached at my house, asked to take over the job, by Fitzgerald and a longshoreman named Harry Pilcher, and the unit to which I belonged, which was composed of writers and artists, selected me to take over the job. And I had previously joined the Newspaper Guild and Pilcher and Fitzgerald came out to my house one night and asked me if I would take the job. And I said I would do so if they could get it for me, and they said that "It was in the bag."

Q. Was Harry Pilcher a member of the Commu-

(Testimony of Robert Patrick Wilmot.)

nist Party at that time? A. Definitely.

Q. What were your duties as—did you say you were Managing Editor of the Labor New Dealer?

A. I was the entire staff as far as that was concerned.

Q. You were what?

A. I was the entire staff.

Q. You were the entire staff. A one-man paper?

A. Yes, sir.

Q. And by whom were your wages to be paid, if any?

A. They were to be paid by the Industrial—I believe it was the Unity Council at that time, and the paper was to [1645] pay me on bundle order subscriptions, and as the money came in and also advertising, and we had no advertising man when we started. We soon got an advertising man and acquired a stenographer and acquired a business man, after which I never got paid.

Q. What were your wages when you did get paid?

A. Dick Sellers, the International Organizer for the Newspaper Guild, said that I was to be paid $30.00 a week every week. But I only got that for a couple of weeks.

Q. And then what did you get the rest of the time?

A. Oh, car fare and lunch money; maybe four or five dollars a week.

Q. And how many hours a day did you work?

A. Well, I worked, in order to support my family, I had to go back on WPA and I still got out the

(Testimony of Robert Patrick Wilmot.)

paper. I imagine that my average was about fifteen or sixteen hours a day for a year.

Q. Fifteen or sixteen hours a day?

A. Yes, sir.

Q. And the most you ever got for that was $30.00 a week? A. That's for——

Q. (Interposing): And you only got that for a few weeks? A. I believe three weeks.

Q. And the rest of the time you averaged how much? [1646]

A. Well, when I took time off on WPA I couldn't turn my time in there, so I think I had a grand average of about $16.00 a week in all that time.

Q. Now, during the time that you were editing this Labor New Dealer did you ever meet Harry Bridges? A. Yes, sir.

Q. Do you recognize Harry Bridges?

A. Indeed.

Q. He is here in this Court room?

A. Right there (Indicating).

Q. When did you first meet Harry Bridges?

A. I believe that it was the week after the first issue of the paper came out. I went to work on the paper four days before the first of October, and the first issue came out the first day of October in 1937, and a week later Bridges attended a meeting of the Longshoremen's Union in Portland and Harry Pilcher took me over and got me in the meeting, and I met Harry Bridges on the stage of the Norse Hall in Portland shortly after the meeting adjourned.

(Testimony of Robert Patrick Wilmot.)

Q. What kind of a meeting was that?

A. That was a meeting of the Longshoremen's Union.

Q. Longshoremen's Union? A. Yes, sir.

Q. And who introduced you to Bridges?

A. Harry Pilcher. [1647]

Q. What did he say when he introduced him, if he said anything?

A. Well, he sidled up to Bridges and he said "This is the new editor of the paper wanting to meet you". And I shook hands with Mr. Bridges.

Q. Did Mr. Bridges say anything?

A. What is that?

Q. Did Mr. Bridges say anything?

A. Yes, he facetiously remarked "Is this one of those terrible Communists?" or something.

Q. Now, had Harry Pilcher told in introducing you to Bridges, had he told Bridges that you were a member of the Communist Party?

A. No, sir.

Q. Did you meet Mr. Bridges any other time?

A. I believe Mr. Bridges was up in our office the next day after that longshore meeting, in which Pilcher and I and some other Communists went in the inner office and talked more about the paper. And I asked—I believe I asked Bridges what his idea on policy and so forth was on the thing, and we had quite a discussion there. And during that time that—

Q. (Interposing): Was Harry Bridges a member of that union that was putting out this paper?

(Testimony of Robert Patrick Wilmot.)

A. This paper was put out by ostensibly all the unions in Portland. The Communist control of it was kept entirely [1648] secret. It was backed in the beginning by the legitimate CIO Unions in that area.

Q. And was Harry Bridges connected with any of those unions in Portland?

A. Not in Portland.

Q. And did you have any conversation with Bridges at that time? A. Yes, I did.

Q. What was the conversation?

A. One thing came up, that I had been in Minneapolis, Minnesota during the Teamsters' strike and Pilcher remarked to Bridges in a laughing way that I had known Barney Mayes, at which time Mr. Bridges wanted to know whether I was a "Trotskyite" or not.

Q. And what did you say?

A. I said I definitely wasn't or I wouldn't have been where I was.

Q. Who was Barney Mayes?

A. Barney Mayes was—I wasn't asked whether I knew him—was a man who was—I believe he is an ex-convict that was in Minneapolis for some time at the same time that I was active around there. I never got to know him, but Mayes came out on the Coast before I got here and I believe achieved something of a reputation for being an anti-Communist before he got there, and I know that I heard people attribute [1649] the way he felt to the Stalin-Trotsky split in the Party. And that's just about

(Testimony of Robert Patrick Wilmot.)

all I could say about that, except that I know that he was at one time connected with the Dunne Brothers in Minneapolis.

Q. And because you had come from Minneapolis Bridges asked you if you were a Trotskyite? A. Yes.

Q. Did you ever meet Bridges again after that?

A. Yes, sir. I met him several times when he came through Portland, occasionally in the Longshoremen's office, I believe once; on another occasion in E. B. O'Grady's office. And Mr. O'Grady was at that time the Regional Director for the State of Oregon, and I sat in on some meetings at which Mr. Bridges had some discussions with men from the Columbia River District Council No. 5, which is the coordinating council for the Sawmill-Lumber and Sawmill Workers in that area. And I might say that Mr. Bridges also told me that we'd—as far as the paper was concerned, that we ought to get—use the paper to "get" a couple of people there, one named Donald Helmig, one named Alfred Hartung. These are a couple who were leading and still are leading an anti-Communist fight in Oregon. [1650]

Q. When Bridges said "We ought to get"—who did he mean by "we"?

A. The newspaper—Pilcher and Mowrey.

Q. No, no—perhaps you misunderstood the question. When Bridges said "We ought to get so and so on the paper," who did he mean by "we"?

A. It was merely a colloquial expression. I said,

(Testimony of Robert Patrick Wilmot.)

"How do you think we ought to handle this paper?" Obviously, I knew who was calling the shots on it.

I said, "How do you think we ought to handle this? What should the policy be?"

He said, "We ought to use it to get these phonies in the lumber workers across the river."

Q. Did you believe that Bridges was a member of the Communist Party at that time?

A. That is how I understood it.

Q. Was there any question in your mind about his being a member of the Communist Party at that time? A. No doubt whatever.

Q. Did you ever attend any Communist Party meetings in which Bridges was present at any time?

A. I never sat in any meeting, with the exception of the one with the lumber workers, with Mr. Bridges where there was anyone else present besides Communists.

Q. Did you attend a meeting in the Lennox Hotel in [1651] Portland, Oregon, on or about April 1 or April 2, 1938, in the afternoon?

A. I did.

Q. What kind of a meeting was that?

A. Well, that was a Fraction meeting of the Top Fraction of Portland, of the Communist Party, which was called to discuss various issues.

Q. Who called the meeting?

A. Well, I was merely approached by Harry Pilcher and told to be there. I am not absolutely certain who called the meeting.

(Testimony of Robert Patrick Wilmot.)

Q. Did Harry Pilcher tell you what kind of meeting was to be held at the New Lennox Hotel?

A. Well, it wasn't necessary. He said, "We will have a Fraction meeting in the Lennox Hotel this afternoon."

Q. Did he say who would be there?

A. Yes. He mentioned that specifically; told me to go out and get a couple of Communist Members and have them there; that is, if I saw them to be sure and have them there.

Q. Did you get in touch with them?

A. I did.

Q. Who?

A. I got in touch with James Fantz, a Portland longshoreman, and I got in touch with Leo Hemingway, a warehouseman, a member of Local 1-28.

Q. And you took them to the New Lennox Hotel to that [1652] meeting?

A. Yes. We went up together.

Q. Who was there when you arrived?

A. Mr. Bridges was there when I first came in.

Q. Anyone else?

A. There were eight or nine people whom I was —I might say by this time I had been transferred into the Waterfront Branch of the Communist Party, and there were seven or eight members of that Waterfront Branch present when I got there.

Q. Waterfront Section, you mean, of the Communist Party?

A. Waterfront Branch. That was a branch which took in the longshoremen, the sailors, of which

(Testimony of Robert Patrick Wilmot.)

there were few, warehousemen and various other people that they might designate, such as the Marine Cooks and Stewards, and so on. I was Editor of the Labor New Dealer. That was where the news came from. The decisions of that branch was what made the news as far as I was concerned.

Q. You weren't a waterfront worker at that time, were you? A. No, sir.

Q. And you say—I don't believe you answered my question. Was it a waterfront section of the Communist Party?

A. Waterfront branch; yes.

Q. Waterfront branch of the Communist Party?

[1653]

A. Waterfront Section; yes.

Q. They were all members of the Communist Party?

A. There were some men there that I didn't know. But there were two men there that I didn't know, but the rest of them were.

Q. Now, when you arrived at the Lennox Hotel —by the way, what time of day did you arrive there?

A. Well, I had my lunch and it was early in the afternoon.

Q. Where did you go?

A. I didn't hear that.

Q. Where did you go when you went to the Lennox Hotel?

A. Where we went to—Mr. Bridges left, with one heavily built man. Joe Ring took us down into

(Testimony of Robert Patrick Wilmot.)

another room. I believe it was on the same floor and if I remember rightly it was on the fourth floor. We all sat around on the floor, and a couple of us were on the bed, and started to have this meeting.

Q. Did you say Bridges left? A. Yes.

Q. What did he say, if anything, before he left?

A. He said that "Jo-Jo will tell you what to do."

Q. Who was "Jo-Jo"? A. Joe Ring.

Q. Who was Joe Ring? [1654]

A. Joe Ring was, as I understand, a San Francisco longshoreman at that time who had been identified to me by several people as Bridges' bodyguard.

Q. You named James Fantz and Leo Hemingway as being there, and Joe Ring. Were any others there?

A. Harry Pilcher, was there, Jack Mowrey, a Portland longshoreman and communist, was there. John Fantz, a brother of James, was there. John Fougerouse, now Secretary of the Portland Industrial Union Council, was there.

Q. Do you know if he is under deportation proceedings at the present time?

A. I heard that he was under deportation proceedings; but I heard he paid a fine and the case was dismissed.

Q. You have reference to a criminal proceeding, don't you? A. In Los Angeles; yes, sir.

Q. Was Tom Burns there?

(Testimony of Robert Patrick Wilmot.)

A. Thomas Burns was there.

Q. And what was discussed at this meeting?

A. Well, first of all—I will try and tell you.

Q. I will withdraw that question. Let me ask you this question first: Were all the persons that you have mentioned as being present at that meeting members of the Communist Party?

A. That was definitely a Party meeting; yes, sir.

Q. No question about that? [1655]

A. No sir.

Q. What was discussed at this meeting?

A. Well, Joe Ring appointed a Chariman first. He appointed James Fantz as Chairman. The whole matter under discussion was the matter of getting rid of Captain E. B. O'Grady, who was the CIO Regional Director for Portland, and his assistant, John Brost.

They decided that it would be easier to get rid of Brost first and let O'Grady stay for a while. By doing that they could get rid of O'Grady.

It happened that I made some objections to this because I said that the lumber workers whom I had to contact every week, as Editor of the paper, would go right square off the reservation if we did that, and kick over the applecart.

But Ring and Pilcher, and the rest of them, said that Brost was definitely going anyway and that I was to be his successor.

I brought up the point that I never had any organizational experience. They said "No, but you

(Testimony of Robert Patrick Wilmot.)

write the stuff we want written and we will help you organize."

I brought out the fact that John Brost was a friend of mine and I didn't like this sort of procedure. We had a terrific argument about it.

Finally I asked them if Bridges could get Brost and O'Grady removed and Ring just laughed and said, "Of course he [1656] can. That is what this meeting is called for."

So we talked it over for some time and we took a vote on it, on who would be Brost's successor. They all voted for me. I didn't vote for myself. They told me there was a $60.00 a week salary in connection with it, and everything.

I said "Yes, but I would only get it for about one week and then we would have five thousand loggers with calked boots on us."

Ring finally said, "I have told you what you are to do. By God, I want you to do what I have told you in this instance."

The final decision of this Fraction was that I was to go into Brost's place and Brost was to be removed as soon as possible. I believe Ring stated that he would be out within three weeks.

Q. After the meeting what did you do?

A. Some time during that 24 hours Ring and I talked to Bridges about my qualifications. I believe that was at the Roosevelt Hotel after the meeting.

I had worked all night the night before getting out, working on a sheet, and I don't remember exactly how we contacted Bridges. Anyway, he said Bridges

(Testimony of Robert Patrick Wilmot.)

would take care of it and that he would tell Bridges that I was to be the successor to John Brost.

Q. Did you talk to Bridges at any time after that meeting about what had occurred there? [1657]

A. After that meeting?

Q. Yes.

A. Yes. There was an open meeting around the first—a closed meeting around the first of April, at which they were to iron out differences between the Lumber & Sawmill Workers and — the Longshoremen. This all went, I might say, definitely into the fight between the Communists and the anti-Communists on the Portland waterfront. It was at this meeting that I contacted Bridges again.

Q. Who went with you, if anyone?

A. Harry Jackson and Harry Pincher.

Q. Who was Harry Jackson?

A. Harry Jackson was at that time the trade union organizer for the whole west coast, I believe, of the Communist Party; at least that is the way he impressed himself on me because he called the shots so far as the trade union policies were concerned.

Q. Where did you go to see Bridges?

A. Up to the Roosevelt Hotel.

Q. When was that? A. At night.

Q. When was it, what month, year, date?

A. That was right around the first of April.

Q. After the meeting? A. Yes. [1658]

Q. What was said at that meeting?

A. Well, first of all, I think this is significant because I had been in some difficulties with the Party

(Testimony of Robert Patrick Wilmot.)

for not hewing to the line. In fact, I had been up in front of the Control Commission and they had asked me what I intended to do. One of the matters that we were discussing was the fact that some of the Portland Police were supposed to go over and raid the Communist headquarters and take some stuff out of there, or something. So Murphy told around, and he told me I would have to run a statement by the Communists in the Labor New Dealer, and which I declined to do: I said I wouldn't run such a statement. They made me run it.

So at that time, after I ran it, then I guess all was forgiven, or something. So this night after this closed meeting—Harry Jackson wasn't allowed in the meeting. People were supposed to have Union cards to get in there. It was in the Portland auditorium. He was outside waiting when Pilcher and I came out. He said, "I am going to take Bob up and bust him on Harry Bridges."

So we went over to the Roosevelt Hotel. Mr. Bridges talked to me at the time and said that I ought to behave myself, and said "We Communists have got to stick together. If we don't what sort of discipline will we have in our organization?"

So Pilcher then said that he didn't think they would have any more trouble with me; that I would behave myself. [1659]

I didn't stay there very long. I left.

Q. That statement that you referred to, that you ran in the Labor Herald, that was a statement made by whom?

(Testimony of Robert Patrick Wilmot.)

A. It was written, brought up to me in the Labor New Dealer Office by a fellow named Van Lydegraff—V-a-n L-y-d-e-g-r-a-f-f—and Clayton is his first name. He had been a Party functionary for several years. I believe at that time he was Chairman of the Control Commission of the Multnomah County Section of the Communist Party. He just brought the statement in and said, 'Well, here is a statement." [1660]

I didn't bother to argue it with him. I was going to carry it further than that. So I took the statement. So I took the statement to Murphy. That was the way it started.

Q. To go back to the time you and Harry Jackson and Pilcher were talking to Mr. Bridges, are you sure that Bridges said to you "We Communists must stick together," or words to that effect?

A. There wouldn't have been any point, the way Jackson brought me in there, if you understand that Jackson never worked out in the open anywhere. He is what you might call a hatchet man, and he comes down the line and gives the orders. And when he said "bust me on Harry Bridges" he meant he was going to impose upon me the trust of taking me into Bridges and his august presence. That is what it amounted to. He certainly never done anything like that before. Pilcher, or none of the rest of them, had ever made any bones about the fact that Bridges was a Communist. Jackson, I don't know whether he, what he was doing, whether he was

(Testimony of Robert Patrick Wilmot.)

trying me out, or what, but he wanted me definitely to get back on the reservation, as he put it.

I had asked him to let me quit and get out of the thing; that I didn't want to run the statement. They wouldn't do that. But they had all been in a placative mood.

Q. You said Bridges said to you, "We Communists must stick together?" [1661]

A. He said, 'Why didn't I behave myself. Maybe I would like to go to San Francisco and work on a good paper."

Q. Did he say "We Communists must stick together?"

A. Yes; he definitely did.

Q. Did he say anything about yielding to some kind of discipline?

A. He said—yes, he said "Everybody has to have discipline if we are going to have any organization of any kind." I believe he said, "I heard some bad reports about you." Then he said "We have got to all yield to discipline."

Jackson said he thought I would be all right.

Q. Concerning the writing of this statement of Van Lydegraff in the Labor Herald, did Bridges discuss with you the advisability of running that statement?

A. Yes. I exploded. I said, "I don't want to run it because"—I will tell you what happened just that time.

The Lumber Workers served notice on me that if I didn't get the Communist propaganda out of that

(Testimony of Robert Patrick Wilmot.)

paper that everyone of them were going to cancel their subscription to the paper. They did just about that time.

I went over and asked them, I said, "Give me a chance. The CIO should have a paper."

Right on the heels of that along comes this statement from Van Lydegraff.

Incidentally, after that I lost another thousand [1662] subscriptions after that statement appeared.

Q. What did Bridges say to you, if anything?

A. He said that he thought I ought to run it.

Q. Did he say why you should?

A. Not at that time; no.

Q. When did you run that statement of Van Lydegraff's?

A. That was run—I don't know when, but the files are available.

Q. Do you think it was about April 21, 1938, in the issue of the Labor New Dealer?

For the purpose of refreshing your memory I will show you a Portland, Oregon, Friday, April 22, 1938 issue of the Labor New Dealer, and will ask you if the statement you are talking about appears in that issue?

A. (Examining newspaper) No. This is entirely different. I remember this because this affected me so vitally. This is an entirely different incident. It has nothing to do with the Van Lydegraff statement.

I can tell you about this if you want.

(Testimony of Robert Patrick Wilmot.)

Q. Tell us about this then, if it has any connection with Bridges.

A. All right. This is a headline here which says, "Bridges in City Answers Blast of Carson, Keegan."

I was over making my paper up and I received a phone call—this would have been on this issue—that was right after that decision of the Supreme Court in Louisiana by the Judge [1663] who said that membership in the Communist Party was no basis for deportation.

So I was instructed by Bridges in our office, to write that editorial that is in there, and I was also instructed on those facts, and he said, "Now is our chance. The Communist Party is coming in the open around here. We have a chance now to answer —those things."

He told me everything to write that is in that statement about the Portland Red Squad there, and told me everything to write, the main outlines in this editorial.

I was also told, in fact every Communist in town was telling me what I should have in that editorial.

Q. The editorial that you have reference to, is that the one that appears at the top of the page here in this issue? A. Yes, sir.

Q. Headed "And Who Wants Harry Bridges Deported." A. Yes, sir.

Q. You say Harry Bridges told you to write that?

A. I was over in the office and they called up and

(Testimony of Robert Patrick Wilmot.)

told me to come over there. I had not written that at the time.

Bridges was then in E. B. O'Grady's office in the Guardian Building.

I didn't go over right away and they sent a Portland longshoreman over—I didn't know his name—to get me. [1664] So Bridges told me what should go in these two articles.

Q. Did he also tell you the heading of this article here, "And Who Wants Harry Bridges Deported?"

A. It was suggested by one of the boys; I don't remember which.

Q. And you say he suggested also that you write this other article that you referred to here under the heading "Bridges, in City Answers Blasts of Carson and Keegan?"

A. He said that Keegan, or the Portland Police force, and these fellows had been keeping 40 or 50, I think, stool pigeons around there waiting for his deportation charges to come up. I had no other facts on the matter than as he gave them to me.

Mr. Del Guercio: I offer this in evidence, of your Honor please, as Government's Exhibit next in order.

Presiding Inspector: Have you shown it to counsel?

Mr. Del Guercio: Yes.

Presiding Inspector: Received without objection.

(The newspaper referred to was received in evidence and marked Government's Exhibit No. 245.)

(Testimony of Robert Patrick Wilmot.)

By Mr. Del Guercio:

Q. When did you discontinue your relations with the Labor New Dealer, Mr. Wilmot?

A. I walked out there on the first of December, 1938; but they kept my name on the masthead for several months afterwards without my consent.

[1665]

Q. You walked out of there—what do you mean by that?

A. Well, right after the 1938 elections I submitted my resignation to the Communist Party, and James Murphy came around the next day, and said that he had torn up the resignation. I said that I still didn't want the paper anymore, and I gave them, I think, two weeks to get a successor. So they sent down to San Francisco and got a fellow by the name of Lee Coe—C-o-e—and as soon as he arrived, the very day he got there, I threw across the keys at him and walked out. [1666]

Q. You say you sent in your resignation also to the Communist Party?

A. Right after, yes; about, oh, I think along about the first of November, 1938.

Q. Have you ever been arrested, Mr. Wilmot?

A. Several times.

Q. For what?

A. Well, the last time I was arrested was during the goon round-up in Portland on and after-hours charge. I was carrying a lot of literature and what-not. I was released in the morning; never came to trial.

(Testimony of Robert Patrick Wilmot.)

Q. What kind of literature were you carrying?

A. Well, I had some, oh, pamphlets of various sorts. I don't recall exactly now what they were.

Q. When was that? A. Sir?

Q. What year was that?

A. That was about February, 1937.

Q. Have you ever been convicted of any crime?

A. When I was a boy I drove an automobile while drunk, when I was about 17, and I got thirty days in the workhouse for that.

Q. What were you convicted of?

A. What is that?

Q. What were you convicted of? [1667]

A. Of driving while drunk.

Q. Driving while drunk? A. Yes, sir.

Q. When you were a boy? A. Yes, sir.

Q. Have you ever been arrested at any other time and convicted?

A. No, sir. Well, I was picked up during some labor trouble in Minneapolis and released.

Q. You have a relief record, too, haven't you?

A. A relief record?

Q. Yes, sir.

A. Yes, sir; as long as your arm. I have got considerable of relief.

Q. You had that relief record when you went into the Communist Party?

A. Yes, sir. You see, I went on the Writer's Project from the relief rolls. I was on this transient relief and I always thought it was illegal, but they told me to go to work. And so I went to work. I mean, I thought there was some technicality that

(Testimony of Robert Patrick Wilmot.)

somebody slipped up, but I went on the Writer's Project. Then after I was there they took me off the relief status and promoted me to non-relief status.

Q. And you had that relief record when you met Mr. Bridges, didn't you? [1668]

A. Yes, sir.

Q. You had that criminal record when you met Bridges? A. Yes, sir.

Mr. Del Guercio: You may cross examine.

Mr. Gladstein: I realize that there are ten minutes before the day is over, but your Honor suggested a conference.

Presiding Inspector: Yes, I did.

Mr. Gladstein: And we could not finish in ten minutes with the witness, and we would like permission for that reason to begin our cross examination in the morning.

Mr. Del Guercio: I think we could start, if your Honor please.

Mr. Gladstein: The reason I ask that, if we are going to have a conference and if it is going to take any time it will, of course, cut into the time we were planning to conduct the cross examination.

Presiding Inspector: The witness will have to stay over anyway.

Mr. Del Guercio: But just in the interest of time here, that is all.

Mr. Gladstein: We will agree to go ten minutes longer tomorrow and make that up, if that is satisfactory.

Presiding Inspector: All right. Tomorrow morning at ten o'clock.

(Whereupon at 3:50 P. M. an adjournment was taken to Wednesday, April 23, 1941, at 10:00 A. M.) [1669]

Court Room 276,
Federal Building,
San Francisco, California,
April 23, 1941.

Met, pursuant to adjournment, at 10:00 A.M.

PROCEEDINGS

Presiding Inspector: You may proceed.

ROBERT PATRICK WILMOT

called as a witness on behalf of the Government, having been previously duly sworn, testified further as follows:

Cross Examination

By Mr. Grossman:

Q. Mr. Wilmot, I understood you to say, and the transcript reports you as having said, that you joined the Communist Party in 1927, is that correct?

A. No, sir. 1937, is what I said.

Q. The only thing that was wrong then was the year, and it would be also after Christmas?

A. Yes.

(Testimony of Robert Patrick Wilmot.)

Q. After Christmas, that is, of 1937, is that the correct time that you joined the Communist Party?

A. To the best of my memory I joined right after Chirstmas in 1937.

Q. When did you leave the Communist Party?

A. I submitted my resignation to the Communist Party about the first of November 1938.

Q. Was that resignation accepted?

A. It was torn up.

Q. And was there any discussion with reference to your resignation between you and any members of the Communist [1671] Party?

A. James Murphy, the Secretary, came around and said, "Well, I tore up your resignation." He said, "I think you had better consider it and think it over."

Q. What did you say?

A. I said that I didn't intend to stay in.

Q. Did he then say he would accept the resignation? A. No, he did not.

Q. Did the Communist Party take any action either to accept your resignation or to expel you?

A. They expelled me in July, 1939.

Q. How do you fix the date?

A. What's that?

Q. How do you fix the date?

A. I have the expulsion here.

Q. May I see it, please? A. Yes, sir.

Q. Mr. Wilmot, the second paragraph of the statement reads, as follows: "Because of non-payment of dues and failure to attend branch meetings

(Testimony of Robert Patrick Wilmot.)

you have been out of good standing for several months. The action to expel, however, follows the decision made in 1938 in which certain qualifications were placed upon your continued membership in the Party, qualifications by which you have failed to abide."

Could you state, please, what those qualifications were, [1672] if any, that were placed upon your continued membership?

A. Well, I had been up several——

Mr. Del Guercio: (Interposing) Just a moment! May I ask who signed that letter and is it on the letterhead of the Communist Party?

The Witness: Well, "Central Control Committee, Communist Party, signed by Harold C. Spring, Chairman."

Will you repeat your question, please?

Mr. Grossman: Will you read it, Mr. Reporter?

(The question referred to was read by the reporter as above recorded.)

A. Yes, I can state them. I had been up several times in front of disciplinary committees for fighting the Party line on various things where I thought they were wrong and had been brow-beaten by a bunch of fellows, and so forth; and twice I agreed to do things, as I stated yesterday, and those were the qualifications under which I was to continue in there. And I say, I hadn't paid dues for many months and under the constitution that was going at that time I was automatically out anyway when I got this expulsion and had been for several months.

(Testimony of Robert Patrick Wilmot.)

By Mr. Grossman:

Q. I still am not sure what the qualifications were. What is it that you were supposed to do or to continue doing in order to be allowed to remain in the Communist Party? [1673]

A. I was not supposed to criticize the leadership. I was not supposed to fight them in any way and I was supposed to abide by the decisions of the Editorial Board on the Labor New Dealer, of which I was the Editor.

Q. Was that all?

A. That's the—to my recollection, that's all I remember.

Q. Do you remember when those qualifications were imposed? A. No, I do not.

Q. Will you please describe the circumstances—with draw that. In your direct testimony you stated, I think in substance, that your Communist Party Unit selected you to act as Editor of the Labor New Dealer, is that correct?

A. That is correct; yes.

Q. Can you tell me more about how that came about? Do you know how the Unit happened to take this question up?

A. Yes. As I stated yesterday, I had been recruited into the Party by Kenneth Fitzgerald. He ran the Unit. They wanted him to take the paper first, but, as he stated, he didn't want to stick his neck out because he had been a former candidate for office, a Communist Party candidate, for office in Portland. It was a small unit, about seven peo-

(Testimony of Robert Patrick Wilmot.)

ple. Perhaps I was next to him, I was the only one that was qualified, knew enough about newspaper work, to take over the paper. That [1674] is how I was first selected there.

Q. How long after this discussion, the first discussion of this question in the unit, did you take over the job of editor of the Labor New Dealer?

A. Well, I should say about three weeks.

Q. Will you please explain, Mr. Wilmot, how you could have been selected for the job of Editor of the Labor New Dealer, and taken that job approximately three weeks after you were selected by your Unit of the Communist Party, when you joined the Communist Party after Christmas of 1937, and you became Editor of the Labor New Dealer in October of 1937?

Mr. Del Guercio: I object to the question, if your Honor please. It is long and confusing, and doesn't appear to be a question at all.

Mr. Grossman: The confusion is not in the question, your Honor.

Presiding Inspector: I think I will take it. Let us see if the dates are right.

Mr. Grossman: They are right from the transcript.

Presiding Inspector: You corrected the transcript in one way this morning.

By Mr. Grossman:

Q. Do you want to correct the date on which you became the Editor of the Labor New Dealer as being four days before October 1, 1937? Do you want to correct that date? [1675]

(Testimony of Robert Patrick Wilmot.)

A. To the best of my memory—I am trying to refresh my memory a moment—I became Editor of it for the first issue of the Labor New Dealer that came out October first, or October 1, 1937.

Q. Do you want to correct that date?

A. No.

Q. Will you please answer the question, then?

A. I joined the Communist Party right after Christmas 1937. I was in all the time until I took the paper over.

Q. Didn't you become Editor of the paper at least two months before you joined the Communist Party? A. No.

Q. Do you contend that October 1, 1937 is late than a little bit after Christmas of 1937?

Mr. Del Guercio: If your Honor please, I object to that as argumentative.

Presiding Inspector: He is trying to correct his recollection. There is a mistake there somewhere.

A. Well, it had to be in 1936, then.

By Mr. Grossman:

Q. What might have been in 1936?

A. When I joined the Communist Party.

Q. Are you testifying it was in 1936?

A. I frankly can't remember.

Q. Do you have any other explanation to make, Mr. Wilmot? [1676] A. I have not.

Mr. Del Guercio: If your Honor please, I object to that. Is there any evidence that counsel has as to the date he joined the Communist Party?

(Testimony of Robert Patrick Wilmot.)

Mr. Grossman: Only his testimony.

Presiding Inspector: This is all proper, I think. People make mistakes in recollection of dates.

Mr. Grossman: And about recollection of other things taking place, too.

Presiding Inspector: Yes. All witnesses do that, are apt to do it. We haven't perfect memories, any of us.

By Mr. Grossman:

Q. You are certain, are you——

Presiding Inspector: I notice that I made mistakes about the testimony that is given, and I also noticed that you have too.

By Mr. Grossman:

Q. You are certain, are you, Mr. Wilmot, before you became Editor of the Labor New Dealer that this question was raised and a decision was made in your Communist Party Unit that you should become such an Editor? A. I am positive of that.

[1677]

Q. When did you arrive in Portland?

A. The first time?

Q. Yes. A. 1934.

Q. And did you leave Portland? A. I did.

Q. When?

A. I left about a month after I arrived here. I believe I arrived here the first of October or thereabouts, I went back to Los Angeles shortly before Christmas.

Q. You had come to Portland in '34 from Los Angeles then?

(Testimony of Robert Patrick Wilmot.)

A. I had come originally from Minneapolis to Los Angeles to Portland.

Q. How long had you been in Los Angeles before you came to Portland in '34?

A. Before I came to Portland in '34?

Q. Yes.

A. I was only there, I believe, two weeks.

Q. And how long were you in Los Angeles after leaving Portland in '34? A. All winter.

Q. Then did you return to Portland?

A. Yes, sir.

Q. And you remained there continuously?

A. That's right. No, I think in '36 I went back on a [1678] visit to St. Paul, Minnesota.

Q. When did you return to St. Paul, Minnesota? A. '36.

Q. I mean, what month, if you can remember?

A. In June.

Q. How long were you there?

A. About three weeks.

Q. And then did you return to Portland?

A. Yes, sir.

Q. And did you remain continuously in Portland then after that?

A. I have never been out of Portland since then with the exception of minor trips; a couple of Party affairs in Seattle and down the Valley and so forth.

Q. Did you ever tell anyone that there were reasons why you could never return to Minneapolis?

Mr. Del Guercio: If your Honor please, I object to that. There is no foundation laid for it. There is no indication here, no evidence here——

(Testimony of Robert Patrick Wilmot.)

Presiding Inspector: (Interposing) I think that you should give him some clew. This is a question right out of a clear sky.

Mr. Grossman: I can't at this time, if your Honor please.

Presiding Inspector: Very well. I will exclude it at this time.

Mr. Grossman: I beg your pardon? [1679]

Presiding Inspector: I will exclude it at this time. Of course, if there is any reason why he shouldn't return, it is open to you to bring that out.

By Mr. Grossman:

Q. Is there any reason why you can not return or consider it undesirable for you to return to Minneapolis?

Mr. Del Guercio: I object to the form of the question, your Honor.

Presiding Inspector: I will take it.

A. Certainly not. I am thinking of going back there now.

Presiding Inspector: Now you may ask him if you wish to——

By Mr. Grossman:

Q. (Interposing) Did you ever tell——

Presiding Inspector: Ask it this way: Do you recall or do you have any recollection?

By Mr. Grossman:

Q. Do you have any recollection of telling anyone that there are reasons why you could never return to Minneapolis?

(Testimony of Robert Patrick Wilmot.)

A. I believe I told people several times there were reasons why I didn't want to.

Q. But you never told anyone that there were reasons why you couldn't? A. No, sir.

Q. What were the reasons that you didn't want to? [1680] A. I didn't like the climate.

Q. Where were you during the 1936 maritime strike? A. I was in Portland.

Q. During the entire strike?

A. I don't recollect much about that strike. I didn't pay a lot of attention to it.

Q. What were you doing at that time?

A. Working on the WPA Writers' Project.

Q. During what periods were you on WPA?

A. During what periods?

Q. Yes.

A. I quit when I went back to Minneapolis in 1936 and then I wired and asked them if I could have the job back again. They said I could. So when I came back, I believe it was in July, I went right back on the WPA Writers' Project.

Q. July of 1936? A. Yes.

Q. And then you remained there for how long?

A. Until September of 1940.

Q. Continuously?

A. Well, with the exception of a week I took off to work on the Labor New Dealer at the beginning when I thought I was going to get paid.

Q. And outside of that week that you took off you worked continuously on WPA?

A. That's correct. [1681]

(Testimony of Robert Patrick Wilmot.)

Q. Is that right? A. That's correct.

Q. Were you a relief or non-relief employee during this period?

A. I was a relief employee originally and about a week after I went on the paper, or two weeks I was promoted—taken off of relief status and put on as a non-relief supervisor.

Q. Did you during the time that you were working on the WPA or during part of that time edit the Labor New Dealer and also at the same time do your WPA job?

A. Yes, sir; in every case.

Q. Can you tell me how so far as time is concerned you reconciled these two jobs?

A. We had no requirements. At that time, we didn't have to keep regular office hours. We had a minimum. The ordinary writers—I was a re-write man. We had a minimum of 1900 words a week specified by WPA regulations, and I had to re-write about, oh, about 10,000 words a week and they didn't ask how many hours I took or anything so long as you did that at that time. Then later they specified that you should work six hours a day and you could work wherever you wanted to, and then later I had to get the Labor New Dealer out mostly at night because they put me on a job for a while where I had to stay in the WPA office and supervise some other [1682] people.

Q. Do you know whether there were any rules which forbade at that time your holding another job while you were employed on WPA?

(Testimony of Robert Patrick Wilmot.)

A. There were no rules. I also did publicity for various other things and I took it up with the boss and it was all right.

Q. He told you there were no WPA rules which would restrict your having another pay job while you were employed on WPA?

A. There were for the certified people. They were allowed under WPA regulations to make $50.00 a month in excess of their regular allowance, but as far as the non-certified people were concerned they could have made any amount that was possible.

Q. When you first joined the Communist Party what unit were you put into?

A. They called it a Cultural Unit. It was the unit of artists and writers, most of them WPA employees.

Q. And later you were put in what you called the Maritime or Waterfront Branch, is that correct, yes.

A. The Waterfront Branch, that is correct, yes.

Q. When was the first time you ever met Harry Bridges?

A. I believe about the second week in October, 1937.

Q. Were you then employed on the Labor New Dealer? [1683] A. I was.

Q. Where did you met him?

A. Norse Hall, Portland, on the stage.

Q. Which hall? Norse?

A. Norse Hall.

Q. Do you remember the day of the week?

(Testimony of Robert Patrick Wilmot.)

A. No, I do not.

Q. Was it at a regular meeting of the Portland Longshoremen's Union?

A. I believe that was a special meeting, if I remember rightly.

Q. What conversation did you have with Harry Bridges or did he have with you at that time?

A. Harry Pilcher introduced me to him as the Editor of the paper and Bridges said, as I stated yesterday, that "Is this one of those horrible Communists?" or "awful Communists". That may not be the exact word he used.

Q. Is that the entire conversation?

A. No. We discussed—I said at that time that I thought Mr. Bridges was a great labor leader and I told him how glad I was to meet him.

Q. You mean you don't think so now?

A. I certainly do not.

Q. At the time you went to work for the Labor New Dealer did Harry Pilcher have any connection with the paper? [1684]

A. Harry Pilcher got himself elected Chairman of the Editorial Board. It was a five-man board.

Q. For how long was he a member of that board?

A. He was a member of the Editorial Board until after I left the paper. [1685]

Q. During the entire time that you were on the paper Mr. Pilcher was one of the Editorial Board?

A. Right.

Q. Was he Chairman of the Editorial Board for the entire time? A. Yes, sir.

(Testimony of Robert Patrick Wilmot.)

Q. When was the next time you met Harry Bridges?

A. I can't remember exactly. Every time that Bridges came to town I saw him.

Q. When was the next occasion that you remember the details of?

Mr. Del Guercio: What is the question?

(The question referred to was read by the reporter as above recorded.)

A. Well, I remember going up to the longshoremen's office on the 12th floor of the Guardian Building one time and listening to some idle conversation. I had no definite dealings with Mr. Bridges, but I was a [illegible] in my capacity as Editor of the paper.

Q. When was that?

A. That was—as I stated before, I don't remember when the next time was.

Q. Nothing significant happened there?

A. What?

Q. Nothing significant happened there? [1686]

A. Nothing significant happened, no.

Q. When was the next occasion you remember the details of?

A. I believe Mr. Bridges was in town about three times that winter, before the spring of 1938, possibly four times, and I saw him once in Captain E. B. O'Grady's office on the 7th floor of the Guardian Building.

Q. Do you remember any of the details of that?

(Testimony of Robert Patrick Wilmot.)

A. No, except that Captain O'Grady was telling him some of his troubles. I was in the outer office and the door was open.

Q. When was the next time?

A. I don't remember any of the meetings, specific dates, if you want that, throughout that winter.

Q. Take the next year. A. 1938?

Q. Yes.

A. Well, the month of April—that was very significant because it was during the month of April that I saw Bridges in the Lennox Hotel, early in the month of April. I don't remember the exact date on that. It was about the 20th of April when I saw him in the Roosevelt Hotel.

Q. Let us stick to the Lennox Hotel first.

A. All right.

Q. Can you fix the date with reference to any event? [1687]

A. I can't fix the date, exact date; no.

Q. Is there any way in which you would be able to fix the exact date if you checked the date of any event?

A. If I had a complete file of the Labor New Dealer I would be able to; yes.

Q. What would there be in the file that would give you the date?

A. Every time that Mr. Bridges came to town I was ordered to put something in the paper about him, or run his picture.

Q. By reading that article on Bridges being in town would you know which occasion was the

(Testimony of Robert Patrick Wilmot.)

one on which you saw him at the Lennox Hotel?

A. I believe I would. I am not certain until I read them.

Q. Can you recall that there was something written in the Labor New Dealer concerning Mr. Bridges on the occasion when you saw him at the Lennox Hotel?

A. I don't believe there was anything in there at that time; that certainly wouldn't be written up in the paper.

Q. I didn't ask you whether the meeting at the Lennox Hotel was written up. I asked whether there was a story in the paper about him derived from that trip of his to Portland.

Mr. Del Guercio: I object to that. The meeting at the Lennox Hotel was certainly an event connecting him with Bridges.

Mr. Grossman: Is this an objection or some kind of a [1688] comment?

Presiding Inspector: I don't know. I will take it, though, if he can recall.

A. As I explained, I worked about 16 hours a day at that time and I had attended many meetings. Naturally, when I had anything to do with Bridges personally I remember those occasions. But I don't remember the exact words. I wrote thousands of words in that paper, and I can't remember everything that is in it.

By Mr. Grossman:

Q. Then your testimony is that it was in the early part of April?

(Testimony of Robert Patrick Wilmot.)

A. The best of my knowledge is that it was in the early part of April; yes.

Q. Can you be any more specific now than the early part of April?

A. I don't believe so; not unless I had the files of the paper.

Q. When you say the "early part" do you mean in the first ten days?

A. I should say about the 12th, somewhere around there.

Q. You say about the 12th?

A. I don't wish to be exact on that because I cannot. I know it was in April.

Q. All right. Now, will you describe the occasion, [1689] please, that you saw Mr. Bridges in the Lennox Hotel, with the introductory material that will explain how you happened to see him there?

A. Well, Pilcher told me there was going to be a meeting of the Top Fraction of the Communist Party in the Lennox Hotel.

Q. When, with reference to the time of the meeting, did he tell you about that?

A. He told me to come up whenever I could and get a couple of other fellows.

Q. Was it the same day that he told you about it? A. No.

Q. The day before?

A. Yes; the night before.

Q. Did he tell you when you should come up?

A. He stopped at my house and told me to be

(Testimony of Robert Patrick Wilmot.)

there the next day. I said, "What time?" He said "Be there around noon if you can." I went there shortly after noon.

Q. Did he give you a room number?

A. No, he did not.

Q. You mean he merely said "Hotel Lennox"?

A. That is correct.

Q. All right. Did he give you the names of the people to bring to the meeting with you?

A. Jimmie Fantz—he told me to bring him if I saw him. In the meantime Fantz had been contacted by somebody, and Fantz [1690] had the room number, so I went up with him.

Q. Did you go up with anyone else besides Fantz? A. Leo Hemingway was along too.

Q. And you arrived at what time?

A. About one o'clock.

Q. And when you got to the room who was there?

A. Mowrey, Jack Mowrey, Howard Bodine, Charles Fantz, John Fougerouse; and there were some companions of Bridges there whom I did not know and to whom I was not introduced.

Q. Was Joe Ring there? A. Yes.

Q. Bridges was there? A. That is right.

Q. What happened after you got up to the room?

A. Mr. Bridges had his hat and coat on. He went out. He said to Pilcher, "Jo-Jo will tell you what to do."

(Testimony of Robert Patrick Wilmot.)

I was standing behind Pilcher, that is how I heard. We went down the hall to another room.

Q. Before you go to that, how long after you arrived did Bridges leave? A. Right away.

Q. Then you went down the hall to another room? A. Correct.

Q. Do you know whose room it was?

A. No, I do not. The boys used the Lennox Hotel quite a lot. [1691]

Q. Do you know whose room it was that you went to first? A. I believe it was Joe Ring's.

Q. Do you know, or do you just believe?

A. I believe.

Q. What makes you believe that?

Mr. Del Guercio: If your Honor please, he has just said he didn't know, but he believes it was Joe Ring's.

Mr. Grossman: I submit I have a right to know what the basis of his belief is.

Presiding Inspector: I think you can ask him if there is anything that recalls this to his mind. He is giving a faint recollection. He has already expressed himself to you.

By Mr. Grossman:

Q. You had some basis, I assume, for that?

A. He took off his coat and hat, and hung them up, and changed his shirt while in there, so it should have been his room, I believe.

Q. When you say you believe, you mean you have some doubt about his changing his shirt, and so on?

(Testimony of Robert Patrick Wilmot.)

A. I am certain he changed his shirt before the afternoon was over. It might have been somebody else's shirt.

Q. All right. Then you went down to another room. What happened at this other room? First, who went to the other room, everybody except Bridges?

A. No. Bridges left with three men that I didn't know.

Q. With how many men? [1692]

A. I think it was three.

Q. And everyone else went to this other room?

A. Yes; all the Portland people went to the other room, with the exception of Joe Ring, and he was not from Portland.

Q. What transpired in this other room?

A. Ring appointed Fantz Chairman. There was a little by-play about that. We immediately started to discuss the general situation there, and the need was expressed by Ring, and the others, for getting rid of John Brost and Regional Director O'Grady.

Q. Did any of them quote Bridges as having any ideas or opinions on this question?

A. Yes.

Q. Who quoted him and what was said?

A. Well, Ring brought up the idea of his removal. I knew enough to believe that Mr. O'Grady was a pretty powerful fellow. He, Ring, said "Don't worry about that. Harry will take care of that."

(Testimony of Robert Patrick Wilmot.)

Q. Did anyone express any opinion as to Bridges' ideas on removing either Brost or O'Grady? A. I didn't get that.

Q. Was any opinion expressed as to Bridges' views on removing Brost or O'Grady?

A. Yes. There was a general discussion on it all around on everybody's part. [1693]

Q. Who said what about Bridges' views on that subject?

A. Ring was the one that did the talking on that.

Q. Is that all Ring said on this question?

A. No, no. Ring talked on the question.

Q. I mean on the question of Bridges' views.

A. Bridges' views?

Q. Yes.

A. He said Bridges would take care of them; that they were as good as gotten.

Q. You got the implication that Bridges wanted to get rid of O'Grady and Brost?

A. That is not the implication; the implication was that we, as a Fraction, should arrive at a decision that O'Grady and Brost should go, and that Mr. Bridges would ratify that decision. That is what was brought out.

Q. You got the clear impression from what Joe Ring said that the decision of your Fraction would be accepted by Bridges and he would carry it out?

A. That is right.

Mr. Del Guercio: That isn't an impression that

(Testimony of Robert Patrick Wilmot.)

he got. The witness has testified that that is what Joe Ring said.

Mr. Grossman: I think the record speaks for itself and Mr. Del Guercio need not argue every time an answer is given.

Presiding Inspector: Let it stand. Go ahead.

By Mr. Grossman:

Q. Do you remember anything else that Joe Ring, or any- [1694] one else said, that specifically described Bridges' attitude on this general question?

A. Yes. There was something said about Bridges didn't want to put O'Grady on in the first place, but that he was forced on him. There was a great argument about just how——

Q. (Interposing) Before we get to the argument——

Mr. Del Guercio: (Interposing) If your Honor please, I object to this. The witness is answering the question and he hasn't completed it.

Mr. Grossman: If you will listen to the question you will see that it was not responsive.

Presiding Inspector: There is no need to argue.

Mr. Grossman: I don't think these interruptions will get us anywhere. It is obvious that the point where I stopped the witness was the beginning of the unresponsive answer to the question.

Presiding Inspector: Proceed.

Mr. Del Guercio: The Court should decide that.

Presiding Inspector: There is no need of argu-

(Testimony of Robert Patrick Wilmot.)

ing about this. I will overrule Mr. Del Guercio's objection and you may ask the next question.

By Mr. Grossman:

Q. Who said that?

A. Repeat the question.

Mr. Grossman: Read the last answer, Mr. Reporter.

(The answer was read by reporter as above recorded.) [1695]

By Mr. Grossman:

Q. I want to know who said that about Bridges not wanting to put on O'Grady? A. Joe Ring.

Q. And did he state who forced O'Grady on Bridges?

A. I am not positive of that. I believe he said Brophy did.

Q. All right. Then you had a discussion in that meeting. And what were the conclusions of your discussion, if any? A. Brost was to go.

Q. Was O'Grady to go?

A. O'Grady was to go.

Q. Were they to go at the same time?

A. No, they were not.

Q. In what order?

A. Brost was to go first.

Q. And O'Grady when?

A. As soon as they could arrange it.

Q. And what was required to be arranged between the time that Brost would go and O'Grady would go?

(Testimony of Robert Patrick Wilmot.)

A. I was supposed to get Brost's job.

Q. And who was to have O'Grady's job?

A. That was not decided.

Q. Was this done on the theory that there would still be men occupying the positions that Brost and O'Grady held, [1696-7-8] or was one of those positions to be eliminated?

A. Ring said that there had been some talk of eliminating the Regional Director's job; that there definitely would have to be someone in an organizational capacity to take the same job that Brost did.

Q. In other words, definitely you were to have Brost's job? A. That's correct.

Q. Now, was this decision absolutely definite, that you were to have it, or was it left up in the air in some way?

A. I stated that it was to be ratified by Bridges.

Q. But the meeting was operating, was it not, on the theory that any decision of this fraction was to be ratified by Bridges? A. That's right.

Q. All right. Then, so far as the fraction was concerned, it was a definite decision because they operated on the theory that anything they decided would be carried into effect by Bridges?

A. No. It was not a definite decision, because I balked on it. I didn't want Brost's job and Ring told me, he says, "You'll do what you are told". And I said, "Well, I will never fill Brost's job."

Q. Was it left on that note, that you were still re- [1699] fusing to take the job?

(Testimony of Robert Patrick Wilmot.)

A. Yes, sir.

Q. And was that the reason why you went to see Bridges, to discuss the question of whether you should take the job?

A. I stated yesterday that I don't recall clearly the incidents after that. I believe that I saw Bridges with Ring up in the Longshoremen's Union, but I am not certain and I don't want to be quoted on that, the way we talked about that.

Q. So you don't recall definitely whether or not you ever did have a discussion with Bridges on the question of your taking Brost's job?

A. No. I can't state that. I don't care to say that.

Q. You remember, however, don't you, what your testimony was on that yesterday, that you referred to giving Bridges your qualifications yesterday?

A. I said I believed that Joe Ring and I saw Bridges within the next twenty-four hours and that Joe Ring spoke to him about it—was what I testified to yesterday.

Q. But your testimony now is that you are not sure whether that took place?

A. I am not certain. I am not absolutely certain.

Q. Do you think you did, though? A. Yes.

Q. Do you have any recollection, however vague, of what was said at this meeting?

A. Well, Ring said, "The kid here doesn't think we ought [1700] to fire Brost". That's what he said, to the best of my recollection.

(Testimony of Robert Patrick Wilmot.)

Q. Do you recall anything else that was said?

A. No.

Q. Do you recall what the conclusion, if any, of the meeting was? A. No.

Q. Do you recall whether Bridges expressed any sentiments on getting rid of Brost or accepting you?

A. I believe that Bridges used an expletive in connection with Mr. Brost.

Q. You got the impression that Mr. Bridges wanted to get rid of Brost, at least?

A. I had always had that impression for some time.

Q. When did you first get that impression?

A. Well, E. B. O'Grady had told me about a month before that he was afraid of Johnny's job, that Bridges was going to "get" him.

Q. Was that the first time you got the impression that Bridges wanted to "get" Brost out?

A. I believe so, yes.

Q. When was the next time you saw Harry Bridges?

A. I think that was around—I think that closed meeting was around the 20th of April. I am not positive of that exact date either. But there was a closed meeting at the auditorium, which was participated in by the Woodworkers [1701] and Longshoremen.

Q. Just a moment! Before you go on any further, how long was this occasion, the closed meeting, after the meeting in the Lennox Hotel?

(Testimony of Robert Patrick Wilmot.)

A. Well, I said that I didn't know the exact date of the meeting in the Lennox Hotel, but I thought it was about the 12th.

Q. Then you figure approximately a week?

A. Yes.

Q. Elapsed between the two meetings?

A. I believe so, yes.

Q. Are you more definite about the time between the two meetings than you are about the April 12th date?

Presiding Inspector: Do you think that helps, a comparison in his mind of that kind?

Mr. Grossman: It might. He might be very clear on the question of the week. It may be the same day of the week or something else that might make it clear in his memory.

Presiding Inspector: I think the general statement is that he isn't very clear about these dates.

Mr. Grossman: All right. We will abandon that question.

Presiding Inspector: It is rather difficult, you know, to——

Mr. Grossman: (Interposing) What is that?

Presiding Inspector: It is rather difficult, to compare [1702] degrees of vague recollection as to dates.

By Mr. Grossman:

A. All right, now. I interrupted you. You were going to discuss——

Presiding Inspector: (Interposing) It was merely suggestive. You understood that.

(Testimony of Robert Patrick Wilmot.)

Mr. Grossman: Yes.

By Mr. Grossman:

Q. Now, did you see Bridges at this meeting at the auditorium? A. Yes, sir.

Q. Was it inside the meeting that you saw him?

A. Yes.

Q. Did you have any discussion at the meeting with him?

A. Oh, no. He talked for about two hours and I just listened to the speech. That was all.

Q. After April when was the next time that you saw him? A. That very same night.

Q. That very same night? A. Yes.

Q. What were the circumstances that brought about the meeting?

A. Well, Harry Jackson took me up there along with Harry Pilcher to the Roosevelt Hotel.

Q. Where did you meet Harry Jackson? [1703]

A. At the auditorium, on the outside——

Q. (Interposing) After the meeting?

A. It was in the foyer after the meeting.

Q. Where did you meet Pilcher?

A. Pilcher was at the meeting, sitting right alongside me.

Q. Immediately after the meeting you left the auditorium to go up to see Bridges?

A. No. We stayed and talked. We talked to several people. I don't recall off-hand. All Communists. We had a little discussion there about—there was considerable—it was quite a "hot" meeting and we talked about it.

(Testimony of Robert Patrick Wilmot.)

Q. Was this an open meeting for the public?

A. It was a closed meeting.

Q. You are sure of that? A. I am sure.

Q. It was in the Portland Auditorium?

A. It was a very loose gate. It was technically closed, but lots of people who were not members of either organization were there.

Q. I see. All right. Then who apparently took the lead in taking you to a meeting with Harry Bridges? A. Harry Jackson.

Q. Jackson or Pilcher? A. Jackson.

Q. Where did you see Bridges? [1704]

A. In the Roosevelt Hotel.

Q. Do you happen to know whether it was Bridges' room in the Roosevelt Hotel?

A. I don't know whether it was or not. I couldn't be certain of that. I don't think it was. I think maybe it was perhaps Matt Meehan's room.

Q. Was Matt Meehan around?

A. No, he was not.

Q. When you got there was Bridges there?

A. Yes, he was.

Q. Who was present at this meeting?

A. Pilcher, Jackson, Bridges and myself.

Q. No one else? A. That's right.

Q. And about what time did you get there?

A. Well, I am not certain. It was late; about 11:00 o'clock, I believe.

Q. And how did the conversation start?

A. Well, I had—originally, as I stated yester-

(Testimony of Robert Patrick Wilmot.)

day, Jackson said that he was going to take me up there to "bust me on" Bridges, and we went up and Jackson told Bridges about the trouble that I was having with the paper. That very same day I said there had been a thousand subscriptions cancelled. And I believe that Bridges said "Well, get people out and sell them at the mill gates". These were sawmill men that [1705] CIO sawmill men that cancelled the paper on the ground that it was full of Communist propaganda. And Bridges said "Put them out at the sawmill gates and sell them."

So we discussed what could be done to keep the paper from going under, because we had no money or anything. I believe I asked Bridges if there wasn't some way that we could—yes, I did—if we couldn't get some financial support from the CIO. And he said, "No, that there wasn't any that he knew of."

Q. Is it correct that the first things you discussed were the paper and the loss of circulation and the getting of money for it and so forth?

A. That's right.

Q. Now, let us go back to the discussion that you had with Jackson before you were taken up there. You made some statement that Jackson had made as to why he was taking you up there. Will you repeat that, please? And tell me when it was made and who was present.

A. Harry Pilcher, Jackson and I were alone at the time.

(Testimony of Robert Patrick Wilmot.)

Q. This was after the auditorium meeting?

A. That's right.

Q. But before you went up to Bridges?

A. That's right.

Q. What was all the conversation on that subject?

A. Well, Jackson was going up to see him, and he said, [1706] "Let's take Bob up and bust him on" Bridges". I don't know what that expression means. I know what I think it means.

Q. What do you think it means?

A. That means that I was going to be initiated into the inner circles.

Q. Let us return to the Roosevelt Hotel. Do you remember how the conversation got around to the question of you and the Communist Party? You said it started on the question of the paper. Do you remember how it got around to the question of you and the Communist Party?

A. Well, Jackson said that they had had considerable trouble with me, but he thought that I was going to be all right. And we hadn't discussed anything else. The whole thing was a Party discussion, what our reaction to it would be.

Q. What do you mean when you say "the whole thing" was a Party discussion?

A. Because when I walked into the room to talk with Bridges, with the trade union organizer for the Communist Party, we certainly were going to discuss things as they affected the Communist Party.

(Testimony of Robert Patrick Wilmot.)

Q. Is that your only basis for making that statement? A. Well, that's——

Q. (Interposing) Is it your only basis? [1707]

A. No. We even discussed—he even discussed what was going on in Seattle, but I didn't pay any attention to that. I believe I was reading a newspaper while he was talking about that.

Q. Are you giving that as a basis for your statement that it was a Party discussion?

A. I am giving it as a basis that it was a Party discussion, the fact that I told you that Jackson always kept himself as anonymous as possible and always never came out in the open anywhere.

Q. Am I correct in stating your testimony, then, that the reason you say it was a Party discussion was because Jackson was there because of who Jackson was? A. That's right.

Q. All right. Now, I am interested in all this discussion on the question with you and the Communist Party or Jackson's trouble with you. What else was said?

A. Well, Pilcher said that "Bob doesn't always follow the Party line, but" he said, "He's a good hard worker". I remember he said that. "He gets his paper out and does a lot of other work besides", and he says, "We'll straighten him out". A sort of paternal attitude he had about it.

Q. Did he ask Bridges to do anything with reference to you? A. No, he did not. [1708]

Q. Did he ask Bridges to lay down the line to you? A. No, he did not.

(Testimony of Robert Patrick Wilmot.)

Q. Did he ask Bridges to discipline you in any way?

A. No. Bridges then said—that was when Bridges said "Well, we Communists have got to stick together. We have got to have some discipline", and he said, "You have got to do what you are told or we won't have any organization at all".

Q. Was there any discussion at this meeting about this Communist Party statement that you said you were asked to put in the paper?

A. Yes.

Q. The statement hadn't actually been put in the paper, had it?

A. No. The idea was that I got a statement from them about every week. I was fighting the Party on the idea that they should not put Communist statements directly from the Party in that paper. And every week, why, there would be something that they would say that the Red Squad had prowled their office, and I don't know how much of it was true. I don't know whether the Red Squad had prowled their office or not. But I would get these statements to run. There was always a statement on tap and they would come up and put them in my mail box up there. And the general line was that I had refused to run-out-and-out Party stuff, Party statements, and that was [1709] discussed at that meeting. Pilcher said that he thought that I should run them and Bridges said he thought I should run the statements, too.

(Testimony of Robert Patrick Wilmot.)

Q. In your direct testimony you referred to a particular statement, one that was brought out by a man named Van Lydegraf.

A. Yes. Every statement that was brought up there Van Lydegraf signed it.

Q. And you referred in your direct examination also to a particular statement about the Police Department of Portland ransacking or raiding or doing something with the Communist Party headquarters. Were there several statements on that, or was that a particular one?

A. There were three of them. They were in the Guardian Building and they maintained that they were called on every night and that somebody was having a dictaphone put in there. There were several statements. When I say "the" Van Lydegraf statement I mean that categorically.

Q. Let me refer you to your testimony on direct examination and see which statement, if any, you were referring to. "One of the matters that we were discussing was the fact that some of the Portland Police were supposed to go over and raid the Communist headquarters and take some stuff out of there or something. So Murphy told around and he told me that I would have to run a statement by the Communists in the Labor [1710] New Dealer, and which I declined to do. I said I wouldn't run such a statement. They made me run it." Now, does that refer to a particular statement?

(Testimony of Robert Patrick Wilmot.)

A. That refers to the one which finally appeared in the issue of the paper that is in evidence there.

Q. And did it appear before or after your meeting with Harry Bridges in the Roosevelt Hotel?

A. After my meeting with Bridges.

Q. Was it discussed at your meeting with Bridges at the Roosevelt Hotel?

A. The general policy of putting the Communists in the position where they could come out and protest in our paper against what they termed "Red Squad persecution and under cover agents" and so forth was discussed at that meeting. And it was a week later, I believe, or in the 28th issue—April 28th issue—I ran a statement. It's in that paper there.

Q. Do you remember whether this particular statement or this particular occurrence was discussed in your meeting with Bridges?

A. I believe that the raids in general were discussed and what my line on the paper should be in connection with writing them up. I was perfectly willing—I remember saying that I was perfectly willing to write them up myself, but I didn't want direct Party statements in there and I didn't want to quote anybody in the paper. I was willing to write [1711] it as a news story, in other words.

Q. And did Bridges express any opinion on this?

A. He said I ought to run it.

Q. He said you ought to run the Communist Party statement? A. That's right.

(Testimony of Robert Patrick Wilmot.)

Q. Was there much discussion on this question at that meeting with Bridges?

A. There was considerable. I said that—"What am I going to do if I haven't any circulation? I can't keep the paper going", and I said, "I think the paper is valuable to the CIO and it should be kept going, and Communist stuff—obvious sort of Communist stuff should be kept out of it". And Bridges said that he thought that a thing like that ought to be in there, and I believe he mentioned his difficulties with the Portland Red Squad.

Q. Was there anything else discussed at this meeting?

A. Bridges said that—he asked me, maybe I could go down to San Francisco and work on a "good paper", and I took that to mean the "Voice of the Federation". He didn't definitely state that. "If I behaved myself".

Q. Did he elaborate on "behaving yourself"?

A. No.

Q. When was the next time you saw Harry Bridges?

A. On the, I believe it was, the morning of the 28th— [1712] April 28th when that issue came out.

Q. The morning of the 28th? A. Yes.

Q. Was that the time when he discussed with you what would go in the paper? A. Yes.

Q. Was that the time when he told you what should go in the paper? A. Yes.

Q. Then you wrote the various articles that were

(Testimony of Robert Patrick Wilmot.)

involved during the time that you talked to Harry Bridges at the end of that day, is that correct?

A. That's correct.

Q. Now, is it your testimony that Harry Bridges had called you to O'Grady's office to discuss this?

A. No, not to O'Grady's office. We went up to the Labor New Dealer office and talked, because naturally we wouldn't talk these things in O'Grady's office.

Q. I see. Why did you say "naturally" you wouldn't discuss this in O'Grady's office?

A. In E. B. O'Grady's office?

Q. Yes.

A. Because whenever Bridges would talk to me about a thing like that, or anyone else there, the Communist line would naturally creep in by inference, at least, and it was [1713] no secret to anybody up there that Bridges was going to "get" O'Grady and we certainly wouldn't discuss how we felt about O'Grady in O'Grady's office.

Q. You felt at that time that the editorial and the article appearing because of Bridges' instructions to you in the Labor New Dealer were the Communist line on the Bridges' case, is that it?

A. Definitely.

Q. Did you feel that such article and editorial could only be approved by Communists?

A. Well, the lumber workers didn't like it.

Q. Could you answer the question, please?

A. I believe so, that it could only be approved by Communists.

(Testimony of Robert Patrick Wilmot.)

Q. Yes. Or would only be approved by Communists?

A. I don't see what that had to do with it.

Q. You are the one that gave the answer, that you couldn't discuss this article or editorial in O'Grady's presence.

A. Bridges didn't care to discuss it. I had nothing to do with it.

Q. Did Bridges tell you that he didn't want to discuss this in O'Grady's office?

A, Naturally not. He said "I will meet you up in the Labor New Dealer office". That's why we went up there. [1714] We could have just as easily have gone down on the floor below.

Q. What was your basis for stating that Bridges didn't want to discuss this in O'Grady's office?

Mr. Del Guercio: If your Honor please, the witness didn't say that Bridges said that.

Mr. Grossman: I didn't say that Bridges said that, Mr. Del Guercio, if you will listen.

Mr. Del Guercio: Well, address the Court.

Mr. Grossman: I asked what his basis was for stating that. He stated it all right, this witness did, and I want to know his basis for stating it.

A. Because when we got up there Bridges said in the office "Now is the time"—and very emphatic about it—"That the Communists have got to step out and get going, and they can show their face now after the Supreme Court decision in Louisiana". He said, "Now we can 'shoot the works' ". That

(Testimony of Robert Patrick Wilmot.)

is what he said. He wasn't going to say that in front of O'Grady.

Q. You interpreted the article and editorial that Bridges told you you had to run as the Communists showing their face in Portland?

A. I certainly do, when he talked about the Portland Red Squad in the one article and all the people who they were supposed to be keeping to testify against him.

Q. When was the next time you met Harry Bridges? [1715]

A. I have never met Bridges from that day to this.

Q. How long have you held your present position? A. Since January.

Q. By whom are you employed?

A. By the Columbia River District Council No. 5 of the International Woodworkers of America, CIO.

Q. Isn't this the group in the IWA that has been fighting Harry Bridges for some time?

A. They have been fighting the Communist Party, because they believe Harry Bridges to be at the bottom of it on the West Coast.

Q. Isn't that the group that has been trying to get the removal of Harry Bridges from his position with the CIO?

A. I have no definite knowledge as to that. I know that they are definitely against Harry Bridges, but I have never heard of any concerted move to get him out of the CIO on their part.

(Testimony of Robert Patrick Wilmot.)

Q. Isn't this the group that was condemned as an anti-labor force by the 1940 and 1941 conventions of the International Longshoremen's and Warehousemen's Union?

Mr. Del Guercio: I object to the question. If the witness knows, your Honor.

Presiding Inspector: Of course, that is so. [1716]

Mr. Grossman: Yes.

A. I believe the longshoremen—Bridges' longshoremen did condemn them, yes.

By Mr. Grossman:

Q. In the 1940 and the 1941 conventions?

A. I am not certain of that. I think they did, yes.

Q. Is this the group that has severed or taken steps to sever its affiliation from the International Woodworkers of America?

A. They have certainly done it since I left Portland, if they have.

Q. Have they taken any steps to sever their affiliation from the International Woodworkers of America?

A. They have asked Philip Murray, the head of the CIO, to do something about their international officers who are Communists, yes.

Q. Have they taken any steps to stop payment of dues to their International Union?

A. They have their own organizing committee at the present time. [1717]

Q. Could you answer this question, please: Have they taken any steps to discontinue, or have they

(Testimony of Robert Patrick Wilmot.)

discontinued these payments of dues to their International Union? A. Per capita tax; yes.

Q. You, yourself, are very hostile to Harry Bridges, are you not? A. I am, indeed.

Q. And you, yourself, are convinced that these policies of Harry Bridges are very bad for the labor movement?

A. I believe Harry Bridges is the greatest enemy the labor movement has.

Q. When was the first time you spoke to any representative of the FBI about giving a statement concerning Harry Bridges, or testifying in this hearing?

A. Well, I believe it was—I am not certain of the date—but I think it was last November.

Q. And what were the circumstances surrounding this meeting?

A. Well, as I recall, I went to the door and there they were, about eleven o'clock one night.

Q. Who was there?

A. A Mr. Coulter and Mr. Robey.

Q. Did you discuss this question with them at that time? A. I did.

Q. How long did the discussion last? [1718]

A. I believe half an hour.

Q. What was the first thing they said to you?

A. They wanted to know if I knew Harry Bridges.

Q. Did they ask what you knew about Harry Bridges? A. Yes.

Q. What did you tell them?

(Testimony of Robert Patrick Wilmot.)

A. I told them substantially what I have testified to here.

Q. What happened at the end of the conversation? A. At the end of it?

Q. Yes. A. They left.

Q. Was any arrangement made as to future meeting?

A. Yes. I was to go up to the Federal Court House and make a statement.

Q. Had they taken notes of the conversation?

A. No.

Q. When were you to go up there?

A. I believe I had some publicity to write and they said I could come up whenever I got through with it. I think that was about three days later.

Q. And you did go up at that time?

A. Yes.

Q. And you did sign a statement at that time?

A. I didn't sign a statement at that time. [1719]

Q. You gave a statement?

A. I gave a statement.

Q. Was any arrangement made about your coming back again? A. No.

Q. Who was present at this meeting, the one at the FBI office?

A. Mr. Coulter, Mr. Robey and a stenographer.

Q. Did you subsequently sign that statement?

A. Subsequently signed it; yes.

Q. When?

A. I think that was about a week later.

Q. Pardon?

(Testimony of Robert Patrick Wilmot.)

A. I believe that was about a week later.

Q. When you signed it did you have any discussion with them?

A. We discussed the Portland weather and that is about all.

Q. Nothing substantial about the case or Mr. Bridges? A. No; not anything in addition.

Q. Does this represent all the conferences you have had with representatives of the FBI on Bridges or the Bridges case?

A. On Bridges and the Bridges case?

Q. Yes. [1720]

A. Yes; that is all the discussion I have had with the exception of here.

Q. Have you ever had any discussion with Captain Keegan on Bridges or the Bridges case?

A. On Captain Keegan?

Q. With Captain Keegan.

Mr. Del Guercio: I object to that as having nothing to do with the issues in this case, as to who he discussed the matter with.

Presiding Inspector: I don't know whether it has or not. I will let him answer.

A. I never discussed the Bridges case with Captain Keegan.

By Mr. Grossman:

Q. Do you know Captain Keegan personally?

A. I have met Captain Keegan once.

Q. Did you ever discuss what you know about Bridges, or what you thought you knew about

(Testimony of Robert Patrick Wilmot.)

Bridges, with Mr. Norene or Mr. Bonham, of the Immigration Service?

A. I have never seen either one.

Q. Have you ever discussed the question of Bridges with Captain O'Dale or Mr. O'Dale, of the Portland Police Department?

A. I never have.

Q. Or with Mr. Brown of the Portland Police Department? [1721] A. No.

Q. Or with Mr. Mumpower, of the Portland Police Department? A. No.

Q. Did you ever discuss what you knew, or thought you knew, about Bridges or the Bridges case with Mr. Foss, of the Portland Longshoremen?

A. I have talked to Ed Foss about it; yes.

Q. When was the last time?

A. I don't think we have said anything about Bridges for a couple of weeks.

Q. How many different discussions have you had with him about Bridges?

A. Foss is a personal friend of mine. When we were talking things over about the labor movement why Bridges usually comes into it.

Q. Did you ever discuss with him whether you should testify against Bridges?

A. No. He asked me whether I was going to testify, but I didn't discuss with him whether I should.

Q. Did you ever discuss with him your possibly testifying against Bridges before the FBI men came to see you? A. No, I did not.

(Testimony of Robert Patrick Wilmot.)

Q. At the time that this meeting you referred to in the Lennox Hotel took place, what was Harry Bridges' position in [1722] the CIO?

A. Well, he was Director.

Q. Pacific Coast Director? A. Yes.

Q. Have you ever given any written statement or affidavit to any other person concerning what you know about Harry Bridges and his possible Communist affiliation? A. I never have.

Q. Do you know a person named H. Wilmot, of Santa Cruz, California? A. I do not.

Q. Have you ever lived in Santa Cruz, California? A. No, sir.

Q. Did you quit your position with the WPA, or was it severed in some other way?

A. The Communists had me kicked out of it.

Q. Isn't it a fact that you were removed from WPA because of habitual drunkenness?

A. It is not true; definitely not true.

Q. Isn't it a fact that the WPA records show you were removed from WPA for habitual drunkenness?

A. The records of WPA show I was suspended for drunkenness, after having worked there for four years.

Q. Isn't it a fact that Harry Bridges, in discussing your work as Editor of Labor New Dealer, said that you would have [1723] to stop drinking so much or you couldn't remain editor of Labor New Dealer?

(Testimony of Robert Patrick Wilmot.)

A. I don't remember Bridges saying that; no.

Q. At the present time do you not have a lawsuit pending against the Labor New Dealer for money you claim is due you? A. I do; yes.

Mr. Grossman: No more questions.

Presiding Inspector: Anything further, Mr. Del Guercio?

Mr. Del Guercio: Yes; a few questions.

Redirect Examination

By Mr. Del Guercio:

Q. Was Brost subsequently removed from office after this meeting that you described?

A. Yes.

Q. Did you hear Harry Bridges say anything about the removal of Brost subsequent to that meeting?

A. After the meeting in the Lennox Hotel?

Q. Yes. A. No, I didn't.

Q. Did Bridges discuss the necessity of removing Brost at that closed meeting in the auditorium?

A. No, no.

Q. Did you ever hear Bridges say in any speech that he made that it was necessary "to let his good friend, Johnny Brost, go?" [1724]

A. I recollect something like that, but I don't remember the date of the occurrence. Yes, by golly, that night at the auditorium he did say that; that it was necessary to let his good friend, Johnny Brost, go.

Q. Brost was subsequently removed?

(Testimony of Robert Patrick Wilmot.)

A. Yes.

Q. How long after the Lenpox Hotel meeting?

A. I asked Brost himself the other day, and he couldn't remember the exact date; so I certainly can't.

Q. Do you have any personal animosity toward Harry Bridges? A. Yes, I have.

Q. What has he done to you?

A. He hasn't done anything to me.

Q. What do you mean by "personal animosity?"

A. Well, I have spent most of my life in the labor movement. I think that I could learn to hate Mr. Bridges on the basis of his last longshore constitution they put over, as far as I am concerned.

Q. Does that in any way affect your testimony that you have given here? A. No, sir.

Q. Have you told the truth as to what occurred?

A. I have as far as I have been able; yes.

Q. Have you distorted anything? [1725]

A. I don't believe so; no.

Q. Would your animosity toward Bridges affect your testimony?

A. No, sir, I don't believe so.

Q. Do you know whether it would or not?

A. I know it would not. I wouldn't testify to anything that I didn't think was so just because I dislike the man.

Q. Has he ever done anything personally to you? A. No; definitely not.

Q. Have you ever done anything to him?

A. No.

(Testimony of Robert Patrick Wilmot.)

Q. What is the basis of this animosity?

A. Well, as I recall, when I came out from Minnesota I thought Harry Bridges was a great labor leader, and that was one of the reasons why I wanted to come to the Coast. After I saw Mr. Bridges in action I began to doubt him; but I still thought I would go down the line as far as I could. I thought perhaps he might be right and I might be wrong. Gradually, because of the things I saw happening in the CIO, and good men who just wanted to work messed up with all this Communistic stuff, and everything, I began to think that they would be better off if there had never been a Bridges, as far as the labor movement was concerned. I saw what happened to my friend, Ed Foss, a longshoreman, and to Jimmy Brost. And I have seen such things going on and on, and I came to believe [1726] absolutely that there was no democracy about this man, Bridges, and he was just another dictator; and I don't believe there is a place in this country for dictators.

Q. You just don't like him, is that it?

A. Yes, sir.

Q. You say that doesn't affect your testimony in any way? A. No, sir.

Q. What you have told is the truth—I will repeat that again. A. Yes, sir.

Q. Now, I believe that you mentioned the April 28th issue of the paper. As a matter of fact, isn't it the April 22nd issue?

A. I haven't seen one of those until you

(Testimony of Robert Patrick Wilmot.)

handed it to me here yesterday. I was under the impression that was April 28th.

Q. The impression I have may be wrong, but I think you stated it was April 28th.

Presiding Inspector: I think he said April 28th. Didn't you say that?

The Witness: Yes.

By Mr. Del Guercio:

Q. This article (indicating) appears in the issue of Friday, April 22nd.

A. I haven't seen one of those since I left there, [1727] until yesterday when you showed it to me. I saw the date wrong, I guess.

Q. And I also note that this statement from Clayton Van Lydegraf appears on page 4 of this issue. Is that the statement that you have been testifying about?

A. (Examining statement) Yes; that is the statement.

Q. Have you been promised anything by anybody, any person, group, for appearing here to testify?

A. No, sir. I think I lost my job by coming down here, is what I think.

Q. Has any Government Agent offered you any reward for appearing here to testify?

A. No, sir.

Presiding Inspector: Do you want to ask anything further?

(Testimony of Robert Patrick Wilmot.)

By Mr. Grossman:

Q. Are you a member of the American Newspaper Guild? A. I am not.

Mr. Del Guercio: I have other questions.

Mr. Grossman: Excuse me.

Presiding Inspector: I thought you had finished.

By Mr. Del Guercio:

Q. Mr. Wilmot, can you fix the date you joined the Communist Party?

A. No, I really can't. I believe it was in January or February, 1936. [1728]

Q. In any event, you are certain it was before you obtained this position on the Labor New Dealer?

A. Yes; because I never would have gotten it otherwise.

Mr. Del Guercio: That is all.

Presiding Inspector: Anything further?

Mr. Grossman: Yes.

Recross Examination

By Mr. Grossman:

Q. Were you a member of the American Newspaper Guild at any time the last year?

A. No.

Q. Are you a member of any union now?

A. Yes.

Q. Which one?

A. Shipyard Workers, CIO.

Q. When did you become a member of that union? A. About three weeks ago.

(Testimony of Robert Patrick Wilmot.)

Q. Are you working in the industry.

A. No.

Mr. Grossman: That is all.

Presiding Inspector: Anything further, Mr. Del Guercio?

Mr. Del Guercio: No.

Mr. Grossman: One more question, if I may.

Presiding Inspector: Yes.

By Mr. Grossman: [1729]

Q. Is Ed Foss Secretary of that Union?

A. He is temporary Secretary, I believe. I don't know whether they elected any regular officers or not; I don't believe they have.

Mr. Grossman: That is all.

Presiding Inspector: That is all.

Mr. Del Guercio: May the witness be excused?

Presiding Inspector: Yes; certainly.

(Witness excused.)

Presiding Inspector: We will take a short recess.

(Whereupon a short recess was taken.)

Presiding Inspector: All right, Mr. Del Guercio.

Mr. Del Guercio: I will call the next witness.

Presiding Inspector: Very well.

Mr. Del Guercio: This witness is a little hard of hearing, if your Honor please.

Presiding Inspector: Can you hear me?

Mr. St. Clair (Witness): Yes—but louder.

Presiding Inspector: Stand and raise your right hand.

Supreme Court of the United States

OCTOBER TERM, 1944

No. 733

[redacted] DESIDERIO, PETITIONER,

vs.

I. F. WILLOUGHBY, AS DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE.

ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT

PETITION FOR CERTIORARI FILED DECEMBER 27, 1944.

CERTIORARI GRANTED JANUARY 29, 1945.

No. 10450

United States
Circuit Court of Appeals
For the Ninth Circuit.

HARRY BRIDGES,

Appellant,

vs.

I. F. WIXON, as District Director, Immigration and Naturalization Service, Department of Justice,

Appellee.

Transcript of Record

VOLUME VI

Pages 2401 to 2882

Upon Appeal from the District Court of the United States for the Northern District of California, Northern Division

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Rotary Colorprint, 390 Folsom St., San Francisco

RICHARD A. ST. CLAIR

called as a witness on behalf of the Government, having been first duly sworn, testified as follows:

Presiding Inspector: Your name and address?

The Witness: Richard A. St. Clair—S-t. C-l-a-i-r.

Presiding Inspector: Your address? [1730]

The Witness: I haven't my glasses. Here it is.

(A paper with the address "13812 Budlong Street, Garden, California," was handed to the reporter.)

Direct Examination

By Mr. Del Guercio:

Q. Speak a little louder, please.

A. I can understand you.

Q. Will you speak out loud, please, so everybody can understand you—louder than you have been speaking.

A. I can hear what you are saying now.

Q. Will you speak louder?

A. I will; yes.

Q. Louder than you are now?

A. Yes, sir.

Q. So everybody can hear you?

A. All right.

Presiding Inspector: Shout so the man down there (indicating) will hear you.

The Witness: All right.

By Mr. Del Guercio:

Q. What is your name?

A. Richard A. St. Clair.

Q. Where do you live?

(Testimony of Richard A. St. Clair.)

A. Los Angeles.

Q. What is your occupation now? [1731]

A. General laborer.

Q. Who do you work for?

A. For Mr. Kerr.

Q. K-e-r-r?

A. K-e-r-r, I believe it is. That is the name on this (indicating).

Q. How old are you?

A. 51 the 29th day of April.

Q. Where were you born?

A. 1890, in Kansas City, Kansas.

Q. And have you ever been a member of the Communist Party? A. I have.

Q. Where did you join the Communist Party?

A. I joined the Communist Party in the city of San Francisco in 1934, March.

Q. Did anyone ask you to join?

A. Yes, sir.

Q. Who?

A. A man by the name of Lawrence, a member of the Party.

Q. Lawrence?

A. That is his first name. I don't recall his last name.

Q. What did he say when he asked you to join the Communist Party?

A. Well, at that time I had been unemployed, out of work, [1732] and the Workers Ex-Service Men's League had a vacant lot down on Howard Street, between Third and Fourth Streets, and the

(Testimony of Richard A. St. Clair)

Communist Party had control of this lot. I used to attend meetings there every day, mass meetings of the Communist Party, that the Communist Party conducted, and the Workers Ex-Service Men's League, and it was at that lot where I was approached and asked to join the Communist Party. I did by filling out the application blank presented to me. That was about the middle of February of 1934. It was about three or four weeks later that I was called, notified to come to the Communist Party headquarters at 37 Grove Street.

Q. Under what name did you join the Communist Party?

A. I first joined the Communist Party under my true name, Richard A. St. Clair.

Q. Did you ever use any other name while a member of the Communist Party?

A. Yes. I once dropped out of the Communist Party and I was requested to rejoin the Communist Party a second time by Elmer Hanoff, and another Party member by the name of Voicht.

Q. When was that?

A. That was in 1935, about three months after I had dropped out of the Party the first time.

I did not immediately rejoin the Communist Party until about the middle of 1935 [1733]

I had taken part in aiding the Communist Party on the waterfront in the 1934 longshore strike.

Q. Wait a minute. When you first joined the Communist Party that was in 1934?

(Testimony of Richard A. St. Clair.)

A. When I first joined the Communist Party; yes, sir.

Q. What did you do, if you did anything, for the Communist Party?

A. Well, I spoke at the Howard Street lot, between Third and Fourth Streets, agitating among the workers to give their moral and undivided support in behalf of the ILA longshoremen who were out on strike at that time. We took up collections for them.

I also went down to the picket line, aided the longshoremen, and spoke at Pier 48. At that time they had a big mass demonstration there. Henry Schmidt and John Shoemaker were there, and they spoke, and at the conclusion of their speaking I spoke to the longshoremen.

At that time I was on picket duty, assigned to the job by Harry Stroud, who was chief Captain of pickets for the old Marine Workers Industrial Union.

Q. Was he a member of the Communist Party too?

A. He was a member of the Communist Party too.

Q. How do you spell his name?

A. S-t-r-o-u-d.

Q. You mentioned Henry Schmidt. Was he a member of the [1734] Communist Party?

A. Henry Schmidt is a member of the Communist Party; yes.

(Testimony of Richard A. St. Clair.)

Q. You say when you joined the Communist Party you went to 37 Grove Street?

A. I did.

Q. Did you ever work at 37 Grove Street for the Communist Party?

A. Yes. I worked at 37 Grove Street for the Communist Party as a guard of their headquarters there.

Q. Who gave you a job as guard at 37 Grove Street?

A. Well, the Party had received information that soon there were going to be raids staged on the Communist Party. A member of the Communist Party Control Board by the name of Ed Harris, who was President of the A. F. of L. Machinists' Union, he was assigned the task to go around and visit all of the Communist Party Units on that particular Thursday night. We all had to take our papers, and everything out of our pockets, and lay them on the desk for Ed Harris to examine those papers, to see if we had the names or addresses of any of our party members, or anybody else, and he warned us not to carry the names of anybody around, or the addresses, because there soon was to be some raids staged against the Communists.

We followed those instructions.

Q. Now, how long did you work as guard at 37 Grove [1735] Street?

A. I was at 37 Grove Street for about three or four months as a guard.

(Testimony of Richard A. St. Clair.)

Q. Were there any other guards employed?

A. Yes; there were other guards there. Ed Harris instructed the organizer of each unit of the Communist Party in the City of San Francisco, for the membership to select one member from each unit to be sent up to the Communist Party headquarters at 37 Grove Street to act as a guard to protect their property against any raids that they expected to be staged at that time.

Q. How many such guards were there?

A. Well, they could only muster about four or five guards. The members of the Communist Party in the city were afraid to volunteer for guard service at Party headquarters and they had to depend upon the membership of the Marine Workers Industrial Union to send its members up there for patrol and guard duty. There were at least about 15 to 19 members of the Marine Workers Industrial Union that came up there to act as guards. [1736]

Q. That 37 Grove Street, that was the Communist party headquarters, was it not?

A. That was the Communist Party headquarters at that time; yes sir.

Q. Now, were you given any guns?

A. Yes, we were supplied with guns. But first we had no guns and had to depend on base ball bats, which was supplied by the Communist Party.

Q. Who gave you the guns?

A. Just a minute! I am arriving at that now. And we members in front of that place were not

(Testimony of Richard A. St. Clair.)

satisfied with the use of base ball bats, and I went to Sam Darcy and insisted that we be provided with guns. Sam Darcy did not have the money in his pocket at that time. He went to Jeff Goodman, who was book agent for the Communist Party, on the lower floor of 37 Grove Street and Sam Darcy says "How much will a gun cost?" I told him I thought it cost somewhere around $12.00. He said, "Jeff, let this fellow have $12.00 to get a gun with." So Jeff Goodman gave Sam Darcy $12.00. Sam Darcy hands the money to me and Bill Green was standing right there, and I asked Bill if he would accompany me down to the pawn shop to get the gun. He said "Yes". So he accompanied me down to the pawn shop and I selected the gun, which the salesman asked $12.50 for at that time. But I only had the $12.00. He says, "Well, I will let you have it for the $12.00."

[1737]

Q. What kind of a gun was that that you got?

A. 12-gauge automatic.

Q. Under what name did you buy it?

A. I bought that gun in the late part of 1934 at 77 Third Street.

Q. What name?

A. Richard S. St. Clair, but gave a false address.

Q. You gave a false address?

A. A false address, yes, sir.

Q. Who told you to give a false address?

A. Well, at the time I signed my name to that

(Testimony of Richard A. St. Clair.)

slip of paper there I come nearer putting down 37 Grove Street, but upon second thought I had better not. So I told to Bill Greene, I said, "Bill, what is that address where we left?" I though he might have supplied the address. "Well," the salesman said, "put down anything. It don't make any difference." So I put down a false address.

Q. Now, how long were you employed as a guard at 37 Grove Street?

A. Oh, about two or three months.

Q. Were you given any salary?

A. Given ten cents a day, and I took that ten cents to buy my breakfast with.

Q. Did you have any other employment during that time?

A. None. I had no employment at that time.

[1738].

Q. How were you able to live, exist on ten cents a day?

A. Well, at that time the City and County of San Francisco had a soup kitchen established on Ritch Street, and we would go down there at four o'clock in the evening—in the afternoon to get a lunch. But if we stayed at the shelter supplied by the City and County of San Francisco, we had beds there. But because of my being on duty at the Communist Party headquarters at night time I did not use that bed. But I know that that bed was kept vacant during my absence, and when I returned I re-occupied my same bed again.

(Testimony of Richard A. St. Clair.)

Q. How many hours a day did you work as guard there at 37 Grove Street for ten cents a day?

A. Well, I put in all night long. I wasn't there in the afternoon, but returned to be there to take over after the office had closed.

Q. Do you remember when the Communist Party moved their headquarters from 37 Grove Street?

A. On or about June the 10th, 1935.

Q. And where did they go?

A. They moved from 37 Grove Street to 121 Haight Street.

Q. And did you go there to 121 Haight Street as a guard also?

A. I was employed by Elmer Hanoff to be a guard there [1739] at the Communist Party headquarters at 121 Haight Street.

Q. And for how long a period did you remain as guard at 121 Haight Street?

A. I was there from June the 10th, the very first that the Communist Party headquarters moved into there, up to about December the 1st; right around about that date.

Q. Did you have any gun there?

A. Yes. We had guns there.

Q. Did you have more than one?

A. We had more than the one that I had first purchased because I was given additional sum of money to go and buy another gun, and I bought a 12-gauge automatic, free shot, and this gun I

purchased at a small sporting goods shop at Market and Gough Street near the corner. And I signed my name, a Party name of Burt Barrett. When I rejoined the Communist Party again the second time I went in under the name of "Burt Barrett".

Q. Who gave you the money to buy the second gun?

A. I went to Elmer Hanoff and insisted on having money to get another gun, and Elmer Hanoff instructed Catherine McKee to give me the money. And she gave me $9.00 and I went down to this sporting goods shop and bought the gun.

Q. Do you know Harry Bridges.

A. Yes. I do know Harry Bridges. He is siting in the chair right there (indicating).

Q. Is that him over there? [1740]

A. That's Harry Bridges, right there (indicating).

Q. Did you ever see him——

Presiding Inspector (interposing): You haven't any doubt about that, have you?

The Witness: What is that?

Presiding Inspector: You haven't any doubt about that?

The Witness: Oh, none at all. No sir. None at all.

By Mr. Del Guercio:

Q. Did you ever see him at 121 Haight Street?

A. Oh, yes. I have saw Harry Bridges at 121 Haight Street.

Q. How many times? A. Several times.

(Testimony of Richard A. St. Clair.)

Q. On what occasion did you see him the first time? That is, when was that, about?

A. Well, the first time Harry Bridges came there he appeared by himself, the first time.

Q. Were you acting as guard then?

A. I was.

Q. Did he come to you?

A. He didn't come to me, no. He knows his ropes.

Q. He knows his what?

A. He knows the ropes. He didn't have to come to me.

Q. Did you let him in?

A. I didn't have to let him in. The doors is open to [1741] the public to go into the building.

Q. Do you know where he went?

A. He went to Schneidermann's office, Elmer Hanoff's office.

Q. Did you see him go up there?

A. I didn't see him go up there. I saw him after he was in the building.

Q. Do you know where Schneidermann's office is? A. I do.

Q. Where is it in that building?

A. I had access to every office in the building.

A. Do you know where Elmer Hanoff's office was? A. Yes, sir; I do.

Q. Did anybody but Communists occupy offices in that building?

A. They are all known Communists that occupy offices in that building and known to the public as Communists.

(Testimony of Richard A. St. Clair.)

Q. When did he come there the next time?

A. Well, I couldn't give you the exact date because I want to explain it to you: That I had a confidential position and I knew that it was unsafe for me to carry names, addresses or anything around my person or in my possession there at Communist Party headquarters because my suit case and clothes had been rifled several times, and I knew then that some of the Communists executives were searching my effects to see if I possessed any information concerning any of the mem- [1742] bers or any of the activities of the Party. For that reason I could not keep dates there or persons at the Communist Party headquarters or anybody else, but I memorized it.

Q. Did any official of the Communist Party, Elmer Hanoff or Sam Darcy or Elaine Black or anyone else give you any instructions about Harry Bridges?

A. Well, I will tell you. At one particular time in May of 1936 Harry Bridges, Henry Schmidt and John Schomacker arrived at the Communist Party headquarters at 121 Haight Street. By the time of their arrival I was downstairs doing some work in the basement, but I left my work to make my rounds of the Communist Party headquarters, which was my duty to see if there was any strangers or anybody around in the building. And in performing my services there I went into the top floor on the third floor and I observed Harry Bridges, Henry Schmidt and John Schomacker of

(Testimony of Richard A. St. Clair.)

the International Longshoremen's and Warehousemen's Union sitting at a table and Elmer Hanoff, Schneidermann, Walter Lambert and Lawrence Ross were all sitting down at a table with papers before them holding a conference.

Q. Did you hear anything that was said?

A. Wait a minute! No. I did not hear anything that was said. After I recognized them I went back downstairs. And then after Harry Bridges—they had been there about two hours or two hours and a half, and after Harry Bridges then [1743] had left, after the meeting was over, I was downstairs at the foot of the stairway there, sitting in the chair for the purpose of keeping anyone from going upstairs to observe Harry Bridges, Henry Schmidt and John Schomacker. After the meeting was over they came downstairs from the top floor. Harry Bridges goes into the office of *Henry* Schneidermann; Henry Schmidt, John Schomacker goes into the office of Hanoff, and they were in there just about two or three minutes. Harry Bridges come out first and went on out of the building, to be followed a moment later by Henry Schmidt and a moment later by Schomacker, and after they had left I objected to Hanoff about Harry Bridges' *presents* at Communist Party headquarters.

Q. By "presents" you mean "presence"?

A. Yes. He said, "What's the matter?" I said, "Remember, Hanoff, there are about two guards there at this building," and I said, "Harry

(Testimony of Richard A. St. Clair.)

Bridges has time and again denied that he was a Communist," and I said, "If seeing eyes observed Harry Bridges, Henry Schmidt and Schomacker at this building and it becomes known to the public," I says, "There may be a raid on this building here and we two boys would get our heads busted open".

Hanoff says, "Bridges is all right. Bridges is all right. He is one of us."

I says "Do you mean by that that Harry Bridges is a [1744] Party member?", He says "Yes". He says "Keep your mouth shut". He says, "Don't say anything to no one about this".

I said, "Hell, no! I won't, Hanoff". I said "We should be proud to have a fellow like Harry Bridges in the Party."

Then I went on with my work and Hanoff went on in his office.

Q. You spoke about another guard. Who was the other guard?

A. The other guard was Gus Wilkie.

Q. Gus Wilkie?

A. Yes. I hope I am making it plain to everybody in this building, so there will not be any misunderstanding.

Q. Did you ever see Bridges at 121 Haight Street any other time?

A. Yes. He came there at the Communist Party headquarters. A mass meeting was going on there. It was open to the public. It was some kind of affair where they served meals and lunches. Harry Bridges come in there about ten o'clock at

(Testimony of Richard A. St. Clair.)

night and I was on duty at the door. I realized that Harry Bridges was coming into a place jammed with people, so I stopped him at the door. I said, "Harry, do you want to see somebody here? Walter Lambert?" He said, "Yes, I want to see Walter Lambert".

I said, "Wait until I get Lambert".

So Harry Bridges waited at the main doorway, the entrance to the auditorium. So I retired to the dining room [1745] and made contact with Walter Lambert. I said "Lambert, Harry Bridges is out there and wants to see you". Lambert come out right away to meet Harry Bridges. But I remained in the dining room and Walter Lambert returned to where I was at in the dining room, and he said "Let us upstairs, will you?"

So I went with Walter Lambert and opened the door. I let Harry Bridges and Walter Lambert go upstairs to the office. How long they had been up there I don't know, because when I started out to make my rounds at 11:00 o'clock at night upstairs the front door bars were all down, the door was open and anybody could walk in. The place was unguarded up there because both of us guards were down on the main auditorium.

Q. When was that?

A. That was in 1936.

Q. Do you remember the month?

A. I believe it was right around at about—I think it was sometime in March, I believe. I can't give exact dates.

(Testimony of Richard A. St. Clair.)

Q. Did you see him there any other time?

A. Oh, he has been there four or five times to my knowledge, but I paid no attention to him. He has been there five times that I know of, but I paid no attention to him.

Q. Had you been given any instructions about keeping anybody from that place, 121 Haight Street?

A. I was given instructions there to observe the faces of any people coming into that building there, and if I knew [1746] them to be strangers and they were nosing around, to inquire of their purpose there. If they were looking for someone in the office there it would be my place to direct them to the office. But after the building was closed, that was another thing. Anybody who attempted to force their way in there, we were to use firearms.

Q. After the building was closed could anybody but a Communist get into that place?

A. Nobody but a Communist could get into that place after the building was closed, and if we knew them to be a member of the Communist Party we would open the door and find out what their admission was.

Q. Did Harry Bridges ever try to get in there after the building was closed? A. No.

Q. What? A. No.

Q. Did you ever see him come in there?

A. Oh, I haven't seen him come in there, but I have seen him after he has been in the building.

(Testimony of Richard A. St. Clair.)

Q. But you never saw him come in there after the building was closed?

A. No, except this one time that Harry Bridges called there that night, this Party affair. The main building was closed to the public, but the auditorium was the only part of the building that was open to the public except that I had to open the door to let Harry Bridges and Walter Lambert go up- [1747] stairs to his office. And that's the only time I ever saw Harry Bridges in the main part of the building after it was closed.

Q. There was nothing going on there at that time, was there?

A. Not at that time there was. He come to see him, but the following day Walter Lambert never showed up and he was absent from the place for about two weeks. The next morning after Harry Bridges called here, they were having some trouble on the San Pedro waterfront. I imagine that was where Harry Bridges and Walter Lambert went to.

Q. We don't want to know about that now. Did you ever see Bridges there at other times than the occasions you mentioned?

A. Oh, he could have been there several times without my knowledge. Yes, he could have, because there was other work to carry on in the building. That was a large building.

Q. How much were you getting at 121 Haight Street?

A. At 121 Haight Street I received the grand

(Testimony of Richard A. St. Clair.)

sum of $5.00 a week, and compelled to pay all my own expenses out of that money: laundry, food and everything.

Q. Were you doing any other kind of work?

A. Anything to be done around there; cleaning up the building. [1748]

Q. No. I mean, anywhere else? Did you have any other income at that time?

A. No. No other income coming at that time. No, sir.

Q. Have you ever been arrested, Mr. St. Clair?

A. Oh, yes. I have been arrested for helping that boy there to carry on that labor movement, yes.

Q. How many times have you been arrested?

A. Well, I was arrested during the 1934 raids and I believe I spent something like 42 days in jail, and was one of those on that hunger strike. And I was also arrested again at the City Auditorium at the time of the American Federation of Labor holding their convention here in 1934. I was assigned the special job by Sam Darcy himself to distribute Communist labor leaflets to the delegates to the A. F. of L. Convention, and I was arrested at that time.

Q. Have you ever been a member of the Marine Workers Industrial Union?

A. I never have, no. But I have carried the buttons, been supplied with buttons bearing the Marine Workers Industrial Union.

Q. Who supplied them?

A. This here Harry Stroud.

(Testimony of Richard A. St. Clair.)

Q. Who is he? Is he a Communist Party member?

A. He is a member of the Communist Party. I spoke of him earlier at the beginning of the hearing. He is a member of the Communist Party and he supplied me with those Marine [1749] Worker's Industrial Union buttons to give me authority to go on the picket lines.

Q. All of these arrests, which you mentioned, were they in connection with Communist Party demonstrations?

A. Yes. These arrests were connected with the Communist Party demonstrations.

Q. Have you ever been convicted of any crime?

A. Not while I was a member of the Communist Party.

Q. At any time?

A. At any other time? I have been convicted of a crime.

Q. What? A. At Lakeport County.

Q. For what?

A. Well, at that time I had been employed some time in June. The old ILA under the leadership of Harry Bridges had purchased a camp up at Lower Lake, California, at Lakeport County and this camp was supposed to belong to the ILA. But, in fact, Communists run that camp there and I was recommended as a caretaker of that camp by a member of the Communist Party by the name of B. F. Rosenfeld. And we were engaged by a one Gus Brown. That is, that was supposed to be his

(Testimony of Richard A. St. Clair.)

name, but I doubt if it is his true name. Gus Brown.

Q. What were you arrested for?

A. At that time I just returned from burying my mother [1750] at Kansas City, Kansas and was re-assigned to the camp again in 1937. And we was arrested up there for being drunk, and there was some shooting down there that night and I called to the Sheriff in order to have a man arrested there who had a rifle in the rear end of my car, and he threatened to use it on Gus Wilkie. I called the Sheriff, but the Sheriff went to work and arrested all of us. I received 75 days.

Q. On what charge, do you know?

A. Disturbing the peace.

Q. Have you ever been arrested at any other time? A. I have been arrested for drunk.

Q. Have you ever been on relief?

A. I have been on relief; yes, sir.

Q. How many times and when?

A. I have been on relief off and on several times. Here in San Francisco when I wasn't on relief, why, I would be working at the Communist Party headquarters or I would be working on the WPA or the PWA.

Q. I believe I asked you this, Mr. St. Clair. How long did you work as a guard at 121 Haight Street?

A. I put in about a year and a half there all told.

Q. You started there when? A. What?

(Testimony of Richard A. St. Clair.)

Q. You started working there as a guard when?

A. When the Communist Party first moved into the head- [1751] quarters there. I believe it was sometime in June.

Q. What year? A. 1935.

Q. And you stayed there, you say, about a year and a half?

A. About a year and a half all told I was there at the Communist Party headquarters.

Q. Until about 1936?

A. Yes. I was there in 1936, yes.

Q. Until the end of the year in 1936?

A. Yes.

Q. When did you quit?

A. I quit in the late part of June. Yes, I quit in the late part of June.

Q. '36 or '37? A. '36.

Mr. Del Guercio: '36. You may cross examine.

Presiding Inspector: You have the witness:

Cross Examination

By Mr. Gladstein:

Q. Mr. St. Clair, can you hear me?

A. Yes, sir.

Q. Can you hear me now? A. Yes, sir.

Q. You have a pretty good memory, haven't you? [1752] A. How is that?

Q. You have a pretty good memory?

A. Pretty good.

Q. Pretty good for dates, too?

A. Well, not for dates; not up there at that place.

(Testimony of Richard A. St. Clair.)

Q. Good for faces?

A. Not altogether, because I couldn't keep the dates and I regret I can't supply them.

Q. You put the dates in your mind?

A. I couldn't keep the dates in my mind, but close enough to it to know as well as to know these men and what happened and what took place there.

Q. Now, you say you saw Harry Bridges up there only five times?

A. I have saw Harry Bridges four or five times.

Q. Could it be more than that?

A. It could have been more than that, yes, because I would be busy in other parts of the building.

Q. Could it be you saw him there maybe ten times?

A. Oh, I couldn't say I saw him there ten times.

Q. You couldn't say it?

A. No. Four or five times I said.

Q. When was the first time?

A. Well, the first time was 1935; in the late fall of 1935.

Q. Well, when is "the late fall?" What month would [1753] you say?

A. Well, I would say somewheres along about September; the late part of September, yes.

Q. Is there anything that happened at that time that helps you say September? Can you remember something that makes you able to say September?

A. Well, because of the strike troubles that hap-

(Testimony of Richard A. St. Clair.)

pened there on the waterfront, and it was my impression that Harry Bridges was up there at that time to get some information and instructions.

Q. That is in September of 1935? A. Yes.

Q. All right. Now, that is the first time you saw him? A. That was the first time.

Q. Do you remember what time of day it was?

A. What time of day? Oh, no.

Q. Can you tell we whether it was in the morning or in the afternoon at night?

A. In the afternoon.

Q. In the afternoon?

A. But I can't tell you what time, just what time it was.

Q. In the middle of the afternoon?

A. It was some time in the afternoon.

Q. Do you remember whether it was a week day or a Sunday? [1754]

A. It was a week day, not a Sunday.

Q. You didn't work there on Sunday?

A. Oh, yes.

Q. Oh, you did?

A. Twenty-four hours a day. I lived there and slept there.

Q. Every day of the week?

A. Every day of the week I was there; yes, sir.

Q. All right. Well, where did you see him on that occasion? Where was he when you saw him?

A. Coming out of Hanoff's office.

Q. And where was that office?

A. Hanoff's, you come up the second floor, third

(Testimony of Richard A. St. Clair.)

door from the right as you get to the top of the stairway and then turn into Catherine McKee's office and then into Hanoff's.

Q. What were you doing there at the time?

A. I was a guard.

Q. You were acting as a guard?

A. "Acting"? I was not "acting" as a guard. I was a guard.

Q. You were the guard. Were your duties to be a guard twenty-four hours of the day and night?

A. Any and all hours of the day that it required it.

Q. Well, were your instructions to be a guard all through the day and the night? [1755]

A. Yes, sir.

Q. Did you have any other duties?

A. Any other duties that was necessary to be done around there; janitor work, and I cleaned up their offices and the auditorium. And there was some more information. I was to go and help to build and reinforce the building, the doors and windows for protection against raids.

Q. Then you were a janitor also as well as a guard? A. Oh, everything.

Q. Did you have a regular routine? Do you understand what I mean?

A. No, we didn't have it, a regular routine. No, we didn't.

Q. You didn't do regular things at certain hours of the day? A. No.

(Testimony of Richard A. St. Clair.)

Q. How often would you clean up the offices?

A. Every evening; sometimes I did not finish in the evening. I would do it in the morning.

Q. Anything else you would do there besides guard and janitor?

A. Yes. I would be sent out on missions for the Party.

Q. I see. How often would you be sent out?

A. Whenever it was necessary. I was sent out four or five times. [1756]

Q. Four or five times what? Every day or every week? A. Every day; week days.

Q. Every day? A. Yes, sir.

Q. All right. Now, at the first time that you saw Mr. Bridges was there anyone else there?

A. No, he was by himself at that time.

Q. He was alone?

A. At this time that I am speaking of that I first saw him there.

Q. Did you say something to him? A. No.

Q. Did he talk to you?

A. No, he didn't talk to me.

Q. No words at all? A. No words at all.

Q. All right. Where did he go?

A. Hanoff's office.

Q. He went into Hanoff's office?

A. Yes, sir. That's where he come from. I didn't see him go in. I saw him coming out.

Q. You saw him coming out?

A. That is right.

Q. Where did he go when he came out?

A. I saw him leave the building. [1757]

(Testimony of Richard A. St. Clair.)

Q. You saw him leave the building?

A. I saw him leave the building.

Q. Downstairs? A. Downstairs.

Q. Were the doors of that building open?

A. Open to the public.

Q. Anybody could walk in and out?

A. Anybody could walk in and out.

Q. Was there a sign on the outside of the building?

A. Yes. There was a sign there, but I don't believe there was any—no, there was no letters on it at that time.

Q. What was on the sign?

A. It was a sign on there that was there when they bought the building.

Q. I mean, at the time that you saw Harry Bridges there in September of 1935—that's the time I want to talk about—did they have a sign in front of the building then?

A. Wait just a moment! Well, I'll tell you. I can't say that they had a sign up there at that particular date because they have had several signs on the front and I have aided in putting them up.

Q. What kind of signs did you aid in putting up there?

A. Well, the signs—one sign was in 1935. I believe they had some kind of a union sign up there during the election campaign. [1758]

Q. Do you remember anything at all about that sign? Did it say what? "Communist Party" or something like that?

(Testimony of Richard A. St. Clair.)

A. No. No "Communist Party" on that sign at the time.

Q. Was there any sign on the building showing it was the Communist Party headquarters?

A. At a later date there was a sign put up on that building showing that it was the Communist Party headquarters and a Party member by the name of Fossey, he is supposed to be one of the charter members of the Communist Party, and he does much sign painting for the Communist Party even while he is on relief, and he was engaged to paint that sign. But he stated that he was too heavy for climbing up that scaffold there to paint that sign, and another Party member painted the sign.

Q. Was that right after the Communist Party went into those headquarters?

A. Oh, no. I guess the Communist Party had been in those headquarters almost a year before that sign was painted.

Q. Were the doors to the building open?

A. The doors to the building were open all hours of the day after beginning at 9:00 o'clock, when it was open to the public. But before that it was not open to the public.

Q. Was there any effort made, Mr. St. Clair, to hide the fact that this was the Communist Party headquarters?

A. No. There was no attempt made to hide the fact. They advertised that. [1759]

Q. They had what?

(Testimony of Richard A. St. Clair.)

A. They advertised that, yes.

Q. All right. That's the first time, September, 1935, that you saw Bridges? A. Yes.

Q. When is the next time?

A. Well, I can't give you exactly.

Q. Not exact. Your best judgment.

A. It was in the spring of 1936 when he was there again.

Q. What month?

A. I will say sometime in March. I will say it was sometime in March.

Q. Where did you see him?

A. I saw him coming down the stairway that particular time, because I had just come up from doing some work in the basement auditorium and I was coming up the steps and Harry Bridges was coming down.

Q. Did you see whose office he came out of?

A. No. I don't know whose office he came out of at that time.

Q. Who was he with?

A. He was by himself.

Q. Did you talk to him? A. No.

Q. Did he talk to you? A. No, sir. [1760]

Q. What did he do?

A. I don't know what he done. He went out of the building.

Q. That was the second time?

A. That was the second time.

Q. When was the next time that you saw him?

A. The next time I saw Harry Bridges there

(Testimony of Richard A. St. Clair.)

was in company with Henry Schmidt and John Schomacker.

Q. When was that?

A. Well, that was sometime in May, the early part of May, I believe, or the middle of May.

Q. Of what year? A. 1936.

Q. Let me go back for just a minute. The first time you saw Bridges, you recognized his face?

A. Oh, sure.

Q. You knew who he was?

A. I knew who he was.

Q. His picture has been in the papers lots, hasn't it?

A. The first time I ever saw Harry Bridges was sometime during the 1934 strike when he was supposed to make his appearance down there to make a report to the longshoremen, but he was late in reporting there and during that absence, why, Dave Fleck got up on the stand down there and began to [1761] speak to the strikers, asking for support from the ILD and financial support and support of lawyers for defending the workers who may be arrested, and that was the first time I ever saw Harry Bridges' face, when he later arrived there then to make an announcement to the longshoremen that they had made no headway there at the proceedings there before the shipowners, and they were just going back and forth.

Q. All right. Now, you say you saw him the third time now. What is the date of that again?

A. The third time is the time in May when he

(Testimony of Richard A. St. Clair.)

was accompanied with Henry Schmidt and John Schomacker.

Q. Where did you see him?

A. I saw him on the top floor, the third floor of the Communist headquarters.

Q. In what part of the third floor?

A. The top floor.

Q. Well, I know, but was it in the office or corridor?

A. No, it was no office at all. It was a place that we had there to rent out to any groups associated with the Communist Party. If they wanted to have any affairs there or any meetings or anything of that kind, why, we would rent those rooms to them. This room that he was in at that time adjoined right on to my kitchen. Now, a section of that room has been taken and closed for a kitchen where I did my cooking.

Q. It was a sort of assembly room? [1762]

A. It was the same as a reception room.

Q. A reception room?

A. Yes. It would be rented for that purpose, and many times the Young Communists would hold meetings there.

Q. Were the doors closed?

A. The doors were closed at that time.

Q. What did you do?

A. I opened the doors because I was making my rounds of the building to see that everything was all right.

Q. Tell us what you did.

(Testimony of Richard A. St. Clair.)

A. I started to walk in there and I observed Harry Bridges, Henry Schmidt and John Schomacker and William Schneidermann, Walter Lambert and Lawrence Ross and Elmer Hanoff all sitting there at the table. So I went out the door.

[1763]

Q. Any others there?

A. There was nobody else upstairs.

Q. Were the doors locked?

A. No. If they were I possessed the keys to unlock them.

Q. Did you unlock any doors? A. No.

Q. How many doors were there to that room?

A. Well, I will tell you. Let me have a piece of paper, please. I will give you a demonstration on that so there won't be a mistake.

(Witness making sketch on piece of paper.)

Q. Are you ready—how many doors were there?

A. All right.

Q. How many doors?

A. Well, there is a large sliding door that takes up 12 foot, and I don't know whether you would call that one or six doors. There were, I would say, about six sections to that door. It slides back and forth. We will call that one piece because it is in one section, but there are about six sections to that door.

Q. That is one big door?

A. Yes. Here is a door, a large double door here. (Indicating on sketch).

Q. That is another large double door. [1764]

(Testimony of Richard A. St. Clair.)

A. Yes. That is a large door. That is where Bridges entered this room (indicating on sketch.) Right here in this corner was a table. Harry Bridges was sitting here. Next to him was Henry Schmidt. Over here was John Schomacker. And sitting at this table was Elmer Hanoff, Schneiderman, Walter Lambert was here, and Lawrence Ross was here.

Q. That is the exact positions?

A. That is the exact positions they were sitting in. You have got it right; yes.

Mr. Del Guercio: Are you going to offer that sketch in evidence?

Mr. Gladstein: We will get to that later.

A. (Continuing) Here is a small door here that leads to the fire escape. That was bolted.

By Mr. Gladstein:

Q. Did you talk to them? A. No.

Q. Did they talk to you?

A. No, no; nothing was said at all.

Q. You took a look at them and you left?

A. That is right.

Q. Now, will you tell me again where they were sitting so we can mark this—you mark it the way you want.

A. All right. This was a round table, now, mind you, [1765] that they were sitting at; a round table. It was in this corner right here.

Q. Who was sitting nearest to the corner?

A. Nearest to the corner was John Schomacker and Lawrence Ross.

(Testimony of Richard A. St. Clair.)

Q. You are sure of that?

A. I am sure of it; positive.

Q. Put them in there.

A. Lawrence Ross right here.

Q. Let's mark that. A. All right.

Mr. Del Guercio: He is marking it.

Mr. Gladstein: It doesn't mean anything unless a man is put there. Do you want to come over and watch this?

Mr. Del Guercio: Yes.

Mr. Gladstein: He is putting a mark on it, but nobody knows what the mark means, "Lawrence Ross."

By Mr. Gladstein:

Q. Where was Ross sitting?

A. Ross was sitting at this table.

Mr. Del Guercio: Put on "R" there.

By Mr. Gladstein:

Q. Is that right?

A. That is right. Right here is where John Schomacker was sitting. [1766]

Q. Which one?

A. Sitting right here on the right.

Q. Here? A. Yes, sir.

Q. Put an "S" there.

A. All right. Here sat Henry Schmidt.

Q. Henry Schmidt? A. Yes, sir.

Q. Put "Sch" there.

A. Yes. Right here was Harry Bridges.

Q. You are sure of that?

(Testimony of Richard A. St. Clair.)

A. I am sure of it; yes, sir.

Q. He was sitting right there?

A. Sitting right here; at this place right here.

Q. Who was he next to?

A. Wait a minute—this was a straight bench that all three of these boys were sitting on. It was up against the wall. It was a round table with a straight bench of about 7 feet long, maybe 8 feet long.

Q. They were all sitting on the bench?

A. Ross was sitting on a short bench at this end. Waiter Lambert, Schneiderman and Hanoff were sitting in chairs.

Q. How many benches were they sitting on?

A. Two benches.

Q. Who was sitting on the one bench? [1767]

A. Lawrence Ross.

Q. All by himself? A. Yes.

Q. And all the others were sitting on the other bench?

A. Not all of the others. Harry Bridges, Henry Schmidt and John Schomacker were sitting on the same bench.

Q. Wait a minute. Listen to me.

A. I am listening.

Q. You say Lawrence Ross was sitting on a bench? A. To himself; yes.

Q. All by himself on that bench? A. Yes.

Q. All right. Then you say that Bridges, Schmidt and Schomacker were sitting on another bench? A. Yes, sir.

(Testimony of Richard A. St. Clair.)

Q. Where were the others sitting?

A. The others were sitting on chairs at the side. Elmer Hanoff was sitting next to Harry Bridges. Isn't that right, Harry?

Presiding Inspector: Just answer the questions.

The Witness: I am speaking the truth here; these are facts.

By Mr. Gladstein:

Q. "H" stands for Hanoff, is that right?

A. Right; right here next to Harry Bridges. Right [1768] here sat Schneiderman.

Q. Schneiderman—we will put "Schn" for him.

A. Right. Here is Walter Lambert.

Q. We will put "L" for Walter Lambert. Put Bridges in there?

A. He is sitting right up here.

Q. Draw a line there and put "B" there.

A. Yes. I will put my glasses on.

Q. Is that right?

A. That is correct: Harry Bridges right here, Schmidt there, Schomacker there, Lawrence Ross here, Walter Lambert here, Schneiderman here, Hanoff here.

Q. Is that exactly the way they were sitting?

A. That is the truth.

Q. Did you take a good look at Bridges?

A. Did I take a look at him? I recognized him because I knew him.

Q. Did you take a good look at him?

A. I didn't take a good look; no.

Q. You recognized him?

(Testimony of Richard A. St. Clair.)

A. I certainly recognized him; that is correct.

Q. Did you notice anything unusual about him?

A. Well, yes, I did. I recognized something unusual about his appearance there.

Q. What was it? [1769]

A. Because of the fact that he has often made denials to the public and to labor as a whole, that he was a Communist and accusing them of dragging out the red herring.

Q. This struck you as unusual?

A. Yes, sir. After they left the building and the meeting, I complained to Elmer Hanoff about Bridges appearing there at the Party headquarters.

Q. At that time you complained to Elmer Hanoff?

A. At that particular time I complained to him; yes.

Q. What did you say to Elmer Hanoff?

A. I said that I objected, and didn't like to have Harry Bridges coming around there to the Party headquarters.

He said, "Why?"

I said, "Because Harry Bridges has too often denied that he is a member of the Party." And I said, "If Bridges is seen coming in and out of here, and that becomes known to the public, there may be a raid here on the place because there are only two of us guards here to protect this property." It was a big building to be protected.

(Testimony of Richard A. St. Clair.)

Elmer Hanoff says, "Bridges is all right; Bridges is all right. He is one of us."

I said to Hanoff, I said, "What do you mean, that Bridges is a Party member?"

He said, "Yes. Keep your mouth shut; keep your mouth shut; say nothing to no one about it."

[1770]

Then I said "Hell, no." I says, "We will be glad to have Harry Bridges as a member of the Party."

Q. Is that what you said?

A. That is what I said at that time; yes.

Q. Now, did you see Bridges leave the building that day?

A. Yes, sir, I saw Harry Bridges leave the building that day.

Q. Where were you when you saw him?

A. I was sitting in a chair down at the head of the stairway on the second floor for the purpose of keeping Party members, or anyone else, from going upstairs and observing Bridges' presence in the building.

Q. In other words, who told you to go down there and guard the door, anybody?

A. Nobody; nobody. I used my head.

Q. You used your own head? A. Yes, sir.

Q. You didn't want anybody to see Bridges in that building? A. No.

Q. Is that right? A. That is right.

Q. How long did you sit there guarding the door?

A. I was there every bit of two hours. I had

(Testimony of Richard A. St. Clair.)

been [1771] sitting down on the steps right there. They had some kind of a pad down on the stairs. It felt cool to me so I went to Catherine McKee's office and got a chair and got out there in front of the stairway and sat on that chair and waited until after the meeting was over. I was there two hours or two hours and a half.

Q. What floor was that?

A. The second floor that I was sitting on; just in front of Catherine McKee's office.

Q. What time of day was it?

A. That was in the afternoon; it was about 2:30 or 3:00 o'clock when Harry Bridges and them came down.

Q. When they came down? A. Yes.

Q. How long had they been upstairs?

A. For two hours, or two hours and a half, as I estimated it. I had begun to get tired occupying the position there, but I decided that I would stay and stick it out.

Q. All right. A. It was my duty.

Q. Yes. When they started coming down did you see them?

A. Oh, yes. I was there at the head of the stairway. That is what I have been telling you.

Q. Tell us what you said? [1772]

A. After the meeting was over Elmer Hanoff was the first down.

Q. You are sure he was the first one down?

A. I know he was because he stopped and pointed me out to the rest of the boys there.

(Testimony of Richard A. St. Clair.)

Q. What did he say?

A. I don't know what he said.

Q. You saw him point you out?

A. Yes; to them.

Q. To the rest of them?

A. To the rest of those. Behind Elmer Hanoff was Harry Bridges, Henry Schmidt, John Schomacker, Schneiderman, Lawrence Ross, Walter Lambert and——

Q. (Interposing): You remember he pointed at you?

A. Yes. I happened to look up because I moved my chair out of the way to give them the right of way to come down. I was looking up and saw Hanoff point me out to them. What he said I don't know.

Q. Then what happened?

A. Then Hanoff goes to his office, and Henry Schmidt and John Schomacker—I mean, Harry Bridges and Schneiderman, goes into his office, and Henry Schmidt and John Schomacker goes into Elmer Hanoff's office. The first one to come out from those two offices was Harry Bridges who came out of Schneiderman's office and he left the building. Then a moment [1773] later Henry Schmidt comes out, and about the same time Schomacker comes out. They left singly, but where they went to or in which direction I don't know.

Q. How long were Bridges, Schomacker and Schmidt in these private offices, do you remember?

(Testimony of Richard A. St. Clair.)

A. Oh, about two minutes; maybe three minutes.

Q. And then who was the first one to come down the stairs? A. Harry Bridges.

Q. He came down all by himself?

A. Out of Schneiderman's office, and went downstairs by himself.

Q. Did he say anything to you? A. No.

Q. Did you say anything to him?

A. No; I had no reason to.

Q. You didn't tell him that he shouldn't be coming in this building? A. No.

Q. You told that to Hanoff?

A. Yes; that is correct.

Q. How soon afterward did you tell that to Hanoff?

A. Right away—just as soon as he was out of the building—I told Hanoff right on the threshold of the door, the entrance to Catherine McKee's office.

[1774]

Q. Your went up to talk to him?

A. You bet I did.

Q. When was the next time you saw Harry Bridges?

A. I saw Harry Bridges again when he came up there one night when we were having a public affair in the auditorium. This was about ten o'clock at night. I was on duty there at the main entrance of that auditorium when Harry Bridges came in. I realized that he was walking into a crowd of people so I stopped him and asked who he wanted, if he wanted to see somebody.

(Testimony of Richard A. St. Clair.)

He said, "Yes; I want to see Walter Lambert."

I told him to wait at the doorway and I would go get Walter Lambert. I went through the crowd and found Walter Lambert and told him Bridges wanted to see him.

Walter Lambert left right away and I remained in the dining room.

Finally, Walter Lambert came back to me and says, "Let Bridges upstairs in the office."

So I went back to where Harry Bridges was at the doorway at the main entrance, and I took a key and unlocked a door there and let Harry Bridges in and told him to go up to the office.

Q. What door did you unlock?

A. I unlocked the side door from the main building down into the auditorium. [1775]

Q. The front doors were open?

A. The front doors to the auditorium were open.

Q. Were people going in and out?

A. Yes, sir.

Q. Bridges came up to those doors?

A. Yes; and started to walk in where the crowd was, but I stopped him.

Q. That is when you told him he should not go in there, is that right?

A. I didn't tell him he shouldn't go in.

Q. You asked whether he wanted to see somebody? A. Correct.

Q. That is the fourth time you saw him?

A. Yes; about the fourth time.

Q. How long was he with Lambert that time?

(Testimony of Richard A. St. Clair.)

A. Well, now, just a moment. I can't say how long he was with Lambert. But about eleven o'clock that night I went upstairs to make my rounds, while the crowd was downstairs, and when I got back on the main floor I observed the doors were opened, not bolted, and the stairway bars were down and the doors were wide open. I thought that was funny that Lambert would do that and not advise me that he had to go out the front doors.

Q. Who went out the front doors?

A. Lambert and Bridges. [1776]

Q. Somebody told you that?

A. Somebody told me that—I know it.

Q. You saw it?

A. I didn't see it, but I know that was the only way they could get out because I locked it.

Q. They walked out together?

A. Yes. Just a moment. While I am on that point let me say this: From the outside of that building, there at the main entrance, nobody can gain access to that building without smashing the doors down. But from the inside you can readily gain access to the street entrance without having to break it down; just uncouple and lift the bars out, That is what they did to get out.

I didn't see Walter Lambert then again for about two weeks. He would come to and go from work, and would leave the front part of the building without coming downstairs, and advising me what he had done. I imagine there must have been some rush about that, that they had to leave quick.

(Testimony of Richard A. St. Clair.)

The following day I did read in the paper where they had some labor trouble on the San Pedro waterfront. At that time Walter Lambert was gone for about two weeks.

Q. When was that? A. That was in 1936.

Q. What part of 1936?

A. I believe it was right around in April, I believe. [1777]

Q. April of 1936?

A. I believe it was.

Q. All right. When was the fifth time you saw Mr. Bridges?

A. I couldn't say anything about the fifth time because I did not keep an actual count of the number of times I have seen Bridges there. But I will say that I have seen Harry Bridges there four or five different times.

Q. Do you remember any other time, except those you have told us about here this morning?

A. That is correct.

Q. Do you remember any others?

A. No, I don't remember any others.

Q. You don't remember——

A. (Interposing): If I did I would make it known it right here.

Q. But you don't remember right now of any others? A. No.

Mr. Gladstein: I suppose we ought to offer this sketch in evidence. We don't have any objection to it.

The Witness: You want to use that again?

(Testimony of Richard A. St. Clair.)

Mr. Gladstein: Do you want to make a change in it?

The Witness: No. If you are going to use it I want to put my initials on it. I distrust you.

Presiding Inspector: Put your initial on it.

[1778]

Mr. Gladstein: We will offer it in evidence.

Presiding Inspector: Mark it as Alien's Exhibit next in order.

(The sketch referred to was received in evidence and marked Alien's Exhibit No. 6.)

Presiding Inspector: We will recess until 2:00 P.M.

(Whereupon, at 12:35 P.M. a recess was taken until 2:00 P.M. of the same day.)

[1779]

After Recess—2:00 O'clock P.M.

Mr. Gladstein: Are you ready, your Honor?

Presiding Inspector: Yes.

RICHARD A. ST. CLAIR

called as a witness on behalf of the Government, having been previously duly sworn, testified further as follows:

Cross Examination
(Resumed)

By Mr. Gladstein:

Q. Mr. St. Clair——

(Testimony of Richard A. St. Clair.)

A. (Interposing) Sir?

Q. Can you hear me now? A. Yes, sir.

Q. You remember the day that you walked into this room and you saw Mr. Bridges, and these other men? A. Yes.

Q. Do you remember that day?

A. I remember all the details in that room; yes.

Q. From what room did you come into it?

A. I came up the stairs there and the first thing I did was to go into that room and I looked around and saw Harry Bridges—

Can you folks back there hear me?

Q. As long as I can hear you and the reporter here that is all that is necessary.

Mr. Del Guercio: I would like to hear you too.

[1780]

Mr. Gladstein: Speak loud so everybody can hear you.

By Mr. Gladstein:

Q. You say you were coming upstairs?

A. I was coming upstairs.

Q. All right.

A. I was coming upstairs to inspect the building to see if everything was all right.

Q. What time of the day was that?

A. That was in the afternoon right around about, oh, I would say one o'clock.

Q. And you say that was in May, May of 1936?

A. 1936; that is correct.

Q. Do you remember what part of May that was,

(Testimony of Richard A. St. Clair.)

the tail end of May, or the beginning of May, or the middle of May—do you remember that?

A. Well, I would say it was right around about the middle of May; I am pretty sure it was because about two or three weeks later after that a high ranking California State official called at the Communist Party headquarters and I thought there was something in the air.

Q. So you would fix it, your best judgment is about the middle of May, 1936?

A. That is correct.

Q. All right. Now, you came up the stairs here and you were going to inspect, is that right? [1781]

A. *Henry* Schomacker and——

Q. (Interposing): No, no. You were going to make some inspection?

A. I was on my rounds making an inspection in the building.

Q. What time was that, now?

A. Right around one o'clock.

Q. In the afternoon?

A. In the afternoon.

Q. And was the building open that day?

A. The building was open to the public that day. That is correct.

Q. All right. And did you go into this room?

A. I entered that room.

Q. What door did you use?

A. I used that first door as you get to the head of the stairway going into that room occupied by Bridges.

(Testimony of Richard A. St. Clair.)

Q. How would you describe that door? Which of the three doors? You remember you said there were three doors. There was a great big one sliding panel. That was one, is that correct?

A. I stated there was a large door consisting of six two by eight panels.

Q. Is that the door?

A. That is a series of doors there.

Q. That is a series of doors? [1782]

A. Yes, sir; panels.

Q. Is that the one you used?

A. No, sir. That one was closed. I used the first door, the nearest to the steps after you got to the top of the landing, and that would be right in front of the stairway.

Q. All right. How do you describe that door? You see, you have mentioned several doors. How would you describe that?

A. At the time that I entered that door, that was a double door unless it has been changed since.

Q. At that time that was a double door?

A. It was a double door.

Q. All right. Now tell us what you did when you went in the room?

A. I opened that door. The doors were closed at that time and I opened the doors and started to go in there, and I just got inside of the door when I noticed something to my left. I looked over there and I recognized Harry Bridges, Henry Schmidt and John Schomacker, Elmer Hanoff, William Schneiderman, Walter Lambert and Law-

(Testimony of Richard A. St. Clair.)

rence Ross sitting at the table. They all had paper out there before them and pencils in their hands. I knew that wasn't necessary for me to carry on my inspection any further, so I went back downstairs and——

Q. (Interposing): Wait just a minute!

Mr. Del Guercio: Let the witness finish.

Mr. Gladstein: I simply want to know what he did while [1783] he was in the room.

By Mr. Gladstein:

Q. You say you went back downstairs. You meant you left the room?

A. I left the room and retreated back down the stairway the same way I came.

Q. By what door did you leave the room? The same door? A. The same door.

Q. In other words, you opened the door and you looked in and you saw these people and you walked out again?

A. I turned around and walked out. That is correct.

Q. Did I say it correct?

A. I say it is correct.

Q. You say you saw Bridges there?

A. Absolutely. I wasn't mistaken. I'd known him as if he was a member of my faimily. I have seen his face so many times.

Q. He didn't have a hat on? A. What?

Q. He didn't have a hat on?

A. I wouldn't say whether he had a hat on or

(Testimony of Richard A. St. Clair.)

had a hat off. I know Elmer Hanoff never had no hat on. I know Schneiderman had no hat on, but I didn't study Bridges and Schmidt to know whether they had their hats on.

Q. Did you see if Bridges had working clothes on? [4784]

A. No. I haven't seen Bridges in working clothes since he became the boss of the waterfront.

Q. You haven't seen him in working clothes?

A. Except on parade days when they were parading up Market Street.

Q. Did you notice him that time?

A. I never noticed him closely.

Q. Did you notice him at all?

A. No. He never had working clothes on there especially that day he was there, because I remember it now. When he came back out of Schneiderman's office when he was coming down the stairway, that is clear to me now.

Q. You remember seeing him then?

A. I saw him then, but he didn't have any working clothes on.

Q. What did he have on?

A. He was dressed up. It might have been a brown suit on, I think he had at one time.

Q. You think it was a brown suit?

A. I believe it was a brown suit at that time, I believe.

Q. Did he have a hat?

A. I didn't pay any attention about that, whether he had a hat on or not now.

(Testimony of Richard A. St. Clair.)

Q. Did you notice anything else about him?

[1785]

A. Not at that particular time.

Q. Did you notice anything else about him when you were in the room?

A. I noticed they were busy engaged there.

Q. No, about Mr. Bridges. Did you notice anything else about Mr. Bridges?

A. Never noticed anything else about him, no.

Q. Did you see Schomacker leave that day?

A. I saw Schomacker leave that day, too.

Q. How was he dressed?

A. Well, he was dressed pretty rough, in his work clothes.

Q. You are sure he was in work clothes?

A. Oh, yes. I am sure of that. He had work clothes on that day.

Q. Did he have a hat?

A. Well, now, I don't know whether he had a hat on or not. Now, I don't know.

Q. You are not sure about that?

A. I wouldn't say that. You are trying to make a picture out of it, or something like that, but I am telling the truth before this Court of what I observed. Whether he had a hat on or not, I don't know.

Presiding Inspector: If you don't remember any of the details, just say so. [1786]

The Witness: All right.

(Testimony of Richard A. St. Clair.)

By Mr. Gladstein:

Q. Mr. St. Clair, did you see Mr. Schmidt leave that day?

A. I saw Mr. Schmidt leave that day, too.

Q. How was he dressed?

A. He was dressed—I don't think he was dressed up with his suit on. I don't think he was. He never had a coat on; I am sure of that.

Q. You are sure he didn't have a coat on?

A. I am sure Henry Schmidt didn't have a coat on.

Q. In other words, he was just wearing a shirt?

A. That is right.

Q. Do you recall the color of the shirt?

A. No.

Q. You don't remember that? A. No.

Q. Well, now, the first time you saw Bridges at 121 Haight Street, do you recall whether he had work clothes on at that time?

A. I wouldn't say whether he had working clothes on at that time or not. I don't recall about that first time, just how he was dressed at that time. But I know Harry Bridges, and I did not think it was absolutely necessary to go to work and give that man the once over, because the Party don't approve of that. [1787]

Q. Don't approve of it?

A. They don't approve of them doing that, giving anybody a searching look, unless you happen to be a stranger there at the Party headquarters, and

(Testimony of Richard A. St. Clair.)

then you observe them, and inquire what they want, and what their business is there.

Q. Did you ever see Harry Bridges at 37 Grove Street? A. No.

Q. Never did?

A. No. I saw one other longshoreman there, a leader.

Q. I am asking about Mr. Bridges.

Mr. Del Guercio: Just a minute. What was the answer?

Presiding Inspector: He said he saw another longshoreman there, a leader.

By Mr. Gladstein:

Q. You didn't see Mr. Bridges there?

A. Not at 37 Grove Street.

Presiding Inspector: I think that has been answered twice now.

By Mr. Gladstein:

Q. Now, you mentioned another janitor who was working there today.

Mr. Del Guercio: He didn't.

A. There was another man working there.

Mr. Del Guercio: Not a janitor. He mentioned a guard.

The Witness: That is correct. [1788]

By Mr. Gladstein:

Q. Did he do janitor service?

A. No, he did other work around there. I did the janitor service.

Q. What is the other man's name?

(Testimony of Richard A. St. Clair.)

A. Gus Wilkie.

Q. How do you spell that?

A. Well, I don't know—W-i-l-c-k-i-e, I believe it is, or W-i-l-e-k-e—I don't know.

Q. Did the two of you work there about the same time?

A. Yes; both worked there at the same time.

Q. You began there at the same time?

A. Began at the same time.

Q. Who left first, you or him?

A. I was—who left first?

Q. Who left first? A. I left first.

Q. When did you leave?

A. I left there about the early part of December, I believe.

Q. What year?

A. 1935; and returned again some time in January, about the latter part of January.

Q. The next month?

A. December—January. [1789]

Q. You were away for a month or two?

A. I was away for four or five weeks when they insisted that I return.

Q. When you came back, how long did you stay there after that?

A. I stayed there until the latter part of June.

Q. What year? A. 1936.

Q. Then you left?

A. I left; went to the WPA.

Q. You did not go back to work at 121 Haight Street after that? A. Not after that I never.

(Testimony of Richard A. St. Clair.)

Q. And was Wilkie working at 121 Haight Street when you left that place for good?

A. The first time?

Q. For good?

A. No, no; he was not working there at that time.

Q. You mean he left his employment there before you did? A. He was let off.

Q. Before you left?

A. Before I went to work the second time there.

Q. Did he ever work at 121 Haight Street while you were working there the second time? [1790]

A. No.

Q. Now, but he began to work there in 1935 about the same time you did? A. Same time.

Q. Did you ever talk to him about these visits of Bridges there? A. No.

Q. Never did?

A. No. I told him, I said, "Did you see Harry Bridges here this afternoon?" "No,"—he didn't see him there that afternoon.

Q. Well, when did you tell him that?

A. The same day Harry Bridges was there.

Q. You say he was there a number of times, which one?

A. This special time that Harry Bridges and Henry Schmidt and John Schomacker were there.

Q. You remember that?

A. Oh, yes, I remember that. That was when I complained about him coming there.

(Testimony of Richard A. St. Clair.)

Q. You remember telling Wilkie about that?

A. Yes. I told Wilkie at that time, I asked him if he saw Harry Bridges there, and Schmidt and Schomacker. He said he didn't see them.

Q. Did you speak to Wilkie before that time about the other visits that Bridges had made? [1791]

A. No.

Q. Did you speak to Wilkie later on about the later visits that Bridges made?

A. No, I never spoke to him about that. How I come to speak to him at that time was I made it plain to him that I went to Elmer Hanoff and complained about Harry Bridges coming there.

Q. You told Wilkie you had this conversation with Hanoff? A. That is correct.

Q. Who was Hanoff at that time?

A. Hanoff was one of the leading executives of the Communist Party for District 13, comprised of California, Arizona and Nevada.

Q. And who was Lambert?

A. Lambert, he was Pacific Coast, Communist Party Pacific Coast State Labor Director for this district.

Q. And who was Schneiderman?

A. Schneiderman was a ranking official of the Communist Party for District 13.

Q. And who was Ross?

A. Ross, he was San Francisco County organizer for the Communist Party.

Q. And those are the people that you mentioned that were in that room that day? [1792]

(Testimony of Richard A. St. Clair.)

A. That is right. They were leading executives of the Communist Party for District 13.

Q. Now, you say that you joined the Communist Party, when was it?

A. In 1934; the late part of March.

Q. And you remained a member until when?

A. What?

Q. Until what date?

A. Until a few days after the general election of 1934.

Q. That is in the fall, the late fall?

A. That is right. I resigned and sent my membership book in through the mails and had marked on the back of the book "resigned". I hope you are able to produce that here and back me up in my statement. It was in my own handwriting. It was on the book that I resigned.

Q. You told them you didn't want to stay in the Communist Party any longer?

A. I didn't tell them that. I liked the Communist Party at that time.

Q. But you resigned?

A. I resigned; yes.

Q. How long did you stay resigned?

A. I stayed resigned until about September of 1935 when I re-joined again.

Q. Did you join again?

A. Yes; by request. Elmer Hanoff and Johnny Voicht. [1793] I kept putting it off because I didn't want to go through a series of distributing leaflets, running around the city picking up or taking sub-

(Testimony of Richard A. St. Clair.)

scriptions to the Western Worker, going from house to house, door to door, distributing leaflets, and such as that, backing up the labor movement, going around to program meetings put on by the Communist Party throughout the State, selling tickets, and such as that.

Q. What part of September, 1935, did you join again, do you remember?

A. Yes. I was on guard duty at the Communist Party headquarters at the time I joined the Party the second time. Elmer Hanoff said, "Hell, I thought you was a member of the Communist Party."

I said, "No. I thought you knew all about it. I explained it to you down on Market Street when I met you."

Q. What part of the month of September, 1935, did you join again, do you remember?

A. Let me see. This might have been some time in August, because my Party book was handed to me by John Morgan, who was District organizer for the Mission District.

Q. When was it handed to you?

A. It was handed to me there at the Party headquarters in the hallway.

Q. When?

A. October of 1936. I think that is right. Wait a [1794] minute,—just a moment and I will get it right—1935 is correct.

Q. October of 1935? A. Yes.

(Testimony of Richard A. St. Clair.)

Q. That was when you became a Party member again? A. Yes.

Q. How long did you remain a member after that?

A. Until about the 20th day of December, 1936, when I turned my book in. The Party was holding meetings at the Workers' Alliance Hall where they held their meetings at that time. They had a special meeting going on there on Thursday night and I turned my book in there.

Q. Did you resign again then?

A. I left the Party again, resigned, yes; but remained a sympathizer of the Party.

Q. Did you join the Communist Party again after that date? A. No.

Q. How many times have you been arrested in your life?

A. Well, I have been—here in California?

Q. Anywhere?

A. Anywhere—let me see. I might overlook one or two, but there is nothing wrong about it. I have been arrested for drunkenness.

Q. How many times were you arrested for drunkenness?

A. About three times I was arrested for drunkenness. [1795]

Q. Three? A. Three.

Q. All right. What else were you arrested for?

A. For my labor activities here in San Francisco.

Q. What else?

(Testimony of Richard A. St. Clair.)

A. And arrested up in Lower Lake, California.

Q. Where?

A. Lower Lake, California; up there where the children's camp is. Harry Bridges has something to do with it, and the Communist Party.

Q. When was that? A. 1937.

Q. What were you arrested for?

A. Do you want me to go into that now?

Q. Well,——

Presiding Inspector: (Interposing) Yes, go ahead.

By Mr. Gladstein:

Q. What was the charge against you?

A. Disturbing the peace.

Q. Is that what you were found guilty of?

A. That is what I was found guilty of.

Q. Disturbing the peace? A. Yes.

Q. Do you remember the city in which the trial took place? [1796]

A. Lower Lake, California.

Q. Is that the name of the city?

A. "City"? It is a little town, a little hamlet.

Q. You came up before a judge of some kind, didn't you?

A. Lakeport County. That was before Lakeport County. That is the County seat.

Q. So your trial was in the County seat, was it?

A. That is correct.

Q. And that would be in the City of Lakeport?

A. That's right.

(Testimony of Richard A. St. Clair.)

Q. And that was sometime in 1937?

A. I believe my trial or hearing was held, in, I believe,—I guess it was in January. They had the hearing there, I believe, Lakeport and it was before the Justice of the Peace. My trial was held there at Lower Lake, California, before the Justice of the Peace; not in Lakeport County, but that is where I served my sentence; Lakeport County.

Q. What was the town where the Justice of the Peace tried you, do you remember?

A. Lower Lake.

Q. All right. And how far away is that from Lakeport? A. Right there in the city.

Q. Have you ever been arrested for anything else?

A. I have been arrested here in San Francisco for carrying out Sam Darcy's instructions. [1797]

Q. Well, you mentioned that a little while ago.

A. Well, you asked me any time and I thought you wanted to go through that again.

Q. I want to know what else you have been arrested for, if you ever have.

A. I have been arrested here during the 1934 Longshoremen's Strike, too.

Q. What for?

A. For carrying on agitation, demonstrating on behalf of the longshoremen.

Q. Have you ever been arrested for anything else?

A. No; not that I can recall, to be honest with you.

(Testimony of Richard A. St. Clair.)

Q. What is the first time you were ever arrested?

A. Back about 1912 or '15; about 1915 or '16, I guess.

Q. Where was that?

A. Kansas City, Kansas.

Q. What were you arrested for?

A. Drunks.

Q. How many times there?

A. Once. Once I was arrested there. Yes, once.

Q. All right. What is the next time you were arrested?

A. By God! come to think of it right now, Los Angeles. I had overlooked that.

Q. When was that?

A. And it was an illegal arrest at that time.

[1798]

Q. When was it?

A. I believe in 1929, I believe.

Q. Well then,——

A. (Interposing) 1927 or 1929.

Q. You were never arrested between the time that you left Kansas City—let me ask you this: Did you leave Kansas City in 1915?

A. I left Kansas City in 1921; come here to California.

Q. Now, you were arrested only once in Kansas City, is that right?

A. That is to the best of my honest recollection.

Q. And then you left Kansas City in 1921 and came to California? A. Yes.

(Testimony of Richard A. St. Clair.)

Q. And the very next time that you were arrested was in Los Angeles?

A. Yes, yes. That's correct.

Q. And that was in what year?

A. And that was in 1927 or 1929. And that was an illegal arrest.

Q. You had no arrests between, say, 1912 or 1915 clear up to 1927 or 1929; is that right?

A. Excepting—no other arrests excepting what I had mentioned to you, to my honest recollection. [1799]

Q. Between this period from nineteen——

Presiding Inspector: (Interposing) I don't believe he hears that.

Mr. Gladstein: What?

Presiding Inspector: I don't believe he hears that.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. Between 1915 and 1927 were you ever arrested?

A. 1915 and 1927, I was arrested at Kansas City, as I have already explained it to you, for drunkenness there. I was taken off the street car by an old friend of mine who is the Police Captain. They just took me up for safekeeping and no record made of it.

Q. After that, is it your testimony that you had never again been arrested until you were arrested in Los Angeles in about '27 or '29, is that right?

(Testimony of Richard A. St. Clair.)

A. No, I don't think I was ever arrested between that time, no.

Q. What were you arrested for in Los Angeles? What was the charge against you?

A. The charge against me was drunkenness and possessing liquor.

Q. I didn't hear that.

A. The charge was drunkenness and possessing liquor.

Q. Possessing liquor? A. Yes. [1800]

Q. Were you convicted?

A. Yes: I was convicted without having any chance to present any evidence because the Police had already drank the evidence up for themselves at that time.

Q. In what court were you?

A. I don't recall what court I was taken to. I can't recall. You can check up there in Los Angeles and you can get the record.

Q. Did you have a trial, Mr. St. Clair?

A. As I stated to you, I was convicted without having any chance to present my side of the evidence to show that I was taken from another county and hauled across into Los Angeles County and arrested.

Q. Were you given a sentence?

A. They gave me thirty days, and after serving part of my time I paid the balance of $15.00 and was released.

Q. All right. That was when? 1927 or somewhere around there?

(Testimony of Richard A. St. Clair.)

A. 1927 or 1929; somewhere around those years.

Q. When was the next time that you were arrested?

A. I believe the next time that I was arrested is 1934, helping Harry Bridges on the waterfront.

Q. What were you doing at that time to help him?

A. Well, I was a member of the Communist Party at that time and the Workers ex-Service Men's League was an [1801] organized—it was founded and organized by the Communist Party, and its activities were being directed by Walter Lambert at that time from 37 Grove Street.

Q. What month in 1934 was that that you got arrested?

A. I believe it was along in July 17, I believe.

Q. That was the very next time?

A. That was the very next time, was the time that they had this series of raids throughout the city here against the Communist Party.

Q. Have you ever been convicted of a felony?

A. No, no. Never before been convicted of a felony. No, sir.

Q. Are you a citizen? A. What?

A. Indeed I am; very much so; born here in the State of Kansas. So were my parents born in this country.

Q. Where were you born in Kansas?

A. Born in Kansas City, Kansas.

Q. When? A. 1890.

Q. Do you remember the time when there was

(Testimony of Richard A. St. Clair.)

a public affair at 121 Haight Street and Mr. Bridges came up to the door? Do you remember that?

A. You bet I remember that time. [1802]

Q. You had a conversation with him at that time, did you?

A. Only to the extent of stopping Bridges there at that door, realizing that he was coming into that door where there was a mass crowd of people and that he might be recognized.

Presiding Inspector: You have been all over that. He isn't asking you that. He asked you if you remember it, not what it was.

By Mr. Gladstein:

Q. Did you have any instructions to keep Bridges out?

A. No, none at all whatsoever.

Q. Did you have instructions to leave him in?

A. Never had no instructions to leave him in either.

Q. Didn't have any instructions of any kind?

A. No, not regards to Harry Bridges.

Q. You just thought you would sort of warn him to be careful, is that the idea?

A. That was the idea at that time.

Q. Now, was he in working clothes, or was he dressed up at that time?

A. Dressed up.

Q. He was dressed up?

A. He was dressed up that night.

Q. Do you remember how he was dressed?

(Testimony of Richard A. St. Clair.)

A. No, I don't remember. I didn't pay any attention [1803] to that.

Q. You didn't pay any attention.

A. I knew his face the minute I saw him and that was that.

Q. Now, you say that you talked to Wilkie once about this meeting.

A. About that meeting, at that special time, yes.

Q. Did you ever talk to anybody else about it?

A. No; no sir.

Q. You never did? A. No, sir.

Q. You never talked to anybody else about any of the times Bridges came to 121 Haight Street?

A. Not at that time.

Q. Did you never mention it to anybody?

A. I have mentioned it before here since I made up my mind that I would do what I could to expose the Communist Party and its connections with the labor movement. I have told many people there.

Q. When was that? When was the first time?

A. I couldn't say when the first time was. The first time I begin to let loose against the Party was sometime in 1938 when I received information from a former unit organizer of the Communist Party at Stockton that the Communist Party [1804] through Walter Lambert and another fellow by the name of Jeff—he used to work for the Yellow Taxicabs, organizing the taxicab drivers—that Walter Lambert and this Jeff went to the Fish Workers Reducing Union, which was controlled and operated by the CIO, to Harry Bridges and they tried to get

(Testimony of Richard A. St. Clair.)

this here Secretary and Treasurer of this repective union to turn over $4000 of the union's funds to the Communist Party. This Secretary and Treasurer happened to become a member of the Communist Party himself. He refused to turn those funds over to the Communist Party and they weren't satisfied. They kicked him out of the Party and a meeting was held and had him ousted from the union.

Q. Who was that man?

A. That was sometime in 1938. And I received that information at Stockton. I came to the City of San Francisco later on; sometime in October, I believe it was.

Q. Of 1938? A. In October of 19——

Q. Of 1938?

A. '38, yes. That is correct. And I checked up with a member of that organization by the name of Walter Meegan and explained it to him. He said "Yes, that's so. That is so. I was there."

Q. Now, excuse me. Who was the man who refused to turn over this money? [1805]

A. I don't know this man's name, the Secretary-Treasurer of that union. I was told at that time what his name was, and I was asked if I knew him, but I did not know this fellow at that time.

Q. Have you ever met him? A. What?

Q. Have you ever met him?

A. I don't know whether I ever have met him or not. I don't know.

Q. All right.

A. I may have met him and not known him.

(Testimony of Richard A. St. Clair.)

Q. When you found out about that you say that you decide then to expose Harry Bridges?

A. You damn right.

Q. All right. What did you do?

A. I let it be known just what the CIO was and who its leadership was; that Harry Bridges was a member of the Communist Party, and also told who founded and organized the Committee for Industrial Organization in the State of California.

Q. Whom did you tell that to?

A. Anybody and everybody that was willing to listen to me.

Q. Well, name anybody, whom you told those things to.

A. Well, for one, I will tell you: That there was a [1806] meeting up there at the City Hall.

Presiding Inspector: No. He just asked you for some names.

A. (Continuing) There was a meeting——

Presiding Inspector: (Interposing) We don't want you to answer a lot of things except what Mr. Gladstein asks.

A. (Continuing) Walter Lapham is one of them.

By Mr. Gladstein:

Q. Who? A. Walter Lapham.

Q. Who is Walter Lapham?

A. He is the President and owner of the Steamship Line here.

Q. What steamship line do you mean?

A. American-Hawaiian Steamship Company.

(Testimony of Richiard A. St. Clair.)

Q. You mean American-Hawaiian?

A. That's right.

Q. You went up and told him about everything you knew?

A. Up there at the City Hall when he was having that labor hearing up there at that time. I met him in the hallway and I told him. He said "Is that so? Well, I suspect that to be true, but there is nothing we can do about it."

Q. When was that, Mr. St. Clair?

A. Well, I believe that was sometime in 1937, I believe, that they had that labor hearing up there at the City Hall. [1807]

Q. All right. Who else did you tell about what you say you know concerning Harry Bridges and his Communist connections?

A. Well, there is many of them that I have told it to that I do not even know their names.

Q. Well, did you go to any official of any kind? Police Department?

A. I reported to the Mayor of the City of San Francisco, too.

Q. Mayor Rossi?

A. Yes. And I believe—and I have reasons to believe that Harry Bridges has used the name of "H. P. Rossi" himself, because in the offices——

Presiding Inspector: (Interposing) You haven't been asked this.

The Witness: What?

Presiding Inspector: You haven't been asked that.

(Testimony of Richard A. St. Clair.)

The Witness: All right.

Presiding Inspector: Just confine yourself to the questions.

The Witness: I am willing to explain everything I know, if he is willing.

Presiding Inspector: Just answer the questions. If you tell the whole truth and answer the questions, we will get [1808] along all right.

The Witness: All right.

By Mr. Gladstein:

Q. You say you went and told Mayor Rossi of what you knew about Bridges? A. Yes, sir.

Q. When was that?

A. That was about the same—wait a minute, now! That was in 1937, but what month I can't state: Mayor Rossi will produce the letter I made arranging for the interview.

Q. You say you wrote a letter?

A. I wrote a letter; yes sir.

Q. To Mayor Rossi? A. Yes, sir.

Q. What kind of a letter was it?

A. A letter informing him that I possessed information that Harry Bridges was connected with the Communist Party.

Q. All right. Did you have a meeting with Mayor Rossi?

A. I didn't get a chance to have a meeting with Mayor Rossi: Arrangements were made for me to meet his Secretary.

Q. Did you meet his Secretary?

A. I met his Secretary.

(Testimony of Richard A. St. Clair.)

Q. What happened?

A. Well, I went to work and explained to him the [1809] information that I possessed and knowledge of Harry Bridges' connection with the Communist Party.

Q. Who else was present besides the Secretary and yourself?

A. Just the Secretary and myself.

Mr. Del Guercio: Your Honor, I object to this line of questioning. Is that all necessary?

Mr. Gladstein: It is quite necessary.

Mr. Del Guercio: I assume that that was the information he wanted.

Presiding Inspector: I think he may continue.

By Mr. Gladstein:

Q. Did you make a statement to him at that time about what you knew?

A. I just talked to him like I am talking to you right now.

Q. Did he make any notes?

A. Never made any notes, no.

Q. Did he ask you to sign a statement of any kind? A. No.

Q. What was the man's name?

A. I can't recall his name, his Secretary at that time.

Q. This was in 1937?

A. It was right around 1937. [1810]

Q. Can you remember what part of that year it was?

(Testimony of Richard A. St. Clair.)

A. I can't remember the date or the year.

Q. Not the exact date. Can you give me the season, whether it was the fall, spring or summer?

Presiding Inspector: I didn't know you had seasons here.

A. I think in the letter I wrote to him, that is enough. You get the date from him. He will produce it.

By Mr. Gladstein:

Q. Did anything else happen after you talked to the Mayor's Secretary about what you knew about Harry Bridges?

A. Nothing else happened excepting that there was a watch put on me by Alex Noral, State Organizer of the Workers Alliance. He occupied a car right across from the alley of the hotel where I was staying, and he had been there two or three times and his automobile bore an Oregon license. I was wise then and knew that I was under watch for them and I left San Francisco and went to Los Angeles on my own hook.

Q. Now, did you tell the Mayor's Secretary everything that you knew about Bridges?

A. Yes, sir.

Q. Everything?

A. You bet I did, and I'm telling it to the public yet if I get a chance.

Q. All right. Did you tell anybody else everything you knew about Bridges? [1811]

A. Oh, I told many people, too numerous to mention.

(Testimony of Richard A. St. Clair.)

Q. Try to remember one more.

A. I couldn't for the life of me remember the names of them because I spoke to many of them, workers even, people I met on the street I would talk to, political elections that were coming and about Communists, and about high-ranking State officers who called at the Communist Party headquarters.

Q. I mean about Harry Bridges.

A. I told too many to mention. I reported it to the District Attorney at Los Angeles. I reported it to the FBI. I reported it to the Dies Committee.

Q. When did you report to the Police Department or to the District Attorney in Los Angeles?

A. I reported it there to the District Attorney sometime in 1940. I can't remember the date.

Q. What part of the year?

A. Well, I would believe it to be in the late part of 1941. I can't say exactly the date. I can't. But they have got the date of that down there, if these men want to check that up. The reason why I went —do you want me to tell anything about why I went?

Presiding Inspector: Never mind. You have been asked for the date and you have given it as well as you can.

By Mr. Gladstein: [11812]

Q. When you went to the District Attorney's office whom did you see?

A. I met Mr. Simpson and Mr. Wohl; Mr. Simpson and Mr. Wohl.

(Testimony of Richard A. St. Clair.)

Q. And what happened?

A. I gave them my knowledge and the information that I possessed in regards to Harry Bridges, the Communist Party and about a murder that happened to be committed on the San Pedro waterfront.

Q. Was there a stenographer present?

A. What?

Q. Did they take notes of it?

A. Yes, they took notes of it; yes, sir.

Q. Did they prepare a statement?

A. I don't know whether they compared the statements or not. I don't know.

Q. I say, Did they prepare a statement?

A. Oh, certainly they did. Yes, they did.

Q. Did you sign it?

A. I don't believe I did.

Q. Did they ask you whether it was true, the statement?

A. Well, no. They did not ask me if the statements were true, no.

Q. Did they typewrite a statement up? [1813]

A. No. He just marked it down in lead pencil in long hand.

Q. Did anything else happen there?

A. Nothing else happened there then, no.

Q. You just told these gentlemen what you knew? A. Yes, sir.

Q. And they didn't do anything else about that?

A. They did nothing about it, to my knowledge.

Q. Did you give them your name and address?

(Testimony of Richard A. St. Clair.)

A. I did give them my name and address.

Q. Did they ever get in touch with you again?

A. Yes. They did get in touch with me.

Q. When did they get in touch with you?

A. It was about two weeks after I wrote to them. They got in touch with me. I can't give you the exact date of that either.

Q. You say two weeks after you wrote to them?

A. Yes, sir.

Q. Did you write to the District Attorney's office? A. Yes, sir.

Q. And what happened after you wrote to the District Attorney's office?

A. Two investigators came out to interview me and see what information I possessed in regard to the murder being committed there on the San Pedro waterfront. [1814]

Q. When was that murder?

A. That murder was committed sometime in 1935; 1935.

Q. Now, do you know who those two investigators were that came out to see you?

A. I don't know anything else about that.

Q. Did you talk to them at that time in your home?

A. Not at my home. Nobody talked to nobody at my home at that time.

Q. You say two investigators came out to see you at your home. A. They talked to me.

Q. Where did they talk to you?

(Testimony of Richard A. St. Clair.)

A. At the place where I was, the SRA camp at Chino, California.

Q. Were you living or working there?

A. I was living there.

Q. All right. So they talked to you where you were living? A. Yes.

Q. Did you tell them everything you knew about Harry Bridges?

A. I told them every bit of information I possessed about Harry Bridges.

Q. What happened that time?

A. They made arrangements for me to come into the [1815] Hall of Justice at the District Attorney's office the following day, and they came after me.

Q. And they took you down there?

A. They took me down there.

Q. And that is the time you were in the District Attorney's office and you spoke to these gentlemen whose names you mentioned? A. Yes.

Q. And notes were made of what you told them?

A. Yes, sir.

Q. And did they type the statement up? Did they ask you to sign the statement?

A. They asked me to sign nothing.

Q. Did they ask you to make an affidavit?

A. No, sir.

Q. Did they ever get in touch with you again?

A. No.

Q. Never did? A. No.

Q. All right. Now, you say that you also gave your information to the FBI. Is that right?

(Testimony of Richard A. St. Clair.)

A. What?

Q. Did you say you gave your information concerning Bridges to the FBI? Do you know what the "FBI" is?

A. Federal Bureau—what information I gave them in re- [1816] gards to Harry Bridges, they just wrote it down on the paper. That was all.

Q. No, no. Listen! You say you have just finished telling me about the time that you gave information to the District Attorney's office in Los Angeles. Do you remember that?

A. Yes.

Q. And you say that was sometime in 1940?

A. It was.

Q. But you can't remember what month in 1940?

A. No. I can't remember what month.

Q. You don't know whether——

A. (Interposing) Pardon me.

Q. Was it the middle of the year or the first of the year or the end of the year?

A. Wait a minute, now! I believe it was sometime in August, I believe it was.

Q. August of 1940?

A. I believe it was August or September, yes.

Q. All right. Now, you mentioned before, a little while ago, that you also wrote letters to other departments of the Government to tell them what you knew about Harry Bridges. Is that right?

A. Not only about Harry Bridges, but about the Communist Party.

(Testimony of Richard A. St. Clair.)

Q. Yes. But you wrote letters to other departments [1817] of the Government or the Police or various branches of the Government to tell them that you knew something about Bridges and the Communists, is that right?

A. Well, no. I actually perhaps didn't mention Harry Bridges' name, but mentioned the Communists.

Q. To whom did you write letters?

A. To the Dies Committee.

Q. When did you first write to the Dies Committee? A. December 3, 1938.

Q. And what did you tell them in your letter?

A. I told them I was a former member of the Communists Party and held a position of trust at Communist headquarters and I was in the possession of quite a bit of evidence against the Party.

Q. Was there any response or reply to that letter? A. Any what?

Q. Did any one come to see you about that letter after you sent it? A. No.

Q. Did anybody ever write you a letter?

A. No. I never did receive a reply in answer to that letter.

Q. Did you keep a copy of that letter?

A. No. I don't do that. No, sir.

Q. In this letter to the Dies Committee you said that you had been a former trusted person in the Communist Party? [1818]

A. A guard at Communist Party headquarters; yes, sir.

(Testimony of Richard A. St. Clair.)

Q. And you said you had a lot of information?

A. That I possessed information in regard to the Communist Party and the labor movement.

Q. And the labor movement? A. Yes, sir.

Q. Did you mention Harry Bridges?

A. I don't know whether I did mention Harry Bridges at that time or not. I don't know.

Q. You are not sure about that?

A. No, I am not sure.

Q. It is possible that you did, but you don't remember; is that it? A. That might be so.

Q. All right. And you say they never answered that letter?

Mr. Del Guercio: He has already answered that, your Honor.

By Mr. Gladstein:

Q. Nobody came to see you about it?

A. Nobody came to see me about it.

Q. Now, what other branches of the government did you write a letter to? Did you write to the Immigration Department? [1819]

A. That was the only branch of the Government that I wrote to and made contact with, was the Dies Committee. Yes, that is correct.

Q. You did not write to the Immigration Department?

A. No, I did not write to the Immigration Department?

Q. Did you go up to see the Immigration Department? A. I went up to see them.

(Testimony of Richard A. St. Clair.)

Q. When did you go up to see them?

A. September; on or about September 7, 1940, I believe it was.

Q. Did you go up to see them when the last hearing was being held against Mr. Bridges? Do you remember when that was? A couple of years ago?

A. Yes. Oh, I remember that hearing. Yes.

Q. Did you go up to see anybody and tell them about your information?

A. I never went up to anybody at that time to tell them about the information, but in some manner—I don't know how it come up—the Immigration Department contacted me and asked me what information I had in regards to Harry Bridges, whether he was a member of the Communist Party or not.

Q. Was that while that trial was going on in 1939?

A. Oh, that was before the trial; just shortly before the trial. But I refused to be willing to give any evidence at that hearing. I had no faith in that hearing. That was the [1820] very words I stated to them.

Q. Whom did you speak with?

A. Let's see. I believe it was an Immigration Officer; some Immigration Officer.

Q. What is his name?

A. From Portland, I believe.

Q. Norene? A. Norene, that's right. Yes.

Q. Where did you see him?

(Testimony of Richard A. St. Clair.)

A. I saw him at Santa Ana.

Q. Santa Ana? A. Santa Ana.

Q. Where did he see you? A. Post Office.

Q. Were you working there?

A. Yes, I was working there.

Q. At the Post Office?

A. Not the Post Office; no sir.

Q. Did he ask you to come to the Post Office building?

A. He asked me to come to the Post Office.

Q. When he asked you to come did he do it by telephone or by letter?

A. No. The man come after me in the afternoon; about, oh, I guess along about two or half past two o'clock, and took me down to Santa Ana to the Post Office. [1821]

Q. Do you know who that man was?

A. Yes, I do.

Q. Who was he?

A. I think it was Mr. Graham.

Q. And Mr. Graham, when he met you, did he tell you what he wanted? A. Yes.

Q. What did he say?

A. He said Mr. Norene, the Immigration Officer, wanted to see me at the Santa Ana Post Office.

Q. Did he tell you what Mr. Norene wanted to see you about?

A. No, but after I knew it was the Immigration Officer I had an idea that it was in regards to Harry Bridges' hearing at that time.

(Testimony of Richard A. St. Clair.)

Q. All right. You went to Mr. Graham to see Mr. Norene in the Post Office Building?

A. That's right.

Q. And you had a meeting with him at that time? A. Yes, yes.

Q. And was it in an office?

A. It was in the Immigration office at the Post Office there. It was in charge of Mr. Davis.

Q. You mean there was a Mr. Davis in the room?

A. There was a Mr. Davis in the room, yes. [1822]

Q. And you were in the room?

A. I was in the room.

Q. And Mr. Norene was in the room?

A. And Mr. Norene was in the room.

Q. Was Mr. Graham in the room?

A. I believe he was.

Q. Was anybody else in the room?

A. McFarley was his name. McFarley, I believe, is the inspector in the San Francisco District.

Q. Farrelly?

A. Farreliy. I believe that is his name.

Q. Something like that?

A. Yes, something like that.

Q. Anybody else?

A. Yes. It was another Immigration Inspector there, I don't know what—I can supply you with the name of the old man. (Referring to memorandum) There they are. [1823]

Mr. Gladstein: May the record show that the witness has just handed me a card on which two

(Testimony of Richard A. St. Clair.)

names are written; one of them purporting to be A. J.——

The Witness: (Interposing) Mr. Norene's card.

Mr. Gladstein: (Continuing) ——A. J. Phelan and P. U. Farrelly.

Mr. Del Guercio: P. J. Phelan.

Mr. Gladstein: I wasn't sure of that initial.

Both names are written in pencil on the back of a card——

Mr. Del Guercio: (Interposing) Printed.

Mr. Gladstein: (Continuing) ——printed in handwriting on the back of the card which purports to be a printed card of Roy J. Norene.

On the face of the card, underneath the name of "Roy J. Norene" are the words "Divisional"——

I want anybody to check with me. I don't care who. I will read it into the record anyway.

Presiding Inspector: Why don't you have it marked?

Mr. Gladstein: The witness may want it back. I don't think it is necessary.

The Witness: It was a card given to me. That is their own handwriting.

Mr. Gladstein: On this card, under the name "Roy J. [1824] Norene," are the following printed words: "Divisional Director, Immigration and Naturalization Service, 333 U. S. Court House, Portland, Oregon."

In handwriting, printed in pencil, are these words: "Sant. Anna."

Underneath that the words "Federal Building."

(Testimony of Richard A. St. Clair.)

I return this card to you.

The Witness: All right.

By Mr. Gladstein:

Q. Was there anybody else there in that office?

A. Not to my knowledge.

Q. Was there a stenographer?

A. Who—no.

Q. You know what a stenographer is?

A. I know about them. Nobody else was in the office.

Q. How long were you in that office with them?

A. About 45 minutes.

Q. What happened?

A. Well, I gave them to my knowledge of Harry Bridges and his connection with the Communist Party. They said they expected to use me as a witness at the hearing, and I announced to them that I had no place in the hearing, no desire to testify.

Q. Did you tell that to Mr. Norene?

A. You tell the world I did.

Q. Mr. St. Clair, did you tell them everything that you [1825] knew about Harry Bridges and his connection with the Communist Party?

Mr. Del Guercio: That has been asked and answered.

A. I told them,——

Mr. Del Guercio: (Interposing) It is going over the same thing again.

Mr. Gladstein: This is another occasion.

(Testimony of Richard A. St. Clair.)

Presiding Inspector: I will allow it.

Mr. Del Guercio: It is the same occasion.

Presiding Inspector: It was a general question before.

A. (Continuing) I told them only what they asked me. I just answered the questions; that was all.

By Mr. Gladstein:

Q. Did they ask you to sign a statement?

A. No, sir.

Q. Did they make notes of what they asked you?

A. That is right; they did.

Q. And they made notes of what you answered?

A. Yes.

Q. Did they read this over to you afterwards?

A. No, sir.

Q. Did they ask you to make an affidavit?

A. No, sir.

Q. You said you were there 45 minutes?

A. I said 45 minutes. [1826]

Mr. Gladstein: That is what I thought I said.

Presiding Inspector: He doesn't hear well.

By Mr. Gladstein:

Q. Did they get in touch with you again after that?

A. No.

Q. You gave them your name and address?

A. Yes, sir.

Q. They never asked you to testify?

A. No, sir. I had no desire to testify at that hearing.

(Testimony of Richard A. St. Clair.)

Q. Did they ask you to testify?

A. No, sir, because I made it known that I had no desire to testify at that hearing.

Q. Now, you mentioned that you told these men, you told Mr. Norene pretty plainly that you did not want to testify because you had no faith in the hearing?

Mr. Del Guercio: I object to the question.

Presiding Inspector: I will allow it.

Mr. Del Guercio: He didn't say "Very plainly."

Presiding Inspector: I will allow it. Go ahead.

Mr. Gladstein: Read the question, Mr. Reporter.

(The question referred to was read by the reporter as above recorded.)

By Mr. Gladstein:

Q. Did you hear the question when it was read?

A. I remember the question you asked.

Q. What is the answer? [1827]

A. I made no statement to them.

Q. Did you tell Mr. Norene that you had no faith in the hearing that was going to be held against Harry Bridges?

A. I told Mr. Norene that I had no faith in that coming hearing regarding Harry Bridges; that I believed it would be a whitewash.

Q. Did you tell him why you had no faith in that hearing?

A. No, I didn't tell him why. He didn't ask me.

Q. Did you tell him why you thought he was going to be whitewashed?

(Testimony of Richard A. St. Clair.)

A. No. He didn't ask for any details of that.

Q. Did you tell anybody else anything about that? A. Not at that time.

Q. Did Mr. Norene say anything to you when you said that? A. No.

Q. Did anybody else say anything? A. No.

Q. You mean you said, "I have no faith in the hearing and I think he is going to be whitewashed," and they didn't say anything to you?

Mr. Del Guercio: I object to that as being repetition.

Presiding Inspector: Yes, but I will allow it.

A. I said I had no faith in that hearing and that I [1828] had no desire to testify at the hearing, and that was that.

Presiding Inspector: I am giving wide latitude.

By Mr. Gladstein:

Q. Nobody said anything to you about that?

A. No. They stood there and stared—sat there and stared at me and looked at one another; that was all.

Presiding Inspector: Just as they are doing here?

The Witness: Yes.

By Mr. Gladstein:

Q. You say that you went up and talked to Mr. Lapham, the shipowner?

A. I did go up to his office.

Q. You went up to his office?

A. The second time—I recall that just now.

(Testimony of Richard A. St. Clair.)

I talked—there at the City Hall—and then I went up to his office the second time. The first time I went up to his office he had no time and wouldn't listen to nothing I had to say, wouldn't have anything to do with me.

Q. Did you tell him anything you knew about Mr. Bridges?

A. No. He didn't want to listen.

Presiding Inspector: Just answer the questions. Don't volunteer.

The Witness: Very well.

Presiding Inspector: We will never finish otherwise.

By Mr. Gladstein:

Q. Did you talk to any other shipowner? [1829]

A. No.

Q. Did you talk to Mr. Almond Roth?

A. I have never met him; don't know him.

Q. Did you try to tell any of the shipowners what you knew about Harry Bridges?

A. No. I might say——

Presiding Inspector: Just answer the question.

By Mr. Gladstein:

Q. You mentioned a Mr. Graham who came to see you? A. Yes, sir.

Q. Do you recall his first name?

A. No. I don't know the man by his first name.

Q. Do you know what his position was?

A. I do.

Q. What was it?

(Testimony of Richard A. St. Clair.)

A. I believe the District Organizer, or something like that, for the Associated Farmers.

Q. Where is he District Organizer for the Associated Farmers?

A. Their headquarters are in San Francisco, California, here.

Q. Where is he the District Organizer, what district? A. Orange County.

Q. Is he the man who came to you, came to see you to take you to Los Angeles? [1830]

A. Not to Los Angeles.

Q. To Santa Ana? A. Yes; Santa Ana.

Q. To the meeting with Mr. Norene?

A. That is right.

Q. Was there anybody with Mr. Graham when he came out there? A. No, sir.

Q. Did Mr. Graham tell you how he happened to find out that you knew something about Bridges?

A. No; he didn't tell me.

Presiding Inspector: That is pretty remote.

Mr. Gladstein: I would like to confer with my colleagues for a few moments. Would you object to having the afternoon recess now?

Presiding Inspector: No. We will take a very short recess.

(Whereupon a short recess was taken.)

Mr. Gladstein: Are you ready, your Honor?

Presiding Inspector: Go right ahead.

By Mr. Gladstein:

Q. Mr. St. Clair, do you remember a little while

(Testimony of Richard A. St. Clair.)

ago you were telling me about finding out about a man in the Fish Workers Union?

A. Yes. [1831]

Q. One of those fish unions? A. Yes, sir.

Q. And you said something about some money?

A. Yes, sir.

Q. What was that about exactly?

A. Well, I was in the city of Stockton in 1938—do you want me to go into details?

Q. Just tell me in a general way what that was about.

Mr. Del Guercio: He already stated that. He is asking for repetition.

Presiding Inspector: I don't think he has quite stated it.

A. I received from a former Communist Party Organizer at Stockton information that Walter Lambert and another Party member by the name of Jeff went to the Secretary-Treasurer of the Fish Workers Reducing Union——

By Mr. Gladstein:

Q. (Interposing) Fish or Ship Reduction Workers Union—what is it?

A. No, no—Fish Workers—something they have to do with catching fish out on the seas and they bring the fish in to this ship and reduce it to fertilizer. I have forgotten the actual name of that organization.

Q. That is all right.

A. And the Secretary-Treasurer of this Union was a [1832] member of the Communist Party.

(Testimony of Richard A. St. Clair.)

Walter Lambert and Jeff went to this man and tried to get him to turn over $4000 of the Union's funds over to the Communist Party. This Secretary-Treasurer refused to do it without a vote from the membership. Walter Lambert did not want the membership to know anything about it, expected him to turn $4000 over to the Communist Party. He refused to do it, comply with the request. They went to work and dismissed this fellow, kicked him out of the Party. Not being satisfied with that he was later removed from his position as Secretary-Treasurer of the Union.

Q. Was this man's name Fred Allen?

A. I don't know what his name was; I couldn't remember it now.

Q. You can't remember it?

A. No, I couldn't remember. They did this—after all the effort that had been made to organize them, to consolidate them, and then to turn around and cut their throat in that way—that was going too far. So I came to San Francisco and met Walter Megan, a member of that Union, and I asked him, told him what information I received at Stockton.

Presiding Inspector: He hasn't asked you about that.

The Witness: He asked me to give details in general. I just tried to explain how I checked up on this. I wouldn't take one man's word for anything like that.

(Testimony of Richard A. St. Clair.)

By Mr. Gladstein: [1833]

Q. You say you did check up on this?

A. I took it up with Walter Megan.

Q. Did you check up with the Secretary-Treasurer of the Union? A. No.

Q. You never saw him?

A. No; never saw him before to my knowledge. I may have, but did not know his position or connection with the party.

Q. Now, when did you first see any representatives of the Federal Bureau of Investigation concerning what you know about Bridges?

A. The 17th day of September, 1940, I believe it was.

Q. Where did that take place?

A. At the Federal Building, Los Angeles.

Q. How did you happen to go there?

A. How did I happen to go there?

Q. Yes.

A. A telephone call came out there where I was living at Chino, California, and left word for me to call up Operator, a certain number. I did not know anything about this, who it could be from. So one of the clerks in the office out there put the call in to that operator, and the operator gave that clerk the information, and the clerk told me where to go to at the Federal Building. That was when I first made connection.

Q. Did you go the day after you received the phone call? [1834]

(Testimony of Richard A. St. Clair.)

A. I believe I did go the day after; yes, the day after; I believe I did.

Q. What was the message that you got about the phone call?

A. The message about that was just to call, for me to call operator, a certain number.

Q. Did you make that call?

A. The call—I did not make the call but another man at the office put in the call for me to trace it to who it was.

Q. Did that man tell you what he found out after he traced the call?

A. He told me what room to go to at the Federal Building.

Q. And you did go? A. I went.

Q. All right. When you got there who was there?

A. I called there at the reception room, there at the information desk, and gave them my information. They contacted a man inside of the office, so he came to the room where, the reception room, where I was at and contacted me.

Q. When you say that you gave information, you mean you told them about Bridges?

Mr. Del Guercio: Can't we expedite this? Can't we place him in the office having him talking to the FBI men without going through all this? [1835]

Presiding Inspector: I don't think we can control this examination. I think he is within his rights. Go ahead.

(Testimony of Richard A. St. Clair.)

A. I gave him the information.

By Mr. Gladstein:

Q. Let me take you back to the time you walked in through the front door of the office. You say now that you gave somebody some information, is that right?

A. You are taking me back and bringing me in—I first went to the place and went to the reception room.

Q. Yes. What did you do there?

A. I went to a girl there sitting at the desk and I explained my mission to her.

Q. What did you say to her?

A. Well, I told her I was Richard A. St. Clair; that I was instructed to call there at the office.

Q. What else happened?

A. I saw Mr. Findlay and it was with Mr. Findlay that I had the interview.

Q. They sent you in to see Mr. Findlay?

A. Yes, sir.

Q. Was anybody else present besides Mr. Findlay and yourself? A. A Mr. Smith.

Q. Anybody else? A. That is all. [1836]

Q. How long did that interview last?

A. That interview lasted from 11:00 o'clock in the morning to about 5:00 o'clock in the evening.

Q. Right straight through?

A. No; we stopped off for lunch.

Q. And what were you talking about in this interview?

(Testimony of Richard A. St. Clair.)

A. We were talking about the Communist Party, Harry Bridges' connections, and he asked me how I come to know about Harry Bridges being a Communist, who I got the information from, and so forth.

Q. Did they tell you how they happened to learn that you had all this information?

A. Never said anything to me about it. It wasn't necessary for me to ask them because I had told so many people and I supposed the FBI picked it up.

Presiding Inspector: Don't make a speech, in answer to these questions. When he asks you a question just answer the question and then stop.

The Witness: All right.

Presiding Inspector: We will get along a lot faster.

The Witness: All right, Judge.

By Mr. Gladstein:

Q. Did they take notes of what you said?

A. Yes, sir.

Q. Did they prepare a statement for you?

A. Yes, sir. [1837]

Q. Was it written out, or typewritten?

A. It was written down by hand and later typed.

Q. And after it was typed did they show it to you?

A. They showed it to me; yes, sir.

Q. Did you read it through? A. I read it.

Q. Did they ask you to sign it?

A. They asked me if I was willing to sign it; I signed it.

Q. Did they give you a copy?

(Testimony of Richard A. St. Clair.)

A. They never gave me no copy. It wasn't necessary.

Q. Did you ask for one? A. No, sir.

Q. And then you left? A. I left.

Q. Before you left did they tell you that they would get in touch with you again?

A. They didn't inform me they would get in touch with me. They asked me to keep them informed when I moved from my present place.

Q. Did they tell you that you were going to be a witness?

A. They did not tell me I was going to be a witness; no, sir.

Q. When was the next time that you had any contact with the FBI? [1838]

A. The FBI? You mean, when I had a contact with the FBI again?

Q. Yes.

A. That would be on 21st day of this month, I believe.

Mr. Del Guercio: Counsel is asking for it.

A. (Continuing) I believe it would be the 21st day, I believe, when I was asked to appear at the office.

By Mr. Gladstein:

Q. The 21st day of this month?

A. Yes, sir; when I was notified.

Q. How long ago was that?

A. The 21st day of this month.

Q. How long ago was it?

(Testimony of Richard A. St. Clair.)

Mr. Del Guercio: Is that necessary? The 21st day of this month——

Presiding Inspector: He may think that he has made a mistake in the month.

The Witness: Just a moment.

By Mr. Gladstein:

Q. How long ago was it?

A. How long ago that I received the notice?

Q. Yes.

A. I will give you that information.

Q. Can't you tell me how long ago it was? [1839]

Presiding Inspector: He told you once. He may have made a mistake. I think that is what you are assuming, isn't it?

Mr. Gladstein: I am not assuming.

Presiding Inspector: Then you shouldn't repeat the question.

A. (Referring to letter): April 18th.

By Mr. Gladstein:

Q. April 18th? A. Yes.

Q. Of this year? A. Yes; this year.

Q. You got a letter from them on that day?

A. I got that letter from them; yes, sir.

Q. What did—did they tell you to go or come some place?

A. Yes. I have the matter of record here. (Indicating letter.) Here is the subpoena right here.

(Whereupon the witness passed a letter to Mr. Gladstein.)

Mr. Gladstein: The witness has shown me a let-

(Testimony of Richard A. St. Clair.)

ter dated April 18, 1941, on the letterhead of the U. S. Department of Justice, Immigration and Naturalization Service, Los Angeles, California, and purporting to be signed by Harry B. Blee, Assistant Director, Los Angeles District, and addressed to Mr. Richard A. St. Clair, 13812 South Budlong Avenue, Gardena, California. [1840]

By Mr. Gladstein:

Q. You also received a subpoena besides that, didn't you? A. I received a subpoena; yes.

Q. When did you receive the subpoena?

A. The 18th.

Q. At the same time?

A. The same time; same day.

Q. Did you have the subpoena with you?

A. I did not have it with me until I received it.

Q. Do you have it now?

A. I have. There it is—you just read it.

Q. Is that the subpoena? A. That is it.

Q. The letter you showed me?

A. Yes, sir.

Q. Did you not receive a yellow or white paper with the word "Subpoena" on it?

A. You are referring to the one I showed first earlier in the trial—is that it?

Q. Did you have something else, show something else earlier?

A. I showed a paper showing my address on it.

Presiding Inspector: Do you know what a subpoena is?

(Testimony of Richard A. St. Clair.)

The Witness: I know; yes. That is the only one I ever received. [1841]

Presiding Inspector: That isn't a subpoena.

By Mr. Gladstein:

Q. Is that the only thing that you ever received from the FBI, the paper that you just showed me?

A. The subpoena; yes, sir.

Mr. Del Guercio: It wasn't received from the FBI, if your Honor please.

Presiding Inspector: I know. That wouldn't make any difference.

Mr. Gladstein: I am not trying to make the record any different.

Presiding Inspector: You can't change it.

By Mr. Gladstein:

Q. Is the letter you just showed me—and for the record——

Presiding Inspector: I don't know what the purpose of this is.

Mr. Gladstein: A question of recollection, your Honor.

Presiding Inspector: I know, but we have had a long examination on that.

Mr. Gladstein: I will try to make it short.

By Mr. Gladstein:

Q. Is that letter you just showed me, Mr. St. Clair, the only document you ever received from the Department of Immigration with respect to your coming here and testifying as a [1842] witness?

(Testimony of Richard A. St. Clair.)

A. Yes, sir; that is the only information I received and that was the first I knew I was going to be called here.

Q. Is that the only document ever handed to you or mailed to you?

A. That is the only one.

Q. Didn't you receive a subpoena, a different paper, before you got this letter?

A. No, sir; no, sir. I never did.

Q. May I see that paper again?

A. (Producing letter.)

Mr. Gladstein: The witness has just handed me again the same letter to which I made reference earlier in the examination, and a part of this letter, the opening sentence, says:

"Dear Sir:

"You have heretofore been served with a subpoena directing your presence at San Francisco, California, on April 26, 1941 in connection with the Harry Bridges case."

Then later on:

"Mr. Albert Del Guercio, Examining Inspector who issued the subpoena above mentioned, has telephoned this office and advised that he wishes you to appear in San Francisco on the 22nd instant instead of the 26th instant.

"Kindly make arrangements to be in San Francisco, [1843] California, on April 22, 1941. You

(Testimony of Richard A. St. Clair.)

should appear at the address and at the hour indicated on the subpoena.

"Very truly yours,

WILLIAM A. CARMACHAEL,

"District Director, Los Angeles District."

This is another letter. I have just received a different letter because the first letter shown to me was signed by a different person.

By Mr. Gladstein:

Q. The letter you are now looking at, Mr. St. Clair, is different from the one you showed me a little while ago, isn't it?

A. (Examining letter): Is it?

Here is the other one. (Producing letter.)

Mr. Del Guercio: Does counsel have both letters?

Presiding Inspector: He has now.

Mr. Del Guercio: Did he see it before?

Mr. Gladstein: No.

Presiding Inspector: They are identical except the signature.

The Witness: I had both of them in the same envelope.

By Mr. Gladstein:

Q. Are these two letters, the ones I am holding in my hands, the only ones, only documents that were ever served on you, given to you, or mailed to you in connection with your [1844] appearing in this case? A. Mailed to me.

(Testimony of Richard A. St. Clair.)

Q. Listen to me: You just gave me two letters. I have them in my hand. You said you received these letters in the mail, both of them?

A. Yes.

Q. Now, except for these two letters, did you ever receive any other letter, or document, or anything else——

A. (Interposing): No, no.

Q. (Continuing): Wait a minute—in connection with your appearing here as a witness?

A. No, sir; never did receive any paper or document of any kind except them two right there.

Mr. Gladstein: And the record will show neither of those letters is itself a subpoena.

Presiding Inspector: You can have them read into the record if you want to. It doesn't prove that he was served with a subpoena.

Mr. Gladstein: That is correct.

By Mr. Gladstein:

Q. Now, when you came to San Francisco, after getting these letters, did you have any conversations with anybody as to what you were going to testify to? A. Yes, I did.

Q. Who? [1845] A. With Mr. Findlay.

Q. Anybody else? A. No.

Q. No one else at all? A. No; just him.

Q. He is the only one to whom you talked about what you were going to testify to here in court?

A. The only officer in connection with the Federal Bureau of Investigation that interviewed me

(Testimony of Richard A. St. Clair.)

in regard to the statement I have made before appearing at this hearing.

Q. Did any of the Attorneys for the Government talk with you as to what you were going to say?

A. No man, no one else, except Mr. Findlay.

Mr. Del Guercio: Ask him if I talked to him.

By Mr. Gladstein:

Q. Did Mr. Del Guercio talk to you?

A. He never asked me any questions whatsoever.

Mr. Del Guercio: Ask him if Mr. Myron talked to him.

Mr. Gladstein: Do you want to conduct the examination?

Presiding Inspector: Make your objections to me as the Presiding Inspector.

Mr. Gladstein: All right.

Presiding Inspector: Go ahead.

By Mr. Gladstein: [1846]

Q. You remember the last hearing against Harry Bridges, don't you?

A. I remember that last hearing; yes, sir.

Q. In connection with that hearing do you remember of going up to Mr. Bridges' office and telling him that you wanted to talk with him about testifying in his favor? A. My God——

Presiding Inspector: "Yes" or "No"?

A. No.

By Mr. Gladstein:

Q. You never did?

A. Never did go to Harry Bridges' office.

(Testimony of Richard A. St. Clair.)

Q. You don't like Harry Bridges, do you?

A. No more. In the eyes of the world—no.

Q. Do you want to see him deported?

A. You tell it to the world I do. He deserves to be.

Mr. Del Guercio: I object to these questions.

Mr. Gladstein: This is on the matter of animus. I am entitled to go into that.

Presiding Inspector: I think so. He answered the question.

By Mr. Gladstein:

Q. Do you remember when you went to Mayor Rossi's office? A. I remember that; yes.

Q. Did you go up there to tell him Bridges was using [1847] his name?

A. No. I didn't tell him at that time Bridges was using his name. I didn't know whether Harry Bridges was using that name or not. But I saw ILWU stationery, with a letter on it, that laid on Catherine McKee's desk, that bore the signature of Harry, or H. B. Rossi. That was on ILWU stationery.

I said to Catherine McKee, "Is there a Rossi working in the offices of the ILWU, or on the waterfront?

She said, "St. Clair, you have no business reading my mail, letters on the desk."

I said, "I am not reading the letter. I just observed the signature, 'H. B. Rossi.'" So she just laughed.

(Testimony of Richard A. St. Clair.)

Q. You mean there was a signature on a letter which had the International Longshoremen's and Warehousemen's Union printed on the top, is that right? A. That is correct.

Q. And on the bottom of the letter was signed "H. B. Rossi?" A. H. B. Rossi; yes, sir.

Q. Is that correct? A. Right.

Q. Did you tell that to anybody?

A. Yes, I did. I reported that to the FBI.

Q. Who else did you tell it to?

A. I believe I reported it to the District Attorney's [1848] Office in Los Angeles.

Q. Who else did you tell it to?

A. That is all that I know of.

Q. Did you ever tell Mayor Rossi about it?

A. No.

Q. Did you ever tell his Secretary to tell him about it? A. No.

Mr. Gladstein: In the question I am about to ask, your Honor, I do not mean any implication of any kind, but I am simply asking it as a question of fact.

Mr. Del Guercio: Why are you making excuses for it?

Mr. Gladstein: I am saying this in advance because I expect some objection or comment to be made to it.

Presiding Inspector: Don't answer the question until we know what it is.

(Testimony of Richard A. St. Clair.)

By Mr. Gladstein:

Q. Mr. St. Clair, have you ever been confined in any institution of any kind—"yes" or "no"?

The Witness: Shall I answer the question?

Presiding Inspector: Yes.

A. No.

By Mr. Gladstein:

Q. You say you are working for a man by the name of Kerr now?

A. I am working for Mr. Kerr. [1849]

Q. How do you spell it? A. K-e-r-r.

Q. What sort of business is that?

A. It is a business where he furnishes animals of all kinds, of all descriptions, to the M-G-M movies for making pictures.

Q. And where is that business located?

A. I will give you the exact address.

Mr. Del Guercio: I think he showed that letter to the reporter this morning and he got an address from it.

The Witness: I am willing to produce the letter and let the Court see it.

(Handing letter indicated to the Presiding Inspector.)

The Witness: I suppose he is trying to make something out of that.

Mr. Del Guercio: I ask that the letter be read in evidence on account of counsel's implication here.

Mr. Gladstein: I have made no implication.

(Testimony of Richard A. St. Clair.)

Mr. Del Guercio: You said an implication was involved.

Mr. Gladstein: The witness has just shown me a letter, the only material portion of which, in so far as my last question is concerned, appears to be the address of the place where he says he is employed. That address appears to be 13812 Budlong Street, Gardena, California.

Mr. Del Guercio: If your Honor please, counsel here [1850] made a statement to the Court that he was about to ask a question that might have some implication. I think he, in fairness to the witness and to the Court, should read this letter here.

Presiding Inspector: That doesn't seem to have any reference to being confined in any institution.

Mr. Del Guercio: It will probably show the character of this person as understood by his employer.

Presiding Inspector: We will come to that later. I won't accept it at the present.

By Mr. Gladstein:

Q. Is this the address, Mr. St. Clair, 13812 Budlong Street, Gardena, California, where you work?

A. That is right. [1851]

Mr. Gladstein: That is all, your Honor.

Presiding Inspector: Just a moment! Just to see that you understand that question which Mr. Gladstein asked you about, I suppose he meant to include not only the places where people are confined for punishment but places where people are

(Testimony of Richard A. St. Clair.)

confined for mental troubles or something of that kind.

The Witness: No.

Presiding Inspector: You have never been in any State Hospital?

The Witness: Never have been.

Presiding Inspector: Or anything of that kind?

The Witness: No.

Presiding Inspector: That is all. I wanted to be sure that he understood the question.

Mr. Del Guercio: Yes.

Redirect Examination

By Mr. Del Guercio:

Q. May I see that letter that you showed Mr. Gladstein there?

A. The letter? The subpoena letter or——

Q. (Interposing): No, where you are employed?

A. Where I am employed?

Q. Yes.

A. (Handing letter to Counsel.) [1852]

Mr. Del Guercio: I have here a letter dated "Gardena, California, Fowls of Distinction" on the letterhead.

"To whom it may concern:

"Greetings:

"This is to certify that the bearer, Richard St. Clair, has been in my employ for some time. I have found him to be exceptionally trustworthy, an

(Testimony of Richard A. St. Clair.)

efficient workman, and an employee that I can fully recommend to anyone.

(Signed) "J. H. KERR."

That is all.

Presiding Inspector: That's all. You are excused.

The Witness: I am surprised it ended so soon.

(Witness excused.)

JOHN OLIVER THOMPSON

called as a witness on behalf of the Government, being first duly sworn, testified as follows:

Direct Examination

By Mr. Del Guercio?

Q. What is your name?

A. John Oliver Thompson.

Q. Where do you live, Mr. Thompson?

A. 99 Bennett Avenue, Yonkers, New York.

Q. Are you employed at the present time?

A. Yes, sir.

Q. Where were you born, Mr. Thompson? [1853]

A. Portsmouth, Virginia.

Q. And of what country are you a citizen?

A. United States of America.

Q. Have you ever been out of the United States?

A. Yes, sir.

Q. How many times?

A. Oh, it would be hard to say, sir, as a sailor.

Q. In what capacity?

(Testimony of John Oliver Thompson.)

A. A sailor; a seaman in the Merchant service.

Q. Have you ever been a member of the Communist Party? A. Yes, sir.

Q. When did you first join the Communist Party?

A. Well, I joined the Young Communist League in 1929.

Q. Where? A. In Baltimore, Maryland.

Q. Do you know the month of the year?

A. I think it was around November, 1929.

Q. And how long did you remain a member of the Young Communist League?

A. Oh, till about 1932.

Q. And then what did you do?

A. Then I joined the Communist Party. I graduated into the Communist Party.

Q. Where? A. In New York City. [1854]

Q. Did anyone solicit your membership in either the Young Communist League or the Communist Party? A. I don't understand that.

Q. Did anyone ask you to join the Communist Party?

A. Well, you automatically graduate after a certain age in the Young Communist League. You automatically graduate into the Communist Party.

Q. And how long did you remain in the Communist Party? A. Until August, 1935.

Q. And while you were a member of the Communist Party where did you live?

A. I lived in Baltimore, for a while—I mean, in New York. I lived for a while at the Workers'

(Testimony of John Oliver Thompson.)

Cooperative House up at Alden Avenue in the Bronx, and then I lived on 342 East 13th Street.

Q. Did you go to any schools while you were a member of the Communist Party?

A. I went to the New York District School and to the Workers' School there, the National School.

Q. New York District School?

A. Yes, sir.

Q. What was that?

A. That was a school they had for training organizers for the Party.

Q. For what party?

A. For the Communist Party. [1855]

Q. And where was it conducted?

A. It was conducted at 35 East 12th Street.

Q. What is that address? Who occupies that address?

A. Well, the national office of the Communist Party, the Daily Worker office, the Morning Freiheit and various other offices.

Q. Is that a Communist conducted school?

A. Yes, sir.

Q. Who were the instructors?

A. The head instructor was Markoff, and we had J. Peters.

Q. Peters? A. J. Peters.

Q. J. Peters?

A. Yes, sir. Jerome, Browder instructed us there, too, and Clarence Hathaway, Robert Minor.

Q. Did you attend this school daily?

(Testimony of John Oliver Thompson.)

A. I attended that school daily for a month.

Q. For a month? A. Yes.

Q. What is the name of the other school that you attended?

A. That was called the National School. The National Training School.

Q. And who conducted that school? [1856]

A. That was conducted by the same people.

Q. The same people. You mean Communists?

A. The same instructors, only it was for a longer period.

Q. To go back, first, to the District School you called it? A. Yes, sir.

Q. What instructions were you given there?

A. There we were given instructions on how to organize in the unions; carry out Party work in the unions; increasing the membership of the Party and seeing that the Party line was followed out.

Q. Can you speak a little louder?

A. That was to see how to—learn how to carry out the Party line in the unions.

Q. Any particular unions?

A. Well, I was active in the Marine Workers Industrial Union at that time.

Q. And were you given any instructions as to what you should carry out in the Marine Workers Industrial Union?

A. Well, we were to organize the seamen and get the seamen in the unions so we can have them into the Party later.

Q. To have them into what Party?

(Testimony of John Oliver Thompson.)

A. The Communist Party. [1857]

Q. Were you instructed to go out and recruit seamen for the Marine Workers Industrial Union?

A. Yes, for the——

Q. For the what?

A. For the Marine Workers Industrial Union.

Q. Well, do I understand you correctly that you were instructed to go out and get seamen to join the Marine Workers Industrial Union?

A. That's right.

Q. That was one of the instructions?

A. Yes.

Q. What else were you instructed to do?

A. Then we later on in the National School were taught underground work and how to sabotage on the ships in case of strife, revolution.

Q. Who gave those instructions?

A. Those were given by Peters.

Q. J. Peters? A. J. Peters.

Q. And was he a member of the Communist Party? A. Yes, sir.

Q. Now, what instructions did they give you regarding the sabotaging of ships?

A. How to put sand in the bearings, in the oil cups and to drain the glycerine out of the steering apparatus. [1858]

Q. Did you receive any other instructions?

A. Not in that line. That was instructions mostly to the fellows there who worked in the engine department, and I belonged to the deck department.

(Testimony of John Oliver Thompson.)

Q. How long did you attend that school, the second school? A. Three months.

Q. Did you attend it daily?

A. Yes, sir.

Q. Daily for three months? A. Yes, sir.

Q. How many times a week?

A. Oh, it was every day, the full day, five days a week, and then a half a day on Saturday.

Q. Were you employed during that period of time? A. No, sir.

Q. Were you being paid by the Communist Party?

A. My room and board was being paid by the Communist Party.

Q. While you were attending this school?

A. Yes.

Q. Or both schools? A. Yes.

Q. How many students were there in these schools?

A. Well, in the District School I would say there were about 60. [1859]

Q. 60?

A. 60 in the group I was in.

Q. And in the National School?

A. In the National School was a little larger.

Q. How many?

A. I would say about 150 or so.

Q. And both these schools were conducted in the Communist Party headquarters in New York City, is that right? A. Yes, sir.

Q. By the Communist Party? A. Yes, sir.

(Testimony of John Oliver Thompson.)

Presiding Inspector: Did he give the exact dates of the attendance at these schools?

Mr. Del Guercio: Yes. I thought he did.

Presiding Inspector: Perhaps he did.

By Mr. Del Guercio:

Q. When did you go to the District School?

A. That was started in, I believe it was around the third of January.

Q. What year? A. 1931.

Q. 1931. And you attended the District School for one month? A. One month.

Q. And when did you start going to the National [1860] School?

A. Well, I started a few weeks after the District School was over. I don't remember the exact dates.

Q. Did you have to go to the District School first before you could attend the National School?

A. That's right.

Q. And you attended the National School for how long? A. Three months.

Q. Did the instructors use text books?

A. Yes, sir.

Q. What text books were used?

A. Well,——

Q. (Interposing) Do you remember the names of any of them?

A. They had Lenin on "Organization".

Q. They had what?

A. Lenin on "Organization", Political Economy, and they had some books—they were mimeographed sheets. They had no name. They were, I think,

(Testimony of John Oliver Thompson.)

published by Peters—written by Peters himself, and those were on underground work.

Q. In the National School what books were used for instruction?

A. Those are the books that I am talking about.

Q. Oh, at the National School? A. Yes.

[1861]

Q. Did they use any text books for instruction on sabotage?

A. Yes, sir. They had regular mimeographed books.

Q. They had mimeographed books?

A. They had mimeographed sheets put together. They passed out those and collected them up every night.

Q. Now, in giving these instructions, concerning sabotage, putting sand in the machinery on ships, and so on, did the instructors say that was the doctrine of the Communist Party, the policy of the Communist Party?

Mr. Gladstein: If your Honor please, I suggest that the question in its present form is leading, and I suggest that Mr. Del Guercio simply ask the witness for his recollection of the document without putting the words in his mouth.

Presiding Inspector: Well, I don't know about the last part of the objection, but I think it is leading. See whether he doesn't recollect in general what the instruction was as to the practices recommended by the Communist Party with respect to sabotage.

(Testimony of John Oliver Thompson.)

By Mr. Del Guercio:

Q. This was a Communist conducted school, is that right? A. Yes, sir.

Q. And were all instructions that were given at that [1862] school Communist matters?

A. Yes, sir.

Q. Were the instructions on sabotage also a Communist matter? A. Yes, sir.

Q. Do you know of it was the accepted policy of the Communist Party at that time to advocate sabotage? A. Absolutely.

Q. And where did you learn that? In the School? A. In the National School.

Q. Did the instructor tell you when you were to do this sabotaging of ships, on what occasions and under what situations?

A. Well, that was in time of strife and in times of a crisis or war, especially if the war was against the Soviet Union.

Q. And did the instructor tell you for what purpose you were to do these things?

A. Well, they were to weaken the armed forces of the country. The Merchant Marine was an auxiliary of the Navy.

Q. Of what country?

A. Of our own country.

Q. Of the United States? A. Yes, sir.

Q. Were any instructions given regarding the over- [1863] throw of the Government of the United States by force and violence?

(Testimony of John Oliver Thompson.)

A. That is their accepted doctrine, was what we were taught. That was the only way we could do it.

Q. Were instructions in that connection given at this school in New York? A. Yes, sir.

Q. And what instructions were given in that connection regarding the use of force and violence and overthrow of the Government?

A. Well, we were instructed that we have to work very hard, establish nucleus in the Army and Navy, so when the precise moment comes we would be able to overthrow the Government.

Q. Did they instruct you how you were to overthrow it?

A. Well, supposed to be a revolution.

Q. What kind of a revolution?

A. Well, when they give the orders.

Q. Well, was it a revolution of words?

A. No; it was by force of arms, because they claim that the capitalists would never give in peacefully.

Q. Were you ever employed in the Communist Party headquarters in New York City?

A. Yes, sir. [1864]

Q. In what capacity?

A. Well, I worked there for 18 months as a night watchman, and then the rest of the time I worked as elevator operator on the night shift.

Q. When did you commence your employment as a night watchman? A. May, 1931.

Q. May, 1931. And who employed you?

(Testimony of John Oliver Thompson.)

A. I was given the job by Peters.

Q. J. Peters? A. He got me the job.

Q. And as night watchman what were your duties?

A. My duties was to go around to all the offices. I had keys to all offices. It was to go to all the offices and see that nobody hid in there to steal documents and to see that no one got into the building who weren't Communist Party members?

Q. Did you become familiar with all the offices in that building? A. Yes, sir.

Q. And when did you begin your duties as elevator operator? A. About November.

Q. Of what year?

A. November of 1932, I guess. [1865]

Q. And how long did you continue in that capacity? A. Until August, 1935.

Q. And who employed you as elevator operator?

A. Well, the official name was the "Workers Center."

Q. The Workers what?

A. The Workers Center. That's the organization that I was supposed to be working for, the Workers Center.

Q. And what kind of an organiaztion was that?

A. They were supposed to be the ones who managed the building.

Q. Well, was it connected with the Communist Party?

A. Yes, sir. The Superintendent was a mem-

(Testimony of John Oliver Thompson.)

ber of the Communist Party. We all had to be members of the Communist Party to work there.

Q. Could you be employed in that building without being a member of the Communist Party?

A. No, sir.

Q. Were you assigned to any particular elevator?

A. The elevator on the 12th Street side of the building, on 35 East 12th Street.

Q. And by whom was that elevator used?

A. Well, it was used by mostly anybody, especially for the ninth floor. They only used one elevator for that, where the national offices were.

Q. What was on the ninth floor? The national offices of what? [1866]

A. The national offices of the Young Communist League and the national offices of the Communist Party.

Q. During any time that you were employed on that elevator did you see Harry Bridges?

A. Yes.

Q. Do you recognize Harry Bridges in this court room?

A. The man sitting right over there with the gray suit on (Indicating).

Q. When did you see him in that elevator in this Communist Party headquarters in New York?

A. I am not sure of the exact date, but I believe it was in the latter part of '34 or the first part of '35.

(Testimony of John Oliver Thompson.)

Q. Now, had you ever seen Harry Bridges before that time? A. No, sir.

Q. How did you know it was Harry Bridges?

A. Because it was my duty whenever there was a meeting, a Central Committee meeting, to stay on that elevator and run that elevator until the meeting was over, and only Communist Party officials could go up to that meeting, members of the Central Committee.

Q. Now, was there a meeting of the Central Executive Committee going on at the time you saw Harry Bridges in your elevator? A. Yes, sir.

Q. Who gave you these instructions that nobody but [1867] Communist Party members were to go in that elevator while a meeting of the Central Executive Board was going on?

A. I got if from my boss Charles Kellener.

Q. Who? A. Charles Kellener.

Q. Charles who? A. Charles Kellener.

Q. Spell that. A. K-e-l-l-e-n-e-r.

Q. Is he a member of the Communist Party?

A. Yes.

Q. Was anybody with Harry Bridges at the time?

A. I believe Roy Hudson and Peters.

Q. Who is Roy Hudson?

A. Roy Hudson, he was the member of the Marine Workers Industrial Union on the East Coast.

Q. And is he also a member of the Communist Party?

A. He is a member of the Political Bureau?

(Testimony of John Oliver Thompson.)

Q. A member of the Political Bureau?

A. Yes.

Q. That is the highest body in the Communist Party? A. Yes, sir.

Q. And is that the same Peters who was giving you instructions in this District School, the National School? A. Yes, sir.

Q. A member of the Communist Party? [1868]

A. Yes, sir.

Q. And where did you take Harry Bridges, Roy Hudson and J. Peters on your elevator?

A. It was my duty not to let people up on that floor who weren't members of the Committee.

Q. Who were not members of the Committee?

A. Yes, sir. So I asked Mr. Bridges which floor he was going on. He was continuing up. And it was either Peters or Hudson who said "That's all right. This is Comrade Bridges. He is with us."

Q. Could you take people up to the ninth floor on Roy Hudson's O.K.? A. Yes, sir.

Q. And on Peters' O.K.? A. Yes, sir.

Q. And did you take Harry Bridges up to the ninth floor? A. Yes, sir.

Q. You let him off? A. Yes, sir.

Q. On the ninth floor? A. Yes, sir.

Q. What did Roy Hudson say to you before you took Harry Bridges up to the ninth floor? Just what did he say?

A. Well, I asked—I said "Where are you going"? see. He said, "That's all right". [1869]

Q. Asked who where he was going?

(Testimony of John Oliver Thompson.)

A. Bridges.

Q. And then Roy Hudson spoke up?

A. I'm not sure whether it was Hudson or Peters now who spoke up and said, "That's all right. This is Comrade Bridges."

Q. Did he say "Comrade Bridges"?

A. Yes, sir.

Q. Did he say anything else?

A. That's all. [1870]

Q. When Peters said this where was Harry Bridges? A. In the elevator.

Q. Did you hear Peters say that?

A. I assume I did.

Q. Was he within hearing distance?

A. Yes; it was a very small elevator.

Q. Were you all in the elevator?

A. Yes, sir.

Q. How many people does that elevator hold?

A. The legal capacity was 13 people, but we could never carry more than 10 on it.

Q. How many people were in the elevator at the time this conversation occurred?

A. There were three besides myself.

Q. Who were they?

A. Peters, Hudson and Bridges.

Q. Anyone else? A. No, sir.

Q. Do you know where Harry Bridges went after he got off the elevator on the 9th floor?

A. I guess he went to the room where the meeting was being held?

(Testimony of John Oliver Thompson.)

Q. Do you know where he went—did you see him go anywhere? A. No, sir. [1871]

Q. Are there any other offices, other than the offices of the Central Executive Committee of the Communist Party and the Young Communist League, on the ninth floor?

A. Their Central Control Committee room.

Q. Of what?

A. Of the Communist Party.

Q. Any other offices? A. That is all.

Q. Do you know how long Harry Bridges remained up on the 9th floor?

A. The meeting was over about two o'clock in the morning.

Q. What time of the day was this that you took Harry Bridges up?

A. I guess it was some time before ten o'clock.

Q. Ten o'clock in the morning?

A. At night. I went on for the shift from 3:00 to 11:00. I generally had to stay there when there was a meeting—I have to stay later until everybody is out.

Q. How long did you stay there that night?

A. I stayed almost to 3:00 o'clock. The meeting was over a little after 2:00. I had to go up to the top and taken two elevator loads down.

Q. The meeting was over about two o'clock in the morning? A. Yes. [1872]

Q. The next morning? A. Yes.

Q. Did you take Harry Bridges down?

A. Well, I didn't pay any particular attention

(Testimony of John Oliver Thompson.)

to who I took down, but I took everybody up there down.

Q. How many loads did you take down?

A. I guess I took about three loads; about 30 people.

Q. Do you know the names of any of those that you took down? A. I know some of them.

Q. Will you give their names?

A. There was Peters, Tommy Raye, Durbin, Wiener.

Q. Let me ask you this—question: Did you recognize all of the people, not all of the people, but those that you did observe, as being members of the Communist Party?

A. Oh, yes; couldn't let them up otherwise.

Q. Did you see anyone there that was not a member of the Communist Party?

A. No, sir.

Q. You said, Mr. Thompson, that you were familiar with all of the offices in the Communist Party headquarters because you were night watchman for a period of time there? A. Yes, sir.

Q. Tell me what offices were in the building—how many floors are there in that buildi [1873]

A. There are nine floors.

Q. And what are some of the offices that are in that building?

A. Well, on the second floor was the Editor's office of the Russian newspaper, Novymir.

The Reporter: Spell it, please.

The Witness: I do not know how to spell it.

(Testimony of John Oliver Thompson.)

Mr. Del Guercio: N-o-v-y-m-i-r—is that agreed, Mr. Gladstein?

Mr. Gladstein: I don't know what you are talking about.

Mr. Del Guercio: The name of the Russian newspaper.

Mr. Gladstein: Are you asking me?

Mr. Del Guercio: Yes.

Mr. Gladstein: Why are you asking me?

Presiding Inspector: He thought you might perhaps know.

Mr. Gladstein: I don't happen to know.

Presiding Inspector: That is all.

Mr. Gladstein: Why don't you ask the witness?

Presiding Inspector: He did. He gave the name, but couldn't spell it.

Mr. Gladstein: The witness didn't know so, therefore, you are asking somebody else?

Presiding Inspector: He said he didn't know how to spell it. It wasn't quite that way. He didn't know how to spell it. He gave the name.

[1874]

By Mr. Del Guercio:

Q. What other offices were there?

A. On the third floor, the Workers' School office, and all the class rooms.

Q. And on the fourth floor?

A. On the fourth floor there was the Finnish Press, the Finnish Workers' office, Federation office.

Q. On the fifth floor?

(Testimony of John Oliver Thompson.)

A. On the fifth floor was the District Committee of the YCL, and the District Committee of the Communist Party.

Q. That was the New York District?

A. Yes, sir.

Q. And YCL—that is the Young Communist League? A. Yes, sir.

Q. What was on the 6th floor?

A. On the 6th floor was the Morning Freiheit office, the Editor's office and the Financial office—that is all I can recollect on that floor.

Q. What was on the 7th floor?

A. On the 7th floor was the print shop where they had all the setting up of the type for the Daily Worker, linotype machines, etc.

Q. What was on the 8th floor?

A. On the 8th floor they had the Daily Worker offices.

Q. Do you know who comprised the Central Executive [1875] Committee of the Communist Party during the period of time that you were employed there? A. I didn't get the question.

Presiding Inspector: Read the question.

(The question referred to was read by the reporter as above recorded.)

A. I don't know all of them because once in a while they change.

By Mr. Del Guercio:

Q. Those that you do know, name them?

A. There was Browder.

Q. Earl Browder? A. Yes; Robert Minor.

(Testimony of John Oliver Thompson.)

Q. Minor is the person who replaced Earl Browder, at the present time head of the Communist Party?

A. I don't know who he replaced. He was a writer on the Daily Worker's staff at that time.

Also Clarence Hathaway was on it.

Q. Do you know any others?

A. Not right off-hand, I can't remember the names of them.

Q. Did you mention Roy Hudson?

A. He was on the Political Bureau of the Communist Party and also on the Central Committee.

Q. Who is Tommy Raye you mentioned as being one of the persons with Mr. Bridges at the time you took him up to the [1876] 9th floor?

A. He was a member of the Marine Workers Industrial Union and also a leading Party official. He was on the Top Fraction of the Union and on the Political Bureau of the Party.

Mr. Del Guercio: Does your Honor want to stop here?

Presiding Inspector: Unless you can finish.

Mr. Del Guercio: I won't be able to finish.

Presiding Inspector: Tomorrow morning at ten o'clock.

(Whereupon, at 4:10 P. M. an adjournment was taken to Thursday, April 24, 1941, at 10:00 A. M.) [1877]

Court Room 276,
Federal Building,
San Francisco, California,
April 24, 1941.

Met, pursuant to adjournment, at 10:00 A.M.

PROCEEDINGS

Presiding Inspector: Call the witness, Mr. Del Guercio.

Mr. Del Guercio: He will be in shortly.

JOHN OLIVER THOMPSON

called as a witness on behalf of the Government, having been previously duly sworn, testified further as follows:

Direct Examination (Resumed)

Presiding Inspector: Anything further, Mr. Del Guercio?

Mr. Del Guercio: Yes, your Honor.

By Mr. Del Guercio:

Q. Mr. Thompson, while you were employed in the Communist Party headquarters in New York City did you ever have occasion to see a Mr. McCuiston? A. William McCuiston; yes.

Reporter: Spell it please.

Mr. Del Guercio: M-c-C-u-i-s-t-o-n.

By Mr. Del Guercio:

Q. And in what capacity?

A. Well, I think he was connected with the Marine Workers Industrial Union and he used to

(Testimony of John Oliver Thompson.)

come there to the Top Fraction meetings which were held on the fifth floor.

Q. Speak a little louder, please?

A. He used to come to Top Fraction meetings there that were held on the fifth floor in the District Committee's office.

Q. Top fraction meetings of the Marine Workers [1879] Industrial Union?

A. Of the Marine Workers Industrial Union; yes.

Q. Did they hold meetings in the Communist Party headquarters? A. Yes, sir.

Q. How often?

A. Some time they held them in the quarters there and sometimes they held them in friends' houses, sympathizers' houses.

Q. And during what period of time was this?

A. Well, the last time I seen them was around '34.

Q. Around '34? A. Yes.

Q. Did you attend any of those meetings?

A. No, sir.

Q. Were you ever a member of the Marine Workers Industrial Union?

A. I was from the convention, when we went from the Marine Workers League to the Marine Workers Industrial Union, and that was in 1930, up until about '32, I was still in the Union.

Q. Was the Marine Workers Industrial League the successor of the Marine Workers League?

A. Yes, sir.

(Testimony of John Oliver Thompson.)

Q. And what was the Marine Workers League?

[1880]

A. Well, that was the beginning of organizing the Union in the Marine industry, and later on we got orders from the Party that the time was ripe to hold a convention and form an industrial union.

Q. And was the Marine Workers League—was it the Marine Workers League or the Marine Workers Industrial League?

A. The Marine Workers League.

Q. Was it connected with the Communist Party? A. Yes, it was an auxiliary.

Q. It was what?

A. It was an auxiliary of the Party. All the leading functionaries were leading Party members.

Q. Do you know a Betty Gannett?

A. Yes. I know her from Philadelphia. She is on the District Committee. That's where I first met her.

Q. District Committee of what?

A. Of the Communist Party in Philadelphia.

Q. Did you ever have any business with her?

A. Well, in 1930, towards September, 1930, we called a strike there in Philly. It was supposed to be a strike there. So the A. F. of L. local during the time we were calling the strike, they went over and took the union hall away from us.

Q. What is that?

A. They took the union hall away from us.

(Testimony of John Oliver Thompson.)

Q. Who?

A. Polly Baker and his gang in Philly. [1881]

Q. What connection did Betty Gannett have?

A. So we went up to Communist Party headquarters about it. I believe it was on Spring Garden Street at that time. We discussed it up there. So there was Bill Lawrence and Betty Gannett and a few more of the leading functionaries up there. They decided the best way to get the hall back and protect ourselves was to have arms. We were given a German Luger, a .32 and a couple of sawed-off shotguns.

Q. Who gave you those guns?

A. Betty Gannett and Bill Lawrence.

Q. Was Lawrence a member of the Communist Party at that time?

A. I believe he was District Organizer at that time.

Q. Do you know Joseph Curran?

A. Well, I don't know his too well. I know he is a member of the Party.

Q. How do you know he is a member of the Communist Party?

A. Well, from seeing him around the headquarters there attending meetings.

Q. Have you ever been convicted of any felony?

A. Yes, sir.

Q. You have? A. Yes, sir.

Q. For what?

A. I was convicted of manslaughter. [1882]

Q. Where? A. In New York City

(Testimony of John Oliver Thompson.)

Q. When?

A. That was on December 21, 1939.

Q. And were you sentenced?

A. Yes, sir. Two to five.

Q. Two to five years? A. Yes.

Q. And what sentence did you serve?

A. I served about 17 months.

Q. Seventeen months?

A. I am out on parole now.

Q. You are out on parole at the present time?

A. Yes, sir.

Q. Had you ever been convicted of any other crame? A. No, sir.

Q. At any time? A. No, sir.

Mr. Del Guervio: You may cross examine.

Cross Examination

By Mr. Grossman:

Q. When did you leave the Communist Party, Mr. Thompson? A. In August, 1935.

Q. And how did you happen to leave?

A. Well, that was discussed with the Party there. I [1883] see them pulling the wool over our eyes and I decided to give it up.

Q. Did you make the decision suddenly?

A. No; it was in my mind for quite a few months.

Q. Did you remain active in the Communist Party work until August 1935?

A. No, I didn't.

Q. When did you become inactive?

A. Oh, I guess it was around about April.

(Testimony of John Oliver Thompson.)

Q. Did you do anything at all in the Communist Party between April and August of 1935?

A. Probably attended a few meetings.

Q. That is all? A. All to my knowledge.

Q. Did you express your attitude toward the Party to any of the Party officials between April and August of 1935?

A. Well, I expressed it to the manager of the building. He wanted to know why I was inactive so I told him. He said, "Well, it is either you be a party member or get out of the building. We can't have you working here if you are not a Party member."

Of course, I quit.

Two weeks later he sent for me. Hines and John Harvey were out to the house to see me, if I wouldn't come back. I wouldn't come back. [1884]

Later I was sent for by the Control Commission to come up to see Durbin. So I wouldn't go back. And a few weeks later my name and picture, I believe, was in the Daily Worker as being expelled.

Q. What were you expelled for, if you know?

A. An enemy of the working class, I believe it was.

Q. Do you remember any more details than that?

A. No; I didn't pay much attention to it.

Q. Did you read any items that may have appeared in the Daily Worker concerning your expulsion? A. No.

(Testimony of John Oliver Thompson.)

Q. How did you know that an item was in the Daily Worker then?

A. There was a small line that was called to my attention.

Q. Did you read it?

A. I glanced over it. I wasn't much interested in it.

Q. Did anyone ever tell you whether there were any other reasons for your expulsion?

A. No, sir.

Q. When did you quit your job in the building?

A. It was on August 14, 1935.

Q. You mean just about the same time you left the Communist Party? A. Right.

Q. When did you first tell the manager—when did the [1885] manager of the building discuss with you your not carrying out Party duties, or your not being a good Communist Party member?

A. Oh, he discussed that with me two or three times.

Q. When was the first time?

A. I guess it was around May.

Q. Around May? A. Yes.

Q. And it is your testimony that despite the criticism which he then made of your Communist Party inactivity and attitude, that they nevertheless allowed you to continue working in the building between May and August of 1935?

A. Yes, sir.

Q. Do you know whether your job in the building was considered a confidential one?

(Testimony of John Oliver Thompson.)

A. Absolutely was.

Q. Didn't you consider it strange that a man who indicated his attitude to be unfriendly to some extent to the Communist Party should be kept for several months in a position of importance and trust?

Mr. Del Guercio: Just a moment. I object to that as being argumentative.

Presiding Inspector: I will take it. It is cross examination. You may answer.

Do you understand the question?

The Witness: Yes. I wouldn't consider that exactly unfriendly. I was told to go home and think it over. They said, [1886] "You are probably tired and all you need is a rest."

By Mr. Grossman:

Q. Did you honestly express your attitude at that time to the manager of the building?

A. Well, I told him I was sick of the whole business.

Q. Don't you consider that unfriendly?

A. No.

Q. You stated the other day, rather yesterday, Mr. Thompson, that on this occasion when you saw Harry Bridges it was the latter part of 1934 or the early part of 1935. Is it possible for you to fix it any more definitely than that?

A. No, I can't. I know it was in the winter months, round that part, because it was right after, six or seven months after the strike, the general strike, and there was a lot of discussion going on.

(Testimony of John Oliver Thompson.)

concerning the lessons to be learned from the failings of the strike. At that time there was a committee meeting. Central Committee meeting.

Q. How early might it have been—could it have been as early as September of 1935? A. No.

Q. '34? A. No; it couldn't have been.

Q. Could it have been as early as October of 1934? A. I doubt it very much.

Q. Could it have been as early as November of 1934? [1887] A. It could have been.

Q. You do remember that it was in the winter months?

A. It was cold because I remember the people were wearing overcoats then.

Q. I am going to have to ask you which are the winter months in New York?

A. What is that?

Q. Which are the winter months in New York?

Mr. Del Guercio: I think the Court will take notice of that.

Mr. Grossman: I am entitled to know what the witness considers as the winter months there.

Presiding Inspector: You mean what he considers the winter months?

Mr. Grossman: Yes.

Presiding Inspector: I will allow it.

By Mr. Grossman:

Q. What do you consider the winter months in New York?

A. It generally gets cold there around the latter part of October and stays cold until after April.

(Testimony of John Oliver Thompson.)

Q. You don't consider April as one of the winter months, do you?

A. No; but it was cold enough to wear a coat.

Q. Well, it is your testimony that if you have to fix it more definitely it is much more likely it was in the [1888] November-December-January range than any other months of the year that you saw Harry Bridges there?

A. Around that time.

Q. Is there any event which enables you to fix it more definitely than you have yet fixed it—do you remember anything that was happening about the time that you saw Harry Bridges?

A. The only thing I remember was a committee meeting up on the 9th floor. I think there was some discussion going on about that time about elections, or something, out here on the west coast, and some dealings with the ILA in New York.

[1889]

Q. Do you remember whether it was before or after Christmas or before or after New Years?

A. Well, that's hard to say.

Q. Is it still your best recollection that it was about six months after the general strike?

A. Six or seven months, I believe.

Q. Could this have been as late as August, 1935?

A. No, sir.

Q. As late as July of 1935? A. No, sir.

Q. As late as June of 1935? A. No.

Presiding Inspector: He said "No".

(Testimony of John Oliver Thompson.)

By Mr. Grossman:

Q. Answer so that the reporter can hear. As late as May of 1935? A. No, sir.

Q. As late as April of 1935?

A. It could have been.

Q. It could have been. Do you think that's likely?

A. Well, if I knew the exact time I would state it, but I don't know the exact time.

Q. Does it appear to you now——

A. (Interposing) No, sir.

Q. (Continuing) ——that it wasn't as late as May? [1890]

A. I don't think it could have been as late as May because we was wearing overcoats yet.

Q. Would your answer be the same as to April?

A. What?

Q. Would your answer be the same as to April?

A. Well, no. It could have been because April is cool. A lot of times in New York it is quite cool.

Q. Was this the only time that you had ever seen Harry Bridges? A. That's right.

Q. And until you came to his hearing it was the only time you had seen Harry Bridges?

A. Right.

Q. Have you ever been shipping out as a seaman recently? A. No, sir.

Q. When was the last time you shipped as a seaman?

(Testimony of John Oliver Thompson.)

A. I think the last time I paid off the ship was in 1930, in December, in Galveston, Texas.

Q. What work have you done——

A. (Interposing) I was taken off that ship, by the way.

Q. I beg your pardon?

A. I was taken off that ship by John Harvey of the Immigration Authorities, and so forth. We were going to dynamite it for the Party. [1891]

Q. What work have you done since you left the Communist Party? Will you itemize the various jobs, please.

A. Well, I worked on the WPA as a guard.

Q. Was that the first job you had after you left the Communist Party?

A. The first job was the WPA.

Q. And how long did you have that?

A. I worked on there—let's see! I worked in September, I believe; September the 23rd, 1935, and worked a couple of months as a laborer and then I was promoted to a guard and worked until November 14, 1936.

Q. Was that in New York City?

A. New York City, up in the Bronx.

Q. What was your next job?

A. The next job I worked for Douglas Elman Real Estate Corporation.

Q. Douglas who? A. Douglas Elman.

Q. How long did you work for him?

A. I worked there up until about December the—'36—I believe it was '37. It was December

(Testimony of John Oliver Thompson.)

of '37, I believe. I worked there about 13 months, anyway.

Q. What kind of work did you do there?

A. Well, I was relief man.

Q. What does that mean?

A. Well, I run the elevator, relieved the elevator [1892] men on the days off, the firemen, the porter, the hallman, the doorman, etcetera.

Q. And after that what was your next job?

A. Well, was in the Tombs for a few months and I come out on bail.

Q. What were you in the Tombs for?

A. Manslaughter.

Presiding Inspector: The Tombs is the criminal prison in New York City.

Mr. Grossman: Yes.

A. (Continuing) And then I went back to work for the same people.

By Mr. Grossman:

Q. You have been working for them up to date?

A. No. I worked for them until I was sentenced, and then after I come out I worked a while for a contracting company in New York.

Q. What was the name of the company?

A. William H. Hahn. That is 61 West 131 Street.

Q. What kind of work did you do there?

A. I was a helper, mixing cement, plaster and so forth; sidewalk jobs.

Q. How long did that job last?

A. I worked there until—I started there in

(Testimony of John Oliver Thompson.)

February of last year and I worked there until about June, the first part of June. That's 1940.

[1893]

Q. And after that?

A. After that I went to work at the Empire City race track.

Q. Doing what?

A. Working maintenance.

Q. Do you still hold that job. A. Right.

Q. You say you are at present on parole?

A. Yes, sir.

Q. And how long a period is your parole?

Q. Oh, finish up in September, 1943.

Q. September, 1943?

A. Yes, I think it is September 13th.

Q. You pleaded guilty, did you not, to this offense? A. That's right.

Q. And the offense was committed, was it not, with a knife? A. Right.

Mr. Del Guercio: If your Honor please, I don't think it is proper ordinarily to question the witness here as to the nature of the offense.

Presiding Inspector: Well, I think I will allow that.

Mr. Del Guercio: I have no objection to it, but I think——

By Mr. Grossman:

Q. (Interposing) And the offense was committed against [1894] your wife, was it not?

A. Yes.

Q. You stabbed her in the back, did you not?

(Testimony of John Oliver Thompson.)

A. No, not to my knowledge.

Q. Where was she stabbed?

Mr. Del Guercio: Well, if your Honor please, I object to that.

Presiding Inspector: What is the materiality of this?

Mr. Grossman: I think the nature of the offense——

Presiding Inspector: (Interposing) You have got a conviction of manslaughter. Now, if you want to ask what degree of manslaughter that would be all right. But we can't go into details and try this case over again.

Mr. Grossman: I am not trying to try the case over again.

Presiding Inspector: It doesn't affect his credibility.

Mr. Grossman: It does to some extent.

Presiding Inspector: Not with this Inspector. Now, go ahead. He has admitted the crime. The crime is well defined.

By Mr. Grossman:

Q. Have you ever been arrested on a charge of felony except for this manslaughter?

A. Yes. I believe I was arrested in 1933, New York City, down at the Garment Center. I was assigned to go out and do "dumping" by Irving Potash.

Q. What were you charged with? [1895]

A. Felonious assault.

Q. What was the disposition of the case?

(Testimony of John Oliver Thompson.)

A. Well, it happened so that I was with the people that when the thing was around there and with those was going on, so they just picked up everybody.

Q. No. What I want to know is this: Was there a trial?

A. No, it was dismissed.

Q. You didn't plead, then?

A. No, dismissed.

Q. Have you ever at any other time been arrested and charged with a felony?

A. No.

Q. Have you been convicted of any crime except that which was mentioned? A. No, sir.

Q. Are you paroled at the present time to any individual or organization? A. No, sir.

Q. When did you first begin to run the elevator——

Presiding Inspector: (Interposing) I think perhaps you ought to know something about the system in New York in that respect.

Mr. Grossman: Yes. [1896]

Presiding Inspector: Whom do you report to?

The Witness: I have a parole officer.

Presiding Inspector: He is a public officer?

The Witness: A public officer. I report to him once a month now.

By Mr. Grossman:

Q. When did you start running the elevator in the Communist Party buildings?

(Testimony of John Oliver Thompson.)

A. Well, I believe it was as—as an elevator operator?

Q. Yes.

A. I would say around November, around November of '32.

Q. Did you work continuously on the elevator from then until August '35?

A. Yes.

Q. Did you work on the same elevator all that time?

A. Well, once in a while when that elevator broke down, which happened very often—that was on the 13th Street side. [1897]

Q. Most of the time, and when it wasn't broken down you worked on a single elevator?

A. Right.

Q. That elevator—how would you describe that elevator as against the other elevators?

A. Well, the one on the—you mean the 13th Street side elevator?

Q. I am concerned with your describing the elevator you ran so that we can distinguish it from the others?

A. Well, it is a pretty small elevator.

Q. Does it do any different work, cover any different floors, run at any different times than the other elevators? A. No.

Q. All the elevators go to every floor?

A. All except the one on the 13th Street side; there are two that never touch the 9th floor.

Q. Did you work every day of the week?

(Testimony of John Oliver Thompson.)

A. No, I had a day off.

Q. Do you remember which day it was regularly, if you had a day off?

A. I remember I was off—let me see—I believe I was off on a Sunday, Sunday afternoon, because I worked one night a week on this elevator on Saturday night. The watchman was off and I went on the elevator at 11:00 o'clock at night and worked [1898] to 7:00 o'clock Sunday morning. I didn't report back to work until about 3:00 o'clock Monday afternoon.

Q. That was your usual day off?

A. Yes.

Q. Do you remember what day of the week this occasion was when you saw Harry Bridges?

A. No, I don't.

Q. Do you remember whether it was your Saturday night?

A. I wouldn't know.

Q. How many times did you see McCuiston come into this building?

A. I have seen him quite often.

Q. How many times would that be?

A. I don't know. I wouldn't be able to say. I never counted the times. When you are on an elevator you take so many people up and you generally take them up by their faces because you get used to them.

Q. During what period of time did you see him?

A. I believe I seen him around, a few times, I think, it was in '31. I seen him there again around '34.

(Testimony of John Oliver Thompson.)

Q. You weren't running an elevator in '31, were you? A. What?

Q. You weren't running this elevator in '31?

A. No, but I was on as night watchman. I took the elevator at 11:00 o'clock at night and run it until everybody [1899] was out of the building.

Q. Did you see him in '32?

A. I don't think so.

Q. Did you see him in '33?

A. Could have been.

Q. Did you see him in '34? A. Right.

Q. Did you see him in '35? A. No.

Q. You didn't? A. No.

Q. Are you sure of that?

A. I can't be positive.

Q. Why do you think you didn't see him in '35—you don't recall?

A. I don't recall is all.

Q. Your best recollection is that you did not see him in '35?

A. To my best knowledge.

Q. You have answered questions about these respective years. Have you done it from your memory or have you figured it out from some independent information you have?

A. I am just trying to remember.

Q. Did you ever see Mr. McCuiston go anywhere else in the building except to the fifth floor? [1900]

A. No.

Q. You stated that he was going to Top Fraction meetings, I believe? A. Right.

(Testimony of John Oliver Thompson.)

Q. Did you state that? A. Yes.

Q. How did you know that?

A. Because I know quite a few other seamen used to come up there and there used to be Top Fraction meetings on that floor held once in a while, so I took it for granted that that was what he was going up for.

Q. What were the facts from which you took it for granted?

A. Because there were meetings being held up these, Top Fraction meetings, and they wouldn't have any seamen coming up at that time for any other reason. You know that yourself. They are very particular who they let around there.

Q. You mean that at particular times Top Fraction meetings were being held and at those same times he went to the fifth floor?

A. I wouldn't say every time.

Q. On some of the occasions? A. Yes.

Q. Do you have any other information to indicate when he went to the fifth floor he went to Top Fraction meetings? [1901] —

A. No.

Q. Did he ever tell you that he was attending Top Fraction meetings? A. No.

Q. Were there any other people on the floor when Top Fractions meetings were held?

A. Sometimes some big functionaries like Amter —A-m-t-e-r—and Krumbin were there.

The Reporter: Spell the last name, please.

The Witness: I don't know how.

(Testimony of John Oliver Thompson.)

Presiding Inspector: Spell it phonetically—K-r-u-m-b-i-n.

By Mr. Grossman:

Q. How many different offices were there on the fifth floor?

A. You mean in number or name?

Q. Number.

A. I would say about nine or ten different doors.

Q. How many individuals worked regularly on that floor? A. That would be hard to say.

Q. Just an estimate? A. What?

Q. Just an estimate.

Mr. Del Guercio: If you know, if the Court please.

Mr. Grossman: I think an elevator man has general knowledge of such things. [1902]

Presiding Inspector: You mean continuously?

By Mr. Grossman:

Q. What would you say was the average number of persons that were working on this floor every day during the time that you were running the elevator?

A. That is hard to say for in a Party building like that they are coming and going all the time.

Q. Would it be more than ten people?

A. I presume so.

Q. Would it be close to 25?

A. I don't know.

Presiding Inspector: You mean exclusively on that floor?

Mr. Grossman: Yes; on the fifth floor.

(Testimony of John Oliver Thompson.)

Presiding Inspector: Exclusively?

Mr. Grossman: Yes; worked just on the fifth floor.

Presiding Inspector: You haven't shown that any worked there.

Mr. Grossman: He stated there were certain offices on this floor. I assume certain people regularly occupied those offices.

Presiding Inspector: I don't know.

By Mr. Grossman:

Q. There were some people that worked on the 5th floor exclusively, weren't there?

A. Yes, there were. [1903]

Q. What offices were on that fifth floor?

A. They had the Party District office—that is the New York District the Y.C.L. District Office, and they had a District office of the Daily Worker. That is all I can recall.

Q. Were there more that you can't now recall the names of?

A. Well, there are more offices there but they were all connected with the same thing—like the Financial Secretary's office, David Leeds' office—that all belonged to the District Committee.

Q. When were these Party Top Fraction meetings held, during the day or during the night?

A. Most of the time they were held at night.

Q. You discussed yesterday your attendance at the National School, I think you called it?

A. National Training School.

(Testimony of John Oliver Thompson.)

Q. National Training School? A. Yes.

Q. During what period did you attend that school?

A. Well, I attended that school in 1931.

Q. Were there any other seamen at the school besides yourself?

A. I believe there were three or four there.

Q. And do you recall who they were? I don't ask your to name them, but I want to know if you recall who they were. [1904]

Mr. Del Guercio: I object to that. If he is asking who they were certainly he ought to give their names.

Mr. Grossman: You can question him on that.

Mr. Del Guercio: Just a moment——

Presiding Inspector: Don't argue.

Mr. Grossman: I think we have too many interruptions from Mr. Del Guercio. He can take care of it, if he is interested, on his examination.

Presiding Inspector: Counsel has a right to interrupt. He has his client, the Government, to represent here, just as you have your client, the Alien.

Mr. Grossman: Except I have no objection to his asking on his examination who they were, but if I am not interested I don't have to ask their names because he is interested in their names.

Mr. Del Guercio: Does counsel object to me addressing the Court?

Presiding Inspector: Look here—just a moment. You ask the next question. I want no argument on the matter.

(Testimony of John Oliver Thompson.)

By Mr. Grossman:

Q. The next question is this: Without naming them, do you remember who the seamen were that were in the school with you?

A. You don't want their names?

Q. I asked if you recall who they were without naming them. [1905] A. I believe so.

Q. You can? A. Yes.

Q. Do you recall what kind of work they did on the ships, whether they were Masters or Engineers, or deck, or what?

A. There were three working in the black gang, in the engine department.

Q. All that you can recall were from the black gang, is that it, the engine room crew?

A. That is right.

Q. You were the only one from the deck department?

A. No; I believe there was another one there.

Q. And the five of you were all the seamen in this school? A. Yes.

Q. When were you first contacted by any representative of any Government agency with respect to what you knew about Harry Bridges?

A. I believe that was in October 1940.

Q. By whom were you contacted, and where?

A. By my parole officer, who came out to my house and told me that the FBI Agent wanted to see me—that he didn't want to come to the house and cause any disturbance—and he asked me to go up to

(Testimony of John Oliver Thompson.)

the office. He didn't tell me what it [1906] was for, or anything.

Q. Did you go immediately to the FBI office?

A. I went the next day.

Q. Whom did you see there?

A. I seen a Mr. Pope, I believe is his name.

Q. Anyone else present when you talked to him?

A. There was one more person, but I don't remember his name.

Q. What has the first thing that was said when you began to talk with Mr. Pope?

A. Well, he asked me if I was a member of the Communist Party at any time, and I explained to him——

Q. (Interposing) Just a moment. Did you give him such information about your Communist Party membership. A. Right.

Q. You gave him correct information?

A. Right.

Q. What else did he ask?

A. He asked me about working there, how long I worked there, and so forth. I told him. Then he asked me the people I knew, and so forth, and he asked me if I had ever seen Harry Bridges in New York. I told him "Yes." He asked me if he was a member of the Communist Party, if I had ever seen his book ,and I told him, "No," I have never seen his book." [1907]

Q. Do you remember anything else about this conference?

(Testimony of John Oliver Thompson.)

A. He asked me if I was willing to come out here and testify.

Q. What did you say?

A. I told him "Yes."

Q. Was any statement drawn up at that meeting for you to sign. A. Yes, sir.

Q. Was it typed or written? A. Typed.

Q. Did you sign it on this same occasion?

A. The same day.

Q. Did you see them again or did you see any representatives of the FBI again?

A. Yes. I went down there once more to see them.

Q. Why did you have to go down again?

A. Well, they sent for me.

Q. What happened the second time?

A. They asked me if I knew certain other people. They asked me names of certain other people and so forth.

Q. Whom did they ask you about?

Mr. Del Guercio: If your Honor please, I object to that question. It isn't material to the issue here. If they asked him about other people who were in the Communist Party [1908] headquarters it might have been for another purpose than this case here.

Presiding Inspector: I suppose you can confine it to this general subject.

Mr. Grossman: I beg your pardon?

Presiding Inspector: You mean this question as confined to this general subject?

(Testimony of John Oliver Thompson.)

Mr. Grossman: Oh, yes; except that he might not know the answer to that.

Presiding Inspector: I think I will take it.

By Mr. Grossman:

Q. About what other people did they ask you?

A. They asked me about Tommy Raye and George Meek and Hudson and Wiener and Blake, Browder.

Q. Any other? A. Trachtenberg.

The Reporter: Spell it, please.

The Witness: I can't spell it.

By Mr. Grossman:

Q. Did they ask you about McCuistion?

A. No.

Q. Did they ask you about McCuistion the first conference you had. A. No.

Q. Did they mention anything else about Bridges at the [1909] second conference or did they ask you about Bridges?

A. No. They asked me if I wasn't sure that he was a Party member. They asked me to think back.

Q. What did you tell them?

A. I told them I wasn't sure as far as his book was concerned, but that as far as being introduced as a Communist, that was enough, because only Communist Party members were allowed on the ninth floor. High Party members, too.

Q. Did you have any other conferences with representatives of the FBI?

A. Not until about a day before I come here. They came down and notified me I had to come.

(Testimony of John Oliver Thompson.)

Q. Did you have any discussion at that time about your testimony? A. No, sir.

Q. Or what you knew about Bridges?

A. No, sir.

Q. Did any of these FBI men tell you how they happened to get in touch with you?

A. They never did.

Q. Do you happen to know of your own knowledge how they knew, if they knew, that you had some information about Bridges?

A. The only way I figured they could know it is by my record, where I was arrested, and so forth, and where I worked.

Q. You mean when you were arrested you stated that you had worked formerly in the Communist Party headquarters? [1910] A. Right.

Q. Have you ever told anyone since this occasion when you saw Bridges about it up to the time that you talked to the FBI?

A. Up to the time?

Q. Yes.

A. Well, I talked to a couple of boys up there in the prison; two sailors.

Q. Before you went to prison did you ever mention it to anyone else?

A. My brother. He told me he attended an open unit meeting of the Communist Party and Joe Curran and so forth was all in there, and he asked me and we discussed those things.

Q. Did you tell it to anyone else?

A. No.

(Testimony of John Oliver Thompson.)

Q. Did you ever tell it to any other representative of the Governmental Agency, State or Federal?

A. No, sir.

Q. Have you ever testified before or given any statement to the Dies Committee?

A. No, sir.

Q. Did you ever give a statement in connection with your arrest or imprisonment for manslaughter concerning what you know about Harry Bridges?

A. I don't understand that question. [1911]

Q. Did you ever give any statement in connection with your arrest or your imprisonment for manslaughter about what you know about Harry Bridges?

A. You mean when I was arrested?

Q. Well, I assume there are certain times when they ask you questions; your parole officer probably asks you questions and the prison probably asks you question.

A. I was never asked anything concerning the labor movement.

Q. Well, have you ever given such information in connection with questions that were asked you by reason of your arrest and conviction?

A. They never asked those sort of questions.

Presiding Inspector: You never did give any information to them?

The Witness: No, sir.

By Mr. Grossman:

Q. Did you ever tell your parole officer what you state you know about Bridges?

(Testimony of John Oliver Thompson.)

A. No, he never asked me much about it.

Q. Did you ever tell him?

A. No, not until—not until the day before I come here and he asked me about it. So I told him just how it was. So he says "Go there and tell the truth".

Q. Have you ever used any other name except John [1912] Thompson?

A. I used my Party name. Just "Jack".

Q. Anything else? A. Nope.

Q. Have you ever been offered any inducement whatsoever for testifying in this case?

A. No, sir.

Q. Were you offered any inducement whatsoever for giving a statement or affidavit to the Federal Bureau of Investigation? A. No, sir.

Q. Did anyone ever tell you that there might be some effect on your continuing out on parole if you did not cooperate with the FBI in this case?

A. No, sir.

Mr. Del Guercio: I object to that, your Honor. There is no foundation for it.

Presiding Inspector: No, there is no foundation for it. But I will allow it. I don't see exactly how that could be. But, then, go ahead. It is a state offense and not a government offense.

Mr. Grossman: Yes, except that parole violators can be pulled in rather easily, if the procedure is the same in New York, without a hearing or anything else. [1913]

Presiding Inspector: They can be.

(Testimony of John Oliver Thompson.)

Mr. Del Guercio: That statement of Counsel is out of order.

Presiding Inspector: It is quite the fact, however. Go ahead.

By Mr. Grossman:

Q. Has anyone ever told you that unless you cooperated with the FBI in this proceeding you would be sent back to prison?

A. No, sir. I just asked my parole officer was it necessary that I go, and he said "You, or anybody who gets a subpoena has to go."

Q. At the time you gave the statement to the FBI were you of the opinion that if you did not cooperate with them you might have to go back to prison to serve the rest of your term?

A. No, sir.

Mr. Grossman: That is all.

Presiding Inspector: Now, I have been thinking over the ruling that I made about his crime. If you want to ask him a little more about it, as this record will be read by others besides myself, I will let you do it.

Mr. Grossman: I think I have only one or two more questions on that.

Presiding Inspector: Of course, manslaughter is the [1914] causing of death without intention.

The Witness: Judge——

Presiding Inspector: (Waving hand negatively).

(Testimony of John Oliver Thompson.)

By Mr. Grossman:

Q. Were you convicted of manslaughter in the first degree? A. Second degree.

Q. Second degree. And were you indicted for manslaughter in the first degree?

A. Yes, sir.

Q. And you pleaded guilty to manslaughter in the second degree, is that right? A. Right.

Q. Now, the question I asked you before when we had some objection to the nature of the question was whether you had stabbed your wife in the back.

Presiding Inspector: He answered that question. That was answered.

Mr. Grossman: Well, I wanted to—his answer was, I think, something about his not remembering.

Presiding Inspector: "Not that I know of", he said, or something of that kind.

Mr. Grossman: I want to follow that.

Presiding Inspector: All right. [1915]

Mr. Del Guercio: I want to enter here an objection to any question along that line.

Presiding Inspector: All right. I think you probably should. That's right.

By Mr. Grossman:

Q. Do you know where your wife was stabbed by you?

Mr. Del Guercio: I object to that.

By Mr. Grossman:

Q. I mean what portion of her body.

(Testimony of John Oliver Thompson.)

Presiding Inspector: I will take that, if he can tell.

The Witness: I don't think I have to answer those questions. I am not on trial.

Presiding Inspector: No, you are not. But answer the question. It will only be a question or two.

By Mr. Grossman:

Q. You don't want to answer this question?

A. No, I don't.

Mr. Grossman: All right. I will withdraw it. That is all. No more questions.

Presiding Inspector: Anything further?

Mr. Del Guercio: No further questions.

Presiding Inspector: That is all.

Mr. Del Guercio: May the witness be excused?

Presiding Inspector: You may be excused.

(Witness excused.) [1916]

Mr. Del Guercio: May I take just a minute? I have another matter.

Presiding Inspector: Do you want a recess? A slight recess?

Mr. Del Guercio: If you please.

Presiding Inspector: All right.

(Whereupon, a short recess was taken.)

[1917]

Presiding Inspector: You may proceed.

Mr. Del Guercio: Take the stand, Mr. McCuistion.

Presiding Inspector: Raise your right hand.

WILLIAM C. McCUISTION

called as a witness on behalf of the Government, having been first duly sworn, testified as follows:

Presiding Inspector: Give your name and address to the reporter.

The Witness: William C. McCuistion—M-c-C-u-i-s-t-i-o-n; 319 Proctor Street, Port Arthur, Texas.

Direct Examination

By Mr. Del Guercio:

Q. Are you employed at the present time?

A. No, sir, I am not.

Q. Where were you born?

A. I was born in Paris, Texas.

Q. Of what country are you a citizen?

A. Of the United States of America.

Q. Have you ever been a member of the Communist Party? A. Yes, sir.

Q. When did you join?

A. I joined the Communist Party first in 1922.

Q. Where?

A. I joined first here on the West Coast, in the City of San Francisco. [1918]

Q. And how long did you continue your association with the Communist Party?

A. More or less intermittently I continued my association up to 1935. I was out of the Party though, perhaps for a period of six or seven years in between through various disagreements I had with the Party.

(Testimony of William C. McCuistion.)

Q. And since 1935 have you been associated with the Communist Party?

A. Only in the capacity of an adviser to the higher committees, adviser on labor questions.

Q. While you were a member of the Communist Party, or while you were associated with the Communist Party, did you become a member of the Marine Workers Industrial Union?

A. Yes; I became a member of the Marine Workers Industrial Union at the time of the formation of the Union. I was a charter member of the Union.

Q. You were a charter member? A. Yes.

Q. Do you know how the Marine Workers Industrial Union came into existence? A. Yes.

Q. How did it come into existence?

A. The Marine Workers Industrial Union came into existence by virtue of a convention called by the Marine Workers League. The convention was called, as I remember, in April, [1919] 1930.

Q. Who called the convention?

A. The convention was called by the Marine Workers League and by the Trade Union Unity League, at the instance of the Red International of Trade Unions.

Q. What was the Marine Workers League?

A. The Marine Workers League was an organization of seamen, a very small skeleton organization, being the American section of the International Seamen's Clubs, and the International Seamen and Harbor Workers, affiliated with the Trade

(Testimony of William C. McCuistion.)

Union Unity League, and the Red International of Labor Unions.

Q. Was it a purely Communist-conceived, controlled and dominated organization?

A. The membership was practically 100 per cent Communists.

Q. Do you know why the Marine Workers Industrial Union was formed?

A. The Marine Workers Industrial Union was formed because at that time the only other organization in the field, especially on the Atlantic and Gulf, was the skeleton organization of the International Seamen's Union of the American Federation of Labor; and it was showing signs of growing and becoming an influence. The Communist Party made the decision that the Marine Workers League would have to change its form into that of an industrial union in order that they would be able [1920] to retain their influence among the seamen, and to control a certain section of the seamen and possibly get into control of the industry.

Q. For what purpose?

A. For the purpose that the Communists organize any other union, for the purpose of having a means of disseminating their propaganda, carrying on agitational work, organizing for the revolutionary end.

Q. Would you say that the Marine Workers Industrial Union was formed by the Communist Party for any other purpose other than for carrying out the objectives of the Communist Party?

A. No. The end proved that that was exactly

(Testimony of William C. McCuistion.)

the case; that the Marine Workers Industrial Union was only a tool of the Party and when it served its purpose the Party liquidated it.

Q. Do you know if the Marine Workers Industrial Union ever disassociated itself from the Trade Union Unity League?

A. Never at any time. I was an official of the Marine Workers Industrial Union from the day of its birth to the day of its death.

Q. When did the Marine Workers Industrial Union go out of existence? A. In 1935.

Q. And why?

A. Because of the decision of the National Fraction. [1921] The Communist members and the leadership of the Union, held a meeting at 35 East 12th Street in New York City, and in this meeting decided, with practically a unanimous vote—myself and one other member of the National Fraction dissented—to liquidate the Union and to instruct the membership of the Union to join the American Federation of Labor.

Q. Do you know why the matter of liquidating the Marine Workers Industrial Union was taken up at that Fraction meeting?

A. Yes; because at that time the seamen, through the medium of the West Coast strike, the longshoremen, and various others, had become organized, and because the seamen as a whole had failed to follow the Party line, failed to follow the Communist Party led Marine Workers Industrial Union, and the Communist Party felt that if they continued with the Marine Workers Industrial

(Testimony of William C. McCuistion.)

Union the seamen and the members of the Union would be isolated from any chance of employment, or any chance in participating in the activities of the big mass of seamen. For that reason they liquidated it in order to turn their influence to the much larger American Federation of Labor.

Q. Had any orders come from Moscow, from either the Red International of Labor Unions, or elsewhere in Moscow, to liquidate the Marine Workers Industrial Union?

A. The orders came directly from two sources: The orders came directly from the International Seamen and Harbor Workers, and orders came directly from the Red International of [1922] Labor Unions. The orders were also transmitted through the Political Bureau of the American Party as coming direct from the Communist International.

Q. Did the Trade Union Unity League, of which the Marine Workers Industrial Union was a part, ever disassociate itself for any period of time from the Red International of Labor Unions?

A. It was impossible for it to disassociate itself.

Q. Why?

A. It was called the American section of the Red International of Labor Unions; it was organized by the Red International of Labor Unions; it was a child of the Red International and couldn't have disassociated itself.

Q. Your answer is it never did disassociate itself?

A. Never at any time, never until its liquidation, and then it disassociated itself from everything.

(Testimony of William C. McCuistion.)

Q. You say you were a charter member of the Marine Workers Industrial Union? A. Yes.

Q. Where was that?

A. That was in New York City. The convention was held there.

Q. Did you hold any office?

A. I was a member of the National Committee and the National Bureau of the organization, from the time of the birth of the organization until the time of its liquidation; besides [1923—24] holding various local positions in different cities. I was secretary at various times in Buffalo, Cleveland, Houston, Philadelphia, Baltimore, New York—and at various other places.

Q. And was the chapter or union of the Marine Workers Industrial Union on the Pacific Coast under your jurisdiction?

A. It was absolutely under the jurisdiction of the National Bureau of the organization, which corresponds to an executive committee in any other organization.

Q. Was there such a Union on the Pacific Coast?

A. Yes.

Q. During what period of time?

A. The Union on the Pacific Coast—from the very beginning. The Marine Workers League, originally was on the Pacific Coast, first having a hall on Stuart Street and later a hall on Clay Street; and the Marine Workers Industrial Union followed right along and organized the branches in San Francisco, San Pedro, Portland, Seattle, which were the main branches.

(Testimony of William C. McCuistion.)

Q. Did you correspond with the Marine Workers Industrial Union on the Pacific Coast?

A. Frequently.

Q. Who were some of the other members of the Committee of which you spoke?

A. Tommy Raye, Roy Hudson, Joe Bianca, Harry Hynes, David Drummond, Al Lannon—and various others. I would have [1925] to refresh my memory by looking back over some of my notes to name others, but I do recall that various others came on from time to time as replacements. These were there all the time.

Q. Did you know a Mr. Nat Honig?

A. Yes, sir; I knew him very well.

Q. Was this during the same period of time?

A. Yes, sir; and for some time before.

Q. What was Nat Honig at that time?

A. He was a member of the Executive Committee of the Trade Union Unity League, and he was also editor of Labor Unity, the official publication of the Trade Union Unity League. He conducted a school, Workers School of Journalism, they called it, in trade union journalism; sort of an informal school for those of us who were connected with organizations within the TUUL.

Q. Going back to this correspondence which you said you had with the Marine Workers Industrial Union in San Francisco, with whom did you have such correspondence?

A. The majority of the correspondence was with Tommy Raye and with Harry Hynes. On at least

(Testimony of William C. McCuistion.)

two occasions I had correspondence with Harry Bridges.

Q. Well, do you know Harry Bridges?

A. I know him personally; yes.

Q. Where is he?

A. Not intimately, but I am acquainted with him.

Q. Can you identify him? [1926] A. Yes.

Q. Is he in the court room?

A. Yes; sitting right there, the gentleman with the gray suit. (Indicating).

Q. What was the nature of the correspondence you had with Bridges?

A. Dealing with the policy of the Waterfront Worker. There had been some differences between Raye and Hynes and Bridges, on the question of the policy the paper should follow. In this they had a difference with Darcy, who was organizer of the Party here. Their opinions didn't exactly agree with his. So the matter was put before the National Fraction of the Marine Workers Industrial Union, which was a higher Party organization.

Q. Was Bridges a member of the Marine Workers Industrial Union at that time?

A. I have never seen his membership book in the Marine Workers Industrial Union. However, he was actively working in the organization of the Marine Workers Industrial Union as a member of the Communist Party, as a member of the leading Fraction on the West Coast here that superintended the organization of all marine affairs.

(Testimony of William C. McCuistion.)

Q. And is that why you corresponded with him?

A. I corresponded with him as a leading Communist in the marine industry, and corresponded with him understanding he was [1927] a leading Communist in the marine industry on the Pacific Coast.

Q. Did you make copies of that correspondence?

A. There were no copies kept of it. Well, perhaps there was the original correspondence, but that was all in the possession of Roy Hudson and where it has gone nobody knows.

Q. Did you ever meet Mr. Bridges?

A. Yes.

Q. When was the first time you met him?

A. The first time I met Mr. Bridges was in 1935, met him personally. I had known of him for some time previous.

Q. Where did you meet him?

A. I met him at the foot of Clay Street.

Q. Where?

A. San Francisco, California.

Q. Who was present at the time?

A. Frederick A. Reed, myself and Mr. Bridges.

Q. Who was Frederick A. Reed?

A. Frederick A. Reed was a member of the Communist Party and a seaman.

Q. And did you have any conversation with Bridges at that time?

A. Just a brief conversation and a lunch.

Q. Well, were you introduced to Bridges?

A. I was introduced by Fred Reed. He said,

(Testimony of William C. McCuistion.)

"Bridges, this is McCuistion." And Bridges said, "Hello." That was about the extent of the meeting. [1928]

Q. Well, what did you do after that?

A. The fact that I had been shortly before expelled from the Party was mentioned——

Q. (Interposing) Who mentioned that?

A. Bridges mentioned that.

Q. How did he mention it, in what manner?

A. Well, he mentioned it in the form that they had work for active men to do around the waterfront here, and that my expulsion was made with a provision that within a year I was eligible for readmission to the Party, and that by working around the waterfront here and helping the Party carry on their activities, particularly, in relation to getting Scharrenberg, the Sailors Union of the Pacific, and organizing a bloc to oust Harry Lundeberg, that on that basis I could get back in the good graces of the Party and be readmitted.

Q. By the Party you mean——

A. (Interposing) Yes.

Q. What party?

A. The Communist Party; the one that I was expelled from.

Q. Did you have this conversation in the presence of Reed?

A. No; just a brief part of it in the presence of Reed. The rest was discussed at some little waterfront restaurant. I was broke at that time and Harry bought the [1929] dinner.

(Testimony of William C. McCuistion.)

Q. Did Bridges tell you how he knew you had been expelled from the Communist Party?

A. I didn't ask him that. He had a clipping from the Daily Worker. He also spoke of the Communist Party. Although I couldn't swear that he was a member of the Communist Party, he spoke of the Communist Party as "we," "You ought to come back and help us," and "we are always sorry to have to expel a militant worker," and so on and so forth like that. I could only draw the implication; that was all.

Q. As a result of that meeting were any arrangements made to meet Bridges again?

A. Yes. I saw Bridges that same night.

Q. Where?

A. I think up on Grove Street, the headquarters of the Communist Party.

Q. Did Bridges ask you to meet him at the headquarters of the Communist Party?

A. He said that he wanted to talk to me later on. I asked where to meet him. He said, "I will see somebody at headquarters that will tell you."

I said, "I will be going there."

I thought probably I was going out to meet him in a house, or something like that, but instead he was there when I got there. [1930]

Q. He was in the Communist Party headquarters? A. Yes, sir.

Q. Who else?

A. As I remember, Elmer Hanoff was present and one or two others who I didn't know. I wasn't

(Testimony of William C. McCuistion.)

acquainted with the Party membership around San Francisco at that time. I had known Hanoff before because he had been in the leadership of the party always. Reed was there. Reed went up with me.

Q. Did you have any conversation with Bridges at that time?

A. Just a brief passing conversation. We discussed what I was going to do. I stated that I was sore at the Party for having liquidated the Marine Workers Industrial Union and that I didn't intend to stick my neck out any more; that I was a seaman and that I was going to sea as soon as I got a chance. But I also stated that I probably would have a hard time going because I point-blank refused to join the American Federation of Labor Unions, either one of them. I disagreed with their principles almost as much as I disagreed with the Communist Party principles.

Q. Did you go out to sea?

A. I went to sea. Mr. Bridges said that he could arrange it for me and, as a result, why, I was told to contact, I think it was, Mills at the Sailor's Union of the Pacific. [1931] It was strange because I always sailed below in the engine department. However, this contact was made for me. I was given a shipping permit without having to produce any clearances, any papers, pay any dues or, even take a union book out. I was given a permit in the shipping department. That wasn't my department, and I shipped almost immediately; put at the top of the list and shipped almost immediately.

(Testimony of William C. McCuistion.)

Q. You say that was arranged for you. Who arranged that for you?

A. That was arranged by Mr. Bridges.

Q. On what ship did you sail?

A. The President Garfield.

Q. And in what capacity?

A. As an ordinary seaman.

Q. And on what date was this?

A. It was in the spring of 1935. It was shortly after Mr. Bridges had gone to the hospital for an operation for perforated ulcers.

Q. Only for the purpose of refreshing your memory, Mr. McCuistion, I have here a photostatic copy of the shipping articles signed by the Dollar Steamship Lines, Inc., and this was done in the office of the U. S. Shipping Commission for the Port of San Francisco. The date here is unintelligible, your Honor. I can't read it, but it is the year 1935.

A. I know the sailing was approximately a month after I [1932] had met Bridges; approximately a month after that before the shipping permit had been arranged, and I shipped and sailed almost immediately. I couldn't recall the time exactly.

Q. It appears to be June, 1935. Is that the trip you have in mind, Mr. McCuistion?

A. Yes. It was in the early part of '35.

Q. Did you sign these shipping articles?

A. Yes, I always have to sign the articles.

Q. Does your name appear on the photostatic copy of these shipping articles?

(Testimony of William C. McCuistion.)

A. Yes, sir. My name is the third from the bottom with a line drawn through it.

Q. With a line drawn through it?

A. I went "on the beach" at Colombo, Ceylon.

Q. But you did sail on this ship? A. Yes.

Mr. Del Guercio: I will offer these for identification only.

Presiding Inspector: Mark them for identification only.

(The documents referred to were marked Government's Exhibit No. 246 for identification.)

By Mr. Del Guercio:

Q. During the time that you were connected with the Marine Workers Industrial Union, Mr. McCuistion, did you become familiar with the Waterfront Worker? [1933]

A. Yes. I read almost every copy of it. They would send in copies. Copies of it had to be sent to New York for editing by the National Bureau and the National Fraction of the Marine Workers Industrial Union.

Q. Mr. McCuistion, I will show you a copy of the Waterfront Worker for July, 1933, Volume I, No. 8, and ask you if you have ever seen this?

A. Yes. I wouldn't say that I have seen this specific one, but I have seen hundreds of them along the same line.

Q. Would you say that that was an authentic copy of the Waterfront Worker?

A. Absolutely; yes.

(Testimony of William C. McCuistion.)

Q. Issued at that time?

A. Yes. It is the same technical makeup, the same work, the same type and everything.

Mr. Del Guercio: I offer this in evidence as Government's Exhibit next in order.

Presiding Inspector: It may be received.

Mr. Del Guercio: May I ask that a photostatic copy be substituted?

Presiding Inspector: It may be so substituted.

(The document referred to was received in evidence and marked Government's Exhibit No. 247.)

GOVERNMENT'S EXHIBIT No. 247

(Cut—Waterfront Worker)

Issued By: A Group of Longshoremen With the Cooperation of the M. W. I. U.

Volune 1—No. 8 Waterfront Worker July 1933

The B. B. Must Be Smashed!
Now Is the Time!

As we pointed out in the last issue of the Waterfront Worker, in order to break the Blue Book we followed the rest of the stevedores on the Front in signing up for the ILA. A fight against the Blue Book was promised us. It was this promise that brought such a quick response from the stevedores; 4,000 signing up.

Over a month has now passed. What action has been taken by the present selfelected officials to carry out this promise? None. When the Blue Book started a drive again for dues it was evident

(Testimony of William C. McCuistion.)

Government's Exhibit No. 247—(Continued)

that a general meeting should be called and the men organized to resist to pay dues on a mass scale. This Holman and Co. did not do.

Every one on the Waterfront was eager to act. Yet in answer to the question how to meet the Blue Book drive, Holman told us to wait until men were knocked off; that he would then fight it out in court; or that he would take the Blue Book officials to the Labor Commissioner, etc. When some of us suggested that the docks be organized to stop working when the Blue Book attempted to knock any men off, Holman and the rest of the officials saw the "Red" horrors.

Stevedores were knocked off the job. They were taken to the Labor Commissioner. What was the result? According to the Daily News of Saturday the 22nd, the Labor Commissioner told the stevedores "that the Commission had no jurisdiction in the matter and that it was a case for settlement entirely between the men and the companies and probably the Recovery Act".

Stevedores, take special note of the word "probably". In the meantime, the Blue Book is getting a grip on the waterfront again. This is being made possible by Holman and Co. who are preaching passivity and inaction and by covering up this treachery to the longshoremen by crying, "Communists and fanatics" at every worker who proposes to take militant action to smash the Blue Book. They have told us to leave it to lawyers

(Testimony of William C. McCuistion.)

Government's Exhibit No. 247—(Continued)

and other Messiahs, but not to do anything ourselves.

This attempt to keep the militancy and fighting spirit of the stevedores from expressing itself in action against the Blue Book is helping the Blue Book to stage a come-back. Already stevedores are being thrown off the job and threatened and intimidated into again paying into the racket. If we want to break the Blue Book we cannot leave it to lawyers and other so-called legal means. We must act ourselves—And Now. Resistance to the Blue Book must be developed right on the docks by ourselves. The Waterfront Worker proposes that the following immediate steps be taken.

1—That the stevedores on each dock get together and elect a dock chairman.

2—That as soon as a worker is knocked off the job by the Blue Book, the Dock Chairman immediately get in touch with the Waterfront Worker, 3470 - 19th Street. The Waterfront Worker will send a speaker to the dock to mobilize the stevedores for a stoppage of work or any other action that the men themselves decide upon.

3—That at the General Meeting on Thursday we will elect no Holman men, who are paralyzing action but officials who will take a fighting stand against the Blue Book.

—oOo—

Not a Cent More to the Blue Book Racket

(Testimony of William C. McCuistion.)

Government's Exhibit No. 247—(Continued)

August 1933 Waterfront Worker Page 2

(Cut)—Under Below

"We" and the Cheeseknife

From a Correspondent

Gordon gave the incentive for the non-payment of traveling time across this bay. About two years ago he (Gordon) was a gaffer for the Klitgaard Stevedoring Co. As biscuits were hanging high there he cast about for a more lucrative billet. After tireless handshaking and backslapping and flirting his cheeseknife (A Shriners Pen or Masons Emblem) he finally hooked up on Pier #21 working coastwise vessels as a hiring boss.

On his second day in that capacity, a vessel was to work across the Bay. He (Gordon) came outside the gate where the men were at Pier #21 and said as follows: "We" (with the emphasis on the "we") "We", he again said,are not going to pay traveling time, so if you do not care to come on them conditions, we (again with emphasis) will get men in Oakland.

You May and You May Not

You may and you may not have heard of the New Company which has been formed. You surely have heard that Scarface Mike and Mr. Jensen have consolidated.But as they have formed this new company we have not been informed what name will shine first. I almost forgot. According to last months news it should, as a matter of

(Testimony of William C. McCuistion.)

Government's Exhibit No. 247—(Continued)

course, be Mr. Jensen. When Mr. Jensen has a job he falls on Mike for support. It's Mike's gang first, or a big part of that gang if there should be need. Even though he still has part of his old gang, Mike comes first.

It is too bad Mr. Jensen cannot find enough able men on the front today to have a gang of his own without having to rely on Mike and his gang. When Mike has a job he doesn't seem to know who is with Jensen; well he should—his own gang. Them two are not the only ones who have consolidated, Tomato Face & Co. And is his face red!

A slave.

August First

Editor Waterfront Worker

August 1st will mmark the 19th anniversary since the outbreak of the world war, which caused the death of at least 13 million soldiers, 28 million civilians; wounded 20 million; leaving 9 million orphans, 5 million widows. The lot of the workers was greater impoverishment than ever. Hunger and disease stalks every corner of the earth.

IT IS TO EXPRESS THE UNITED DETERMINATION OF THE WORKERS THROUGHOUT THE WORLD NEVER AGAIN TO BE DRAWN INTO A WAR FOR THE BOSSES, THAT AUGUST 1ST DEMONSTRATIONS TAKE PLACE.

The accentuation of the crisis the narrowing of the world's markets is driving the big capitalists

(Testimony of William C. McCuistion.)

Government's Exhibit No. 247—(Continued)

to the only solution they know—WAR. The relation between the United States and England are becoming ever sharper, heading towards a decisive struggle for world control. The Japanese imperialists are making a strong effort to become the predominant power on the Pacific. There is an ever-sharpening division between many European powers.

The United States imperialists are setting the pace for armaments. Every million invested here for war preparations speeds the mad race to catch up by the other powers. The peace appeals, made by Roosevelt only a few weeks ago, were only to deceive the masses, a mask, as the government is now zealously carrying out a war program greater than any in the history of the country. The complete failure of the London Conference brings war still closer.

The sincere peace proposals made by the Soviet Union were met with silence by the capitalists of all countries. In reality they try to agree for a war against the Soviet Union, hoping to open that vast territory, now in the hands of the workers, for exploitation by imperialists, in the same manner as China is now being divided.

We have nothing to gain out of such a war but more misery and poverty! Only the organized might of all of us can stop it! We must demand that all funds for war preparations should go to the unemployed; that the public works fund go

(Testimony of William C. McGuistion.)

Government's Exhibit No. 247—(Continued)

towards building homes for workers, and for similar constructive purposes.

All Out August First! Fight War!

(Signed) S. F. Conference Against War

August 19, 1933 Waterfront Worker Page 3

We will try to bring the Waterfront Worker out every two weeks. This will require more material, news, etc. Do your share. Write for the "Waterfront Worker".

3470 -19th Street

The Mail Bag

Stevedore Points Way to Break the Blue Book

Editor Waterfront Worker:

The stevedores on the San Francisco waterfront must get busy at once to protect their interests against the Blue Book.

The shipowners, afraid of the fighting mood now noticeable on the waterfront are again using the Blue Book to keep the Worker down. At an open meeting a plan of United Action must be decided upon by the rank and file of the ILA and an aggressive group of officers elected.

Lee Holman does not seem to value time at all and has been stalling off the members for days, waiting for some unknown individual from the Northwest. There are enough men on the San Francisco waterfront who are familiar with Union Labor organization and procedure without the aid of some unknown and untestedoutsider to add to their burdens. Men who have been black listed and

(Testimony of William C. McCuistion.)

Government's Exhibit No. 247—(Continued)

are now suffering for their stand are the victims of such methods of delay. The rank and file must come at once to the help of these men with financial and mass support and demand that they be rehired. It is up to the stevedores to see that these men are taken care of. The blacklisting of Workers and their replacement by ILA men will not encourage an aggressive spirit among the Workers.

The stevedores that have signed with the ILA have a just grievance against Lee Holman and his associates because of their dilatory tactics and time wasting methods. Lee Holman and his associates have a Pansy attitude when it comes to action, and are continually urging caution and state that they want no trouble.

The history of the Labor Movement has been one of strife and struggle. It has never been the policy of the employers to grant wage increases and better conditions without the Workers fighting for them. The Workers must learn the sad fact that there is no Santa Claus and Captain Peterson, Stein, Red Wicks, and other lickspittles of the employers most certainly will not lose any sleep fighting for better conditions for the stevedores.

The Worker must occasionally sacrifice his evening at home, listening to Amos n Andy, and go to his Union Hall to take a part in the affairs of his Union.

Get together, Workers, and remove the stigma of docility that has been applied to the American

(Testimony of William C. McCuistion.)

Government's Exhibit No. 247—(Continued)

Workers. The meek may inherit the earth but they will more probably end up in Wollenberg's slop line.

Worker

Fellow Stevedores:

Last Monday several of us attended a meeting of the ISU. Being ex camen, we wanted to hear what old Andy Fursueth had to say. After speaking for over an hour telling us what good conditions we are going to get he wouldn't let any of us speak from the floor. One stevedore asked him about the I.S.U. cooperating with the ILA to bring about better conditions on the waterfront. He got mad and shouted; "No, never on your tintype."

Most of the stevedores remember 1916 - 19 when through the failure of the ISU we lost out. We should try to get the sailors to co-operate with us to bring about better conditions on the waterfront.

A Stevedore

Talking of the Blue Book, rumor has it that Steinberg and Scabby Peterson had to call on the law in San Pedro last week as they were nearly mobbed trying to induce the stevedores to join a Company Union.

Page 4 Waterfront Worker August 1933

Out of the History of the ILA

(From a correspondent)

The ILA came into existence thirty five years ago, functioning first in the ports of the Great Lakes.

(Testimony of William C. McCuistion.)

Government's Exhibit No. 247—(Continued)

Daniel Keefe was its first president and, like his successors, used the organization and its affiliated bodies for his own material interest. At a convention in Detroit the delegates were standing behind Wm. Jennings Bryan running for President of the United States while Keefe wath a small cliqne was out for Taft. Taking the floor and making a lengthy speech and not able to swing the delegates to his side Keefe took his hat and left the hall in an angry mood. When election came around Taft was elected. He called Keefe to Washington and made him Commissioner of Immigration.

At the beginning of the century the sailors and longshoremen were strong for industrial Unionism, but Andy Furuseth (The Armchair Sailor) and Keefe of the Longshoremen fought bitterly to keep them apart.

Next in line to take up what Keefe left off was T. U. O'Connor who was a lake tugboatmer. During the strikes on this coast in 1916 O'Connor came west and advised the men to go back and patch up their differences as he thought if the strike was long drawn out the locals would be looking to the International for financial support. Shortly after his trip west he also was called to Washington by Woodpile Wilson and handed a nice plum as chairman of the United States Shipping Board at twelve thousand a year which is only a secondary issue as he is the spokesman on the sale of U. S. vessels. Stevedores in this port will remember the turnover to the Dollar

(Testimony of William C. McCuistion.

Government's Exhibit No. 247—(Continued)

Company of government vessels, also Hoyt, American Hawaiian, and Matson Navigation Company.

The next un'line was Anton Chlopeck. In the 1922-23 strike in the Northwest Chlopeck came to the coast and at a large meeting took the floor and in his sonorous voice said "I will cable Sydney, Melbourne, and Brisbane, also London Barcelona and Cape Horn and see that the vessels are not discharged that were loaded in this port by strikebreakers." He did not stop them at Vancouver, less than four hundred miles away, [illegible] at the Gulf and Atlantic [illegible] which were under the ILA [illegible].

Then comes present incumbent Joseph Ryan. Ryan took it upon himself to accept a cut for the longshoremen on the east coast and the Boston contingent refused to take it. Ryan brought ILA longshoremen from Philadelphia to take their places. Ryab is receiving salaries from five different sources and if he can spare two more positions he will be on a par with Matthew Woll of the American Federation of Labor who is drawing salaries from seven different positions.

The Keefes, Chlopecks, and Ryans are not handed these juicy plums from the U. S. Chamber of Commerece and the Captains of Industry for looking out for the interests of the longshoremen. It is strange that most "Labor Leaders" manage to get nice political berths.

Big Tim Reardon is in a state job after years in the Board of Public Works. McDonald is State La-

(Testimony of William C. McCuistion.)

Government's Exhibit No. 247—(Continued)

bor Commissioner, and O'Connell and Maloney have nice jobs.

The parent body, the American Federation of Labor, of which the ILA is a part, has been in existence for over fifty years. Samuel Gompers was president for forty three years and would be there yet if Father Time hadn't interfered. Gompers' successor is an old hard coal miner who never mined enough coal to roast a bag of peanuts and he will be in the saddle until Father Time takes him out.

The A. F. of L. is always claiming that it represents Labor with a membership of less than two million while there are forty six million wage earners in this country. At its peak the A. F. L. had four million and claimed six million. In over fifty years it has had two presidents, in thirty five years the ILA has had four presidents. Wall Street only lets its presidents have eight years at the most.

This is an outline history of Its 35 years of existence. It has meant a harvest for a few officials and slave conditions for thousands of stevedores.

August 1933 Page 5

WATERFRONT WORKER COMPANY OFFICIALS PUSH B. B.

Editor
Waterfront Worker.

Many here on this dock including myself did not get a copy of the last issue of the Waterfront Worker because no one was around this dock selling them and we missed getting one at the Ferry.

(Testimony of William C. McCuistion.)

Government's Exhibit No. 247—(Continued)

We hope you will give us a chance to get a paper next by sending a man down to the dock.

So far there has been no one from the Blue Book firing anyone here for not paying up, like they have done on some of the other docks, but we expect them soon. A few days ago "Mac", the big boss here told some of the fellows that they (The Seaboard Stev. Co) were sticking with the Blue Book. This is only natural as the Blue Book has always been a great help to the big officials here by reporting any man that made a kick over anything, thus getting him fired. It's up to us to quit paying any more dues, and to keep the B. B. agents from trying to collect them.

A Steel Docker.

THE OLD TIMER SAYS—

Furuseth, president of the ISU always carried on a fight against unity of longshoremen and seamen.

In 1905 the longshoremen in Eureka were striking for the right to load the steam schooners. Furuseth sent 400 members of the ISU to break the strike. Nelson and other companies were carrying double crews of ISU men to do the striking longshoremen's work.

In 1921 when the seamen wanted to call on the longshoremen for support, Furuseth said no because if they did the longshoremen would call on the seamen for support the next time they struck.

(Testimony of William C. McCuistion.)

Government's Exhibit No. 247—(Continued)

In 1918-1919 sailing ships going off-shore out of Seattle could not get men to take them out for $90, which was the ISU scale. To get men they paid $110 and $120 a month. Furuseth shipped men for $90 saying that $120 was not the union scale.

ON THE NATIONAL RECOVERY ACT

New York, July 20. Preparing for a militant struggle against the NIRA wageslashing, the united front of the Trade Union Unity League, Conference for Progressive Labor Action, Unemployed

(NATIONAL RECOVERY ACT—

Continued from Column 1)

Councils and the A. F. of L. Committee for Unemployment Insurance has called for a national convention at Cleveland August 26 & 27.

Their manifesto urges the election of delegates from all ships, trade unions, Unemployed Councils and leagues and from every workers' economic organization for this convention.

The call points out the hypocrisy of the Recovery Act in speaking of the workers right to organize, but actually moving to abolish the right to strike and, as already proven, refusing to deal with any but boss-controlled unions and misleaders in setting wage codes for the various industries.

The united front proposes a program of struggle for (1) Immediate and substantial wage in-

(Testimony of William C. McCuistion.)

Government's Exhibit No. 247—(Continued)

creases in all industries and for all workers; (2) A fight against all attempts to put over wage reductions under the guise of a minimum wage program; (3) Struggle against relief cuts, evictions, foreclosures, and gas, water and light shut-offs; (4) Against forced labor camps, commissary relief plans, and for payment in cash at full union scale on all public works; and for Federal Social and Unemployment Insurance.

UNITY CONVENTION OF THE MWIU

The second National Convention of the Marine Workers Industrial Union was held in New York City July 16, 17, 18. Over 130 delegates, representing almost every port in the country and every section of the Marine Industry, took part.

Progress in all ports, particularly Baltimore, Philadelphia and the Gulf ports, was reported. Included in the work done by the convention were:

Drawing up of fighting demand for all sections of the Marine Industry.

Drawing up of codes for longshoremen, seamen and harbor workers.

A program for fighting against the danger of war.

Included in the codes are demands for a decent minimum wage, unemployment insurance, and a guaranteed number of weeks work a year.

The next issue of Waterfront Worker will print codes drawn up by the 2nd Convention of MWIU.

(Testimony of William C. McCuistion.)

Government's Exhibit No. 247—(Continued)

Page —6— August 1933

WATERFRONT WORKER
THE I. L. A. MEETING

The Waterfront Worker calls on all its supporters to attend the I. L. A. meeting Thursday evening. The Labor Temple seats only about a thousand. Come early—remember that the following must be done:

a. A chairman to be elected from the floor to insure fair hearing to all.

b. The men elect their own officials—these should be stevedores well known to the men on the docks.

c. That an Executive Board of 24 to 30 be nominated and elected from the floor, its members representing the different docks.

Such a Board should be made up of trusted rank and file stevedores from the docks.

d. That this board be instructed to take care of the negotiations with the shipowners and to report to the membership. Men elected by the stevedores themselves should handle the funds and all affairs of the organization. These are not not only our interests but the interests of every other stevedore. We call on them for their cooperation and support in carrying those steps out.

For Rank and File Control.

(Testimony of William C. McCuistion.)

Government's Exhibit No. 247—(Continued)

THE I. L. A. CODE

The proposed ILA code contains 20 points. Most of them look allright others will stand additions and amendments. We suggest the following:

=3 calls for straight time rate of $1.00 an hour and $1.50 overtime with additional rate for winch drivers etc. . . . Different rates have always acted to split the ranks of the men (San Pedro). The rate should be uniform for all except hatch bosses.

=4 Deals with the size of gangs. There should be a minimum of 8 men in the hold discharging and 8 or more loading, according to commodity handled.

=16 calls for the representatives of the ILA to act for the employees in all conferences. Elected rank and file committee should take part and have the deciding vote.

=17 calls for any disputed controversy to be referred to the District Secretary, and the Executive Board. Here too an elected rank and file committee should take part and have the deciding vote.

Not included in the code is any reference to limiting the load. A deep cut in the size of the load should be included.

In general this code with the amendments and additions above included will present tolerable working conditions of the front. We call upon all

(Testimony of William C. McCuistion.)

Government's Exhibit No. 247—(Continued)

stevedores to support the above amendments at the meeting and to take a fighting stand for the realization of all the demands of the code.

NOT A CENT MORE TO THE BLUE BOOK RACKET

[Endorsed]: Filed June 2, 1942.

Mr. Del Guercio: I call the Court's attention particularly to the address of the Waterfront Worker, which appears [1934] in this issue on page three thereof. It appears as follows:

"We will try to bring the Waterfront Worker out every two weeks. This will require more material, news, et cetera. Do you share? Write for the Waterfront Worker, 3470-19th Street."

I would also like to call the Court's attention on page one to the Masthead, on which appears this:

"Issued by a group of longshoremen with the cooperation of the MWIU."

I would also like to direct the Court's attention to page two of this issue, column two, wherein appears:

"A letter from the San Francisco Conference Again War." Also on page five, column two, giving the Marine Workers Industrial Union Convention news.

I am only using it for one purpose, just for the address, and certain other matters. May we pro-

(Testimony of William C. McCuistion.)

ceed? I will introduce these two while you examine the others.

By Mr. Del Guercio:

Q. Mr. McCuistion, I will show you two more copies of the Waterfront Worker: One dated January 29, 1934; and the other dated February 12, 1934, and ask you to state if you know whether these are genuine issues of the Waterfront Worker. You can identify them?

A. Yes. These are all just about the same. They use the same type of newsprint for the mimeographed work.

Mr. Del Guercio: I will offer these two in evidence, if [1935] your Honor please in this order: The one dated January 29, 1934, first, and the other dated February 12, 1934.

Presiding Inspector: They may be received.

Mr. Del Guercio: And, I ask that we be permitted to substitute photostatic copies of each.

Presiding Inspector: Yes, the usual practice will be followed.

(The documents referred to were received in evidence and marked Government's Exhibits Nos. 248 and 249.)

(Testimony of William C. McCuistion.)

GOVERNMENT'S EXHIBIT No. 248

(Cut of Waterfront Worker Masthead.)

Price 2 Cents.

Volume II. No. 3 Jan. 29, 1934

San Francisco, California

FAKERS OPPOSE CONVENTION

The membership of all the coast locals are endorsing Rank and File action, wherever they have had a clear explanation given to them. San Pedro, San Diego, and now Everett have endorsed such a convention to be held immediately.

However, the phoney officials are playing their usual game of trying to slip us the old sellout.

Bjorklund wishes no convention Paddy Morris wishes no convention. He tells the locals of the northwest "No convention—the district is broke". Pedro Pete" is up to his old phoney tricks; at the membership meeting at Pedro he did not dare oppose the report of the Frisco delegate, but he wired that he endorsed his Washington scabby agreement. These ILA officials are fighting the Rank and File convention because the FEAR Rank and File action.

The ship owners also fight the Rank and File Convention because they, too, fear Rank and File action. This was proven when the Pedro membership voted unanimously for united action with the Frisco Local. The ship owners answered immediately with a raise, but a raise so scaled as to split the ranks of the workers 85c for holdmen, hatch-

(Testimony of William C. McCuistion.)

Government's Exhibit No. 248—(Continued)

tenders; winch-drivers,95c; dock men, 75c; car-gangs no raise,55c. Bjorklund's latest move is the communication calling for a strike-vote on Feb. 5th if the code is not signed.

Such manoevers as this only lead us to defeat; we can not play with strikes. The ship-owners are prepared for a fight.We must do the same.

The Waterfront Worker Appeals to All Locals on the Coast to Endorse the Call of the San Francisco Local Callinf for a Rank and File Convention.

The Waterfront Worker is published by a group of Rank and File longshoremen—members of the I. L. A.

WATERFRONT WORKER

Page 2. Jan. 29 1934

HATS OFF TO SECRETARY COX

At the Special meeting held,Sun. Jan. 21st, our secretary made a very militant speech, denouncing the labor fakers and calling for SOLIDARITY of all Pacific Coast Locals. Not only does Brother Cox make speeches condemning the fakers but he carries this idea out in practise from the looks of the letters, which have gone out in the past few days.

We want officials who stand four square for the men and to prove this by their actions in fighting for better conditions. Keep it up Bro. Cox, you're on the right road.

(Testimony of William C. McCuistion.)

Government's Exhibit No. 248—(Continued)

EDITOR SWAMPED WITH NEWS

From the number of letters received by the Waterfront Worker this week it looks like the men realize that the Waterfront Worker is their paper. Due to lack of space some of the news will have to be held over. But dont let that stop you from writing the more letters, the better paper.

Some donations have come in but not enough to brag about. We are still using the old type-writer and having a helluva time with it. We must get it repaired if we are to continue getting out the WORKER.

Let's have the donations, boys, send in pennies, nickels, dimes or two-bit pieces, they all count. We will print all donations received with a financial statement of each issue.

Continue with the news and soon we will have a bigger sheet than the up- town papers— well if not bigger-at least BETTER, for us.

AM I SWAMPED ! !

POLICY OF WATERFRONT WORKER

The WATERFRONT WORKER wants to make it clear to all workers, that the W.W. is published by a group of longshoremen, who are all members of Local 38-79 The W.W. is in no sense an official organ of the Union, controlled by the buro-cratic officialdom.

(Testimony of William C. McCuistion.)

Government's Exhibit No. 248—(Continued)

The paper is the voice of the oppressed workers crying out in pain and anger against the shout of the slave-driving bosses of "MEET THE HOOK". The worst enemies of the paper, (including The Shipowners, bosses finks and stool-pigeons) are forced to admit that the paper fills a vital need on the S. F.Front By exposures in the W.W. many scab-loving bosses have been driven into line and kept there, some of the ILA official family has had to toe the mark and many finks tremble at each issue of the paper in fear that the W.W. had been able to uncover their past records but above all the constructive, progressive policy of the W.W. has proved to the men that the W.W. is their paper reflecting the ideas of constructive leadership.

There is rumors being circulated that the Marine Workers Industrial Union is publishing the paper; nothing is further from the truth. The M.W.I.U. has helped with news, stories and checking up on finks but the W.W. will accept help, and aid from any union, group or body as long as the assistance is constructive and progressive, yes, and criticism, too.

For further information, discussion or explanation on any point, write to 3470-19th St.

If any one is not in agreement with the policy of the WORKER send in your criticism, and we will discuss it in our columns. Send in your news or any donations to 3470-19th St. S. F.

(Testimony of William C. McCuistion.)
Government's Exhibit No. 248 (Continued)

C-A-S-H W-A-N-T-E-D ! !

How about a small piece of money for the type-writer fund ???? We have a fine used type-writer picked out, the dealer wants $30 for it. Its a good buy and just the machine we need - - how we could pound out the news ! ! Send all cash to 3470 - 19th St.

* * * * *

BAY REGION CONGRESS AGAINST WAR AND FASCISM will be held at Veteran's Mem. Bldg. 1931 Center St Berkeley, 7:30 P.M.

The W.W. recommends that the ILA send a delegate to the Congress and endorse the struggle against War and Fascism.

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ON THE SPOT

Boss Recruits for Blue Book.

A long-shoreman asked for a job on the Admiral Dock the other day and Little Julius told him, "to go to join the B.B. first."

GUNMAN ON THE LOOSE.

Ex-gunman of San Pedro's famous FinkHall invades S.F.Waterfront. Description: 5 feet, 10 inches tall. Weight 190 pounds. Age 52 Gray mackinaw, gray cap. He has been sailing on Hammond Steam - schooners. He has already worked

(Testimony of William C. McCuistion.)

Government's Exhibit No. 248—(Continued)

two days for Sun-set Gus on Sutherland as winch driver. His name is or was LENNARD. In the 1923 Pedro strike, with gun on his hip was guarding the Temple of the Ship-owners. He is a member of the I.L.A.

THE 3 ACES OF $ DOLLAR DOCKS $

Have you heard of the triplets working for old Stanley Dollar$$ They sing-dance-or yodel, "The BB for me."

"Anarchist" Brown, Mr. Coleman, and Russian Louie, these 3 mugs haven't lost faith in the BB, yet Something like the old maid, who looked under the bed every night expecting to find a MAN but it was always the same old story—nothing—nothing but cobwebs and a musty smell.

Russian Louie should be wised up enough to know that workers mean business when they ORGANIZE.

Look what his country-men did to the parasites, who were sucking the life-blood of the masses, in Russia. We have a hunch on what side the 3 Aces are $$$$$$

Editor Waterfront Worker:

I have a few lines here which I'd like you to get in your next paper. Sure like your little paper. will donate when ever I can afford it. Hope you'll be able to read my writing.

I remain yours truly

A Stevedore

(Testimony of William C. McCuistion.)

Government's Exhibit No. 248—(Continued)

COLLEGE BOYS REPLACE ILA MEN

3 U. of Calif. men, have been working on the Matson Dock for the past 2 weeks. The ILA delegates have protested to the dock officials and they were told nothing could be done as the boys were sent down through the office. Of course we have nothing against the boys earning a living but there is paid up ILA men with families who depend solely on stevedoring for a livlihood and these members are walking the Front looking for work.

We must remember that college students were used to help break the 1919 strike and now is the time for us, stevedores, to take steps to see that such a thing is not repeated.

Another protest should be made and if no action is taken, the entire dock should walkout and stay out, until those fellows are taken off the job. If the bosses are allowed to get away with this it will only be a question of time when they will try bigger things.

POLICE STOP ILA SPEAKER

On Sat. Jan. 20, the police stopped, the International organizer from speaking on the street.

This may appear to be a small matter to many stevedores, but on the contrary, this little incident has a deeper meaning than what appears on the surface.

In the program of the Frisco longshoremen, the

(Testimony of William C. McCuistion.)

Government's Exhibit No. 248—(Continued)

shipowners can see opposition to their slave-code of 50 cent ah hour minimum, to the intense speed-up and the general miserable conditions up and down the coast. They can also see the beginning of a Rank and File movement that is shaking the ILA burocrats loose from their moorings, they are also aware of the fight that is being waged for the demands of $1 an hour, $1.50 overtime, 6 hour day 30 hour week and Union recognition. Above all they know that the Frisco Local is leading the fight.

It is our right to speak on the street at any time We laughed when the "Reds" were chased off the Front but now it is another story — our speakers were denied the right to speak. What are we going to do about it The WATERFRONT WORKER recommends that the morning street meetings be resumed and that a determined fight be waged to hold such meetings despite any and all police interference.

WATERFRONT WORKER

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Pedro's Election Victory

On the recent trip of our delegates to Pedro, one of them stayed over and visited the Fink-Hall. The Pedro Fink-Hall, as we all know, is where the Pedro stevedores get their jobs.

The Frisco delegate had quite a group around him.

(Testimony of William C. McCuistion.)

Government's Exhibit No. 248—(Continued)

One of "Red" Hynes men came in, one of those babies with a black jack in each pocket and whose chief pleasure is cutting a young girls breasts with a razor blade and injecting salt into the outs—a swell pal for degenerate Hitler. Hull the Pedro delegate informed our delegate to hush up as one of the Red squad had his eye on him. Well our del did not shut up but talked louder and won the respect of the stevedores present.

The Fink-Hall and the Pedro Red squad can be crushed, IF the rank and file get together and kicks out the phoney officials, who do nothing but peter and patter between the Fink Hall and the government agents.

Rank and File of Pedro Organize, adopt a constructive program, follow the lead of the Frisco Local and soon we will have ILA recognition for the West coast—and ILA hiring halls—Not Fink halls and Red squads.

* * * * * * * *

ILA Versus Swastika

Because "Bloody Hitler's" ships dock at Pier 15 is no reason why the regular steam-schooner gangs shouldn't be wearing the green buttons. Hitler abolished all trade unions when he came into power; many strong and courageous labor leaders were killed and sent to concentration camps because they dared to stand up and fight for their rights - the right to organize.

(Testimony of William C. McCuistion.)

Government's Exhibit No. 248—(Continued)

In America our trade unions are not abolished yet, so to protect them and ourselves at the same time, lets line up and sign up. Soon, we are going to need a 100 per cent organization, here, on the waterfront. Lets organize - and prepare NOW.

Swat the Swastika ! !

Dear Editor:

I just put in two days on the "S.S.Point Sur" for McCormick, loading cement. If we had been working to save our lives we could not have worked harder.

Every hour or so some one had to quit because the hard slaving work coupled with the dust and abuse of the bosses was too much to stand. Five men passed out altogether being barely able to walk or talk.

The five gangs on the ship hoisted 5000 tons in two days This terrific speed was made possible by slinging 38 sacks to the load, and by the bosses keeping a watchful eye on us all. If a man slacked for an instant or was the least bit slow getting away with the sacks, he was at once asked. "What's the matter with you? Can't you stand the pace? "We only had light men in the hold, and one thing I'm sure of is this. I'll starve before I'll work another cement ship for the McCormick.

* * * * * * * *

News From Other Ports

Boston, Mass. Jan. 18th1934 Longshoremen or-

(Testimony of William C. McCuistion.)

Government's Exhibit No. 248—(Continued)

ganized in the I.L.A. are today rallying their forces to prevent a sellout of their meal hour strike, by Ryan their president. These longshoremen have been striking on the job for the past two months, refusing to work the meal hour untill they are paid the old double time rate which was taken away from them through the treachery of Ryan. As a result of their action many passenger ships in order to maintain their schedule have been pulling out with as much as a third of the cargo still on the dock. The shipowners have tried all kinds of tactics to split the ranks of the lonshorement with out success. Attempts have been made to break their ranks by offering individual gangs the double time rate to work certain particular ships These attempts have failed,largly because of the strong opposition movement in Local 800 which is leading the revolt against Ryan and his officials. Local 800 has gone so far as to oust the entire leadership, president, executive committee, and all.

The pressure of the rank and file has forced the officials to call a meeting of all three locals tonight.

(Testimony of William C. McCuistion.)
Government's Exhibit No. 248—(Continued)

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WATERFRONT WORKER

Financial Report
From Jan. 2nd to Jan 15th.

Income.

Sales	$15.60
Donations	3.50
Balance	4.25
Total	23.80

Expenses

Paper	$ 3.20
Ink	.60
Mailing	.85
Stylist	.50
Stencils	4.00
Selling	1.60
Steno.	1.00
Extra Edition Jan. 6th	1.50
Misc. & Carfare	1.25
Total	14.50
Income	23.50
Expenses	14.50
Balance	9.25

ATTENTION STEVEDORES

It has come to the attention of the Waterfront

(Testimony of William C. McCuistion.)

Government's Exhibit No. 248—(Continued)

Worker group that some of the stevedores are under the impression that this paper is conducted for the purpose of slandering anyone who we are not in sympathy with. This is not true. We check up on all news coming in and try to avoid any mistakes. We are working for the sole interest of a better union and not for any individual, who is trying to get even with his enemy at our expense. We are always willing to rectify any error that is made on our part. On the other hand, we are bound to make enemies, we will continue to expose any faker who is out to feather his own nest.

Waterfront Worker Group

Wake up, Delegates!

Editor:

Sir, what are the reasons you never see the walking delegates from the ILA around the McCormick or Nelson docks on Sat. which is a very busy day??

All the hiring is done by Olsen on the McCormick dock, and by Hansen on the Nelson dock. What are the reasons bona fide longshoremen are left standing, looking on, and the hiring bosses are hiring men from the CWA to their own knowledge, also a bundh of kids, what don't know what it is all about. I guess they are recruiting for a bunch of scabs in case of a strike.

I am, Sir, a Longshoreman and War Veteran.

(Testimony of William C. McCuistion.)

Government's Exhibit No. 248—(Continued)

To Happy Hinz, Foreman, Ass. T.Co

Bald-headed Happy Hinz,
As a boss you are the Jinks.
Still trustee of the B.B. Clan
Backing up the Fink-Hall's plan.
Why do you waste your single-track mind
Knocking the ILA in favor of Bryan.
Get rid of your mental constipation,
Act like a man, for the organization.
As a member of the German Forester Verein
You have nothing in common with delegate Stein.
Here is hoping these few lines
Work in your mind like Christian Science.

THE WATERFRONT BARD
(Son of Edgar Allan Poop)

Matson Man says PAYUP LUCKENBACK

Editor, Waterfront Worker:

I have worked for the Matson Co. many years now. We sure hit the ball—boy, we move the cargo. Do the bosses, sub-bosses yell, push and drive us?? Are you asking me But I must say, the boys are all lined up in the ILA, wearing green buttons and ready for action, but what I can't understand is, why do the ILA delegates spend a lot of time around a dock where the men are already paid up??

Why don't the delegates concentrate on the Dollar docks, where you never see a green button except on an outside gang??? Or over on the Luckenback,

(Testimony of William C. McCuistion.)

Government's Exhibit No. 248—(Continued).

where the color is not green but blue. These Luckenback and Dollar Line stevedores should be lined up—what about some action on these docks, delegates??? You don't need to come around the Matson so often—we know what you look like.

Just a Pineapple Man from Matson

GREETINGS

Greetings to new 8-page Waterfront Worker,

W.J. ..... 50 cents
F.K. ..... 50 cents
G.J. ..... 50 cents
H.M. ..... 25 cents

The Waterfront Worker is published by Rank and File stevedores in Local 38—79

Send all congratulations and criticisms to 3470-19th St. S.F.

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WATERFRONT WORKER

The New Waterfront Worker Is Going to Need More Money. If You Think the Waterfront Worker Is Worth Supporting, Send in Donations to 3470-19th Street, San Francisco.

Editor Waterfront Worker:

Alas, the women of our hard working stevedore husbands are really being allowed the privileges to voice our opinion on some of the facts that are beyond a doubt, to be openly viewed when the

(Testimony of William C. McCuistion.)

Government's Exhibit No. 248—(Continued)

proper time comes. Why not urge that time now, just around the corner.

We, wives, have debated with ourselves often, and are still wondering, why, with such a group of capable, and sound thinking men as the ILA, that these men should be at a stage right now, where the B.B. and its doggy bosses should be called.

The ILA can and will come to the front, only when all the men realize that they must stick together and push. Come out to the meeting and voice your opinions or suggestions. It may be just what the Union needs as that extra or other support.

Too bad, I have been a woman. I've often wanted to don a pair of jeans and mens clothing—just to get a little more "dope" on some of the radicals of the B.B. Union. (If it must be called a union—too bad.)

Pep up the ILA meetings and put all you have into them...PUSH...Concern yourself...Make it your business ILA members and give it a B-I-G P-U-S-H ! !

THE MAIL BAG
EMIL FLATFOOT

Editor Waterfront Worker:

The slave driver on Pier 39—wants plenty of speed. A couple of weeks ago he sent his own brother-in-law to the Hospital with a broken leg—Speed—Speed. Now that there is not so much profit in handling booze from the ships—maybe

(Testimony of William C. McCuistion.)

Government's Exhibit No. 248—(Continued)

somebody is getting wise to the carrying off of dead-men.

Mr. Sorensen, our mighty boss,don't make any extra money, he is a share-holder in the Stevedore Co. which makes him a extra-special good slave driver. The straw-bosses are so scared of him, that when he gives them one dirty look, they have to go to the toilet, some of them even carry toilet paper with them in their pockets for that purpose. Flat-foot, sure is a smart man—when it comes to whiskey.

(continued from Page 6, col. 1)

In closing let me compliment the Waterfront Worker for it's pros and cons on all subjects. Space is no object, when it comes to such letters as "A. H. Peterson of Pedro, Jan. 15 issue.Great Rebut:

Sincerely,

An I.L.A. Stevedore's Wife

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WATERFRONT WORKER
FLAT-FOOT GUS—THE SADIST

Waterfront Worker:

I am surprised that you have not heard anything of Gus Kutschel (Tanglefoot Gus) walking boss on Pier 28.

Now Gus is great for safety, about once a week he comes with a letter signed by Capt. Ludlow, all

(Testimony of William C. McCuistion.)

Government's Exhibit No. 248—(Continued)

about safety but observing safety is a horse of another color. If the bosses dont obey the safety rules, how do they expect the men to obey them. Now, the winchdriver is not supposed to hang a load over the men working in the square of the hatch, well, just listen to that man, Gus, holler "Come In With It" while there are two loads landed in one section and the men are flooring off. Safety rules dont mean anything if he can cheat the men out of a half hour's pay I wonder if he would like to work and have a load (very seldom less than 2 ton) hanging over his head. When it comes to putting on hatch covers, he stands over the hatch-combing and hollers and shouts and makes the men feel very uneasy. Also forgetting, no; I dont think he is forgetting, because I believe the man gets a sadistic pleasure out of the men's discomfort. I think he really enjoys to see the men running forward and back and dont know where they are going.

Of course he does not believe in making it easy for the boys; trimming the gear in place, why, we lose time doing it. I have actually seen him standing over the men and shouting, "Work faster, what's the matter with you?" And the men working as fast as any human being could work but still trying to work faster. I wonder when the men will come to their senses??

Oh, I have almost forgotten, some day, when a ship is finishing off, you ought to watch him, when

(Testimony of William C. McCuistion.)

Government's Exhibit No. 248—(Continued)

it gets on the half hour. See him driving up the dock gang. If you have any kind of imagination just think of the African slaves with an over-seer cracking his whip over their heads.

Now Gus can be playful at times Oh Yes, he can be very playful, when he has his pets around he sneaks up behind and pulls the poor fellow's hair or kicks them in the back. But he gets the greatest pleasure out of sticking a pin up a man's back-side. Well—I always thought he was a sadist anyhow.

By One of the Slaves from Pier 28

P. S: Please don't print this if you doubt my word. Ask the boys—on Pier 28

Editor's Note:

To Slave from Pier 28

Mr. Tanglefoot Gus can be stopped from carrying on such practises against the men. We, stevedores work on the docks in order to earn money to keep our-selves and family and not to be used by some simple-minded boss as his play-toy.

How can we stop such a half-baked fool from driving us mad??

1) We must draw up a set of ILA working rules in the union and furthermore see to it that they are enforced.

2) These working-rules can be enforced by having dock committees on each dock.

The time has come, when we as workers must stand up and demand our rights. We joined the

(Testimony of William C. McCuistion.)

Government's Exhibit No. 248—(Continued)

ILA because we thought it was a real union, for 7 long months, the officials have dilly-dallied around and did nothing, now is the time for the Rank and File to demand ACTION AND GET IT!

All ILA members attend your Union Meeting. The next meeting will be held in Building Trades Temple on Monday night, Jan. 29. Attend and bring your partner.

* * * * * * * * * * * *

FINANCIAL AID

We acknowledge with a small donation the help and assistance the "Little Paper" has been to us. Keep up your good work.

X.X. 50c
K.H. 50c
L.H. 50c

WATERFRONT WORKER

GOOD NEWS PAGE EVERETT

Editor Waterfront Worker:

Just a few lines to let you know that we are progressing since our last regular ILA meeting. We read a communication from the the Frisco Local in regards to calling a Rank and File convention. This proposition was endorsed and a telegram was sent to the Frisco Local also the the District office. Also any delegates from Frisco will be received with cordiality and welcome. At

(Testimony of William C. McCuistion.)

Government's Exhibit No. 248—(Continued)

the present time, we have trouble coming up with the stevedore companies; they want to do away with Alphabatic list system and to inaugurate a gang system. We made a motion that we would talk to the stevedore co. when they would talk closed shop The reason that the Rank and File convention was not endorsed was because the manner in which the letter from Frisco was written. The letter called for the election of a new executive board and the opponents of this motion used this in order to stop the passing of the motion; the chief provision seemed to call for a new executive board. Paddy Morriss attended one of our meetings and he certainly is opposed to the calling of the Rank and File convention, he claims that the District is broke and we shouldn't go the expense of electing a new executive board.

Yours

For a Rank and File Convention

A Rank & Filer from Everett.

Editor's Note:

This letter proves the contention of the rank and file, that the burocratic officials are out to feather their own nests at the expense of the membership. It also proves, as soon as an intelligent explanation is made of why a Rank and File convention should be held immediately, the membership will support such actions 100 per cent.

(Testimony of William C. McCuistion.)

Government's Exhibit No. 248—(Continued)

Norfolk Va.

"Out with Miller and Alston" is one of the main slogans of the rank and file membership in this port. These officials, henchmen of Jos. P. Ryan sabatoged the move of their membership to present a real dockers code at the recent N.R.A. Hearings in Washington. Norfolk locals are preparing to circulate petitions in all North Atlantic ports calling for support in their fight to oust these corrupt officials.

(continued from Page 8—col. 2)

more tonnage—less pay—higher rake off from men. Firing & blacklisting to those demanding better condition. (From N. Y. Shape Up News)

ATTEND YOUR UNION MEETING

At the special meeting held on Sunday, Jan. 21, only 450 member showed up. The quorum for a special meeting is 1000 therefore we could not take any immediate action on the questions with which we were confronted. All we could do was to draw up a plan of action and submit it to the next membership meeting for ratification. This was done.

Boys, we must face facts, for months on the Front, the cry has been "we want action." The officials were charged with inactivity and rightfully so but times have changed. Now, the officials are lined up with the Rank and File and, where is the support? We have a definite plan of action—Unity of the Pacific Coast behind a Fighting Program. This program must be put into effect at

(Testimony of William C. McCuistion.)

Government's Exhibit No. 248—(Continued)

once, despite the orders from Pres. Ryan that we shouldnt do anything until the code is signed. In this way we may be able to prevent the code bein. signed with out any of us even knowing what is in it.

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The W.W. has heard the rumors that some of the worst slave driving bosses on the front, Russian Louie for example, thinks it helps him with the ship owners to have the W.W. publish the fact that he is their efficient tool. Aint that nice!

The shipowners do not need to be told who their best men are. They already know from the actions of these different bosses & are ready to dump them as soon as they can get one that will give them bigger loads with less men. Look at Bob Nelson, after all the money poor old Bob saved Steel Dock. How ever the W. W. certainly thinks that most of the bosses on the front would sooner take a chance on getting a little less work than more W.W. publicity.

* * * * * * * * * * * *

DECASUALIZATION IN NEW YORK

Longshoremen were all promised steady jobs if this scheme went thru. Many of us gladly went to registration booths.

Now that the scheme is put thru gangs are made up in foremen's homes or if you pay enough they send in a call for you at the government Fink Hall. At the U.S. Lines led by the Rank and File Action Committee, Harry the Boss Stevedore was forced

(Testimony of William C. McCuistion.)

Government's Exhibit No. 248—(Continued)

to shape his men and pick his gangs due to the protests of the men. We say all is not gold that glitters—look out for the shipowners six bit words which translated in everyday language, means

[Endorsed]: Filed June 2, 1942.

GOVERNMENT'S EXHIBIT No. 249

Waterfront Worker Price 2 Cents (Cut)
Volume 11 No. 4 Waterfront Worker Feb. 12,1934

Ryan Betrays Coast

At the final Code Hearings held in Wash., on Jan. 29th, Ryan appeared as the representative of the ILA. In his recommendations for the revised Shipowners code he failed to bring up the demands of the men,of$1.00 an hr.$1.50 overtime,6 hour day, hiring from ILA. halls, the repudiation of the B.B. nor did he object to compulsory arbitration or to "decasualization", which according to the Dep't. of Labor experts, will throw 50,000 longshoremen out of work.

Due to pressure exerted on Ryan,led by the Fris co Local, he was forced to raisethe minimum scale to 90c for the West Coast. However,Ryan is still up to his old tricks, as he has agreed with Administrator Weaver, to hold secret conferences to settle the final Code. For 9 months,the men have been promised better working conditions under a NRA code, Have

(Testimony of William C. McCuistion.)

Government's Exhibit No. 249—(Continued.)

been patiently awaiting for the code to come, the shipowners have been stirred to feverish activity, preparing for trouble.

In Seattle, an attempt to hire longshoremen for 45 cents an hr was defeated by joint action of seamen, the Marine Workers Industrial Union, Teamsters and Rank & File members of the ILA.

In Frisco, the ship-owners are hard at work to split the unity of the men by a staggered wage-scale, for instance, on the Bananna docks the scale is 85-60 & 50 cents an hour, the Sugar House pays truckers 65c, the Encinal Terminal in Alameda pays 60-65 cents Another angle of the shipowners-is the recent attempt to recruit negroes into the B.B. also the hiring of college boys on various docks & the most infamous of all is the use of stool-pigeons in the ranks of the ILA (one of these . . . rats was just exposed thru the efforts of the Waterfront Worker)

Notice

New Address of the Waterfront Worker

P. O. Box 1158

San Francisco, California . . .

Page 2 Waterfront Worker Feb. 12, 1934

In San Pedro, the shipowners drove a disruptive wedge into the ranks of the workers, when they put over the recent wage increase so scaled, from 60 to 95c that the basis is laid to further disorganize the workers. The Fink-Hall signing the agreem ent with the shipowners proves the hollowness of the

(Testimony of William C. McCuistion.)

Government's Exhibit No. 249—(Continued.)

Pedroelection victory, the ILA won, 97% to a measly 3%, yet the Fink-Hall signs the working agreement. The stevedores on the Coast have only one course to follow and that is to Unite the Coast for Concerted Action, in preparation for the coming struggles. We have seen the maneuvers of the District officials to head off the Rank and File Convention. But these maneuvers are being spiked because the membership are fast awakening to the facts, that the Rank and File must take a more active part in the affairs of the Union if they are not to be Sold Out.

Reports, on the bullitin board, from the delegates up north, state that the membership of the northwest after hearing the true accounts of the code hearings and the Portland convention are solidly behind a Rank and File Convention.

Solidify the Coast.

For a Rank and File Convention.

For Unity. For Solidarity.

Yoo--Hoo Po-ett-s

Ye Waterfront Bard is in one of those terrible moods again . . . he wont write a thing. How about some one to take his place-poems songs,odes,lyrics accepted—no question asked????

New Address of Waterfront Worker P. O. Box 1158

Editor Waterfront Worker:

I am a constant reader of the WW and by cheif regret is that the Teamsters do not have a paper like that.

(Testimony of William C. McCuistion.)

Government's Exhibit No. 249—(Continued.)

I can see the stevedores of the Coast are being lined up behind the program of the Waterfront Worker, which is great but I have a kick to make and that is,nothing is being done to get the support of the Teamsters.

We workers of all crafts must stick together,already on the Admiral docks, the teamsters are unloading directly onto platform which can be slung aboard ships. So you see the Bosses are preparing to use the Teamsters as scabs against the stevedores.

Well, I for one will Not Scab—me for Solidarity.

Sincerely

A Fighting Teamster.

Steps Taken to Improve W.W.

No doubt every one has noticed the difference in the paper used in this issue of the Waterfront Worker. We have found that we can purchase this regular mimeograph paper at only a slightly higher cost than the old newsprint we had been using.

We want to improve the technical work of the W.W. as much as it is possible but we need the help of every stevedore and swamper on the beach to do this . You should send in news & items concerning the day to day activity on all docks.

In several letters, the questionhas been raised for a printed W.W. and to charge 5 cents. a copy. What do you think of the idea?? Due to various reasons we have been compelled to change our mailing address,here after our address will be

P. O. Box 1158

(Testimony of William C. McCuistion.)

Government's Exhibit No. 249—(Continued.)

Send in your news and criticism to the new P.O. address. Swamp the editor with news,jokes,poems "On the Spot items".

The donations for the typewriter are coming in pretty slow & the dealer is beginning to mean about his payments, so lets dig boys before it is too late. Kick in with something, if it is only a dime. We need the cash and the news. Let's go.

* * * * * * * *

The latest dope on the Front is that some of the rank &File members in the ILA got good & sick of sitting around and waiting for the officials to act, so they thought of getting together themselves by meeting every so often to talk things over & force some action in the Union. The W.W. is glad to see thatthe Rank and File in the ILA are not all asleep and hopes that the good work goes on, also——that this progressive bunch of members get in touch with

The Waterfront Worker..

Feb 12,1934 Waterfront Worker Page 3

On the Spot (Cut)

WHO IS HE???

Gambler??Sheik??Scab-Herder?? Well-dressed man, with brown suit tan shoes,light cap and a blue shirt with dark blue tie,was recognized as a guy, who in the Fisherman's Strike of 1924 tried to get sailors to scab. This scab-herder is about 5feet 6 in. tall, sallow complexion, a thin face, high cheek bones and weigh about 135 pounds. He is generally found in the ILA hall dressed up and gambling. He used

(Testimony of William C. McCuistion.)

Government's Exhibit No. 249—(Continued.)

to prospect the beach but now evidently does not need to look for work. If you have any further information on this character get in touch immediately with the Waterfront Worker.

P.O.Box 1158

Another Trip for Kulberg

Captain Blaine wants Kulberg to return to Stockton. He wants the organizer to OK the dis-charge slip of the boys who can not cut the buck. Charges are ineffeciency and being members of the ILA

What's Doing Dog Face??

Not content with being a gang-boss and a walking boss "Dog-Face" Nelson was seen driving a load of gear down to Pier 50 on Monday Jan.29. Besides doing a regular Jitney driver out of a-job, Nelson is probably looking-into the future??

Let's Take a Huff and puff
With the I.L.A.
And Blow the Likes of Dog-
Face into the Bay.

$50 FEE———For What????

How is it that Melinko recieved another $50 fee for Labor Advise??? Didn't we get enough of that guy when he represented us at the Code Hearings??? Maybe it is for the sharp attack he led agains the Blue Book?????

Know Thyself Pie-Card Artists

Many local pie-cards are spreading the word around

(Testimony of William C. McCuistion.)

Government's Exhibit No. 249—(Continued.)

that the Rank and File Convention is being fostered by a clique.

These pie-card artists see the hand-writing on the wall——they must either produce or step out of the picture.

And they know—they can not cut the buck.

Its in the Minutes

The stenographers hired to take the minutes of the Rank and File Convention are to be tried out be delegate #1. This will be done so no bum steno will be slipped over on the boys & there will be no chance for 2 sets of minutes.

Change of Address

New Address

Waterfront Worker

P. O. Box 1158

San Francisco, Calif.

Stools Wanted

Wanted:

Young, old, or middle-aged persons to be trained as stool pigeons. Preference shown to persons, who have had legal training or can use technical or legal phrases in speaking. Highest regard given to recommendations—from Fink-Hall. Experience as B. B. delegate or Fink-Hall runner given head of list. Lack of previous training no handicap, each applicant given 6 months course on "How to be 1st class Fink & Policy spy," under the direct supervision of Scabby Peterson.

All applications to be filed with "The Kid," any morning at the shake-up between Mission and Market on the Embarcedero.

(Testimony of William C. McCuistion.)

Government's Exhibit No. 249—(Continued.)

Page 4 Feb. 12, 1934

Waterfront Worker

KULBERG'S FIXING IN STOCKTON

Editor, Waterfront Worker:

Dear Friend:

These are some of the facts, which you might want for publication.

The Stockton ILA was organized some time in November, with a man named Baker as the leader. Today, there is an approximately 75 members, with an average attendance at the weekly meetings between 25-35. No sooner did the workers join up than they lost their jobs. Soon after this Mr. Kulberg visited Stockton; he promised the ILA members that they would soon be working and have complete control of all dock labor. He also stated, that if it were absolutely necessary the Frisco Local would refuse to work all Boats worked at Stockton using non-union labor.

Mr. Kulberg arranged a meeting with Mr. Blaine and Mr. Creel. He asked, why are the Union members being discriminated against? Mr. Blaine answered, that he had not been informed of the existence of a Union. Kulberg then arranged for the members of the Union to meet Mr. Blaine.

At this meeting, the members, who had been discriminated against, were called into Mr. Blaine's office one by one & asked point blank, if they had

(Testimony of William C. McCuistion.)

Government's Exhibit No. 249—(Continued.)

been discriminated against, since they joined the ILA? Mr. Blaine used some reason against each 1 of us, such as, inefficiency or incompetence. Mr. Kulberg only succeeded in making fools out of the Union members. He then suggested, that we try to get the other dockworkers to join the Union. This is impossible, as the others workers see that they would only lose their jobs by going I. L. A.

At present the Stockton ILA is an unemployed organization with the secretary always hollering for dues.

Only two Boats use ILA men. This work is not rotated, pay is 60 cents an hour. Mr. Blaine pays 65c and 75c. He hires about 10 Union men at the dock, about 70 men work the Ship so you see that makes 1 ILA man to 7 non-ILA.

The other day someone was passing out copies of Waterfront Worker in our ILA hall our secretary Keyes made a remark to this effect, "Get that old junk out of here." Now this seems to me as a very poor attitude for him to take towards a sympathizing paper.

Sincerely

An ILA member, who has been discriminated against in Stockton.

ANOTHER MISLEADER EXPOSED

Evidently all misleaders of the workers do not operate the same. At one of our recent meetings, the Int. Organizer gave a militant speech, informing the

(Testimony of William C. McCuistion.)

Government's Exhibit No. 249—(Continued.)

I. L. A. members that we must use force to stop the discrimination of the ILA members in the Port of Stockton. The members of Local 38-79 voted unanimously to refuse to work ships loaded by non-ILA Mr. Kulberg arranged a meeting with Capt. Blaine in Stockton. The sincere and honest workers, with the utmost confidence in the organizer and the ILA, braved future discrimination and terror by appearing before Capt. Blaine and charged him with denying ILA men the right to work.

The organizer did not protect the ILA members but on the contrary sided with the bosses and the bosses's agents, that "the men were inefficient.

To further insult the ILA members Kulberg told them, "to go & get the workers who took your jobs to join the Union."

Then Mr. Kulberg being the smart guy met with Mr. Allen of the Stockton Chamber of Commerce & Mr. Crooks of the Labor Council and promised to endorse the Port Bonds. The Port Bonds is the scheme of a bunch of real-estate sharks to unload some mud-flats onto the State at a nice piece-of-graft for themselves. Mr. Alvin Kulberg tells the ILA Local to endorse the Bonds, if the Bonds pass you all go back to work Smart guy, Alvin.

This sell-out does not discourage the membership nor do we have any illusions about certain of OUR officials but on the contrary we will fight all the harder to build the ILA into a Real Union with Honest and Sincere workers in the leadership.

(Testimony of William C. McCuistion.)

Government's Exhibit No. 249—(Continued.)

The Waterfront Worker pledges itself to carry on the fight until all crooked officials are driven out of the Union and the ILA is a Real Union with Rank and File Control.

Feb. 12,1934 Waterfront Worker Page 5

Fink Boyce Exposed

An agent of Scabby Petersen's has been uncovered in the ranks of the stevedores. A human rat, the lowest and foulest of all creatures has been found gnawing and burrowing within the ILA.

This rat was recognized by a stevedore, who formerly worked as a seaman.

In 1930 Fink Boyce came aboard the Steam Schooner Davenport, in Oakland, to check up for the Fink Hall. Captain Nelson refused the Fink the right to brow-beat the sailors and he kicked Mr. Boyce off the ship. When the Schooner docked in Frisco, the rat again came aboard, intent on doing his rotten work but the Captain again showed his Solidarity with the sailors by kicking off the Fink Hall's agent. And to guard against a further invasion of rats, Captain Nelson ordered rat guards put up on all dock lines. (continued next column) Captain Nelson was fired for his action, he was fired for kicking a dirty rat off his ship.

Later when Boyce went aboard the Schooner Tiverton to check the Fink-books, he threatened a sailor who would not take out a book that he would fix him the same as he did Captain Nelson—with the

(Testimony of William C. McCuistion.)

Government's Exhibit No. 249—(Continued.)

axe. He forced the sailor to take out a Fink-Book.

Brothers;this is the kind of rat we have in our organization and he tries to justify his Fink record with the whining excuse, "I did it to eat, because I made a mistake in the past it is no reason why I should suffer now." Let us say Mr. Boyce,there is hundreds of good men being kept on the Beach.. by that dirty, lousy Fink-Hall. And Mr. Boyce, you are part and Parcel of the whole rotten, stinking system.

Scram!

Fink!

Scram!!

Famous Last Words.

You haven't got a Fink-Book, you want stamped, have you, Boyce??

Vacation—For Whom??

How's your health,Lee??? Do you think you could stand an-other short rest among the nudists?? No fog nor damp, wet breezes up there. Toodle-oo. I'll be seein you.

The Laugh of the Month

Captain Blaine supported by Our Organizer, Alvin Kulberg, charge the old Steam Schooner sailors in the Port of Stockton, of not being efficient stevedores.

Those guys were born with a cargo hook in their pockets.

Come—Come—Alvin—No Sell out

(Testimony of William C. McCuistion.)

Government's Exhibit No. 249—(Continued.)

Financial Report, Jan. 15 to Feb.

Sales	$16.10
Balance	$ 9.25
Total	$25.35

Expenses

Paper	$ 3.60
Selling	$ 1.75
Mailing	$ .75
Leptyne	$ .50
Miscellaneous	$ 1.00
Carfare	$ .60
Ink	$ .65
Total	$ 8.85

Income	$25.35
Expenses	$ 8.85
Balance	$16.50

Write Now

New Address of Waterfront Worker.

P. O. Box LL58 Write Now!!!!

Page 6 Waterfront Worker Feb. 12, 1934

The New Eight-Page Waterfront Workers Is Going to Need More Money. If You Think the Waterfront Worker Is Worth Supporting, Send in Donations to P. O. Box1158 San Francisco, Calif.

(Testimony of William C. McCuistion.)

Government's Exhibit No. 249—(Continued.)

Conductor Says "Organize"

Editor Waterfront Worker:

The undersigned is a conductor on the Market St. Railway, I am much interested in your little WW I used to be a longshoreman about 4 years ago I left the Front to take this job.

My work is not nearly so hard—as that of you, longshoremen but we do put in disgraceful long hrs. We get up at 3:30 A.M. to go out on a run.

Some years ago, I remember the longshoremen lost a strike becaus they asked too much, i.e. about 60% of the shipowners profit. They could never stand for that, the stevedores were considered crazy to even make such outrageous demands.

In contrast to this the Mkt. St. Railway is going to pay its employees 55% of the profits. We have been informed that, when and if profits are made, this will amount an hourly increase of 2c. What an enormous increase, when the cost of living has gone up nearly 20% in the last 6 months.

Of course, I now realize this whole move was nothing but a clever and successful move to break-up our new Union. So my advice to you longshoremen is to stick to your program and never listen to any phoney proposals mad by your employers.

Yours for a 100% ILA Waterfront.

An Ex-Stevedore.

* * * * * *

(Testimony of William C. McCuistion.)

Government's Exhibit No. 249—(Continued.)

Editor Waterfront Worker:

Dear Sir:

As conditions are getting so rotten on Pier 39, whereI work, I only have one way to express myself & that is through the Waterfront Worker.All stevedores are anxious to read your fine little paper. They would gladly pay a nickel a copy for it.You hear lots of them say so. So please print my article in the first paper out.

When work picks up,I'll remember you.

I remain yours truly

A Stevedore

Wanted——News

News Wanted for Waterfront Worker.Send Dock news,poems, "dope" for On the Spot to P.O. Box 1158.

Rush———Hurry

The Mail Bag

Who's Afraid of the Big Bad Boss

On Pier 39, things are getting pretty bad, Mr. Horseman hasn't got a new car yet this year.. Mr. Sorensen, the walker, is really worried about it. He, himself has a few dollars $ invested in the "outfit" & he is chasing the poor straw bosses up and down the docks trying to make a profit.

Cook is about to be sent to a sanatorium, his nerves is giving out. The big boss is riding him sooooo hard, & at the same time doingwork for 2, only small hope is held for his recovery.

(Testimony of William C. McCuistion.)

Government's Exhibit No. 249—(Continued.)

Norman of course is getting a break by having Long Emil's brother-in-law in his gang. They send Cook home & put Norman's gang in his hatch. Cook is always sure of last in and first out.

Diver with his big, silly grin, we all know is a sucker and will always remain one.

—And somehow Rolf knows how to please Mr. Sorensen, by packing all his booze out of the ship and he works his gang 15-20 minutes—for the church every day.

Preacher Larsen with his BlueBook is the biggest sucker of them all He claims that he can live for years without working, & the Lords Kingdom is near, Moses will soon be back & so on—but until Moses gets here the Preacher wants to be on the right side of the Big Boss. A Stevedore—Pier 39

Feb. 12, 1934 Waterfront Worker Page 7

Solidarity, Cries Stevedore

Editor Waterfront Worker:

I am a longshoreman working on the Frisco front but living in Oakland, which is the reason I do not attend all the meetings. If all meetings, of the future, will be as exciting as the last one, held on Jan 29, I will come often The most exciting part of the meeting was when the visiting delegate came on the platform to make an appeal for funds, in behalf of some strikers in the Imperial Valley. This speaker told his story very convincingly, and I was very pleased to see the Br others respond as

(Testimony of William C. McCuistion.)

Government's Exhibit No. 249—(Continued.)

generously as they did.I think $38.00 was collecetd. The longshoremen apparently/understand the meaning of Solidarity, with a few exceptions. A small group sitting near the platform tried to raise a loud howl because the strikers in the Valley were not AF of L Unionists. Whenever we can, we should help the workers in the other crafts, no matter whether they are organized in the AF of L or some other affiliation.

One corpulant gentlemen, McKenna, by name, seemed to be the leader of this group of objectionists; however his mighty efforts gained him nothing(perhaps a lot of ill-feeling).Iwonder if he put anything in the hat when it passed him???

Your little paper is just what we need on the Front,to express our sentiments & I hope you will continue to publish it.Dont let any of these corpulent gentlemen scarce you.We have only One Enemy—the Shipowners.

Yours Truly

Oakland Stevedore

Asks For 5c Waterfront Worker

Editor Waterfront Worker:

Having been a reader of this paper almost since its coming on the Front and seeing where you are a little short on cash, why not charge a nickel for it?

I dont think a nickel every 2 weeks will break any of us and maybe if it is OK, a bigger paper can be published.

(Testimony of William C. McCuistion.)

Government's Exhibit No. 249—(Continued.)

This putting the bosses on the spot doesnt help them out. They are getting so every other week they get the paper and see if their name is in it. You should write a little about Russian Louie and how he cashes the brass—for the gang, at 5c on the dollar or they lose their jobs. Brown does the same thing.

An ILA Stevedore.

Ed's Note:

Thanks for the dime. No donation is too small.

Stevedore Has Thumb Torn Off.

On Weds. Jan. 31st, a stevedore working for Hungry Gus, had his thumb torn off, while working the Kohoa Maru.

In trying to make tonnage, Hungry Gus had his men sling so many sacks that the sling would not go around the load. In trying to reeve the hook thru, the man 's thumb got jammed and when the winch driver went ahead it tore the man's thumb half off, the weight of the man being lifted-off the ground tore the thumb entirely off.

Immediately after this avoidable accident happened, a head boss from the dock came down & gave Hungry a severe bawling out and told him to sling three less of sacks to the load.

This accident is the direct result of the competition between the bosses to beat each other in tonnage and as always it's the - men have to pay for it by working at an intense speed-up and being crippled for life.

(Testimony of William C. McCuistion.)

Government's Exhibit No. 249—(Continued.)

We as members of the ILA can stop this useless, insane speedup and needless maiming of workers. We must adopt a set of ILA working rules.these rules would stop the boss's from swinging such monstrous loads. A militant dock committee on the job would see to it that the working rules w'd be enforced to safe guard the workers against the competition of the

"hurry-

up"

boss.

Pete Learns To Fly

Pedro Pete's taking flying lessons.He's doing this so he'll be available to any of the pie-cards who'll want to know how to keep valuable points out of minutes.

Feb. 12, 1934 Waterfront Worker Page 8

Flash ! ! ! ! News ! ! ! !

Kulberg Attends Stockton Meeting! Puts On Red Dress!

On Feb 7th.Kulberg attended the Stockton ILA meeting because the membership were demanding action In opening the meeting,he stated that it was a poor time to go in to action as the Frisco Local was poorly organized and it would be best to wait for the Code.

Every member saw through this program and in the middle of the meeting, the President handed in his resignation.

(Testimony of William C. McCuistion.)

Government's Exhibit No. 249—(Continued.)

Pie-card Kulberg, to save his face, jumped up and gave a rousing speech, stating, "now nor e militant action would have to be taken, that to get results we' d have to fight and strike—like the Communists."

Mr. Keyes,secretary of the ILA, also of the Ferryboatmen's Union is a good friend of Kulberg ' s: He evidently was prompted by Pie card Alvin because a motion was made and passed that the secretary be paid 25 cents by every member who works 8 hours or more (for the good of the I.L.A. no doubt)

Pie-card Kulberg did not trust himself in such a hostile atmosphere so he had a good array of other Fakers to assist him. The local secretary of the Labor Council was there,he stated "that if an agreement was not made with the ILAhe would put out leaflets knocking the Port Bonds. This Faker, however ,has been working with the Stockton Chamber of Commerce real-estate sharks to sell the State many arces of mudflats This hot-air artist is like another Faker, Paddy Morriss, who can change his tone and speech to fit any occasion.

A Rank & File Stevedore from Stockton

* * * * * * * *

[Illegible] On The Scale

Shipowners in Pedro trying anew blacklist racket, physical examination of longshormen on the excuse that oweing to the nature of employment and re-

(Testimony of William C. McCuistion.)

Government's Exhibit No. 249—(Continued.)

quirements of compensation act employees are required to submit evidence of physical fitness. These rules have been in effect for a long time,no where are there compulsory physical examination clauses. This is just a move to blacklist the men here for having the guts to vote against the Fink Hall. Reading the Waterfront Worker shows us how the Frisco steyedores have forced their officials to take many of their grievances up and have them settled.

—Pedro Stevedore

Alexander Hamilton Institute Student Shows His Teeth

When fellow worker Larsen was hurt a few months ago thru the negligence of the Ship Owners & Stevedoring Co's, the gang was blamed and fired.

Louis Disner,notorious scab herder and Klu Klux Klan organizer was put in as hatch tender. Louis immediately pulled the old Fink Hall stunt;"Everybody in th gang buys cigars for the hatch tender." One member of the gang refused and was fired off the job for refusing to buy El Ropos for Disner.

Louis is trying the old routine cigars first—then a gallon of wine;a ham.etc. If we dont stop it, it will be a step-in for mama or a new car.

The same day, in the afternoon a genuine Fink by the name of Halloway came aboard and by meat flapping the Captain and mate got himself a job; bragging that all Union men were brothers and he was a good friend ofthe whole gang.

The gang let him work for about 10 minutes then

(Testimony of William C. McCuistion.)

Government's Exhibit No. 249—(Continued.)

sent the committee to see the mate,stating that he either get off the job/or they would walk up. Mr. Halloway walked down the gang plank cursing - the ILA and everybody else.

* * * * * * * *

Put Up The Guards The Rats Are Deserting The Ship ! ! ! ! !

Not satisfied with election of Jan.8th when only 32 finks supported the Fink Hall,Mr.Nickols- called for a re-vote on the same question Jan.16th.Like all good skippers Nickols was keeping a close watch on the rats, but he couldn't believe his eyes; for when the tails were counted only 24 remained aboard. With such a few rats left we would advise Mr Nickols to start counting the cock roaches.

Editor Waterfront Worker:

At our last meeting,we talked about making a big Pie for the whole coast.3 particular brother s said they did not like that kind of Pie.But we did not let them talk us out of it.The Rank& File of the whole Coast want to be in on the Pie Party to be seryed on the 25th of Feb.

Now,brothers,let us not forget those 3 brothers who

(Testimony of William C. McCuistion.)

Government's Exhibit No. 249—(Continued.)

said they didn't like Pie.Let us keep them out of the Party by not voting for them.

—A Longshoreman

From

The

Dollar

Dock . . .

* * * * * * *

[Endorsed]: Filed June 2, 1942.

Mr. Del Guercio: I would like to call the Court's attention to what appears on the January 29, 1934 issue, particularly the address on page six. The address of the Waterfront Worker is given as "3470-19th Street"; and also an item appearing on page two, it being an announcement of the Bay Region Congress Against War and Fascism. "Waterfront Worker recommends ILA send delegates". On the February 12, 1934 issue I would like to call the Court's attention to the notice which appears on the front page. The new address of the Waterfront Worker: "P. O. Box 1158, San Francisco, California". That also appears on page three.

Mr. Gladstein: What issue were you talking about there, Mr. Del Guercio?

Mr. Del Guercio: The February 12, 1934 issue. That address also appears on pages three and six of that issue. [1936]

(Testimony of William C. McQuistion.)

By Mr. Del Guercio:

Q. I will show you another issue of the Daily Worker for December 31, 1934, and ask you if you can identify that as being a genuine issue of that paper, the Waterfront Worker.

A. The Waterfront Worker, yes, sir. Yes. I think that's the same exactly.

Mr. Del Guercio: I offer this in evidence, if your Honor please.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 250.)

GOVERNMENT'S EXHIBIT No. 250

[Cut]: Waterfront Workers. Price 2 cents.
Volume II Number 41 December 31, 1934
San Francisco

Shipowner's Prepare Attack

It becomes necessary at this time for all of us to be clear on the plan of attack adopted by the shipowners against the longshoremen and seamen, and having defeated us, as they hope to, move to attack the teamsters.

We will, in order to show the workers clearly what we mean, take up this problem port by port and how these plans are connected over the whole coast, using all tools at their disposal.

In San Francisco the Industrial Association is

(Testimony of William C. McCuistion.)

Government's Exhibit No. 250—(Continued)

copying extracts from the Waterfront Worker, sending it to all their members to speed up the collection of a huge, strike-breaking fund.

Attempts are made to set up a negro union to split white and negro workers. Some of us, not seeing how the shipowners are preparing to attack us coastwise, don't very often see the necessity of organizing for the backing of workers, not only in one port, but all ports are playing right into the shipowner's hands, with ill-time and improperly prepared dock strikes.

Lee Holman is waiting around with his organization of scabs hoping the shipowners will give him a chance to lick their boots.

In Pedro, of course, Pedro Pete plays the game by ruling in favor of the finks remaining working, informing the seamen and other marine crafts that the longshoremen will not be able to back them up in any of their struggles.

Portland stevedoring Companies are taxing themselves 20 cents a ton for each ton cargo handled to

(Continued on next page, Column 39

* *

* *

* A BIRTHDAY PARTY *

* Come To The Birthday Party *

* Waterfront Birthday Party, Saturday Nite. *

* January 5th—8:00 P.M. At Albion Hall, *

* 145 Albion St.—Around The Corner From *

* Duggan's Funeral Parlors. *

(Testimony of William C. McCuistion.)

Government's Exhibit No. 250—(Continued)

* The Waterfront Worker is going to celebrate *
* its 3rd birthday by holding a meeting at Albion *
* Hall, Saturday Night. For this memorable oc- *
* casion, the Waterfront Worker has invited *
* Wm. F. Dunne, one of the foremost trade-union *
* authorities in America, to speak and explain *
* the West Coast Maritime Strike and the Great *
* San Fnecisco General Strike. Many workers *
* are acquainted with Dunne already, knowing *
* him for his militant history in Butte, Montana, *
* and as a militant member of the National Ex- *
* ecutive Committee of the A.F. of L. *
* You can't afford to mis this meeting; hear the *
* valuable lessons of the second general strike in *
* America. *
* Also as an unusual added feature the cast of *
* Stevedore is going to present 3 scenes of that *
* smashing working class play Stevedore—the *
* play that ran for over 2 years in New York *
* City. *
* You can't afford to miss this meeting given by *
* Your Paper for You. *
* Remember! Saturday night, 8:00 P.M., Albion *
* Hall, around the corner from Duggan's Funeral *
* Parlor. Be there! *
* * * * * * * * * * * * * * * * * * *
* * * * * * * * * * * * * * * * * * *

(Testimony of William C. McCuistion.)

Government's Exhibit No. 250—(Continued)

Page 2 Waterfront Worker December 31, 1934

set up their scab fund. The scabby Columbia River Longshore Assn. is kept at Portland's organized scab reserves.

In Seattle the Chamber of Commerce is busy collecting a scab fund, attempts have been made to organize the casuals into a rival union.

Over the whole coast watching their chance to pull charters and wreck union, waiting to do Ryan's bidding, stand the labor fakers of the District, Lewis, Paddy Morris, and Sheriff Bjorklund.

In the fight to organize the Rank and File Pacific Coast Marine Federation these district misleaders take different positions so as to remain in the leadership, but always with the aim of splitting the forces of the workers. Lewis takes the position that the Marine Federation is all right, but now is not the time for it. Paddy Morris wants a Federation—speaks hot and heavy for it, but demands it be organized to only protect the interests of each marine craft so we, instead of uniting our forces, will waste our time on jurisdictional fights.

The fakers of the I.S.U. have let loose a coastwise drive to split the longshoremen and seamen. In this they all have joined from Lhe "Old Fink of the Sea" Furuseth So "Pmch Drunk" Frank Webb, I.S.U. Frisco Patrolman. They hope to set up a separate group of steam-schooner men to work longshore for about $2.00 a day.

(Testimony of William C. McCuistion.)

Government's Exhibit No. 250—(Continued)

Fellow Workers, we have no time to lose - bitter struggles lie just ahead of us. At one we must tour our best speakers and organizers on the whole coast to arouse the workers of the danger—to get busy and build up the Pacific Coast Rank and File Marine Federation—to build rank and file control in all coast locals so the shipowners will not be able any longer to play one local against another, —to carry on a coastwise fight for more favorable decisions on the Award — to mobilize for a fight against Ryan and Lewis' union wrecking, charter-lifting stunts.

This was proven correct when we sent Harry Bridges, our militant rank and file leader, on a tour a year ago to unite the Coast in the District I.L.A. Convention, and resulted in being able to organize gang stewards and to plan the organization of a coastwise marine federation.

Prepare for the shipowners attack and win the day.

News Flashes

(With no Apoligies to Hearst)

On Labor Day the workers marched—
(Vandeleur led the procession with some other fakers)
And when the longshoremen
Rank on rank—swung up Market St.
All the cheers were "Hooray For Bridges"!
Past the reviewing stand where Rossi Sat—
Surrounded by his friends—

Government's Exhibit No. 250—(Continued)

Vandeleur, Casey and that remarkeble 4 party runner-up, Hiram Johnson

They do say quite a few boo-oo-oos rent the air
That could be heard for blocks around—
And was Rossi's face red?.

(Reprinted from November issue of Rank and File Federationist, on sale at 542 Valencia St.)

Be On Alert For Chiselers

Fellow-members, there is still some hungry guys on the waterfront who work over the 120 hours. Report such violators to the office immediately Keep your eyes open for such guys. They are just as finky and will do as much harm to the organization as Scabby Peterson or Fink Bryan.

Report all chiselers to the office at once.

Bjorklund Elected Sheriff

Paddy Moriss Appointed Dist Secty.

Since Bjorklund was elected Sheriff, the District Committee appointed Paddy Moriss District Secretary. The Waterfront Worker would like to know who gives the District Committee the authority to appoint District Secretaries? Every rank and file member of the I.L.A. should be able to see by now that the Pacific Coast District is run by a bunch of politicians and pie-card artists, who have absolutely no regard for the welfare of the membership whatsoever.

At the Pacific Coast Convention in May we can take the control of the Pacific Coast from the pie-

(Testimony of William C. McCuistion.)

Government's Exhibit No. 250—(Continued)

cards, who are working with the arch-faker Ryan and give it back to the rank and file by electing honest, sincere, fighting rank and file leaders to office. Leaders who work and fight for the membership, not fakers who connive with the shipowners and try to force sellout agreements down our throats

December 31, 1934 Waterfront Worker Page 3

On the Spot

Accounting Dues

How about an accounting of the $14,000 we sent the District for the defense of the Portland Prisoners???

Vote of Thanks

Attention: Clearance Card Committee!

We tender our humblest thanks for the great rush for Doctor's certificates. Business was poor.

Thanking you again, we remain

Medical Association.

Our Christmas Present to Ryan:

Rank and File

Some Xmas Presents We Would Like to Give

Pres. J. P. Ryan: A photo of Fink Hall with Scabby Pete, Holman, and Stein in doorway shaking hands.

Bill Lewis: Book, "What the well-dressed labor faker should wear", also, incinerator for withdrawn charters.

Finnegan: Set of fool-proof account books.

Plant: A beautiful big poison ivy plant.

(Testimony of William C. McCuistion.)

Government's Exhibit No. 250—(Continued)

Pedro Pete: A leaden airplane fuelled with poison gas.

Rossi: One nice sour lemon.

Dutch Deitrich: A 30 day stretch in the hoosegow.

Chief Quinn: Box of tear gas bombs, bomerang type.

Paddy Morris: A long trip to the "Ould counthry".

Remarkable Record
1933 Financial Statement of the
A.F. of L.

Total Income	$1,472,565
Total for strike benefits and defense	$1,084

(Ed's Note) The $84 was actuall strike benefits paid to a union in Canada. The $1000 went for lawyers in the same strike.

Salaries	$206,500
Executive Council — 4 times a year for 11 people	$17,593

Did You Say Steam-Roller?
The Juggernaut in Action

At the 54th Annual A.F. of L. Convention 438 delegates were seated. 11 delegates controlled 13,239 votes of a total of 25,304

Oh Yeah!

I believe in democracy and rank and file controlled unions.

If you don't believe me ask Paddy Morriss.

John C. Bjorklund.

(Testimony of William C. McCuistion.)

Government's Exhibit No. 250—(Continued)

Page 4 Waterfront Worker December, 31, 193

Capitalist Justice—Worker Tried for Being Shot in Back

Insull Freed After Stealing Millions.

Last week, Metzgar, the worker who was shot in the back duringthe police attacks on the mass picket line on May 28, was tried in a capitalist court in a true capitalist manner.

Metzgar, who was an innocent bystander during the police attack was deliberately shot in the back by a police sergeant. After being released from the hospital he was arrested and charged with "felonious assault and intent to do great bodily harm". His case just came to trial last week and he was defended by the International Labor Defense.

In a truly militant working-class manner many longshoremen attended the trial and some were called as witnesses. The longshore witnesses showed how deliberate the police attacks were and how Metzgar was shot trying to escape the brutal police. The prosecutor went into spasms of rage whenever the witnesses would call the attacks in their true name—police attacks. He stated they should be called "melees".

Every honest worker can see how the courts are used to prosecute and intimidate the workers, especially militant workers who dare stand up for their rights, and how the prosecutor and judge lie and use all sorts of legal trickery to confuse the workers.

(Testimony of William C. McCuistion.)

Government's Exhibit No. 250—(Continued)

The jury voted 10 to 2 for acquital. As th jury could not agree they were dismissed. Th judge stated, as he heard the jury's report, "Thi case has cost the City too damn much already' This remark of the judge's proves the correctnes of the International Labor Defense's policy—tha of demanding a jury trial.

During the strike the longshoremen had over 80 arrests. It is true that most of these cases wer dismissed, but the number of arrests could have bee reduced greatly if the arrested workers would hav demanded jury trials, flooded the jails and th courts. The cost would have been so terrific tha the police would have stopped their wholesale ar rests.

Compare the justice meted out to Metzgar and t Samuel Insull. Samuel Insull, the man who stol millions, who caused more suicides misery and wip ing out of small savings than any man in this dec ade, and who built his immense fortune on th blood and sweat of the exploited toilers. Afte the crash Insull ran away to Greece and after great lot of newspaper wailing and gushing he re turned to America when he got good and ready We all know that the Insull jury voted a verdic of not guilty. Even the capitalist papers ar forced to admit the rawness of the trial procedure

Only the mass action of the working class ca halt the police frame ups, the railroading of inn cent workers to prison and smash the class charac

(Testimony of William C. McCuistion.)

Government's Exhibit No. 250—(Continued)

ter of the courts, where the rich go free and the workers get imprisoned.

December 31, 1934 Waterfront Worker Page 5

Ha Boss Wont Hire Negro Stevedores

Negro and White Stick Together

Dear Ed:

Saturday, Dec. 22, Bob Rees went to Encinal Terminal to work the Dorothy Luckenback. On arriving there he found one man short.

Bob being a cheap union man could not afford to call the I.L.A. Hall himself, went over to the Timekeeper, Barneti, and told him to phone the I.L.A. for a white man and that if they would send him a nigger he would send him back.

It certainly is doing what the shipowners want us to do—calling negro workers "niggers". During the strike negro workers fought shoulder to shoulder with white workers.

Bob Rees never worked to form the I.L.A., nor did he make any rules for the good and welfare of the organization.

Get wise, Bob, black or white, we are all in one class, the working class—in one union, the I.L.A. Take any man that is sent from the union. The union has always fought against any discrimination.

Stick together, we win—split agaprt, we lose.

One of His Gang

(Testimony of William C. McCuistion.)

Government's Exhibit No. 250—(Continued)

(Paid Advertisement)

Trade Unionists

Join the Workers School

How Were the Longshoremen Able to Prevent Sell-Outs & Discrimination?

Only by having within their ranks enough rank and file members who were armed with an understanding of the past maneuvers of the employers and misleaders (like, Ryan, Lewis, Vandeleur, Casey & Co

Now the Shipowners are arming for a new and greater attack with the evident cooperation of International President Ryan who has already threatened to remove the charter of the San Francisco Local To more effectively defeat these new maneuvers, more longshoremen should be armed with the working class analysis of the class struggle. Here are some of the courses offered:

Fascism & the World Trade Union Movement. which coveres the lessons learned in Germany, Italy and Austria.

Americanism & the Revolutionary Tradition. which is a review of the history of the American Labor movement.

Fundamentals of Communism.

This course will show you the real reason for the Hearst Papers tirade against Communism.

Register Now!

San Francisco Workers' School

463 Hayes St., San Francisco

(Testimony of William C. McCuistion.)

Government's Exhibit No. 250—(Continued)

Demand Release 34 Portland Stevedores.

Shyster Lawyer in Charge Defense

B.A. Greene, the shyster lawyer who is part of the A.F. of L. machine in Portland and the entire state of Oregon, and who played a large part in breaking the strike of seamen on the SS Hollywood, has been "in charge" of the case from the start. Everystevedore in Portland, and especially the defendants themselves, know that Greene is stalling the case along as long as he can—trying to keep the men just anxious enough to continue their efforts to raise funds for the defense, and at the same time, keeping the whole affair just quiet enough so that nothing will be done about in the courts, which will keep Greene's expense account paid by the workers for as long as possible.

While 22 of the defendants were still held in the County Jail, 18 of them signed a petition demanding that the International Labor Defense participate in the defense. The paper disappeared before the men could turn it over to their fellow-workers outside, for action

The I.L.A. and all organized labor, in Portland as well as all over the country, must immediately send protests to District Attorney L. L. Langley, Multnomah County Courthouse, Portland, Ore., demanding that those 34 innocent victims of the frame-up perpetrated at the instigation of the ship-owners in their efforts to enforce the open shop on the

(Testimony of William C. McCuistion.)

Government's Exhibit No. 250—(Continued)

Portland Waterfront, be immediately and unconditionally released.

'Cause I'm a Nigger

You take my labor,
Steal my time,
Give a dirty dishpan,
An' a lousy dime,
'Cause I'm a nigger, dat's why!

I grows de corn,
Has nothin' to eat,
Builds big houses,
Go sleep in de street,
'Cause I'm a nigger, dat's why!

White boss, white boss,
Sittin' in de shade,
In de meltin' sun
I sweat wid my spade,
'Cause I'm a nigger, dat's why!

Worms get turnin',
Cat hug lion,
My hell get raisin'
Don't care about dyin'
'Cause I'm a Real Nigger, Dat's Why!

By——
Langsten Hughes

(Testimony of William C. McCuistion.)

Government's Exhibit No. 250—(Continued)

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The Waterfront Worker is published by a group of rank and file stevedores, members of the I.L.A.

Send all news to P.O. Box = 1158, S.F.

The Mail Bag

Steam-Schooner Men Work on Dock

Lay Basis to Split Longshoremen & Seamen

Dear Ed;

It is becoming a practice of the steam-schooners to force the sailors to work cargo on the dock. This is done with the idea to use the steam-schooner men in case any serious trouble arises between the shipowners and longshoremen. The S.S. Noye is more of a violator of this form of chiseling than any steam-schooner I know. The way they get away with it is this way; the Noye picks up a few tons here and there all over the Bay and as the I.L.A. Hall will not send a gang down to a job for anything less than two hours, why the schooners have been getting away with more and more as time goes on.

The steam-schooner sailors do not want to work cargo on docks but under the present conditions we are forced to. The phoney I.S.U. officials will not make a move to help us stop this unfair practice. I suggest that the I.L.A. send gangs down to do this work and let them travel with the ship and get their pay while travelling. I hope the I.L.A.

(Testimony of William C. McCuistion.)

Government's Exhibit No. 250—(Continued)

will take up this question as soon as possible. I remain

A Steam Schooner Sailor.

Read — — Subscribe

Support

The Waterfront Worker

P.O. Box 1158

S.F., Cal.

Scab Hotel in Crockett

Discriminates Against Negroes

Some action should be taken against the scab hotel in Crockett. Not only do they give out slim rations but when John Zillich's gang went up there the chief fink of the hotel forced three negroes in the gang to eat in a separate room. Say, what kind of I.L.A. men are in that gang, that they will let a fink cook get away with anything like that? Even the three negroes who agreed to such a thing must have a little of the Uncle Tom in them.

We're living in 1934, where every man regardless of race, color, or creed, has an equal right in any worker's organization, especially in the I.L.A., a rank and file controlled union. I say to all negroes that it is time for every colored man to stop being an Uncle Tom and stand up and fight like a man.

A Colored I.L.A. Man.

Read! Read! Read!

The Rank and File Federationist

It carries the news of the A.F. of L. rank and file

(Testimony of William C. McCuistion.)

Government's Exhibit No. 250—(Continued)

members. It has a national circulation and has proven a powerful means of strengthening and unifying the fight for a rank and file controlled A.F. of L.

Read and subscribe to the Rank and File Federationist.

Rates: 50 per year. 5c per copy.

Send or bring your subs to 542 Valencia St., S.F.

Subscription Blank

The Waterfront Worker

P.O. Box 1158

San Francisco, Calif.

Name .....

Address .....

Rates ——— 3 Months 50c ——— 6 Months $1.00

1 Year $2.00

The readers who are keeping a file of the Waterfront Worker and hesitate to destroy the paper by cutting out the subscription blank: state so in your letter and the copy will be mailed to you with your first copy and receipt.

The Editors.

December 31, 1934 Waterfront Worker Page 7

Were Clerks Sold Out?!

Finnegan Machine Working Smoothly.

Dear Ed:

Perhaps you would like to know how the Clerks have been since their award has been given out. We now work two hours and a half or one and a half

(Testimony of William C. McCuistion.)

Government's Exhibit No. 250—(Continued)

where we used to get at least a half a day and our raise in pay amounted to, in most cases, ten cents an hour, so the outcome we are cut at the minimum, the equivalent of a half a day's pay. Our hours are all we can get and as long at one time as we are able to stand on two feet.

The latest is now to take in the finks and scabs which no doubt if they are good finks the shipowners will be willing to pay the $25.00 Initiation Fee. If you should happen to run across some of our boys whom you know to be good Union men with their buttons in the pocket, it is simply because they don't want to represent a "Fink Hall". Well, what we have a hall for I sometimes wonder. We still have to panhandle the beach and the finks and scabs get all preference; for instance, the American Hawaiian have about twenty finks and scabs there and we have about as much chance as a snowball in Hell for a job. If you want to lose your job, if your're lucky enough to have one, ask a Steamship Company to call the Hall for you and that will be the end of your job.

I hope someone comes to the rescue soon as that's about our last resort. I often wonder if we were sold out or is that foolish. Hey, Hey. I hope the boys will get next to themselves and clean that organization before it's too late, but they will have to work fast.

Some of you Steves should "Come up some time".

(Testimony of William C. McCuistion.)

Government's Exhibit No. 250—(Continued)

to our meeting and watch the clock work, it runs like a 21 jewel watch.

A Clerk from the Rank & File

Longshoremen Help Seamen Unite Forces

Dear Ed:

During the strike we seamen saw how necessary it is to not only have unity amongst seamen, longshoremen and teamsters, but unity amongst ourselves.

We well remember the day after Bloody Thursday, Larsen, I.S.U. Secretary, called the cops and ran us out of the I.S.U. Hall when we, 1200 rank and file members, tried to call a meeting to vote for a united seamen's strike committee between the Marine Workers Industrial Union and the I.S.U. Now with the shipowners building up big scab-funds to attack us soon, unity between all seamen, will be more necessary than ever before.

Already the Marine Workers Industrial Union is taking up with seamen to unite all seamen in one seamen's union, a union which the majority of the seamen have picked as their organization, the I.S.U. The M.W.I.U. has always maintained we must unify our ranks and it would not stand in the way of unity.

Longshoremen can do much to help the seamen and demand any attempt on the part of the I.S.U. fakers, Scharrenberg & Co., to keep seamen from unity with other maritime workers, be stopped, by the united action of all the maritime workers.

(Testimony of William C. McCuistion.)

Government's Exhibit No. 250—(Continued)

Seamen must demand a vote on all agreements made in their name.

Granting of original demands of $75 for A.Bs.

Full voice and vote when admitted to the Union. No more probationary membership.

The right of seamen aboard ship to voice their opinion regards seamen's affairs, as many are denied this democratic right because it is ruled by the I.S.U. leaders that they cannot vote because they are at sea.

We must be on guard that the I.S.U. leaders do not carry thru successfully their plan to split the seamen and longshoremen as this talk is being spread on the Coast by Woopy Andy Furuseth.

A Seaman

Waterfront Worker Birthday Party
to be held Albion Hall, 145 Albion St., around corner from Duggan's Funeral Parlors.
Saturday Night, Jan. 5th, 8 P.M.
Wm. F. Dunne will speak
3 scenes from Stevedore—that great play. You can't afford to miss it.

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(Concluding Installment. First part appeared in December 24th Issue)

3) "Set up unemployment reserves without penalizing industry". This is a real honey! Where is the money for "unemployment reserves" to come from? This point means that the whole burden of relief

(Testimony of William C. McCuistion.)

Government's Exhibit No. 250—(Continued)

for the unemployed is to be placed on labor. It means a further cut in living standards. 4.) "Establish, broad foreign markets. (This can be done only by driving wages here still farther toward the wages of Japanese workers—or by a new world war.)

This is the program that Hearst is boosting.

But Hearst and his multi-millionaire friends know that American workers will not take his scheme lying down. They will resist. There will be big strikes. As is always the case when the bankers and big bosses are getting ready for a new piece of dirty work, they want to suppress all opinions and actions which do not fit in with their skullduggery.

So, now Hearst is calling for the extermination of the "Reds". He calls for censorship of moving pictures so that nothing favorable to labor shall get in, demands the passing of laws that Will Make It Illegal Even to Distribute Leaflets and Handbills Giving Labor's Side in the Case of Strikes or at Any Time.

Hearst calls for denial of the use of the U.S. mail to all papers and publications that do not agree with his definition of "Americanism". He calls for the deportation of all foreign born workers That Refuse to Become Strikebreakers, and Worship at the Shrine of Hearst.

Hearst, and the bankers and employers whose opinions he expresses, calls for a new federal law to imprison and deprive of citizenship even naturalized citizens—yes, and native born Americans as

(Testimony of William C. McCuistion.)

Government's Exhibit No. 250—(Continued)

well—who believe with good reason that this country and its government is run by J.P. Morgan, Rockefeller, Vanderbilt, Astor, etc. in the interests of this little clique of multi-millionaires who never did a day's work in their lives.

Hearst wants everyone treated as "traitors" who believes and says that such a clique and their government should be kicked out by the organized power of the workers and workers and farmers put in to take their places, running the government and his country in the interests of everyone who works, or who wants to work for a living.

Such beliefs are treason", says Hearst. The only labor leaders he likes are those who sell out their unions, their fellow workers, and the whole working class, to Hearst his capitalist kin, and the big trustified employers.

It is time that the organized labor movement showed Hearst, who openly praises Fascism in Germany and Italy, while always slandering and lying about the workers and peasants government of the Soviet Union, who is trying his best to promote Fascism in the United States, That It Is On To His Game.

It is time to let him and those for whom he speaks know that American workers have had just about all the insults from him and his sheets that they can bear. It is time to start in and get ready for a unified struggle against the whole open shop, wage and relief cutting program sponsored by Hearst and the big employers.

(Testimony of William C. McCuistion.)

Government's Exhibit No. 250—(Continued)

It is time to speak out in the clearest manner against all schemes for suppressing any section of the working class and to defend freedom of speech, of the labor press, of the right to assemble, or organize and strike. It is time to let Hearst know that We Are On To His Game; that we know when he calls for a drive against the "Reds" he really means All Workers the Entire Organized Labor Movement.

Why should any wage earner, since this is the kind of program Hearst supports, buy and read any Hearst paper? Why should workers whose wages, unions, political parties and living standards Hearst is attacking, poison themselves with Hearst venom?

Buy and support the Waterfront Worker and all genuine workers papers.

[Endorsed]: Filed June 2, 1942.

Mr. Del Guercio: I would like to call the Court's attention to what appears on page six of this issue, particularly the address being given as "P.O. Box 1158". Also what appears on the front page of this particular issue, and I quote:

"A Birthday Party. Come to the birthday party. Waterfront birthday party, Saturday nite, January 5th, 8:00 P.M. at Albion Hall, 145 Albion

(Testimony of William C. McCuistion.)

Street, around the corner from Dugan's Funeral Parlors".

This also appears:

"The Waterfront Worker is going to celebrate its third birthday by holding a meeting at Albion Hall Saturday nite. For this memorable occasion the Waterfront Worker has invited William F. Dunne, one of the foremost trade union authorities in America, to speak and explain the West Coast Maritime strike and the great San Francisco general strike. Many [1937] workers are acquainted with Dunne already, knowing him for his militant history in Butte, Montana, and as a militant member of the National Executive Committee of the A. F. of L."

By Mr. Del Guercio:

Q. Now, Mr. McCuistion, do you know the William F. Dunne mentioned in this article?

A. Yes, sir.

Q. Who is he?

A. He was a leading member of the Communist Party, a member of the Central Committee of the Communist Party and a former editor of the Daily Worker. He had been disassociated with the American Federation of Labor as an official for some years at that time.

Q. Was he a high official of the Communist Party at the time of this article?

A. Yes, he was at that time. He still is, to the best of my knowledge. He has been for many years.

(Testimony of William C. McCuistion.)

He is a charter member of the Communist Party of this country.

Q. Now, I show you another issue of the Waterfront Worker for April 13, 1936, and ask you if you can identify it as being a genuine copy of the Waterfront Worker?

A. I probably have never seen this issue before. It's just the same as the others. At the time this issue came out I was in India, so I couldn't very well have seen this.

Q. Does it appear to you to be a genuine copy of the [1938] Waterfront Worker from what you have seen of them?

A. Yes, sir. It appears just the same, the same kind of work, the same kind of paper, the same kind of lettering on the masthead and everything.

Mr. Del Guercio: I offer this in evidence, if your Honor please, as Government's Exhibit next in order.

Presiding Inspector: It may be received without objection.

Mr. Del Guercio: And I ask that the photostatic copy thereof be substituted.

Presiding Inspector: It may be done.

(The document referred to was received in evidence and marked Government's Exhibit No. 251.)

(Testimony of William C. McCuistion.)

GOVERNMENT'S EXHIBIT No. 251

Waterfront Worker
(Masthead) 2c

Volume IV Number XV San Francisco
April 13, 1936

Shipowners Prepare for Showdown

The scab ship Santa Rosa is due in Pedro Monday morning. She is manned with the cream of the scum of the large eastern cities. Armed to the teeth with knives, black-jacks, guns and scab I.S.U. books paid 3 months in advance, these scabs are headed straight for trouble.

The shipowners have prepared for such action. Along with the planned murder of the maritime leaders in Frisco, the revocation of the sailor's charter, the pending injunction against the seamen's hiring halls and the deliberate dispatching of ships to the West Coast manned with scab crews, this does not only show direct cooperation between the East and West Coast shipowners but it means that they are taking action.

What causes the shipowners to take action at this time?

1. The strike on the East Coast is growing stronger daily.

2. The fakers are doomed; therefore, they have resorted to open strike-breaking and fitting the scabs out with I.S.U. books.

(Testimony of William C. McCuistion.)

Government's Exhibit No. 251—(Continued)

This leaves no alternative to the longshoremen and the Pacific Coast maritime unions but fight.

We can expect any time that the papers, the fakers and the shipowners to raise the cry that the East Coast strike is unofficial, that it is a red plot to destroy American shipping, that these "mutineers" should be hung from the yard elm etc. Ryan has Okeyed the plan of putting scabs on ships. He stands alongside Olander, Carlson, Grange, Hunter, and the rest of the gangster beef squad leadership of the I.S.U. of A. Any day now Ryan will be issuing orders that these ships are not scabs, that the East Coast strike is phoney, that the West Coast has agreements that must be respected, etc., and you will find the Pacific Coast district officialdom echoing those orders.

* * * * * * * * *

A-t-t-e-n-t-i-o-n
Pre-Convention Meeting
Monday Nite, April 13th, 8 PM
Scottish Rite Auditorium
Resolutions & Nominations to Convention
I-m-p-o-r-t-a-n-t

* * * * * * * * *

However, the Santa Rosa, the Virginia, the Sage Brush, manned with the rakings and scrapings of the underworld are scabs in any language regardless if those chief finks Olander, Furuseth and Co. issued them a new I.S.U. book every day. We are faced with the problem; What are we

(Testimony of William C. McCuistion.)

Government's Exhibit No. 251—(Continued)

to do? If the longshoremen work the ships the high degree of unity which we have built up at so much sacri-

(Continued on Page #3, Col. #1)

Page 2 Waterfront Worker April 13, 1936

"Mutiny Strikes"

The strike of the seamen in New York harbor, which grew out of the SS California "mutiny" incident, is spreading despite all obstacles placed in their path by a scab-herding union officialdom and the WPA administration. Over 2 dozen ships have already been tied up, more to come.

Strikers revealed that officials of the International Seamen's Union, led by acting president Andrew Furuseth, have been rounding up scabs in Cleveland, Toledo and other ports in the Great Lakes area.

As further evidence of the complete tie-up of the reactionary officials with shipowners, the strikers pointed to the charges made in the press that "they did not represent the union membership".

A statement answering this charge issued by the provisional strike committee said in part: "The charge that we do not represent the membership is absurd. We are the members of the union. We are the men who sailed the seas and spread the union from port to port. We are the workers who fought on the picket lines. We pay the dues to maintain men like Furuseth in high paid positions as officials".

(Testimony of William C. McCuistion.)

Government's Exhibit No. 251—(Continued)

The expose of the strikebreaking part played by the WPA administration, which, was printed in the Sunday Worker of Mar. 29th, was corroborated in a letter sent by Nels Andersons, labor relations director of the WPA, to Representative Vito Marcantonio.

The letter stated that "no more" WPA workers would be assigned to take places of strikers "until the union is able to settle its own differences".

Marcantonio pointed out that no attempt was being made to remove those now scabbing. Serving notice that he would take the matter up on the floor of the House of Representatives, Marcantonio, stated, "The response is not satisfactory. I shall take it up on the floor."

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Unions Plan New Yachting Club

The Leningrad Trade Union Council is opening a new yacht club this spring, it is reported. Several big yachting cruisers have already been acquired, which will sail around Europe from Leningrad to the Soviet ports on the Black Sea, manned by Leningrad trade unionists.

All-Union yachting races will be held this year on Ladoga Lake near Leningrad, with six trade union yachting clubs from all parts of the Soviet Union participating.

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(Testimony of William C. McCuistion.)

Government's Exhibit No. 251—(Continued)

Students to Visit Strike at Hearst Paper

The Chicago City Council of the American Student Union completed plans and preparations for its second visit to the scene of the historic strike of editorial employees of Hearst's Wisconsin News in Milwaukee.

More than 150 students will make the trip in a fleet of chartered busses to look around, and finally pick their side which no doubt, will be that of the strikers.

There Is a General

General Smedley Butler, U. S. Marine Corps, will tell San Francisco on the evening of April 22nd just how and why "War Is a Racket". The courageous and intelligent military gentleman, with considerable experience in his line, doesn't mince words about what he knows. Just in that is he different from other army officers, active or retired. Most of them know as much about war as does Gen. Butler, but unlike him, they either approve of the racket, or haven't the courage to face the truth about it. The meeting at which General Butler will speak will be in Dreamland Auditorium and under the auspices of the American League Against War and Fascism.

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Red Scare Raised in Steel Drive

John L. Lewis and members of the Committee for Industrial Organization were accused as aiding

(Testimony of William C. McCuistion.)

Government's Exhibit No. 251—(Continued):

"Communists", in a statement issued to the press by Louis J Leonard, international secretary of the Amalgamated Association of Iron, Steel and Tin Workers.

Leonard, known throughout the steel industry as the "brains" of the Mike Tighe group in the union, and famed for his continuous attacks on the Rank and File, contended that Lewis and John Brophy "are Communist bed-fellows".

Trade unionists here looked upon the statement by Leonard as an attempt to raise a "red scare" on the eve of the annual convention of the Amalgamated Association which will be held during April.

In addition to attacking Lewis and Brophy, the veteran red-baiter, also led the recent notorious expulsion of 18 locals of steel workers out of the union.

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Castles and Wage Cuts

William Randolph Hearst came in for a severe lashing from Senator Shwellenbach of Washington and a member of the Committee Investigating Lobbies. He accussed Public Enemy No. 1 of running his newspapers on a sweatshop basis and of a long record of stealing papers, bribery, intimidation and the yellowist of journalism.

While Hearst was building a $15,000,000 Bavarian castle in California he said, "so he and Hollywood movie stars could enjoy themselves", drawing $500,000 salary, "he was putting into effect three separate

(Testimony of William C. McCuistion.)

Government's Exhibit No. 251—(Continued)

and distinct reductions of 10 percent upon the salaries of his employees". The Senator also reviewed Hearsts criminal activities in bringing about the Spanish-American War and his yellow sensationalism during the World War. "No man in the country today is more despised by the men who work for him", he added.

The characterization of Hearst was brought about by his effort to prevent the Lobby Committee from obtaining and publishing his telegrams obtained from the telegraph companies.

Have You Visited the Modesto Boys??? ---

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(Continued from Page #1)

fice will be broken and will result in a direct vicious attack by the shipowners on the West Coast.

Although the Grace ships only touch 2 West Coast ports, Pedro and Frisco, this is a coast issue and must be made so.

Past experience has shown us that the district officialdom will stay on the fence with no direct declaration of policy and allow Frisco and Pedro to take the lead in this action.

The district council #2 of the Federation has already declared the Santa Rosa "hot" and has notified all other councils and has called upon them for support.

The longshoremen and other maritime unions must prepare themselves for a showdown on this issue. The shipowners realize that the East Coast

(Testimony of William C. McCuistion.)

Government's Exhibit No. 251—(Continued)

strike becomes more solid daily and all strike publicity to the West Coast is smothered They see in the strike the concrete beginning of an East Coast Maritime Federation and the loss of their aides like Ryan, Scharrenberg, Hunter and the other cohorts. This they want to stop if at all possible.

Even if the present strike results in nothing more than organization of the East Coast seamen, the shipowners are willing to spend millions of dollars to prevent the further cementing of East and West Coast unity.

The fakers have played every card in the deck as union officials and now they are forced to come out openly as shipowner agents and ship scabs to the struck ships. The '34 and Gulf strike exposed them, so will the East Coast walk-out shove them further down the long incline to oblivion. Washed up and desperate the fakers are fighting to keep their necks, it is a win all or lose all policy with them and they will resort to anything to keep above water.

As far as the Rank & File of the maritime workers are concerned there is no compromise. We have maneuvered out of many tough issues but now we are up against the basic issue of unionism and we must fight.

What's Doing? Look Around You

and write what you see to The Waterfront Worker. Maybe you think things Are Not going just exactly

(Testimony of William C. McCuistion.)

Government's Exhibit No. 251—(Continued)

right; maybe things Are going right and you want to have your say about it—well, pick up a pencil and drop a line. The address is P.O. Box 1158, San Francisco. We're printing 'em, so get going.

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Important Meeting Monday Night

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Delegates to the I.L.A. Convention

Soon, we will be casting our ballots for the delegates to the Annual I.L.A. Convention. This convention is going to be a memorable one for the maritime workers of the Pacific Coast. The Paddy Morris, Lewis, Pedro Pete machine is slipping and to bolster it up they are resorting to the cheapest political tricks and slanders imaginable.

That is why, more than in any other previous convention, we must see to it that real honest, sincere, proven trade-union fighters are elected as delegates. We must elect brothers who have good union records and who are not afraid to take the floor and fight for the Rank & File at all times.

We can all remember last year's convention when one of the delegates had to be censored by the local membership before he would go along with the majority of 38-79 delegates. Today, that member stands charged with the stealing of union funds, falsifying the Labor Relation Board's minutes, etc., and is soon to face trial on these charges. We should see to it that such types of men do not represent, or

(Testimony of William C. McCuistion.)

Government's Exhibit No. 251—(Continued)

misrepresent rather, our local at the convention again.

When you ballot, look the nominees over very carefully. If you do not know all the nominees ask for information before you go into the hall to vote.

Be sure to vote for honest, sincere, proven trade union fighters! Protect your interests. Elect fighters.

Unite All Forces of Labor

All workers and workers' organizations who venerate the role of labor in American history, will turn out to demonstrate on May Day.

May Day in 1886 was a day of struggle for the Eight-Hour Day, a burning demand of that day. One even yet to be won by millions of workers. Unemployment, and long hours for employed workers; were then the evil that they are today.

On May First, 1886, a general strike swept all America. It won the Eight-Hour Day for hundreds of thousands. But victory has its sacrifices. Capitalism, to revenge itself, hung the leaders of the movement in Chicago, Albert Parsons and his comrades. But May day, and its celebration as a day of challenge against capitalism by labor, was born.

Today, more than ever, as a dying capitalism tries to cling to power with fascist fang and claw, the unity of labor on Labor's own day, May Day, is imperatively necessary to hold back the arrogant reactionaries.

Hearst and the Liberty League openly, others by

(Testimony of William C. McCuistion.)

Government's Exhibit No. 251—(Continued)

deceitful and covered means, are driving toward imposing a fascist regime of hunger and white terror upon the American people. The other day, Mr. Sloan, head of General Motors, remarked that now Big Business must not limit itself to running industry, but must, in effect, seize governmental power.

Against all such fascist challenges, a united May Day this year must hurl back the defiance of all workers, united and on the streets!

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ON THE SPOT

Three Natural—Finks

Editors:

Big Emil—Pier 44, "Skinny" Russelll—Pier 32, "Gooseneck" Nelson—Pier 26.

Haven't seen The Big Fink Larsen for some time but "Skinny" Russelll and "Gooseneck" Nelson have lost weight. I wonder why? Damn their rotten skins any way. It surely must be tough on those babies when they can't look their fellow-man in the eye, the big rats.

The shipowners say they are losing money but the California Stevedoring and Ballast Co. surely must be making "piles". Two dead-heads at Piers 26 and 28 in "Gooseneck" Nelson and "Stinking Feet" Gus, but Plant and Ludlow are no good at heart, so what can you expect?

A Plug In.

(Testimony of William C. McCuistion.)
Government's Exhibit No. 251—(Continued)

Nick, The Liquor Seller Has No Conscience

Nick's Liquor Store across the street, from the dispatching hall should be closed. If ever there was a man hungry for dough it certainly is that bozo because it matters not to Nick what stage of collapse the buyer is in if he has the dough he gets the liquor. Steps have been taken through different legal channels to have the place closed but so far no results. Maybe a joint delegation from all maritime unions can convince him to use some sense in selling his gas and firewater to the patrons.

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All Hearst Publications Are
S--l--i--m--y
Do Not Read Them.

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By Their Goodness Ye Shall Know Them

Dear Editor:

A write-up about Tony Ferrera didn't seem to set so well on his part and is blaming the wrong boys for sending in the article.

If the gang bosses did the right thing they wouldn't have their names in "Our Paper".

An Old Time Shoveler.

Sailors Do Not Forget

The steam-schooner, Florence Olsen, was discharging the other day when a Standard Oil barge pulled alongside to bunker fuel oil. When the scab bargemen brought the lines aboard the sailors chased them off the ship telling them they did not

(Testimony of William C. McCuistion.)

Government's Exhibit No. 251—(Continued)

want any finks aboard that ship. The finks left in quite a hurry and the barge pulled away. No standard oil was bunkered.

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Boycott Standard Oil

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Honor Among Thieves

Strike-breakers in the New York building service strike claim they received bad checks. The checks were cashed but they bounced and bounced and came right back where they started—into the scabs' laps.

Hearst On the Make

Things are getting pretty hot in Washington for Dirty Willie.

Last week at the Senate Lobby Committee Senator Sherman Minton said:

"Mr. Hearst wouldn't know the goddess of liberty if she came down off her pedestal in New York harbor and bowed to him. He would probably try to get her telephone number".

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Whispering Campaigns and Stool Pigeons

From time to time whispering campaigns have swept the Front in an attempt to undermine certain Rank & File leaders in the union. In 99 cases out of a hundred if these campaigns were traced to their source you would find that the same small group of individuals would be responsible. To say

(Testimony of William C. McCuistion.)

Government's Exhibit No. 251—(Continued)

that some members of this group are in the pay of the shipowners and police is not enough. These individuals are a distinct menace to our organization and to the organized labor movement as a whole. Like rats that burrow, breed and fatten on refuse and garbage these individuals prey and lick their chops over some choice bit of slander which their degenerate minds breed.

Most generally their vicious lies are an attack against the known militants in the union. As an example, lately, their lies were directed towards some of our elected leaders, calling them dictaters, etc. However, in the report of the special investigating committee it was found that in several cases where the individuals were doing lots of squawking about a dictatorship, that they were the ones who had wilfully violated some union or hiring hall rule.

Brothers, keep your eyes upon those members who are so quick to shout wolf against some of the proven fighters for our union. The quicker the rats who start and circulate such lieing rumors are brought to trial before the membership, the sooner peace and harmony will reign in all maritime unions.

Boston Labor Council Assails Green Attack on Industrial Unions

The cause of industrial unionism won a signal victory at the last meeting of the Central Labor Union in Boston, when a motion was passed branding President Green's charges of dual unionism

(Testimony of William C. McCuistion)

Government's Exhibit No. 251—(Continued)

against the Committee for Industrial Unionism, as false and unfounded. The motion was introduced by a group of forty-eight unions.

Dirigible Commander Under Fire

When Dr. Hugo Eckener, famed dirigible commander, returns with Germany's huge new airship he will be stripped of his honors and ousted from his post in "disgrace" because he refused to name the new dirigible after Adolph Hitler. He tried to keep Hitler from using the two dirigibles under his command for propaganda purposes during the recent election campaign.

Protection Against Strikebreaking

"I favor a national Farmer-Labor Party in 1936 along the lines of the Gorman resolution at the A.F. of L. convention. I don't feel that the New Deal has met all the needs of labor, and I think a Farmer-Labor administration would really protect the workers against such strike-breaking and terror as we have been experiencing in Vermont".—James R. Gallagher, vice-president, Vermont Federation of Labor.

Unions Come To Aid of C. S. Victims

International unions of the American Federation of Labor and locals in 20 states have sent resolutions protesting against the further imprisonment to the prison board of the 8 young people who were convicted because they organized and won better conditions for the agricultural workers.

(Testimony of William C. McCuistion.)

Government's Exhibit No. 251—(Continued)

The C. S. Committee announces that a petition signed by 7 international unions demands that the C.S. prisoners be freed.

The resolutions call for repeal of the C.S. laws and charge that the convictions were a result of "an anti-union, strike-breaking campaign".

A broad conference composed of California trade unions, fraternal and other mass organizations has been called for Sacramento Sunday, April 19th.

Unity

Slaves are we
In a human chain
Millions of workers
By hand or brain
Selling our Power
Strength and skill
For a few lousy cents
that our bellies be filled
Toiling for parasites
Day and night long
Selling our strength
While we yet are strong.
Begging for bread
When we cannot work—
Begging for Life
From those who shirk.
Living in garrets
Dressing in rags
Life is a nightmare
Living is sad

(Testimony of William C. McCuistion.)

Government's Exhibit No. 251—(Continued)

Our hope is Ourselves
None others will do.
We are the many
They are the few
Come All Together
Come One And All
United Stand—Divided Fall.

* * * * * * * *

The man in the moon came down to earth,
And over the roads he sprinted;
'Till he was pinched for vagrancy
And mugged and fingerprinted.

* * * * * * * *

Dimitroff The Great Working Class Leader Calls:

"Anybody who does not stir a finger for Ernst Thaelmann's salvation and whether he wants it or not, is responsible for the crime of the German rulers. "Free Thaelmann!

"Thaelmann's salvation is a matter of honor with the international proletariat and the duty of all honest people in the world".

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The Waterfront Worker is published by a group of rank and file stevedores, members of the I.L.A. Local 38-79.

Send all news to P.O. Box 1158, S. F.

(Testimony of William C. McCuistion.)

Government's Exhibit No. 251—(Continued)

The Mail Bag

Seattle Stevie Asks For Steward Delegation

Waterfront Worker

Dear Editor:

I wonder if you fellows in Frisco know that the officers of the district, some members of the District Executive Board, and even Fischer of the Federation are going from Local to Localand trying to run down Harry Bridges and what they call an irresponsible bunch of reds on the Frisco Front. I know you will think it strange that they are using the identical arguments of the shipowners; nevertheless, it is true because they are doing just that. I can truthfully say that the union members up here are not going to be stampeded by anything so raw as that. Too many of us have also been painted with that same red brush. I can't understand why Bridges and some good delegation of gang stewards can't pay a visit up here and tell us the truth about conditions in Frisco. Hoping to see "Red" Harry up here soon,

I remain,

A Seattle Longshoreman.

Give Them Enough Rope And They Will Hang Themselves

Dear Ed:

In my mind, one of the surprising factors about the special investigating committee is the findings. If you have noticed, despite the fact that Captain Knopff has been suspended from office about one

(Testimony of William C. McCuistion.)

Government's Exhibit No. 251—(Continued)

month, that there has been no whispering campaign sweeping the front. I wonder if this is due to the fact that the Captain stands in more or less with that particular group who have in the past been so quick to start whispering slander about various militant union brothers. I can recall that at different times the Waterfront Worker pointed out that Knopff was not to be trusted and like the good book says, "and so it came to pass".

Another thing, dear Editor, have you noticed this same outfit that is always circulating slander about our militant leaders came to Knopff's defense in a round about way—they said "the Board of Trustees had no right to suspend Knopff etc".

One by one the phonies are being eliminated and the militant unions are becoming stronger and stronger. Some wise old man once said, "Give a calf enough rope and he would hang himself".

For less phonies in the unions.

A Rank & Filer.

Luckenbach Boss Moves Against Militant Member

Dear Editors:

At last Mike Comer, a Luckenbach boss has made good his promise to get rid of all militant men out of his gang. No sooner did Mike take the gang over then he immediately started to show the men how to work. Naturally, all the militant union men would not accept this speed-up and most generally they quit. The steward would not stand for his line and one day told him what he thought of him as a

(Testimony of William C. McCuistion.)

Government's Exhibit No. 251—(Continued)

boss. Finally, when the gang was pretty well-filled with pork-chop conscious men he used an old trick telling the gang the only way to get in more time was to get rid of this steward because the steward was slowing down the job. For this reason the walking boss would not give the gang good jobs. The results were the steward was voted out of the job. This system was used in the Blue Book days and must be stopped. The only thing the gang and the boss are interested in is extensions.

One Who Knows The True Conditions.

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The Waterfront Workers Is
Your Paper —Write For It

* * * * * * * * *

"A Pretty Hard Nut To Crack" Says Tacoma Old Timer

Editors:

I read the Voice of the Federation and the Pacific Coast Longshoreman and I want to know why doesn't Frisco write more news to these two papers?

I'm an old timer from Tacoma and I just want to say that you fellows in Frisco are good fighters and I admire you very much, but you must remember, that a few years back you were all in a company union and when you go back even further than that, you will find the record of Frisco smells kind of bad. We are not saying you aren't good union men now but we think we rate knowing what you are doing. There isn't any local that can get

(Testimony of William C. McCuistion.)

Government's Exhibit No. 251—(Continued)

along by itself. Up and down the coast our interests are the same and I realize that Frisco has led the fight even when our district officials were sitting back on their hands. I say again, write more Rank & File news from Frisco and if we continue to hold and to build our Ranks still stronger, the shipowners are going to find us a pretty hard nut to crack.

Sincerely,
A Tacoma Old Timer.

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Visitor Says "We Need More Coastwise Unity"

Brother Editor:

I am a visitor from the northwest and want to give a few of my impressions of Frisco. We have the fakers concentrated in the northwest and one would get the impression from reading the Pacific Coast Longshoreman that the Rank & File believes all this hooey being circulated about Frisco. Such is not the case. The Northwest Rank & File understand what Frisco is up against. We realize that the first blows struck by the employers against the unions are most generally struck in Frisco. First, because that is the largest and best organized port.

I do not wish to find fault with the way Frisco has fought back these attacks, but I do not see why the Coast was not told more in detail what Frisco was doing and why they were doing it?

From the short time I have been here I have

(Testimony of William C. McCuistion.)

Government's Exhibit No. 251—(Continued)

found conditions in general much better than in other ports. I also found that the men cooperate and work together 100% with their officials and gang stewards. I like it find here but must soon return to my home due to my family connections.

Yours for MoreCoastwise Unity,

A Northwest Visitor.

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Unionism Is Spirit of Gladness Among Workers.

To the Waterfront Worker

The Eidtor

Sir:

At present I am working on a permit from I.L.A. 38-79 on the Friseo waterfront. Naturally, I am very interested in the Rank & Filism methods of conducting your local's order.

The power of the Rank & File comes in listening to the Rank & File. Am I correct? Rank & File means direct ruling—sane, of course, from the members of the body or local. Granted?

Unionism or Brother-Hoodism is a spirit of gladness towards workers of the sweat; that is, an open hand to all brothers of union labor. Thus, unionism is discrimination and animosity to no member in good standing.

One definition of a niember in good standing is one who has a good strike record, taking into consideration that he is a union man in all other things. Do you agree?

(Testimony of William C. McCuistion.)

Government's Exhibit No. 251—(Continued)

Definition #2, or definition the last is the member in good standing who has joined the union after the 1934 maritime strike, and can show to the satisfaction of all concerned just what his activities were before the 1934 strike. Can I be proven wrong in the above statement?

My summary:

Privileges granted to strike members in good standing should be granted to all members in good standing. Therefore brothers would be brothers, incomparable Partiality should be stamped out. Suspicion and hatred would tend to lessen. Noblesse oblige.

Fraternally,

Member Local 38-93 Stockton.

It Looks Like an Attempted Whitewash

Waterfront Worker Editors:

At our last membership meeting it seemed to me that Charlie Connors was trying to white-wash Bro. Knopff when he stated that Knopff was willing to make the check good, but the P.G. & E. had already mailed a duplicate check; therefore, the captain did not owe the Relations Board anything.

Maybe Bro. Knopff does not owe the Relations Board anything but he owes the organization plenty —not in monetary wealth, however, but in the loss of confidence and respect when a brother betrays the trust put in him by the Rank & File.

That $60 check could be made good a thousand times, but it would never bring back the confidence

(Testimony of William C. McCuistion.)

Government's Exhibit No. 251—(Continued)

and respect which Captain Knopff once held in Local 38-79, and it is surprising to me that Charlie Connors did not look at it from this angle.

That part of the report of the special investigating committee which stated that in the future any local or hiring hall official who would be proven guilty of discriminatory action or favoritism would automatically be expelled from the organization I concur with 100%.

I have suffered black-list.

Just a Longshoreman.

Suggested Coffee and Cake for Walking Bosses.

Waterfront Worker

Editor:

I agree with your comments in regards to a school for permit men. My beef is there ought to be a school for these company walking bosses who carry an I.L.A. book because they have to. They have no use for the union because they are chiseling all the time, asking for big loads, etc. Take Van Dahl of the Haywire—he is always doing it. Also he buys the finky Examiner and is proud to read it on the Ferry boat in the restaurant where everybody can see him. So in closing let me suggest that the I.L.A. have an open house for all these faking walking bosses and have sandwiches and coffee so you will have them all present.

Observer.

(Testimony of William C. McCuistion.)

Government's Exhibit No. 251—(Continued).

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Murder Plotted Against Maritime Leaders.

Ivan Hunter Resorts to Gangster Tactics to Rub Out Rank and File Leaders.

With the phoney A.F. of L. officials shouting "frame-up" at the top of their lungs, Ivan Hunter, I.S.U. secretary-treasurer faces grand jury charges on attempted murder.

Ivan Hunter, a phoney and black guard from away back was one-time bootlegger pal of stool-pigeon Friedhl, who was accidentally killed by the Los Angeles police. They were bootlegger pals until a bigger and better organized mob chased them out of Detroit.

Hunter was sent to the West Coast with instructions what to do to bring peace (?) and harmony (?) to the West Coast maritime situation. Running true to form Hunter came West and tried to use tactics that Ryan and other gangsters used to grab off certain chunks of the labor movement. He attempted to rub out all opposition but "Old Man" Hunter ran into a few obstacles that knocked his plans cock-eyed.

On the West Coast we have union officials that are wide awake and a Rank and File that is organized and prepared to act. "Old Man" Hunter was stopped cold.

While the phonies cry "frame-up" the Rank and File burst into loud guffaws. What could be

(Testimony of William C. McCuistion.)

Government's Exhibit No. 251—(Continued)

more ridiculous? Everyone knows that the cops certainly do not love any maritime union man, especially the militant leadership. To even think that the police would take part in a frame-up of a phoney is worth more than a laugh. It is good for two laughs.

Apparently nothing is too low for such union officials as Hunter. That "Old Man" has his own understanding of unionism, which means how much dough can I get out of this? His idea of organizing means to organize his way. His way is the shipowners way: Any individual or group who opposes his way means that the individual or group will have to keep an eye on such leaders as Hunter for their own personal safety.

"Old Man" Hunter must be shown that San Francisco is not Chicago. That by "rubbing out" a few officials will not solve the problem for the reactionary officials. The maritime unions do not rest upon individual leaders. It rests upon the shoulders of each and every member of the different unions. Hunter does not realize this fact. He has had no experience with the Rank & File trade unionists. He will get some now.

The conspiracy against King and the others is also against us and against every progressive trade-unionist in the nation. Mr. Hunter is not alone in his fantastic plot. His plan fits in with the shipowner's plan to smash the waterfront unions. A few weeks ago, District Council #2 of the Federation, forewarned its affiliated unions of the union—

(Testimony of William C. McCuistion.)

Government's Exhibit No. 251—(Continued)

smashing plans of the shipowners and of the international officials.

According to the evidence submitted Hunter stated he was afraid of the "Feds"—that the "Feds" would dig right down to the bottom". He must have plenty to hide.

Now, more than ever, we must insist on a public congressional investigation. The public, through open hearings, should know what the shipowners and our international officials are trying to do. A congressional investigation would expose the connection between the shipowners and the different phoney officials, who are doing everything humanly possible to wreck the Rank & File and our wonderful organizations.

A congressional investigation would block any further attempt to do murder. The shipowners, "Old Man" Hunter, and the district leadership of the coast are afraid of the "Feds"? And they have good reason to be.

Demand a Congressional Investigation at once.

[Endorsed]: Filed June 2, 1942.

Mr. Del Guercio: I would like to call the Court's attention to the following that appears in this issue:

"Dimitroff, the great working class leader, talks".

(Testimony of William C. McCuistion.)

By Mr. Del Guercio:

Q. Mr. McCuistion, who is Dimitroff mentioned in this paper?

A. Dimitroff is a member of the highest committees in the Communist International; was one of the defendants in the Reichstag fire in Germany; one who was acquitted and subsequently given permission to return to the Soviet Union. He is an international leader of the Communist Party. [1939]

Mr. Gladstein: Was there just a mention of that, Mr. Del Guercio?

Mr. Del Guercio: Yes.

Mr. Gladstein: I suppose that fire was mentioned in the San Francisco Examiner and other papers, too?

Mr. Del Guercio: I don't think I am calling for any comments of Counsel at this time. It isn't necessary for him to interrupt.

Presiding Inspector: No.

By Mr. Del Guercio:

Q. Now, you said the second time you met Harry Bridges was in the headquarters of the Communist Party in San Francisco. A. Yes, sir.

Q. Did you meet him at any time after that?

A. The next time I met him was in December, 1936, Madison Square Garden in New York City.

Q. And what was the occasion of that meeting?

A. That was a meeting called by the Seamen's Defense Committee and financed by the Communist Party, at which I was Chairman and Harry Bridges was the main speaker.

(Testimony of William C. McCuistion.)

Q. You say you were Chairman of what?

A. Of the meeting at Madison Square Garden.

Q. Were you connected with the strike committee?

A. I was a member of the strike committee.

[1940]

Q. Who called the strike?

A. The strike was called by the striking members of the International Seamen's Union.

Q. And you were a member of the strike committee?

A. I was a member of the strike committee.

Q. Who were some of the other members of that committee?

A. Other members were Joe Curran, Al Lannon, Ted Lewis.

Q. Who? A. Ted Lewis.

Q. Ted Lewis?

A. Walter Kaner, Jack Lawrenson, MacBride, Jerry King, Patrick Keenan, Peter Innes, Alfred Rothbart.

Q. Who?

A. Alfred Rothbart, "Riffraff" Rolph. I could go on for names. There is quite a few of them.

Presiding Inspector: Mr. Reporter, will you read back the answer to the question about "Who called the strike?"

(The answer referred to was read by the reporter as above recorded.)

Presiding Inspector: Is that what you meant to say?

(Testimony of William C. McCuistion.)

The Witness: And the Seamen's Defense Committee. I might explain in that that one organization that participated in the strike was the Marine Firemen, and I was an official of that organization and we called a strike separately sometime after the striking members, the rank-and-file, called the strike. [1941] We called ours officially after a vote, because we were affiliated with the American Federation of Labor and such was required by our constitution.

Presiding Inspector: That explains the matter. I didn't understand.

By Mr. Del Guercio:

Q. Mr. McCuistion, was the Communist Party in any way connected with that strike?

A. The Communist Party actively was connected with it. They held daily meetings of the members of the Communist Party who were also leading activists in the strike and leading members of the strike committee.

Q. Did they direct the strike?

A. They directed the policy of the strike from the very beginning to the very end of the strike.

Q. Now, do you know how arrangements had been made to get Harry Bridges to appear in Madison Square Garden to speak?

A. Yes, sir. I know that the arrangements were made. First there was a teletype request for Harry Bridges to come to speak, and we couldn't get any definite answer, "Yes" or "No." Rathborne was speaking for Bridges evidently at that time and said

(Testimony of William C. McCuistion.)

he thought he could prevail on Bridges to go. Later on we contacted Peter Innes, who was a representative [1942] in San Pedro, and Peter Innes was instructed to go to San Francisco to exert pressure on Harry Bridges any way he could to get Harry to come over.

The reason for that was that we decided that the strike morale was at a pretty low ebb and that it would pep things up a little bit for Harry to come over and talk to the boys on the East Coast. But finally we got a flat refusal from Harry Bridges to come.

Following that, why we withdrew to 7 37th Avenue I say "we"—the members of the Communist Party withdrew, the leading ones, and they invited me to come along and, although I wasn't a member of the Party at that time, I was cooperating fully with them.

Q. Who was in that party?

A. That was Roy Hudson, who called the meeting of the fraction, Thomas Raye, Al Lannon, Jack Lawrenson, and the section organizer of the Communist Party of the Waterfront Section, a fellow by the name of John Robinson, and a few others I couldn't call, but they were all leading members. All of the ones there were leading members; and the conversation and the discussion was participated in principally by Hudson and Lannon and Raye.

Q. Now, were all the persons that you mentioned members of the Communist Party.

A. Yes. Roy Hudson was attending the fraction,

(Testimony of William C. McCuistion.)

represent- [1943] ing the Political Bureau of the Communist Party.

Q. Was he connected with any union at that time?

A. No. He was head of all marine work of the Communist Party, but he didn't carry a membership in any union.

Q. How about Tommy Raye?

A. Tommy Raye was a member of the International Seamen's Union rank and—the rank-and-file group. That is, got up a rank-and-file group with rank-and-file trustees in the Sailors' Division.

Q. What happened at this meeting?

A. At this meeting we brought up the question that the strike committee itself was threatening to rebel and call the strike off prematurely, or that the morale of the strikers was so low and that the Party would have to do something about it. So the decision was made. Hudson said that the same thing had been discussed in the Political Bureau and that the Political Bureau of the Party was in thorough agreement with the getting of Bridges to the East Coast to speak at a meeting in Madison Square Garden, a pep meeting, a rally for the strikers; and that as such the Party was perfectly willing to finance it, and that the instructions to finance it had been given already to David Leeds, who was the Financial Secretary of the New York District of the Communist Party. And with that, why, we took a quick vote in there. I did not vote because I wasn't eligible to vote, but it was unanimous that Tommy Raye

(Testimony of William C. McCuistion.)

[1944] get in immediate touch with Harry Bridges and tell him that it was a Party decision that he come East and that he come East.

Q. And did Tommy Raye get in touch with Harry Bridges?

A. Yes. I made the telephone call from the strike headquarters. I called up Pete Innes. I called up the office here. I forget the number, and I asked for Pete Innes.

Q. Pete Innes? "Pete" did you say?

A. Peter J. Innes is his full name. We just called him "Pete," that was all.

Q. How do you spell it?

A. P-e-t-e-r I-n-n-e-s.

Q. Where was he at that time?

A. He had come to San Francisco on instructions from the strike committee to try to put some pressure on Bridges to come over.

Q. And did you contact Innes?

A. Yes. I contacted Innes, I told him to get ahold of Bridges and take Bridges to a pay phone and have him call up a number in New York. I gave him a number of another pay station in New York. Innes said "All right." A few minutes later we received the call from the West Coast. I spoke to Innes first, and then I said "Tommy Raye wants to speak with Bridges. Have you got him? He said, "Yes."

Tommy Raye took the phone. Tommy Raye, Al Lannon and myself were there. I left the booth half open. Evidently [1945] there was some arguing on

(Testimony of William C. McCuistion.)

the other end of the phone, but Tommy Raye told Bridges it was Party Orders, "The Political Bureau and the fraction have made the decision. You have to come."

And with that there wasn't more than a word or two more and "goodbye." Of course, Raye told him —he said, 'Make that official by sending the news that you are coming over the teletype." He says "Otherwise, we are liable to have a rebellion of the strike committee on our hands here."

So the conversation ended, and a few minutes later at strike headquarters confirmation came in, and Harry Bridges changed his mind and sent word to the East Coast that he had decided to come and speak at the meeting [1946]

Q. Why didn't Tommy Raye speak with Harry Bridges at Bridges' office?

A. Because there was a report, which I believe was true—after all, the bosses have ways of fighting against us—and we thought the wires were tapped. Whether they were or not we didn't know. But we had every reason to believe that the shipping companies had tapped the wires of our phone at New York, and probably Bridges' phone in San Francisco.

Q. Was it for that reason that you used a pay telephone?

A. Yes, sir. All intimate conversations were always conducted over a pay telephone. Routine Union business was conducted over the Union telephone, or via the teletype.

(Testimony of William C. McCuistion.)

Q. You spoke about a teletype. Did you have a teletype between——

A. (Interposing) Strike headquarters in New York.

Q. Between New York and whom?

A. What?

Q. Between whom?

A. Between San Pedro and between San Francisco.

Q. Who was at the San Francisco end of the teletype?

A. The Maritime Federation, or whatever they had out here—I don't know whether it was in the Maritime Federation's name, or whose name it was, but we had a call number, to call San Francisco and contact them.

Q. Did Harry Bridges speak at the Madison Square [1947] Garden meeting?

A. Yes, sir.

Q. Do you remember the date he spoke?

A. No; it was around the middle of December; that is all.

Q. What year? A. 1936.

Q. Did you meet Harry Bridges after he had spoken at that meeting?

A. Yes. I met him in an ante-room in the rear of garden.

Q. Who were present?

A. Present were David Leeds, Joe Curran, Tommy Raye; for a few moments, Roy Hudson, myself;

(Testimony of William C. McCuistion.)

and for a little while, Peter Innes, until Bridges excused Innes from the meeting.

Q. How many of those present were members of the Communist Party?

A. Everyone except myself and Innes.

Q. You say Innes was only present for a little while?

A. He was present just for a short period of time.

Q. And he left. A. He left.

Q. Was any discussion had, any conversations had between anyone after Innes left?

A. Yes. There was a general conversation of what could [1948] be done, how the Party could work to pep up the strike, to make the strike more effective.

There was a discussion of whether we would seriously begin to contemplate the calling off of the strike and the return to work on the best basis possible.

There was a discussion of how the Communist Party could really work to bring about this end without being called defeatists, and without being accused of wrecking the strike.

Everyone participated in the discussion.

There was also a discussion of finances. I had taken a collection up, which was several thousands dollars in cash and——

Q. Interposing) Who did you turn that over to?

A. I turned that over to David Leeds, the financial secretary of the Communist Party.

(Testimony of William C. McCuistion.)

Q. Was he connected with the Strike Committee?

A. In no way whatsoever.

Q. Why did you turn it over to Leeds?

A. Because I had instructions to turn all the money over to Leeds from the Party itself. The Party had financed the meeting and the Party took all the proceeds.

Q. Was Leeds a Union man?

A. He had no connection with the Waterfront; never had been a seaman in his life, or longshoreman, or belonged to any Union as far as I know. [1949]

Q. What happened then.

A. There was a little beef started between Leeds and Bridges on the question of expense. Bridges stated that his expenses had been guaranteed over there; that he couldn't very well stick his membership for the expenses.

Leeds, of course, quarreled a little about the money, but nothing to amount to anything. Leeds handed Bridges something over $500. I think it was $520 or $525.

Q. Did you see Leeds hand over that money to Bridges?

A. I saw Leeds hand over the money to Bridges, and Bridges gave Leeds an initialed receipt.

Q. Did anything else occur at that meeting?

A. Nothing further except it was—I raised a little beef about the money too. I said I probably would have a hard time explaining to the seamen, when they came up to get carfare to go out on the

(Testimony of William C. McCuistion.)

picket line, if I had to tell them that we were broke, I would have a hard time explaining what had become of the collection, the money we got a Madison Square Garden. I was of the opinion that the Party could wait for their money and let some of the money go down there.

It was agreed that any pledges that we could collect we could keep. But the Party had to have the cash because they needed it.

The upshot of it was that the amount of money turned over to Frank Jones, Treasurer of the Seamen's Defense Committee, was [1950] considerably less than was handed over to Bridges for use of the strikers.

The Garden meeting was a profit. The party came out ahead and, with what was collected from sympathizers, they probably made $4000 or $5000 profit on the meeting. But we didn't get it on the waterfront.

Q. Did Bridges render an itemized account of his expenses?

A. No; except to say that he needed sufficient money to cover it. There was no itemized account, or anything. We had a hard time explaining that in our subsequent meeting of the Strike Committee. They wanted to know who paid Bridges—some of the more inquisitive ones wanted to know how the thing was financed. We had to cover it by saying, "Well, we just borrowed the money from some private sources that don't care to have their names involved in it." We covered it up in that manner.

(Testimony of William C. McCuistion.)

Q. Did Bridges say it was for his expenses for coming to the East Coast?

A. Yes; that it was for his expenses coming there, and for a trip up to Boston and down to Baltimore, and a few places he went. I didn't follow where he went.

Q. Do you know if he said he had paid the expenses of that trip?

A. Yes; he paid the expenses himself, but was given this money by Leeds. [1951]

Q. Did you ever see Bridges at any time after that?

A. No. I have never seen him since that time, except just a passing glance at him, and seeing him here today.

Q. Were you ever in the Army?

A. Yes sir; I was in the Army.

Q. When?

A. In 1919 I was in the Naval Reserve, called the Junior Naval Reserve, New London, Connecticut, during the war. Then in 1919 I joined the Army.

Q. Were you honorably discharged?

A. Yes.

Q. Did you receive any medals while you were within the Army?

A. I received the Treasury Department Medal of Honor for lifesaving while I was in the Army.

Q. Did you receive any other medals or mention?

A. I received the Maltese Cross of the Catholic

(Testimony of William C. McCuistion.)

Church from the Sisters of Charity for actions at the same time and for practically the same type as the other medal was awarded.

Q. The same people involved?

A. No; there were different people involved, but at the same time.

Q. Did you join any Loyalist cause in France —in Spain, during the Spanish war?

A. Yes, sir. I left the United States March 27th and [1952] I joined the International Brigade, and stayed in Spain for some 15 months. Subsequently I deserted and came back.

Q. When did you leave the United States?

A. I left the United States March 27, to the best of my memory, on the French Line Steamer Paris.

Presiding Inspector: What year?

The Witness: 1937.

By Mr. Del Guercio:

Q. And how were you recruited?

A. I was recruited by request. I went to the Communist Party and told them that I wanted to go to Spain.

Q. Who did you see in the Communist Party?

A. I saw A. W. Mills, of the Central Organizational Department of the Communist Party. I had a meeting with him and Bill Lawrence, who was handling the recruiting at that time, and several others.

Q. How many went over with you to Spain at that time?

(Testimony of William C. McCuistion.)

A. 25; four of the group we contacted on the ship. They had been sent over by the Socialists. 21 were sent over by the Communist Party.

Q. Who paid the expenses?

A. The Communist Party bought the tickets from the World Tourist and furnished me with money to give to each member of the group that was going.

Q. Were in charge of the group? [1953]

A. I was in charge, in co-charge with a boy by the name of Walleck, subsequently executed by the Communists in Spain.

Q. Who was that?

A. Albert Walleck was the name he used; but his passport, the name he used on his passport was A. Wallace.

Q. Did you say you were given funds by the Communist Party for the trip?

A. Yes; by A. W. Mills, of the Central Committee.

Q. Were you given any other funds?

A. Yes. I was given a package of money. I was told that it contained approximately $3000 and that was to be delivered to the Communist Party of France.

Q. On what ship did you sail?

A. On the Paris.

Q. All 25 of your group?

A. All of us went together. The four we met on the ship that came from the Socialist group. We went on the ship, the 21 of us in our group.

(Testimony of William C. McCuistion.)

we boarded in groups of two and three. We held a meeting after the ship was at sea.

Q. When did you arrive in Europe?

A. Well, I couldn't call the exact date, but some five days later.

Q. Where did you land? A. At Le Havre.

Q. Where did you go from there? [1954]

A. From Le Havre we went to Paris.

Q. Did you turn over the money that had been entrusted in your care?

A. Yes. I turned over the money—I forget the fellow's name, but I think it was Moreau—M-o-r-e-a-u—and I got a receipt. He was thoroughly identified to me in the headquarters of the Communist Party of France.

Q. Then where did you and this group go?

A. We went to Perpignan, France. From there we took autos to the foothills of the Pyrenees. We climbed them and reported in to Figueras and Catalonia.

Q. And to whom did you report?

A. We reported to the Political Commissar in charge.

Q. To the Political Commissar? A. Yes.

Q. I thought you were going to Spain to fight for the Spanish Army? A. We did too.

Q. Was he the Political Commissar of the Communist Party?

A. He was. The Communist Party furnished the Political Commissars for the Peoples Army and for the International Brigade. The Commis-

(Testimony of William C. McCuistion.)

sars held equal rank with the Military. The only difference was the Commissars, they wore the same kind of polished boots, and high pressure caps, but instead of [1955] wearing gold insignia, they wore a red insignia and a red star encircled to show their rank.

Q. Were you assigned to any particular regiment?

A. I was assigned to the training headquarters at Madrigueras—M-a-d-r-i-g-u-e-r-a-s.

Q. Did you see any active fighting?

A. Very little. My total active service on the front was about 45 days. I dodged it as much as possible.

Q. Were you wounded?

A. I was wounded at Brunnette; yes, sir.

Q. Where were you hospitalized?

A. I was hospitalized at Castillejo and Villa Paz.

Q. Were you wounded more than once?

A. I was wounded in an air raid in Barcelona later on.

Q. How long did you serve in Spain?

A. 15 months.

Q. Then what happened?

A. Then I deserted—I climbed the mountains into France and came back to the United States.

Q. Why did you desert?

A. I deserted because I went over there originally for a period of six months. I didn't like the war. I didn't want to get killed. I was pretty

(Testimony of William C. McCuistion.)

much afraid for my own hide. I knew we were fighting for a lost cause over there. The battle was lost already. We had been sold out by the Communists and [1956] sold out by Russia; even sold out by the popular front government of France. We didn't have a chance to win. The political commissars got the gravy and we got the work. So I decided it was time for me to get back. In fact, I had been looking for an opportunity for three or four months. I finally did find it.

Q. When did you finally get back to the United States?

A. I got back to the United States around September of 1938; the early part of September or the latter part of August. I stayed in France several months after I left Spain.

Q. How did you get back?

A. I got back as a stowaway on the Crown City, a ship operated by the Maritime Commission.

Q. What have you been doing since your return to the United States?

A. I have been an official of the National Maritime Union. I was for a time Gulf Correspondent of the official organ of the National Maritime Union, the Pilot. Since that time, since July 1939, when I walked out of the convention of the National Maritime Union, I have been living by doing a little research work here and there, a little writing, and going in debt.

(Testimony of William C. McCuistion.)

Q. Have you been connected with the Communist Party in any manner since your return to the United States from Spain?

A. I have had absolutely no connections with them, except [1957] certain members of the Communist Party that I knew personally. We were personal friends before. Although we disagree on certain principles we still are personal friends. I have talked with them about what is going on now. That is about the only connections I have had with the Communist Party. I disagree thoroughly with the Communist Party and have actively opposed the Communist Party since my return.

Q. Have you ever been convicted of any crime?

A. Of a few misdemeanors. During my course as an organizer I have been convicted of assault.

Q. Were they all in connection with your activities in the Communist Party?

A. All in connection with Communist Party activities, and a few just of plain trade union activities; nothing serious. I never did any time, anything like that.

Q. Have you ever been charged with any felony?

A. Yes. I was charged with murder, at the instigation of the Communist Party, last year. I laid in jail some seven months waiting for trial and then was acquitted.

Q. When were you acquitted?

A. I was acquitted in January of this year.

Q. And where did the trial occur?

(Testimony of William C. McCuistion.)

A. In New Orleans. Before that I had been at liberty for some time, because the U. S. Courts in Washington had refused to extradite me. Finally, I got tired of having it hang [1958] over me, and I returned voluntarily, waived extradition, and returned voluntarily from Indiana.

Q. Since your acquittal has the Communist Party made any references to you?

A. Oh, yes. They have put out leaflets, and said that I ought to have been convicted, that I ought to have been hung; that it was a miscarriage of justice, and this and that. They have attacked me in the press almost consistently. In other words, they did everything possible to try to off-set the verdict of "not guilty."

Q. Do you have any such publication on you at this time from the Communist Party?

A. No. I had a leaflet, but I left it up in my room. It was put out recently.

Q. You testified before the Dies Committee, did you not?

A. Yes, sir; I testified before the Dies Committee.

Q. How did the Communist Party like your testimony before the Dies Committee, if you know?

A. They liked it so well that Joseph Curran, another Communist head of the National Maritime Union, and Raymond Torr, and Barney Halling, immediately tried to get me arrested on a charge of murder while I was testifying.

(Testimony of William C. McCuistion.)

The Washington Police informed them they had no request to pick me up.

The Federal Bureau of Investigation also informed the [1959] Dies Committee they had no request to pick me up.

So then these people got in touch with the New Orleans police by some hook or crook and got a warrant issued for me, for my arrest, for a murder, supposed to have taken place some couple of months previous to that.

Q. Had the Communist Party, through any of its agencies, attacked you and accused you of anything prior to your appearance before the Dies Committee?

A. Never in any way whatsoever, was I accused. In fact two weeks prior to my appearing before the Dies Committee I was walking back and forth, just as freely as anybody in the world, on the waterfront in New York, Baltimore, Philadelphia, and other places, getting up the testimony that I intended to present before the Dies Committee, I was doing this voluntarily.

Q. Since that time have you been prominently mentioned by the Communist Party through their various publications?

A. Since that time I have been called everything they could conceivably call a man.

Q. Did you know John Oliver Thompson?

A. Thompson, yes. I knew him just casually. I knew him first in Baltimore some years ago when he was a member of the Marine Workers Indus-

(Testimony of William C. McCuistion.)

trial Union. I knew him later working for the Party of New York as an elevator boy and janitor.

Q. Do you know how the waterfront section of the Communist Party here in San Francisco was formed? [1960]

A. I couldn't say just exactly how the waterfront section was formed, but I participated in the activities of the waterfront section of the Communist Party when there were only a few members, and I know of it by reports that we received from the Party here in San Francisco through our National Fraction in New York.

Q. Well, what were you doing in New York at that time?

A. At the time it was formed I couldn't state just what I was doing. I don't know what you me exactly by the question, how it was formed. It has been in existence a long time, practically since 1921. I couldn't tell about the formation of it at that time.

Q. Did you attend any meeting there in New York wherein the waterfront section of the Communist Party of San Francisco was discussed?

A. Yes. I have attended dozens of meetings where the activities of the waterfront section of the Communist Party of San Francisco was discussed.

Q. With whom were these meetings held, who attended these meetings?

A. These meetings were held at regular intervals by members of the Political Bureau and the

(Testimony of William C. McCuistion.)

Central Committee of the Communist Party, and the National Fraction of the Marine Workers Industrial Union. [1961]

Q. Would the name of Harry Bridges, come up in these meetings?

A. During 1933 he was practically the chief topic of conversation at the majority of the meetings.

Q. Well, was any mention made of his activities in connection with the Waterfront Section of the Communist Party?

A. Yes. The first mention I remember being made of him in a prominent place was when we received a report from——

Mr. Gladstein: (Interposing) Just a moment! May I interrupt to make the same objection we have made heretofore to this line of questioning, upon the ground it calls for hearsay?

Mr. Del Guercio: Is that the only objection?

Presiding Inspector: I don't know what the point of this is. I think I will take it, not for the purpose that you seem to have in mind. I think it may have some materiality.

Mr. Del Guercio: The purpose of it is to show the general scheme, your Honor, of what is going on.

Presiding Inspector: Yes, I will take it.

By Mr. Del Guercio:

Q. Did you finish your answer?

A. Yes. I received and read reports coming

(Testimony of William C. McCristion.)

directly from Communist Party headquarters in San Francisco transmitted to the Central Committee of the Communist Party in New York, and by them handed to me as a member of the National Fraction [1962] of the Marine Workers Industrial Union to read and to study and to make certain recommendations on the basis of reading these reports.

Q. Did you make any recommendations?

A. Yes. I and the other members of the National Fraction made a decision that the main concentration of the Party's activities should be directed in two ways: One towards the organization of seamen on the Munson Line and particularly on the East Coast and the Gulf, and the organization of longshoremen on the West Coast; and the other ports secondly.

Q. Was Harry Bridges discussed in that scheme?

A. Yes. Harry Bridges was discussed. The report stated at that time that there was in existence a "dock nuclei"—they called it the "Luckenbach dock nuclei," they called it at that time, that there were only eight longshoremen members of the Communist Party in San Francisco at that time, early in 1933, and that Harry Bridges was one of those eight and that he held the greatest possibilities for developing into a national leader in the maritime field. And it was decided that every cooperation would be given out here to the extent of diverting a part of our New York subsidy

(Testimony of William C. McCuistion.)

to San Francisco to be used for the purpose of building Harry Bridges up.

Presiding Inspector: It is not very material.

Mr. Del Guercio: Sir?

Presiding Inspector: Not very material. Not as proving [1963] any membership. It may be material in other respects. I don't take it on that ground.

Mr. Del Guercio: No, but to——

Presiding Inspector: (Interposing) Go ahead. All right.

Mr. Del Guercio: If the Court please—well, I better show those to Counsel first.

That is all. You may cross examine.

Mr. Gladstein: Shall we start now?

Presiding Inspector: Would you rather wait until 2:00 o'clock?

Mr. Gladstein: I think so.

Presiding Inspector: Very well. 2:00 o'clock.

(Whereupon 12:25 o'clock P. M., a recess was taken until 2:00 o'clock P. M. of the same day.) [1964]

After Recess

2:00 O'Clock P.M.

Presiding Inspector: You may proceed.

WILLIAM C. McCUISTION

called as a witness on behalf of the Government.

(Testimony of William C. McCuistion.)

having been previously duly sworn, testified further as follows:

Presiding Inspector: Have you anything further to ask this witness?

Mr. Del Guercio: With your permission I would like to ask a few more questions.

Presiding Inspector: Certainly.

Direct Examination (Resumed)

By Mr. Del Guercio:

Q. Have you ever been a member of the IWW?

A. Yes, sir.

Q. When were you a member of the IWW?

A. I was a member of the IWW roughly from 1919 to 1924. Part of the time I was also a member of the Communist Party.

Mr. Gladstein: What was that period?

(The answer referred to was read by the reporter as above recorded.)

By Mr. Del Guercio:

Q. During that period of time did you become familiar with its literature? [1965]

A. I became familiar with some of its literature. I was never very active in the IWW, but largely working for the Communists, more than the IWW, for the wrecking of the organization, or to take it over.

Q. I will show you a book here called "The IWW, Its History, Structure and Methods", by Vincent St. John, and I will ask you if that is

(Testimony of William C. McCuistion.)

one of the pieces of literature that was circulated by the IWW?

A. Yes, sir; I remember this being written by Vincent St. John, and with the IWW shield on the book, and I remember having read it; yes, sir.

Mr. Del Guercio: I offer this in evidence, if your Honor please, as Government's Exhibit next in order.

Mr. Gladstein: I do not think a proper foundation has been laid, or proper identification has been made by the witness, and I object to it on that ground.

Presiding Inspector: I think you had better identify it more fully.

By Mr. Del Guercio:

Q. Do you understand this as being genuine IWW literature?

A. Yes, sir. I identify it for several reasons: One, is the shield of the organization, with the letters "IWW" and the three stars, standing for "Organization, Education and Emancipation," if I am correct; and the words beneath that [1966] signifying the international set-up of the organization. Also the fact that Vincent St. John is recognized, was recognized at that time, and still is recognized, as the leading theoretician of the IWW.

Presiding Inspector: Have you read that?

The Witness: Yes.

Presiding Inspector: Did you read it while you were a member of the IWW?

(Testimony of William C. McCuistion.)

The Witness: Yes, sir. This came out in several different editions.

Presiding Inspector: Do you know the general tenor or the principles of the IWW?

The Witness: Yes, sir; I know the general tenor.

Presiding Inspector: Is this book an expression of them?

The Witness: This is the expression of the writer who was a member of the IWW, and was regarded as the theoretician of the IWW at that time. The IWW at that time gave great leeway to the membership in the expression of their opinions.

Presiding Inspector: Does it state, or does it not state the principles of the IWW?

The Witness: Yes; it states the principles of the IWW.

Presiding Inspector: I think I will take it. You don't object with that explanation, do you?

Mr. Gladstein: I think the objection should still be recorded. [1967].

Presiding Inspector: You had better interpose your objection at this time.

Mr. Gladstein: At this time I still don't think an appropriate foundation has been laid for the introduction of the document, so we will make that objection.

Mr. Del Guercio: I will offer it.

Presiding Inspector: You are not going to leave it in just that way, are you? There will be other testimony about it?

Mr. Del Guercio: Yes.

(Testimony of William C. McCuistion.)

Presiding Inspector: I will receive it subject to your later motion to strike, Mr. Gladstein.

Mr. Gladstein: Thank you.

(The booklet referred to was received in evidence and marked Government's Exhibit No. 252.)

Mr. Del Guercio: Of course, if your Honor please, another ground upon which we offer it——

Presiding Inspector: (Interposing) I beg your pardon?

Mr. Del Guercio: There is another ground upon which we offer this. It is a booklet, of course, on which appears the seal of the IWW.

Presiding Inspector: But it doesn't prove itself.

Mr. Del Guercio: It doesn't prove itself. I know that.

Presiding Inspector: You will have to have some proof.

Mr. Del Guercio: I think that is a sufficient founda- [1968] tion for the identification of it.

Presiding Inspector: I am going to receive it now anyway.

Mr. Del Guercio: Yes.

Presiding Inspector: And we will see how far you connect it up. Of course, it seems to have little relevancy as yet. We don't know much about the IWW. It has been mentioned once or twice, but not with any definiteness.

Mr. Del Guercio: I want, without reading the various excerpts from this, to call the Court's attention to the following pages: 10, 15 and 16.

(Testimony of William C. McCuistion.)

By Mr. Del Guercio:

Q. I will show you another booklet called "Sabotage; Its History, Philosophy and Function", on the back cover of which appears this: "IWW literature, IWW publishing house, 1001 West Madison Street," and ask you if you have ever seen this?

A. I have seen the pamphlet and I am familiar with this list of pamphlets and the nature of the address of the publishing house. However, I couldn't say that it represented the policy of the organization or anything like that, except that I have seen the book in IWW halls and Communist Party halls and in Marine Workers Industrial Union halls. I think I have a copy of it myself.

Q. You have seen this in IWW halls? [1969]

A. Yes. Yes, sir.

Q. You are not an expert on the IWW?

A. No, sir. I am not an expert on IWW matters.

Q. But you have seen this booklet in IWW halls during the time you were in the IWW organization?

A. Yes, sir. I have seen the booklet.

Mr. Del Guercio: I offer this in evidence, if your Honor please.

Presiding Inspector: No. I will exclude that. He might have seen Smith's "Wealth of Nations" there.

Mr. Del Guercio: Well, I offer it for identification.

Mr. Gladstein: No objection to that.

(Testimony of William C. McCuistion.)

Presiding Inspector: Yes. These may become important. I am not ruling on that. Only on the evidence produced. I think even the first is pretty tenuously established, but we will see about it when we get the case in.

(The booklet referred to was marked Government's Exhibit No. 253 for identification.)

Mr. Del Guercio: That is all, your Honor. I will turn him over for cross examination.

Presiding Inspector: All right. You may cross examine.

Cross Examination

By Mr. Gladstein:

Q. Mr. McCuistion, you say that you are now unemployed? A. Absolutely yes, sir.

Q. How long have you been unemployed? [1970]

A. I have been unemployed—that is, I haven't drawn wages since the months of July or August, 1939.

Q. For a continuous period since July or August, 1939 you have neither been employed nor drawn wages from any employer?

A. No. I received money for writings; I have received money for research work and I was in jail a good period of the time.

Q. What kind of writings did you make reference to?

A. A series of articles specifically for the National Republic Magazine; a series of three articles. They appeared monthly in 1940. I worked with

(Testimony of William C. McCuistion.)

various writers. I will give the names of some of them, in research work. I worked with Bob Russell, a well known writer.

Q. Excuse me. Before you go into research, are you making a distinction now between your writings and your research, or are they both a part of the same thing?

A. They are a part of the means of making a living.

Q. All right. You mean they are connected, they are integrated? A. Yes, certainly.

Q. All right. Now, proceed.

A. I worked on this in Washington. I assisted Mr. Ralph Emerson and I assisted various other people in Washington at various times in doing research on labor research largely. I [1971] even for different persons around there, received bits of money and this is largely the way my income has been based, through research and through writing, through borrowing from my friends.

Q. Since July, 1939 to date could you estimate the total amount of income you have received from both your writings and your research?

A. From both the writings and the research, I would estimate approximately a thousand dollars.

Q. Now, have any of your articles appeared under your own name? A. Yes, sir.

Q. Can you state some of those?

A. I will state only one that has appeared under my own name. That was a series of articles I sold to the National Republic Magazine.

(Testimony of William C. McCuistion.)

Q. On what subject, please?

A. This was the subject of the organizational structure of the Communist Party and how they developed the organizers within the Communist Party.

Q. What did you receive for that article?

A. I received for those articles approximately $120.00.

Q. Would it be correct to say in a general way that the tenor or objective of that series of articles represented [1972] a hostile or antagonistic approach toward the Communist Party?

A. Absolutely not. In fact, the articles were decidedly the opposite. The articles were strictly an academic study of the structure of the Communist Party, such as could have been well written by a member of the Central Committee of the Party.

Q. You made no attack on the Communist Party at all?

A. I made no attack on the Communist Party, but I made attacks on the Communist Party methods; a certain attack on their methods only.

Q. Well, did or did you not attack the Communist Party or any of its activities in those articles?

A. No. I did not attack their activities. I merely attacked their methods of dealing with individuals. In fact, I think the articles were very charitable toward Communists themselves.

Q. You mean that you felt more antagonistic than the articles reflect?

(Testimony of William C. McCuistion.)

A. Oh, no. I mean that I feel sorry for the average Communist.

Mr. Del Guercio: Oh, if the Court please, I object to this.

Presiding Inspector: He can answer it.

By Mr. Gladstein:

Q. During what period of time did those articles [1973] appear in print? A. Yes.

Q. I say, over what period of time did those articles appear in print?

A. Well, over a period of three months. I should say, roughly, that they appeared in the April, May and June issues of 1940 of the magazine.

Q. What kind of activities or work is covered by the term "research" as you used it?

A. "Research" is serving whoever hires me to do any kind of work they ask me to do. Some of it was strictly reading and plugging study work in the Congressional Library. Some of it was the discussion with seamen, the discussion with longshoremen, the discussion with workers in various other industries of their reaction towards certain things that were happening today, and the placing of these things in the proper order, giving them my opinion on these things and letting the other person do what they wished to do with them. [1974]

Q. Can you name some of the persons, the most important persons, or organizations, in the sense that these pieces of work were most remunerative and for whom you did this research work?

(Testimony of William C. McCuistion.)

A. Yes; I can name some of them. I did a little work for Dr. J. B. Mathews, Research Director of the Dies Committee; for Mr. Stribling, the Secretary of the same Committee; for Mr. Ralph Emerson, who is a lobbyist in Washington, D. C.

Q. Who was he a lobbyist for?

A. He is an independent lobbyist. He works for various people, like a lot of other people do in Washington. He didn't tell me his business. He merely hired me to do some work for him. I didn't inquire.

Q. Who else?

A. For Mr. Bob Russell, of Port Arthur, Texas.

Q. Who is he?

A. He is a writer. I don't know how to say it, other than that he can be located in the telephone book, and located through his agent. His agent is Mr. Blasingame, a well-known writers' agent in New York.

Q. Can you think of any others?

A. Yes. I am thinking of them right now. I did work for an attorney, Albert Koorie, in New Orleans.

Q. In what connection was that?

A. In connection with—that was in connection with [1975] the deportation proceedings instigated by the Communist Party against Arthur Thomas because of his anti-Communist activity in the Maritime Union, National Maritime Union.

Q. Proceed and name some of the others for whom you did this research work?

(Testimony of William C. McCuistion.)

A. That is all I care to name off-hand. My income through all of those didn't make me worry about my income tax, so I didn't keep accurate records.

Q. You say that is all you care to name. By that do you mean that you do have in mind others that you prefer not to mention?

A. No, I don't have others in mind. I have no secrets to keep in this matter. Others were casual. I made $5.00 out of some and I made a few more dollars out of others. They were minor sums and it would be hard for me to recall the instances. After all, I was making a living.

Q. What was the largest amount that you received for any piece of research work of the character you have been describing?

A. I couldn't say just exactly. Perhaps the research in the Thomas case was the largest amount. I received approximately $300 for that. Thomas didn't have very much money, and Koorie didn't have much money either. There was no national campaign to prevent him from being deported.

Q. Does this term "research", which you have used, include any kind of investigation on your part into determining [1976] what the ideas or opinions, political or otherwise, are of any particular individual? A. Absolutely not.

Mr. Del Guercio: I object to that as a broad question and not material to the issues in this case.

Presiding Inspector: The witness has answered. He says "No."

(Testimony of William C. McCuistion.)

By Mr. Gladstein:

Q. You understood the question?

A. Yes; I understood the question—that you were implying that it involved my prying into the private opinions of individuals. That is something I do not believe in and would not participate in.

Q. Would that answer cover activities of individuals as well?

Mr. Del Guercio: I object to that, if your Honor please.

Presiding Inspector: I think I will allow it.

A. Activities of individuals—no. I wouldn't say it covered individuals whatsoever because, as I say, I have no interest in individuals and my lack of interest in what individuals do would prevent me from taking any kind of employment that would infringe on the rights of any individual, regardless of what his views were.

By Mr. Gladstein:

Q. Or his activities? [1977]

A. Or his activities.

Q. Would you say that you have fairly exhausted your memory now on the question of the research and writing that you have done, and, in fact, all the employment that you have had since July 1939?

A. Yes, I would say I have fairly exhausted it.

Q. Have you any income, aside from that which you receive from the writings and the research that you have described?

A. Only in the form of loans.

(Testimony of William C. McCuistion.)

Q. In no other form?

A. In no other form whatsoever, unless you call income the $4.50 a day witness fees I am getting while I am here.

Q. Have any of these loans been, any individual loan, been more than $100?

A. There was no individual loan of more than $100; none that large.

Q. Now, have you not worked recently as a labor spy in the Gulf area of the United States?

A. I have not.

Q. Have you worked recently, or any time, as a labor spy anywhere else? A. I never have.

Q. Have you ever been employed by one of the oil corporations in the Gulf area of the United States?

A. I have been employed by oil companies as a seaman [1978] aboard their ships in the past a number of times, but never other than in the capacity of a worker working at my trade and carrying a union card.

Q. In the questions from now on, until I indicate something to the contrary, we will confine the period that we are covering in these questions to that period from July 1939 to date. A. Very well.

Mr. Del Guercio: I object to that. The question asked o" to determine that.

Presiding Inspector: He makes that as a general condition in all his questions.

Mr. Gladstein: Yes; so the witness will under-

(Testimony of William C. McCuistion.)

stand it and I won't have to repeat it again and again.

Presiding Inspector: I think that is reasonable. We understand that we are now covering that period.

Mr. Del Guercio: If the witness can answer.

Presiding Inspector: If he can answer he can say so.

By Mr. Gladstein:

Q. With that understanding, Mr. McCuistion, I want to ask you if it isn't true that you have been employed in the period mentioned by an oil company, and that your duties were to go around and find any labor agitators and report them to the company?

A. That is not true. I have never received a penny from any oil company in my life for any activities other than [1979] I stated before, that is, that of working as a seaman; or from any other industrialist, or from any boss in any form whatsoever. I am a union man now and have always been a union man.

Q. Do you know a man by the name of William Woldman? A. Woldman?

Q. Yes.

A. Yes, I know him. He is a Communist that runs the Crescent Jewelry Company in Houston, Texas.

Q. How long have you known him?

A. I have known him roughly since 1930.

Q. Is it true that he runs a watch repairing

(Testimony of William C. McCuistion.)

jewelry business at 605 Travis Street, Houston, Texas?

A. Yes. That is in the Milby Hotel; but in addition to that he also buys gold and runs an undercover pawn shop and is a fence—buys stolen goods.

Q. Did you speak to him some time in April, 1941, at his place of business? A. Yes.

Q. Did you tell him on that occasion that you had been confined in jail for quite a number of months in New Orleans under a murder indictment?

A. I did.

Q. Did you tell him that you had, however, "beat the rap"? A. I did. [1980]

Q. Did you tell him that you had——

A. (Interposing) I didn't use those words, however. I am a little bit more careful in my English. I told him I was acquitted by a jury after being tried.

Q. Did you tell him that you had powerful friends in Washington who helped you?

A. I did not.

Q. Did you tell him that as of the time that you were speaking to him you were employed by an oil company?

A. I did not. I told him I was attempting to obtain employment by one of the oil companies.

Q. Did you tell him that you were making good wages?

A. I did not. In fact, I borrowed $2.00 from him at that time.

(Testimony of William C. McCuistion.)

Q. Did you tell him that you were sick and tired of working? A. I did not.

Q. Did you tell him that you were going to enjoy life the easiest way you possibly could?

A. I told him that I was not going to mix in any trade union politics in any way whatsoever; that I was disgusted with the conduct of the trade union leaders today, who I thought a few years ago would be honest union leaders, and today turned out to be phony.

Q. Did you tell him that you were going to enjoy life the easiest way you possibly could? [1981]

A. No, sir.

Q. Did you tell him that it was your job to go around and find labor agitators and report them to the company? A. No.

Q. Did you tell him that for such work you were being well paid? A. No.

Q. Did you tell him that you had a drawing account and expense account? A. No.

Q. Did you tell him that you were authorized to stay at the Rice Hotel? A. No.

Q. Is there a Rice Hotel in that city?

A. Yes, but I was staying at the Milby Hotel. He was well aware of it because his business is in the Milby Hotel.

Q. Well, the Rice Hotel——

A. (Interposing) Is just across the street from the Milby Hotel.

Q. Is the Rice Hotel considered a fairly high priced hotel?

(Testimony of William C. McCuistion.)

A. Yes. The Milby is $1.00 and $1.50 a day and the Rice is $3.00 a day and up. I couldn't stay at the Rice.

Q. I want to ask you again, did you tell him that you were authorized to stay at the Rice Hotel?

[1982]

A. No.

Q. Did you tell him that notwithstanding the authorization you stayed at a cheaper hotel so that you could pocket the difference?

A. No, I did not.

Q. Now, a few days after this occasion when you had the conversation with Mr. Woldman, did you again come to his place of business with a friend of yours called "Slim"?

A. Not that I recall of anybody called "Slim". I walked into his place of business with a friend of mine named Clyde Brown.

Q. Did you tell Mr. Woldman that you were going to Corpus Christi and then coming back to Houston?

A. I don't know whether I told him that. I told Brown that. I did go to Corpus Christi. That is my home town.

Q. And did you tell Mr. Woldman that you were going to spend the weekend of March 30th in Corpus Christi?

A. I don't recall whether I told him that. I had a general conversation with him.

Q. Did you spend that weekend in Corpus Christi?

(Testimony of William C. McCuistion.)

A. I can't recall. I stayed in Corpus Christi roughly about a week and a half or two weeks.

Q. Did you thereafter return to Houston?

A. Yes, and was subpoenaed to come here.

Q. Did you ever tell Mr. Woldman that you had attempted [1983] to set up another separate union from the National Maritime Union in the Gulf?

A. I told Mr. Woldman this, I think, to be exact: That it was my opinion that the seamen would never get anywhere until they threw the fakers out of the NMU and put honest men at the head of it and made a new union out of it.

Q. Did you tell Mr. Woldman at the time that you were attempting to set up another and separate union in the Gulf from that of the National Maritime Union? A. No.

Q. Did you ever tell Mr. Woldman that you were attempting to get the union in the Gulf to secede from the National Maritime Union?

A. No.

Q. Did you tell him that you were being aided in your work by Arthur Thomas?

A. Absolutely not.

Q. Do you know Arthur Thomas?

A. I know him personally very well. He is a close personal friend of mine.

Q. Where is he now?

A. He is in Port Arthur. He is the owner and manager of the Exchange Bar and the Exchange Cafe.

Q. Is he or is he not under indictment for

(Testimony of William C. McCuistion.)

perjury in the District Court of the United States for Northern California? [1984]

A. He is not.

Q. Did you tell Mr. Woldman that you were also being aided in your work in the Gulf by Jerome King? A. I did not.

Q. Do you know Jerome King? A. Yes.

Q. Is he also a friend of yours?

A. Jerome King is a close personal friend of mine.

Q. Do you know where he is now?

A. Jerome King is in Waldman Prison doing two and a half years for killing a Communist.

Q. Is that what the charge was? Killing a Communist? A. Yes.

Q. Is that the way the indictment read?

A. I didn't see the indictment. How do I know? I know the guy that he killed was a Communist.

Q. What you really mean is that he is now serving time for murder?

A. He is serving time for manslaughter. It was a fist fight and he was very badly beaten himself, "dumped" by a "goon squad". In the "dumping" one of the goons got killed.

Q. Mr. McCuistion, were you arrested in Houston, Texas on October 22, 1930?

A. Yes; something about that date. I was State Organizer [1985] at that time.

Q. What were you charged with?

A. I was charged with assault, I was charged

(Testimony of William C. McCuistion.)

with breaking and entering, I was charged with vagrancy, and they threw the whole book at me.

Q. You were also charged with burglary, were you not?

A. Yes. I said "breaking and entering", which is burglary. I was charged with that.

Q. And you were convicted of aggravated assault, were you not?

A. I was convicted of simple assault, as I remember correctly, and the Grand Jury billed us on the rest of the cases. There were several of us. In fact, practically the entire Communist leadership was arrested and charged with the same thing at that time.

Q. Are you now saying that your recollection is that you were convicted of simple assault?

A. Yes.

Q. But it is possible that you were convicted of aggravated assault?

A. Very possible. I was guilty of aggravated assault.

Q. Were you arrested in November of 1931 in Kansas City?

A. Yes sir. Also at that time I was a member of the Communist Party and was a leader of the unemployed at that time.

Q. Were you arrested in November of 1932 in Chattanooga, [1986] Tennessee?

A. Yes. That was at the time of the hunger march. I was taking the southern section of the

(Testimony of William C. McCuistion.)

hunger march to Washington. I was also a Communist then.

Q. Were you arrested in August of 1934 in Buffalo, New York?

A. Yes, I was also a Communist then; Maritime Organizer for the entire Great Lakes Region.

Q. Were you charged with assault?

A. I was charged with assault and vagrancy and a number of other things then. I don't remember all. Just nuisance charges. All these charges would be automatically thrown out in a few hours. The Party would have bondsmen up there almost as quickly as the patrol wagon and have me bailed out, a big defense fund raised and nothing would ever come of it.

Q. Were you arrested in December, 1934 in Baltimore? A. Yes.

Q. Were you charged with assault?

A. Yes.

Q. Were you found guilty?

A. I was found guilty and I was guilty.

Q. Were you arrested in New Orleans in October, 1936? A. Yes. [1987]

Q. Were you arrested—withdraw that. I lost myself at some point. Where were you arrested in connection with the murder charge about which Mr. Del Guercio asked you?

A. I was arrested in the first time in the committee hearing rooms of the Dies Committee in Washington, D. C., after I had been on the stand two complete days. I was arrested on the third day.

(Testimony of William C. McCuistion.)

Q. Was a warrant served on you?

A. There was no warrant served on me for the simple reason there was no warrant. I wasn't indicted until about four months after that.

Q. When you say that you were "arrested" what do you mean?

A. I mean I was taken into custody by Lieutenant Linegard, and I didn't care to raise any technical points on it. I knew I hadn't done anything to be arrested for and I was confident that I would subsequently be acquitted of anything that I was charged with. I have a little faith in justice in the courts anyway.

Q. Now, when did the trial of that murder case actually begin?

A. The trial began in January the 21st of this year.

Q. 1941? A. Yes.

Q. Well, before that trial began you were arrested [1988] several other times, weren't you?

A. I was arrested in Washington. Extradition was refused. I was subsequently arrested in Indiana, at Claypool, Indiana, near Warsaw. I was advised by counsel there that it would be impossible to extradite me because of such a flimsy bill of particulars against me. But I stated that I was tired of having a murder charge hang over my head and I would waive extradition and go back and face it. I waived extradition and went back.

Q. Were you arrested in Washington, D. C. in May of 1940 for being drunk? A. Yes.

(Testimony of William C. McCuistion.)

Q. Were you arrested three days later in Washington, D. C., on the same charge of being intoxicated?

A. No.

Q. Did you serve ten days on such a charge?

A. Yes.

Q. While you were in jail that ten-day period did you attempt to commit suicide?

A. No. But it seems that the Daily Worker had an imagination about something that I did do it. I don't recall it.

Q. I have before me an item from the Washington Post, not the Daily Worker; the Washington Post of March 29, 1940. [1989] By the way, do you charge that the Washington Post is a Communist paper?

A. I make no charges whatsoever of any nature. I am here as a subpoenaed witness for the Government and I answer the questions put to me to the best of my ability. I don't know how to say anything else. I will answer your questions and be as courteous to you as I hope you will be to me.

Q. Now, Mr. McCuistion, in this article, to which I have just made reference, the statement is made "William C. McCuistion, Dies Committee witness who was recently indicted for murder of a New Orleans labor leader was jailed for 30 days yesterday by Police Judge Walter J. Casey". Is that a correct statement of what happened?

A. Absolutely not. I wasn't jailed for 30 days.

Presiding Inspector: Never mind! It isn't a correct statement.

(Testimony of William C. McCuistion.)

A. (Continuing): It isn't a correct statement.

By Mr. Gladstein:

Q. What is incorrect about it? The fact that it wasn't 30 days?

A. The fact that it wasn't thirty days. I wasn't jailed by the judge. There are a lot of inaccurate statements.

Presiding Inspector: What difference does it make what the Washington Post or the Daily Worker or anybody else says? [1990] We are only interested in the facts.

Mr. Gladstein: Yes, that is right.

Presiding Inspector: It doesn't add anything.

Mr. Gladstein: It goes to——

Presiding Inspector (Interposing): I will exclude the question of what the article says.

Mr. Gladstein: I want to use the article.

Presiding Inspector: Then show it to him.

Mr. Gladstein: I haven't finished, your Honor.

Presiding Inspector: I shan't hear anything quoted from the article. Go ahead.

Mr. Gladstein: Well, may I not use something for the basis of a question?

Presiding Inspector: You may show the article to him.

Mr. Gladstein: All right.

Presiding Inspector: Ask him if it refreshes his recollection.

Mr. Gladstein: Certainly. There are two articles here. One is from——

(Testimony of William C. McCuistion.)

Presiding Inspector (Interposing): The article is entirely immaterial here.

Mr. Gladstein: I realize that.

Presiding Inspector: Then don't ask about it.

Mr. Gladstein: I may use——

Presiding Inspector (Interposing): Now, go ahead. Let us [1991] have no trouble about it. Show the article to the witness and ask him whatever you want to.

Mr. Gladstein: May I make a statement for the record as to what I am showing the witness, your Honor?

Presiding Inspector: Certainly you may.

Mr. Gladstein: That is what I was about to do.

Presiding Inspector: I thought we knew about that.

Mr. Gladstein: This document which I am about to show the witness contains two clippings: One from another newspaper, and I want to show that to the witness.

Presiding Inspector: Well, go ahead.

Mr. Gladstein: All right. Now, for the record, I am showing the witness a piece of paper on which there are two clippings: One from the Washington Post, March 29, 1940; and one from the Washington Times-Herald of May 26, 1940. Incidentally, I want to make a correction. The article from the Washington Post is not March 29, but May 29.

Mr. Del Guercio: May I see that, please? You are making a statement to the record here without showing it to me.

(Testimony of William C. McCuistion.)

Mr. Gladstein: Oh, all right.

Mr. Del Guercio: Now, if your Honor please, there is no masthead on any of these articles here.

Presiding Inspector: It doesn't make any difference. If they actually refresh the witness' recollection he can say so. [1992]

Mr. Del Guercio: May the record show, then, that there is nothing on here in the way of writing to show from where they came?

Presiding Inspector: Well, that will appear on the face of the document. If they actually refresh his recollection——

By Mr. Gladstein:

Q. (Interposing): Read the article, if you will.

A. (Reading articles): No truth whatsoever to the articles.

Presiding Inspector: The question is whether they refresh your recollection of what occurred?

The Witness: They refresh my recollection of the refusal of Chief Justice Sweet to extradite me, that's all.

Presiding Inspector: Now, go ahead.

By Mr. Gladstein:

Q. Don't they refresh your recollection as to whether you attempted to commit suicide?

A. I never attempted to commit suicide in my life. That is a felony, isn't it? They would charge me with it if I did.

Presiding Inspector: Now, wait!

(Testimony of William C. McCuistion.)

By Mr. Gladstein:

Q. In connection with that arrest, Mr. McCuistion, do you recall whether it is true that you were taken into custody on an intoxication charge after you had collapsed on the wall of St. Elizabeth's Hospital? [1993]

A. I know that I was feeling pretty bad about the whole business, wanting to get the mess cleared up. A man doesn't feel any too good when he has a murder charge hanging over him, even when he knows he is innocent. I know I went on a drunk and the drunk lasted about 30 days, and I sobered up in jail like a lot of other drunks have.

Q. Do you recall whether in jail you improvised a noose out of your shirt?

A. I said I did not; that none of that has the slightest basis of truth.

Mr. Del Guercio: If your Honor please, counsel here has asked the witness, as I recollect it, at least two times whether he has attempted to commit suicide.

Presiding Inspector: I know.

Mr. Del Guercio: And the witness has answered "No" both times definitely, yet counsel is pursuing——

Presiding Inspector (Interposing): He wants to press him because he knows he can't contradict him on this.

Mr. Del Guercio: Apparently.

Presiding Inspector: Go ahead.

Mr. Del Guercio: He is still here and alive.

(Testimony of William C. McQuistion.)

Presiding Inspector: Of course, he is bound by his answers on a collateral matter like this.

By Mr. Gladstein:

Q. Was this period that you spent in jail in Washington [1994] in May of 1940 in connection with the 30-day drunk that you have just mentioned prior to the time that you actually stood trial on the murder indictment? A. Yes.

Q. Who were you charged with having murdered?

A. I was charged with having murdered Philip Carey, a close friend of mine.

Q. Was he a labor man?

A. He was a labor man, yes.

Q. Did he belong to a union?

A. He belonged to the National Maritime Union, yes.

Q. What was his position?

Mr. Del Guercio: If your Honor please, I object to this line of questioning.

Presiding Inspector: What is the object of this?

Mr. Gladstein: Well,——

Mr. Del Guercio (Interposing): Are we going to try the murder trial here?

Mr. Gladstein: No, of course not.

Presiding Inspector: If you hadn't introduced it I don't know what would have happened. But, of course, you introduced this evidence about this murder trial.

Mr. Del Guercio: Only to the extent to show whether he had ever been arrested.

(Testimony of William C. McCuistion.)

Presiding Inspector: But you opened the door on it. [1995] You opened the door on it. Now, we will go into it to some extent.

Mr. Gladstein: I want to identify the man, that is all.

Presiding Inspector: Very well. You may do that.

Mr. Gladstein: Will you read the question, please.

(The question referred to was read by the reporter as above recorded.)

A. He was Secretary-Treasurer pro-tem of the Stewards' Division of the National Maritime Union of America, Gulf District.

By Mr. Gladstein:

Q. You mean Mr. Carey was?

A. Mr. Philip Carey, yes.

Q. Was he a member also of the National Council of that union?

A. Only by—I am not sure whether he was or not. I couldn't answer. They had just recently revised the constitution and put in a lot of new protective clauses and, I don't know. I haven't even read it myself now. I wasn't interested in what was going on in the union even.

Q. And when is it that you were charged with having murdered him? The date.

Mr. Del Guercio: If your Honor please, that is shown in the indictment. If they want to bring the indictment here——

(Testimony of William C. McCuistion.)

Presiding Inspector (Interposing): I will allow it. [1996] This is a question of when——

A. (Interposing): The murder——

Presiding Inspector (Interposing): Wait a minute! See if I understand it. You are not asking for the date of the charge, but the date when it is claimed that the charge was committed?

Mr. Gladstein: That's right.

Presiding Inspector: Yes.

A. (Continuing): It was supposed to have been committed on the night of September 17, 1939.

By Mr. Gladstein:

Q. Did I understand you to say earlier today that you had walked out of the convention of the National Maritime Union?

A. You understood correctly. I walked out of the convention and several others walked out with me.

Q. The answer to that question would be "Yes"?

A. Yes.

Q. Isn't it a fact that you have been expelled from that union? A. That is not a fact.

Q. Isn't it a fact that at the second National Convention of the National Maritime Union of America, held in New Orleans between July 3 and July 14, 1939, a resolution concerning you was introduced before the body? [1997]

A. It will take a little explanation if you wish it.

Q. Can't you first answer it "Yes" and then, if you want to, explain——

(Testimony of William C. McCuistion.)

A. (Interposing): No, I can't because I wasn't present after I walked out. What I want to say is that when I walked out of the convention of the National Maritime Union, by that act I automatically severed all connection with the union. Therefore, you can't expel a man after he has already quit. It is closing the door after the cow has gone.

Q. Were you a member in good standing after you walked out?

A. I was a member in good standing and a delegate to that convention. [1998]

Q. Under the Union rules do you remain a member in good standing for any period thereafter until you fail to pay dues, or to send in a resignation.

A. When you walk out of any organization you automatically resign from that organization. When you are in disagreement with their policies and principles and walk out you have severed all relations with that organization.

Q. Did you resign in writing?

A. Resign in writing? No, I resigned—there were reporters there reporting the convention.

Presiding Inspector: He asked you if you resigned in writing. You answered "No."

A. No.

Presiding Inspector: Ask the next question.

By Mr. Gladstein:

Q. Isn't it true, Mr. McCuistion, that at that convention a resolution was presented reading in part:

(Testimony of William C. McCuistion.)

"Whereas our passenger and freighter agreements expire on September 30; and

"Whereas there is no room in our ranks for disrupters, labor spies, and their ilk; and

"Whereas William McCuistion was run out of the Port of Baltimore and led goon squads in the Ports of Boston, Port Arthur, Houston, Galveston, Corpus Christie, and generally has conducted himself as an enemy of the NMU and its members for his personal [1999] aggrandizement;

"Be It Resolved that this convention expel William McCuistion from the Union for fourteen years."

Wasn't that resolution introduced at that convention?

Presiding Inspector: Do you mean that it was introduced at the time that he was present?

Mr. Gladstein: I am asking him whether, to his knowledge, that was introduced at that convention.

Presiding Inspector: I think you should divide it as to whether he has knowledge by having heard it introduced; that is, divide it between the period he was there and the period afterward.

Mr. Gladstein: I am perfectly willing to do that.

By Mr. Gladstein:

Q. First of all, was such a resolution introduced while you were still at the convention?

A. No.

Q. To your knowledge was it introduced at any time during the convention?

(Testimony of William C. McCuistion.)

A. To my knowledge, no.

Q. Have you ever heard such a resolution was introduced?

A. This is the first time I have ever heard the wording of such a resolution.

Q. Have you heard prior to today that such a resolution in substance was introduced at that convention? [2000]

A. I have heard that such a resolution was, in substance, introduced as the rank and file delegates had walked out and left the Communists in full possession.

Q. Had you heard that you were expelled for fourteen years from the National Maritime Union before you came to this hearing today?

A. No, because you can't expel a man when he is not in the organization.

Mr. Gladstein: Read the question, please.

Mr. Del Guercio: He has a right to qualify his answer, if your Honor please. He has qualified it.

Mr. Gladstein: He certainly has qualified it, but hasn't answered the question. I would like the question read.

Presiding Inspector: Read the question.

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: I will explain that to you. It doesn't mean whether legally it was effective or not. But what counsel is asking about is whether such a resolution was adopted.

(Testimony of William C. McCuistion.)

A. I understand such a resolution was adopted; yes. But that is from indirect information and hearsay largely.

By Mr. Gladstein:

Q. Were you assisted in connection with your murder case by any representative of the Dies Committee, or anyone connected with it? [2001]

A. None whatsoever; with the exception of Congressman Starnes, who went to see Attorney General Jackson to receive permission from him for a representative of the Department of Justice, and Immigration Division, to testify at my trial merely as a character witness. That was Congressman Starnes of Alabama.

Q. Were you furnished with counsel or assistance of any kind by Congressman Starnes, or anyone else, connected with the Dies Committee?

A. No. My counsel was volunteer counsel and they so stated at the trial.

Q. Who was the representative from the Department of Justice who was obtained by Congressman Starnes to be your character witness?

A. That was Mr. Delaney, a personal friend of mine, in New Orleans, and director of Naturalization in the New Orleans office of the Immigration Service.

Q. How long had he been a personal friend of yours?

A. Oh, roughly, for about a year. We first met in connection with the Thomas case.

Q. That would date back to when?

(Testimony of William C. McCuistion.)

A. I couldn't say exactly. When you meet a friend in clubs, and various places, and discuss matters with them, why you don't keep a record of just when you met them. I would say approximately a year ago. I couldn't date it to any par- [2002] ticular time.

Q. Couldn't you give me the approximate month and year when you met Mr. Delaney?

A. You can take a piece of paper and a pencil and figure it out—approximately a year before I was tried—I was tried in January, 1941. No, I am wrong. I should have said approximately two years. I have known him since early 1939.

Q. Have you ever worked for him or with him?

A. I have never worked for him or with him.

Q. What was the nature of your relationship with him?

A. I came to Mr. Delaney at the time of the first hearing of Harry Bridges. I discussed with him, before the first hearings, when they were scheduled to come up, I discussed these hearings with Mr. Delaney. I stated at that time that I didn't approve of the hearings because I believed it was not the proper way to approach the whole thing. I also said that I didn't favor the deportation of Harry Bridges, and I testified so later in the Dies Committee—if you wish to refresh your memory on that.

That was the nature of the conversation.

However, he asked me would I testify if subpoenaed as a witness.

(Testimony of William C. McCuistion.)

I said, "Yes, but I will be a reluctant witness."

Q. Now, how did you happen to go to Mr. Delaney? [2003]

A. I went to Mr. Delaney in an endeavor to help a friend of mine, who was also facing proceedings of this same nature. This friend of mine, Arthur Thomas, was an anti-Communist labor leader, had fought the Communists, and the Communists were spending quite a bit of money and a lot of effort to try to have him deported. I went to Mr. Delaney to find out what I could about the case, and find out if there was any way possibly I could help and to really acquaint the Government with the facts that this man was an active anti-Communist and being persecuted in the Union because of these beliefs.

Q. Would it be correct to say that your first contact with Mr. Delaney was a voluntary one on your part and that the purpose you had in mind when you sought him out was to learn from Mr. Delaney whatever you could to help your friend, Mr. Thomas?

A. Yes; and to help Mr. Delaney understand the whole situation, if possible.

Q. All right. On that occasion you also discussed Harry Bridges, is that right?

A. Yes; I discussed Harry Bridges.

Q. How did that happen to come up?

A. Well, Mr. Delaney is an official of the Immigration Department. He asked me questions and I answered them.

(Testimony of William C. McCuistion.)

Q. Who first mentioned the name of Bridges? [2004]

A. I think it was Mr. Delaney that first mentioned it, asked whether I knew whether Harry Bridges was a Communist or not.

Q. When did you say this was?

A. In 1939.

Q. This was before the hearing?

A. Before the hearing; yes.

Q. How long did you discuss with Mr. Delaney whatever information you claimed you had concerning Bridges?

Presiding Inspector: You mean in this conversation?

Mr. Gladstein: Yes; in this conversation.

Presiding Inspector: In a single conversation?

Mr. Gladstein: Yes.

A. In a single conversation, about an hour and a half, or two hours at the outside.

By Mr. Gladstein:

Q. That you were talking about Mr. Bridges?

A. Yes.

Q. You were there longer, however, I take it, because part of the conversation concerned Mr. Thomas?

A. Yes; and also because we discovered that Mr. Delaney had been a friend of my family, had come from the same part of Texas I came from, and on that basis we developed a personal friendship through talking over old times.

(Testimony of William C. McCuistion.)

Q. How long would you say all together you spent [2005] continuously with Mr. Delaney during this first occasion when you spoke to him?

A. A maximum of two or two and one-half hours.

Q. Most of that time was taken up with the discussion of Bridges?

A. No. It was taken up—about an hour and a half was taken up on official business, discussing the Thomas case, discussing the Bridges case, discussing whether you were making martyrs of the Communists by deporting them—things like that. The rest of the time was taken up in the discussion of strictly personal matters.

Q. Did you tell Mr. Delaney on that occasion all you claimed to know concerning Mr. Bridges?

A. Yes. I told him certain facts and things I wouldn't even be willing to testify to because they are things that I don't know, things that I have heard from other people, regarding Mr. Bridges. After all, Mr. Bridges and I—well, I have nothing against him and he has nothing against me. It is all up to him.

Q. So you told him everything that you said here, plus other things which you would not care to testify to? A. Certainly, yes, sir.

Q. Was a written statement taken of what you said?

A. There were notes taken of what I said. I signed no statement that I remember. [2006]

Q. That you remember? A. Yes.

(Testimony of William C. McCuistion.)

Q. You mean it is possible you did, but you don't now recall?

A. I might have signed it, but I don't recall whether I did. I had no objection to signing a statement. If he had asked me to sign it I would have; if he didn't ask me to sign it I didn't sign it.

Q. Did he ever get in touch with you again concerning the statement you had made to him about Bridges?

A. I got in touch with him. He didn't have to get in touch with me. I looked him up several times.

Q. When was the next time?

A. I couldn't tell you exactly. It was over a period of a couple of months that I looked him up possibly as many as four times.

Q. What did you talk to him about on those occasions?

A. Largely I formed a friendship with Mr. Delaney, and I dropped in to talk to him because I enjoyed talking to him, because I felt that I could learn something from him; and because I felt he was a very able man, and from my home state, and at that time I was really, after just getting out of trade union work, I was trying to get a new slant, a new approach on things as a whole. He was very intelligent, a very capable man and I enjoyed his companionship. The visits were [2007] largely on that basis.

Q. Did you understand that I asked you, Mr.

(Testimony of William C. McCuistion.)

McCuistion, when the next time was after the very first occasion that you met Mr. Delaney, that you spoke to him concerning Bridges?

A. I said I couldn't remember the exact time. But I had several meetings in the course of the next two or three months.

Presiding Inspector: I think that answers the question. He can't remember.

By Mr. Gladstein:

Q. Well, would it be correct to say that probably on all of those occasions you discussed Bridges with him?

A. Probably Bridges' name came up in various ways during those discussions; I wouldn't say positively that it did.

Q. Now, in addition to talking to Mr. Delaney about Mr. Bridges, did you ever give him any other information concerning other people in the labor movement? A. Never.

Mr. Del Guercio: Just a moment. I object to that.

Presiding Inspector: I will allow it. The answer was "No."

By Mr. Gladstein:

Q. What was the answer?

A. Never, with the exception of Thomas. [2008]

Q. Did you ever talk to him about Joe Curran?

A. Never, in any official capacity. The name of Joe Curran might have come up.

(Testimony of William C. McCuistion.)

Q. When you say "official capacity", do you mean that you were representing somebody?

A. He was an official. I had no reason to talk to him about people unless it was something official. I remember he did ask me a question one time. He stated that he wanted to know what it meant by calling Joe Curran 'No coffee time Joe". What that meant. It was the only question that came up, as to what that meant.

Q. Did you supply him with information concerning any other labor leaders besides Mr. Bridges? A. None.

Q. Did he ask any of you?

A. He didn't ask me any questions. In fact, he was——

Presiding Inspector: You haven't been asked anything further. Just answer the questions.

By Mr. Gladstein:

Q. Now, this morning you said, in answer to Mr. Del Guercio's question concerning the murder indictment against you—I may be misquoting you but if I am I know you will correct me. It is just my recollection of what was said and I haven't had a chance to check the actual record. It was my impression that you said that you were testifying in the Dies [2009] Committee and then you learned about this business of this charge of murder in New Orleans, and there wasn't any warrant of arrest at the time, but that the Communists did something funny and a warrant was later is-

(Testimony of William C. McCuistion.)

sued. Would that be a correct summarization of what you said?

A. I wouldn't call it funny; no, sir.

Q. I am trying to get what you said, because I want to make it preliminary to another question.

Presiding Inspector: He said it isn't accurate.

By Mr. Gladstein:

Q. Will you explain exactly what you meant to say?

A. I meant that it was at the instigation of certain Communists that I was arrested; that had I not testified before the Dies Committee it is my opinion that I would not have been arrested, or ever indicted for the murder of Philip Carey.

Q. Were there any charges against your before you testified before the Dies Committee?

A. To the best of my information there were none whatsoever. I had heard, through a friend of mine on the waterfront in New York, he said, "The Communists are talking about you being wanted for murder."

I said, "Well, if that is so it is pretty serious business. So I am going to find out about it."

I walked up with this friend—I can give his name now—a seaman by the name of Vest, and another one by the name of [2010] Fawkes—I walked up to the Department of Justice Office, and the Federal Bureau of Investigation, in New York, and asked if they had, to please ascertain if there were any charges of murder against me.

I also went to the Old Slip Police Station, City

(Testimony of William C. McCuistion.)

Police of New York, and asked if I was wanted for anything. They said "No."

I never would have testified before the Dies Committee if I thought there were any charges against me. I would have wanted to have gone ahead and vindicated myself.

Q. Do you know whether or not the New Orleans police were looking for you in September of 1937?

A. If they were they were looking for me in a funny way because I was moving around openly all over the country.

Q. Weren't they looking for you at the time you were testifying before the Dies Committee?

A. If they were they were very slow then because I testified two days before I was apprised of the *face* that anybody wanted me for anything.

Q. Do you remember the man, the officer, police officer, who came from New Orleans in connection with taking you into custody, do you remember his name?

A. Yes; Johnny Grosch—G-r-o-s-c-h—Chief Detective in New Orleans.

Q. Isn't it true that Officer Grosch was looking for you [2011] since September 26th?

A. Not to my knowledge it wasn't true. If he was he was keeping it a secret.

Q. You mean he never told you, nor did you ever hear that he had been looking for you since September 26th?

A. No — except that one time in New York.

(Testimony of William C. McCuistion.)

There was a letter introduced at my trial to the effect that nobody was looking for me until after I testified, and this letter was introduced in evidence. Grosch himself admitted it on the stand.

Q. When did you testify before the Dies Committee?

A. The first part of November, 1939; possibly the last part of October, the last few days. I don't recall the exact dates.

Q. Well, let me see if I have it straight. You said a couple of times that the Communists and you had a public, open, falling out at the time that you testified before the Dies Committee.

A. No, sir. I never said that. I said I had a falling out with the Communist Party and not with any individual Communist. I still have many friends, personal friends, members of the Communist Party.

Q. All right. I will reframe that. Is it correct that you and the Communist Party had your public falling out as a result of your testifying before the Dies Committee? [2012]

A. No. We had our falling-out as a result of my opinion of the Communist Party, after I saw them in action in Spain.

Q. Well, when did you—withdraw that. You said a little while ago that the Communist Party took certain action against you because you testified before the Dies Committee.

A. I mean that the Communist Party pushed further the case against me. This is merely an

(Testimony of William C. McCuistion.)

opinion of mine. I couldn't prove it, and I am not trying to prove it. It is my opinion that the charge of murder against me was instigated by the Communist Party; that it was pushed, that they paid the witnesses to perjure themselves in my trial; and that the Jury evidently thought the same thing because they acquitted me.

Q. Did you take the stand in your own defense?

A. I did not. The State failed to establish a case. It wasn't necessary. My counsel so advised me and I took the advice of my counsel.

Q. Who was the name of your counsel?

A. Albert Koorie, Jack Culligan, and Mathew Braniff.

Q. Do they all have offices in the same city?

A. Yes, in different buildings.

Q. That city is what? A. New Orleans.

Q. One of those gentlemen you named earlier this afternoon as having done some research work for? [2013]

A. Yes, sir. He was a personal friend of mine and volunteered his services without charge.

Q. Did you perform the research that you have talked about for him before or after he defended you?

A. I performed this research work in connection with the Thomas case before he defended me.

Q. He handled that case?

A. He handled Mr. Thomas' case in part.

Q. Now, Mr. McCuistion, when did you first join the Communist Party?

(Testimony of William C. McCuistion.)

Presiding Inspector: Just a minute. We will take a short recess. That is a new subject.

(Whereupon a short recess was taken.)

[2014]

Presiding Inspector: You may proceed, Mr. Gladstein.

By Mr. Gladstein:

Q. I want to go back for a moment, Mr. McCuistion, to the NMU Convention that you walked out of. Were you seated as a delegate in that convention?

A. I was not. I presented my credentials to the Credentials Committee and was seated as a delegate temporarily, and I walked out before the Credentials Committee reported. However, I had been a candidate for Chairman and for Secretary for the convention.

Q. Isn't it true that the Credentials Committee reported that you had been illegally elected as a delegate to the convention?

A. That is not true, to my knowledge.

Q. Now, you say you walked out of the convention? A. Yes.

Q. On which day?

A. I couldn't recall the exact date. If you will let me have the proceedings of the convention there, I will refresh my memory on it and tell you.

Q. Well, can't you tell me approximately how long after it began?

A. I cannot, no. I should say the second or third day, or second or third session.

(Testimony of William C. McCuistion.)

Q. Why did you walk out of the convention?

[2015]

A. I made a statement that it looked to me like the convention was dominated and controlled by the Communist Party and, as a sincere trade unionist, I couldn't honestly stay as a delegate to such a convention. Therefore, I was walking out.

Q. Now, I started to ask you when you first joined the Communist Party.

A. What was that question?

Q. When did you first join the Communist Party?

A. Either in 1921 or 1922. I can't be exact. It wasn't called the "Communist Party" then altogether. It was called the "Workers Party" the "Workers Communist Party".

Q. How long did you remain a Communist?

A. As I say, I couldn't exactly answer. I was perhaps a member of the Communist Party for a year or possibly two years at that time. I was never very active in it and subsequently dropped out, resigned and never became active until 1929 here in San Francisco.

Q. Well now, let me see if I have this chronology straight. You say you joined either in 1921 or '22 and that you were a member for approximately a year or two. That is your best recollection?

A. Oh, more than that. I should say approximately three years.

Q. For approximately three years? [2016]

(Testimony of William C. McCuistion.)

A. Yes, during which time I wasn't very much of a member. Most of the meetings of the Party I would go to, why, at that time there were more foreign languages spoken than English and I couldn't understand anything except a little border Spanish. So it wasn't very interesting to me. So I just dropped out.

Q. I want to summarize and get this clear. Would it be correct, then, on the basis of your recollection that you first joined in 1921 or 1922 and remained a member until approximately 1924 or 1925?

A. That is approximately correct, yes.

Q. And what happened then?

A. We say, I had never been very active. Just for la[illegible] of interest in what they were doing, I let the thing slide.

Q. You mean that you resigned or quit?

A. No, I just ceased to be a member. I didn't take the trouble of quitting. They might have dropped me later on after I left. I don't know. I just didn't bother to look up meetings or attend meetings or worry about what they were doing or anything else.

Q. You mean that you didn't formally resign?

A. No.

Q. And you were not expelled or anything of that sort? A. Not to my knowledge; no sir.

[2017]

Q. When did you next join the Communist Party?

(Testimony of William C. McCuistion.)

A. I next joined the Communist Party—I really became active in 1929.

Q. All right. That is the second time you joined the Communist Party, in 1929. Where did you join then?

A. In San Francisco, California.

Q. You had also joined the first time in San Francisco? A. Yes.

Q. All right. And for how long did you remain a member of the Communist Party the second time?

A. The second time I remained a member for about a year and a half, I should judge.

Q. Could you date the approximate time when you ceased to be a member the second time?

A. Yes. I was expelled in 1930 by charges brought by this same Communist named Woldman that you mentioned a while ago.

Q. When were you expelled?

A. In December, 1930.

Q. What were the charges?

A. The charges were at that time that I refused to lay out time in jail and, instead, took the money out of the Party and paid my fine with it; $57 and something, I think, for the assault case. Or, rather, I just forfeited that much bail and let them take their fine out of the bail. This was a charge, [2018] and since Woldman had to put up the money he was a little sore at it and brought charges against me, and I was sore. So I decided

(Testimony of William C. McCuistion.)

to go to sea again and work as an active seaman; which I did. And the Party expelled me.

Q. Any other charges?

A. None that I can recall, no. I wasn't given a trial even. It was just an absentee business. I came to the West Coast and I shipped as an oiler on the Hawaiian Standard and I was absent from the country three months working in the Islands.

Q. When did you next join the Communist Party?

A. Well, I was re-admitted that same year, 1931. I was re-admitted to the Party.

Q. When in 1931?

A. The summer of 1931.

Q. Where? A. Kansas City, Missouri.

Q. And how long did you remain a member of the Communist Party thereafter?

A. Until 1935, when I couldn't stand them any longer.

Q. When in 1935?

A. Approximately January.

Q. What did you do in January, 1935 when you "couldn't stand them any longer?"

A. I didn't like the trade union policy of liquidating the Marine Workers Industrial Union. At the plenum of the [2019] Central Committee of the Party I so declared, and when Roy Hudson tried to restrain me I had a fist fight with Roy Hudson and I had a fist fight that night at a dance with another Communist named Harvey in an argument over policy. As a result they served me

(Testimony of William C. McCuistion.)

notice that I was being brought up on charges of being an irresponsible character, and so forth and so on. I didn't dignify the charges by answering them. I merely went back and started working at my trade again as a seaman.

Q. And you have never been a member of the Communist Party since that time?

A. Never have; no sir. Although I have worked with the leadership of the party since that time, but refused to join again.

Q. Now, you say you fought with Hudson.

A. Yes, I fought with him. I didn't fight much with him because there wasn't any fight. He wouldn't fight back.

Q. What did you do in the way of fighting?

A. I hit him.

Q. You say you had another fight with somebody else?

A. Yes; with the district organizer of the Communist Party at Denver, Harold Harvey, who was formerly Organizational Secretary of the Communist Party of San Francisco.

Q. Was that about the same time?

A. It was the same night. He fought back.

[2020]

Q. Did you express yourself?

A. Yes. It was an argument; merely an argument over policy. I didn't favor liquidating a union that a lot of men had fought to build and I didn't favor five or ten men going out and saying to these men "Well, the union that you built up, that

(Testimony of William C. McCuistion.)

you paid your dues into, that you had gone to jail for and fought in the picket line for is liquidated. Now, boys, get out and go into another union". I didn't believe in that stuff and I don't yet.

Q. And you expressed yourself pretty vigorously, I take it? A. Yes, I did; very vigorously.

Q. Were you expelled that time or did you quit?

A. The first time I knew I was expelled was when Harry told me about it. I had an idea I was expelled, but I didn't actually know it.

Q. Until he told you about it? A. Yes.

Q. Where was this?

A. I mean officially. In San Francisco.

Q. In San Francisco?

A. In San Francisco.

Q. That was the incident you referred to this morning? A. Yes.

Q. Do you remember from what that clipping was? [2021]

A. From the Daily Worker, yes. I couldn't be absolutely sure whether Reed or him had the clipping. But I know that one of them had it and both of them knew about it.

Q. Do you want to qualify your previous testimony on that to that extent?

A. To that extent: That one of them had the clipping, but that Bridges was the one that discussed it.

Q. Who raised the subject?

A. The subject was raised by Bridges.

Q. In what manner did he raise it?

(Testimony of William C. McCuistion.)

A. In the manner that he thought that I should activize myself. He said that he felt that I had just been mistaken, "blew my top" is the expression that he used, and he felt that I could be useful on the waterfront in San Francisco and that maybe I could set myself straight.

Q. Could you give us the approximate date of that?

A. No, I couldn't. It was within 40 days, I should say, prior to the sailing of the President Garfield. It should have been in May sometime.

Q. Let's see now.

A. I attached no particular significance to the meeting at that time. Therefore, I can't recall exactly. I was in 'Frisco over a period of two or three months and the meeting—until just today—has no special significance. Even today it doesn't seem to be an important meeting or anything like [2022] that.

Q. Now, Mr. McCuistion, you were in New York in January, is that right?

A. In January, yes.

Q. January of 1935? A. Yes.

Q. When did you leave New York?

A. I couldn't tell you exactly. I came to the West Coast by a freight train and schedules weren't very good.

Q. You didn't ship out of New York?

A. No.

Q. Were you on any ship between January 1935 and the time that you left San Francisco?

(Testimony of William C. McCuistion.)

A. No, I was on no ship. I went aboard a couple of ships in various ports, in New Orleans and Houston, enroute. I went aboard to eat a meal, but I didn't ship aboard any of them.

Q. There would be no record of your having been aboard?

A. No, not unless there was somebody who was a member of the crew who could remember seeing me aboard.

Q. Now, let's see. On this ship that you left San Francisco, what did you say the name of it was?

A. The President Garfield, Dollar Steamship Company.

Q. *You able* to tell me, are you not, how long it took for that ship to travel from San Francisco to Colombo? [2023]

A. Approximately a month and a half; about half way around the world. We made stops at Honolulu; Kobe, Japan; Shanghai, Manilla and Singapore, and Colombo was the next stop.

Q. And how long did you say it took for Mr. Bridges to arrange getting you on the ship?

A. I don't know how long it took exactly. I know that when I got ready to ship I went up and I was shipped right away, without a union book or without anything.

Q. I think you said this morning that in this conversation with Mr. Bridges after the discussion you indicated that you wanted to ship out and Bridges said he could fix it, and he did. Would that be correct? A. Yes.

(Testimony of William C. McCuistion.)

Q. And,——

A. (Interposing) . Evidently it was fixed right then. Evidently it was already fixed, because the first time I went up in the hall—the first time I walked into the hall I went up to the dispatcher, Frederick Reed and myself walked to the dispatcher and we were both shipped on the same ship.

Q. And can you recall—this is your best judgment, I realize—how long it took after Mr. Bridges said he would arrange this for you for the actual arrangement to be made so that you could sail out?

A. I don't know how the arrangements were made, whether it took—— [2024]

Presiding Inspector: He is just asking for time.

The Witness: Well,——

Presiding Inspector: This happened at one moment and then you were shipped at a later moment. Now, how long a time was there between?

The Witness: Oh, approximately 30 to 40 days; somewhere around in that. It was four to six weeks, I would say roughly. I wouldn't gauge it exactly. That was because I didn't want to ship. I never went up to the hall. I was meeting a lot of friends.

Presiding Inspector: Doesn't need any explanation.

By Mr. Gladstein:

Q. Well, would this be correct, then? After your conversation with Mr. Bridges, in which he discussed this clipping concerning your expulsion from the Communist Party, a period of approxi-

(Testimony of William C. McCuistion.)

mately four to six weeks elapsed before he got you to ship out; that is, before he got you the chance?

A. I don't know whether he got me the chance right then or whether he didn't arrange it until the day I went up there. But it appeared to me that it had been pre-arranged for some time. But I walked up and the guy didn't pick up the telephone or anything. He didn't even know me. "Oh", he said, "You're McCuistion?" I said "Yes". He said "All right".

Q. But it was four to six weeks from the time Bridges talked to you? [2025]

A. To the best of my memory.

Q. Until the time you shipped out?

A. Yes.

Q. Now, you mentioned this morning that the time you talked to Bridges was after he came out of the hospital.

A. Oh, no. You are wrong, Mr. Counsellor. I said I shipped on this ship shortly after he went to the hospital to be operated on.

Q. Is that what you said?

A. That was exactly my words.

Q. How did you know that?

A. The papers had headlines about Bridges dying, Bridges not expected to live. After all, Bridges is a pretty important character in San Francisco.

Q. Let me get some relationship here, if you will, Mr. McCuistion. How long was it after you learned about Bridges being in the hospital that you shipped out?

(Testimony of William C. McCuistion.)

A. I should say very shortly after that. And that is what gives me an impression that it had been arranged long before he even went to the hospital, because there is no question or no checking or no verification needed. I just come up to the dispatcher and shipped.

Q. Now let us go to this discussion that you had with Mr. Bridges the very first time you met him in 1935. [2026]

A. Yes.

Q. Can you state some of the outstanding things that were discussed?

A. No. I can only state the general tenor of the conversation because, as I say, I didn't attach at that time any particular importance to it. I can state the general tenor of the conversation and that is all.

Q. Give us the things that stand out in your mind as having been discussed.

A. The fact that I was expelled from the Communist Party; the fact that such expulsion was only for a period of a year, providing that I conduct myself in such a manner as to warrant my re-admission; the fact that there was necessary work to be carried on; the fact that there was some kind of grudge between Harry Bridges and Lundeberg, and that they figured that Lundeberg ought to be eliminated and that they figured on using the expulsion of Scharrenberg, who was friendly with neither Lundeberg nor Bridges, as a stepping stone to this. Various discussions like this. I will tell you: Discussions like that took place daily between

(Testimony of William C. McCuistion.)

me and other members of the Party, and it would be hard to narrow it down to just what we did discuss specifically. But that was the line and Bridges discussed these things with me as a member [2027] of the Communist Party talking to an ex-member of the Communist Party.

Q. Did Bridges urge you to do anything?

A. Yes. Bridges urged me to straighten up, to get myself right again.

Q. Did he urge you to do anything specific in connection with any of the topics you have mentioned? Did he ask for your help, for example?

A. Yes. He felt that I should activize myself. I couldn't be specific and say just specifically what he asked me to do. I told him—the reason I can't be specific on that is that I was determined that I was going to ship out as soon as I had had my little fling of visiting old friends out here on the Coast, and so forth and so on. I was going to ship.

Q. Did he try to dissuade you from shipping out?

A. He tried a little bit to dissuade me, but not very hard.

Q. Did he give any reasons for his dissausion?

A. No. He did try to persuade me that I ought to join the Union; and I stated that I wouldn't join the American Federation of Labor then; that I opposed them just as much as I opposed the Marine Workers Industrial Union. It was a matter of principle with me at that time.

Q. I want you to try to remember, if you will,

(Testimony of William C. McCuistion.)

in this [2028] conversation just what was said about any individuals. You have mentioned a couple of names already. I wonder if you can remember any other names that were mentioned.

A. Well, I don't know. If Harry will refresh me with the names that he wants me to recollect, I will try to recollect it. He knows about as much of the conversation as I do. That's all. I have said all I remember about it.

Q. Well, you have already mentioned the names of Lundeberg and Scharrenberg. Were there any other names that stand out in your mind that were discussed?

A. No, I can't recall just off-hand.

Q. What was said in connection with Scharrenberg?

A. That Scharrenberg—I remember the discussion came out roughly that nobody liked Scharrenberg, that he would be a good guy to test out the power of the rank-and-file and the organization; he would be a good guy to make a test case out of. In other words, that Scharrenberg should be expelled, which would meet with the approval of both the Lundeberg forces and the Party forces, which were opposing Lundeberg. They could probably get together on that basis, and then later on this same energy could be diverted into the expulsion of Lundeberg, if they could raise sufficient strength. In other words, it was a sort of a boring-from-within tactics that was discussed as a whole. I can't be specific on it, though.

(Testimony of William C. McCuistion.)

Q. Where did that conversation take place?

[2029]

A. This conversation started with me sitting on the rail. There was a vacant lot at the foot of Clay Street there. I was sitting on the rail and Harry was standing up when it started. We went around to some restaurant. I forget what restaurant down there. Anyway we went in and had a little feed and discussed it more there; discussed it later on that night at Party headquarters.

Q. And that was the first time you ever met Bridges?

A. That was the first time I ever met Bridges, though I knew Bridges by having had him described to me. I have forgotten whether I had seen any pictures of him or not. I probably had seen a number of pictures of him and no doubt Bridges had seen my picture a few times. We were both big shots in our own way then.

Q. That same night you say you saw him again?

A. Yes, sir.

Q. Where was that?

A. I think it was the headquarters of the Communist Party on Grove Street. It might have been just one of the branch headquarters or Western Worker headquarters or something like that. But it was definitely a Communist headquarters.

Q. Whom did you go with?

A. Frederick A. Reed.

Q. What time, do you remember? [2030]

A. I can't recall the time. It was early.

(Testimony of William C. McCuistion.)

Q. How long were you there?

A. A maximum of 15, 20 minutes. I didn't feel very welcome there, to tell you the truth.

Q. Why do you say that?

A. Because I was an expelled member of the Communist Party and I wasn't agreeable to do any work for them. I was going out on my own, and, after all, an unwanted guest can feel it in many ways.

Q. What was discussed there?

A. Generally along the same line. That was the place where he definitely told me he could fix the shipping.

Q. Was Bridges there when you arrived?

A. Bridges was there when I arrived.

Q. Did you leave with Bridges?

A. I did not leave with Bridges.

Q. Did Bridges leave before you did?

A. I left before Bridges.

Q. Alone?

A. I left with Frederick Reed.

Q. Where did you go?

A. That would be hard to answer. I was more or less "on the bum" then and I went down to the waterfront, I know, to try to meet some friends that I could borrow a dollar or so from and, maybe, talk old times with. I wandered around. [2031] I might have been on the Embarcadero. I might have been on Howard Street, I might have been on Market Street. I know I walked down

(Testimony of William C. McCuistion.)

Q. For how long had you been in San Francisco on that occasion before you shipped out?

A. Well, that occasion was sometime before I shipped out. I hadn't been in San Francisco but two or three days, I should judge, before I met Bridges; two or three days at the outside.

Q. Where was the place that you came from before you hit San Francisco at that time?

A. New York, overland, by way of Florida and New Orleans and the Southern Pacific route.

Q. Do you remember how long it took you to arrive at San Francisco after you left New York?

A. I do not remember, no. I wasn't hurrying especially. I wasn't going slow especially.

Q. Do you have any recollection at all?

A. I have not, no.

Q. Can't you say whether it was one week or one month or three months?

A. I could not say; no, sir, because, as I say, I stopped various periods of time, and that's after all, six years ago and I was taking it easy. I was relaxing after having the strain of a lot of union activities for sometime previously. I was [2032] taking it easy. I had a pretty good little road stake. I didn't have to worry. If I saw a place I liked, I stayed there a few days and then moved on.

Q. Now, at the itme that you were here in San Francisco you would say that was a period all told of approximately four or five or six weeks?

A. Yes, something like that, yes.

(Testimony of William C. McCuistion.)

Q. At that time who was Mr. Scharrenberg?

A. Paul Scharrenberg was the legislative representative of the Sailor's Union of the Pacific. I think that was his official title. I don't know. I know that Mr. Scharrenberg, he was a type of fellow that we called in those days a "labor faker".

Q. He held a high office, is that right?

A. Yes.

Q. In the union? A. Yes.

Q. Did he hold any other office besides the one that you have mentioned that you know of?

A. I don't know. I know that there was a lot of question, that he probably had made one or two trips in his life. He was a lawyer, and that now he is working in the legislative office in Washington. He was a very elderly man; nothing especially bad about him, nothing especially good about him.

[2033]

Q. I am talking about the time you were in San Francisco and what you knew his position to be.

A. I knew that he was opposed to everything that we consider progressive. We regarded——

Q. (Interposing) You misunderstood me, Mr. McCuistion, I didn't mean his views. The positions that he held in the labor movement.

A. Oh, I don't know. He held some position with the State Federation of Labor, I know. He held various positions. He was, in fact, a leading citizen along with his labor position.

Q. Was he the head of the Sailors Union at that time? A. No, sir.

(Testimony of William C. McCuistion.)

Mr. Del Guercio: If the witness knows.

Presiding Inspector: He says "No".

A. (Continuing) I don't know just exactly the different positions he held.

By Mr. Gladstein:

Q. Well, don't you know whether during that period when you were in San Francisco Mr. Scharrenberg was the head of the Seamen's Union here?

A. I know that Mr. Scharrenberg was not the head of the Seamen's Union here.

Q. Who was? A. Of the Sailors Union.

Q. Well, who was? [2034]

A. Well, I understood, to the best of my knowledge, that regardless of who held the technical position that Lundeberg was the head, that he was the only man that the membership respected, and therefore, he was actually the head, regardless of the title.

Q. Do you know what positions Mr. Lundeberg held at that time?

A. No, I couldn't tell you the exact position. In fact, I was just remotely acquainted with Mr. Lundeberg. In fact, the shipping—I shipped without his knowledge. I was very careful that he didn't find it out because I knew that Mr. Bridges knew that I had been a Communist and would probably queer any attempt of me being able to ship through his union.

Q. You mean that Mr. Lundeberg was in a position where he could have prevented you from shipping without a union card, had he known it?

(Testimony of William C. McCuistion.)

A. Oh, yes; very easily. In fact, almost any member of the union could have done it merely by virtue of challenging me.

Q. Could that be because the Union had an agreement with the shipowners whereby Mr. Lundeberg could keep you from getting a job?

A. No. Because the membership of the Union had confidence in Mr. Lundeberg. [2035]

Q. I don't understand, Mr. McCuistion. How could anybody have stopped you from shipping out if you had wanted to at that time?

A. The Sailors Union of the Pacific controlled the shipping. I don't think they had a contract at that time, but they controlled the shipping. In other words, if a shipping company was to ship a non-union man or a man without a union card, it was within the province of the union to call their members off of a ship and thereby precipitate another strike. This was done on a number of occasions. It has been done on a number of occasions since. It is regular union procedure.

Presiding Inspector: Well, your idea is that you don't know whether they had a contract or not? You think not?

The Witness: I think not.

Presiding Inspector: But that generally there was a friendly arrangement and the action was as though they had a contract?

The Witness: Yes. I think that they were working—this was a post-strike period and they were working out agreements. They might have had a

(Testimony of William C. McCuistion.)

signed agreement. I had been out of touch with union affairs during this brief period of time.

Presiding Inspector: I think that is pretty clear.

By Mr Gladstein:

Q. You said this morning that you shipped out through the union dispatcher. [2036]

A. I was shipped through the union dispatcher. The company probably has my original shipping ticket down there. I was given a regular ticket as though I was a member; sent down to the Dollar Steamship Company; presented my ticket to the mate; went back, and somebody had already O.K.'d me with the ship's delegate, so he didn't ask me any questions and the ship sailed.

Q. Well, would it be correct, then, to say that the job which you took when you shipped out was one that had been arranged or O.K.'d by——

A. (Interposing) Yes. It was what they call "back-door" shipping, is the label of it.

Q. Through the union, which was in a position to do either of two alternatives: Either keep you off the ship or put you on?

A. Not through a union. Through the individual, the dispatcher. I understood that I—what was his name? Mills. I think Mills was his name, the dispatcher that O.K.'d me through.

Q. Where was he located?

A. He was located in the Sailors Union of the Pacific Hall at 59 Clay Street. And if it wasn't through him it was through some friend of Harry's that Harry was able to get me on. [2037]

(Testimony of William C. McCuistion.)

Q. When is the last time you have been in the Sailors' Hall?

A. The last time I was in the Sailors' Hall, Sailors Union of the Pacific, was when I shipped, when I left that day, and I have never been in the hall since.

Q. Have you ever had any correspondence with the Sailors Union since?

A. I have had personal correspondence with different members of the Union, but none recently.

Q. To the Union?

A. To the Union hall. A lot of them get their mail there.

Q. Now, so you went and saw Mr. Mills, and you say he was in the Union headquarters?

A. I am not sure it was Mr. Mills.

Q. Who was it?

A. It was the dispatcher. If the dispatcher was Mr. Mills, it was Mr. Mills; if it was Mr. Jones it was Mr. Jones.

Q. You saw the Union dispatcher?

A. Yes.

Q. Were you alone when you saw him?

A. No. I was with Frederick Reed. We shipped together on the same ship, at the same time, as the article shows.

Presiding Inspector: Haven't you covered that?

Mr. Gladstein: Not yet. [2038]

Presiding Inspector: He said that in answer to one of your questions, or volunteered it to one of your questions.

(Testimony of William C. McCuistion.)

Mr. Gladstein: I haven't asked about this.

Presiding Inspector: I beg your pardon. You may not have asked about it, but he answered it.

Mr. Gladstein: I cannot help that. If I ask a question and I get a different answer I cannot help that.

Presiding Inspector: We will never get through if we keep getting the same answers.

By Mr. Gladstein:

Q. What time of day was it when you went to the Sailors' Hall?

A. What time of day was it? Well, I have shipped on some hundred or so different ships in my lifetime, and to remember the time every day when I got on or off would be physically impossible.

Q. Did you have any trouble getting into the Union hall?

A. They had a guard at the door when I came in. Fred Reed went in ahead, and flashed his book and said, "Mac is a friend of mine. We are going to the dispatcher." He let us in the door and we walked to the dispatchers' hall. There was no question about it.

Q. Do you remember who the officials of that Union were at that time? [2039]

A. I do not. I answered that a while ago also; except that Lundeberg was one, and Scharrenberg was another, and a fellow by the name of Silvers was another one. I do not recall exactly—I never

(Testimony of William C. McCuistion.)

attended a meeting of the Sailors Union of the Pacific in my life.

Q. Would you remember what offices those men held that you have just named? A. No.

Presiding Inspector: Haven't you asked that before?

Mr. Del Guercio: Not only asked it, but it was answered.

Presiding Inspector: He injected the name of Silvers. That is a new name. But you asked about the other two, I think, more than once.

By Mr. Gladstein:

Q. When did you start to openly oppose the Communist Party?

A. Well, while I was still in Spain; about one month prior to leaving Spain it became known that I was opposing them, and it became openly known, and I was put in a concentration camp. When I left Spain I left from a concentration camp.

Q. And have you been openly opposing the Communist Party since that time?

A. Ever since. When I appeared before the Consul General in Paris, France, the Communist Party offered to pay my transportation back to the United States, and I refused to [2040] accept it because I wanted to be under no obligation to them whatsoever.

Q. Now, you mentioned the 1936 strike on the east coast. Do you recall when that strike began?

A. Which strike? There were two 1936 strikes.

(Testimony of William C. McCuistion.)

the spring strike and the strike that took in the fall and winter, and ran up until '37.

Q. When you were discussing the strike this morning which one did you have reference to?

A. We were discussing the fall strike then.

Q. And was it in connection with that strike that you listed certain men who were on the strike committee?

A. Yes; I was on the strike committee myself.

Q. Well, you listed yourself and certain others, is that right? A. Yes, sir.

Q. Now, you said that that strike was Communist dominated——

Presiding Inspector: What was the word?

Mr. Gladstein: Communist dominated, I think you said?

A. I said that; yes, sir. I said the Strike Committee was Communist dominated, that the strike was Communist instigated. However, I think it was a good strike.

Q. Regardless of that, when you say the Strike Committee was Communist dominated, what did you mean by that? [2041]

A. I mean that the most active elements within the Strike Committee controlled the entire policy of the Strike Committee, and that these most active elements were members of the Communist Party.

Q. Well, how could the Communists control the Strike Committee unless they were in the majority?

A. The same that ten ward leaders can control the vote of an entire city.

(Testimony of William C. McCuistion.)

Q. Did the Communists control the Strike Committee?

A. The Communists did control the Strike Committee; yes.

Q. Were they in a majority on the committee?

A. No, but they always had a majority present at the meetings. The non-Communists would ditch meetings occasionally, but the Communists were always present and voted in one solid bloc.

Q. Are you talking about the Strike Committee?

A. Yes.

Q. How many people were on that Strike Committee?

A. It varied from time to time. They had as high as 50 members at times and it got down to as low as 15 or 16 members. I couldn't recall exactly.

Q. All right. At any time did the Communists have an actual majority control of that Committee?

A. They never numerically; no.

Q. Did they have what approached majority control? [2042]

A. Yes, it approached majority control. They had majority control because by voting as a bloc, and by five or six of them getting up and consistently hammering home one point, they could win over the influence of others who were more or less luke-warm, or who didn't care. That is an old organizational tactic that we have all used at some time in our lives.

Q. In general, what percentage, would you say, of the members of the Strike Committee were regular members of the Communist Party?

(Testimony of William C. McCuistion.)

A. I should say approximately 20 or 25 per cent.

Q. Was it ever higher than that?

A. I would have to have the list of the strike committee before me, and go over them one by one, and say "This man is a Communist and that man isn't," to determine the exact percentage. I can merely say that by voting as a bloc that there was no time that the Communist Party didn't control the Strike Committee. They never controlled the Firemen's separate Strike Committee.

Q. Now, I want to direct your attention to the meeting at Madison Square Garden. When was that held?

A. That was held along the middle part of December, 1936.

Q. And under whose auspices?

A. It was held officially under the auspices of the [2043] Seamen's Defense Committee.

Q. Would that be the same Committee as the Strike Committee we have been talking about?

A. Yes, the Strike Committee, the Seamen's Defense Committee, the striking seamen of the ISU—we called ourselves various things, but it was all the same.

Q. Do you remember who the speakers were at that meeting?

A. Yes; I can recall some of them. Heywood Broun was one of them, Congressman Vito Marcantonio was another.

Q. Was Heywood Broun a Communist?

A. Not that I know of. I never did look on him

(Testimony of William C. McCuistion.)

as a Communist. I looked on him as a good natured liberal.

Q. Was Congressman Marcantionio a Communist? A. In my opinion he was and is.

Q. Proceed.

A. I don't know, but that is just an opinion of mine.

Q. Proceed, please.

A. Also a negro preacher named Powell.

Q. Was he a Communist?

A. I couldn't tell you. I never had seen the man before and can't recall ever having seen him since.

Q. When *you* asked you about those men, whether they were Commnists, you understood me to mean members of the Communist Party?

A. Yes. [2044]

Q. All right.

A. I draw a great difference between the two also.

Q. So your testimony is that when I asked you about whether Mr. Broun was a Communist, and whether Mr. Marcantonio was a Communist, you, in your answer, understood that I was asking you whether they were members of the Communist Party, is that correct?

A. That is correct.

Q. Will you proceed, please?

A. Harry Bridges spoke. I spoke. I was not a Communist; Harry Bridges was a Communist.

Q. Who else spoke?

A. I can't recall the other speakers off-hand.

Q. Do you remember any representatives from any other unions being there?

(Testimony of William C. McCuistion.)

A. Yes; Hoyt Haddock.

Presiding Inspector: You mean as speakers?

Mr. Gladstein: As speakers; yes.

The Witness: As speakers? No, he was just on the rostrum. I thought you asked me representatives of other unions that were there. I made a mistake.

Presiding Inspector: He is asking about the speakers.

The Witness: I can't recall others.

By Mr. Gladstein:

Q. Was any speaker there from International Ladies [2045] Garment Workers Union?

A. I don't recall whether there was or not. I recalled we received a check for $500 from them in the collection.

Q. Do you remember a man named Zimmerman who represented that organization?

A. I remember the name, but I don't remember whether he was there as a speaker or not. I cannot tell.

Q. Do you recall whether he was there on the rostrum?

A. I know that Sidney Hillman was invited, but didn't come. It is possible he sent Mr. Zimmerman to represent him.

Q. Who else that you remember?

A. Speakers?

Q. Yes.

A. I remember no others. If you would refresh

(Testimony of William C. McCuistion.)

my memory I might recollect. It appeared in all the papers in town. Approximately 18,000 people, I think, attended the meetings; something like that.

Q. Have you ever called Heywood Broun a Communist, or a Communist figure?

A. I never did. I have talked with Heywood Broun. I never believed him to be a Communist. In fact, I have argued with other people who said he was.

Q. I asked whether you ever called Mr. Broun a Communist.

Presiding Inspector: He said he didn't believe so.

Mr. Gladstein: I didn't ask whether he believed he was; [2046] I asked if he had ever called him a Communist.

Presiding Inspector: That is a manner of speech. He means that it is his best recollection that he hadn't. You understand the ordinary manner of speech that people use.

Mr. Gladstein: I want it clear.

Presiding Inspector: What difference does it make whether he called Heywood Broun a Communist or not?

Mr. Gladstein: It may make considerable difference.

Presiding Inspector: You are bound by his answer anyway.

Mr. Gladstein: I still would like the question put, your Honor.

(Testimony of William C. McCuistion.)

Presiding Inspector: Read the answer to the last question.

(The answer referred to was read by the reporter as above recorded.)

Mr. Del Guercio: I think that answers it.

Presiding Inspector: It may be doubtful. I thought it was stronger than that.

The question is whether or not you have ever called him a Communist.

A. Never, to the best of my knowledge.

I just recall another speaker at the meeting since the word "Communist" was brought up. One of the speakers was Carl Brodsky, definitely a self-admitted Communist.

By Mr. Gladstein: [2047]

Q. Who was he representing?

A. International Workers Order.

Q. You mentioned a while ago that you were in disagreement with the Communist Party on the question of the liquidation, as you called it, of the Marine Workers Industrial Union. It that right?

A. That is correct; yes, sir.

Q. Can you think of anything else on which you were in disagreement with them?

A. No, nothing in particular; except the fact of their rule or ruin policy.

Q. Anything else?

A. I can't recall—just general disagreement; that was all.

(Testimony of William C. McCuistion.)

Q. General disagreement?

A. Fed up with them.

Q. General disagreement on what?

Mr. Del Guercio: I think the term "fed up with them" is sufficient, if your Honor please.

Presiding Inspector: Let him explain.

A. First, I was fed up with the trade union policy very definitely. That was in itself sufficient.

By Mr. Gladstein.

Q. What was the trade union policy on which you were fed up? [2048]

A. That trade union policy was the liquidation of the independent unions of the Trade Union Unity League, and the infiltration of the membership of these unions into the American Federation of Labor for the definite purpose of seizing control of the Federation.

Q. Well, the disagreement was that the Communist Party wanted to liquidate the TUUL unions and you were opposed to that, is that right?

A. Yes, that was the main disagreement.

Q. Now, were these unions Communist front unions?

A. No. They were not Communist front unions. They were Communist Unions.

Q. They were Communist unions. That is, Communist-controlled and the members Communists?

A. A good percent of the members were Communists and the control was a hundred per cent Communist.

(Testimony of William C. McCuistion.)

Q. Your position was that you wanted the Communist unions continued?

A. Absolutely. I didn't believe in subterfuge. I believed that if you were a Communist you should call yourself one. I didn't lie about it when I was a Communist. I told the world about it.

Q. Can you think of any other question that you disagreed on?

A. No. I can think of the disagreements. They [2049] were petty disagreements. This was a basic disagreement. There might have been individuals that I had little discussions or disagreements with, but this was the basic disagreement.

Q. Was there any disagreement in principle with the Communist Party?

A. Disagreement in principle?

Q. Yes.

A. No. At that time I believed in theories of Communism absolutely. In fact, I continued to believe in Communism theoretically until I saw them in action in Spain, and then this being fed up turned into absolute wholehearted disgust.

Q. What did you consider those principles in a general way to advocate with respect to the government of this country?

The Witness: What?

Mr. Gladstein: Read the question.

(The question referred to was read by the reporter as above recorded.)

A. I considered those principles to lead to an organization of a proletarian revolution to over-

(Testimony of William C. McCuistion.)

throw the United States of America and to set up a workers' state. I agreed with those principles and I agitated and propagated for those principles at that time.

Q. Did you personally believe in or advocate the use of violence to overthrow the Government of the United States? [2050]

A. I personally used violence at various times when I was so instructed.

Mr. Gladstein: Do you want to adjourn now?

Presiding Inspector: No. We have had a good deal of time out today.

Mr. Gladstein: I can go on to another topic, but I won't be able to finish with the witness today.

Presiding Inspector: Well, you had better go on for ten minutes more, eight minutes more. You may finish that topic.

Mr. Gladstein: I beg your pardon?

Presiding Inspector: You may finish the next topic. Of course, I have no information on that. That's a mere surmise.

By Mr. Gladstein:

Q. Will you repeat again the names of the three attorneys who represented you in New Orleans?

Mr. Del Guercio: I thought we were going into a new topic.

Mr. Gladstein: I have something new upon it.

Presiding Inspector: Haven't you had that before?

(Testimony of William C. McCuistion.)

Mr. Gladstein: Not the thing that I am going to ask.

Presiding Inspector: I know, but haven't you their names?

Mr. Gladstein: I didn't put them down. I don't remember [2051] them.

Presiding Inspector: All right. Let Mr. Gladstein put them down. Just give the names again.

A. Attorney Culligan——

By Mr. Gladstein:

Q. Culligan?

Presiding Inspector: You spelled that before. Perhaps you had better spell it again.

The Witness: C-u-l-l-i-g-a-n. I understand he has now moved from New Orleans.

Presiding Inspector: Never mind! Give the next name.

A. (Continuing) Koorie.

Presiding Inspector: And the next name?

The Witness: Braniff.

By Mr. Gladstein:

Q. Are they associated together or do they have separate offices?

Mr. Del Guercio: Oh, that has been asked and answered. They have offices in New Orleans.

Presiding Inspector: Yes. You have already answered that. The next question.

Mr. Gladstein: I withdraw it.

(Testimony of William C. McCuistion.)

By Mr. Gladstein:

Q. I think you said that Mr. Koorie volunteered for you?

A. All three of them. [2052]

Mr. Del Guercio: That has been answered also, your Honor.

Presiding Inspector: Well, he has answered it.

Mr. Gladstein: I haven't asked the question yet.

Presiding Inspector: What difference does it make whether he said it or not?

Mr. Gladstein: Because I——

Presiding Inspector: (Interposing) You want to get a running start.

Mr. Gladstein: I want to make it introductory to the question.

Presiding Inspector: Go ahead. He has already said that. He said it just now.

By Mr. Gladstein:

Q. Did Mr. Koorie volunteer?

Presiding Inspector: He has already said that all three volunteered.

Mr. Gladstein: I didn't hear.

Presiding Inspector: You should listen to the answers.

Mr. Gladstein: I couldn't while Mr. Del Guercio was talking and your Honor was talking also. I didn't hear the answer.

Presiding Inspector: I could hear it even above my own talk. Now, read the answer.

(Testimony of William C. McCuistion.)

(The answer referred to was read by the reporter as [2053] follows:

"A. All three of them.")

By Mr. Gladstein:

Q. Now, do you know how Mr. Culligan happened to volunteer?

A. Yes, sir. He stated to the jury that he volunteered because he thought that I was a victim of a frame-up by the Communist Party and he felt it was his duty as a lawyer and a member of the Louisiana Bar Association to volunteer.

Q. Do you know how Mr. Braniff happened to volunteer?

A. Mr. Braniff volunteered by his own statement because he had formerly represented the CIO and certain individuals who were Communists in strikes, and he felt that I was a victim of frame-up through having talked with some of these people that he had previously defended and, as such, he felt it his duty to volunteer in my defense.

Q. And is it correct that Mr. Koorie volunteered because of his personal friendship for you?

A. Because of personal friendship.

Q. Do you know whether the volunteering of any of those three attorneys was induced by the Dies Committee or any representative of that Committee?

Presiding Inspector: Answer "yes" or "no."

A. I know positively that it was not. No.

By Mr. Gladstein: [2054]

Q. Do you know whether it was induced by any

(Testimony of William C. McCuistion.)

representative of the Federal Bureau of Investigation? A. I know positively it was not.

Q. Or by the Department of Justice?

A. It was not.

Q. Or was it induced as to any one of those three men by Mr. Delaney? A. No.

Q. After you first met Mr. Delaney were you reporting activities of any kind to him?

A. None whatsoever. I told you that before also. I have never reported activities of any kind to anyone.

Mr. Del Guercio: If your Honor please, we haven't gone into a new topic yet.

By Mr. Gladstein:

Q. Were you present at your trial?

Presiding Inspector: Perhaps we will before we finish.

A. Was I present at my trial?

By Mr. Gladstein:

Q. Throughout your trial?

A. Well, I was under arrest. They didn't let me go out.

Q. Were you present at your trial?

A. Certainly I was present.

Q. Did you hear all the testimony?

A. Certainly I heard all the testimony.

Q. Mr. Delaney testified for you? [2055]

A. Yes, sir.

Q. Did he testify that you had been reported to him concerning Communistic activities in the NMU

(Testimony of William C. McCuistion.)

and that you were reporting your findings to Mr. Delaney?

A. I don't remember the exact words. He testified that we had discussed these things. "Reporting," I made no reports to anybody. How could I report? I had no job?

Q. Did he testify that you were watching out for Communistic activities in the NMU?

A. I was doing that, yes.

Q. Did he testify to that?

A. I don't know whether he—I don't recall him saying that, no.

Q. Did he testify that you reported findings to him?

A. No, he did not testify to that.

Q. Did you report findings to him?

A. No, I reported nothing to him. I discussed a lot of things with him and with a thousand other people.

Q. Now, you identified a document today as being one containing the doctrines of the Industrial Workers of the World?

A. I did not identify the document as containing the teachings and doctrines of the Industrial Workers of the World. I said it was a document published by the Industrial Workers of the World. I stated that I was not aware or not an authority on the doctrines of the IWW. [2056]

Q. Do you know what the contents of this document happen to be?

A. I would have to re-read it in its entirety to

(Testimony of William C. McCuistion.)

refresh myself on that. I identified it largely by the shield on it and by the fact that I am familiar with the emblem of the IWW.

Q. Well, anybody looking at the cover could say that it purports to be published by the IWW. Do you want to add anything to what anybody could say by such an examination?

A. Yes. I explained the meaning of the shield, the stars, the world, and the various meanings of the various designs of it.

Q. You don't claim that this document represents the teachings or the principles of the IWW, do you?

A. Certainly not. I'm not an authority on the IWW. The document will have to speak for itself on that.

Presiding Inspector: I think you left it a little ambiguous.

Mr. Gladstein: Why? Do you want to ask a question, your Honor?

Presiding Inspector: No. I don't understand quite what the question was. Did you mean to imply that it didn't?

Mr. Gladstein: I don't know whether it does or not, and I wanted to know whether this witness claims that it does.

Presiding Inspector: No. He says he doesn't know. [2057]

Mr. Gladstein: That is all I wanted to question him about.

(Testimony of William C. McCuistion.)

Presiding Inspector: But there might be an inference drawn that it did not, from the way the question was put.

Mr. Gladstein: I know nothing about the document. I have never read it and I don't know what it purports to represent.

Presiding Inspector: I don't suppose that you did. I still think the question was ambiguous or it might be ambiguous.

Mr. Gladstein: Well, let's have the question and answer. I don't want any ambiguity.

Presiding Inspector: No. You don't know whether it does or not, is that it?

The Witness: Yes, sir. I couldn't speak with authority on it.

Mr. Gladstein: Well, in view of the witness' answer I think that the document should be stricken from the record and I make a motion.

Presiding Inspector: I said that I would reserve the motion to strike.

Mr. Gladstein: All right.

Presiding Inspector: I suppose counsel was going to connect it up by someone else and we will hold it until that time, then I will pass on the motion to strike. [2058]

Mr. Del Guercio: Your Honor, I refrained from introducing any further documents on the IWW in view of that.

Presiding Inspector: Well, if you are not going to do anything more with this document I will strike it out.

(Testimony of William C. McCuistion.)

Mr. Del Guercio: Not at the present time. No, I am not going to do anything more with it.

Presiding Inspector: Then we will hold it.

Mr. Gladstein: Of course, if your Honor rules on my motion to strike, to the effect that it should be stricken from the record, that does not mean that it cannot remain an exhibit for identification.

Presiding Inspector: I shall not allow it to stay in unless there is some further proof.

Mr. Del Guercio: I do intend to follow it up.

Presiding Inspector: That is what I expected. That is what I thought. Are you at the end of a particular subject?

Mr. Gladstein: Yes.

Presiding Inspector: Tomorrow morning.

(Whereupon, at 4:17 P. M. an adjournment was taken until Friday, April 25, 1941, at 10:00 A. M.) [2059]

Court Room 276,
Federal Building,
San Francisco, California,

April 25, 1941.

Met, pursuant to adjournment, at 10:00 A.M. [2060]

PROCEEDINGS

Presiding Inspector: You may proceed.

WILLIAM C. McCUISTION

called as a witness on behalf of the Government, having been previously duly sworn, testified further as follows:

Cross Examination (Resumed)

By Mr. Gladstein:

Q. Mr. McCuistion, there are a few things that I neglected to ask you yesterday about topics that you were discussing and I would like to clear those up first before I go on to something else.

Do you recall you said the very first time you met Mr. Bridges he bought a meal for you and I think you used the word "dinner". Which meal do you intend to mean by that?

A. I said he bought a meal. I didn't use it in any particular sense. I wasn't eating very regularly. It could have been in the morning or in the afternoon. I don't recall the exact meal.

Q. I believe you said "dinner", and I think I can probably find that. I wondered whether you used the word "dinner" to mean the noon meal or the evening meal. Sometimes people use it to mean one thing and sometimes another?

A. In Texas it is breakfast, dinner and supper. That was the way I was raised.

Q. What is your best recollection as to when this meal [2061] was bought for you?

A. I don't remember the exact time. In all probability it was during the day some time; either in the early morning or the late afternoon. It was in the range of time during the day hours.

(Testimony of William C. McCuistion.)

Q. Did Mr. Bridges pay for the dinner or did Mr. Reed pay for it?

A. Bridges paid for the dinner.

Q. Did he pay for both you and Reed?

A. Reed wasn't there.

Q. He was not at dinner? A. No.

Q. When you first met Bridges that day I think you said you were in some lot of some kind?

A. No. I said I was sitting on the railing at the foot of Clay Street.

Q. Were you alone?

A. I said I was with Reed and that Bridges came up and that Reed introduced me to Bridges.

[2062]

Q. I see. How long would you say that you spent in the conversation and in having dinner with Bridges?

A. A maximum of twenty, twenty-five minutes.

Q. Did you leave the restaurant with Bridges?

A. No. We probably went to the door together. As I say, I didn't attach any particular importance to the incident then and I don't recall the details of it. I have eaten some thousands of meals since then that I couldn't describe either.

Q. Was Reed there at the time?

A. No, Reed was not there at the time.

Q. Where did you meet Reed later that day?

A. I was with Reed later that day at a number of places. If I recall correctly, I think that Reed had to go and get excused from picketing duty, picketing Standard Oil Filling Stations. At that

(Testimony of William C. McCuistion.)

time, why, the union was paying the pickets with meal tickets and with a certain sum in cash to go out and picket these various filling stations during the Standard Oil strike. Reed got excused from picket duty and he and I bummed around some that day, during the day, I don't remember just what we did or where we went, who we talked to. We probably talked to fifteen or twenty different persons, maybe more, maybe less.

Q. There is no doubt in your mind that that is the first time you ever met Bridges?

A. I don't know. Maybe Bridges can refresh my memory on it. I don't remember recall having met him before. [2063]

Q. When you testified before the Dies Committee were you sworn?

A. I was sworn; yes, sir.

Q. Did you tell the truth?

A. I told the truth.

Q. Have you told the truth here?

A. I have told the truth here.

Q. Were you asked before the Dies Committee whether you knew if Bridges was a Communist and, if so, what you based your statement on?

A. Yes sir, I was asked that.

Mr. Del Guercio: Just a minute. If you are reading from the Dies Committee report I would like to know the page number and tell the witness what he said.

Presiding Inspector: Yes, give him the page.

Mr. Gladstein: If I am reading from it I will.

(Testimony of William C. McCuistion.)

but I was not in the question I just asked, Your Honor.

Was there an answer to the question?

The Reporter: Yes.

Presiding Inspector: He answered "Yes."

By Mr. Gladstein:

Q. Did you mention to the Dies Committee this incident that happened when Frederick Reed introduced you?

A. I didn't mention it. I only answered the questions [2064] that counsel for the Dies Committee asked me.

Q. I asked you did you mention that incident?

A. No.

Mr. Del Guercio: Just a moment. That is an answer.

Presiding Inspector: Wait a minute. I will exclude the question.

By Mr. Gladstein:

Q. Did you mention to the Dies Committee the incident that same evening at the Dies Committee headquarters?

Presiding Inspector: Just a minute. Did you mention? I don't think that is a fair question.

Mr. Gladstein: I will withdraw it.

Presiding Inspector: It is deceptive, you know.

Mr. Gladstein: What is deceptive about it?

Presiding Inspector: That implies there was some requisite to mention it.

Mr. Gladstein: Well, I asked the witness

(Testimony of William C. McCuistion.)

whether he was asked if he knew as to whether Bridges was a Communist and, if so, on what basis, and he said "Yes."

Presiding Inspector: Yes.

Mr. Gladstein: All right. Now, I am asking him whether, during that testimony, he testified concerning this incident with Frederick Reed at the dinner.

Presiding Inspector: That implies it was a part of such an examination necessarily. [2065]

Mr. Gladstein: Well, I have a right to test his recollection, do I not, your Honor?

Presiding Inspector: Certainly.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. Did you discuss——

Presiding Inspector: (Interposing) Now, the question is: Was there any mention of that matter during your examination?

The Witness: No, there was no mention of that matter during my examination.

Presiding Inspector: That answers it. [2066]

By Mr. Gladstein:

Q. Did you testify concerning the meeting that evening at the Communist Party headquarters with Bridges? A. Not at all.

Q. Now, Mr. McCuistion, at page 6745, of Volume 11, of the official report published by the United States Government printing office, entitled "Investigation of Un-American Propaganda Ac-

(Testimony of William C. McCuistion.)

tivity in the United States Hearings before a Special Committee on Un-American Activities, House of Representatives, 76th Congress, First Session, on House Resolution 282," the following appears.

"Mr. Whitley:"—

I want to interpolate and ask you who Mr. Whitley is?

A. That was Ray Whitley, Chief Counsel of the Dies Committee, at that time.

By Mr. Gladstein:

Q. (Reading)

"Mr. Whitley:"—addressing you, says: "Mr. McCuistion, have you ever talked to Harry Bridges, had any conversation with him?

"Mr. McCuistion: Yes; at various times since 1935.

"Mr. Whitley: Will you describe some of those conversations and the meetings?

"Mr. McCuistion: The first conversation that I ever had with Harry Bridges at any length of time was in 1935 at San [2067] Francisco. That was shortly before Bridges was taken to the hospital with a perforated ulcer, and Bridges and I met just before the meeting of the Maritime Federation of the Pacific, and at that time I was introduced to Bridges by Pyle, of the Radio Telegraphists, and several others, and Bridges proceeded to ask me why I was there and what I was doing on the west coast."

Did you give that testimony? A. Yes, sir.

(Testimony of William C. McCuistion.)

Q. Will you please reconcile the testimony that I have just read, which you gave before the Dies Committee, to the effect that you were first introduced in your first conversation with Bridges by a man named Pyle, with the testimony that you have given here that you were first introduced to Bridges by a man named Frederick Reed on Clay Street?

A. You are putting the wrong interpretation on that testimony right there. I stated, what I told you yesterday, on that I met Bridges later on at Party headquarters. I stated there were other persons present. I recall Roy Pyle was one of those persons that were present. Another introduction took place. Pyle was also a member of the Maritime Federation. I think he represented the Radio Telegraphists.

Q. Is it now your testimony that the reference in the Dies Committee report to Pyle, and the meeting at which Pyle introduced Bridges to you, was a reference to the meeting at [2068] the Communist Party headquarters on the night of the day when Frederick Reed and you and Bridges had the conversation?

A. This is the way I recall it——

Q. (Interposing) Please——

Mr. Del Guercio: (Interposing) Let the witness answer. He was beginning to answer.

Mr. Gladstein: I think the question can be answered "yes" or "no" and he can explain.

Presiding Inspector: I think so, too.

(Testimony of William C. McCuistion.)

Mr. Gladstein: I will ask the reporter to read the question.

(The question referred to was read by the reporter as above recorded.)

A. I won't answer that directly "yes" or "no" because I had notes to refresh my memory at the Dies Committee. I have no notes here. At that time I know I met Pyle during the course of the day, now that it is recalled, but whether at headquarters that night, whether he was one of the men there, or whether he was down on the street where Frederick Reed was, I couldn't say. But I do know Pyle, I know him as a Communist—the world does—and he admits it himself.

Mr. Gladstein: Mr. Reporter, will you please read back about two questions, or three questions, where I asked the witness to reconcile the two answers, and he gives a statement to the general effect that he now recalls that he met Pyle down [2069] at the Communist Party headquarters?

The statement I now make is not intended as evidence, but merely to indicate to the reporter what portion of the testimony I wish read.

Presiding Inspector: Oh, yes. Off the record.

(Whereupon the portion of the record referred to was read by the reporter as above recorded.)

Presiding Inspector: Now, counsel puts the emphasis on the word "first". He says you have testified twice, testified to different occasions as

(Testimony of William C. McCuistion.)

being the first time that you met Bridges. Now, how do you reconcile that?

A. I would like to be able to read that section of my testimony to the Dies Committee to refresh my recollection on it. But, as I remember talking to the Dies Committee, I said I had a number of meetings with Bridges since 1935. As I recall it, the first time I met him I was introduced by Roy Pyle and several others. As I recall it, I also mentioned yesterday, that the first time I met him was when I was sitting on the railing with Frederick Reed. Well, naturally, I would attach more importance to Roy Pyle's introduction subsequently—maybe later on in the day, maybe a few minutes after that—and also at the headquarters that night, than I would to Frederick Reed's. Frederick Reed was a rank and file seaman who has no labor record whatsoever; while Roy Pyle is a labor official and, as such, the emphasis was placed on the questioning [2070] before the Dies Committee, on labor officials. They weren't interested in Frederick Reed, or anybody like that, but labor officials who were Communists.

I stated a minute ago that I met him in Company with Frederick Reed, and there were probably 15 or 20 people that day I talked to, and I can't recall every one I talked to. I may have talked to 15 or may have talked to 20.

By Mr. Gladstein:

Q. Mr. McCuistion, you testified a few moments ago, and you heard the reporter read it back to

(Testimony of William C. McCuistion.)

you, that you now recall that Mr. Pyle introduced Bridges to you at the Communist Party headquarters, is that true?

A. That is possibly true. I say, I am not positive, but to the best of my memory I met 15 or 20 people that night. Bridges knows we were together that night; Bridges knows we were together subsequently.

Presiding Inspector: Don't get into an argument.

By Mr. Gladstein:

Q. Is it your testimony now that Pyle introduced Bridges to you at the Communist Party headquarters that evening?

A. That is to the best of my recollection, that he introduced me some time during the day, and it was at the Party headquarters in the evening.

Q. Did you mention to the Dies Committee in your testimony that you had met Harry Bridges in the Communist Party headquarters [2071] in San Francisco? A. No, I did not.

Q. Why not?

A. I wasn't asked that question.

Mr. Del Guercio: I object to the question "Why not?"—Was he asked the question?

Presiding Inspector: I think that is not quite fair.

By Mr. Gladstein:

Q. Did you have notes with you, you say?

A. I had certain notes of names of people.

Presiding Inspector: Isn't this very immaterial?

(Testimony of William C. McCuistion.)

Mr. Gladstein: Quite material; on the contrary, quite material.

Presiding Inspector: Why?

Mr. Gladstein: It is material because it goes to this point: That there is contradictory testimony given here by the witness on two occasions.

Presiding Inspector: That is a point on which a person naturally wouldn't charge his memory with. Incidentally, those things occur with any man. This, of course, is subject to your claim that there is a falsification. You have made the point so why continue?

Mr. Gladstein: I will continue with some other aspect then. [2072]

By Mr. Gladstein:

Q. Now, yesterday you testified, Mr. McCuistion, that when you first met Harry Bridges the question of your expulsion from the Communist Party sometime previously was raised by Mr. Bridges. I read to you now from the bottom of page 6745 and the top of page 6746 of your testimony before the Dies Committee. I will preface the reading, so that you will understand what I am discussing, with a remark simply that this follows directly after the quotation that I read to you earlier, the latter portion of which is to the effect that you were introduced to Bridges, in your first conversation with Bridges, by Pyle, and several others were there, and that Bridges asked you why you were on the West Coast.

This is what follows, quoting now:

(Testimony of William C. McCuistion.)

"This was shortly after I had been expelled from the Communist Party for technically refusing to an agreement to follow a line of the Party. I told him I had been put out and I was going to go on a long trip to the Orient and think it over."

Please reconcile that statement with your statement in this case to the effect that Bridges——

Mr. Del Guercio: (Interposing) Your Honor, I object to the question for the reason that the answer is incomplete. Counsel has not completed the answer given by the witness. I think the witness should have the entire testimony. [2073]

Mr. Gladstein: Just a moment. I am asking for that portion——

Mr. Del Guercio: (Interposing) I am speaking to the Court.

Mr. Gladstein: I am conducting——

Presiding Inspector: (Interposing) Just a moment. The objection is made. If this isn't the whole answer I will exclude it. Read the whole answer.

Mr. Gladstein: I don't want to read the whole answer because a part of it covers other matters, your Honor.

Presiding Inspector: Well, let me see it.

Mr. Gladstein: I will let you see the whole answer. Why should I warn the witness in advance about the contradictory testimony he has given at two different hearings.

Mr. Del Guercio: I object to counsel's state-

(Testimony of William C. McCuistion.)

ment, and ask it be stricken from the record. It isn't contradictory.

Presiding Inspector: Just a minute.

(The document was handed to the Presiding Inspector.)

Presiding Inspector: I think I will let him answer the question.

Mr. Del Guercio: I still object, your Honor.

Presiding Inspector: I know.

Mr. Del Guercio: And I take exception.

Presiding Inspector: Very well.

Mr. Gladstein: Would you read the question, please, [2074] Miss Reporter?

Presiding Inspector: You can read the balance of it when you take him on redirect.

Do you have the question in mind, Mr. Witness?

The Witness: Yes, I have the question in mind he asked.

That bears out just what I said yesterday, that I came to the West Coast to make a trip to go to sea, that I wanted no further activity on the waterfront or in any kind of union work or any activity. I wanted to go to sea.

Presiding Inspector: No, I don't think you get the drift of it.

Mr. Gladstein: I will state it again.

By Mr. Gladstein:

Q. Please reconcile the discrepancy between your testimony in this case that Bridges raised the question of your expulsion from the Communist Party

(Testimony of William C. McCuistion.)

with the testimony before the Dies Committee to the effect that you raised that question and told him that you had been expelled and were going for a long trip to the Orient?

A. I didn't say that.

Mr. Del Guercio: Just a minute before you answer.

I object to the question. In the first place it presupposes a discrepancy. There is no such discrepancy in this record. There is no contradictory testimony on that point.

Presiding Inspector: I don't remember the exact details [2075] in that respect.

Mr. Gladstein: Of yesterday's testimony on this, you mean, your Honor?

Presiding Inspector: Yes.

Mr. Gladstein: I will refresh your recollection. I happen to have a note of it.

Mr. Del Guercio: Well, I will not accept the note.

Mr. Gladstein: I mean, I have a note that gives the page on which Mr. McCuistion testified and I won't read my note. I will read——

Presiding Inspector: (Interposing) Just let me see it.

Mr. Gladstein: At the top of page 1929.

Presiding Inspector: I will get the testimony in just a moment.

Mr. Gladstein: All right.

Mr. Del Guercio: If the Court please, there is nothing in this——

(Testimony of William C. McCuistion.)

Presiding Inspector: (Interposing) I just want to examine it myself.

Where is it, Mr. Gladstein?

Mr. Gladstein: Beginning at the top of page 1929, and I am afraid to get a complete grasp of it, your Honor, you will have to read that entire page and the following page, a portion of the following page.

Presiding Inspector: (Examining transcript) Now, what [2076] was the question, Miss Reporter?

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: Well, don't you think you better put it more in the words of the witness, that Bridges mentioned your expulsion?

Mr. Gladstein: I will do that, your Honor, yes.

By Mr. Gladstein:

Q. Please reconcile, Mr. McCuistion, the testimony you have given in this proceeding to the effect that Bridges mentioned to you that you had been shortly before expelled from the Communist Party with your testimony before the Dies Committee to the effect that you told Bridges you had been put out of the Communist Party and that you were going to go on a long trip to the Orient?

Presiding Inspector: Now, when was this conversation, how many years ago?

Mr. Gladstein: It is very significant——

Presiding Inspector: (Interposing) How many years ago was it?

(Testimony of William C. McCuistion.)

Mr. Gladstein: Ask the witness. He claims that——

Presiding Inspector: (Interposing) No; I ask you how many years ago was it?

Mr. Gladstein: Well, he claims it happened in 1935.

Presiding Inspector: Yes. If you want the question you may have it. [2077]

Mr. Del Guercio: Your Honor, may I——

Presiding Inspector: (Interposing) No; you just want to except or object?

Mr. Del Guercio: Well, I had a point there.

Presiding Inspector: Well, I will hear that.

Mr. Del Guercio: There is nothing in this question that counsel was reading wherein he says that he told Bridges that he had been expelled from the Communist Party. What the transcript shows, it says this, the witness speaking:

"This was shortly after I had been expelled from the Communist Party for technically refusing to an agreement to follow a line."

Counsel says——

Mr. Gladstein: (Interposing) Continue, please. The following page says, "I told him I had been put out."

Mr. Del Guercio: "And was going on a long trip to the Orient."

Mr. Gladstein: That is just what I said.

Presiding Inspector: Now, let's not get in a dispute as to what was meant by certain testimony

(Testimony of William C. McCuistion.)

which may or may not have different implications. I will allow the question.

Mr. Gladstein: Will you read the question, please?

(The question referred to was read by the reporter as above recorded.) [2078]

A. The testimony itself reconciles it. The testimony before the Dies Committee states that Bridges asked me what I was doing out here.

Presiding Inspector: Well, now, you——

The Witness: (Interposing) And I have been an active official.

Presiding Inspector: You think that you find no discrepancy?

The Witness: I find no discrepancy whatsoever.

Presiding Inspector: Therefore, you don't care to reconcile?

The Witness: I don't care to reconcile.

By Mr. Gladstein:

Q. You claim, then, that both your statements to the Dies Committee and your statements here on that subject are true?

A. They are true. The wording may be a little different but it is true. It is reporting a conversation that I don't claim to remember accurately. I have no shorthand notes of the conversation.

Q. Now, you recall, don't you, Mr. McCuistion, that you were giving this testimony concerning Bridges because of the fact that you had been asked what knowledge of information you had as

(Testimony of William C. McCuistion.)

to whether he was a Communist. You re- [2079] call that, don't you?

A. Read the question. I don't recall that.

Mr. Del Guercio: If your Honor please, I don't find that he was asked that question by the Dies Committee. I think I ought to know.

Mr. Gladstein: If I read any question from the transcript I will certainly call it to counsel's attention. I have a right to ask questions without referring to the transcript if I want to.

Presiding Inspector: Yes, you have a right to ask questions without referring to the transcript, but, of course, you can't lead him in that respect.

Mr. Gladstein: Well—

Presiding Inspector: You may ask his recollection.

Mr. Gladstein: All right.

Presiding Inspector: But if you are asking for certain testimony heretofore given and your question imports that the testimony was given, then, you must read from the transcript.

Mr. Gladstein: All right, I will put it this way, withdraw that question, and ask you this:

By Mr. Gladstein:

Q. In your testimony before the Dies Committee, or while you were there, weren't you asked how you know that Bridges is a Communist? [2080]

A. I don't remember whether I was asked that question in so many words. I remember the reason I told them that I thought Bridges was a Communist.

(Testimony of William C. McCuistion.)

Q. What was that?

A. That was that leading members of the Communist Party had so told me and so informed me. That is the only way you know anything. The only way I know you are a lawyer is because you are sitting there asking me questions. I haven't seen your diploma.

Q. Well, now, just to refresh your recollection, calling your attention to page 6522 of that same transcript, Mr. McCuistion, the question is as follows:

"Mr. Voorhies——" who was he?

A. A Congressman from California, member of the Dies Committee, a Democrat.

Q. Who asked you questions, among others?

A. Various members had the right to ask questions, yes.

Q. All right. On that page the following appears:

"Mr. Voorhies: Mr. McCuistion, how do you know that Bridges was a Communist at that time?"

Mr. Del Guercio: Now, if your Honor please, just a short time ago counsel said that he was not referring or reading from the record. Now, it is obvious here that he was and he has not only misled the witness, he has misled the Court. [2081]

Presiding Inspector: I will take it. Go ahead.

By Mr. Gladstein:

Q. Do you recall being asked that question?

A. I don't recall it. Let me look at the testimony

(Testimony of William C. McCuistion.)

and I will take it—if you say you are reading from the record I will take your word for it.

Q. Oh, no. Your attorneys here will follow me. They have a copy.

Presiding Inspector: No, just a moment.

A. They are not my attorneys.

Presiding Inspector: You ought to withdraw that.

Mr. Gladstein: I will withdraw it. Mr. Del Guercio and Major Schofield, I am sure, will correct me if I have read it wrong. I will re-read it, page 6522 at the bottom of the page.

Do you have that, Mr. Del Guercio?

Mr. Del Guercio: We don't have that. The statement we made, you were deceiving the Court.

Presiding Inspector: No, no, we can't have quarreling here.

Br. Gladstein: Do you have that before you?

Presiding Inspector: Go ahead.

Mr. Gladstein: Well, I don't want to read until he is ready.

By Mr. Gladstein:

Q. All right, Mr. Voorhies asked you a question, Mr. [2082] McCuistion. He says, "Mr. McCuistion, how do you know that Bridges was a Communist at that time?"

A. Yes, I will say I was asked that question; somebody asked me that question. If you are reading it must be there.

Q. You testified a good deal about Bridges in that case, didn't you?

(Testimony of William C. McCuistion.)

Mr. Del Guercio: Well, if your Honor please, that is argumentative. "Well, you testified a good deal in that case."

Presiding Inspector: Oh, yes. Well, it doesn't make a great deal of difference; it is a very slight matter. I think he can answer that.

Mr. Gladstein: Can you answer?

A. Yes, I testified. I answered every question that was asked me.

By Mr. Gladstein:

Q. Yes. Now, after you gave the testimony which appears on page 6745 of the Dies Commitee report in which you say that the very first conversation you ever had with Bridges was when Pyle introduced you, on the following page, page 6746——

Do you want to make an objection?

Mr. Del Guercio: Yes, I do. I want to know wherein on page 6745 the witness said that the very first conversation he had with Mr. Bridges——

[2083]

Mr. Gladstein: (Interposing) All right, I will read it.

Presiding Inspector: No, well, I don't think you need to take time for that. Go ahead and ask the question.

Mr. Gladstein: Thank you, your Honor.

By Mr. Gladstein:

Q. On page 6745 you testified that the first conversation that you ever had with Harry Bridges was in 1935 when you met Bridges before the Mari-

(Testimony of William C. McCuistion.)

time Federation Convention and you were introduced to Bridges by Pyle of the Radio Telegraphers.

On the following page you were asked "Did you have any subsequent conversation with him, Mr. McCuistion" and your answer was "The next conversation I had with Harry Bridges was the one I related at Madison Square Garden, the time of the Madison Square Garden meeting when we discussed the Communists generally, and also the question came up in the course of that time that while I was pretty well straightened out, why, I did not come back in the Party."

Do you recall giving that testimony?

A. Yes, I recall giving that testimony.

Q. Why didn't you tell the Dies Committee about the conversation you had with Bridges that you claim in this case down on Clay Street when Frederick Reed introduced you, or the conversation you claim you had with Bridges at the Com-

[2084] munist Party headquarters that night?

A. If you will read the entire testimony instead of just reading a few excerpts you will find that that whole thing is explained in the Dies Committee very fully. This testimony there, and I have read that Volume 11 myself since that time, isn't together in the exactly exact order in which it was given. If you remember, you read a question and an answer just a few minutes ago and in that question was whether I had ever talked to Bridges and I said several times in 1935, which covered that various—the various meetings, the two meetings

(Testimony of William C. McCuistion.)

that day. Several could be two there. There may be a question of five minutes discussion here or five minutes discussion there, and yet you come over here and you read another question that is entirely foreign. If you want to know the real truth of the matter, it is that Mr. Whitley—and he will verify this for the Judge or for the Government or for yourself—was asked by certain members of the Committee not to go into the Bridges matter any too far because the decision, I don't think, had been finally handed down at that time in the Bridges' case, and that they thought that this was a matter for the Government Courts. Anyway, the questions on Bridges were shut off very sharply and several times they were renewed by various members of the Committee, such as Congressman Voorhies. [2085]

Now, if you will go three or four pages back in that testimony and three or four pages ahead and read all the questions at once and sum them up you will get the right answers. You are getting the right answers here. I am not lying to you. I don't lie to anybody. I don't have to. [2086]

Q. If I do, Mr. McCuistion, go three pages or four pages in each direction from the point where I have been reading from the Dies Committee records, will I find any mention of these two meetings, the one on Clay Street, and the other at Communist Party headquarters?

Mr. Del Guercio: If your Honor please, I

(Testimony of William C. McCuistion.)

object to that question. He hasn't shown the witness the testimony.

Presiding Inspector: He is testing his recollection. He may ask him. You are now assuming that these were all considered separate conversations?

Mr. Gladstein: Yes.

Presiding Inspector: Although ~~they~~ occurred in the same day?

Mr. Gladstein: There is no indication that they did.

Presiding Inspector: There is no indication that they didn't.

Mr. Gladstein: I will ask the witness that later.

Presiding Inspector: All right.

Mr. Gladstein: I will ask that later. If he says he was introduced to Harry Bridges three times in one day the first time, that is all right with me.

Presiding Inspector: He said twice.

Mr. Gladstein: On the same day.

Presiding Inspector: Yes.

By Mr. Gladstein: [2087]

Q. First of all, I want an answer to the last question, which is, you claim that if I——

Mr. Del Guercio: (Interposing) Let the reporter read the question.

Presiding Inspector: I will let him restate it. That means the technically withdraws the question unanswered.

Mr. Gladstein: I will not withdraw the question.

(Testimony of William C. McCuistion.)

The question can be read by the reporter if counsel wants to be technical.

Presiding Inspector: You don't need to do that. You can withdraw the question and ask it again. Which would you prefer to do?

Mr. Gladstein: I will ask the question.

By Mr. Gladstein:

Q. Do you claim that if I go three or four pages in both directions from the point where I have been reading from the Dies Committee record that I will find any mention of the meeting between you and Frederick Reed and Harry Bridges, or the meeting at Communist Party headquarters between you, Bridges and others?

A. I don't claim that; no. You might and you might not. It might be a good idea for you to read it.

Q. Do you claim that—let me ask you this—if I read the whole testimony that you gave before the Dies Committee, everything, do you claim that I would find any mention of either [2088] your meeting with Frederick Reed, Bridges and yourself, or your meeting at Communist Party headquarters with Bridges and others?

A. I say, I don't know. I don't recall as directly as that. I know you will find reference to my meeting with Bridges, but whether I said the exact place I met him or not, I can't remember that. I might have met him at Communist headquarters, I might have met him down town, but I know I met him at Communist Party headquarters and

(Testimony of William C. McCuistion.)

I know I met him on Clay Street. Whether I said that to the Dies Committee or not, I wouldn't know until I was able to refresh my memory by reading over the testimony.

Q. You testified yesterday that concerning the 1936 meeting at Madison Square Garden——

Presiding Inspector: May I see the report of the Dies Committee for a moment?

Mr. Gladstein: Yes.

(The report referred to was passed to the Presiding Inspector.)

By Mr. Gladstein:

Q. You were testifying about the Madison Square Garden meeting in 1936. Is this a correct summary of what you said: That the Communists, or the members of the Communist Party with whom you were meeting, decided that Bridges had to come to the east, and they had you telephone to Innes to get hold [2089] of Bridges first?

A. That is practically a summary of what I said.

Q. You were not a member of the Communist Party at that time? A. I was not.

Q. Was Innes, to your knowledge, a member of the Communist Party at that time?

A. Innes was not.

Q. So that the Communist Party had you, a non-Communist, call another non-Communist—you can wait until I finish.

A. I haven't said anything.

Q. You started to.

A. You are a mind reader.

(Testimony of William C. McCuistion.)

Mr. Del Guercio: I don't think that admonition was necessary.

Presiding Inspector: Never mind. These matters always occur in trials.

By Mr. Gladstein:

Q. (Continuing) ——that the Communist Party had you, a non-Communist, telephone Innes, another non-Communist, to get hold of Bridges?

A. Yes.

Q. When you said you spoke to Innes was he in San Francisco at that time?

A. No, no, no, no. [2090]

Q. From where did you speak to him?

A. The first call to Innes was a call to Innes at San Pedro. That was made not by me. That wasn't the first call. When I spoke to Innes I was with Tommy Raye, after the decision had been made by the Party.

Q. Where was Innes when you spoke to him?

A. He was in Bridges' office.

Q. And later on you say Innes called you back?

A. Innes called back from a pay station to a pay station.

Q. And you spoke to Innes?

A. I spoke to Innes.

Q. He was in San Francisco at the time?

A. He was in San Francisco at that time.

Q. And he put Bridges on the phone?

A. He put Bridges on the phone and Raye talked to Bridges.

Q. That is your testimony, is it?

(Testimony of William C. McCuistion.)

A. That is my testimony.

Q. Can you tell us the date of that?

A. I cannot. However, there are certain records of that. I testified before a Federal Grand Jury concerning that matter and I think it is a matter of record. That was a Federal Grand Jury in Washington, D. C. I think they have a few telephone records on that thing. [2091]

Q. Can't you give us your best recollection as to the date with relationship, say, to the meeting itself?

A. I cannot. That took place before the meeting. I was a busy man, a member of the Strike Committee, and I was in full charge of investigation at that time. I had to cover a good many ports of the East Coast, in addition to coordinating the work between the non-Communists and the Communists on the Strike Committee. I had a pretty busy job. I can't recall the exact date.

Presiding Inspector: I don't think he asked for the exact date. I think he is asking for your best recollection as to how long it was before the meeting at which Bridges spoke.

The Witness: I would say roughly a couple or three weeks.

Presiding Inspector: That is your best recollection?

The Witness: Yes, sir.

By Mr. Gladstein:

Q. Two or three weeks before the actual meeting? A. Yes.

(Testimony of William C. McCuistion.)

Q. It wouldn't be more?

A. I wouldn't say so; no.

Q. It wouldn't be less?

Presiding Inspector: He said he has given you his best recollection. He explained that he has no definite recollection. I do not see any object in pressing that. We have got to try the case with some knowledge of human memories, recollections, [2092] and that sort of thing; fundamental psychology.

Mr. Gladstein: I will bear in mind your Honor's admonition.

By Mr. Gladstein:

Q. Mr. McCuistion, you said yesterday that concerning your relationship with the National Maritime Union, until you were brought into court here you had never learned of the substance of the resolution expelling you, or purporting to expel you, except that you had heard some hearsay, or some indirect information about it. That was correct, wasn't it? A. That is correct.

Q. Can you remember what that indirect information or hearsay was?

A. Oh, I had members of the Union come up and tell me, "Mac, they put through a resolution expelling you." And I told them, like I told you, that they couldn't expel me because I wasn't a member of the Union. Perhaps I was told about it maybe by 100 different guys. But as to seeing the actual wording of the resolution, I haven't seen

(Testimony of William C. McCuistion.)

if. I haven't seen it yet. I just heard you read it. I haven't even read the proceedings of that convention. I am not that much interested.

Q. You learned about this only from what other people told you? A. Yes.

Q. You didn't read about that in any official document [2093] given to you? A. No.

Q. Or in any official document of any kind connected with the Union? A. No.

Q. Does the Union have an official document, publication?

A. Document, publication—they have a publication, certainly—The Pilot—and the seamen refer to it as the Junior Daily Worker.

Q. Did you learn about your expulsion from The Pilot?

A. I don't read The Pilot regularly. I read it when someone happens to hand me a copy.

Q. Will you please answer the question? You can answer that "yes" or "no".

A. I probably read in in The Pilot. There were a lot of columns on me in The Pilot. I read about myself every now and then.

Presiding Inspector: If you do not remember reading it in The Pilot just say so.

The Witness: I don't recall.

Presiding Inspector: He doesn't know whether it was in The Pilot or not. That isn't evidence on that point.

(Testimony of William C. McCuistion.)

By Mr. Gladstein:

Q. I will call your attention, Mr. McCuistion, to your [2094] testimony before the Dies Committee, the date of which, incidentally, I have not heretofore given. It appears, however, that you gave your testimony on October 30, 1939, and I think the following day. I haven't checked through. Is that correct, two consecutive days?

A. About three following days; I don't remember.

Q. On page 6730, of that record, I find this:

"Mr. Whitley: Were you subsequently expelled from the NMU at the New Orleans convention?

"Mr. McCuistion: The only thing that I know about it is that I read about it in The Pilot, that they expelled me by resolution. They entered a resolution in the last session of the convention after I had walked out, and said that I could not participate in it; that they would not let it be run on a democratic basis, as the record shows, and after that they entered a resolution declaring myself and half a dozen others automatically suspended for 14 years."

You gave that testimony, of course?

A. Certainly, I gave the testimony. You are reading it there. And since that was just a few months after it happened why I probably did read it in The Pilot.

Q. You think your recollection of the events concerning which you testified was better before the Dies Committee, of course, than today?

(Testimony of William C. McCuistion.)

A. They were a little bit fresher, especially, relative [2095] to my Union activities, because they both took place in 1939. I read The Pilot today if I can get a hold of a copy. I will read it tonight if I could get hold of a copy. I don't remember what was in it—just like remembering what is in the San Francisco newspaper.

Q. How many times were you expelled from the Communist Party?

A. Three or four times—I don't know. I never did get along any too good with them.

Q. Let me see. You testified yesterday——

A. (Interposing) I can give it to you exact now. I was expelled in 1930. I was expelled in 1935. I dropped out of the Party and was subsequently—the Party says they don't let you drop out. If they drop out they expel you as an absentee. In my early days in the Party, back in the early '20s, I couldn't remember the exact date of expulsion. So we will say roughly, three times. Possibly they slipped in an expulsion or two since then; I don't know.

Q. I will call your attention to page 2017 of your testimony yesterday:

"Q. I want to summarize and get this clear. Would it be correct, then, on the basis of your recollection that you first joined in 1921 or 1922 and remained a member until approximately 1924 or 1925?"

Presiding Inspector: What are you reading from? [2096]

(Testimony of William C. McCuistion.)

Mr. Gladstein: From the transcript of yesterday's testimony.

Presiding Inspector: All right.

By Mr. Gladstein:

Q. (Continuing reading)

"A. That is approximately correct, yes.

"Q. And what happened then?

"A. Well, as I say, I had never been very active. Just for lack of interest in what they were doing, I let the thing slide.

"Q. You mean that you resigned or quit?

"A. No, I just ceased to be a member. I didn't take the trouble of quitting. They might have dropped me later on after I left. I don't know. I just didn't bother to look up meetings or attend meetings or worry about what they were doing or anything else.

"Q. You mean that you didn't formally resign?

"A. No.

"Q. And you were not expelled or anything of that sort?

"A. Not to my knowledge, no, sir."

Is it still your testimony that as to the first time you severed your connections with the Communist Party you were not expelled?

A. Knowing the Communist party as I do, I wasn't told I was expelled. I didn't read about it in the Daily Worker. I [2097] know it is the habit of the Communist Party today that when a man drops out to expel him.

(Testimony of William C. McCuistion.)

Q. As far as you know at the present time you were never expelled when you dropped out of the Communist Party in 1924 or in 1925?

Presiding Inspector: What do you mean by that question? From his knowledge of their practice, do you mean?

Mr. Gladstein: I am asking for his knowledge.

Presiding Inspector: Knowledge. You are asking for his information.

Mr. Gladstein: I am asking for his knowledge because yesterday he said "Not to my knowledge."

Presiding Inspector: But that is very ambiguous.

Mr. Gladstein: You mean his statement?

Presiding Inspector: I mean your question.

Mr. Gladstein: In what way is it ambiguous?

Presiding Inspector: I think it is ambiguous in this way: He has testified here on knowledge, but I should think it was "information" from the course of the conduct of the Communist Party. It is possible that at the other time you are asking for his knowledge from direct information given him. Now, the two blend. But, as I understand it, you are now differentiating between them.

Mr. Gladstein: I will abandon this line of examination. [2098] It isn't important anyway.

Presiding Inspector: I do not think it is important. I do not want to cut you off if you think there is anything in it. I think the question should be very clear as to what you mean because he has

(Testimony of William C. McCuistion.)

testified that from his knowledge of the customs of the Party and he says he was then expelled.

By Mr. Gladstein:

Q. Now, you said, in your testimony yesterday, that the Waterfront Worker was edited by the people in New York. What did you mean by that?

A. I mean that they were responsible to the higher Party committees for the proper line being carried out in all publications, all Maritime publications of the Party fractions. In other words, they would send us finished copies to New York. As long as they hewed to the line pretty straight why there would be no howl about it. Maybe a suggestion would come in. But when they began getting off the line then was when the National Fraction, which had the power, actually sent them the orders that they had to write in such and such a manner about such and such a thing.

Q. What do you mean by the word "edited"?

A. Why by that I mean to supervise. I mean "edit" in the sense that an Editor of one of the papers in the City here supervises the contents of that paper; that he can cut out two or three lines of a story, or the whole paragraph, or the whole [2199] story, if he wants to. We had that power over the Waterfront Worker.

Q. You mean the reporter has to submit his story to the Editor, who goes over it before it appears?

A. Yes. If it gets by the Editor it is the

(Testimony of William C. McCuistion.)

Editor's hard luck, not the reporter's generally. I am not a newspaper man. I cannot qualify as an expert. But that is the sense in which I have used the word "edit".

Q. You are talking about before publication?

A. Not necessarily.

Mr. Del Guercio: There is no such inference.

Mr. Gladstein: I am asking.

A. (Continuing) I said we got the finished copy. We read it. As long as the Waterfront Worker followed the line correctly, all right, we said nothing about it; but the minute it didn't, why then we assumed stricter supervision over it. We had two members of the National Fraction here in the City of San Francisco directly responsible for looking over what went in the Waterfront Worker before it went out. That was Harry Hynes and Tommy Raye.

Q. Did you in the east ever get copies of the Waterfront Worker in advance of publication?

A. Two or three times; yes. That was during the discussion, the argument between Harry Bridges, Tommy Raye and Harry Hynes, when they had the argument with the District Bureau [2100-1] of the Communist Party here over the line of the paper. At that time we insisted that it be sent to the east coast, a dummy copy of it be sent to the East Coast, so that we could look it over before it was mimeographed here; before the stencils were even cut.

(Testimony of William C. McCuistion.)

Presiding Inspector: That was not the usual practice?

The Witness: That was not the usual practice; no.

By Mr. Gladstein:

Q. When was the paper first published?

A. I couldn't tell you the exact date of its first publication.

Q. I didn't ask for the exact date. Give me your best recollection of the approximate date?

A. The approximate date was two years after the strike; I should say around the early part of '32 or the latter part of '31—it might have still been in existence.

Q. I don't know whether I asked you yesterday, in connection with the times that you have been arrested or convicted, whether you were ever arrested for and convicted of riot in the city of Baltimore in 1934?

A. Yes, sir; I was an official of the Communist Party and was arrested, together with three other Communists, one of them Al Yates, at present a Communist and a Union official in this city. The other two names I don't recall. We were arrested and convicted as Communists for inciting to riot. [2102]

Presiding Inspector: That answers the question.

Mr. Gladstein: The word "yes" answered it, but the witness wanted to make a speech.

(Testimony of William C. McCuistion.)

By Mr. Gladstein:

Q. I also wanted to ask you whether, in 1934, you were arrested in Buffalo and charged with arson?

A. No, sir; I was not charged with arson in Buffalo at any time.

Q. Were you charged with arson anywhere else?

A. No, sir.

Q. Were you arrested for arson?

A. I was never arrested for arson anywhere.

Q. Were you ever held for arson but not tried?

A. I was never held for arson.

Q. Were you ever arrested in Buffalo?

A. I was arrested in Buffalo and charged with assault.

Q. Once or more than once?

A. I was arrested, charged with vagrancy later. All of this took place while I was a Communist Party organizer.

Presiding Inspector: Didn't he testify about that?

Mr. Gladstein: I don't recall that he did.

Presiding Inspector: I think he did.

Mr. Gladstein: I am sure I didn't ask him about Baltimore: maybe I am wrong.

Presiding Inspector: You asked about Buffalo. [2103]

Mr. Gladstein: You would remember that.

Presiding Inspector: I would remember that: yes.

(Testimony of William C. McCuistion.)

Mr. Gladstein: I have another topic to take up. Does your Honor want to take the morning recess?

Presiding Inspector: We will take a short recess.

(Whereupon a short recess was taken.)

[2104]

Mr. Del Guercio: If the Court please, a subpoena was issued for the appearance of Jim O'Neill at 10:00 o'clock this morning by the United States District Court Judge. I would like you to ascertain whether Jim O'Neill is present.

Presiding Inspector: Is James O'Neill present in the room? Jim O'Neill? (No response).

No one responds.

Mr. Del Guercio: May I ask the clerk, then, there be prepared to Judge Lauderback——

Presiding Inspector: Yes, if you will prepare a certificate I will certify that I called him after being sure a subpoena had been issued and served by the Federal District Court.

Mr. Del Guercio: Yes, a subpoena was served yesterday afternoon.

Presiding Inspector: Served yesterday afternoon?

Mr. Del Guercio: Yes. May I ask that he be called in the corridor also?

Presiding Inspector: Yes. Will you call in the corridor? Call loudly; leave the door open and call loudly for James or Jim O'Neill. Call loudly so I can hear it.

(Whereupon the name of James or Jim

(Testimony of William C. McCuistion.)

O'Neill was called in the corridor by a Patrol Officer.)

Presiding Inspector: That is all right, Mr. Officer. He doesn't respond. [2105]

The Officer: No one answers, your Honor.

Presiding Inspector: That is all right.

Mr. Del Guercio: May the record show that Jim O'Neill doesn't respond?

Presiding Inspector: Yes, neither in the Court room nor in the corridor.

Now, you may examine, Mr. Gladstein. We expect to adjourn promptly, to take a recess promptly at half past 12:00 today.

Mr. Gladstein: All right, your Honor.

By Mr. Gladstein:

Q. Now, Mr. McCuistion, when is the first time that you spoke to any representative of the Federal Bureau of Investigation with respect to any information you claim to have concerning Mr. Bridges?

A. Subsequent to July 1939, in July or August 1939.

Q. Was that during the hearing of the last trial against Mr. Bridges?

A. That was during the hearing, to the best of my memory. If you will refresh me with the dates of the last hearing, then, I will know. It was in July or August. If the hearing was taking place then it was during the hearing.

Mr. Gladstein: The hearing, as I recall it—I may be wrong—started in July and went through until sometime in [2106] September, your Honor.

(Testimony of William C. McCuistion.)

Presiding Inspector: I haven't the record here.

Mr. Gladstein: All right.

Presiding Inspector: Nor have I seen it. I don't care to see it. I have read Dean Landis' report. He gives the dates there.

Mr. Gladstein: Yes. Well, so we can have the record clear on that——

Mrs. King: May I call to the attention of your Honor and to the reporter that on page two of the report of James M. Landis in his findings and conclusions as Trial Examiner in the matter of Harry Bridges he states that the hearings were opened on July 10, 1939 and that these hearings continued almost uninterruptedly for eleven weeks, and that they were finally closed on September 14, 1939.

By Mr. Gladstein:

Q. Then, with that information——

A. (Interposing): It was during the hearings, yes.

Q. Now, who was it that you spoke to who represented the FBI?

A. Special Agent, Charles Weeks.

Q. Where? A. In New Orleans.

Q. And how did you happen to speak to Mr. Weeks? [2107]

A. I discussed the matter with Sherman Lemmon of the Maritime Commission and I had already made the acquaintance of Mr. Delaney, and at their suggestion I went to see Mr. Weeks.

Q. Was Mr. Weeks stationed in New Orleans as a representative of the FBI?

(Testimony of William C. McCuistion.)

A. He was Agent in charge at that time, to the best of my memory.

Q. When you spoke to him was anybody else present?

A. I don't recall. Mr. Weeks is in the Court room. I don't recall whether there was anyone else in his office. He had a very big office. I was sitting facing him. There might have been a stenographer there; I don't think there was. I think it was strictly a discussion between Mr. Weeks and myself.

Q. How long——

A. (Interposing): Mr. Lemmon was present for a little while, I think, but he went out.

Q. How long were you there with him?

A. Oh, a maximum of forty-five minutes. I should judge, thirty, forty-five minutes.

Q. What took place?

A. A discussion about Bridges, a discussion about Communist activities in general; that was about all. [2108]

Q. Well, you came voluntarily to him?

A. I came voluntarily to him, yes.

Q. All right, and you announced that you wanted to see Mr. Weeks, and I take it, that he granted you an interview?

A. Yes, that is about right.

Q. All right, when you met the gentleman what did you say? What did you tell him you had come to see him about?

A. I told him I came to talk to him about Com-

(Testimony of William C. McCuistion.)

munist activities in general and what they might mean to the labor movement, to the American Government as a whole, and we discussed them, but to go into a lengthy discussion I can sit here and have a discussion and I possibly would get a few words right that I said to him, but to remember the whole discussion I can't do it.

Q. I am only interested—if you will recall the questions I asked you, Mr. McCuistion—in what was discussed concerning Mr. Bridges.

Mr. Del Guercio: That is not correct. The last question was not in that form.

By Mr. Gladstein:

Q. Well, all right, I am interested in what you said to him with respect to Mr. Bridges?

A. Practically what I have said in this hearing here today. [2109]

Q. Did you or he raise the name of Bridges first?

A. That would be hard to say, since Bridges was the main—was one of the main objects of discussion, as to who raised it first. He was not—he didn't have me on the pan, was not giving me any third degree, or anything, and it was a friendly conversation, and the question of who raised it first I don't know.

Q. Is it your best recollection that there was or that there was not a stenographer present at any time during your conversation with Mr. Weeks?

A. My best recollection is there was no steno-

(Testimony of William C. McCuistion.)

rapher present. There might have been another agent present, and Mr. Lemmon might have been there part of the conversation.

Q. On what note did that conversation end?

A. On what note did the conversation end?

Q. Yes. Were any arrangements, for example, made for the two of you to see each other again?

A. No. In fact, if I remember correctly, I told Mr. Weeks at that time that I was not interested particularly in the——

Presiding Inspector (Interposing): Well, there weren't any arrangements?

The Witness: No arrangements made whatsoever of any kind, no commitments made on the part of either one of us.

By Mr. Gladstein: [2110]

Q. Did you see Mr. Weeks again after that, concerning Harry Bridges?

A. I don't recall seeing him again after that until I saw him here in the Court room, here in San Francisco.

Q. Did you see any other representative of the FBI concerning the Bridges case after the one that you have just testified about?

A. Yes, I talked a short time after that—a week or two weeks after that I talked to Special Agent Sackett who was then in charge of the—who had relieved Mr. Weeks—I understand Mr. Weeks had been transferred somewhere else—and covered practically the same grounds.

(Testimony of William C. McCuistion.)

Q. Did you go up to Mr.—I didn't get that name. A. Sackett, S-a-c-k-e-t-t.

Q. Did you go up to Mr. Sackett's office at his request or as part of your own idea?

A. I went up to Mr. Sackett's office—I guess, I went up to see Mr. Weeks—that was it—and Mr. Weeks had departed and Mr. Sackett was then the agent in charge, and so we discussed the same thing.

Q. And how long did you talk to Mr. Sackett?

A. Perhaps thirty minutes.

Q. This was still during the trial of the Bridges' case?

A. This was still during the trial of the Bridges' [2111] case.

Q. And that case, or Harry Bridges, was discussed as part of your discussion?

A. As part of the discussion.

Q. When is the next time that you spoke to any Special Agent of the FBI concerning the Bridges' case or Harry Bridges?

A. The next time I recall speaking to any of them was in the New York office of the Federal Bureau of Investigation when I went to the office to ascertain if there was any clues to the rumor that I was wanted on a charge of murder.

Q. Will you date that?

A. That was in the month of October, 1939.

Q. Were any arrangements made as a result of your discussion with Mr. Sackett for you to come back?

(Testimony of William C. McCuistion.)

A. There were no arrangements made of any sort whatsoever.

Q. Was there a stenographer present during your discussion with Mr. Sackett?

A. There was not.

Q. Did you give any statement to the FBI on either of the two occasions that you have mentioned?

A. I gave no statement to the FBI, but I understood that Mr. Delaney gave them a copy of the statement I had given him. [2112]

Q. What led you to that understanding?

A. The fact that their discussion showed they had some familiarity with the discussions that I had with Mr. Delaney. It was just a conclusion I drew; maybe I was wrong.

Q. When is the next time after the New York incident that you have just mentioned that you talked with the FBI concerning the Bridges' case or Harry Bridges?

A. When the two Special Agents of the Federal Bureau of Investigation visited me in the jail, in the Paris Prison in New Orleans, Louisiana.

Q. When?

A. Sometime between July 1940 and January 1941.

Q. Was this before your trial?

A. Before my trial, yes.

Q. What took place then?

A. It was merely—I was merely asked questions as to my acquaintance with Harry Bridges and

(Testimony of William C. McCuistion.)

questions covering generally my testimony before the Dies Committee, points of information.

Q. How long did that conversation last?

A. That conversation lasted, perhaps an hour.

Q. Was there any stenographer present?

A. There was no stenographer present.

Q. Were notes taken by either of the FBI Agents of what [2113] was discussed?

A. There were notes taken by both of them, yes.

Q. Do you remember the names of the agents?

A. Special Agent Griffen was one; Special Agent Scott was the other one.

Q. Were you asked to sign any statement?

A. I was not asked to sign any statement.

Q. And you didn't?

A. And I didn't sign any statement.

Q. Was any arrangement made at that conversation for any further interview?

A. There were no arrangements made whatsoever.

Q. When is the next time that you discussed Harry Bridges or the Bridges' case with any representative of the FBI?

A. Well, I presume that Mr. Del Guercio is a representative of the FBI or Immigration. That was when I was subpoenaed and called here.

Q. Well, when was that?

A. I was subpoenaed last week in Port Arthur, Texas, and I arrived here Monday morning.

Q. Have you ever worked with or for the FBI?

(Testimony of William C. McCuistion.)

Mr. Del Guercio: If your Honor please, that has been asked and answered before, yesterday, I believe. [2114]

Presiding Inspector: I am not sure about it.

Mr. Gladstein: I don't recall.

Presiding Inspector: Well, if not, I will allow it anyway. It may have been covered. If it has been covered it won't help.

Mr. Gladstein: Do you have the question?

A. I have never worked either with or for the FBI, no.

By Mr. Gladstein:

Q. Well, have you made reports to them or supplied them with information?

A. At various times I have supplied them with information strictly as a citizen, without any commitments on their part or on my part.

Q. What does this information refer to that you were supplying for the FBI in a general way?

Mr. Del Guercio: If your Honor please, I certainly object to that. Counsel has no right in this proceeding here to ask what kind of information he has given any Governmental agency—he knows that—unless it in in regard to this particular matter.

Mr. Gladstein: I am not asking him to divulge the specific information. I am asking him what kind of information he gave. [2115]

Mr. Del Guercio: Nor the kind, if your Honor please, unless it has to do with this case.

(Testimony of William C. McCuistion.)

Mr. Gladstein: It certainly does, and I will put it in this form:

By Mr. Gladstein:

Q. Have you ever supplied the FBI with labor information or trade union information?

Mr. Del Guercio: If your Honor please, trade union or labor information is not involved in this case. We are trying an alien here, to determine whether he is subject to deportation. That is the only issue. Labor unions or labor matters are not involved in this at all, and counsel knows that.

Presiding Inspector: I know, but at the same time we are covering a wide field here.

Mr. Del Guercio: We are not covering a wide field, your Honor. It is counsel that is covering a wide field; we are covering a specific field.

Presiding Inspector: Well, there is a wide field of investigation offered here and I think it should relate in some way to labor matters such as are involved here, Mr. Gladstein. Don't you think so?

Mr. Gladstein: Well, I could say this, your Honor: Of course, there is no point in asking the question after the witness knows what you are seeking, but I may as well state [2116] exactly what I have in mind.

I want to know whether Mr. McCuistion has supplied the Federal Bureau of Investigation with information on trade unions of the character known in labor circles as labor espionage. That is what I want to know, and I think that would be material

(Testimony of William C. McCuistion.)

because it would reflect on the character of the witness.

Presiding Inspector: I am not passing on that one way or the other. It might reflect or it might not reflect.

If Mr. McCuistion has given information in the nature of reports in labor espionage he might answer.

The Witness: I have never given any reports in the nature of labor espionage to the FBI or to any other agency or person in my life.

Presiding Inspector: It is somewhat categorical.

Mr. Gladstein: I would like to have the question answered that I asked, your Honor.

Mr. Del Guercio: I believe the question has been answered, your Honor.

Presiding Inspector: With your explanation, doesn't it answer the question?

Mr. Gladstein: No.

Presiding Inspector: Well, then ask it again.

Mr. Gladstein: Would you read the question to refresh me [2117] as to how I put it?

(The question referred to was read by the reporter as above recorded.)

Mr. Gladstein: That is the question I have in mind.

Presiding Inspector: Have you ever supplied the FBI with trade union or labor information?

Mr. Gladstein: Yes.

(Testimony of William C. McCuistion.)

Presiding Inspector: In relation to any unions with which you had any connection?

The Witness: Never in my life.

By Mr. Gladstein:

Q. Or with relation to unions with which you did not have a direct or indirect connection?

Mr. Del Guercio: If your Honor please——

Presiding Inspector (Interposing): Now, we can't go in as broadly—it wouldn't be labor espionage. It wouldn't bear on his character at all, would it, even under your view? Supposing he told something about the Woodworkers in the factories in Maine? Would that have anything to do with this case?

Mr. Gladstein: It depends on just what he did. He might have talked to members of the union, obtained information from them and reported it.

Presiding Inspector: Well, you had a statement that he did not.

Mr. Gladstein: That was a conclusion. He says "I have [2118] never engaged in labor espionage." That is his statement, but the expression "labor espionage", of course, is a broad term. In making my statement to the Court I was using a term which inherently consists of words of conclusion. Now, I wanted to get to the actual facts as to whether he had supplied information that related to trade unions or trade union activities.

Presiding Inspector: Well, is this a general question to test his credibility on this matter or to affect his character?

(Testimony of William C. McCuistion.)

Mr. Gladstein: This is a question going to his character; it is a question going to bias.

Presiding Inspector: I think, if you have any such information you ought to call it to his attention. It would be fairer to do so, at any rate.

Mr. Gladstein: Well, I assure the Court, in the first instance, that any information that Mr. McCuistion has given to the FBI is not in our possession. We do not have it and we do not know anything about it.

Presiding Inspector: All right, you may answer. Answer the question.

A. I have never given the FBI any information regarding union activities of any sort. They have never asked me such a question.

By Mr. Gladstein: [2119]

Q. Have you given the FBI information concerning what you considered Communist activities in trade unions?

A. I have given the FBI information, what I considered un-American activities in unions and in various other places, yes, especially in relation to espionage.

Q. Now, you mentioned earlier this morning that when you were testifying before the Dies Committee you had a lot of notes, I think you said. Did you also have some records?

A. I did have records, 12 suit cases full of them.

Q. From whom did you get them?

(Testimony of William C. McCuistion.)

A. They were, some of them, former records of mine. They were, some of them, records that were given to me by various persons who had been formerly officials of the unions, who had been careful enough to keep copies of everything that went through, and records of various sorts gathered over a period of a number of years.

Q. Were you supplied with any of the materials that you have just mentioned that were in your possession——

Mr. Del Guercio (Interposing): Your Honor, we object to this line of questioning. We are not trying what material he had before the Dies Committee. I repeat again, I think we are getting far afield from the issues involved in this case.

Presiding Inspector: I know, but this is a witness offered by the Government and I will allow his recollections [2120] to be tested to see how much he remembers about these matters and anything that might be taken to reflect on his credibility. I will take it.

Mr. Del Guercio: Well, may I ask here: There was one question that was asked by counsel. He said he was asking those questions to test the witness' character. He aked if he had furnished any information and the witness replied that he had furnished information concerning espionage.

Now, does that go to the witness' character?

Presiding Inspector: Well, the question might have gone to the witness' character, that is, the answer to the question might have gone to the wit-

(Testimony of William C. McCuistion.)

ness' character if it had been answered in a certain way, and that is the theory upon which counsel is asking these questions, I assume. I think I will allow it.

By Mr. Gladstein:

Q. Now, I will re-ask this question, Mr. McCuistion.

The materials that you had in the 12 suit cases when you went to testify before the Dies Committee——

Presiding Inspector (Interposing): Of course, I might say further—excuse me for interrupting.

Mr. Gladstein: Of course, your Honor.

Presiding Inspector: I might say that the answer to his question might possibly be argued by you to go to his good character. [2121]

Mr. Del Guercio: Certainly. Well, I don't want my observation——

Presiding Inspector (Interposing): We will allow the question to be asked.

Mr. Gladstein: Are you ready now?

Presiding Inspector: Yes sir.

By Mr. Gladstein:

Q. Mr. McCuistion, with respect to the materials contained in the 12 suit cases that you had with you at the time you testified before the Dies Committee, were any of those materials supplied to you by Peter Innes? A. Yes, sir.

Q. A substantial portion?

A. A substantial portion of them.

(Testimony of William C. McCuistion.)

Q. Was Innes a friend of yours?

A. Innes was a friend of mine, yes, sir.

Q. He still is?

A. He still is a friend of mine.

Q. Do you know where he got some or any part of these materials he supplied you?

A. I remember—if I correctly remember——

Mr. Del Guercio (Interposing): I object to that question.

Presiding Inspector: I will take it. Go ahead.

The Witness: If I remember correctly I answered that [2122] question in testimony before the Dies Committee. I stated before the Communists purged Innes he purged the files.

By Mr. Gladstein:

Q. I asked you this question:

A. (Interposing): That is my answer.

Mr. Gladstein: Just a moment. I will ask that the question be asked again. It doesn't call for what he told the Dies Committee. It calls for an answer now.

Would you read the question, Miss Reporter?

(The question referred to was read by the reporter as above recorded.)

Mr. Gladstein: That could be answered "Yes" or "No".

Presiding Inspector: Do you want it to be answered "Yes" or "No"?

Mr. Gladstein: Sure.

Presiding Inspector: You may answer it.

(Testimony of William C. McCuistion.)

A. Yes.

By Mr. Gladstein:

Q. Isn't it true that some of the materials he obtained and turned over to you were stolen from the home of Joe Curran?

A. It is not true.

Q. Isn't it true that those materials were taken without the consent of Joe Curran, from the home of Joe Curran? [2123]

A. That is not true. At the time those materials were taken Joe Curran didn't have a home. He was just a bum sleeping on the floor part of the time.

Q. What did you mean when you said that Innes purged these records?

A. Innes was in full charge of the records at one time of the Seamen's Defense Committee, and certain of these records related to Innes, and later on when those records were taken over, I would say stolen by members of the Communist Party, working in the office of the National Maritime Union, Innes went one step ahead of them and caught them when they were sleeping and got the records referring to him back so they couldn't be used against him.

Q. Were these union records?

A. They were records of various sorts. They cover everything from personal letters about Harry Bridges and, I think, from Harry Bridges and from Joe Curran, and teletype reports and a little bit of everything.

(Testimony of William C. McCuistion.)

Q. Did the things that Mr. Innes took include union records?

A. Not official union records, as I recollect; copies of union records, the originals of which the union has files yet.

Q. Were some of these union documents communications to [2124] or from the union?

A. Oh, a few of them were, yes.

Q. That was union property, wasn't it?

Mr. Del Guercio: If your Honor please, we are going pretty far afield there on that. Now, that is a collateral matter and it seems to have been covered.

Presiding Inspector: Well, he can say whether they were union property.

A. They were property of the union membership and Pete Innes was a union member.

By Mr. Gladstein:

Q. And did you supply the Dies Committee with these records?

A. Such as they cared to use and include in the record I supplied them with.

Q. That included these union documents of whatever character they were?

A. Of whatever character they were, and whatever character——

Q. (Interposing): Did you supply any of those to the FBI?

A. I haven't as yet, but if the FBI wants anything I have got they can have them.

Q. Now, I want to read you from the testimony

(Testimony of William C. McCuistion.)

of Mr. [2125] Peter Innes before the Dies Committee. You know that he testified before this Committee?

A. I know that he testified, yes.

Mr. Del Guercio: Well, I object to him reading the testimony of Peter Innes.

Mr. Gladstein: I want to frame a question.

Presiding Inspector: Well, I will hear the question.

Mr. Gladstein: This appears in Volume 13.

Presiding Inspector: Don't answer this.

The Witness: All right.

By Mr. Gladstein:

Q. Volume 13 of the Dies Committee records. It starts at the bottom of page 8062.

Mr. Del Guercio: We don't have that, your Honor.

Mr. Gladstein: Well, you can come over here.

Mr. Del Guercio: I don't want to come over there.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. "The Chairman. — "I suppose that refers to Mr. Martin Dies.

"Are those all original copies of letters that you wrote and kept?

"Mr. Innes: Originals and copies. Well, Mr. Chairman, I have practically all of the originals of my own letters. It may seem funny to the Committee how I happened to get them [2126] but when

(Testimony of William C. McCuistion.)

I came back from the Coast I got orders from Joe —he told Walter Coney and myself to go up to the apartment, up to where he was living and destroy the papers that were up there.

"They were all personal correspondence and the spring strike records and a lot of the financial records from the fall strike, so I asked him, I said, 'How did all this stuff get up there, Joe' and he said, 'You know how it is whenever I want to get things out of here, why, I just get a rumor that the FBI is going to make a raid and I just purge the files and send them to my house.'

"So when I went up there—" this is Mr. Innes talking, and I might interpolate to say that the context shows clearly that his reference to "Joe" is a reference to Joe Curran—"So when I went up there — " continues Mr. Innes — "And I went through it and found all my correspondence, so I purged the originals and put them with my carbon copies, and so I have them both."

Now, after hearing that testimony in which Mr. Innes said that he took some of these materials from the apartment of Joe Curran, do you wish to change your previous testimony in any respect?

Mr. Del Guercio: Just a minute. I object to that, if [2127] you Honor please. Counsel has no right by any rule of law to confront this witness with the testimony of another witness.

Presiding Inspector: It isn't shown that it is the testimony; you assume that. That may be technical.

(Testimony of William C. McCuistion.)

Mr. Gladstein: You mean as to whether this is his testimony?

Presiding Inspector: Yes.

Mr. Gladstein: I don't know.

Presiding Inspector: We haven't that introduced in evidence.

Mr. Gladstein: Oh, no. But it is sort of a public record, a public document.

Presiding Inspector: I know. We can't take judicial notice of it; at least, I shouldn't think we could.

Mr. Gladstein: I don't know, your Honor.

Mr. Grossman: There is a presumption in California that establishes a prima facie case it purports to be a document of the Government.

Presiding Inspector: Well, then it can be introduced in evidence.

Mr. Grossman: Yes.

Presiding Inspector: It isn't introduced in evidence now.

Mr. Gladstein: Of course, much of it is self-serving. Much of it we have no desire to introduce because we were not [2128] present and given an opportunity to cross examine. I might say every witness, I mean witnesses like Mr. McCuistion and Mr. Innes who appeared before the Committee, were given a very friendly reception by the Committee, not subjected to any cross examination. The point is this documents purports to be published—I don't think Mr. Del Guercio will raise any question about it because copies are available from the

(Testimony of William C. McCuistion.)

Committee—and in its publications one finds testifying before the Dies Committee at various times were men like Mr. McCuistion, Mr. Innes, Mr. Gitlow, and three or four others, I think, two or three others who appeared in this hearing, or who said that they had some connection with the Dies Committee.

Presiding Inspector: Well, now, we are asking here, as I understand it, in general, what the information is of this witness as to how Mr. Innes got these documents?

Mr. Gladstein: That is right.

Presiding Inspector: Now, how is that very material?

Mr. Gladstein: Well, it goes to the question—you see, I asked this witness whether he used certain materials that he obtained from Mr. Innes and he said "Yes". Now, I think there is some materiality to the point that if Mr. McCuistion knew that Mr. Innes had taken union records to which he had no right and used them, and Mr. McCuistion used those records before the Dies Committee, introduced them before the Dies Committee and, as he states, is ready to give them to the [2129] Federal Bureau of Investigation, and these, mind you, are the records of strikes and the correspondence of the union and are precisely the kind of thing that labor spies turn over to anti-labor and anti-union forces——

Presiding Inspector: (Interposing) I don't

(Testimony of William C. McCuistion.)

see any materiality in it, but if you want it you may have it.

Mr. Del Guercio: May I be heard, your Honor, please.

Presiding Inspector: Yes.

Mr. Del Guercio: I think that the remark of counsel here is very significant and goes to this case. Now, we all know, and it is a matter of public record, that the Dies Committee was investigating subversive activities, un-American activities, and counsel made the statement that we, indicating his own counsel here, and Harry Bridges, were not given an opportunity to appear before that Committee. I think that that remark is very, very significant.

Presiding Inspector: Well, I don't consider that. I think I will allow him to——

Mr. Gladstein: (Interposing) Half of the witnesses that the Government has produced in this case are witnesses that appeared before Congressman Dies and told their stories there at that time. Now, they have been brought by Mr. Del Guercio into this hearing.

Presiding Inspector: And that gives you every opportunity [2130] to examine them because you have their statements in advance so that you know everything that they are going to say, or practically everything. You ought to be glad.

Mr. Gladstein: Except it crosses us up by their saying things that are at variance with things they testified to before.

(Testimony of William C. McCuistion.)

Presiding Inspector: I say you ought to be glad this has occurred in this way.

Mr. Gladstein: I haven't any objection to the Government using witnesses that appeared before the Dies Committee. I think the labor movement knows generally how to characterize that, your Honor.

Presiding Inspector: I think that is a little uncalled for, Mr. Gladstein.

Mr. Del Guercio: Not only uncalled for but——

Mr. Gladstein: (Interposing) I will withdraw that remark.

Presiding Inspector: Let's stop there, both sides, and go on and take the testimony.

I will let you answer that.

The Witness: Judge, I would like to answer this question, that these records were not union property.

Presiding Inspector: Now, assume, as a matter of fact, that Mr. Innes gave the testimony that was read. Does it in [2131] any way refresh your recollection or make you want to change anything that you have testified about these papers?

The Witness: It makes me want to clarify one point, yes sir.

Presiding Inspector: Very well, do it.

The Witness: The point is that the testimony——

Mr. Gladstein: (Interposing) I didn't hear——

(Testimony of William C. McCuistion.)

Presiding Inspector: (Interposing) He said it makes him want to clarify one point.

Mr. Gladstein: That he stated?

Presiding Inspector: That he stated.

The Witness: The statement of the witness there makes it very clear that it was not Pete Innes that stole the records, that it was Joe Curran that stole the records from the strike headquarters of the union hall, took them to his own house, sent Peter Innes and another guy up to burn them, to destroy property which actually belonged just as much to Innes as it did to Curran. That is a habit of that kind of people anyway.

Presiding Inspector: Well, I think that doesn't clarify very much.

The Witness: That is what he read. It says that there.

Presiding Inspector: That is all right.

Now, Mr. Gladstein, I get the impression from this [2132] answer that he doesn't want to change anything.

Mr. Gladstein: That he doesn't what, your Honor?

Presiding Inspector: Doesn't want to change anything.

Mr. Gladstein: That is all right.

By Mr. Gladstein:

Q. Mr. McCuistion, I get an impression from your testimony—and I wish to ask you whether it is a correct impression——

Mr. Del Guercio: (Interposing) I object to

(Testimony of William C. McCuistion.)

the form of the question. We are not concerned with what impression counsel gets.

Presiding Inspector: Let's hear the question. It may be very unimportant; then, you won't object to it.

By Mr. Gladstein:

Q. Is it correct that you were in a position of, shall we say, greater confidence with the leaders of the Communist Party when you were not a member of that organization than when you were a member? A. It is actually a fact, yes.

Mr. Gladstein: I haven't any further questions.

Presiding Inspector: Very well. Call the next witness.

Do you wish to ask him anything further?

Mr. Del Guercio: Yes, I do, your Honor.

Presiding Inspector: Very well. [2133]

Mr. Del Guercio: Now, if the Court please, in cross examination this witness concerning his testimony before the Dies Committee counsel did not read the entire testimony in that place and I would like to ask the witness these questions:

Presiding Inspector: That you may do.

Redirect Examination

By Mr. Del Guercio:

Q. Beginning at the bottom of page 6745 of the hearings before the Committee on Un-American Activities, House of Representatives, 67th Congress, counsel read the last question appearing on that page, only the first part of it, and stopped with this:

(Testimony of William C. McCuistion.)

"I told him I had been put out and I was going to go on a long trip to the Orient and think it over."

Now, Mr. McCuistion, did you also in reply to that question say "He said,—" —referring to Bridges, I assume "—that won't ever do; you will have to go to work here; you will have to continue your work and activities here."

"I said, 'What do you mean by work and activities?'

"He said, 'We have discussed this and the only way you can really contribute to the work here is to begin to work.'

"And I said, 'No.' I was intent on going.

"Then he said, 'If you do we will see that you never get in the Party again.'

"I told him that I did not want to get into the Party.

"He said, 'You don't now, but you will want to come back [2134] in.'"

Then, a question by Mr. Thomas: "At that time, Mr. McCuistion, do you know whether Bridges was referring to the union work or work of the Communist Party?"

By Mr. McCuistion: "My work as a Communist on the waterfront."

And by Mr. Whitley: "And he told you that if you did, as you had planned, and did not stay there and continue your work on the waterfront you would never get back into the Party?

"Mr. McCuistion. Yes.

"Mr. Whitley: That is the Communist Party?

(Testimony of William C. McCuistion.)

"Mr. McCuistion. Yes.

"Mr. Thomas. He was referring to the Communist Party; you are sure of that?

"Mr. McCuistion. Very definitely; yes.

"Mr. Whitley. Did you have any subsequent conversation with him, Mr. McCuistion?

"Mr. McCuistion. The next conversation I had with Harry Bridges was the one I related, at Madison Square Garden, the time of the Madison Square Garden meeting when we discussed the Communists generally, and also the question came up in the course of that time that while I was pretty well straightened out why I did not come back to the Party. [2135-36]

"I said, 'No; I was satisfied out of the Party.' That if the Party put out a program that I thought was all right I would support it but I would not join anything; that I would never join it again."

Now, Mr. McCuistion, did you give such testimony before the Dies Committee?

A. Yes, sir.

Q. Is that at variance with the testimony you have given here? A. Not at all.

Mr. Gladstein: Well, I think——

Presiding Inspector: (Interposing) Well, I think that is for the final arbiter here to determine.

Mr. Gladstein: We don't have any objection to him saying "No" as a matter of fact, because——

Mr. Del Guercio: Just a minute. I am not asking you what——

Presiding Inspector: (Interposing) Well, now,

(Testimony of William C. McCuistion.)

you have asked him whether that is the testimony he gave and he said it was.

Now, do you want to ask him whether it is true?

Mr. Del Guercio: I want to ask him if he reconciles that with the testimony he gave at this hearing here.

Presiding Inspector: Well, that is for the arbiter in the [2137] proceeding, I suppose, to determine.

Mr. Del Guercio: But counsel for the defense here has asked the witness that question.

Presiding Inspector: Well, you can ask him whether this requires any reconciliation of the testimony that he has given, in his judgment, if your want to. It is hardly a legal subject for evidence but if you want to ask it you may.

The Witness: I think the wording was, perhaps, a little different, but the meaning was the same.

Mr. Del Guercio: No, I won't ask the question; never mind.

Presiding Inspector: He has already said the testimony he gave before the Dies Committee was true.

Mr. Del Guercio: Yes.

By Mr. Del Guercio:

Q. Now, Mr. McCuistion, I am reading from page 6522 of the same Dies Committee report, on the bottom of page 6522. Counsel directed your attention to this question by Mr. Voorhis but did not receive your answer.

(Testimony of William C. McCuistion.)

"Mr. Voorhis. Mr. McCuistion, how do you know that Bridges was a Communist at that time?"

Your answer: "Mr. McCuistion. I know it merely by the fact the leading members of the Communist Party told me he was a Communist."

Was that your testimony in this hearing?

A. Yes, sir. [2138]

Q. "—and their authority over him was shown by the fact that he subsequently did accept and did come to the meeting."

Was that your testimony in this hearing?

A. Yes, sir.

Mr. Gladstein: One moment.

By Mr. Del Guercio:

Q. Now, what meeting did you refer to?

Mr. Gladstein: Just a moment.

Mr. Del Guercio: Do you want to make an objection?

Mr. Gladstein: Yes, I want to ask a point of information through the Court.

When Counsel says "this hearing" is he referring to the Dies Committee hearing or the present hearing?

Mr. Del Guercio: I am referring to this proceeding here.

Presiding Inspector: The present proceeding.

Mr. Gladstein: Oh!

By Mr. Del Guercio:

Q. "Mr. Voorhis. He did come?

"Mr. McCuistion. And at various other times

(Testimony of William C. McCuistion.)

I have discussed Communism with Harry Bridges myself, and Harry Bridges has upbraided me for not returning to the Communist Party as an active member." [2139]

Have you so testified in this proceeding?

A. Yes sir, I have so testified.

Q. And did you so testify before the Dies Committee? A. I did; yes, sir.

Q. And the next question appears by Mr. Whitley: "Later on Mr. McCuistion will discuss his own personal conversations with Bridges, but I want to develop this in chronological order.

"Now, will you continue with your testimony on the Madison Square Garden rally and the events leading up to it?"

Was that question asked you by the Dies Committee? A. Yes, sir.

Q. And by Mr. McCuistion: "We decided, first, to hold the meeting on December 14th, but the Garden was not available at that time and we had to take the night that the Garden had off, which was the night of December 16th."

Presiding Inspector: Well, don't think you have covered this? There has been no cross examination on this particular point.

Mr. Del Guercio: Well, he was——

Presiding Inspector: (Interposing) As to what was said before the Dies Committee?

Mr. Del Guercio: As I understand it—maybe my understanding is incorrect—counsel has alleged here to the Court that the witness' present testimony was

(Testimony of William C. McCuistion.)

inconsistent with the testi- [2140] mony given in the Dies Committee hearing.

Presiding Inspector: I don't understand that.

Mr. Del Guercio: And he has taken portions of the testimony in the Dies Committee and confronted this witness, and I am trying to read——

Presiding Inspector: (Interposing) That doesn't go any further than when the confrontation occurred. That doesn't open the door to you showing consistent statements made some other time.

[2141]

Mr. Gladstein: Which would be self-serving.

Presiding Inspector: It wouldn't be competent or material in a legal sense to show that there were similar statements made at another time, unless you brought them in the case.

Mr. Gladstein: Right.

Presiding Inspector: Of course, where you brought a part of the question into the case possibly it is proper for him to read the rest of the question or the rest of the answer.

Mr. Gladstein: I didn't object.

Presiding Inspector: And you didn't object.

By Mr. Del Guercio:

Q. Mr. McCuistion, you testified in this proceeding that the Communist Party has threatened and been after you ever since you testified before the Dies Committee?

A. Yes, sir. In fact, ever since I started actively opposing them.

(Testimony of William C. McQuistion.)

Q. Did you so testify also before the Dies Committee? A. Yes, sir.

Q. Did you testify before the Dies Committee —I will read from page 6751.

Mr. Gladstein: I think that comes clearly—before counsel starts—within the ruling you have just made.

Presiding Inspector: I shouldn't think it was competent, but I will allow him to ask the question. I will also ask the witness not to answer. [2142]

Mr. Gladstein: The page number, please?

Mr. Del Guercio: If I can get a ruling on this maybe it won't be necessary to ask the witness this.

Counsel here for the defense has tried to show, by reading portions of the witness' testimony before the Dies Committee, that his testimony here in these proceedings was not correct.

Presiding Inspector: In certain respects.

Mr. Del Guercio: The witness has said that if the entire testimony before the Dies Committee was taken it would show no variation, no inconsistency, with his testimony in the present hearing. In order to meet that, counsel's implications and counsel's charges, I am trying to bring this in now.

Presiding Inspector: I think that goes too far. It takes us too far afield.

Mr. Gladstein: We don't object because the very statement counsel is about to read is inconsistent with the witness' testimony and I join with counsel in a request that the statement should be read.

Presiding Inspector: Whether or not it is in-

(Testimony of William C. McCuistion.)

consistent would be a question for the arbitrator of the trial.

Mr. Gladstein: Yes; but we think it is inconsistent and, therefore, we have no objection to it. In fact, we request that he read that part of it.

Mr. Del Guercio: That is very nice of you.

[2143]

Presiding Inspector: I don't know which way—first, it was objected to and then it was suggested that I could rule, even before the question was asked, and then I said I would hear the question, and the question hasn't been fully put; then Mr. Gladstein says he would like to have it read. You don't have to read it. Go ahead. Read it if you want to, or leave it out if you wish.

Anything further?

Mr. Del Guercio: May I have a moment?

Presiding Inspector: Certainly.

Mr. Del Guerdio: If the Court please, I have one more from this report of the hearing before the Special Committee, and that is the question that counsel read at the bottom of page 6745 in support of his apparent contention that the testimony in that regard in this hearing varied with that in the Dies Committee.

"Mr. Whitley: Will you describe some of those conversations and the meetings?

"Mr. McCuistion: The first conversation that I ever had with Harry Bridges at any length of time was in 1935 at San Francisco. This was shortly before Bridges was taken to the hospital with a

(Testimony of William C. McCuistion.)

perforated ulcer. And Bridges and I met just before the meeting of the Maritime Federation of the Pacific, and at that time I was introduced to Bridges by Pyles of the Radio Telegraphists, and several others, and Bridges [2144] proceeded to ask me why I was there and what I was doing on the west coast."

By Mr. Del Guercio:

Q. Do you recall that question being asked you?

A. Yes, it seems that I do.

Q. Did you necessarily refer to the very first conversation you had with Mr. Bridges in answer to that qeustion?

A. I considered all conversations I had held that day as the first conversation. I can't place them in the order. I might have talked to him two or three times that day. I might have even forgotten a few words I said to him.

Q. Were you asked if you had any other conversations on that day? A. No, I was not asked.

Q. Was the answer that I have just read to you your answer to the Dies Committee?

A. Yes, sir.

Mr. Del Guercio: That is all.

Recross Examination

By Mr. Gladstein:

Q. Mr. McCuistion, after the answer that you gave to the Dies Committee about the first conversation that you ever had with Harry Bridges, the one that Mr. Del Guercio read, you were asked, were you not, this:

(Testimony of William C. McCuistion.)

"Did you have any subsequent conversation with him, Mr. [2145] McCuistion?"

A. If it is in the testimony there, I was asked that. I testified for four days and I would have to be a pretty brilliant man to remember every question and every answer. But if it is in the Congressional Record I certainly was asked the question. If the answer is in there it is most certainly my answer.

I think the answer has already been read.

Mr. Gladstein: Would you read back, Mr. Reporter, and get for me the page reference that Mr. Del Guercio made at the time that he was going to ask Mr. McCuistion a question concerning threats and Communists? I would like to have that page reference if I may.

Mr. Schofield: 6751.

The Reporter: 6751.

By Mr. Gladstein:

Q. Did I understand you to say that the records that you introduced in the Dies Committee did or did not include official and confidential union matters?

Mr. Del Guercio: Your Honor, that matter has been gone over too and this isn't proper——

Mr. Gladstein: (Interposing) It may not be strictly proper recross examination, but I ask the indulgence of the Court on it. It won't take long on this.

Presiding Inspector: I think he testified to that.

[2146]

(Testimony of William C. McCuistion.)

By Mr. Gladstein:

Q. Did it or did it not?

A. It contained both personal and official records, but they had been removed from the Union hall long before I got them, or before Innes ever got them.

Q. Did they include minutes of the membership meeting of the Marine Firemen's Union?

A. Yes. They were distributed to the membership when we used to have a democratic constitution.

Q. Did it include resolutions adopted by the Union? A. Yes.

Q. Did it include financial records?

A. Very definitely; yes.

Q. Did it include strike records, strike committee records, and strike records? A. Yes.

Q. Do you know whether or not at the National Convention of the Congress of Industrial Organizations, held in San Francisco in the year 1939 you were included, together with others, in a resolution adopted by that convention condemning the group in which you were included, as labor spies and agents of employers?

Mr. Del Guercio: If your Honor please, I object to that question.

Presiding Inspector: Excluded. [2147]

Mr. Gladstein: I am asking for his knowledge.

Presiding Inspector: Excluded. It doesn't make any difference whether he knows about it or not. How can that be of any materiality? Suppose any-

(Testimony of William C. McCuistion.)

body of people shouted out denunciations against any witness, how is it competent in a court of Justice or in an Administrative proceeding?

Mr. Gladstein: I would say that ordinarily your Honor is correct, that it doesn't make any difference what one person or group calls another person.

Presiding Inspector: In our State even an indictment by a grand jury isn't competent.

Mr. Gladstein: I haven't finished. When a witness takes the stand and testifies that attacks directed against him are attacks made by the Communist Party, and Communists, and he limits himself to that, and that the reason, as he implies, or states specifically, is that he is fighting the Communists, it then becomes material to show that the witness has been condemned as an anti-Union person, an employers' agent, a labor spy, by one of the largest labor organizations in the United States, —that is the Congress of Industrial Organizations.

Presiding Inspector: I think it is a mere charge and not binding on him in any respect.

The Witness: I have——

Presiding Inspector: Just a moment. I have hard enough [2148] time to talk with counsel.

I will exclude it as immaterial, irrelevant and too remote.

Mr. Gladstein: I think that is all.

Mr. Del Guercio: No further questions.

Presiding Inspector: You are excused.

(Witness excused.)

Presiding Inspector: Call your next witness.

Mr. Del Guercio: Now?

Presiding Inspector: I think you had better call your next witness. We have another quarter of an hour.

Mr. Schofield: Let me see the resolution you were referring to.

Mr. Grossman: You want to see it when you objected to it?

Mr. Gladstein: Did your Honor hear the remark made by Mr. Connelley when we refused Major Schofield the right to examine the resolution?

Presiding Inspector: I did not hear it.

Mr. Gladstein: I think your Honor should admonish Mr. Connelley, here representing the Government, for turning around and saying, "Go to hell." Even if the Court did not hear it he intended that we should hear it.

Presiding Inspector: I think you are out of order.

Mr. Gladstein: I think Mr. Connelley was out of order. [2149]

Presiding Inspector: But you are out of order.

I am not ruling on Mr. Connelley. I heard nothing, and I wouldn't have known anything about it except that you put it on the record.

Mr. Gladstein: Mr. Connelley certainly intended by his remarks——

Presiding Inspector: I think you should apologize to the Presiding Examiner for misconduct, but I don't insist on it.

Mr. Gladstein: If I am guilty of misconduct in calling to your Honor's attention——

Presiding Inspector: It was something I said I didn't hear.

Mr. Gladstein: If I am guilty of misconduct in calling to your attention, even if you didn't hear it, the fact that Mr. Connelley got up and turned on us and told us to "Go to hell," then I apologize to you.

Presiding Inspector: I accept the apology.

Now, we will go on. I am afraid we are having our nerves a little on edge today.

Call your next witness.

Mr. Schofield: I didn't hear it either.

Mr. Del Guercio: Take the stand, Mr. Innes.

Presiding Inspector: Stand up and raise your right hand. [2150]

No. 10450

United States
Circuit Court of Appeals
For the Ninth Circuit.

HARRY BRIDGES,

Appellant,

vs.

I. F. WIXON, as District Director, Immigration and Naturalization Service, Department of Justice,

Appellee.

Transcript of Record

VOLUME VII

Pages 2883 to 3343

Upon Appeal from the District Court of the United States for the Northern District of California, Northern Division

Rotary Colorprint, 590 Folsom St., San Francisco

PETER J. INNES

called as a witness on behalf of the Government, having been first duly sworn, testified as follows:

Mr. Del Guercio: Do you want to talk to me?

Mr. Grossman: I asked if you had something to say to me.

Mr. Del Guercio: If I do I will tell you.

Presiding Inspector: Just a minute. Ask the witness to state his name.

Direct Examination

By Mr. Del Guercio:

Q. Please state your name?

A. Sergeant Peter J. Innes, of the U. S. Army.

Q. Where were you born?

A. In New York City.

Q. And of what country are you a citizen?

A. The United States.

Q. Mr. Innes, during the period of December, 1935, what was your occupation?

A. December 1935 I was a sailor.

Q. Were you a member of any union at that time? A. No, sir.

Q. In December 1935?

A. No, sir; not until January of 1936.

Q. Do you recall the strike—I may not have the name of the strike correctly—but the strike of the rank and file [2151] seamen of the east coast about that time?

A. Yes, sir; that took place in March of 1936.

Q. And you were a member of that strike committee?

(Testimony of Peter J. Innes.)

A. I became a member of that strike committee on April 22, 1936.

Q. Do you recall a rally held in Madison Square Garden at that time?

A. That rally was held in the fall strike of 1936 and 1937. It was held on December 17, I believe it was; December 16, 1936.

Q. I had the wrong year. I meant to say 1936, instead of 1935. What was your occupation at that time?

A. In 1936, around December?

Q. Yes.

A. I was Pacific Coast representative of the Seamen's Defense Committee of the Atlantic and Gulf.

Q. And did you, in connection with that position —were you sent out to the West Coast?

A. I was sent out to the West Coast in July of 1936 from New York.

Q. And where did you go?

A. I arrived on the steamship President Taft in August, well, in August of 1936, in San Francisco, with credentials on the letterhead of the Seamen's Defense Committee, signed by Joseph Curran, the Chairman of the Committee, and Ralph Emerson, [2152] the Secretary, who was Secretary of the Committee. I reported to Earl King, the Secretary of the Marine Firemen, Oilers and Watertenders Union of the Pacific, here in San Francisco.

Q. Who gave you instructions to contact Earl King?

(Testimony of Peter J. Innes.)

A. Before I left New York, when I got my credentials, I was given instructions to report to Earl King by Tommy Raye and Joseph Curran.

Q. Were you told to contact any other person or persons?

A. I was told that Earl King would introduce me to the proper people.

Q. Did you meet Earl King on the Pacific Coast?

A. I did.

Q. Where did you meet him?

A. In the Marine Firemen's Hall on Commercial Street, I believe it is, in San Francisco.

Q. Was there anyone present at that time?

A. Two or three people there, but I didn't know who they were.

Q. About when was this?

A. That was, if I am not mistaken, I believe it was August 22 when I arrived in San Francisco and I immediately reported to the Union hall in the afternoon of August 22nd.

Q. And did you tell Earl King——

A. (Interposing) Earl King had a copy of my credentials with my picture on it that had been sent out here from the [2153] Atlantic Coast.

Q. Did you tell Earl King of the instructions that had been given to you by Joe Curran and Tommy Raye?

Mr. Gladstein: May I suggest that it would be much better if, on direct examination, Mr. Del Guercio asked the witness what took place, instead of ask-

(Testimony of Peter J. Innes.)

ing him some direct and leading and suggestive question?

Presiding Inspector: You shouldn't lead.

Mr. Del Guercio: If I do it is in the interest of time.

By Mr. Del Guercio:

Q. What conversation did you have with Earl King?

A. I reported to Earl King, in accordance with my instructions, and we left there, the Union hall, and went to some little hotel up town here, where the Maritime Firemen's agent from Portland, Ferguson, was staying.

From there we went to District Council No. 4 Meeting. After the meeting, after I had presented my credentials to the meeting and was seated as a fraternal delegate to District Council No. 4, when the meeting was over I was introduced to Harry Bridges, Mervin Rathborne, Jimmy O'Neill, Henry Schmidt, and several others that I don't exactly recall who they were.

Q. By whom were you introduced to Harry Bridges? A. By Earl King.

Q. And did you have any conversation with Harry Bridges at that time? [2154]

A. At that particular time, no; not until the next time.

Q. When did you next meet Harry Bridges?

A. I met Harry Bridges when he returned from some place upstate here. He came back by airplane from some place up state—not up state—from some place in the northwest, I believe, where he had

(Testimony of Peter J. Innes.)

delivered a speech, or something, up there. I don't recall.

Q. Where did that meeting take place?

A. That took place at the Ferry Building, on the Embarcadero, where the Negotiating Committees had been meeting in some hall, or office, down there.

Q. Who was present at that meeting?

A. Well, at that particular meeting the entire negotiating Committee of the combined unions, was present.

Q. Did you have any conversation with Bridges at that time?

A. Not in particular at that time; no, sir.

Q. When did you meet him the next time?

A. The next time I met him,—I met him practically every day as I was in and out of this office, at 112 Market Street.

Q. Did you have any conversations with him then?

A. I had several conversations with Bridges and Rathborne. As I was green to the labor game, my orders were to contact all the intercoastal ships here for the purpose of [2155] organizing the crews on them for the strike that was due to come in the fall. So I used to go to Bridges and Rathborne for instructions on how to exercise the proper technique. I found I couldn't get on the ships——

Q. (Interposing) We are not concerned with what you were doing, only in relation to Harry Bridges in this case.

A. Yes.

(Testimony of Peter J. Innes.)

Q. Had you any instructions at any time to secure the services of Harry Bridges to speak at the Madison Square Garden meeting?

A. Yes, sir.

Q. When did you receive those instructions?

A. I received those instructions in the first week in December; I believe it was December 3rd or 4th. I am not sure of the date. I received a telephone call from Jack Lawrenson, the Secretary of the Marine Strike Council in New York——

Q. (Interposing) Where were you when you received such instructions?

A. I was in San Pedro at the time in my office down there.

Q. What did Jack Lawrenson say?

A. He stated they had decided to hold a rally in Madison Square Garden.

Q. That who had decided to hold a rally there?

A. He didn't say who. He said "They" had decided to [2156] hold a rally in Madison Square Garden in New York and wanted me to contact Bridges to find out if he would come there.

I sent a teletype from San Pedro to Bridges' office at 112 Market Street. He wasn't in. Mervin Rathborne got the teletype. I stated they wanted to hold the rally on the 14th of December in Madison Square Garden and wanted to know whether Bridges could be present, and that I desired an immediate answer.

Q. Did you get an answer?

(Testimony of Peter J. Innes.)

A. I did not. So the next day I received another phone call and they wanted to know what the answer was. I said, "I didn't get an answer."

Q. Who did you receive the second phone call from? A. Albert Rothbart.

Q. Where was he at the time?

A. In New York.

Q. Where were you?

A. I was in San Pedro. He said, "Well, you go to San Francisco and get the answer."

So I came to San Francisco and I went to Bridges' office. I asked if he was going to New York.

Q. You asked who? A. Bridges.

Q. Who was present?

A. Mervin Rathborne.

Q. You asked him in Mervin Rathborne's presence? [2157] A. Yes.

Q. You asked him what?

A. What his answer was regarding going to New York.

Q. What was his answer?

A. He told me "No"; that he didn't want to get mixed up in the mess; that he had enough trouble with Lundeberg and a few others.

Q. Did he indicate if he would reconsider that?

A. No, sir; his answer was definite.

Q. What happened after that?

A. While we were there talking a telephone call came in for me—that is, the telephone rang and Rathborne answered the phone and said, "It is for

(Testimony of Peter J. Innes.)

you." That was speaking of me. It was in Rathborne's office that the call came through.

So I answered the phone and Bill McCuistion was on the other end of the wire. He said Tommy Raye was there and wanted to talk to Bridges; and that we were to go to an outside phone and call the number, a Watkins number—whatever it was—in New York.

Q. When Bridges said that he refused to appear as a speaker at the Madison Square Garden meeting did you convey that information to anyone?

A. Did I convey that to anyone?

Q. Yes. [2158]

A. No, sir.

Q. Did you go downstairs with Mr. Bridges?

A. Yes, sir.

Q. Where did you go?

A. I don't know whether it was in the same building, but it was in either one of those little cigar stores or a drug store.

Q. Just a minute. Did you tell Bridges that Tommy Raye wanted to speak to him?

A. I went into his office and I said, "New York called me and Tommy Raye wants to talk to you on the telephone. We are to go to an outside phone and call the number back."

Q. Proceed.

A. And we went to this pay station, in either a cigar store or a drug store—I don't recall exactly—and I called the number back. McCuistion answered the phone and he asked if Bridges was there. I told

(Testimony of Peter J. Innes.)

him, "Yes." He said, "Put him on. Tommy Raye wants to talk to him."

I couldn't hear the conversation, but I heard Bridges tell him "No." Then they conversed for four or five minutes and he hung up and says, "It looks like I got to go to New York."

Q. Did you subsequently go back east? —

A. Did I go back east?

Q. Yes.

A. Yes; I left San Pedro to go to the same rally. I [2159] arrived in New York on December 13, on a Sunday morning.

Presiding Inspector: I think we will stop here.

(Whereupon, at 12:30 P. M. a recess was taken until 2:00 P. M. of the same day.) [2160]

After Recess—2:00 o'Clock P. M.

Presiding Inspector: You may proceed.

PETER J. INNES

called as a witness on behalf of the Government, having been previously duly sworn, testified further as follows:

Direct Examination—(Resumed)

By Mr. Del Guercio:

Q. Now, Mr. Innes, I believe the last question was when you arrived—when did you arrive in New York after the conversation you testified to over the telephone in San Francisco?

(Testimony of Peter J. Innes.)

A. I arrived in New York on December 13, 1936.

Q. Do you know if Bridges arrived in New York after that?

A. He arrived Monday, December 14th.

Q. How did he arrive, do you know?

A. Sir?

Q. Do you know how he arrived?

A. He arrived by plane.

Q. Did you meet him at the plane?

A. I did.

Q. Who was with you?

A. In the car that I was in was Joseph Curran, and the boy driving the car was a kid by the name of Jo-Jo Curran.

Q. Was there anybody else present? [2161]

A. There were two other cars. In one of them there was a fellow by the name of Leeds, Krumbin, and Raye.

Q. Is that Tommy Raye?

A. That is right.

Q. And is that David Leeds?

A. I believe that was his first name.

Q. Did you see them?

A. They were in another car. In the third car was Albert Rothbart, and somebody else that I don't remember exactly.

Q. Did they also meet Bridges at the airport?

A. They didn't meet him personally; no.

Q. But they were there?

A. They were there.

Q. Did they get out of the car?

(Testimony of Peter J. Innes.)

A. No, sir; not to my knowledge.

Q. *How* got out of the cars?

A. Curran and myself, and we waited until the newspaper men had got through with Bridges. And I believe it was Mr. Merriweather was with him, of the MEBA.

Q. What happened after that?

A. Well, we left there and went to the Victoria Hotel.

Q. Who left?

A. That is, Bridges, Curran, myself and Merriweather.

Q. Did Bridges get into the car in which you had to [2162] drive?

A. Yes, sir, he went with us.

Q. What happened to the other two cars that were involved?

A. They arrived later. I don't know whether they followed us over or arrived later. We went directly to the Victoria Hotel where Bridges registered.

Q. On what day was this, if you know?

A. December the 14th, 1936.

Q. All right. Now, you went to the Victoria Hotel? A. That is right.

Q. What happened there?

A. Well, after we got upstairs, why, the fellows that had gone to the airport, together with Hudson, came into Bridges room one at a time, where the program for the coastwide tour that he was to make was outlined.

(Testimony of Peter J. Innes.)

Q. Well, now, just a minute. Did Bridges register in the Victoria Hotel?

A. He registered at the Victoria Hotel.

Q. Did you all go to his room?

A. Yes, sir.

Q. Who were all in the room?

A. Well, before the meeting was over——.

Q. (Interposing) Was there a meeting there?

A. Well, I would call it a meeting or a conclave or [2163] caucus, or whatever you want to call it. It was not a formal meeting. It was where the policy was outlined that he was to follow up and down the coast.

Q. Who was there in that room at that time?

A. There was Bridges, Roy Hudson, Tommy Raye, Al Lannon, Joe Curran, myself, and I am not positive whether Rothbart was there or not.

Q. All right. Do you know whether Roy Hudson was a member of the Communist Party at that time?

A. At that time Roy Hudson was in charge of the Marine Section of the Communist Party.

Q. Was he a member of the Communist Party?

A. Yes, sir.

Q. Was Tommy Raye a member of the Communist Party? A. Yes, sir.

Q. Now, was there anyone else present besides those three I have mentioned, besides Bridges and yourself?

A. Was anybody in that room?

Q. Yes, sir.

A. There was Hudson, Raye, Al Lannon.

(Testimony of Peter J. Innes.)

Q. Was Al Lannon a member of the Communist Party?

A. Al Lannon is a member of the Communist Party.

Q. And who else was there?

A. I am not sure whether Rothbart was there or not.

Q. Do you know if Rothbart was a member of the Communist [2164] Party?

A. Albert Rothbart?

Q. Yes.

A. Yes, sir, he is a member of the Communist Party.

Q. What discussion was had in that room at that time?

A. The general discussion—the outline was that they couldn't get the Garden for Monday night and that they had arranged for——

Q. (Interposing) That who couldn't get the Garden?

A. Well, they said "they."

Q. Well, who was speaking, if you know?

A. That was Raye that was doing the talking.

Q. Yes.

A. They couldn't get the Garden for a Monday night, that they had arranged for it for Wednesday, which was December the 16th, and that night Bridges and Curran were to go to Philadelphia. I was to stay for another coastwise conference in New York, and Tuesday we were to go to Boston, Wednesday in New York and Thursday in Baltimore.

(Testimony of Peter J. Innes.)

Q. Now, all these were discussed in the meeting at the Victoria Hotel?

A. That is right.

Q. The day that Bridges arrived?

A. That is right, and that the line of his talks were in an attempt to——[2165]

Q. (Interposing) The line of whose talk?

A. Bridges' talk was to be along the line in an attempt to bring the longshoremen out on strike, to tell the strikers on the Atlantic Coast that the West Coast would back them up and strike with them until they got what they were after.

Q. Now, you mentioned something about going to Philadelphia. A. Sir?

Q. Now, you mentioned something about going to Philadelphia? A. Sir?

Q. Did you say something about going to Philadelphia? A. That is right.

Q. Who was going to Philadelphia?

A. Bridges and Curran.

Q. Who told Bridges and Curran? Who said that Bridges and Curran were to go to Phildelphia?

Mr. Gladstein: This again is leading and suggestive, your Honor.

Mr. Del Guercio: He has already testified to that conversation, if your Honor please. I am just asking him who said those things.

Mr. Gladstein: Well, I am objecting to the question on the ground it is leading and suggestive.

Presiding Inspector: Well, I don't quite——

[2166]

(Testimony of Peter J. Innes.)

Mr. Gladstein: (Interposing) Well, the implication is that somebody told Mr. Bridges that he had to go some place, and Mr. Del Guercio is putting that in the witness' mouth. All that Mr. Del Guercio has to do is to ask him how did this conclusion happen to be arrived at, or something of that sort, instead of raising the implication by saying who said Bridges was to go to Philadelphia.

Presiding Inspector: Did anyone say anything about Bridges going to Philadelphia?

The Witness: Yes, sir; the program was outlined to him.

Presiding Inspector: Well, now, you may ask your question.

By Mr. Del Guercio:

Q. Well, now, who said that?

A. That he was going to Philadelphia?

Q. That Bridges was to go to Philadelphia?

A. The lay-out was given by Tommy Raye.

Q. Well, did he say that to Bridges?

A. Yes, sir.

Q. Did Bridges go to Philadelphia, do you know? A. He did, yes, he did.

Q. Do you know what he did there?

A. He addressed a strike rally.

Q. Do you know who paid—was any mention made of expenses in that meeting in the Victoria Hotel in New York?

A. The expenses were talked about in the original [2167] teletype that I had sent to San Fran-

(Testimony of Peter J. Innes.)

cisco, that is, expenses were to be paid by New York.

Q. By New York. A. That is right.

Q. Pay whose expenses? A. Bridges.

Q. From where?

A. From Frisco to New York and during the time he was there and back again.

Q. Now, who told Bridges that he was to go to Boston?

A. At this same meeting he was told that himself, Curran and myself were to go to Boston Tuesday.

Q. By "him" you mean Bridges?

A. That is right.

Q. Who told him that? A. Raye.

Q. Was anything said about Bridges going anywhere else, to any other city?

A. Yes, sir; to Baltimore on Thursday.

Q. Who told him that? A. Raye.

Q. That was the Tommy Raye whom you say was a member of the Communist Party?

A. Tommy Raye, who was directing the operations for the Communist Party; that is right. [2168]

Q. Do you know if Bridges spoke at Philadelphia?

A. Of my own knowledge I don't, except what I read in the paper the next day that he had addressed a meeting in Philadelphia.

Q. Do you know if he spoke in Boston?

A. I do.

Q. Do you know if he spoke at Baltimore?

(Testimony of Peter J. Innes.)

A. I do.

Q. Do you know if he spoke in Madison Square Garden in New York? A. I do.

Q. Where were you? A. I was there.

Q. Were you there after the Rally in Madison Square Garden? A. I was.

Q. Where were you?

A. I was in one of the ante-room, what you might call a dressing room, or something.

Q. Was that after the meeting?

A. After the meeting was over; yes, sir.

Q. Who was in the ante-room?

A. Originally Bridges was in a room with newspaper reporters. After they left he went into the room next door with me, who was with him at that time, and Curran. In that [2169] room was Bill McCuisition, David Leeds, Raye, Lannon. I am not positive whether the Bishop, or Hudson, rather, was there.

Q. Who was the Leeds that you mentioned?

A. Leeds at that time, I didn't know, but after we had left there I asked and I was informed that he was the Financial Secretary, or Treasurer, of the New York District of the Communist Party.

Q. Was any conversation had in that meeting in the ante-room? A. That is right.

Q. McQuistion came in with the money that had been collected at the collection in the Garden, together with the pledges and checks, and the money that had been taken in at the admission gate.

Q. Who did he turn over that money to?

(Testimony of Peter J. Innes.)

A. He turned over that money, over the take, to David Leeds.

Q. Was there any conversation?

A. Well, Bridges wanted to know about his expenses.

Q. What did he say about his expenses?

A. He asked point blank, "Who is going to pay those expenses of mine?"

Q. Who did he say that to?

A. He said that to Raye. Raye told Leeds to take care of it. [2170]

Q. Tommy Raye? A. Yes, sir.

Q. What did he say?

A. Raye told Leeds to take care of Bridges' expenses.

Q. What else was said in that connection?

A. About money?

Q. About the expenses that Bridges wanted?

A. Leeds didn't say anything further. He counted out $400 or $500—I don't know the exact amount—and gave it to him.

I hollered, myself, I wanted to know what about my expenses.

Bridges says, "You can go outside. I will take care of you later."

Q. Did you go outside? A. I left.

Q. Was anything else said in the room before you left?

A. No, sir; not to my knowledge, because I left immediately.

Q. Do you know how the arrangement had been

(Testimony of Peter J. Innes.)

made for the hiring of Madison Square Garden for this particular rally?

A. I only know what Al Lannon told me.

Q. You don't know that of your own knowledge?

A. Not of my own knowledge; no, sir.

Q. Now, returning for a moment, Mr. Innes, to the [2171] time you first met Mr. Bridges at his office here in San Francisco. I believe you testified that you met Bridges in his office and that while you were in his office Rathborne was present?

A. Correct.

Q. Was there anybody else in the office?

A. There was Bridges and Rathborne and Roy Pyle came in while we were there.

Q. Who was Roy Pyle?

A. At that time he was, I believe, connected with the American Radio Telegraphists Association here in San Francisco.

Q. Do you know who Mervin Rathborne is, as to whether or not he is a member of the Communist Party?

A. Certainly, he is a member.

Q. Was he at that time?

A. He attended all the Party meetings where all the big shots were so——

Q. (Interposing) Was Roy Pyle then a member of the Communist Party?

A. Pyle was a member.

Q. Now, Mr. Innes, did you testify before the Dies Committee?

A. I did.

Q. Did you testify before any other Committee?

A. No, sir.

(Testimony of Peter J. Innes.)

Q. Have you ever been arrested? [2172]

A. Yes; I was arrested once for loitering.

Q. Where? A. In New York.

Q. Were you formally charged?

A. I was fined $5.00 or 10 days. I paid the fine.

Q. That was your only arrest?

A. That is all.

Q. Have you ever been on relief?

A. No, sir.

Q. At any time? A. Never.

Q. Anywhere? A. No.

Q. I believe you testified early in your testimony that you are at present in the U. S. Army?

A. I am at present a Sergeant in the Army, yes, sir.

Q. Where are you stationed?

A. I am stationed at Headquarters Company, Governor's Island, New York.

Mr. Del Guercio: You may cross examine.

Mr. Gladstein: May we have a moment, your Honor?

Presiding Inspector: Yes.

Cross Examination

By Mr. Gladstein:

Q. Mr. Innes, before testifying on the stand today did you talk to Mr. McCuistion about the testimony you were [2173] going to give?

A. I did not.

Q. Never at any time?

A. Never at any time.

(Testimony of Peter J. Innes.)

Q. Have you ever discussed with Mr. McCuistion, prior to today, the events concerning which you have testified here today?

A. Have I ever discussed it with him?

Q. Yes. A. No.

Q. Have you ever talked with him about the Madison Square Garden meeting concerning which you have talked about here?

A. If I may qualify I may answer it.

Q. You can qualify it any way you like after you answer it. Can you first answer it "yes" or "no"? A. Yes.

Q. That is, you have discussed this with him, haven't you? A. Yes—if I may qualify it.

Q. Now, you can go ahead and qualify it.

A. I discussed it with him after the Madison Square Garden meeting, but I have not discussed the meeting with him in the last three years.

Q. All right. Have you discussed with Mr. McCuistion [2174] at any time prior to today, any of the other matters concerning which you gave testimony today? A. May I qualify that?

Q. Any way you wish.

Mr. Del Guercio: I think the Court will instruct the witness that he can qualify his answers.

Presiding Inspector: You will have an opportunity to qualify your answers.

Mr. Gladstein: I don't object to him asking whether he can qualify his answer.

A. Yes, I discussed the event during the event itself or immediately afterwards, but I have not

(Testimony of Peter J. Innes.)

discussed any events with Bill McCuistion concerning matters testified to here, or anywhere else, within the last two or three years; two years and a half.

By Mr. Gladstein:

Q. Those events that you testified about here today occurred in 1936, you say?

A. 1936; that is correct.

Q. All right. So it is your testimony, is it, that, never since the year 1936 have you discussed with Mr. McCuistion any of the matters concerning which you have given testimony her today, correct?

A. No, it is not my testimony—never since 1937.

Q. When, in 1937, was the last time?

A. Well, now, that is pretty hard to answer. I haven't [2175] seen McCuistion since December of 19—January of 1938, up until the time I saw him the day I finished testifying before the Dies Committee, and until I met him yesterday here in San Francisco.

Q. Let me see now—you saw him at Madison Square Garden, that meeting there, in December of 1936? A. That is correct.

Q. Did you see him within a short period of time thereafter?

A. Yes. I saw him the next morning.

Q. I know, but up to what point, would you say, up through some time in January 1937?

A. No; because I came back to San Pedro and arrived there December 23rd.

Q. So that you would have seen him for the last

(Testimony of Peter J. Innes.)

time as of that month prior, some time prior to December 23, 1936? A. That is correct.

Q. When was the next time you saw him?

A. I think it was after he returned from Spain. I am not positive; I wouldnt' swear to it.

Q. When?

A. It was during the NMU election—I know that—in 1938.

I made an error there before—I think it was in January 1939 the last time I saw McCuistion.

[2176]

Q. Well, now, you say you saw him in 1938 some time?

A. Yes; when he came back from Spain.

Q. Approximately when, in what year?

A. Well——

Mr. Del Guercio: (Interposing) If your Honor please, the witness has already testified it was when McCuistion returned from Spain. Does he know what month or what year McCuistion returned from Spain?

Presiding Inspector: It is understood that if a witness cannot give these dates—they are difficult to give ordinarily—he will say so. Can you fix it any nearer?

A. In the summer. That is the closest I can come to it.

By Mr. Gladstein:

Q. In the summer of 1938?

A. That is correct.

Q. Did you discuss with him on that occasion, or

(Testimony of Peter J. Innes.)

during that period of time, any of the events concerning which you have testified here today?

A. Not to my recollection. We had things of more importance to discuss at that time.

Q. Is it your best recollection that you did not, on that occasion, or in that period of 1938, discuss with Mr. McCuistion any of the events or things concerning which you have given testimony here today? [2177] A. In 1938——

Presiding Inspector: As I understood it, he answered that, but you may ask him.

The Witness: Will you repeat the question?

Mr. Gladstein: Read the question.

(The question referred to was read by the reporter as above recorded.)

A. To the best of my recollection the answer would be "No".

Mr. Gladstein: All right. When was the next time that you saw Mr. McCuistion?

A. I can't recall discussing the matter with him.

Q. At any time? A. At any time.

Q. Prior to today?

A. I do not recall discussing the matters with Bill McCuistion at any time during 1938.

Q. How about 1939?

A. In 1939 I didn't see McCuistion. [2178]

Q. How about 1940?

A. I didn't see McCuistion except for an hour when I got through testifying before the Dies Committee. I didn't discuss the matter with him.

(Testimony of Peter J. Innes.)

Q. You saw him after you testified before the Dies Committee?

A. Before the Dies Committee, that is correct.

Q. I say, you saw him after your testified before the Dies Committee? A. That is correct.

Q. Not before? A. Not before.

Q. Did you ever turn over to Mr. McCuistion any materials, documents, letters, records of any kind of the N.M.U. or the Marine Firemen's Union?

A. I did not.

Q. Did you ever turn over any such material to anyone? A. Property of the union?

Q. Correspondence that concerned union affairs?

A. Well, you will have to explain what you mean by "correspondence or records." Possibly I might have given somebody some of my own records.

Are you inferring that I turned over union records?

Q. Just a moment. I will withdraw that last question. [2179]

I believe you said you came to San Francisco August 22nd, 1936?

A. I said approximately. I didn't specify the exact date; I am not sure of it.

Q. How did you arrive?

A. I arrived on the steamship President Taft of the Dollar Line.

Q. Where did you disembark?

A. Pay-off, you mean?

Q. Yes. A. In San Francisco.

Q. In what capacity were you on that ship?

(Testimony of Peter J. Innes.)

A. I was engineer's yoeman on that ship, having relieved Al Yates on orders of the Communist Party that he get off and give me the job.

Q. Were you taking orders from the Communist Party?

A. No; I took my orders from Joe Curran.

Q. Were you a member of the Communist Party? A. I was not.

Q. Now, after you came to San Francisco how long did you remain here continuously before departing to some other place?

A. I believe I stayed in San Francisco until November the 4th, although I made one trip to San Pedro in between November the 4th I departed for San Pedro, California.

Q. How long did you stay in San Pedro after arriving [2180] there on the 4th of November?

A. Of course, I made several trips back and forth to San Francisco, but to the best of my knowledge, I left San Pedro, I believe, February the 7th, 1937—no—yes, 1937, about three days or four days after the strike ended.

Q. Would it be correct to say that your headquarters, so to speak, from November 4th, 1936 until the date in February 1937 that you have mentioned, would be San Pedro? A. That is correct.

Q. Now, after arriving in San Pedro on November 4th do you remember when it was that you took the first trip to San Francisco?

A. It was either the last week in November or

(Testimony of Peter J. Innes.)

the first week in December—I am not sure of it—sometime in between.

Q. Do you recall the occasion?

A. No, wait a minute; it was in November.

Q. When in November?

A. That I can't tell you but I know it was in November, *possible* a week or ten days after I had gone to San Pedro.

Q. And what was the occasion? A. Yes?

Q. What was the occasion for your leaving San Pedro?

A. I came up to see Bridges, Rathborne and Zack Brown and a few others up here to let them know what the situation was in San Pedro in regards to the East Coast men. [2181]

Q. How long did you remain in San Francisco on that occasion?

A. Oh, probably a day or two; I don't know.

Q. Did anything else of significance occur on that occasion that you can recall now?

A. Nothing except that I caught blazes about opening up my own—what they called my own mob down there instead of allowing them to amalgamate with the Communist controlled unions here.

Q. Did you then return to San Pedro?

A. I did.

Q. When is the next occasion when you came to San Francisco?

A. When I came to find out what Bridges' answer was regarding going to Madison Square Garden.

(Testimony of Peter J. Innes.)

Q. When was that?

A. The first week in December; I am not sure of the date.

Q. And why did you come ot San Francisco on that occasion?

A. To find out what Bridges' answer was concerning his going to Madison Square Garden, when I didn't get a reply to the teletype that I sent up.

Q. Had you sent a teletype? A. I had.

Q. What was the general substance of the contents of it? [2182]

A. I said that New York wanted to know whether Bridges could be available or would—New York wanted to know whether Bridges would appear at Madison Square Garden on December the 14th to speak, and they wanted a reply immediately.

Q. To whom did you send the teletype?

A. I asked for Bridges on the teletype and the answer came back that he was not available, that Rathborne was there, and Rathborne got the teletype.

Q. And you would date that as sometime in the early part of December?

A. In the first week in December, yes.

Q. You say you didn't receive a reply?

A. I didn't receive a reply within the next twenty-four hours and I had another phone call from New York wanting to know what the answer was. I told them I didn't get a reply. They told me to go to 'Frisco and get one.

(Testimony of Peter J. Innes.)

Q. That is when you came to San Francisco?

A. That is right.

Q. How did you travel?

A. I traveled by car.

Q. And when you came to San Francisco where did you go?

A. I went right to Bridges 'office.

Q. How long did you stay in San Francisco on that occasion? [2183]

A. I left immediately.

Q. You mean you came to Bridges' office and then you left?

A. How long did I stay? Well, well, probably ten or twelve hours, but I mean I left the same day that I arrived.

Q. And where did you go then?

A. Went back to Pedro.

Q. When is the next time you came to San Francisco after that, do you recall?

A. Under orders from the strike committee in New York and in accordance with arrangements that had been made in New York when Bridges and the rest of us were there, I arrived in San Francisco right after Christmas on a Coastwise tour.

Q. Well, I was not referring to a trip from the East to San Francisco.

A. No, no; I am talking about the Pacific Coast, on a Coastwise tour. In other words, I was doing what Bridges done on the East Coast. I was making a tour up here to let everybody know what they were doing over there.

(Testimony of Peter J. Innes.)

Q. No, no, Mr. Innes. I am referring now to the next occasion when you left San Pedro to come to San Francisco. Was there any such occasion?

A. I told you I arrived here a couple days after Christmas. Oh, from San Pedro to San Francisco?

Q. Now, you said that on the occasion when you came to San Francisco to see Bridges you were here about ten or twelve [2184] hours.

A. On what occasion was that?

Q. To get him to go to New York.

A. About that, I would say: I am not positive of it.

Q. Is that the day on which there was this telephoning that you testified about?

A. That is correct.

Q. The day on which you talked to McCuistion?

A. The day on which I talked to McCuistion.

Q. And you say that after you talked to McCuistion Bridges took the phone?

A. No. McCuistion said to tell Bridges that Tommy Ray wanted to talk to him and we were to speak from an outside phone. The first call I received at Bridges' suite up there at 112 Market Street.

Q. Well, when you made the call on the public telephone—— A. (Interposing) Yes.

Q. (Continuing) ——you spoke to McCuistion?

A. McCuistion answered the phone, that is right.

Q. Then, you turned the phone over to Bridges?

A. McCuistion said "Tommy Ray wants to talk to Bridges."

(Testimony of Peter J. Innes.)

Q. Did you turn the phone over to Mr. Bridges? A. I did.

Q. All right. And after Mr. Bridges left the phone booth [2185] did he tell you anything?

A. Yes. He says, "It looks like I got to go to New York."

Q. What else, if anything, happened in connection with his trip to New York?

A. Well, I asked him about when he was going to leave. He said he didn't know but he would probably go by plane.

Q. Well, did you make any further arrangements about that? A. With him?

Q. Yes.

A. No; I figured New York had taken care of it.

Q. Did you do anything further on the question of getting Bridges to go to New York after Bridges had said to you, that, as a result of the telephone call, he had to go?

A. I teletyped New York to let them know that he had accepted because I didn't know whether the records in the union hall—after all, this call was not from the strike headquarters. The teletype—or I called New York, rather. The teletype in San Pedro—San Pedro notified New York officially anyhow, I know that, that he was coming to New York, over our own station.

Q. They were anxious to get him back there, weren't they? A. They were anxious.

Q. To get Bridges as a speaker? [2186]

A. It appeared that way.

(Testimony of Peter J. Innes.)

Q. Well, don't you know?

A. I would assume. I was not there; I was here.

Q. Well, after Bridges told you that he guessed he had to go you say you teletyped San Pedro?

A. San Pedro, that is correct.

Q. Then, San Pedro teletyped New York?

A. No, I don't know what they done. All I know they notified New York he was coming because that was my orders to the Secretary of our strike committee to notify New York officially that Bridges was coming.

Q. You did nothing further in connection with notifying anybody about Bridges coming?

A. I did not, to the best of my knowledge.

Q. Now, Mr. Innes, as a matter of fact, weren't you in San Pedro at the time that you were requested to get hold of Mr. Bridges for this meeting? A. I testified to that fact.

Q. And isn't it a fact that you remained in San Pedro and got your answer from Bridges, as to whether he would go East, by teletype while you were in San Pedro?

A. You are not inferring that I am perjuring myself, are you?

Presiding Inspector: No, no, no.

Is that a fact? [2187]

Mr. Gladstein: Read the question, please?

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: Now, there is a double inference.

(Testimony of Peter J. Innes.)

Mr. Gladstein: I will withdraw the question.

Presiding Inspector: Wait until I suggest to you: There were two answers of Bridges, weren't there, according to the testimony, one that he would not go and one that he would go?

Now, which did you refer to? That is what I had in mind.

Mr. Gladstein: I understood from the witness that Mr. Bridges left the telephone booth and told Innes that he would have to go.

Presiding Inspector: Oh, yes, that is what you are referring to?

Mr. Gladstein: Yes. Now, I asked him what he did and he said he teletyped to San Pedro and told them that Bridges was going to go East and that San Pedro notified New York, in what way he was not sure.

Presiding Inspector: I understand that. I wonder if the witness does.

By Mr. Gladstein:

Q. All right. Now, Mr. Innes, isn't it true that while you were in San Pedro you teletyped Mervin Rathborne asking [2188] him to get Bridges to consent to go to the Madison Square Garden?

A. I testified to that effect.

Q. I am asking you a question. Please answer it yes or no.

Mr. Del Guercio: He has answered it, if your Honor please.

Presiding Inspector: I think that is an affirmative answer.

(Testimony of Peter J. Innes.)

Mr. Del Guercio: Counsel can't argue with the witness and try to intimidate him.

Presiding Inspector: No, you shouldn't say those things. I think that is an affirmative answer. I so took it.

By Mr. Gladstein:

Q. Isn't it a fact while you were in San Pedro you got a response from Mervin Rathborne, to the effect that Bridges was willing to go?

A. No, it is not a fact.

Q. Isn't it a fact that you, receiving such a teletype from Rathborne then notified New York that Bridges was willing to go to Madison Square Garden? A. No, it is not a fact.

Q. Have you read your testimony that you gave before the Dies Committee before taking the stand here? A. Have I read it?

Q. Yes. [2189]

A. I read it when the Volume came out but I haven't read it since.

Q. Well, when did you read it?

A. Oh, probably six or seven months ago, whenever the Volume came out anyway.

Q. You were sworn when you gave that testimony, weren't you? A. Uh-huh.

Q. To tell the truth? A. Uh-huh.

Q. Did you tell the truth? A. I think so.

Q. Is there any doubt in your mind about it?

A. Not in my mind.

Q. I want to read you from your testimony before the Dies Committee, Volume 13, page 8046. I

(Testimony of Peter J. Innes.)

will begin early enough so that you can get the general gist of it, Mr. Innes.

Near the top of the page:

"Mr. Thomas. Have you got the date of the Garden meeting?"

Do you remember who Mr. Thomas was?

A. You mean Congressman Thomas, Parnell Thomas in New Jersey?

Q. You remember him, don't you?

A. Yes, I recall him very distinctly. [2190]

Q. You remember Mr. Voorhis was there?

A. Yes, of California.

Q. Do you remember Mr. Lynch was there?

A. Mr. Lynch was the counsel that cross examined me.

Q. He what?

A. Mr. Lynch was the cousel that cross examined me, the counsel for the Committee.

Q. He cross examined you?

A. Well, he questioned me, whatever you want to call it.

Q. All right.

"Mr. Thomas. Have you got the date of the Garden meeting?

"Mr. Innes. The Garden meeting was held in December—I have a flyer on it here somewhere; I have it right here.

"Mr. Voorhis. You mean the Madison Square Garden?

"Mr. Innes. Yes, December 16, 1936. It has Bridges' picture on it.

(Testimony of Peter J. Innes.)

"Mr. Thomas. Harry Bridges was the chief speaker there?

"Mr. Innes. Him and Vito Marcantonio.

"Mr. Lynch. What was the other fellow?

"Mr. Innes. That was Curran.

"Mr. Lynch. Now, may I ask you a question before you go into this? Was a teletype system installed between the Pacific coast and New York?

"Mr. Innes. The teletype arrangement. There was a tele- [2191] type in Bridges' office in San Francisco, there was one in Seattle, there was one in Portland, one in San Pedro, and then I paid to have one put in the office in New York so we could have conference calls on it and all get on the wire together.

"Mr. Lynch. In other words, this is one of the teletypes which was used?

"Mr. Innes. That is correct.

"Mr. Lynch. By you from the Pacific coast to New York?

"Mr. Innes. That is correct.

"Mr. Lynch. And from New York to the Pacific coast?

"Mr. Innes. Yes, sir.

"Mr. Lynch. Now, is this the one that has to do with the instructions with regard to Bridges coming East?

"Mr. Innes. When this message was sent it was sent to Bridges, but as it states later on he wasn't there and it was given to him. And then I have others where he confirmed the date of arrival in

(Testimony of Peter J. Innes.)

New York. This one is dated—there is no date on it, but it is from San Pedro, California, to the District Council No. 2, San Francisco, 104, on the teletype, attention Rathborne, and it states:

"Due to phone call from here I had to leave without seeing you again. Talked to New York on phone this A.M. They desire to know whether Bridges will come to New York, expenses paid, to be on the platform, Madison Square Garden, [2192] December 14th. They desire he notify them yes or no immediately as John L. Lewis is to be there. The above is strictly confidential. Ask him to notify Joe in New York in writing as they also have made arrangements for Francis J. Gorman to be there also.

"And it is signed by me. Rathborne's answer:

"Okay. Have already discussed question with H. B. re going back to New York. Think perhaps he can go. Confirm date December 14.

"And that is signed by Rathborne."

Did you give that testimony?

A. Sure I gave it.

Q. Is that testimony true?

A. That is correct.

Q. Were you in San Pedro when you got the teletype telling you that Bridges would go to the East?

A. That doesn't say he would go East. I never got no teletype saying he would go East.

Q. Did you or not, while you were in San Pedro,

(Testimony of Peter J. Innes.)

teletype the message I have just read, to San Francisco?

A. I testified to that this morning, that I did send it, that is right.

Q. Please answer the question.

A. I answered it.

Mr. Del Guercio: He has answered the question, I submit. [2193]

Mr. Gladstein: Do you consider that an affirmative answer?

Presiding Inspector: I think it is an affirmative answer.

You mean yes?

The Witness: I said yes, yes, your Honor.

By Mr. Gladstein:

Q. Did you receive that reply?

A. I did. That reply was all part of the same teletype; it didn't come in after.

Q. Is it your testimony that the arrangement for Bridges to go to New York was made by any other method than teletype?

A. Yes; I didn't arrange for him to go to New York. He got his orders from New York to come there, according to what he said over the phone.

Q. So at the time you testified before the Dies Committee you knew, did you, that Bridges was in communication by telephone with Tom Ray?

A. I did. [2194]

Q. Did you tell the Dies Committee that?

A. I did not.

Q. Why not?

(Testimony of Peter J. Innes.)

A. I wasn't asked. I answered any questions that I was asked, the same as I would answer to you.

Q. I will read to you from page 8076 of the testimony you gave before the Dies Committee—withdraw that. That isn't the page I have in mind.

I read to you from page 8068, near the bottom of the page:

"Mr. Lynch: Do you know whether or not Bridges or Rathborne were communicating with Tommy Ray on the East Coast?

"Mr. Innes: Whether or not they were?

"Mr. Lynch: Yes.

"Mr. Innes: As far as I know, at that time the only direct communication that Bridges had with the Atlantic Coast was all carried on through me. As I later surmised when I got things together and started to work it out in my own mind, in the event the strike blew up the only people that would be actually involved or incriminated when the seamen would not be members of the Communist Party, it would be myself and Curran at the time if it blew up and the men didn't come out on strike—we would be the fall guys."

Mr. Del Guercio: (Interposing) If your Honor please——

Mr. Gladstein: I haven't finished yet. Do you say I am misreading from the record? [2195]

Mr. Del Guercio: Go ahead—I will not say anything.

(Testimony of Peter J. Innes.)

Presiding Inspector: Go ahead.

You can go back and repeat if you want.

Mr. Gladstein: (Continuing) ——" . . . would be myself and Curran at the time if it blew up and the men didn't come out on strike—we would be the fall guys.

"Mr. Lynch: Now, the fact that there was a countermand of that agreement which was made with McGrady, would that indicate to you that there were private conversations had between Bridges and Rathborne with the East Coast directing them what to do?

"Mr. Innes: I would assume that Mr. Ray overruled the matter of a referendum.

"Mr. Lynch: Somebody overruled it, didn't they?

"Mr. Innes: That is correct.

"Mr. Lynch: And you did not know who overruled it?

"Mr. Innes: Yes, sir."

By Mr. Gladstein:

Q. Now, Mr. Innes, did you give that testimony?

Mr. Del Guercio: I object to that, if your Honor please, because counsel hasn't called the witness' attention to the fact that this refers to an earlier strike, as indicated by the testimony just above it.

By Mr. Gladstein:

Q. Does it refer to an earlier strike?

A. It refers to an earlier date. [2196]

Q. Does it refer to an earlier strike?

(Testimony of Peter J. Innes.)

A. An earlier date.

Q. Does it refer to an earlier strike?

Presiding Inspector: Don't answer. What difference does it make?

Mr. Gladstein: Mr. Del Guercio said it referred to an earlier strike.

Presiding Inspector: We don't pay any attention to remarks of that kind. If it refers to an earlier strike I suppose the witness would say so. Does it?

The Witness: No, sir.

Presiding Inspector: That straightens it out. I didn't suppose there was an earlier one when this man had just gone out there.

Mr. Gladstein: There was an earlier strike in the spring prior to his arrival in San Francisco.

Presiding Inspector: Not after Mr. Innes got to California.

Mr. Gladstein: That is right.

Presiding Inspector: I see Mr. Del Guercio misspoke on that.

Mr. Del Guercio: Yes. I apologize to the Court for doing it. There is no reference to the Madison Square Garden meeting. [2197]

Presiding Inspector: Then there was nothing misleading in what Mr. Gladstein said.

Mr. Gladstein: Thank you.

By Mr. Gladstein:

Q. Now, Mr. Innes, have you been a member of the National Maritime Union?

(Testimony of Peter J. Innes.)

A. Yes. I was a member of the National Maritime Union.

Q. When did you first become a member of the National Maritime Union?

A. I helped organize it.

Q. I didn't ask you that. I asked you when.

A. You asked me the date I became a member—whatever date the Union came into existence—I don't know—but I helped organize the Union.

Mr. Del Guercio: If your Honor please, I think counsel should be admonished not to antagonize the witness.

Presiding Inspector: Well, I suppose that arousing antagonism is one method of cross examination.

Mr. Del Guercio: One of whose methods?

Presiding Inspector: Of cousel in general. Go ahead.

Mr. Gladstein: Will you read the last question?

(The last question and answer were read by the reporter as above recorded.) [2198]

Mr. Gladstein: Wasn't there another question?

The Reporter: No.

Presiding Inspector: There was a lot of talk in which the Presiding Officer took part.

By Mr. Gladstein:

Q. I will ask the same question: When?

Presiding Inspector: You mean by date?

Mr. Gladstein: I am not asking for the exact date.

(Testimony of Peter J. Innes.)

Presiding Inspector: Approximately.

A. 1937.

By Mr. Gladstein:

Q. Do you remember about when in 1937?

A. The date that the Union was formed; the date we withdrew from the International Seamen's Union, A.F. of L., and went into the CIO. What the date was I don't know. It was in 1937.

Q. Can't you give an approximation?

A. In the spring, or summer, or fall—I don't know.

Q. And for how long did you remain a member of that Union?

A. Until I quite in 1939, January.

Q. Where were you when you quit?

A. In New York.

Q. And how did you quit?

A. I just up and quit; that it all. [2199]

Q. Did you formally resign or take any——

A. (Interposing) No.

Q. (Continuing.) Please wait until the question is finished.

A. Sorry.

Q. ——or take any action indicating your desire to quit?

A. Did I indicate my desire to quit d the question again.

Mr. Gladstein: Read the question.

(The question referred to was read by the reporter as above recorded.)

Mr. Gladstein: I will reframe the question.

(Testimony of Peter J. Innes.)

By Mr. Gladstein:

Q. Did you formally resign, or take any action indicating to the Union that you were quitting?

Presiding Inspector: "Yes" or "No"?

A. Well, it is "Yes" and "No".

By Mr. Gladstein:

Q. Make it "yes" or "no" and go ahead and qualify it.

Presiding Inspector: Tell us which is "yes" and which is "no"?

A. As Bridges no doubt knows, I went to the hospital, after I had brought charges against Finky Smith, over there, Ferdinand Smith, the Vice President of the Union, and as a result [2200] I met with Communist tactics and I got dumped, in plain English. So I went to the hospital with a fractured skull. I came out of the hospital—in the meantime the comrades had access to my stocks, and so forth, and things didn't check up the way they were when I left, when I came back to take the job over, and I so informed the Secretary-Treasurer of the Union. I couldn't get any satisfaction from Curran, or anybody else, so on Saturday night I locked the safe, left my keys there, and quit.

Q. Did you take any other action to indicate to the Union that you had resigned from it?

A. No.

Q. Isn't it a fact, Mr. Innes, that you were expelled by the Union?

A. I didn't get that.

Q. Isn't it a fact that you were expelled for 99

(Testimony of Peter J. Innes.)

years by the Second Annual National Convention of the National Maritime Union of America, held between July 3 and July 14, 1939?

A. I wouldn't know. I was a coal burning fireman on a ferryboat at that time, and I wasn't at the convention.

No, Brother Bridges, it wasn't a scab ferryboat. I got Union wages.

Presiding Inspector: Never mind.

The Witness: He whispered that loud enough to his counsel for me to hear. I am not a scab. (Laughter)

Presiding Inspector: We will have to have order in [2201] the court room.

We want no remarks from you except in reply to questions of counsel.

The Witness: Sorry.

By Mr. Gladstein:

Q. Isn't it a fact, Mr. Innes, that your expulsion from the Union, for the period of 99 years, was on the charge of absconding with Union funds?

Mr. Del Guercio: If your Honor please, I don't think that is——

The Witness: (Interposing) I can answer the question.

Presiding Inspector: If he can, let him answer.

A. I wouldn't know that I was expelled. I know I am suing the Union for mentioning the fact in the "Dirty" Worker that I had absconded with funds, but I don't know anything about my expulsion. I

(Testimony of Peter J. Innes.)

never received any notice of expulsion, trial, charge, or anything else.

By Mr. Gladstein:

Q. You have learned, have you, that you were charged by the Union with absconding with Union funds?

A. All I know is what I read in the "Dirty" Worker that I had absconded with funds. I read that after my Dies Committee testimony.

Q. Have you heard whether or not the second convention of the NMU took action against you?

[2202]

A. I wouldn't know. I wasn't there.

Presiding Inspector: When was that?

The Witness: That was in July, counsel said.

Mr. Gladstein: July 1939.

By Mr. Gladstein:

Q. You mentioned a few moments ago something about having your skull fractured?

A. Yes, sir.

Q. Do you recall an incident in the Union offices of the NMU when you and some others had baseball bats?

A. Do I remember the incident?

Q. Yes. A. Very well.

Q. And you and these others who were with you attacked certain people who were in the offices of the—wait, I haven't finished.

A. I haven't answered yet.

Q. (Continuing) ——and you and the others

(Testimony of Peter J. Innes.)

with you who had the baseball bats attacked certain office employees and others in the offices of the NMU? A. No.

Presiding Inspector: The question is, do you remember the incident?

The Witness: Do I remember the incident when certain people were attacked in the Union by me and a group carrying [2203] baseball pats?—— I don't recall any such incident.

Presiding Inspector: Ask the next question.

By Mr. Gladstein:

Q. You don't remember that?

A. Remember persons being attacked? I said, I don't remember any such an incident.

Presiding Inspector: That answers the question. Go ahead.

By Mr. Gladstein:

Q. You say you were arrested once?

A. That is correct.

Q. Did you ever commit any act which you knew to be a criminal offense?

Mr. Del Guercio: Just a moment——

A. (Interposing) I decline to answer that question.

Mr. Del Guercio: Don't reply until I submit my objection. That question is not proper, your Honor.

Presiding Inspector: He takes advantage of his privilege.

Mr. Gladstein: Privilege?

Presiding Inspector: Yes.

(Testimony of Peter J. Innes.)

Mr. Gladstein: I will admit that it would be proper to take advantage of his privilege had he not previously testified about it but if, without claiming the privilege, he tells the Dies Committee about committing illegal acts, telling them he knew they were illegal, then I think he waives his privilege.

[2204]

Presiding Inspector: I don't know anything about what he stated before the Dies Committee, except what you have read from certain portions.

Mr. Gladstein: I know that portion.

Presiding Inspector: I rule he has taken advantage of his privilege.

Ask the next question.

He says in substance that the answer might tend to incriminate him, or would tend to incriminate him.

The Witness: No, sir, your Honor, I don't take advantage of my privilege. Even if I did take advantage of my privilege the answer would still be "No". I will have to qualify the answer.

Presiding Inspector: He withdraws his privilege then and the answer is "No".

The Witness: With qualifications.

Presiding Inspector: Let us hear the qualifications.

The Witness: Counsel is inferring I testified——

Presiding Inspector: No, no, no. We don't care about counsel's statement.

The Witness: I testified I have been arrested once. He asked if I ever have done anything, com-

(Testimony of Peter J. Innes.)

mitted any act, any felonies, and I say that is an improper question.

Presiding Inspector: Just a minute. I ruled with you.

The Witness: I never committed any acts nor felonies, [2205] crimes, or otherwise, to my knowledge.

Presiding Inspector: All right. I think it has been sufficiently confused now in the record.

Ask the next question.

Mr. Gladstein: Would your Honor care to take the afternoon recess now?

Presiding Inspector: All right. We will take a short recess.

(Whereupon a short recess was taken.)

Presiding Inspector: All right, Mr. Gladstein.

By Mr. Gladstein:

Q. Now, the teletype that I read to you from your testimony in the Dies Committee was one that you sent from San Pedro, is that correct?

A. That is correct.

Q. And to that you received an answer from Mervin Rathborne, correct?

A. No. That was all part of the same teletype. In other words, I sent the message from that end and that came right back at the same time. It wasn't a separate answer.

Q. They were all on the same sheet?

A. Correct.

Q. But a part of that sheet represents what you

(Testimony of Peter J. Innes.)

were saying while you were in San Pedro which you were saying to San Francisco?

A. That is right. [2206]

Q. And the balance of the sheet represents what Rathborne in San Francisco was saying to you while you were in San Pedro?

A. That is correct.

Q. All right. Now, what did you do after that teletype conversation had concluded?

A. Nothing; because it wasn't definite and I couldn't call New York and tell them "Yes" or "No". So I did nothing.

Q. How long did you continue to do nothing about this?

A. Until the next day when I received a telephone call from New York wanting to know what the answer was, and I told them I hadn't received any answer from Bridges, which I hadn't received. The answer from Rathborne didn't speak for Bridges.

Q. Did you use, through the 1936 strike, the teletype arrangement between San Pedro and San Francisco pretty much?

A. Oh, yes; fairly often.

Q. When you wanted to talk with Bridges, or get in touch with him, to whom would you send your teletype message?

A. I would address it to him in his office. There was a teletype kept in his suite up there at 112 Market Street. I didn't use the Federation set-up, on Golden Hill, or Golden Gate, whatever you call it, at Sacramento and California Streets.

(Testimony of Peter J. Innes.)

Q. You say there was a teletype in Bridges' office?

A. In his suite of offices. There were three offices. [2207] I don't know, wouldn't say it was in his office; it was in part of his office. The District Council office and the ILA office were there together.

Q. Who occupied the other offices?

A. A stenographer, Rathborne and Bridges.

Q. Wasn't the teletype in San Francisco in Rathborne's office?

A. It was in the outer office. You go in the door, and the teletype was in Rathborne's portion of the suite; and the other one, the other part of the suite was occupied by Bridges. It was in the District Council office, if you want to put it that way.

Q. Do you remember the approximate date of that teletype the one we are now discussing?

A. I believe it was in the first week in December; I don't know the exact date.

Q. Then you say after that about a day or so later you got another telephone call from New York and so you came to San Francisco?

A. Not a day or so later; I got it the next day.

Q. After receiving the telephone call how long did you wait before you came to San Francisco?

A. I left immediately for San Francisco that night.

Q. And when did you arrive in San Francisco?

A. The next morning, or the next day. [2208]

(Testimony of Peter J. Innes.)

Q. Did anybody come with you?

A. The kid that was driving the car.

Q. Who was that?

A. His name was Theodore Widdows, a cadet off the California.

Q. He was then a cadet off the California?

A. Correct; he was a striker.

Q. And do you know where his residence was?

A. No; except somewhere on the east coast. I didn't know the address and don't now.

Q. Of what Union, if any, was he a member?

A. He was not a member of any Union. At that time it was not the policy of the Eastern and Gulf Sailors' Association to allow cadets to belong to the Union.

Q. Do you know whether he subsequently became a member of the Union? A. I do not.

Q. Do you know what his residence was?

A. I do not. His residence here was in San Pedro, one of the dormitories that our particular group maintained, but for his home address, I don't know where that was; except it was on the Atlantic Coast.

Q. He was one of the strikers off the California? A. That is correct.

Q. Now, you arrived in San Francisco the following [2209] morning? A. That is right.

Q. Where did you go?

A. Proceeded directly to Bridges' office. Parked the car in front there and went upstairs.

Q. Were you alone?

(Testimony of Peter J. Innes.)

A. Was I alone; — yes.

Presiding Inspector: Haven't you asked him about the meeting in Bridges' office? I thought you asked him about this since we came back from lunch.

Mr. Del Guercio: He has, your Honor.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. Let me ask you this question: After you talked about New York in Bridges' office where did you then go?

A. After I had talked—after I had received the phone call from New York?

Q. Yes. A. In his office?

Q. Yes.

A. We went outside, that is, we went to another phone.

Q. Do you know where?

A. I don't recall whether it was in the same building or next door or across the street. I know it was quite handy. It was a little cigar store, I believe, or it may have been a [2210] drug store. I am not exactly positive. It was a pay phone anyway.

Presiding Inspector: You went over this also.

Mr. Gladstein: Not the questions I want; I mean, I have talked on the subject.

Presiding Inspector: Up to this time you had covered them.

(Testimony of Peter J. Innes.)

By Mr. Gladstein:

Q. Do you know whether the call to San Francisco when you were in Bridges' office was person to person to you?

A. I do not; I never asked. In fact, I can answer that "No", it was not, because I had New York directly on the phone. Person to person I would have an operator.

Q. What is that?

A. On a person to person call the operator asks if it is so and so and you answer if it is. If it is a station to station call you have your party immediately; they talk to anybody.

Q. Well, who made the call?

A. Well, when I got on the phone McCuistion was on the phone on the other end; Rathborne answered the phone.

Q. Which end of the phone made the call?

Mr. Del Guercio: Your Honor, he has testified——

Presiding Inspector: (Interposing) Let's find out which telephone you are talking about.

By Mr. Gladstein:

Q. The one in Bridges' office; is that what you understand? [2211]

Presiding Inspector: That is before they went to the——

The Witness: (Interposing) Outside.

Presiding Inspector: Yes.

(Testimony of Peter J. Innes.)

By Mr. Gladstein:

Q. Didn't you so understand, Mr. Innes?

A. I didn't get that.

Q. Do you understand that we are now discussing the telephone——

A. (Interposing) I am discussing the call that came to me; I am not discussing any other.

Q. When you were in Mr. Bridges' office?

A. That is right.

Q. And you say that your recollection is that Rathborne answered the phone?

A. That is my recollection; it was not Bridges that answered the phone.

Q. And then after Rathborne answered the phone you were put on the phone?

A. Rathborne says "They want you on the telephone."

Q. And then you talked to McCuistion?

A. I talked to McCuistion; he was on the phone.

Q. And then you hung up after the conversation?

A. That is right. The conversation lasted probably a moment.

Q. Except for Rathborne answering the phone and you [2212] taking it over after that nobody else on your end spoke on the phone?

A. No, sir.

Q. Then, where did you go?

A. I then told Bridges that New York called and said that Tommy Ray wanted to talk to him, and we were to go to an outside telephone. Then

(Testimony of Peter J. Innes.)

we went outside to—I don't recall whether the pay phone was in 112 or next door; I am not positive exactly of the location.

Q. Did you go directly from Mr. Bridges' office to the public phone?

Mr. Del Guercio: Just a minute, if your Honor please. that has been gone over now, it seems to me, three times.

Presiding Inspector: Yes, I think at least three times, but you may have it.

A. Yes, I don't think we stopped anywhere on the way except waiting for the elevator.

By Mr. Gladstein:

Q. Do you remember where you went, where the public telephone was?

Mr. Del Guercio: I repeat the objection.

Presiding Inspector: He has told you repeatedly he didn't know if it was a drug store or——

The Witness: (Interposing) I don't recall whether it was in the building itself or next door. If I recall correctly, [2273] it is a little cigar store.

Presiding Inspector: I think he has answered that at least four times in reply to your question.

By Mr. Gladstein:

Q. All right, you went directly from Mr. Bridges' office to the public telephone?

A. That is true.

Mr. Del Guercio: That is the same thing all over again.

(Testimony of Peter J. Innes.)

Presiding Inspector: That is just what you have asked.

By Mr. Gladstein:

Q. Then, you made the telephone call to New York?

A. I did, yes; I called the number they had given me to call.

Q. Do you know how much it cost you?

A. I didn't pay for it; I sent it collect.

Q. You mean you used a public telephone and sent it collect on the other public telephone?

A. That is correct, that is correct.

Q. Yes. Now, you mentioned a little while ago that you had a suit against the National Maritime Union.

A. I have a suit against Joseph Curran as a co-defendant with the National Maritime Union.

Q. You were suing that union for libel and slander?

A. I am suing that union on nine counts of libel in conjunction with Joe Curran, for slander and libel.

Q. Are you asking for damages in that suit?

[2214] A. I am.

Q. Will you state, please, ho wmuch in damages you are requesting? A. $25,000 on each count.

Q. And there are how many counts?

A. $225,000 worth.

Presiding Inspector: That doesn't impress me particularly if the practice is the same here——

(Testimony of Peter J. Innes.)

Mr. Gladstein: (Interposing) You mean as to the request?

Presiding Inspector: Yes, as in New York. They always put the sky as the limit.

Mr. Gladstein: Oh, I understand that, your Honor.

By Mr. Gladstein:

Q. In addition to that you are also involved in other litigation concerning the National Maritime Union, aren't you?

A. I believe I was; I don't know. They brought suit against me but I have never heard anything about it since I answered it. I don't know anything about it.

Q. Didn't they bring suit against you to replevin certain materials which it was charged you had unlawfully stolen from the union? A. No.

Q. What did they charge you with?

A. They didn't charge me with stealing them. They charged me with having them unlawfully in my possession.

Q. All right. Do you know whether a judgment was ever [2215] obtained in that case?

A. I answered the subpoena, that is, my attorney answered it, and I have never heard anything about it. I don't think they even put it on the calendar.

Q. And isn't it true that in the suit that the National Maritime Union brought against you it was charged that the things unlawfully in your

(Testimony of Peter J. Innes.)

possession included minutes of meetings, letters, records of purchases and sales, books of account, sales slips, receipts, vouchers, due stubs, dues receipt books and union books, and documents?

Presiding Inspector: Just a moment. What materiality has that unless it is admitted that there was a judgment?

Mr. Gladstein: I am not able to say at this time, your Honor, whether an actual judgment was obtained.

Presiding Inspector: Then, we better not go into it until you find out. If he admits it in his answer, that will be all right.

Mr. Gladstein: It is my belief—well, I could ask him that. I am simply asking him whether he was charged with——

Presiding Inspector: (Interposing) Well, what he was charged with wouldn't make any difference. I might charge anyone with any offense.

Mr. Gladstein: Well, I will put it this way:

By Mr. Gladstein:

Q. You did have certain materials in your possession, [2216] did you not?

A. Well, you will have to tell me what you mean by "materials".

Q. Well, did you have——

Presiding Inspector: (Interposing) Papers?

The Witness: I had a twenty-year collection of Communist Party literature, if that is what they are talking about. I would like to know what he means by "materials".

(Testimony of Peter J. Innes.)

Presiding Inspector: You had papers?

The Witness: I had papers in my possession, yes, sir.

By Mr. Gladstein:

Q. Did you have letters that were connected with the Union?

A. I had letters written personally to me, yes, in which union matters might be discussed.

Q. Did you have minutes of meetings?

Mr. Del Guercio: If your Honor please, I will object to this line of questioning. Are we going to try that suit here?

Presiding Inspector: I don't know; I don't think so, but I think, I will let the witness answer.

A. Yes, I had minutes of meetings.

By Mr. Gladstein:

Q. Did you have records of purchases and sales of the union? A. I did not—— [2217]

Presiding Inspector: (Interposing) Just a moment.

According to the argument, or contention, as I surmise it, it is claimed that some illegal act was done here, some criminal act, and that might affect his credibility if it is proved. Therefore, I will allow this testimony as bearing on credibility.

Mr. Del Guercio: I assume that counsel is reading from the transcript that was filed.

Presiding Inspector: Well, I know, but the complaint itself isn't of any—that is merely a charge in a civil suit for damages, suppose.

(Testimony of Peter J. Innes.)

Mr. Gladstein: It is an affidavit.

Presiding Inspector: Or for the possession of these articles.

Mr. Gladstein: It is an affidavit to replevin certain union property.

Presiding Inspector: I will ask you for information off the record.

(Discussion off the record.)

By Mr. Gladstein:

Q. Now, the suit that you brought against the union was based on, among other things, the fact that the union had officially accused you of stealing union property, of accepting rake-offs, of accepting the highest bid when you should have accepted the lowest bid as a trusted union official, and [2218] of engaging in other activities of a similar nature; isn't that true?

A. That was one of the complaints, yes, one of many.

Q. You were prior to the time that you left the National Maritime Union occupying the position known as purchasing agent, weren't you?

A. That was one of the positions I occupied in my service in the union, yes.

Presiding Inspector: Mr. Gladstein, I don't wish you to misunderstand my ruling. I don't prevent your examining him as to the facts, but using the complaint in this as proof of the facts, that is all.

(Testimony of Peter J. Innes.)

Mr. Gladstein: I understand, I understand.

By Mr. Gladstein:

Q. Now, I think I asked you whether you had ever been a member of the Communist Party. You said "No." A. That is correct.

Q. You have never taken orders from them?

A. (No response).

Q. You have never taken orders from them?

A. You will have to explain what you mean by "taking orders from them."

Q. Have you taken orders from the Communist Party?

A. Well, you will have to explain that question.

Q. Don't you understand it? [2219]

A. No, not the way it is delivered, I don't. I have taken orders from people who are members of the Communist Party, if that is what you mean.

Q. Well, have you ever taken orders from the Communist Party in the sense that a member of the Communist Party would take and carry out their orders? A. No.

Q. You said a while ago that Mervin Rathborne was a Communist. A. That is right.

Q. You said he was a member of the Communist Party. A. That is right.

Q. You said you knew it.

A. I don't know whether I said it or not that way. You will have to have it read back.

Q. Do you know it?

(Testimony of Peter J. Innes.)

A. Do I know that he is a member of the Communist Party?

Q. Yes, sir.

A. You mean by seeing his membership book or a card or something like that?

Q. Can't you answer the question? Do you know?

A. Well, I don't know how you mean the thing. Do I know it? You mean have I seen physical proof of it?

Presiding Inspector: No; just as you would know things in [2220] ordinary life.

The Witness: Yes, as I know things in ordinary life, yes, I know it.

By Mr. Gladstein:

Q. You have knowledge of it? A. Yes.

Q. What is that knowledge? A. Well——

Q. This is first-hand knowledge now?

A. I didn't find out such a thing.

Presiding Inspector: No, any kind of knowledge.

The Witness: I asked you to explain that.

Presiding Inspector: What you would call knowledge in things of ordinary life.

The Witness: I would——

Presiding Inspector (Interposing): You know the witness asked you to explain it.

Mr. Gladstein: Well, I will put it this way.

Presiding Inspector: No, it is on the record now.

(Testimony of Peter J. Innes.)

Mr. Gladstein: I don't care what is on the record. I asked him the question do you know.

Presiding Inspector: I will stop the examination and ask the question that you asked.

How do you know it?

The Witness: I know it the same as I know that certain [2221] people are members of other groups. I know it from the fact that Mervin Rathborne has met with Roy Hudson. I know it from the fact that Mervin Rathborne takes orders from Tommy Ray when he was an official of the union, that is, Rathborne. I know it from the fact he takes orders from Roy Pyle who directs operations and who was an admitted member of the Party.

By Mr. Gladstein:

Q. You say you know it among other reason because Rathborne met with Hudson?

A. Rathborne met with Hudson and took orders from him, yes.

Q. Did you ever meet with Hudson?

A. Have I ever met Hudson?

Q. Yes.

A. I have met Hudson; certainly I have met him.

Q. Did you ever meet with Hudson?

A. I have been present, but any meetings that I was present with the hierarchy of the Party, or directors, would be—I was not allowed to participate in the discussion. I was very quickly shut up.

(Testimony of Peter J. Innes.)

Q. Well, were you present in Communist meetings with Hudson?

A. In Communist meetings? Yes, I attended one fraction meeting in 1936, in my hunting for Patrick Whelan, I walked into a Firemen's Section of the Communist Party headquarters, [2222] the first time I was ever inside of the joint and the last time, and Hudson was present, or came in during that meeting, and Tommy Ray was the Chairman of the meeting dictating as to who were to be the delegates from there to the C. P. Convention.

Q. How long were you at that meeting?

A. Well, I couldn't get out after I got in until the meeting got going. I would assume I was there an hour and a half or two hours. That is when they asked me to join the Party; I refused.

Q. Did you engage in the discussion?

A. I did not.

Q. When was that?

A. That was the early part of June 1936. To the best of my recollection it was either the last week in May or the early part of June.

Q. That was a Communist fraction meeting?

A. That was a Communist fraction meeting held on West—or East 13th Street in the C. P. headquarters.

Q. Did you ever meet with Hudson at a Communist meeting?

A. In a Communist meeting?

Q. Yes. A. No.

(Testimony of Peter J. Innes.)

Q. I mean a Communist fraction meeting?

A. Well, I don't know what you would call a fraction. [2223] I have met when the—as I stated before when the hierarchy were all together. I was, you might say, the only outsider that was present.

Q. Well, we have had testimony here, for your benefit, Mr. Innes, about meetings which are called fraction meetings, and testimony that these meetings are Communist meetings.

Now, have you, with the exception of the one you have just told us about, ever met with Roy Hudson in any fraction or Communist meeting since that time?

A. As I stated before, I don't know what you would call them. I am not that much acquainted with it. During the strike when the top shots of the Communist Party, like the meeting in Bridges' room in the Victoria Hotel, now, if you want to call that a fraction meet, I met various Communist Party members at a fraction meeting. I would call it just a place where you got your general orders and carried them out.

Q. Well, now, was Hudson there in the Victoria Hotel?

A. I don't exactly remember. I would have to give that some thought for a moment.

Q. Well, think about it.

A. I believe he came into the Victoria Hotel while we were in there.

(Testimony of Peter J. Innes.)

Q. Well, then, you would say he was at that meeting?

A. What is that? I would say he was at that meeting? That is correct. [2224]

Q. That makes two meetings you had with Hudson? A. That is right.

Q. Any others?

A. Yes; one here in San Francisco when Joe Curran was out here.

Q. When was that?

A. October, 1936.

Q. When in October?

A. Curran arrived here either October the 20th or the 21st——

Q. (Interposing): Did you have a—excuse me.

A. (Continuing): Of October. You asked me: I am trying to answer you.

Q. Excuse me. I withdraw that. Go ahead.

A. In 1936; it was either October the 20th or 21st.

Q. But you had a meeting with——

A. (Interposing): I didn't say that I had the meeting with Hudson. I said that is the date that Curran arrived here.

Q. Well, when did you have your meeting with Hudson?

A. I believe it was the next night in Mervin Rathborne's house up on Pine Street.

Q. Was it a Communist meeting?

A. In the sense that you have just defined a Communist Party meeting I would say it was.

(Testimony of Peter J. Innes.)

Q. Were you a Communist then? [2225]

A. I have stated I never belonged to the Party?

Q. Well, then, you said a little while ago that one reason, among others, that you know that Rathborne was a Communist was because he met with Hudson. Now, your meeting with Hudson in this kind of a meeting that you have described didn't make you a member of the Communist Party, did it?

A. No, because I didn't take orders from Hudson?

Q. Where is the Victoria Hotel located?

A. The Victoria Hotel is across the street from the Taft, which, I believe, is—I will tell you exactly where it is at. It is on Seventh Avenue and 52nd Street, in New York City.

Q. When were you first contacted by the FBI to testify in this case? A. In October 1940.

Q. And where did this contact occur?

A. The contact occurred at my residence.

Q. Where?

A. I don't believe I am required to give my address, except that it took place in New York.

Presiding Inspector: I don't see any harm in it.

The Witness: Well, you don't understand the Communist Party, your Honor.

Presiding Inspector: No, perhaps I don't, but I understand the rules of examining witnesses. I think you may answer. [2226]

The Witness: All right, it was on 52nd Street

(Testimony of Peter J. Innes.)

in New York City, the West side; they came to my home.

By Mr. Gladstein:

Q. What was the address, please?

A. 309 West 52nd Street. [2227]

Q. Who came? A. The agents' names?

Q. If you remember?

A. I don't think I am required to answer the agents' names except I know they were representatives of the Federal Bureau of Investigation. They identified themselves.

Presiding Inspector: If you can, you better give the name, if you know the name.

The Witness: I know the name of one of the agents.

Presiding Inspector: Well, tell us the name.

The Witness: His name was Malley, M-a-l-l-e-y.

By Mr. Gladstein:

Q. Do you recall the name of the other?

A. I do not.

Q. How long were they there?

A. I should judge probably 20 to 25 minutes.

Q. What occurred? A. They asked me——

Mr. Del Guercio: If your Honor please, what occurred with respect to what? Are we going all over again as to everything that occurred?

Presiding Inspector: Probably.

Mr. Del Guercio: Or limit it to some kind of an examination here?

Presiding Inspector: Oh, well—— [2228]

(Testimony of Peter J. Innes.)

Mr. Gladstein (Interposing): You will recall, your Honor, I introduced this line of questioning by asking the witness when he was first asked to give information concerning Bridges.

Presiding Inspector: Yes. It is about that subject?

Mr. Gladstein: It is obviously that.

By Mr. Gladstein:

Q. Didn't you so understand it, Mr. Innes?

A. Well, if that is what you claim, that is the way I will understand it, answer it.

Q. Did you or did you not so understand it?

Presiding Inspector: You understand it now?

The Witness: I understand it now, yes, your Honor.

By Mr. Gladstein:

Q. All right. Now, tell us what took place.

A. Agent Malley asked me if I was the Peter Innes that testified before the Dies Committee and I said I was, and he asked me if I knew that the Department of Justice was investigating an Alien by the name of Harry Bridges and I said I had read something of the matter in the newspaper, and he then asked me if I would be willing to go to their office and tell them anything I might know concerning Bridges, or answer their questions, and I said I was perfectly willing to go to their office, and I did that.

Q. Did they take a statement from you at that time? [2229] A. They did.

(Testimony of Peter J. Innes.)

Q. Did you sign it? A. I did.

Q. When is the next time that you met with any representatives of the FBI?

A. The day that I left New York City when I was informed by my commanding officer to report to Agent Malley at the FBI office.

Q. Now, prior to the time that you met with the FBI, outside of the testimony you gave before the Dies Committee, did you ever give any statements as to what you knew about Harry Bridges?

A. To who?

Q. To anybody?

A. Why, I might have; I don't know.

Q. Do you recall any?

A. Why, in the general course of conversation, why, I might say something about Bridges.

Q. No; I mean did you give any comprehensive statements with respect to what you claimed to know as to Bridges' political affiliations?

A. To who?

Q. To anybody? A. I don't remember.

Q. Any written statements? [2230]

A. I don't remember that either.

Q. Did you ever talk to the Immigration and Naturalization Service or representatives from it?

A. No; not until they served a subpoena on me to come out here.

Q. At the time that you were first contacted by the FBI at the New York address that you have just given were you living there alone or with anyone else? A. I was living alone.

(Testimony of Peter J. Innes.)

Q. I think you said that when Bridges went back East he went there with Merriweather?

A. I believe it was Merriweather.

Q. Who was he?

A. Merriweather was the head of the MEBA here in San Francisco, Marine Engineers Beneficial Association.

Q. And I think you said that you drove Bridges and Merriweather up to the hotel?

A. No, I didn't. I said that Bridges rode in the car with Curran and myself to the hotel; I didn't drive.

Q. Well, where did Merriweather go?

A. I don't recall whether he rode with us or whether he went on up on some other business to the MEBA office.

Q. Do you know whether Merriweather went to the same hotel that Bridges went to?

A. That is something I couldn't answer except I know [2231] that the day we left for Baltimore or the day we left for Boston and Baltimore that Merriweather was in the room when I arrived there. Whether he was living there or not I don't know.

Q. In the Victoria Hotel?

A. In the Victoria, that is correct.

Q. In whose room was that now?

A. It was the room that Bridges had, but whether Merriweather was living at the hotel or living with Bridges, I don't know.

(Testimony of Peter J. Innes.)

Q. Were you present when Bridges registered at the hotel?

A. I think I stayed outside to talk to the two bodyguards that men—that were uptown or—yes, they came to the place and I talked to them. That was Walter Carney and Bill Cunningham. They were to be assigned to Bridges.

Q. Now, you mentioned this morning that one of the things that you discussed in the teletype system with the East, with —New York, was the question of expenses. Will you elaborate on that a little bit, Mr. Innes, and tell us how that happened to come up and what you did about it?

A. I never made no such testimony here.

Q. I mean expenses for Bridges' trip to Madison Square Garden?

A. I never made any such testimony here that I teletyped [2232] or communicated on the teletype with New York concerning Bridges' expenses.

Q. Did you have anything to do with that at all?

A. I said I never made any such testimony here.

Q. Let me ask you this: Did you do anything or commit any act of any kind in connection with arranging for obtaining expenses for the trip that Bridges was to take to the Madison Square Garden?

Presiding Inspector: In advance, you mean?

Mr. Gladstein: Yes.

A. From Frisco to New York?

Mr. Gladstein: From any place?

A. I paid his expenses from New York to Boston by plane and I paid his expenses from New York to

(Testimony of Peter J. Innes.)

Baltimore by train. That is the only arrangements I made concerning his expenses. I paid it out of strike fund money that I had with me.

Presiding Inspector: I don't think Mr. Gladstein is asking you about that.

By Mr. Gladstein:

Q. I am asking you now, Mr. Innes, about the question of expenses before Bridges left the West Coast.

A. I had nothing to do with his leaving the West Coast. As I stated before I could not, or I did not make the arrangements for him to leave here to go to go to New York. [2233]

By Mr. Gladstein:

Q. I want to know now whether you ever communicated with New York, anyone in New York, communicated in any form prior to Bridges leaving San Francisco for the Madison Square Garden meeting on the subject of Bridges' expenses and how they would be met?

A. All I know is what I communicated by teletype to Mervin Rathborne in New York City that they would pay his expenses. Aside from that I didn't know a thing about it. I had nothing to do with it; I made no arrangements and I don't know.

Q. Where you when you delivered that communication to Rathborne?

A. The teletype says San Pedro and I sent it from there; I assume that I was there.

(Testimony of Peter J. Innes.)

Q. Where was Rathborne when you sent that message to him?

A. Well, he got it in San Francisco. He may have been over in Oakland; I don't know.

Q. And do you recall what the subject of that was, what it said?

Presiding Inspector: We have been all over that.

A. You read it to me out of the record there.

Presiding Inspector: Haven't we been all over that?

Mr. Gladstein: I don't know if I have. [2234]

The Witness: You read it out of the Dies Committee report.

Presiding Inspetor: You read the teletype.

By Mr. Gladstein:

Q. Now, Mr. Innes, some of the things which the National Maritime Union was attempting to replevin from you in the suit brought against you were letters and other written documents which you had obtained from the apartment of Joe Curran; isn't that right?

Mr. Del Guercio: Now, if your Honor please, that has been gone over before.

Mr. Gladstein: Not that way.

Presiding Inspector: I don't think quite that way. It has been rather——

Mr. Del Guercio: (Interposing) In a little different form.

Presiding Inspector: I will allow it.

(Testimony of Peter J. Innes.)

A. I wouldn't say that. The bill of complaint didn't mention Joe Curran's apartment.

By Mr. Gladstein:

Q. Did you have in your possession letters or other documents which you had obtained from the apartment of Joe Curran?

A. When?

Q. At the time that you were sued?

Mr. Del Guercio: Now, just a minute, please. [2235]

Your Honor I want to know if counsel here was reading from the complaint at the time——

Presiding Inspector: (Interposing) Well, he can't use the complaint.

Mr. Del Guercio: I beg your pardon?

Presiding Inspector: He can't use it. As I understand, he is not now using the complaint.

Mr. Del Guercio: He says the complaint mentions —Joe Curran's name, he took something from Joe Curran's apartment.

Presiding Inspector: Didn't the witness say that Joe Curran's name was not mentioned in the complaint?

The Witness: That is right, sir.

Presiding Inspector: The witness said that.

Mr. Gladstein: I don't know. I still have a question that I am asking. Would you hear the question?

Presiding Inspector: Certainly, I will hear the question.

(Testimony of Peter J. Innes.)

The Witness: When are you talking about?

Presiding Inspector: Now, wait; let's get the question: Let's hear the question.

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: I will allow it.

The Witness; You say Joe Curran's apartment or otherwise? Am I correct there, Mr. Gladstein?

[2236]

Mr. Gladstein: Yes, sir.

Presiding Inspector: Did you have letters or documents which you obtained from the apartment of Joe Curran and did you have them in your possession?

The Witness: At the time I was served——

Presiding Inspector: (Interposing) At the time suit was brought?

The Witness: At the time suit was brought?

Presiding Inspector: I don't know why that is particularly material.

The Witness: No, I didn't have them in my possession at the time the suit was brought.

By Mr. Gladstein:

Q. Had you previously had them in your possession?

A. Documents that had formerly been in Joe Curran's apartment?

Q. Yes. A. Yes, sir.

Q. Did you dispose of those documents?

A. No.

Q. Did you give them to somebody?

(Testimony of Peter J. Innes.)

A. No.

Q. Well, you say that at one time they were in your possession, that thereafter they were not?

A. They were not at the time the suit was brought; that is what you asked me. [2237]

Q. All right. Will you explain the circumstances under which you gave up possession of those documents?

A. I didn't give up possession. They were in the safe deposit box.

Q. Where was the safe deposit box?

A. I refuse to answer that on the grounds I have a suit pending in New York which the Court will decide, whether or not I have to surrender those documents.

Q. Was this a safe deposit box which you had arranged for your safe keeping of the documents?

A. That is correct. [2238]

Q. Is it correct then that since the date that you obtained these letters and documents, whatever they were, from Joe Curran's apartment they have always been either in your possession or in the place where you had then stored? A. No.

Q. At any time have they been in somebody else's possession? A. Correct.

Q. Whose?

A. They were in the possession of the Dies Committee.

Q. Who delivered them to the Dies Committee?

A. I believe Jerry King or Ralph Emerson did.

Q. How was that arranged?

(Testimony of Peter J. Innes.)

A. That was arranged when they asked me if they could have the use of them for the Dies Committee, and I told them "Absolutely."

Q. Can you describe in a general way what these documents and letters were?

A. Yes. You mean the ones from Joe Curran's apartment.

Q. Yes.

A. They were original copies of the reports that I had made to Joseph Curran while I was on the Pacific Coast. He had ordered Carney and myself to go up to his apartment and destroy the financial records of the strike, and in the course [2239] of destroying those records I came across these original reports that I had made and, as I had the carbon copies, I put the originals in my pocket, and still have them. I didn't burn them up with the financial records.

Q. You were asked by him to go up and destroy those things? A. By Curran?

Q. Yes.

A. We were told to go up and burn them up.

Q. And instead of which you took them?

A. I didn't take the financial records. I destroyed them.

Q. But you——

A. (Interposing) As long as the original reports were of no value to him, and he wanted them burned up, I put them with my carbon copies and still have them.

Q. Instead of which you took them, correct?

(Testimony of Peter J. Innes.)

A. Yes, I took them.

Q. Is it your testimony that the only thing that you took were the originals of the reports and letters that you had sent to Curran?

A. That is correct.

Mr. Del Guercio: Just a minute.

Presiding Inspector: He said "Yes."

Mr. Del Guercio: That has been asked and answered. [2240]

The Witness: That is all I took.

Mr. Del Guercio: Wait until the Court rules.

Presiding Inspector: I will allow it. He said that was all he took from that place.

By Mr. Gladstein:

Q. That was from Joe Curran's apartment?

A. Yes; it was a furnished room.

Q. You didn't take any financial or strike records, or Union records, from there?

A. No, sir.

Q. Did you take any financial or strike, or union records from any other place?

A. No, sir.

Q. From the Union itself?

A. No, sir.

Q. Would it be correct to say that you have never supplied to Jerry King, or Emerson, or William McCuistion, or anybody else, any Union records, or strike records, or financial records of the NMU or the Marine Firemen?

A. NMU or the Marine Firemen?

(Testimony of Peter J. Innes.)

Q. That is right.

A. You say Union records? I want to get it straight now before I answer it.

I will have to have you say that again.

Mr. Gladstein: Read the question. [2241]

Presiding —Inspector: Read the question.

(The question referred to was read by the reporter as above recorded.)

Mr. Del Guercio: I think the question is too confusing.

Presiding Inspector: If the witness understands it he may answer.

A. The answer is "No." I never supplied any Union records. —

By Mr. Gladstein:

Q. Mr. Innes, could you, in a brief way, state what your attitude is toward the Communist Party?

Mr. Del Guercio: If your Honor please, I submit that question is improper. The witness here has testified he never belonged to the Communist Party. It isn't an issue here as to what he believes about the Communist Party.

Mr. Gladstein: It is material.

Presiding Inspector: It it?

Mr. Gladstein: I think it is.

Presiding Inspector. It might possibly have some bearing on his credibility or bias.

"Yes" or "no", can you state in a word what your attitude is toward the Communist Party?

The Witness: Can I state it?

(Testimony of Peter J. Innes.)

Presiding Inspector: Yes. Just a minute. Are you asking me. I am asking you whether you can state it, whether you are able [2242] to state it.

The Witness: Well, I am able to state my opinino of the Communist Party but——

Presiding Inspector: Are you interested in his opinion?

Mr. Gladstein: Yes.

Presiding Inspector: Do you want it?

Mr. Gladstein: Sure.

Mr. Del Guercio: If your Honor please, I don't believe that the witness' opinion of the Communist Party is proper.

Presiding Inspector: It is his attitude and I suppose it is based on his opinion.

Mr. Del Guercio: Do we want to get into his opinion of the Communist Party?

Presiding Inspector: Well, his opinion of it might be one of love and friendship, or maybe to the contrary. On the other hand, it might be one of indifference. If he can state it we will take it.

A. I think that anybody who belongs to the Communist Party, that Congress ought to vote an appropriation and an escort and send them to Russia where they can do what they want—that is my opinion.

Presiding Inspector: That is quite definite.

By Mr. Gladstein:

Q. Did you think the same thing during 1936?

A. The latter part of 1936, yes; and the early part of [2243] 1936 I had formed no opinion except

(Testimony of Peter J. Innes.)

I stated I would not join the Party because I didn't believe in its policies or polities.

Q. Can you state in a general and brief way what your attitude is towards Harry Bridges?

A. I got nothing against Harry Bridges. In fact, I think I still owe him twenty bucks that he loaned me.

Presiding Inspector: Does that generate hostility?

The Witness: I don't think so.

By Mr. Gladstein:

Q. What attitude do you have concerning his policies in the trade union movement?

A. I don't think, as I am not a member, or ever was a member of his union, I can state my attitude toward his policies in his union.

Q. That is the only reason that you feel you are disqualified, because you have never been a longshoreman?

A. I am not qualified to answer statements as to policies in the ILWU because I never belonged to it.

Q. I am asking you what your attitude is concerning his policies in so far as they affect the labor movement?

A. At the present day?

Q. Today, or at any time heretofore.

A. Well, at one time I used to think his policies were all right, but starting in 1936 I didn't agree

(Testimony of Peter J. Innes.)

with him any more; and I still don't agree with his policies regarding the labor [2244] movement today.

Q. Has this disagreement been pretty continuous since the time it began? A. Yes.

Q. You think his policies are bad for the labor movement.

A. I think I just expressed that opinion.

Q. That is what you meant to say?

A. That is right.

Q. Do you think he ought to be deported?

A. I refuse to answer that. That is not for me to decide.

Mr. Gladstein: I think I should have an answer to that question.

Mr. Del Guercio: I think the answer is clear enough.

Presiding Inspector: I don't think that is quite proper. You have asked whether he has any hostility. I do not think he should form a judgment as to——

Mr. Gladstein: I will put it this way, your Honor.

By Mr. Gladstein:

Q. Do you think that the labor movement in America would be better off if Bridges were out of the country?

Mr. Del Guercio: I object to that question, if your Honor please.

Mr. Gladstein: It goes to the question of his attitude, [2245] the attitude of the witness.

Presiding Inspector: He has expressed it pretty fully, hasn't he?

(Testimony of Peter J. Innes.)

Mr. Gladstein: But he hasn't answered the question, and if he can answer I think I am entitled to the answer.

Presiding Inspector: Just a moment. Let me think about it.

I really don't think it has much bearing.

Mr. Gladstein: Why?

Presiding Inspector: If you really want to know this witness' attitude in this respect I think I will let him state it.

Mr. Del Guercio: May I be heard?

Presiding Inspector: I do not think it is necessary for you to be heard.

Mr. Del Guercio: You don't?

Presiding Inspector: No.

The Witness: May I have the question again, please?

Presiding Inspector: The question is this: Do you think the labor movement would be improved by the removal of Mr. Bridges from the country?

A. I will answer, but I want it understood, with qualifications that, as I have stated before, I have no personal animosity toward Bridges, but I think the Country and the labor movement as a whole—if it is proven to this Board that what I [2246] contend is correct—that the country would be better off without him.

Presiding Inspector: That is your answer.

Mr. Gladstein: That is what I thought the answer would be and I wanted it.

Mr. Del Guercio: Are you disappointed.

(Testimony of Peter J. Innes.)

Mr. Gladstein: I don't feel disappointed.

Your Honor, there are some things that I would like to have an opportunity to check on this witness. He was put on late this morning. He comes from New York City. We have not had an opportunity to check on this witness. While I will not say that he is a surprise witness——

Presiding Inspector: I wouldn't think so.

Mr. Gladstein: No—nevertheless, we would like, in view of the testimony that he gave today, to have an opportunity to study the transcript and make a check, and we would like to have him remain over until Monday morning.

Mr. Del Guercio: If the Court please, I object strenuously to that procedure. The witness is here. Counsel has admitted that he has not been taken by surprise. They have a lot of records and apparently had everything that they thought they wanted here concerning this witness, and to make this claim now I believe is unreasonable.

Presiding Inspector: I will treat their witnesses when you ask, if you do, in the same way. [2247]

Mr. Del Guercio: I object on the further ground——

Presiding Inspector: We will go on tomorrow morning and you can finish the examination tomorrow morning.

Mr. Gladstein: I doubt, if your Honor please, whether between now and tomorrow morning we will get the information we want. You remember this witness comes from New York.

(Testimony of Peter J. Innes.)

Presiding Inspector: I know. There is a teletype between here and New York.

Mr. Gladstein: Yes.

Presiding Inspector: How long have you been in the Army?

The Witness: I have been in the Army since February, your Honor, and I am under orders to report back in time to go to Washington the first of the month.

Mr. Gladstein: When, the first of the month?

The Witness: I have to be in Washington.

Mr. Gladstein: He will certainly be back by that time. You, no doubt, were released to come out here and stay during the hearing, whatever time was necessary, under Court orders?

The Witness: I was detached to come here to answer a subpoena. At the same time there was a set of orders made out the early part of the month for me to go to Washington.

Mr. Gladstein: If he was released to testify here I suppose it was with the understanding that he——

Presiding Inspector: I think you had better keep him over until Monday morning. [2248]

We will now take a recess until Monday morning at ten o'clock.

(Whereupon, at 4:05 P. M. an adjournment was taken until Monday, April 28, 1941, at 10:00 A. M.) [2249]

Court Room 276,
Federal Building,
San Francisco, California,
April 28, 1941.

Met, pursuant to adjournment, at 10:00 A. M.

[2250]

PROCEEDINGS

Presiding Inspector: Mr. Del Guercio, will you call back the witness.

Mr. Del Guercio: Mr. Innes is here.

Mr. Gladstein: Take the stand, please.

In connection with Mr. Innes, we have no new subjects——

Presiding Inspector: Pardon?

Mr. Gladstein: (Continuing) ——we have no subjects, no new subjects to which we want to inquire, but there are a few places in the record that we would like to have clarified. The questions will be very brief.

Presiding Inspector: Very well.

PETER J. INNES

called as a witness on behalf of the Government, having been previously duly sworn, testified further as follows:

Cross Examination (Resumed)

By Mr. Gladstein:

Q. You mentioned in your testimony that when you first came to the west coast you met Mr. King. You had reference to Earl King?

(Testimony of Peter J. Innes.)

A. Yes, Earl King, Secretary of the Firemen's Union.

Q. And he introduced you to Mr. Schmidt, Mr. Rathborne, Mr. O'Neil and Mr. Bridges?

A. In the course of the week that I saw him, before he was arrested, he introduced me to various people on the coast [2251] here.

Q. What were the Union positions, or in what connection were the men whose names have just been mentioned, connected with the trade union movement on the West Coast?

A. Well, at that particular time, as I stated, King was Secretary of the Firemen's Union. I don't recollect exactly the position that Henry Schmidt held, except he was connected with the ILA in some capacity. Rathborne was Secretary of District Council No. 4 of the Federation of the Pacific. Mr. Bridges was President of the ILA out here, of course. Gene Burke was Secretary or Treasurer of the Cooks and Stewards.

Aside from that I don't quite get what you are driving at.

Q. You omitted Mr. O'Neill. What was his position? A. Jim O'Neill?

Q. Yes?

A. He was a member of the Negotiating Committee of the Firemen's Union.

Q. All right. Now, when you left for New York how did you go, by plane, train or auto?

A. You mean the trip in December?

Q. To the Madison Square Garden meeting.

(Testimony of Peter J. Innes.)

A. I went by train.

Q. Do you remember when you left?

A. Well, I know I got—I think it was the Golden State Limited, I believe it was, out of Los Angeles and it was [2252] the train that arrived in New York on December 13th.

Presiding Inspector: That was Sunday?

The Witness: Yes, sir; Sunday, December the 13th.

By Mr. Gladstein:

Q. Now, I just want to sumarize this and see if this is correct. Is it a correct summary of your testimony that after you got to New York at this Victoria Hotel gathering Mr. Bridges' itinerary or tour was arranged and that he was to go to Philadelphia, Boston and Baltimore as well as to speak in New York.

Mr. Del Guercio: Just a minute! I object to that, if your Honor please. I object to the form of the question summarizing the evidence.

Presiding Inspector: Well, I suppose—is this just the end?

Mr. Gladstein: That is all. I want a summary on that to see if that is correct.

Mr. Del Guercio: He has already testified concerning the matter.

Presiding Inspector: I don't think it will harm just to take this question.

A. Do I understand the question to be if that is the itinerary that was laid out?

(Testimony of Peter J. Innes.)

By Mr. Gladstein:

Q. I don't mean in order.

A. No, but if that was the itinerary that was laid out? [2253]

Q. Yes. A. That is correct.

Q. All right. Now, you mentioned that Mr. Bridges received some four or five hundred dollars. Do you recall that testimony?

A. After the Madison Square Garden meeting?

Q. That is what you meant, is it? That is what you meant?

A. That after the meeting he received four or five hundred dollars?

Q. Yes. A. That is correct.

Q. What was that money for?

A. It was supposed to be to pay his expenses, or that was in payment of his expenses from the Pacific Coast along the Atlantic and back to the Pacific.

Q. That would include traveling expenses?

A. I would assume as much.

Q. Had there been open disagreement between you and some of the leaders in the West Coast Unions beginning some time in November, 1936, concerning your policy of handling the East Coast strikers who were in San Pedro?

Mr. Del Guercio: Just a minute! I object to that question, your Honor.

Presiding Inspector: This is new matter.

Mr. Del Guercio: Being irrelevant and immaterial to [2254] the issues in this case.

(Testimony of Peter J. Innes.)

Mr. Gladstein: I don't see how it could be irrelevant and immaterial. It would definitely go to credibility. I think this is a preliminary question which within a question or two will clearly reveal its materiality.

Presiding Inspector: I don't see it at present but, as you say, it is preliminary. I will let you have it.

Mr. Gladstein: Thank you.

Presiding Inspector: On your statement, subject to a motion to strike out.

By Mr. Gladstein:

Q. You want the question read?

A. No. I think you asked me if there had been open disagreement between me and various West Coast leaders early in November due to my policy in handling the East Coast strikers.

Presiding Inspector: No, in November.

By Mr. Gladstein:

Q. In late November. Some time in November, let us put it.

A. With qualifications, yes. The disagreement was not open. The disagreement that I had with the various leaders on the Pacific Coast took place at strategy meetings, but it was not open where it would appear to the strikers.

Q. Now, isn't it a fact that at a meeting of San Francisco District Council of the Maritime Federation you had an [2255] open split on the question of whether your were going to tie up certain ships?

A. When did this take place?

(Testimony of Peter J. Innes.)

Q. Some time in November 1936 or earlier.

A. I don't recollect.

Q. Did I understand you to say that you paid the fare for Bridges in one or more of his trips when he was in the east to——

Mr. Del Guercio: (Interposing) Just a minute!

Mr. Gladstein: I haven't finished yet.

Mr. Del Guercio: I move to strike the questions and answers regarding the witness' disagreement.

Presiding Inspector: I don't see that it has the slightest materiality so far.

Mr. Gladstein: Does your Honor wish to hear argument on the motion to strike?

Presiding Inspector: Well, I would like to know why it is material.

Mr. Gladstein: All right. I will tell you why. It is apparent from the witness' answer, first, that there had been some disagreement in November, 1936; secondly, that he doesn't recall, but we will prove that he was practically thrown out of the meeting in November 1936——

Presiding Inspector: (Interposing) I am not sure that you will prove that. You might offer to prove it. Whether [2256] you prove it is another matter.

Mr. Gladstein: We will offer to prove that he was almost thrown out of a meeting in November, 1936 because of his disagreement with policy. In view of such disagreements we are going to ask your Honor to weigh the testimony of this witness as to the extremely confidential types of telephone

(Testimony of Peter J. Innes.)

and other types of communications that he claims to have participated in, and for that reason it is material.

Presiding Inspector: I still don't see any pertinency to it.

Mr. Gladstein: Well, if your Honor please, if I have an open disagreement with Mr. Del Guercio and he and I are obviously hostile to each other on Union or other types of policy, the question is whether it is credible that I would allow Mr. Del Guercio to participate in alleged confidential phone communications to which I am supposed to be a party. That is the question.

Presiding Inspector: You would have to go much farther than you have gone to show that.

Mr. Gladstein: The witness says he has no recollection.

Mr. Del Guercio: That doesn't prove anything, if your Honor please.

Presiding Inspector: That doesn't show that there is anything at all.

Mr. Gladstein: But why should it be stricken out in [2257] view of the fact that we are entitled to an opportunity to establish the thing that the witness says he has no recollection about?

Presiding Inspector: I am just not sure that it is competent to show it by any means.

Mr. Gladstein: It is a question of showing hostility or violence.

Presiding Inspector: Suppose there is hostility? What difference does it make?

(Testimony of Peter J. Innes.)

Mr. Gladstein: Is your Honor inferring that if the witness is hostile it doesn't make any difference what the question is?

Presiding Inspector: I will answer that when you put it in a courteous way.

Mr. Gladstein: I am sorry. I mean to be courteous.

Presiding Inspector: It didn't sound courteous.

Mr. Gladstein: I will withdraw the tone of the remark. But isn't the hostility of the witness to be taken into consideration by the Presiding Magistrate?

Presiding Inspector: To certain bodies, certainly, but in this Union undoubtedly there would be disagreement with different people. You might say to the other people, Didn't they agree with this witness? "Didn't you disagree violently with this witness?" What does it all amount to? You have got to go farther. [2258]

Mr. Gladstein: How much farther would your Honor say I would have to go?

Presiding Inspector: I don't know how much farther.

Mr. Gladstein: I don't know what, in addition, you have to show on that, your Honor.

Presiding Inspector: I don't think it makes any difference. We will let it stand. So far the testimony, in my judgment, doesn't amount to anything. So far, you understand?

Mr. Gladstein: I understand.

I think I propounded a question, or started a

(Testimony of Peter J. Innes.)

question, to which there was no answer. I will withdraw that question and put it another way.

By Mr. Gladstein:

Q. When you were in the east did you pay any of the fare or expenses of Mr. Bridges on any of his itinerary? A. I did.

Q. When, and which ones, please?

A. I paid the plane fare for him and Joe Curran and myself to Boston, Massachusetts.

Q. From where to Boston?

A. From New York to Boston.

Q. All right.

A. I paid the expenses of the auto from Boston to New [2259] York. I paid the railroad fare from New York to Baltimore.

Q. From whom did you get the money, if anyone?

A. I had, when I left the Pacific Coast, $300. That was voted to me by the strikers in San Pedro to pay my expenses, and upon my return I think I returned something like $60 or $70 left out of it.

Q. Would it be correct to say that the expenses or fare that you paid for Mr. Bridges came out of the $300 that was voted by the strike committee into your possession or custody?

A. Let us get this straight. The strike committee in San Pedro that I am talking about was the east coast strike committee—it was not the strike committe of the Port of San Pedro—and it was their money. The expenses that I paid for Bridges came out of East Coast money from San Pedro.

(Testimony of Peter J. Innes.)

Q. That is, East Coast Seamen?

A. That is correct.

Q. And that money covered what, both your expenses and the fare or expense that you paid for Bridges?

A. No; that money was voted for my expenses and out of it, because the east coast strike committee was broke and couldn't advance the money to pay Bridges' expenses on the Atlantic Coast, that is, touring expenses, I paid for it.

Q. Now, I will ask you one more question. On page 8076, [2260] at the bottom of the page, of Volume 13, of the Dies Committee reports, that begins a question, which I would like to read to you, together with the answer and one or two questions thereafter, and I will simply ask you whether you gave this testimony:

"Mr. Lynch: Refreshing your recollection, Mr. Innes, with regard to telegrams and correspondence, who controlled the orders and outlined the demands which would be made for the east coast strikers?

"Mr. Innes: The demands for east coast strikers, the policy, was outlined in Bridges' office in San Francisco between Mervin Rathborne, Bridges and myself, and was transmitted to New York.

"Mr. Lynch: By telephone?

"Mr. Innes: By telegram and teletype both, and by telephone.

"Mr. Lynch: And was the arrangement for Bridges to go to New York also made by telegram and teletype?

(Testimony of Peter J. Innes.)

"Mr. Innes: Teletype."

Were those questions asked of you and those answers given by you before the Dies Committee?

A. That is correct.

Mr. Gladstein: I believe that is all, your Honor.

Presiding Inspector: Mr. Del Guercio? [2261]

Redirect Examination

By Mr. Del Guercio:

Q. Mr. Innes, you mentioned Jim O'Neil as being one of the persons to whom you were introduced by Earl King upon your arrival on the west coast. What Jim O'Neil is that? What position did he occupy?

A. The Jim O'Neil that I have in mind was a member of the Negotiating Committee of the Marine Firemen's Union and a member of that Union.

Q. Was he the Jim O'Neil that was employed as Publicity Director for the CIO in Bridges' office?

A. I wouldn't know. The Jim O'Neil that I am talking about is a great big, tall, thin fellow.

Q. Now, this testimony given before the Dies Committee, that counsel has just read to you, did anyone ask you, anyone on the Dies Committee ask you whether you had had a telephone conversation from New York regarding Bridges?

A. No. If they asked me it I would have answered it.

Mr. Del Guercio: That is all.

Mr. Gladstein: That is all.

Presiding Inspector: That is all.

(Witness excused.)

Mr. Del Guercio: Mr. O'Neil.

Presiding Inspector: Raise your right hand.

[2262]

JAMES D. O'NEIL

called as a witness on behalf of the Government, having been first duly sworn, testified as follows:

Presiding Inspector: Give your name and address to the reporter.

The Witness: James D. O'Neil—O-'-N-e-i-l.

Direct Examination

By Mr. Del Guercio:

Q. Where do you reside, Mr. O'Neil?

A. 1275 Washington Street.

Q. Mr. O'Neil, a subpoena was served upon you on April 19, 1941, here in San Francisco to appear as a witness in this case the following morning, is that a fact?

A. I believe there were two subpoenas served on me.

Q. The first one——

A. (Interposing) The first one was to appear at 311 Sutter Street, if I am not mistaken.

Q. Were you told to appear in court the next morning?

A. I believe I was supposed to come in court.

Q. Did you appear? A. No, sir, I did not.

Q. And a second subpoena was served upon you some time later, on April 23, 1941, was it not?

A. It was.

(Testimony of James D. O'Neil.)

Q. To appear at this Court here on the same day? [2263]

A. To appear in Judge Louderback's court.

Q. No. I show you—you refused to accept service of that subpoena, did you not?

Mr. Gladstein: May we interrupt to ask whether counsel has the subpoenas?

Mr. Del Guercio: I have a copy.

Mr. Gladstein: May we see the first one you already referred to, Mr. Del Guercio?

(The document referred to was passed to Mr. Gladstein.)

Presiding Inspector: I don't exactly understand the purpose of this.

Mr. Del Guercio: To show that this witness here is a hostile witness.

Presiding Inspector: That doesn't show it. He may not be hostile when it comes to testimony.

Mr. Gladstein: I think the record should show that the first subpoena, that Mr. Del Guercio called the first subpoena, the one he handed to me when I asked for the first subpoena, though dated April 19, 1941, appears to have a service of that subpoena accepted on the 22nd day of April, 1941, and that subpoena does not say anything about appearing in court. That subpoena says that Mr. James D. O'Neil is required to attend at room 1729, 111 Sutter Street, San Francisco, California.

Now, I question whether this is a subpoena. I didn't understand that any hearing of this matter

(Testimony of James D. O'Neil.)

was taking place [2264] in room 1729 at 111 Sutter Street.

Presiding Inspector: I don't know anything about it.

Mr. Del Guercio: I don't want to give counsel here an opportunity to use this Court as a forum every time he stands up here to make a speech. If he had paid any attention to what I said he would have noted that I said I had told the witness to appear here in court at the time the subpoena was served.

Mr. Gladstein: That doesn't make it a subpoena, your Honor.

Mr. Grossman: Your Honor, if Mr. Del Guercio is to be permitted to use the term "subpoena" in asking these questions we request a legal ruling as to whether an order from the FBI to appear at the FBI offices is a subpoena; otherwise Mr. Del Guercio is misrepresenting the facts and is not entitled to ask the witness such questions.

Presiding Inspector: It doesn't, by calling it a subpoena, make it so. He merely refers to the document.

Mr. Grossman: He should refer to it as a document. The witness is not required to answer a question about a subpoena if there is no subpoena. Your Honor has corrected us in the past many times on the basis that we had misrepresented a document or a fact to a witness in a question.

Mr. Del Guercio: Are you saying that I have misrepresented the document? [2265]

(Testimony of James D. O'Neil.)

Presiding Inspector: Just a minute—let me run this.

Mr. Grossman: All I am saying is that we don't know whether this is a subpoena or not. We think it isn't. We would like a ruling by your Honor if Mr. Del Guercio is to continue using the word "subpoena" in his questions.

Presiding Inspector: We will have it marked for identification. Mark the instrument for identification.

Mr. Del Guercio: I will offer at this time for identification a subpoena issued April 19, 1941, and served upon this witness April 22, 1941, in San Francisco.

(The document referred to was marked for identification as Government Exhibit No. 254.)

Presiding Inspector: I want to say to Mr. Grossman that—I do not remember exactly his language that he used stating, in effect, that I had charged you with introducing deceptive matter, or something of that kind. I never made that charge.

Mr. Grossman: I didn't say quite that.

Presiding Inspector: What I meant was I thought the questions were ambiguous and they had implications, which may have been very natural to you, but which I thought the witness should be warned against. I have made no charge, or accusation, and I don't want you to understand anything of that kind.

Mr. Gladstein: We understand that. But I think what Mr. Grossman had in mind, and ex-

(Testimony of James D. O'Neil.)

tainly I make this mention now, [2266] is that you have on several occasions pointed out to us the duty of counsel not to use language that was deceiving a witness. I think you have appropriately done that.

Presiding Inspector: Certainly I have.

Mr. Gladstein: Yes. And we have tried to comply with that admonition. But that is precisely what we are pointing out now; that when Mr. Del Guercio calls this document a subpoena, about which we, as lawyers, have very grave doubt as to whether it is entitled to that title at all, but if he is permitted to use the title "subpoena" to a layman, a lay witness, that witness doesn't know, probably, what it is, and that is the reason we raise the question.

Presiding Inspector: We now have the instrument marked for identification. Whatever Mr. Del Guercio does it doesn't make it anything different from what it is.

I think the witness understands?

The Witness: Yes, sir.

Presiding Inspector: There is no implication as yet as to whether or not it was, it had any compelling force; the only matter was that this instrument was served on the witness. [2267]

Mr. Del Guercio: I called it a "subpoena" if your Honor please, and I still call it a "subpoena." In that connection I will read from Section 16 of the Immigration Act of 1917. That is 8 U.S.C.A. 172:

(Testimony of James D. O'Neil.)

"Said Inspector shall have the power to administer oaths and to take and consider evidence touching the right of any alien to enter, re-enter, pass through or reside in the United States, and where such action may be necessary to make a written record of such evidence and any person to whom such an oath had been administered under the provisions of this Act who shall knowingly or wilfully give false evidence or swear to any false statement in any way affecting or in relation to the right of an alien to admission or readmission to or pass through or reside in the United States shall be deemed guilty of perjury and shall be punished as provided by Section 100," and so forth.

"All aliens coming to the United States shall be required to . . ." I shall skip that portion of it. Continuing:

"Any Commissioner of Immigration and Naturalization or Inspector here in charge shall also have power to require by subpoena the attendance and testimony of witnesses before said Inspectors and the production of books, papers, documents touching the right of any alien to enter, re-enter, reside in or pass through the United States." . . .

Now, I submit that there is nothing in the Act that re- [2268] quires us to subpoena a witness in relation to the right of any alien to be in the United States at any particular place or time, but any place that we, the issuing officer, may designate.

Presiding Inspector: I am not going to rule on

(Testimony of James D. O'Neil.)

this because I don't think it is properly before me to rule upon.

Mr. Gladstein: May I call your Honor's attention——

Presiding Inspector: (Interposing) We will have this understanding: That when you mention this as a "subpoena" you refer to the instrument which has now been introduced for identification.

Mr. Gladstein: All right.

By Mr. Del Guercio:

Q. Now, Mr. O'Neil,——

Presiding Inspector: (Interposing) As to that instrument. There may be others.

By Mr. Del Guercio:

Q. (Continuing) ——you were directed by——

Presiding Inspector: (Interposing) Of course, I should think the orderly way to do *it to* examine him, not as to whether or not he obeyed the subpoena or not, but take his testimony. I don't know what object this has except to affect his credibility adversely.

Mr. Del Guercio: Well, I will proceed then.

[2269]

Presiding Inspector: It may be necessary, if he proves to be hostile, when we come to it. But he hasn't shown himself to be hostile yet.

By Mr. Del Guercio:

Q. Have you ever been a member of——

Presiding Inspector: (Interposing) I mean by testimony.

(Testimony of James D. O'Neil.)

Mr. Del Guercio: Yes.

By Mr. Del Guercio:

Q. Have you ever been a member of the Communist Party, Mr. O'Neil?

A. No, sir; I have not.

Q. Have you attended Communist Party meetings? A. No, sir.

Q. Never? A. Never.

Q. At any time? A. At any time.

Q. And you have never been a member of the Communist Party at any time or place?

A. No, sir.

Q. By the "Communist Party," of course, I mean the Communist Party of the U. S. A. Is that what you understand?

A. I understand so, yes.

Q. Have you ever been a member of any organization [2270] associated with or affiliated with the Communist Party of the U.S.A.?

A. No, sir

Mr. Grossman: Just a moment! I am going to object to that question in so far as it uses the word "associated," which is a word which is ambiguous and vague and has no meaning to this case.

Presiding Inspector: Well, he answered it in the negative.

By Mr. Del Guercio:

Q. Did you join the Communist Party in December of 1936 at the instance of Dave Craig?

A. I did not.

(Testimony of James D. O'Neil.)

Q. Do you know Dave Craig?

A. I know him, yes.

Q. Who is Dave Craig?

A. He was my landlord at the first house where I had a room when I came to San Francisco.

Q. When did you first meet Dave Craig?

A. I believe we first met in San Bernardino.

Q. When?

A. I couldn't say exactly when. If I am not mistaken, it was in the summer time either that year or the year previous.

Q. And was Mr. Craig then the Director of the Federal Writers Project in San Bernardino? [2271]

A. He was.

Q. He was? A. Yes.

Q. And did he secure a position for you on the Federal Writers Project?

A. I went to work—I had an application in when Mr. Craig came down there.

Q. And he acted upon it?

A. He acted upon it, yes.

Q. And did he appoint you as Assistant Director? A. Yes.

Q. And how long did you continue in that position under Dave Craig?

A. I don't think it lasted any longer than two months.

Q. And did you again meet Dave Craig in San Francisco following that?

A. Yes, because I told him I was coming to San Francisco in the fall sometime and he mentioned

(Testimony of James D. O'Neil.)

that if I did come up here to look him up, which I did.

Q. And did Dave Craig then tell you that he was a member of the Communist Party?

A. No. I was not aware of any——

Q. (Interposing) What?

A. I wasn't aware of his party affiliations or didn't know anything at all about his political feelings at the time. [2272]

Q. When did you become aware of his affiliation with the Communist Party?

A. I never did become aware of it. I don't know now that he was a member of the Communist Party.

Q. At no time? A. No, sir.

Q. Did you take a trip on the Polarine?

A. I did, yes.

Q. Upon your arrival in San Francisco or sometime after that?

A. Sometime after that.

Q. Who obtained the job for you on the Polarine?

A. I went down to the shipping office of the Fish Reduction Workers, which was an A. F. of L. Union at that time, and I think I remained down there about three weeks spending the entire day there waiting for any replacements that might come in on the Fish Reduction fleet.

Q. Were you a member of any union at that time?

A. No, I was not. But I had applied for a permit in that union.

(Testimony of James D. O'Neil.)

Q. Did you get a permit?

A. Oh, yes. I got a permit when I got the job.

Q. Who obtained it for you?

A. I beg your pardon?

Q. Who obtained it for you?

A. It was issued to me when I got in the office and I [2273] was the only person who came in and they issued it to me.

Q. Who issued it to you?

A. The Secretary of the Union.

Q. Do you know his name?

A. That goes back about five years. I don't believe I could tell you his name.

Q. Were you ever at 121 Haight Street?

A. When I was doing publicity work for the CIO I occasionally took publicity releases up there to the Western Worker, the same as I did to other newspapers.

Q. You took what?

A. Publicity releases, stories that were issued by the office.

Q. And to whom did you deliver them?

A. To the Western Worker, to anybody who happened to be in there.

Q. Did they have offices at 121 Haight Street?

A. Yes.

Q. And you know that 121 Haight Street was the Communist Party headquarters?

A. Yes, I was aware of it.

Q. And to whom did you deliver these releases?

A. To anybody who happened to be in there at

(Testimony of James D. O'Neil.)

that time. It might have been a reporter, it might have been one of the editors. [2274]

Q. One of the editors of what? The Western Worker? A. Yes.

Q. How many times did you take such releases to 121 Haight Street? A. I couldn't say.

Q. Approximately?

A. I couldn't even say approximately because I was calling on all the newspapers in town at one time or another on that very same errand.

Q. Was it five times?

A. I could not state definitely how many times.

Q. More than five?

A. I have just told you I could not state how many times.

Presiding Inspector: He doesn't ask you definitely. He wants your best judgment, if you have any.

The Witness: I couldn't say approximately, Judge, because I was working in that position for about two years and there was a good many times when the boys would drop in and get their publicity releases. Sometimes if they wanted the story to make the morning issue it would be taken to them.

Presiding Inspector: An indefinite number of times?

The Witness: An indefinite number of times.

By Mr. Del Guercio:

Q. And who directed you to take these publicity re- [2275] leases?

(Testimony of James D. O'Neil.)

A. It was part of my job to take them to every newspaper in town.

Q. Under whose direction were you working?

A. I was working under Mr. Bridges as publicity director.

Q. When did you obtain this position as publicity director?

A. About—it was the middle of 1937.

Q. The middle of 1937. And through whom did you obtain the position as publicity director?

A. I obtained it through Mr. Bridges.

Q. Did he get it for you?

A. Yes. He was opening West Coast offices, and he employed me in that capacity.

Q. And where did you have your offices?

A. 593 Market Street.

Q. Is that the offices that Mr. Bridges occupied?

A. The same place; the CIO headquarters for the West Coast.

Q. And for how long a period did you remain in that capacity?

A. I believe I was up there about two years. That would be an approximate guess, but I think it was about two years.

Q. And you then left that employment? [2276]

A. Yes. But you see, after I left there I still retained a connection with the broadcast of the CIO news reporter. I still handled the broadcasting for them.

Q. Now, did you become closely associated with Harry Bridges during that period of time?

(Testimony of James D. O'Neil.)

A. Yes. I knew him pretty well.

Q. Did you answer Mr. Bridges' mail during that period of time?

A. Well, if we got a request for a story or something that had to be written up, I would write the thing and then submit it to him and see if it was satisfactory.

Q. Did you answer requests for Mr. Bridges to speak?

A. No. He answered his own requests to speak.

Q. Would you answer requests for articles of Mr. Bridges?

A. Yes. When he wanted them written I would write them.

Q. And did you become Mr. Bridges ghost writer?

A. Well, I suppose you could use that term?

Q. You wrote his speeches. You did this during the period that you were employed as publicity director? A. That's right.

Q. Who paid your salary?

A. It was paid by the CIO headquarters in Washington.

Q. Did you during any time that you were so employed [2277] in Mr. Bridges' office walk into his office one day and saw on Bridges' desk a Communist Party book in which Mr. Bridges was putting assessment stamps?

A. No. At this point I want to say that that is exactly what I told the FBI men that questioned me.

(Testimony of James D. O'Neil.)

Q. Now, just a minute! I haven't asked you that. I am asking you if you saw him.

A. I did not.

Q. You did not? A. No.

Q. Did you see Mr. Bridges putting assessment stamps in a Communist Party book about 2:00 P. M. in Bridges' office in the Balboa Building at 593 Market Street sometime in 1937?

Presiding Inspector: He answered "No."

A. I did not.

By Mr. Del Guercio:

Q. Were you at any time connected with the Voice of The Federation?

A. Yes. I was editor of the Voice of The Federation.

Q. When did you become associated with that?

A. It was around the first of the year in 1937.

Q. And who obtained the—what position did you hold? A. Editor.

Q. Editor? How did you become editor of that paper?

A. I went down and applied for the job at 24 Califor- [2278] nia Street and I was elected by, I believe, the Executive Board of the Maritime Federation of the Pacific.

Q. Were you elected or appointed?

A. I was elected. I believe it was an election because all of the members were there and they voted as to whether or not to appoint me. They voted on the appointment. That was about the way it happened.

(Testimony of James D. O'Neil.)

Q. For how long a period of time did you hold that position as editor?

A. I believe just about six months.

Q. And then what happened?

A. I was ousted by the Portland Convention of the Maritime Federation.

Q. Do you know why?

A. At the instance of Harry Lundeberg. There never was any charges preferred against me as required by the Constitution of the Maritime Federation, nor was I ever advised of the reason. They simply came down and took over the paper, practically between editions.

Q. Now, Mr. O'Neil, were you interviewed by an Agent of the Federal Bureau of Investigation on October 7, 1940 at the Radio Station KQW?

A. I was interviewed at the Radio Station on two different occasions, and I came down to 111 Sutter Street and [2279] I was interviewed down there.

Q. Do you recall the date of the interview had on October 7, 1940?

A. No, I couldn't be sure of the date.

Q. You couldn't be sure of the date?

A. No.

Q. But you do recall an interview?

A. Yes.

Q. Do you know the names of the Agents that interviewed you?

A. One of them, I believe, was Mr. Cassidy. I don't know who the other was.

(Testimony of James D. O'Neil.)

Q. Was it H. A. Smith?

A. It might have been.

Q. And did you on that same day appear at the FBI offices? A. No, I did not.

Q. At 10:15 P. M.? A. No.

Q. You did not?

A. No. It was a previous time that I went down there.

Q. What do you mean "a previous time"?

A. Later on.

Q. When were you first interviewed by the Agents of [2280] the Federal Bureau of Investigation?

A. I couldn't tell you the exact date that they came in there because I don't remember, but they came into KJBS on two different occasions to see me and they asked me to come down to 111 Sutter Street. I informed them then that I had no information of this case that would be of any value to them. But I went down to 111 Sutter Street.

Q. Wasn't it Radio Station KQW?

A. KQW and KJBS have the same studios in San Francisco. One is identical with the other.

Q. What happened on the occasion that you went to the FBI offices following the interview there at the Station?

A. I was asked a long series of questions in which practically every name of every individual that had ever been prominent in the labor movement on the West Coast, particularly in connection

(Testimony of James D. O'Neil.)

with the Maritime Labor Unions, were brought in and asked whether they were not Communists.

Q. And what was your reply?

A. My reply was that I didn't know whether they were Communists or not, and a remark would be made to me that some witness mentioned some of those names—I certainly can't recall because I never knew him—had made a statement that they had been seen in Communist meetings with me. And my answer to that was that I had never attended a Communist [2281] meeting.

Q. And do you recall that at the time that you first appeared at the offices of the Federal Bureau of Investigation here in San Francisco that there was a stenographer present?

A. That is correct.

Q. And did you dictate a statement to that stenographer?

A. I did not dictate a statement to that stenographer. The questions were being asked of me, and if this is one of the questions that you have read back here, then that is the statement in which I said the only credible evidence against Harry Bridges or anybody else——

Presiding Inspector: (Interposing) Answer the question and don't volunteer.

By Mr. Del Guercio:

Q. Did you dictate a statement?

A. I did not.

Q. Just a minute! Wait until I get through with

(Testimony of James D. O'Neil.)

my question. Did you dictate a statement to a stenographer?

Presiding Inspector: He said "No".

By Mr. Del Guercio?

Q. In the FBI offices?

Presiding Inspector: He has already said "No."

By Mr. Del Guercio: [2282]

Q. Now, Mr. O'Neil,——

Presiding Inspector: (Interposing) Was there a stenographer present, you said?

The Witness: There was a stenographer present, yes, she was——

Presiding Inspector: (Interposing) And was the stenographer taking notes during the time that this running conversation occurred?

The Witness: That is correct, yes.

Presiding Inspector: I don't know, but did you hear the answers he gave to my questions?

Mr. Del Guercio: No, I didn't.

Presiding Inspector: Just read them, Mr. Reporter.

(The questions and answers referred to were read by the reporter as above recorded.)

By Mr. Del Guercio:

Q. And what agents were present at that time, Mr. O'Neil?

A. Cassidy was there and another chap whose name I don't know.

Q. You don't know. So that there were three:

(Testimony of James D. O'Neil.)

yourself, two agents of the FBI, one of whom you have identified as Cassidy, and a stenographer?

A. Yes.

Q. Did you at that time, Mr. O'Neil, dictate to the [2283] stenographer that you had first met Dave Craig in the City of San Bernardino in the summer of 1936?

A. I believe I said that I had met him there, yes.

Q. Did you so state to the stenographer that was present?

A. I so stated to Mr. Cassidy, yes.

Q. Did you also state that, referring to Dave Craig, that he had just been appointed Director of the Federal Writers Project for San Bernardino, Riverside and Imperial Counties?

A. I believe that was his position and I so told Cassidy, yes.

Q. Did you also state as follows:

"I was anxious to obtain a position on the Project and he was the man to see"?

A. That's correct.

Q. That is correct. Did you also state "I was appointed to the Federal Writers Project and became Assistant Director under Craig, who incidentally was in ill health and seldom able to appear at the office"? A. Yes.

Q. Did you so state? A. Yes.

Q. Did you also state as follows:

"I kept this position for several months"? [2284]

A. Yes.

Q. That is true?

(Testimony of James D. O'Neil.)

A. I believe I did, yes.

Q. You so stated?

A. That is an outline of how I came to San Francisco.

Q. Now, just a minute, please! Did you also state as follows: "I then left to take a publicity job at the Riverside County Democratic Central Committee?" A. Yes.

Q. Did you so state?

A. I believe I did so state in answer to a question from Mr. Cassidy.

Presiding Inspector: Answer in words so far as you can, so the reporter can hear.

By Mr. Del Guercio:

Q. Did you also state as follows: "While I was on this job Craig returned to San Francisco and the Federal Writers Project was closed"?

A. I believe that happened about that time.

Q. Did you so state? A. I believe I did.

Q. Did you also state as follows: "Approximately six days later after the 1936 November Presidential election I came to San Francisco, having previously made arrangements by letter with Craig to stay at his home and pay room and [2285] board"? A. That's right.

Q. Did you so state?

A. I did, in answer to a question.

Q. And did you also state as follows: "As soon as I came to 2048 Ellis Street in San Francisco Craig frankly told me that he was a member of the Communist Party and I at one time or another

(Testimony of James D. O'Neil.)

became acquainted with practically everybody of consequence in that Party, meeting most of them at his home, including Bill Schneidermann, California Secretary of the Party, his wife, Rose, Walter Lambert, head of the waterfront section of the Party, one Ross, editor of the Western Worker, the entire staff of the Worker, Pop Hanoff, Minnie Carson, Oleta O'Connor, Frank Spector, Mike Quinn, Henry Schmidt, John Shoemaker, Germain Bulcke, and others"? A. I did not.

Q. You did not make that statement?

A. No, I did not make that statement. I was asked the question if I had ever met the men at Craig's home and I stated that I had not.

Q. And you did not dictate——

A. (Interposing) I did not dictate.

Q. (Continuing) ——to the stenographer that was present [2286] at that time——

A. (Interposing) I did not.

Q. (Continuing) ——that statement that I have just read?

A. I did not. No, sir. The question is——

Q. (Interposing) Just a minute, please. Did you then state as follows:

"I joined the Communist Party in either the latter part of November or the first part of December, 1936 under the name of Ben Harrison. My purpose in joining the Party was the assurance that I would have employment, which I immediately obtained on the S.S. Polarine. This job was obtained through the Craigs and through Ross of

(Testimony of James D. O'Neil.)

the Western Worker, who at that time was posing as the husband of Oleta O'Connor. Oleta O'Connor's sister is Gloria, Lee, now secretary to the secretary of the San Francisco Industrial Union Council. At that time she was Secretary of the Fish Reduction Workers Union, San Francisco local. Through her I obtained the position on the Polarine which was a fish reduction boat."

Did you so state?

A. I did not.

Q. And did you so dictate?

A. I never made any such statement.

Q. And did you so dictate to the stenographer that was [2287] present in that room at that time?

A. No. You asked——

Mr. Del Guercio: Now, just a minute!

Mr. Gladstein: Your Honor, could I make a suggestion? In the first place, this is direct examination. In the second place, when a witness gives an answer "I did not" and starts to make an explanation, heretofore in this case witnesses have been permitted to complete their answers. Now, I don't see why the witness should not be permitted to complete his answer without Mr. Del Guercio's saying, "Now, just a minute!". The witness apparently has something that he wishes to add to complete his answer. I think we are entitled to hear it.

Mr. Del Guercio: He has made a denial, your Honor. That doesn't require any other explanation at this time.

(Testimony of James D. O'Neil.)

Presiding Inspector: Of course, that last question included a great many statements. It might be that he made some of them and didn't make the others.

By Mr. Del Guercio:

Q. I will ask you that question. Did you make any of those statements that I have read to you?

A. I did not make any of those statements. I was asked if those people had appeared at the house. One by one they were called off to me and I answered "No, I did not meet them". Some of them I have never met. I haven't to this day met them.

Q. But you did not make the statement as I have read [2288] it to you?

A. I certainly did not.

Q. Did you state "I joined the Communist Party in either the latter part of November or the first part of December, 1936 under the name of Ben Harrison"?

A. I did not make any such statement and I never have joined the Communist Party.

Q. Did you state that "My purpose in joining the Party was the assurance that I would have employment, which I immediately obtained on the S.S. Polarine"? A. No.

Presiding Inspector: Well, you did obtain the employment?

The Witness: But I obtained it by staying in the office for two weeks.

(Testimony of James D. O'Neil.)

Presiding Inspector: You obtained the employment as you have already stated?

The Witness: Yes, through my own efforts.

By Mr. Del Guercio:

Q. Did you state that "this job was obtained through the Craigs and through Ross of the Western Worker who at that time was posing as the husband of Oleta O'Connor"? A. I did not.

Q. Did you state that Oleta O'Connor's sister is Gloria Lee, now secretary to the secretary of the San Francisco Industrial Union Council"?

A. No, I did not make that statement. [2289]

Q. Did you state that at that time she was secretary of the Fish Reduction Workers Union, San Francisco local? A. No, I did not.

Q. Did you state that "through her I obtained the position on the Polarine, which was a fish reduction boat"?

A. No. May I point out at this time that these statements that you are reading back to me were originally given to me in the form of questions which I denied. I made a statement that I had not met these people. "Wasn't it true that you knew this person or the other person? Didn't you meet them when you were living at this house" That's the way those things appeared, not as a statement. [2290]

Q. Did you make this statement, dictate it to the stenographer in the room, and in the presence of Mr. Cassidy and Mr. Smith:

(Testimony of James D. O'Neil.)

"I was on that ship about a month, and when I came ashore I was informed there was an opening as editor of the 'Voice of the Federation.'"

Did you make that statement?

A. I might have told them how I got the job on the Voice, and that was the way I got it.

Q. Did you make that statement?

A. I believe I probably did state that, yes, because that is a correct statement of how I got the job on the Voice of the Federation.

Q. Did they ask you if you had ever been employed on the Voice of the Federation?

A. Yes.

Q. Did they tell you how they found out you had been employed on the Voice of the Federation?

A. No. My name was on the masthead, and I was the editor for six months.

Q. Did you also dictate this to the stenographer:

"I went to the 'Voice of the Federation' office and was informed that even at that moment the Maritime Federation Executive Board was meeting at 24 California Street to pick an editor." [2291]

Did you make that statement?

A. I undoubtedly did, because that is exactly what happened.

Q. Did you make this statement:

"I went down there, introduced myself to Scotty Kelly, who was Secretary of the Maritime Federation of the Pacific, showed him my Guild card, as I had joined the Newspaper Guild in San Francisco before going to sea, and then I asked him

(Testimony of James D. O'Neil.)

to permit me to use the typewriter in the office to write up my qualifications and background."

Did you make that statement?

A. No, I don't believe I went into that complete detail at that time about the Voice of the Federation.

Q. Did you make this statement just read at that time and place? A. No, I did not.

Q. Did you make this statement:

"I dashed them off and gave them to Kelly and that afternoon was interviewed along with several other applicants and told to return the next afternoon, as the Newspaper Guild had two candidates it believed especially qualified for the job."

Did you make that statement?

A. No. I believe the statement that I made down there came to an end when I told them I had gone to 24 California [2292] Street and obtained the job there.

Q. Is it your testimony now that you did not make that statement?

A. That is correct. I have been interviewed by the FBI on different occasions and——

Q. (Interposing) I am speaking about the occasion, your interview on October 7, 1940.

Mr. Gladstein: I think the witness should be permitted to finish his answer to the question. Apparently he has something to add to his answer. I cannot see why the witness is permitted to be choked off by Mr. Del Guercio as he is his own witness. In the second place as the witness is in the middle of a statement and has not completed

(Testimony of James D. O'Neil.)

his answer, I do not think counsel should be permitted to interrupt if it is obvious that the answer is germane to the question.

Mr. Del Guercio: Before we get through we will show that he, in reality is Mr. Gladstein's witness.

Presiding Inspector: Don't argue.

Is there anything else you want to say?

The Witness: No, except that that alleged statement which is being read to me probably comprises interviews and odd answers that I have given in, I believe, six different meetings with the FBI, and during which questions were thrown at me, and the answers have all been massed together into [2293] one statement making it appear that I gave those answers or statements in one statement, which is not true.

Presiding Inspector: All right. Go ahead.

By Mr. Del Guercio:

Q. Did you also make this statement—these statements that I am reading now were all made at the same time, the same date, and at the same place, in the presence of the same persons.

Did you also make this statement:

"I was not one of them. The following day, which was the day before New Year's, 1937, the full Executive Board of the Maritime Federation narrowed the applicants down to three."

Did you make such a statement?

A. No, I don't believe I did. I believe, as I stated, that I ended the talk about the Voice of

(Testimony of James D. O'Neil.)

the Federation when I said I went to 24 California Street.

Q. Might you have made such a statement and not recall it at this time?

A. No. I believe if I made such a statement I probably would recall it.

Q. Your testimony is that you did not make such a statement at that time? A. Yes.

Q. Did you make this statement:

"One represented the Lundeberg faction, and one the [2294] Bridges faction, and the third one was myself."

Did you make such a statement? A. No.

Q. Did you make the following statement:

"Presumably on the theory that to appoint either of the two men of the Bridges or Lundeberg faction would merely start the old fight over again, the Board voted 6 to 2 to put in the stranger, myself."

Did you make such a statement at that time and place? A. No, I did not.

Q. Did you make the following statement at the same time and place?

"That night I was invited to attend a New Year's Eve Party at 121 Haight Street by Craig, at whose home I was living, and while there I was introduced to Pop Hanoff, Frank Spector, Amy Schechter."

Did you make that statement at that time and place?

A. No. The only time I went to 121 Haight Street was on business.

(Testimony of James D. O'Neil.)

Q. Your testimony is that you did not make that statement at that time and place?

A. Correct.

Q. Did you make the following statement:

"Both Miss Schechter and Frank Spector expressed amazement that I was the new editor of the 'Voice,' and they hurriedly [2295] sent for Pop Hanoff and demanded to know what I was doing there."

Did you make such a statement at that time and place? A. No.

Q. Did you make the following statement:

"A long argument ensued, and I insisted on having dinner there, and then at the request of practically the entire San Francisco Communist Party I withdrew."

Did you make that statement at that time and place? A. I did not.

Q. Did you make this statement:

"They felt very strongly that the editor of the 'Voice of the Federation' should not be seen at Communist Party headquarters."

Did you make that statement at that time and place? A. I did not.

Q. Did you make the following statement:

"On the 'Voice of the Federation' I succeeded Henry Schrimpf, who as Trustee of the Maritime Federation had been operating the paper in the interim between Barney Maas and my own appointment."

Did you make that statement? A. No.

(Testimony of James D. O'Neil.)

Q. Did you make this statement:

"I remained as editor of the 'Voice of the Federation' [2296] for approximately six months."

A. I might have said I was on the Voice six months at one time, in the course of the questioning about how I came to San Francisco, but I don't recall that I went into that detail on that occasion.

Q. Would you say whether or not you made that statement?

A. Yes, I would say, off-hand, that I did not make it.

Q. Did you make this statement:

"On New Year's Day following my appearance at the Communist Party Headquarters I drove into the driveway at 2048 Ellis Street and was met by Mrs. Craig, who informed me that a very important person was waiting to see me in the house."

Did you make that statement? A. No.

Q. Did you make that statement at that time and place? A. No.

Q. Did you make this statement:

"I went inside and in the kitchen I immediately recognized from his pictures Harry Bridges, who was accompanied by Joe Ring."

Did you make that statement?

A. I did not, because I met Harry Bridges in his own office several months later for the first time. [2297]

Q. Did you also continue as follows:

"This was on January 1, 1937?"

(Testimony of James D. O'Neil.)

A. Pardon?

Q. "This was on January 1, 1937." Did you make that statement? A. No.

Q. And did you continue as follows:

"Bridges outlined his views as to how the 'Voice of the Federation' should be conducted, detailed at great length his troubles with the previous editor, Barney Maas, asserting that due to Maas' action the longshoremen would be compelled to accept much less than they had originally demanded in the 1936-1937 strike and that Maas' editorship was entirely unsuitable for the 'Voice.'"

A. I did not. I met Bridges later in January.

Q. You deny you made that statement?

A. I certainly do.

Q. Did you make this statement:

"I assured Bridges that it was my intention to run the paper with the columns open to everybody affiliated with the Maritime Federation."

A. No.

Q. You did not make that statement?

A. No, I didn't make that statement.

Q. Did you make this statement: [2298]

"In all fairness to Bridges he never asked any more than that during my editorsrip, and I found by going over back issues of the 'Voice' that the columns of the 'Voice' had been closed to Bridges and the longshoremen during the previous editorship." Did you make that statement?

A. Not at the time I went down to the first meeting of the FBI, I did not.

(Testimony of James D. O'Neil.)

Q. Did you ever make such a statement?

A. Oh, yes, I made such a statement.

Q. You made that statement?

A. Not at that time.

Q. Not at that time, but at some other time?

A. I made that statement, I assured Harry Bridges, on our first meeting when I was in his office down on lower Market Street, the columns of the paper were open to him.

Q. You remember now making that statement some time?

A. Yes, but not at this time that this meeting took place, because I didn't meet him there.

Q. Did you make the following statement:

"By running news from the Longshoremen's Union and accepting letters from Harry Bridges, which I ran in the 'Letters to the Editor' column, I earned the lasting enmity of Harry Lundeberg, Secretary-Treasurer of the Sailors' Union of the Pacific, and at the end of six months Lundeberg at the Portland Convention of the Maritime Federation in June, 1937 [2299] succeeded in having me removed as Editor."

Did you make that statement? A. I did not.

Q. Did you make that statement at that time and place?

A. No. I had Lundeberg's enmity from the time I came to San Francisco and that is one of the few things I had to be proud of.

Q. Do you deny that you made that statement to the agents of the FBI on October 7, 1940?

(Testimony of James D. O'Neil.)

A. That is right.

Q. Did you make this statement:

"No charges were ever filed against me; I was simply removed by vote of the Convention."

A. I have already outlined about that. That might have been said before, might have been on the way from Marysville, or in any one of the other six different occasions.

Q. But you deny you dictated that statement to the stenographer at the offices of the Federal Bureau of Investigation on October 7, 1940?

A. I did not.

Q. Did you also make this statement:

"After an interval of two weeks I was named Publicity Director of the Western Region of the Committee of Industrial Organization."

A. I might possibly have answered that question at that [2300] time as to when I went to work for the CIO, which was about two weeks after I left the Voice.

Q. Would you say whether you made that statement at that time and place?

A. I probably did.

Q. Did you make the following statement:

"I held that position for more than a year, handling all the publicity for the Western states for the CIO, writing the Daily radio broadcast and giving it myself six days a week, answering practically all of Bridges' mail, both personal, requests to speak, requests for articles, wrote maga-

(Testimony of James D. O'Neil.)

zine articles for him, generally ghosted for him. I was paid out of Washington by check."

Did you make those statements?

A. I did not.

Q. Did you make the following statement:

"I left the CIO to go to work for radio station KYA, where I was in charge of news broadcasting for eight or nine months."

Did you make that statement?

A. I might possibly have done so because that is what happened.

Q. Would you say you made that statement?

A. I probably did. Just a moment, Mr. Del Guercio. That is one thing that I want to explain about this. To ask [2301] me, "Did I make this statement," and "Did I make that statement," when there have been six different meetings, at any of which these statements might have been made, it is difficult to pin myself down to this one specific occasion.

Q. This statement that I have, and I am reading from, was made all at one time, on October 7, 1940, at the offices of the Federal Bureau of Investigation, in the presence of Smith, Cassidy, and a stenographer.

Mr. Grossman: You say that is true.

Mr. Del Guercio: Yes. I state that as a fact.

Presiding Inspector: Well, we cannot accept that as evidence.

Mr. Del Guercio: We will show it is a fact. Counsel asked me if I stated it as a fact.

(Testimony of James D. O'Neil.)

Presiding Inspector: I do not think you ought to say it is a fact. You are asking this witness on what purports to be such a statement.

Mr. Del Guercio: Yes.

Presiding Inspector: It will require a later time to prove it as a fact.

By Mr. Del Guercio:

Q. Did you make this statement——

Presiding Inspector: I am not criticizing you, but I am simply emphasizing that at this time there is no evidence of it being a fact. [2302]

Mr. Del Guercio: Yes. I understand.

By Mr. Del Guercio:

Q. Did you make this statement:

"During this time I also handled the CIO broadcast."

Did you make that statement?

A. I don't recall when any such statements were made because these interviews dated over a long period of time. These statements, any I did make, were not made in any one statement.

Q. I am asking you if you made this statement in the offices of the Federal Bureau of Investigation on October 7, 1940, in the presence of H. A. Smith, Mr. Cassidy and a stenographer.

A. I am unable to recall that any such statement took place.

Q. Do you deny that you made such a statement?

A. I have already answered that, explained that this is a conglomeration of six different meetings

(Testimony of James D. O'Neil.)

and sessions with the FBI, all appearing in one typewritten statement.

Q. Is it your testimony that you did not make that statement at that time and place?

A. I can't be sure whether I answered that question at that time or at some other time.

Q. Did you make this statement:

"I wrote and delivered broadcasts myself, obtaining my [2303] material from the CIO headquarters and the headquarters of Unions affiliated with the CIO which might be involved in disputes of various kinds requiring the labor interpretation in the broadcast."

A. I explained that in one of the sessions but which one I couldn't say definitely.

Q. Would you say whether or not you made this statement at that time and place, on October 7, 1940?

A. I couldn't state definitely what time that answer was given.

Q. Did you also make this statement:

"On numerous occasions Harry Bridges would call me and tell me what he wanted emphasized."

A. No; I don't recall that statement.

Q. Would you say whether or not you made that statement? A. I don't believe I did.

Q. Did you make this statement:

"I left KYA and after an interval of possibly eight or ten weeks I went to work as news broadcaster for radio stations KJBS and KQW in San Francisco, where I am still employed."

Did you make that statement?

(Testimony of James D. O'Neil.)

A. I believe that statement was made in my first meeting with them.

Q. Did you make that statement? [2304]

A. Yes. I answered the question. I went to work for KJBS and KQW, and I don't believe that time——

Q. (Interposing) Not at that time. I am speaking about the meeting in the offices of the Federal Bureau of Investigation and in the presence of a stenographer? A. No.

Q. Did you make this statement:

"At this point I would go back to my first meeting with Bridges at the Craig home."

Did you make that statement? A. No.

Q. Did you make that statement?

A. No, I did not. The first meeting was not at Craig's home with Harry Bridges.

Q. Did you make this statement:—I am not asking you if the statement is true or correct. I am asking if you made the statement.

A. The answer is "No."

Q. Did you make this statement:

"Present at that meeting were Mr. and Mrs. Craig, Bridges, Joe Ring, and myself?"

A. No.

Q. You did not make that statement?

A. No.

Q. Did you make this statement: [2305]

"At that time I was introduced by Craig to Bridges with these words, 'Comrade Bridges, meet Comrade O'Neil.'"

(Testimony of James D. O'Neil.)

Did you make that statement?

A. No such statement was ever made.

Q. You didn't make that statement?

A. No.

Q. At any time, any place, anywhere?

A. May I add at that point——

Q. (Interposing) Will you answer the question?

A. I answered already.

Q. You didn't make that statement at any time, any place, anywhere?

A. No; except that I brought out the fact that on the waterfront "Red baiting" had become so bad that at one time Henry Schmidt bought a flaming red hat and wore it publicly, and the men were referring to each other as "Commissar" and "Comrade".

Mr. Del Guercio: I move to strike the answer as not responsive.

Presiding Inspector: I think I will let it stand.

By Mr. Del Guercio:

Q. Did you make this statement:

"Naturaly, I assumed from this that Bridges was also a member of the Communist Party."

Did you make that statement? [2306]

A. I did not make that statement.

Q. At any time, any place?

A. At any time or any place: no, sir.

Q. Did you also make this statement:

"On another occasion I walked into Bridges' office, it always being my privilege to do so after

(Testimony of James D. O'Neil.)

first having assured myself that he was alone, and on his desk was a new Party book, which had just been issued and into which Bridges was putting assessment stamps."

Did you make that statement?

A. I did not make that statement.

Q. At any time?

A. At any time; no, sir.

Q. At any place, anywhere? A. No.

Q. Did you follow it by this statement:

"This was about two o'clock in the afternoon in Bridges' office in the Balboa Building, 593 Market, Room 509, in 1937."

Did you make that statement?

A. I did not.

Q. At any time, any place?

A. At no time, no place; no, sir.

Q. Did you follow it by this statement:

"I expressed amazement that he was doing this openly with the book in plain view on top of his desk; however, he [2307] nonchalantly continued to put the stamps in place and then returned the book to his pocket."

Did you make that statement?

A. I did not make any such statement. I wouldn't have been amazed—I would have dropped dead if such a thing would have happened.

Mr. Del Guercio: Are you through?

Mr. Gladstein: Laughing, you mean?

Presiding Inspector: Go ahead.

(Testimony of James D. O'Neil.)

By Mr. Del Guercio:

Q. Did you ever make that statement to anyone?

A. This is the third time, and I am saying no, I didn't.

Q. You deny making that statement to the stenographer there on October 7, 1940?

A. I certainly do.

Q. In the offices of the FBI here in San Francisco? A. Yes.

Q. Did you continue by making this statement:

"I knew this was a Communist Party book because I had one myself and it was just like it."

Did you make that statement?

A. No, I did not make any such statement.

Q. You didn't make that statement at that time and place? A. No. [2308]

Q. And did you continue by stating:

"It was the general practice to pay your dues to the Communist Party dues collector and, in return to receive stamps which he tore off from a block and which you inserted in your book at your leisure." A. No.

Q. You didn't make that statement?

A. No; at any time or any place.

Q. Did you follow, continue by making this statement:

"There is no doubt in my mind but what that was Bridges' membership book in the Communist Party."

A. No. I am certain I never made any such statement.

(Testimony of James D. O'Neil.)

Q. You didn't make it at that time and place?

A. I did not.

Q. And in the presence of the stenographer?

A. I have answered that I didn't.

Q. In the presence of Cassidy and Smith?

A. I have already said "No."

Q. And did you continue by making this statement:

"I came in to Bridges one morning and outlined to him that I was unable any longer to tolerate the mental gymnastics of the Guild Fraction and he recommended that I transfer into the waterfront section, which I did through Walter Lambert."

Did you make that statement?

A. I never made any such statement as that in my life. [2309]

Q. You didn't make such a statement at the time and place?

A. No, nor at any other time or place.

Q. Did you continue by making this statement:

"The transfer was arranged through Connie's Restaurant, one block from the Golden Gate Theater."

Did you make that statement?

A. No, I never made such a statement. I don't even know—I have never been in there or don't know there is such a place.

Q. Did you make that statement at that time and place? A. No.

Q. Did you continue by making this statement?

(Testimony of James D. O'Neil.)

"I told Bridges at the time of the transfer that after having been the 'man on the flying trapeze' in the Guild I would rather go some place where there was a net under me."

A. I did not make any such statement.

Might I point out at this point that I was asked if I ever belonged to what they called a Guild Fraction of the Communist Party which I denied, and I was asked if I had ever transferred to the Waterfront Section, and I stated that I had not.

Q. And you have not made the statement I just read?

A. That is correct; I didn't make it. [2310]

Q. Did you continue by stating this:

"As I remember, I called Lambert that morning from my own office, and it was arranged through him."

A. I never made any such statement.

Q. You didn't make it at that time and place?

A. No; or any other time.

Q. Did you continue by making this statement:

"On several occasions Bridges reminded me that I had not been attending Party meetings and asked me, "What's the score?" "

A. No, I didn't.

Q. You didn't make that statement?

A. No.

Q. And did you continue by stating this:

"I think I told him it was 0 to 0 in the last of the 9th as far as I was concerned and as far as

(Testimony of James D. O'Neil.)

the Party was concerned, and he advised me to take it easy and not let my own feelings obscure my judgment?"

Did you make that statement?

A. No, no such statement.

Q. You didn't make such a statement?

A. I didn't.

Q. And did you make this statement:

"It is my belief that Bridges never at any time attended any Communist Party meetings."

Did you make that statement, Mr. O'Neil? [2311]

A. I have made that statement repeatedly.

Q. You remember making that statement?

A. I don't know whether it took place there, or at other times; it has taken place many times.

Q. But you might have made it at the time of this particular meeting I am talking about, that is, on October 7, 1940?

A. It is possible. I know I made the statement the first time.

Q. Did you make it in the presence of the stenographer, and Agents Cassidy and Smith?

A. The question undoubtedly was asked whether he had ever attended any Communist meetings to my knowledge.

Q. And you made that statement?

A. In all probability, because they have asked that so many times I can answer it in my sleep.

Q. Did you continue by making this statement:

"It was always tacitly understood and assumed that such was the case."

(Testimony of James D. O'Neil.)

Did you make that statement?

A. No.

Q. You didn't make that statement?

A. No.

Q. At no time or place?

A. Let me get this, that such was the case—I don't understand. [2312]

Q. I will read the two sentences together.

A. That would be better.

Q. Did you make this statement:

"Bridges never stated to me that he was a member of the Communist Party. It was always tacitly understood and assumed that such was the case."

Did you make that statement?

A. No; absolutely not.

Q. You made the first statement, the first sentence, that Bridges had never stated to you that he was a member of the Communist Party, but you did not make the second part of the statement, "It was always tacitly understood and assumed that such was the case."

Is that your testimony?

A. May I point out that you have got one part of the statement where apparently I walked in and saw a man putting stamps in a Communist Party book and then in the second place Bridges never told me he was a member of it. Would you mind telling me how you can reconcile such a thing?

Q. I am asking the questions.

A. The thing is silly, I think.

(Testimony of James D. O'Neil.)

Q. I don't care what you think.

Did you follow it by this statement:

"On frequent occasions Bill Schneiderman took exception to my publicity work, to the type of pamphlets I was issuing, [2313] to the tenor of editorials that might be appearing in the 'Labor Herald' or in the 'Voice of the Federation' in my editorship."

Did you make such a statement?

A. I did not.

Q. Did you continue by stating:

"Schneiderman very early in the game learned that the way to stop me was to go to Bridges, and I can't now recall any time when Bridges sustained Schneiderman in his complaints."

Did you make that statement at that time?

A. I did not.

Q. Did you follow it by continuing:

"This dispute about the type of publicity which I was issuing came to a climax when Bill Schneiderman, Revels Cayton of the Marine Cooks and Stewards, Lou Goldblatt, Bridges' assistant, and Bridges' gathered in Bridges' office in the Balboa Building."

Did you make that statement?

A. No.

Q. You never made that statement?

A. No.

Q. And did you continue by stating:

"Schneiderman demanded that more pressure be

(Testimony of James D. O'Neil.)

brought to bear on the Sailors' Union of the Pacific."

Did you make that statement? [2314]

A. I did not.

Q. Did you continue by stating:

"We had spent several thousand dollars in pamphlets and publicity broadsides urging them to cooperate with the CIO."

Did you make that statement?

A. No.

Q. You didn't make that statement?

A. No.

Q. And did you continue by stating:

"I was flatly against any more such expenditure."

A. I did not.

Q. Did you make that statement?

A. No.

Q. Did you continue by making this statement:

"Bridges sent for me at that time and when I walked in the door he was telling Schneiderman he thought I had every right to be at such a meeting because it was my work that was under fire."

Did you make that statement?

A. I did not.

Q. Did you make the following statement:

"He then turned to me and asked me for my opinion as to any publicity aimed at the S. U. P."

A. No, I did not. [2315]

Q. Did you continue by making this statement:

(Testimony of James D. O'Neil.)

"I told him it would be good money gone after bad."

A. No.

Q. Did you continue by making this statement: "I believe I told Harry Bridges at that time that the only thing that would bring any sense into the S. U. P. would be a pickaxe,"——

A. No.

Q. ". . . whereupon Bridges said 'I agree with you,' whereupon Schneiderman jumped to his feet and said, 'There you are, that's the very thing I've been talking about. Is that the Party line? Is that what we're supposed to do?' "

A. No.

Q. You didn't make those statements?

A. I did not.

Q. Did you continue by making this statement: "I told Schneiderman it probably wasn't the Party line because it made good sense."

A. No, I did not.

Q. You did not make that statement?

A. No.

Q. Did you continue by stating: "Bridges backed me up in this, whereupon Schneiderman said that I was a bad influence in the CIO and should be removed that Bridges was listening to me too much." [2316]

A. No.

Q. Did you make that statement?

A. I did not.

(Testimony of James D. O'Neil.)

Q. Did you continue by stating:

"Everybody in the employ of the CIO and the Unions with their headquarters in the Balboa Building, with one exception, were members of the Communist Party."

A. No; but that question was asked me.

Q. Did you make that statement?

A. I did not make that statement, but the question was asked, if everyone up there wasn't a member of the Communist Party.

Q. And you replied what?

A. I replied not to my knowledge; that I had no belief in any such thing.

Q. And your testimony is that you didn't make the statement that I read to you?

A. I don't remember any such statement as that.

Q. Did you follow it by making this statement:

"This I know because I attended meetings with them, paid dues at the time they did."

A. I did not.

Q. Did you continue by stating:

"There was no secret, no bones made about it at all. The one exception was Herman Stuyvelaar."

A. No, I didn't. [2317]

Q. Did you continue by making this statement:

"When a vacancy occurred in the personnel of the CIO headquarters that vacancy was invariably, without exception to my knowledge while I was was there, supplied after consultation with Schneiderman from the Communist Party headquarters."

A. I did not.

(Testimony of James D. O'Neil.)

Q. Did you continue by making this statement:

"During the 1937 Maritime Federation of the Pacific Convention at Portland, Oregon, a hole was bored in the wall of Bridges' room adjoining the telephone bell box which was level with the molding in the Multnomah Hotel."

Did you make that statement?

A. No. That was a story that appeared on the front page of the Voice of the Federation, however, to that effect. It didn't appear as a statement from me.

Q. You deny making that statement at that time and place?

A. I do.

Q. Did you continue by stating:

"After his return to San Francisco from the Portland Convention we discussed the planting of the microphone in his room, and he told me that it had been in operation for a day and a half at least before his attention was called to plaster on the floor and the microphone outlet was discovered."

Did you make that statement? [2318]

A. No.

Q. Did you continue by stating:

"I remarked at the time that he was lucky to have discovered it, and he replied, 'Yeah, not so lucky.'"

Did you make that statement?

A. No.

Q. Did you continue by stating:

"'Those guys had been listening in for a day and a half before we discovered it.'"

(Testimony of James D. O'Neil.)

Did you make that statement?

A. No.

Q. Did you continue then by stating:

"He then stated that letters from Moscow, and other obvious red scare, had been openly read or discussed in the room so as to clutter up the record in the next room. Bridges said that Fraction meetings had been conducted in the room during the time the microphone was hooked up.

Did you make that statement?

A. I did not.

Q. And did you continue by stating:

"By this he meant Top Fraction meetings of the Communist Party."

A. No.

Q. And didn't you continue by making this statement:

"When the microphone was discovered the 'letters from [2319] Moscow' heretofore referred to were merely figments of the imagination and were read so they would be copied on the record in the next room just to make it appear so completely ridiculous that it would be of no value to those who were tapping the meeting."

A. No.

Q. You didn't make that statement?

A. I did not.

Q. At that time?

A. No.

Q. Now, Mr. O'Neil, after the stenographer had read to you the statement that I have——

(Testimony of James D. O'Neil.)

Mr. Grossman (Interposing): That is assuming something not in evidence.

The Witness: There is no such statement.

Presiding Inspector: The witness has taken care of your objection. He said there was no such statement.

By Mr. Del Guercio:

Q. Did the stenographer read back your dictation?

There was at no time that I made any dictation to be read back.

Q. Did you indicate certain corrections to be made to the stenographer at that time?

A. I did not.

Presiding Inspector: Did the stenographer read anything to you? [2320]

The Witness: No, sir. I was aware that the questions were being taken down, but at no time was anything read to me.

Presiding Inspector: We will take a short recess.

(Whereupon a short recess was taken.)

[2321]

Presiding Inspector: Mr. Del Guercio, you may proceed.

By Mr. Del Guercio:

Q. Now, Mr. O'Neil, did you appear at the office of the Federal Bureau of Investigation at 111 Sutter Street, San Francisco, on the night of April 22, 1941?

(Testimony of James D. O'Neil.)

A. I can tell you better if you can tell me on which day of the week it was.

Q. Well, I don't have a calendar here.

A. I came in there Tuesday night from Marysville.

Q. You are able to recall that?

A. I can't remember the date.

Q. That was sometime last week? A. Yes.

Q. And do you recall who were present at that time?

A. I believe you were present and I believe—I believe there was a chap, Mr. Schofield, or some such name as that.

Q. Did you remember your being introduced to Major Schofield? A. Yes.

Q. As head of the Immigration and Naturalization Service?

A. I believe that was his title.

Q. Did you remember Mr. Connelley being there, the Assistant Director of the Bureau of Investigation?

A. Yes. He is sitting in the chair. [2322]

Q. Do you remember my being there?

A. Yes.

Q. And do you remember Mr. Cassidy being there? A. I believe he was there, too.

Q. And do you remember our having a conversation at that time? A. Yes.

Q. And do you remember my stating whether you were willing to appear to testify in this proceeding? A. Yes.

(Testimony of James D. O'Neil.)

Q. Do you recall what your answer was?

A. Yes. I told you that I was not.

Q. And do you recall my asking you why you didn't want to appear to testify? A. Yes.

Q. And do you recall what your answer was?

A. Yes. I believe I told you that I had nothing to add to the case at all.

Q. Isn't it a fact that you stated at that time in the presence of Major Schofield, Mr. Connelley, Mr. Cassidy and myself that the reason you did not want to appear to testify in these proceedings was because you had been such a close friend of Harry Bridges that, if you did testify against him, you would be called a "rat"? A. No.

Q. By everybody on the Coast? [2323]

A. No, sir. No such statement was ever made.

Q. You deny that you made such a statement at that time?

A. I believe—I do. I believe I told you at that time that I had been a member of the labor union since way back in 1919 when I joined the Sailor's Union; that my record in the labor union had always been a clean one and that absolutely I was going to have no connection with this case.

Q. Do you remember, Mr. O'Neil, that at that time I told you we were interested in having witnesses in the case only to testify what they knew of their own knowledge and that I wanted nothing but the truth? Do you remember my telling you that?

(Testimony of James D. O'Neil.)

A. I believe you did make such a statement.

Q. And do you recall my asking you if you had been interviewed by Agents of the Federal Bureau of Investigation? A. Yes.

Q. And whether you had made certain statements to them?

A. I believe you asked me if I had been interviewed by Agents of the FBI, yes, and I told you that I had.

Q. And what was your answer?

A. I believe I told you that I had been on five or six different occasions. [2324]

Q. Do you remember my asking you at that time if what you had told the Agents of the Federal Bureau of Investigation was true?

A. Yes. I think you did ask me that.

Q. And do you remember your answer being that it was? A. That it was.

Q. That it was true? A. Yes.

Q. You did make that statement, didn't you?

A. Yes. I told you that I told them the truth.

Q. Do you remember you stating at that time and place and in the presence of the persons that I have mentioned as follows: "I have told the truth to Cassidy, but I am not going down there under any condition because I don't intend to". Do you remember making that statement?

A. I believe I did make that statement.

Q. And do you recall making this statement: "I made a statement to Cassidy and at that time I

(Testimony of James D. O'Neil.)

told the entire truth". Do you remember making that statement?

A. I said I answered Cassidy's questions and the questions of the other agents.

Q. And do you remember stating what you had told them was the entire truth?

A. Yes. [2325]

Q. And do you remember stating that Cassidy told you that they were looking for the facts?

A. I believe that's what Cassidy said, yes.

Q. And do you remember you stating that you had been a newspaper man for twenty-five years and "now I am a radio man at Marysville"?

A. That's right.

Q. And do you recall making the statement in the presence of the persons I have mentioned, "Harry Bridges is a Communist, and I saw him paste stamps in his book with his name in the book"? A. No.

Q. Do you remember making that statement?

A. No.

Q. You didn't make that statement?

A. No, I did not.

Q. In the presence of Mr. Schofield, myself, Mr. Connelley and Mr. Cassidy? A. No.

Q. And do you remember making——

Presiding Inspector (Interposing): He is asking you about last Tuesday night.

The Witness: Yes. Tuesday night at 111 Sutter Street.

(Testimony of James D. O'Neil.)

Presiding Inspector: Yes.

By Mr. Del Guercio:

Q. And do you remember making this statement at the [2326] same time and place this Tuesday night and in the presence of the same persons: "It was his right, his own name"?

A. It was what?

Q. "It was his right, his own name".

A. "It was his right, his own name?

Q. That's right.

A. I don't know what you mean.

Q. You don't understand what I mean?

A. What was right?

Q. Referring to the Communist book you saw?

A. I certainly did not.

Q. And do you remember making this statement in the presence of the same persons at the same time and place: "I quit the Communist Party. I seemed to lapse—I just seemed to lapse."

A. No. No such statement was made at that time, or at any other time.

Q. And did you make this statement at the same time and place and in the presence of the same individuals: "I personally——" "I am personally opposed to the Communist Party now. They have tried to get me to head the Bridges Defense Committee". Did you make that statement?

A. I did not say that. I said at that time that I had been called by Harry Bridges myself to go on the Bridges Defense Committee. [2327]

(Testimony of James D. O'Neil.)

Q. Well, did Harry Bridges ask you to go on the Defense Committee? A. Yes.

Q. When did he ask you that, Mr. O'Neil?

A. He asked me that before I left here to go up to Marysville.

Q. It was after you had been interviewed by the Agents of the FBI, was it not?

A. What was the date of the first interview by the FBI men? I can't be sure when the——

Q. (Interposing) Yes, we want you to be sure.

A. I intend to be.

Q. The first interview was on October 7, 1940.

A. I believe that I was asked after that time.

Q. After that?

A. But understand, Mr. Del Guercio, there is one thing: Before I went down to 111 Sutter Street on the occasion when we spent the evening down there, that I went down and saw Harry Bridges before I went there.

Q. Oh, you did? A. Yes.

Q. And what did you tell Harry Bridges at that time?

A. I told Harry Bridges that I had been asked to go down to the FBI that night at 111 Sutter Street.

Q. And who else was present at the time you saw Harry [2328] Bridges?

A. I believe that Mike Quinn was there.

Q. And who else? Anyone else?

A. I don't think so.

Q. And where did you see Mr. Bridges?

(Testimony of James D. O'Neil.)

A. CIO headquarters.

Q. CIO headquarters? A. That's right.

Q. No one else was present? A. No.

Q. Did you ever talk to Mr. Grossman?

A. In connection with the—no, I didn't.

Q. Did you ever talk to Mr. Gladstein?

Mr. Gladstein: Is this on this occasion?

By Mr. Del Guercio:

Q. After you had been interviewed by the FBI Agents at any time? A. Oh, yes.

Q. How many times did you see Mr. Gladstein?

A. I believe I saw him once. It might have been twice.

Q. And did you go up to his office voluntarily or did he ask you to go up there?

A. I went up to his office voluntarily after I had [2329] been brought down here and put under $2500.00 bond and forced to appear here. I thought it was time I had counsel.

Q. Is that the only time you saw Mr. Gladstein?

A. I might have seen him—let me see! I think I saw him the following day when the bond had to be arranged.

Q. Did you see him before that time?

A. You mean before I went down to the FBI?

Q. Before you were brought into Court here and plead guilty to contempt of Court?

A. No, I had not.

Q. You are sure of that?

A. I am quite certain of it.

Q. Did you see Mr. Grossman——

(Testimony of James D. O'Neil,)

Mr. Gladstein: (Interposing) Your Honor, may I ask this? The questions now that are being put to the witness be put in such a way so that the witness can understand the chronology of the dates.

Presiding Inspector: Yes.

Mr. Gladstein: Here's what is happening. What the witness has in mind is the time when he went to Marysville or—now, wait a minute!. No, that is not correct. Mr. Del Guercio asked him about the time that he spoke to Harry Bridges and that, the witness said, was before he went down to the FBI offices. Now, he has the witness—he wants to [2330] ask the witness as to whether the witness has seen us. Now, the witness has in mind the occasion that has just been testified about.

As far as seeing Mr. Grossman or myself, the facts are, and we don't question it, that Mr. O'Neil came to our office on Thursday night of last week and we are voluntarily making the statement, and we have seen him since that time.

Mr. Del Guercio: Are you making that for the benefit of the witness?

Mr. Gladstein: I am making that for the benefit of the record.

Mr. Del Guercio: Well, you haven't been asked yet, I submit, if the Court please. He hasn't been asked for any such statement.

Presiding Inspector: I think the statement would come in better a little bit later. If there is any doubt about the chronology here, you may, of course, ask that you be informed.

(Testimony of James D. O'Neil.)

The Witness: Yes, that it be straightened out.

Presiding Inspector: Certainly.

By Mr. Del Guercio:

Q. Do you recall the evening on Tuesday night, I believe you said, that you appeared at the office of the FBI? A. That's right.

Q. And that there were present Major Schofield, Mr. Conneiley and myself and Mr. Cassidy?

[2331]

A. Yes.

Q. Do you remember that night? A. Yes.

Q. That was on Tuesday night last week, was it not?

A. That was the night I was brought down from Marysville.

Q. At any time before that occasion, before that meeting, and after you had been first interviewed by Agents of the FBI did you see Mr. Gladstein?

A. I did not.

Q. Did you see Mr. Grossman? A. No.

Q. Did you see Mrs. Carol King?

A. I did not.

Q. At no time?

A. No, not afterwards. Just a moment!

Mr. Gladstein: Just a moment! He said at any time between certain dates. Well then, you say "at no time".

Presiding Inspector: You mean at no time between the first interview with the FBI men?

Mr. Gladstein: He didn't say it.

(Testimony of James D. O'Neil.)

Presiding Inspector: Well, that's the way I understood it.

Mr. Gladstein: So long as the witness has it clear.

By Mr. Del Guercio: [2332]

Q. But you did see Mr. Bridges?

A. Yes. I saw him before the meeting and I saw him immediately after the meeting.

Q. When before the meeting did you see him?

A. I think it was around sometime in the afternoon.

Q. Can you place it definitely?

A. More definitely?

Q. Yes.

A. It would have to be approximately, well, around one or one-thirty because I would have to be back at work at three.

Q. Now, in relation to this meeting that we had in this office here on Tuesday last week, when did you see Harry Bridges?

Mr. Gladstein: Now the question is ambiguous. Is Mr. Del Guercio referring to the time that Mr. O'Neil went to see Mr. Bridges?

Presiding Inspector: No, no. I don't think it is capable of that understanding.

By Mr. Del Guercio:

Q. Did you understand the question?

A. I am trying to, but they are a little bit mixed up.

(Testimony of James D. O'Neil.)

Presiding Inspector: Read the question again.

Mr. Del Guercio: I will withdraw the question, if the Court please, and put it—— [2333]

Presiding Inspector: (Interposing) Well now, you are being asked a second time or a third time or more about when it was before the meeting of last Tuesday evening, how many hours or whatever it may have been, that you saw Mr. Bridges.

The Witness: After the meeting of last Tuesday night?

Presiding Inspector: Before the meeting of last Tuesday.

The Witness: Before the meeting of last Tuesday night I was up in Marysville and had been for some six or eight weeks.

Presiding Inspector: I understood you to say that before you went up on last Tuesday night you saw Mr. Bridges.

The Witness: No. Before I went to 111 Sutter Street the first time, which was away back in October.

Presiding Inspector: Oh, then I am confused.

The Witness: That was Thursday night in the presence of Mr. Bridges and in the presence of his attorneys.

By Mr. Del Guercio:

Q. Well, then you did see Mr. Bridges in the presence of his attorneys, Mr. Gladstein and Mr. Grossman? A. Oh, yes.

Q. When was that?

A. That was Thursday night when I was served

(Testimony of James D. O'Neil.)

with a Federal Court subpoena and a warrant was served on me and I was under bond.

Q. Do you recall when you were first questioned by the Agent of the FBI on October 17, 1940?

A. Was that at the Radio Station? [2334]

Q. Yes. A. Yes.

Q. Do you recall that? A. Yes.

Q. Did you see Mr. Bridges at any time after that date and prior to Tuesday of last week?

A. Yes, certainly I did.

Q. Now! Now we are getting somewhere.

A. I don't know where!

Mr. Gladstein: He said that before.

Presiding Inspector: I thought it was immediately before the meeting of last week.

The Witness: Listen!

Presiding Inspector: Before the meeting when the stenographer was present that you have been through.

Mr. Del Guercio: No, he stated——

Presiding Inspector: (Interposing) Let's find out.

The Witness: Let me answer that, Judge, in my own way instead of saying "Did you see him Monday" or "Did you see him last week"?

Presiding Inspector: Yes.

The Witness: I went down to see Harry Bridges on the afternoon of the day that I was going to 111 Sutter Street for the first time, which, I believe you stated, was last [2335] October. That may or may not be so. I told Harry that I had been asked

(Testimony of James D. O'Neil.)

to go down there voluntarily, and I agreed to go. Harry said they were asking everybody on the front to do the same thing. After the meeting that night I went down to see Bridges and I told him what had taken place.

By Mr. Del Guercio:

Q. Did you tell him everything that went on before the FBI? A. Yes.

Q. Did you tell Harry Bridges that you had seen his Communist book on his desk in his office sometime in 1937? A. No, I didn't.

Q. Did you tell him that you had told the FBI men that you believed you knew Harry Bridges to be a member of the Communist Party?

A. No, I told him what had happened.

Q. And was that the time that Mr. Quinn was present also?

A. I don't know whether Mr. Quinn was present the second time. He was present the first time because it was in his office that we met.

Q. Did you see him at any other time after that before last Tuesday?

A. I didn't see him last Tuesday.

Q. Well, did you see him at any other time?

[2336]

A. I saw him Thursday night of last week.

Q. Before Tuesday of last week?

A. No. I don't recall that I did see him.

Q. Now, to go back to this last Tuesday evening about 8:00 P. M., in the presence of the persons

(Testimony of James D. O'Neil.)

that I have just told you, Major Schofield and Mr. Connolley and myself and Cassidy, did you make this statement "I could go down now and head the Bridges Defense Committee"? A. No.

Q. "I am very friendly with Bridges". Did you make that statement?

A. No, I did not. The Bridges Defense Committee was completely functioning and has been for weeks, to my knowledge.

Q. And do you remember Mr. Schofield asking you this question: "Do you know why he never became a citizen", referring to Bridges?

A. No. I don't recall that because I wouldn't know the answer to it.

Q. You don't recall that? A. No.

Q. And do you remember making the reply "I heard in the first time he was in Washington, and the second time I don't knew why Harry Bridges did not prosecute the case." [2337] Do you remember that statement?

A. It's possible that I might have been asked that question and given that answer because I never was fully informed or never knew anything about the circumstances.

Q. And do you recall my asking you "Do you believe that an alien Communist should be deported?"

A. No. If I remember you asked me, did I believe that Harry Bridges should be deported? using the name.

(Testimony of James D. O'Neil.)

Q. Do you recall my asking you "Do you believe that an alien Communist should be deported"?

A. No, that was not the way the question was asked.

Q. And do you recall your answer, that your answer was in the affirmative?

A. No, you asked me if I thought that Harry Bridges should be deported and I said "No."

Q. And do you recall my asking you "Why do you object to doing your duty as I believe all ordinary citizens should, O'Neil"? Do you recall my asking you that?

A. Yes. I believe you did ask me that.

Q. And do you remember your reply as follows?

"Well, I will be frank about it. I was very closely associated with the labor movement and I still am. I do not belong to any union now. It was before"—"I was before a member of the American Newspaper Guild. I was on the 'Voice of the Federation', which is the paper for the [2338] Maritime Federation up and down the Coast. I was on this until I became West Coast CIO Regional Director, Publicity Man. I bought the typewriters, chairs, desks and everything was bought by me. I am not afraid". Do you remember your saying that?

A. I believe I did answer the question that way.

Q. Do you remember saying that?

A. Yes.

Q. And do you remember my asking you then

(Testimony of James D. O'Neil.)

"There must be some reason you do not care to testify"? Do you remember my asking you that?

A. Yes, I believe you did.

Q. And do you recall your replying as follows:

"It happened by accident. I had to put on a CIO radio program on KSAM. The station was off the air for a time. They tried these voices and some of them were good. Then for two years I was radio reporter, news, 15 minute program, each day. After that I went to KYA, KJBS, and handled their news over there. You can not divorce yourself from your voice, and to testify would ruin myself. No, I cannot agree. I have discussed that with Brunton. I am now working for KMYC, Marysville, only broadcast news, also general master of ceremonies on various programs. These people do not know I was a member of the Communist Party. That is the only reason I do not care to testify."

[2339]

A. No.

Q. Do you remember making those statements?

A. No.

Q. Do you remember making any of those statements?

A. Do you remember asking me if it wouldn't be possible if I wanted to get on the witness stand here and tell whatever I was supposed to answer, whatever answer you particularly wanted, if I couldn't go to some other part of the country? Do you remember that?

(Testimony of James D. O'Neil.)

Q. Do you mind my asking the questions for a moment or two?

A. No. There was no such——.

Q. (Interposing) You have no objection to my asking you some questions?

A. No. But I want to get it straight. This is a little bit important.

Q. Do you remember Mr. Schofield telling you that if we did give you assurance they will not fire you would you testify? Do you remember Mr. Schofield asking you that?

A. Yes. But that happened later out in the hall when he told me that he had ways and means of assuring me that nothing would happen in Marysville.

Mr. Gladstein: Could I hear that answer, please?

Presiding Inspector: I think he answered it fully.

Mr. Gladstein: Could I hear it, please?

Presiding Inspector: Read the answer, please.

[2340]

(The answer referred to was read by the reporter as above recorded.)

The Witness: Mr. Schofield's statement did not take place in the room. It took place down the blind end of the corridor where he said "We have ways and means to assure you that your job is O.K. in Marysville".

By Mr. Del Guercio:

Q. And do you remember your reply as follows:

(Testimony of James D. O'Neil.)

"Well, they will be on there. I have not been threatened by anyone. Mike Cassidy is a friend of mine. No Government officer has threatened me at any time. I am the one who can place Bridges in the Party. I saw him put his stamp in his own book." Do you remember making that statement, Mr. O'Neil? A. No sir, I did not.

Q. You did not make that statement in our presence? A. No, I did not.

Q. And do you remember my asking you: "You saw him put his stamps in his own book? You saw his own name in the book?" Do you remember my asking you that?

A. No, I don't recall.

Q. You don't recall that. I might have asked you? A. I don't think you did, no.

And do you remember your reply as follows:

"Yes, I walked into Harry Bridges' office, and I said, 'You g.d. fool!' He was relaxed and with his feet on the desk, and he said, 'I did not have time today.'" And then you demonstrated with your thumb on the desk how Bridges pasted the [2341] stamp in his Communist Party book? Do you remember your saying and doing that?

A. Wait a minute! I want to understand that. I walked in there? That statement says I walked in and found him with his feet on the desk and using his thumb to put stamps in a book?

Q. No, no. Then you demonstrated with your

(Testimony of James D. O'Neil.)

thumb how you saw Harry Bridges put his assessment stamps——

A. (Interposing) And the time I walked in his feet were on the desk? That must have been quite a performance.

Q. We have this statement here as we believed you said it.

A. Yes. Well, you haven't got it correct by any manner of means.

Q. And do you remember you further saying "I said, 'You g.d. fool! You are nuts!'" Do you remember your saying that? A. No.

Q. You didn't say that? A. No.

Q. "And he said, 'I am O.K.'" Do you remember you saying that? A. No.

Q. "It was under the name of Dorgan." Did you say that? [2342]

A. No. I have been asked whether there was such a book as Dorgan.

Q. I am asking you now about this conversation in the presence of Mr. Schofield, myself, Mr. Connelley and Cassidy.

A. And the answer to your question is "No".

Q. On the evening of Tuesday of last week, or the evening of April the 22nd.

Presiding Inspector: He says, "No".

By Mr. Del Guercio:

Q. And do you remember your continuing as follows:

(Testimony of James D. O'Neil.)

"That is where you fellows are wrong." Did you make that statement?

A. That is where what fellows are wrong?

Q. "You fellows", referring to us, Mr. Schofield, myself, Mr. Connelley and Mr. Cassidy.

A. I might have made that statement. I have been thoroughly convinced of it for quite a while.

Q. You have? A. Yes.

Q. "It was an Irish name", do you remember using that? A. No, no, absolutely.

Q. You didn't make that statement? [2343]

A. Absolutely not.

Q. But you did make the other?

A. What?

Q. "That is where you fellows are wrong"?

A. I think I made the remark, "That is where you are wrong, "where you asked me about whether I believed Harry shouldn't be deported.

Q. And do you remember your continuing that "He was very proud of it"? A. What?

Q. Proud of the name "Dorgan"?

A. I never discussed the name "Dorgan with him at any time in his entire life or my own.

Q. And do you recall your continuing "His card in this was green, a small green", then you demonstrated on the calendar that the size was about three by four inches?

A. No, I don't recall anything like that.

Q. You may have said that?

A. No. I did not. I might not have said it.

(Testimony of James D. O'Neil.)

did not say it. There is no possibility of it being said.

Q. And your testimony is that you did not say those things? A. That's right.

Q. And do you recall continuing: "I went to work for [2344] him, I believe it was 1937, possibly 1937 or 1938"? Do you recall your saying that?

A. No. I don't recall that I did. Most of that evening was spent, what I admit now, is a very stubborn determination on my part that I was not going to be dragged into this case.

Q. But do you recall making that statement in our presence? A. No, no.

Q. Will you say that you did not make it?

A. Yes, I am stating now that I did not.

Q. And do you recall your continuing "I went to work for the unions in 1936. It was in 1937 or 1938. They later changed the color of the card"?

A. No.

Q. Do you remember making that statement?

A. I did not make it.

Q. And do you recall that you continued "It was a deeper green later"? A. No.

Q. You did not make that statement?

A. I did not make any such statement at that time or place.

Q. And do you recall that you continued "I could not get a job anywhere. They would say, 'The g.d. Communist is still got his Communist ideas'"? Do you remember making that [2345] statement?

(Testimony of James D. O'Neil.)

A. No. That was the point where you asked, I believe it was Mr. Schofield asked me, if I couldn't go to some other part of the country and get a job.

Q. Do you deny, then, that you made the statement that I just read to you?

A. Yes, I certainly do. I have done it now several times.

Q. And do you remember my then asking you, "Did you make a statement to anybody"?

A. Did I make what statement?

Q. My asking you in these words, "Did you make a statement to anybody"?

A. No, I don't remember any such question as that.

Q. Well, do you deny that I asked you that at that time and place?

A. Yes, I would.

Q. And did you reply "They do not know I made a statement to the FBI"?

A. No.

Presiding Officer: I don't quite get that. They know——

By Mr. Del Guercio:

Q. (Interposing) "They," referring to Bridges and his counsel, attorneys, "do not know I made a statement to the [2346] FBI"?

A. No.

Q. "They know they were following me around"? Do you remember making that statement?

A. "They know"—"They know they were"——

(Testimony of James D. O'Neil.)

Q. "They," referring to Bridges and his counsel, Mr. Gladstein, Mr. Grossman and Mrs. King. Do you remember making that statement?

A. That they were following me around?

Q. No, that the FBI men were following you around.

A. Yes.

Q. You made that statement?

A. I believe I said that Bridges was aware of it.

Q. But how about Mr. Gladstein and Mr. Grossman?

A. No, I wouldn't include them because I had no conversation with them about the hearing that I attended.

Q. And then you recall Mr. Cassidy asking you this:

"Do you recall telling me of Grossman calling you"? Do you remember Mr. Cassidy asking you that at that time and place, I am referring to last Tuesday night, in the presence of Major Schofield, Mr. Connelley, myself and Cassidy?

A. No, I don't recall that.

Q. Would you say that you didn't, that Mr. Cassidy didn't ask you that at that time and place?

A. I would certainly say that I don't remember being [2347] asked that question.

Q. And do you remember your reply as follows:

"They called me, and I said I had been up to see them but they did not follow it up." Do you remember your saying that?

A. No, I don't recall I did.

(Testimony of James D. O'Neil.)

Q. Well, would you say that you didn't make that statement?

A. Yes. I would at this time say that I didn't make that statement.

Q. You deny that you made that statement?

A. Yes.

Q. And do you recall your further stating "After this they first offered me the head of the 'Timber Worker' and then later they offered me a job of the head of the Harry Bridges Defense Committee"? Do you remember making that statement?

A. No.

Q. In the presence of Major Schofield, myself, Mr. Connelley and Mr. Cassidy?

A. No, I didn't make that statement.

Q. You deny having make that statement?

A. I do.

Q. And do you remember my asking you, "Is Mr. George Wilson a Communist?" Do you remember my asking you that?

A. I don't recall that you did.

Q. Would you say that I didn't ask you? [2348]

A. I would say off-hand that you did not.

Q. And do you recall your reply made in the presence of the gentlemen I have just mentioned "George Wilson is not a Communist but his wife was"? Do you recall making that statement?

A. No, I did not make any such statement.

Q. You didn't make it? A. No, no.

Q. "That is, Betty Ballentine"? A. No.

Q. Do you remember making that statement?

(Testimony of James D. O'Neil.)

A. No, I didn't.

Q. And do you recall that you continued "I did not call them, but later Harry Bridges called me on the telephone" referring to Bridges' counsel, Mr. Gladstein and Mr. Grossman, "Called me on the telephone and said he wanted me to head this job, and I told him, 'I can't,' that, 'If people knew you and I were connected it would end me.'"? Do you remember making that statement?

A. No. Why should I make such a statement as that when I was on the air every night of the week for the CIO?

Q. I don't know. I am asking you whether you made such statement in our presence.

A. No, I didn't make such statements. [2349]

Q. And did you further continue "I was out of a job here and the Marysville job materialized after I talked to you" turning around to Cassidy, "and said that I did not know what to do as I was out of a job and did not have any reason for turning the job down"? Do you remember saying that?

A. No, I stated the reason I didn't head the Bridges Defense Committee was because I had accepted a job in the North. I had gone when the first offer of the job came.

Q. Isn't it a fact that you were out of employment when Mr. Bridges first asked you if you would accept the job to head his Defense Committee?

A. Yes. I believe he had just heard that I was out of a job at the time.

Q. And he offered you a salary?

(Testimony of James D. O'Neil.)

A. No, there was no mention of salary. What he told me at that time was, if I could get a job I had been negotiating for in the Northwest, to go ahead and get it. He said that he didn't blame anybody for doing as good for themselves as they could, but if I would be around and available they would like to have me.

Q. Didn't you continue as follows: "I don't want to testify and will not testify, but I have actual visual knowledge of his membership," referring to Bridges, "and I know he was a member of the Communist Party." A. No.

Q. Didn't you make that statement? [2350]

A. No. I did make a statement that I don't want to testify and I am not going to testify.

Q. But did you make this statement "that I have actual visual knowledge of his membership"?

A. No.

Q. Referring to Bridges' membership?

A. No.

Q. "And I know he was a member of the Communist Party"? A. I did not.

Q. You didn't make that statement in the presence of Major Schofield, Mr. Connelley, Mr. Cassidy and myself? A. No.

Q. Tuesday evening?

A. No. I have answered "No." How many times do we have to go over it?

Q. And, to continue, did you further state "I have discussed this with him and Harry would discuss the matter with me. He would discuss the

(Testimony of James D. O'Neil.)

Party line and sometimes he would digress from it"? Did you make that statement?

A. No, I did not.

Q. In our presence at that time? A. No.

Q. And did you continue as follows: "You have a lot of witnesses testifying who do not know what a real top fraction meeting is"? Did you so testify?

[2351]

A. No, I didn't.

Q. Did you so tell us at that time?

A. No, I didn't.

Q. And didn't you further state, "A top fraction consisted of Bridges, Gladstein," referring to Mr. Gladstein, "Schneidermann"? Did you make that statement in the presence of Mr. Schofield, myself, Mr. Connelley and Mr. Cassidy?

A. Not in anybody's presence at any time. I did not.

Q. And didn't you also continue "I know Gladstein is a member of the Communist Party," then you said something obscene, "for a long time"?

A. No.

Q. Didn't you make that statement in the presence of Major Schofield, Mr. Connelley, Mr. Cassidy and myself?

A. No, I did not.

Mr. Del Guercio: Huh? You don't deny it, do you?

Mr. Gladstein: I certainly do. And you are a fool!

Mr. Del Guercio: If the Court please,——

(Testimony of James D. O'Neil.)

Presiding Inspector: Let's not have these exchanges back and forth.

Mr. Del Guercio: (Inaudible).

Mr. Gladstein: Say it out loud!

Mr. Del Guercio: You heard me!

Presiding Inspector: Just a moment! Stop this talking [2352] back and forth.

Mr. Del Guercio: I think counsel should have been admonished.

Presiding Inspector: Now, address your remarks to me, and the same with you, Mr. Gladstein.

By Mr. Del Guercio.

Q. Now, didn't you also——

Presiding Inspector: (Interposing) I want to ask a question.

Was there a stenographer present at this meeting?

The Witness: I believe this gentleman over there at the table (indicating) was taking notes, yes.

Presiding Inspector: Go ahead.

By Mr. Del Guercio:

Q. And didn't you continue by saying also "Also I know Grossman is a member of the Party"?

A. I did not.

Q. You did not make that statement?

A. No.

Q. And didn't you also continue "I know he was a member of the Communist Party—that he is a member"? A. No.

Q. Do you remember making that statement?

(Testimony of James D. O'Neil.)

A. No, I didn't make it.

Q. You didn't make that statement?

A. No. [2353]

Q. *And* Del Guercio—do you remember my asking you this: "Is King a member"? And do you remember your reply, "Absolutely, no question"?

A. Is who a member?

Q. King, referring to Mrs. Carol King.

A. No, I didn't make any such statement about Mrs. King.

Q. And you didn't make that reply, "Absolutely, no question"?

A. As a matter of fact, I have never been introduced to Mrs. King. I have conducted everything through Mr. Grossman or Mr. Gladstein. I never met the lady.

Q. And do you recall you further stated "When he, Harry, would go to New York City I would make arrangements and he would see, I know, Joe Curran."?

A. I know Joe Curran.

Q. Did you make the statement?

A. I did not, but I happen to know Joe Curran. I have been twice offered the job as editor of the newspaper which he heads.

Q. Did you make the statement at that time that I just read? A. No.

Q. And did you continue as follows "He never mentioned Browder, but he also talked to Minor and Curran"? A. No. [2354]

Q. Do you remember saying that?

(Testimony of James D. O'Neil.)

A. No.

Q. And do you recall saying that "He would discuss this with me later"?

A. I never made such statement at any time in the presence of anybody or any place.

Q. And do you recall, continuing, at the same time and place, "When you asked if Gladstein is a member of the Party, that is foolish—it makes me laugh." Do you remember saying that?

A. No, I don't I was asked if Gladstein was a member of the Party and I replied that "it is foolish," that makes me laugh?

Q. Yes.

A. I don't recall that there was any discussion about the matter.

Q. Would you say that you didn't say that?

A. Yes. I would say definitely that I didn't say it.

Q. And didn't you continue as follows: "Of course, Gladstein, Grossman, Margolis are all members of the Communist Party"? Did you make that statement?

A. You mean in one statement I said it made me laugh to think that Gladstein was a member, and in the next statement I said "Of course, Gladstein is a member"? [2356]

Mr. Del Guercio: Read the question, please.

The Witness: Read the one before, too.

Presiding Inspector: I don't think it is material here.

(Testimony of James D. O'Neil.)

Mr. Del Guercio: Sir?

Presiding Inspector: I don't think it is very material here.

Mr. Del Guercio: Well, it is material in this sense, if the Court please: Here is a witness who has made, and we will show he has made, those statements to certain Agents of the FBI and who sometime later, months later, made the same statements, similar statements, in the presence of Major Schofield and myself.

Mr. Grossman: Your Honor, we do not——

Presiding Inspector: I didn't hear anything about Mr. Gladstein or Mr. Grossman or Mr. Margolis in the earlier statement that you purported to read from, and I don't see that it is very material.

Mr. Grossman: This is one occasion where we agree with Mr. Del Guercio. We think this is quite material because it shows how the FBI will falsify statements that were not made, and we therefore do not object to it going in and ask that the whole thing go in.

Presiding Inspector: I haven't ruled it out, Mr. Grossman. [2356] but I was calling Mr. Del Guercio's attention——

Mr. Del Guercio: (Interposing) I hope——

Presiding Inspector: (Continuing) ——to the fact that it wasn't very material.

Mr. Del Guercio: I hope that Mr. Grossman can back up his statement that the FBI are falsifying reports. That is an accusation—a criminal accusation, your Honor.

(Testimony of James D. O'Neil.)

Presiding Inspector: Let us go on with the trial: "Hearing," I suppose. It is not a "trial." Ask the next question.

Mr. Del Guercio: Do you want to hear me on the materiality as to whether Grossman and Gladstein are members of the Communist Party?

Presiding Inspector: No. I don't see that it is material, but that is my present view. Now, if counsel for the Alien does not object and you think it is material——

Mr. Del Guercio: I think it is very material.

Presiding Inspector: (Continuing) ——I will take it.

By Mr. Del Guercio:

Q. And did you continue as follows, Mr. O'Neil:

"I have attended at least five Communist Party meetings with Bridges and Hanoff was at all of these."

Presiding Inspector: Now, just a moment! I was confused about a question and the witness asked to hear the question [2357] and answer a couple of questions back, and I would like to hear them, too.

The Witness: The questions were in regard, as I remember, Judge,—the first question was where I was alleged to have stated that Gladstein was not a member of the Party and had made me laugh, then I said that all the counsel were.

Presiding Inspector: I am sure that that implication is not necessary, although I understand you are taking it.

(Testimony of James D. O'Neil.)

Just read that about making him laugh. I think that counsel—well, I won't say.

(The questions and answers referred to were read by the reporter as above recorded.)

The Witness: It is clear. In one question read to me I have given one answer and in the next one I have presumably given another, both contradictory.

Presiding Inspector: You can take another implication. The suggestion is, if I may say it, that it was so conspicuously so that you laughed at their even asking the question.

The Witness: That wasn't the impression I got out of it.

Presiding Inspector: That, I think, is the impression that counsel suggests to the question.

By Mr. Del Guercio:

Q. And then did you continue by making this statement "I have attended at least five Communist Party meetings with [2358] Bridges and Hanoff was at all of these. I never attended any meetings with Pritchett"? Did you make such a statement?

A. No. But you did ask me a question about Pritchett being a member of the Communist Party, and I said that I never met him.

Q. You deny at this time that you have made the statement as I have read it?

A. I certainly do.

Q. And do you recall continuing as follows, "I have yet to meet Pritchett"?

A. Yes, I was asked——

(Testimony of James D. O'Neil.)

Q. (Interposing) Do you remember that?

A. Yes, and I said I had never met him and I never have.

Q. And do you recall saying that "I have not met Mickey Orton"?

A. No, I didn't make that statement, because I have met Mickey Orton.

Q. You have met Mickey Orton? A. Yes.

Q. And do you remember your making this statement regarding Mickey Orton "He belonged, but as to that I am not sure."

A. No, I did not because there has never been any question about Mickey Orton at all. [2359]

Q. You didn't make that statement at that time and place? A. No.

Q. And do you recall your continuing as follows: "I never attended meetings with either Pritchett or Orton?" Did you make that statement?

A. No, I did not make that statement.

Q. And do you recall making this statement "I would take the daughter of Bridges home from the Bal Tabarin. He would toss me the keys, and I would take her home. This was social"? Do you recall making that statement?

A. I believe in answer to that question I did state that we had been out for the evening at the Bal Tabarin and that I did take his daughter home, yes.

Q. And do you remember your continuing "The meetings I attended with Bridges were closed Communist Party meetings"?

A. No, I did not make that statement. I have

(Testimony of James D. O'Neil.)

never been to a Communist meeting of any kind in my life.

Q. I am talking about Tuesday night in the presence of Major Schofield, Mr. Connelley, Mr. Cassidy and myself.

A. So am I. I already said "No" to it. Apparently I have to say "No" four or five times.

Q. I want to be sure that you understand the questions.

A. I understand it thoroughly.

Presiding Inspector: I think there is a good deal of [2360] repetition.

Mr. Del Guercio: If your Honor please, I think there should be because we want to make certain——

Presiding Inspector: I don't think it makes it any stronger.

The Witness: Might I state at this time that I just got out of the hospital a week ago for pneumonia, and this is a little bit trying, and I don't like to answer the same questions three or four times which I have been doing all morning.

By Mr. Del Guercio:

Q. And do you remember your continuing "I have only been at four or five, and sometimes there was no reason for me being there"?

A. I didn't make any such statement.

Q. You didn't make that one? A. No.

Q. And do you remember making the statement "They would call me when it concerned the waterfront"?

A. No, I didn't make that statement.

(Testimony of James D. O'Neil.)

Q. Do you remember making that one?

A. No.

Q. Do you remember making the statement that "I was Regional Director of the CIO publicity and was getting $50.00 a week"? [2361]

A. Somebody asked me and I told them what the salary was.

Q. Then you did make that statement?

A. Yes.

Q. Did you make the statement that "I got paid from Washington"?

A. I understand we are talking about the meeting of last Tuesday night, and I don't recall that the question of salary came up the other evening at all.

Q. Do you recall making the statement "The union went in the CIO. It would be 1937—it was after the strike"? Do you recall making that statement?

A. What union went into the CIO?

Q. Do you recall making the statement as I read it?

A. No. It doesn't make sense as you read it to me.

Q. Do you recall making this statement "In June he was named Secretary of the CIO, and I called him for a job and took my job as publicity director and I got my salary then from Washington"?

A. No, I don't recall any such statement as that on Tuesday evening.

Q. And do you recall your continuing "Prior to that I got my salary from the 'Voice of the Federation', $50.00 per week paid for five years' experience

(Testimony of James D. O'Neil.)

as a newspaper man, the [2362] salary paid for this"?

A. No, I don't recall that that subject came up at all. That was discussed and covered at other meetings, but not at that one.

Q. Do you recall that you continued, "I came here in the fall of 1936, which was the time I took over the paper. I came to the State of California possibly twelve or fourteen years ago, I would say off-hand"?

Do you remember making that statement?

A. No, I didn't. I don't believe that that is correct, of when I came to California.

Q. Do you recall making this statement "I have told you guys the truth, and on the stand tomorrow it will be a different situation. I will go up on the stand and say that to testify is a crucifixion"? Do you remember making that statement?

A. I did not make any such statement.

Q. And do you remember then my asking you if you intend to go on the stand and tell the truth? And do you remember your reply "I cannot do it"?

A. I made no such statement.

Q. What?

A. I made no such statement. Do you recall bringing in a subpoena that particular evening because I said I would not [2363] take the stand?

Mr. Del Guercio: I move that that be stricken upon the ground it is not responsive.

Presiding Inspector: Yes, strike it out. Just answer the questions.

(Testimony of James D. O'Neil.)

By Mr. Del Guercio:

Q. Mr. O'Neil, do you remember making a telephone call from a pay telephone on Balboa Street to Mr. Cassidy on March 18, 1941?

A. March 18?

Q. Uh-huh (affirmative); this year.

A. No, but I believe I informed him—I believe I called him from home to tell him that I was leaving San Francisco.

Q. About March 18, 1941?

A. It would be approximately around in there someplace.

Q. And do you remember telling him in that telephone conversation, telling Mr. Cassidy, that if you were called as a witness you may as well jump in the Bay and have it over with?

A. No, I don't recall any such statement.

Q. Did you ever make such statement to Mr. Cassidy over the telephone?

A. No, I didn't.

Q. You never did? [2364] A. No, no.

Q. And did you make this statement to Mr. Cassidy over the telephone, that same telephone conversation that on the previous afternoon, Monday, March 17, 1941, you had received a telephone call from Harry Bridges who asked you if you would take over the job of running the Bridges Defense Fund?

A. I did not. I made that statement directly to Cassidy and not over the phone. I made a brief statement that I was leaving San Francisco, because

(Testimony of James D. O'Neil.)

I didn't want to leave any impression that I was running away or in flight from anyone. That was why I called.

Q. And did you further state at the same time over the telephone, March 18, that Mervin Rathborne would continue as the nominal head of the fund, that Harry wanted you to do all the actual work?

A. I made no such statement over the phone.

Q. You made no such statement. And didn't you over that telephone conversation ask for advice as to whether you should accept the position as head of the Defense Committee,

A. I did not ask for any such advice, no.

Q. And didn't you say—also say at that time and place that you could act as an informant and in that way the Bureau would have a pipeline to all of the activities trans- [2365] piring in regard to the Defense Fund?

A. I certainly made no such statement.

Q. You didn't make any such statement?

A. No.

Q. To Mr. Cassidy?

A. No. If I could have played a dirty game like that, I wouldn't be here under $2500.00 bond the way I am. I don't play that game.

Does a chance come later, Judge, to explain some of these things?

Presiding Inspector: Mr. Gladstein will ask you the questions.

By Mr. Del Guercio:

Q. And didn't you further state that you would

(Testimony of James D. O'Neil.)

accept the job only if you could be assured that you would not be used as a witness?

A. I did not make any such statement.

Q. And that with that understanding you would furnish the Federal Bureau of Investigation with any information of possible value that you might obtain? A. I did not.

Q. And didn't you also say in that same telephone conversation that you needed the work and that you could offer Bridges no plausible reason for not accepting the position as [2366] you had been unemployed since November 22, 1940 when you lost your job at the broadcasting station?

A. I did not, because he told me to take the job in the North rather than to go to work on the Defense Committee; because it would presumably be permanent. You have seen to it that it wasn't. [2367]

Q. And did Mr. Cassidy call you back later on that same day?

A. He did not. As I recall it I made the call from my home.

Q. I mean did he call you back that day, or the following day, on the telephone?

A. I don't believe so.

Presiding Inspector: He doesn't believe so. I suppose he means he has no such recollection.

Mr. Del Guercio: I am trying to refresh his memory.

(Testimony of James D. O'Neil.)

By Mr. Del Guercio:

Q. Do you recall if Mr. Cassidy told you over the telephone shortly thereafter, that is, the previous telephone conversation, that he did not know whether you would be used as a witness in the Bridges case?

A. No; I don't recall we discussed it. I stated I was leaving and my reason for going.

Q. And that the matter of calling you as a witness would be entirely in the hands of the officials who were to present facts to the Examiner?

A. I believe he told me that personally one time, but not in connection with this telephone conversation.

Q. And did Cassidy also tell you that the question of your accepting the position offered you as head of the Bridges Defense Fund was a matter that you would have to decide for [2368] yourself?

A. No, because I didn't call up to discuss that. I called to say I was leaving town.

Q. Now, Mr. O'Neil, when were you served with a court subpoena—and by a court subpoena I mean a subpoena issued by a Judge of the U. S. District Court, to appear in this proceeding to testify?

A. I believe that was Wednesday.

Q. Wednesday? A. I believe so.

Q. And you did not appear, did you?

A. I did not. I planned to come down in the afternoon but a warrant was issued for me before noon time.

Q. And what did you do that evening, on the

(Testimony of James D. O'Neil.)

evening that the court subpoena had been served upon you?

A. I went down to see Mr. Grossman and Mr. Gladstein at their office in the Mills Building.

Q. And what time did you go there?

A. I couldn't say positively. It was fairly early in the evening; possibly around—I couldn't venture an exact guess on that.

Q. Well, had anyone telephoned you to go up to see Mr. Gladstein and Mr. Grossman?

A. No. I called on them.

Q. Did Mr. Gladstein—did you go to Mr. Gladstein's [2369] office? A. Yes.

Q. Where is that?

A. In the Mills Building.

Q. What time did you arrive there?

A. I just told you I can't be positive.

Q. Was it at night?

A. Yes; it was in the evening.

Q. Was it dark when you arrived there?

A. Yes.

Q. Who were present there in Mr. Gladstein's office?

A. Harry Bridges, Mr. Gladstein, Mr. Grossman, my wife and myself.

Q. Was Mrs. King there?

A. I don't recall if she was in there when I was discussing this matter with them.

Q. How long did you remain in their office that evening? A. Possibly a couple of hours.

Q. What was discussed?

(Testimony of James D. O'Neil.)

A. We talked about this subpoena which had been issued.

Q. Is that all?

A. We talked about the case in general.

Q. What do you mean, "about the case in general?"

A. Just exactly that—about the case in general.

Q. What was said about the case?

A. As to why I was down here and why they particularly [2370] wanted to question me.

Q. As to who——

A. (Interposing) As to why I was going to be questioned.

Q. Questioned by whom?

A. At the hearing here.

Q. Who did you tell that to?

A. I answered these gentlemen; they asked me.

Q. Did they give you a reply, did they say why you were coming down here?

A. They asked me why I was coming down here.

Q. Did you tell them?

A. I told them I had been in Marysville working when two FBI men came up there and insisted that I leave immediately and come down here immediately. They had no subpoena for me, but I knew it would be a waste of time to argue for they would come back the next day, so I came down.

Q. You came down voluntarily from Marysville?

A. Yes, sir; no sense taking any other tactics.

Q. Did they threaten you? A. No.

(Testimony of James D. O'Neil.)

Q. What else was said in Mr. Gladstein's office that night?

A. We discussed subpoenas, and I was advised the best thing to do was to appear.

Q. Who advised you to do that?

A. Mr. Gladstein or Mr. Grossman. [2371]

Q. You didn't appear?

A. No. I planned to appear in the afternoon, but I didn't appear.

Q. What else was said about the Bridges case and about your testimony?

A. I can't recall, except I believe that Bridges said the advice he gave me when I went to 111 Sutter Street the first time was still good.

Q. What advice was that?

A. To get up and tell the story as it happened.

Q. Did you tell Mr. Gladstein and Mr. Grossman and Mr. Bridges there that you had already made a statement to the FBI?

A. No, I didn't because I have not made a statement.

Q. And that you had had conversations with them?

A. Yes, conversations; questions had been put at me.

Q. Did you tell Mr. Gladstein, Mr. Grossman and Harry Bridges there that you had dictated a statement to a stenographer in the FBI office?

A. No, I did not, because I did not dictate one.

Q. What else did you talk about during these two hours you were up there?

(Testimony of James D. O'Neil.)

A. Well, I think that pretty well covers the ground.

Q. Do you mean that is all you talked about in the two hours?

A. That, and the general aspects of the case; yes. [2372]

Q. What were the general aspects—let me have some particulars in that connection. What was said about the Bridges case generally?

A. I couldn't recall exactly what was said there that particular evening because I was too completely upset about what had taken place.

Q. Did you make any statement to Mr. Gladstein, Mr. Grossman, or Harry Bridges, any written statement? A. I believe I did; yes.

Q. Did you dictate it?

A. Yes, I believe I did.

Q. What was the statement concerning?

A. I don't recall now what was in it.

Q. You don't recall? A. No.

Q. Did a stenographer take down what you were saying? A. Yes.

Q. Was a stenographer present? A. Yes.

Q. And you signed the statement?

A. Yes, I believe I did.

Q. How long was the statement?

A. I don't recall how long it was.

Q. Did they read it back to you? A. Yes.

[2373]

Q. Was it true, everything that you said in the statement? A. Yes.

(Testimony of James D. O'Neil.)

Q. And you signed it? A. Yes.

Q. Were you given a copy?

A. No, I don't believe I was.

Q. Did you ask for a copy?

A. No, I don't recall that I did.

Q. Did you see them again that evening, or the following day, that is, Mr. Gladstein, Mr. Bridges or Mr. Grossman?

A. No—that is Thursday evening you are talking about?

Q. Yes.

A. Yes. On Friday there had to be a change made in the bond and I went to their office again.

Q. Who furnished your bond?

A. I believe it was the Bridges Defense Committee.

Q. The Bridges Defense Commitee?

A. Yes.

Q. You were found in contempt of Court, were you not, Saturday morning? A. That is right.

Q. And your sentence has been suspended, is that correct? A. That is right.

Mr. Grossman: If your Honor please, I would like to correct [2374] that. I do not know of my own knowledge, but it was in the newspapers that sentence has not been suspended, but that judgment has not been given yet.

Mr. Del Guercio: Yes, judgment has not been given. That is what I meant—it was postponed.

The Witness: Postponed until they could see

(Testimony of James D. O'Neil.)

what they thought of my testimony here. That was the statement.

By Mr. Del Guercio:

Q. Is that what Judge Louderback told you?

A. That is correct. That is what either Judge Louderback said, or the Federal Attorney standing there said, and the Judge agreed.

Q. Who was the U. S. Attorney there?

A. I don't know him.

Q. Was it Mr. Licking?

A. I believe that was the name.

Q. And he made what statement to you?

A. He made the statement—first off, they wanted to pass the sentence on Tuesday. I think Mr. Licking made the suggestion that it come up Wednesday morning instead, pending my appearance on the stand and my attitude at that time.

Q. He said pending your attitude at the time you appeared on the stand?

A. I couldn't say his exact words, but the statement was to the effect that what I had to say here would depend on what [2375] happened at that time.

Q. Were all of the statements that you made in the presence of myself, Major Schofield, Mr. Connelley and Mr. Cassidy, on Thursday night—I mean on Tuesday night of last week, true and correct?

Mr. Gladstein: We have been all through those statements one by one.

Presiding Inspector: I think he may say whether

(Testimony of James D. O'Neil.)

they were—not the statements that were read—he is asking whether he truthfully answered their questions. That doesn't mean those statements.

Mr. Gladstein: I understand.

A. That is correct. I answered the questions truthfully.

By Mr. Del Guercio:

Q. All these statements that you made that night?

A. All the things you asked me I answered to the best of my ability.

Q. I am not asking you that. I am saying all of the statements—pay close attention—that you made in the presence of Major Schofield, Mr. Connolley, Mr. Cassidy and myself on Tuesday night last week, were all those statements true and correct?

A. You have just read off a purported list of——

Presiding Inspector: No, no, no. He asked you whether what you told them, in answer to questions and also those state- [2376] ments which you made not in answer to questions, whether your answers and statements were correct.

The Witness: They were correct.

By Mr. Del Guercio:

Q. And were all of the statements that you made to the Agents of the Federal Bureau of Investigation from time to time true and correct?

A. I answered their questions to the best of my ability and told them the truth.

(Testimony of James D. O'Neil.)

Q. Your answers, they were correct?

A. That is right; yes.

Q. Mr. O'Neil, when you arrived at Mr. Gladstein's office Thursday night of last week, did Mr. Gladstein or Mr. Bridges tell you that they had that same afternoon, or evening, tried to come down to your home, but didn't go in because they saw a car there with some officers in it?

A. I don't recall that statement was made, but the car was there.

Q. The car was there—you knew that?

A. Yes, sir. The house was picketed.

Q. Did you tell Mr. Gladstein that the car was there?

A. I believe I did. In fact, the car followed us down to his office.

Q. Did you call Mr. Gladstein up when you saw the car standing in front of your house? [2377]

A. I don't recall that I did; no.

Q. You don't recall. Would you say that you did or did not call?

A. I couldn't be sure as to whether I called or not.

Q. It is possible that you did call?

A. It is possible that my wife might have called.

Q. Is it also possible——

I didn't get your last answer.

(The answer referred to was read by the reporter as above recorded.)

(Testimony of James D. O'Neil.)

By Mr. Del Guercio:

Q. I will ask you the question again: Is it possible that you might have called that evening, might have called Mr. Gladstein, Mr. Grossman, or Harry Bridges, after you saw the car in front of your house?

A. No, I don't believe I called.

Q. You are not sure?

A. I wouldn't want to be certain.

Q. How did you go to Mr. Gladstein's office from your home? A. We went down in a car.

Q. Your own car? A. I have no car.

Q. Whose car was it?

A. I couldn't be sure about that. [2378]

Q. You are not sure whose car it was?

A. No. Just a minute—I want to explain here that I have been thoroughly confused for the past few days. I think you are aware that I got out of a hospital with pneumonia, and I have been arrested and put under $2500 bond, and such things as whose car did I go in, and so forth, and so on——

Presiding Inspector: Is this material?

Mr. Del Guercio: Yes.

Presiding Inspector: I don't see the slightest materiality. He testified that he didn't call up Mr. Gladstein's office heretofore.

Mr. Del Guercio: No; he said he might have.

Presiding Inspector: His last answer was that his best recollection was that he didn't, but that he wouldn't be certain.

(Testimony of James D. O'Neil.)

Mr. Gladstein: I might as well say that my knowledge is that Mr. and Mrs. O'Neil came to our office in a Yellow taxicab and I think they left the same way.

Presiding Inspector: I don't suppose you ought to volunteer that.

Mr. Gladstein: It has no materiality.

Mr. Del Guercio: I think that is improper.

Presiding Inspector: It is improper.

Mr. Gladstein: What is the materiality of this?

Presiding Inspector: I can't see any materiality of it.

Mr. Del Guercio: No materiality when he went to Mr. Glad- [2379] stein's office?

Presiding Inspector: Not at all. I can't see, whether Mr. Gladstein, Mr. Bridges, or anyones else took him there, I do not see that it has the slightest materiality. This case isn't going to be tried or determined upon such suspicions or anything of this kind. It is going to be tried and determined upon the evidence.

If you remember why you may state it, but if you can't that is all there is about it.

The Witness: I can't be certain.

Presiding Inspector: Have you any recollection at all on it?

The Witness: I remember I went down there.

Presiding Inspector: You went in a motor car?

The Witness: Yes; in an automobile. There were a lot more things worrying me than the make

(Testimony of James D. O'Neil.)

of the car and who was driving it on that particular evening.

Presiding Inspector: I can't see any materiality to it. If you want to press it you may press it still further.

Mr. Del Guercio: In view of the statement of the Court I won't press it further.

May I make this request—we are about ready to adjourn, I assume?

Presiding Inspector: Yes.

Mr. Del Guercio: I request that the witness be admonished [2380] not to talk to anyone during the noon recess.

Presiding Inspector: I think it would be wise for him not to talk to anyone. I won't admonish him.

Mr. Gladstein: I might mention that we have no objection to that. But I think the record should show that heretofore every witness that Mr. Del Guercio has put on has been in the custody of the Government during all recesses, even during cross examination by us.

Presiding Inspector: This case isn't going to be determined on that.

Mr. Gladstein: I know, but I want to point that out for the record. We do not know what they have been doing with the witnesses during our cross examination.

Presiding Inspector: All I say is that I think it would be wise for Mr. O'Neil not to talk to anybody during the noon recess about this case.

(Testimony of James D. O'Neil.)

Mr. Del Guercio: I think counsel should be admonished as to his choice of words. No witness has been in custody, if the court please, and let the record show that.

Presiding Inspector: We will recess now until 2:00 P.M.

(Whereupon, at 12:35 P.M. a recess was taken until 2:00 P.M. of the same day.) [2381]

After Recess.

2:00 O'Clock P.M.

Presiding Inspector: All right, Mr. Del Guercio. You may proceed.

JAMES D' O'NEIL

called as a witness on behalf of the Government, having been previously duly sworn, testified further as follows:

Direct Examination (Resumed)

By Mr. Del Guercio:

Q. Mr. O'Neil, you testified this morning that you had been interviewed by Agents of the Federal Bureau of Investigation a number of times, is that correct? A. That is correct.

Q. During any of these interviews were you intimidated or threatened by the FBI agents?

A. Well, I don't know what you call it, but Major Schofield, in that meeting, said that if I didn't turn out to be a reluctant witness that my job

(Testimony of James D. O'Neil.)

would be perfectly safe, whereupon my job was lost the following day when I did turn out to be a reluctant witness.

Q. I am calling your attention to the interviews that you had with the Agents of the Federal Bureau of Investigation during the several interviews with the Agents, and am asking you if you were in any way intimidated or coerced or threatened?

A. The agents were in on that hearing. [2382]

Q. What?

A. The agents were in on that hearing that I am referring to, the one down there in your office.

Q. Is it your testimony that you were coerced and threatened by the agents?

A. I regard it more or less of an intimidation to say "Your job is all right provided you turn out to do the thing we want you to."

Q. Is that the only thing you have in mind?

A. That is the only thing I can recall at the moment.

Q. Do you recall anything else—I will give you all the time you want to think about it.

A. I don't believe I do right now.

Q. Can you recall anything else?

A. No, I can't.

Q. You weren't threatened? A. No.

Q. Or coerced? A. No.

Q. You weren't intimated, other than the statement you made that Major Schofield is purported to have said? A. No.

Q. That is the only thing?

(Testimony of James D. O'Neil.)

A. That is the only thing that I can recall.

Q. And that refers to all the interviews you had with [2383] the FBI agents, the Government agents?

A. I would say so.

By the way, would you consider it an interview up at the house there when they were coming up the back stairs and also up the front and hammering on the door and demanding admittance, cars parked outside the apartment house?

Mr. Del Guercio: I move that that be stricken, your Honor.

Presiding Inspector: No. I think I will allow that.

If you consider that an interview would you say there was any coercion in that?

The Witness: I would certainly regard it as coercion; yes, sir.

By Mr. Del Guercio:

Q. And when did that occur?

A. That occurred, if I am not mistaken,—I can't be dead sure about the date, but I believe it was on Wednesday when I had failed to respond to the first subpoena to appear in 111 Sutter Street.

Q. That was Wednesday of last week?

A. And Thursday.

Q. And Thursday? A. Yes.

Q. And that was after you had made the statements to the FBI, the statements in the presence of Major Schofield, Mr. Connelley, myself and Cassidy? [2384]

(Testimony of James D. O'Neil.)

A. That was after I had answered their questions.

Mr. Del Guercio: Yes. You may cross examine.

Cross Examination

By Mr. Gladstein:

Q. Mr. O'Neil, during the examination that Mr. Del Guercio conducted this morning you at one time turned to Judge Sears and said, substantially, "May I explain how this happened?" Judge Sears said "You may make your explanation when Mr. Gladstein examines you." I will now ask you to explain in your own words beginning at the beginning with your first interview with the FBI and telling in chronological order as nearly as you can all of the incidents connected with your various interviews with the FBI. Will you please do that?

A. Well, the first two interviews were conducted at Radio Station KJBS. I was employed there at the time. That took place in an audition room down the hall. At that time the opening statement was "When did you cease to be a member of the Party?" My reply to that was that I had not ceased to be a member of the Party, that I was not a member of the Party and never had been." Whereupon at that time they began asking me questions about a number of people who are prominent in the waterfront labor movement. As I recall,—I can't recall them all because some of them I had never heard of. They obviously were from some place other than San Francisco. Henry

(Testimony of James D. O'Neil.)

Schmidt's name was mentioned, Bridges, Mervin Rathborne, officials of the [2385] Newspaper Guild; in fact, officials of practically every Union with which I came in contact during my two years at the CIO.

At the end of the first interview, which consumed, I should say, possibly an hour and a half, somewhere around there, I was asked who the callers were.

Q. Who asked you that?

A. Mr. Brunton at the radio station. I informed him who they were and what their purpose was. As I recall, he made the remark that if I knew anything I should go down and I could become the biggest figure on the Pacific Coast by proceeding to "turn in" Harry Bridges. I said I knew nothing of Bridges which could be of any value to the people. I believe another interview was held—at that time I was asked to come down to 111 Sutter Street, and I saw no particular reason for not going except I think the night they asked me to go down there was the night that John L. Lewis was speaking in the election. He was coming out with an important statement. I didn't want to miss it, so I postponed the meeting until the following evening. I think it was the following evening.

In the meantime I contacted Harry Bridges. Harry laughed when I told him what had happened, that I was going to be called down. He said "You are only one of several who worked down at the front who have had the same thing". He said "The

(Testimony of James D. O'Neil.)

only thing is to go down and tell them the truth. You have nothing to worry about." Which I did.

[2386]

In the course of the meeting, which was read as a statement, paragraph by paragraph, the questions that were asked me now appear to be questions that were asked me corroborated by myself. Let me see! That was, I believe, the third meeting, if I am not mistaken. Two took place at the radio station. The third one took place at 111 Sutter. There were two subsequent meetings at the house. On that occasion I was called on the phone and asked if I would come down to 111 Sutter, and I felt and I said that I felt I had nothing to add to what had already been said. Well, they came out to the house anyway on two different occasions. I couldn't say exactly how long, but I believe that one of the sessions up there when they were going over names, calling up names of men and women both, who were prominent in the labor movement, "Did I know that they were affiliated with the Communist Party?" "Did I ever attend Communist meetings with them?" The answer was that I had not. "Well, so and so," and somebody would be brought in who I might or might not know. When I say "brought in", their name brought in and I was told that they had said that I had been at such meetings.

Well, I stated that they were meetings of Labor's non-Partisan League, they were meetings of the Maritime Federation of the Pacific, they were meet-

(Testimony of James D. O'Neil.)

ings of the CIO Council. The meetings were a great many varied labor groups, at which I was present and in which these figures were present because, for [2387] instance, I believe at that time Henry Schmidt was the President of the Local of the ILA at one time and later on of the ILWU. Certainly I attended such meetings but they were not Communist meetings. And I so stated. And yet time and again, you understand, once a question was answered that wasn't the end of it. It was brought up at the subsequent meeting, or possibly the same evening with the statement that "this man" or "that man" was reported to have seen me, or "It was reported that you were seen there, Jim, and it was a Communist meeting." That is why this statement this morning is a composite picture of the entire six interviews and not of any one particular one.

Now, when I mentioned a few moments ago "intimidation" or meetings that were held at the house, I regard it as intimation when two of the agents stormed up the back stairs the other day to try to convince me that I should come down to the hearing. I regard it as nothing less than intimidation if a man came up there, I believe that was to serve the Federal Court warrant and he slammed on the front door of the apartment so loud that it could be heard all over the entire building. When we opened up the thing he dashed into the room and served the paper on me.

(Testimony of James D. O'Neil.)

I was due to appear at ten o'clock in the morning, and it was right around noon time that the warrant was served on me and I was brought down.

[2388]

Q. Have the agents of the FBI been watching your home?

A. They have been parked outside in a car.

Q. Have the agents of the FBI been following you around town and shadowing you?

A. Yes: they followed me the night I went down to your office.

Q. Proceed with your story, Mr. O'Neil, telling us what else happened.

A. At the time that I left San Francisco to go to Marysville I did contact Mr. Cassidy because I wanted it understood why I was leaving town. I had previously talked to Harry Bridges and he had mentioned that it would be a good idea if I did go to work for the Bridges Defense Committee, but he also made the statement, "If you can get yourself a better job, or a more permanent job, go to it," because he didn't blame a man for doing the best he could do for himself.

So I took a job up in the northern part of the State.

I have been up there for some six weeks. When I was taken sick I had to go to the hospital and I just got out of the hospital less than a week ago.

Q. What were you in the hospital for?

A. Bronchial pneumonia. I got out of there on

(Testimony of James D. O'Neil.)

Saturday and the following Tuesday the agents appeared.

Q. Do you remember which agents they were?

A. Cassidy, and the other chap's name I don't recall. [2389] I don't know—I think I was introduced to him, but I don't remember his name. I don't see him here today.

They had a car with them. I had to go on the air at the time, had a broadcast to take care of at 12:25, followed by another one at 12:30. I completed those broadcasts and I realized there was no sense in trying to evade coming down here because I knew I would be served with a paper compelling my appearance. So I came down voluntarily.

I was told at that time—I said, "I have absolutely nothing that would be of any value in this particular case, as you fellows know."

They said, "There is no harm in coming down and talking to the bosses."

I said, "I have talked to the boys before and there is absolutely nothing left to be said to the boys or anybody else."

I came down here. As soon as I got down here, as soon as my attitude was found to be that I had nothing to say and I didn't intend to cooperate—I suppose that would be the word to use—I was served with a subpoena, which I signed for at the time and accepted the service of it.

Q. Since the time that you came down from Marysville, Mr. O'Neil, and didn't show the kind of

(Testimony of James D. O'Neil.)

cooperation that Mr. Del Guerico wanted, have you lost your job at Marysville? A. I have.

Q. Tell us about how your job was lost? [2390]

A. I was informed by phone, the day after I failed to appear, by the manager of the station, that he was sending my check down and didn't care to have in their employ a man who had been associated with Bridges.

Q. Now, at the time that you were at the office of the FBI on Tuesday, of last week—withdraw that.

First of all, let me ask you this question: At the time that you were there at 111 Sutter Street, on Tuesday of last week, and after the discussion, did I understand that you and Major Schofield then had a conversation between yourselves?

A. Yes. We were leaving the room, and I was going down the hall toward the door leading out from the office there. At the far end of the corridor there is a table and a chair—it might have been a desk and a chair—and Mr. Schofield called me back and said, "The main thing about it is that you are afraid about your job in Marysville, aren't you?"

I said "I don't know. I imagine it is not going to do me any particular good, all this."

He said, "Never mind, we have ways of taking care of that. That can be fixed up. You don't have to worry about that."

It was the following day that it was fixed up, as I have testified.

(Testimony of James D. O'Neil.)

Q. Isn't it a fact, Mr. O'Neil, that the reason you told the FBI you didn't want to testify in the case was because [2391] you felt that you had nothing to add to the Government's case in this case, but that the mere appearance of yourself as a witness against Bridges would be played up in the press in such a manner as to blacken your name in the labor movement regardless of the fact that you had no information against him?

Mr. Del Guercio: I object to the question, your Honor, as being suggestive.

Mr. Gladstein: This is cross examination.

Mr. Del Guercio: It is putting words in the witness' mouth.

Presiding Inspector: I will take it. You may answer.

A. I testified this morning that I had been a member of labor unions since 1919, and I said then that I didn't want any part of this hearing: that I didn't want to be connected with it as a Government witness against Bridges; not that there was any fear on my part, because there wasn't and there isn't, but it doesn't do a man any good to get his name in the headlines, "So and so subpoenaed to appear against Harry Bridges," because many men in the labor union who don't read beyond the headlines would say; "Jim O'Neil has been called to testify against Harry Bridges," without knowing the true statement of the condition of affairs.

(Testimony of James D. O'Neil.)

By Mr. Gladstein:

Q. Would the answer to the question I asked you be "yes" [2392] then? A. Yes, sir.

Mr. Gladstein: We have no further questions, your Honor.

Redirect Examination

By Mr. Del Guercio:

Q. Mr. O'Neil, you testified here, in answer to counsel's questions, suggestions, rather, that you had been followed by agents of the FBI. How did you know that they were agents of the FBI?

A. Because I was thoroughly satisfied that they were, because a man stepped out of the car and came up to serve that paper, and later on I saw that same car out in front.

Q. You are as sure of that as you are of some of the other statements you have made?

Mr. Gladstein: Don't answer that question.

Presiding Inspector: I don't think that is proper.

Mr. Del Guercio: I will withdraw the question.

By Mr. Del Guercio:

Q. Did they tell you they were agents of the FBI?

A. They came in and officially served the papers on me.

Q. Did they tell you they were agents of the FBI?

A. I don't recall that they did, but it was on official business of this hearing.

Q. Do you see them in court here? [2393]

(Testimony of James D. O'Neil.)

A. No, I don't recall that I do. There are a good many agents who talked to me that are not in court.

Q. As a matter of fact, Mr. O'Neil, wasn't it the U. S. Marshal that appeared at your home to serve the subpoena on you?

A. Some official, but I couldn't say who it was.

Q. And didn't you, or your wife, and in your presence, ask to see his credentials?

A. I believe she did.

Q. What did your wife see, did she tell you?

A. No, I don't believe—I was in bed at the time.

Q. But your wife, did she see the credentials of the person that served the subpoena on you?

A. I don't know that she did.

Q. Why didn't you ask to see them yourself?

A. Because I was in bed at the time the paper was served on me.

Q. Were you awake?

A. I was awakened by the arrival of the man.

Q. You were awake when the Marshal appeared?

A. Yes; that was the noise of getting in the house that awakened me.

Q. You didn't ask for his credentials, to see his papers? A. I don't believe I did; no.

Q. Now, what is the name of the manager of the station [2394] where you were employed at Marysville? A. Walter Conway.

Q. When did he tell you that you had lost your job?

(Testimony of James D. O'Neil.)

A. He phoned me—I believe the call was made either Wednesday or Thursday.

Q. Wednesday or Thursday. It wasn't the day following the interview at the FBI office on Tuesday night, was it?

A. It could have been—but I couldn't be sure. whether it was Wednesday or Thursday; one of those two days.

Q. What time of the day were you called?

A. I believe the call came in around close to noon.

Q. That you were called at your home?

A. Yes.

Q. Did you report for duty there at that station Wednesday morning?

A. No. I was down here Wednesday morning.

Q. Why didn't you report for work Wednesday morning?

A. Because I had been down here talking to you gentlemen.

Q. Well, you were under subpoena to come here to appear here in court and you didn't appear, isn't that a fact?

Mr. Gladstein: That is not a correct statement in accordance with the record. The first subpoena that I saw didn't tell him to come into court at all. It said to go to 111 Sutter Street.

Presiding Inspector: Subpoena to come somewhere. [2395]

Mr. Gladstein: That is a little different, but that is misleading the witness.

(Testimony of James D. O'Neil.)

Presiding Inspector: We will make it that way.

By Mr. Del Guercio:

Q. Where did you go Wednesday morning?

A. I went home.

Q. And you stayed there all day?

A. I believe I did; yes, sir.

Q. You didn't go anywhere?

A. No; I don't recall that I did.

Q. In any event, you didn't go back to Marysville to report to work? A. No.

Q. Did you call up your boss?

A. I called him back, after the first time, to tell him that if that was the situation I wanted my belongings sent down to me; they haven't arrived yet.

Q. Have you been at the FBI offices, or any other Governmental office, since Tuesday night of last week, to the time you were taken in custody by the U. S. Marshal?

A. No; because there have been agents at the house.

Q. Now, what did the manager there of the station tell you over the telephone?

A. I have already testified to what he said.

Q. Will you report it again?

A. Yes. He said, "I am sending your check down, Jim. [2396] I am sorry. Mr. Thomas said" —Mr. Thomas is the man who owns the station— "that he didn't want to have in his employ a man who has been associated with Bridges."

Q. Did he say anything else?

A. No; that is all.

(Testimony of James D. O'Neil.)

Q. Did he say that any Government officer had been down to see him?

A. No, I don't recall that he did.

Q. You don't recall? A. No.

Q. Well, I will give you a little time to think about it now.

A. No, I believe I told you the complete conversation.

Q. Well, would you say that he told you that some Government agent had been down to see him?

A. No.

Q. What? A. No.

Q. Mr. Bridges, was any mention made of CIO meetings——

A. (Interposing) I think you have me mixed with the defendant. My name is O'Neil.

Q. I beg your pardon, Mr. O'Neil. My mistake—it wasn't intentional, but a slip.

At the time you were interviewed at the office of the Federal Bureau of Investigation on Sutter Street on Tuesday [2397] night of last week, did you make any mention of any CIO meetings of any kind, or were you asked any questions concerning any CIO meetings?

A. No, I don't believe I was. My attitude during the entire meeting was that I was completely through with the matter.

Q. Were you asked anything about meetings of the Non-Partisan League?

A. I don't believe I was, no.

Mr. Del Guercio: That is all.

(Testimony of James D. O'Neil.)

Mr. Gladstein: One more question.

Recross Examination

By Mr. Gladstein:

Q. You mentioned in your cross examination, Mr. O'Neil, that you had during your two years or so association with the labor movement attended many meetings of Labor's Non-Partisan League, the Maritime Federation of the Pacific and, I think you mentioned, some other trade union organizations. During the course of the various interviews that you had with the FBI agents did you tell them about the fact that you had attended meetings of this trade union character?

A. Oh, yes, yes.

Q. How did that come up?

A. Well, I mentioned, for instance, when I told that I had been seen at meetings at which Bridges and Smith and Mervin Rathborne and other such men had attended, which were [2398] Communist meetings, I said that I had been in many such meetings but they might have been at labor's Non-Partisan League, of the Maritime Federation or of any one of a number of labor meetings which I would be naturally required to attend since I was writing up pamphlets for them and handling the publicity of those unions.

Mr. Gladstein: That is all.

Mr. Del Guercio: That is all.

May the witness be told that we may still require his presence here?

(Testimony of James D. O'Neil.)

Presiding Inspector: How long do you want him to stay?

Mr. Del Guercio: Until tomorrow morning.

Presiding Inspector: Very well.

(Witness excused.)

Presiding Inspector: Next witness.

Mr. Gladstein: Does that mean the witness stays in court?

Mr. Del Guercio: Have you any objection?

Mr. Gladstein: Not at all.

Mr. Del Guercio: The next witness is coming up, your Honor.

GERTRUDE SEGERSTROM

called as a witness on behalf of the Government, having been first duly sworn, testified as follows:

Presiding Inspector: Give your name to the reporter.

The Witness: Gertrude Segerstrom—S-e-g-e-r-s-t-r-o-m. [2399]

Presiding Inspector: You will have to speak louder.

The Reporter: Gertrude Segerstrom,—S-e-g-e-r-s-t-r-o-m

Direct Examination

By Mr. Del Guercio:

Q. And by whom are you employed, Mrs. Segerstrom?

A. By the Federal Bureau of Investigation.

(Testimony of Gertrude Segerstrom.)

Q. In what capacity?

A. As a stenographer.

Q. And for how long a period have you been so employed? A. For four years.

Q. Were you so employed on the day of October 7, 1940? A. Yes, I was.

Q. Were you present on that date at the office of the Federal Bureau of Investigation at 111 Sutter Street? A. Yes, I was.

Q. At the time a James O'Neil, Agents Smith and Cassidy were present? A. Yes.

Q. And what time of the day was that, Mrs. Segerstrom?

A. It was in the evening between nine and ten o'clock.

Q. And who called you into the office?

A. As I remember, it was Mr. Cassidy.

Q. Mr. Cassidy. And did he ask you to do anything?

A. He told me that Mr. O'Neil was in there and that they would like me to take down what he had to say. [2400]

Q. And did you take down what Mr. O'Neil had to say? A. Yes, I did.

Q. In longhand or in shorthand?

A. In shorthand.

Q. Now, did you take down—I will ask you this question. Strike it out, please. Did Mr. O'Neil dictate to you a statement at that time?

A. Yes, he did.

(Testimony of Gertrude Segerstrom.)

Q. Do you have your original notes of that statement that Mr. O'Neil dictated to you?

A. Yes.

Q. Are these the original notes?

A. Yes, they are.

Q. And they were taken at that time in the office of the Federal Bureau of Investigation?

A. That's right.

Q. On October 7, 1940? A. Yes.

Q. And they were taken down when Mr. O'Neil was speaking? A. Yes.

Q. Will you read them, please? A. Yes.

"I first met Dave Craig in the city of San Bernardino in the summer of 19——"

Q. (Interposing) Will you speak a little louder, [2401] please, we can't hear you?

A. "I first met Dave Craig in the City of San Bernardino in the summer of 1936. He had just been appointed Director of the Federal Writers' Project for San Bernardino, Riverside and Imperial Counties. I was anxious to obtain a position on the Project and he was the man I had to see. I was appointed to the Federal Writers' Project and became Assistant Director under Craig, who, incidentally, was in ill health and seldom able to appear at the office. I kept this position for several months. I then left to take a publicity job at the Riverside County Democratic Central Committee. While I was on this job Craig returned to San Francisco and the Federal Writers' Project was closed. Approximately six days after the 1936 No-

(Testimony of Gertrude Segerstrom.)

vember presidential election I came to San Francisco, having previously made arrangements by letter with Craig to stay at his home and pay room and board.

"As soon as I came to 2048 Ellis Street in San Francisco Craig frankly told me he was a member of the Communist Party and I at one time or another became acquainted with practically everybody of consequence in that Party, meeting most of them at his home, including Bill Schneidermann, California Secretary of the Party, his wife, Rose, Walter Lambert, head of the waterfront section of the Party, one Ross, editor of the Western Worker, the entire staff of the Worker, 'Pop' Hanoff, Minne Carson, Oleta O'Connor, Frank Spector, Mike Quinn, Henry Schmidt, John Shoemaker, Germain Bulcke, and others. [2402]

"I joined the Communist Party in either the latter part of November or the first part of December, 1936 under the name of 'Ben Harrison'. My purpose in joining the Party was an assurance that I would have employment, which I immediately obtained on the S. S. Polarine. This job was obtained through the Craigs and through Ross of the Western Worker, who at that time was posing as the husband of Oleta O'Connor. Oleta O'Connor's sister is Gloria Lee, now secretary to the secretary of the San Francisco Industrial Union Council. At that time she was secretary of the Fish Reduction Workers Union, San Francisco Local. Through her

(Testimony of Gertrude Segerstrom.)

I obtained a position on the Polarine, which was a fish reduction boat.

"I was on that ship about a month, and when I came ashore I was informed there was an opening as editor of the Voice of the Federation. I went to the Voice of the Federation office and was informed that even at that moment the Maritime Federation Executive Board was meeting at 24 California Street to pick an editor. I went down there, introduced myself to Scotty Kelly, who was Secretary of the Maritime Federation of the Pacific, showed him my Guild card, as I had joined the Newspaper Guild in San Francisco before going to sea, and then I asked him to permit me to use the typewriter in the office to write up my qualifications and background. I dashed them off and gave them to Kelly and that afternoon was interviewed along with several other applicants and told [2403] to return the next afternoon, as the Newspaper Guild had two candidates it believed especially qualified for the job. I was one of them * * *"

Correction: "I was not one of them. The following day which was the day before New Year's, 1937, the full Executive Board of the Maritime Federation narrowed the applicants down to three. One represented the Lundeberg faction, one the Bridges' faction, and the third one was myself. Presumably on the theory that to appoint either of the two men of the Bridges' or Lundeberg faction would merely start the old fight over again, the Board voted 6 to 2 to put in the stranger, myself.

(Testimony of Gertrude Segerstrom.)

"That night I was invited to attend a New Year's Eve party at 121 Haight Street by Craig, at whose home I was living, and while there I was introduced to 'Pop' Hanoff, Frank Spector, Amy Schechter. Both Miss Schechter and Frank Spector expressed amazement that I was the new editor of the Voice and they hurriedly sent for 'Pop' Hanoff and demanded to know what I was doing there. A long argument ensued, and I insisted on having dinner there, and then at the request of practically the entire San Francisco Communist Party I withdrew. They felt very strongly that the editor of the Voice of the Federation should not be seen at Communist Party headquarters.

"On the Voice of the Federation I succeeded Henry Schrimpf, who as trustee of the Maritime Federation had been [2404] operating the paper in between the interim of Barney Mayes and my own appointment. I remained editor of the Voice of the Federation for approximately six months.

"On New Year's Day following my appearance at the Communist Party headquarters I drove into the driveway at 2048 Ellis Street and was met by Mrs. Craig, who informed me that a very important person was waiting to see me in the house. I went inside and in the kitchen I immediately recognized from his pictures Harry Bridges, who was accompanied by Joe Ring. This was on January 1, 1937. Bridges outlined his views as to how the Voice of the Federation should be conducted, detailed at great length his troubles with the previous editor,

(Testimony of Gertrude Segerstrom.)

Barney Mayes, asserting that due to Mayes' action the longshoremen would be compelled to accept much less than they had originally demanded in the 1936-'37 strike, and that Mayes' editorship was entirely unsuitable for the Voice. I assured Bridges that it was my intention to run the paper with the columns open to everybody affiliated with the Maritime Federation. In all fairness to Bridges, he never asked any more than that during my editorship, and I found by going over back issues of the Voice that the columns of the Voice had been closed to Bridges and the longshoremen during the previous editorship. By running news from the Longshoremen's Union and accepting letters from Harry Bridges, which I ran in the 'Letters to the [2405] Editor' column, I earned the lasting enmity of Harry Lundeberg, Secretary-Treasurer of the Sailors' Union of the Pacific, and at the end of six months Lundeberg at the Portland Convention of the Maritime Federation in June, 1937 succeeded in having me removed as editor. No charges were ever filed against me. I was simply removed by vote of the convention.

"After an interval of two weeks I was named publicity director for the western region of the Committee of Industrial Organization. I held that position for more than a year, handling all the publicity for the western states for the CIO, writing the daily radio broadcast and giving it myself six days a week, answering practically all of Bridges' mail, both personal, requests to speak, requests for

(Testimony of Gertrude Segerstrom.)

articles; wrote magazine articles for him; generally ghosted for him. I was paid out of Washington by check.

"I left the CIO to go to work for Radio Station KYA, where I was in charge of news broadcasting for eight or nine months. During this time I also handled a CIO broadcast. I wrote and delivered the broadcasts myself, obtaining my material from the CIO headquarters and the headquarters of unions affiliated with the CIO which might be involved in disputes of various kinds requiring the labor interpretation in the broadcast. On numerous occasions Harry Bridges would call me and tell me what he wanted emphasized.

"I left KYA and after an interval of possibly eight or ten weeks I went to work as news broadcaster for Radio Stations KJBS and KQW in San Francisco, where I am still employed. [2406]

"At this point I would go back to my first meeting with Bridges at the Craig home. Present at that meeting were Mr. and Mrs. Craig, Bridges, Joe Ring and myself. At that time I was introduced by Craig to Bridges with these words, 'Comrade Bridges, meet Comrade O'Neil.' Naturally, I assumed from this that Bridges was also a member of the Communist Party.

"On another occasion I walked into Bridges' office, it always being my privilege to do so after first having assured myself that he was alone, and there on his desk was a new Party book, which had just been issued and into which Bridges was

(Testimony of Gertrude Segerstrom.)

putting assessment stamps. This was about two o'clock in the afternoon in Bridges' office in the Balboa Building, 593 Market Street, Room 509, in 1937. I expressed amazement that he was doing this openly with the book in plain view on top of his desk. However, he nonchalantly continued to put the stamps in place and then returned the book to his pocket. I knew this was a Communist Party book because I had one myself and it was just like it. It was the general practice to pay your dues to the Communist Party dues collector and, in return, to receive stamps which he tore off from a bloc and which you inserted in your book at your leisure. There is no doubt in my mind but what that was Bridges' membership book in the Communist Party.

"I came in to Bridges one morning and outlined to [2407] him that I was unable any longer to tolerate the mental gymnastics of the Guild fraction, and he recommended that I transfer into the waterfront section, which I did through Walter Lambert. The transfer was arranged through Connie's Restaurant, one block from the Golden Gate Theater. I told Bridges at the time of the transfer that after having been the 'man on the flying trapeze' in the Guild I would rather go someplace where there was a net under me. As I remember, I called Lambert that morning from my own office, and it was arranged through him.

"On several occasions Bridges reminded me that I had not been attending Party meetings and asked

(Testimony of Gertrude Segerstrom.)

me, 'What's the score?' I think I told him it was nothing to nothing in the last of the 9th as far as I was concerned and as far as the Party was concerned, and he advised me to take it easy and not let my own feelings obscure my judgment.

"It is my belief that Bridges never at any time attended any Communist Party meetings. He might have met with one or two of the trusted and highest officials of the Party, as that would be all that would be necessary to conduct any business he had with them.

"Bridges never stated to me that he was a member of the Communist Party. It was always tacitly understood and assumed that such was the case. On frequent occasions Bill Schneidermann took exception to my publicity work, to the type of pam- [2408] phlets I was issuing, to the tenor of editorials that might be appearing in the Labor Herald or in the Voice of the Federation in my editorship. Schneidermann very early in the game learned that the way to stop me was to go to Bridges, and I can't now recall any time when Bridges sustained Schneidermann in his complaints. This dispute about the type of publicity which I was issuing came to a climax when Bill Schneidermann, Revels Cayton of the Marine Cooks and Stewards, Lou Goldblatt, Bridges, assistant, and Bridges gathered in Bridges' office in the Balboa Building. Schneidermann demanded that more pressure be brought to bear on the S.U.P. We had spent several thousand dollars in pamphlets and publicity broadsides urging

(Testimony of Gertrude Segerstrom.)

them to cooperate with the CIO. I was flatly against any more such expenditure. Bridges sent for me at that time and when I walked in the door he was telling Schneidermann he thought that I had every right to be in such a meeting because it was my own work that was under fire. He then turned to me and asked me for my opinion as to any publicity aimed at the S.U.P. I told him that it would be good money gone after bad. I believe I told Harry Bridges at that time that the only thing that would bring in any sense into the S.U.P. would be a pickax, whereas Bridges said, 'I agree with you,' whereupon Schneidermann jumped to his feet and said [2409] 'There you are! That's the very thing I have been talking about! Is that the Party line? Is that what we are supposed to do?' I told Schneidermann it probably wasn't the Party line because it made good sense. Bridges backed me up in this, whereupon Schneidermann said that I was a bad influence in the CIO and should be removed and that Bridges was listening to me too much.

"Everybody in the employ of the CIO and the unions with their headquarters in the Balboa Building, with one exception, were members of the Communist Party. This I know because I attended meetings with them, paid dues at the same time they did. There was no secret, no bones made about it at all. The one exception was Herman Stuyvelaar. When a vacancy occurred in the personnel of the CIO heaquarters that vacancy was invariably, with-

(Testimony of Gertrude Segerstrom.)

out exception to my knowledge while I was there, supplied after consultation with Schneidermann from the Communist Party headquarters.

"During the 1937 Maritime Federation of the Pacific Convention in Portland, Oregon a hole was bored in the wall of Bridges' room adjoining the telephone bell box which was level with a molding in the Multnomah Hotel. After his return to San Francisco from the Portland convention we discussed the planting of the microphone in his room, and he told me that it had been in operation for a day and a half at least before his [2410] attention was called to the plaster on the floor and the microphone outlet was discovered. I remarked at that time that he was lucky to have discovered it and he replied, 'Yes, not so lucky. Those guys have been listening in for a day and a half before we discovered it.' He then stated that letters from Moscow, another obvious red scare, had been openly read and discussed in the room so as to clutter up the record in the next room. Bridges said that fraction meetings had been conducted in the room during the time that the microphone was hooked up. By this he meant top fraction meetings of the Communist Party. When the microphone was discovered the letters from Moscow heretofore referred to were merely figments of the imagination and were read so they would be copied on the record in the next room just to make it appear so completely ridiculous that it would be of no value to those who were tapping the meeting."

(Testimony of Gertrude Segerstrom.)

Q. Now, Mrs. Segerstrom, did you read the statement that you have read back to James O'Neil?

A. Yes, I did.

Q. And did he indicate to you any corrections that should be made?

A. He made a couple of corrections.

Q. What were those corrections?

A. Well, on the first page the first time he said "William Lambert" when I read it back he said that should be "Walter Lambert". [2411]

Q. Any other corrections?

A. Then when he first dictated, right after that he said that where he said that he had become acquainted with practically everybody in consequence at that party, meaning most of them, at his home including Bill Schneidermann and so forth, he included Henry Schrimpf's name at the end. When I went back and read it to him he told me to "cut that out".

Q. Any other corrections that James O'Neil suggested?

A. Well, I had the name of Barney Mayes wrong the first time. I thought he said "Bonnie" and when I read it back he corrected it to "Barney Mayes".

Q. Now, Mrs. Segerstrom,——

Presiding Inspector: Let me see. There may be some others.

The Witness: Well, I have another correction here. Where he said "naturally I assumed from

(Testimony of Gertrude Segerstrom.)

this that Bridges was also a member of the Communist Party", the first time he said "naturally I assumed from this that I was meeting another member," and I asked him to clarify that for my own, at that time, right then, not when I read it back, that for the first time he said that "Bridges was also a member of the Communist Party". I believe that's all the corrections there are on here.

[2412]

Q. Now, are the notes that you have just read the statements of any person other than James O'Neil? A. No, they are not.

Mr. Del Guercio: That is all. You may cross examine.

Presiding Inspector: Had there been questions asked him in your presence before this?

The Witness: Occasionally, as he was dictating this to me, he turned to Mr. Cassidy and Mr. Smith and made a few remarks in explanation. He may have asked a few questions then, but I was taking down merely what he said as he was dictating to me.

Presiding Inspector: Where have you kept those notes?

The Witness: These notes have been in the files of Federal Bureau of Investigation.

Presiding Inspector: They were in a book?

The Witness: In an envelope.

Presiding Inspector: They have been in your control?

(Testimony of Gertrude Segerstrom.)

The Witness: No, they haven't. I signed them on the bottom before.

Presiding Inspector: You recognize the whole statement as in your stenographic—I don't know what you call it?

The Witness: Yes.

By Mr. Del Guercio:

Q. Is there a statement made by yourself appearing at the end of those notes? [341²]

A. Yes. I endorsed them when I took them.

Q. Will you read the statement?

A. (Reading) "San Francisco, California, October 7, 1940. These are my notes taken in room 901, 111 Sutter Street from 8:55 P. M. to 10:05 P. M. on October 7, 1940. The contents were dictated by James D. O'Neil in my presence and in the presence of Special Agents M. J. Cassidy and H. A. Smith, of the FBI."

Signed by me.

Mr. Del Guercio: That is all.

Cross Examination

By Mr. Grossman:

Q. Are you married? A. Yes, I am.

Q. What is your husband's name, please?

A. William T. Segerstrom.

Q. Is he employed? A. Yes, he is.

Q. Where is he employed?

A. In Los Angeles.

Q. What kind of work does he do?

A. He is in the paper business.

(Testimony of Gertrude Segerstrom.)

Q. You mean he owns the business?

Mr. Del Guercio: I object to this as immaterial.

Presiding Inspector: I will allow it. [3414]

A. No. He is Sales Manager for the Brown Paper Goods.

By Mr. Grossman:

Q. How long has he held that position?

A. He has been with them since the first of March.

Q. Before that what did he do?

A. Before that he was a salesman for a merchandise brokerage concern in Seattle.

Q. How do you spell your last name, please?

A. S-e-g-e-r-s-t-r-o-m.

Q. "n" or "m"? A. "m".

Q. Is that your married name? A. Yes.

Q. How long have you been employed by the FBI? A. Four years.

Q. And where have you worked?

A. In Seattle, mostly.

Q. When did you come down to San Francisco?

A. I came down here on a special assignment on this case.

Q. When?

A. I was down here last fall and I came down against here last month.

Q. When was the first time you came down to San Francisco? A. Last September.

Q. How long were you here then? [2415]

A. Until the 10th of December.

(Testimony of Gertrude Segerstrom.)

Q. What kind of work did you do during that time? A. Stenographic.

Q. Can you be more specific about the kind of work you did?

Mr. Del Guercio: If your Honor please, I submit that is none—I was going to say it was none of counsel's business, but I won't say it in those terms. It is not pertinent to the inquiry at hand.

Presiding Inspector: If she can tell in a general way what her work is I will allow it. I suppose that includes taking notes and transcribing them, doesn't it?

The Witness: It does.

Mr. Del Guercio: I didn't understand counsel was trying to qualify her as an expert in shorthand.

Presiding Inspector: I suppose he wants to know what kind of work she did.

By Mr. Grossman:

Q. Have you been taking letters and writing them up? A. Yes.

Q. During that period of time when you were in San Francisco? A. Yes.

Q. Have you been taking statements from witnesses or possible witnesses? [2416]

A. Yes.

Q. You said you came down to San Francisco on a special assignment. Can you tell me what that special assignment was?

Mr. Del Guercio: I object to that question.

Presiding Inspector: I will take it.

(Testimony of Gertrude Segerstrom.)

A. It was in connection with the Bridges investigation.

By Mr. Grossman:

Q. Has all the work you did in San Francisco been connected with the Bridges case so far as you know? A. Most of it; yes.

Q. Since you came down for the second time?

A. When was it?

Q. When you came down for the second time, that is recently——

A. (Interposing) As far as I know they didn't tell me when they sent for me.

Q. When they sent for you—when did they send for you?

A. I came down here, I believe it was the 20th of March.

Q. Were you told what you were sent for?

A. No.

Q. What have you been doing since you came down here in March?

A. I have been doing—— [2417]

Mr. Del Guercio: (Interposing) I will object to that.

Presiding Inspector: I will take it. This is an examination as to credibility. I think I will allow it. This is rather a crucial matter, I think—I understand it to be so.

A. I have been doing stenographic work.

By Mr. Grossman:

Q. Taking statements?

(Testimony of Gertrude Segerstrom.)

A. I don't believe I have taken any statements since I have been down here this time.

Q. Since you have been working on the Bridges case statements of how many different people have been taken by you?

A. I couldn't tell you definitely.

Presiding Inspector: Both times?

Mr. Grossman: Yes.

Presiding Inspector: I am a little in doubt and I thought she might be too.

A. I took several when I was here before. I don't remember how many exactly.

By Mr. Grossman:

Q. Have you taken statements from any persons except Mr. O'Neil?

A. Yes. I don't know as I could give their names.

Q. I didn't ask for the names.

How long have you been a stenographer? [2418]

A. About ten years.

Q. What is your speed at taking shorthand accurately?

A. Up to about 200 words a minute.

Q. Accurately? A. Accurately.

Q. What are your regular working hours—what were they in October of last year?

A. My regular working hours?

Q. Yes. A. 9:00 to 5:00.

Q. On the evening when you took this statement from Mr. O'Neil how did you happen to be in the office at the time the statement was taken?

(Testimony of Gertrude Segerstrom.)

A. Because I was there practically every night all the time I was down there last last fall.

Q. Did you come down naturally each night without being told, or were you instructed to be there?

A. I was not instructed just to be there. We came down because there was work to be done.

Q. On the night that we are concerned with when you say you took this statement from Mr. O'Neil, were you in the office because you had been instructed to be there? A. No.

Q. Were there any other girls working in the office, any other stenographers at the time you were asked to come into [2419] the room to take this statement? A. Yes.

Q. How many others?

A. Well, there were two other girls and about four boys.

Q. Did you see Mr. O'Neil come into the office that night?

A. I don't remember seeing him; no.

Q. At what time were you asked to come into the office to take this statement?

A. It was about nine o'clock.

Q. How do you fix the time?

A. Because I wrote on the end of my notes it was from 8:55 to 10:05 P. M.

Q. And you remember that you went into the office immediately after you were asked to come in? A. Yes.

Q. Who asked you to come into the office?

(Testimony of Gertrude Segerstrom.)

A. As far as I remember it was Mr. Cassidy.

Q. Exactly what did he say, if you remember, when he asked you to come in?

A. He told me that Mr. O'Neil was in there and that they would like to have me take down his statement.

Q. Did he tell what form the statement would be in? A. No, he did not.

Q. Then you stepped right into the office, did you? [2420] A. I went right in; yes.

Q. When you got in there what were you told?

A. I was introduced to Mr. O'Neil, and then Mr. Cassidy told me that Mr. O'Neil would give me a statement in his own words and that I was to take down what he told me.

Q. Did you have a seat? A. Yes.

Q. Where were you sitting?

A. I was directly, sitting directly across the desk from Mr. O'Neil.

Q. Which side of the desk—would you be on the side where the person at that desk normally sits?

A. No. Mr. O'Neil was sitting there and I was sitting as if sitting across the table from you.

Q. Did Mr. O'Neil sit in the seat that is occupied generally by the man who occupies that desk?

A. Yes.

Q. Were there any preliminaries before Mr. O'Neil started making his statement?

A. Not that I remember. Mr. Cassidy told him I was there to take the statement; that he should

(Testimony of Gertrude Segerstrom.)

tell in his own words what his story was and that I would take down what he said.

Q. During the time that he gave that statement was he asked any questions? [2421]

A. Occasionally, as he was dictating, he would turn to Mr. Smith and Mr. Cassidy and perhaps make some explanation of what he had said.

Q. I asked whether he was asked any questions.

A. And perhaps, as he did that, they may have asked him a few questions. However, he then would turn to me and give me his version of, that is, a shorter version of what he had just said.

Q. How did you happen to leave out everything but what Mr. O'Neil said?

A. Because I was taking it directly from him and I took only when he was talking directly to me.

Q. Is that the only reason you left out the other conversation? A. Yes, it is.

Q. You weren't instructed to leave out the other conversation? A. I was not.

Q. Is it a practice in your office ever to take down other conversation except that of the person who is making a statement?

A. That depends on whether the person is making a narrative statement like this, or whether he is making a question and answer statement.

Q. Did anyone tell you that this was going to be a narrative statement as against a question and answer statement? [2422] A. Yes.

Q. Who told you that? A. Mr. Cassidy.

Q. When did he tell you that?

(Testimony of Gertrude Segerstrom.)

A. When I came in there.

Q. You mean after or before you got in?

A. Probably after I got in.

Presiding Inspector: Now, do you want to explain that in any way?

The Witness: What I mean was he said that Mr. O'Neil would dictate his own statement and that I was to take it down as he said it.

Presiding Inspector: You have already said that.

The Witness: Yes.

By Mr. Grossman:

Q. Where did you get the notebook in which you took this down?

A. It is standard equipment in the field office.

Q. Was it a new notebook?

A. Yes, it was.

Q. When were these pages torn out?

A. Immediately after I took the statement I tore them out myself.

Q. Did you staple them together?

A. No. I put a paper clip on them, as you see.

Q. Did you sign them at that time? [2423]

A. Yes, I did.

Q. After you took the statement what did you do with it?

A. I put it in with the rest of my work and then I transcribed it the following morning.

Q. How many copies did you make?

A. I don't remember; probably ten or twelve.

(Testimony of Gertrude Segerstrom.)

Q. Are you guessing, or do you have a hazy recollection?

A. The standard practice at that time was to make, I believe, it was 12 copies of everything.

Presiding Inspector: He asked you a question, whether you were guessing.

The Witness: No, I am not guessing.

By Mr. Grossman:

Q. Do you recall how many copies you made?

A. It was either 10 or 12; probably 12.

Q. Then what did you do with your notes?

A. I put them in a manila envelope and handed them to the chief clerk to put them in the file.

Q. What did you do with the copies?

A. With the copy of the statement?

Q. With the ten or twelve copies?

A. They were put in a regular report.

Q. To whom did they go? A. The reports?

Q. To whom did you give them? [2424]

A. Well, they were placed with the rest of the material that was later assembled into a report.

Q. Did you give them to anyone?

A. Well, I don't remember who I gave them to. I may have given them to Mr. Cassidy or I may have given them to the chief clerk—I don't know.

Q. Did Mr. O'Neil talk too fast for you to take it down accurately? A. No.

Q. Did you have any trouble at all that you can remember? A. Not that I remember. [2425]

(Testimony of Gertrude Segerstrom.)

Q. Did you make a draft first before you did your final copy, before you typed it out?

A. No, I didn't.

Q. Is it your testimony that you took down verbatim in your book every word that Mr. O'Neil said when he was talking to you? A. Yes.

Q. Did you put a title on the statement in your book?

A. On this? All I have at the top is "James D. O'Neil" and the date.

Presiding Inspector: What typewriting, stenographic system do you use?

The Witness: Gregg.

By Mr. Grossman:

Q. After you finished taking this statement did you read it over to Mr. O'Neil?

A. Yes, I did.

Q. Did you make any other corrections except those that you have indicated?

A. Not unless I missed some of them when I went through here.

(Examining notes). No.

Q. Your answer is "No other corrections".

A. No other corrections.

Q. How long did it take you to write down everything you have there in your notes? [2426]

A. Well, I have at the end here, it took between 8:55 and 10:05. That is an hour and ten minutes.

Q. Would that be the taking down alone?

A. Yes; from the time I started until I ended.

Q. I beg your pardon.

(Testimony of Gertrude Segerstrom.)

A. That would be the time it took for him to dictate the statement.

Q. Would that include the reading back time?

A. It might and it might not. I don't remember exactly, but that wouldn't take so very long.

Q. What is your practice as to the time that you put on the end of your statement? Is it the time that you take to write it or is it the time that is taken in the interview?

A. I don't know as I ever put the time on the end of the statement.

Q. How did you happen to put the time on the end of this statement?

A. Because Mr. O'Neil indicated he would not be willing to testify, and so I testified to these notes, that they were mine and the length of time it took to take them.

Q. Is there something in the statement concerning Mr. O'Neil's unwillingness to testify?

A. No, there isn't.

Q. How do you know that he indicated that he would be unwilling to testify? [2427]

A. I heard him.

Q. You heard him what? A. Say so.

Q. When? A. Then.

Q. You mean during the time when you were taking those notes? A. When he was through.

Q. You mean after you had taken all these notes? A. Yes.

Q. Will you give the conversation please, in which Mr. O'Neil said that?

(Testimony of Gertrude Segerstrom.)

A. I don't remember exactly what he said. He said that that was a true statement of facts, but that he did not want to testify.

Q. And at that time you had not yet signed the statement, or had you?

A. I had not yet signed the statement, no.

Q. At that time had you put the time on the statement? A. Not that I remember.

Q. When did you put the time on the statement?

A. Immediately thereafter.

Q. You mean after O'Neil made that statement about not being willing to testify?

A. Uh-huh—(Affirmative). [2428]

Q. What is your answer, please? A. Yes.

Q. Did any FBI representative tell you that Mr. O'Neil did not wish to testify?

A. Not before then, as far as I know.

Q. At any time?

A. Perhaps afterwards. They may have said no.

Q. Please don't answer "perhaps", I only want your best recollection. A. I don't know.

Presiding Inspector: That is her best recollection. That is a mere manner of speech.

By Mr. Grossman:

Q. You do have some recollection of it?

A. I have some recollection that he may have.

Q. Please! I don't want your "may have". I want to know if you can recall.

Presiding Inspector: Well, if she can give it any more accurately. You are asking a very press-

(Testimony of Gertrude Segerstrom.)

ing question about a very immaterial point and you are trying to search her memory. Now, if she can't remember very definitely she can say so.

Mr. Grossman: I recognize that, but the words indicate to me that she may have figured that out rather than recall it.

Presiding Inspector: Not to me. I think that that is an [2429] unnecessary conclusion.

Mr. Grossman: I think I have a right to be definite about it.

Presiding Inspector: I said you could be definite of it, but you can't press for recollection when there isn't any.

Mr. Grossman: I want to be sure there is.

By Mr. Grossman:

Q. Do you now have any recollection as to whether any representative of the FBI told you that O'Neil was not willing to testify?

A. Yes.

Q. When was that?

A. Well, it was after I took the statement.

Q. After you had left the room? A. Yes.

Q. After you had written down the time on the statement?

A. Yes. I wrote that down as soon as I came out of the room.

Q. Do you remember what time it was when you came out of the room?

A. It was right after ten o'clock.

Q. While you were in the room was Mr. O'Neil asked to sign the statement? [2430]

(Testimony of Gertrude Segerstrom.)

A. No, he—as I remember, he was not——

Presiding Inspector: (Interposing): You mean to sign the notes?

Mr. Grossman: Yes.

Presiding Inspector: The stenographic notes? (Continuing): Not to sign my notes.

Presiding Inspector: Well, the statement wasn't written out then.

Mr. Grossman: I will separate it.

By Mr. Grossman:

Q. Do you recall Mr. O'Neil being asked to sign your notes? A. He was not asked to.

Q. Do you recall Mr. O'Neil being asked to sign the statement after it had been transcribed?

A. I don't. I don't know whether he was or not.

Q. May I see your notes, please?

A. Yes (Handing notes to counsel).

Q. Did you ask Mr. O'Neil to spell each name that he mentioned?

A. I did if I didn't already know how. You will find them written out usually there where I wasn't sure of the spelling.

Q. Do you recognize the transcription you made from these notes, or would you recognize the transcription you made from these notes if you were shown it? [2431] A. Yes, I would.

Mr. Grossman: I would like to ask leave of the Court to ask through the Court for Mr. Del Guercio to hand over that document which he was using,

(Testimony of Gertrude Segerstrom.)

which I think purports to be a transcription, so that I can ask this witness to identify it.

Mr. Del Guercio: It hasn't been offered in evidence and I refuse to give it to counsel.

Presiding Inspector: Did you offer it in evidence?

Mr. Del Guercio: I did not.

Mr. Grossman: It seems to me, your Honor, that we have a right to——

Presiding Inspector (Interposing): You have had it all translated to you. Do you want to compare with what he asked? Is that the idea?

Mr. Grossman: I want to ask this witness to identify——

Presiding Inspector (Interposing): I think you should be allowed to identify it.

Mr. Del Guercio: Not according to what was announced at the beginning of the trial.

Presiding Inspector: I think I will look at it myself. It may not have been transcribed by her. It may be a copy of it or what purports to be a copy of the copy.

Mr. Grossman: Your Honor, I have no objection if you ask the question because, if this is not her transcription, [2432] I am not interested in it.

Mr. Del Guercio: The Court may ask if it is.

Presiding Inspector: I think it would be useful, Mr. Del Guercio. But if you don't want to do it, why, there is no mark on this paper. What I wanted to look for, except the figure "2" in one place, and that has no significance.

(Testimony of Gertrude Segerstrom.)

Mr. Del Guercio: Well, may I approach the bench?

Presiding Inspector: Yes.

(Here followed informal conference between the Presiding Inspector and Mr. Del Guercio.)

Presiding Inspector: It wasn't material, I don't think, what was said there. He simply gave a reason which I didn't think was particularly valid.

Mr. Crossman: Am I to be permitted then to have that statement?

Presiding Inspector: I suggest that they introduce it in evidence.

Mr. Grossman: Well, of course, I would like to use it for my examination now.

Presiding Inspector: Yes, certainly. Give him a moment.

Mr. Grossman: Oh, I see.

Mr. Del Guercio: If the Court please, I have no objection to letting the witness see this and ask her if it is a true transcript of her statement. [2433]

Presiding Inspector: Very well. Do that.

Mr. Del Guercio: I will show you a copy of what purports to be a copy of the transcription.

Presiding Inspector: Let me ask her first.

Mr. Del Guercio: I thought the Court asked me to do it.

Presiding Inspector: Can you say whether or not that is your transcription?

The Witness: Yes, it is.

(Testimony of Gertrude Segerstrom.)

Presiding Inspector: Is that the original or a copy?

The Witness: This is a copy.

Presiding Inspector: Is that the first copy?

The Witness: No, it is not.

Presiding Inspector: It is a later copy. Then I think the counsel may see it.

Mr. Del Guercio: All right.

By Mr. Grossman:

Q. May I ask you how you have identified this?

A. How I have identified it?

Q. Yes.

A. I know that because I made that myself.

Q. What is there about that that distinguishes it from something that someone else might have done or did do?

A. Well, there is no mark on here except that I know that I typed it up like that and put that statement at the [2434] top. I did that.

Q. You mean there is something about the form that makes it possible for you to state definitely that you did that typing? A. Yes.

Q. What is there about the form?

A. Well, the mere fact that I made this copy myself either yesterday or Saturday.

Q. You made this copy yourself either yesterday or Saturday? A. Yes.

Q. Then this is not the transcription you made as soon as after taking down this statement?

A. No, this is not. However, it is verbatim, the same as the other.

(Testimony of Gertrude Segerstrom.)

Q. How do you identify this as the copy you made a few days ago?

A. Because I gave it to a member of our Bureau this morning myself and he brought it down here.

Q. You mean you identify this solely on the basis that this was handed to you by Mr. Del Guercio when you previously have handed it to a member of your Bureau? A. Yes.

Q. Is that the sole basis for your identification?

A. I could have initialed it this morning, I suppose, [2435] but I didn't.

Presiding Inspector: What difference does it make? You have had this read from the stenographic notes. You are going to have the stenographic notes and you can have some expert in stenography undoubtedly read them. I don't quite understand the point.

Mr. Grossman: I am interested in the statement that was typed out from the notes. Therefore, I can go to that statement from this, because this purports to be a copy of at least a part of it. I am not interested in this. I am interested in the original typewritten statement.

Presiding Inspector: I don't know why you are interested in that more than you are in the notes.

Mr. Grossman: We can come to that later, your Honor. I am sure we have the right to go into it.

Presiding Inspector: I don't say that you haven't, but I would say that it is a very immaterial point.

(Testimony of Gertrude Segerstrom.)

Mr. Grossman: I would rather not go into my theory at this time, your Honor. I think it is relevant enough so that I can ask the question.

By Mr. Grossman:

Q. Is this an exact copy of the typing up of your notes that you did as soon as after taking the statement from Mr. O'Neil?

Presiding Inspector: I think that is ambiguous. That [2436] implies or may imply to the witness that she copied this from the other transcription.

Mr. Grossman: All right. I will correct that.

Presiding Inspector: What you mean is, Is this an accurate transcript of the notes, and was the other one an accurate transcription of the notes?

Mr. Grossman: Yes.

By Mr. Grossman:

Q. What is your testimony as to how the statement given by Mr. O'Neil was put into typewritten form?

A. How was it put into typewritten form?

Q. Yes. A. The first time?

Q. Yes. Did you do it? A. Yes, I did.

Q. How soon after the statement was taken did you do it? A. The next morning.

Q. Did you ever see any of the typewritten copies of the statement that you had typed up after the typing that you did? A. Yes.

Q. When was the next time after doing the typing that you saw any of those statements?

A. I have seen it in the file. [2437]

(Testimony of Gertrude Segerstrom.)

Q. You haven't examined it, though? It was incidental to your doing some other work?

A. Yes.

Q. And you actually carefully examined it, have you? Have you carefully examined any of these statements since the typing of them?

A. Yes, I have.

Q. For what purpose did you examine them?

A. I examined them to see that they were an accurate transcript of my notes.

Q. When did you do that for the first time?

A. It was either Saturday or Sunday, I have forgotten which.

Q. You mean last Saturday or Sunday?

A. Yes.

Q. Did you at any time before that compare the typewritten copy prepared from your notes with your notes?

A. Not since the first time I transcribed that, no.

Presiding Inspector: You mean by that what the stenographer usually calls "reading them back"? At least they do in the East.

The Witness: Well, I think I know what he means.

Mr. Del Guercio: If your Honor please, I make an offer at this time that counsel may read into the record from the transcript of this copy to compare with what the witness has [2438] already testified.

Presiding Inspector: Probably he doesn't want to do that.

(Testimony of Gertrude Segerstrom.)

Mr. Grossman: I am not interested in doing that at this time.

Presiding Inspector: Of course, they needn't accept the offer unless they wish it.

Mr. Del Guercio: If they don't, I would like the return of the document right now.

Mr. Crossman: You may have it when I finish examining.

Presiding Inspector: We will have it returned to you.

By Mr. Grossman:

Q. Is there any difference between the typewritten statement that I asked you to identify a few moments ago and the typewritten statements you prepared from your notes soon after taking the statement from Mr. O'Neil?

A. There is just one difference.

Q. What is that difference?

A. There is a word in there that when I typed that statement up the first time I misread "applicants" for "applications". However, it will make no material difference. I will read it back to you if you want me to. The place where O'Neil said down there at the "Voice of the Federation", "The following day which is the day before New Year's, 1937, the full Executive Board of the Maritime Federation narrowed [2439] the applicants down to three." The first time I transcribed that I read that "applications down to three". You see, there is no material difference.

(Testimony of Gertrude Segerstrom.)

Q. Did you compare this statement that you were asked to identify in typewritten form from your original notes from the first typewritten transcription that you had made?

A. I took the first transcription that I made and compared it word for word with my notes, and then I made a copy of that transcript, which is what you see, with the one change from "applications" to "applicants".

Q. Will you look at your statement, please, and see if you can tell me whether Mr. O'Neil spelled "Barney Mayes" for you when he gave you this statement?

Presiding Inspector: We have been over that once.

A. Yes, he did.

Presiding Inspector: She testified to that.

Mr. Grossman: I want to be sure on this.

Presiding Inspector: In answer to your question, I think. Maybe it was an answer.

Mr. Grossman: I know there was a correction on it, but I am not sure as to whether he did the spelling.

The Witness: Yes. I had "Bonnie". I thought he said "Bonnie" the first time; but he said "Barney", B-a-r-n-e-y "Mayes", M-a-y-e-s.

Q. And he did the spelling then of the name for you? [2440] A. Yes.

Q. And you testified that he did the spelling when you were reading it back to him?

(Testimony of Gertrude Segerstrom.)

A. When I was reading it back I read it back wrong.

Q. Would you repeat again what was the correction that was made by him with respect to the name "Lambert"?

A. He said "William" the first time and when I read it back to him he corrected it to "Walter Lambert".

Q. Did he spell the last name for you at any time?

A. "Lambert"? No, he didn't. The only time he spelled them was when I wasn't sure of the spelling.

Q. Do your notes show what names were spelled for you by Mr. O'Neil? And will you read all of them from your notes where the names were spelled out by him for you?

A. He spelled "Germain Bulcke" for me, G-e-r-m-a-i-n B-u-l-c-k-e; Amy Schechter, S-c-h-e-c-h-t-e-r; Barney Mayes. I remember his spelling both names because those were names that I was not familiar with. He may have spelled "Oleta O'Connor" for me, O-l-e-t-a. I am not sure of that.

Q. Were any of these names spelled for you by any of the FBI Agents?

A. I don't believe so; not as I remember.

Q. What was Mr. O'Neil's condition so far as being nervous of not nervous is concerned at the time you took the statement? [2441]

A. Well, as far as I could see he wasn't nervous. He apparently is naturally a fast talker.

(Testimony of Gertrude Segerstrom.)

Q. Is there anything about his appearance or his demeanor that seemed to you to be unusual?

A. No, there wasn't.

Q. Did he seem to be perfectly at ease when he was making the statement to you? A. Yes.

Q. Do you remember any time when any of the FBI men corrected the statement that Mr. O'Neil was making to you? A. No, I don't.

Q. When the statement was read back to do you remember any correction being made by any of the FBI men?

A. No. Mr. O'Neil made the corrections. I told you that before.

Q. Yes. But I am asking you whether you remember any of the FBI men making or suggesting any correction? A. No.

Q. When I say "suggesting" I mean suggesting to O'Neil or to you.

Mr. Del Guercio: If your Honor please, I think the witness understands and has answered it.

Presiding Inspector: I will take it. I think she has answered it.

Had you ever seen Mr. O'Neil before?

The Witness: No, I hadn't. [2442]

Presiding Inspector: Have you ever seen him since until today?

The Witness: No, I haven't.

By Mr. Grossman:

Q. Did you see Mr. O'Neil today?

A. No, I haven't.

Q. You said you did not? A. Today?

Q. Yes? A. No.

(Testimony of Gertrude Segerstrom.)

Q. Can you describe Mr. O'Neil to me?

A. Well,——

Mr. Del Guercio: If your Honor please, we could have Mr. O'Neil come in the Court room and have her identify him.

Mr. Grossman: May I suggest that I am conducting this examination?

Presiding Inspector: I know, but under my supervision. And if I think it is best to have him come here and have her identify him that way, I will do it. But I will let you ask the question first, if she can describe him.

By Mr. Grossman:

Q. Can you describe Mr. O'Neil for us?

A. He's a very stocky individual, ruddy face. He wore glasses, as I remember. I wouldn't want to guess exactly his age. I would say he was——

Presiding Inspector (Interposing): Don't be afraid about [2443] it. It is not a woman, you know.

A. (Continuing): He's somewheres between 40 and 50, but I wouldn't know exactly how old he is.

Q. I beg your pardon? Have you finished?

A. Yes. [2444]

Q. At the time you took the statement did he seem to be sober or intoxicated?

A. He was sober.

Q. You are sure of that? A. I am sure.

Q. Did he seem to have command of all of his faculties at the time you took the statement?

A. He did.

(Testimony of Gertrude Segerstrom.)

Presiding Inspector: Would you like to have him come in?

Mr. Grossman: Not particularly. I don't object to it. I am not asking for it.

Presiding Inspector: Yes, perhaps so. Tell him to come in.

Mr. Del Guercio: They tell me he has gone home. He will be back tomorrow morning, if the Court please.

Presiding Inspector: Yes. I don't think it is very material anyway.

By Mr. Grossman:

Q. Now, how did you happen to prepare this last transcription which you have identified for us?

A. I prepared it because I was asked to.

Q. By whom? A. By Mr. Cronin.

Q. What did Mr. Conin ask you to do? [2445]

A. He asked me to make a copy of the statement that Mr. O'Neil had given to me last fall.

Q. Did he ask you to compare it with the typewritten copy previously prepared?

A. Yes; he asked me to compare my notes with that former transcript I made to be sure it was an exact transcript, and I did.

Presiding Inspector: Is that all?

Mr. Grossman: No. I have a few more questions.

By Mr. Grossman:

Q. On how many different occasions have you re-read those notes after you prepared the first transcription?

(Testimony of Gertrude Segerstrom.)

A. I didn't re-read them until Saturday—I believe it was Saturday—when I checked with that other transcript I made.

Q. That was last Saturday or the week before?

A. No; it was last Saturday.

Mr. Grossman: May we have a recess? I understand we are past the time. We would like to discuss this witness and decide whether there are any further questions.

Presiding Inspector: Yes. Before we recess, I think that we should have the stenographic notes marked for identification.

Mr. Del Guercio: I am not offering them, if the Court please. [2446]

Mr. Grossman: Yes; let's have them marked for identification.

Presiding Inspector: I would like to have them both marked for identification.

Mr. Gladstein: This (indicating) should be marked for identification too.

Presiding Inspector: Both should be marked for identification.

We will take a short recess.

(Whereupon a short recess was taken.)

Presiding Inspector: I would like to have those both marked for identification. Do you object to marking them for identification?

Mr. Del Guercio: No, but I wanted to substitute photostatic copies for the notes.

Presiding Inspector: I would like to have the original marked.

(Testimony of Gertrude Segerstrom.)

Mr. Del Guercio: Did you say that Mr. O'Neil was to be available?

Presiding Inspector: I thought you said he would be available.

Mr. Del Guercio: I said afterward that he would be here.

Presiding Inspector: I don't think it is necessary for him to be here for identification. I do not think it is necessary, that is my impression, unless counsel questions the [2447] identification.

Do you question the identification of Mr. O'Neil as being the person referred to by Mrs. Segerstrom?

Mr. Grossman: Frankly, I don't know. We have no opinion on it.

Presiding Inspector: I want these documents marked. Photostatic copies may be substituted.

Mr. Grossman: I cannot agree to that at this time.

Presiding Inspector: It will be the ruling of this Examiner.

Mr. Grossman: May I say something?

Presiding Inspector: Yes.

Mr. Grossman: With reference to these notes, and with reference to the typewritten material, we have no position at the present time as to what we desire to do. It may be we will desire to have a handwriting examination made. If so, a photostatic copy would not suit our purpose as to the notes.

Presiding Inspector: A handwriting examination as to her handwriting?

(Testimony of Gertrude Segerstrom.)

Mr. Grossman: No; as to the notes, not as to her. But as to the notes it might be we would want to make some kind of an examination. I am informed that an examination of a photostatic copy is not the same by any means.

Presiding Inspector: We will have a photostat made and it may be substituted in the record finally. [2448]

Mr. Grossman: With the understanding that if we desire an examination we will have the original here for that purpose?

Presiding Inspector: You can do the same as we have done in the other cases; yes.

(The transcript of the statement referred to was marked Government's Exhibit No. 255 for identification.)

(The shorthand notes referred to were marked Government's Exhibit No. 256 for identification.)

Presiding Inspector: Mark the shorthand notes on each page.

By Mr. Grossman:

Q. Is it your testimony that these pages of your notebook have been clipped together?

A. Yes.

Q. When I say "had been" I mean between the time you put them in the file for the first time and the time that you took them out for the first time?

A. I believe I clipped them together.

Q. You don't have any recollection of this, do you? A. No, I don't know definitely.

(Testimony of Gertrude Segerstrom.)

Q. Where did you work before you went to work for the Federal Bureau of Investigation?

A. I was attending the University of Washington at that time. [2449]

Q. Have you attended any business school to study shorthand? A. Yes, I have.

Q. What school did you attend?

A. The Metropolitan Business College in Seattle.

Q. When did your leave that school?

A. In 1931.

Q. What is the maximum speed that you have ever attained with accuracy in a stenographic test?

A. 200 words.

Q. When was that?

A. That was when I was in business college.

Q. Have you ever had any test since 1931 with reference to the speed that you can take dictation at accurately?

A. Well, you have to pass a 120 word test to get in the Federal Bureau of Investigation.

Q. How many words did you do when you took that test to get in the Federal Bureau of Investigation?

A. I don't know how many. They dictate at 120 words a minute and you take it down.

Q. Is it your testimony that you can now take 200 words a minute accurately?

A. That would depend on the kind of material.

Q. Well, with the kind of material——

A. (Interposing) I believe I could.

Q. I am concerning myself now with the kind

(Testimony of Gertrude Segerstrom.)

of material [2450] that is embodied in this statement of Mr. O'Neil's. Can you take 200 words a minute accurately with such material?

A. I believe I can.

Q. How many different times have you read over your notes before testifying?

Presiding Inspector: You have been over that.

Mr. Del Guercio: That has been asked and answered.

Mr. Grossman: Not for this reason, we have not. I asked her on how many different occasions, but I have not asked her how many different times she has read them over on the last occasion.

Presiding Inspector: Perhaps so. All right.

By Mr. Grossman:

Q. I am concerned with how many different times you read your notes over on this last occasion that you examined them?

A. I read them over once when I checked them with the transcript.

Q. Just once?

A. Just once when I checked it.

Q. What is the total number of times, not occasions but times, that you have read or re-read your stenographic notes before testifying here?

A. Not more than—I read them over when I made the first transcript, naturally; I read them over Saturday when I [2451] checked the transcript; and I read them over just this afternoon before I came in here and that is all. I didn't completely read them over. I just glanced at them.

(Testimony of Gertrude Segerstrom.)

Q. Then you have not read entirely through these notes more than three times?

A. No, I haven't.

Q. Returning to a subject. I asked your a few questions on, which is the subject of the statement you made and your signature at the end of these notes, at exactly, what time, with reference to when you finished taking the statement, did you write out your statement that appears at the end of the notes?

Mr. Del Guercio: That has been asked and answered.

Presiding Inspector: You have gone over that.

Mr. Grossman: I want it for clarification.

Presiding Inspector: We won't go into that again unless you have something more than you have already received from the witness.

Mr. Grossman: Your Honor, I believe that one is entitled on cross examination, on what counsel believes to be an important point, to ask generally similar questions at least twice.

Presiding Inspector: I think you have asked twice.

Mr. Grossman: I don't think I have. I think this is the second time. I recognize I have asked these questions be- [2452] fore, but since it is cross examination, as your Honor knows, sometimes counsel is allowed to go many times over an important point. I, therefore, ask your indulgence to go over this, at least for clarification.

(Testimony of Gertrude Segerstrom.)

Presiding Inspector: I suppose this is crucial and I will allow it.

Mr. Grossman: I am referring only to her statement at the end of the notes.

By Mr. Grossman:

Q. Exactly when did you write out this statement?

Presiding Inspector: That doesn't mean the hour, unless you can give it.

A. I can't give the hour. It was immediately after I took the statement.

Mr. Del Guercio: May I ask counsel to handle those notes with care because they are going to be used again.

Mr. Grossman: I am sorry.

Presiding Inspector: Yes; especially there at the top.

By Mr. Grossman:

Q. Was this statement put on there after you had taken the notes, at the same time, or immediately after you had read back the statement?

Presiding Inspector: Wait a minute. That doesn't cover the whole field—or immediately after she left the room.

By Mr. Grossman: [2453]

Q. Yes—which of those three, if any?

A. Immediately after I left the room.

Q. Did you write everything that is written at the end of the statement, including your signature, at one time? A. Yes.

(Testimony of Gertrude Segerstrom.)

Q. Is it your testimony that when you wrote this you had not yet been told by any representative of the FBI to do so? A. Yes.

Q. And that it is not your practice to write things like this at the end of statements without being told by FBI representatives to do so?

Presiding Inspector: Just a moment. Is there any such testimony?

Mr. Grossman: I am asking—I may be wrong—but I think I have a right to ask it in that way and she can either answer it is correct or incorrect.

Presiding Inspector: If you can, answer. Of course, there is an implication there.

By Mr. Grossman:

Q. Is that correct?

Presiding Inspector: I don't know that you intended it.

Mr. Grossman: I will ask it again.

Presiding Inspector: I think she has said she hadn't done this in any other case.

By Mr. Grossman: [2454]

Q. Is it your testimony that you had never done this in any other case?

A. I have never had occasion to do it before.

Q. Have you ever done it on any other case?

A. No.

Q. How many different statements have you taken on the Bridges case or for the Bridges case?

A. I have taken several; I don't recall exactly how many.

(Testimony of Gertrude Segerstrom.)

Q. Can you give me some kind of an estimate?

A. It would probably be anywhere up to half a dozen.

Q. Can you estimate or can you tell me how many different persons are involved in those statements that you estimated at half a dozen?

Mr. Del Guercio: I think that has been answered.

Presiding Inspector: I think I will allow that.

A. That would be as one person to each statement.

By Mr. Grossman:

Q. Can you tell me how many different systems of shorthand generally in use there are?

A. No, I can't.

Q. How many different systems do you know of? A. Just one—that I know of?

Q. Yes. A. I know of several.

Q. One is the Gregg that you use? [2455]

A. That is right.

Q. What others do you know of?

Presiding Inspector: Not that you know, but know of.

A. Naturally, I have heard of Pittman. I don't write it; I don't know anything about it.

By Mr. Grossman:

Q. What others do you know of?

Presiding Inspector: Graham?

A. No, I haven't heard of that. I have heard of Chartier's. I don't know of any others off-hand

(Testimony of Gertrude Segerstrom.)

that I can tell by the name. There are two kinds of Pittman, I know.

By Mr. Grossman:

Q. Do you know whether Gregg is slower or faster than Pittman?

A. I don't know that because I have never taken Pittman.

Q. I believe it is your testimony that the transcript which I hand to you was prepared by you, is that correct? A. Uh huh (affirmative).

Q. When you finished preparing that transcription did you do anything to connect the pages together?

A. Did I do anything to connect it? I stapled it up here.

Q. Is it possible for you to say whether the present stapling is the stapling that you yourself put on?

A. No, it's not. I haven't had this in my possession all [2456] the time, naturally.

Q. I don't know how you would know.

A. I don't know either.

Q. But is it possible to state?

Presiding Inspector: No. She said it isn't possible to state absolutely.

By Mr. Grossman:

Q. I call your attention to the fact that there are holes appearing on those pages which appear to be, but which may not be, a result of a previous stapling that has been removed. You you tell me

(Testimony of Gertrude Segerstrom.)

whether when you stapled those pages together you stapled them more than once and whether those holes were caused by you?

A. No. I stapled them once. That was no paper that was stapled together.

Q. And can you state whether or not those holes which appear on the paper in which there are no staples were on the paper or in the paper at the time you turned over this copy which you have in your hand to one of your superiors?

A. Not when I first put it together. Now, how many times, if it had been taken apart between the time I put it together and the time that it was taken out of the office this morning, I don't know.

Q. But when you handed it over—that is what I am concerned with—were those holes there?

A. No. [2457]

Mr. Del Guercio: If your Honor please, the document isn't even in evidence.

Presiding Inspector: No, but I will let him ask.

Mr. Del Guercio: I have had it since then.

Presiding Inspector: You what?

Mr. Del Guercio: I have had it since then.

Mr. Grossman: Could I have the answer read back?

(The answer referred to was read by the reporter as above recorded.)

Presiding Inspector: I don't see the point to it when we have had the notes read.

Mr. Grossman: There may be a point, your Honor. If we assume the correctness of all this,

(Testimony of Gertrude Segerstrom.)

there is no point. If we assume the incorrectness, there is a point.

Presiding Inspector: Well, you haven't suggested any incorrectness so far.

Mr. Grossman. Oh, yes. we have. The testimony of Mr. O'Neil.

Presiding Inspector: Oh, aside from that.

Mr. Grossman: Well, I don't think he have to have.

Presiding Inspector: That goes to the whole matter.

Mr. Grossman: That is correct.

Presiding Inspector: There isn't any detail about it.

Mr. Grossman: I agree. We are not challenging this in detail, your Honor. We are not saying a word is wrong. [2458]

Presiding Inspector: It seemed as though it sounded that way. You seem to suggest there is some page that has been put in.

Mr. Grossman: It seems to me that we have——

The Witness: (Interposing) You can check them with the notes yourself.

Mr. Grossman: May I have that read back, please?

(The answer referred to was again read by the reporter as above recorded.)

Mr. Grossman: That is all.

Mr. Del Guercio: Just a moment, please.

Presiding Inspector: Mr. Del Guercio may want to ask you a question.

(Testimony of Gertrude Segerstrom.)

Mr. Del Guercio: I believe that is all. Thank you.

Presiding Inspector: All right.

(Witness excused.)

Presiding Inspector: Next witness.

Mr. Del Guercio: I have one more witness, if your Honor please and he will take about, oh, I should say on direct not more than a half hour. Of course, on cross examination I won't even speculate.

Presiding Inspector: Would you like to recess now until tomorrow morning?

Mr. Del Guercio: I think it would be better.

Presiding Inspector: Tomorrow morning. [2459]

(Whereupon, at 3:55 o'clock P. M. an adjournment was taken until Tuesday, April 29, 1941, at 10:00 o'clock A. M.) [2460]

Court Room 276,
Federal Building,
San Francisco, California
April 29, 1941.

Met, pursuant to adjournment, at 10:00 A. M. [2461]

PROCEEDINGS

Presiding Inspector: You may proceed.

Mr. Del Guercio: Take the stand please, Mrs. Segerstrom.

GERTRUDE SEGERSTROM

a witness recalled on behalf of the Government, having been previously duly sworn, testified as follows:

Direct Examination

Mr. Del Guercio: If the Court please, we have the witness on the stand this morning only for one purpose, the purpose of identifying Mr. O'Neil.

Presiding Inspector: Yes.

By Mr. Del Guercio:

Q. Mrs. Segerstrom, you testified yesterday that you took dictation from a certain James O'Neil on October 7, 1940. Do you see that James O'Neil in the court room?

A. (Surveying court room) Yes, I do.

Q. Where is he?

A. Over there (indicating) in the corner.

Mr. Del Guercio: Will you stand up, Mr. O'Neil?

Mr. O'Neil: (Standing) Yes, sir.

By Mr. Del Guercio:

Q. Is that the Mr. O'Neil that dictated a certain statement to you on October 7, 1940 in the office of the local Federal Bureau of Investigation?

A. Yes, sir, it is. [2462]

Mr. Del Guercio: That is all.

Mr. Grossman: No questions.

Presiding Inspector: That is all. You do not want Mr. O'Neil further, do you?

Mr. Del Guercio: No.

Presiding Inspector: You are excused so far as this Presiding Inspector is concerned.

Mr. O'Neil: Thank you.

(Witness excused.)

Mr. Grossman: Your Honor, before we begin with this witness I have a request to make.

Presiding Inspector: Yes.

Mr. Grossman: We desire to have a photostatic copy made of each of the last two exhibits, which would be the stenographic notes and the transcription. We desire this photostatic copy made, though, from the originals and not from a photostatic copy because there are certain blurs that take place. Now, we understand that the notes have been withdrawn for the purpose of the Government's making a copy to be substituted. Therefore, we request that the notes be handed back to the reporter for one day so that he can have made for us a photostatic copy and that he be allowed to——

Mr. Del Guercio: (Interposing) They should not go out of the hands of the reporter at any time.

Mr. Grossman: Yes, I am stating that. [2463]

Presiding Inspector: Yes, that is understood.

Mr. Grossman: Therefore, the reporter will have both the notes and the transcription for the one day for the purpose of having copies made.

Presiding Inspector: Yes. That is understood.

You present this witness, Mr. Del Guercio?

Mr. Del Guercio: Yes.

Presiding Inspector: Will you step on the platform there and raise your right hand?

ALGIA E. REESE

called as a witness on behalf of the Government, having been first duly sworn, testified as follows:

Presiding Inspector: Now, Mr. Del Guercio.

Mr. Del Guercio: I am waiting for the reporter to get certain exhibits.

Presiding Inspector: Oh, I beg your pardon.

Mr. Del Guercio: If I may proceed to ask several questions.

Direct Examination

By Mr. Del Guercio:

Q. Where do you live?

A. Eureka.

The Reporter: Your name, please?

The Witness: A. E. Reese.

The Reporter: Spell the last name, please. [2464]

The Witness: A-l-g-i-a E. R-e-e-s-e.

By Mr. Del Guercio:

Q. Have you ever been a member of the Industrial Workers of the World? A. Yes, sir.

Q. When did you join the Industrial Workers of the World. A. 1918.

Q. And for how long a period did you remain a member?

A. I left them in 1920; the latter part of '20.

Q. And have you ever been a member of the IWW since that time? A. No, sir.

Q. During the time that you were a member of the IWW did you become familiar with its literature? A. Most of it.

(Testimony of Algia E. Reese.)

Mr. Grossman: Any particular songs you are referring to?

Mr. Gladstein: Are you going to have the witness sing?

Mr. Del Guercio: Don't get too wise!

Your Honor, I object to counsel making remarks without addressing the Court.

Presiding Inspector: I didn't hear him. Don't indulge in these conversations back and forth. We will get along better. [2465]

By Mr. Del Guercio:

Q. Mr. Reese, I show you a pamphlet headed "The Revolutionary IWW," by Grover H. Perry, published by the IWW Publishing Bureau, 112 Hamilton Avenue, Cleveland, and ask you if you have ever seen such pamphlet? A. Yes, sir.

Q. Did you see that pamphlet at the time you were a member of the IWW? A. I did.

Q. Where?

A. Well, I saw it all over the country—through the middle states.

Q. Was it distributed and circulated by the IWW? A. It was.

Q. At the time you were a member of the IWW?

A. Yes.

Mr. Del Guercio: I offer this in evidence as Government's Exhibit next in order.

Mr. Grossman: We are going to object to that because—we will make no objection if proper foundation has been laid for these documents. We do not

(Testimony of Algia E. Reese.)

feel that the testimony of a man who has not been qualified, except as an individual member of the IWW, with such general testimony as the IWW did circulate this, is sufficient foundation. We think there has to be more of a tie; in the first place, more knowledge on the part of [2466] this witness with the functioning of the IWW as an organization, more of a tie with the organization as such. We claim no proper foundation has as yet been laid.

Presiding Inspector: I think it would be well to identify it further.

Mr. Del Guercio: If the Court please, let us have this understanding: Under the 1918 Act membership in an organization which publishes, circulates and distributes literature advocating certain things is made a ground for deportation.

Presiding Inspector: Yes.

Mr. Del Guercio: Knowledge of the contents of the literature on the part of the Alien, or anyone else, is immaterial. That is another charge. So on that ground I think it is sufficient.

Presiding Inspector: You don't show that was distributed during the time that Mr. Bridges was in this country. Are you going to show that this has continued to be——

Mr. Del Guercio: (Interposing) I think it is sufficient, if your Honor please—and I may be wrong—that if we establish the nature of the organization, a certain organization at a particular period, there is a rule of presumption that that status continues until it is shown to the contrary.

(Testimony of Algia E. Reese.)

Presiding Inspector: I was going to ask whether you relied on that.

Mr. Del Guercio: Yes, we do. That status continues until [2467] the contrary is shown.

Presiding Inspector: How are you going to connect this up with Mr. Bridges?

Mr. Del Guercio: We will show that Mr. Bridges admitted that at one time he was a member of the IWW.

Mr. Grossman: I think——

Presiding Inspector: This is a matter for cross examination, subject to a motion to strike out.

Mr. Grossman: I am assuming that the statute must be interpreted to mean that the organization as such, not an individual member, or not a small local group, has published documents before this portion of the statute will come into application. True, this witness has testified that the organization, presumably meaning the entire national organization, has published these. But he has not indicated that he had the experience or the position so that he could state this of his own knowledge. He may have been in such a position so he can state the national organization did that. Not having laid such a basis I think we have to assume that he doesn't have the personal knowledge that the entire organization has done that, or that he may be referring to a local organization. Therefore, I say that no proper foundation has been laid unless he indicates that he has of his own knowledge information that the national or-

(Testimony of Algia E. Reese.)

ganization of the IWW had circulated these documents.

So we renew our objection that no proper foundation has [2468] been laid.

Presiding Inspector: I think it is somewhat doubtful, Mr. Del Guercio:

Mr. Del Guercio: I think in our opening statement, if the Court please, we made an effort——

Presiding Inspector: I remember that he spoke of that.

Mr. Del Guercio: Yes. This witness has testified that he was a member of the IWW at that time.

Presiding Inspector: Let us find out where he was a member, what kind of membership he had, whether he had anything to do with the local chapters, or lodges, or whatever they may be called. I don't know what they do call them, do you?

Mr. Del Guercio: No—locals, I suppose.

Presiding Inspector: What number it was, and where it was.

By Mr. Del Guercio:

Q. Where did you join the IWW, Mr. Reese?

A. I joined in the harvest fields.

Q. Where?

A. In the harvest fields.

Q. Where? A. Kansas.

Q. What particular place?

A. I think it was around Hoisington.

Q. And did it have a name, that is, the local that you [2469] belonged to?

(Testimony of Algia E. Reese.)

A. No; I belonged to Local 600, Industrial Union 600.

Q. Did you receive a membership book?

A. I did.

Q. I will show you a membership book——

Mr. Gladstein: (Interposing) May we see it first?

By Mr. Del Guercio:

Q. (Continuing) ——Industrial Workers of the World, official membership, issued by authority of the General Executive Board of the IWW, and ask you if at the time you joined the IWW you received a book similar to this?

A. (Examining book) I did.

Q. Will you look it over and see whether it is exactly similar to that one, except with the exception of the stamps and written matter therein?

A. (Examining book) It is apparently the same.

Q. Mr. Reese, as a member of that local, whatever it was, were you a member of the national or international IWW? A. Yes, sir.

Q. And this book that I have shown you, and which you have identified, was it distributed by the International Workers of the World as an organization? A. It was.

Mr. Gladstein: May I interrupt for a moment to ask whether we could hear the previous question and answer read, the question [2470] and answer before the last question and answer?

Presiding Inspector: Yes.

(The question and answer referred to were read by the reporter as above recorded.) [2471]

(Testimony of Algia E. Reese.)

By Mr. Del Guercio:

Q. By whom was this pamphlet here, the "Revolutionary IWW," circulated and distributed?

A. Well, by the membership of the IWW.

Q. Do you know what the IWW publishing bureau is?

A. Well, at one time they had a publishing bureau or printing plant at 1001 West Madison Street where they printed their own materials.

Presiding Inspector: Chicago?

The Witness: Chicago.

By Mr. Del Guercio:

Q. And w[illegible]hat?

A. The IW[illegible]itself.

Q. Was it owned by the IWW organization?

A. It was.

Q. And do you know if this booklet that I have shown you here, the "Revolutionary IWW," contains the accepted doctrines and teachings of the IWW at the time you were a member of it?

A. Yes.

Mr. Grossman: I object to that question upon the ground no proper foundation is laid.

Presiding Inspector: I will let him answer "Yes" or "No."

"Yes" or "No"? [2472]

The Witness: Yes.

Mr. Del Guercio: I offer it in evidence, your Honor.

Presiding Inspector: You have only asked the question whether he knows.

(Testimony of Algia E. Reese.)

Mr. Del Guercio: Whether this booklet contains the accepted doctrines and teachings.

Presiding Inspector: Yes, whether he knows. You haven't asked him whether it does.

By Mr. Del Guercio:

Q. Well, does it contain the accepted doctrines and teachings of the IWW at the time you were a member? A. Yes.

Mr. Del Guercio: I offer it in evidence.

Mr. Grossman: We make the same objection.

Presiding Inspector: I will receive it.

(The booklet referred to was received in evidence and marked Government's Exhibit No. 257.)

Mr. Del Guercio: And I also offer at this time this membership book in the IWW.

Presiding Inspector: It may be received.

(The book referred to was received in evidence and marked Government's Exhibit No. 258.)

By Mr. Del Guercio:

Q. I show you the booklet called "The IWW Songs to Fan the Flames of Discontent," bearing the symbol or label here "Industrial Workers of the World, IWW, Universal, Joe Hill [2473] Memorial Edition, Published by the IWW Publishing bureau, 1001 West Madison Street, Chicago, Illinois," and ask you if you are familiar with that pamphlet?

A. Yes, sir.

Q. Was that pamphlet distributed and circulated

(Testimony of Algia E. Reese.)

by the IWW organization during the time that you were a member? A. It was.

Q. Are you familiar with any of the songs printed in this booklet?

A. Well, I have read most of them, but not being a singer I didn't take a great deal of interest in them.

Q. Were any of the songs contained herein sung at any of the meetings that you attended?

A. Yes, sir.

Q. Would you say that all of them were?

A. I wouldn't say all of them, no.

Q. This booklet indicates that it was published by the IWW publishing bureau at 1001 West Madison Street. Is that the address you have previously given? A. Yes, sir.

Mr. Del Guercio: I offer this book in evidence, your Honor.

Mr. Grossman: We make the same objection.

Presiding Inspector: I will receive it.

Mr. Del Guercio: And I refer the Court particularly to [2474] pages 10, 13, 14 and 15 of this book.

The reporter has not apparently brought in the exhibits that were introduced last week yet.

Mr. Grossman: Before we continue, your Honor, I have just examined this exhibit with particular reference to the pages Mr. Del Guercio indicated he wanted to call to the Court's attention. As a result of that examination I want to make an additional objection to its introduction upon the ground that it is incompetent, irrelevant and immaterial because,

(Testimony of Algia E. Reese.)

having read each of these songs, I am unable to find anything in those songs which were particularly called to your attention at least which would in any way indicate that the IWW violated the provisions of this Statute. Songs dealing as far away as:

"You will eat, bye and bye,
"In the glorious land above the sky;
"Work and play, live on hay,
"You'll get pie in the sky when you die."

Songs that are pretty generally sung and, so far as I am able to find, have no relationship to a violation of the statute. So I make that additional ground for its introduction into evidence.

Presiding Inspector: Of course, I haven't ruled on anything like that.

Mr. Grossman: I would ask you to rule as to whether [2475] they were incompetent, irrelevant and immaterial.

Presiding Inspector: Let me see them.

Mr. Grossman: I believe the pages were 10, 13, 14 and 15.

(The Exhibit referred to was passed to the Presiding Inspector.)

Mr. Del Guercio: Reading those songs, if your Honor please, particular attention must be had to the verses of them as indicated on the cover "To Fan the Flames of Discontent."

Presiding Inspector: Well, even so, I don't suppose that that is a fault within the meaning of the statute.

(Testimony of Algia E. Reese.)

Mr. Del Guercio: That particular book has been introduced and accepted in many United States District Courts as evidence of the revolutionary nature of the IWW.

Presiding Inspector: Very well. I will just read this.

Mr. Del Guercio: And particularly in the Haywood trial, if the Court please.

Mr. Gladstein: Was that a trial for—was that under this statute?

Mr. Del Guercio: Address your remarks to the Court! Don't talk to me!

Mr. Gladstein: I will ask the Court whether counsel intends the Court to understand that the Haywood trial that he has just referred to and in which he said this document that [2476] your Honor now has in your hand was introduced in evidence. I am asking whether he intends to imply that the Haywood trial was held under this statute.

Presiding Inspector: Oh, no. I don't think so. I don't so understand. That is a matter of general history.

I would like to have a little time to read these verses.

What were the other pages besides 10?

Mr. Del Guercio: 13, 14 and 15.

Does that book contain the song entitled "Casey Jones, The Union Scab"?

Presiding Inspector: "Casey Jones"? I will have to look in the index. Yes, that is page 32.

Mr. Del Guercio: I refer particularly to the last

(Testimony of Algia E. Reese.)

part of that song wherein Casey sings "Let me alone, you'd better take a hike. Then someone put a bunch of railroad ties across the track, and Casey hit the river with an awful crack."

Maybe they could sing that, a quartet.

Presiding Inspector: I don't see any evidence of favoring an overthrow of the Government by force in that book. I will reject it.

Mr. Del Guercio: Sir?

Presiding Inspector: I will reject that book.

Mr. Del Guercio: Reject it?

Presiding Inspector: Yes. I won't admit it in evidence. I don't see anything that goes so far as to show that they [2477] favor the overthrow of the Government of the United States by force and violence.

Mr. Del Guercio: If your Honor please, it isn't our contention that it does. It is our contention that this IWW literature which we are now introducing advocates and teaches the unlawful destruction of property and sabotage.

Presiding Inspector: That may be.

Mr. Del Guercio. Not the overthrow of the Government of the United States.

Presiding Inspector: That is what we are aiming at here.

Mr. Del Guercio. Oh, no. I beg to differ with the Court, if the Court would excuse me.

Presiding Inspector: I understood that was so from the opening address.

(Testimony of Algia E. Reese.)

Mr. Del Guercio: No charge as yet—no ground for the Alien's deportation is contained in the Warrant regarding his membership in the IWW. We intend to at the proper time urge that additional charge. The charge—and we have that right under the law——

Presiding Inspector: (Interposing) Yes.

Mr. Del Guercio: (Continuing)—and under the rules.

Presiding Inspector: Yes, I know.

Mr. Del Guercio: We are introducing this now as a foundation for the lodging of the additional charge. And I repeat again, that we do not intend to show that the IWW advocates and teaches the overthrow of the Government of the United States by force [2478] and violence, but we do——

Presiding Inspector: (Interposing) I thought that was the point of it.

Mr. Del Guercio: No, if your Honor please. Only that it advocates and teaches the unlawful destruction of property and sabotage.

Presiding Inspector: Let me see the statute. You have got it right there. [2479]

Mr. Del Guercio: 41 Stat. 108. It is amended by the Alien Registration Act of 1940.

Presiding Inspector: Yes; I understand.

(The statute book was passed to the Presiding Inspector.)

Presiding Inspector: Where is it?

Mr. Del Guercio: I refer to sub-sections (d) and (e) of that number.

(Testimony of Algia E. Reese.)

Presiding Inspector: (d) and (e)?

Mr. Del Guercio: Yes, the last reference to aliens writing and publishing, and so forth, in the last sentence.

Presiding Inspector: I see.

(Referring to portion indicated.)

Now, which is the——

Mr. Del Guercio: (Interposing) I think I can show the Court the statute prescribes four types of organizations under sub-section (e).

Presiding Inspector: I have read that.

What is the Act you are proceeding under?

Mr. Del Guercio: The Act of 1918 as amended.

Presiding Inspector: The Act of October 16, 1918?

Mr. Del Guercio: Correct; Section 137, U. S. Code.

Presiding Inspector: May I see the Warrant?

Mr. Del Guercio: It was entered as Exhibit 1.

Presiding Inspector: Yes. Let me see Exhibit 1.

(Government's Exhibit No. 1 was passed to the Presiding [2480] Inspector.)

Presiding Inspector: The only charge against the Alien up to the present, the charge on which the deportation is predicated, is being a member of or affiliated with an organization and so forth, that believes in, advises, advocates or teaches the overthrow by force or violence of the Government of the United States; further, that after entering he has been a member of or affiliated with an organization, asso-

(Testimony of Algia E. Reese.)

ciation, society, or group that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue or display, written or printed matter advising, advocating, or teaching the overthrow by force or violence of the Government of the United States.

Mr. Del Guercio: That is correct, your Honor.

Presiding Inspector: If you want to amend the warrant, I think, under the rule, you are entitled to do so.

Mr. Del Guercio: I told the Court I intended to do so. I said we are not relying, we are not stating, nor do we intend to prove that the IWW is an organization which comes within the present charges in the Warrant. But I intend—I will do it now and I believe that will clear it up.

I lodge the additional charge at this time and I make that request now. [2481]

Presiding Inspector: What is the request?

Mr. Del Guercio: I request the Presiding Inspector to notify, to place the Alien on notice, that in addition to the charges contained in the Warrant of Arrest, his deportation is sought on the following grounds:

That he is an Alien who, after entering the United States, became a member of an organization, association, society or group, which advised, advocated and taught the unlawful damage, injury or destruction of property and sabotage.

(Testimony of Algia E. Reese.)

And as an additional ground, further, ground, that after entering the United States he became a member of an organization, association, society or group, that circulated and distributed written or printed matter advising, advocating or teaching the unlawful damage, injury, or destruction of property and sabotage.

Presiding Inspector: Now let me see the rules of the Department about amendments to the Warrant. I know there is a provision there.

(Whereupon the rules referred to were passed to the Presiding Inspector.)

Mr. Del Guercio: Section 19.6 (i) of the new regulations governing the arrest and deportation of Aliens.

Presiding Inspector: It is (1) instead of (i).

Mr. Del Guercio: Is it?

Presiding Inspector: Yes. Is there any objection to an [2482] affirmative ruling on this motion?

Mr. Grossman: We have no objection except that it may mean we will make certain requests for a chance to prepare against that. We have no objection.

Presiding Inspector: I will allow the amendment, and I will advise the Alien, and notify him, that this additional charge is lodged against him, and we will proceed with the hearing upon this charge, as upon the matters charged in the Warrant of Arrest originally.

Mr. Grossman: May we have a reading of it?

(Testimony of Algia E. Reese.)

Presiding Inspector: Yes. The reporter will read it?

No, perhaps I ought to read it because the provision was that I should read the charge in the Warrant.

Now, Mr. Bridges, listen to this.

It is charged that you are an Alien who, after entering the United States, became a member of an organization, association, society or group, which advised, advocated and taught the unlawful damage, injury or destruction of property and sabotage, and that you are a member of an organization, association, society or group, that circulates and distributes written or printed matter advising, advocating or teaching the unlawful damage, injury or destruction of property and sabotage.

Now, the second part brings it down to the present. Is that what you meant? [2483]

Mr. Del Guercio: I read it in the past, "circulated and distributed."

Presiding Inspector: "that you have been a member of an organization"——

Mr. Del Guercio: That is right.

Presiding Inspector: That should be "have been" instead of "are".

It should read, "and that you have been, since your arrival in this country, a member of an organization that circulates"—

Mr. Del Guercio: (Interposing) "circulated."

Presiding Inspector: (Continuing) ——"that circulated and distributed written or printed mat-

(Testimony of Algja E. Reese.)

ter advising, advocating or teaching the unlawful damage, injury or destruction of property and sabotage."

We had better change those into the past—"circulated and distributed" and "that you are or have been"—is that the way you want it?

Mr. Del Guercio: Yes, sir.

Presiding Inspector: There is no objection to amending it so that it covers what Mr. Del Guercio means it to cover?

You understand what I have read to you?.

Mr. Bridges: I do.

Presiding Inspector: And you don't want it read again?

Mr. Bridges: No. I understand it perfectly.

[2484]

Mr. Del Guercio: In view of the additional charges lodged against the Alien I again offer the last booklet mentioned in evidence.

Presiding Inspector: I will have to read the "Casey Jones" song again.

Mr. Del Guercio: There are several more I would like to call the Court's attention to: "Should I Ever Be a Soldier?"; and "Christians at War."

Mr. Grossman: Your Honor.——

Presiding Inspector: (Interposing) I think it is of very little importance.

Mr. Grossman: Your Honor, may I say this?

Presiding Inspector: Yes.

Mr. Grossman: We make the additional objection to its introduction upon the ground that songs

(Testimony of Algia E. Reese.)

in general and these songs in particular are not such vehicles as can constitute the violation of the statute advising, advocating, teaching, because you can take judicial notice of the fact that songs constituting and advocating—that many of our popular songs would be constituting certain immoral and criminal acts, and I think it is generally considered that songs are not of that character.

Presiding Inspector: You mean like "Frankie and Johnnie"?

Mr. Grossman: I am not making any specific—

Presiding Inspector: (Interposing) We have a judicial [2485] opinion on that in the State of New York in the Court of Appeals.

Mr. Grossman: At any rate, we make that additional objection to the introduction of this volume of songs.

Presiding Inspector: I don't believe it is of sufficient importance to put it in the record. I will reject this. The good taste of the songs may be doubted.

By Mr. Del Guercio:

Q. I will show you here Government's Exhibit 252 "The IWW, its History and Structure," and ask you if you saw that book during the time you were a member of the IWW or a book similar to it? A. Yes, sir.

Q. And was it distributed and circulated by the IWW during the time that you were a member?

A. It was.

(Testimony of Algia E. Reese.)

Q. And does it contain the accepted doctrines, practices and teachings of the IWW during the time that you were a member of the organization of the IWW? A. Yes.

Mr. Del Guercio: I believe this book has already been introduced in evidence, if your Honor please, subject to a motion.

Presiding Inspector: Yes. [2486]

By Mr. Del Guercio:

Q. I now show you——

Mr. Grossman: (Interposing) Just a moment! We make our motion to strike at this time on the ground of the first objection that I made, which was that no proper foundation has been laid.

Presiding Inspector: At that time?

Mr. Grossman: At this time. Also we think that no proper foundation has been laid at this time.

Presiding Inspector: Well, I will receive it now and deny the motion to strike. It has already been received tentatively.

By Mr. Del Guercio:

Q. I will show you also a booklet, Government's Exhibit 253 for identification, entitled "Sabotage, its History, Philosophy and Function", on the front of the back cover of which appears: "IWW Literature, IWW Publishing Bureau, 1001 West Madison Street, Chicago; pamphlets 10 cents each or $3.50 per hundred," and among the pamphlets shown are the "IWW History, Structure and Methods, St. John, Revised," and "Sabotage by Smith," and ask you if you are familiar with this document?

(Testimony of Algia E. Reese.)

A. I am.

Q. Was that booklet distributed and circulated by the [2487] IWW during the time that you were a member? A. It was; yes, sir.

Q. And was it accepted as a doctrine of the IWW during the time that you were a member?

A. Yes, sir.

Mr. Del Guercio: I will offer this in evidence, if your Honor, please, and refer——

Presiding Inspector: (Interposing) I will receive it.

Mr. Del Guercio: I will offer it in evidence first.

Presiding Inspector: I will receive it.

Mr. Grossman: We wish the record to show our same objection previously made and our same motion to strike.

Presiding Inspector: Yes, certainly. And the same ruling.

(The booklet referred to was received in evidence and marked Government's Exhibit No. 253.)

Mr. Del Guercio: I don't refer to any particular part of this book. I refer to the entire book as advocating and teaching sabotage.

By Mr. Del Guercio:

Q. Did this booklet here have a popular name; that is, have a name other than the one indicated on the cover?

A. They call it the "Sab-Cat."

Q. The "Sab-Cat"? A. Yes. [2488]

(Testimony of Algia E. Reese.)

Q. Who called it the "Sab-Cat"?

A. The membership.

Mr. Del Guercio: That is all. You may cross examine.

Mr. Grossman: May we have an intermission at this time so we can discuss the cross examination?

Presiding Inspector: Yes. We will take a short recess.

(Whereupon, a short recess was taken.)

Presiding Inspector: You may proceed, Mr. Gladstein.

Cross Examination

By Mr. Gladstein:

Q. Mr. Reese, when in 1918 did you join the IWW? A. I didn't get that.

Presiding Inspector: When in 1918 did you join the IWW?

The Witness: Sometime in June.

By Mr. Gladstein:

Q. I think you said you joined in the harvest fields somewhere in Kansas? A. Yes, sir.

Q. And how did you join? What were the mechanics of your joining? Would you state that just briefly?

A. Well, the same as joining a lot of organizations I presume. You laid your $2.00 down and you received a dues book.

Q. Were there dues to be paid?

A. 50 cents per month. [2489]

(Testimony of Algia E. Reese.)

Q. I think you said you joined a local called "Local 600"? A. 600.

Q. Where were its offices? A. In Chicago.

Q. How did you pay your dues thereafter?

A. Delegates in the field.

Q. For how long did you continue to pay dues?

A. About two years.

Q. And you would say that you paid dues and were a member of the IWW from about June, 1918 to about June, 1920? A. Yes, sir.

Q. Then you dropped out in June, 1920?

A. Yes, sir.

Q. Did you resign or did you just stop paying dues? A. I just stopped paying dues.

Q. During the time that you were in the organization did you attend meetings?

A. Some.

Q. Can you state where these meetings were held?

A. I attended a couple of meetings in Minneapolis, Minnesota.

Q. Was there anything outstanding about these meetings? I mean, were these simply local gatherings of fellow members of the IWW or were they conventions or what? [2490]

A. Just local meetings.

Q. Did you ever attend a convention of the IWW? A. No, sir.

Q. Did you ever attend any important conclave or gathering of the leaders of the IWW?

A. No, sir.

(Testimony of Algia E. Reese.)

Mr. Del Guercio: I object to that question, your Honor. There is nothing to indicate what is an important conclave or meeting of the IWW.

Presiding Inspector: Oh, I will take it. It is indefinite.

By Mr. Gladstein:

Q. Were you ever a member of any governing committee or body of any kind in the IWW?

A. I don't—(Pause).

Q. Did you ever hold an office in the IWW?

A. Yes, sir.

Q. What office did you hold?

A. Well, I was the local Secretary at one time.

Q. Where was this? A. Chicago.

Q. And during what period of time?

A. I think it was around the summer months of '20.

Q. Can you be more definite about that?

A. Well, it was probably from January until July, 1920.

Q. How did you obtain that office? [2491]

A. By election.

Q. Election of whom? A. The members.

Q. What were you? Recording Secretary?

A. No, I was the Industrial Union Secretary.

Q. What were your duties in a general way?

A. Oh, just oversee the membership records and so forth.

Q. Anything else? A. That's all.

Q. Did you ever hold any other office?

A. No, sir.

(Testimony of Algia E. Reese.)

Q. You were never on the Executive Board or whatever the name of it was of the IWW itself?

A. No, sir.

Q. After you dropped out did you retain any interest in the kind of literature that was circulated by the organization? A. No, sir.

Q. During the time that you were in the organization you said that certain documents which were shown to you here this morning were circulated. Did you mean from one member to another?

A. They were sold in book stores, circulated amongst the membership. [2492]

Q. Where were these book stores?

A. In nearly every city they had a book store —Minneapolis had them, Chicago had them, Kansas City.

Q. Do you know how these book stores were run? A. I do not.

Q. In other words, your knowledge as to how you would go in and get books from a book store would be the same knowledge, for example, that I would get if I walked in as an outsider and wanted to buy some books, is that correct?

Mr. Del Guercio: I object to that question as being clearly improper.

Presiding Inspector: I will allow it. This is cross examination.

Mr. Gladstein: Do you want the question read?

The Witness: Please.

(Testimony of Algia E. Reese.)

(The question referred to was read by the reporter as above recorded.)

A. The organization had some of its own book stores in their halls, local halls.

By Mr. Gladstein:

Q. Where?

A. Chicago, Kansas City, Minneapolis.

Q. When you say "book stores" what do you mean?

A. They were also sold on the open market.

Q. You mean that some of these pamphlets and other [2493] publications could be found in any ordinary book store or public library?

A. I wouldn't say as to that.

Q. You don't know? A. No.

Q. Is your knowledge of the doctrines taught by the IWW based entirely upon what you read in their literature? A. Mostly.

Q. Would you say substantially all?

A. Yes, sir.

Q. Do you wish to testify, Mr. Reese, that every document ever published by the IWW, or any officer or member of the IWW, was intended to represent the official position of the IWW?

Mr. Del Guercio: If your Honor please, I object to the form of the question—"Do you wish to testify?"

Mr. Gladstein: I will withdraw the first part of the question about "do you wish to testify".

I am asking the question as to whether it is his

(Testimony of Algia E. Reese.)

testimony, whether that is the fact, as he wants to put it.

Mr. Del Guercio: Why not ask the question then as to what he knows?

Presiding Inspector: I don't think I fully understand the amended question.

Mr. Gladstein: I will withdraw it, your Honor. [2494]

Presiding Inspector: Ask it again.

By Mr. Gladstein:

Q. Do you know whether every pamphlet or document put out by the IWW Publishing Bureau, or put out by any officer or member of the IWW, during the time that you were in it, was intended to express the official position of the organization?

Mr. Del Guercio: I object to the question as being immaterial, irrelevant to any issue in this case.

Presiding Inspector: We have testimony that this book was put out by the IWW. You didn't ask him whether this represented the principles, did you, of the IWW?

Mr. Del Guercio: Sir?

Presiding Inspector: You didn't ask whether these exhibits represented the principles of the IWW.

Mr. Del Guercio: I did, at the time he was a member.

Presiding Inspector: Then I will allow it.

Mr. Gladstein: Do you want the question read?

(Testimony of Algia E. Reese.)

The Witness: Please.

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: You asked an earlier witness definitely that.

Mr. Del Guercio: I don't recall.

A. I couldn't say it was. [2495]

By Mr. Gladstein:

Q. As a matter of fact, Mr. Reese, isn't it true that the IWW Publishing Bureau used to put out a lot of documents that did not represent any official position of the organization, but simply represented the personal viewpoints of the people who were writing those documents?

Mr. Del Guercio: I object to that as being immaterial, if your Honor please.

Presiding Inspector: If he knows he may answer.

Mr. Del Guercio: I object on this ground: The charge, as it will be noted, is that the Alien here was a member of an organization that circulated and distributed certain literature. Whether or not it represented the view of the officials of the organization, whether or not it represented the views of the organization as such, I say is immaterial.

Presiding Inspector: But I asked you that very question, and you said you did ask the witness whether these pamphlets represented the principles of the IWW. Now, as meeting that question that you asked, I will allow this. It may not be perti-

nent on the other point but, nevertheless, you having opened the door I will take it.

Mr. Gladstein: Do you want the question read?

The Witness: Yes.

(The question referred to was read by the reporter as [2496] above recorded.)

Presiding Inspector: If you know—go ahead.

A. I do not know.

By Mr. Gladstein:

Q. Isn't it true that the IWW, during the time that you were in it, believed in not having any central body exercising control or discipline over its members, but on the contrary, allowing all members to express any viewpoint they liked, through publications of the IWW Publishing Bureau?

Mr. Del Guercio: I object to the question on the ground that no proper foundation has been laid for it.

Presiding Inspector: He is asking him—if he knows he may answer.

A. I have no knowledge.

Presiding Inspector: He says it isn't true. He says he don't know.

By Mr. Gladstein:

Q. Do you know what the theory of the IWW was while you were in it on the question of control or discipline of members?

Mr. Del Guercio: I object to this as not being proper cross examination.

(Testimony of Algia E. Reese.)

Presiding Inspector: If he knows he can answer.

A. I could not say.

Presiding Inspector: He doesn't know. [2497]

By Mr. Gladstein:

Q. Mr. Reese, isn't it a fact that during the World War the General Executive Board of the IWW passed an official resolution disavowing sabotage and damage to property?

A. Not to my knowledge.

Q. You don't know of such a thing?

A. No.

Q. Isn't it a fact that at an official convention of the IWW such a resolution as I have described was officially approved?

Mr. Del Guercio: If your Honor please, I object to that question.

Presiding Inspector: If he knows he may answer.

A. I do not know.

Presiding Inspector: He doesn't know.

By Mr. Gladstein:

Q. Do you know Walker C. Smith—do you know who he was?

A. I did not know the gentleman.

Q. Do you know whether he ever occupied any kind of a position with the IWW? A. No.

Mr. Gladstein: I call your Honor's attention to the fact that the exhibit which the Government

(Testimony of Algia E. Reese.)

has introduced as No. 252 entitled, "Sabotage" purports to have been authored [2498] by Walker C. Smith.

By Mr. Gladstein:

Q. Do you know Grover H. Perry—do you know who he was? A. I didn't know the man.

Q. Do you know whether he ever held any official position as spokesman for, or an officer of the IWW? A. No.

Mr. Gladstein: I call your Honor's attention to the fact that Government's Exhibit No. 257 in evidence entitled "The Revolutionary IWW," purports to have been authored by Grover H. Perry.

By Mr. Gladstein:

Q. Did you believe in sabotage while you were in the organization? A. Not necessarily.

Q. What do you mean by that? A. No.

Q. You mean you didn't believe in it?

A. Yes.

Q. You didn't practice it? A. No.

Q. And you could be a member of the IWW without believing in or practicing sabotage, is that correct?

A. I was never asked whether I did or did not.

Q. I am asking you, whether it is a fact that you were [2499] and could have been a member of the IWW without either believing in or practicing sabotage?

A. I didn't believe in it and I didn't practice it, and I belonged.

(Testimony of Algia E. Reese.)

Q. When you joined the organization did you think at that time that you would be required to practice sabotage? A. No.

Q. Did you believe at that time that you would be required, or advised to advocate or practice violence? A. No.

Q. During the time that you were in the IWW did you believe in violence? A. No.

Q. Did you practice it? A. No.

Q. Did you believe in the unlawful destruction of property? A. No.

Q. Did you advocate it? A. No.

Q. Did you use it? A. No.

Q. Did you believe in the use of force and violence to overthrow the United States Government?

A. No.

Q. Did you ever practice the use of force and violence [2500] for such an overthrow?

A. No.

Q. Do you have a distinct recollection of seeing this pamphlet entitled "Sabotage" any particular place before you came here today?

A. Before I came here?

Q. Yes. A. Positively.

Q. Where?

A. I saw it in Chicago, Kansas City,—in fact, I used to own one.

Q. And where in Chicago and Kansas City did you see this? A. 1001 Madison Street.

Q. Where in Kansas City?

A. I don't know the address.

(Testimony of Algia E. Reese.)

Q. Did you see these in the possession of members of the IWW?

A. I saw them in the possession of members and also on the book shelves.

Q. While you were in the IWW did you feel that you were a good loyal member of the organization?

Mr. Del Guercio: I object to the question.

Presiding Inspector: I will allow it.

The Witness: I didn't get that. [2501]

Presiding Inspector: When you were a member did you feel yourself to be a good and loyal member of the organization? A. I did.

By Mr. Gladstein:

Q. And that you carried out its principles and its work?

A. I don't understand that question.

Q. And did you feel that you were carrying out the principles and work of the organization while you were in it?

A. From my point of view, yes.

Mr. Del Guercio: I object.

By Mr. Gladstein:

Q. That is what I wanted to know. Where do you live, Mr. Reese? A. Eureka.

Q. Eureka, what? A. California.

Q. And your business? A. I have none.

Q. Well, how do you make your livelihood?

A. I am working for the WPA.

Q. When was the last time that you had employment in [2502] private industry?

(Testimony of Algia E. Reese.)

A. 1931.

Q. When is the first time that you were asked by the Department of Justice or the FBI to be a witness in this case?

Mr. Del Guercio: I will object to this line of questioning, if your Honor please.

Presiding Inspector: I will allow it. It is a matter of his credibility.

A. About two weeks ago.

By Mr. Gladstein:

Q. Have you ever testified before on the IWW?

A. No, sir.

Q. In any Court? A. No, sir.

Q. Anywhere? A. No, sir.

Q. All right. Now, where were you at the time that you were contacted about two weeks ago?

A. I was in Eureka.

Q. In your home? A. No, sir; working.

Q. Who contacted you?

A. A Mr. Holland, I believe.

Q. Who is he?

A. Immigration Department. [2503]

Q. Did you have a conversation at that time with him? A. Very little.

Q. What was the substance of it?

A. He asked me if I belonged to the IWW and I told him I did.

Q. And that was all? A. Practically all.

Q. Did he mention to you how he happened to come to you? A. No, sir.

(Testimony of Algia E. Reese.)

Q. Did he tell you what he wanted of you?

A. He did when he left.

Q. What did he say?

A. He said they might want me to come down here and testify?

Q. And then there was more conversation than you indicated before? There must have been some discussion about this case, is that right?

A. There was.

Q. What was the discussion?

A. The only thing he said was, he wanted to know if I could identify literature of the IWW.

Q. What did you say? A. I said I could.

[2504]

Q. Did he have literature with him?

A. No, sir.

Q. Do you have any knowledge of your own as to how Mr. Hollard came by the information that you had been in the IWW?

Mr. Del Guercio: If your Honor please, I object to that as having been asked and answered and on the further ground that it is immaterial either in this case or any other case.

Presiding Inspector: We are only interested in this case.

Mr. Del Guercio: Then what difference does it make how the information was obtained?

Presiding Inspector: I don't know.

Mr. Gladstein: Do you want the question read, your Honor?

Presiding Inspector: Yes.

(Testimony of Algia E. Reese.)

A. No, sir.

Presiding Inspector: I will take it. He says he has no knowledge. Before I ruled.

By Mr. Gladstein:

Q. On what note did that first conference end, Mr. Reese?

Mr. Del Guercio: I object to that, please, as being indefinite. "On what note."

Presiding Inspector: I think it has been asked before, not of this witness, but that kind of question "On what note". Of course, this man says he doesn't think, but that— [2505] I don't think he understands the question.

By Mr. Gladstein:

Q. Do you understand the question?

A. No.

Q. Then I will put it in a different way. Was there any arrangement between you and Mr. Hollard at this first conversation for you to see him again? A. No, sir.

Q. Or for you to go to see somebody else?

A. No, sir.

Q. That was the end of it?

A. That was the end of it.

Q. When was the next time you saw anybody in connection with testifying here?

A. When I was subpoenaed.

Q. When was that?

A. The 21st of this month.

Q. And whom did you see at that time?

A. I don't know the gentleman's name.

(Testimony of Algia E. Reese.)

Q. Was there any conversation at that time?

A. None; just handed me the subpoena and told me to be here.

Q. Did he have any documents with him?

A. Yes, sir.

Q. What documents did he have? [2506]

A. He had his identification card.

Q. Did he have any publications of any kind with him? A. No, sir.

Q. All right. What happened after the 21st when you were subpoenaed? Did you come down here?

A. I did. I am here, aren't I?

Q. All right. When did you come down?

A. I came down last Wednesday morning.

Q. Whom did you see then, the first person you saw in connection with your testimony.

A. Well, I don't know the gentleman's name.

Q. Where did you see anybody?

A. 111 Sutter Street.

Q. And how many people were present at that time? A. I didn't count them.

Q. You don't know? A. No.

Q. You don't know whether it was one person or five or ten?

Mr. Del Guercio: If your Honor please, the witness has said he don't know. And what difference does it make whether there were a hundred present?

Presiding Inspector: I don't know.

(Testimony of Algia E. Reese.)

By Mr. Gladstein: [2507]

Q. Well, can you summarize briefly what took place up there? A. (No response.)

Q. Did they show you any documents at that time? A. Not at that time, no.

Q. When did they?

A. I think it was about last Friday.

Q. Last Friday. Where were you shown documents? A. In the office.

Q. The same office? A. Yes, sir.

Q. That is 111 Sutter Street?

A. 111 Sutter Street.

Q. Do you know who was present then?

A. No, sir.

Q. Or how many people were present?

A. I didn't count them.

Q. You didn't count them. Now, what publications or documents did they show you?

A. Well, it was a song book, membership book and that "Sab-Cat" and several others.

Q. And when they showed these documents to you what did they tell you about them?

A. They asked me if I could identify them.

Q. And what did you say?

A. I said I could. [2508]

Q. And what did they say then?

A. I think he sang a song.

Mr. Gladstein: What is that?

The Reporter: "I think he sang a song".

(Testimony of Algia E. Reese.)

By Mr. Gladstein:

Q. Who sang a song, Mr. Reese?

Q. Whom sang a song, Mr. Reese?

A. I did.

Q. You sang a song? A. Yes.

Q. What song did you sing?

Presiding Inspector: Do you remember?

The Witness: No, I don't.

By Mr. Gladstein:

Q. Was it one of the songs in the song book?

A. No.

Q. Haven't you any idea of what song you sang for them? A. No.

Mr. Del Guercio: What difference does it make what song he sang.

Presiding Inspector: I don't know.

Mr. Gladstein: I am trying to find out what happened and he said he sang songs. [2509]

Presiding Inspector: I think it is——

Mr. Del Guercio: (Interposing) Is that cross examination as to what songs the witness sung?

Presiding Inspector: I don't know. Mr. Gladstein thinks it is.

By Mr. Gladstein:

Q. What happened after you sang the song?

A. It didn't happen.

Q. What didn't happen?

A. What happened.

Presiding Inspector: Nothing happened. Go ahead. Ask the next question.

(Testimony of Algia E. Reese.)

By Mr. Gladstein:

Q. What do you mean?

Presiding Inspector: Oh, never mind! That was just persiflage. It was the kind of answer that you would expect to the question that you asked.

Mr. Gladstein: What was the question?

Presiding Inspector: And the way you asked it.

Mr. Gladstein: Let us hear the question.

Presiding Inspector: No. Go ahead. Ask something else.

By Mr. Gladstein:

Q. You mean you didn't sing a song at all, is that it?

Mr. Del Guercio: I object to that line of questioning. [2510] I think that counsel should cease along those lines.

Presiding Inspector: I rather think so, too, but he may go on. He is trying the case, not you or I. Go on, Mr. Gladstein.

By Mr. Gladstein:

Q. They asked you if you could identify certain books and you said you could. What happened as to that?

Mr. Del Guercio: As to what? I object to the question. Anything may have happened. Happened in connection with what.

Mr. Gladstein: In this conference.

By Mr. Gladstein:

Q. You understand that, don't you, Mr. Reese?

A. No, I don't know what you are getting at.

(Testimony of Algia E. Reese.)

Q. Well now, let us go back to the time you went up to 111 Sutter Street, not the first time but the second time, when documents were shown you. Do you have your mind on that occasion?

A. Yes.

Q. You have already mentioned the names of some of the documents they showed you. Correct?

A. Yes.

Q. And you said they asked you if you could identify them. Correct? A. Correct. [2511]

A. And you said "Yes, I can"? A. Yes.

Q. Now, what did they say next?

Presiding Inspector: If they said anything.

By Mr. Gladstein:

Q. If anything.

A. Well, I suppose "You will have a chance to do so".

Q. Anything else happen then? A. No.

Q. Not a thing? A. No.

Mr. Del Guercio: Well!

Presiding Inspector: Is that all, Mr. Gladstein?

Mr. Gladstein: Perhaps so, your Honor. Just one second.

Presiding Inspector: Yes.

Mr. Gladstein: That is all, your Honor.

Presiding Inspector: Mr. Gladstein, did you in looking through this song book read this song on page—I have closed the book. Just a minute! Read that one. (The song book was passed to Mr. Gladstein.)

Mr. Gladstein: I haven't heard that one before.

(Testimony of Algia E. Reese.)

Presiding Inspector: Do you think that could be taken as advocating sabotage?

Mr. Grossman: I made the objection, your Honor, that a [2512] song could not be——

Presiding Inspector: (Interposing) I know. I believe I will receive the book in view of that song, on the distribution theory of literature. I hadn't read that song before. It is in a little different vein from the others.

(The book referred to was received in evidence and marked Government's Exhibit No. 259.)

Mr. Gladstein: That is all.

Mr. Del Guercio: That is all. May the witness be excused?

Presiding Inspector: Certainly. You are excused.

The Witness: Thank you.

(Witness excused.)

Mr. Del Guercio: Now, if the Court please, I have shown this to counsel before. I have an affidavit of Miss Ethel Mulleney, who at the present time is employed as booking agent for the Madison Square Garden Corporation at 307 West 49th Street, New York City and who was so employed in that capacity in the year 1929, and to this affidavit she attaches certain photostatic copies of leases and other documents in connection with the bookings of the Madison Square Garden, with particular reference to that rally held on December 16, I believe.

Presiding Inspector: Do you offer it?

1936. We do not, of course, have Miss Mulleney present. We could do so, but I thought to save time and money that the affidavit would serve that purpose. [2513] If counsel here for the Alien objects, why then, of course, we will produce Miss Mulleney to identify the documents.

Mr. Del Guercio: I offer it in evidence.

Presiding Inspector: What do you say, Mr. Gladstein?

Mr. Grossman: We are perfectly willing to agree to the introduction of affidavits in lieu of personal attendance on the part of evidence of the Government if they will agree that they will allow us to put in our evidence by affidavit, but to suggest that we should grant them that favor, which the rules don't allow incidentally, and them not grant us the same favor when we have much less money than they have available and our money comes directly from workers who can hardly afford it, it is asking too much. If they will agree that we can put in such evidence as will be a hardship for us to produce by individuals by affidavit, we will make the same agreement in this case.

Mr. Del Guercio: By this offer, your Honor, I had no intention to give counsel an opportunity to stand up and make a speech. In view of counsel's statement I withdraw the offer.

Presiding Inspector: Very well. That is finished.

Mr. Del Guercio: And ask, of course, that we be given an opportunity at a later time to bring in

Miss Mulleney and have her identify this document.

[2514]

Presiding Inspector: Yes. When you finally rest your case, cover it with the exception of the identification of this document.

Mr. Del Guercio: Yes. And now, if the Court please, I desire to introduce in evidence all of the Alien's statements against interest—instead of "statements against interest" I will say "admissions by the Alien against interest" in the former deportation hearing held here in San Francisco on August 19—I think it began on July 10, 1939 and continued for some time. I am offering all of the admissions on particular subjects, as follows: All of the Alien's admissions in connection with the Marine Workers Industrial Union; secondly, all of the Alien's testimony, admissions concerning his connections with the Waterfront Worker; all of the Alien's testimony, admissions of testimony in connection with the IWW, and the IWW; those four subjects.

Mr. Gladstein: Only three.

Mr. Del Guercio: Three only? Let's see. The Waterfront Worker, the Marine Workers Industrial Union, the IWW. I believe those three were all, your Honor.

Presiding Inspector: Have you got the pages?

[2515]

Mr. Del Guercio: Yes, I have.

On the IWW I refer to Volume 16—I believe counsel has a copy of that volume.

Mr. Gladstein: We don't have it here. We have

a copy at the office, of course. We have a copy of the transcript of the entire proceeding, but not here.

Mr. Del Guercio: Volume 16, page 2488.

Mr. Gladstein: 2488?

Mr. Del Guercio: That is right.

On this particular portion of the Alien's testimony on the IWW I refer to the following:

"By Mr. Schomacker:

"Q. Did you ever belong to the"——

Addressing the question to the Alien.

Mr. Gladstein: (Interposing) May I interrupt to suggest this: Rather than have Mr. Del Guercio read these things into the record, we would like to have an opportunity to examine that which he intends to offer. It may be that what he intends to offer is incomplete and torn from the context. We don't know. So I would make the suggestion, if it is agreeable to your Honor, that Mr. Del Guercio announce those pages and those portions of the pages, simply saying "Starting with line 5 to line 8," whatever it may be, he wishes to introduce, and that we have an opportunity to examine these pages in order to formulate our legal position. [2516]

Would that be fair?

Presiding Inspector: What do you say to that, Mr. Del Guercio? He asks for you to announce the pages and then proceed with the matter after the noon recess.

Mr. Del Guercio: I don't believe I have any objection to that, your Honor. I would be glad to do it.

Presiding Inspector: Give him the pages. I think it will expedite the matter.

Mr. Del Guercio: All right. Volume 16, on the IWW, page 2488 and 2489.

I cannot give the lines because they are not numbered, unless I took the time to count them.

Presiding Inspector: I think that is enough.

Mr. Gladstein: That is all right.

Mr. Del Guercio: And also page 2525.

Mr. Gladstein: Same volume?

Mr. Del Guercio: Same volume.

There was another subject, your Honor—I know there were four—and that is regarding the Alien's admissions that he purchased Communist literature at a certain address in San Francisco, and that is contained in Volume 16, pages 2527, 2528, 2472. Volume 18, pages 3097; volume 16, page 2580; Volume 34, pages 5965, 5966, 5967; Volume 16, pages 2508, 2509, 2511, 2512; Volume 17, pages 2741 and 2742.

On the Waterfront Worker, Volume 18, pages 3065, 3073, [2517] 3074; Volume 17, pages 2720, 2721, 2722, 2723, 2724, 2725, 2726, 2727, 2728, 2729, 2731, and 5953. That must refer to another volume. I don't have the number of it here. Then Volume 17, page 2703.

On the Marine Workers Industrial Union, Volume 16, pages 2617 to 2628, inclusive; Volume 16, pages 2489, 2607 to 2613, inclusive; Volume 18, page 3076; Volume 16, pages 2515, 2516, 2589, 2590, 2591; and Volume 17, page 2663.

Mr. Gladstein: There was one with reference to

Volume 18, a couple or so back, on the MWIU—will you repeat that page number?

Mr. Del Guercio: 3076.

With this offer, of course, if counsel objects to the introduction of that in this form it would be necessary to subpoena the reporter, who is present, and——

Presiding Inspector: I don't think that that is the point. Counsel merely wants to examine this and prepare to introduce the balance, or unfinished statements, or other statements perhaps that would have some bearing on the matter.

Mr. Del Guercio: We have no objection to introducing all the evidence on that particular subject. We have tried to do that but we may have missed some pages.

Presiding Inspector: They may find something.

Mr. Del Guercio: With the introduction of this in evidence the Government rests its case with this reservation: [2518] That upon the return of Major Schofield we desire to, of course, reopen the Government's case for the purpose of introducing his testimony.

Presiding Inspector: Yes. Do you also want to reserve the identification of those documents?

Mr. Del Guercio: Yes, those documents covering the rental of Madison Square Garden for that particular meeting.

Presiding Inspector: With these exceptions the Government rests its case.

What do you want to do?

Mr. Grossman: Your Honor, when we thought

this was imminent last night we gave some consideration to this question of beginning our case, and we have some matters we want to bring to your attention which you may not have considered in this light.

It appears, though we naturally could not anticipate whether it would be such or not, it appears that most of the witnesses that have appeared in this case on behalf of the Government have come from some distance. Tabling this we find the average has come from quite a distance to San Francisco. For example, there are one, two, three, four witnesses who are residents of New York City; there is one witness from Milwaukee; there was one witness from Port Arthur, Texas; there were approximately—I won't give the exact number though I have it—approximately three or four witnesses [2519] from Seattle, which is about a thousand miles, I think; there were two witnesses from Portland which, I think, is about 600 miles—I am just guessing; there were three or four witnesses from the vicinity of Los Angeles, which is 420 miles.

Now, although I am not stating that all of the witnesses of the defense will come from the same cities as the prosecution witnesses—obviously all of our witnesses, although we have not been able yet to determine the proportion, but a large number of our witnesses will, of necessity, be from the same cities as these witnesses.

You also must bear in mind that many of these alleged meetings took place in these various cities, as well as the witnesses living there.

That obviously requires bringing witnesses in many cases from those same cities.

It so happens that a transportation system has not yet been developed to the extent that we can transport people those distances in no time at all. Frankly, we do not intend, and I don't think that the defense should be required, to transport our witnesses by airplane. Frankly, here is the result: We did not know until today when the Government was going to end its case. True, the newspapers reported that perhaps they would. Though we had no official notice, the newspapers reported perhaps Mr. Bridges would be put on the stand. Ob- [2520] viously, if that had been done we would have expected it would have taken two or three days. Mr. Del Guercio didn't give us any advance notice. All we knew was it might happen and we couldn't have prepared for that.

Mr. Del Guercio: (Interposing) I told Mr. Gladstein——

Presiding Inspector: You can correct him later.

Mr. Grossman: I am not accusing Mr. Del Guercio of misrepresenting it because anyone knows that you cannot tell in advance, or may not be able to tell when you are going to end.

I call your Honor's attention to the fact that we were once told by the Government they expected to end their case the middle of last week. We are not holding them to it.

I am saying on the basis of such a statement we cannot have our witnesses in San Francisco. If we had had them here they would have had to be

waiting four, five, six, seven days, and we can't be expected to do that.

Therefore, we had to wait until we were certain the case was ended. Obviously, we could not be expected to get in touch with our witnesses, assuming we could get in touch with all of them today, and state "You must leave the first thing in the morning." They have jobs they will have to report to in the morning, and it would take a day or two to do that. As a practical matter, we couldn't expect them to leave the first thing in the morning, though some may be able to leave tonight. [2521] As a practical matter, in the event that some witnesses could leave the first thing in the morning, considering these distances it would be, in some cases, four or five days before they could arrive. Then we would have to have some time to talk to them before they went on the stand; and in some cases it would take two or three days.

I call your Honor's attention to something else. I call your Honor's attention also to the fact that today we were presented with an amendment to the charge, which we are not in position to discuss now. We do not know how much and what type of work that will require. Obviously, when an additional ground has been given for deportation, which is in effect an amendment to the charge, it requires some preparation. Whether there will be witnesses or not I cannot state, but some preparation is necessary.

I also call your Honor's attention to the fact that when we were discussing in chambers the ques-

tion of briefs your Honor indicated that you wanted us to work as expeditiously as we could in the preparation of briefs. You requested us, and so far as possible we have complied with that, to as much as possible prepare our briefs as we were going along. We must recognize the fact that this detracts to some extent from the preparation of our witnesses to go on the stand because time spent in reviewing the record takes away from preparing witnesses, and lining up witnesses, and to the extent [2522] that we have done that it has slowed down our preparation of witnesses.

Now, considering all those facts that I have mentioned, the distance and the time that is necessarily involved, considering the preparation we have had to do in connection with our brief, considering the new charge that has been filed, considering all these things and considering your Honor's statement, which I know you are going to still except and will carry out, that no hardship will result and that enough time will be given to properly make an answer to this, renewing the reference to the fact that we started this case with no knowledge and we have had to prepare as the witnesses went on, considering all these facts, we consider, though we could use more time, we consider a reasonable time, considering all these facts, for us ot begin our case will be next Monday and we, therefore, make that request, that we be permitted until next Monday to begin our case.

Presiding Inspector: I won't rule on that now. After lunch we will determine about this testi-

mony of Mr. Bridges that they have indicated they want to introduce these admissions, and then I will hear Mr. Del Guercio after that on your motion. Until that is done I won't make any ruling.

You haven't anything else in relation to this testimony, or anything else? [2523]

Mr. Del Guercio: There is one matter. The stenographic notes, Government's Exhibit No. 256 for identification, was not introduced in evidence. I believe—I may be mistaken—they were only offered for identification.

Presiding Inspector: You are referring to the stenographic notes?

Mr. Del Guercio: Yes.

Presiding Inspector: Do you want to offer them in evidence?

Mr. Del Guercio: Of course, having only been offered for identification counsel are not entitled to make any photostatic copies of the notes.

We have no objection to offering the notes in evidence with this admonition: That at no time are the notes to go out of the hands of the reporter.

Presiding Inspector: That is understood.

Mr. Del Guercio: And that care will be taken in preserving them.

Presiding Inspector: I will receive the stenographic notes.

The transcript the same way—was that offered?

Mr. Del Guercio: No. The transcript was only offered for identification. I don't believe they are entitled to it.

Presiding Inspector: It was only marked for identification? [2524]

Mr. Del Guercio: Yes.

Presiding Inspector: Don't you want to offer that?

Mr. Del Guercio: I don't believe so. I see no special reason for it.

Presiding Inspector: It was practically read into the record anyway.

Mr. Del Guercio: Yes.

Presiding Inspector: All right.

Mr. Del Guercio: I offer a photostatic copy of the stenographic notes.

Presiding Inspector: Received the same way as before.

(The photostatic copy of the stenographic notes referred to was received in evidence and marked Government's Exhibit No. 256.)

Mr. Grossman: We ask whether the ruling that you made that we would be permitted to have a photostatic copy made still applies to the transcription.

Presiding Inspector: You want the transcription too?

Mr. Grossman: Yes.

Presiding Inspector: Is there any objection to that?

Mr. Del Guercio: I don't believe that they are entitled to it. It has only been offered for identification.

Presiding Inspector: I don't see why they shouldn't have it.

Mr. Del Guercio: Is there any reason why they should?

Presiding Inspector: They want to spend some money on it. [2525]

Mr. Gladstein: It was used in the examination.

Presiding Inspector: It has been read into the record. I think you had better offer it in evidence.

Mr. Del Guercio: I will offer it in evidence.

Presiding Inspector: I will receive it.

(The document referred to was received in evidence and marked Government's Exhibit No. 255.)

Presiding Inspector: We will take a recess until 2:00 o'clock.

(Whereupon, at 12:05 P. M., a recess was taken until 2:00 P.M. of the same day.) [2526]

After Recess
2:00 O'clock P.M.

Presiding Inspector: Mr. Gladstein?

Mr. Gladstein: You asked us to confer during the recess and determine our position on the offer that Mr. Del Guercio made of certain pages of the transcript. We have glanced at some of those pages. We have not been able to read all of them.

Presiding Inspector: No.

Mr. Gladstein: We noticed this in our quick perusal: That is, that they touch on matters which are also discussed in other portions of the testimony of Mr. Bridges during the last trial.

For example—this is simply by way of illustration—some of the pages Mr. Del Guercio offers, in which there is a discussion of the Marine Workers Industrial Union, if taken by themselves, would not give the complete picture drawn by Mr. Bridges in the last hearing of the situation that obtained on the waterfront in San Francisco in 1934, showing the relationship of the Marine Workers Industrial Union to the longshoremen and to the strike and to the general situation.

Presiding Inspector: I thought probably that would be the situation.

Mr. Gladstein: So we would make this suggestion: We would suggest that in order to make the picture complete, and not have any of these pages torn from their context, the [2527] entire record of Mr. Bridges' testimony, both on direct and on cross examination, be introduced in this hearing think his testimony embraced a period of approximity, the benefit of that testimony.

I may say by way of brief description, that I think his testimony embraced a period of approximately three days, but they were three days which, I think, were shorter than three days in this hearing, and there were some recesses. But in any event there would be no more than three full days of testimony.

That is our position. I think, in fairness, that that should be the position of the Court.

Mr. Goodwin: May it please your Honor,——

Presiding Inspector (Interposing): Let me say

in answer to that, that if the counsel for the Government were to accept that suggestion, of course there is no objection on the part of the Presiding Inspector. But I wouldn't attempt to direct the counsel as to how they should present their case.

Mr. Gladstein: No.

Presiding Inspector: Any more than I would attempt to suggest how you should present your defense.

Mr. Gladstein: I understand.

Presiding Inspector: I am trying to keep the scales here as even as I can. [2528]

Mr. Gladstein: I understand, your Honor.

Mr. Del Guercio: I reject that offer on behalf of the Government.

Presiding Inspector: Very well, then. You may proceed as you wish to. That is, you may read those parts and you will be free to read any other parts bearing on the same subject in the entire examination of Mr. Bridges.

Mr. Gladstein: Well, could I make a suggestion then, simply by way of short cutting? It seems to me that any portions or the entire testimony of Mr. Bridges in the last hearing could well be incorporated by some kind of reference in this proceeding and that it would simply be a waste of time to have somebody read to this reporter pages from the transcript of the previous hearing, because I don't suppose there would be any question about the way in which they read. There might be some slight errors or mistakes. That happens in any long protracted hearing, but at least in general let

us assume that the pages of the transcript are correct. Rather than have them read into this record they could be incorporated by some kind of reference.

Presiding Inspector: Well,——

Mr. Del Guercio (Interposing): I also reject that offer, your Honor.

Presiding Inspector: Judge Goodwin?

Mr. Goodwin: Well, your Honor, may I make this sug- [2529] gestion? These excerpts are offered not as part of Mr. Bridges' testimony.

Presiding Inspector: I understand that.

Mr. Goodwin: They are offered as admissions by the defendant, and, as such, they are admissible. Now, in fairness, if there is some other part that refers to that same thing and in fairness that should go along with his admission, we have no objection to that being presented. But that should be regularly presented in exactly the same way that this has been presented and an opportunity given to us to object. If it does not relate to anything that is covered by the portion of the evidence we put in, we will not object to it.

Presiding Inspector: Well, go ahead, Mr. Del Guercio. There is no ruling I can make, Mr. Gladstein.

Mr. Gladstein: Well,——

Presiding Inspector (Interposing): There is no ruling that I can make.

Mr. Gladstein: There is only one suggestion that I have at this time, your Honor: I think it is one that you might well take into consideration. As I

say, we feel that in all probability that all of the testimony that Mr. Bridges gave in the last hearing would be relevant in this case, if any portions of his testimony are read into the record by Mr. Del [2530] Guercio. If it is your Honor's suggestion that we then at a later stage read in those portions which we feel should be added by way of supplementing the material already read into the record it may well be that we will be standing here and reading here tremendous portions of Mr. Bridges' testimony. I merely make that statement in advance, your Honor, because I think it would really be absurd for that to happen.

Mr. Del Guercio: Of course, that can't happen, in the first place. We are getting in certain portions of the testimony relating to certain fixed subjects and nothing else. That is all we are offering it for at this time. Now, we could proceed——

Presiding Inspector (Interposing): Of course.

Mr. Del Guercio: Sir?

Presiding Inspector: Of course, Mr. Del Guercio, you will find when the counsel for the Alien begin to read that there will be differences of opinion between you as to whether other matters are related to what you produce. We will have to take those up when the time comes. Following the practice that I have pursued, and which I intend to pursue and which I will pursue on your behalf also when you come to correcting, amending, attacking, or otherwise treating evidence produced by the Alien, I shall rule liberally on the introduction of such testimony, and when you are on the cross ex-

amining side I shall rule liberally in your favor. [2531]

Mr. Del Guercio: We have two methods of approach here. We may, of course, call Mr. Bridges here on the stand.

Presiding Inspector: Oh, you are quite within your right.

Mr. Del Guercio: If that is what they have in mind, why, we will proceed in that manner.

Presiding Inspector: Oh, no. You are quite within your rights to proceed in the way that you suggest. I will receive your testimony.

Mr. Goodwin: I should guess that they might very well at the proper time submit a statement of the parts that they would like to have introduced in the evidence and let us do what they did today: Look them over.

Presiding Inspector: We will see about that when you reach it.

Go ahead, Mr. Del Guercio. I shall hear your testimony. [2532]

Mr. Grossman: Mr. Del Guercio naturally has the right to, I suppose, read this into the record, because we have adopted that policy, and we don't want to object to it; but we do wish to point out that it is my guess, at least, that reading all these pages that he has referred to will probably take half a day, and if any stipulation is needed that any pages correctly represent the record, we have no objection. We suggest you might consider the desirability of not reading at this time. And, of course, if he doesn't read we won't read when we introduce any-

thing, but merely offering for the record written copies of the record which we can stipulate to.

Now, we understand we cannot prevent, nor perhaps can you, him from reading these pages. It is a suggestion because it may save half a day of the Court's time and everyone's time.

Presiding Inspector: I think I will rule, as I have already suggested, that we will follow the practice that Mr. Del Guercio wishes.

On the other hand, when it comes to introducing other matter, subject to their objection and the ruling of the Court, we will adopt a similar practice and you may proceed as you see fit.

Proceed, Mr. Del Guercio.

Both sides are going to be treated alike.

Mr. Del Guercio: I will first start with the IWW, if your Honor please. Volume 16, page 2488, dated August 2, 1939. [2533]

Mr. Gladstein: What page?

Mr. Del Guercio: 2488.

This testimony was given by Mr. Bridges at that hearing, on Angel Island, San Francisco, California, August 2, 1939.

Presiding Inspector: If there is any mistake in reading you are perfectly at liberty to interrupt.

Mr. Gladstein: All right.

Mr. Del Guercio: By Mr. Shoemaker.

"Q. Did you ever belong to the I.W.W.?

"A. I took out a membership card once for a short time.

"Q. Where, please?

"A. In the south.

"Q. Whereabouts in the south?"

Continuing on page 2489:

"A. It was in New Orleans.

"Q. Do you recall when that was?

"A. I think that was during the seamen's strike.

"Q. What year was that, please?

"A. 1921.

"Q. Do you know what the aims and purposes of the I. W. W. were at that time?

"A. I wasn't very familiar with them. When I found out what they were I got out of it fast.

"Q. How long were you in?

"A. For a period of a few months, I think. I wasn't a [2534] very good member. It did not agree with my views."

Reading again now from page 2525, the second question from the bottom of the page:

"Q. I think you said a while ago that you had been a member of the I. W. W., or Industrial Workers of the World, for a short period.

"A. Right.

"Q. Do you know anything about the aims and purposes of that organization at that time?

"A. Well, I knew at that time, and not to any great extent. I found out after I was in a short while. I know what they are now. I disagreed with them.

"Q. Would you tell us wht you thought the aims were at the time you joined it, and what you know about it?

"A. Well, their aims are syndicalistic, I think. They are more or less an Anarchist group. In other

words, they prate and carry on under a program of the extreme rank and file-ism, and all they succeed in doing is creating a lot of general disruption and bogging down the advance of labor generally under a cloak or a guise of democracy.

"I believe they are disruptive. I don't like their program. Instead of trying to explain it generally, I can give specific examples.

"We have, for example, in the Northwest still a lot of I. W. W.'s at the present time in the woods. They believe [2535] more in a program of direct action to settle every dispute instead of other types of action.

"Q. What do you mean by 'direct action'?

"A. Strikes. In other words, we believe in strikes, and we believe in direct action under the proper circumstances and at the proper time when it is the best thing to do. But there comes a time that you can go a little too far with direct action. The I. W. W. philosophy was never to sign an agreement, for example: never to arbitrate; never to mediate; never to consolidate. The reason that the I. W. W. was broken up was because they are a splendid fighting bunch up to a point. They gained many improvements and benefits for the people they represent, the workers generally, but they tried to carry on the same tactics and they didn't consolidate. They are absolutely opposed to any type of political action. The philosophy of the I. W. W. can generally be expressed that they are going to take over the means of production by economic measures.

"In other words, they propose that one of these

days everybody will be organized into industrial trade unions without any political activity whatsoever; and that at the proper time all the trade union workers will walk out of the factories and, I presume, in that way cause a collapse of the financial and general system, and that they will return and operate the factories themselves, and what-not."

[2536]

Mr. Gladstein: Mr. Del Guercio, I would like to ask you to go back to page 2526, a question at the top of the page. Does it read in your transcript, "Would you tell us what you thought the aims were at the time you joined it, and what you know now about it?"

Mr. Del Guercio: That is correct. Is that what I read?

Mr. Gladstein: I think you omitted the word "now".

Mr. Del Guercio: If I did, I did it inadvertently.

Now, Mr. Bridges' testimony on the purchase and reading of Communist Party literature, Volume 16, page 2527: By Mr. Shoemaker.

"Q. Were you ever, so far as your recollection serves, at 37 Grove Street, San Francisco, when it was the headquarters of the Communist Party?

"A. No.

"Q. Did you ever know it was the headquarters of the Communist Party?

"A. I knew it; yes.

"Q. Would that number be correct?

"A. 37 Grove Street—I am familiar with it.

"Q. You have never been there in your life—

withdraw the question. That isn't exactly what I want to ask.

"Were you ever there when it was the headquarters of the Communist Party? [2537]

"A. Yes. I was going to correct that statement. At that time 37 Grove Street was also a big bookstore. I mean they used to sell Communist literature there, as well as other literature. I just happened to remember that in passing by there, or going directly there, I have dropped into purchase literature or pamphlets on a couple of occasions.

"I used to live up in that general direction, and lots of times I used to walk home from the waterfront, and I would say that outside of such visits as that there was no other visits."

Now reading from page 2528. I have some from both 2527 and 2526—continuing on page 2472 of the same volume, about the third question from the bottom of the page.

"By Mr. Shoemaker:

"Q. Do you receive at your home any literature pertaining to Communism?

"A. Well, when you say 'receive', do you mean, Do I receive it through the mail?

"Q. Yes; through the mail or any other wise.

"A. Sometimes I have, yes.

"Q. Do you make any yearly subscriptions to Communist papers."

Continuing on page 2473:

"A. I do not.

"Q. Have you ever in the past made any?

"A. I have. I have subscribed to the Daily Worker and [2538] I subscribed to the Western Worker.

"Q. Any other papers?

"A. That is all.

"Q. Do you subscribe to the—what was that first paper?

"A. The Daily Worker.

"Q. (Continuing): ——the Daily Worker now?

"A. No, not now. I read it. Our office has a subscription and I read it."

Now Volume 18, page 3097, on that same subject of Communist literature, the second question from the top of the page.

By Mr. Gladstein.

"Q. Now, you testified that you used to subscribe to the Daily Worker and the Western Worker, and that your office now does subscribe to those newspapers. Can you tell us why?

"A. I subscribed personally to the Daily Worker and the Western Worker. At that time, in 1934 and 1935—I think the press has undergone quite a change. The metropolitan press, daily press, realizes that labor news today is news and they carry statements from a trade union. But it was practically an unheard of thing in 1934 and 1935 for any metropolitan daily to carry a true statement of any union dispute, or any publicity statement released by a union. They would print their own distorted, biased stories. I cannot recall; ex-

cept possibly the New York Times, where there was any amount of labor news printed. The only paper [2439] at that time you could get any labor news out of was a labor paper, or the Daily Worker, or the Western Worker. I subscribed to those.

"The thing is still more or less correct today. If you want to find labor news from all over the country you don't buy the Hearst papers, or any other metropolitan daily. You buy a labor daily and a labor paper."

Now, going back to Volume 16, page 2580, on the same subject, the purchase of Communist literature, and beginning with the second question from the top of the page.

By Mr. Shoemaker:

"Do you know Lawrence Ross?

"A. Lawrence Ross?

"Q. Yes. A. Yes.

"Q. Is he a member of the Communist Party?

"A. Yes.

"Q. Do you recall when you first met him?

"A. Yes.

"Q. When was it, please?

"A. 1934. Ross was the leader of the delegation that came down to our strike headquarters and appeared before the strike committees on the occasion that I have already spoken about. He was one of the delegation that proposed that the union accept the help of the Western Worker as their official [2540] papers. I think he was the editor of the Western Worker at that time." [2541]

Now, on the same subject I go to Volume 34, page 5965, the last question on that page, question by Mr. Shoemaker:

"Q. I think you testified also, when you were on the stand before, with regard to Lawrence Ross—page 2580 of the transcript—that you met Lawrence Ross during the 1934 strike?

"A. Yes.

"Q. Do you recall where it was that you met him?

"A. He came down in connection with an offer of the Communist Party to make available the Western Worker to us.

"Q. Came down from where?

"A. To the strike headquarters, the I. L. A. strike headquarters. They offered to put out a special daily bulletin through the Western Worker carrying strike news. That offer was afterwards accepted and approved. My first recollection of Ross was being a member of that delegation with Hanoff and somebody else.

"Q. Did you have anything to do with the acceptance of that offer?

"A. Do you mean did I favor it?

"Q. Yes. Did you have anything to do with the acceptance of it? I mean by that, did you accept it yourself or did you——

"A. (Interrupting): It was accepted and officially approved by our strike committee. If you mean did I favor the acceptance of it, I certainly did." [2542]

Continuing on page 5967:

"Q. Were you on the strike committee?

"A. I was Chairman of the Strike Committee. That was the only source—we had two papers of that sort, one being the Catholic Leader and the other the Western Worker.

"Q. Did you advocate the acceptance of that offer to the members of the Strike Committee?

"A. Certainly I advocated that, and also the other paper.

"Q. With regard to Lawrence Ross, do you recall where it was that you met him here in San Francisco, when you first met him here in San Francisco, when you first met him?

"A. That first time?

"Q. Yes.

"A. At the strike headquarters, as far as I remember.

"Q. Do you recall whether he was connected with the Western Worker then or not?

"A. I think he was. I am not quite sure, but I think he was the editor, or definitely connected with the Western Worker.

"Q. You don't recall what month it was in 1934, do you, that you met him?

"A. May. It was after the strike broke out. The strike took place May 9. This was very shortly afterwards, as I recall it.

"Q. How frequently they did you see him, do you recall, [2543] during the strike period?"

And continuing on page 3968:

"A. Off and on. I don't recall how many times."

Now, going to Volume 16, page 2508, beginning with the first question at the top of the page.

By Mr. Shoemaker.

"Q. Will you tell us the circumstances under which it was decided to use the Western Worker as the official organ of the strike committee?

"A. Well, very simple. The strike broke out. We had no funds. We started the strike with $300 in the treasury, and the press—all the press predicted that we would be licked in two days, that we would be driven back to work broken and worse off than when we started.

"All the press predicted dire happenings and foolish leadership and predicted that this was not the way to handle the affairs; that we should have taken the offer which had been offered to us, which meant nothing at all. It would have meant the end of our union.

"The entire press was hostile, much worse than it is today—and it is bad enough today. Therefore, in the middle of all this or the beginning of all this, there was only one labor paper that sponsored us in any way in so far as the strike issues were concerned.

"There was another a little later, but the Western [2544] Worker printed the official releases from the strike committee, which the other papers did not. All they printed was the official releases from the employer. Because the workers knew that they could get the Western Worker and read their own official releases and the true story, they became somewhat in support of the Western Worker and

then, inasmuch as we had no funds or any other facilities, when we got an offer of this particular paper that had printing presses and what-not, to print an official daily strike bulletin carrying the news of the strike down to not only our own members, but to the members of the other unions, it was eagerly and officially accepted and appreciated.

"Q. What do you mean by 'officially accepted'?

"A. Passed by the strike committee and ultimately approved by the membership of the union in its regular meeting.

"Q. Did you get up any of the releases?

"A. Did I get out any of the releases? We had a publicity committee.

"Q. Did you have anything to do with any of the releases at all yourself?

"A. Oh, undoubtedly I did. I was the chairman of the strike committee and, as such, ex-officio member or chairman of each committee and each sub-committee. In many of the cases the releases that were prepared were prepared under my direction and with my help. [2545]

"Q. Do you know about how many times you would do that?

"A. I can't say. That was only in the very early days of the strike. After a while the publicity committee that was charged with the duty of getting out releases functioned efficiently and did not need any further assistance or supervision from me."

Continuing on page 2511.

"Trial Examiner Landis: Before you leave that

question, Mr. Shoemaker, was the Western Worker then an organ of the Communist Party?

"The Witness: The official organ of the Communist Party of the West Coast, I believe.

"Trial Examiner Landis: At this time?

"The Witness: In 1934, yes.

"Trial Examiner Landis: When you say that you 'officially adopted' it as your organ, what does that mean?

"The Witness: I think the editor of the Western Worker, a delegation of three Communist officials, including, as I remember, the editor of the Western Worker, wrote us a letter saying that they had—wrote the strike committee a letter saying that they had a proposition that they would submit to the union, and if it was approved by the union they would be glad to carry through.

"The proposition was that, inasmuch as we were badly in need of media of publicity for releases, not only for the [2546] strikers, but other trade unions, that they would print a daily special bulletin. It wasn't exactly a full paper."

Mr. Gladstein: (Interposing) "full paper?"

Mr. Del Guercio: Yes.

(Continuing) "It was like a one sheet of the Western Worker that was solely given to strike news and the reports of various happenings of the strike. This would be done daily at no cost to the union."

Turning to the next page, 2512, and continuing.

"Trial Examiner Landis: In return for what?

"The Witness: In return for nothing.

"Trial Examiner Landis: For nothing?

"The Witness: They wanted to see us win the strike, I presume. That is all they ever got out of it.

"Trial Examiner Landis: They would do it without any notice to you, or it must be in return for furnishing them with news or in return for suggestion to your members that they should subscribe to the Western Worker, or something of that nature?

"The Witness: I believe undoubtedly that that is true; that by doing this, by demonstrating to the trade unions on strike that they would create a lot of sympathy and support for their paper. Undoubtedly they would be able to carry on a drive for subscriptions. At that time I urged subscriptions to the Western Worker myself." [2547]

"Trial Examiner Landis: Did the union ever subsidize the Western Worker?

"The Witness: I think that was brought up in the testimony once. I know that it came up before the union. As to whether the union was to subsidize them or give a donation to them——

"Trial Examiner Landis: Yes, that is what I mean.

"The Witness: As to whether that motion was passed or not, I don't know; but I know it was on the union floor asking for a donation."

Continuing at Volume 17, page 2741, beginning with the first question of Mr. Shoemaker on page 2741.

"Q. I think, Mr. Bridges, the other day—you recall you made a speech down at Cleveland?

"A. At where?

"Q. Cleveland; is that correct?

"A. Cleveland? I have never made a speech at Cleveland as far as I know, in my life.

"(Whereupon a certain photostatic document was handed to the witness by Mr. Shoemaker.)

"The Witness: That picture (indicating) is Cleveland. This article deals with—I think the article refers to New York.

"By Mr. Shoemaker:

"Q. That is where this picture was made? Read it and see.

"A. I will have to read it. Do you refer to this state- [2548] ment here (indicating)?

"Q. Yes.

"A. That wasn't a speech; that was possibly a statement to the press, as I understand it; and as I read it there I believe generally that it is more or less an accurate statement.

"Q. Inaccurate?

"A. An accurate statement. I think it said quoted in the Daily Worker, so that is what makes me think it is accurate.

"Q. Are you always satisfied with the quotations from the Daily Worker?

"A. I mean, compared with some of the other press we are familiar with, I put my faith with the Daily Worker as far as accuracy is concerned. Its policies are another thing."

Now, the next subject has to do with the Waterfront Worker. The first reference is Volume 18,

page 3065, the second question from the bottom of the page:

"Q. (By Mrs. Carol King): When did the men start to organize a union which was not a company union?

"A. There was more than one attempt to break away from the company union.

"In 1928, for example, the American Federation of Labor approached the longshoremen with a proposition that they would give a charter to the company union and they asked us to take [2549] a vote. The various labor officials at that time were in favor of it. Paul Scharanberg, the Secretary of the State Federation of Labor, and John O'Connell, of the San Francisco Labor Council, and that group, they were in favor of chartering the company union.

"The men didn't want it. A group of us agitated against having this company union given an A. F. of L. charter because it kept the same constitution, the same officials, and we knew the same tie-up with the employers. That was just another move to gloss it over with a veneer of bona fide unionism.

"After that there was no real attempt to organize until the M. W. I. U. came around in 1930 or 1931. The I. W. W. was around there for a while. But neither of those groups was accepted to any degree by any amount of the working longshoremen on the waterfront.

"There was really no start toward real organization until September, 1932, when we started our

waterfront paper. The waterfront paper generally dealt with the ills of the longshoremen. In other words, these various straw bosses, or gang foremen along the waterfront, who we used to call slave drivers, they were written up in the paper in their various habits. The paper immediately found wide support among the longshoremen.

"Then, of course, we had no set plan. All we used to [2550] say in the paper was 'to organize' ".

Continuing on page 3073, the last question on the bottom of that page, a question by Mrs. Carol King.

"Q. Now, all the time the Waterfront Worker was running along, is that correct?

"A. That is right.

"Q. And was it the first organ of the men on strike?

"A. That is right.

"Q. The only organ they had?

"A. Yes.

"Trial Examiner Landis: I didn't get that question.

"Miss King: I asked whether the Waterfront Worker was the only organ of the men on strike.

"The Witness: That is right. At that time it was more or less officially adopted by the men. I think it would be after the strike, or before the strike, it would be more or less officially adopted by the men in the union, because they started to take up collections for it and they collected a fund of around $500 that they turned over to the Waterfront Worker, and that was invested in typewriters and mimeograph machines for the full report being made in the paper.

"By Miss King:

"Q. Outside of the funds the men raised themselves, did they get any financial support from anyone?

"A. All the funds for that paper came from the contribu- [2551] tions we put in ourselves. We used to sell the paper for 2 cents, but lots of the men would say, 'Well, here is 5 cents, or 10 cents;' and later on, as I say, we voluntarily took up a collection in all the waterfronts, various gangs, and I think it amounted to $500."

Now, going to Volume 17, page 2720 on the same subject, the Waterfront Worker, beginning with the third question from the top of the page, question by Mr. Shoemaker:

"Q. Who controlled the publication of the Waterfront Worker?

"A. The men on the waterfront.

"Q. Do you know who, for instance, was editor?

"A. Well, I guess it doesn't hurt to say now. It was pretty dangerous at that time. I think that there were eight editors. I was one of them.

"Q. You were?

"A. Yes.

"Q. Who else?

"A. Schmidt was another one? Schomaker was another one—there were four or five more but I forget their names off-hand.

"Q. How long were you editor?

"A. From the very start of it. I started it.

"Q. How long ago? [2552]

"A. It was first the M. W. I. U. publication. The M. W. I. U. tried to make it go on the waterfront. It didn't go over at all. I knew it wouldn't go over. So when they quit publishing it we started up in exactly the same way and we made it go.

"Q. I don't know as I correctly understand you. You say you started it. It had been going before you got control of it, is that the idea?

"A. It had been going, the paper was published by the M. W. I. U., and then they stopped it.

"Q. Do you know for how long a period it was not published, that is, between the time they stopped and the time you began?

"A. About five or six weeks.

"Q. And then you took it over?

"A. We started it up separate and apart and independent from the M. W. I. U. It was published by a bunch of us on the waterfront.

"Q. You were editor? You say you started it?

"A. There was no specific editor. Everybody edited it.

"Q. Everybody edited it?

"A. Well, everybody did.

"Q. You mean everybody wrote pieces for it?

"A. It was a democratic paper, in other words.

"Q. I don't suppose the Immigration boys got in on that? [2553]

"A. The Immigration boys?

"Q. If it was a democratic paper—in any event, did it continue to be known as the Waterfront Worker?

"A. Yes.

"Q. When you took it over?

"A. Yes—for quite a while it kept the same name, except we changed the *ume* of who it was put out by. After the M. W. I. U. discontinued it for a few weeks why we got the idea— of course, I had spoken to them. They had told me about it, that they were not going to print the paper any more, and I asked, 'Why not?' Well, they couldn't make enough money to afford to have it printed. It was dependent on the funds they received from the sale of it and what-not.

"Q. So they said——

Mr. Gladstein: That is not a question.

Mr. Del Guercio: No. That is the same answer: part of the same answer.

"So they said they weren't going to continue it and then we took it over as I have said.

"Q. Do you recall when you took it over?

"A. September 1932; I think either September or October 1932.

"Q. Would that be the first part of September?

"A. That is pretty hard to recall. [2554]

"Q. Had Jackson been editor of that paper before that?

"A. I think, if he was not editor, he was very closely connected with it.

"Q. Was he editor of it after you took it over?

"A. He had nothing to do with it after we took it over. I recall I would meet Jackson on the waterfront and he tried to suggest some ideas, but it was pretty much of a joke. We pointed out that

they had their chance, and couldn't make it go, and that we were making it a waterfront paper, which it finally became, and we never accepted any advice. The success of the paper was that it was written by working longshoremen on the job and edited by them, and put out by them.

"Q. Did you pay anything to the M. W. I. U. for it?

"A. Not a thing.

"Q. What press did you use?

"A. A mimeograph machine.

"Q. Did you buy the mimeograph machine?

"A. We bought it.

"Q. From the M. W. I. U.?

"A. No. We put up the money ourselves to buy it. We rented it first and later on we bought it outright.

"Q. Did you give a post office box on it?

"A. We did.

"Q. Do you recall what it was?

"A. No. [2555]

"Q. Do your know in whose name it was put out?

"A. It was put out by a group of longshoremen in the local union. It was not advisable by any means to put our names on it at that time. Afterwards, however, afterwards it generally became known who was publishing it and who was behind the paper.

"Q. And who was it—you mean your organization?

"A. They knew I had a big finger in it, and

they knew that Schmidt, and the rest of us on the waterfront that had been pretty active in all the affairs of the union, had a lot to do with it. Of course, we denied it at that time. It wasn't advisable to admit it. It was more than our jobs were worth. We would have been kicked off the waterfront by the shipowners. The employers would have paid one million dollars to have found out who was behind that paper as of that time."

Continuing on page 2725 of the same Volume:

"Q. Did you write any articles for it?

"A. Plenty of them.

"Q. Do you have any copies of it?

"A. I have.

"Q. Will you give us some of the——

"A. (Interrupting) I will pick out the copies I can get. I haven't any. Somewhere there is a full file of it. I think one of the fellows has a full file. I do have some loose copies in my office and I will get them all and bring [2556] them along.

"Q. Will you enumerate the articles you wrote?

"A. That would be impossible.

"Q. Some of them.

"A. I wrote articles dealing with, analyzing, for example, the decision of the conventions, analyzing the strategy that should be used on the waterfront, analyzing and advising, or putting forth a program in regard to something that was taking place. I distinctly remember at the time the tendency towards direct action at all times, instead of beginning to utilize the agreements we had secured. Many things like that I wrote articles

on. In other words, general policy, and general strategy, and my idea as to what should be followed.

"Q. Did anyone edit the articles that went in there before they were put out?

"A. No; they went in as they were.

"Q. Nobody took any responsibility for them?

"A. The only people that edited them were the people that were working longshoremen on the waterfront.

"Q. Did you ever edit any of them?

"A. If you will look at the paper I think it is kind of noticeable.

"Q. I have read none of them. [2557]

"Mr. Gladstein: I was going to suggest that you probably could get a full file of those from the San Francisco Industrial Association.

"The Witness: They were on the mailing list.

"By Mr. Shoemaker:

"Q. Who are they?

"A. The San Francisco Industrial Association was——

"Trial Examiner Landis: I think there is already testimony in the record as to who they are. I think Mr. Bridges testified yesterday as to who they were.

"The Witness: Right.

"Mr. Shoemaker: I missed it, your Honor.

"By Mr. Shoemaker:

"Q. How long did you continue to run that paper, the Waterfront Worker?

"A. I have forgotten. I think it went out of

business, or we put it out of business, is the proper term, around the spring or early summer of 1936.

"Q. From 1932 to 1936?

"A. Right.

"Q. Was it succeeded by any other paper?

"A. No. We put it out of circulation. It was my idea. There was a lot of opposition, especially among the men on the waterfront, and among a lot of people that had been [2558] with it since it started. It was my idea that it should be put out of business. It had served its purpose. It was a bulletin that had been carried on and, as I say, it was more or less anonymous. The only excuse for its being anonymous was the threat of the blacklist and reprisals from the employers, or the reactionary union leaders. When that threat had disappeared there were only two things to do with that bulletin: To put it out of existence, or to come out and publish the names of the people behind it. I was in favor of doing the latter. However, it was eventually decided that the thing would be put out of existence and that was done.

"Q. If it were anonymous itself, Mr. Bridges, it could have been regarded as a threat on the other side, you see. You can understand that?

"A. How do you mean?

"Q. There was no responsibility attached to the paper, as I understand it. Am I correct? No one knew who was publishing it. No names appeared in it, as I understand it, is that correct?

"A. That is not correct. It became general

knowledge on the waterfront among the men who was publishing that bulletin.

"Q. Did anybody outside the waterfront know it?

"A. Yes. I am pretty sure that the police department and the Industrial Association, and all such groups, knew it. [2559] I am pretty sure they knew it. But it was a question of having a waterfront rank and file paper.

"Q. Did Harry Jackson ever take that paper over after you got into it at all?

"A. No. Some time afterwards an official paper of the Communist Party appeared on the waterfront called the Maritime Worker.

"Q. I have seen that."

Continuing on page 2729:

"A. That was some time afterwards, as far as I know. Oh, I think that—no, I think that paper appeared before the Waterfront Worker went out of business.

"Q. The paper was just about the same size, wasn't it?

"A. Just about.

"Q. Do you know who put that out? The Communist Party?

"A. The Communist Party. I think I have seen copies of it; the Waterfront Section of the Communist Party.

"Q. Did you ever write any articles for that?

"A. Never.

"Q. Did you ever read it?

"A. Yes.

"Q. Was it conducted in the interests of union labor, or in the interests of the Communist Party?

"A. It was more—dealt more with political questions [2560] than it did with trade unions.

"Q. I didn't get that.

"A. I say, it dealt with wider and broader issues more than it did with waterfront or trade unions, as I recall the last copy I have seen. For example, the greater part of the paper was taken up with the international situation, the question of an embargo on scrap iron and munitions to Japan, the question of the position of Russia in the international arena, and the matter of the grabbing of various democracies over there. It had a line like that. I recollect that because there was more of that in there than there was questions directly relating to the unions on the waterfront.

"Q. Well, the Waterfront Worker was a successor to the Maritime Worker, is that correct?

"A. No, that is not correct.

"Q. Well, the Maritime Worker, then, preceded the publication of the Waterfront Worker, is that correct?

"A. I don't—I am not sure.

"Q. It may have and it may have not?

"A. It may have started before the Waterfront Worker went out of business, or it may have started afterwards. I am not sure.

"Q. Well, it didn't run concurrently, did they?

"A. You mean that the Waterfront Worker finished and the other one started?

"Q. No, I mean they didn't run at the same time, the [2561] two papers, did they?

"A. I think they did. I might be mistaken on that, but I have got an impression that the Maritime Worker was being issued at the same time as the Waterfront Worker.

"Q. You didn't have anything to do with the Maritime Worker, did you?

"A. No. Towards the last I had nothing to do with the Waterfront Worker, to any great extent."

Continuing on page 2731:

"Q. Did you read it?

"A. Yes, religiously.

"Q. Did you prepare any article for it?

"A. Yes, I would write articles and send them in.

"Q. Were they published?

"A. They generally were."

Now, going to Volume 34, page 5952——

Mr. Gladstein: (Interposing) 59 what?

Mr. Del Guercio: 52. This is a question by Mr. Shoemaker, the first question at the top of the page:

"Q. Do you know how long the Waterfront Worker had been running at the time when you first took it over?

"A. Not very long. It is pretty hard to remember. If I recall, we took it over around September or October 1932, or it was running then and we took it over later, I can't [2562] set the exact time. I would have to get the original issues and check it up.

"Q. I think you said, Mr. Bridges, in your prior testimony, about September 1932. Something like that. But the point I want to know is about how long it had been running prior to that time.

"A. I can't remember. Maybe a month or two. My first recollection of ever seeing it was September of 1932.

"Q. Did they have a Post Office box?

"A. Yes.

"Q. After you took it over, did you people take the same Post Office box?

"A. I don't know if we took the same Post Office box or got another one. We used the same method.

"Q. You what?

"A. We used the same method. We used the Post Office box the same way. It was an anonymous paper. I don't recall whether we used their box or took over another box.

"Q. I think you said in your testimony that you would bring copies of it that you had in your office. Did you bring them?

"A. I have had quite a time getting them. I have a few copies, but I was especially looking for copies you are after there, the early copies, and to acquire that you would have to [2563] have a full file. Now, there is a file in existence, and I have been chasing it down and have been unable to make contact. I can bring over a dozen copies, but they are scattered dates and they are along in 1936, and I thought it would be much better

if I could bring the original copies from the day it started.

"I can still bring the copies, if you wish them; I can still bring what copies I have.

"Q. Well, I wanted to get some of the articles you wrote in that Western Worker, that you recall distinctly yourself.

"A. I think I could pick out some of the articles.

"Mr. Grossman: You mean the Waterfront Worker?

"Mr. Shoemaker: Yes.

"The Witness: I think I could pick out some of the articles I wrote.

"By Mr. Shoemaker:

"Q. And you will bring them to the hearing? Strike that last question.

Mr. Gladstein: It ends with "I think I could pick out some of the articles I wrote."?

Mr. Del Guercio: Yes, ending with "I think I could pick out some of the articles I wrote".

Turning to Volume 17, page 2703, the third question from the top of the page, a question by Mr. Shoemaker: [2564]

"Q. Did you ever use Herman Mann as a messenger to contact Walter Lambert, Sam Darcy?

"A. I have used Herman Mann as a private investigator——"

I only want the first question and answer on that point, the question by Mr. Shoemaker:

"Q. Did you ever use Herman Mann as a

messenger to contact Walter Lambert, Sam Darcy?

"A. I have used Herman Mann as a private investigator——"

Mr. Gladstein: Just the one question and answer, Mr. Del Guercio.

Mr. Del Guercio: Yes. Now, the next subject is regarding the Marine Workers Industrial Union, beginning first reading from Volume 16, page 2617, the first question at the top of the page:

"By Mr. Shoemaker:

"Q. Mr. Bridges, did you ever see a membership book of the M.W.I.U.?

"A. Yes.

"Q. Will you look that over and tell me what that is?

"A. Yes, this is a membership book.

"Q. I just want to read you a little bit out of the preamble of this book, Mr. Bridges.

"The Marine Workers' Industrial Union is organized to unite all workers in the marine industry and lead them in their struggles against the employrs for better work- [2565] ing and living conditions and for the ultimate freedom from wage slavery. This fight between the marine workers and the shipowners, bosses, et cetera, is only one front of the class struggle which rages ceaselessly between the whole working class and the whole class of employers—the capitalists. Victory in this struggle can be won only by the most relentless, militant, and revolutionary struggle for the whole working class.'

"I won't read it all.

"'While striving constantly for the immediate betterment of all living and working conditions of the marine workers, the M.W.I.U. does not limit itself to immediate economic demands alone, but declares that the liberation of the marine workers from exploitation is only part of the revolutionary struggle of the whole working class against the capitalist system.

"'The M.W.I.U. urges upon all its members the most active participation in the general struggles of the working class, economical and political, directed toward the goal of the establishment of a revolutionary workers' government.'

"You, of course, heard what I have read. What is your construction of what I have read? Does that mean anything to you?

"A. Not particularly. [2566]

"Q. That does not make any impression upon you?

"A. It doesn't seem very practical to me.

"Q. Does it sound communistic to you?

"A. I would say it sounds revolutionary.

"Q. What do you mean by revolutionary'?

"A. Well, I think it speaks for itself.

"Q. No, that does not necessarily speak for itself.

"A. I will give you my impressions, then.

"Q. Go ahead.

"A. Here you have an organization that is a trade union and, as such—and, as I believe it should be—should be primarily interested in the improve-

ment of the conditions of the workers. When it goes further and, separate and apart from those particular troubles that it has, it goes onto a program that becomes more a program of theory than a program of practical application in so far as improving the workers' conditions are concerned, I think that that is something that is way in the future. We have too much trouble at the present time even getting a few wage increases to spend any time upon that particular front.

"Q. Do the words 'victory in this struggle can be won only by the most relentless, militant and revolutionary struggle of the whole working class', mean anything to you in so far as the taking, for instance, of property by force or taking anything by force is concerned? [2567]

"A. I don't know. I wouldn't know that.

"Q. Would you place any construction of that kind on those words?

"A. Well, I think if you took—I don't know what the whole preamble is there. I know that that was the book.

"Q. You can read it, if you want to.

"A. You can read the whole thing and with a chance to analyze it, I could place my own construction on it.

"Q. Would you read it and place your construction on it?

"A. The preamble says:

"'This fight between the maring workers and the shipowners, bosses, et cetera, is only one front of the class struggle which rages ceaselessly between

the whole working class and the whole class of employers—the capitalists."

"I think, generally speaking, that is correct. That, as far as you fight for our economic demands is concerned, you can't let it go at that, but because it has been our experience that when you win things through economic struggle the employing groups immediately move to take them away from you through legislation, and such things as that. Therefore, I certainly agree in that respect.

"As far as 'victory in this struggle can only be won by the most relentless, militant and revolutionary struggle of the whole working class', I don't agree. We have won a couple of things in our trade unions and we didn't have to go through a relentless and militant struggle of the whole working class. [2568] We had to fight some of the working class, as a matter of fact.

"So, from the light of what I know by practical experience, I don't agree with that.

"Q. Does 'revolutionary' in your judgment, include the use of force?

"A. No. It depends, I say, on the circumstances.

"Q. In the advocacy there of a certain thing, does it mean the use of force?

"A. I wouldn't think so.

"Q. Go ahead.

"A. I am looking at that as a Marine Workers' Industrial Union, which I took it, was a trade union. I advised many people to join this union, and lots of times they used to say, 'Look at that there!'.

"I said, 'Listen! The way you change it is by joining the union. You can't change it by not joining the union. The way to change it is by joining the union. That is very easily done. You are joining a trade union organization, you can change it.'

"That's the way I used to argue on those things. I didn't believe in this, and when I advised that they join this union and they raised that objection, that was my answer to them, and I say that the same thing is still true.

"Where it goes on to say, 'For this reason the M.W.I.U. [2569] does not limit itself to narrow craft interests in the matter of the A. F. of L. Unions, but considers itself always as an integral division of the forces of the working class,' I would say that is correct. It is just a statement of fact.

" 'It rejects and condemns the treacherous 'class-collaboration' policy of the A. F. of L. which seeks to delude the workers into believing that it is possible for them to live 'in peace' with the capitalists, and betrays them into surrendering their organizations to the control of their employers.'

"That is only partly true and partly untrue. Our unions practice what can generally be termed as 'class collaboration,' and we find that many of those forces that are linked up with the employers attack us from the left because they attack us as selling out the workers because we practice class-collaboration. There have been people testify in this hearing that are lined up with those forces where we are not attacked as militants or progressives.

We are attacked as reactionaries and attacked from the left, and we are attacked becuse we believe in arbitration, believe in collective bargaining, and such things as that.

"Q. What part of that latter would you say was true and what part of it was untrue?

"A. The refusal to narrow its organizational activities to craft set-ups and to move along industrial lines is correct. It is our policy, the policy of the Union I belong to, the [2570] policy of the CIO, to reject and condemn the treacherous class collaboration policy of the A. F. of L.

"That, taken as a flat, general statement, I would say, is untrue and incorrect and would not receive our support. It is true that the class collaboration program can go to the point where workers can be misled and the employers to take over their unions, and we have all too many such unions in the country today. Therefore, we have the struggle between the CIO and the A. F. of L. But it is only partly true, and I do not believe that class collaboration can be condemned in a flat, general statement such as this.

"You can read on and say: 'While striving constantly for the immediate betterment of all living and working conditions of the marine workers, the M.W.I.U. does not limit itself to immediate economic demands alone.'

"That's quite proper, I think, and practical. There are other things besides just wages, hours, and working conditions. There is the question of democracy, civil liberties; there is the question of

the persecution of racial groups in other lands. They are all our business, and we definitely and are actively conscious of it. I believe they are correct, in my opinion, if that is what they mean in that respect.

'But declares that the liberation of the marine workers from exploitation is only one part of the revolutionary struggle of the whole working class against the capitalist system.' [2571]

"I would assume that that is correct, that the liberation of marine workers or any other type of workers from exploitation is only one part of any struggle of the whole working class. However, when it becomes a question of, say, the whole working class against the capitalist system I think I would say that is correct, too.

"Regardless of whether we like it or not, there is a struggle against the present system. If that's regarded as a struggle against the present Government, I think it is incorrect. But the present system of exploitation, the present profits system, it is something that is here. We can't ignore it. When people point it out in words it doesn't do any good to hide your face and say, 'We don't want anything to do with it' because it is something we have to face, and that struggle is here and going on.

"I think a statement like that, 'That the struggle of the whole working class against the capitalist system', is only one part of the struggle against the whole capitalist system. I think that is a statement of fact.

"'The M.W.I.U. urges upon all its members the most active participation in the general struggles of the working class, economic, and political.'

"I think that part of the statement is correct.

"However, when you get down to 'directed toward the goal of the establishment of a revolutionary workers' government,' [2572] I will say that that takes further analysis and explanation. It is the method that you are going to use, then, that we have to go into. If this means the establishment of a revolutionary workers' government by force of arms, especially against a democracy, I would not believe in it or support it and would be absolutely opposed to it. If they mean, however, the establishment of a revolutionary workers' government by democratic means, I don't see who could object to it. If that is what the majority of the people want, they will eventually get it. As long as it is done in democratic fashion, it seems to me that is provided for in the Constitution or the regulations of any democratic set-up.

"Q. You knew that that was in there, did you not?

"A. Yes.

"Q. You advocated it?

"A. I advocated what?

"Q. That people join the M.W.I.U.?"

"A. I advocated that people join that union at the time I did and under the circumstances.

"Q. You did not know what construction they placed on that last paragraph, to which you have just referred, did you?

"A. No, or gave it no thought. We were concerned in getting the workers at that time into an organization to win our strike, that was our only concern.

"When the regular union that was in the field that I [2573] preferred to see the workers join—when that union took the position that they were not going to support our strike, that their orders to their union men was to 'Stay on the job and strike break', I took these men to the only other organization of the seamen in existence, which was the M.W.I.U., to get them into an organization where they could be organized and fight and be talked to and support us and win the strike.

"Q. Mr. Bridges, then if these words meant what you do not know—and you do not know just what they did mean, for you practically admitted that——

"Mr. Gladstein: I don't want to object before the question is finished, but it has already reached a stage where I think it is so vague as to be meaningless.

"Mr. Shoemaker: Not at all. I think I can clarify it to your mind. I certainly have it clearly in my mind, and I am hopeful.

"Trial Examiner Landis: I think you might object after the question has been reframed, not before.

"Mr. Shoemaker: The M.W.I.U. urges upon all its members 'the most active participation in the general struggles of the working class, economic and political, directed toward the goal of the estab-

lishment of a revolutionary workers' government'. I think Mr. Bridges testified that he didn't know exactly just what that did mean, and it would depend on what it did mean. Well, he didn't know; that is clear. Yet, he advocated men [2574] joining an organization which believed in revolutionary change of conditions. Now, if that revolutionary change contemplated a revolution with force, it was certainly pertinent to this issue, which is obviously presented here in the charges and the warrant of arrest, and that is the point I want to bring out.

"Trial Examiner Landis: I do not think there is any objection on the part of Mr. Gladstein from your inquiring along that line.

"Mr. Gladstein: Oh, no; there wasn't.

"Trial Examiner Landis: I think the objection was to the particular phraseology with which you began the question.

"Mr. Shoemaker: Read the question, please.

"(The question referred to was read by the Reporter, as follows:)

"'Q. Mr. Bridges, then if these words meant what you do not know—and you do not know just what they did mean, for you practically admitted that——'

"By Mr. Shoemaker:

"Q. (Continuing) ——would you think that it were right to advocate a man joining an organization where, as in this instance, it might have meant the violent overthrow of the Government?

"A. I think it would be improper.

"Q. You did not concern yourself apparently much with it, [2575] did you?

"A. I did not. We had our immediate issues to take care of. I have already explained that. Three or four months after I was advocating—and more than advocating, practically insisting—they get out of the Union. We laid there in a deadline. I think it was the end of the year that every M.W.I.U. man would have to get out of that Union and get a card in the regular Union, or he would get no further support from us. But at that time it was expedient to get these workers into that or any other organization for the purpose of winning our fight, and that is all I cared about at that time."

Now, turning to Volume 16, page 2489,—may we have a short recess?

Presiding Inspector: Yes.

(Whereupon a short recess was taken.)

Mr. Del Guercio: Page 2489, beginning with the fifth question from the top of the page:

"Q. Were you ever a member of the M.W.I.U.?

"A. Never.

"Q. Not at any time?

"A. Never.

"Trial Examiner Landis: You mean the Maritime Workers——

"The Witness: (Interrupting) Marine Workers—I worked very closely with them, but was never a member."

Continuing at the top of the page, a question by Trial Examiner Landis: [2576]

"Before you move to another subject I would like to just refer to James Branch. *** *"

Mrs. King: Pardon me. What page is this, Mr. Del Guercio:

Mr. Del Guercio: Page 2605.

"Did I understand you right a moment ago when you said these speakers, referring to Branch particularly, and perhaps also to Darcy, urged the men to join the M.W.I.U.?

"The Witness: No; not those speakers. They were speaking for the Communist Party, but the M.W.I.U. also had organizers that used to speak down there too.

"As a matter of fact, along the waterfront, and elsewhere in the city, there was quite a fight developed around that time as to the rights of free speech. We were sympathetic to their right to speak, without believing in everything they said, or everything they advocated.

"Trial Examiner Landis: I interpreted your remark to the effect that these fellows urged the men on the waterfront to join the M.W.I.U. and that you were against it. That would be an incorrect interpretation of your earlier remarks?

"The Witness: Yes. I think that is correct. I was against the longshoremen joining the M.W.I.U., and was fairly well known by my position on that subject, and I couldn't see it that way. [2577]

"The Communist Party speakers at times did make reference that they needed organization on

the waterfront and spoke against the company union but the main trend of their remarks was to join the Communist Party.

"Trial Examiner Landis: I am confused, Mr. Bridges. I thought I had heard you say this morning that though you were not a member of the M.W.I.U. you urged other men to join it.

"The Witness: I never have.

"Trial Examiner Landis: Then I am incorrect.

"The Witness: As a matter of fact, I was instrumental in seeing that the Union was dissolved.

"Trial Examiner Landis: I am incorrect in my recollection along that line?

"The Witness: Yes.

"In this connection—I am talking now of the longshoremen—later on when the strike broke out I urged the men to join the M.W.I.U., but that is an entirely different story, an entirely different period and under different circumstances.

"I am setting now the period prior to May, 1934, within a period of 1931 and 1932, when the M.W.I.U. was trying not only to organize the Seamen and Longshoremen—it was an industrial union—with the theory, of course, that the longshoremen, teamsters, engineers and seamen were all in one Union, should be in one Unions. I opposed that.

"I am dealing with longshoremen. I was against the long- [2578] shoremen joining.

"Later on, when the strike broke out, the first union that came to our assistance was the M.W.I.U.

"At the first two or three weeks of the strike, I not only advocated the men joining the M.W.I.U.

but I personally escorted groups of men up there to join.

"Trial Examiner Landis: So it would be longshoremen?

"The Witness: Seamen only.

"All the longshoremen were in our Union, the A. F. of L. Union.

"Trial Examiner Landis: You urged them to join the M.W.I.U. Did they have a union at that time?

"The Witness: There was a Union in the field at that time which was engaged in trying to keep the men on the ships, despite the fact that we were on strike. And for the first couple of weeks of the strike I led groups of men into the headquarters of the International Seamen's Union personally and asked the officials to sign them up.

"They said, 'No, we won't sign them up. As far as we are concerned we are not on strike.'

"Then I led those men to the headquarters of the M.W.I.U. where they were signed up.

"Trial Examiner Landis: If a man was a longshoreman, we will say, a working longshoreman, you wouldn't have urged him to join the M.W.I.U.?

[2579]

"The Witness: No.

"Trial Examiner Landis: Was Detrich a working longshoreman?

"The Witness: Yes."

Strike that. That doesn't pertain here.

Mr. King: Mr. Del Guercio, do you stop with the word "No", there?

Mr. Del Guercio: I think it should go in because it relates to the other.

"Trial Examiner Landis: Was Detrich a working longshoreman?

"The Witness: Yes.

"Trial Examiner Landis: Did you ever urge him to join the M.W.I.U.?

"The Witness: Never. He knew nothing about Unions until we got him in our group and started to teach him something.

"Trial Examiner Landis: That is all.

"The Witness: He didn't know the difference between the two types of Unions.

"By Mr. Shoemaker:

"Q. Do you remember when the M.W.I.U. was dissolved, Mr. Bridges?

"A. It is hard to place it with accuracy. I would say in the winter of 1935. [2580]

"Q. Do you remember——"

Mrs. King: Mr. Del Guercio, does your copy show "1936"? Mine shows "1935."

Mr. Del Guercio: I have "1935" here. Did I say "1936"?

Mrs. King: Yes.

Mr. Del Guercio: I am mistaken. It should be "1935".

"Q. Do you remember the circumstances under which they dissolved?

"A. Yes.

"Q. Will you tell them to us, please?

"A. The longshoremen organized and struck the ships on May 9, 1934.

"On May 10, 1934, the Marine Workers Industrial Union struck. They, at that time, had the largest membership of any seafaring Union.

"The International Seamen's Union, composed of sailors, firemen, marine cooks and stewards, had a total membership of some 400 or 500.

"Altogether on the Coast this Marine Workers Industrial Union had a membership of some 2,000. As I say, they followed our strike and struck in sympathy with us the next day, or in support of us, the next day.

"The sailors, or the Seamen's Unions, did not strike until May 15. They were forced to strike because of pressure of the [2581] M.W.I.U. The officials were mainly engaged in trying to keep the men on the ships.

"Q. The officials of which organization?

"A. The International Seamen's Union, affiliated with the AF of L, the ranking officer on this Coast at that time being Paul Sharanberg, and some other people. They tried to keep the men on the ships.

"Because of the M.W.I.U. being organized on many of the ships we were able to effectively tie up those ships by pulling or striking the crews on the ships. The majority of the men were in the International Seamen's Union. Their officials managed to keep them on the ships. Eventually, through pressure—we brought enough pressure on the Seamen's Union so that they voted a strike in this fashion: They voted to strike all lines, except two or three of the large lines, which meant no strike at all.

"Finally, on May 15; in a meeting that I had a lot to do with of 24 men, the Seamen's Union officially voted a strike, that is, the International Seamen's Union. But there were only 24 men in the meeting.

"The point is that the Marine Workers Industrial Union was the first Union to strike and they were the ones that really forced a strike of the seamen.

"The International Seamen's Union ultimately did strike.

"During the course of the strike a campaign of intimidation [2382] terror, and whatnot, was carried on, under the red herring set-up, cry of Communism, and whatnot. There was started a deliberate drive on the members of the Marine Workers Industrial Union as being Communists. I doubt if 2 per cent of them were Communists at that time. But to wear a button of the Marine Workers Industrial Union anywhere in the city was just looking for trouble and asking to be slugged by the police, and the police were there ready to do it. So they drove every man out except the most hardened ones out of the Marine Workers Industrial Union, and, that is, as far as attending any meetings were concerned, and whatnot."

Continuing on page 2611:

"Now, there was no union of seamen. In other words, we had, say, 5,000 seamen on strike in San Francisco. A couple of thousand of them might have belonged to the Marine Workers Industrial Union, and maybe 1,000 belonged to the Inter-

national Seamen's Union. When this drive came to purge the M.W.I.U. we finally prevailed on the International Seamen's Union—the issue never carried—— On these seamen as well as all seamen. The Seamen's Unions were not organized until early in 1935, or late in 1935; they were not even organized. They had probationary members. So when the strike was over, July 31, 1934, and the seamen returned to their ships, the majority of them were not yet members of any union.

"Q. You mean—— [2583]

"A. (Interrupting) The majority of the seamen were not yet members of any union. They had pledge cards saying 'We agree' or 'authorize the International Seamen's Union to represent us.' That was all But they had no union books, or anything else.

"And then after the strike was over, because the International Seamen's Union was in control of reactionary officials they started, these reactionary officials, started a drive to purge every former M.W.I.U. member off the ships despite the fact that the Marine Workers Industrial Union men were first on the picket line and stayed there all during the strike, and when they tried to go back on their jobs they left to go on strike the officials of the International Seamen's Union attempted to collaborate with the ship owners and keep people off the ships because they had formerly been members of what they termed a dual union. Therefore, we had members of the Marine Workers Industrial

Union being thrown off the ships, with the collaboration of the Union officials, and the employees appealed to us as longshoremen for help. In many cases we helped them. We stopped them from being discriminated against because they had formerly been members of the M.W.I.U.

"Finally I was instrumental in advising all members of the M.W.I.U. and bringing it about, that the International Seamen's Union, that is, that all of these members would be allowed to join the Seamen's Union without any discrimination, provided they disassociated themselves entirely with the [2584] M.W.I.U. Of course, when that occurred the M.W.I.U. was finally dissolved. I think that took place towards the end of 1935.

"Q. At that time did you know many of the M.W.I.U. members?

"A. Not many.

"Q. Approximately how many?

"A. That would be very difficult to say.

"Q. Ten or 20?

"A. You can put it from that number. They were all seamen off the ships.

"Q. Would that be excessive, ten or 20?

"A. I don't think so; I would say 10 or 20.

"Q. I think you said about two per cent of them would be Communists?

"A. I am pretty sure of that. They were just ordinary rank and file workers off the ships. They didn't know what Communism was all about. They joined up. I took them up there.

"The other Union would not take them. They told these men to go to the ships and be a strike-breaker. The men themselves, lots of the members that were in the Seamen's Union, tore up their books in front of their officials, and said 'We are going over to join the M.W.I.U.'

"Q. Did you know anything at that time about the aims and purposes of the M.W.I.U.?

"A. Industrial unionism. They had a lot of aims and [2585] purposes that, of course, at that time were cold Communistic and that were supposed to epitomize Communism.

"Q. Supposed to be what?

"A. Supposed to be the very height of Communism.

"In 1933 and 1934 industrial unionism was Communism. Anybody that talked industrial unionism at that time was declared a Communist.

"For example, if you supported the release of Tom Mooney in most of the Unions you were declared to be a Communist.

"At that time the employment insurance bill, known as the Lundeen Bill —"

Mrs. King: Isn't that the "unemployment insurance bill"?

Mr. Del Guercio: "Unemployment insurance bill, known as the Lundeen Bill for Unemployment Insurance, was pending in Congress. I presented resolutions in support of the same to our meeting in support of that bill and they were voted down because they were said to be Communistic. The AF of L was on record against unemployment

insurance at that time and claimed it would wreck the union. Their convention in 1933, or 1932 at that time condemned the resolution for unemployment insurance."

Turning to Volume 18, page 3076,——

Mr. Gladstein: (Interposing) It just occurs to me that when we want to read portions of the record in, portions un- [2586] doubtedly which immediately precede or immediately follow what Mr. Del Guercio reads into the record, the things that we want to read won't make any sense unless we read over everything that Mr. Del Guercio has read and it is going to take a lot of time.

Presiding Inspector: Go ahead.

Mr. Del Guercio: I don't believe it will, if your Honor please. I think that we have gone over this pretty carefully and have taken out all of the portions of Bridges' testimony that relate to these specific subjects.

Presiding Inspector: Well, I said before that I thought there might be a difference of opinion on that. I haven't read this part of the record, of course; in fact, I haven't read any of it. I don't know, but I should surmise that differences of opinion will occur along that line.

Mr. Goodwin: Your Honor, as Mr. Del Guercio suggests, we have tried to cover everything on these topics that are material. We had a right to call attention only to those things that we thought were favorable to the Government, but we have tried to cover it all. Now, if there are other things that counsel finds that would fit in they will un-

doubtedly call your Honor's attention to it. If, perchance, they find that we have omitted things favorable to the Government, I trust they will call attention to those things also.

Presiding Inspector: Of course, I shall expect that. [2587]

Go on, Mr. Del Guercio.

Mr. Del Guercio: I think we will eliminate that volume 18, page 3076 and go to Volume 16, page 2515. I think we are getting near the end. Beginning with the first question on the top of the page, a question by Mr. Shoemaker:

"Q. Do you recall Harry Jackson?

"A. I do.

"Q. Do you recall when and where you first met Harry Jackson?

"A. My recollection of first meeting Harry Jackson was in 1932 on the waterfront.

"Q. Do you recall how many times you have seen him since?

"A. Oh, I have seen him as often as I have seen Lambert, maybe more often. I had many contacts and conferences and meetings and what-not with Jackson, especially during the '34 strike and afterwards.

"Q. Is Harry Jackson a Communist?

"A. Yes.

"Q. Do you know him to be such?

"A. Yes, he has told me.

"Q. Did you ever pay to Harry Jackson at any time any money?

"A. Yes.

"Q. Will you tell us the circumstances and when and where? [2588]

A. Well, I can't recall specifically when and where. I can say that I have paid him money in San Francisco and possibly any other places."

Continuing on page 2516:

"When I say 'paid,' it has been more in the nature of a loan or a gift. My first acquaintance with Jackson went back to, as I say, either 1932 or 1933. At that time we had a company union on the San Francisco waterfront. Jackson was one of the Communist Party people—no, he wasn't at that time. He was an organizer for the Marine Workers Industrial Union. They used to speak on the waterfront and attempt to organize the longshoremen into the Marine Workers Industrial Union. They didn't have much success. Many of us were very sympathetic to Jackson. They would come down there, for example, on a motor truck. They would be speaking about five minutes and then the police would rush in and either throw them off the truck and generally beat them up and what-not. Naturally, they had the sympathy of a lot of longshoremen. We believed that they had a right to speak. We were always inflicted with other speakers, such as supporters of Herbert Hoover and Mayor Rossi and people like that; but when somebody came there to preach against the company union the police were right on the job and used to do a pretty good job on those fellows.

"He was fairly well known. Eventually, of course, [2589] as the trade union movement got going and the Marine Workers Industrial Union was

disbanded; Jackson—I think he is blacklisted in possibly every port in the United States because of trade union activity."

Continuing on page 2589, or the last question of page 2589:

"Q. When did you first meet Sam Telford?

"A. 1934."

Continuing on page 2490.

"Q. Do you remember the circumstances?

"A. Yes. He was one of the officials or one of the strike leaders for the Marine Workers Industrial Union.

"Q. Did he ever tell you that he was a member of the Communist Party?

"A. I have the impression that he did.

"Q. Do you remember how many more times you met him?

"A. Oh, frequently.

"Q. What do you mean by 'frequently'?

"A. Well, I mean in 1934 and for quite a period in 1935 it was necessary for me to see Telford, and he was still an official of the Marine Workers Industrial Union. Since that time, however, I have only seen him occasionally by accident.

"Q. Where did you meet him, please?

"A. Oh, do you mean in 1934, for example?

"Q. Yes. [2590]

"A. I met him at the headquarters or the office or at the Marine Workers Industrial Union.

"Q. In what place?

"A. At that time?

"Q. Yes.

"A. I think it was 65 Jackson Street at that time.

"Q. In this City?

"A. And then they formerly——

"Q. In this city?

"A. Yes. Before that they had a pleace on Market Street, and then the hall was dispensed with and the union became a more or less intangible affair prior to the time it went out of business, and I met him here and there. He came down to my union office or I would run into him here or there."

Turning to Volume 17, page 2663, it appears that heretofore some questions concerning Sam Telford appeared, and this question appears on the bottom of page 2663:

"Q. Sam Telford?

"A. I think was a member of the Marine Workers Industrial Union and the Sailors Union of the Pacific.

"Q. Roy Hudson?

"A. The only Union I think he was a member of was the Marine Workers Industrial Union."

I believe that is all of the former case. I believe the Court wants to take up the matter of—— [2591]

Presiding Inspector: I think you can go on with the examination of this record tomorrow morning, can't you?

Mr. Gladstein: Of the record?

Presiding Inspector: If you want to supply anything to what has already gone in——

Mr. Gladstein: Does it have to be tomorrow morning?

Presiding Inspector: No.

Mr. Gladstein: We much prefer to put on witnesses, because this is something which could be done in a relatively short space of time, I take it, and could be sandwiched in during delays, if any.

Presiding Inspector: You will be able to go on to some extent tomorrow?

Mr. Gladstein: No, we are not. We wish an adjournment until Monday of next week, your Honor.

Presiding Inspector: What are you going to supply for the Court to do during those days?

Mrs. King: If your Honor please, perhaps I can help out on that. I have been worrying for some days on the problem of these statements that the Government hasn't furnished on its witnesses, and doing a little night work on preparing a memorandum.

Presiding Inspector: What statements?

Mrs. King: The statements of its witnesses that were taken in the FBI offices, and our right to inspect those state- [2592] ments. Although you have ruled against us on that, I am now making an application for reconsideration of that problem so that we may have those statements in connection with any possible examination of witnesses from here on, because we believe that we have a right to those statements

Mr. Del Guercio: That has already been taken up, if your Honor please, and there has been a refusal and there is no need to go into that any more.

Presiding Inspector: That is true. At the same

time if Mrs. King would like to have me examine her authorities I will be glad to do it.

Mrs. King: Yes.

(Whereupon a memorandum was passed to the Presiding Inspector and Mr. Del Guercio by Mrs. King.)

Presiding Inspector: I will look at it.

I dislike very much to hold everybody over until Monday morning if we can possibly go ahead, Mr. Gladstein.

Mr. Gladstein: If we do, your Honor——

Presiding Inspector: I have already told you it is in the interest of everyone that this case should be progressed as rapidly as possible. I do not want to force it to such an extent that it would really mean delay, and such things are sometimes possible.

Mr. Gladstein: I understand that, but, as Mr. Grossman stated today, we are not in a position to start with our [2593] defense until the first of next week.

Presiding Inspector: So far as the new specification in the Warrant is concerned, you did have some notice of that because in Judge Goodwin's opening he said:

"We will show that the Alien"—giving his name—"shortly after he first entered this country in 1920 became a member of the Industrial Workers of the World, an organization which believed in, advised, advocated, and taught the unlawful damage, injury and destruction of property and sabotage."

Of course, it wasn't within the pleadings, if we call a warrant a pleading.

Mr. Grossman: I cannot state how much work must be done, but quite obviously this gives some legal basis for the necessity of our examining the law on it and the facts on it. Frankly, we did not feel that the IWW came within the specifications of the Warrant. We certainly were not required to prepare for a possible amendment to the Warrant. We had enough to do without doing that. Frankly, if we had some spare time we might have.

As I stated before, we may or may not put on witnesses. At least, it opens a new field which we must investigate by reason of this. Every new field means that much more work that must be done before the case is completed.

I think, however, the primary reasons for the delay are the reasons I have given. Let us take them up very prac- [2594] tically.

Let us assume that we could get in touch at best, and you recognize that is not possible, at best we could get in touch the first thing in the morning, because the times are against us in the eastern cities, with some representative of ours. Let us assume that they were at best able to get in touch, the first thing in the morning, with witnesses. Let us assume somehow or other those witnesses could leave their jobs on about twelve hours notice. Let us suppose the first thing Wednesday morning, maybe Thursday morning, those witnesses got on the train. Let us assume for the most part that these places are almost 24 hours, on the average at least away. Seattle is 26 hours away by travel. They couldn't get here be-

fore Friday Morning. Certainly, if we are going to put on a full day of witnesses, or even a half day, we are going to have to have a certain number of hours to talk to these witnesses, no matter how well prepared by others. Even if this worked out perfectly that is the earliest we could get anybody here. We cannot wire the people to leave their jobs without giving them some notice.

As a practical matter, I do not see how we could proceed before Monday. We have cut this down to a minimum, considering the transportation difficulties.

Presiding Inspector: Mr. Grossman, this frankly comes to me as somewhat of a surprise. I thought you might ask for a [2595] day's adjournment, but I had no idea that you would ask for five days, three days of court hearing time, and Saturday and Sunday beyond.

Mr. Gladstein: May I say that we are asking for three court days. It happens that there is a week end, but we are asking for only three court days. I think that it is not unfair of us to ask, in a hearing where the Government has occupied three full weeks and part of the fourth week, for us to ask for three days' recess in a hearing which will last all together somewhere around seven or eight weeks, or in that neighborhood. I do not think three days' time is unfair.

In the last hearing we were given, I think, three days, that is my recollection, before we put on our defense; that is, three trial days.

I submit, your Honor, that is a fair request par-

ticularly in view of the difficulties that have been expressed heretofore by Mr. Grossman.

You must remember too, Judge, that we have had to meet these things as they came along. We haven't been accorded privileges which we felt we had a legal right to, but which the Government felt they had a right to deny us, and the denial to us of the privileges that we have requested from time to time of knowing in advance who the witnesses were, has made it simply impossible for us to prepare in advance to put on a defense the minute the Government closed its case. [2596]

Mr. Del Guercio: If the Court please, I want to state on behalf of the Government, that we are opposed to the granting of any recess. I haven't heard a single thing here today that would justify the granting of the recess. There are three of counsel, and they have had ample opportunity to meet everything that the Government has presented. They were given notice in our opening statement of everything that we intended to prove, and we have kept pretty closely to that opening statement.

In addition, the Court must remember that they knew long in advance of the beginning of this trial what was coming. It was publicly known that the Bridges case was going to be reopened. The Warrant of Arrest was issued some time in February and was served some time in that month. So that the defense had ample opportunity, even after the service of the warrant, to prepare to meet anything the Government may have had.

In addition to that, they had one full week after the case began within which to further prepare.

For those reasons, and there are many others I won't take time to state, I oppose the granting of the recess.

Presiding Inspector: Can you give me assurance, any reasonable assurance, in case this request is granted, that there will be no further requests for adjournments and that we will be able to proceed right along?

Mr. Gladstein: I think we can, your Honor. We will [2597] certainly exert every possible effort not to request any further recesses.

Presiding Inspector: Of course, something might occur, such as illness, or something of that nature, but as far as you can foresee can you assure—as far as you can reasonably foresee—can you assure me there will be no further requests for adjournments?

Mr. Gladstein: I will say to your Honor, as counsel of the Court, that when we start on Monday of next week to put on our defense we will continue through five trial days each week until we are through.

Presiding Inspector: And you feel, Mr. Del Guercio, that Major Schofield can be here? You suggested you wanted him as a witness. Do you feel that he can be here by Monday?

Mr. Del Guercio: Yes, I think so.

Presiding Inspector: I will grant the motion and we will recess until Monday morning of next week.

(Whereupon, at 4:15 P. M. an adjournment was taken to Monday, May 5, 1941, at 10:00 A. M.) [2598]

Court Room 276,
Federal Building,
San Francisco, California,
May 5, 1941.

Met, pursuant to adjournment, at 10:00 A. M.

[2599]

PROCEEDINGS

Presiding Inspector: Now, Mr. Del Guercio, I understand that you have rested except for two matters that you have reserved.

Mr. Del Guercio: That is correct, your Honor.

Presiding Inspector: And that you will cover those two matters as soon as the witnesses arrive.

Mr. Del Guercio: Yes, your Honor.

Presiding Inspector: With that understanding then you will proceed, Mr. Gladstein.

Mr. Del Guercio: If the court please, there is another matter that I would like to take up at this time. I note, in going over the transcript of Volume 15, that there appears what we believe to be a misspelling of one particular name at the time that the witness, Mrs. Segerstrom, was on the stand. The transcript of the record shows, particularly on page 2405, and again on page 2412, and again on page 2440, the name "Mayes" spelled "M-a-y-e-s." We believe that the witness testified and her notes show that the spelling of that name should be "M-a-a-s."

I talked to the reporter here this morning and he is of the opinion that he heard it as "M-a-y-e-s." I have a distinct recollection that it was "M-a-a-s," and there are others who have that recollection. If

there is no objection I move that the record be corrected to show the proper spelling "M-a-a-s," [2600] instead of "M-á-y-e-s."

Presiding Inspector: What is the significance?

Mr. Grossman: It may be of some significance. I won't say that we want to agree to it. We want to examine the record first and we will state our position as soon as we can.

Presiding Inspector: Very well. That will be all right. Bring it up tomorrow morning.

Mr. Grossman: Although it is out of order, because we wish to make some legal arguments, as a matter of convenience, we will put Chief Dullea on the stand first.

Will you take the stand, Chief?

Presiding Inspector: Very well.

CHARLES W. DULLEA

called as a witness on behalf of the Alien, being first duly sworn, testified as follows:

Direct Examination

By Mr. Grossman:

Q. What is your name and official position.

A. Charles W. Dullea, Chief of Police of San Francisco.

Q. And you are appearing here, are you not, in response to a subpoena directing you to bring with you certain records? A. Yes, sir.

Q. And will you please state what the subpoena asked you to bring to this Court? [2601]

(Testimony of Charles W. Dullea.)

A. The subpoena directs me to report a record of arrest or conviction of Sam Diner in the files of the Police Department, in the Police Department of the City of San Francisco. "You are being subpoenaed at the request of the counsel for Harry Bridges, Attorneys Richard Gladstein, Aubrey Grossman, Carol King".

Q. In response to that subpoena did you examine the records of your Police Department?

A. I did.

Mr. Del Guercio: If your Honor please, at this time I move—apparently now counsel has brought out that he has subpoenaed certain arrest reports of the witness Sam Diner. Now it is apparent that that is a collateral attack or they are attempting to attack the witness Sam Diner on a collateral matter, and your Honor has ruled repeatedly that that would not be permitted.

Presiding Inspector: No. I think this is direct impeachment.

Mr. Del Guercio: I don't think so.

Presiding Inspector: To show conviction. They always can show conviction.

Mr. Del Guercio: They can show——

Presiding Inspector: (Interposing) I never heard of showing arrest before, but it has been introduced by both sides [2602] here without objection. I think I will take this testimony. This is direct impeachment, not a collateral matter. I will take it. It goes to his credibility. Go ahead.

(Testimony of Charles W. Dullea.)

Mr. Grossman: I don't recall whether my last question has been answered. To save time I will repeat it.

Q. Did you find in the records of your department any arrests or convictions of Sam Diner?

A. I did.

Q. And do you have that record with you or copy of that record?

A. Yes, sir; the original record.

Q. May I see it, please?

A. Yes, sir. (Producing records)

Mr. Del Guercio: Now, if the Court please, I repeat my objection. Counsel has also included arrests, not only convictions.

Presiding Inspector: You put them in repeatedly. "Have you ever been arrested?" And no objection was taken to that. I will rule that in this proceeding they must show as direct impeachment arrests as well as convictions, although the effect that there will be given to such evidence will, of course, remain for me and for those who afterwards review the testimony. In the State where I come from arrests are not competent.

Mr. Grossman: Would you like to examine this?

[2603]

Mr. Del Guercio: I don't think they are competent in this proceeding.

Presiding Inspector: I know, but they have been shown right along without objection. Arrest, of course, is nothing but a charge.

(Testimony of Charles W. Dullea.)

Mr. Grossman: That is right.

Presiding Inspector: And the charge—anyone can make a charge. So that will be taken into consideration. But I will take it.

Mr. Del Guercio: If the Court please, I have here what appears to be a report of a San Francisco Police Department.

Presiding Inspector: Yes.

Mr. Del Guercio: Now, I don't suppose that this witness here knows who made these entries in the docket here.

Presiding Inspector: I understood this was an official record of the department in your charge?

The Witness: It is, and I have the man with me who made the entries.

Mr. Del Guercio: At best it will be hearsay.

Presiding Inspector: We take hearsay in this proceeding.

You have offered a good deal of it. I will take it, Mr. Grossman.

Mr. Grossman: Yes.

Q. Now, Chief, do you have any other records respecting——

Presiding Inspector: (Interposing) What are you going [2604] to do? Offer this in evidence?

Mr. Grossman: Yes.

Presiding Inspector: Very well. You want to further identify it?

Mr. Grossman: Yes.

(Testimony of Charles W. Dullea.)

Presiding Inspector: Very well.

By Mr. Grossman:

Q. Chief, do you have any further records besides this with respect to any arrest or conviction of a man named Sam Diner or Solomon Diner?

A. Well, I have some duplicate reports. I was unable to get all of the originals on account of the removal of our records from the Hall of Justice to the Richmond Station, and the records are being looked up now and they may arrive any moment. However, I have one original arrest report and three copies that were kept in the individual offices that participated in the arrests.

Q. Then you have some fuller or more information than appears on this document you have handed me?

A. These reports substantiate those arrest records.

Q. May I see those, please?

A. Yes, sir. (Producing records).

Q. As I understand it, the reports you are now handing me are the original documents from which the first document [2605] you handed me was made?

A. They are duplicate copies, carbon copies.

Mr. Grossman: I see.

Mr. Del Guercio: If the Court please, I understood that this is offered for the purpose of impeachment.

(Testimony of Charles W. Dullea.)

Presiding Inspector: Yes, sir.

Mr. Del Guercio: The witness Sam Diner never testified that he wasn't charged with any felony.

Presiding Inspector: It isn't that kind of impeachment. It is a direct impeachment of his character. That is some evidence that he has been guilty of wrongful acts.

Mr. Del Guercio: To have been charged with a crime?

Presiding Inspector: No, I don't think so. If you hadn't already frequently asked witnesses "Have you ever been arrested?" I wouldn't allow the arrest. It is only the conviction which seems to me pertinent. But in view of the way that the hearing has been conducted I am going to take it into the record. It doesn't mean that it will have any effect or that it won't have any effect. That I am going to consider later, but I will take it into the record.

I don't know whether I talk too fast. I will take it into the record for what it is worth. These are all arrests and not convictions. [2606]

Mr. Grossman: Pardon?

Presiding Inspector: These are arrests and not convictions.

Mr. Grossman: If is possible for us to prove convictions, I suppose, by the records of the Police Department. In many cases they may not show convictions even if they occur. We will probably

(Testimony of Charles W. Dullea.)

have to follow these further in the courts to prove convictions proper.

Presiding Inspector: You understand the Examiner has said——.

Mr. Grossman: (Interposing) I understand—in some of these cases we may follow them to see if we can get court records.

Presiding Inspector: As far as the arrests are concerned as being contradictory statements, or statements of anything of that kind, I should think that was very doubtful. The only purpose of this is to affect the character of the witness.

Mr. Grossman: I recognize, your Honor, at this time you are not ruling.

Presiding Inspector: No, sir.

Mr. Grossman: We do offer them at this time for two reasons: One is, that you stated in so far as they do, if they do, reflect the character of the witness; second, we offer them as contradictory to the record.

Presiding Inspector: I will reject them on that ground. I don't say they haven't some relevance. I say the relevance is [2607] so remote it would be of little, if any importance. But as they are going to be received I will reserve that too.

You understand, Mr. Del Guercio—all counsel understand—that in this kind of an investigation we are not bound by the rules of common law evidence, although well established rules of relevance

(Testimony of Charles W. Dullea.)

and pertinence should be given weight, and I intend to give them weight. But I am not absolutely bound by this rule that there can be no contradiction on collateral points. In general, I think it should be included. I have already stated that in the record. I said there might be exceptional cases. Now, I take this primarily here as reflecting on the credibility as to direct impeachment. Whether it really has that result or not will be something that I will later consider.

Mr. Del Guercio: Your Honor's statements are correct, and we agree with them. We say we are bound by the rules of reason. We do not want to see this hearing turned into a smear hearing.

Presiding Inspector: You are quite right about that.

Mr. Del Guercio: I think the Court should oppose any smearing tactics on the part of counsel.

Presiding Inspector: I am going to endeavor to keep this hearing within reasonable limits. But in view of the way the trial has been conducted up to this time I will take this evidence. [2608]

Mr. Grossman: We intend to, and we will file with your Honor, a memorandum of law showing on the second point that I raised this is not collateral evidence. I recognize the rule that on collateral matters a witness cannot be impeached. We intend to submit a statement on that.

(Testimony of Charles W. Dullea.)

By Mr. Grossman:

Q. Chief, I notice on the first document that you handed to me, which is a summary of your records, apparently, there are certain descriptions of the man who is described as Sam Diner—Solomon Diner. Can you tell me how those descriptions were prepared and from what source they were obtained?

A. They were prepared at the time of the arrest of Sam Diner.

Mr. Del Guercio: I object to the form of the question. The Chief has stated that he doesn't know how these were prepared; that he didn't prepare them. The question should be how they are generally prepared, if at all.

Presiding Inspector: I understand that is the question.

By Mr. Grossman:

Q. You are reasoning, I suppose, from the general practice in the department, are you not?

A. Yes, sir.

Q. What is the general practice in the department with respect to preparing such information on such reports?

A. The person arrested is fingerprinted. The classifi- [2609] cation appears on this record card, and his general physical description is taken by the officer who is engaged in that particular duty at that time while viewing the subject.

(Testimony of Charles W. Dullea.)

Q. Now, Chief, would you be very much embarrassed in your work if I introduced these reports in evidence and saw to it that you got them back after we made a photostatic copy within a day or two?

Mr. Del Guercio: I think that is an improper question.

Presiding Inspector: They are public records. Can't they be read into the record?

Mr. Grossman: It will take a good deal of time. If it is agreeable to you, Chief, and you don't mind letting us have them—we do not mind meeting the cost—we would like to have them photostated and then hand them back.

I think we should have them photostated. There is no reason to keep the original documents in the record.

Presiding Inspector: They may be treated as other documents are.

The Witness: The only record I am particularly anxious to withdraw is this record (indicating) which belongs to the Identification Bureau.

Mr. Grossman: You will have the assurance of the Court that you will get them back.

Presiding Inspector: They will not go out of the hands of the reporter. [2610]

By Mr. Grossman:

Q. The arrest reports that you have handed me, which are four in number, were they prepared

(Testimony of Charles W. Dullea.)

also—I hand them back to you—in the regular course of business of your police department and in the regular way? A. Yes, sir.

Q. And they are regular records of your police department? A. Yes, sir.

Mr. Grossman: I now offer in evidence these five documents.

Mr. Del Guercio: I object to them being introduced on the ground that they are immaterial, irrelevant and do not contradict anything already in the record.

Presiding Inspector: I will overrule the objection and receive the documents with the understanding which I have already stated.

Mr. Grossman: There are five documents—I will make that correction—and they are to be given, I assume, the exhibit numbers next in order, and they are to be withdrawn and photostatic copies substituted, with the reporter to return them to Chief Dullea.

Mr. Del Guercio: I object on the further ground they are copies and not the originals.

Presiding Inspector: I will take them. [2611]

(The documents referred to were received in evidence and marked Alien's Exhibits 7 to 11, inclusive.)

Mr. Grossman: That is all.

I would like to call your Honor's attention to

(Testimony of Charles W. Dullea.)

certain portions of these reports which appear to be relevant, if any portions of these reports are.

Reading from the Summary Report, 9-8-14, being the date, "Sam Diner, #4613, arrested, Oakland"—

I am going to have to ask the Chief to read this because some of the abbreviations may not be clear to me.

By Mr. Grossman:

Q. Will you, reading from the document, read everything dealing with any 1914 arrests of Sam Diner?

A. His record — "9-8-14, as Solomon Diner, #4613"—that would be his gallery number—"arrested, Oakland O.M.F.P."—obtaining money under false pretenses.

It says, "11-16-14"—several days later—"released on his O.R."

And then "4.6.1915. Discharged"——

Presiding Inspector: That means "own recognizance"?

The Witness: Yes, sir; own recognizance.

"4.6.1915. Discharged by Judge Samuels." He is a Judge in Oakland, California.

By Mr. Grossman:

Q. Is that the last entry with respect to that arrest? [2612] A. Yes, sir.

Mr. Grossman: I can read the additional that I want to call your Honor's attention to.

(Testimony of Charles W. Dullea.)

The substance of this report is as follows:

"February 2, 1932. This date booked Samuel Diner enroute to Sonoma County on warrant charging violation of Section 701 of the Penal Code.

"Sheriff of Sonoma County notified by wire.

"Description: White, 43 years, 5 ft. 7 inches, 145 lbs., blonde streaked with grey, slightly bald, blue eyes."

Presiding Inspector: Do you know what that section of the code provided?

The Witness: I don't remember.

By Mr. Grossman:

Q. Do you remember, Chief?

A. I don't remember.

Q. Or what it was in 1932? A. No.

Mr. Grossman: I don't know, but I can find out and bring it to your attention after checking.

No more questions. [2613]

Cross Examination

By Mr. Del Guercio:

Q. Now, Chief, you testified, I believe, that the person to whom these records refer was fingerprinted? A. Yes, sir.

Q. Well, was he fingerprinted on all occasions of his arrest? A. Oh, yes, sir.

Q. Whether they were for misdemeanors or felonies?

A. That is right. To establish the identity they are fingerprinted.

(Testimony of Charles W. Dullea.)

Q. Do you know if that was done in the case of this person represented by these records?

A. Well, as a general practice it is.

Q. I mean, do you know if every time Solomon Diner or Sam Diner was fingerprinted do the records so show?

A. Of my own knowledge I don't know.

Q. And do the records show?

A. Inspector O'Neil in charge of the Identification Bureau is here. He could answer that.

Q. I mean in looking at the records?

A. No. The records do not reflect that at all.

Q. The records do not show? A. No, sir.

Q. Do you know who the Sam Diner is who is represented [2614] by these records?

A. Yes, sir.

Q. Who is he?

A. He was a man who was arrested by our department.

Q. I mean, do you know him personally?

A. I have seen him; yes, sir. I have had him in the "show-up". I had him down in the Hall of Justice.

Q. Do your records show as to whether or not Sam Diner was convicted of a felony?

A. He was never convicted of a felony.

Q. He what?

A. He was never convicted of a felony.

Q. Was he ever charged with a felony?

(Testimony of Charles W. Dullea.)

A. No, sir.

Q. Do the records show that he was arrested for a felony?

A. Well, he was charged with a conspiracy, but it was a conspiracy to commit a misdemeanor.

Q. A conspiracy to commit a misdemeanor. So that, so far as your records show, the records that you identified here, Sam Diner was neither convicted of a felony nor charged with any felony?

A. I don't think so, no. May I consult that record once more?

Mr. Grossman: The reporter has it. Just a moment. I will give it to you. [2615]

The reporter has it.

The Witness: I am quite sure that he was never charged with or convicted of a felony, though.

Mr. Del Guercio: Your Honor, in view of the testimony of this witness I move to strike out all the testimony.

Presiding Inspector: I will let it stand.

Mr. Grossman: I would like to state this: The Chief obviously is testifying as best he can, but I don't think he knows off-hand whether Section 701 is a felony or not, or whether obtaining money under false pretenses was or it might have been. I mean, the Chief is doing the best he can, but it is a legal question.

Presiding Inspector: I will let it stand.

(Testimony of Charles W. Dullea.)

By Mr. Del Guercio:

Q. Do you know the difference between being charged with a crime and being accused of a crime?

A. Yes. I think I do.

Q. What is the difference between being accused of a crime and being charged with a crime?

A. I think if a man is charged with a crime he is arrested. Many people are accused but not charged.

Q. Would you say that when a person is picked up or arrested that he is charged with any crime?

A. I would say so, yes.

Q. By whom is he charged? [2616]

A. By either the arresting officer or the complaining witness.

Q. When would the arresting officer charge a man with a crime?

A. When an offense is committed in his presence.

Q. Do you know if any of the offenses that are listed on this book were committed in the presence of the arresting officers?

A. I would say so, yes.

Q. Is there anything on the record to indicate that?

A. On the arrest for violation of the Anti-picketing Law. That was an arrest made in the presence of the officer.

Q. I refer you particularly to the arrest of

(Testimony of Charles W. Dullea.)

this 2/2/32. I believe your report shows that he was arrested enroute to Sonoma County, California "on warrant– threats against life" and delivered to the Sheriff Flohr, Oakland, 4613. Would you say that that offense was committed within the—— A. (Interposing) Oh, no.

Q. What? A. No, sir.

Q. Then you don't know whether he was charged then with that offense, do you?

A. I communicated with the Santa Rosa authorities this morning and they have no record of a conviction up there.

Q. Who charges a person with an offense?

[2617]

A. Well, the complaining witness; the person that he has offended.

Q. And to whom does he make that complaint? To the Police? A. To the Court.

Q. Not to the Police, though?

A. Originally, yes, sir.

Q. Well, if a man makes a complaint to the Police is a man formally charged with a crime?

A. It depends on the character of the crime.

Q. What? Well, have the Police the authority to charge anyone with a crime not committed in their presence?

A. Upon reasonable grounds, yes, they have according to the Code upon a charge made.

Q. What?

(Testimony of Charles W. Dullea.)

A. Upon a charge made and there is reasonable cause to believe a crime has been committed, a felony committed, they can arrest him and charge him.

Q. Isn't it a fact that under the California law a Magistrate can only commit under certain circumstances in the Superior Court?

A. That is the only one who can. Either a Grand Jury can indict or the Magistrate can commit, make a holding.

Q. Then the Police can't make a charge and prosecute one? [2618]

A. Maybe we don't understand each other's meaning. I have arrested persons and charged them with felonies and signed the complaints and there has been a holding.

Q. Is a person ever tried on a charge made by the Police? A. Solely?

Q. Yes.

A. Well, not unless they were the offended person.

Presiding Inspector: Well now, isn't the rule different with respect to felonies than with respect to misdemeanors?

The Witness: Oh, yes; quite.

Presiding Inspector: A felony has to be prosecuted under an indictment by the Grand Jury. Do you have information by the District Attorney?

The Witness: Information after a holding. We charge here on the complaint.

(Testimony of Charles W. Dullea.)

Presiding Inspector: But for misdemeanors?

The Witness: On a complaint.

Presiding Inspector: On a complaint?

The Witness: Yes, sir. Filed in the office of the Bond and Warrant Clerk, and that is the vehicle that takes him into the Police Court.

Presiding Inspector: I thought it was substantially that.

The Witness: Yes, sir. [2619]

Presiding Inspector: I think that the law can be clarified by reference to the same.

Mr. Del Guercio: Yes.

Q. Do your records show whether this Sam Diner was ever so accused of crime, that is, either by information or by indictment?

A. No. I don't think he ever went into the Superior Court. That is my recollection without refreshing my recollection from the record.

Mr. Del Guercio: That is all.

Presiding Inspector: That is all, Chief.

Mr. Grossman: That is all.

(Witness excused.)

Presiding Inspector: Call your next witness.

Mrs. King: If your Honor please, as Mr. Grossman said earlier, we called this witness out of order for his convenience and so as not to delay him in the Court room this morning. However, we should like to be heard with reference to some of the legal points in this case before we call the next witness.

Presiding Inspector: Go ahead.

Mrs. King: I should like at this time to make a motion to dismiss this proceeding upon the ground that it is now apparent from the evidence introduced by the Government in this case that Harry Bridges is being subjected to double [2620] jeopardy in this case and, further, that the matters are res judicata.

This was, we thought, fairly evident when the case opened. It has become far more evident from the Government's evidence in the case.

Presiding Inspector: Well now, there is no necessity for arguing that because I will deny the motion, which I suppose in technical form should be a motion that I, as the Examining or Presiding Inspector, report to the Attorney General my advice that the hearing be discontinued and the Warrant quashed. I suppose that is the real form of it.

Mrs. King: Yes, I suppose it would be.

Presiding Inspector: Well, without regard to the form I hold, first, that I have no power to quash this Warrant and that it would be improper for me to pass upon this matter even so far as advice is concerned without hearing all of the evidence. So I am going to deny your motion.

Mrs. King: In connection with this motion I should, however, like to read into the record at least portions—I should prefer to read all, but I am going to be reasonable in the matter—I should like at least to read portions of the Landis Report which will call to the attention of, if not your Honor, the reviewing authorities in this case the fact that the time covered by the present charge—I mean, the evidence in sup-

port of the [2621] present charge against Mr. Bridges is identical with the time covered by the hearing in the last case. In other words——

Presiding Inspector: Well, I——

Mrs. King: (Continuing) To put it simply——

Presiding Inspector: (Interposing) Yes.

Mrs. King: (Continuing) ——there has been a great deal of talk about a new statute under which the Attorney General has brought this proceeding. Under that new statute, if it is held constitutional, it is possible to deport an Alien for past membership in certain proscribed organizations.

At the time of the last hearing——

Mr. Del Guercio: (Interposing) If your Honor please, I are going to interrupt here because I don't believe this should go into the record. It is not the proper place for it.

Presiding Inspector: She can make any motion that she sees fit. Counsel have a right to make motions and put them on the record.

Mrs. King: At the time of the last hearing it was possible in view of the decision in the Strecker case, only to deport an Alien for present membership in a proscribed organization. Curiously enough, in this proceeding the present membership charge covered by the Landis Report is identical in point of time with the past membership charge contended in the present case. In other words, you have Mean Landis and the then Department of Labor, which was in charge of the case, [2622] considering whether Mr. Bridges was a member of the Communist Party between approximately 1934 and the early part of

1938, and the evidence which is summarized in Dean Landis' Report makes it plain that that is the period under consideration.

The witnesses in the present proceeding have testified to incidents and events of approximately the same time; that is, from approximately the water-front strike of 1934 to the early part of 1938.

Now, it is true that there was some evidence introduced with reference to 1932 to 1934. That is also true in Dean Landis' Report, and he so mentions it.

It seems to me, furthermore, that he is not only considering the same point of time, but especially in view of the so-called "admissions" which were read into the record on the last day of the Government's case that you are covering precisely the same set of facts. It is not only the same charge but the same evidence on the same charge.

Now, it seems to me that for the preservation of the record we are entitled to show in these proceedings, which the Government contends is a new and different proceeding from the last one, what was then held so that if our claim of res judicata and of double jeopardy is a sound claim that we are entitled to have appear in the record the holding of the last hearing with reference to matters that are at issue in this [2623] hearing, so that the reviewing authorities may know just what disposition was made then and what is presented at this time.

Now, I should like particularly to——

Presiding Inspector: (Interposing) Well, you don't have to——

Mrs. King: (Continuing) ——to call to your attention——

Presiding Inspector: (Interposing) You wouldn't have to have this in the evidence, would you?

Mrs. King: I don't see how they would have it before them otherwise.

Presiding Inspector: Isn't this a public record, this report?

Mrs. King: But it seems not to be a part of this record. We have to make it a part of this record. The transcript is as much a public record, I should think, because in the ordinary case—of course, it was different in the Bridges case—the decision is not a public record and, in fact, even the attorneys generally speaking, can't obtain decisions in deportation matters. This is the only case I know of where the attorney in the case was permitted to obtain a copy of the decision. And I don't know whether it is a public record or it isn't, but it certainly isn't a part of this record and I should like to make it a part of this record.

Presiding Inspector: Well, under the rules at present the decision of the Presiding Examiner or Inspector has to be [2624] delivered to the Alien.

Mrs. King: Yes, that was not then true.

Presiding Inspector: It was not then true?

Mrs. King: And, as a matter of fact, we never did receive this decision. We went out and bought it. We never received any notice from the day the hearing closed in San Francisco until we saw in the newspapers what the decision was.

Presiding Inspector: This is purely a technical matter and the motion is in essence made to others than to the present Presiding Magistrate, Presiding Inspector. I think you ought to be entitled to have enough in the record so as to make your claim elsewhere. Of course, as to my own decision, my advice would be against your contention.

Mrs. King: Well, thank you, your Honor.

Presiding Inspector: I think further that I will say in explanation that I think you confuse evidentiary findings with conclusory findings and, as I read the report, the only conclusion, which is a judgment or in the nature of a judgment at all, would be that final sentence, after the word "conclusion."

Mrs. King: It seems to me that when you are dealing with res judicata you do deal not only with conclusory findings, as you so well denominate them, but also with evidentiary findings because, after all, the Presiding Inspector——

Presiding Inspector: (Interposing) Not usually.

Mrs. King: I should like particularly to——

[2625]

Presiding Inspector: (Interposing) But I still agree with you: that you ought to have the record in shape so at the proper time and place to present this question.

Mrs. King: Thank you, your Honor.

I am reading now from page 102 of the Findings and Conclusions of the Trial Examiner in the matter of Harry R. Bridges under the heading "The Maritime Workers' Industrial Union."

"A brief reference to some of the events of this strike is necessary. The International Seamen's Union in 1934 was neither very active nor very militant. A number of the unlicensed seagoing personnel were then members of the Maritime Workers' Industrial Union. This union was organized along industrial lines, had been chartered by the Trade Union Unity League, and was unquestionably considerably more left wing than the normal trade-union."

Where it is stated "A number of the unlicensed seagoing personnel were then members of the Maritime Workers' Industrial Union," this is apparently an error for Marine Workers' Industrial Union, which correctly appears at other points in the report.

"Its policy and its program undoubtedly attracted into its fold many maritime workers who were either members of the Communist Party or were sympathetically inclined with its aims. Its constitution spoke in more radical and revolution- [2626] ary terms of the necessity of remedying the plight of the worker and of the impossibility of doing so other than by resort to at least economic force."

Then there is a footnote 53, which reads as follows:

"The constitution of the M.W.I.U., for example, contains phraseology of this character: 'Victory in this struggle (the revolutionary struggle of the whole working class against the capitalist system) can be won only by the most relentless, militant, and revolutionary struggle for the whole working class. * * * It (the M.W.I.U.) rejects and condemns the treacherous class-collaboration policy of the A. F. of L.

which seeks to delude the workers into believing that it is possible for them to live 'in peace' with the capitalists. * * *' "

Back on the text:

"It dwelt upon the class struggle and the iniquities of the bosses in sharper and more bitter terms than the manner in which those subjects are today touched upon in the constitution of the American Federation of Labor."

Footnote 54, which reads as follows:

"Compare the following from the preamble of the constitution of the American Federation of Labor: 'Whereas the struggle is going on in all the nations of the civilized world between the oppressors and the oppressed of all countries, a struggle between the capitalist and the laborer, which grows in intensity [2627] from year to year and will work disastrous results to the toiling millions if they are not combined for mutual protection and benefit;

" 'It, therefore, behooves the representatives of the trade and labor unions of America in convention assembled, to adopt such measures and disseminate such principles among the mechanics and laborers of our country as will permanently unite them to secure the recognition of rights to which they are justly entitled.' "

Back on the text:

"It undoubtedly had a number of Communist in important official positions. In the minds of many people the M.W.I.U. was a Communist or Communist-controlled union, despite the fact that a contrary conclusion was reached on January 3, 1934, by the

Solicitor to the Department of Labor and confirmed by the Commissioner of Immigration and Naturalization."

Footnote 55, reading:

"See U. S. ex rel. Boric v. Marshall, 290 U. S. 709."

Back on the text:

"It would be impossible on this record to determine the communistic or noncommunistic character of the M.W.I.U.; nor is it necessary to do so.

"On May 9, 1934, the longshoremen went on strike. The M.W.I.U then had a large number of men in the seafaring group——

There seems to be a typographical error.

Presiding Inspector: "Larger," probably.

[2628]

Mrs. King: But it says "large number of men in the seafaring group than the International Seamen's Union. The M.W.I.U. went out on strike on May 10, 1934, in sympathy with the longshoremen. Bridges claimed that it was largely the pressure of the M.W.I.U. that forced the seamen's union officially to join the strike on May 15. Bridges relationships with the M.W.I.U. were always friendly. Claiming that the International Seamen's Union neither welcomed members nor was an effective union until after the 1934 strike, Bridges admitted that he had frequently urged seamen, who were seeking some organizational nucleus, to join the M.W.I.U. possibly before the strike and certainly during the period between May 10 and 15. Here the testimony of Detrich and Bridges was contradictory. To Detrich the M.

W.I.U. was a Communist union and Detrich claimed that Bridges had urged him to join it."

Footnote 56:

"Detrich testified that he 'believed' Bridges was a member of the M.W.I.U. No effort was made to probe the basis of that belief. It probably stemmed from the activities noted above in which Bridges indulged."

Back on the text:

"Bridges admitted freely that he had urged seamen for the reasons stated to join the M.W.I.U., but had not urged the longshoremen to do so, . . . "

Footnote 57, reads:

"Detrich was a working longshoreman." [2629]

Back on the text:

" . . . that he had welcomed the help of the M.W.I.U. and had worked with them, but that since the longshoremen had an effective union to which they could turn, he had not suggested that the longshoremen should join the M.W.I.U.

"Bridges' admittedly friendly attitude toward the M.W.I.U. was demonstrated also by his subsequent actions. Following the termination of the strike the seamen's union still was opposed to the M.W.I.U. It started to pursue a policy whereby it both refused admittance to seamen who had become members of the M. W. I. U. and also discriminated against those of its members who had joined the union. Because of the help given the longshoremen by the M.W.I.U. Bridges protested this policy and claimed to have been instrumental in getting the seamen's union to

accept members of the M.W.I.U., provided that they would then dissociate themselves from the M.W.I.U. This, according to Bridges, was responsible for bringing the eventual dissolution of the M.W.I.U."

Then this is a sub-head:

"IV. The International Labor Defense."

Mr. Goodwin: May it please your Honor, I don't want to interrupt unnecessarily, but I do not see the propriety of reading into this record the report of Mr. Landis at another hearing involving different issues under a different statute. [2630] It doesn't seem to be the time or the manner in which this may properly be—when such a point may properly be presented.

Presiding Inspector: Well, her motion, as I understand it, is that at this point on the basis of something like res judicata that I advise the Attorney General to quash or vacate the Warrant. I suppose that is her motion. Now, in order to show that this matter is res judicata she is offering it in evidence to establish that fact. I don't think it establishes it and I have already ruled to that effect, but I do think that she is entitled to have it in some way in the record so that she can argue this matter in——

Mr. Goodwin: (Interposing) Is reading from this document putting it into the record?

Presiding Inspector: Pardon?

Mr. Goodwin: Is reading from this document putting it in the record?

Presiding Inspector: I understood she offered this as a part of the evidence.

Mrs. King: That is correct.

Mr. Goodwin: I think that—I do not think that that is the way to prove it.

Presiding Inspector: Probably not, if objection is made.

Mr. Goodwin: Well, I should make the objection I do not think that—we would have the question then, if it is offered in evidence, then we may have an opportunity to have your Honor rule on that question, and I am suggesting this, [2631] your Honor: Is she—I would ask counsel, Has she any authority to present to the Court that the conclusions of an administrative officer appointed to pass on the question of present membership or other membership can come within the rule of res judicata? Res judicata is the solemn pronouncement of a Court, not the conclusions of an administrative officer, and unless she has some authority suggesting that the conclusions of an administrative officer in an informal hearing at this time have the binding force of a judgment the whole matter is in—it proves that it is entirely immaterial.

Mrs. King: May I——

Mr. Goodwin: (Interposing) I think that is a preliminary question.

Mrs. King: Judge Goodwin, when this case opened I submitted to his Honor Judge Sears, and I believe I served upon Mr. Del Guercio a memorandum dealing with this specific question, and in that memorandum I cited the following cases dealing with the fact that the decision of an administrative officer could be considered as res judicata. The case of Re. Borich——

Mr. Goodwin: (Interposing) Pardon me. May I have it? May I look at the document? What is it?

Mrs. King: It is my only copy in Court this morning.

Mr. Goodwin: I don't want it. I just wanted to know what [2632] the question of res judicata is.

Presiding Inspector: Why don't you offer the report?

Mr. Goodwin: I do not know.

Presiding Inspector: Why don't you offer the report in evidence?

Mrs. King: I would be glad to offer the full report in evidence, your Honor.

Mr. Del Guercio: I object to that upon the ground that it is immaterial.

Presiding Inspector: Offer it in evidence on the point of *res* judicata simply, not as proof of any fact therein contained. Is that the offer?

Mrs. King: I offer the whole thing on two grounds:

1. Res judicata, and

2. On the ground of double jeopardy, the charge at this time being the same as the earlier charge.

Presiding Inspector: I will receive the document, but I will hold in due season that there is no double jeopardy and that there is no judgment except that —there is no binding findings—I won't say "judgment"—on any point except possibly membership in an organization which favors the overthrow of the Government by force at the time that the earlier Warrant was issued, and even on that point I am also

going to hold that the doctrine of res judicata does not apply so far as my advice may be considered—may be concerned.

I will receive it. [2633]

Mr. Del Guercio: May the Court please, on both the grounds and first of all——

Presiding Inspector: I have ruled in your favor.

Mr. Del Guercio: I want to get in the record, and have counsel understand it, that in the first place Judge Landis had no authority, either under the law or under the rules to render either an opinion or a decision; that the decision in cases of this kind is made, and was made at that time, by the Board of Review and by the Secretary of Labor; and that the decision in this case will likewise be made either by the Board of Immigration Appeals and by the Attorney General. So that the grounds upon which counsel offers this, of course, falls of its own weight.

Presiding Inspector: Perhaps she will continue by offering the affirmatory decision of the proper official.

As I understand it, and you will correct me if I am wrong, there was no review of Dean Landis' recommendation?

Mrs. King: That is correct. There was not, as I understand it, a review by the Board of Review. It is my understanding that when these findings of fact and conclusions of law were presented they were presented directly to the Secretary of Labor. I may be mistaken about that, but I know that it

is one of the few occasions where there was no opportunity to be heard before the Board of Review. No notice of any such hearing was given to the attorneys for the Alien. [2634]

When Dean Landis' report was filed he sent along with it a letter of transmittal, which is dated December 28, 1939. The decision in this case of the Secretary of Labor was January 6, 1940, and it seems unlikely that there was any determination by an intermediate body between the transmittal of the findings of fact and the conclusions of law and——

Presiding Inspector: I didn't get the date.

Mrs. King: The letter of transmittal is dated December 28, 1939. The decision of the Secretary of Labor was—I was wrong the last time. I said January 6th. I should have said January 8.

On January 8 the Secretary of Labor, Frances Perkins, cancelled the warrant of arrest upon the basis of the findings and conclusions in the Trial Examiner's report.

Mr. Del Guercio: I challenge that statement, if your Honor please. There is nothing to indicate that.

Presiding Inspector: She hasn't got that far.

I will receive the report in evidence, but rule against the conclusions you seek to draw from it. I will receive it so that the whole thing may be before future official bodies having to do with this proceeding.

(The report referred to was received in evidence and marked Alien's Exhibit No. 12.)

Mrs. King: May I call attention specifically to the formal charges in the first deportation proceedings, which [2635-36] are referred to on pages 1 and 2 of the Landis report.

Presiding Inspector: Yes. But I think you ought to refer to the case which we have heard so much about in the Supreme Court of the United States confining decisions in such cases to the time when the warrant was issued.

Mrs. King: That decision is cited in that portion of Dean Landis' opinion, with a brief discussion of its implications.

Presiding Inspector: And then despite that you contend that he decided, which was excluded from the power of decision by the authority of the Supreme Court decision.

Mrs. King: I contend that he decided that in 1938, and immediately prior thereto, Harry Bridges was not a member of the Communist Party; that there has been not a scintilla of evidence introduced in this hearing with reference to the connections of Harry Bridges at a period subsequent to 1938, nor at a period prior to 1932, which was as far back as Dean Landis went. In other words, that the period of time covered by the evidence in this case is, as I have said before, identical with the period of time covered in the Landis Report; and that although he was determining present membership, that the present membership situation in the 1939 proceedings was identical with the past membership situation in the present proceeding. In other words, what is now past was then present.

So that the period of time is identical and [2637] the situation is identical.

All that has happened is that one or two further witnesses have appeared for the same period of time.

I contend that in the memorandum dealing with res judicata, which I have submitted to your Honor, efforts were made in certain cases to reopen, because of new evidence, and the courts held, on habeas corpus, that the matter having been determined that was settled, and that the aliens—in those cases Chinese aliens,—were entitled to the benefit of the rule and could not be properly retried.

I am contending for the proposition that at this time Mr. Bridges cannot properly be retried, or we will have no end to litigation, and that there is really nothing new in this situation, and that the talk of a new statute is a mere smoke screen behind which the Government has introduced evidence, all of which could have been introduced at the prior hearing, and which is now introduced simply in what we consider an effort by the FBI to get Mr. Bridges, and not in a real effort to investigate a situation which was thoroughly and completely investigated in 1939.

If I may, I would like to go on and point out——

Mr. Goodwin: (Interposing) May I ask a question at this time?

Presiding Inspector: Certainly. The question is directed to Mrs. King?[2638]

Mr. Goodwin: I am directing it to your Honor. Have I interrupted discourteously?

Presiding Inspector: Not at all.

Mr. Goodwin: I am asking if your Honor hasn't ruled that the question is not for you and, if it is not for you, should we not proceed with the hearing?

Presiding Inspector: The question is not for me, but, at the same time, I have received this in evidence so that she may go as far as she can to make this point. She has done that. She is simply emphasizing it, as both counsel have done heretofore, by reading pertinent parts. I think I will let her go on.

Mr. Goodwin: If we are to have arguments they should be more or less formal arguments, but still the question is not for you.

She has already introduced this in evidence.

Presiding Inspector: True, but you will remember that at numerous times documents were received in evidence, for instance, when Mr. Gitlow was testifying, and then counsel read for the convenience, I suppose, of the Presiding Inspector the pertinent parts of it.

Now, in the same way, Mrs. King has introduced a document which has been received for a certain limited purpose. Now she is calling attention by reading certain pertinent parts of it. I think the situation is almost identical and if it is [2639] criticized now it ought to have been criticized before.

Mr. Del Guercio: We have had no opportunity to cross examine the person who has introduced that

document. There hasn't been anybody on the witness stand to introduce any document through.

Presiding Inspector: You don't question Dean Landis' report?

Mr. Del Guercio: I question it as far as the effect of such a report is concerned.

Presiding Inspector: I have ruled with you on that, but I am going to let her make her record so she can have it properly reviewed.

Go on.

Mr. Goodwin: Then it is understood that our silence—we do not care to enter into the argument—does not indicate our acquiescence in the validity of anything said?

Presiding Inspector: Absolutely not.

Mr. Goodwin: We don't wish to enter ~~into~~ the argument.

Mrs. King: I want to read the conclusion of this report, which says:

"The evidence therefore establishes neither that Harry R. Bridges is a member of nor affiliated with the Communist Party of the United States of America."

That appears on page 134.

Presiding Inspector: That would seem to be in legal [2640] terms a decision of non-suit. That wouldn't be res judicata even.

Mrs. King: Well, in these immigration cases——

Presiding Inspector: It doesn't say that he is not a member. It says, doesn't it, "is a member"?

Mrs. King: Yes.

Presiding Inspector: That wouldn't even be res judicata.

Mrs. King: It seems to me that that, followed by the cancellation of the warrant of arrest, establishes that, in the opinion of the Department of Labor, there was no case against Harry Bridges.

Presiding Inspector: It establishes at least, without answering your suggestion directly, it establishes at least that the Department of Labor did not care to prosecute the matter further.

Mrs. King: That is correct.

It is my contention that where a situation like that is presented that the Department of Justice has no right to reopen a case of that kind, where the period of time covered by the evidence is identical with the period of time covered by the evidence at the last hearing.

Now, to make that clear I would like to read what the formal charges were against Bridges, which appear on pages 1 and 2:

"On March 2, 1938, a warrant was issued by the assistant [2641] to the Secretary of Labor for the arrest of Harry Renton Bridges, an alien. This warrant recited that it appeared that Bridges was subject to deportation pursuant to the provisions of section 2 of the Act of October 16, 1918, as amended by the act of June 5, 1920, 8 U. S. C. section 137, ordered that Bridges should be taken into custody and that a hearing should be granted him enabling him to show cause why he should not be deported in conformity with law.[1]"

Then there is footnote 1:

"This warrant was served on Bridges in Baltimore on March 5, 1938. Pending further proceedings Bridges was released from custody upon his own recognizance."

Now back on the text:

"See 8 U. S. C. section 155.

"The specific charges made in the warrant against Bridges were four in number:

"(1) That, after he entered the United States, he became a member of an organization that advises, advocates, and[2]"—then there is a footnote reading:

"The warrant reads 'and'; the statute reads 'or.'"

"* * * teaches the overthrow by force and[3]"—

Footnote 3:

"The warrant again reads 'and;' the statute reads 'or.'"

"* * * violence of the Government of the United States;

"(2) That, after he entered the United States, he became affiliated with such an organization;

[2642]

"(3) That, after he entered the United States, he became a member of an organization that causes to be written, circulated, distributed, printed, published, and[4]"——

A similar footnote:

"The warrant again reads 'and;' the statute reads 'or.'"

"* * * displayed printed matter advising, advocating, and[5]"——

A similar footnote again:

"* * * teaching the overthrow by force and[6]"—

With a similar footnote.

"* * * violence of the Government of the United States;

"(4) That, after he entered the United States, he became affiliated with such an organization.

"On June 12, 1939, following the decision of the Supreme Court of the United States in Kessler v. Strecker, 307 U. S. 22, the warrant was amended[7]"——

Footnote 7:

"The amended warrant was served on Bridges in San Francisco on June 12, 1939."

"The only change made in the specifications of the grounds upon which the warrant was issued was that all four charges in the amended warrant were framed to state that Bridges both was and is a member of or affiliated with the organization described.

"Preliminary to the hearing counsel for Bridges filed a [2643] request for a bill of particulars, asking, among other things, for the name of the organization referred to in the warrant the date when and the place where Bridges was alleged to have become a member, the written documents, if any, tending to prove that membership, and numerous other particulars. The Government opposed the granting of this request save as to the name of the organization referred to in the warrant, which was stated to be the Communist Party of the United States of America. The Government's contentions

in this respect were upheld on June 27, 1939, by the examiner in a written opinion which is attached hereto as appendix I."

I am now reading from page 5 of the Landis Report, subdivision 3. "The issues and the nature of the defense."

"A. Alienage of Bridges.

"No question is made as to the alienage of Bridges. A native Australian, he entered the United States in April 12, 1920, at San Francisco. He filed first papers for naturalization in 1921. Application was made for final papers in 1928 but the application was deemed too late upon the ground that the 7-year period for filing had elapsed. He filed first papers again in 1928, but these were again permitted to lapse. He filed first papers for the third time in 1936. His application for naturalization is thus still pending.

"B. Issues in This Deportation Proceeding.

"The deportability of Bridges hinges upon the proof as to whether (1) he is (a) a member of or (b) 'affiliated with' [2644] the Communist Party of the United States of America, and (2) whether, if a member or so affiliated, that party (a) believes in, advises, advocates, or teaches the overthrow by force or violence of the Government of the United States' or (b) 'causes to be written, circulated, distributed, printed, published, or displayed written or printed matter advertising, advocating or teaching the overthrow by force or violence of the Government of the United States.'[16]"

Then footnote 16 reads as follows:

"Misunderstanding of the statutory basis upon which the deportation of the so-called alien radicals rests seems peculiarly rife. Harper L. Knowles, who was respectively a member for some 4 years of the Special Americanism Committee, the Subversive Activities Commission, and the Radical Research Committee, committees created by the California American Legion, as well as being chairman of two of them, though concerned constantly and actively with the deportation of alien radicals, testified that he thought they could be deported upon the mere ground that they were 'undesirable.'"

"Both issues involve findings of fact upon which,"—

Presiding Inspector: Testified in this proceeding?

Mrs. King: Yes; in that proceeding.

"Both issues involve findings of fact upon which, if there is any evidence to sustain the findings, the determination of the Secretary of Labor is by law made final." [2645]

Citing United States ex rel. Vajtauer v. Commissioner of Immigration, 273 U. S. 103, and two other cases, as well as the Code Section 8 U. S. C. Section 155.

"That the finding with reference to the question of Bridges' membership or affiliation with the Communist Party is a finding of fact is obvious. Also it is a question of fact whether the Communist Party of the United States as of a particular time falls within the statutory ban of advising, ad-

vocating, or teaching the overthrow by force and violence of the Government of the United States is also a question of fact."

Right after the words "particular time" there is a citation to the Kessler decision and also to another decision.

"That many decisions of a Federal Courts[18]"—at this point there is a footnote reference—"have sustained previous findings of the Department of Labor that the Communist Party of the United States of America is within that ban, though persuasive, especially when based upon essentially similar evidence, is not conclusive of the question at the present time."

Citing the Strecker case and Ungar v. Seaman, 4 F. (2d) 80.

"Not only is there the possibility that the characteristics and objectives of the Communist Party of the United States of America have changed, but it is possible, in the light of changing economic and political conditions, to view the type of radical advocacy indulged in by that party as now so indefinitely related to force and violence as to cast doubt upon its appro- [2646] priate inclusion within the ban of the statute. See Antolish v. Paul, 283 Fed. 957, 959. Constant re-examination of the theses and aims of such radical organizations is thus under the statute the responsibility of the Secretary of Labor.[19]"

There is a footnote which says:

"Thus in 1934 the Department of Labor, despite the fact that its prior conclusion to the effect that

membership in the Trade Union Unity League was a ground for deportation, had been upheld by the courts (see cases in note 18), upon the advice of its then Solicitor, Charles E. Wyzanski, Jr., changed its policy and directed that thereafter no warrant for the deportation of any alien should be issued solely upon the ground of such alien's membership in the Trade Union Unity League and other specified left-wing labor organizations. See United States ex rel. Boric v. Marshall, 290 U. S. 709."

Then we come to "C", Nature of the Defense.

"The alien's response to the charges against him was a complete and unequivocal denial. Not only did he deny that he was a member of the Communist Party, but he also denied that he had ever been a member of that party."

Mr. Goodwin: In order to give learned counsel an opportunity to check up whatever she was checking up, may I suggest that this does not come within the rule that your Honor suggested because what Mrs. King is doing, what learned counsel is doing, is not to call your Honor's attention to various excerpts [2647] from the report of Mr. Landis, but to read it. I think that is entirely unnecessary. If there are certain specific things she wants to call to your attention why I should think that would be within your Honor's ruling; but this in evidence now. She may comment on this in her brief or at any time. I do not see how it serves any useful purpose to read it all again.

Presiding Inspector: I question whether it does. Are you going to read the whole report?

Mrs. King: Not the whole report. Perhaps if you will call the morning recess now maybe we can reach some agreement during the recess about how much should be read.

Presiding Inspector: We will take a short recess.

(Whereupon a short recess was taken.)

Presiding Inspector: Mrs. King, have you made arrangements.

Mrs. King: (Interposing) I have decided we can cut down some, but if your Honor will hear us we do feel that some parts of this belong in the record. I will from now on incorporate certain things by reference, when possible, rather than read them in full, but I should like——

Presiding Inspector: Of course, Mrs. King, your claim is potentially one of res judicata. You have got the document in. I am not going to be impressed by it because I have already ruled I am merely allowing this for the purpose of giving you a complete record. Understand that?

Mrs. King: Yes. If your Honor feels that this reading [2648] is unnecessary——

Presiding Inspector: I really do think it is unnecessary, Mrs. King.

Mrs. King: I would like then merely to refer specifically, if I may, by pages to various portions, without reading them in.

Presiding Inspector: All right. Do that.

Mrs. King: Now, before this recess I was reading from page 7 under the heading "C. Nature of the Defense," and I read the first paragraph.

I should like to incorporate the second paragraph, which ends at the foot of page 7.

I would like to incorporate all of "III. Meaning of Affiliation," beginning on page 10 and running along through page 11, dealing with the meaning of the affiliation.

And beginning on page 122, arabic 13, headed "Harry R. Bridges," and I would like to incorporate everything after that on page 122, all of page 123, 124, 125, 126, 127, 128, 129, all the way through page 131, which ends that chapter or subdivision of the report.

Also I would like to incorporate Roman numeral V, beginning on page 132, and dealing with "Conclusions on Remaining Matters," through page 134, which is the end of the report as such.

I should also like to state that in reading, obviously, small errors in punctuation were made and I would like to arrange [2649] to have the reporter copy from the original report and compare it.

Presiding Inspector: He doubtless will do that. There will be no trouble about it anyway.

These cases do not go on dotted i's or the absence of dots.

Mrs. King: Now, if your Honor please, I would like to go on with the legal discussion, but on an entirely new matter.

Mr. Del Guercio: If this is a new matter may I interrupt, if your Honor please?

Inasmuch as reference has been made to the Marine Workers Industrial Union, quoted in argument by counsel from the Landis report, I think, in

all fairness, that the following matter should go into the record too; and that is the occurrence, or certain statements that were made by counsel in chambers regarding the manner in which the Solicitor, Department of Labor, reached its decision. If I remember correctly it was to the effect that it had been represented to the Solicitor, and to others, by certain persons, that the Marine Workers Industrial Union had disassociated itself, or to use the words of counsel, disaffiliated itself from the Red International of Labor Unions.

There is evidence in this record to the effect that the Marine Workers Industrial Union never did disassociate itself from the Red International of Labor Unions. There is no evidence here to controvert that.

Presiding Inspector: I think that is a subject we are [2650] going to have testimony on. I don't know.

Mrs. King: If your Honor please, the attorneys for Mr. Bridges still regard this disassociation as something which was, as we said in chambers, and which I would not have brought up if Mr. Del Guercio had not brought it up, was testified to, or brought up at least by Mr. Honig, in the testimony in the Chatham Shoe Case. We have been unable to secure that testimony. We have located, not a letter to the American Civil Liberties Union, but a letter to another organization, which we are producing when we get it down from the office, or producing at least an excerpt which we have, to the effect that the decision of the Department of Labor was reached

at least in part as a result of representations made by Mr. Honig, who, as your Honor knows, was the witness who at this proceeding testified to the fact that there was no such disaffiliation. Whether we can secure, from either the Department of Labor, which was then in charge of Immigration, or from the Department of Justice which is now in charge of Immigration, anything which will substantiate this letter which was written by the Department of Justice, and in which it was clearly stated that their conclusion was reached in part on the representation of Mr. Honig, I don't know. But I do feel, in view of what Mr. Del Guercio said, that we should be permitted to introduce into this record the opinion of Mr. Wyzanski with reference to the TUUL and its subordinate organizations, and the decision of Commissioner [2651] McCormick, because that ties right up with the matter which I intend to bring up in addition, which is the fact that the attorneys for Mr. Bridges contend that he is being denied equal protection of the law in that now since 1934 no one has been ordered deported for membership either in the TUUL or certain groups of subordinate organizations, and in the course of this proceeding, apparently there is a suggestion that there should be a rule of law changes. This is not only true with reference to the TUUL and its subordinate organizations, or the Marine Workers Industrial Union, which has been referred to in this hearing as the MWIU, but it is also true with reference to the Industrial Workers of the World.

That matter was up for consideration by the Department of Labor back in 1920 and it is my understanding that there has never been a deportation for, exclusively for membership in the IWW; and at the same time the Department of Justice at this time is seeking to deport Mr. Bridges for membership in an organization in which thousands of workers have been members, and have been members without being interfered with by the Department of Labor.

And you have the fact that in Fiske v. Kansas, the United States Supreme Court held that as far as the constitution of that organization was concerned there was nothing in it which warranted holding that the organization advocated the overthrow of the Government by force and violence.

[2652]

Now; there have been certain exhibits which were introduced at this hearing, which exhibits, in our opinion, were never properly identified and never properly introduced, but that is a matter for later consideration.

But we do feel that to have Mr. Bridges deported for membership in organizations such as the MWIU, or affiliation with such an organization, where you have testimony of the Government's own witnesses that there were 10,000 members of that organization, and since Wyzanski's opinion in 1934 there has been no effort to deport any single individual, and for an effort to deport him for membership in the IWW, where you have had, I don't know how many thousands of members, and no

effort made to deport any of them, it seems as though it is clear that the Government is discriminating against Bridges; that he is not being treated like any other alien, and there is no reason to close our eyes to that fact and to assume because the forms of a deportation proceeding are being observed that the substance is being observed.

In the last proceeding we did ask what organization Mr. Bridges was charged with either having been a member of, or affiliated with, and perhaps wrongly, we assumed that when this deportation proceeding was instituted at least they were the same organizations; and we further assumed, in view of the charge, and in view of the fact that the Government, in handling this case for months and had a great number of people working [2653] on it, that it would not be necessary, in the middle of this hearing, to substitute, or rather to add a new charge. We feel that we are well within our rights in calling to your Honor's attention the fact that Harry Bridges is being denied equal protection of the law; that he is being discriminated against in this proceeding and is being treated differently than other aliens in the United States.

We believe that this is a deliberate policy and one which your Honor should not lend himself to.

Mr. Goodwin: I was waiting for counsel to pause for her breath, but she didn't.

Now, there is one thing that I want to interrupt to call your Honor's attention to.

The question of whether these organizations come within the statute is obviously a question of fact

and has been so ruled upon. It has been held that because the courts have held in former cases that an organization came within the classification of the statute was not binding on some other court when the case arose. That is, the Government can't go in and seek and obtain the deportation of someone on the ground that he has been a member of the TUUL purely on that ground without showing that the TUUL is one of those subversive organizations.

In exactly the same way, because they have held in some other case that the evidence before the Court did not justify [2654] the Court in holding that the TUUL was such a subversive organization, does not prevent the Government from showing that now.

So far as discrimination is concerned, you cannot repeal a statute, you cannot nullify a statute, by failing to bring action on account of membership in a subversive organization if it subsequently transpires that it is a subversive organization and that anybody who belongs to it is subject to deportation. Mere failure to find the evidence, to produce the evidence over a term of years does not—what shall I say?—does not give immunity to anybody who belongs to that particular organization if the evidence is finally and properly presented.

We have a situation here where formerly it was only necessary to show that membership in these organizations made the member subject to deporta-

tion. Then we had a ruling that the evidence was not sufficient in certain cases for that purpose.

Now, we have that same question. It is no more proper to say that because of that one ruling, or a certain ruling, that the evidence there did not show it, therefore, the court ought to hold that it is not a subversive organization. It would be just as logical for us to go back to the former rulings and say, "Your Honor, in such and such cases it was held that membership in the TUUL, or in the Marine Workers, was sufficient," and ask your Honor to rule on that.

What we are actually asking is that your Honor examine the evidence and determine now whether membership in those [2655] organizations constitutes reason for deportation. That is a question open to you which cannot be precluded by any departmental ruling or any ruling even of a court on other evidence in another case.

That is all, your Honor.

Presiding Inspector: Your motion is that I find and advise the Attorney General that this proceeding is a denial to Mr. Bridges of equal protection of the law?

Mrs. King: Yes

Presiding Inspector: I will deny that motion.

[2656]

Mrs. King: In that connection, although I am sorry to suggest that I should do some more loud reading, I would like to suggest that the opinion of Mr. Wyzanski and the ruling of the Department of Labor with reference to the TUUL, which is not

a public record, and which, as far as I know, is not available generally, should be put into this record. And I, therefore,——

Presiding Inspector (Interposing): Now, let me see. This was an advisory opinion of Counsel Wyzanski to the Commissioner of Immigration and Department of Labor, is that it?

Mrs. King: Yes.

Presiding Inspector: What did he have before him? What appears? Did he have any particular case?

Mrs. King: Yes. I believe, if your Honor please, although I am not sure, that this was rendered in connection with the Borich case but that the Commissioner at the conclusion of this Solicitor's opinion makes a general ruling in which he orders that all cases against Aliens who are members of certain specified organizations, which organizations are not exclusively the organization involved in the Borich case, should be discontinued and as a result of that such membership was from then on until now, as far as I know, and I am reasonably sure that I am speaking accurately, there [2657] has been no effort to deport for membership in any of these organizations, all of which—no, not "all of which", but many of which including the M.W.I.U., the Marine Workers' Industrial Union, went out of existence in 1935. There were some of the organizations referred to in Commissioner McCormick's ruling.——

Presiding Inspector (Interposing): I will allow you to have the Exhibit marked for identifi-

cation, that is, the Wyzanski opinion and the opinion or direction or departmental ruling of Commissioner McCormick so that there may be no question of what you refer to.

Mr. Del Guercio: I haven't seen it.

Presiding Inspector: They are going to present it. But I am going to rule then that they are incompetent and immaterial in this proceeding and, assuming all the facts which you have stated to be true, I will deny your motion that there has been legal infringement of the provision of the Constitution in respect to guaranteeing to all equal protection of the laws.

Now, that will cover it very broadly so that you will have the opportunity to raise the question elsewhere if you deem it proper.

Mrs. King: If your Honor please, I am in this position: That the only copy of the Wyzanski opinion and Commissioner McCormick's ruling as a result of that opinion I have informally [2658] annexed to a brief, and I am wondering for that reason whether I can at least read Commissioner McCormick's ruling and later to-day, perhaps, furnish the Wyzanski opinion or perhaps read that, too, into the record.

I do not have, in other words, a copy which I can easily furnish to the reporter for identification.

Mr. Del Guercio: If the Court please, I don't believe that that would be proper. We have no way of knowing whether that is correct or not, but I

believe that a reference to it is sufficient for this purpose, that it is a departmental matter.

Presiding Inspector: I rather think a reference to it is sufficient. Can't you have yours marked for identification?

Mrs. King: With reference to the problem of a reference to it being sufficient, your Honor, it is my understanding that these opinions and rulings are not readily available. Now, I don't even know if it came over from the Department of Labor to the Department of Justice and I have a feeling that, if this was only marked for identification and did not become a part of the record, we might find that at some later date is was not available in Washington because the Department of Labor has never published the opinions in cases and they are very difficult to secure. As a matter of fact,—

Presiding Inspector (Interposing): Well, all that I want [2659] to assure you is that on any review this matter shall be fully open to you to argue, and I think that this opinion is so clearly incompetent as a binding piece of evidence that it should not be received. However, in order that you may have the point, I think that you might have it marked for identification. My ruling is going to be broad enough, and I will handle that directly on the record, that I am ruling on the assumption that you could connect this up and show it to be the document which you in fact claim that it is. I don't want you to be caught in any technical omission here or error of any kind because that is not the basis of my ruling at all, that you haven't authenticated it.

Mrs. King: Thank you, your Honor.

Presiding Inspector: I don't take your view as a matter of law, and this is a matter of law which you are bringing up and not a matter of fact.

Mrs. King: Yes. If your Honor please, I would like specifically to offer in evidence the ruling of the Commissioner of Immigration and Naturalization, Samuel W. McCormick, with reference to this problem and I would like to read at least so much——

Mr. Goodwin (Interposing): May I see what you propose to offer in evidence?

(The proffered document was passed to Judge Goodwin.)

Presiding Inspector: Off the record. [2660]

(Remarks outside the record.)

Presiding Inspector: On the record.

Mr. Del Guercio: What counsel has apparently shown me is a brief written by I don't know whom, in the matter of Renton Bridges, in which it is purported to quote from a letter of Samuel W. McCormick, Commissioner of Immigration and Naturalization. It is undated. Now, I don't say, mind you, that this is an incorrect quotation from the letter, but this isn't the letter itself; it isn't a copy of it. It just purports to be copied from a letter.

Now, I think that my suggestion, the suggestion that was made heretofore, should be followed and that is that a reference to the letter—it is available in the department. I believe I have a copy of it myself somewhere, and I believe that that should

suffice rather than to have this admitted in evidence. It is nothing at all.

Presiding Inspector: If you have anything else I think you should produce it.

Mrs. King: I have nothing else, your Honor, with reference specifically to this opinion. Now, you have the situation here that this opinion, and I think I am right in saying that it is not a letter but it is a decision based upon the opinion of Wyzanski, the opinion of Mr. Wyzanski was in the form of a letter dated January 3, 1934 to the Commissioner [2661] of Immigration and Naturalization and at the close of that letter there is a ruling, as I see it, of the Commissioner with reference to this matter.

These are all within the control, I assume, of the Immigration Service which Mr. Del Guercio represents. This is all that we have ever gotten. We got these on request from the then Solicitor of Labor, as I recall it. I wrote a letter to the Immigration Service asking for a copy of the opinion in the Borich case, and this was forwarded to me and copies were made for the brief. I do not have anything which further authenticates the [illegible]er, but I assume that Mr. Del Guercio has everything on this point. I also assume that——

Mr. Goodwin (Interposing): Are you offering this in evidence, Mrs. King?

Mrs. King: I would like to read it into the record, yes.

Mr. Goodwin: Are you offering it in evidence?

Mrs. King: Yes.

Mr. Goodwin: May we see it?

Mrs. King: It is exactly the thing you did see a moment ago.

Mr. Goodwin: I understand.

Mr. Del Guercio: I object to it upon the ground that the document hasn't been properly identified and it isn't a document at all, it is a brief. What counsel is reading from [2662] is a brief.

Presiding Inspector: Mr. Del Guercio, I am going to exclude this, but I think that we will take a very long time unless we have it understood that this may be marked. If I exclude it under a technical objection here we won't get along at all.

Mr. Del Guercio: I don't know, if the Court please, whether it is correct or not. I have no way of checking it here now. If I had the document I would offer it.

Presiding Inspector: I am going to reject it, don't you understand? I am not going to receive it. I am going to relieve her, if I can, from the necessity of trying to show the correctness of it because, assuming it is correct, I am with you. I am with you, Mr. Del Guercio, and I am going to reject it. Now, are you going to want me to rule on a technical point?

Mr. Del Guercio: Yes. I think that would be proper.

Presiding Inspector: Well, I will overrule the technical objection, but I will reject it on the main ground, as already stated, that it is not competent here, and even if it were introduced in evi-

dence it would not establish that there had been any denial of the protection of the law.

Mrs. King: If your Honor please, I ask leave to have copies struck off of this opinion of Mr. Wyžanski and what I conceive to be the decision of Colonel McCormick, so that I [2663] may have them marked for identification.

Presiding Inspector: Yes, you may do that.

Mrs. King: Which will be brought into Court as soon as that can be done.

Presiding Inspector: All right.

Mrs. King: I should also like to request, and I think I am within my rights in requesting, from Mr. Del Guercio, who has control of this, a copy of any regulations or rules that were forwarded to the local stations as a result of this decision of Colonel McCormick. It is my understanding that immediately after that decision was rendered the local Immigration Officials were instructed in accordance with that decision that arrests of Aliens who were members of certain organizations were to be cancelled, the proceedings were to be discontinued.

Now, I do not have access to those regulations and I assume that Mr. Del Guercio does have access, and I ask that I be furnished those regulations and any rules and instructions that were issued as a result of this decision so that I can establish for the purposes of the record, as your Honor has permitted me at this point to have this opinion and this order marked for identification, to show what

the procedure of the Immigration Service was with reference to persons who were members of these organizations.

I would also like to make a demand or a request upon Mr. [2664] Del Guercio and the Immigration Service for any rules and regulations with reference to persons who were members of the I. W. W. I believe that such regulations were promulgated. I am not quite sure, but that is well within their control, and it seems to me that the Government of the United States should not lend itself to keeping from counsel documents which are relevant simply because they have control of them. And so I ask that any documents that were promulgated by the Immigration and Naturalization Service with reference to persons who were members of the Marine Workers Industrial Union or the Trade Union Unity League or any documents relating to persons who were members of the I. W. W., that is, instructions to local Immigration Officials, be furnished to the attorneys for Mr. Bridges so that we may more adequately present the question of law as to whether Mr. Bridges is or is not being discriminated against in these proceedings and can show what the usual and general procedure of the Immigration Service is with reference to membership in the organizations specified.

Presiding Inspector: Well, if Mr. Del Guercio wishes to produce anything of that kind it is his privilege. I shan't instruct him one way or the other. This is a subject for the Department of Justice.

Mr. Del Guercio: If the Court please,——

Presiding Inspector (Interposing): Do you want to say [2665] anything?

Mr. Del Guercio: There is no rule or regulation on the question that Mrs. King is talking about. The rules and regulations are printed by the Government printing office and are available to counsel as well as to us.

Mrs. King: If your Honor please, I am not referring to the printed immigration laws and rules or to the recent mimeographed rules that your Honor has seen, but to the intra-departmental instructions which were issued in 1934 to take care of this situation. And I should also like to add to my request a request for the disposition of then pending cases of persons who were members of this organization. In other words, there were instructions sent out from Washington in individual cases referring to the opinion of Mr. Wyzanski or the decison of Colonel McCormick and suggesting that warrants of deportation be cancelled in view of that opinion and that decision. And I ask that Mr. Del Guercio be requested to furnish those to the attorneys for Mr. Bridges so that we may have adequately before your Honor the suggestion that was presented and the fact that in all cases involving membership in the Marine Workers Industrial Union and the Trade Union Unity League such warrants of arrest, if issued, were cancelled and such proceedings were not instituted in cases where investigation had been initiated but warrants had not as [2666] yet come forth.

Mr. Del Guercio: I believe that should be addressed to Mr. Lemual Schofield and Mr. Schofield has already given his reply. Mr. Schofield is the departmental official in charge of the Immigration and Naturalization Service. I am not.

Mr. Grossman: Your Honor, we have made a motion upon which is based a claim that certain constitutional rights of Mr. Bridges have been denied. We are now, of course, in the process of producing or attempting to produce evidentiary material supporting those constitutional rights. We have made a request in the form we have made it, not because of necessity it must be made that way, but because it is the most courteous way to begin. We insist, however, on having definite rulings or statements, if we can obtain them, for the purpose of determining our future conduct because we intend to in one manner or another produce evidence showing the thing that Mrs. King has referred to in her argument; that is, evidence of the policy and rulings of the Department of Labor, and her argument was based on the premise that we would produce and we will produce such evidence.

Now, we consider that the most courteous way to raise the question and the simplest way is by requesting your Honor to obtain or to ask Mr. Del Guercio to offer the items of evidence that we have referred to. We would, therefore, like, in order [2667] to know how to go ahead since we contemplate using the subpoenas, if we cannot obtain it any other way,—we here at this time request that

your Honor rule whether you will make such request to Mr. Del Guercio or yourself obtain them in some manner. And, second, we would like to have, if we can have, a statement of Mr. Del Guercio whether he will comply because, assuming that we cannot obtain this evidence in either of these two ways, we intend to prepare an application for a subpoena, which will certainly be unnecessary if either of these are complied with.

Presiding Inspector: Why don't you make an offer of proof and I will rule on the offer of proof?

Mr. Grossman: Your Honor, we don't like to make an offer of proof for this reason: We don't know exactly in detail what these records show, and if the subpoena is not granted or it is not honored: if, for any reason, therefore, we can't get the subpoena, then we will make the offer of proof. But since we do not know all the facts in such accurate form as is necessary to properly present such a constitutional question as this, we intend not to make it. Therefore, we would like to have a ruling as to whether it is necessary, in other words, by yourself, whether you will make such a request or order. Then, if we can have it from Mr. Del Guercio.——

Presiding Inspector (Interposing): No, I won't make such [2668] a request. If your application for a subpoena is along the lines which you have suggested I shall hold, first, that I have no power to subpoena anyone in the Department of Justice: and, second, that I deem the evidence which you have outlined in a general way immaterial anyway.

Mr. Grossman: Well, as I say,——

Presiding Inspector (Interposing): I think perhaps you should present such a request to me so as to have it clearly within the record.

Mr. Grossman: Then I will assume that it will be necessary, unless Mr. Del Guercio will state that he will produce or will have produced such evidence as we are concerned with—if so, that will be unnecessary, of course, so as to apply for a subpoena.

Presiding Inspector: He said that he shouldn't feel that he should answer that until he should have an opportunity to talk with Mr. Schofield.

Mr. Grossman: I think he said a little more.

Presiding Inspector: That is the basis of it.

Mr. Del Guercio: I said that Mr. Schofield is in charge of the Immigration and Naturalization Service.

Presiding Inspector: You feel that the request should be directed to him?

Mr. Del Guercio: To him rather than to me. If I have [2669] the documents that they are speaking of I will be glad to make them available to counsel. I do not have them, and, as I understand it, the Court has ruled that they are irrelevant.

Presiding Inspector: I think that they are irrelevant.

Mr. Grossman: Well,——

Presiding Inspector: Because even if there had been such a ruling I do not see any pertinency in this particular case.

Mr. Grossman: It is your Honor's suggestion, then, that the best way to proceed is at this time

by application for a subpoena, which we would ultimately have to use if these are not furnished us without subpoena? So we will prepare an application for a subpoena specifying as well as we can the evidence that we desire.

Presiding Inspector: Yes, and I will rule on your application.

Mr. Grossman: Now, your Honor, we have miscalculated the time required for the arguments and, therefore, our witness is not available here. My suggestion is one of the two following procedures: Our witness is available in town and we can bring him here in about fifteen minutes.

There is a matter that we must discuss in chambers, the matter of our request for withdrawal of a certain Exhibit that we discussed last Friday, I think it was, or last Thursday, which we consider timely and would rather discuss as soon as [2670] possible, which we might take up at this time if your Honor is willing.

Presiding Inspector: Yes.

Mr. Grossman: If not, we are prepared to come back early in case you want to adjourn at this time. But we suggest the desirability of meeting in chambers now on this other matter.

Presiding Inspector: Very well. We will adjourn, then, until 2:00 o'clock.

(Whereupon at 12:15 o'clock P.M., a recess was taken until 2:00 o'clock P.M., of the same day.) [2670a]

After Recess

2:20 O'clock P.M.

Mr. Goodwin: May it please your Honor, there is a matter which, on inspection during this noon hour, has led me to conclude that there is something that I should say about it at the present time.

I have not had an opportunity to consult with my associates and colleagues on account of the long conference in chambers.

But the suggestion has been made that by including the N.W.I.U. and the T.U.U.L. and the I.W.W. there has been discrimination against the Alien.

Now, your Honor, I wish to say that I share full responsibility for the inclusion of those organizations in my opening statement and in this proceeding.

I call your Honor's attention to the fact that the evidence which prompted that inclusion in my statement, and in this proceeding, falls from the lips of the Alien himself.

Now, when the Attorney General was confronted with that evidence that he had been a member of the I.W.W., and associated with the M.W.I.U. and the T.U.U.L., there was, in my opinion, no course that he could pursue but to include them in this statement in this proceeding.

It is perfectly true, your Honor, that at the time the [2671] witness testified those circumstances were not grounds for deportation, but in 1940 in the Act of June 28, I believe it was, 1940, relating to Aliens,

requiring the registration of Aliens, it was provided that former membership in these organizations should be a ground for deportation. That was a matter for the discretion of Congress, with which the Executive Department had nothing to do. I say only this: That that change in the law was evidently obviously compelled by the present emergency, and when the Attorney General is confronted with a state of facts that brings an Alien within the class of deportable Aliens, he has no discrimination or choice in the matter.

That is all, your Honor.

Presiding Inspector: I have already ruled that, assuming all the facts that were stated by counsel, Mrs. King, I still was of the opinion that there was no discrimination and I adhere to that.

I say, I have taken this position and ruled that, assuming the facts that she has stated about the decision of the Department of Labor, assuming those facts to be true without proof, that there still was no discrimination within the meaning of the law, no denial of the equal protection of the law.

Mr. Goodwin: Thank you, your Honor.

Mr. Gladstein: Are you ready to proceed, your Honor?

Presiding Inspector: I think so. [2672]

Mr. Gladstein: Mr. Bernstein, will you please take the stand?

No. 10450

United States
Circuit Court of Appeals
For the Ninth Circuit.

HARRY BRIDGES,

Appellant,

vs.

I. F. WIXON, as District Director, Immigration and Naturalization Service, Department of Justice,

Appellee.

Transcript of Record

VOLUME VIII

Pages 3345 to 3809

Upon Appeal from the District Court of the United States for the Northern District of California, Northern Division.

DAVID BERNSTEIN

called as a witness on behalf of the Alien, being first duly sworn, testified as follows:

Direct Examination

By Mr. Gladstein:

Q. Mr. Bernstein, is your name spelled B-e-r-n-s-t-e-i-n? A. Right.

Q. And what is your first name?

A. David.

Q. Do you have a middle name? A. No.

Mr. Del Guercio: I didn't get the name.

Presiding Inspector: David Bernstein, B-e-r-n-s-t-e-i-n.

Mr. Gladstein: And the first name is David.

Presiding Inspector: David.

By Mr. Gladstein:

Q. Where do you reside, Mr. Bernstein?

A. 1631 Steele Avenue, Los Angeles.

Q. How is that Avenue spelled?

A. S-t-e-e-l-e.

Q. Are you a man of family?

A. I beg pardon?

Q. Are you a man of family? [2673]

A. I have a wife.

Q. And you reside with your wife at that address, do you? A. Yes, sir.

Q. That is in the City of Los Angeles?

A. It is in the County of Los Angeles.

Q. I beg your pardon?

A. It is outside the city limits. It is Los Angeles County.

(Testimony of David Bernstein.)

Q. Los Angeles County. How long have you been a resident of Los Angeles?

Presiding Inspector: Mr. Bernstein, speak a little louder so that they can hear you.

The Witness: Your Honor, I will do that.

By Mr. Gladstein:

Q. How long have you been a resident of Los Angeles County?

A. About thirteen and a half years.

Q. What is your occupation?

A. I am a cloak operator.

Q. Cloak operator? A. Righto.

Q. That is in the garment trade, is it?

A. Yes, sir. [2674]

Q. How long have you followed that trade?

A. Thirty-one years.

Q. In following your occupation have you been a member of any trade union? A. Yes, sir.

Q. What trade union or trade unions have you been a member of?

A. I have been a member of the I.L.G.W.U. since 1909 until about 1930.

Q. You say "I.L.G.W.U." Is it correct that those initials stand for International Ladies' Garment Workers' Union? A. Correct.

Q. Now, you say that you were a member of that organization during what period?

A. Since 1909; about the middle of 1909 until 1930.

Q. And then did you become a member of another trade union?

(Testimony of David Bernstein.)

A. Yes. Then I was a member for just a short while from the Industrial Union while our union broke up in Los Angeles.

Q. You say that your union was broken up in Los Angeles?

A. Yes; then for a while. It was during the depression, yes. [2675]

Q. Did you become a member of the I.L.G.W.U. again? A. Yes, sir.

Q. In what year? A. In August, 1933.

Q. Have you remained a member of that union since that time? A. Ever since.

Q. Do you know a man by the name of Thomas Laurence? A. Yes, I do.

Q. How long have you known him?

A. Since about 1932 or the beginning of 1933. I do not remember the exact date or month.

Q. In what connection did you first make his acquaintance? A. As an officer of the union.

Q. What office did he hold?

A. That is, I was holding office at that time when I first met Tommy Laurence. I was a member of the Executive Board of my local.

Q. You were a member of the Executive Board of your local? A. Of my local union.

Q. What was the name of that local?

A. Local 65.

Q. How many local unions of the I.L.G.W.U. were there in [2676] Los Angeles at that time?

A. At that time? I think it was three locals.

(Testimony of David Bernstein.)

Q. Did you hold any other office besides being a member of the Executive Board? Did you represent your local union to any central body?

A. Yes. For two years I was a member of the Central Labor Council in New York—I mean, Los Angeles.

Q. That is, the American Federation of Labor Central Labor Council? A. Righto.

Q. You were a delegate from your local union to the Council, is that right? A. Yes, sir.

Q. That council is and was at the time that you are speaking of a central body composed of delegates from various trade unions affiliated with the American Federation of Labor who had local unions in Los Angeles and vicinity?

A. Correct.

Mr. Del Guercio: I object to that, if your Honor please. Is the witness answering the question or is counsel answering?

Mr. Gladstein: It is not the heart of the matter and I thought it would save time. But if counsel objects, I——

Presiding Inspector: (Interposing) Yes, don't lead. Let the answer stand, but I say, Don't lead.

By Mr. Gladstein: [2677]

Q. I think you said at the time you first met Thomas Laurence you were a member of the Executive Board of your local union?

A. When I first met Tommy Laurence, if it was in 1932 at that time I was not a member of my local union yet, but if it was in '33 I was a

(Testimony of David Bernstein.)

member of my local union and also a member of the Executive Board.

Q. I see.

A. I was elected—while I was a member of my local union six months I was a member of the Executive Board.

Q. All right. And during that period it was when you first became acquainted with Laurence?

A. Correct.

Q. Now, what dealings, if any, did you have with Mr. Laurence from time to time?

Mr. Del Guercio: Just a moment! I object to that, if your Honor please. There is no foundation laid for the purpose in asking that question.

Presiding Inspector: It is pretty broad, I think.

Mr. Gladstein: I beg your pardon.

Presiding Inspector: It is pretty broad, I think. Bring it down to the subject matter of the case.

Mr. Gladstein: I wanted to establish the acquaintance of the witness.

Presiding Inspector: You have already established it. [2678]

Mr. Gladstein: Oh, all right. I just established when it first began, but I haven't established how it continued.

Presiding Inspector: I suppose it is presumed to continue. He seemed to know him well enough to call him by his first name, his nick name, "Tommy".

(Testimony of David Bernstein.)

By Mr. Gladstein:

Q. Is that the name by which he is generally known? A. Yes, Tommy Laurence.

Presiding Inspector: You haven't ceased to know him?

The Witness: No. I know him all the time.

[2679]

By Mr. Gladstein:

Q. Mr. Bernstein, do you know what sort of a reputation Mr. Thomas Laurence has among his fellow workmen in the industry covered by the ILGWU in Los Angeles for——

Mr. Del Guercio: (Interposing) I object to the question.

Mr. Gladstein: I haven't finished the question yet.

Presiding Inspector: Do not answer yet. Go ahead.

Mr. Gladstein: Will you repeat the question, Mr. Reporter, as far as I went?

(The incomplete question referred to was read by the reporter as above recorded.)

By Mr. Gladstein:

Q. (Continuing) ——for truth and honesty? That is the question.

Mr. Del Guercio: I object to the question, your Honor.

Presiding Inspector: For truth and veracity.

Mr. Gladtsein: I will change it to "truth and veracity."

(Testimony of David Bernstein.)

By Mr. Gladstein:

Q. Do you know what his reputation is for that?

The Witness: May I get a meaning of "veracity"?

Mr. Gladstein: Will you explain that, your Honor, inasmuch as you suggested it?

Presiding Inspector: Veracity means about the same thing as truthfulness.

By Mr. Gladstein: [2680]

Q. Do you know what his reputation is for truth and veracity?

Presiding Inspector: It means honorable truth.

A. Then I can answer that.

By Mr. Gladstein:

Q. Do you know what it is?

A. Yes. I——

Presiding Inspector: Nothing further. You do know it?

The Witness: I do.

Mr. Del Guercio: I object to it, further on the ground that it is not proper examination. Here we are trying to attack the witness, Thomas Laurence, and certainly it is not——

Presiding Inspector: You offered him as a witness. His veracity is subject to direct attack. That is what they call direct impeachment.

Mr. Gladstein: Correct.

Mr. Del Guercio: We may produce witnesses to show what his reputation for truth and veracity is.

(Testimony of David Bernstein.)

Presiding Inspector: To a limited number; and Mr. Gladstein is also limited to a limited number.

Mr. Gladstein: And also if he can find any.

Mr. Del Guercio: I object to that statement from counsel and ask that it be stricken.

Presiding Inspector: That wasn't proper. Go ahead.

Mr. Del Guercio: I didn't ask about him. I asked about [2681] the witness, Thomas Laurence.

Presiding Inspector: Go ahead.

By Mr. Gladstein:

Q. Now, Mr. Bernstein, you have already said that you do know what the reputation of Thomas Laurence is among his fellow workmen in Los Angeles in that industry. Will you please state what his reputation for truth and veracity is, whether it is good or bad?

A. It is bad. Now I can——

Presiding Inspector: Just a moment. Do not volunteer until you are asked further questions.

It is bad, he says.

By Mr. Gladstein:

Q. Based on that reputation, of which you just testified that you have knowledge, would you believe Thomas Laurence under oath?

A. I would not.

Mr. Del Guercio: I object to that.

Presiding Inspector: It is a proper question in the classical form.

Mr. Gladstein: In fact, ——

(Testimony of David Bernstein.)

Mr. Del Guercio: (Interposing) He hasn't been qualified as an expert on this subject.

Presiding Inspector: He doesn't have to be. If he knows his reputation from the mouths of people associated with him he [2682] may tell whether that reputation for truth and veracity is good or bad. Then he may follow that up by asking whether he believes him under oath. That is the classical set of questions.

Mr. Gladstein: As a matter of fact, the United States Supreme Court has suggested just that form.

By Mr. Gladstein:

Q. Now, Mr. ——

Presiding Inspector: He may have stated his answer. I did not hear it.

Mr. Gladstein: Will you read the answer, Mr. Reporter?

(The answer referred to was read by the reporter as above recorded.)

By Mr. Gladstein:

Q. Mr. Bernstein, have you had occasion from time to time to discuss Mr. Laurence's reputation with his fellowmen in Los Angeles?

A. I have.

Q. Will you tell us in general what those discussions with respect to his reputation for truth and honesty have been?

Mr. Myron: I object to that.

Presiding Inspector: Don't you think you ought to leave that to cross examination?

(Testimony of David Bernstein.)

Mr. Gladstein: I will leave it if they want to cross examine on it.

Presiding Inspector: You have the positive statement that [2683] he knows his reputation from the mouths of the people associated with him.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. Now, have you ever had occasion—withdraw that. First of all, are you acquainted with the defendant, Harry Bridges?

A. Not to talk to him. I saw Harry Bridges once or twice, to be correct.

Q. Will you state where and what the circumstances were when you saw him?

A. The first time I saw Harry Bridges was at the state Convention—some convention but I am not sure whether it was the State Convention or not—at the Royal Palms Hotel, in Los Angeles.

Q. What kind of a convention was that?

A. The CIO convention.

Q. A trade union convention? A. Yes.

Q. When was the other occasion when you saw him?

A. At a mass meeting at Gilmore Stadium, Los Angeles.

Q. Gilmore Stadium?

A. Gilmore Stadium.

Q. Do you remember what the occasion of that mass meeting was? [2684]

A. I am not positive, but I think it was one of the Tom Mooney defense meetings.

(Testimony of David Bernstein.)

Q. One of the Tom Mooney meetings. Did you see Mr. Bridges on both these occasions merely as a speaker? A. As a speaker; yes.

Q. You have no personal acquaintance with him? A. No, sir.

Q. Do you have any interest in this proceeding as far as he is concerned? A. No.

Q. Now, have you ever discussed—withdraw that. Have you ever heard Thomas Laurence speak on the subject of Harry Bridges?

A. Many a time.

Q. Under what circumstances have you heard him discuss Harry Bridges?

A. Discussing him with various workers of the trade——

Mr. Del Guercio: (Interposing) I object to that as immaterial.

Presiding Inspector: Well, he has heard it. He hasn't gotten to the crucial question yet.

Mr. Gladstein: Not yet. I am laying the foundation.

Mr. Del Guercio: The witness, Laurence, wasn't asked any questions about this witness here.

Presiding Inspector: He asked him what he has heard. He [2685] now says he has heard discussions of him. I will allow that.

By Mr. Gladstein:

Q. These are discussions, are they, Mr. Bernstein, that you have heard, that is, statements that you have heard Mr. Laurence make concerning Harry Bridges, is that right? A. Yes.

(Testimony of David Bernstein.)

Q. And where have these statements been made in a general way?

A. In the office in the Union hall.

Q. Can you state in general what the substance was of the statements that Mr. Laurence made on those occasions?

Presiding Inspector: "Yes" or "no".

Mr. Myron: We object to that question.

By Mr. Gladstein:

Q. Can you state that? A. Yes.

Q. Will you please do so?

Mr. Myron: We object to that.

Presiding Inspector: You object to it on what ground?

Mr. Myron: On the ground that no foundation has been laid for what he is going to say. We don't know what it is offered for.

Presiding Inspector: I suppose it is offered as direct evidence on bias. Supposing, for example, that he said, "I am going to kill this man when I get a chance." It certainly [2686] would be admissible.

Mr. Myron: I think a proper foundation must be laid.

Presiding Inspector: It isn't to show a contradictory statement. It is to show direct evidence of bias.

Mr. Myron: If that is the purpose——

Presiding Inspector: That is the purpose, isn't it?

(Testimony of David Bernstein.)

Mr. Gladstein: Of course it is. It is very evident.

Mr. Myron: It isn't evident.

Mr. Gladstein: It may not be to you.

Presiding Inspector: I will allow it and if it doesn't show direct evidence of bias we will strike it out.

You may answer.

Mr. Gladstein: Would you like to have the question read?

The Witness: Yes, sir.

(The question referred to was read by the reporter as above recorded.)

By Mr. Gladstein:

Q. Now, I am asking you to state what the substance of those statements by Mr. Laurence, concerning Mr. Bridges, was.

Presiding Inspector: This is offered over the objection of the Government.

Mr. Gladstein: I understand.

A. Yes. It was usual, whenever Tommy Laurence discussed with the workers in the Union hall on any general question, that when the workers would make any statement at all that did not [2687] coincide with Tommy Laurence's opinion, as far as the trade union was concerned, he was always labeled a Red and a Communist, or a liar; especially when the question came up about Harry Bridges, without discussing anything about the Bridges case, he always used to turn red in his

(Testimony of David Bernstein.)

face and his eyes used to get actually bloodshot; he used to use the most violent names whenever he mentioned Harry Bridges. He also stated that "That man has to be deported."

Mr. Gladstein: You may cross examine.

Presiding Inspector: Mr. Del Guercio?

Mr. Del Guercio: If the Court please, may we ask that this witness be held until tomorrow?

Mr. Gladstein: Now, your Honor, the same question arises. When we first asked that the Government objected, and consistently with one exception, and that in the case of Mr. Chase, your Honor required us to immediately begin our cross examination. Now, your Honor will recall that in the case of Mr. Chase he was giving direct testimony of a material character in the case on the direct issues of the case. The present witness on the stand now is in the category known as a character witness. I do not see how the Court can, consistent with its previous ruling, grant the request of Mr. Del Guercio in this respect, and we object to it.

I also have this further statement to make to the Court: I am informed by Mr. Bernstein that he must be in Los Angeles in [2688] order to leave that city for Chicago on a matter of great importance to him, and that he must conclude his testimony today.

Now, I will listen to anything that counsel wants to make with respect to taking a deposition at some future date, or anything of the kind. In other

(Testimony of David Bernstein.)

words, I am willing that the Court grant to Mr. Del Guercio the same courtesy that was granted to us, namely, that on one witness they shall have time, but since we were allowed that, only one witness, we don't feel that the Government should be entitled to an unfair advantage over us. [2689]

Presiding Inspector: I think you can go on to some extent.

Mr. Del Guercio: I think the shoes is on the other foot now.

Presiding Inspector: I think you can go on to some extent. If it proves necessary I am going to hold this witness despite his engagement. I am sorry to do it, but I am going to grant you that privilege. Now, you can go ahead to some extent. I haven't found out yet whether it will prove necessary.

Cross Examination

By Mr. Del Guercio:

Q. Now, Mr. Bernstein, where were you born?

A. I was born in Russia.

Q. You were born in Russia. And of what country are you a citizen?

A. A citizen of the United States.

Q. When did you become a citizen?

A. About two years ago.

Q. Where? A. In Los Angeles.

Q. And in the United District Court at Los Angeles? A. Yes.

Q. Did you have any difficulty? [2690]

(Testimony of David Bernstein.)

A. No difficulty whatsoever.

Q. At that time—wait until I ask my question.

A. Oh, I am sorry.

Q. Did you or did you not?

A. No, I didn't have any difficulties at all.

Q. Have you ever been investigated by any Immigration Officers anywhere? A. No.

Q. Never? A. Never in my life.

Q. Never in your life?

A. Never in my life.

Mr. Gladstein: Let me ask this question. I suppose the question is meant to elicit information within knowledge of the witness.

Presiding Inspector: Yes, within his own knowledge.

Mr. Gladstein: It is quite possible for anybody to be investigated without knowing it.

Mr. Del Guercio: Yes.

Presiding Inspector: You may all have been subject to that indignity.

Mr. Del Guercio: Yes, even counsel, I might say.

Presiding Inspector: Or the Court. Go ahead.

By Mr. Del Guercio:

Q. Are you an admirer of Harry Bridges?

A. As a union leader I think that he is to my liking. [2691]

Q. What do you mean he is to your "liking"?

A. As a union leader.

(Testimony of David Bernstein.)

Q. As a union leader. Well, as a member of the Communist Party is he to your liking?

Mr. Gladstein: Just a moment, Mr. Bernstein. Don't answer that question.

If your Honor please, I don't think the grounds of objection for a question of that sort have to be stated. I think counsel should be admonished for asking a question of that sort.

Mr. Del Guercio: I think the evidence, if the Court please, has shown that Mr. Bridges is a member of the Communist Party. There has been no evidence here introduced as yet to controvert that.

Mr. Gladstein: Well, I don't think——

Mr. Del Guercio: Just a moment, please!

Mr. Gladstein: I will wait for you. I will wait for you.

Mr. Del Guercio: We have made—the Government has made a prima facie case. I think it has, that Mr. Bridges is a member of the Communist Party and has been; that he has been affiliated, been a member of and affiliated with an organization, the Marine Workers Industrial Union, which is an affiliate of the Trade Union Unity League and of the Red International of Labor Unions and no evidence has been intro- [2692] duced so far to controvert that evidence. And certainly it is a proper question to ask this witness.

Mr. Gladstein: Are you through? Are you through, Mr. Del Guercio?

(Testimony of David Bernstein.)

Mr. Del Guercio: Yes, I am through.

Mr. Gladstein: Now, if your Honor please, the question assumes the very issue involved in this proceeding and is not properly placed before any witness.

Presiding Inspector: One of the issues.

Mr. Gladstein: Or one of the issues, that is true. And is not properly placed before the witness. In the first place, look at the question. "Do you admire him as a member of the Communist Party?" That is the question that was asked.

Presiding Inspector: I don't know whether the witness recognizes him as a member of the Communist Party.

Mr. Gladstein: There is no evidence to indicate that.

Presiding Inspector: No. I don't see how the witness could answer that question.

Mr. Del Guercio: He has answered the question there that he admires him as a trade union leader. How does he know he is a trade union leader?

Presiding Inspector: I suppose that he knows that from his associations in trade unions and a matter of history. I don't think you ought to ask that question, quite as baldly as [2693] you do. I think I will exclude the question.

By Mr. Del Guercio:

Q. How long have you been in this country, Mr. Bernstein?

(Testimony of David Bernstein.)

A. Since the 20th of June, 1909.

Q. Since the 29th of June, 1909? A. Yes.

Q. Now, for how long a period did you know Thomas Laurence?

A. About eight years or so.

Q. Eight years. Over what period of time?

A. I don't get that question.

Q. In what years?

A. I met him around 1932.

Q. Where did you meet him?

A. In the union.

Q. In the union? A. Yes.

Q. Did you ever work with him?

A. No. I never worked in the same shop.

Q. You never worked alongside of him in the same shop? A. No.

Q. Did you ever visit him at his home?

A. Once.

Q. Did you meet his wife?

A. Yes, I know his wife. [2694]

Q. Did you meet his children?

A. I don't think he has any.

Q. You don't think he has any?

A. Not to my knowledge.

Q. Did you have any social contact with Mr. Laurence at all? A. No.

Q. Never?

A. Just sometimes go to a restaurant and have a cup of coffee together. That is about all.

Q. And you say that you have known him for a

(Testimony of David Bernstein.)

period of about eight years from 1932, say, to about 1940? A. Up to date.

Q. Were you friendly with him during that period of time?

A. We played cards together only about six weeks ago.

Q. And what kind of cards did you play?

A. Oh, just a friendly game.

Q. For money?

A. No, no money involved.

Q. What kind of game did you play?

A. Played rummy.

Q. Who else was present?

A. Who was present? Two fellow members of the union. [2695]

Q. Two more members of the union. Is that the only time you played cards with him?

A. To my best recollection.

Q. Did you play any other games with him?

A. No.

Q. Are you in the habit of playing cards with men that in your opinion have a bad reputation for veracity and for truth?

A. Well, I happen to be a good card player myself and they wouldn't put anything over on me.

Q. You happen to be what?

A. I happen to be a good card player myself and they wouldn't put anything over on me.

Q. I didn't get that.

A. I am a good card player.

(Testimony of David Bernstein.)

Presiding Inspector: "And they wouldn't put anything over on me".

A. (Continuing) And they wouldn't put anything over on me.

By Mr. Del Guercio:

Q. Well, did he put anything over on you during that game?

A. No, no. He couldn't do it.

Q. Did you watch him?

A. Well, I was very careful about it. [2696]

Q. How long did you see him during that period of time that you say you knew him during those eight years? How many times about did you come in contact with him?

A. Sometimes probably ever day in the week and at times probably two or three times a week.

Q. When? A. In the office of the union.

Q. In the offices of the union. That is during the time that you were a member? A. Yes.

Q. But you weren't a member of any union in 1932, were you?

A. No. I stated before in my cross examination, I stated that if I met Tommy Laurence in 1932 I was not a member of the union then.

Q. Don't you know when you met him? You say "if" you met him.

A. I don't remember correctly whether it was in 1932 or '33.

Q. For how long a period—how many times

(Testimony of David Bernstein.)

would you see him within those eight years that you knew him? A. About how many times?

Q. Yes.

A. I can hardly remember. It would probably come up to [2697] the thousands.

Q. It probably would come up to the thousands. Did you ever tell him that you didn't believe in his truth and veracity?

A. Well, yes. We had quite a few arguments about it.

Q. You had arguments with him?

A. Various things.

Q. What kind of arguments?

A. Oh, as far as trade union activity.

Q. Well, how many of those arguments did you have?

A. Again I cannot recall how many times. Quite a few times.

Q. Well, you mean by "arguments" that you didn't agree with his policy in trade unions, or what?

A. Yes. It was in regards to when he was Business Agent of the union and somebody complained about his behavior as a Business Agent in his local union.

Q. What was his policy in connection with trade unions?

A. His policy was that workers used to come over to me, being that I was a member of the Exec-

(Testimony of David Bernstein.)

utive Board, and forward stories and complaints to me about Tommy Laurence. And I told them that I am not in a position—I used to forward them to the proper channels of the Joint Board. That is where all the grievances used to belong.

Q. I am speaking about the arguments that you had with [2698] Thomas Laurence. You said that you had arguments with Tommy Laurence.

A. Then I used to argue about these complaints in just an informal manner.

Q. Would you talk about those matters with Tommy Laurence?

A. Yes. Other times when other workers were along. Usually whenever I approached Tommy Laurence telling him about these complaints there was quite a disturbance many times.

Q. Tommy Laurence——

Mr. Gladstein: (Interposing) Just a moment! Just a moment! The witness hasn't finished.

Mr. Del Guercio: Well, don't——

Mr. Gladstein: (Interposing) Just a minute! I think the witness hadn't finished his answer.

Presiding Inspector: I thought he had quite finished, although perhaps not.

By Mr. Del Guercio:

Q. How long did——

Mr. Gladstein: (Interposing) Just a moment!

Mr. Del Guercio: Don't get excited, Mr. Gladstein.

(Testimony of David Bernstein.)

Presiding Inspector: Read the answer, please.

(The answer referred to was read by the reporter as above recorded.) [2699]

Presiding Inspector: He seems to have answered completely. It isn't very responsive, but then——

Mr. Gladstein: That is why I thought the witness hadn't finished, that this was the witness' method of——

Presiding Inspector: (Interposing) I am not sure. Getting started?

Mr. Gladstein: Possibly it is.

Presiding Inspector: Well, it is a bad method.

Mr. Gladstein: Could we have the question read to him?

Presiding Inspector: Anything else you wanted to say?

The Witness: I wanted to conclude something.

By Mr. Del Guercio:

Q. Is it in answer to my question?

A. Not completely.

Mr. Gladstein: Just a minute! The witness obviously misunderstood.

Presiding Inspector: Read the question.

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: Now, would you talk about those matters? These are these complaints.

The Witness: This is just what I wanted to

(Testimony of David Bernstein.)

bring out. The only time I approached Tommy Laurence—many times there was a disturbance and commotion in his office, and while I was an officer of the union myself—not a paid official, but [2700] an officer of the union—I walked in. Workers used to approach Tommy Laurence and tell him that his complaints were not attended properly. His reply to these workers was "You are nothing but a bunch of liars, Communists and Reds". That is the time that I as a officer of the union started to speak about it calmly and again I was attacked, or whoever approached him was attacked. But I personally had quite a few talks with Tommy Laurence about these matters.

By Mr. Del Guercio:

Q. Did he ever accuse you of being a Red?

A. Yes, sir.

Q. Are you a Red? A. No, sir.

Q. Do you know what is a Red?

A. A Communist is a Red. That is the way I understand it.

Q. Did he ever accuse you of being a member of the Communist Party?

A. No. But he called me a Red and a Communist.

Q. And you resented that?

A. Certainly I resented that.

Q. Or did you? A. I resented it.

Q. Did you tell him so?

A. In various ways.

(Testimony of David Bernstein.)

Q. In what way did you tell him that you resented being [2701] called a Red?

A. This was my answer to him: "Tommy, the trouble with you is that anyone who doesn't agree with you you immediately label a 'Red', a 'Bolshevist' and a 'liar' ".

Q. And what?

A. And also he called me a liar and other workers.

Q. Oh, he called you a liar?

A. Not personally, but as far as my union activities went.

Q. Well, did you ever hear him call you a liar?

A. Yes.

Q. How many times?

A. Oh, on a few occasions.

Q. And you called him a liar?

A. Well, I don't remember. Of course, my reply to him was just the way he attacked me.

Q. Did you ever have any fist fights with Mr. Laurence? A. No, sir.

Q. What? A. No, sir.

Q. Were you ever a member of the Needle Trade Workers Industrial Union?

A. Yes, for a short while.

Q. For how long a period?

A. I will have to do a little figuring. I think about [2702] seven or eight months.

Q. Seven or eight months. Who induced you to join, if anybody, the Needle Trade Workers Industrial Union?

(Testimony of David Bernstein.)

A. I didn't get your question, sir.

Q. How did you come to join the Needle Trade Workers Industrial Union?

A. It was at a time when our local here—formerly it was Local 25 in Los Angeles. When that local during—there was some trouble nationally as far as our union goes and there was no assemblance here. I don't remember the exact thing, but I think that our local at that time was expelled from the Central Body; that is, from the International Ladies' Garment Workers Union, and the bulk of the membership joined the Industrial —Trade Union Industrial—I don't remember exactly the name, and I was one of those who joined.

Q. You testified previously here that you weren't a member of any union in 1932.

Mr. Gladstein: Just a moment! That is a misstatement of the evidence.

Mr. Del Guercio: Well, it isn't a misstatement of the evidence. If your Honor please,——

Mr. Gladstein: (Interposing) Well now, that is not only a misstatement of the evidence, but it is a false statement, Mr. Del Guercio.

Presiding Inspector: Now, just a moment. [2703]

Mr. Gladstein: Now, your Honor, may I——

Presiding Inspector: (Interposing) Of course, we are all subject to forgetting these things.

Mr. Gladstein: I realize we are.

Presiding Inspector: And we misunderstand.

(Testimony of David Bernstein.)

Mr. Gladstein: But Mr. Del Guercio doesn't want it understood that he possibly has overlooked this.

Mr. Del Guercio: Not from you, anyway!

Mr. Gladstein: As I understand it, your Honor—let us see if we have this right, because I object to the question as assuming something not only not in evidence but the contrary of the evidence.

It is my impression that the witness testified that he joined the I.L.G.W.U., oh, many, many, years ago, that he remained a member until sometime in 1932; that he then became a member of an industrial union; that after he was a member of that industrial union for a short period of time, then he rejoined the I.L.G.W.U.

Presiding Inspector: Is that quite right?

The Witness: Not quite right.

Mr. Del Guercio: (Inaudible).

Presiding Inspector: It shows that——

Mr. Gladstein: (Interposing) Well, that doesn't prove that you are right either. [2704]

Presiding Inspector: Just a moment! I was saying something to the witness.

Mr. Gladstein: I am sorry.

The Witness: May I conclude?

Presiding Inspector: We want to know how those dates were.

The Witness: Then, while I was a member of the Needle Trades Industrial Union and the things

(Testimony of David Bernstein.)

in the trade was very bad. So in the year of 1932, at the very beginning of 1932 I was part owner of a gasoline station. That was during the Olympic Days in Los Angeles.

Mr. Del Guercio: I can't hear, your Honor. It is difficult to hear.

Presiding Inspector: He says early in '32 he was a part owner of a gasoline station.

The Witness: Of a gasoline station over on Tenth and Hope in Los Angeles.

Presiding Inspector: And you got out of the union?

The Witness: At that time I got out of the union.

Presiding Inspector: And how long were you out?

The Witness: I was out about a year.

Presiding Inspector: That is from early in '32 to early in '33?

The Witness: About, oh, it was just about early in '33. I don't remember the dates exactly. [2705-6]

By Mr. Del Guercio:

Q. Then for about a year you were not a member of any union and from the early part of 1932 to sometime in 1933 you were not a member of any union?

A. Until 1933 I was not a member of any union.

Q. When did you join the Needle Trades Workers Industrial Union?

(Testimony of David Bernstein.)

A. I think it was in '31.

Q. Now, you "think". Do you know for sure when you joined?

A. I cannot remember exactly the date.

Q. Well, were you a member of the other union in 1931? A. In 1931?

Q. Yes. A. I don't think so.

Q. Well now, ——

Presiding Inspector: (Interposing) I think we are confused on the dates. Go ahead.

By Mr. Del Guercio:

Q. When did you cease being a member of the I.L.G.W.U.?

A. I think it was the end of 1930 when our local was expelled. I don't remember the dates exactly.

Q. When your local was expelled. Expelled from what?

A. When our local was expelled from the international Ladies' Garment Workers Union. [2707]

Q. Why were they expelled?

A. I don't remember the reason.

Q. Were you a member of the Executive Board at that time?

A. Not at that time. I became a member of the Executive Board of Local 65, which is the I.L.G.W.U.

Q. Let me see if I have it straight. You weren't a member of any union. That is, you left—strike that out, please.

(Testimony of David Bernstein.)

You first became disconnected with the I.L.G. W. U. in 1930. Is that your testimony?

A. About; about 1930.

Q. About 1930.

A. I don't remember the exact month or the date.

Q. Would you say it was the first part of the year? A. I cannot recall.

Q. And now were you a member of any other union during the year of 1930 after you left the I.L.G.W.U.?

A. For a while I was a member of the—when our local here, the bulk of the membership for a while—we had no charter at all, and for a while when our local was re-formed here in Los Angeles under the leadership of the trade union industrial, whatever it was called, then I rejoined with the bulk of the membership until I bought the gasoline station. [2708]

Presiding Inspector: When was that?

The Witness: I think it was about the latter part of 1930 until about the middle of '31. I don't remember exactly.

By Mr. Del Guercio:

Q. And who were the leaders that did that?

A. Our local leaders?

Q. Yes.

A. I think a fellow by the name of Willansky.

Q. The Reporter: Spell it, please.

(Testimony of David Bernstein.)

The Witness: I can't spell it. I think he calls himself "Willans".

By Mr. Del Guercio:

Q. Does he have more than one name?

A. I think when he was naturalized he changed his name from Willansky to Willans.

Q. Who were some of the other leaders?

A. They also had an Executive Board. There was a Secretary.

Q. Were you on the Executive Board?

A. No, not there.

Q. And was that affiliated with the American Federation of Labor? A. No, sir.

Q. With whom was it affiliated?

A. That I don't know. [2709]

Q. Did you inquire?

A. I was just an ordinary rank and file and I didn't know any of the affiliation of that union.

Q. Who asked you to join?

A. The shop where I worked.

Q. The shop where you worked. Who in the shop where you worked?

A. The shop Chairman.

Q. Where was your shop at that time?

A. At that time I worked for—let me think. Sax Bros.

Q. And what was the union known as?

A. We of the rank and file usually called it the——

Q. (Interposing) The what?

(Testimony of David Bernstein.)

A. The "industrial union".

Q. The "industrial union"? A. Yes.

Q. Are you sure it was the industrial union?

A. I believe it was called the "industrial union".

Q. When you say you "believe", do you know for sure?

A. I can't think of any other name.

Q. Is that the only reason why you say it was the "industrial union"? Because you can't think of any other name?

A. I think it was called the "industrial union". [2710]

Q. Was it affiliated with the Trade Union Unity League?

A. I don't know of any affiliations of our local union.

Q. You do know about the Trade Union Unity League, don't you? A. No, I don't.

Q. What? A. No, I don't.

Q. How do you know whether it was affiliated or not?

A. I don't know whether it was affiliated or not.

Q. It might have been?

A. It might have been.

Q. Would you care whether it was or not?

Mr. Gladstein: Well now,—just a minute! If the Court please, I think that question is not only remote——

Mr. Del Guercio: (Interposing) I think it is very competent.

(Testimony of David Bernstein.)

Presiding Inspector: I don't think it leads anywhere.

Mr. Gladstein: No.

Presiding Inspector: I will let him answer.

Mr. Gladstein: It is immaterial.

Presiding Inspector: Do you care one way or the other about it?

A. I wouldn't care.

Mr. Del Guercio: You wouldn't care.

Mr. Gladstein: How does he know what it means? The pro- [2711] per foundation for the question hasn't been laid.

Presiding Inspector: I don't think it is worth talking about.

Mr. Gladstein: All right.

Presiding Inspector: Go ahead. I will allow the answer.

By Mr. Del Guercio:

Q. How long did that organization remain organized? A. I beg your pardon?

Q. For how long a period did that union continue?

A. I really don't know because when I stepped out, when I bought that gasoline station it was still in existence.

Q. When did you step out?

A. It was either late in '30 or the middle of '31. I don't remember the exact month.

Q. It might have been in 1931?

A. It might have been in 1931.

Q. Yes. What did you do after that?

(Testimony of David Bernstein.)

A. I was part owner of a gasoline station.

Q. You were part owner of a gasoline station?

A. A gasoline station.

Q. For how long a period.

A. About eleven or twelve months.

Q. And during that period of time were you a member of any union? [2712] A. No, sir.

Q. And in what year was that?

A. That was in the year—up to about the end of 1932. It was right after the Olympic Days. I don't remember when the Olympic Days were in Los Angeles.

Q. Would it be correct that you were not a member of any union in the year 1932?

A. In the year 1932 it would be correct.

Q. Were you a member of any union in the year 1933?

A. I re-joined this union on the 17th of August, 1933.

Q. Which union?

A. The union that I am at present a member of.

Q. And that is the——

A. (Interposing) Local 65.

Q. Of the International Ladies' Garment Workers' Union?

A. International Ladies' Garment Workers' Union, correct.

Q. Now, you say that you were a member of the Needle Trades Workers Industrial Union for a period of time. When was that?

A. That was in the year of—around, I think it

(Testimony of David Bernstein.)

was in the beginning of 1930, but I don't know if it was after the end of the 1930 or I stepped out of it after the beginning of 1931. I don't remember exactly. I know it was less than a year that I was a member there.

Q. Are you sure of the year 1930 or 1931?

[2713]

A. Yes. I am sure about '31, that it was part of 1931. I don't remember exactly whether it was a few months in 1931 or a month more or a month less. I don't remember that.

Q. Why did you drop out of the Needle Trade Workers Industrial Union?

A. I dropped out of the Needle Trades at that time because I dropped out from the trade entirely. I bought a gasoline station then and I was out of the trade and I dropped out of the union.

Q. I thought you previously testified that you dropped out of the International Garment Workers Union just before you took your service station?

A. No, I stated that I dropped out from the I. L. G. W. U. when our local here was expelled from the parent body, and then while the whole shop joined the Industrial Union—I think it is the Needle Trades Industrial Union, something like it—and I rejoined with the shop together.

Q. Was it the Industrial Union then that is now the Needle Trade Workers Industrial Union?

A. Something like that. We usually called it the "industrial union".

(Testimony of David Bernstein.)

Q. You knew that that was a Communist organization, did you not? A. I did not.

Q. What? [2714] A. I did not.

Q. At that time? A. I didn't.

Q. Do you know it now?

A. Even now I don't know.

Q. Huh?

A. Even at present I don't know.

Q. Did you ever find out that it was affiliated with the Trade Union Unity League?

A. Later on, of course, there was talk that there was some affiliations. But from the time that I was there I didn't know anything about it.

Q. Well, I mean do you know now? Have you ever found out as to whether it was ever affiliated with the Trade Union Unity League?

A. I know that there was accusation by our present leadership that it was a Communist organization, but I didn't know about it.

Q. Was there any accusation made by Laurence to you that the Needle Trade Workers Industrial Union, of which you had been a member, was a Communist organization?

A. Well, I never discussed that question with Tommy Laurence.

Q. Did Tommy Laurence know that you had been a member of the Needle Trade Workers Industrial Union? [2715] A. Yes, sir.

Q. And was it because of your affiliation with that, your membership in that Needle Trade Workers Industrial Union, that he called you a Red?

(Testimony of David Bernstein.)

A. No.

Q. Huh? A. No.

Q. He knew about it, however?

A. He knew that I was a member. It wasn't anything secret about it.

Q. And you knew that Tommy Laurence knew that the Trade Union Unity League was a Communist organization? A. That I didn't know.

Q. Did you not?

A. That I didn't know.

Q. Do you have a membership card?

A. From the union? Yes, I have it with me.

Q. In the Needle Trade Workers Industrial Union? A. Do I have it now?

Q. Yes. A. No.

Q. What did you do with it?

A. I turned it in when I——

Q. (Interposing) To whom did you turn it in?

A. To the local union. [2716]

Q. When was that?

A. That was sometime in '31.

Q. Who signed that card, your membership card in the Needle Trade Workers Industrial Union?

Mr. Gladstein: I will object to that as incompetent, irrelevant and immaterial. I think this entire line of examination is immaterial, if your Honor please.

Presiding Inspector: I will take it.

Mr. Del Guercio: Will you answer that question?

(Testimony of David Bernstein.)

Presiding Inspector: This is cross examination, Mr. Gladstein.

Mr. Gladstein: I realize that, and I wouldn't object if I didn't think——

Presiding Inspector: (Interposing) I want to allow the cross examiner broad latitude.

Mr. Gladstein: All right.

Presiding Inspector: If you can tell. If you can't tell, just say so.

The Witness: What is the question again?

Presiding Inspector: Who signed the card?

A. That I don't remember.

By Mr. Del Guercio:

Q. Didn't it state on the card, on your membership card, that the Needle Trade Workers Industrial Union was an affiliate of the Trade Union Unity League? [2717]

A. I don't remember that.

Q. It might have?

A. I don't know. I wouldn't say.

Q. Didn't you look at your card?

A. No, because I was not an active member at that time at all and I just paid my dues to get some protection in the trade. I always joined the trade union regardless of what trade union takes care of my particular trade.

Q. You said that you paid dues. Did you pay dues continuously during the time you were a member of it?

A. No, I think at the time I turned in my card

(Testimony of David Bernstein.)

I was in arrears for three months or so. I didn't pay much dues for the time that I belonged.

Q. You read English, of course.

A. Yes, sir; I do.

Q. If I show you a membership card in the Needle Trade Workers Industrial Union would you recognize it?

A. I think I would if I would see it, because although I didn't see it for about eight years or so, nine years probably. [2718]

Q. Now, has anyone else ever accused you of being a Red? A. No.

Q. You are sure? A. Positive.

Q. At any time or place?

A. Well, I don't know how to answer that. At times there have been quite a few that took sides in the Union? If you did not agree with certain trade union policies that one section of the workers proposed they are in the habit of immediately calling somebody a Red some time or other, but I personally was not called that.

Q. I take it from your answer that others have accused you of being a Red, other than Thomas Laurence? A. No, not personally.

Q. "Not personally"—what do you mean by that?

A. It never came up that anybody should call me personally a Red but because of the discussions as far as trade union policies were concerned, there was somebody calling workers "Reds," or "Communists," or whatever it may be.

(Testimony of David Bernstein.)

Q. If Mr. Bridges here were a member of the Communist Party would you still have that admiration for him?

Mr. Gladstein: Just a moment. I think that question calls for conjecture and assumes something——

Presiding Inspector: If he can't answer he can say so. I [2719] will allow it.

Mr. Gladstein: I want the record to show that I object to the question as being improper, as being incompetent, irrelevant and immaterial, as calling for conjecture and speculation.

Presiding Inspector: No. It is calling for a state of mind. I will take it.

Read the question.

(The question referred to was read by the reporter as above recorded.)

A. If Mr. Bridges were a member of the Communist Party, and if he were to be a member of my union and tried to disrupt the work of our union, for the benefit of the workers in the trade, I would fight Harry Bridges on that principle.

Mr. Del Guercio: That doesn't answer the question.

Mr. Gladstein: I submit——

Presiding Inspector: It may stand.

Mr. Gladstein: I submit the statement of counsel should be stricken. I think it does answer his question, but the reason is that he just didn't like the answer.

(Testimony of David Bernstein.)

Presiding Inspector: We are not very much interested in the opinions of counsel at this time; maybe when it comes to sum up.

I will allow the answer even if it wasn't very responsive.

It was a question that could have been answered "Yes" or "No". [2720]

By Mr. Del Guercio:

Q. Were Harry Bridges a member of the Communist Party, and were he in your union, and were he following what you believed to be the union policy, would you still admire Harry Bridges?

The Witness: Please repeat that question.

Presiding Inspector: Read the question.

(The question referred to was read by the reporter as above recorded.)

Mr. Gladstein: I submit that the question is ambiguous and compound. I don't know what an answer of "Yes" or "No" would mean to such a question.

Presiding Inspector: Perhaps the witness will know.

Mr. Gladstein: I submit that even if he did give an answer it wouldn't mean anything in the record.

Presiding Inspector: Let us see if he understands the question. Do you understand the question?

The Witness: Yes, your Honor, I understand the question; but to answer "Yes" or "No" is hard for me to do.

(Testimony of David Bernstein.)

Presiding Inspector: You can't answer it "Yes" or "No"?

The Witness: No, I cannot answer "Yes" or "No".

Presiding Inspector: There is no objection to his explaining it?.

Mr. Del Guercio: No objection to an explanation of the answer in any way he wants to. [2721]

A. I would not hold against any one of my superior officers, regardless of their political affiliations, if their policy, as far as the trade union questions are concerned, is correct and for the benefit of myself and the rest of my co-workers in the shops.

Mr. Del Guercio: I think that is satisfactory.

Presiding Inspection: Is that all.

Mr. Del Guercio: No.

Presiding Inspector: I beg your pardon. I thought you said that was all.

Mr. Del Guercio: I don't know whether I have asked this question or not, your Honor, but if I did I will withdraw it.

By Mr. Del Guercio:

Q. Have you ever been a member of the Communist Party? A. No, sir.

Q. Of the Communist Party as such, under either your name or under any other name?

A. No, sir.

Q. Have you ever used any other name?

A. No, sir. The only other name I use is Dave or David Bernstein at times.

(Testimony of David Bernstein.)

Presiding Inspector: That is the same name?

The Witness: Yes.

By Mr. Del Guercio:

Q. Have you ever contributed money to the Communist [2722] party? A. No, sir.

Q. Did you ever subscribe to the Daily Worker? A. No, sir.

Q. You know what the Daily Worker is?

A. Yes.

Q. What is it?

A. It is a Communist paper, but I never subscribed to it.

Q. How do you know it is a Communist paper?

Mr. Gladstein: I submit that is immaterial.

A. Because of the fact that we have it in our library in our union, the Daily Worker, the same as any other newspaper.

By Mr. Del Guercio:

Q. Does the Union subscribe to the Daily Worker?

A. It is right there in the library. I don't know whether it is—there are times we had the Daily Worker there, and we had the Hearst Press, and all the publications.

Q. Did you ever subscribe to the Western Worker? A. No.

Q. Do you ever read any Communist literature yourself? A. No.

Q. Do you ever buy any Communist publications?

A. I used to read the New Masses, but if it is a

(Testimony of David Bernstein.)

Communist paper—as far as I am concerned it may be a Republican paper, but I read it just as good. [2723]

Q. Have you ever been a member of the American League against War and Fascism?

A. No, sir.

Q. Have you ever been a member of the American League for Peace and Democracy?

A. No, sir.

Q. Have you ever contributed money to those organizations?

A. I don't remember; I don't remember at all.

Q. You may have contributed?

A. At times, probably, maybe to the Tom Mooney Defense Committee—I want to be truthful—to the Tom Mooney Defense Committee. They had some boxes collecting money, but I don't know. I never paid any attention to the boxes. I used to throw in a dime or a nickle.

Q. If you did contribute money to any of those organizations, the American League against War and Fascism, the American League for Peace and Democracy, you would know about it?

A. I wouldn't, because whenever I went to a labor meeting I figured if they were collecting money for something, and maybe it wasn't important, but from the point of view as a union man I used to put a nickle or dime in the box.

Q. Did you ever subscribe to the People's World? A. No, sir.

(Testimony of David Bernstein.)

Q. How many times, did you say, you had met Bridges? [2724] A. Twice.

Q. Did you have any conversations with him at that time? A. No, sir.

Q. Did you ever ask him if he was a member of the Communist Party? A. Pardon?

Q. Did you ever ask him if he was a member of the Communist Party?

A. I never spoke to Bridges in my life.

Q. How long have you known Mr. Gladstein, counsel here?

A. Mr. Gladstein—I met him today.

Q. For the first time?

A. For the first time; yes.

Q. Do you know Mr. Margolis?

A. I met Mr. Margolis yesterday in Los Angeles.

Q. Do you know Mr. Leo Gallagher?

A. Not to talk to him. I also met him at some meetings.

Q. At what meetings?

A. One of the Tom Mooney defense meetings most of the time, because I was a member of the Tom Mooney Defense Committee from our union, from the ILGWU.

Q. Do you know Mr. Al Wirin?

A. Al Wirin—yes, but not to talk to him. That was when they had the Civil Liberties Forum in Los Angeles several years ago. Dr. Taft used to conduct those forums. [2725]

Q. Who asked you to testify in this case?

(Testimony of David Bernstein.)

A. Who asked me to testify in this case?

Q. Yes.

A. When we were discussing, you know, the members of the union were talking about this——

Q. (Interposing) Can't you answer the question, who asked you to testify?

Mr. Gladstein: The witness started to answer.

Presiding Inspector: If you tell, you can tell directly; if you cannot tell you may explain.

A. I said to some of the union there that if it would be necessary to give my true statement as far as Tommy Laurence's behavior is concerned in the union, I would do it.

A few days later I had a call from the defense office, from the Bridges Defense office. Somebody called me up at my house. I told him whatever I knew about Tommy Laurence.

By Mr. Del Guercio:

Q. Who called you?

A. A fellow by the name of Samuels.

Q. Samuels?

A. Yes; Samuels. I think he is connected in Los Angeles with the Bridges Defense office.

Q. What did he say?

A. He asked me if I am a member of that particular union and "Do you know Tommy Laurence?" I told him "Yes." I told [2726] him some things and he jotted it down.

Then Sunday night, to be correct, Saturday night, Mr. Margolis called me up at the house.

Q. Who called you? A. Mr. Margolis.

(Testimony of David Bernstein.)

Q. Margolis?

A. Yes. And yesterday I went out to see him.

Q. Where, in Los Angeles?

A. In Los Angeles. And I told him what I know about Tommy Laurence and that I got it through our union as a member of the Union.

He took notes. And then he asked if I, whether I would be willing to come up to San Francisco today to testify. I told him it would be hard because I was all packed to go away—it was just a family affair—to Chicago, and I would have to be there the 10th.

Q. But you had previously let it be known that you were willing to testify?

A. I didn't know until yesterday that I would have to come up here. I simply told him what I knew about this case. I have never appeared as a witness in court before. This is my first experience.

Q. What were the names of those union men you say you were talking to about Thomas Laurence?

A. Quite a few; I don't remember their names.

[2727]

Q. Don't you remember the names of any?

A. Well, a fellow by the name of Cooper—C-o-o-p-e-r.

Q. What is his first name?

A. I think it is—I don't know his first name. He is just called "Cooper".

Q. Cooper—C-o-o-p-e-r? A. Correct.

(Testimony of David Bernstein.)

Q. Is he is a member of your Union?

A. Yes; a member.

Q. Who else?

A. Who else was around—I really can't recall. There were quite a few around, but I can't recall all these names.

Q. Cooper is the only one that you remember?

A. There were quite a few, but I don't remember. I think they forwarded my name to the Defense Committee—I don't know who.

Q. Who forwarded your name?

A. I don't know; that I wouldn't know. There was quite a group there.

Q. By "quite a group" how many men were around?

A. There were about ten or twelve around.

Q. When did this occur, when you were talking about Thomas Laurence with these men?

A. It was about the latter part, not of last week, but the previous week, week before last, about the latter part, I [2728] think it was. I don't remember the exact date.

Q. It was after Thomas Laurence had appeared to testify in this proceeding?

A. Yes, it was after that; right shortly afterwards.

Q. Where did this take place?

A. In the office of the union.

Q. In whose office—anybody's in particular?

A. Our headquarters has offices around, and

(Testimony of David Bernstein.)

there is a place where the workers congregate and talk about different things.

Q. Was it in the big assembly hall or in a small office?

A. It was right in the union headquarters; and in the big assembly hall would be more proper.

Q. Who started the discussion about Thomas Laurence?

A. When I got there they were discussing it already.

Q. Do you know who were discussing it?

A. Those workers standing around there, but I don't remember exactly who it was.

Q. What were they saying?

A. They were just talking about Tommy Laurence, and each one expressing his opinion, and the way he always expresses himself about Harry Bridges, and it wasn't no surprise that that was the general opinion of all the workers.

Q. What did they say—when you got there what were they saying? [2729]

A. When I got there—this was the very thing and that is why I stopped to hear what they were talking about—they were saying they would be surprised if Tommy Laurence would not testify against Bridges, or anybody else, in order to get a few dollars. That is the remark I heard. I don't know who said it.

Q. What did you say?

A. I didn't pass no comment on it at all. I was just standing there and listening. Finally I told

(Testimony of David Bernstein.)

them, "As far my association with Tommy Laurence is concerned, and as much as I know Tommy Laurence, I would not be a bit afraid or ashamed to go up and tell what I know of my experiences as a union officer, as far as Tommy Laurence is concerned, and as far as his disappearance from office was concerned, about a year and a half ago, without any explanation, and the general conduct." So I figured if this would help in any way to clear matters up as far as Tommy Laurence was concerned, I would do it.

Q. Help whom, help Harry Bridges

A. No, no—just to prove to the State, or whoever it may be, whoever may call me, as far as the behavior and the character of Tommy Laurence was concerned. I wasn't concerned about Bridges then at all.

Q. Did you ever talk to any Government Agent about this? A. No, sir.

Q. Why didn't you go to a Government Agent?

[2730]

Mr. Gladstein: I submit that is immaterial, and it is argumentative. I object to it as being improper.

Presiding Inspector: I think it is argumentative, but I will take it.

By Mr. Del Guercio:

Q. Why didn't you tell the Government Agent?

A. If a Government Agent were to call on me I would extend them the very same courtesy as I extended the attorneys for the defense. And I

(Testimony of David Bernstein.)

would extend the same courtesy to the United States Government.

Q. You had heard Thomas Laurence had been called by the Government as a witness, hadn't you?

A. I didn't know it until I was shown the newspaper, the Los Angeles Times. I didn't know he was called as a witness until then.

Q. Who showed it to you?

A. A paper was there at the time all the workers were discussing this matter.

Q. At the time they were having this discussion?

A. Yes.

Q. That is the first time that you had known that Thomas Laurence had appeared as a witness?

A. I knew it a day or two before; either on a Friday or on a Monday.

Q. Then you did know about it before you saw it in the [2731] Times?

A. I don't know whether it was on Monday or Friday that I saw it the first time, the picture of Thomas Laurence in the Los Angeles Times.

Q. And you saw it for the first time when you were having this discussion at the union?

A. The discussion took place a day or two days later; I don't exactly remember.

Q. Did you know that Thomas Laurence was a member of the Communist Party while he was a member of your union?

A. No, I didn't know that. There were rumors that he was a member of the Party at that time.

Q. Did you take any action after you heard the

(Testimony of David Bernstein.)

rumor that he was a member of the Communist Party?

A. We usually take action, as members of the Executive Board, whenever a certain complaint is filed. It was not within my jurisdiction to take action on Tommy Laurence. He was not a member of my local union. It was only the Joint Board, which consists of delegates of all executive boards, that could take action upon a matter pertaining to a member of a different local.

Q. Thomas Laurence was never a member of your local union? A. No.

Q. At any time? A. At no time. [2732]

Q. Didn't you think it strange, Mr. Bernstein, that Thomas Laurence, a member of the Communist Party, would call others "Reds"?

The Witness: May I answer?

Presiding Inspector: Yes.

A. Tommy Laurence, I was told, was a member of the Communist Party until around possibly '34 or thereabouts.

By Mr. Del Guercio:

Q. Who told you that?

A. Some workers in the Union were always saying that he was. He was accused many times. Whenever a question was taken up on the floor of the union it was brought out by some that he was a member of the Communist Party.

Q. Did you ever attend union meetings in which Thomas Laurence was present?

(Testimony of David Bernstein.)

A. I could not attend any of his local meetings. Whenever it was a mass meeting, or a joint executive board meeting, those are the meetings I attended. I didn't attend any of the local meetings of his union.

Q. In what capacity did you attend those meetings?

A. The joint executive board meetings. I attended in the capacity as a delegate from my local union to the executive board.

Q. Did you participate in the discussions?

A. Yes; right along.

Q. Did Thomas Laurence ever participate in those [2733] discussions? A. Yes, sir.

Q. Was it in any of those discussions that he accused you of being a Red?

A. No. He never accused me directly. Whenever he talked he always called everybody, every member in the union who did not agree with him on trade union questions, he used to call them a Red; but not me directly.

Mr. Del Guercio: May we have a recess now?

Presiding Inspector: Yes.

Whereupon a short recess was taken.

By Mr. Del Guercio:

Q. Mr. Bernstein, were you ever a member of the Unemployed Relief Workers Union?

A. No, sir.

Q. At any time? A. No, sir.

Q. Do you know if Thomas Laurence had ever been arrested? A. I don't know.

(Testimony of David Bernstein.)

Q. What? A. I don't know.

Q. Did you ever make it a point to find out if he had been? A. No.

Q. Were you interested in finding out if he had ever [2734] been arrested? A. No, sir.

Q. Do you know if Mr. Laurence was a member in good standing of the union to which he belongs?

A. I think he is a member in good standing.

Q. And always was during the time that you knew him?

A. I think he was. He is not a member of my local. I think he was a member in good standing.

Q. Could a person be a liar and be a member in good standing in a union? A. Yes, sir.

Q. He could? A. Yes, sir.

Q. Could a person be a Communist and be a member of a union? A. That I don't know.

Q. Have you ever been arrested?

A. No, sir.

Q. Have you ever had any trouble with the police at any time? A. No, sir.

Q. Have you ever been held for investigation?

A. No, sir.

Q. Have you ever participated in any demonstrations? A. No, sir.

Q. You know where the Plaza is in Los Angeles?

[2735]

A. I pass there in my car, my automobile, almost every day, the Plaza.

(Testimony of David Bernstein.)

Q. Did you ever stop to listen to speeches there in the Plaza? A. No.

Q. Have you ever attended Communist Party meetings?

A. I never attended Communist Party meetings.

Q. At any time in Los Angeles, or anywhere else? A. At no time, nowhere.

Q. Have you lived in Los Angeles all the time?

A. All the time in Los Angeles.

Q. Have you ever had any dealing, business or otherwise, with Leo Gallagher? A. No, sir.

Q. You know who he is?

A. I know who he is; yes, sir.

Q. Have you ever been a party to any suit?

A. No, sir.

Q. In any court?

A. No. This is my first experience in court.

Mr. Del Guercio: That is all.

Redirect Examination

By Mr. Gladstein:

Q. The expression "good standing in a union" simply means that a man is paying his dues? [2736]

A. Paid up to 13 weeks, a man is in good standing.

Q. And it doesn't have anything to do with his character or reputation, does it? A. No, sir.

Q. When you mentioned that the Daily Worker was in your union reading room, were you referring to the ILGWU?

A. Referring to the ILGWU.

(Testimony of David Bernstein.)

Q. Now, you used the expression, "Olympic days," when you were talking about the time you had a gasoline station in 1932 or thereabouts?

A. Yes.

Q. That is a reference to the time that the Olympic Games were being held in Los Angeles?

A. Correct.

Q. When your local union of the ILGWU was expelled from the International, and you joined this other industrial union, I want to ask you whether, in order to keep their jobs in the industry, it was necessary at that time for the bulk of the membership of the former ILGWU local to join the new industrial union?

A. It was for the benefit of those that joined, for the benefit of any member to join a labor union that existed at that particular time, and then this was the union that existed at that particular time.

Q. In that industry? A. Yes. [2737]

Q. Was there any other trade union in that industry and covering the shops in which you and these other workers were employed, that you could have joined?

A. While I had a gasoline station then the old local was reorganized; but I was not in the trade then.

Q. But during the period that you were in the industrial union was there any other union that you could have joined which would have given you protection of your job in the shop where you were working?

(Testimony of David Bernstein.)

A. There was some kind of an office, but no shops whatsoever for a short period of time, controlled by any other union to my knowledge.

Q. Except the one that you joined?

A. Except the one I joined.

Q. Now, you mentioned, in answer to Mr. Del Guercio's questions, that on some occasions when you went into the office you found Tom Laurence engaged in conversation with workers who were making complaints to him. Is that correct?

A. Correct.

Mr. Del Guercio: That was not in answer to my question.

Presiding Inspector: He testified to that, I think.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. Will you state whether, during those occasions the workers were accusing Laurence of lying to them? [2738]

Mr. Del Guercio: I object to that, your Honor, as being improper.

Presiding Inspector: I think you opened the door to it.

Mr. Del Guercio: I didn't ask that question at all, if he had ever heard any conversations with Thomas Laurence, and the record will so show. Counsel started that and you ruled it out.

Presiding Inspector: Of course, he couldn't show that as direct matter, specific instances. He was confined in the first instance to conversations. But you went into the subject of conversations.

(Testimony of David Bernstein.)

Mr. Del Guercio: Conversations where a group of union men were gathered around.

Mr. Myron: I think you are wrong. I think the only conversation brought out in regard to his testimony here——

Presiding Inspector: He said—I don't mean direct conversations, but in general—didn't this witness say that they would be on opposite sides of arguments and that Thomas Laurence called them "Reds," his opponents, "Reds," and "Communists," and "Bolsheviks," and he gave it back to them?

Mr. Del Guercio: He testified that he never heard Laurence directly call him a "Red".

Presiding Inspector: Not him, no; but he called those [2739] with whom he was having controversies "Reds," and I understood him to say that he gave it back to them.

Mr. Gladstein: I think your Honor is correct in his recollection.

Presiding Inspector: That is my recollection. I think I will take it. If I am wrong in that you may move to strike it out.

Mr. Gladstein: Read the question, please.

(The question referred to was read by the reporter as follows:

"Q. Will you state whether during those occasions the workers were accusing Laurence of lying to them?")

A. Yes.

(Testimony of David Bernstein.)

By Mr. Gladstein:

Q. Do you understand the question?

Presiding Inspector: Do you understand the question?

The Witness: Yes, I understand the question.

By Mr. Gladstein:

Q. All right. Answer.

A. (Continuing) Just briefly, yes. On several occasions workers approached Tommy Laurence and tell him as their representative that their complaints as far as the shops were concerned were not attended to properly or not attended to at all by Tommy Laurence. So that was the time commotions started because, as I stated before, he, in turn, [2740] would call them "Reds", "Communists", and "You are nothing but a bunch of liars." Then it was proven that these complaints were actually never attended to.

Presiding Inspector: There was a good deal of bantering back and forth?

The Witness: Just on trade union matters, yes.

Presiding Inspector: They called each other "Communists"?

The Witness: No, but——

Presiding Inspector: (Interposing) Is that right? Did they call each other "Communists" and "Reds"?

The Witness: But these workers——

Presiding Inspector: (Interposing) "Liars" and other "polite" things like that?

(Testimony of David Bernstein.)

The Witness: No. These workers did not come back at Tommy Laurence because he was their superior officer and probably at times for fear of losing their jobs they would not. That was where I used to step in and tell Tommy Laurence that he is not acting right as a union official to abuse the workers the way he does. Then at that time he used to come back at me, too.

Presiding Inspector: So you had it back and forth?

The Witness: Yes.

Mr. Gladstein: I think that is all.

Recross Examination

By Mr. Del Guercio: [2741]

Q. Do you know if any of the persons whom Laurence accused of being Communists were or were not members of the Communist Party?

A. Many of these here workers that he used to accuse——

Q. (Interposing) Of your own knowledge?

A. Many of these here workers that he used to accuse I can vouch that they were absolutely very far from it, because on many occasions, if they thought somebody is trying to bring in at one time or another some political questions in the union, the very same workers would oppose those workers that try to bring in political questions in the union.

Q. Are you opposed to Communism?

A. I don't know anything about it. I never made a study of it.

Q. So you are not opposed to it?

(Testimony of David Bernstein.)

A. I never made a study of it.

Q. You never made a what?

A. I never made a study of Communism.

Q. "Story"? A. Study.

Mr. Gladstein: Study.

Presiding Inspector: He never made a study of it.

By Mr. Del Guercio:

Q. So your answer is that you were not opposed to Communism because you never made a study of it? [2742]

A. I never made a study of it because I don't know anything about it, pro or con.

Q. Would you say that Communism is good for the United States?

A. I don't know what it is. I know about the New Deal or NRA because I was for it.

Q. The NRA was for Communism?

A. No. I made a study of the NRA. It was good for the workers. It is good for the citizens of the United States.

Presiding Inspector: He has left Communism. He is talking about the NRA.

Mr. Del Guercio: That is all. Just a minute, if your Honor please.

By Mr. Del Guercio:

Q. Did you ever write an article for the Western Worker? A. Never did.

Q. Do you know of any other David Bernstein?

A. No.

(Testimony of David Bernstein.)

Q. Huh? A. I don't know.

Mr. Del Guercio: That is all, your Honor, at the present time. We want an opportunity to investigate this man's character.

Presiding Inspector: With every single one of the witnesses you will have this same request. He is only a [2743] character witness. He doesn't know anything about the main subject here.

Mr. Del Guercio: I have in mind, your Honor, when I make this request, of course, conducting an investigation. We intend to do that. But I also have in mind Mrs. Lovelace here who had a better reason than this witness for going back to her home in Seattle and who was kept here for two days.

Mr. Gladstein: That was for further cross examination. Now counsel has indicated that he has no further questions. I am asking the court to excuse the witness, but if the Government feels that they want Mr. Bernstein back at a future time, when he has come back to Los Angeles or wherever they may find him let them call him as their witness.

Presiding Inspector: He can still get to Chicago.

Mr. Gladstein: Yes.

Presiding Inspector: I think he had better stay if they want him.

Mr. Gladstein: Do you want him until tomorrow?

Mr. Del Guercio: We will abide by whatever the Court says.

Presiding Inspector: I really don't think it is worth while.

(Testimony of David Bernstein.)

Mr. Del Guercio: Very well.

Presiding Inspector: You may go.

The Witness: Thank you, your Honor. [2744]

Presiding Inspector: How long are you going to be gone?

The Witness: I will be back on the 17th of June.

Presiding Inspector: The 17th of June?

The Witness: Unless something will come up I will be here again.

Mr. Gladstein: Do you want to leave a forwarding address with Judge Sears?

The Witness: I will do that.

Mr. Del Guercio: I think the witness has been excused, your Honor. All this isn't necessary.

Presiding Inspector: All right. You are excused. You needn't leave any address.

Mr. Gladstein: Thank you very much, Mr. Bernstein.

(Witness excused.)

Mr. Gladstein: Mr. Appel, please.

BERNARD APPEL

called as a witness on behalf of the Alien, having been first duly sworn, testified as follows:

Direct Examination

By Mr. Gladstein:

Q. Mr. Appel, your last name is spelled how?

A. B-e-r-n-a-r-d.

(Testimony of Bernard Appel.)

Q. That is your first name, Bernard?

A. Yes, sir.

Q. And your last name is what? [2745]

A. A-p-p-e-l.

Q. And where do you reside?

A. I beg your pardon?

Q. Where do you live?

A. 131 West Norwood Place, Wilmar, California.

Q. Is that part of Los Angeles?

A. Well, it is a suburb of Los Angeles.

Q. Are you a man of family? A. Yes, sir.

Q. What does your family consist of?

A. I have two boys in high school and my wife.

Q. And do you reside at that address with your family?

A. Yes, sir; for the last 15 years.

Q. Are you a member of any fraternal organizations?

A. I belong to the American Legion, Veterans of Foreign Wars and Mantle Club.

Q. You say you belong to the American Legion. Of what Post? A. 397, Monterey Park.

Q. Where? A. Monterey Park.

Q. How long have you been a member of that Post?

A. Five months. I used to belong to another post.

Q. And what was the post to which you used to belong? A. 399. [2746]

(Testimony of Bernard Appel.)

Q. And when did you first become a member of the American Legion?

A. Oh, it is about six, seven years ago.

Q. Did you have anything to do with the founding of any post of that organization?

A. I was an Adjutant when we formed the Veterans of Foreign Wars' Post 1052 in Monterey Park.

Q. How long have you been a member of that organization?

A. Well, I was a year a member of that. It is only about two years old and I dropped out because the meeting nights were changed so I couldn't attend the Mantle Club, and the Mantle Club is compulsory to attend meetings. But I rejoined again since they changed their meeting nights.

Q. What is your occupation?

A. I am a ladies' garment cutter.

Q. That is in the women's apparel industry, is it? A. Yes, sir.

Q. Are you a member of a trade union?

A. Yes, sir. I belong to the International Ladies Garment Workers Union.

Q. How long have you been a member of that organization? A. About eleven years.

Q. Are you now a member of that organization?

A. Yes, sir. [2747]

Q. What local do you belong to?

A. Local 84. That is the Cutters' Local.

Q. How long have you belonged to that local?

A. This same time.

(Testimony of Bernard Appel.)

Q. During that period of time, Mr. Appel, have you had occasion to meet a man by the name of Thomas Laurence?

A. Yes, sir. I know him well, because he worked in the same trade as I am, and prior to us forming a union, we have tried to organize the cutters and we formed the Cutters' Club, and he was active in that the same as I was and a number of others, and we had occasion to work together quite closely because of that. Well,——

Mr. Del Guercio: (Interposing) What kind of a club was that?

The Reporter: Cutters' Club.

A. (Continuing) Well, it fell apart in time. We didn't seem to be able to stick together, and I believe it was in 1932 the International came in and organized a small group of workers in the needle industry and they called us out on strike. I was working at that time in the Ladies' Dress Industry and they called a general strike in the ladies' dresses, and after that we have had a union ever since and we have worked in the Cutters' Local together. He used to be a member of the Executive Board. So was I, and I was on the Joint Board and so was he at times. And so we had plenty of occa- [2748] sion to work together.

By Mr. Gladstein:

Q. Now, when you say you were a member of the "Joint Board", does that have reference to the supervising or highest body in Los Angeles com-

(Testimony of Bernard Appel.)

posed of delegates from the various local unions of the I.L.G.W.U.?

A. That's right. That's the head of the needle industry in Los Angeles.

Q. Now, have you ever had occasion to talk with Mr. Laurence concerning Harry Bridges?

A. I did have quite a number of occasions and I would put it in the following manner: We were affiliated with the American Federation of Labor, and I believe it was three years ago the national office decided that it would be best for us to join the CIO. So we left the Federation of Labor and joined the CIO, and in order to be able to function they have formed what they call a CIO Council. All those unions that have belonged to the CIO in Los Angeles and vicinity formed a council.

Well, Tommy Laurence was delegated to be a member on that council, and after a little while when the council was functioning there seemed to have been differences of opinion how to run that council and those differences became quite bitter in the course of a short few weeks, I would say, and Tommy Laurence attributed all these troubles that he thought were [2749] troubles to Harry Bridges. Of course, not being in the council I don't know just where he connected that up. I couldn't say.

Q. What did he say to you concerning Bridges?

A. Well, he——

(Testimony of Bernard Appel.)

Mr. Del Guercio: (Interposing) I object to that, your Honor. Just a moment! I object to this line of testimony as being immaterial, what he said about Harry Bridges.

Presiding Inspector: I will allow it. It is to show bias.

Mr. Gladstein: Yes, your Honor.

A. (Continuing) He referred to him, if he spoke to me—we sometimes met in front of the union or in the union and talk about his trials and tribulations in the CIO council, and he would say that "I hate that Bridges! That son of a bitch! I would do anything in the world to 'get' him! I would even lie to hang him!" And he said that to me a number of times, and any time he spoke about Bridges he certainly wasn't very complimentary.

Among other things he appeared to me a number of times and he said that "Bridges and John L. Lewis made it a practice to appoint nothing but Communists in the top men in the unions". He was actually bitter. I would say that that man was a little bit unbalanced on that question.

By Mr. Gladstein: [2750]

Q. At what time were these conversations taking place? Two or three years ago?

A. Two or three years ago. We would meet and he certainly didn't speak very well of Bridges and John L. Lewis.

Q. Did you ever have occasion to ask Mr. Lau-

(Testimony of Bernard Appel.)

rence whether he claimed that Harry Bridges was a Communist Party member?

A. Yes. You see, being that he connected up Bridges and Lewis with Communism I asked him at one time, I says, "Tommy, do you know whether Bridges is a Communist?"

He says, "No, but he sure is dominated by Communists". He says—excuse my expression. He says "That son of a bitch sure is dominated by Communists!"

Q. He told you that he was going to "get" Bridges and he would even lie to hang him?

A. That is just what he said.

Q. Did you ever hear Tom Laurence make speeches in the union in which he attacked Harry Bridges?

A. He most certainly has. He attacked him in the bitterest way.

Q. When he made these attacks on Bridges could you characterize the manner of his attack?

A. Well,——

Mr. Del Guercio: (Interposing) If your Honor please, I think that is uncalled for. Does he want this witness to [3751] give an act up here on the witness stand, characterize or what?

Mr. Gladstein: I think the question is proper.

Presiding Inspector: I think he can answer that. He doesn't have to give an act. He is to characterize in words not in deed.

Mr. Gladstein: Yes.

A. (Continuing) Well, I would put it in the

(Testimony of Bernard Appel.)

following manner: He spoke about how Bridges was maneuvering in the maritime unions. I can't report those explanations because I am not at all familiar with the structure of the maritime workers. So it was Greek to me what he spoke about it. But when he spoke about it he seemed to have—he tried very hard to create an impression that Bridges was an evil force in the maritime union and I would actually say, I mean by his expressions, he would charge him with dishonesty.

Q. Now, when Laurence made these attacks on the union floor against Bridges will you describe for us how he conducted himself?

A. Well, I would say that without exaggeration, that in time it became so that you could tell—any man could tell who would take a little look at him—that he was actually frantic. He wasn't talking like a normal person and he would do the same thing when he talked with me about Bridges. He [2752] just,——

Mr. Del Guercio: (Interposing) I move to strike that answer out.

Mr. Gladstein: He hasn't finished the answer yet.

Presiding Inspector: Strike the last out. It wasn't responsive.

Mr. Gladstein: What last? What part?

Presiding Inspector: "He also said it when he talked with me."

Mr. Gladstein: Oh, all right.

Presiding Inspector: Strike that out because that wasn't what you were asking him.

(Testimony of Bernard Appel.)

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. Would you say, Mr. Appel, that it appeared to you when Laurence was making these attacks against Mr. Bridges as to whether or not Laurence appeared to have an obsession on Bridges?

A. I would definitely say he had and he has.

Q. Did Laurence ever tell you that he would lie to "get" Harry Bridges out of the labor movement? A. He certainly did.

Q. Do you know Harry Bridges?

A. No, sir.

Q. Have you ever met him? [2753]

A. No, sir.

Q. Have you ever seen him before?

A. Well, I have seen him when Tom Mooney was freed. Our union held a mass meeting in—I forget now the name of the largest auditorium in Los Angeles. It is not the Olympic. It's a stadium anyway. It was so large, I was sitting away back that I could see the man speak. I mean, I could see him there and I could hear occasionally a word, but I couldn't tell his features at all. I wouldn't recognize him if I see him.

Q. That is the only time you were ever present at a place where he was?

A. That is the only time I would say that I have seen him.

Mr. Gladstein: You may cross examine.

Presiding Inspector: When did these statements and these expressions occur?

(Testimony of Bernard Appel.)

The Witness: Your Honor, I would say about the last two and a half years because, if I remember correctly, we joined the CIO about three years ago. But we are out of it again and we are in the American Federation of Labor. Since that time, since our being affiliated with the CIO he became hateful of—I mean, in words he spoke hateful of Bridges and Lewis and Communists and we used to talk in front of the union waiting for the meeting or hang around there after work, and he would speak to me about it and he invariably would make a [2754] speech the kind I am telling you.

Presiding Inspector: Let me ask you one more question. He occupied certain positions in the union?

The Witness: Yes, sir.

Presiding Inspector: Was he elected to those?

The Witness: No.

Presiding Inspector: How did he get them?

The Witness: Well, sir, it is this way: It is customary in our union to elect Business Agents, but it so happened that it was what you call "mid-term". So he was appointed to represent chiefly the cutters, and if the cutters have some difficulty in the shop it was his duty to go and try to straighten it out with the employer.

Well, he held that job down—I don't recollect how many months. I would say possibly eight months, and all at once he disappeared, didn't tell anybody. It is customary in the union if an official wishes to resign——

(Testimony of Bernard Appel.)

Presiding Inspector: (Interposing) I didn't ask you about this.

The Witness: Oh, yes.

Presiding Inspector: I was simply asking you how he was chosen.

The Witness: He was nominated.

Presiding Inspector: By the—— [2755]

The Witness: (Interposing) By the Manager.

Presiding Inspector: Yes. And who was the Manager?

The Witness: I believe Lutzky.

The Reporter: Spell it, please.

The Witness: L-u-t-z-k-y.

Presiding Inspector: Do you want to ask any more questions?

Mr. Gladstein: No, your Honor.

Presiding Inspector: We will take a recess now until tomorrow morning at ten o'clock.

(Whereupon at 4:10 P. M. an adjournment was taken until Tuesday, May 6, 1941, at 10:00 A. M.) [2756]

Court Room 276,
Federal Building,
San Francisco, California,
May 6, 1941.

Met, pursuant to adjournment, at 10:00 A. M. [2757]

PROCEEDINGS

Presiding Inspector: Call your witness, Mr. Grossman.

Mr. Grossman: Take the stand, please, Mr. Appel.

Before we proceed, your Honor, yesterday at the beginning of the session Mr. Del Guercio requested that the transcript be changed, substituting, I believe, the spelling "M-a-a-s" for "M-a-y-e-s" in several places in the transcript.

We have examined those portions of the transcript and we cannot agree to any change. Our position is that if the reporter's statement is that that was his hearing and recollection of the testimony, we do not——

Presiding Inspector: It doesn't matter a bit. There doesn't have to be any change because they both sound the same and will be considered the same by the trier of the facts probably. They are what is called idem sonans. It doesn't make any difference about the spelling.

Now, Mr. Del Guercio, you have the witness.

Mr. Del Guercio: Have you finished on direct?

Mr. Grossman: We are through with our direct.

Presiding Inspector: You know the rule about names sounding the same.

Mr. Grossman: We didn't make the request. Apparently the Government thinks it is important; we don't.

Presiding Inspector: You don't think it is important and I don't either because I think they are just the same name. [2758]

Mr. Del Guercio: Mr. Myron will take over the cross examination.

Presiding Inspector: Very well.

BERNARD APPEL

called as a witness on behalf of the Alien, having been previously duly sworn, testified further as follows:

Cross Examination

By Mr. Myron:

Q. Is Appel (accent on last syllable) the correct pronunciation of your name?

A. Yes, sir.

Q. How old are you? A. 49.

Q. Where were you born?

A. In Hungary.

Q. Where? A. Hungary.

Q. When did you come to the United States?

A. 1910.

Q. Where did you enter?

A. New York City.

Q. What port? A. New York City.

Q. New York City? [2759] A. Right.

Q. Are you an American citizen?

A. Yes, sir.

Q. When did you become naturalized?

A. 1916.

Q. Where? A. In New York City.

Q. In what court? A. Bronx court.

(Testimony of Bernard Appel.)

Q. Do you have your certificate of naturalization?

A. No, sir, I haven't got it with me.

Q. Where is it now?

A. It is in a safe deposit box.

Q. In Los Angeles? A. Yes, sir. [2760]

Q. You are a member of the American Legion?

A. Yes, sir.

Q. Did you serve overseas?

A. I beg your pardon?

Q. Did you serve overseas? A. Yes, sir.

Q. What Division did you serve in?

A. I was a member of the 85th Division and part of my Division was shipped first to England and we were split up there. Part of the Division was sent to France and I was sent to North Russia into the Archangel District.

Q. In what capacity?

A. I was a member of the Medical Corps.

Q. Were you a member of the Medical Corps when you enlisted or were drafted into the service? Were you enlisted or drafted into the service?

A. I was drafted.

Q. Drafted? A. Yes, sir.

Q. And were you a member of the Medical Corps when you were drafted?

A. No, sir. I was assigned to the Engineers.

Q. And did you at some later date request a transfer? A. Yes, sir.

Q. And you served in the Medical Corps continuously [2761] until the——

(Testimony of Bernard Appel.)

A. (Interposing) Until I was mustered out.

Q. When was that? A. In 1919, in July.

Q. Now, you say that you served in Russia, is that correct? A. Yes, sir; North Russia.

Q. For how long a period?

A. About ten months.

Q. Did you state at the time that you requested a transfer that you didn't want to appear in the firing line?

A. No. I requested to be put into the Medical Corps upon the grounds that I have had conscientious objections to kill people.

Q. And have those conscientious objections continued? Have you continued that conscientious objection? A. Yes, sir.

Q. And have you recently stated to groups of people that they should not take arms against enemies? A. No, sir.

Q. Have you stated to any individual——

A. (Interposing) No, sir.

Q. Are you positive of that?

A. I am positive of that.

Q. But you are a conscientious objector? [2762]

A. Just to the degree that I wouldn't kill people.

Q. What is that?

A. Just to the degree I would serve my country in any other capacity except killing people.

Q. And you haven't stated to the public in general or to any individual——

A. (Interposing) No, I had no occasion to.

(Testimony of Bernard Appel.)

Q. Have you advised any people——

A. (Interposing) No, sir. I had no occasion to.

Q. Wait until I finish the question. Have you advised anybody not to take up arms?

A. Definitely no.

Q. In defense of the nation? A. No.

Q. When did you become a member of the American Legion?

A. About—I was a member about five or six years ago in the Richard Garvey Post.

Q. Strike that. When did you first become a member? A. That's the time.

Q. Five or six years ago? A. Yes, sir.

Q. What Post did you join at that time?

A. Richard Garvey Post.

Q. What is that?

A. Richard Garvey Post. [2763]

Q. Where is that? A. In Wilmar.

Q. Does that have a number?

A. I think it is 399.

Q. 299? A. 399. I think it is 399.

Q. 399. How did you become a member of that?

A. Like everybody else would.

Q. Well, would you state how you did become a member?

A. A neighbor of mine came around and asked me to join the Post and I did.

Q. Who was the neighbor?

A. I don't know his name now.

Q. And have you continued as a member of that Post up to date?

(Testimony of Bernard Appel.)

A. I continued—No, not up to date. I dropped out because their meeting nights——

Q. (Interposing) When did you drop out?

A. I don't remember the year.

Q. Well, was it last year or the year before?

A. I think two years ago.

Q. You say you joined about five years ago?

A. I think so.

Q. Now, you dropped out about two years ago? [2764]

A. I think so. I am not sure.

Q. That would be around 1939 or the latter part of '38?

A. Maybe. I don't remember the year.

Q. Now, did you re-join subsequently?

A. I re-joined now, about January or December.

Q. The same Post?

A. No. I re-joined the Monterey Park Post, 397.

Q. Why didn't you join the same Post that you were a member of, before?

A. Well, I liked the boys in 397 that I knew there better and I thought that attending meetings, I would rather join with boys that I know better than I knew in some of the other Posts.

Q. Did you get along easy with the boys in the Post that you previously belonged to?

A. Yes, sir.

Q. You didn't have any trouble with them?

A. Not at all.

(Testimony of Bernard Appel.)

Q. But still you joined a different Post this time?

A. I enjoyed their company better, that's all.

Q. What is the number of this Post?

A. 397.

Q. 397? A. Right. [2765]

Q. Who was the Commander of the Post 399 when you joined?

A. I believe it was McDermott.

Q. Was there a subsequent Commander during your membership?

A. Maybe so, but I don't remember.

Q. Did you attend meetings while you were a member of that Post? A. Not very often.

Q. You weren't a very active member of the Post? A. No. I had no time.

Q. Now, you say you re-joined 397?

A. Right.

Q. About when?

A. I think it was December.

Q. December of what year?

A. 1940. I got my card for 1941.

Q. That was last December? A. Yes.

Q. Who asked you to join that Post?

A. I wanted to join on my own volition.

Q. And how did you join?

A. I have a friend of mine who is a Past Commander, Barney Barris, who I know for about fifteen years and I asked him to induct me into his Post. And he did. [2766]

(Testimony of Bernard Appel.)

Q. And have you continued up to date as a member of that? A. Yes, sir.

Q. Have you attended meetings?

A. No, sir.

Q. Never attended a meeting?

A. Only attended one.

Q. One meeting? A. Yes, sir.

Q. In the course of two years?

A. Not two years. From 1940, December, until now is not two years.

Q. Of course, you were a member of 399?

A. Yes.

Q. For a period of about two years, and a member of this Post for a period of about six months?

A. Six months.

Q. And you attended one meeting during the course of your membership?

A. Oh, no. I attended more in the other Post.

Q. How many meetings did you attend?

A. Quite a number of them.

Q. Quite a number? A. Yes.

Q. But you were not an active member? [2767]

A. No.

Q. And you have never been an active member?

A. I don't know what you mean "active".

Q. What is that?

A. What do you mean "active"?

Q. Attend meetings, participate in debate.

A. As I say, I attended a number of meetings there.

Q. Vote on questions and such things as that?

(Testimony of Bernard Appel.)

A. That's right.

Q. That is what I mean by "active". Now, were you an active member?

A. I wouldn't say very active, no.

Q. You were not an active member?

A. No. I attended meetings.

Q. Was it because you are a conscientious objector? A. No, sir. [2768]

Q. Of course, the American Legion is in favor of everybody defending the country, isn't that true?

A. So am I.

Q. But you don't believe in anybody taking up arms?

A. I didn't say that I don't believe in taking up arms, but I believe in serving my country.

Q. I say, you don't believe in taking up arms—the American Legion advocates taking up arms in the defense of the nation? A. Yes.

Q. Is that why you weren't a very active member? A. No.

Q. Why weren't you a very active member?

A. Just didn't have time.

Q. Well, were you going around stating to other people that they should not take up arms?

A. No, sir; never did.

Q. I think you stated you were a member of the Medical Corps while you were in the army?

A. Yes, sir.

Q. Of course, you weren't wounded during the war?

A. No, sir; but I have a citation for heroism.

Q. What is that?

(Testimony of Bernard Appel.)

A. I have a citation for heroism.

Q. Are you receiving compensation? [2769]

A. Yes, sir.

Q. Were you examined? A. Yes, sir.

Q. By whom?

A. The medical staff in Sawtelle.

Q. Where? A. In Sawtelle.

Q. Where is that? A. In Los Angeles.

Q. That is the Veterans Bureau in Los Angeles?

A. Yes, sir.

Q. And when were you examined?

A. A little better than a year ago.

Q. Was that the first time?

A. Oh, no. I have been re-examined.

Q. Let's find out the first time you were examined. Can you state that? A. No. sir.

Q. You don't know when you were first examined? A. No.

Q. Did you apply for compensation?

A. Yes, sir.

Q. And you don't know when you did apply?

A. I don't remember the year. I have drawed the compensation for a number of years. [2770]

Q. Well, you can give us the approximate time —was it ten years ago or fifteen years ago?

A. No, I don't think it is ten years; possibly seven.

Q. About seven years ago?

A. Maybe so; yes.

Q. That would be some time around '34, 1934?

A. Maybe; I don't remember the year.

(Testimony of Bernard Appel.)

Q. As a result of that examination did you receive compensation? A. Yes, sir.

Q. What was the diagnosis?

A. Heart trouble.

Q. Heart trouble? A. Yes.

Q. How do you know that?

A. Because I was examined by other doctors too and was treated after I came out of the army —I treated myself—because I had heart trouble.

Q. When?

A. In 1919 when I came out of service.

Q. You were examined by doctors and treated for heart trouble? A. Yes, sir.

Q. It wasn't until 1933 or 1934, that you applied for compensation, is that right? [2771]

A. Right.

Q. And you say that at that time the diagnosis showed heart trouble? A. Yes, sir.

Q. And that is the reason that you were paid?

A. Heart and glandular trouble.

Q. Now, there was nothing else?

A. I didn't claim anything else.

Q. I say, nothing else was shown on the record?

A. I don't know; I didn't read the record.

Q. You knew what they found wrong with you?

A. That is what I said, heart and glandular trouble, as far as I know, but I didn't get to read the records.

(Testimony of Bernard Appel.)

Q. As far as you know there was nothing else wrong with you except heart trouble?

A. That is all.

Q. Were you subsequently examined?

A. What do you mean by "subsequently?"

Q. After 1934, as you stated.

A. Every two years or so I am called in for an examination.

Q. They examined you again in 1936 or thereabouts? A. Yes, sir.

Q. And what did the diagnosis show then?

A. They didn't tell me. [2772]

Q. They didn't tell you? A. No, sir.

Q. You never found out? A. No, sir.

Q. You don't know whether it was heart trouble or——

A. (Interposing) No, sir. That is what I complained about. What they found they didn't tell me. They never tell me what they find.

Q. Now, after 1936 or thereabouts were you examined again?

A. Yes. I believe it is about every two years that I have been examined.

Q. That would be about 1936—1938?

A. I wouldn't want to say the years because I don't know. I am telling you how it works.

Q. Well, you gave approximately——

A. (Interposing) Approximately; yes.

Q. (Continuing) ——about seven years ago as the first examination? A. I think so.

(Testimony of Bernard Appel.)

Q. That would be '34. And a subsequent examination was about two years later, in 1936?

A. I think I am called in every two years for the examination.

Q. There was another examination in '38?

[2773]

A. About, I would say, a year and a half ago I was examined.

Q. When was the last examination?

A. As I say, about a year and a half ago.

Q. That was some time in '39?

A. I would say so.

Q. About the latter part of '39?

A. I don't remember just when; I would estimate it as then.

Q. What was the diagnosis then?

A. They didn't tell me. I complained about the same thing.

Q. How much compensation are you receiving?

A. $29.00.

Q. Did you find that you were subject to hysteria? A. No, sir.

Q. You are sure of that, now?

A. I am sure of that.

Q. And still you don't know what they did find?

A. No; they didn't find any such thing because I have no such complaint.

Q. I am asking you what they found, if you know?

(Testimony of Bernard Appel.)

A. They didn't tell me what they found. They were examining my heart and not my mind.

Q. That is the only thing they did examine you for? A. That is all. [2774]

Q. You wouldn't say that they didn't find that you were subject to hysteria?

A. I would say they didn't find that.

Q. Did the examination show hyperthyroidism?

A. It was heart and glandular trouble.

Presiding Inspector: He said glandular trouble.

Mr. Myron: I am asking now if the diagnosis showed——

Presiding Inspector: How is he supposed to know? He told you a half a dozen times that he hasn't seen the records.

Mr. Myron: I didn't understand that.

Presiding Inspector: I understood that.

Mr. Myron: I understood him to say he didn't know what the diagnosis showed.

Presiding Inspector: He hadn't seen the report. They never showed him the reports, he said.

Mr. Myron: I will take that, your Honor.

Presiding Inspector: Is that so?

The Witness: Yes, sir.

Presiding Inspector: Didn't you say that?

The Witness: Yes, sir, I did, because they don't give me the report in my hands.

(Testimony of Bernard Appel.)

By Mr. Myron:

Q. Did the doctors tell you——

A. (Interposing) No.

Q. They didn't tell you what was wrong with you? [2775]

A. No, sir.

Q. Did anybody connected with the Veterans Administration tell you what was wrong with you?

A. No, sir. The only thing I complained about was trouble with my heart, and that is what I have been examined for. What the doctors found I don't know because I don't get that paper to read and they don't tell me.

Q. Then as far as you know you went in and complained about your heart? A. That is all.

Q. And when you were examined you don't know what was found, and they paid you $29.00 a month compensation, is that right?

A. I know it was based on the trouble with my heart.

Presiding Inspector: How did you get the idea about glandular trouble?

The Witness: I was told that I had glandular trouble and heart trouble.

Presiding Inspector: Who told you?

The Witness: When I was examined the doctor said "Glandular trouble", and I didn't know where or what it meant.

Presiding Inspector: Then they did tell you something about the diagnosis?

(Testimony of Bernard Appel.)

The Witness: No, sir. That is the only thing I asked, "What did you find, doctor?" and he said "Heart and glandular [2776] trouble," and no more.

By Mr. Myron:

Q. Then the doctor did tell you——

A. (Interposing) That is the only thing he said.

Q. Who told you this?

A. One of the doctors.

Q. I thought you said a minute ago nobody told you anything.

A. As I said before, I had heart and glandular trouble, and the only way I knew it was because the doctor told me "Heart and glandular trouble."

Q. Didn't you say a moment ago no doctor told you anything about it?

A. No. This is the only thing they said.

Q. Then they did tell you something about it?

A. That is all, and I said that before.

Q. They didn't tell you that you were subject to hysteria, did they?

A. Absolutely no, because I am not.

Q. You are positive of that?

A. I am positive because I am not subject to hysteria.

Q. Well, now, think back——

A. (Interposing) I can think.

(Testimony of Bernard Appel.)

Q. (Continuing) ——no doctor connected with the Veterans Administration ever told you that?

A. I am positive. [2777]

Q. And no official of the Veterans Administration ever told you that? A. No, sir.

Q. Are you married? A. Yes, sir.

Q. Is your wife active——

A. (Interposing) She joined the Veterans of Foreign—I thought you asked me if she was active?

Q. I haven't finished the question. Is she active in Legion affairs? A. No; she hasn't time.

Q. Is she a member of the Auxiliary of the——

A. (Interposing) She is a member of the Veterans of Foreign Wars Auxiliary.

Q. Are you a member of the Veterans of Foreign Wars? A. Yes, sir.

Q. What post? A. 1052.

Q. 1052? A. Right.

Q. How long have you been a member?

A. I was a member when it was formed. I was Adjutant of the Post.

Q. When was that?

A. About two years ago. [2778]

Q. How long? A. Two years ago.

Q. That was about 1939?

A. I think so; yes.

Q. And you have been a member ever since?

A. No. They changed the meeting nights to Mondays and I belonged to a fraternal organiza-

(Testimony of Bernard Appel.)

tion where Monday meeting attendance is compulsory and I had to attend, so I didn't attend their meetings so I dropped out. I have rejoined now. [2779]

Q. When did you re-join?

A. About four months ago. They changed their meeting nights to Wednesday, so I can attend their meetings.

Q. Is your wife a member of the Auxiliary?

A. Yes, sir.

Q. To what Post does she belong?

A. 1052.

Q. And you are a member now of 1052?

A. Yes, sir.

Q. Now, is your wife a member of the Auxiliary of the American Legion? A. No, sir.

Q. Has she applied for membership?

A. No.

Q. As far as you know? A. No.

Q. Are you sure she hasn't?

A. Quite sure.

Q. Well, you would know if she had?

A. Well, not necessarily. But I don't know of it if she has.

Q. You don't know whether she has applied for membership in Post No. 393? A. No.

Q. Do you know where that Post is? [2780]

A. No.

Q. You don't know where that is located?

(Testimony of Bernard Appel.)

A. No.

Q. Do you know where Wilmar is?

A. Wilmar? A. Yes.

Q. And you are sure, or you don't know whether she has applied for membership?

A. If it is the Richard Garvey Post then I know.

Q. What is that?

A. If it is the Richard Garvey Post then I know. I don't know it by number. I am not sure whether it is 399 or 393.

Q. But do you know whether she has applied for membership in that Post?

A. I don't know.

Q. Well, if she has would you know?

A. Possibly. I wouldn't know necessarily.

Mr. Gladstein: It has been asked and answered several times.

By Mr. Myron:

Q. You wouldn't necessarily know?

A. I wouldn't necessarily know.

Presiding Inspector: I think you have covered that.

By Mr. Myron:

Q. Is 393 the Post which you belonged to at one time?

A. If it is the Richard Garvey Post that's the Post I [2781] belonged to.

Q. And you transferred from that Post?

(Testimony of Bernard Appel.)

A. No. I dropped out and I joined the Monterey Park Post.

Q. You are now in 397? A. Yes, sir.

Q. Is that right? A. Yes.

Q. So that if she applied for membership in 393 it would be the Post to which you formerly belonged? A. Yes, sir.

Q. Now, who is the Commander of Post 1052 of the Veterans of Foreign Wars?

A. It's—I will tell you in a minute. I think it's Thomas.

Q. Thomas?

A. Thomas. There was a new election just recently.

Q. Is that a first name or last name?

A. Stewart Thomas or Thomas Stewart.

Q. Now, which is it? A. I don't know.

Q. You don't know very much about this Post you just joined, do you? A. I do know.

Q. What? A. I do know. [2782]

Q. You should know the Commander's name.

A. There was an election just recently.

Q. All right. Do you know the Commander's name? A. I do.

Q. What is it? A. Stewart Thomas.

Q. Stewart Thomas?

A. Or Thomas Stewart.

Q. Which is it?

A. I don't know. I know the man. That is enough.

(Testimony of Bernard Appel.)

Q. You don't know very much about this Post?

A. I do know.

Mr. Grossman: I submit it is argumentative and obviously irrelevant.

Presiding Inspector: I think it is irrelevant.

Mr. Myron: I want to find out if he knows anything about this Post.

The Witness: I know the name.

Presiding Inspector: You have asked him about fourteen times.

Mr. Myron: And he hasn't given me an answer yet.

Presiding Inspector: Yes, he has. He said it was either Thomas Stewart or Stewart Thomas and he didn't know which it was.

Mr. Myron: I want to find out—— [2783]

Presiding Inspector: (Interposing) That's all you can find out.

The Witness: I know the man well. He is living in my district.

Presiding Inspector: You have asked him repeatedly. We have got to make some progress. Go ahead.

By Mr. Myron:

Q. Now, you are a member of the I.L.G.W.U., is that right? A. Yes, sir.

Q. That is the International Ladies' Garment Workers' Union, is that right? A. Right.

(Testimony of Bernard Appel.)

Q. Where were you first employed after you became a member of that Union?

A. I was employed at the Well-Made Garment Company.

Q. At the Well-Made Garment Company?

A. Well-Made Garment.

Q. And when did your employment start at that company?

A. I believe it started in July, 1929.

Q. And you became a member of the union at that time?

A. No. We didn't have no union then.

Q. Well, when did you become a member of the union?

A. I believe it was in '32. We were called out on a general strike, and from that time on we had a union and I was [2784] a member ever since.

Q. That is in 1932? A. Right.

Q. At the time you were a member of the union you were called out on a general strike?

A. No. We were not members of the union. We had no union up until '32.

Q. Well,——

A. (Interposing) And we were called out. The shops that weren't organized were called out on strike.

Q. Who called you out?

A. The International.

(Testimony of Bernard Appel.)

Q. And you were not a member of the union?

A. There was nobody a member then. There was no union in Los Angeles then.

Q. Well, who had the right to call you out, not being a member of the union?

A. They have a right to call out workers and organize them.

Q. Well, who asked you to go out?

A. The International Ladies' Garment Workers' Union established an office and asked us to join their union and called us out on a strike.

Q. Well, then, the union, as I understand it, was organized? [2785]

A. The union is organized.

Q. Now, just get this straight! The union was organized at the time you were working with this company and then they called you out, although you were not a member of the union, in a general strike. Is that true?

A. I began to work for this firm in 1929 and I worked for them six and a half years, which would take it to 1932 when I was called out on a strike.

Presiding Inspector: I don't think you quite get the question. Ask the question again.

By Mr. Myron:

Q. When did you become a member of the union, Mr. Appel. A. In 1932.

Q. What month?

A. I believe it was in March or April.

(Testimony of Bernard Appel.)

Q. March or April? A. Yes.

Q. Of 1932?

A. Wait! I wish to make a correction. I wish to make a correction. We have had the cutters—there was a little union started before that. I just remember. And a small group of us belonged to the Inernational then. It just flashed through my mind. It must have been about 1930.

Q. Then you want to correct that statement?

[2786]

A. Yes, I do.

Q. By stating that you were a member of the union prior to 1932? A. Yes.

Q. Is that right? A. Yes.

Q. All right. Now tell us when you first became a member of the union.

A. Tell you what?

Q. When you first became a member of the union. A. About '30 or so; 1930.

Q. About 1930? A. I think so.

Q. And that is what month in 1930?

A. I wouldn't remember.

Q. Now, when was the general strike that you have just referred to? A. I think '32.

Q. Well then, the general strike had nothing to do with your membership in the Union?

A. No, that's right. You are right.

Q. Is that right? A. I am wrong.

Q. Then you were wrong and I was right?

A. That is right. I just forgot.

(Testimony of Bernard Appel.)

Q. From 1930 to 1932 you were a member of this Inter- [2787] national Ladies' Garment Workers' Union, is that right? A. That's right.

Q. And in 1932 there was a general strike?

A. Right.

Q. And you were called out? A. Yes.

Q. And you participated in that strike?

A. Right.

Q. Is that right? A. Right.

Q. Now, that had no reference whatever to your membership in the union, to your joining the union; is that right? A. No.

Q. So you want to change that now?

A. What do you mean, "change it". I don't understand your question.

Q. Well, I understood you to say that as a result of a general strike——

A. (Interposing) No, no.

Q. (Continuing) ——in 1932——

A. (Interposing) No, that was wrong.

Q. That was wrong. All right. A. Yes.

Q. Now, when did you first meet Mr. Laurence?

A. I met him before that. We have tried to organize [2788] the cutters.

Q. Well now, just when? You can tell us the year or the month.

A. About 19—19—around 1929 or '30.

Q. About 1929 or '30?

A. I would say about that time.

(Testimony of Bernard Appel.)

Q. Was he working for the same firm that you were working for? A. No, sir. No.

Q. How did you meet him?

A. In the union.

Q. This was in 1930?

A. I would say '29 or '30, yes.

Q. Well, of course you didn't join the union until 1930, did you?

A. Well, about that, yes. But I am trying to explain.

Q. Now, that is true, isn't it?

A. That's right.

Q. I want to get it straight.

A. I want to explain you something. Then you will get it straight.

Q. All right.

A. In 1929—the reason I know is because I was homesteading in '28 and I came back in '29, the end of June, back to Los Angeles. When I came back I got the job in Well-Made [2789] Garment Company in a dress house. From that time on we sort of talked about having an organization and a group of——

Q. (Interposing): Now, who is "we" and what is the organization?

A. We cutters in the dress industry. And we banded ourselves together and formed what we called the Cutters' Club, because there was no union then, and we succeeded in banding quite a group of cutters together in the industry. But somehow or other we didn't stay together and that club fell

(Testimony of Bernard Appel.)

apart, and a small group of us remained and joined the International and Laurence was one of them. And that's how I know Laurence.

Q. Then you met Laurence prior to the time that you became a member of the International Ladies' Garment Workers' Union?

A. That's right, yes, in the club.

Q. And you didn't meet him in the union?

A. I met him in the club.

Q. What club did you meet him in?

A. I told you: The Cutters' Club. We formed the Cutters' Club.

Q. And where was that?

A. We used to meet in the Emiel Brown Building.

Q. What building?

A. The Emiel Brown Building. [2790]

Q. How do you spell that?

A. B-r-o-w-n. Emiel Brown. It is Ninth and Julian.

Q. Was that this Cutters' Club?

A. The Cutters' Club, yes.

Q. Club room?

A. Not a club room. We used to call ourselves the Cutters' Club, but we would meet not in the same place all the time. We would meet in Julian Street in a restaurant and sometimes meet in the Emiel Brown Building.

Q. Then you knew him socially before you were in any union?

A. No. Our club wasn't a social club.

(Testimony of Bernard Appel.)

Q. Well, you met him in restaurants?

A. Not restaurants. We held our meeting in a restaurant.

Q. I see. Well, what restaurant was this?

A. I beg your pardon?

Q. What restaurant were the meetings held in?

A. On Julian Street.

Q. Where?

A. On Julian between Eighth and Ninth.

Q. What was the name of it?

A. I don't know.

Q. And this was sometime in '29?

A. Yes. [2791]

Q. That you met him?

A. Yes; '29 and '30.

Q. And you met Mr. Laurence for the first time——

A. (Interposing): '29 or '30.

Q. Was it the early part of '29?

A. No. It couldn't be the early part because I came back in June of 1929 from homesteading.

Q. Were you friendly with him?

A. I wasn't friendly with him; I didn't know the man. I got acquainted with him.

Q. Did you become friendly with him?

A. Yes.

Q. And did you help organize this Cutters' Club? A. Yes.

Q. And did he help? A. Yes.

Q. Worked alongside of you? A. Yes.

Q. Together with you and others? A. Yes.

Q. In organizing this club?

(Testimony of Bernard Appel.)

A. That's right.

Q. And then sometime in '30 you went into the——

A. (Interposing): International.

Q. (Continuing): ——American Federation of Labor? [2792] A. Right.

Q. That was the International Ladies' Garment Workers' Union? A. That is right.

Q. And he worked with you and others?

A. Yes.

Q. In affiliating with this union?

A. Yes, sir.

Q. American Federation of Labor Union. Now, did you take a prominent part in bringing the Cutters' Club into the American Federation of Labor?

A. No more than the rest of them have.

Q. Did Mr. Laurence take a prominent part?

A. I wouldn't say he took any more prominent part than the rest of us.

Q. Were there any officers or anybody in charge?

Mr. Grossman: Of what? Of what, Mr. Myron?

A. No. We had no officers.

Mr. Myron: Well, the witness understands. He can answer it.

A. (Continuing): We cutters had no officers of our union.

By Mr. Myron:

Q. What is that? [2793]

A. We cutters had no officers of our union.

Q. Then there was no leadership in the club?

(Testimony of Bernard Appel.)

A. There was leadership.

Q. You all took a part and you all worked together? A. Yes.

Q. And you were all in favor of joining the International Ladies' Garment Workers' Union?

A. Right.

Q. And you went into the union?

A. Right.

Q. When you went into the union was it a local of the International Ladies' Garment Workers' Union? A. Yes.

Q. And what local was that? A. 84.

Q. And you and Mr. Laurence were members of that 84—— A. (Interposing): Right.

Q. (Continuing): ——Local? A. Right.

Q. And you were friendly? A. Yes.

Q. You got along all right? A. Yes.

Q. Worked for the benefit and best interests of the organization? [2794] A. Right.

Q. Was he an officer of that local?

A. No. If I remember right, I don't know whether he was an Executive Board member or not.

Q. What is that?

A. I don't remember. I mean, if you consider an Executive Board member an officer.

Q. Well, did he hold any official position?

A. Yes. He might have held Executive Board.

Q. Don't you know?

A. No. It's too long a time to remember.

(Testimony of Bernard Appel.)

Q. But he might have been a member of the Executive Board? A. He might have been.

Q. Were you? A. I was.

Q. And you don't know whether he was?

A. No.

Q. How many members in the Executive Board?

A. About 15.

Q. 15? A. Yes.

Q. And you knew Tommy Laurence?

A. Yes.

Q. From 1929, had worked with him and had worked hard [2795] to get into this American Federation of Labor organization? A. Yes.

Q. And you didn't know whether he served with you on the Executive Board?

A. Not at that time. I know he served as an Executive Board member time and time again, but I don't know at that particular time.

Q. Now, have you been a member of the I. L. G. W. U. since 1930? A. Yes.

Q. Continuously? A. Continuously.

Q. You never left the organization?

A. No, sir.

Q. And Mr. Laurence has been a member of that union? A. Yes, sir.

Q. Continuously?

A. Well, he would disappear at times for five or six——

Q. (Interposing): I am talking about membership.

A. I couldn't tell when he would leave.

(Testimony of Bernard Appel.)

Mr. Grossman: Just a moment!

A. (Continuing): When he would leave I have no knowledge when he left whether he remained a member or he didn't. He could have taken a withdrawal card.

By Mr. Myron: [2796]

Q. As far as you know he remained a member continuously? A. That's right.

Q. You don't want to leave the inference that he left the organization, do you? A. No.

Q. Do you?

A. I don't know; just as I say.

Q. When you said that he disappeared at times you don't want to leave any inference that he left the organization?

A. I wouldn't leave any inference. I merely say that I know and what I think. I don't know whether he has taken a withdrawal card or not.

Q. You don't know whether he has or not?

A. No. No, sir. I would have no interest in finding out.

Q. Well, at what time did he disappear? When, since 1930?

A. He disappeared about, possibly a year ago. He was a Business Agent then.

Q. All right. Is that the only time he disappeared?

A. No. He disappeared since he came back in this year.

Q. All right. Before a year ago did he disappear from [2797] the union?

(Testimony of Bernard Appel.)

A. I don't know. He has gone away for a few months. I didn't know where.

Q. And he returned?

A. And he returned, yes.

Q. Well, he certainly didn't leave the organization then, did he?

Mr. Grossman: Just a moment! I object to that question.

By Mr. Myron:

Q. Did he?

Presiding Inspector: If he knows.

A. I wouldn't know. I am telling you that he can take a withdrawal card.

By Mr. Myron:

Q. Well, after he, as you call it, "disappeared"—— A. (Interposing): Yes.

Q. (Continuing): ——you saw him at meetings subsequently, didn't you?

A. When he came back he could have re-joined.

Q. And he participated in the meetings?

A. Yes, that's right.

Q. And, of course, if he had withdrawn he would have to re-join?

A. You don't have to re-join. He merely brings in his withdrawal card and he says "I am a member again". [2798]

Q. Oh, I see. Well, he never withdrew?

A. I beg your pardon?

Q. He never withdrew? A. No.

(Testimony of Bernard Appel.)

Q. Did you ever disappear, or what you call "disappear"? A. No, sir.

Q. Now, in 1930 this Ladies' Garment Workers' Union was a member of the A. F. of L., is that right? A. Right.

Q. Now, did it change its affiliation at any time?

A. It did.

Q. Since 1930? A. It did.

Q. When?

A. About three years ago. We left the A. F. of L. and joined the CIO.

Q. Now, when you say "three years ago" you mean sometime in '38?

A. I couldn't say exactly. I would say '38 or '39. I know it is approximately three years ago.

Q. You don't know the approximate date?

A. No.

Q. Would you know the month?

A. No. I wouldn't know the month and I wouldn't be sure [2799] of the year. I know it is about three years ago, just approximately.

Q. And is it still a member of the CIO?

A. No. We left the CIO again and got back into the A. F. of L.

Q. When did you return to the A. F. of L.?

A. About a little better than a year ago.

Q. Do you know the date? A. No.

Q. The month? A. No.

Q. Have you been very active in the union?

A. I have, but those things are not very important to me, at least.

(Testimony of Bernard Appel.)

Q. Do you attend meetings?

A. Oh, yes, I do.

Q. Regularly? A. Regularly.

Q. Was there any discussion about the transfer?

A. Our meeting attendance is compulsory.

Q. Was there any discussion about the transfer from the A. F. of L. to the CIO?

A. Yes, there was.

Q. And a subsequent transfer to the A. F. of L.?

A. Yes, there was. [2800]

But I still wouldn't remember the date.

Q. I see. A great deal of discussion about it?

A. Not so awfully great at the time of our transferring. It was a very routine job.

Q. That is from the A. F. of L. to the CIO?

A. Yes, and vice versa.

Q. No difference of opinion at all?

A. Oh, there was a difference of opinion, but there wasn't what I would call any very heated discussion on that.

Q. Some wanted to remain in the A. F. of L., I suppose? A. Oh, yes.

Q. And some wanted to join the CIO?

A. Oh, yes. But it wasn't in a very hostile spirit.

Q. But they asserted themselves on that question, on that issue? A. Yes, yes.

Q. Were your in favor of transferring to the CIO?

A. Well, I wasn't particularly favoring either side. I was satisfied the way it was.

(Testimony of Bernard Appel.)

Q. You didn't participate in the discussion?

A. I did, but——

Q. (Interposing): You didn't care what they did?

A. No. I wouldn't say I didn't care what they did, but it didn't matter much to me then.

Q. What were your views on the issue?

A. I beg your pardon? [2801]

Q. What were your views on the issue? How did you feel about it?

A. Well, I possibly favored going into the CIO, but there wasn't any hot feelings about it one way or the other way.

Q. You mean on your part?

A. I beg your pardon?

Q. You mean on your part?

A. Not on many others either.

Q. I am asking how you feel on your part?

A. No. My feelings weren't hot one way or the other.

Q. In other words, you didn't care whether you went into the CIO or whether you remained in the A. F. of L., is that right?

A. No. I would say I possibly favored the CIO, but it wasn't a very important thing in my mind either way.

Q. Now, from 1930 up to three years ago—that would be sometime in 1938—your union was affiliated with the A. F. of L.? A. Right.

Q. And at that time there was a discussion as to

(Testimony of Bernard Appel.)

whether you would disassociate yourselves from the A. F. of L. and go into the CIO?

A. Now, if you will permit me I am going to explain something.

Mr. Myron: You can answer the question "Yes" or "No." [2802]

Mr. Grossman: Just a moment!

Presiding Inspector: You will have plenty of time to explain. Just answer the question.

Mr. Myron: Will you read the question?

(The question referred to was read by the reporter as above recorded.)

A. That's right.

By Mr. Myron:

Q. Although you had been a member of the A. F. of L. for a period of eight years it didn't make any difference to you, although you did show or indicate a slight preference for the CIO, is that right? A. I have, yes.

Q. Did you know Mr. Bridges at that time?

A. No, sir. I never met him. I didn't know Bridges.

Q. Had you heard of him?

A. I beg your pardon?

Q. Had you heard of him?

A. I heard of him.

Q. As a labor leader?

A. Yes. I heard of him.

Q. In what capacity?

A. What year are you referring to?

(Testimony of Bernard Appel.)

Q. At the time of this transfer.

A. You mean the transfer from the A. F. of L. to the CIO? [2803]

Q. That's right.

A. Yes. I have heard of him a great deal after we were in the CIO Council.

Q. I am talking about at the time of the transfer.

A. No, at the time of the transfer.

Q. At the time this discussion came up?

A. No, I don't remember his name having been mentioned.

Q. You never heard him mentioned?

A. I heard of him. I read of him in the papers occasionally, but beyond that I haven't heard of him in my union.

Q. Do you know him as a labor leader?

A. Yes, I heard of him.

Q. Do you know of him as a CIO organizer on the West Coast?

A. Well, I didn't know just what capacity he was in. I knew he was affiliated with maritime unions somewhere, somehow.

Q. Do you know that he left the A. F. of L. to go into the CIO?

A. No, I didn't believe I have.

Q. You didn't know any of those things?

A. No.

Q. Did you know that he was advocating the change to the CIO? [2804]

A. Well, I knew after he was in the CIO. I heard of him being in the CIO.

(Testimony of Bernard Appel.)

Q. I am talking about the time of this discussion. A. No, I didn't.

Q. About the transfer from the A. F. of L. to the CIO? A. No, no. I really didn't know.

Q. You didn't know him then? A. No.

Q. Did you know that Mr. Bridges was interested in CIO at that time?

A. Yes, I heard that he was.

Q. Now, I am limiting this time to the time of the discussion in the union between those members who believed the union should stay in the A. F. of L. and those who believed that it should go CIO. At that time? A. At that time what?

Q. Did you hear of Mr. Bridges?

A. No. We had no occasion to hear of Mr. Bridges then.

Q. Did you ever hear his name discussed in the meetings?

A. Not up to then; not up until after we joined the CIO Council.

Q. Was his name discussed when the Union members spoke of the change to the CIO?

A. I don't remember having heard his name mentioned then. [2805]

Q. Well then, as far as you know he was unheard of at the time of this change?

A. I would say I didn't hear of him then until after we changed.

Mr. Gladstein: Just a moment! I wish to make an objection first of all to the question upon the

(Testimony of Bernard Appel.)

ground that it calls for the conclusion of the witness as to whether other people had heard of him.

Mr. Myron: That is what I am asking for.

Presiding Inspector: He is asking whether he heard of him. I think it is subject to that interpretation.

Mr. Gladstein: If it is subject to that interpretation, I have no objection. But if your Honor will hear the question again——

Presiding Inspector (Interposing): Of course, he can't testify as to what was heard by other people because unless they told him——

Mr. Gladstein (Interposing): That's the question. Can we have that question read?

Presiding Inspector: I think the——

Mr. Gladstein (Interposing): Could we have the question read, your Honor?

Presiding Inspector: I know it is somewhat ambiguous.

(The question referred to was read by the reporter as above recorded.) [2806]

Presiding Inspector: That means as far as he knew by hearing.

A. (Continuing): I heard the name Bridges but, I mean, we did not have any occasion to discuss Harry Bridges up until the time we had joined the CIO Council. From that time on we have heard of him.

(Testimony of Bernard Appel.)

By Mr. Myron:

Q. Did you hear the name Bridges discussed in these meetings of the union at that time?

A. I don't remember.

Q. You don't remember?

A. No, sir. I have heard a great deal, his name mentioned, after we joined the CIO.

Q. Of course, I haven't asked you that.

A. Well, that is what I am answering you.

Q. But you didn't hear it discussed in the meetings? A. I don't remember.

Q. Was Communism discussed in these meetings? A. Oh, occasionally.

Q. Just occasionally?

A. Just occasionally.

Q. By the members?

A. By some members.

Q. How many?

A. A few; very few. [2807]

Q. And what was said about Communism?

Mr. Grossman: Just a moment! I am going to object to that.

A. There was nothing said about Communism.

Mr. Grossman: Just a moment! I am willing to be patient, but I certainly can't see any conceivable relevance as to whether the union does or does not discuss Communism.

Presiding Inspector: I don't see that there is much importance to it, but if you would like to ask that——

(Testimony of Bernard Appel.)

Mr. Myron (Interposing): I would like to ask this, your Honor. This is a preliminary question.

Presiding Inspector: This is to get him started.

A. (Continuing): We didn't discuss in our Local, when you questioned about Communism, Communism. It was a question where one group would call another group of people "Communists" because of disagreement in policy. That's about all. But we had no occasion to discuss Communism in any sense at all. [2808]

By Mr. Myron:

Q. Then, if I understand you correctly, the only time you discussed Communism was when you discussed some policy of the Union, is that right?

A. Yes; when we discussed the policy and some members would suggest a certain policy, and the other faction would disagree and call the others "Communists."

Q. Of course, you consider a change from the A. F. of L. to the C. I. O. as a policy of the Union, wouldn't you?

A. Well, to be truthful it wasn't much up to us.

Q. It wasn't up to you?

A. No, sir. It works in the following way—it is very harsh but true: When the national officers determine the policy the voting is more or less of a routine affair. It is understood that we are expected to go into the C. I. O. and we go into it; and when they decided to jump out of the C. I. O. into

(Testimony of Bernard Appel.)

the A. F. of L. again the same thing took place. So it is just a routine job.

Q. Then the vote of the local doesn't mean a thing? A. It doesn't seem to be.

Q. It is all cut and dried before the vote is taken?

A. It is more or less cut and dried.

Q. By the officers?

A. By the general officers.

Q. And whatever they say they can put across in the [2809] locals?

A. Put across; yes.

Q. I see. And there is not much trouble in the locals in putting across a policy?

A. There might be a little fight against it.

Q. That probably comes from the group opposed to Communism and they get up and raise a holler about it?

A. No; some groups who are not interested in the best interests of the workers in the Union.

Q. Of course, the best interests of the workers would mean those who are opposed to Communism, isn't that right? A. Possibly so.

Q. Those would be the ones that would oppose these policies being put through in a cut and dried policy?

A. I don't know how you place that.

Mr. Grossman: Just a minute. Mr. Myron has referred to two policies, going in the C.I.O. and going out of it. I would like to know which policy he is referring to now.

(Testimony of Bernard Appel.)

Presiding Inspector: He probably means both.

Mr. Grossman: Communists on both sides?

Presiding Inspector: At different times.

Mr. Grossman: With that clarification——

Presiding Inspector: I am not sure that it clarifies.

By Mr. Myron:

Q. Do you believe a Communist could be a good union man? [2810]

A. I haven't looked at it from that angle at all. I am not examining my brothers in my union from the political or religious standpoint at all.

Q. Communism, in your opinion, is a religion?

A. No—I didn't say that. I said I am not examining my brothers in the union from a political or religious angle. I am examining them as unionists.

Q. That is in answer to my question of whether you consider that a Communist could be a good union man, and that is your answer?

A. I think he can.

Q. You think he can? A. I think he can.

Q. I see.

A. Just as much as a Republican or Democrat can.

Q. Is Communism, in your opinion, a religious or a political party?

A. I don't know what it is: I am not familiar with it.

Q. But you wouldn't oppose Communism, or Communists dominating your union, would you?

(Testimony of Bernard Appel.)

A. Well, I wouldn't want any one particular group dominated.

Q. You wouldn't oppose it if a Communist leader spoke on a certain subject or policy of the union?

A. You mean just what policy? [2811]

Q. Any policy?

A. I couldn't stop him if I wished. He has a right to the floor.

Q. He has a right to the floor?

A. If he spoke, and he would talk about union activities, I couldn't stop him, oppose him.

Q. Do you know Mrs. Fay Appel?

A. Mrs. Fay Appel—no.

Q. You don't know a Mrs. Fay Appel that lives on Normandie Avenue in Los Angeles?

A. No, sir. I have no relations at all in Los Angeles excepting my brother.

Q. Are you a member of the Communist Party?

A. No, sir.

Q. Have you ever been a member of the Communist Party? A. No, sir.

Q. Have you ever attended any meetings of the Communist Party as far as you know?

A. No, sir.

Q. Are you a member of the League against War and Fascism? A. No, sir.

Q. Are you a member of the League for Peace and Democracy? A. No, sir.

Q. Are you a member of the League for American Mobili- [2812] zation?

(Testimony of Bernard Appel.)

A. I am not a member of any organizations except what I gave you.

Q. Let's go back a moment to the time that you became naturalized. That was in what year?

A. 1916.

Q. 1916?

A. I think that is the year; I believe that is the year.

Q. Were you ever a member of the Needle Trade Workers Industrial Union?

A. No, sir.

Q. You never were a member of that union?

A. No, sir.

Mr. Myron: I wonder if we could have a recess at this time?

Presiding Inspector: Yes. We will take a short recess.

(Whereupon a short recess was taken.)

Presiding Inspector: Proceed.

By Mr. Myron:

Q. Mr. Appel, were you a conscientious objector at the time you became naturalized?

A. No, sir.

Q. You were not?

A. You mean—I had no occasion to be. We weren't at war then. [2813]

Q. You were not. Did you hold those views as a conscientious objector at that time?

A. No, sir, not at that time.

Q. You did not at that time? A. No.

(Testimony of Bernard Appel.)

Q. When did you begin to hold those views?

A. Well, I sort of took stock. I know that I was taught religion at home and I had been taught——

Q. (Interposing) I said "When" and not "How".

A. Well, shortly after I became a citizen I read about the war and all it meant, and I took stock. We don't always do——

Q. (Interposing) Was this in 1916, 1917 or when?

A. It was—I believe I took out—I would say at the end of 1916.

Q. Right after you became naturalized?

A. Not right after; quite a while after.

Q. You became naturalized in 1916?

A. Yes.

Q. It was in the same year then?

A. I would say possibly 1916 or the early part of 1917.

Q. When was the first time that you heard Mr. Laurence make any reference to Mr. Bridges?

A. That was after we had joined the C.I.O. Council. We got out of the A. F. of L. and we formed a C. I. O. Council and [2814] Laurence was one of the delegates to that C. I. O. Council from our local.

Q. He was a delegate to the C. I. O. Council?

A. He was a delegate to the C. I. O Council from our local.

Q. Were you? A. No, sir.

(Testimony of Bernard Appel.)

Q. When was that, the approximate date?

A. Well, if it is three years ago I would say about two or three months after we were in the Council.

Q. It was immediately after the union joined the C. I. O.?

A. No. I tell you it couldn't be immediately because, according to our instructions from the national office our delegation in the A. F. of L. Central Council were to stay in so long, that is, until the A. F. of L. finally told us to get out.

Q. Those were the instructions through your union? A. Yes.

Q. And it was at that time that——

A. (Interposing) Then when we were asked to get out we formed a C. I. O. Council and Laurence was a member of that Council. And within about two or three months' time he seemed to have had differences with the activities of the Council and he connected his troubles with Bridges.

Q. Did he oppose the union going C. I. O.?

A. Not that I know of. [2815]

Q. Did you know whether he took part in the debate in the union meetings in that regard?

A. He may have, but I don't believe he took an opposing view.

Q. He never said anything as far as you know at the union meetings about the change to the C. I. O.?

A. I haven't heard him oppose it at least I don't remember it.

(Testimony of Bernard Appel.)

Q. Was there some discussion in those meetings about not going C. I. O. because of the Communist influence?

A. No. I told you before that it is just a routine matter as far as the locals are concerned.

Q. You told me that, but now I want to know if there was any discussion at all in the union meeting.

A. There was a discussion, but I couldn't say whether Laurence was for or against the question.

Q. And after the union went C. I. O., and before it came back to the A. F. of L. did Laurence participate in any discussions regarding the transfer back or remaining in the C. I. O.?

A. No. I told you, and I tell you again, after he was in the Council about two or three months, he seemed to have had a great deal of difference about the way things were carried on in the C. I. O. Council. He made a number of talks on the floor of our local and he was very hostile towards Bridges because he attributed all of the differences in the Council to [2816] Bridges.

Q. What differences were they that he spoke about?

A. I couldn't tell you what they were now.

Q. Well, can't you—

A. (Interposing) Well, one of the things I remember, he stated, and he stated it in a very violent manner, he said that the, I believe, the Chairman of that Council was Bridges' appointee.

Q. Who was the Chairman of that Council?

(Testimony of Bernard Appel.)

A. I don't remember the name.

Q. He stated vehemently that the Chairman of that Council was Harry Bridges' nominee, is that right? A. Yes.

Q. And he opposed that, the Chairman?

A. He opposed the Chairman.

Q. That was one of the differences that he had with Bridges? A. Yes.

Q. Now, were there any others?

A. Well, there was a matter of policy, but just what that policy was I certainly couldn't say because I had nothing to do with it.

Q. What was the policy—don't you remember?

A. I don't know, I am telling you, what he took up in there. I didn't know because I had no connection with the [2817] Council.

Q. Well, you mentioned here there were some differences.

A. Yes, but what they were I don't know.

Q. How do you know there were any differences?

A. Well, I know because he was very hostile towards Bridges. That is what I am telling you.

Q. Based on differences?

A. On differences in policy in the Council.

Q. And you don't know what that policy was?

A. No, sir—one of them I mentioned to you.

Q. You don't know what Mr. Bridges' position in that regard was?

A. No. I didn't pay any attention.

(Testimony of Bernard Appel.)

Q. And you don't know what Mr. Laurence's position was except that he opposed Mr. Bridges?

A. That is, excepting that he was hostile toward him because he disagreed with his——

Q. (Interposing) Policy?

A. Not policy—I don't know—the appointment of a Chairman, or the election of a Chairman.

Q. That was one, and the other was in regard to some policy?

A. I don't know what the other one was.

Q. But it was in regard to some policy?

A. Yes. [2818]

Q. And he opposed Mr. Bridges? A. Yes.

Q. And there were differences, is that right?

A. Yes.

Q. Now, when was the first time that he made any of the remarks which you stated he made yesterday?

A. He made them, I would say, about four or five months after he was in the Council.

Q. And that was in the course of discussing his opposition to Mr. Bridges on some policy?

A. Yes. He would tell me, for instance, about some of the activities in the Maritime Union, but I am not familiar with the set-up of the Maritime Union so after he told me I didn't know what it was all about. He just might as well have talked about chemistry. I didn't know the set-up and didn't understand what he was referring to.

Q. You didn't understand Mr. Laurence?

A. I didn't understand his explanation that this

(Testimony of Bernard Appel.)

and that was done in the Maritime Union; and not understanding the set-up I certainly didn't understand what he was really referring to. Furthermore, he was talking on a subject I wasn't familiar with and I couldn't understand it.

Q. You don't know anything about what constituted his opposition to Mr. Bridges, except that it was in regard to some of Mr. Bridges' policies?

[2819]

A. That is right.

Q. Now, you stated also that he was opposed to Communism, vehemently opposed to Communism?

A. Who was?

Q. Mr. Laurence.

A. He became so on that subject; yes. He was a Communist himself at one time.

Q. He had an obsession in that regard, didn't he? A. He did.

Q. And he opposed anything that resembled Communism in policies of the Union?

A. Well, I don't know about that. He would oppose anything and anybody that was of a different opinion from him.

Q. And, of course, he opposed any policy which he thought might be started or instigated by the Communist Party, isn't that true?

A. He would.

Q. And if he thought that—strike that out. Did he say at times that he opposed a certain policy because he thought that it was the policy of the Communist Party? A. He did.

(Testimony of Bernard Appel.)

Q. And that policy at times was the same policy that Harry Bridges advocated?

A. Well, he would accuse Harry Bridges of being Communist dominated. That is about all.

[2820]

Q. And he opposed the policy and Harry Bridges' advocacy of the policy, is that right?

A. That is right.

Q. Now, when was the second time that you talked with Laurence?

A. I had a number of talks with him.

Q. How many? A. Dozens of them.

Q. They were all in this——

A. (Interposing) All in this vein. He seemed to have had a streak in his mind, and was always pointing his conversation to Communists and Bridges. It seemed to be sort of a phobia with him.

Q. During your relationship with Mr. Laurence, over a period of eight or ten years, did you know that he was a member of the Communist Party?

A. For a long time I didn't know.

Q. Did you, during that period of time?

A. I did; yes.

Q. When did you first find out he was a member of the Communist Party?

A. I would say possibly seven years ago.

Q. That would be about 1933, 1934?

A. Yes; about.

Q. You found out that he was a member of the Communist [2821] Party?

(Testimony of Bernard Appel.)

A. Yes. He told me he was, told me that when he left the Party. I don't know what year it was. I mean after he left he told me that he was a member of the Communist Party.

Q. Was that the first time that you knew it?

A. Yes, sir.

Q. And you think that was about seven years ago?

A. I think so. I wouldn't say for sure, because we had so many conversations, and it don't mean anything particularly to me to remember dates along that line. I merely assumed it was then.

Q. I just want your best recollection.

A. I would say maybe then.

Q. Now, how did he come about to tell you that he was a member of the Communist Party?

A. Well, he criticized some of the members whom he accused of being Communists and naturally, like I said before, he would never connect the word "Communist" without using the words "son of a bitch". He said, "I used to be one of them, but I am no more."

Q. When he would oppose some policy in the union, or some member who was advocating a policy in the union, he would refer to them as a "Communist"? A. Yes.

Q. In a little stronger language than that?

A. Yes. [2822]

Presiding Inspector: He said that.

(Testimony of Bernard Appel.)

By Mr. Myron:

Q. Did you know of any other members of your union as being Communists?

A. No. I didn't know just whether they were members of the Party or not. I couldn't say of a single one.

Q. He was the only one who told you?

A. Yes.

Q. You wouldn't have known he was a Communist had he not told you, is that right?

A. That is right.

Q. And, of course, in opposing the policies advocated by Mr. Bridges he at times referred to Mr. Bridges as a Communist?

A. No, he didn't say that. He said he was Communist dominated. I asked him that question, whether he knew if Bridges was a Communist or not, and he said, "No." But, he said, "He is surely Communist dominated."

Q. That he was Communist dominated. And he said that the policies Mr. Bridges was advocating were Communist dominated policies, is that right?

A. That is what he said. He said [2822] something about Lewis.

Q. I didn't ask you that, did I?

Mr. Gladstein: If your Honor please, I object to the [2823] question as being argumentative.

Presiding Inspector: What question?

Mr. Gladstein: The question asked by counsel now is argumentative.

(Testimony of Bernard Appel.

Presiding Inspector: I don't remember what it was. It was answered.

Mr. Gladstein: The first question to which an answer was given I do not object to, but the last question was "I didn't ask you that, did I?" and the record will show that.

Presiding Inspector: I didn't think you were referring to that.

Mr. Gladstein: Yes.

Mr. Myron: It isn't argumentative.

Presiding Inspector: I don't think it is argumentative.

Mr. Gladstein: All right.

Presiding Inspector: Go ahead.

By Mr. Myron:

Q. Of course, you knew at that time that Mr. Laurence had been a member of the Communist Party, didn't you? A. That is right.

Q. And, of course, having been a member of the Communist Party you knew that he probably knew the members of the Communist Party?

A. I wouldn't assume that because I didn't know whether we had any Communist members in our local or not. [2824]

Q. But, I say, having that background of knowledge that he had been a member of the Communist Party it was likely that he knew who were members of the Communist Party, isn't that true?

A. Not necessarily.

Mr. Gladstein: Just a moment. I object to the question.

(Testimony of Bernard Appel.)

Presiding Inspector: I don't think that is a question for evidence. I think we can draw that conclusion as well as he—and the opposite.

Mr. Myron: I will withdraw the question.

By Mr. Myron:

Q.—Did he at any time state that he knew that certain policies that were advocated in the Union meetings were dominated and controlled by the Communist Party? A. No.

Q. He didn't say that?

Mr. Grossman: Just a moment. For one, I can't understand how a policy can be dominated by the Communist Party. Perhaps I don't understand.

Mr. Myron: The witness has told you how.

Presiding Inspector: I will allow it.

Mr. Grossman: I object to the question as being ambiguous.

Presiding Inspector: Read the question.

(The question referred to was read by the reporter as [2825] above recorded.)

Presiding Inspector: I think that is a little ambiguous. Rephrase it.

Mr. Myron: I will withdraw the question and rephrase it.

By Mr. Myron:

Q. In discussing the issues before the Union at any time did Mr. Lautgree state to the Union members that such and such a policy, which was being advocated, was dominated and controlled by the Communist Party?

(Testimony of Bernard Appel.)

Mr. Grossman: I make the same objection.

Presiding Inspector: I don't suppose the policy can be dominated. You mean was a policy favored or advocated by the Communist Party, is that what you mean?

Mr. Myron: That is right.

Presiding Inspector: With that interpretation I will allow it. You may answer.

Mr. Myron: I will amend my question to that effect.

Presiding Inspector: Let me put it this way to you? Did he state that the policies which he was criticizing were policies of the Communist Party, or advocated by Communist members, members of the Communist Party?

The Witness: He would say that.

By Mr. Myron:

Q. Now, who was present at the time that Mr. Laurence referred to Mr. Bridges in the manner you stated?

A. It was only he and I. [2826]

Q. Just the conversation between the two of you?

A. The two of us, yes. And he made a similar statement. There was another fellow by the name of Milton Snipper. He made at that time a statement that he would do anything in the world to get Bridges out of the union, and I was there. He said that up in the union, Snipper was standing there and so was I. He used to converse with me a great deal before meetings or used to hang around

(Testimony of Bernard Appel.)

by the union because he wasn't working very regular.

Q. Mr. Laurence?

A. Yes.

Q. You mean Mr. Laurence?

A. Yes.

Q. And you say one of those conversations took place with you alone?

A. Yes.

Q. Being present?

A. Yes.

Q. Is that right?

A. A number of times the same thing.

Q. A number of times?

A. A number of times he would sort of——

Q. (Interposing) Well, at any time was any other person present?

A. No. Just this one case where he said he would do anything to get Bridges out of the union. Milton Snipper was [2827] there talking to him and I was there.

Q. Who is Milton Snipper?

A. He is a cutter.

Q. Where does he work?

A. In the same building as I do. He works as a cloak cutter, too.

Q. Where is that?

A. 217 East Eighth Street.

Q. And where does he live?

A. I don't know his address.

Q. Does he live in Los Angeles?

A. Yes, sir.

Q. And could you give us the approximate date of the time when he mentioned this, when this man was present?

(Testimony of Bernard Appel.)

A. Just a few weeks ago.

Q. Well, was it——

A. (Interposing) I couldn't tell you just how many, but not so long ago. You know, these are conversations that a man, a person that is going over them again and again don't pay any particular attention to dates, days or months. But I know it was in the recent, you know, weeks, or a couple of months.

Q. A couple of weeks ago?

A. Oh, more than that. It was before he came down here. So I don't know how many weeks ago he was here. [2828]

Q. Before who came down here?

A. Laurence was in San Francisco.

Q. I see. Before he came down here to testify?

A. Yes. That was a few weeks before then and I don't know how many weeks ago he was here, so I really don't know.

Q. Have you talked with him since that time?

A. No, sir.

Q. Do you know whether he was coming down here to testify at the time you talked to him?

A. No, sir.

Q. Did he tell you?

A. No, sir. In fact, I haven't seen him since that time because he seemed to work in the other part of the City. I beileve he is working for the Red Cross now and that isn't in my neighborhood, so I didn't see him.

(Testimony of Bernard Appel.)

Q. Well now, referring to this meeting at which this gentleman was present will you give us the entire conversation as you remember it?

A. We were talking about war and activities in the union and something he said about what is taking place now in the maritime unions, I believe, pertaining to the, if I remember right, signing an agreement of non-strike or something like that, and at that time he passed that remark.

Q. Was that the entire conversation?

A. No. We talked about unions and organizing shops and [2829] then we get off and talk about the war, and when we are through with the war he brings up a question along these lines. It is not a one-sided, smooth conversation where we only talk about one topic.

Q. Did you tell him that you were a conscientious objector then? A. Yes, I did.

Q. Was that what the conversation was about?

A. Oh, not now. I didn't tell him that now.

Q. You what?

A. I didn't talk with him about that now.

Q. No, not now. I am referring to that meeting that you are speaking about.

Presiding Inspector: He is now saying that this statement that he made to Laurence that he was a conscientious objector, was at some other time.

The Witness: A long time ago. It was possibly eight or nine years ago.

Presiding Inspector: I think you are questioning about a single conversation.

(Testimony of Bernard Appel.)

Mr. Myron: That's right.

Presiding Inspector: And the witness assumed that you were talking about a broader field.

Mr. Myron: All right.

By Mr. Myron: [2830]

Q. Now, let us limit it to the conversation with reference to Bridges. What was said by you and what was said by him?

A. I can't say anything about Bridges, as I told you before. I don't know the man's connection in the maritime——

Q. (Interposing) I am not asking that. I am asking what was said by you or what was said by him or what the other fellow said who was present at that meeting.

A. We began to talk about the war.

Q. Yes.

A. And saying about how things looked pretty bad, and then we were talking about the policy of the United States and he would hop out and say how terrible it was that Russia has made a non-aggression pact. He would say again "Those Communists have certainly lived up to their record. They have made an agreement with Germany". And then he would jump again. He would say "That's this Communist Bridges!" He mentioned something about signing some kind of agreement with employers, pertaining to no strike or something like that.

Mr. Del Guercio: If the Court please, I object

(Testimony of Bernard Appel.)

to counsel's smiling and doing—I have observed him throughout while this witness was talking. Has the Court observed it?

Presiding Inspector: I can't control the facial expressions.

Mr. Del Guercio: I know that can't be done! I know [2831] how impossible that is.

Mr. Grossman: We can explain why we can't refrain from smiling.

Presiding Inspector: Go ahead.

By Mr. Myron:

Q. Is that the entire conversation?

A. That's all.

Q. At that meeting?

A. Yes, that's all. You see, I can't go in and repeat it.

Q. That was all about Harry Bridges?

A. Yes.

Q. Is that right? A. Yes.

Q. At the time that this gentleman was present there was no such profane language used as you used yesterday?

A. No. He just said that he would do anything to get him out of the labor movement.

Q. And that was all? A. That was all.

Q. Now, the other conversations were personal conversations with you? No one else was present?

A. That's right.

Q. Is that right? A. Yes.

Q. Let's see! You said that you had a wife and two [2832] children? A. Right.

(Testimony of Bernard Appel.)

Q. What is your wife's name? A. Ida.

Q. Ida? A. Ida.

Q. Appel? A. Yes.

Q. And what are the names of your two children? A. Albert and Robert.

Q. How old is Albert?

A. Albert; he'll be 18 the end of July.

Q. Does he attend school?

A. Yes, sir; High School.

Q. Where? A. In Mark Keppel High.

Q. What school? A. Mark Keppel High.

Q. And Robert, you said, is the other one?

A. Yes. He goes to the same school.

Q. And how old is he?

A. Sixteen and a half.

Q. And does he attend school?

A. Yes, sir.

Q. Where? [2833]

A. The same High School.

Q. Do you have any other near relatives; I mean, brothers or sisters in Los Angeles, California?

A. I have one brother. I believe he lives up here in 'Frisco; and one is traveling and one has a dress shop in Los Angeles.

Q. And what are their names? Take first the man you mentioned first, the one living in San Francisco.

A. In San Francisco it is Sidney Appel.

Q. Sidney Appel?

(Testimony of Bernard Appel.)

A. Yes. I don't know where he lives here, but, as far as I know, he is in San Francisco.

Q. And you have another one living where?

A. In Los Angeles: Sam Appel.

Q. Where does he live?

A. On Thirty Eighth Street near Broadway. I don't know his address. I know his home. I have been there a number of times.

Q. And a third brother?

A. The third brother travels. Leo Appel.

Q. You don't know where he is located?

A. No. He is traveling.

Q. Any other family here? A. Not here.

Q. Brothers and sisters?

A. Not here. I have a brother back East in Cincinnati. [2884] Eugene Appel; and I have a sister in Brooklyn, New York, Pauline Appel.

Q. That is your entire family?

A. Yes, sir.

Q. Do your know of any Oscar Appel?

A. No. There are Appels in—a few of them in Pasadena and a few of them in Los Angeles, but they are not related to us at all.

Q. There are no relatives of yours by the name of Oscar Appel? A. No, sir.

Q. Have you ever used an alias?

A. No, sir.

Q. You never used a different name?

A. No, sir. That's my name ever since I was born.

Q. When were you first called here to testify?

(Testimony of Bernard Appel.)

A. When was I called?

Q. Asked to testify in these proceedings?

A. I wasn't asked to testify.

Q. Well, how did you happen to come up here to testify?

A. If you will permit me I will tell you.

Q. Sure, explain it.

A. Having had these conversations with Laurence I didn't think that, being that he told me the things that [2835] he has, that he would testify, because he told me he would lie, and so on, and so forth. I thought it was merely a threat on his part, a sort of hatred on his part. But being that he told me that he would even lie, and so on and so forth, I happened to read in the paper that he testified here, well, after——

Q. (Interposing) Is that the first time that you had heard that he had testified?

A. I beg your pardon?

Q. Is that the first time that you had heard that he had testified?

A. That's right. That's the first time I heard. I read it in the paper.

Q. When was that in the paper? Was that at the time he was on the stand testifying?

A. No. I read it the following day in the Daily News. I get the Daily News every morning and I happened to read about his testimony. Well, I didn't—I kind of thought over the matter and then it dawned on me it would be unfair to me not to

(Testimony of Bernard Appel.)

come and testify or what I know or what Laurence told me.

Q. So you volunteered your services?

A. I volunteered my services.

Q. With whom did you get in touch?

A. I got in touch with Charlie Katz.

Q. Who?

A. Charlie Katz, an attorney in Los Angeles. I was directed to him by Lutzky, who is the Manager of our union. [2836]

Q. Lutzky? A. Lutzky, yes.

Q. How do you spell that?

A. L-u-t-z-k-y. I told him about it.

Q. Then he told you to go to this Attorney?

A. He told me, if I wish to make testimony to the effect what Laurence say, I should go up to Charlie Katz. And I did. And that's all I heard of it. Then I was asked whether I would care to come down and testify, and I said I would. And that's all there was.

Q. When were you asked to come down and testify? A. Saturday.

Q. Saturday? A. Yes, sir.

Q. What time?

A. Well, I received a telegram to come down to Charlie Katz' office. I got there about, I would estimate, around one o'clock. You see, I don't remember what bus I took, because I have to take a bus to come into Los Angeles, and——

Q. (Interposing) What time did you receive the telephone call?

(Testimony of Bernard Appel.)

A. I was away from home talking to——

Q. (Interposing) No. What time did you receive the telephone call, if you can state?

A. Not telephone. I had no telephone. A telegram.

Q. A telegram. What time did you receive that? [2837]

A. I wasn't home at the time the telegram came. I was visiting with Barney Barris, a friend of mine who belongs to the same Legion Post as I do, and when the telegram came my wife called me up there, being I told her that I am going there, that I have a telegram. I came there and read the telegram to come to Charlie Katz, which I did. I called him up and told him to wait for me because I am depending on the bus service. And he waited for me and he told me that if I would care to come and testify, and I said I would. And right away he told me to—I might have to go Saturday night to be in San Francisco for the hearing Monday.

Q. After you spoke to Mr. Katz you left and came here to testify, is that right?

A. Then I met Mr.—he told me to meet Mr.—one of the gentlemen here. I will tell you in a minute.

Q. Well, you met him and came here and testified? A. Yes, that's right.

Mr. Myron: I think that is all.

Mr. Gladstein: Just one question.

(Testimony of Bernard Appel.)

Redirect Examination

By Mr. Gladstein:

Q. The attorney that you have mentioned, Charlie Katz, do you know whether he is the attorney for the union of which you and Mr. Lutzky are members?

A. To my knowledge he was. I don't know if he still is the attorney. [2838]

Mr. Gladstein: I think that is all.

Presiding Inspector: That is all.

(Witness excused.)

Presiding Inspector: Next witness.

Mr. Del Guercio: If the Court please, I believe it was in the early part of the week we said that we have a witness who would appear. We have brought the witness from New York.

Presiding Inspector: Oh, yes. Is she here?

Mr. Gladstein: I didn't hear it.

Presiding Inspector: You remember that there was to be an identification of a document. They brought a witness on from New York because it was necessary to identify the document.

Mr. Gladstein: Well——

Presiding Inspector: (Interposing) I am going to allow her to take the stand now.

Mr. Gladstein: May I ask the Court this? Ordinarily we would have no objection.

Presiding Inspector: They have a witness from New York that you forced to come on. I will hear her first.

Mr. Gladstein: Very well.

Presiding Inspector: Call the witness.

It was a purely formal matter and you wouldn't consent to it being introduced without the verification, which was your right, and they brought this witness from New York and we will [2839] hear her now.

Is she here, Mr. DelGuercio?

Mr. Del Guercio: Yes, she is. She is in the witness room. The witness room, as you know, is quite a ways from the Court.

ETHEL MULLANY

called as a witness on behalf of the Government, being first duly sworn, testified as follows:

Direct Examination

By Mr. Del Guercio:

Q. Will you state your name, please?

A. Ethel Mullany.

The Reporter: Spell it, please.

A. E-t-h-e-l M-u-l-l-a-n-y.

By Mr. Del Guercio:

Q. Where do you reside, Mrs. Mullany?

A. In Brooklyn, New York.

Q. Are you married or single? A. No.

Q. Single? A. Single.

Q. What is your occupation?

A. I am manager of the booking department of Madison Square Garden.

Q. And how long have you held that position?

A. Oh, about ten years.

(Testimony of Ethel Mullany.)

Q. And what are your duties in connection with that [2840] position?

A. Well, I arrange for the leasing of the Garden, write the contracts, leases, make arrangements for set-ups and personnel to handle the meetings and things of that sort.

Q. And do you also dictate or write the correspondence relating to the rental of the Madison Square Garden? A. Most of it, yes.

Q. Miss Mullany, I will show you what appears to be some original correspondence with relation to the rentals or leasing of the Madison Square Garden for a meeting, the first one for a meeting, on December 16, 1936, and ask you if you participated in the preparation of that lease?

A. Yes, sir. I made this out.

Q. What was that lease for? Will you explain what the lease was for?

A. It was for a meeting to be held under the auspices of a committee known as the Joint Strike Commitee of Seamen.

Q. And with whom did you discuss or make the arrangements for the leasing of the Madison Square Garden for that purpose? A. David Leeds.

Q. David Leeds. Was anyone else present?

A. No, not to my recollection.

Q. Do you know David Leeds?

A. Yes, I do.

Q. Did he sign that lease? [2841]

A. Yes, he signed it.

Q. Who is David Leeds?

(Testimony of Ethel Mullany.)

A. David Leeds is the Treasurer of the Communist Party of the State of New York.

Q. How do you know that, Miss Mullany?

A. Because I have made out other leases which he has signed and made them out to the Communist Party.

Q. I will show you a number of original leases for the rentals of the Communist Party—for the rental of the Madison Square Garden signed by David Leeds, signed "Communist Party of New York State, David Leeds, Treasurer", and ask you to look them over and state whether those are the leases to which you refer?

A. Yes, I made those out.

Q. Referring particularly, Miss Mullany, to the leasing of the Madison Square Garden for the date of December 16, 1936, are you sure that no one else appeared excepting the David Leeds you mentioned?

A. No, sir; no one else connected with that committee.

Q. Did you have any conversation with him before preparing the lease?

A. Why, my recollection is that over the telephone he called and reserved the Garden, and then I made out the lease and mailed it to him.

Q. And was any discussion had as to the amount to be [2842] paid for the lease?

A. Oh, certainly.

Q. And was any discussion had as to who was

(Testimony of Ethel Mullany.)

going to pay for it and who was to be held responsible for payment of the money?

A. I don't recall that, but knowing that Mr. Leeds had done business with us before on the previous meetings I presume that he would see that the Garden Corporation was paid the rent.

Q. Did you look to or did the Madison Square Garden Corporation look to anybody else but David Leeds for the payment of the rental?

A. Well, we didn't have to, because the next day he came back with the lease and the check in payment of it.

Q. Oh, he came back the next day. What kind of a check did he give you?

A. Well, according to my records there it was a check made out by him and signed by him. That is, I don't say it was made out by him, but it was signed by him.

Q. It was signed by David Leeds?

A. That's right.

Q. And what amount? Would these records refresh your recollection?

A. No. It was $3,500. He paid the full amount of the rent.

Q. Do you know on what bank it was drawn?

[2843]

A. The Amalgamated Bank.

Q. Do you know if that bank handles all of the funds of that Party?

A. I can't say it handles "all" of them, or I don't know whether it handles—it handles the ac-

(Testimony of Ethel Mullany)

count that Mr. Leeds draws on, I believe. I don't know whether he has any other account or not.

Q. Were the payments of the rentals or leases of the Madison Square Garden for these other meetings that you have looked at, were the checks also drawn on the bank that you mentioned?

A. I can't say that they "all" were.

Q. Would these records show?

A. No, these leases would not show.

Mr. Del Guercio: If your Honor please, I offer in evidence the lease that this witness has identified as having been executed by David Leeds or D. Leeds for the rental or the leasing of the Madison Square Garden for the date that is December 16, 1936, and also the correspondence relating thereto.

Presiding Inspector: I will receive it.

Mr. Del Guercio: And ask that a photostatic copy thereof be substituted.

Presiding Inspector: Yes. Treat it as the other Exhibits were.

(The document referred to was received in [2844] evidence and marked Government's Exhibit 260.)

Mr. Del Guercio: I also offer in evidence the various leases for the renting or the leasing of the Madison Square Garden on the dates August 18, 1936, January 20, 1937, and September 11, 1939, November 13, 1939, January 22, 1940, and the correspondence had by the Madison Square Garden Corporation in connection with those leases, for the

(Testimony of Ethel Mullany.)

purpose of showing the membership of David Leeds in the Communist Party.

Presiding Inspector: Received without objection.

Mr. Del Guercio: And I ask that photostatic copies be substituted.

Presiding Inspector: Yes, that may be done.

(The documents referred to were received in evidence and marked Government's Exhibit 261.)

Mr. Del Guercio: You may cross examine.

Presiding Inspector: Any questions?

Mr. Gladstein: None at all.

Presiding Inspector: You are excused.

(Witness excused.)

Presiding Inspector: Next witness now, Mr. Gladstein.

Mr. Gladstein: Mr. Shoemaker, will you take the stand up here, please? [284½]

RAY D. SHOEMAKER

called as a witness on behalf of the Alien, being first duly sworn, testified as follows:

Direct Examination

Presiding Inspector: Your name and address.

The Witness: Ray D. Shoemaker: S-h-o-e-m-a-k-e-r.

(Testimony of Ray D. Shoemaker.)

By Mr. Gladstein:

Q. How is your first name spelled, Mr. Shoemaker? A. R-a-y.

Q. And your middle initial is "D"?

A. Yes, sir.

Q. And your last name is spelled S-h-o-e-m-a-k-e-r? A. That's right.

Q. Where do you live, please?

A. I live in Portland, Oregon.

Q. Will you give the exact address?

A. 3511 Southeast Tolman Street.

Q. Now, in answer to my questions will you speak up as much as possible so that counsel can hear you? What is your occupation or profession?

A. Well, am an attorney, but I am also a Court Reporter. Do you want me to give a brief explanation, your Honor.

Presiding Inspector: No. Just answer the questions.

By Mr. Gladstein: [2846]

Q. You are a Court Reporter, are you?

A. Yes, sir.

Q. In what Court are you a Court Reporter?

A. I am an official reporter of the Circuit Court of Multnomah County.

Q. That is the State of Oregon?

A. Yes, sir.

Q. How long have you had official connection with Oregon Courts as a Court Reporter?

A. Since June, 1926.

(Testimony of Ray D. Shoemaker.)

Q. Were you prior to that time a Court Reporter attached to any other Court?

A. Yes. From 1919—January, 1919 until May, 1926 I was an official reporter in the Fourteenth Judicial District of the State of Iowa.

Q. Now, you are familiar with and you know the methods of taking down statements orally made and taking them down in shorthand, are you?

A. Yes, sir.

Q. And you know the methods of transcribing shorthand notes into longhand or typewritten statements, do you? A. I do.

Q. Now, on Sunday, May 4th, 1941, did you have occasion to act as Court Reporter in the office of William P. Lord in Portland, Oregon?

A. I did. [2847]

Q. How did you come to go to that office to act as a reporter?

A. About nine o'clock Sunday morning I received a phone call at my home and Mr. Lord was on the phone. He asked me if I would come to his office at eleven o'clock to report a deposition. I said "Well, my boy wants me to take him out in the country today. He is playing base ball, and I don't think I can make it."

Mr. Del Guercio: If the Court please, I don't think it is necessary for the witness to go on into everything else that occurred.

Presiding Inspector: I will take it. We will get through quicker, I think, if we will allow this.

A. (Continuing) And he said, "Well, I won-

(Testimony of Ray D. Shoemaker.)

der if I can get ahold of John Michelet", who is a reporter in the Circuit Court. I said "I don't know where John is. Wait a minute! I will ask my boy if he is going to play and if I have to take him out".

Well, I asked my boy if he was going to play and he said "No, it is called off on account of rain".

So then I told Bill, or Mr. Lord—I said "I'll be at your office at eleven o'clock". And I reported at his office at 405 Guardian Building at eleven o'clock.

By Mr. Gladstein: [2848]

Q. Now, will you identify Mr. Lord, please? Who is he and how long have you known him?

A. He is a prominent attorney in the City of Portland. I have known Mr. Lord since 1926.

Q. Have you frequently had occasion to take court reporting and the taking of depositions for him or in cases in which he is connected?

A. I haven't taken many depositions for Mr. Lord, but I have reported many cases in Court where he was an attorney.

Q. Did you actually take in shorthand a deposition of any person that morning?

A. I did.

Q. Who were the people who were present at the time that the deposition began?

A. Mr. Lord, acting as Notary Public; yourself; Mr. Crayeraft, I believe his name is.——

Mr. Del Guercio: (Interposing) Who?

(Testimony of Ray D. Shoemaker.)

By Mr. Gladstein:

Q. Mr. Roscoe Craycraft; R-o-s-c-o-e. I am not sure whether there is an "e" on the end. It may be just R-o-s-c-o, Craycraft, C-r-a-y-c r-a-f-t?

A. Yes, sir. And Mr. Cannalonga.

Q. Mr. Maurice J. Cannalonga?

A. Cannalonga; yes, sir.

Q. At that time were questions asked by me of Mr. [2849] Cannalonga and were answers given by him?

A. Yes, sir.

Q. Prior to the asking of any questions by me or the giving of any answers by him was he sworn?

A. Yes, sir. Mr. Lord swore him to tell the truth.

Q. In the——

Mr. Del Guercio: (Interposing) Just a minute, please! If your Honor please, I object to any more questioning along this line.

Presiding Inspector: I will allow it. I will allow it. We have got to see what the questions will be.

By Mr. Gladstein:

Q. In the process of swearing Mr. Cannalonga, in did Mr. Lord raise his hand and have Mr. Cannalonga raise his hand, too?

Mr. Del Guercio: I object to that. There is no foundation laid that he could have been sworn or in what kind of a proceeding.

Presiding Inspector: I will allow it. If you want to have him prove his commission to take an

(Testimony of Ray D. Shoemaker.)

oath, why, I suppose that Mr. Gladstein will do that.

Mr. Gladstein: Yes, we will, your Honor.

A. Yes, sir.

By Mr. Gladstein:

Q. After you took the deposition in shorthand did you at my request type up your shorthand notes? [2850]

A. I did.

Q. And did you at my request send a copy of that deposition to me at my office?

A. I did, by air mail.

Q. I will show you what purports to be a document entitled "Statement of Maurice J. Cannalonga" and which purports on the last page to be signed by you as a shorthand reporter, and I will ask you to identify it.

A. This is a transcript that I sent you by air mail at 4:00 o'clock Sunday afternoon.

Q. Was this transcript which you have just identified made by you from your notes?

A. It was.

Q. Did you bring your shorthand notes with you? A. I did.

Q. Will you please take them out of your bag, if you have them there?

A. (Producing shorthand notes from brief case).

Q. Now, Mr. Shoemaker, I am going to read the transcript, the deposition itself, to you and I want you to check from your notes and to stop me at

(Testimony of Ray D. Shoemaker.)

any point where there is any discrepancy and point out what discrepancy, if any, there is.

Mr. Del Guercio: If your Honor please,——

Presiding Inspector: (Interposing) I sustain the objection. [2851]

Mr. Gladstein: Why, your Honor?

Presiding Inspector: You can't get evidence into the record by reading it in that way.

Mr. Gladstein: Well, all right. I will do it this way. The document already has been identified. I will offer it in evidence.

Presiding Inspector: I will exclude it.

Mr. Gladstein: Why, your Honor?

Presiding Inspector: Because I don't know what the purpose of it is.

Mr. Gladstein: The purpose is to impeach the witness.

Presiding Inspector: In what way? It might contain a thousand things that are immaterial.

Mr. Gladstein: By showing sworn statements under oath contrary to the testimony given by that witness in this case.

Presiding Inspector: Well, if they were material to the record and his attention has been called to them, the statements, I will allow them; but not just absolute statements made by him. They are not competent. You have never given him a chance to explain.

Mr. Gladstein: Who?

Presiding Inspector: Mr. Camalonga.

Mr. Gladstein: If your Honor please, I want to

(Testimony of Ray D. Shoemaker.)

make an offer of proof on this, and if your Honor feels that a motion to strike is in order I am perfectly willing—— [2852]

Presiding Inspector: (Interposing) I am not going to receive it.

Mr. Gladstein: I want to make on offer of proof for the record.

Presiding Inspector: You may do that, of course.

Mr. Gladstein: I now offer to prove that the document which this present witness has just identified as a transcript of the testimony which he took on the occasion that he has just——

Presiding Inspector: (Interposing) Not "testimony". Of the "statement".

Mr. Gladstein: "Of the statement", I said. What did I say?

Presiding Inspector: "Testimony".

Mr. Gladstein: All right. I will substitute the word "statement".

Presiding Inspector: Yes.

Mr. Gladstein: (Continuing) ——if permitted in evidence, would read as follows:——

Presiding Inspector: (Interposing) I won't allow it.

Mr. Gladstein: Well now, if your Honor please, I have a right to make an offer of proof.

Presiding Inspector: I won't allow an offer of proof. You can have it marked for identification.

Mr. Gladstein: I have a right to—— [2853]

Presiding Inspector: (Interposing) No, sir, you have no right to make an offer.

(Testimony of Ray D. Shoemaker.)

Mr. Gladstein: (Continuing) ——make an offer of proof.

Presiding Inspector: No, not unless I wish to proceed in that way. And I don't wish to proceed in that way.

Mr. Gladstein: I don't understand, your Honor.

Presiding Inspector: You may ask your question.

Mr. Gladstein: You mean that you will not permit me to make an offer for the record of what I wish to prove?

Presiding Inspector: No. It hasn't been excluded. You haven't offered this in evidence.

Mr. Gladstein: I did.

Mr. Del Guercio: You haven't shown it to me.

Presiding Inspector: Did I exclude it?

Mr. Gladstein: I thought you did.

Presiding Inspector: You didn't offer it to me. I didn't know what it was.

Mr. Gladstein: I am sorry.

Presiding Inspector: Of course, I should exclude an unknown document which is produced unless I have an opportunity to know what it is about.

Mr. Gladstein: All right.

(Whereupon the proffered Exhibit was passed to the Presiding Inspector). [2854]

Presiding Inspector: Part of this is clearly incompetent.

Mr. Gladstein: What part?

Presiding Inspector: All of the last part.

Mr. Gladstein: I disagree with you.

(Testimony of Ray D. Shoemaker.)

Presiding Inspector: You may disagree, but I say it is incompetent and I have a right to say that.

Mr. Gladstein: If Maurice Cannalonga, as he got off this stand, walked down the street and met John Doe and said to him "I gave testimony that was false," we would have a right to bring John Doe in and bring out that fact.

Presiding Inspector: I would like to see your authority on that. Wouldn't you like to ask him first whether he made that statement?

Mr. Gladstein: But this statement is made after the witness takes the stand.

Presiding Inspector: You can call him back.

Mr. Gladstein: We can't call him back.

Presiding Inspector: Why can't you call him back?

Mr. Gladstein: At the time Cannalonga was on the stand this deposition that you are now reading was not in existence. This deposition was given—today is Tuesday—day before yesterday, and this deposition was made under oath. We, therefore——

Presiding Inspector: That don't matter a bit.

Mr. Gladstein: The fact that he made a statement under [2855] oath?

Presiding Inspector: Not at all, as to its admissibility. You couldn't put a sworn statement in any more than you could put a statement in without it being sworn to.

Mr. Gladstein: What is the test as to whether it goes in?

Presiding Inspector: That may be something

(Testimony of Ray D. Shoemaker.)

that would have some influence on his credibility for the trier of the facts, but has no influence whatever on its admissibility.

Mr. Gladstein: Isn't this true: That if the subject matter——

Presiding Inspector: That is elementary.

Mr. Gladstein: That if the subject matter on which he gives the deposition is material to the issues involved in this case, the issues on which he previously gave testimony of a contradictory nature, then we have the right to prove that in this case?

Presiding Inspector: That is pure hearsay. This is hearsay. This man is telling about something that he says. You can call him, call Cannalonga.

Mr. Gladstein: We have no objection to having Cannalonga called back.

Presiding Inspector: Call him, then. I will give you a subpoena.

Mr. Gladstein: That is fine, and we are perfectly satisfied with it, but we wish to have this deposition put into [2856] evidence.

Presiding Inspector: You have it marked for identification and we will see after you have examined Mr. Cannalonga.

Mr. Gladstein: You mean, your Honor, the only way I can introduce this is through Mr. Cannalonga?

Presiding Inspector: That is my ruling at this time.

Mr. Gladstein: I still wish to make an offer of proof to prove——

(Testimony of Ray D. Shoemaker.)

Presiding Inspector: I won't receive the offer.

Mr. Gladstein: For all I know we may never get him.

Presiding Inspector: If you can't get him that will raise a different question.

Mr. Gladstein: I think, your Honor, that when the witness has been qualified as a court reporter and says that he took a deposition, which was taken under oath, by the witness, Cannalonga, this deposition having been taken after Cannalonga testified and, therefore, we couldn't have confronted him with it at the time he testified, then I think we have a right to have this deposition read into the record and received in evidence to show that it contains statements made under oath by Cannalonga which are contradictory to the testimony brought out by the Government from him on his direct examination.

Presiding Inspector: No, sir. I rule against you on that. You have got to swear Cannalonga first.

Mr. Gladstein: He was sworn when he gave the deposition. [2857]

Presiding Inspector: That doesn't make a bit of difference. I haven't heard his oath. They haven't had the opportunity to test that under cross examination.

Mr. Gladstein: Now, your Honor, if I remember correctly, you allowed the Government to introduce in evidence the statement, unsworn, of Richard Lovelace——

Presiding Inspector: I did.

Mr. Gladstein: You did.

(Testimony of Ray D. Shoemaker.)

Presiding Inspector: Lovelace is dead.

Mr. Gladstein: I know, but did we get an opportunity to cross examine him?

Presiding Inspector: No.

Mr. Gladstein: So then any person who is dead, his statement can be brought into this case without an opportunity for his cross examination, is that it?

Presiding Inspector: Don't you know—in the first place, you are very impolite. In the second place, you know very well that the rules against hearsay are not enforced with the same rigidity by an Administrative official as they are in a Court of Justice.

Now, I think it was clearly within my discretion to admit the statement of Mr. Lovelace, explanation having been given; and it having been proved to a certain extent by the testimony of the witness, Dawn Lovelace.

Now, this statement may contain some contradictory matter; [2858] it may not. I will have to go back and review with care the testimony of Cannalonga. It certainly contains a good many statements which are clearly incompetent, certainly without proof that Mr. Cannalonga was asked these questions.

Now, I will allow you to call Mr. Cannalonga, and I will furnish you with a subpoena to that effect. Then when you have called him we will see about this deposition.

Mr. Gladstein: Is your Honor ruling that the only way I can prove that Mr. Cannalonga was asked

(Testimony of Ray D. Shoemaker.)

the questions that I asked him day before yesterday is from Cannalonga himself? Is that your ruling?

Mr. Del Guercio: There is no evidence that this is the same Cannalonga that testified in this case.

Presiding Inspector: I am not going to listen to that.

Mr. Gladstein: We will prove it was him.

Presiding Inspector: We will assume that.

Mr. Gladstein: You can safely assume that. We will prove it was.

Presiding Inspector: I have never known of a statement being received, made after a person has left the witness stand, without having the person called back and an inquiry made and an opportunity given to test by cross examination the truth of the statements then made.

Mr. Gladstein: Your Honor, we have brought Mr. Shoemaker, a court reporter down here——

[2859]

Presiding Inspector: You don't need Mr. Shoemaker's testimony.

Mr. Gladstein: I think we do. We have done this at rather great expense to the Defense Committee and——

Presiding Inspector: You are not going to have to call Mr. Shoemaker back.

Mr. Gladstein: That is one reason I would like to have this testimony in this record because I feel that your Honor, by the time the case is finished, will recognize with us the propriety and admissi-

(Testimony of Ray D. Shoemaker.)

bility of this document and, therefore, we don't want to have any question about it; we want to have that in.

If you feel that at this time you do not want to allow that document in evidence, although I have offered it, I still think, in all deference to your Honor's ruling, we have a right to make an offer of proof. Some day somebody besides yourself may be looking at this record and we think that we are entitled to the protection of having this record include what we consider as very critical type of proof.

Presiding Inspector: This is going to be introduced, at least marked for identification, and you can present it to any other tribunal before which this question comes.

Mr. Gladstein: I wish to make an offer of proof. I have never heard——

Presiding Inspector: If they don't object to your offer [2860] of proof the Examiner will not rule on it.

Mr. Gladstein: Let's assume they will object.

Mr. Del Guercio: We do object to the offer of proof.

Presiding Inspector: You mean you object to their making an offer of proof?

Mr. Del Guercio: Yes. And we object to the admissibility of the document for identification, or otherwise, and we demand——

Presiding Inspector: Oh, no. This document may be marked for identification.

(Testimony of Ray D. Shoemaker.)

Mr. Gladstein: Let us have it first marked for identification.

Mr. Del Guercio: I haven't seen it yet.

Presiding Inspector: It doesn't matter. You don't have to see it when it is marked for identification.

Mr. Del Guercio: I submit this procedure is very unusual.——

Presiding Inspector: It doesn't make any difference.

Mr. Del Guercio: (Continuing) ——to pursue a witness after he gets off the stand.

(The document referred to was thereupon marked for identification as Alien's Exhibit 13.)

Presiding Inspector: Now you offer it?

Mr. Gladstein: I offer it in evidence.

Mr. Del Guercio: I object to it.

Presiding Inspector: Now look at it, Mr. Del Guercio. [2861]

(The document referred to was passed to Mr. Del Guercio for inspection.)

Presiding Inspector: You offer this not as original evidence, do you, as to what happened, that the witness, Cannalonga, spoke of?

Mr. Gladstein: I offer this as documentary evidence, identified by this witness, as to what this witness says took place at those proceedings.

Presiding Inspector: As to what took place at what proceedings?

(Testimony of Ray D. Shoemaker.)

Mr. Gladstein: The proceedings at which the deposition was taken.

Presiding Inspector: That isn't the question as to what took place on that day in Mr. Lord's office.

Mr. Gladstein: You wish to know now what my claim of competency is?

Presiding Inspector: I ask you this: Do you offer it as original evidence or as simply impeaching the witness, Cannalonga?

Mr. Gladstein: For impeaching purposes.

Presiding Inspector: Only?

Mr. Gladstein: Let us say for that purpose at this time.

As a matter of fact, I think on checking the law, your Honor, that I can find authority that will support our position that we are entitled—— [2862]

Presiding Inspector: Maybe you can.

Mr. Gladstein. (Continuing) At least, I feel rather sure that we are entitled to have this in evidence for impeachment purposes, as direct impeachment.

Presiding Inspector: Not ordinarily you can't introduce statements made by a witness out of court unless you have given the witness an opportunity to know about them and to admit or deny having made them.

Mr. Gladstein: If that is the general rule, and let it us assume it is, Judge——

Presiding Inspector: You know it is the general rule.

(Testimony of Ray D. Shoemaker.)

Mr. Gladstein: If that is the general rule obviously it couldn't apply to the case of a witness who made his alleged contradictory statements after he had left the stand.

Presiding Inspector: Oh, yes; because you can call him back.

Mr. Gladstein: I still maintain, your Honor, that this document is admissible in evidence for impeachment purposes.

Presiding Inspector: Well, there is one correction in there that he makes, and he explains how the statement may have got in about Schneidermann.

Mr. Gladstein: That is not all.

Presiding Inspector: I know. Let us take that one thing. Shouldn't he be examined in open court on that?

Mr. Gladstein: I have no objection to that. He is a [2863] Government witness. Let the Government bring him down and contest the proceeding that took place.

Presiding Inspector: He was excused and let go. You can call him.

Mr. Del Guercio: He is their witness and they should call him, and we demand that he be called.

Presiding Inspector: No, no; he is still your witness.

Mr. Del Guercio: Not for this statement here. That was made without knowledge to us.

Presiding Inspector: It doesn't make any difference; he is still your witness.

Mr. Gladstein: How long do you wish, Mr.

(Testimony of Ray D. Shoemaker.)

Del Guercio, to go over that document? The Court is waiting for you.

Presiding Inspector: It will take some time.

Mr. Del Guercio: You want me to read it, don't you?

Presiding Inspector: Go ahead, Mr. Del Guercio.

(Further inspection of the document by Mr. Del Guercio.)

Presiding Inspector: It will doubtless take beyond the recess hour.

I think we will recess now until two o'clock.

Mr. Gladstein: Just a moment. I would like the document returned to the reporter. I do not want the document to be out of the custody of the reporter, your Honor.

Presiding Inspector: Can't you all sit here and let him read it? [2864]

I will sit here—go ahead.

Mr. Del Guercio: I will return it to the reporter.

Presiding Inspector: No, no. It will simply take up time this afternoon. Go ahead. I will sit here while you read it.

Mr. Gladstein: We didn't sit here and read all the books and documents they offered from page to page.

Presiding Inspector: This is off the record, Mr. Reporter. We have adjourned.

(Here followed remarks off the record.)

Presiding Inspector: This Court is in session again. We will wait until the paper is read by counsel.

(Testimony of Ray D. Shoemaker.)

(The document referred to was passed to Mr. Del Guercio.)

Mr. Del Guercio: Note that the Alien is not present.

(The Alien returned to the hearing room at 12:32 P.M.)

Presiding Inspector: I am going to recess now until 2:00 o'clock. You will have to postpone reading that until the afternoon session.

Mr. Del Guercio: Very well.

Presiding Inspector: Hand the document to the Court reporter.

Mr. Del Guercio: I return the document to the reporter.

(Whereupon, at 12:36 P.M. a recess was taken until 2:00 P.M. of the same day.) [2865]

After Recess
2:05 O'Clock P.M.

RAY D. SHOEMAKER

called as a witness on behalf of the Alien, having been previously duly sworn, testified further as follows:

Mr. Goodwin: May it please the Court, may I make a suggestion?

Presiding Inspector: Yes.

(Testimony of Ray D. Shoemaker.)

Mr. Goodwin: I trust that I am making it entirely outside of the combat area.

Now, during my lunchless noon hour I examined, as far as I could, the authorities and I am unable to find, your Honor, any authority for the introduction of any statement of a witness as an impeaching statement unless it was made prior to the testimony of the witness, and after he had been asked if he had not on this former occasion made such a statement, yes, made such a statement.

Now, I think the offer is somewhat remarkable. From the glance that I have had of the statement, apparently it is not only contradictory, but introduces new matter. [2856]

The Witness, as I understand, was examined by one of counsel on Saturday and had a full opportunity at that time to secure his attendance as a witness here; but instead of attempting to obtain his attendance here he asked him to attend before a Notary. I suppose that is sort of a collateral immigration and naturalization proceeding that he has started on his own account. But anyway, he was not brought into court. He had an opportunity to bring him into court and he has not done so. Now, we do not want any evidence that is rightly admissible excluded. On the other hand, we do not want any evidence admitted that is palpably improper.

We are, of course, taken by surprise by such an extraordinary suggestion as that made by Mr. Glatstein for the introduction of such evidence as this.

(Testimony of Ray D. Shoemaker.)

Now, I suggest that in the orderly conduct of the matter that consideration of his offer be postponed until the opening of court tomorrow morning and that, in the meantime we have an opportunity to examine into the matter, unless your Honor feels that he is now ready to rule.

Presiding Inspector: Well, I don't feel that I am ready to rule. I will hear you, Mrs. King, although I think I can dispose of the matter. Go ahead.

Mrs. King: If your Honor please, during the recess I had an opportunity to make a cursory review of Wigmore, and I found that there are two divergent lines of authority on this [2867] question; that Mr. Wigmore says that there is this rule and suggests that it is a rule which should be honored in the breach at the discretion of the trial judge on the appropriate occasion, and that some jurisdictions have recognized that and that other jurisdictions have not.

It is also true, as your Honor knows, that there has been admitted in this proceeding a good deal of hearsay, so that as far as the exception to the hearsay rule is concerned we have not been very strictly observing it, which seems to me a reason why at this point, where the hearsay is a matter of real importance, it is entitled to go in just as we have been admitting it in other instances.

Now, this testimony is clearly admissible at some point. The only problem is really a problem of order of proof; that if Mr. Cannalonga was con-

(Testimony of Ray D. Shoemaker.)

fronted with this statement, as Mr. Wigmore makes plain, even if he could not recollect having made it it would at that point become absolutely admissible.

Now, in view of those circumstances and the fact, as your Honor knows, that we have been trying to prepare our case and have got witnesses down from Portland with reference to this matter at this time, it seems to us that we should be permitted to introduce this matter at this time and that it is under the other rules made in this proceeding and under the generally loose principles of evidence which control in Administrative proceedings and which provide nothing more than the ordinary [2868] rules of fairness; I mean, substantially that is the rule of evidence controlling in Administrative proceedings.

For instance, in this book on "Administrative Tribunals and the Rules of Evidence" we find in the introduction at the very beginning that—this is cited from Wigmore.

Presiding Inspector: I have read some of that.

Mrs. King: Wherein he calls attention to the obstructive and irrational technicalities and hopes that they will not become part of Administrative procedure as they have of common law rules.

In view of that situation we urge your Honor to admit this exhibit in evidence and to permit the examination of this witness who has been brought in from out of town.

(Testimony of Ray D. Shoemaker.)

Mr. Goodwin: Your Honor, I have heard the argument of the learned counsel on the other side, but I haven't heard what she says to our suggestion, except that she thinks that you ought to rule now without hearing from us. Obviously they have had this matter in mind since last Saturday, since they had the witness, I suppose, in custody, and they have had an opportunity to prepare themselves for this present argument. We have not had an opportunity to prepare ourselves and I would renew my suggestion.

Mr. Gladstein: In view of Judge Goodwin's statement I think I should make this statement. I don't offer it as evidence but a statement simply to clarify the situation. [2869] When Mr. Cannalonga appeared at my request before William P. Lord in Portland on Sunday, the day before yesterday, I had already asked him before that on the Saturday afternoon when he made certain statements in my presence and in the presence of Mr. Roscoe Crayeraft—I asked him if he would come to San Francisco and take the stand again and tell the whole truth. He at that time told me that he was not willing to come and reveal the things that had taken place about which he had told Mr. Crayeraft and me. I asked him then if he would make a statement before a Notary Public, before a lawyer in the city of Portland. He said he would have to "think it over." That was Saturday afternoon and the following morning he came and said he was willing to do so.

(Testimony of Ray D. Shoemaker.)

In the meantime, arrangements had been made for Mr. Lord to have this deposition taken and on Sunday morning, as I understand from Mr. Shoemaker, Mr. Shoemaker was called and arrangements were made for the deposition.

Now, it is a theoretical question as to whether Mr. Cannalonga will ever be available. As a practical proposition Mr. Shoemaker is here. There is another witness we intend to put on tomorrow who is available, who will be available. But we can't say that Mr. Cannalonga is available. If he ever is available we will not object to his taking the stand. In fact, I made that request of him, but I had not powers of subpoena. If I had had a subpoena with me I certainly would have [2870] served it, but I don't know what the legal effect would be.

Mr. Goodwin: Your Honor, I have listened and I haven't heard an answer to the logic of my suggestion yet: That this matter go over until we have an opportunity to present it in an orderly fashion to your Honor. And, so far as the explanation of Mr. Gladstein is concerned, it is merely that the witness was reluctant. Well, he was reluctant when we brought him in and he was apparently under some intimidation when we brought him in. And I think that there is no doubt but what he would have to come in had there been—well, of course he would have to come in. The Government of the United States is sufficiently powerful to bring in a witness on behalf of the

(Testimony of Ray D. Shoemaker.)

Alien as well as on behalf of the United States and he could have been brought here and he wasn't.

Now, we would like to have an opportunity to argue the question of the admissibility of this document and we would like to see it.

Presiding Inspector: Well, I think you should have the opportunity to argue the admissibility of this document and I would be very glad before this is finally received to have both sides present authorities. There seems to be a difference of authority on receiving statements made after the main testimony has been given. Mrs. King has called it to my attention a few moments ago and in the rapid glance I gave to that compilation known as "Corpus Juris" there was also a similar [2871] statement made there. The authorities cited did not seem of the highest authority. There was one case looking towards the view that this was admissible from the New York Common Law Reports. But that is a series published—you know perhaps better than I—some one hundred and twenty-five years ago.

Mr. Goodwin: I recall that there was a case to the contrary; an Illinois case.

Presiding Inspector: Yes; a case in Illinois.

Mr. Goodwin: I sat on that.

Presiding Inspector: Of course, I have seen this document. It is not going to poison my mind one way or the other to have this so that we can use it if we deem it necessary.

(Testimony of Ray D. Shoemaker.)

We have a court reporter here. Why not let him verify it and we will determine its credibility, its admissibility subsequently?

Mr. Goodwin: You mean to verify this document?

Presiding Inspector: As being what occurred before Mr. Lord.

Mr. Del Guercio: There is no objection to that being done.

Mr. Goodwin: The examination being limited to that?

Presiding Inspector: Yes.

Do you want to read it to him, Mr. Gladstein?

Mr. Del Guercio: We object to reading it.

Presiding Inspector: I will allow it, with that under- [2872] standing. I am not admitting this in evidence, nor am I admitting—even this reading will be subject to a motion to strike out, or it may be considered as really offered off the record. I don't want to put it that way, but what I mean to say is that I am going to pass on this ultimately without prejudice to what we are doing now. But I want to let this court reporter go back to his work.

Mr. Del Guercio: He should read from his notes.

Presiding Inspector: Oh, yes; he may read it from his notes.

Mr. Goodwin: It can be identified; may it not, and he can testify that that is a correct transcript of the notes he has taken?

Presiding Inspector: Is there any difference really whether you read it or not?

(Testimony of Ray D. Shoemaker.)

Mr. Gladstein: I would prefer if I might, your Honor, because I think it would be better if he checked with his notes, as I understand this was gotten out in haste. I asked him to rush it to me. There may be a typewritten error or two. That occurs frequently in depositions. Therefore, I would prefer if I read it to him and if he would stop me at any point where a word is incorrectly set forth in the transcript.

Presiding Inspector: Do you have a copy?

The Witness: There are two copies.

Presiding Inspector: Supposing he reads it from his notes to me and you and I will check—you have two copies? [2872]

Mr. Gladstein: I do not think I brought the other copy with me.

Mr. Goodwin: If that is read if is in evidence subject to a motion to strike out?

Presiding Inspector: Yes. You may treat it that way.

Mr. Goodwin: I don't think it is fair to the Government. I think if he merely identifies that as being a correct transcript of his notes he can then be recalled for cross examination if necessary.

Presiding Inspector: Wouldn't that accomplish everything?

Mr. Goodwin: Let him identify it now and then let us have an opportunity to recall him if we wish to.

(Testimony of Ray D. Shoemaker.)

Presiding Inspector: What difference does it make to you about having it read now?

Mr. Gladstein: Is it your suggestion that the witness read it while you and I check the transcript?

Presiding Inspector: Yes.

Mr. Gladstein: I am satisfied.

Presiding Inspector: But Judge Goodwin now has interposed an objection to reading it at all. We are not really trying this case for anybody's benefit except our own.

Mr. Goodwin: Reading testimony of this kind in open court is, of course, highly prejudicial.

Presiding Inspector: I thought you were going to take the view it didn't amount to anything anyway. [2874]

Mr. Goodwin: I mean as far as the public is concerned. If it is admissible it ought to be admitted; if it is not admissible it ought not to be read.

I have made a suggestion which I think covers it and protects the Alien perfectly. He may identify it, he may testify that it is a correct transcript, and then we will have the whole question up on its admissibility.

I object to its being read now.

The Witness: Your Honor, I typed this hurriedly and I didn't have a chance to check it before I sent it by air mail to Mr. Gladstein.

Mr. Del Guercio: The witness already testified that it is a correct transcript.

(Testimony of Ray D. Shoemaker.)

Presiding Inspector: He says, while this is a correct transcript, it is subject, like everyone, to errors and he would like to check it.

Mr. Gladstein: You made a ruling, and I thought I understood you to say you would allow the reading.

Presiding Inspector: Yes.

Mr. Gladstein: May we proceed under the ruling?

Presiding Inspector: I think I will allow him to read it.

Mr. Del Guercio: May I make this further objection and observation: Under the rules under which this proceeding is being conducted, as the Court knows, in so far as Government witnesses are concerned, their statements, even when they are [2875] taken prior to the hearing, are not admissible unless it can first be shown that the witness is unavailable. Now, certainly the Government is bound by that rule, that here where you have a situation where a witness has been called here to testify, and counsel has had opportunity to cross examine him, and to explore his mind and cross examine him exhaustively, and after he is excused as a witness counsel pursues him, follows him, and a week later gets him, talks to him, and then invites him to a certain office on a Sunday and takes a statement from him wherein counsel, the statement will show, not only has intimidated him, but even to subornation of perjury, I say that under those circumstances

(Testimony of Ray D. Shoemaker.)

this should not be permitted to be read or considered in this proceeding.

Presiding Inspector: I am going to allow it to be read with the understanding that it is not anything more than technically admitted at this time. The fact that I have allowed it does not weigh in its favor so far as its admissibility is concerned, and this is done solely for the reason that I want to let the witness go back to his court work.

Mr. Del Guercio: May the record show that I have objected to it strenuously?

Presiding Inspector: Certainly.

Let the witness read it. I think the witness had better read, rather than you, Mr. Gladstein.

Mr. Gladstein: All right. [2876]

Presiding Inspector: Have you two copies?

Mr. Gladstein: I don't have the other copy with me, your Honor, but I will check it with you.

Presiding Inspector: All right.

Go ahead and read from your notes.

(The Presiding Inspector and Mr. Gladstein checked with the typewritten statement.)

The Witness: These are questions by Mr. Richard Gladstein.

Presiding Inspector: I am not going to let this entire record be read. You understand that? Only the questions that are answered. Go ahead.

Mr. Gladstein: First, there is this statement. (Indicating).

(Testimony of Ray D. Shoemaker.)

Presiding Inspector: We don't care for that.

Mr. Gladstein: It shows he was sworn.

Presiding Inspector: He already testified to that.

Go ahead.

The Witness: (Reading from shorthand notes).

"Q. Mr. Cannalonga, you were recently a witness in the Harry Bridges deportation case, were you not? A. Yes.

"Q. Yesterday, in my room in the Clyde Hotel in Portland, you and Mr. Roscoe Crayeraft came into my room at about 3:00 o'clock, is that correct?

"A. Yes, sir." [2877]

Mr. Goodwin: (Interposing) We have no copy of this, your Honor.

Presiding Inspector: Come up and look over my shoulder.

(Whereupon Mr. Goodwin came forward as suggested.)

Mrs. King: Mr. Shoemaker, will you read a little louder?

The Witness: Yes.

Presiding Inspector: Proceed.

The Witness: (Continuing reading from shorthand notes):

"Q. And at that time Mr. Crayeraft introduced you to me, did he not? A. Yes.

"Q. Then a conversation took place between the three of us, is that correct? A. Yes.

(Testimony of Ray D. Shoemaker.)

"Q. Now, I want to ask you some questions concerning that conversation, and I want to ask you to repeat the statements you made to both Mr. Crayeraft and to me at that time. First of all, will you state in your own words the circumstances under which you were first contacted to give a statement to the FBI in the Bridges case?

"A. I want to get this straight.

"Q. Tell me where and who and what happened.

"A. Well, I was contacted through the immigration.

"Q. Immigration department?

"A. That lawyer in the immigration department. [2878]

"Q. He is a man by the name of Mr. Boyd?

"A. Boyd. That is it.

"Q. Where did he contact you?

"A. Through the marine firemen's hall.

"Q. That is the union hall? A. Yes.

"Q. When was that?

"A. I don't remember the date.

"Q. The month?

"A. I don't even remember the month.

"Q. Yesterday I think you told me it was some time in October of last year. Would that be about right?"

And then I have a notation that the witness took a pocket book from out of his pocket and looked at it?

"A. Yes; in October.

"Q. In October of last year? A. Yes.

(Testimony of Ray D. Shoemaker.)

"Q. What happened?

"A. Well, I went down to the immigration station and Boyd told me that the FBI men were coming down and they wanted to talk to me. Then from there we went out to the FBI building.

"Q. Do you remember where that was?

"A. The Vance building, on the corner of Third avenue and Union.

"Q. In what city? [2879]

"A. Seattle. And I think it is the 9th floor. And went up to the 9th floor and met a fellow by the name of Medala and—(Witness pauses)

"Q. Yesterday you said Dickstein.

"A. And Dickstein."

Presiding Inspector: There is no "and" here.

The Witness: (Continuing reading from shorthand notes) "Q. Is that correct?

"A. Medala and Dickstein."

Presiding Inspector: The transcript reads:

"A. Correct. Medala and Dickstein."

Is that what your notes read?

The Witness: Yes, sir.

Presiding Inspector: Go ahead.

The Witness: (Continuing reading from shorthand notes):

"Q. What happened?

"A. Well, they started questioning me in regard to Bridges, for an hour and a half.

"Q. What time did the questioning begin?

"A. Oh, let's see.

(Testimony of Ray D. Shoemaker.)

"Q. This is what you told me yesterday: you said that you had a doctor's appointment at either 1:00 or 3:00 o'clock in the afternoon.

"A. Yes. That is it.

"Q. And that the questioning by the FBI agents took place [2880] for a period aproximately two hours before that appointment time with the doctor."

Presiding Inspector: There is no "took place" here. Is that in your notes?

The Witness: Yes, sir.

Presiding Inspector: Right after the word "agents"?

The Witness: Yes.

Presiding Inspector: "* * * by the FBI agents took place * * *".

The Witness: Yes.

Presiding Inspector: Go ahead.

The Witness: (Continuing reading from shorthand notes):

"A. That is it.

"Q. Is that what happened? A. Yes.

"Q. During that two hours what took place?

"A. Well, just a general conversation.

"Q. Did they ask you a lot of questions about what you knew about Harry Bridges?

"A. Yes.

"Q. Did they ask you whether you could prove that Bridges was a communist?

"A. Yes; they asked me that, and then I an-

(Testimony of Ray D. Shoemaker.)

swered that, no, I couldn't prove that he was a communist.

"Q. Did they tell you that they knew that you had been [2881] a communist? A. Yes.

"Q. Did they tell your that you should make a statement for them in which you were to say that Bridges was a communist?

"A. Not that first time. You see, all during this time they never came out the way you said it.

"Q. Then let me ask you this question:"——

Presiding Inspector: Is the word "question" in your notes? The way the transcript reads is "Then let me ask you this:" Is the word "question" there?

The Witness: No.

(Continuing reading from shorthand notes:)

"Q. Then let me ask you this: is it correct that on this first occasion they kept asking you questions"——

Mr. Del Guercio: (Interposing) There appears to be so many incorrectnesses——

Presiding Inspector: They don't amount to anything.

Mr. Del Guercio: Can you hear what the witness is testifying to?

Mr. Goodwin: I can follow the stenographer, but I think it would be better if someone else checked.

(Whereupon Mr. Myron replaced Mr. Goodwin in checking the transcript during the reading of the shorthand notes.)

(Testimony of Ray D. Shoemaker.)

The Witness: (Continuing reading from shorthand notes):

"Q. Then let me ask you this: is it correct that on [2882] this first occasion they kept asking you questions as to whether you knew that Bridges was a communist and you denied that you had any such knowledge? A. Yes.

"Q. Is that correct? A. Yes.

"Q. That was what happened? A. Yes.

"Q. Did they also ask you whether you had ever attended communist meetings with Bridges?

"A. Yes, they asked me that.

"Q. What did you reply to those questions?

"A. I told them, no; that I had been in meetings with him where there were communists and non-communists, and then I explained the party structure, how it works with the rank-and-file, and the progressive groups in the union.

"Q. Now, at the end of that first day, you told me yesterday that they sent you in a taxicab to the doctor? A. Yes.

"Q. Is that what happened?

"A. Yes, that is correct. I went to the doctor in a taxicab.

"Q. Before you went to the doctor, did they tell you that they wanted to see you again?

"A. Yes; they made an appointment for the next day. [2883] You see, the reason why I was going to the doctor, when I was on the branch I threw my hip out of joint up in Alaska, and I had been quite a while on a ship before I could

(Testimony of Ray D. Shoemaker.)

get to a doctor; and I went to a doctor in Juneau and he didn't take no x-ray pictures and he just figured I had this sciatic rheumatism; and so when I got down to Seattle they had an ambulance waiting for me. They had to pick me off the ship. And so they drove me,—well, it wasn't an ambulance,—it was a Public Health Service car there. And so they took me up to the U. S. Marine hospital in Seattle. That is the U. S. Public Health Service. And I went in there, and I was in there,—I don't quite recall,—but I have got the hospital discharge. You see, when you go into the Marine hospital they give you a discharge when you come out, the length of time you were in the hospital. And I asked to be released so I could go to a private doctor. And so I went down and saw Bogle, Bogle & Gates. I believe they handle all the insurance and accident insurance; and so they sent me up to Dr. Buckner.

"Q. This all took place before the first time you saw the FBI? A. Oh yes.

"Q. Did Dr. Buckner proceed to give you treatments?

"A. Well, Dr. Buckner examined me that day, and it was on a Thursday, and he told me to come back the next day; [2884] that he would have his x-rays all finished and everything. And so, in the meantime I had gone down to Bogle, Bogle & Gates, and they told me that Dr. Buckner,—the next day,—on Friday,—they said he wanted to see me right away;"

(Testimony of Ray D. Shoemaker.)

Presiding Inspector: Read that after the word "Friday."

The Witness: (Continuing reading from shorthand notes):

"——they said he wanted to see me right away; and so I called him up,—that was about 9:00 or 10:00 o'clock in the morning,—I called him up and he says, 'You go right up to the Providence hospital,' and I says, 'What for?' and he says, 'Well, we have to manipulate you.' I says, 'What the hell is manipulating?' So he explained it that my hip had been out of joint and that he wanted me to get up there right away, because that afternoon he was going to put me under ether and,—well, it is not ether, either; it is a new stuff they shoot in your veins that makes you go to sleep. And so then I argued with him. I told him, I said, 'Hell! You acted like I was faking, so I will be up there at 1:00 o'clock in the afternoon. I have to go home and get some clothes and stuff.' And so he says, 'You make sure to be up there.' And so I went home and got a couple of shits of pajamas and shaving gear and stuff.

"Q. Did you go into the hospital?

"A. Then I come back and I went up to the hospital. [2885]

"Q. How long were you in the hospital?

"A. I think I was in the hospital a couple of weeks.

"Q. During all the time you were under treatment by Dr. Buckner?

(Testimony of Ray D. Shoemaker.)

"A. Yes. And after I left the hospital I started taking treatments again from Dr. Buckner.

"Q. What kind of treatments?

"A. Well, he was giving me shots.

"Q. Shots of what? A. I don't know.

"Q. Was he also prescribing pills of any kind?

"A. No. I had a box of pills that I got up at the Marine hospital. And in Juneau,—the doctor in Juneau gave me a prescription, and I got, I think, a hundred of these,—oh, what the devil do you call them?,—a sleeping pill. You take one or two and go to sleep, but if you take four it makes you higher than a kite.

"Q. Nembuthal? A. Nembuthal.

Presiding Inspector: How do you spell that?

The Witness: I spelled it, your Honor, N-e-m-b-u-t-h-a-l.

Mr. Del Guercio: Did the witness spell it?

The Witness: Sir?

Mr. Del Guercio: Did the witness spell it?

The Witness: No, the witness, didn't spell it.

[2886]

Mr. Gladstein: Just a moment! This is not the time for cross examination.

Presiding Inspector: Go ahead.

The Witness: "Q. That is the name you mentioned to me a while ago.

"A. Yes. Nembuthal. Those names are pretty hard.

"Q. Were you taking any more pills just before you saw the FBI agents for the first time?

(Testimony of Ray D. Shoemaker.)

"A. Yes.

"Q. How many pills at a time were you taking- A. I was taking——"

Presiding Inspector: Read that sentence again, that question.

The Witness: "Q. How many pills at a time were you taking?"

Presiding Inspector: I will correct that by writing the "a" over the word "that". The transcript reads "How many pills at that time were you taking?"

The Witness: Well, it is plain in my notes, your Honor, "at a time".

Presiding Inspector: All right.

The Witness: "A. I was taking four pills at a time.

"Q. How many times a day were you taking these pills?

"A. Oh, well, I was taking them four or five times a day, so I was all hopped up all the time.

[2887]

"Q. Was this to relieve the pain from your hip?

"A. Yes. I think, if I am not mistaken, Dr. Buckner prescribed some of these pills, too.

"Q. Let's go back for a minute to the first time you spoke to Mr. Medala and Mr. Dickstein, the FBI agents. That conversation was in their office in the Vance building? A. Yes.

"Q. And they told you——"

(Testimony of Ray D. Shoemaker.)

Mr. Del Guercio: May I interrupt right here again, please, your Honor. I object to the reading of these things.

Presiding Inspector: I will go on.

Mr. Del Guercio: It is so apparent.

Presiding Inspector: I won't allow any interruption. Go on.

The Witness: "Q. And they told you to come back the next day? A. Yes.

"Q. At what time?

"A. I believe it was in the morning.

"Q. Did you come back the next day?

"A. I did.

"Q. What happened?

"A. We were there a while and I,—well, I couldn't sit down very well. The hip bothered me. And so they asked me was my hip bothering me and I said 'Yes', and they suggested [2888] that we go up to the hotel room in the Roosevelt Hotel in Seattle, and so we rode up to the room in a taxi up to the Roosevelt Hotel, and we went up in their room. And that was on the 10th or 11th floor. Quite a ways up in the elevator.

"Q. What happened when you got into the room?

"A. Well, I got in the room and they had,—I believe,—yes, they did have a statement already typewritten out, and so——

"Q. What did they want you to do with the statement?

(Testimony of Ray D. Shoemaker.)

"A. Well, they wanted me to sign it.

"Q. Yesterday you told me that on this second day when the FBI agents saw you they told you that they wanted you to sign a statement in which you were to say that you had seen Harry Bridges pay his communist dues * * * *"

Presiding Inspector: What is the word——

The Witness: "Communist Party dues".

Presiding Inspector: All right.

The Witness: "Did they do that?

"A. Yes. They mentioned that. Then I told them that I had never seen no Party book,—never seen Harry Bridges in a Party book, or ever pay party dues.

"Q. Did you read the statement, or did they read it to you? The statement that they had prepared?

"A. Well, to tell you,—the statement was already typed, so I glanced through it. And they asked me, 'Now, are [2889] there any mistakes?' And so I found some words misspelled and a few errors, and they told me to initial,—to make corrections and put my initials on each line where I made a correction.

"Q. Before that happened, you told me yesterday that they asked you whether you had been in meetings with William Schneidermann."

Presiding Inspector: No, read that again. "They asked you."

(Testimony of Ray D. Shoemaker.)

The Witness: "They asked you whether you had been in meetings with William Schneidermann".

Presiding Inspector: I will correct that by writing over the word "a meeting" the word "meetings".

The Witness: "A. Yes.

"Q. What did you tell them?

"A. I told them I had met Schneidermann."

Presiding Inspector: Is there anything before the words "I told them"?

The Witness: Yes. It looks like "Yes" here.

"I told them I had met Schneidermann.

"Q. You also told me they asked you whether you had been in meetings with Bridges?"

Presiding Inspector: Is that plural?

The Witness: Yes, sir. It looks like plural in my notes here. [2890]

Presiding Inspector: I will write the word "meetings" over "a meeting".

The Witness: "A. Yes; they asked me that, too, and I said, yes, I had been at meetings with Mr. Bridges, and then they asked me if there was any communist meetings I had been with Harry Bridges, and I told them that I had been at meetings."—"I had been with him"—no. "I had been. —the meetings I had been with him, there was communists in the meeting, such as myself, and there were non-communists, and all the meetings were pertaining to,—referred to the making up of agreements at the time. We were,——"

(Testimony of Ray D. Shoemaker.)

Presiding Inspector: Go back to the beginning of that sentence, the beginning of the answer.

The Witness: The beginning of the answer?

Presiding Inspector: Yes.

The Witness: "A. Yes; they asked me that, too, and I said, yes, I had been at meetings with Mr. Bridges, and then they asked me if there was any communist meeting I had been with Harry Bridges."

Presiding Inspector: "I had been"?

The Witness: Yes.

Presiding Inspector: "I had been with Harry Bridges"?

The Witness: Yes.

Presiding Inspector: Well, put a parenthesis around the word "at".

The Witness: The word "at"? [2891]

Presiding Inspector: Go ahead. It reads here "I had been at with Mr. Bridges".

The Witness: Oh, I see. I have no "at" in my notes.

"And I told them that I had been,—the meetings I had been with him, there was communists in the meeting, such as myself, and there were non-communists, and all the meetings were pertaining to,—referred to the making up of agreements at the time we were meeting at the ship owners of the waterfront unions, . . ."

Presiding Inspector: Well now, yes. After the break where it says "referred to the making up of agreements at the time"——

(Testimony of Ray D. Shoemaker.)

The Witness: "At the time when we were meeting at the ship owners".

Presiding Inspector: Well, "We were meeting at the ship owners of the waterfront unions"?

The Witness: Yes.

Presiding Inspector: Well, I will connect the word "time" by a little curved line underneath the word "we" which will indicate that, as the witness reads, there was no new sentence beginning with the word "we".

The Witness: That is right.

Presiding Inspector: Go ahead.

The Witness: "And, you see, we were meeting as a group, and that the sailors were going to try to break away at the [2892] time."

Presiding Inspector: And the what?

The Witness: "And the sailors were going to try to break away at the time."

Presiding Inspector: I will insert the word "time" after the word "the".

The Witness: That's right.

Presiding Inspector: With a period after that.

The Witness: Yes, sir.

Presiding Inspector: Go ahead.

The Witness: "Yesterday you told me that Mr. Medala and Mr. Dickstein asked you whether you had ever been in a meeting where Schneiderman and Bridges were present at the same time, and that you told them you never had.

"A. Yes.

"Q. Is that what happened?

(Testimony of Ray D. Shoemaker.)

"A. Yes; that is right.

"Q. And that was a truthful answer to their question?

"A. Yes. And as I told them, I had been,—I was taking in quite a few meetings at the time,—both communist and non-communist meetings,—and that I couldn't remember that I had ever been in a meeting where both Schneiderman and Bridges were there. Which is correct. I hadn't. . .

"Q. But the statement that you signed for the FBI agents contains a statement to the effect that you had sat in a meeting [2893] with Schneiderman and Bridges. That was untrue?

"A. Yes; but that isn't orrect.

"Q. They had prepared that in the statement for you?

"A. Yes; and I never noticed it when I——

"Q. When you read it?

"A. Yes. You see, I want you to understand this, too. You see, when I read these statements I was gowd up. If you don't know what gowd up is,—I was taking these pills pretty heavy. I was in pretty bad shape. And so instead of using them for sleeping pills, if you double the dose it makes everything rosy then."

Presiding Inspector: Just read that again, after the words "sleeping pills."

The Witness: "If you double the dose it makes everything rosy then.

"Q. So you signed the prepared statement that they had for you?

(Testimony of Ray D. Shoemaker.)

"A. Yes.

"Q. And it contained statements that wasn't true, is that right?

"A. Correct.

"Q. Later on they had you sign two more statements, isn't that true?

"A. Correct.

"Q. Were those also prepared statements which were pre- [2894] pared by them in advance?

"A. Yes.

"Q. Did those two statements also contain untrue statements?

"A. They did.

"Q. And they had you sign those also?

"A. Yes.

"Q. Why did you sign all of those statements which they had prepared for you when you knew that those statements contained false statements?

"A. Why?

Do you want me to say what I put in my transcript?

Presiding Inspector: Yes.

The Witness: "(The witness paused).

"Q. You knew they knew, when you were signing those statements, that those statements contained falsehoods, isn't that true? A. Yes.

Presiding Inspector: Read that again carefully.

"You knew and they knew,——"

The Witness: "You knew and they knew, when you were signing those statements, that those statements contained falsehoods, isn't that true"?

(Testimony of Ray D. Shoemaker.)

Presiding Inspector: I will change the "the" before the second word "statements" to "those."

The Witness: That's right. [2895]

Presiding Inspector: That is, I will write the word "those" above it, "That those statements contained falsehoods, isn't that true?"

"A. Yes."

(Here followed informal discussion between Mr. Gladstein and the Presiding Inspector at the bench.)

Mr. Goodwin: Is that all?

The Witness: That is all the ones he asked me.

Mr. Del Guercio: I don't know what is going on, if the Court please.

Presiding Inspector: Nothing is going on. I say, you can come up here. I say, that ends the reading.

Mr. Myron: I think——

Presiding Inspector: Off the record.

(Remarks outside the record.)

Presiding Inspector: We will consider the question of admissibility when I have got the briefs. Of course, if you want to have the rest of this read you can read it yourself, if you want to show what Mr. Gladstein said to the witness when he made no response.

Mr. Del Guercio: I merely renew my motion to have the whole thing stricken.

Presiding Inspector: I will reserve decision on it.

(Testimony of Ray D. Shoemaker.)

By Mr. Gladstein:

Q. Now, Mr. Shoemaker, you have read up to a certain [2896] point the questions and answers that you heard at the time of this deposition on Sunday, the day before yesterday. Can you look through your notes and find whether there were subsequent questions asked?

Mr. Del Guercio: I object to the question, if your Honor please.

Presiding Inspector: I will allow that.

A. There were.

By Mr. Gladstein:

Q. Who asked those questions?

A. You did.

Mr. Del Guercio: I will object to that upon the ground it is immaterial and irrelevant.

Presiding Inspector: I will allow it.

By Mr. Gladstein:

Q. And during the time that I asked the questions that followed was Mr. Cannalonga in the office where the deposition was being taken?

Mr. Del Guercio: I object to that question as being incompetent and irrelevant.

Presiding Inspector: I will allow it. "Yes" or "No."

The Witness: May I qualify that statement, your Honor?

Presiding Inspector: Yes, you may qualify the statement.

A. He was in the office until you finished about

(Testimony of Ray D. Shoemaker.)

the first third of the last question and he left the room and didn't come back. [2897-8]

By Mr. Gladstein:

Q. Now, will you look at your notes and see whether just prior to the time that Mr. Cannalonga got up during the time that I was asking him a question and left, whether prior to that time he got up at one point while I was asking him a question, left the room and then came back?

Mr. Del Guercio: Just a minute, please! So that I won't need to repeat, if your Honor please, may the record show that I object to every question along this line?

Presiding Inspector: Yes. Yes, sir. You are quite right to object. I will note your objection, but I will allow the answer to be taken.

A. He left the room after—I just counted this up, and he left the room after you asked the twelfth question starting with the one he refused to answer.

By Mr. Gladstein:

Q. Let us go to the point, Mr. Shoemaker, where the last question and answer occur in your notes, which Judge Sears has allowed you to read, and so that it may be—it is the one I have reference to in which the question is "You knew and they knew—"

Mr. Myron: (Interposing) Just a minute! I think we excluded that and I don't think any question should be asked.

Mr. Gladstein: I don't think so. I don't think so.

(Testimony of Ray D. Shoemaker.)

Mr. Myron: We object to reading from it when it wasn't [2899] allowed to be read.

Mr. Gladstein: It was read by this witness and I am trying to direct him to the point at which I wish him to start.

Presiding Inspector: Read the last thing that was read.

Mr. Gladstein: Yes. The last thing is——

Mr. Myron: (Interposing) Is that one of the questions that has already been read?

Presiding Inspector: Yes.

Mr. Myron: And answered by him?

Presiding Inspector: Yes. This is one of the questions that was read.

Mr. Gladstein: Yes. And the answer was given. I want the witness to start with that question, "You knew and they knew, when you were signing those statements, that those statements contained falsehoods, isn't that true?

"A. Yes."

By Mr. Gladstein:

Q. Have you got that point? A. Yes.

Q. Did I ask him a question immediately afterwards? A. You did.

Q. Was he in the room at the time I asked the question? A. He was.

Q. Did he answer that question?

A. He did not. [2900]

Q. Did I then ask him another question?

A. You did.

(Testimony of Ray D. Shoemaker.)

Q. Was he in the room when I asked him that question?

Mr. Myron: We object to all this line of inquiry. It is merely for publicity purposes.

Presiding Inspector: I don't know what it is for, but I will allow it.

Go ahead, Mr. Gladstein.

A. He was.

By Mr. Gladstein:

Q. Did he answer the question.

A. He did not.

Q. Did I ask him another question?

A. You did.

Q. This is the third one now?

A. Yes, sir.

Q. Was he in the room at that time?

A. He was.

Q. Did he answer that question?

A. He did not.

Q. Did I ask him a fourth question?

A. You did.

Q. Did he answer that question?

A. He did not.

Q. Was he in the room at that time? [2901]

A. He was.

Q. Did I ask him a fifth question?

A. You did.

Q. Was he in the room? A. He was.

Q. Did he answer it? A. He did not.

Q. Did I ask him a sixth question?

A. You did.

(Testimony of Ray D. Shoemaker.)

Q. Did he answer it? A. He did not.

Q. Was he in the room at that time?

A. He was.

Q. Did I ask him a seventh question?

A. You did.

Q. Was he in the room?

A. He was. Yes, he was.

Q. Did he answer it? A. He did not.

Q. Did I ask him an eighth question.

A. Yes, sir.

Q. Was he in the room?

A. He was.

Q. Did he answer it?

A. He did not. [2902]

Mr. Del Guercio: Is this an examination or what?

Presiding Inspector: This is evidence.

Mr. Del Guercio: Evidence?

Presiding Inspector: Yes. Go ahead.

Mr. Del Guercio: I don't know what evidence is.

Presiding Inspector: I am afraid not, but we will go on.

By Mr. Gladstein:

Q. Did I ask him a——

Presiding Inspector: (Interposing) At least it isn't evidence admitted fully yet.

By Mr. Gladstein:

Q. Did I ask him a ninth question?

Presiding Inspector: I want this witness to be excused so he can go back to court work.

A. You did.

(Testimony of Ray D. Shoemaker.)

By Mr. Gladstein:

Q. Was he in the room?

Mr. Del Guercio: We are ready to excuse him, your Honor, at any time.

A. He was.

Presiding Inspector: Now wait, Mr. Del Guercio! Counsel have a right to proceed when the Examiner has ruled that they are in order.

Go ahead, Mr. Gladstein. [2903]

By Mr. Gladstein:

Q. Now, I think you said I asked him a ninth question and that he was in the room. Correct?

A. That's right.

Q. Did he answer it? A. He did not.

Q. Did I ask him a tenth question?

A. You did.

Q. Was he in the room? A. He was.

Q. Did he answer it?

A. He said "Off the record."

Mr. Gladstein: Now, I think, your Honor, I have a right to ask the question and the answer since he said "Off the record."

Presiding Inspector: I think that is not an answer.

Mr. Gladstein: Well, that is his response to the question, your Honor.

Presiding Inspector: I don't know what it means.

Mr. Gladstein: I know. But don't I have a right to show what his response is? Suppose, for example he nods his head or he shakes his head or he says

(Testimony of Ray D. Shoemaker.)

"Off the record" or he says "Don't ask me that." I mean, you may not regard the answer as directly responsive, but I think it shows the reaction of the deponent to the question and, therefore, we have a right to read the question and answer, whatever it might [2904] be.

Presiding Inspector: You already have it.

Mr. Gladstein: Not this one, Judge.

Presiding Inspector: This whole thing has been —it is your written document. Now you are wasting time here on this Mr. Gladstein, because you have got the full benefit as though it had been read, and this is all a waste of time in my judgment. But I am letting you try your own case. If I were trying this I would introduce the document or offer it and have it marked and go on to something else and not keep the Court or this proceeding going, but you have a right to proceed in your own way. And I will say that we have proceeded this way in the case of the other witnesses.

Mr. Gladstein: I think we have.

Presiding Inspector: Go ahead.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. Now, you say that there is a question to which he said "Off the record"?

A. Yes, sir.

Q. That was his answer?

A. That is his answer.

Q. That is the only answer you have to that question?

(Testimony of Ray D. Shoemaker.)

Presiding Inspector: That isn't quite fair. Whether it is an answer or not, we don't know. That is for the person who reads the record to say. He said that after the question [2905] was asked.

By Mr. Gladstein:

Q. Is that correct, Mr. Shoemaker?

A. That's right.

Mr. Gladstein: All right.

Presiding Inspector: You see, you imply that that is an affirmative. That is not a necessary conclusion.

Mr. Gladstein: All right.

Presiding Inspector: At least I took it so.

By Mr. Gladstein:

Q. Then did I ask him another question?

A. You did.

Q. Was he in the room? A. He was.

Q. Did he answer it? A. He did not.

Q. Did I ask him another question after that?

A. Yes, sir.

Q. Was he in the room? A. He was.

Q. Did he answer it? A. He did not.

Q. Did I ask him another question after that?

A. You did.

Q. Was he in the room? [2906]

A. He was.

Q. Did he answer it? A. He did not.

Q. At that point did anything unusual occur?

A. He got up and left the room.

Mr. Del Guercio: I object to that question be-

(Testimony of Ray D. Shoemaker.)

cause the whole thing is unusual, not this particular moment necessarily.

Mr. Grossman: We will agree to that.

Presiding Inspector: I will allow that to go on the record. Go ahead.

By Mr. Gladstein:

Q. You say that he got up and he left the room?

A. He did.

Q. What do your notes show as to whether he returned or not?

A. They show that he returned in about three minutes.

Q. When you say he left the "room," do you mean by that that he went out of the office and then came back?

A. He went out of the office and came back in about three minutes.

Presiding Inspector: He went out of the office that you were in. That is, the room?

The Witness: Yes, sir.

By Mr. Gladstein:

Q. Was there another question after that?

[2907]

A. There was.

Q. Was there an answer?

A. There was not.

Q. Was there a question at about that time at which he made an answer to the effect that he "can answer"? Will you look at your notes on that, Mr. Shoemaker.

A. Oh, yes, yes. Do you want me to read that?

(Testimony of Ray D. Shoemaker.)

Q. Well, if it is a question that I asked and an answer which he gave.

A. "I can answer here," he said.

Mr. Myron: We will object to that.

Presiding Inspector: He said, "I can answer here."

Mr. Gladstein: All right. Then I think we have a right——

Presiding Inspector: (Interposing) What was he doing? Sitting down?

The Witness: He was standing by the door and counsel asked him to answer it, and he said "I can answer it here."

By Mr. Gladstein:

Q. Will you read the question?

A. "Q. Before you go I want to finish asking you a question. If you don't want to answer it, it is up to you. Will you please sit down so I can ask a question?

A. I can answer here."

Mr. Gladstein: All right. Now, I maintain, your Honor, [2908] that that is subject to this inference. It is an invitation by the witness to be asked the question, and I have a right to read the next question that I asked him.

Presiding Inspector: I don't so construe it. It means that "I can stand right here without sitting down." "I can do just as well by you by standing up instead of sitting down." I think that is the plain meaning.

(Testimony of Ray D. Shoemaker.)

By Mr. Gladstein:

Q. Now, there was a last question, was there?

A. Yes, sir.

Q. During the course of my asking that question —withdraw that.

At the time I started to ask that question was the witness in the office? A. He was.

Q. By the time I finished asking that question was he in the office? A. He was not.

Q. What took place between the beginning and the end of that question? What did Mr. Cannalonga do?

A. He left the room when you started the question. You asked him about fifteen or twenty words and he left the room.

Q. Did he say anything as he left?

A. I didn't hear him say anything. [2909]

Q. Were those all of the proceedings that were had? A. Yes, sir.

Mr. Del Guercio: Your Honor, I object to the use of the word "proceedings."

Presiding Inspector: Of course, it wasn't a proceeding in a legal sense.

Mr. Del Guercio: In any sense.

Presiding Inspector: Well, you will have to go to the dictionary perhaps and find something——

Mr. Del Guercio: (Interposing) I challenge them to say what kind of a matter that was that was being held there.

Presiding Inspector: That is a mere matter of speech.

(Testimony of Ray D. Shoemaker.)

Mr. Gladstein: I think the witness has already testified that Mr. Cannalonga was sworn beforehand and it was a deposition, and I think those are usually known as "proceedings."

Presiding Inspector: Oh, it wasn't a "proceedings".

Mr. Gladstein: Cross examine.

Presiding Inspector: You may inquire.

Mr. Del Guercio: No cross examination.

Presiding Inspector: You are excused.

Mr. Myron: I think his notes were being held for identification.

Presiding Inspector: What is that?

Mr. Gladstein: I didn't offer them. [2910]

The Witness: May I say this, your Honor? That I have two other cases in this book.

Presiding Inspector: Do you want them kept here?

Mr. Myron: I think they should be.

Mr. Gladstein: You can tear them out as far as we are concerned. It is perfectly all right.

The Witness: If I tear them out——

Mr. Myron: (Interposing) If the transcript is to be marked for identification, I think the notes should be.

Mr. Gladstein: The transcript is in.

Presiding Inspector: Do you want them in?

Mr. Myron: I think they should be.

The Witness: If I get an appeal to the Supreme Court in this case, can I get my notes back from this Court?

(Testimony of Ray D. Shoemaker.)

Presiding Inspector: In this case?

The Witness: No. I have another case in this book.

Presiding Inspector: Don't leave them all. Tear them out.

The Witness: I can't tear them out, your Honor, because it is on the other side. It is written on both sides.

Presiding Inspector: They are on both sides?

Mr. Grossman: Why can't we put them in evidence with permission to the reporter to withdraw them and have photostatic copies substituted if it becomes necessary in this other case, if that is agreeable? [2911]

The Witness: If you want them I can leave them, but if they ever ask for an appeal to the Supreme Court I would have to have my notes.

Presiding Inspector: Very well. I am sure that Mr. Del Guercio, or whoever has these, will see that this is done.

Mr. Grossman: That is understood, then?

Presiding Inspector: Yes.

The Witness: All right.

The Reporter: Alien's Exhibit No. 14 for identification.

(The notes referred to were marked Alien's Exhibit No. 14 for identification.)

(Witness excused.) [2912]

Presiding Inspector: Call your next witness.

Mr. Gladstein: Could we have a recess now, your Honor?

Presiding Inspector: Yes.

(Whereupon a short recess was taken.)

Presiding Inspector: We are ready for the next witness.

Mr. Grossman: Your Honor, when the witness responded this morning to the subpoena I told him to wait in 207, though I didn't take him there. I assumed he went there, but he is not there now. It may take a moment or two to find out whether he is in the building. I haven't talked to him since. So I will make a search in the building for him.

Mr. Gladstein: Perhaps somebody could call for Officer Catherman.

Mr. Grossman: I suppose that is as effective as my looking for him.

Presiding Inspector: What is his name?

Mr. Grossman: Catherman.

Presiding Inspector: Is Mr. Catherman in the court room?

Call out in the hall for him, Mr. Officer.

A Guard: He is coming in the side door, your Honor.

Presiding Inspector: Mr. Catherman, come and take the stand. Raise your right hand.

CHARLES D. CATHERMAN

called as a witness on behalf of the Alien, having been first duly sworn, testified as follows: [2913]

Presiding Inspector: Give your name to the reporter.

The Witness: Charles D. Catherman—C-a-t-h-e-r-m-a-n.

Presiding Inspector: Your residence?

The Witness: 455 West Avenue 43, Los Angeles.

Direct Examination.

By Mr. Grossman:

Q. Mr. Catherman, were you served with a subpoena to appear in this proceeding?

A. I was.

Q. What did that subpoena ask you to bring to this hearing?

A. It mentioned some inter-department records, or something like that.

Mr. Goodwin: Speak louder.

A. Inter-department records, or something like that.

By Mr. Grossman:

Q. Have you brought any documents or papers in response to this subpoena? A. No, sir.

Q. Will you explain why you have not, Mr. Catherman?

A. I never had any documents of that kind in my possession at any time, and I went to the Chief of Police's office, where I was supposed to get permission, and he was out of town, and I only had a few hours' notice, and they said that I had no

(Testimony of Charles D. Cathermain.)

right to take any records like that out of the City. [2914]

Q. Who said that?

A. That only the Chief of Police would have that right.

Q. Who said it?

A. That is what the Secretary told me, that I would have to see the Chief; that nobody had charge of the records except him.

Q. You mean the Secretary of the Chief of Police told you that?

A. Well, she said she thought I would have to see him; that she had no say-so about it.

Q. Can you state——

Mr. Del Guercio: (Interposing) I object to this line of questioning. The witness testified that he never had possession of the documents.

Presiding Inspector: This is under subpoena issued by the Inspector, on the recommendation of the Presiding Inspector of this proceeding. I will allow them to show—you remember that there was objection to it, as I think, to the pages of one of the Congressional Committee reports, and this is an attempt to produce an original memorandum, so I will allow it.

Mr. Del Guercio: The witness testified he never had possession of any of those records.

Presiding Inspector: It may open the way to introduce secondary proof. Go ahead. That is the only purpose of it, as I understand it. [2915]

(Testimony of Charles D. Catherman.)

By Mr. Grossman:

Q. Can you state the name of the Secretary to the Chief of Police with whom you talked about securing this document?

A. I think it is Miss O'Connor, but I wouldn't be positive of it. There is more than one secretary in there. I had never been in the office before.

Q. Now, exactly, what did she tell you, that you could not have such documents, or she thought you couldn't have such documents, or was it something else she said?

A. As near as I can recollect I asked to see the Chief. She said he was out. She wanted to know why, of course. I showed her the subpoena. She said, "You will have to see the Chief. He is the only one that can give authority to remove the records. You couldn't do it. You are only a common patrolman."

That is all there was to it.

Q. Did you discuss this subpoena and the documents with anyone else in the Police Department after receiving it? A. No, sir.

Q. Who is your superior officer in the Police Department?

A. Captain—I just got a new Captain where I am. I can't recall his name.

Q. Did you discuss this with him?

A. No, sir. I might state that I didn't discuss it with him at all. I got permission from the Lieutenant to come up here. [2916] I didn't even show him the subpoena because I didn't have time to go

(Testimony of Charles D. Catherman.)

back to the station. I called him up and told him that I had it.

Q. Then you didn't discuss with the Lieutenant the subpoena either?

A. Only that I had been called up—this Department, Immigration Department, called me and told me there was a subpoena up town for me.

Q. You didn't discuss with the Lieutenant whether you could or should procure the documents that were called for in the subpoena?

A. No, sir.

Presiding Inspector: Was this witness sworn before the Congressional Committee?

Mr. Grossman: No.

Mr. Del Guercio: Did you Honor ask whether this witness had been sworn before the Congressional Committee?

Presiding Inspector: Yes.

Mr. Del Guercio: There is no evidence that he was before that Committee.

Presiding Inspector: I asked if he was a witness before the Congressional Committee.

Mr. Del Guercio: I thought you asked if he had been sworn.

Presiding Inspector: The inquiry was merely directed to the point as to whether he had ever been a witness before [2916—A] the Congressional Committee.

By Mr. Grossman:

Q. In September of 1937, Mr. Catherman, what kind of work were you doing?

(Testimony of Charles D. Catherman.)

A. Well——

Mr. Del Guercio: (Interposing) Just a moment. I object to the question.

Presiding Inspector: I will allow it.

Mr. Del Guercio: I object to the question as immaterial, and no foundation having been laid for it.

Presiding Inspector: I will allow it.

Mr. Grossman: You may answer.

A. I was working mostly on strike detail.

Presiding Inspector: Working on strike detail, he said.

By Mr. Grossman:

Q. Were you in the office most of the time, or outside most of the time?

A. Outside most of the time.

Q. Did that strike duty include receiving reports over the telephone, giving information about those strikes, or about any strikes?

Mr. Del Guercio: I object to the question.

Presiding Inspector: I will allow it.

Mr. Del Guercio: It is too general.

Presiding Inspector: It may be rather general, but I will [2917] allow it.

The Witness: I don't quite understand the question.

By Mr. Grossman:

Q. Were you at that time a patrolman in the Los Angeles Police Department? A. I was.

Q. Did you, during that period, that approximate period, about September 1936-1937, receive

(Testimony of Charles D. Catherman.)

telephone calls as part of your duty giving you information about strikes?

Mr. Del Guercio: I will object to that question, too, your Honor, as being too general—conversation with whom and about what?

Presiding Inspector: I will allow it. I think it is fairly definite.

Mr. Grossman: Then I will make it more definite.

By Mr. Grossman:

Q. Was it part of your duty or, rather, did you, as part of your duty, in approximately September of 1937, receive any telephone calls at the Police Department concerning strikes?

Mr. Del Guercio: I will object to that as immaterial. No strike is at issue in this case. It is immaterial whether he did or not.

Presiding Inspector: I will allow it. It is merely preliminary to an attempt to prove a certain conversation.

A. Well, I will say I did. I answered the phone at times. [2918]

By Mr. Grossman:

Q. Were you in the office at regular times of the day, or was it accidental as to what times you would be in and what times you would be out?

A. For just a short time, while one of the officers was on vacation, I worked from midnight until morning, what they call the morning watch, just answering the telephone.

(Testimony of Charles D. Catherman.)

Q. For how long a time?

Mr. Del Guercio: May I suggest, if your Honor please, that if he wants any conversation with any particular person that he ask if he had any conversation over the telephone?

Presiding Inspector: I won't confine him. Of course, he may have no recollection of this, and they may show him a document and ask him if it actually refreshes his recollection so that after having looked at it he can report what occurred, if anything did occur.

Go ahead.

By Mr. Grossman:

Q. For how long a period were you on the midnight shift receiving telephone calls?

A. Well, I would say during September and probably part of October.

Q. Was this in connection with your strike detail?

A. Well, I would consider it so because I never was regularly assigned to the Intelligence Unit. I belong to the [2919] Reserve Unit and was loaned out to them, the same as lots of other officers were, when they needed extra men to work strike duty.

Q. When you say "strike duty," do you mean duty under Lieutenant or Captain Hynes?

A. Yes, sir.

Q. He was your immediate superior, was he, at all times when you were working on strike duty?

A. Yes; except he had other officers under him

(Testimony of Charles D. Catherman.)

that had the same authority, but he was considered the main authority.

Q. All right. Now, when you received these telephone calls when you were on the midnight shift, did they all deal with strikes; or did they deal with other police business?

Mr. Del Guercio: I submit, your Honor, that that is none of counsel's affair as to what they dealt with, unless it is something particular in connection with this case. If they dealt with other matters we are not concerned with them.

Mr. Grossman: I haven't asked what the other matters were, and I don't intend to.

Presiding Inspector: I will allow it. Go ahead.

A. Well, the messages were mostly about strike details, how many men they needed, and where they needed them, and things like that; but there were all kinds of messages that came over the phone.

By Mr. Grossman: [2920]

Q. Did some of these messages come from police officers?

A. Most all of them did as far as I know.

Q. Did any of them that you recall come from informers who gave information to the Police Department? A. I wouldn't know.

Q. When you received these messages wasn't it your practice to find out from whom the message came? A. No, sir.

Q. Did you make a memorandum of these messages as to each message when it came in?

(Testimony of Charles D. Catherman.)

A. No memorandum. I just wrote down what the message was and left it on the desk.

Q. Well, did you write down what each message was after it came in?

A. Oh, yes. I had to do that because I didn't have any contact with anyone to deliver them otherwise.

Q. What were your orders with respect to what notations or writing you should do about telephone calls that came in on that midnight shift?

A. Just to leave them on the desk.

Q. Were you instructed to make some kind of a written note or memorandum about each telephone call? A. No, sir.

Q. Were you given any instructions about leaving any notes showing what the telephone call was about? [2921] A. No, sir.

Q. That was your own idea, was it, in so far as you followed it, in making notes of telephone calls?

A. No. That was all the instructions I had, was to take any message that came over and leave it on the desk, because I left before anybody showed up in the morning to take charge of it.

Q. Was there an officer in charge of the midnight shift who was your immediate superior during the midnight shift?

A. No, sir. I was the only one in the office. I will say at times there were other officers there waiting on strike duty call, but I was the only one there that would receive messages at that time.

(Testimony of Charles D. Catherman.)

Q. Did you ever receive any messages with the information from the person who was telephoning that he wished you to put a number on the memorandum that you made to describe who he was?

A. Not in just that way.

Q. Did you ever receive a message and make a written memorandum which, instead of giving the name of the caller, gave a number? A. I did.

Q. How many times did that happen?

A. I couldn't say.

Q. Do you remember any of these numbers?

A. Some of them. [2922].

Q. Which ones do you remember?

Mr. Myron. I object to that—which ones he can remember. That might reveal confidential information that isn't in issue in this case.

Mr. Grossman: He is not giving any confidential information to state whether it was X, Y or Z.

Presiding Inspector: I will allow it. There has been some testimony about it.

Mr. Grossman: Yes.

By Mr. Grossman:

Q. What numbers do you remember, or what letters, in case they used letters, do you remember?

Presiding Inspector: If you remember any.

Mr. Grossman: He said he remembered some.

By Mr. Grossman:

Q. What numbers or letters do you remember?

A. Sometimes they would say, "This is No. 40," or "No. 50," or "No. 100." I imagine it was all

(Testimony of Charles D. Catherman.)

the same person, from the sound of their voice, but that wasn't any of my business and I just put down what they told me.

Q. Do you recall a message from B-50, a message from someone who stated he was B-50?

A. I remember No. 50, 50 and 100, because they are easier to remember than other numbers. They came in more often.

Q. Mr. Catherman, I am going to show you some writing [2923] that purports to be something that you have written.

Presiding Inspector: Hadn't you better exhaust his recollection first? You are going to lead him now.

Mr. Grossman: That is right. I don't mind exhausting his recollection.

By Mr. Grossman:

Q. Do you remember whether, on September 16, 1937, you received a telephone message at about 12:00 midnight from someone claiming to be B-50?

A. I couldn't remember that long back any certain date, or any certain message.

Q. Do you remember receiving, about September 16, 1937, a message dealing with a strike, rather, a scheduled strike at the Moody Bed Company?

A. No, I can't say that I recollect the Moody Bed Company. I worked lots of those strikes, but that don't sound familiar to me.

Q. Do you remember any occasion, in September of 1937, when someone who did not give his name,

(Testimony of Charles D. Catherman.)

but only gave his number or letter, to describe himself, told you that there was a strike scheduled to begin the next morning? Do you remember any such message?

A. No. I don't see how I could remember anything definite like that. Any message that came like that had my initial, my signature on the message. They never gave me any [2924] information. They asked—if you will let me explain?

Q. Yes.

A. They always asked if Captain Hynes was there, or any member of the Intelligence Unit, when the messages came over, because I suppose they wanted to talk direct. When I would say, "No," they would say, "Take a message." I wrote down whatever they said and that is all there was to it.

Q. Do you remember receiving any telephone message which was not from a Police Officer, which told you of a strike that was going to take place but hadn't yet started, or was going to take place?

A. No, I don't remember anything like that.

Q. For whom did you leave these notes of these telephone conversations, or addressed to whom did you leave these notes?

A. They were not addressed to anyone. I just left them on the desk. I presume they were for Captain Hynes. We call him "Captain" Hynes.

Q. Do you remember any telephone calls approximately September of 1937 in which the caller stated that he would call the next night for instructions as to what to do?

(Testimony of Charles D. Catherman.)

A. No. I don't remember that.

Mr. Del Guercio: If your Honor please—well, I will withdraw the objection.

Presiding Inspector: He doesn't remember.

[2925]

Mr. Grossman: For the record I am referring to something which appears on page 23577 of the Reports of the LaFollette Committee, Part 64.

By Mr. Grossman:

Q. I will now show you what purports to be a memorandum signed by you, Mr. Catherman, and ask you whether you recognize this memorandum as one that you did sign or have something to do with having drawn up?

Mr. Del Guercio: Now, your Honor, I object to the form of the question. That is a printed matter appearing in that book.

Presiding Inspector: If it actually refreshes his recollection he may use it.

Mr. Del Guercio: He said, "That you signed." There is nothing there to indicate that he signed it.

Presiding Inspector: Bearing his name.

The Witness: I would like to ask a question before I answer.

Mr. Grossman: You may.

The Witness: This message has a heading there "B50, Captain Hynes or Lieutenant Wellpott". I never wrote any message like that. The body of

(Testimony of Charles D. Catherman.)

the message is similiar to messages I received. And down here (indicating), at the bottom, that part of it is where I usually finish them up. [2926]

By Mr. Grossman:

Q. Is there anything else about the form that you think is inconsistent with forms you were using at about that time?

A. We had no forms. We just used any piece of scratch paper.

Q. I don't mean forms in the sense that they were printed. I mean forms in which you would give the information. Is there anything else about that that seems different from the way you did do it around September of 1937?

A. No, it is about the same.

Q. Are you certain that you never did write a memorandum at that time or around that time which had the names of Captain Hynes or Lieutenant Wellpott at the top?

A. No. I am not certain. Two years and a half is a long time to remember. I have got too many messages to remember.

Q. What would happen if you received a telephone call and the caller stated "I have a message for Captain Hynes or Lieutenant Wellpott"? Was it your practice to put those two names somewhere in your memorandum?

A. No, sir; because it is my understanding that whichever one of them arrived at the office in the

(Testimony of Charles D. Catherman.)

morning would immediately go to the desk and take those notes up.

Q. Were there any other persons to whom these tele- [2927] phone messages were directed, not by you but by people who were phoning in the information? A. No.

Q. Except Wellpott and Hynes?

A. Messages like that, I wouldn't want to say because we got so many messages there. Some of them for any member of the Intelligence Unit. It might be Luke Lane or half a dozen others. But usually messages like this, why, they were for Hynes, I imagine, because nobody else would have any use for them.

Q. Let us suppose a message came in which the sender said was for Luke Lane. Would you place a memorandum of that conversation on the same desk as you would——

Mr. Del Guercio: (Interposing) I object to the question.

By Mr. Grossman:

Q. (Continuing) —as you would if the message were directed to Captain Hynes?

A. Absolutely.

Mr. Del Guercio: Just a moment before you answer the question.

Presiding Inspector: I will allow it.

Mr. Del Guercio: I didn't state my— (Pause).

Presiding Inspector: Do you want to state the objection?

(Testimony of Charles D. Catherman.)

Mr. Del Guercio: No, never mind.

Presiding Inspector: You may, Mr. Del Guercio. [2928]

Mr. Del Guercio: Well, you have already ruled on it, so that is all right.

By Mr. Grossman:

Q. Then this is correct, is it, Mr. Catherman? That no matter whom the message was directed to it was your practice not to state on the memorandum the name of the person that the message was supposed to go to?

A. I never thought it necessary because——

Q. (Interposing) I want to know what your practice was.

A. That was the practice. But in order not to get me wrong, it is possible that I could have written that on there, but not as a practice.

Q. Well, you see, I have asked you these questions——

A. (Interposing) Yes.

Q. (Continuing) Because you made a statement before when I was asking you about this particular document that—I don't know how definite you were, but you stated at least doubt that you had written "Captain Hynes" or "Lieutenant Wellpott" at the top. A. I just——

Mr. Del Guercio: (Interposing) That is incorrect. That isn't the witness' statement.

(Testimony of Charles D. Catherman.)

Presiding Inspector: The record will speak for itself.

Mr. Grossman: That is why I wanted the witness to [2929] repeat once more.

By Mr. Grossman:

Q. Is it possible that your memorandum about that time would have at the top the name or names of the officers to whom the message was directed?

A. It's possible, but I just can't recollect ever doing it. It wasn't my practice.

Q. Now, you have read this document which claims to have your name at the bottom?

A. Yes, sir.

Mr. Del Guercio: I will object to that, may it please your Honor. That is not a document. There is no evidence here——

Mr. Grossman: (Interposing) If you want to suggest a word to be substituted for "document"——

Mr. Del Guercio: (Interposing) I am speaking to the Court.

Mr. Grossman: (Continuing) ——I am perfectly willing to substitute any word for "document" if Mr. Del Guercio will be satisfied. I just want to ask a question.

Mr. Del Guercio: There is no evidence here that any such document, such as what is purported to be shown by this book, was ever given to the La Follette Committee.

(Testimony of Charles D. Catherman.)

Presiding Inspector: I suppose that is true.

Mr. Grossman: Under the theory of Mr. Del Guercio, Mr. [2930] LaFollette is a Communist and makes up things like this. But I am supposing that something published by the LaFollette Committee at least establishes prima facially some basis for belief that such document was actually copied by the LaFollette Committee. Although Mr. Del Guercio will admit that Senator LaFollette will do things like that we will submit proof that Senator LaFollette will not do things like that.

Presiding Inspector: I don't think that is quite in order. The question which you are trying to get is whether that document you have in your hand, not this particular memorandum but that document, actually refreshes this witness' recollection of what occurred.

Mr. Grossman: That is right.

Presiding Inspector: When you get to it I suppose you will show it to him.

Mr. Grossman: I did once, but I want to now ask him whether it refreshes his recollection at all. That is what I was starting to say.

Mr. Del Guercio: And counsel has stated that I have said that LaFollette is a Communist or he is implying that. Well, that should be stricken from the record. What I have said is that he is a Communist.

Mr. Grossman: Your Honor, if we are going to strike things from the record——

(Testimony of Charles D. Catherman.)

Presiding Inspector: (Interposing) The rule requires [2931] that arguments shall not be included in the record, and ultimately all this persiflage back and forth will be stricken out. Only the objections and the rulings, not the argument.

Go ahead.

By Mr. Grossman:

Q. Now, Mr. Catherman, having read this do you still testify that you cannot recall receiving such a message in approximately September of 1937?

A. I cannot remember that individual message, but I did receive messages similar to that. There is no doubt about that.

Q. You mean this particular one? You can't now recall this particular message, receiving this particular message?

A. No. There was too many messages came in similar, for me, to remember any individual one unless there was something to recall my mind, like that there heading. I should remember it if I ever addressed a particular message, but I just can't remember ever doing it.

Presiding Inspector: Let me see that.

Mr. Grossman: Yes, your Honor.

(The document referred to was passed to the Presiding Inspector.)

By Mr. Grossman:

Q. Does the number "B50" refresh your recol-

(Testimony of Charles D. Catherman.)

lection as [2932] to whether you ever received a similar message to that from a person claiming over the telephone to be described as "B50".

A. Oh, I received messages signed "B50."

Q. You do recall receiving telephone messages under the description of "B50"? A. I do.

Presiding Inspector: Is this referred to in oral testimony?

Mr. Grossman: Well, Mr. Chase was confronted with that, and to that extent it is referred to.

Presiding Inspector: I don't mean in this record. I mean in the LaFollette report.

Mr. Grossman: My understanding is no, your Honor.

By Mr. Grossman:

Q. Now, your testimony is, Mr. Catherman, that all these memoranda that you did prepare from telephone messages that came in were put on a single desk in the office in which you were working?

A. Yes, sir.

Q. And that was a desk that was used by Captain Hynes? and by Lieutenant Welbott?

A. That is the desk where I use—where the telephones were.

Q. Is that the place on which, according to your instructions from your superior officer, you should leave messages? [2933] A. Yes.

Q. And were you instructed to leave messages for Captain Hynes, Lieutenant Wellpott and Luke Lane on that desk?

(Testimony of Charles D. Catherman.)

A. All messages that came in were left there.

Q. Now, I don't want to get you wrong. Is it your testimony that no matter whom the message was for in the Police Department the message was to be put on that same desk?

Mr. Del Guercio: If your Honor please, I will object to that. It doesn't matter what counsel thinks whether he is getting him wrong or not. The witness has already testified to that and it is a repetition. It has been asked and answered.

Presiding Inspector: Well, yes, that is so.

Mr. Grossman: I will say this, your Honor:——

Mr. Del Guercio: (Interposing) If counsel wants to refresh his memory he can ask the reporter to read it.

Mr. Grossman: Your Honor, the only reason I asked him was his statement that it was not his custom to write the name of the officer to whom it was directed on the top. Otherwise I wouldn't even have brought it. I want to make sure that all messages were to go on a particular desk instead of being spread out.

Presiding Inspector: Well, that is what he has testified to, as I understand it.

That is right, isn't it? [2934]

The Witness: Yes, sir.

Presiding Inspector: They were all put out on one desk?

The Witness: I just left them there and when

(Testimony of Charles D. Catherman.)

they came in in the morning long after I was gone home they got the message.

Presiding Inspector: Yes.

By Mr. Grossman:

Q. Did you have a printed form for use in the Los Angeles Police Department in approximately September of 1937 which had at the top of it "Los Angeles Police Department, Office Of.....", with a line for writing the name of the particular officer? A. I did not; no, sir.

Q. Do you recall ever seeing such a form?

A. No, sir.

Q. Do you remember any form used in the Los Angeles Police Department in September of 1937 which carried at the top the words, "Intra-Departmental Correspondence"? A. No, sir.

Q. Did you or did you not ever use a printed form in writing and leaving these memoranda of the telephone conversations when you were on this midnight shift? A. I don't understand.

Q. Do you ever use a printed form to write these messages out? [2935]

Mr. Del Guercio: I will object to that upon the ground that it has been asked and answered. The witness has already testified that he never used a printed form.

Presiding Inspector: I think he said he never used a printed form. If there is any doubt about it, did you ever?

(Testimony of Charles D. Catherman.)

The Witness: I don't understand what he means.

Presiding Inspector: Did you ever use a printed form?

The Witness: You mean to type it?

Presiding Inspector: No. A form which was furnished with a printed heading?

The Witness: No. I never done anything like that.

Presiding Inspector: What kind of paper did you have?

The Witness: Any kind of scratch paper that we happened to have.

Presiding Inspector: Very informal?

The Witness: Yes, sir. Papers, old reports; used the back of old reports and things.

By Mr. Grossman:

Q. Was it your custom, Mr. Catherman, at that time to sign these notes?

A. Yes, sir; either the name or initial.

Q. Was it your custom to sign such notes "Catherman"? A. I usually did.

Q. Was it your custom to put the time on which the [2936] message came in alongside your name?

A. At the bottom of the report; yes, sir.

Q. And was it the custom to place the name of the person making the report to you over the telephone at the bottom of the report near your name?

A. That's the way I remember it.

Q. Was it your custom ever to put the descrip-

(Testimony of Charles D. Catherman.)

tion of the person who had made the telephone call at the top of the report or near the top of the report?

A. I never done anything like that.

Q. Are you sure about that or do you just not remember? A. You mean——

Mr. Del Guercio: (Interposing) Your Honor, he just testified that he doesn't remember ever doing anything like that.

By Mr. Grossman:

Q. Are you sure?

A. I don't know what you mean by a description of a person.

Q. Let me show you this as an example, and I am again showing you the same document. Did you ever do anything like that with the description?

A. You mean like this (Indicating)?

Q. Yes, like the placing of "B50" at the top of this message?

A. No. I always put it down there (Indicating), as I [2937] remember.

Q. You don't recall ever doing that?

A. No, sir.

Q. Did you ever at any other time take telephone messages in this way except for this brief period when you were on the midnight shift?

Mr. Del Guercio: Just a moment! I object to that "In this way". Does he mean in the way indicated by the report of the LaFollette Committee?

(Testimony of Charles D. Catherman.)

Mr. Grossman: No, the general way.

Presiding Inspector: No, as he testified.

Mr. Grossman: In the same general way.

Presiding Inspector: As he has testified.

By Mr. Grossman:

Q. Did you at any other time have the job of receiving messages over the telephone in the same general way you did during September of 1937?

A. No, sir.

Q. Did you ever discuss with Captain Hynes or Lieutenant Wellpott or Luke Lane this subpoena after you received it?

Mr. Del Guercio: Just a minute! I object to that as being asked and answered. The witness has already testified that he hadn't discussed it with anyone.

Presiding Inspector: He said he hadn't discussed it with anybody but the Secretary. [2938]

Mr. Grossman: I wanted to be specific, your Honor. I wanted it to be made specific.

Presiding Inspector: That includes everyone from the President of the United States to the humblest citizen, except this woman.

Mr. Grossman: All right. I will let that stand.

A. Well, I would like to make a statement on that.

By Mr. Grossman:

Q. Yes, there is no objection.

(Testimony of Charles D. Catherman.)

Presiding Inspector: If there is someone else, then you will correct it.

A. I have not discussed this case with anyone.

Presiding Inspector: Oh, we are not talking about this case.

The Witness: When I heard I was going to be subpoenaed, when they called me, why, I did call Captain Hynes. I call him "Captain". And asked him what it was all about. The only thing he says "I don't know but what I read in the papers and you have read that, too".

By Mr. Grossman:

Q. Did you tell him about the subpoena?

A. I hadn't seen it yet. I told him that I had been called on the phone and notified that I was going to be subpoenaed in the Bridges case and asked him if he knew what it was all about. He says "No, I don't, only what I read in the papers".

[2939]

Q. At that time did you know what the subpoena said? A. No, sir.

Q. How did you happen to call Captain Hynes about it?

A. Because I couldn't figure out any other reason why they would subpoena me.

Q. Is Captain Hynes now your superior officer? A. No, sir.

Q. How did you happen to associate Captain

(Testimony of Charles D. Catherman.)

Hynes with the hearing in the Bridges deportation case?

Mr. Del Guercio: If your Honor please, I submit what difference does it make? He could call up anybody and discuss the matter with him.

Presiding Inspector: What is the point of this?

Mr. Grossman: I would like to know the point, your Honor. He doesn't call his superior officer, he doesn't know what is being asked.

Presiding Inspector: Is this to affect the credibility of your witness?

Mr. Grossman: I am not making any charges about whether this document is or is not being concealed, but we have a subpoena and we have a right to obtain it.

Presiding Inspector: Yes.

Mr. Grossman: Now, if he calls a man who, incidentally, may have custody because, obviously, the memorandum was written to this man, with no logical explanation being given as to [2940] why he calls him, then it may go to the question of why we don't have the document produced here. Especially, as I say, is it illogical that he would call this man not knowing what kind of testimony or document he was being asked to bring, because he didn't know at that time.

Mr. Del Guercio: There is no evidence of the existence of such a document in this case, if your Honor please.

(Testimony of Charles D. Catherman.)

Mr. Grossman: Except the LaFollette Committee report.

Mr. Reporter, will you read the question?

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: If you can answer that, you may.

A. Just because I worked up there in his office and I knew he received those messages and in some way connected with that kind of work or something. I don't know.

By Mr. Grossman:

Q. How did you know that the subpoena for you to testify dealt in any way with any of the messages that you received for Captain Hynes?

Presiding Inspector: Well now, isn't that a little bit deceptive, or might he not take it as such? The subject of his testimony that was being sought was that.

Mr. Grossman: Yes.

Presiding Inspector: Of course, the subpoena hadn't been [2941] presumably issued at that time.

By Mr. Grossman:

Q. How did you know that the testimony that you were going to be asked to give would deal in any way with any message that you gave to Captain Hynes?

A. I did not know anything of the kind.

(Testimony of Charles D. Catherman.)

Presiding Inspector: What did they say to you over the telephone?

The Witness: Hynes?

Presiding Inspector: No, not Hynes. When you got the telephone message about coming up as a witness what was said to you?

The Witness: They said they had a subpoena for me to come up here and testify in the Bridges case, and did *they* want *me* to send it out or should I come up there after it?

Presiding Inspector: Did they tell what was in the subpoena?

The Witness: Not at that time, no. That is the reason I called back.

Mr. Grossman: I would like to have read back the answer as to why he called Captain Hynes, from which I want to ask further questions. May I have that read, Mr. Reporter?

Presiding Inspector: Yes.

The Witness: I told you just—— [2942]

Mr. Grossman: (Interposing) Just a moment!

(The answer referred to was read by the reporter as follows: "A. Just because I worked up there in his office and I knew he received those messages and in some way connected with that kind of work or something, I don't know.")

By Mr. Grossman:

Q. That is the answer you gave, Mr. Catherman.

(Testimony of Charles D. Catherman.)

when I asked you why you happened to get in touch with Mr. Hynes.

Mr. Del Guercio: That is obvious. The reporter has just read it, if your Honor please.

Mr. Grossman: That is the beginning of my question, Mr. Del Guercio.

Presiding Inspector: He is getting a running start. Go ahead.

By Mr. Grossman:

Q. Now, when you said "that kind of work" in reply to that question, what kind of work did you mean?

Presiding Inspector: He specified that heretofore, I think, did he not?

Mr. Grossman: I don't think he has.

Presiding Inspector: Was it a strike detail?

Mr. Grossman: I want to know if that was what he meant.

Presiding Inspector: I think that is what he already said.

By Mr. Grossman: [2943]

Q. Were you referring to the strike that Captain Hynes had to do with labor matters and that was the kind of work?

A. Yes, sir.

Mr. Del Guercio: I will object to that as being leading, your Honor.

Presiding Inspector: I will allow it.

A. (Continuing) I didn't know anybody else that would know anything about it except him.

[2944]

(Testimony of Charles D. Catherman.)

By Mr. Grossman:

Q. You figured—withdraw that. Did you get in touch with Captain Hynes for advice because you figured that on the question of Bridges Captain Hynes had an interest and had done some work?

A. No.

Mr. Del Guercio: Just a moment, please.

Presiding Inspector: He said "no."

Mr. Del Guercio: I suggest that the witness be cautioned not to answer when I am about to interpose an objection.

Presiding Inspector: When counsel wants to object just wait before you answer.

By Mr. Grossman:

Q. Did you get in touch with Captain Hynes because you felt that Captain Hynes' work was connected with labor unions and strikes, and you felt that this Bridges case dealt with those same questions?

Mr. Del Guercio: Just a moment. I object to the question.

Presiding Inspector: I don't think this witness is hostile.

Mr. Grossman: I don't think——

Presiding Inspector: I don't think you ought to lead him quite that way.

Mr. Grossman: If I add the words "whether or not" it makes it proper for direct examination.

[2945]

Presiding Inspector: Oh, no. Many questions have "whether or not" in them.

(Testimony of Charles D. Catherman.)

Mr. Grossman: Well, it will be a little more laborous, but I am willing to ask more general questions.

Presiding Inspector: I think the whole thing is so obvious.

Mr. Grossman: It is not obvious to me why he got in touch with Captain Hynes, when he was not his superior officer, on a matter he was not supposed to know anything about.

Mr. Myron: The answer was read back.

Mr. Grossman: I am proceeding on the basis of that answer.

By Mr. Grossman:

Q. What different kinds of work have you done between 1937 and 1941, Mr. Catherman, in the Police Department?

Mr. Del Guercio: I object to that. It makes no difference what kind of work he has done.

Presiding Inspector: Is this cross examination?

Mr. Grossman: No.

Presiding Inspector: Why do you want to know that?

Mr. Grossman: I want to know the different kinds of work he did with which this subpoena may have been concerned. If that was the only kind of work he did it would be quite logical and rational that he would get in touch with his superior officer and ask him.

Presiding Inspector: Why not ask him whether there had [2946] been other strike assignments? I think he said there hadn't been.

(Testimony of Charles D. Catherman.)

By Mr. Grossman:

Q. For how long a period have you worked under the direction of Captain Hynes?

A. I worked—I can't remember just what date those strikes began, but I worked strike duty up until some time in October.

Q. Of which year?

A. I thought it was 1938. You spoke of 1937, I believe.

Q. Yes.

A. That must have been 1938 that I worked up there.

Q. Let us not worry about that now. Can you give me the total time——

Mr. Del Guercio: (Interposing) I don't think that remark, "Let's not worry about that now" is proper.

Mr. Grossman: All right, we will strike the remark.

Presiding Inspector: It is a manner of speech.

By Mr. Grossman:

Q. What was the total number of months or years that you worked under the direction of Captain Hynes?

A. Well, approximately '36, '37 and '38.

Q. Approximately those years. And you haven't worked under the direction of Captain Hynes since 1938? A. No, sir. [2947]

Q. Did you ever receive a report over the telephone to be transmitted to Captain Hynes, or Lieu-

(Testimony of Charles D. Catherman.)

tenant Wellpott, or Luke Lane, or any other member of that squad, from a person who stated his name was Chase? A. Not that I recall.

Q. Do you know of your own knowledge who R-50 is? A. I do not.

Q. Or was? A. No, sir.

Q. Do you know of your own knowledge the name of any person who gave you messages over the telephone under a number or a letter?

A. I don't know any of them.

Q. Where was Captain Hynes when you telephoned him the request for some information on this subpoena?

Mr. Del Guercio: If your Honor please, I object to the form of the question. There was no such testimony that he requested such advice.

Mr. Grossman: I will withdraw that.

By Mr. Grossman:

Q. Where was Captain Hynes when you telephoned him?

A. You mean in what division he worked out of?

Q. Where was he at the time?

Presiding Inspector: Where did you call him on the telephone, at his house, or at his office, or at the theater—where [2948] was he?

A. I can't tell that. I had to call the Personnel Bureau to get his telephone number. They gave me the number and I called him.

(Testimony of Charles D. Catherman.)

By Mr. Grossman:

Q. I see. Now, except for Captain Hynes, and except for one of the Secretaries of the Chief of Police, did you talk to anyone else on the question of whether you should or could bring documents to this hearing, or whether you should or would come up here to testify?

Mr. Del Guercio: Just a moment. I object to that question as having been asked, not once, but several times by counsel.

Presiding Inspector: I will allow it. Go ahead and answer it.

Mr. Myron: And the further objection that it is leading and misleading at the same time.

Presiding Inspector: It is leading, but I will allow it.

Mr. Myron: Whether he should bring records—he stated already——

Presiding Inspector: Whether he talked about whether he should or whether he could.

Mr. Myron: He already stated he had no custody of the records and inquired about them and he couldn't bring them.

Presiding Inspector: I will take it. He might have talked about it to someone, even though he didn't have the power. Go [2949] ahead.

The Witness: May I have the question again?

Mr. Grossman: To save time I will rephrase it.

By Mr. Grossman:

Q. I asked you whether you got in touch with

(Testimony of Charles D. Catherman.)

anyone besides Captain Hynes or the Secretary of the Chief of Police, on the question of the subpoena, or the documents, or your coming up to testify?

A. What I tried to make clear was that I hadn't discussed the case with anyone.

Q. I am not asking about your discussion of the case. I want to know whether you discussed any one of these three things, your coming up to San Francisco, the subpoena, and what you should do about it, or could do about it, or the documents that the subpoena asks for. Did you discuss any of those three matters with anyone except Captain Hynes and the Secretary to the Chief of Police?

A. I think I know what you mean. After I could not get in touch with the Chief I decided that I should do everything I could, so I went upstairs in the same building to the City Attorney's office, and I asked him, and he also told me that the Chief of Police had that authority.

Q. Do you know the name of the man you saw in the City Attorney's office?

A. No; just one of the attorneys there. I wouldn't know [2950] his name.

Presiding Inspector: Did you show him the subpoena?

The Witness: I did.

By Mr. Grossman:

Q. And can you state again what his opinion was that he gave to you, if any?

Mr. Del Guercio: If your Honor please——

(Testimony of Charles D. Catherman.)

Presiding Inspector: He said that only the Chief of Police could give up the documents.

By Mr. Grossman:

Q. In addition to those you have mentioned, did you discuss these matters with anyone else?

A. Absolutely with no one.

Q. At the time you were working under Captain Hynes do you know who had custody of the documents of that department, including the memorandum such as you prepared, the memoranda such as you prepared? A. No.

Q. Did Captain Hynes have a separate set of files that was separate from the other files in the Police Department?

Mr. Del Guercio: I object to that, if your Honor please. We are not interested in what files he had.

Presiding Inspector: Does he know anything about that?

Mr. Grossman: I don't know whether he does or not. The reason I asked is I have heard there were two at least, maybe [2951] several, sets of files and for the purpose of following up the document, and finding it, it is all I am asking for, for the purpose of a further subpoena, if necessary. I want all the information I can get as to where it might be.

Presiding Inspector: Do your know where they keep such memoranda as you made?

The Witness: I don't know anything about it.

Presiding Inspector: Do you know anything about Captain Hynes' files?

The Witness: No, sir; nothing.

(Testimony of Charles D. Catherman.)

Presiding Inspector: Anything further?

Mr. Grossman: That is all.

Presiding Inspector: Any questions, Mr. Del Guercio?

Mr. Del Guercio: Do you want to adjourn now?

Presiding Inspector: No; we will go along.

Mr. Del Guercio: No cross examination.

Mr. Grossman: There is one question we must raise——

Mr. Del Guercio. (Interposing) Is this redirect?

Mr. Grossman: It is not redirect.

Presiding Inspector: There was no cross examination. He has asked a privilege of asking one more question.

Mr. Grossman: It is for the witness' sake.

When we discussed the matter of the issuance of this subpoena with the Director, or Commissioner, Mr. Wixom, he raised the question of the fee of the witness and referred us to the [2952] rule, which has given us much trouble, because it requires an interpretation. He communicated with Mr. Catherman somehow, through an agent, I think, in Los Angeles, and the question was discussed as to the amount of the witness fee, or witness expenses.

As a result of his various conversations, or his agents, with Mr. Catherman, we gathered the impression that Mr. Catherman believed that he was entitled to, under the rule, transportation expense in the amount of 5 cents a mile.

(Testimony of Charles D. Catherman.)

We told Mr. Wixon that we interpreted the rule, when it said "Transportation expenses," to mean actual outlay for transportation because we didn't interpret the rule to mean that the witness should make a profit.

He said since there was a discussion something had to be done. We agreed, and we deposited with Mr. Wixom a sufficient sum to cover the transportation expenses, and the other expenses, assuming we are wrong, that 5 cents a mile is due. But we took the position he was not entitled to give Mr. Catherman that because we wanted a decision by your Honor, and your Honor is the only one that can decide as to what the witness is entitled to.

The money is in Mr. Wixom's possession. If your Honor orders it, we have no objection.

Presiding Inspector: I don't think that falls within my jurisdiction. [2953]

Mr. Grossman: All I can say is that at the last hearing Dean Landis assumed the prerogative, at least since no one else felt capable of deciding this question, and we accepted the decision, and we will accept your decision this time, your Honor.

It is not a legal question, true.

Presiding Inspector: I really do not think that falls within my jurisdiction.

Mr. Grossman: It has to for this reason: We are obliged to insist on our interpretation of it, and that means going to the Federal District Court to decide whether the witness can ignore the subpoena if we refuse to pay him more than his actual outlay.

(Testimony of Charles D. Catherman.)

Presiding Inspector: He hasn't ignored it.

Mr. Grossman: Otherwise, we are going to have to insist that this witness receive only the actual outlay, which is insisting on our position.

We prefer you to decide whether our position is correct.

Presiding Inspector: I don't think I have the power. I have been assigned to advise the authorities on this particular warrant, and not pass on the fees to the witnesses.

Mr. Grossman: May I ask this witness now what he is claiming for transportation expenses?

Presiding Inspector: I don't think that is material here. He isn't claiming anything but what he deems his just rights, [2054] I fancy. There is a difference of opinion evidently as to how——

Mr. Grossman: (Interposing) There may not still be a difference. That is what I would like to find out.

Mr. Gladstein: Can't we ask the witness this question, your Honor—and I will put it to him now and you can rule that he doesn't have to answer if he doesn't want to.

Don't answer it until His Honor rules.

Mr. Myron: Does this all have to be on the record?

Mr. Grossman: It can be off the record if you wish.

Presiding Inspector: Off the record.

Mr. Gladstein: I think this is a matter that in-

(Testimony of Charles D. Catherman.)

volves a right of ours under the statute and I think it ought to be on the record.

Presiding Inspector: Very well. You may ask the question.

Mr. Gladstein: Mr. Catherman, we would like to know whether you are asking the defense to reimburse you for your actual outlay, whatever it may be, for transportation up here, or whether you are claiming a certain amount per mile, even though you didn't come up by automobile?

Presiding Inspector: You don't have to answer to that.

Mr. Del Guercio: I object to that as not being, first of all, proper direct, cross examination or recross examination of this witness. [2955]

Presiding Inspector: It isn't claimed that it is.

Mr. Del Guercio: Then it has no place in this record at all.

Mr. Grossman: Have you an interest in whether this witness obtains from us 5 cents a mile or less?

Mr. Del Guercio: Don't talk to me; talk to the Court.

Mr. Grossman: That is directed to you.

Mr. Del Guercio: You are not asking me questions.

Mr. Grossman: I don't see why Mr. Del Guercio is interested that this witness should get more money than he actually spent. I think this is between the witness and ourselves.

Presiding Inspector: I don't see that it is material to the hearing now in process of completion.

(Testimony of Charles D. Catherman.)

Mr. Grossman: It is material in this sense: If it is not settled here and now we are going to have to insist on this, which will undoubtedly mean the procedure of going to the District Court. We are going to have to insist in our interpretation of the rule in the logical way, which is that we are responsible to pay a witness' actual transportation expenses, and not 5 cents a mile. This question will arise whenever we ask for a subpoena and that is why we would like to have it settled one way or the other, and we are willing to abide by the ruling your Honor makes without objection to it or argument against it. [2956]

Presiding Inspector: Well, I haven't the statute before me.

Mr. Grossman: I think we have the rules here.

Mr. Del Guercio: Does the Court want to know what the Government is paying? because that is passed upon by the Comptroller General.

Presiding Inspector: Before I decide that, but I am not sure that I am going to decide it at all. I will exclude the question so far as this hearing is concerned.

(Witness excused.)

Now, we will take a recess until tomorrow morning at 10:00 o'clock.

(Whereupon, at 4:15 P. M. an adjournment was taken until Wednesday, May 7, 1941, at 10:00 A. M.) [2957]

Court Room 276,
Federal Building,
San Francisco, California,
May 7, 1941.

Met, pursuant to adjournment, at 10:42 A. M.

[2958]

PROCEEDINGS

Presiding Inspector: Mr. Gladstein, call your next witness.

Mr. Gladstein: Yes, your Honor.

Mr. Horn, will you take the stand, please?

Presiding Inspector: Raise your right hand.

JOHN S. HORN

called as a witness on behalf of the Alien, having been first duly sworn, testified as follows:

Presiding Inspector: The witness is yours.

Direct Examination

By Mr. Gladstein:

Q. Mr. Horn, will you please state your full name?

A. John S. Horn—H-o-r-n.

Q. And your address, please?

A. 124 East 59 Place, Los Angeles.

Q. Are you a man of family.

A. I am.

Q. Will you please state what your family consists of?

(Testimony of John S. Horn.)

A. Four boys, two daughters, a wife and a mother in law.

Q. And do all of them, or most of them, reside with you at the address you just mentioned?

A. Two daughters reside with me, and my mother in law, and two sons are in the army and two others in the Civil Service. [2959]

Q. Mr. Horn, what is, at the present time, your occupation?

A. Secretary — Corresponding Secretary and Business Representative of the Beer Drivers Union.

Q. Is that the full title of that organization?

A. International Union of United Brewery Workers of America.

Mr. Gladstein: Did you get all of that, Mr. Reporter?

The Reporter: Yes.

By Mr. Gladstein:

Q. How long have you occupied that position with the Beer—what is that again?

A. Beer Drivers Union.

Q. (Continuing) ——with the Beer Drivers Union? A. Twenty-seven.

Q. Twenty-seven years?

A. Twenty-seven years. [2960]

Q. Did your connection with the labor movement commence prior to the time that you began to occupy that position?

A. No. My first affiliation with the American labor movement was 1919—1899, I should say.

Q. 1899? A. Yes.

(Testimony of John S. Horn.)

Q. And have you since that time been continuously connected with the American labor movement in one way or another? A. I have.

Q. Was there any period of time during which you were not connected with it?

A. Yes. There was approximately three years in which I was on a withdrawal card.

Q. Were you in the United States at that time?

A. Yes.

Q. Have you ever served in the armed forces of the United States?

A. I have; Spanish-American War.

Q. What positions have you occupied in the labor movement?

Mr. Del Guercio: I will object to the question. The labor movement is not an issue in this case.

Presiding Inspector: No. He is merely showing the [2961] standing of the man in the community, I suppose.

Mr. Gladstein: That's right, your Honor.

Presiding Inspector: And for that purpose and for that purpose solely I will admit it. Of course, there may be a serious question later on about all this testimony.

Mr. Gladstein: I beg your pardon?

Presiding Inspector: I say, there may be a very serious question about the admissibility of the ultimate matters which are referred to in the subpoena.

Mr. Gladstein: We will come to that.

The Witness: What was the question?

(Testimony of John S. Horn.)

(The question referred to was read by the reporter as above recorded.)

A. I have been a member of the Executive Board of the Los Angeles Central Labor Council for a number of years.

By Mr. Gladstein:

Q. During what period was that?

A. From approximately 1917 to '25.

Q. Did you ever hold an office other than as member of the Executive Board when you were in the Central Labor Council in L. A.?

A. Secretary-Treasurer of the Los Angeles Central Labor Council.

Q. During what period of time was that?

A. From January, 1920 to July, 1925. [2962]

Q. Now, that Central Labor Council during all that time was affiliated, was it not, with the American Federation of Labor?

A. Yes. It is the chartered body of the American Federation of Labor in the Los Angeles district.

Q. And is it still at the present time?

A. It is.

Q. What other offices have you held in the labor movement?

A. Well, I was also Vice-President of the Central Labor Council for a period of years; member of the Executive Council of the State Federation of Labor on several different occasions, several different years.

Q. Briefly in a word, Mr. Horn, what is the State Federation of Labor?

(Testimony of John S. Horn.)

Mr. Del Guercio: I will object to the question.

Presiding Inspector: I think we know about that. We can take judicial notice of it.

Mr. Gladstein: Take judicial notice of it?

Presiding Inspector: Oh, yes. It is a matter of history of the country.

Mr. Gladstein: All right. I am satisfied.

Presiding Inspector: Don't you think so?

Mr. Gladstein: I have never heard that judicial notice was taken of——

Presiding Inspector: (Interposing) Of the history of [2963] a country?

Mr. Gladstein: I mean the State Federation of Labor. I don't mean history of the country, but what the State Federation of Labor is.

Presiding Inspector: Federation of Labor?

Mr. Gladstein: Not the American Federation of Labor.

Presiding Inspector: Oh, I supposed that that is what you meant. I misunderstood you.

Mr. Gladstein: No, the State Federation of Labor.

Presiding Inspector: Very well.

By Mr. Gladstein:

Q. Will you state briefly what that is?

A. The California State Federation of Labor is the chartered body in the State of California of the American Federation of Labor. It is the California division of the American Federation of Labor.

(Testimony of John S. Horn.)

Q. And during what period of time did you occupy a position in the Executive Council of the State Federation?

A. In 1922, '23, '24 and, I think, in 1934. I am not positive of those dates, but that is approximately correct.

Q. Were you also the occupaint of the position of one of the Vice-Presidents of the State Federation of Labor subsequent to 1934?

A. Possibly in '35 or '34. I am not positive, Mr. Gladstein. [2964]

Q. Was there a period of time, Mr. Horn, when both you and Mr. Harry Bridges were members of the Executive Council of the State Federation of Labor? A. Yes.

Q. Was that period shortly prior to the time that Mr. Bridges was appointed West Coast Director of the CIO? A. Prior to that.

Q. And that year was the year 1937, was it not?

A. To the best of my recollection that is correct.

Q. Have you held any public offices, or served in any public capacity?

A. Civil Service Commissioner of the City of Los Angeles.

Q. When was that?

A. In 1924. Member of the Board of Public Works of the City of Los Angeles, 1925 to 1929.

Q. Any other positions?

A. I am now Commissioner No. 1 on the Unemployment Reserves Commission of the State of California representing organized labor.

(Testimony of John S. Horn.)

Q. Will you briefly state what that Commission is, briefly state what its structure is?

Mr. Del Guercio: I object to this line of questioning as unnecessary, irrelevant and immaterial.

Presiding Inspector: I think it is a little detailed. [2965]

Mr. Gladstein: This is for the purpose of identifying the witness.

Mr. Del Guercio: There is no question about identification.

Presiding Inspector: I think the structure of the State Commissions—I suppose you can put that in by reference to the statutes.

Mr. Gladstein: I will withdraw the question.

Presiding Inspector: We take judicial notice of the statute, certainly.

Mr. Gladstein: I will put it this way—the statute won't give the names of the men on it.

Presiding Inspector: He says he is one of them.

Mr. Gladstein: I think, perhaps, for my purposes it would be sufficient if I asked this question, your Honor.

By Mr. Gladstein:

Q. That Commission, that Unemployment Reserves Commission that you have just mentioned, and of which you are a member, is a Commission consisting of five people, two of whom represent organized labor, two represent the interests of the Employers of the State of California, and one represents the general public, and the general work of

(Testimony of John S. Horn.)

that Commission is to administer the Unemployment Insurance Act of the State, is that not a fact?

A. That is correct. [2966]

Mr. Del Guercio: I object to that.

Presiding Inspector: I will take it. It is simply to show the standing of this witness.

By Mr. Gladstein:

Q. Now, Mr. Horn, you are personally acquainted, are you not, with Mr. Bridges?

A. Yes.

Q. About how many times have you met him?

A. I have been in several meetings with him, personal contact, I think, on four different occasions.

Q. Were those occasions meetings, or conventions, or conclaves, of one kind or another, of trade unionists in the State of California? A. Yes.

Q. Do you know what the reputation of Harry Bridges for truth and veracity is——

Presiding Inspector: "Yes" or "No".

Mr. Gladstein: I haven't finished the question.

Presiding Inspector: I just wanted to warn the witness not to answer. Go ahead with the question.

Mr. Gladstein: I haven't finished the question.

By Mr. Gladstein:

Q. I want you to state whether you know, "Yes" or "No", what is the reputation of Harry Bridges for truth and veracity in the labor movement. [2967]

Mr. Del Guercio: I object to the question at this time.

(Testimony of John S. Horn.)

Presiding Inspector: Excluded. Go ahead and ask the next question.

Mr. Gladstein: On what basis?

Presiding Inspector: His character hasn't been attacked.

Mr. Gladstein: If your Honor please, could I state——

Presiding Inspector: You can't produce supporting evidence of good character for truth and veracity unless his character has been attacked. There has been no attack on his character.

Mr. Gladstein: May I be heard on that?

Presiding Inspector: Yes.

Mr. Gladstein: In the first place, we think that the very fact that the Government has introduced in evidence certain portions of the transcript of the last hearing brings those issues, and related issues, in that case into this hearing.

Now, I don't suppose it will be denied that in that hearing the character and reputation of Mr. Bridges for truth and veracity was obviously under attack.

Presiding Inspector: I don't know whether it was or not. I don't think it was.

Mr. Gladstein: Dean Landis, in his opinion, points out that there was this conflict and in the decision of——

Presiding Inspector: There is a conflict in evidence, [2968] but that isn't an attack on character. Even though one man says it was one day

(Testimony of John S. Horn.)

and another man says it was another day, that is no attack on character.

This is very elementary.

Mr. Gladstein: It may be but——

Presiding Inspector: I will exclude the question.

Mr. Gladstein: May I finish my statement for the record?

Presiding Inspector: All right, but it won't be in.

Mr. Gladstein: Why?

Presiding Inspector: Because the rule says it should not go in.

Mr. Gladstein: Then let it be off the record.

Presiding Inspector: That isn't the point. You can present a brief on the subject and argue it at the end of the case.

Mr. Gladstein: But I haven't finished stating why you should permit the question to be answered at this time.

Presiding Inspector: I thought you were arguing.

Mr. Gladstein: I am giving my reasons why I think your Honor should reconsider your decision.

Presiding Inspector: Go ahead.

Mr. Gladstein: In the first place, the Government has attempted to produce here proof which, in a general way, is to the effect that all Communists lie on the witness stand; and the Government claims that Harry Bridges is a Communist. [2969]

Now, I think that the inference is quite plain as to what the Government's contention is. That

(Testimony of John S. Horn.)

obviously brings into issue the question of the truth and veracity of Mr. Bridges. That is point No. 1.

Point No. 2 is this: We are not without difficulties and handicaps in preparing our schedule of witnesses. We have a theory of our defense. I think we have a right to present, to adopt a method of procedure with respect to our witnesses which is in accordance with that theory.

Now, if your Honor feels at the conclusion of the case that certain testimony which has been adduced at the hearing is subject to being stricken out, I think either on the motion of the Government or on your own motion, you probably have that right. But I think that we are entitled to have this much conceded to us: That we be permitted to put on this case in the manner in which we are presenting it, having in mind the difficulties we have in getting witnesses to appear, and for reasons which I could be more specific about, and that if, at the end of the case, you feel that any witness has given testimony which you consider immaterial in the light of the case as it stands before you at the end, then you can strike it. But I think it would be putting the defense to an undue hardship not to permit the witness to give his testimony at his time, but to require us to bring him back at some future time when the issue, which we feel reasonably sure is going to [2970] be raised and, according to our view, has already been raised in this proceeding, will be more sharply raised by the Government. [2971]

(Testimony of John S. Horn.)

Presiding Inspector: What do you say about that?

Mr. Del Guercio: The issue has not been raised, if your Honor please.

Presiding Inspector: No. I think not, too. I agree with you on that.

I think the issue is not raised. The only question is whether I should allow this out of order. But, of course, you are relying on a rebuttal which we don't know will ever occur. There may be no attack on Mr. Bridges' character or on his reputation for truth and veracity, as I understand the record.

Mr. Gladstein: Well, if at the end of the Government's case no such attack is made I will be willing, your Honor, to stipulate that testimony adduced by us on that issue may be stricken on your motion. I am reasonably confident that——

Presiding Inspector: (Interposing) Was there direct testimony of that character introduced on the Landis hearing?

Mr. Gladstein: In the sense that witnesses——

Presiding Inspector: (Interposing) Did any witness take the stand and testify that his reputation for truth and veracity was bad?

Mr. Del Guercio: They did not.

Mr. Gladstein: Not that way.

Presiding Inspector: Then I will exclude——

Mr. Gladstein: (Interposing) Well, your Honor,—— [2972]

Presiding Inspector: Then I will exclude this examination now.

(Testimony of John S. Horn.)

Mr. Gladstein: Now wait, your Honor! Even if you do, I want to point out that in that hearing, as well as in this, the Government's theory was to produce a witness who would call Harry Bridges a Communist and then to have that witness say that Communists are taught to lie on the witness stand and to deny their membership in the Communist Party, and if that is not a pretty direct attack on the truth and veracity of Mr. Bridges I don't know of one, because at the very beginning of the hearing, you will remember, Dean Landis points it out, Mr. Bridges was called to the stand and was asked as to whether or not he had ever been a member of the Communist Party.

Now, in view of that state of the record and in view of that theory of the Government, your Honor, I think that an appropriate and liberal interpretation of the rule should be to permit us to put in this testimony at this time.

Mr. Del Guercio: I think counsel is right, if your Honor please, when he says that a Communist—of course it would be. Our theory is that Mr. Bridges is a Communist; would, if going on the stand, he would lie following the Communist Party tactics. But not Bridges as the other man. If counsel will concede that Bridges is a Communist, then I think this would be admissible. If that's his defense—— [2973]

Mr. Gladstein: Is that intended to be an answer to my argument?

(Testimony of John S. Horn.)

Mr. Del Guercio: Yes, it is.

Mr. Myron: I think, your Honor, his argument is predicated on that fact, that Mr. Bridges is a Communist by the admission of counsel, and that if he does go on the stand he will as a Communist lie. I think that's the basis of his argument.

Mr. Gladstein: Your Honor, I don't like to characterize counsel's remarks.

Presiding Inspector: No, I don't think that is quite the basis.

Mr. Gladstein: But I think we ought to have a semblance of intelligence shown by counsel and not to descend to a second grade level.

Mr. Del Guercio: Now, that remark——

Presiding Inspector: (Interposing) I can't accept such an argument as that and you ought not to make it.

Mr. Gladstein: I will point this out. In the first statement that Mr. Del Guercio made, whether he intended to do so or not, he conceded in effect that the theory of the Government is that they are claiming that Mr. Bridges is a liar, they are claiming that Mr. Bridges is a Communist.

Now, that is their claim and the fact that they have [2974] not yet produced——

Presiding Inspector: (Interposing) That may be so. That may be so.

Mr. Gladstein: Then, if that is so——

Presiding Inspector: (Interposing) But that isn't a direct attack on the witness as a witness.

Mr. Gladstein: Well, if your Honor please, you

(Testimony of John S. Horn.)

are now telling me that in accordance with the strict rules of common law you would be bound to rule a certain way. Well, of course, in accordance with the strict rules of common law such a theory as the Government propounds here would never be accepted. You are conducting here an administrative proceeding and, of course, there isn't anything very clear as to how your ruling should be. I realize that it is discretionary. But in view of counsel's statement conceding the correctness of our contention as to their theory, do you not think that in fairness to the defense you should permit us to have the questions answered and then, if you later feel,—if you later feel—that the record requires that you can strike that testimony out. It will save time, it will save a great deal of expense to the defense and a great deal of inconvenience to the witnesses and it will make it possible for us to put on a defense.

I don't think by the time we finish this case, Judge, that there is going to be any question but that Mr. Del Guercio [2975] and Mr. Myron will be making very plain contentions about Mr. Bridges.

Presiding Inspector: They undoubtedly will, but that isn't sufficient to open a door to rehabilitating testimony. To open a door to such rehabilitory testimony there must be testimony, direct testimony to the contrary. That is the common law rule and it is well established and I think that it rests in fairness.

(Testimony of John S. Horn.)

Mr. Gladstein: Judge, would you admit that if one of the witnesses of the Government had taken the stand and had said "Mr. Bridges is a liar! I wouldn't believe him under oath!", something of that sort, that we would then have a right to have testimony of the character I am now trying to elicit from the witness?

Presiding Inspector: Yes.

Mr. Gladstein: All right.

Presiding Inspector: If Mr. Bridges were put on the stand or if you agreed to put him on the stand I would admit him out of order.

Mr. Gladstein: Well, Mr. Bridges will take the stand before the hearing is over. I assure you.

Presiding Inspector: I assumed that that was probably so.

Mr. Gladstein: He most certainly will.

Now, if the only question is a question of order, then I [2976] again ask the indulgence of the Court to grant us in your discretion what I think is not an unfair advantage of any kind. How can the Government be hurt by this?

Presiding Inspector: I don't suppose the Government is going to put on any such testimony.

Mr. Gladstein: I don't know what they are going to put on. I wouldn't be surprised at anything they put on.

Mr. Del Guercio: I object to that argument here.

Presiding Inspector: It doesn't affect me.

Mr. Del Guercio: You are permitting counsel here to argue and argue.

(Testimony of John S. Horn.)

Presiding Inspector: I am. And I will permit you to argue to the contrary.

Mr. Gladstein: Here is another thing I would piont out, too. I suppose we are entitled to the same right and courtesy that the Government has on the question of order of proof.

Presiding Inspector: Yes.

Mr. Gladstein: Now, there are two primary issues in this case. One is a question, well, now it has been broadened so that mere association with somebody who belonged to a trade union that may or may not have been affiliated with such organization at one time makes a person deportable. But, primarily, I think the issues are: [2977]

1. Whether or not Mr. Bridges has ever been a member of the Communist Party or affiliated with it, and

2. Whether that Party advocates certain doctrines which are obnoxious to the deportation statute.

Your Honor will recall that practically the entire first week of this hearing, on which issue did the Government proceed? The first? No, not the first but the second.

Now, conceded, if the Government at the beginning of the case—we could have asked that the Government put on its case as to Mr. Bridges without regard to the second issue, in which we had no interest, instead of spending the week on the matter. But I supposed they deemed it better for their purposes to put on testimony concerning the second issue.

(Testimony of John S. Horn.)

Well, all right. Now, if they are going to put on evidence out of order, out of logical order of what could be expected from them, why can we not ask the same courtesy?

Presiding Inspector: I would be inclined to agree with you if it were merely a question of order. But I can have no assurance that there is going to be any evidence offered which will make this competent.

Mr. Gladstein: If that is your ruling I would like for the purpose of the record, first, to ask the questions which I intended and then, if your Honor rules as you have indicated,——

Presiding Inspector: (Interposing) I think you have that right.

Mr. Gladstein: (Continuing) ——I will make an offer of [2978] proof and then you can deny the offer and then the record will at least be in that condition.

Presiding Inspector: I will let you ask the questions.

Mr. Gladstein: Yes.

Presiding Inspector: This question is excluded.

Mr. Gladstein: Well, I don't know whether the question is clearly as I want it, Judge.

Presiding Inspector: Well, re-ask it or let the reporter read it.

Mr. Gladstein: Well, I would prefer to ask it again.

(Testimony of John S. Horn.)

By Mr. Gladstein:

Q. Mr. Horn, do you know of your own knowledge the reputation enjoyed by Mr. Harry Bridges for truth and veracity in the labor movement among those workers with whom Mr. Bridges has worked and been in contact?

Mr. Del Guercio: I object to the question, your Honor.

Presiding Inspector: I will sustain the objection.

Mr. Gladstein: I offer to prove at this time that, if the witness were permitted to answer that question, his answer would be "Yes".

Mr. Del Guercio: I object to that statement of counsel, if your Honor please.

Presiding Inspector: I won't take the proof.

Mr. Gladstein: Well, but you don't object to my stating [2979] the offer of proof?

Presiding Inspector: No. It is objected to and I sustained the objection.

Mr. Gladstein: You sustained the objection to the proof?

Presiding Inspector: Yes.

Mr. Gladstein: But, as I understand it, Mr. Del Guercio also objects to my stating my offer.

Presiding Inspector: No. You stated your offer.

Mr. Gladstein: Well, you are not excluding any offer from the record?

Presiding Inspector: Oh, no. I didn't understand that that was what——

Mr. Del Guercio: (Interposing) I didn't say anything about the offer.

(Testimony of John S. Horn.)

Presiding Inspector: No, I didn't so understand.

By Mr. Gladstein:

Q. Now, is that reputation which was requested in the last question for truth and veracity good or bad?

Mr. Del Guercio: I object to that question, your Honor.

Presiding Inspector: I sustain that objection.

Mr. Gladstein: I now offer to prove that, if the witness were permitted to answer that question, his answer would be "Good". [2980]

Mr. Del Guercio: I will object.

Presiding Inspector: I will sustain the objection.

By Mr. Gladstein:

Q. Mr. Horn, based on the reputation for truth and veracity of Mr. Harry Bridges, which is called for in the last two questions, would you believe him under oath?

Mr. Del Guercio: I object to that question on the same ground.

Presiding Inspector: I will sustain the objection.

Mr. Gladstein: I now offer to prove that, if the witness were permitted to answer the last question, his answer would be "I would".

Mr. Del Guercio: I object.

Presiding Inspector: And I will sustain the objection.

Now, all these rulings, I will state, are made on the ground that there is no proper foundation for the introduction of such testimony in this case.

(Testimony of John S. Horn.)

Mr. Gladstein: I wonder if we could do this? I am thinking now of the possibility that at some future date your Honor will feel that the record is such that the kind of testimony I am now seeking to adduce from Mr. Horn would be material and admissible under your own ruling. I am wondering whether it is possible, in order to prevent the necessity of having Mr. Horn back again, because he is a man of public [2981] office and a busy person,——

Presiding Inspector: (Interposing) I am sure that no one wants to incommode Mr. Horn. No one wants to incommode him.

Mr. Gladstein: I am wondering whether it is possible to make some stipulation to the effect that such testimony as I have stated in my offer of proof would have been given by the witness were he permitted to answer the questions.

Presiding Inspector: That would be for Mr. Del Guercio.

Mr. Del Guercio: We will make no such stipulation.

By Mr. Gladstein:

Q. Now, Mr. Horn, do you recall in the fall of 1937 attending a meeting on West Washington Boulevard in the office or hall of the Warehouse Union? A. I do.

Q. What kind of meeting was that?

A. An organizational meeting.

Q. When you say "organizational meeting" what organizations do you refer to?

(Testimony of John S. Horn.)

A. Well, there was a number of organizations attending, representative organizations, for the purpose of discussing and organizing a program to bring workers into the trade union movement.

Q. Were all the organizations represented at this meet- [2982] ing referred to affiliated with trade unions?

A. To the best of my knowledge.

Q. How many such meetings in the fall of 1937 did you attend?

A. I don't quite get the question.

Q. I will put it to you this way: With reference to these meetings was there an organizing committee, to your knowledge, that had been set up?

Mr. Del Guercio: I will object to the question, if your Honor please. It should be confined to specific meetings and not general meetings.

Mr. Gladstein: This is preliminary.

Presiding Inspector: Well, I don't quite understand the question.

Mr. Gladstein: It is preliminary.

Presiding Inspector: How many meetings of organizing character were there?

Mr. Gladstein: If it is that ambiguous I will withdraw it.

Presiding Inspector: Perhaps I didn't hear it.

Mr. Gladstein: Perhaps it was too ambiguous.

By Mr. Gladstein:

Q. I asked you, Mr. Horn, whether you had attended in the fall of 1937 a meeting in the Warehouse Union Hall in Los Angeles on West Wash-

(Testimony of John S. Horn.)

ington Boulevard. Now, did you attend [2983] one or more than one such meeting in that period at that place? A. Only that one.

Q. Only one. When you came to that meeting were you representing any trade union?

A. Yes. The Beer Drivers' Union, Local 227, Branch 6.

Q. Do you recall how you came to attend, how your were invited to it?

A. Only on the telephone invitation that there was a meeting of some trade unionists to—an organization meeting of trade unionists and would I like to appear. And I said I would and did appear.

Q. Was there this situation prevalent at that time in Los Angeles? That there was somewhat a turmoil with respect to certain A. F. of L. Unions going to the CIO and general questions of organizing unorganized workers?

Mr. Del Guercio: I object to the question as being suggestive and leading.

Mr. Gladstein: It is on an immaterial matter.

Presiding Inspector: It is merely preliminary. I think I will take it.

Mr. Gladstein: All right. It is on a relatively immaterial matter and preliminary.

Presiding Inspector: Yes. Preliminary. I will take it. [2984]

(The question referred to was read by the reporter as above recorded.)

A. Very markedly so.

(Testimony of John S. Horn.)

By Mr. Gladstein:

Q. I didn't hear. A. Very markedly so.

Q. Now, do you recall about what time you came to that meeting?

A. Oh, approximately 10:45, I would say. That is only approximate.

Q. Could you be definite as to the month in which the meeting took place or approximately?

A. I think it was in October, August—wait a minute! I can only approximate it. It was September or October.

Q. All right. You say you only attended one such meeting? A. That's all.

Q. Was there any other representative besides yourself of the Beer Drivers' Union——

A. (Interposing) There was——

Q. (Continuing) ——who could have attended any other meeting of that same organizing group?

A. There was none.

Q. And when you say Beer Drivers' Union, am I correct [2985] in saying that that is sometimes also known as the Brewery Drivers' or Brewery Wagon Drivers' Union? A. That's correct.

Q. You say you arrived at that meeting at about 10:15 in the morning? A. About 10:45.

Q. 10:45. I beg your pardon. How long did you remain at that meeting?

A. Until about 12:00 o'clock.

Q. When you arrived do you recall whether Mr. Harry Bridges was there?

(Testimony of John S. Horn.)

A. He came in shortly after I arrived.

Q. And do you recall what took place after that?

A. Well, I can't be very specific. It was simply like all labor union meetings. There was a number of speakers that talked on various subjects.

Q. Do you remember who the speakers were?

A. Mr. Bridges spoke and I spoke; some representative, I believe of the Upholsterers' Union spoke and also I believe of the Jewelry Workers.

Q. Of the which workers?

A. Jewelry Workers. And I think one representative of the Warehousemen's Union. [2986]

Q. Were you present from the time Mr. Bridges began his talk until the time he finished it?

A. I was.

Q. How long would you say his talk took?

A. I would say approximately 20 minutes.

Q. What, in general, was the character of the talk or speech given by Mr. Bridges at that time?

Mr. Del Guercio: I object to the question, "in general," as not meaning anything. What did he talk about?

Presiding Inspector: I think that is the question.

Mr. Gladstein: Yes.

Mr. Del Guercio: He said "in general."

Presiding Inspector: You mean in substance?

Mr. Gladstein: Yes. What, in substance, was it?

(Testimony of John S. Horn.)

Presiding Inspector: I think that is what the question is. I don't think you are in disagreement.

A. It was an organizational talk and explaining some of the issues and differences in the dispute between the American Federation of Labor and the Organization for Industrial Unions—the Committee for Industrial Unions.

By Mr. Gladstein:

Q. Was there any part of Mr. Bridges' speech devoted to a discussion of the problems of organizing unorganized workers? A. Yes.

Q. Was there anything in that speech that you recall which [2987] would be different from the usual type of organizer's talk?

Mr. Del Guercio: I object to that, if your Honor please, as there is no testimony as to what usual talk is.

Mr. Gladstein: I will withdraw the question.

By Mr. Gladstein:

Q. You have been in the labor movement a good many years. Do you feel that you can recognize a trade union organizer's talk or report?

Mr. Del Guercio: I object to that question.

Presiding Inspector: I think that is too general.

Mr. Gladstein: Too what?

Presiding Inspector: Too general.

Mr. Gladstein: Maybe it is general, but I think a man——

Presiding Inspector: You haven't shown that

(Testimony of John S. Horn.)

there is ~~any~~ type of an organizer's report, and I don't think we could take testimony on that. I don't think the Court can take judicial notice as to what is an organizer's talk.

By Mr. Gladstein:

Q. Let me ask it this way: You, yourself have been an organizer, have you not?

A. Yes, sir.

Q. And have made many speeches for the purpose of organizing workers?

Mr. Del Guercio: I object to that. It makes no difference.

Presiding Inspector: Except as to his standing in the [2988] community. I will take it.

Mr. Del Guercio: Is it offered for that purpose?

Presiding Inspector: I don't know, but I will take it on that ground. A. Yes.

By Mr. Gladstein:

Q. Have you heard in your lifetime in the labor movement very many organizers' talks and reports?

Mr. Del Guercio: I can't hear counsel. In the first place, his hand is up to his mouth.

Presiding Inspector: I think you covered your mouth with your hand. It is difficult to hear.

Mr. Gladstein: Read the question, Mr. Reporter.

(The question referred to was read by the reporter as above recorded.)

Mr. Del Guercio: I object to that.

(Testimony of John S. Horn.)

Presiding Inspector: I will take it. It isn't very important.

A. I have.

Mr. Del Guercio: I move that the answer be stricken.

Presiding Inspector: I will let it stand. It isn't very important.

By Mr. Gladstein:

Q. Are you in a position to say, Mr. Horn, whether, based on your experience, organizers' talks and reports in [2989] the trade union movement follow in general a certain pattern?

Mr. Del Guercio: I will object to the question as improper.

Presiding Inspector: That is preliminary. I will take it as preliminary. He is going to ask what that pattern is.

Mr. Gladstein: Yes.

A. In the main; yes, sir.

Presiding Inspector: I really don't think this is very material.

Mr. Gladstein: I am getting to something that is rather material.

Presiding Inspector: I cannot see it; maybe you are. The future is dark and undisclosed to me.

By Mr. Gladstein:

Q. What, in general, would you say was that pattern?

Mr. Del Guercio: I will object to that—"in general". What good will it do, the general pattern?

(Testimony of John S. Horn.)

By Mr. Gladstein:

Q. In substance, what is the pattern?

Presiding Inspector: What is the point of this? Is it to show that he just made an ordinary trade union talk? What difference does it make?

Mr. Gladstein: Your Honor may have forgotten that Mr. Chase, a witness for the Government, testified that at a meeting where there was a representative of the Brewery Workers Union—— [2990]

Presiding Inspector: I haven't forgotten.

Mr. Gladstein: (Continuing) ——whose name he wasn't sure of, but it may have been Mr. Horn. Mr. Bridges laid down the party line.

Now, I want to show by this witness just exactly what Mr. Bridges said; and this witness, by virtue of his experience is in a position to say whether there was anything in that talk of Mr. Bridges that indicated that Mr. Bridges was following or proposing a political line of any party, or whether it was a straight trade union organizing report.

A man in the labor movement can do that.

Presiding Inspector: Ask him what he said.

Mr. Del Guercio: If your Honor please, I believe that counsel is misstating what Mr. Chase testified to. Chase said that he was told to attend a meeting, and was told that Mr. Bridges would lay down the Party line, Communist Party line.

Presiding Inspector: So I understood.

(Testimony of John S. Horn.)

Mr. Del Guercio: And not what counsel stated he said.

Mr. Gladstein: You will recall on cross examination, when I asked Mr. Chase what he based his statement on as to his testimony that Mr. Bridges was laying down the Communist Party line, he said the remarks that Bridges made at the meeting and the telephone conversation.

Your Honor at that time pointed out that the two were sort [2991] of integrated in the mind of Mr. Chase.

I want to point out that the remarks Mr. Bridges made at that meeting, that there was nothing in those remarks that could indicate in any way that Mr. Bridges was proposing or following a policy of the Communist Party. That is directly in point on the testimony of Mr. Chase.

Presiding Inspector: Let us hear first what Mr. Bridges said.

Mr. Gladstein: I am willing.

By Mr. Gladstein:

Q. Would you state in substance, to the best of your recollection, Mr. Horn, what Mr. Bridges talked about on that occasion?

A. That is rather hard for me to do because the talk was only in generalities. I was disappointed in the address that he made. I thought, with due respect to the gentleman, that it was very innocuous

(Testimony of John S. Horn.)

as an organizational talk, and it didn't impress me enough to have remained vividly in my memory.

Q. Was there anything unusual about his talk in the sense of his being super-militant?

A. No; I thought it was mild.

Q. Was there anything about his talk on that occasion which referred to—withdraw that.

Was there anything about his talk which would indicate [2992] to you that he was pursuing or proposing some policy of the Communist Party?

Mr. Del Guercio: If your Honor please, I object to that. The witness hasn't testified yet he knows what the Communist Party policy was.

Presiding Inspector: This is direct examination. I think you should qualify it in that respect.

By Mr. Gladstein:

Q. I will put it this way: In your experience in the labor movement have you ever heard talks at union meetings and elsewhere in which you felt that you could recognize that the speaker was proposing or following a policy of the Communist Party? A. I have.

Q. What are the things about those talks which would impress you with the opinion that the speaker was following or proposing such a policy?

A. Well, the usual method is an attack upon all the officers of the union, and every piece of conservative legislation that the trade union workers

(Testimony of John S. Horn.)

stand for, the old regime would be reactionary, and the general tearing-down process.

Q. Was there anything about Mr. Bridges' talk on the occasion that we are discussing that would indicate to you that he was pursuing or proposing a Communist Party policy or line? [2993]

Mr. Del Guercio: I will object to that, if your Honor please, as calling for the conclusion of the witness.

Presiding Inspector: I think you may ask him if, in this talk, as he recalls it, did he use any of the arguments that he has now specified as Communistic.

Mr. Gladstein: All right.

Presiding Inspector: I am trying to make it clear along the line that you are trying to bring out.

Mr. Gladstein: I think I have a right, your Honor, to have the question answered as to whether the witness recalls anything said that would to him indicate what the question is asking for. I think I have a right to that.

Presiding Inspector: He stated — perhaps you haven't exhausted his information as to what recognized Communist speakers usually state as a part of their Communistic propaganda. That is what you have been asking, but he has only given some statement that they are destructive.

Mr. Gladstein: What I am primarily interested

(Testimony of John S. Horn.)

in, your Honor, is this: The witness has already said that in the trade union movement organizers, or people who are interested in organizing workers, and who are making talks about it, urging people to adopt a policy of organizing, and so on, generally follow a pattern, which is a trade union pattern; that is, it shows trade union purposes and trade union methods and trade union objectives. [2994]

Now——

Mr. Del Guercio: (Interposing) That is not what the witness has testified to, your Honor.

Presiding Inspector: That is some time ago he is referring to now. Now, the immediate——

Mr. Gladstein: (Interposing) I am simply interested in having the witness testify that—and he has already said the talk of Mr. Bridges on that occasion was something that he regarded innocuous—it was simply in accordance with the usual trade union pattern. I am not interested in anything further on that. Therefore, I think I have a right to the last question.

Presiding Inspector: Read the last question.

(The question referred to was read by the reporter as follows:)

"Q. Was there anything about Mr. Bridges' talk on the occasion that we are discussing that would indicate to you that he was pursuing or proposing a Communist Party policy or line?")

Presiding Inspector: Well, if you will show that

(Testimony of John S. Horn.)

what he means by "Communist Party line" is what he has already stated, I will allow the question.

By Mr. Gladstein:

Q. Is it correct, Mr. Horn, that what you meant by Communist Party line was what you have stated in this general way? [2995]

A. Yes; that is right.

Presiding Inspector: With that qualification I will allow the question.

Mr. Gladstein: Will you read the question again, please, Mr. Reporter?

(The question referred to was re-read by the reporter as above recorded.)

Mr. Myron: We object to that.

Presiding Inspector: I will allow it in view of the last question.

Mr. Myron: That is, the Communist Party line as he described it?

Presiding Inspector: Yes, sir.

Mr. Myron: I think that should be added to the question.

Presiding Inspector: Go ahead. I will take it.

Mr. Gladstein: I don't want the record to show that Mr. Myron is putting things in my questions. He is going to get a chance to ask his questions, I am sure.

Presiding Inspector: Go ahead.

A. There was nothing.

(Testimony of John S. Horn.)

By Mr. Gladstein:

Q. In your years in the labor movement have you had a chance to become acquainted with the official position of trade unions as regards labor espionage?

Mr. Del Guercio: I will object to that, if your Honor [2986] please, as not only being improper, but unnecessary, and not at issue in this case. It seems to me we are getting far from the issue here. We are only trying to determine here whether Mr. Bridges is a member of the Communist Party and whether the Communist Party as such is an organization that comes within the ban of the statutes.

Presiding Inspector: Do you think there is a different ethic in trade unions than from the ordinary mass of the people? Is that what you are trying to show?

Mr. Gladstein: I don't know how the American public in general feels toward labor spies. I frankly do not know. I have had a little experience with the way that the labor movement feels about labor spies.

I am offering this line of examination now for the purpose of showing that witnesses like Mr. Ezra Chase who, as the record shows, was reporting to Captain Hynes in advance that strikes were being called by his union, that the police should be at the picket lines; and, mind you, though Mr. Chase called the squad of Captain Hynes the "Red

(Testimony of John S. Horn.)

squad", and attempted to say they were interested only in Communist activities in the labor movement, Mr. Catherman, on the stand yesterday, frankly stated that Captain Hynes' work was labor and strike detail, without any qualifications. All right.

Now, what I am interested in is to establish that people like, people who will come here and testify who, we contend, are [2997] shown to be labor spies, are the sort of persons about whom the labor movement has some very strong thing to say, based on experience.

Presiding Inspector: Suppose they have, assume that to be true, how does that affect this trial?

Mr. Gladstein: It affects the credibility of the witness, Chase.

Presiding Inspector: I am not so sure about that. That may all be prejudice. That is a question for the trier of the fact.

Mr. Gladstein: I am willing to pursue this line of examination with the witness to show that the official attitude of the American Labor movement toward labor spies is not one of prejudice, but is based on actual experience with the methods used by labor spies in the employ of employers to disrupt and destroy the trade union movement, and the methods that they use are familiar to any man who has been in the labor movement for a period of years, and the hostility which a labor man feels toward labor spies isn't a question of prejudice.

(Testimony of John S. Horn.)

It is simply a question of how a human being reacts to a snake.

Presiding Inspector: You don't need any proof of anything that you have now asked. What difference does it make if they feel that a labor spy is a snake? What difference does it make whether any group of persons feel that a person is untrustworthy or a snake, as you call him? [2998]

Mr. Gladstein: For this reason: If Mr. Horn testifies, as I believe he will if permitted to do so, that labor spies are an anathema to the labor movement, and that the reasons are, as the LaFollette Committee has officially shown as a result of their investigation, because of the way they are put into unions for the purpose of disrupting them, serving the interests of employers, then I think you will see that that attitude of the labor movement is not one of projudice, but one which is based on very just grounds.

Presiding Inspector: Don't you think that the trier of the fact can see all this just as well as the labor unions, or just as well as yourself standing here as a lawyer and arguing here? Isn't this all self-evident? Aren't you just painting the lily? Aren't you showing that someone believes that disloyalty to an organization is reprehensible? Aren't those general matters dealing with common ethics?

Mr. Gladstein: If I interpret your Honor's remarks correctly it may not be necessary to do that.

(Testimony of John S. Horn.)

Presiding Inspector: I don't think that it is a question for expert testimony.

Mr. Gladstein: You don't think it is necessary?

Presiding Inspector: I don't think so. Of course, on the other hand, a person might be indulging in extremely reprehensible practices. He might do very disloyal things, and yet when he comes on the witness stand that is a question only for the trier of the fact as to how those reprehensible [2999] characteristics affect his credibility. We may believe the most—still give credence to the most dishonorable person. That is a question for the trier of the fact.

Mr. Gladstein: There is one thing you overlooked, Judge, and that is this: You say now a man can be reprehensible because he is being a labor spy, and still take the stand, and it is a question of fact as to whether he ought to be believed on an issue or not.

Presiding Inspector: Yes.

Mr. Gladstein: But I am trying to point out to you that this witness, as thousands of witnesses in the labor movement, will testify that the point about a labor spy is that he makes his living by lying, on the basis of a lie; that is his whole life. Therefore, if, that is true, if the labor movement knows that it is true from experience, then there can't be any question as to whether or not a labor spy should be believed on the witness stand.

(Testimony of John S. Horn.)

That is our position. It is not a question of reprehensible conduct.

Presiding Inspector: I do not think this is a matter of law, but a proposition of fact. I do not think we can lay that down as a proposition of law.

You seem to think that there is great significance in the attitude of labor unions to what you call labor spies. I do not think that there is the same importance, for various [3000] reasons which I have tried to state; that you attribute to it. But if you think that is so important—I want to be exremely fair, over-fair—I will let the witness answer the question.

Mr. Del Guercio: May I be heard?

Presiding Inspecotr: Oh, yes; certainly. I will hear you before I rule. I will take back the ruling.

Mr. Del Guercio: Counsel has taken advantage of argument only for publicity purposes.

In the first place, there is no evidence in this case that any of the Government witnesses are labor spies. That isn't an issue here. The only issue here is whether or not Bridges is a member of the Communist Party. In that connection it isn't a question of whether labor spies are to be believed. It is a question of whether Communists are to be believed.

Now, it would have been proper for counsel to

(Testimony of John S. Horn.)

have asked this question of the witness: "Is a member of the Communist Party to be believed?" or, "Is the conduct of a Communist so reprehensible to a labor union man?"

Presiding Inspector: I am not going to accept testimony as to what any particular class or group believe.

Mr. Del Guercio: That would open the door——

Presiding Inspector: That would be of no assistance to the trier of the fact or the reviewer of the facts. [3001]

As I understand it, this question is directed to the attitude of trade unionists toward those members who give information of trade union doings and purposes to their employers.

Mr. Gladstein: That is right.

Mr. Del Guercio: Trade unions aren't involved in this hearing.

Presiding Inspector: Of course, there is no such evidence in this case.

Mr. Gladstein: Mr. Del Guercio says the only issue is whether Mr. Bridges is a member of the Communist Party. Who is produced by the Government on that issue? Well, I am thinking now in terms of Ezra F. Chase. He gave testimony which the Government claims connects Mr. Bridges with the Communist Party.

Now, Ezra F. Chase, we say on the record already, is shown as a labor spy and, therefore, it becomes important.

(Testimony of John S. Horn.)

Presiding Inspector: Let us see about that. Is there any proof that he gave any information to any employer?

Mr. Gladstein: Here is what he did: He admitted that he would call up the police department and tell them, in advance of strikes, that strikes were being called; that he would discuss these matters and make the reports of the activities in the union, with and to Captain Hynes and others. He did deny that he gave direct reports to employers. But that doesn't [3002] mean that he wasn't working in the service of the employers. It would be very unusual for a labor spy to make his reports directly to an employer.

The history of Los Angeles has shown, by the LaFollette Committee investigations, indicates that the Employers Council there found it better to operate through Captain Hynes.

Now, the point is this: Ezra F. Chase made his living in the union by getting up and saying, "I am in favor of a strike," and urging his fellow workers to go on strike; and then, at the same time, turning around and working with Captain Hynes to destroy that strike. That is the sort of character he is. He made his living by that sort of means.

Mr. Myron: This is argument.

Presiding Inspector: Yes; this as argument.

Mr. Gladstein: A man who will do that, who lives by a lie, can take this stand and say anything.

(Testimony of John S. Horn.)

Presiding Inspector: You are assuming a lot of the things that are not in this record. We haven't the record of the LaFollette Committee before us. We don't know what happened in Los Angeles.

Mr. Gladstein: Before this hearing is over we will have testimony, your Honor, as to what Mr. Chase——

Presiding Inspector: We don't know anything about Mr.—Captain Hynes in this record, except that he is a police officer. We heard a little something about him yesterday. But [3003] that is all we do know. He was in charge of labor affairs from the police standpoint.

Now, if you are going to show that Mr. Chase—and I think he is the only person that has been brought to my attention as being within gunshot of your definition of a labor spy—isn't he the only one? [3004]

Mr. Gladstein: Not necessarily the only one.

Presiding Inspector: As yet.

Mr. Gladstein: All right. Let us say, as revealed during the course of the Government's case.

Mr. Myron: It was mentioned by you. It was not revealed.

Presiding Inspector: As yet.

Mr. Myron: There is no such evidence in the record and he knows it.

Presiding Inspector: Only under your statement, which I suppose you expect to substantiate, can he be so called.

(Testimony of John S. Horn.)

Mr. Gladstein: Well, if I am not mistaken, your Honor, Mr. Chase testified to this on cross examination. He testified that he filled out an application to the Glen E. Bodell Detectives——

Mr. Myron: (Interposing) Are you quoting from Mr. Chase's testimony for the record?.

Mr. Gladstein: Address your remarks to the Court.

Presiding Inspector: This is argument.

Mr. Del Guercio: Well, if your Honor please, he is going all over the same thing. That is about three times now.

Presiding Inspector: Well, I would like to hear it. I would like to hear it. I don't understand it.

Go ahead, Mr. Gladstein.

Mr. Gladstein: My recollection is that Mr. Chase [3005] said that he was an officer, a paid officer of the Upholsterers' Union until sometime in December, 1937. He was a little vague about what part of December, 1937 the pay ended, but he remained a member of the Union for a week or two after his official job stopped. He admitted finally that he had applied for a job to the Glen E. Bodell Detective Agency, and the date of that appears in the record as sometime in December. I do not recall the exact date.

He testified on cross examination that he had that application for several months before he filled it out.

Now, a person who will apply for a job with a detective agency for the purpose of becoming an industrial investigator and who says in his applica-

(Testimony of John S. Horn.)

tion that he knows trade unions and how to deal with them and gives his qualifications for that purpose, and who has the state of mind months before the time that he actually leaves the union of being willing to become a labor spy—an "industrial investigator" is only a fancy name for a "labor spy."

Presiding Inspector: I couldn't take judicial notice of that.

Mr. Gladstein: You don't have to, your Honor, but I think the record will show, and it would be very strange to me if the Bodell Agency asked people to indicate whether they wanted to be "labor spies" or "guards." They would call it as they do: [3006] "Industrial Investigators." That is simply true.

All right. Now, in view of that testimony and the man's state of mind—and this was in direct contradiction to what he said in previous response to questions—I asked him about his state of mind. He would never be a labor spy, he said! Oh, no! He was only interested in Communist activities! But as to labor espionage, he would never have done such a thing! He would never have applied for such a job! The record is full of such things.

Presiding Inspector: You don't need anything further because the record you have quoted would indicate that the witness thought that labor espionage was reprehensible.

Mr. Gladstein: The point is this: I want to show just how reprehensible it was for him to be indulg-

(Testimony of John S. Horn.)

ing in labor espionage because he was a witness who took the stand, called by the Government to testify against Harry Bridges.

Presiding Inspector: Very well. I will adhere to the previous ruling and let you ask the questions. I still think it is of little importance. Go ahead. I may at some time think differently before we get through the case.

Mr. Gladstein: Will you read the question, please?

(The question referred to was read by the reporter, as follows:

"Q. In your years in the labor movement, have you had a chance to become acquainted with the official position of trade unions as regards labor espionage?) [3007]

Mr. Myron: I will object to the question.

Presiding Inspector: The official position? Is that what you mean?

Mr. Gladstein: Well, I could ask him what his attitude of the trade union movement generally is and that would reflect the feelings and opinions based on experience of the leaders in the labor movement. And he is one. He has been a leader in the labor movement for many years. He is in a position to know about these things.

Now, I could re-frame the question and simply say, instead of "official position" you notice that witnesses who have appeared heretofore and who were asked questions witnesses who had been in the

(Testimony of John S. Horn.)

trade union movement, kept talking about "while officially this" and "officially that." It is a word that is constantly used in the trade union movement, that is why I asked him.

Presiding Inspector: I simply asked if that was really what you wanted to ask.

Mr. Gladstein: Well, I will ask the witness first whether he understands that question and feels that he can answer it.

By Mr. Gladstein:

Q. Do you, Mr. Horn?

Mr. Del Guercio: I object to the question, if your Honor please. [3008]

Presiding Inspector: We will find out whether —I have already ruled that I will let him answer.

A. I think I can.

By Mr. Gladstein

Q. All right. Now, will you answer it?

A. I do.

Q. All right. Now, will you state what that official position is?

Mr. Del Guercio: I object to that, if your Honor please, upon the ground it is immaterial and irrelevant and having nothing to do with the issues in the case.

Presiding Inspector: It has nothing to do with the direct case.

Mr. Del Guercio: Or even remote issues.

Presiding Inspector: I will take it. I will take the proof, though. Go ahead. You may answer.

(Testimony of John S. Horn.)

A. The position of, I think, not only officially but every trade unionist of any standing, is that a labor spy is about the lowest species of humanity existing and would not believe them in any manner, shape or form or associate with them if they had any opportunity to avoid the contact.

Mr. Gladstein: You may cross examine.

Cross Examination

By Mr. Del Guercio:

Q. Now, Mr. Horn, your say you attended this meeting [3009] at which Harry Bridges spoke in the fall of 1937 at Los Angeles, is that correct?

A. Right.

Q. How many other persons were there present at that meeting?

A. Oh, I never made any check. I would say approximately 40 to 50; not over that.

Q. Not over 50?

A. I shouldn't think so.

Q. And how many of those that were present did you know as being members of the Communist Party? A. None directly.

Q. Not that you recognized?

A. None directly.

Presiding Inspector: I think you don't quite get his answer, as I understand it.

The Witness: My answer is that I do not know of my own personal knowledge that they were members of the Communist Party.

(Testimony of John S. Horn.)

By Mr. Del Guercio:

Q. Well, do you have personal knowledge of anyone being a member of the Communist Party?

A. I have had in the past, not recently.

Q. Well now, you testified that you have heard or that you know what Communist Party speakers —what their policy is. [3010]

A. In the trade union movement.

Q. Yes. Now, what Communist Party speakers have you heard?

A. Well, I said "not recently."

Q. Well, at any time?

A. Oh, we had numbers of Communist people in the Central Labor Council that were making attacks.

Q. What was his name or their names?

A. Well, it is too long ago for me to remember.

Q. How long ago was that?

A. That was in 1920 to—from 1922 to 1925.

Q. From 1922 to 1925. And is that the only time that you heard a Communist Party member speak?

A. The only one that I knew was a Communist.

Q. Who was that?

A. There were several of them that admitted on the floor of the Central Labor Council that they were members of the Communist Party.

Q. Was there a Central Labor Council from 1922 to 1924? A. There was.

Q. Where? A. Los Angeles.

Q. Were you a member of it?

(Testimony of John S. Horn.)

A. I was Secretary-Treasurer.

Q. And what were the names of those members of the [3011] Communist Party?

A. I couldn't recall.

Q. What was their Party line? What was the line that they advanced.

A. Destruction of the movement; attack upon the officials of the American labor movement.

Q. And where did they say that?

A. On the open floor of the Central Labor Council.

Q. Oh, they appeared before the Central Labor Council?

A. As delegates from the various unions.

Q. And you don't know their names?

A. Not at this time.

Q. You don't know the occasions that they spoke?

A. Well, we met every Friday night. That is a regular meeting of the Labor Council, and during that period there was hardly a time that there wasn't someone on the floor making remarks of that kind.

Q. Can you give me the names of someone else that was present that heard these same speakers that you say you heard?

A. Well, I could get the record.

Q. Well, would you do that?

A. That is approximately eighteen years ago.

Q. Well, where are those records?

A. Los Angeles Central Labor Council. [3012]

Q. And they are available to you?

(Testimony of John S. Horn.)

A. No; they are not available to me, but they are available to anybody with any authority.

Q. Well, would the records of that Labor Council for that year show who were these speakers, who were the Communist Party speakers before the Central Labor Council of which you speak?

A. It would show the two or three that were expelled from the Council as soon as they admitted that they were members of the Communist Party.

Q. I am not speaking about that. I am speaking, would it show that at the time you say they spoke that they were speaking as members of the Communist Party?

A. No. They never admitted it except the time when we had these two or three who were questioned.

Q. Well, who has ever admitted to you or in your presence that he was a member of the Communist Party?

A. There was only these three or four that I can't recall their names.

Q. Do you know what they look like?

A. One was a member of the—let me see! Wait a minute! Ladies' Garment Workers Union.

Q. Just a member, not a delegate?

A. A delegate to the Council.

Q. What? [3013]

A. They couldn't speak unless they were delegates of the Council.

Q. You said he was a member.

A. Well, a delegate is a member of the Council.

(Testimony of John S. Horn.)

Q. Well, what did he look like?

A. That is too far for me.

Q. You don't even know what he looked like? You don't know his name?

A. No.

Q. You don't know what he looked like? You don't know what he spoke about?

A. Oh, yes. He spoke, as I say, I couldn't recite the details.

Q. Could you remember one word he said or may have said?

A. Yes.

Q. What

A. That the officers or the officials of the American Federation of Labor were moss-backs, reactionaries and were not representing the workers properly and should be thrown out or voted out of office.

Q. And you recall that some particular individual member of the Central Labor Council said that in 1922?

A. Several of them said that. That was the general tone. [3014]

Q. You have retained those words since 1922 in your mind?

A. Yes; because——

Q. (Interposing) And yet you can't remember the names of these persons?

A. That's correct.

Q. Or persons? But you would have us believe

(Testimony of John S. Horn.)

that you have retained in your mind during all these years the words that you have just quoted?

A. That's correct.

Q. As having been spoken by the——

A. (Interposing) That's correct.

Q. Now, Mr. Horn, didn't Harry Bridges make a similar speech in 1937 at which you attended? Didn't he make the same kind of attack?

A. No.

Q. Upon American Federation of Labor men?

A. Not to that extent.

Q. Not to that extent?

A. Not to my recollection.

Q. Now, you were interviewed by FBI men, were you not? A. I was.

Q. And didn't you make this statement to them? "Harry Bridges spoke at this meeting concerning the A. F. of L., stating that the men in charge of the A. F. of L. were old, were living on the fat of the land, were mixing with [3015] employers and lost contact with the men and just wanted salaries"? Didn't you say that?

A. I don't think I said it in that language.

Q. In what language did you say it?

A. That in the course of his remarks explaining the organizational differences between—between the organizations for industrial unionism and the A. F. of L., that the industrial union would produce more for the workers, and along that line.

Q. Well, did he say that the officers of the A. F.

(Testimony of John S. Horn.)

of L. were living on the fat of the land, or words to that effect?

A. I don't recall that he did.

Q. Huh. You don't recall now?

A. I don't recall.

Q. Do you recall saying that to the FBI men?

A. I don't think I said it in exact language.

Q. Would you say that you didn't say it?

A. I would say I didn't use those exact words.

Q. Well, what words did you use then?

A. I couldn't repeat it.

Q. You couldn't repeat it?

A. That was a long——

Q. (Interposing) Your recollection fails you?

A. That was a long conversation, as I recall.

Q. And yet you remember these words twenty-two years [3016] ago that some person that you don't know what he looks like or don't know his name——

Mr. Gladstein: Interposing) I think that is argumentative, your Honor.

Presiding Inspector: I will allow it. This is a cross examination. Go ahead.

By Mr. Del Guercio:

Q. Did you say that Bridges accused American Federation of Labor men with mixing with employers?

A. Not in that exact words.

Q. Well, what words did you use then in saying that?

(Testimony of John S. Horn.)

A. I used the words something to this effect: That the representatives of the A. F. of L. were dealing with the employers not doing the job as well as could be done by the industrial union form of organization.

Q. Well now, are you quoting your exact words?

A. No, as close as I can recall.

Q. Now, is it possible that you did tell the FBI men that Harry Bridges said or accused the A. F. of L. officials of mixing with employers?

A. Yes. I could have said that.

Q. Well now, isn't that your definition of a "labor spy" and doesn't that come within your definition of a "labor spy"?

The Witness: Your Honor, I am not hard of hearing and I [3017] resent the gentleman speaking to me in that tone of voice.

Presiding Inspector: Never mind! You answer the question.

A. No, that is not my definition.

By Mr. Del Guercio:

Q. Would you say that the American Federation of Labor officers were labor spies?

A. No, sir.

Q. If they mixed with employers?

A. No, sir.

Q. You wouldn't? A. No, sir.

Q. Now, didn't you also tell the FBI men that in your opinion Bridges' speech in 1937 was tinged with Communism?

A. I think it had that phraseology.

(Testimony of John S. Horn.)

Q. Oh, you did say that? Was that the truth?

A. In a mild way, yes.

Q. Was it the truth? Did you tell the truth to the FBI men when they questioned you about that?

A. I think I did, to the best of my knowledge.

Q. Did Mr. Bridges say anything about "Red-baiting" at his speech in 1937?

A. I do not recall.

Q. You don't recall. Well, do you recall talking to the FBI men? [3018] A. Yes.

Q. And telling them that Harry Bridges did use the words "Red-baiting"?

A. I do not think I did.

Q. Would you say that you didn't say that to the FBI men?

A. Yes. I don't think I said that.

Q. Huh?

A. I don't think I said that. Not in the direct line that you put it.

Q. In what line did you say it, Mr. Horn?

A. Well, in a general way that the term is generally used in the labor movement or in an organization way of "Red-baiting."

Q. What is that way?

A. Just what it says: "Red-baiting."

Q. Red-baiting?

A. Accuse a person of being a Red, a Communist.

Q. Did Mr. Bridges say anything about Red-baiting in that speech?

A. I don't recall that he did.

Q. Huh?

(Testimony of John S. Horn.)

A. I don't recall that he did.

Q. You do not recall what he said in 1937?

A. Not very clearly, no.

Q. Do you know Walter Westphal? [3019]

A. Who?

Q. Walter Westphal.

A. I do not recall him.

Q. Was he present at that meeting.

A. I don't know.

Q. Huh? Do you know of anybody who was present at that meeting?

A. Not by name, no.

Q. Do you know whether they were members of the Communist Party? A. I do not.

Q. Huh? A. I do not.

Q. They might have been?

A. Possibly.

Q. It is possible. You didn't know any of them personally, did you?

A. I know a lot of them to say "Hello" to, but I wouldn't know them by names.

Q. And you don't know the name of a single person who attended that meeting?

A. I just mentioned Mr. Bridges.

Q. He was a speaker. Do you know any person who attended that meeting?

A. I couldn't give you any names now. [3020]

Q. Not a single name? A. No.

Q. Do you know if Mr. Chase was present?

A. I do not know that I know Mr. Chase.

Q. You don't know Mr. Chase at all?

(Testimony of John S. Horn.)

A. I do not know whether I do or not. If I saw him I would know whether I knew him or not.

Q. Now, this meeting, you say, was in the fall of 1937. Do you recall Mr. Bridges using these words, in substance, in his speech. I quote from Mr. Bridges: "There was a time that I felt that if anyone was opposed to the Communist Party that it was his privilege to so speak, but experience has taught me that those who make a practice of Red-baiting are usually agents of the bosses and are the enemies of true trade unionists and should be treated with distrust." Do you remember using those words?

Mr. Gladstein: Just a moment!

Mr. Del Guercio: I am not through with the question yet.

Mr. Gladstein: Before you answer that question, I want to say that counsel is asking the witness a question read from a document, and I think in accordance with your Honor's rule the witness is entitled to know what that document is and from whom it purports to be read. [3021]

Presiding Inspector: I will allow that question.

Mr. Gladstein: What is that?

Presiding Inspector: I will allow that question.

Mr. Gladstein: I think this witness should——

Presiding Inspector: (Interposing) It is a memorandum of the investigation, I suppose. It is no document except in the sense as it may have been prepared as a result of the usual investigation.

Mr. Gladstein: I don't know but what counsel is using a labor spy's report, for all I know.

(Testimony of John S. Horn.)

Presiding Inspector: Assume that he is. I will allow the question.

By Mr. Del Guercio:

Q. What is your answer, Mr. Horn?

The Witness: Read the question, please?

Presiding Inspector: Did he say that or that in substance?

The Witness: I do not recall that he did.

By Mr. Del Guercio:

Q. He might have said it?

A. It's possible.

Q. Its possible, but you wouldn't remember? You have no recollection now?

A. Not of him using that.

Q. What do you have any recollection of Bridges saying [3022] at that meeting?

A. I testified a moment ago or a few minutes ago that the talk was, I thought, innocuous and was disappointing—and it didn't impress me very good. It didn't impress itself in my mind very vividly.

Q. If he did use these words that I have just said, would you call that "innocuous"?

A. I don't recall that he did.

Q. You wouldn't state that he said that?

A. No, I wouldn't.

Presiding Inspector: He wants to get your judgment as to what you mean by "innocuous". Now, he says, if he did use those words would you call those words "innocuous"?

The Witness: I would not.

(Testimony of John S. Horn.)

Mr. Del Guercio: And your testimony is that you don't know whether he used those words or not.

Now, if the Court please, counsel accused me of having a labor spy magazine. I want to show him what I had in my hand. It is a transcript of the——

Mr. Gladstein: (Interposing) Of the testimony of Ezra S. Chase, labor spy.

Mr. Del Guercio: And you have that.

Mr. Gladstein: From the testimony of Ezra S. Chase, labor spy.

Mr. Del Guercio: I think those remarks are out of order. [3023]

Presiding Inspector: Yes. I think they are out of order. Go ahead. They don't affect the trier of the facts in the slightest.

By Mr. Del Guercio:

Q. Since 1924, Mr. Horn, have you heard any Communist Party members speak?

A. I have never attended a Communist meeting that I know.

Q. I didn't ask you that. I asked you if since 1924 you heard a Communist Party member speak?

A. I heard Earl Browder over the air one time.

Q. How do you know that he is a member of the Communist Party?

A. The publicity—the newspapers state that he was a candidate of the Communist Party.

Q. Well, did he lay down any policy towards trade unions?

(Testimony of John S. Horn.)

A. After I listened to him about three minutes I turned the dial.

Q. Well, do you know what the Communist Party policy towards trade unionism is?

A. In a general way I think I do.

Q. Who else told you? Where did you get it?

A. Well, in reading labor magazines and journals.

Q. What labor magazines did you read? [3024]

A. Well, I read any number of them.

Q. Well, will you give me the names of some of them, please?

A. The American Federationist, the Los Angeles Citizen, the Daily Clarion, the Chicago Federationist and Brewery Workers' International Journal.

Q. Would you say that the Western Worker is a trade union paper?

A. No, I would not.

Q. Would you say that—you would not?

A. No.

Q. Why not?

A. Because I don't believe it is. Not as a trade union paper, as I understand the trade union movement.

Q. Would you say that the Daily Worker is a trade union paper?

A. No. I understand that it is a Communist Paper. I have never read it.

Q. Would say say that the Peoples World is a trade union paper? A. No, I would not.

Q. Now, what in the papers that you have men-

(Testimony of John S. Horn.)

tioned as being as representing the trade unions did you read to show what the Communist Party policy towards trade unionism is?

A. Yes. That did run quite frequently in all the [3025] trade papers.

Q. What did you read then about it? Will you give me what you read about the Communist Party policy towards trade unionism?

A. That they were instructed to bore from within, depose the officers, cause general dissatisfaction and leading up to the time when they would have a general resolution.

Q. General "resolution" or "revolution"?

A. Revolution: And establish a dictatorship of the proletariat.

Q. You say you have been a labor man here for a long period of time. Would you say that a Communist would make a good labor man?

A. I would say he could not make a good trade union labor man.

Mr. Del Guercio: That is all, your Honor.

Mr. Gladstein: Just one question.

Redirect Examination

By Mr. Gladstein:

Q. Do you think Harry Bridges is a good trade unionist, Mr. Horn? A. I do.

Mr. Gladstein: That is all.

Mr. Del Guercio: I didn't have time to object.

Presiding Inspector: You didn't. [3026]

Mr. Gladstein: Well, I——

(Testimony of John S. Horn.)

Presiding Inspector: Strike out the answer just for the moment.

Mr. Gladstein: Yes. I haven't any objection to that.

Mr. Del Guercio: I object, that there is nothing at issue here in this case as to whether Bridges' activities in trade unions as such. What is at issue is Mr. Bridges as a Communist, his Communist activities in trade unionism.

Presiding Inspector: In view of the testimony about this speech that he made, I think I will allow the question.

Mr. Gladstein: Not only that, but in view of the question——

Presiding Inspector: (Interposing) That is enough.

Mr. Gladstein: All right.

Presiding Inspector: I am not excluding it.

Mr. Gladstein: Then the answer is in?

Presiding Inspector: I will take the answer. I will let the answer stand.

Mr. Gladstein: We have no further questions.

Mr. Del Guercio: No further questions.

Presiding Inspector: Next witness.

(Witness excused.)

Mr. Gladstein: We don't have a witness to put on at this time, your Honor.

Presiding Inspector: Can't you dispose of Mr. Bridges?

Mr. Gladstein: I asked Mrs. King about that this morning and she didn't have that ready, that

testimony. As a [3027] matter of fact, I would suggest that we have a conference in chambers on the general subject matter which developed this morning, due to the ruling that your Honor has made, and take up some problems. I suggest we have a recess now in chambers.

Presiding Inspector: Yes. Why not discuss them right here? Would you rather discuss them in chambers?

What do you say, Mr. Del Guercio?

Mr. Del Guercio: We have a matter, too, your Honor, to take up at the present time.

Presiding Inspector: Would you like to discuss them right here or in chambers?

Mr. Del Guercio: I don't know what that is. What I have in mind is something else.

Presiding Inspector: Shall we discuss the whole matter in chambers?

Mr. Goodwin: In open court.

Mr. Del Guercio: What we have in mind is another matter entirely. I haven't indicated yet what it was.

Presiding Inspector: I know you haven't. Do you want to discuss it here or in chambers?

Mr. Del Guercio: Right here, now. I understand that they have nothing to present at the present time. We want to make—— [3028]

Presiding Inspector: They would like to talk over the progress of the trial.

Mr. Gladstein: The question I would like to raise, your Honor, is this. We had, as I think I told your Honor yesterday, intended to put on the

stand this morning the witness Roscoe Craycraft, Mr. Roscoe Craycraft as a witness, and we frankly believed that his testimony direct and cross would take all day long. In view of your Honor's ruling yesterday we had to assume that possibly you would rule that Mr. Craycraft's testimony could not be received until after Mr. Cannalonga had been brought down here.

Presiding Inspector: Yes. I think that was a fair assumption.

Mr. Gladstein: Well, we were guessing, but sometimes we guess right.

Now, all right. Therefore, we are put in a position of trying to re-arrange our schedule of witnesses. For that reason we were hurried and there was this delay this morning from Mr. Horn. But we would like under the circumstances to have Mr. Cannalonga as the next witness because the entire program of our case depends upon that testimony going in first, and in view of your Honor's ruling this morning, that you will not permit character witnesses as of this time to testify to the good reputation of Mr. Bridges for truth and veracity, very frankly, your Honor, [3029] we had two more witnesses for this afternoon on that same subject matter.

Now, I realize that it is within the discretion of the Court to suggest the order of procedure, but also counsel should be permitted to develop the order of their case with some reasonable latitude. And I think that we should be accorded the same kind of courtesy that the Government receives.

Presiding Inspector: I shall try to give it to you.

Mr. Gladstein: I am not saying that you haven't, Judge, but I pointed out before that they were permitted to put on a lot of testimony for a week about a second issue, without even coming to the first issue at all. And while it is true that we didn't object, we thought that that is something that they want to develop in accordance with their theory of the case. And that is all right. But we should have the same rights.

Presiding Inspector: I want to give you every privilege to put your case in wholly and in the manner that you think is most effective for your line. Now, I don't want to allow this trial—this "hearing", I suppose I should call it—to be too long delayed. I want to make progress here. You understand that.

Mr. Gladstein: Yes, I do. You see, our schedule was prepared for this entire week and next, I may say. But when [3030] your Honor ruled as you did yesterday in connection with the witness Mr. Shoemaker, the Court Reporter, as you did, indicating to us also that you would rule against the admissibility of Mr. Crayeraft's testimony as of this time—that is, prior to Mr. Cannalonga—I assumed that your Honor did'nt intend us to understand that Mr. Crayeraft would not be permitted to testify after Cannalonga was on the stand.

Presiding Inspector: I haven't ruled one way or the other on that.

Mr. Del Guercio: We are going to argue that question now.

Presiding Inspector: We are going to take that question up now.

Mr. Del Guercio: Sir?

Presiding Inspector: We are going to take that question up now.

Mr. Del Guercio: That is what I had in mind, arguing that point now.

Presiding Inspector: Very well.

Mr. Del Guercio: May we proceed to argue now?

Presiding Inspector: No. Let us hear what the rest of their statement is. I will hear you in just a minute.

Mr. Grossman: There is something else that I would like to add. It is along the lines that we discussed or I discussed when I stated why we needed a certain amount of delay [3031] before we began our case, and I would like to bring that to your attention.

I pointed out at that time the difficulty of our having to keep available witnesses when we didn't know exactly when they would go on. Now, there is an additional matter that has developed that I want to bring to your attention because it creates special difficulties as far as time is concerned in bringing down the witnesses. We have found it necessary, though we hoped that it would not be, to send an attorney generally to interview witnesses before they are brought here. We hoped to be able to do it without having some member of our staff do so. But, as your Honor can see, we felt

that we couldn't do a satisfactory job without one. And so an attorney has had to leave San Francisco to contact witnesses in the various places. He has had to take a trip or trips to Los Angeles and before we can bring any witnesses (and I state to your Honor we will bring them shortly from Seattle and Portland) they must be interviewed in that way.

The result is that we were not able to bring down the witnesses before the interview. Now, that is one reason why we can't bring down immediately —let us say, tomorrow—witnesses that haven't yet been interviewed. And that's an additional reason why we need until Mr. Cannalonga is produced before we can begin our case, because we can't telephone Seattle or Portland to bring down a witness, because some of [3032] them have not yet been interviewed and will be interviewed today. That is a practical question. I don't think there is any solution for it because we can't be expected to bring down witnesses here on the basis that we are going to put them on as witnesses without having first interviewed them or having them interviewed by some one that we think responsible and reliable. That has meant this delay for these very practical reasons.

Mr. Del Guercio: If the Court please, we have information that they have been interviewing witnesses before that, not only them, but also another member of their staff, Mr. Margolis. So that everything that they are saying now is not exactly correct, and they have had plenty of opportunity and

plenty of time to get all of their witnesses to interview whoever they wanted to.

Presiding Inspector: I thought so. I thought last week's adjournment was——

Mr. Del Guercio: (Interposing) Was for that purpose.

Presiding Inspector: (Continuing) ——was to fix that up. But you say this Cannalonga matter disrupted your previous plans?

Mr. Gladstein: Quite, your Honor. Because, as you see, we regard it as very, very critical to the case.

Mr. Del Guercio: There is a situation there where they made the situation again. They pursue the man, make the situation and then come here and argue about it and produce [3033] that as a reason for wanting another delay.

Mr. Gladstein: I am not sure quite whether—I think I ought to say this, Judge. Mr. Del Guercio has just said that I pursued Mr. Cannalonga and made or created a situation. All I did was to find out from Mr. Cannalonga what kind of a situation the FBI had created for Mr. Cannalonga, and that's what we want to produce here.

Presiding Inspector: I don't see any use in having recriminations and bantering. One side is about as good at that as the other, as far as I can see. I mean, in the capacity of counsel. So I don't think it does any good.

Mr. Gladstein: If the subpoena on Mr. Cannalonga has been sent by wire or phone——

Presiding Inspector: It was issued in Portland.

Mr. Gladstein: Then I assume that there is no reason why he can't be here tomorrow morning, and I think we have supplied in accordance with the statute the amount of money that is necessary to bring him down here.

Presiding Inspector: I think so.

Mr. Gladstein: Well, under the circumstances and in view of your rulings, as I say, we have two witnesses for this afternoon who would certainly take up the afternoon, but they are being called for the purpose of giving the kind of testimony that you wouldn't permit Mr. Horn to give this morning. So I don't think we should go through useless motions. [3034]

Presiding Inspector: As to the credibility?

Mr. Gladstein: Yes, as to the reputation of Mr. Bridges for truth and veracity.

Presiding Inspector: There has been no attack on Mr. Bridges' credibility and he hasn't been a witness, and while he is going to be a witness—I assume he is going to be a witness.

Mr. Gladstein: Yes.

Presiding Inspector: (Continuing) ——I can't assume that there is going to be any direct attack on his reputation.

Mr. Gladstein: We frankly didn't anticipate that you would make that kind of a ruling.

Presiding Inspector: I think that is pretty elementary.

Mr. Gladstein: Well, what is elementary in a

common law proceeding is not elementary in an administrative hearing.

Presiding Inspector: You are right there. The Presiding Inspector has a greater freedom.

Mr. Gladstein: My attention has just been called to something I overlooked this morning in answering your question, your Honor, and that is this. You asked whether in the last hearing testimony of this character was permitted.

Presiding Inspector: No. I don't think that is what I asked. I asked whether there was direct impeaching testimony offered.

Mr. Gladstein: No, there wasn't that. [3035]

Presiding Inspector: Against Mr. Bridges.

Mr. Gladstein: No, there wasn't that. But, on the other hand, we were permitted by Dean Landis to prove—and I think there was one witness and then we asked that witness, in addition, certain other questions that we wished brought out which were not permitted, but I think on this question of truth and veracity we were permitted to have the answers. I can check that during the noon hour.

Presiding Inspector: Then there may have been such testimony of contradictory statements by Mr. Bridges?

Mr. Gladstein: Prior to that time.

Presiding Inspector: Prior to the time that that was introduced, which opened the door, and there may have been no objection to it. I don't know.

Mr. Gladstein: I don't recall. I would have to check the record.

Presiding Inspector: Yes, you would have to check that, and I don't think it is very material. I recognize Dean Landis as an excellent lawyer and I have the highest respect for his views.

Now, we will hear your motion.

Mr. Goodwin: Your Honor, the thing that I am concerned about at the present time is that there is evidence in this record that has no business here; that it has been, of course, tentatively admitted by your Honor for the purpose of serving [3036] the convenience of the Court Reporter. But it is in the record. It does confuse the situation and it makes it doubly unfortunate and confused it, while it is in the record, Mr. Cannalonga is brought in as a witness.

Now, there is no authority for the admission of that testimony and that is the question that we would like to argue on a mation to strike out, either now or after the conclusion of this morning's session and the beginning of the next. We think that it is an urgent question, one that should be disposed of now and not allowed to pend until we get briefs on it some months from now.

Mrs. King: May I be heard no this?

Presiding Inspector: Yes.

Mr. Gladstein: Could I suggest this, rather than argue the law? Mrs. King is prepared with an argument on the law, which your Honor can assume is directly contrary to the indications given by Judge Goodwin. But wouldn't it be a better way of settling this question to have your Honor

wait for a ruling on that until after Mr. Cannalonga has testified? Now, I am inclined——

Mr. Goodwin: (Interposing) How absurd!

Mr. Gladstein: What?

I am of the view that Mr. Cannalonga certainly cannot be damaged in any way by having this record as it is at the present time. If he is put on the stand he will be asked [3037] certain questions. He will not be confronted with the record in this case. He will simply be confronted with statements which we claim that he has made. Now, if he admits those, all right. If he denies those, then we have other testimony that we can produce. That is something entirely different. But I don't see how the present state of the record——

Mr. Goodwin: (Interposing) It makes a very vital difference, your Honor.

Mr. Gladstein: I would like to hear what the difference is.

Mr. Goodwin: It makes a very vital difference whether Mr. Cannalonga comes in here with his testimony as he has left it or whether he comes in here with some inadmissible statements of his with which he will be confronted not as something that counsel was going to ask him about but something in the record.

Now, I think that in justice to us and in justice to Mr. Cannalonga we have the right to the exclusion of evidence that has no business here and is not admissible under any ruling in any jurisdiction in the United States for 120 years.

Presiding Inspector: Well, under that statement I will have to hear Mrs. King.

Mrs. King: I would like, in the first place, to read a [3038] statement from Corpus Juris, although I realize that that is not the best authority.

Presiding Inspector: No. It only purports to be the editor's statement from the cases cited.

Mrs. King: But in view of Judge Goodwin's statement, that there has been no case in 120 years, and that statement is:

"The statements of a witness out of court after testifying that he had testified falsely and been hired to do so may be proved in court to discredit his testimony".

Now, there are a number of different jurisdictions in the United States. I am not attempting to state that in every jurisdiction this type of evidence is admissible. I am stating that in a number of jurisdictions, especially in New England, this type of testimony is regularly admitted. For instance, in Massachusetts and the Federal Courts in Massachusetts in the same way admit this type of testimony.

It seems to me, though, because of the split in authority which I referred to yesterday that perhaps the best discussion of the matter is the discussion of the text book writers. Those text book writers uniformly explain the reason for this rule, and they state that the reason for the rule is to avoid surprise on the part of the witness. That is the entire basis of the rule from the point of view of every text book writer. [3039] And that

being so, it is clear from this deposition, in so far as it was admitted in court yesterday—I mean, it was read in court yesterday—that the witness' attention was specifically directed to the other testimony. There was no question of surprise. There was no question of his not being able to explain discrepancies, which is what the Courts have—all of them—had in mind in this matter.

Wigmore, in his 1940 Edition, makes this perfectly plain. He also attacks as unreasonable the *orgidity* of the rule which in some jurisdictions prohibits the introduction of such testimony, and he said in that connection:

"The objection in brief is that in many cases it is impossible for the impeaching party to ask the question while the witness is on the stand because, of course, it is often not until after the testimony is delivered that the prior contradictions are brought to the opponent's notice."

And later on:

"As there is at least an equal chance that the alleged contradictions were really uttered and cannot be explained away it is poor policy that favors exclusively the witness to be impeached by exempting him from impeachment. Justice demands with equal force that the impeaching party, if acting in good faith, should not be invariably the one to suffer under the rigid enforcement of the law."

[3040]

He goes on to say that the proper rule is that the matter is within the discretion of the trial court and then says:

"The modern tendency has been to enforce a rigid rule, but that it is to be hoped reaction will some day effect a correction of its rigidity in the interests of justice."

Now, in view of this state of the law, which is a state of uncertainty, in view of the fact that in administrative proceedings, as we have said again and again, the rules are less rigid than they are in the common law courts, in view of the fact that Mr. Cannalonga is, as Mr. Gladstein suggested, to be in court probably tomorrow, it seems to me that this whole business can properly lie over; that there is no conclusive rule that this material cannot in any circumstances be received.

It seems to me, finally, that the very basis of the rule does not exist at the present time because there is no problem of taking the witness by surprise, which is the basis and reason for this rule.

Now, if your Honor wants to know the precise jurisdictions which decide one way or decide the other way I have those cases with me on that problem. But it seems to me rather a waste of time to go into the matter where there is this conflict in authority, and cite one jurisdiction or another jurisdiction which is not binding on you, as the administrative authority in this case. [3041]

Mr. Del Guercio: May we have the citations?

Presiding Inspector: Certainly. Mrs. King will give them to you.

Mr. Del Guercio: The citations to support her proposition.

Mrs. King: Gould v. Norfolk Lead Co.,——

Mr. Goodwin: May I have that again?

Mr. Del Guercio: I will give it to you.

Mrs. King: (Continuing) ——9. Cush. 737.

Presiding Inspector: That is a Massachusetts case.

Mrs. King: Yes. Tucker v. Welch, 17 Mass. 160. Hedge v. Clapp, 22 Conn. 262. Sharp v. Emmet, 5 Whart.—that is a Pennsylvania case—288. Miller v. Pierce, 86 Vt. 322.

Mr. Del Guercio: Are those all cited in Cushing 737?

Mrs. King: State v. D'Adame, 84 New Jersey Law 386.

Now, the case on which Wharton relies, particularly with reference to this matter, is the Vermont case of Downer v. Dana, 19 Vermont 345.

The Federal case which follows the Massachusetts case is American Agricultural Chemical Co. v. Hogan, 213 Fed. 416, which is the Circuit Court of Appeals for the First Circuit, decision of 1914.

So, as I say, there is respectable authority for giving your Honor discretion to allow this to be introduced, and [3042] respectable authority for the proposition that this is properly admissible.

In view of those circumstances it seems unnecessary at this time to strike it out. We believe that it is admissible. We are not trying to argue at this time as to its final admissibility in view of the future appearance of Mr. Cannalonga, and it seems to me that the matter can well be left over until tomorrow.

Presiding Inspector: I think it can be postponed.

Mr. Goodwin: May we recess at this time so we can check these cases that have been submitted? Then I will be prepared to argue.

Presiding Inspector: We will recess until 2:00 o'clock.

(Whereupon, at 12:35 P.M. a recess was taken until 2:00 P.M. of the same day.) [3043]

After Recess
2:00 O'Clock P.M.

Presiding Inspector: Now, Judge Goodwin, I think you were on your feet, or just getting off your feet, when we adjourned.

Mr. Goodwin: Pardon?

Presiding Inspector: Figuratively or literally you were on your feet when we adjourned when we were talking about this matter.

Mr. Goodwin: Yes.

Presiding Inspector: Had you concluded all you wanted to say?

Mr. Goodwin: I haven't said anything yet, your Honor.

Presiding Inspector: Well, I thought you said quite a bit. I will be very glad to hear you.

Mr. Del Guercio: This, your Honor, is an argument on the motion to strike the evidence and it is the law that we have been able to gather on that point.

Presiding Inspector: Certainly. One of you

made the point and that is what I referred to when I said I thought you had said a good deal.

Go right ahead.

Mr. Goodwin: Well, your Honor, I made one statement that was somewhat inaccurate. I said there had not been a case where testimony, or evidence, or statements made subsequent to [3044] the examination of the witness had been allowed in evidence for 120 years. I qualify that to this extent: 105 years ago there was a case in New York in which, without admitting prior testimony, there was a dictum of the Court to the effect—I mean subsequent testimony—there was a dictum to the effect that subsequent statements might be introduced. That case has been, as your Honor probably knows, repeatedly overruled.

My proposition is, first: That no subsequent statement can be introduced to impeach a witness, and that there is no authority at the present time to the contrary if we do not accept a Massachusetts decision of 120 years ago that has been repeatedly cited, but never on that point.

Now in Corpus Juris there is a statement to the contrary:

"Statements made after a witness has left the stand may, it has been held, be admitted to discredit him."

Now, the first case cited in Corpus Juris is Thompson v. Ish, 12 S.W., 510; 99 Mo. 160. The case is not in point. It isn't new that a case cited by Corpus Juris should not be in point. There the

question was in regard to a will, and the statements that were introduced in evidence were statements that were conflicting statements by the testator made before and after he made the will. And it has absolutely nothing to do with the case here.

The New York case referred to was People v. Moore, 15 [3045] Wend. (N.Y.) 419 and, as I said, cited 105 years ago. There the Court said:

"The rule is that what a witness has said at another time on the same subject may be used to impeach; and when impeached similar testimony may be given to support him."

Then this was said, entirely obiter:

"It can make no difference at what time these declarations have been made as to the competency of such testimony, though it may make much difference as to the effect of it. If a witness, the moment he leaves the stand, should declare that his whole testimony was a fabrication and if shown to the jury they would place no confidence in the testimony which he had given, etc."

Now, that was not made deciding the subsequent admissions could be introduced. It was merely the way the Judge illustrated the fact that nearness in point of time was important, but it didn't make any difference what time it was.

Presiding Inspector: Whose dictum is that?

Mr. Goodwin: Pardon me?

Presiding Inspector: Who was the Judge who said that?

Mr. Goodwin: Well, your Honor, it was before I came to the Bar and I can't remember.

Presiding Inspector: Perhaps if I saw the volume I would remember the incident.

Mr. Goodwin: I think someone refers to it later. [3046]

Presiding Inspector: You don't think either you or I would remember it, as old as we may be!

Mr. Goodwin: Well, in Stacy v. Graham, 14 N. Y., 492, that is the Court of Appeals, I take it, the Court overruled the decision in People v. Moore, 15 Wend. 419, pointing out that it was obiter, and said, at page 502:

"From this extract it is quite evident that the learned Chief Justice, instead of attempting to withdraw that case from the general rule on the subject, ignored the rule itself. His attention may not have been called to it. I think it was not then so well understood as it is now."

Then, again, referring to the same case, the testimony of a witness had been taken de bene esse and was read at the trial. After plaintiffs had rested the defendant offered to prove conversations with that witness after the examination in which he confessed that his evidence was false; that it was given under threats; that he regretted that he had to swear to it etc.

The Court of Appeals sustained the rejection of the testimony and expressly overruled People v. Moore. It said:

"The principle on which the practice essentially rests is that both the party and the witness are entitled of right to any explanation which the latter can give of the statements imputed to him."

Now, your Honor, the only case remaining that has held to [3047] the contrary is Tucker v. Welsh, 17 Mass., 160, decided, as I said, in 1821. In that case one Pennaman drew an order in favor of the plaintiff on the defendant on a policy of insurance. The defense was that before drawing the order he had assigned the policy to his brother. In his deposition he testified that the plaintiff knew of the assignment to his brother both before and after the order was drawn. The testimony was combatted by a witness who stated that after the deposition had been given he went with the plaintiff to call on Pennaman and asked Pennaman whether he did not intend the money due on the policy for him and he answered "Yes". The evidence was objected to on the ground the declaration of Pennaman, not under oath, could not be received to impeach the testimony given by him in his deposition. The objection was overruled. On the point the Court said:

"The credit of a witness may be impeached by saying that he has made a different statement out of court either before or after he has given his testimony."

Now, your Honor, the case was referred to in Commonwealth v. Hawkins, 69 Mass. 465, and Bristol v. Plymouth, 48 Mass. 257. I see those two and probably in other cases. But in all those cases the question was whether the rule that Mrs. King referred to this morning was binding in Massachusetts. And now I would like to refer to that rule. There was nothing about subsequent testi-

mony and, as I said, the cases are barren of any [3048] authority that subsequent testimony may be introduced.

Now, Wigmore on Evidence—I am taking the Second Division, Sections 1017, 1048, discusses this proposition:

It is the law everywhere that where a proper foundation is laid a witness may be impeached by showing that he has, on a prior occasion, made statements to the contrary. It is likewise true that evidence of facts or subsequent statements by the witness are not admissible. The first proposition is supported in Wigmore on Evidence, where the matter is elaborately discussed. Throughout the contradictions are referred to as "Prior self-contradictions". In Section 1025 he discusses the matter of preliminary warning, and in Section 1028 says:

"In all but a few jurisdictions the rule is recognized and is enforced as an inflexible one. In a few jurisdictions its enforcement is left to the trial courts. In a few others it is not recognized at all."

I would say that in Massachusetts that rule that requires warning is not recognized at all. There may be some other jurisdictions in which it is not recognized, but I do not know of it. In Pennsylvania, for instance, in North Carolina, in Connecticut and some of the others it is discretionary with the Judge to say whether a warning must be given. And I would say in practically all these other states a warning is required and the witness is asked in advance whether he on such occasion

[3049] to such a person at such a place and time made such and such a statement, and that gives him an opportunity to meet that alleged statement and explain it or deny it or qualify it, or anything of the kind.

The United States Supreme Court, in practically all the cases, that is the rule. That was the English rule, that is the salutary rule, that is the rule that your Honor would overturn in this case. But, as I understand it, counsel for the Alien has suggested that when there is subsequent testimony then that rule of warning cannot apply.

Now, your Honor, I say in reply to that that where the testimony is impeached or sought to be impeached by a subsequent statement, there is no authority for its introduction at all. That is the point to which I have directed my argument up to this time.

But there is another thing that I want to say. Suppose it were otherwise? Suppose a witness could be impeached by his testimony—his testimony could be impeached by subsequent statements? You say "Well, he can't be surprised because he knows about them." Well, your Honor, that is a very vital question in the case. Did he make them?

Now, if a witness on the stand is confronted with a question as to whether he made prior statements he has for his protection the right of explanation. He should have the right of explanation. And, your Honor, that explanation comes before [3050] the evidence is offered. That is to say, you can't go

in a trial and put in the testimony on the other side and then ask the witness to explain it; or, if he made it, to put the testimony in first. Well, in this case we have here alleged statements that have no proper place in this record. Is the witness to come in here and be put in a worse position with reference to those subsequent statements than he would be with reference to statements that he made before? If the witness is to be recalled to the stand and counsel for the alien wishes to rely on these statements as contradicting his former statements, then they should call his attention to those—I mean, those subsequent statements. If they wish to attempt to impeach him on the ground or to contradict him on the ground that he subsequently made these other statements, then before the statements are put in the record they must call his attention to them and say, "Did you in the office of the Attorney for the Alien," or some other office to which he had been taken, "Was this question asked and did you make this answer?"

That is the ground for putting in the evidence later. You can't put it in, you have no right, in the first place, to admit subsequent statements as impeaching, and you cannot properly rely on subsequent statements as impeaching until you recall him to the stand, and then ask whether on the former occasion he had made, or whether on such and such an occasion he had made those statements. He is just as much entitled to [3051] that protection as though he were sought to be impeached

on the ground of something he had said in Seattle or some place at some other time.

That is all, your Honor.

Mrs. King: If your Honor please, I cited this morning the statement in Corpus Juris, and I would like to repeat this statement because it seems to me more squarely in point than any other. It says:

"Statements of a witness out of court, after testifying, that he had testified falsely and had been hired to do so, may be proved in court to discredit his testimony."

The case cited in support of that general principle is McGinnis v. Grant, 42 Conn. 77.

In Ruling Case Law——

Presiding Inspector: What page in Corpus Juris?

Mrs. King: 70 Corpus Juris 1004.

In Ruling Case Law, under the heading "Prior Inconsistent Statements," that text states that "the variant statements may have been made either before or after the witness testified."

That general principle is supported by the case cited by Judge Goodwin, Tucker v. Welsh, 17 Mass. 160.

The question of the English law, apparently the law in England, was our way until, I say "our way," and I mean that the statement could be introduced without a foundation being laid until 1820. [3052]

On that point in the Third Edition of Wigmore he states:

"But this rule is by no means an immemorial tradition. The reasons above explained were not

worked out until well into the 1800s. The rule, as a rule, may be said to have had its birth with the response of the Judges in the Queen's case (quoted above) in 1820."

That is, up to that time this rule did not exist.

Coming back to the problem of the general principle which I dealt with this morning, when Wigmore starts explaining the reason of the rule he says:

"It has already been noticed that, to obviate the objection of unfair surprise, a natural expedient is to ask the witness, while on the stand under cross examination, whether he made the supposed contradictory statement."

Then he goes on, as I suggested this morning, to explain that the rule should not be an inflexible rule.

I want to say that I had an opportunity yesterday to examine, although I didn't make complete notes, the second Edition of Wigmore and the thing that is quite noticeable is the fact that between the Second Edition of Wigmore which, I think, is possibly 1924, and the present Third Edition of Wigmore, which was issued in 1940, it is quite noticeable that he modifies the wording of the rule and states, in the Second Edition, with reference to the rule, that it should be when it is impossible to produce the witness. [3053]

Mr. Goodwin: That is not the case.

Mrs. King: In the present edition he says "impossible to produce the witness because of absence."

That is clearly a slight modification of his conception of this rule.

Presiding Inspector: Is there any case arising between the publication dates of the Second and Third Editions?

Mrs. King: I didn't see any, but I have done so much work, and have done it so hastily, that I knew very little about it when I was through.

Presiding Inspector: It seems as though Wigmore explored his own conscience.

Mrs. King: That is correct. I don't think that Wigmore has done much on the cases.

Although I do think that the Federal case also is a case, the one I cited this morning, which is the American Agricultural Chemical Co. v. Hogan, 213 Fed., distinctly holds that a statement, and that statement was a prior statement, not a subsequent statement, could be introduced without laying a foundation. I should like to——

Presiding Inspector: We don't have to meet this case that you suggest because I undoubtedly have the right, as the Presiding Inspector, to open the cross examination and that you proceed with cross examination. Then this question wouldn't arise because you will have Mr. Cannalonga here and will be able [3054] to ask him this question, which Judge Goodwin has very correctly, in general terms, stated; that is, you call his attention to the time, place and the occasion of the claimed inconsistent statements and let him tell whether he said that. I suppose there can be no explanation. If he says he did, he can tell why. So you can imagine a

hundred reasons why he may say "Yes." He may say, "I was drowning at the time."

Mrs. King: Correct.

Presiding Inspector: He may say, "It is possible," or something of that kind, "but I was all gowd up"—if that is the correct term, but I am not sure about the slang.

Mr. Grossman: "Gowd up"—that is correct.

Presiding Inspector: He may say, "Yes, I said that and it is true," and he may say, "Yes, I said that but they were threatening me and I wanted to get on my ship and go away."

Mrs. King: I am saying there is no reason to strike this at this time from the record.

Presiding Inspector: I am not going to strike it. I am going to let it stand until we hear from him. But I am not going to let you examine him on the basis of it being here in evidence.

Mrs. King: No. We will proceed from the original statement.

Presiding Inspector: In examining him you can only proceed from the original statement, and not from it as having been sworn to in this case, because it has not as yet been admitted [3055] for that purpose.

Mrs. King: We understand that and we will follow your Honor's suggestion in that connection.

Presiding Inspector: I will hold this motion until after we have heard Mr. Cannalonga.

Mr. Goodwin: Your Honor, do I——

Presiding Inspector: There will be no hardship on you. Assuming that Mr. Cannalonga will come

here and, we will say, he denies making this statement in Mr. Lord's office, that he will deny it, then they would have to call, if it is admissible at all, and they would undoubtedly try to put it in, they would call Mr. Shoemaker back again to testify to what he already said on the stand. Then——

Mr. Goodwin: (Interposing) My point is that it has no place in the record.

Presiding Inspector: Whether it is going in the record or not, I am not going to determine at this time. We are going to proceed in a rather informal way. We have got into a strange situation. We had a man coming down here from out of the State who is an official of the courts of Oregon. I thought it was undesirable to make him come down again, and for the purpose of simply avoiding his coming down again, I allowed the statement to be taken preliminarily. I am not saying that I won't strike it, and I am not saying that I will strike it. We will let the matter rest just as it is, [3056] in fairness to both sides, prohibiting counsel from referring to it as evidence in this case, until after we have heard Mr. Cannalonga.

Mr. Goodwin: Mr. Cannalonga should come in here without the testimony——

Presiding Inspector: He does, to all intents and purposes, and that is the way I treat it.

Mr. Goodwin: Your Honor will explain that to him? No one else can.

Presiding Inspector: Yes; I will explain it.

Mr. Goodwin: That there is no evidence in this

case, in this record, as to what he stated at that time?

Presiding Inspector: Yes; I will explain it.

Mr. Goodwin: Explain to him that there is nothing in evidence here, in regard to it.

Presiding Inspector: I will explain that to him to the dissatisfaction of both sides.

Mr. Goodwin: I think it is a matter of compromise. You might explain it to him to the dissatisfaction of the other side.

Mr. Del Guercio: If the Court please——.

Presiding Inspector: It is going to be perfectly fair on the record—whatever Mr. Cannalonga says. If Mr. Cannalonga is not worthy of belief why you wouldn't want it to be proved. If he is worthy of belief you would want his testimony [3057] to be accepted.

Mr. Del Guercio: Absolutely.

Presiding Inspector: It isn't—even though everything that was testified to by Mr. Shoemaker, I mean tentatively testified, were true, even that wouldn't establish conclusively that he is not worthy of belief. That still remains a question for the trier of the facts.

Mr. Del Guercio: That is correct.

Presiding Inspector: I am speaking out loud so Judge Goodwin can hear.

Mr. Del Guercio: I might add further that we are also conducting an investigation to determine whether there were any illegal circumstances surrounding the taking of this statement on Sunday, the administering of the oath, and so forth.

Presiding Inspector: Yes.

Mr. Del Guercio: There is one other matter. The Court said that Mr. Shoemaker, the court reporter who appeared here to testify, would not be compelled to return. That does not preclude us from calling him?

Presiding Inspector: Certainly not. There is no misunderstanding there—of course not.

Mrs. King: There is a matter that I want to bring up at this time. The other day when I referred to the opinion of Wyzanski I didn't have available a copy of that opinion.

I am now submitting to the reporter a copy of the opinion. [3058]

I think there has been no number left for it but I assume some physical adjustment can be made for that. It was offered for identification immediately after the report of Dean Landis.

Presiding Inspector: It may be marked for identification only.

Mrs. King: Yes.

Presiding Inspector: So that any reviewing tribunal may know what we were talking about.

(The document referred to was marked for identification as Alien's Exhibit No. 15.)

ALIEN'S EXHIBIT No. 15 FOR IDENTIFICATION

January 3, 1934

To the Commissioner of Immigration and Naturalization

Dear Sir:

You have asked my opinion whether the Secretary of Labor, acting under the authority of the Act of October 16, 1918, 40 Stat. 1012. as amended by the Act of June 5, 1920, 41 Stat. 1008, 8 U.S.C. Sec. 137, ought to deport Frank Borich, an alien, on the ground that he is a member of the National Miners Union.

In my opinion the Secretary of Labor ought not to deport the alien on the ground stated.

The voluminous file of the Department of Labor clearly shows, and the alien himself admits, that since 1928 he has been connected with the National Miners Union, first as organizer and later as National Secretary. The National Miners Union's original or 1928 constitution shows that it is primarily a militant left wing labor organization interested in a six-hour working day, minimum wages, social insurance, and national labor agreemtns achieved through strikes and an alliance of coal miners, railraod and transportation workers. The greater part of the constitution is devoted to provisions relating solely to the organization, administrative functioning and financing of the union.

However, in Article I of the original constitution, it is stated that the union shall "affiliate itself with the class-conscious labor movement of the world, and declare adherence to the program, principles and statutes of the Red International of Labor Unions." This Red International of Labor Unions, to which reference is made, is a "revolutionary world union of workers," operates in the United States through the Trade Union Unity League, i.e. the TUUL, and advocates "a united struggle against international capitalism" rather than the "nationalistic and patriotic stand of the reformist trade unions." There is in the record no evidence, other than this declaration, that the National Miners Union has ever been closely connected with the Red International, and Borich claims that this declaration was omitted from and repudiated by the present constitution of the National Miners Union, supposed to have been adopted on March 20, 1932.

Moreover, the actual history (as distinguished from the platform) of the National Miners Union does not reveal that the organization has ever indulged in any physical or verbal attack upon the American political structure, although it, like more conservative bodies, may have severely criticized individual governmental officials and, like other labor unions, may have violated particular governmental orders. Throughout its life the union has been an industrial force rather than a political one.

Its conflicts with the United Mine Workers of America and with operators of coal mines have been its chief preoccupation. It may have had individual Communists for leaders. It may have accepted the thesis of the class struggle. It may through cooperation with the Trade Union Unity League have tried to promote labor organization on a vertical and industrial basis (an end which can hardly be criticized by officials of this Administration and supporters of General Johnson). But there is no evidence that as an organization the National Miners Union has ever executed or advocated policies aimed at the overthrow of the government of the United States.

Under these circumstances I am of opinion that the National Miners Union is not itself an "organization * * * that * * * teaches the overthrow by force or violence of the government of the United States," and is not so closely related to any revolutionary organization advocating such a doctrine that mere membership in the Union should be treated as affiliation with the revolutionary organization.

I do not mean to say that the case is so clear that a reasonable man could not reach a different result from mine. The evidence about the nature of the Union is conflicting and susceptible of different interpretations. If a Secretary of Labor decided that this National Miners Union and like vertical unions, by emphasizing class struggle and

similar doctrines, showed that they were inherent parts of a Communist scheme to overthrow the government of the United States by force or violence, and if a Secretary of Labor issued warrants ordering the deportion of the members of all such unions, the courts would not release the aliens on writs of habeas corpus. United States ex rel. Borich v Marshall, unreported (C.C.A. 3, October 19, 1933); Kjar v Bzak, 61 F. (2d) 566 (C.C.A. 7, 1932); Wolck v Weedin, 58 F. (2d) 928 (C.C.A. 9, 1932); Berkman v. Tillinghast, 58 F. (2d) 621 (C.C.A. 1, 1933).

But the function of the courts under our deportation system should not be forgotten. The courts do not and cannot hear appeals from the Secretary of Labor. A judge can set aside a deportation order only when the Secretary has committed an "error so flagrant as to convince a court of the essential unfairness of the trial." United States ex rel. Vajtauer v Commissioner of Immigration, 273 U.S. 103, 166 (1927); of. Lloyd Sabaudo Societa v Elting, 287 U.S. 329, 335-336, 338 (1932). In other words there never can be a court decision (though there may be dicta), holding that the Department of Labor was incontrovertably right in ordering a deportation. A judge in quashing a writ of habeas corpus merely decides that the Secretary had some evidence justifying deportation; he may feel that the Secretary would have been at least equally justified in making a decision not to

deport, but in his official capacity the judge has no right to say so.

There is an important reason for emphasizing at this point the limited role of the courts. One Secretary of Labor may have a strong dread of political revolution accomplished through industrial organizations. Or one decade may find the American people alarmed at the supposed menace. These fears may lead to the issuance of warrants for the deportation of members of such industrial organizations. And since there will be some evidence to sustain the Secretary of Labor, our courts cannot set aside the warrants. But succeeding Secretaries of Labor and later decades may view the danger as less real and may interpret the facts differently or weight the evidence with altered results. It is of cardinal importance that in such close cases the Secretary of Labor should recognize that he is free to decide either way; no court decision even on the very case that he is considering can properly be cited to restrain his choice; if he selects deportation he should realize that is because it is his administrative pleasure to perpetrate the policies of his predecessor and not because it is his duty under court decisions.

The instant case seems to me to be one in which the Secretary of Labor, while he would be, and indeed has been, sustained by the courts in ordering deportation ought not to have gone so far. The National Miners Union is one of a group of left

wing labor organizations. Membership in each such union is avowedly solicited only from those working in a particular industry. Activities are directed almost exclusively in economic channels. Antagonism, if any, is promoted, is toward the older and more conservative unions, not toward democratic government. For the United States to deport a man merely for membership in such a union is to deport a man for seeking to overthrow conservative union domination, not for seeking to overthrow the government of the United States.

At this particular time, when the government is giving to workers "the right to organize and bargain collectively through representatives of their own choosing" regardless of the radical character of the representatives (National Industrial Recovery Act, 7(a); 48 Stat. 195, 198), when it is encouraging left wing labor leaders to present their radical views before deputy administrators charged with the formulation of codes of fair competition, it is only consistent for the Department of Labor to leave unmolested members of a left wing labor union unless the union is a mere subterfuge for political sedition or unless the individual member himself teaches the overthrow of the government of the United States by force or violence.

Upon the record as it now stands, neither the Board of Review nor I feel justified in finding that Borich himself advocates such overthrow, or that he belongs to any purely political movement that has that goal. (The evidence on this point

shows nothing more than that some articles bearing a name resembling Borich's were reprinted in radical papers like the Daily Worker.) In the absence of such a finding and with merely membership in the National Miners Union proved, I do not believe Borich should be deported. To such an extreme we ought to proceed reluctantly and only after clear and convincing proof that the political institutions of our country are actually menaced.

I may further add that in my opinion the principle that I have stated seems to me to apply to membership not only in the National Miners Union but in all left wing labor unions that are not mere shields for political revolution such as the Marine Workers Industrial Union, Metal Workers Industrial League, Tampa Tobacco Workers Industrial Union, the National Textile Workers, International Labor Defense, and the Trade Union Unity League.

/a/ Charles E. Wyzanski, Jr.
CHARLES E. WYZANSKI, JR.
Solicitor

In view of the opinion of the Solicitor of Labor, and in view of definite assurances that the Trade Union Unity Leage has severed any affiliation it may have had with the International Labor Union, I hereby direct that hereafter no warrant for the deportation of any alien shall be issued or executed if the sole ground for the warrant is his membership in any of the following organizations: National

Miners Union, Marine Workers Industrial Union, Metal Workers Industrial League, Tampa Tobacco Workers Industrial Union, the National Textile Workers, International Labor Defense, and the Trade Union Unity League. This order shall not be construed to prevent the issuance or execution of warrants for the deportation of aliens who themselves advocate the overthrow by force or violence of the government of the United States or who are members of political organizations that advocate a similar goal.

(signed) Daniel W. MacCormack
DANIEL W. MacCORMACK
Commissioner of Immigration and Naturalization

CEW:F

(signed) Turner W. Battle
TURNER W. BATTLE
Assistant to the Secretary of Labor

Mr. Grossman: It was suggested by you that we might utilize such time as we have this afternoon—might be considered such a time—to read into the record those portions of the testimony of Mr. Bridges as we might feel, and you would agree, were relevent, considering the portions that were read in by the Government.

Though we are not prepared to read in any par-

ticular portions of the transcript, we have a general argument to make which we think, if we are correct, covers the question very thoroughly.

We have made a more or less superficial analysis of the testimony of Mr. Bridges in the last hearing for the purpose of determining what our position will be on the admissibility of other portions. We cannot see how, in fairness to Mr. Bridges, or as a legal matter, it is possible to admit those portions [3059] that were read by the Government without also admitting in evidence in this proceeding the entire testimony of Mr. Bridges.

There is no sense in my calling your Honor's attention to the general principle that applies to documents and things, that you must read the whole thing as it was intended to be given as a whole.

I think your Honor can also well recognize that you cannot detach portions of a man's thinking and of a man's ideas, and of a man's judgments, and of a man's actions from other portions.

Quite obviously it is impossible to understand, or to correctly judge the position of Mr. Bridges on the Marine Workers Industrial Union without considering and judging his position on unions generally.

It is impossible, as your Honor will note if he looks specifically at the problem of the Marine Workers Industrial Union, it is impossible to judge Mr. Bridges' so-called admissions on that question without also considering his attitude and his con-

duct, as indicated in his testimony, towards the strike situation around which the evidence developed, that is, the 1934 strike, because his testimony will show that this was integrally tied up with the strike situation and the organization of labor around the period of the 1934 strike.

Likewise, the statements of Mr. Bridges with respect to the IWW, the statements of Mr. Bridges with respect to any [3060] political organization that may have been referred to in the admissions, or with respect to any trade unions that may be referred to in the admissions, can't be properly or fully or adequately, or fairly judged, except with relation to Mr. Bridges' whole idea on all these general questions. Now, true, we could go through line by line and paragraph by paragraph the testimony of Mr. Bridges in the last hearing. If we did that there is no doubt in my mind that we could find perhaps one-tenth of the pages, perhaps some sentences here and there, which, even under our theory, would not be needed in evidence to correctly portray his views. I will admit that. But I say that portion is so small, and the labor involved would be so great, the time that would be involved in arguing here as to each sentence, or each paragraph, would be so great, considering the end to be gained, that we shouldn't become involved in that.

All I can say is that we considered the major part of his testimony on his beliefs with respect to these general questions of trade unions, and po-

litical parties, and political views, and his personal views, would have to be admitted and, as a matter of law, would have to be admitted along with the alleged admissions that have been admitted.

I am not saying that we would desire to, would actually have to, although I think we have the legal right, to read it all in evidence. We might wish to read portions. Frankly, [3061] those portions won't take long to read. But I think we are now discussing only the right to introduce it in evidence, not the right to read it. I think we should decide at this time, therefore, whether we may be permitted to introduce into this hearing the entire testimony of Mr. Bridges at the last hearing and on the grounds, as I stated, to recapitulate: That as a legal matter it is impossible to introduce part of the questions and answers of Mr. Bridges without the balance; and as a practical matter, and a logical matter, we can establish, obviously, connections between the general views of Mr. Bridges and the views on trade unions generally, and the alleged admissions, or portions that constitute alleged admissions, according to the Government's theory.

Presiding Inspector: How long is the testimony of Mr. Bridges?

Mrs. King: Three days of testimony was taken. It is almost 600 pages—between 500 and 600 pages.

Presiding Inspector: How many pages did the Government introduce?

Mr. Del Guercio: We didn't introduce it by pages.

Presiding Inspector: I know; you read it, but how much would it cover?

Mr. Del Guercio: I think the reporter could give an estimate of that better than I could. About 15 pages at the most. [3062]

The Reporter: I would estimate between 50 and 60 pages.

Presiding Inspector: The reporter says between 50 and 60 pages as an estimate.

Mr. Del Guercio: There is another matter——

Presiding Inspector: This is very difficult for me to rule on. I am asked to rule on something without ever having read it.

Mr. Grossman: I agree, and I think your decision would be more accurate and fair if you read it first. We are perfectly willing to withdraw any request for a decision at this time until you have read it, because I think your reading of it will indicate to you the necessity of introducing at least large portions of the testimony in order to adequately and legally complete the evidence. We are willing —we don't have a copy here—to produce those volumes that deal with Mr. Bridges' testimony.

Presiding Inspector: I haven't a copy.

Mr. Del Guercio: I will make one available to you.

If that is the ground upon which the defense are seeking to introduce it—and we do not concede it is proper—it is answered in that they said they were going to call Mr. Bridges to the stand. He

will have an opportunity at that time to explain anything, and every statement that he made in the prior hearing.

Presiding Inspector: But they will have a legal right to [3063] introduce all explanatory matter

Mr. Del Guercio: We don't deny that.

Presiding Inspector: Or anything connected with the subjects covered by the matter which you introduced.

Mr. Del Guercio: We don't deny that.

Presiding Inspector: Their argument is that it is all an integral part, a single thing.

Mr. Del Guercio: We don't concede that. We had no difficulty in picking out that portion of it and I think we were fair in doing it. Of course, we may have missed some, we admit that, but we tried to be as fair as possible and got all of his testimony on the particular subjects that were chosen.

Now, it isn't integrated. They are distinctly separate. The IWW is distinct from any other organization.

Presiding Inspector: All there is about the IWW would be competent, probably.

Mr. Del Guercio: Correct. The Marine Workers Industrial Union, all of his testimony in connection with that has been cited. If we missed any we will stipulate that it may be entered in the record. That is a distinct subject. It isn't integrated

with anything else that Mr. Bridges might have testified to. It isn't inegrated with his testimony on trade unionism.

Evidence has been submitted as to what the Marine Workers Industrial Union is, and the purpose why it was introduced has been [3064] indicated.

Presiding Inspector: I think that is all very true. I am troubled with the practical way to proceed here. [3065]

Mr. Del Guercio: Well, as a practical matter then, inasmuch as they have indicated that Mr. Bridges is going to be called to the stand, he could then explain and make any explanation that he desires to make.

Presiding Inspector: I realize that, but I still think they have a right to introduce any other testimony given by Mr. Bridges in the former hearing which bears upon the same subject matter which you introduced.

Mr. Del Guercio: We don't deny that. We will give them that opportunity. But that isn't what they want. They want to introduce his entire testimony on other subjects.

Presiding Inspector: It deals with it because it has been said that it has been integrated as a whole.

Mr. Del Guercio: You will have to read the whole testimony, then. But I don't believe they make that seriously, if your Honor please.

Mr. Goodwin: We have offered this testimony as admissions by the other side.

Presiding Inspector: I know.

Mr. Goodwin: We tried to put in everything of a qualifying nature that he testified to. If there is anything more they should offer it specifically and not the hundreds, I don't know whether it is thousands, of pages that he devoted to other matters, because on those other matters we have a [3066] right to cross examine and it is not competent evidence on his part.

Presiding Inspector: There is no dispute between you.

Mr. Goodwin: Only so far as the specific things that he will offer, pointing out their connection, do have the connection with what we have already put in the record.

Presiding Inspector: But the assertion, Judge Goodwin, is—and, of course, I have never heard or seen this matter—that it all has to do with it. Now, it is a mere assertion.

Mr. Goodwin: It all has to do with it?

Presiding Inspector: That is what they assert.

Mr. Goodwin: All right.

Presiding Inspector: They say there is a negligible amount, which they estimate at not over one-tenth of the whole testimony,—60 pages at the most of 600—which perhaps could be separated and which they wouldn't care about. But they say that would be labor which would not be productive of any good.

Mr. Goodwin: We have a right to cross examine Mr. Bridges in regard to anything——

Presiding Inspector: (Interposing) Oh, certainly, when he is put on the stand.

Mr. Goodwin: Yes. And we have a right to cross

examine him about the things that are in this statement.

Presiding Inspector: They covered it in the original [3067] examination, undoubtedly, and perhaps you would be allowed to go farther.

Mr. Goodwin: I don't know how it is competent.

Presiding Inspector: Well, it isn't competent and they don't claim that it is competent save for one reason, and they say it is an integrated whole.

Mr. Goodwin: Yes. I think it encumbers the record, makes greater difficulties, does not in any way implement the progress of this case and it permits them to put in a lot of testimony that has no relevance to the questions of the mere 50 pages that we put in the testimony. I think that Mr. Del Guercio has already indicated that.

Presiding Inspector: I think I will have to read it.

Mr. Grossman: Yes, sir. We will furnish you such volumes as include all the testimony of Mr. Bridges.

Presiding Inspector: Mr. Del Guercio has a copy. He will furnish me with it.

Now, in your copy, Mr. Del Guercio, have you indicated in some way what you have introduced? Is it marked?

Mr. Del Guercio: Yes, I have. I have copies of it. I will make them available to you. We have typewritten the portions of the testimony with the page references on. We will make both the transcript of the prior hearing available to you on that matter. [3068]

Presiding Inspector: I suppose strictly it would be your duty to segregate the parts that you concede would not be admissible, but I would have to read it anyway.

Mr. Grossman: Your Honor, I haven't conceded quite that much. It seems to me under all the cases I say it is not relevant. It is probably admissible even though it is not relevant, because it seems to me that all the cases say when you take one sentence out of a book you have to take the whole book. I think under the law probably all of it is admissible, if not relevant. But I don't think that task is worth while of going through and weeding out those portions that are relevant. We are perfectly willing to do it, if you want to waste your time, their time and our time, because we will have to argue it also, because there will be differences of opinion, quite obviously. If we assume that we are going to judge the relevancy of each sentence and each paragraph—

Presiding Inspector: (Interposing) No, we are not going to do that.

Mr. Del Guercio: If that is his concern, then why not take the obvious way? Wait until Mr. Bridges gets on the stand and then question him on the matter.

Mr. Grossman: If that is true, why introduce it at all? Mr. Bridges might admit all these things that they admit were in the last hearing. Frankly, I don't know as a matter of [3069] law, before Mr. Bridges takes the stand, that they have a right to introduce these things which he might admit. We

didn't object to that because we didn't think it would make any difference.

Mr. Del Guercio: Why bring it up?

Presiding Inspector: Undoubtedly you have a right to complete by introducing the testimony on the same general subject and, of course, the Examiner would be liberal in viewing the question of whether it was on the same subject or not. A Court always is. And here are 600 pages taking up three days of testimony offered in evidence in a single sentence, practically. If I wanted to be technical I could exclude it on your own statement that there are parts that are irrelevant, but I don't want to be——

Mr. Grossman: (Interposing) No, not legally irrelevant.

Presiding Inspector: But I don't want to take any such view.

Mr. Grossman: Does that complete that question?

Presiding Inspector: I don't know. I don't know.

Mr. Grossman: I mean for the present.

Presiding Inspector: It doesn't seem to determine exactly what we had better do.

Mr. Grossman: I think we have agreed that you shall have the time to read the——

Presiding Inspector: (Interposing) I don't want to post- [3070] pone the trial. Three days' testimony will probably take me quite a time to read.

Mr. Grossman: I don't see any special hurry on

this. I only raise it at this time because we have this time to spare now. But it can be decided, I suppose, at any time before the end of this case or before Mr. Bridges testifies.

Presiding Inspector: Yes. I think it ought to be decided before Mr. Bridges testifies.

Mr. Del Guercio: Yes.

Mr. Grossman: So we know how we stand on it. If we are finished, your Honor,——

Presiding Inspector: (Interposing) I will do this task, with the assistance of my secretary, and we will get through it as soon as we reasonably can.

Mr. Grossman: Now, we have to state, as we did this morning, that by reason of the two rulings which deprived us of some witnesses which we had arranged for today, and though we did try we were unable as we thought we would be during the noon hour to line up any witnesses.

Presiding Inspector: Well, you have only got an hour and a quarter more. We have had a good deal of interruption today, unavoidably. I think we will recess until tomorrow morning.

Mr. Del Guercio: Before you recess, if the Court please, I would like to get along as fast as I can. The Government is [3071] anxious to, you are anxious to and I suppose they should be anxious too.

Presiding Inspector: I think we are all anxious to get along.

Mr. Del Guercio: I think they ought to be told and admonished to get their witnesses together so we don't have any continuances.

Presiding Inspector: I don't know whether you

were here. I have an impression that you stepped out at the particular moment I said something along that line to Mr. Gladstein. No, it was at the close when we adjourned over the three days.

Mr. Del Guercio: You admonished Mr. Gladstein to make every——

Presiding Inspector: (Interposing) You can call it "admonished" if you want to.

Mr. Del Guercio: I just used that word.

Presiding Inspector: I told them that I thought every effort should be made to continue this case and to use all the time that we have from ten o'clock in the morning to four o'clock, or slightly after, in the afternoon in the introduction of testimony. And I repeat that, Mr. Grossman. Proceed with that in view. We all do want to progress this case and I think you want to progress it with the rest of us.

[3072]

Mr. Grossman: May I make a suggestion?

Presiding Inspector: I want to give you the full opportunity to do what you deem is necessary evidence to protect your client's rights.

Mr. Grossman: May I make a suggestion which may prevent this occurring again? The question of whether or not we would be permitted to put on Mr. Craycraft and the reporter was a legal question and which it must be recognized there is certainly a difference of authority as to whether such a rule as has been invoked would be or would not. Obviously the only way we could get a ruling on that is to produce the evidence and be prepared for the cross ex-

amination, which we expected would be allowed, or the direct and the cross.

On the character witnesses, frankly, though we wish to continue discussing the legal questions with your Honor and prepare a memo, there are obviously unsettled questions on that. And the fact that Dean Landis permitted it in the last hearing is one indication that the question is to some extent unsettled.

Now, obviously we had to prepare our character witnesses far in advance and we obviously had to line up several. We think of at least one major legal question which may result in our not being permitted to question witnesses that we will have lined up and produce which, if we had the answer in advance, [3073] we might avoid.

I am not raising this specific legal question, but I am wondering whether it is possible for us to have a discussion and get something of the nature of an advisory opinion as to a particular type of evidence. It is another question that is on the border line, at least for proceedings like this, and we have to know in advance because it takes time to line up witnesses. And if we aren't allowed to produce them we may also have to ask for an adjournment because our witnesses who are prepared are not permitted to testify.

Now, would you be willing to have such a discussion in advance if we can formulate the legal question as accurately as putting on a witness would (and we can do that) in advance of our presenting such witnesses? I recognize——

Presiding Inspector: (Interposing) I don't know what the question is.

Mr. Del Guercio: This is really unusual.

Presiding Inspector: Yes, it is unusual.

Mr. Grossman: I am only saying it because it takes time. We don't like to produce witnesses who have important things to do, who must neglect their work or lose some money at great expense sometimes. We don't like to have them lined up and produce them here and to find that the type of testimony which we consider relevant and valuable to this hearing is not per- [3074] mitted, and then not only have the expense and the time wasted but also not have any other witnesses to go ahead.

That is why I suggest this.

Presiding Inspector: I don't want to ask what the subject was, you understand, but was it a subject which was canvassed at the time that Dean Landis had the prior hearing?

Mr. Grossman: No.

Presiding Inspector: I don't know how to answer your question, frankly.

Mr. Grossman: Would you have any objection to discussing it? The question may be such that if you feel we can't get anywhere in advance of the production of witnesses——

Presiding Inspector: Could I make a suggestion?

Mr. Grossman: Yes.

Presiding Inspector: Could you produce one witness and ask the questions?

Mr. Grossman: We can do that.

Presiding Inspector: Wouldn't that be the best way? Then we would have a ruling on the type of questions.

Mr. Del Guercio: That would be the legal and proper way. Of course, there is this question here, you see,——

Presiding Inspector: (Interposing) We are talking about something which you and I don't know anything about.

Mr. Grossman: We will try it that way. That would delay the test, but I suppose we can do it properly in that way. [3075]

Presiding Inspector: I think perhaps that would be the most satisfactory way.

Then we will recess until tomorrow morning at ten o'clock.

(Whereupon, at 2:50 P. M. an adjournment was taken until Thursday, May 8, 1941, at 10:00 A. M.) [3076]

Court Room 276,
Federal Building
San Francisco, California,
May 8, 1941.

Met, pursuant to adjournment, at 10:00 A. M. [3077]

PROCEEDINGS

Presiding Inspector: Mr. Grossman, referring to your offer of all the balance of Mr. Bridges testimony, of course, I have not yet seen the record, but in going over Dean Landis' opinion it appears that

there was testimony in relation to two or three meetings, at least, which have not come within this case at all. It seems to me that they can clearly be segregated.

Mr. Grossman: We agree to that.

Presiding Inspector: I will have to ask you to make a little more definite offer separating such matters as that, at least.

Mr. Grossman: We will separate all references to particular testimony——

Presiding Inspector: Particular instances.

Mr. Grossman: ——instances of meetings.

Presiding Inspector: Yes; that have not been brought into this case.

Mr. Grossman: Yes.

Presiding Inspector: Then I won't look at the testimony until you have done that. Then I will consider the offer as presented in that way.

Call your next witness.

Mr. Grossman: One moment, your Honor.

Mr. Gladstein: If your Honor please, on the question of [3078] Mr. Cannalonga, and the question of the testimony of Mr. Crayeraft, which we had intended to produce yesterday morning, we are now informed by Mr. Wixom's office that an effort was made by the Portland office of the Immigration Department to serve a subpoena on Mr. Cannalonga at 10:30 A. M. yesterday. That is the information that we have received.

I am also informed by Mrs. King that Mr. Wixom stated that he had phoned to Portland authorizing and directing the immediate service of such a sub-

poena by or prior to 9:00 A. M. yesterday—well, early in the morning.

Presiding Inspector: It couldn't have been then.

Mr. Gladstein: Rather, prior to 10:00 A. M.

Mrs. King: At the time I was in the office the call came in from Mr. Wixon. That was prior to the opening of court yesterday.

Presiding Inspector: That is pretty prompt.

Mr. Gladstein: Now, we consider, of course, the testimony on this subject as very, very important. We have a problem which we cannot solve without some determination by the Court. As I said earlier, we have Mr. Crayeraft in San Francisco ready to testify. I don't know just exactly what can be done.

I may say this in addition:——

Presiding Inspector: I think Mr. Cannalonga will be found. [3079]

Mr. Gladstein: We have been informed, your Honor, that from the time——

Presiding Inspector: (Interposing) Of course, I have no knowledge of that.

Mr. Gladstein: Yes. We have been informed from Portland by members of the longshore gang that were working near the dock where Mr. Cannalonga was working on the ship that from the time that his name came up the day before yesterday, by virtue of the testimony of Mr. Shoemaker, very shortly after that two men who are believed by the longshoremen to have been agents of the FBI took their station at that dock and remained constantly keeping that ship under surveillance.

Now, that is our information.

Mr. Del Guercio: Now, if your Honor please, in view of that statement of counsel I have this statement to make.

Mr. Gladstein: I haven't yet finished, your Honor.

Mr. Del Guercio: That we have——

Mr. Gladstein: I haven't yet finished, your Honor.

Mr. Del Guercio: May I proceed?

Presiding Inspector: Let him finish. Then I will let you make your statement. This is only in relation to getting this witness, that is all.

Mr. Del Guercio: Yes. We have some statement to make in that connection. [3080]

Presiding Inspector: Go ahead.

Mr. Gladstein: We are very anxious to have his testimony, and if his testimony is not obtainable then of course, we desire to put on the testimony of Mr. Craycraft and to finish the testimony that Mr. Shoemaker would have given. But of course, that already is, technically at least, admitted into the record.

Presiding Inspector: Yes.

Mr. Gladstein: And your Honor can make a ruling fully admitting it, I suppose. I don't know exactly what that is.

Presiding Inspector: I don't think he has quite finished, Mr. Del Guercio.

Mr. Gladstein: Now, in addition to the information that I have already indicated that we have, we have been advised by telephone from Portland that

Mr. Cannalonga was on the ship between 10:30 and 11:00 o'clock yesterday morning and that he talked with various people; that he was working in his room—or was in his room and that he was working on that ship. At least one longshoreman talked with him at 10:30 A. M.

We are also informed—this is being further checked—that a member of the crew talked with Mr. Cannalonga at 11:00 o'clock in the morning and that he was on the ship, and that Cannalonga's disappearance occurred after 11:00 o'clock in the morning and before 12:30 noon; sometime during that hour and [3081] a half. We are attempting further to check as to whether any of the longshoremen or other workers around there saw Mr. Cannalonga or talked with him after 11:00 o'clock yesterday morning.

We are also informed that the FBI agents, or the people whom the longshoremen and other workers there took to be FBI agents and who had began to keep the ship under surveillance right after, shortly after Mr. Shoemaker took the stand, also left and have not been seen since this period sometime between 11:00 A. M. and 12:30 noon.

Presiding Inspector: What time was it yesterday that we received word that he had left?

Mr. Gladstein: What is that, your Honor?

Presiding Inspector: What time yesterday was it that we received word that he was reported to have left the ship at 8:00 o'clock.

Mr. Gladstein: Sometime in the afternoon, as I understand it; and the first report, as I understand

it,—I wasn't here in court at the time, your Honor, —was——.

Presiding Inspector: (Interposing) I can't remember what time it was.

Mr. Gladstein: Well, it must have been around 2:00 or 3:00 o'clock, I think. And the first report, as I understand it, that came to your Honor was that Mr. Cannalonga had disappeared between 8:00 and 9:00 in the morning. [3082]

Presiding Inspector: 8:00 o'clock, yes.

Mr. Gladstein: Well now, as I say, our information is that Cannalonga was working on that ship at 10:30 and at 11:00 and perhaps after that. We are trying to check further with the men who worked with him.

Presiding Inspector: Of course, he may have been working there and yet it may have been reported that he had left. These fellow workmen of his, of course, I can imagine, numerous things. They may have concealed him on the ship. We don't know anything about that. It is all supposition. It doesn't make any difference anyway. I know the Department is making every effort—I "believe" it. I don't "know" it—to find Mr. Cannalonga.

Now, I will hear Mr. Del Guercio.

Mr. Del Guercio: May I proceed, your Honor?

Presiding Inspector: Yes.

Mr. Del Guercio: If your Honor please, this is a very funny effort on the part of counsel to besmirch the FBI.

Presiding Inspector: I don't so take it.

Mr. Del Guercio: What I am about to say now is not supposition but facts. Counsel knows that Craycraft and Lowry and Cannalonga were drinking liquor with Cannalonga on that boat Monday night. Counsel knows that Cannalonga and Lowry, Jack Lowry, a member of the Communist Party, a known [3083] member of the Communist Party—was with Cannalonga on Tuesday night on that boat drinking liquor. Counsel says that the FBI men were watching that boat. He knows that is not true. Those officers that were watching the boat were Immigration men and for the purpose of serving the subpoena.

Mr. Gladstein: I didn't hear it.

Presiding Inspector: They were Immigration Officers.

Mr. Gladstein: Oh, Immigration Officers.

Mr. Del Guercio: For the purpose of serving a subpoena on Cannalonga that I had issued, and they were unable to locate him.

Now, it is apparent from the facts—and we are prepared to support every statement that I have made here to this Court in this connection—it is not supposition. It is apparent that it is counsel here that is deceiving this Court, concealing facts, distorting facts in a desperate effort——

Mr. Gladstein: (Interposing) That is a reprehensible and scurrilous lie! And I want the record to show that.

Mr. Grossman: Your Honor,——

Presiding Inspector: We will strike this statement out.

Mr. Del Guercio: If counsel makes another statement like that——

Presiding Inspector: (Interposing) We will have order in the court room!

Mr. Grossman: Your Honor, let—— [3084]

Presiding Inspector: (Interposing) Now, Mr. Gladstein, you know that you ought not to say things like that.

Mr. Gladstein: Your Honor, did you hear the charge that he made?

Presiding Inspector: He said you are trying to besmirch the FBI.

Mr. Gladstein: He said I was trying to distort the facts and deceive the Court. And I denied it, and I denied it in the language that occurred to me and I think it was appropriate.

Presiding Inspector: I don't think it is appropriate language. It doesn't help your case.

Mr. Gladstein: It isn't a question of helping our case.

Presiding Inspector: I am not interested in anything else here save only whether there will be evidence here—believable evidence—a greater weight of evidence that Mr. Bridges is subject to the charge which is made by the Government. That is all I am interested in here. These passes between counsel leave me very cold.

Now, of course, I can understand your resentment, but I think you ought to restrain yourself.

And I don't think you (addressing Mr. Del Guercio) ought to characterize either until evidence

is produced the intentions or conduct of your adversaries.

Now, let us go on with the case. [3085]

Mr. Grossman: There is something else—in so far as those remarks of counsel have not been stricken from the record—since, very frankly, there has been in the reporting of what happened yesterday, at least in some newspapers, the clear statement, not only implications, that the defense had done away with Mr. Cannalonga, or had prevented him from appearing, this statement must be made and that is——

Presiding Inspector: I am not interested in newspapers. I haven't read the article.

Mr. Grossman: Mr. Del Guercio's statement has not been stricken, and his statement was that there was something connected with Mr. Cannalonga's disappearance in the fact that Mr. Mowry and Mr. Crayeraft talked to Mr. Cannalonga.

Presiding Inspector: That isn't evidence in this case.

Mr. Grossman: Mr. Crayeraft and Mr. Mowry did talk to Mr. Cannalonga, and at the last time they talked to Mr. Cannalonga he was not going to dodge any subpoena. He was prepared to accept it. That is the reason that we made these statements we made.

Now, we are not denying the fact that we talked to him; we are not denying the fact that so far as we know he was willing to accept a subpoena at the last time he was talked to which was even later, as our information goes, than the time that the Im-

migration Service states he was not present on that ship. [3086]

Now, the reason I am making this statement is because Mr. Del Guercio's statement was not stricken from the record.

Presiding Inspector: We will let your statement stay or go with his; but we are interested in continuing this hearing.

Mr. Grossman: We would like to say this: We certainly have an interest, and a very serious interest, at this time in not only having the facts clear about Mr. Cannalonga, but having Mr. Cannalonga brought down here.

Frankly, although we are casting no aspersions, there are certain questions that concern us very much. Those questions are how it happened that Mr. Cannalonga was not present on that ship at the time the subpoena was served, and as to whether or not any efforts can be made by this Court, by the Immigration Service, to find Mr. Cannalonga. That is the reason I raise the question as to the last time he was seen on that ship.

Now——

Presiding Inspector: I don't see that it is material here at all.

Mr. Grossman: I am concerned, your Honor, with what efforts——

Presiding Inspector: I, as a subordinate officer of this service temporarily, have no means of controlling the issuance of this subpoena. I have made a request. Everything is left to the District Director. [3087]

Mr. Grossman: There are——

Presiding Inspector: As far as I am concerned, I am powerless.

Mr. Grossman: Your Honor——

Presiding Inspector: You understand that, of course.

Mr. Grossman: Your Honor, we have attempted to offer the testimony of Mr. Craycraft or, rather, Mr. Shoemaker, and your Honor has ruled that first Mr. Cannalonga must be obtained. It is on the theory, I assume, that so long as a subpoena can be issued he is theoretically available. If that be true then we definitely have an interest in whether an effort——

Presiding Inspector: You are going to have an opportunity to prove all these things. What is the use——

Mr. Grossman: (Interposing) May I finish my statement, please?

Presiding Inspector: Certainly you may.

Mr. Grossman: My statement is this: We have a direct interest in seeing that efforts, reasonable efforts, more than reasonable efforts, are at this time made to secure the attendance of Mr. Cannalonga. And one thing we ask your Honor to do is to see to it that those——

Mr. Goodwin: May I——

Presiding Inspector: Let him continue.

Mr. Grossman: (Continuing) ——is to see to it that efforts are continued to find Mr. Cannalonga. [3088]

We do know this: We know that Mr. Wixom asked the Portland Office to attempt to serve a subpoena on Mr. Cannalonga.

We know, from the report we got this morning, that they attempted to make this service at 10:30.

We do not know, and that is what we ask your Honor to see to it that it is done, we do not know that the Immigration and Naturalization Service is making any effort whatsoever to continue the search for Mr. Cannalonga. I think we have a right to expect that. We naturally cannot serve that subpoena. As has been made clear in conferences, we must expect the Immigration and Naturalization Service to do that. We would like your Honor to see to it, at least as far as you can which, I suppose, is by communicating with Mr. Wixom, that the Immigration and Naturalization Service use every effort to continue to try to serve that subpoena on Mr. Cannalonga. We have no right to assume it is being done because we don't know what their normal practice is when they have tried and failed.

The fact that the FBI may or may not be looking for Mr. Cannalonga, according to their statement, doesn't answer the question because, as I understand it, the Immigration and Naturalization Service is supposed to subpoena him.

The second thing—I know we have no right to expect it, but I think your Honor should be interested in it—we would like to have an answer as to whether the FBI at this time knows [3089] the whereabouts of Mr. Cannalonga, or whether

they have had him in custody since yesterday morning at any time.

Presiding Inspector: I asked Mr. Wixom's assistant, or associate—I have forgotten his name—of that fact, and he said the report was from the FBI that they had not, and, as I understood it, they hadn't been able to furnish any information which would help Mr. Wixom. That is as I understood it.

I will talk with him again if you wish.

Mr. Grossman: Don't you think, your Honor ——

Presiding Inspector: I think they should make every effort to locate him and I have no doubt but what they are.

Mr. Grossman: I think we are entitled to two things: One, as I stated, in substance to Mr. Wixom, through his office, to continue to search for Mr. Cannalonga and——

Presiding Inspector: Yes. I think that was implied, if not stated, in the conversation that I had with his associate.

Mr. Grossman: Second, don't you think—the answer may be "No"—we are entitled to know whether, at any time since yesterday morning, the FBI has had Mr. Cannalonga in custody?

We haven't had this question answered. I think we are entitled to an answer. It will clear up a lot of confusion if we have that answer.

Presiding Inspector: I didn't ask that directly of Mr. Wixom.

Mr. Grossman: Mr. Wixon is not the FBI; that is why I raise the question. [3090]

Mr. Del Guercio: I resent that implication, because I understand why counsel would have so little faith in the sworn officers of his Government—I assume it is his Government. There is a presumption of official regularity. There has been everywhere, except here in this proceeding, and by these officers here. We resent the implication and we repeat that it is——

Mr. Gladstein: (Interposing) If your Honor please, is that the answer to the question, Mr. Del Guercio, as to whether you are——

Mr. Del Guercio: (Interposing) Address the Court.

Mr. Gladstein: I am speaking through the Court. We are asking the question. We are all interested in having Mr. Cannalonga take that stand and tell the whole truth. We are asking a question but we are not making any implications of any kind; Does the FBI now know whether it has had in its custody at any time since yesterday morning, or whether it knows the present whereabouts of Mr. Cannalonga?

Can't a clear answer to that be given, "Yes" or "No"?

If the answer is "Yes," that they have had him in custody, or do know his whereabouts, then why all the business of the Immigration Service here and the FBI there?

We are looking for Mr. Cannalonga. Can't we have an answer to the question as to whether or

not the FBI has him in custody or knows where he is? [3091]

Presiding Inspector: I assume that Mr. Wixom has issued orders to subpoena him. He says so. You have talked with him as well as I. His associate told me, as I recall it, that he didn't get any information from the FBI office in Portland, I suppose it was, which was of any assistance to him in locating Mr. Cannalonga.

I didn't have a conversation with Mr. Wixom himself. I will have a conversation with him.

Mr. Goodwin: Your Honor, I want to say just one word and have it interjected here.

The sincerity of counsel for the Alien as to having Mr. Cannalonga produced here to testify, sincerity of this desire is not borne out by their conduct. They were in contact with him at least as early as Saturday. They made no disclosure of the fact that they were in contact with him, or had interviewed him, or knew where he was until Tuesday morning. Had they desired to have him produced here to give testimony before you they would have at least notified you before Tuesday morning.

That is all I want to say.

Mr. Gladstein: In view of the last remarks of Judge Goodwin I do not think the record should stand as it is without some reply, because there are implications.

The sincerity of our desire to have Mr. Cannalonga here has been raised, put in question, by Judge Goodwin's remarks.

When I talked to Mr. Cannalonga, and when he spoke to Mr. [3092] Crayeraft in my presence, I asked him to come down and testify and tell the whole truth. He told me then—I am saying this in response to the remark made by Judge Goodwin and I realize this is not evidence, but I am saying it as an officer of the Court in response to an accusation—he told me then he was in terror of the FBI. He was afraid of being railroaded——

Mr. Goodwin: (Interposing) He isn't half as much in the fear of the FBI as he is of your people, and you know that very well.

Mr. Gladstein: Are you addressing those remarks to me?

Mr. Goodwin: Yes.

Mr. Gladstein: I will answer it—that is untrue and you know it.

Presiding Inspector: Let's have order here. Go ahead.

Mr. Gladstein: Mr. Cannalonga had facing him a threat of twenty years imprisonment in the Federal penitentiary on a charge of violating the Mann Act. He told us, told Mr. Crayeraft, and I will state as an officer of the Court, if Mr. Crayeraft is permitted to testify, he will so testify, because it was in my presence that I heard these remarks, that he said that he told the FBI officers that he knew nothing about, or against Harry Bridges, and the way they obtained those statements from him was that they began to tell him about a certain girl that he had met in Reno about a year ago, and they told him all the facts concerning that; and he

told us that they had him cold, [3093] and they threatened him with prosecution under the Mann Act unless he signed a prepared statement for them.

He made these statements and there is a witness who will so testify.

That is on the question of the sincerity of our efforts.

We asked him to come down and tell the truth.

Is it any wonder that a man facing that kind of a situation would demur at coming down and testifying? Is there any wonder at that?

Therefore, all we could do was attempt to obtain a statement before a Notary Public, and it went as far as it did, and then Cannalonga left the office where the deposition was being taken. And then when we attempted to produce our proof your Honor made a ruling and, in accordance with that ruling, it became necessary for us to ask for a subpoena.

[3094]

Presiding Inspector: I don't think that any part of this discussion is in order. Any part. We haven't yet failed to get Mr. Cannalonga. This hearing is still in session. These statements, these accusations, these charges one way and the other are entirely immaterial in this case, and I think it would be better if they weren't made.

Mr. Del Guercio: Out of respect for the Court I will not brand counsel's statements for what I really think they are.

Presiding Inspector: I wouldn't go any further.

Call your next witness. I will speak to Mr. Wixon.

Mr. Grossman: Just a moment, your Honor. He is down the hall.

Presiding Inspector: We will take a short recess and I will call Mr. Wixom.

(Whereupon a short recess was taken.)

Presiding Inspector: We have had a lot of talk here. Of course, what has been said by counsel on either side is not evidence and it is only interesting in respect to obtaining witnesses to advance this hearing. No conclusion pertinent to this proceeding can be drawn from a statement, accusations or words of any kind coming from counsel because they are not under oath and they say a great many things which are not pertinent to this hearing. This hearing is going to continue the taking of evidence, and the advice which the Presiding Examiner may give to the proper officials in Washington [3095] will be based upon the evidence.

I am sorry that passions rise, but we are all human beings. It is hard to conduct a case where persons are vitally interested without sometimes exceeding the bounds of what would be Court propriety. I say this to both sides.

Now, so far as the subpoena is concerned, at your request—I think it was your request, Mr. Gladstein and Mr. Grossman—I telephoned Mr. Wixom's office, Mr. Wixom being the District Director, and could not reach Mr. Wixom. I then talked with his assistant. He said that his information had been received from Norcross—is that his name?

Mr. Gladstein: Norene, I think it is.

Presiding Inspector: (Continuing) ——Norene, the head of the Immigration and Naturalization Department in Portland; that he had a telegram or a message—I think it was first a telegram and then a message, telephone, I suppose—that the FBI did not know of the whereabouts of Mr. Cannalonga.

I asked Mr. Walsh to communicate with Mr. Norene, to redouble his efforts to find Mr. Cannalonga and to communicate with the Seattle office; that Mr. Norene should communicate with the Seattle office. And he advised me that he would do so and that he would instruct or ask the other offices, that is, the office in Portland, to redouble their efforts to find and serve the subpoena upon Mr. Cannalonga. Now, that is what you asked me to do and I have done it as far as I under- [3096] stood, and if there is anything else you wish to request me to do——

Mr. Grossman: (Interposing) That is all, your Honor.

Presiding Inspector: (Continuing) ——within due limits, I will do that.

Mr. Grossman: Thank you.

Presiding Inspector: You were there when part of the conversation took place, and I don't know whether you were there, Mr. Del Guercio, when this conversation took place.

Mr. Del Guercio: Sir?

Presiding Inspector: You were there when I was talking to Mr. Walsh?

Mr. Del Guercio: Yes, your Honor.

Presiding Inspector: I have tried to tell what Mr. Walsh told me.

Mr. Del Guercio: That is right.

Presiding Inspector: Just as simply as I could. Now, you may go on. [3097]

Mr. Del Guercio: If the Court please, there is one more request I would like to make—a request. Inasmuch as the record shows an accusation has been made to the effect that the FBI is hiding this man out we would like the record to show that we deny that.

Presiding Inspector: That is not evidence and it will be considered by the Inspector as coming from the mouth of counsel.

Mr. Del Guercio: We want the record to show that the FBI has said that they never have had custody of this man, and have never seen the man since.

Presiding Inspector: You may make that statement now.

Mr. Del Guercio: I make that statement now.

Presiding Inspector: Very well.

That also is not proof, but it is in reply to a question which they asked you to answer. It is very proper for you to answer it. It isn't evidence any more than the accusation.

Mr. Del Guercio: Neither the FBI men, or any officer of the United States, as far as I know.

Presiding Inspector: Very well.

Mr. Grossman: Are you ready to go ahead?

Presiding Inspector: Yes.

Mr. Grossman: Take the stand, Mr. Imper.

Presiding Inspector: Raise your right hand.

[3098]

THOMAS IMPER

called as a witness on behalf of the Alien, having been first duly sworn, testified as follows:

Presiding Inspector: Give your name to the reporter.

The Witness: Thomas Imper—I-m-p-e-r.

Direct Examination

By Mr. Grossman:

Q. Speak louder, Mr. Imper; so all counsel can hear you. A. Yes.

Q. What is your address?

A. 514 Northeast Morris, Portland, Oregon.

Mr. Del Guercio: I didn't get the address.

The Witness: 514 Northeast Morris, Portland, Oregon.

By Mr. Grossman:

Q. Where are you employed at the present time, Mr. Imper?

A. Oregon State Department of Geology and Mineral Industries.

Q. Is that a temporary or a permanent job?

A. Temporary.

Q. Prior to this job where were you employed?

A. I was employed by the Historical Records Survey Project of the Works Progress Administration in the Elks Temple at Portland.

(Testimony of Thomas Imper.)

Q. For how long a period were you employed by that [3099] Project?

A. Two and one-half years.

Q. At the time you left the Project what position did you hold with it?

A. I was Department Supervisor.

Q. Of which department?

A. Of the Manuscript, Imprints and Photographs.

Q. Do you know a man named Robert Wilmot?

A. Yes.

Q. About how long have you known him?

A. Since I first was employed on the Historical Records Survey—it would be a little over two and one-half years.

Q. Was he employed on that survey at the time you first became employed on it?

A. He was employed by the Writers' Project, which was combined, had the same supervisor and director; the same officers at the time.

Q. How did you happen to meet Mr. Wilmot?

A. The officers of the two projects being closely together, I naturally met him that way; and also through the Federal Cultural and Professional Workers Union, which he belonged to and which I joined.

Q. What time did you belong to this union when he also belonged?

A. Approximately a year; from October 1938 to approxi- [3100] mately the same month in 1939, when the union was stopped, ended.

(Testimony of Thomas Imper.)

Q. Can you estimate about how often you saw him in connection with your joint membership in that union? A. Possibly once a week.

Q. Do you belong to any other organizations to which he belongs? A. No.

Q. Did either of you belong to, rather, did either of you hold any office in this Union?

A. I held the office of Job Steward, and Mr. Wilmot was on the Executive Board, and also a member of the Grievance Committee.

Q. How long have you lived in Portland?

A. Five years.

Q. Do you know many people who also know Robert Wilmot?

A. Yes; all those employed on the Historical Records Survey and the Writers' Project.

Q. Have you talked to many people about Robert Wilmot during the last two or three years?

A Yes; a great many.

Q. Have there been any special events, or circumstances, that were responsible for you and any of these people talking about Robert Wilmot? In other words, was there anything special that brought this topic of conversation up? [3101]

A. Yes.

Mr. Del Guercio: Just a minute. I object to that, your Honor.

Presiding Inspector: I didn't hear the question.

Mr. Grossman: Read the question, please.

(The question referred to was read by the reporter as above recorded.)

(Testimony of Thomas Imper.)

Mr. Del Guercio: If it could be limited to a "Yes" or "No" answer.

Presiding Inspector. Yes. "Yes" or "No"—that is all it asks for.

Mr. Grossman: Yes.

Mr. Gladstein: I think that is all it calls for.

A. Yes. [3102]

By Mr. Grossman:

Q. Now, will you state these various circumstances or special events that brought up in conversation between you and various people the name of Robert Wilmot?

Mr. Del Guercio: Just a moment! I object to that, your Honor.

Presiding Inspector: Of course, that might be proper and might not, depending on what the answer is. You can't go into special circumstances and show any—I suppose this is——

Mr. Grossman: (Interposing) This is admissible only to show his ability to know the reputation, not to show the truth of any of the circumstances that may be involved.

Presiding Inspector: Isn't it sufficient in the first instance to show that he knew his reputation among the people with whom he associated? They were both in the same Project.

Mr. Grossman: Well, it seems to me that there are degrees of testimony along this line. I should think knowing——

Presiding Inspector: (Interposing) If he is

(Testimony of Thomas Imper.)

going to give incidents relating to Wilmot, then you have a special matter which would be incompetent.

Mr. Grossman: All right, I will avoid the possibility of that.

Presiding Inspector: You wanted to show that it was after some certain meeting that this occurred or that it was [3103] after the publication of some article in a newspaper or after a political campaign or anything of that kind so as to show the occasion, that I will receive.

We will take a short recess.

Mr. Gladstein, you are wanted on the long distance telephone.

Mr. Grossman: I think we can proceed, your Honor, if it is agreeable with you, in the absence of Mr. Gladstein.

Mr. Gladstein: Yes, it is all right.

Presiding Inspector: Then we will go right ahead.

By Mr. Grossman:

Q. On the basis of discussions you have had with various people concerning Robert Wilmot do you know his general reputation in the City of Portland and among those people who work with him for truth and veracity?

Mr. Del Guercio: Just a minute! I object to that, if your Honor please. This witness has not testified that he has known Wilmot other than among his fellow workers.

Presiding Inspector: I will take it. You may,

(Testimony of Thomas Imper.)

when you come to cross examine, confine it, if you can. He says he does know his reputation.

Do you know his reputation among the people with whom you work?

The Witness: Yes.

By Mr. Grossman: [3104]

Q. Is that reputation of Robert Wilmot for truth and veracity good or bad? A. Bad.

Q. On the basis of what you have heard or what you know about the general reputation of Robert Wilmot for truth and veracity would you believe him under oath? A. No.

Mr. Grossman: That is all.

Presiding Inspector: You may cross examine.

Cross Examination

By Mr. Del Guercio:

Q. Where were you born, Mr. Imper?

A. Salem, Oregon.

Q. What? A. Salem, Oregon.

Q. You say you have been on the Workers'—Writers' Project, is that correct?

A. The Oregon Historical Records Survey.

Q. That is a WPA Project, is it not?

A. That's right.

Q. How long have you been on such a project?

A. I was employed there for two and a half years.

Q. Were you a reliefer? A. No.

Q. How did you get on this project? [3105]

A. I was employed to assist with the Manuscripts

(Testimony of Thomas Imper.)

and Imprints Department as a unit chairman or assistant unit chairman.

Q. By whom? A. By whom?

Q. Yes. A. Miss Margaret Clark.

Q. Miss Margaret Clark. Well, that is sort of a relief job, isn't it? A. No.

Q. Well, what kind of a relief job is it?

A. There are two types of jobs: One is a relief, and one is non-relief.

Q. How much a month do you make?

A. $89.70.

Q. How much? A. $89.70.

Q. Are you married? A. No.

Q. Were you certified for relief before you obtained this job? A. No.

Q. Huh? A. No.

Q. Have you ever held any other position prior to that [3106] time? A. Yes.

Q. Where?

A. Directly previous to that I was employed by the Samover Cafe.

Q. What is that?

A. Directly previous to that I was employed by the Samover Cafe.

Q. Doing what? A. As a chef.

Q. As a chef? A. Yes.

Q. For how long a period of time were you employed as a chef in that capacity?

A. A year, approximately.

Q. Now, as a chef what salary were you receiving?

(Testimony of Thomas Imper.)

A. I was receiving $75.00 a month and my board.

Q. $75.00 a month and your board. How old are you? A. Twenty-three.

Q. Twenty-three. And what were you doing before that?

A. I was employed for a while as salesman by Remington-Rand Typewriter Company.

Q. And for how long a period?

A. Approximately eight months.

Q. At what salary? [3107]

A. No salary. It was commission.

Q. No salary? A. Commission.

Q. Why did you leave that job?

A. I wasn't a very good salesman.

Q. You weren't a very good salesman. Why did you leave your job as a chef?

A. I was interested in the office work in preference to kitchen work.

Q. Had you ever done any office work prior to that time? A. Yes.

Q. Where?

A. I was employed by Steckmest & McDowell Marine Supplies.

Q. Where? A. In Portland.

Q. When with respect to your employment as a salesman with the Remington-Rand Typewriter Company? A. I beg your pardon?

Q. When with respect to your employment with the——

A. (Interposing) Previous to that.

Q. Previous to that? A. Yes.

(Testimony of Thomas Imper.)

Q. For how long a period? [3108]

A. Three or four months.

Q. Three or four months? A. Yes.

Q. And is that the only office work you did?

A. I believe that is the first office job that I had at all. I had been going to school taking professional accounting.

Q. Did you graduate? A. No, I didn't.

Q. How can you tell when a person is lying, Mr. Imper? A. By finding out the truth.

Q. How do you find out the truth?

A. It would depend on the particular instance, I would imagine.

Q. Well, how would you go about finding out the truth in any instance?

A. I would have to have a specific case to know.

Q. Well, a man makes a statement to you, a certain statement, that you believe is not true. How would you go about finding out whether or not it was true? A. Well,——

Q. Before you would brand it as a lie?

A. I would. If I were interested in finding out whether it were the truth or not I would very probably investigate [3109] the subject of which he spoke.

Q. Make your own investigation? A. Yes.

Q. Huh? A. Yes.

Q. And how would you go about investigating it?

A. Well, as I say, it would depend entirely upon what the subject was the manner in which I conducted the investigation.

(Testimony of Thomas Imper.)

Q. Have you ever conducted any investigation?

A. Of that type, yes.

Q. Under what circumstances?

A. I don't recall any specific instances.

Q. Well now, you just said that you conducted an investigation of that type and now you say you don't recollect any specific instance. Which is true?

Mr. Grossman: Now, just a moment, your Honor! If I understood that correctly, the question assumes something not in evidence, which is that those two are inconsistent. The failure to recollect a specific occasion is not inconsistent with a statement that such an occasion did exist.

Presiding Inspector: I don't think it is.

Mr. Del Guercio: He recalls that he made an investigation and then he says he can't recall having made any. [3110]

Mr. Grossman: He didn't say he couldn't recall any.

Presiding Inspector: They are not necessarily inconsistent. You may recall, I suppose, that you have traveled on a train, but you may not recall the particular time that you traveled on it.

Mr. Del Guercio: I wasn't trying to place it as to time.

By Mr. Del Guercio:

Q. I will ask you again. Have you ever made an investigation to determine the truth or falsity of any statement that you may have heard?

A. Yes, I have.

(Testimony of Thomas Imper.)

Q. All right. Give me one instance.

A. Well, my work on the Historical Records Survey was made up of doing exactly that type of work. If a report came in to me that certain people had certain manuscripts it was my job to make lists of the depositories of manuscripts of value, and if someone told me that that person had a manuscript of value I wouldn't make a list using that person's name in there, giving that as an instance. I would go out to that person in that depository and find out and see for myself.

Q. You would go out to the person that made the statement that he had the book?

A. I would go out to the person who was supposed to own the manuscript.

Q. What would you ask him? [3111]

A. Ask him if he owned one, that particular manuscript.

Q. Would you go to any other source?

A. That wouldn't be necessary.

Q. You would only go to the person who made the statement that he had that manuscript?

A. I would go to the person who was supposed to own the manuscript.

Q. And what would you say to him?

A. Ask them if he owned that manuscript.

Q. Is that all?

A. It would depend on their answer.

Q. Supposing they said "Yes", they owned it. What would you do?

A. I would ask him if I could see it.

(Testimony of Thomas Imper.)

Q. And would you be able to tell the original manuscript from that?

A. In most instances, yes.

Q. Now, did you ever have any occasion to investigate any remark that Mr. Wilmot had made?

A. No. I don't recall of ever having done that.

Q. You never investigated any kind of a remark that Mr. Wilmot made to you at any time?

A. I don't recall any.

Q. I am asking you for your best recollection.

[3112]

A. All I can say is that I don't recall having done that.

Q. Would you say that you had?

A. As a definite statement, no.

Q. How many people were employed on this Writers' Project?

A. I believe during the time that I was employed there, approximately 60.

Q. Approximately 60. Did you know them all?

A. Most all of them, yes.

Q. Did you ever visit Mr. Wilmot at his home?

A. No.

Q. Do you know if he is married?

A. Yes, he is married.

Q. Did you ever meet his wife?

A. No, I haven't.

Q. You never visited him socially, did you?

A. No, I didn't.

Q. You don't know him socially? A. No.

Q. And do you know if he has any children?

(Testimony of Thomas Imper.)

A. I beg your pardon?

Q. Do you know if he has any children?

A. He has, I believe, three children.

Q. Who told you that? [3113]

A. Oh, possibly ten or fifteen different people.

Q. Did Mr. Wilmot ever tell you?

A. No.

Q. Do you know where he lives in Portland?

A. I don't know his address now, no. I don't think I ever did know his home address.

Q. You never did know where he lives?

A. No.

Q. Where do you live? Well,——. Do you know any people who live in the same community that Mr. Wilmot lived in?

Mr. Grossman: Just a minute! I think the word "community" is ambiguous as to require definition. Sometimes it is used as meaning a city and sometimes a portion of a city.

Presiding Inspector: Yes, that is true. You can ask him to qualify it. I will allow it.

By Mr. Del Guercio:

Q. Do you know of anybody that lived within the immediate vicinity of Mr. Wilmot?

A. I don't believe that I do. [3114]

Q. Do you know what Mr. Wilmot's neighbors think of Mr. Wilmot?

A. No, I don't know what his neighbors think.

Q. Did you ever make any inquiries along those lines? A. No.

(Testimony of Thomas Imper.)

Q. Did you ever make any inquiries of anyone regarding Mr. Wilmot's veracity? A. No.

Q. You never did? A. No.

Q. That is your own opinion only, that his reputation is bad?

Mr. Grossman: That is not a correct statement of the evidence.

Mr. Del Guercio: He said he never asked.

Presiding Inspector: But he says he knows what people have said.

By Mr. Del Guercio:

Q. Has anyone ever told you that Mr. Wilmot's reputation for truth and veracity was bad?

A. Yes.

Q. Who told you that?

A. Do you want names?

Q. Yes, names; of course.

A. All right. Ralph Collett—C-o-l-l-e-t-t.

Q. C-o-l-l-e-t? [3115] A. ——e-t-t.

Q. Now, you understand I asked you if anyone has ever told you that Mr. Wilmot's reputation for truth and veracity was bad? A. Yes.

Q. And you say that Ralph Collett told you that?

A. Yes.

Q. In what words?

A. The occasion was rather unusual in Mr. Collett's case.

Q. I am asking you in what way, in what words did Mr. Collett say that. What words did he use in saying his reputation for truth and veracity was bad?

(Testimony of Thomas Imper.)

A. He said that Mr. Wilmot was to be admired because of the life that he had led which had made it possible for him to get out of more scrapes by his ability to lie out of them, and talk his way out of his bad scrapes that he got himself into.

Q. Out of his own bad scrapes? A. Right.

Q. And from that you drew the conclusion that Mr. Collett told you that Mr. Wilmot's reputation for truth and veracity was bad?

A. No, not from that alone.

Q. What else did Mr. Collett say? Before I ask you [3116] that—when did this conversation with Mr. Collett take place?

A. Well, about the nearest that I could place that would be somewhere in the vicinity of February or March of 1939.

Q. February or March, 1939. Where did this occur?

A. In the office, my office at the Elks Temple.

Q. Office, where? A. At the Elks Temple.

Q. Office at the Elks Temple?

A. That is the Historical Records Survey offices.

Q. Was anyone else present besides you and Mr. Collett?

A. I don't recall whether there was or not.

Q. What? A. I don't remember.

Q. What does Mr. Collett do?

A. I believe he works now for the State Highway Department.

Q. State Highway Department. Where?

A. In Salem.

(Testimony of Thomas Imper.)

Q. Salem, Oregon? A. Right.

Q. What is Mr. Collett's reputation for truth and honesty, do you know, and veracity?

A. (Pause).

Q. Can't you answer that? [3117]

A. Yes, I can.

Q. What is it?

A. Well, it is fairly good, I believe.

Q. Fairly good? You are qualifying it. It isn't good, but it is just fairly good?

A. It is as good as the average person's, I would say.

Q. And what is the average person, the average—you mean they might lie sometimes and at other times might not lie?

A. Yes. I believe the average person——

Q. (Interposing) Oh, you——

A. (Continuing) Mr. Collett is, when saying he is average, I mean he is much more to be believed than Mr. Wilmot.

Q. You mean by that that he may lie sometimes?

A. I don't doubt but what he has.

Q. Have you ever lied?

A. I think that I have.

Q. On how many occasions?

A. You say on how many occasions?

Q. Yes.

A. That would be impossible to try to think.

Q. You have lied that many times so that it is impossible for you to tell?

(Testimony of Thomas Imper.)

A. I don't keep a notebook and put down every time I lied.

Q. Have you ever lied under oath?

A. No, I haven't. [3118]

Q. What? A. No.

Q. Are you lying now under oath? A. No.

Q. Did you *talk anybody* else—did anyone else, rather, tell you that Mr. Wilmot's reputation for truth and veracity was bad other than Mr. Collett?

A. Yes.

Q. Who? A. Miss Margaret Clarke.

Q. Miss Margaret Clark—C-l-a-r-k?

A. No; C-l-a-r-k-e.

Q. Where does she live?

A. Where does she live?

Q. Yes.

A. In Portland. I don't know her exact address.

Q. Is she employed?

A. She is the Assistant State Director of the Oregon Historical Records Survey.

Q. And what did she say to you regarding Mr. Wilmot's reputation for truth and veracity?

A. I don't recall the exact words; but merely a great number of conversations where Mr. Wilmot was discussed and remarks were made that he couldn't be depended upon, or couldn't be believed. [3319]

Q. Did Miss Margaret Clarke, in your presence, ever say that Mr. Wilmot could never be believed?

A. Yes.

(Testimony of Thomas Imper.)

Q. She did say that? A. Yes.

Q. Who else was present?

A. Oh, I don't recall. It has probably been made at numerous instances and various people were there.

Q. Now, when was this, when did this occur, when did you talk to Miss Clark about Mr. Wilmot's reputation?

A. As I said, at various times she and I happened to be together and were talking of such things, or other people were talking of these things, and I happened to be there and his name was mentioned.

Q. Were you in the group discussing this or were you just eavesdropping?

A. I was in the group.

Q. You were in the group? A. Yes, sir.

Q. You couldn't place the time when this was said? A. No.

Q. But you do recall distinctly that Miss Clarke dropped the remark that Mr. Wilmot could not be depended upon? A. Yes.

Q. You are sure of that?

A. Yes; positive. [3120]

Q. Anyone else? A. Ralph Sherrif.

The Reporter: Spell it, please.

The Witness: S-h-e-r-r-i-f.

By Mr. Del Guercio:

Q. S-h-e——

A. (Interposing) ——r-r-i-f.

Q. Is he also employed on this project?

(Testimony of Thomas Imper.)

A. He is employed on the Writers' Project.

Q. Employed on the Writers' Project?

A. Yes, sir.

Q. What did he say?

A. Words along the same line.

Q. Along what same line?

A. Mr. Wilmot couldn't be depended upon, or he couldn't be believed.

Q. Did you ask Mr. Sherrif about that, or did he just say that?

A. It came up in general conversation.

Q. Did you ever ask anybody—I believe you already testified that you never asked anybody outright as to Mr. Wilmot's reputation for truth and veracity?

A. It never was necessary. My personal relationship with Mr. Wilmot was such that I wasn't interested in investigating. [3121]

Q. What was your personal relationship with Mr. Wilmot? A. I had none.

Q. You had none? A. No.

Q. Did he ever lie to you?

A. I don't know whether he did or not.

Q. And yet you testify under oath that you wouldn't believe him under oath?

A. That is right.

Q. Huh? A. That is right.

Q. And he never has lied to you?

A. I didn't say that he hadn't; I said that I didn't know whether he has or not.

Q. Do you know if he has lied to you?

(Testimony of Thomas Imper.)

Presiding Inspector: He said he doesn't know.

A. I don't know.

Mr. Gladstein: Moreover, if I may interject to say this, your Honor, the witness' testimony, as I understand it——

Mr. Myron: (Interposing) I don't think this is an objection to the question.

Mr. Gladstein: I have a right to make my statement of position. The witness' testimony, this kind of testimony generally, is that the witness is confined to the statement that he would or would not believe a man under oath, based on [3122] that reputation.

Presiding Inspector: Certainly, but they have a right to cross examine.

Mr. Gladstein: Yes, but they don't have a right to misstate the testimony.

Presiding Inspector: No. I don't think he has any such intention. I didn't grasp it. Go on.

By Mr. Del Guercio:

Q. Do you know Kenneth Fitzgerald?

A. Yes.

Q. What is his position in connection with this Writers' Project?

A. He has no connection with it whatever now.

Q. Did he have at the time Mr. Wilmot was employed there?

A. Not with the Writers' Project. He was employed by the Historical Records Survey.

Q. How well did you know Kenneth Fitzgerald?

A. In the past year I have known him quite well.

(Testimony of Thomas Imper.)

Q. Did you ever talk to Fitzgerald about Mr. Wilmot's reputation for truth and veracity?

A. Yes.

Q. What did Mr. Fitzgerald say?

A. He has the same opinion.

Q. That it was bad? A. Yes. [3123]

Q. You know, of course, that Kenneth Fitzgerald is a member of the Communist Party, don't you? A. No.

Q. What? A. No.

Q. You don't know that? A. No.

Q. Have you ever asked him?

A. No, I never.

Q. Are you a member of the Communist Party?

A. No.

Q. What?

Presiding Inspector: He said "No". Speak up so we can hear you.

By Mr. Del Guercio:

Q. Did you know that Mr. Wilmot was a member of the Communist Party? A. No.

Q. Did he ever tell you that he was?

A. No.

Q. Did he ever tell you he wasn't? A. No.

Q. How long have you been up around—you have lived in Portland all your life, have you?

A. I have lived in Portland five years. I have lived in Oregon all my life. [3124]

Q. Didn't you know that Kenneth Fitzgerald

(Testimony of Thomas Imper.)

was a candidate for public office on the Communist Ticket?

A. I have heard that; yes.

Q. Then you did know that?

A. I have heard it. I suppose that I do know it, yes.

Q. Well, would you, from that knowledge, infer that he was a member of the Communist Party?

A. No, not necessarily.

Q. Do you know W. P. Ayer? A. No.

Q. Did you ever hear of that name at any time?

A. Probably; I don't recall.

Q. Do you connect that name with anyone that you know? A. No.

Q. Have you ever been a member of the Newspaper Guild? A. No.

Q. Do you know if Mr. Wilmot has?

A. No, I don't know that he has.

Q. Do you know of anyone on this Writers' Project that you and Mr. Wilmot were employed on as being a member of the Communist Party?

A. No, sir.

Q. Did you ever make any inquiries along that line? A. No.

Q. Were you interested in making any inquiries along that line? [3125] A. No.

Q. Why not?

A. It didn't make any difference to me.

Q. You mean it doesn't make any difference to

(Testimony of Thomas Imper.)

you if a member of the Communist Party is employed on a Government project? A. No.

Q. What is your feeling toward the Communist Party, Mr. Imper?

A. Well, I know too little about it to have very many feelings.

Q. What?

A. I know too little about it to have very many feelings toward it.

Q. Do you admire a person for being a member of the Communist Party? A. No.

Q. What? A. No.

Q. Have you ever read any Communistic literature? A. Yes.

Q. Did Mr. Fitzgerald ever suggest to you that you read Communist literature? A. No.

Q. Did he ever furnish you with any Communist publications? [3126] A. No.

Q. Or pamphlets to read? A. No.

Q. At any time? A. No.

Q. Where did you read the Communist literature you said you read—where did you get it?

A. Well, from somewhere I received a copy of, I can't think of the name, "Soviet Masses," or something like that.

Q. Is that the only piece of literature you have read, Communist literature?

A. No. I was going to say that I haven't read it yet.

Q. You still have that?

(Testimony of Thomas Imper.)

A. I think so; I am not sure.

Q. You purchased it recently?

A. I didn't purchase it.

Q. It was given to you?

A. Yes; I received it in the mail.

Q. Do you know who sent it to you?

A. No. And I have seen a copy of People's World.

Q. Where have you seen copies of the People's World? A. (Pause)

Q. Well, I will withdraw that.

A. I don't recall where I saw it.

Q. You can't tell. All right. Were you ever asked by [3127] anyone to join the Communist Party? A. No.

Q. At no time? A. No.

Q. Did you ever attend any Communist Party meetings? A. No.

Q. At any time? A. No; never.

Q. Have you ever been called upon to give your opinion as to the truth or veracity of any other person other than Robert Wilmot? A. No.

Q. You have never been called before as a character witness, have you—or, I mean, character assassinator, rather than a character witness?

Mr. Gladstein: Just a moment. That is——

Presiding Inspector: That is not quite proper.

Mr. Del Guercio: I will withdraw the remark as not proper.

(Testimony of Thomas Imper.)

Mr. Gladstein: If counsel wishes to stipulate, or infer, we will agree with him that the character of Mr.——

Mr. Del Guercio: (Interposing) I withdrew that remark and I don't think counsel's remark is necessary. I said it was improper.

Presiding Inspector: He feels so too. Let it go.

[3128]

Have you ever been called as a character witness, good or bad?

The Witness: No.

By Mr. Del Guercio:

Q. Have you ever been——

Presiding Inspector: Not as a good or bad witness; but as to good or bad character.

By Mr. Del Guercio:

Q. Have you ever been a witness in any case in court? A. No. [3129]

Q. Do you know what your own reputation for truth and honesty is?

A. Well, I have never been told that it was bad.

Q. Have you ever been told that it was good?

A. No. I don't think anyone has gone out of his way to tell me one way or the other.

Q. Mr. Imper, I believe you said that you were not a member of the Communist Party?

A. That's right.

Q. Were you ever a member of the Youth Congress? A. Of the what?

(Testimony of Thomas Imper.)

Q. Of the Youth Congress? A. No.

Q. You never were? A. No.

Q. Did you ever attend any meetings of the Youth Congress? A. No.

Q. Do you know Mrs. Joan Wood?

A. Yes. She also was employed on the Historical Records Survey.

Q. For how long a period?

A. I think she was employed about a year of the time that I was employed.

Q. And were you ever a leader in the local Portland [3130] Communist Youth Congress?

A. No.

Q. At any time? A. Never.

Q. Do you know Mrs.—Mr. Flora?

A. What's the name?

Q. F-l-o-r-a? A. No.

Q. Or F-l-e-r-a? A. No.

Q. Employed on the Writers' Project about the same time that you were? A. Mrs. Flora?

Q. Yes. Flora or Flera or some such similar name. A. Mrs. Flora? No, I don't.

Q. You don't? A. No.

Q. Did either Miss Wood, Mrs. Wood or Mrs. *Joan* ever tell you or did she ever say in your presence that practically all of the people employed on that Workers' Project were members of the Communist Party? A. No.

Q. Or Communist Party sympathizers?

A. No.

Q. Did you ever hear anyone say that? [3131]

(Testimony of Thomas Imper.)

A. I have read it in the papers. I have never heard anyone say that.

Q. You have read it in what papers?

A. In the Journal and the Oregonian.

Q. When? A. I don't recall.

Q. Well, how long with respect to the time about which we are talking? A. I haven't any idea.

Q. Did you ever belong to the Workers' Alliance?

A. The Federal Cultural and Professional Workers' Union was affiliated with the Workers' Alliance for a while.

Q. And you knew that the Workers' Alliance was a Communist-created organization, did you not?

A. No, I didn't.

Q. When did you find out that it was?

A. What?

Q. When did you find out that it was?

A. I never did know that it was.

Q. Well, would you say that it is not?

A. I would say that it isn't. A. Huh?

A. I would say that it isn't.

Q. On what do you base that knowledge?

A. Merely my impressions.

Q. Do you know who formed the Workers' Alliance? [3132] A. No.

Q. Did you ever find out? A. No.

Q. Did you ever try to find out?

A. No, I never.

Q. Did you ever ask anyone if it was a Communist organized and controlled organization?

A. No, I don't believe I did.

(Testimony of Thomas Imper.)

Q. Did anyone ever tell you or indicate to you that it was a Communist organization?

A. No, I don't think so.

Q. You don't think so. Well, by that do you mean that someone may have told you?

A. No. I am quite sure that no one ever told me that. I would remember if they had.

Q. Do you know what the American Peace Mobilization is?

A. No. I don't know any of their functions or what their purpose or anything is.

Q. Did you ever attend any of their meetings?

A. No.

Q. You have heard of the American League for Peace and Democracy? A. Probably.

Q. Have you ever attended any meeting? [3133]

A. No.

Q. Did you ever contribute any money?

A. No.

Q. To the American League for Peace and Democracy? A. No.

Q. At the time you were employed or received employment under this Writers' Project were you required to make an affidavit to the effect that you were not a member of the Communist Party?

A. Yes. There was an affidavit to that effect, I believe. I don't recall the wording of the affidavit, but it was to the nature that any political party similar to that—I believe they referred to the Bund and the Communist Party, both.

Q. And you made such an affidavit?

A. Yes.

(Testimony of Thomas Imper.)

Q. And what did you say in your affidavit in regard to whether you were a member of the Communist Party? A. I signed it.

Q. Well, did you say "Yes" or "No"?

A. I said that I wasn't a member of any of the parties.

Q. You said that you were not a member of the Communist Party? A. That's right.

Q. In this affidavit? A. That's right.

[3134]

Q. Who asked you to come down here to testify, Mr. Imper? A. I beg your pardon?

Q. Who asked you to come down here to testify? A. Mr. Burton Rodman?

Q. Mr.? A. Mr. Burton Rodman.

Q. Rodman? A. Yes.

Q. How do you spell that?

A. R-o-d-m-a-n.

Q. R-o-d-m-a-n. And where does he live?

A. He lives in Portland. Let's see! On Grand Avenue. I don't know the number.

Q. Is he employed on this Writers' Project, too? A. No.

Q. Was he ever employed on that Writers' Project? A. No.

Q. Do you know him to be a member of the Communist Party? A. No.

Q. Do you know whether he is or not?

A. I assume that he isn't, but I don't know. I have no way of knowing.

Q. When did he approach you on this subject?

[3135]

(Testimony of Thomas Imper.)

A. It was the day before yesterday. It was suggested, and yesterday he called me.

Q. How long have you known Mr. Rodman?

A. I have known him for about two months.

Q. Is that all? A. Yes.

Q. Do you know him intimately? A. No.

Q. How long have you seen him during that two months period? A. How much?

Q. Yes.

A. Oh, probably seven or eight times?

Q. And for how long a period approximately each time in those seven or eight times during that two months period?

A. Oh, it probably would average about ten minutes.

Q. So that you have not *seen more* than seven times twenty is one hundred and forty minutes all together? A. Approximately.

Q. And did you just see him casually or prearranged meetings?

A. Most of them were casually, except once when he came up to ask me if I would take the job as CIO reporter.

Q. When did he ask you if you wanted to take a job as CIO reporter? [3136]

A. Sometime in March.

Q. In March of this year? A. Yes.

Q. Last March?

A. The month before last.

Q. And had you at that time told him what you knew about Wilmot?

(Testimony of Thomas Imper.)

A. Had I told him? No.

Q. Just what did he say about your wanting the job as CIO reporter?

A. Well, they needed a reporter and he asked me to go down to KWJJ and try out.

Q. This was in March? Was it in the latter part of March?

Q. The fore part. You testified that you have only know him for about two months. This is May now, about May 8th.

A. Possibly I have know him longer than that, then.

Q. You may have known him longer than two months?

A. I have known him since that time, whenever it was. I believe it was in the fore part of March.

Q. You have never seen him before the time he asked you if you wanted to accept the job as CIO reporter? A. No.

Q. Well, where did he meet you at the time he asked you [3137] if you wanted the job as CIO reporter?

A. I was introduced to him up on the Project.

Q. By whom? A. Kenneth Fitzgerald?

Q. Kenneth Fitzgerald? A. That's right.

Q. And what did Kenneth Fitzgerald say in introducing you to Rodman?

A. He merely told him that I had a good voice for radio speaking and he wanted someone, why not try me out.

(Testimony of Thomas Imper.)

Q. How many times had Kenneth Fitzgerald told you that, that you had a good voice?

A. Well, he has never told me that. He told Burton Rodman that.

Q. Has he told anyone else in your presence?

A. No.

Q. Has he said so recently? A. No.

Q. And so Kenneth Fitzgerald introduced you to Rodman and then Rodman asked you if you wanted a job with the CIO as a reporter for the CIO?

A. The CIO reporter is a radio program. It was.

Q. I see.

A. As an announcer, is what they wanted.

Q. Was anything said at that time about appearing in [3138] this Bridges case as a witness?

A. No.

Q. By either Mr. Fitzgerald or Rodman?

A. No.

Q. Huh? A. Nothing was said.

Q. Did you make application for the job as CIO announcer? A. Did I?

Q. Yes. A. No.

Q. You didn't go down there at all?

A. I went down there, yes. And I am sorry, I guess I misunderstood your question. I went to KWJJ Station, and had a try-out and was accepted and was told to come back that night.

Q. When did you go down there to KWJJ?

A. I don't remember the exact date.

(Testimony of Thomas Imper.)

Q. How long after this first conversation you had with Mr. Rodman and Mr. Fitzgerald?

A. It was the same day.

Q. The same day?

A. The same day. He was in very much of a hurry.

Q. He was very much what?

A. He needed someone that day. [3139]

Q. And you went down there that same day?

A. That's right.

Q. And you had a test? A. Yes.

Q. And what was the outcome of the test?

A. I was accepted.

Q. You were accepted? A. Yes.

Q. Well, what happened after that? Did you get the job?

A. I got the job all right, and the program went on at 9:15 and I got there at 9:15 and found that the program had been cancelled again. So——

Q. (Interposing) So you lost the job?

A. That's right.

Q. Well, then you never had the job actually, did you? A. No.

Q. Well, did Mr. Fitzgerald approach you or introduce you to anybody else to get you another job anywhere else at any time? A. No.

Q. Has he recently? A. No.

Q. Has anyone else given you any offer to work? [3140] A. No.

Q. You have had no offer since? A. No.

(Testimony of Thomas Imper.)

Q. When was the last time you talked to Mr. Kenneth Fitzgerald?

A. I believe I saw him yesterday.

Q. You saw him before you came down here to testify? A. Yes.

Q. What did you talk about?

A. Well, let's see.

Q. Did you tell him you were coming down here to testify? A. Uh-huh (affirmative).

Q. What did he say?

A. Well, he wished me a good trip.

Q. Is that all?

A. Oh, there was nothing of importance said. Very general.

Q. Let us determine whether it is important. You just tell us what was said.

A. I don't recall the words that were said.

Q. Well, what did you talk about?

A. He talked about the trip. He said that he envied me the airplane trip.

Q. Did he say he would like—you came down in an [3141] airplane? A. That's right.

Q. Did he say that he would like to come down himself to testify? A. No.

Q. Huh? A. No.

Q. Did he express a desire to do so?

A. No.

Q. Did you discuss with Mr. Fitzgerald what your testimony was to be? A. No.

(Testimony of Thomas Imper.)

Q. Didn't he know why you were coming down to testify? A. Yes.

Q. Who told him that? A. I did.

Q. What did you say?

A. I told him that I was going down to testify in the Bridges case because I knew Wilmot.

Q. And what did Mr. Fitzgerald say?

A. He said "Well, I guess you probably do know Wilmot all right."

Q. Did Mr. Fitzgerald say that he knew Wilmot also?

A. Well, he didn't have to say that. I knew that he [3142] did.

Q. Well, did you tell Mr. Fitzgerald that you were coming down to testify to the effect that Mr. Wilmot's reputation for truth and veracity was bad?

A. Possibly something to that effect. I told him that I was going to testify as to Wilmot's character which wouldn't show him in a very good light.

Q. Oh, you told him that? A. Yes.

Q. And what did Mr. Fitzgerald say?

A. I don't recall his answer.

Q. Well, do you know if he said something to the effect that he himself knew that Wilmot's character was no good?

A. No. I don't believe he said that. I am sure he didn't.

Q. Huh?

(Testimony of Thomas Imper.)

A. I am sure he didn't say that.

Q. When did Rodman last contact you—when did you last see Mr. Rodman?

A. Yesterday afternoon.

Q. Yesterday afternoon? After you had talked to Mr. Fitzgerald? After you had seen Mr. Fitzgerald or at the same time?

A. No, it was before. [3143]

Q. You saw Rodman first and then Mr. Fitzgerald? A. Yes.

Q. And what did you and Rodman talk about with reference to your coming down to testify?

A. Mr. Rodman and I didn't do much talking. Mr. Rodman introduced me to Mr. Margolis.

Q. Margolis? A. Margolis.

Q. An attorney? A. Yes.

Q. Did Mr. Margolis tell you who he was?

A. Yes.

Q. What did he say?

A. I believe he asked me for a statement, which he took down.

Q. Did he identify himself to you? Did he say who he was? A. He told me who he was.

Q. Who did he say he was?

A. He said he was Mr. Margolis of the firm—he named the firm.

Q. What name did he give?

A. Oh—I can't think of the first name in the firm.

(Testimony of Thomas Imper.)

Q. Is it the firm of Gladstein, Grossman and——

A. (Interposing) That's right. [3144]

Q. (Continuing) ——Margolis?

A. That's right. And Sawyer. That's right.

Q. And Sawyer? A. That's right.

Q. And what did you say? Then, you say, he took a statement from you?

A. I beg your pardon?

Q. Then he took a statement from you?

A. Yes.

Q. A written statement? A. Yes.

Q. At that time? A. Yes.

Q. Was Mr. Rodman present during all the time? A. Yes.

Q. Was Mr. Fitzgerald? A. No.

Q. Are you sure? A. Yes.

Q. This occurred in the afternoon, you say?

A. Yes.

Q. How long after that did you see Mr. Fitzgerald?

A. Mr. Fitzgerald took me to meet the plane.

Q. Mr. Fitzgerald took you to the plane. Did he, [3145] Mr. Fitzgerald, also furnish you with the money to come down here? A. No.

Q. Who bought your transportation?

A. Mr. Margolis.

Q. Did you have any last-minute conversation with Mr. Fitzgerald? A. No.

Q. Huh? A. No

(Testimony of Thomas Imper.)

Q. Was anything said at all about what you were to testify to? A. No.

Q. Huh? A. No.

Mr. Del Guercio: That is all, your Honor.

Presiding Inspector: Any further questions?

Mr. Grossman: Perhaps a few more questions.

Redirect Examination

By Mr. Grossman:

Q. In answer to Mr. Del Guercio's questions, you gave, I believe, two specific examples of people telling you about the character of Wilmot. Can you think of any other example that you could give? Could you give the details of any other [3146] situation in which someone told you what he believed was the character of Robert Wilmot?

A. I can't think so much of specific instances as I can of specific people.

Q. All right. Could you name any others?

A. Yes. A Wilma Leiter; Dorothy Muscott.

Mr. Del Guercio: Pardon me. I didn't get the first name.

Presiding Inspector: The reporter will give it to you.

The Reporter: Wilma.

By Mr. Grossman:

Q. About how many people would you say on various occasions have stated to you that the character of Robert Wilmot for truth and veracity is bad? A. Oh, I should judge 15 or 20.

Q. Do you remember any more specific statements given to you by any of these persons who

(Testimony of Thomas Imper.)

talked to you about Robert Wilmot's character, any more specific statement than that his character was bad, or truth and veracity?

Presiding Inspector: Other than you have given, Mr. Grossman means. Do you mean other than he has given.

Mr. Grossman: Other than he has given.

Mr. Del Guercio: Is this redirect?

Mr. Grossman: I think the opening up of those occasions on cross allows us to go into others on redirect. [3147]

Presiding Inspector: He can answer that.

Mr. Grossman: I beg your pardon?

Presiding Inspector: He can answer that.

Do you remember any other specific statement? Yes or No.

A. I would say, No, that I don't—any specific statements regarding his character. Nothing specific, I am sure.

By Mr. Grossman:

Q. Do you know how Robert Wilmot happened to leave his job, if he left it, or how the connection was severed between him and his job with the WPA?

Mr. Del Guercio: I object to that, if your Honor please, as not being proper redirect examination.

Presiding Inspector: I don't think that is proper. It is pure hearsay of a violent kind.

Mr. Grossman: I beg your pardon?

Presiding Inspector: It is pure hearsay of a violent kind.

(Testimony of Thomas Imper.)

Mr. Grossman: Well, he may know of his own knowledge.

Presiding Inspector: How could he know?

Mr. Grossman: Wilmot might have told him. If anyone else had anything to do with the severing, that person might have told him.

Presiding Inspector: Yes.

Mr. Grossman: Or he may have been present when it happened. [3148]

Presiding Inspector: If Mr. Wilmot told him or any other person in Mr. Wilmot's presence told him, I will take it.

Do you know from Wilmot himself how he lost his job?

The Witness: No. I never talked enough to Mr. Wilmot to hear anything regarding it.

Presiding Inspector: Yes.

Mr. Grossman: Can I ask him, your Honor, if he knows from any person who had something to do with the severing of the connection?

Presiding Inspector: Do you? I will allow it.

The Witness: I don't.

Mr. Del Guercio: I will object to that, if your Honor please.

Presiding Inspector: I will take it "Yes" or "No."

Do you know from anyone who had anything to do with it?

The Witness: No.

Mr. Grossman: That is all.

Presiding Inspector: That is all.

(Witness excused.)

(Testimony of Thomas Imper.)

Presiding Inspector: Next witness.

Mr. Gladstein: Your Honor, could we adjourn at this time and ask for a discussion in chambers?

Presiding Inspector: Yes. Two o'clock.

(Whereupon, at 12:00 o'clock noon, a recess was taken until 2:00 o'clock P.M. of the same day.) [3149]

After Recess

2:00 o'clock P.M.

Presiding Inspector: Now, Mr. Gladstein, call your next witness.

Mrs. King: If your Honor please, we have made a real effort to have a next witness this afternoon, but it has proved impossible. We had planned this week with at least Mr. Crayeraft and character witnesses. We have been trying to reorganize our plans and, to an extent, we have been able to do so, but not satisfactorily. The result is that we have no witness this afternoon.

There is no use in pretending that there is something that we can work out.

We will have an opportunity to go over the record now and, perhaps, if there is any shortage of witnesses from now on we will have matter that can be produced. But at this time, unless your Honor wishes to hear from Mr. Crayeraft, it is impossible for us to produce anyone this afternoon.

Presiding Inspector: I don't want to hear from Mr. Crayeraft now.

Mr. Del Guercio: If the Court please, I understood the defense here was given, I don't know exactly——

Presiding Inspector: Quite a time.

Mr. Del Guercio: (Continuing) ——from last Tuesday, yes——

Presiding Inspector: That is true. [3150].

Mr. Del Guercio: (Continuing) ——for the purpose of getting the necessary witnesses.

Presiding Inspector: That is true. They should have been prepared.

Mr. Del Guercio: Don't you think there should be an end to this?

Presiding Inspector: What can I do?

Mr. Del Guercio: I wish I knew what to suggest. I don't want to prevent them from——

Presiding Inspector: Your wish is my wish. I wish I knew what I could suggest. I asked Mrs. King—she gave me some warning that they were out of witnesses. I asked her what she could suggest and she was as much at a loss as you and I are.

Mr. Del Guercio: Then it seems that we have come to that phase of the case where it appears they have no case.

Presiding Inspector: Well, that is an inference, perhaps, you might draw.

Mr. Grossman: To answer that——

Presiding Inspector: I don't think you will be found at fault in drawing that inference, Mr. Del Guercio.

Mr. Del Guercio: I think they have been given every indulgence.

Presiding Inspector: They should have been prepared to do all the things necessary to make a substantial presentation.[3151]

Mr. Grossman: As to Mr. Del Guercio's remark, that judgment can be withheld until the end of the case and then Mr. Del Guercio will see it is not correct.

For the reason I gave yesterday we have been physically unable to have our man interview them and get them down here available in time.

Presiding Inspector: I am very sorry about the subpoena not having reached Mr. Cannalonga. I am not assessing any blame, but I am sorry that that has occurred. That has thrown us off today undoubtedly.

Mr. Grossman: We have tried to readjust, as Mrs. King said, our plans, but there are certain things required to be done before we can get witnesses available, and we haven't been able to do it, not enough of them.

Presiding Inspector: Will you go on tomorrow?

Mr. Grossman: Yes, we can go on tomorrow.

Mr. Del Guercio: How long is this condition to obtain, if the Court please?

Presiding Inspector: I don't know, Mr. Del Guercio. I wish I did and I wish I could compel or enforce greater promptness. The only thing I could do would be to terminate the proceedings and say that they can't produce any more evidence, and I don't think that would be fair to the Alien.

Mr. Del Guercio: We don't want to be unfair.

We want to give them every opportunity to complete their case. [3152]

Presiding Inspector: You don't ask that. I understand that.

Mr. Del Guercio: No.

Presiding Inspector: You are acting properly in urging that everything be done to expedite the case.

Mr. Del Guercio: Expedite the case.

Presiding Inspector: And I join you in that. I join you in it wholeheartedly and I think you understand that.

Mrs. King: We do, your Honor, and we are very sorry indeed that this has occurred.

Presiding Inspector: Well now, do the best you can. I have got to just rely on you to do the best you can to present this case, and let us get it into my hands for an advisory action.

Mr. Grossman: Just one moment, if your Honor please.

Your Honor, we have been since your ruling on character evidence on Mr. Bridges considering or reconsidering the law on that question. We still feel that such evidence is admissible. Now, in order that the argument on that, which we wish to make, will not be extended over too long a period, because naturally counsel for the Government will have a right to reply, we would like to serve some kind of notice that we would like to argue that point tomorrow, so that the Government can be as well prepared as possible.

Presiding Inspector: Very well. You may do that. [3153]

Mr. Grossman: And we will be prepared tomorrow morning to make an argument, so that we will have enough time to prepare for the future.

Presiding Inspector: I will hear you tomorrow.

Mr. Del Guercio: I thought tomorrow they were going to produce a witness.

Presiding Inspector: They are.

Mr. Del Guercio: If they start an argument on it——

Presiding Inspector: (Interposing) I can't believe that it will take very much time.

Mr. Grossman: No, it won't.

Mrs. King: Our only purpose in saying anything at all was to enable the Government to look up the authorities on that point. This is not an effort to attempt to avoid the production of a witness, but in order that that question of law may be before your Honor tomorrow morning.

Mr. Del Guercio: I think that point could be submitted on briefs, if your Honor please.

Presiding Inspector: I will hear them tomorrow. It won't take long.

Mr. Grossman: We shall file a brief, if your Honor please, but we will have something to say on it.

Presiding Inspector: You will probably have a citation of your authorities, and those you can hand in in writing. It will be easier for me if you do that. [3154]

Then we will adojurn until tomorrow morning.

(Reporter's Note: Here follows transcript of record of proceedings had in chambers at conclusion of formal session:)

Presiding Inspector: The Government advises me that with respect to the examination of the minutes taken by Mrs. Segerstrom that the Government's experts are ready to proceed tomorrow from 9:00 to 10:00 A.M. The Government will agree that a small cut from the document may be made, which the Court Reporter will identify on the back as cut from the original. The document must be cut in such a way as not to harm its usefulness as a document subsequently usable in court.

Mr. Grossman: Yes.

Presiding Inspector: However, the piece which is cut out must not be destroyed but may be treated by chemicals which will not obliterate, though they may change, the color of the writing thereon.

Mr. Grossman: May a make a couple of suggestions that I don't think are inconsistent, and see if they are agreeable? That the nature of the writing on the back of the little piece, or, rather, the material with which it is written be determined by our expert so that it will not interfere with the test.

Presiding Inspector: Certainly, that is quite all right. They don't want anything that will soak through.

Mr. Del Guercio: And it must be returned, of course. [3155]

Presiding Inspector: And the piece will be returned.

Mr. Grossman: And it is understood that the time suggested is the first time in which it can be done. It may be that our expert is not able to begin at that time.

Mr. Connelley: He will be available any time tomorrow. Whatever you want in the way of arrangements. We will have our men available or here for that purpose.

Mr. Grossman: With whom shall I arrange that?

Presiding Inspector: To be here at nine o'clock.

Mr. Connelley: We have got to arrange first to have the document produced here and the cut made in the presence of the court reporter and a record made accordingly of it. I still persist in the statement that nothing can be done to that document which shall mar or hinder the possibilities or make impossible a production of the document at subsequent proceedings wherein it might be necessary as evidence. If there is any dispute between your expert and our experts, that will be brought before Judge Sears for adjustment, so that there will be no wrangle or anything at all about this, because we have men here that are high class and we assume that your men will be the same. We have no reason to believe otherwise. And I think that is the fair thing. We shouldn't have any wrangle between the experts.

Mr. Grossman: All right. I will make arrangements as soon as we can. The name of the expert, for the record, is [3156] Edward Oscar Heinrichs.

I don't know whether it is Oscar Edward Heinrichs or Edward Oscar Heinrichs.

Presiding Inspector: Well, you are just like that witness!

Mr. Del Guercio: All right, I think that is all.

Mr. Grossman: I assume it is nine o'clock here unless we make other arrangements over the telephone.

Presiding Inspector: You won't want me at that time?

Mr. Grossman: I don't think we will.

Mr. Del Guercio: If we do we will call you up.

Presiding Inspector: We will have this room open at nine o'clock.

Mr. Grossman: If it is at a different time we can notify the reporter.

(Whereupon, at 2:15 o'clock P.M. an adjournment was taken until Friday, May 9, 1941, at 10:00 o'clock A.M.) [3157]

Court room 276,
Federal Building,
San Francisco, California,
May 9, 1941

Met, pursuant to adjournment at 10:00 A.M. [3158]

(Reporter's Note: The following proceedings were had in chambers prior to the opening of the formal session:)

Presiding Inspector: I suggest that you restate that for the record, Mr. Connelley.

Mr. Connelley: That any examination made by Mr. Heinrichs is to be made under the actual visual observation of the Government representative. If there is any difference of opinion as to whether or not this should be done the opinion of the Government representative shall be complied with, that it will not take place at that time, and no further examination shall proceed, if Mr. Heinrichs' ideas are to be pursued, until that has been brought up before Judge Sears himself, with Mr. Heinrichs and our expert present, so that we can arrive at an agreement.

Presiding Inspector: That no further examination along that line be made, but if they could complete something else it could be done, as a matter of expedition.

Mr. Connelley: Yes. There definitely should be no dispute of any kind as between the examiners. If the Government examiner says that a certain examination shall not be made, that will not be made, and it should be definitely understood that anything and everything that is done by Mr. Heinrichs in connection with this document shall be in the actual presence and under the observation of the Government representatives.

At the conclusion of the examination today, whether the [3159] examination is complete or not, all portions of the document in its entirety, whether it be a cut therefrom or otherwise, shall be returned to the possession of the reporter and remain in his custody tonight.

If the examination is not completed as of this date, on the following day the same procedure is to be followed, until the examination is completed.

Presiding Inspector: That is all right.

Mr. Grossman: Yes. All I have to say is—I see the reason for that rule—that will have to be discussed at the very beginning. If it appears impossible—I hope this can be agreed between your representative and Mr. Heinrichs—I don't know whether that is possible—but let that be discussed between the representatives.

Presiding Inspector: Mr. Grossman has this in mind: If it is necessary to do——

Mr. Connelley: (Interposing) I speak with this idea in mind! That the expert and myself both know that a certain thing can be done and cannot be done. If the process cannot be completed, so as to retard the return of this exhibit to the possession of the court reporter tonight, that provision shall not take effect today but on the day when the complete operation can be completed.

Mr. Heinrichs should be cautioned specifically that any processes he uses he will be held directly responsible for the [3160] obliteration, or alteration, or marring of this document, beyond the possible discoloration of the writing. It is his responsibility as an expert to retain this document in its original state, in so far as certain previous limitations have been indicated, and he is responsible to know that any processes he uses will not do anything which will alter the document and make it inadmissible later on.

Mr. Grossman: No objection.

Presiding Inspector: Then that is understood.

Mr. Grossman: The address of Mr. Heinrichs is 1001 Oxford, Berkeley. He is there this morning. Could it be done this morning?

Mr. Connelley: Any time.

Mr. Grossman: This can be off the record.

Presiding Inspector: Yes.

(Remarks outside the record.)

Presiding Inspector: That is all.

(Whereupon the conference in chambers was concluded.) [3161]

PROCEEDINGS

Presiding Inspector: Call your witness, Mr. Grossman.

Mr. Grossman: Will you step up, please?

EMMA KATZER

called as a witness on behalf of the Alien, having been first duly sworn, testified as follows:

Direct Examination

By Mr. Grossman:

Q. What is your full name, please?

A. Emma Katzer.

Q. What is your position?

A. I am the Clerk of the Justice Court of Sonoma Township.

(Testimony of Emma Katzer.)

Q. Were you or was your superior officer served with a subpoena to bring certain documents to this Court?

A. The Clerk of the Justice's Court was subpoenaed, and I am the Clerk.

Q. I beg your pardon?

A. I am the Clerk of the Justice's Court and I was subpoenaed.

Q. You were subpoenaed? A. Yes.

Q. And did you find certain documents which were described in the subpoena? [3162]

A. Yes. In the case of Samuel Diner.

Q. And did you bring those documents in response to the subpoena? A. Yes, sir.

Q. May I see them, please? If you will stay there, I will get them.

A. (Producing docket.)

Q. Will you just open the page, please?

A. (Opening page of docket.)

Q. This appears to be the docket of the Court. Will you find the pages that refer to the matter called for in the subpoena?

A. (Locating pages.)

Mr. Del Guercio: Is there a question?

Mr. Grossman: I asked her to find the pages that refer to the matter called for in the subpoena.

The Witness: Here are the pages.

By Mr. Grossman:

Q. May I see them, please?

A. (Handing docket to Mr. Grossman.)

(Testimony of Emma Katzer.)

Q. Would you mind, first, describing the book that you have brought with you in response to the subpoena and then reading all of the official Court records of the Justice Court of Sonoma Township dealing with Sam Diner which were brought in response to the subpoena? [3163]

Mr. Del Guercio: I object to that question. No foundation has been laid for the reading of that particular docket.

Presiding Inspector: Let me see it.

(The docket referred to was passed to the Presiding Inspector.)

Presiding Inspector: I will sustain the objection.

By Mr. Grossman:

Q. What is the book that you have brought with you?

A. The Criminal Justice Docket of the Justice Court of Sonoma Township.

Q. And what matters are entered in that book?

Mr. Del Guercio: Your Honor, I object to that question. It makes no difference.

Presiding Inspector: No. It is the Justice Docket. That is sufficient. Let us find out what the Court is.

By Mr. Grossman:

Q. Will you describe the functions of the Court, please, and the legal authority, if you know it?

Presiding Inspector: The jurisdiction.

The Witness: The jurisdiction of the Court?

(Testimony of Emma Katzer.)

Presiding Inspector: Yes.

The Witness: Does that mean——

Presiding Inspector: (Interposing) Whether it has jurisdiction of crimes of high magnitude, felonies or only misdemeanors. [3164]

A. Well, I couldn't say.

Mr. Grossman: Your Honor, it seems to me that is a matter of law.

Presiding Inspector: It is, but I thought she might know. I have no knowledge what this is at all.

Mr. Grossman: As a matter of fact, I am not certain myself what the extent of the jurisdiction is without checking into the statutes, but it is in the statutes.

Presiding Inspector: Well, I will let you show that this man was charged with a certain offense and that he was found guilty of that offense. But I won't take the whole record.

Mr. Grossman: All right.

Presiding Inspector: And bound over.

By Mr. Grossman:

Q. Will you state whether that docket shows that the records of the Sonoma Township Justice Court show any charge against Sam Diner?

Mr. Del Guercio: Just a minute, please! I will object to the question, if your Honor please, on various grounds. In the first place, as the Court will recall, Mr. Diner—Sam Diner——

Presiding Inspector (Interposing): It doesn't

(Testimony of Emma Katzer.)

have to be about a conviction. This is a conviction.

Mr. Del Guercio: But it is not a conviction for a felony. [3165] This is a question as to whether it is even a conviction for a misdemeanor.

Presiding Inspector: Well, it is a conviction of something.

Mr. Del Guercio: He was required to put up a peace bond, as I understand.

Presiding Inspector: That's it.

Mr. Del Guercio: Now, that isn't a——

Presiding Inspector: Oh, it is for what it is worth.

Mr. Del Guercio: Well, as I say, it isn't a conviction.

Presiding Inspector: I merely limited it to the conviction and the penalty imposed.

Mr. Grossman: All right.

Presiding Inspector: Because that is the conviction.

Mr. Grossman: May we have the question read?

Presiding Inspector: I will take the charge of what the offense was.

By Mr. Grossman:

Q. Does that show that there was any charge entered in the docket of the Justice Court against Sam Diner?

A. The charge is violation of Section 701 of the Penal Code. Is that what you want?

Presiding Inspector: Yes, that is right.

(Testimony of Emma Katzer.)

By Mr. Grossman:

Q. That is correct. What is the date of the charge? [3166] A. January 22, 1932.

Q. What is the entry alongside that page?

Mr. Del Guercio: I will object to that unless it is within the limitations prescribed by the Court.

Presiding Inspector: Yes, so far as it refers to the charge.

A. Threat to do bodily harm.

Presiding Inspector: Threat to do bodily harm.

By Mr. Grossman:

Q. All right. Was there a plea of guilty or not guilty in that case?

A. There was a plea of not guilty, and——

Q. (Interposing): Just a moment! Don't answer any more than the question calls for. Was there a trial? A. There was a trial.

Q. What was the date of the trial?

A. February——

Mr. Del Guercio (Interposing): I will object. That isn't within the limitations prescribed by the Court.

Presiding Inspector: What was the result of the trial?

The Witness: He was found guilty.

Presiding Inspector: And what was the penalty imposed?

The Witness: It was to put up a $500 peace bond, I believe. $500 peace bond.

Presiding Inspector: To run how long? [3167]

The Witness: I—(Pause.)

(Testimony of Emma Katzer.)

Presiding Inspector: How long was it to run?

The Witness: That was for six months.

Presiding Inspector: Yes. To the people of the State and particularly to the complainant?

The Witness: To the complainant.

By Mr. Grossman:

Q. Could you give me the number or description of that case as it appears in the docket?

Mr. Del Guercio: I will object to that, if the Court please. That has already been done, the Section of the Code.

Mr. Grossman: No, the title of the case and the number of the case, if there is any.

A. The number of the case is 284.

By Mr. Grossman:

Q. And what is the title of the case?

A. "People of the State of California versus John Doe Diner" and later changed to "Samuel Diner." [3168]

Mr. Grossman: No more questions.

Cross-Examination

By Mr. Del Guercio:

Q. Now, Miss—I didn't get your name—I beg your pardon. A. What?

Q. What is your name, please?

A. My name?

Q. Yes. A. Emma Katzer.

Q. Now, Miss Katzer, does your record show if that bond was exonerated? Your testimony is that the docket shows that is a six months' bond. Does

(Testimony of Emma Katzer.)

the docket show that the bond was exonerated at the end of the six months' period?

A. (Examining document).

Presiding Inspector: Does the record show about the exoneration of the bond?

A. No, it doesn't; the record doesn't show.

By Mr. Del Guercio:

Q. Does the record show if it is still in effect?

Presiding Inspector: It was only to run for six months.

By Mr. Del Guercio:

Q. Does that show any kind of a personal surety?

A. A peace bond, yes; two sureties.

Q. Two personal sureties? [3169] A. Yes.

Mr. Del Guercio: That is all.

Mr. Grossman: That is all.

Presiding Inspector: That is all.

(Witness excused.)

Mr. Grossman: Your Honor, I will get our next witness.

Presiding Inspector: Mr. Grossman, you showed in that examination the date of that?

Mr. Grossman: I asked the date of the charge.

Presiding Inspector: That is all right.

Mr. Del Guercio: 1932.

Presiding Inspector: I wasn't sure that was in the record.

Stand and raise your right hand.

JEANNINE LOWRY

called as a witness on behalf of the Alien, having been first duly sworn, testified as follows:

Mr. Grossman: Before we ask any questions, when Chief Dullea was on the stand I asked to withdraw the official records of the Police Department and substitute photostatic copies.

I have the photostatic copies here and I ask leave to substitute them and have the reporter send the original documents, or deliver them to the Chief of Police.

Presiding Inspector: That is quite all right. That is our general practice. [3170]

Mr. Del Guercio: You will first compare the photostats with the originals, Mr. Reporter?

The Reporter: Yes.

Mr. Grossman: These were prepared by the Reporter, Mr. Del Guercio.

Direct Examination

By Mr. Gladstein:

Q. Miss Lowry, will you state your full name?

A. My name is Jeannine Lowry—J-e-a-n-n-i-n-e L-o-w-r-y.

Q. Your residence is what, please?

A. 1135½ Larrabee Street, Hollywood.

Q. Spell it, please. A. L-a-r-r-a-b-e-e.

Q. Are you employed? A. I am.

Q. What is the nature of your employment?

A. I do secretarial work.

Q. For whom do you do that?

A. Mr. Guy Gadbois—G-a-d-b-o-i-s.

(Testimony of Jeannine Lowry.)

Q. Now, Miss Lowry, were you ever a member of an organization known as the Hollywood Anti-Nazi League? A. I was.

Q. Will you state when you were a member of that organization? [3171]

A. It was the early summer of 1939 when I joined. I think it would be May or June.

Q. And for how long did you remain a member?

A. One year.

Q. While you were a member of that organization did you ever do any reporting to the people in charge of the organization with respect to coverage of the meetings?

A. For about six or seven weeks I covered the meetings of the German-American Bund.

Q. How did you come to do this kind of reportage?

Mr. Del Guercio: If your Honor please, I object to the question.

Presiding Inspector: This is merely preliminary. I will take it.

A. It came about accidentally. On the 4th of July, 1939, the Bund was giving an open-air meeting at Hindenberg Park in Los Angeles, and I went with a group of friends, mostly out of curiosity. I was so shocked at what I heard that——

Mr. Del Guercio: I object to how shocked she was.

Presiding Inspector: This is merely preliminary. I will take it. It is just a story.

Mr. Gladstein: That is right.

(Testimony of Jeannine Lowry.)

A. (Continuing): ——that when I got back I wrote up a report of what had been said, and who had been speaking, and [3172] showed it to some friends of mine, one of whom suggested I send it to the Hollywood Anti-Nazi League.

I was then called by Mr. Elkins, who asked me if I would be willing to make further reports for the League and go to Bund meetings and report on them.

By Mr. Gladstein:

Q. Did the Hollywood Anti-Nazi League at that time, Miss Lowry, publish a newspaper or other kind of publication?

A. They published a paper called "Hollywood Now".

Q. And in a general way what was the character of that publication?

Mr. Del Guercio: I object to that. We are not interested in the character of that publication.

Mr. Gladstein: This is for identification.

Presiding Inspector: I think strictly it is not material as yet, but it brings the story along, I suppose.

Mr. Gladstein: Right.

Presiding Inspector: I will take it with that understanding.

A. It was a paper which dealt, I think, largely with pro-democratic moves in Hollywood, and with whatever Nazi infiltration, or signs of Nazi infiltration they were able to discover.

(Testimony of Jeannine Lowry.)

By Mr. Gladstein:

Q. Now, did you attend meetings of the German-American [3173] Bund?

A. I attended about a half dozen; yes.

Q. And your purpose in attending those meetings was what?

A. Simply to make reports on them for the Hollywood Anti-Nazi League.

Q. Did you make such reports? A. I did.

Q. Did you, at any meeting that you attended of the German-American Bund, ever hear a speaker by the name of Ezra F. Chase?

A. Yes, I did.

Q. When did you hear him speak?

A. I had a report, a copy of a report of that meeting, and by checking it recently I find the date on it to be July 26, 1939.

Q. Do you remember where that meeting occurred?

A. It took place at the Deutches Haus—D-e-u-t-c-h-e-s H-a-u-s—two words.

Q. You were a member of the audience at the time Mr. Chase spoke? A. I was there; yes.

Q. Was he also a member of the audience?

A. He was a speaker.

Q. Do you recall what he spoke about? [3174]

Mr. Del Guercio: If your Honor please, I object to the question: The question is, "Do you recall what Ezra Chase spoke on at this meeting?" I object to the question, on the ground that it is

(Testimony of Jeannine Lowry.)

immaterial and irrelevant, and not proper examination in this proceeding.

Mr. Gladstein: It shows bias. That is the purpose of the examination.

Presiding Inspector: Bias?

Mr. Gladstein: Yes. Do you want an explanation of it?

Presiding Inspector: Yes.

Mr. Del Guercio: Well, now, if your Honor please, I don't think——

Presiding Inspector: I don't understand that you can show—was there reference to the Alien in the speech?

Mr. Gladstein: No—yes. As a matter of fact, there was reference to the Alien in the speech, but that isn't the only point. The point is this: We are going to establish by this witness, who was present at this meeting——

Mr. Del Guercio (Interposing): I don't think this should be permitted in the presence of the witness.

Presiding Inspector: I have to know what it is about before I can rule on it. Go ahead.

Mr. Gladstein: We wish to establish by this witness, who was present at this meeting of the German-American Bund, that Ezra F. Chase spoke as a speaker on the rostrum at that [3175] meeting under the auspices of the German-American Bund, and that he publicly advocated that people should join the German-American Bund.

Now,——

(Testimony of Jeannine Lowry.)

Presiding Inspector: I will exclude it.

Mr. Gladstein: I haven't finished yet.

Presiding Inspector: Go ahead.

Mr. Gladstein: We contend that any person who has done that shows anti-labor bias, and we will establish before this hearing is over the German-American Bund itself is anti-labor and preaches doctrines which are anti-labor.

Presiding Inspector: I will exclude it.

Mr. Gladstein: I haven't finished yet.

Presiding Inspector: Go ahead.

Mr. Gladstein: And, consequently, the witness, Ezra F. Chase, by virtue of this proof, demonstrates that he had at that time an anti-labor bias, not only against labor in general, but also against Bridges.

Presiding Inspector: I don't know that we are trying any Bund, or trying any labor case here. We are simply trying the question as to whether the Alien comes within the definition of a deportable person in the statutes. Now, we can't go into these remote matters of other organizations, their prejudices, unless there is some reference to the defendant.

Mr. Gladstein: As a matter of fact, there was. The article which was written up shows that Mr. Chase did refer to [3176] Bridges. But that is only a part of it.

If your Honor feels that on that point——

Presiding Inspector: You should have brought that out——

(Testimony of Jeannine Lowry.)

Mr. Gladstein: We didn't know it at that time, but it don't make any difference, because we asked him about his bias, and on direct examination he was asked on the question of bias, and he claims he wasn't biased in his testimony, and claims he wasn't a labor spy.

Your Honor, we have a right to prove—you correctly state what the primary problem is for you to settle——

Presiding Inspector: Yes.

Mr. Gladstein: But how is that problem to be settled—by the testimony of witnesses. One of the witnesses the Government has produced is Ezra F. Chase. Now, the question as to whether he is to be believed in the testimony that he has given is obviously one that requires a consideration of other factors, one of which is whether or not the witness is so biased on the question of labor in general that he is willing to take the stand and say things which are not true against a recognized leader of the labor movement.

We say, and we are willing to make an offer at this time, that we will establish before this case is over that the German-American Bund is definitely anti-labor, and anti-Bridges, and that by speaking under the auspices of that Bund, Mr. Ezra F. Chase marks himself as anti-Bridges and anti-labor. [3177]

Presiding Inspector: Well, I think that is too remote. I will allow you to show what, if anything, Mr. Chase said at this meeting in respect to Mr. Bridges.

(Testimony of Jeannine Lowry.)

Mr. Gladstein: Of course, I will accept that. But, in addition to that, I wish your Honor to know that we feel that any man who under the auspices of the German American Bund makes a speech advocating that he will join that organization, thereby demonstrates an anti-labor bias and we think we have a right to show that in this record.

Mr. Del Guercio: If the Court please, that is three times counsel has repeated that and I think there should be a limit to arguments along that line. And he fails to state that there has been a marriage between the Nazis and the Communists.

Presiding Inspector: Well, we all know about that. I think that we will exclude the Bund.

Mr. Gladstein: Could we have the last question?

Presiding Inspector: And its attitude toward trade unions. I suppose that is what you mean by "labor"?

Mr. Gladstein: Well, I am going to——

Presiding Inspector: Let us go as far as you can. I will let you state what Mr. Chase said about Mr. Bridges to show any bias.

Mr. Gladstein: I want to put a direct question to the [3178] witness first.

Presiding Inspector: You may.

By Mr. Gladstein:

Q. Miss Lowry, is it not a fact that at this meeting to which we are having reference now in your testimony Mr. Chase publicly advocated that people should become——

(Testimony of Jeannine Lowry.)

Mr. Del Guercio (Interposing): I can't hear counsel, if your Honor please. I can't hear you at all, not a word you are saying.

Mr. Gladstein: When I am finished with the question counsel can ask the reporter to repeat it instead of interrupting.

Mr. Del Guercio: I have a right to ask it at any time.

Presiding Inspector: He is entitled to hear it from you by word of mouth.

Go ahead.

Mr. Gladstein: Did you have trouble hearing me, your Honor?

Presiding Inspector: I did at that time. You had your hand over your face when you were speaking. You may not have realized it. I think the reporter probably could hear it.

Mr. Gladstein: Shall I proceed with the question, your Honor?

Presiding Inspector: No, let the reporter read it.

(The question referred to was read by the reporter as follows: [3179]

"Q. Miss Lowry, is if not a fact that at this meeting to which we are having reference now in your testimony Mr. Chase publicly advocated that people should become——")

By Mr. Gladstein:

Q. ——should become members of the German American Bund? A. Yes.

Mr. Del Guercio: Please don't answer the question until the Court rules.

(Testimony of Jeannine Lowry.)

Presiding Inspector: I will exclude it.

Mr. Gladstein: I now wish the record to show that I am making an offer of proof to this effect: That if this witness now on the stand were permitted to answer the question that I have just asked her, her answer would be, in substance, that Mr. Ezra F. Chase at this meeting of the German American Bund that has been identified publicly advocated that people should become members of the German American Bund.

Mr. Del Guercio: I will object to the offer of proof.

Presiding Inspector: I don't think it is material. I can't see how it is material.

Mr. Gladstein: That was the purpose of bringing this testimony into the record and I have no further questions to ask. I simply want the record to show this offer of proof and I am satisfied with the record as it is.

You may cross examine. [3180]

Presiding Inspector: I will hear the question. Did he say anything about Harry Bridges?

The Witness: Mr. Bridges was mentioned.

Presiding Inspector: In what way?

The Witness: Would I be allowed to refer to the report? because I don't remember the thing clearly.

Presiding Inspector: Certainly.

(The report referred to was passed to the witness.)

The Witness: Do you wish me to read it?

(Testimony of Jeannine Lowry.)

Presiding Inspector: No. Tell us what he said as best you can, using your notes to refresh your recollection.

The Witness: He said that he had attended a meeting—no, several meetings at which Bridges had spoken and that he had heard Bridges giving orders to a certain union saying "You have to watch out for Red-baiters. They are put into a union by the employers to cause dissention and to split the unions". And he went on further to say that the Communists claimed that anyone who wasn't with them was against them, and that, whereas he knew that Bridges was a member, he couldn't prove it; he couldn't prove that he was a member if he had to, because so many people change names, and so forth, in the Communist Party that it was impossible to produce any proof.

By Mr. Gladstein:

Q. Miss Lowry, did he make a reference in his speech to the deportation trial that was taking place against Mr. Bridges [3181] at that time?

Mr. Del Guercio: Now, if your Honor please, I will object to that. Counsel said that he was through with his examination of the witness.

Mr. Gladstein: Your Honor opened it.

Presiding Inspector: I will allow it. I opened it and I think I will allow that question. This may or may not show bias, I don't know.

The Witness: I don't see an actual reference to any deportation trial here, no.

Mr. Gladstein: May I see it for a moment?

(Testimony of Jeannine Lowry.)

(The report referred to was passed to Mr. Gladstein.)

Mr. Del Guercio: Is counsel going to refresh the witness' recollection or the document?

Presiding Inspector: Oh, I think that this is perfectly proper. It is a long document and he has probably read it very recently.

The Witness: It was almost two years ago.

Mr. Gladstein: Excuse me, your Honor.

Presiding Inspector: Take your time, Mr. Gladstein.

Mr. Del Guercio: We join in that.

Mr. Gladstein: We have no further questions.

Presiding Inspector: You withdraw the question?

Mr. Del Guercio: Is he withdrawing the last question? [3182]

Presiding Inspector: Yes. He withdrew it.

Mr. Del Guercio: May I have what the last question was?

(The question referred to was read by the reporter as follows:

"Q. Miss Lowry, did he make a reference in his speech to the deportation trial that was taking place against Mr. Bridges at that time?")

Cross Examination

By Mr. Del Guercio:

Q. Well, did he?

Mr. Grossman: Just a moment, your Honor! At this time I want to make an objection to all cross

(Testimony of Jeannine Lowry.)

examination by the Government counsel because the only questions that were asked the witness and permitted to be answered were preliminary questions, having no relevance whatsoever except in so far as the subsequent questions were permitted. Now, the questions that we considered relevant to this case as going to the bias of Mr. Chase have not been permitted by your Honor. Now, therefore in effect there has been no direct examination whatsoever.

Presiding Inspector: I will allow it.

By Mr. Del Guercio:

Q. Will you answer the question, pease, Miss Lowry?

Presiding Inspector: This is to explain anything that may be in the mind of the trier of the facts or anyone who subsequently examines this record in view of the statements earlier [3183] made by counsel for the Alien.

Go ahead: That is its sole point.

A. The question was, do I have any recollection of a reference in his speech to the deportation trial that was taking place against Mr. Bridges?

By Mr. Del Guercio:

Q. Yes.

A. I have no recollection of that and I am not able to find it in the report.

Presiding Inspector: That is all. Go ahead. Next question.

By Mr. Del Guercio:

Q. Mrs. Lowry, is the Hollywood Anti-Nazi League still in existence?

(Testimony of Jeannine Lowry.)

A. I don't think it is.

Q. When did it go out of existence, do you know? A. I don't know.

Q. Do you know if it went out of existence at the time of the making of the treaty between Hitler and Soviet Russia?

A. I don't think it could have, no. I think it must have been in existence much longer because I know I was a member for a year, which would carry me into May, 1940, or June, 1940.

Q. Mrs. Lowry, have you ever been a member of the Young Communist League? [3184]

A. Of the what?

Q. Young Communist League? A. No.

Q. Are you sure?

A. I am very sure, Mr. Del Guercio.

Q. Did you ever read the magazine "New Frontiers"? A. The what?

Q. "New Frontiers".

A. I never heard of the magazine.

Q. Is that your photograph appearing in this magazine? A. It is not.

Q. It is not? A. It is not.

Mr. Del Guercio: That is all, if your Honor please.

Mr. Gladstein: One further question, your Honor.

Presiding Inspector: Yes.

Mr. Gladstein: I suppose under your ruling, however, I would not be permitted to ask it, but I think I would like at least for the purpose of the

(Testimony of Jeannine Lowry.)

record to ask permission. This would not be redirect strictly, but it should be direct.

Presiding Inspector: Go ahead. Certainly.

Mr. Gladstein: I would like to ask permission to consider that this question was asked on direct, and that is to this effect. I don't suppose I need ask the question because I know there would be an objection, but I wish to make an offer [3185] of proof at this time that, if I were permitted to ask of the witness on the stand presently the question, Did Mr. Ezra F. Chase make an attack on Labor's Non-Partisan League on the occasion when you heard him speak under the auspices of the German American Bund? that her answer would be, in substance, He did.

Mr. Del Guercio: I will object to that, your Honor. The Labor's Non-Partisan League is not at issue.

Presiding Inspector: Have we heard anything about Labor's Non-Partisan League?

Mr. Gladstein: I don't know that it has been mentioned.

Presiding Inspector: I don't know, either.

Mr. Gladstein: Well, in a general way I will be subject to correction, Labor's Non-Partisan League has been called the "political arm of the Congress of Industrial Organizations" and is a national organization with chapters or subdivisions in various States of the United States, and not only represents in legislative and political fields the CIO, but also many affiliated groups.

(Testimony of Jeannine Lowry.)

Now, I don't offer this as evidence and I am subject to correction, but that is in general my description.

Presiding Inspector: An arm of the CIO?

Mr. Gladstein: It is connected—it has been connected with the CIO. [3186]

Mr. Del Guercio: May I supplement that description, inasmuch as counsel has given his?

We have information, too, and I am simply speaking about this Non-Partisan League: That it is a Communist controlled——

Mr. Gladstein (Interposing): I think John L. Lewis is the President of it.

Mr. Del Guercio: But there is no evidence here—we are not trying the Labor's Non-Partisan League. We are not alleging that Bridges is a member of the Labor's Non-Partisan League. It isn't at issue here.

Mr. Gladstein: Of course, it isn't, and that's why they don't allege it!

Mr. Del Guercio: There is that remark of counsel again, and there is the implication. I think I have the right to answer him.

Presiding Inspector: Yes.

Mr. Del Guercio: I say that Bridges is a member of the Communist Party.

Mr. Gladstein: Well, he has been saying that from the start, your Honor.

Presiding Inspector: Neither assertion amounts to anything.

Mr. Gladstein: That's right, I know.

(Testimony of Jeannine Lowry.)

Presiding Inspector: So let us not make those accusation. [3187]

Let us hear the question.

Mr. Gladstein: It is an offer of proof.

(The offer of proof referred to was read by the reporter as above recorded.)

Mr. Del Guercio: There is an objection, of course.

Presiding Inspector: I know. And you are going to add to that offer the further offer of proof that Mr. Bridges is a member of the Non-Partisan League?

Mr. Gladstein: He is, and during his testimony——

Presiding Inspector: (Interposing) That is part of your offer?

Mr. Gladstein: I don't think we could very well ask Miss Lowry as to whether Mr. Bridges is a member of the Labor's Non-Partisan League, but we will establish that he is, I think, the California Director of Labor's Non-Partisan League.

Presiding Inspector: I think I will take that proof. Go ahead.

Mr. Gladstein: I should amend that statement. Mr. Bridges, as California Director of the CIO——

Mr. Del Guercio: I don't accept that.

Mr. Gladstein: I haven't finished yet.

Presiding Inspector: Let him finish.

Mr. Gladstein: Is obviously connected with La-

(Testimony of Jeannine Lowry:)

bor's [3188] Non-Partisan League and is also a member of Labor's Non-Partisan League.

Presiding Inspector: Very well. I will take the proof.

By Mr. Gladstein:

Q. Do you understand the question?

A. The question is, Did Mr. Chase make any attack on Labor's Non-Partisan League in the course of the speech?

Q. Yes.

A. May I see the report, again, please?

Q. Yes, of course.

(The report referred to was passed to the witness.)

Presiding Inspector: Of course, the question here is where to draw the line, Mr. Gladstein. You understand that,

Mr. Gladstein: I realize that, your Honor. But this question of anti-labor bias is not a simple thing to define. It may be shown in a variety of ways, and our contention is that a man——

Presiding Inspector: (Interposing) It bears very slight, it seems to me, on the credibility of the witness.

Mr. Gladstein: It so happens, your Honor, —and this I will say also—that the testimony that we have offered to the effect that Mr. Chase advocated membership in the German American Bund will be more closely linked with vital testimony in this

(Testimony of Jeannine Lowry.)

case when Mr. Bridges takes the stand, because we intend to show that Mr. Bridges has exposed to the Department of Justice [3189] at least on one occasion, if not on several, the activities of Nazi spies in some of the aircraft plants in the southern part of California. And, obviously, anyone who takes such steps and reveals such things either to the Secretary of Labor or to the Department of Justice is a target for people who are connected with or members of or advocates of membership in the German American Bund.

Presiding Inspector: I shouldn't think that would be applicable to a meeting held—when was this meeting?

The Witness: July, 1939.

Presiding Inspector: (Continuing) —July, 1939, which was at least a month before war began. I mean, abroad.

Mr. Del Guercio: May I reply to counsel's argument here?

Presiding Inspector: You may, yes. Of course, it went rather far afield.

Mr. Del Guercio: It is far afield, but he is taking this opportunity here in order to show what Mr. Bridges has done. In other words, he has branded Mr. Chase as being a labor spy for doing the same thing that he now admits that Mr. Bridges has done.

Presiding Inspector: That is argumentative. We will take that up when we come to it.

(Testimony of Jeannine Lowry.)

Mr. Del Guercio: I was wondering there whether he was going to brand his client as a labor spy.

[3190]

Presiding Inspector: Well, you hope so. Go ahead, Mr. Gladstein.

By Mr. Gladstein:

Q. Could you now answer the question, Miss Lowry?

A. Yes, I shall. Mr. Chase said that——

Q. (Interposing) First of all, could you answer the question as to whether he attacked Labor's Non-Partisan League?

A. Yes. He did attack it.

Mr. Gladstein: Does your Honor wish to hear the manner in which he attacked it?

Presiding Inspector: Yes.

Mr. Del Guercio: I object to the question. I will withdraw the objection.

Presiding Inspector: I will take it.

The Witness: Mr. Chase said, I think the previous year, that the Board of Education has been trying to prove that Labor's Non-Partisan League was Communist in order to keep it out of the schools, Mr. Chase said that it was his own testimony that clinched matters and decided the Board of Education that Labor's Non-Partisan League was Communistic and that he had testified to a lot of things like that; that he got around a lot.

Presiding Inspector: What did she say there at the end?

(The answer referred to was read by the reporter as above recorded.) [3191]

(Testimony of Jeannine Lowry.)

The Witness: His words were, "I get around. I speak before a lot of groups and all, but some of them ain't got the courage to come out in the open just yet".

By Mr. Gladstein:

Q. Did he mention any groups in there that do have the courage to come out in the open?

A. No, he didn't.

Q. Did he make any reference to people in the Bund, coming out in the open?

A. Oh, yes. He urged that people join the Bund.

Mr. Del Guercio: I will object to that. This is an attack on Labor's Non-Partisan League.

Presiding Inspector: I think I will just allow that single sentence to stay in the record. It really goes outside of my ruling.

Mr. Del Guercio: Yes.

Mr. Gladstein: That is all, your Honor.

Presiding Inspector: Anything further?

Mr. Del Guercio: Nothing further, your Honor.

Presiding Inspector: That is all.

The Witness: Thank you, Your Honor.

(Witness excused.)

Presiding Inspector: Next witness, Mr. Gladstein.

We might take a five-minute recess.

(Whereupon a short recess was taken.)

[3192]

Mr. Gladstein: Will you take the stand, please.

No. 10450

United States

Circuit Court of Appeals

For the Ninth Circuit.

HARRY BRIDGES,

Appellant,

vs.

I. F. WIXON, as District Director, Immigration and Naturalization Service, Department of Justice,

Appellee.

Transcript of Record

VOLUME IX

Pages 3811 to 4284

Upon Appeal from the District Court of the United States for the Northern District of California, Northern Division

Rotary Colorprint, 590 Folsom St., San Francisco

VIRGIL MacMICKLE

called as a witness on behalf of the Alien, being first duly sworn, testified as follows:

Presiding Inspector: Give your name to the reporter.

The Witness: Dr. Virgil MacMickle; V-i-r-g-i-l M-a-c-M-i-c-k-l-e.

Direct Examination

By Mr. Gladstein:

Q. MacMickle? A. MacMickle. That's it.

Q. Where do you reside?

A. Portland, Oregon.

Q. What is your address?

A. My business address is 327 Park Building.

Q. Is that spelled P-a-r-k or with an "e" on it? A. P-a-r-k.

Q. What is your profession?

A. I am a naturopathic physician.

Q. Have you practiced that profession in Portland for some time?

A. I started my twenty-eighth year in practice on March 15th of this year.

Q. Doctor, during your——

Presiding Inspector: Don't you think we ought to know a [3193] little bit more about this profession? I regret to say I have never heard of it.

By Mr. Gladstein:

Q. All right. Will you describe it a little more fully, please.

A. In Oregon we have the regular medical and surgical profession and the osteopathic and allo-

(Testimony of Virgil MacMickle.)

pathic and the naturopathic, and we also have licensing and examining boards. As a matter of fact, we all have to pass the basic sciences in pathology —

Presiding Inspector: (Interposing) I asked for information simply. Are you allowed to diagnose?

The Witness: Yes.

Presiding Inspector: Disease?

The Witness: Yes.

Presiding Inspector: Or pathological condition?

The Witness: That's right. I am.

Presiding Inspector: And are you entitled to prescribe and treat?

The Witness: I am prescribed to do everything, your Honor, except major surgery and the use of pharmaceutical drugs. [3194]

Presiding Inspector: This is all unknown to me. I want information.

Mr. Gladstein: I see.

By Mr. Gladstein:

Q. When did you obtain your license in Oregon to practice this profession?

A. Well, you see, when I first started in practice we were included under the Osteopathic Act of 1907. We had no separate board of our own. Then we got our license law in 1927, at the 1927 session of the Oregon Legislature.

Q. And since that time have you been licensed continuously in the State of Oregon as a naturopathic?

(Testimony of Virgil MacMickle.)

A. Yes, I have. As a matter of fact, I was appointed to the first long term on the board by Governor I. L. Patterson, and then I was reappointed by Governor Julius Meyer.

Q. What board is that?

A. The Naturopathic Board of Examiners.

Q. Do you still hold that position with that board? A. No, sir.

Q. What were the terms during which you held those positions?

A. From 1927 to—I believe the first appointment was—until 1930. Then, due to the death of Governor Patterson we had a Governor pro-tem, who, when my term expired, appointed another fellow; and then there was an independent election and [3195] Governor Meyer came in and removed the previous appointee who had been put on my position, and I filled his unexpired term.

Q. Until when?

A. Well, that would be from 1931, July 1, 1931, until July 1, 1933.

Q. And in that profession you are entitled, are you not, to the designation of "Doctor", is that correct?

A. Yes. We are legally—we have the right to sign all documents, and all that sort of thing, that are conventionally signed by any physician.

Q. Did you, while you were practicing your profession in the City of Portland, ever meet a man by the name of Robert Wilmot? A. Yes.

Q. When did you first make his acquaintance?

(Testimony of Virgil MacMickle.)

Mr. Del Guercio: If your Honor please, I object to that question. If he met him in the capacity of a doctor, of course, the communication would be privileged.

Presiding Inspector: I don't know what it is. We will find out.

Mr. Del Guercio: Before this question is answered.

Presiding Inspector: I will find out whether he met him or not. There can be no harm in that.

Mr. Gladstein: Read the question. [3196]

(The question referred to was read by the reporter as above recorded.)

A. My recollection is probably in 1936; that is as near as my recollection serves.

By Mr. Gladstein:

Q. And for how long a period of time did you remain acquainted with Mr. Wilmot?

A. Well, I suppose to the present moment. I haven't seen much of him in the last year. I have passed him on the street just recently.

Q. Do you know whether for a time, during your acquaintance with Mr. Wilmot, he was connected with the CIO in Portland?

A. Yes; he was the editor of the Labor New Dealer.

Q. Was Mr. Wilmot ever a patient of yours?

A. Yes.

Q. During what period of time?

A. Well, I would say he was a patient off and

(Testimony of Virgil MacMickle.)

on, probably, from the time I first knew him until about a year ago.

Q. During that period of time did you ever have occasion to discuss with other people the reputation of Mr. Wilmot for truth and veracity?

A. Yes. In the last year of our—as I say, prior to a year ago, which was the year 1940, I did.

Q. Do you know what Mr. Wilmot's reputation was as of that time and has remained since, what that reputation is and was, [3197] with the people with whom Mr. Wilmot was associated or came into contact with as respects his truth and veracity?

Mr. Del Guercio: I object to that question. No proper foundation has been laid for it. The witness has not been qualified sufficiently.

Presiding Inspector: I think he has. He lives in the same community, knew him, he was a patient of his.

Mr. Del Guercio: Only as a patient, but on the other——

Presiding Inspector: This is to show his acquaintance with him.

Mr. Del Guercio: Does the doctor-patient relationship come within the rule?

Presiding Inspector: This is merely as to acquaintance. He isn't going to disclose anything he learned in that way.

Mr. Del Guercio: Perhaps I don't make myself clear. It seems to me that this witness—I may be wrong—has testified that his only relationship ap-

(Testimony of Virgil MacMickle.)

parently with Mr. Wilmot has been that as doctor and patient.

Presiding Inspector: Yes.

Mr. Del Guercio: The other, if he has had any other association, isn't very clear.

Presiding Inspector: He says he passed him on the street, passed him casually, I suppose. But that doesn't make any difference. This shows that he has heard his character discussed by people that were in the vicinity where he lives. [3198]

Mr. Gladstein: Yes.

Presiding Inspector: I will allow you to ask if his reputation is good or bad.

Mr. Del Guercio: Just a moment.

Presiding Inspector: I thought he said he knew.

The Witness: Yes, I do.

By Mr. Gladstein:

Q. Do you know whether that reputation for truth and veracity of Mr. Robert Wilmot was and is good or bad?

A. The last year of my knowledge, bad.

Q. Would you believe him under oath?

A. No, I wouldn't.

Q. Doctor, during the practice of your profession did you ever meet a man by the name of Richard Lovelace? A. Many times.

Q. When did you first become acquainted with Mr. Lovelace? A. I should say along in 1933.

Q. Have you know him fairly continuously since that time? A. Very continuously.

Q. Is he alive today?

(Testimony of Virgil MacMickle.)

A. No. He died, I would say, about two months ago, if my recollection is right.

Q. Was he a patient of yours?

A. Yes. He was a patient of mine off and on during [3199] that period.

Mr. Gladstein: Your Honor, before I proceed further I have this question to raise with the Court: I think we are entitled, in view of the fact that Mr. Lovelace is not available, and in view of the fact that your Honor has admitted a statement signed by Mr. Lovelace, to go into the question of the mental condition of Mr. Lovelace during a period of, say, a year or so prior to his death.

Now, I anticipate that counsel will object on the ground that I am seeking to disclose confidential matters. I assure you that is not my intention, but I do not see how I can avoid necessarily bringing some of that out; although some of the testimony of this witness will have to do with matters that are generally known and which, I believe—I can't state this on absolute assurance—I believe other witnesses in this case will also substantiate, that is, matters of not perhaps common knowledge, but matters at least which are not confined merely within the confidential relationship of a patient and his doctor.

Mr. Del Guercio: It isn't only *that on* ground that we object. We are not concerned, and counsel should not have made reference to any other witness; we are concerned mainly with this witness. We would object to anyone besmirching the charac-

(Testimony of Virgil MacMickle.)

ter of a dead man who is unable to protect himself, regardless of who the witness may be. [3200]

Presiding Inspector: I am a little puzzled about how to rule on this thing. If you want to put lay witnesses on and show that his conduct was such and such, and should be characterized as irrational, why, I think I would receive that.

Mr. Gladstein: That is what we want to do.

Mr. Del Guercio: I am assuming that the witness' ethics are such that they wouldn't permit him to answer.

Presiding Inspector: Yes—I don't know.

Mr. Grossman: May I ask this question?

Presiding Inspector: Yes.

Mr. Grossman: If that were true how would it be possible in any court to prove mental incompetence? Obviously, to prove it scientifically it is necessary to call a medical man who has some kind of a relationship with the person involved.

Mr. Del Guercio: With the consent of his family and guardian.

Presiding Inspector: I suppose you could show it by lay witnesses, and ask a hypothetical question based on the lay witnesses.

Of course, we know the Hippocratic oath of confidence, which is recognized by courts. Of course, this is not a court proceeding but—

Mr. Grossman: In almost any court the common law rule of evidence, because of lack of cross examination, the affidavit of a dead man, which cannot otherwise be challenged by cross [3201]

(Testimony of Virgil MacMickle.)

examination, is not admissible. Obviously, how are we to answer this? How are we to discredit this, how are we to produce any evidence if that which is most scientific, and which deals most with the credibility of the statement is not allowed, and that is mental condition of the person who made the statement, if that cannot be gone into in a scientific way?

We recognize also the difficulty you point out of the possible violation of that oath and that is why we ask for a ruling on it.

Presiding Inspector: I am frankly puzzled by it.

Mr. Gladstein: That is why I put the question the way I did, without proceeding further. I recognize the difficulty of the problem, but, your Honor, in so far as we desire to bring out——

Presiding Inspector: The subject matter is competent, is pertinent, but——

Mr. Gladstein: (Interposing) I understand.

Presiding Inspector: (Continuing) ——but it is only whether this witness can testify on account of the privilege which every person is given when that person consults a physician. You see the law, both statutory and, in some states, common law, holds that the welfare of the people is best served by preserving the privilege of the patient and the confidence of the patient, even though it may interfere with the due administration of justice. [3202]

I know the criticism of Dean Wigmore, for example, as to all of these privileges, but the

(Testimony of Virgil MacMickle.)

physician, the Priest and the lawyer are put in a class and are not allowed to violate the confidence of their patients, or of their parishioner and of their client.

Mr. Gladstein: Just a moment.

Presiding Inspector: Yes. I would like to have you present some authority on this if you could.

Mr. Gladstein: I am very willing to look at the authorities on that.

The thing that occurs to us, your Honor, is that if—I may state this furthermore before I ask the question: This witness, I believe, is in a position to testify, not only to those things which he learned concerning Richard Lovelace as a result of the professional relationship that was sustained between the two, but also things which are not, strictly speaking, things that were revealed during or within the confines of that relationship.

I have in mind things which possibly other people may also be in a position to vouch for. However, would the fact that this witness is not a layman, and did come by some of his information as a result of having Mr. Lovelace as a patient, would that disqualify him from also testifying as to things that he knows about Mr. Lovelace that did not come to him in the patient-doctor relationship?

[3203]

Mr. Del Guercio: The answer to that is quite obvious, your Honor. If there is a relationship of physician-patient—I assume the witness is a physician—anything that he may learn from what-

(Testimony of Virgil MacMickle.)

ever source necessarily comes within the rule of confidence, because he has knowledge gained during the relationship of physician and patient, and it must be necessarily because of that knowledge gained that he would base his opinion, as to what others would say, if that confidential relationship exists.

Presiding Inspector: I would like to have some authorities presented.

Mr. Gladstein: Before we go into that let me proceed on another line of examination.

Presiding Inspector: I am not finally ruling, you see.

Mr. Gladstein: Yes. But, I thought I could go into some other matters before we come to this question again.

Presiding Inspector: Go ahead.

By Mr. Gladstein:

Q. Now, Doctor, prior to Mr. Lovelace's death, did you ever have occasion to discuss with other people who knew or worked with Mr. Lovelace his reputation for truth and veracity?

A. Yes, I did.

Q. Do you know what that reputation was for a period of, let us say, the last year of his life, among his acquaintances, with the people in the vicinity with whom he worked?

Mr. Del Guercio: I object to that, if your Honor please, [3204] as asking for the reputation for truth and veracity of a dead man.

Presiding Inspector: I will take it but, of course,

(Testimony of Virgil MacMickle.)

if we find out that this is influenced in any way by his knowledge as to what had been disclosed to him in the relationship of patient and doctor, of course you might have to strike this out. But so far as it appears in your question it doesn't appear that there is any such element.

Mr. Gladstein: Right.

Presiding Inspector: I want the witness to understand that in this matter you are not to take into consideration anything more than what you have heard discussed by others who were his neighbors, or his associates, or had some knowledge of him.

By Mr. Gladstein:

Q. Based on those discussions are you in a position to state whether you know what Mr. Lovelace's reputation for truth and veracity was during, let us say, the last year of his life?

A. Very bad.

Q. Would you—well,—it is obvious that the next question must refer, of course, to the period during which he signed that statement.

Presiding Inspector: Yes.

By Mr. Gladstein:

Q. Would you, during the period of time, or during the last year of his life—— [3205]

Presiding Inspector: I don't think it is really material, that statement.

Mr. Gladstein: It was introduced here as if it was sworn to.

Presiding Inspector: It doesn't make any differ-

(Testimony of Virgil MacMickle.)

ence whether it was sworn to or not as far as admissibility is concerned.

Mr. Gladstein: The more we come to the question the more it appears to me that if the usual rules of law are to be applied to this question of the Richard Lovelace statement, as you point out, we are prevented in one way or another from establishing that there was no truth or veracity to be attached to the man, and there is no way of cross examining the man, of course, and no way to attempt to probe the basis of the opinions and statements he sets forth in the statement. I am convinced, your Honor, that I frankly cannot see that there is any alternative for the Court but to solve the question by striking the statement of Mr. Lovelace from the record.

Presiding Inspector: That may finally be done. I don't know. I don't think I will do it now.

Mr. Gladstein: The only difficulty with delaying the thing is that it leaves us in this position:——

Presiding Inspector: Frankly, it is an extension of the common law rule. I am going beyond that in admitting the statement. There is no question about that. But in this administrative hearing, where the only confines are, first, [3206] relevancy and, second, fairness, I thought that I was justified in receiving the statement. But you are in a difficulty here. I think I will allow you to show that this witness could not, during the period that you have specified, believe his statement under oath.

(Testimony of Virgil MacMickle.)

By Mr. Gladstein:

Q. I will ask you that question now, Doctor. During the last year of his life would you have believed Richard Lovelace under oath?

A. No.

Q. Now, Doctor, are you in a position to tell us——

Presiding Inspector: Excuse me—this is a little different, of course, from the usual case. There have been intimations here which are sufficient to lead me to surmise that perhaps there are other reasons why he wouldn't believe him, and the fact that he was not a truthful person ordinarily; but we will have to let that stand, I suppose.

By Mr. Gladstein:

Q. Of course, the question that I asked, or intended to be understood, was based on his reputation so I will ask it that way—in the last question which I wish to reframe now—I want to ask this: Would you, based on your knowledge of Mr. Lovelace's reputation for truth and veracity during the last year of his life, have believed him under oath at any time during that period? [3207] A. No.

Mr. Del Guercio: Just a moment. I object to that.

Presiding Inspector: I think I will take it. There is a difficulty here.

By Mr. Gladstein:

Q. Now, Doctor——

Presiding Inspector: It is somewhat doubtful.

(Testimony of Virgil MacMickle.)

I think you are right in interposing an objection.

Mr. Del Guercio: Yes.

By Mr. Gladstein:

Q. Are you in a position to testify as to activities or the conduct of Mr. Lovelace during the last year, let us say, or thereabouts, of his life, showing a lack of mental competency based on knowledge or information obtained by you outside of your medical profession relationship with Mr. Lovelace?

Mr. Del Guercio: Just a moment. That question almost amounts to contempt. Counsel knows that Mr. Lovelace was under treatment by the Veterans Bureau up until the time of his death.

Presiding Inspector: That has been in the record.

Mr. Del Guercio: That is correct. If he wanted any information concerning Mr. Lovelace's mental capacity during that period of time that would have been the place to have gone, and not to this person here who hasn't been qualified as [3208] a——

Presiding Inspector: There is some proof, I think, from Mrs. Lovelace, that her husband was under treatment. That is so, isn't it?

Mr. Gladstein: She said something like that, but we are not confined to ascertaining what the Veterans Hospital records say was the cause of his death, or anything of the sort.

Mr. Del Guercio: Not that; what they show concerning his mental condition, and they do show that.

(Testimony of Virgil MacMickle.)

Mr. Gladstein: In another respect, of course, if Mr. Del Guercio raises the question about confidence, those records, I take it, are subject to the same rule that he raised, isn't that right?

Presiding Inspector: I suppose so.

Mr. Gladstein: All right. There is another thing I wish to point out: Whether the present witness is a doctor or not, if he has learned through sources other than the medical professional relationship that he sustained with Mr. Lovelace, that Mr. Lovelace was committing acts, or was guilty of conduct which, to any reasonable person, would be considered irrational, for example—and I mention this simply as an example—if he knows of his own knowledge that Mr. Lovelace, during the last year of his life, was writing letters to people and attempting to extort money, and making threats, and being very irrational, I think he would be in a position and entitled to testify as to [3209] that, unless those matters came to his knowledge only by virtue of his being the doctor in the case. In other words, I think——

Presiding Inspector: I will let him testify to any peculiar acts of which he has notice, and which he did not learn from the lips of Mr. Lovelace, or from anyone else of his family, or which he did not see, observe, during the time that he was treating him.

Mr. Gladstein: That is all right.

Mr. Del Guercio: If the witness can distinguish them.

(Testimony of Virgil MacMickle.)

Presiding Inspector: I know we are in difficult water here, stormy water, and I think I will try to survive and swim in it—and I don't know whether I can or not—but we will see if the witness can answer that question.

Mr. Del Guercio: I object to it on another ground—that it is improper.

Presiding Inspector: I will allow anything that you didn't learn from him, or from his wife, and which you know about, which occurred during the last year, is that the time, the last year?

Mr. Gladstein: Say, during the last year or so of his life.

The Witness: Shall I go ahead?

Presiding Inspector: Yes.

A. Well, I know from the lips of friends—this he wouldn't tell me himself of course—[3210]

Mr. Del Guercio: (Interposing) I can't hear.

Presiding Inspector: He said, "I know from the lips of friends, this he wouldn't tell me himself, of course"——

A. (Continuing) He had the peculiarity of turning suddenly sour on one or another of his close friends, and denouncing them in, well, vile language, and threatening them with physical violence.

Mr. Del Guercio: If your Honor please, I move——

Mr. Gladstein: He hasn't finished his answer.

Mr. Del Guercio: I move to strike the answer out.

Mr. Gladstein: I think the witness should be

(Testimony of Virgil MacMickle.)

permitted to finish his answer before there is an objection to it.

Presiding Inspector: I think he about has.

The Witness: No, I haven't.

Presiding Inspector: Go ahead. We will hear the rest of the answer.

A. (Continuing) He did write letters, and these were brought to me by the husband of the woman in question, in which he did attempt to extort money from the woman by various threats, some of them phrased in such obscene language that I wouldn't dare to repeat them here; and the husband also assured me that he had orally and in person tried to terrorize his wife. Then, of course, that matter was, in due course, introduced before the proper authorities there. I know Mr. Stack, in Portland, phoned me about it because I merely recommended to the husband, [3211] who wanted to know what to do, to communicate with the authorities. I sent him to Mr. Stack, who had that function, and Mr. Stack called back and discussed the matter with me.

So I know those letters were written, and they were pretty terrible, and they were voluminous.

Mr. Del Guercio: I move to strike out his entire answer. It is obvious that this witness is violating his confidence.

Presiding Inspector: I can't say that is so positively. If he received these letters, or was shown these letters by some acquaintance, which he can say were written by Mr. Lovelace, I will take his

(Testimony of Virgil MacMickle.)

testimony along that line so far as those letters are concerned.

Mr. Del Guercio: We can't confront him with the testimony of Mr. Lovelace because Mr. Lovelace is dead. We can't bring him back to give the lie to that.

Mr. Grossman: He is not attributing this to Mr. Lovelace. Mr. Lovelace wouldn't be the proper one to testify on it anyhow, but it can be checked by the people involved.

Presiding Inspector: I will take it. This is what this witness has seen, threatening letters, letters of extortion, which might be said to be letters demanding money, blackmail, extortion, addressed to some wife of a friend of his. Now, you may show who that man is. Perhaps you had better do that.

It is rather unfortunate to bring all this into this case. [3212]

A. (Continuing) Yes, and——

Mr. Del Guercio: (Interposing) There is no question pending. The Court should admonish the witness not to answer unless there is a question before him.

Presiding Inspector: Yes. Don't answer unless there is a question. Go ahead. I have ruled. Go ahead.

By Mr. Gladstein:

Q. Is there any doubt in your mind, Doctor, that the threatening letters that you have mentioned,

(Testimony of Virgil MacMickle.)

were letters written by Mr. Richard Lovelace during his life?

Mr. Del Guercio: I object to that on the same ground—we know what the witness' answer will be—that we cannot bring Mr. Lovelace back.

Presiding Inspector: But you might bring this man in to whom the letters were addressed, or his wife. I will take it.

The Witness: I didn't catch the question.

Presiding Inspector: Do you know whether or not these were in the handwriting of Mr. Lovelace?

A. Well, I definitely was convinced in my own mind that they were.

Presiding Inspector: That isn't enough. Do you know whether they were?

The Witness: They bore his signature and they came through the mail addressed to this person, and the husband had confronted [3213] Mr. Lovelace with them.

Presiding Inspector: That is what he told you?

The Witness: Yes; and threatened to kill him. [3214]

By Mr. Gladstein:

Q. Did Mr. Lovelace ever discuss these letters subsequently with you? A. Yes.

Mr. Del Guercio: I will object to that question. There again we can't bring back Mr. Lovelace to confront this witness.

Presiding Inspector: Were you treating him?

The Witness: No. He was under the Veteran's treatment.

(Testimony of Virgil MacMickle.)

Presiding Inspector: You weren't treating him?

The Witness: No.

Presiding Inspector: I will allow that as to what you discussed with him.

A. Well, after this husband of the woman received these letters or found them among his wife's possessions and brought them to me, at least he seemed to be in the mood to do great violence, and I talked him out of it. And he talked with Mr. Lovelace in the afternoon, and the next morning Mr. Lovelace asked me by some means, because I had known the lady in question, if I couldn't get these letters back. And I said, No, I couldn't do anything of that sort. And then subsequently he informed me that it didn't make any difference.

Mr. Gladstein: What is the last part?

Presiding Inspector: "Subsequently he informed me that [3215] it didn't make any difference." That was the last.

By Mr. Gladstein:

Q. Did you ever have a discussion with Mr. Lovelace concerning these letters in which he said that he had taken some steps in Washington, D. C. to help him? A. Yes.

Mr. Del Guercio: Your Honor, just a minute, please! I will object to that question on the same ground.

Presiding Inspector: I will take it. I will take that. You see, you couldn't call the attention of

(Testimony of Virgil MacMickle.)

Mr. Lovelace because Mr. Lovelace was dead. I will take it.

By Mr. Gladstein:

Q. You said "Yes"? A. Yes.

Presiding Inspector: This is where we are trying to chart a course where there are no lighthouses or buoys or anything else.

Mr. Del Guercio: We do have, however, your Honor, reason. Reason would dictate the exclusion of it.

Presiding Inspector: I am trying to apply reason. I may be wrong.

Mr. Gladstein: We recognize it is difficult, your Honor. This is hearsay, but the statement itself is subject to the same objection.

Presiding Inspector: I will take it. [3216]

Mr. Del Guercio: Hearsay, if your Honor please, and coming from the lips of a man who has testified that he was that dead person's physician.

Presiding Inspector: Not at this time.

Mr. Del Guercio: During the lifetime of that dead person.

Presiding Inspector: Not at this time.

Mr. Gladstein: May I have the question.

(The question referred to was read by the reporter as above recorded.)

By Mr. Gladstein:

Q. What was that conversation, the substance of it?

A. Well, he came in and said "Don't worry

(Testimony of Virgil MacMickle.)

about those letters anymore. I don't care about them. I have got too many friends in Washington. It's all fixed up."

Q. Are you in a position to say, Doctor, of your own knowledge about any other conduct of Mr. Lovelace which was abnormal or peculiar that you didn't learn from or during your professional relationship with him?

A. Well, he became a habitual drunkard, as would be evidenced by meeting him on the street and in social gatherings and things of that sort.

Mr. Del Guercio: I move to strike that. I move that that answer be stricken, your Honor, as obviously improper.

Presiding Inspector: I will allow it. As to his being an habitual drunkard, I think I will exclude. But you may [3217] have him tell how many times he saw him drunk.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. Would you do that, please, Doctor?

A. Well, I saw him drunk almost daily over a large period of—well, a good part of a year.

Q. A good part of a year?

A. A good part of a year, almost daily, except Sundays which, of course, I wouldn't be downtown.

Q. Was Mr. Lovelace on the public streets in Portland at that time? A. Yes, very much.

Mr. Gladstein: Now, your Honor, there is only one more question that I wish to go into. But,

(Testimony of Virgil MacMickle.)

as I say, you prefer a memorandum. I will try during the noon hour. Therefore, I wish to reserve until I have had a chance to check the authorities to find what the law says as to my right to bring out a question, which very frankly goes to the mental competency of Mr. Lovelace but which would, of course, involve the professional relationship of the doctor with Mr. Lovelace.

Presiding Inspector: I think you had better postpone that.

Mr. Gladstein: With that reservation, that I haven't finished my direct for that reason only, I am perfectly willing to have counsel cross examine the doctor now.

Mr. Del Guercio: We will not cross until they are through with their examination. [3218]

Presiding Inspector: All right. They have that right. We will let you withdraw the witness at this time.

Mr. Gladstein: I had, frankly intended, your Honor,—I didn't think that we would need another witness this morning, because I thought that the cross and direct would certainly go through twelve thirty. And I anticipate that it would, if it were begun now. The questions that I wish to bring out from this witness, though, as I say, revolve around his confidential relationship.

Mr. Del Guercio: I——

Mr. Gladstein: (Interposing) Maybe if I asked the witness, it is possible that some of his informa-

(Testimony of Virgil MacMickle.)

tion came from other sources. I do not know. I would like to ask him that.

Presiding Inspector: Very well.

Mr. Gladstein: Perhaps it is possible.

By Mr. Gladstein:

Q. Doctor, concerning the apparent mental condition of Mr. Lovelace during, let us say, the last year or thereabouts of his life,——

Presiding Inspector: (Interposing) Let us find when he ceased to be his patient.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. When did he cease to be your patient?

A. Oh, I would say along in the fall of 1939.

Q. He was your patient off and on from around 1934, I [3219] think you said, until 1939?

A. Yes. You know, minor ailments and things of that sort.

Mr. Del Guercio: From 1933 I believe was the previous testimony.

The Witness: From 1933.

By Mr. Gladstein:

Q. Well now, subsequent to the fall of 1939, subsequent to the time that he ceased to be your patient, are you in a position to say from your observation of him and your knowledge of his conduct as to whether he appeared to be mentally abnormal and, if so, in what respects?

Mr. Del Guercio: Just a moment, if your Honor please. I will object to the question unless the

(Testimony of Virgil MacMickle.)

witness is able to distinguish between knowledge gained——

Presiding Inspector: (Interposing) Yes. I think I will sustain the objection. May I suggest to you that you treat him as a lay witness?

Mr. Gladstein: All right.

Presiding Inspector: And ask him whether these acts which he has now described impressed him as rational or irrational, characterizing the acts rather than the man.

Mr. Gladstein: All right.

Presiding Inspector: And let the conclusion about the man go to the trier of the facts so far as this witness is con- [3220] cerned.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. Well now, in the questions that I am going to ask you from now on, Doctor, will you please bear in mind to confine yourself only to that period that starts after Mr. Lovelace ceased to be your patient? Is that clear?

A. That's right.

Presiding Inspector: And to the acts that he has described.

Mr. Gladstein: Well, there may be others that I want to ask him about.

Presiding Inspector: Oh yes. Which he has described or may describe.

By Mr. Gladstein:

Q. Did you observe, outside of the condition

(Testimony of Virgil MacMickle.)

which I think you described as habitual drunkenness, and the other incidents about the threatening letters, anything else concerning Mr. Lovelace that was unusual or peculiar?

A. Yes. In his, oh, in his private social conversation—I mean, in talking as man to man and not as man to physician——

Mr. Del Guercio: (Interposing) I can't hear the witness.

The Witness: I am sorry. I will try to speak louder.

Presiding Inspector: Read the answer.

(The answer referred to was read by the reporter as above recorded.) [3221]

A. (Continuing) ——he on one occasion asked me if I ever talked to the "pixies". And I looked at him peculiarly, and he said "Well, I do". And then he would indulge in a conversation with you which might start out rationally enough and then a blank stare would come over his face, he would change color and then suddenly he would pass his hand over his face like that and shake himself a little bit and then say, "Well, what were we talking about?" His mind from a lay man's point of view did not track. He was not rational and coherent.

By Mr. Gladstein:

Q. Was he violent in his manner of speech or in his general manner?

A. Yes. He was violent in his speech and in his gesticulations. He seemed to have no capacity

(Testimony of Virgil MacMickle.)

to say anything during that last year in an ordinary tone of voice and in ordinary language. He had to resort to very strong language and a great deal of twisting of the face and violent gesticulations. And I have heard other people in my presence ask him if he thought he was God, by the gestures that he made, the Godly gestures.

Mr. Del Guercio: I move that all of the latter testimony, unresponsive to the question, be stricken.

Mr. Gladstein: It is quite responsive.

Mr. Del Guercio: All of this is unresponsive.

Presiding Inspector: No. He asked for peculiar or unusual [3322] acts, and even a lay witness may give those.

Mr. Del Guercio: Well, he didn't mention that.

Presiding Inspector: That, as I understood, is the question.

Mr. Gladstein: That is right. I intended to be, and if it wasn't, I would like to have the record amended to be that.

Presiding Inspector: Now, I assumed that that was the question. There were phrases in there where he very naturally—a physician, it is hard to separate himself from the two departments and to be in one department a physician and in another department a lay man. We were asking him for unusual or peculiar acts and he gave some. Now, I will strike out that part where he said that he seemed to begin rationally, and then there was the change in his—I don't suppose he meant "rational", but I will let you ask about that.

(Testimony of Virgil MacMickle.)

Mr. Gladstein: All right.

Mr. Del Guercio: If the Court please,——

Presiding Inspector: (Interposing) And I will strike out the portion I mentioned. The rest of it I will allow.

Mr. Del Guercio: With this further observation: While counsel has asked for peculiar acts, the witness has testified that he looked peculiar to Mr. Lovelace.

Presiding Inspector: I didn't so understand it.

Mr. Del Guercio: Well, if you read the testimony back [3223] it will so show.

(The answer referred to was read by the reporter as above recorded.)

Presiding Inspector: I will strike out the part that he had heard other people.

Mr. Gladstein: This was in the presence of Mr. Lovelace, your Honor.

Presiding Inspector: Oh, did you mean that?

The Witness: Yes.

Presiding Inspector: That was part of a conversation?

The Witness: Part of a conversation.

Presiding Inspector: Oh, I didn't understand that. Then I will let it stand as a part of what he is describing.

By Mr. Gladstein:

Q. Can you recall now, Doctor,——

Presiding Inspector: (Interposing) The other part that I referred to was in a previous answer.

(Testimony of Virgil MacMickle.)

Mr. Gladstein: All right. Then I want to get to that point, too.

By Mr. Gladstein:

Q. Do you recall whether during the last year of his life and subsequent to the time that he ceased to be your patient, whether Mr. Lovelace would ever show anything unusual or peculiar in the manner in which he carried on a conversation? [3224]

Mr. Del Guercio: I will object to that.

Presiding Inspector: I will take it.

A. Yes.

Presiding Inspector: You should give incidents, if it is possible.

Mr. Gladstein: Yes. First I want to ask him if he knows, then I will ask him for instances.

By Mr. Gladstein:

Q. Was the answer "Yes", Doctor?

A. Yes.

Q. Now, will you state such instances of that character of the testimony that I have called for as you remember?

A. Well, I hardly remember a case in which his conversation wasn't of that character during the last year. There would be innumerable instances of the sort.

Q. Where what would happen?

A. Well, where somebody would make a statement which he would instantly challenge and in such a manner that it would give considerable

(Testimony of Virgil MacMickle.)

offense as though he were of the final authority and as if the other fellow really had no right to an opinion. And this was so marked not only in private conversation but in one organization to which we belonged that he was dropped from the organization because he never under any circumstances permitted anybody to finish a speech if he could possibly interrupt him, and then he denounced them and called them "rats" and various other names that, you know, [3225] you can't have go on in an organization.

Q. Now, can you recall any other conduct outside of just the conversations or whether contained in the conversations or otherwise which was unusual, or peculiar?

Mr. Del Guercio: Before or after his death?

Mr. Gladstein: What kind of an objection is that?

Presiding Inspector: This is all confined within the period essentially of the last year of his life.

Mr. Gladstein: But Mr. Del Guercio said "Before or after his death?" Did your Honor understand that?

Mr. Del Guercio: Will he fix the period of time, if your Honor please?

Presiding Inspector: Yes, that was just to fix it.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. You understand too, do you not, Doctor, that I am confining my questions now to the period of time that began when he ceased to be your patient

(Testimony of Virgil MacMickle.)

and which ended at the time of Mr. Lovelace's death? A. That's right.

Q. Or your last contact with him prior to his death. Now, bearing that in mind, can you now think of any other instances of unusual or peculiar conduct of Mr. Lovelace during that period?

A. Well, yes. He was asked out of several social [3226] functions because of being drunk and indecent in his remarks to women, and on one occasion——

Mr. Myron: (Interposing) Keep your voice up. We can't hear you.

A. (Continuing) ——and on one occasion fell flat on the floor and had to be carried out. He also had the peculiarity, according to many of his friends, of borrowing——

Presiding Inspector: (Interposing) You are giving that of your own knowledge.

The Witness: Oh, I see.

By Mr. Gladstein:

Q. Only your own knowledge.

A. Then, he borrowed money from me at one time or another and never repaid it.

Mr. Del Guercio: I didn't get that last answer.

Presiding Inspector: He borrowed money and never repaid it.

By Mr. Gladstein:

Q. Was there anything else about the money incident? I say, was there anything unusual about the money incident?

(Testimony of Virgil MacMickle.)

Mr. Del Guercio: I will object to that, if your Honor please. Certainly it is unusual. The witness has testified that the dead man, Mr. Lovelace, has borrowed money from him and never repaid it. Now, that don't call for any more.

By Mr. Gladstein: [3227]

Q. Is there anything unusual about the transaction or transactions?

Presiding Inspector: I think the question——

Mr. Gladstein: (Interposing) Probably in the manner in which the thing was done. And that's what I am trying to bring out.

Presiding Inspector: If he can tell anything more about it.

Mr. Gladstein: Yes.

Presiding Inspector: It is simply a borrowing and not paying.

Mr. Gladstein: That itself is not unusual or peculiar, but I assumed that it was—the Doctor intended it was the manner in which it was done. That is why I want to ask him.

By Mr. Gladstein:

Q. Would you answer that question, Doctor?

A. I don't know that there would have been anything.

Presiding Inspector: "I don't know that there would have been anything," he said.

Mr. Del Guercio: I can't hear.

The Witness. Anything unusual.

(Testimony of Virgil MacMickle.)

Presiding Inspector: But you don't mean to say either that anything—you don't mean to imply anything about his financial credit or anything of that kind?

The Witness: No, no. Just that he would borrow money [3228] and apparently forget that he borrowed it and be back a few days later and borrow some more, and you know, apparently forgot.

Q. Did you ever have discussions with him concerning the borrowing of money in which he denied that he had borrowed the money a short time ago?

A. Yes. We had an altercation over a five-dollar borrowing, but he very conveniently forgot and he really got quite violent in the discussion that ensued over that. And I just let it go because it wasn't worth five dollars for so much fuss.

Q. Now, did you know him for a period of time before he became your patient? That is, did you know him for any time——

Presiding Inspector: (Interposing) Now, have you covered this final period?

Mr. Gladstein: I think so.

Presiding Inspector: Don't you want to ask him—I suggest this to you because this has been done in a certain way under my suggestion. Don't you want to ask him whether in his opinion as a lay man these acts impressed him as rational or irrational at the time?

Mr. Gladstein: Well, I was going to come to that, your Honor.

(Testimony of Virgil MacMickle.)

Presiding Inspector: Oh, you were going to put in some more? [3229]

Mr. Gladstein: Not as of that period, but by first going to the period of time before the last year.

Presiding Inspector: Suit yourself. Do as you see fit.

Mr. Gladstein: To show comparative rational conduct and then the change, then ask the witness what his opinion was of the man during the last——

Presiding Inspector: (Interposing) I don't know that I will allow him to state the opinion of the man as a physician.

Mr. Gladstein: No, I don't mean as a physician.

Presiding Inspector: Only characterize the acts.

Mr. Gladstein: I see.

Presiding Inspector: It is a close and difficult distinction to make, and, of course, we are in great difficulty here because this man is a physician. When you put the question to an individual it isn't so hard.

Mr. Gladstein: Yes.

Presiding Inspector: I mean, to a lay man.

Mr. Gladstein: I will ask the question that your Honor suggests.

By Mr. Gladstein:

Q. During that period of the last year of his life, that is to say, if the last year is approximately the same as the period between the time that he ceased to be your patient and the time that he died—I can't exactly recall now,—during that period, in your opinion, and based on [3230] your observations of him are

(Testimony of Virgil MacMickle.)

you in a position to state whether or not he was fully rational?

Mr. Del Guercio: I will object to that, if your Honor please, as being improper and incompetent.

Presiding Inspector: I think before you ask that you had better find out whether the specific acts which he specified impressed him as rational or irrational.

Mr. Gladstein: All right. I will ask that.

By Mr. Gladstein:

Q. Did you understand the Judge's question?

A. Yes.

Q. And can you answer it?

A. Yes. His acts impressed me as being irrational.

Presiding Inspector: This whole line is under your objection, Mr. Del Guercio.

Mr. Del Guercio: Yes, it is. The entire line.

Presiding Inspector: As I say, it is very doubtful. I appreciate that.

By Mr. Gladstein:

Q. And can you state, Doctor, whether the irrationality of his acts or the impression you received of the irrationality became increasing as time went on?

Mr. Del Guercio: I will object to that; no time fixed, your Honor.

Mr. Gladstein: This is all, bear in mind, your Honor, during the last year or so. [3231]

(Testimony of Virgil MacMickle.)

Presiding Inspector: I don't think it matters much.

Mr. Gladstein: Oh, I should think it would. If his irrationality was increasing——

Presiding Inspector (Interposing): During the last year?

Mr. Gladstein (Continuing): ——during the last year.

Presiding Inspector: Well, I will take it.

A. I think I could definitely say, "Yes" and for one particular thing would perhaps serve to illustrate. He suddenly cropped up, oh, something less than a year ago, with a yarn about having shot a man when he was eleven years old and describing a heroic set of circumstances in which it occurred, which certainly wouldn't be expected from a rational man.

Mr. Del Guercio: If your Honor please, I move to strike out that answer and ask that the witness be admonished.

Presiding Inspector: No. I will let it stand.

Mr. Gladstein: He is giving an illustration.

Presiding Inspector: I will let it stand. He is asking about specific acts. This was after he ceased to be his physician and he is only speaking as a lay man.

Mr. Gladstein: Yes.

Presiding Inspector: Of course, everyone has an idea about rationality. Every lay man has.

Mr. Gladstein: I suppose that is true, and ideas differ. [3232]

(Testimony of Virgil MacMickle.)

Presiding Inspector: It is very difficult. Go ahead, Mr. Gladstein.

By Mr. Gladstein:

Q. Now, would your answer to this question, then, Doctor, be that during the last year of his life the conduct of Mr. Lovelace which impressed you as being irrational was of increasing frequency or degree? A. Yes, indeed.

Mr. Del Guercio: I will— (Pause)

Presiding Inspector: I will take it.

By Mr. Gladstein:

Q. Doctor, have you ever heard of a man named William Brown? A. Yes.

Q. Who is he?

A. Well, the William Brown that I have in mind was connected with the Portland Red Squad.

Q. That is a portion of the Portland Police Department? A. Yes.

Q. Do you know from discussions you have ever had with Mr. Lovelace whether Mr. Lovelace and Mr. Brown were personally acquainted?

Mr. Del Guercio: If your Honor please, I will object to that question. [3233]

Presiding Inspector: I don't know whom he refers to.

Mr. Del Guercio: Unless he wants to show that Mr. Brown was also this physician's patient.

Mr. Gladstein: This isn't part of the physician-patient relationship.

Presiding Inspector: No. He has dropped that.

(Testimony of Virgil MacMickle.)

This is a different thing. I don't know how it is material.

Mr. Grossman: Your Honor, do you want a statement of materiality before the questions are asked?

Presiding Inspector: No. I will let you ask whether he knew William Brown to his knowledge.

Mr. Gladstein: Yes. I think the question calls for that, but I will have it read, your Honor.

(The question referred to was read by the reporter as above recorded.)

A. Well, Mr. Lovelace frequently spoke of his conversations with Mr. Brown and more frequently from say, about this time last, well, yes, say along about March of last year until July. The conversations he reported more frequently and at considerable length.

By Mr. Gladstein:

Q. Can you recall what was said by Mr. Lovelace in these conversations that concerned Mr. Brown or Mr. Lovelace's relationship to Mr. Brown?

Mr. Del Guercio: Well, if your Honor please, I will ob- [3234] ject to that as being purely improper.

Mr. Gladstein: Do you want a statement on it?

Presiding Inspector: Yes.

Mr. Grossman: Do you want an explanation of materiality?

(Testimony of Virgil MacMickle.)

Presiding Inspector: Well, this is rather an unusual question, I think.

Mr. Grossman: I am willing to make it if there won't be objection that I am putting some facts in advance in the record.

Presiding Inspector: I think there will be. Why don't you ask directly what you want.

Mr. Grossman: The materiality of Mr. Brown will not appear from the questions and the answers. That is why I think it is probably necessary to make an explanation. I must give you a description of what subsequent evidence will develop about Mr. Brown.

Presiding Inspector: Well, just to rule on the admissibility of this question, I will hear your explanation.

Mr. Del Guercio: We object to that, please, in the presence of this witness here.

Presiding Inspector: Then I will receive the answer. Go ahead. We will have to go a little in the dark on your promise to connect it up.

Mr. Grossman: That is right.

Presiding Inspector: You assure me that you have something to connect this up? [3235]

Mr. Groseman: Yes, your Honor.

Presiding Inspector: In your best judgment?

Mr. Gladstein: According to our theory of the case, yes.

Presiding Inspector: In your theory of the case. Very well. I will receive it.

(Testimony of Virgil MacMickle.)

By Mr. Gladstein:

Q. Now, will you answer the question?

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: When was this conversation that you are asked about, if there was such a conversation?

The Witness: Well, there were a number of them, your Honor.

Presiding Inspector: And where and when?

The Witness: Extending — in Portland, you know, where I would meet——

Mr. Del Guercio: Speak up. I can't hear you.

The Witness: I am sorry. I ordinarily talk in a loud voice and I guess I am trying to hold it down.

Mr. Del Guercio: Don't be afraid to hold it down. We want it.

Presiding Inspector: There are a lot of people in the corner of the room who want to hear you.

The Witness: Well, Lovelace and I would have social [3236] contact, naturally, and he would tell me about this episode of being out with Brown.

Presiding Inspector: When was this?

The Witness: During the—I would say, during probably the first of March, 1940.

Presiding Inspector: After you had ceased to be his physician?

The Witness: Yes, after I had ceased to be his physician and from that point on up until June the

(Testimony of Virgil MacMickle.)

conversations were a number of them. I couldn't give specific dates, of course.

Presiding Inspector: Is this to show anything except the credibility of Mr. Lovelace?

Mr. Gladstein: That is what it goes to show.

Presiding Inspector: Credibility?

Mr. Gladstein: Nothing but that.

Mr. Del Guercio: Well, if you Honor please, how could it be possible to show credibility of Mr. Lovelace here to what Mr. Lovelace might have said to this witness here to another man?

Presiding Inspector: I don't know.

Mr. Gladstein: I didn't quite understand the objection.

Presiding Inspector: I don't quite get that.

Mr. Del Guercio: I understand these conversations were between this witness and Mr. Lovelace.

[3237]

Presiding Inspector: And Lovelace?

Mr. Del Guercio: Concerning the matter—concerning the matter of which we do not know.

Presiding Inspector: Yes, concerning a matter of which we do not know.

Mr. Del Guercio: And not in evidence. Counsel hasn't said that.

Presiding Inspector: Counsel hasn't said that. He is going to show this, as being something about his credibility. I don't know what that is.

Mr. Gladstein: That is right, your Honor.

Presiding Inspector: Of course, it may be some statement which the person would naturally take to

(Testimony of Virgil MacMickle.)

be irrational. I don't know, or it may have been something——

Mr. Gladstein: (Interposing) At the risk of being accused of leading the witness, but for the purpose of getting to the meat of the question, so your Honor can see what I have in mind, I would like to put this question:

Q. Doctor, during those discussions that you had with Mr. Lovelace concerning his, Mr. Lovelace's, relationship to Officer Brown of the Portland Police Department, did Mr. Lovelace ever tell you that he was considered and had been asked by Officer Brown to become an informer for the Portland Police Department? A. Yes, he did. [3238]

Q. Did he tell you about his meetings with Officer Brown for discussions of this subject?

A. Yes, he did.

Q. And in the conversations that you had with Mr. Lovelace on this matter did Mr. Lovelace tell you that his meetings with Officer Brown became increasingly frequent on this subject?

Mr. Del Guercio: Well now, if your Honor please, I will object to that.

Presiding Inspector: I suppose this is to show that these were all irrational.

Mr. Del Guercio: Nothing has been done upon that. This witness here has testified that——

Presiding Inspector: (Interposing) This witness said that this man was irrational and he wouldn't believe him, and now this is one of those irrational statements.

(Testimony of Virgil MacMickle.)

Mr. Grossman: The relevancy of Mr. Brown and the connection between Lovelace and Brown does not go to the rationality of Mr. Lovelace at all. It goes to other bias and motives.

Presiding Inspector: He wouldn't believe him under oath, so what is the use of putting them in on any other basis?

Mr. Grossman: Not believing under oath doesn't mean that we can't believe any admissions made by a witness.

Presiding Inspector: I understand that that is the point that you are trying to make here: That I shouldn't believe Mr. [3239] Lovelace as to anything.

Mr. Grossman: We are perfectly willing to state this: That your Honor should take the view either that you don't believe Mr. Lovelace at all or if you think the evidence is insufficient on character to justify you in reaching that conclusion; if you do believe Mr. Lovelace as to character witnesses, you should believe them as to other evidence.

Presiding Inspector: We haven't had a character witness except one which is connected up in relation to Lovelace; but this witness, I mean. He connected up with his irrationality. You seek to draw the conclusion, I take it, from the testimony of this witness that Mr. Lovelace was an irresponsible person at the time that he made the statement.

Mr. Gladstein: Yes, that is one of them.

Presiding Inspector: And at the times which have been testified to by this witness. Now, how

(Testimony of Virgil MacMickle.)

can you offer this testimony, this hearsay testimony, as proof of anything.

Mr. Grossman: Well now, your Honor, in the first place we state that Mr. Lovelace was incompetent at the time the statement was made. That is the first point we are attempting on that.

Second, we claim that his reputation is such that he is not to be believed under oath. Now, I recognize that you can have ten, twenty or thirty character witnesses referring to [3240] the bad character or truth and veracity of a man and still you might believe him, because it doesn't mean that the man would lie always when he is under oath. That is the second.

Now, the third is this, your Honor: If you disbelieve those; in other words, if you are willing to believe Mr. Lovelace, what Mr. Lovelace says, then we say, according to the admissions of Mr. Lovelace, he had certain connections with and certain contacts with and carried on certain business with a William D. Brown. And we are going to show how that affected his interest and his bias with relation to Harry Bridges.

Mr. Gladstein: Could I support that, your Honor?

Mr. Del Guercio: That is certainly remote, if your Honor please.

Presiding Inspector: It is pretty remote.

Mr. Grossman: If we are going to go into this, let me state how it is not remote, because we are

(Testimony of Virgil MacMickle.)

now discussing the relevancy of Captain William D. Brown. We intend to show—and, incidentally, the same evidence which we intend to produce, to show that we can produce it, was produced in the last deportation trial—that William D. Brown was actively working and preparing witnesses for that deportation case. We intend to show that William D. Brown was working on that case, because, or partially because, and was preparing witnesses and producing certain types of witnesses, because he was being paid sums of [3241] money by people having no connection with the Government, having no real connection with the prosecution of that case, but who had ulterior motives in paying him that money. We intend to prove and did prove in the last case that that money was received and that it was received in connection with the preparation of the Bridges deportation case, which would certainly show bias and interest of William D. Brown. And anyone who——

Presiding Inspector: (Interposing) We haven't had Mr. Brown sworn.

Mr. Grossman: Well, we have to have some order in this case.

Presiding Inspector: Oh, yes.

Mr. Grossman: And I think our promise and also by reference to Dean Landis' report, the assurance that that evidence can be produced, is sufficient to lay a basis for what this witness is testifying to.

(Testimony of Virgil MacMickle.)

Mr. Del Guercio: If your Honor please, Mr. Brown hasn't entered into this case. Or is this a new proceeding?

Presiding Inspector: He is going to be in this case, either personally or by——

Mr. Grossman: (Interposing) Now that we find he has something to do with producing Mr. Lovelace, he enters the case. [3242]

Mr. Del Guercio: Now, that statement is not in support of that statement at all.

Mr. Grossman: We intend to show that through these questions.

Mr. Del Guercio: We said "now". I don't think there is any support to that statement, if your Honor please.

Presiding Inspector: Perhaps there may be a misunderstanding between you.

Mr. Del Guercio: Well, to clear that misunderstanding,——

Presiding Inspector: (Interposing) Well, he doesn't enter the case in person. He means his name comes into the evidence. That is all he means.

Mr. Del Guercio: To clear, then, any possible misunderstanding may we have an understanding as to whether counsel intends to prove that Mr. Brown is assisting the Immigration Service and FBI in the prosecution of Mr. Bridges?

Presiding Inspector: I think that is his statement.

Mr. Del Guercio: Is that your statement?

(Testimony of Virgil MacMickle.)

Mr. Grossman: My statement is——

Mr. Del Guercio: (Interposing) Well, now, that could be answered "Yes" or "No".

Mr. Grossman: I have *stated* to make my statement. Do you want to hear it, Mr. Del Guercio, or not?

My statement is that the evidence which we are now starting to produce, which we haven't yet produced, will [3243] start laying the basis for the proof that Mr. William D. Brown had a hand in the producing of a witness for the Government's case here: Mr. Lovelace. That I have said. That I continue to say. I didn't say the Government didn't talk to Mr. Lovelace, or the Government didn't produce him. I say that Mr. Brown had a part in producing Richard Lovelace for testimony here.

Presiding Inspector: I will take it. It may become more important, and it seems to me at this point it does become more important.

Mr. Grossman: That is right.

Presiding Inspector: Go ahead.

Mr. Gladstein: Just as, your Honor, though we don't say——

Presiding Inspector: (Interposing) You can't prove your whole case at once.

Mr. Gladstein: Just as, though we don't say that the Associated Farmers prepared the case for the Government, we do know by his own admission

(Testimony of Virgil MacMickle.)

that one of the witnesses the Government produced was procured by a man named Graham, who was the District Organizer of the Associated Farmers. And, therefore, we have a right to go into the character of that source.

Presiding Inspector: I suppose that is so. We have heard here that there is a Bridges Defense Committee, which seems to me entirely immaterial in this case.

Mr. Del Guercio: And the Communist Party.

[3244]

Presiding Inspector: And we will go ahead, I will take it. No, we won't hear any interjections of that kind.

Mr. Gladstein: Your Honor, on the question of the Bridges Defense Committee, so that the record will be clear and so that you will have this clear——

Presiding Inspector: (Interposing) Oh, I am not interested in the Bridges Defense Committee. Mr. Bridges has a right to have a defense committee. No, he can't be criticised for that, or at least he can't be found to have done anything wrong in that respect.

Go ahead.

Mr. Gladstein: Now, would you read the last——

Presiding Inspector: (Interposing) And the Government has a right to use any agency that they may see fit, of course. Now, let us go ahead.

(Testimony of Virgil MacMickle.)

Mr. Gladstein: I have forgotten where the last question was.

Presiding Inspector: The smoke now having blown away, we will see if we can find something to fire at. I will take this. At this time it doesn't seem very material to me. It may develop so. I think that perhaps counsel will agree to that.

(The question referred to was read by the reporter as above recorded.)

A. Yes.

By Mr. Gladstein: [3245]

Q. What did he tell you about whether Mr. Brown was offering him employment or work or service of any kind?

Mr. Del Guercio: I will object to that as incompetent, irrelevant and immaterial.

Presiding Inspector: I will take it.

A. Well, the first time he made any statement——

Mr. Del Guercio: (Interposing) If the Court please, I don't want to interrupt all the time, but I really cannot hear the witness.

Presiding Inspector: No, he drops his voice.

The Witness: I am sorry. You will have to prod me.

Presiding Inspector: Well, I will do it.

A. (Continuing) The first time Mr. Lovelace discussed this matter of William D. Brown's growing intimacy with him socially, he said in vigorous

(Testimony of Virgil MacMickle.)

and profane language that they had taken advantage of his ill-condition while he was in the Veteran's Hospital and that "Bill" Brown, as he called him, was trying to play upon his old veteran association—I believe they were both veterans—to get him to desert the Communist Party and to come clean, as they put it.

Then he would tell me what kind of conversation he threw back at Mr. Brown, which was certainly something that we couldn't repeat, and then this would go on, and by and by he told me definitely one day and beyond any equivocation that they wanted him to inform on Harry Bridges, to make a statement [3246] against Harry Bridges. And in the interim he had repeatedly told me—oh, I say "repeatedly"—at least five or six occasions, your Honor, that my office had been wired with a dictaphone, and so forth. [3247]

Mr. Del Guercio: You dropped your voice down: I cannot hear you.

The Witness: I am sorry—that my office had been wired with a dictaphone.

By Mr. Gladstein:

Q. Did he ever——

Presiding Inspector: Did you find any wires?

The Witness: To be honest, I never looked for any because I thought it was a figment of the imagination. But he seemed to be wanting to justify himself some way by it.

(Testimony of Virgil MacMickle.)

By Mr. Gladstein:

Q. Did he ever tell you in any of his last conversations with you whether he actually went into the pay or into the employ of into the service in any way of the Portland Police Department, or anybody connected with it?

Mr. Del Guercio: I object to that as being leading—not that, of course, the witness would not answer in any event—but I object to it as being leading.

Presiding Inspector: I will take it. It is leading, though. It is a matter of discretion.

A. I don't recall that he ever mentioned any stipulated fee; no.

By Mr. Gladstein:

Q. Did he ever say anything to you to the effect that he was now working with, or for anybody in the Police Department? [3248]

A. More by intimation.

Mr. Del Guercio: I object to that on the same ground.

Presiding Inspector: I will take it.

Mr. Gladstein: He says "More by intimation." I take that to mean that he has so expressed himself.

By Mr. Gladstein:

Q. Is that correct? A. Yes.

Q. You say, in one of the first conversations in which Mr. Brown's name came up, Mr. Lovelace, so to speak, in substance, denounced Mr. Brown and

(Testimony of Virgil MacMickle.)

accused him of trying to take advantage of their Legion connection. Did Mr. Lovelace's remarks concerning Mr. Brown change in the subsequent conversations?

Mr. Del Guercio: Just a moment, if your Honor please. I object to the question. In the first place, I didn't get all of it, the first part of the question; and in the second place, the question itself is improper.

Presiding Inspector: Let us find out whether he said anything later on the subject.

Mr. Gladstein: Put it that way.

Presiding Inspector: "Yes" or "No".

By Mr. Gladstein:

Q. Was anything said later on the subject, that is, after the time when he first told you, as you have described it, [3249] what he thought of Mr. Brown?

Presiding Inspector: And then what he said.

By Mr. Gladstein:

Q. Did he later talk to you about it?

A. Yes.

Q. Did his manner on the subject of Mr. Brown change later on? A. Yes.

Q. How did it change?

A. It changed in a direction of friendliness.

Q. Toward Mr. Brown?

A. Yes; toward Mr. Brown. Well, he told me about having Mr. Brown up to dinner to his house. That was one of the things that would lead to the assumption.

(Testimony of Virgil MacMickle.)

Presiding Inspector: When was this, to the best of your recollection?

The Witness: The closest I could estimate that would be about June of 1940.

Mr. Gladstein: I would suggest this, your Honor: I see that it is almost 12:30. If we could adjourn now until 2:00 I may be able to find the law on the other question which I wish to ask, if the law is in our favor.

Presiding Inspector: We will take a recess until two o'clock.

Mr. Gladstein: Make it 2:15. [3250]

Presiding Inspector: All right; and we will sit until 4:15 to make up the time.

(Whereupon, at 12:26 P.M. a recess was taken until 2:15 o'clock P.M. of the same day.)

[3251]

After Recess
2:15 O'clock P.M.

Mr. Gladstein: Are you ready, your Honor?

Presiding Inspector: Yes.

Mr. Gladstein: You can be seated, Doctor.

VIRGIL MacMICKLE

called as a witness on behalf of the Alien, having been previously duly sworn, testified further as follows:

Mr. Gladstein: I don't claim that I have done a very exhaustive piece of legal research during the noon hour, your Honor——

Presiding Inspector: You wouldn't be expected to.

Mr. Gladstein: But starting with Dean Wigmore and, at the same time, one of my associates starting with other texts, in attempting to run down the law, this is what we find in a general way:——

Mr. Del Guercio (Interposing): If the Court please, if I may interrupt right here, my colleagues are working on the same questions and they haven't returned yet.

Presiding Inspector: Would you like to wait until they return?

Mr. Del Guercio: Yes.

Presiding Inspector: We will wait a few moments.

Mr. Gladstein: Yes, of course.

Presiding Inspector: They will be here shortly?

[3252]

Mr. Del Guercio: Yes. I suggest that we continue with the examination.

Presiding Inspector: I don't know whether they have anything more.

Mr. Gladstein: I don't think I have any other questions except on this matter.

(Testimony of Virgil MacMickle.)

Mr. Del Guercio: I assume they have no more questions except on this matter?

Presiding Inspector: They are just talking among themselves. I don't know whether he has made up his mind about it yet or not.

Mr. Gladstein: I could ask these questions while we are waiting.

Presiding Inspector: Very well.

Direct Examination
(Resumed)

By Mr. Gladstein:

Q. Doctor, are you acquainted with Mr. Bridges?

A. Yes.

Q. When did you first meet him, do you recall?

A. I think it must have been around 1936 or 1937; I couldn't be absolutely definite about that.

Q. Keep your voice up, please.

A. I say it must have been around 1936 or 1937, somewhere in that period. I couldn't tell the exact date.

Q. Do you recall the circumstances under which you met him? [3253]

A. Yes. Mr. Ed. O'Grady, the CIO chieftain there in my building, brought him up to me about some stomach trouble.

Q. You say in your building. What building were you in at that time?

A. I have been in the Guardian Building.

Q. Did the CIO regional offices in Oregon have offices in that building at that time?

(Testimony of Virgil MacMickle.)

A. Yes; they had offices on the 7th floor and I was on the 10th floor.

Q. Was Mr. O'Grady connected with those CIO offices? A. Yes, yes. He was in there.

Q. Do you know whether he was in charge of the CIO Regional Directorship?

A. Yes, he was at that time.

Q. When was the next time that you met Mr. Bridges, if any?

A. Well, I don't recall meeting Mr. Bridges personally again, though I did see him at the Oregon Civic Club's luncheon a couple of years ago when Mr. Bridges spoke before that organization, and I may have said "Hello," or something of that character. But to say that I met him, I don't believe he even remembered me, perhaps.

Q. Have you met him since that time?

A. Just today is the first time.

Mr. Gladstein: Have your associates returned yet? [3254]

Mr. Del Guercio: They have not. But I think you may go on with the argument. I think he has exhausted his examination.

Mr. Gladstein: I will go ahead, if it is all right with your associates.

Mr. Del Kuercio: I think it is. What would your Honor suggest?

Presiding Inspector: I think Mr. Gladstein may go ahead.

Mr. Gladstein: It would seem from this slight research that the privilege of physician and patient

(Testimony of Virgil MacMickle.)

did not exist in common law at all. Of course, the law in all of our states except one derives from the English common law. Dean Wigmore cites a case, a well-known case in England, the Duchess of Kingston's trial.

Presiding Inspector: There is no question about the general rule, although I think some states perhaps did think it was a part of the common law.

Mr. Gladstein: Well, what has happened, according to Dean Wigmore, is this:——

Presiding Inspector: I am quite familiar with the general topic.

Mr. Gladstein: It is a matter of statute.

Presiding Inspector: Very largely, yes.

Mr. Gladstein: About half the states have statutes on the subject. [3255]

Presiding Inspector: And I think the others have generally followed the rule as allowing this physician's privilege.

Mr. Gladstein: Here is what the cases apparently say on this.

Presiding Inspector: Of course, Dean Wigmore himself does not believe in this privilege.

Mr. Gladstein: That is true. He points out several reasons why it has no basis. Are you familiar with his argument on that?

Presiding Inspector: Oh, yes, yes. I have taught this subject. Go ahead. I have been a teacher in medical school on law for the physician.

Mr. Galdstein: I can summarize very briefly

(Testimony of Virgil MacMickle.)

what he says. He says that the claim for the privilege rests on three bases:

One is that the communication originates in confidence. His answer to that is that in the vast majority of cases that simply is not the fact; that outside of one or two diseases, such as venereal disease or something like abortion, patients do not actually seek real secrecy of their diseases, or of the things they divulge to their doctors, and they tell their intimates and friends, and so on. So there is actually no real confidence in that respect.

Presiding Inspector: People differ in that respect. [3256]

Mr. Gladstein: Well, I suppose so.

A second argument which is made for the privilege is that it is necessary, it is vital to protect that confidence in order to attain the purpose of the relationship between physician and patient. By that I take it is meant that, if people going to doctors felt that the doctors might disclose what was communicated to them by the patient, they might feel adverse to making such disclosures to their physicians and, therefore, the general public policy of having the patient properly cured would be interfered with.

But Dean Wigmore points out that, prior to the establishment of any privilege by statute in this country—the first innovation was in 1828 by a New York statute—people at least presumably went to doctors and disclosed to them what their ailments were and communicated to them and were either

(Testimony of Virgil MacMickle.)

cured or not. And since the innovation of this statutory privilege there has at least been no statistical proof to indicate that there is a sudden influx of patients to physicians when this privilege was created.

The third argument which is made in support of the privilege is that the injuries that would result from allowing disclosure resulting to the relationship of doctor to patient would be greater than the injury that will result to the processes and purposes of justice by permitting disclosure. Dean Wigmore points out that this in a general sense is not [3257] true, and I think in this particular case as applicable to Mr. Lovelace would not be true, because the question of secrecy, which is at the heart of this thing, is obviously no longer important to Mr. Lovelace.

Now, that raises the question of whose privilege this is, if any exists?

First of all, it is the privilege of the patient, not of any party. Of course, that patient no longer exists. He, I assume, may have a personal representative. That would be Mrs. Lovelace. It is possible that she would be in a position, if the privilege is considered by your honor to be applicable here, to make some objection. And technically, perhaps, it might be necessary to request of her whether she objected to this disclosure. But in a general way we can disregard that for this reason. The purpose, if any exists, only goes to the disclosure of such in-

(Testimony of Virgil MacMickle.)

formation or communications as are gained during the relationship.

In the case, for example, of a hypothetical question, if I were to ask the doctor a question asking him for his opinion based on the facts that were disclosed to him, but without revealing those facts as to what the condition of the patient was, I think the law is that he has a right to answer that question.

Dean Wigmore points out—I have only found one case on that, but that case is clearly in point and holds that a [3258] physician who treated a patient does have the right, even where a statute provides that he is not permitted, to disclose communications that he has gained from the patient during the relationship, he nevertheless does have the right to answer a hypothetical question as to his opinion, as to his conclusions.

Now, on the general question of this privilege I point out this to your Honor: The modern tendency is away from the granting or recognition of such a privilege. In industrial accident procedure, for example, an administrative procedure, whether by legislation or otherwise, the almost universal tendency is not to recognize any such privilege. According to Dean Wigmore, the tendency in modern sanity legislation is along the same lines. And, although I haven't checked the cases here, there is a statement in 70 Corpus Juris at 450, with the States, I think, of California or Colorado, I am not sure, Iowa, Missouri, Nebraska, New York, South Dakota, to

(Testimony of Virgil MacMickle.)

this general effect: That physicians are permitted to testify even though it involves disclosures of communications gained from their patients on the general question of sanity and the same text cites cases in support of the proposition that this privilege, even in the states where it is recognized by statute or otherwise, does not apply in inquisitions into lunacy. Now, I think under those circumstances, your Honor, that at the very least we should be entitled to ask a hypothetical question of the doctor and, at best, we should be entitled to have the doctor [3259] relate—and I wouldn't attempt to go into the matter extremely, but simply in a general way—as to what Mr. Lovelace was being treated for by the doctor, what his condition in a general way was from time to time. I think I will have to rest out argument on that much or that little.

Presiding Inspector: You haven't examined the recent cases in New York:

Mr. Gladstein: I haven't seen that.

Presiding Inspector: We had a couple of cases during the last year in New York; one in which they extended the privilege to a legislative inquiry, I mean a municipal legislative inquiry, where they wanted to get the records from one of the hospitals in the city. They rejected the claim that they could get those, even though it was not a judicial investigation.

Mr. Del Guercio: May I interpose something?

Presiding Inspector: Yes.

(Testimony of Virgil MacMickle.)

Mr. Del Guercio: I suggest that the witness might be asked if he wishes to claim the privilege, if any exists.

Presiding Inspector: I didn't hear that.

Mr. Del Guercio: I would suggest that the witness be asked if he wishes to claim the privilege, if any exists.

Presiding Inspector: It isn't his privilege.

Mr. Del Guercio: If he has one.

Presiding Inspector: It isn't his privilege. It belongs to Lovelace. [3260]

Mr. Del Guercio: There is a question on that, is there not, as to whether a physician may claim that privilege if he were asked the question?

Presiding Inspector: I am not sure about that. The privilege can be waived by the patient, unquestionably.

Mr. Gladstein: That is right.

Presiding Inspector: What more do you really want to have that you haven't got? You have now asked him over the period of a year, and he has given statements of what he thought were unusual, remarkable occurrences; he has said that those impressed him as irrational, and he has even gone further, without objections, and said that he deemed the man irrational during that period.

What more would you want than that?

Mr. Gladstein: You see, the things for which Mr. Lovelace——

Presiding Inspector: You could have a little

(Testimony of Virgil MacMickle.)

broader basis, perhaps, for his answers, but the answers would be about the same, I suppose.

Mr. Gladstein: Except that there would probably be some medical characterization of the things from which Mr. Lovelace was suffering, and also there would be some elicitation of the treatments that were being prescribed, and for what they were being prescribed.

Presiding Inspector: He has no expert knowledge on that [3261] matter.

Mr. Gladstein: As to how he treated him?

Presiding Inspector: He can't prescribe pharmaceutical drugs.

Mr. Gladstein: When I use the word "prescribe", I mean what services he rendered for the man and for what purpose they were rendered, what he advised the man to do, and so on, and how he attempted, as a naturopath, to cure him.

Mr. Del Guercio: If your Honor please, we would suggest this: If this witness qualifies, or can be qualified, as being able to prescribe for whatever kind of treatment Mr. Lovelace had, we won't have any objection to his testifying. We withdraw our objection.

Presiding Inspector: Very well. Now, I suggest that you ask some questions along his qualifications as to diagnosis and treatment.

By Mr. Gladstein:

Q. Now, doctor, when Mr. Lovelace first came to you as a patient what did he complain of?

(Testimony of Virgil MacMickle.)

Mr. Del Guercio: As a patient—when he first came to him as a patient. You mean—I don't quite understand the question. If the witness does, I will withdraw any objection.

Presiding Inspector: Well, this man says, this witness, that he is licensed to practice——

Mr. Del Guercio (Interposing): Practice medicine? [3262]

Presiding Inspector: No, to practice—what is it?

The Witness: Naturopathy.

Presiding Inspector: That is one of the privileges, according to the laws of Oregon, as I get it from the witness.

Mr. Del Guercio: We don't stand by that, of course.

Presiding Inspector: But that is what he is practicing, which is a recognized subject of a hygienic or medical, in a broad sense, science, I suppose, or—I am in the dark about it, Mr. Del Guercio, because, as I said earlier in the day, I never heard of it.

Mr. Del Guercio: Neither have I until today.

Presiding Inspector: I am not in any way stating anything about it, except my own inability to judge the matter. I think there should be more proof on it.

By Mr. Gladstein:

Q. I will ask it this way——

Presiding Inspector: We don't, frankly, we don't have this in my state.

(Testimony of Virgil MacMickle.)

By Mr. Gladstein:

Q. Under the Oregon laws are you permitted to prescribe in any form to patients?

A. Oh, yes. The only inhibitions are the inhibitions against pharmaceutical drugs, and the courts, the law, have made a distinction in Oregon between pharmaceutical and non-pharmaceutical drugs. Then, of course, I couldn't prescribe [3263] narcotics, because that comes under the Federal Narcotic Act and I would have no right to a Federal permit on narcotics.

Q. What kind of non-pharmaceutical drugs are you permitted to prescribe?

A. Well, for instance, I can prescribe anything that is made from roots, herbs or barks, like prescribing mineral waters, mineral baths; I can prescribe diet, I can prescribe special food preparations, food concentrates, for instance, like your vitamin concentrates you are using so much of now. I can prescribe capsules with a lot of the food minerals, or liquid medicines with food minerals in them. I can prescribe—perhaps it will clarify the issue if I gave you what our definition of pharmaceutical law is and then you would——

Mr. Del Guercio (Interposing): We don't want anything from the witness.

Presiding Inspector: He says—he misspoke and I don't know that you heard him. He said to clarify it he would give you their definition of pharmaceutical drugs, not law.

(Testimony of Virgil MacMickle.)

Mr. Del Guercio: Maybe I can clarify it by asking the question if he could prescribe anything that a layman could not prescribe.

Presiding Inspector: We will let you ask that in a few moments.

Mr. Gladstein: Just a moment.

Presiding Inspector: Go ahead. [3264]

Mr. Gladstein: Was there a question before the witness?

Presiding Inspector: I don't know whether there was or not.

Mr. Del Guercio: Did the Court exclude my question? I think we are entitled to that.

Presiding Inspector: You can ask it when you have the witness.

Mr. Del Guercio: This is a question on his expertness.

Presiding Inspector: He hasn't gone far enough, finished his examination as to qualifications yet.

Of course, before the final question is asked you may cross examine on his qualifications.

Mr. Del Guercio: Yes.

Presiding Inspector: Certainly. The reporter is going to read the last question.

(The question referred to was read by the reporter as above recorded.)

By Mr. Gladstein:

Q. Did you prescribe any of those for Mr. Lovelace at any time?

A. Well, I prescribed the non-pharmaceutical remedies; yes.

(Testimony of Virgil MacMickle.)

Q. First of all, did you prescribe for Mr. Lovelace for different complaints of his from time to time?

A. Oh, yes; at different times, like everybody else, he [3265] had maybe the grippe or maybe a sore back, or various other troubles that came up that needed attention; sinus infection, bad heart.

Q. Did you ever prescribe for him for dipsomania?

A. In the sense of attempting to bring him temporarily out of acute alcoholism, I never took him in hand with the idea that I would be able to cure him of dipsomania; no. That was beyond me.

Mr. Del Guercio: Will you caution the witness again to raise his voice?

Presiding Inspector: Keep your voice up.

Mr. Del Guercio: I can't hear at all.

Mr. Gladstein: Will you read the last answer, please?

(The answer referred to was read by the reporter as above recorded.)

By Mr. Gladstein:

Q. Are you in a position to say, from your observations of Mr. Lovelace, whether for a period, let us say, of approximately a year before his death, he showed apparent signs of approaching paranoia?

Mr. Myron: I object to that question, your Honor. Apparently he was asked to qualify the witness, and I don't know whether he has attempted to do that, or things he has qualified him.

(Testimony of Virgil MacMickle.)

Presiding Inspector: I will exclude that until we have [3266] heard from the other side on their examination of his qualifications. You have now gone beyond his qualifications and are asking a definite question about this case.

Mr. Gladstein: Yes. I don't quite understand the objection.

Mr. Del Guercio: He hasn't been qualified as an expert.

Presiding Inspector: He claims the right to cross examine on his qualifications before you can ask him——

Mr. Gladstein (Interposing): Before I can ask him the question?

Presiding Inspector: Yes. Before you ask any medical questions he has that right to question him on his qualifications.

Mr. Gladstein: To cross examine on that prior——

Presiding Inspector: Yes, as to his qualifications. Always. Go ahead.

Voir Dire Examination

By Mr. Del Guercio:

Q. What schools have you attended, Mr. MacMickle? A. What schools?

Q. Yes.

A. Well, I attended first the American College of Drugless Physicians, in Chicago.

Q. American what?

A. American College of Drugless Physicians. Then sub- [3267] sequently——

(Testimony of Virgil MacMickle.)

Q. (Interposing): Let's take that school alone. What course did you take and when did you attend there? A. I attended in——

Presiding Inspector: Did you get the name of it?

Mr. Del Guercio: No. Will you ask him again to speak a little louder.

Presiding Inspector: Try to make it clear.

The Witness: The American College of Drugless Physicians.

By Mr. Del Guercio:

Q. Drugless Physicians. When did you attend that school? A. In 1912 and 1913.

Q. 1912 and 1913?

A. I went there in the fall of 1911 and went through to 1913.

Q. Is that college still in existence?

A. I don't know. I really haven't kept——

Q. (Interposing): Where was it located at that time?

A. It was located at 42nd and Grand Boulevard.

Q. Did you take a correspondence course or did you actually go there?

A. It was a resident course.

Q. Did you attend the school?

A. I attended it; it was a resident course. [3268]

Q. From the fall of 1911, you say——

A. (Interposing) Yes; that is right.

Q. When? A. Until 1913.

(Testimony of Virgil MacMickle.)

Q. Continuously

A. No; we had three months' vacation each summer.

Q. What schooling did you have before that time? A. High School education.

Q. Did you graduate from high school?

A. Yes.

Q. Where? A. Stanhope——

Q. (Interposing) Where?

A. Stanhope—S-t-a-n-h-o-p-e—New Jersey.

Q. A four-year course? A. Yes, sir.

Q. In what year did you graduate at Stanhope High School?

A. Oh, I think it was in 1909, or 1910—somewhere along there.

Q. 1909——

A. (Interposing) Or 1910—I wouldn't swear positively as it has been so long ago.

Q. Did you have any other schooling—you say you graduated from Stanhope High School—until the time you entered the American College of Drugless Physicians in Chicago? [3269]

A. No. I took no schooling outside of high school.

Q. What did you do during that period of time, between the time you graduated from high school and the time you entered the American College of Drugless Physicians?

Mr. Gladstein: I think that is objectionable. That is going beyond the purpose of qualifications.

Presiding Inspector: I will allow it.

(Testimony of Virgil MacMickle.)

Mr. Gladstein: If the questioning is going to his qualifications, and he says he didn't attend school during that period of time, how would that go——

Presiding Inspector: Well, he might have been doing something that helped him in some way, or hurt him in some way. We don't know. I might think of all kinds of things. I don't want to suggest them.

Mr. Gladstein: All right.

Presiding Inspector: Go ahead. What were you doing during that interval?

A. Here is what I am trying to remember, Judge: I don't know, it may have been in the spring of 1911 that I graduated from high school, because I know there was no great break between my high school—there was a summer vacation during which I worked in the dairy business, as I had done in previous summers. [3270]

By Mr. Del Guercio:

Q. What courses did you take in the American College of Drugless Physicians?

A. Anatomy, physiology, pathology.

Q. Physiology?

A. Pathology, chemistry, hygiene and sanitation, diagnosis, symptomatology, dietetics, hydrotherapy, electrotherapy, manual adjustment and mechanical manipulation of the bony framework and other structures of the body.

Q. Do you know if the records of that school are still extant?

(Testimony of Virgil MacMickle.)

A. I wouldn't have the slightest notion.

Q. Do you have a diploma from that school?

A. Yes, I have a diploma from that school.

Q. Where is it? When did you get it?

A. When did I get it?

Q. Yes.

A. I think it was issued me in 1913.

Q. 1913?

A. I believe it was either January, 1913—I mean, December, 1912 or January, 1913. I think that was it.

Q. Was it a day school or night school?

A. A day school.

Q. How many hours a day did you go?

A. Let's see! We went to school at eight in the morning and classes were out about twelve and at one-thirty we went [3271] back and stayed until about 4:30, unless there were special things that required a longer period.

Q. You went to school at 8:00 A.M.?

A. Yes, sir.

Q. And did you receive credits for all of these subjects that you have taken?

A. Yes. I had to have the credits for them or I couldn't have graduated.

Q. Who signed your diploma?

A. My diploma was signed by Dr. Speicher, who was a physician and surgeon.

Q. Will you spell it? A. S-p-e-i-c-h-e-r.

Q. S-p-e-i-t-h——

A. (Interposing) c-h-e-r.

(Testimony of Virgil MacMickle.)

Presiding Inspector: C-h.

A. (Continuing) And Dr. Crane, who was an M.D.

Q. How do you spell that? A. C-r-a-n-e.

Q. Are those two persons still living?

A. That I wouldn't know. And there was Dr. McKenzie.

Q. Did all these people sign your diploma?

A. Yes, yes.

Q. And then——

A. And then there was another fellow, whose name [3272] temporarily slipped me. Dr. Galation, M.D.

Q. Will you spell that?

A. G-a-l-a-t-i-o-n, or "a-n"; the same as in the Bible.

Q. Did you receive a degree of any kind?

A. Yes.

Q. What degree?

A. The degree was Doctor of Drugless—wait a minute; Doctor of Naturotheraphy.

Q. Doctor of Naturotheraphy?

A. Yes. I think that was it.

Q. How many persons were on the faculty of that school?

A. Oh, I suppose without taking time to count them all up, there were probably 18 or 20 on the faculty anyway.

Q. Eighteen or twenty. And what kind of buildings did they occupy?

A. They occupied a building that roughly cov-

(Testimony of Virgil MacMickle.)

ered a quarter of a Chicago block, I think it was some six or seven stories high.

Q. They occupied all of that building?

A. Yes, a great big stone building. They occupied that with their college and the sanitarium which was run in connection with it. [3273]

Q. And what tuition did you pay, if there was any? A. I didn't——

Q. (Interposing) What tuition did you pay?

A. To be honest with you, I don't remember what tuition I paid.

Q. Was there any tuition?

A. Yes. I paid something like $750 or something of that character. I couldn't remember.

Q. Every year? A. What is that?

Q. For the full course?

A. For the full course.

Q. $700 for the full course?

A. $750 in my recollection.

Q. Well, it couldn't be more than that, could it?

A. Oh, it might have been. I don't know.

Q. How many?

A. Well, since I don't know I don't know how much more.

Q. Would you say it was more than $800?

A. I wouldn't have any idea.

Q. Was it a thousand dollars?

A. I don't know.

Q. Was it ten thousand dollars?

A. Obviously not. [3274]

(Testimony of Virgil MacMickle.)

Presiding Inspector: He said his best recollection is that it was about $700.00.

By Mr. Del Guercio:

Q. What text book did you use in anatomy?

A. We used Gray's text book in anatomy.

Q. Gray's? A. Gray's, yes.

Q. What did you use in pathology?

A. I think we used Dellafield and Prudden, if I am not mistaken.

Q. Dellafield? A. Yes.

Q. And who? A. Prudden; P-r-u-d-d-e-n.

Q. And in Chemistry?

A. I don't remember the chemical text now.

Q. Do you still have the two text books you used?

A. No, I have lost those long since, given them away and gotten more recent ones.

Q. Gave them away?

A. Yes, I think I gave them away to other students.

Q. You say you graduated about 1913, is that right?

A. I think it was either December, 1912 or January, 1913.

Q. Did you go to any other school? [3275]

A. Then I went back to New York City and took a post graduate course to brush up on some things that I thought they had there. The American College of Naturotheraphy in New York City.

Q. And when did you attend that school?

A. How long did I attend?

Q. When?

(Testimony of Virgil MacMickle.)

A. Oh, when? That was, I would say, within the next six-months period.

Q. After your graduating from this school in Chicago? A. Yes.

Q. Within the next six months?

A. Yes, within the next six months.

Q. And what courses did you take there?

A. Well, they had a little work they were doing there in diatetics and they had some work in psychology that I was interested in.

Q. Well, did you take those courses?

A. Yes.

Q. What? You took diatetics and you took psychology? A. Yes.

Q. Anything else?

A. And some work in hydrotheraphy, because that was a well known hydrotherapeutic institution.

Q. Anything else?

A. I don't recall at this time that I took anything [3276] else.

Q. For how long a period did you take this diatetics and phychology and hydrotherapy?

A. Oh, I would say roughly not more than six months.

Q. Not more than six months?

A. No. After all, I wasn't getting my beginning course there. I was merely taking some specialized——

Q. (Interposing) I didn't ask you that. What did you do after you left this American College of Naturotheraphy in New York?

(Testimony of Virgil MacMickle.)

A. Then I spent the summer teaching swimming.

Q. Teaching swimming? A. Yes.

Q. After graduating from this school?

A. Yes. Is there anything dishonorable about it?

Q. For how long a period?

Presiding Inspector: Keep your voice up.

A. I taught swimming for roughly the period from, we will say, the first of June until the first of September.

By Mr. Del Guercio:

Q. June until September of what year?

A. Of 1913.

Q. 1913. And then what did you do?

A. And then I——

Q. (Interposing) Where did you teach swimming?

A. At Atlantic City, and at Lake Hopatoong, Lake [3277] Hopatoong being the biggest summer resort in the state.

Q. Well now, we don't want any such detail as that.

A. You have been pressing for details. I thought I had better give them.

Q. Now, what did you do after that?

A. I decided to come to Oregon and get married and settle down in practice.

Q. In what practice?

A. The practice of naturotheraphy in the State of Oregon.

Q. And when was that?

(Testimony of Virgil MacMickle.)

A. That was in the fall of 1913.

Q. The fall of 1913 you returned to Oregon?

A. I didn't "return" to Oregon. I came to Oregon.

Q. You came to Oregon. Excuse me. All right. And you started to do what?

A. Then I opened—no, wait a minute! Let me be quite accurate. I came to Oregon and I married in the fall of 1913.

Q. Well, did you do anything before you married? A. No, no.

Presiding Inspector: You taught swimming?

The Witness: That's all. Taught swimming.

By Mr. Del Guercio:

Q. You taught swimming? [3278] A. Yes.

Q. And you were married when? When did you marry? When did you marry?

A. I married on the 25th of September.

Q. 25th of September, 19 what

A. 1914,—1913. 1913.

Q. And then what did you do?

A. Well, I don't remember just exactly what I did. I know I spent a good deal of time on my wife's farm, the farm owned by my wife's folks.

Q. Doing farming work?

Presiding Inspector: I think he means what did you do along the line of business.

The Witness: Well, I didn't do any. I didn't open up my office until March 15, 1914.

By Mr. Del Guercio:

Q. March 15, 1914? A. Yes.

(Testimony of Virgil MacMickle.)

Q. And you opened up what kind of an office?

A. An office for the practice of naturotheraphy.

Q. Was that permissible under the laws of the State of Oregon?

A. That was permissible by virtue of a clause in the then existing Osteopathic Law.

Q. Were you an osteopath? [3279]

A. No, but the osteopathic law, when it was passed, was so amended as to contain a proviso that nothing in the Act should be construed to interfere with the right of naturopaths to practice naturopathy.

Q. And for how long a period did you practice?

A. I practiced under that until we got our own law through creating our own Naturopathic Board in 1927.

Q. 1927. That's the first time Oregon passed a law licensing naturopaths?

A. Licensing naturopaths, yes.

Presiding Inspector: And up to that time you practiced without any special license?

The Witness: That is correct.

Presiding Inspector: Under the right given you, as claim by reason of this Osteopathic Law.

The Witness: That's quite right. Perhaps I should add that in 1914, just to make the record complete, in 1914, I had a partner who helped me to loaf in the office while we were waiting for business and to whom I turned the office over for a period of three months while I again taught swimming.

(Testimony of Virgil MacMickle.)

By Mr. Del Guercio:

Q. You taught swimming in between again?

A. Yes.

Q. Is there any connection between swimming and naturotheraphy? [3280]

A. It's about the same amount as there is between law and medicine or surgery. It was a good way to earn some money to pay office expenses. Nothing disreputable about it.

Q. What?

A. I say it was a good way to earn money to pay office expenses.

Q. I didn't ask you whether it was disreputable or not.

Presiding Inspector: Well, he volunteered that.

By Mr. Del Guercio:

Q. Is there some question in your mind about it being a disreputable practice?

A. Swimming?

Q. No, naturotheraphy.

A. You seem to take the attitude that there is something disreputable about swimming.

Q. Huh? You said that there was nothing in your mind about it being disreputable.

Presiding Inspector: No, no. That was in relation to swimming. He said there is nothing disreputable about it.

By Mr. Del Guercio:

Q. Is there anything disreputable about naturotheraphy?

(Testimony of Virgil MacMickle.)

A. I suppose there would be about the same amount of disrepute about that as there would be about the legal profession. [3281]

Q. Well, that don't answer it.

A. I think maybe you can find the answer.

Q. Have you attended any other school since 1914?

A. Oh, yes. I have taken post graduate courses repeatedly.

Q. Post graduate courses where?

A. Well, at the Western States College in Portland.

There is a course that is recognized by the State of Oregon——

Q. (Interposing) Wait a minute! I am just asking you what courses you took and where.

A. Well, I took various specialized courses. If you want to know definitely subject by subject, I think perhaps I can remember them.

Q. I am coming to that.

A. I took special work on spinal adjustment.

Q. Where?

A. At the Western States College in Portland, Oregon.

Q. Correspondence course or residence course?

A. I said "at" the Western States College.

Q. Was it a correspondence course?

A. No. It was a residence course.

Q. What else?

A. Oh, I have taken special courses in electrotheraphy at the same college.

(Testimony of Virgil MacMickle.)

Q. Electrotheraphy. Anything else? [3282]

A. Yes. I have taken courses in—brush-up courses in phychology there, in diatetics and in specialized technique like the—you know, for instance, somebody comes along that has a special course in adjusting feet or manipulating the bony framework anywhere.

Q. In this at the Western States College?

A. Western States.

Q. Huh? A. Yes.

Q. Anything else?

A. Well, then, in 1921 I went East and studied psychoanalysis under Andre Tridon, who is one of the outstanding——

Q. (Interposing) I am not asking you how outstanding these persons are.

A. I am sorry, but you seem to question the authenticity of everything to the degree——

Q. (Interposing) I do question it.

Presiding Inspector: Don't get into a dispute.

The Witness: I am sorry.

By Mr. Del Guercio:

Q. Now, when was that?

A. That was in 1921.

Q. 1921. Where was that? In New York, you say? A. New York City. [3283]

Q. How long a period?

A. Oh, about two months.

Q. Two months?

A. Uh-huh (Affirmative).

(Testimony of Virgil MacMickle:)

Q. Where was that course taken?

A. That was taken at his——

Q. (Interposing) Office?

A. (Continuing) ——studio, yes.

Q. Studio?

A. Yes, you can call it an "office". I wouldn't make any——

Q. (Interposing) Well, you called it a "studio".

A. All right. Call it a "studio" if you like that better.

Q. How many attended while you were attending?

A. Perhaps I can answer that by giving you a bit of information.

Q. No, I don't want any information other than what I am asking.

A. All right, then. I will let it go at that.

Presiding Inspector: About how many were there?

The Witness: Your Honor, it wasn't—it can't in the nature of the case be a course for groups.

Presiding Inspector: Did he have other students working at the same time? [3284]

The Witness: Not at the same time.

Presiding Inspector: So far as the course that you took, the work you did under him, you were working alone under his direction?

The Witness: That's right. Directly under him and studying what he outlined and watching his cases, you see, to get the technique.

(Testimony of Virgil MacMickle.)

By Mr. Del Guercio:

Q. Did you take any other courses anywhere?

A. Oh, let's see. I don't recall having taken any others. I may not have listed all of the little post graduate courses that I have had, but I certainly haven't——

Q. (Interposing) You can't remember any more courses that you took anywhere else?

A. No, I can't.

Mr. Del Guercio: Well now, if your Honor please, in view of the testimony of this witness here it appears that he hasn't qualified for anything else but a swimmer, and I therefore object to the question.

Presiding Inspector: I think I will take it for what it is worth. Go ahead.

Mr. Gladstein: What did you say?

Presiding Inspector: I said I will take it for what it is worth. I am not saying what that is. It may be worth a great deal. It may be worth very little.

Direct Examination (Resumed)

By Mr. Gladstein: [3285]

Q. I think I can rephrase the question. Doctor, are you in a position to state whether, based on your observations of and treatment of Mr. Lovelace, he showed apparent signs of approaching paranoia?

A. That would have been my classification of his difficulty.

Q. And what is that classification based on?

(Testimony of Virgil MacMickle.)

A. Well, it was based on these two outstanding things: First, that he had delusions of grandeur, which were related to these God-like gestures that I have been telling you;——

Mr. Del Guercio: (Interposing) I object to this line of testimony, your Honor.

Presiding Inspector: I thought this was along the lines that you thought would be all right.

Mr. Del Guercio: Then I will withdraw any objection.

Presiding Inspector: I understand that. I may have misunderstood you.

Mr. Del Guercio: No, you did not.

Presiding Inspector: We will take it.

A. (Continuing) And the other was he had delusions of persecution. And then, of course, he had the typical exalted moods.

By Mr. Gladstein:

Q. Now, did it appear to you from time to time that the tendency toward paranois on the part of Mr. Lovelace [3286] appeared to be growing stronger? A. Yes, yes, it did.

Q. Would you for my benefit in a general way simply define or describe paranoia?

Mr. Del Guercio: For whose——? Well, if your Honor please, for the benefit of the Court or just for the benefit of counsel?

Mr. Gladstein: For his benefit, too.

Presiding Inspector: Go ahead. Do you want to rephrase that?

(Testimony of Virgil MacMickle.)

Mr. Gladstein: Yes, I will.

By Mr. Gladstein:

Q. Will you be good enough, Doctor, to define or describe or explain the term that you have used, the term "paranoia"?

A. Well, it would be a little difficult to give in non-technical words and give briefly, but, briefly, one in paranoia does have delusions of grandeur and delusions of persecution and gets very ill-tempered, frequently very violent, when crossed. The technique of handling such cases, as a matter of fact, consists in avoiding crossing them whenever that is humanly possible because of the violence that is entailed.

Q. What relationship, if any, exists between paranoia and insanity? [3287]

A. Well, it is a form of insanity, surely.

Q. Would you say that it was a stage of it or a form of it?

A. It would be better described as a form of insanity.

Mr. Gladstein: I think that is all, your Honor. Cross examine.

Presiding Inspector: Now, Mr. Del Guercio.

Cross Examination

By Mr. Del Guercio:

Q. Is there anything that you can prescribe that a lay man could not prescribe that you are permitted to treat under the laws of the State of Oregon?

(Testimony of Virgil MacMickle.)

A. Yes. I think so, because a lay man——

Q. (Interposing) Now, is there anything? "Yes" or "No". A. Yes, I think——

Q. (Interposing) Now, what are those things that you can prescribe that a lay man cannot?

A. Well, I can prescribe electrotheraphy; I can prescribe spinal adjustment and manipulation; I could prescribe colon irrigation; I could prescribe various forms of diets with which the lay man perhaps wouldn't be familiar.

Q. You say a lay man cannot prescribe electrotheraphy? A. I didn't quite get that.

Presiding Inspector: Just read that. [3288]

By Mr. Del Guercio:

Q. Can a lay man prescribe for forms of diet?

A. What I had in the back of my mind when I said that is that, within the provisions of the statutes in Oregon, if one does that he collects a fee for it; in other words, functions as a professional man.

Q. Well, I am not asking you at all. What I am asking you is to state what you can prescribe to a patient that a lay man cannot prescribe. You understand the question?

Mr. Gladstein: I would like to ask for a little clarification. It seems to me the question is ambiguous. Does the question call for——

Mr. Myron: (Interposing) Is it objectionable?

Mr. Gladstein: Yes, I am making the objection. I want to ask whether he is asking whether a

(Testimony of Virgil MacMickle.)

lay man would be qualified or whether there is a law against it. I don't understand the question.

Presiding Inspector: To clarify simply, I think that in relation to that he wants the witness to distinguish between what he would be entitled to do and what a dietician would be entitled to do.

Mr. Gladstein: I see.

Presiding Inspector: The dietician may act without a license. I suppose you don't license dieticians?

The Witness: No, that is right. [3289]

Presiding Inspector: I have never heard of such a thing.

By Mr. Del Guercio:

Q. Will you answer the question.

A. Well, yes. I think that, as I say, I can prescribe and administer X-Ray theraphy. For instance,——

Presiding Inspector: (Interposing) You are devoting yourself now to diet, aren't you?

By Mr. Del Guercio:

Q. On the diet now.

A. On the diet? Oh, I suppose if a lay man knew enough about diet he could prescribe anything that I prescribe in diet. I don't see why he couldn't.

Q. Do you take X-Rays?

A. I don't in my own office. I send them to a laboratory. I often prescribe that they shall be taken.

(Testimony of Virgil MacMickle.)

Q. When you say "prescribe" how do you prescribe?

A. I write out an order to the X-Ray laboratory to X-Ray such a part of the anatomy of such and such a patient.

Q. Can't any lay man do that? A. No, no.

Q. You mean nobody can do that without going to a naturopath?

A. The X-Ray laboratories in Oregon are governed, according to my understanding of it—I think it is essentially right—they are governed by a regulation which does not per- [3290] mit them to have X-Rays taken.

Q. And you say your testimony is that no X-Ray man can go in and get an X-Ray?

A. He could go and get an X-Ray in any clinic where there was a doctor in charge of the clinic, but he wouldn't be permitted to give an X-Ray.

Q. Are you a doctor?

A. Yes, I am licensed as a doctor.

Q. What kind of a doctor?

A. A naturopathic doctor, the same as——

Q. (Interposing) Can you prescribe poisons?

A. I—no, my conscience wouldn't let me. I don't know what the law might say about that.

Q. Your conscience wouldn't let you?

A. No.

Q. Huh? A. No.

Q. Don't you know what the law of the State of Oregon is?

(Testimony of Virgil MacMickle.)

A. Well, I have never wanted to prescribe poison and I therefore never have run afoul of the law or taken the trouble to find out what the law does say on it.

Q. You are not familiar with the law of the State of Oregon? [3291]

A. I know that the law says that I can't prescribe pharmaceutical drugs.

Q. Is a poison a pharmaceutical drug?

A. Some would be and some wouldn't, within the definition that we have up there.

Q. Which would not be?

A. Well, if you will let me give the definition I think you can settle that question.

Q. Well, do you know?

A. Do I know what?

Q. What poison you could prescribe under the Oregon Act?

A. Strychnine certainly isn't a pharmaceutical drug necessarily. You can buy that in the grocery stores. I could prescribe Strychnine if I wanted to.

Q. Well, could a lay man prescribe strychnine?

A. I don't know if he could prescribe it.

Q. How do you prescribe it? Do you write down a prescription?

A. No, I wouldn't write out a prescription for strychnine.

Q. Can you write out a prescription for any drug store? A. I can write orders.

Q. I didn't ask you if you could write orders. I asked if you could write prescriptions. [3292]

(Testimony of Virgil MacMickle.)

A. All right. Let me put it this way:——

Q. (Interposing) Not "put it this way". Put it the way——

A. (Interposing) I will answer you——

Q. (Interposing) You mean you don't want to answer that question?

Mr. Gladstein: Just a moment! The witness has not said that and I think he should be given——

Presiding Inspector: (Interposing) Just a moment. The witness may answer the question, but if he doesn't know what is meant by the word "prescription" the witness may say so.

The Witness: I don't know what he means by "prescription", frankly.

Presiding Inspector: You know what you mean.

The Witness: I know what I mean, but I don't know what he means.

Presiding Inspector: Now, tell us whether you could prescribe within what you mean by it and then we will let you explain.

The Witness: Yes. For instance, suppose I want a patient to go to the drug store and get some vitamin concentrates. Then I simply write an order out in plain English. I don't use the Latinized form, but in plain English for these vitamins and sign my name. [3293]

Presiding Inspector: You call that a "prescription"?

The Witness: Yes.

(Testimony of Virgil MacMickle.)

Presiding Inspector: Because they have those vitamins ready?

The Witness: That would be the type of prescription I could write, if you want to call it a "prescription".

By Mr. Del Guercio:

Q. Any lay man who could read and write could do that, couldn't he? A. No, I don't think so.

Q. You don't think so?

A. I don't think that the druggist would honor an order of that sort—"prescription", if you want to call it that.

Q. You don't know, you say?

A. No, I don't know.

Q. You have no knowledge on it at all?

A. I don't know what the druggist would do about it. I know he honors mine.

Q. You mean no lay man could go in a drugstore and write out a prescription for a vitamin tablet? Is that what you mean?

A. I never have seen it tried and I wouldn't know.

Q. Do you know Doctor Lust? A. Yes.

Q. Or a person who calls himself "Doctor Lust"? [3294] A. Yes.

Q. Did you ever study under him?

A. Yes. It was at the American College of Naturopathy in New York City.

Q. Did you ever attend that school?

(Testimony of Virgil MacMickle.)

A. Yes. I told you that earlier.

Q. Did that school ever furnish what was called "fake" diplomas? A. I wouldn't know that.

Q. You wouldn't know that? A. No.

Q. You have no knowledge on it at all?

A. No, I wouldn't have any knowledge of that.

Q. You studied under Dr. Lust?

A. Uh-huh (affirmative).

Q. Where? A. In New York City.

Mr. Del Guercio: In New York City.

May we have a recess, please?

Presiding Inspector: Yes, we will take a five-minute recess.

(Whereupon a short recess was taken.)

[3295]

Presiding Inspector: Now, you may go on.

By Mr. Del Guercio:

Q. Mr. MacMickle, you testified you had a license. A. Yes.

Q. What kind of a license?

A. License of a naturopathic physician.

Q. What does that license state what it allows you to do?

A. Well, it allows me—of course, it is issued in accordance with the naturopathic law which permits me to do the things I have been telling you, as well as minor surgery; the electrical removal of tonsils, for instance; the electrical shrinkage of turbinates.

(Testimony of Virgil MacMickle.)

Q. Have you ever done any of those things?

A. Yes; and I have been doing them for about 12 years.

Q. Anything else?

A. Yes; and the electrical removal of warts and growths, the electrical removal of polype, or the surgical removal, since that is minor surgery.

Q. Let me go back a little bit. You say you took a two months' course under Dr. Tridon— was it?

A. Not doctor; not doctor—Andre Tridon.

Q. I believe you took a course in psychology, is that it? A. Psychoanalysis. [3296]

Q. What kind of psychoanalysis?

A. Well——

Q. (Interposing) Well, let me ask you this question. Isn't it a fact that Andre Tridon is only an authority on exotic psychology?

A. On exotic phychology—what do you mean?

Q. Sexual psychology.

A. You mean *erotic*.

Q. Yes. A. Oh, that is different.

Q. I am not as smart as you are, you understand that?

Mr. Gladstein: That remark is uncalled for and I think the demeanor of counsel is——

Presiding Inspector: You should not criticize the witness. You may ask him any question you deem pertinent and helpful here.

(Testimony of Virgil MacMickle.)

By Mr. Del Guercio:

Q. That is the course you took under Mr. Tridon?

A. Is what the course?

Q. Sexual psychology?

A. No, no. That is only a small part of psychoanalysis.

Q. But you did take that course?

A. Yes; that is very pertinent to psychoanalysis, along with a lot of other things also. [3297]

Q. Did you ever perform an abortion?

A. No.

Q. What? A. No.

Q. You never did? A. No.

Q. Do you know a Mrs. L. F. Plank—P-l-a-n-k—of 245 Schafer Street, Portland, Oregon?

A. No, I can't say that I recall any such patient.

Q. Did you perform an abortion on her in 1929, March of 1929?

A. Well, let me see if I can even remember the patient. I certainly didn't perform an abortion on her.

Q. What did you do?

A. I don't remember the patient.

Q. What did you do in March 1929?

A. You are asking me to remember one of a great many patients.

Presiding Inspector: If you don't remember you say so.

(Testimony of Virgil MacMickle.)

The Witness: I don't remember.

By Mr. Del Guercio:

Q. Did you ever perform an abortion at any time? A. No.

Q. On any one? A. No. [3298]

Q. Did you ever attempt to perform an abortion on anyone? A. No.

Q. Didn't Mrs. Plank nearly die because of your treatment and because of your attempt to perform an abortion?

A. I don't remember the case.

Q. You don't remember.

A. No, not an abortion.

Q. Well, what?

A. Well, I don't remember Mrs. Plank's case so I can't remember.

Q. Do you remember one of your patients nearly dying in about 1929?

A. No, I don't remember that, although I have had patients who nearly died from one thing or another, and I have had some patients that did die.

Q. What caused their deaths? A. Sir?

Q. What caused their deaths?

A. Sometimes they died because they were ready to die, incurable, had a bad heart and collapsed.

Q. Did you treat them for heart disease?

A. I have treated some people for heart disease.

Q. And they died?

A. Well, frankly, let me state this——

(Testimony of Virgil MacMickle.)

Q. (Interposing) Answer the questions that I am asking you. [3299]

Presiding Inspector: Do you mean to ask him this, and if you do you may ask him: Do your patients that you treat for heart disease die? Is that it, that they die sometimes?

The Witness: They die sometimes.

Presiding Inspector: We know that some may die.

The Witness: Yes.

By Mr. Del Guercio:

Q. Did they die because of the treatment you gave them?

A. No. I have never had to sign a death certificate.

Q. Can you sign a death certificate?

A. I can; yes.

Q. Under the laws of the State of Oregon?

A. Yes.

Q. Now, will this refresh your memory, your recollection: Mrs. Plank was removed to the Portland Sanitarium by Dr. Booth because she was close to death because of treatment that you had given her?

A. Let me see—I do vaguely remember that they called me about some case that I had been treating; yes.

Q. You are beginning to have a vague recollection now?

(Testimony of Virgil MacMickle.)

A. Well, I remember a case of that general character; yes.

Q. Was that an unimportant matter in your life?

A. Well, my goodness, I don't remember all of of the people that I have treated, or what happened to all of them. [3300]

Q. What happened—you were called before whom? A. I will tell you what you do.

Q. (Interposing) I am asking you——

Presiding Inspector: Were you called before anybody?

The Witness: No, no; I was not. There was never any——

Presiding Inspector: You said something about being called. Was word sent to you?

The Witness: Yes. Word was sent to me that the woman was in the hospital.

By Mr. Del Guercio:

Q. Who sent you word?

A. If I remember rightly, her sister came into my office.

Q. Her sister? Then you do know Mrs. Plank, don't you.

A. Well, I am beginning to recollect the case.

Q. And you knew it before that, didn't you?

A. No.

Q. You knew she had a sister?

A. I know now that you bring up the case.

(Testimony of Virgil MacMickle.)

Q. And you knew that her sister sent you word that she was in the hospital?

A. She didn't send me word; she came in.

Q. And then you even knew Mrs. Plank had a sister? A. She said she was her sister.

Q. Then you assumed that? [3301]

A. No. The woman introduced herself as Mrs. Plank's sister.

Q. She introduced herself as Mrs. Plank's sister. You remember that now?

A. Yes. Why wouldn't I when my mind is being refreshed with your great help?

Q. I will give you more help. Isn't it a fact, Mr. MacMickle, that Mrs. Plank executed an affidavit on April 22, 1930, to the effect, among other things, that you had performed an abortion on her?

Mr. Gladstein: If he knows about such.

Presiding Inspector: What?

Mr. Gladstein: If he knows of such affidavit.

Presiding Inspector: Do you know anything about that?

The Witness: No, I know nothing of any such affidavit.

By Mr. Del Guercio:

Q. You know nothing of such now? Now that you memory has been a little bit refreshed it isn't vague any more, is that correct?

A. Well, I am beginning, you know, the association begins to——

(Testimony of Virgil MacMickle.)

Q. (Interposing) Did you perform an abortion, or attempt to perform an abortion on Mrs. Plank? A. No, I didn't.

Q. What did you treat Mrs. Plank for? [3302]

A. If I remember rightly, Mrs. Plank was suffering from a miscarriage when she came to my office.

Q. What did you do?

A. Well, I made an attempt to relieve her of the condition. She was in a dangerous condition.

Q. Of what? A. How?

Q. What did you do?

A. Well, I did the usual thing. I introduced an antiseptic solution, irrigation, for the purpose of stopping the encroaching infection; the same as I would do in any similar case, or the same as any other doctor would do.

Q. What else did you do?

A. Well, to the best of my knowedge that is all I did do.

Q. Did you prescribe any other treatment?

A. I don't recall prescribing any other treatment; no.

Presiding Inspector: You gave her a douche?

The Witness: Yes.

Presiding Inspector: A curette.

The Witness: Let me explain that when I say "irrigation" I mean I irrigated the inside of the womb because there were retained pieces in there.

Presiding Inspector: Did you curette?

(Testimony of Virgil MacMickle.)

The Witness: Not with an instrument; no.

[3303]

Presiding Inspector: You can't do that?

The Witness: Yes, sir.

Presiding Inspector: You didn't?

The Witness: Yes, I am permitted by law to do that.

By Mr. Del Guercio:

Q. Would you be permitted by law to perform an abortion?

A. No, I wouldn't be permitted, and no one is permitted by law to perform an abortion, unless it is a therapeutic abortion.

Q. Had a miscarriage occurred when she came to your office?

A. She was in the middle of a miscarriage; yes.

Q. Had it occurred?

A. What do you mean, "had it occurred?"

Q. You are a doctor, aren't you, or you claim to be.

A. Well, all right, but there is no point, in either the birth of a normal baby, or the development of a miscarriage, where you can say it had occurred, unless the thing is there. In the case of a miscarriage a woman may be cramping, passing large quantities of clots and——

Q. (Interposing) Had she passed a baby at the time you had her in your office?

(Testimony of Virgil MacMickle.)

A. State that again.

Presiding Inspector: The question is this: Did she pass the fetus, if there was a fetus? [3304]

A. That, I don't know.

By Br. Del Guercio:

Q. It was after you stopped treating her?

A. I never saw the fetus, and I don't know.

Q. From your examination could you determine that condition?

A. No. The condition she was in I couldn't have determined whether there was a fetus or not.

Q. What did you determine from your examination?

A. From my examination I came to the conclusion that she had, was having a miscarriage; she was passing clots and cramping, and there was a very foul odor presumed to be a discharge, and my recollection is that there was, and she was running some little temperature.

Q. Did you advise her to see a doctor?

A. No; she was in my care and I took care of it.

Q. I say, did you advise her to see a doctor?

A. No, no. She went to the hospital on her own, I think.

Q. Do you know Dr. Booth?

A. No; I don't know Dr. Booth.

Q. What did Mrs. Plank say to you when she first came to your office?

(Testimony of Virgil MacMickle.)

A. I wouldn't remember that.

Q. Do your records show, or do you keep any records? [3305]

A. Yes, I keep records, but I wouldn't say that I have records back that far because I have moved from one office to another; you know.

Q. Do you have any records on your treatment of Mrs. Plank?

A. No; I have no record on that at all.

Q. For how long a period did you treat her?

A. Well, I think that she was in the office once, and they called me to the house once.

Q. Who called you to the house?

A. I think her husband called me.

Q. You even knew she had a husband?

A. Yes; I remember Mrs. Plank had a husband.

Q. What did you do when you visited her house?

A. When I went to the house?

Q. Yes.

A. I don't recall exactly, but I think I again irrigated her.

Q. Did you have a nurse? A. No.

Q. Did you ever have a nurse?

A. Yes; I have nurses right along.

Q. Did you have a nurse when Mrs. Plank came into your office?

A. I don't believe I had one at that time. [3306]

Q. What else did you do at Mrs. Plank's home regarding her treatment?

(Testimony of Virgil MacMickle.)

A. I think I gave her a spinal adjustment at the base of the neck to relieve a headache she was complaining of.

Q. Now, when did her sister come to your office?

A. Well, let me see,—I was called to the house on a Sunday morning, as I remember, and I should say it was four or five days later that her sister came in.

Q. What did the sister say?

A. She wanted to know what treatment I had given her sister, and said that she was out at the Portland Sanitarium; that she had a kidney blockage; that she hadn't passed urine for, I think she said, 67 hours, and the doctors out there were very baffled to know why this should be, and they thought that it might be helpful if they knew what I had done; whereupon I called the doctors.

Q. What doctors did you call?

A. I called Dr. Frisbie—F-r-i-s-b-i-e.

Q. He is not a naturopath?

A. No; a physician and surgeon.

Q. What did you say to him?

A. I told him the young lady was in there and that the case was out at the Portland Sanitarium. They wanted to know what I had done, and would I tell him.

Q. Did you tell him what you had done? [3307]

A. Yes.

(Testimony of Virgil MacMickle.)

Q. What did you tell him?

A. I told him, as I told you, that I simply went about and douched this woman out and irrigated her, and he said, "Doctor, I wouldn't worry about that because those cases oftentimes, even as in childbirth, have kidney blockage."

Q. Is Dr. Frisbie still living? A. Yes.

Q. Did you go out to the hospital?

A. No; I didn't go to the hospital.

Q. You didn't visit the girl any more after that?

A. I was off the case. They had taken it out of my hands.

Q. Were you given any fee for what you had done?

A. I don't remember whether I was paid anything or not.

Q. Did you demand payment?

A. I think there was a deposit made when the woman first came in.

Q. A deposit made? A. A retainer.

Q. A retainer?

A. I would say about $5.00, or something of that sort, what I would consider a fair price.

Q. Did you ever submit a bill to her?

A. No. [3308]

Q. What did you retain that money for, what was the retainer fee for?

A. Simply the treatment I gave her.

Q. You mean you took it in advance?

A. Yes; they paid me that $5.00.

(Testimony of Virgil MacMickle.)

Q. Before you gave the treatment?

A. No, no no. I didn't say that. I said they paid me $5.00.

Q. When did she pay the $5.00?

A. I think she paid me $5.00 that afternoon when they first came in.

Q. "They"—was there more than one person?

A. She and her husband were in together. Her husband brought her over because of the condition she was in.

Q. Who gave you the money?

A. I think he gave me the money.

Q. Before or after the treatment?

A. Afterwards.

Presiding Inspector: Hold your voice up.

The Witness: I will try to. Personally, I am getting thirsty.

Presiding Inspector: We will let you have a drink of water. Officer, will you get some water for the witness?

Mr. Del Guercio: If the witness needs a drink I would be glad to wait. [3309]

Presiding Inspector: Yes. I said we would get him a drink.

By Mr. Del Guercio:

Q. Do you want to wait until after you have had your drink?

A. I think I can carry on for a moment or two longer.

(Testimony of Virgil MacMickle.)

Mr. Del Guercio: We don't want to hurt you.

Presiding Inspector: Go ahead. Ask your next question.

By Mr. Del Guercio:

Q. How much did you tell Mrs. Plank or her husband you would charge for whatever treatment you were to give her?

A. I don't recall whether I made them an overall price or not. I frequently take a fee for the treatment given and let it go at that.

Q. Did you receive more than $5.00 from Mrs. Plank, or from her husband, or from her sister, or from anybody else?

(Whereupon the witness was given a drink of water.)

Mr. Del Guercio: Will you read the question, please?

(The question referred to was read by the reported as above recorded.)

A. No. I wouldn't recall any other fee than $5.00. I just said, when I stated that, I think that $5.00 was what they paid me. I know I received no subsequent payment or asked any.

By Mr. Del Guercio:

Q. You didn't ask for any? [3310]

A. No.

Q. Didn't you do anything to earn more than $5.00?

(Testimony of Virgil MacMickle.)

A. I didn't feel that I had. Ordinarily $2.50 for an office treatment is about all I charge.

Q. She was once at your office and you visited her once at her home?

A. That is right. When I am taking care of a patient at my office I don't run up an excessive bill, or when I call at their residence. If I have to go a long distance away I might want mileage.

Q. But you never submitted a bill after that to Mrs. Plank?

A. I don't recall ever submitting a bill.

Q. When did you destroy your records on Mrs. Plank, if you destroyed them?

A. Well, you are asking me a question I couldn't tell, because, as I say, I moved from the building where I then was and went over to take charge of a big clinic in the Bedell Building and naturally I —then, subsequently when that clinic was closed why, I went down to the Guardian Building, where I later met Mr.—what is his name—the CIO man.

Q. You still haven't stated what you did with those records, whether you destroyed them?

A. I didn't destroy them. I presume I lost them. I wouldn't know where to look for them now. [3311]

Q. How did you lose them?

A. I suppose in moving. That is why I am telling you about the moving.

Q. Did you lose all your records in moving?

(Testimony of Virgil MacMickle.)

A. I think I lost the most of them; I don't know.

Q. You don't know whether you did or not?

A. Well, frankly, I am not home to go through my basement and all of the boxes there in the basement to find out whether I have those particular records or not.

Q. Then how do you know you lost them?

A. I as saying I presume I lost them; I don't know. I haven't them in my office.

Q. You said you might have them down in your basement? A. Yes.

Q. You have records down there in your basement?

A. I probably have some records down there, but I don't even know for sure.

Q. You don't know whether you lost any records or not, isn't that a fact?

A. I sent the records, and all the stuff I wasn't needing in my office, out to the basement.

Q. You didn't lose any records, then, did you?

A. I can't swear whether I lost them or whether they are in the boxes down in the basement. That wouldn't make any difference to me. [3312]

Q. Your testimony is that you did not lose any records, is that right?

A. I am saying that——

Presiding Inspector: That isn't his testimony. I think we understand. He said he had a lot of

(Testimony of Virgil MacMickle.)

records in his basement there in boxes, and whether these records are there or not he doesn't know.

Mr. Del Guercio: His previous——

Presiding Inspector: That is all right. He testified before on that.

By Mr. Del Guercio:

Q. When did you join the Communist Party, Mr. MacMickle?

A. I never joined the Communist Party.

Q. At any time?

A. No; not at any time.

Q. Have you ever attended Communist Party meetings?

A. Those that were open to the public, the same as I have attended Republican rallies or Democratic rallies, or things of that sort.

Q. The same as you have attended Democratic and Republican meetings. In what cities did you attend these Communist Party meetings?

A. Oh, I have attended Communist Party meetings in Portland.

Q. Since when? [3313]

A. Oh, I suppose during the last ten years or more. I don't mean I have been a steady attendant at those meetings, but I have gone to them along with other people.

Q. Well, Mr. MacMickle, you have testified here that you know Mr. Bridges. You have testified that you know Mr. Lovelace and Mrs. Lovelace

(Testimony of Virgil MacMickle.)

Now, this hearing here is for the purpose of determining whether or not Mr. Bridges here, who is an alien, is subject to deportation as a member of an organization which, among other things, distributes, circulates, literature advocating the overthrow of the Government of the United States by force and violence. The Government is attempting to show, or to establish that the Communist Party is such an organization. Your testimony as to whether you are a member of the Communist Party is material, we think. In view of that I want to ask you again, have you ever joined the Communist Party, or if you were a member of the Communist Party under any of its names?

A. I never even applied for membership in the Communist Party, much less having a membership.

Q. Under any name?

A. Well, what do you mean "under any name?" As far as I am concerned, there is a Communist Party and that is all.

Presiding Inspector: Under any name besides your own.

The Witness: No, no; certainly not.

By Mr. Del Guercio: [3314]

Q. Have you ever used an alias?

A. No. I have never found that necessary.

Q. What.

A. I have never found that necessary.

Presiding Inspector: He said, "No, I have never found that necessary."

(Testimony of Virgil MacMickle.)

By Mr. Del Guercio:

Q. Were you ever made a member of the Communist Party? A. Not to my knowledge.

Q. Not to your knowledge. Isn't it a fact that you have been a member of the Communist Party, a member of the Professional branch of the Communist Party? A. No, it is not a fact.

Q. Now, you were a member of the Friends of the Soviet Union, were you not?

A. Yes; I was a member of that at one time.

Q. When?

A. Well, let me see. I should say roughly in the period of, oh, I don't know, 1928 or 1929.

Q. We will give you every opportunity, Mr. MacMickle, to recollect. When were you a member of——

Mr. Gladstein (Interposing): Are these remarks by counsel necessary in his cross-examination?

Mr. Del Guercio: I haven't finished my question.

Presiding Inspector: I don't know. [3315]

Mr. Gladstein: I am asking your Honor.

Presiding Inspector: Go ahead.

By Mr. Del Guercio:

Q. When were you a member of the Friends of the Soviet Union?

A. I think, roughly, in that general period from, say, somewhere in the five-year period of 1928 to 1933; somewhere in that period.

Q. Did anyone solicit your membership in the Friends of the Soviet Union?

(Testimony of Virgil MacMickle.)

A. I was donated a membership, as a matter of fact.

Q. By whom?

A. I forget who the party was now. It was one of the existing members, but I couldn't recall who it was.

Q. If I gave you a chance to recollect would you be able to do so, gave you a little time?

A. What?

Q. If I gave you a little time could you recollect who the party was?

A. No, I don't know that I could because there were a good many people that belonged, ministers, doctors, and lawyers as well as——

Q. (Interposing): And Communist Party members?

A. I think probably there were Communist Party members in the organization; yes. [3316]

Q. Do you know some of them, who some of them were?

A. I didn't know definitely that anyone was a communist Party member, but I assumed that there would be some in there.

Q. Now, when were you a member of the Council for Economic Research of the Commonwealth Federation?

A. No, there is no such organization.

Q. Or some such similar organization?

A. I, as a matter of fact, founded, or helped to found, the Council for Social and Economic Research.

(Testimony of Virgil MacMickle.)

Q. With whom?

A. Well, with a group of engineers principally. It came about quite accidentally. I was asked to address a luncheon of the Engineers' Society——

Q. (Interposing): Who asked you to do that —I mean, to organize this organization?

A. They asked me, said, after the discussion, that it would be nice if we had meetings at least once a week, and discuss social and economic problems.

Q. Who was that, who do you mean by that?

A. These engineers.

Q. Who were they, what were their names?

A. Oh, well, I couldn't remember now all of them.

Q. Some of them?

A. Well, I will tell you frankly I could mention most of them but I hesitate to do it under the circumstances because I [3317] don't want to involve them in——

Q. (Interposing): You mean there is something connected with that organization that would embarrass them?

A. I mean what you make out of the whole thing I wouldn't be surprised at anything.

Q. You don't want to name them because you don't want them embarrassed?

A. I don't want them bothered by——

Mr. Del Guercio (Interposing): I think, if your Honor please, that the witness should be instructed to answer that question.

(Testimony of Virgil MacMickle.)

Presiding Inspector: No objection, I suppose?

Mr. Gladstein: Is it material?

Presiding Inspector: I think it is.

A. All right, I will mention them—Mr. Coon—C-o-o-n—who is an engineer; Mr. John Cunningham; a man by the name of Houser.

By Mr. Del Guercio:

Q. H-o-u-s-e-r?

A. I can't be sure of the spelling of that name, whether it is "H-o" or "H-a". I think one man's name was——

Q. (Interposing): Morris Rapport?

A. No. He was not an engineer.

Q. Do you know Morris Rapport?

A. Yes, I have met him. [3318]

Q. Was he one of the founders?

A. No, he had nothing to do with the organization.

Q. Did he suggest to you that you join the organization?

A. No, no. We had the organization going before I ever knew Morris Rapport?

Q. You know who Morris Rapport is?

A. Certainly, I know him. He is well known all over the Northwest.

Q. Is he a well known Communist?

A. Yes. He is a Communist organizer; District Organizer.

Q. Can you name any other names?

A. They don't occur to me now.

(Testimony of Virgil MacMickle.)

Q. You have exhausted your knowledge, the names of all of the people?

A. Yes. I have exhausted my recollection of the twenty-odd that were there. I would know some of them by face if I saw them. I might not know them by name.

Q. Did you ever attend any IWW meetings, Mr. MacMickle? A. IWW meetings?

Q. Yes.

A. No. I don't—yes, sure. I addressed the IWW, yes, down in their hall on Third and Burnside.

Q. You recall that? A. What? [3319]

Q. You recall that?

A. Yes. I recall addressing them because I was asked to address them on psychology.

Q. You addressed them on psychology?

A. On psychology.

Q. And when was that, Mr. MacMickle?

A. What is that?

Q. When was that?

A. Oh, that was, say, somewhere—it was subsequent to my going East in 1921 to study psychoanalysis.

Q. About nineteen years ago?

A. Well, it might have been subsequent to—you know, anywhere in that period.

Q. Where did you address them?

A. In their hall.

Q. Where?

(Testimony of Virgil MacMickle.)

A. It was on Third and Burnside Streets in Portland.

Q. In Portland, Oregon?

A. Uh-huh (affirmative).

Q. For how long did you speak to them?

A. Well, I never kept track of how long I spoke. You know, I would speak until I had exhausted the possibility of the subject I was talking about or the patience of my audience and then quit.

Q. Who invited you to speak? [3320]

A. Oh, I would want to—I suppose one of the men who were in charge of getting the speakers.

Q. You mean one of the members of the IWW?

A. I suppose so.

Q. And on what did you say you spoke?

A. On psychology.

Q. On psychology?

A. Uh-huh (affirmative), particularly the psychoanalytical aspects of it.

Q. Was there anybody but a group of IWW present at that meeting?

The Witness: I couldn't hear you.

Presiding Inspector: Read the question.

(The question referred to was read by the reporter as above recorded.)

A. Oh, I would suspect there might be other people because I had been giving a lot of talks on psychoanalysis before churches and lodges and so forth, and I had a following of people who followed me almost to any place I spoke.

(Testimony of Virgil MacMickle.)

By Mr. Del Guercio:

Q. Now, this was after you had studied under Mr. Tridon? A. Yes, that's right. Tridon.

Q. Did you among other things at that time make this [3321] statement in your speech: "Under our capitalistic economic system woman's only salvation is prostitution."?

A. No. I didn't make that statement.

Q. You didn't make that?

A. No, no. I wouldn't make such a statement as that.

Q. Did you make any such similar statement?

A. No, indeed.

Q. Huh? A. No.

Q. In substance? A. No.

Q. Huh? A. No, indeed.

Q. You are sure of that?

A. Absolutely so.

Presiding Inspector: He has said so six times. Let us go ahead.

Mr. Del Guercio: I didn't count it, your Honor.

Presiding Inspector: Ask the next one. Well, I did.

By Mr. Del Guercio:

Q. Now, were you ever a member of the American Peace Mobilization, Mr. MacMickle?

A. No. Wait a minute! I participated in some sort of peace meeting which was held last summer in Portland in one of the schools. [3322]

Q. One of the where?

(Testimony of Virgil MacMickle.)

A. In one of the school houses.

Q. Shattuck School, wasn't it?

A. Shattuck School, that's right.

Q. And you never became a member of the American Peace Mobilization?

A. No. The only thing that I can recall that happened there that day was that while I was out in the hall I was nominated as a delegate to the Chicago convention.

Q. You were nominated as a delegate?

A. Yes, I was.

Q. Who nominated you?

A. That I don't know because I was out when the nomination occurred, and when I came back in and saw that I had been nominated I just simply said I couldn't afford to go, and that was the end of it.

Q. Did you accept the nomination?

A. No. I wasn't there to accept the nomination. I was out when the nomination was made.

Q. You say that you didn't go to Chicago?

A. No, no. I didn't go to Chicago. I probably would have had I had the money and the time to spare.

Q. Is the American Peace Mobilization a Communist front organization?

A. Not so far as my knowledge was concerned.

[3323]

Q. You didn't know it at that time?

A. Well, I don't know that it is yet.

Q. You don't?

(Testimony of Virgil MacMickle.)

A. No, I certainly have no such information.

Q. Is the Friends of the Soviet Union a Communist organization?

A. It wasn't when I belonged to it.

Q. When did it become such?

A. I don't know that it is. I don't even know that it exists at the present time.

Q. Do you know William Pennock?

A. Who?

Q. P-e-n-n-o-c-k?

A. I can't recall anybody by that name.

Q. Did you ever speak in Portland for funds to send delegates of the American Peace Mobilization to Chicago?

A. No. I don't recall speaking for funds. I might have spoken for funds, I don't know. I wouldn't be ashamed to admit it if I remembered that I have done so, because I think it is a worthy cause and would have been glad to participate in any helpful way I could.

Q. Do you know who the founders of the American Peace Mobilization are?

A. No, I don't know who they are. I knew the names. There were a great many distinguished names of American citi- [3324] zens on the stationery and on the official literature, and certainly I wouldn't have identified some of them as anything other than outstanding citizens, those that I knew about.

Q. Do you know Clifford O'Brien?

A. Yes. I know Clifford O'Brien.

(Testimony of Virgil MacMickle.)

Q. Was he a member of the American Peace Mobilization?

A. I don't know whether he is a member or not. I know he was on the platform at that meeting, yes.

Q. Was he nominated as a delegate at the time you were?

A. I think he was nominated as a delegate.

Q. Do you know him to be a friend of Bridges?

A. No, I don't know.

Q. Do you know James Fantz?

A. Yes, I know James Fantz.

Q. He was nominated as a delegate?

A. Yes, that's right. He was nominated.

Q. Do you know that James Fantz is a member of the Communist Party? A. No, I don't.

Q. You never heard of it?

A. No, I never heard.

Q. Do you know Julia Bertram?

A. Yes, I know Julia Bertram.

Q. Do you know that she was nominated as a delegate?

A. Yes, she was nominated as a delegate. [3325]

Q. Did you know that she was a member of the Communist Party? A. No.

Q. You never heard of it?

A. No, I never heard that Julia Bertram was a member of the Communist Party.

Q. You never heard that?

A. You see, the Communist Party doesn't tell me a lot of things.

(Testimony of Virgil MacMickle.)

Q. Doesn't tell you a lot of things?

A. Well,——

Q. (Interposing): What things did they tell you? You infer that they might tell you some things.

A. You inferred it. I didn't imply it.

Q. Do you know Joseph Chernis?

A. Yes, I know Joseph Chernis.

Q. Was he also nominated as a delegate to Chicago?

A. My recollection is that he was.

Q. Did you know him as a member of the Communist Party? A. No.

Q. Did you ever hear of it? A. No.

Q. Did you ever belong to the American League Against War and Fascism, Mr. MacMickle? [3326]

A. Yes.

Q. When did you join it?

A. I don't rightly remember just when I joined that, to be honest with you.

Q. Is that organization still in existence?

A. Well, I don't know.

Q. Huh? A. I wouldn't know.

Q. Well now, in what year did you join it?

A. I couldn't tell you that. I wouldn't remember what year it might have been.

Q. Where did you join it?

A. In Portland.

Q. Under your right name?

A. Yes, under my right name.

(Testimony of Virgil MacMickle.)

Q. For how long a period did you remain a member?

A. Oh, I think roughly during the period that the Reverand Nathan B. Ackerman was its President and Major Laurence A. Milner was its Secretary.

Q. And for how long a period was that?

A. Oh, I think that was a year or such a matter.

Q. Did you subsequently drop out?

A. Yes, I dropped out.

Q. Why? [3327]

A. Oh, partly because I don't have time to belong to all these things and take care of my professional duties.

Q. Your what kind of duties?

A. My professional duties.

Q. Any other reason for dropping out?

A. No. I think the thing eventually was disbanded in Portland. I don't know any subsequent history of it.

Q. Did your drop it before it was disbanded?

A. I don't know whether the date would coincide or whether it wouldn't, to be honest with you. I am not a great person to be attending organizations. I don't belong to organizations ordinarily; not even fraternal ones.

Q. I didn't ask you if you belonged to fraternal organizations.

A. No, I know you didn't. I am sorry.

(Testimony of Virgil MacMickle.)

Q. Was it disbanded about the time that Hitler and Stalin entered into an agreement, into an agreement or treaty?

A. Well, in the first place you are assuming that Hitler and Stalin did enter into an agreement, which I know nothing about.

Q. Oh, you don't know that?

A. No. I don't know anything about that.

Q. Do you know as to whether or not the American League Against War and Fascism was reformed into the American League for Peace and Democracy? [3328]

A. No, I wouldn't know that.

Q. Did you join the——

A. (Interposing): No.

Q. (Continuing): ——the American League for Peace and Democracy? A. No.

Q. And do you know that the American League for Peace and Democracy was subsequently reformed and is now the American Peace Mobilization? A. No, I didn't know that.

Q. Huh? Yet you were a member of the American Peace Mobilization and you were a member of the League Against War and Fascism?

A. Yes.

Q. Do you know that Mr. Bridges was one of the sponsors of the League Against War and Fascism? A. I don't recall knowing that, no.

Q. Huh? Did you ever see his name on any of the letterheads of the——

A. (Interposing): I might have. I suppose I

(Testimony of Virgil MacMickle.)

was so struck by the name of Bishop O'Connell——

Q. (Interposing): I am asking you if you saw Mr. Bridges' name on any of the letterheads of the American League Against War and Fascism?

A. No, I don't recall. [3329]

Q. What?

A. I don't recall having seen it.

Q. You might have seen it?

A. It might have been there.

Q. It might have been there?

A. You perhaps have copies to verify that by.

Mr. Del Guercio: I move, if your Honor please, that the witness' last remark be stricken from the record.

Presiding Inspector: Strike it out. Ask the next question.

By Mr. Del Guercio:

Q. Now, Mr. MacMickle, you are familiar with the WPA Theatre Project there in Portland?

A. What?

Q. WPA Theatre Project?

A. Yes. I know something about the WPA.

Q. Do you remember a time they were producing a play "Night Must Fall?"

A. Yes. I remember that play.

Q. In May, 1939?

A. I suppose it was about that time.

Q. Do you remember going over there to observe their production of that play?

A. Yes, I was there.

(Testimony of Virgil MacMickle.)

Q. Did you go over there with anyone? [3330]

A. What?

Q. Did you go over there with anyone or did you take anyone with you?

A. I'm not sure now. It seems to me I had my wife and daughter with me.

Q. Let me refresh your recollection, Mr. MacMickle. Didn't you on or about May, 1939, take Pritchett and Morris Rapport over to see the actors play? A. No.

Q. Produce the play? A. No.

Q. Did you accompany them? A. No.

Q. Were you present when they were present?

A. I wouldn't know if they were there. I never saw them there.

Q. You know Morris Rapport?

A. Yes, I know him.

Q. You know Harold Pritchett?

A. Yes, I know Harold Pritchett?

Q. What?

A. Pritchett, he pronounces it.

Q. Pritchett. And you know them as being members of the Communist Party, both of them?

A. No. I don't know any such thing about Pritchett.

Q. You know about Rapport? [3331]

A. Yes, because Rapport never made any pretense otherwise.

Q. Pritchett never did admit it, that he was a member of the Communist Party?

(Testimony of Virgil MacMickle.)

A. No, and I never heard any allegation made by anybody that he was.

Q. Did you ever take Mr. Bridges to see that produced? A. No.

Q. That play? A. No.

Q. At any time? A. No.

Q. Were you ever present when Mr. Bridges was there?

A. No, not to my knowledge. I never saw Mr. Bridges there.

Q. Now, Mr. MacMickle, this Andre Tridon under whom you took the two-month course, you knew him at the time as the author of "The New Unionism", one of the IWW books?

A. No. I knew of him only through reading his books on psychology, and there were a number of them in the public library and I bought them from Gill's book store and came in contact with his ideas on the subject, and they seemed rational and in keeping with what we knew about physiology and psychology.

Q. Did you ever read his book on "New Unionism"?

A. No. I never did. I never knew anything about that.

Q. When did you first find out that he was the author [3332] of "The New Unionism"?

A. When you told me just now.

Q. This is the first time?

A. I never heard of that before.

(Testimony of Virgil MacMickle.)

Q. And you know it to be a book published and circulated by the IWW?

A. No. I wouldn't know that.

Q. You don't know that?

A. No. I don't know a thing about the thing. This is my first acquaintance with the thing at all.

Q. Mr. MacMickle, you said that you treated the deceased Mr. Lovelace for a period from about 1933 to about 1939. Is that correct?

A. Roughly during that period I treated him, you know, for one ailment or another at various times. Yes.

Q. Well now, what did you treat him for?

A. Well, I treated him for minor things, like colds. He had the usual amount of colds in the head and on the chest.

Q. What would you prescribe for a cold?

A. Well, the principal thing, of course, as anyone else would, rest and plenty of liquids, especially fruit juices to build up his vitamin content; keep the bowels open; and then we treated him with these short-wave diathermy, which was very——

Q. (Interposing): Did you charge him for that? A. No, I didn't charge him for it.

Q. No fee? [3333]

A. No fee. If I had charged him it would have been a charge.

Q. Was he a friend of yours? A. What?

Q. Was he a friend of yours?

A. Well, he was down and out and I felt sorry

(Testimony of Virgil MacMickle.)

for him and I treated a lot of people the same, and so did every other doctor.

Q. Down and out. You knew that he was a seaman pensioned from the Government?

A. I didn't know that for a long, long while.

Q. You knew that he was a veteran?

A. I knew that he was a veteran.

Q. You knew that he had a right to go to the Veteran's Hospital for treatment?

A. And I knew that he was there at times.

Q. And you knew that he was being treated at the Veteran's Hospital for a period of time?

A. He was treated off and on for one thing and another.

Q. Did you ever treat him for anything that they treated him for at the Veteran's Hospital?

A. Yes; he wasn't satisfied with the results that they were getting on his heart and I treated him for heart trouble. [3334]

Q. You mean that he told you that he wasn't satisfied with the results that he was getting from the Veteran's Hospital?

A. Yes. He told me that he wasn't satisfied and that's why he didn't stay there.

Q. Did you believe him?

A. At the time I was treating him for that he hadn't undergone the mental and moral degeneration that he did later.

Q. Oh, he hadn't undergone this moral degeneration at the time you were treating him?

(Testimony of Virgil MacMickle.)

A. Not for heart trouble; no, sir.

Q. Did he become a moral degenerate because of the treatment that you gave him?

The Witness: Am I supposed to answer a question of that character?

Presiding Inspector: Well, there is no objection from the other side.

Mr. Gladstein: It is obvious that the cross examiner has been more than insulting, but I take this position, your Honor: I rather take the position of having the witness answer the questions regardless of what they are. But when a question——

Presiding Inspector: I will exclude the question.

Mr. Gladstein: When a question——

Mr. Del Guercio: (Interposing) He has already excluded it.

Presiding Inspector: I will exclude it on the ground that [3335] it doesn't advance the hearing.

By Mr. Del Guercio:

Q. Was the deceased Mr. Lovelace a moral degenerate, as you have testified, at any time during the time that you were giving him treatments?

A. Well, I think when I was treating him for the after effects of gonorrhea, perhaps his degeneracy——

Q. (Interposing) Were you treating him for gonorrhea?

(Testimony of Virgil MacMickle.)

A. The "after effects" I said. I could treat him for gonorrhea, too. I mean, it is legal for me to do that, but I didn't treat him for that because he went to the Veteran's Hospital for that, according to his own admission.

Q. And you were a close friend of Mr. Lovelace up until when, Mr. MacMickle?

A. Why, I regarded myself as a good friend of Mr. Lovelace until his death, because I had no animus toward him.

Q. Oh, he was your good friend up until the time of his death? A. I mean, I was friendly.

[3336]

Presiding Inspector: That is what he says.

The Witness: Yes, I was friendly to the extent that I was willing to do anything I could do for him.

Presiding Inspector: That is his testimony. That is all. Ask the next question.

By Mr. Del Guercio:

Q. Did you visit him at his home? A. No.

Q. Did you ever visit him at his home?

A. Yes. I was entertained at his home, I think it was, a year ago last Summer.

Q. How did you go there? Were you an invited guest?

A. Yes. I was an invited guest; went there and had dinner and stayed overnight.

Q. You had dinner at his home? A. Yes.

(Testimony of Virgil MacMickle.)

Q. Did you think him a moral degenerate at that time?

A. No. I don't think that the process had set in at that time.

Q. But it had had its beginning prior to that time?

A. Oh, it could have had some beginnings. But, then, it is a very hard thing to say that a process set in here, just like saying night becomes night suddenly.

Q. Up to that time when you had those social visits at his home, he was a good friend of yours?

[3337]

A. I think he was a good friend of mine. I was willing to take care of him and see him through his difficulties.

Q. Up to that time did you believe him?

A. Yes. I think for the most part I believed him. I felt that he was inclined to pull the long bow once in a while. He was already showing evidences of exaggerating his tales. That had set in for some time and everybody was discounting some of the things.

Q. Is that an answer to my question?

A. Yes.

Q. Now, you have testified, Mr. MacMickle, that the deceased Mr. Lovelace was irresponsible and irrational. During what period of time was he irresponsible and irrational?

(Testimony of Virgil MacMickle.)

A. Well, I would say roughly for about a year and a half prior to his death with increasing intensity in the condition during the last year.

Q. During the last year. Was he irresponsible and irrational when you had dinner at his home the last time?

A. No, I wouldn't say that he was——

Q. (Interposing) That was less than a year ago, was it?

A. No. I said a year ago last summer.

Q. A year ago last summer?

A. Uh huh (affirmative).

Q. You said that—you also testified, I believe that Mr. Lovelace borrowed money from you?

A. Yes, that's right. [3338]

Q. And you loaned it to him?

A. Uh huh (affirmative).

Q. How much did you loan him?

A. Oh, on one occasion there was $5.00, which he subsequently denied having borrowed; and then the others would run anywhere from two-bits to a dollar or maybe two dollars.

Q. Did you keep a record of the money?

A. No. I didn't keep a record of the money.

Q. And he never paid you back that money, did he?

A. No.

Q. None of it?

A. No.

Q. And when was the last time that you loaned him any money?

(Testimony of Virgil MacMickle.)

A. Oh, I would say possibly about a year ago at this time.

Q. About a year ago this time?

A. Yes.

Q. Did you intend for Mr. Lovelace to repay you?

A. I didn't count on his repaying me because he was always hard up. I was always buying him meals. Every week there would be one or two days——

Q. (Interposing) And you testified that you loaned him money?

A. Yes, I testified that I loaned him money.

[3339]

Q. Was he irrational and irresponsible when you loaned him money? A. Yes.

Q. But you loaned him money?

A. Yes. And I considered it a gift. He always asked for a loan and I made it a gift in my own mind.

Q. Did he ever lend you any money?

A. No.

Q. What? A. No.

Q. Are you sure of that?

A. Yes. I am sure of that because he never had any to lend.

Q. Huh?

Presiding Inspector: He never had any to lend. Next question.

(Testimony of Virgil MacMickle.)

By Mr. Del Guercio:

Q. Did you ever ask him for any money?

A. No.

Q. Huh? Did you ever ask him for $5.00?

A. No, I never did. He would be the last man in the world I would ask for $5.00.

Q. Do you have any other income than from what you receive from your practice?

A. No, except ocassionally I have written some articles [3340] that have been published and I got paid for that.

Q. Huh? Well, what is your average income, say, over the past five years?

Mr. Gladstein: Your Honor, I object to this.

Presiding Inspector: I don't see how that is going to advance this case.

Mr. Del Guercio: As to whether or not he had a sufficient income to be lending him money.

Presiding Inspector: To lend $5.00? If you really want to ask that, I will let you.

Mr. Gladstein: You Honor, I think that that is going too far.

Presiding Inspector: I will let him ask the question.

Mr. Del Guercio: I will withdraw the question.

By Mr. Del Guercio:

Q. Were you ever on the Executive Committee of the American League against War and Facism?

A. Yes, I was.

(Testimony of Virgil MacMickle.)

Q. How long a period?

A. Oh, that I wouldn't remember.

Q. How many members were on the Board, on the Executive Board?

A. And I wouldn't remember that either.

Q. Approximately?

A. Oh, there might have been three or five. I wouldn't [3341] know. Frankly, I don't remember the details of that.

Q. Well, how did you become a member of the Executive Board of the League against War and Fascism?

A. Well, I was considered an ardent advocate of the cause against war and Fascism and I had no hesitancy when asked to join on that basis to——

Q. (Interposing) Were you required to be active as a member of the Executive Board?

A. Well, I don't know what you mean by "active". I probably discharged in my feeble way some responsibility pertaining to my executive position, whatever it was, and I don't remember now frankly what it was.

Q. You don't remember what your duties were on the Executive Board? A. No, I don't.

Q. Do you know Esther Layten?

A. Yes, I knew Esther Layten.

Q. Did you know her as the wife of James A. Murphy? A. Yes.

Q. Do you know James A. Murphy?

A. Yes, certainly I know James A. Murphy.

Q. Do you know James A. Murphy as a member of the Communist Party?

(Testimony of Virgil MacMickle.)

A. Yes, he makes no bones about that. He is a Section Organizer in Portland, and everybody knows it. He has been [3342] written up in the Oregonian and is quite a respectable character around there.

Q. Is that the reason that you admit that you know him as a member of the Communist Party?

A. Well, I——

Q. (Interposing) I will withdraw that question.

A. Yes. I don't quite get the question anyway.

Q. Have your associations with Esther Layton and James A. Murphy been social?

A. Yes. I have had social relations with them.

Q. Over how long a period of time?

A. Oh, I don't know. Pretty nearly as long as, I would say, back to 1937 or '38; somewhere along in there.

Q. Did you ever visit Esther Layton and James A. Murphy at their home?

A. Yes. I visited them at their home.

Q. Did you ever know them to live in the same apartment building as Mr. and Mrs. Lovelace?

A. No, I didn't know that.

Q. Did you ever visit them at that apartment?

A. The apartment I visited them at was on the east side of the Willamette River, and the apartment I visited the Lovelaces was on the west side. So if they ever livd together I didn't know anything about that. [3343]

(Testimony of Virgil MacMickle.)

Q. Esther Layten was also on their Executive Board?

A. Yes, sir; she was a very active member.

Q. She was a very active member?

A. Yes.

Q. And you knew her to be equally active in the Communist Party? A. No.

Q. But you knew she was a member of the Communist Party?

A. No, I didn't. I knew her husband was a Communist Section Organizer, but as far as she was concerned, I don't know whether she belonged to the Communist Party or not; I wouldn't know.

Q. Do you have the records available of the treatment that you gave the deceased, Richard Lovelace?

A. No, I don't, for the simple reason that I made no charge for it.

Q. Wait a minute. I asked if you had the records available.

Presiding Inspector: He said "No."

By Mr. Del Guercio:

Q. Did you ever have any records of the treatments you gave Mr. Lovelace? A. No.

Q. At any time? A. No.

Presiding Inspector: He answered "No."

[3344]

By Mr. Del Guercio:

Q. Now, Mr. MacMickle, if we were to produce and show you the records of the Veterans Administration regarding the treatment and diagnosis

(Testimony of Virgil MacMickle.)

had by Mr. Lovelace by doctors of the Veterans Administration during the same period of time that you say you treated him, and if those records do not show that at any time he was considered as a mental case, would your testimony be any different?

Mr. Gladstein: I think that question is improper.

Presiding Inspector: It is a hypothetical question, but I think we are entitled to an answer if you propose to bring those records in.

Mr. Del Guercio: We do.

Mr. Gladstein: Then the question being asked must state the specific things that are found in that record and, mind you, this is covering a long period of time.

Presiding Inspector: Yes.

Mr. Gladstein: I don't exactly know what counsel has in mind. If he is going to ask a hypothetical question——

Presiding Inspector: Neither do I, but I will take the answer. This is cross examination.

Mr. Gladstein: He has to be fair with the witness.

Presiding nspector: Absolutely, he must be.

The question is this: Assuming that the records do not show that he was treated as, or diagnosed as a mental [3345] patient, would that affect your testimony?

A. No. I would still stick with my contention that he was a mental case and I would, particularly

(Testimony of Virgil MacMickle.)

in view of a conversation which I had over the telephone with Dr. Ernst, in charge of the neuro-psychiatry ward of the Veterans Hospital in Portland, and after Dr. Ernest was informed of the filthy and obscene letters he had written. Then I asked Dr. Ernst if he couldn't get Mr. Lovelace there for treatment; otherwise he was in dire consequences. He said, "No. We have had him here before and there is not much we can do for him. It is just one of those cases. If he comes in he will have to come in voluntarily, and we can't make him stay if he wants to depart."

Mr. Del Guercio: I move that the answer be stricken.

Presiding Inspector: Strike it out.

Mr. Gladstein: I think it is relevant and responsive.

Presiding Inspector: No. I think not. Read the question.

Mr. Gladstein: It answered the question and explained the basis of his answer.

Presiding Inspector: No. Strike it out. I will leave it to you.

Mr. Gladstein: He gave his answer that he wouldn't change his mind, and he expressed that in the light of the special circumstances. [3346]

Presiding Inspector: Then perhaps you can ask why he wouldn't believe the records.

Mr. Gladstein: It is not a question of why he wouldn't believe the records. The records may not cover the same thing.

(Testimony of Virgil MacMickle.)

Presiding Inspector: I will strike it out. You may ask on that subject when the witness is yours.

Go ahead and ask the next question.

By Mr. Del Guercio:

Q. Have you ever examined the records of the Veterans Hospital?

A. No. I haven't any access to those.

Presiding Inspector: You have never examined them. Let us be precise here. Go ahead and ask the next question.

Mr. Del Guercio: Do you want to continue?

Presiding Inspector: I want to finish with this witness if I can.

Mr. Del Guercio: We want to get the records from the Veterans Hospital and confront this witness with them.

Mr. Gladstein: He has never seen them. He was asked a question, and if they want to produce the records I suppose they will have to have somebody to produce them.

Mr. Del Guercio: And it will take at least another hour.

Mr. Gladstein: I don't see what difference it makes, in view of the answer the witness has given to the question.

Presiding Inspector: I don't see that it would make much [3347] difference. He says it wouldn't change his mind.

Mr. Del Guercio: We also want to hold him over. We want to make a further investigation, a more complete investigation of this witness, for

(Testimony of Virgil MacMickle.)

reasons which we believe are not necessary to state at this time and probably improper. We have been limited in our investigation that we have made. We have only made an investigation since he has appeared here on the stand. Before you decide, I would like to ask him one more question, if your Honor please.

By Mr. Del Guercio:

Q. Do you know a Mr. Whitmer or Mr. Whitmore? A. Whitmore?

Q. You know—yes.

A. Oh, I might have run across somebody by that name in the last 25 or 30 years.

Q. Do you want a little time to think it over as to whether you do or not?

A. If you can help me to identify him——

Q. Did you ever have any trouble with him over a bad check? A. No.

Q. Or with anybody over checks? A. No.

Q. Huh? A. No.

Q. Were you ever accused of passing false checks? A. No, sir. [3348]

Q. Checks with insufficient funds?

A. Yes; I have had checks with insufficient funds but I have never been, you know, nothing has ever been made of it. Sure, I have overdrawn my account.

Q. You say you don't know a Mr. Whitmer or Whitmore? A. No.

Q. Whitmer or Whitmore?

A. I don't remember such a name.

(Testimony of Virgil MacMickle.)

Q. Or some such name? A. No.

Mr. Del Guercio: I again make the request that the witness be held over until Monday.

Presiding Inspector: No objection?

Mr. Gladstein: No.

Before we adjourn I would like to have a statement, if the Government is in a position to make one, on the question of Mr. Cannalonga.

Presiding Inspector: I haven't heard from Mr. Wixon since this morning.

Mr. Gladstein: What is the latest information?

Presiding Inspector: This morning he had not found him.

Mr. Gladstein: Who is looking for him?

Presiding Inspector: I haven't any idea. Someone under Mr. Wixon's direction, I assume. He hasn't informed me who it is. [3349]

Mr. Del Guercio: I might say, for counsel's information, that both the FBI and the Immigration Service and, if necessary, any other Governmental agency, will make every exhaustive effort to locate Mr. Cannalonga.

Presiding Inspector: I assume that is so. If you can help in any way, Mr. Gladstein, I trust you will do so.

Mr. Gladstein: You have my assurance.

Mr. Del Guercio: If they can give us any information on Mr. Cannalonga's whereabouts we will be glad to have it.

Presiding Inspector: In case you have any clue

(Testimony of Virgil MacMickle.)

that may lead to his location please let them know.

Mr. Gladstein: Yes.

Presiding Inspector: We will recess until Monday morning at ten o'clock.

(Whereupon, at 4:30 P. M., an adjournment was taken to Monday, May 12, 1941 at 10:00 A. M.) [3350]

Court Room 276,
Federal Building,
San Francisco, California.
May 12, 1941

Met, pursuant to adjournment, at 10:00 A. M. [3351]

PROCEEDINGS

Presiding Inspector: Call your witness, Mr. Del Guercio.

Mr. Del Guercio: We are ready, your Honor.

Presiding Inspector: It isn't your witness.

Mr. Gladstein: Take the stand, please.

VIRGIL MacMICKLE

called as a witness on behalf of the Alien, having been previously duly sworn, testified further as follows:

Cross Examination (Resumed)

By Mr. Del Guercio:

Q. Now, Mr. MacMickle, you testified last Friday that you graduated from the American College of Drugless Physicians; is that correct?

(Testimony of Virgil MacMickle.)

A. Yes.

Q. In about 1913? A. That is right.

Q. Isn't it a fact that such a college never existed?

A. It existed all right; I have a diploma from it.

Q. Isn't it a fact that that was called the American College of Physical Education?

A. They had an American College of Physical Education in the same building; yes, sir.

Q. Isn't it a fact that the American College of Physical Education occupied the whole building on 42nd Street and Grand Boulevard, Chicago, Illinois? [3352]

A. No, that is not a fact.

Q. Isn't it a fact that the American College of Drugless Physicians was not listed in any of the directories for the City of Chicago during those years that you claimed you attended?

A. I wouldn't know that.

Q. As a matter of fact, Mr. MacMickle, you obtained your diploma through a fake diploma mill, isn't that correct?

A. No, that is not correct.

Q. That is not correct? A. No.

Q. And you said that after you graduated from that school you took up swimming, or became a swimming instructor?

Mr. Gladstein: I think all that has been gone into, and asked and answered a number of times.

Presiding Inspector: This is only to get started, I take it.

(Testimony of Virgil MacMickle.)

By Mr. Del Guercio:

Q. Isn't it a fact that you took a physical education course, if any? A. No, sir.

Mr. Gladstein: I think that question is ambiguous. Does the question call for——

Presiding Inspector: The Witness seemed to be able to answer. [3353]

Mr. Gladstein: I know, but I want the record to show—it may be that the witness took a physical education course at some time.

Presiding Inspector: I will let you follow it up on redirect.

Mr. Gladstein: I want the record to show my objection to the question being ambiguous.

Presiding Inspector: It is in the record, and we will let you follow it up when you have the witness. Go ahead. [3354]

By Mr. Del Guercio:

Q. Now, you testified that one of the doctors who signed your diploma was a Dr. Crane?

A. Yes, sir.

Q. Is that correct?

A. Yes, sir. My recollection is that's correct.

Q. That is the same—was that Dr. Milo A. Crane?

A. I wouldn't remember his first name.

Q. You wouldn't remember? A. No.

Q. Does it appear on the diploma?

A. I presume it does.

Q. And isn't it the same Dr. Crane who was charged with unethical conduct and expelled from

(Testimony of Virgil MacMickle.)

membership in the medical profession because he advertised correspondence courses in drugless healing and granted special diplomas?

A. I wouldn't know about that.

Q. You wouldn't know about that?

A. No.

Mr. Gladstein: The question has been asked and answered.

Presiding Inspector: Yes, it has.

By Mr. Del Guercio:

Q. Do you know a Mr. Higbe? A. No.

Q. What? [3355] A. No.

Q. Now, you said you graduated from Stanhope High School? A. Yes, sir.

Q. Where is that High School?

A. In Stanhope, New Jersey.

Q. In Stanhope, New Jersey? A. Yes.

Q. Is it a public school?

A. It was a public school; yes, sir.

Q. Is that near Patterson, New Jersey?

A. It might be within thirty-five or forty miles.

Q. Well, as a matter of fact, you know that there is no such school, don't you, or there was no such school?

A. Then I would like to know who issued my diploma.

Q. So would I.

A. Well, I certainly have one.

Q. Where do you have it?

A. I have it in Portland.

Q. Is it available?

(Testimony of Virgil MacMickle.)

A. Yes, surely. Surely it is available.

Q. Now, do you know a James Martin?

A. Not that I recall.

Q. Not that you can recall. You testified, I believe, that you knew the deceased Mr. Lovelace—Richard Lovelace— [3356] for a period of how many years?

A. Well, I would say—I think I said from 1933 on.

Q. 1933 until the time of his death?

A. It might have been 1932. I wouldn't remember it exactly.

Q. Did you know him as a member of the Communist Party?

A. Yes, I knew him as a member of the Communist Party.

Q. You knew he was? A. Yes.

Q. Did he tell you? A. Yes, he told me.

Q. Did others tell you that he was a member of the Communist Party?

A. Yes.

Q. Who else?

A. There would be so many I wouldn't know.

Q. Well, name some of them.

Q. Well, let's see! Bob Wilmot.

Q. Bob Wilmot told you that. Did you believe Bob Wilmot when he told you that Richard Lovelace was a member of the Communist Party?

A. I took it for granted since Richard admitted it himself.

Q. You believed Wilmot, didn't you? [3357]

(Testimony of Virgil MacMickle.)

Mr. Gladstein: I think the question has been asked and answered.

Presiding Inspector: Yes, it has been answered.

By Mr. Del Guercio:

Q. Who else told you that? You said "many" people told you that. Who else told you that?

A. Well, he had the general reputation. It was known and published in the newspapers.

Q. You can't remember anyone else who told you that Richard Lovelace was——

A. (Interposing) I can't at this moment, no.

Q. And when did he drop out of the Communist Party, Mr. MacMickle.

A. Well, I wouldn't have definite information on that. All I know is that he told me that he had been expelled from the Party.

Q. When did he tell you that?

A. Oh, I suppose that would be 1939, probably.

Q. It was about the same period of time that you began to see signs of paranoia, is that correct?

A. I would say they were beginning to develop about that time.

Q. You began to observe these things here about Richard Lovelace shortly after he dropped out of the Communist Party, is that correct? [3358]

A. Yes. I think that is essentially correct?

Q. Well now, Mr. MacMickle, as a matter of fact, you were given an assignment by the Communist Party to discredit Mr. Lovelace after he dropped out of the Communist Party, isn't that correct?

(Testimony of Virgil MacMickle.)

A. No, that is not correct.

Q. Didn't you furnish Mr. Lovelace with liquor?

A. No, sir.

Q. Did you ever go out drinking with Mr. Lovelace?

A. Oh, I have had a drink or two with him at one time or another, certainly.

Q. Did you ever get drunk with him?

A. No, I didn't.

Q. Huh? A. No, sir.

Q. Who bought the liquor when you went out?

Mr. Gladstein: I think that is immaterial.

Mr. Del Guercio: It is very material.

Mr. Gladstein: Just a moment! I have a right to make my objection notwithstanding what counsel thinks is material. I object to the question as being immaterial.

Presiding Inspector: I will take it.

By Mr. Del Guercio:

Q. Did you buy Mr. Lovelace liquor?

A. No, I think Mr. Lovelace usually bought his own [3359] liquor.

Q. Did he buy yours when you were out drinking with him?

A. Well now, you asked me when I was out "drinking" with him as though that was a habitual thing. No.

Q. You never did. Now, he, Mr. Lovelace, during his lifetime was active and, as a matter of fact, a co-founder of the American League Against War and Fascism in Portland, Oregon, was he not?

(Testimony of Virgil MacMickle.)

A. You couldn't prove that by me because I don't know. [3360]

Q. You were on the Executive Board, were you not?

A. That was after the thing had been formed.

Q. That was after it had been formed?

A. Yes.

Q. Was Mr. Lovelace one of those who interested you in joining the American League Against War and Fascism?

A. No. The man who interested me, and solicited my membership, was Major Larry A. Milner?

Q. Major Larry A. Milner?

A. Laurence A. Milner; yes.

Q. Did you work with Mr. Lovelace on this League Against War and Fascism?

A. No. As a matter of fact, Mr. Lovelace had very little to do with it.

Q. Did you ever appear at meetings with Mr. Lovelace, meetings of this American League Against War and Fascism?

A. I don't recall ever having seen him at a meeting.

Q. Do you remember the American League Against War and Fascism holding a mass meeting in Park Block at Park and Madison Street, Portland, Oregon, on August 1, 1934.

A I do.

Q. Do you recall that you were one of the speakers? A. I was.

Q. At that time. Was Mr. Lovelace there?

(Testimony of Virgil MacMickle.)

A. Yes, Mr. Lovelace was there. [3361]

Q. He was there? A. Yes.

Q. Did he participate?

A. He participated as an uninvited speaker and proceeded to disgust everybody present by his vile language and his abusive conduct.

Q. Well, didn't you make a very radical speech at that time? A. No.

Mr. Gladstein: I think that calls for a definition of terms from counsel. It is quite obvious, from his conduct in this case, that any liberal or progressive idea is considered by Mr. Del Guercio as a most radical, revolutionary and dangerous thing. I think the witness is entitled to a definition of what is radical. If we go to the Greek definition of what is radical, that is a question of going to the root of something. I think, from a scientific point of view, the word "radical" carries no evil connotation. If he is going to use that word he should define it.

Presiding Inspector: I don't think it carries any evil connotation.

Mr. Gladstein: I think it ought to be defined.

Presiding Inspector: I will let him answer and you may canvass the question on redirect.

Mr. Gladstein: Somebody may look at this record and see [3362] the word "radical" and construe it in the way Mr. Del Guercio does.

Presiding Inspector: I said, on my ruling, I think there is no evil implication. Go ahead and answer the question.

A. No, I made no radical speech.

(Testimony of Virgil MacMickle.)

By Mr. Del Guercio:

Q. What kind of a speech did you make—on what subject was it?

A. Well, in general it had to do with the World War, because it was the twentieth anniversary of the beginning of the World War. I forgot what section of it I was assigned to, but it wasn't anything other than a discussion of the World War.

Q. Who assigned you the subject?

A. Major Milner.

Q. You took directions from Major Milner?

A. I had a high respect for him as a military man.

Q. Was he a member of the American League Against War and Fascism?

A. Oh, yes, indeed. He was its Secretary at that time, I think.

Q. Do you remember attending a meeting of the American League against War and Fascism on October 13, 1935, at the hall of the Woodmen of the World hall, in Portland?

A. Well, I don't recall the exact episode; no.

[3363]

Q. Was Mr. Lovelace present at that time?

A. I wouldn't know, because I don't recall the date.

Q. Do you remember attending a meeting of the same League in the Swiss Hall in Portland, Oregon, on April 3, 1935?

A. I don't remember; no, sir.

(Testimony of Virgil MacMickle.)

Q. Do you remember being a speaker at that occasion? A. No.

Q. If I refresh your memory would you think you would change your testimony on that?

Mr. Gladstein: I object to that as argumentative.

Presiding Inspector. How can he tell? It is a question that is impossible to be answered.

By Mr. Del Guercio:

Q. And did you make a speech, outlining the danger of Fascism in America and urging the workers present to join the movement of the League to combat that capitalistic movement?

A. I don't know that I phrased any such statement as that. I don't recall the situation at all.

Q. And was Mr. Lovelace present at that meeting?

A. I don't have any recollection whatever about it.

Q. Do you know what the Simpson case is, Mr. MacMickle? A. I don't know.

Q. S-i-m-p-s-o-n? A. No.

Q. Did you ever talk about the Simpson case?

[3364]

A. No.

Q. At no time

A. I wouldn't even know what the case was to talk about.

Q. Do you remember appearing over radio KWJJ in Portland, Oregon, on April 8, 1937, and giving a three-minute talk on the Simpson case?

(Testimony of Virgil MacMickle.)

A. No, I don't remember giving that talk. I know I talked a lot over KWJJ.

Q. Would you say you didn't discuss the Simpson case?

A. No, I wouldn't, because I have no recollection whatever regarding it.

Q. Do you remember that Simpson was a seaman who was arrested in Germany about that time?

A. No, I wouldn't recall that.

Q. You wouldn't recall that? A. No.

Q. Now, in your testimony Friday, Mr. MacMickle, I asked you about a Mrs. Plank. You testified first that you didn't remember the name, and didn't know the name, and then you vaguely remembered.

Mr. Gladstein: I object to that.

Presiding Inspector. You have sufficiently refreshed his recollection. Go ahead and ask the question.

By Mr. Del Guercio:

Q. I asked you if you had ever seen the affidavit that she [3365] had made. Do you remember that?

A. Yes.

Q. I have the affidavit, the original affidavit, from Mrs. Edith J. Plank——

Mr. Gladstein: I object to the statement and move that it be stricken from the record.

Presiding Inspector: Strike it out. You have a paper writing.

Mr. Del Guercio: I will show it to the witness.

Presiding Inspector: Go ahead.

(Testimony of Virgil MacMickle.)

Mr. Gladstein: May I see it?

(The document referred to was passed to Mr. Gladstein.)

Presiding Inspector: We are not generally so particular about characterizing it, but that is the rule.

Mr. Del Guercio: Since counsel asked to see it, I request that it be marked for identification.

Mr. Gladstein: Not necessarily.

Presiding Inspector: We will attend to that after it is read. [3366]

Presiding Inspector: Would you like to show it to the witness?

Mr. Del Guercio: Yes, sir.

Presiding Inspector: Then you may have it marked for identification.

(The document referred to was marked Government's Exhibit No. 262 for identification.)

By Mr. Del Guercio:

Q. I will show you what purports to be an affidavit of Edith J. Plank, sworn and subscribed to on the 25th day of April, 1930, before a Notary Public, and ask you to look it over.

Mr. Gladstein: Is that a question, asking him to look it over, or are you asking him a question?

Presiding Inspector: No, that is preliminary.

Mr. Gladstein: Preliminary to what?

Presiding Inspector: Well, he wants him to look it over first and then he is going to ask him a question, I assume.

(Testimony of Virgil MacMickle.)

Mr. Gladstein: All right. I don't know.

Mr. Del Guercio: I didn't want to take the witness by surprise here, if your Honor please. I wanted to show him the document first before I asked him the question.

Presiding Inspector: You needn't argue. It is perfectly [3367] proper. Let the witness look it over before you ask him any questions.

A. (Reading Government's Exhibit No. 262 for identification.)

Presiding Inspector: Now, what is the question, Mr. Del Guercio?

By Mr. Del Guercio:

Q. Now, does that refresh your memory further regarding the case of——

A. (Interposing) It doesn't.

Q. Wait until I finish my question. You don't know what it is going to be. Does that refresh your memory further concerning the case of Mrs. Plank, whom you testified you treated?

A. No, it does not.

Q. It does not?

A. It doesn't give me any further information.

Q. Now, is it true as Mrs. Plank says in this affidavit that she was two months'——

Mr. Gladstein: (Interposing) Just a moment! I want to object to that as highly improper.

Presiding Inspector: Don't answer the question.

Mr. Del Guercio: I haven't finished the question.

Mr. Gladstein: I know. I know what counsel is going to do. In the first place, this assumes that it

(Testimony of Virgil MacMickle.)

is an affidavit made by a Mrs. Plank. This purports to be an ex parte state- [3368] ment. I think all that counsel is entitled to is to ask the witness whether this has ever been seen by him, whether he has ever been confronted with it in any litigation, and on those occasions what took place or what was said. But counsel is not entitled to present a document to the witness, which purports to be an ex parte affidavit and may or may not be and may or may not contain a statement of facts at all, and then proceed to read this for an obvious publicity stunt.

Now, I object to it, your Honor, and I think you should rule definitely and strongly on this because we have had some of these things before.

Presiding Inspector: Yes, on both sides.

Mr. Del Guercio: If your Honor please, this is not a publicity stunt. This man here has appeared here as a character—I was going to say "character witness", but I can't use the term that I want to use.

Mr. Gladstein: I will object to that statement and I think that the Court should admonish counsel in speaking that way while the witness is on the stand.

Presiding Inspector: I think that you must obey the usual rules of courtesy in these cases.

Mr. Del Guercio: This witness here has testified that he has treated a Mrs. Plank.

Presiding Inspector: What is the use of asking him about that document [3369]

Mr. Del Guercio: Because we want to show what his reputation is, if your Honor please.

(Testimony of Virgil MacMickle.)

Presiding Inspector: Well, that is another question whether that is competent.

Mr. Del Guercio: Would we be permitted to bring character witnesses in here to testify as to the character of this witness?

Presiding Inspector: I wouldn't pass on that now. You have got a document there and you said it purported to be an affidavit. I don't know whether it is genuine, or no one here in the Court room so far as the record shows knows anything about it. You have asked him whether it refreshes his recollection.

Mr. Del Guercio: (Interposing) We could——.

Presiding Inspector: And he says that it doesn't refresh his recollection. Now, what is more to be added? You want to get that into the record, is that it?

Mr. Del Guercio: Yes, we do.

Presiding Inspector: I think you will have to go farther than that to get it into the record. You can ask him if you have searched his recollection, not from that document particularly, but from anything that you think as to what he has already said or contradicted.

By Mr. Del Guercio: [3370]

Q. Is it true, Mr. MacMickle, that at the time Mrs. Plank appeared at your office she was two months' pregnant? A. No.

Q. Is it true that at the time Mrs. Plank appeared at your office on or about March 20, 1929

(Testimony of Virgil MacMickle.)

that she told you about her condition and that she wanted an abortion performed? A. No.

Q. Is it true, Mr. MacMickle, that you demanded from her $25.00? A. No.

Q. And is it true, Mr. MacMickle, that she did then and there pay you $25.00?

A. The amount she paid me, I told you the other day, I didn't recall. But I would certainly—that's the limit of my knowledge on it.

Q. And is it true, Mr. MacMickle, that at that time you consented to treat her, perform an abortion and that in so doing you inserted an instrument into her uterus? A. No.

Q. Do you know a Dr. Holden?

A. I know him by reputation.

Q. By reputation only? A. Well,——

Mr. Gladstein: (Interposing) I will object to that. He has said he has heard of him. [3371]

Mr. Del Guercio: I will withdraw the question.

Presiding Inspector: By "reputation" he means that he knows him by the general speech of people, not that they have discussed whether he is righteous or upright or the contrary.

Mr. Gladstein: And it wouldn't make any difference.

Presiding Inspector: No, not now.

By Mr. Del Guercio:

Q. Is it true, Mr. MacMickle, that you have the reputation of being an abortionist?

A. No.

Q. Now, you testified, I believe, that a Dr. Eris-

(Testimony of Virgil MacMickle.)

bee talked to you over the telephone concerning the case of Mrs.——

A. (Interposing) That's right.

Q. (Continuing)—Plank after she consulted or went to see a doctor?

A. (Nodding affirmatively).

Q. That was about April 16, 1929 or thereabouts.

A. Oh, I wouldn't remember the date.

Q. And isn't it true, Mr. MacMickle, that Dr. Frisbee told you that after a consultation with Drs. Holden and Ripley that they found Mrs. Plank's illness to be due to an attempted abortion by an electrical doctor who said he saw her four times?

A. I never had any such conversation with Dr. Frisbee. [3372]

Q. You never did? A. No.

Q. Did you ever see the personal history records of Mrs. E. J. Plank?

Mr. Gladstein: At where?

By Mr. Del Guercio:

Q. At the hospital in which she was confined.

A. No.

Q. Huh? A. Never did.

Q. She was confined at the Portland Sanitarium wasn't she?

A. That's my recollection of what they said.

Mr. Del Guercio: You know that.

If the Court please, may we ask that this—will we be permitted to substitute a photostat for this original?

(Testimony of Virgil MacMickle.)

Presiding Inspector: Well, it is only marked for identification.

Mr. Del Guercio: For identification?

Presiding Inspector: Yes. Are you going to go any further with it?

Mr. Del Guercio: Oh, we don't know at this time.

Presiding Inspector: You don't know. If you go any further with it you may substitute a photostatic copy.

Mr. Gladstein: I think it should be in the reporter's hands. I may have some questions to ask.

[3373]

Presiding Inspector: What is that?

Mr. Gladstein: Meantime it should be in the reporter's hands.

Mr. Del Guercio: I guess it could be in my hands while I am questioning him about it.

Mr. Gladstein: Oh, yes. Of course.

Presiding Inspector: Let us see if we can't make some progress.

By Mr. Del Guercio:

Q. Mr. MacMickle, did you give Mr. Richard Lovelace therapy treatments in the summer of 1939?

A. I think in the summer of 1939 I gave him some electrical——

Q. (Interposing): That was right after he came out of the Veteran's Hospital, wasn't it?

A. I think possibly after one of his trips to the Veteran's Hospital. I wouldn't be sure.

(Testimony of Virgil MacMickle.)

Q. And that is the only time that he was ever a patient of yours? A. No, that wasn't.

Q. Huh? A. No, no.

Q. That isn't so? You say that is not so?

A. No, that is not so. I treated him for various ailments at various times. [3374]

Q. Now, you testified concerning an alleged extortion letter. When was that letter written?

A. I didn't testify——

Q. Huh?

A. I didn't testify concerning any alleged distortion letter.

Q. What did you testify about?

A. I take that back. I did mention "extortion" in connection with his letter.

Q. What do you mean by that statement?

Presiding Inspector: He remembers now that he called it an extortion letter. What about it?

By Mr. Del Guercio:

Q. What was it about?

A. What was it about? It was that he was trying to get——

Q. (Interposing): Who was saying that?

A. That Richard Lovelace was trying to get this woman, who had formerly been his sweetheart, to give him moneys under threat of exposing their previous relation to her husband, and under threat of exposing other affairs that she had had.

Q. What is that woman's name?

Mr. Gladstein: Well, your Honor, I am not opposed to having a proper cross examination, and our

(Testimony of Virgil MacMickle.)

position has been, as I think you have noticed, that we don't do one-tenth of the [3375] objecting that counsel for the Government do——

Mr. Del Guercio: He can object all he wants to.

Mr. Gladstein: I haven't finished.

Presiding Inspector: Let's hear him.

Mr. Gladstein: The question here is this: If it is a question of simply checking on the information, I have no objection to that, but I think, out of courtesy to the people who are involved, that counsel should have some delicacy about the matter.

Mr. Del Guercio: We say there are no people involved. We say that is a figment of this witness' imagination.

Mr. Gladstein: I move that that be stricken out as an improper statement on the part of counsel, your Honor.

Mr. Del Guercio: It is not as improper as counsel's statement was.

Presiding Inspector: I think it was merely to explain why he wanted to ask the name.

Mr. Gladstein: I was making an objection, which lawyers have a right to make, and Mr. Del Guercio was making the kind of bullying speeches he is accustomed to making. I move it be stricken from the record.

Presiding Inspector: I don't care to have you characterize it, but I think you can make the motion. I think all the discussion will go out of the

(Testimony of Virgil MacMickle.)

record anyway, I suppose, under the rule, unless you all agree on some different plan. [3376]

I think I will strike it out.

Now you ask, through me, that counsel be requested not to put the name of this particular person in the record.

Wouldn't it be well to accede to that and ask this witness to write the name, give it to you, and show it to Mr. Gladstein, and you make any investigation then that you wish?

Mr. Del Guercio: That would be agreeable.

Presiding Inspector: All right.

Mr. Del Guercio: The name and address.

Presiding Inspector: Yes.

Mr. Del Guercio: If he knows.

The Witness: I would be unable to give the address. I can't give the lady's present married name.

Presiding Inspector: You can give some identifying name?

The Witness: Yes; I would be willing to do that. That remains inviolate so far as she is concerned, does it?

Presiding Inspector: Of course, I can't compel these—I can instruct you to answer it, but we don't want to blacken anyone's reputation here. Just write the name down.

Mr. Gladstein: If you don't know her first name, all right.

Mr. Myron: The question is put.

Mr. Gladstein: I have a suggestion to make to

(Testimony of Virgil MacMickle.)

the Court. I don't have to be interrupted by Mr. Myron. [3377]

Presiding Inspector: Never mind scolding Mr. Myron.

Mr. Gladstein: I was going to make the suggestion that if the witness did not know the lady's first name that he simply give the husband's, then husband's name, if she has a different one now—I don't know—and any identifying information that he has. If he doesn't remember her address, what she was doing, or anything of that sort——

Mr. Del Guercio (Interposing): There is no use of this after counsel has given the suggestions.

Presiding Inspector: I think so. Write down the woman's name at the time that this occurred.

(Whereupon the witness wrote a name on a piece of paper and handed it to the Presiding Inspector.)

Presiding Inspector: Do you now whether her husband is dead, that first husband?

The Witness: There was no husband at the time this love affair was going on.

Presiding Inspector: No, no—but at the time the letters were shown to you.

The Witness: Well, th. I wouldn't know about that because I——

Presiding Inspector: Do you know his name?

The Witness: No, I don't remember his name at all. I am sorry, but I don't.

(Testimony of Virgil MacMickle.)

By Mr. Del Guercio: [3378]

Q. You don't remember much of anything, do you?

Mr. Gladstein: Don't answer an insulting thing like that. I object to that as not being a question.

Presiding Inspector: Don't characterize it. You can move to strike it out.

Mr. Gladstein: I do so move.

Presiding Inspector: We will exclude it.

Now, this name that you have written down here is the woman's last name?

The Witness: Yes.

Presiding Inspector: At the time that you knew her?

The Witness: That is right.

Presiding Inspector: I don't know whether—you did know her, didn't you?

The Witness: I knew her casually; yes.

Presiding Inspector: Do you know what her business was, if she had any?

The Witness: She was a stenographer.

Presiding Inspector: Stenographer. Can you identify her in any other way than this?

The Witness: She was a blonde.

Presiding Inspector: A blonde stenographer?

The Witness: A blonde stenographer.

Presiding Inspector: I am afraid that is not very close identification. [3379]

Show Mr. Gladstein this name.

(The piece of paper with a name written thereon was passed to Mr. Del Guercio and Mr. Gladstein.)

(Testimony of Virgil MacMickle.)

By Mr. Del Guercio:

Q. Didn't you testify that her husband had brought the lady to you?

A. No. The husband brought the letter to me.

Q. The husband brought the letter—was it before or after she was married?

A. I think your question isn't clear in my mind. I didn't understand your question.

Presiding Inspector: I think there was some confusion there. At the time that these matters concerning which Mr. Lovelace wrote, the woman was not married, is that right, but at the time the letters were written, delivered, she was married?

The Witness: She was married; yes.

By Mr. Del Guercio:

Q. Now, let us get this straight. Didn't you testify that both the husband and the lady in question were very good friends of yours?

A. No, indeed, I did not.

Q. You did not?

We want to look back to the previous testimony, if your Honor please. [3380]

Presiding Inspector: Yes; all right. Take your time.

By Mr. Del Guercio:

Q. Who brought the letter to you, Mr. MacMickle?

A. The husband brought the letter to me; brought three of them.

Q. Well, now, and you don't remember his name?

(Testimony of Virgil MacMickle.)

A. No, I don't. It was an odd name. I had no reason for continuing the acquaintance and there is just nothing to it for me to remember.

Q. What did he say to you?

A. Well, he came into the office and said, "If you are a friend of Dick Lovelace you had better take care of him. If you don't I am going to kill him."

Q. How did he know that you were a friend of Dick Lovelace?

Mr. Gladstein: I object to that as calling for conjecture, speculation, the opinion and conclusion of the witness, and being immaterial.

Presiding Inspector: Well, it is hard to rule on the materiality of it.

Mr. Del Guercio: It goes to the veracity of the witness.

Mr. Gladstein: This witness is being asked how this other man knew whether a friendship existed.

Presiding Inspector: Of course, if he doesn't know he [3381] can say so; if he knows why he can tell. Do you know?

A. Well, I think I know how he might have known, because when he got these letters and confronted his wife with them, as the story developed, she told him that I had been a friend of Dick Lovelace.

By Mr. Del Guercio:

Q. Then you knew the lady in question before?

A. I had met her before; yes. I haven't said I didn't?

(Testimony of Virgil MacMickle.)

Q. What?

A. I haven't said I didn't know her before.

Q. What did you do with the letters?

A. I gave them back to the man.

Q. Did you tell the Police about it?

A. I told, first I called the Veterans Hospital. I dissuaded this fellow——

Q. (Interposing): The question is, did you tell the Police about it? A. No. I told the——

Presiding Inspector: That is all.

By Mr. Del Guercio:

Q. Answer "Yes" or "No". A. No.

Q. If you want to qualify later on you may.

A. May I qualify it? [3382]

Presiding Inspector: Yes; certainly.

A. (Continuing): Well, the episode, as it actually occurred, was when he made the threat of violence I said, "This man is a sick man and doesn't need punishment, but needs treatment. Let us call the Veterans Hospital."

He said, "You can."

So I called the Veterans Hospital.

By Mr. Del Guercio:

Q. Who did you talk to?

A. Dr. Ernst, in charge of the Neuro-psychiatry department.

Q. You are sure you talked to Dr. Ernst?

A. Absolutely. I first called for Dr. Carter, called for him twice, because I heard Lovelace mention him.

(Testimony of Virgil MacMickle.)

Q. If Dr. Ernst would say he never talked to you would your testimony be the same?

Mr. Gladstein: Don't answer that. I object to that as being argumentative.

Presiding Inspector: Sustained. We can't go into hypothetical matters that way.

Mr. Del Guercio: We expect to have Dr. Ernst down here.

Presiding Inspector: Very well.

Mr. Gladstein: When you produce him——

Presiding Inspector: We can't tell what Dr. Ernst will say. [3383]

A. (Continuing): Then I called Mr. Stack, the Court having proper jurisdiction—I forget the name of the Court.

By Mr. Del Guercio:

Q. Who is Mr. Stack?

A. He is connected with this Court as one of the psychologists, I believe. Anyhow, it was Dr. Ernst's recommendation that I call him. Otherwise I wouldn't have known him.

I called him and told him I had been told to call him. And then when the man called me back to see whether I had been able to make arrangements with the Veterans Hospital I told him I hadn't, but they had sent him to Mr. Stack. So he went up and took the letters to Mr. Stack's office and saw Mr. Stack, and Mr. Stack called me back and told me about it himself.

(Testimony of Virgil MacMickle.)

By Mr. Del Guercio:

Q. What is Mr. Stack's first name?

A. I don't know.

Q. When did this alleged conversation take place between you and Mr. Stack?

A. Oh, I would say it took place probably, I would say, about March or April of last year; roughly.

Q. 1939? A. No.

Q. 1940?

A. About March or April, 1940. [3384]

Q. And was this conversation over the telephone, or how did it take place?

A. With Mr. Stack, it was over the telephone; yes.

Q. Over the phone? A. Yes.

Q. You called him up?

A. I called him up, and then he called me back.

Q. Where did you call from?

A. From my office.

Q. Was there anyone present at your office at any time?

A. I don't know that there was.

Q. And what phone number did you call, do you remember? A. What?

Q. What phone number did you call?

A. Oh, I don't know. I called the court house number. I wouldn't remember the number.

Q. The court house number?

A. The court house number.

Q. That number?

(Testimony of Virgil MacMickle.)

A. Yes; and then asked for that department.

Q. You testified that the deceased, Mr. Lovelace, talked to you about pixies, is that correct?

A. That is right.

Q. Who were present at the time?

A. Nobody. [3385]

Q. Nobody—just you and Mr. Lovelace?

A. Yes.

Q. And when did these occur?

A. Oh, I would say it was about the time that he was so worried about these letters. You know——

Q. (Interposing): Was it before or after these letters?

A. It was probably before I saw the letters, but I have a suspicion he might have been worrying about them at the time.

Mr. Del Guercio: Well, now, I move to strike that out—he had a suspicion that he might have been worrying about the letters that the witness never saw, if your Honor please.

Mr. Gladstein: What is that?

May I have counsel's last statement read?

Presiding Inspector: I will strike it out so it won't make any difference.

Mr. Gladstein: All right.

Presiding Inspector: You can ask him again.

Mr. Del Guercio: You struck out my remark, but not the witness' answer?

Presiding Inspector: Just the witness' answer. Let me see—I am ruling on your question. It

(Testimony of Virgil MacMickle.)

hasn't been answered. I will exclude that question in the form that it is in.

Mr. Del Guercio: May I have the witness' last answer, please? [3386]

(The answer referred to was read by the reporter as above recorded.)

Presiding Inspector: You mave to strike it out.

Mr. Del Guercio: Not at all.

Presiding Inspector: I thought you did. You moved to strike it out?

Mr. Gladstein: I move to strike out the remarks of counsel, which was not an objection, or a motion of any kind, but simply a gratuitous comment.

Mr. Del Guercio: I was addressing myself to the witness.

Presiding Inspector: Let me hear Mr. Del Guercio's question, or statement.

(The statement referred to was read by the reporter as above recorded.)

Presiding Inspector: I thought there was a motion to strike it out, and I will grant your motion.

Mr. Del Guercio: I withdraw my motion.

Presiding Inspector: It is too late now. You have moved that it be stricken out. You will have to go over it again. You asked to strike it out and I granted the motion. It is stricken out. You can find out the chronology here if you wish to; if you don't wish to I may ask the question myself. [3387]

(Testimony of Virgil MacMickle.)

Mr. Del Guercio: Very well.

Presiding Inspector: Now, we want to find out the order in which these things happened. Now, will you just tell us in your own way?

The Witness: Well, yes. I can do that, your Honor. He talked about talking to the "pixies" before these letters were shown to me.

Presiding Inspector: You didn't know anything about the letters?

The Witness: No, I didn't then. He simply went on talking and asked me if I had ever talked to the "pixies."

Presiding Inspector: He said he had?

The Witness: He told me he had.

Presiding Inspector: And you told him you hadn't?

The Witness: That's right.

Presiding Inspector: And how long after that was it that these letters were shown?

The Witness: I would say roughly two weeks or some such matter.

Presiding Inspector: I see. And then after that you first spoke to Mr. Lovelace about the letters?

The Witness: Well, no. It was shortly—the day—here's the sequence of events. The morning before I saw these letters he came in and told me about somebody wanting to beat him up. [3388]

Presiding Inspector: I see.

The Witness: And how he had talked them out of it.

(Testimony of Virgil MacMickle.)

Presiding Inspector: But he didn't say anything particular then?

The Witness: No, he didn't then.

Presiding Inspector: And that was about two weeks after you had the "pixies" talk?

The Witness: Yes, that's right. And then later on in the day, this gentleman, the husband, came in and showed me the letters and then the next morning Lovelace came to my office and said that this——

Presiding Inspector: (Interposing) Now, I think we have got the chronology.

The Witness: Yes, that's the way absolutely that it went.

Presiding Inspector: That's all.

By Mr. Del Guercio:

Q. And I believe you testified that you continued to visit Mr. Lovelace—Mr. and Mrs. Lovelace at their home until the time of his death?

Mr. Gladstein: Just a moment! I will object to that as not being a question, and it has already been asked and answered in one form or another a half a dozen times.

Presiding Inspector: I think it has been answered, but I will allow it again.

Did you continue to visit Mr. and Mrs. Lovelace up to the time of his death at his house? [3389]

The Witness: No. My last visit there would be in the summer of 1940.

(Testimony of Virgil MacMickle.)

By Mr. Del Guercio:

Q. In the summer of what?

A. In the summer of 1940. Pardon me. 1939. I didn't have any in 1940.

Q. But you continued to remain his friend until the time of his death?

Presiding Inspector: He has said that.

A. Yes.

By Mr. Del Guercio:

Q. Have you ever appeared to testify against the character of a dead man before?

A. No, sir.

Q. Huh? A. Not to my recollection.

Q. Is this the first time?

A. (Nodding affirmatively.)

Q. What?

A. Yes, this is the first time I can ever recall of having been—— (Pause).

Q. Where were you born, Mr. MacMickle?

A. I was born in Stanhope, New Jersey.

Q. Do you have a birth certificate?

A. No, it is in the family bible.

Q. What is your father's name? [3390]

A. Frank.

Q. Frank what? A. MacMickle.

Q. And your mother's maiden name?

A. Laura Schoonover.

Q. Will you spell that?

A. L-a-u-r-a S-c-h-o-o-n-o-v-e-r.

Mr. Del Guercio: If the Court please, may I approach the bench?

(Testimony of Virgil MacMickle.)

Presiding Inspector: Surely. Surely.

Mr. Del Guercio: If counsel doesn't mind.

Mr. Gladstein: Do you want me up there?

Mr. Del Guercio: Before I ask the question I would like to—— (Pause).

Presiding Inspector: Do you want Mr. Gladstein up here?

Mr. Del Guercio: No.

Presiding Inspector: He wants the advice of the Inspector.

(Here followed informal discussion at the bench.)

By Mr. Del Guercio:

Q. Mr. MacMickle, have you ever been adjudged a bankrupt?

Mr. Gladstein: I object to that as being immaterial, your Honor.

Mr. Del Guercio: It goes to the truth and veracity.

Presiding Inspector: I am not sure whether it is com- [3391] petent or not.

Mr. Gladstein: I don't see how it would be.

Presiding Inspector: I said to Mr. Del Guercio that I wasn't sure and I suggested that he ask the question.

Mr. Gladstein: I am going to put the objection anyway. I don't know whether the witness has or has not, but I don't see any materiality and I object to it upon the grounds that it is immaterial and improper cross examination.

Presiding Inspector: I have heard it asked and

(Testimony of Virgil MacMickle.)

answered but never an objection to it. At least I have read that. It doesn't seem to be very material.

Mr. Del Guercio: If the Court please, we have permitted the witnesses to be asked whether they have ever been on relief and the answers have been permitted.

Presiding Inspector: Yes. But there was some further matter relating to that.

Mr. Gladstein: There was a purpose in that.

Presiding Inspector: I don't think——

Mr. Del Guercio: (Interposing) There may be a distinct purpose in this, your Honor.

Presiding Inspector: I don't think it would be harmful. Well, I won't say whether it will be harmful or not, but I think I will allow it.

Have you been adjudicated a bankrupt?

The Witness: Yes, sir. [3392]

Presiding Inspector: That's all.

Go on to another subject.

By Mr. Del Guercio:

Q. Did you ever have a bank account in the Canadian Bank of Commerce? A. Yes.

Q. And did you ever issue checks on that bank account without having sufficient funds?

A. Yes.

Mr. Gladstein: I will object to that as immaterial and improper cross examination. I don't see how it has any materiality to the proceeding at all. I doubt whether there is a human being who has ever had a bank account who hasn't at some time overdrawn his account, and I don't see how in any

(Testimony of Virgil MacMickle.)

way this could involve the issues. And, moreover, if I remember correctly, it was asked and answered last Friday. I am pretty sure that subject was asked and the witness testified about it.

Presiding Inspector: I think there was something on it.

Mr. Del Guercio: Something was asked about Mr. Whitmore and the witness replied that he didn't know him.

Presiding Inspector: I will sustain the objection, but I will allow you to ask this question: Did you ever intentionally overdraw your account?

Mr. Del Guercio: Well, I—— (Pause). [3393]

Presiding Inspector: Lots of people overdraw their accounts.

Mr. Del Guercio: He could invoke the privilege, of course, and refuse to answer upon the ground that it might incriminate him.

Presiding Inspector: No, because not unless you ask him whether he intentionally did that and then he can invoke his privilege. If you want to ask him you may ask him.

Mr. Del Guercio: I will ask him that question and I will also request the Court to advise him that the witness may refuse to answer.

Presiding Inspector: Yes. You need not answer any question the answer to which would tend to incriminate you. The question is, Did you ever intentionally draw bad checks?

The Witness: No, no.

(Testimony of Virgil MacMickle.)

By Mr. Del Guercio:

Q. Do you know what your standing is with the Association of Credit Men in Portland?

Mr. Gladstein: I will object to that as improper.

Presiding Inspector: Sustained.

Mr. Del Guercio: Well, if your Honor please, doesn't that also go to the truth and veracity of this witness?

Presiding Inspector: No, no. I think no. I don't think so. There is nothing wrong for an impecunious person that I know of to ask for credit if he is able enough to get it. [3394]

Mr. Del Guercio: Well, if the Court please, the Court will recall that this witness testified that he had loaned money from times to times to the deceased Richard Lovelace. I want to show that he never was in position to loan money to Mr. Lovelace or anyone else.

Presiding Inspector: No, I wouldn't take that. Those are insignificant sums.

By Mr. Del Guercio:

Q. Have you ever been made a defendant in any action, civil or criminal?

A. No. I don't recall ever having been made a defendant in any such—— (Pause).

Q. Do you want a little time to think it over?

A. No. I think my memory is fairly clear. I don't believe I was ever made a defandant.

Q. Weren't you sued by the United Adjusters for a sum of money?

A. That's right. I was. I had forgotten it.

(Testimony of Virgil MacMickle.)

Q. Then you were made a defendant, weren't you?

A. Uh-huh (Affirmative). It was settled out of Court.

Q. It was settled out of Court? A. Yes.

Q. Now you recall that? A. Yes, I do.

Mr. Gladstein: He has already testified to that. I will [3395] object to this question.

Presiding Inspector: Yes, he said so.

Mr. Del Guercio: May we have a short recess, your Honor?

Presiding Inspector: Yes, certainly.

(Whereupon, a short recess was taken.)

Presiding Inspector: On further consideration I will strike out the answer that the witness made, that he had been adjudicated a bankrupt, as not bearing on his credibility. That is the ground, I mean. It does not bear on his credibility. Therefore, I strike it out and disallow the question.

By Mr. Del Guercio:

Q. Mr. MacMickle, where do you keep your diploma from the American College of Drugless——

Mr. Gladstein: (Interposing) I object to that as immaterial.

Presiding Inspector: Well, if he has it in his home. He said he has it, didn't he?

Mr. Del Guercio: Yes. I want to know where it is.

Presiding Inspector: Well, I don't think that it is material.

(Testimony of Virgil MacMickle.)

You can produce that, can't you?

The Witness: Yes, I could produce it.

By Mr. Del Guercio:

Q. Well, is it in your office? [3396]

Presiding Inspector: Well, he merely asks whether—is it here?

The Witness: No, it is not down here.

Presiding Inspector: Is it framed in your office?

The Witness: No, I have it out home.

By Mr. Del Guercio:

Q. Would you have any objection to sending it down to the Court here?

A. Yes. I would be glad to send it down.

Q. And will you do that?

A. (Nodding affirmatively.)

Q. Mr. MacMickle, has your office at any time been used as a meeting place for Communists?

A. No.

Q. Have known Communists ever gathered at your office at any time?

A. Well, unless there would be Communists that came in there that knew each other, patients.

Q. Was Mr. Rapport ever a patient of yours?

A. Yes, he was.

Q. He appeared at your office? A. Yes.

Q. You knew that Rapport was a Communist, did you not? A. Yes.

Q. Did you ever discuss Communism with him? [3397]

A. No, no. He had a bad throat and hardly able to talk, much less to discuss anything.

(Testimony of Virgil MacMickle.)

Q. Did you know him as an Alien who had been ordered deported because of his membership in the Communist Party? A. No, I didn't.

Q. What other Communists appeared at your office?

A. Well, those that I would know would be Lovelace, Wilmot and Jim Murphy.

Q. Anyone else?

A. Not to my certain knowledge, no.

Q. How did you happen to be down here to testify, Mr. MacMickle? Who asked you to come down here to testify?

A. Well, the,—— I was asked in Portland if I, having taken care of Lovelace and Wilmot, if I would be willing to come and testify.

Q. I will ask you the question again. Who asked you? A. An attorney in Portland.

Q. What is his name?

A. Irving Goodman.

Q. Irving Goodman?

A. Uh-huh (Affirmative).

Q. When did Irving Goodman talk to you about coming down to testify? A. Thursday.

Q. Thursday of last week? [3398]

A. Uh-huh (Affirmative).

Q. What did he say?

A. Well, he merely said, inasmuch as I was known to have been the physician——

Q. (Interposing) Well, did he call you up?

A. Yes. He called me up on the phone.

(Testimony of Virgil MacMickle.)

Q. And what did he say to you on the phone when he called you up?

A. Asked me to come to his office.

Q. Is that all he said?

A. Yes. So I went to his office.

Q. He didn't say anything else but ask you to go to his office? A. That's it.

Q. Did he tell you why he wanted you to go to his office?

A. Well, he wanted to talk to me, he said.

Q. Did he tell you what he wanted to talk to you about? A. No.

Q. And when did you go to his office?

A. I went to his office Thursday evening.

Q. In the same day?

A. Uh-huh (Affirmative).

Q. Thursday evening?

A. Uh-huh (Affirmative.) [3399]

Q. And when you arrived there who was present?

A. The only person I would remember who was present was a mutual friend by the name of Rodman, Burton Rodman.

Q. Who? A. Rodman.

Q. Rodman? A. Burton Rodman.

Q. Did you know Rodman before? You said he was a mutual friend, is that correct?

A. Yes. I have known Rodman for many years.

Q. And who started the conversation?

A. Who started——

Q. (Interposing) Was there any conversation?

(Testimony of Virgil MacMickle.)

A. In the office?

Q. After you arrived, yes, in Mr. Goodman's office. A. Yes, there was conversation.

Q. Who started it?

A. That I don't recall just who started it.

Q. Well, what was said and by whom?

A. Well, I was asked to come down here and testify and told that I would be subpoenaed.

Q. Were you told what you would be required to testify? A. No, no.

Q. Was the name of Richard Laurence mentioned—or [3400] Richard Lovelace mentioned?

A. I think it was mentioned and, as I say, inasmuch as I had been his physician and also Wilmot's.

Q. Well, what did they say about Richard Lovelace? By "they" I mean Rodman and Goodman.

A. Well, just simply wanted me to tell the truth about my relations with him.

Q. Did they ask you what your relations with Mr. Lovelace had been?

A. No. They didn't make any searching inquiry into what they were.

Q. What inquiry did they make?

A. Well, they said "Doc, you did treat Richard Lovelace?"

Q. And your answer to that was what?

A. I said, "Yes, surely I had".

Q. And did they ask you what you had treated him for? A. No.

(Testimony of Virgil MacMickle.)

Q. And did you tell them what you had treated him for? A. No.

Q. What? A. No.

Q. What else did they ask you?

A. I don't recall that they asked me anything else.

Q. Now, your best recollection is that that's all that they asked you, what you have just testified to? [3401]

A. Yes. That is about all I can remember, I think.

Q. And they didn't ask you whether you knew Mr. Richard Lovelace's reputation for truth and veracity?

A. I wouldn't be sure whether that came up or not. That has come up so often I wouldn't be able to pin it down to any one particular conversation with anybody.

Q. How long did you talk to Mr. Rodman and Mr. Goodman that evening?

A. Oh, I should say, with the interruptions he had around his office, that I was probably there 30 minutes.

Q. 30 minutes?

A. And talked with him probably less than five.

Q. Was anyone else present during any of the conversations you had with Mr. Goodman?

A. Nobody but Mr. Rodman, and he wasn't in there all the time.

Q. What time of the night was this?

A. At 8:00 o'clock.

(Testimony of Virgil MacMickle.)

Q. 8:00 o'clock at night?

A. Uh-huh (Affirmative).

Q. Was Mr. Kenneth Fitzgerald there also?

A. No.

Q. You know Mr. Fitzgerald, don't you?

A. Yes, I know Kenneth Fitzgerald and I didn't see him there. [3402]

Q. What?

A. I know him and I did not see him there.

Q. Do you know Mr. Kenneth Fitzgerald as a member of the Communist Party?

A. No, I don't know that.

Q. Did he talk to you about this case?

A. No, sir.

Q. At any time?

A. Not at any time. I havn't seen Kenneth Fitzgerald to talk to in a year or more.

Q. Did you ever treat Kenneth Fitzgerald?

A. No, I never did.

Q. Is that the only time you talked to anybody about Richard Lovelace and Wilmot?

A. The only time I recall.

Q. Did you ever talk to Mr. Gladstein about it?

A. Oh, I believe I did talk with Mr. Gladstein.

Q. When? A. Well, when I landed here.

Q. When you landed here?

A. Uh-huh (Affirmative).

Q. When did you come down here?

A. I came down Thursday night.

Q. Thursday night?

A. Uh-huh (Affirmative).

(Testimony of Virgil MacMickle.)

Q. Of your own accord? [3403]

A. Well, I was told in Portland that if I didn't come Thursday night then there would be a subpoena for me, and in view of the flying conditions and everything I decided——

Q. (Interposing) Had you been subpoenaed in Portland? A. No.

Q. What?

A. No, I hadn't been subpoenaed in Portland.

Q. Who asked you to come down here?

A. Irving Goodman asked me to come down here.

Q. And who paid for your transportation?

A. Irving Goodman paid for the transportation.

Q. How much did he give you?

A. He paid it direct to the——

Q. (Interposing) Huh?

A. He paid it direct to the United Aircraft.

Q. He purchased your transportation?

A. That's right.

Q. Did he give you any money? A. No.

Q. Did he promise you any money?

A. No, he did not.

Q. Did you discuss with him the payment of any money for your testimony here?

A. No, no, I didn't. [3404]

Q. Did he promise you any reward?

A. No.

Q. Compensation of any kind? A. No.

Q. And you arrived here when?

A. Well, the plane arrived, I think, about 2:20 at the Oakland Airport.

(Testimony of Virgil MacMickle.)

Q. And where did you go from there?

A. To the Palace Hotel.

Q. Did you get in contact—did you contact Mr. Gladstein?. A. No.

Q. When did you contact Mr. Gladstein?

A. The first time was on Friday morning.

Q. The first time was on Friday morning?

A. Uh-huh (Affirmative).

Q. And did you have any conversation with Mr. Gladstein Friday morning?

A. Very brief conversation.

Q. And where was that? Where was that?

A. In his office.

Q. Who else was present?

A. Well, I think Mr. Grossman was in and out, or——

Q. (Interposing) You say you had a very brief conversation with him? [3405] A. Yes.

Q. For how long a period would you say?

A. Well, I would say the actual conversation might have been five to ten minutes, because there were——

Q. (Interposing) What did Mr. Gladstein say to you?

A. Well, just discussed with me the fact of my having come down here to be a witness.

Q. To be what kind of a witness, did he say?

A. Well, character witness.

Q. Against whom?

A. Lovelace and Wilmot.

Q. Give me all the conversation that you recall.

(Testimony of Virgil MacMickle.)

A. I wouldn't remember all the conversation because it was fragmentary and there were people in and out; frequent interruptions.

Q. Did he ask you how long you had known Mr. Lovelace and Mr. Wilmot?

A. I don't recall that that question came up, no.

Q. He didn't ask you that?

A. Not to my knowledge.

Q. Did he ask you how friendly you had been with Mr. Wilmot and Mr. Lovelace?

A. I don't think he had time to go into that.

Q. He didn't go into that. Did he ask you if you knew what Mr. Lovelace's reputation was for truth and veracity?

A. No, I don't think he went into that. [3406]

Q. He didn't ask you that. Did he ask you if you knew what reputation Mr. Wilmot had for truth and veracity?

A. I don't recall any such conversation.

Q. Did Mr. Grossman ask you these questions that I have just propounded?

A. No, no. I just saw Mr. Grossman fleetingly as he came in and out.

Q. Did Mrs. King ask you? A. No.

Q. Did any of defense counsel ask you what you knew about Mr. Wilmot's and Mr. Lovelace's reputation for truth and veracity?

A. No. There wasn't any time for any great amount of conversation at all.

Q. Did anyone ask you? A. No.

Q. Either in San Francisco or in Portland?

(Testimony of Virgil MacMickle.)

A. No.

Q. Did they ask you about the threatening letters—alleged threatening letters that Mr. Lovelace had written?

A. I think I devulged that for myself.

Q. To whom?

A. To Mr. Goodman in Portland.

Q. Mr. Goodman. Did you mention it to Mr. Gladstein?

A. Yes. When I got here I mentioned it to Mr. Gladstein. [3407]

Q. You were subpoenaed after you arrived in Los Angeles—in San Francisco, is that correct?

A. That's right. That's right.

Mr. Del Guercio: May I ask the Court's indulgence for just a few moments?

Presiding Inspector: Yes, you may. [3408]

By Mr. Del Guercio:

Q. Well, for how long a period had you know Mr. Wilmot?

A. I think I said on Friday about since 1936; somewhere along in there, but I wouldn't be too positive.

Q. From 1936 to when?

A. Well, from 1936 until the present time. I still consider I know him.

Q. What were your relations with Mr. Wilmot?

A. Well, he was ill at various times, and came—

Q. (Interposing) He was what?

A. Ill at various times.

Q. Did he come to you as a patient?

(Testimony of Virgil MacMickle.)

A. Yes; he came to me as a patient.

Q. That is how you met him the first time?

A. I think that is the way I first met him.

Q. And when was that, you say, about when?

A. Oh, I would say that would be somewhere in 1936, to place it as nearly as I could.

Q. And for how long—on how many occasions would you see him from 1936 to the present time?

A. I couldn't tell you that, because he was in and out at various times.

Q. Did he ever come to your office other than as a patient? [3409]

A. I didn't quite get that.

Q. Did he ever appear in your office other than as a patient?

A. Oh, yes; just like any of my patients, they feel free to come in and say "Hello." If he happened to be in my neighborhood I suppose he has been in there at times when he wasn't a patient.

Q. Could you say how many times he appeared at your office as a patient?

A. No, I couldn't say that.

Q. Approximately?

A. No, I couldn't even say it approximately.

Q. Do you keep any records at all of your patients?

A. Where they are paid patients, I do.

Q. Was Mr. Wilmot a paid patient?

A. No. He never was a paid patient.

Q. Was he a pay patient when he first appeared at your office? A. No; no.

(Testimony of Virgil MacMickle.)

Q. Well, did he come up alone to your office the first time?

A. That I don't remember.

Q. Did you treat him?

A. Yes, I treated him.

Q. What did you treat him for? [3410]

A. Psoriasis—P-s-o-r-i-a-s-i-s.

Q. How do you know, from your memory or from your records?

A. Well, because I saw him repeatedly and he always had the same skin trouble. It would be easy to remember it.

Q. Did you make a record? A. No.

Q. Did you ask him for payment for the treatment? A. No, I never did.

Q. You had never seen him before that time, had you?

A. I know from what he told me he was out of work, hard up, and in need of treatment, and we took care of him on that basis.

Q. Did he tell you at that time that he was a member of the Communist Party?

A. No.

Q. When did he tell you that he was a member of the Communist Party?

A. Well, I don't remember exactly when he might have told me that. I doubt if he was a member of the Communist Party at that time; perhaps.

Q. Do you know when he dropped out of the Communist Party? A. No, I don't.

Q. Did he ever tell you? [3411]

(Testimony of Virgil MacMickle.)

A. No.

Q. Did he ever confide in you?

A. No, not particularly on that thing, you know.

Q. When Mr. Wilmot first appeared at your office did he say someone had sent him down?

A. He probably did. He probably said he had been referred there. That is the way a good many people come in.

Q. Did he say that he had been referred to your office by the Communist Party?

A. No, he certainly wouldn't say that.

Q. Did he say that he had been referred to your office by Mr. Rapport? A. No.

Q. Did you ever take any money from Mr. Wilmot? A. No.

Q. What? A. No; never.

Q. Would you say that you had treated him about ten times during the period of time that you knew him?

A. I would say ten or a dozen times. If you meant individual treatments, probably considerably more than that.

Q. How much more, twenty times?

A. Yes—I would hate to say, because sometimes he would be in every day for three or four days, while at other times he would be missing for several weeks before he would [3412] come back in.

Q. Is there anything in the state law requiring you to keep records of treatments you give patients?

A. No, there isn't.

Q. You know that?

(Testimony of Virgil MacMickle.)

A. I am certain of it.

Q. What? A. I am certain of it.

Q. Did you consult the law on that subject?

A. No, I didn't.

Q. Did you get advice from counsel?

A. No.

Q. What?

A. No, I never got advice from counsel on it.

Q. Do you know if Mr. Lovelace had ever been arrested during his lifetime?

A. Only that he told me he had.

Q. You don't know that of your own knowledge?

A. No, I don't.

Q. Had anyone told you that he had ever been arrested?

A. No, I don't know that I ever had anyone tell me he had been except himself.

Q. Did he ever tell you that he used the name of James Martin?

A. No, he never told me that. [3413]

Q. Didn't he tell you that that was his Communist Party name? A. No.

Q. Did you ever assist Mr. Lovelace in his lifetime in raising funds to support the Spanish Loyalists?

A. In the way of making speeches, I think I did; yes.

Q. You think you did. Do you know if you did or not?

A. Well, I know I talked in behalf of the Spanish Loyalists, not only at public gatherings, but over the radio.

(Testimony of Virgil MacMickle.)

Q. And who asked you to do that?

A. Oh, as far as the public audiences were concerned, I don't know who would have asked me. I mean it might have been various organizations.

As far as the radio was concerned, I did it on my own move. I was on the radio discussing current questions.

Q. Mr. MacMickle, I will ask you this question again: Who asked you to speak——

Mr. Gladstein: (Interposing) I submit the question has been asked and answered.

Mr. Del Guercio: I haven't finished the question.

Presiding Inspector: Let him finish.

By Mr. Del Guercio:

Q. (Continuing) Who ask you to speak on behalf of the Spanish Loyalists and recruits to go to Spain?

Presiding Inspector: If you can tell. [3414]

A. I don't remember.

By Mr. Del Guercio:

Q. How many times did you speak on behalf of the Spanish Loyalists and recruits to go to Spain?

Mr. Gladstein: I object to this as immaterial. I don't see how that would bear——

Presiding Inspector: I don't see how it would bear either.

Mr. Del Guercio: If your Honor please, there is evidence in the record, as the Court will recall, that the Spanish Loyalists were supported by the Communist Party.

Presiding Inspector. They received contribu-

(Testimony of Virgil MacMickle.)

tions, undoubtedly, but what difference does it make?

Mr. Del Guercio: It shows that this man's conduct during that period of time was such that——

Presiding Inspector: Well, no doubt hundreds of people contributed to the Spanish Loyalists.

Mr. Del Guercio: This concerns not only the Spanish Loyalists, but also the League Against War and Fascism.

Presiding Inspector: I allowed you to examine on that.

Mr. Gladstein: I have heard, although I can't vouch for it, that some people in the State Department of the United States Government are now sorry because of the official policy of the——

Presiding Inspector: No, no; I can't hear that speech. [3415] Go ahead with the witness.

Mr. Del Guercio: Does counsel wish to testify? If so, we will put him on the stand under oath.

Presiding Inspector: Go ahead. These by-plays don't affect——

By Mr. Del Guercio:

Q. I move that the remark be stricken from the record.

Presiding Inspector: It isn't important enough. It is just gossip of the occasion.

Mr. Del Guercio: He spoke apparently with knowledge.

Presiding Inspector: I know.

By Mr. Del Guercio:

Q. Do you know Mrs. Lovelace equally as well

(Testimony of Virgil MacMickle.)

as you say you knew Mr. Lovelace during his lifetime? A. No, I didn't.

Q. Huh? A. No, I didn't?

Q. How many times did you visit Mr. Lovelace at his home? A. Twice.

Q. Twice? A. Yes.

Q. During all the time that you knew him?

A. That is right.

Q. And the last time, I believe you testified, you had [3416] dinner at his home?

A. That is right.

Q. Did you take your wife with you?

A. No. My wife was not in town at the time, which was the reason they invited me to dinner, by the way.

Q. What?

A. Which was the reason they invited me to dinner, by the way.

Mr. Del Guercio: I didn't hear it.

Presiding Inspector. He said his wife was not in town and that was the reason they invited him, took pity on him, his loneliness.

By Mr. Del Guercio:

Q. Did Mr. Lovelace know your wife?

A. Casually, I think.

Q. Had you ever introduced him to your wife?

A. Yes.

Q. Did he ever appear at your home?

A. No.

Q. Did you ever invite him to your home?

A. No.

(Testimony of Virgil MacMickle.)

Q. Did he know your daughter?

A. He met her—she came into my office to visit me.

Q. Did you introduce him to your daughter?

A. Certainly. [3417]

Q. When was that?

A. Oh, that was when I first knew him.

Q. When was that?

A. Well, I would say in the early thirties—1933, somewhere along in there.

Q. Did he continue to know your daughter?

A. He always spoke of her if he happened to be in the office when she came in; certainly.

Q. Would you say that he saw and met and talked with your daughter until the time of his illness which required him to go to the Veterans Hospital?

A. Well, I think you could say that he spoke to her. I don't think he engaged in conversations of any character with her.

Q. Did you ever object to him speaking to your daughter?

A. No, not particularly. I wouldn't object to anybody speaking to my daughter in my office so long as they spoke civilly and decently.

Mr. Del Guercio: I move to strike it out.

Mr. Gladstein: I think it is proper.

Presiding Inspector: I think it is proper.

By Mr. Del Guercio:

Q. Did Mr. Lovelace speak to your daughter civilly?

(Testimony of Virgil MacMickle.)

A. I don't see how he could do otherwise. I think he did.

Q. Do you have any information to the contrary?

[3418]

A. I have no information to the contrary.

Q. Did you ever tell Mrs. Lovelace that you had loaned money to her husband?

A. No, I never did.

Q. Have you seen Mrs. Lovelace since the death of her husband?

A. I saw Mrs. Lovelace the evening after the funeral.

Q. The evening after the funeral? A. Yes.

Q. Where did you see her?

A. I happened to be in Fred Meyers' store coming in to make a purchase, and she was coming out.

Q. Did you ever tell her that you didn't believe that her husband, during his lifetime, did not have a good reputation for truth and veracity?

A. No. I never discussed it with her.

Q. You knew that *Mr.* Lovelace had testified at this hearing, did you not, before Thursday?

A. Yes; I had seen that in the newspaper.

Q. You knew Mr. Wilmot had testified at this hearing? A. Right.

Q. Did you go to any Government Agency, either the FBI or the Immigration Officers, since *Mr.* Lovelace or Mr. Wilmot appeared here to testify?

A. No. [3419]

Q. Did you write either the FBI or the Immigra-

(Testimony of Virgil MacMickle.)

tion Service concerning Mr. Lovelace or Mr. Wilmot? A. Never.

Q. Did you believe at the time that *Mr.* Lovelace and Mr. Wilmot appeared here to testify what you have testified here to, that their reputation for truth and veracity was bad? A. Yes.

Mr. Gladstein: I would like to have the last question read. I am not sure that I heard it correctly.

Presiding Inspector: Read the question.

(The question referred to was read by the reporter as above recorded.)

Mr. Gladstein: He said "Mr. Lovelace." Did you mean Mrs. Lovelace?

Mr. Del Guercio: I withdraw the question. I believe the witness must have misunderstood it too. I didn't mean to mislead him. Apparently it was in his mind that Mr. Lovelace did appear here to testify too.

Presiding Inspector: Is that the question?

Mr. Del Guercio: From the form of my question, yes.

Presiding Inspector: You have withdrawn it?

Mr. Del Guercio: Yes.

By Mr. Del Guercio:

Q. You knew Mr. Lovelace did not appear here to testify, didn't you? [3420]

A. Yes. I knew that he was dead.

Q. But you knew Mr. Wilmot had appeared here to testify? A. Yes.

Q. Did you, at the time that Mr. Wilmot ap-

(Testimony of Virgil MacMickle.)

peared here to testify, believe that he had a bad reputation for truth and veracity?

Mr. Gladstein: Is that Mr. Lovelace or——

Mr. Del Guercio: (Interposing) Mr. Wilmot.

Mr. Gladstein: Excuse me.

A. Yes, I believed that.

By Mr. Del Guercio:

Q. Did you communicate that to anybody?

A. No.

Q. Did you communicate it to the defense counsel? A. No.

Q. And you didn't communicate it to any Governmental agency? A. No.

Mr. Gladstein: That has already been asked and answered.

By Mr. Del Guercio:

Q. Did you know that Mr. Lovelace, that Mr. Lovelace's statement had been introduced into the record of this hearing?

Mr. Gladstein: I submit that is immaterial.

Presiding Inspector: I don't see how it is material. How is it material? [3421]

Mr. Del Guercio: It is material in that if he professed to have knowledge as to the bad character, as a good citizen, it would have been his duty to have told the Government officers.

Presiding Inspector: That is pretty remote.

Mr. Del Guercio: That will be all.

Mr. Gladstein: A few questions, please.

(Testimony of Virgil MacMickle.)

Redirect Examination

By Mr. Gladstein:

Q. Have you ever testified in court as a witness?

A. As a witness?

Q. Yes.

A. Many times. I say "many times." Perhaps ten or a dozen times.

Q. In what capacity have you testified?

A. I have testified as an expert witness on medical questions.

Q. Concerning naturopathy?

A. Yes; and the distinction between naturopathy and medicine and concerning conflicts between the two laws.

Q. Speak up so the reporter can hear you.

A. I say, where there would be a conflict between the interpretations of the two laws I would be called in as an expert witness to testify; yes.

Q. When is the first time, to your recollection now, that you testified on the subject of naturopathy in court? [3422]

A. In 1928, I think it was; '27 or '28.

Q. And when was the last time that you testified?

A. Well, roughly, I suppose around 1938.

Q. How many of the ten or twelve times that you have testified in court have occurred since 1929?

A. Most of them; nine or ten of them.

Q. Your testimony, was it given in deposition form or was it given in open court?

A. Given in open court.

Q. What courts.

(Testimony of Virgil MacMickle.)

A. Well, in the District Courts and in the Circuit Courts.

Q. In the State of Oregon?

A. In the State of Oregon.

Q. In any of those cases have you ever been asked or told as to whether or not any alleged affidavit had ever been made charging you with an abortion?

A. No, I haven't.

Mr. Del Guercio: Object to that, if your Honor please.

Presiding Inspector: How could it be expected? Of course, you might ask whether it had ever been shown here and there, and whether he has ever seen the affidavit.

Mr. Gladstein: He says "No."

Presiding Inspector: Has he ever heard about it?

By Mr Gladstein: [3423]

Q. Have you ever seen the alleged affidavit, which counsel has referred to today, and which has been marked as Government's Exhibit for identification—the number of which I don't know——

Mr. Del Guercio: (Interposing) 262.

By Mr. Gladstein:

Q. Have you ever seen that before?

A. No.

Q. Have you ever heard of it before?

A. No.

Q. Has it ever been shown to you? A. No.

(Testimony of Virgil MacMickle.)

Q. Has anybody ever mentioned it in court before? A. No.

Q. Have you ever been charged officially before any medical or any other board with the contents of that affidavit, or alleged affidavit?

A. Never.

Q. Now, on Friday there was some testimony with respect to your having delivered a talk at a meeting of men who are members, some of them were members of the IWW. Have you led an active life in the civic affairs of Portland since you have lived there? A. Yes.

Mr. Del Guercio: I object to the question, if your honor [3224] please, the form of it.

Presiding Inspector: It is pretty general.

Mr. Gladstein: It is preliminary.

Presiding Inspector: Very well. I will take it.

By Mr. Gladstein:

Q. Have you delivered many talks?

A. A great many.

Q. These were on public occasions?

A. Public occasions.

Mr. Del Guercio: I object to that. What are public occasions? What public occasions?

Mr. Gladstein: I am coming to that.

Presiding Inspector: We will let you canvass that.

By Mr. Gladstein:

Q. Other than the meeting that was in the IWW hall, can you mention some of the other organiza-

(Testimony of Virgil MacMickle.)

tions in Portland before whom you have given talks or speeches, or addresses?

A. Yes. I gave an address before the Rose City Methodist Episcopal Church——

Mr. Del Guercio: (Interposing) Speak louder.

Mr. Gladstein: Speak up.

A. Yes. I gave an address before a gathering in the Rose City Methodist Episcopal Church, in conjunction with Dr. Stewart from Reed College. He was on the same program.

I forget, but there was some other speaker that night. [3425]

Then I have delivered addresses before, oh, the Portland Health Club.

I have lectured to the Parent-Teachers Association on innumerable occasions, and sometimes, several times to the same particular local, or whatever you call it, on dietary matters.

I have lectured, I have addressed the Willamette Society.

I have spoken frequently before the Lincoln Club.

Of course, I have spoken in the Chapel at Reed College.

I couldn't begin to think up off-hand all of the places that I have talked at. I have talked in the City Auditorium, I have talked in the Masonic Temple. I guess I have talked about all over Portland.

By Mr. Gladstein:

Q. Have you ever talked to the Women's Federation?

(Testimony of Virgil MacMickle.)

A. Yes, I have talked to the Women's Federation.

Q. Now, have you ever served, or do you now serve in any capacity in behalf of or in connection with Reed College?

Mr. Del Guercio: Who?

Mr. Gladstein: Reed College.

A. Yes. I was Chairman of the Parent Associations Committee on Student Health, some two months or such a matter ago; maybe three months.

Q. Are you now serving in this capacity?

A. Yes.

Q. Where is Reed College located? [3426]

A. That is located in Portland, out in the East Moreland territory.

Q. Have you ever written any articles or books?

A. Yes. I wrote a book on diet that was published both in Chicago and in London.

I have written articles for different magazines. I wrote one for Nation, for instance, when the political upheaval in Oregon occurred in 1931 and Julius Meyer was elected on the public power *power* program. I was solicited by Nation to write an article on the developing of the publicly own d hydroelectric situation there.

Mr. Del Guercio: I move that the witness' answer be stricken as not responsive. Counsel merely asked——

Presiding Inspector: It is true it is partly not responsive, but I will let it stand.

(Testimony of Virgil MacMickle.)

By Mr. Gladstein:

Q. Have you ever edited any magazine?

A. Yes. I edited a magazine gotten out by our Association in 1917 on, called Oregon Naturopath. I edited that for about 18 months, if I remember rightly.

For the last four months I have edited a magazine called Vitality.

Q. Who puts that out?

A. That is put out by a group of drugless physicians up there. It is a health magazine. [3427]

Q. Now, do you know whether the profession of naturopathy is recognized in any other states besides Oregon?

A. Yes. My last information was that there were seven other states and the District of Columbia that recognize it.

Q. Doctor, the Economic Research Council has been mentioned, and you have testified as to the manner in which that started. Would you state again, please, when that was started?

Mr. Del Guercio: I object to that as being improper redirect, that is, to ask him to state again what he has previously testified to.

Presiding Inspector: Under whose examination did it occur?

Mr. Gladstein: During cross examination.

Presiding Inspector: I will take it.

A. Well, the circumstances were these——

(Testimony of Virgil MacMickle.)

By Mr. Gladstein:

Q. (Interrupting) Just when, first?

Presiding Inspector: You didn't cover this on your direct?

Mr. Gladstein: No, I didn't mention it.

A. I think it was in either late 1932 or early in 1933.

By Mr. Gladstein:

Q. Is that Council still functioning?

A. Yes, it is.

Q. Have you maintained your connection with it since the beginning?

A. Yes; except that I don't get in there very often, [3428] haven't during the last year because I haven't had time.

Q. What, in general, is the purpose of the Council?

A. Well, it is to discuss political and economic and social questions in the interests of those people who felt they would like to be better informed on various questions so they can vote more intelligently and conduct themselves as a better member of American society.

Q. Have you been Chairman, or President, or Presiding Officer of that Council? A. Yes.

Q. During what period?

A. Well, I was President of it, I think, during, oh, well, 1934. I refused the Presidency of it several times because I thought it was just as well not to be President. I didn't care for the job and the responsibility of it.

(Testimony of Virgil MacMickle.)

Mr. Del Guercio: I move, your Honor, that that be stricken. It was not responsive to the question.

Mr. Gladstein: He said he was President in 1934 and then he wouldn't take it after that.

Presiding Inspector: I think we had better not go into the possibilities of his taking it.

By Mr. Gladstein:

Q. Were you again President at any subsequent time?

Presiding Inspector: Strike all that except that he was President in 1934. [3429]

By Mr. Gladstein:

Q. Do you recall whether you were, Doctor, since 1934?

A. I was nominated a couple of times, but I didn't accept.

Q. You haven't been——

Mr. Del Guercio: (Interposing) I move the Witness' answer be stricken.

Mr. Gladstein: I think it is responsive.

Presiding Inspector: Well, I think it had better go out. I don't think it is material.

Mr. Gladstein: Yes. All right.

By Mr. Gladstein:

Q. Have you ever had noted people address the meetings of that Economic and Research Council?

A. Oh, yes.

Mr. Del Guercio: I object to the question, if your Honor please, as being immaterial and irrelevant.

Mr. Gladstein: I want to show the character

(Testimony of Virgil MacMickle.)

of the organization. There is an inference contained in every question Mr. Del Guercio asked on cross examination as to the character of this Council. I want to bring out just what it was.

Mr. Del Guercio: We can go further into that too.

Mr. Gladstein: Go as far as you like.

Mr. Del Guercio: We can produce evidence——

Presiding Inspector: Never mind. [3430]

Mr. Del Guercio: (Continuing) ——as to the nature of the organization.

Presiding Inspector: What is it you want to ask just now?

Mr. Gladstein: I want to find out——

Presiding Inspector: Whether noted persons have spoken before that Council?

Mr. Gladstein: Yes. And, if so, which ones.

Presiding Inspector: That calls for all kinds of conclusions.

Mr. Gladstein: Your Honor may agree, after he names some people, they may not be as noted in your mind as in his, but nevertheless I think I am entitled to show that.

Presiding Inspector: You may ask who addressed them. [3431]

By Mr. Gladstein:

Q. Will you name some of the people who did address the Economic Research Council?

A. Well, let's see! One of them was our State Treasurer.

Q. State of Oregon?

(Testimony of Virgil MacMickle.)

A. Yes. And he addressed us so that we might know what the standing of the State's finances were. We were interested in that.

Mr. Del Guercio: Well, I will object to that. Do I understand that the Court is only limiting it to the name and not to what they addressed them on?

Mr. Gladstein: I think he is entitled to answer as to what they addressed them on.

Presiding Inspector: That was my idea, but I think I will let the subject of this man's address, the State finances, stand.

By Mr. Gladstein:

Q. Who else?

A. Then we had a man whose name I can't remember—he was a graduate of Yale; if I remember rightly—who addressed us on the Relation of Religion or Religious Organization to organized labor.

Q. Can you recall any people by name? Any others?

A. Let's see! Yes. Martin Hall, who came here from [3432] Germany after the Nazi shake-up, and he came here and he addressed us a couple of times. And let's see!

Q. Did you ever have any professors from Reed College? A. Well, wait a minute!

Q. Or any other university?

Mr. Del Guercio: Your Honor, I will object to that as suggestive and leading.

Presiding Inspector: I know it. He has exhausted his recollection and now Mr. Gladstein is

(Testimony of Virgil MacMickle.)

refreshing his recollection, which is proper procedure; or at least he claims to have exhausted his recollection.

A. I don't recall that we ever had anybody from Reed College address the audience. We had a good many speakers who talked also at Reed College and then talked at our organization. I could probably think of a dozen of them after I get away from here.

Mr. Del Guercio: I move that that be stricken, your Honor, as not responsive.

Presiding Inspector: Strike that out.

Mr. Del Guercio: And I ask that the witness be admonished.

Presiding Inspector: Well, it was a natural remark, but not proper on the witness stand. That's all.

By Mr. Gladstein:

Q. Now, Doctor, at the time that you addressed the [3433] IWW, some twenty years ago, I think the record shows, do you know whether as of that time there were any trade unions of any comparable size to the IWW who were not in the IWW in the Pacific Northwest?

Mr. Del Guercio: If your Honor please, I object to that as being, first of all, compound and ambiguous.

Mr. Gladstein: I am asking him if he knows.

Presiding Inspector: This is a new subject.

Mr. Gladstein: No.

(Testimony of Virgil MacMickle.)

Mr. Del Guercio: This man is a Doctor, if your Honor please. Is he qualifying him as a union man, too?

Mr. Gladstein: No. On cross examination Mr. Del Guercio brought up the fact that the Doctor had addressed a meeting in the IWW Hall, and I think it was some twenty years ago. I am not sure of the date. I now wish to show—and this is something that could have been a matter of pretty common knowledge in the Pacific Northwest—that most of the workers who were organized in organized labor in the Pacific Northwest, and that would include Oregon, twenty years ago, were in the IWW. and there were no other trade unions of any comparable size.

Mr. Del Guercio: Well,—

Mr. Myron: (Interposing) Mr. Gladstein, is he testifying in this case? He probably is testifying for the witness.

Mr. Gladstein: Is that an objection? [3434]

Mr. Myron: The question, I think, and the answer which he expects is immaterial to the case. Doesn't make any difference.

Presiding Inspector: Well, I think I will take it.

Mr. Gladstein: All right, your Honor.

Presiding Inspector: I think it may go to the disadvantage of the questioning counsel. I think you ought to be careful about asking that, but I will allow it.

Mr. Gladstein: I would like to get your Honor's

(Testimony of Virgil MacMickle.)

thoughts on that. Obviously I don't want to ask a question which you think should not be asked.

Presiding Inspector: This is new matter, I think.

Mr. Gladstein: I beg your pardon.

Presiding Inspector: You are now covering new matter.

Mr. Gladstein: They touched on it in cross.

Presiding Inspector: He said he made a speech at some hall, that's all. But you may have it. I will take it. You may answer.

By Mr. Gladstein:

Q. Do you understand the question?

A. I think I understand it. My answer will reveal whether I did. I think that at that time the IWW was probably the biggest body of organized labor in the Northwest.

Mr. Gladstein: That's all. [3435]

Recross Examination

By Mr. Del Guercio:

Q. Were you a member of the IWW?

A. No.

Q. Were there any American Federation of Labor unions at that time?

A. Yes, there were.

Q. Is the American Federation a small or big union?

A. I think in the Northwest it was smaller than the IWW.

(Testimony of Virgil MacMickle.)

Q. How many were there in the Northwest that belonged to the A. F. of L.? Do you know?

A. No, I don't know, but——

Q. (Interposing) Well, you have no information on it at all, have you?

A. No. That was just the general impression at the time.

Q. Whose impression——

Mr. Gladstein: (Interposing) Just a moment! Let the witness answer the question.

Mr. Del Guercio: He is answering the question. He is doing fairly well.

Mr. Gladstein: He certainly is. And you don't like it, that is why you interrupt.

Your Honor, Mr. Del Guercio did interrupt the last answer. [3436]

Presiding Inspector: Yes, maybe. I don't know. If there is anything more you want to say on that you may say it.

The Witness: Well, simply that it was my general understanding that that was the biggest organization of labor in the Northwest at the time.

By Mr. Del Guercio:

Q. How did you get that understanding? How did you arrive at that?

A. From conversations and from the hullaballoo that the newspapers made over it.

Q. All right. What conversations did you have?

A. Oh, well, with patients and friends.

Q. Who? You had patients then, too?

A. Why, certainly I had patients.

(Testimony of Virgil MacMickle.)

Q. What kind of patients were they? IWW patients?

A. Why, some of them doubtless were. I don't know.

Q. All right. And they told you that the IWW was a big organization?

A. I didn't say that.

Q. You heard of the Hayward trial, didn't you?

Mr. Gladstein: I will object to that as immaterial.

Presiding Inspector: I will take it, whether or not he heard of it. "Yes" or "No".

A. Yes, I heard of it. [3437]

By Mr. Del Guercio:

Q. What kind of a trial was that?

Mr. Gladstein: I will object to that as immaterial.

Presiding Inspector: We can't go into that.

Mr. Del Guercio: If your Honor please,——

Presiding Inspector: (Interposing) No, we can't go into that. We can't re-try the Hayward trial.

By Mr. Del Guercio:

Q. You knew that the IWW began disorganizing shortly after the Hayward trial?

Mr. Gladstein: I will object to that as improper and assuming something not in evidence, immaterial.

Mr. Del Guercio: I will withdraw that question and ask this:——

(Testimony of Virgil MacMickle.)

By Mr. Del Guercio:

Q. When was the Hayward trial, Mr.——

A. (Interposing) I don't remember.

Q. Well, I will refresh your memory. Was it in 1919?

A. I wouldn't remember it if it were.

Q. It was shortly after the World War, wasn't it?

A. I wouldn't even be certain of that in my own mind.

Q. Now, do you profess to be an expert in IWW matters? A. No, far be it from such.

Q. What?

A. Far be it from that. I am not an expert on it. [3438]

Q. How many members were there in the IWW organization?

Mr. Gladstein: I will object to that as immaterial.

Presiding Inspector: You brought it out yourself.

Mr. Gladstein: I brought out merely this:——

Presiding Inspector: (Interposing) I will take it.

Mr. Gladstein: (Continuing) ——The witness said it was his understanding and his general impression that the IWW was the largest organization in the Northwest.

Presiding Inspector: Now he is testing the truth of that statement, and I will take it. I warned you, Mr. Gladstein, about this.

(Testimony of Virgil MacMickle.)

Mr. Gladstein: Well, there is one way to disprove it if the statement is wrong, and that is for Mr. Del Guercio to bring in witnesses to show to the contrary.

Presiding Inspector: He is testing the recollection of this witness in this way. There may be other ways.

By Mr. Del Guercio:

Q. How many members were there?

A. No——

Presiding Inspector: (Interposing) If you can't say, say so.

A. (Continuing) No, I can't say, frankly. I wouldn't know.

By Mr. Del Guercio: [3439]

Q. Were there more than 50?

A. I would certainly assume there were more than 50 because of the disturbance and the noise made about it.

Q. Well now, how can you know that there were more than 50?

A. I couldn't conceive of there being less than 50 people because of the disturbance that the newspapers were making in the head lines.

Q. Now, what kind of disturbance were they making?

A. Well, "disturbance" wasn't exactly the right word, but would be "charged" by the newspapers as being a disturbing factor would be a better way to put it.

(Testimony of Virgil MacMickle.)

Q. What did the newspapers charge them with doing?

Mr. Gladstein: I will object to that as immaterial.

Presiding Inspector: Yes. I think that is going a little too far. We don't care about the newspaper statement. All you want to show is that there was a good deal of publicity in the newspapers.

By Mr. Del Guercio:

Q. Did you know at that time that the IWW were engaged in sabotage?

Mr. Gladstein: I will object to that as not only highly improper, but it hasn't yet been proved in this case. It is assuming something that is directly contrary to the evidence. The only witness on the IWW—— [3440]

Mr. Del Guercio: (Interposing) Now, if your Honor please, counsel should be admonished.

Presiding Inspector: Do you know one way or the other?

The Witness: No, I don't know.

By Mr. Del Guercio:

Q. Did you know at that time?

Presiding Inspector: He says he doesn't know one way or the other. Now you want to ask him if he knew at that time?

Mr. Del Guercio: Yes.

Presiding Inspector: Very well. Did you know at that time?

(Testimony of Virgil MacMickle.)

The Witness. The question isn't clear in my head again.

Presiding Inspector: Read the question before the last, Mr. Reporter,

(The question referred to was read by the reporter as follows:

"Q. Did you know at that time that the IWW were engaged in sabotage?")

A. No, I didn't know it.

By Mr. Del Guercio:

Q. Did you know that they were engaged in the unlawful destruction of property?

A. No, I didn't know that.

Q. Were they ever accused of being—— [3441]

Mr. Gladstein: (Interposing) Ha! Ha!

Mr. Del Guercio: I want to get through but counsel laughed.

Mr. Gladstein: No, counsel stopped and watched me, your Honor.

Presiding Inspector: Go on. You may withdraw the question and start again.

Mr. Gladstein: I will withdraw the laugh.

Presiding Inspector: Go ahead.

By Mr. Del Guercio:

Q. How many IWW members did you know?

Mr. Gladstein: I think that is immaterial and I object to it.

Presiding Inspector: No, I will take it.

A. Well, frankly I wouldn't know.

(Testimony of Virgil MacMickle.)

By Mr. Del Guercio:

Q. Would you know about 50?

A. Oh, I doubt if I ever knew that many. My goodness! I may have known eight or ten, mostly by sight but not by name.

Q. Will you give us some of their names?

A. No. I say I may have known eight or ten mostly by sight, but not by name. I wouldn't be able to give you the names.

Q. How many were there at this meeting that you addressed [3442] this IWW meeting?

A. Oh, I suppose possibly there might have been somewhere between fifty and a hundred people there.

Q. I believe you testified that you had studied under Andre Tridon?

Mr. Gladstein: That is not proper recross examination and I object to it.

Presiding Inspector: No. I don't know. If you have any idea that you want to bring out, you, of course, may do it if you have overlooked it.

Mr. Gladstein: I think we should have a statement from counsel on it. If he is just going to cover the same ground——

Presiding Inspector: No. I don't think you ought to do that. We had better not go into what he testified to, but if this is new matter I would be glad to hear the question.

Mr. Del Guercio: I will withdraw that question and put it this way:——

(Testimony of Virgil MacMickle.)

By Mr. Del Guercio:

Q. Did Mr. Tridon advise you as to the nature of the IWW?

A. We never even discussed it.

Q. Huh?

A. And I doubt if that is the same man. There was a Mexican by the name of Andre Tridon, too, and it may have been he that you spoke about. I don't know because I have no recol- [3443] lection.

Q. Did you know the Mexican, Andre Tridon?

A. No, I didn't know him but I have seen reference to him.

Q. But you did know the Frenchman, Andre Tridon? A. That's right.

Q. And it is the Frenhcman that you studied under?

A. That's right. It was the Frenchman.

Q. Now, Mr. MacMickle, you testified there you appeared on numerous occasions as a medical expert?

A. I said as an expert witness in medical trials, yes.

Q. In medical what?

A. In cases involving medical questions.

Q. Well, were you called as an expert on medical matters?

A. What do you mean by that? Do you mean medical——

Q. (Interposing) What do you mean by it?

Presiding Inspector: I think there is some question there.

(Testimony of Virgil MacMickle.)

Mr. Del Guercio: What?

Presiding Inspector: He hasn't said that he testified in the ordinary sense as a medical expert.

Mr. Del Guercio: That is what I am trying to bring out, as to whether he did or not.

Presiding Inspector: Well, you assume that he did, and he, as I recollect it,—his testimony is that he gave expert testimony in relation to the conflicts in different areas [3444] of the province of medicine and of naturopathy.

By Mr. Del Guercio:

Q. Did you ever study medicine?

A. No, no. That's why I asked you the question. I wanted to know whether you meant in the specific sense or in the generic sense.

Q. Are you an alienist?

A. No, no. I am not an alienist.

Q. What is the first time you appeared as a witness? A. In 19—it was either '27 or '28.

Q. And who called you as a witness?

A. I was called by the—by counsel for Dr. Mayville. Circuit Judge Knowles presided.

Presiding Inspector: You may, if you wish, ask him if he ever appeared as an expert other than in this line, which I have indicated very roughly.

Mr. Del Guercio: I might ask that question.

The Witness: If I have appeared as an expert?

Presiding Inspector: Yes.

The Witness: In other than——

Presiding Inspector: (Interposing) Yes, testi-

(Testimony of Virgil MacMickle.)

fying as to causes or results of disease or anything of that kind.

The Witness: Yes, I have.

Presiding Inspector: Then he has testified more broadly than I understood. [3445]

By Mr. Del Guercio:

Q. Well, did you ever testify then as a medical expert?

A. Yes, not in the restricted sense of covering what would ordinarily be covered by the doctor of medicine in his——

Q. (Interposing) Then in what manner did you testify as a medical expert?

A. Well, in the generic sense of the word "medical".

Q. And what sense is that? Will you explain what you mean by "generic"?

A. In the generic sense we mean simply this: That all of the healing arts are medical, but in the specific sense we mean physicians and surgeons.

Q. Well now, you have testified that you have never studied medicine? A. That's right.

Q. Do you know anything about the science of medicine?

A. Oh, I have read a great deal about it, but I am not posing—please don't misunderstand me. I am not posing as authority on materia medica.

Q. What was that word that you used?

A. Materia medica.

Q. Did you ever study Latin?

(Testimony of Virgil MacMickle.)

A. Yes. I have had, I think, four years of High School Latin.

Q. And where was that? [3446]

A. In Stanhope.

Q. Do they teach Latin in the first year of High School in Stanhope?

A. Yes. We had Latin in the first year.

Q. And continued throughout?

A. Yes, sir.

Q. Did you study Latin in this American College of Drugless Physicians?

A. No, no; other than what would come up in your technical names.

Q. When did you talk to Mr. Ernst?

Mr. Gladstein: That is not proper recross examination and I object to it, your Honor.

Presiding Inspector: No. I think we have gone over that, unless there is some particular new matter that you wish to bring out.

Mr. Del Guercio: Then I will withdraw that.

Presiding Inspector: Then you may suggest it.

Mr. Del Guercio: Excuse me, your Honor.

Presiding Inspector: That's all. I think it has been covered.

By Mr. Del Guercio:

Q. During any of the times that you appeared as a so-called expert in these Courts were you ever confronted with the name of Mrs. Plank? [3447]

A. No.

Q. Huh? A. Never.

(Testimony of Virgil MacMickle.)

Q. Were you ever examined on the question of whether or not you performed abortions?

A. Never.

Q. Did anyone—and I mean by that "anyone"—ever tell you at any time, any place, that Mrs. Plank had prepared and executed an affidavit accusing you of having performed an abortion on her?

A. No, sir.

Q. Huh? A. No.

Q. At no time? A. At no time.

Mr. Gladstein: That has been answered three times.

Presiding Inspector: Yes.

Mr. Del Guercio: Well, I wanted to make sure, if your Honor please.

Mr. Gladstein: Three more questions won't make it any more certain.

Presiding Inspector: Go ahead.

By Mr. Del Guercio:

Q. Do you recognize the handwriting of Mrs. Plank? A. No. [3448]

Q. Are you familiar with her handwriting?

A. No, I wouldn't be familiar with it.

Q. Are you familiar with her signature?

A. No.

Q. Do you have it on any of your records?

A. No.

Q. What? A. No.

Mr. Del Guercio: That is all.

Mr. Gladstein: That is all.

Presiding Inspector: Next witness.

(Witness excused.)

Mrs. King: If your Honor please, at this time we should like to take up the problem not of the general testimony of Mr. Bridges at the former hearing but of testimony directly related to the testimony that the Government introduced. There are a number of statements which were not read by counsel for the Government which directly related to the four subjects which they did take up, and I should like to read into the record that matter. I think by this evening I will have prepared for your Honor a list of the other material that we believe should be incorporated by reference, but in view of its length we are making no effort to read aloud into the record that testimony.

Mr. Del Guercio: If the Court please, may we have the [3449] references first and we may agree.

Presiding Inspector: Oh, as to the first matters?

Mr. Del Guercio: Yes, as to the first matters.

Presiding Inspector: As to the matters which you want to read?

Mrs. King: I am reading from page 2,506.

Mr. Del Guercio: 2,506. We don't have the previous testimony here. We can't check. What I had in mind was that, if counsel would give us the references now, we can check it over and come in either prepared to object or agree to its admission.

Mrs. King: Do you want this done in open Court or shall I just walk over and give them to Mr. Del Guercio? I haven't, unfortunately, a carbon copy. It is only my own manuscript.

Presiding Inspector: What is this on, this subject?

Mrs. King: This is with reference to the Western Worker and it immediately precedes the Government's excerpt which appears on page 2,508.

Presiding Inspector: Well, presumably that would be competent.

Mr. Del Guercio: Well, if it has to do with the Western Worker, yes.

Presiding Inspector: Yes.

Mr. Del Guercio: Does it have to do with the Western Worker? I don't know.

Mrs. King: Well, the second sentence mentions the [3450] Western Worker.

Presiding Inspector: Let us hear the sentence.

Mrs. King: "In the '34 strike the only newspapaper that was at all friendly or in any way would print any of the real stories of what the strike was all about was the Western Worker, and eventually that paper was officially adopted by the Strike Committee as their official organ for the giving out of strike releases . . ."

Mr. Del Guercio: If the Court please, we put that in. That was put in.

Mr. Myron: That is already in the record.

Presiding Inspector: Was it already in the record?

Mrs. King: Will you wait just a minute until I refer back?

Presiding Inspector: Certainly.

Mrs. King: My copy of the record doesn't so indicate. Unfortunately, the Government didn't read

by pages but by subjects, and so I am having a little difficulty in finding it. I am wondering whether Mr. Del Guefcio could tell me.

Mr. Del Guercio: Is it on the Waterfront Worker?

Mrs. King: No, it is on the Western Worker.

Mr. Del Guercio: I didn't know we had a subject on the Western Worker.

Mrs. King: You started in to read on page 2508 and the first sentence you read was "Will you tell us the circumstances under which it was decided to use the Western Worker as [3451] the official organ of the Strike Committee?"

Now,——

Mr. Del Guercio (Interposing): Well, we read from Volume 16, 2508.

Mrs. King: Yes. I am reading from page 2506. That is exactly what I said.

Mr. Del Guercio: That was under the "Communist Party Literature", the subject of the "Communist Party Literature".

Mrs. King: Well, whatever it was under, you attempted to make a point of the fact that the Western Worker was the official organ of the Strike Committee. I am attempting to read the two pages that preceded your quotation in order to show why the Western Worker was the official organ of the Strike Committee. It seems to me that it is extremely relevant.

Presiding Inspector: On your statement I think that is pertinent.

Do you object to this, Mr. Del Guercio?

Mr. Del Guercio: No, I won't object.

Presiding Inspector: You may read, then.

Mr. Del Guercio: The only reason I objected was because I thought it has already been read.

Mrs. King: I may have some difficulty for the reason that I suggested, but I think that my copy has been correctly marked and that there will be no difficulty.

Presiding Inspector: Very well. Go ahead and read it. [3152]

Mrs. King: I am starting again because the sentence was interrupted.

"In the '34 strike the only newspaper that was at all friendly or in any way would print any of the real stories of what the strike was all about was the Western Worker, and eventually that paper was officially adopted by the strike committee as their official organ for the giving out of strike releases, and the Western Worker printed a special strike bulletin—I think, a daily strike bulletin—that carried the true story of the strike. These bulletins were distributed to our membership and elsewhere.

"So there was in this respect, when it came to the point because of an organized program of terror and what-not under the guise of Communism, it didn't sit very well with the strike committee or the members of the rank and file and what-not to, in effect, say to these people, 'Well, now that you are being used and now that we are up against this, we are being told to disassociate with you. It looks like we will have to do it.' And that was done.

"So in connection with activities like that, in connection with the paper, it was necessary for us to meet and talk with Darcy. Of course, at that time we also have to remember we had a green union. Very few of the officials paid any attention to whether a man was a Communist or not. We had heard so much about it. There was no great to-do about having meetings with Darcy or anybody else. We did it openly [3453] and more or less officially.

"Q. Did you know at that time that Sam Darcy was an official in the Communist Party?"

Mr. Del Guercio: Now, if your Honor please, I move—never mind. Go on.

Presiding Inspector: Go ahead.

Mrs. King: "A. We knew that, certainly.

"Q. At that time were you an official in the union?

"A. I was not. I was the chairman of the strike committee. As such, I was an official, but I was not a regularly elected official such as secretary or president. I was chairman of the strike committee."

And immediately after that follows the material that was read by the Government.

Mr. Del Guercio: Now, that last question and answer I think is not material to anything.

Presiding Inspector: I will let it stand.

Mr. Del Guercio: What?

Presiding Inspector: I will let it stand. I will take it.

Mrs. King: I notice that in the course of read-

ing I forgot to put in the "question" and "answer" which may cause some difficulty to the reporter. For that reason I would ask, if it may be done, that the question and answer form be kept and that the reporter be permitted to copy from the transcript rather than to take it from my reading.

[3451]

Presiding Inspector: I think that should be done.

Mrs. King: And hereafter I will remember to do it correctly.

I am now asking to read from page 2517. The Government read pages 2515 and 2516 and the last sentence of what they read reads as follows:

"Eventually, of course, as the trade union movement got going and the Marine Workers Industrial Union was disbanded, Jackson—I think he is blacklisted in possibly every port in the United States because of trade union activity."

That is the close of the Government's quote.

Presiding Inspector: They put that in?

Mrs. King: Yes. The next page, page 2517, begins as follows:

"Q: You say he is blacklisted?

"A. ——"

Mr. Del Guercio (Interposing): Well now, your Honor, when should I object to this? This is another subject entirely.

Presiding Inspector: Well,——

Mr. Del Guercio (Interposing): And I think I ought to object before the question and answer is read.

Presiding Inspector: I think it is pertinent on the same subject as to what you put in.

Mr. Del Guercio: Will the Court hear me?

Presiding Inspector: Certainly.

Mr. Del Guercio: Of necessity other matters creep in because of the person answering the question wandering off. [3455] Other matters come in, but we have to read the whole question and answer.

Presiding Inspector: I know, but I can't read your mind and you did put it in and I will take this. You may read it.

Now, on this subject of "blacklisting" of Jackson, I will take it as far as it goes to that. If it wanders off to some other subject, then you ought to stop and we will consider that.

Mrs. King: I think this all pertinent. It is all on this page 2517.

Presiding Inspector: All right, proceed.

Mrs. King:

"Q. You say he is blacklisted?

"A. Yes. Well, there have been a lot of people less affected than Jackson who have been blacklisted, . . ."

Mr. Del Guercio: Now, I move that that be stricken out. That doesn't apply to Jackson at all.

Presiding Inspector: I will let it stand. I will take it.

Mrs. King: ". . . so I presume he is certainly blacklisted. So it has always been my policy when I ran into Jackson to ask him how he was getting along and if he was hard up, and, if so, I would give him a couple of dollars."

Mr. Del Guercio: I move to strike that out as not connected with any previous subject.

Presiding Inspector: This is at the former trial and one the same general subject. [3456]

Mrs. King: "That's the only way I gave him any money.

"Then it is the general thing amongst seamen, if you need a couple of dollars to eat or sleep somewhere, you ask for it and other people ask you. It is the custom today and it has always been.

"That's the only money I have ever paid him.

"Q. Did you ever pay him any money as dues or anything of that kind?"

Mr. Del Guercio: Just a moment before that next question. I move to strike that out as being immaterial and nothing covered by the Government, not referring to any matter covered in any previous hearing in any testimony that the Government has admitted in evidence. [3457]

Mrs. King: If your Honor please, the subject of Jackson is finished in the next sentence and it seems appropriate to leave all of the Jackson information in.

Presiding Inspector: Was there any subject covered by the Government offered in relation to the payment of money?

Mr. Del Guersio: There is not.

Mr. Gladstein: In which case—in the previous hearing?

Presiding Inspector: Yes.

Mr. Gladstein: Yes.

Presiding Inspector: I mean that has been introduced here.

Mr. Gladstein: No, not that I can recall at this moment. There was in the previous case, but I don't think they read anything on it here.

Presiding Inspector: What is this particular answer to which they object?

Mr. Gladstein: Yes—certainly it was introduced. The Government read, beginning at page 2515, "Do you recall Harry Jackson?" and ending at the bottom of page 2516. And during the course of those questions and answers Mr. Bridges was asked, "Did you ever pay to Harry Jackson at any time any money?" and he said "Yes."

Presiding Inspector: I will take that statement.

Mr. Del Guercio: Just a moment. That doesn't appear in anything that we read, the question, "Did you ever pay to Harry Jackson at any time any money?" [3458]

Mrs. King: Am I right, Mr. Del Guercio, that you started to read on page 2515?

Mr. Del Guercio: On what subject is t

Mrs. King: I don't know what subject it was, but the first sentence is, "Do you recall Harry Jackson?" and it appears on the third line of page 2515.

Mr. Del Guercio: We are at a disadvantage here. We don't have the volumes before us. We didn't know this was going to come up. We have this volume, but I don't know what page it was where we started reading.

Presiding Inspector: Haven't you a list of the matter?

Mr. Del Guercio: I have the list you have, but I have it according to subjects.

Mrs. King: It is probably listed under your subject "MWIU".

Presiding Inspector: You have everything there, according to Mr. Gaiser's statement, that has been handed to us.

Mr. Myron: I think it might facilitate matters if counsel would submit to Government counsel those matters which they wish to submit.

Presiding Inspector: I suggest that.

Mrs. King: I will be glad to do that.

Presiding Inspector: Don't you think it would expedite matters?

Mrs. King: It might very well, if there is going to be [3459] continual argument over what they did read. I assume that during the noon recess they can secure a copy of the transcript that is marked. I will be glad to give them the page numbers at this time. I don't think that the reporter would be particularly interested in them.

Presiding Inspector: Suppose you, at this time, give them, off the record, the pages and then when you come to read it you can state what the pages are.

Mrs. King: Yes, your Honor. May we have the noon recess now?

Presiding Inspector: Yes. I suggest you give them the page numbers right away.

Mrs. King: Yes; as soon as Court adjourns.

Presiding Inspector: We will recess then until 2:00 o'clock.

(Whereupon, at 12:26 P.M. a recess was taken until 2:00 P.M. of the same day.)

[3460]

After Recess
2:00 O'clock P.M.

Mr. Del Guercio: I would like to make a request for the record, and that is that we be given permission to reopen the cross examination of the witness, Mr. MacMickle.

Presiding Inspector: I think he will be here undoubtedly. Mrs. King said that she would have him come over as soon as he came to counsel's office.

Mr. Del Guercio: I have another matter I would like to take up at this time.

I have a report here from Mr. R. J. Norene, addressed to I. F. Wixon, District Director, Immigration and Naturalization Service, dated May 9, 1941.

Presiding Inspector: I think we had better hold that. We may get Mr. Cannalonga back here.

Mr. Del Guercio: I think, instead of this coming to me it should have gone to you. It has reference to the efforts that have been made to locate Mr. Cannalonga.

Presiding Inspector: My secretary will take it.

(The report referred to was passed to the Presiding Inspector's Secretary.)

Presiding Inspector: That will come up later, probably. They haven't abandoned their efforts, apparently.

Mr. Del Guercio: No; no. That reports on what has been done up to this time. [3461]

Presiding Inspector: There is no objection to them seeing it?

Mr. Del Guercio: No objection; none at all. I will read it in the record, if necessary.

Mr. Myron: In so far as we have been able to check during the short noon hour recess, there is much of the testimony which Mrs. King has referred to, as testimony which she desires to be introduced in this hearing, which we would oppose, and we think that it has no reference at all to the admissions by Mr. Bridges which have been introduced in this record. Of course, we will oppose the introduction of a great deal of the testimony.

Presiding Inspector. The way to proceed is this: You state the pages you propose to read and then let them interpose their objection. I will say very frankly, Mr. Del Guercio, I am going to rule rather liberally on what is pertinent to the case. Subsequently there will be a chance to examine this witness.

Mr. Myron: Of course, in the beginning it is understood that the Government introduced this testimony as admissions by the party in a previous hearing. Such other testimony——

Presiding Inspector: Explanatory of the admissions?

Mr. Myron: That is right.

Presiding Inspector: It is offered as explanatory of the admissions. But I say that a liberal ruling is indicated, gener- [3462] ally is indicated under these circumstances, but especially so as subsequently there will be an opportunity, I have no

doubt, to interrogate the alien on these very points. So I am going to rule liberally, but, of course, there has to be some connection. [3463]

Mrs. King: Thank you, your Honor.

Presiding Inspector: So that this can be treated as explanatory of the evidence already offered by the Government as admissions.

Mrs. King: With reference to the matter that was being read just before the noon recess, there was some question raised as to the materiality. I am only hoping that Mr. Johnson isn't getting away with the stenographer's reference before luncheon.

The Reporter: I don't understand you.

Mrs. King: Don't you see? The reporter had taken part of the reading before lunch and I wanted to know where we had left off.

Presiding Inspector: Can you tell where we left off?

The Reporter: We were discussing 2515.

Mrs. King: That is correct, but you don't know to that point on 2515?

The Reporter: I can find out.

Mrs. King: Coming back to pages 2515 and 2516, which were the two pages that the Government read almost every word of, on page 2515 the question is asked, "Did you ever pay to Harry Jackson at any time any money?" and the answer was "Yes".

Now, at the point where I was reading on 2517 there was an objection by Mr. Del Guercio to my reading of a question [3464] having to do with the

payment of money. And I submit to your Honor that, in view of the fact that this very problem was involved in the quotation or admission which the Government read, there is no reason why I should not be permitted to read the explanation of Mr. Bridges with reference to the payment of this money. And I want to know whether Mr. Del Guercio is withdrawing his objection or whether it is still before your Honor at this time.

Mr. Myron: I think the objection was ruled on by the Court, your Honor.

Presiding Inspector: I said I would receive it.

Mr. Myron: I think so.

Presiding Inspector: I will adhere to that.

Mr. Myron: That is over our objection?

Presiding Inspector: Yes.

Mrs. King: I think I won't wait for Mr. Johnson. I will read from about where I was.

Presiding Inspector: Go ahead.

Mrs. King: "Q. Did you ever pay him any money or anything of that kind?

"A. At no time."

Mr. Del Guercio: On what page are you reading from?

Mrs. King: I am reading from page 2517.

That completes the reading on page 2517 and I am now reading from pages 2580 and 2581-2, page 2581-2 being the same page and merely numbered that way to take up the page [3465] reference.

Mr. Myron: Will you state where you are going to read from?

Presiding Inspector: She hasn't found it yet. She has been referring to her memo.

Mrs. King: I am now reading from immediately after the quotation made by the Government which the Government inserted into the record from page 2580, the Government quotation having to do with a man by the name of Ross, who was the leader of the delegation that came down to strike headquarters to discuss with the strike committee the problem of the Western Worker, and immediately following the portion read by the Government I will read the following:

"Q. And how frequently have you seen him since?

"A. Not very frequently; much less than the others.

"Q. 10 times?

"A. No, I don't think that many times.

"Q. Did you ever meet him in Los Angeles?

"A. Not that I remember.

"Q. If you had you would have remembered it in all likelihood?

"A. I believe I would. I don't recall meeting him in Los Angeles.

"Q. Have you met him as many as five times?

[3466]

"A. Oh, I think I have met him as many as five times.

"Q. Do you remember, outside of the one meeting to which you first referred there, any other occasions when you met him?

"A. No, not right now. There was no specific

happening that would fix it in my mind anyway. I don't recall—the way that I remember these things, I try to connect it up with some important happening or occasion around that time."

Mr. Myron: Now, the Government objects to any further testimony on this page being read into the record.

Mrs. King: The counsel for Mr. Bridges doesn't intend to read any further. That is the close.

I am now about to read from page 2589 and I am reading just a few lines ahead of the Government's quotation from that page.

Presiding Inspector: You mean you are reading to include a part of what is already in evidence?

Mrs. King: No, I am reading a few lines before what is already in evidence.

Presiding Inspector: Oh, I beg your pardon.

Mr. Myron: We object to any reading before the part was introduced by the Government.

Presiding Inspector: What was the subject here?

Mrs. King: The first question which was read into the record by the Government was: "Q. When did you first meet Sam [3467] Telford?

"A. 1934."

The part that I propose to read is two questions and answers before that, the first one of which reads as follows:

"Q. Do you know Sam Telford?

"A. Yes.

"Q. Was he a member of the Communist Party? A. I think he was."

Presiding Inspector: Oh, I will let that stand. I will let that be read.

Mrs. King: I am now about to read from pages 2599 through page 2604.

Mr. Del Guercio: To page 2604?

Mrs. King: That's correct.

Mr. Myron: Now, the Government objects to this as having no reference to the admissions which they introduced into the record.

Mrs. King: If your Honor please, almost immediately after this portion there was a quotation from the Government on this part that I am about to read having to do with the Marine Workers Industrial Union, which is one of the four subjects which the Government's admissions specifically had to do with.

Mr. Del Guercio: I think that the Court should first examine it.

Presiding Inspector: On that statement, of course, I will [3468] take it, but I will look at it. Where does it start?

Mrs. King: It starts here (indicating), through page 2604. I think there is a pencil mark in the margin.

(The transcript referred to was passed to the Presiding Inspector). [3469]

Mr. Del Guercio: If the Court please, I think there is some error—before you start reading that—pages 2589 to 2591. I have no reference at all to 99.

Mrs. King: No. I didn't think you did. I said you had a quotation immediately following the be-

ginning on page 2605, as I recall. I don't have the book before me at the moment.

Mr. Del Guercio: We have one on 2605, yes; 2605 to 2613.

Presiding Inspector: I don't think this last question here covers anything that we have had.

Mrs. King: You mean all of those pages, when you say the "last question?"

Presiding Inspector: The last statement, about a meeting at 121 Haight Street.

Mrs. King: I would just as leave leave that out.

Presiding Inspector: Leave that out. I will let you read the rest over your objection, Mr. Del Guercio.

Mr. Del Guercio: Over our objection.

Presiding Inspector: Yes.

Mr. Myron: Of course, this is admitted as material which refers to or explains the admissions introduced by the Government?

Presiding Inspector: Yes.

Mrs. King: Reading from pages 2599 and through part of page 2604:

"Q. Was that your attitude, you didn't want to have [3470] anything to do with them in 1932 and 1933?

"A. We didn't look at it that way. They were advocating joining the Marine Workers Industrial Union and I was opposed to it.

"Q. The Communist Party was?

"A. I wouldn't say the Communist Party. I think I can differentiate it.

"Q. Who was advocating it?

"A. There would be two types of speakers: The Communist Party used to come down there and speak on general issues, political issues. They would speak on conditions nationally, conditions, matters of international questions.

"Q. Who, for instance, would do that?

"A. Jim Branch, generally, the speaker that was down there most. He was very well liked by all the men on the waterfront.

"Q. Anybody else?

"A. Darcy occasionally spoke down there.

"Q. Did they make any impression?

"A. Well, I don't recall much about Darcy.

"Q. Any of them?

"A. I didn't find it out until after he had spoken down there.

"Branch, I definitely recall, because he was an eloquent speaker and he made a distinct impression on the men and on me. [3471]

"Q. How upon you?

"A. Well, he is a very presentable looking person and was a very able speaker.

"Q. Did he have persuasive arguments?

"A. Very persuasive.

"Q. Was he advocating joining the Communist Party? A. He was.

"Q. Did those arguments appeal to you in the slightest?

"A. In joining the Communist Party?

"Q. Yes. A. No.

"Q. You said he had persuasive arguments. Persuasive arguments on what? He didn't per-

suade you to join the Communist Party and you say he had persuasive arguments. He must have had persuasive arguments on something.

"A. He had—after all, the way the arguments would be put, any man would come down to the waterfront in 1931 or 1932, when $10 a week was a big wage, and talked in favor of improving that wage, in favor of reducing the speed-up, who talked against the blacklist and whatnot, had the approval or the sympathy of the men anyway. That is only logical.

"When they got beyond that point and said to the men, 'The way to correct this is to join the Communist Party,' to my best knowledge they didn't get many takers. I don't remember any mass movement. [3472]

"Q. You said he had persuasive arguments only in so far as you saw it. In what respect were his arguments persuasive?

"A. They were persuasive enough. If he had had a logical plan there to present, other than joining the Communist Party, to increase our wages, to do away with many of the things that were very bad on the waterfront, that was one thing. But when it came to how it should be done, his arguments, the program being to join the Communist Party, and it might help to do away with those conditions, that was too far-fetched for the men at that time and they didn't pay much attention to that point.

"Q. Did you ever hear him advocate force or violence, the use of it?

"A. Never. The only force used was when the policeman came along and threw him in the wagon.

"Q. That was the same James Branch to whom reference has been made as having been deported?

"A. I believe so; yes.

"Q. How often did he come there to speak?

"A. Once or twice a week. I can distinctly recall Branch. Others came down, but I cannot definitely place who they were. I can distinctly recall Branch because he was a very able speaker.

"Q. How often did Sam Darcy come down there?

"A. I don't know. As a matter of fact, I don't recall Darcy coming down there until later on. Later I talked to him [3473] and he said, 'Don't you remember me? I used to come down to the waterfront a couple of years ago and speak.'

"I said 'No. I don't remember it.'

"Q. Did he have any persuasive arguments?

"A. I wouldn't know.

"Q. Do you recall anything in particular that James Branch said about that time that appealed to your particularly?

"A. Yes. One of the things that he said—naturally, a lot of his talk was directed along the line of improving the conditions of the waterfront, on the ships and for the workers generally.

"Another argument was definitely an anti-war argument.

"Other arguments were definitely directed against the state and city politics generally.

"Q. Was he against war under any conditions? What do you mean by 'anti-war'?

"A. I can't specifically recall, but he made statements such as this—I think at that time there was a Japanese invasion looming up, or something like that, the first invasion of China, and that was a subject for discussion one day. It was somewhat a little closer to the waterfront because work on the waterfront is affected by those things. There was a statement made in that connection that it wasn't going to do the Chinese much good the way the Japanese were beginning to move in there.

[3474]

"A statement was made regarding the last war that what the men on the waterfront, the workers there, got out of the last war was very little.

"There were statements such as that.

"Q. Did you ever hear him say anything like 'Turn war into civil war?' A. No.

"Q. Did you ever hear him make such statements?

"A. Not at those times. He might have, but not that I know of.

"Q. Did he ever in your presence say anything like that outside of those speeches on the waterfront? A. No."

Mrs. King: That is as far as I intended to read. The other statement went beyond the end of my proposal.

Presiding Inspector: Yes. I understand that.

Mrs. King: On page 2608 there is a single line between two questions, quotations by the Government. The last sentence which is quoted from the testimony of the witness is as follows:

"The Witness: Never. He knew nothing about Unions until we got him in our group and started to teach him something."

Presiding Inspector: Who are you talking about?

Mr. Del Guercio: We object to the introduction of that.

Presiding Inspector: She is reading what you have introduced. [3475]

Mr. Del Guercio: No. I didn't understand that.

Mrs. King: This is the part that you read and I am simply adding this statement of the witness, who is talking about a longshoreman by the name of Detrich.

Presiding Inspector: Detrich?

Mrs. King: Yes.

"The Witness: He didn't know the difference between the two types of unions."

Presiding Inspector: That is the part you want to read?

Mrs. King: Yes, that is all.

Presiding Inspector: I don't see any objection to that, although it is received over your objection, Mr. Del Guercio.

Mr. Del Guercio: Yes; over our objection.

Presiding Inspector: I don't see any reason why it shouldn't be received. I will receive it.

Mrs. King: The Government read into the record from pages 2617 to a little beyond the third of the way down——

Presiding Inspector: Just a moment. Did you want to say something, Mr. Del Guercio?

Mr. Del Guercio: I understand that the Doctor is here.

Presiding Inspector: Let him come in and sit down.

Mrs. King: (Continuing) ——through a little beyond one third of the way down on page 2628, which was read by the Government.

I am now seeking to read from just beyond the Government's [3476] quotation on page 2628 through a marked portion on page 2634, which is a little beyond the middle of the page.

I believe that your Honor will find that it is a saving of time if I was permitted to read, rather than to present it to you in each event to determine in advance whether it can be read. [3477]

Mr. Myron: I think your Honor should read it to determine whether or not it is admissible here. We object to the part upon the grounds that it has no reference at all to the admissions which were introduced by the Government.

Presiding Inspector: What is the subject of admission?

Mrs. King: The subject of the admission is some discussion of the M.W.I.U., and the first question in the portion that I intend to read was where the Government says that they could not believe that Mr. Bridges meant entirely what he said, and they give him an opportunity to explain his exact meaning. So that you are dealing with precisely the same subject that the Government——

Presiding Inspector: (Interposing) Is that about the substance of it? I will take it.

Mr. Myron: Except, your Honor, that you not having read it will not be able to determine whether or not it does have reference to the M.W.I.U. We contend that it doesn't.

Presiding Inspector: You contend that it doesn't have any reference to the M.W.I.U.?

Mr. Myron: That it doesn't have any reference to the M.W.I.U.

Presiding Inspector: I am afraid I will have to read it.

Mrs. King: The discussion was why they cooperated with the M.W.I.U. and the explanation is quite clear.

(The transcript referred to was passed to the Presiding [3478] Inspector.)

Presiding Inspector: I will take it.

Mrs. King: Thank you, your Honor.

Mr. Myron: We contend that this line of inquiry——

Presiding Inspector: (Interposing) I should think that you would rather like this testimony.

Mr. Myron: It is all right with us except that it is not admissible as an admission.

Presiding Inspector: It is admissible under a broad ruling.

Mr. Del Guercio: A broad interpretation of the ruling?

Presiding Inspector: Yes, a broad interpretation of the ruling. I am not holding them down very strictly or strictly at all, if I can see any connective matter. This deals with an interesting subject.

Mrs. King: "Q. That is the reason I want you to clarify.

"A. That's right. The primary purpose and the primary objective at that time was to win our strike. All the discussions of the strike, there was no discussion about overthrowing the Government or anything else. We were talking hours, wages, hiring halls and what-not. When I advocated the men to join that Union, lots of them said, 'Well, how about this'?

"It has always been our position that when you talk up a Union we don't talk about charters. It is not so much a [3479] question of many other things. Those things are not as much substance as the people in the Union and what policies are followed. So my answer then when they brought those things up, I said, 'I don't agree with those things, either, but the way to change it is to get in there! Call a meeting and vote to amend the darned thing, and then you have got it, and then make any kind of a constitution you want. But don't make that an objection to joining the Union.'

"We have never done that. You will never organize a group of workers that way. We used the same argument with the group of CIO. For a long time many workers raised the objection 'I can't join the CIO because it has no constitution.'

"Well, for approximately 25 years this country functioned without a constitution, and that was no argument to raise to refuse to join a Union. It was just an excuse, in other words.

"When we had asked those workers to go into

that Union, it was the expedient thing to do at that time for the purpose of winning our point.

"Q. Would you people take a man into the Union who for instance, believed in the overthrow of the Government of these United States by force and violence?

"A. There is nothing in our constitution to discriminate against any person regardless of what their political beliefs are.

"Q. Would you yourself, for instance, knowingly vote to [3480] take such a man in a Union who believed in the overthrow of the Government by force and violence?

"A. I would have to follow the constitution in my voting. If the constitution could be construed that the advocacy of the overthrow of the Government by force and violence or in any other way was a certain political belief, it would be improper and illegal to hold that against a person. I would have to vote in accordance with that constitution.

"Q. Wouldn't the Union be concerned with it?

"A. They possibly would, I don't know. The issue has never come up. A man comes up before our Union. They want to know, 'Have you ever been a strike breaker? Have you ever been a stool pigeon? Have you ever been on the police force?' and a few other things like that. If he has been a good Union man and hasn't done any of those things, he is allowed into the Union so long as he is a worker.

"Q. Suppose he is not a good man morally, would they let him in?

"A. That has nothing to do with the Union.

"Q. That has nothing to do with the Union?

"A. A good man morally? I am afraid if we started through the trade Unions in this country and began to discriminate because of morals, we would kind of disrupt a few [3481] Unions.

"Q. I am just trying to find out, that is all.

"A. I know.

"Q. Then do I take it——

"A. I can get a copy of the Union Constitution. I have it here, even the old A. F. of L. Constitution.

"Q. I believe defense counsel will put it in. He can put it in and make it a part of the record, if he wants. Then, as I take it from your testimony, a member of the Communist Party, if he came in to join your Union, and if he definitely believed in the overthrow of the Government of the United States by force and violence, you would not be interested because it is not a part of the tenets of the Union, and the Union is not concerned with it; is that correct?

"A. You would be interested in what his political beliefs were if and when he tried to advocate them in the Union; but, as far as his being a member of the Union, if you tried to get up and say 'This man can't join the Union because he is a Communist,' you would be ruled out of order and that could not be used against him in joining the Union. That is correct.

"Q. Suppose that he were already in the Union?

"A. All right.

"Q. And there were such a man as to which

I have just referred, a man who believed in the overthrow of the Government of the United States by force and violence; would the Union [3482] be concerned with that?

"A. He would be allowed to get up on the floor and state any view he felt or any view in which he believed. The only rule we have in our Union is, regardles of what your beliefs or opinions are, you will be allowed to state, on the floor of the meetings, and then you sit down and everybody else states theirs. Generally speaking, he would state his, and 99 per cent of the rest of the membership would get up and state the opposite, from what I have seen of the Union.

"Q. Then the whole paramount consideration from your viewpoint in the Unions is just this: That a man has a right to any belief he desires in regard to anything, whether it be the overthrow of the Government of the United States by force and violence or not, provided it does not conflict with his Union obligations?

"A. Or the Constitution of the country. There is a court ruling where we have to investigate because of these certain legal rules where no Union constitution can conflict with the Constitution of the United States.

"Q. I am talking particularly about the Union. I am not talking about the laws of the Government or Constitution of the United States. I am talking about the Union on a proposition of that kind, where a man believed in the overthrow of the Government of the United States by force and violence:

[3483]

"A. The attitude of the Union is controlled by its Constitution and bill of rights. After all, every Union is, in effect, a small government. They are all closely patterned after the Bill of Rights and Constitution. Any man is allowed in the Union whose views do not conflict with the Union Constitution or the Union Bill of Rights. I believe under the Constitution of the United States the right of free speech is guaranteed, and we follow it and guarantee it. We follow the policy. We mightn't like what they say but we will fight to the end their right to say it.

"Q. Do you believe the right of free speech extends to the right of license as distinguished from the right of liberty?

"A. No, I don't. We are taken out to a pretty farfetched point here. I don't think anybody would dare get up in our Unions to advocate the overthrow of the Government by force and violence. They would throw them out on their ear.

"Q. Suppose he did that outside of the union and the union knew that he had done so, what would be their attitude?

"A. What could the union do?

"Q. I am not answering you. I want you to answer my question.

"A. I didn't mean it that way, Mr. Shoemaker. I am just wondering about the question. Suppose the Union found somebody [3484] advocating the overthrow of the Government by force and violence——

"Q. Or in any other wise:

"A I would say, if there was an organization of

any kind or even individuals, I think the union would try to take some action. At least they would pass resolutions. They might notify somebody or they would try to take some action. That has been my experience. I would advocate it anyway."

At this place, if your Honor please, it occurs to me that there is no particular reason why Dr. MacMickle should sit by and listen to the loud reading. We might interrupt it to allow him to take the stand.

Presiding Inspector: Very well. Take the witness stand.

VIRGIL MacMICKLE

called as a witness on behalf of the Alien, having been previously duly sworn, testified further as follows:

Further Recross Examination

By Mr. Del Guercio:

Q. Does the witness understand that he is still under oath?

Presiding Inspector: Yes. He continues with the examination. He is still under oath.

A. All right.

By Mr. Del Guercio:

Q. Mr. MacMickle, I want to review your previous testi- [3485] mony on a particular subject very briefly. I believe you testified that you attended the American College of Drugless Physicians in the City of Chicago for about three years, from 1910 to 1913; is that correct?

(Testimony of Virgil MacMickle.)

A. That is incorrect.

Q. What is the correct thing?

A. I told you definitely that I went there, I thought, in the fall of 1911 and graduated in December of 1912 or January of 1913. I don't know just when the graduation exercise was.

Q. And for how many years did you attend that college?

A. That would be a 12-months course.

Q. A 12-months course?

A. Yes, because I was away for three months during the summer.

Q. Now did you ever attend the American College of Naturopathy in New York?

A. Yes, I did.

Q. For how long a period?

A. Well, I don't remember the exact length of the period. I know it was a brief course. It was only concerned with two or three subjects.

Q. And how long would you say? I believe you previously testified that you might have attended for about six months at the most. Is that correct?

A. Well, it wasn't longer than that. I know that, and [3486] I doubt if it was that long.

Q. And was that under Dr. Lust?

A. Yes.

Q. Was he running that school at that time?

A. Yes. Dr. Benedict Lust was running the school.

Q. Did you ever attend the Bernarr MacFadden School of Physical Education in Chicago?

(Testimony of Virgil MacMickle.)

A. That was run in conjunction with the American College of Drugless Physicians.

Q. Did you ever attend the Bernarr MacFadden School of Physical Education in Chicago?

A. Yes. I will tell you what happened.

Q. Well now, what is your answer to that question? "Yes" or "No"?

A. Yes.

Q. Uh,-huh.

Presiding Inspector: He wants to explain.

A. Here's what happened.

Q. Yes.

A. They were running their course then in the basic subjects for both physical trainers for educational institutions, coaches and that sort of thing, and the same basic subjects of anatomy and physiology and so on for those who wanted to become doctors; and then after, I think it was, three months or maybe it was six months, you had your right to make your preference as to which way you were going and, of course, I [3487] determined on being a doctor and that's the way the thing was.

Q. Then you did attend the Bernarr MacFadden School of Physical Education?

A. Yes. It was the—I think that was called the American College of Physical Education, if I am not mistaken. It was owned by Bernarr MacFadden, that's true.

Presiding Inspector: He answers in the affirmative, that he attended it.

(Testimony of Virgil MacMickle.)

By Mr. Del Guercio:

Q. Did it occupy the same building space?

A. It occupied part of the building, yes.

Q. How much of the building?

A. Oh, I don't know because they had classrooms in common. As I say, for the first few months——

Q. (Interposing) Well now; as a matter of fact, Mr. MacMickle, it was only the Bernarr MacFadden School of Physical Education that had any rooms in that building?

A. No, you are wrong about that, absolutely.

Q. Isn't that the fact?

A. I know what I am talking about and I am definite and positive about it.

Q. All right. Let's see if you do. You applied for a license to practice naturopathy on August 27, 1927 in the State of Oregon, didn't you?

A. I applied for what? [3488]

Q. To practice naturopathy?

A. Oh, yes, yes.

Q. You filled out the application?

A. Yes.

Q. As required under the laws of the State of Oregon?

A. I believe I did.

Q. Do you know what you stated in that application?

A. No, I don't remember at the present time.

[3489]

(Testimony of Virgil MacMickle.)

Q. Did you state that you were born July 21, 1891 at Stanhope, New Jersey? A. Yes.

Q. Was that correct? A. That is correct.

Q. Did you state that you attended the American College of Naturopathy for a period of four years?

A. I don't recall stating it.

Q. You don't recall stating it? A. No.

Q. And if it does so state would that be a true statement?

Mr. Grossman: Just a moment—if what does so state, the application?

Mr. Del Guercio: The application for a license which the witness says he has made out.

Look at me.

The Witness: Yes, I am looking at you.

A. No, I don't remember having made any such claims.

By Mr. Del Guercio:

Q. And if the application so states would you say that you did make such a claim?

A. If the application so states, I must have made such a claim; yes, sir.

Q. Did you state in that same application that you attended the Bernarr MacFadden School of Physical Education in [3490] Chicago for a period of some four years?

A. No—well, if I did I don't remember it.

Q. If the application for the license does so state would you say that you did state that you attended that school for a period of four years?

(Testimony of Virgil MacMickle.)

A. If I stated it in the application it is there, yes.

Q. Is that statement true?

A. No, that isn't a true statement.

Q. That is a falsehood, isn't it?

Presiding Inspector: He said so. We don't need it emphasized.

By Mr. Del Guercio:

Q. Now, at the time that—did you make any mention in that application for a license to practice naturopathy in the State of Oregon that you had ever attended the American College of Drugless Physicians?

A. Well, I don't know that I stated it that way. That is what my diploma reads.

Q. Did you so state in your application for a license?

A. Not to my recollection.

Q. Well, now, Mr. MacMickle, as a matter of fact you never did attend the American College of Drugless Physicians, did you.

A. That is precisely what my diploma says and I have agreed to submit it to you and shall do so.

Q. Who issued this diploma, Mr. MacMickle?

[3491]

A. That was, as I say, that was signed by Dr. Speicher and, I think, Dr. Crane.

Q. With what college were they connected?

A. With the American College of Drugless Physicians.

Q. And is that the only diploma you have?

A. That is the only diploma I have from them.

(Testimony of Virgil MacMickle.)

Q. You don't have a diploma, do you, from the American School of Naturopathy?

A. You mean the Lust School, the one in New York City?

Q. Yes.

A. Yes, I have a diploma from that.

Q. This is the first time you have mentioned that, isn't it?

A. No, that isn't. I told you it was a post graduate *thin*

Q. Post graduate course? A. Yes.

Q. Are you sure that that diploma doesn't say that you attended that school for, let us say, a period of over six months?

A. Well, if it so states I think it was in error.

Q. You think it was in error? A. Yes.

Q. Will you submit that diploma also to this Court?

A. If I still have it I will be glad to.

Q. Do you have it? [3492]

A. I am not sure.

Mrs. King: If your Honor please, this has all been gone over.

Mr. Del Guercio: No, it hasn't.

Presiding Inspector: Not quite. Evidently this is on a little different basis. I will be liberal to the government in this case, in this instance.

By Mr. Del Guercio:

Q. You were on the Board of Naturopathic Examiners at the time you submitted your application?

A. Yes, sir.

(Testimony of Virgil MacMickle.)

Q. Were you not? A. I was.

Q. You passed upon your own application, didn't you, with the other members?

A. Right.

Q. Did you approve your application?

A. I presume I must have.

Q. Were the statements made in this application verified?

A. Well, I don't know that they were any more than the usual taking it for granted.

Q. You made it under oath, didn't you?

A. No, I don't think I made it under oath.

Q. You didn't make that application for a license under oath? [3493]

A. No.

Q. Now, did the diploma, you say—I don't know whether I misunderstood you—did you say you were issued a diploma by Mr Lust? A. Yes.

Q. And that was from the American School of Naturopathy, is that right?

A. Yes, that is right.

Q. Now, that is Benedict Lust, isn't it?

A. Yes.

Q. That is the same Lust who, in April of 1912, was convicted in the Court of Special Sessions in New York for practicing medicine without a license and fined $1000, isn't that correct?

Mr. Grossman: I object to that question as obviously trying to prejudice the case and as having no possible relevancy and as incompetent, irrelevant and immaterial.

(Testimony of Virgil MacMickle.)

Presiding Inspector: Was this after that date?

The Witness: Yes; long after that.

Presiding Inspector: You can ask him if he knows that because he has testified that he had this certificate, as I remember it, from a physician. If his license had been rejected, it might bear somewhat on his qualifications. It is a little hard to see, perhaps, but I think I will take it.

If he knows—have you ever heard of this? [3494]

The Witness: No, I never did.

By Mr. Del Guercio:

Q. You never heard of it? A. No.

Q. Have you heard that this so-called Dr. Lust had issued hundreds, if not thousands, of diplomas?

Mr. Grossman: It is quite obvious that this question is subject to the same objection I made previously, and that is it is obviously to prejudice the case and couldn't have any possible effect or purpose except for Mr. Del Guercio to attempt to testify through the question.

Presiding Inspector: He said he didn't know anything about it.

Mr. Del Guercio: I submit, if the Court please—

Presiding Inspector: I will allow you to ask whether he knows of anything of that sort.

Mr. Del Guercio: That is what I am asking.

Presiding Inspector: That wasn't exactly the question. If he knows of anything of this kind that you now ask him about it doesn't make it a fact at all.

Mr. Del Guercio: No. Your Honor, let us get

(Testimony of Virgil MacMickle.)

this—this witness here says, has made certain contradictory statements, as it is apparent. I believe I am safe in saying that. Now, we have got to have some latitude here in cross examination. [3495]

Presiding Inspector: I am giving you a great deal of latitude and I am going to continue to give you latitude. You may ask him whether he knows about him having issued what you call fake diplomas.

Mr. Del Guercio: Fake diplomas.

Presiding Inspector: If he knows anything about that.

By Mr. Del Guercio:

Q. Have you ever heard he issued fake diplomas?

A. No.

Q. Was the diploma that you received from him a fake one?

A. No, it was not a fake diploma.

Mr. Del Guercio: Now, if the Court please, in view of this witness' contradictory statements under oath I request that he be kept here until tomorrow morning.

We have under subpoena his application for a license under the State of Oregon and we hope to have it here by tomorrow morning. We want to confront this witness with what he said in that statement.

Presiding Inspector: All right.

Mr. Del Guercio: And in his own handwriting.

Presiding Inspector: I think he had better stay.

Mrs. King: The attorneys for Mr. Bridges do not

(Testimony of Virgil MacMickle.)

object to his remaining, but we see no occasion for the statement that he has made contradictory statements under oath. There is nothing in the record to support that. [3496]

Mr. Del Guercio: The record speaks for itself.

Mrs. King: Then we had better take the record and let it continue to speak for itself, instead of having the Attorney for the Government speak for it.

Presiding Inspector: Those statements aren't evidence when made, and they won't be considered as evidence, whoever makes them, whether Government counsel or whether it is counsel for the Alien. We are going to have this case presented on the evidence and on the record.

Mrs. King: Thank you.

Presiding Inspector: You need not worry about that. Is that all?

Mr. Del Guercio: I have one more question, if your Honor please. This may sound repetitious, but the Court may pass upon it before the witness answers.

By Mr. Del Guercio:

Q. Would you say under oath that you received a diploma from the American College of Drugless Physicians as a result of attending courses and classes at such an institution?

Mrs. King: If your Honor please——

Presiding Inspector: He already answered that.

Mrs. King: There is an implication in the question that he has not answered it truthfully. I object to it further on that ground.

(Testimony of Virgil MacMickle.)

Presiding Inspector: I will sustain the objection on the [3499] ground that it has been fully covered.

Mr. Del Guercio: Well, not in that wise. I don't know whether you know what I have in mind or not.

Presiding Inspector: I don't want to know. He has repeatedly said that he attended that institution for a twelve months' course.

By Mr. Del Guercio:

Q. Is that correct?

A. That is correct.

Presiding Inspector: That at the end of this period, after having taken certain studies which he has testified respecting, he received a diploma.

Isn't that right? The Witness: Yes.

Presiding Inspector: Is that your testimony?

The Witness: That is my testimony.

Presiding Inspector: That covers it. That is as I understood it.

The Witness: Yes.

Mr. Del Guercio: That is all until tomorrow morning, if your Honor please.

Presiding Inspector: All right. Until tomorrow morning at ten o'clock.

(Witness temporarily excused.)

Presiding Inspector: Now, Mrs. King, go on with the [3500] reading.

Mrs. King: If your Honor please, I believe we have another witness now ready to testify and Mr. Grossman is going to investigate that problem. So I may not finish the reading this afternoon.

But I should like at this time to read pages 3100,

beginning with the first question on that page, through the last answer on page 3104.

Presiding Inspector: Can you state what that is, in a general way, to help the ruling?

Mrs. King: There is no objection.

Mr. Myron: We haven't referred to it yet.

Presiding Inspector: I don't think counsel has had an opportunity to look at it. We cannot cut off the opportunity for them to examine the record.

Mrs. King: This deals with the comparison of the constitution——

Mr. Del Guercio: (Interposing) May we have a recess?

Presiding Inspector: We will finish this first.

Mrs. King: This deals with a comparison of the constitution of the Marine Workers Industrial Union, concerning which Mr. Bridges was asked at the last hearing; a comparison of that constitution and the constitution of the American Federation of Labor, and it was specifically introduced, in this testimony, in order to meet the problem of the meaning of [3501] this constitution of the Marine Workers Industrial Union.

Presiding Inspector: Before you start on this we will take a short recess.

(Whereupon a short recess was taken.)

[3502]

Presiding Inspector: Now, Mrs. King, do you want to interrupt the reading?

Mrs. King: Yes, if you don't mind, your Honor. I should prefer to have a witness.

Presiding Inspector: Call your witness.

Mrs. King: The witness is right here.

ROBERT M. MacGREGOR

called as a witness on behalf of the Alien, being first duly sworn, testified as follows:

Presiding Inspector: Give your name and address.

The Witness: Robert M. MacGregor: 7325 Southeast 29th, Portland.

Presiding Inspector: Now, Mrs. King, Mr. MacGregor sits at the head of the table. Go ahead.

Direct Examination

By Mr. Grossman:

Q. What is your occupation, Mr. MacGregor?

A. I am an instructor in literature at Reed College, Portland.

Q. How long have you held that position?

A. Three academic years. At the close of this June it will be three academic years.

Q. Do you consider that you have any other occupation outside of that of teacher?

Mr. Del Guercio: I object to that form of the question [3503] "Do you consider?". Does he have any other occupation?

Presiding Inspector: That is his manner of speech.

Mr. Grossman: I think that is an appropriate question considering the answer that I expect, your Honor.

Presiding Inspector: Go ahead.

A. Yes. I have been a journalist; I have been a correspondent, newspaperman, and I still do a certain amount of that.

(Testimony of Robert M. MacGregor.)

By Mr. Grossman:

Q. And you expect to return to that other field, do you? A. Yes, I do.

Q. Mr. MacGregor, are you personally acquainted with a man named Robert Wilmot?

A. As far as I know I have never met him. I may possibly have.

Q. Have you ever had occasion to discuss with anyone in the City of Portland the reputation or character of Mr. Wilmot for truth and veracity?

Mr. Myron: I object to that, your Honor.

Presiding Inspector: I will take it.

Mr. Del Guercio: If your Honor please, on this ground: The witness has just testified that he has never met Robert Wilmot.

Presiding Inspector: I know.

Mr. Del Guercio: Not knowing Robert Wilmot, never having [3504] met him, how could he testify?

Presiding Inspector: It is what he has heard from the mouths of the people.

Mr. Del Guercio: Is there only one Robert Wilmot?

Presiding Inspector: Well, I suppose they will identify him.

Mr. Del Guercio: Shouldn't that be done first?

Presiding Inspector: The similarity of names is prima facie.

Mr. Grossman: That is correct. I will satisfy Mr. Del Guercio, though.

By Mr. Grossman:

Q. Is it the same Robert Wilmot who was con-

(Testimony of Robert M. MacGregor.)

nected with the Labor New Dealer at one time?

A. Yes.

Q. Now, will you explain what was the first occasion which enabled you to find out what was the reputation of Robert Wilmot for truth and veracity?

Mr. Myron: I object to this.

Presiding Inspector: Sustained. Leave it for cross examination.

By Mr. Grossman:

Q. How did the subject of Robert Wilmot's character or reputation for truth and veracity come up in your discussions?

Mr. Myron: I object to that, your Honor, as not a proper question. [3505]

Mr. Grossman: Your Honor, I have a right to show that he was in a position to know and how he came about——

Presiding Inspector: Yes. I am going to let you show that in a very general way in what group of people he has heard this discussed.

Mr. Grossman: All right. I will ask the question in that way.

Presiding Inspector: Approach it that way.

By Mr. Grossman:

Q. Could you describe generally what group it was or what groups they were in which this question of Robert Wilmot's reputation for truth and veracity was or were discussed?

Presiding Inspector: To your knowledge.

(Testimony of Robert M. MacGregor.)

A. Well, when I first came to Portland I was part time at Reed College and I was looking around for various subjects for articles for national magazines and one of those I was investigating was the Portland Red Squad.

Presiding Inspector: You see, Mr. MacGregor,——

The Witness (Interposing): I am sorry.

Presiding Inspector (Continuing): ——We don't want the specific instances, but we want to know in what group you have heard his reputation discussed. That is, among the professors, among the students, among the newspaper men.

Mr. Grossman: I am afraid, you Honor, that——

Presiding Inspector (Interposing): Longshoremen, among [3506] the Police.

Mr. Grossman: I am afraid Mr. MacGregor understands the question all right, but knowing the story I know that they are not such a class of people that he can describe the class that easily: I am sure that that is why he is giving as much detail as he is.

Presiding Inspector: Let him first try to describe the group.

The Witness: Well, I would like to say that——

Presiding Inspector (Interposing): Of course, he may say that wherever his name is mentioned he heard it discussed. I don't know.

The Witness: That's practically it.

Presiding Inspector: I didn't mean to offer that as testimony.

(Testimony of Robert M. MacGregor.)

Mr. Del Guercio: I move that that be stricken.

Presiding Inspector: I am afraid, Mr. MacGregor, that will hardly do.

The Witness: It was among lawyers and newspaper men, from the wife of the Director of the Art Museum in Portland and from people connected with the Spanish Committee who had known him, and so on down the line; various people who had worked with Wilmot at various times or known him.

By Mr. Grossman:

Q. From the discussions that you have had with these [3507] people that you have named concerning the character of Robert Wilmot do you know his general reputation for truth and veracity?

Mr. Del Guercio: I will object to that. There is no evidence here that these other people, and he hasn't named them, generally do not even know Mr. Wilmot.

Presiding Inspector: I will take it. I will take it. Leave it for cross examination.

A. Well, the general impression. I can't speak——

By Mr. Grossman:

Q. (Interposing): First state whether or not you know his general reputation. A. Yes.

Q. Will you state whether that general reputation for truth and veracity is good or bad?

Mr. Del Guercio: I object to that, your Honor, as no foundation.

(Testimony of Robert M. MacGregor.)

Presiding Inspector: I will take it.

A. I would say it was bad.

By Mr. Grossman:

Q. From what you have heard about the general reputation of Robert Wilmot for truth and veracity would you believe him under oath?

A. I doubt it.

Q. Now, could you describe for us what periods of time covered by your various conversations with other people, con- [3508] cerning the character of Robert Wilmot for truth and veracity?

Mr. Del Guercio: Your Honor, I object to that. That should have been a preliminary question.

Presiding Inspector: I will allow it now. Probably it should have been, but I will allow it now to fill in any possible space.

By Mr. Grossman:

Q. When was the first and when was the last that you spoke to anyone on the subject?

A. It is very hard to give exact dates, but it was in the fall of '38, I would say around November, possibly October, and I have heard about him variously, although I would like to say that the data seems all to have been based on about the same period, oh, up until three or four months ago certainly. I have also heard more about him since he appeared here, but that's another matter.

Mr. Grossman: You may cross examine.

Presiding Inspector: Now Mr. Del Guercio.

Mr. Del Guercio: Mr. Myron will take the witness.

(Testimony of Robert M. MacGregor.)

Cross Examination

By Mr. Myron:

Q. You say you live at 723 Southeast 29th?

A. No. 7325.

Q. 7325? A. That's right. [3509]

Q. How long have you lived there?

A. Since September, 1940. Let's see; anyway, this is the second year of the lease.

Q. And where did you live before that?

A. I lived, oh, for two months I lived up at the corner of Southeast Reedway and, I think, 41st Street in an apartment. And before that I lived——

Q. (Interposing): When was that?

A. That was May and June of—it must have been nineteen—these dates are difficult—nineteen thirty nine. Is that right? Yes.

Q. May and June, 1939?

A. I hope that's right. I think so. If I came—yes, '39.

Q. From May and June of 1939? A. Yes.

Q. To September, 1940, where did you live?

A. Well, in saying "1940" it is a little difficult to get all these.

Q. You mean May and June of 1940?

A. I must have moved into the present house September, 1939, then. That's right.

Q. You have lived there since September of 1939; that is, your present address?

A. That would be right, yes.

Q. Is that right? [3510] A. Yes.

(Testimony of Robert M. MacGregor.)

Q. Prior to September of 1939 you say you lived two months at some other place?

A. That was during the summer of—you see, we have a long vacation teaching. I was part of the time in Santa Monica and then I lived with another person connected with Reed in the house of a third faculty member who was away, and that was out on—I would have to give you the address. I can tell you the name of the person whose house it is.

Q. That is not necessary if you give us the address.

A. I can't remember the address off-hand.

Q. Well, with whom did you live?

A. With Larry Rogers.

Q. Larry Rogers?

A. Yes, who was the Comptroller of Reed College.

Q. Of what?

A. Comptroller of Reed College; financial.

Q. And how long did you live there?

A. Oh, I would say from the middle of July until the end of August.

Q. Is that on the campus of the college?

A. Oh, no.

Q. Or connected with the college?

A. Oh, no. It is about three miles from the college; two or three miles from the college. [3511]

Q. And where did you live before that?

A. Before that I lived in the house of William Brewster overlooking the Waverly Country Club.

(Testimony of Robert M. MacGregor.)

Q. Who is William Brewster?

A. Well, he is a Portland lawyer, an elderly man.

Q. You mean you boarded there?

A. No. He and his wife—either he or his wife were not feeling very well and they were living in town in a small apartment hotel and we rented the house during all that winter until the middle of April or the first of May when they came back to the——

Q. (Interposing): You lived there while he was away, is that it?

A. He was living in town, the center of town. This is quite a ways out. It is a sort of country house.

Q. Are you married? A. Yes.

Q. Does your wife live there with you?

A. Yes.

Q. Now, prior to that time where did you live?

A. Prior to that time I lived for about five months in Winchester Center, Connecticut, on a farm. [3512]

Q. During what months and what year did you live there?

A. That must have been in 1938, from about January until the end of August, when we came west.

Q. How old are you? A. 29.

Q. 29? A. Yes.

Q. Where did you go to school?

A. Harvard.

Q. Harvard? A. Yes.

(Testimony of Robert M. MacGregor.)

Q. When did you get through? A. 1933.

Q. And then you came directly out here to the coast—you came directly out here?

A. No, I didn't come out here until 1938. I thought I made that clear.

Q. When did you apply for this position with the College?

A. Mainly by mail. My wife and I had gone up to Bennington to see if we could get a place teaching there. That is a girls' college in Vermont. There was no opening there, so it was suggested that we go to the Progressive Educational Association, which was a Rockefeller organization, supported organization, in New York, and there we talked over [3513] most of the progressive colleges in the country, and they recommended Reed and that was among others that we made applications to at that time.

Q. You say you were a journalist?

A. Yes.

Q. Where?

A. I worked for the United Press in Pekin?

Q. Where?

Presiding Inspector: Pekin, in China. It has another name now, but we know what it is.

By Mr. Myron:

Q. When was that?

A. That was in the summer and fall of 1937.

Q. Just before you were appointed as instructor at the college?

A. No. I came back to this country and, as

(Testimony of Robert M. MacGregor.)

I say, I lived on a farm in Connecticut, at Winchester Center, for a while.

Q. Were you correspondent for any other newspaper?

A. I was correspondent for the United Press.

Q. That was the same position, is that what you have reference to? A. That is right.

Q. When did you, on what date did you return from China?

A. I got back just before Christmas in 1937, at the end [3514] of 1937.

Q. You never met Robert Wilmot?

A. No.

Q. You wouldn't know him if you saw him?

A. No. I say that—I don't think I have met him. I have seen his picture in the paper in connection with this case and I certainly didn't recognize him.

Q. How many people have you talked with concerning Robert Wilmot?

A. Oh, I would say nine or ten at least.

Q. About nine or ten?

A. At least; yes.

Q. Would you say it would be more than nine or ten? A. It might well be; yes.

Q. Well, how many?

A. I might explain——

Q. (Interposing): No, I want the approximate number.

A. (Continuing): ——that Mr. Wilmot meant

(Testimony of Robert M. MacGregor.)

nothing in my life until I was asked to come down here.

Q. I am just asking you now the approximate number of people that you have talked to concerning Wilmot.

Presiding Inspector: Answer the best you can.

A. I would say, well, make it a little more; possibly twelve. That is approximately.

By Mr. Myron:

Q. That is approximately? [3515]

A. That is approximately.

Q. And were those twelve people scattered around various places? A. They were.

Q. And various types of people?

A. Various types.

Q. Now, in talking to those ten or twelve people I assume—let me ask you if the matter of his reputation in the community was discussed with all those twelve people? A. With the——

Q. (Interposing): You can answer that "Yes" or "No". A. Not all the twelve.

Q. Not all the twelve? A. No.

Q. How many of the twelve?

A. I would say about nine or ten.

Q. About nine or ten? A. Yes.

Mr. Myron: Now, your Honor, I ask that all the evidence of this witness be stricken from this record.

Presiding Inspector: I will deny the motion.

Mr. Myron: Exception.

(Testimony of Robert M. MacGregor.)

Presiding Inspector: Go ahead. I think it is perfectly proper.

Mr. Myron: The basis for his conclusion is nine or ten [3516] people.

Presiding Inspector: I think that is quite enough.

Mr. Myron: And scattered about the country.

Presiding Inspector: They are all in Portland.

By Mr. Myron:

Q. Were they all in Portland or around Portland?

A. All in Portland or around Portland.

Q. Were some of those nine or ten outside of the City of Portland?

A. I spoke to them all within Portland and I don't know whether they are there today or not. In fact, I know one isn't in Portland.

Q. But they were in Portland at the time you talked to them, they lived in Portland?

A. Yes.

Q. Who were these people—can you give us the names?

A. Well, I can you the names of a few. Among them were Cris Boesen—B-o-e-s-e-n—I think it is.

Q. Who is he?

A. He was an A. F. of L. lawyer associated with B. A. Green.

Q. With whom?

A. B. A. Green, also of Portland.

Q. Where did Mr. Boesen live?

(Testimony of Robert M. MacGregor.)

A. I don't know where he lived. I saw him in his office. [3517]

Q. Where is his office? A. Oh, dear——

Presiding Inspector: Do the best you can.

A. I think it is in the Corbett Building in Portland. At least it is a building in which some of the Corbetts have offices.

By Mr. Myron:

Q. You went to his office?

A. I went to his office.

Q. Did you know Mr. Boesen before?

A. No, I didn't.

Q. Have you seen him since?

A. Once or twice; yes.

Q. What are the names of the other people that you discussed this matter with?

A. Richard Scholz—S-c-h-o-l-z—I think it is. He was also present at the time that I spoke with Boesen, I might say, and added something to it.

Q. What does he do?

A. He is a newspaper man. He was at that time on the staff of the Portland Oregonian and is now associated with the Washington Daily News in Washington.

Q. Who else?

A. Mrs. Federick A. Sweet.

Q. How do you spell that? [3518]

A. S-w-e-e-t.

Q. Who is she?

A. She was the wife of the Director of the Portland Art Museum.

(Testimony of Robert M. MacGregor.)

Q. Did you talk to her at her home or at the Art Museum?

A. I think, as a matter of fact, it was at my home.

Q. At your home?

A. Yes. He is no longer with the Portland Art Museum. He is with the Art Institute in Chicago

Q. Who else?

A. Do I have to give all the names?

Presiding Inspector: Yes; all you can remember.

The Witness: But I don't want to give publicity to people.

Presiding Inspector: I know.

A. (Continuing): Another is Richard L. Newberger.

By Mr. Myron:

Q. Who is he?

A. I guess the Northwest Correspondent—I am not sure whether it is the Northwest or for Oregon—of the New York Times. He is also a member of the Oregon Legislature at the last session.

Q. Who else?

A. I am a little vague about who was there, but I might explain that much of this went on when I was first in Portland [3519] and I was meeting a great many people; but it was either Clyde Wade or Monroe Sweetland, at the Oregon Commonwealth Federation.

Q. Clyde——

(Testimony of Robert M. MacGregor.)

A. (Interposing): Clyde Wade.

Q. Spell that one?

A. W-a-d-e—I think.

Q. You gave another name?

A. Monroe Sweetland. It was either one, but I am not quite sure which.

Q. Who else?

A. Some of these people, their names I would rather not give.

Presiding Inspector: I know.

Mr. Del Guercio: I think the witness should be instructed to give the names. He is appearing here as one of these character witnesses and says he has heard these things and he should be compelled to state the names.

Presiding Inspector: He hasn't declined. Wait until he declines. He said he would rather not. That is perfectly natural. He will answer if I instruct him to answer.

Go ahead and ask the next question.

Mr. Myron: A question is pending.

The Witness: How many have I given?

Presiding Inspector: He had better give the names. [3520]

By Mr. Myron:

Q. Do you want to stop at nine?

Presiding Inspector: Go ahead.

A. Well, one is Mrs. Virginia Reynolds.

By Mr. Myron:

Q. Who is she?

(Testimony of Robert M. MacGregor.)

A. The wife of an assistant professor at Reed College.

Q. Who else?

A. Well, I am not quite sure who it was, that this meeting—it was a meeting of the, let me see, the Spanish Refugee Relief Campaign, and Wilmot's name somehow or other came up, not in the discussion, but in the preliminary discussion.

Q. I am not asking you about the discussion, but the names of the persons.

Mr. Grossman: Just one moment. It is quite obvious he is going to explain it was one of several and he was explaining why——

Mr. Myron: (Interposing) Let him name one of the seven.

Presiding Inspector: Go ahead and name them. If you cannot name them describe them.

A. (Continuing) One of those present at that meeting was Mrs., no, Miss K. L. Trevett—T-r-e-v-e-t-t.

I am trying to think of all who were there. [3521]

By Mr. Myron:

Q. Who was she?

A. She was formerly a teacher, I believe, in the Catlin School. She is an elderly lady.

Q. What is the name of the school?

A. Catlin—C-a-t-l-i-n—School. It is a fashionable girls' school in Portland.

Q. Now, you talked to her at what time—at a certain meeting that was held, is that true?

A. That is right. I overheard, I might say, and then asked a question, and——

(Testimony of Robert M. MacGregor.)

Q. (Interposing) Of course, I don't want to know anything about the conversation. I want the name of the person and the place.

A. There were three or four people talking and it is hard for me to remember.

Q. You overheard a conversation, is that it?

A. No. I actually came into the conversation and asked a question.

Q. It was at this meeting—where was that held?

A. That was in the office of the Portland Spanish Refugee Relief Campaign, which was in the Guardian Building, I think.

Q. Were you there in an official capacity?

A. Yes. [3522]

Q. As a newspaper man?

A. No. I was on the Committee.

Q. On the Committee?

A. Yes,—on whatever it was that they had.

Presiding Inspector: A member of the group?

The Witness: Yes.

By Mr. Myron:

Q. What kind of an organization was that?

A. Well, from the time that I became active in it until it more or less folded in Portland, money was raised for Spanish Refugees in France, those 400,000 or more that flooded across the border after the war was over in Spain, and I became interested in it first when I was asked to chair a meeting, after several other people had refused, and I usually get my dander up on such things, and I said I would chair it at that time.

(Testimony of Robert M. MacGregor.)

Q. Were these Loyalist Refugees?

A. Yes; Loyalist Refugees. The meeting speaker was Eric Muggerage—M-u-g-g-e-r-a-g-e—I am not sure but I think that is the spelling, who was a young Englishman representing the Duchess Atholl Committee for Refugee Children; and I know we persuaded a great many people to adopt these children, and we had certain meetings, and for a while we had an Executive Secretary who went out and raised money and we sent that on to New York and to France. [3523]

Q. Did you participate in the organization of this Committee?

A. Mainly merely by going to committee meetings, and I didn't go to very many.

Q. Who organized the Spanish Refugee Relief?

A. It had been going for a long time before I came to Portland, not in the form of Spanish Refugee Relief, but it had been the same group, the Medical—I don't know—Bureau for Medical Aid, or something of that sort—Medical Bureau.

Q. Is this a Communist front organization?

A. Not as far as I know. In fact, I sincerely doubt if it is.

Q. Did you investigate it at all before you joined? A. Not very thoroughly.

Q. You know what a "Fellow Traveler" is, don't you?

Presiding Inspector: What?

Mr. Myron: A "Fellow Traveler".

(Testimony of Robert M. MacGregor.)

A. Not exactly. I have never heard a definition of it.

By Mr. Myron:

Q. Don't you know what that is in Communist parlance?

A. I hear the term thrown around a great deal, but I don't know exactly what it does mean.

Q. Would you say that the members of that organization were considered "Fellow Travelers"?

A. I would like to—— [3524]

Mr. Grossman: (Interposing) Just a moment. The witness has stated he doesn't know what the words mean. I think he is entitled to a definition before the words are put into a question.

Mr. Myron: I will withdraw it.

By Mr. Myron:

Q. And who else did you talk to?

A. Who else?

Q. With whom else did you talk?

A. Coming back to that—Mrs. Mary Day.

Q. Who was she?

A. She was the wife of a man in Portland connected with the NYA—National Youth Administration. [3525]

By Mr. Myron:

Q. What is his position in the National Youth Administration?

A. I am not quite sure. I have not seen him for quite a long time and things have changed there. I mean, his position has changed.

(Testimony of Robert M. MacGregor.)

Q. Did you know him?

A. Yes, Uh-huh (Affirmative).

Q. And you knew his wife?

A. I knew his wife. She was connected with the Spanish Committee too. I knew her there.

Q. Who else?

A. There were several people around the CIO.

Q. CIO what?

A. The CIO offices in Portland. I went down there on this same thing and, as a matter of fact, I was looking for Wilmot and he was not there. In fact, I was told, if I remember correctly, that he wasn't working there any more.

Q. Who are the people you talked to?

A. I think—I think the first person I talked to down there was a person named Laux, or something like that. L-a-u-x. I know how to spell it. Ed Laux.

Q. L-a-u-x? A. Yes.

Q. Ed Laux? [3526]

A. Yes. I think he was the first person who mentioned that and I am trying to thing who was the secretary of that organization when I first came to Portland, and I can't. I talked to the secretary, whoever he was.

Q. The secretary of the CIO?

A. The secretary of the Portland CIO, whoever he was. You see, on this investigation I had to go to every source that possibly might—and I had been told that Mr. Wilmot knew a great deal about the Portland Red Squad and I was looking

(Testimony of Robert M. MacGregor.)

for him, which was how his name came up, and practically all these places I was told that there wasn't—although he had known a great deal, there wasn't much point in talking to him because he was—although what he probably had known or would know might have been of some use to me, evidently it wouldn't be of use because his general reputation for veracity wasn't very good.

Q. Now, did you talk to anybody else?

A. I don't think so.

Q. Well, that includes the name of all those persons you talked to?

A. Well, there might be one or two others that I can't think of.

Q. And you talked to all these people in regard to Wilmot's character and reputation in the community?

A. That came up sooner or later. [3527]

Q. I say——

A. (Interposing) Either they said something about it or I asked them.

Q. Were these people talked to separately or in a group?

A. Certainly not in a group. I thought I made that clear. I was going around from place to place.

Q. You mentioned one meeting in which you discussed Wilmot's character and reputation.

A. Wilmot's character came up because——

Q. (Interposing) Were there any other persons that you talked to? Say, for instance, Cris

(Testimony of Robert M. MacGregor.)

Boesen. Was he alone at the time you talked to him?

A. No, I am pretty sure he wasn't.

Q. Who was with him?

A. I as not sure whether Mr. Green was in there at the time or not, this boy Richie Scholz, was with me. He took me there, and introduced me to Mr. Boesen.

Q. Those were the only persons present, is that right?

A. As far as I know. This was almost three years ago.

Q. Three years ago?

A. Almost. I say "almost". It was in the fall of, as I said earlier——

Q. (Interposing) The fall of what? [3528]

A. The fall of—didn't I say '38 when I first went to Portland? Yes.

Mr. Del Guercio: Did you?

The Witness: Yes, I think so.

By Mr. Myron:

Q. Was it the fall of '38? A. Yes.

Q. Is that the way you want to leave it?

A. Yes. I might say that some of these people, the thing came up much later, as I indicated in answering this lawyer's questions.

Q. Let me ask you if you talked to Cris Boesen or Ritchie Scholz—is that it? A. Yes.

Q. (Continuing) ——Any time since the fall of 1938?

A. I have talked to Richie Scholz innumerable

(Testimony of Robert M. MacGregor.)

times. I stayed with him in Washington last summer.

Q. This is in regard to the character and reputation of Wilmot?

A. I am pretty sure that I talked to Richie Scholz either before or afterwards. I know that when we left I think we said something about it.

Q. On one occasion? On one occasion?

A. Oh, this is very hard for me to pin down so easily. [3529]

Q. Was it one or more than one?

A. I saw him during this period that I was gathering information on this organization in Portland, the Red Squad, so-called. I was seeing Richie Scholz almost every day.

Q. Now, you can answer my question. Was it once or more than onee that you talked to him in regard to Wilmot's character and reputation?

Mr. Grossman: Just a second! Just a second! Your Honor, the witness has indicated that it is impossible for him to state definitely whether it was——

Mr. Myron: (Interposing) Oh, I think he can state that himself.

Mr. Grossman: (Continuing) ——whether it was once or more than once, and I think he should be permitted to finish his answer and say why it is difficult.

Mr. Myron: I didn't ask for any information. I just asked the witness if he spoke to these people

(Testimony of Robert M. MacGregor.)

once or more than once in regard to Wilmot's character and reputation.

Presiding Inspector: You can answer that.

The Witness: Yes.

Presiding Inspector: You can differentiate between them if you wish to.

The Witness: Yes. I was explaining when he——

By Mr. Myron: [3530]

Q. (Interposing) You did speak to him more than once, is that it?

A. I was explaining——

Q. (Interposing) Well, now, there is no need to explain.

Presiding Inspector: Now, you include them all together?

Mr. Myron: No, no. I spoke of——

Presiding Inspector: (Interposing) Do you mean each one of them?

Mr. Myron: He is speaking now of conversation he had with three people at one time, and I asked him if he had spoken to those people on more than one occasion.

Presiding Inspector: You mean all three?

Mr. Myron: Just those three people.

Presiding Inspector: Separately? He may have seen——

Mr. Myron: (Interposing) Any of those three people.

Presiding Inspector: Well, that I didn't get from your question.

(Testimony of Robert M. MacGregor.)

The Witness: Do you include among those three myself?

By Mr. Myron:

Q. No, you spoke to them.

A. I mean, you are saying, Did you speak to those three people? There were three people present.

Q. Let us take them individually. Take Mr. Boesen. [3531] How many times have you spoken to him in regard to Wilmot's character and reputation? A. I thought I said before——

Q. (Interposing) Now, answer it.

A. Once, I said. I said that some time ago.

Q. How many times did you speak to Mr. Scholz?

A. As I said, it is impossible to say. I was seeing him every day or off and on every day over a period of time.

Q. Was it once or more than once?

A. It was more than once.

Q. About his character and reputation?

A. Yes.

Q. How many times did you talk to Mrs. Sweet in regard to Wilmot's character and reputation?

A. Only once.

Q. How many times did you speak to Richard Newberger in regard to Wilmot's character and reputation?

A. I think he brought it up once.

Q. How many times did you speak to Clyde

(Testimony of Robert M. MacGregor.)

Wade in regard to Wilmot's character and reputation?

A. I think I explained in regard to both Wade and Monroe Sweetland that I was not sure which it was and it might have been both. They were both in and out of the office at the time I was there and it was—as far as I remember, only once did I ask about it. [3532]

Q. And how many times did you speak to Virginia Reynolds?

A. Once, I think. After all, Mr. Wilmot was not very important in my life, as I say.

Q. Well, he is important enough for you to come down here and testify regarding his character and reputation, wasn't he?

Mr. Grossman: He said that Mr. Wilmot wasn't important "at that time".

The Witness: That's right.

Presiding Inspector: Go ahead. Ask the next question.

By Mr. Myron:

Q. How many times did you speak to Mrs. Mary Day?

A. I think it was only once, and I checked with her the other day on the phone to see what I thought I remembered was correct.

Q. When did you check with her?

A. Saturday night.

Q. Last Saturday night.

Q. You called her on the phone?

A. That's right.

(Testimony of Robert M. MacGregor.)

Q. For what purpose?

A. As I explained, to ask whether or not what I remembered—what I thought I remembered her having said about [3533] Wilmot was what she thought she remembered having said. Does that make it clear?

Q. Well, when did you know you were coming down here to testify?

A. I knew last Saturday afternoon.

Q. Who contacted you?

A. A man named Rodman in Portland.

Q. Who is he?

A. He is the Chairman of the Harry Bridges Defense Committee.

Q. In Portland? A. In Portland.

Q. Is he a member——

A. (Interposing) He isn't the Chairman. I guess he is the secretary or something.

Q. Did you know him before he contacted you?

A. Yes.

Q. Saturday? A. Yes.

Q. How long have you known him?

A. Since about the—I think its the first week in March of this year.

Q. How did you become acquainted with him?

A. Well, I am the Chairman of a civil liberties organization in Portland called The Portland Emergency Council for [3534] Democratic Rights. You probably know that. And Mr. Rodman was at that time writing a CIO news broadcast which came over KXL and which was in effect banned

(Testimony of Robert M. MacGregor.)

from the air at that time, and he wrote me a note and then called me up on the phone because I hadn't answered it and asked me to come down and, needless to say, we protested such a banning. But they asked—the first time I ever saw him he asked me to come down to a meeting of their radio committee on a Monday night at which they were to discuss the problems in connection with this banning.

Q. And when was this?

A. I think it was the first week in March. I would have to have documents.

Q. And you have been friendly with him since that time? A. Yes.

Q. You have seen him on numerous occasions?

A. I wouldn't say "numerous". I contributed something to the defense fund for Harry Bridges, and——

Q. (Interposing) Now——

A. (Interposing) What?

Q. Was he one of the persons with whom you discussed Wilmot's character or reputation?

A. No.

Q. He wasn't? [3535]

A. No. I might say I discussed merely, oh, I thing after Mr. Wilmot had testified here I mentioned to him that I remembered some of the things that were said about Wilmot when I first came to Portland.

Q. I think you testified that Wilmot didn't mean

(Testimony of Robert M. MacGregor.)

much to you at the time in 1938 when you heard these things? A. That's right.

Q. When did he start to begin to mean a great deal to you?

Mr. Grossman: If at any time.

A. Yes. I don't think he does today.

Mr. Del Guercio: If your Honor please, counsel shouldn't interject.

Presiding Inspector: I think it is perfectly obvious. I will let it stand.

A. (Continuing) As I say, I don't think he means much to me now.

By Mr. Myron:

Q. Well, you remember, you say from 1938, the fall of 1938, when you heard these things discussed regarding Wilmot's character and reputation up to March, 1940, Wilmot didn't mean a thing to you?

A. Sure.

Q. And those things that were said at that time?

[3536]

A. I wouldn't say "a thing". He didn't mean much.

Q. And those things that were said at that time didn't leave any impression in your mind?

A. Not very firm. I am generally interested in personalities and so on, and about many people I find myself laying aside little facts, bit by bit, that all mount up in a general picture.

Q. Well, how does it happen that you came down here to testify about these things?

A. Because I was asked to.

(Testimony of Robert M. MacGregor.)

Q. By whom? A. Mr. Rodman.

Q. Did he know that you had heard these things, various discussions about Wilmot's character and reputation?

A. Yes. I think, as I said a few minutes ago or a few moments ago, I had mentioned to Mr. Rodman that after Wilmot testified in this court that I had heard various things about him.

Q. You told Mr. Rodman that at that time. What was the occasion for telling him that in March or April, whenever it was?

A. This was not in March or April.

Q. When was this?

A. This was, oh, within the last two weeks. It is a little hard for me to say. It may have been—I think it [3537] was possibly—I went down to the Harry Bridges Defense Committee offices to pick up 250 copies of Dalton Trumbeau's pamphlet on Mr. Bridges, which my organization was enclosing in a circular which went out last Monday.

Q. What is your organization?

A. I was telling you a moment ago.

Presiding Inspector: He may not be able to identify it.

The Witness: Oh, I am sorry.

Presiding Inspector: You spoke of a number of organizations.

The Witness: Yes. This is The Portland Emergency Council For Democratic Rights.

By Mr. Myron:

Q. Go ahead. You were explaining.

(Testimony of Robert M. MacGregor.)

A. Oh, merely that I was down there to pick up these 250 pamphlets which we mailed out this last week along with our own regular circular and our regular news letters and, oh, I was talking over, asking him questions about how this case was going.

Q. Asking who?

A. Mr. Rodman, the same man.

Q. And you volunteered this information to Mr. Rodman? A. Sure.

Q. You told him about what you knew or what you thought?

A. No. I merely mentioned at that time that, when we [3538] were talking about—he was talking about Wilmot, I believe, that——

Q. (Interposing) Did he ask——.

A. (Continuing) I said something like that. No, I said something like this: "Oh, I remember about him. I remember people talking about him some long time ago, sometime ago".

Q. That was about two weeks ago?

A. I think it was a week ago last Wednesday, but I am not absolutely sure. It was one of those afternoons.

Q. You testified two weeks ago. Do you want to change that?

A. Did I say—I said "about" two weeks ago.

Q. About two weeks ago?

A. I thought I said "earlier than a week ago."

Q. Do you want to make it definite now, about a week and a half?

(Testimony of Robert M. MacGregor.)

A. I thought I said "earlier"; around a week ago Wednesday.

Q. Now, after that occasion did you see Mr. Rodman again? A. Yes, I did.

Q. When?

A. In a lawyer's office on Friday morning,—last Friday morning. [3539]

Q. What was the name of the lawyer?

A. Irving Goodman.

Q. How did you go to his office?

A. By car and walking.

Q. Well, did you get a telephone call requesting you to come to the office?

A. Yes, I did. Mr. Rodman called up and asked that I come.

Q. And you went to Mr. Goodman's office?

A. Yes.

Q. Was Mr. Rodman there?

A. Mr. Rodman was there part of the time.

Q. And was Mr. Fitzgerald there? A. No.

Q. Mr. Fitzgerald wasn't there?

A. I don't—I know the Mr. Fitzgerald that you are referring to, the one that was mentioned, I believe, in this hearing.

Q. Well now, I am asking you if Mr. Fitzgerald was in the office at the time that you were there with Mr. Rodman.

Presiding Inspector: We hadn't heard about Mr. Fitzgerald from him.

Mr. Myron: I am asking him——

Presiding Inspector: (Interposing) I know,

(Testimony of Robert M. MacGregor.)

but he wants to be sure that it is the Fitzgerald that you are speaking of. [3540] Was any man named Fitzgerald there?

The Witness: Not as far as I know.

By Mr. Myron:

Q. Mr. Kenneth Fitzgerald was not there?

A. Not as far as I know.

Presiding Inspector: Not as far as he knows, he says.

By Mr. Myron:

Q. Have you seen and talked with Mr. Kenneth Fitzgerald in the past two weeks? Do you know him? A. No.

Q. You don't know Mr. Fitzgerald?

A. I said I didn't.

Mr. Myron: I am going to start a new subject matter.

Presiding Inspector: Bring him a drink of water.

Mr. Del Guercio: We have no objection——

Mr. Myron: (Interposing) I am going to start a new subject matter. I thought we might recess here.

Presiding Inspector: I want to leave promptly at 4:00. I have a dentist engagement.

Mr. Myron: May we stop now?

Presiding Inspector: Of course, I don't want to go there.

Mr. Myron: May we stop here?

Presiding Inspector: If you would like to stop

(Testimony of Robert M. MacGregor.)

here; yes. Very well, tomorrow morning at 10:00 o'clock.

(Whereupon, at 3:55 P.M. an adjournment was taken to Tuesday, May 13, 1941, at 10:00 A.M.) [3541]

Court Room 276,
Federal Building,
San Francisco, California,
May 13, 1941.

Met, pursuant to adjourment, at 10:00 A.M.

[3542]

PROCEEDINGS

Presiding Inspector: Mr. MacGregor was on the stand when we closed yesterday.

Mr. Grossman: Yes. Your Honor, probably it is the desire to put on Dr. MacMickle and get this over with.

Presiding Inspector: All right.

Mr. Grossman: Because I presume that won't take very long.

Presiding Inspector: I don't know. Call him.

VIRGIL MacMICKLE

called as a witness on behalf of the Alien, having been previously duly sworn, testified further as follows:

Mr. Del Guercio: If the Court please, I made a

(Testimony of Virgil MacMickle.)

statement yesterday that we would get the original application for license. We were unable to get that without subpoenaing the person, and we couldn't do that, so we got a photostatic copy of the application, application for examination, State of Oregon, to the Naturopathic Board of Examiners.

(Whereupon the document referred to was passed to Alien's counsel.)

Cross Examination (Resumed)

By Mr. Del Guercio:

Q. Now, Mr. MacMickle, I will show you what purports to be a photostatic copy of an application for examination, State of Oregon, Naturopathic Board of Examiners, the application received at the office of the Secretary of the Naturopathic [3543] Board of Examiners on the 27th day of August, 1927, and ask you if you recognize this?

A. (Examining document) Yes.

Q. Is that a true photostatic copy of the original aplpication? A. Well, I wouldn't know that.

Q. Well, examine it and see.

A. Well, as near as I can see—I am not an expert on photostatic copies.

Q. Is that your signature appearing on the bottom of the second page?

A. Yes, sir; that is my signature.

Mr. Del Guercio: I offer this in evidence, if your Honor please, as Government's Exhibit next in order.

Presiding Inspector: Received without objection.

(Testimony of Virgil MacMickle.)

(The document referred to was received in evidence and marked Government's Exhibit No. 263.) [3544]

By Mr. Del Guercio:

Q. Now, Mr. MacMickle, this application was filled out in your own handwriting, was it not?

A. Yes, sir.

Q. This application states that you attended the MacFadden and American College of Naturopathy two years each, years four. Did you make such a statement on this application?

Mr. Grossman: Just one moment. I think the answer already given answers this question. The doctor stated that he believes this is his application.

Mr. Del Guercio: I will withdraw that question.

By Mr. Del Guercio:

Q. Did you attend MacFadden and American College of Naturopathy two years each?

Mr. Grossman: I object on the ground it has been asked and answered several times.

Presiding Inspector: I think it has been answered. I think he said he didn't. If he wants to change it——

Mr. Del Guercio: If the Court please, I think there is something in the record that should be cleared up. I went over the transcript of this witness. Yesterday, in answer to that question, he said "That is what my diploma shows." Now, I think we are entitled to get an answer from him.

Presiding Inspector: Well, he said yesterday

(Testimony of Virgil MacMickle.)

very definitely that he spent twelve months, that he was away three [3545] months of that year.

Mr. Del Guercio: I don't believe he answered——

Presiding Inspector: Oh, yes, he said that. I recall it very definitely, in the Chicago institution, and that the time in the New York institution might have been six months, or he couldn't tell exactly the length of time.

The Witness: Yes.

Presiding Inspector: Now, that was your testimony, wasn't it?

The Witness: That is right.

Presiding Inspector: If I am wrong about it——

The Witness: That is right.

Presiding Inspector: Because I am giving it from memory.

The Witness: Well, that is right; that is the way I gave it.

Presiding Inspector: That is the way he gave it. I think that is very definite, Mr. Del Guercio.

Mr. Del Guercio: Very well.

By Mr. Del Guercio:

Q. Did the American College of Naturopathy, New York City, issue degrees?

A. Yes, they issued a degree.

Q. What kind of a degree?

A. Doctor of Naturopathy.

Q. Is that a degree? [3546]

A. That is a degree.

Q. Is the College of Naturopathy authorized to

(Testimony of Virgil MacMickle.)

issue degrees under the laws of the State of New York?

Mr. Grossman: I object to that as calling for the conclusion of the witness on a question he obviously is not qualified to answer.

Presiding Inspector: I don't suppose he knows, but if he knows, why, he may state it.

Can you answer that?

The Witness: I wouldn't know, no.

By Mr. Del Guercio:

Q. Well, as a matter of fact, Mr. MacMickle, you know, do you not, that under the laws of the State of New York the American College of Naturopathy cannot issue degrees of any kind?

Mr. Grossman: I object to that as incompetent, irrelevant and immaterial, and argumentative.

Presiding Inspector: I will take it.

A. No, I don't know it.

Mr. Del Guercio: That is all.

Presiding Inspector: Any questions?

Mr. Grossman: No more questions.

Presiding Inspector: That is all.

(Witness excused.)

Mr. Del Guercio: May we substitute a photostatic copy [3547] of Government's Exhibit No. 263?

Presiding Inspector: Yes. You asked that be permitted.

Mr. Del Guercio: Yes.

Presiding Inspector: Yes.

You may not have heard. There was a substitu-

tion of certain photostatic copies which we had already——

Mr. Grossman: Yes, that is all right.

Presiding Inspector: Call the next witness. I suppose, Mr. MacGregor.

Mr. Grossman: Mr. MacGregor. [3548]

ROBERT M. MacGREGOR

called as a witness on behalf of the Alien, having been previously duly sworn, testified further as follows:

Cross Examination (Resumed)

By Mr. Myron:

Q. Mr. MeGregor, you spoke yesterday of the Portland Emergency Council for Democratic Rights.

A. Yes.

Q. And you spoke of being a member of that organization? A. Yes.

Q. When was that organization formed?

A. A little over a year ago.

Q. Were you instrumental in the formation of that organization? A. Very decidedly.

Q. Was any other person interested in the formation of it with you?

A. I think several other people; yes.

Q. Who were they?

A. A Mrs. Sinclair—S-i-n-c-l-a-i-r.

Q. Where does she live?

A. In Portland. It is hard to say exactly—the thing was formed somewhat spontaneously as a

(Testimony of Robert M. MacGregor.)

result of, or after I wrote an article on this rather shocking Red Squad in Portland, and—— [3549]

Q. (Interposing) I asked you who was instrumental in the formation of this organization.

A. I was saying that certain of the people who were more or less instrumental in it in the beginning were no longer active after the organization was formed.

Q. Well, who were the persons that were instrumental in the beginning of the formation of it besides Mrs. Sinclair? I think you mentioned her as one and you as another. A. Yes.

Q. Who were the others?

A. Oh, a Mrs. Beatrice Stevens.

Q. Where does she live?

A. She lives in Portland. And Allan Hart was very interested in it, and so on—Gus Solomon, who was a lawyer in Portland.

As I started to explain, we had a meeting, got together and talked——

Q. (Interposing) I didn't ask you any question.

Presiding Inspector: No question is pending.

By Mr. Myron:

Q. Are those the only persons that you can remember?

A. Well, that is all I can recall at the moment.

Q. Now, is that organization still in existence?

A. Yes.

Q. Is that organization interested in the defense

(Testimony of Robert M. MacGregor.)

of [3550] Harry Bridges in this case? You can answer that "Yes" or "No".

A. I think that we have taken no stand on anything that we, ourselves, have published yet, but we did distribute these pamphlets about which I spoke yesterday.

Q. Are you an officer of the organization?

A. Yes; I am Chairman of it.

Q. Chairman? A. Yes.

Q. Are there any other officers?

A. Yes; there are some Vice Chairmen.

Q. Who is the Vice Chairman?

A. There are two Vice Chairmen; one is Miss Jessie Short.

Q. Where does she live?

A. She lives in Portland. And Roger Chase, Jr.

Q. Where does he live?

A. Also in Portland.

Q. Are there any other officers?

A. He was one of those, by the way, that helped organize it.

There is an Executive Committee, which includes Ronald Calvert, Jr., Mrs. Charles McKinley, Mrs. Sinclair—I can't recall them all off-hand.

Q. Is that all you can recall?

A. Off-hand. [3551]

Q. Now, you stated yesterday, I believe, that you went to the Bridges Defense Committee to secure copies of Dalton Trumbeau's pamphlet on Harry Bridges? A. That is right.

Q. For distribution by this organization, is that true? A. Yes.

(Testimony of Robert M. MacGregor.)

Q. Did you do that of your own—without any instructions from the organization?

A. The organization as such is set up so that I am empowered——

Q. (Interposing) You can answer that "Yes" or "No".

Presiding Inspector: I will allow him to explain.

A. Our organization is so set up that I have the power to do such things. However, I did discuss it with several members of the Executive Committee.

By Mr. Myron:

Q. And they all agreed to your going down and securing these pamphlets and distributing them?

A. Yes.

Q. Did you distribute personally these 250, or did you pass them out to other members for distribution?

A. It was sent out to our mailing list.

Q. To members of the organization or to other persons?

A. Some of them were to other persons.

Q. And you supervised this work of mailing these pamphlets out to various people? [3552]

A. Yes.

Q. I think you stated yesterday that you contributed money to the Bridges Defense Committee?

A. Yes.

Q. How much did you contribute?

A. $2.00.

Q. When was that contribution made?

A. Oh, possibly—it is hard to remember—I gave cash and so I wouldn't have a check stub.

(Testimony of Robert M. MacGregor.)

Q. Well, was it a week ago, or two weeks ago, or a month ago?

A. I think it was possibly three or four weeks ago.

Q. About three or four weeks ago?

A. Yes; something of that sort.

Q. Was that the only contribution you made?

A. That is right.

Q. To whom did you make this contribution?

A. To Mr. Rodman.

Q. Mr. Rodman? A. Yes.

Q. Now, have you been interested in any other way in the Bridges Defense?

A. I don't think so.

Q. Let me ask you this: Are you a member of the Bridges Defense Committee in Portland? [3553]

A. No.

Q. Or at any other place, in California?

A. No.

Q. And you haven't done anything else in connection with the Bridges defense? A. No.

Q. Except testify here?

A. Yes. I attended a couple of meetings; one meeting at which it was discussed.

Q. What meeting was that?

A. There was a luncheon out at Reed College at which a young woman spoke on Harry Bridges.

Q. Was this a meeting of an organization in Reed College?

A. I think it was a student organization of some

(Testimony of Robert M. MacGregor.)

sort. I don't know quite what organization, if it was an organization.

Q. You are a teacher at Reed College, aren't you?

A. I am.

Q. And you attended a meeting there at the College of the student body, or part of the student body, and you don't know what organization it was?

Mr. Grossman: I object to the question as argumentative.

Presiding Inspector: It shows his attitude. I don't see any implication in it. I will take it. I think the witness is capable of taking care of himself.

A. There are continual meetings at Reed College, luncheon [3554] meetings, and so on——

By Mr. Myron:

Q. (Interposing) I don't want to know about any other meetings.

A. (Continuing) Well, somebody merely told me this person was going to speak on Harry Bridges and wouldn't I like to come and listen.

Q. Who told you that? A. A student.

Q. What was his name?

A. I think it was Douglas Smith—I am not exactly sure.

Q. Does he represent any organization at Reed College? A. Not as far as I know.

Q. Is he a member of any organization up there? A. Probably.

Q. Do you know?

(Testimony of Robert M. MacGregor.)

A. I don't know. I think practically all students are members of various organizations.

Q. You don't know whether he is a member of any organization, is that right, of your own knowledge? A. I wouldn't say definitely; no.

Q. And you don't know who was in charge of this meeting, is that right?

A. I don't even know who was Chairman of it. I came in late and it was already very well in progress. [3555]

Q. Where was it held?

A. I think it was in the Blue Room, which is a dining room off the main Commons at Reed College.

Q. Was it necessary to have authority from the Professors of the College before they could hold a meeting of this type?

A. I don't think it is.

Q. It is not necessary?

A. No. I have never heard of that ruling.

Q. Then they can hold various meetings in the halls of the College without any authority from the officials of the College?

Mr. Grossman: I object to that as incompetent, irrelevant and immaterial.

Presiding Inspector: That is repetition.

Mr. Grossman: I don't think we are trying Reed College theories or rules.

Presiding Inspector: I have been doubtful about what we have been trying at times. I will take this particular answer. I think it is merely repetition.

(Testimony of Robert M. MacGregor.)

The Witness: Could you repeat your question?

Mr. Myron: Read the question.

Presiding Inspector: Let the reporter read it.

(The question referred to was read by the reporter as above recorded.) [3556]

A. I would say it is very difficult for me to say, because I have never heard of such a ruling, but I know of certain occasions when meetings have not been held at the College because the Administration at the College objected, or the Student Council objected. [3557]

By Mr. Myron:

Q. Now, the Portland Emergency Council for Democratic Rights, is that affiliated with any national organization?

A. Yes, it is affiliated with the National Federation for Constitutional Liberties.

Q. And where is the headquarters of that organization? A. In Washington, D. C.

Q. Do you know who organized the National Federation for Constitutional Liberties?

A. Yes, I was at the meeting at which it was organized in Washington.

Q. Did you represent an organization at that time or an affiliate?

A. I represented my organization which was not affiliated with it at that time.

Q. Did you take part in the organization of the National Federation for Constitutional Liberties?

A. A very small part, yes.

(Testimony of Robert M. MacGregor.)

Q. Were you a delegate?

A. I was delegated from my organization, yes, to a conference. It was not—it was a conference on constitutional liberties.

Q. When was that held?

A. It was in the first or second week of June, 1940.

Q. And who were some of the organizers of that organiza- [3558] tion?

A. Oh, I think his name is A. J. Isserman, I-s-s-e-r-m-a-n. I am not sure, but I think that Mr. Carey McWilliams had something to do with it. As I say, it is very hard for me to remember the people from Washington with whom I had so much correspondence. I believe that Mr.—what is his name—Smith who was on the N.L.R.B. had something to do with it.

Q. Were you a sponsor of this organization?

A. I was, yes. I think I still am.

Q. Did you meet Mrs. King there?

A. I met Mrs. King at a couple of meetings. She didn't remember me yesterday.

Q. I say did you meet her in Washington?

A. Yes, I did.

Q. She was a sponsor, wasn't she?

A. I don't remember whether she was a sponsor or not. I met her there but she didn't remember me yesterday.

Q. Are you a member of the Communist Party, Mr. McGregor? A. No.

(Testimony of Robert M. MacGregor.)

Q. Have you ever at any time been a member of the Communist Party? A. No.

Q. Have you been employed by the Communist Party? A. Certainly not. [3559]

Q. Where were you in 1935? A. 1935?

Q. At any time during the year 1935 and '36?

A. I was in Russia, I think, at that time.

Q. What were you doing in Russia?

A. Well——

Q. Now, what were you doing? Were you employed in Russia?

A. I was employed in Russia.

Q. By whom?

A. Several magazines and by—I wrote publicity for Intourist, or re-wrote publicity. I did a good deal of editing and translating and so on. I was also working, or doing work for the New Republic, which was the main reason I went there.

Q. Working for whom?

A. A magazine in New York called the New Republic.

Q. Is that all the work you did in Russia?

A. Oh, I also taught English and English Literature at a part—I think it was a part of Moscow University called the Electro-technical Institution.

Q. Well, now, that is a government institute, isn't it? A. Yes, sir.

Q. And it is run by the Communist Party, isn't it? A. As I understand things—— [3560]

Q. (Interposing) Well, now, is it or isn't it?

(Testimony of Robert M. MacGregor.)

A. I think not. You asked if I was employed by the Communist Party, didn't you?

Q. Now I am asking you whether you were employed by the University of Moscow?

A. Yes, I was.

Q. And that is a Communist University, isn't it?

A. Not specifically. They have universities which they call Communist.

Q. Well, isn't this a government university?

A. Yes, it is a government university.

Q. And isn't the government of Russia Communist? A. Yes, they say so.

Q. Well, then, you were employed by the Communist Party of Russia, weren't you, as a teacher at this university?

Mr. Grossman: Just one moment. If this question, as it seems to, purports to recapitulate the testimony of this witness I think it assumes something not in evidence because the testimony of this witness has made some distinction, as Mr. Myron's questions have, between the Communist Party and the government of Russia.

Presiding Inspector: I don't know whether it does.

Mr. Grossman: Now, Mr. Myron is attempting to bridge that step as if this witness had bridged it himself, stating that he was employed by the Communist Party. Now, that doesn't summarize——

[3561]

Mr. Myron (Interposing): I don't know if Mr.

(Testimony of Robert M. MacGregor.)

Grossman wants to testify in this case. I don't think he has made an objection to the question.

Presiding Inspector: He has made an objection. I will hear him. He has made an objection. He is arguing the objection.

Mr. Grossman: Yes, I did. I say if it attempts to summarize the testimony of this witness I think it is an improper question because I think it improperly summarizes.

Mr. Del Guercio: If the Court please—

Presiding Inspector: I have already ruled and allowed the question.

Read the question, if you want to have it read.

The Witness: Please, could I have the question?

(The question referred to was read by the reporter as above recorded.)

A. I would say, from my understanding, that I was employed by an organization which may have had connections with the Communist Party, or the government, maybe controlled by the Communist Party, but directly I was not employed by the Communist Party, as far as I know.

By Mr. Myron:

Q. How long a time were you in Russia?

A. I think it was almost a year and a half.

Q. During what period of time?

A. Well, I got there early in—I think it was early in [3562] 1935 and I left in June of 1936.

Q. How did you receive your appointment to this university?

(Testimony of Robert M. MacGregor.)

A. With a great deal of difficulty.

Q. Well, now, I am asking you how?

A. They didn't like me very well and I had to see all sorts of people, and so on, and finally——

Q. (Interposing): How did you go to Russia?

A. By way of London and Helsinki.

Q. For what purpose did you go to Russia?

A. I would say I had three purposes. I had been working for a—could I have some water, please?

Presiding Inspector: Yes. Mr. Moore, will you get some water for the witness?

A. I had been working for a publishing firm in New York called Harcourt Brace & Company as an assistant editor and the job I had was free, or I got the job there because a young man had had to leave. He was sick; he had infantile paralysis, and he came back.

By Mr. Myron:

Q. This is about your job in New York?

A. This is about going to Russia. He came back and so the trade department of Harcourt Brace was over-staffed at that time. They kept assuring me that they wanted me to stay on, but on the other hand, I knew that my salary, which was [3563] forty or forty-five a week, was an added and extra expense, and after a time I decided that I should leave somehow or other. Then, I had been abroad a couple of times before in summers and I decided that that——

Q. (Interposing): To Russia?

A. No, I had never been to Russia before. I

(Testimony of Robert M.. MacGregor.)

had decided that I would like possibly to go abroad again before I settled down definitely and see something more of the world. I made a very careful survey of—since I didn't have enough money to live abroad indefinitely I made a fairly careful survey of the possibilities of jobs in European countries. And at that time, I think that you will remember because of unemployment and the depression, most countries of Europe had restrictions on employment of non-citizens, non-citizens of their own countries. I even had some correspondence with a girl who had been an executive in Macey's, New York, the big store, and who was employed by Selfridge & Company in London. I had some correspondence with her about the possibilities of going to work in England, possibly for her organization, and that seemed to be more than difficult, et cetera, so that—in fact, it seemed practically impossible unless I could produce evidence that what I could do nobody else could do, or very few people could do. The same thing was true in France, of course, and Germany and Italy. Central Europe, I gather, was even more restricted, and you will probably remember that [3564] was the time when there were a great many books written about Russia and a great many people were reading about Russia and interested in Russia on all sides. I was told that I could gain employment in Russia if I went there.

Q. You were told by whom?

(Testimony of Robert M. MacGregor.)

A. Oh, I think that,—I think, as a matter of fact, Mr. Harcourt was one of the people.

Q. Mr. who?

A. Mr. Harcourt was one of the people who mentioned that.

Q. Mr. Harcourt?

A. He is President of Harcourt Brace; his name is Alfred Harcourt.

Q. Now, what kind of employment did he promise you in Russia?

A. I think that the question implies a little too much.

Presiding Inspector: What did he promise you?

The Witness: He promised me nothing obviously.

By Mr. Myron:

Q. Well, who did?

A. Nobody promised me anything.

Q. And you went to Russia without any idea of securing employment there, is that it?

A. I went to Russia with the thought that possibly I could secure employment. I also went with a letter from one [3565] of the editors of the New Republic, saying that I was commissioned to collect material and work for them in Russia.

Q. What was the name of the editor?

A. Malcolm Cowley, C-o-w-l-e-y.

Q. To whom was the letter addressed?

A. "To whom it may concern."

Q. And signed by the editor?

(Testimony of Robert M. MacGregor.)

A. Signed by Cowley, yes.

Q. Did you use that letter in securing employment in Russia?

A. I certainly did, yes; not in securing employment, I used it as identification at the foreign office in order to get passes to witness various things in Russia and so on, just as any correspondent does.

Q. Now, where did you leave from in the United States to go to Russia? A. New York.

Q. This was when?

A. It is again a little hard to give the date of a sailing.

Q. Approximately?

A. I think it was either the end of December or the beginning of January; I think it was the beginning of January. That would have been 1935.

Q. And did you secure a passport? [3566]

A. Yes, sir.

Q. And did you state the purpose for which you were traveling to Russia?

A. I don't think that is necessary on a passport.

Q. Well, I am asking you did you state?

A. Not as far as I know.

Q. And what name did you use?

A. My own.

Q. When did you arrive in Russia?

A. I wish I had that old passport here and I would be able to tell you exactly.

Presiding Inspector: Did you go directly?

(Testimony of Robert M. MacGregor.)

The Witness: What?

Presiding Inspector: Did you go directly?

The Witness: No; I spent almost four weeks, and maybe more, in England.

By Mr. Myron:

Q. Then you didn't go directly to Russia, is that it? A. No.

Q. You went where first? A. England.

Q. How long did you spend in England?

Presiding Inspector: He said about four weeks. Go ahead; ask the next question. He said about four weeks.

By Mr. Myron: [3567]

Q. From England did you proceed to Russia?

A. From England I took a boat from Hull, a small Finnish boat that went around by Copenhagen and up into the Baltic and then up to Helsinki, which is in Finland. It stopped at Copenhagen.

Q. Now, when did you arrive in Russia approximately?

A. Oh, well, it must have been in February or March of 1935.

Q. And did you obtain employment at that time with the University of Moscow?

A. No; I was unemployed there for a long time, although I had—I was given or secured jobs of translating and so on.

Q. By whom?

A. Well, this one was secured for me by Her-

(Testimony of Robert M. MacGregor.)

man Habbich, who is the representative of the United States Lines in Moscow.

The Reporter: Spell it, please.

The Witness: H-a-b-b-i-c-h, I think.

By Mr. Myron:

Q. By whom were you employed?

A. I was not employed by anybody directly. There was a woman, whose name I can't even remember, who knew English quite well, or, at least, to speak it. She knew a great many languages and she was translating, I think, it was a series of [3568] speeches by Gorki, the Russian writer.

The Reporter: Spell it, please.

The Witness: G-o-r-k-i or G-o-r-k-y.

Presiding Inspector: We usually spell it with a "y".

The Witness: She was doing this translation, but her English needed more polishing up. She knew the sense, more or less, but——

By Mr. Myron:

Q. (Interposing): Then, she employed you, is that right? A. She employed me, yes.

Q. How long did you work for her?

A. It took us almost a month, I think, to do this translation, one of the most maddening months I have ever spent.

Q. This was about April or May, is that right, of '35? A. I think so, yes.

Q. Now, when did you become an instructor in the University of Moscow?

(Testimony of Robert M. MacGregor.)

Presiding Inspector: Your best recollection?

A. I am pretty sure it was during this period.

By Mr. Myron:

Q. During the period that you were employed by this woman—— [3569]

A. (Interposing): I worked with her almost immediately after I arrived in Moscow, well, possibly about three weeks after I arrived in Moscow and, therefore, I would say that it was probably in March, and I began working at—while I was working for her I began teaching at the Electro-technical Institution.

Q. Who secured your appointment at that institution?

A. I wish I could remember his name; he was also a friend of this Herman Habbich and he was a German whom, I was told later, was—or whom I was told was later arrested as a German spy, or something of that sort.

Q. Now, how long did you work at the university?

A. I worked during that spring and until—there was a summer session, I think, and I gave lectures then until about September 19—when we left Moscow.

Q. September of what? A. 1935.

Q. 1935?

A. Yes; we left Moscow at that time. [3570]

Q. You were not in Moscow in 1936, is that right?

(Testimony of Robert M. MacGregor.)

A. Well, I might explain that we had to leave Moscow because of the perennial room trouble. There was a terrific shortage, and probably still is, of housing, and we had a room in an apartment rented from the people who owned the apartment.

Q. How long did you spend in Russia?

A. I said it was about a year and a half.

Q. During that time were you teaching, with the exception, now, of a few months after you came to Russia, were you teaching continuously at the University until you left?

A. Oh, no. I said I left the University in September or, maybe, I guess it was in October, 1935.

Q. And where did you go from there?

A. Well, we wanted to——

Presiding Inspector: Just where you went.

A. (Continuing): O. K. We started a long tour around Russia, with the idea of possibly that we would go on to China if we didn't see anything, any place that looked as though it had better housing. We thought we ought to see more of Russia. So we started out and went to Crimea, and stayed for a while at Yalta—Y-a-l-t-a—which is a resort.

By Mr. Myron:

Q. Did you do any work there?

A. No. Then we took a boat from there on the Black Sea, which went, skirted around the Black Sea and finally went to, [3571] landed at Batum—B-a-t-u-m—which isn't very far from the Turkish border.

Q. Were you doing any work at this time?

(Testimony of Robert M. MacGregor.)

A. No.

Presiding Inspector: In the Caucasuses.

By Mr. Myron:

Q. You were not employed? A. No.

Q. That is, from the time you left the University until the time you left Russia you were not employed, is that right?

A. I want to explain that we——

Q. (Interposing): Well——

Presiding Inspector: There is nothing to found that on. He may explain. He hasn't said that.

Mr. Myron: I think he said he was unemployed.

Presiding Inspector: Oh, no; he hasn't said that. He may explain.

Mr. Myron: Let him explain.

Presiding Inspector: As I understood it, he wasn't employed at the University, but he has been doing odd jobs, writing and collecting material, and whether you call that employment or not it is very indefinite.

Now, I will let him explain what he did after this. If you are interested in this world travel, go ahead.

Mr. Myron: I am very much so, your Honor.

[3572]

Presiding Inspector: Then probably more than the Presiding Inspector is, but go ahead.

A. (Continuing): From Batum we went to Tiflis—T-i-f-f-l-i-s.

Presiding Inspector: That is in Georgia?

The Witness: The capital of Georgia. There we ran into people that we had met in Moscow, who

(Testimony of Robert M. MacGregor.)

were planning a walking trip into the Caucasuses.

We stayed there first in a tourist hotel there. I think we had been there three weeks before we actually went on this walking trip.

By Mr. Myron:

Q. My question was, were you employed at any time after you left the University?

A. After I left——

Q. (Interposing): Until you left Russia.

A. After I left the University I wrote numerous articles, if you want to call that employment.

Q. For whom did you write these articles?

A. I wrote one for a paper called the Moscow Daily News, which was so mascerated by the time it appeared it practically wasn't my article any more.

Q. That was part of the Russian press, is that right? A. Yes. It is in English.

Q. Did you submit this article to the press?

[3573]

A. Yes. I sent it on up to Moscow.

Q. And it was received?

A. It was received.

Q. And published under your name?

A. It was published under my name, but it was so re-written that it was practically unrecognizable.

Q. I didn't ask you that.

A. Well, I wanted to say that.

Q. Now, were you employed in any other capacity by the Russian press?

(Testimony of Robert M. MacGregor.)

A. I wrote some articles.

Presiding Inspector: Is that really a fair question? Was he employed by the Russian press or did he volunteer the article?

Mr. Myron: I think they published the article.

Presiding Inspector: You said "employed." It is confusing.

By Mr. Myron:

Q. Let me ask you definitely: Were you ever employed by the Russian press?

A. Not as—I was never hired—wait a minute. I wrote a number of—no, I guess you can't call it employment. I was never employed by the Russian Press.

Q. You are sure?

A. Except—well, I worked for an organization, a [3574] magazine, in Moscow, during that same period. I had about five or six jobs and I was hopping around like a Russian flea. I never was on the rolls of this magazine because they were extremely suspicious of me and would never clear my papers.

Q. What magazine was that?

A. It was called International Literature. I did a good deal of editing work and drew a regular salary from it.

Q. Isn't it a fact that you were one of the editors of this magazine?

A. It depends on what you call "Editor".

Q. You can answer that. You have been in the newspaper business and you know what an editor is.

(Testimony of Robert M. MacGregor.)

Presiding Inspector: We don't know whether you can answer it or not, but you can try.

A. I will explain what I did, if I may, or I will even explain why it was that I was not on the rolls.

I went to Moscow with a great many letters of introduction, and one of those I had was from Mathew Josephson, the author of "The Robber Barons," and several other books.

Mr. Myron: That is not responsive to the question.

Presiding Inspector: I will take it.

Mr. Myron: I am willing to allow him to testify, but it is not responsive to the question.

The Witness: It will be, I think.

Presiding Inspector: Just a moment. Let us hear what the [3575] question was.

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: I will let him explain. Go ahead.

A. (Continuing): Anyway, I had several letters. I think possibly I had one from my immediate boss at Harcourt Brace. — H-a-r-c-o-u-r-t B-r-a-c-e.

Presiding Inspector: That is a publishing firm?

A. (Continuing): Whose name, if you want it, is Charles Pierce. He is now with Duell, Sloan and Pierce.

Anyway, he had some correspondence with a person named Walt Carmon in connection with translations, or possible translations of Soviet Literature,

(Testimony of Robert M. MacGregor.)

and Mathew Josephson not met, and I also had a letter from Malcolm Crowley, who had never met him, but had had some correspondence with him.

Carmon was the Editor of the English Edition of this International Literature.

Well, there were a couple of situations there, I believe, within the organization for political reasons, his own politics, or whatever you want to call it, within the organization, and he thought he ought to have an assistant, because the German and the French, and so on, all had fairly large staffs, and he was the only one in English.

Also, there was a considerable amount of detail work involved in the editing and in getting out of this magazine. It never seemed to get out on time.

Presiding Inspector: You are going far afield now. [3576]

The Witness: O.K.

Presiding Inspector: As a matter of fact, you were his assistant?

The Witness: I was his—but the point was that I was never officially his assistant. I went in every day and picked up proofs, and read proofs, and so on, and did the sort of——

Presiding Inspector: Was your name published on the magazine as an editor?

The Witness: I don't think so.

By Mr. Myron:

Q. By whom were you employed?

A. I was employed by Carmon himself, I think. At least, that is how I used to get my salary.

(Testimony of Robert M. MacGregor.)

Q. You received your salary from him?

A. I did a couple of times. Then I——I have forgotten how it was written into the books, but it may have been written in as payment for certain specified work, but I got it from the, after the first two times, and then I was paid four or five months, and I got it from the cashier of the—whatever the organization was.

Q. This was a Russian magazine, wasn't it, a magazine of the Soviet Government?

A. It is a magazine, I suppose, published by the Soviet Government since everything there is. It is a magazine about literature throughout the world, translations from Chinese, [3577] Japanese, from Danish, and many very famous writers have appeared in its pages, such as Romain Rolland.

Q. When I asked you whether you were employed at any time by the Communist Party did you have these two employments in mind?

A. No, because neither are the Communist Party.

Q. Soviet Government?

A. I think you can see the distinction yourself.

Q. Well, is this University a part of the Soviet Government?

A. Possibly as the University of Oregon is part of the Government of Oregon; rather in the same relationship.

Q. Then you would be employed by the Soviet Government if you worked in this University, is that right?

(Testimony of Robert M. MacGregor.)

A. That is right; along with one hundred and eighty million other people.

Q. Then you were employed by the Soviet Government as an instructor at this Government University?

A. I was employed by this University.

Q. Now, the paper, this magazine that you worked for, was controlled and dominated by the Soviet Party in Russia, was it not?

A. As I understand it, there is no such thing as a Soviet Party.

Q. What do you understand is the controlling government [3578] in Russia?

Presiding Inspector: We call it the Communist Party.

A. "Soviet" means "council."

Presiding Inspector: We have never had the word "Soviet Party."

Mr. Myron: Soviet Government—the Communist Party.

Presiding Inspector: If you can distinguish them.

By Mr. Myron:

Q. Well, it was controlled and dominated by the Communist Party in Russia, was it not?

A. What was?

Q. This magazine that you wrote for, edited.

A. If you are willing to say that everything in Russia is dominated by the Communist Party I would say it was, and——

Q. (Interposing) Wait a minute.

(Testimony of Robert M. MacGregor.)

Mr. Grossman: Let him answer.

Presiding Inspector: Yes.

A. (Continuing) It was published by an organization in Russia and I can't—it was the cultural—some sort of a cultural organization but I can't remember the name of it.

By Mr. Myron:

Q. Do you know whether it was owned and operated by the Communist Party of Russia?

A. I know that the man who was the chief of it, chief of the organization, and the chief editor of all the editions, [3579] whose name was Dinamof—D-i-n-a-m-o-f—I think it is—whom I only met a couple of times, he was a Communist at that time and was later, I was told, arrested or prosecuted as a Trotzkyist.

Q. You say you were married——

A. (Interposing) I was married in Moscow.

Q. To whom?

A. Her name is Emma Louise Davis.

Q. Was she a Russian girl?

A. No. She comes from California.

Q. Did you travel to Russia with this girl?

A. No. She came later.

Q. Where were you married?

Presiding Inspector: In Moscow, he said.

A. I was married in a Marriage Bureau in Moscow and later it was registered at the American Embassy, the next day or the same day; the same day.

(Testimony of Robert M. MacGregor.)

Q. Is that the only time that you have left the United States?

A. No. I left it a number of times. You mean, for instance, going into Canada?

Q. Left the continent.

A. No. I have been abroad twice before.

Q. When—once to China and once to Russia, is that right? [3580]

A. That was the same trip to China and Russia. I went to a town called Tours, in France. I spent a summer at the Extension University of Poittiers—P-o-i-t-t-i-e-r-s.

Presiding Inspector: Just one "t."

A. (Continuing). Another summer I spent in—well, I traveled in a number of countries during these summers, but I spent most of this summer in a little town in the corner of Tuscany, in Italy, studying Italian.

Mr. Myron: May we have a short recess?

Presiding Inspector: Yes.

(Whereupon a short recess was taken.)

By Mr. Myron:

Q. I believe you said that you represented the Intourist?

A. I didn't say I represented them. I think you are mistaken.

Q. Were you employed by them?

A. I did certain odd jobs for them.

Presiding Inspector: That is a travel agency of the Soviet Government?

The Witness: Yes—a foreign travel agency.

(Testimony of Robert M. MacGregor.)

Presiding Inspector: I think we have had something about that from Mr. Gitlow. That is my impression.

By Mr. Myron:

Q. You knew that was a Communist organization, didn't you? [3581]

A. I wouldn't say it is any more a Communist organization than anything else in Russia.

Q. Were they the representatives of the Communist Party in the United States?

A. Never heard of it.

Q. Did you hear that they were prosecuted in Washington, D. C.? A. No.

Q. While you were an instructor at this Russian University were there any American students attending the University?

A. I can't say as far as the University was concerned. It is very large. I had no—obviously, I would have no American students in my classes.

Q. Did you know of any American students coming from America attending the University while you were an instructor there?

A. The University of Moscow?

Q. That is right.

A. I am pretty sure there were some, but I don't think I knew them, at least in the University of Moscow.

Q. Did you teach at the Lenin School?

A. No.

Q. Do you know where the Lenin School is in Russia?

(Testimony of Robert M. MacGregor.)

A. Not as such. It seems to me that I remember hearing about a Marx-Lenin-Stalin Institute, or something like that.

Q. Was that in Moscow? [3582]

A. It seems to me it is in Moscow.

Q. Was it a part of this University?

A. No; separate, I am pretty sure.

Q. Did you consult with any members of the Russian Embassy, or Consulate offices in the United States before traveling to Russia?

A. I went around to the Soviet Consulate in New York, but I can't remember who was there, I can't even remember much about the building. I talked to some, evidently, rather minor official who told me that the way I was going to Russia I would probably have difficulties in that I was going on a tourist visa, and that they were loath in Russia to change these visas.

Q. Did you receive a clearance from the Russian Consul?

A. I don't think so; no. What do you mean by "clearance"?

Q. Don't you know?

A. What do you mean by "clearance" in this case?

A. Did you receive permission of the Russian Consul in the United States——

Presiding Inspector: You mean a visa?

A. I received a visa; yes.

Presiding Inspector: That is all a person gets. Anyone will take judicial notice of that.

(Testimony of Robert M. MacGregor.)

By Mr. Myron:

Q. Did you receive any letters from the Russian Consular [3583] Office?

A. No, I didn't.

Q. In the United States? A. No.

Q. No letters at all?

A. Not as far as I know.

Q. No introductory letters?

A. No introductory letters.

Q. You are sure of that?

A. I had a letter to somebody in the Consulate there and I don't think I saw him.

Q. I am asking you if you received any letters from the Consular office in the United States addressed to anybody in Russia?

A. I don't think so.

Q. Do your know?

A. I can't remember everything I took with me, but I think it is fairly safe to say "No."

Q. You are sure of that?

A. If I had—no, I certainly didn't—you say from the Consulate?

Presiding Inspector: What he wants to know is whether you had any documents you took with you from any officials of the Soviet Government in this country, from the Ambassador, or any of his staff, or from any of the Consuls anywhere, except [3584] the visa?

A. I think not. As I say, I was there, as I remember, in the Soviet Consulate in New York for not more than 15 minutes.

(Testimony of Robert M. MacGregor.)

Presiding Inspector: Getting your visa?

The Witness: No. That was considerably before I went to Russia. I went there to inquire about the various—they have two different kinds of visas and I heard about that, and how one got them. I didn't get my visa myself. I think a travel agency——

Presiding Inspector: Intourist got it?

The Witness: No; some travel agent in New York.

By Mr. Myron:

Q. Did you obtain your appointment to this University before you left the United States?

A. No, I didn't.

Q. Did you receive a promise from anybody connected with the Russian government, or the Communist Party, that you would obtain this job as an instructor at this University before you left the United States? A. No, sir.

Q. What kind of a visa did you obtain?

A. I obtained what is known as a Tourist Visa, which comes with—you buy a tour with Intourist, and you get with that a tourist visa for about the length of time of your tour. [3585]

That was later changed into a—I don't know exactly what you call it. In Russian it is called "Vid Najitilstuo."

The Reporter: Spell it.

The Witness: I don't know as I can. Can we leave that out of the record?

Presiding Inspector: Write it in Russian characters and give it to the Reporter.

(Testimony of Robert M. MacGregor.)

(The name referred to was written on a slip of paper by the witness, as requested, and handed to the reporter; the name being spelled as indicated in the above answer.)

By Mr. Myron:

Q. What type of visa is it?

A. It is what all foreigners in Russia have to hold. I think the original one I had was renewable in three months. You have to renew it about every six months, or something of that sort.

Q. Are you allowed, under this temporary visa, to have employment in Russia?

A. Under this type of visa you are not allowed, as I remember, to have formal employment.

Q. Would you consider your position in the University as formal employment?

A. When I got the position in the University the University changed my visa.

Q. That was the reason for the change in your visa, is [3586] that right?

A. That is right. In order to have your passport changed—you have to have it changed—in order to have your passport changed you have to have some organization which will sponsor you or sponsor it.

Q. And it was the officials of this University that sponsored that change, is that right?

A. As I recall it was not exactly what you would call the officials. It was the head of my section; a mad little woman who kept running around like bees around a hive. I can't even remember her name.

(Testimony of Robert M. MacGregor.)

Q. Is that describing the woman?

A. Yes, sir.

Q. Her official position, you mean?

A. Your wit amuses me.

Mr. Del Guercio: I move that that be stricken out.

Presiding Inspector: I think it was justified by the question. I will let it stand.

Mr. Myron: I asked for the woman's official position.

Presiding Inspector: He described the woman to you as a mad little woman who kept running around like the bees around a hive.

Mr. Myron: That isn't describing her official position.

Presiding Inspector: You have her official position.

Mr. Myron: I am asking for her official position.

[3587]

Presiding Inspector: He already said she was the head of his section.

Do you want the Russian name?

Mr. Myron: I am asking for a further description, if that is his answer to the question.

Presiding Inspector: Didn't you hear his answer to that?

Mr. Myron: I did not.

Presiding Inspector: Probably we have gotten into a misunderstanding. But he said she was the head of his section or division, I don't know which.

(Testimony of Robert M. MacGregor.)

By Mr. Myron:

Q. What was your section or division of which she was the head?

A. Well, I don't know of any official name for it. It was within the Electro-Technical Institute. I think it was a section for the teaching of English.

Q. And she was the head of the department, is that right?

A. It wasn't precisely a department; it only had about three members, people, in it.

Q. What was her official position?

A. She was above me and that is all I know.

Q. And she secured this change in visa?

A. Well, I don't know who all it went through. You know in Russia everything has to be done with papers that have [3588] to be stamped, and I probably wasn't able——

Q. (Interposing) What did she have to do with the change?

A. She obviously——

Q. (Interposing) Do you know,—not "obviously",—what she did?

A. She possibly went to the head of the——

Q. (Interposing) Do you know,—not "possibly?"

A. (Continuing)—of the University.

Q. I am asking you for your own knowledge of what she did.

A. All I know is she gave me a paper, which I took to the, whatever it is, the passport division in Moscow, and after a period of a number of days I was issued one of these Vid Najitilstuo.

(Testimony of Robert M. MacGregor.)

Q. Did you request her to do this?

A. Certainly. I might say that this other organization, International Literature, would not sponsor me for a change in visa.

Q. Did they teach Communism at this University? A. Not in my classes.

Q. At the University?

Presiding Inspector: If he knows. We can almost take judicial notice of it.

Mr. Myron: If he knows.

A. It would depend on what you mean by "Communism." I [3589] am sure they taught all the things that they teach in all their universities, and so on.

By Mr. Myron:

Q. Do you have your own definition of Communism? A. No. Do you?

Presiding Inspector: We must not do that.

Mr. Del Guercio: If your Honor, please, I don't think that is proper.

Presiding Inspector: I have ruled it was not proper. [3590]

Mr. Myron: If the witness wishes to assume that attitude——

The Witness: (Interposing) What was the original question?

Presiding Inspector: We don't need any instruction from you, or the witness doesn't.

Now, you may answer the question. Go ahead.

The Witness: What was the question, please?

Presiding Inspector: Read the question.

(Testimony of Robert M. MacGregor.)

(The question referred to was read by the reporter as above recorded.)

A. Well, the question is, then, do I have a definition of Communism? I have thought I had at various times and maybe I am a poor judge, or a poor procastinator because most of my definitions seem very soon to be upset.

By Mr. Myron:

Q. Well, in accordance with your definition did they teach Communism, as you understood it, at the University?

A. They taught what is—as I—Communism is one of these——

Q. (Interposing) Well, as you understood Communism, did they teach it at the University?

A. Well, what I thought was Communism at that time they undoubtedly taught. I think that Communism is taught not only in special classes—I didn't know of any special classes where Communism was taught there, but it permeates a good deal of the teaching of history and that sort of stuff, I gather. [3591]

Mr. Myron: Now, I think the——

Presiding Inspector: (Interposing) I don't think that is what Mr. Myron meant.

The Witness: Oh, were there any classes?

Presiding Inspector: I think he meant was there instruction in what we generally know as Russian Communistic doctrine—never mind the shades—with the idea of impressing the students with the soundness of their political philosophy.

(Testimony of Robert M. MacGregor.)

The Witness: I think undoubtedly that there was that type of instruction.

Presiding Inspector: That is what you meant, wasn't it, Mr. Myron?

Mr. Myron: Yes, sir.

Presiding Inspector: I tried to make it clear.

Mr. Myron: That was very clearly put.

By Mr. Myron:

Q. Now, I believe it was your testimony that the basis for your conclusion that Wilmot's character and reputation in the community for truth and veracity is bad is based on conversations which you had with about eight or nine people?

A. Yes, that is right.

Q. Now, is that the same basis for your conclusion that you would doubt Mr. Wilmot under oath?

A. That is right. [3592]

Q. And you don't know Mr. Wilmot?

A. I don't; I don't think I do.

Q. You never saw him, as far as you know?

A. As far as I can remember, yes.

Q. Are you a member of the, or have you at any time been a member of the American League for Peace and Democracy?

A. No, I haven't.

Q. Are you now or have you ever been at any time a member of the League Against War and Fascism? A. No.

Q. Are you now or have you at any time been a member of the American Youth Congress?

A. No.

(Testimony of Robert M. MacGregor.)

Q. Are you now or have you at any time been a member of the Young Communist League?

A. No.

Q. Are you now or have you at any time been a member of the Friends of the Soviet Union?

A. I am certainly not now. I think I joined just before I went to Russia, in Boston. The person who urged me to join was going to give me some letters of introduction and, I think, I may have joined it at that time.

Presiding Inspector: You think you did?

The Witness: I think I gave him a buck, or something like that, and he gave me a card. [3593]

By Mr. Myron:

Q. Now, what was the date?

A. What is the date?

Q. Of your membership in that organization?

A. I have not said exactly that I am a member of the organization. I vaguely remember having had some conversation about it anyway, and that would have been, probably when I was staying with my sister in Weston, sometime around Christmas, 1934.

Q. Are you still a member?

A. No, obviously not.

Q. Well, did you leave the organization?

Mr. Grossman: Just a moment!

I think that question is improper because the witness has made it clear he isn't sure he was a member. I don't think there is any basis for questions——

Presiding Inspector: (Interposing) Did you take any formal steps to disconnect yourself with

(Testimony of Robert M. MacGregor.)

the organization? I will take it in that form.

The Witness: No. If I ever was a member of it I wouldn't even know it existed today.

Presiding Inspector: You didn't know anything more about it after having this conversation and getting this card, if you did get a card?

The Witness: Yes, sir. [3594]

By Mr. Myron:

Q. Now, as I remember it, one of the persons with whom you talked in regard to Wilmot's character and reputation was a man by the name of Newberger. A. Yes.

Q. You knew Newberger, is that right?

A. Yes, I know him today.

Q. And you are positive now that you talked with him in regard to Wilmot's character and reputation? A. I can even remember the time.

Q. Well, now, are you positive that you have talked with him in regard to Wilmot's character and reputation?

A. I would like to say that——

Presiding Inspector: (Interposing) You can answer that, I think.

The Witness: Yes, I am positive.

Mr. Myron: That is all.

Presiding Inspector: Any further questions?

Mr. Grossman: Just a few questions.

Redirect Examination

By Mr. Grossman:

Q. Do you have any difficulty with—excuse me. Withdraw that.

(Testimony of Robert M. MacGregor.)

What did you teach at this Electro-technical, or whatever this institution was, in Moscow?

A. I started out to teach—somebody else had been [3595] teaching this course and it had proved unsatisfactory. Well, I think it was the 18th and 19th centuries of English Literature and I also had a class in advanced composition. After a couple of my lectures or it may be even after one of my lectures on the 18th and 19th centuries I was—there was a great to-do. I was told almost immediately that I was incompetent to teach there because I did not understand their Marxian approach to literature and they didn't like the things I was saying about such people as Stern and Smallot, and I didn't have an economic—I had an aesthetic approach, not an economic approach to the subject.

Q. Did you continue teaching the subject of literature or English Literature?

A. No, I was relieved of that and given more work in teaching merely composition which requires no political point of view.

Q. Were you relieved because of the criticism that had been made of what you were teaching in English Literature? A. I was removed——

Mr. Del Guercio: (Interposing) If your Honor please, I object to that as being leading, not proper

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Presiding Inspector: (Interposing) I will take it. It is leading, of course, but I will take it.

Mr. Del Guercio: Suggestive.

(Testimony of Robert M. MacGregor.)

The Witness: I was relieved obviously because of——

Presiding Inspector: (Interposing) Very collateral. [3596]

Mr. Del Guercio: What?

Presiding Inspector: Very collateral.

The Witness: Because of the criticism both by students and others, and faculty members, but it was—I talked it over with them and explained that I knew nothing about their theories and so on, and so I was—so I left at that—I took more work in composition, as I say.

By Mr. Grossman:

Q. Before you left the United States to go to Russia what kind of a visa were you trying to get from the Russian Government?

A. There is what is called, I believe, a Consular visa, issued to certain foreigners, usually that the government wants to have there such as engineers and so on, and I knew of such a visa. The visa, evidently, is only really an entrance visa. As soon as you got there it has to be changed. And I thought that possibly because I had had a good deal of experience editing and writing and in publishing that I might be issued such a visa but I was told by, whoever it was that was there—and I can't even remember what he looks like—that such a visa would be out of the question for me. It was for engineers and technical advisors and so on.

Mr. Del Guercio: If the Court please, I move

(Testimony of Robert M. MacGregor.)

the witness' answer be stricken as not responsive to the question. The question was what type of visa were you seeking.

Presiding Inspector: It was not altogether responsive [3597] but I will let it stand.

Mr. Grossman: I can ask another question to bring it in so we might as well leave it there.

Presiding Inspector: I don't see it is very material anyway.

By Mr. Grossman:

Q. While you were in Russia did anything occur which indicated that the Soviet Government did not trust you?

Mr. Del Guercio: I object to that, if your Honor please, as being too general, not proper redirect, and also suggestive.

Presiding Inspector: I think I will take it.

Mr. Del Guercio: What?

Presiding Inspector: I think I will take it. The whole part of the cross examination with respect to the trip in Russia was to show the intimacy of the relationship of this witness with the Soviet Government and the Communist Party, and so I think I will take this.

Mr. Del Guercio: May I——

Presiding Inspector: Yes.

Mr. Del Guercio: It was only done for the purpose of showing what employment he had, if the Court will recall.

Presiding Inspector: But it went very far.

Mr. Del Guercio: The witness here did not at

(Testimony of Robert M. MacGregor.)

first re- [3598] collect being employed there in the University and then he——

Presiding Inspector: (Interposing) No, he never said he was not employed in the University.

Mr. Del Guercio: Well, he didn't at first say so. The record will show that he only recollected being employed after some thought.

Presiding Inspector: I don't so remember the testimony.

Mr. Grosman: He merely denied being employed by the Communist Party.

Presiding Inspector: I don't remember such testimony. It may be there.

Mr. Grossman: Do you remember my question?

The Witness: No. Could you read the question back to me?

Presiding Inspector: I will take it. I will restate it.

Did something occur which showed lack of confidence of the authorities toward you?

The Witness: Well, quite a number of things occurred. I can think off-hand of one example. This woman with whom I did the translation——

Mr. Del Guercio: May I interrupt? I don't think the question calls for that.

By Mr. Grossman:

Q. All right, give your first example. [3599]

Presiding Inspector: No, it doesn't.

Mr. Del Guercio: I will object to giving any example.

Presiding Inspector: I will take it.

(Testimony of Robert M. MacGregor.)

A. This woman with whom I did the translation—her husband had a job of some sort in the planning division of the Soviet Government and was very suspicious of his wife who was slightly rattle-brained.

Presiding Inspector: This is the same bee-hive lady?

The Witness: No, this is another one. The bee-hive lady was not rattle-brained exactly, but he somewhat *disproved* of most of her friends. And then we were going to do some more translation later—not that I would have had the time by then—but she told me that it was out of the question for her to work with me. Somebody had told her husband, and I gathered it was probably the secret police, or something of the sort, that I had been seen ri'' g around with members of, in cars with members of the American Embassy, which was perfectly true, and that seemed to make them suspicious, that I was untrustworthy. Furthermore, t[illegible]y—well, I think this example at the University there——

Mr. Del Guercio: (Interposing) Well, if your Honor please, counsel asked for one example. Now, he has given one and I move that all of the witness' answer be stricken. We don't want any stories here. [3600]

Presiding Inspector: We have gone pretty far on the cross examination.

Mr. Del Guercio: I know, but every time——

(Testimony of Robert M. MacGregor.)

Presiding Inspector: (Interposing) How long have we taken on cross examination?

Mr. Grossman: I think it is quite obvious——

Presiding Inspector: (Interposing) I will take it. We don't have to have any discussion about it.

By Mr. Grossman:

Q. All right, can you give another example?

Presiding Inspector: You have given one—you have given two.

The Witness: Yes. Within the organization International Literature, as I say, I was in constant turmoil trying to get them to take the responsibility for my visa and so on, and finally it was just about to come through—it was in September, 1935—and that they would take the responsibility of my visa, and, therefore, I wouldn't continue possibly teaching at the University because the University job, although it paid fairly well, the main thing about it to my advantage was that it gave my my visa. Anyway, it was just about to come through and we thought everything was settled and the papers were stamped and so on and I was to come around tomorrow. I came around the next day and I was told it was all off, they would not sponsor me, that my political record was not good [3601] enough for them to sponsor me. In fact, they indicated that they wouldn't even possibly continue with me in the organization as this rather informal assistant.

Mr. Del Guercio: I move that the witness' answer be stricken as not responsive.

(Testimony of Robert M. MacGregor.)

Presiding Inspector: I will let it stand. It was not fully responsive but I will let it stand.

By Mr. Grossman:

Q. When you were asked a question about Richard Newberger, whether he had ever discussed Wilmot's character with you, you wished to add something, I assumed, to clarify or give detail to your answer. Do you still wish to do so? What was that you wished to add?

Mr. Del Guercio: If your Honor please, there was no indication that the witness wished to add something. He was asked plain questions as to whether he did discuss that with Mr. Newberger and his answer, you will probably recall, was "Positively."

Presiding Inspector: Yes, positively.

Mr. Del Guercio: Now, there is nothing further to explain on that as counsel suggests.

Mr. Grossman: That was not his first answer, as your Honor will recall. He said—I believe he said "Might I say this about it", or something like that, and he was told [3602] that he had to answer it and he did answer it.

Presiding Inspector: I think there was some indication that he wanted to add something to the "positively". I will let him do it.

The Witness: I was merely going to say that Newberger was at my house in Portland, the one over on Waverly Heights, if you remember, and——

(Testimony of Robert M. MacGregor.)

Mr. Del Guercio: (Interposing) What?

Presiding Inspector: He was at his house.

The Witness: There were a number of people at the house and it was a sort of spontaneous—became very fast a spontaneous party; people were dropping in and Newberger and I—this was the first time I had ever seen him, but he was—he works, writes articles for Collier's Magazine, and Walter Davenport, who is one of the editors of Collier's, is an old friend of mine, and he had——

Mr. Del Guercio: (Interposing) If your Honor please, I will object to this. We are getting into a story again.

Presiding Inspector: Yes, we are.

Is there really any point to this?

The Witness: I merely wanted to give the circumstances. We, as I remember, were out in the kitchen discussing a great many things and Wilmot—he mentioned Wilmot somehow or other and told me certain things.

Mr. Myron: I object to any conversation. [3603]

Presiding Inspector: I really don't believe there is anything in that answer.

Mr. Grossman: Your Honor, you see I didn't know what there was. All I know, the witness——

Presiding Inspector: (Interposing) You don't think there was anything either?

Mr. Grossman: Well, there is more detail. If counsel for the Government wants detail, I think they ought to have the detail that hurts them even though they try to cut it short.

(Testimony of Robert M. MacGregor.)

Mr. Myron: We haven't asked for detail. The witness voluntarily, every time he is asked a question, tells a story.

Presiding Inspector: He isn't unique in that respect. We have had it from the beginning of the case to the——

Mr. Grossman: (Interposing) I don't think this point should be dwelt on at all, if your Honor please. It isn't important enough.

Presiding Inspector: I think not. I think you have got all you need.

Mr. Grossman: No more questions.

Mr. Myron: Just one question.

Recross Examination

By Mr. Myron:

Q. This woman that you spoke of who stated to you that [3604] she couldn't any longer employ you, who was she?

A. Did I mention a woman?

Q. Yes. A. In connection with that?

Q. Well, did you?

Presiding Inspector: This was the one with the jealous husband?

The Witness: I might say she was not employing me. I object to that word somewhat.

By Mr. Myron:

Q. Well, didn't you state that as a result of a conversation with her that she no longer employed you?

A. I didn't say "employed". I said she no longer could work with me.

(Testimony of Robert M. MacGregor.)

Q. You were working with her?

A. We were working on a sort of cooperative basis, she translating into English and I putting it into good English.

Q. Now, when was this? Was this the woman that you worked with immediately after your arrival in Russia? A. That is right.

Q. And as a result of this incident she stated to you that she could no longer work with you?

A. Yes, that is right.

Q. And as a result of that you got the impression that you were not in the good graces of the Communist Party? [3605]

A. Well, I gathered I was being followed or something of the sort.

Q. Now, subsequent to that you obtained employment as an instructor in the University of Moscow, is that true?

A. I would like to recapitulate——

Q. (Interposing) Well, now, answer that question. Was it subsequent to that time?

A. I was already an instructor by that time.

Q. You continued as an instructor in the University, is that right?

A. That is right, sure. I might say they don't trust all their 157,000,000——

Mr. Del Guercio: (Interposing) That is voluntary, if your Honor please.

Presiding Inspector: Strike it out; strike it out. Don't volunteer. The next question.

The Witness: I am sorry.

(Testimony of Robert M. MacGregor.)

Mr. Myron: That is all.

Mr. Grossman: That is all.

The Witness: Well——

Presiding Inspector: You are excused.

The Witness: Well——

Presiding Inspector: (Interposing) No, you are excused.

(Witness excused.)

Mrs. King: If your Honor please, before we call the [3606] next witness we would like to have a consideration, if we may, of this problem of character evidence because it presents a problem in the securing of future witnesses. We believe that the general——

Presiding Inspector: We will not accept direct general character evidence of good character where there has not been direct character evidence of bad character.

Mrs. King: In that connection may I call to your Honor's attention a case which I just recently unearthed of Edgington against United States which is 164 U.S.——

Presiding Inspector: (Interposing) I am talking about character for truth and veracity.

Mrs. King: Yes. Well, could we broaden the thing on to the general problem of general good character?

Presiding Inspector: I haven't ruled on the general character. Of course, you can't produce evidence of that character of a witness, but in respect

to a defendant in a criminal case you may also show evidence of good character.

Mrs. King: Yes, and now——

Presiding Inspector: But this is not a criminal case, though.

Mrs. King: Yes, and that is what the problem is, of expanding the rule of criminal cases.

Presiding Inspector: No. [3607]

Mrs. King: Into a case of this character.

Presiding Inspector: No, I couldn't do that because it doesn't make any difference. We can consider here that the Alien here is a man of the very best character—it has not been attacked—and he still may have—be subject to the penalties of this particular Act, with which we are interested, and still be a saintly individual.

Mrs. King: Well, with reference to its not yet having been attacked——

Presiding Inspector: I don't say it is necessarily so, but that is possible.

Mrs. King: The case of Edgington against the United States distinctly states—which was, of course, a criminal case——

Presiding Inspector: Yes.

Mrs. King: That evidence of good character is admissible even though the defendant doesn't testify and his character is not attacked.

Presiding Inspector: Well, of course, in a criminal case you may also show that the defendant is a person of good character because that raises the possibility within the decision of the trier of the facts that crime is not being committed by him, and

in the Bonier case in New York they held that that alone was sufficient as a basis for a finding of reasonable doubt. [3608]

Mrs. King: Now, it seemed to us that in view of the highly penal character of deportation proceedings that it was appropriate that evidence of good character was admissible in such a proceeding, especially in view of the evidence introduced at the opening of this hearing as to the kind of person that a Communist was.

Presiding Inspector: Well, we will just hold it. I won't receive it now. Go ahead.

Mrs. King: Well, the problem is not a problem of holding at this moment. The problem is whether we shall subpoena any witnesses or present any witnesses dealing with this problem.

Now, we had witnesses prepared for last week on it. At that time your Honor ruled that it was inadmissible.

Presiding Inspector: I didn't rule on it. I ruled that evidence of character of the truth and veracity was not admissible. I didn't rule on the broader question.

Mrs. King: Well, at this time we are asking for a ruling. We may not get it this morning, but the problem is of getting it with reference to the securing of further witnesses so that we may have character witnesses lined up.

Presiding Inspector: You want to prove independently that the Alien is of good character?

Mrs. King: Yes, sir.

Presiding Inspector: What do you say about that, Mr. [3609] Del Guercio?

Mr. Del Guercio: We object to that, if your Honor please. The question should not be decided at this time.

Presiding Inspector: I don't see that it is pertinent.

Mr. Del Guercio: This is not, as the Court stated, a penal proceeding.

Presiding Inspector: No such testimony was offered on the previous hearing?

Mrs. King: No; the only testimony that was offered was as to truth and veracity.

Presiding Inspector: As to truth and veracity.

Mrs. King: Of course, it has been quite generally allowed in the Immigration Service, in cases particularly in Portland——

Presiding Inspector: (Interposing) Very likely without objection.

Mrs. King: I think that is quite possible, your Honor.

Presiding Inspector: There is an objection here. I can't make a ruling in the air, but my impression is that it will not be allowed if objection is made. Of course, it is open to the Government counsel to permit that, and if they wanted to have you allowed to introduce that, why, of course, the Presiding Inspector has no objection.

Now, let's have the next witness.

Mr. Del Guercio: Is this the witness?

Mr. Grossman: Yes, will you step up? [3610]

Presiding Inspector: Raise your right hand.

GEORGE A. GRAHAM

called as a witness on behalf of the Alien, being first duly sworn, testified as follows:

Presiding Inspector: Give your name and address to the reporter.

The Witness: George A. Graham, 938 North Palm Street, Anaheim, California.

Direct Examination

By Mr. Grossman:

Q. Mr. Graham, are you now connected with the Associated Farmers of California?

A. With the Associated Farmers of Orange County.

Q. That is an affiliate of the Associated Farmers of California, is it?

A. There is one member of the Associated Farmers of Orange County that represents the county with the state organization.

Q. Are you that member at the present time?

A. No, sir.

Q. What is your present position, if any, with the Associated Farmers of Orange County?

A. Secretary.

Q. How long have you held that position?

A. Since August first, 1937.

Q. At any time since then were you the delegate or [3611] representative of your county unit to the state body? A. No, sir.

Q. Do you know a man named Richard St. Clair? A. Yes, sir.

(Testimony of George A. Graham.)

Q. When did you first meet him?

A. About two years ago.

Q. What were the circumstances surrounding your first meeting him?

A. A friend of mine by the name of S. H. Strathmam got in touch with me from San Francisco and said there was a party in San Francisco who had belonged to the Communist Party——

Q. (Interposing) I beg your pardon. A party from San Francisco or in San Francisco that had belonged?

A. In San Francisco that had belonged to the Communist Party and had dropped out, and because of some of the things that he was fighting was being persecuted in getting work.

Presiding Inspector: In what?

The Witness: In getting work, in finding employment. In fact, the man was afraid of his life. The man wanted to get out in the country to find work. And he asked me, as a personal favor to Mr. Strathman, if I would find him work out in the country. I told him that as soon as I had time I would try to find him employment. A few days later I heard from Mr. Strathman that this party by the name of Richard [3612] St. Clair had gone to Los Angeles and was waiting for me to take him out in the country to find work. I happened to be in Los Angeles that very day, I believe, and picked up Mr. St. Clair and took him to Orange County.

(Testimony of George A. Graham.)

By Mr. Grossman:

Q. When Mr. Strathman first communicated with you was it by telephone or telegraph or mail?

A. (No response).

Q. When he first communicated with you on this question of St. Clair?

A. I think that was by phone.

Q. He was in San Francisco?

A. I don't remember.

Q. Where were you?

A. I was in my office in Orange County. Mr. Strathman was covering the State, and I don't remember just where he was.

Q. What was his position at that time in the Associated Farmers?

A. Field Secretary for the State, Associated Farmers of California.

Q. What was your business at that time?

A. I was Secretary of the Associated Farmers of Orange County.

Q. No; your business? Was that your sole business at that time? A. That is right. [3613]

Q. It was a full-time job? A. Yes, sir.

Q. For which you got paid? A. Yes, sir.

Q. What is your business now?

A. The same.

Q. How long have you held a full-time position with the Associated Farmers or any county unit?

A. Since August first, 1937.

Q. Now, the second time Mr. Strathman got in

(Testimony of George A. Graham.)

touch with you what method of communication did he use?

A. It is quite a while ago; I don't recall. I suppose it was by phone.

Q. You were then at your home also, or your office? A. Yes, sir.

Q. Did you find employment for Mr. St. Clair?

A. Yes, sir.

Q. What kind of employment was it?

A. Regular farm work, laborer.

Q. And who was his first employer?

A. Clarence Brown, San Juan Capistrano.

Q. Did you arrange this matter with Mr. Brown?

A. Yes, sir.

Q. Do you happen to know how long Mr. St. Clair worked for Mr. Brown?

A. Well, as I remember, it was, oh, six weeks or two [3614] months.

Q. Do you happen to know how he happened to sever his employment at that time?

A. I know what Mr. St. Clair told me, that he was going to Los Angeles. He said that he missed his newspapers and his movies, and he was located way out in the country with no transportation, and he missed those — what enjoyment he got out of those.

Q. After you took Mr. St. Clair to Mr. Brown and arranged his employment when did you next see him?

A. Oh, I saw Mr. St. Clair maybe five or six times during the period that he was working there.

(Testimony of George A. Graham.)

Q. What was the occasion for seeing him those other times?

A. Mr. Strathman asked me to find this man work as a personal favor and when I was in that vicinity I just dropped in to see how he was getting along.

Q. When Mr. Strathman talked to you on the telephone, or rather, when he got in touch with you about getting Mr. St. Clair employment on either of those two occasions did he mention Bridges or the Bridges case, or any possible deportation proceedings against Bridges?

Mr. Del Guercio: Well, that is a leading question, if your Honor please. There is no evidence here that he did. [3615]

Presiding Inspector: I don't see how it is material. He may answer it yes or no.

A. Your question was, the first—at first did he mention Bridges?

By Mr. Grossman:

Q. The first two times that Mr. Strathman got in touch with you did he mention Bridges in any way? A. No, as I recall it he did not.

Q. Did he state why he was going so far to help a man—withdraw that.

Did he state whether he had any personal or other interest in getting Mr. St. Clair employment?

Mr. Del Guercio: I will object to that, if your Honor please, as being suggestive, no foundation laid for the question.

Presiding Inspector: Of course, it is. I think

(Testimony of George A. Graham.)

that the objecting counsel would suggest, perhaps, that you ask him if he gave any reason why he wished him to be employed.

Mr. Grossman: All right.

By Mr. Grossman:

Q. Did he give you any reason why he wished you to obtain employment for Mr. St. Clair?

A. Our organization is interested in subversive activities.

Q. Are you going to state what he told you?

[3616]

A. Yes, sir.

Presiding Inspector: No. Did he give you any reason?

The Witness: Yes.

Presiding Inspector: He did?

The Witness: That must be understood.

Mr. Grossman: All right.

The Witness: Mr. Strathman said that he prepared a news release for a San Francisco paper, I believe, and in this release he mentioned labor disturbances in agricultural fields and mentioned names and dates. He said a couple of days after that he received a letter from a man by the name of St. Clair stating that Mr. Strathman was absolutely correct and asking permission to come and see him. That was done, and through that connection, I think, they met, perhaps, three or four times—I don't know—a few times anyhow and established, not a friendship, perhaps, but a contact and Mr. Strathman just offered to try and find him work.

(Testimony of George A. Graham.)

By Mr. Grossman:

Q. Do you know, or did Mr. Strathman tell you why he chose your county as the place for Mr. St. Clair's employment?

A. It happens that Mr. Strathman was Secretary of the Associated Farmers of Orange County before he was promoted to the State. He knew Orange County, perhaps, better than any other county in the State. He knew that Mr. Brown and two or three of the others at that time of the year were putting on [3617] many workers and he thought there would be—perhaps, there would be the best chance in Orange County. Then, too, he wanted to get him away from San Francisco, and Mr. St. Clair wanted to get away from San Francisco.

Q. Did you ever discuss with Mr. St. Clair his reporting on the activities of unions among workers? A. No, sir.

Q. Did Mr. St. Clair ever report to you or any one, to your knowledge, on the activities of unions among agricultural workers?

Mr. Del Guercio: If the Court please, I will object to the question as not being material to the issues in this case.

Mr. Grossman: Your Honor, in the first place, the general purpose of this examination is to show how it happened that a non-governmental agency produced Mr. St. Clair. Now, the relevancy of the particular question I am asking is this:——

(Testimony of George A. Graham.)

Mr. Del Guercio: (Interposing) If the Court please, before he goes on that, I would like to challenge that statement, that a non-governmental agency produced St. Clair. The Government produced St. Clair.

Presiding Inspector: I think the remark was not founded on anything in the evidence, that I have heard of.

Mr. Grossman: Your Honor, I am not attempting to summarize the evidence. I said the purpose of this examination—and Mr. Del Guercio will have ample opportunity on cross examination—— [3618]

Presiding Inspector: (Interposing) I will exclude the question.

Mr. Grossman: I haven't stated the specific reason for this question.

Presiding Inspector: I don't care whether you have or not. I can't permit you to make statements which are not in any way justified by the evidence.

Now, the last statement that you made as far as I can remember, has no foundation in the evidence.

Mr. Gladstein: As I remember it, your Honor, Mr. St. Clair testified that on the immediate occasion when he went down to the FBI he went there because Mr. Graham came to him and asked him, or arranged for him to go there.

Presiding Inspector: That may have been, but that was not your inference, but that they were

(Testimony of George A. Graham.)

produced here as witnesses by some other agency that is under the control of some other agency.

Mr. Gladstein: I meant to use—I don't know if I used the word—"procure" which doesn't mean they produced them in Court—it neved does—but they were brought to the Government agency who produces them in Court by a non-governmental agency.

Mr. Del Guercio: If the Court please, that is not a correct statement.

Presiding Inspector: Never mind. I have ruled in your [3619] favor so far.

Now, I will let you re-phrase the question. Now, what is it you want?

By Mr. Grossman:

Q. To your knowledge, did Mr. St. Clair ever report, when he was working in Orange County, ever report on the activities of unions among agricultural laborers?

Presiding Inspector: How is that material?

Mr. Grossman: If Mr. St. Clair operated at that time or any time as a labor spy, an informer, we say——

Presiding Inspector: (Interposing) Yes, but you don't go anywheres near showing he was a labor spy. Do you want to show he was a member of the union here, that there was some faithlessness?

Mr. Grossman: Not necessarily.

Presiding Inspector: I won't take a mere fact

(Testimony of George A. Graham.)

that employees reported on matters. It may not be in any way connected.

Mr. Grossman: Let me state this, your Honor:

Presiding Inspector: Yes.

Mr. Grossman: It very often happens—we can demonstrate it if it is required—it very often happens that labor spies or informers work in ways that don't require their membership in unions. For example, very often they will report to the employer the sentiment among the men to join a union before a union has ever come in so the men can be fired for even talking [3620] of unions, which is one of the most common—in fact, where the employers are most successful in keeping unions out by eliminating every man who joins the union before a union ever comes into the picture. Therefore, it is quite possible for him, not a member of the union, to carry on the same kind of labor spying and informing.

Presiding Inspector: I think that is pretty remote.

Mr. Grossman: Your Honor, we don't consider it remote, that a witness has a bias or such a state of mind toward unions that he will engage in this sort of activity. We consider especially, since this case represents in the mind of the public and in the minds of lots of people, a labor case, therefore prejudice against labor unions is p r e j u d i c e against——

Presiding Inspector: I don't think this is a labor case of any kind. I don't consider this a labor

(Testimony of George A. Graham.)

case of any kind. The only question here is whether the Alien is subject to deportation under the rules of the statute. It has not anything to do, in its ultimate decision, with any labor matter.

Mr. Grossman: Yes, your Honor. I am not saying you believe this. All I am saying is this: If, in the minds of the public, based upon the endorsement of certain unions and the CIO and so on, if this case in the mind of the public or in the mind of St. Clair is a labor case and represents unionism, then, the bias of Mr. St. Clair or any witness toward unions or toward unionism is relevant regardless of what you [3621] or I might think because we are concerned with Mr. St. Clair, and if he thinks it is a labor case, then, his bias against unions is important. And, as I say, we are prepared to prove, if your Honor doesn't except, that among a large part of the public in the CIO, in particular, this is not only considered a labor case but has been declared a labor case by President Murray.

Now, obviously, that gets to peoples' minds through the newspapers and other methods.

Presiding Inspector: You are not trying it to the general public.

Mr. Grossman: No, but as a member of the general public, or one that reads the newspapers Mr. St. Clair, or any other witness will form an opinion as to whether this is a labor case or as to whether his testimony against Bridges will hurt the labor movement, which is the important—whether he is

(Testimony of George A. Graham.)

right or wrong, if he thinks he can hurt the labor movement by testifying against Harry Bridges, then, his bias against the labor unions or labor movement is relevant.

Presiding Inspector: Pretty remote.

Mr. Grossman: It is remote to us, I agree. You may give it less weight than we think it ought to have. It is definitely relevant.

Presiding Inspector: What have you to say, Mr. Del Guercio? [3622]

Mr. Del Guercio: I believe the whole matter ought to be excluded. I think the Government has made it clear from the very beginning that this in no wise is a labor case. We are proceeding against Harry Bridges because we believe the evidence shows that he has been a member of the Communist Party and of affiliated organizations and of the Industrial Workers of the World, subversive organizations. We are not proceeding against Harry Bridges because he is a labor leader, because he is a member of any union, CIO, A. F. of L., or any other, and we haven't introduced a single bit of evidence attacking Mr. Bridges because of his labor activities. All of the evidence that the Government has introduced has been to show that Harry Bridges has been acting as a member of the Communist Party, not as a member of any labor union. The Government has not sought in this case at any time by implication or otherwise to cast reflection upon any bona fide labor union, CIO, A. F. of L.,

(Testimony of George A. Graham.)

or anything. The Government has not used the witnesses knowingly who were what they called labor spies. We have attempted—the case was very thoroughly investigated. We have attempted to present witnesses here who were truthful and who were testifying of their own knowledge, not because of their activities in labor unions, but because of their past membership in the Communist Party and because of their activities in labor unions as members of the Communist Party, because of their activities in labor [3623] unions because of directions and instructions received from the Communist Party. And, I believe, that this Court should make it clear to counsel and to the public that we are not trying labor unions.

Presiding Inspector: I think that is clear——

Mr. Del Guercio: (Interposing) And to exclude all reference——

Presiding Inspector: (Interposing) ——within the four walls of this room, this hearing room, that this is not a labor case. However, I will let you go a little further with this witness. You may have something that I don't comprehend.

Mr. Grossman: I will re-phrase the question because it will be too far back to find, I am afraid.

By Mr. Grossman:

Q. I asked you whether, to your knowledge, Mr. St. Clair had ever reported on the activities of unions or the attitude toward unions of agricultural workers?

Presiding Inspector: Mr. Del Guercio objects.

(Testimony of George A. Graham.)

Mr. Del Guercio: Yes, your Honor.

Presiding Inspector: And I will allow the question.

A. Do you mean in Orange County?

By Mr. Grossman:

Q. Anywhere?

A. I will say as far as the report is——

Presiding Inspector: (Interposing) You mean current [3624] things? You don't mean reporting past history?

Mr. Grossman: Things that were then happening or have just happened.

Presiding Inspector: Yes.

The Witness: Not in the sense of a report during my acquaintance with Mr. St. Clair, in hauling him from Los Angeles and around. He discussed many things. During those conversations he mentioned labor activities. I don't recall that he particularly stressed agriculture. As I remember it, he had no experience in any agricultural unions.

Presiding Inspector: Well, that answers your question.

By Mr. Grossman:

Q. At any time after that did he have such a conversation with you?

A. Just along general lines. That answer covers the complete experience with Mr. St. Clair.

Q. Did he ever discuss either the activities of or the attitudes of any agricultural laborers in discussions with you?

(Testimony of George A. Graham.)

Mr. Del Guercio: If your Honor please, I object to that as already having been answered.

Presiding Inspector: You mean historically?

Mr. Grossman: No. I will phrase it more definitely.

Presiding Inspector: Yes.

By Mr. Grossman: [3625]

Q. Did he ever at any time in discussions with you report on recent attitudes of or activities of agricultural workers in connection with unions or union activities?

Mr. Del Guercio: I will object to that question.

Presiding Inspector: I will take that, if you understand it.

The Witness: Yes, I understand it, but it was quite a while ago. It was just another incident as far as I was concerned and I don't recall of any time where he did go into that phase at all. [3626]

By Mr. Grossman:

Q. At the time that Mr. St. Clair was employed in Orange County did the Associated Farmers, either the State organization or the County unit, employ any informer or labor spy, among unions or workers in that County?

Mr. Del Guercio: If your Honor please——

Presiding Inspector: I will exclude that.

Mr. Del Guercio: I think that counsel should be admonished.

Presiding Inspector: That is improper, I think.

Mr. Del Guercio: It is very improper.

(Testimony of George A. Graham.)

Presiding Inspector: I don't know as it needs comment. By "improper" I mean it is not material to this case.

Mr. Grossman: Let me explain some of the relevance, your Honor.

It has not yet been developed, and perhaps it can't be by this witness, that the Associated Farmers—and we are prepared to prove everything I now say if it becomes relevant—are not a farmers' organization, but an anti-labor organization. They are an organization that throughout the State in various counties—I don't say every county, has employed, as the LaFollette Committee records clearly show, has employed labor spies, has employed labor spies to report, not only among agricultural workers and unions, but in other unions. They are an organization which has subsidized other anti-labor [3627] activity and which, in turn, is subsidized by anti-labor organizations.

I am not saying at this time whether Mr. St. Clair was one of those informers, but the organization was.

Now, here is a man who represented the Associated Farmers at that time, an organization which, as I say, we can prove definitely every word of what I say, was primarily an anti-labor organization, which made it a business, among other things, to employ labor spies, official and unofficial, paid and unpaid, and for all I know was at that time in this county carrying on part of such activities.

Presiding Inspector: I think that is too remote,

(Testimony of George A. Graham.)

too far afield. You have put this witness on to encroach on his credibility to a certain extent.

Mr. Grossman: I am not challenging any statement he has made yet, your Honor.

Presiding Inspector: You want to know in general whether this institution has, in other cases, done things which you characterize as reprehensible. We can't hear that.

Mr. Grossman: The question goes to this time.

Presiding Inspector: Even at this time.

Mr. Grossman: At the time and in the county where St. Clair was working.

Presiding Inspector: The evidence has shown that he had no such relationship with St. Clair. Bad men may employ good [3628] servants.

Mr. Grossman: Pardon?

Presiding Inspector: Bad men may employ good servants.

Mr. Grossman: It is possible.

Presiding Inspector: It is too remote.

Mr. Grossman: I will continue along a slightly different line.

By Mr. Grossman:

Q. Have you ever engaged in any activity in connection with the deportation of Harry Bridges?

A. No, sir.

Q. Did your unit of the Associated Farmers ever pass any resolution dealing with the deportation or the possible deportation of Harry Bridges?

Mr. Del Guercio: I will object to that question.

(Testimony of George A. Graham.)

First of all, he is trying to discredit his own witness.

Presiding Inspector: I don't see that has any materiality. They have a right to pass such resolutions just as much as other bodies have a right to pass resolutions to the contrary.

Mr. Grossman: It is my understanding of the general principles of law that not only can you go into bias of a witness, but you can go into bias of someone who procures that witness. That is my understanding of the general criminal law. But that bias of procuring—and Dean Landis has a good deal of discussion along those general lines in his report, [3629] this bias of the procurer can well go to the person procured. It may determine whom he procures; it may determine what he tells that person that he procures, and so on.

If I can show bias on the part of this witness, through his organization, I can tie it up, because I can show, even though a few preliminary questions were left out, I can show that he agreed generally with his organization on these matters. If I can show a definite bias, and activity on the part of the Associated Farmers, to try to secure the deportation of Harry Bridges, activity going so far, as a matter of fact, as attempting to secure the impeachment of Secretary Perkins because she didn't begin certain proceedings against Harry Bridges, which shows how far it can go, and if I can show that on the part of his organization and himself, I think it is relevant, that it shows bias,

(Testimony of George A. Graham.)

that he procured a witness, and he is biased against Harry Bridges in particular; and even more particularly, biased in favor of the deportation of Harry Bridges.

I think it is quite relevant.

Mr. Del Guercio: If the Court please, this isn't argument. This is an oration.

Presiding Inspector: This is argument. I take it as argument.

Mr. Del Guercio: No. The evidence shows, if your Honor please, and I challenge and agree to have it put in—St. [3630] Clair was produced by the Government, and by no organization, no group, no individual but the FBI, a Governmental agency, who obtained the testimony of Richard St. Clair.

Presiding Inspector: I don't know about that.

Mr. Del Guercio: There is no evidence, and counsel knows there isn't any evidence in this proceeding here on it.

Presiding Inspector: I will have to examine the record on that.

Mr. Del Guercio: His reference to such an organization is clearly improper, if the Court please, because it can't be borne out by the evidence, and counsel is speaking, not for argument, and addressing himself to the Court, but to certain papers and for publicity matters.

Presiding Inspector: I am not interested at all in that.

Mr. Grossman: I think it would be made clearer if we could adjourn early and convene early so I

(Testimony of George A. Graham.)

can procure the testimony of Mr. St. Clair, because I am relying on my recollection, which might be slightly at fault. If we could adjourn now and reconvene at ten minutes early I think it would be a good idea.

Presiding Inspector: Is that all you want to ask this witness?

Mr. Grossman: No. I have other questions.

Presiding Inspector: Why not go ahead with questions clearly more competent?

Mr. Grossman: All right. [3631]

By Mr. Grossman:

Q. Did you ever discuss with Mr. St. Clair his testifying against, rather, his testifying in a deportation case involving Harry Bridges?

Mr. Del Guercio: I object to that unless he puts the time and place, and the preliminary questions as to whether he ever has.

Presiding Inspector: I will allow the general question first, although it is probably for impeachment.

Mr. Grossman: It isn't impeachment. I am asking generally, and I will come to something specific if he says "Yes."

A. Yes. The answer is "Yes."

By Mr. Grossman:

Q. When was it?

A. As I stated a while ago, we became more or less acquainted; Mr. St. Clair talked a good deal. During his conversation I would judge, perhaps two

(Testimony of George A. Graham.)

or three weeks after I first met him, he mentioned Harry Bridges. I didn't ask him any questions. He did all the talking.

A few days after that, in talking to one of the Immigration officers, I mentioned the fact that Richard St. Clair claimed to have some information on Harry Bridges.

Later on I met with the Immigration officers and St. Clair, and at that time we discussed the deportation of Harry Bridges, the case.

I said "We." I was present during the conversation. [3632]

Q. How did you happen to have any discussion at all with the Immigration officers?

A. It is part of the basic policy of the Associated Farmers that we cooperate with all local, state, national, law enforcement agencies.

Q. That doesn't answer the question. How did this particular meeting come about with the Immigration officers? What was the subject matter?

Presiding Inspector: You mean the meeting at which Mr. St. Clair was present?

By Mr. Grossman:

Q. I am first referring to the first time when you told the Immigration officers that Mr. St. Clair knew something. How did this meeting come about—what was the reason for it?

A. That is customary—I talk with Immigration officers, District Attorneys and all officers quite frequently in my work.

Q. Do you remember how this particular meet-

(Testimony of George A. Graham.)

ing happened to come about? Was there any specific subject that was to be discussed at the meeting?

A. It was just a chance meeting, and during the meeting I mentioned the fact that there was a man in the County that appeared to have information on Harry Bridges.

Q. All right.

A. It wasn't called for that purpose. I didn't go to [3633] his office, or anything. I believe we met on the street.

Q. Who was the Immigration officer?

A. Franklin Davis.

Q. Where is he stationed?

A. He is stationed in Santa Ana, Orange County.

Q. Was the only one present when you had this conversation about St. Clair, the first conversation with him? A. Yes.

Q. How did the second meeting come about?

Mr. Del Guercio: If your Honor please, there is no such meeting, and there is no such time, place, and there is no evidence that it was a meeting.

Presiding Inspector: I will take it.

By Mr. Grossman:

Q. You stated you discussed with the Immigration officers, or, rather, you were present when there was also present Mr. St. Clair and a certain Immigration officer. A. That is right.

Q. Now, that is the second meeting I refer to. How did that come about?

A. In Riverside one day I received a phone call from my office to the effect that Mr. Norene, I be-

(Testimony of George A. Graham.)

lieve his name was, from Seattle, and a companion were in Santa Ana wanting to know if I could find Mr. St. Clair and bring him to the Immigration office in Santa Ana.

I told them I could and I would. [3634]

I went to San Juan Capistrano and picked up Mr. St. Clair. That was where he was working.

We went back to Santa Ana. I took him up to the Immigration office. I went in the meeting with him and stayed there.

Q. Did you have any conversation with Mr. St. Clair that you can recall before you took him to that meeting? A. No.

Q. That is, with reference to his going to the meeting?

A. No. I knew nothing about that at all. I merely mentioned it along with other things to Mr. Davis and I was surprised to get the phone call.

Q. Can you tell me what was the substance of the information that Mr. St. Clair gave you about Bridges that you conveyed to the Immigration man?

Mr. Del Guercio: If your Honor please, I object to this line of questioning for a number of reasons. It is apparent that counsel is referring to a matter that occurred prior to the last deportation hearing. We are not interested in what occurred there. We are interested in St. Clair and the testimony he gave here, and as to whether that testimony was true. That is all.

Mr. Grossman: If that is all you are interested in why wasn't he put on at the last hearing?

(Testimony of George A. Graham.)

Mr. Del Guercio: That is none of your affair. [3635]

Mr. Grossman: Apparently he wasn't believed before the last hearing.

Mr. Del Guercio: That statement is uncalled for and unnecessary.

Presiding Inspector: I think it was improper.

Mr. Grossman: That is the most logical answer I can think of.

Presiding Inspector: It is highly improper. Of course, it won't have any effect except a prejudicial one, if any, to make statements like that.

Mr. Grossman: The only objection Mr. Del Guercio made to the question I am attempting to ask is that it happened before the last hearing. I say that is no objection. As a matter of fact, it is a pertinent point in our favor.

Presiding Inspector: So far as it contradicts Mr. St. Clair. Was he asked about it?

Mr. Grossman: I don't say it contradicts him.

Presiding Inspector: What do you offer it for, then?

Mr. Grossman: I want to know exactly what this witness was told. I have a right to go into the fact that he was told something about Bridges. I want some details. He said Mr. St. Clair mentioned Bridges. I want to know what St. Clair said about Bridges.

Presiding Inspector: You should have asked St. Clair that, shouldn't you? [3636]

(Testimony of George A. Graham.)

Mr. Grossman: I am not saying I want to contradict St. Clair. I obviously have a right to go into the subject matter of what St. Clair said to him about Bridges. In other words, how Mr. Graham happened to do what he did. I want the details, precisely what Mr. St. Clair said to him.

Presiding Inspector: You want to show this in order to show bias?

Mr. Grossman: Not necessarily on this particular point.

Presiding Inspector: What do you want to show?

Mr. Grossman: I want to find out on this precise point why Mr. Graham did what he did after that.

Presiding Inspector: What difference does it make?

Mr. Grossman: It may make a great deal of difference.

Presiding Inspector: We are interested here in this instance only in Mr. St. Clair, isn't that right?

Mr. Grossman: I don't think so, your Honor. If we can show that Mr. Graham did things to get Mr. St. Clair to testify, perhaps gave Mr. St. Clair something—his job is not—by any means I haven't used that in my argument, the fact that a job was given or found for him—but if Mr. Graham used some inducement to get Mr. St. Clair to testify that is important and I think I have a right to show it; or, as I stated, just the fact that Mr. Graham having certain bias and procured him, that becomes important too.

(Testimony of George A. Graham.)

Presiding Inspector: Haven't you got that?

[3637]

Mr. Grossman: Not in detail. All I know is Mr. St. Clair mentioned Bridges. I haven't yet asked what he said. That is all I am asking now.

As I say, I am not saying I am trying to impeach St. Clair or this witness either.

Mr. Del Guercio: In view of counsel's statement that he is not attacking, or is not endeavoring to attack the veracity of St. Clair, but merely to show in what ways, apparently devious ways St. Clair was procured to appear here, all of this is out of order. He is not attacking St. Clair's veracity. He is not stating, or attempting to show that St. Clair did not testify truthfully, but he is trying to throw up a smoke screen because of what such and such a thing happened; that St. Clair isn't a liar, but so and so procured him. Therefore, while he is not a liar he must be called a liar, and he wants the Court here to believe that he is a liar; not because he is in fact a liar but because of the manner in which——

Presiding Inspector: Let us analyze this a little. You don't want to show this as impeaching St. Clair's veracity?

Mr. Grossman: Not as such, your Honor.

Presiding Inspector: And you don't want to show it as bias?

Mr. Grossman: Yes; as bias.

Presiding Inspector: You do?

Mr. Grossman: It may be bias as implied to St. Clair through Mr. Graham. [3638]

(Testimony of George A. Graham.)

Presiding Inspector: But ostensibly you want to show this as attacking the underlying sincerity of the Government's investigation?

Mr. Grossman: I wouldn't say that.

Presiding Inspector: Isn't that it?

Mr. Grossman: That big a job we don't have to undertake. If we can merely attack the underlying sincerity of the procurement of a certain witness, that is all we have to show to be relevant. I am not saying we are biting off the other job, that every witness was procured in that way.

Mr. Del Guercio: What other job is implied by that?

Mr. Grossman: If we could look at your records we might take the other job over too.

Presiding Inspector: Wait a minute. I am asking some questions of counsel and I want to get an answer.

Mr. Grossman: It is simply a question of what inducements were used, or by whom, St. Clair was procured, and what are the attitudes of the man or the organization that procured him.

Presiding Inspector: Read the pending question.

(The question referred to was read by the reporter as follows:

"Q. Can you tell me what was the substance of the information that Mr. St. Clair gave you about Bridges that you conveyed to the Immigration man?")

(Testimony of George A. Graham.)

Presiding Inspector: I will let you answer what informa- [3639] tion was given to you by Mr. St. Clair that you discussed at this interview when you all three were present. That is what you want?

Mr. Grossman: Yes.

The Witness: When three were present?

Presiding Inspector: Yes; at which Mr. St. Clair was present.

Mr. Grossman: This will be the first interview. When he first gave his interview with Mr. Davis.

Presiding Inspector: He has covered all of that.

Mr. Grossman: Not as to what the information was.

Presiding Inspector: I will allow you to give what information you told or gave Mr. Davis on the first interview. That is over your objection, Mr. Del Guercio.

Mr. Del Guercio: Yes.

Presiding Inspector: I thought you covered that.

Mr. Grossman: No, we haven't.

Presiding Inspector: Go ahead. What did you tell him on the first instance?

A. During my conversation with Mr. St. Clair, he had said that at different times he had attended Party meetings with Harry Bridges—correction—I say Party meetings—as I recall it, he said that he was guard, or something, some officer, at the building, and at the room in which the Party meeting was on in, and in which Harry Bridges was present.

(Testimony of George A. Graham.)

Presiding Inspector: And you told Mr. Davis that? [3640]

The Witness: I merely reported that to Mr. Davis.

Mr. Grossman: May we adjourn for lunch now, if your Honor please?

Presiding Inspector: Let us finish this particular matter if we can.

Mr. Grossman: I have finished the particular line of inquiry, but I cannot finish my examination very quickly.

Presiding Inspector: Well, we will recess until 2:00 o'clock.

(Whereupon, at 12:35 P. M., a recess was taken until 2:00 P. M. of the same day.) [3641]

After Recess
2:00 O'clock P. M.

Presiding Inspector: Call back the witness, Mr. Grossman.

GEORGE A. GRAHAM,

called as a witness on behalf of the Alien, having been previously duly sworn, testified further as follows:

Direct Examination
(Resumed)

By Mr. Grossman:

Q. Mr. Graham, what, if anything, have you

(Testimony of George A. Graham.)

done to bring about the deportation of Harry Bridges?

Mr. Del Guercio: If your Honor please, I object to the question, first of all, as being improper; and, secondly,——

Presiding Inspector: This is your witness. I think that is improper. He is not an employee of the Government.

Mr. Grossman: In the first place, even though he is our witness, we have a right to show bias; secondly, if your Honor rules we cannot show bias with our own witness we are prepared to argue.

Presiding Inspector: You can show bias of a witness, yes.

Mr. Grossman: That is all I am asking.

Presiding Inspector: To show bias of this witness?

Mr. Grossman: Yes.

Presiding Inspector: How would that be material from your side of the case? You offered this man to be relieved. Now, you don't want to build up a straw man and knock him down. [3642]

Mr. Grossman: If he testifies that he was biased against Bridges I don't ask you not to believe him; I ask that you believe him.

Presiding Inspector: I won't receive bias of this witness because he hasn't testified to anything that would call for any such thing.

Mr. Grossman: If, for the reasons I argued before, he had any part in procuring a witness his bias becomes material for that reason.

(Testimony of George A. Graham.)

Presiding Inspector: Oh, no. He told you all about that. What difference does it make whether he does it with ill will or good will?

Mr. Grossman: I think, your Honor, that the law is that it makes a difference.

Presiding Inspector: I know of none.

Mr. Grossman: We are prepared to argue that.

Presiding Inspector: I would like to hear you.

Mr. Grossman: It will take a moment or two to get our material in order.

Presiding Inspector: Take all the time you need.

Even in a criminal case, almost all criminal cases are prosecuted as a result of informers and biased witnesses. That is the way that the police work.

Mr. Grossman: To the extent that they are, I say we have a right to go into it. I am not saying that the Government doesn't have the right, if that is the only way they can [3643] procure witnesses, to use biased procurers, but that doesn't mean we can't go into it.

Presiding Inspector: There is no evidence that they have used this witness that way.

Mr. Grossman: Right.

Presiding Inspector: We won't go into that unless you can convince me on it.

Mr. Grossman: We will see what we have here on that point.

Mr. Myron: While we are waiting, your Honor, may we have the last question read?

Presiding Inspector: Yes. Perhaps you will withdraw your objection.

(Testimony of George A. Graham.)

Mr. Myron: No. I just want the question read.

Presiding Inspector: Read the question.

(The question referred to was read by the reporter as above recorded:

"Q. Mr. Graham, what, if anything, have you done to bring about the deportation of Harry Bridges?")

Mr. Grossman: Your Honor, I thought that we had some law on that, but I note that what we have brought in is the opinion of Dean Landis on this question. What I was thinking of was the improper inducement of someone who procures, rather than bias. Your Honor, therefore,——

Presiding Inspector: You may be able to show that—you [3644] mean to show general bias as to the whole case?

Mr. Grossman: Right.

Presiding Inspector: Then you would have to show, I suppose, some connection between the Government and——

Mr. Grossman (Interposing): I am not reasoning from that at this time. All I want to say is that being true—we haven't come with the law on this particular point, and I don't think I could add anything now but, the general rule, as I understand it.

Presiding Inspector: I will exclude this for the moment. You can bring it up again.

Mr. Grossman: Let me ask you this question—we are prepared to argue this as well: If our right to go into this would be clear on cross examina-

(Testimony of George A. Graham.)

tion of a hostile witness produced by the Government, we say we have a right to go into this with this witness, even though he is produced by us; and we are prepared to argue the point—Mr. Gladstein is—that one's own witness, produced by one's self, if one can demonstrate that he is a hostile witness, one could treat him as if produced by the other side and cross examine him accordingly.

Presiding Inspector: If he is a hostile witness you may go further on direct to bring out the truth. But if he has testified to matters which are damaging to your side then you may also discredit him. I haven't heard anything from this witness to indicate that he is hostile or, anything in a general [3645] way, which would be considered as damaging to your theories.

Mr. Grossman: The question I am asking is this, your Honor: Whether we would be permitted to go into that if we demonstrate that this witness is hostile? In other words, we are willing to argue that point if your Honor will say that.

Presiding Inspector: If you show he is hostile I will give you greater liberty in examination.

Mr. Grossman: Well, I wish to ask this question, then——.

Presiding Inspector (Interposing): That doesn't mean——

Mr. Grossman (Interposing): ——going to this issue, your Honor.

Presiding Inspector: Yes.

(Testimony of George A. Graham.)

Mr. Grossman: I think the question is definitely relevant on that issue.

Could we have the question read?

(The question referred to was read by the reporter as above recorded.)

Mr. Del Guercio: There is an objection, of course.

Presiding Inspector: There is an objection and I will sustain the objection.

Mr. Grossman: I will ask it now, going to the hostility of the witness.

Presiding Inspector: I don't think you can show it in that general way.

By Mr. Grossman:

Q. Mr. Graham, what are your feelings with reference [3646] to Harry Bridges——

Mr. Del Guercio (Interposing): If your Honor please——

By Mr. Grossman:

Q. (Continuing): ——or what you believe he stands for?

Mr. Del Guercio: I object to that question as being improper, immaterial and irrelevant.

Counsel here is bringing his witnesses, his own witness and making his own issues, or attempting to make his own issues, which is clearly improper. The only hostility, if it may be called hostility, that this witness has shown is that he belongs to an organization whose avowed purpose is to seek out

(Testimony of George A. Graham.)

subversive activities. Now, if counsel says that is hostility I will admit that I am hostile also.

Mr. Grossman: Your Honor, obviously I have stated we are prepared to prove more. We are prepared to prove that the Associated Farmers not only is anti-labor, has taken, as I stated before, direct activity to get Harry Bridges deported. That, I claim, shows the hostility. Now, we have some law here from Wigmore on the question of what kind of hostility we are allowed to go into. We are relying, of course, on our common law right because the statute won't cover here.

Presiding Inspector: Yes.

Mr. Grossman: We claim the hostility towards the individual is the kind of hostility we are permitted to show with reference to a witness.

Presiding Inspector: Yes. If you can show he has any [3647] real hostility to Mr. Bridges, why, of course, that may be competent as bearing upon his testimony, but up to this point I haven't heard anything that he has testified to that is of any great materiality——

Mr. Grossman (Interposing): That is why I should be permitted this question.

Presiding Inspector: First ask the question. First show what you want to show by this witness.

Mr. Grossman: By the question or by telling——

Presiding Inspector: No, by questions.

Mr. Grossman: Oh. Well, I think my last question does, your Honor.

Presiding Inspector: Ask him as to what in-

(Testimony of George A. Graham.)

duced him to do this, if you want to. You may ask him—I will allow you to ask him, over objection if made, if he produced, if he took or had this conversation with Mr. Davis, was his name, the first one?

Mr. Grossman: Yes.

Presiding Inspector: If he had that through enmity toward Mr. Bridges, you may ask that.

Mr. Grossman: I don't think I have to tie it down to any particular conduct, your Honor. If he has the general feeling toward Mr. Bridges I don't think I have to show the influence, one way or another, of his acts in order to establish him as hostile.

Presiding Inspector: That would open the field to what [3648] his beliefs are, don't you see, and what his grounds for those beliefs are. If he believes he is a malefactor, why, there might be some justification, even if he was not a malefactor. Now, you don't want to go into all that matter, do you?

Mr. Grossman: I think I have a right to approach it generally, though, your Honor. I could see I can approach it the way you are saying. I prefer to approach it generally, his general views toward Harry Bridges or his general prejudice.

Mr. Del Guercio: In the first place, the question would be improper on this ground: The question is what have you done to have Harry Bridges deported?

Mr. Grossman: No, that was the former question.

Presiding Inspector: He has withdrawn that

(Testimony of George A. Graham.)

question, under my suggestion that he proceed to another point and may come back to that.

Mr. Del Guercio: Now, the last question is what he thinks of Harry Bridges.

Mr. Grossman: His attitudes.

Mr. Del Guercio: Now, counsel could go out and get thousands of persons who don't believe Harry Bridges is any good. Now, does he want to bring all those people in and ask them those questions?

Presiding Inspector: I don't suppose he does.

Mr. Del Guercio: Well, that is what he is attempting to do.

Mr. Grossman: If Mr. Del Guercio can find thousands let [3649] him produce them.

Mr. Del Guercio: You have produced one now, or you have attempted to produce——

Mr. Grossman: (Interposing) I will stipulate all members of the Associated Farmers will take that view.

Mr. Del Guercio: That isn't an issue.

Presiding Inspector: That, of course, isn't in issue.

Mr. Grossman: I still think the question is pertinent, your Honor, that I was asking. I will re-frame it to save the time of finding it.

By Mr. Grossman:

Q. What is your present attitude or feeling toward Harry Bridges?

Mr. Del Guercio: I will object to that question, if your Honor please.

(Testimony of George A. Graham.)

Presiding Inspector: I think it is doubtful, but I will take it, if you can answer it.

The Witness: Yes, I think I can.

A. Basing my opinion on what I hear and what I read, basing it particularly on the support given Mr. Bridges through Communist periodicals and publications I would say that, in my opinion, he was undesirable because, generally speaking, my principles wouldn't allow me to support anything that they support, generally speaking.

Presiding Inspector: Now, you see the difficulties we are in. [3650]

Mr. Grossman: Yes, I recognize that, but I think I still have a right to ask this question.

Presiding Inspector: Whether he is undesirable or not isn't the question.

Mr. Grossman: It indicates his state of mind. It may not be the issue of this proceeding but it——

Mr. Del Guercio: (Interposing) Indicates whose state of mind?

By Mr. Grossman:

Q. Do you believe Harry Bridges ought to be deported?

Mr. Del Guercio: If your Honor please, I object to that question. In the first place, it is only the Government who is interested in—who can deport Harry Bridges, no individual or groups of individuals, no matter what their desires are.

Presiding Inspector: He is trying to show the attitude or the bias of the witness. I don't think the bias of the witness amounts to anything one way or the other as yet; there may be something.

(Testimony of George A. Graham.)

I will let him answer that. It is pretty extreme. Go ahead.

Do you think he ought to be deported? Now, that calls for his belief, I suppose, as to his subversive conduct, if there is such, under that law. I don't suppose he even knows what the law is.

Mr. Grossman: Without knowing the law he probably be- [3651] lieves he ought to be deported, your Honor.

Mr. Del Guercio: I wouldn't blame him for that, if your Honor please.

Presiding Inspector: All right, then, we will take it.

Mr. Gladstein: I move that the remark of Mr. Del Guercio——

Presiding Inspector: (Interposing) No, I will let it stand. Go ahead. It isn't proper. It isn't evidence, but it comes up as a result of the talk back and forth.

I will let you answer it.

A. The question is do I think he should be deported?

Presiding Inspector: Yes.

The Witness: My personal opinion?

Presiding Inspector: Yes, that is all.

The Witness: Yes.

By Mr. Grossman:

Q. Did you ever participate in the passing of any resolution calling for the impeachment of Secretary Perkins for not ordering a deportation hearing against Harry Bridges?

(Testimony of George A. Graham.)

Mr. Myron: Object.

Mr. Del Guercio: If your Honor please, I object to that question.

Presiding Inspector: I won't take that; that is too remote. We have got to go into the whole situation and history of this proceeding if we take that. Haven't you got in a great deal more definite statement which he just made?

Mr. Grossman: It is a question of whether we have yet [3652] established, to the satisfaction of your Honor, hostility. Perhaps, we have. If so, I will abandon further questions. In other words, the purpose of this line of inquiry is to have him established as a hostile witness. If and when we reach that point if we could be told——

Presiding Inspector: (Interposing) I don't think this is a hostile witness within the meaning of that phrase in the law. He may be a biased witness beyond any point—if there is any point where there is any chance for bias.

Mr. Del Guercio: Nor surprise, if your Honor please.

Mr. Grossman: We are not relying on surprise; we are relying on hostility to the extent that that opens up the issues that we couldn't otherwise go into.

Presiding Inspector: Yes. Well, I am not sure you can go into them but I want to give you the basis.

I am giving him the basis for asking these questions. I don't want to have any trouble about it.

(Testimony of George A. Graham.)

Mr. Grossman: Just one moment, your Honor.

Presiding Inspector: Yes, surely.

Mr. Grossman: Your Honor, this is, of course, a very difficult question as to what constitutes this kind of hostility. Let me read two or three lines from Wigmore, what he considers a definition of this kind of hostility. I think we have established it according to this, if this statement of Wigmore's is accepted as a definition. [3653]

"A similar situation arises where the witness, though called by the party examining, is in fact biased against his cause——" in italics ——"biased against his cause——" in italics ——"and is thus indisposed to favor it by accepting suggestions of desired testimony."

And he goes on to say that here a question cannot be objectionable as leading.

Now, it seems to me that this witness has indicated a bias against the cause, the cause being the issue of this case.

Presiding Inspector: Yes.

Mr. Grossman: The deportation of Bridges.

Presiding Inspector: That opens—assuming that is the fact it gives you a greater freedom to examine in chief than you would have.

Mr. Grossman: That is right.

Presiding Inspector: You may, under those circumstances, if you find it necessary lead the witness but, of course, the effect of the answers would be taken into consideration with leading questions.

Mr. Grossman: Are you ruling though we may

(Testimony of George A. Graham.)

be able to lead the answers are still those of our witness?

Presiding Inspector: Oh, they are the answers of your witness undoubtedly. I don't mean to say that you might not introduce contradictory statements to impeach your witness. The old rule against impeaching a witness has been done away— [3654] of one's own witnesses has been done away with in many states. It has been done away with in New York under certain circumstances; that is, you can impeach him by writings, and in this administrative proceeding, perhaps, greater liberality was granted in that way. You can't impeach your own witness in New York by simple statements out of Court but you may if they are under oath or are in statements signed. You probably know the statutes, Mrs. King, who is a member of the New York Bar would probably know them.

Mr. Del Guercio: And on that point, if the Court please, while Wigmore may have said—may show that the witness is opposed to the defendant's cause, nevertheless, the defendant's cause must be known too. What is it that the witness is opposed to?

Presiding Inspector: That, of course, bears on it.

Mr. Del Guercio: Is it Bridges or what he represents, or Bridges as a member of the Communist Party, his cause for Communism, not Bridges personally.

Presiding Inspector: Those would all be taken into consideration, of course.

(Testimony of George A. Graham.)

Mr. Del Guercio: Of course.

Presiding Inspector: Go ahead, Mr. Grossman. Ask the next question. I don't want to unduly hurry you.

By Mr. Grossman:

Q. Mr. Graham, so far as you know do you agree with all the activities and the statements of policy of the [3655] Associated Farmers of California with respect to the deportation of Harry Bridges?

Mr. Del Guercio: If your Honor please, I object to that question as being immaterial and irrelevant and improper.

Mr. Grossman: This is to lay a basis to show what those policies are, attributing them, therefore, to Mr. Graham.

Presiding Inspector: I suppose you are going to show what they are.

Mr. Grossman: Yes, sir.

Presiding Inspector: Of course, your question merely refers to those that he now has in mind.

Mr. Grossman: That is correct.

Presiding Inspector: I will take it.

Mr. Del Guercio: Are we going to try those issues also?

Presiding Inspector: I am afraid so; I don't know. It is going pretty far afield, Mr. Del Guercio, I agree with you, but I think I will allow it.

A. You must bear in mind that I am employed full time with the Associated Farmers of Orange County which is an incorporated unit of its own,

(Testimony of George A. Graham.)

and there are many statements of the state association with which I am not familiar.

By Mr. Grossman:

Q. I am only asking about those that you know?

A. My answer is yes.

Q. And could you state for us what you know to be the [3656] activities or the statements of the state organization with respect to the deportation of Harry Bridges?

Mr. Del Guercio: I will object to that question, if your Honor please, immaterial.

Presiding Inspector: I will take it. We are trying now the Farmers——

Mr. Del Guercio: (Interposing) The Farmers Association.

Presiding Inspector: ——Association, but I will take it.

Mr. Del Guercio: Well, should Mr. Bridges be excused?

Presiding Inspector: No.

Mr. Grossman: It is all right with us.

Presiding Inspector: Go ahead.

Mr. Gladstein: Mr. Bridges says he has a lot of valuable work to perform for his trade union if Mr. Del Guercio will stipulate to his being excused.

Mr. Del Guercio: We are not trying trade unions, if your Honor please.

Presiding Inspector: Well, go ahead, Mr. Grossman.

(Testimony of George A. Graham.)

Mr. Grossman: All right. Did you hear the question, Mr. Graham?

The Witness: I think so.

A. I agree with the policies of the state organization as far as I know them and as I understand them and know them, and they are: We are opposed to subversive activities in general, due to his support through subversive activities we [3657] believe that he is in favor of subversive activities, also we are opposed to Bridges' policy or his organization's policy of the compulsory closed shop. Our organization is not—does not believe in the compulsory closed shop.

To that extent I agree with the state organization.

By Mr. Grossman:

Q. Do you know whether your organization has taken any position with respect to whether Bridges ought to be deported?

Mr. Del Guercio: If your Honor please, I object to that on the same grounds.

Presiding Inspector: I will take it.

A. To my knowledge there has been no official action.

By Mr. Grossman:

Q. Do you regularly read the resolutions of the Associated Farmers of California and the Executive Board or Executive Committee?

A. I don't read them all. [3658]

Q. As Secretary of a County Unit of the Asso-

(Testimony of George A. Graham.)

ciated Farmers, did you receive copies of all the minutes of the Associated Farmers of California?

A. Yes.

Mr. Del Guercio: I object to that, if your Honor please. What difference does it make whether he receives them all or receives some of them?

Presiding Inspector: I will take it. He has testified that he didn't know of any such activity. Now, the witness is being pressed on that point. Go ahead. I will allow it.

A. Yes, I receive them all.

By Mr. Grossman:

Q. Do you also receive reports of all the conventions of the Associated Farmers of California?

A. Yes.

Mr. Del Guercio: I object to that question, if your Honor please.

Presiding Inspector: He said "Yes." I will allow it to stand.

By Mr. Grosman:

Q. What did you say was the time when you began working for the Associated Farmers?

A. August 1, 1937.

Q. 1937? A. Yes. [3659]

Q. Has your organization adopted any position of opposition to Bridges based on his organization of agricultural workers?

Mr. Del Guercio: I will object to that question. It doesn't make any difference whether it has or not.

(Testimony of George A. Graham.)

Presiding Inspector: I don't know as it does but——

Mr. Del Guercio: (Interposing) We are not interested in Harry Bridges' Union activities.

Presiding Inspector: (Continuing) ——I will take it. This is to show hostility, prejudice.

A. Our County affiliate, as I stated before, is opposed to a compulsory closed shop.

By Mr. Grossman:

Q. Will you state whether the state organization of the Associated Farmers has taken any position on the organization into the union of agricultural labor?

Mr. Del Guercio: I object to that, if your Honor plea-e, as going far afield.

Mr. Grossman: The reason I am asking the question, I have reason to believe they have opposed Bridges on this issue. I am trying to refresh his recollection.

Presiding Inspector: What issue?

Mr. Grossman: Over the organization of agricultural labor.

Presiding Inspector: The fact that they have opposed [3660] Mr. Bridges doesn't necessarily show hostility. There might be a difference of opinion here.

Mr. Grossman: Not necessarily. The vehemence with which they oppose it, I think, which this witness will admit, indicates it, and attributing of the agricultural organization, or the threat of it,

(Testimony of George A. Graham.)

to Bridges also, an indication of hostility, and the blaming of the CIO agricultural organization, to the extent that there is that in California, to Harry Bridges is an indication of hostility.

Presiding Inspector: You have all that in there already.

Mr. Grossman: I don't think so. He stated they were opposed to a closed shop.

Presiding Inspector: He stated that the participation in what he considers as subversive enterprises is one ground; and the second ground is his favoring the closed shop. Now, what more can you show than that?

Mr. Grossman: Well, it seems to me, your Honor——

Presiding Inspector: You want to go into details?

Mr. Grossman: As I understand it—I may be wrong—the Associated Farmers of California have clearly stated that they oppose, not only what Mr. Graham has called the compulsory closed shop, but they oppose all unionization of the agricultural workers.

Presiding Inspector: Why don't you ask him that?

Mr. Grossman: I will ask him that. [3661]

Mr. Del Guercio: I object to that.

Presiding Inspector: I will allow it.

By Mr. Grossman:

Q. Do you know whether the Associated Farmers

(Testimony of George A. Graham.)

of California now take the position, or have in the past on occasions taken the position that they are opposed to the unionization of agricultural workers?

Mr. Del Guercio: I object to that question, if your Honor please.

Presiding Inspector: I will overrule the objection and take the answer.

A. To my own knowledge they have taken no such stand.

By Mr. Grossman:

Q. Mr. Graham, did you ever see Mr. St. Clair again after this first conference with Mr. Norene?

A. Yes, I think I did.

Q. When was the next occasion?

A. Well, I can't state specifically. After all, this was a couple of years ago. I haven't thought of it since. But I must have seen him two or three times, perhaps, because he left some luggage, I believe, in my office, when he went to Los Angeles. He came back to my office to pick up his luggage.

Q. Did you ever lend or give Mr. St. Clair any money? A. Yes.

Q. How much? [3662]

Mr. Del Guercio: I object to that, if your Honor please, as not being material to the issues in this case.

Presiding Inspector: I will take it.

A. The night I brought St. Clair to Anaheim he was very anxious to go to work. I told him I had no time then to take him to his job. I

(Testimony of George A. Graham.)

reminded him that he was to remain in San Francisco until work was found.

He asked if he couldn't clean up my office, or do some little job, and was quite insistent, and I said "What is the matter, are you out of money?" He said "Yes. I have only 25 or 35 cents," I think he said.

I gave him a couple of dollars to get a room. He said he wanted a 50-cent room.

When I finally took him to the job he had on his regular clothes that he had on when I picked him up. I asked him if that was all the clothes he had. He said it was. I gave him, or loaned him $2.00 or $3.00 more to buy overalls.

That is the story.

By Mr. Grossman:

Q. Did you charge those sums of money to the Associated Farmers, or did you put them out of your own account?

A. Out of my own pocket.

Q. Isn't it true, Mr. Graham, that the Associated Farmers have adopted a position of hostility to Harry Bridges because of his opposition on the question of hot cargo? [3663]

Mr. Del Guercio: If your Honor please, in connection with this line of inquiry I would like to suggest to the Court that counsel has submitted an affidavit in support of their request for a subpoena, and I believe that in their affidavit, making the request for the subpoena, they stated certain

(Testimony of George A. Graham.)

things that they were calling this witness for; that is, on the question of bias and veracity of the witness, St. Clair.

Am I correct?

Presiding Inspector: I don't know. I have forgotten.

Mr. Del Guercio: Don't you think, if the Court please, that we should go to the affidavit to determine that?

Presiding Inspector: Have you a copy there?

Mrs. King: I don't believe I have a copy, but I am quite certain that the affidavit was secured on the basis that I wanted to inquire as to the inducements made by this witness to the witness Wilmot——

Mr. Del Guercio: (Interposing) Wilmot?

Mrs. King: I mean, to the witness, St. Clair.

Presiding Inspector: I haven't the affidavit before me.

Mr. Del Guercio: But not as to the attitude of the Associated Farmers, whatever it is, towards Harry Bridges, I am quite sure.

Presiding Inspector: Have you a copy?

Mr. Del Guercio: I haven't.

Presiding Inspector: I think the application has gone to [3664] Mr. Wixon.

Mr. Grossman: I would like to say this about it, your Honor: We now only have the recollection of Mrs. King as to what it says. Mr. Del Guercio undoubtedly is referring to the rule that says it must specify. And I believe the rule also

(Testimony of George A. Graham.)

says the examination under subpoena is confined to that subject.

Now, in the first place, it is obvious that that will have to be liberally interpreted.

Second, even assuming that we were restricted in the examination under the subpoena, it would seem to me true—certainly it would be true in a court—that we would have a right to examine the witness not under the subpoena. In other words, if he came in court and he took the stand, we can examine him not under the subpoena. However, if the witness refused to stay and he decided to run out then, of course, we would not be able to ask the questions. If he stays in court, however, then we are not so restricted by the subpoena.

It seems, no matter what it says, that it should be liberally interpreted. We have a right to go into this unless the witness wants to run out of the room.

Presiding Inspector: I agree, and I think counsel will agree, that it should be liberally interpreted.

Now, what was the question?

Mr. Del Guercio: I agree it should be liberally inter- [3665] preted, but if this was in the mind of counsel at the time the affidavit was made out then I say that they should be held strictly accountable to it for not including it in the affidavit because that would be obviously imposing upon the court.

Presiding Inspector: I suppose that is so.

Mr. Del Guercio: And abusing the process.

(Testimony of George A. Graham.)

Presiding Inspector: I don't know as we can draw that conclusion.

What is the question? We talk so much that we lose the question.

Mr. Grossman: I think I can rephrase it, if you prefer.

Presiding Inspector: Let the reporter read it.

(The question referred to was read by the reporter as follows:

"Q. Isn't it true, Mr. Graham, that the Associated Farmers have adopted a position of hostility to Harry Bridges because of his opposition on the question of hot cargo?")

Mr. Del Guercio: I object to that as being improper, and on the further ground that it is leading and suggestive, no foundation having been laid.

Presiding Inspector: I think I will take it—"Yes" or "No." We are not going to try the merits of that controversy.

A. It is hard for me to answer that question because I would have to know what was in the minds of my directors. Of course, I am a paid executive.

Presiding Inspector: You know of nothing on that? [3666]

The Witness: No. I don't believe I can answer the question intelligently.

By Mr. Grossman:

Q. Isn't it true, Mr. Graham, that part of the hostility of the Associated Farmers toward Harry

(Testimony of George A. Graham.)

Bridges, or the opposition to Harry Bridges, is based upon his opposition to Proposition No. 1, the measure that was on the ballot?

Mr. Del Guercio: Now, we are trying Proposition No. 1.

Mr. Grossman: I am—whether right or not—finding out what the basis was.

Presiding Inspector: I can't see that this makes any difference. Supposing they were opposed to him because he was a member of the Liberal Party, or any other party, would it make any difference?

Mr. Grossman: I want to show the basis of their hostility by a more definite description.

Presiding Inspector: He has stated to you that he is of the opinion that Mr. Bridges is undesirable and should be deported. How can you make it any stronger than that?

Mr. Grossman: In this way: It is quite obvious to me, I say, until I have asked the questions, and even then——

Presiding Inspector: I don't know what the matters are you are talking about.

Mr. Grossman: They are all labor matters. I wish to show that the hostility of the Associated Farmers and Mr. Graham is [3667] based primarily on the trade union position of Mr. Bridges, and I am giving four or five of what I think are the most important examples—and that is the reason I have selected them—and they have taken a stand on each of these with respect to Harry Bridges. I want to show this as a strong anti-trade basis.

(Testimony of George A. Graham.)

Presiding Inspector: The main point of this is it shows the basis for the prejudice of this witness?

Mr. Grossman: Yes.

Presiding Inspector: If there is one. That is all.

Now, I don't get what the Associated Farmers have to do with it.

Mr. Grossman: He stated, in so far as he recalls them, he agrees with the position of the Associated Farmers on Bridges. Now, if he recalls them, took this position or that on Bridges, I am assuming he agrees with all of those. In other words, I am refreshing his recollection as to other bases for the position the Associated Farmers took on Harry Bridges.

Presiding Inspector: That is very remote, but I will allow it.

Mr. Del Guercio: Can you show hostility by showing a man is opposed to a political question? Why this country was founded on opposition, opposition of ideas.

Presiding Inspector: But the bias of this witness is a basis for judging his credibility. That is all. I will take it. [3668]

A. I would say that Mr. Bridges' support of Proposition No. 1 made no difference as far as our attitude toward him is concerned.

By Mr. Grossman:

Q. You mean his opposition to Proposition No. 1? A. Yes; that is right.

(Testimony of George A. Graham.)

Q. But there was, was there not, a definite opposition in the position taken by the Associated Farmers and Harry Bridges on the question of Proposition No. 1?

Mr. Del Guercio: If your Honor please, I object to that. Proposition No. 1 apparently is a political question.

Presiding Inspector: I don't know.

Mr. Del Guercio: Proposition No. 1—I presume he means on the ballot?

Mr. Grossman: It was recognized by the labor movement as a trade union question and it went on the ballot, that is true.

Presiding Inspector: I don't see what trade unions questions as such have to do with this case.

Mr. Frossman: They may not have to do with it as such, but for the purpose of correctly defining the opposition of this man, and the Associated Farmers, to Harry Bridges, we must define them in the terms of trade union questions because those were the primary ones which are the basis of the opposition.

Presiding Inspector: He has already admitted opposition. [3669] What more can affect his credibility?

Mr. Grossman: I want the details.

Presiding Inspector: You think it deepens bias?

Mr. Grossman: Yes.

Presiding Inspector: Very well. I will take it. Go ahead.

(Testimony of George A. Graham.)

By Mr. Grossman:

Q. Isn't it true, Mr. Graham, that part of the opposition of the Associated Farmers to Harry Bridges was based on the fact that Harry Bridges was advocating, and the Associated Farmers were opposed, to the creation of Government camps for migratory workers?

Mr. Del Guercio: Now, we are going to migratory workers. I object to the question as being ambiguous and general.

Presiding Inspector: I will take it. I don't know what migratory workers are, except through the work of fiction.

Mr. Grossman: And which they rejected.

By Mr. Grossman:

Q. What is the answer?

Mr. Del Guercio: He suggested—counsel has told the witness that California opposed it.

Presiding Inspector: We have a very intelligent witness here. We will hear him.

A. I don't know as I am entirely familiar with Mr. Bridges' position on the migratory, or the migration of workers [3670] into California.

The position of our organization was that the migration should be limited to those whom the industry could absorb and take care of.

By Mr. Grossman:

Q. I was talking about the setting up of Government camps for migratory workers.

A. Pardon.

(Testimony of George A. Graham.)

Mr. Del Guercio: I object to that question. The witness stated he doesn't know Harry Bridges' position on that question.

Mr. Grossman: The witness stated he misunderstood it.

Presiding Inspector. I will take it.

By Mr. Grossman:

Q. I am concerned with the matter of setting up additional government camps for migratory workers. That is the issue. Was there opposition on the part of the Associated Farmers to Harry Bridges because of his position on that?

A. Again, I will have to say I don't know what his position was. I never heard that discussed in one of our meetings as being opposed to Harry Bridges, because of that stand.

Our stand was that camps should be under private enterprise, rather than under governmental control.

Mr. Grossman: No more questions.

Presiding Inspector: Any questions? [3671]

Mr. Del Guercio: Just a few.

Cross Examination

By Mr. Del Guercio:

Q. Where were you born, Mr. Graham?

A. Des Moines, Iowa.

Q. Are you an American citizen?

A. Yes, sir.

Q. Are you attached to the principles of the Constitution of the United States?

A. Yes, sir.

(Testimony of George A. Graham.)

Q. Are you well disposed to the good order and happiness of the United States? A. Yes, sir.

Q. Do you think that it is reprehensible for any individual, whether he is a member of a trade union, employers' organization, or what-not, to inform Governmental agencies of your Government, and my Government, that subversive activities are taking place in those organizations?

A. I think it is a citizen's duty.

Mr. Del Guercio: That is all.

Mr. Grossman: That is all.

The Witness: May I be excused permanently?

Mr. Grossman: That is all.

Presiding Inspector: You are excused permanently as far as I know.

(Witness excused.) [3672]

Mr. Grossman: Our next witness is William Hynes, but he is not in the room where I told him to wait. I don't see him in the hall. I wonder if the guard will call out for him?

Presiding Inspector: Call the name of William Hynes.

A Guard: Here he is.

Presiding Inspector: Raise your right hand.

WILLIAM F. HYNES

called as a witness on behalf of the Alien, having been first duly sworn, testified as follows:

Direct Examination

By Mr. Gladstein:

Q. Will you state your name, please?

A. William F. Hynes—H-y-n-e-s.

Q. And your business?

A. Police officer, City of Los Angeles.

Q. How long have you been with the City of Los Angeles Police Department?

A. Approximately nineteen years.

Q. Continuously?

A. With the exception of a period of about six and one-half or seven months.

Q. When did that period of six and one-half or seven months occur?

A. In 1934, the latter part of 1934, until August of 1935.

Q. That is, you were not connected with the Police Force [3673] during that period?

A. That is correct.

Q. And at the end of this interval you again became connected with the Police Department and have remained so connected ever since?

A. Yes. I was on leave of absence from the Police Department.

Q. I didn't hear you.

A. I was on leave of absence during this period and when my leave was up I returned.

(Testimony of William F. Hynes.)

Q. Have you been on any leave of absence since your return on that occasion?

A. No, I have not.

Q. And you are now connected with the Department, are you? A. Yes.

Q. In what capacity?

A. As a police officer.

Q. Have you ever worked for the FBI?

A. Ever worked for the——

Q. (Interposing) Have you ever worked for the FBI? A. No, sir.

Q. When I say "worked", I don't mean they had you on their payroll, but have you ever worked with them or performed service for them?

Mr. Del Guercio: If your Honor please, I object to that [3674] question. What difference does it make?

Presiding Inspector: I will take it.

Mr. Del Guercio: Every police officer works for the Governmental agencies in the sense that counsel states it.

Presiding Inspector: I think there may be a little misunderstanding as to what is meant by the word "work."

By Mr. Gladstein:

Q. Do you understand the question?

A. If you mean have I cooperated with them, yes, with all Governmental agencies.

Q. I don't mean in the sense that any police officer might cooperate with another governmental agency. I want to know whether you have served

(Testimony of William F. Hynes.)

or performed services of a particular or special character for the Federal Bureau of Investigation which you would not otherwise have performed except for special requests or appointment?

Mr. Del Guercio: If your Honor please, I object to that question. It is none of counsel's business what kind of duties he has performed for the FBI. Certainly this isn't an inquisition for the benefit of counsel as to what kind of work any police officer may have done at any particular time or generally for any governmental agency. It should be limited, I think, to the inquiry of this hearing here.

Presiding Inspector: I don't know. This is preliminary, I suppose. I think I will take it.

A. I can answer that question generally in this way: [3675] To state that my present designation may be assumed as a Department liaison officer to the various Federal Departments.

As to the particular designated duties that I perform with these various Governmental agencies, I don't think it would be to the best interests of the public to disclose it.

By Mr. Gladstein:

Q. I haven't asked you about your special duties. I have only asked you whether or not you have, since you have been a police officer——

Presiding Inspector: He said he has been sort of a liaison officer. Isn't that as clear as you can get it?

(Testimony of William F. Hynes.)

By Mr. Gladstein:

Q. You say a liaison officer. I take it that is between the Los Angeles Police Department on the one hand and——

A. (Interposing) That is correct.

Q. (Continuing) —and the Governmental agencies on the other? A. Yes; correct.

Q. You mean the FBI on the other hand?

A. Not necessarily; other governmental agencies, the Post Office Department——

Q. (Interposing) First let me ask this: Are you, or have you been a liaison officer between the Los Angeles Police Department and the Federal Bureau of Investigation?

A. That is included; yes, sir. [3676]

Q. What?

A. That is included among the others.

Q. When did that begin?

A. It began, to the best of my knowledge, shortly after the President of the United States called upon all law enforcement agencies to assist the branches of the Federal Government. That was some time in 1939, I believe.

Q. Can you fix it more definitely than that, Mr. Hynes?

A. No, I can't without reference to a communication.

Q. And since that time in 1939 have you continued in that capacity that you have just described as a special liaison officer?

A. Yes, except that I have performed other du-

(Testimony of William F. Hynes.)

ties for the Police Department. I have been an investigator for the Police Department.

Q. But in a general sense, since 1939, when this special function began to be performed by you; would it be correct to say that you have not performed the kind of duties that you were performing as a patrolman on the Los Angeles Police Department prior to that date?

A. Well, I can't say that I am qualified to speak on the duties of a patrolman. I have never performed the duties of a patrolman on the Los Angeles Police Department.

Q. What have your positions been with the Los Angeles Police Department?

A. Well, it has been as an under-cover agent, when I [3677] first went on the Police Department; as a member of the Communist Party, as a member of the IWW; and then later in an investigative capacity for an investigating bureau that was established by the Los Angeles Police Department.

Q. Do you remember the name of the bureau?

A. It had no particular name at that time when I first started in—just an investigative unit. Later on I became head of what they call the Intelligence Bureau of the Los Angeles Police Department.

Q. What is the date when that began?

A. That began, that was organized under Chief August Vollmer.

Q. I didn't ask you who organized it. I just asked you the date, if you remember.

A. I can't remember the specific date.

(Testimony of William F. Hynes.)

Mr. Del Guercio: The question has been answered.

By Mr. Gladstein:

Q. Can you give us the year or the approximate year? A. Probably 1926 or 1927.

Q. And for how long after 1926 or 1927, did you remain in the position of being attached to the Intelligence Division of the Los Angeles Police Department?

A. Well, for the last, I would say, the last ten years preceding November 1938 I was actively in charge of that Bureau.

Q. What occurred in November 1938? [3678]

Mr. Del Guercio: If your Honor please, I object to that—when did the Johnstown Flood occur? What occurred in the year 1938?

By Mr. Gladstein:

Q. Did you understand the question?

Presiding Inspector: He says there was a change in his position at that time.

By Mr. Gladstein:

Q. Did you understand I was asking you——

Presiding Inspector: It is in reference to that.

By Mr. Gladstein:

Q. What happened with respect to your position?

A. I was transferred to West Los Angeles, to the West Los Angeles Division, to the "sticks", so to speak, as they call it.

Q. What were your duties then?

(Testimony of William F. Hynes.)

A. I was assigned to the Detective Bureau with the Los Angeles Police Division.

Q. That is—withdraw that. I don't know whether you stated this, but I would like to know whether, during the period that you have mentioned, 1926 or 1927 until November 1938, your position was the head of the Intelligence Division, I think you said?

A. I said ten years preceding November 1938 that I had been——

Q. (Interposing) The head of it? [3679]

A. Yes. Prior to that time I was connected as an investigator with it.

Q. Now, in November 1938 I think you said that your position as head of the Intelligence Division was terminated, is that correct?

A. Correct.

Q. And then when did you become the liaison officer with the functions that you have described?

A. To the best of my recollection, as I stated before, at the time the President addressed his letter to all law enforcement agencies to cooperate with the various Governmental agencies in the matter of national defense and internal security.

Q. Was there some special designation or assignment made with respect to yourself?

A. At that particular time I was designated as a liaison officer.

Q. By whom were you then so designated?

A. By the then Deputy Chief of Police, or Chief of Police, of the Department.

Q. Of the City of Los Angeles? A. Yes.

(Testimony of William F. Hynes.)

Q. Do you remember his name?

A. Well, I don't know. I received a transfer and was told to report to the Deputy Chief of Police in charge of Investigation.

Q. While you were head of the—withdraw that. I want [3680] to ask you, so I can use this same expression, exactly what was the name of the Division or the Department of which you were the head for the ten-year period before November, 1938?

Mr. Del Guercio: I object to that question. Counsel has already asked him that a number of times.

Presiding Inspector: He wants to know what the name was now.

A. The Intelligence Bureau.

Mr. Gladstein: The Intelligence Bureau.

Presiding Inspector: We will take a short recess.

(Whereupon a short recess was taken.)

[3681]

Mr. Gladstein: Ready, your Honor?

Presiding Inspector: Yes.

By Mr. Gladstein:

Q. Mr. Hynes, the Intelligence Bureau of which you were the head, is that still in existence?

A. Of which I was the head?

Q. Yes.

A. It is obvious it couldn't be in existence. I am no longer there.

Q. No; I say the Intelligence Bureau of which you say you were the head between 1926 and——

(Testimony of William F. Hynes.)

A. (Interposing) No, that is no longer in existence.

Q. When did it cease to exist?

A. With my transfer.

Q. Now, you were served with a subpoena, were you not, to bring certain documents to this Court?

A. Yes, sir.

Q. Did you bring documents in response to that subpoena?

A. I brought such documents that were left, that I could find, in answer to the subpoena, that hadn't been taken by some Communist out of our files.

Q. What do you mean by that, Mr. Hynes?

A. I mean that——

Mr. Del Guercio: If the Court please, at this time may I [3682] ask that I be permitted to see the affidavit upon which this subpoena was issued so that I may——

Presiding Inspector: (Interposing) The District Director of the Immigration and Naturalization Service——

Mr. Del Guercio: (Interposing) Were copies retained?

Presiding Inspector: No.

The Witness: I have mine.

Presiding Inspector: The witness has it.

Mr. Del Guercio: May I see it?

Presiding Inspector: It is just a subpoena, though, not the affidavit.

The Witness: I have a statement here.

Presiding Inspector: Let me see what it is.

(Testimony of William F. Hynes.)

(Whereupon, the witness handed the document referred to to the Presiding Inspector.)

Presiding Inspector: (Examining document) No, it is simply the subpoena. You may look at it.

(Whereupon, the document was handed to Mr. Del Guercio.)

Mr. Del Guercio: The subpoena. What I had in mind was the affidavit presented to your Honor.

Presiding Inspector: That has gone to Mr. Wixon.

Mr. Del Guercio: That has gone to Mr. Wixon.

By Mr. Gladstein:

Q. Now, Mr. Hynes, you made a statement that you brought in response to the subpoena such documents as you [3683] could find which had not been taken out of the files by some Communists.

A. I said by a Communist.

Q. By a Communist? A. Yes, sir.

Q. What did you mean by that?

A. I mean that the LaFollette had in its service —not in its employ—an employee loaned to them by the National Labor Relations Bureau who is a Communist.

Q. Whom are you referring to?

A. I am referring to Mr. Dave Sokel.

Q. Do you know him to be a Communist?

A. Well, I think I know him to be a Communist, yes.

Q. Do you know him to be a Communist of your own knowledge?

(Testimony of William F. Hynes.)

A. Yes, I know him to be a Communist. I know he has addressed meetings and substituted for William Schneidermann, ILD meetings at Los Angeles years ago. I know that I signed——

Q. (Interposing) How many years ago?

Mr. Del Guercio: Let the witness answer. He hadn't finished his answer.

The Witness: I know that in September, 1928 when he resides on Kent Street that he signed a petition to put the Communist Party on the ballot.

By Mr. Gladstein: [3684]

Q. What else do you know about him?

A. He also signed a petition at the same time to put the State Chairman of the Communist Party on the ballot, Anita Whitney. Oh, I know in a general way through sources of information that he was very closely connected with the Communist Party, at one time was associated with the Council for the ILD.

Q. Let's see if we can summarize this. In 1928 you say that he signed a petition——

Presiding Inspector: (Interposing) Why summarize? You have got it all.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. Now, is that all the information upon which you base the statement that Mr. Sokel is or was a Communist?

A. I would say that the statement alone that he signed a petition to put the Communist Party on

(Testimony of William F. Hynes.)

the ballot tended to indicate his leanings toward Communism.

Q. Do you know how many people there were who signed such petitions in 1928?

A. Yes, there was quite a number of them.

Q. About a hundred thousand, wasn't there?

A. I know a lot of them disowned such statements after they found out that put them on record as being a Communist.

Q. You say when they—— [3685]

A. (Interposing) Judge Beardsley in Los Angeles came out and said anybody that signed those petitions had put themselves in the position of being a Communist.

Q. Weren't there about a hundred thousand people who signed such petitions?

A. I wouldn't say one hundred thousand, no. I would say I have the signatures in Los Angeles of possibly four or five thousand, or six thousand that signed them.

Q. That is in Los Angeles alone?

A. That I had in my possession. That is all I was able to get ahold of at that time; there may have been more.

Q. All right. Now, you say he took some documents from the files?

A. He had charge of the LaFollette investigators whom the Police Department knew nothing about, who they were, or as to their background, and he had a number of people working for him on the Police Department files.

(Testimony of William F. Hynes.)

Q. Do you know who these people were?

A. The Police Department was never given any information as to who they were, no list of who they were, or never were they given a list of documents that were taken from the files of the Police Department, never were.

Q. Excuse me a moment. Did these people take documents from files of the Police Department?

[3686]

A. Well, they had taken them over there, had them photostated, took them from our office to copy, took them away from the Police Department, out of the Police Department hands. As a matter of fact, a lot of them appeared in the Bridges' hearing last year. You people had them up here.

Q. Were you present at that hearing?

A. No. I know you called for them. You advertised certain ones; you sent down and had me sign an affidavit on one that we couldn't find in our files.

Q. Do you remember which one that was?

A. You have the affidavit; I made an affidavit.

Presiding Inspector: Just answer his questions.

The Witness: The one from the Portland Police Department, that was missing from the files. We have never been able to find it since.

By Mr. Gladstein:

Q. As a matter of fact, Mr. Hynes, wasn't that request made for a letter from Harper Knowles, or rather from Larry Doyle, Stanley M. Doyle to

(Testimony of William F. Hynes.)

Harper Knowles? I withdraw that. As a matter of fact, the letter that was requested by subpoena in that case two years ago, Mr. Hynes, was a letter from Stanley M. Doyle to you containing references to John L. Leech, wasn't it?

A. No, that is not the letter that I gave the affidavit for. [3687]

Q. You made an affidavit, I think you said concerning that letter, did you not?

A. I made an affidavit, concerning a letter, yes.

Q. That is the letter that was requested?

A. Some letter that you requested, yes.

Presiding Inspector: Go ahead.

Mr. Gladstein: I am waiting until they have examined it.

Presiding Inspector: That is so; Mr. Del Guercio is reading.

By Mr. Gladstein:

Q. Now, Mr. Hynes, I will show you what purports to be a photostat of an affidavit purporting to have been made by yourself on the first day of September, 1939 and which bears on it a designation "Alien 136", it having been an Exhibit in the last case. I will ask you to examine it——

Mr. Del Guercio: (Interposing) If the Court please, I believe that counsel—of course, this is his witness, I realize—should state to the Court and to the witness that the letter is not one, as he stated, from Stanley M. Doyle to John L. Leech, but from Stanley Doyle to Hynes.

(Testimony of William F. Hynes.)

Mr. Gladstein: I did so state and if Mr. Del Guercio would keep his ears open he would have heard that. I will have the last question read back.

Mr. Del Guercio: My ears may not be as big as yours.

Presiding Inspector: Now, just a moment. Let's not get [3688] into these controversies?

What was the question?

(The question referred to was read by the reporter as above recorded.)

Mr. Gladstein: I don't think there is anything in the Exhibit I am showing the witness which will show that I have misled the witness on that question.

By Mr. Gladstein:

Q. Now, I want to ask you——

A. (Interposing) There is no reference in here to John L. Leech that I can see.

Q. Mr. Hynes, I want to ask you whether you recognize the document you have in your hands as being a photostat of the affidavit which you submitted in the 1939 hearings?

A. (Examining document) Yes, this is the one. I apparently signed the affidavit that I made down there.

Q. You recognize your signature or a photostat of it?

A. Yes, but I don't see any reference here to Leech in here.

Q. All right. Now, let's read that.

(Testimony of William F. Hynes.)

"State of California——"

Mr. Del Guercio: (Interposing) If your Honor please, I object to reading the document.

Presiding Inspector: What is the point of this?

Mr. Gladstein: Well, this is the document, your Honor, which the witness says—this is the letter which he says [3689] we produced in the way that he has already characterized before I read it.

The Witness: I didn't particularly only limit it to one document.

Mr. Gladstein: Yes.

The Witness: I said several documents.

Presiding Inspector: Just a moment. What is the point of it?

Mr. Gladstein: I will come to that in a moment.

Presiding Inspector: Are we going to have something material from this witness?

Mr. Gladstein: Yes.

Presiding Inspector: I don't suppose you would call him if you weren't. It seems to have run off on a side issue.

By Mr. Gladstein:

Q. Mr. Hynes, do you know whether or not we obtained a copy of that letter to you from Stanley M. Doyle, from Mr. Doyle?

Mr. Del Guercio: If your Honor please, I object to any reference——

Presiding Inspector: (Interposing) I don't know anything about the letter. There was a letter that was not found.

(Testimony of William F. Hynes.)

Mr. Gladstein: Mr. Hynes said it was not found. [3690]

The Witness: Not found.

Mr. Gladstein: He said we called for it. He tied this up with the missing documents in the files.

Presiding Inspector: Well, what difference does it make? Now, there isn't more, is there?

Mr. Gladstein: Well, I want to pursue this on the basis of the witness' statements as to where this letter came from. I think we have a right to that, your Honor.

Presiding Inspector: Well, I don't understand the point you are getting at, nor the purpose of it. I don't understand about the letter.

Mr. Gladstein: The witness first of all has made certain statements, your Honor, which I intend to show are not true and which I will claim reflect his hostility to us and which I will ask the Court to take into consideration as one of the bases for permitting me subsequently in this examination——

Presiding Inspector: (Interposing) So far he has not acted as though he were hostile.

Mr. Gladstein: (Continuing) ——to ask leading questions.

Presiding Inspector: I don't think you have any ground to complain about it.

Mr. Gladstein: I will show—I will offer to show that his relationship to the cause, to this case, to the defense is such that we have a right to treat him as an adverse or hostile witness. Now, he has

(Testimony of William F. Hynes.)

already made statements with [3691] respect to a letter that we requested in the 1939 hearing.

Presiding Inspector: Yes.

Mr. Gladstein: These statements are in the record.

Presiding Inspector: The statements are. As I understand it, the letter was not in his files and he made an affidavit to that effect. Now, what more is there?

Mr. Gladstein: That isn't all. He also said that the letter was not in his files and he said that there were documents taken by a Communist and that these documents either showed up in our possession during the last hearing or that we asked for them.

Presiding Inspector: Yes.

Mr. Gladstein: Now, he mentioned one specific document, that is the one that was requested, and this is the one which is in the affidavit that I have just shown him, the photostat that I have just shown Mr. Hynes.

Presiding Inspector: Haven't you got everything that you want?

Mr. Gladstein: Not yet.

Presiding Inspector: Do you want to prove the contents of that letter?

Mr. Gladstein: No; I may want to do that later on.

Presiding Inspector: Unless you want to do that I shouldn't think there would be much use in going further.

(Testimony of William F. Hynes.)

Mr. Gladstein: I first want to ask this question:

[3692]

Presiding Inspector: Of course, you have a right to ask anything you think is proper.

Mr. Gladstein: I want to ask him whether he can state of his own knowledge that we did not get a copy of this letter mentioned in Mr. Hynes' affidavit from Mr. Doyle.

Presiding Inspector: Well, how would he know that?

Mr. Del Guercio: I object to that.

Mr. Gladstein: I want that in the record. Of course, he wouldn't know that. He made a statement as to where we did get it. Of course, he doesn't have any knowledge as to that.

Presiding Inspector: I know, but people have been testifying here to hearsay right straight along.

Mr. Gladstein: Yes, I know.

Presiding Inspector: You have asked it right straight along and your adversary has asked it.

Mr. Gladstein: Yes, but we don't have to sit here and not be able to examine a witness who makes charges of that sort and we haven't a chance to——

Presiding Inspector: (Interposing) I don't think there are any charges so far.

Mr. Gladstein: Well, I construe them as such.

Mr. Del Guercio: He brings the witness up here, makes his issue and then argues about it. I wonder what we are trying to do here. [3693]

(Testimony of William F. Hynes.)

Presiding Inspector: Well, we are trying to get ahead with this Bridges' case.

Now, go ahead, Mr. Gladstein, if you think this is proper.

Mr. Gladstein: I do.

Presiding Inspector: I will allow it.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. Now, Mr. Hynes, you have no knowledge, do you, but what this letter sent by Larry Doyle to you, or a copy of it, might have been obtained by the defense counsel in the 1939 hearing from Mr. Doyle?

Mr. Del Guercio: Your Honor, I will object to that question.

Presiding Inspector: I will sustain it. Now, you are examining him as to possibilities. I can't understand how they are material.

Mr. Gladstein: I will ask it this way:

Q. Do you have any knowledge, Mr. Hynes, as to where the defense counsel obtained information concerning—or a copy of the letter from Doyle to you mentioned in your affidavit?

Mr. Del Guercio: If your Honor please, I object to that as being incompetent and immaterial.

Presiding Inspector: I will take that.

That is, have you any information, any knowledge—— [3694]

Mr. Gladstein: (Interposing) Any knowledge.

Presiding Inspector: Any knowledge as to

(Testimony of William F. Hynes.)

where—I don't want it by hearsay but by knowledge.

The Witness: Well, I can't say it by knowledge, your Honor, then.

By Mr. Gladstein:

Q. The answer is no? A. No.

Q. Now, you say that this letter did not refer to John L. Leech: It referred to him, although not by name. Isn't that true?

Mr. Del Guercio: Well, your Honor, I object to any questions on that letter at all.

Presiding Inspector: How is that material? The contents of the letter now we want, don't we? Are you trying to prove the contents of the letter? Of course, I haven't seen this document.

Mr. Gladstein: Do you want to see it, your Honor?

Presiding Inspector: No, I don't, unless you want to show it to me.

Mr. Gladstein: Well, I will withdraw that question.

By Mr. Gladstein:

Q. Now, in response to the subpoena what did you bring? Do you have it with you?

A. Yes, I brought certain documents. [3695]

Presiding Inspector: Don't misunderstand me. Let me go back a minute. I am not excluding the contents of this letter, you understand that?

(Witness handed documents to Mr. Gladstein.)

(Testimony of William F. Hynes.)

Mr. Gladstein: Thank you.

The Witness: There is a series of several of those documents. If they are intended to be introduced may I ask that I be allowed to submit photostatic copies in lieu of the originals?

Mr. Gladstein: No objection from me. I assume that will be satisfactory all the way around.

Mr. Del Guercio: I don't know if they are going to be offered.

Presiding Inspector: Well, we will take that up later.

Mr. Gladstein: I just wanted to know as far as I am concerned. I don't want to deprive you of your original records.

By Mr. Gladstein:

Q. Now, where did you obtain this batch of documents you just handed to me?

A. I obtained those from what was left, what the LaFollette Committee returned to us from what they had taken.

Q. Well, this——

A. (Interposing) They were among the files returned by the LaFollette Committee.

Q. These are files which the LaFollette Committee at one time took from—— [3696]

A. (Interposing) That is right.

Q. ——from the official files of your Intelligence Bureau? A. That is right.

Q. And subsequently after their investigation, or whatever it was, these that you have just handed me clipped together were returned to you?

(Testimony of William F. Hynes.)

A. That is right.

Mr. Del Guercio: If your Honor please, that isn't what the witness has testified to. This is what remained.

The Witness: Of the ones you called for in the——

Mr. Gladstein: (Interposing) Yes, I understand.

Presiding Inspector: I think that is what the witness, in substance, said.

Mr. Gladstein: That is right; that is what I thought.

By Mr. Gladstein:

Q. And do these documents which you handed me, Mr. Hynes, represent the actual original documents in your files prior to the removal of those documents by the LaFollette Committee?

A. I can't state specifically as to one of those documents ever being in our files, as a matter of fact.

Q. Why did you bring that, then?

A. Well, it was—it come out of the material that was in the LaFollette——

Q. (Interposing) Which document? [3697]

A. The top document.

Q. Yes. Let's put that one aside.

A It came out of the material you called for.

Q. Is this the one you mean?

A. (Examining document) It was among the documents returned by the LaFollette Committee.

Presiding Inspector: Let's see it.

(Testimony of William F. Hynes.)

By Mr. Gladstein:

Q. Is this the document, the one I am handing to the Judge?

A. (Examining document) That is right.

Q. How about the others?

A. The others I am familiar with. They are files of ours, and the reason I say that about this document, the document is irregular as to form and procedure of our Bureau. It appears that something is typed in, the word "B-50" is typed in there afterwards by somebody on the top of the document, not in accordance with our regular procedure whatever.

Q. Yes. The balance of the documents, are, without question in your mind——.

A. (Interposing) Yes, and I have other documents here to substantiate what I have tried to tell you, and I can point out the notations.

Presiding Inspector: Well, never mind about that. [3698] We will hear what Mr. Gladstein wants to do about it. Then, we will go back to the other.

By Mr. Gladstein:

Q. Now, Mr. Hynes, the balance of the documents outside of the one that I have severed from the batch that you handed me——

A. (Interposing) Yes.

Q. (Continuing) ——represent the actual correct originals that were in your file before the La-Follette Committee removed them and which have

(Testimony of William F. Hynes.)

not been tampered with so far as you are able to say? Correct?

A. I don't know if they are originals or not. I haven't—they may be duplicates.

Mr. Del Guercio: Just a minute! I don't know if I can quite understand this question. Have all the records of the Police Department been subpoenaed or certain particular ones?

Mr. Gladstein: No; certain ones on a subject matter dealing with Mr. Chase.

Presiding Inspector: They are under subpoena here.

Mr. Del Guercio: Then, the questions, I believe, were addressed to those documents rather than all documents?

Mr. Gladstein: I have confined my questions, your Honor, to the documents which the witness has brought.

Presiding Inspector: I understand. [3699]

Mr. Gladstein: That seems to be quite obvious.

A. I would say they are all originals with the exception of the affidavit which appears to be a copy.

By Mr. Gladstein:

Q. Yes.

A. And they were originally in our file before the LaFollette Committee came into existence, or came to Los Angeles.

Q. And since then they have been returned by the LaFollette Committee? A. Yes, sir.

Q. And the documents you just handed me

(Testimony of William F. Hynes.)

which were so returned by the LaFollette Committee, have any of them, to your knowledge based on inspection been tampered with in any way?

A. (Examining documents) This mark here has been placed on there by me (indicating), this here, this mark here has been placed on there by me.

Q. Now, I mean tampered with by the LaFollette Committee or anybody else so that the documents as they now stand would be substantially different from the way they were before their removal from your files by the LaFollette Committee?

A. Well, I can't state as to that because—except where I have my notation of file on there, or something. [3700] There may be other notes by the stenographer or the file clerk on the sides.

Q. Can't you tell by examining the documents in your hand whether they have been tampered with in any substantial way?

A. (Examining documents) Well, I would say that the wording has not been changed.

Q. You would say that the wording has not been changed? A. That is right.

Mr. Gladstein: All right.

Presiding Inspector: Don't you think you better have them marked?

Mr. Gladstein: We want to examine them first. We have no no objection to having them marked for identification. Perhaps, they had better all be in a batch for that purpose, although, there should

(Testimony of William F. Hynes.)

be some special designation on the one we have singled out for special comment.

Do you think that is correct, your Honor.

Presiding Inspector: Yes, I think so, but if you do want to examine them first, I think you ought to be permitted to do that. That is quite all right.

Mr. Gladstein: Well, so there won't be any question raised later on, perhaps, they should be marked for identification.

(The documents referred to were marked Alien's Exhibits 16 and 17 for identification.)

[3701]

Mr. Gladstein: Alien's 16 for identification and Alien's 17 for identification.

By Mr. Gladstein:

Q. You know a man named Azra F. Chase, do you not? A. Yes, I do.

Q. Did he ever work for you as an informer? Did he ever supply you with information?

A. Yes, he supplied me with information.

Q. When did he begin doing that?

A. I would say sometime in 1937.

Q. What part of 1937?

A. I can't be specific as to that, whether it was the middle of June, July, or sometime like that, or February. I can't be specific as to that: I would say June would be closer.

Q. In what form was that information supplied you, Mr. Hynes?

A. Oftentimes in the—I had several conversa-

(Testimony of William F. Hynes.)

tions with him, and oftentimes telephone conversations in connection with, like for instance, in connection with his attending a meeting at which Harry Bridges spoke in Los Angeles. He called me on that particular meeting and told me that he had been designated by Lou Barron to attend a meeting on Washington Boulevard at which Harry Bridges was supposed to give the Party line. He called me with reference to that particular [3702] meeting.

Q. Well, now, suppose we start at the beginning, Mr. Hynes. Do you remember how the relationship began?

A. I haven't finished the answer. You said in what form did he supply this information. I am trying to finish that answer.

Q. Now, just let me ask you this:——

Mr. Del Guercio: If your Honor please, the witness should be permitted——

Mr. Gladstein: (Interposing) The witness is going beyond the scope of the question.

Presiding Inspector: Yes, the question is in what form.

Mr. Gladstein: In what form.

The Witness: I will stick to the form.

Presiding Inspector: By telephone message?

The Witness: Yes, documentary evidence such as you have there that I brought up, and he may have at times submitted a report, however, not under any particular number that I can recall be-

(Testimony of William F. Hynes.)

cause he was not a regularly, or an employed operator at any time.

By Mr. Gladstein:

Q. Let's see if I have this straight. Some of the information that——

Mr. Del Guercio: I object to that, if your Honor please. The record should show what the witness testified. [3703]

Presiding Inspector: I think under the circumstances I will allow it. I think in this case I will allow it. It is true that the record shows it.

By Mr. Gladstein:

Q. Some of the information that he supplied you, Mr. Hynes, was in the form of personal conversations, others in the form of telephone conversations, and still others in the form of documents?

A. That is right.

Q. And those documents would be letters either written or typewritten by him?

A. The documentary evidence I referred to didn't refer to the reports. You are talking about reports now. He had sent me, I think, some written reports which I never made a policy to keep. If there was any information of value in them they would be transcribed on the typewriter and placed in the file, and if there wasn't they would be destroyed right then. We never made it a policy to keep written reports of operators, if there were such.

Q. Well, was he an operative?

(Testimony of William F. Hynes.)

A. I told you he was not a regularly employed operator or paid operative. He may be an operative in the sense you term an operative to be.

Q. Was he an operative?

A. If you want to term him a reformer you can call any [3704] reformer an operative.

Q. Did you say he did not have a designation?

A. By number?

Q. By number, letter or anything else?

A. He had no designation as an operator. The material that I received, as I recall at that time, it was placed in the general operatives' file.

Q. How would you know from whom you were getting the information?

A. From the party that the material pertained to.

Q. Well, would he sign his name?

A. Would call me up, talk to me, tell me.

Q. If he called you you would know who he was?

A. I said "You can give me a little memorandum if you don't mind."

Q. Would he tell you who was speaking when he called?

A. Yes, if he called direct. Otherwise, I told him if he called me on the phone and somebody asked who it was that was calling to give them any number or say 59 or 60, or some number of that character.

Q. Now, have you brought the documents that were marked for identification, Mr. Hynes—are

(Testimony of William F. Hynes.)

they all the documents you were able to find dealing with Ezra F. Chase?

A. That is all the documents. I brought you the documents or a report of an operator other than Ezra Chase [3705] that was made by another operator on Ezra Chase. I brought you two documents of that character that I found and the rest of them are all the documents I could find in our files returned from the LaFollette Committee, or in our files pertaining to Ezra Chase which were submitted by him, and that is what you called for, either in writing or typewritten.

Q. Did you have more than one operative in the Furniture Workers Union which Chase was a member of?

Mr. Del Guercio: If your Honor please, I object to that.

Mr. Gladstein: Upholsterers Union, is the name of it. I will amend the question to say Upholsterers Union.

Mr. Myron: There is no evidence here that he was an informer for the Upholsterers Union.

Presiding Inspector: What?

Mr. Myron: There is no evidence here that he was an informer for the Upholsterers Union.

Mr. Gladstein: I will withdraw it and put it this way:——

Mr. Myron: He was an informer on subversive activities.

(Testimony of William F. Hynes.)

By Mr. Gladstein:

Q. Mr. Chase was a member of the Upholsterers Union? A. Yes, I believe so.

Q. He reported to you, did he not, on activities of that union?

A. He told me of Communist activities in that union, of the membership, the Executive Board, and on other illegal [3706] activities, such as beef squads were engaging in and strikes and things like that.

Q. Did you have anybody besides Mr. Chase informing you or operating for you in that Union?

A. I had somebody that was much higher than Chase, yes.

Q. You had one other?

A. Yes; not in that particular union.

Q. No, I mean in that local union?

A. I had a party that was in a better position than Mr. Chase was to know what was going on in all the unions.

Q. No; I still want an answer to my question.

Presiding Inspector: He wants to confine it to the Upholsterers.

The Witness: I can't confine it, your Honor, because, giving an illustration, if I have a man that is an operative on what we call the Trade Union Commission at that time in Los Angeles he would be in a position to know what is going on in all the unions.

Presiding Inspector: We won't include the Trade Commission for the moment.

(Testimony of William F. Hynes.)

By Mr. Gladstein:

Q. Mr. Hynes, do you remember the local union number of the Upholsterers Union of which Mr. Ezra Chase was a member?

A. I don't know if I do recall at this time.

[3707]

Q. It was Local 15, wasn't it?

A. Yes, sir, the one Mr. Chait was in.

Q. I am speaking of Ezra Chase. You know who I mean? A. Yes.

Q. All right. Isn't Local 15 the Union to which he belonged? A. I think so.

Q. Yes. Did you have any other informant or operative working for you who was in that Local Union?

Mr. Myron: Informant on Communistic activities in the Union, is that the question?

Presiding Inspector: It is the word that the witness has himself used so I think that he knows what he means by "informant".

Mr. Myron: I think his question should include that since that is the way the witness stated it.

Presiding Inspector: We will take that as the intention. Go ahead.

The Witness: I can't say definitely that I did have another operative within the Upholsterers Local Union 15. I will say, however, I had an operative who was very close to several Communists, who were members of Upholsterers Union Local 15.

(Testimony of William F. Hynes.)

By Mr. Gladstein:

Q. But as far as——

The Witness: (Interposing) Other than Ezra Chase. [3708]

Q. Other than Ezra Chase?

A. I mean that they were acquainted with Communist members within the Upholsterers Union, other than Ezra Chase.

Presiding Inspector: I think we get that.

By Mr. Gladstein:

Q. Let's see if I have this straight, Mr. Hynes. Is it correct that Mr. Ezra Chase was the only person you can now recollect who, during this period in 1937, was a member of Local 15 of the Upholsterers Union and who supplied you with information; is that correct?

A. Well, so far I would say that is correct, not only supplied—the information was not solely on activities of the Local, however, of Local 15.

Q. You mean the information that Mr. Ezra Chase supplied you? A. No.

Q. Well, we will come to that.

Now, didn't Mr. Ezra Chase report to you under the designation B-50?

Mr. Del Guercio: Now, if your Honor please, I object to that question. There is no evidence that he did.

Presiding Inspector: I will allow it.

A. I don't know why he should report to me

(Testimony of William F. Hynes.)

under the designation of B-50 because that designation was given to another operative. [3709]

By Mr. Gladstein:

Q. In another Union?

A. I didn't say in another Union, did I?

Q. Well, I am asking you.

A. No; in the Communist Party.

Q. Well, it was not in——

A. (Interposing) He may have been a member of the Union, this B-50.

Q. Of this particular Union?

A. Not this particular Union because it was compulsory for members of the Communist Party to belong to the Union of their trade.

Q. Now, Mr. Hynes, I want to know whether——

A. (Interposing) I said he didn't belong to that particular Union.

Q. You say the person who had the designation B-50 did not belong to the Upholstery Union, Local 15?

A. No; he had no connection whatever with that industry.

Q. I see. Well, do you remember the circumstances under which Mr. Chase became an informant for you on matters occurring within Local Union 15?

Mr. Del Guercio: If your Honor please, I will object to the form of that question. What the witness has testified to is that Ezra Chase was an informant on Communist activities within that Union

(Testimony of William F. Hynes.)

and not trade union activities, and I believe [3710] that counsel should so state his question.

Mr. Gladstein: What does the question say?

Presiding Inspector: Read the question.

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: I will take it. Any matters, that means.

A. I don't think the matter of him contacting me at the time related to Local 15 whatsoever, at the time he contacted me.

By Mr. Gladstein:

Q. I am asking you whether you——

Presiding Inspector: (Interposing) I think he means by that there wasn't any time that it was devoted to 15; it was a general matter. 15 came within its scope. I take it that is what he means.

Mr. Gladstein: I don't know what he means.

By Mr. Gladstein:

Q. Let me ask this, Mr. Hynes: How did Mr. Chase come to start making reports to you that dealt with any activities in Local 15?

A. Well, you will have to ask Mr. Chase that. He come to me and talked to me, talked generally about Communist activities in Los Angeles, and from that time on, not daily, or not every two days, but I would say probably once a week or once every [3711] two weeks he would call me on something. If I thought the information that he was submitting was of sufficient importance to write anything

(Testimony of William F. Hynes.)

on I would ask him to write me a little memorandum on it.

By Mr. Gladstein:

Q. Well, do you remember the discussion, whether any discussion took place between you and him as to what kind of reports you were interested in?

A. No, he was not—as I said he was not a regularly employed operative and I didn't discuss matters, the form of reports that he might submit to our office, or things like that,

Q. You did not?

A. No; he had my telephone number. If he had any information he could call me at home. There would be no need of calling up to the office any late hour, or anything like that.

Q. Did you ever discuss with him the kind of subject matter in which you were interested?

A. I think he knew generally.

Mr. Del Guercio: I object to that line of examination.

Presiding Inspector: I will allow it.

The Witness: He knew generally as a member of the Communist Party what type of information I was interested in.

Mr. Gladstein: I move the answer be stricken as not responsive. [3712]

Presiding Inspector: Yes, strike it out. Read the question.

(The question referred to was read by the reporter as above recorded.)

(Testimony of William F. Hynes.)

Presiding Inspector: If you can answer it.

The Witness: No, I didn't discuss in detail with him any type of subject matter. I told him I was interested in any illegal activities of the Communists, which I considered were all illegal, no matter where they were at. I had no lengthy discussion as to types of meetings that I would like to have him cover, or things like that. I had no right to take up the man's time as I would a regular operator that was employed by me.

By Mr. Gladstein:

Q. Did you ever discuss with him, whether in detail or not, the question of reporting in advance on strikes? A. No, I did not.

Q. You did receive reports from him in advance of strikes, did you not?

A. No, I don't recall specifically that I did. I do recall now that I received a telephone call from him one time telling me that there would likely be some trouble on a certain picket line. I don't know—I think it was the Universal; I am not certain.

Q. Which one? [3713]

A. Universal Furniture Company.

Q. Before coming here today did you see Mr. Chase?

A. Did I see him? No, I did not.

Q. When is the last time you saw him?

A. Oh, I haven't seen Mr. Chase in—I seen him once when he was out in West Los Angeles—when

(Testimony of William F. Hynes.)

I was out in West Los Angeles Division he came by there one day. It has probably been a year or more since I seen him.

Q. Before coming here today did you read any of the testimony that Mr. Chase gave in this hearing?

A. Yes, I read it in the Los Angeles papers.

Q. Did you read it anywhere else besides in the newspapers?

A. Yes, in the Communist Peoples World.

Q. Did you read it any place else besides in the newspapers?

A. No, I did not, absolutely not.

Q. Did you ever see the transcript of the testimony here? A. No.

Q. Did anyone ever summarize to you the testimony that Chase gave here?

A. No, they did not.

Q. Did Mr. Chase ever use the number 80 in reporting to you? [3714]

Mr. Del Guercio: Will you read that, please?

(The question referred to was read by the reporter as above recorded.)

A. Not to my knowledge.

By Mr. Gladstein:

Q. Did he ever use the designation B-20?

A. B-20? He couldn't have used B-20. I had an operator with B-20. That usually covers——

Q. (Interposing) I am asking you did he?

A. No, he did not.

(Testimony of William F. Hynes.)

Q. Did he ever use any designation that you can remember?

A. No; I say he may have used the designation 50 or 60, or something like that, in calling up the office if he wanted to leave word for me to call him, or something like that. [3715]

Q. Then he could have used the designation "80"?

A. No. I told him to use 50, 60, 70, something like that.

Q. When did you tell him that?

A. That was on, oh, about the time that he came up to the office and talked to me; some time in 1937.

Q. That is when this whole thing began, his reporting for you? A. Yes.

Q. Was anybody else present in your office when he spoke to you?

A. No, I don't think there was anybody else present then.

Q. Did Mr. Chase always report directly to you or through somebody else at times?

A. Well, I would say he might have talked to other officers on the detail—I don't know anything about that. Usually, the matter of reporting information, he tried to get in touch with me.

Q. Did you give him instructions as to which person or persons to communicate his information to in the event he was unable to get you?

A. No. He was always able to get me.

(Testimony of William F. Hynes.)

Q. I asked you whether you gave him instructions as to whom—— [3716]

A. (Interposing) I didn't give him any instructions as to who to call.

Q. Well, now, going back to this first time did Mr. Chase volunteer, voluntarily offer his services to you or was this at your request?

Mr. Myron: I think this has all been covered, gone into before.

Mr. Gladstein: I don't think so.

Presiding Inspector: I think I will take it. I am not srue whether this exact matter was gone into.

The Witness: You say did he discuss it?

Mr. Gladstein: Read the question.

(The question referred to was read by the reporter as above recorded.)

A. No. He voluntarily offered his services.

By Mr. Gladstein:

Q. Was that the first thing he did when he came into your office?

A. No. I recall he called me up first and told me he would like to talk to me.

Q. And as a result of that call did you make an appointment with him?

A. Yes. I talked with him a few days later, I think it was.

Q. And that was in your office, was it?

A. Yes. [3717]

Q. Where was your office then?

(Testimony of William F. Hynes.)

A. I think it was in the Klinker Building at that time, First and Broadway.

Q. How was the subject of Mr. Chase supplying you with information broached?

A. Well, he just talked generally, that he was very much dissatisfied with the Communist movement, Party, and talked generally, and gave me certain information, and indicated that he was ready to break with them, although he hadn't broken as yet with them.

Q. Did you advise him as to whether he should or should not break with them?

A. I told him he could use his own judgment as to that.

Q. Did you suggest that he might be of value if he remained in the Communist Party and not break with them?

A. I did tell him that he wouldn't be able to submit information to me if he took that course of action. I said, "That is entirely up to you."

He said, "I am willing to expose that whole damn Communist clique within the Upholsterers Union. So if you have any intention of using an operator" —and I think he did that very thing that he said he was going to do.

Q. As of the time that he first spoke to you did you suggest to him what his course should be?

A. No, I didn't suggest anything. That was later in [3718] his conversations.

Q. Let us confine ourselves to the very first time, Mr. Hynes. As I understand it— —

(Testimony of William F. Hynes.)

Presiding Inspector: He said he didn't do anything along that line.

By Mr. Gladstein:

Q. You said that in this first conversation Mr. Chase said he was about ready to break with the Communist Party?

A. Yes; that is right.

Q. Did you suggest to him that he would be of value to you if he did not break with the Communist Party as of that time?

A. No, I did not. As a matter of fact, I had those fields already covered. There was no need of taking on anybody additionally.

Q. Did you have an operative in Local 15 at that time?

A. I told you I didn't—I am not interested in a particular Local. The City of Los Angeles, and no other city, can cover every particular local union. There is not enough money in the country for that. We are interested in those unions which are dominated by Communists, and the A. F. of L. was also, and they wanted to get rid of them as much as we did.

Q. How long after your first conversation with Mr. Chase [3719] in your office did he make his first report, do you remember?

A. No, I don't remember. I couldn't be specific as to any date. I handle many detail things up there in addition to the operatives.

Q. Did you regard Local 15 as dominated by Communists? A. Did I?

(Testimony of William F. Hynes.)

Q. Yes. A. I knew it was.

Q. I asked you did you so regard it?

A. Yes, I did so regard it.

Q. Then you were interested in all of the activities of that local?

A. Not all of their activities. I was interested in the activities of the Communists within that union.

Q. What activities?

A. Communist activities carried on.

Q. Well, what particular activities?

A. The boring into the leadership, and things like that, such as we have in most all of the Unions.

Q. What activities of the Communists in Local 15 were you interested in?

A. I was interested in any illegal activity that might be engaged in on behalf of the Communist Party.

Q. You were interested in a general way in any illegal activity engaged in by anybody, weren't you, as a police officer. [3720]

A. Yes; and in any illegal activity in connection with strikes. After all, the City was responsible for damage to property, or injury to persons as a result of riots and, as such, the Police had a right to be interested in that.

Q. You were interested in the question of strikes of Local 15 which you regarded as dominated by Communists, is that correct?

Mr. Del Guercio: This is all immaterial, your Honor.

(Testimony of William F. Hynes.)

Presiding Inspector: I think I will take it but, of course, that isn't all he has testified to.

Mr. Gladstein: But I am asking him that.

Presiding Inspector: He has said that is part of what he was interested in.

Mr. Gladstein: Let us see if he answered that. Read the question.

Presiding Inspector: He doesn't need to answer that. He already answered that. He says he is interested in the activities of the Communists there, and who were boring in and trying to get officers elected, and in their illegal activities.

Mr. Gladstein: I didn't hear him say anything like that.

Presiding Inspector: Mr. Reporter, go back and read that part where he said something about "boring into the leadership."

(Whereupon the reporter searched for that portion of the record requested.) [3721]

The Reporter: I remember that, but I have some difficulty finding it.

Presiding Inspector: Then go back to the very first and read everything up to this point.

The Reporter: Read it aloud?

Presiding Inspector: Yes.

(Whereupon the reporter read the record beginning with the question:

"Q. Then he could have used the designation '80'?" down to and including the answer:

"A. The boring into the leadership, and

(Testimony of William F. Hynes.)

things like that, such as we have in most all of the Unions."

as above recorded.)

Presiding Inspector: That is far enough. That covers what I said that I heard.

Mr. Gladstein: "Boring in?"

Presiding Inspector: Yes.

Mr. Gladstein: There were some other things in the last question, and his answers.

Presiding Inspector: Subsequently he said other things too, but you have been leaving that out of your questions.

Mr. Gladstein: I would like to have the balance of the record read.

Presiding Inspector: Certainly you may.

(Whereupon the reporter proceeded to read the record [3722] at the point he left off, as above indicated, and beginning with the question:

"Q. What activities of the Communists in Local 15 were you interested in?"

down to and including the question:

"Q. You were interested in the question of strikes of Local 15 which you regarded as dominated by Communists, is that correct?"

as above recorded.)

The Reporter: The last question has not been answered.

Mr. Gladstein: May that question be answered?

Presiding Inspector: Yes. The reason I inter-

(Testimony of William F. Hynes.)

rupted was to gain time. It has already been answered, but I will allow it to be answered again.

I tried to explain what I thought was the testimony, and you said you hadn't heard it that way. Of course, we are all apt to make mistakes.

Mr. Gladstein: Will you read the last question again?

(The question referred to was read by the reporter as follows:

"Q. You were interested in the question of strikes of Local 15 which you regarded as dominated by Communists, is that correct?"

A. Yes.

By Mr. Gladstein: [3723]

Q. Can you give us your best recollection, Mr. Hynes, of the total number of written reports you received from Mr. Chase?

Mr. Del Guercio: If your Honor please——

Presiding Inspector: If he can give it, he may.

A. Well, they were very few. I mean by a "few," I wouldn't say over five or six during the whole period of time.

By Mr. Gladstein:

Q. Can you estimate the total number of telephone reports that he made to you?

A. Well, several, I would say; maybe 14, between 14 and 20, or maybe more.

Q. Can you estimate the total number of reports he made to you in conversations with you not over the telephone?

(Testimony of William F. Hynes.)

A. Well, I don't think I talked to him over three or four times, that is, conversations.

Q. Didn't some of these reports——

A. (Interposing) Outside of the times that I have mentioned at West Los Angeles about a year ago. That is what you are talking about?

Q. Was he making reports to you in West Los Angeles?

A. I said outside of that time. I didn't include those two times. I am not including those two times. I am talking about the time we are covering to November, 1938.

Q. Didn't you understand that I was asking you for [3724] conversations in which there were reports made to you by Mr. Chase?

A. Yes. I said that.

Presiding Inspector: I think he understood.

A. You are talking about personal conversations?

Presiding Inspector: But he was just avoiding any misunderstanding about those other times. The question is clear.

It is ten minutes past four.

Mr. Gladstein: We can't finish with this witness today.

Presiding Inspector: I suppose not.

Do you want to bring something up, Mrs. Kong?

Mrs. King: I did want to bring up, your Honor, the problem of Mr. Bridges absenting himself from the hearing on Friday afternoon. He has Union business that he must attend to.

(Testimony of William F. Hynes.)

Presiding Inspector: There is no objection to that, is there?

Mr. Del Guercio: Not if the Court has no objection.

Presiding Inspector: I have no objection.

Mr. Del Guercio: Very well.

Mrs. King: Then he may be permitted to absent himself on Friday?

Presiding Inspector: So far as the Presiding Inspector is concerned; yes.

Mrs. King: Thank you. I misstated myself a moment ago. [3725] I said "Friday afternoon." I meant all day Friday, as I mentioned to you before.

Mr. Del Guercio: I will leave it entirely up to the Court.

Presiding Inspector: I see no objection to it. It is on your own request and it won't affect the validity of the hearing.

Adjourned until tomorrow at ten o'clock.

(Whereupon, at 4:10 P. M. an adjournment was taken to Wednesday, May 14, 1941, at 10:00 A. M.) [3726]

No. 10450

United States
Circuit Court of Appeals
For the Ninth Circuit.

HARRY BRIDGES,

Appellant,

vs.

I. F. WIXON, as District Director, Immigration and Naturalization Service, Department of Justice,

Appellee.

Transcript of Record

VOLUME X

Pages 4285 to 4772

Upon Appeal from the District Court of the United States for the Northern District of California, Northern Division

Rotary Colorprint, 590 Folsom St., San Francisco

Court Room 276,
Federal Building,
San Francisco, California,
May 14, 1941.

Met, pursuant to adjournment, at 10:00 A.M.

[3727]

PROCEEDINGS

Presiding Inspector: You may proceed, Mr. Gladstein.

Mr. Gladstein: Ready, your Honor.

Presiding Inspector: Let us have a little order so we can hear what is going on.

WILLIAM F. HYNES

called as a witness on behalf of the Alien, having been previously duly sworn, testified further as follows:

Direct Examination (Resumed)

By Mr. Gladstein:

Q. Mr. Hynes, when you received reports from Mr. Ezra Chase did you have any special file in which you put them?

A. As I said, I may have received three or four written reports which, if they were important, were transcribed on the typewriter and they would have been put in a general operators' file—as you will note my remarks on one of those documents there, "General Operator."

Q. General operator? A. Yes.

(Testimony of William F. Hynes.)

Q. What does that refer to?

A. That refers to this information sent in by informants, citizens and things like that, who constantly supply the Bureau with information, and who were not on the payroll.

Q. How would you index that material, if at all, as to its subject matter? [3728]

Mr. Del Guercio: If your Honor please, I think we are getting far afield here. We are not inquiring, or making an inquisition or inquiry into the method in which the Los Angeles Intelligence Unit operated.

Presiding Inspector: No, we are not, but I will take this.

A. If the matter was of importance I would underline the name of the individual, or the organization mentioned in the correspondence, or the report, and the stenographer would make an index card and put it in the file with reference to the location of the document.

By Mr. Gladstein:

Q. Would it be correct then that if a report of Mr. Chase discussed activities, Communist activities in the Upholsterers Union, Local 15, that in all likelihood, following the procedure you have just outlined, you would index that material under the Upholsterers Union? A. No, not necessarily. [3729]

Q. You might or might not?

A. It would be in the general file.

(Testimony of William F. Hynes.)

Q. Well, what do you mean? Mr. Chase's name?

A. No; the general mail file on our index cards; we have the general mail file.

Q. You mean of the names that Mr. Chase might mention in his report?

A. The names of the individuals.

Q. Would it not also go into an index card of the Upholsterers' Union, Local 15?

A. No, we didn't have sufficient help to cross index to that extent.

Q. Now, is it your testimony that Mr. Chase reported to you only on Communist activities?

Mr. Del Guercio: If your Honor please, that isn't the testimony. The witness already testified to what Mr. Chase reported to him on. I think the record will show that.

Presiding Inspector: I don't recall that particular question being asked. I will take it, I think.

A. Not necessarily. He reported on Communist activities generally, but on other instances he reported on some strike activities of his local, for instance, in the case of the Universal Furniture Company, as I mentioned yesterday, that several members of the Communist beef squad would be present on the picket line down at Universal and likely to [3730] cause some trouble.

By Mr. Gladstein:

Q. Did you ever have him report to you on purely trade union matters or activities?

(Testimony of William F. Hynes.)

Mr. Del Guercio: If your Honor please, I object to that question. We are injecting again the trade union activities. We are not concerned with trade union activities.

Presiding Inspector: I will take the question if I understand it correctly.

You mean did he ever report?

Mr. Gladstein: Yes.

Presiding Inspector: You asked: Did you ever have him report. I didn't know what you meant by that.

Mr. Gladstein: All right.

Presiding Inspector: Did you ever report?

A. Yes. I think at times when he was on a steering committee of the Party in the Central Labor Council he reported those matters, and where he was to lead discussions for the Communist Party on the floor of the Central Labor Council in Los Angeles, I think, he reported on several of those matters.

By Mr. Gladstein:

Q. Well, apart from Communist activities, Mr. Hynes?

A. No; his activities generally were connected with the Communists, where the Communists were involved. I was not purely interested in trade union activities as such, only where Communists were involved, or I was interested in trade [3731] union activities where a strike was called and there was likely to be violence or a gathering of persons

(Testimony of William F. Hynes.)

where it was mandatory upon the Chief of Police to maintain the detail under the——

Q. (Interposing) Did you ever during—pardon me.

The Witness: Under the law. I said it was mandatory for the Chief to maintain the detail there.

By Mr. Gladstein:

Q. Did you ever during the time that you were the head of the Intelligence Bureau have agents or operatives or informers work to combat the trade union movement as such apart from——

Mr. Del Guercio: (Interposing) If your Honor please——

Mr. Gladstein: I haven't finished yet.

Mr. Del Guercio: I object to that as being highly improper.

Presiding Inspector: I can't tell. I haven't heard the question yet. Go ahead.

Mr. Gladstein: Would you read it to me?

(The question referred to was read by the reporter as above recorded.)

By Mr. Gladstein:

Q. (Continuing) ——apart from Communistic activities or illegal activities in connection with the strike?

Mr. Del Guercio: Now, if your Honor please, I object to [3732] the question as being highly improper. It doesn't refer to anything at issue in this case.

(Testimony of William F. Hynes.)

Presiding Inspector: I think that it may have a remote connection because of what the Witness Chase did. It may go to shed some light on the truthfulness of his statement. On that ground I will take it.

Mr. Del Guercio: But, if your Honor please, it isn't confined to what Ezra Chase may have——

Presiding Inspector: (Interposing) I will take it; I will take it.

Mr. Gladstein: Do you want the question read, Mr. Hynes?

The Witness: No, I think I understand the question.

Presiding Inspector: That is the only ground upon which I do take it.

A. I would say no to the question and qualify it in this way: That, as a matter of fact, in matters involving organized labor, either the A. F. of L., the Railroad Brotherhood, and in some instances CIO unions, we cooperated with them in matters relating to maintaining peace on a picket line, and as to our policy of maintaining neutrality in labor disputes as such.

By Mr. Gladstein:

Q. Did you ever have any agent or operative or informant working for you to keep union organization to a minmum? [3733]

Mr. Del Guercio: I will object to the question as to the implication.

Presiding Inspector: I will take it.

(Testimony of William F. Hynes.)

A. No; I know what you refer to. [3734]

Q. What is the answer to the question?

A. They did not work for me; no. You mean I received reports covering activities of operators employed by other people which were given me as a matter of a complementary report in my office? I received many complementary reports along that line mentioning agents attempting to keep union activity at a minimum, as you said.

Q. Now, did you ever have—withdraw that. Did you ever give instructions to any such agents, operatives, or informants in connection with their work for the purpose of keeping union organization to a minimum? A. Personally, no.

Mr. Del Guercio: I object to that question.

Presiding Inspector: He answered. He said "No."

By Mr. Gladstein:

Q. When you said "personally, no," is there some further explanation that should be made of that?

Mr. Myron: I think there is an objection to this question.

Presiding Inspector: I will overrule the objection and take it.

A. No. I didn't give any directions to any of these people at all. I accepted their information for what it was worth as a line of general information and to be informed on what was going on.

[3735]

(Testimony of William F. Hynes.)

By Mr. Gladstein:

Q. Did you ever have any agents, or operatives, or informants, working to obtain the firing by their employers of workers who were active in organizing a union?

Mr. Del Guercio: I object to that question, if your Honor please.

Presiding Inspector: I will take it.

The Witness: Repeat the question.

Presiding Inspector: Read the question.

(The question referred to was read by the reporter as above recorded.)

A. No; I never had any operator that would do such a thing.

By Mr. Gladstein:

Q. Did you ever give instructions to any agents, or cooperate with any agents, who were working to obtain the firing of workers that were active in attempting to organize a union?

Mr. Del Guercio: It is the same question in a different form.

Presiding Inspector: It is the same thing, isn't it?

Mr. Del Guercio: It has been asked and answered.

Mr. Gladstein: I first asked, and by virtue of his answer he said he didn't have anybody directly working for him, and I am now asking whether he gave instructions to anybody, or cooperated with anybody. [3736]

(Testimony of William F. Hynes.)

Presiding Inspector: He already said he didn't. But I will take it.

Mr. Gladstein: Read the question.

(The question referred to was read by the reporter as above recorded.)

A. Not to my knowledge, I didn't give any such instructions.

By Mr. Gladstein:

Q. Did you hear the whole question? It called for both an answer as to instructions and as to whether you cooperated with agents doing that kind of work.

Presiding Inspector: I won't take that unless he has cooperated along that line. He didn't have to blacklist anyone who did such a thing, and that is what your question implies. He may have cooperated with them along other matters.

Mr. Gladstein: I see. I will rephrase that, your Honor.

By Mr. Gladstein:

Q. What I want, Mr. Hynes, is to know whether you ever cooperated with any agents, or operatives, or informants, to assist them in work intended to bring about the discharge of workers who were trying to organize a union?

Mr. Del Guercio: I will object to that question.

Presiding Inspector: I will take it.

A. Not for directly attempting to organize workers into a union, no; never. [3737]

(Testimony of William F. Hynes.)

By Mr. Gladstein:

Q. Did you ever have any agent, or operative, or informant, working to assume control of a union by getting the agents into the leadership in order to prevent the union from functioning successfully?

Mr. Del Guercio: If your Honor please, I object to this line of questioning on this ground: That this witness was called, I assume, for the purpose of discrediting the testimony of Ezra Chase——

Presiding Inspector: What?

Mr. Del Guercio: Ezra Chase.

Presiding Inspector: Affecting that testimony?

Mr. Del Guercio: Yes.

Presiding Inspector: On that ground.

Mr. Del Guercio: Yes; only on that ground.

Presiding Inspector: Yes.

Mr. Del Guercio: It appears we are going far afield.

Presiding Inspector: I am going to give a good deal of leeway here.

Mr. Gladstein: Will you read the question, please?

(The question referred to was read by the reporter as above recorded.)

A. No, not to my knowledge.

By Mr. Gladstein:

Q. Did you ever instruct any agent, or operative, or [3738] informant, to assume control, or to try to assume control over a union by getting into a

(Testimony of William F. Hynes.)

leading position in order to prevent the union from functioning successfully?

Mr. Del Guercio: I will object to that question as being ambiguous and as being the same question as the one preceding it, only different in form.

Presiding Inspector: I think it is substantially the same. There is a shade of difference and I will take it.

A. No, I never gave such instructions.

By Mr. Gladstein:

Q. Did you ever cooperate with any agent, or informant, or operative, for the purpose of enabling them, or assisting them, to get control over a union in order to prevent it from functioning successfully?

A. That is pretty broad. I have cooperated, not in matters along that line, but I have cooperated with operatives who have sent information in who were not in our employ, but not to the extent of disrupting any union.

Presiding Inspector: Not to that end?

The Witness: No, sir.

Presiding Inspector: That is all he asked you.

By Mr. Gladstein:

Q. Did you ever have any agent, operative, or informant, working for the purpose to create internal quarrels among union members for the purpose of disrupting the union? [3739]

Presiding Inspector: That is the detail of the same subject.

Mr. Gladstein: I realize that.

(Testimony of William F. Hynes.)

Presiding Inspector: Do you want it?

Mr. Gladstein: Yes.

Presiding Inspector: All right.

A. I had no disruptive forces working for me.

By Mr. Gladstein:

Q. That is, union disruptive forces?

A. Union or otherwise.

Q. Did you ever instruct anybody to, or cooperate with anybody for the purpose of creating internal quarrels in a union in order to break it up?

Mr. Del Guercio: I will object to that as being obviously without the purpose of calling the witness.

Presiding Inspector: I will take it. The idea of this is that it may reflect upon Mr. Chase's testimony in having given this information, if these things occurred and Mr. Chase had knowledge of them. He can't prove everything at once.

A. I will make the same general answer.

By Mr. Gladstein:

Q. "No?"

A. No. I might suggest, Mr. Gladstein, that to save time on the matter, that if you will allow me to present to [3740] you the exact scope and function of the Intelligence Bureau, so you will be informed as to what we do do in these matters relative to labor——

By Mr. Gladstein:

Q. If you don't mind I will proceed——

A. (Interposing) We are quite frank.

Q. Just a moment——

(Testimony of William F. Hynes.)

Presiding Inspector: Mr. Gladstein is entitled to present his side of the hearing in his own way.

Mr. Del Guercio: But not to make an attack, or to take this opportunity here to make an attempted attack upon the Los Angeles Intelligence Unit, and that is what it appears to be.

Presiding Inspector: Oh, no. Whether it has that effect or not is immaterial to the hearing. We are receiving it as bearing upon the character of Mr. Chase and his credibility.

By Mr. Gladstein:

Q. Mr. Hynes, did you ever have any agent, or operative, or informant, work to stir up the membership in a union concerning subjects like the absence of financial reports in order to create dissension and disruption?

Mr. Del Guercio: I object to that as being the same kind of a question and as having been asked and answered.

Presiding Inspector: I will take it.

A. I can't speak for an individual, what he does in his [3741] union. I will say I never had any employee who has done those things. I can't speak for the—your question is so broad. You say "operative or informant who has done those things." A man may have been submitting information to me and what he did in the union I wouldn't be responsible for.

Presiding Inspector: He means you cooperate with him to that end.

(Testimony of William F. Hynes.)

The Witness: Not to that end; no.

By Mr. Gladstein:

Q. Did you ever instruct or suggest to any operative, agent, or informant, that he try to stir up dissension in a union on subjects such as criticism of the lack of financial reports?

A. No, I did not.

Presiding Inspector: Is that all?

Mr. Gladstein: Not yet, your Honor. You mean on this series?

Presiding Inspector: No, I mean in general.

Mr. Gladstein: No.

Presiding Inspector: But not the case as a whole.

By Mr. Gladstein:

Q. Now, you had operatives, did you not, during the time that you were at the head of the Intelligence Bureau in various union fields?

Mr. Del Guercio: I will object to that. This is confined [3742] to——

Presiding Inspector: I will take it.

Mr. Del Guercio (Continuing): ——this is confined to Ezra Chase.

Presiding Inspector: I will take it. It is preliminary.

Mr. Myron: He has testified——

Presiding Inspector: I will take it. He has testified, I think, on this, and I will take it again. It can't hurt anything.

A. Yes, especially in those union fields in which

(Testimony of William F. Hynes.)

the Communist Party, through its membership, had had designated, through certain instructions, and concentrated on certain industries on which they were concentrating.

Mr. Gladstein: I move that the answer, except for the word "yes", be stricken as not responsive.

Presiding Inspector: I will let it stand.

By Mr. Gladstein:

Q. Will you name three or four of those union fields in which you have operatives or agents working for you?

Mr. Del Guercio: I object to that as being clearly outside of the scope——

Mr. Gladstein (Interposing): It is preliminary.

Presiding Inspector: Wouldn't you better confine it to the things that Mr. Chase reported on?

Mr. Gladstein: I will withdraw it and put it another way. [3743]

By Mr. Gladstein:

Q. You had an informant in the furniture, in Local 15 of the Upholsterers. You have already said that was Mr. Chase, correct?

A. He was an informant; yes.

Q. Did you have an agent, operative, or informant in the oil industry?

Mr. Del Guercio: If your Honor please, I object to that.

Presiding Inspector: How is that pertinent?

Mr. Gladstein: It is preliminary, and I will show its pertinency, your Honor.

(Testimony of William F. Hynes.)

Mr. Del Guercio: Preliminary to what? The oil industry is quite a field.

Presiding Inspector: I will exclude it until you show it is pertinent. I am not finally ruling on this, but I don't comprehend its pertinency now.

By Mr. Gladstein:

Q. I will put it this way: Isn't it true, Mr. Hynes, that you worked with some operatives who worked in the oil industry and whose purpose was to prevent union organization?

Mr. Del Guercio: If your Honor please, I object to this as not being pertinent to anything at issue in this case.

Presiding Inspector: I don't see how it is pertinent, but perhaps you want to impeach your witness.

Mr. Gladstein: I do. [3744]

Presiding Inspector: Your own witness, on a collateral matter.

Mr. Gladstein: No, it is not collateral.

Presiding Inspector: Yes, it is collateral.

By Mr. Gladstein:

Q. Let me ask this question first: Isn't this true, Mr. Hynes, that you have at various times worked for the purpose of aiding the deportation of Mr. Bridges?

Mr. Del Guercio: I will object to that, if your Honor please. There is nothing in evidence in this case that this witness has aided in that.

Presiding Inspector: He is asking him.

(Testimony of William F. Hynes.)

Mr. Del Guercio: But he is his own witness.

Presiding Inspector: That is all right. I will take it. I see nothing that is very important in it.

A. I assisted in gathering evidence towards that end; yes.

By Mr. Gladstein:

Q. And your personal feelings are, and for some time have been, isn't this true, that you would like to assist in the deportation of Mr. Bridges?

Presiding Inspector: Why do you ask that, Mr. Gladstein? He is your witness.

Mr. Gladstein: Once bias is established I have a right to ask leading questions thereafter. [3745]

Presiding Inspector: You have, but the leading questions must be pertinent to the inquiry.

Mr. Gladstein: I assure your Honor that we believe they are more than pertinent; they are very important and material.

Presiding Inspector: Hundreds of people might have felt that way, and hundreds of people might have felt the other way.

Mr. Gladstein: I will withdraw the last question in view of his answer to the first to the effect that he has worked in gathering such evidence.

Presiding Inspector: Yes.

Mr. Gladstein: All right. That is satisfactory.

By Mr. Gladstein:

Q. As a matter of fact, you worked with Captain John Keegan, of the Portland Police Department, for the purpose of discussing and coordinat-

(Testimony of William F. Hynes.)

ing the presentation of evidence against Mr. Bridges in the deportation case, isn't that true?

Mr. Del Guercio: If your Honor please——

Presiding Inspector: We can't go into the details of this matter.

Mr. Gladstein: I want to show the extent of the bias by that question.

Presiding Inspector: The extent of bias? That doesn't show the extent of bias. You have the full statement now.

Mr. Gladstein: If your Honor is satisfied there has been a full statement of the bias—— [3746]

Presiding Inspector: I think so.

Mr. Gladstein: All right.

Presiding Inspector: I don't say that that bias is improper.

Mr. Gladstein: Having established that it entitles me, as a matter of law, to then ask leading questions.

Presiding Inspector: Undoubtedly. I have let you ask leading questions right straight along.

Mr. Del Guercio: On the same ground and for the same purpose, counsel could call the Attorney General and show that the Attorney General is biased.

Presiding Inspector: What are you objecting to now, Mr. Del Guercio; I have ruled in your favor.

Go ahead. [3747]

By Mr. Gladstein:

Q. Now, Mr. Hynes, I have in my hand Part

(Testimony of William F. Hynes.)

64 of the hearings before a sub-committee of the Committee on Education and Labor of the United States Senate and I call your attention to those portions beginning with page 23,518 which appear under the subject matter "Documents relating to the Intelligence Bureau or Red Squad of the Los Angeles Police Department" and I will ask you to examine, if you will please, beginning with that page the following——.

Mr. Del Guercio: (Interposing) Now, you are too close. I object to you standing on the witness chair.

Presiding Inspector: He is just standing——

Mr. Gladstein: (Interposing) Do you object, Mr. Hynes?

Presiding Inspector: He is just pointing out on the book.

By Mr. Gladstein:

Q. (Continuing) The first document which is entitled "Oil Workers Unit, Plan of Operation", the next Exhibit which is "Intra-departmental correspondence of the Los Angeles Police Department", the following document which is also "Intra-departmental correspondence", the next which is entitled "A confidential report", the next which is also entitled, "A confidential report, or joint report from agents 10 and 20", the next which is entitled "A confidential report" and which mentions Agent 20, the next which is entitled "Confidential report", the next which is also entitled "A

(Testimony of William F. Hynes.)

confidential [3748] report" and continuing through until—oh, the next which is an account of Agents 10 and 20 mentioning their expenses and their mileage and so on, the next which is also "A confidential report", the next is also a "Confidential report" and includes a statement of salary and expense, page 23,532 which contains a number of statements from Agents 10 and 20, statements of expense. I will ask you to examine those and state what you recognize those to be.

Mr. Del Guercio: If your Honor please——

Mr. Gladstein: (Interposing) I haven't finished. How can he object until he knows what I am going to ask him?

Mr. Del Guercio: Five minutes of talking is sufficient for any question, I think.

Presiding Inspector: The question is: Will you examine them.

Mr. Gladstein: And state——

Presiding Inspector: (Interposing) And the witness is answering it by examining them.

Mr. Gladstein: Yes, and for the purpose of the record I want him to examine them and state whether he recognizes them to be reproductions from reports.

Presiding Inspector: Are they the same ones that were produced yesterday?

Mr. Gladstein: No, no! That he brought, you mean?

Presiding Inspector: Yes.

(Testimony of William F. Hynes.)

Mr. Gladstein: No, he didn't bring those. [3749]

Presiding Inspector: Reproductions of reports in the files under Mr. Hynes' charge?

Mr. Del Guercio: I can't hear.

Presiding Inspector: Reproductions of reports which are or were; which do you mean; which are in the files?

Mr. Gladstein: Are or were; I don't know. I will ask him.

Mr. Del Guercio: We object to the question. We also object to showing the witness that report there. It has not been shown. I haven't seen it.

Presiding Inspector: The witness need not answer until you have seen it.

After you have looked at it don't answer the question.

The Witness: Yes, sir.

Presiding Inspector: Now, Mr. Gladstein, the witness has examined them. I think counsel should examine it.

Mr. Gladstein: Yes, I will show you the part that concerns you.

Mr. Del Guercio: Thank you; I will look for it.

Now, if the Court please, without having read the contents of this report of the hearings before the sub-committee of the Committee on Education and Labor, United States Senate, the reports which counsel has asked the witness to examine, they appear to pertain to an Oil Workers Union and the Court has already excluded—— [3750]

Presiding Inspector: (Interposing) Do you

(Testimony of William F. Hynes.)

claim that these have any connection with Mr. Chase?

Mr. Gladstein: I do, for this reason, your Honor: May I be heard on this?

Presiding Inspector: Yes.

Mr. Gladstein: Of course, I have not asked the witness to identify all of the materials in the volume that I have shown him that I am interested in.

Presiding Inspector: Of course, we are not going to make an investigation of the various work of this witness in general labor and Communistic activities.

Mr. Gladstein: I understand that, but here is the position:

Presiding Inspector: The only thing we are interested in is the testimony of Mr. Chase.

Mr. Gladstein: All right. Now, if I may be heard——

Presiding Inspector: (Interposing) His character and credibility.

Mr. Gladstein: I will tell you now why we are interested. Mr. Chase denied not once but many times that he ever did the work of a labor spy or work in the service of an employer for disrupting or destroying a trade union. He protested many times that his only interest was in exposing Communistic activities or the illegal activities of Communists in trade unions. Mr. Hynes has already testified clearly and definitely [3751] on record that he has never had anybody, any operative, agent or

(Testimony of William F. Hynes.)

informant, work for him or be instructed by him for the purpose of doing anything except report on or expose the activities of Communists, or the illegal activities of Communists. He has said that he has not told or instructed agents or had any agents work for him for the purpose of disrupting or destroying trade unions.

We wish now to impeach this witness by these records, your Honor.

Presiding Inspector: Then, what will you have left?

Mr. Gladstein: Then, we will have this left:——

Presiding Inspector: (Interposing) Suppose I don't believe him at all under the impeachment.

Mr. Gladstein: We will have this, your Honor—we will have this: According to Mr. Chase and according to Mr. Hynes Mr. Chase was doing the kind of reporting or informing that Mr. Hynes was having done for him in the running of his Intelligence Bureau, and if the facts show, by virtue of the impeachment, that that kind of work included labor espionage, union disruption, the prevention of organization of workers into unions, then, your Honor is entitled to take that into consideration in evaluting the testimony of Mr. Chase.

Mr. Del Guercio: I submit, your Honor, I can't follow counsel's logic at all. Chase has testified, as I remember the evidence, that he was present at a meeting in which Harry Bridges was to lay down the Communist Party line. Now, these [3752] other matters are collateral matters.

(Testimony of William F. Hynes.)

Is it true—what we are interested in, is it true that Harry Bridges, the Alien here, did at that time and at that meeting lay down the Communist Party line?

Now, these other matters are collateral attacks on Ezra Chase. They haven't produced a single bit of evidence so far here that Harry Bridges did not at that time lay down the Communist Party line. That is all we are interested in, not as to Ezra Chase's other activities. We are getting away from the main issue. The issue is: Did Harry Bridges, as Chase testified, lay down the Communist Party line at that certain meeting at Los Angeles.

Mr. Gladstein: Could I answer that argument, your Honor?

Presiding Inspector: Yes, sir.

Mr. Gladstein: It is quite obvious that if a witness testifies to a certain matter there are a number of ways of showing that his testimony is not to be believed. For one thing, for example—this is hypothetical and I intend no reflection on Mr. Chase. For one thing, if it were shown, for example, that he was not mentally competent either at the time that he says he observed things about which he testified or at the time that he was testifying on the stand, that is direct impeachment showing the fact that there should be no credibility attached to the witness' story. [3753]

Now, there is another matter, several matters, and in this case one of the most important is one which, I hope, your Honor will keep in mind. You

(Testimony of William F. Hynes.)

remember the testimony that Mr. John Horn gave ——

Presiding Inspector: I remember.

Mr. Gladstein: (Continuing) ——as to how labor spies are regarded.

Presiding Inspector: That was expert testimony, I suppose, in a way, of his evaluation of labor spies.

Mr. Gladstein: Yes, your Honor.

Presiding Inspector: I was inclined to think it had little place in this hearing, but I took it.

Mr. Gladstein: Yes. Let me say this: Mr. Horn testified, and he testified simply to a reflection of the attitude of trade unions generally, that a labor spy is not to be believed under any circumstances, that in the minds of trade unions——

Presiding Inspector: (Interposing) That might weaken his testimony.

Mr. Gladstein: Mr. Chase's testimony?

Presiding Inspector: No, the witness Horn's testimony.

Mr. Gladstein: The witness Horn's testimony?

Presiding Inspector: Yes.

Mr. Gladstein: All right. Well, now, we are contending——[3754]

Presiding Inspector: (Interposing) Of course, the law has imposed upon me this decision——

Mr. Gladstein: I understand.

Presiding Inspector: (Continuing) Not upon Mr. Horn.

(Testimony of William F. Hynes.)

Mr. Gladstein: Yes. All right. Now, from this witness—your Honor asked me a few moments ago suppose you choose as a result of the impeachment not to believe anything he says. That is all right with us. But there are documents which, if we are allowed to use them in the impeachment that we now desire to make, will establish, we believe, and we will contend will establish that Mr. Hynes was conducting a pure and simple labor busting employers organization.

Presiding Inspector: What if he was?

Mr. Gladstein: In the Intelligence Department.

Presiding Inspector: How does that make any difference in the testimony of Mr. Chase?

Mr. Gladstein: And that Mr. Chase in informing for him and working for him was doing precisely the kind of work that Mr. Hynes had done for him.

Presiding Inspector: I would let you show that Mr. Chase was engaged in any such enterprise, of course.

Mr. Gladstein: Yes.

Presiding Inspector: Now, if you could show that, that is all right.

Mr. Gladstein: There are a number of ways by which that [3755] can be shown, your Honor. In the first place, if Mr. Chase admits such a thing, that is established. It is not to be expected that he would.

Presiding Inspector: You mean it is not to be

(Testimony of William F. Hynes.)

expected that he would if he is a truthful person, if he is not a truthful person?

Mr. Gladstein: If he is not a truthful person, yes.

Presiding Inspector: Of course, if he is a truthful person it would be expected that he would admit whatever he did.

Mr. Gladstein: Yes. Now, we asked Mr. Hynes what sort of work his Intelligence Bureau was engaged in and he states that they were interested only in two subject matters, namely, the illegal activities of Communists and Communist activities in unions.

Mr. Del Guercio: Your Honor, that is not correct. The witness stated that he was interested in all kinds of illegal activities, Communist or otherwise.

Presiding Inspector: Never mind. I will take it. Go ahead so I can get the drift of your argument.

Mr. Gladstein: Clearly Mr. Hynes wishes to make it clear—I think the record will support this statement—that he was not interested in trying to destroy unions, as such, or in trying to prevent workers from becoming members of unions as such. He was not interested in that sort of [3756] thing.

Now, we wish to establish by virtue of impeachment, by virtue of documents, the reproductions of which we have shown the witness, that the facts are to the contrary, your Honor, and they, therefore, stamp the Intelligence Bureau, of which this witness was the head, with respect to the kind of work

(Testimony of William F. Hynes.)

it was doing, and that in turn is to be considered in evaluating the testimony of Mr. Chase who was informing for Mr. Hynes while he was in the Upholsterers Union Local 15.

Presiding Inspector: Well, now, Mr. Chase is only shown to have informed—am I right about this—in respect to a prospective strike? That is, you have that in view, to prove that? I don't know that it is yet proved because that document has not yet been received, and in respect to this Universal. Now, have we any other information from Mr. Chase?

Mr. Gladstein: Well, yes. Mr. Chase, as a matter of fact, if I recall his testimony correctly, said that he had informed not once but more than once. I think he said at least twice.

Presiding Inspector: As to Communist activities?

Mr. Gladstein: No, in advance of strikes, I think, he said.

Presiding Inspector: I think in respect to the Universal——

Mr. Gladstein: Yes.

Presiding Inspector: I don't remember the name of it. [3757] There is no direct admission that he informed in relation to this furniture matter.

Mr. Gladstein: That is true.

Presiding Inspector: As yet.

Mr. Gladstein: That is right. Now, you see, your Honor——

(Testimony of William F. Hynes.)

Presiding Inspector (Interposing): That is all we have got.

Mr. Gladstein (Continuing): ——Here is the important point: Both Mr. Chase and Mr. Hynes called the things that were being done subversive, investigation of subversive activities. What they call by the name of Communist activities or illegal activities of Communists is something we wish to show is not that at all but is actually work for the purpose of disrupting or destroying or preventing unions of workers, bona fide unions apart from and regardless of any alleged subversive activities. They call it that; they say that on the stand.

We wish to show in actuality, your Honor, their real work is different. They simply put that name on it. Now, we certainly have a right to do that. Both Mr. Hynes and Mr. Chase used the same terminology. They say we were only interested in the Communistic activities or in the illegal activities of Communists. Their testimony is almost on a parallel on that.

Now, we wish to show by documents, your Honor, that [3758] actually what they call Communist activities here and illegal work or activities of Communists is far from that. It is actually putting people into unions to destroy those unions apart from subversive or alleged or suspected subversive activities.

Presiding Inspector: Well, so far as Chase is concerned, I think that was competent, but how is

(Testimony of William F. Hynes.)

that competent in relation to a witness that you produce yourself?

Mr. Gladstein: Because we are producing him, your Honor, as an adverse witness whose bias, we believe, is clear in the record.

Presiding Inspector: The bias only goes to his credibility.

Mr. Gladstein: It entitles us to ask leading questions.

Presiding Inspector: You can't take it as proving the contrary to what he says. It is no evidence of the contrary of what he says because he is a biased witness.

Mr. Gladstein: Well, are we not entitled——

Presiding Inspector (Interposing): Bias merely goes to the credibility and affects its believability. It doesn't establish affirmatively the opposite.

Mr. Gladstein: When I used the word "biased" I actually meant a hostile witness in the sense——

Presiding Inspector (Interposing): Suppose he is a hostile witness?

Mr. Gladstein: Then, I think we have a right to [3759] impeach him.

Presiding Inspector: Suppose he is a very hostile witness and you say: Were you on the corner of Market and Fourth Street on January first at 1:00 P. M. and he says "No?" Now, he is a hostile witness. That doesn't prove he was there.

Mr. Gladstein: I understand that.

Presiding Inspector: Now, I think you are overlooking that feature. You don't prove the oppo-

(Testimony of William F. Hynes.)

site by proving that a hostile witness says something. You may rely on it as tending to establish that it is not true because of his bias or hostility, although, that is a question for the trier of the facts but it is no proof of the opposite.

Mr. Gladstein: Well, can I not do that? I wish to ask him leading questions now with respect to these documents.

Presiding Inspector: You have done that. Don't complain about that because I have already allowed you to do that.

Mr. Gladstein: I say with respect to these documents or reproductions.

Presiding Inspector: Yes, anything.

Mr. Gladstein: Now, it may well be that Mr. Hynes, upon having his recollection refreshed, will say yes, he recognizes these documents and he remembers them. I don't know what he will testify in that regard.

Presiding Inspector: Are they pertinent to the issue? [3760]

Mr. Gladstein: I am sincere in my conviction they are.

Presiding Inspector: Aside from showing bias on the part of this witness?

Mr. Gladstein: They reflect the anti-labor character activities of the Intelligence Bureau of which he was the head, the union breaking policies and activities, in my opinion.

Now, your Honor may differ with me but that is what I believe is established by these documents.

(Testimony of William F. Hynes.)

Presiding Inspector: I don't either agree or not agree because I have never seen the document.

Mr. Gladstein: Do you wish to see it?

Presiding Inspector: Yes.

Mr. Gladstein: There are about ten or fifteen pages.

(Handing document to the Presiding Inspector.)

Mr. Del Guercio: May I be permitted to say something, your Honor?

Presiding Inspector: Yes, certainly.

Mr. Del Guercio: The Witness, Ezra Chase, has testified that all the information he gave to Mr. Hynes here or the Intelligence Bureau was information concerning illegal activities within the union or otherwise, and activities of the Communist Party whose every activity, I say, are illegal.

Now, certainly neither counsel nor anyone else would [3761] brand a witness, an American citizen at that, for giving information to duly constituted authorities on illegal activities of any one or group of persons, and that is exactly what counsel is trying to show. There isn't any evidence in this case, none has been produced and none will be produced by the Government, of any purely labor activities in the CIO or in the A. F. of L. And, I believe, that counsel in his question of this witness should be limited to that extent.

It seems that we have to repeat every day that we are not trying labor unions; we are not trying

(Testimony of William F. Hynes.)

the Los Angeles Police Department; we are not trying the Portland Police Department. We are trying to try the Alien here and this is all a smoke screen, in my opinion.

Presiding Inspector: Well, how far does this go, this offer?

Mr. Gladstein: Well, there are a number of subject matters covered.

Presiding Inspector: Well, of course, these are a number of documents on different matters.

Mr. Gladstein: Yes, they are.

Presiding Inspector: I think you better take them up one by one.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. Mr. Hynes, first of all did you examine the pages that I referred you to? [3762]

A. Yes, I have examined them.

Q. And can you recognize that on those pages appear reproductions——

Presiding Inspector (Interposing): Don't answer this.

Q. (Continuing): ——of reports, or whatever the documents appear to be, that were actually in the files of the Los Angeles Police Department Intelligence Bureau?

Mr. Del Guercio: I object to the question, your Honor, as being nothing pertinent to the issues in this case or to any witness who was produced in this case.

Presiding Inspector: I know it is merely intro-

(Testimony of William F. Hynes.)

ductory. I will let him say whether he can or cannot recognize these documents.

The Witness: Yes, I can recognize the documents. I would like to qualify that answer. I recognize those documents and——

Mr. Myron (Interposing): That is sufficient; that is the answer.

The Witness: No; I want to state—counsel made certain charges about those documents.

Presiding Inspector: We don't care about counsel.

Mr. Myron: Wait a minute. I think he has answered the question.

Presiding Inspector: Counsel are merely representing their particular sides in this case. You must not take as [3763] evidence anything they might say.

By Mr. Gladstein:

Q. Then, Mr. Hynes, would it be correct to say that the documents beginning from 23,518 and running through to 23,532, on which the financial statements of account are to be found, are recognized by you as a correct reproduction of documents which were in your files and under your supervision while you were the head of the Intelligence Bureau?

Mr. Del Guercio: If your Honor please, I object to that as being——

Presiding Inspector (Interposing): I will take that. I haven't received the documents yet.

Mr. Del Guercio: In the first place, it isn't a document.

(Testimony of William F. Hynes.)

Presiding Inspector: Oh, well, we will treat it as such.

The Witness (Examining document): I would like to refer to these by the actual Exhibit numbers given here because there are some of these things that—like on inter-departmental police correspondence that has no particular date on them and don't appear to have been made by anybody in my office.

Presiding Inspector: Well, do you recognize those as having been in your office?

The Witness: I recognize those.

Presiding Inspector: While you were head of the depart- [3764] ment?

The Witness: Yes, I do. However, your Honor, I would like to say this here with respect to these documents, that the LaFollette Committee has—I was a witness before this Committee and at no time were any of these documents presented to me to identify.

Presiding Inspector: Well, that is all right. You identify them now as having been in your department?

The Witness: Yes, sir.

Presiding Inspector: These are copies?

The Witness: Yes, sir.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. Now, I want to refer to the first and read it to you.

Mr. Myron: We object to that.

(Testimony of William F. Hynes.)

Mr. Del Guercio: We object to the reading, your Honor.

Presiding Inspector: I have got to read it again.

Mr. Gladstein: Yes.

Presiding Inspector: Because I glanced through them very rapidly.

Mr. Gladstein: Do you want to start at the first?

Presiding Inspector: Yes.

(Whereupon, Mr. Galdstein handed document to Presiding Inspector.) [3765]

Mr. Del Guercio: Now, if the Court please, you will recall that in permitting this witness here to answer the questions propounded by counsel it was on the ground that they were intended for the purpose of impeaching the testimony of the Witness Ezra Chase and only for that purpose. It is obvious now that he was asking those questions not for that purpose but for the purpose of impeaching, or attempting to impeach his own witness, and on that ground alone I think the matter should be excluded.

Mr. Gladstein: Your Honor, I can't——

Presiding Inspector (Interposing): Well, he said certain things about Chase that bear upon the issue here as to his credibility, this collateral issue. Now, to show that this witness is not a credible witnes on that particular question I think I will allow him to show that, although this doesn't necessarily bear on anything from Mr. Chase.

Mr. Gladstein: No, it is true I can't prove it all at once. There will be something on Chase.

(Testimony of William F. Hynes.)

Presiding Inspector: These are his employees.

Mr. Gladstein: Yes. This is the first one.

Presiding Inspector: I will take it on that ground, mainly to bear on the credibility of this witness. We are not going to investigate, as an independent issue, the conduct of the Police Department.

Mr. Gladstein: No, I understand.

Presiding Inspector: Of Los Angeles. [3766]

Mr. Del Guercio: I object to counsel reading it.

Presiding Inspector: I will take it on the narrow point that I have suggested.

Mr. Del Guercio: The objection is not to that.

Presiding Inspector: That is, as affecting the credibility of this witness.

Mr. Del Guercio: The objection is not to that. The objection is pointed to counsel reading it. I think the witness should read it.

Mr. Gladstein: I prefer reading it. You can watch me so I don't misread it.

Presiding Inspector: I will let you read it because we have pursued that practice.

Mr. Myron: Is this a question, the reading of this by counsel?

Presiding Inspector: No, I don't know exactly what it is.

Mr. Gladstein: I desire to read into the record——

Mr. Myron (Interposing): We object to reading this into the record.

Mr. Gladstein (Continuing): ——the first document identified by the witness.

(Testimony of William F. Hynes.)

Presiding Inspector: You may read it.

The Witness: May I say something in connection with this?

Presiding Inspector: Yes. [3767]

The Witness: Regarding the operator he claims——

Presiding Inspector: He doesn't claim that was Mr. Chase.

The Witness: He claims that it was an operator of mine, which it was not.

Presiding Inspector: We will hear this.

Mr. Gladstein: This is Oil Workers Union Exhibit 10220, Plan of Operation.

Presiding Inspector: Now, don't you think, before you read that, we ought to know where that came from, who issued that, and so on?

Mr. Gladstein: You mean this document?

Presiding Inspector: Yes.

Mr. Gladstein: The witness identified it as being in his files. If he wishes to add anything further concerning that, all right.

I would like to read it and then ask him concerning this.

Mr. Myron: We object to that because he hasn't identified it, and the document isn't in issue in this case at all.

Presiding Inspector: We ought to know what the set-up in the Department is; if anybody issued orders besides himself, or whether he was under some other person.

(Testimony of William F. Hynes.)

By Mr. Gladstein:

Q. Let me ask this: Mr. Hynes, in these documents that you have recognized there are references to Agents 10 and 20. Did you know those men?

[3768]

A. I knew one man, but he wasn't employed by me.

Q. Did you ever give them instructions?

A. I never gave him any instructions.

Q. You are sure about that?

A. Yes, I am positive.

Q. You received reports from them?

A. They sent in information like other people did, but you cannot show—I defy you to show that he has ever been on the payroll of the Los Angeles Police Department.

Q. Did you ever pay their expenses?

A. I didn't pay their expenses, you can't show that either.

Mr. Del Guercio: In view of the testimony——

Mr. Gladstein (Interposing): Let us confer a moment.

Mr. Del Guercio (Continuing): ——I renew my objection to any reference being made to those documents—and I say "documents" for lack of another name. All that has been shown so far is that this Committee has printed into its record letters which were found—I don't know whether found or how they were found—in the possession of the Los Angeles Police Department. There is no evidence that this witness collaborated either in their preparation or that he gave instructions in

(Testimony of William F. Hynes.)

their preparation, or that he employed the persons who submitted those reports.

Under those circumstances, and that is all the evidence we [3769] have here, how can they be shown and be permitted to be used to impeach their own witness?

Mr. Gladstein: Could I ask some further questions of the witness?

Presiding Inspector: Yes.

By Mr. Gladstein:

Q. How did these reports come to you?

A. I told you in my testimony before that in the course of the operations of our Bureau we receive many complimentary reports. They may be from persons who are working for outside employers, who gave that information, and which we accept at its face value. We don't try to evaluate the information in any way. They come up to me and talk to me about it, and come up to hand me a report, maybe.

Q. Well, now, you notice it says "Statement of Account"—page 23532—"of Agents 10 and 20". Where did you get those?

A. He probably gave me a complete file of his operations on that matter.

Mr. Myron: He said before he didn't see that.

The Witness: In the first place——

Mr. Myron (Interposing): There is no question pending.

The Witness: I was going to refer to those documents.

(Testimony of William F. Hynes.)

Presiding Inspector: There is no question pending.

Mr. Gladstein: My associate is more familiar with the [3770] contents of these documents than I am, and there will be some delay if I continue with the examination along this particular line. If there isn't any objection I would ask leave to permit Mr. Grossman to continue with the witness.

Presiding Inspector: Very well. I will permit this. He says he is more familiar with the document and it will expedite the hearing. I will permit it.

I would like to ask a question or two about your office. You had a file there from which these documents, as you call them, came?

The Witness: Yes.

Presiding Inspector: It was under your control?

The Witness: Yes, sir.

Presiding Inspector: Your exclusive control?

The Witness: At that time; yes. My files were turned over on November, at the end of November, 1938, and they were taken to the City Hall. After that I had no more jurisdiction over them. They were given to the La Follette Committee by the Mayor, and the Chief of Police; to go into them. There was no representative of the Police Department there at any time while these files were being searched, and they took matters from those files, and violated the confidence of the Mayor and the Chief of Police in taking matters relating to the Civil Service expense account of the Department, which they had no right to take. [3771]

(Testimony of William F. Hynes.)

Presiding Inspector: Who was your superior in your organization, in your department, at that time, the Mayor?

The Witness: The Mayor is the chief law enforcement officer; yes, sir. But under him is the Chief of Police.

Presiding Inspector: The Chief of Police?

The Witness: I was responsible to the Chief of Police.

Presiding Inspector: Did the Chief of Police give any orders in the direction of anti-Communist activities, or did you have that exclusively?

The Witness: I had that exclusively to this extent: That I had to draw up a plan of the scope and operation of the duties of my department, which I did, and which I have here and am willing to submit, showing in detail the type of activities that our bureau engaged in. It shows the cooperation with labor unions, cooperation with employers of labor, and employees, things of that character.

Presiding Inspector: I will let you read the first document into the record.

Is it dated?

Mr. Gladstein: Yes, sir. It is dated November 3, 1933. I think that is the date. No—November 8, 1933.

It is entitled:

"Plan of Operation.

"In combating the union movement concerning which Agents 10 and 20 have been reporting, fol-

(Testimony of William F. Hynes.)

lowing is the plan of opera-- [3772] tion proposed by them:

"Agents will concentrate their work to keep the organizing of the men to a minimum for the immediate present and as an ultimate and to disrupt the movement entirely. To accomplish these objects Agents will use many methods successful in the past, the principal one of which is to assume leadership and to secure the removal of aggressive, efficient organizers.

"The most aggressive among union organizers and usually radicals and Agents who will turn the names of all such over to the Department of Justice and to the Police in such cities and towns as are administered by officials not in sympathy with radicalism.

"Workers who are active in organizing will be reported to their several employing companies so that they may be transferred or discharged. Agents will keep the union treasuries to a minimum by getting the officers to spend money foolishly, in order that no strike benefit fund may be accumulated. Agents will keep notices of meetings and literature from reaching the men to a great degree.

"The movement will be discouraged by securing men employed by the companies to talk to their fellow-employees against the union. Agents already have several contacts of this sort who do not like unions and who can be depended upon to discourage the movement. Within the union itself, Agents will promote internal dissension among the members and among the officials and organizers. [3773]

(Testimony of William F. Hynes.)

"It will be possible to assume control over the organizing of the Foremen and Inspector's Union so that this organization will not function in the manner expected by the union officials.

"All union meetings, organizational conferences and official committee meetings will be covered and reported by Agents in all sections from Long Beach and Ventura to Coalinga, Taft and Bakersfield.

"Agents will secure all information on sabotage, prevent a strike and block every move of the union which holds any promise of effectiveness. The numerical strength of the union will be kept within safe bounds and later disrupted, officials and organizers will be encouraged to dissipate their efforts in fruitless channels, internal quarrels among the members and officers will be purposely created, and dangerous members and officials will be removed through definite action, all by using the above described methods and by other methods known to effective by Agents.

"In addition, of course, the clients will be kept informed at frequent intervals of the activities of the union and photostatic copies of important documents sent to them.

"Agents are perfectly familiar with this work and stand very high with the American Federation of Labor headquarters in Washington, to which they have wired for credentials as organizers in this particular union. Agents already have credentials which will admit them without question into any

(Testimony of William F. Hynes.)

union [3774] or executive committee meeting of any organization affiliated with the American Federation of Labor or the Brotherhoods. Agents are also delegates to the conventions of the California State Federation of Labor and of the American Federation of Labor.

"Agents have devoted their time for years to this sort of investigation work and are fully trusted in all liberal, radical and labor circles on the Pacific Coast and elsewhere. They always have most valid reasons for their presence at any place or meeting so that no suspicion can possibly arise.

"Agents are also in a position to assume control of the newly organized Friends of Organized Labor, and will be able to keep this organization from having any effective influence upon the movement in any way.

"There is absolutely no danger of the clients being involved in Agents' activities nor of being embarrassed by them to the slightest degree, as Agents' methods of working preclude any possibility of their being uncovered or even suspected. Agents will always be well within the law in all their actions, and their methods have been found to be more successful than so-called 'strong-arm' methods.

"In order to handle the situation and gain the objects noted above, three men will be necessary. The cost of these men will be $10.00 per day each, plus necessary expenses, and will include any investigation wanted in the area under discussion [3775].

(Testimony of William F. Hynes.)

and reports will cover every section. Agents would prefer to report to Captain H. as there is sometimes considerable danger in sending reports to small towns.

"Agents do not consider that the present situation is serious, but it could easily and quickly become so. Since the NRA went into effect, organizers are more active throughout the country than ever before in the history of unionism, and now that open attacks on the NRA and the Roosevelt Administration have started by Hearst and others, American Federation of Labor officials have ordered a redoubling of active efforts to solidify the ranks of labor quickly in the event of a dissolution of the NRA set-up. Organizers are preparing literature designed to convince workers that the safety of their jobs lies in union organization. Unions elsewhere are trying to force the closed shop on employers, and the A. F. of L. is trying to get enough members in the United States, according to several leaders, to carry the next Presidential election, even if it is necessary to use the A. F. of L. Brotherhoods as the nucleus of a new Labor Party.

"Agents would not desire to remain on this investigation for the sole purpose of reporting the activities of the union. This can be secured, except for plans made in conferences of organizers and officials, from employees of the companies for a few extra dollars per week. The cost of breaking up the movement is but a small percentage of the cost which would result were [3776] there to be a

(Testimony of William F. Hynes.)

strike, whether such a strike would result in higher wages or be entirely lost by the union. There will be no local strikes in this industry in the future; all workers will be called out in the event the union is strongly organized and the companies do not recognize it and accede to its demands. The cost of Agents' work will be but a small premium for the security which it will give against trouble with the unions.

"Captain H. will vouch for the fact that Agents always bend every effort to disrupt the union and close the case as quickly as possible. They do not 'string out' the job as there are many concerns in need of their services at the present time."

Presiding Inspector: I think I made a mistake in letting you read that.

Mr. Gladstein: Why?

Presiding Inspector: Because my idea was, in letting you read it, that the keeping of such a document in the files might have some effect. That doesn't in any way show that it was anything more than a report by someone to someone which was not in the police files.

Mr. Gladstein: Let me ask this——

Mr. Del Guercio: (Interposing) On that ground I move that it be stricken out.

Mr. Gladstein: Let me ask a question before your Honor [3777] rules,—several questions.

Presiding Inspector: Yes.

By Mr. Gladstein:

Q. Mr. Hynes, when you were the head of the Intelligence Bureau what was your title?

(Testimony of William F. Hynes.)

A. Acting Captain of Detectives.

Q. You were known as Captain Hynes?

A. Yes.

Q. This reference to "Captain H." in the document I have just read to you, do you recognize it as a reference to you?

A. I can't be responsible for what somebody wrote in a report.

Q. Do you recognize that as a reference to you?

Mr. Myron: He doesn't know. He hasn't seen it. Show it to him.

A. (Continuing) I have seen the report. It probably was intended as a reference to me, but I can't be responsible for what may be in that report.

Presiding Inspector: You are not responsible for it.

Mr. Del Guercio: It is highly prejudicial.

Mr. Gladstein: I haven't finished with the reference to Mr. Hynes.

Presiding Inspector: You don't have to prove that the sky is blue, or that the sun rises at a particular hour.

Mr. Gladstein: I wish to make—— [3778]

Mr. Del Guercio: (Interposing) In that connection, I think we can show that those things were circularized and sent, even to Harry Bridges, and everybody else; not only to Mr. Hynes or the Los Angeles Police Department.

Presiding Inspector: I think we can only consider one thing at a time.

(Testimony of William F. Hynes.)

I think the thin ground on which I admitted it is probably erroneous.

Mr. Grossman: May I say this: A reading of another portion, which has been equaly admitted by Mr. Hynes as being in the files, will show more of a connection than your Honor now sees, which will justify its having been read, I am sure.

I will read one paragraph——

Mr. Myron: (Interposing) We object to the reading.

Mr. Grossman: (Continuing) ——one paragraph to show your Honor what I refer to.

Mr. Myron: He can show your Honor the paragraph referred to and then let your Honor read it.

Presiding Inspector: I will let him read it.

Mr. Grossman: It is brief and won't prejudice anyone:

"Regarding the plan set forth in our last report it is not wise to reduce it to writing especially when such writing is to be mailed. According to instructions received from Captain H., Agent 10 will be in Los Angeles Thursday, November 9. Agent 20 will attend the union local meeting tonight in [3779] Coalinga."

Here is another of the same type:

"On telephoned instructions"——

Mr. Del Guercio: (Interposing) I thought we were only going to read one paragraph?

Presiding Inspector: I will hear it.

Mr. Grossman: "On telephoned instructions Agent 20 joined Agent 10 in Bakersfield Tuesday

(Testimony of William F. Hynes.)

morning for the purpose of making out this joint report in accordance with orders from Captain H."

Now, your Honor, I am willing, if there is any objection to the completeness of that, to read other portions, but it is quite clear——

Presiding Inspector: It is pure hearsay.

Mr. Grossman: I intend to ask Captain Hynes about these then, as to whether they refer to him, because it is quite obvious——

Presiding Inspector: It is quite obvious they refer to him, but it is hearsay.

Mr. Grossman: Then we will say, whether he admits the fact referred to, they were acting under instructions from Mr. Hynes.

Presiding Inspector: Why don't you ask that?

Mr. Grossman: I will, but I want to show why this shouldn't be removed from the record, this that has been read, your Honor. [3780]

Presiding Inspector: I am not going to remove it immediately.

Mr. Grossman: All right.

Presiding Inspector: I will postpone decision on whether to strike it out or not.

Mr. Del Guercio: I think, in fairness to this witness, counsel should show this to the witness.

Presiding Inspector: He has.

Mr. Del Guercio: We don't have the original, and the Court cannot see what they are. It is obvious they were mimeographed sheets sent by someone, which may have been sent by counsel, or by Mr. Bridges, or by me, or by anyone.

(Testimony of William F. Hynes.)

Presiding Inspector: True. They did keep them in the files.

Mr. Del Guercio: We keep everything in the files too.

Presiding Inspector: They were kept in the files. In the first instance, I thought some inference might be drawn from that.

Mr. Gladstein: Just a brief response to what Mr. Del Guercio said. I think Mr. Hynes has already said, has he not, that he knew Agent 10. I asked him if he knew Agent 10 and Agent 20 and he said he knew one of them.

By Mr. Grossman:

Q. Did you ever have any conferences with Agents 10 and 20?

A. I had no conferences with Agent 20. I knew an Agent [3781] 10.

Q. Did you ever have a conference with Agent 10?

A. I have talked to him several times.

Q. Did you ever——

A. (Interposing) He came into my office once or twice.

Q. Did you ever give him any instructions?

A. No, I never gave him instructions. He was not my employee.

Q. I didn't ask that. Please answer only——

Presiding Inspector: Just a moment. He did answer. He said, "No, he was not my employee," which was a very natural thing to say.

(Testimony of William F. Hynes.)

By Mr. Grossman:

Q. Did you ever discuss with him the work that he was doing in connection with informing in the oil workers union?

A. I don't recall discussing in detail any work he was doing.

Q. I am going to call your attention to the reference that was read by Mr. Gladstein at the end of the first report. I will read the first sentence of it:

"Captain H. will vouch for the fact that Agents always bend every effort to disrupt the union and close the case as quickly as possible."

Is that a correct representation of your state of mind at the time this report was written as to whether you could vouch [3782] for Agents 10 or 20 always bending every effort to disrupt the union and close the case as soon as possible?

A. That is not a correct statement.

Q. Did you ever discuss with either Agent 10 or Agent 20 what they had done or would in the future do to disrupt unions?

Mr. Myron: We object to that.

Presiding Inspector: I will take it.

A. I never discussed with 10 or any other Agent, any matters towards disrupting of a union. If you will get the files of the Police Department you would find out just the contrary. We cooperate with the union towards maintaining peace.

Presiding Inspector: Were either of these agents, 10 or 20, Ezra Chase?

(Testimony of William F. Hynes.)

The Witness: No, at no time. I can't say as to 20; I don't know 20.

By Mr. Grossman:

Q. Have you ever read these reports before you came into court today?

A. These reports?

Q. Yes.

A. I don't remember specifically. It was called to my attention by the LaFollette Committee. That is the last time I remember.

Q. Before that did you ever read these reports?

A. I may have glanced at those reports in the office. I [3783] have some recollection of it away back, but I was away off and on for a period of time.

Mr. Del Guercio: I would like to make this observation——

Mr. Grossman: (Interposing) I don't think we want observations.

Mr. Del Guercio: It is in connection with an objection I am about to make.

Presiding Inspector: Make your objection.

Mr. Del Guercio: In connection with these documents—a police officer, or any agent of a law enforcement agency, may have a knife or gun in their possession which was used in the commission of a crime. Does that make the officer who keeps the gun a criminal or a liar for having that gun in his possession or keeping it within the police files?

Presiding Inspector: That is argument.

Mr. Grossman: That is an observation. I can

(Testimony of William F. Hynes.)

make observations too. I prefer to read this report rather than to make observations.

Mr. Myron: We object to the reading of the report.

By Mr. Grossman:

Q. Were you ever informed by Agent 10 or 20 that they preferred to report to Captain H. as there is sometimes considerable danger in sending reports to small towns?

A. No; there was no such arrangement discussed.

Q. Did you ever discuss with Agent 10 or 20 the reporting. [3784] the making of reports on their work in the oil workers union to you?

Mr. Del Guercio: I object to that question. The witness already testified that Agent 10 was not Ezra Chase and has no connection with him.

Presiding Inspector: I will take it. He isn't implying that he is.

Mr. Del Guercio: And that he doesn't know who Agent 20 is. The witness already testified to that.

Mr. Grossman: Do you remember the question?

By Mr. Grossman:

Q. Did you ever discuss with Agents 10 or 20 their sending reports to you?

A. No, I have not.

Q. Do you know how you happened to get reports from them?

A. Well, I don't know. I have a hazy recollection that there is—a group of reports came in the

(Testimony of William F. Hynes.)

mail comes in and whether I am there or not it would be opened up.

Q. Do you have any recollection of how you happened to receive reports from Agent 10 and 20?

Mr. Del Guercio: I object. There is no evidence that either Agent 10 or 20 sent in reports on——

Mr. Grossman: (Interposing) They got into the file. [3755]

Presiding Inspector: I will take it.

A. I told you I have a recollection of talking to the man and I have a recollection of those reports of a group of them being shipped together. The only time that I really went into detail as to the contents of the report was before the LaFollette Committee investigators.

By Mr. Grossman:

Q. Did you ever discuss with any employee of oil workers these reports? A. No, sir.

Mr. Del Guercio: We object to that, if your Honor please, as going far afield.

Presiding Inspector: I think it is going far afield. Are you investigating the conduct of the Department of Los Angeles?

Mr. Grossman: Your Honor——

Presiding Inspector: Yes or No?

Mr. Grossman: To this extent: Mr. Chairman Hynes is being asked questions that transpired between him and Agents 10 and 20. I am investigating it, and to the extent that there is an understanding between these reports, I am interested.

(Testimony of William F. Hynes.)

Presiding Inspector: I don't see how the conversations with 10 and 20 could have anything to do with it. You have asked certain collateral questions.

Mr. Grossman: I can read further. Obviously, these agents [3786] have reported on instructions received from Captain H. It has been established sufficiently, I think, that "Captain H." is Captain Hynes.

Presiding Inspector: You assume that.

Mr. Grossman: Otherwise they would not have sent in the reports.

Presiding Inspector: Why don't you call them? How can you show that by hearsay?

Mr. Grossman: We are willing to call them if Captain Hynes will tell us who they are.

Presiding Inspector: Ask him.

Mr. Grossman: I will ask him.

Mr. Del Guercio: Just a moment——.

Presiding Inspector: I don't see how you can go into ex parte statements by union witnesses, or union persons, as bearing upon the truthfulness of something entirely collateral which you may have asked this witness about.

Mr. Grossman: Your Honor, I am hoping that confronted with these reports Captain Hynes will state that they are correct in these respects—and I haven't finished my examination yet so I have no way of knowing whether he will. If he does that that may raise the other question which you raised, of calling Agents 10 and 20.

(Testimony of William F. Hynes.)

Presiding Inspector: I was thinking whether it would be pertinent or not. But how can you show that something was [3787] sent by mail, or telegram, or orally, without showing any reply to it? I don't see how it in anyway binds Captain Hynes.

Mr. Grossman: I don't say he is bound.

Presiding Inspector: It was kept in the files and it was only on that ground that I thought they might be received.

Mr. Grossman: He has done more than that. We have to be practical about this. He received not only these reports regularly which, incidentally, refer to alleged conversations with him, instructions from him, but he also received their accounts. He not only received their accounts, but reports which state in the reports that "We are sending you these reports" obviously to go somewhere else. In other words, a man is not only receiving reports which he puts in his file, but he is receiving reports which say, "I have had certain discussions with you, you have instructed me to do this, and I want you to convey this to someone, and I send you my statement of my expenses."

Presiding Inspector: Of course, the proper way to do that would be to ask him whether it refreshes his recollection.

Mr. Grossman: I am willing to do it that way.

Mr. Del Guercio: We object on the further ground—in view of the statement of counsel that he wants to investigate the Los Angeles Police Department, obviously that isn't the proper thing to

do here. Who is he to investigate the Los Angeles Police Department? [3788]

Presiding Inspector: I shouldn't think you would object to it.

Mr. Del Guercio: We wouldn't object if it were a proper thing to do in this proceeding. We wouldn't object at all, but it is taking the hearing far afield and we are losing sight of the fact of what we are trying to find and that is my only objection to it.

Presiding Inspector: I don't think I am——

Mr. Del Guercio: (Interposing) I have no objection to Mr. Grossman, the Communist Party, or any other Party investigating the Los Angeles Police Department. We are not a part of the Los Angeles Police Department.

Mr. Gladstein: I move those remarks be stricken.

Presiding Inspector: I will let them stand, except they probably will go out with everything else said by both parties and their counsel, when this is reported to the Attorney General, unless there is some change in the rule. The rule clearly states that all argument is to be excluded from the record.

Mr. Grossman: May we have our morning recess now, your Honor?

Presiding Inspector: Oh, yes.

(Whereupon a short recess was taken.)

Presiding Inspector: Mr. Gladstein, I am at a loss to understand all this testimony. You claim that the witness, [3789] Chase, made reports to the

(Testimony of William F. Hynes.)

Police Department. The Police Department admits it. You now want to show that the Police Department was hostile to what you call the labor movement. How is that pertinent? They still were the constituted legal authority, and if there was any illegal activity that would have to be the place that reports there would have to be made, if made anywhere.

Mr. Gladstein: It would show the character of the reports, particularly in case of oral ones that Mr. Chase made.

Presiding Inspector: We don't care about the character of the reports; they show for themselves.

Mr. Gladstein: But the oral ones we don't have of record.

Presiding Inspector: You can't show them by certain reports being in. You can show what other reports Mr. Chase made, yes.

Mr. Gladstein: If we can show the type of work which that Bureau was generally doing——

Presiding Inspector: That is too remote. If you can show that Mr. Hynes, or anyone else in the Department, had anything to do with getting Mr. Chase here, and anything improper was done in any of those respects, of course I will allow that. That is what Dean Landis allowed in the other case, in the case of the Police Department in another city. Now, no such attempt as this, that I know of, was produced before Dean Landis.

Mr. Grossman: Yes—with respect to Harper Knowles, who [3790] claimed also that his work

(Testimony of William F. Hynes.)

was only against subversive activities, and so on. If your Honor will read the references in Dean Landis' report on Harper Knowles—I can't call it a finding because it wasn't precisely that—you will find a discussion showing that Dean Landis indicated there was good reason to believe—make it that way—that that about represents his sentiments on that—good reason to believe that the activities of Knowles were not anti-subversive, or anti-Communist, but generally anti-labor. In other words, he looked at Knowles, and the correspondence and admissions Knowles made, and so on, and concluded that the general work of Knowles and his organization was anti-labor and from that he concluded that it was relevant from the standpoint of showing the bias of Mr. Knowles.

Presiding Inspector: Knowles was a witness on the part of——

Mr. Grossman: (Interposing) Knowles had something to do with a witness who was ultimately procured. As a matter of fact, it went this far in that case: Knowles was working with Larry Doyle. Larry Doyle had procured at least one witness, John Leech. That is how far Dean Landis went. It was obvious they were all tied up in this way.

Presiding Inspector: There isn't anything of that kind here.

Mr. Del Guercio: That is an incorrect statement. Harper [3791] Knowles was not a witness. Dean Landis could have made no finding on Harper Knowles. He did not have him before him.

(Testimony of William F. Hynes.)

Harper Knowles is not in this case. We have got to stop somewhere and stop these statements, wild statements of counsel.

Presiding Inspector: I know, but I have got to hear argument. This is merely argument. It don't affect me as a trier of the fact in the slightest. It might be something that happened in some case in the Supreme Court. I merely was interested in what the legal judgment of Dean Landis was in some similar case.

Mr. Del Guercio: I believe a correct statement should be made because Dean Landis could not have made a finding on a witness that did not come before him.

Mr. Grossman: I am willing to have this case decided right here and now on whether or not Harper Knowles testified in the last hearing. Mr. Del Guercio said he didn't. I say he did. It is quite obvious that we were in the last case and we know that Harper Knowles testified as a witness, and I didn't misrepresent anything.

In the second place, as I say, Dean Landis found not only with respect to Harper Knowles, but with other people in the case, that their conduct generally was such—that is about all you could characterize it is—their conduct, and that does not mean *all it*, was such as to show they were really carrying on an anti-labor organization. [3792]

Presiding Inspector: Supposing the Department was carrying on an anti-labor organization, what difference does it make here?

(Testimony of William F. Hynes.)

Mr. Grossman: We can show that under the guise of a Communist investigation Captain Hynes, and his whole department—not only can we prove that, but the whole labor movement in Los Angeles knows it—was carrying on clearly a labor spy agency and known to everyone.

Presiding Inspector: Suppose that is so? We will assume, for the sake of argument, that is so. What about it?

Mr. Grossman: Then we can show that every man that gave him information, whether formal or informal information, was carrying on the general activities of that department. That is all he was concerned with. We can show that Captain Hynes received money from employers for this work; that he transferred this information directly to employers.

Presiding Inspector: What difference does it make?

Mr. Grossman: And that it was a department that had no other people to——

Presiding Inspector: We are not interested in that department.

Mr. Grossman: We are, to find out if Chase is telling the truth. We recognize Mr. Chase and Mr. Hynes, in order to cover up what are considered disreputable activities as anti-labor, and a labor-spy agency on the part of the police department, will [3793] call their activities anti-subversive. The facts are, however, that they are carrying on something definitely similar to, and impossible to dis-

(Testimony of William F. Hynes.)

tinguish from, Pinkerton, and the others, such agencies. We can prove that. Therefore, when Chase made reports to that agency, regardless of what he may say to protect himself, or his reputation, he is making reports to an agency that has no other reason for being, except as an anti-labor, labor-spy agency.

Presiding Inspector: It has some other reasons for being. You don't mean——

Mr. Grossman: (Interposing) No, no.

Presiding Inspector: You don't mean to state that the Police——

Mr. Grossman: (Interposing) Not the Police, but the so-called Intelligence Division.

Presiding Inspector: That is merely a branch of the Police Department, and that is the one taking charge of, according to your witness, Hynes, of disorder in labor matters when there were strikes.

The only question before us is whether he made this report about this furniture strike. That is the only thing that is in issue here, isn't it?

Mr. Grossman: I don't think so because Chase admitted that he made, as an estimate, thirty reports.

Presiding Inspector: We don't know what they were about. [3794]

Mr. Grossman: I say we can conclude that from two things: One, from oral reports. We do have, in the LaFollette Committee reports, and we can conclude, from the nature of this Intelligence — whatever they call it—the nature of this depart-

(Testimony of William F. Hynes.)

ment of the Los Angeles Police Department which, as I say, we can prove is nothing but, never was anything but a glorified labor-spy outfit.

Presiding Inspector: That means an investigation of the Los Angeles Police Department.

Mr. Grossman: To the extent that we have to go to find the truth in this case, I think we are entitled to go. If we can't get the truth about the activities of this department from the head of it——

Presiding Inspector: Why don't you introduce the Catherman statement?

Mr. Grossman: I thought we had. We will do that. I don't think we are obliged to do that.

Presiding Inspector: Why don't you come to that right now. That is the main thing here now as far as I know.

Mr. Grossman: We will offer that right now, your Honor. [3795]

Mr. Gladstein: Before we do that—all right, where is that?

(The Exhibit was handed to Mr. Gladstein by the reporter.)

By Mr. Gladstein:

Q. Mr. Hynes, I show you Alien's 17 for identification. A. Yes.

Q. One of the documents that you brought here in response to the subpoena. You were making some comments about that yesterday. I think, perhaps, you had better finish making your comments about it.

(Testimony of William F. Hynes.)

Presiding Inspector: I will take it right now if you will offer it.

Mr. Gladstein: I will offer it in evidence.

Presiding Inspector: I will receive it.

Mr. Del Guercio: Over objection, your Honor.

Presiding Inspector: Yes, certainly.

(The document referred to was received in evidence and marked Alien's Exhibit No. 17.)

Presiding Inspector: Mr. Catherman swore that he received those matters and that he left notes on his desk. This was found in the files. I think it is sufficient to allow the inference to be made by the trier of the facts, if he wishes to make it, that that is such a report of a conversation which he says he directly—he, in the ordinary course of his duties was accustomed to make notations of. [3796]

Mr. Del Guercio: But not in that form, Catherman testified.

Presiding Inspector: Yes, in that form.

Mr. Del Guercio: Not in that form, Catherman testified, as you will recall.

Presiding Inspector: No, he testified as to some slight variation about it.

Mr. Del Guercio: He said he signed all of his reports either——

Presiding Inspector: (Interposing) Well, this is signed.

Mr. Del Guercio: No, this isn't signed.

Presiding Inspector: This is signed "Catherman."

(Testimony of William F. Hynes.)

Mr. Del Guercio: He signed it in his own handwriting, either initialed or put his signature over all the communications he received over the telephone.

Presiding Inspector: I didn't so understand.

Mr. Grossman: I am sure Catherman will deny—I asked him if he will deny——

Presiding Inspector: (Interposing) I will receive this document. I think it is sufficiently connected up to make it prima facie evidence. It is a question for the trier of the facts.

By Mr. Gladstein:

Q. Mr. Hynes, I want to show you on page 23,576, Exhibit 10,302 under date of 3/3/37, Report on Upholsterers Union. Will you please read that—it finishes on the next page— [3797] and state whether you recognize it.

Presiding Inspector: Do you want him to read it out loud?

Mr. Gladstein: It isn't necessary.

A. (Examining document.)

Mr. Gladstein: Let the record show that my reference was to the same volume of the LaFollette Committee Reports.

Presiding Inspector: Yes.

The Witness: I don't recognize this report at all.

By Mr. Gladstein:

Q. Not at all? A. No sir, I don't.

Mr. Del Guercio: Will you speak a little louder?

Presiding Inspector: He says "I don't recognize this report at all".

(Testimony of William F. Hynes.)

By Mr. Gladstein:

Q. Does that mean that you don't remember it?

Mr. Del Guercio: If your Honor please, the answer is obvious. He says he doesn't recognize the report.

Presiding Inspector: I don't know what he means by that. I will allow him to inquire.

The Witness: I have no recollection whatsoever of receiving this report.

By Mr. Gladstein:

Q. That means, does it——

A. (Interposing) It appears as a report given by [3798] somebody other than Chase.

Q. It appears to be a report given to you, does it?

A. No; I say it appears to be a report given by some other person other than Chase.

Q. To whom?

A. I don't know. It doesn't say to whom; it doesn't say anything. It says "Report on Upholsterers Union." It has no identification on it whatsoever.

Q. Well, you had no other person in Local Union 15 of the Upholsterers at that time, did you?

A. No, but I testified also that I had a person on the Trade Union Commission of the Communist Party who could go down to the Upholsterers Union and find out any information he cared to. I didn't testify to that fact in detail, but the man on the Trade Union Commission of the Communist Party would be in a position to go to Communist Party

(Testimony of William F. Hynes.)

members within the Upholsterers Union, say, the Secretary, the Financial Secretary, and gain such information.

Q. But that person would not be in a position to attend a local meeting of Upholsterers Union No. 15 and act as a member of the Union and make motions of that sort, would he? He is not a member of that union, I think you said yesterday.

A. I don't think I said——

Q. (Interposing) He was not a member of that union?

A. No; he could attend a meeting. [3799]

Q. If he was not a member of the union?

A. Well, I think so. He may be a member of another union and be attending another union's meeting, which is done in numerous cases.

Q. Do you mean to say even though he——

A. (Interposing) Harry Bridges could go to another union meeting although he is not a member of that particular union.

Q. Do you mean to say although this man on the Trade Union Commission you referred to was not a member of Local 15 he could get up in a meeting of Local 15 and make motions?

Mr. Del Guercio: I object to that. That isn't a question at all. It is argument.

Presiding Inspector: I will allow him to answer whether he means that.

A. No, I wouldn't say he could make a motion affecting any union matter.

(Testimony of William F. Hynes.)

By Mr. Gladstein:

Q. What is that?

A. No, I wouldn't say he could make a motion affecting any union matter pertaining to that local.

Q. All right. Well, now, I call your particular attention to that part of the report in which the maker of the report says "I didn't look for such a rank act and I was sure the members were pretty sore, so before they could protest Chase jumped to the floor and declared the election to be fair [3800] and square and I made a motion to elect Yost unanimously."

Now, in view of that statement you don't think it was this Trade Union Commission member, do you?

A. Well, I don't think in that case that it would be. I say—I will give an illustration, that a member of the Trade Union Commission could go there as a party member to the Financial Secretary of that Local and obtain this information on the financial condition of the Union.

Q. Now, when you were receiving information, Mr. Hynes, did your informers always sign their own names?

Mr. Del Guercio: If your Honor please, I will object to that, all informers. Let's stick to Ezra Chase. So far we haven't heard anything yet about Ezra Chase.

Mr. Gladstein: I want the general answer first.

Presiding Inspector: I will take the general answer.

(Testimony of William F. Hynes.)

A. No, they didn't use their right names. They usually followed the Communist strategy of using fictitious or assumed names.

By Mr. Gladstein:

Q. You mean when they were making reports to you?

A. They didn't sign their names. They used an operative's number, most of the operatives. That was——

Q. (Interposing) When they were writing their reports?

A. Just a moment. I am trying to finish my answer. [3801]

Q. All right.

A. So far as their being carried on any secret service payroll, they would be under an assumed name the same as the Communist Party carries much of its membership under an assumed name or alias or adopted Party name.

Q. When these reports were made to you in writing did the agents refer in those reports to themselves only by their first name or by their last name or in some other manner?

Mr. Del Guercio: Now, this is apparently part of the same general question. He has not come down to the specific——

Presiding Inspector: I didn't hear the question.

Mr. Gladstein: I will withdraw it and ask it in a different way so your Honor can hear it.

(Testimony of William F. Hynes.)

By Mr. Gladstein:

Q. In these reports you received from agents, Mr. Hynes, how would the agents who were sending the reports refer to themselves in the body of the reports?

Mr. Del Guercio: If your Honor please, I object to that as having already been asked and answered.

Presiding Inspector: I will allow it.

A. Generally—I don't like to have to answer that question.

Presiding Inspector: Well, if there isn't——

The Witness: (Interposing) Because I don't know the [3802] motive behind counsel's——

Presiding Inspector: (Interposing) You don't have to be interested in that at all. You are a witness.

The Witness: Except to this extent, your Honor; I don't want to give any information that might jeopardize the life of some other operators. I don't know what reports they got from the files.

Presiding Inspector: We will have to take care of that.

Mr. Gladstein: I move that statement of Mr. Hynes be stricken from the record.

Presiding Inspector: Yes, it isn't evidence. If there is any general custom in the way these informers identify themselves in the reports or mention themselves you may state it.

Mr. Del Guercio: But, if your Honor please, I think there should be a distinction between the paid informants and the voluntary ones.

(Testimony of William F. Hynes.)

Presiding Inspector: These are the informants, not the paid. We are talking about the voluntary ones.

Mr. Del Guercio: The voluntary informers, not paid informers.

Mr. Gladstein: I don't know if there was any distinction between the two. That is for Mr. Hynes to say, not for Mr. Del Guercio to coach him in the Court room.

Presiding Inspector: I know. [3803]

A. They would never refer to themselves as "I done this" or "I done that" for one thing.

By Mr. Gladstein:

Q. But use a third name or some designation, third person, that is to say?

A. If he was a Communist Party member he would use his Communist Party name in the report, never his correct name, and he would *elude* to himself in the report as to the activities he engaged——

Q. (Interposing) If he was writing the kind of report where by speaking in the first person he would give his identity away, then, he would use some other designation, isn't that right?

A. I don't think he would ever write a report that would reveal his identity.

Mr. Gladstein: Under those circumstances, your Honor, I realize that Mr. Hynes has said he doesn't recognize this report on the Upholsterers Union, but in view of testimony which Mr. Chase gave on some of the subject matter that is covered by this

(Testimony of William F. Hynes.)

report, I think we have a right to conclude from Mr. Hynes' testimony, and the fact that this appears in the LaFollette Committee Reports, that there is no denial that such a report was made. He simply says he has no recollection.

I, therefore, think I am entitled to read this to him.

Presiding Inspector: Do you claim it was made by Chase? [3804]

Mr. Gladstein: Yes, your Honor, and under the answers that Mr. Hynes has just given entirely consistent——

Presiding Inspector: (Interposing) Who is; Chase?

Mr. Gladstein: Chase referred to himself sometimes in the first person and sometimes in the third person in this report, and he referred to himself in the first person by the name of Chase where a reference to the contrary, a reference of a different character would have revealed the identity of the person making the report. Chase, in his own testimony, if you will remember, your Honor, responded, in response to my questions, that he did make a report to Captain Hynes concerning subject matter that I asked him about.

Presiding Inspector: Then, why do you need this?

Mr. Gladstein: I want the report in the record. It isn't in the record.

Presiding Inspector: What difference does it make?

(Testimony of William F. Hynes.)

Mr. Gladstein: Because it shows something else regarding Mr. Chase, your Honor. I think we have a right to the whole report.

Presiding Inspector: Go ahead. I will take it.

Mr. Del Guercio: If your Honor please, of course, I haven't read——

Presiding Inspector: (Interposing) Better look at it; better look at it. It seemed to me, as I glanced it over—I may have overlooked something—it is entirely innocuous or immaterial. [3805]

(Whereupon, Mr. Gladstein handed the book to Mr. Del Guercio.)

Mr. Del Guercio: Now, as I understand counsel, he has stated to the Court—I may be wrong in this—but Chase testified concerning making a report, making this report that he now expects to read to——

Presiding Inspector: (Interposing) He reported that kind——

Mr. Del Guercio: (Interposing) Well, if your Honor please, without going to Chase's testimony I question whether Chase ever testified that he made such a report and, furthermore, there is something in this report that conclusively shows that it was not made by Chase, and I will show it to the Court.

Presiding Inspector: I know what you mean, about the way he used "Chase" and "me".

Mr. Del Guercio: No; this sentence "The manner in which Chase was defeated was helpful to me."

(Testimony of William F. Hynes.)

Mr. Gladstein: You remember, your Honor, I asked Mr. Chase whether his defeat in that case was helpful to him. At first he said "No." Then, I said, "Well, weren't you trying to break up this group——" and so on, and he said "Yes."

Presiding Inspector: I don't see it amounts to anything.

Mr. Gladstein: Well, your Honor——

Presiding Inspector: (Interposing) I will receive it [3806] but I can't think it amounts to anything. Now, you may be able to point it out.

Mr. Gladstein: Yes.

Mr. Del Guercio: If I may have just one other observation.

Presiding Inspector: Yes.

Mr. Del Guercio: Now, this report was available to counsel. Counsel had it at the time that Mr. Chase was on the stand. Yet, the Witness Chase was not questioned concerning this.

Presiding Inspector: He didn't introduce this to dispute Chase as having made this report, as I take it.

Do you, Mr. Gladstein?

Mr. Gladstein: We introduced that for the purpose of showing this is a report which we contend was made by Mr. Chase to Mr. Hynes.

Presiding Inspector: You don't claim that it was contradictory of anything that was said by Mr. Chase?

Mr. Gladstein: No, as a matter of fact, it

(Testimony of William F. Hynes.)

tends to corroborate certain admissions that he made to us.

Presiding Inspector: Corroborates certain statements?

Mr. Gladstein: Yes, but gives the full picture.

Mr. Del Guercio: Now, is this an attempt to show that Chase was a truthful witness?

Mr. Gladstein: Well, he admitted that he was labor spying, [3807] yes.

Presiding Inspector: I don't think that is necessary.

Mr. Gladstein: That is our construction of it.

Presiding Inspector: That is his theory.

Mr. Gladstein: That is our theory.

Presiding Inspector: I will take it. Of course, I don't adopt that construction, not now.

Mr. Gladstein: This report is entitled "Report on Upholsterers Union, Recd. 3/3/37.

"Have been following your suggestion of stirring up the membership about too much secrecy and the absence of financial reports.

"The result was—at the last meeting they reported the finances as a little more than $500.00 and promised a detailed report in the near future.

"They also elected a full time Secretary and Treasurer at a salary of $40.00 per week and expenses—Charlie Yost is holding the office.

"This brings the payroll to about $400.00 per mo.

(Testimony of William F. Hynes.)

The estimated expenses per month are as follows:

"Salaries 400.00

"Per Capita Tax (This is to the Central Labor Co.——"

Referring, your Honor, to Council.

"——Per Capita Tax to the International is exempt because of the Kroehler strike) 40.00

Hall rent 25.00

[3808]

Utilities 15.00

Strike Benefits 1200.00

Misc ..... 100.00"

Then, a total is drawn.

"Approximate expense per mo..... $1780.00

"Dues 400.00 per mo or less.

"Assessments—there has been no report whatever. However, the union is *sending* far beyond its income. It is in a bad state of affairs, and should they become involved in a fairly good sized strike, their condition would be critical.

"In the election for a delegate to International Convention the vote was as follows:—Chase, 52; Yost, 37; Bruner, 19.

"The result—Election won and then—reported the San Diego members were voting by telephone and they called up and reported San Diego had cast its 26 votes for Yost giving him a total of 63.

"I didn't look for such a rank act and I was sure the members were pretty sore, so before they could protest Chase jumped to the floor and declared

(Testimony of William F. Hynes.)

the election to be fair and square and I made a motion to elect Yost unanimously.

"Now the members are wanting to reopen the elections.

"The manner in which Chase was defeated was helpful to me.

"Investigated the San Diego vote and Westfall went to [3809] San Diego and lined up the boys for Yost. He also split the fraction and defeated them. Yost is a reactionary.

"The Party is calling an investigation of this affair. So I am certain Chase will gain ground there.

"The Party is disgusted with the fraction and they will soon take action, so I am moving with the Party, and soon expect to get Westfall, Stawdera & Silva out of the fraction, then I will have complete control and then I can rebuild it with material of my selection.

"We are about to start picketing furniture stores."

Mr. Del Guercio: Now, if your Honor please, that that article has been read, apparently it could not under any circumstances——

Presiding Inspector: What?

Mr. Del Guercio: Now that it has been read——

Presiding Inspector: (Interposing) I couldn't hear it.

Mr. Del Guercio: It could not under any circumstances, reading the thing, have come from Chase, or been a report from Chase. It isn't alleged, it

(Testimony of William F. Hynes.)

isn't proven, it isn't shown here that it did come from Chase, no evidence that it did.

Presiding Inspector: I will take it. It establishes prima facie proof, prima facie proof only on the ground that he was the only informant that this witness said he had that was a member of this union. This comes from a member of the union because he says "I did these things," and I think that is [3810] prima facie proof that it came from Chase.

Mr. Gladstein: Now, your Honor, there was one more reference——"

Presiding Inspector: (Interposing) That is the ground of my ruling.

Mr. Gladstein: There was one more reference to one of the earlier reports on the Oil Workers that was not read. It is a very short reference, I think, of one sentence. It is a reference to Captain Hynes or to Captain H, I should say. That is in the report which appears on page 23,523 of Volume 64, of the LaFollette Committee Reports and it is one of the reports which Captain Hynes identified here on the stand, and that reference reads as follows:——

Mr. Myron: (Interposing) Just a minute. We will object to that. We haven't seen it.

Mr. Gladstein: Oh, I showed all these to you in a group.

Mr. Myron: You haven't shown us this one.

Mr. Gladstein: I will show you this specific one.

(Testimony of William F. Hynes.)

Presiding Inspector: There are so many of them it is hard to remember them.

(Whereupon, Mr. Gladstein handed the document to Mr. Myron.)

Mr. Del Guercio: Well, it appears, if the Court please, that it is along the same line.

Presiding Inspector: Is it about the conduct, internal [3811] conduct?

Mr. Del Guercio: Internal conduct of——

Presiding Inspector: Of this labor union?

Mr. Del Guercio: No, of the Los Angeles Police Department in connection with that mimeographed letter.

Presiding Inspector: Which number is this, Mr. Gladstein?

Mr. Del Guercio: (Handing document to the Presiding Inspector) This one here, (indicating).

Presiding Inspector: This whole thing?

Mr. Del Guercio: No, not the whole thing. Mr. Grossman read this sentence and he stopped reading.

Presiding Inspector: Off the record.

(Discussion off the record.)

Mr. Gladstein: Well, now, your Honor,——

Presiding Inspector: (Interposing) Mr. Grossman merely read it in the course of argument.

Mr. Gladstein: Yes. There are certain reports which the witness has identified as having been in his files. It would take too long, and, I think, it is

(Testimony of William F. Hynes.)

unnecessary to read them all into the record, but there are certain references to a Captain H.

Presiding Inspector: These don't purport——

Mr. Gladstein: (Interposing) Which Mr. Hynes already said would refer to him.

Presiding Inspector: Yes. [3812]

Mr. Gladstein: I would like to read into the——

Presiding Inspector: (Interposing) These don't purport to come from Chase?

Mr. Gladstein: No, they do not; no, they do not.

Mr. Myron: We object to reading them into the record, your Honor, as not being material to the issues in the case, no reference whatever to any issue in the case.

Presiding Inspector: I think I will take them. Captain Hynes can explain.

Mr. Gladstein: On page 23,523 of the same volume of the LaFollette Reports to which I have been making reference, in a report purporting to be a joint report from Agents 10 and 20, a portion of it reads as follows:——

Presiding Inspector: (Interposing) Now, this is to show bias on the part of Captain Hynes?

Mr. Gladstein: Yes.

"Regarding the plan set forth in our last report, it is not wise to reduce it to writing, especially when such writing is to be mailed. According to instructions received from Captain H. Agent 10 will be in Los Angeles Thursday, November 9th. Agent 20 will attend the union local meeting tonight in Coalinga.

(Testimony of William F. Hynes.)

"If there is any specific or particular information clients desire, Agents will be glad to secure the same, and such requests should be made through Captain H. as it would be dangerous to contact company officials in these small [3813] towns.

"On telephoned instructions Agent 20 joined Agent 10 in Bakersfield Tuesday morning for the purpose of making out this joint report in accordance with orders from Captain H."

Mr. Del Guercio: What is the question?

Presiding Inspector: Is that a part of this report which was in your files? That is the question, isn't it?

Mr. Gladstein: Yes, I think he has already so stated.

Mr. Del Guercio: Well,—

Mr. Gladstein: (Interposing) Well, I will ask him the question. I have just read from it. It is true the witness has a right to check on my reading but he has identified these.

By Mr. Gladstein:

Q. The parts I just read, Mr. Hynes, are parts of reports that were in your files; correct?

Mr. Del Guercio: Show him the report.

Presiding Inspector: He has seen it.

A. I testified previously those were in our files.

Presiding Inspector: What do you claim for that, Mr. Gladstein? Just so I may understand. What do you claim for that?

Mr. Gladstein: I didn't hear your Honor.

(Testimony of William F. Hynes.)

Presiding Inspector: What do you claim for that?

Mr. Gladstein: This establishes again the question of [3814] the hostility of this witness and the character of work which he was conducting in the Intelligence Bureau.

Presiding Inspector: Yes, but is there anything in his testimony in respect to Chase, in respect to what Chase testified that you think is material here?

Mr. Gladstein: Anything in Mr. Hynes' testimony?

Presiding Inspector: Yes.

Mr. Gladstein: Yes, certainly. I think in view of the reports that have been read in they definitely establish the character of the work being performed by the Intelligence Bureau under his supervision.

Presiding Inspector: You have asked him certain things about that.

Mr. Gladstein: Yes.

Presiding Inspector: There is no evidence to the contrary, is there?

Mr. Gladstein: No, not that I know of.

Presiding Inspector: No. Well, then, you want to show that what he said was not true?

Mr. Gladstein: On what subject, your Honor?

Presiding Inspector: On the character of the Police Department.

Mr. Gladstein: Well, he said previously that all he was interested in was the activities of the Communists.

Presiding Inspector: What difference does it

(Testimony of William F. Hynes.)

make whether [3815] he testified falsely or truly in that respect?

Mr. Gladstein: On that subject?

Presiding Inspector: Yes.

Mr. Gladstein: Because, you see, both he and Chase have used the same terminology for the purpose of covering up their real activities.

Presiding Inspector: Suppose they have, what difference does it make?

Mr. Gladstein: It tends to show the character of Mr. Chase, the character of the work he was performing.

Presiding Inspector: Do you say the fact that he gives contradictory statements or, perhaps, doesn't testify to what you think is the fact bears on the character of Mr. Chase?

Mr. Gladstein: Because he, for this reason——

Presiding Inspector: (Interposing) Because he uses corresponding phrases?

Mr. Gladstein: No, not just for that reason, but because Mr. Chase was doing work, or informing for Mr. Hynes on the same subject matter, he says which his department was interested in investigating. Now, although they call that subject matter Communistic activities and illegal conduct of Communists, actually our purpose is to show and, I think, the record now substantiates this statement, that their conduct was not just that, or not that at all, but it was actually for the purpose—for an anti-labor and anti-union purpose. [3816]

Mr. Del Guercio: On the contrary.

(Testimony of William F. Hynes.)

Presiding Inspector: You haven't shown that. You have shown that he said it was for that purpose. You have shown that your witness so swore and now you attempt to show that he is not worthy of belief?

Mr. Gladstein: No.

Presiding Inspector: Assume that to be so, it doesn't prove the contrary. The denial in the same place doesn't prove you were there, even that you are not to be believed.

Mr. Gladstein: These documents are to prove the facts stated in those documents.

Presiding Inspector: Hearsay.

Mr. Gladstein: It may be. A lot of hearsay has been admitted. As far as these documents are concerned we charge they contain a true statement of the facts.

Presiding Inspector: Suppose Mr. Hynes was not a witness?

Mr. Gladstein: A witness to——

Presiding Inspector: (Interposing) Anything. hadn't been called. would this statement be admissible?

Mr. Gladstein: Well, the question is one of identification. If there were other means of identification outside of calling Mr. Hynes as a witness I would say they were admissible evidence and material in the case.

Presiding Inspector: To prove that the Los Angeles [3817] Department of Intelligence, what-

(Testimony of William F. Hynes.)

ever we may call it, was engaged in anti-labor practices?

Mr. Gladstein: Yes, and that Mr. Chase, therefore——

Presiding Inspector: Made reports to them?

Mr. Gladstein: Yes, and his work was for them.

Presiding Inspector: That is very remote.

Mr. Gladstein: I think not, your Honor.

Presiding Inspector: Are we going to have all the departments of the state correspondingly investigated?

Mr. Gladstein: No, there was only one and that was the one that Mr. Hynes had. That is the only one I have ever heard of in the State of California that conducted that kind of work. It was notorious throughout the State.

Presiding Inspector: That may all be true, but it leaves me very cold as yet.

Mr. Gladstein: Well, we may have to make lengthy arguments on the subject to your Honor; that may be true.

Presiding Inspector: You may have to. I will take this but I don't see it is very pertinent.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. Now, Mr. Hynes, isn't it true that you received expressions of gratitude from employers for assisting them in keeping their shops non-union?

Mr. Del Guercio: Now, if your Honor please, I submit [3818] that such a question is clearly without the scope of this hearing.

(Testimony of William F. Hynes.)

Presiding Inspector: To get the relevancy of that you would have to go far afield. I will exclude it. We don't care what impressions they make, the impressions on either the labor unions or the employers of labor.

Mr. Gladstein: Well, I think on that I would like the record to show, at any rate, an offer of proof, your Honor, to this effect: That if I were permitted to do so I would get either by admission from this witness or through confronting him with a document in this same volume of the LaFollette Committee Reports an admission——

Mr. Del Guercio: (Interposing) If the Court please, while counsel is pausing, I would like to say that it appears that he is trying to get into the record by indirection what he could not get by asking the question.

Presiding Inspector: Go ahead. I will take your offer.

Mr. Gladstein: To continue with my offer of proof—I don't know where I stopped so I had better start it again. My offer is that if I were permitted to ask it of this witness I would get either from him as a direct answer or through confrontation with a document appearing on page 23,560 of the same volume of the LaFollette Committee Reports an identification of a letter addressed to Captain William F. Hynes on September 26, 1936, coming from Mr. Frank A. Garbutt, [3819] Suite 712, 411 West 7th Street, Los Angeles, a letter saying "Dear Captain Hynes:

"I believe——"

(Testimony of William F. Hynes.)

Presiding Inspector: Oh, this is certainly improper.

Mr. Gladstein: Well, you haven't heard it yet, your Honor.

Presiding Inspector: Oh, you haven't any right to read the document into the record here on an offer——

Mr. Gladstein: Well, I will summarize it.

Presiding Inspector: (Continuing) ——and have the same effect as if it is in the record.

Mr. Gladstein: I will summarize it.

Presiding Inspector: No, you can identify it by a mark, not read the letter.

Mr. Gladstein: I have identified it to the extent it appears on page 23,560, being Exhibit 10276 on that page. I think, for the purposes of identification, that I should state——

Presiding Inspector: (Interposing) I won't let you state the contents.

Mr. Gladstein: I merely want to identify it by one reference.

Presiding Inspector: No, you have identified it sufficiently. There is no question about it. Unless you show it to me. [3820]

Mr. Gladstein: Yes, I will. It starts at the bottom of the page (Handing document to the Inspector.).

Presiding Inspector: I should think, perhaps, the Government would allow that to go in.

Mr. Gladstein: You think they would?

(Testimony of William F. Hynes.)

Presiding Inspector: I should think they would.

Mr. Del Guercio: I don't know what it is, if your please. Whether or not it is favorable to the Government or not, my only interest is in the record here, that it is getting so lengthy. We are losing sight of the real issue.

Presiding Inspector: I haven't lost sight of the real issue.

Mr. Del Guercio: (Examining document). We have no objection to having it read.

Mr. Gladstein: All right.

By virtue of what amounts to a stipulation, then, I will read it into the record.

Mr. Del Guercio: Not by virtue of a stipulation.

Presiding Inspector: He means without objection.

Mr. Gladstein: The letter is as follows:

"Frank A. Garbutt

"Suite 712—411 West Seventh Street

"Los Angeles, California, September 26, 1936.

"Capt. Wm. F. Hynes,

"Los Angeles Police Department,

"Los Angeles. [3821]

"Dear Capt. Hynes: I believe our boat builders' strike at San Pedro is practically over and, due to the wonderful protection that you gave us in maintaining law and order, I am happy to say that the shops are running non-Union.

"We want to express our appreciation of the fine type of men detailed for this job. They were fair

(Testimony of William F. Hynes.)

to all concerned and their firmness in maintaining order is responsible for there having been no violence whatever.

"If we can reciprocate at any time, kindly let me know.

"Sincerely,

FRANK A. GARBUTT."

I think, perhaps, we ought, for the purpose of the record, to have some identification of the man if Mr. Hynes is in a position to give it.

Mr. Del Guercio: Now, are we going to try Garbutt?

Mr. Gladstein: No; just to find out who he was.

Presiding Inspector: Did you receive that letter?

The Witness: Yes, I received that letter. I received numerous other letters from unions along the same line praising our fairness in the handling of labor disputes, particularly in the 1934 maritime strike at San Pedro from the International Longshoremen's Association.

By Mr. Gladstein:

Q. You received letters? [3822]

A. Yes, letters of appreciation.

Q. From the Union?

A. From the Union officials, passed by the Executive Board of the Union.

Q. Do you have those in your possession?

A. No; they can be subpoenaed from the files of the Mayor's office.

(Testimony of William F. Hynes.)

Q. Do you have any objection to our getting those?

Mr. Del Guercio: He said they are in the Mayor's office. Get them from the Mayor. The Mayor has them.

A. The Mayor has them.

He has asserted our office is anti-labor. I can bring thirty-five to forty members, leaders from the A. F. of L. to just show the contrary.

Mr. Gladstein: I move that be stricken out.

The Witness: That is the truth. I can bring six or seven CIO leaders up here too if it was not for the fact——

Presiding Inspector: (Interposing) Wait a moment. I will strike out everything after the question and answer about, "Do you object to our getting those?" These last voluntary remarks I will strike out of the record.

Mr. Del Guercio: I assume that counsel would want to be fair in this matter and would try and get those letters.

Mr. Grossman: We are perfectly willing, your Honor, if your Honor will permit us, to make an issue in this case generally of the reputation of Mr. Hynes for anti-labor acti- [3823] vities. We are perfectly willing those should go in. If he thinks he can make a case he is not anti-labor we will make an issue of it and prove the contrary, if Mr. Del Guercio wants that.

Presiding Inspector: Let's not have these by-lines.

(Testimony of William F. Hynes.)

Mr. Grossman: I will accept Mr. Del Guercio's proposal to that extent.

By Mr. Gladstein:

Q. Mr. Hynes, did you ever——

Mr. Del Guercio: (Interposing) I can't hear counsel.

By Mr. Gladstein:

Q. Mr. Hynes, did you ever cause Mr. Bridges to be shadowed by your men?

Mr. Del Guercio: If your Honor please, I will object to that. What difference does it make whether he had been shadowed or not unless——

Presiding Inspector: (Interposing) I don't know, but I will take it.

A. I testified that I made an investigation on Bridges attempting to secure evidence in connection with his deportation. I have admitted that here.

Mr. Gladstein: Would you please read the question back to Mr. Hynes?

(The question referred to was read by the reporter as above recorded.) [3824]

Presiding Inspector: Did you ever have him shadowed?

The Witness: Yes, I have had him shadowed.

By Mr. Gladstein:

Q. Now, when you got this subpoena, Mr. Hynes —withdraw that.

From whom did you receive it?

A. The subpoena to be present in this Court room?

(Testimony of William F. Hynes.)

Q. Yes, that is right.

A. Well, I received it from the Immigration Inspector.

Q. Where were you when you received it?

A. I was at the Wilshire Police Station when I received it.

Q. When was that?

A. It was around 12:00 o'clock noon, I think.

Q. Of which day?

A. Of the day preceding my arrival here.

Q. Yesterday was the date of your arrival?

A. I arrived here—yesterday morning, it was. That would be the 12th I received it, then.

Q. That is Monday?

A. Monday, the 12th.

Q. Monday about noon?

A. Noon, the 12th.

Q. After receiving that subpoena what did you do or what did you go about doing in order to obtain the records [3825] you brought?

A. Well, in the morning I had received a notification from the Acting Chief of Police, McDonald, to the effect—through his secretary, or Lieutenant in charge, to the effect that he had been served with a subpoena to produce certain records, and he read it over the phone mentioning some La Follette Committee hearing, and also specifying a particular document, this document here that is on the table.

Q. This was read to you over the telephone?

A. This was read to me over the telephone, and asked me to make a search of the records to find any

(Testimony of William F. Hynes.)

documents which were pertinent to that subpoena, and I made a search and went through——

Q. (Interposing) Where did you make a search?

A. I made a search out there where the records are.

Q. Where is that?

A. At the Wilshire Station.

Q. That is where you were located?

A. Yes, I was located there.

Q. Well, then, you have these records with you in that building?

A. Well, I don't have them with me in that building.

Q. Well, are you stationed over there?

A. I am stationed in the Wilshire Division, yes.

Q. These records were at the Wilshire Division?

[3826]

A. Yes, they are at the Wilshire Division.

Q. How long have they been there?

A. Oh, I don't know. They were moved out there possibly a year ago. I don't know exactly.

Q. About the same time that you began doing this liaison work?

A. No; I had done liaison work long before that.

Q. Now, the records that you are referring to that are at the Wilshire Station or Division, whatever it is called, are they your complete files that you used to have when you were at the head of the Intelligence Bureau?

A. I can't say that they are complete any longer.

(Testimony of William F. Hynes.)

As I said, Mr. Dave Sokol had removed a lot of them.

Q. Well, are they all the files, at any rate, whether there are documents missing or not? Are they the same files that you used to have under your charge when you were the head of the Intelligence Bureau?

A. Yes, and many additional ones,

Mr. Del Guercio: If the witness knows.

The Witness: There are thousands of files out there. I don't know——

By Mr. Gladstein:

Q. (Interposing) Now, how did you go about making a search for the documents requested?

A. I made a search——

Mr. Del Guercio: (Interposing) If your Honor please, [3827] I object to any more questions along this line. The witness has produced the documents that counsel has requested in his subpoena so what difference what search he has made, how long he made it, and for what purpose?

Mr. Grossman: He has not produced all the documents, though.

Presiding Inspector: I will take it.

A. I made a search of the index cards and the matters that were returned by the LaFollette Committee.

By Mr. Gladstein:

Q. You say you made a search of the index cards. State very briefly——

A. (Interposing) And to certain——

(Testimony of William F. Hynes.)

Q. (Interposing) Just a minute, please.

Will you state very briefly just what you did to make that search?

A. I went into the subject matter.

Q. What subject matter did you look for?

A. Well, Ezra Chase.

Q. Did you look under any other topic?

A. Yes, I looked under the operatives' reports and things of that character and I looked into matters, looked at the final record that I made a demand on of Senator LaFollette of the documents he had taken, and I looked those records up in an attempt to identify some of them and see [3828] whether we had them or not. I made an exhaustive search for about three and one-half hours.

Q. All right.

A. Then I went to the Chief's office and reported.

Q. I hadn't finished yet. We will get to the Chief's office later.

Mr. Del Guercio: Let him finish his answer.

Mr. Gladstein: He is leaving the Wilshire Station. I want to stay there for a little while.

By Mr. Gladstein:

Q. Now, Mr. Hynes, did you have a card in your files corresponding to every document or report?

A. No, we don't. I explained that, that we haven't the clerical help. I explained that before. We haven't an index to all the material. I couldn't find the document on this material between Chase and this man Lawrence back in New York, the na-

(Testimony of William F. Hynes.)

tional fraction, Communist Secretary of the Furniture Workers Unions, nor the Upholsterers Union. I couldn't find any reference to that on the index cards.

Q. Let me ask you this: When you received materials, reports, documents, materials from operatives or agents, informants, and you decided that you wanted to keep those, that they had value for you, and you put them away in a file, you would have to work out some method of getting an index card or something in order to enable you to find that material at a [3829] future date if you wanted to?

A. Oh, yes.

Mr. Del Guercio: I object to that as not being a question but an answer.

Presiding Inspector: I will allow it if the witness understands it.

A. We have a very exhaustive file, unlimited file. We file under Communist matters, under official Communist documents, under different classifications, under an international basis.

By Mr. Gladstein:

Q. In other words, would it be correct, Mr. Hynes; If operator X, let us say, sent you a letter or report which contained information that you wanted to keep you would file it away somewhere, but before doing so you would make out some kind of an index card and put that in your index files either under the name of that operative or some other designation to help you find it?

A. Not necessarily.

(Testimony of William F. Hynes.)

Q. Well, how would you do that?

A. Lots of times extremely confidential matters were never put in those files, indexes, I mean.

Q. Outside of the extremely confidential matters that were not indexed I want to know—— [3830]

A. (Interposing) They wouldn't necessarily be indexed. All operatives' reports were not necessarily indexed. I told you we didn't have the clerical help to index. In the same way, newspapers would not all be indexed. We wouldn't have the help.

Q. Would it be your general plan to have everything indexed?

A. If we had sufficient help. Like the LaFollette Committee, they had a lot of assistance from Communists, and things, yes. We would try to be as efficient as we possibly could, yes.

Q. Did you find, when you were making a search for these documents called for by the subpoena, did you find any cards in your index file for which you did not have corresponding documents?

A. Yes, I found—I ran across one of Charlie Chaplin, they picked out of the index, some reference to him, making some contribution to a Communist subsidiary organization.

Q. Is there anything in that subpoena, Mr. Hynes, that calls for——

A. (Interposing) No, but I was looking through all the material. You asked me about particular index cards.

Q. You listen to the question, please. I asked you, whether, in going through your index, your

(Testimony of William F. Hynes.)

card index, under the name of Chase, I think you said—— [3831]

Mr. Del Guercio: (Interposing) If your Honor please, I request the question as the reporter has it.

Mr. Gladstein: Well, I will start all over again.

By Mr. Gladstein:

Q. I want to ask you this question now: When you went to your card index under the name of Chase did you find any cards for which there were no corresponding documents or letters or reports?

A. No, I don't think I found any such cards. I found a lot of cards under arrests, which weren't specified—I hesitated whether to bring them or not but you didn't specify them and I didn't bring them—five or six arrests on Ezra Chase. I had no cards for which I——

Q. (Interposing) Any missing documents?

A. I didn't have any cards at all on those Lawrence matters I said I brought up.

Q. But of the cards that you did have there were none concerning which the corresponding reports or documents which caused the creation of those cards would be missing, is that right?

Mr. Del Guercio: If your Honor please——.

Presiding Inspector: I think he has answered that question.

Did you find a number of cards with Chase's name on them?

The Witness: I found a number of cards, as I said, [3832] pertaining to arrests and such things.

Presiding Inspector: And aside from that?

(Testimony of William F. Hynes.)

The Witness: I found—I don't think I found any cards pertaining to Chase on operatives' reports.

Presiding Inspector: Well, then, he didn't find any. Whether he looked for cards or documents, of course, would be material. He couldn't find any corresponding documents of absent cards unless he had copies of the cards.

By Mr. Gladstein:

Q. Well, did you find cards—withdraw that.

This card index that you have mentioned, you say that those also are made under operatives?

A. I didn't say that.

Q. Well, are they? A. No.

Q. Do you have any card index at all for your operatives?

A. I said that that material would not all the time be indexed. It might possibly be but not all times.

Q. When it is indexed——

Presiding Inspector: (Interposing). You had some cards?

The Witness: There might be some cards, yes, under names of people mentioned by the operators but it would refer to the operator's report that this individual was mentioned in. [3833]

Presiding Inspector: I think we will stop here.

(Whereupon, at 12:45 P. M. a recess was taken until 2:00 P. M. of the same day.) [3834]

After Recess—2:00 O'clock P. M.

Presiding Inspector: Do you want to introduce these other instruments, Mr. Gladstein?

Mr. Gladstein: I think not.

Presiding Inspector: Just to refresh my recollection—this is off the record.

(Remarks outside the record.)

Presiding Inspector: On the record.

Mr. Del Guercio: I have a matter here on the status of the Cannalonga case which I will hand to the Court.

Presiding Inspector: You have shown this to Mr. Gladstein?

Mr. Del Guercio: No, I haven't—unless the Court wants to.

Presiding Inspector: Yes.

(The document referred to was passed to the Presiding Inspector.)

Mr. Del Guercio: If your Honor thinks it is necessary it can be shown to Mr. Gladstein.

Presiding Inspector: Do you want to see this, Mr. Gladstein?

Mr. Gladstein: Is that a report on the Cannalonga case?

Presiding Inspector: Yes.

(The document referred to was passed to Mr. Gladstein.)

(Testimony of William F. Hynes.)

Presiding Inspector: Hand it back to me—hand it to Mr. [3835] Del Guercio.

(The document referred to was handed to Mr. Del Guercio.)

Presiding Inspector: Go on, Mr. Gladstein.

WILLIAM F. HYNES

called as a witness on behalf of the Alien, having been previously duly sworn, testified further as follows:

Direct Examination (Continued)

By Mr. Gladstein:

Q. Did anybody else besides yourself, Mr. Hynes make any search for the documents in response to the subpoena?

A. No. I was designated to make the search because of my familiarity with the records of the Bureau?

Mr. Gladstein, there is one matter I want to make a slight correction on in reference to my testimony yesterday.

Q. You want to make a correction?

A. A slight correction.

Q. Go ahead.

A. You asked me about the period I was on leave of absence. I think I stated it was from December 1934 to September 1935; whereas it should have been in the latter part of August or the first part of September, 1934, to June or July of 1935.

(Testimony of William F. Hynes.)

Q. A matter of one or two months?

A. Yes.

Q. You mentioned—withdraw that. During the 1934 [3836] strike, the waterfront strike, you would have been on duty in charge of your Intelligence Bureau?

A. Well, I really had two offices at that time; one in town and one at the harbor.

Q. No, Mr. Hynes—I wasn't asking you where you had your office.

A. Yes, I was in charge of it.

Q. You were still with the Police Department?

A. Yes; in charge of both details, the strike detail at the harbor and also the Intelligence Bureau.

Q. Was it in connection with the 1934 strike that you received these letters of commendation from the ILA?

Mr. Myron: I object to this line of inquiry, if your Honor please. It is entirely immaterial.

Presiding Inspector: I will sustain it. You can make a comparison by what he said.

The Witness: I want to clarify that position. I was in charge——

Presiding Inspector: I don't think it needs any clarification.

The Witness: Except I wasn't actually in charge throughout the whole strike.

Presiding Inspector: The ruling was to hurry the hearing; that is all.

Mr. Gladstein: But the witness had mentioned that he [3837] received letters of gratitude, or rec-

(Testimony of William F. Hynes.)

ommendation, or commendation, not just from the employers, but he said even the ILA, and I wanted to know whether he had received such letters from the ILA—which stands for the International Longshoremen's Association—in 1934 in connection with the 1934 waterfront strike.

A. They were.

Mr. Del Guercio: I object to that question, if your Honor please.

Presiding Inspector: I don't think it is material. You have the letters if you want them.

Mr. Gladstein: Did you say I have the letters?

Presiding Inspector: He said the letters were in the Mayor's possession and he has no objection to you seeing them. I don't know that they would be competent.

By Mr. Gladstein:

Q. In connection with the 1934 strike——

Presiding Inspector: You can move to strike out the answer if you wish to.

Mr. Gladstein: Yes. I do so move.

Presiding Inspector: Are you sure?

Mr. Gladstein: As I recall, he testified he received, not only letters of commendation from employers, but also from the union. It is not a matter on which we could confront him because he claims that these letters are in the possession of [3838] the Mayor.

Presiding Inspector: You can get them and confront him with them.

(Testimony of William F. Hynes.)

Mr. Gladstein: Then I won't move to strike.

Presiding Inspector: I thought that you brought it out yourself as to who they were from, and so forth.

By Mr. Gladstein:

Q. Have you ever heard of an organization known as the Marine Service Bureau?

A. Yes, sir.

Q. Briefly, what was that?

Mr. Del Guercio: I object to that, if your Honor please. That union is not in issue in this case.

Presiding Inspector: I will take it. I don't know what point it has.

A. It is an organization of shipowners, employers of labor.

By Mr. Gladstein:

Q. Of longshoremen? A. Yes.

Q. In the Port of San Pedro and Los Angeles?

A. Yes.

Q. Isn't it a fact that in the year 1934 you received $2,135 from the Marine Service Bureau for your services?

Mr. Del Guercio: If your Honor please, I object to that [3839] question and ask that counsel be cautioned along those lines. I don't know what he is trying to do.

Presiding Inspector: I don't understand it. What point do you claim in relation to Ezra Chase that there has been any falsification from this witness?

(Testimony of William F. Hynes.)

Mr. Gladstein: This, your Honor——

Presiding Inspector: Answer that one question, if you can, or do you decline to answer?

Mr. Gladstein: I don't decline to answer. I will be glad to answer. When you say "What point," obviously that doesn't call for a one-word answer.

Presiding Inspector: Certainly not.

Mr. Gladstein: My position is that the labor spying activities and union-breaking activities of the Intelligence Bureau, of which this witness was the head, are further established by virtue of the fact that he, as an officer of the Los Angeles Police Department, received from the employers, in connection with this 1934 strike, a sum upward of $2000 for his services against those longshoremen.

Presiding Inspector: But that doesn't show—I want to know what fundamental question in relation to the credibility of Ezra Chase you think this witness has falsified on so that we can go into his character and all.

Mr. Gladstein: Only on the question of the character of work performed by the Intelligence Bureau. [3840]

Presiding Inspector: We are not interested, really interested in that.

Mr. Gladstein: We are interested in so far as it shows the character of work they were doing and, therefore, the character of work that Mr. Chase was doing.

Presiding Inspector: That might not follow. They are a public institution. You have got the fact

(Testimony of William F. Hynes.)

established here by the testimony of Mr. Chase, and by the corroborating testimony of your own witness, Mr. Hynes, that there were numerous reports made by Mr. Chase to Mr. Hynes about matters in labor unions. Now, you don't want to dispute that, do you?

Mr. Gladstein: Of course not; no.

Presiding Inspector: In fact, that is what you called this witness here for.

Mr. Gladstein: Precisely.

Presiding Inspector: Now, you want to break him down?

Mr. Gladstein: I want to show more than what he has already admitted.

Presiding Inspector: You have said many times that your evidence goes to the credibility, and that means the noncredibility of this witness.

Mr. Gladstein: No. The evidence we seek to bring out goes to establish the character of the Bureau over which this witness had charge.

Presiding Inspector: How is that pertinent in this case? [3841]

Mr. Gladstein: Because if it was a union-breaking, labor-spying outfit conducted by Mr. Hynes, that is relevant to the type of credibility of Chase, because it reflects on the character of work he was performing.

Presiding Inspector: Very remotely relevant.

Now, the object of this seems to be to investigate the general character of this Bureau of the Department of Los Angeles.

(Testimony of William F. Hynes.)

Mr. Gladstein: Only in so far as it shows an attempt to break unions and to prevent workers from organizing into unions.

Presiding Inspector: How do we know that Mr. Chase, who gave him the information, had any such purpose?

Mr. Gladstein: Based on the reports that are in evidence based on his own admissions as to what he reported.

Presiding Inspector: Then you don't need anything more.

Mr. Gladstein: But Mr. Chase was obviously not in a position to give evidence, conclusive and comprehensive evidence, as to the activities of that Bureau.

Presiding Inspector: Very well. Go ahead. I will let you show it but, remember, you run the risk of prejudicing your case. Go ahead.

Mr. Gladstein: What was the question?

(The question referred to was read by the reporter as above recorded.) [3842]

Presiding Inspector: I think that is immaterial. That simply is an employment so far as I know.

Mr. Gladstein: He says that he was on the police force.

Presiding Inspector: At this time?

Mr. Gladstein: Yes. He already testified to that.

Presiding Inspector: And that the services were rendered while he was on the force?

(Testimony of William F. Hynes.)

Mr. Gladstein: I am asking that.

Presiding Inspector: You haven't said that.

Mr. Gladstein: I will ask it this way:

By Mr. Gladstein:

Q. Did you receive, during the year 1934——

Presiding Inspector: If you are going to prove that—I won't force you to change your order of proof.

By Mr. Gladstein:

Q. Did you receive, during the year 1934, income upwards of $2000 from the Marine Service Bureau?

Mr. Del Guercio: I object to it on the same ground.

Presiding Inspector: I will take it.

A. Can you be a little more specific as to the date, Mr. Gladstein?

By Mr. Gladstein:

Q. I said in the year 1934.

A. I was on leave of absence in 1934.

Q. First of all, did you receive it at any time during the [3843] year 1934? A. I——

Mr. Del Guercio (Interposing): Just a minute. I object to that. Let the Court rule on my objection before you answer the question.

Presiding Inspector: I don't understand the objection.

Mr. Gladstein: If he says he didn't receive it at any time in 1934 there is no further point in asking whether he received it in any particular month.

(Testimony of William F. Hynes.)

Mr. Del Guercio: I have an objection to the question.

Presiding Inspector: Let's find out when it was.

Mr. Gladstein: The question was specific as to the year.

Presiding Inspector: Did he say he was not in the employ of the Department all the year?

Mr. Gladstein: He just got through saying at some time in August or September, or something like that, he got a leave.

Presiding Inspector: Yes. When did—I suppose the question is, before you took your leave, did you receive such a sum?

The Witness: For services?

By Mr. Gladstein:

Q. Did you receive any money from them?

A. Yes. I received a lot of money during the 1934 strike. I am trying to place in my mind the dates of the 1934 strike and the time I was on leave of absence. [3844]

Q. For the purpose of refreshing your recollection, it has been said in the record here, and I don't think there is any dispute about it, that the 1934 strike occurred between May 9 and July 31, 1934. You were on leave of absence after that latter date, were you not?

A. I was on leave of absence, I think, the latter part of August, as I stated before; yes. I probably did receive an amount of money—I wouldn't state the exact amount for I don't know—for serv-

(Testimony of William F. Hynes.)

ices in a capacity, in some capacity, working for them in an investigative capacity, and so forth.

Q. What kind of service?

A. Investigative service.

Mr. Del Guercio: I object to that.

Presiding Inspector: I will take it.

By Mr. Gladstein:

Q. That was investigative work in connection with the strike?

A. No. The strike was already over. You just said that. This was the period I was on leave of absence from the Police Department.

Q. Afterwards?

A. Certainly. The period of the strike was from July, you said, from June until July, something like that.

Q. What kind of service did you perform after you went on leave of absence? What kind of service did you perform for [3845] the Marine Service Bureau after you went on leave of absence from the Police Department?

A. I don't recall the specific details as to what the service was. It was in some investigative capacity.

I know that prior to that time I had done some work for somebody else while I was on leave of absence.

But I received money—I am trying to be frank with you—I had received some money from the Marine Service Bureau during the course of the strike to cover the expenses of maintaining the

(Testimony of William F. Hynes.)

officers down there at the harbor. That amount was rather a substantial amount, running into—I didn't receive it all—I mean it was paid by way of check and money, drawn by way of check, to pay for the maintenance of the police on the basis of around $2.50 or $3.00 a day.

Q. I am referring now, Mr. Hynes, to income which you personally received?

A. I said I received some income from them.

Q. From the Marine Service Bureau?

A. Yes.

Q. This income you received, or some of it, during the 1934 strike? A. No, sir.

Q. You are sure of that?

A. It couldn't be if the Marine Strike was from the period you said it was. You said the Marine Strike took place, [3846] the general strike down at the harbor, and on the coast, rather, took place between June and July the 19th, or something like.

Q. May 9th to July 31st.

A. No, no. I received money from them during the period of that strike, but not for services.

Q. Did you receive—then, do I understand you to say that you received about $2000 from the Marine Service Bureau for services that you rendered for them after you went on leave of absence from the Police Department? A. Yes.

Q. What was the nature of those services?

A. I don't recall specifically as to that.

Mr. Myron: I object to this as immaterial.

Presiding Inspector: I will take it.

(Testimony of William F. Hynes.)

By Mr. Gladstein:

Q. Couldn't you recall the kind of investigation it was?

A. No; right after that my mind was taxed with the investigation I was handling in Sacramento in connection with the criminal syndicalism trial.

Q. Where did you conduct this investigation for the Marine Service Bureau?

Mr. Del Guercio: I object to the question, and questions along that line.

Presiding Inspector: He may answer.

A. I don't remember the specific details of it right now. [3847]

By Mr. Gladstein:

Q. Do you know, do you remember in what city you were conducting this investigation?

A. It was probably in and around Los Angeles, and maybe up and down the coast. I don't recall at this time.

Q. Do you recall with what industry your investigation was concerned?

A. Probably the Marine Industry; that was what they were interested in.

Q. Don't you know?

A. It was the Marine industry because that was the one that they were interested in.

Q. You said "probably." Don't you know?

A. To the best of my recollection I would say it was the Marine industry.

(Testimony of William F. Hynes.)

Q. In what form were these payments made to you? A. I think by check.

Mr. Del Guercio: I object to the question.

He answered. He said he believes by check.

By Mr. Gladstein:

Q. Were these checks made out to you?

A. Undoubtedly so. There is nothing to hide about it—it was open and aboveboard.

Mr. Gladstein: I move that the last part of the answer be stricken. [3848]

Mr. Del Guercio: It left an implication and the witness should be permitted to put one in there too.

Presiding Inspector: I will strike it out.

By Mr. Gladstein:

Q. Do you recall who issued those checks?

A. No, I don't right now.

Q. Was it the Marine Service Bureau?

A. Well, I imagine—I don't recall the printed matter on the check or anything. I know I had some money coming and I got it. What that amount was is reported on my income tax.

Q. Now, how long did you say you were on leave of absence?

A. Why, I think about a period of nine months or maybe a little longer, nine months and a half, maybe less.

Q. Who else did you work for in that period besides the Marine Service Bureau?

A. I worked for the Associated Farmers in a cooperative capacity with the District of Sacra-

(Testimony of William E. Hynes.)

mento County. I worked for a furniture group, a group of furniture manufacturers in Los Angeles. I worked for a group of store fixture people manufacturing store fixture equipment. During that period I was on leave of absence. I think I worked, done a little work for the American Meat Packers Association.

Q. When you say you worked for these people you mean that [3849] you rendered services for which they paid you? A. That is right.

Q. Did you also work for the Los Angeles Railway Company?

A. Yes, that is the work I wanted, I think for a period of twenty-one days. However——

Q. (Interposing): You weren't working for all of these—excuse me.

A. However, I didn't complete my service with them at all. We had some sort of disagreement and I left.

Q. Now, you weren't working for all of these various organizations or employers at the same time, were you?

A. Well, there may have been a time when I had two jobs at one time or——

Q. (Interposing): Well, give us your best recollection, if you will, Mr. Hynes, as to the order in which these employments occurred.

Mr. Del Guercio: If your Honor please, that is going into——

Presiding Inspector (Interposing): I will take it.

(Testimony of William F. Hynes.)

A. Well, I would say that my first employment was at the L. A. Railway Company making a survey of their properties, a prospective survey of their properties for a period of twenty-one days. My next employment was with the Associated Farmers in the County of Sacramento in connection with the criminal syndicalism trial up there which lasted a [3850] period of four months. Following that I returned to Los Angeles, I think in April some time, and I was employed by, I think, this cabinet and store fixture group, then by this furniture group, or maybe both of them interlocking at the same time, to the best of my memory, and I don't know whether it was in the interval before that employment or after the furniture employment that I done some work for the American Meat Packers.

By Mr. Gladstein:

Q. When did you do the work for the Marine Service Bureau?

A. That was in between the period that I was on leave of absence, probably in August until the time I was in Sacramento, because I have a hazy recollection of receiving a check from them while I was in Sacramento.

Q. For how long did you work for the Marine Service Bureau?

A. Oh, I don't know how many—what period of time that was.

Q. Your best recollection.

(Testimony of William F. Hynes.)

A. Well, I think I hired some other people in connection with that work. I don't know whether it was a period of four or five months or what.

Q. Could you, Mr. Hynes, get from your department records the exact dates of your leave of absence? [3851] A. Yes, I think I could.

Q. Would you have any objection to doing that and sending them up here?

A. No, I would gladly do that.

Q. Before you leave we will make arrangements for that, if you don't mind. A. Yes.

Q. One more question on that.

The money you received from the Marine Service Bureau, that was money that you earned for services performed in 1934 and was so reported by you in your income tax; isn't that correct?

A. If that is true I received it in 1934.

Q. Now——

A. (Interposing): Of course, however, that doesn't mean the whole amount was paid to me. There may have been employment of other people in connection with that work; there may have been. That don't mean that I derived the whole amount.

Q. Do you mean to say you reported in your income tax amounts you received not as income for yourself but for others?

Mr. Del Guercio: If your Honor please, that isn't what the witness said at all. Counsel knows it isn't.

Mr. Gladstein: I want to ask him——

(Testimony of William F. Hynes.)

The Witness (Interposing): Well, if I received, as you [3852] say, $2100.00 from the Marine Bureau I would show as receiving that and show how I disbursed it, if I spent any of it, and take credit on my return for it.

By Mr. Gladstein:

Q. Well, no; in your personal income tax——

Presiding Inspector (Interposing): For expenses.

The Witness: Yes.

By Mr. Gladstein:

Q. But you would report only——

A. (Interposing): That is what I mean.

Q. (Continuing): ——that which came to you and was used by you personally, would you not?

Presiding Inspector: Why get into a dispute on this? I don't think that would be the proper way, would it?

Mr. Gladstein: What is that?

Presiding Inspector: I don't think that would be the proper way if he employed other persons. It would be a sort of business of his. He would have gross receipts and expenses.

Mr. Grossman: If he did that.

Presiding Inspector: That is what he said he did, as I understood him.

The Witness: That is my best recollection of it.

Presiding Inspector: Of course, it is so long ago.

By Mr. Gladstein:

Q. Now, Mr. Hynes—— [3853]

(Testimony of William F. Hynes.)

A. (Interposing) However, there is a point there that may come up later on, the matter of this employment with the Associated Farmers, being that you have gone into it. I was never paid up in full for those services at the time that my employment terminated.

Q. I didn't ask for that.

A. I received—well, I know that the LaFollette Committee has those records and I didn't want you to make an issue out of it later on after I am gone, that I received money during 1936, which had already been——

Q. (Interposing) I promise you I won't make an issue of the fact that the Associated——

Mr. Del Guercio: Well——

Mr. Gladstein: (Interposing) Just a moment, please. That the Associated Farmers did not pay you.

Mr. Myron: There is no question.

Mr. Del Guercio: If your Honor please, that is clearly out of order for counsel to make a remark of that kind.

Mr. Myron: I think he has been given plenty of opportunity to make speeches in this Court right up to now.

Presiding Inspector: You have all taken advantage of that, even the Presiding Inspector. I don't know whether the question was answered or not. I think it was a statement, a voluntary statement. [3854]

(Testimony of William F. Hynes.)

By Mr. Gladstein:

Q. Now, Mr. Hynes, did you ever suggest to either Mr. Chase or to the Immigration Department that Mr. Chase go to the Immigration Department, or that he give to the Immigration Department whatever information he might have on Harry Bridges?

A. No, I don't think I ever have suggested that.

Q. Did you advise the Immigration Department that there was a man named Ezra Chase who claimed to know, or to have certain information concerning Bridges?

A. No, I don't think I did. However, if they had asked me I would have told them.

Q. Were you not working with, corresponding with Mr. Bonham and Mr. Norene in connection with the Bridges' case?

Mr. Del Guercio: Well, if your Honor please——

Presiding Inspector: (Interposing) How is that material?

Mr. Grossman: Your Honor, may I say this: There are some general rules of law about a person's failing to do certain things that are the nominal things to do, for example, failing to deny, if the occasion calls for a denial, and so on.

Presiding Inspector: That is true.

Mr. Grossman: Now, if Captain Hynes was working, as he began to admit before, on the Bridges' case, and if he had [3855] information, that would tend to prove that Bridges was a Communist, or affiliated with the Communist Party, it

(Testimony of William F. Hynes.)

would be reasonable to assume that as part of that investigation or cooperation on the case he would turn that over or make it available. Now, if he did, for example, he has referred here to certain statements that he said Mr. Chase made to him over the telephone about Bridges going to lay down the Communist Party line—not that I say that is any evidence—at least the Government thought in this case it was evidence enough to produce. Now, if Captain Hynes did not even bring that to the attention of the Government before the last hearing it has some significance as to whether or not he actually ever heard such a thing or not.

Mr. Gladstein: Or having heard it, whether he ever believed it or not.

Mr. Grossman: Or believed it.

Presiding Inspector: We don't care whether he believed it or not. That is not material.

Mr. Grossman: If he, knowing Chase, didn't believe Chase, I think that is material.

Presiding Inspector: No, no, that is not material at all. We can't go and ask whether everyone about here believed any particular witness with whom they have had some talk. He takes the information for what it is worth; that is all there is about it. He doesn't necessarily believe it or dis- [3856] believe it. I think his beliefs are very remote from this question that we are examining. Now, I don't know any compulsion that requires persons to give information about anything in a deportation case.

(Testimony of William F. Hynes.)

Mr. Grossman: No, but I say if he was working with him, preparing evidence, giving evidence, and failed to give this particular item of evidence——

Presiding Inspector: (Interposing) If he was working with him in what respect?

Mr. Grossman: If he was preparing, or attempting to prepare or send to the Immigration Service evidence against Harry Bridges, and a certain item of evidence——

Presiding Inspector: (Interposing) I don't know whether Mr. Norene had that job.

Mr. Grossman: Well, this witness has indicated that. We can prove that he was working with him, preparing, trying to get evidence on Harry Bridges.

Presiding Inspector: What do you want to show about this?

Mr. Grossman: Because this witness volunteered that Ezra Chase had told him over the telephone that Bridges was going to lay down the party line at this meeting we say the fact he didn't report it is conclusive proof he never heard such a thing at that time. [3857]

Mr. Del Guercio: Before counsel's remark is forgotten, and we might go on to some other matter, I would like his statement that frankly we don't believe him ought to be stricken out of the record, or he should be required to explain why he brought the witness here.

Presiding Inspector: Oh, no, no; that is one of those remarks made in the heat of this trial.

Mr. Grossman: I will explain it.

(Testimony of William F. Hynes.)

Presiding Inspector: I don't think that amounts to much.

Mr. Gladstein: I want to say this: I don't intend to go very deeply into this subject.

Presiding Inspector: I will take it.

Mr. Gladstein: So the Court will understand exactly what is involved, in the last hearing we were required to extract at great pains and great difficulty as much as we could from the unwilling lips of men like Harper Knowles and Captain John J. Keegan of the Portland Police Department, information concerning the character and nature of their activities in efforts to secure evidence to deport Harry Bridges, and in that case, as a result of the testimony given by those witnesses, the name of Captain Hynes was clearly placed in the record as one of the men who, through correspondence with Harper Knowles and through correspondence with Captain John J. Keegan, was involved in this joint effort to obtain evidence against Harry Bridges. [3858]

Now, Mr. Hynes already has said in this case that he was—I am not trying to change his testimony by this statement—this is just my recollection—that he was engaged in attempting to get evidence on Mr. Bridges, something of that sort.

Now, I simply ask him now whether it isn't a fact that in connection with those efforts on his part he was corresponding with Mr. Bonham and Mr. Norene or Captain John J. Keegan or Mr. Harper Knowles. I think we are entitled to answers on those things.

(Testimony of William F. Hynes.)

Mr. Del Guercio: How about Miss Perkins?

Mr. Gladstein: Or with Miss Perkins; I haven't any objection to that, or you can bring it out.

Presiding Inspector: All right, we will take it.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. Now, Mr. Hynes, isn't it true that you were corresponding with Harper Knowles in connection with your efforts to obtain evidence for the purpose of deporting Harry Bridges?

Mr. Myron: I object to that question, entirely immaterial, and it is an obvious attempt on the part of the Alien's counsel to raise a new issue in this case, to manufacture a new issue which is not present in the case.

Presiding Inspector: I will take it.

A. I think it is just the reverse. Harper Knowles [3859] communicated with me.

By Mr. Gladstein:

Q. Well, was there correspondence?

A. There was correspondence, yes.

Q. That is, letters back and forth between the two of you?

A. Yes, not only concerning Mr. Bridges, but other Communists.

Q. How about correspondence between you and Captain Keegan on the subject of——

A. (Interposing) I think two letters.

Q. (Continuing) ——Just a moment, please. On the subject of trying to deport Mr. Bridges?

(Testimony of William F. Hynes.)

Mr. Del Guercio: If your Honor please, I object to that on the same ground.

Presiding Inspector: I will take it.

A. No, I don't know whether the letters discussed the deportation of Harry Bridges.

By Mr. Gladstein:

Q. I want to show you a photostatic copy of an Exhibit which was introduced in evidence in the previous case—it was there Alien's Exhibit 58—and it purports to be a copy of a letter from you to Captain Keegan under date of September 12, 1938. Please examine that.

Mr. Del Guercio: If your Honor please, I object to any [3860] reference to the document. Because it was introduced in the last hearing doesn't give any——

Presiding Inspector: (Interposing) I think that was improper.

Mr. Gladstein: I beg your pardon?

Presiding Inspector: I think that was improper. We don't care whether it was introduced in some other case or not. That doesn't identify it.

Mr. Gladstein: That is for the purpose of identifying the document. It has that identification on the top of it.

Presiding Inspector: It can be identified in other ways than that.

Mr. Gladstein: If the witness can identify it, that will be sufficient.

Presiding Inspector: Why don't you have it marked for identification now, then show it to him?

(Testimony of William F. Hynes.)

Mr. Gladstein: I am willing to do that, your Honor.

Presiding Inspector: Strike out the offer at the present time.

Mr. Gladstein: It wasn't an offer.

Presiding Inspector: Well, strike out your identification of it.

Mr. Gladstein: Very well. Would you mark this?

Presiding Inspector: Have it marked for identification and show it to the witness, that is the proper way. Counsel [3861] for the Government is objecting to it. I wouldn't think it was very material how you identified it, myself, but I am not trying this case.

(The document referred to was marked Alien's Exhibit No. 18 for identification.)

By Mr. Gladstein:

Q. Now, do you want to look at it again, Mr. Hynes? I am showing you Alien's Exhibit No. 18 for identification.

A. (Examining document) Mr. Gladstein, is this a photostat of the Los Angeles Police Department?

Q. I would rather you just examined it.

Presiding Inspector: See whether you recognize it.

A. Yes, I recognize it as a letter I had written. It looks to me like a photostat of our Los Angeles Police Department. That is one of those documents I was talking about from the LaFollette Committee.

(Testimony of William F. Hynes.)

Presiding Inspector: No; this is a copy of such a document.

The Witness: It looks like it is a photostat, and it is one of our documents. I would like to know——

By Mr. Gladstein:

Q. (Interposing) Do you recognize it as a copy of a letter you sent?

A. I *recognize as* a copy of a letter I sent. I also recognize it as a photostat of a copy from our Police Department. I would like to know where you got it from? [3862]

Q. You put me on the stand and ask me.

A. I would like to——

Mr. Del Guercio: (Interposing) If the Court please——

Presiding Inspector: (Interposing) Just a moment. I will listen to Mr. Del Guercio.

Mr. Del Guercio: If the Court please, counsel has been permitted great latitude in making his charges, implications, and what-not. Now, one is made against him. The witness here has asked him where he got the original of that, and if the original of that was the Los Angeles Police Department property counsel should get on the stand here and testify under oath where he got that original, and how he got possession of it.

Presiding Inspector: This isn't the original.

Mr. Gladstein: It obviously isn't.

Mr. Del Guercio: A photostat of the original.

(Testimony of William F. Hynes.)

Presiding Inspector: Yes, but this has been in Court before.

Mr. Gladstein. This is a copy, your Honor.

Presiding Inspector: We don't care anything about that.

Mr. Gladstein: I can state very briefly——

Presiding Inspector: (Intervening) Oh, no.

Mr. Gladstein: Mr. Del Guercio asked for an explanation.

Mr. Del Guercio: Under oath, I asked for an explanation under oath. [3863]

Presiding Inspector: I don't care for it.

Mr. Gladstein: All right.

Presiding Inspector: I haven't been able to read this. There has been so much argument.

Mr. Del Guercio: I haven't even seen it.

Presiding Inspector: (Examining document) Now, what do you want to do? He says that he recalls writing this.

Mr. Gladstein: Then, I think there is a paragraph in there which shows that Mr. Hynes was—do you want to look at it again?

(Whereupon, document was handed to witness.)

Presiding Inspector: Perhaps, you can tell me this,—it is already in the record—if you can't, someone else can: When was the first warrant issued against Harry Bridges?

Mrs. King: If your Honor please, it was, I believe,——

(Testimony of William F. Hynes.)

Presiding Inspector: (Interposing) It was in Dean Landis' report almost at the start.

Mrs. King: Yes.

Presiding Inspector: I asked this question before, Mrs. King, and you reported——

Mrs. King: (Interposing) March 2, 1938.

Presiding Inspector: March.

Mrs. King: Was the original warrant of arrest.

Presiding Inspector: March 7th?

Mrs. King: March 2, 1938. [3864]

Mr. Gladstein: 1938.

Mrs. King: It was amended on June 12, 1939.

The Witness: Yes, I recognize this. There was another letter too from Mr. Keegan that I was referring to also.

By Mr. Gladstein:

Q. Well, now, in this letter, Alien's——

Oh, you want to see this?

(The document referred to was handed to Mr. Del Guercio.)

Mr. Del Guercio: There has been shown to me a letter marked "confidential" and so far as I can see—the Court has read it also—there is nothing in here that has to do with anything at issue in this case.

Presiding Inspector: I don't know whether it has or not.

Mr. Gladstein: Well, I want to read your Honor just this portion, only this portion.

Presiding Inspector: I read it all.

(Testimony of William F. Hynes.)

Mr. Gladstein: Well, I want to read this into the record in view of the statement——

Presiding Inspector: (Interposing) You haven't offered it yet. Why do you read it until you offer it?

Mr. Gladstein: I will offer it in evidence.

Mr. Del Guercio: I will object.

Presiding Inspector: I will receive it.

(The document referred to was received in evidence and marked Alien's Exhibit No. 18.) [3865]

Mr. Grossman: May we be permitted to withdraw this and substitute a photostat?

Presiding Inspector: Substitute a photostat of the photostat?

Mr. Grossman: Yes.

Mr. Gladstein: So we can retain a copy.

Presiding Inspector: Yes.

By Mr. Gladstein:

Q. Now, do you know a man named William Shirley?

A. Yes, he is an officer that worked for me.

Q. And didn't you have Mr. Shirley——

Presiding Inspector: (Interposing) Now, just a moment. Before we go into this, who is this man Keegan?

Mr. Gladstein: All right, we will have that identification.

By Mr. Gladstein:

Q. Will you state who Captain John J. Keegan is?

(Testimony of William F. Hynes.)

A. I think he is Captain of Detectives of the Portland Police Department.

Q. Now, Mr. Shirley, you say, was working for you?

A. He was a Police Officer, yes.

Q. Working under your charge?

A. Under my charge.

Q. During the year 1937?

A. Yes, sir. [3866]

Q. Did you not have Mr. Shirley cooperate with Mr. Stanley M. Doyle in an effort to obtain John L. Leech as a witness in the deportation case against Harry Bridges?

Mr. Del Guercio: Now, if your Honor please——

Presiding Inspector: (Interposing) What do you want this for?

Mr. Gladstein: To show the connection of the present witness with the efforts to obtain the deportation of Mr. Bridges, your Honor.

Presiding Inspector: Yes, but those were efforts of various Police Departments. They don't reflect upon the Government or the Department of Immigration and Naturalization.

Mr. Grossman: This is relevant to lay the basis, your Honor, for his failure to communicate with the Immigration and Naturalization Service. This alleged telephone call——

Presiding Inspector: (Interposing) Why don't you ask him that, then?

Mr. Grossman: We have to lay a basis that it would be reasonable to expect him to do that before we ask him whether he did do that.

(Testimony of William F. Hynes.)

Presiding Inspector: But you haven't got any communication with the Government at all in yet.

Mr. Gladstein: I have already asked him whether he ever communicated with him, discussed with Mr. Chase or with the Immigration Department that Mr. Chase should supply any [3867] information or whatever information he might have to them.

Presiding Inspector: He said he didn't.

Mr. Gladstein: He said he didn't. That is precisely the point.

Presiding Inspector: Yes.

Mr. Gladstein: All right. Now we want to show exactly what the relationship of Mr. Hynes was, however, at this time, to the question of the Bridges' case. It follows from that, your Honor, as Mr. Grossman has said——

Mr. Del Guercio: If your Honor please——

Mr. Gladstein: (Interposing) After counsel catch their breath I will continue.

Presiding Inspector: No, I think not. Now, when you have finished talking, both of you, I will say something. I don't see how that is material.

Mr. Gladstein: Your Honor, Mr. Hynes——

Presiding Inspector: (Interposing) If they employed him to give them information, if it was something that he naturally would give, the fact that he didn't give it might have some significance in relation to whether he had that information. Now, in that way I can see the relevancy, perhaps, of this, but you are getting into something in relation to communications within the departments of

(Testimony of William F. Hynes.)

the Police of the State of California and the State of Oregon.

Mr. Gladstein: That was the letter that was already in [3868] evidence.

Presiding Inspector: Yes. I don't know why that was admissible, but you wanted it so much I let you have it.

Mr. Gladstein: But the question I am now asking concerning Mr. Hynes and an officer who was under Mr. Hyne's direction, according to his testimony, and a man named Stanley M. Doyle whose connection with the Bridges' case is discussed by Dean Landis in his report——

Presiding Inspector: (Interposing) Yes. He didn't testify, did he?

Mr. Gladstein: No, he didn't testify.

Presiding Inspector: No, we won't receive it. We don't know anything about Mr. Doyle.

Mr. Gladstein: Well, he didn't——

Presiding Inspector: (Interposing) Now, we can't re-try the Landis hearing.

Mr. Gladstein: We are not attempting to. I am simply trying to show what connection Mr. Hynes had with the effort of trying to obtain the deportation of Mr. Bridges. I think in view of what we can establish first through the letter that is already in evidence, and secondly through this other subject —and I only had this other one in mind—that his testimony concerning the testimony of Chase should be considered in the light of the connection that Mr. Hynes had with the case and the fact that, as

(Testimony of William F. Hynes.)

he has testified, he never told [3869] Chase to go to the Immigration Department and he never told the Immigration Department that Chase had any information for them on the Bridges' case.

Presiding Inspector: You got all that, haven't you?

Mr. Gladstein: Well, the latter part he has testified to, that is true.

Presiding Inspector: Yes.

Mr. Gladstein: But, I think, we are entitled to show what his relationship was.

Presiding Inspector: You may show that he did give any information to the Federal Investigators, if you wish, if he had any employment or anything of that kind.

Mr. Gladstein: All right, I will ask it.

Mr. Del Guercio: If your Honor please——

Presiding Inspector: (Interposing) It is very remote. People don't give every bit of information. They, perhaps, wouldn't think that was material; I don't know. That is something for the trier of the fact. It may be pertinent so far as evidence is concerned.

Mr. Del Guercio: But, as an aid to the Court in determining this matter, permit me to say now that these alleged matters which counsel is seeking now are matters that occurred prior to the last deportation hearing.

Presiding Inspector: Yes.

Mr. Del Guercio: There has been no evidence introduced [3870] here of this prior trial to show that

(Testimony of William F. Hynes.)

anybody—of course, we are permitted, and the Government would go to any source for any information—we don't question that or do we state that we don't go to any source, that we want to go to, but this case, this new case here, the evidence upon which we are proceeding in this hearing is the evidence that has been developed by the FBI.

Now, counsel, not even counsel here for the Alien would go so far as to say that there has been any employment by the FBI of Police officers or others or anybody else in investigating this case.

Presiding Inspector: I haven't any such——

Mr. Del Guercio: (Interposing) Now, why don't they come out and say that?

Presiding Inspector: There hasn't been any claim to the contrary so far.

Mr. Gladstein: There doesn't have to be any employment shown, your Honor. We don't go into that matter at all. There doesn't have to——

Mr. Del Guercio: (Interposing) They are going into the matters that occurred before the last deportation hearing. That isn't in issue in this case.

Presiding Inspector: I will take it.

Mr. Gladstein: Now, what is the last question?

(The question referred to was read by the reporter as follows: [3871]

"Q. Did you not have Mr. Shirley cooperate with Mr. Stanley M. Doyle in an effort to obtain John L. Leech as a witness in the deportation case against Harry Bridges?"

Presiding Inspector: Well, now, I don't see how

(Testimony of William F. Hynes.)

we can go to individuals. I said I would take it but I had forgotten that Mr. Leech and Mr. Doyle came into this matter. I don't see what they have to do with it.

Mr. Gladstein: Well, Mr. Leech——

Presiding Inspector: (Interposing) I don't even know who they are except for reading something about them in the Landis case.

Mr. Gladstein: Well, I can say this:——

Presiding Inspector: (Interposing) I know Mr. Doyle didn't testify.

Mr. Gladstein: No. We sought——

Presiding Inspector: (Interposing) There was some trouble about it.

Mr. Gladstein: He didn't respond.

Presiding Inspector: Well, he finally responded but there was some trouble about his fees.

Mr. Gladstein: He wouldn't testify when he responded finally.

Presiding Inspector: Not until he got some additional sum that he, perhaps was not entitled to.

Mr. Gladstein: When he got paid, your Honor, then he [3872] refused to answer questions.

Presiding Inspector: Yes, on advice of counsel and so on.

Mr. Gladstein: Yes, I know. That was Mr. Doyle. Then, Mr. Leech actually did testify at great length in the case.

Now, the affidavit——

Presiding Inspector: (Interposing) Was Leech an employee of the Department of Labor?

(Testimony of William F. Hynes.)

Mr. Gladstein: No; he was a witness in the case.

Presiding Inspector: Yes. Well, I don't believe we better go into that.

Mr. Gladstein: But Mr. Hynes made an affidavit in the last case which became a part of the evidence, in which he said, that is, Mr. Hynes said that he had received a letter from Stanley M. Doyle, and a copy of that letter was set forth in the affidavit of Mr. Hynes, and that affidavit, that letter made reference to Mr. Hynes—no, to William C. Shirley.

By Mr. Gladstein:

Q. By the way, was that his name, William C. Shirley? Yes, sir.

Mr. Del Guercio: If your Honor please, here is counsel arguing and asking questions at the same time. I suppose he will be answering himself next.

Presiding Inspector: If he would be allowed to he [3873] probably would. I would if I were in his place.

Now, go on. I want to hear this.

Mr. Gladstein: And this letter from Mr. Doyle to Captain Hynes refers to the matter that William C. Shirley and Mr. Doyle investigated, and that reference, although there is no express mention of Leeuch, is in view of the context of the letter, the references made in it and the other testimony given in the previous Bridges' deportation case, a clear reference to Mr. John L. Leech, in addition to which, Mr. Doyle in the letter to Mr. Hynes stated that both he and Harper Knowles wanted to ex-

(Testimony of William F. Hynes.)

press their grateful thanks and appreciation for the courtesy received.

Mr. Del Guercio: Now, he is reading from the letter I think you just prohibited him from reading.

Presiding Inspector: He shouldn't read the letter. Perhaps, you can show it to me. Do you want to introduce the letter?

Mr. Gladstein: I believe so, yes.

Presiding Inspector: (Examining document) I don't see that that is material at all; I don't see that this is material at all, but you haven't offered it yet, so I am——

Mr. Gladstein: (Interposing) Has it been offered for indentification in this case?

Presiding Inspector: No, I think not.

Mr. Gladstein: Did I show it to Mr. Hynes?

Presiding Inspector: Yes, I think you did; I am not [3874] sure.

The Witness: Yesterday, I think, I saw it.

Mr. Gladstein: You better look at it for just a moment.

Mr. Del Guercio: Has the Court ruled it is immaterial?

Presiding Inspector: I just made a voluntary statement without any reason to do so.

By Mr. Gladstein:

Q. I show you what purports to be a photostat of an affidavit by you, Mr. Hynes, and ask you if you can identify it as such?

A. (Examining document) Yes.

(Testimony of William F. Hynes.)

Mr. Gladstein: This affidavit which has just been referred to in my last question should be marked for identification.

Would you be good enough to do that?

Presiding Inspector: Mr. Gladstein, aren't you trying to do something here, by referring to these letters which are really not at all—bringing in something which is really not at all pertinent to the matter of Mr. Chase?

Mr. Gladstein: No. I would answer that this way:——

Presiding Inspector: (Interposing) Aren't you attempting to show something in relation to the general investigation of the Bridges' case which is not in any way before us now?

Mr. Gladstein: No; I am now trying to establish that Mr. [3875] Chase did not tell——

Presiding Inspector: (Interposing) Well, he said he didn't. He said this man didn't tell the Government officials. Now, what more do you want?

Mr. Gladstein: Well, I want to establish that the reason that he didn't was either because Mr. Chase never made any statement to Mr. Hynes to the effect that Mr. Hynes has testified to the contrary, or that if he did make any such statement, that statement was not believed by Mr. Hynes and, therefore, not reported to the Immigration authorities.

Presiding Inspector: He might have thought it was not important enough to tell it and it might have slipped his mind.

(Testimony of William F. Hynes.)

Mr. Gladstein: I want to show, your Honor——

Presiding Inspector: (Interposing) It doesn't seem to me it was a very important matter in the work of the Police.

Mr. Gladstein: Well, that may well be.

Presiding Inspector: That, of course, has got to be determined ultimately if this question arises.

Mr. Gladstein: It is true that in the ordinary case of, let us say, the average Police Officer who has no special interest in Mr. Harry Bridges, what your Honor says is true, but we wish to show, and, I think, the letter which is in evidence plus the testimony given by Mr. Hynes plus this affidavit show that there was more than an ordinary interest dis- [3876] played and more than an ordinary scope of activity indulged in by Mr. Hynes with respect to the question of deporting Mr. Bridges and, therefore, in the light of those special circumstances the question of what he did or what he didn't do with this alleged information from Chase becomes important because, you see, it is our position, your Honor, that Mr. Hynes for a long time has been working together with Captain John J. Keegan and Mr. Harper Knowles and certain others to bring about the deportation of Mr. Bridges, and you must consider, in the light of those facts you must consider his testimony that he didn't communicate to the Immigration Department this alleged statement of Chase, because he communicated a lot of other things to the Immigration Department.

Presiding Inspector: As an answer to this, I

(Testimony of William F. Hynes.)

would say, or in explanation of this matter I would say that I can't help haivng in my mind some things that are in Dean Landis' report about Mr. Leech and the office in that city. It looks to me as though you were trying to get that into the present record.

Mr. Myron: I think that is very obvious, your Honor.

Mr. Gladstein: I am not interested in getting that into the record at this point; your Honor.

Presiding Inspector: Well, I think you should avoid the appearance of doing that at this time.

Now, if you want to ask this witness whether he was in- [3877] terested in helping the Naturalization and Immigration Department, whether he made reports to them, I will take that. I will let you have that.

Mr. Gladstein: All right, I will go into that.

Mr. Del Guercio: In answer——

Presiding Inspector: (Interposing) No. I don't think you need if you want to object on this you may object.

Mr. Del Guercio: I do object, your Honor.

By Mr. Gladstein:

Q. Mr. Hynes, did you ever give the Immigration and Naturalization Department information for the purpose of assisting or enabling that department to bring about a hearing against, or hte deportation of Mr. Bridges?

Mr. Del Guercio: Your Honor, I object to that

question as being improper, immaterial and irrelevant.

Presiding Inspector: I will take it. It is on the basis that Mr. Gladstein stated, that he wants to show why there was some reason that he would naturally have told them about this report from Mr. Chase, and from his failure to make that report. Under those circumstances he seeks to draw or have the trier of the fact draw the inference that no such statement was made by Mr. Chase.

Mr. Del Guercio: Well, I have a confession to make then, your Honor. I have had a lot of witnesses here that have information, given me by the FBI, information against [3878] Bridges htat I haven't produced here.

Presiding Inspector: Undoubtedly that is always so, but he says under the particular circumstances here he argues that if it had occurred it would have been reported. Now, I am going to let him show what his relations were with the department so as to form some judgment upon that matter. It may be that it never would have been reported, even if it would have occurred, we don't know. Let Mr. Gladstein try to establish this. Go ahead.

Mr. Gladstein: Do you want the question read to you, Mr. Hynes?

The Witness: I think I understand the general question.

I think—I don't know what time it came to my attention—I had knowledge of the fact that, I think,

(Testimony of William F. Hynes.)

Chase had made some sort of statement to the Immigration authorities. That was through talking to somebody in the Immigration Service, that he had made some statement. I don't recall just the date or when it was.

By Mr. Gladstein:

Q. No; I asked you, Mr. Hynes, whether you ever did. Now, this is——

A. (Interposing) Well——

Q. (Interposing) Just a minute.

Mr. Del Guercio: Is this an answer to your last question?

The Witness: It is an answer to the same question. [3879]

Mr. Del Guercio: Then, I suggest the witness be permitted to answer the question before another question is asked.

The Witness: It is in relation to why I didn't report it.

Mr. Gladstein: Just a moment. That has nothing to do with Mr. Chase as such, your Honor. I want simply the general question.

By Mr. Gladstein:

Q. Mr. Hynes, did you ever—this is without regard to Mr. Chase, regardless of him—in the years, let us say, of 1937 and 1938 did you ever at any time give information to the Immigration and Naturalization Department of the United States Government for——

Mr. Del Guercio: (Interposing) I object to the

(Testimony of William F. Hynes.)

question as improper and not material under the issues of this case.

Presiding Inspector: I think I will take it.

Mr. Gladstein: Let me finish the question, then.

By Mr. Gladstein:

Q. (Continuing) Of the United States Government for the purpose of assisting or enabling that department to have a hearing against, or bring about the deportation of Mr. Bridges?

Mr. Del Guercio: I object to it as being ambiguous. Which [3880] hearing? This hearing here or the last hearing?

Mr. Grossman: '37 and '38.

Mr. Gladstein: The question specifies it.

Mr. Del Guercio: What?

Presiding Inspector: He says that the question specifies it.

Mr. Grossman: It specifies '37 and '38.

Presiding Inspector: '37 and '38.

A. I recall discussing the case generally with Inspector Bonham in Seattle, when I was assisting the Dies Committee, generally as to witnesses, possibly witnesses and things like that that may be used. That was in Seattle when I was assisting the Dies Committee.

Presiding Inspector: When was that?

The Witness: That was in '37; I think it was in July of '37.

Mr. Gladstein: There were parts of the answer I couldn't hear. Could I have the reporter read it to me?

(Testimony of William F. Hynes.)

Presiding Inspector: Certainly; read the answer.

(The answer referred to was read by the reporter as above recorded.) [3881]

Mr. Gladstein: I think that is all, your Honor.

Presiding Inspector: You may examine.

Mr. Del Guercio: We are taken a little by surprise. May we have a recess now, your Honor?

Presiding Inspector: Yes; certainly.

(Whereupon a short recess was taken.)

Presiding Inspector: Now, Mr. Del Guercio; all right.

Mr. Gladstein, you know you didn't introduce any of that package of letters that were brought up, except the small one signed by Catherman?

Mr. Gladstein: Yes.

Presiding Inspector: I merely call that to your attention.

Mr. Del Guercio: If your Honor please, we are not going to take this as an opportunity to make a speech. There is no cross examination.

Presiding Inspector: You are excused.

Mr. Gladstein: Before you go, Mr. Hynes, can we have this understanding——

Mr. Del Guercio: Just a moment.

Presiding Inspector: This is in relation to those complimentary letters, that is, the so-called complimentary letters?

Mr. Gladstein: No, no.

You brought certain papers here, marked for

(Testimony of William F. Hynes.)

identification, which neither side has offered in evidence. As far as we are [3882] concerned you can take those back with you. You said you wanted them.

The Witness: Yes.

Mr. Gladstein: There is one memorandum which was introduced in evidence. You said you would like to have that back, of course?

The Witness: Yes.

Mr. Gladstein: Now, I would like this understanding: That the reporter, who has it, may have a photostat made of it and as soon as that is done may it be understood that the photostat can be substituted for the original? Then, if you will leave your address with the Court reporter would it be satisfactory for him to mail the original back to you?

The Witness: Yes.

Mr. Gladstein: One more thing. You promised, during the course of your examination, that you would send to Judge Sears the date of your leave of absence in 1934 and 1935. Will you be good enough to do that?

The Witness: Yes.

How about these other documents?

Mr. Gladstein: You may take those with you.

(Whereupon Alien's Exhibit No. 16 for identification was returned to the witness.)

Presiding Inspector: That is all.

(Witness excused.) [3883]

Presiding Inspector: Call your next witness.

Mr. Grossman: He is being called, your Honor.

Presiding Inspector: Stand up and raise your right hand.

CHARLES YOEMAN

called as a witness on behalf of the Alien, having been first duly sworn, testified as follows:

Presiding Inspector: Give your name and address to the reporter.

The Witness: Charles Yoeman—Y-o-e-m-a-n—Merchant seaman.

Direct Examination

By Mr. Grossman:

Q. What is your address?

A. I have no permanent address. I am using my mother's address, 3282½ Twentieth Street, Frisco.

Mr. Del Guercio: I didn't get the name.

Presiding Inspector: Charles Y[illegible]man—merchant seaman, I understood him to say.

By Mr. Grossman:

Q. Are you a member of any union?

A. Marine Cooks and Stewards Association of the Pacific Coast.

Q. And you are now working, are you, as a member of that union? A. I am. [3884]

Q. Did you ever live in Portland, Oregon?

A. On several different occasions.

Q. Did you live in Portland, Oregon, last year, 1940, at all? A. I did.

(Testimony of Charles Yoeman.)

Q. Were you married in 1940 to a woman named Margaret Nelson?

A. I was.

Q. Do you know a man named Dick Lovelace?

A. I did.

Q. Will you tell me when you first heard the name of Dick Lovelace?

A. Shortly after I married Margaret Nelson she told me that a former boy friend of hers was continuing to write letters to her and call her up and——

Mr. Del Guercio: (Interposing) That is not responsive to the question—what was the last question, if your Honor please?

Mr. Grossman: I think it is responsive.

Presiding Inspector: The answer was somewhat confused.

Mr. Grossman: Suppose I ask what the circumstances were?

By Mr. Grossman:

Q. What were the circumstances surrounding your hearing the name of Dick Lovelace for the first time?

Mr. Del Guercio: If your Honor please, I object to that. [3885]

Presiding Inspector: I don't suppose we need that. It was shortly after he married this woman.

Mr. Grossman: I want to know the circumstances. Otherwise there will be an objection that I am leading the witness.

Presiding Inspector: Yes.

(Testimony of Charles Yoeman.)

Mr. Grossman: That is why I am asking for the circumstances.

Presiding Inspector: From whom did you learn his name?

The Witness: From my wife.

By Mr. Grossman:

Q. What happened at that time? How did you learn it, what did she say about Dick Lovelace?

Mr. Del Guercio: I object to that as being immaterial to anything in this case. It calls for hearsay on a matter that, of course, we don't know what it is.

Presiding Inspector: We have a suspicion.

Mr. Del Guercio: Counsel knows, of course.

Presiding Inspector: We have heard something about this. Have you got the letters?

Mr. Grossman: I don't think we have to answer that question at this time.

Presiding Inspector: No, you don't; quite true.

In a general way, your wife mentioned the name and said that she was receiving communications from him, or something of that nature?

The Witness: That is right. [3886]

Mr. Del Guercio: I object to that.

Presiding Inspector: I will take it.

Mr. Del Guercio: This witness is offered apparently in support of the testimony of Mr. MacMickle——

Presiding Inspector: No, I don't——

Mr. Del Guercio: Continuing) ——who was on the stand a few days ago.

(Testimony of Charles Yoeman.)

Presiding Inspector: I think, before we get through with this witness he will be a character witness. Isn't this a character witness?

Mr. Grossman: Not in the sense that you are using it. It does go to his character, but not as a character witness. It is definitely relevant. I can explain the entire thing, but I don't think it is necessary on preliminary questions. I think we are wasting a lot of time on questions that are obviously preliminary. I can explain it if you want to take the time for it.

Presiding Inspector: I think I understand it.

Mr. Grossman: I submit it is the usual way to get this testimony.

Presiding Inspector: I don't suppose what his wife told him is really competent.

Mr. Grossman: I think it is part of the circumstances because at the same time——

Presiding Inspector: We are not interested in those. [3887]

By Mr. Grossman:

Q. Did your wife show you any letters?

A. She did.

Q. At the time of this discussion? A. Yes.

Q. At that time what did she tell you about the letters, or anything?

Mr. Del Guercio: I object to that, your Honor, as not being material to any issue in this case.

Presiding Inspector: If it is merely from whom they came I will take it.

Mr. Grossman: That is sufficient.

(Testimony of Charles Yoeman.)

By Mr. Grossman:

Q. Did she tell you from whom they came?

A. Yes.

Q. From whom did she say they had come?

A. Dick Lovelace.

Q. How many letters did she show you this first time that she mentioned the name of Dick Lovelace?

A. The best I can recall, three or four.

Q. Did you read the letters? A. I did.

Q. At any future time were you given any other letters by your wife which purported to be from Dick Lovelace?

A. Yes; from that time on I received them.

[3888]

Q. When she gave you these letters, other letters, did she state they were from Dick Lovelace also? A. She did.

Q. Do you happen to know how she got these letters, whether they were delivered personally or in the mail, or what?

A. She received them in the mail addressed to her office that she was working at.

Q. Do you happen to know how often she received these letters?

A. At first it was pretty regular and then it dwindled down to about one a week; something like that.

Q. Did your wife state to you that she received communications in any other form except letters from Dick Lovelace at about that time?

(Testimony of Charles Yoeman.)

A. Yes. He used to call her at the office pretty often.

Q. Did she tell you that? A. Yes.

Q. Were his telephone conversations substantially the same as the contents of the letters?

Mr. Del Guercio: I will object to that, if your Honor please.

Presiding Inspector: Just a moment. Are you going to produce the letters?

Mr. Grossman: No.

Mr. Del Guercio: Where are the letters? [3889]

Presiding Inspector: I think we will find out what became of the letters first.

By Mr. Grossman:

Q. What became of the letters?

A. To the best of my knowledge my ex-wife still has them.

Mr. Del Guercio: If your Honor please, in view of that statement I think they should not have produced this man but should have produced his wife, or former wife, who has the letters.

Presiding Inspector: Perhaps he had a conversation with Mr. Lovelace about this, and this may be preliminary.

Mr. Myron: If the letters are available they are the best evidence. Certainly any conversation concerning the same are not admissible.

Presiding Inspector: They are not the best evidence of the conversation that he may have had with this man, Lovelace.

(Testimony of Charles Yoeman.)

Mr. Myron: About the letters which are available.

Mr. Grossman: First, there is no evidence at the present time that these letters are available; second, I don't think it is fair to distort the chronology of this presentation. When this witness has finished it will be clear why the letters and how the letters got where they are, and out of his possession, and the fact that they are not available, and so on.

This is also subject to a motion to strike if it is not tied [3890] up.

I prefer to follow this in a chronological way, and I assure you that there were conversations with Lovelace about them.

Mr. Myron: The statements of counsel are also objectionable.

Mr. Grossman: I think we should be allowed to proceed along a chronological line.

Presiding Inspector: You may do that, of course.

Without telling what the contents of the letters were I will allow you to ask whether his wife at the time told him that the conversations were on the same lines of the letters.

Mr. Grossman: All right.

By Mr. Grossman:

Q. Did your wife tell you whether the conversations over the telephone with Lovelace were substantially the same, rather, the statements of Love-

(Testimony of Charles Yoeman.)

lace over the telephone were substantially the same as the statements in the letters?

A. I think in most cases, yes.

Q. Do you recall any substantial differences—do you remember what the substantial differences were in any cases if there were any? A. Yes.

Q. Can you state what the differences were?

Mr. Myron: I object to that, your Honor.

Presiding Inspector: I don't think that is very material. [3891]

Mr. Grossman: If your Honor please, I think it is going to appear, as soon as this story is complete, that the telephone conversations were material as were the contents of the letters. I recognize this is hearsay as to the telephone conversations. I think, considering the entire story and the connections and the proof of the story as it will appear, that it becomes, and generally ties up either with the doctrine of res gestae, or just as an exception to the hearsay rule, that we should be permitted to go into the substance of the telephone conversations even though, as I say, it is hearsay as to this witness.

Presiding Inspector: Why couldn't you produce the woman?

Mr. Grossman: We are not prepared at this time to do so. But I still think we should be permitted to go into this. I would like a ruling on it at this time.

Mr. Del Guercio: This is all on a collateral matter.

(Testimony of Charles Yoeman.)

Presiding Inspector: I understand that. Of course, the rule of secondary evidence don't apply with the same rigidity on a collateral matter.

Mr. Myron: Certainly the best evidence is available, apparently so, and if there is no explanation for its absence, it should be produced.

Mr. Grossman: The best evidence rule——

Presiding Inspector: The best evidence rule isn't strictly applicable on collateral matters. [3892]

Mr. Myron: I am talking about the contents of the letters. They are asking the witness to differentiate between conversations and the contents of the letters.

Mr. Grossman: I intend——

Presiding Inspector: We have already had in the record something of what is contained in the letters. I don't believe I would go any further in that respect.

Mr. Grossman: I was asking the question at this juncture about the telephone conversation.

Presiding Inspector: I think I will exclude that because you haven't shown that you cannot produce Mrs., the lady in question—I don't remember what the name is.

By Mr. Grossman:

Q. After reading some of these letters did you attempt to—withdraw that. Did you have a conversation with Dr. MacMickle about them?

A. I did.

Q. Will you describe the circumstances sur-

(Testimony of Charles Yoeman.)

rounding your conversation with Dr. MacMickle about these letters?

A. Well, I wanted Lovelace to stop writing and bothering my wife. I didn't care to take it to Court because the law becomes very messy. So I asked—she told me MacMickle was a personal friend of his. I went to him and asked him if he would be so good as to kindly see Lovelace and tell him, for his own interest, it would be better if he did stop bothering [3893] her through letters or otherwise.

Q. At the time you went to see Dr. MacMickle what did you believe as to the competency of Dick Lovelace?

Mr. Myron: I object to that, your Honor.

Presiding Inspector: I will exclude that.

By Mr. Grossman:

Q. From reading the letters did you draw any conclusions as to the sanity or competence of, or the normalcy of Dick Lovelace?

Mr. Myron: I object to that, your Honor.

Presiding Inspector: He can ask the rational or irrational character of the act of the writing of these letters. That I will take from a lay witness.

By Mr. Grossman:

Q. From reading the letters, and from the circumstances surrounding the writing or the receiving of the letters, did you form any opinion as to the rationality——

Presiding Inspector: ——of the act of writing such letters? A. Yes.

(Testimony of Charles Yoeman.)

By Mr. Grossman:

Q. What conclusion did you reach?

A. That the man was screwy.

Q. Was that your state of mind when you went to see Dr. MacMickle? [3894] A. It was.

Q. Did that influence what you told Dr. MacMickle? A. It did.

Q. Did you have any discussion with Dr. MacMickle about the sanity, or competency, or rationality of Dick Lovelace?

Mr. Myron: I object to that, your Honor.

Presiding Inspector: Didn't MacMickle testify to that?

Mr. Grossman: Yes. He testified to the general discussion with this man. I am not certain whether he testified to a specific discussion on this question or not. I don't recall. I don't think it makes any difference. It is a part of the general conversation and I think we are entitled to go into it for that reason.

Presiding Inspector: I will allow him to—MacMickle is gone, I suppose—I will allow him to state that he did express the view that he has expressed here to Dr. MacMickle.

That is all you want, isn't it?

Mr. Grossman: Yes.

Presiding Inspector: Did you express the same view that you have expressed here to Dr. MacMickle about his conduct, I mean, in respect to his being what you called "screwy"?

(Testimony of Charles Yoeman.)

The Witness: Well, I didn't really draw that conclusion, just partly, until he told me he had been shell-shocked and it gave me the reason for believing the man might really be [3895] that way.

By Mr. Grossman:

Q. Did Dr. MacMickle make any statement as to whether Dick Lovelace was rational or mentally normal?

A. He told me at that time that he definitely wasn't.

Q. Was not normal? A. Yes.

Q. Do you remember what he said in that respect at that time?

Presiding Inspector: Give your best recollection; not the words, unless you can give them.

A. He said that he would appreciate it, if I am not mistaken, being a friend of his, that he would talk to him and try to get him to stop writing these letters because he didn't want to see him get into any trouble.

By Mr. Grossman:

Q. Did he say any more with respect to the mental condition of Dick Lovelace, any more than you have stated?

A. That he wasn't responsible for things that he wrote or said because he wasn't thinking clear, or words to that effect. I don't know exactly what they were.

Q. Did he suggest that you do anything with respect to these letters, or with respect to Dick Lovelace?

(Testimony of Charles Yoeman.)

A. He referred me to the United States Veterans—whoever it is that gives the money, the checks to the Veterans of the [3896] World War. I forget who it was.

Q. Did you shortly after that go to see the man who was, to whom you were referred by him?

A. I did.

Q. Do you recall that man's name?

A. No, I don't.

Q. Do you remember where his office was?

A. Yes. It is in the county courthouse at Portland.

Q. And did you have a conversation with that man? A. Yes, I did.

Q. What was the substance of that conversation?

Mr. Myron: I object to that, your Honor.

Presiding Inspector: That is pretty far afield, but it is just the history of it.

Mr. Grossman: Correct.

Presiding Inspector: I will allow it.

Mr. Grossman: It is the history of what he did in connection with the letters.

Presiding Inspector: I will take it.

A. I showed him the letters, told him what the trouble was, and asked him if there was any way he could see this Lovelace and talk to him to try to get him straightened out.

He said that the only way that he could act upon it, being the man had been in the hospital several times before, was for me to swear out a warrant

(Testimony of Charles Yoeman.)

for his arrest and after that then the [3897] proper authorities would handle him.

By Mr. Grossman:

Q. Was there anything more in the conversation between you and him at that time?

A. I believe he was the one that referred me to the Postal authorities, but I am not sure.

Q. Did you subsequently go to the Postal authorities?

A. Not for a period of time. I imagine it was about three weeks; something like that.

Q. And which of the Postal authorities did you speak to, if any?

A. I don't remember his name, but he was a Postal Inspector, United States Postal Inspector, if I am not mistaken, in the old Post Office Building in Portland?

Q. Did you show him the letters?

A. I did.

Q. What was the conversation between you and him——

Mr. Myron: (Interposing) I object to this, your Honor.

By Mr. Grossman:

Q. (Continuing) ——with respect to the letters?

Presiding Inspector: It is part of the history and has no other value.

A. He said that there was nothing that he could do unless I would swear out a warrant for

(Testimony of Charles Yoeman.)

his arrest to these letters, because there wasn't quite enough in them to be a violation of [3898] the mailing laws.

By Mr. Grossman:

Q. Subsequent to this did you see Dick Lovelace? A. I did.

Q. How did you happen to go to see—excuse me—did you go to see Dick Lovelace?

A. I did.

Q. How did you happen to go to see Dick Lovelace?

A. Well, he was still writing letters, making calls, and I still wanted him to stop, so I went up to where he lived the first time.

Q. What happened?

A. Well, his wife answered the door, and she called him to the door, and he came to the door and I told him who I was and asked him to step outside, that I would like to speak to him.

He immediately slammed the door and ran back into the house.

I think it was about a day after that, or two days, that I went back out there to try to see him.

In the meanwhile he had called my wife, at that time, up again.

I got there just as he was coming home from the grocery store. I told him that I was married to the young lady; that I couldn't understand how he could feel the way he did, and he [3899] would have to stop molesting her and pestering her in any way.

He said he didn't believe until then that she was

(Testimony of Charles Yoeman.)

really married, and he promised very faithfully that he would cease all correspondence with her.

Q. Is that the last time you ever saw him?

A. It was.

Q. About how many letters all told did you see that Dick Lovelace had written your wife?

A. I would say around ten or twelve; I don't remember exactly.

Q. How did these letters—withdraw that. Are these letters now out of your possession?

A. They are.

Q. How did they get out of your possession?

Mr. Myron: Now, apparently, your Honor, they were never in his possession.

By Mr. Grossman:

Q. Were these letters ever in your possession?

A. Yes.

Q. Until when, approximately?

A. Oh, approximately the 15th of May.

Presiding Inspector: When?

The Witness: Last year.

By Mr. Grossman:

Q. How did they get out of your possession?

[3900]

A. I gave them to a friend of mine to hold for me.

Q. Do you know what he did with them?

A. He gave them back to my ex-wife.

Q. You are not married to your wife?

A. No.

(Testimony of Charles Yoeman.)

Q. When were you divorced from her?

A. September 13, 1940.

Q. Did she ever refuse to give you those letters back? A. She did.

Mr. Del Guercio: There is no evidence here that he knows that his wife, or ex-wife, has those letters.

Mr. Grossman: We don't know whether she has or not.

Mr. Del Guercio: Then how can she refuse to give them back?

Mr. Myron: Weren't the letters written to his wife?

Presiding Inspector: Yes.

Mr. Myron: I don't know what right he would have to them.

By Mr. Grossman:

Q. Did she ever tell you whether the letters were in existence or not after they were given to her?

A. She told me she destroyed them.

Q. When did she tell you that, approximately?

A. On the 17th or 18th of August, '40.

Q. Of 1940? A. Yes. [3901]

Q. Have you ever been convicted of any crime?

A. I have.

Q. Would you give us—withdraw that. When was the first time that you were convicted of any crime, and what was the nature of the crime?

A. It was in 1935.

Q. Where was it? A. Portland.

Q. What was the crime?

(Testimony of Charles Yoeman.)

A. Petty larceny.

Q. Were you given any sentence?

A. Yes.

Q. What was the sentence? A. A year.

Q. Where was the year to be spent?

A. On the rock pile.

Q. In the County or State Jail?

A. County Jail.

Q. Were there any other convictions or arrests?

A. Just one.

Q. Where was that? A. Los Angeles.

Q. What was the charge? A. Vag.

Q. What was the date? [3902]

A. In the latter part of September.

Q. What year? A. '39.

Q. What was the sentence, if any, in this case?

A. The sentence was six months; five months and ten days were suspended, and two years probation, and that I would stay out of the County of Los Angeles.

Q. Did you serve any time? A. Ten days.

Q. The rest was suspended? A. Pardon?

Q. And the rest was suspended?

A. Right.

Q. Have you ever been convicted of anything else? A. No; never been arrested.

Q. Are you a citizen? A. I am.

Q. By birth? A. Right.

Mr. Grossman: That is all.

Presiding Inspector: Cross examination?

(Testimony of Charles Yoeman.)

Cross Examination

By Mr. Del Guercio:

Q. Where were you married?

A. St. Helens, Oregon. [3903]

Q. When? A. February 23 or 24, 1940.

Q. 19— What? A. 1940.

Q. That is your present wife?

A. That is my last wife, ex-wife.

Q. How many times have you been married?

A. Twice.

Q. You hesitated. Is there some question about how many times you have been married?

A. No sir; no question.

Q. When was the first time you were married?

A. 1934.

Q. 1934? A. Uh huh.

Q. What month was that? A. August.

Q. August what? A. I don't remember.

Q. Where were you married?

A. In Vancouver, Washington.

Q. To whom? A. A girl.

Q. A girl? A. Yes.

Q. You are sure about that? [3905]

A. Definitely.

Q. What was her name?

Mr. Grossman: I think that is incompetent, irrelevant and immaterial.

Mr. Del Guercio: In view of the answer——

Presiding Inspector: You mean the answer he made?

Mr. Grossman: No; the next question.

(Testimony of Charles Yoeman.)

Presiding Inspector: I think I will take it.

By Mr. Del Guercio:

Q. What was her name?

A. Catherine Yates.

Q. Did that marriage terminate?

A. It did.

Q. How? A. She divorced me.

Q. She sued you for divorce? A. She did.

Q. On what grounds?

Mr. Grossman: I am going to object to that as incompetent, irrelevant and immaterial.

Presiding Inspector: Yes.

Mr. Del Guercio: I don't think so. It goes to the character of this witness, your Honor.

Presiding Inspector: I don't think so.

Mr. Grossman: We can take judicial notice of the [3906] practice of obtaining divorces.

Presiding Inspector: Divorces, I don't think——

Mr. Del Guercio: (Interposing) It is a public record, your Honor.

Presiding Inspector: I know. It isn't a commission of a crime, you know.

By Mr. Del Guercio:

Q. When did she divorce you? A. When?

Q. Yes. A. I think it was 1936.

Q. 1936?

A. Yes—no, wait a minute. It was either the latter part of 1936 or the first part of 1937.

Q. And when were you married again?

A. February 23 or 24, 1940.

(Testimony of Charles Yoeman.)

Q. February '34?

A. I said February 23 or 24, 1940.

Q. 1940? A. Yes.

Q. And you have never been married more than twice? A. Not to my knowledge.

Presiding Inspector: Why don't you ask him if he had been married at other times whether he thinks he would remember it? [3907]

By Mr. Del Guercio:

Q. Were you married to Catherine Yates at the time of these alleged letters that you say your wife received from Dick Lovelace?

A. No. That was a different wife?

Q. That was a different wife?

A. Yes.

Q. What wife was that?

A. Which one?

Presiding Inspector: I think he is confused about this.

By Mr. Del Guercio:

Q. Let me ask you this question again: When were you married the last time?

A. February 23 or 24—I might be mistaken on the date—but approximately in there,—1940.

Q. 1940? A. Yes.

Q. And you were divorced from your first wife when?

A. I am not quite clear just when that divorce was granted to her. I know she filed it while I was in jail. But it was granted at a later date. I believe it was the latter part of 1936 or the first part of 1937.

(Testimony of Charles Yoeman.)

Q. Have you ever seen her since the decree of divorce? A. Once, yes.

Q. Where did you see her?

A. I saw her in a little town called Chickasha, Oklahoma. [3908]

Q. Is that where the divorce was granted?

A. Yes, it was.

Q. Was the divorce action instituted in the State of Oregon?

A. No; it was instituted in Oklahoma.

Q. You say you have no fixed place of residence at the present time?

A. I am a merchant seaman.

Q. On what ship are you employed?

A. The SS Alvarado, Moore Wood and Lumber Company.

Q. Aldorado? A. Alvarado.

Q. Alvarado. Do you know the name of the company that owns that boat?

A. Here in Frisco it is Moore Steamship Company.

Q. Moore.

A. In Bandon and Marshfield it is the Moore Mill and Lumber Company.

Q. And how long have you been employed on that ship?

A. I caught her in Bandon, Oregon, last Thursday.

Q. Since last Thursday?

A. I caught her last Thursday, yes.

Q. What were you doing before that?

(Testimony of Charles Yoeman.)

A. I was preparing to go to Alaska.

Q. Preparing to go? [3909] A. Yes, sir.

Q. Well, where were you before you were preparing to go to Alaska? A. In Portland.

Q. In Portland? A. Yes, sir.

Q. What were you doing there?

A. I was doing what was called laying on the beach.

Q. Literally or——

A. Perhaps I can explain it to his Honor.

Presiding Inspector: That is a seaman's phrase.

By Mr. Del Guercio:

Q. How long were you gone?

A. I returned from China in February.

Q. You returned from China February what?

A. That is right.

Q. February what?

A. Well, I paid off the SS Colbrook February 17, at Portland, Oregon.

Q. What year? A. 1941.

Q. 1941? A. Yes.

Q. What was the name of that ship?

A. Colbrook, C-o-l-b-r-o-o-k. [3910]

Q. And you were discharged where?

A. Portland, Oregon.

Q. Then, from February 17, 1941, to the time that you were preparing to go to Alaska you were unemployed? A. Not all the time.

Q. Well, were you employed during that period of time? A. I did occasional work.

Q. With whom?

(Testimony of Charles Yoeman.)

A. Longshoring, warehousing.

Q. Warehousemen?

A. Warehousing and longshoring.

Q. Where? A. In Portland.

Q. Portland, Oregon? A. Uh huh.

Q. Now, before you went to China on the SS Colbrook where did you sign on the ship?

A. On the Colbrook?

Q. On the Colbrook.

A. In Portland, Oregon. Just a minute, and I can tell you. (Examining documents) October 29, 1940.

Q. Do you have your seamen's discharge book?

A. I don't carry a Fink book; I carry papers.

Q. What?

A. I have my seamen's papers.

Q. May I see them? [3911]

A. Certainly. (Handing documents to Mr. Del Guercio). Don't run off with that.

Q. What?

Presiding Inspector: He will let you have them back.

Mr. Del Guercio: Oh, yes, of course.

Presiding Inspector: They are important to him, of course.

By Mr. Del Guercio:

Q. Now, you have here a seaman's certificate of identification dated at Los Angeles, California, on November 8, 1937, giving your address at 660 Spruce Street, Berkeley, California.

(Testimony of Charles Yoeman.)

A. That is right.

Q. Were you residing at that address at that time?

A. My mother was the housekeeper for the people who lived there.

Q. Well, were you living there?

A. No, sir.

Q. Have you ever lived at that address?

A. No, sir.

Q. Now, when you made application to the Shipping Commissioner for this seaman's certificate——

A. (Interposing): The only address——

Q. (Interposing): Did you make your application under oath? [3912]

A. Oh, absolutely.

Q. And you gave this address, 660 Spruce Street, Berkeley, California, as being your place of residence?

A. It was my place of residence; that was my mailing address.

Q. But you never lived there? A. Never.

Q. Now, where were you born?

A. Portland, Oregon.

Q. In what year? A. 1916.

Q. What month? A. February.

Q. February what? A. 24th.

Q. Do you have a birth certificate?

A. Right in there (indicating).

Q. (Examining documents.)

A. That is it.

(Testimony of Charles Yoeman.)

Q. This seaman's certificate is numbered B-91532; is that correct? A. I can't see it.

Q. (Handing document to the witness.)

A. (Examining document): That is correct. That is the life boat ticket; it isn't a seaman's certificate. [3913]

Q. That is what?

A. That is a life boat ticket there.

Presiding Inspector: A life boat ticket. It isn't a seaman's.

Mr. Del Guercio: I thought I saw it on the seaman's——

The Witness (Interposing): It is with that. That is a different number.

Mr. Del Guercio: Z-1676.

The Witness: Yes.

By Mr. Del Guercio:

Q. Now, what were you doing before you signed on the Colbrook?

A. Laying on the beach.

Q. What?

A. I was laying on the beach.

Q. For how long a period?

A. I come back from Alaska August the 15th.

Q. August the 15th? A. Yes.

Q. What year? A. 1940.

Q. 1940? A. Yes.

Q. And on what ship?

A. On the SS W. L. Thompson. [3914]

Q. W. L. Thompson. Now, when did you sign on the W. L. Thompson?

(Testimony of Charles Yoeman.)

A. On June the 1st, 1940.

Q. June 1, 1940. Where?

A. Astoria, Oregon.

Q. Astoria, Oregon. Were you continuously employed on the W. L. Thompson from June 1, 1940, to August 15, 1940? A. I was.

Q. How many voyages did the W. L. Thompson make from June 1, 1940, to August 15, 1940, if it made more than one?

A. That is a fishing vessel. She goes up there and lays in the Bering Sea for two and a half months. She doesn't make any voyages.

Q. Well, now, from June 1, 1940 until your discharge on August 15, 1940, you were continuously on that ship? A. That is right.

Q. Was there a time in between that you were laying on the beach again?

A. Yes, sir, there was.

Q. And what was the ship which you were on?

A. I come back from S. A. on the intercoastal run, on the Forbes-Hauptmann. I paid off in Portland, Oregon, on January the 29th, 1940.

Q. That was on what ship?

A. Forbes-Hauptmann. [3915]

Q. Forbes-Hauptmann. And when did you sign on that vessel?

A. (Examining documents): October the 3rd, 1939.

Q. October 3, 1939? A. That is right.

Q. Now, were you continuously employed on the

(Testimony of Charles Yoeman.)

Forbes-Hauptmann from October 3, 1939 until the time of your discharge on January 29, 1940?

A. I was.

Q. You say that vessel was engaged in the coastwise trade? A. The Intercoastal trade.

Q. Between what points?

A. Well, she made Seattle, Fort Gamble, Frisco, Pedro, Marquesas, Ponce and San Juan.

Q. Did you have any shore leave at any time between October 3, 1939 and June 29, 1940?

A. Huh! Once in a while.

Q. What? A. Once in a while.

Q. At every port? A. No, no.

Q. Did it ever touch at Portland?

A. Beg pardon?

Q. Did that vessel ever touch at Portland?

[3916]

A. I told you before that is where I paid off.

Q. Well, did it touch at Portland at any time other than the time you were paid off?

A. Yes.

Q. How many times?

A. Once, twice; twice.

Q. When was the first time that it touched at Portland? A. I can't remember that.

Q. Signed on there October 3, 1939?

A. Well, I got the discharges here. I can——

Q. (Interposing): Well, can you look at the discharge?

A. And tell when she hit Portland?

Q. Yes. A. No.

(Testimony of Charles Yoeman.)

Q. Can you tell——

Presiding Inspector (Interposing): It doesn't show all the ports.

The Witness: Just signed on and paid off.

By Mr. Del Guercio:

Q. Can you tell me the approximate time it touched Portland after you signed on October 3, 1939?

A. I am not—I don't clearly remember but I believe it did. I don't clearly remember, though.

Q. You can't clearly remember what?

A. Whether it hit Portland or not. [3917]

Q. During any time between October 3, 1939?

A. Yes, it did hit Portland coming south, I know, but whether she hit Portland on the loop going north or not I can't remember.

Q. Then, your testimony is that she may only have hit Portland once?

A. Once until I paid off of her, yes, sir.

Q. Until you were paid off? A. Yes.

Q. How long did you remain ashore when you hit Portland that one time?

A. Well, you see, on a ship you work out your relief with whoever you are working with.

Q. Yes.

A. Now, one port you might go ashore and be off the whole day or a day and a half or two days.

Q. Well, what did you have? Did you have more than one day off? A. I believe I did.

Q. Well, you are not sure? It might have been less than one day?

(Testimony of Charles Yoeman.)

A. No, not in my home port; I would take more. I would take a day off.

Q. Would you have any record of that?

A. Not very well. [3918]

Q. The ship's log would, though? A. No.

Q. What? A. No, no, sir.

Q. Wouldn't the Master have a record of it?

A. No, sir.

Q. Who gives you shore leave?

A. The Chief Steward.

Q. You make a request of the Chief Steward?

A. That is right.

Q. And he permits you to go ashore?

A. That is right, if it is possible.

Q. What? A. If it is possible.

Q. Well, could the Chief Steward give you more than a day off?

A. Well, that is possible, but improbable.

Q. What?

Presiding Inspector: Possible but improbable.

By Mr. Del Guercio:

Q. Possible but improbable. So, then, it is improbable that you got a day off, is that it?

A. Oh, no. You see I might go all the way down the east coast and not have a day off, New York, Baltimore, Newport News, Philadelphia. The other fellows would take the days off. Then, [3919] when the ship got into my home port, whichever I want to designate as it, they will cover up for me while I go ashore and have my time off.

(Testimony of Charles Yoeman.)

Q. What port do you designate as your home port? A. Usually Portland.

Q. Not always? A. Not always.

Q. You have designated other ports?

A. Uh huh.

Q. Which other ports? A. Frisco.

Q. Frisco? A. Yes, sir.

Q. Now, how long were you unemployed prior to October 3, 1939, before you signed on the Forbes-Hauptmann?

A. (Examining documents): I got off the Timber Rush September 11, 1939.

Q. September 11, 1939. I didn't get the name.

A. The Timber Rush, T-i-m-b-e-r R-u-s-h.

Q. At what city? A. In San Francisco.

Q. At San Francisco. Where did you sign on that vessel?

A. I signed on her May the 20th, 1939, Portland, Oregon.

Q. Is that engaged in the intercoastal trade?

A. It was. I think they sold her to the British. I don't [3920] know where she is now.

Q. Were you continuously employed on that vessel from May 20, 1939 to September 11, 1939?

A. I was.

Q. Did you get any shore leave at any time between those periods? A. Oh, yes.

Q. Where, at what ports?

A. Oh, I remember distinctly the Fourth of July in New York.

(Testimony of Charles Yoeman.)

Q. July in New York? A. Yes, uh huh.

Presiding Inspector: The Fourth of July.

By Mr. Del Guercio:

Q. Any other ports?

A. I had the fifth of July off in New York City also.

Q. Not the Fourth?

Presiding Inspector: "Also", he said. He dropped his voice.

By Mr. Del Guercio:

Q. Did you have shore leave at any ports between the period from May 20, 1939, to September 11, 1939?

A. Yes, I had—well, you see, on any trip in the Steward's Department from 6:00 o'clock in the evening until 6:00 o'clock the following morning you are on your own time. [3921] Those are not your working hours; you are free to go ashore without —in an American port without the permission of the Captain or anyone else; at least, it has never been questioned.

Q. Is that also the case on vessels engaged in foreign trade? A. Not in foreign trade.

Q. What?

A. The Master can restrict shore leave at any time in foreign trade, in foreign ports.

Q. Can the Master tell you, give you permission to get off the ship at any time on a vessel——

A. (Interposing): I don't quite clearly understand you.

(Testimony of Charles Yoeman.)

Q. Can the Master tell you, give you permission to get off the ship at any time at any United States port coming from a foreign port, when the vessel is coming from a foreign port?

A. I don't quite understand his question.

Q. Well, never mind. What is your designation on the vessels? What kind of work do you do?

A. I am a cook, waiter, messman, galleyman.

Q. Anything else?

A. Bedroom steward; that is enough, I think.

Q. You have never been a seaman, have you, signed on as able seaman? A. No, sir.

Q. What? A. No, sir. [3922]

Mr. Del Guercio: Do you want to continue? I don't believe we will be able to get through.

Presiding Inspector: Can't you finish with him?

Mr. Del Guercio: No.

Presiding Inspector: Tomorrow morning at ten o'clock.

(Whereupon, at 4:20 o'clock P.M. an adjournment was taken until Thursday, May 15, 1941, at 10:00 o'clock A. M.) [3923]

Court Room 276,
Federal Building,
San Francisco, California,
May 15, 1941

Met, Pursuant to adjournment, at 10:00 A. M. [3924]

Proceedings

Presiding Inspector: We will proceed with the hearing. Mr. Del Guercio?

CHARLES YEOMAN

called as a witness on behalf of the Alien, having been previously duly sworn, testified further as follows:

Cross Examination
(Resumed)

By Mr. Del Guercio:

Q. How do you spell your name?

A. Y-e-o-m-a-n.

Q. I believe you testified yesterday that you were married twice? A. That is right.

Q. Will you give again the date of your second marriage?

A. It was either February 23 or 24, right in there, 1940, St. Helens, Oregon.

Q. How long did you live with your second wife?

Mr. Grossman: May I have the question, please?

(The question referred to was read by the reporter as above recorded.)

A. From that date until May 20.

By Mr. Del Guercio:

Q. May 20? A. Approximately May 20.

Q. What happened on May 20, 1940? [3925]

A. I came to 'Frisco.

Q. You came to 'Frisco? A. Yes.

Q. Did you separate from your wife?

(Testimony of Charles Yoeman.)

A. That was a tentative agreement between her and I at that time that we would separate.

Q. You are divorced from your second wife?

A. I am.

Q. Who instituted the divorce proceedings?

A. She did.

Q. Did you contest it? A. No.

Q. Where were the divorce proceedings instituted?

A. Multnomah County, Portland, Oregon.

Q. Now, these letters that you talked about, how did they come into your possession?

A. She gave them to me.

Q. When did she give them to you?

A. Not long after we were married.

Q. You mean sometime after February 23, or 24, 1940? A. That is right.

Q. How long after that?

A. I don't remember just how long after that it was.

Q. Was it a week?

A. If I am not mistaken she gave me what letters she had received quite shortly after we were married .[3926]

Q. "Shortly." By shortly what do you mean now? Do you mean less than a week?

A. It might have been a couple of days, it might have been a week.

Q. Not more than a week?

A. It might have been; I don't believe it was.

Q. Could it have been more than two weeks?

(Testimony of Charles Yoeman.)

A. I don't think so.

Q. Now, were these letters in envelopes?

A. The letters were in envelopes.

Q. How many letters did your wife give you?

A. At that time?

Q. Yes. A. Approximately four or five.

Q. Now, had you asked for them?

A. When she gave them to me——

Q. (Interposing): Or did she just give them to you?

A. When she gave them to me, I think, it was mutually agreed at that time between her and I when she gave me the letters that I would try to stop him from corresponding with her either by telephone or by writing.

Q. Now, you say you went to Mr. MacMickle about when? A. (No response.)

Q. May 15th, I believe, you testified yesterday, 1940; is that correct?

A. I believe it was around there. [3927]

Q. Then that is the first time you went to Mr MacMickle? A. Beg pardon?

Q. Had you known Mr. MacMickle prior to that time? A. I had not.

Q. Never met him? A. Never had.

Q. Did you become very friendly with Mr. MacMickle after you met him?

A. We had, perhaps, an hour's discussion in his office.

Q. An hour's discussion. Were you alone?

(Testimony of Charles Yoeman.)

A. No; I had a friend with me.

Q. You had a friend with you. Were you ever alone with Mr. MacMickle?

A. I was not.

Q. At any time after that? A. No.

Q. And is that the first time you took any action on the letters? A. Yes, it was.

Q. You didn't correspond or talk to Mr. Lovelace from the time you got the letters up until the time you saw Mr. MacMickle?

A. I never talked to Lovelace until after I had saw MacMickle. [3928]

Q. How many times did you see Mr. MacMickle?

A. One time.

Q. And that was when?

A. That was around—well, I am not sure of the date, just when it was.

Q. Well, it was in May, wasn't it, sometime?

A. It might have been in May; it might have been in March.

Q. Well, now, you testified yesterday it was in May. Do you want to change your testimony?

A. No; I would like for you to read that, though, if I did.

Q. These letters that you say your wife gave you shortly after you were married, were they written before your marriage to her?

A. There was a couple of them that were.

Q. And the others, when were they written?

A. After we were married.

Q. After you were married? A. Yes.

(Testimony of Charles Yoeman.)

Q. How long afterward?

A. I don't remember the exact dates, but she had received some letters prior to our marriage from Lovelace and she concealed them from me until after we were married. Then she continued to receive these letters; how long and how [3929] many I can't really remember.

Q. You say you got about four letters shortly after you were married? Did you get more later?

A. More letters came later; yes.

Q. Did you get them?

A. Yes; she gave them to me.

Q. She gave them to you how long afterwards?

A. I believe—that question is kind of hard to remember—I believe they came about one a week.

Q. One a week? A. Yes.

Q. Did that continue during the time you were married?

A. That continued up until the time I saw Lovelace.

Q. Were you living at home at the time these last letters came?

A. We had an apartment.

Q. What?

A. We had an apartment; we were living together.

Q. You were out to sea part of the time, weren't you? A. Fifteen days, I believe.

Q. Now, what was the name of your friend that went with you to see Mr. MacMickle?

A. Melvin Gravon—G-r-a-v-o-n.

(Testimony of Charles Yoeman.)

Q. And tell us what happened, what did you say to Mr. MacMickle? [3930]

A. My wife had told me that MacMickle was a very good friend of Lovelace's, so we went up to see him, Mr. Gravon and I.

Q. What did you tell him?

A. I introduced myself, told him who I was, and told him that this man continued to write letters to my wife, and that he also owed her some money.

Q. He also what?

A. Owed her some money.

Q. Owed your wife some money? A. Yes.

Q. Did you show Mr. MacMickle the letters?

A. I did.

Q. Did he ask you to show them to him?

A. I don't remember whether he asked me or not.

Q. You showed him the letters?

A. I showed him the letters.

Q. You had never seen him before that time?

A. Mr. MacMickle?

Q. Yes. A. No.

Mr. Grossman: I am going to object to this. Obviously this witness hasn't indicated he had any way of knowing whether Dr. MacMickle had seen the letters before.

Presiding Inspector: I don't see what that adds. [3931]

Mr. Del Guercio: It will be brought out later, if your Honor please. I have a purpose.

Presiding Inspector: Very well. I will take it, although we have been along that line.

(Testimony of Charles Yoeman.)

Mr. Grossman: If Dr. MacMickle mentioned it I have no objection, but asking it without such a basis being laid I think it is improper.

By Mr. Del Guercio:

Q. Did you tell Mr. MacMickle you were going to kill Lovelace?

A. I certainly didn't.

Q. Did you tell Mr. MacMickle if he didn't do something you would do something very violent?

A. I certainly didn't.

Q. You are sure about that?

Presiding Inspector: He has testified to it. It don't add anything to ask whether he is sure about it, when there is no question about it and he has answered.

That is with the purpose of expedition merely.

By Mr. Del Guercio:

Q. I believe you testified that Mr. MacMickle suggested that you go to see somebody in the U. S. Veterans Bureau? A. He did.

Q. Did he give you the name of the person he wanted you to see? [3932] A. He did.

Q. What was his name?

A. I don't remember.

Q. Did Mr. MacMickle suggest that you see any authorities, civil authorities?

A. No, he didn't.

Q. And I believe you testified that you did go to see someone in the Veterans Department in the courthouse building in Portland?

A. I went to the proper authorities. First, I

(Testimony of Charles Yoeman.)

went to the new post office building, and the Post Office Inspector there, if I am not mistaken, he referred me down to the old Government building, down at Third and Gleason, I think *is it,* so I went down there.

Q. And that is the Postal Inspector you saw?

A. Yes, it was.

Q. Did you show him the letters? A. I did.

Q. What did he tell you?

A. He told me that there wasn't quite enough contained in the letters which could be constituted as a violation of the mail code for the Government to prosecute on its own behalf; that I would have to prefer charges against him.

Q. Did you prefer any charges against Lovelace? A. I did not. [3933]

Q. Now, you have testified also that your wife got possession of the letters. A. She did.

Q. Later? A. Yes, sir.

Q. How did she get possession of them?

A. This Melvin Gravon gave them back to her.

Q. What?

A. A friend of mine gave them back to her.

Q. Did you give them to a friend of yours?

A. Uh-huh.

Q. To this same Gravon? A. Gravon.

Q. When did you give them to him?

A. I don't remember the exact date.

Q. About? A. Beg your pardon?

Q. About when?

A. I believe it was around the first part of May.

(Testimony of Charles Yoeman.)

Q. The first part of May? A. Yes, sir.

Q. Did you give them to him before you went to see MacMickle? A. No.

Q. After? A. Afterward. [3934]

Q. How long after?

A. That is hard to tell; I haven't a very good memory.

Q. Well, no, I see that. When you gave your friend these letters did you give him any instructions what he was to do with them?

A. I told him to keep them for me.

Q. You say he gave them to your wife?

A. He did.

Q. How do you know

A. He told me he did.

Q. When did he tell you he gave them to your wife? A. Beg pardon?

Q. When did he tell you he gave those letters back?

A. When I returned from Alaska August 15, 1940.

Q. Did he tell you why he gave them back to your wife?

A. I don't believe he clearly stated why.

Q. Did you ask him? A. I did.

Q. And he didn't clearly state?

A. That is right.

Q. Are you a friend of Harry Bridges?

Presiding Inspector: Of whom?

Mr. Del Guercio: Harry Bridges.

A. We are both members of the CIO.

(Testimony of Charles Yoeman.)

By Mr. Del Guercio:

Q. Well, are you friendly with him? [3935]

A. I never met the man before yesterday personally.

Q. I believe, you testified yesterday that you were arrested twice; is that correct?

A. That is right.

Q. Once in Portland? A. Right.

Q. For petty theft? A. Right.

Presiding Inspector: You have been all over that, haven't you?

Mr. Del Guercio: No, your Honor; I have another purpose.

Presiding Inspector: Very well.

By Mr. Del Guercio:

Q. The second time? A. In Los Angeles.

Q. What was that for? A. Vag.

Q. Was this in connection with a Communistic Demonstration? A. No.

Q. Was it for loitering?

A. Well, I was drunk.

Q. You were drunk? A. Yes, sir. [3936]

Q. And you were picked up for being drunk?

A. No.

Q. What were you picked up for?

A. Vag.

Q. Well, what is that "vag"?

Mr. Grossman: Just a moment, your Honor. First, because that is a legal question, second also,

(Testimony of Charles Yoeman.)

because the law is so unsettled on what vagrancy is, I don't think the witness should be asked——

Presiding Inspector: (Interposing) He was picked up. The charge was vagrancy. I suppose when he was arrested, if he was arrested, he was told that he was arrested for vagrancy. You asked him what he was picked up for.

Mr. Del Guercio: Well, as a matter of fact,——

Presiding Inspector: (Interposing) So that is all you want to ask on that.

Mr. Del Guercio: No.

Presiding Inspector: Go ahead.

By Mr. Del Guercio:

Q. As a matter of fact, Mr. Yeoman, you were picked up, arrested in the commission of lewd and lascivious acts, were you not?

A. Not to my knowledge.

Q. Not to your knowledge. And you were charged with vag.-lewd under Section 288-A of the California Penal Code, [3937] is that right?

A. I don't remember.

Q. You don't remember?

A. About any of that 288-A, that stuff.

Q. You were arrested at San Pedro on September the 19th, 1939 were you not?

A. I believe that is the date; I am not sure.

Q. I will show you an arrest report here.

Mr. Grossman: May I see it, Mr. Del Guercio?

Mr. Del Guercio: I haven't introduced it yet.

Presiding Inspector: Don't answer the question. Just look at it.

(Testimony of Charles Yoeman.)

A. (Examining document.)

Presiding Inspector: I don't know if there is any question.

Better show it to counsel.

(The document referred to was handed to other counsel by Mr. Del Guercio.)

Mr. Grossman: Your Honor. I wish to point this out: Insofar as this completely states this situation it appears very clearly here that the booking which is the legal effect of the charge, I assume, at that stage before any complaint has been filed, and the only charge officially, was for Section 647 Subdivision 5 vag.-lewd, which is not the other Section. I think from now on, any questions that are [3938] asked should definitely refer to—otherwise they mislead the witness—should definitely refer to—so far as I know, this is an official document. As a matter of law, I believe the booking, at least, until there is a complaint, is the legal basis for the arrest and the charge.

Presiding Inspector: He admitted it.

Mr. Grossman: Yes.

Presiding Inspector: Is that the whole transcript of the record?

Mr. Grossman: This is only the officer's report, arrest report which, I think, is immaterial, in any event. I think the only material thing is the charge on which the arrest——

Presiding Inspector: (Interposing) This is offered to refresh his recollection.

(Testimony of Charles Yoeman.)

Mr. Del Guercio: Yes.

Mr. Grossman: I mean, any questions from now on should refer to the fact that the booking was for an arrest under the vag-lewd Section 647.

Presiding Inspector: It doesn't matter much what the arrest was for——

By Mr. Del Guercio:

Q. (Interposing) This recites correctly the circumstances under which you were arrested on September 19, 1939, at San Pedro?

A. You are asking me? [3939]

Q. Yes.

A. It does not.

Q. What is incorrect about it?

Presiding Inspector: No, no, no.

Mr. Grossman: Just a moment. I am going to object to this as incompetent, irrelevant and immaterial. We have no objection whatsoever to showing the charge and the conviction or the plea.

By Mr. Del Guercio:

Q. Were you arrested again?

Presiding Inspector: Ask what were the circumstances. If you want, you can lead him.

Mr. Del Guercio: Yes. Well, I can ask him that, your Honor.

By Mr. Del Guercio:

Q. Were you arrested again on September 29, 1939?

A. I was only arrested one time in San Pedro. What the particular date was I don't remember, but I was arrested once.

(Testimony of Charles Yoeman:)

Mr. Grossman: Could I look at the other a moment, please, the one you showed me before?

(Whereupon the document was handed to Mr. Grossman.)

By Mr. Del Guercio:

Q. I will show you what purports to be an arrest report for September 29, 1939 at San Pedro, California, person [3940] arrested, Charles Yeoman, age 23, occupation seaman, race Scotch, Address SS President Cleveland——

Mr. Grossman: (Interposing) I am going to object to any reading of the arrest report.

Mr. Del Guercio: Just for identification.

Presiding Inspector: This is merely to identify it.

Mr. Grossman: Oh!

By Mr. Del Guercio:

Q. (Continuing) Arrested by Von Wiedenfield, and ask you if this report relates to your arrest on that date?

A. Can I see that one?

Q. Yes. (Handing document to witness.)

A. (Examining document) I only know one thing; I was only arrested one time in Pedro.

Mr. Del Guercio: Well, let me introduce this first report of the date September 19, 1939.

Mr. Grossman: Your Honor, I am going to object.

Mr. Del Guercio: For identification.

Mr. Grossman: Even for identification.

(Testimony of Charles Yoeman.)

Presiding Inspector: Have it marked for identification.

Mr. Del Guercio: Yes.

(The document referred to was marked Government's Exhibit No. 264 for identification.)

Mr. Del Guercio: And I ask that the second arrest report dated September 21, 1939, be also marked for identification.

Presiding Inspector: I will allow the second paper to be [3941] marked for identification too as you have shown it to the witness.

(The document referred to was marked Government's Exhibit No. 265 for identification.)

By Mr. Del Guercio:

Q. How many persons were arrested with you?

A. Two.

Q. What were their names?

A. One of them's name was Dick Butler; the other one I don't remember.

Q. Was Dick Butler a shipmate?

A. He was.

Q. You were employed on the SS Cleveland at that time, is that right? A. I was.

Q. Was the other party also employed on the Cleveland? A. He was.

Q. You were all shipmates?

A. That is right. [3942]

Q. And where were you when you were arrested?

A. In San Pedro.

(Testimony of Charles Yoeman.)

Q. Well, in what part—were you in a house, or a hallway, or what?

A. I was drunk and I don't really remember where we were arrested.

Q. You were all together, weren't you?

A. We were, I believe.

Q. You were all arrested together?

A. Well, we all ended up in the can together the next morning.

Q. Who was with you at the time you were arrested, Butler or the other fellow?

A. I think they were both with me?

Q. What?

A. I am not sure, but I think we all three went together.

Q. Wasn't one of those persons acting as a lookout? A. Not to my knowledge.

Q. Did you make a statement to the police officer after your arrest? A. I probably did.

Q. Did you admit to the police that you were committing an act of,—committing a lewd and lascivious act at the time of your arrest?

A. I don't believe so. [3943]

Q. Were you arrested in the commission of a lewd and lascivious act?

A. I wouldn't call it that.

Q. What?

A. I wouldn't call it that.

Q. What would you call it?

A. That all depends on which version you want.

Q. Give me your version?

A. Well what your version is, it is clearly what the arresting officers stated in San Pedro.

(Testimony of Charles Yoeman.)

Q. What was that?

A. What you have got there.

Q. What is your version?

A. My version is entirely different.

Q. What is it?

A. Well, I might explain that more clearly to the court.

Q. Very well. You mean privately?

A. Your Honor, at times in San Pedro when the officers arrest a seaman, he hasn't no home and very few friends. It is a common practice, whenever they arrest you for any charge, be it so minor, to try to make a felony out of that crime, whatever it is; and afterward they will reduce this charge, naturally, if you will go down and plead guilty, which usually a seaman will do for more than one reason. He has no money to hire a lawyer. [3944] Nine times out of ten his home is somewhere else, so to get out of laying in jail 30, 60 or 90 days waiting for a court trial, he will go down and plead guilty and do 10 days to get out of jail. They reduce the charge from the greater charge they always slap on you to a minor charge so you will do that.

That is clearly a case of what happened at that time. The crime that I was charged with, and supposed to be charged with, never was presented to me at first.

After I had been in jail two days a guy came to me and said, "You are in an awful jam."

I asked him why.

"Well," he said, "you did this, you did that."

I said, "Well, you are clearly wrong; I didn't."

(Testimony of Charles Yoeman.)

"Well," he said, "You are in a bad way for it."

So a couple of days went by. I couldn't hire a lawyer, I didn't have any money.

Then either a court man, or the Chief of Detectives, or a detective there, came up and said, "How would you like to go down and plead guilty to a reduced charge and do 30 days?"

I said, "Look, I still didn't do what you are telling me I did. I don't want to plead guilty to anything that pertains to that."

So he said, "Well, if you don't do it you know that you can lay around here a long time before you ever do go to trial."

So I asked another officer there by the name of Thompson, [3945] day jailer—and a fine fellow too—and he told me if I did not follow down the wishes of the Police Department that it was likely that I would be transferred to Lincoln Heights and would stay there for a period of maybe a month or two months awaiting for a court trial before I could ever appear and plead not guilty.

So naturally, under the circumstances, it was far better for me to go down and plead guilty to something. It was clearly arranged beforehand that all we would do would be to do ten days. That is all that we would do. That was set, cut and dried, before we ever went to the court room, that we would do ten days and would be turned loose.

So it was far better for me to plead guilty to this vag.-lewd and do those ten days than to be milled

(Testimony of Charles Yoeman.)

around by justice for ninety days waiting to clear myself completely for being not guilty.

What you are trying to bring out here is what the Police Department filed. I can tell you truthfully, from a personal standpoint, I am glad at this time that I can state why I went down to San Pedro and plead guilty. And that is that so I would be able to do ten days and go back to work, instead of staying in jail 90 days waiting for trial to prove that I didn't do an act they said I did do.

Q. Then that is your version of it?

A. Yes. [3946]

Q. You do recall that you were charged with a felony, vag.-lewd, for a lewd and lascivious act?

Mr. Grossman: It appears clearly, if those reports are correctly reporting the situation, that this witness has never been charged with any felony. I call your Honor's attention to this arrest report and suggest that you look at it.

He obviously was booked for a violation of 647, which is a misdemeanor, which is vagrancy.

I happen to know there was never any felony charge, and that these reports do not indicate any felony charge. I think it is, therefore, improper for any suggestion to be made in the question that he was charged with any felony.

Presiding Inspector: It went to a court proceeding.

Mr. Grossman: I am here to definitely state, and Mr. Del Guercio knows, he was never charged with a felony and that these arrest reports indicate that.

(Testimony of Charles Yoeman.)

Presiding Inspector: Do you know what he was charged with?

Mr. Grossman: Yes.

Presiding Inspector: When he was first arraigned?

Mr. Grossman: I know this much: That I called up and had the records checked, and they show a charge only of a violation of 647. The arrest reports show he was booked for a violation of 647 of the Penal Code which is vagrancy. There is no indication in the arrest reports that he was [3947] booked or charged with a felony.

I thing it is completely unfair to the witness to say that, and any such statement is designed to falsely prejudice anyone who hears this to say that the arrest reports indicate that he was charged with a felony. I submit, if you will look at the arrest reports they show the booking——

Presiding Inspector: Do you think this is consistent with the statement which has been made here about the reduced charge?

Mr. Grossman: As to whether there was a charge, yes. In other words, the witness—various code sections may be involved, but all I say is there never was any felony charge.

The reason I say that—we opened this up and he has a right to go into what he was charged with. That becomes material. Therefore, I am concerned that the record should clearly show what he was charged with.

Presiding Inspector: I am not familiar enough

(Testimony of Charles Yoeman.)

with your terminology to know what you mean by "charges." A man is arrested and brought before a magistrate, I suppose.

Mr. Grossman: Before that, your Honor, as I understand it, he is booked in the police station for something.

Presiding Inspector: He is held and then brought before a magistrate. He must, under the Constitution, I suppose, be immediately brought before a magistrate?

Mr. Grossman: Correct. [3948]

Presiding Inspector: When he is brought before a magistrate there is some information or charge held against him. Now, if that is what you mean by "charge" in the first instance——

Mr. Grossman: (Interposing) I mean both, not only that official charge, your Honor, which was a misdemeanor, vagrancy, but even on the booking at the police station, there would be a charge for the purpose of bail, until he is brought before a magistrate; and even that is also for a misdemeanor. That is according to the reports of the arresting officers.

Presiding Inspector: You mean to inform me as to the practice?

Mr. Grossman: Yes.

Mr. Del Guercio: Let me see if the reports bear out counsel's statement.

Mr. Grossman: I think your Honor should look at the reports.

(Testimony of Charles Yoeman.)

Mr. Del Guercio: Just a moment. I didn't say anything while you were talking.

Here is the report and counsel says he was not charged with a felony.

Presiding Inspector: We are not very much interested in some kind of a paper that you have in your hand, which has never been offered for evidence, but merely marked for identification. I don't see what it has to do with the case. [3949]

Mr. Del Guercio: Counsel has stated that these reports that I have show that he was charged with a misdemeanor.

Presiding Inspector: Supposing he has? What counsel says isn't evidence.

Mr. Del Guercio: Very well. I offer this to show that the arrest report shows that the witness here was charged with a felony, suspicion 288 P. C.

(The document referred to was passed to the Presiding Inspector.)

Presiding Inspector: What were you going to ask?

Mr. Del Guercio: In view of the explanation of the version this witness has given of this arrest, I don't like to go into it, of course.

Presiding Inspector: The only thing here that I suppose is pertinent, without some witness other than a piece of paper, is that the charge is "Susp. 288 P. C."

Mr. Del Guercio: Penal code.

Presiding Inspector: I don't know what that is.

(Testimony of Charles Yoeman.)

Mr. Del Guercio: I don't want to, of course, go into the details if the witness denies it.

Presiding Inspector: No. I don't know what 288 P. C. is.

Mr. Grossman: I would like to say we absolutely have no objection to what the court records show. We would be willing to subpoena them ourselves to have them go in because we think they might be considered relevant; but something an [3950] officer might or might not say, which is not a charge and something, incidentally, that he is not willing to back up by a charge, either by booking or by any other kind of charges, we think is irrelevant in this proceeding; unless, as I say, if he were charged with that, and the Court records show it, we have no objection to going into it.

By Mr. Del Guercio:

Q. Now, this charge here was reduced to vag.-lewd, was it not? A. I believe it was.

Q. And that is under Section 647, subdivision 5, of the California Penal Code? A. It is.

Q. And you pleaded guilty to that?

A. I did.

Mr. Grossman: 647.

Mr. Del Guercio: 647, Subdivision 5.

Mr. Grossman: Excuse me—vag.-lewd. That is not the legal definition, but it is all right.

By Mr. Del Guercio:

Q. Now, this arrest up at Portland, you say you were arrested and convicted for petty larceny?

(Testimony of Charles Yeeman.)

A. I was arrested and I was convicted of petty larceny.

Q. Are you sure it wasn't grand larceny?

A. I might have been arrested for grand larceny, but I [3951] was convicted of petty largency.

Q. Weren't you convicted of grand larceny?

A. Not to my knowledge.

Q. What did you steal?

A. I believe I stole a bunch of suitcases.

Q. Of what value?

A. I don't remember what the value was. Maybe you have got it there, you probably have, and you can tell me.

Q. What were the circumstances surrounding your arrest for stealing the suitcases?

Mr. Grossman: I am going to object to this as incompetent, irrelevant and immaterial.

Mr. Del Guercio: I believe we have a right to go into this. They brought it out.

Presiding Inspector: You showed this conviction, or did you? I have forgotten.

The Witness: Yes.

Mr. Grossman: What I am objecting to particularly are the circumstances surrounding the arrest.

Presiding Inspector: I don't think we are interested in that.

I suppose you meant the commission of a crime.

By Mr. Del Guercio:

Q. What were you charged with when you were arrested?

A. Well, I believe when I was first arrested I

(Testimony of Charles Yoeman.)

was [3952] held for approximately 72 hours and charged with suspicion of theft, grand theft, or grand larceny.

Q. You were charged with grand larceny?

A. I was held—what do you call it?

Q. Didn't the grand jury indict you for grand larceny? A. They did.

Q. Were you tried on that charge?

A. No. The grand jury did not indict me for grand larceny.

Q. Which is correct?

A. No. I waived the preliminary hearing—isn't that the "procedure"?

Presiding Inspector: You waived your examination and it went to the grand jury?

The Witness: They just passed on it, I guess. I don't know the procedure.

Presiding Inspector: It goes to the grand jury and they make a finding and present a bill.

By Mr. Del Guercio:

Q. Was the indictment read to you in court?

A. It was.

Q. It wasn't an information?

A. Pardon?

Mr. Del Guercio: Withdraw it.

Mr. Grossman: I don't think the witness knows the dif- [3953] ference.

Presiding Inspector: Probably doesn't.

By Mr. Del Guercio:

Q. What did you plead?

(Testimony of Charles Yoeman.)

A. I plead guilty.

Q. To what charge, to the charge in the indictment? A. I don't understand you.

Q. What did you plead guilty to?

A. Whatever I was charged with.

Q. And what sentence were you given?

A. I was sentenced to a year in the county jail.

Q. To go back to this arrest in Los Angeles. I believe you testified yesterday that you were given ten days?

A. I don't believe I did. I said I did ten days.

Q. What sentence was given?

A. I was sentenced to, I believe it was, six months—I believe that I said that yesterday—to six months, with five months and twenty days suspended, with two years' probation.

Q. I believe you also said you were told to keep out of Los Angeles County?

A. That was the terms of the probation, that I not come off the ship when she docked in San Pedro. That is a common practice in the courts of San Pedro.

Q. Have you ever been arrested at any other times? [3954] A. I have not.

Q. Do you know a John Oliver Yeoman?

A. My brother; yes.

Q. Was he ever in the Navy? A. He was.

Mr. Grossman: What was the last question?

The Witness: He asked me if my brother was ever in the Navy and I told him he was. He was given a tropical survey out of Guam after a couple

(Testimony of Charles Yoeman.)

of years over there in the service, medical discharge.

By Mr. Del Guercio:

Q. Were you ever in the Navy?

A. I tried twice, but they wouldn't have me.

Q. How did you happen to come down here to testify?

A. I didn't happen to come down here to testify?

Q. Did anyone get in touch with you?

A. I understood you to mean that I came down from Portland to testify.

Q. Did you, or do you live here in San Francisco?

A. No. I was on board a ship, the SS Alvarado.

Q. Did anyone come over to see you on the ship?

A. Yes. My mother came down and met the ship when it got in.

Q. I mean anyone connected with this case here, counsel for the defendant. [3955] A. Yes.

Q. Who did? A. Mr. Margolis.

Q. Mr. Margolis? A. Yes.

Q. What did he say?

A. He asked me if I knew anything about Nick Lovelace.

Q. What did you tell him?

A. I told him what I knew.

Q. Did you tell him what you knew?

A. Pardon?

Presiding Inspector: He said he did.

(Testimony of Charles Yoeman.)

By Mr. Del Guercio:

Q. Did Mr. Margolis say anything else?

A. He asked me if I would be willing to testify to what I knew of the letters that were written between Dick Lovelace and my former wife.

Q. And you said——

A. (Interposing) I said I probably couldn't do any good, but in the cause of justice I was willing.

Q. Did you tell him of your arrest in Los Angeles? A. I did.

Q. Did you tell him it was for vag.-lewd?

A. I did.

Q. Did you tell him the circumstances under which you [3956] were arrested?

A. I certainly did.

Q. What? A. I certainly did.

Q. Did you see anyone else connected with the defense, other than Mr. Margolis?

A. I talked to Aubrey the next morning, I believe it was, or maybe that night.

Q. Aubrey?

A. Mr. Grossman. I don't know all these people's names.

Q. When did you talk to him?

A. I believe I talked to him a few minutes that evening, and just about five minutes the following morning.

Q. At his office or on the ship?

A. Pardon?

Q. At his office or on the ship?

(Testimony of Charles Yoeman.)

A. At his office.

Q. How long did you talk to him?

A. Just a short time.

Q. Did you talk to anyone else before you appeared here? A. In regard to the case?

Q. Yes. A. My mother.

Q. Other than your mother, Mr. Grossman and Mr. Margolis? A. No, I didn't. [3957]

Q. Did you receive any letters from Mr. Lovelace?

A. Now, I will tell you—I have been trying to remember clearly whether he wrote me a letters direct or not, and I am not sure. One time—I really have tried to remember whether he wrote me letters addressed to me.

Q. Did he write you a twelve page letter one time?

A. I believe that was addressed to my wife, but it was intended for me.

Q. Isn't it a fact that he wrote you a letter in which, among other things, he called you a "dirty dog"? A. He might have.

Q. He might have? A. Yes. [3958]

Q. Do you have that letter?

A. No, I haven't.

Q. What did you do with it?

A. I believe that was among the letters that was returned to my wife, former wife.

Q. By you? A. Not by me.

Q. What did you do with this letter that Mr. Lovelace wrote in which he called you a dirty liar?

(Testimony of Charles Yoeman.)

A. I am not sure that he wrote me that letter. You are trying to mislead me.

Presiding Inspector: He says he isn't sure. He has said it several times that he isn't sure that there was a letter to him.

By Mr. Del Guercio:

Q. And you gave those letters also to your friend?

Presiding Inspector: What do you mean by "those letters?"

Mr. Del Guercio: All of the letters including the ones written to his wife.

Presiding Inspector: He has already testified that he gave all the letters to this Mr.——

The Witness: (Interposing) Gravon.

Presiding Inspector: Gravon.

By Mr. Del Guercio:

Q. Now, you testified yesterday that you tried to get the letters back from your ex-wife? [3959]

A. I did.

Q. Did you ask her for them?

A. I believe I did.

Q. When did you ask for them?

A. Beg pardon?

Q. When did you ask for them and where?

A. After I returned from Alaska.

Q. And what did you want with the letters?

A. Well, we were—we had pretty well mutually agreed—I had anyway—that there would be a divorce directly upon my return from Alaska. I didn't

(Testimony of Charles Yoeman.)

want to incur any trouble getting it. With these letters it was a cinch. Without them there might have been a little trouble. That is why I wanted the letters.

Q. You didn't sue for a divorce?

A. No. To keep other people from being involved in a nasty mess I was willing to pay for it and let her get it.

Q. Well, you mean you didn't sue for divorce because you didn't want other people to get into a nasty mess? A. That is true.

Q. You appeared here to testify to that against her? A. Beg pardon?

Q. Never mind. I withdraw the question.

What were the grounds for the divorce?

Presiding Inspector: Haven't we had enough about all this?

Mr. Del Guercio: Oh, well, all right. [3960]

Presiding Inspector: If you want to go into it you may.

Mr. Del Guercio: No, I don't think it is necessary.

Presiding Inspector: It seems to me we have gone pretty far.

Mr. Del Guercio: That is all, I believe.

Mr. Grossman: That is all.

(Witness excused.)

Presiding Inspector: Next witness.

Mr. Grossman: He will be here in a moment. He is in our witness room.

Mr. Del Guercio: May we have a short recess?

Presiding Inspector: Yes, we will take a short recess.

(Thereupon a short recess was taken.)

Presiding Inspector: Raise your right hand.

MORRIS F. WALES

called as a witness on behalf of the Alien, being first duly sworn, testified as follows:

Direct Examination

By Mr. Grossman:

Q. What is your name?

A. Morris F. Wales, W-a-l-e-s.

Q. Are you here in response to a subpoena directed to the Southern California Gas & Electric Company? A. Yes, sir.

Q. Is that the correct name of the company? [3961]

A. Southern California Gas Company.

Q. What position to you hold with that company?

A. I am supervisor of meter reading and collections of the Los Angeles district.

Q. Would you mind reading the portions of that subpoena that indicate what documents or papers you were to bring with you?

Presiding Inspector: Well, has he brought them?

Mr. Grossman: Yes, sir.

Presiding Inspector: Well, then, why——

(Testimony of Morris F. Wales)

By Mr. Grossman:

Q. (Interposing) Have you brought all the papers called for by the subpoena?

A. Yes sir; all we could find.

Q. Now, what are these documents that you have brought with you in response to the subpoena? Could you describe each of them separately?

A. The large one——

Mr. Del Guercio: (Interposing) If your Honor please, there is no foundation laid for their introduction so why describe them. Describe them completely? Read them?

Mr. Grossman: I don't want them read. I want to know what kind of records they are.

Presiding Inspector: He wants to know what they are in a general way to identify them. [3962]

The Witness: I have two photostatic copies of the meter deposit sheet, or book, rather, in which deposits are entered.

By Mr. Grossman:

Q. Deposits, you mean, that are given by a person who wishes service with your company to guarantee the payment of his bill?

A. Who wishes service, yes.

Q. These deposits are given at a time when a person signs up for service with your company?

A. At the time of service.

Q. What kind of a book is it that these records that you have photostatic copies of are kept in?

A. It is a large bound book in which the deposit

(Testimony of Morris F. Wales)

slips are entered in numerical order. There are probably 50 of these books two or three inches thick, and I took the photostatic copy of the one sheet on which this name appeared.

Q. Now, what are the other documents or papers that you have brought with you?

A. The next is the application for gas and electric service signed by this party.

Q. Now, is that the application that is normally or was normally, in the course of your business, filled out whenever a person applied for service in 1934? A. Yes, that is the fact.

Q. All right. Now, have you got anything else with you? [3963]

A. I have the original ledger card on which this account was kept while this person lived at this particular address.

Q. Is that the usual card, ledger card that was used to cover the service of a person in 1934?

A. That is right.

Q. Now, will you state what those records show with respect to when a Mr. Laurence, Thomas Laurence applied for service with your company in 1934?

A. To take them in order, the customer first signs the application, which, in this case, was signed on May the 18th, 1934, to have service turned on May the 19th, 1934.

Q. At what address?

A. At 1114 Bellevue Avenue, the basement, north side.

(Testimony of Morris F. Wales)

Q. And do the records that you have brought with you show when that service was turned on?

A. The ledger card shows the service was turned on May the 19th, both gas and electricity, 1934.

Q. And that large sheet that you brought with you does that confirm any of these other items or add anything to them?

A. That confirms the fact that the customer put up a deposit, although it is also shown, indicated on the ledger sheet; and the deposit was entered on the book, next to the last item on the sheet.

Q. Do the documents that you have brought with you show for how long this service continued being furnished to Mr. [3964] Laurence at this address?

A. Yes, sir. The ledger card shows the service was closed on September the 28th, 1934.

Q. Have you brought with you photostatic copies of each of these documents?

A. Two copies of each.

Q. May I have them, please?

A. (Handing documents to Mr. Grossman)

(Whereupon the documents were handed to Mr. Del Guercio.)

Mr. Grossman: Have you finished with those?

Mr. Del Guercio: Yes.

By Mr. Grossman:

Q. Do these documents that you have brought represent all the documents in your files showing

(Testimony of Morris F. Wales)

service to Thomas Laurence during the year of 1934? A. No, only at that address.

Q. At this address?

A. Only at that address. The rest are destroyed.

Q. I big your pardon?

A. The other records are all destroyed.

Q. But these records show all the service furnished to Thomas Laurence during the year of 1934 at this address? A. Correct.

Mr. Grossman: I now offer these in evidence, your Honor, and ask that the photostatic copies may be introduced and the originals given back to this gentleman. [3965]

Mr. Del Guercio: I object on the following grounds: I not only object to the introduction of the evidence but I move to strike all of this witness' testimony as it neither adds anything nor detracts, nor contradicts any testimony previously given. The testimony of Thomas Laurence shows he testified that this meeting at which Harry Bridges was present at Los Angeles, California, occurred between May 9, between the period from May 9, 1934 to July 31, 1934.

That is reported, if your Honor please, on page 949 and 950 of the transcript.

Presiding Inspector: Yes.

Mr. Del Guercio: As a matter of fact, this witness' testimony confirms Thomas Laurence's testimony.

Mr. Grossman: Your Honor——

(Testimony of Morris F. Wales)

Presiding Inspector: (Interposing) It may be relative; it may be confirmatory or not.

Mr. Grossman: We don't say it is inconsistent with Mr. Laurence. It tends to further fix the time at which this meeting took place, your Honor. I am not stating it is in conflict at all with Mr. Laurence's testimony.

Presiding Inspector: I will take it. It may be necessary for you to show—I don't remember what the testimony of Mr. Laurence was—as to whether he had just moved in.

Did he?

Mr. Grossman: He stated the meeting was about two months—he may have said approximately, he may have said [3966] about, he may have said just two months after he moved in.

Presiding Inspector: After he moved in?

Mr. Grossman: Yes. Now, I realize, your Honor, this isn't conclusive proof of when he moved in. It is some evidence of when he moved in.

Presiding Inspector: He may have moved in——

Mr. Grossman: (Interposing) He may have moved in; he may have had no gas or lights, it is possible.

Presiding Inspector: He may have taken over arrangements by a previous outfit; we don't know.

Mr. Gladstein: I say it is prima facie.

Mr. Del Guercio: Or his wife may have taken out service, Mr. Laurence's wife.

Presiding Inspector: Yes. I don't remember the testimony about the occupancy of the apart-

(Testimony of Morris F. Wales)

ment with sufficient accuracy to remember those matters.

By Mr. Grossman:

Q. Now, may I ask you one more question, that is, whether you desire the return of any of these documents except the two originals?

A. The two originals only.

Q. You don't require the return of the photostatic copy? A. No.

Mr. Grossman: I assume, your Honor, I have the right— [3967] I don't know—to take the extra photostatic copy. That won't have to be introduced.

Presiding Inspector: We don't care——

Mr. Grossman: (Interposing) I say that because there isn't one for Mr. Del Guercio. There is only one. The question is whether I have a right to it or not. I don't know. If the witness brings it and is willing to leave it here——

Presiding Inspector: All you want to introduce is one photostat?

Mr. Grossman: The question is whether I can take——

Presiding Inspector: (Interposing) Why can't you take anything that the witness will give you?

Mr. Grossman: I assume that, but I wanted to be sure.

Presiding Inspector: It hasn't anything to do with this hearing.

Mr. Grossman: Then, I ask that these three documents be given separate numbers, the three next in order.

(Testimony of Morris F. Wales)

Presiding Inspector: It may be done, and you may, in the case of the originals, substitute the photostatic copies.

Have the originals marked too.

(The documents referred to were received in evidence and marked Alien's Exhibits, Nos. 19, 20 and 21.)

Mr. Grossman: No more questions.

Mr. Del Guercio: Are you ready? [3968]

Mr. Gladstein: Yes.

Cross Examination

By Mr. Del Guercio:

Q. Mr. Wales, were you asked in the subpoena to make a search for application for service at 1114 Bellevue Avenue? A. Yes, sir.

Q. In the name of Mrs. Thomas Laurence? Were you asked in the subpoena to make a search of your records, in the application for service at 1114 Bellevue Avenue, in the name of Mrs. Thomas Laurence? A. Just Thomas Laurence.

Q. And did you make a search of all of your records? A. Yes.

Q. In regards to Mr. Thomas Laurence?

A. Yes.

Mr. Del Guercio: That is all.

Mr. Grossman: That is all.

(Witness excused.)

Presiding Inspector: The next witness.

Mr. Gladstein: He is being called, your Honor.

Presiding Inspector: Raise your right hand.

RUTH E. GIVAN

called as a witness on behalf of the Alien, being first duly sworn, testified as follows:

Presiding Inspector: Give your name and address to the [3969] reporter.

Direct Examination

By Mr. Gladstein:

Q. Will you please state your full name?

A. Ruth E. Givan, G-i-v-a-n.

Q. Mrs. Ruth E. Givan, is that right?

A. Right.

Q. Where do you live, please?

A. In Seattle.

Q. Would you give the address?

A. 6520 Fauntleroy Avenue.

Q. Would you spell that for the reporter?

A. F-a-u-n-t-l-e-r-o-y.

Q. Do you live there with your husband?

A. I do.

Q. Are you employed, Mrs. Givan?

A. Yes, I am employed.

Q. Where are you employed?

A. The Post-Intelligencer.

Q. How long have you been employed with the Seattle Post-Intelligencer? A. Since 1923.

Q. In what department of that newspaper?

A. In the classified advertising department.

Q. The Post-Intelligencer is a Seattle newspaper, [3970] is it not? A. It is.

Q. Are you acquainted with a man named Nat Honig? A. Yes, I am.

(Testimony of Ruth E. Givan.)

Q. Do you know that he works on the staff of the Post-Intelligencer?

A. Yes, part of the time.

Q. Calling your attention to a recent period in the latter part of March of this year were you a witness to an incident at a book store?

A. I was a witness to an incident at a department store.

Q. In a department store? A. Yes.

Q. Did that incident involve Mr. Nat Honig?

A. Yes, it did.

Mr. Del Guercio: Now, if your Honor please, I object to this line of questioning.

Presiding Inspector: I will take it so far; I will take it so far.

By Mr. Gladstein:

Q. About what time of day did this incident occur, Mrs. Givan?

Mr. Del Guercio: Object to that.

Presiding Inspector: Just a moment. I think I will have [3971] to have Mr. Honig's testimony. I have sent for it.

As I recall, this was brought out by you, Mr. Del Guercio.

Mr. Gladstein: That is my recollection.

Mr. Del Guercio: Well, I won't state either one way or the other. I don't know at this time.

Presiding Inspector: Well, I have just sent for the testimony.

Mr. Gladstein: Page 1493, your Honor.

(Testimony of Ruth E. Givan.)

Presiding Inspector: Yes, Mr. Gaiser just told me. (Examining transcript) I will take it.

Mr. Del Guercio: If the Court please, before we consider that, the Court will recall that this was not an arrest in any sense of the word, no charge.

Presiding Inspector: It has not been described as an arrest, I don't think.

Mr. Gladstein: Your Honor is correct.

Presiding Inspector: Go ahead. I will let this witness tell what the incident was.

Mr. Gladstein: I think the last question was what time of the day did the incident occur.

Presiding Inspector: Yes.

Mr. Gladstein: Would you answer that, Mrs. Givan?

A. Yes, it was in the middle of the afternoon.

By Mr. Gladstein:

Q. Where were you at the time it began? [3972]

A. Seated at my desk.

Q. Your desk where?

A. In my office in the Post-Intelligencer, in the P.I. Building.

Q. When you refer to "P.I." you refer to the Post-Intelligencer?

A. P.I. and Post-Intelligencer are synonymous.

Q. Now, would you describe just briefly what your office is like with respect to your ability to see across the street?

A. My office is on a balcony which is really a second floor and the entire rear wall of the office

(Testimony of Ruth E. Givan.)

is windows which face out on 6th Avenue, windows which go entirely to the floor so that the wall behind my desk is all glass.

Q. And on the opposite of the street is there a department store? A. There is.

Q. What is the name of that store?

A. Frederick & Nelson.

Q. Now, will you describe what incident occurred that you saw involving Mr. Honig at the time you have stated?

Mr. Del Guercio: I will object to that, your Honor.

Presiding Inspector: I will take it.

A. I was looking out of the window, with a telephone in my hand, and I observed Mr. Honig, running out of one of the [3973] 6th Avenue entrances of the department store, pursued by two women who seized his arms as soon as he was out on the sidewalk and held him, and Mr. Honig struggled rather wildly, flung his arms up and seemed to try to get away, seemed to be talking. I could see his mouth moving very fast. They held him. They finally led him away, after he had quieted down, down toward the rear of the building where there was an automobile concourse which goes through and they led him in there off the street. [3974]

By Mr. Gladstein:

Q. Now, Mrs. Givan, have you had occasion to discuss with other employees on the staff of the

(Testimony of Ruth E. Givan.)

Post-Intelligencer the reputation of Mr. Nat Honig for truth and veracity?

A. Yes; the matter has been discussed.

Q. Do you know what the reputation for truth and veracity of Mr. Honig, among the staff employees of the Post-Intelligencer, is?

Mr. Myron: I object to that.

Presiding Inspector: "Yes" or "No". I will take it.

A. Yes. I know what——

Mr. Myron: (Interposing) You were asked for a "Yes" or "No" answer. A. Yes.

By Mr. Gladstein:

Q. Will you please state whether that reputation for truth and veracity of Mr. Honig is good or bad?

Mr. Myron: I object.

Presiding Inspector: I will take it.

A. Bad.

By Mr. Gladstein:

Q. Based on that reputation, Mrs. Givan, would you believe Mr. Honig under oath?

A. No, I would not.

Mr. Gladstein: You may cross examine. [3975]

Cross Examination

By Mr. Del Guercio:

Q. Now, Mrs. Honig—excuse me—Mrs. Givan, is it? A. Givan.

Q. How wide is this street on which the building is located?

(Testimony of Ruth E. Givan.)

A. It is an average width of a street in Seattle; I suppose about 80 feet wide, including sidewalks.

Q. Including the sidewalks? A. Yes.

Q. From building to building? A. Yes.

Q. And you are on the second floor?

A. I am on the balcony. There is a second floor above the floor I am on.

Q. What do you mean by "balcony"—your office is on a balcony?

A. Yes; my office is on the balcony.

Q. Is the balcony enclosed or open?

A. Closed with glass on the inside of the building side.

Q. How high is the glass?

A. Mostly all the way to the ceiling of the room; it separates it from the room below.

Q. From the ceiling to the floor?

A. That is right. [3976]

Q. All in glass? A. Yes.

Q. And your desk is where?

A. My desk is along the wall of the room, which is the exterior wall.

Q. The exterior wall—that is opposite the wall from where the windows are?

A. No; the same wall where the windows are.

Q. Is there a wall where the windows are?

A. The entire room is surrounded by glass, both the exterior and the interior side, and my desk is on the exterior side with an entire wall of windows behind me.

(Testimony of Ruth E. Givan.)

Q. What were you doing at the time that this incident occurred?

A. I was turned around in my swivel chair looking out of the window holding a telephone.

Q. You were working?

A. I was at my desk at work; yes.

Q. You were holding a telephone? A. Yes.

Q. Were you holding a telephone conversation?

A. I was probably waiting for somebody to answer. I wasn't talking to anybody at the moment.

Q. For how long were you talking when this incident you spoke about occurred? [3977]

A. I hung up the phone and watched out the window.

Q. The party had called you?

A. I think it was somebody I had called. I don't definitely recall who I was talking to.

Q. You hung up, you say? A. Yes.

Q. Without talking to the party?

A. Yes. I was so interested in what I saw.

Q. You were interested. Where did Honig run to?

A. He ran out of the building, which is down a flight of steps within the building, and through the doors and out on to the sidewalk.

Q. You saw him run down a flight of steps?

A. Yes; it is quite possible from my desk.

Q. I didn't ask you that. I said you saw him run down a flight of steps?

Presiding Inspector: That *is natural* remark.

A. Yes, I did.

(Testimony of Ruth E. Givan.)

By Mr. Del Guercio:

Q. Where are the steps in the department store?

A. Just inside the entrance.

Q. Just inside the entrance. What entrance?

A. Just inside the Sixth Avenue entrance to the store.

Q. Could you see all the steps from where you work? A. That is right, I could. [3978]

Q. From top to bottom?

A. Yes. There are about six of them.

Q. Where did the steps lead to?

A. From the main floor of the store down to the street level where the doorway opens.

Q. How can you observe these steps?

A. Through the wide open doors.

Q. Through the windows also?

A. Through my windows; yes.

Q. And through the windows of the department store?

A. Not the windows of the department store; the windows in my office. The doors of the department store were wide open.

Q. Did you observe anybody else go in or out of those doors other than these people you have described?

A. Yes; I observed the two women who came down after him.

Q. Where did they come from?

A. Within the store, immediately following behind him.

(Testimony of Ruth E. Givan.)

Q. They also came down the steps?

A. Yes, they did.

Q. Did you see them? A. Yes, I did.

Q. How long did it take for all this to happen?

A. I would say about three or four minutes; possibly five. [3979]

Q. Were the windows of your office opened, or could they open?

A. Yes, they could open. The upper windows were open; the lower weren't.

Q. The lower windows were closed?

A. Yes.

Q. How far away were you from the window?

A. From the window, about as close as I am from the Judge's desk here.

Q. With your back towards the window?

A. With my face towards the window.

Mr. Gladstein: Just so the record may show it, the distance referred to is a matter of a foot or two, is it, your Honor?

Presiding Inspector: Yes; one to three feet.

By Mr. Del Guercio:

Q. Where did you say that Mr. Honig went after he came out of the store?

A. On to the sidewalk, running out.

Q. In which direction?

A. He came running across the width of the sidewalk toward the P.-I. Building.

Q. Toward the P.-I. Building? A. Yes.

Q. About how far did he run?

(Testimony of Ruth E. Givan.)

A. About ten feet out on the sidewalk. [3980]

Q. How wide is the sidewalk?

A. About ten feet wide. He ran out to the curb.

Q. Did he get to the curb? A. Almost.

Q. How high is the Post-Intelligencer Building?

A. Three stories.

Q. Three stories? A. Yes.

Q. You are on the second floor?

A. I am on the balcony floor.

Q. Balcony floor? A. Yes.

Q. How high is the balcony floor from the street?

A. It is probably about 15 feet high.

Q. 15 feet high? A. Yes.

Q. You say from building to building, you say that is about 80 feet?

A. In my judgment—I am not certain of the width of the street—but I would say 80 feet; that would be my best judgment.

Q. You weren't leaning out of the window?

A. No. I couldn't. It isn't that kind of a window.

Q. Both sidewalks on each side of the street, you say, are how many feet?

A. I think about ten feet wide. [3981]

Q. So that the street is about 60 feet wide?

A. Yes.

Q. Were there any cars parked on the street?

A. Yes; there were several cars parked.

Q. On which side of the street?

A. I couldn't see down on my own side of the

(Testimony of Ruth E. Givan.)

street, but on the Frederick & Nelson side there were probably one or two cars parked over there.

Q. You were sitting down all the time?

A. I was sitting down all the while.

Q. How many cars were parked in front of the department store?

A. There weren't very many because it is a zone where they are not allowed to park. There were probably one or two cars.

Q. Were any cars parked immediately in front of the entrance to the store?

A. No. They are not allowed to park there. That is a pedestrian zone crossing on Sixth Avenue and there is no parking in that area.

Q. You said you observed two cars parked there?

A. In front of the department store; yes.

Q. How near the entrance were they to the department store?

A. They weren't near the entrance. They were up along- [3982] side the building further up. There were none in front of the immediate entrance to the department store.

Q. In which direction did you observe Mr. Honig running? A. Running directly toward me.

Q. Toward you? A. Yes.

Q. In a straight line?

A. Very nearly a straight line. He was coming out of the entrance and across the sidewalk.

Q. Is your office immediately opposite the entrance to the department store?

A. Almost directly opposite.

(Testimony of Ruth E. Givan.)

Q. And you say you observed him running almost to the curb? A. Right.

Q. And what happened when he got to the curb?

A. The women seized his arms and held him.

Q. Did you see them seize his arms?

A. Yes.

Q. Which arms? A. Both arms.

Q. Both women or one woman?

A. Two women; each one seized an arm.

Q. Were they together at the time they approached him?

A. They came out immediately behind him and rushed up to [3983] him on each side.

Q. They got there at the same time.

A. Yes.

Q. One got on one side and one on the other?

A. Right.

Q. What was Honig doing?

A. Then he threw up his arms wildly and gave evidence of some effort to break away.

Q. Did he stop running? A. Yes.

Q. Why did he stop?

A. Because they were holding him, evidently.

Q. Did they catch him from behind?

A. They caught his arms from behind, and they were alongside of him, each one hanging on tightly to an arm.

Q. And you say he threw up his hands?

A. He endeavored to struggle and tried to.

Q. I understood you to say they were holding his arms? A. Yes.

(Testimony of Ruth E. Givan.)

Q. Then he didn't throw his hands up in the air?

A. He threw one hand in the air before the woman caught it evidently. I saw the gesture as he tried to escape her grasp.

Q. You testified they were holding both arms?

A. After they seized him they were holding both arms; yes. [3984]

Q. When did he throw up his hands, after being seized? A. As he was being seized.

Q. Then they didn't catch him from behind, did they? A. Yes.

Q. By both arms?

A. Yes; caught both arms from behind.

Q. They did? A. Yes.

Q. At the same time he threw his arms up in the air? A. Before they were seized.

Q. You mean before he was stopped or caught?

A. Oh, no.

Q. When?

A. Just at that moment he threw up his arms and they were seized from behind.

Q. Which occurred first, the throwing up of his arms of the seizure of his arms by the two women?

A. Probably he was shaking off the first grasp and tried to throw up his arms to escape.

Q. I am asking you what you know, and not "probably".

Presiding Inspector: Go ahead. Ask your next question.

(Testimony of Ruth E. Givan.)

By Mr. Del Guercio:

Q. Which occurred first?

Presiding Inspector: If you can tell.

A. I saw the motion of his arm going up in the air and [3985] then I saw the women each grasp an arm and hold on to it tightly, and I saw her hold it down with her weight.

Q. Was he on the sidewalk at that time?

A. On the edge of the sidewalk, on the curb.

Q. And what occurred after that?

A. He struggled for a moment, then seemed to cease struggling. I observed his apparent conversation with them. I saw his mouth moving, and I saw his head shaking, and he was trying to say something loudly. I didn't hear the words. They led him away.

Q. You didn't hear a word?

A. I couldn't hear the words.

Q. Do you know it was loud?

A. I saw his mouth moving, saw his head shaking, and saw him seeming to argue with them.

Q. And he was speaking loudly?

A. Apparently; yes.

Q. You didn't hear a word he said?

A. Not across the street.

Presiding Inspector: She testified to that. Let's go on. Every question is repeated and every answer is repeated. That isn't the proper way to examine a witness. Ask the question, get the answer and then ask another question.

Now go on, Mr. Del Guercio.

(Testimony of Ruth E. Givan.)

I think you have made it very clear as to what happened. Go ahead. [3986]

By Mr. Del Guercio:

Q. What happened after that?

A. The women led him away down the street to the entrance to the automobile concourse and I saw them turn in there with *them*.

Q. Now, you say they led him away. Were they holding on to him?

A. They hung to him tightly.

Q. Did you see anything else?

A. No. I saw nothing else. They disappeared in the automobile concourse.

Q. Did you tell anybody about this incident?

A. Well, I wasn't the only observer. There were at least eight or nine observing it behind my back. We discussed it.

Q. Did you tell anyone about this incident immediately after it occurred? A. Yes.

Q. Who did you tell?

A. I discussed it with three or four girls standing alongside of me who also saw it.

Q. What are their names?

A. Miss Lee—L-e-e.

Q. Who else?

A. Miss Bertucci—B-e-r-t-u-c-c-i.

Q. Who else? [3987] A. Miss Hoover.

Q. Did you discuss this with any of the officers of the Post-Intelligencer?

A. Officers? Who do you mean by "officers"?

Q. Your employer.

(Testimony of Ruth E. Givan.)

A. My employer—no, I don't think so.

Q. Are you a member of the Newspaper Guild?

A. Yes, sir.

Q. In Seattle?

A. The Seattle Chapter, American Newspaper Guild.

Q. Is Mr. Honig a member of that newspaper guild? A. Yes, he is.

Q. How long have you been a member of that Guild?

A. I have been a member of it since the summer of 1937, when they first organized the Guild in the Commercial departments.

Q. Do you know how long Mr. Honig has been a member of that Guild? A. No.

Q. Is he still a member?

A. Yes, he is still a member.

Q. In good standing?

A. I wouldn't know that.

Q. Do you attend meetings of this newspaper Guild? A. Regularly.

Q. Does Mr. Honig? [3988]

A. Most of the time.

Q. Isn't it a fact that Mr. Honig has been very active in this newspaper Guild in exposing Communist members?

A. Yes, Mr. Honig has been very active.

Q. Do you know Robert Camozzi—C-a-m-o-z-z-i?

A. Yes, I know him.

Q. Is he a friend of yours, socially?

(Testimony of Ruth E. Givan.)

A. He works with me. I know him.

Q. He works in what capacity?

A. In the Post-Intelligencer Building in the Circulation Department.

Q. In the Circulation Department?

A. Yes.

Q. Are you on friendly terms with him?

A. Yes, I am on friendly terms with him.

Q. Socially? A. No.

Q. Does he visit at your home?

A. He never has.

Q. Have you or your husband ever visited at his home? A. No.

Q. Is Mr. Camozzi married? A. Yes.

Q. Do you know his wife?

A. Yes, I do. [3989]

Q. Have you ever visited with her?

A. Not in her home.

Q. How long have you known Mr. Camozzi?

A. Oh, since about 1936, I would say.

Q. 1936. Is he also a member of the Newspaper Guild? A. Oh, yes.

Q. Did you discuss this matter with Mr. Camozzi? A. This particular matter?

Q. Yes.

A. Well, we all discussed it together. I believe I mentioned it to him in the course of the general conversation around the building.

Q. Did you discuss this with him in particular?

A. No, not particularly; no more than with anybody else. We were all discussing it.

(Testimony of Ruth E. Givan.)

Q. Well, now, do you know if Robert Camozzi is a member of the Communist Party?

Presiding Inspector: Who?

Mr. Del Guercio: Robert Camozzi.

A. No, I don't.

By Mr. Del Guercio:

Q. You don't know? A. No.

Q. Hasn't he been exposed in the Newspaper Guild as a Communist?

A. He has been accused of it, but it has never been [3990] proven.

Q. It has never been proven? You never heard about him being a member of the Communist Party?

Mr. Gladstein: Just a moment.

By Mr. Del Guercio:

Q. You have never heard that?

A. I have heard him accused of being a member of the Communist Party.

Q. Who did you hear accuse him?

A. Nat Honig.

Q. How many times did Nat Honig accuse him of being a member of the Communist Party?

A. I heard him say it twice; maybe he said it more often than that.

Q. Did he ever accuse you being a member of the Communist Party?

A. Not to my knowledge.

Q. Wasn't Mr. Camozzi thrown out of the Newspaper Guild because he was a member of the Communist Party? A. I should say not.

(Testimony of Ruth E. Givan.)

Q. Is he still working in the Post-Intelligencer Building? A, Yes.

Q. Did you ever belong to the Socialist Party?

A. To the Socialist Party? [3991]

Q. Yes. A. No, I never did.

Q. Were you active in Socialist Party matters?

A. No.

Q. Were you ever discharged from the Post-Intelligencer?

A. Yes; I was discharged in the summer of 1937.

Q. Have you ever attended meetings of the Communist Party? A. No, I never have.

Q. Any open meetings?

A. Oh, I attended a social gathering, which might have been construed as being an open meeting. I wouldn't know whether it was a meeting or not.

Q. When was that? A. When was that?

Q. Yes.

A. Oh, I think that was some time about 1938 or 1939. I couldn't be exactly sure. Probably it was in the summer of 1938.

Q. Where did this occur?

A. At the home of one of the Newspaper Guild members.

Q. Whose home?

A. Mr. Claude Smith.

Q. And who were present?

A. Oh, there were quite a number of people present. Claude Smith and his wife were the host

(Testimony of Ruth E. Givan.)

and hostess; and Bob [3992] Camozzi and his wife were there; Nat Honig was there. I can't recall all the people who were there.

Q. Can you recall any others?

A. I don't know that I can. I think probably Ellen McGrath was there.

Q. Any others?

A. Oh, there were several other people whose names I don't know.

Q. Was your husband there?

A. No; my husband was not there.

Q. Did you say it was a social affair?

A. It was.

Q. What kind?

A. It was just a gathering. There was a speaker there and we had refreshments afterward, and sat and talked.

Q. Who was the speaker?

A. I don't recall the speaker's name.

Q. What did he speak about?

A. He was talking about Communism in Russia, about the Red Army, I think.

Q. Was it announced that he would speak?

A. Yes. That is why I went. I went to hear him speak.

Q. And do you remember anything else he spoke about other than Communism in Russia?

A. Well, they talked about the Consumers Union, which I [3993] was somewhat interested in, and somebody had some copies of it for sale and we talked about that. There was a general dis-

(Testimony of Ruth E. Givan.)

cussion about how you could buy things for less money if you observed the Consumers Union carefully.

Q. Was there more than one speaker?

A. No. There was only the one speaker that I recall.

Q. Who was the Chairman of the meeting?

A. Why, I am not sure that there was a chairman. It seemed to me like Mr. Smith had something to do with it.

Q. Did he call the meeting to order?

A. I don't know that it really was called to order, or he sort of led the discussion.

Q. Did he speak?

A. He didn't make a speech, no. This other man made a speech.

Q. Did Mr. Smith make an announcement, did he say anything before the speaker spoke?

A. I think he introduced the speaker. I really don't recall very definitely what transpired.

Q. Can you recall what he said substantially?

A. No, I can't recall anything in particular that was said, excepting a discussion, as I said, of the Red Army. I just remember that.

Q. How many people were present?

A. How many people?

Q. Yes. [3994]

A. There might have been eight or ten people present. It was a small living room and we were sitting around on extra chairs.

Q. Did the speaker stand up?

(Testimony of Ruth E. Givan.)

A. Yes. He stood up while he was talking.

Q. I don't know whether I asked you this or not. Was there more than one speaker?

A. Only one that I recall.

Q. Did Mr. Honig speak?

A. We had a kind of a general friendly discussion and he chatted with us and discussed, but he didn't stand on his feet and make a speech that I recall.

Q. You were discussing Communism?

A. We were all talking about Communism.

Q. Did you attend any other meeting of the Communist Party?

A. No, I never attended any other meeting.

Q. Did you participate in any Communist demonstrations there in Seattle?

A. Demonstration?

Q. Parades or demonstrations?

A. Never.

Q. Do you know Dr. John Lake?

A. No, I don't.

Q. You know, do you not, that Mr. Camozzi is being [3995] investigated by the Immigration and Naturalization Service as an Alien Communist?

A. No, I never heard that.

Q. What? A. I have never heard that.

Q. You never heard that? A. No.

Presiding Inspector: That is what she said.

Mr. Del Guercio: I didn't hear her. I repeated it only because I wasn't sure that I heard it.

(Testimony of Ruth E. Givan.)

Presiding Inspector: Very well. Speak a little louder.

The Witness: Thank you, Judge.

By Mr. Del Guercio:

Q. Now, who served the subpoena on you, Mrs. Givan?

A. A man who said his name was Schwandt—S-c-h-w-a-n-d-t I think—U. S. Marshal.

Q. Did you have any discussion or any conversation with him at the time he served the subpoena on you? A. Again, please?

Q. Did you have any conversation with him at the time he served the subpoena on you?

A. Yes, I had a brief conversation with him.

Q. Did you tell him of this incident that you are now testifying about?

A. Yes. I told him that I thought I was being called to [3996] testify to what I had seen across the street.

Q. And did you tell him that you saw two detectives arrest one of the men who was a witness for the Government?

A. Yes. I think I told him something approximately in those words.

Q. And did he, Mr. Schwandt, ask you how you knew that these people were detectives?

A. I don't recall definitely. He probably did ask me that.

Q. And didn't you reply that you didn't know?

A. I told him I was personally acquainted with

(Testimony of Ruth E. Givan.)

one of them and that she was a detective and always had been a detective for Frederick & Nelson.

Q. And didn't you also tell this Mr. Schwandt that these so-called detectives might have just stopped Honig and talked to him?

A. I did not say that.

Q. And didn't you thereafter say that you had a notion not to say anything about the incident?

A. I told him that I regretted having to mention it; that it had forced me to make the trip under subpoena.

Q. Did you tell him that because you weren't sure of what had occurred, or what you saw, that you had a notion not to say anything about it?

A. Oh, no, I didn't say that. I was perfectly positive about what I saw, but I regretted what I saw had forced me to [3997] make this trip.

Q. As a matter of fact, didn't you say to persons in the Post-Intelligencer Building that you were glad of the opportunity to come down to San Francisco?

A. No, I did not. I regretted having to leave Seattle at this time.

Q. Didn't you express yourself in this way, in the presence of a number of people: That you were glad of the opportunity to take a trip to San Francisco at Bridges' expense?

A. I did not say any such thing.

Q. Did you ever have any quarrels with Mr. Honig?

A. What?

(Testimony of Ruth E. Givan.)

Q. Did you ever have any quarrels with Mr. Honig? A. No; no personal quarrel.

Q. Are you friendly with him?

A. I am acquainted with him, yes; I speak to him.

Q. How many persons have you talked to concerning Mr. Honig's reputation for truth and veracity?

A. It would be hard to give you an exact figure. I could estimate it.

Q. Will you do that?

A. Oh, I have discussed it with 15 or 20 people.

Q. All employees in the Post-Intelligencer Building? A. Right.

Q. Did you discuss it with anyone outside the Post- [3998] Intelligencer Building?

A. Yes; with Mr. Margolis, the attorney.

Q. Anyone else besides anyone connected with the Bridges defense?

A. Well, with Mrs. Amo—A-m-o—the house detective at Frederick & Nelson.

Q. You say you discussed this with about 15 or 20 people in the Post-Intelligencer Building. Will you give me the names of those people, please?

A. Well, I will try. That is just a guess, because we have talked about it so much and among so many of us, but I will endeavor to give you as many as I can name. Miss Lee——

Q. (Interposing) These are all employees of the Post-Intelligencer, in the Post-Intelligencer Building?

(Testimony of Ruth E. Givan.)

A. Right. Miss Hoover, Miss Bernstein, Mrs. Stark, Miss Bertucci, Mr. Thomas——

Q. (Interposing): Mr.? A. Yes.

Q. Thomas?

A. Right. Mr. Erickson, Cliff Noble, Marie Pearl, Frances Webster.

Q. I didn't get the first name.

A. Frances Webster.

Q. Is that a woman? A. Yes. [3999]

Q. Anyone else?

A. Oh, I think that is all I can recall definitely. We have discussed this in groups and singly around the building, so it has been a matter of general conversation.

Q. Is that since Mr. Honig has appeared here to testify in the Bridges case?

A. No; since we saw him picked up.

Q. Since you saw him picked up, this incident that you testified about?

A. Since the incident I described.

Q. Did you talk about Mr. Honig's reputation prior to that time?

A. Oh, we didn't have any particular reason to discuss it. I don't know that we did.

Q. Did you have any recollection of having discussed Mr. Honig's reputation for truth and veracity before the incident that you speak of?

A. We discussed him as a potential Executive Secretary for the Guild. He was running for that position.

Q. I am not asking you for a conversation. I

(Testimony of Ruth E. Givan.)

am asking if you discussed it. Will you answer that "Yes" or "No"?

A. He was discussed; yes.

Q. You say he was discussed. My expression was, did you discuss it with anyone, Mr. Honig's reputation for truth and veracity, prior to the incident that you have testified to [4000] here today?

Presiding Inspector: Your question should be: Did you discuss his truth and veracity as well as his reputation?

Mr. Del Guercio: Yes.

Presiding Inspector: The fact—what his character was in that respect?

A. I can't give a "yes" or "no" answer. I may say that his character and his reputation were discussed. We did not specifically discuss his truth and veracity.

By Mr. Del Guercio:

Q. Did Mr. Honig ever hold any office in the Newspaper Guild?

A. Yes. He was a member of the Executive Board.

Q. He was a member of the Executive Board for how long a period?

A. Oh, I think about two years.

Q. And what years were they?

A. I should think probably 1939 and 1940. I am not sure about that.

Q. Is he a present member of the Executive Board of the Newspaper Guild in Seattle?

A. No.

(Testimony of Ruth E. Givan.)

Q. When did his services as such terminate?

A. He wasn't reelected last time.

Q. And do you know when that was, you said——

[4001]

A. (Interposing): January.

Q. 1940 or——

A. (Interposing): January 1941.

Q. Then up to January 1941 he was on the Executive Board of the Newspaper Guild of which you were and are a member?

A. That is right. I wouldn't be sure that he was a member during 1940. I know that he was a member previously during the time that I was a member. I haven't paid so much attention to who were the members there last year. [4002]

Q. Well, you say he was on the Executive Board for pretty nearly two years?

A. On the Executive Board during the time I was a member of the Executive Board. I am not sure whether he was a member in 1940 or not. I know he is not at the present time.

Q. That he is not at the presnet time?

A. Yes.

Q. What was his reputation for truth and veracity during the time that he was on the Executive Board? A. Oh, it was never Discussed.

Q. You served on the Board with him?

A. Right.

Q. You attended social functions with Mr. Honig? A. No.

(Testimony of Ruth E. Givan.)

Q. At no time? A. No.

Q. Then, this meeting that you described at Mr. Smith house was not a social affair, was it?

A. That was a social affair. Generally, that sort of an open meeting was a social affair.

Q. Mr. Honig was there?

A. He was present.

Q. How long have you been a member of the Consumers' Council?

A. Of what organization? [4003]

Q. Are you a member of the Consumers' Council? A. I am not a member.

Q. Are you a member of the Washington Commonwealth Federation? A. No.

Q. Have you ever been a member?

A. No.

Q. Of that organization? A. No.

Q. Did you ever attend meetings of that organization?

A. I went to one of their conventions once.

Q. One of their conventions. When was that?

A. Oh, they held it over in the Music Hall Theatre about 1937, I think.

Q. In what capacity did you go to their convention?

A. In no capacity; as an auditor, listener.

Q. Any other meetings of that organization?

A. No.

Mr. Del Guercio: That is all, your Honor.

(Testimony of Ruth E. Givan.)

Redirect Examination

By Mr. Gladstein:

Q. Mrs. Givan, you mentioned in answer to one of Mr. Del Guercio's questions that you had a conversation with Mrs. Amo, the store detective?

A. That is right. [4004]

Q. When did that conversation take place with relation to the actual incident that you have described?

Mr. Del Guercio: If your Honor please, I object to that. I didn't go over the conversations.

Presiding Inspector: No, but you asked about it, so we will find out when it took place.

A. About one hour afterwards.

By Mr. Gladstein:

Q. Where did it take place?

A. In Frederick & Nelson's department store.

Q. Who was present?

A. Mrs. Amo and myself.

Q. At that time did Mrs.—withdraw that.

Mrs. Amo, is she one of the store detectives?

A. She is.

Q. At that time did Mrs. Amo tell you that Mr.——

Mr. Myron (Interposing): I object to any private conversation.

Presiding Inspector: I think——

Mr. Gladstein (Interposing): I withdraw that.

By Mr. Gladstein:

Q. Will you tell us in substance what that con-

(Testimony of Ruth E. Givan.)

versation was only in so far as it concerns Mr. Honig.

Mr. Myron: I object to that.

Presiding Inspector: I will sustain the objection.

Mr. Gladstein: Then I make an offer to prove that if the——

Presiding Inspector (Interposing): You will have to [4005] produce Mrs. Amo; you will have to produce Mrs. Amo.

Mr. Gladstein: We will?

Presiding Inspector: Yes. You can't show what Mrs. Amo said as original proof when she is within your power to produce here.

Mr. Gladstein: Well, you see, for example, Mr. Del Guercio raised the question as to what Mrs. Givan has told——

Mr. Myron (Interposing): No, there is no such testimony.

Mr. Gladstein: I haven't finished yet, your Honor.

Presiding Inspector: Go on, Mr. Gladstein. Don't interrupt. Let's find out what Mr. Gladstein has to say. Go on.

Mr. Gladstein: Mr. Del Guercio raised the question, which, at least, had an inference, an implication, when he asked Mrs. Givan whether she hadn't told this marshal, who was serving a subpoena on her, that the two detectives had seized Mr. Honig, and I wanted it very clear in the record that one of

(Testimony of Ruth E. Givan.)

the detectives was this woman, Mrs. Amo, and, I think, we are entitled to the other name if Mrs. Givan knows it and also to the balance of testimony in order to bring out the details which have been asked for on cross examination.

Presiding Inspector: I don't think you can have the original proof of what happened to Mr. Honig through a conversation which Mrs. Amo had with this witness. The only thing [4006] that she said, as I recall it, was that she had discussed this with Mrs. Amo, and Mrs. Amo was a detective.

Mr. Gladstein: Yes.

Presiding Inspector: Now, what difference does it make what Mrs. Amo said?

Mr. Gladstein: Well, I think I am entitled to make an offer of proof, at any rate, so the record will be clear.

Presiding Inspector: No, I don't think so. You can call Mrs. Amo if you think it is of importance enough.

Mr. Myron: If the Court please——

Presiding Inspector (Interposing): Not to affect the credibility of this witness.

Mr. Gladstein; No, I understand.

Presiding Inspector: But to prove what happened on the incident.

Mr. Gladstein: The incident itself but not the conversation. All right, I see, your Honor.

Presiding Inspector: It would be too remote.

Mr. Gladstein: Of course, lots of hearsay has been allowed.

(Testimony of Ruth E. Givan.)

Presiding Inspector: That is true.

Mr. Del Guercio: Your Honor, I have in mind the witness before her. I didn't read into the record what that arrest report showed or make any offer of proof as to it.

Presiding Inspector: No.

Mr. Del Guercio: It is the same circumstance here. [4007]

Presiding Inspector: Not quite the same.

Mr. Del Guercio: Similar, of course.

Presiding Inspector: Merely to his credibility. This is as to a matter that you yourself brought out, Mr. Del Guercio.

Mr. Gladstein: That is correct. Not only that, on cross examination Mr. Del Guercio asked Mrs. Givan as to who the people were she talked with, and so on, concerning Mr. Honig.

Presiding Inspector: It was to bring out how her recollection was so firm, that is all.

Mr. Gladstein: Does that mean we are not entitled to go into the actual conversations that Mrs. Givan had with the people whose names she has given in response to Mr. Del Guercio?

Presiding Inspector: That is an entirely different matter.

Mr. Gladstein: I see.

By Mr. Gladstein:

Q. Now, you were asked by Mr. Del Guercio

(Testimony of Ruth E. Givan.)

whether a Mr. Camozzi, I think, had been accused of being a Communist. I think you said he had been by Mr. Honig. A. That is right.

Q. Will you state whether or not Mr. Honig had made similar accusations against other members of the Newspaper Guild, and if so, what proportion of that membership?

A. I would say he has probably accused about half the Guild of being Communists.

Q. Now, you were asked if you had ever been discharged [4008] from the Post-Intelligencer and you said "Yes, in 1937." What were the circumstances under which you were discharged?

A. I was discharged, as the Labor Board later found, for organizing the Newspaper Guild in my department, and I was reinstated under a Labor Board order and paid my back pay for the two years that I was away.

Q. Do you know what the official title of that case is, Mrs. Givan?

A. Well, it is National Labor Relations Board case against the Seattle Post-Intelligencer.

Q. And was there a finding by the Labor Board that your discharge had been discriminatory for union activities?

Mr. Myron: Is this leading, or are you going to ask the witness if she has knowledge of——

Presiding Inspector (Interposing): I don't see that is very material. You have got in all that is material in this case.

(Testimony of Ruth E. Givan.)

Mr. Gladstein: They brought out the fact she was discharged.

Mr. Myron: Well, now, it is all right to ask questions.

Presiding Inspector: Yes, but you got into the case the cause of the discharge, that there was an investigation of it, and that she was reinstated and paid the back pay. I don't see anything more that you could possibly want.

Mr. Gladstein: All right, that is sufficient.

[4009]

By Mr. Gladstein:

Q. And since that order and reinstatement have you remained continuously employed by the Post-Intelligencer?

A. I have been employed there continuously ever since I was reinstated to my position.

Q. What are your politics, Mrs. Givan?

A. I am——

Q. (Interposing) What is your political affiliation?

A. Oh, I am a member of the Democratic Party.

Mr. Del Guercio: Your Honor, I object to that and move that the answer be stricken.

Presiding Inspector: Well, you asked her if she was a member of the Socialist Party and I think I will take it, therefore.

By Mr. Gladstein:

Q. And are you a member of any other organization besides the Newspaper Guild and the Democratic Party?

(Testimony of Ruth E. Givan.)

A. Yes; I am a member of one other organization, the D.A.R.

Q. The Daughters of the American Revolution?

A. Right.

Q. Mrs. Givan, have you ever met Harry Bridges? A. Yes, I met him once.

Q. What was the occasion?

A. Well, I met him in Mr. Boettiger's office on the [4010] occasion of negotiating a labor contract for the Post-Intelligencer. Mr. Bridges came in to assist in getting a good contract.

Q. Who is Mr. Boettiger, please?

A. Mr. Boettiger is President Roosevelt's son-in-law, the publisher of the Seattle Post-Intelligencer.

Q. Was the occasion on which you met Mr. Bridges one merely of attempting to negotiate a union contract? A. That is right.

Q. You have had no other personal contact with Mr. Bridges of any kind?

A. Never had any. I think I met him once at a Guild banquet. I think he was a speaker once several years ago, but I can't remember.

Mr. Gladstein: No further questions, your Honor.

Presiding Inspector: Anything further?

Mr. Del Guercio: Yes, if your Honor please. Counsel has brought out a new line of inquiry here.

(Testimony of Ruth E. Givan.)

Recross Examination

By Mr. Del Guercio:

Q. What reasons did the Post-Intelligencer give for discharging you in 1937?

A. Their reasons which they gave were inefficiency.

Q. And did they also give a a reason that you were "a busy-body"?

A. That was never mentioned.

Q. Now, did you testify before the National Labor [4011] Relations Board?

A. Yes, I did.

Q. Under oath? A. Yes, sir.

Q. Didn't you admit that certain statements made by you under oath before the National Labor Relations Board were not true?

Mr. Gladstein: One moment. I think I will object to that question for this reason: If counsel is referring to anything in writing I think the witness is entitled to confrontation with the specific statement which she is supposed to have made.

Mr. Del Guercio: I am asking the question.

Presiding Inspector: He wants to show that there was an admission of false testimony.

Mr. Gladstein: You mean at some subsequent time?

Presiding Inspector: Yes.

Mr. Gladstein: I see.

Presiding Inspector: I will take it, I think.

A. I can't recall any.

(Testimony of Ruth E. Givan.)

By Mr. Del Guercio:

Q. Well, do you want some time to——

A. (Interposing) No, I don't recall any time. I don't recall any time ever having been accused of having given any false testimony whatsoever.

Q. I didn't say "accused". [4012]

Will you read the question, please?

(The question referred to was read by the reporter as follows: "Q. Didn't you admit that certain statements made by you under oath before the National Labor Relations Board were not true?")

By Mr. Del Guercio:

Q. What is your answer to that?

A. My answer is "No."

Q. Now, in answer to Mr. Gladstein's question you said that you belonged to a Democratic Club at the present time. A. (No response.)

Q. To a Democratic Club?

A. I belong to the Democratic Party.

Q. Party. Are you a member of any Democratic Club?

A. Yes, I am a member of the Democratic Precinct Committeemen's Organization in the 34th District.

Q. 34th Precinct, isn't it?

A. 34th District.

Q. In Seattle? A. Yes, right.

Q. Now, that organization is dominated by Communists, is it not?

(Testimony of Ruth E. Givan.)

A. That is the official organization of the Democratic Party and it is not dominated by Communists.

Q. Do you know of any persons who are members of that [4013] club that are members of the Communist Party? A. Not to my knowledge.

Presiding Inspector: Now, did you understand that question?

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: You do not?

The Witness: The members of that club are all Democratic Precinct Committeemen elected in their Precincts. I do not know of any of them whom I know to be a Communist.

Presiding Inspector: I misunderstood the question.

By Mr. Del Guercio:

Q. Did you ever attend a dinner at which Mr. Bridges was present? A. A dinner?

Q. Yes.

A. There was a banquet given in the new Washington Hotel at which, as I said, I think Mr. Bridges was one of the speakers. I attended that dinner.

Q. Is that what was called a Victory Dinner in 1936? A. Yes, sir.

Q. And do you remember anyone else being present other than Mr. Bridges?

A. Mr. Boettiger, Mrs. Boettiger, practically the

(Testimony of Ruth E. Givan.)

whole Guild were there, all of their friends around Seattle. It was [4014] a very large dinner.

Q. Did you meet Mr. Bridges there?

A. I didn't meet him; I just saw him there—I think I saw him. I don't remember for sure whether he was one of the speakers that day.

Mr. Del Guercio: That is all.

Redirect Examination

By Mr. Gladstein:

Q. This 1937 Victory Banquet—withdraw that. Was it in '36 or '37, do you recall?

A. Well, that was in—it was a celebration of the original victory of the Guild in the P. I. strike, and, I believe, it was in the year of 1936.

Q. And when you say victory in that strike, what do you have reference to?

A. Well, the Guild had been on strike against the Post-Intelligencer and the paper was closed for three months, and we won the strike and succeeded in getting the Guild recognized as the union.

Mr. Gladstein: I think that is all.

Presiding Inspector: That is all.

(Witness excused.)

Presiding Inspector: Can you make any progress in the next five minutes?

Mr. Gladstein: No, your Honor.

Presiding Inspector: We will recess until two o'clock. [4015]

(Whereupon, at 12:25 o'clock P. M. a recess was taken until 2:00 o'clock P. M. of the same day.) [4016]

After Recess
2:00 o'clock P. M.

Presiding Inspector: All right, Mr. Gladstein.

Mr. Gladstein: Your Honor, our next witness is Henry Schmidt.

I wish to make a statement before I put him on the stand.

On the day that Mr. Honig testified—that was April 21—in the afternoon of that day Mr. Schmidt was in the court room as a spectator. Mr. Honig pointed Mr. Schmidt out from the stand. This was on page 1473 of the transcript. I mention this simply to show that it occurred about 30 pages before the end of the day's session.

As the testimony will reveal, your Honor, Mr. Schmidt could not have anticipated that he would be mentioned and that he would have occasion not to be present in court on that occasion.

Since that day, on Tuesday of this week, I believe, Mr. Schmidt, close to the noon recess, came to this building for the purpose of seeing Mr. Bridges and, believing that the session had ended that morning because there was no line of people outside, he came into the court room and a guard told him to sit down. And he did sit down during the testimony of Mr. Graham for five or ten minutes.

I make those statements frankly because we want it under- [4017] stood that no effort has been made to violate the rule that your Honor has laid down.

Mr. Del Guercio: Was that the only occasion that he was in the court room?

Mr. Gladstein: Have there been any other occasions?

Mr. Schmidt: Prior to Tuesday I was here three times, I believe.

Mr. Gladstein: When?

Mr. Schmidt: I can't remember the dates.

Mr. Gladstein: Seated in the court room?

Mr. Schmidt: Yes.

Mr. Gladstein: Do you recall who you heard testify—was it during the testimony of any witness who mentioned you, outside of Mr. Honig?

Mr. Schmidt: No.

Mr. Del Guercio: Weren't you sitting there at counsel's table several days?

Mr. Schmidt: Yes; three times I believe—four times all together.

Mr. Del Guercio: Didn't you come in on a pass from counsel, at the request of counsel?

Mr. Gladstein: He came in as a member of the Longshoremen's Union. We have extended the same courtesy to other members of that union and to its Negotiating Committee.

Mr. Myron: Who are going to be witnesses?

[4018]

Presiding Inspector: We had better take the testimony. We won't exclude this witness. Have him take the stand. He can explain this on the witness stand if anyone deems it material, and it may be.

Raise your right hand.

HENRY A. SCHMIDT

called as a witness on behalf of the Alien, having been first duly sworn, testified as follows:

Presiding Inspector: Give your name and address to the reporter.

The Witness: My name is Henry Schmidt, S-c-h-m-i-d-t, 1156 Sanchez Street.

Direct Examination

By Mr. Gladstein:

Q. That is in San Francisco, is it, Mr. Schmidt?

A. That is right.

Q. How long have you lived in San Francisco?

A. Almost 24 years.

Q. Are you a man of family?

A. Yes, sir.

Q. What does your family consist of?

A. Wife and one daughter.

Q. And you reside with them, do you, at the address you have just given? A. That is right.

Q. What is your occupation? [4019]

A. I am an official of the Longshoremen's Union.

Q. Of what city? A. San Francisco.

Q. Before becoming an official of the longshoremen's Union did you engage in the work of longshoring? A. That is right.

Q. When did you begin doing longshore work?

A. Either '27 or '28.

Q. 1927? A. That is right.

Q. Or 1928? A. Thereabouts.

(Testimony of Henry A. Schmidt.)

Q. And in what city did you begin to do longshore work? A. San Francisco.

Q. Have you since that day been continuously employed as—not continuously—but been doing the work of a longshoreman except for those periods when you were an officer of the Union?

A. That is correct.

Q. You know Mr. Harry Bridges?

A. Yes, sir.

Q. Do you remember when you first met him?

A. My best recollection is 1933.

Q. Do you remember where you met him, where generally, that is?

A. This wasn't exactly a meeting between us. It was— [4020] the first time that I recollect seeing him was at a meeting of the Longshoremen's Union in the Building Trades Temple where he took the floor and made some remarks.

Q. Did you become personally acquainted with him after that meeting?

A. Yes; my recollection is that after the meeting was over I went to him and we discussed some of the matters that were discussed during the meeting.

Q. Now, before obtaining the position with the San Francisco Longshoremen's Union that you have just mentioned had you previously held other Union offices?

A. Yes. I have held several positions in the Union of the Longshoremen, such as Executive Board member and so forth.

Q. When did you hold your first Union office?

(Testimony of Henry A. Schmidt.)

A. I was elected as a member to the Executive Committee of the Longshoremen's Union in San Francisco in 1933, about August or September of that year.

Q. For how long did you serve in that capacity?

A. Well, that would be a term of twelve months.

Q. And when you say you were elected will you please state by whom?

A. By the membership of the men that—by the membership of the Union.

Q. Which union are you referring to? [4021]

A. At that time it was known as the International Longshoremen's Association, Local 3879.

Q. Did you hold any union office or position during the 1934 Maritime Strike?

A. Yes, sir.

Q. What position or positions did you hold?

A. I was a member of the local's Executive Committee. I was assigned, or, rather, elected to the Publicity Committee that functioned during that strike. I was a member of the Strike Committee and the Strike Committee elected four others and myself as delegates to the Joint Marine Strike Committee.

Q. What was the Joint Marine Strike Committee?

A. It was a body that was representative of all the striking unions in San Francisco.

Q. In that year of 1934 did you represent your Longshoremen's Union at any convention?

(Testimony of Henry A. Schmidt.)

A. Yes; in February of 1934 there was a Pacific Coast Convention of the International Longshoremen's Association—that was held in San Francisco—and I was a delegate representing the Local Union.

Q. When did you first become President of the San Francisco Longshoremen's Union?

Mr. Del Guercio: No evidence that he was President.

Mr. Gladstein: I will withdraw that.

By Mr. Gladstein:

Q. Have you ever been President of that Union? [4022] A. Yes, sir.

Q. When did you first become President of the Union? A. I believe 36 is the year, 1936.

Q. Is that the Chief Executive position of that local union? A. I would say yes.

Q. And how is election to the office obtained?

A. The method that we follow is that one must be nominated by presenting to the membership meeting a so-called nomination blank which is signed by 50 members in good standing. If the nominations are approved at a membership meeting the name of the candidate so nominated then appears on the ballot and thereupon a secret or referendum election takes place. Sometimes, we have used the ordinary paper ballot, but during

(Testimony of Henry A. Schmidt.)

recent years we use the voting machines which we rent from the City of San Francisco.

Mr. Del Guercio: I move that the last part of the answer be stricken.

Presiding Inspector: Well, I don't think it is very material. I think I will let it stand for what it is worth.

By Mr. Gladstein:

Q. How many longshoremen were there in the San Francisco Longshore Union in 1936 as of the time when you were elected President?

Mr. Del Guercio: I object to that question.

[4023]

Presiding Inspector: Let me hear that question.

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: I will take it.

A. I think there were in excess of 3000.

Presiding Inspector: I presume you are going to connect this up in some way?

Mr. Gladstein: That is for the purpose——

Presiding Inspector: (Interposing) Of identification.

Mr. Gladstein: Yes.

By Mr. Gladstein:

Q. What was the answer, please, Mr. Schmidt?

A. I think the number was in excess of 3000.

Q. And has the membership of that Union since that date been substantially the same?

(Testimony of Henry A. Schmidt.)

A. No; there are approximately 4000 members now.

Q. For how long were you elected as President of the Union in 1936? A. Twelve months.

Q. And what was the official name of that union at that time?

A. International Longshoremen's Association 38-79.

Q. Local 38-79? A. Right.

Q. What does the "38" refer to? [4024]

A. That was the number that was given to the Local by the International Convention of the ILA, I believe; and there appeared between the number "38" and the other number "79" a dash; and the "79" indicated the Local number.

Q. Did the "38" refer to the Pacific Coast District?

A. That is right. All the locals on the Pacific Coast were known as "38" and in our case, "79", and in the case of the San Pedro Local, "81".

Q. Now, in 1936 did you hold any office or position in connection with the strike that took place in that year? A. Yes.

Q. What position or positions did you hold?

A. I was President of the Union. I was Chairman of the Local Union Strike Committee. I was a delegate representing the Local Union to the Joint Marine Strike Committee. I believe that at that time I was a member of the Pacific Coast Executive Committee and also a member of the Negotiating Committee.

(Testimony of Henry A. Schmidt.)

Q. What was the Negotiating Committee?

A. The Negotiating Committee attempted to negotiate with the employers a contract.

Q. How would a person be selected for a position on the Negotiating Committee?

A. At that time I believe the method was that the Coast Executive Committee were designated by the Convention as the [4025] Negotiating Committee.

Q. How did one secure a position on the Coast Executive Committee?

A. First one had to be a delegate to the convention.

Q. A convention of the entire Pacific Coast District?

A. That is right. Then one had to be nominated in the convention, and the name of the candidate was then referred to the entire membership on the Coast.

Q. You mean there was an election?

A. There was an election held and naturally the candidate receiving the highest number of votes would be elected to the Executive Committee.

Q. Now, the convention that you mentioned was of the ILA District 38, is that correct?

A. That is right,

Q. Were such conventions held annually or semi-annually, or when? A. Annually.

Q. Then do I understand that in 1936 at a convention to which you were a delegate you were

(Testimony of Henry A. Schmidt.)

nominated to become a member of the Pacific Coast District Executive Board?

Mr. Del Guercio: Who is testifying, the attorney or the witness?

Presiding Inspector: He is repeating it. I suppose it is improper. [4026]

Mr. Gladstein: It is preliminary to the next question.

Presiding Inspector: Go ahead.

By Mr. Gladstein:

Q. Would that be correct?

A. To the best of my recollection, yes.

Q. And the elections that were held returned you to an office on that committee, is that correct?

A. That is right.

Q. Are these secret elections?

A. Yes. The Pacific Coast elections are secret, I believe, inasmuch as every member receives a paper ballot and he has an opportunity to step into a booth and mark it as he wishes.

Q. In a general way will you state who the people are who participate in such elections, the men who vote at these elections, who they are, and over how broad an area do they cover?

A. Well, all of the longshoremen and warehousemen, scalers, bargemen, ship clerks, who are members of our organization up and down the Pacific Coast, from the Canadian line to the Mexican border, in all the ports.

Q. And all of them participate in the elections?

A. That is right.

(Testimony of Henry A. Schmidt.)

Q. And what is their total number, or what was it as of, say, 1936? [4027]

A. I can only estimate it, guess at the number; there may have been 15,000.

A. Did you hold any union office in 1937?

A. Yes. I was still President of the Union.

Q. Well, when your term expired, the one-year term, did you run for office again?

A. Yes. I ran again in the Fall of 1937 and was reelected.

Q. In that year did you hold any other Union office?

A. Yes. I was elected President of District Council No. 2 of the Maritime Federation of the Pacific.

Q. What was the Maritime Federation of the Pacific?

A. The Maritime Federation of the Pacific is an association, an amalgamation or organization of all maritime unions on the Pacific Coast.

Q. Which unions specifically are included that you can recall at the moment?

A. Well, first, there was ours, that is the then ILA, now the ILWU, the Marine Engineers, the Sailors Union——

Q. (Interposing) . That was as of 1936-1937?

A. Yes—the Masters, Mates and Pilots, the Marine Firemen, the Radio Operators, and I think that is all that comes to mind right now.

Q. Now what, if you know, was the total membership represented by the Maritime Federation?

[4028]

(Testimony of Henry A. Schmidt.)

A. It must have been well over 50,000.

Q. You mentioned District Council No. 2. Were there several District Councils of the Maritime Federation of the Pacific?

A. Yes; there were four—one in Seattle, another in Portland, another in San Francisco and still another in San Pedro.

Q. And which was the one designated as District Council No. 2?

A. The one in San Francisco.

Q. And how did you secure your office in that Council?

A. The delegates who represented the several unions that were a part of the Council elected me.

Q. Well, did all of the unions that belonged to the Maritime Federation have the right to send delegates to each District Council?

A. Yes; they were required to send delegates.

Q. Did the delegates, upon assembling, select their own presiding officers? A. Yes.

Q. Were you elected to that position?

A. That is right.

Q. For how long did you hold it?

A. One year.

Q. Were you in that year a member of the Labor Relations [4029] Committee?

A. During the years that I was President of the Union I was not a member of the Labor Relations Committee; during the years that I was not President then I was a member of the Labor Relations Committee.

(Testimony of Henry A. Schmidt.)

Q. What is the Labor Relations Committee?

A. The contract under which we are functioning has a provision which requests the parties to the contract to set up a so-called Labor Relations Committee, a representative of employers and the Union. There are in San Francisco six persons on this Committee; three of them representing the Union, three of them representing the employers, and they meet once each week to adjust any dispute that might have developed during the week between meetings.

Q. Now, I think you said that you were re-elected in 1937 as President of the Union for a one-year term. That would take you into 1938, is that correct? A. Right.

Q. When, in 1938, did your term expire?

A. In September or October.

Q. Did you run again for election for President? A. No.

Q. Was there a reason? A. Yes.

Q. What was it? [4030]

A. There is a provision in the Constitution of the Local Union which says that you can be a paid officer of the Union for two consecutive terms provided you are reelected for the second term. Upon the expiration of the second term it is compulsory to not run again for any paid office.

Q. That is at the next succeeding election?

A. Right.

Q. You don't mean to say that once you held

(Testimony of Henry A. Schmidt.)

the office of President for two terms that you can never again hold it?

A. That is not what I mean to say.

Q. Then between—withdraw that. During the year from September or October 1938 to September or October of 1939 you were not President of the Local? A. That is right.

Q. You were on the Labor Relations Committee during that period?

A. I was on the Labor Relations Committee and on the Executive Committee.

Q. Now, at the end—withdraw that. Coming now to September or October of 1939, did you again run for any office in the Union?

A. I ran for President and was elected.

Q. Was that also for a one-year term?

A. That is correct.

Q. And at the conclusion of that term in the fall of [4031] 1940 did you again stand for office?

A. I did.

Q. For which office?

A. The office of President and I was re-elected.

Q. And you now hold that position?

A. That is right.

Q. Have you held any other union positions?

A. I may have skipped some, but that is all I can remember right now.

Q. Have you held any position with Labor's Non-Partisian League?

A. Oh, yes, as a member of the State Executive Committee.

(Testimony of Henry A. Schmidt.)

Q. And what, in general, is Labor's Non-Partisan League?

A. Labor's Non-Partisian League might be called a political organization that attempts to, or, rather, does interest itself in legislation and occasionally sends lobbyists to the State Capitol to look out for Labor's interests so far as legislation is concerned. [4032]

Q. Is it a national organization? A. It is.

Q. Your connection with it, was your connection one direct to the national organization or to some subdivision of it? A. State.

Q. State of California? A. Right.

Q. Have you ever held any office for or with any Industrial Union Council?

A. You mean here in San Francisco?

Q. Anywhere?

A. Oh, yes. I was Secretary of the San Francisco Industrial Union Council for a short time. That was temporarily while the regular Secretary was ill and was on vacation.

Q. What is the San Francisco Industrial Union Council?

A. It is a body that represents all of the CIO unions in San Francisco.

Q. A central body? A. That is right.

Q. It would correspond, would it, to a central labor council? A. Exactly the same.

Q. And in what period did you act as Secretary of that union council? [4033]

(Testimony of Henry A. Schmidt.)

A. I believe it was in 1939. It was that particular year when I was not President of the union.

Q. Now, Mr. Schmidt, when you were in Court Mr. Honig was on the stand. Had you ever seen him before? A. Never.

Q. Had you ever met him in any meetings?

A. Never

Q. Had you ever attended any meetings during the 1936 and 1937 strike at which Mr. Honig was in attendance? A. Never did.

Q. Did you ever sit in any meeting with Mr. William Schneidermann?

A. Never sat in any meeting with him except that he came to a meeting of the—membership meeting of the local union on one occasion.

Q. When was that?

A. It was in 1939, I believe. Anyway, it was shortly after the so-called Russian-German non-aggression pact was signed. It developed in this manner: I think one of our union members, having read about the pact, came to the meeting with the intent to make a motion that union go on record condemning both the Hitler and the Stalin regime, and he actually did make that motion. Somebody pointed out that we should hold action in abeyance until we arranged for a debate on that particular question, and the motion to defer action carried, and the officers of the union were instructed by the

[4034]

membership to arrange for such a debate at the

(Testimony of Henry A. Schmidt.)

next meeting, or the one following that, and that was arranged.

The debators on the question of the Russian-German non-aggression pact were Mr. Schneidermann of the Communist Party and Mr. Paul Smith who, I believe, is—I know he is connected with the Chronicle but, I think, his capacity is managing editor.

Q. Who invited the speakers to debate?

A. I did.

Q. And how did you go about it, Mr. Schmidt?

A. I phoned them.

Q. How did you go about phoning Mr. Schneidermann? A. I looked in the telephone book.

Q. For whom?

A. I looked for the Communist Party in the telephone book.

Q. Had you ever met Mr. Schneidermann prior to the time he debated?

A. I had never met him although I had seen him.

Q. Did the two speakers actually debate the question? A. They did.

Q. Were you at the meeting? A. I was.

Q. And it was a meeting of the Longshoremen's Union, is that correct?

A. It was a meeting of the membership of the Longshore [4035] men's Union, that is right.

Q. Did you preside?

A. I did. There were a few people admitted who were not members, who had heard about this

(Testimony of Henry A. Schmidt.)

interesting matter—I guess they thought it was of interest—and they asked permission to come, so they did.

Q. In general, it was a meeting of the Longshoremen's Union and some outsiders were allowed, is that the point?

A. It was a membership meeting of the Longshoremen's Union.

Q. How large a group attended? Could you give an estimate?

A. The hall was filled. There must have been 1600 men there.

Q. What hall?

A. Eagles Hall on Golden Gate Avenue.

Q. Is that hall normally used by the Longshoremen? A. Every Monday night.

Q. Is that where you have your regular membership meetings? A. That is right.

Q. Have you ever met Mr. Schneidermann on any other occasion than on the evening that he debated with Mr. Smith? A. No.

Q. Do you know a man by the name of Richard St. Clair? [4036]

A. Well, I must admit that I know him in a sort of a way, although his name never imprinted itself on my mind until I read in the newspapers that he had been on the stand here.

Q. How did you come to know him? What was the extent of your acquaintance with him?

A. Well, I recollect that he is a waterfront

(Testimony of Henry A. Schmidt.)

character that doesn't work any more and has no visible means of support. He is——

Q. (Interposing) Do you recall—excuse me.

A. He is very deaf and his conversation is certainly not very intelligent.

Presiding Inspector: Very talkative?

The Witness: That is right.

By Mr. Gladstein:

Q. Did he ever come into your office?

A. Yes, I believe he did, but I couldn't remember what he came for.

Q. Did he ever make any impression of any distinct character on you, when you say that, I mean?

A. No impression other than I thought the guy was screwy.

Mr. Myron: Well——

By Mr. Gladstein:

Q. (Interposing) I mean as to his speaking to you on any particular subject?

Mr. Myron: Of course, that is objectionable.

Presiding Inspector: Yes, I suppose it is. [4037] Strike it out.

Mr. Gladstein: All right, I will withdraw it.

By Mr. Gladstein:

Q. Mr. St. Clair testified in substance that at some time in 1935——

Mr. Myron: (Interposing) Are you quoting?

Mr. Gladstein: I am stating in substance—I am not quoting. I have a right to state it as in-

(Testimony of Henry A. Schmidt.)

troductory to the question I wish to ask, your Honor.

Presiding Inspector: I can't tell without hearing it.

Mr. Gladstein: All right, then, I will start the question again.

Presiding Inspector: Yes, I didn't hear the question.

By Mr. Gladstein:

Q. In substance Mr. St. Clair testified that sometime in 1935 he saw you, Harry Bridges, John Shoemaker, Lawrence Ross, Elmer Hanoff and either William Schneidermann or Sam Darcy—I am not sure of the record on this—meeting at 121 Haight Street.

Were you ever at a meeting of that character at 121 Haight Street?

Mr. Myron: He is apparently quoting, your Honor, from some testimony. We would like to get it very definite— —

Presiding Inspector: (Interposing) You mean were those [4038] people, or a majority of them?

By Mr. Gladstein:

Q. Were those people at such a meeting?

A. Never at such a meeting.

Q. Were you ever at a meeting at 121 Height Street with anybody?

A. There was a large public meeting there one time which I attended but I couldn't for the life of me say what year that was.

(Testimony of Henry A. Schmidt.)

Q. What kind of a meeting was it?

A. I think it was advertised that a Miss Anita Whitney would speak there. There were placecards around the town, notices in the papers, and dodgers were being thrown around the waterfront.

Q. Was this a public meeting? A. Yes.

Q. Did you go? A. I did.

Q. To what extent, if any, did you participate?

A. I participated to the extent of sitting in the chair and listening to what was being said.

Q. How many people were present?

Mr. Del Guercio: If he counted them.

Mr. Gladstein: Well, Obviously he didn't. I am simply asking for an estimate. [4039]

Presiding Inspector: No, he asked for his estimate, whether it was a small meeting or a large meeting, whether there were ten, a hundred or a thousand or what?

Mr. Gladstein: That is right, your Honor.

Presiding Inspector: Your best recollection.

A. Well, it seems to me the place is, perhaps, twice as large as this room and it was filled. There may have been 300 people; maybe, the capacity was 500; I don't know.

By Mr. Gladstein:

Q. Do you remember what took place at that meeting?

A. Yes, my recollection is that this Miss Whitney made a speech.

Q. Do you remember what she spoke about?

(Testimony of Henry A. Schmidt.)

A. No. It had something to do with elections. I don't know whether it was state elections or national elections.

Q. Where in the building at 121 Height Street was that, do you recall?

A. Yes, in the basement.

Q. Did you ever attend in that building a small meeting of six or seven people or thereabouts?

A. No.

Q. Have you ever been in 121 Haight Street on any occasion other than the one that you have mentioned?

A. I was there one time when they had a New Year's celebration and I went down there to have a look at that.[4040]

Q. What kind of celebration was it?

A. A New Year's celebration where people drink and dance and make merry.

Q. Did you attend any meetings on that occasion? A. No.

Q. Do you know a man named Maurice J. Cannalonga? A. No, sir.

Q. In substance, Mr. Cannalonga testified that shortly before the 1936-1937 strike he attended certain, what he called, fraction or top fraction meetings at which he said William Schneidermann, Harry Bridges, you, Mr. Schmidt, he, and one or two others, I believe, were present. Did you attend any such meetings? A. No, sir.

Q. Have you ever been in a meeting with Mr.

(Testimony of Henry A. Schmidt.)

Cannalonga at which any of those people named were present?

A. Will you repeat the names, again, please?

Q. Yes. Mr. Brides, Mr. Schneidermann, Mr. Cannalonga—there was one other name there.

Presiding Inspector: Do you want the reporter to read the question?

Mr. Gladstein: Yes, I think I mentioned one other name. That is my recollection anyway.

Mr. Del Guercio: Is there a question that the witness may or may not have attended meetings of some of these people? [4041]

Presiding Inspector: There is an uncertainty as to whether he mentioned someone else.

Mr. Gladstein: That is right.

Presiding Inspector: I suggest that we have the question read to refresh counsel's recollection.

(The question referred to was read by the reporter as above recorded.)

Mr. Gladstein: I think I have heard those same ones.

Presiding Inspector: "One or two others."

Mr. Gladstein: I don't recall that he mentioned who they were. I will take a look and see.

Presiding Inspector: Go ahead with those you have got.

By Mr. Gladstein:

Q. Well, with those names, Mr. Schmidt, can you state whether you ever attended any such meetings with those people present?

(Testimony of Henry A. Schmidt.)

A. I did not, because I don't know Mr. Cannalonga. I have seen his pictures in the newspapers since this hearing has started. I know positively that he and I have never met.

Q. Now, Mr. Cannalonga testified in substance that in March or May of the year 1937 in a private dining room in a hotel known as the Gowman Hotel in Seattle, Washington, he said a top fraction meeting occurred at which you, Harry Bridges, Morris Rapport, Al Bristol, Harry Jackson, Eugene Dietrich, Matt Meehan, Bruce Hannon, Burt Nelson, Ernie Fox, [4042] Harry Pilcher, Ed Fisher and Laddie Houe were present.

Did you ever attend such a meeting?

A. No.

Q. To be a little more specific, Mr. Schmidt, I want to ask you this question: Mr. Cannalonga testified in substance that in the year 1936, shortly prior to the strike in that year, he attended a meeting at a private home in San Francisco, which he called a top fraction meeting, at which he said were present the following: William Schneidermann, Harry Bridges, Walter Stack, Henry Schmidt, Eugene Dietrich, Sam Telford, David Saunders, Brown, and Pyle.

Did you ever attend any such meeting?

A. I couldn't have been there because Cannalonga and I have never seen each other.

Q. You have already stated the circumstances under which you made the acquaintance of Mr.

(Testimony of Henry A. Schmidt.)

Schneidermann. I want to ask you whether you know Walter Stack?

Mr. Del Guercio: Just a minute. May I ask what counsel is reading from whether he is reading from the transcript or photostats?

Mr. Gladstein: This is a photostat of one of the statements of Maurice Cannalonga which the Government introduced in evidence.

Mr. Del Guercio: How were photostats——

Mr. Gladstein: (Interposing) We were allowed to have photostats made. They are statements.

[4043]

Presiding Inspector: (Interposing) They are in evidence.

Mr. Del Guercio: We had no notice they were making photostats of the evidence. How many were made? Who were they distributed to?

Mr. Gladstein: They weren't distributed to anybody. We asked Mr. Johnson to make photostats of Government's Exhibits 208, 209 and 210, which were the statements of Mr. Cannalonga that were read into the record by Mr. Del Guercio and introduced as evidence. Now, we are entitled certainly to make copies or photostatic copies. We asked him to make those photostats. I think we paid for them. I don't see that we have done anything wrong and we haven't distributed them to anybody.

Mr. Del Guercio: I think we are entitled to know how many copies were made and who they were distributed to.

Presiding Inspector: I suppose they could be

(Testimony of Henry A. Schmidt.)

distributed to anyone they wanted to give them to.

You would have a right to ask about that.

Mr. Del Guercio: To ask about it, certainly.

Presiding Inspector: That is all right. Go ahead. I think Mr. Del Guercio would be entitled to know.

Mr. Gladstein: All right, I have given him the answer. [4044]

By Mr. Gladstein:

Q. One of the men that was mentioned was Walter Stack. Do you know Walter Stack?

A. Yes.

Q. When did you first become acquainted with him?

A. I think it was in 1935 when the Maritime Federation of the Pacific held its first convention at which time we organized it in Seattle.

Q. Was Mr. Stack—excuse me.

A. (Continuing) I think he was an official of the Firemen's Union at that time, and I think he was a delegate to that convention.

Q. When you say the Firemen's Union, are you referring to the Marine Firemen's Union?

A. Yes—Marine Firemen's Union of the Pacific Coast.

Q. Do you remember whether Mr. Stack has, since you first met him, been a member of or an official of that Union?

A. I am sure that he has been a member of that particular union continuously, and he has been an official also. My recollection is that at times he was not an official.

(Testimony of Henry A. Schmidt.)

Q. Do you know whether he is now an official of that Union?

A. Yes; he is a patrolman for the San Francisco headquarters of the Marine Firemen.

Q. The name of Eugene Dietrich was mentioned by Mr. [4045] Cannalonga as being at this meeting. Do you know Eugene Dietrich?

A. Very well.

Q. When did you first become acquainted with him?

A. 1933 when the International Longshoremen's Association was organized in San Francisco.

Q. What is his union affiliation at the present time, if any, if you know?

A. As far as I know he is so-called International Representative of the International Longshoremen's Association. He makes his headquarters in San Francisco and pretends to represent longshoremen, but I don't know who they are. I don't think he has any.

Q. He is a representative of the A. F. of L., is that correct. A. That is right.

Q. Have you ever sat in any top fraction meetings, or Communist meeting with Mr. Dietrich?

A. I haven't been at any top fraction, or fraction meeting, or Communist meeting.

Q. With anybody? A. That is right.

Q. Sam Telford was mentioned by Mr. Cannalonga. Do you know him?

A. Yes. I remember him as a man who had something to do [4046] with the organization of the

(Testimony of Henry A. Schmidt.)

Marine Workers Industrial Union in 1933 or 1934. with the organization of the Marine Workers Industrial Union in 1933 or 1934.

Q. Did you ever have any personal contact with him?

A. He was somewhat of a strike leader in those days, during the strike of 1934, and that group organized seamen and there was cooperation and collaboration between the striking seamen and the striking shore workers.

Q. Do you know whether Mr. Telford remained a member of that Union?

A. Well, the Union, that particular Union, went out of existence some time later so I don't know how one could remain a member of a union if it dissolved.

Q. Do you know whether he became a member of any other union?

A. I think that he, like the others, became members of the then International Seamen's Union, which was affiliated with the A. F. of L.

Q. Did you ever have any contact with Mr. Telford after the 1934 strike?

A. My best recollection is that I haven't seen him in the last five years.

Q. Dave Saunders was mentioned by Mr. Cannalonga. Did you know a man by that name?

A. Yes.

Q. What does he do, or what has he done? [4047]

A. He is a longshoreman, has been a seaman.

Q. Pardon?

(Testimony of Henry A. Schmidt.)

A. He is a longshoreman at the present time and he has been a sailor in the past.

Q. Brown, a man by the name of Brown was mentioned. Do you know a man by the name of Brown who was with the ARTA? A. Yes.

Q. What was his full name, do you know?

A. His initials are Z. R., but I still don't know what they stand for, what the "Z." stands for, nor do I know what the "R" stands for.

Q. Did he ever hold any union positions?

A. Yes; he was Secretary of District Council No. 2 of the Maritime Federation while I was president of that body.

Q. Of what union was he a member, or from what union was he a delegate?

A. He was a delegate from the ARTA, which later changed its name to ACA.

Q. And what did the designation ARTA refer to?

A. ARTA stands for American Radio Telegraphists Association.

Q. And ACA?

A. American Communications Association.

Q. Do you know a man named Pyle?

A. Yes. [4048]

Q. What is his full name?

A. Roy Pyle.

Q. And from what union does he come?

A. The same union, ACA.

Q. Was he an officer of that union?

A. I wouldn't be sure whether he was a branch

(Testimony of Henry A. Schmidt.)

agent or a President of the local union, or a Secretary.

Q. Have you ever met Morris Rapport?

A. Who?

Q. Morris Rapport. A. No.

Q. Did you know a man by the name of Al Bristol? A. Never heard of him.

Q. Did you ever meet him?

A. If I haven't heard of him how could I meet him?

Q. Do you know a man named Harry Jackson?

A. Yes.

Q. When did you first meet him?

A. During the strike of 1934, or shortly prior to that.

Q. Do you know what position, union position, or otherwise, Mr. Jackson had at that time, if he had any?

A. He had some connection with the MWIU, the same as Sam Telford.

Q. Do you remember the circumstances under which you became acquainted with Mr. Jackson?

A. No; no recollection. [4049]

Q. Have you ever been in meetings with Mr. Jackson?

A. Well, there was an attempt by Mr. Jackson, made by Mr. Jackson to attend some meetings of the Joint Marine Strike Committee during 1934. He came there as a representative of the MWIU. I was a delegate to that body. The Strike Committee wouldn't recognize him, or whoever came with him,

(Testimony of Henry A. Schmidt.)

as delegates to the Joint Marine Strike Committee.

Q. Is that how you became acquainted with Mr. Jackson? A. Yes.

Q. Let me see if I have this straight: You say Mr. Jackson, representing the MWIU, sought, to be seated on the Joint Strike Committee——

Mr. Myron: (Interposing) That is repetition.

Mr. Del Guercio: Also suggestive.

Mr. Gladstein: I will withdraw it.

Mr. Del Guercio: You are putting words in the witness' mouth that he hasn't testified to.

Presiding Inspector: I think you have got, it Mr. Gladstein.

Mr. Gladstein: All right. Mr. Myron says it has been covered, and then Mr. Del Guercio says I am putting words in the mouth of the witness that he didn't use.

Mr. Del Guercio: You are doing both.

Mr. Gladstein: I don't know what the record is like now.

Presiding Inspector: It is not necessarily inconsistent. [4050]

Mr. Myron: Full of speeches.

By Mr. Gladstein:

Q. Did Mr. Jackson get seated on the Strike Committee?

A. No. There was considerable argument about their being seated or not seated. Eventually the group voted not to seat him.

Q. Since 1934 do you recall ever seeing Mr. Jackson?

(Testimony of Henry A. Schmidt.)

A. It seems I saw him walking down Market Street one day about two or three years ago. I was driving and he was walking.

Q. Have you ever been in any meeting with him?

A. Other than the one that I just described, none.

Q. Other than that one, you have not?

A. None.

Q. Do you know Matt Meehan? A. Yes.

Q. Who is he?

A. At the present time he is Secretary-Treasurer of the ILWU.

Q. What do those initials stand for?

A. International Longshoremen's and Warehousemen's Union.

Q. Will you please state briefly what the relationship is between the ILWU as of today, and the ILA as of the years when you were using that term?

A. It is exactly the same group of men who have belonged [4051] to both of those unions using first the initials ILA and today the initials are ILWU. When they were in the ILA they were members of the American Federation of Labor and since 1937, when the affiliation changed, the same men have made up the International Longshoremen's and Warehousemen's Union, known as the ILWU.

Q. And the ILWU is affiliated with what national organization?

A. Affiliated with the Congress of Industrial Organization.

Q. How long have you known Matt Meehan?

(Testimony of Henry A. Schmidt.)

A. I first met him in 1933, I believe.

Q. What kind of work was Meehan doing?

A. At that time?

Q. Yes.

A. I think he was a Portland longshoreman working there on the waterfront. He came to San Francisco to either address our Executive Committee prior to the strike, or he might have come to address the Strike Committee during the strike. I don't remember that.

Q. Is that how you became acquainted with him?

A. Yes.

Q. Have you been in meetings with him since you first met him?

A. Meetings with Meehan? [4052]

Q. Yes. A. Dozens of them.

Q. What kind of meetings have they been?

A. ILWU meetings, and prior to that ILA meetings, Maritime Federation Conventions, and such.

Q. What offices, union offices, has Mr. Meehan held during this period of time since 1934 that you can think of?

A. He has been the Secretary-Treasurer for quite a number of years, five, I believe.

Q. Of the Pacific Coast District?

A. That is right.

Q. Do you know a man by the name of Laddie Hope? A. I don't know him.

Q. What is your recollection as to whether you have ever met him?

(Testimony of Henry A. Schmidt.)

Mr. Del Guercio: He said he didn't know him, your Honor.

Mr. Gladstein: All right. I am satisfied with it.

By Mr. Gladstein:

Q. Do you know a man named——

Mr. Del Guercio: (Interposing) Unless the witness wants to change it—I don't know.

By Mr. Gladstein:

Q. Do you know a man by the name of Ed Fisher? A. No.

Q. Do you know a man named Harry Pilcher? [4053]

A. Yes.

Q. Who is he?

A. He is a longshoreman, now a member of the Portland local, and prior to that he was a member of the Local in Everett, Washington.

Q. When did you first meet Harry Pilcher?

A. He was a delegate to the Emergency Convention held here in San Francisco in February 1934 and there I met him.

Q. From what was he a delegate?

A. He represented the Longshoremen's Union in Everett, Washington.

Q. Have you been in meetings with Harry Pilcher since you first met him?

A. Every time he would come to a convention, we would be in a convention meeting, or maybe a convention committee meeting, or caucus.

Q. What kind of caucus?

(Testimony of Henry A. Schmidt.)

A. A caucus that they usually organize at conventions in order to talk over what the particular groups intend to bring up at the next session of the convention.

Q. Do you know Ernie Fox?

A. Yes; he is a Seattle sailor.

Q. When did you first meet him?

A. I haven't the slightest idea.

Q. Do you know whether you have ever sat in any meeting [4054] with Mr. Fox?

A. I think he was a delegate to a Maritime Federation convention one time. I think it was the first convention of the Maritime Federation that we held in 1935 that he was a delegate.

Q. Have you met him on any other occasion except when he was a delegate to that convention?

A. He was a fellow who breezes up and down the Pacific Coast quite a bit and whenever he happens to be in San Francisco he usually pays me a visit and we go out and have a couple of drinks together.

Q. Do you know Burt Nelson? A. Yes.

Q. Who is he?

A. He is a Seattle longshoreman.

Q. When did you first make his acquaintance?

A. Two and one-half or three years ago.

Q. Do you remember the circumstances?

A. No, I don't.

Q. Do you know Bruce Hannon?

A. Yes.

Q. Who is he?

A. He is also a Seattle longshoreman and has

(Testimony of Henry A. Schmidt.)

been the Secretary-Treasurer of the Maritime Federation of the Pacific.

Q. Do you remember when you first met him?

[4055]

A. I believe at that particular convention where he was elected secretary; and he came there as a delegate from the Seattle longshoremen. I think that convention was held here in San Francisco.

Q. In what year was that?

A. '38, I believe.

Q. That is the year in which he was elected to that office? A. I think so; yes.

Q. Have you ever been in meetings with Mr. Hannon since you first met him?

A. Mr.—who?

Q. Hannon, Bruce Hannon.

A. Dozens of meetings with him, during conventions and so forth.

Q. Were these trade union meetings?

A. Yes.

Mr. Gladstein: Does your Honor want to take a recess while I look through this?

I might report that I have had that appointment postponed.

Presiding Inspector: So we can go right on to four o'clock?

Mr. Gladstein: Yes.

(Whereupon a short recess was taken.)

Mr. Gladstein: Are you ready, your Honor?

Presiding Inspector: Yes. [4056]

(Testimony of Henry A. Schmidt.)

By Mr. Gladstein:

Q. Since the debate at the Longshoremen's Union between Mr. Paul Smith and Mr. William Schneidermann have you ever seen Mr. Schneidermann?

A. Oh, yes; at the funeral of J. B. McNamara about four or five weeks ago.

Q. Who was J. B. McNamara?

A. He was a man who was incarcerated in San Quentin Penitentiary for about thirty years and, according to newspapers he had something to do with blowing up the Times Building in Los Angeles, and I believe at that time he was an official of some trade union—I don't recall the name.

Q. And did you see Mr. Schneidermann at that funeral?

A. Yes. He was sitting in the auditorium. There were hundreds of people there. Lots of people were asking how they could find transportation to the cemetery, which happened to be in San Rafael, which is about, oh, 27 miles from San Francisco. Among others Mrs. Rena Mooney asked me if she could ride with me. I told her she could, and she did.

Q. Who is Mrs. Rena Mooney?

A. The wife of Tom Mooney.

As we were about to drive away I saw Mr. Schneidermann and a lady standing on the curb. I stopped and asked him if they wanted to ride with me; they said they wanted to ride with us so they rode with us. [4057]

(Testimony of Henry A. Schmidt.)

Q. Who was the lady?

A. Mr. Schneidermann's wife.

Q. Had you ever seen her before? A. No.

Q. Now, Mr. Honig testified that during the 1936-1937 strike, and for a period of several months thereafter, meetings took place—this is in substance—generally on Sunday nights and sometimes week nights, at which he said you, among others, were present, together with a man named Elmer Hanoff. Did you ever attend any meetings with Mr. Hanoff?

A. I heard this man, Honig, make that statement as I was coming in the court room and it was on the tip of my tongue to call him a liar, but I remembered that I was in a court room.

Presiding Inspector: Don't you think it would be better if you answered the question directly?

The Witness: Repeat the question.

By Mr. Gladstein:

Q. Did you ever go to any meetings with Mr. Hanoff? A. No.

Q. Do you know Mr. Hanoff?

A. No, I don't.

Q. Do you know a woman by the name of Betty Gannett? A. I don't know her.

Q. Do you know a man named Lawrence Ross?

A. No, sir. [4058]

Q. Do you know a man named Sam Darcy?

A. I have heard of him.

Q. Have you ever met him?

A. I don't think so. [4059]

(Testimony of Henry A. Schmidt.)

Q. Have you ever been in any meetings with him?

A. I recall a meeting in Dreamland Auditorium here in San Francisco at which he made a speech, but it is so long ago. It might be seven years ago; it might be eight years ago; it might be six years ago.

Q. What kind of a meeting was it?

A. Oh, I think it was what you would call a political rally.

Mr. Gladstein: You may cross examine.

Presiding Inspector: All right, Mr. Del Guercio, the witness is yours, to cross examine.

Cross Examination

By Mr. Del Guercio:

Q. Did you get orders from anyone to appear here to testify? A. Did I get orders?

Q. Yes. A. No.

Q. Did you get orders from anybody from the Communist Party to appear here to testify?

A. No.

Q. Did you get orders from Morris Rapport to appear here to testify? A. No.

Q. Did you get orders from Harry Bridges?

A. No.

Q. You say no one gave you any orders? [4060]

A. No one gave me any orders.

Q. Now, Mr. Schmidt, the purpose of this hearing is to determine whether or not Harry Bridges is a member of the Communist Party. Testimony has been given to the effect that you, among others, are members of the Communist Party, and that as mem-

(Testimony of Henry A. Schmidt.)

bers of the Communist Party you sat in Comunist Party meetings with Harry Bridges.

The question that I am about to ask you is material to the issue in this case. It is: Are you a member of the Communist Party?

A. I am not.

Mr. Gladstein: One moment before the question is answered, and I have no objection to the question. I move that all of the statement of counsel be stricken up to the word "are", and the question "Are you a member—"

Presiding Inspector: (Interposing) I think it is improper.

Mr. Del Guercio: What?

Presiding Inspector: But I don't think there is any use striking it from the record.

Mr. Gladstein: All right.

Presiding Inspector: The question is: Are you a member of the Communist Party?

The Witness: I already answered it, your Honor.

Presiding Inspector: I didn't hear the answer.

The Witness: I am not, I said. [4061]

By Mr. Del Guercio:

Q. You are not. Have you ever been a member of the Communist Party?

A. The answer is the same, I have not.

Q. Your answer is you have never been a member of the Communist Party?

A. That was my answer, yes.

Q. Now, are you familiar with the doctrine of

(Testimony of Henry A. Schmidt.)

the Communist Party, or one of the doctrines of the Communist Party which is when it serves the best interests of the Communist Party members of that Party should appear in Court and give false testimony?

A. You are asking me if I heard this?
Q. Yes. Are you familiar with that doctrine?
A. No.
Q. Are you following that? A. No.
Q. Where were you born?
A. In Germany.
Q. When. A. 1899.
Q. And what is your father's name?
A. I didn't hear you.
Q. Your father's name?
A. My father's name? [4062]
Q. Yes. A. My father's name is Gustav.
Q. And your mother's?
A. My mother's first name?
Q. Yes. A. Adrina.
The Reporter: Spell it, please.
The Witness: A-d-r-i-n-a.
Presiding Inspector: A-d-r-i-a-n-a.
The Witness: Yes.

By Mr. Del Guercio:

Q. What is the date of your birth?
A. I didn't hear you.
Q. You gave the year of your birth?
A. Yes.
Q. What was the month?
A. February 9th.

(Testimony of Henry A. Schmidt.)

Q. When did you come to the United States?

A. My father and I came to Canada in 1911. I believe it was in 1915 when we came to Minnesota.

Q. You and your father remained in Canada from 1911 to the time you came to the United States in 1915?

A. Yes. My parents came to Minnesota before I did and I followed several months later.

Q. Well, now, when did you come to the United States? A. In 1915. [4063]

Q. What month?

A. Oh, I can't recall the month. It was in the winter time because there was snow on the ground.

Q. Through what port did you enter?

A. Well, I came to the City of Minneapolis. I don't know whether you can call that a port or not.

Q. Well, how old were you? Don't you recall through what port of entry you came to the United States from Canada?

A. Where we crossed the line?

Q. Yes. A. No recollection.

Q. How old were you at the time?

A. Well, 1915? That would make me 16 years old.

Q. Were you alone? A. I was alone.

Q. How did you enter into the United States?

A. On the train.

Q. Were you inspected by Immigration Officers?

(Testimony of Henry A. Schmidt.)

A. Well, my recollection is that I came to Winnepeg. You see, I had been working on a farm in western Manitoba, about 200 miles from Winnepeg, and my mother had written to me and said that my father had made some kind of arrangements in Minneapolis for me to proceed to Minnesota, and I came to Winnepeg and, to the best of my recollection, I went to some American office and got some kind of paper, which I don't [4064] even know what you call it, but——

Q. (Interposing) Well, were you questioned by any United States Immigration officers while you were on the train as a passenger from Canada into the United States?

A. I recall the train stopped and the baggage was searched. Other than that I have no recollection. This is over 25 years ago.

Q. And you went to Minneapolis directly?

A. Directly to Minneapolis.

Q. How long did you remain in Minneapolis?

A. I lived there until December, 1917.

Mr. Del Guercio: Will you repeat that?

(The answer referred to was read by the reporter as above recorded.)

By Mr. Del Guercio:

Q. With your mother and father?

A. Yes, sir.

Q. When did your mother and father come to the United States from Canada?

A. Well, my father and I came together; my father and I came in 1911.

(Testimony of Henry A. Schmidt.)

Q. Oh, no, from Canada. When did your father and mother came from Canada to the United States?

Presiding Inspector: From Canada to the United States?

A. My father and my mother and my brother, they came to Minnesota in 1915 in the summer time, I believe. [4065]

By Mr. Del Guercio:

Q. How many brothers do you have?

A. One.

Q. What is his name?

A. The same as my father's name, Gustav, G-u-s-t-a-v.

Q. What is his last name? Schmidt also?

A. Certainly.

Q. Was he also born in Germany?

A. Who? My father?

Q. Your brother?

A. No; my brother was born in the Netherlands.

Q. What were you doing in Minneapolis from 1915 to December 17, 1917?

A. Oh, I worked in a machine shop for a while. Later on, I worked in those flour mills.

Q. What machine shop did you work in?

A. Oh, I can't recall the name.

Q. Then you worked in a flour mill?

A. Yes, sir.

Q. For how long did you work in the machine shop? A. Six or seven months, perhaps.

Q. Do you recall the name of the flour mill?

(Testimony of Henry A. Schmidt.)

A. Yes; Washburn-Crosby Milling Company.

Q. And for how long a period did you work in that flour mill?

A. I think about a year. [4066]

Q. Then, what did you do?

A. Then I departed for San Francisco.

Q. Alone? A. Alone.

Q. When did you arrive in San Francisco?

A. The day before Christmas, 1917.

Q. Did you obtain employment? A. Yes.

Q. When? How soon after you arrived?

A. Oh, a couple of days after I arrived I started to work in a San Francisco flour mill, the Globe Mills.

Q. Doing what?

A. Warehouse work, packing flour and sewing, running sewing machines and such work.

Q. Then, for how long a period did you work for the Globe Mills?

A. Oh, not very long; several months. It might have been three; it might have been five.

Q. Then what did you do?

A. I went to work in another flour mill.

Q. Do you know the name of it?

A. I don't recall the name but it was located on Bryant Street here in San Francisco.

Q. Do you know when your employment began with that mill?

A. At this second place? [4067]

Q. Yes.

(Testimony of Henry A. Schmidt.)

A. Well, it was then 1918 but I don't recall just when.

Q. Summer? Fall?

A. Oh, spring, I think.

Q. The spring of 1916? A. Yes, sir.

Q. And how long did you work at that mill?

A. I think I worked there the better part of that year.

Q. Then, what did you do?

A. I quit again and I went to work in another mill.

Q. Do you know the name of it?

A. San Francisco Milling Company.

Q. When did you start working for the San Francisco Milling Company?

A. I don't recall the date but I know that we were working there on Armistice Day, November 11, 1918.

Q. For how long a period did you work at that mill?

A. It is impossible to recall. I worked there several years.

Q. Did you register for the draft in 1918, during the last World War? A. Yes.

Q. Where? [4068] A. In San Francisco.

Q. Were you interned as an alien enemy?

A. No.

Q. Did you state that you were born in Germany? A. Certainly.

Q. Do you remember when you registered?

A. You mean the day?

(Testimony of Henry A. Schmidt.)

Q. Yes. A. No, I can't remember.

Q. Do you know if there is a record of your arrival in the United States from Canada?

A. I have no way of knowing that.

Q. What?

A. I say I have no way of knowing.

Q. Have you ever had occasion to have it checked by the Immigration offices?

A. Never had any occasion.

Q. Have you ever applied for citizenship?

A. Yes, I am a citizen.

Q. How?

A. You mean how did I apply?

Q. How did you become a citizen of the United States?

A. I was naturalized, I believe, in this very room.

Q. When were you naturalized?

A. Well, it might be 1926 or '27, thereabouts.

Q. You have your certificate, of course. [4069]

A. I haven't it in my pocket.

Q. Now, I believe the last place you said you worked for was the San Francisco Milling Company and that you were employed there on Armistice Day, November 11, 1918. How long did you continue in that employment?

A. Oh, I don't remember. I know the place burned down one time and it was rebuilt and I worked for them again after it was rebuilt at a different location.

Q. What was your next employment?

(Testimony of Henry A. Schmidt.)

A. I started to work for a portrait photographer on Post Street. I was interested in photography.

Q. When did that begin?

A. I don't remember.

Q. Approximately, the year?

A. Oh, it may have been 1919; it may have been 1920; it may have been 1921.

Q. Well, can you recollect any other employment between 1918 and 1919 and 1920?

A. I worked for another photographer.

Q. Do you know his name?

A. Yes; his name is Moulin, M-o-u-l-i-n.

Q. Do you know where he then had his studio?

A. At that time he was located on Kearny Street and he has now a larger place on Second Street.

Q. And how long did you continue in his employment? [4070]

A. It might have been eight months or a year; I don't remember.

Q. What was your next employment?

A. I went back to the San Francisco Milling Company.

Q. Do you remember when that was?

A. Oh, it was about the same time.

Q. What year?

A. '20 or '21, thereabouts.

Q. How long did you continue with the San Francisco Milling Company this time?

A. I can't remember.

Q. Less than a year or more than a year?

A. I think it was more than a year.

(Testimony of Henry A. Schmidt.)

Q. Then, what did you do?

A. Well, I know I worked for the Globe Milling Company again after that.

Q. For how long a period?

A. Gosh, I don't know.

Q. Approximately?

A. It was a long time, two or three years, I believe.

Q. What was your next employment?

A. Then, I worked for a man by the name of J. H. Scott.

Q. Are you giving these in order now?

A. I am giving them in order, to the best of my recollection. [4071]

Q. What kind of work did you do for J. H. Scott?

A. He built a small milling establishment somewhere here south of Market Street; I had charge of that.

Q. How long did you work for him?

A. Oh, I think a year or so.

Q. Then, what did you do?

A. Then, I went to the waterfront and I worked in the Islais Creek Grain Terminal on Third Street near Butcher Town.

Q. Is that the first time you worked on the waterfront? A. Yes, sir.

Q. What year was that?

A. This must be '27 or '28, thereabouts.

Q. For how long a period?

A. Oh, I worked there a couple of seasons.

(Testimony of Henry A. Schmidt.)

Q. Then, what did you do?

A. Well, then, I made contact with the waterfront and I have been there ever since.

Q. Did you join any organization when you first went to the waterfront in 1927?

A. Not immediately. There was an organization down there which was known among the men as a company union, and later on I was practically forced to join it.

Q. Well, forced to join what union?

A. It was known as the Longshoremen's Association of San Francisco.

Q. Is that the first union you ever joined?

[4072]

A. No.

Q. I mean on the waterfront?

A. On the waterfront, yes.

Q. And what was the date of that?

A. I didn't hear you.

Q. What date? A. I can't remember that.

Q. Do you know the year?

A. I can't remember.

Q. By whom were you employed when you joined this Longshoremen's Union?

A. I think the stevedoring contractor's name was Pacific Lighterage Company.

Q. That was what then was known as a company union?

A. Yes sir, it was known as the blue book union.

Q. Who forced you to join?

(Testimony of Henry A. Schmidt.)

A. Well, a rumor spread along the dock that the Business Agent of this union would appear as of a certain hour and anybody who was not paid up in the union, why, he would be knocked off the job.

Q. How long did you remain a member of this so-called blue book union or company union?

A. Until we organized the ILA in 1933.

Q. Was your membership continuous until that time?

A. No, I don't think I could say yes to that because [4073] nobody paid any attention to this outfit and nobody wanted to pa*id* dues to it because it didn't do us any good, so every once in a while everybody would lapse in the matter of dues, including myself.

Q. Did you ever hold any offices in that union?

A. You couldn't hold any office in that union. They never held any meetings.

Q. Well, did you ever hold any offices in that union?

A. Well, I say you couldn't hold any office.

Presiding Inspector: Well, you can answer it directly, did you or didn't you?

The Witness: Oh, no, I didn't.

By Mr. Del Guercio:

Q. Did you meet Harry Bridges while you were a member of that union?

A. I may have. An organizational campaign started. There was a certain period when we were just getting out of one and going into the other.

(Testimony of Henry A. Schmidt.)

Q. Did you ever meet him in any of the meetings of this company union? A. No.

Q. Were there any other unions in existence at that time with regard to longshoremen?

A. Not that I know of.

Q. While you were a member of this blue book or company [4074] union were any efforts made to organize other unions?

A. There was no attempt made until the middle of 1933, and that is when the——

Q. (Interposing) The first time?

A. The first time that I found out about——

Q. (Interposing) Did you know Harry Bridges then in 1933?

A. Well, it was sometime in 1933 that I noticed him at one of the membership meetings of the newly organized ILA at the Building Trades Temple. I believe I stated that earlier here this afternoon.

Q. You say there was some organizational work being done to form another union about 1933?

A. Yes, the ILA of which we all later became members started its organizational work in that year.

Q. Did you take an active part in starting this new union, the ILA?

A. No, I didn't. I was interested in a new organization but I didn't take an active part immediately.

Q. Did you take any part at all?

(Testimony of Henry A. Schmidt.)

A. To the extent of becoming a member as soon as I could.

Q. Did you become a member? Did you take any part in organizational work in getting the union started? A. No. [4075]

Q. Well, when did you become a member of the ILA? A. Either in June or July, 1933.

Q. June or July, 1933? A. Yes, sir.

Q. Was your membership solicited?

A. No, it was not.

Q. How did you join?

A. I went to the office of this new union at No. 10 Embarcadero where there was a man sitting at a desk and I asked him if this was the place where one could join the ILA and he said "Yes." I said "All right, here is my 50 cents."

Q. Who was the first president of the ILA?

A. In San Francisco?

Q. In San Francisco?

A. A man by the name of Lee J. Holman

The Reporter: Spell it, please.

The Witness: H-o-l-m-a-n.

By Mr. Del Guercio:

Q. Did you know him? A. Yes, sir.

Q. Did you know him at that time?

A. You mean the day that I paid my initiation fee in this union?

Q. Yes. A. Oh, no.

Q. How long after that did you become acquainted with [4076] him?

A. There was a membership meeting of this

(Testimony of Henry A. Schmidt.)

union in the Labor Temple at 16th and Capp Street and he appeared on the platform and made some remarks and everybody knew that he was the organizer for that union.

Presiding Inspector: How long about after you joined was that?

The Witness: Oh, just a few weeks.

By Mr. Del Guercio:

Q. Did you become friendly with Holman?

A. Did I become what?

Q. Friendly? A. Yes.

Q. Now, did you hold any offices in the ILA during the first year of its existence?

A. Yes, late that year there was an election and I was elected to the Executive Committee.

Q. That is in 1933?

A. It must have been, yes.

Q. Do you know who brought about your election to the Executive Committee?

A. Who did what?

Q. Brought about your election to the Executive Committee?

A. The men who voted for me. [4077]

Q. Who proposed or who nominated you?

A. I don't recall who nominated me.

Q. Was the question of your becoming a member of the Executive Committee discussed between anyone before your name was put in nomination?

A. Yes, there was an organizer helping Holman: in fact, there were a couple of them, and, I believe, it had been decided in a general membership meet-

(Testimony of Henry A. Schmidt.)

ing that there would be elections. The date may have been set.

Q. Did Holman ever tell you that he would put you on the Executive Committee?

A. No, I don't think so.

Q. And how long did you remain on the Executive Committee of that ILA union?

A. I think that I have been a member of that Executive Committee ever since except for those years when I was a paid officer.

Q. Now, who are some of the—or can you give me the names of all of the members of the Executive Committee for the first year; the year 1933?

A. Certainly not all of them.

Q. Well, all that you can remember, then.

A. There was a man by the name of Harry Curtis, Alvin Kullberg, K-u-l-l-b-e-r-g; Bridges was on the Executive Committee. [4078]

Q. Dietrich or Richards?

A. Bridges. I believe Joe Johnson; I was on it. That is all I can remember right now. I believe Dietrich was on it.

Q. Do you recall a group of persons who were then known as the Albion Hall Group, connected with this ILA union at that time in 1933 or '34?

A. I recall the group but I didn't know anything about it that early.

Q. When did you know about it?

A. Oh, it might have been very late in '33 or very early in '34.

Q. What was the Albion Hall Group?

(Testimony of Henry A. Schmidt.)

A. It was a group of longshoremen who were working on the waterfront, who sometimes got together and discussed the problems of the union.

Q. Discussed the problems of what union?

A. The International Longshoremen's Association.

Q. Was it a group that was authorized by the ILA union?

A. Authorized? No, we didn't ask anybody for permission.

Q. What?

A. I mean, if you mean if we asked somebody for permission, why, no.

Q. Well, did it have any official connection with the [4079] ILA union?

A. The only connection that comes to my mind is the fact that the fellows who came, they were members of the union.

Q. They were all members of the union?

A. Yes, sir.

Q. Did they hold meetings, this Albion Hall Group?

A. Well, if you can call it a meeting; they got around a table.

Q. Well, didn't it get its name because meetings were held in this Albion Hall?

A. Did it get its name because meetings were held?

Q. Yes.

A. Well, they were usually referred to as meetings.

(Testimony of Henry A. Schmidt.)

Q. Well, were meetings of the ILA union held in the Albion Hall, regular meetings?

A. No, no.

Q. Where did this group of which you speak, the Albion Hall group, hold their meetings?

A. In the Albion Hall.

Q. In the Albion Hall?

A. Of course, that is not the correct name. The correct name is Equality Hall.

Q. Equality Hall or Albion Hall?

A. That is right.

Q. All right. Now, who were the members of this Equality Hall or Albion Hall group? [4080]

A. They were men who belonged to the ILA.

Q. Well, what were some of their names? You were one of them? A. Pardon?

Q. You were one of them?

A. Yes. Some of the men who belonged to the Executive Committee of the union were on it such as Kullberg.

Q. Kullberg? A. Yes, and McKenna.

Q. Who?

A. McKenna, myself, Bridges, a man by the name of Heiner, H-e-i-n-e-r.

Q. Is that Fred Heiner?

A. Yes; Dietrich.

Q. That is Eugene Dietrich?

A. Yes; Mann, M-a-n-n.

Q. What is his first name?

A. Herman, I believe.

Q. You are sure it isn't Lawrence?

(Testimony of Henry A. Schmidt.)

A. I didn't hear you.

Q. Lawrence? A. No; I said "Herman".

Q. Herman? A. Yes, sir.

Q. Mallan, did you say? M-a-l-l-a-n? [4081]

A. No, I said "Mann." Mallen was another, M-a-l-l-e-n, Ralph Mallen.

Did I mention Kullberg already?

Presiding Inspector: Yes, I think so.

The Witness: Oh, there was a man there by the name of Ferreira.

By Mr. Del Guercio:

Q. How do you spell that?

A. Well, I wouldn't be sure. It is a Portuguese name. The man has been dead for five or six years. But, I think, it is F-e-r-r-e-i-r-a.

That is all I recall right now. [4082]

Q. Was John Shoemaker a member of that group? A. Yes.

Q. W. Christianson?

A. Yes, Willie was there.

Q. Henry Morisse? A. Henry what?

Q. Mo-r-i-s-s-e. A. Yes; he was there.

Q. What was the purpose of this group?

A. The purpose was to make an attempt at organizing some kind of a program that we could introduce in the local union that would be of some benefit to the workers that belonged to that union.

Q. How many of those that you named were members of the Communist Party?

A. I don't know.

(Testimony of Henry A. Schmidt.)

Q. Do you know whether John Shoemaker was a member of the Communist Party or not?

A. I don't know.

Q. How often would meetings be held by this group?

A. Oh, sometimes every second Sunday, sometimes there would be three weeks before meetings, sometimes one meeting would follow the other; there would be a meeting this Sunday and there might not be one the following Sunday, and there might be one the following Sunday. [4083]

Q. Who was the leader of the group?

A. Bridges was there; he usually acted as sort of an unofficial chairman.

Q. Did he assume leadership? A. Yes.

Q. Was there an election?

A. No. They never were that formal.

Q. Now, the meetings that were held by this group, were they open meetings or were they secret meetings?

A. You couldn't call them secret meetings.

Q. Would you call them open meetings?

A. Well, I mean that they were not exactly open meetings because the group didn't shout it from the housetops they were going to get together there.

Q. Could anybody attend that was not a member of that particular group?

A. Yes; the fellows would sometimes bring some other longshoremen along.

Q. Can you tell me of one instance where that was done?

(Testimony of Henry A. Schmidt.)

A. Well, the only way I can describe that is by saying that maybe I noticed certain individuals at last Sunday's meeting who would come again, and later on, and then there would be a new face; so apparently somebody had contacted this man and invited him to come.

Q. And who would lay down the program in the meetings [4084] of this Equality Hall or Albion Hall group?

A. There was no laying down of any program. It developed out of the discussion or remarks that were carried on.

Q. Somebody must have suggested a program?

A. Yes; sometimes it was Harry Bridges and sometimes I had an idea, and sometimes another fellow had an idea. We kicked the idea around quite a while and either discarded it or adopted it.

Q. Were any of your ideas ever carried out?

A. I believe so.

Q. What ones?

A. I don't recollect. That was seven years ago.

Q. These were ideas in connection as to what should be done at the regular meetings of the ILA union then in existence, is that correct?

A. Yes. We came to several conclusions there which were brought to the union meetings.

Q. Would you decide as to what was to be proposed at the regular union meeting and by whom it was to be proposed?

A. Yes; roughly, that was the method.

Q. And at most of these Albion Hall meetings

(Testimony of Henry A. Schmidt.)

would what Bridges had suggested be proposed, or be carried out, or be adopted by the Albion Hall group?

A. Not always. I remember that his proposals were, well, the fellows seemed to pay more attention to his proposal than [4085] they would, for instance, to mine. He seemed to have a better understanding or grasp of the situation.

Q. Now, was there a group inside of this group that met secretly?

A. I don't know about that.

Q. Were you on the inside group?

A. I was a member of the group, but I wasn't a member of any inside group.

Q. Well, as a matter of fact, you know, Mr. Schmidt, do you not, that there was a group inside of the group, consisting only of Communist Party members, and that you were one of them?

A. No, sir. I recall one time one of the fellows hinted at that and raised heck about it, but everybody just stared at this guy.

Q. Who hinted that?

A. A man by the name of McKenna.

Q. When did he hint there was a Communist group within the group of which you and Harry Bridges were one? A. When?

Q. Yes.

A. At one of these gatherings; I don't recall just which one.

Q. It was during the time that this so-called group were meeting?

(Testimony of Henry A. Schmidt.)

A. Yes, sir; that is what I said. [4086]

Q. What did McKenna say?

A. I don't think that he even used the word "Communist." He said, "There is something about this group that I don't like." He indicated that he didn't like what was going on, or he was going to get out. And he batted a few ideas around and they made no impression on my mind as to what he was driving at.

Q. Did he drop out of the group subsequently?

A. Yes. He did come a couple of times more, though.

Q. And would it be a true statement to make that every decision that was arrived at by this so-called Albion Hall group was put before the membership of the ILA and approved, and ultimately concurred in by the membership of the union, at a regular union meeting?

A. No, I don't think so.

Q. Huh? A. I don't think so.

Q. How many decisions would you say were ultimately approved? A. I don't remember.

Q. What?

A. I don't remember. Sometimes I wouldn't be present at the next membership meeting so if any proposal were made——

Q. (Interposing) Would you discuss, among other things, the nomination of officers in the ILA? [4087]

A. It may have taken place. I have no recollec-

(Testimony of Henry A. Schmidt.)

tion on if. As a matter of fact, I didn't go to every one either.

Q. Was this group formed to fight Holman?

A. What?

Presiding Inspector: For the purpose of fighting Holman?

A. Not specifically; no.

By Mr. Del Guercio:

Q. Was Holman a member of that group?

A. No.

Q. What was his connection with the ILA union at that time?

A. He was at first, the first organizer that apparently was appointed by the International President, Joseph P. Ryon. Later on there was an election and he became President.

Q. Wasn't it one of the objects of this group to get rid of Holman?

A. Later on it was discussed in this group that apparently Holman had no program whatsoever, and they thought if an election was in the offing he should be opposed by someone.

Q. And wasn't Holman at that time fighting Communists? A. I don't think so.

Q. Didn't he go on record as being opposed to Communists?

A. I never heard him mention it.

Q. Wasn't he trying to get rid of Communists, weed out Communists, from the ILA union? [4088]

A. Never heard him mention it.

(Testimony of Henry A. Schmidt.)

Q. Before a decision was made by this Albion Hall group was it put to a vote?

A. You mean by somebody saying, "All in favor say 'Aye'; opposed 'No'?"

Q. Yes, either formally or informally.

A. Sometimes it was done in that manner; and at other times the Chairman would say, "If there is no objection," or "Are we in agreement—O.K." and let it go at that.

Q. It had no standing at all as a union, or part of any union, did it?

A. No. that is right; except that the fellows who were there were members of a union.

Q. And there was a union existing at that time, the ILA, of course? A. Yes.

Q. And the ILA was then affiliated with the American Federation of Labor, is that correct?

A. It was affiliated; yes.

Q. Who obtained the first charter for the ILA in San Francisco?

A. It must have been Holman.

Q. And did the Company union, so-called Company union, go out of existence about the same time? A. About the same time; yes. [4089]

Q. How long did the Albion Hall group remain in existence?

A. My memory is vague on that. It may have been six or seven months, and it may have been a little bit longer.

Q. Six or seven months, you say?

(Testimony of Henry A. Schmidt.)

A. It may have been a little longer; perhaps a little bit less.

Q. What happened at that time?

A. Nothing happened. It just sort of dissolved.

Q. Was Holman still the President of the ILA when it was dissolved?

A. I couldn't tell you. You mean was Holman still the President at the time the group dissolved?

Q. Yes.

A. I have no recollection of that whatsoever.

Q. How long did Holman remain President of the ILA?

A. Well, he was elected President. First he was a temporary officer, acting as an organizer, and presided at the meetings. Then we arranged for an election and he was elected. That was in 1933, the fall of that year. Some time in 1934 he got out.

Q. 1934? A. Yes.

Q. And this Albion Hall group broke up about the same time?

A. That may be so, but I don't remember. [4090]

Q. Who became the next president of the ILA?

A. Well, since Holman got out why the Vice President took over. His name was Joseph Johnson.

Q. Joseph——

A. (Interposing) Johnson.

Q. How long did he remain in this office?

A. He held the President's position throughout the 1934 strike. In the fall of 1934, after the strike, there was another election, and he was succeeded by Bridges.

(Testimony of Henry A. Schmidt.)

Q. Now, you say you met Harry Jackson, first met him during the 1934 strike, is that correct?

A. That is my best recollection.

Q. When did the 1934 strike occur?

A. I didn't understand.

Q. When did the 1934 strike occur?

A. May 9.

Q. May 9, 1934? A. Right.

Q. And you now say that you have not met Harry Jackson prior to May 9, 1934?

A. My best recollection is that during that strike, or shortly before that strike, he was a prominent figure on the waterfront connected with the MWIU. It is possible I may have seen him and not have realized who he might have been.

Q. Did you work with Harry Jackson on any matter prior [4091] to the 1934 strike?

A. To the best of my recollection he never worked as a longshoreman.

Q. I don't mean worked as a—did he ever work at anything?

A. As a matter of fact, I have never seen him work.

Q. You knew him to be a member of the Communist Party, of course?

A. Well, he was pointed out as such.

Q. You knew him as an organizer for the Communist Party, didn't you?

A. I knew him as an organizer for the MWIU.

Q. Was Harry Jackson a member of the MWIU? A. I took it that he was.

(Testimony of Henry A. Schmidt.)

Q. Didn't he have to be employed to be a member of the MWIU?

A. The MWIU was organizing seamen at that time.

Q. Was Harry Jackson a seaman?

A. I took him to be a seaman.

Q. You said he never worked, that you didn't know that he worked, isn't that your testimony?

Presiding Inspector: He said he never saw him work. You may ask him further if he knows about his working.

The Witness: Are you waiting for an answer now?

By Mr. Del Guercio:

Q. How do you reconcile those two statements?

[4092]

Mr. Gladstein: What two statements?

Mr. Del Guercio: One statement he said he never worked and in the other he said he was a seaman.

Presiding Inspector: He said he took him to be a seaman. Isn't that right?

The Witness: I took it for granted he was a seaman because he was connected with an organization that organized seamen. There were thousands of them milling around the beach. I certainly didn't ask each one if he had ever been a working seaman, or just a beachcomber.

By Mr. Del Guercio:

Q. Did you assist Harry Jackson in soliciting members in the Marine Workers Industrial Union?

A. No.

(Testimony of Henry A. Schmidt.)

Q. Did you assist Harry Bridges in soliciting membership in the Marine Workers Industrial Union? A. We were busy with the ILA.

Q. Who do you mean when you say "we"?—Harry Bridges and yourself?

A. Harry and I were busy in the ILA.

Q. Were you together all the time during the 1934 strike?

A. During the 1934 strike I saw Harry almost every day.

Q. And do you know if Harry Bridges, during the 1934 strike, solicited members for the Marine Workers Industrial [4093]

A. That wasn't necessary during the 1934 strike.

Presiding Inspector: He asked you whether or not you know about that.

A. I don't know.

Presiding Inspector: He has no knowledge on the subject.

Mr. Del Guercio: Do you want to continue? We can't get through with the witness.

Presiding Inspector: Go ahead a. little bit longer.

By Mr. Del Guercio:

Q. Did you ever hear of a mimeographed sheet called the "Waterfront Worker," Mr. Schmidt?

A. Oh, yes.

Q. Huh? A. Oh, yes.

Q. Were you ever connected with its publication, or editorship?

A. I wrote some stuff for it.

(Testimony of Henry A. Schmidt.)

Q. And when did you become associated with the Waterfront Worker?

A. I don't know whether it was '33 or '34. I think it was early in 1934.

Q. In any event it was long before the 1934 strike?

A. No, I don't think so because the 1934 strike took place in what you might call early that year, May 9. My best recollec- [4094] tion is that shortly before the—you see the strike was scheduled to take place in the first instance on March 22, I believe, and it was postponed. It may have been April 22. It was some time before that.

Q. Was it some time before the 1934 strike that you became associated with the Waterfront Worker?

A. It was some time before the 1934 strike.

Q. How long before?

A. That I wrote some material for it?

Q. How long before?

A. Well, it may have been a couple of months, and it may have been three months; I can't recollect exactly.

Q. You can't recollect exactly. We might refresh your memory. And how did you become associated with this Waterfront Worker?

A. Well, I wrote an article for it, and I signed my name to it.

Q. To whom did you submit the article?

A. To the Waterfront Worker.

Q. To whom?

(Testimony of Henry A. Schmidt.)

A. You mean where did I send it?

Q. To what person?

A. I didn't mention any person's name.

Q. I know you didn't. You said you submitted it. I am asking you to whom you submitted this article? [4095]

A. I sent, wrote the material on a piece of paper and placed it in the mail box.

Q. Under your name? A. Yes.

Q. And addressed it to whom?

A. To the Waterfront Worker, the post office box.

Q. You knew the post office box number?

A. The post office box was publicized in the sheet itself.

Q. Did anyone ask you to write an article for the Waterfront Worker?

A. No. The spirit moved me and I wrote.

Q. What spirit?

A. Well, I think you understand my answer.

Q. No, I don't understand your answer at all. Do you mean you were drunk at the time?

Presiding Inspector: It is perfectly evident that he means that there was no suggestion that he write it; but he wrote it from his own impulses. Is that what you mean?

The Witness: It occurred to me I might make a contribution to this paper so I sat down and wrote it.

By Mr. Del Guercio:

Q. Was that your first article? A. Yes.

(Testimony of Henry A. Schmidt.)

Q. You wrote more than one article? [4096]

A. Yes.

Q. And you signed your name to the article?

A. Yes.

Q. And did it appear in the Waterfront Worker under your name?

A. The article appeared, but my name wasn't on it.

Q. When did you write the first article for the Waterfront Worker with regard to the 1934 strike?

A. Well, it was prior to the strike, comparatively early in the year.

Q. Would you say it was in the same year, 1934?

A. Yes. That is the year we are talking about; yes.

Q. It wouldn't be in 1933, the latter part of 1933?

A. No. I recall that down on Pier 16 and 18, where I was working, the latter part of 1933 the fellows used to discuss this paper that had appeared. I would ask several, "Where the devil can I get it?" Somebody would say, "The next time I get one I will bring you one." Then it was weeks and weeks before I ever saw a copy.

Q. Well, now, can you recall now, state definitely, that it was not in the year 1933 that you wrote the first article for the Waterfront Worker?

A. It was in 1934 that I began to write.

Q. Did you know who the editor of the Waterfront Worker was at that time? [4097]

(Testimony of Henry A. Schmidt.)

A. I didn't know anybody.

Q. Didn't you know that Harry Jackson was the editor of it?

A. I didn't know anything about it.

Q. When did you find out, if at all?

A. I didn't find out that Jackson was the editor.

Q. Who did you find out was the editor of it?

A. I didn't know as there were any editors.

Q. Do you know whether Harry Bridges was the editor of that paper at any time?

A. He contacted me about it on account of this article that I had written with my name signed to it.

Q. Did he contact you when you wrote the first article? A. Yes; that is my best recollection.

Q. Then it was Harry Bridges that suggested that you write the article for the Waterfront Worker? A. No, I had written it before.

Q. What?

A. He contacted me after I had written an article.

Q. How long after?

A. Several days; maybe a week.

Q. And where did he contact you?

A. I think it was around the hall, the ILA hall, at 113 Steuart Street.

Q. What did he say to you? [4098]

A. Well, he said, "I see you wrote something for the paper on the waterfront." I think he made some complimentary remark about the material I had written.

(Testimony of Henry A. Schmidt.)

Q. Did he tell you that he had read your article also? A. That he had read it?

Q. Yes. A. He must have read it.

Q. And he complimented you on it, you say?

Presiding Inspector: Yes; that is what he said.

By Mr. Del Guercio:

Q. Did he say anything else?

A. Well, he asked me what I thought of the paper, and what I had heard about it on the waterfront. I told him that on the dock where I worked that the fellows had been talking about it and it seemed to be quite popular, and that whenever I heard the fellows talking about it I would try to get a copy and had some difficulty in getting one.

Q. Anything else?

A. That is about all.

Q. That is all the conversation that occurred between you and Harry Bridges at that time?

A. After all these years—well.

Q. Did Harry Bridges at that time tell you what connection he had with the Waterfront Worker?

A. With the Waterfront Worker? [4099]

Q. Yes.

A. He said he was one of the fellows who had something to do with it, and several others.

Q. Did he mention the names of the others?

A. No. I wasn't interested much. I just took it for granted it was a paper that, according to what I had heard, it had appeared for some time

(Testimony of Henry A. Schmidt.)

and was sort of a waterfront institution already when I got acquainted with it.

Q. By "Waterfront institution" what do you mean?

A. Well, I mean by that, that the longshoremen who had read it, they apparently took it for granted that this paper was going to continue to come out.

Q. Now, you had seen copies of it prior to the 1934 strike, had you not, prior to the time you had written your first article for it?

A. Yes. I finally got hold of a copy.

Q. Did you also read the masthead—what did it say on the masthead?

A. At the top it said "The Waterfront Worker."

Q. Is that all?

A. I don't know whether "The" was on there, but it said "Waterfront Worker."

Q. Did it say who published it?

A. I think right underneath that there was a post office box. [4100]

Q. In the early part of 1934?

A. Yes; that is as well as I can remember it.

Q. Did it give the name of the editor?

A. Did it give what?

Q. The name of the editor.

A. There were no names.

Q. Now, you wrote your first article, you say, about the early part of 1934. When did you write your next article for the Waterfront Worker?

A. It is impossible to remember. It may have

(Testimony of Henry A. Schmidt.)

been a week later, and it may have been two weeks later; and maybe I waited longer than that.

Q. And did anyone tell you to write the second article? A. Did anyone tell me, you say?

Q. Yes. A. No.

Q. The spirit moved you again?

A. The spirit moved me again.

Q. And you wrote another article?

A. That is right.

Q. What did you do with it?

A. What did I do with it?

Q. Yes.

A. I placed it in an envelope and mailed it.

Q. Mailed it to whom? [4101]

A. To the box, post office box, the number of which appeared in the paper itself.

Q. In addressing the envelope for either the first or second article, did you give the name of anyone, show the name of anyone on it, or did you address it to a particular person?

A. No; I just said "Waterfront Worker."

Q. And the post office box?

A. That is right.

Q. San Francisco? A. That is right.

Q. Did you also sign your name on your second article? A. I don't think so.

Q. Now, why didn't you sign your name on the second article?

A. Well, Harry explained to me that it wouldn't be wise; that we were a union not getting recogni-

(Testimony of Henry A. Schmidt.)

tion, and we had no job control, and no contracts with the employers, and if the shipowners were to find out who put the paper out we would probably be knocked off the waterfront for good. That seemed logical to me.

Q. Was your second article also published?

A. I don't remember.

Q. Huh? A. I don't remember. [4102]

Q. When did you write your third article?

A. No recollection.

Q. How many articles all together did you write?

A. I don't remember. [4103]

Q. What? A. I don't remember.

Q. Did you ever sign your name to any of the articles after the first one?

A. I doubt it very much.

Q. Well, do you want time to think about it?

A. You are asking me if I want time to think about it?

Q. Do you want a little time to think about it before you answer?

A. No; I think that is correct. I didn't sign any more.

Q. Did you ever visit the place where the Waterfront Worker was mimeographed or printed?

Mr. Gladstein: Did he say Western Worker or Waterfront Worker?

Mr. Del Guercio: Waterfront Worker.

A. No, I never did, although I heard that it was published in or printed in one of the fellows' homes.

(Testimony of Henry A. Schmidt.)

Q. In whose home?

A. Well, I think they said it was Shoemaker's home.

Q. John Shoemaker? A. Yes, sir.

Q. Who said it was printed in John Shoemaker's home? Who told you?

A. I don't recall. After Harry and I got together about [4104] the paper, in due time we got acquainted with a third and fourth fellow who also wrote for it. I think Shoemaker was the next one that I got acquainted with as one of the writers.

Q. Now, when did you learn that the Waterfront Worker was being mimeographed and printed in John Shoemaker's house?

A. When? I don't——

Q. (Interposing): Yes.

A. I don't recollect.

Q. With relation to the 1934 strike?

A. Well, it seems to me it was——

Q. (Interposing): Was it before or after?

A. It was before, I believe. I mean, the particular strike date was just around the corner, but I can't fix it definitely in my mind.

Q. Who told you that it was mimeographed at John Shoemaker's house?

A. It may have been John Shoemaker himself. It may have been Bridges himself; I don't know.

Presiding Inspector: I think we will stop here until tomorrow morning at ten o'clock. Recess until tomorrow morning.

(Witness temporarily excused.)

(Whereupon, at 4:20 P. M. an adjournment was taken until May 16, 1941, at 10:00 A.M.)

[4105]

Court Room 276,
Federal Building,
San Francisco, California,
May 16, 1941.

Met, pursuant to adjournment, at 10:00 A. M.

[4106]

PROCEEDINGS

Presiding Inspector: Is the witness here?

HENRY A. SCHMIDT

called as a witness on behalf of the Alien, having been previously duly sworn, testified further as follows:

Presiding Inspector: Now, Mr. Del Guercio?

Mr. Del Guercio: Are you ready to proceed?

Presiding Inspector: Yes.

Cross Examination
(Resumed)

By Mr. Del Guercio:

Q. Mr. Schmidt, we were on the Waterfront Worker last night when we adjourned. I believe you testified that you submitted many articles, but you were unable to recollect how many, is that correct? A. Substantially correct.

Q. Now, your testimony is then also that you

(Testimony of Henry A. Schmidt.)

never submitted any articles to the Western Worker prior to 1934 is that correct?

Mr. Gladstein: Are you talking about the Western Worker?

Mr. Del Guercio: Waterfront Worker.

A. Prior to 1934?

By Mr. Del Guercio:

Q. Yes.

A. I believe that is what I testified; yes.

Q. Now, at the time you were with this so-called Albion [4107] or Equality Hall Group, the Waterfront Worker was used by that group, was it not?

A. It may have been. It is rather vague in my mind.

Q. Well, don't you know whether it was or not?

A. I said it is rather vague in my mind. A lot of water has gone under the bridge since then.

Q. Yes. But what is your best recollection on that point?

A. I really can't make it any clearer than that.

Q. Now, what your first article about?

A. I don't recollect that either.

Q. You don't recollect that either? A. No.

Q. Now, Mr. Schmidt, as a matter of fact, weren't you known on the waterfront and elsewhere prior to 1934 as Editor Schmidt of the Western Worker—of the Waterfront Worker?

A. No. Some people may have seen fit to call me that but I don't know whether that makes me——.

(Testimony of Henry A. Schmidt.)

Q. (Interposing): You have heard that before, then, have you? A. You mean the term?

Q. Yes, sir.

A. Yes, I believe some fellows used that term.

Q. When did you first hear it?

A. It is impossible to remember. [4108]

Q. It might have been prior to 1934?

A. Well, it might have been during '34.

Q. Well, I asked you if it might have been prior to 1934?

A. It is impossible for me to remember that.

Q. If Harry Bridges testified that you were connected with the Western Worker prior to 1934 would he be lying?

Mr. Gladstein: Just a moment.

A. Not with the Western Worker.

Mr. Del Guercio: With the Waterfront Worker.

Presiding Inspector: Just a moment. I will exclude it. We can't have testimony by one witness as to the truthfulness of another.

Mr. Del Guercio: I will withdraw the question.

Presiding Inspector: Yes, sir.

By Mr. Del Guercio:

Q. Now, you testified yesterday that one of the purposes of forming this so-called Albion or Equality Hall group was to get rid of Holman; is that correct?

Mr. Gladstein: I think that is a misstatement of the testimony, your Honor. I object to the question.

Mr. Del Guercio: It isn't a misstatement. It is a misunderstanding.

(Testimony of Henry A. Schmidt.)

Mr. Gladstein: Well, I don't accuse Mr. Del Guercio of deliberately doing it. I simply say it assumes something which [4109] is contrary to the evidence.

Mr. Del Guercio: I will withdraw it. Let me ask this question:

By Mr. Del Guercio:

Q. Was that one of the purposes of the Albion Hall group? A. To do what?

Q. To get rid of Holman as the President of the ILA? A. No.

Q. Didn't the Waterfront Worker conduct a campaign about the same time against Holman?

A. Well, it seems to me that later Holman was placed on trial by the Union.

Q. Well, I haven't asked you about that. I was asking you if the Waterfront Worker conducted a campaign in its paper against Holman about July 1933?

A. There was some material that appeared in the Waterfront Worker with regard to Holman, but as to the date, that is impossible for me to remember.

Q. Well, now, this Albion Hall group was organized prior to 1934, was it not?

A. Yes, I believe so, but it was rather late when I got acquainted with it.

Q. You were one of the leading figures in that Albion Hall group, were you not?

A. Well, I don't know whether I was or not.

[4110]

(Testimony of Henry A. Schmidt.)

Q. Well, you know that you were a leading figure in the Union there, in the ILA subsequently. Now, can't you tell—you have so testified—can't you tell us whether you were a leading figure in this Albion Hall group?

A. I was not a leading figure anywhere in 1933 nor '34 either, until, well, I guess everybody knew me by the time the strike was over.

Q. Everybody knew you by the time the strike was over? A. Well, it seemed so.

Q. As a matter of fact, Mr. Schmidt, weren't the policies of the Albion Hall group and the editorial policies, if I may call them that, of the Western Worker similar?

A. Yes; that would be correct.

Q. That would be a correct statement. And was it not also the policy of the Waterfront Worker, and of this Albion Hall group, to agitate for a meeting of representatives of the Longshoremen from all West Coast ports prior to 1934, say, from the latter part of 1933 to the latter part of 1934?

A. Yes. As I recall it, some time in 1934, very early in 1934, due to the fact that we were going regularly to union meetings and nothing was taking place so far as any objectives were concerned, we thought that it would be best to develop some kind of a program that would be beneficial to the workers in our industry, and we did come to the union meetings and agitate for a coastwise program, a coastwise organization. [4111]

Q. By "we" whom do you mean?

(Testimony of Henry A. Schmidt.)

A. The Albion Hall group that you are talking about.

Q. Was that done through the regularly organized ILA union then in existence?

A. That is the only union that I belonged to at that time.

Q. Well, did you agitate for this meeting, or convention of the longshoremen from all West Coast ports through the ILA union?

A. Yes. There are two things that stand out in my mind: First, we proposed to the union that we ought to have a little more information from the Northwest as to what was going on there; and we proposed to the union that a couple of men be sent to the Northwest by our local to take a look around and report back. That proposition was accepted and Eugene Dietrich and Bridges were sent north by the local union.

Q. When was that?

A. It seems to me it was in '34.

Q. The early part?

A. Well, it was certainly before this convention, and this convention took place late in February, I believe.

Q. So that this was before February, then, 1934, is that correct? A. Yes, I think so.

Q. Now, you knew that from the period, that for the period between February 1933 and July 1933, the Waterfront Worker was [4112] published, had its publishing address at room 421, 830 Market Street, San Francisco, California, did you not?

(Testimony of Henry A. Schmidt.)

A. I thought we were talking about the year 1934?

Mr. Del Guercio: Read the question, please.

(The question referred to was read by the reporter as above recorded.)

A. I knew nothing about that because I had no connection with anybody, I had no connection with the ILA until June or July, 1933.

By Mr. Del Guercio:

Q. And for the period between July 1933 and February 12, 1934, you knew that the Waterfront Worker had its publishing address as 3470 19th Street, San Francisco?

A. No, I didn't know that.

Q. You knew that that was the home of Walter Lambert, did you not? A. No, sir.

Q. You knew Water Lambert, didn't you?

A. Yes, I have heard of him, but I didn't know him then.

Q. You knew that he was one of the leading Communist figures on the West Coast at that time, did you not? A. No, no.

Q. You didn't know that? A. No.

Q. And you were on the waterfront during all this time? [4113] A. Yes.

Q. When did you know that Walter Lambert was a leading Communist figure?

A. I have never interested myself to find out whether people are Communists or not.

Q. You were never interested in learning who

(Testimony of Henry A. Schmidt.)

were Communists and who were not Communists?

A. No, no; it doesn't bother me at all.

Q. And I believe you testified that during all this period you were very active in union matters?

A. During what period?

Q. From about 1933 to the present time.

A. No, I didn't say that: I said I didn't become active until '34.

Q. Well, from 1934 to the present time you have been very active in union affairs?

A. Yes.

Q. Now, you testified that you were on the Strike Committee during the 1934 strike, is that correct?

A. That is right.

Q. Who was on the Strike Committee?

A. Who was on the Strike Committee with me?

Presiding Inspector: Besides yourself.

A. I think there were a group of at least 35 or 40. I couldn't recall all the names. [4114]

By Mr. Del Guercio:

Q. Who was the Chairman of that Strike Committee? A. Bridges.

Q. What was your position?

A. I was a member of it.

Q. Now, you were very close to Harry Bridges at that time, were you not?

A. I didn't know him so very well then.

Q. When did you become close to Bridges? Do you know what I mean by the word "close"?

A. Yes. You mean friendly and close in daily association.

(Testimony of Henry A. Schmidt.)

Q. Yes.

A. No, I wouldn't say that I was very close to him at that time.

Q. Well, did you meet him every day—were you with Harry Bridges almost every day during the 1934 strike? A. Yes.

Q. Did you become friendly with him during that time? A. Surely.

Q. Have you continued that association with Harry Bridges ever since?

A. Oh, yes. We don't agree on everything sometimes.

Q. What?

A. Sometimes we don't agree on everything and we sometimes have some violent——

Q. (Interposing): Would you say you have been a very close friend of Harry Bridges from the 1934 strike to the present time? [4115]

A. Yes; I would be glad to say that.

Q. What were the duties of the Strike Committee of which you were a member during the 1934 strike? A. What were the duties?

Q. Yes.

A. Well, the Strike Committee was authorized by the membership to, well, to say it in a very few words, to run the strike to the best of their ability and to carry on on behalf of the membership of the Union to the best of their ability. Among other things, the membership authorized them to spend the Union's money between meetings and

(Testimony of Henry A. Schmidt.)

make a report on the money that was spent at the next membership meeting, and organize pickets. The Strike Committee was divided into sub-committees. There was a Publicity Committee; there was a Defense Committee, and various things that are usually done during a strike.

Q. Were you on any of the committees?

A. Yes, I was on the Publicity Committee.

Q. Any other Committee?

A. No. On the Strike Committee, the Publicity Committee, and, then, I was on the Executive Committee of the Union.

Q. Well, were you on any other committees of this Strike Committee?

A. No, I don't think so.

Q. Now, as Publicity—you were on the Publicity Committee, you say? [4116] A. Yes.

Q. Were you Chairman of that Committee?

A. No.

Q. Who was the Chairman?

A. A man by the name of Ralph Mallen.

Q. And did this Publicity Committee have an organ?

A. Yes, sir; they put out a memeographed sheet. I think, our instructions from the Strike Committee were to gather as much information on the progress of the strike and put out a memeographed sheet daily, but——

Q. (Interposing) Did you also use the Waterfront Worker?

A. No. We were not very efficient. We were green at the job and although our efforts of getting

(Testimony of Henry A. Schmidt.)

out this sheet daily was—we attempted to put it out daily. We didn't always succeed. Sometimes, we lapsed a day or so.

Q. Well, did you use the Waterfront Worker at all?

A. No. We were using the Daily—so-called Daily Bulletin of the Union which, I think, was entitled Strike Bulletin of the ILA or ILA Strike Bulletin.

Q. Did you adopt, this Publicity Committee adopt the Western Worker as its organ?

A. Yes, later on we accepted a proposition that they made us to put it out in print, and they put out a sheet that was about the same size as the one that we had been mimeographing, and they called it the—— [4117]

Q. (Interposing) Now, who made the negotiations with the Western Worker for that purpose?

A. I don't recall the person. It was a man, but the name I don't recall at all.

Q. You can't recall the name? A. No.

Q. You were on the Publicity Committee at the time? A. That is right.

Q. And just what arrangements were made?

A. As I recall it, he came to the Publicity Committee.

Q. Who came? A. This man.

Q. From the Western Worker?

A. He came to the——

The Reporter: I can't hear you.

The Witness: He came to the Publicity Com-

(Testimony of Henry A. Schmidt.)

mittee. Then you said "From the Western Worker?" My answer was going to be he must have come from there.

Q. What did he say when he appeared before the Publicity Committee?

A. I don't recall the exact words. It would be impossible for me to quote him.

A. Well, substantially.

A. Well, he proposed that we do something to use their printing presses, and what have you, to put out a daily [4118] bulletin in print. I think he said something, that a printed job would look better than a mimeographed job.

Q. Well, did he say he was coming from the Western Worker?

A. He may have and he may have not; I don't know.

Q. Go on.

A. Well, the three or four men who were on the Publicity Committee discussed the proposition. Then, we said we have no authority to say yes or no to that; we will take it to the Strike Committee. Then, we took it to the Strike Committee.

Q. Now, who took it to the Strike Committee?

A. The Publicity Committee reported to the next Strike Committee meeting.

Q. Were you there when the report was made?

A. I couldn't say; most likely I was.

Q. Now, after you reported to the Strike Committee—you mean you reported to Harry Bridges?

(Testimony of Henry A. Schmidt.)

A. No; we reported to the Strike Committee which was a group of about 35 or 40 men.

Q. Of which Harry Bridges was Chairman?

A. Of which Harry Bridges was Chairman.

Q. Now, was Harry Bridges there when you reported? A. At the time we reported?

Q. Yes. A. I don't remember. [4119]

Q. You don't remember. And what was the outcome?

A. Well, they listened to the proposal and there was a vote taken and they accepted the proposition.

Q. Did you vote for it? A. Yes, sir.

Q. Now, were any agreements reached as to whether you should pay the Western Worker anything for its assistance?

A. No, I don't think there was any—I don't think there was any money connected with it at all.

Q. The Western Worker was offering its services free?

A. Yes, I believe so; there may have been something.

Q. Did the Strike Committee have a Financial Committee?

A. I didn't hear the last word of your sentence.

Q. Did the Strike Committee have a Financial Committee? A. No; that I don't recall.

Q. And the Western Worker continued to be the organ of the Strike Committee throughout the 1934 strike, is that correct?

A. No; it is my recollection that the thing was stopped before the strike was over.

(Testimony of Henry A. Schmidt.)

Q. Now, do you know why it was stopped?

A. Oh, I think, some discussion developed in the Strike Committee by people who pointed out that this Daily Western Worker strike bulletin was connected with the Western Worker, which, in turn was the official organ of the Communist Party, [4120] and they thought that it would be inadvisable to continue that sort of relationship, and that matter was discussed by the Strike Committee for a while. I think they voted to discontinue the business and I don't know whether the proposition was referred to the membership meeting or not.

Q. Now, during that period of time was there in existence in San Francisco what was known as the San Francisco Labor Council?

A. The San Francisco Labor Council?

Q. Yes? A. Yes.

Q. Were you a member of that Council?

A. I don't know whether I was a delegate to that Council that year or not.

Q. Now, isn't it a fact that the San Francisco Labor Council passed a resolution about that time condemning Communists and directing that all members of the Union disavow their connections with the Communist Party, and that failure to do so would result in expulsion from the Union, substantially to that effect?

A. They may have passed such a resolution. I don't remember; I don't know.

Q. They may have passed, you say, such a resolution? A. Yes, that is what I said.

(Testimony of Henry A. Schmidt.)

Q. You have no recollection of it? [4121]

A. I don't remember.

Q. Did this Strike Committee, of which you were a member, seek assistance from any other sources during the 1934 strike?

A. Oh, yes. They sought and solicited assistance from all over the countryside.

Q. Did they ask for assistance from the ILA and the International Labor Defense?

A. I don't think it was asked.

Q. Didn't you arrange to have Elaine Black address the convention on the assistance that could be given by the International Labor Defense if the longshoremen would go on strike, just prior to the 1934 strike?

A. When you say "you" do you mean the Strike Committee or I?

Q. You as either a member of the Strike Committee or an individual? A. No.

Q. Huh? A. No.

Q. In either capacity?

A. No, I certainly didn't. Maybe somebody else on the Strike Committee did.

Q. Well, did you have any knowledge of it?

A. Absolutely none. [4122]

Q. You know Elaine Black, of course?

A. Yes, I recall her addressing the Strike Committee.

Q. What?

A. I recall her addressing the Strike Committee.

Q. And who was Elaine Black?

(Testimony of Henry A. Schmidt.)

A. She said that she was a representative of the ILA.

Q. She was also a member of the Communist Party, was she not? A. I don't know. [4123]

Q. You never heard that she was?

A. No, I didn't know; I didn't even know what the ILD was at that time.

Q. I asked you if you had ever heard she was a member of the Communist Party?

A. Oh, yes; that is generally known around town.

Q. And did she speak at the convention?

A. Convention?

Q. Did she speak before the ILA longshoremen?

A. She spoke at one of the Strike Committee meetings.

Q. Spoke before the Strike Committee?

A. That is right.

Q. When was that?

A. It was a few days after the cops on the waterfront gave some people a terrific beating.

Q. What did she speak about?

A. That was what she came there for.

Q. What did she say about it?

A. She explained, or told the longshore Strike Committee, that she came there to ask the Strike Committee to go with a representative of the ILD, and other trade unionists, to the Mayor's office and there protest against the police brutality which had taken place either the day before or a couple

(Testimony of Henry A. Schmidt.)

of days before that. A bunch of young people, who were advertised in the papers as being Communists, came to the waterfront, and [4124] they were beat up and ridden down by horse cops, and knocked down all over the place.

Q. Did she speak about anything else?

A. No. She went into quite a bit of the detail to describe some of the wounds that these people had received, lacerated scalps, and a couple of girls had black and blue breasts, she said.

Q. Did she say anything about how you should conduct the strike, what steps should be taken?

A. Did she say to us how we should conduct the strike?

Q. Yes. A. No.

Q. Did she offer the assistance of the ILD?

A. I think that was at a later date.

Q. What later date? You mean she addressed the Strike Committee more than once?

A. I couldn't remember. It is my best recollection that is the only time she addressed the Strike Committee. There may have been——

Q. (Interposing) You said that was at a later date that she offered the assistance of the ILD. When was that?

A. I don't remember. You asked me if the ILD offered assistance. I said "at a later date." My best recollection is that she didn't address the Strike Committee again, but maybe some communication passed back and forth [4125] between the union and the——

(Testimony of Henry A. Schmidt.)

Q. (Interposing) How did the ILD offer its assistance at a later date?

A. My best recollection is that our Defense Committee, that is the Union Defense Committee, came to the Strike Committee and made some kind of a report that they had been offered assistance by the International Labor Defense, and I think they recommended that we do not accept it.

Q. Was that turned down?

A. I am pretty sure it was. I remember Dietrich—he was a member of the Defense Committee and the other was Fred Heiner—I think those were the only two fellows on the Defense Committee—and they both recommended that they could handle the business of the defense and we required no assistance. I am pretty sure the Strike Committee adopted that policy.

Q. Do you know Sam Diner? A. Who?

Q. Sam Diner?

A. No. I read about him in the paper in connection with this hearing.

Q. Did he ever have anything to do with the Defense Committee?

A. I don't know; I don't know the man.

Q. Did you ever go to 121 Haight Street during the time [4126] that the 1934 strike was in progress?

A. No. I testified yesterday when I had been there; once to hear somebody speak and another time——

Q. (Interposing) Is your testimony that you

(Testimony of Henry A. Schmidt.)

did not go to 121 Haight Street for any reason during the, at any time during the 1934 strike?

A. I am sure I didn't. I went to a place on Grove Street, at the time it was smashed up by the vigilantes, to look at the damage.

Q. That is correct. It was not at 121 Haight Street. Where was the Communist Party headquarters at that time?

A. This was a place on Grove Street near the City Hall.

Q. That was the headquarters of the Communist Party during the 1934 strike?

A. Well, I don't know. There was a big sign over the door saying "Western Worker". I went there, after somebody started a reign of terror around here and smashed up everything, and, among other things, they smashed up that place, so I went up and looked at the place.

Q. At 37 Grove Street? A. Yes.

Q. How many times did you go to 37 Grove Street during the 1934 strike?

A. That was the first time I went there, to the best of my recollection, and it was never reopened.

[4127]

Q. You only went there once?

A. Yes. I went there to see what damage had been done.

Q. Did you go inside? A. Oh, yes.

Q. Who did you meet inside?

A. Men and women in there—I don't recall anybody.

(Testimony of Henry A. Schmidt.)

Q. Elaine Black? A. I don't know.

Q. What? A. Pardon?

Q. Elaine Black? A. I don't know.

Q. You might have met her?

A. I testified a while ago that she addressed the Strike Committee.

Q. You might have met her at the time you visited 37 Grove Street?

A. I may have, and I may not; I don't know.

Q. Sam Darcy? A. I don't know.

Q. You might have met him at that time?

A. He may have been in there, but I wouldn't know.

Q. There was no meeting going on there at that time, was there?

A. It was impossible to hold a meeting in that place; [4128] everything was smashed up.

Q. Was there a meeting going on when you visited the place? A. I can't hear you.

Presiding Inspector: Read the question.

(The question referred to was read by the reporter as above recorded.)

A. No; there couldn't be any meeting; there was no meeting.

By Mr. Del Guercio:

Q. Now, did the Strike Committee, of which you were a member, also cooperate with the Marine Workers Industrial Union during the strike?

A. I wouldn't say there was much cooperation there. Some of their people used to come over

(Testimony of Henry A. Schmidt.)

and ask us to place something in our bulletin with regard to their situation.

Q. Who would come over?

A. I have no recollection who it was.

Q. Can you give me the name of anyone who was connected with the Marine Workers Industrial Union at that time?

A. Yes—Jackson and Telford.

Q. Harry Jackson? A. Yes.

Q. And Sam Telford?

A. That is right. [4129]

Q. Would they come over to the Strike Committee?

A. I think Telford came sometimes, and sometimes somebody else would come.

Q. Do you know any others that were connected with the Marine Workers Industrial Union?

A. No, I don't.

Q. How often would Jackson come?

A. I don't recall him having come to the Publicity Committee of our Strike Committee.

Q. Does Harry Jackson have any other name?

A. What?

Q. Does Harry Jackson have any other name?

A. Not to my knowledge. That is the only name I ever heard.

Q. Did you ever hear the name of Glickshon—G-l-i-c-k-s-h-o-n? A. No.

Q. You never heard that name? A. No.

Q. But you did know Harry Jackson at that time?

(Testimony of Henry A. Schmidt.)

Mr. Gladstein: That has already been asked and answered about three or four times.

Presiding Inspector: Yes. He said he did.

By Mr. Del Guercio:

Q. That resolution of the San Francisco Labor Council [4130] that I spoke about a few minutes ago was passed about June 22, 1934, was it not?

A. Well, I was going to explain a while ago, but I didn't get the opportunity, that my best recollection is that during 1933 I was not a delegate to the Labor Council; but I recall, when there was a possibility of a general strike developing, that the unions were requested to send delegates, other than their regular delegates, to the Labor Council meeting. I was one of those delegates. I think we had six or seven regular delegates to the Labor Council. My best recollection is that I was not a member of that group. But when the——

Q. (Interposing) That would be——

Mr. Gladstein: (Interposing) Just a moment. He hasn't finished.

By Mr. Del Guercio:

Q. Have you finished?

A. No. I was going to add that when the Central Labor Council issued a call for a special meeting to discuss the general strike, then I went there to that general strike committee meeting as an official representative of our union.

Q. When was that?

A. That must have been, well, it certainly was after July 5, 1934 because that is the day that all

(Testimony of Henry A. Schmidt.)

the killing and shooting took place by the cops around here.

Q. This would be a matter of record, would it not, of the San Francisco Labor Council? [4131]

A. The resolution you are talking about?

Q. Yes. A. Yes.

Q. Now, after the 1934 strike did you ever hear Harry Bridges propose on the floor of the meeting of Local 38-79 that the union send a representative to the Soviet Union as a guest of the Friends of the Soviet Union?

A. The proposal was made, but to the best of my recollection it wasn't Bridges.

Q. Didn't you second that motion?

A. I may have, but I don't think——

Q. (Interposing) That would be a matter of record, would it not?

A. You mean who made and seconded the motion?

Q. Yes.

A. That is very doubtful. The Secretary was not in the habit of putting down in the minutes who made or seconded a motion, unless it was a resolution——

Q. (Interposing) Your testimony is that you may have seconded such a motion?

A. I may have.

Q. And didn't this motion, didn't Bridges make this motion as a result of a letter of invitation from the Friends of the Soviet Union?

A. I have no knowledge of that. [4132]

(Testimony of Henry A. Schmidt.)

Q. And didn't Harry Bridges say, in support of that motion, that Local 38-79 was the outstanding union in the world because of their successful termination of the Maritime Strike, and that the sending of a representative to the Soviet Union would enhance their prestige in the labor movement?

Mr. Gladstein: That is a compound question and the witness——

Mr. Del Guercio: (Interposing) No.

Presiding Inspector: The witness may separate it.

Mr. Gladstein: If he understands the question.

Presiding Inspector: Yes.

The Witness: I understand it.

Presiding Inspector: You can accept part of it, if it is a fact.

A. As far as the first half of the question is concerned, I have heard Bridges say on numerous occasions that he thought that our particular union was one of the best and strongest in the world.

But as to the latter part of your question, where he may have said something about the prestige of the union, and so forth, in connection with this matter that you are talking about, I don't recollect that.

By Mr. Del Guercio:

Q. About sending a representative to the Soviet Union?

A. I don't recollect that part of it. [4133]

(Testimony of Henry A. Schmidt.)

Q. You don't recollect that part?

A. The other part of the sentence, the first part of the sentence, has been stated so often, that is, that we have one of the strongest and best unions in the country, and I say that myself.

Q. Were you on the Executive Board of the local at that time, Local 38-79?

A. Well, it depends on what year it was.

Q. 1935.

A. If I was not a paid official I was on the Executive Board.

Q. Well, were you a paid official in 1935?

A. No, I rather think that I was on the Executive Board.

Q. You do recall, however, the union receiving, Harry Bridges receiving a letter from the Friends of the Soviet Union to send a representative to the Soviet Union?

A. No, I don't recall that. I don't remember how the issue hit the floor of the membership. I know I never saw any letter.

Q. Didn't you offer to pay your own expenses if you could be sent as a delegate?

A. That is a little bit ridiculous. I had no money.

Q. What is ridiculous about it?

A. To state that I said at that time that I would pay my own expenses if I were sent. [4134]

Q. Because you had no money at that time?

A. Of course I had no money.

(Testimony of Henry A. Schmidt.)

Q. You were a paid official of the union?

A. No. Even if I had been I wouldn't have had any money.

Q. What were you doing at that time, in 1935, 1936?

A. I was a longshoreman—I was longshoring.

Q. Were you working?

A. That is what I mean, that I was working as a longshoreman.

Q. Was not a vote taken on that motion to send a delegate? A. Yes, there was.

Q. And didn't it lose by a vote of 16 to 14?

A. Of how much?

Q. 16 to 14, before the Executive Board.

A. I don't know what you are talking about now. I thought we were talking about a membership meeting.

Q. Is that your answer?

A. Well, my recollection is that the issue that you are discussing with me took place in the membership meeting which, at that time, was held in some other hall on Golden Gate Avenue. It wasn't Eagles' Hall. There were hundreds of men there, so when you say "16 to 14" it doesn't make sense.

Q. Was the matter ever taken before the Executive Board? A. I don't recollect. [4135]

Q. You have no recollection of that, but you have a recollection of the other matter?

A. Yes; because there was a big fuss about it in the meeting. It took up the entire time of the meeting.

(Testimony of Henry A. Schmidt.)

Q. Didn't you want to go to Russia about that time?

A. Why should I want to go to Russia? No. I have family ties here, my people live here, my daughter lives here, my father is still alive, so why should I want to go to Russia?

Q. Will you answer the question?

Mr. Gladstein: He said "No."

Presiding Inspector: I take it as a negative answer.

Mr. Gladstein: He already said "No" in the very beginning.

Presiding Inspector: I still take it as a negative answer.

Mr. Del Guercio: I move to strike the rest of his answer.

Presiding Inspector: I will let it stand as an explanation.

By Mr. Del Guercio:

Q. Did you ever at any time admit to anyone that you were a member of the Communist Party?

A. No. In our line of business——

Q. (Interposing) Is this in answer to my question? A. Yes.

Q. Your answer is "No?"

A. Yes. The answer is "No."

Q. Now, do you want to qualify that? [4136]

A. That is correct, I want to qualify it.

Q. All right.

A. When you are active in the labor movement, as I have been for the past seven years, seven or

(Testimony of Henry A. Schmidt.)

eight years, you are practically accused of being a Communist every day in the week and you——

Q. (Interposing) Have you ever been accused of being a Communist?

A. On numerous occasions.

Q. By whom? A. The Hearst papers.

Q. By anyone in your own union?

A. Oh, some fellow might, in anger, run to the microphone and use the word.

Q. Who, in your union, has accused you of being a Communist?

A. Well, usually some fellow that hasn't much use for me.

Q. Are there fellows in your union that haven't much use for you? A. Definitely.

Q. How many?

A. Well, I think, if you put it to a test, they can raise 642 votes out of 4000.

Q. Do you know of anyone—can you give me the name of [4137] anyone who has accused you, in your own union, of being a member of the Communist Party?

A. Oh, yes. There would be Kullberg, and Julius White—those fellows are no longer in our union.

Q. Because they accused you of being a Communist?

A. No, no. There is a fellow by the name of Patrick O'Hannigan, whose real name is Joseph Harold Hendry. He runs around the waterfront every day in the week calling everybody a Communist.

(Testimony of Henry A. Schmidt.)

Q. I am asking you for the names of those who accused you of being a Communist.

A. I have mentioned three.

Q. Any others?

A. That is all that comes to my mind right now.

Q. Did Elmer Hanoff ever accuse you of being a member of the Communist Party?

A. I don't know him.

Q. You never met Elmer Hanoff at any time, any place? A. Bruce Hannon, you say?

Q. Elmer Hanoff?

Presiding Inspector: Elmer Hanoff.

A. No.

By Mr. Del Guercio:

Q. Have you ever asked any person to become a member of the Communist Party? [4138]

A. No, sir.

Q. Have you ever advised any person to become a member of the Communist Party? A. No.

Q. Have you ever invited any person to become a member of the Communist Party?

A. There is one word that I didn't get.

Mr. Del Guercio: Read the question.

(The question referred to was read by the reporter as above recorded.)

A. Invited—no.

By Mr. Del Guercio:

Q. Have you ever induced anyone to become a member of the Communist Party? A. No.

[4139]

(Testimony of Henry A. Schmidt.)

Q. Have you ever been in the Gowman Hotel in Seattle, Washington?

A. It would be difficult to say. I stayed in about five different hotels there. If I could look at the place I could tell whether I ever stayed there or not.

Q. Do you know there is such a hotel?

A. Well, I suppose there is, but—since you mentioned it.

Q. Did you ever stop there over night?

A. Well, I have to repeat I would have to have, —see a photograph of the place, or be in Seattle and walk around and I could recognize that I stayed at this hotel and I didn't stay at that one.

Q. Where do you usually stop when you go to Seattle?

A. Well, I was up there the last time in November. I don't recall the name of the place that I stayed at.

Q. How many times have you been in Seattle during the last—say, since 1934?

A. About a dozen times.

Q. And where did you stop?

A. The first time I went there was in '35, I think. I had been in Seattle before that, however, but I recall the New Richmond Hotel. I think I stayed at the Savoy another time, and if there is a Westminster Hotel it seems to me there is some such name.

Q. Any other hotel? [4140]

A. Yes; I know I stayed at more than two different hotels but the names don't come to my mind.

(Testimony of Henry A. Schmidt.)

Q. And you can't recollect any others, the names of any other hotels you stopped at in Seattle?

A. I may have stayed at the New Washington; the New Richmond, the Savoy and the New Washington, perhaps; I don't know.

Q. Have you exhausted your recollection?

A. That is the best I can do.

Q. Did you attend an ILA convention in Seattle in 1937? A. Which year, please?

Q. 1937?

A. Yes. I have been at every convention so I guess I was at that one.

Q. Well, did you go to that one?

A. Oh, yes.

Q. When did that convention take place in '37?

A. Well, it was early in '37. It may have been April or it may have been May. There was a time——

Q. (Interposing) Did you go up to Seattle alone that time?

A. I think there was a group of us on the train.

Q. Was Harry Bridges with you in that group?

A. No. I don't think so.

Q. Well, who was with you? Who were some of the persons who were in that group? [4141]

A. I would have to check the list of delegates that we had that year in order to refresh my memory.

Q. Well, were they all from your Local 38-79?

A. Well, there is a possibility that there were others, because there are other—or there were other ILA Locals.

(Testimony of Henry A. Schmidt.)

Q. Can you give me the names of any of those that were from your own Union?

A. Well, Shoemaker might have been in the delegation. As a matter of fact, we may have driven to Seattle, I don't remember. I have been on the train numerous times and I have driven there and I have taken the plane there.

Q. I am talking about this 1937 convention.

A. Well, that is just it. I can't—if you want some names I can go to our office and check who were the delegates at that particular time.

Q. How long did you stay in Seattle during the time of this 1937 convention?

A. Well, until it was finished. My recollection is that it lasted three weeks or so.

Q. Now, can you tell me now where you stopped in 1937? A. No.

Q. Was your wife with you? A. No.

Q. Now, what was discussed in that convention? What [4142] was the main topic of discussion?

A. One of the main topics, of course, was the possibility of our Union affiliated with the CIO.

Q. Now, do you recall if Harry Bridges was there? A. Oh, he was there, yes.

Q. But you don't remember if he went up there with you or not?

A. I am pretty sure that he didn't.

Q. Would you say that you stopped in the same hotel where Harry Bridges stopped?

A. I don't think so.

(Testimony of Henry A. Schmidt.)

Q. Would you say you stopped at the same hotel that Shoemaker stopped?

A. Yes, that is possible.

Q. Is Shoemaker the only person that you now recall that came up there that went to Seattle from your Union?

A. That is all I recall right now. Oh, I could name two now, two other delegates from our Local. That is what you want, isn't it?

Q. Yes.

A. Yes, there was a man by the name of Marlowe who later became President of our Union and is now working for the Shipowners. Well Shoemaker was there.

Q. You have already said Shoemaker.

A. Yes. [4143]

Q. And you have recollected Marlowe who is now working with the Shipowners. Now, can you recollect anybody else?

A. No, that is all I can catch right now.

Q. Now, Shoemaker, as you know, broke away from the Communist Party, did he not?

The Witness: I didn't hear the first part of your sentence.

(The question referred to was read by the reporter as above recorded.)

A. That is news to me. I don't——

By Mr. Del Guercio:

Q. (Interposing) And Marlowe — well, strike that.

(Testimony of Henry A. Schmidt.)

While you were in Seattle in 1937 attending this convention—— A. Yes.

Q. (Continuing) Did you attend any Communist Party meetings? A. No.

Q. Now, you testified that you were a member, delegate to the Central Labor Council at San Francisco. A. That is right.

Q. Will you give me again, the years that you were a delegate to the Central Labor Council in San Francisco.

A. Well, my best recollection is that I became a special delegate to the Council when they had the meeting [4144] at which the general strike was discussed. There is doubt in my mind whether or not I was a delegate.

Q. Is that the '34 strike?

A. Yes. There is doubt in my mind whether or not I was a delegate prior to that time, but after the strike I was a delegate at the Central Labor Council where they held their weekly meetings, so that would be '35 and '36 and a part of '37 until they expelled us for joining the CIO.

Q. Now, during the times that you were a member of the Central Labor Council was Walter Lambert a member or a delegate? A. Who.

Q. Walter Lambert? A. I don't think so.

Q. Was John Shoemaker a member or a delegate?

A. Yes, John was a delegate to the Council.

Q. Was Harry Bridges a delegate?

A. Oh, yes.

(Testimony of Henry A. Schmidt.)

Q. During the time that you were a delegate?

A. Yes.

Q. How often would the Central Labor Council hold meetings?

A. It meets—It met *ever* week.

Q. During the time you were——

A. (Interposing) It meets every week on Fridays. [4145]

Q. Every week on Friday. Now, did you, John Shoemaker and Walter Lambert meet at any time prior to the Friday meetings of the Central Labor Council?

A. No. What is this Lambert fellow doing in this group? He is not connected with our Union.

Q. But you do know that he was connected with the Communist Party, don't you?

A. That is what you told me. I don't know.

Q. Have you ever heard that he was connected with the Communist Party?

A. Yes, I have heard; his name is mentioned in the paper sometimes.

Q. Had you heard that he was a member of the Communist Party before the strike?

A. I don't know if I heard it by word of mouth or by the printed word. I have heard you say it.

Q. Well, do you say that he is not a member of the Communist Party?

A. I wouldn't know.

Q. Well, now, I will ask that question again. I don't know whether you answered it.

Did you ever meet Walter Lambert prior to the

(Testimony of Henry A. Schmidt.)

Friday meetings of the San Francisco Central Labor Council? A. No.

Q. In any kind of meetings? [4146]

A. Pardon?

Q. In any kind of meetings? A. No.

Q. Did you ever meet Walter Lambert?

A. Yes, I may have met him somewhere. It seems to me I have heard him speak from a platform some place.

Q. Was he a member of any union?

A. I wouldn't know that.

Q. How many times would you say that you have met Walter Lambert? A. Well——

Presiding Inspector: (Interposing) I didn't hear that question. Would you read that question?

(The question referred to was read by the reporter as above recorded.)

A. Well, it wouldn't be more than twice.

By Mr. Del Guercio:

Q. Did you, as a delegate to this Central Labor Council, speak with any person at any time prior to any of the regular meetings of the Central Labor Council?

A. Oh, sometimes a few of the delegates would come together about 7:30 over in the bar of the Albion Hall and have a glass of beer and discuss the coming meeting, or, maybe, they wouldn't discuss the coming meeting, just made it a habit to drop in there and have a couple of drinks [4147] before they went to the meeting.

Q. Only for that purpose and nothing else?

(Testimony of Henry A. Schmidt.)

A. Well, that is what you usually go into one of those places for.

Q. I am speaking about the years 1935, '36 and '37.

A. Yes, that is what I am speaking about, too.

Q. Then, your answer is that during the years 1935, 1936 and 1937 you never met with any persons to program any matter that was to come up in a regular meeting of the Central Labor Council?

Mr. Gladstein: I will object to that as an improper statement of the testimony, your Honor.

Presiding Inspector: He is asking it, I think.

A. None other than the one I just described. We would hang over the bar for half an hour. We might be discussing something that is coming up in the meeting. If you can call that program, why——

By Mr. Del Guercio:

Q. (Interposing) Did you meet with any person or group of persons regularly on Thursday nights during the years 1935, 1936 and 1937 to discuss matters that might be raised in the Central Labor Council?

A. Did I meet regularly in all those years? Every Thursday night? [4148]

Q. Yes?

A. To discuss matters with regard to the Labor Council?

Q. Yes. A. Lord, no.

(Testimony of Henry A. Schmidt.)

Q. Did you meet regularly on Thursday nights during the year 1935? A. During what year?

Q. '35? A. No.

Q. 1936? A. I don't understand this line of questioning. Is it a crime to meet somebody or —I don't get the drift of this at all.

Mr. Del Guercio: Will the Court admonish the witness, please.

Presiding Inspector: Yes.

Mr. Gladstein: There is ambiguity in the questions, asking whether you had met somebody during those years prior to certain Friday night meetings.

Presiding Inspector: I think the question is directed to a group or a caucus of some of the members.

Mr. Gladstein: It wouldn't appear so from the questions.

Presiding Inspector: Well, I think that it is.

Mr. Gladstein: I have difficulty in understanding what the questions call for. [4149]

Mr. Myron: The witness doesn't.

Presiding Inspector: I think the witness can understand them. I don't think the witness—I may be wrong about that—but when the witness said that he didn't understand the line of questioning I don't think it was that he didn't understand the questions in and of themselves.

Did you?

The Witness: Yes, sir. I am trying to conclude, in my own mind what Mr. Del Guercio is aiming at.

(Testimony of Henry A. Schmidt.)

Mr. Del Guercio: It isn't necessary for you to do that. I suggest that the Court instruct the witness.

Mr. Gladstein: It is necessary for the witness to understand what is being called for.

Presiding Inspector: He can understand the questions. Go ahead. I think we can get along all right.

Mr. Del Guercio: What is the answer?

The Witness: You better read the question back.

Presiding Inspector: I think you have answered it.

By Mr. Del Guercio:

Q. Let me put it this way, Mr. Schmidt: What caucuses—strike that, please.

Did you attend any caucuses or meetings with any person or persons on Thursday nights prior to the regular meetings of the Central Labor Council during the year 1935? [4150]

A. If you can call the gathering of a group of men who happened to be delegates to the Central Labor Council, while they are discussing some of the issues that might come up, while they are having a scotch and soda, then, the answer is "Yes", I was at a caucus, but I never concluded, in my mind, that we were holding a caucus or a meeting.

Q. Did you attend such caucuses or meetings during the year 1936? A. I may have.

Q. Did you attend such caucuses or meetings during the year 1937?

A. I doubt it very much.

(Testimony of Henry A. Schmidt.)

Q. All right. Now, who were some of the persons with whom you met in such caucuses in the year 1935?

A. Oh, Bridges would drop in sometimes, of course. Sometimes, there were a couple of delegates from the Machinists' Union.

Q. What are their names?

A. I think there was a man by the name of Sheare.

The Reporter: Spell it, please.

The Witness: That is the trouble. I don't know how you spell it. I think it is S-h-e-a-r-e, maybe.

And I seen Shoemaker there a couple of times. There was another machinist there but I don't recall his name.

Q. Now, did Walter Lambert ever attend any such caucuses [4151] or meetings? A. No.

Q. During 1935, 1936 and 1937? A. No.

Q. Would you discuss in these caucuses or meetings issues that were coming up in the Council the following night?

Yes; while we were consuming our drinks, why, somebody sometimes had some information as to what was going to come up in the Council.

Q. Well, now, can you answer this question: Were these meetings primarily for the purpose of drinking or for the purpose of discussing matters that were coming up in the Council the next morning or the next day?

A. I might say they were for both purposes.

(Testimony of Henry A. Schmidt.)

Q. Both purposes? A. Yes, sir.

Q. And would they be regularly held during the years 1935, 1936 and 1937?

A. No, they would be very irregular.

Q. Would you say that they were held every time prior to the elections in the Labor Council?

A. Yes, that could have happened.

Q. And would a program be laid out in these meetings as to what the group would do on the floor of the Labor Council on either the election or questions that were coming up? [4152]

A. Discussion with regard to elections sometimes took place.

Q. Would a decision be reached?

A. I don't think you could call it a "decision." Fellows would——

Q. (Interposing) Now, where would these meetings take place, these conferences and meetings?

A. In the saloon on Valencia Street.

Q. Only in a saloon?

A. Yes, that is the only place there is there.

Q. Well, would it be in a room or on the——

A. (Interposing) Well, there was a basement there; that was two and a half or three years ago. They made a change in the building and they moved it.

Q. Would it be a private place in the saloon or a place where the public——

A. (Interposing) Oh, heck, no; it was right

(Testimony of Henry A. Schmidt.)

there where everybody was in and out; no privacy about it.

Q. Never in a private room?

A. (Negative nod.)

Q. Huh? A. No.

Q. At any times during the years 1935, '36 and '37? A. That is right.

Q. Now, did any other person attend these meetings or [4153] caucuses other than the ones you have named?

A. Oh, yes, but I don't recall their names right now.

Q. If you tried hard could you remember?

A. Oh, I might remember some this afternoon or tomorrow.

Mr. Del Guercio: May we have a short recess?

Presiding Inspector: Yes.

(Whereupon a short recess was taken.)

Presiding Inspector: You may proceed.

By Mr. Del Guercio:

Q. Do you know Tommy Ray?

A. Tommy who?

Q. Ray, R-a-y?

A. I don't know him. I just read about him the other day.

Q. Did you ever meet him during the 1934 strike or prior to the 1934 strike?

A. I don't know him at all, know nothing about him. [4154]

Q. Did you ever attend any meetings in 1935, May, at 1449 O'Farrell Street, San Francisco?

(Testimony of Henry A. Schmidt.)

A. No.

Q. Do you know that address, 1449 O'Farrell Street?

A. No; it doesn't mean a thing to me.

Q. Do you ever attend any meeting at that address with Harry Bridges?

A. No. How could I when I said the place doesn't mean anything to me?

Q. Did you ever attend any meetings in September, 1935, at 121 Haight Street, headquarters of the Communist Party? A. No.

Q. At any time in September 1934?

A. No. The only meetings that I went to, and I don't think I can mention the date, was the ones I mentioned earlier and they are in the record.

Q. Did you ever attend any Communist Party meetings in September, 1935 at the ARTA headquarters in San Francisco? A. No.

Q. Were any Communist Party meetings ever held at your home in the years 1935, 1936 and 1937?

A. Never at any time.

Q. Were any meetings ever held at your home during those years? A. No. [4155]

Q. Did Harry Bridges ever attend any meetings at your home during the years 1935, 1936 and 1937?

A. He has been at my home, but it wasn't at a meeting; he was there for dinner.

Q. Did Harry Bridges ever come to your home with other persons during those years?

A. He came with his daughter one time.

(Testimony of Henry A. Schmidt.)

Q. Did he ever come to your home with John Shoemaker?

A. I don't think so.

Q. During the years 1935, 1936 and 1937?

A. Any years.

Q. Did he ever come to your home with, or at any time when Walter Lambert was in your home?

A. No.

Q. Did he ever come to your home at any time that Schneidermann was in your home?

A. No.

Q. Did he ever meet Schneidermann in your home? A. No.

Q. During the years 1935, 1936 and 1937?

A. Any year.

Q. Did you attend any meetings of the Communist Party at 121 Haight Street during October 1935?

A. No, again. How many times am I going to be asked this question? [4156]

Q. Are you getting tired? Do you want a drink?

A. No, I don't want a drink and I am not getting tired.

Presiding Inspector: Just answer the questions.

By Mr. Del Guercio:

Q. Did you attend any Communist Party meetings at 121 Haight Street during September 1936?

A. No.

Q. Did you attend any Communist Party meetings at the Equality Hall on Albion Street, San Francisco, during May 1937?

(Testimony of Henry A. Schmidt.)

A. Did you say "any meeting or "Communist meeting"?

Q. Communist Party meetings. A. No.

Q. Did you attend any meetings at that place?

A. Frequently.

Q. At which Communist Party members were present? A That is possible.

Q. Well, what Communist Party members were present?

A. It so happens that I am a member of the Workmen's Sick and Death Benefit Fund, a fraternal organization, which has its headquarters in that particular building, and they hold membership meetings once a month. Formerly, when I had more time, I used to go to those meetings. If some of the members of that particular organization happened to be a Communist then I might have been in a meeting with Communists.

Q. Did you know if any of them were members of the [4157] Communist Party?

A. I never bothered to inquire, so I wouldn't know.

Q. Were those the only meetings that you attended at that place?

A. On Albion Street? A. Yes.

A. No. I indicated earlier that the Albion Hall group of longshoremen were there.

Q. This is during the year 1937.

A. Well, I have been a member of that society that has been meeting there for ten years.

(Testimony of Henry A. Schmidt.)

Q. Did you ever attend any meetings at Equality Hall on Albion Street during the year 1937 in which Communist Party members were present?

Mr. Gladstein: I think that has been answered.

Presiding Inspector: I think he has answered that.

By Mr. Del Guercio:

Q. Other than the ones you have mentioned?

A. No.

Q. Did you attend the Maritime Federation convention in Portland in 1937? A. Yes.

Q. June 1937?

A. I am pretty sure it was June.

Q. And where did you stop in Portland at that time? [4158]

A. I think it was in the Sherman Hotel.

Q. What was the purpose of that convention?

A. It was the regular annual convention of the Maritime Federation of the Pacific, where we tried to formulate a program for the coming year.

Q. Were any difficulties had in that convention over the Credentials Committee?

A. I don't recall. I wasn't on the Committee.

Q. Was there any discussion on the floor of the convention regarding the Credentials Committee.

Mr. Gladstein: I will object to that as being immaterial.

Presiding Inspector: In and of itself I think it would be. Maybe he has something in mind. I will take it as preliminary.

(Testimony of Henry A. Schmidt.)

A. I really don't recall.

By Mr. Del Guercio:

Q. Were any caucuses held prior to the convention over any controversies over the Credentials Committee, or any controversy raised by the Credentials Committee?

A. I really don't recall if there was a fuss over the Credentials Committee or not.

Q. Was Harry Bridges at that convention?

A. Yes.

Q. Was Harry Jackson at that convention?

A. No. [4159]

Q. Did you meet Harry Jackson in Portland at any time during that convention? A. No.

Q. Was Z. R. Brown at that convention?

A. I believe he was.

Q. Was John Shoemaker? A. Yes.

Q. Was Harry Schmidt, yourself?

A. Yes.

Q. Herman Stuyvelaar?

A. I think he was.

Q. John Fougerouse?

A. I couldn't say. I am sure I didn't know him then.

Q. Paul Benson?

A. No; that name doesn't mean anything to me.

Q. Germain Bulcke?

A. Yes. I think he was there.

Q. Jack Lawrenson?

A. If that was the fraternal delegate from the National Maritime Union, I recall him being there.

(Testimony of Henry A. Schmidt.)

Q. T. J. Van Erman?

A. Yes; he may have been there, but I wouldn't be sure about it.

Q. Did you attend any meetings, outside of the convention, at which any of the persons I have mentioned were present? [4160]

A. I must have. There were numerous committee meetings during the convention, and when the convention adjourned then the Committees went to work. Some of them didn't meet in the Labor Temple. They met in hotel rooms. I don't recall what kind of committees, what sort of committees these men you mentioned were on.

Q. Were they regular meetings?

A. They were the usual committee meetings. The work of conventions is usually done by committees.

Q. Were they official meetings of the various committees of the Convention?

A. Yes. Besides that——

Q. (Interposing) Did you attend any meetings that were not official meetings of any of the Committees of the Convention with any of the persons I have mentioned?

A. Yes. I went to caucuses where various matters were discussed.

Q. Where was that?

A. It was at another hotel down the street a couple of blocks.

Q. Do you know the name of the hotel?

(Testimony of Henry A. Schmidt.)

A. No. The first word is "New"—New—something.

Q. Could it possibly be the New Lennox Hotel?

A. Yes; that is the name.

Q. And where was the meeting held in the Lennox Hotel? [4161]

A. Well, it was in a very large room.

Q. Was it a private room?

A. It was a room that belonged to one of these delegates.

Q. What?

A. A room that belonged to one of the delegates.

Q. What was his name?

A. I don't know.

Q. You remember the room number?

A. No.

Q. Could it have been room 406?

A. Could have been.

Q. And could that meeting have taken place about the third week of June in 1937?

A. It could be.

Q. And where there were present the following persons at that meeting: Harry Bridges, Eugene Dietrich, Harry Dennett Jackson, Z. R. Brown, Cameron, John Shoemaker, Herman Stuyvelaar, John Fougerouse, Paul Benson, Joseph Curran, Germain Bulcke, Jack Lawrenson, T. J. Van Erman?

A. I couldn't say "Yes" or "No" to that kind of a question.

Q. Weren't all these persons that I have named members of the Communist Party?

(Testimony of Henry A. Schmidt.)

A. I don't know.

Q. Wasn't that a Communist Party meeting?

[4162]

A. I don't think so.

Q. Is there some doubt in your mind?

A. I repeat, I don't know; I don't think so. They were all trade unionists, all delegates to this convention.

Q. Was Harry Jackson a trade unionist?

A. I don't know whether he was there or not.

Q. Was John Fougerouse a trade unionist?

A. He belonged to the Marine Cooks and Stewards; yes.

Q. He was also a prominent member of the Communist Party, was he not?

A. I didn't know Fougerouse at that time.

Q. You know he is the same John Fougerouse who has been made the subject of a deportation proceeding?

A. I read that in the trade union papers.

Q. You know that he is the same John Fougerouse that was criminally prosecuted in the District Court in Los Angeles for making false statements?

A. No; of that I know nothing.

Q. And what was discussed in this meeting?

A. As I recall the discussion had to do as to the procedure we would follow in this particular convention with regard to affiliating the unions that were represented there with the CIO.

Q. Isn't it a fact that there was discussed at this

(Testimony of Henry A. Schmidt.)

meeting in the New Lennox Hotel the voting strength of the [4163] Communist Party in the convention.

A. The voting strength of what?

Q. Of the Communist Party.

A. I don't follow that. How could the Communist Party have any voting?

Q. I am asking you if it wasn't discussed.

A. No. I would like to say——

Q. (Interposing) Didn't you also discuss at that meeting—wasn't that also discussed, the matter of getting around the report of the Credentials Committee?

A. No; I think that is incorrect.

Q. Who was the Chairman of that meeting?

A. I don't remember. The fellows were lying around—there wasn't enough furniture for them to sit down—lying around on the floor. There was no Chairman.

Q. And wasn't there a discussion in that meeting in the New Lennox Hotel to the effect that the cards were stacked against the progressive element in the convention, including the Communists?

A. The remark about the progressive element might have been mentioned, but I wouldn't even recall that.

Q. And, Mr. Schmidt, do you recall now attending another meeting in the New Lennox Hotel, following the meeting that you have testified to, in which the same, substantially the same persons were present? [4164]

A. No, I don't.

(Testimony of Henry A. Schmidt.)

Q. Let me refresh your recollection. How many meetings, unofficial meetings, did you attend with members of the Communist Party during the time of this Maritime Convention in Portland in the New Lennox Hotel?

A. Whenever there were meetings held I was in meetings with trade unionists. I don't know anything about your Communists.

Q. How many meetings did you attend in the New Lennox Hotel?

A. I don't know; might have been two or three.

Q. And who were present in these other meetings, other than the first?

A. Some of those people that you mentioned.

Q. Also Harry Jackson?

A. I have no recollection of him being there.

Q. Would you say that you did not meet Harry Jackson in the New Lennox Hotel in Portland, Oregon, at the time of this convention?

A. I have absolutely no recollection of meeting Harry Jackson there.

Q. Would you testify that you did not meet Harry Jackson in Portland, Oregon during the time of this convention, and particularly in the New Lennox Hotel?

A. I would testify that when I rack my memory I don't [4165] remember meeting him there.

Q. How far are you racking your memory?

A. I am trying to do the best I can.

Q. You won't give a "Yes" or "No" answer on that, will you?

(Testimony of Henry A. Schmidt.)

A. I don't see how I can when I don't remember.

Q. Do you know A. T. Pringle? A. Who?

Q. A. T. Pringle—P-r-i-n-g-l-e. A. No.

Q. Did you ever meet him?

A. I don't know him so I assume that I have never met him.

Q. Did you ever attend any Communist Party meeting in which A. T. Pringle was present?

A. No.

Q. Did you, in September 1936, attend a Communist Party meeting at 121 Haight Street in which there were present Harry Bridges, John Shoemaker, William Schneidermann, Roy Pyle and A. T. Pringle? A. No.

Q. Were you at 121 Haight Street with Harry Bridges and John Shoemaker, in September 1936?

A. No.

Q. And did you at that time, with Harry Bridges and [4166] John Shoemaker, go into Schneidermann's office? A. No.

Q. At 121 Haight Street?

A. Yes, I understand you mean 121 Haight Street, and I can only repeat what I got in the record, that is what I have testified to before, that I have been in that place only twice.

Q. Are you through? A. Yes.

Q. Did you see, when you, Harry Bridges and John Shoemaker, went into Schneidermann's office, did you see Pyle, Roy Pyle, and Pringle just outside the door of Schneidermann's office?

(Testimony of Henry A. Schmidt.)

A. How could that be when I wasn't there?

Q. What is your answer, "Yes" or "No."

Mr. Gladstein: The question is ridiculous. The question is assuming that contrary——

Presiding Inspector: I will exclude it. But you can refresh his recollection.

Mr. Gladstein: I haven't any objection to that. But the question first asked was, "Were you there with these people?" and the answer was "No." Then the question was asked, "When you were there did you see somebody else?"

Presiding Inspector: It assumes something that the witness has just denied.

Mr. Gladstein: That is right, [4167]

Presiding Inspector: But that doesn't restrict him from asking him about such an occurrence.

Was there such an occurence of this kind suggested in the question? The Witness: No.

By Mr. Del Guercio:

Q. Have you ever been in Schneidermann's office, Mr. Schmidt? A. No, sir.

Q. Did you ever attend, Mr. Schmidt, any Communist Party meetings between November 1936 and February 1937 at the home of Walter Lambert?

A. No, sir.

Q. Do you know where Walter Lambert lives, or lived at that time?

A. I haven't the slightest idea.

Q. Did you ever attend any Communist Party

(Testimony of Henry A. Schmidt.)

meetings during that same period of time at the home of Rosenfeld?

A. The name is absolutely unfamiliar.

Q. Did you ever speak at any Communist Party meetings at either the home of Rosenfeld, or the home of Walter Lambert, during the period from November 1936 and February 1937?

A. I certainly did not.

Q. Did you ever speak at such meetings in the homes of those two persons on the Communist Party work among Longshoremen? [4168]

A. No, sir.

Q. Did you ever speak at any of such meetings at the homes of Rosenfeld and Walter Lambert on the subject of recruiting members to the Communist Party from among the longshoremen?

A. No, sir. I didn't know where they lived so I couldn't have spoken there.

Q. Did you ever speak at any of such meetings at the homes of those two persons on the question of discrediting labor union officials who opposed the Communist Party, such as O'Connell, McLaughlin, Vandeleur and Lundeberg?

A. I never spoke at the homes of those particular people on any subject at any time.

Q. Did you speak against those persons, labor union officials, at any time?

A. Will you mention the names again?

Q. O'Connell, McLaughlin, Vandeleur and Lundeberg.

(Testimony of Henry A. Schmidt.)

A. In the membership meeting of the longshoremen, longshoremen's meeting, I might have mentioned their names.

Q. Did you speak against them because they were opposed to Communism?

A. No, not particularly.

Q. Not particularly. In what way, then, did you do it?

A. Well, I simply tried to point out that these fellows had, in my opinion, had not at heart the best interests of the [4169] workers that they happened to represent. Of course, I don't recall the exact words.

Q. What did you say in connection with Communism? A. Nothing.

Q. Did you belabor them because they were trying to weed out Communists in the labor union movement? A. No.

Q. Did you say anything about that?

A. I don't think so.

Q. Why did you oppose them?

A. Well, we got acquainted with these people in 1934, or thereabouts, and our union had a certain program that they apparently didn't believe in, and we couldn't get much cooperation from them. The waterfront unions seemed to be considered, well, we couldn't get very close association with the labor movement in the City of San Francisco, and we were sort of isolated, and I certainly was convinced that these particular fellows that you mentioned weren't doing us any good.

(Testimony of Henry A. Schmidt.)

Q. Let us take Lundeberg, Harry Lundeberg, for instance. You knew that he was opposed to Communism, didn't you?

A. He has been raising a lot of Cain about Communists in their official organ for the last three or four years.

Q. Why have you been belaboring Lundeberg?

A. I haven't said anything about Lundeberg from any [4170] platform.

Q. You have never spoken against Lundeberg?

A. I might have said, in connection with some issue in our meeting, that the Sailors Union are doing so and so, and in my estimation such a move isn't any good, and we can't agree with the Lundeberg program.

Q. Did you ever attack Harry Lundeberg because he was opposing Communism?

A. No. Harry Lundeberg hasn't been mentioned in our Union for years, in spite of the fact that he practically lives next door to us. We pay no attention to him.

Q. How long have you known Lou or Louis Goldblatt? A. Oh, I think since 1936.

Q. And what is your acquaintanceship with Louis Goldblatt, what has it been since 1936?

A. Well, I know him first as a member of the Warehousemen's Union, who occasionally worked as a longshoreman. Then he was elected Vice President of his own union.

(Testimony of Henry A. Schmidt.)

Q. Have you ever attended any Communist Party meetings with Louis Goldblatt?

A. No.

Q. How long have you known that Louis Goldblatt was a member of the Communist Party?

A. I haven't known it.

Q. Never heard it? [4171]

A. Well, I am hearing it now, and I read it in the paper in connection with this case.

Q. Have you ever heard it before this case?

A. Oh, there have been rumors around the waterfront.

Q. Then you have heard it?

A. Well, if you can call that hearing.

Q. Is there any question in your mind but what Louis Goldblatt has been and still is a member of the Communist Party?

A. I have way of knowing. There has even been some rumor that even the Governor of the State is a Communist, has been called a Communist, and also President Roosevelt.

Q. Have you ever been interested in trying to find out who is and who is not a member of the Communist Party in the trade union movement on the Pacific Coast?

A. No; I have never concerned myself very much about it.

Q. Do you think that a Communist can make a good trade union man?

A. There are a couple or three in our union that don't seem to harm anybody.

(Testimony of Henry A. Schmidt.)

Q. Who are those?

A. Well, a man by the name of Jones got up in the meeting one evening and said that he didn't mind telling those that were assembled there that he was a member of the Communist Party. [4172]

Q. Who else? A. And Brown.

Q. Z. R. Brown? A. No; Archie Brown.

Q. What did he say?

A. I don't think he said anything. It is generally assumed that he must be a member of the Communist Party because on a couple of occasions he either ran for Supervisor of the City or for Congress on the Communist Party ticket.

Q. I see. And who else?

A. That is all that comes to my mind right now.

Q. Did you ever have the nerve to get up in your own union and say, "I am a Communist?"

A. No, sir. I never said anything like that.

Q. Well, now, you heard Mr. Honig testify—you were in the Court room at the time you said—that there have been Communist Party meetings, among others, with the same Archie Brown that you have mentioned?

A. Will you repeat that, please?

Presiding Inspector: Read the question.

(The question referred to was read by the reporter as above recorded.)

A. I was in the court room late one afternoon when this fellow, Honig, was on the stand, but

(Testimony of Henry A. Schmidt.)

whether he testified with regard to one Brown, I don't recall. [4173]

By Mr. Del Guercio:

Q. Did you hear him testify that he attended Communist Party meetings with B. B. Jones?

A. No, I don't think he mentioned that name while I was here.

Q. That is the same Jones whom you said got up in your union one time and said that he was a Communist? A. Yes.

Mr. Gladstein: Just a minute.

Mr. Myron: He answered.

Mr. Del Guercio: He said "Yes."

Mr. Gladstein: I move that the answer be stricken until I can make an objection to the question.

Presiding Inspector: Let us hear the objection.

Mr. Gladstein: My objection is that the question is absurd because nothing of any probative value could come out of an answer to that question.

Presiding Inspector: I don't see how asking him whether he heard that particular remark is material.

Mr. Del Guercio: To identify the persons who the witness Honig admitted were members of the Communist Party.

Mr. Gladstein: How could this witness do it?

Presiding Inspector: Whether he heard Mr. Honig say something about people being at a meeting or not, seems to me entirely immaterial, or whether he heard it. [4174]

(Testimony of Henry A. Schmidt.)

Mr. Gladstein: That is right. That is the basis of my objection.

Presiding Inspector: I don't see any materiality of what he heard Mr. Honig say. We have got in the record what Mr. Honig did say, I suppose, accurately.

Mr. Myron: He identified Jones as B. B. Jones.

Presiding Inspector: What difference does it make whether he heard Mr. Honig say something or not?

Mr. Myron: It is not what Honig said. He identified the Jones he referred to as B. B. Jones.

Presiding Inspector: The question is, did he hear Mr. Honig say something or other? What difference does it make whether this witness heard Mr. Honig say something, or did not?

Mr. Gladstein: The next question asked was whether this B. B. Jones Mr. Honig talked about is the same man that Mr. Schmidt has mentioned as being a member of his union. How in the world could Mr. Schmidt's answer to that be of any probative value? The identification of Mr. Jones would have to come from the Government's witness.

The first question asked was "Were you here when Mr. Honig mentioned Jones?"

He said, "No."

Then he asked, "Wasn't the Jones mentioned by Mr. Honig the same Jones that you talked about as being a member of the longshoremen's Union?

[4175]

(Testimony of Henry A. Schmidt.)

Mr. Del Guercio: Is counsel repeating what appears in the record?

Presiding Inspector: I suppose so.

Mr. Del Guercio: May we have those questions and answers read?

Presiding Inspector: Yes, you may.

You may read the two questions.

(The questions and answers referred to were read by the reporter as follows:

"Q. Did you hear him testify that he attended Communist Party meetings with B. B. Jones?

"A. No, I don't think he mentioned that name while I was here.

"Q. That is the same Jones whom you said got up in your union one time and said that he was a Communist?

"A. Yes.")

Presiding Inspector: I will strike out the answer and exclude the question. But I will let you ask whether he understands that your question relates to the same man whom he mentioned as having gotten up in the meeting and said he was a Communist,—even if that is what you want. He says he didn't hear Mr. Honig. Now, how can you ask him what Mr. Honig meant in something that he didn't hear? [4176]

Q. Is the Jones that you referred to as getting up in your Union and saying those things that he was a Communist, is that B. B. Jones?

(Testimony of Henry A. Schmidt.)

A. Those are his initials, yes.

Presiding Inspector: I think you have got everything that you really wanted.

Mr. Del Guercio: Sir?

Presiding Inspector: You have gotten everything in that answer that you wanted.

Mr. Del Guercio: Yes, sir.

By Mr. Del Guercio:

Q. Now, I believe counsel on direct examination asked you if you knew Walter Stack. You said that you did. A. I said that I did, yes.

Q. How long have you known Walter Stack?

A. I met him first in 1935 when we organized the American Federation convention. That would make it six years.

Q. You have known him ever since 1935?

A. Yes, sir.

Q. You have known him as a member of the Communist Party during that period of time?

A. That is generally known, although I never heard him say so himself until last year in an Astoria convention of the American Federation. [4177]

Q. Do you know Revels Cacton, C-a-c-t-o-n?

A. Yes, sir.

Q. For how long a period have you known him?

A. About three years.

Q. And during that period of time did you know him as a member of the Communist Party?

A. No; I knew him as the Secretary of District

(Testimony of Henry A. Schmidt.)

Council No. 2. Since he is the Secretary of that body and I happen to be the President we see each other.

Q. Had you heard during that period of time that he was a member of the Communist Party?

A. Oh, that idea is batted around the waterfront sometimes, yes.

Mr. Gladstein: Your Honor, I might say at this point we have not been objecting to questions which asked have you heard that so and so is a member of the Communist Party but, I think, at this point we should make this comment:——

Mr. Myron (Interposing): I think counsel has a perfect right to object to questions when they are asked, not to make speeches afterwards. I object to any such speech.

Mr. Gladstein: If counsel objects he can ask my remarks be stricken.

Mr. Myron: There is no question pending.

Mr. Gladstein: I want to make this statement:——

Presiding Inspector (Interposing): I will hear you. [4178]

Mr. Gladstein: The history of the waterfront since 1934, has been such that probably no person in any position——

Mr. Myron (Interposing): Just a moment. I object to this.

Presiding Inspector: I think that is rather argumentative.

(Testimony of Henry A. Schmidt.)

Mr. Gladstein: I say this is introductory to what I am going to say, your Honor.

Presiding Inspector: What do you want to say?

Mr. Gladstein: What I want to say is this: To ask a question as to whether you have heard that anybody has been talked of as a Communist has no probative value. Though we have not objected to this question I would like to have sort of an indication from the Court as to whether the Court considers questions of that kind material. We feel they are immaterial but we don't like to make any objections that will restrict counsel in the broadest kind of cross examination. We have no objection to that, but we want this understood: There is hardly anyone in any of the Pacific Coast waterfront unions who at some time or other has not been accused of being a Communist, so to ask have you heard whether so and so is a Communist is a question which we feel, in the light of the history of the trade union movement since 1934 on the Pacific Coast, is meaningless, and we point that out to your Honor because hereafter, I think, in view of our feeling on this, [4179] though we had no knowledge that the bulk of Mr. Del Guercio's case would consist of asking people questions as to whether witnesses had heard that so and so was a Communist, we are going to object to such questions as immaterial from now on.

Mr. Myron: I think, in view of that speech, your Honor, that counsel should be censured for making

(Testimony of Henry A. Schmidt.)

those statements in Court. There is absolutely no argument on that. It is merely done for publicity purposes and putting information in the mouth of the witness.

Presiding Inspector: Oh, no. I think it is not so bad.

Mr. Myron: I think it is very bad.

Presiding Inspector: Ask your next question.

Mr. Del Guercio: If the Court please——

Presiding Inspector: Ask the next question. We have closed this matter. I am not going to make any ruling on the matter Mr. Gladstein proposed. Go ahead.

By Mr. Del Guercio:

Q. Have you ever been connected with the Bridges' Defense Committee? A. Oh, yes.

Q. In what capacity, Mr. Schmidt?

A. Right now I happen to be the Chairman of the Bridges' Defense Committee of the Local Union.

Q. Well, did you have any other connection with it?

A. Well, that makes me a member of it.

Q. Did you ever have any other position on the Bridges' [4180] Defense Committee?

A. No, except that a few weeks ago we organized the Bridges' Defense Committee in the San Francisco Industrial Union Council, but that particular group was assimilated by the National Bridges' Defense Committee.

(Testimony of Henry A. Schmidt.)

Q. That is the only connection you have had with the Bridges' Defense Committee?

A. Yes, sir.

Q. Did you ever hold any official position on the Bridges' Defense Committee?

A. You say an unofficial position?

Presiding Inspector: No; did you ever hold any official position? I suppose he means as an officer.

The Witness: You mean such as Executive Secretary or anything like that?

Presiding Inspector: Yes.

By Mr. Del Guercio:

Q. Anything?

A. Well, now, I am Chairman of a Bridges' Defense Committee, the Bridges' Defense Committee organized by the Local Union of which I happen to be President also. Now I guess that is official.

Q. That is the only position that you have ever had in the Bridges' Defense Committee?

A. Well, I was a member of the Bridges' Defense Committee that we had in 1939. [4181]

Q. I am speaking about the present——

A. (Interposing): That is all.

Q. Were you ever President of the Bridges' Defense Committee? A. President?

Q. Yes.

A. I didn't know it had a President.

Q. Did you ever hold that title? A. No.

Q. That position? A. No.

Q. Did you ever sign checks? A. Oh, yes.

(Testimony of Henry A. Schmidt.)

Q. For the Bridges' Defense Committee?

A. Nobody can get any dough unless Schmidt signs the checks for the Bridges' Defense Committee.

Q. Are you in charge of the money?

A. No, sir.

Q. Well, how can you sign checks?

A. Well, the Bridges' Defense Committee has authorized the Secretary-Treasurer of our Local Union, as well as the Recording Secretary of our Local Union and the President of our Local Union to sign the checks, and unless all three signatures appear thereon the check is no good. [4182]

Q. Well, in whose account is that money kept?

A. In the name of the Bridges' Defense Committee.

Q. And who are the Trustees?

A. Well, I guess us three, the three men that I just mentioned would be the Trustees.

Q. Are you one of them?

A. I suppose you could put that title on me.

Q. Is that a position in the Bridges' Defense Committee?

A. Well, if you mean by "position" does it pay me anything, the answer is "No."

Q. On October 2, 1940, Mr. Schmidt, did you sign yourself as Henry Schmidt, President, Harry Bridges' Defense Fund?

A. No, I don't see why I should do that. October 2, 1940? It doesn't make sense.

(Testimony of Henry A. Schmidt.)

Q. Did you at any time sign your name Henry Schmidt, President, during 1940?

A. Oh, I signed my name as Henry Schmidt, President of ILWU 1-10 pretty near every day in the year.

Q. In connection with the disbursing of any funds of the Bridges' Defense Committee did you sign your name Henry Schmidt, President, Bridges' Defense Committee? A. No.

Mr. Gladstein: Your Honor, I think that is quite im- [4183] material. I object.

Mr. Del Guercio: I think it is very material. It goes to the credibility of this witness.

Mr. Gladstein: What will it show?

Presiding Inspector: I don't see that it amounts to much, but I will take it.

Mr. Gladstein: What will it show?

Mr. Del Guercio: His bias and prejudice, if your Honor please.

Presiding Inspector: Well, that is all argument. I am going to take it. At present I don't see that it amounts to much. When it comes to some other phase I may have some other view. He reports that the Committee authorized three persons to sign the checks and the checks are not to be good unless they are signed by these three. He is one of those three persons.

By Mr. Del Guercio:

Q. Do you know Walter E. Bell?

A. Yes, sir.

(Testimony of Henry A. Schmidt.)

Q. What connection does he have with the Bridges' Defense.

A. He is one of the persons authorized to sign the checks and he is the Recording Secretary of our Union.

Q. And Edgar E. Reite, R-e-i-t-e. Is that Reite?

A. We pronounce it Reite (long "i").

Q. Who is he? [4184]

A. He is the Secretary-Treasurer of our Union. He functions in the capacity of Treasurer of the Bridges' Defense Committee.

Mr. Del Guercio: We have some more topics, if your Honor please.

Presiding Inspector: Yes.

By Mr. Del Guercio:

Q. I believe you testified yesterday in answer to Mr. Gladstein's questions that you do not know Cannalonga; is that correct?

A. Yes, that is what I said, and I don't know him.

Q. And that you never sat with Mr. Cannalonga in any Communist Party meetings, is that correct?

A. I don't recollect sitting with Mr. Cannalonga in any kind of a meeting.

Q. Have you ever met Cannalonga in any kind of a meeting? A. A moment ago I said "No."

Q. Now, Mr. Schmidt, you also testified yesterday that you were on the negotiating committee during the 1936-1937 maritime strike, and in answer to counsel's—Mr. Gladstein's questions, you ex-

(Testimony of Henry A. Schmidt.)

plained what the negotiating committee did; is that correct? A. Yes, sir.

Q. Who else was on that committee?

A. A man by the name of White who is a Seattle long- [4185] shoreman and Bridges, of course; Matt Meehan, I am sure.

Q. Was C. R. Brown on that Committee?

A. C. R. Brown is not a longshoreman. He couldn't have been on that committee.

Q. Roy Pyle? A. No.

Q. Walter Stack? A. No.

Q. I believe you also testified concerning a joint meeting of the affiliated unions negotiating committee, is that right?

A. No, I don't think I said that because the attempts to organize the joint negotiating committee failed.

Q. Well, did you ever attend any joint meeting of the negotiating committee?

A. There was no such committee. There was only a gathering of the joint marine strike committee which was representative of all unions on strike.

Q. Now, isn't it a fact, Mr. Schmidt, that Mr. Maurice Cannalonga was on this joint negotiating committee?

A. Well, if he was I didn't notice him.

Q. And that you met him at that time?

A. Absolutely no recollection of meeting him and I studied very carefully the photograph that appeared in the paper a couple of weeks ago.

[4186]

(Testimony of Henry A. Schmidt.)

Q. Did you attend a meeting of the negotiating committee, or of this joint negotiating committee, whichever it was, at which a resolution was adopted to send the following telegram to the Maritime Commission, Secretary of Labor and President Roosevelt dated, "October 14, 1936

"President Roosevelt
"White House,
"Washington, D. C.

"Joint negotiating committee representing all maritime unions takes this means of notifying you that they have attempted to cooperate to the fullest extent with the Maritime Commission to avoid a tie-up Stop The present 15-day extension granted at the request of the Commission has resulted in great unrest on the part of our membership due to employers attitude in refusing bona fide negotiations this situation has been aggravated by Commission's latest assumption of authority not yet in effect when the public and unions were looking to them to take a neutral and pacifying attitude Stop In view of the above and attempting to protect solely fundamental issues unions now have and feel are jeopardized the negotiating committees of maritime unions are submitting to their memberships a referendum asking for full authority to order strike action midnight October twenty-eighth Stop. This action taken to avoid tie-up through spontaneous action by our membership and to give Commission chance [4187] to correct false impres-

(Testimony of Henry A. Schmidt.)

sion left in the minds of our members and the public and use their efforts to settle situation peacefully by mediation.

Signed "F. M. KELLEY, Chairman
"Joint Negotiating Committee
"Maritime Federation."

The Witness: What was the question you were asking me?

By Mr. Del Guercio:

Q. Was such a telegram sent?

A. Well, in all probability. I recall——

Q. (Interposing): Do you recognize it?

A. (Examining document): Yes, I recall the contents of the telegram.

Q. Do you recall the discussions had before the telegram was made up? A. No.

Q. You have no recollection of that?

A. They may have elected a sub-committee, drawn it up and referred it back to the body proper.

Q. Were you present at the time?

A. I may have been; I don't know.

Q. Did you participate in the forming of this telegram?

A. I don't recollect that. There were meetings every day of that body. [4188]

Q. Well, now, Mr. Schmidt, do you recall making a motion that the committee refer the wire, this wire that I have read, to the Publicity Committee for re-adopting or re-drafting?

(Testimony of Henry A. Schmidt.)

A. I may have made such a motion; I don't know.

Mr. Gladstein: Your Honor, I raise this question——

Mr. Del Guercio (Interposing): Just a minute, your Honor. I don't think counsel should interrupt at this time. There is no question.

Presiding Inspector: What is the next question?

By Mr. Del Guercio:

Q. Now, isn't it a fact, Mr. Smith, that the sending of the above telegram was moved by Bridges and seconded by Cannalonga, and that immediately thereafter you made a motion to have the Publicity Committee draft the telegram?

A. No, I don't know whether that is a fact or not. I may have made the motion.

Q. Well, do you recall Mr. Cannalonga seconding Mr. Bridges' motion to that effect?

A. No, sir.

Q. Huh? A. No, sir.

Q. Would you say that Mr. Cannalonga did not second Mr. Bridges' motion to the effect?

A. I have absolutely—— [4189]

Q. (Interposing): At that time?

A. I have absolutely no recollection of it.

Presiding Inspector: His mind is blank on the matter.

The Witness: I recall——

(Testimony of Henry A. Schmidt.)

By Mr. Del Guercio:

Q. (Interposing): Mr. Schmidt, would the minutes of the meeting refresh your memory?

A. Oh, I think so.

Mr. Gladstein: May I see them?

Mr. Del Guercio: Yes, I have no objection to having you see them, Mr. Gladstein.

Mr. Gladstein: I would like to ask, before these are shown, whether these purport to be genuine copies of the minutes or whether they are re-copied or what? I am just interested in knowing how the FBI gets union minutes.

Mr. Del Guercio: Well, he is not interested, apparently, in the witness here, if your Honor please.

Presiding Inspector: Now——

Mr. Gladstein (Interposing): Yes, I am interested in the authenticity of the document, your Honor.

Presiding Inspector: Well, it doesn't call for any ruling.

Mr. Gladstein: No, but Mr. Del Guercio said "If I show you the minutes would it refresh your recollection?" He said "Yes." Now, I think Mr. Del Guercio should not mis- [4190] lead the witness in any way.

Does Mr. Del Guercio vouch for the documents that he is showing me as being a true copy of the minutes?

Mr. Myron: Well, you can see it. What do you think?

(Testimony of Henry A. Schmidt.)

Mr. Gladstein: I would like to—may I see——

Mr. Del Guercio. (Interposing): No; this portion here (Indicating).

Mr. Gladstein: I can't tell if he doesn't show me the first page. He is showing me something on page three. I don't know if they are the minutes or not.

Mr. Del Guercio: There is no objection to you looking at all of it, Mr. Gladstein, and checking everything in this thing here with the original minutes.

Mr. Gladstein: Which one are you interested in?

Mr. Del Guercio: This particular one (Indicating).

Mr. Gladstein: I will start at the front page of that.

Mr. Del Guercio: And if the Court please, we will give counsel every opportunity to check those with the minutes of that joint committee, every opportunity he wants.

Mr. Gladstein: I still would like this question answered: Do these purport to be copies put out by the committee or are they copies that have been re-made or something of that sort? The reason I ask is this: I assume—I am not sure—but I assume that a record has been kept of the minutes by the committee or the various unions involved and that if I were to request an [4191] opportunity to see those minutes I could see, if they have them, the originals or the copies or whatever they kept and

(Testimony of Henry A. Schmidt.)

have an opportunity to make a comparison. That is why I am inviting Mr. Del Guercio to make a statement. I don't know what these purport to be, whether they purport to be genuine or not.

Presiding Inspector: Well, I suppose he wouldn't have shown them to you unless he understood them to be genuine. [4192]

Mr. Del Guercio: Don't lose the marker, please.

Mr. Gladstein: No, I shan't. I won't disturb the marker.

Mr. Del Guercio: Those books are all over the town, and the minutes are available.

Mr. Gladstein: Pardon?

Mr. Del Guercio: Strike that,—never mind.

Mr. Gladstein: I don't want to take the time to examine these. I can't tell, from examining them, whether they are accurate or whether they were ever corrected at a subsequent meeting, or what the procedure was; I don't know. Perhaps the witness knows.

Mr. Del Guercio: The witness was a member of that committee, if your Honor please, and he will know whether they are or not.

Mr. Gladstein: He may.

Presiding Inspector: Mr. Del Guercio may ask him if he recognizes these as copies of the minutes.

By Mr. Del Guercio:

Q. I will show you, Mr. Schmidt, what purports to be the minutes of the joint meeting of the Negotiating Committee, and with particular reference

(Testimony of Henry A. Schmidt.)

to this telegram that I have read to you, and that portion that subsequently follows:

"Bridges first, Cannalonga seconded. Moved and seconded that we refer this wire to the Publicity Committee for redraft. Schmidt first. O'Neill seconded. Motion carried. Moved and [4193] seconded that we now recess and reconvene at 4:30 P. M. Motion carried. Meeting recessed at 2:40 P. M."

Will you look at that and see if that doesn't refresh your recollection as to whether or not you ever met Mr. Cannalonga?

A. (Examining document): I am all finished looking at it.

Q. Does it refresh your memory?

A. No, sir. I still insist I don't know Cannalonga or ever having met him.

Q. Would you say that this did not occur as reflected by the minutes?

A. I wouldn't say that. There were more people in this particular room, I believe, than there are in this room here right now, and I certainly wouldn't be expected to recall the faces here now. Besides, there might have been half a dozen——

Q. (Interposing): There is no question, Mr. Schmidt.

Mr. Gladstein: He hasn't finished. Let him finish his answer.

Presiding Inspector: He has said it doesn't refresh his recollection.

Mr. Gladstein: But he started to say something else.

(Testimony of Henry A. Schmidt.)

Presiding Inspector: Do you want to say something else?

Mr. Myron: Let's hear him talk. [4194]

Presiding Inspector: I will let him explain.

A. (Continuing): In all probability there would have been a half dozen seconds to that kind of a motion, maybe twelve or fourteen.

By Mr. Del Guercio:

Q. Was Walter Stack on this Negotiating Committee? A. He may have been.

Mr. Gladstein: I don't like to interrupt the proceedings, but I think we are entitled to this much courtesy from counsel. Mr. Myron keeps staring at our table and making remarks under his breath at us. I don't have any objection to it, except it does make it difficult for us to concentrate on what is going on. If he wants to have a good time——

Presiding Inspector: I haven't heard anything.

Mr. Gladstein: No, naturally.

Mr. Myron: I didn't realize I was looking at counsel's table. I have tried to keep my face from the table at most times, except when they have a document or something relevant there.

Presiding Inspector: I couldn't hear anything.

Mr. Gladstein: Mr. Myron has made an incorrect statement.

Presiding Inspector: Counsel at either table should not disturb the other. We are trying to conduct an investigation here, and all are taking part in it, but neither should disturb the other.

(Testimony of Henry A. Schmidt.)

Go ahead. [4195]

By Mr. Del Guercio:

Q. Do you remember a meeting of this same negotiating committee taking place on October 19, 1936? A. It may have met.

Q. Let me give you something a little further and perhaps it may refresh your memory. The meeting was called to order in the Masters, Mates and Pilots Hall in San Francisco by Chairman Fisher.

A. I don't recall that particular meeting, but I recall very many meetings there.

Q. Do you recall a meeting in which Mr. William Fisher was Chairman? A. Surely.

Q. And F. M. Kelley, Secretary? A. Yes.

Q. And do you remember that at that meeting the credentials of W. J. Stack being read?

A. No, I don't recall that.

Q. You don't recall that? A. No.

Q. At any meeting? A. No.

Q. Do you recall that it was moved and seconded that the delegate, Stack, be seated?

A. No, sir; I don't recall that. [4196]

Q. Do you recall that the motion was carried?

A. I can't recall that either.

Q. And do you recall that it was understood that Walter J. Stack was replacing Cannalonga?

A. No, sir; that doesn't mean anything to me either.

Q. If the minutes of that Negotiating Commit-

(Testimony of Henry A. Schmidt.)

tee for October 19, 1936, would so state, would it be correct?

A. Well, if the minutes of the following meeting would state that the minutes of the previous meeting had been read and corrected, I think it would be so.

Q. Well, I will show—never mind.

Presiding Inspector: I think, before you do that, we will take a recess until 2:00 o'clock.

(Whereupon, at 12:30 P.M., a recess was taken until 2:00 P.M. of the same day.) [4197]

After Recess

2:00 o'clock P.M.

Presiding Inspector: You may proceed.

HENRY A. SCHMIDT

called as a witness on behalf of the Alien, having been previously duly sworn, testified further as follows:

Cross Examination (Resumed)

By Mr. Del Guercio:

Q. Mr. Schmidt, were you ever a member of the Keep America out of the War Committee?

A. No.

Q. Do you know what kind of an organization that is?

A. No, I really don't.

Q. You said you knew Bill Schneidermann. His correct name is Vevel Schneidermann?

(Testimony of Henry A. Schmidt.)

A. I haven't the slightest idea.

The Reporter: How do you spell that first name?

Mr. Del Guercio: V-e-v-e-l.

By Mr. Del Guercio:

Q. You knew, did you not, that an action had been brought in the U. S. District Court in this city to cancell his certificate of naturalization?

Mr. Gladstein: I will object to that question as immaterial.

Presiding Inspector: I do not see how it is material. [4198]

Mr. Del Guercio: Well, it is leading to the next question, if your Honor please.

Mr. Gladstein: There is a way of proving it.

Presiding Inspector: Let us hear the next question. I don't know what it is.

By Mr. Del Guercio:

Q. Bill Schneidermann, at the time this proceeding was brought in the U. S. District Court, also had a defense fund, didn't he?

Mr. Gladstein: I object to that as immaterial.

Presiding Inspector: I will sustain the objection. I don't think we can go into that. I don't see how that is pertinent.

Mr. Del Guercio: To show this man's activity. This witness has denied that he ever was a member of the Communist Party.

Presiding Inspector: Even so——

Mr. Del Guercio: (Interposing). I want to show that by a line of conduct this man here, this witness, has been a member of the Communist

(Testimony of Henry A. Schmidt.)

Party. I say this advisedly, if the Court please. If we were trying this witness here I believe we could bring evidence into court to show that he has been a member of the Communist Party.

Presiding Inspector: We are not——

Mr. Del Guercio: (Interposing) This is along that line. [4199] Bill Schneidermann has been quite a well-known Communist character in these parts.

Presiding Inspector: We have had a good deal about Mr. Schneidermann in evidence here, but whether the Government has prosecuted him for a crime, or has proceeded to deport him doesn't seem to be material.

Mr. Del Guercio: If this witness has also contributed money to the Bill Schneidermann defense fund——

Presiding Inspector: He has a right to do that.

Mr. Gladstein: Under Mr. Del Guercio's theory every person who has ever——

Presiding Inspector: I have ruled in your favor. Don't argue further.

Mr. Gladstein: All right.

Presiding Inspector: It is too remote.

By Mr. Del Guercio:

Q. Mr. Schmidt, do you recollect attending a mass meeting held in the San Francisco Municipal Auditorium on December 8, 1936, at which meeting Harry Bridges entered into a debate with Mr. Roger Lapham?

A. Well, I am not sure of the date but I was at

(Testimony of Henry A. Schmidt.)

the meeting where Bridges debated or spoke and where Mr. Lapham spoke.

Q. Were you on the speakers' platform?

A. Yes, sir. [4200]

Q. Who else was on the speakers' platform on that occasion?

A. Oh, there were a couple of dozen people.

Q. Well, whom?

A. George Wilson, I believe, was the Chairman; Bridges, Lapham, myself, Mr. Almon Roth, several other men who have association with the shipowners, quite a few.

Q. How many were on the speakers' platform, how many peopl ?

A. I think maybe 20 or 25; there might even have been 30.

Q. Is that all the people whose n[illegible]es you can remember who were on the speakers' platform on that occasion?

A. No; I think the Vice President of the McCormick Steamship Company, J. Lunney, was there. Goldblatt was there, I am pretty sure.

Q. Is that Louis Goldblatt? A. Yes, sir.

Q. He was there? A. Yes.

Q. Who else?

A. I think Mr. Plant of the American-Hawaiian Steamship Company was sitting there.

The Reporter: Spell it, please.

The Witness: P-l-a-n-t. [4201]

By Mr. Del Guercio:

Q. Who else, Mr. Schmidt?

(Testimony of Henry A. Schmidt.)

A. That is about all the names I recall right now.

Q. You can't recall any others?

Mr. Gladstein: He has answered that question. I object to the question.

Mr. Del Guercio: I want to give him all the time he wants, if your Honor please.

Mr. Gladstein: I object to this line of inquiry as immaterial unless counsel states his purpose, then.

Presiding Inspector: Oh, I will receive it.

A. If you will mention some names I might be able to tell you if they were there or not.

By Mr. Del Guercio:

Q. Well, Mr. Schmidt, you know that William Schneidermann was on the speakers' platform at that last meeting, do you not?

A. No, sir, I am sure he was not there.

Q. You are sure he was not there?

A. I certainly didn't see him.

Mr. Gladstein: I still question the materiality of this unless counsel claims that Mr. Schneidermann was present. I don't know.

Mr. Del Guercio: If the Court please——

Mr. Gladstein: (Interposing) May I finish my objection? I object to this line of inquiry unless counsel claims the [4202] alleged presence of Mr. Schneidermann on that platform makes all people on the platform affiliated in some way with the Communist Party.

Mr. Del Guercio: Mr. Gladstein's witness——

Presiding Inspector: (Interposing) I have al-

(Testimony of Henry A. Schmidt.)

ready ruled and allowed the question. I adhered to the ruling if that was a motion to make me change it.

By Mr. Del Guercio:

Q. Were you ever a member of the American League against War and Fascism, Mr. Schmidt?

A. No, sir.

Q. Did you ever speak on behalf of the American League against War and Fascism?

Presiding Inspector: Did you ever what?

Mr. Del Guercio: Speak.

Presiding Inspector: Did you ever speak?

Mr. Del Guercio: Yes.

A. I don't think so. I believe they asked me one time to speak somewhere. My recollection is that I refused.

By Mr. Del Guercio:

Q. Did you ever speak in any of the meetings of the Friends of the Soviet Union?

A. No, I don't recollect.

Q. Do you recollect making a speech on November 9, 1935 at a meeting of the Friends of the Soviet Union at the California [4203] Hall?

A. No; I recollect having made a speech in the California Hall. Whether or not it was that date I don't recall.

Q. And what were your subjects?

A. Well, I was talking on the strike, I am pretty sure it was, during the 1934 strike.

Q. Did you ever speak on the subject of "A Night in Russia"?

(Testimony of Henry A. Schmidt.)

A. The subject of what?

Q. A Night in Russia.

A. A Night in Russia?

Q. Yes. A. No, sir.

Q. Did you ever make a speech at the Scottish Rite Temple or Scottish Rite Auditorium on behalf of the American League against War and Fascism on August 1, 1936? A. I don't recall.

Q. Do you subscribe to the Western Worker, Mr. Schmidt? A. No, sir.

Q. Did you ever subscribe to the Western Worker?

A. Never subscribed to the Western Worker.

Q. If the Western Worker for August 6, 1936 carried a notice that you, Henry Schmidt, spoke at a mass meeting at the Scottish Rite Auditorium for the American League against War and Fascism would that refresh your memory? [4204]

Mr. Gladstein: I object to that. The way of refreshing a witness' recollection is to show him any article which purports to be on the topic matter, and not to ask the witness first that question.

Presiding Inspector: That is true. At the same time he has added some material, I think, and without regard to whether anything was published, he may ask the witness.

Mr. Gladstein: But it calls for conjecture.

Mr. Del Guercio: I will withdraw the question.

By Mr. Del Guercio:

Q. Did you ever read any article in the paper stating that you had spoken at the Scottish Rite

(Testimony of Henry A. Schmidt.)

Auditorium on August 1, 1936, for the American League against War and Fascism?

A. No, I don't recall reading such material or article.

Q. Was such an article ever brought to your attention? A. Not that I can recall.

Q. And is it your testimony that you did not speak in the Scottish Rite Auditorium on August 1, 1936? A. I didn't say that.

Q. What is your testimony?

A. It is in the record.

Q. Will you repeat it?

Presiding Inspector: He has no recollection on it, he said.

Mr. Gladstein: He was asked whether he spoke on behalf of a certain organization on a certain day. [4205]

Presiding Inspector: Later, I think, he left that out.

Mr. Gladstein: It was left out, but as far as speaking at that auditorium——

Presiding Inspector: Have you any recollection about any speech there at all?

The Witness: Oh, yes.

Presiding Inspector: Oh, you have? I misunderstood.

By Mr. Del Guercio:

Q. At whose invitation?

A. Well, it so happens that before our union started to meeting at Eagles Hall we used to meet

(Testimony of Henry A. Schmidt.)

in the Scottish Rite Auditorium and we were there every Monday night.

Q. Did you meet there on August 1, 1936?

A. I don't know whether that was Monday or not.

Q. Was there a meeting there of the American League against War and Fascism on August 1, 1936?

A. I don't know whether there was or not; might have been.

Q. Did you speak on August 1, 1936, at a meeting in the Scottish Rite Auditorium——

A. (Interposing) I don't remember.

Q. (Continuing) ——for the American Legion against War and Fascism?

Presiding Inspector: He started to answer before you finished the question.

Read the whole question to the witness now.

[4206]

(The question referred to was read by the reporter as above recorded.)

A. I hesitate to say that I might have because I don't remember.

By Mr. Del Guercio:

Q. Mr. Schmidt, did you ever preside at a meeting in Dreamland Auditorium when Lawrence Simpson talked on the subject "Eighteen Months in a Nazi Hell"?

A. No, I don't think so. I think I was a spectator at the meeting.

(Testimony of Henry A. Schmidt.)

Q. Were you on the speaker's platform?

A. I don't think so.

Q. Under whose auspices was this meeting conducted?

A. I haven't the slightest idea now.

Q. Had it been arranged prior to the meeting that you were to preside?

A. I don't recollect.

Q. Do you recall now that that meeting was held under the auspices of the International Labor Defense? A. No, I don't recall that at all.

Q. Did you ever write any article for the People's World, Mr. Schmidt?

A. Did I ever write any article for the Peoples' World?

A. Yes. A. No. [4207]

Q. Any letters? A. No.

Q. Or anything that was published in the Peoples' World?

A. Never wrote anything. I guess I have been quoted in the Peoples' World.

Q. Did you ever send birthday greetings to the Editor of Peoples' World?

A. To the Editor of Peoples' World?

Q. Yes.

A. No recollection of doing anything like that. I don't know when his birthday is.

Q. You don't have a recollection of it?

A. No.

Q. Would you say that you didn't send birthday

(Testimony of Henry A. Schmidt.)

greetings to the Editor of the Peoples' World on, say, June 29, 1938?

A. No, I would hesitate to say that I didn't.

Q. Your testimony is that you don't know whether you did or not?

A. I don't know whether I did or not.

Q. Did you know the Editor of the Peoples' World at that time in 1938? A. No.

Q. You don't have any recollection on it?

A. No.

Q. Would you say you didn't know? [4208]

A. Did I say I didn't what?

Q. That you did not know the Editor of Peoples' World in 1938?

A. I don't think I knew him.

Q. Would there be any occasion for your sending him a birthday greeting?

A. I don't think there would be.

Q. And if an article appeared in the Peoples' World under date of June 29, 1938 stating that you, Henry Schmidt, had sent birthday greetings to the Edtor, would that article be true?

Mr. Gladstein: That is improper and I object to it.

Presiding Inspector: I think it is immaterial.

Mr. Del Guercio: I will withdraw the question.

By Mr. Del Guercio:

Q. Did you ever make a trip to Mexico, Mr. Schmidt? A. Yes.

Q. When? A. 1938?

Q. Alone?

(Testimony of Henry A. Schmidt.)

A. No. There was another longshoreman with me.

Q. What was his name? A. His name?

Q. Yes?

A. His name is Zerfrani—Z-e-r-f-r-a-n-i. [4209]

Q. And where in Mexico did you go?

A. Mexico City.

Q. Is that the only place in Mexico that you went?

A. Several other places that we had to pass through in order to get there.

Q. What was the occasion for this trip?

A. The Latin-American Labor Congress.

Q. Were they holding a convention in Mexico City? A. Yes.

Q. Were you a delegate to it?

A. I was a fraternal delegate representing the State CIO of California.

Q. Who was this longshoreman that went with you, was he also a delegate?

A. No; he just went along for the trip.

Q. Did he pay for his own passage?

A. He paid for his own food, and his own lodging. He didn't have to pay for transportation.

Q. Who paid his transportation?

A. We used an automobile.

Q. Your automobile?

A. No; it belonged to our union.

Q. And is it true that about that time you were elected a member of the Presidium of the World Congress Against War and Fascism? [4210]

(Testimony of Henry A. Schmidt.)

A. That might have happened; possibly.

Q. Did you—were you? A. Maybe I was.

Q. Don't you know? A. It might be so.

Q. Why do you hesitate, Mr. Schmidt, on a matter of that kind? You can answer that "Yes" or "No".

A. I am not going to say "Yes" until I am sure in my own mind.

Q. Are you sure in your own mind now?

A. Not yet.

Q. All right. Do you want some time to think about it? A. I have got lots of time.

Q. Well, now, were you elected a member of the Presidium of the World Congress Against War and Fascism?

A. I can only repeat what I stated a minute ago. I am not going to say "Yes" until I am sure. [4211]

Q. Were you ever notified that you were elected a member of the Presidium to the World Congress Against War and Fascism?

A. You mean by communication, word of mouth or letter?

Q. In any manner?

A. I have no recollection right now.

Q. Did you ever sign any proclamation against war? A. Oh, I probably did, yes.

Q. When? A. I don't know.

Q. Huh? A. I don't know.

Q. Did you ever sign the Yank's Proclamation against war?

Presiding Inspector: The what?

(Testimony of Henry A. Schmidt.)

Mr. Del Guercio: Yanks, Y-a-n-k-s, the Yanks, Yankees.

A. I may have; I don't know.

By Mr. Del Guercio:

Q. You have no recollection?.

A. That is right.

Q. Would you say that you did not?

Mr. Gladstein: Now, I object to that. It has been asked and answered. Also, I think, it is immaterial.

Mr. Del Guercio: I think we are entitled, if the Court please, to a yes or no answer. [4212]

Presiding Inspector: I can't imagine what it has to do with this case.

Mr. Del Guercio: They are matters within the witness' knowledge, testing his veracity.

Presiding Inspector: Oh, well, I haven't any idea what the proclamation is, what the society is. It is just something out of the air so far as it appears——

Mr. Del Guercio: (Interposing) It was a commonly known front organization of the Communist Party.

Presiding Inspector: That may be. I don't know anything about it, that is, we have had nothing in this case about it.

Mr. Del Guercio: It is already in the record.

Presiding Inspector: Are you sure about that? That I didn't recall.

Mr. Del Guercio: The League Against War and Fascism.

(Testimony of Henry A. Schmidt.)

Presiding Inspector: Oh, yes, but this is now some proclamation. I haven't connected that with any one——

Mr. Del Guercio: (Interposing) Proclamation against war and Fascism sponsored by the——

Presiding Inspector: (Interposing) You haven't shown it.

Mr. Del Guercio: Sir?

Presiding Inspector: You haven't even suggested it. You said, "Did you sign a proclamation, a statement against war", a very general question. He said he might have, pro- [4213] bably did. Then, you asked him if he signed——

Mr. Del Guercio: (Interposing) Then, I asked him about a specific one.

Presiding Insepctor: Yes, but we don't know what it is.

By Mr. Del Guercio:

Q. Did you ever sign—may I ask this question?

Presiding Inspector: Yes.

By Mr. Del Guercio:

Q. Did you ever sign such a proclamation against war on or about April 6, 1940?

Mr. Gladstein: I will object to that as immaterial, your Honor.

Presiding Inspector: I can't see what difference it makes. "Such a proclamation against war", what do you mean by "such a proclamation"?

Mr. Del Guercio: One sponsored by the League Against War and Fascism, your Honor.

(Testimony of Henry A. Schmidt.)

Mr. Gladstein: And, I think, that would be immaterial.

Presiding Inspector: Yes, but that comes a little nearer. I will take that.

A. Well, I know that I have signed petitions that advocate against war, but whether or not I signed the one you are talking about I don't know. There are all kinds of petitions floating around in our union office all the time.

By Mr. Del Guercio:

Q. Now, is this an answer to the question?

[4214]

A. Yes, sir.

Q. Did you speak, Mr. Schmidt, at Franklin Hall on August 8, 1937?

A. Franklin Hall? Where is that?

Q. San Francisco.

A. I can't place the location of that in my mind at all, Franklin Hall.

Q. Did you ever speak anywhere at any time on the subject "Young Labor on the March?"

A. No.

Q. Did you ever speak at any time at any place under the auspices of the Young Communist League? A. No.

Mr. Del Guercio: Now, if the Court please, I have a matter here, concerning this witness that we are verifying and I expected to put it in at any time now but it has not come down yet. It might take five or ten minutes.

Mr. Gladstein: I didn't hear you.

(Testimony of Henry A. Schmidt.)

Presiding Inspector: They want about five or ten minutes to prepare for a different line of questioning, I suppose.

Mr. Del Guercio: That is right.

Mr. Gladstein: What do you suggest?

Presiding Inspector: Other than that——

Mr. Del Guercio: Other than that, why, I believe we are through with this witness. [4215]

Presiding Inspector: Other than that they think they are through with this witness.

Mr. Gladstein: How long will the balance of the cross take, Mr. Del Guercio:

Mr. Del Guercio: Oh, not more than ten minutes.

Mr. Gladstein: I beg your pardon?

Mr. Del Guercio: Not more than ten minutes, if that much.

Mr. Gladstein: Would your Honor like me to go on with the redirect?

Presiding Inspector: Yes, I would like you to.

Mr. Gladstein: As a matter of fact, I would prefer not to. Perhaps it would be well for us to wait until the cross is over.

Presiding Inspector: Very well. You couldn't put on another witness, or don't you want to break into this?

Mr. Gladstein: Rather not, your Honor.

Presiding Inspector: Very well, we will take a short recess.

(Whereupon a short recess was taken.)

[4216]

(Testimony of Henry A. Schmidt.)

Mr. Del Guercio: If the Court please, I haven't had a report on the matter I had in mind, but I will ask this witness a few more questions.

Presiding Inspector: Very well.

By Mr. Del Guercio:

Q. Now, Mr. Schmidt, did you at any time sign a petition to place the Communist Party on the ballot in California?

A. I may have done that.

Q. When? A. I guess it was in 1940.

Q. At any time prior to 1940 did you sign a petition to place the Communist Party on the ballot?

A. It is impossible for me to recollect because, as I stated before, there are all kinds of petitions being brought to our union office by various people and we place them in a certain place where our members can read them and sign them if they want to.

Q. You know the kind of a petition I am talking about. I am talking about a petition to put the Communist Party of the U.S.A. on the ballot.

Mr. Gladstein: I object to that question as argumentative and as having been asked and answered, your Honor.

Presiding Inspector: Well, in light of what he said, that there were all kinds of petitions, I will allow that.

By the way, the presiding Inspector doesn't know what kind [4217] of a petition it is.

Mr. Del Guercio: I don't know as I can describe it any better than it is a petition placed——

Presiding Inspector: I don't know what the

(Testimony of Henry A. Schmidt.)

person certifies to when he signs it, but you may ask. In the State of New York we don't have any such thing.

Mr. Gladstein: I want the record to reflect my objection to the question as immaterial. I don't see how signing a petition to permit what purports to be a political organization to be on the ballot, assuming there was such a signing that took place, I don't see how that can be material to the issues here.

Presiding Inspector: I don't know whether it certified that the signers were in sympathy with the principles of the organization. Of course, when you file a petition for the nomination of a person on a certain party, where we have direct primaries of that kind, why you certify that you are in general sympathy. I don't know whether you do that in your State or not. In our State that is the way it is.

Mr. Del Guercio: I believe that is also true in the State of California.

Presiding Inspector: I don't know.

Mr. Del Guercio: The Court can take judicial notice of the law in California on the subject.

Presiding Inspector: Yes. [4218]

Mr. Gladstein: I challenge Mr. Del Guercio's statement and I ask him to show the witness any petition which he is purported to have signed so that the record may reflect accurately what such a petition contains.

(Testimony of Henry A. Schmidt.)

Presiding Inspector: Maybe that is what he has in mind to do. At any rate, I will allow the question. It may amount to a great deal, and it may amount to little, or nothing.

Mr. Del Guercio: I will ask the witness to explain. He said he signed such a petition.

Presiding Inspector: No—did you say that?

The Witness: I didn't say that I signed that petition.

Mr. Del Guercio: In 1940, didn't you say that?

I will ask the reporter to read what he said he signed in 1940, the question and answer where "1940" is mentioned.

(The question and answer referred to were read by the reporter as above recorded.)

Presiding Inspector: I suppose that is an implied "Yes". It is not very direct.

By Mr. Del Guercio:

Q. What kind of a petition did you sign in 1940?

A. I probably signed several petitions in 1940. I certainly couldn't recall the exact wording of them.

Q. Well, Mr. Schmidt, in 1940, that was last year? A. Yes.

Q. Now, tell me what kind of petitions, all the kinds of [4219] petitions that you signed in 1940?

A. Well, there might have been the one you are talking about.

Q. What is that?

(Testimony of Henry A. Schmidt.)

A. To place the Communist Party on the ballot, you say.

Q. It might have been? A. That is right.

Q. Are you sure? A. No, I am not sure.

Q. Well, you say you might have signed other petitions? A. Yes.

Q. What petitions did you sign in the year 1940?

A. I might have signed a petition advocating opposition to war.

Q. When you say "I might have", is there a doubt in your mind? A. Yes.

Q. Well, will you tell me all the petitions that you signed in the year 1940 that you have no doubt about? A. I couldn't do that.

Q. Not a single one? A. No, sir.

Q. You have no further recollection concerning the petition for placing the Communist Party on the ballot? A. That is correct.

Q. That you signed in 1940, other than what you have [4220] testified to?

A. That is right.

Mr. Del Guercio: That is all.

May I ask, if your Honor please, that this witness be made available for further questioning?

Presiding Inspector: We will take that up when Mr. Gladstein finishes.

Mr. Gladstein: Has counsel finished his cross examination?

Mr. Del Guercio: At the present time.

Presiding Inspector: He says he has a matter—

(Testimony of Henry A. Schmidt.)

you heard him yourself—he is investigating. I am going to give him an opportunity to present that.

Redirect Examination

By Mr. Gladstein:

Q. Mr. Schmidt, the name of Lee Holman was mentioned during the cross examination as having been the President of the ILA Union in San Francisco in 1933 and 1934. Can you describe generally and briefly what the situation was on the waterfront in so far as the working longshoremen were concerned during the period that Mr. Holman was President of the ILA Union and during that same period when the Equality Hall group were meeting?

Mr. Myron: That is immaterial, your Honor.

Presiding Inspector: I think you went into that. I will take it. [4221]

Mr. Myron: The conditions of the working class on the waterfront? I don't think anything was said about that.

Presiding Inspector: Read the question.

Mr. Gladstein: Do you want me to explain the materiality?

Presiding Inspector: I want to hear the question.

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: I didn't suppose you wanted anything more than the matters in the Union. Do you want to go into the situation of the social conditions of the workers?

Mr. Gladstein: Only to this extent, your Honor.

(Testimony of Henry A. Schmidt.)

During cross examination Mr. Schmidt was asked whether it wasn't a fact that the Equality Hall group was opposed to Mr. Holman, and whether the opposition wasn't due to the fact, as it was alleged in the questions, that Mr. Holman was opposing Communism.

Now, I would like, through my redirect examination, to bring out the nature of any opposition that existed to Mr. Holman, and the basis of that opposition.

Presiding Inspector: We won't go into the basis as a matter of fact.

Mr. Gladstein: No, merely——

Presiding Inspector: We will go into what was stated.

Mr. Gladstein: That is what I had in mind.

Presiding Inspector: Whether it is true or not we don't care; I mean to say to determine the question before us. [4222]

Mr. Gladstein: At least the record will show what the nature of the opposition, if it was opposition, in fact, was.

Presiding Inspector: I will allow you to show what the nature of the opposition was, if you can.

Mr. Myron: The answer to both questions was "Yes."

Mr. Gladstein: What questions?

Mr. Myron: Both questions that Mr. Gladstein spoke about.

Presiding Inspector: I don't know what you mean.

(Testimony of Henry A. Schmidt.)

Mr. Myron: That the Equality group did oppose Holman——

Presiding Inspector: There is no doubt about that.

Mr. Myron: (Continuing) ——and that Holman opposed Communism.

Presiding Inspector: That may not have been the reason they opposed Holman.

Mr. Myron: That is the answer that the witness gave.

Presiding Inspector: That doesn't say that was the reason. You draw that conclusion, and that inference may be drawn, but it isn't the only possible inference.

Mr. Myron: That is the only answer the witness gave.

Presiding Inspector: We are going to find out whether there was something else.

Mr. Myron: He is going into the working conditions——

Presiding Inspector: No, we are not going into that.

By Mr. Gladstein: [4223]

Q. I will put the question this way: What, in fact, Mr. Schmidt, was the basis of opposition, as we shall call it, of the Equality Hall group to Mr. Holman while the latter was President of ILA 38-79?

Mr. Del Guercio: If your Honor please, that is the same question in a different form.

(Testimony of Henry A. Schmidt.)

Presiding Inspector: Yes, but it doesn't go into the factual matter.

Mr. Del Guercio: No.

Presiding Inspector: It is only what they claim was why they opposed Mr. Holman. Now, you have sought to draw an inference that they opposed Mr. Holman because Mr. Holman opposed Communism, as you call it. Now, they are going to show that that wasn't the sole, at any rate, basis of the opposition; or perhaps was not any basis. I don't know. I will allow it.

A. Chiefly because while Mr. Holman was President there was nothing being done in so far as bettering the conditions of the workers was concerned. I recall he had a peculiar habit of getting up on the platform and raising his hands to the ceiling and saying that he was willing to die for the longshoremen. I concluded right there and then the guy was phony. [4224]

By Mr. Gladstein:

Q. What were the complaints that were being made by the longshoremen while Mr. Holman was its leader?

Mr. Myron: That is a leading question.

Mr. Del Guercio: Leading and immaterial, your Honor.

Mr. Myron: There is no evidence of that sort; there is absolutely no evidence in the record.

(Testimony of Henry A. Schmidt.)

By Mr. Gladstein:

Q. I will put it this way: Were there any complaints being made by the longshoremen who were in the Equality Hall group during meetings of ILA 38-79 while Mr. Holman was President?

Presiding Inspector: Complaints in the——

Mr. Gladstein: In the union.

Presiding Inspector: In the organization itself?

Mr. Gladstein: Yes, your Honor.

Presiding Inspector: Yes, I will take that.

A. Well, occasionally someone on the Executive Board would point out this and that would have to be done in order to get something moving on this waterfront so far as the bettering of the conditions was concerned. It seemed to be impossible to make Mr. Holman move in any direction.

Q. What was the subject matter of the complaints that were made by members of the Equality Hall group?

A. Well, they proposed that coastwise conferences ought [4225] to be arranged for, that unity and solidarity had to be established between all the longshoremen on the Pacific Coast, and that we would have to submit demands to the employers.

Q. What did these demands concern? What did they refer to? A. They referred to——

Mr. Del Guercio: (Interposing) If your Honor please, now, we are going——

Presiding Inspector: (Interposing) You only want that they referred to the conditions of the trade, I suppose?

(Testimony of Henry A. Schmidt.)

Mr. Gladstein: Yes, I want that in the record.

Presiding Inspector: I think that is perfectly evident. I don't think I would go any further than that. I think he said that already.

Mr. Gladstein: I would like permission to ask this question, then, your Honor. I am not sure of the state of the record.

By Mr. Gladstein:

Q. Would it be correct to state, Mr. Schmidt, that, in general, the complaints by the members of the Equality Hall group that were made in the Union meetings while Mr. Holman was President of ILA 38-79 had to do with questions of hours, wages, working conditions and grievances of San Francisco longshoremen?

A. Nothing else but that.

Mr. Del Guercio: Now, if your Honor please——

[4226]

Presiding Inspector: (Interposing) I will take that.

Mr. Del Guercio: What?

Presiding Inspector: I will let that stand. That isn't going into whether these were just complaints or not, or what the conditions were. He is merely offering this as the basis, according to his theory, of the attitude of this group, which we have heard so much about, toward the President of the Union.

Mr. Gladstein: Yes, Mr. Holman.

By Mr. Gladstein:

Q. Now, at any time, Mr. Schmidt, did you obtain evidence—withdraw that.

(Testimony of Henry A. Schmidt.)

Do you know whether at any time evidence was obtained to the effect that Mr. Holman was secretly working in the employ of the shipowners while he was President of the Union?

Mr. Myron: I object to that question, your Honor.

Presiding Inspector: Well, is that one of the complaints?

Mr. Gladstein: It became one of the very important ones, yes.

Mr. Myron: Now, is Mr. Gladstein testifying?

Presiding Inspector: He has not stated there was any such complaint.

Mr. Gladstein: He has not been asked yet.

Presiding Inspector: You asked him what the basis of the complaints were, if there were any others. [4227]

Mr. Gladstein: Well, all right, I will withdraw that.

By Mr. Gladstein:

Q. Have you stated all of the bases or the grounds of complaint that the longshoremen, who were represented by the special Equality Hall group, had to make against Mr. Holman's leadership in the union?

Mr. Del Guercio: Now, if your Honor please, I object to that. Counsel has already indicated what he wants the witness to say.

Presiding Inspector: The Presiding Inspector will take that into consideration. I will allow it.

The Witness: Will you repeat it, please?

(Testimony of Henry A. Schmidt.)

(The question referred to was read by the reporter as above recorded.)

A. That is stating it generally. I might go into some detail but——

By Mr. Gladstein:

Q. (Interposing) Well, I wish you would.

Mr. Del Guercio: I object to that, your Honor.

Mr. Gladstein: I am inviting the witness to go into detail on the bases of the complaints.

Presiding Inspector: Very well.

A. Well, some of the longshoremen were not exactly led to believe, but they believed that inasmuch as most of [4228] them belonged to this Union they could afford to become a little more militant than they had been. As a matter of fact, prior to that time they didn't even know the word, the meaning of the word, militancy, and some of them took some steps to do away with some of the extremely miserable conditions that existed on the San Francisco waterfront. As a result of their action, including myself, we were knocked off the job. We couldn't get Mr. Holman to do anything about it in so far as rectifying that is concerned.

By Mr. Gladstein:

Q. Were matters of that kind made the subject of complaints in open meetings of the ILA?

A. Certainly.

Q. Did Mr. Holman do anything to rectify those alleged grievances?

A. No, he did nothing at all. In fact, he didn't

(Testimony of Henry A. Schmidt.)

know how to move. Of course, later on we found out that he was in the pay of the Industrial Association of San Francisco.

Mr. Del Guercio: There it is now, your Honor. It has come out, exactly what counsel has put in the witness' mouth.

Mr. Gladstein: It is the fact, and we will prove it.

Presiding Inspector: I don't know whether you will prove it or not, but we will let it stand now.

[4229]

By Mr. Gladstein:

Q. Now, Mr. Schmidt, during the time Mr. Holman was President of the ILA 38-79, was there or not any general suspicion among the longshoremen that Mr. Holman was in the secret pay of the employers?

Mr. Myron: I object to that.

Presiding Inspector: I don't think suspicions are a matter of consideration here.

Mr. Gladstein: This is preliminary, your Honor; this is preliminary.

Mr. Myron: All these questions seem to be preliminary, your Honor.

Mr. Gladstein: This is preliminary to the one that follows which will——

Presiding Inspector: (Interposing) Let's hear the one that follows.

Mr. Gladstein: All right. The next one is whether Mr. Schmidt, of his own knowledge, knows that a discovery was made that Mr. Holman actually was in the secret employ of the Industrial As-

(Testimony of Henry A. Schmidt.)

sociation, an organization of shipowners. Now, that is an organization which is——

Presiding Inspector: (Interposing) While he was still President?

Mr. Gladstein: While he was still President.

Presiding Inspector: I mean, this was discovered while [4230] he was still President?

Mr. Gladstein: No; it was confessed later.

Presiding Inspector: Then, we don't care about it. It is not material.

Mr. Gladstein: Why, your Honor?

Presiding Inspector: We don't care what the fact is. The only question here is whether the opposition of this group to Mr. Holman was based upon the fact, as claimed by the employees, implied in the questions of Mr. Del Guercio, because he was opposing Communism. Now, what the fact was is not material. We are only looking at it in its reference to this Albion Hall group.

Mr. Gladstein: Well, if that is true, your Honor——

Presiding Inspector: (Interposing) Well, that is the only thing they have claimed about it.

Mr. Gladstein: Well, first of all, I can't follow your Honor in saying that we are not entitled to introduce the actual facts as they were.

Presiding Inspector: Mr. Holman isn't on trial here.

Mr. Gladstein: I appreciate that, but——

(Testimony of Henry A. Schmidt.)

Presiding Inspector: (Interposing) I understand he died some years ago.

Mr. Gladstein: I don't know a thing about that.

Presiding Inspector: That is what I understood. Is he living? [4231]

The Witness: Yes.

Presiding Inspector: Oh, I thought you said——

The Witness: (Interposing) I don't know whether he is living today or not.

Presiding Inspector: That is what I thought you said; I thought you said he died?

The Witness: No, I didn't say that.

Presiding Inspector: Am I wrong? Well, I may be wrong.

The Witness: In fact, I have seen him less than a year ago, about a year ago.

Mr. Del Guercio: That was wit, if your Honor please.

Presiding Inspector: I have mistaken the person?

Mr. Del Guercio: No; that was wit on the part of the witness when he said that Mr. Holman died; that was his dry humor.

The Witness: I made no such statement.

Presiding Inspector: Well, I don't know whether it was humor or not. I may err in my recollection. I supposed that he died, but I don't see that it matters, in any event, one way or the other.

Mr. Gladstein: Well, your Honor——

(Testimony of Henry A. Schmidt.)

The Witness: (Interposing) Mr. Holman is very much alive.

Mr. Gladstein: (Continuing) ——as the trier of the facts I think that you are entitled to know what the factual [4232] basis was.

Presiding Inspector: I don't care about that.

Mr. Gladstein: Of the complaints that the men were making.

Presiding Inspector: Yes, but if they didn't know at the time there was not any factual basis for their complaints.

Mr. Gladstein: But if they believed that he was, that was a factual basis, and if they subsequently found out that their belief was true, if they got a confession from a person who was the Secretary of Mr. Holman to the effect that Mr. Holman had been while—during the period that his union members suspected him of being an agent of the employers, that he had, in fact, been an agent of the employers, we are entitled to show that.

Presiding Inspector: No, you are not.

Mr. Gladstein: We are certainly entitled to show what the men believed.

Presiding Inspector: You may be entitled somewhere else, not here.

Mr. Gladstein: Aren't we entitled——

Presiding Inspector: (Interposing) I have ruled against it. You may show what their beliefs were.

Mr. Gladstein: That is what I said I wanted to show first.

(Testimony of Henry A. Schmidt.)

Presiding Inspector: Not the fact. We don't care anything about the fact. We are not trying Mr. Holman. You can [4233] show the basis of their opposition as it was in their minds, or as they expressed it.

Mr. Gladstein: I think I asked that question but instead of using the word "belief" I used the word "suspicion." And then, your Honor said you wanted to hear what the next question was.

Presiding Inspector: Yes, I did.

Mr. Gladstein: All right. Now, I will ask the witness. There is no use in going back in the record because it will simply consume time. I will rephrase that question.

Presiding Inspector: That is the best way.

By Mr. Gladstein:

Q. And ask whether, Mr. Schmidt, it is or is not the fact that while Mr. Holman was President of ILA 38-79 there was belief among members of the Union that Mr. Holman was secretly in the pay of the shipowners and was not acting for the best interests of the longshoremen?

Mr. Del Guercio: Now, if your Honor please, you will note that counsel in this question is not going to this Equality or Albion Hall group but to the actual membership of the union.

Presiding Inspector: No, I think we are only interested with respect to this Albion Hall group.

Mr. Gladstein: I inadvertently omitted that.

Presiding Inspector: I supposed that is what you had in [4234] mind.

(Testimony of Henry A. Schmidt.)

Mr. Gladstein: Yes.

By Mr. Gladstein:

Q. With that understanding, Mr. Schmidt, could you answer the question?

A. Yes, there was such suspicions in the minds of the Albion Hall group. In fact, there were suspicions in the minds of many——

Mr. Myron: (Interposing) That is all that was asked.

Mr. Gladstein: He has not finished his answer. I think he is entitled to finish his answer. Then, counsel can move to strike.

Mr. Myron: I move it be stricken out.

Mr. Gladstein: May I be permitted to finish my statement to the Court without constant interruptions from Mr. Myron?

Presiding Inspector: I don't know about that. You may finish your statement to the Court.

Mr. Gladstein: I think the witness should be permitted——

Presiding Inspector: (Interposing) I am going to let him finish.

Mr. Gladstein: When he says something that is not responsive or unnecessary or should be stricken counsel can move to strike; that is the ordinary manner.

Presiding Inspector: I think the witness may answer. Go ahead. [4235]

The Witness: I was going to add there was such suspicions in the minds of quite a large number of longshoremen because I heard them make

(Testimony of Henry A. Schmidt.)

statements to the effect that Holman couldn't be trusted, and many of them remembered him as having been a longshoreman back in 1918 and he was connected with the union then, and whatever he did then was not much good.

Mr. Del Guercio: I move to strike all of that.

Presiding Inspector: I will let it stand.

By Mr. Gladstein:

Q. When did you say Mr. Holman was removed as President of the union?

Mr. Del Guercio: If you Honor please, I don't know as there is any evidence in this record here that Mr. Holman was ever withdrawn as President of the——

Mr. Gladstein: (Interposing) I will withdraw the question.

Mr. Del Guercio: Just a minute. Will you permit me to address myself to the Court?

Presiding Inspector: Wait a minute. It isn't of any use. He has withdrawn the question.

Mr. Del Guercio: I may have had something else to say, if your Honor please.

Presiding Inspector: Well, —— [4236]

Mr. Del Guercio: (Interposing) Now, he has been accusing us here, Mr. Myron and myself, of interrupting him while he is making his speeches and I would like to get up every once in a while and make a short speech myself.

Presiding Inspector: Well, we like to hear you, Mr. Del Guercio.

(Testimony of Henry A. Schmidt.)

Mr. Del Guercio: If I wanted to. Counsel won't permit me. Every time——

Presiding Inspector: (Interposing) Excuse me. I will recognize Mr. Gladstein's withdrawal of the question. Phrase the next question.

By Mr. Gladstein:

Q. Can you give us the approximate date when Mr. Holman was, for the last time, the President of ILA 38-79?

A. It was somewhere between the February 1934 convention and May the 9th, which is the day that the strike started.

Q. And do you know——

A. (Interposing) I recall that—because he was not elected as a delegate to that convention but he came there with a credential signed by himself and the convention wouldn't recognize it, of course.

Q. Do you know the circumstances under which his presidency terminated, that is to say, did he serve out his term or was there some other method, some other procedure by which his presidency terminated? [4237]

Mr. Del Guercio: Well, if your Honor please, I object to the question first on the ground that matter has already been covered, secondly on the ground that it is suggestive not to say the least, and the third, on the ground that it is immaterial. We are not trying Mr. Holman. We are not trying anybody else but Mr. Bridges. I don't see him here today.

(Testimony of Henry A. Schmidt.)

Presiding Inspector: We are not even trying —oh, Mr. Bridges was excused.

Mr. Del Guercio: I see. I was going to turn around to him there.

Presiding Inspector: I will take the answer.

Mr. Del Guercio: Take——

Presiding Inspector: (Interposing) Although I don't think it very material.

Mr. Gladstein: Do you have the question in mind?

The Witness: No.

(The question referred to was read by the reporter as above recorded.)

A. Charges were preferred against him by some of the union members and he was brought to trial before a committee that was elected by the union, and they found him guilty in spite of the fact that he didn't show up. There was a provision in the constitution to the effect that if accused parties do not show up the trial should proceed nevertheless, [4238] and after that we didn't see him any more.

By Mr. Gladstein:

Q. Have you ever had occasion to see him since? A. Yes.

Q. When?

Mr. Del Guercio: Well, if your Honor please, I don't know that that is material.

Presiding Inspector: No, I don't suppose that is material. How can that have any effect here?

(Testimony of Henry A. Schmidt.)

Mr. Gladstein: Well, your Honor, it is our theory——

Mr. Del Guercio: (Interposing) If your Honor please, to avoid another speech from counsel I will withdraw my objection.

Presiding Inspector: Very well.

Mr. Del Guercio: We are only having speeches in the record.

Presiding Inspector: Very well, you may answer.

A. I saw him during the 1936-'37 strike when he was organizing a rival union of strike breakers on Mission Street near Fourth or Sixth Street, and the last time I saw him was under circumstances, unusual circumstances, I would say. It was in the Veterans War Memorial Building on Christmas Eve a year ago when I went there with my daughter to participate in Christmas community singing and, believe it or not, Mr. Holman came there also and he sat right down in front of me on [4239] stairs because there were no more seats left.

Presiding Inspector: And you joined in the same songs?

The Witness: So did Mr. Holman.

Presiding Inspector: Yes, all right.

The Witness: And if I may add this: Every once in a while he writes a letter to our union.

By Mr. Gladstein:

Q. You mean when the spirit moves him? During 1936 and '37 you say that Mr. Holman was

(Testimony of Henry A. Schmidt.)

attempting to form a group of strike breakers. Did you have any personal contact with him?

Mr. Del Guercio: Well, if your Honor please——

Presiding Inspector: (Interposing) Isn't that remote?

Mr. Gladstein: No. Our theory is, your Honor——

Mr. Del Guercio: (Interposing) Well, if it is another speech, your Honor, I will again withdraw my objection and let it go in.

Presiding Inspector: I think it is remote.

Mr. Myron: If it is for the purpose of refreshing the witness' memory, why, we will let him answer.

Mr. Gladstein: Will you answer the question?

Mr. Myron: He has a very poor memory.

A. Yes, I had some very peculiar experiences with these scabs.

By Mr. Gladstein: [4240]

Q. Will you state what they were?

A. Well, I observed one meeting that they tried to hold on Fourth and Mission Street, which was very much advertised by Holman by distributing literature on the waterfront in the middle of the night. The meeting was to be held at Fourth and Howard Streets, I believe, and all bona fide longshoremen, according to his literature, were invited to come. I think our Strike Committee went on record to go there and listen in. We stood out on the street because the place was packed. There

(Testimony of Henry A. Schmidt.)

was a loud speaker hanging out of the window and Mr. Holman was holding forth, telling all and sundry what a great guy he was and what a good fellow for the longshoremen he would be if only Schmidt and Bridges and Melnikow and some other people were wiped off the face of the earth, and there were lots of strikers there and quite a number of police because they thought there would be trouble between the strikers and the strike breakers.

Then, on another occasion he associated himself during that strike with a newspaper, a weekly newspaper that is published here on Market Street, which is known as the News Letter and Wasp. It advertised the fact that there was going to be a mass meeting there on a Saturday afternoon and that Mr. Holman would speak. The fact that he was going to hold a meeting there with his people was mentioned to this joint marine strike committee and someone made a motion in the joint marine strike committee that our joint marine strike committee [4241] proceed to that meeting and move right in and try to take it over, so at the appointed time we went up Market Street to participate in this meeting. The Vice-President of our union and I, we proceeded up the stairs to invite ourselves in, and the entire stairway was just chuck-a-block with strike breakers all wearing gloves and some of them had brass knucks. We knocked on the door, and the gentleman who runs the News Letter and Wasp recognized me, and I

(Testimony of Henry A. Schmidt.)

said, "How about getting in here?" He said, "Wait a while and I will take care of it." Meanwhile this Vice-President, who was quite an elderly man, and I, we stood there for a little while and we went downstairs again.

Mr. Del Guercio: If the Court please, I am going to interrupt right here and right now. We have been listening very patiently to this witness telling of his great exploits. Of course, we have no medals here to pin on him at this time.

Mr. Gladstein: I move the remarks of counsel be stricken.

Mr. Del Guercio: I think he should be cut off some time.

Presiding Inspector: I am afraid that is a speech, Mr. Del Guercio, and I think there was a speech on the other side too, only it was not quite as long.

Mr. Gladstein: You mean when I moved to strike his remarks?

Presiding Inspector: I thought you said something else.

Mr. Gladstein: I just said I moved to strike his remarks [4242] as improper.

Presiding Inspector: That isn't a speech. I don't think we will strike them. They will all go out anyway.

By Mr. Gladstein:

Q. Will you continue, please?

Presiding Inspector: Don't you think you have come far enough?

(Testimony of Henry A. Schmidt.)

Mr. Gladstein: I don't know. He has not finished this occasion. I am waiting to hear what happened.

Presiding Inspector: Of course, I wouldn't have allowed it at all if Mr. Del Guercio had persisted in his objection.

Mr. Del Guercio: Your Honor, the reason I withdrew my objection was when I was examining this witness here he had a very vague recollection, couldn't recollect events and names and things of this kind, and I thought that, perhaps, when his own counsel questioned him that he would have the same kind of a blank recollection; I didn't anticipate that all of a sudden his memory would come back to him, and it was only for that reason that I withdrew my objection.

Presiding Inspector: Don't you think we better have a further demonstration along that line?

Mr. Myron: Yes, yes.

Mr. Gladstein: If your Honor please, I move that Mr. Del Guercio's remarks be stricken as improper.

Presiding Inspector: I don't think they are proper, [4243] but we are not very particular about these remarks.

Mr. Gladstein: Of course, we are not, but if each time he makes improper remarks and I move they be stricken and your Honor says they are improper but they won't be stricken, there is no inducement for Mr. Del Guercio to remain seated and not indulge in making improper remarks.

(Testimony of Henry A. Schmidt.)

Presiding Inspector: Oh, we shouldn't have speeches on either side. Now, you may go on.

By Mr. Gladstein:

Q. Will you continue, please?

Presiding Inspector: Although I think it is immaterial, but I may take a different view. Go ahead.

A. (Continuing) The upshot of it was that the Vice-President of our Local proceeded down to the sidewalk, and there were many strikers gathered there, and we persuaded the man who had come in the loud-speaking truck to go away, and directly Mr. Holman spoke from the window sill. He had no loud-speaker so he used a megaphone.

Then the whole thing wound up in a humorous affair because when somebody started to heave some eggs at Mr. Holman's megaphone they hit him right square in the teeth; whereupon he proceeded to close the window, and then we went on back to the waterfront.

By Mr. Gladstein: [4244]

Q. Was your home ever attacked by any of Mr. Holman's men?

A. Well, I didn't know who it was, and I don't know who did it, today.

Q. Was this during the strike?

Mr. Myron: This is all immaterial, your Honor.

Presiding Inspector: I think it is immaterial; very immaterial.

(Testimony of Henry A. Schmidt.)

By Mr. Gladstein:

Q. There was mention made of the Defense Committee of the ILA. What do the words "Defense Committee" refer to, what kind of defense?

A. Well, the Committee was charged with the duties of furnishing bail for strikers that might be arrested that belonged to our union. They called on these fellows if and when they were locked up and reported back to the Strike Committee and asked for more money if they required it, and so on and so forth.

Q. Was this for anything besides legal defense?

A. That is all. We had an attorney; may have had two attorneys, but I don't recall.

Q. Now, yesterday I asked you some questions concerning alleged meetings testified to by Mr. Nat Honig. If I were to repeat all of the questions I asked you that referred to Mr. Honig, or Mr. Honig's statements, and substituted the name [4245] "Nat Davis" for "Nat Honig," would your answers have been any different?

Mr. Myron: Just a moment. That is the strangest question I have ever heard in a court room.

Mr. Gladstein: It is for the purpose of saving time. Mr. Honig, as I recall it, also testified that he was known by the name of Nat Davis. I can proceed and ask Mr. Schmidt all the questions that I asked yesterday.

Mr. Del Guercio: If the purpose of it is the saving of time we will withdraw the objection.

(Testimony of Henry A. Schmidt.)

Mr. Gladstein: It is quite obvious it is for that purpose.

A. No, I don't know anybody by that name; except that I recall the name of Davis in connection with the trial hearing in 1939, and the Davis that was mentioned there, and identified there, was a sailor.

By Mr. Gladstein:

Q. Would your answers to my questions, if the name "Nat Davis" were substituted for the name "Nat Honig," be the same as they were——

Mr. Myron: (Interposing) I object to that.

Mr. Gladstein: I haven't finished.

Presiding Inspector: Go ahead and finish your question.

By Mr. Gladstein:

Q. If the name "Nat Davis" were substituted for the name "Nat Honig" would the questions concerning Mr. Honig, as [4246] I put them to you yesterday, be answered the same as they were yesterday?

Mr. Myron: We object to that, if your Honor please.

Mr. Gladstein: On what ground?

Presiding Inspector: Isn't the question this: That the reference was, when he spoke of Nat Honig, was to the man whom he saw on the witness stand?

Mr. Gladstein: Yes; under either the name of Nat Honig or Nat Davis.

(Testimony of Henry A. Schmidt.)

Presiding Inspector: That is the question?

Mr. Gladstein: That is the question.

Presiding Inspector: You may answer.

A. My answers will be the same.

Presiding Inspector: He is referring to the man; not the name.

The Witness: Yes.

By Mr. Gladstein:

Q. You were asked about the 1937 convention of the ILA to which you were a delegate. How were delegates to that convention chosen?

Mr. Del Guercio: Well, if your Honor please, reference was made to the 1937 convention, but not to the convention itself, and only for the purpose of placing the witness there at that place. Now, I didn't ask any questions there on cross examination as to the convention itself. I think that that is [4247] improper redirect examination.

Mr. Gladstein: Your Honor, the witness was asked whether he didn't go up by train, or by car, and with which delegates he went. I think I am entitled to bring out how delegates were selected to go to that convention. I am not going into the convention itself.

Presiding Inspector: I don't know as it is material.

Mr. Gladstein: It is material to show how these men who have been named, how Mr. Schmidt came to be going there, or meeting with them, who they were, and how they were selected. The record

(Testimony of Henry A. Schmidt.)

does not show where these men came from, or who they were, or what they represented.

Presiding Inspector: I thought it was in the question that he was a delegate representing somebody that delegates him; at least that would be implied.

Mr. Del Guercio: I didn't question on how they were chosen, or that he was not a delegate.

Presiding Inspector: What difference does it make whether it was the Executive Committee, or the body, or the President? I don't see the materiality, but if you wish it you may have it. I see no materiality in it.

Mr. Gladstein: I would like to have the question answered.

Presiding Inspector: How were the delegates from the respective organizations chosen, if you know?

The Witness: Our local elected its delegates by the usual [4248] referendum vote. I don't recall whether we used the machines at that time, or the paper ballot.

By Mr. Gladstein:

Q. And who voted on the question of which delegates were to go?

Mr. Del Guercio: Is this necessary?

Presiding Inspector: In his union—I will allow the statement if he knows who voted.

You mean who had a right to vote?

Mr. Gladstein: Yes.

A. The members of the local union only.

(Testimony of Henry A. Schmidt.)

By Mr. Gladstein:

Q. How were delegates to the San Francisco Central Labor Council chosen in 1934, 1935 or 1936, or at any time thereafter?

Mr. Del Guercio: I object to that as not being proper redirect.

Presiding Inspector: I will take it.

Mr. Del Guercio: It is going into new matters.

Presiding Inspector: I will take it.

A. In the same manner, except that I recollect that one of the first times that we elected delegates to the Central Labor Council we did it by nomination from the floor, and by a showing and counting of hands. We didn't do that very often. For years now we have been using the secret [4249] ballot.

By Mr. Gladstein:

Q. How were delegates selected to the convention of the Maritime Federation of the Pacific in Portland in 1937?

A. In the same manner; by referendum ballot.

Q. You were questioned concerning a meeting at the New Lennox Hotel during a period when the Maritime Federation of the Pacific was having a convention. Can you fix the date of that?

A. The day of the week?

Q. No, the approximate date?

A. It would be in the month of June in that year.

Q. Which year?

(Testimony of Henry A. Schmidt.)

A. 1937, we are talking about, isn't it?

Q. Do you recall what was discussed at that meeting?

A. The question of affiliating with the CIO, which was the big bone of contention on the convention floor.

Q. Was Communism discussed at that meeting?

A. No.

Q. Was the Communist Party policy or strategy, or tactics discussed at that meeting?

A. Not at all.

Q. You were asked whether Mr. Bridges was there. I think you said he was.

A. I think he was. [4250]

Q. And you were present? A. Yes.

Q. And Mr. Curran? A. Joe Curran?

Q. Yes. A. I doubt whether he was there.

Mr. Gladstein: Did you have the list of the other names?

Mr. Myron: They are in the record, I guess.

The Witness: I don't recall him being at that convention. I know a couple of his colleagues were.

By Mr. Gladstein:

Q. You were asked whether all of the people present at that meeting—withdraw that. I will ask you this: Were the people who were present at that meeting members of the Communist Party to your knowledge? A. No.

Q. Do you know whether any of them were definitely not members of the Communist Party?

(Testimony of Henry A. Schmidt.)

A. To the best of my knowledge they were all good trade unionists.

Q. What about yourself?

A. That goes for me too.

Q. What about Mr. Bridges?

A. That goes for him too.

Q. Can you recall whether there would be any occasion for [4251] Mr. Harry Jackson to have been present at any such meeting?

A. I can't understand why he should be there. He was not a longshoreman, or a maritime worker, so why should he be there?

Q. Can you state whether at this caucus meeting every person present represented some union that was part of the Maritime Federation of the Pacific, or was a fraternal delegate to that convention?

Mr. Myron: That is a leading question, your Honor. Apparently he had no recollection today of who was there.

Mr. Del Guercio: And it is in the alternative.

Mr. Myron: He is asking if they represented unions and he hasn't got the names of the persons.

Mr. Gladstein: They were all mentioned this morning.

Presiding Inspector: Have you in mind who——

The Witness: (Interposing) I couldn't mention the names of all the individuals that were there.

By Mr. Gladstein:

Q. Can you recall any person who was at such a caucus meeting who would not be from a trade

(Testimony of Henry A. Schmidt:)

union which was either part of the Maritime Federation or which had sent a delegate to the convention?

Mr. Myron: That is a hypothetical question.

Presiding Inspector: Yes; that is a hypothetical question.

Mr. Gladstein: I am asking for his recollection, if there [4252] was any person there who was not a member of a trade union.

Presiding Inspector: You didn't ask it that way. You said "Who would not be."

Mr. Gladstein: Who, what?

Presiding Inspector: "Who would not be a member," was the way the question was put.

Mr. Gladstein: I should have said, "Who was not."

Presiding Inspector: You mean to his knowledge, was not?

Mr. Gladstein: Yes.

By Mr. Gladstein:

Q. Can you recall any person being there who was not from a union that was participating in the convention of the Maritime Federation, either as a member of that Federation, or as a fraternal delegate to it?

Mr. Myron: I object.

Presiding Inspector: I think I will take the answer, but I don't think it is very persuasive for the purpose for which it is asked. I don't think it goes quite as far as you want it to, but I will take the answer.

(Testimony of Henry A. Schmidt.)

A. They must have been delegates——

Presiding Inspector: The question is, can you recall anyone there who wasn't a delegate?

The Witness: No.

By Mr. Gladstein:

Q. Would you say that people who were at that caucus meeting were all delegates to the convention? [4253]

A. Well, if some of the MWIU fellows were there they were not delegates in the true sense of the word; they were fraternal delegates from the NAIU, which is not affiliated with the Maritime Federation, only on a fraternal basis.

Q. What about the balance of the people?

A. They were Pacific Coast people who represented some union or other that was connected with the Maritime Federation.

Q. Would they all be delegates to the Convention?

Mr. Myron: "Would" they?

By Mr. Gladstein:

Q. Were they all——

A. (Interposing) Well, it is possible that there may have been an officer or a member of a local union in Portland who didn't happen to be a delegate who might have been there. I don't recollect that.

Q. Were any of them not trade unionists?

A. They were all trade unionists; certainly.

Q. Were they all trade unionists connected

(Testimony of Henry A. Schmidt.)

either with unions that were part of the Maritime Federation of the Pacific, or a union which was sending a fraternal delegate to the convention?

Mr. Del Guercio: I will object to that.

Presiding Inspector: Isn't all this argumentative?

Mr. Gladstein: I don't think so.

Presiding Inspector: I will take it. This may well be, [4254] and still it might be a Fraction meeting.

Mr. Gladstein: I am coming to that.

A. That would be a correct statement.

By Mr. Gladstein:

Q. Could this meeting in any sense be a Communist Fraction meeting?

Mr. Myron: I object to that, your Honor.

Presiding Inspector: I will take his testimony.

A. No; it was a trade union meeting. The subject under discussion was the advisability of affiliating with the CIO.

Presiding Inspector: Except as to yourself and Mr. Bridges you didn't pay any attention to whether the rest of them were Communists or not?

The Witness: I recall such——

Presiding Inspector: Isn't that what you have said heretofore?

The Witness: Yes.

Presiding Inspector: You didn't pay any attention to whether a person was a Communist or not?

The Witness: No.

(Testimony of Henry A. Schmidt.)

By Mr. Gladstein:

Q. Now, you were asked as to whether or not you had ever been in opposition to Mr. O'Connell, to Mr. McLaughlin, to Mr. Vandeleur, and Mr. Lundeberg. Have you ever been opposed to Mr. McLaughlin, either personally or because of matters on [4255] which your judgment differed from his?

Mr. Del Guercio: If your Honor please——

Presiding Inspector: Who is the person mentioned?

Mr. Gladstein: Mr. McLaughlin. This was brought out on cross examination.

Mr. Del Guercio: Only the name; not the question of what the opposition was.

Presiding Inspector: I will take it. You may answer.

A. Yes. Mr. McLaughlin was, and I think still is today, Secretary of the Teamsters Union, Local 85, I believe is the number. He did some things that I certainly didn't agree with, which were done for the very purpose of splitting our own union wide open and stopping its affiliation with the CIO. By that I mean that he and others of the Teamsters Union were responsible for a blockade of the waterfront in 1937, which nearly shut the waterfront down for about 30 days.

By Mr. Gladstein:

Q. When you use the word "Blockade," what do you mean?

(Testimony of Henry A. Schmidt.)

A. Well, our own union had voted to affiliate with the CIO and the Teamsters saw fit to blockade the waterfront. By that I mean that they gave orders to their members to stop hauling to and from the docks; thereby allowing the cargo to accumulate and eventually blockading it.

They also placed a so-called picket line down there, to which we paid no attention. [4256]

Q. How big was that picket line?

A. Oh, sometimes they would take a couple of thousand men and place them in front of the dock.

Q. You were opposed to Mr. McLaughlin on that, of course? A. Certainly.

Q. Well, now, has your opposition, your expressed opposition to Mr. McLaughlin been at any time because of Mr. McLaughlin's position, whatever it may be, on the subject of Communists, or Communism? A. No.

Q. What has the basis of your opposition or disagreement with Mr. McLaughlin been aside from the incident that you have already mentioned?

Mr. Del Guercio: If your Honor please, I thought his first question was in that connection. Now he is asking for more along that line.

Mr. Gladstein: There may be more. I think we are entitled to it.

You will recall that in this same connection——

Mr. Del Guercio: (Interposing) We will withdraw our objection, if your Honor please.

Presiding Inspector: Go ahead, and answer the question.

(Testimony of Henry A. Schmidt.)

A. Another incident that stands out in my mind is that Mr. McLaughlin and his colleagues gave orders that none of the [4257] unemployed teamsters might accept work from the longshore hiring hall, which used to be the custom. Whenever we had work, more work than we could handle, we would call the Teamsters Union, among other unions, and ask them to send us their unemployed men. I know that Mr. McLaughlin, and some of his colleagues, were opposed to that because they believed that it would get their membership interested in such a hiring hall as we have, and they might make demands to establish a similar one. That is another reason why I was opposed to Mr. McLaughlin.

By Mr. Gladstein:

Q. Would it be correct to say that your opposition to Mr. McLaughlin has at all times been on the basis of trade union differences between the two of you?

Mr. Del Guercio: If your Honor please, I object to that as not being a question, but an answer.

Presiding Inspector: I think it was leading.

Mr. Gladstein: I realize, but it was in the interest of time. I could ask the witness to enumerate the various times; but I don't like to do that.

Mr. Myron: He has.

Presiding Inspector: Both of you are objecting.

What central body was Mr. McLaughlin's union associated with, the A. F. of L. union?

The Witness: Yes. [4258]

(Testimony of Henry A. Schmidt.)

Presiding Inspector: And that was the basis of the opposition—one was the CIO and the other the A. F. of L.?

The Witness: Well, at that particular time that I have in mind our union was still in the A. F. of L., and was just in the process of making the change.

Presiding Inspector: So there was evidence of restricting you from making a change?

The Witness: That is right.

By Mr. Gladstein:

Q. Have you ever been in expressed open opposition to Mr. Vandeleur or his policies?

A. Certainly.

Q. Has that opposition ever been because of Mr. Vandeleur's position, whatever it may have been, on the subject of Communists or Communism?

A. None that I can recall. Just his policies with regard to the job that he holds, and some of the matters that he advocates forces me to oppose this man.

Q. What has been the basis, or what has been the bases of your expressed opposition to Mr. Vandeleur whenever that opposition occurred?

A. Well, he, like Mr. McLaughlin, was of the same opinion in 1937 when the waterfront was blockaded and he collaborated with Mr. McLaughlin in order to make life miserable for us in our organization. In fact, it was a regularly organized move, [4259] organized by the A. F. of L. top leadership, such as Vandeleur, O'Connell, Joe Casey

(Testimony of Henry A. Schmidt.)

and McLaughlin, to force our membership to go back into the A. F. of L. by depriving them of employment by placing a phony picket line down there.

Q. Was there ever any dispute——

Presiding Inspector: How is this competent? What difference does it make as to the difficulty between these two trade unions, as to whether one was justified or not, or as to what animosity arose out of it? How does it affect this witness or this case?

Mr. Gladstein: It was first brought out on cross examination. Mr. Schmidt was asked whether he had ever been opposed to Mr. O'Connell. He said he had been in opposition to him. Then he was asked, "Wasn't the reason you attacked, belabored Mr. O'Connell, the fact that Mr. O'Connell was fighting communists?" And he said, "No, that wasn't the reason."

I am entitled to go into the true reason.

Presiding Inspector: Haven't you a full and complete answer so far?

Mr. Gladstein: Aren't we permitted to show the true reason for the opposition?

Presiding Inspector: I don't see what difference it makes.

Mr. Del Guercio: There is no evidence as to what the truth is because the witness has said "No" in answer to my question. [4260]

Presiding Inspector: You have been allowed to do this, but it seems—go ahead.

(Testimony of Henry A. Schmidt.)

Mr. Del Guercio: Of course, counsel is trying to save time.

Presiding Inspector: I am afraid that that comes within counsel's definition of a "speech."

Mr. Del Guercio: I will withdraw the remark.

Presiding Inspector: Go ahead, Mr. Gladstein.

Mr. Gladstein: Yes, your Honor.

By Mr. Gladstein:

Q. Now, the joint negotiating committee meetings in 1936, during or immediately before the 1936-1937 strike, at about that period, Mr. Schmidt, how many meetings, trade union meetings of one kind or another were you attending?

A. The joint negotiating committee, I am sure, was organized prior to the starting of the strike. I don't know how long before. It met right along.

Besides that, there was the negotiating committee of the longshoremen's union, which was, which I attended.

We would trot from one meeting to another.

We had an Executive Board meeting of the local union, and there was a constant stream of meetings, especially, during the strike. It was a case of running from one to another—first the strike committee meeting of the local union, then the meeting of the joint negotiating committee, [4261] or the marine strike committee; and it was necessary to consult with the publicity committee—just going around in a vicious circle all the time.

Q. How many members, or trade unionists at-

(Testimony of Henry A. Schmidt.)

tended the meetings of the negotiating committee, those that you attended?

A. The joint committee?

Q. Yes.

A. The committee was rather a large body because it was representative of all the maritime unions on the Pacific Coast. I would say that there were at least 35 or 40 people there. Besides that, the members of the maritime unions would drift in and sit in the meeting hall. And inasmuch as the meetings were being held in the meeting hall of the Masters, Mates and Pilots Association their members, who might happen to be there, would also sit in as spectators, but they wouldn't participate in the business before the house.

Q. Would it be possible to sit through a meeting of the negotiating committee—withdraw that. What would you say the average number would be of the men who attended the negotiating committee meetings?

Mr. Myron: Does he mean what was the average number that attended?

Presiding Inspector: You said "What would be." I suppose you mean on an average? [4262]

Mr. Gladstein: Yes. It should be "what was."

A. Well, I would say that if there were ever less than 25 it would be very seldom.

By Mr. Gladstein:

Q. What was it generally?

A. I think 35 to 40.

(Testimony of Henry A. Schmidt.)

Q. Were you ever introduced to Mr. Cannalonga? A. No.

Q. Were you ever impressed at any time with his presence at any of those meetings?

A. I have no memory of him at all. As I stated this morning, I studied that photograph in the paper and it makes no impression on my mind whatsoever.

Q. Mr. Schmidt, have you ever been in any meeting of a small group, say half a dozen people, at which Mr. Cannalonga ever attended?

A. No.

Q. When you first met Mr. Louis Goldblatt was he a member of a trade union?

A. Yes; he was a member of the Warehousemen's Union.

Q. Do you know whether he has held any office in that union?

A. Yes. He has been Vice-President.

Q. Do you know whether he has held any other office in the labor movement? [4263]

A. Yes; at the present time he is the Secretary-Treasurer of the State CIO Council.

Q. How long has he held that position, do you know?

A. This is either his second or third term. The term is a year.

Q. You were asked about whether you had made speeches here, there or elsewhere. Can you give an estimate of the number of speeches, Mr. Schmidt,

(Testimony of Henry A. Schmidt.)

that you have made since you became a leader in the local labor movement?

Mr. Del Guercio: If your Honor please, I object to the words "leader in the labor movement." No evidence has been shown here that this man has ever been a leader in the labor movement.

Mr. Gladstein: I will withdraw that expression.

Presiding Inspector: Prominent in the labor movement.

Mr. Del Guercio: I won't admit that, your Honor.

Presiding Inspector: According to his estimate——

Mr. Gladstein: I will withdraw the question.

By Mr. Gladstein:

Q. I simply want to know, say, since 1934——

Mr. Myron: (Interposing) What is the question?

Presiding Inspector: He is putting it now.

By Mr. Gladstein:

Q. Mr. Schmidt, since 1934 can you give us an estimate since that date of the number of speeches that you have made?

A. I couldn't begin to do that. [4264]

Q. Well, can you estimate whether it would run into the hundreds or thousands?

A. I don't think it has run into the thousands.

Q. What?

A. I don't think it has run into the thousands.

Q. Is it pretty close?

(Testimony of Henry A. Schmidt.)

Mr. Del Guercio: That is obviously improper. Why not say "millions" also?

By Mr. Gladstein:

Q. What is your best judgment?

A. Hundreds would be closer.

Presiding Inspector: Do you include speaking on the floor of his union?

Mr. Gladstein: I guess my question was rather general and it would include that.

Presiding Inspector: Yes.

By Mr. Gladstein:

Q. Let me put it this way: Mr. Schmidt, can you give an estimate of the number of public speeches, or addresses or talks that you have given, outside of the regular meetings of your union membership?

A. There wouldn't be too many; perhaps 50 perhaps 75, perhaps 95—I don't know. It might be a little over a hundred; I don't know.

Q. How many trade union meetings, caucuses, and various other kinds of trade union conclaves have you attended since [4265] 1934?

A. Trade union meetings, conclaves, caucuses, Executive Board meetings, anything like that?

Q. Yes.

A. That would be impossible to say. I would say an average of one each day.

Q. You were asked about a trip to Mexico where you attended a Congress. Did you attend one or more than one Congress while you were there?

(Testimony of Henry A. Schmidt.)

A. A part of one and all of another.

Q. Well, which two were involved?

A. There was, the first one was the Latin-American Labor Congress; and then the second one was the World Congress Against War and Fascism.

Q. To which Congress did you go first?

A. I went to the Latin-American Labor Congress first. [4266]

Q. Where was it held?

A. In Mexico City in the Palace of Fine Arts.

Q. Were you a delegate to that convention or Congress? A. Yes, sir.

Q. And in general what was——

A. (Interposing) That is, a fraternal delegate.

Q. In general, what was the purpose of that Congress?

Mr. Del Guercio: Which Congress?

Mr. Gladstein: The one he is now discussing.

Mr. Del Guercio: I missed that. Would you mind telling me or shall I go to the record?

Mr. Gladstein: No, the Labor Congress.

By Mr. Gladstein:

Q. Did they call that the Latin-American Labor Congress? A. That is what they called it.

Q. What, in general, was the purpose of that Congress?

A. To unite the several labor movements in Latin America that existed in the several republics.

Q. Do you know whether the CIO Council re-

(Testimony of Henry A. Schmidt.)

ceived any invitation for delegates to be sent prior to your becoming a delegate?

A. No, I don't know that. Shall I describe how it came about? [4267]

Q. I wish you would. A. Well,——

Mr. Del Guercio: (Interposing) If your Honor please, I will object to that.

Presiding Inspector: I will take it.

Mr. Del Guercio: The witness has said he doesn't know.

Presiding Inspector: I beg your pardon?

Mr. Del Guercio: He said he doesn't know.

Presiding Inspector: No, he is going to tell what he does know, as I understand it.

Mr. Del Guercio: Would you mind reading his answer, please?

(The answer referred to was read by the reporter as follows:

"Q. Do you know whether the CIO Council received any invitation for delegates to be sent prior to your becoming a delegate?

"A. No, I don't know that. Shall I describe how it came about?")

Mr. Del Guercio: There, your Honor. He said he doesn't know. How can he describe something he doesn't know?

Presiding Inspector: He doesn't know whether they received any invitation, but he is going to tell how it did come about. They may or may not have received an invitation. [4268]

(Testimony of Henry A. Schmidt.)

The Witness: Well, I understood Mr. Gladstein's question to mean did they receive an invitation by communication or mail. About that I know nothing, but I do know that fraternal delegates from the C.T.M. which is the Mexican Labor Movement, came to the State Council Convention in Los Angeles that year, and, among other things, they urged that this State CIO Council send a fraternal delegate or delegates to the Latin-American Labor Congress, and that convention accepted that invitation and went on record to send such a delegate, and several people were nominated, and I was elected.

By Mr. Gladstein:

Q. All right. Now, at the Labor Congress itself whom did you represent?

A. I represented the State CIO.

Q. Were there other representatives of, or from the American Labor Movement or any part of it?

Mr. Del Guercio: Well, if your Honor please, it is unnecessary to go into all this, in the interest of time.

Presiding Inspector: Well, I didn't think it was very material, but it was introduced by Mr. Del Guercio, so I think I will allow you to go into it.

By Mr. Gladstein:

Q. Your answer, please?

A. Yes, Mr. John L. Lewis was there.

Q. Any others that you recall?

A. Americans? [4269]

Q. Yes. A. No.

(Testimony of Henry A. Schmidt.)

Q. Now, where was the World Congress Against War and Fascism held?

A. In the same place.

Q. In the same building?

A. Yes, I am pretty sure it was in the same building.

Q. When did it take place with respect to the American Labor Congress?

A. Well, the American—the Latin-American-Labor Congress was adjourned on a Saturday afternoon, I believe, and the other one took place the following Monday. The Sunday in between there was a large mass meeting in the bull ring in Mexico City where all these different delegates addressed the workers who came there.

Q. Were you invited to attend the World Congress that began on a Monday? A. Yes.

Q. By whom?

A. I think it was Alexander Carillo.

The Reporter: Spell it, please.

The Witness: C-a-r-i-l-l-o.

By Mr. Gladstein:

Q. And who was he, what position, if any, did he hold?

A. I think he was Secretary-Treasurer of the C.T.M. [4270]

Q. Did the President of the Republic of Mexico address the World Congress or the Latin-American Labor Congress?

Mr. Del Guercio: Now, if your Honor please, it is a leading question in the first place and it is

(Testimony of Henry A. Schmidt.)

bringing in a person who was not mentioned in the cross examination.

Mr. Gladstein: I can ask him who the speakers were and he can list them. I simply want to show the general nature of both these meetings about which an inference——

Presiding Inspector: (Interposing) What good would that do?

Mr. Gladstein: (Continuing) ——about which an inference was attempted to be made by Mr. Del Guercio in his questions.

Mr. Del Guercio: The only inference I made, if your Honor please—we are prepared to support it—that the American League Against War and Fascism is a Communist organization.

Presiding Inspector: I will take the answer. I don't think you should go into the policies of the Cardenas government, though.

Mr. Gladstein: No; I don't intend to.

By Mr. Gladstein:

Q. Did you hear the question, Mr. Schmidt?

A. You asked me if President Cardenas had spoken?

Q. Yes.

A. I didn't hear him address the Latin-American Labor Congress because I got there a little bit late, but the other [4271] congress he did address, that is right.

Q. The World Congress?

A. That is right.

Q. Have you ever been notified that the World

(Testimony of Henry A. Schmidt.)

Congress designated you, or elected you to some honorary position?

A. No; it is still news to me.

Q. In what language was the business of the Congress carried on?

A. In French and Spanish.

Q. Do you speak or understand either?

A. No, sir.

Q. Can you recall any other American representatives either from the labor movement or — from the American Labor Movement who were present at the World Congress?

A. There were several Americans there, and we got acquainted. Whether they mentioned their names I don't recall. The only name I can recall is Mr. Smith who was connected with the National Labor Relations Board.

Q. Mr. Edwin S. Smith?

A. I think those were his initials.

Q. You identify him as a member of the National Labor Relations Board of the United States?

A. Yes, he introduced himself as such. Oh, and John L. Lewis was there, too.

Presiding Inspector: Yes, you have already said that.

The Witness: As regards the first Congress and also [4272] the second.

Mr. Gladstein: May we have a recess? Oh, I see, it is almost time to adjourn. I was going to look at my notes to see if I had further questions.

Mr. Del Guercio: Do you have another witness?

Mr. Gladstein: No, not for today.

(Testimony of Henry A. Schmidt.)

By Mr. Gladstein:

Q. Mr. Schmidt, when a strike takes place or is about to take place do the strike committees of the unions send telegrams to various people?

Mr. Del Guercio: Well, if your Honor please, I object to the question as being too general.

Mr. Gladstein: It is a matter of practice.

Mr. Del Guercio: We are not interested in the practice necessarily.

Mr. Gladstein: You see, Mr. Schmidt was asked about a particular telegram. I wish to show that the practice here has been, during a couple of strikes, for so many telegrams to be sent that it literally goes into hundreds and thousands during a strike, so that I want your Honor to know what the background is against which Mr. Del Guercio says "Do you remember this particular telegram", so that your Honor will have an understanding of what the situation is.

Presiding Inspector: Didn't he say that he read some such telegram?

Mr. Gladstein: He gave an answer that it probably was [4273] sent.

Presiding Inspector: Yes.

Mr. Gladstein: Yes, but——

Mr. Del Guercio: (Interposing) He said that he read the telegram, if your Honor please; he recalled it.

Presiding Inspector: I thought he said that he thought there was some such telegram.

Mr. Gladstein: I think we are entitled——

(Testimony of Henry A. Schmidt.)

Mr. Del Guercio: (Interposing)) Now, counsel —excuse me.

Presiding Inspector: I will take it. I don't think it is very material.

By Mr. Gladstein:

Q. What is the practice, Mr. Schmidt, or what has it been during 1934 and during the 1936-'37 strike with respect to the sending of telegrams?

A. Well, when a union is about to go into a strike, or a number of unions are to go into a strike jointly, it is just a case of being forced to send communications hither and yon to all kinds of people.

Q. Well, give examples of people to whom telegrams have been sent. A. Well——

Mr. Del Guercio: (Interposing) Your Honor, I object to giving examples. That is carrying it a little too far even under your liberal ruling. [4274]

Presiding Inspector: Yes, I think it should be the custom, if there is a custom.

Mr. Gladstein: All right, I will withdraw that.

By Mr. Gladstein:

Q. Can you say whether it is a practice or a custom during a strike for a union to send numerous telegrams to official Governmental agencies, newspapers and other unions on subject matters connected with the strike or the projected strike?

A. It cetrainly is.

Mr. Gladstein: I believe that is all, your Honor.

Presiding Inspector: Anything further this afternoon?

(Testimony of Henry A. Schmidt.)

Mr. Del Guercio: Not this afternoon, your Honor.

Presiding Inspector: (Addressing witness) You have to be here on Monday.

The Witness: Yes, your Honor.

Presiding Inspector: Ten o'clock. We will take a recess.

Mr. Gladstein: Do you want the witness again on Monday?

Mr. Del Guercio: Yes, if you please.

Presiding Inspector: I told the witness to be here Monday.

Monday morning at ten o'clock.

(Whereupon at 3:55 P. M. an adjournment was taken until Monday, May 19, 1941, at 10:00 A. M.) [4275]

No. 10450

United States

Circuit Court of Appeals

For the Ninth Circuit.

HARRY BRIDGES,

Appellant,

vs.

I. F. WIXON, as District Director, Immigration and Naturalization Service, Department of Justice,

Appellee.

Transcript of Record

VOLUME XI

Pages 4773 to 5283

Upon Appeal from the District Court of the United States for the Northern District of California, Northern Division

Rotary Colorprint, 590 Folsom St., San Francisco

Court Room 276,
Federal Building,
San Francisco, California,
May 19, 1941

Met, pursuant to adjournment, at 10:00 A.M.

[4276]

PROCEEDINGS

Presiding Inspector: Call back the witness, Schmidt.

First of all, I have a letter from Mr. Hynes, in response to his promise, as to the date of the leave of absence from the Department, according to the records.

Would you like to see it?

Mr. Gladstein: Yes.

(The letter referred to was handed to Mr. Gladstein who, in turn, passed it to Mr. Del Guercio.)

Presiding Inspector: You may introduce it.

Mr. Gladstein: We now offer in evidence a letter received by Judge Sears from William F. Hynes, which was in response to a request which we made before he left for a statement concerning the dates of his leave of absence from the Los Angeles Police Department.

Presiding Inspector: Received without objection.

(The letter referred to was received in evidence and marked Alien's Exhibit No. 22.)

Presiding Inspector: Before we go on, Mr. Glad-

stein, I ruled on Friday, I think it was, that the question of whether Mr. Holman did, during the time he was President of the Union, receive money from the shipowners was not competent. I still think the fact itself is of no importance in this proceeding, but it may have a bearing upon something which didn't occur to me at the moment—perhaps you made the point but at any rate [4277] it didn't occur to me—and that is, simply on the probability of the Albion Hall group having the suspicions which Mr. Schmidt has testified to. Therefore, I am going to reverse the ruling and allow you to show that.

Mr. Gladstein: I will do that after counsel finishes.

Presiding Inspector: You understand the point?

Mr. Gladstein: I do.

Presiding Inspector: Merely bearing on the probability of their having suspicions.

Mr. Del Guercio: Before we proceed, your Honor, may we ask the Court whether or not Mr. MacMickle has submitted his diplomas to you?

Presiding Inspector: I have received none.

Mr. Del Guercio: Very well.

HENRY A. SCHMIDT

called as a witness on behalf of the Alien, having been previously duly sworn, testified further as follows:

Cross Examination (resumed)

By Mr. Del Guercio:

Q. You testified last week that you had never

(Testimony of Henry A. Schmidt.)

spoken at any time, any place, under the auspices of the Young Communist League, is that correct?

A. That is right.

Q. And that you didn't know where Franklin Hall was in San Francisco? [4278]

Mr. Gladstein: That is not correct. That is a misstatement of the evidence. As I recall it, the witness testified he did know where Franklin Hall was.

Mr. Del Guercio: If your Honor please, on page 4215 of the transcript this question appears:

"Q. Did you speak, Mr. Schmidt, at Franklin Hall on August 8, 1937?

"A. Franklin Hall? Where is that?

"Q. San Francisco.

"A. I can't place the location of that in my mind at all, Franklin Hall."

Mr. Gladstein: Is that all the testimony on that?

Mr. Del Guercio: On that point.

By Mr. Del Guercio:

Q. Now, for the purpose of refreshing your recollection, Mr. Schmidt——

Mr. Gladstein: (Interposing) If you want to show him a document would you show it to counsel first?

Mr. Del Guercio: I don't know as I have to show it to you when it is offered for the purpose of refreshing the witness' recollection.

Presiding Inspector: If you are going to show it to him; yes.

(Testimony of Henry A. Schmidt.)

(The document referred to was passed to Mr. Gladstein.) [4279]

By Mr. Del Guercio:

Q. I will show you a pamphlet here headed "A Story of Jim and Joe", on the back of which appears this "Hear Henry Schmidt, President of ILA 38-79, Archie Brown, Young Communist League, San Francisco Central Labor Council, and Youth Leaders of all views discuss Young Labor on the March, Wednesday, September 8, at Franklin Hall, 1859 Fillmore, admission 20 cents, see 'Road to Life,' Soviet movie of homeless youth. Join the Young Communist League of San Francisco, 121 Haight Street, San Francisco."

Does that refresh your memory any?

Mr. Gladstein: I will object to that question on this ground: That purports, if it is a correct copy, to announce a scheduled speaker, apparently, and is not in line with the question which was asked, which was whether Mr. Schmidt had ever spoken at any such meeting.

Presiding Inspector: Oh, I will allow it. Yes or no, does it refresh your recollection?

A. It refreshes my recollection but I didn't speak there.

By Mr. Del Guercio:

Q. You were advertised as a speaker at that place, were you not?

Mr. Gladstein: I will object to that as incom-

(Testimony of Henry A. Schmidt.)

petent, irrelevant and immaterial and calling for the conclusion of the witness. [4280]

Presiding Inspector: I will take it. He is your witness. This is cross examination.

Mr. Gladstein: Even if it is, how would he know whether——

Presiding Inspector: (Interposing) I will take it. If he doesn't know he can say so.

A. You asked me if I was advertised as a speaker?

By Mr. Del Guercio:

Q. Yes. A. Oh, yes; I recall that.

Q. You recall that?

A. Yes, but I didn't speak.

Q. Now, for the further purpose of refreshing your recollection, Mr. Schmidt, I will show you a copy of the Western Worker for Thursday, September 2, 1937, and particularly to an article appearing on the bottom of page 8 reading as follows:

"Union leaders to speak at labor rally planned by San Francisco YCL. Prominent trade unionists will be featured at a labor rally sponsored by the Young Communist League for September 8 at Franklin Hall, 1859 Franklin Street. Speakers will be Henry Schmidt, President of Longshoremen 38-79; Jerry Callahan, President of Filling Station Employees Union; Pauline Gordon, organizer of the Cannery & Preserve Workers, and Archie Brown of the Ship Scalers. The movie 'Road to Life' will be shown."

(Testimony of Henry A. Schmidt.)

Does that further refresh your recollection?

[4281]

Mr. Gladstein: I object to the form of the question as to whether it further refreshes his recollection. It is still merely an announcement to the effect that Mr. Schmidt was scheduled to be a speaker.

Mr. Del Guercio: If the Court please, I object to counsel suggesting the answer to the witness.

Mr. Gladstein: I am not suggesting the answer.

Presiding Inspector: He has already stated he was advertised, has he not?

Mr. Gladstein: That is right, your Honor.

Presiding Inspector: Now, what does this add? I don't see that it adds anything.

By Mr. Del Guercio:

Q. Well, now, is your testimony still that you did not speak at that rally on that day?

A. Yes, sir; I know I didn't speak.

Q. How did it happen that you did not?

A. Well, I just didn't speak; I was too busy; I was very busy at that particular time.

Q. Well, did you notify the Young Communist League that you could not appear?

A. I doubt it very much.

Q. Huh? Telephone them?

A. I doubt that very much. [4282]

Q. Well, what is your best recollection on that?

A. There was a——

Q. (Interposing) Did you communicate with

(Testimony of Henry A. Schmidt.)

the Young Communist League in any manner whatever as to your appearance there?

A. I doubt whether I communicated at all.

Presiding Inspector: Wouldn't it be more material as to whether he had agreed to speak?

By Mr. Del Guercio:

Q. Well, did you agree to speak there as announced? A. No, sir.

Q. Did you call this advertisement or article to their attention?

A. I may have done that, but my recollection is very vague. There was a blockade on the waterfront at that time and I was on the job about 14, 16 hours a day.

Q. Well, look, I will give you all the time you want to refresh your memory and have a good recollection.

Mr. Gladstein: I object to that statement.

By Mr. Del Guercio:

Q. Did you notify——

Mr. Gladstein: (Interposing) I object to that statement and move it be stricken.

Presiding Inspector: I think it is improper.

Mr. Gladstein: I think counsel should be admonished. [4283]

Presiding Inspector: Go ahead.

By Mr. Del Guercio:

Q. Did you notify——

Presiding Inspector: (Interposing) I won't admonish him.

(Testimony of Henry A. Schmidt.)

A. I don't think so, but I may have. I don't know. There were—as I said, there was this blockade on the waterfront. It was necessary for me to get up about 5:00 o'clock every morning.

By Mr. Del Guercio:

Q. Now, you also testified that you had only been to 121 Haight Street twice, once at a New Year's party, and the other time to hear Anita Whitney speak; is that correct?

A. That was my testimony and that is correct.

Q. Now, you have never been there at any other time? A. No, sir.

Q. Now, didn't you go to 121 Haight Street in the early part of 1936 to get a mimeograph machine which was being used by the Communist Party at that time?

A. Did I go there to get a mimeograph machine?

Q. Yes. A. No, sir.

Q. You are sure of that?

A. I am sure of it. [4284]

Presiding Inspector: One more question about this Young Communist meeting: Have you any idea how they happened to advertise you as a speaker?

The Witness: No, your Honor; I don't know. First, I saw placards on telephone posts down around the waterfront. In fact, I remember having, not exactly a hot argument about it, but accusations by Joe Casey, who was International Representative of the Teamsters Union at that time. He proceeded to bawl me out for having my name

(Testimony of Henry A. Schmidt.)

advertised as going to be a speaker there. I said, "Well, Joe, you need not worry because I am not going to speak there."

Presiding Inspector: Then it wasn't your business that made you not speak, but because you didn't like the meeting? Answer that question.

The Witness: I am sorry, but it wasn't asked of me.

Presiding Inspector: But you have given the answer that you were too busy to speak.

The Witness: That was one of the reasons. I certainly was busy. There was a terrific blockade on the waterfront, and we were trying to get out of a mess down there. I had no intention to speak there anyway.

By Mr. Del Guercio:

Q. Were you ever on the speaker's stand at 121 Haight Street with Elaine Black? A. No.

Q. For the purpose of refreshing your recollection, Mr. [4285] Schmidt, I will show you a copy of the Western Worker for Monday, May 21, 1934, and to two articles, one appearing on the front page under the heading——

Mr. Gladstein: (Interposing) Before you continue, could we see the articles that you intend to ask the witness about?

Mr. Del Guercio: I showed you both articles.

Mr. Gladstein: You did not.

Mr. Del Guercio: One on page 1 and one on page 5—page 4.

(Testimony of Henry A. Schmidt.)

Mr. Gladstein: You didn't say anything about that one.

Presiding Inspector: Let's not argue. Look at it now.

Matters of that kind don't call for angry statements, Mr. Gladsein.

Mr. Gladstein: Counsel said——

Mr. Del Guercio: (Interposing) The first article is on page 1.

Presiding Inspector: There may be misunderstanding passing over the table.

By Mr. Del Guercio:

Q. I want to withdraw that last question and put this question to the witness:——

Presiding Inspector: Let's wait until Mr. Gladstein has examined the newspaper.

Mr. Grossman: Is there something on page 5?

Mr. Del Guercio: Page 4. [4286]

Mr. Grossman: Page 5, I said.

Mr. Del Guercio: 4.

By Mr. Del Guercio:

Q. Were you ever on the speaker's stand at any time, any place, with Elaine Black?

A. That might be possible, but I wouldn't recollect.

Q. Well, when?

A. I have no remembrance.

Q. During 1934 were you on the speakers' stand at any time, at any place, with Elaine Black?

A. Well, as I testified yesterday, she spoke to our Strike Committee one time, and we had sort

(Testimony of Henry A. Schmidt.)

of a high place there where she addressed the Strike Committee, but I was sitting in the audience facing her.

Q. Where was that?

A. On Steuart Street, at the headquarters on the waterfront.

Q. Did you ever hear Elaine Black speak anywhere else during the 1934 strike?

A. Yes, sir. She spoke in California Hall; some time during the strike, after the Police Department beat up a lot of people on the waterfront, during the end of May, they had sort of a protest meeting in California Hall.

Q. Were you on the speaker's stand?

A. Yes, I think I did speak there. [4287]

Q. Were you ever on the speaker's stand with Elaine Black at the Civic Center in May 1934?

A. I don't understand what you mean, "speaker's stand at the Civic Center."

Q. Was there a rally, or a meeting at the Civic Center during the 1934 strike?

A. Some time during the 1934 strike we organized a parade of strikers which proceeded up Market Street and they gathered on the green there, and there were speeches made from the bed of a truck. I am pretty sure I spoke. Whether Elaine Black spoke or not, I don't remember.

By Mr. Del Guercio:

Q. I don't know as I have offered those other two documents in evidence. The other reporter has them.

(Testimony of Henry A. Schmidt.)

Presiding Inspector: Very well. There is no objection to their being received?

Mr. Gladstein: What is that?

Mr. Del Guercio: That yellow pamphlet.

Mr. Grossman: Certainly we object. They haven't been identified by any witness as having been circulated.

Mr. Del Guercio: The witness said hundreds of them were around town.

The Witness: Not those yellow things. I didn't say that.

Mr. Gladstein: The evidence shows the witness was [4288] advertised as a speaker without his approval and consent.

Presiding Inspector: I just asked whether there was objection.

Mr. Grossman: We object on the ground that no proper foundation has been laid, and that it is incompetent, irrelevant and immaterial. In the first place, no proper foundation has been laid for this particular document; secondly, it is immaterial whether he was advertised.

Presiding Inspector: I will reject it on the first ground only.

Mr. Del Guercio: What ground is that?

Presiding Inspector: It hasn't been properly identified.

Mr. Del Guercio: Then we offer it for identification.

Presiding Inspector: Yes.

(The pamphlet referred to was thereupon

(Testimony of Henry A. Schmidt.)

marked for identification Government's Exhibit No. 266.)

By Mr. Del Guercio:

Q. I will show you a copy of the Western Worker for the date, May 21, 1934, and call your attention particularly to two articles appearing therein; one appearing on page 1, under the title, " 'Stevedores Can't Lose,'—says Strike Committee;" and the other appearing on page 4, the article headed "5000 Stevedores, Families, Sympathizers in S. F. Parade," and ask you if that is the parade and the matter you speak of that occurred in 1934? [4289]

A. (Examining newspaper) Page 1——

Presiding Inspector: Page 1 and page 4.

A. (Examining newspaper.)

By Mr. Del Guercio:

Q. Mr. Schmidt, did you speak on this occasion?

Presiding Inspector: He hasn't answered yet—he hasn't fully examined the article.

A. On what occasion do you mean?

By Mr. Del Guercio:

Q. On the occasion reflected by that article.

A. This article that I have just finished reading says nothing about any meeting or parade.

Q. Did you speak on that occasion, then, on the same occasion that Elaine Black spoke?

A. In Marshall Square in front of the City Hall, yes. I am pretty sure I spoke there.

Q. Now, look at the article on page 4, Column

(Testimony of Henry A. Schmidt.)

2, particularly to the fourth paragraph of that article reading as follows:

"Among those to speak were Shoemaker as Chairman, Johnson, President of the Local ILA, Harry Bridges, Chairman of the Strike Committee, Henry Schmidt of the Strikers Publicity Committee. All told how the stevedores must spend an entire week to get perhaps a day's work; of the speed-ups, of the uncertainty for even an existence." [4290]

And also to the last paragraph in that column reading as follows:

"Greetings of solidarity were given by Levino of the striking cooks, Ben Fee of the Chinese seamen, Paul Valdez, of the Filipino Seamens, Fritz Deuer of the Typographical Union and Elaine Black of the International Labor Defense."

A. I would like to call your attention to the paragraph that is entitled "Woman speaks." I have a clear recollection of that lady speaking. That happened to be Mrs. Olson, who is the wife of a striking longshoreman.

Q. Is that statement in the same article?

A. Yes; just above the one that you were reading. [4291]

Q. Well, now, did you speak on that occasion?

A. I undoubtedly did.

Q. And Elaine Black was on the speaker's platform?

A. It was not a platform; it was the bed of a truck.

Q. Well, was she on the same truck?

(Testimony of Henry A. Schmidt.)

A. If she spoke there she was.

Q. Was Harry Bridges on the same truck with Elaine Black and you?

A. Well, as I recollect it, we were not all standing on the truck at the same time. The Chairman stayed there by himself and every time he introduced a speaker, why, the speaker would climb on to the truck.

Mr. Del Guercio: I offer this in evidence, if your Honor please, a copy of the Western Worker and ask that a photostat copy of it be substituted for the original.

Presiding Inspector: Received without objection.

Mr. Grossman: What is being received, your Honor?

Presiding Inspector: That newspaper.

Mr. Gladstein: That is the article that the witness——

Mr. Del Guercio: (Interposing) Both articles.

Mr. Gladstein: What?

Mr. Del Guercio: Both articles, the article on page 1 and the article on page 4.

(The newspaper referred to was received in evidence and marked Government's Exhibit No. 267.)

By Mr. Del Guercio: [4292]

Q. I believe your testimony was that you didn't know Harry Jackson very well during 1934 and before the strike; isn't that correct?

A. I believe that is what I stated, yes.

(Testimony of Henry A. Schmidt.)

Q. And how many times did you meet Harry Jackson during the 1934 strike or prior thereto?

A. I don't remember meeting him at all prior except, maybe, a few days before it developed.

Q. And during the 1934 strike how many times would you say——

A. (Interposing) Oh, he might have dropped over to the strike committee six or seven times.

Q. Well, did you ever see him at 121 Haight Street during the 1934 strike?

A. No, sir; I don't remember—I was only there twice as I testified before.

Q. I believe you testified to the same effect in regard to Darcy, Sam Darcy?

A. I don't think you asked me about Darcy.

Q. Well, I will ask you now then.

A. No, I didn't meet him.

Q. Never met Sam Darcy at any time prior to the 1934 strike or during the 1934 strike?

A. I have seen him speak from the platform.

Q. Did you ever sit on the same platform as Sam Darcy? A. No, sir. [4293]

Q. Did you ever sit on the same platform as Harry Jackson during the 1934 strike?

A. I know that he spoke in the great mass meetings that we held, I think. It was in the Civic Auditorium and it was a few days before the general strike developed. I know I spoke there. I am pretty sure that he spoke also.

Q. Were you on the speaker's platform with Harry Jackson on that occasion?

(Testimony of Henry A. Schmidt.)

A. There were a great many people on the platform.

Q. Were you on the platform with Harry Jackson?

A. I can't say yes to that in just one word.

Q. How many people were there on the platform?

A. There might have been 40 or 50.

Q. Did you know any of them?

A. Yes, sir.

Q. Well, give me the names of some of them.

A. Well, there was Harry Bridges, Mr. O'Brady of the Masters, Mates and Pilots, Shoemaker——

Q. (Interposing) That is John Shoemaker?

A. Yes, sir. I think in all probability, the entire joint marine strike committee was up there.

Q. Now, do you recall seeing Harry Jackson on the speaker's platform?

A. Yes, I recall him speaking there.

Q. Now, what union did he represent? [4294]

A. The Marine Workers Industrial Union.

Q. Did he speak? A. Yes.

Q. That is at the Civic Center?

A. Civic Auditorium.

Q. Civic Auditorium. Now, to go back to 121 Haight Street, did you ever sit on a speaker's platform with Harry Jackson there?

A. No, sir.

Q. At any time during the 1934 strike?

A. No, sir.

Q. Was it ever announced at any time that you

(Testimony of Henry A. Schmidt.)

were to be on the same speaker's platform at 121 Haight Street with Harry Jackson?

A. Oh, that may be. I have no recollection.

Q. Huh?

A. I say that may be, but I have no recollection.

Q. Well, going back to the 1934 strike were you ever announced as a speaker to appear at 121 Haight Street with Harry Jackson?

A. Certainly not to my knowledge.

Q. And Sam Darcy? A. No, sir.

Q. Not to your knowledge?

A. Not to my knowledge.

Q. Now, I will show you a copy of the Western Worker for [4295] Monday, June 4, 1934, and call your attention there to this announcement appearing on the bottom of that page:

"International solidarity day, June 3rd, 8:00 P.M., 121 Haight Street, S. F., dance and entertainment, speakers Harry Jackson, Seamen's Strike Committee; Henry Schmidt, Longshoremen's Strike Committee; Sam Darcy, District Organizer, Communist Party. All proceeds to Longshoremens and Seamens Strike fund. Admission 15 cents, Auspices Workers International Relief." Does that refresh your memory?

A. No, that doesn't do any good.

Mr. Grossman: I call your Honor's attention to the fact that, according to the witnesses of the Government in this case, 121 Haight Street was not at that time connected with the Communist Party.

(Testimony of Henry A. Schmidt.)

Mr. Del Guercio: That is incorrect, if your Honor please. The evidence does not support that statement at all.

Presiding Inspector: Well, we will have to go to the record.

Mr. Grossman: St. Clair testified, for example—I think of him in particular—that the Communist Party Headquarters was at 37 Grove Street until it was broken up after the strike was over, or during the latter part of the strike.

Mr. Del Guercio: If your Honor please, there is no objection.

Mr. Grossman: It seems to me that was also the testimony of several other Government witnesses.

[4296]

Presiding Inspector: I don't know. I can't remember those dates.

Mr. Del Guercio: If your Honor please, there is evidence in the record that was the headquarters of the International Labor Defense and the Workers International Relief, and the evidence shows that both organizations are Communist organizations.

Presiding Inspector: Well, we will have to go to something else. The witness says this is no good to him.

By Mr. Del Guercio:

Q. Did you ever see that announcement before?

A. (Examining document): No, sir.

Q. This is the first time? A. Yes, sir.

(Testimony of Henry A. Schmidt.)

Q. And you didn't appear at 121 Haight Street as indicated by this announcement? A. No.

Q. Were you notified that you were to appear at that address? A. Absolutely no recollection.

Q. Well, is it your testimony that you did not or that you have no recollection?

A. I have no recollection.

Q. And you might have been a speaker there, is that what you mean? [4297]

A. I wouldn't say that.

Q. What do you mean when you say "I have no recollection?"

A. Well, I don't remember and I am sure that I haven't been a speaker there.

Mr. Del Guercio: Well, if your Honor please, I don't quite get that answer.

Will you read his answer please? I think we are entitled to a yes or no answer.

Mr. Gladstein: Read the last ten answers in which the witness says first "I was not a speaker", and then he was asked "Were you asked to be a speaker", and he says "I haven't any recollection of being asked." Then, counsel——

Mr. Myron (Interposing): Now, he is just asking for the last answer.

Mr. Gladstein: I haven't finished, Mr. Myron.

Presiding Inspector: Let him make his objection.

Mr. Gladstein: Then, counsel said, "Well, is it because you have no recollection or because you don't know," but counsel, then, you see, confounds

(Testimony of Henry A. Schmidt.)

the two distinct points, one, whether you spoke and the other being whether you were asked to speak.

Presiding Inspector: To relate this to whether he was asked to speak?

Mr. Gladstein: Yes, that is the point. I think those should be kept clear and distinct. [4298]

The Witness: Your question was to——

Presiding Inspector (Interposing): Were you asked to speak?

The Witness: I don't think so. I am pretty sure I was not asked but my——

Presiding Inspector (Interposing): That is your best recollection, that you were not?

The Witness: Yes, positively, positively.

By Mr. Del Guercio:

Q. Was this announcement called to your attention during 1934?

A. Absolutely no recollection of ever having seen it before.

Q. You did testify, however, did you not, that the Western Worker was the official organ of the strike committee during the 1934 strike?

A. Not that paper.

Q. A portion of it?

A. Not that paper; a smaller bulletin that was printed in their printing shop. It was never my testimony that that paper was the official organ of the strike committee.

Mr. Del Guercio: May I have that paper marked for identification and a photostatic copy substituted?

(Testimony of Henry A. Schmidt.)

Presiding Inspector: Have it marked for identification.

(The newspaper referred to was marked Government's Exhibit No. 268 for identification.)

[4299]

By Mr. Del Guercio:

Q. Now, I believe, that you also testified that you never appeared as a speaker on behalf of the American League Against War and Fascism; is that correct?

A. I don't know whether I testified to that effect or not.

Q. Well, what is your testimony on that point?

A. I certainly have no recollection of ever speaking at any meeting where—that they were holding.

Q. That is your best recollection?

A. It certainly is.

Q. You might have spoken at such——

A. (Interposing): I might have.

Q. You don't recollect any of them at this time?

A. No, sir.

Q. Were you ever announced as a speaker at any meeting of the American League Against War and Fascism? A. Not to my knowledge.

Q. Did you appear, or rather, were you announced as a speaker at a meeting sponsored by the Methodist Federation of the American League Against War and Fascism on a Friday, August 3rd, 1935? A. What kind of——

Mr. Grossman (Interposing): Your Honor, I am going to object to this question as incompetent, ir-

(Testimony of Henry A. Schmidt.)

relevant and im- [4300] material. Now, it seems to us it is certainly inconsistent if we are not permitted to show not only that Mr. Chase spoke at, but advocated membership in the Bund and the Government is allowed to show, apparently on the theory that by some kind of remote connection between the American League Against War and Fascism and the Communist Party, that speaking under the auspices of the American League Against War and Fascism is relevant, I say, those two decisions are inconsistent. This is certainly, remote, incompetent, irrelevant and immaterial.

Presiding Inspector: There is no proof of any connection between the Bund and any attempt to overthrow the Government by——

Mr. Grossman (Interposing): There certainly is between that and being anti-labor, your Honor.

Presiding Inspector: What?

Mr. Grossman: There certainly is between that and being anti-labor, your Honor.

Presiding Inspector: We are not going into these on the ground that they are anti-labor.

Mr. Grossman: Then, why are we going into it?

Presiding Inspector: It is claimed it is an adjunct to the Communist Party.

Mr. Gladstein: It has never been claimed that——

Mr. Del Guercio (Interposing): We submitted proof along that line. [4301]

Mr. Grossman: May I finish my statement? At best, if we believe every witness of the Government,

(Testimony of Henry A. Schmidt.)

it is that the Communist Party, only that the Communist Party controlled the policy of that organization, not that every member is a Communist, not that anyone who speaks on that platform is a Communist, not that anyone who believes in their program is a Communist at best. Unless Mr. Del Guercio intends to prove that Mr. Schmidt had something to do with controlling the organization for the Communist Party it is completely irrelevant, whether he spoke on their platform.

Presiding Inspector: It may be of slight relevance.

Mr. Grossman: Now, your Honor, I am perfectly willing that Mr. Del Guercio should submit the program of the American League Against War and Fascism for your Honor to rule as to whether that is a Communist program. If it is a Communist program, then, I submit it is relevant whether Mr. Schmidt spoke there. I submit it is not, by any stretch of the imagination. If it is relevant that one of these *witness* takes an anti-war position, then, I submit most definitely that it is inconsistent with the ruling on Mr. Chase's speaking on the Bund.

Presiding Inspector: We don't care anything about this organization except there is some proof that it is Communist controlled, and, I think, I will take it on that basis. It may be of slight relevance. I will take it. [4302]

Mr. Del Guercio: Will you read the last question?

(Testimony of Henry A. Schmidt.)

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: Now, if you distinguish between the Methodist League and the main body, why——

Mr. Del Guercio: That should have been worded Methodist Federation and the American League Against War and Fascism.

Mr. Grossman: I make no distinction, but it points out the ridiculous absurdity of the Government's position. I suppose, he thinks under his theory that the Methodist Church is a Communist organization, because obviously——

Mr. Del Guercio (Interposing): If your Honor please,——

Mr. Grossman (Interposing): Quite obviously from the name, the Methodist Federation is a group of Methodists who agree with the American League Against War and Fascism.

Presiding Inspector: He has corrected the name. Perhaps you didn't hear him.

Mr. Grossman: Does it still include the Methodist Federation?

Presiding Inspector: No; two sponsors, as I understand it.

Mr. Grossman: Then, we say very definitely unless his theory is that the Methodist organization is a Communist organization this is completely irrelevant.

Presiding Inspector: No, I don't think——

(Testimony of Henry A. Schmidt.)

Mr. Del Guercio (Interposing): I don't care what counsel believes. In the first place, it is immaterial.

Presiding Inspector: That is the manner of presenting his argument. He isn't to be criticized for using that phrase.

Now, what is the name of this organization?

Mr. Del Guercio: There appear to have been two of them, if your Honor please. One was the Methodist Federation and the other the American League Against War and Fascism. There seems to have been a joint meeting sponsored by both organizations at that time.

Presiding Inspector: I will take it.

A. I have a recollection of speaking at a Negro church in Oakland, but I don't know whether it was the Methodist Federation or whether it was the American League Again War and Fascism.

By Mr. Del Guercio:

Q. I am speaking of San Francisco not Oakland.

A. Well, I mean by that when you started to speak about Methodist Federation there came to my mind this talk that I made at the church in Oakland. That is the best I——

Q. (Interposing): You have a recollection you may have spoken on behalf of a church in Oakland?

A. Oh, yes, I spoke in a Negro church.

Q. When was that?

(Testimony of Henry A. Schmidt.)

A. Well, I rather think that was during the 1938 tie-up. [4304]

Q. On what subject?

A. On the question of Negroes shouldn't come to the waterfront and act as strike breakers, that they had to stick with the workers on strike, etc., etc.

Q. Now, you have a clear memory as to that event?

A. Well, when you mentioned a church I remembered.

Q. Now, do you have just as clear a memory as to this event in 1935?

Mr. Gladstein: I object because of the form of the question. It is argumentative.

Presiding Inspector: Yes, it doesn't help.

By Mr. Del Guercio:

Q. For the purpose of refreshing your memory I will show you a copy of the Monday, July 29th, 1935 issue of the Western Worker, and I call your attention to an article appearing on page 2 there under the heading "Reception for Kanju Kato is Planned in San Francisco. Noted Japanese trade union leader here."

And I will call your attention particularly to the third paragraph there, the last sentence:

"On Friday, August 3d, Kato Francisco. The meeting will be under the joint sponsorship of the Methodist Federation and the American League Against War and Fascism and will be held at 8 p. m. at the Building Trades Auditorium, 200

(Testimony of Henry A. Schmidt.)

Guerrero [4305] Street. Besides Kato, speakers will include Rev. Robert Whitaker, Harry Schmidt, Bert Leech, Pacific Coast Organizer of the American League and others."

Does that refresh your memory as to that?

A. As to whether I spoke there or not?

Q. Yes.

A. No, sir, it doesn't refresh my memory.

Q. Well, did you speak on that occasion as announced by this copy of the Western Worker?

A. I did not.

Mr. Grossman: It isn't announced that Henry Schmidt was going to speak. It is announced that Harry Schmidt was going to speak.

Mr. Gladstein: It seems to me, your Honor——

Mr. Del Guercio (Interposing): There is no objection.

Mr. Gladstein (Continuing): ——If there is a record of any such speech having been made by Mr. Schmidt he can confront the witness with that record and ask him if that is a correct reflection of the facts, instead of going around this way and asking whether he was ever announced as a speaker, then, not coming forth with any semblance of proof that Mr. Schmidt did speak at any of——

Mr. Del Guercio (Interposing): We will confront him with proof. This is laying the foundation for it, if your Honor please. We are testing the veracity of this witness here. [4306]

Mr. Gladstein: Not by any approved method of

(Testimony of Henry A. Schmidt.)

cross examination in any Court according to any authority that I have ever seen.

Presiding Inspector: If it actually refreshes his recollection, he should say so.

The Witness: The only talks that I can remember making in the Building Trades Temple are those that were being held there when the Longshoremen's Union met there.

By Mr. Del Guercio:

Q. Would you say that there were none under the auspices of the American League Against War and Fascism? A. I am pretty sure.

Mr. Del Guercio: I offer this in evidence for identification, your Honor.

Mr. Gladstein: We will object to that as incompetent, irrelevant and immaterial.

Presiding Inspector: Have it marked for identification.

Mr. Gladstein: I thought you said in evidence.

(The newspaper referred to was marked Government's Exhibit No. 269 for identification.)

[4307]

Mr. Del Guercio: Council objected to the other article because the name appeared as Harry Schmidt, instead of Henry Schmidt.

By Mr. Del Guercio:

Q. Now, I show you a copy of the Western Worker for Thursday, August 1, 1935, and call your attention to an article appearing on page 3 of that issue under the heading, "Kato to Speak

(Testimony of Henry A. Schmidt.)

in East Bay, San Francisco," and call your attention particularly to this sentence:

"In San Francisco he"—referring to Kato—"will talk at the Building Trades Temple, 200 Guerrero Street, at 8:00 P. M. on August 3. Other speakers include: Bert Leech, William Sanders, Dr. Edward Wilson, and Henry Schmidt."

Does that refresh your recollection?

A. (Examining article): No, it doesn't help me at all.

Mr. Del Guercio: I offer this for identification, your Honor.

Mr. Gladstein: For identification?

Mr. Del Guercio: Yes.

Presiding Inspector: It may be marked for identification.

Mr. Del Guercio: And I ask that a photostatic copy be substituted.

Presiding Inspector: Yes.

(The document referred to was thereupon marked for identification as Government Exhibit 270.) [4308]

By Mr. Del Guercio:

Q. Now, Mr. Schmidt, were you ever announced as a speaker under the auspices, or sponsorship, of the American League Against War and Fascism for October 27, 1935, at the Third Baptist Church, 1299 Hyde Street, San Francisco?

A. I may have been announced, but I certainly have no recollection of speaking there. The first

(Testimony of Henry A. Schmidt.)

Baptist Church on Hyde Street? That doesn't mean a thing to me.

Q. Did you ever appear there on behalf of the American League Against War and Fascism?

A. I doubt it very much.

Q. You might have?

A. It could be, but I have no recollection of speaking in a church in San Francisco at all. The only church talk that I can recollect is the one in the negro church that I mentioned a while ago.

Q. Did you speak at any church, at any time, at any place, under the sponsorship of the American League Against War and Fascism?

A. I doubt it very, very much.

Presiding Inspector: By that you mean your best recollection now is that you didn't?

The Witness: That is right.

Presiding Inspector: That is as I understood you.

By Mr. Del Guercio: [4309]

Q. Did you ever speak at a conference of the American League Against War and Fascism at the Building Trades Temple here in San Francisco?

A. I certainly have no recollection of it.

Q. Well, is it possible that you may have spoken there? A. It is possible that I may have.

Q. You have no recollection of it?

A. I have no recollection of it.

Q. Now, I said a conference of the American League Against War and Fascism, which included

(Testimony of Henry A. Schmidt.)

only the League forces in the San Francisco Bay Area. Does that refresh your recollection further?

A. Which included only what?

Q. The League forces, American League Against War and Fascism forces?

A. No; that doesn't help me any.

Q. I will show you an issue of the Western Worker for Thursday, August 19, 1935, and call your attention to an article appearing on Page 1, thereof, and continuing on page 2, the article headed, "67,280 massed for opposition to Vigilantism. Over 40 trade unions in Bay Area Conference to fight Fascism." And call your attention to this part on page 2:

"Speakers at last night's mass meeting at the Building Trades Temple were: Leo Baroway, of the American League; [4310] Mrs. Moburg, Ladies Auxiliary of the International Longshoremen's Association; Henry Schmidt, Maritime Federation."

Does that refresh your recollection as to whether you spoke at that conference or not?

A. I am willing to state I might have spoken there, but I don't seem to remember it at the present moment.

Q. Would you say that this was an incorrect announcement?

Mr. Gladstein: I think the question has been asked and answered. I object to it on that ground.

Presiding Inspector: He says he has no recollection of it; that this doesn't refresh his recollection, but that he might have spoken.

(Testimony of Henry A. Schmidt.)

Mr. Del Guercio: I will offer this for identification.

Presiding Inspector: It may be marked for identification.

Mr. Del Guercio: And ask that a photostatic copy be substituted.

(The document referred to was thereupon marked for identification as Government's Exhibit No. 271.)

By Mr. Del Guercio:

Q. Did you ever participate in the United Labor party Campaign in 1935 in the San Francisco Municipal Elections?

A. What do you mean by "participating"—making speeches?

Q. As a speaker or in any other capacity?

A. No. I was very lukewarm on that subject. I don't [4311] recollect making any talks anywhere.

Q. You don't recollect? A. No.

Q. Did you ever speak at mass meetings sponsored by the United Labor Party?

A. It is possible that I might have, but I doubt if I did.

Q. What is your best recollection on the subject?

A. That I doubt it.

Q. You doubt it. Did you ever appear at political rallies on behalf of the United Labor Party candidates as a speaker?

A. Well, if that was the group that had a sort of an organizational convention in the Civic Auditorium I was in the audience.

(Testimony of Henry A. Schmidt.)

Q. Weren't you a candidate for supervisor?

A. No.

Q. At one time?

A. No. You have got me mixed up with Dr. Adolph Schmidt, who is a supervisor.

Q. You are not Dr. Schmidt, are you?

A. No.

Q. Now, you also testified, I believe, last week that you didn't know Lawrence Ross, is that right?

A. That is right. I don't know him. [4312]

Q. Did you ever appear with Lawrence Ross on the same speaker's platform?

A. He might have been there without my knowledge, without my knowing who the individual was.

Q. Do you know Mervyn Rathborne?

A. Sure; yes.

Q. You have been on the same platform with him? A. Dozens of times.

Q. He is a close friend of yours, is he not?

A. Yes; I would be glad to call him my friend.

Q. Were you ever announced as a speaker by the United Labor Party Campaign Committee, say, in 1935?

A. I certainly have no recollection of it.

Q. Was Mervyn Rathborne?

A. Was he announced, you mean?

Q. Yes.

Mr. Gladstein: I think this is immaterial and calls for conjecture.

A. I can't remember that.

(Testimony of Henry A. Schmidt.)

Presiding Inspector: It doesn't matter. He says he can't recall it.

By Mr. Del Guercio:

Q. For the purpose of refreshing your memory, I will show you an article, or an issue of the Western Worker, dated San Francisco, Thursday, August 22, 1935, and appearing on the first page thereof, under the heading, "Uhl & McSeehy Will Meet [4313] Labor Ticket Speakers," and call your attention particularly to this paragraph appearing in that article:

"The United Labor Campaign Committee is a coalition of trade unions, liberals, Epic democrats, and radical forces united for the purpose of supporting a progressive platform and slate in the municipal election. Other speakers at the mass meeting will be Henry Schmidt, Mervyn Rathborne, Lawrence Ross and Ben Legere."

Does that refresh your memory as to whether or not you had ever met Lawrence Ross?

A. It does not.

Q. Were you a speaker, as announced in this issue of the Western Worker?

A. (Referring to article): I don't see my name on here.

Q. Let me help you. Is that (indicating) your name? A. Yes; that is my name.

Q. Does that refresh your memory now?

A. No, sir; I don't recall having spoken there.

Q. Do you recall being announced as a speaker?

(Testimony of Henry A. Schmidt.)

A. No, sir. I might add that the last week I was announced as a speaker so——

Mr. Del Guercio (Interposing): I am not asking you about that.

I move that be stricken from the record. [4314]

Presiding Inspector: Strike it out.

Mr. Del Guercio: I ask that this be marked for identification.

Mr. Gladstein: Before you go ahead—I don't understand why that was stricken out. It was an explanation of his answer. He asked if he had been announced as a speaker. He is telling of an incident where he was announced and didn't speak.

Presiding Inspector: That doesn't add anything. It is entirely immaterial. It goes out.

Mr. Gladstein: I do not understand why it goes out. I have heard plenty of remarks of Mr. Del Guercio's that have not been stricken, which were highly improper, but when this witness tries to give a complete answer by explaining what he has in his mind, then it is stricken out.

Presiding Inspector: Oh, Mr. Gladstein, you know better than to claim that is relevant. For instance, the Republican Party might somewhere have announced him as a speaker. We don't know what kind of a matter that was—the last week, as he started to say—it has no reference to anything here at all. It is entirely immaterial.

Mr. Gladstein: I think the whole line of questioning is immaterial.

Presiding Inspector: You haven't objected.

(Testimony of Henry A. Schmidt.)

Mr. Gladstein: We did on that ground, and you said you would take it. [4315]

Presiding Inspector: I mean that because some union organization, perhaps the Quakers—I don't know—or perhaps the Republican Party announced him as a speaker, as having no relation here, and he didn't speak. He might have been advertised to speak as a most reputable or a most disreputable person, but do you mean to say that that is competent here?

Mr. Gladstein: I think none of it is competent and we have objected to the question constantly asked, "Have you been advertised to speak?" because if Mr. Del Guercio asks Mr. Schmidt if he has been advertised to speak at a meeting which Mr. Del Guercio thinks has a radical tinge to it, I think in all fairness to the witness that he has a right to go to his records and point out to your Honor how many speeches he has given for the Republican Party, or the Democratic Party, or the most reputable organizations in the country, to show his character. If there is any reflection at all on him——

Presiding Inspector: This doesn't mean to affect his character, as I understand it.

Mr. Gladstein: I think that is what Mr. Del Guercio has in mind.

Presiding Inspector: I don't know.

Mr. Del Guercio: Is Counsel through?

Presiding Inspector: I will still strike it out. I am surprised at the argument. [4316]

(Testimony of Henry A. Schmidt.)

Mr. Del Guercio: May I ask that this be marked for identification, if your Honor please?

Presiding Inspector: Yes.

Mr. Del Guercio: And that a photostatic copy may be substituted.

Presiding Inspector: Yes.

(The document referred to was thereupon marked for identification as Government Exhibit No. 272.)

(Whereupon an issue of the Western Worker was passed to Mr. Gladstein.)

Mr. Gladstein: Counsel is producing here new papers, new editions, to have marked for identification, having reference to the same meeting.

By Mr. Del Guercio:

Q. I will show you an issue of August 19, 1935, of the Western Worker, and call your attention to an article appearing therein under the heading, "Candidates to Address Labor Ticket Rally," and particularly to this paragraph under the heading "Mass Meeting":

"San Francisco, with a United Front Labor Ticket already under way, will launch a city-wide campaign with a mass meeting on August 21 at 8:00 P.M. at the Building Trades Temple, 200 Guerrero Street. There the United Labor Campaign Committee program will be explained by Henry Schmidt, ILA; Lawrence Ross, Communist Party; Ben Legere, of the Democratic City Council, [4317] and Mervyn Rathborne, Maritime Federation." and ask

(Testimony of Henry A. Schmidt.)

you if that refreshes your memory as to whether you spoke on that occasion as announced in this article?

A. (Examining article) No; I have no recollection of speaking there.

Q. Does that refresh your memory as to whether or not you know Lawrence Ross?

A. Not at all.

Q. Have you ever seen that article before?

A. No; I couldn't remember.

Q. Has it ever been called to your attention?

A. Not that I can remember; that was six or seven years ago.

Q. But you do recall that you never met Lawrence Ross?

A. I have no recollection of ever meeting the man. He made no impression on my mind. I might have met a man last week and have forgotten about him.

Q. The fact that the Western Worker, the Western organ of the Communist Party, has a reference to Lawrence Ross as being connected with the Communist Party, does not help refresh your memory?

Mr. Grossman: We object to that as incompetent, irrelevant and immaterial.

Presiding Inspector: He said it doesn't refresh his recollection. [4318]

Mr. Grossman: Obvoiusly, the only purpose of this examination for the last hour is for Mr. Del Guercio to read from the Western Worker on the

(Testimony of Henry A. Schmidt.)

theory somehow that that is going to tie up this witness with these things.

Presiding Inspector: It makes no difference. It doesn't make any difference in the trial of this case. None of them are in evidence.

Mr. Grossman: Obviously, from the last question, that is his only purpose. I don't think he should be permitted to use the court room for that kind of a forum, your Honor.

Presiding Inspector: It isn't evidence. All these advertisements that have been put in, articles, or notices, none of them are in evidence.

The only proof of any notice that I can recall that has been received is the one that he spoke of, where he said he was called down by somebody for having allowed his name to be published as a speaker, or something of that kind. It might not have been quite that way. That is the only one that has gotten in the record that I know of. The others have been merely marked for identification.

Mr. Del Guercio: May I ask that this issue of the Western Worker for August 19, 1935, be marked for identification?

Presiding Inspector: It may be marked for identification.

Mr. Del Guercio: And that a photostatic copy be substituted? [4319]

Presiding Inspector: Yes.

(The document referred to was thereupon marked for identification Government's Exhibit 273.)

(Testimony of Henry A. Schmidt.)

By Mr. Del Guercio:

Q. You also testified that you never submitted any article under your name to the Western Worker, is that correct?

A. I don't think I testified to that effect.

Q. What did you testify to?

A. I don't think I testified to that effect.

Q. What did you testify to?

A. I don't know. I don't recall you asking me that question.

Q. I will ask you again: Did you ever submit any articles to the Western Worker under your name?

A. I may have. I submitted them to the Voice of the Federation and Labor Herald.

Q. I am asking you about the Western Worker, the official organ of the Communist Party.

Mr. Gladstein: I submit that has been answered.

Presiding Inspector: Yes. He said he might have.

By Mr. Del Guercio:

Q. Did you ever write any articles for the Peoples' World?

A. I might have written advertisements. They some- [4320] times communicate with us and ask us to place an ad in the paper for which we pay.

Q. But you never submitted an article?

A. Oh, I sometimes write articles for the Voice of the Federation, and Labor Herald, and when the stenographer sends it out she asks what paper to send it to, and I say, "Send it to the labor papers."

(Testimony of Henry A. Schmidt.)

Q. Do you understand my question?

A. Yes.

Q. I didn't ask about the Voice of the Federation, and I didn't ask you about the other one. I asked you if you submitted articles to the Peoples' World?

A. It is possible that I did. If I tell the stenographer that I have written something, and tell her to send it to the labor papers, it will go to the Peoples' World also. But I don't write for the Peoples' World specifically and not for the others.

Q. Did any article ever appear under your name in the Peoples' World?

Mr. Gladstein: Wouldn't it be better to ask the witness, to show him any article that purports to be an article by him, and ask him if he wrote that, rather than ask him if any article has ever appeared by him in the Peoples' World?

Mr. Del Guercio: Do you know of any such article, Mr. Gladstein? [4321]

Mr. Gladstein: No, I don't. I am asking you. If this is just a fishing expedition then I think Mr. Grossman's objection should be reconsidered by your Honor.

Presiding Inspector: What objection?

Mr. Gladstein: The objection as to this line of questioning by Mr. Del Guercio. If Mr. Del Guercio has an article by Mr. Schmidt which appeared in the Peoples' World why not show the witness the article and ask him to explain it, or identify it?

(Testimony of Henry A. Schmidt.)

Presiding Inspector: I assume he has some such article. It isn't in evidence. I will have to let counsel present their case, as I have said before, as they see fit, respectively.

You may proceed, Mr. Del Guercio.

Mr. Del Guercio: I want to call your Honor's attention, please, to the testimony of this witness appearing on page 4207 at the bottom.

Presiding Inspector: I have it before me—although it appears from what follows that that referred to the Waterfront Worker.

Mr. Del Guercio: No—the question at the bottom of page 4207.

Presiding Inspector: 4107 I was looking at.

Mr. Del Guercio: 4207.

Presiding Inspector: 4207.

Mr. Del Guercio: 4207, at the bottom of the page, begin- [4322] ning with the next to the last question.

Presiding Inspector: Yes.

By Mr. Del Guercio:

Q. Now, Mr. Schmidt, I show you the April 7, 1938 issue of the Peoples' World and call your attention to an article here purported to have been written by Henry Schmidt, reading—that is, the title reading, "In Spite of Terror, Sugar Mill Owners 'Stick-up Man' Kennedy, Crockett Workers Build Union."

Did you write that article for the People's World?

A. (Examining article).

(Testimony of Henry A. Schmidt.)

Mr. Gladstein: While he is reading that may we have the morning recess?

Mr. Del Guercio: May I ask that we wait until he finishes with that?

Mr. Gladstein: That is all right.

Presiding Inspector: Very well.

A. (Referring to article) Yes, I wrote that article. It was a good article.

By Mr. Del Guercio:

Q. You wrote that article. Well, now, Mr. Schmidt, you testified under oath in this court last week that you did not write any article for the Peoples' World. You testified falsely, did you not?

A. You asked me last week whether I wrote any such article for the Western Worker. [4323]

Q. Did you testify falsely?

A. No, I don't think so.

Q. Last week, so the transcript shows, I asked you this question:

"Did you ever write any article for the Peoples' World, Mr. Schmidt?"

And your answer was:

"A. Did I ever write any article for the People's World?"

My next question was:

"Q. Yes."

And your answer:

"A. No."

Now, I will ask you again, did you testify falsely under oath when you so testified last week?

A. Certainly not deliberately.

(Testimony of Henry A. Schmidt.)

Q. How did you testify falsely, then?

Mr. Gladstein: I object to that as argument.

Presiding Inspector: I think it is argument.

Mr. Del Guercio: May we have the morning recess, please?

Presiding Inspector: Yes.

(Whereupon a short recess was taken.)

Presiding Inspector: You may proceed.

Mr. Del Guercio: If the Court please, I offer this issue of the People's World, dated April 7, 1938, in evidence.

Mrs. King: There is no objection.

Presiding Inspector: It may be received. [4324]

Mr. Del Guercio: And I ask leave to substitute a photostatic copy.

Presiding Inspector: Yes.

(The document referred to was received in evidence and marked Government's Exhibit No. 274.)

By Mr. Del Guercio:

Q. Now, Mr. Schmidt, I asked you last week also if you knew the Editor of the People's World, and whether you ever sent birthday greetings to him, and your reply was that you had no recollection of doing anything like that; that you didn't know when his birthday was. Do you want to change your testimony on that? A. No.

Q. Is it still your testimony that you did not send birthday greetings to the Editor of the People's World?

(Testimony of Henry A. Schmidt.)

Mr. Gladstein: I object to that on the ground that it is assuming something not in evidence, and is an improper question.

Presiding Inspector: I don't think he quite said that.

Mr. Del Guercio: Page 4208.

Presiding Inspector: I have the testimony before me.

Mr. Del Guercio: 4208.

Presiding Inspector: He says he hasn't any recollection of it. He said, "I would hesitate to say that I didn't."

By Mr. Del Guercio:

Q. Do you know Harrison George? [4325]

A. No.

Q. Or George Harrison?

A. Is he supposed to be the Editor?

Q. Yes, and an agent of the OGPU, or one of the agents of the OGPU, according to evidence in this case.

Mr. Gladstein: I move that that be stricken as improper.

Mr. Del Guercio: For identification.

Presiding Inspector: I don't recall whether there was testimony to that effect.

Mr. Del Guercio: There is. It is to the effect that he was the OGPU agent for the Soviet Government in Brazil.

Mr. Grossman: First, Mr. Del Guercio didn't state it was testified in this case that he was. He said that he was. If Mr. Del Guercio wants to name

(Testimony of Henry A. Schmidt.)

the witness and say a particular witness said that

Mr. Del Guercio: (Interposing). It is testified to in this case.

Mr. Grossman: That doesn't make it the truth because your witness said it.

Presiding Inspector: Counsel is assuming it.

Mr. Grossman: You mean counsel is assuming the truth of this evidence?

Presiding Inspector: In asking the question as to identification he can deny that he knows anything about that.

Mr. Grossman: Mr. Del Guercio has no right to assume the [4326] correctness of his evidence.

Presiding Inspector: No, no.

Mr. Grossman: In this question he does.

Presiding Inspector: I don't so understand it.

Strike out the part about the OGPU.

Mr. Del Guercio: I might say that there is evidence that this is so.

Presiding Inspector: Let us find out how he knew this man, whatever he was, was an agent of the OGPU, or an agent of the Socialist Party, or an agent of anyone else. It doesn't make any difference.

By Mr. Del Guercio:

Q. What is the answer to that question?

A. I have absolutely no recollection of sending him birthday greetings, and I don't know Mr. George Harrison, or Mr. Harrison George.

Q. Did you ever meet him?

(Testimony of Henry A. Schmidt.)

A. I don't know him.

Presiding Inspector: You mean you didn't ever meet him as far as you can recollect?

The Witness: Precisely.

Presiding Inspector: You have no recollection of meeting him at all?

The Witness: That is right.

Presiding Inspector: That is clear. Let us go on. [4327]

By Mr. Del Guercio:

Q. For the purpose of refreshing your memory, I will show you an issue of the People's World, for June 29, 1938, less than three years ago, and particularly to an article headed "Foster sends Greetings to George. Long History as Labor Champion Cited in Birthday Message," and particularly to this appearing in the article:

"Among the labor leaders honoring George today were: Herman Stuyvelaar, Secretary, San Francisco Industrial Union Council."

Do you know Mr. Stuyvelaar?

A. Yes.

Q. "Louis Goldblatt, Northern California Director, CIO."

Do you know Louis Goldblatt?

A. Yes.

Q. "Frank Drumm, Vice President, Steel Workers Organizing Committee, Lodge 1684."

Do you know Frank Drumm?

A. Yes.

(Testimony of Henry A. Schmidt.)

Q. "William P. Shields, Secretary, Labor Unions Unemployment Council, and Delegate to that body from Machinists Local 68."

Do you know Shields?

A. Yes; I know Shields.

Q. "Bill Gratton, Editor, CIO Labor Herald." Do you know [4328] Gratton? A. Yes.

Q. "Clifford Daggett, Acting Secretary of the Inland Boatmen's Union."

Do you know Daggett?

A. No. Clifford Daggett? No.

Q. You don't know him? A. No.

Q. "Also, Henry Schmidt"——

A. (Interrupting) That is me.

Q. Is that you? A. I guess so.

Q. "President, International Longshoremen's and Warehousemen's Union, Local 1-10."

Is that you?

A. My name is Henry Schmidt.

Q. Are you the person that sent birthday greetings to George?

Mr. Grossman: The article doesn't state birthday greetings were sent. There is no proof of that.

Presiding Inspector: The document isn't in evidence anyway.

Mr. Gladstein: That is right. Of course, it is being read in.

Presiding Inspector: That doesn't put it in evidence. He is asking whether this refreshes his recollection, as I under- [4239] stand it.

(Testimony of Henry A. Schmidt.)

By Mr. Del Guercio:

Q. Does that refresh your recollection as to whether or not you sent birthday greetings to George?

A. I don't recall having sent any birthday greetings to him, or to anybody else. [4330]

Q. Did you see that issue of the People's World?

A. In all probability not, because I hardly ever see it.

Q. Your office took a copy of the People's World, did they not, at that time?

A. Some time ago, yes.

Q. Did they in 1938?

A. I wouldn't remember.

Q. Would the record of your local show?

A. I don't think the local ever subscribed to it. The records would however show.

Q. Is there a CIO office here? A. Surely.

Q. Did they subscribe to the People's World?

A. The CIO Industrial Union?

Q. Yes. A. Yes, I believe they do.

Q. Did they subscribe for the People's World on June 29, 1938?

A. Well, I don't remember that far back.

Q. Would the records show?

A. I think they would.

Q. Are those records available to you?

A. Well, I would have to ask the secretary.

Q. Well, would you do that? [4331]

A. I would be very happy to do that.

(Testimony of Henry A. Schmidt.)

Q. And ask the secretary to notify this Court as to whether or not they subscribed to the People's World, particularly on that day.

A. As to whether or not they subscribed to the People's World at that time?

Q. Yes.

A. That is in which month in 1938?

Q. June 29th, particularly, 1938.

And for the purpose of further refreshing your memory I want to read just——

Presiding Inspector: (Interposing) No, no, show him now. We are getting too much into this record. Of course, the reading of it doesn't put it into the record at all.

Mr. Del Guercio: There is a question as to whether the article actually stated that birthday greetings were sent.

Presiding Inspector: Yes. Well, we are not interested in the article in the slightest, as yet. The article is not in evidence. Reading doesn't make it so.

By Mr. Del Guercio:

Q. Was this article called to your attention by anyone, by either the secretary or anyone else in the CIO?

A. (Examining document) I have no recollection of that. There were dozens of papers floating around, memeographed material. [4332]

Mr. Del Guercio: I offer this for identification, if your Honor please, and ask it be marked.

Presiding Inspector: What was the offer?

(Testimony of Henry A. Schmidt.)

The Reporter: For identification.

Presiding Inspector: Yes, it may be marked for identification.

(The document referred to was marked Government's Exhibit No. 275 for identification.)

Mr. Del Guercio: And I ask that a photostatic copy be substituted.

Presiding Inspector: Yes.

By Mr. Del Guercio:

Q. Do you know who Mr. Foster is?

A. Mr. who?

Q. Foster?

A. Yes, I have read of him, heard of him.

Q. What?

A. I have read and heard of him.

Q. Have you ever been arrested?

A. I didn't hear you.

Q. Have you ever been arrested?

A. Yes, sir.

Q. How many times? A. Once.

Q. For what? [4333]

A. They called it assault and battery.

Q. Were you charged with assault and battery?

A. Yes; the business was thrown out of Court.

Q. Were you charged with assault and battery?

A. Yes, I think that is what the document read. I mean, I don't know whether you can call it even an arrest.

Q. Where were you arrested?

A. Well, I was not apprehended on the streets. I voluntarily went to the Hall of Justice to find out what they wanted from me.

(Testimony of Henry A. Schmidt.)

Q. Where was that? A. In San Francisco.

Q. And was a warrant issued for your arrest?

A. Yes, sir.

Q. Were you served with it?

A. Yes, sir.

Q. And you say the charge was subsequently dismissed? A. Yes, sir.

Q. And have you been arrested at any other time? A. No.

Q. Anywhere? A. No.

Q. In Germany? A. No.

Q. In Canada? A. No. [4334]

Mr. Del Guercio: That is all.

Presiding Inspector: Now, Mr. Gladstein.

Mr. Gladstein: Yes, we have some questions.

Presiding Inspector: Yes, certainly.

Redirect Examination

By Mr. Gladstein:

Q. On this assault and battery matter, Mr. Schmidt, when did that occur?

A. I believe, the year was '38 or '39.

Q. Did it have anything to do with your position as the President of the Longshoremen's Union?

A. Yes, in a way.

Q. In what way?

A. Well, we had changed our affiliation to the CIO. It so happened that a group of longshoremen didn't see fit to go along and they established rival headquarters at another place about two blocks from our office, and they attempted to recruit our fellows into their organization, and occasionally they

(Testimony of Henry A. Schmidt.)

would make it a point to come over to our place and try and raise the devil, and a couple of them got into a beef there one day and I happened to come along and——

Q. (Interposing) First of all, what do you mean by the word "beef" so the record will be clear?

A. A fight, an altercation.

Q. Where did it occur?

A. On Clay Street almost directly across the street [4335] from our office which was at that time located at 27 Clay street.

Q. And who were the parties to the fight, that is, I am not interested in the names, but simply their union affiliations, if there were distinctions between them?

A. Well, the fight took place between a man that belonged to our outfit and another man that belonged to the rival outfit, and his name was Edward Achstatter, A-c-h-s-t-a-t-t-e-r, and the other fellow's name I don't recall.

Q. Were you personally engaged in the fight in any way?

A. Not at all. I saw it from a distance and I went over there to see what was going on, and I happened to stop it with a couple of other fellows.

Q. And, then, the warrant of arrest, by whom was it sworn out; one of the rival unionists?

A. This man Achstatter, who—he made the charge that I assaulted him.

Q. Did you appear for trial? A. Yes.

(Testimony of Henry A. Schmidt.)

Q. Was the case dismissed?

A. That is right.

Q. Now, mention was made of a meeting at the Civic Square during the 1934 strike. Do you have that in mind, that meeting?

A. Well, if that was the meeting that—immediately [4336] following a big parade that we organized, yes.

Q. What kind of a parade was it?

A. It was a parade of striking longshoremen and striking seamen, the entire group.

Q. Do you remember where the parade took place?

A. Well, it started at the waterfront at the foot of Market Street. I suppose, the organization—the line-up of the parade probably took place on Stewart Street. Then, we marched up Market Street.

Q. Under whose auspices was the parade held?

A. In all probability under the auspices of the Joint Marine Strike Committee.

Q. Where did the parade wind up?

A. Directly in Civic Center known as Marshall Square.

Q. And what occurred there? Was there a public meeting?

A. Yes, sir. There was a truck available and a sound system was available. I don't know about the sound system. I think, we ordered the sound system and somebody intimidated the sound man and he didn't show up. At least, that is my recollection.

Q. And what was the purpose of the meeting, the general purpose?

(Testimony of Henry A. Schmidt.)

A. Well, to acquaint the listeners who might come there—to acquaint them with the objectives of the strikers.

Q. Now, Friday you were testifying concerning Lee Holman. [4337] I think—I don't substitute this for your testimony but I merely use it to call your attention to what I am interested in my next question—I believe, you stated in substance that members of the Albion or Equality Hall group suspected, and also other members of the Longshoremen's Union who were not members of the Albion or Equality Hall group, suspected that Mr. Holman was secretly acting on behalf of the employers.

Do you recall that testimony or testimony of that general character?

A. Yes, I believe I made some statements to that effect.

Q. All right. Now, did you ever have occasion to learn whether there was any basis for the suspicion on the part of the longshoremen who were identified in the previous question?

Presiding Inspector: This is over your objection, Mr. Del Guercio.

Mr. Del Guercio: It is, your Honor.

Presiding Inspector: I will receive it as bearing solely on the probability of the statement of the suspicions.

Mr. Del Guercio: The Court has, perhaps, overlooked the fact that now he is asking him for something that occurred afterwards.

(Testimony of Henry A. Schmidt.)

Presiding Inspector: I know, but as to the facts before.

The Witness: Will you repeat the last part of your question?

Mr. Gladstein: Yes. Will you read it?

(The question referred to was read by the reporter as above recorded.) [4338]

Mr. Myron: This is the Albion Hall group, your Honor?

Presiding Inspector: Yes, the Albion Hall group and people who had also shared in the Albion Hall group's feelings.

A. You mean were our suspicions realized later on?

By Mr. Gladstein:

Q. Did you have occasion to find out——

A. (Interposing) Yes, sir.

Q. (Continuing)—whether there was any basis to that suspicion?

Presiding Inspector: Yes.

By Mr. Gladstein:

Q. Will you tell us under what circumstances and from whom you did so find out?

Mr. Del Guercio: If your Honor please, I object to that on the ground: Now, this is nothing to indicate as to when the basis was discovered for the suspicions. Was it before——

Presiding Inspector: (Interposing) Can't you identify the time a little more fully?

Mr. Gladstein: All right.

(Testimony of Henry A. Schmidt.)

By Mr. Gladstein:

Q. Let me ask this: At the time you did discover that there was a basis for those suspicions, Mr. Schmidt, did your discovery reveal evidence as to Mr. Holman acting or not acting secretly on behalf of the employers during the 1934 strike?

Mr. Del Guercio: I will object to that. [4339]

Presiding Inspector: Now, he was removed from office during the strike, wasn't he?

Mr. Gladstein: At one point.

Presiding Inspector: You mean before he was removed from office?

Mr. Gladstein: Before his removal. Let's put it that way, yes.

Mr. Del Guercio: I object to that. There is no evidence here——

Presiding Inspector: (Interposing) Yes. It is over your objection. I will allow it.

By Mr. Gladstein:

Q. Do you understand the question?

A. Yes, I understand it. Before his removal there were *were* merely just suspicions but the evidence certainly developed later on.

By Mr. Gladstein:

Q. All right. Now, when the evidence did develop was it evidence which justified the suspicions as of the time the suspicions existed before Mr. Holman's removal? A. Certainly.

Mr. Del Guercio: I will object to that. It still doesn't place——

(Testimony of Henry A. Schmidt.)

Presiding Inspector: (Interposing) It calls for a conclusion. [4340]

Mr. Gladstein: I realize the word "justifies" does, but I am trying to fix in the mind of the witness the period we are concerned about. Your Honor asked about that.

Presiding Inspector: Yes. I think you should, of course.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. Now, will you tell us from whom, or in the presence of whom this evidence, whatever it may have been, was given to you?

Mr. Del Guercio: If your Honor please, I object to that. No time has as yet been fixed, that I know of, as to when this so-called evidence was——

Presiding Inspector: (Interposing) He said it was after he was removed from office.

Mr. Gladstein: I will put this question to him first if you prefer, your Honor.

By Mr. Gladstein:

Q. Can you give us an approximate time, Mr. Schmidt, an approximate date when this evidence was revealed in your presence?

A. You mean during the '34 strike?

Q. No; the evidence which you obtained, which you ultimately obtained after Mr. Holman's removal when did that occur? [4341]

A. Well, there are three things that stand out

(Testimony of Henry A. Schmidt.)

in my mind. First the thought that in 1934 during the strike he attempted to organize a rival union, which is evidence enough, in any union man's mind, that this fellow was working in cahoots with somebody.

Q. What is the second?

A. During the 1936-'37 strike he again attempted to organize strike breakers, and did so, and the man who was his secretary apparently got tired of the phony business and he contacted Jack Shelley, who was then a member of the Bakery Wagon Drivers, who is now a State Senator, and contacted myself, and we had him come to Mr. Kidwell, George Kidwell's office, who was then secretary of the Bakery Wagon Drivers, and this secretary of Holman's told us a lot of things——I can't remember everything he said—but the fact that he was the secretary, that they were up against it for money, that whenever they ran up against the question of money, why, he would drive Holman down to Montgomery Street to the offices of the Industrial Association, that Holman would go into the Alexander Building and come out after a while and he would usually have some more money to carry on.

Mr. Del Guercio: Now, if your Honor please, there is no date, you see, to all of this story here.

Presiding Inspector: No. It long post dated Holman's removal as the President of this Union?

[4342]

Mr. Gladstein: Yes that is true.

(Testimony of Henry A. Schmidt.)

By Mr. Gladstein:

Q. Now, when is the approximate date when these statements were made by Mr. Holman's former secretary to you and to Mr. Shelley?

A. That is too difficult to remember. It was during the 1936-'37 strike. We were on strike for 99 days. Let's assume that——

Mr. Del Guercio: (Interposing) Now, if your Honor please, I move to strike it all out for the reason that the Albion Hall group, upon which the basis of this line of questioning is founded, went out of existence long before that.

Mr. Gladstein: Well, that is immaterial as to when they went out of existence, your Honor. The important thing is this: I would recognize, I would admit to your Honor——

Mr. Del Guercio: (Interposing) If your Honor please, I will withdraw my objection.

Mr. Gladstein: I don't care what counsel——

Presiding Inspector: (Interposing) The objection is withdrawn. Go ahead.

By Mr. Gladstein:

Q. You have mentioned Mr. George Kidwell. Who is he, please?

A. He was at that time secretary of the Bakery Wagon Drivers Union. He is now the State Industrial Director. [4343]

Q. Now, you were asked——

A. (Interposing) State Industrial Accident Commissioner.

(Testimony of Henry A. Schmidt.)

Q. You were asked if you had acquired on the waterfront the name of "Editor Schmidt." I think you said that you had heard that you had been called that. A. Yes.

Q. Can you state for the first time you learned that such a—that you had won such a name?

A. Oh, that is very difficult to state.

Q. Well, I don't mean the exact day, but the period.

A. The only way I can explain it, that during the strike I was a member of the Publicity Committee.

Q. Which strike, please?

A. The 1934 strike.

Q. All right.

A. After that strike terminated I continued to write the weekly bulletin of the Union, and three thousand five hundred men of our Local knew that, so, I suppose, they called me Editor Schmidt. I don't mind the title; it doesn't mean anything.

Q. But, to your knowledge had you ever heard that name being used to describe you prior to the 1934 strike?

A. No; I didn't write anything.

Mr. Del Guercio: What?

Presiding Inspector: "No, I didn't write anything." [4344]

By Mr. Gladstein:

Q. When did you first become connected with the ILA bulletin?

(Testimony of Henry A. Schmidt.)

A. Well, immediately when the strike started. I don't recall there being any bulletin put out before the strike; there may have been. But the Strike Committee, as I stated before, elected sub-committees and the Publicity Committee was one of those, so we immediately started putting out a bulletin. Our attempts were to put it out daily. Whether they did that or not I don't recall.

Q. That is, when you first started writing for the ILA bulletin?

A. Yes, to the best of my knowledge.

Mr. Del Guercio: In the first place, counsel has put the words in his mouth; there is no evidence there ever was an ILA bulletin.

Mr. Gladstein: He has testified there was.

Presiding Inspector: I will take it. I don't know whether that was the name that was given to it.

By Mr. Gladstein:

Q. Well, what was the name that was given to it? I think he testified about that last Friday.

Presiding Inspector: Yes. He testified there was a sheet, of course, that they first had mimeographed, then, that they had it printed by the Daily Worker.

Mr. Del Guercio: Western Worker. [4345]

Presiding Inspector: I don't recall the name of the sheet.

By Mr. Gladstein:

Q. What was the name, Mr. Schmidt?

A. To the best of my recollection it was called

(Testimony of Henry A. Schmidt.)

ILA Strike Bulletin. It may have been called Longshoremen's Strike Bulletin, one of the two.

Q. Now, it has been testified in this case that the 1934 strike began on May the 9th and ended on July 31st. Is that in accordance with your recollection?

A. Yes, sir.

Q. During that period of time what committees did you serve on for the union?

A. The Publicity Committee and the Executive Board and the Strike Committee.

Q. What about the Joint Marine Strike Committee?

A. Well, I became a member of that later on when it was set up.

Q. Now, did you attend meetings of all those Committees? A. All the time.

Q. And where were they held, in what city?

A. In San Francisco.

Q. During that period from May 9th to July 31st was there any period of time during which you were absent from San Francisco? [4346]

A. Yes; sometime in June the Strike Committee sent me to Portland and Seattle.

Q. Do you recall the date of that, either the date when you first left San Francisco or the date when you came back, by any incident that occurred?

A. I certainly don't recall the date that I left but I do recall the date that I returned because I was—I just got here in time to take part in the discussion that took place on the so-called June 16th

(Testimony of Henry A. Schmidt.)

Agreement which was repudiated by the membership.

Q. Now, do you know when the June 16th Agreement was discussed by the membership?

A. Yes, it was on a Sunday, I believe, either in the evening or in the afternoon.

Q. Well, do you know when with reference to June 16th, Mr. Schmidt?

A. On the day following, June 17th. My best recollection is that as soon as I got off the ferry boat here I went to the headquarters, and, I think, they were just organizing a Strike Committee meeting to discuss this Agreement, and they were going to discuss it in the general membership meeting the day following. That would be June 17th.

Q. Now, do you have any recollection as to how long prior—withdraw that.

How long were you away from San Francisco on that occasion to take the trip to Portland and Seattle that you [4347] mentioned?

A. I was not gone very long; eight or nine days at the most.

Q. Were you away from San Francisco on any other occasion during that strike?

A. I am pretty sure that I was not.

Q. Now, did you see—withdraw that.

In connection with the meetings that you would attend during the 1934 strike while you were in San Francisco on what occasions would you have met Mr. Bridges?

Mr. Del Guercio: What?

(Testimony of Henry A. Schmidt.)

By Mr. Gladstein:

Q. Did you meet him?

A. Well, it seems to me I would see him—I certainly would see him most every day. He was the Chairman of the Longshore Strike Committee.

Q. All right. Now, when there were meetings of the Longshore Strike Committee Mr. Bridges was Chairman? A. That is right.

Q. And you were a member?

A. That is right.

Q. At such meetings you saw Mr. Bridges?

A. Surely.

Q. All right; now, any other meetings?

A. Well, when the Joint Marine Strike Committee was set up there was five of us from our Union, delegates to that, and he was one, and I was another. I would see him there. [4348]

Q. Now, did the Joint Marine Strike Committee form before or after the June 16th Agreement?

A. I am pretty sure it was after because I remember now that one of the reasons that it was not accepted by the members is because it provided that we return to work and leave the other crafts out on strike.

Q. When you say "it" do you mean the June 16th meeting?

A. Yes, and since it—a better united front developed between the striking groups. Somebody proposed that a Joint Committee be set up and it was actually organized so. I think, it was after the June 16th Agreement.

(Testimony of Henry A. Schmidt.)

Q. All right. Now, when the Joint Marine Strike Committee was formed you were a delegate to that, were you? A. Yes.

Q. Was Mr. Bridges also? A. Yes.

Q. Did you meet Mr. Bridges at the meetings of the Joint Marine Strike Committee?

A. Well, at least, I saw him there. Yes, I met him there.

Q. How often did your ILA Strike Committee meet? A. Daily.

Q. Did that include Sundays?

A. Yes, frequently there were Sunday meetings but not [4349] always.

Q. Was there a definite routine as to a daily meeting during the week days?

A. Yes sir, my recollection is that in the beginning it met in the afternoon, and then after—no, in the morning, although I couldn't say what time definitely, and then later on after the Joint Marine Strike Committee was organized—no, I am wrong. The Longshoremen's Strike Committee used to meet in the afternoon until such time as the Joint Marine Strike Committee was set up. Then, that started to meet in the afternoon. Therefore, they found it necessary to shift the meeting of the Longshoremen's Strike Committee to the morning hours so that we could first attend the Longshoremen's Strike Committee meeting in the forenoon. Then, in the afternoon we could go to the Joint Strike Committee, but I recall also that sometimes during that strike that Joint Committee met in the evening sometimes.

(Testimony of Henry A. Schmidt.)

Q. What was Mr. Bridges' position on the Joint Committee?

A. I believe, he was Chairman of that, too.

Q. Well, was he, in any event, the Chairman of the ILA delegation to it?

A. Well he was certainly considered the leader of the five delegates.

Q. The five delegates from the ILA? [4350]

A. That's right.

Q. Were there any other meetings at which you met Mr. Bridges during the 1934 strike, that is, meetings that were regularly routinely held during the strike?

A. Oh, you couldn't exactly call them meetings. There might be discussions back in the office with Joe Johnson, the President, and the Secretary. There were meetings when he would sit in with the Publicity Committee sometimes. Life was just one meeting after another during those days. We came up here during the—we came—I think it was in this room—all the strikers' representatives were given an opportunity to testify before the National Longshoremen's Board. We spent considerable time around the Post Office Building here.

Q. This is during the strike?

A. During the strike.

Q. Mr. Schmidt, did you see Harry Bridges in San Francisco every day from May 9th to July 31st, 1934, in San Francisco, with the exception of the period when you took the trip to the north, to Seat-

(Testimony of Henry A. Schmidt.)

tle and Portland, returning on or about June 16th or 17th?

A. Well, I couldn't say that I saw him on Monday, Tuesday, Wednesday and not on Thursday and then again on Friday, I couldn't say that, but if he were absent I certainly would have—it would stand out in my mind because he was—— [4351]

Mr. Del Guercio: (Interposing) Now, if your Honor please——

Mr. Gladstein: (Interposing) I don't think he has finished his answer. I think we are entitled to the answer before any motion is made.

Mr. Del Guercio: I move to strike it out.

Presiding Inspector: I don't think he has finished his answer. Go ahead.

Mr. Gladstein: Do you want to have the part of the answer that you have already given read back to you so you can continue?

The Witness: No, that isn't necessary.

Mr. Myron: We might ask to have the question read back and see if the answer is responsive to the question.

Mr. Gladstein: Are you making an objection?

Mr. Myron: I am. Doesn't it sound like an objection?

Mr. Gladstein: Then, make the objection.

Presiding Inspector: He has made the objection that the answer is irresponsive. Now, we will hear the answer over again.

Couldn't you hear the objection, Mr. Gladstein?

Mr. Gladstein: No.

(Testimony of Henry A. Schmidt.)

Presiding Inspector: It is implicit in that he was objecting to it as irresponsive. Now, we will hear the answer.

Mr. Gladstein: I didn't so understand it. [4352]

Presiding Inspector: Beg your pardon?

Mr. Gladstein: I didn't so understand it.

Presiding Inspector: I understood it that way I may be mistaken but I took it that way. I don't think it called for any comment. Now, we will hear the answer.

(The portion of the answer referred to was read by the reporter as above recorded.)

Mr. Gladstein: Now, he is giving the basis of his——

Presiding Inspector: (Interposing) You didn't ask him for the basis.

Mr. Gladstein: I am asking him for an answer.

Presiding Inspector: That question can be answered yes or no, but I don't restrict him to that.

Mr. Gladstein: All right.

Presiding Inspector: Now, what counsel wants to know is: Can you say whether or not you saw him every day except the time you were away during the strike?

The Witness: Yes, I can safely answer yes, but I would like to qualify it if I may.

Presiding Inspector: Yes, go ahead. You have answered it; now qualify it.

The Witness: I would like to qualify it to this extent: If he had been absent I would have noticed

(Testimony of Henry A. Schmidt.)

it because we were constantly associated with one another. We were going from the Strike Committee meting to the Joint Committe meeting [4353] and doing a lot of things together. If he were absent for one or two days, why, it would stand out in my mind, the same as he certainly knew if I was gone for eight or nine days.

Presiding Inspector: I don't see that it qualifies the answer. It only gives the reason for his recollection.

Mr. Gladstein: I beg your pardon?

Presiding Inspector: It only gives the reason for his recollection which isn't qualifying the answer, but it is an explanation and I will let it stand.

By Mr. Gladstein:

Q. Mr. Schmidt, I want to refer, for a moment, to the article in the People's World. I do not have the date before me. Do you have in mind the one I am referring to, the one which——

A. (Interposing) No.

Mr. Del Guercio: It is in evidence.

Presiding Inspector: The one you said you wrote.

The Witness: Oh, yes, yes; excuse me.

Presiding Inspector: I think he has it in mind.

By Mr. Gladstein:

Q. Do you have that in mind?

A. Yes, sir.

Q. Do you recall the circumstances under which that was written?

A. No, I don't recall writing it. However, after

(Testimony of Henry A. Schmidt.)

reading it, it has to do with the fact that some workers in the [4354] sugar mill up at Crockett were being organized. I believe, *there* were in process of changing their affiliation to the CIO.

Q. Do you remember how you came to write that article?

A. You mean what caused me to start writing it?

Q. Yes. A. I don't recollect.

Q. Do you recall whether you wrote a similar article, or the same article or one on the same subject for any other newspaper or publication?

A. I may have done it but I don't remember.

Q. What has been your practice with respect to writing articles?

Mr. Myron: What type or articles, your Honor? I object to that question.

Mr. Gladstein: Let's ask the general question first.

Presiding Inspector: Do you want to vary the testimony that he has already given?

Mr. Gladstein: No. I simply want to get the practice.

Presiding Inspector: Well, he has given it, hasn't he?

Mr. Gladstein: I don't recall that he has, what he said on that.

Presiding Inspector: I think he said that he dictated to the stenographer and then that she, perhaps, under his direction would send it to different newspapers.

Mr. Gladstein: I had forgotten that testimony.

(Testimony of Henry A. Schmidt.)

You are [4355] correct, your Honor, that does cover the subject.

I don't think I have any further questions.

Mr. Del Guercio: If your Honor please, just bear with me a second or so.

Presiding Inspector: Yes.

Re Cross Examination

By Mr. Del Guercio:

Q. I believe you testified that you didn't begin knowing Harry Bridges until shortly after the 1934 strike; is that correct?

Mr. Gladstein: Could I hear that question again?

Presiding Inspector: I didn't hear it either. Read the question.

Mr. Del Guercio: I will withdraw the question.

By Mr. Del Guercio:

Q. Now, Mr. Schmidt, what is your recollection as to how many of these meetings during the 1934 strike Harry Jackson attended?

A. Harry Jackson didn't attend any meetings, except that when we first set up the Joint Marine Strike Committee he came there. I am pretty sure I explained that here last week.

Q. Well, how many meetings did he attend?

A. I couldn't recall; I don't think more than one. I don't know.

Q. Would you say he attended these meetings every day [4356] of the Joint Strike Committee?

A. Oh, no. I am sure he didn't because the first meeting, or one of the first meetings of the Joint Marine Strike Committee was held on Pier 3. I

(Testimony of Henry A. Schmidt.)

think it was Pier 3, and we had a big argument there, whether or not the delegates from the Marine Workers Industrial Union should be seated, and Jackson was one of them. Now, he may have shown up again at the next one, he may have shown up again at the following one—I don't recall—but eventually the issue was decided that they were not to be seated.

Q. Now, how did you vote on that question?

Mr. Gladstein: That has been already asked and answered, your Honor.

Mr. Del Guercio: I don't believe that was.

Mr. Gladstein: I think it is immaterial.

Presiding Inspector: I can't recall it.

A. I believe I voted to seat him.

Mr. Del Guercio: That is all.

Mr. Gladstein: That is all.

Presiding Inspector: Next witness.

(Witness excused)

Mrs. King: If your Honor please, we have a question of law that we would like to take up next, which we can't really get into before lunch. We would prefer, if possible, to adjourn now and come back at ten minutes of two.

Presiding Inspector: What is this, a question of law [4357] you want to take up among yourselves?

Mrs. King: What?

Presiding Inspector: A question of law——

Mrs. King: No; that I want to discuss at the hearing, but I don't believe it can be completed before

lunch. I thought it would be easier to discuss it all at one time.

Mr. Gladstein: This has to with the order of our case, your Honor, and we would like to present——

Presiding Inspector: (Interposing) I am not going to hold you to any strict rule.

Mr. Gladstein: Well, I think, perhaps, you should hear, at any rate, the point that we wish to make.

Presiding Inspector: Very well.

Mrs. King: The only question, I think, is the question of whether you, your Honor, wishes to hear us now and probably not get finished, or wait until two o'clock.

Presiding Inspector: Oh, I think I better hear you now.

Mrs. King: We can't finish at this time, but if your Honor wishes to hear us now we can at least get started.

Presiding Inspector: Perhaps there will be no differences of opinion on your statement. Let's hear what the secret is.

Mrs. King: Well, I am quite sure that there will be a difference of opinion, your Honor.

This has to do with the testimony of the Court Reporter, Mr. Shoemaker. As your Honor stated earlier this morning, [4358] the fact that a thing has been read into the record does not make it evidence in this case. Now, that is the present situation of the testimony of this Reporter. We should like to argue at this time that this so-called deposition, this question and answer which was sworn to

before the attorney from Portland, should be admitted in evidence at this time.

As your Honor knows, it is almost two weeks now since that testimony was had. As your Honor likewise knows the witness Cannalonga has not been discovered, although——

Presiding Inspector: (Interposing) I haven't heard of his discovery.

Mrs. King: I don't believe he has been discovered because I am quite sure that your Honor would have heard of it if it had happened.

We should like, if it hasn't already been done, at this time to offer in evidence this document which was the question and answer which was taken by the reporter, Mr. Shoemaker, and we believe we have the right to do this under the rules of the Immigration Service.

I am now reading Section 19.6, subdivision (i), reading as follows:

"Hearing; Use of statement or admissions made during investigation. A recorded statement made by the Alien (other than a General Information Form) or by any other person during an investigation may be received in evidence only if the maker [4359] of such statement is unavailable or refuses to testify at the warrant hearing or gives testimony contradicting the statements made during the investigation."

I believe that is all of it that is relevant to this problem.

Now, at this time we wish to present to your Honor the fact that this witness made a recorded statement, a deposition, which we offer in evidence upon

the ground that the witness is unavailable and will not testify, and under the rules of the Immigration Service we believe that we have a right to have that received in evidence.

I think that at the time your Honor made no ruling upon the question and that the only——

Presiding Inspector: (Interposing) You are right about that.

Mrs. King: What?

Presiding Inspector: You are right; I made no ruling.

Mrs. King: And why there was any problem even is that this deposition is hearsay under the rules of common law. Now, as you have so often revealed in the course of this proceeding this is not an action in a Court of Law; it is an administrative proceeding. We have had a witness on the stand and subsequent to that when he was unavailable he made a recorded statement. That recorded statement, we believe, is admissible under the rule that we have just quoted. We believe that it is within our right to have it received in evidence at this time. [4360]

Now, of course, there is no objection—I won't argue the point any further. If this rule is not regarded as sufficient I am prepared to go further into the law, but it seems to me that the rule clearly covers the situation and that under the rule the deposition is admissible and should at this time be received in evidence. [4361]

Presiding Inspector: I suppose that refers to a witness who hasn't been sworn.

Mrs. King: There is nothing in the rule so stating.

Presiding Inspector: Isn't that implicit in the rule?

Mrs. King: I don't believe so.

Presiding Inspector: This man was sworn and cross examined at great length. Now, what induced him to make the statements, if they are contradictory, that he made, and your attempt to cross examine outside of the hearing room, of course, no one can tell. It is not before us. Now, should we take a statement of that kind?

Mrs. King: It seems to me, your Honor, that quite apart from the cases such a statement is within the actual wording of this rule.

Presiding Inspector: I think not.

Mrs. King: And that we are entitled——

Presiding Inspector: It may be within the literal wording of the rule but not, I think, within the sense of the rule.

Mrs. King: Well, then, we come to the problem of the authorities on that and I think it would be more satisfactory to deal with it after the noon recess because they are rather numerous.

Presiding Inspector: I have read some of the authorities. It is a question of fairness.

Mrs. King: That is correct. [4362]

Presiding Inspector: A question of fairness.

Mrs. King: And it seems to me that in order——

Presiding Inspector: You had every opportunity to cross examine this witness.

Mrs. King: Now, before we go into that, I

should like to call your Honor's attention again to the fact that when this hearing was initiated the attorneys for Mr. Bridges requested further time to get prepared; that that time was not given to them.

I don't recall, at the end of this witness' testimony, exactly what the record shows, but I believe that at that time we wished to have him continued to be available because of the fact that we were not completely prepared for the testimony of this witness.

Presiding Inspector: I don't recall about that.

Mrs. King: I would have to refresh my recollection on the record too.

Mr. Gladstein: I could add——

Mr. Del Guercio (Interposing): I don't recall exactly the state of the record on this question, but admissions of counsel show he was available to counsel.

Mr. Gladstein: I can add something at this time.

Your Honor will recall, at the end of this day's session when Mr. Cannalonga finished testifying, we had a chambers conference and at that time I asked that Mr. Cannalonga be made [4363] available in the event we wanted him.

At that time—does your Honor recall—Mr. Del Guercio said in substance that he didn't know where Mr. Cannalonga was; that, in effect—this is what stands out in my memory—in fact, Mr. Del Guercio said he left without even waiting for his check.

Do you recall something like that, your Honor?

I assume that was referring to his witness fees.

I have a recollection of Mr. Del Guercio saying

that and, thereby, explaining that he did not feel that it was his responsibility to continue to make Mr. Cannalonga available to us at some future time.

So, in essence, Mr. Del Guercio said, "I don't know where he is. He left without giving us any address; he didn't even take his witness fees"—and that he just walked out, or something to that effect.

We raised at that time the question of having Mr. Cannalonga available for further examination in the future.

Presiding Inspector: You found him after that.

Mr. Gladstein: Yes; we found him and he made a statement.

Presiding Inspector: You didn't ask him to come here.

Mr. Gladstein: We certainly did.

Presiding Inspector: There is no such statement to that effect so far that I have heard.

Mr. Gladstein: You haven't allowed—— [4364]

Presiding Inspector: About him going to this office, and so forth. I recall no statement that you asked—you didn't communicate with the Presiding Inspector, and you didn't ask for any subpoena for him.

Mr. Gladstein: When this matter first came up to us Tuesday morning, I think—it was about two weeks ago, will be two weeks ago tomorrow——

Presiding Inspector: It came up on Sunday morning.

Mr. Del Guercio: Counsel saw him first on Saturday.

Mr. Gladstein: I am referring to the time that it came before your Honor which, I think, was on a Tuesday morning.

Presiding Inspector: I don't know anything about Tuesday.

Mr. Gladstein: It was Tuesday morning when we put a witness on the stand at that time, and there was some colloquy, and I think the record will show that I advised your Honor that I had asked Mr. Cannalonga to come down here and testify and he had refused.

Presiding Inspector: I don't remember that, but it may have been.

Mr. Grossman: The record will show that.

Mr. Gladstein: And that he had refused.

Now, I don't know what burden there was upon me, when my responsibility was such that I had to be back in court on Monday morning. It was a Sunday morning when the deposition was taken. Is it your Honor's contention that the defense bore [4365] the burden on a Sunday of attempting to get hold of Mr. Wixon, and go through the process and procedure that we have had to go through, as cumbersome as it is, and full of red tape, in order to get a witness subpoenaed?

Presiding Inspector: I should think so.

Mr. Gladstein: Why?

Presiding Inspector: That is the arrangement under which this proceeding advances.

Mr. Gladstein: We did it at the first available opportunity, which was on Tuesday.

Presiding Inspector: What about Saturday? You were in conference with him, or someone was, on Saturday.

Mr. Gladstein: We didn't have any subpoena to serve.

Presiding Inspector: You could have asked for a subpoena and it could have been issued.

Mr. Gladstein: How could a subpoena have been issued to us in time? That was Saturday afternoon when I saw him, about three o'clock. Does your Honor realize what it would have required on my part?

Presiding Inspector: It would have required a telephone message.

Mr. Gladstein: To Mr. Wixon on Saturday afternoon. I am rather certain it would not have been possible to have gotten him.

Mr. Del Guercio: On the contrary, we can show that Mr. Wixon [4366] is there 24 hours a day; that he lives there.

Mr. Gladstein: I have tried to get him on other occasions and have not been able.

Mr. Grossman: Mr. Wixon has assured us he cannot issue a subpoena on Saturday afternoon. Mr. Wixon has told us that his office staff is not available and that it cannot be done on Saturday afternoon. It is ridiculous to argue whether Mr. Wixon is there and available on Saturday afternoon or not. If this case is going to be based on that decision, whether he is available there, we can prove that he is not.

There are some important issues at stake, and the issues aren't whether or not Mr. Gladstein should have called Mr. Wixon on Saturday afternoon.

Presiding Inspector: I think that is one issue.

Mr. Grossman: Well, we can put Mr. Wixon on the stand to prove this point, and if he says he can't issue subpoenas on Saturday afternoon that is resolved in our favor. That is one issue.

The second issue is this: Can we have a subpoena issued in regular course when your Honor has ruled that we can't put on the evidence any other way, in due time, which is immediately after we get your ruling, that you wouldn't allow the testimony of Mr. Shoemaker, which could have been allowed in some jurisdiction?

Presiding Inspector: I haven't said that. [4367]

Mr. Grossman: At that time you said, you allowed the introduction of the evidence of Mr. Shoemaker, which was the first time we had a decision by your Honor, a decision not necessary if your Honor had followed certain jurisdictions and——

Presiding Inspector: I am not going to follow the Massachusetts and Main decisions. I am going to follow the Supreme Court of the United States. If I follow any of the legal jurisdictions, I am going to follow the jurisdiction of the Supreme Court of the United States.

Mr. Grossman: Mrs. King is prepared, at the end of this recess, to argue whether or not the law justifies the Supreme Court of the United States in allowing the introduction of that.

All I am saying is this: We, as lawyers, come into court attempting to introduce the testimony of Mr. Cannalonga, rather, the admissions of Mr. Cannalonga, in a certain legal form; a legal form which, I say, is admissible in some jurisdictions—I am not going to argue how many—and at that time we find out for the first time what the ruling of your Honor is going to be. We bring in Mr. Shoemaker at the first available opportunity. You have stated we can prove our case in our own way. Our own way was to attempt to prove the admissions first by the statement of the Notary Public who took it. We cannot be criticized because we didn't do it the way someone else would like to have it done. At the first opportunity to bring Mr. Shoemaker down [4368] we attempted to prove our case, on that point, by Mr. Shoemaker. Your Honor ruled we couldn't prove it in that way. It wasn't an unreasonable position for us to take. Some jurisdictions would have allowed it.

Then at the first opportunity we asked for a subpoena, after that, and then I assume then that Mr. Wixon takes over the responsibility in attempting to serve the subpoena.

There cannot be proved here one moment of delay in attempting to secure Mr. Cannalonga because we have a legal right to start proving the admissions of Mr. Cannalonga, if we wish, by the statement of Mr. Shoemaker. So at the earliest opportunity, after obtaining the statement, we attempted to put on legal proof.

After this legal proof was not allowed to be presented we asked for a subpoena. It cannot be said that we waited for one moment, or delayed one moment in attempting to bring Mr. Cannalonga here.

I say, not as a discussion of the law, because Mrs. King is prepared to argue the law as to our right to introduce the testimony of Mr. Shoemaker, but as a question of fact as to whether we delayed unduly after we got information indicating an admission of Mr. Cannalonga. I say we didn't delay one minute. All we did was to attempt to put on the testimony of Mr. Shoemaker to prove that admission, and having gotten a ruling on that, we attempted to introduce Mr. Cannalonga's testimony by having a subpoena issued for him, and which we had a perfect right to do, as [4369] your Honor will recognize.

Mr. Gladstein: To complete that——

Mr. Del Guercio (Interposing): This is repetition.

Mr. Gladstein: We had Mr. Crayeraft also brought down here from Portland and available to follow Mr. Shoemaker on the witness stand, and we had asked Mr. William Lord, the Attorney who swore in Mr. Cannalonga, to come down here also, and he advised us that he was entering the trial of a case that would occupy his attention for about a week; but he would come down at the first opportunity thereafter.

Presiding Inspector: What could he do?

Mr. Gladstein: This all took place in his office.

Presiding Inspector: I don't suppose there is any question about that.

Mr. Gladstein: There is a question raised by Mr. Del Guercio on everything that took place. As a matter of fact, we were charged here, your Honor, and the record will substantiate it, that when Mr. Del Guercio read the deposition he said, "Why, it shows on its face that Mr. Cannalonga was intimidated by defense counsel." I wanted to show from Mr. Lord—I anticipated that something like this would arise from Mr. Del Guercio. We were ready to prove by Mr. Lord just what took place that morning in his office as to whether there was any charge of intimidation.

Presiding Inspector: That wouldn't clear the whole [4370] matter: What may have taken place would only go part way. I don't suppose there is any charge he was intimidated in Mr. Lord's office.

Mr. Gladstein: I don't know.

Presiding Inspector: I think it would be very improbable that they would claim that the lawyers intimidated him.

Mr. Gladstein: If I remember correctly Mr. Del Guercio made a statement, in substance, like this: That if you read Mr. Cannalonga's deposition you can see on its face that I—the defense counsel—had subornated him to perjury. I assume by that that he meant, that he based that statement, or that charge, upon the obvious fact, to him, that Mr. Cannalonga, under oath, had said that he had given false statements to the FBI. I suppose that is the basis of his charge. When a man gets off afterwards and

says, "I lied," and somebody hears him, I suppose that somebody should apologize for being within hearing distance.

Mr. Del Guercio: That is not the basis of my statement. I will repeat the charge again.

Presiding Inspector: I don't know as charges and countercharges have anything to do with this particular argument.

As I understand it, you offer in evidence the statement of Mr. Cannalonga?

Mr. Gladstein: Yes; the entire deposition.

Presiding Inspector: We may take it as proven here that [4371] a subpoena was issued on Tuesday—was it Tuesday morning?

Mr. Gladstein: Late Tuesday.

Mr. Grossman: Wednesday.

Mr. Gladstein: We had to prepare an application in writing.

Presiding Inspector: Was it Wednesday morning?

Mrs. King: I brought it up here at approximately 9:30 on Wednesday morning, and I believe it was telephoned by you to Mr. Wixon between 9:30 and 10:00 A. M. on Wednesday.

Presiding Inspector: These are very peculiar circumstances. Ordinarily, if there weren't an attempt to get this witness I would say that this statement would be entirely incompetent, and I think it would be unfair to introduce it. But here is an attempt to subpoena this man, and he has removed himself from his usual walks and cannot be subpoenaed.

Now, I think I will receive this in evidence and let it go at that.

Mr. Del Guercio: Over our objection?

Presiding Inspector: Over your objection.

Mr. Del Guercio: And subject, also, to calling Mr. Gladstein as a witness?

Presiding Inspector: Yes; you can call Mr. Gladstein, certainly.

Mr. Myron: This has been referred to as a deposition. It is not a deposition. [4372]

Presiding Inspector: It is a statement.

Mr. Del Guercio: Will the Court take judicial notice of the law of the State of Oregon regarding the administering of an oath on Sunday?

Presiding Inspector: I don't put any stress on it being sworn to. That may be something that goes to its effect, but doesn't go to the admissibility.

(The statemen' referred to was received in evidence and marked Alien's Exhibit No. 13.)

Presiding Inspector: We will take a recess until two o'clock.

(Whereupon, at 12:42 p. m. a recess was taken until 2:00 p. m. of the same day.) [4373]

After Recess
2:00 O'clock P. M.

Presiding Inspector: In receiving the testimony of the statement given by the Witness Shoemaker—if that is his name?

Mr. Gladstein: Yes, sir.

Presiding Inspector: I will only receive it so far as the former Witness Cannalonga was in the room, not what may have happened after that, showing that he left, and nothing that transpired in his absence. That is simply explanatory. And I will receive it on the ground that it contains contradictory statements, to some extent at least, which tend to impeach the witness, the way any contradictory statements made out of Court have that tendency.

Mr. Del Guercio: And there is our objection not only to the statement——

Presiding Inspector (Interposing): Oh, certainly in every way.

Mr. Del Guercio (Continuing): ——but to the form of it in every way.

Presiding Inspector: In every way, Mr. Del Guercio. It is a close point. It is a peculiar situation which has arisen and I am trying to—I will receive this statement as tending to impeach the witness simply in what I can see fairness under all the circumstances which are peculiar. As a strict proposition of law, I think, the statement—under common law rules, I think, the statement is inadmissible. [4374]

Will you stand up and raise your right hand.

SAM KAGEL

called as a witness on behalf of the Alien, being first duly sworn, testified as follows:

The Witness: My name is Kagel, K-a-g-e-l. The first name is Sam. My address is 709 Mission Street, San Francisco, my office address. My home address is 909 San Benito Road, Berkeley.

Direct Examination

By Mr. Grossman:

Q. Will you repeat your full name, please?

A. Kagel, K-a-g-e-l, Sam Kagel.

Q. What is your occupation, Mr. Kagel?

A. I am a staff member of the Pacific Coast Labor Bureau. My work concerns the giving of economical counsel to trade unions only. I represent trade unions in negotiations, in arbitration proceedings, at times in Government hearings such as the National Labor Relations Board hearings or the Railway Adjustment Board hearings.

Our office does research work for trade unions, the type of research that may be helpful in negotiations such as making an actual survey of industries and items of that sort. Our office also maintains an auditing department of trained auditors under the direction of a certified public [4375] accountant, but our auditing work is limited for services to trade unions. We audit books and we help unions put systems into effect to meet their particular type of conditions; if they are a small union, a simple system; if a large union, a little more complicated system, and so on. [4376]

(Testimony of Sam Kagel.)

Mr. Del Guercio: If your Honor please, I move to strike the witness' entire answer as being unresponsive as to the question calling for what his business is.

Presiding Inspector: I think it is intended to be a statement of his business. I will let it stand. It goes into the business of the organization, of course, but I will let it stand.

By Mr. Grossman:

Q. Does your employment also normally call for you to engage in negotiations on behalf of trade unions?

A. A large portion of our work has to do with negotiating on behalf of trade unions.

Presiding Inspector: I think he testified to that.

Mr. Grossman: All right.

By Mr. Grossman:

Q. Now, Mr. Kagel, what is your academic experience?

A. Well, I graduated from the Lincoln School in Oakland, grammar school; then the Oakland High School. Then I entered the University of California. My graduating class was the class of 1929, at which time I received an A.B. degree. I majored in Economics.

I then proceeded to take a year and a half to two years of graduate work in the Graduate School at the University of California, again primarily in the Department of Economics. During a portion of that time I had a teaching fellowship in [4377] the Department of Economics.

(Testimony of Sam Kagel.)

Q. After leaving the University did you hold any state positions?

A. I left the University and I took the place of the Statistician of the State of California, Department of Industrial Relations, for a period of 13 months. The statistician at that time was in charge of a special survey on the problem of unemployment which he was conducting on behalf of the State of California, under the sponsorship of the then Governor Rolph. I took his place and worked here in San Francisco in that particular office.

At that same time I also did some work in the Labor Commissioner's office, which is one of the specific offices under the Department of Industrial Relations.

After that particular experience I intended to return back to school to finish up my work toward a Ph.D. degree. The bank holiday came along, and I was short of money in the first instance, but became a little shorter when some of the funds I had were tied up in the banks, and I did a short piece of work for the California Taxpayers Association. This was a survey of wages paid in private industry in Alameda County for certain types of work, such as stenographic work, mechanics and so on.

It was after I completed that work that I decided to go to work in my present position on a steady basis. I had worked for [4378] the Bureau since 1929 during vacation periods, Christmas vacations, and so on, or on odd jobs. But it was after this

(Testimony of Sam Kagel.)

bank holiday that I took my present position on a full time basis and I have been there ever since.

Mr. Del Guercio: I move to strike out the witness' entire answer as being unresponsive, particularly regarding his intentions.

Presiding Inspector: I don't think they are material enough to even strike them out.

Mr. Grossman: I admit his intentions are not material, but the balance of the answer is.

Presiding Inspector: I don't think what he has been doing is all right.

Mr. Grossman: Yes; as showing his qualifications and experience.

Presiding Inspector: Do you expect to qualify him as an expert? Perhaps you do.

Mr. Grossman: It may relate to expert testimony, but his background principally is what I am concerned with.

By Mr. Grossman:

Q. Have you been, since approximately 1933, employed by the Pacific Coast Labor Bureau?

A. That is correct.

Q. Now, as an employee of the Pacific Coast Labor Bureau have you had occasion to represent, in the ways that you have [4379] stated the union represents the unions, any of these maritime unions?

A. Yes, we have.

Q. Could you state which unions you, yourself, have represented in any of those things that you have just described?

(Testimony of Sam Kagel.)

A. Our office has reperesented the International Longshoremen's Association, when they were affiliated with the International Longshoremen's Association; it has since represented the International Longshoremen's and Warehousemen's Union; we have represented the Marine Engineers Beneficial Association; the Masters, Mates and Pilots; we have at various times represented the Sailors Union, the Firemen's Union, the Cooks and Stewards Union, and at times the American Radio Telegraphists Association, the old ARTA. We have also represented affiliates of the International Longshoremen's and Warehousemen's Union, such as the Ship Clerks, the Warehouse Union. I believe that is all.

Our office has represented them, and I have personally participated in a number of the direct cases in which the unions were involved, as a staff member of the office.

Q. Have you had occasion, during your work with the Pacific Coast Labor Bureau, to represent unions—put it this way: The unions that you have named, with respect to strikes and during strikes?

A. Well, I represented them in negotiations which at [4380] times culminated in strikes.

Q. Have you represented any of them during strikes?

A. Yes. Once a strike has taken place, since it is inevitable that negotiations must either proceed during that time, or some time in order to end the strike, so that an agreement is arrived at between the parties, usually when such an event takes

(Testimony of Sam Kagel.)

place our representation and work with the union continues until the incident is over and closed and a contract agreed to or some other means of settlement of the dispute, such as either mediation or arbitration is arrived at.

Q. And can you estimate approximately how many unions you personally have represented in these ways since you went to work for the Pacific Coast Labor Bureau?

A. I think it would be a safe estimate to say that I have represented, since I have gone to work, in excess of fifty different unions and have represented these same unions in innumerable times.

Q. Can you state whether your representation of these unions has been solely in San Francisco?

A. No. I have personally represented unions in Tacoma, in Vancouver, B. C., in Los Angeles, in Salinas, in San Jose. I am now working on a case which will take me to Salt Lake City. I have even gone to Chicago before the Railway Adjustment Board to represent unions with headquarters in San Francisco. I have been to New York representing unions. I have also been in [4381] Washington representing unions.

Mr. Myron: May I ask at this time if this line of inquiry is for the purpose of qualifying this witness as an expert in any matter?

Presiding Inspector: I don't know.

Mr. Myron: Otherwise it would be immaterial.

Presiding Inspector: I suppose it is to show his general background.

(Testimony of Sam Kagel.)

By Mr. Grossman:

Q. Now, during this work that you have described thus far, have you had occasion to work with Harry Bridges in such work?

A. In a number of situations; yes.

Q. Have you had occasion to work with Harry Bridges in work done by you for the International Longshoremen's Association?

A. That is correct; I have

Q. Which bodies of that association?

A. The Warehousemen's Union, Local 6.

Q. Which others?

Q. Well, I worked with him when he was the President of Local 38-79 at the time affiliated with the International Longshoremen's Association, and he was President of the local Union.

Q. With what others? [4382]

A. That are affiliated with the ILWU?

Q. ILA.

A. With the ILA—well, we represented at various times the District or the so-called International itself. In relationship to that type of representation. I had occasion to work directly with Harry Bridges.

Q. All this work that you have just described was done by the organization of which you are an employee? A. Correct.

Q. By the way, what title do you hold, if any, in your organization?

A. Well, I have been called an Associate Di-

(Testimony of Sam Kagel.)

rector and an Assistant Director; but I am a salaried employee and titles make no difference in that.

Q. Who is Director of the organization?

A. H. P. Melnikow is the Director.

Q. Now, can you name any other unions in connection with work for which you have dealt with Harry Bridges?

A. I have had—as I said a moment ago, I have had occasion to work with Harry Bridges when I was doing work for the Warehouse Union Local 6, and I have also had occasion to work with Harry Bridges when I did work at one time for the San Francisco-Oakland Newspaper Guild.

Q. During any of this time that you have represented these unions has Harry Bridges held a position as Pacific [4383] Coast or California Director of the CIO? A. He has.

Q. And by reason of such position of Harry Bridges have you worked with him in some of this work that you have done?

A. Yes; it was for that reason that I had contact with him in a situation involving the San Francisco-Oakland Newspaper Guild. This particular situation took place——

Presiding Inspector: (Interposing) Are you interested in this?

Mr. Grossman: Yes.

Mr. Del Guercio: He could have answered that yes or no.

Mr. Grossman: I am interested. It will avoid a question, your Honor.

(Testimony of Sam Kagel.)

Presiding Inspector: Very well, I will take it.

The Witness: (Continuing) It took place in the early part of 1939. The San Francisco-Oakland Newspaper Guild was in negotiations with the four newspapers on this side of the Bay, the Examiner, Chronicle, Call-Bulletin and the News and the Oakland Post Inquirer. The Guild had been established here since 1934 and had developed contracts with the publishers, but in the year 1939 the Guild made a specific request for the so-called Guild shop which, though, it is not exactly a closed shop or union shop, has a similarity to it. In other words, it was a proposal that all employees of the newspaper covered by the contract should be members of the Guild. [4384]

We met with the publishers for some time and we could make no progress. The publishers were represented by the respective——

Mr. Del Guercio: (Interposing) If your Honor please, I would like to interrupt right here. It is apparent it is not responsive to counsel's question.

Presiding Inspector: I don't understand——.

Mr. Grossman: (Interposing) I think it is necessary to have the nature of this particular dispute or negotiation brought out thoroughly. It is entirely preliminary. I think it will appear to your Honor why it is necessary to know exactly what the issues were and what the facts were.

Presiding Inspector: I will rely on that. I can't see the pertinence. Very well, go ahead.

Mr. Grossman: Continue, Mr. Kagel.

(Testimony of Sam Kagel.)

The Witness: (Continuing) After some negotiations with the publishers, who were represented by their business managers, and by Harvey Kelly, who was Labor Counsel for all the Hearst Newspapers in the United States, it was apparent no agreement could be reached. A meeting was called in the office of the Guild, the Williams Building, at Third and Mission, at which there were present officers of the Guild and myself, as their negotiator, for the purpose of discussing the next step to be taken. Those of us who were in the actual negotiations felt that the only thing to do would be to take a [4385] strike vote and, if necessary, to actually strike the newspapers.

A subsequent meeting was set at which Mr. Bridges appeared as the representative of the CIO. There was also present an international officer of the Newspaper Guild, and there was a great deal of discussion as to the next step. Mr. Bridges——

By Mr. Grossman:

Q. (Interposing) Just one moment and I will ask you a specific question.

What position, if anything, did Mr. Bridges take at that meeting with respect to whether or not a strike should be carried on by the Guild for their objective of achieving a Guild shop?

Mr. Del Guercio: If your Honor please, I will object to that. It is obviously not a preliminary question.

Presiding Inspector: I can't understand the purpose.

(Testimony of Sam Kagel.)

Mr. Grosman: Your Honor, I would like to say that it obviously is not—there hasn't been sufficient basis laid so your Honor will see the whole picture. I can lay out part of it for you.

If your Honor will recall, various of the Government witnesses, when they took the stand, described what they claimed were the Communist policies, the Communist Party policies in the trade unions. Some of these witnesses for the Government described these policies very specifically. They stated that [4386] these were the Communist Party policies. And one of the Government witnesses, for example, Mr. Gitlow, stated that the Communists left nothing to chance. They arranged all these things in all cases.

Now, among other things, these Government witnesses have stated—I don't say all of them have stated them, but I am going to cite some of those things that specific Government witnesses have stated—Mr. Rushmore stated, for example, that when Communists in the trade unions speak of better wages, better working conditions, they are speaking specifically—I have his quotation here, but I am sure I am summarizing it correct—they have no interest whatsoever in that. They are only interested in using these workers as stooges, that was his work, to achieve their revolutionary aims. Mr. —the man from Milwaukee—Mr. Schnering, testified that he taught Communist theory with reference to what Communists do in the trade unions in a workers school in Milwaukee. He stated that

(Testimony of Sam Kagel.)

Communist theory was to attack as misleaders of labor all labor leaders who told the workers that they could achieve anything substantial by negotiations and by bargaining with their employees. He stated that anyone—I mean, by bargaining with their employers. He stated that Communists are taught that the only way to get anything is not by such collective bargaining, because the workers can't get anything out of that at all, but the only way to get anything—and anyone who advocates anything different in the labor movement is a misleader of [4387] labor—is by carrying out a rigid class struggle policy.

To give you another example, Mr. Diner testified that you can't be a good trade union man and a Communist at the same time.

Now, the purpose of this testimony—and this is obviously only part of it—this one incident is only part of it—is to show that accepting the definition of the Government witnesses of what Communists do in the unions, what Communists, trade unionists do, what the Communist Party line is in the trade unions, accepting that as true, Harry Bridges did not do those things on one occasion or generally. We can show, in other words, if that is the conduct that Communists carry on in the unions Harry Bridges is not a Communist.

Now, let me point out a little further how it becomes relevant. The Government claims, among other theories—and there are other bases for this relevancy—the Government claims, among other

(Testimony of Sam Kagel.)

things, that Harry Bridges was affiliated either with the Communist Party or an organization connected with the Communist Party. If your Honor please, I don't know if you will or will not accept the definition of affiliation that was accepted by Dean Landis, the Court definition that the Government is attempting to change. It is in substance that affiliation is established by regular cooperation between the individual and the organization so regularly that the organization can reasonably expect such cooperation to [4388] continue.

Presiding Inspector: Of course, that definition may be all right under certain circumstances. It isn't exclusive.

Mr. Grossman: That is correct.

Presiding Inspector: Because there are definitions within the statute itself.

Mr. Grossman: That is correct. I recognize that. That is one of the issues in the case obviously, whether that kind of affiliation has existed.

Presiding Inspector: That is one question.

Mr. Grossman: Obviously, Harry Bridges' primary activity, as the Government will admit, is in the trade unions. Obviously, whether or not Harry Bridges regularly carries out those things that are considered by the prosecution or their witnesses as Communist Party line, as what Communists do in the unions, whether Bridges does those things is relevant to whether or not he is affiliated because, obviously, affiliation by its very nature isn't proved by a nominal membership. It is proved by cooper-

(Testimony of Sam Kagel.)

ation. If we can prove not only that is not true, but the opposite is true of what their witnesses say. Communists do in unions, if the things their witnesse say Communists do in unions are not done by Bridges either as specific examples or as a course of conduct—we can prove both—then, it is quite relevant now as to the relevance of this question and subsequent questions that will deal with the same subject, your Honor. [4389]

Presiding Inspector: Well, of course, under the definition which has been given there may be a proper beneficial purpose for the members of the union as well; that may have been the order. How do we know? Is the fact that he has done beneficial work for his union necessarily inconsistent with the Government's position? If it isn't, it seems to me this testimony is immaterial.

Mr. Grossman: This testimony is going to be broader. This testimony is going to show—take Mr. Schnering, for example. Mr. Schnering testified that—I would like to read you his quotation so there won't be any question.

Presiding Inspector: I have it in mind. You needn't read it.

Mr. Grossman: Mr. Schnering declared——

Presiding Inspector: (Interposing) You said you weren't interested very much.

Mr. Grossman: I beg your pardoon?

Presiding Inspector: You said you weren't interested very much in Gitlow or Schnering.

Mr. Grossman: We are for the purpose——

(Testimony of Sam Kagel.)

Mr. Del Guercio: (Interposing) As a matter of fact——

Mr. Grossman: (Interposing) Whether we are interested or not, your Honor, we have a right to assume that the Government's theory as to what Communists do in the unions is expressed by Mr. Schnering. Now, Mr. Schnering stated, for example, that Communists definitely taught that, and it was the [4390] Communist Party theory that workers can gain nothing by sitting down at a table and bargaining collectively in an amicable fashion, and that from this no benefits could result to the workers.

Now, we don't intend to prove that Mr. Bridges merely made such statements. We intend to prove that Mr. Bridges acted in such a way as is completely inconsistent with the holding of such views or the carrying out of Communist policy in the unions. We intend to show that in so far as these actions of his were reflected by statements, those were his statements. In other words, we are prepared to show, in opposition to what Mr. Diner says, or rather, assuming that Mr. Diner is telling the truth, that Bridges was a good union man in the sense that it is generally understood, therefore, couldn't be a Communist. That is one of our points. Further than that we intend to show that these very things Schnering says Communists called men misleaders of labor for advocating these very same things, Bridges consistently, over a long period of time, not only advocated but carried out. In

(Testimony of Sam Kagel.)

other words, it is broader than the statement your Honor made.

Presiding Inspector: What do you have to say about this, Mr. Del Guercio?

Mr. Del Guercio: Well, if the Court please, in the first place, counsel's summary is argumentative.

Presiding Inspector: Of course, it is argumentative. [4391] This is argument.

Mr. Del Guercio: Of what the witnesses have testified to. That isn't the Government's theory at all. The Government's theory is first: That Harry Bridges is a member of the Communist Party. The evidence has all been directed towards that point. Secondly, he is affiliated with the Communist Party through, of course, the Marine Workers Industrial Union, his actions soliciting members to join the Marine Workers Industrial Union. Thirdly, his conduct throughout a period of years by meeting with known Communists at secret meetings, closed meetings, his attendance particularly at the convention of the Communist Party there at Fresno, California. That evidence has not been contraverted.

Now, that, as distinguished from a meeting, was a convention of the Communist Party open only to delegates of the Communist Party, not to trade unionists.

Now, counsel's argument here as to his theory, his interpretation as to what Schnering and Gitlow and others may have said, I think, is a little facetious. We have in the record here, of course, offi-

(Testimony of Sam Kagel.)

cial statements of the Communist Party as to how they work, what their purpose is in getting into trade unions, the boring from within, and obviously in order to succeed in such a movement the Communist Party must of necessity do, or make the people believe that they advocate some of these things. That doesn't prove anything in itself at all. Certainly, they advocate better wages, [4392] or publicize that they advocate better wages and better working hours for the working class. That is part—it is shown by their own literature—that is part of their scheme, their plan, their policy.

Presiding Inspector: In other words, it is not inconsistent with the Communist affiliation or membership?

Mr. Del Guercio: Not at all. They are creating, all the time creating situations. Now, how are they going to create these situations? First of all they have got to get control of the trade unions. They admit that in their writings. They have got to get control of the unions, not control merely of a minority but an absolute control of the unions before that situation can be created, that is, a situation for a revolutionary struggle. They have got to get control of the unions and that is what they are doing now. The situation has not arisen yet, or the time isn't ripe for the revolution or for the class struggle. They haven't gotten control of the trade unions, please the Lord, yet.

Mr. Grossman: This is something else——

(Testimony of Sam Kagel.)

Mr. Del Guercio: (Interposing) It isn't inconsistent at all with our theory of——

Presiding Inspector: (Interposing) Well, there hasn't been any evidence, has there, that he has done, that Bridges has done anything contrary to the interests of the unions of which he has been an officer? [4393]

Mr. Grossman: Well, now, your Honor, there was, as your Honor will recall, not only—your Honor, in the first place, various of the Government witnesses said that Bridges—what Bridges did, the things he did in the trade unions were harmful to the labor unions. That is one thing. Mr. Laurence stated that for one. Mr. Wilmot, I believe, stated that for another. Secondly, we have——

Presiding Inspector: (Interposing) Well, they stated their personal beliefs.

Mr. Grossman: Yes, I understand.

Mr. Del Guercio: To show bias, if the Court please.

Presiding Inspector: You brought out their personal beliefs.

Mr. Grossman: Let me continue. Excuse me.

Presiding Inspector: That is, control was a bad thing for the unions, but that was not founded upon any particular facts.

Mr. Grossman: I don't know whether they were or not.

Presiding Inspector: You asked for them as bearing on bias, as I recall, to show why they should testify.

(Testimony of Sam Kagel.)

Mr. Grossman: All right, let me continue. Mr. Diner——

Presiding Inspector: (Interposing) Well, I don't want to continue unless we are at one.

Mr. Grossman: I don't know whether they had a basis——

Presiding Inspector: (Interposing) Wasn't that the only [4394] basis on which the questions were asked?

Mr. Grossman: That may be why we asked the question. That may not be the reason why the——

Presiding Inspector: (Interposing) That is the only reason, I believe I received it, the only inference it has on the case.

Mr. Grossman: Let's assume that. Let me go to the other point which is clear-cut. Mr. Diner stated—this is not subject to interpretation because it is so clear—Mr. Diner stated in answer to the question, "You mean you cannot be a good trade union man and a Communist at the same time?" His answer was "You cannot."

Presiding Inspector: Who asked the question?

Mr. Grossman: Page 889; I am certain it was the Government. It is only my recollection. But, as I said, the page of the transcript is 889.

Now, that is not subject to the interpretation that Communists can go into the unions and do everything that is good for the workers on the theory of something that is going to happen in the future. That definitely cannot be interpreted that way. Secondly, Mr. Del Guercio makes a distinction, what

(Testimony of Sam Kagel.)

a Communist is supposed to do before he gets control of the trade union and what he does after that.

Now, your Honor has listened to all this testimony. I am sure you are quite aware of, at least the substance of what [4395] has been said, and the substance of what has been said is this: That Communists believe that the trade unions and their members are something to be used as a revolutionary force. They are to be given by the Communists political, let's say political pushes, political experience, they are to learn through strikes; they are to go into strikes so that they will become part of the revolutionary movement, or something like that. That is obviously the theory of the Government.

Now, we are going to show that in so far as that is a charge, and it definitely is, that Communists believe in many times strike for strike's sake believe in putting the workers into certain activities for the purpose of helping a revolution, which activities are not justified exclusively by improvement of the workers' wages, hours and working conditions—we are going to show in so far as Communists believe that, or if they do, Bridges is not a Communist. He doesn't do that. In other words, our proof is going to go further than that Bridges was active for the union; our proof is going to show on many, many occasions not only did he not advocate strikes when strikes could have been put over, when he wouldn't have lost any support by the workers, but on many occasions he actively opposed the negotiating committees, the unions, themselves, if he thought the

(Testimony of Sam Kagel.)

strikes weren't at that time just the thing to help the workers. In other words, these [4396] examples we are going to give, and this first one is going to be a good one for that, to show that Bridges' only interest in the strike situation, or the situations which might have led up to strikes, his only interest—and it is absolutely exclusive of any possible interest in educating the workers politically or making revolutionists out of them—was to do what was best for the workers. If he thought a particular strike was not beneficial he even opposed and opposed actively the other members of the negotiating committee, the union itself, and the other union officials for that policy. That may not be conclusive; we recognize that. It is certainly some evidence.

Let me make one other argument. Let's forget the affiliation. Certainly, it is some evidence as to whether Bridges is a member of the Communist Party. If over a period of time consistently he does things which are not consistent with Communist Party theory in the unions I don't say that completes the detail of the affiliation or the membership but it is certainly some evidence. Acting contrary over a long period of time in specific instances or habitually—we can prove both—to the way they say that Communists act and Communists believe unionists should act is certainly some evidence for that additional reason. [4397]

Presiding Inspector: I won't receive it at this time—I may later—the individual instances. Go to

(Testimony of Sam Kagel.)

the general ones and then we will see about the individual instances later.

By Mr. Grossman:

Q. Mr. Kagel, can you state whether, over the course of your acquaintanceship with Harry Bridges and your contact with him in connection with negotiations, whether he ever took a position in favor of a strike that was not exclusively to be justified on the basis that it would improve the wages, hours and working conditions of the workers involved?

Mr. Del Guercio: Now, if your Honor please, I object to the question. First, it is so long that I cannot follow it without reading it two or three times. I object on the further ground that Bridges' stand on a particular strike situation is immaterial in this case. The evidence shows, and the Government has shown, that the Communist Party has one basic policy, and that is to overthrow the Government of the United States and the substitution of a dictatorship of the proletariat. Now, how is it to arrive at this ultimate object is another matter? We have shown that they have various methods. Boring from within by trade unions is one method. We have shown that they do not intend, or will not proceed with their ultimate object until they have created a certain situation. Now, that situation, obviosuly, has not arrived yet or we would have had a dictatorship of the proletariat. [4398] They are still working toward it. Now, anything that individual

(Testimony of Sam Kagel.)

members of the Communist Party may have done is, of course, not indicative of what they will do in the future.

We have shown that the Communist Party, and we have evidence here, and it is uncontroverted as yet, that they believe and teach a policy of hypocrisy and deceit. That is one of their policies, one of their doctrines, one of their precepts.

We have shown that they have changes of policy, that they have no inflexible policy with regard to trade unions; that they change from year to year.

Notice, for instance, the Trade Union Educational League. There is evidence in the record here to show that at one time, on orders from Moscow, it was decided to form a Trade Union Educational League for the purpose of setting up unions under the direct control of the Trade Union Educational League, which was an affiliate of the Red International of Labor Unions, instead of having their Communist Party members in the American Federation of Labor Unions. They carried that out for a number of years. It did not succeed. They changed their policy and then instructed their men to go into bona fide trade unions, like the American Federation of Labor, and other unions, and to work from within those unions, not openly, but secretly.

Now, it is obvious that if a person, and a Communist, gets [4399] into a trade union secretly that he is not going to advocate openly what the Communist Party has instructed him to do. It is obvious that that person, once he gets into that union,

(Testimony of Sam Kagel.)

will work secretly, and will openly avow that "I am for the working man, I am a great union leader, I am working for higher wages, and better working hours for the working class." That is to be expected, to be expected until such a time as that man who has been working all this time secretly in the labor unions as a Communist has created that situation where the Communists can say, "I now direct you to proceed toward the ultimate object of the Communist Party."

Now, the testimony of the witnesses here, the Government witnesses, and the publications of the Communist Party that we have offered in evidence, is not inconsistent. As a matter of fact, it supports it, and it gives no support, I believe, to counsel's argument.

Mr. Grossman: May I say this, briefly, your Honor: Accepting Mr. Schnering's testimony as true, what Mr. Del Guercio says is simply this, which I think is its own answer; Mr. Del Guercio says that his position is that the Communist Policy would be for a trade union leader to go into a trade union, become active in those unions, and act in such a way that the Communist Party would have to call him as mis-leader of labor, because Mr. Schnering stated definitely that Communists, in their schools, teach that every one who does [4400] certain things, which we are going to prove Harry Bridges did, is not only one, but is regularly called a mis-leader of labor by the Communist Party.

That is a ridiculous conclusion; that the Commu-

(Testimony of Sam Kagel.)

nists would send to the unions their men and have them act in such a way as called mis-leaders of labor. It may be true, but certainly it is not a logical conclusion, and I think not justified and reconcilable with the statement given by Mr. Diner or Mr. Schnering.

Presiding Inspector: Isn't it perfectly evident that an officer of the trade union has got to so act as to keep the favor of the members of the Union? That would be self-evident, wouldn't it?

Mr. Grossman: It doesn't follow. We intend to show that Mr. Bridges, in the course of his conduct in favor of collective bargaining, was using strikes only as a last resort, very often not only opposed the leadership of a union's Negotiating Committee, but very often the membership itself.

Presiding Inspector: Supposing that is all so, it was for the good of the union, wasn't it?

Mr. Grossman: Correct.

Presiding Inspector: Isn't that the aim of the member of the Communist Party who is in the union, to enhance the strength of the union until they can take it over?

Mr. Grossman: According to Mr. Del Guercio.

[4401]

Presiding Inspector: And even after that, until the time when this revolution that we have heard so much about is thought ripe?

Mr. Grossman: According to Mr. Del Guercio's theory Mr. Bridges has already taken over his union.

(Testimony of Sam Kagel.)

Now, the question is this. According to this theory Communists wish, in unions, to provoke the class struggle, to tell the workers, "You can't really get anything out of negotiations and collective bargaining."

Certainly, under this theory, if a Communist is in a position of leadership in a union and can get the workers to go out on strike, even though it wouldn't be a good strike, without losing any support from the membership, he would continue to do so.

But we can show that Mr. Bridges even opposed the membership if he thought a strike wasn't appropriate, which is certainly inconsistent with any theory that he is carrying out a Communist Party policy, because he would have had even the support of the membership in a policy they would call a Communist Party policy, and the only logical conclusion to be drawn from that is that he isn't carrying out any Communist Party policy, but the reverse and he is even doing what the membership at that particular time—they may understand lafer that he was right—but even doing what the membership at that particular time doesn't understand, arguing with them, in order to carry out a policy that [4402] the Communists wouldn't agree with.

Mr. Del Guercio: The argument to that is that he is carrying on a policy of hypocrisy and deceit.

Mr. Grossman: If it is a policy of hypocrisy and deceit to do something under their theory, it is not a Communist Party position. That is the point I am

(Testimony of Sam Kagel.)

making. If they wanted to say Communist carry out a policy of hypocrisy and deceit in order to carry out a Communist Party position, they have to stick by it.

We intend to show though he had an opportunity in many cases to carry out what they said is the Communist Party position, though he may have hurt himself by not doing it, he didn't do it.

Presiding Inspector: Do you mean to say we can go into the question of the whole conduct of Mr. Bridges' trade union life here in order to disclose whether or not he acted in the interests of the men in his union?

Mr. Grossman: I say definitely not only can we, but we must.

Presiding Inspector: It will exclude this from this point on.

Mr. Gladstein: Before you make a definite ruling——

Presiding Inspector: I have excluded it. Go on to something else.

Mr. Grossman: Then I understand that I am entitled to go into the general conclusions of this witness; if not specific [4403] at least general.

Presiding Inspector: I am going to let you go into this generally, so as to shorten this, but we are not going into the entire life of this man as a trade unionist to determine this particular question.

Mr. Grossman: I understand I can do it by general questions.

Presiding Inspector: I am going to let you, in

(Testimony of Sam Kagel.)

a general way, show that he has acted—I think it is implicit and what we all know and can almost take judicial notice of, that is, that he has worked for the interests of his union as he has seen that interest.

Mr. Grossman: But he has done certain things that are inconsistent with what they call the Communist Party policy.

Presiding Inspector: We can't raise an issue of every particular act in this man's life.

Mr. Del Guercio: The Government doesn't contend that Bridges hasn't done certain good things. That has never been our contention.

Presiding Inspector: The Government wouldn't have been willing to have consented that he preside at the conference recently held in Los Angeles if it took any such extreme view of the conduct of Mr. Bridges.

Mr. Del Guercio: That is correct. The Government would have had him in custody. [4404]

Presiding Inspector: Yes. I think it is perfectly clear that we may recognize Mr. Bridges is an excellent trade union leader.

Mr. Grossman: May I proceed?

Presiding Inspector: Yes. You don't want to take that admission of counsel?

Mr. Grossman: It is not a sufficient admission. If Mr. Del Guercio will admit Mr. Bridges has never, has continually failed to carry out the Communist Party line, or the Communist Party policy in unions, I will accept that.

(Testimony of Sam Kagel.)

Mr. Del Guercio: Certainly not.

Presiding Inspector: They couldn't do that. Your witness from Los Angeles, Mr. Horn, said he made a rather Communistic speech.

Mr. Grossman: He didn't say that.

Mr. Del Guercio: He said it was innocuous.

Presiding Inspector: Yes; an innocuous speech, rather along what he understood was Communistic.

Mr. Gladstein: No, he didn't say that.

Presiding Inspector: We will look it up. I haven't attempted to quote the language.

Mr. Myron: He said it was tinged with Communism.

Mr. Gladstein: I was asking about the phraseology and——

Presiding Inspector: It wasn't about phraseology.

Mr. Gladstein: It is my recollection that he said it was [4405] mildly tinged with that line, or with that phraseology.

Presiding Inspector: No. It wasn't about phraseology.

Mr. Gladstein: We can look at the record.

Mr. Del Guercio: As I recall the testimony, the witness, Horn, first testified on direct examination that Harry Bridges' speech was innocuous. On cross examination he admitted he told the officers who interview him that Harry Bridges' speech, this same speech, was tinged with Communism. He also stated that it was the custom of these Communists —not, of course, open Communists—to attack con-

(Testimony of Sam Kagel.)

servative labor leaders by referring to them as fattened royalists, or whatever they are, and then admitted later on, at least inferentially, that Bridges used the same expressions.

Presiding Inspector: We can look that up. Everyone's memory is subject to error.

By Mr. Grossman:

Q. Mr. Kagel, can you estimate on about how many different occasions you dealt with Mr. Bridges in connection with union negotiations?

A. Well, I think that would be difficult because the negotiations themselves might be a continuous one, yet broken by recesses, and would spread over a long period of time. But I worked with Mr. Bridges in the 1934 strike on the waterfront; I had to do with him when he went to arbitration after that strike in preparation of a case; I handled one or two matters [4406] that went to arbitration after the 1934 award.

Q. About how many?

Presiding Inspector: We are having a long speech here.

The Witness: I don't want to make a long speech.

Presiding Inspector: Can't you say how many —if you don't know, say so.

A. (Continuing) I guess around 15 or 25.

Presiding Inspector: We want something better than a guess.

(Testimony of Sam Kagel.)

By Mr. Grossman:

Q. Would it be 20?

A. I think at least 20; yes.

Q. Now, during all this contact with Mr. Bridges on these negotiations, and all your other contacts with Mr. Bridges, has he at all times been a good trade unionist?

Mr. Del Guercio: If your Honor please, I will object to the question as being immaterial and irrelevant to the issues in this case, as to whether he is a good trade unionist or not.

Mr. Gladstein: They raised the question by direct questions of their witnesses, your Honor.

Mr. Del Guercio: Only as a Communist. If it is admitted that Harry Bridges is a member of the Communist Party then I will say the question is proper. We have said that a Communist cannot be a good trade union man and we still stick to that. If counsel wants to admit, or concede, that Harry Bridges [4407] is, as we have shown, a member of the Communist Party, then that evidence is admissible.

Mr. Gladstein: That is a lesson in logic, I take it.

If the Government can ask their witnesses, "Can a Communist be a good trade unionist?"—the expression "good trade unionist" obviously is not the most precise thing in the world but, nevertheless, the Government introduced it—if they got an answer from their witnesses then we have a right to ask our witnesses, "Is Harry Bridges, or has Harry

(Testimony of Sam Kagel.)

Bridges been a good trade unionist?" We can use that same expression. If their witnesses say that Communist Party membership is inconsistent with being a good trade unionist—one of the methods of our defense is to show that Harry Bridges has been not only a good, but an excellent trade unionist.

What is this one-sided arrangement that Mr. Del Guercio thinks he has a right to put in here? He has a right to ask witnesses, and bring out answers, that Communist Party membership and trade unionism are inconsistent with each other. That is, you cannot be a good trade unionist and also a Communist. Now, he doesn't want to allow us to prove that Mr. Bridges has been a good trade unionist, and by reasoning, therefore, your Honor is entitled to draw the inference that he couldn't have been a Communist, according to the Government's own witnesses.

Presiding Inspector: I don't think that follows. [4408]

Mr. Gladstein: Why doesn't it?

Presiding Inspector: It might show that he was a bad Communist.

Mr. Gladstein. Even that would be relevant, from our point of view, for this reason:——

Presiding Inspector: I don't see that that would be relevant at all.

Mr. Gladstein: When you take into consideration the testimony of Mr. Gitlow, and other witnesses, about how the Communist Party works, and how everything is arranged in advance, and there is

(Testimony of Sam Kagel.)

absolute discipline and you must obey, and Mr. Honig testifies that orders, once they are handed down from above, are mandatory on every member, they have got to carry them out, then that is something for your Honor to take into consideration as to whether these——

Presiding Inspector: But you confuse omnipotence with omniscience. The Communist Party may not know everything, although it has power to do everything, according to these witnesses. You are going to concede that argument, I suppose, that if he had disobeyed their orders he wouldn't remain a Communist, if he ever was a member of the Communist Party.

Mr. Gladstein: That would seem to be quite obvious; or there wouldn't be any such affiliation over this period of time.

Presiding Inspector: He may not know about these acts. [4409]

Mr. Gladstein: We want to show that these acts, this conduct of Mr. Bridges, has been open, that it is a matter of public record, and before this case is over we will prove, not in one case, but in many cases, that witnesses for the Government have said, for example: That the Communists in a certain meeting laid down a certain policy for Harry Bridges to follow on a certain subject matter, and that was mandatory on him; that the witness, Honig, testified to matters of that kind and other witnesses. We will show you, by matters of public record, that those were not the truth and that Harry Bridges

(Testimony of Sam Kagel.)

stood up publicly in his union meetings and conventions and advocated exactly the opposite.

Now, how does that comport with the theory of Mr. Del Guercio that since 1932 Harry Bridges has been, and now is a member of, or affiliated with the Communist Party? Especially, when we can show your Honor instance after instance where he has not only not advocated or carried out the Communist Party policy, but has done exactly the opposite.

Presiding Inspector: How do you know what the Communist Party policies are?

Mr. Gladstein: Their witnesses have told us and that is the only thing in the record.

Presiding Inspector: You mean only in general.

Mr. Grossman: I don't see how you can be any more specific because there are certain things which everyone in the [4410] trade union movement understands the meaning of. Mr. Schnering referred to those words. Mr. Schnering referred to whether it was possible for workers and the employers to sit down at a table and bargain collectively in an amicable fashion, and that that would result in benefit for the workers. Every one of those things is very tangible. He said, "We taught our students that this was the most dangerous pitfall of all."

You can't be more specific. That is not being general. Their witnesses say that doing things like that makes one, and the Communists pointed out, as Mr. Schnering said, that person out as a misleader of labor. That is being specific.

(Testimony of Sam Kagel.)

I agree with them very generally in some of their statements, but statements like this are not subject to being passed over as being so general that we can't find out whether Bridges' conduct is and has been inconsistent with it.

Mr. Del Guercio: We might answer that by saying——

Mr. Goodwin: Your Honor——

Presiding Inspector: One at a time, please.

Mr. Del Guercio: If they can show us one instance—we will admit all of counsel's argument—that the Communist Party has ever called Harry Bridges a mis-leader of labor, we would like to see it. That is not the point.

There is one other matter referring to Mr. Gitlow's statement that Mr. Gladstein so conveniently forgot, and that is a reference to, I believe it was Foster and Browder. Nobody [4411] denies, not even Mr. Gladstein, I don't think, that Mr. Foster and Mr. Browder are two of the leading characters in the Communist movement in the United States. It will be remembered that Gitlow's testimony—and Gitlow's testimony remained unchallenged—brought out that for a period of years Foster and Browder, like Harry Bridges——

Mr. Grossman: (Interposing) Did what?

Mr. Del Guercio: (Continuing) ——was not revealed as a member of the Communist Party.

Mr. Gladstein: Did Mr. Gitlow testify to that?

Presiding Inspector: I don't remember.

Mr. Gladstein: Did Mr. Gitlow say that Earl

(Testimony of Sam Kagel.)

Browder, like Harry Bridges, was not revealed as a Communist Party member?

Mr. Del Guercio: Counsel understands what I mean perfectly if the Court please.

Presiding Inspector: The likeness of Mr. Bridges is interposed in explanation of what he said.

Mr. Goodwin: Is it counsel's position on the other side that they are sustaining the proposition that it is impossible for a man to be, as Mr. Diner testified, a good trade union man, and at the same time a member of the Communist Party?

Presiding Inspector: I suppose so.

Mr. Goodwin: If that is their position in this case——

Presiding Inspector: That is the major premise on which they base the question of the admissibility of this evidence. [4412] They say it is impossible, because it has been stated by some witness, for a man to be both a good trade unionist and a Communist.

Then their minor premise is Mr. Bridges, to be brought out by this witness and other witnesses, is a good labor union man, and they seek to draw the conclusion that he couldn't be a Communist.

Isn't that it?

Mr. Grossman: That is correct.

Mr. Gladstein: Part of it.

Mr. Goodwin: Are you accepting that proposition?

Mr. Grossman: We are accepting no proposition. Judge Goodwin, as a lawyer, knows we have a right

(Testimony of Sam Kagel.)

to assume the Government has not proved their case. We have a right to assume that a portion of the testimony of one of their witnesses is correct. Obviously, in order to show that, assuming that to be correct, we have a right to do it. They definitely haven't proved their contention in this respect, but we can prove the contrary. We have a right to do that without admitting anything, and the Judge knows that.

Presiding Inspector: Yes, providing the Government did ask about whether he was a good trade unionist, or something of that kind. [4413]

Mr. Grossman: Page 889, your Honor.

Presiding Inspector: Get me that volume, please.

Mr. Goodwin: It seems the question is this: Has Mr. Bridges been a member of the Communist Party, not whether while being a member of the Communist Party he has been a good trade unionist, or whether he has been a good Communist; but was he or was he not a member of the Communist Party?

Now, if you are going into such an inquiry as this as to whether he was entirely consistent at all times with the theory of some of the leaders of the Communist Party, we get into something that is very far afield.

Presiding Inspector: We will try not to get too far afield.

(Whereupon the Presiding Inspector referred to a copy of the transcript.)

(Testimony of Sam Kagel.)

Yes, Mr. Del Guercio questioned along that line.

Mr. De Guercio: If you will read just prior to that you will see what brought that out. The question was brought up about the disciplinary committee of the Communist Party.

Presiding Inspector: Yes.

Mr. Del Guercio: His testimony was because he refused to do what the Communist Party had told him to do, that is, to give jobs to Communist Party members in preference to those that were already on the waiting list.

Presiding Inspector: He states it very broadly here. [4414]

I will take the testimony over your objection. Of course, this was in relation to minor matters that he testified to.

Mr. Grossman: I don't care whether they were minor matters or not, we have a right to assume it is true.

Presiding Inspector: Go ahead. I will allow this, although the effect of it still remains for the trier of the fact.

Mr. Gladstein: What?

Presiding Inspector: The effect of it, the conclusions to be drawn from it, conclusions of fact, remain for the trier of the fact.

Mr. Gladstein: Yes.

By Mr. Grossman:

Q. Mr. Kagel, during your contact with Harry Bridges, in connection with trade union activities

(Testimony of Sam Kagel.)

and trade union negotiations, has he at all times been a good trade unionist?

Mr. Del Guercio: If your Honor please, I object to that question as calling for a conclusion of the witness,

Presiding Inspector: It does, but I will take it.

A. In those cases where I have had direct contact with Harry Bridges on matters pertaining to his own union and to those other unions where he had an official capacity to be in, I have found him to be definitely a good and determined trade unionist.

Mr. Del Guercio: If your Honor please——

[4415]

Presiding Inspector: I will let it stand for whatever it is worth.

Mr. Del Guercio: I think that the witness should be instructed to answer, whenever possible, "Yes" or "No", that is, when a questions calls for a "Yes" or "No" answer, and not go into a story and start relating, like other witnesse have done. It seems to be typical. I think we are wasting time and unnecessarily clouding the record with all of these stories.

Mr. Grossman: I remember when Mr. Diner went on for about ten minutes, and I finally asked him whether this wasn't irrelevant, he asked me the question, and then he answered it and then said, "I didn't mean to answer that way because my answer is the other way." I did my best to cut him short.

(Testimony of Sam Kagel.)

Presiding Inspector: I will let the answer stand. Ask the next question.

Mr. Grossman: May we have the afternoon recess?

Presiding Inspector: A short recess.

(Whereupon a short recess was taken.)

Presiding Inspector: Ask your next question.

By Mr. Grossman:

Q. Mr. Kagel, at any time in your trade union contacts with Mr. Bridges did he seek not to better the conditions of the workers, but rather to recruit them into the Communist Party and prepare them as stooges for the proletarian revolution? [4416]

Mr. Del Guercio: I object to the question.

Presiding Inspector: I will sustain the objection. You have had the fundamental question answered.

Mr. Grossman: I think there is a difference between statements, your Honor.

Presiding Inspector: I don't see it.

Mr. Gladstein: One of the Government witnesses testified that the purpose of Communist Party membership in a trade union is to so conduct himself as would be inconsistent with a sincere purpose to better the conditions of the American workers.

Presiding Inspector: He testified that, in his judgment, he has acted throughout as a good trade unionist. This is only a detail.

Mr. Gladstein: That only happens to be one statement.

(Testimony of Sam Kagel.)

Presiding Inspector: I am not going to receive it. Go ahead. I think you have the full benefit.

Mr. Grossman: May I have the last question read?

Presiding Inspector: Yes.

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: That is on the ground that you assume something directly opposite to what this witness has testified to.

Mr. Grossman: I would like to—— [4417]

Presiding Inspector: That is, that he acted not as a good trade unionist. His testimony is that throughout he has acted as a good trade unionist. There is no basis in the testimony of this witness for that question.

Mr. Grossman: Your Honor has ruled and that is final on that.

Presiding Inspector: You can ask the last part of the question alone without reference to his being a good trade unionist.

Mr. Grossman: I will ask that.

Presiding Inspector: You can ask him if he ever acted as a stooge, in his judgment.

By Mr. Grossman:

Q. During the course of your contacts, your trade union contacts, with Harry Bridges did he ever, to your knowledge, act in such a way as to recruit the workers into the Communist Party and to prepare them as stooges for the proletarian revolution? A. Never.

(Testimony of Sam Kagel.)

Mr. Del Guercio: I object to that, your Honor, unless they intend to qualify this witness as an expert on Communism and he admits that he has been in the Party and knows just what he Communists do along that line.

Presiding Inspector: I don't think that is necessary. I will let the answer stand. [4418]

Mr. Grossman: If an expert is needed——

Presiding Inspector: Go ahead.

By Mr. Grossman:

Q. During the course of your trade union contacts with Harry Bridges did he ever take the position, or act in accordance with such a position, that workers and employers cannot sit down at a table and bargain collectively in an amicable fashion and have it result in benefits for the workers?

Mr. Del Guercio: I will object to that, your Honor, as immaterial and irrelevant.

Presiding Inspector: I will take that.

A. He never has. But to the contrary——

Presiding Inspector: That is all.

By Mr. Grossman:

Q. Has he ever acted to the contrary?

A. No.

Q. Has he, during the course of your trade union contacts with him, continually bargained collectively with the employers in an amicable fashion resulting in benefits for the workers involved?

Mr. Del Guercio: I object to that as incompetent and irrelevant.

(Testimony of Sam Kagel.)

Presiding Inspector: I will take it.

A. In actual negotiations the answer is "Yes."

[4419]

By Mr. Grossman:

Q. In the course of your trade union contacts with Mr. Bridges, did he ever take any action that was inconsistent with the best interests of the workers, best economic interests of the workers that were involved?

Mr. Del Guercio: I will object to that as irrelevant and broad.

Presiding Inspector: It is pretty broad. That is, as he saw it.

By Mr. Grossman:

Q. As you saw it, Mr. Kagel?

A. In the final analysis as it has turned out, the answer would be "Yes," because there have been times when I disagreed with Mr. Bridges on matters pertaining to negotiations, or the handling of situations.

Q. Did Mr. Bridges ever, in the course of your trade union contacts with him, act in a way that was consistent with—withdraw that. During the course of your trade union contacts with Mr. Bridges did he ever take any action along the—— [4420]

Mr. Del Guercio: (Interposing) I will object to that.

Mr. Grossman: Just one moment.

Presiding Inspector: He has not finished the question.

(Testimony of Sam Kagel.)

By Mr. Grossman:

Q. During the course—withdraw the question that I started to ask.

During the course of your trade uhion contacts with Harry Bridges was there any conduct of Mr. Bridges which appeared to you to be in support of the policy of a strike for a strike's sake which was not justifiable because of the economic advantages to the workers involved?

Mr. Del Guercio: I will object to that.

Presiding Inspector: I will take it.

A. My answer is no.

By Mr. Grossman:

Q. During the course of your trade union contacts with Harry Bridges was there any action of Mr. Bridges along the line of sabotage or industrial violence or advocacy of sabotage or industrial violence? A. Not so far as I know.

Q. During the course of your trade union contact with Harry Bridges did he engage in any conduct such as unlawful destruction of property in connection with industrial disputes?

A. Not so far as I know. Would I be permitted, Judge—— [442] I could give examples to the contrary.

Presiding Inspector: Oh, no. Strike that out.

Mr. Del Guercio: We know how willing the witness is, your Honor.

Presiding Inspector: What is that?

Mr. Del Guercio: We know how willing the witness is.

(Testimony of Sam Kagel.)

Mr. Gladstein: I move that statement of counsel be stricken.

Presiding Inspector: Yes.

By Mr. Grossman:

Q. Mr. Kagel, during the course of your trade union contacts with Harry Bridges was there any example of his conduct along the line of recommending forcefully to the union representatives that a strike they contemplated should not take place?

Mr. Del Guercio: I object to that, your Honor.

Presiding Inspector: Isn't that going into details?

Mr. Grossman: Yes, it is, your Honor, and I have asked the general question. I still feel that we have a right, in order to rebut or deny the substance of what we argued about before, to go into specific details.

Presiding Inspector: I think not.

Mr. Gladstein: Now, if your Honor rules that we aren't I would like to make an offer of proof with respect to some specific details. [4422]

Presiding Inspector: No; we will assume that you could produce specific instances.

Mr. Grossman: I still think, your Honor, I have to make an offer of proof which will explain the substance, at least of what it was I offered to prove in specific detail. I could be brief.

Presiding Inspector: This man has sat with him in negotiations; he has been his advisor, the paid advisor of Mr. Bridges' union, I suppose, in look-

(Testimony of Sam Kagel.)

ing up financial matters. Of course, except as every person has observed, he has had little opportunity to observe except along the lines that he has given definite information about. Taking them all together, I am taking them all together; I am lumping them together for the sake of expedition. I don't think it will be wise to go into—or helpful, in any way, to go into the specific instances.

Mr. Gladstein: Your Honor, before you make a final ruling on that, let me say this: Of course, there is the possibility that some one else will be looking at this record; in fact, undoubtedly the Attorney General will be doing so. Now, we have in mind this: We are going to prove, before this case is over, both from Mr. Bridges and from other witnesses that Bridges has engaged in conduct which is clearly 100 per cent inconsistent with the kind of things that the Government witnesses say Communists do. For example, as I understood the witnesses for the Government, one of the things that the [4423] Communists are interested in doing is to use trade unions to tear down the Government, embarrass the Government, stir up dissention and chaos and things of that kind.

We will prove before this hearing is over that Bridges has cooperated not once but several times with various departments of the United States Government, and particularly with reference to the 1936-'37 strike that he cooperated with the United States Government and with representatives of President Roosevelt, and that his conduct far from

(Testimony of Sam Kagel.)

being the kind of conduct which Government witnesses say is carrying out the Communist Party line, showed that he is a better American than many people who have had the audacity to speak in this Court. That is one thing. Another thing is this:——

Mr. Del Guercio: (Interposing) Well, your Honor, I object to that statement of counsel, the audacity of anyone to appear here on the stand.

Mr. Grossman: The shoe fits, Mr. Del Guercio.

Mr. Del Guercio: Now, just a minute. The shoe will fit you in a little while.

Presiding Inspector: Now, wait a second.

Now, let Mr. Gladstein finish, Mr. Del Guercio.

Mr. Del Guercio: He has no right to pass remarks like that, your Honor.

Presiding Inspector: Well, people get heated——

Mr. Del Guercio: (Interposing) That is all he has been, is heated up, apparently, both of them here. [4424]

Presiding Inspector: (Continuing) ——even in deportation hearings.

Mr. Del Guercio: The record will show there is more speeches than evidence.

Presiding Inspector: Well, I think that is so.

Mr. Grossman: That started with the first day, your Honor.

Presiding Inspector: I notice that Dean Landis said there were very few objections in the other hearing, but we have gone to the other extreme, I think, in this one.

(Testimony of Sam Kagel.)

Now, I really have forgotten what you said.

Mr. Gladstein: The point I was making, the point is, we will give explicit specific examples which I trust your Honor will admit into the record to show something which is obviously inconsistent with what Government witnesses say is characteristic of a Communist, that is to say, if the Communist Party members in the trade unions, as the Government witnesses say, are not loyal to the Government but intend by their activities to destroy the United States Government, then, we want to show you that by his conduct Mr. Bridges has been exactly the contrary.

Now, there is another thing. That is this: It is very simple for a person to say "I charge Harry Bridges with having been at a certain place on a certain day." The only thing that one can do in answer to that is say "I deny it; I was not there." Now, that is a negative kind of evidence, that [4425] is correct. With a man whose life has been as busy as Harry Bridges' has been, it is not possible for us to trace back and cover every moment of every day in his life since the time that he came to this country, although the charge is such that if we had the facilities at hand we would be required, in order to put in a good defense for him, to cover every such period, every such day of that entire period. That simply isn't physically possible. Therefore, we of necessity are forced to attempt to show you that he, by his conduct, consistently in this field to which he has devoted his

(Testimony of Sam Kagel.)

life has committed acts and engaged in conduct which is not consistent with the kind of conduct which the Communist Party members in trade unions are supposed to indulge in, according to the Government witnesses. And, your Honor will see too what an unfair disadvantage we would be put if we were simply confined to saying in answer to a Government witness' charge "No, he was not there." We must also be allowed to show that Bridges has said and has acted and conducted himself in such a way that to your Honor it will appear not only that Mr. Bridges denies that he was there but that he couldn't have been there, couldn't have engaged in the discussions that he is said to have engaged in, couldn't have agreed to submit to mandatory decisions such as testimony here to that effect.

Now, we must be permitted to show what this man's life in the trade union movement has been. Otherwise, we are not permitted to put in a defense and although you allow this witness, [4426] Mr. Kagel, to put in a general answer, we feel that a few specific instances must be permitted because the true flavor of Mr. Bridges' views and his conduct cannot be found in a general answer to a general question which is, after all, an answer giving a person's personal opinion. And you, yourself, have stated that the weight of such testimony is something for you to decide, and you may decide that it is simply opinion evidence. Why should we not be permitted to, show the facts, not just the

(Testimony of Sam Kagel.)

opinion of the witness, but the facts which reveal Mr. Bridges in life, exactly what he has said and what he has done, and you then can take those facts and see whether the Government's theory fits him or not. That is the nature of our defense.

Presiding Inspector: Well, you see, you don't have to trace every second of his life since 1920 because the burden is on them, on the Government, to establish that he has so conducted himself as to bring himself within the scope of this deportation law, so that the rest of his life, we may assume, is of no importance, at least, innocuous.

Now, you are going to pick out a lot more episodes and bring those in on the other side. Those are only material, of course, if they bear on the witnesses that they have produced to prove this, because all other episodes are immaterial in a general way. Now, I have let this witness testify to his opinion, that he is a good trade unionist, I thought we might [4427] almost assume that to be the fact, and I don't think that this argument that you suggest, this soliloquistic argument is of very great strength, that you can prove that he is not a Communist because he has been a good man in his conduct of the unions. It doesn't seem to me that that necessarily reaches that conclusion and, therefore, I don't think we would be helped by the particular episodes on which this witness bases this conclusion. I think you have the full benefit without it.

Mr. Gladstein: Well, there is one more thing to be said, your Honor. That is this: In the last hear-

(Testimony of Sam Kagel.)

ing, as Dean Landis found, Mr. Bridges did not deny, and he has never denied that he has had associations, that he has known a number of Communists. He has not denied that some of those Communists have done work in the trade union movement which, he felt, was within the democratic pattern of the trade union and may have been helpful to that trade union at that particular time.

Now, the Government, in this case, as in the last case, must find something more than mere acquaintance or association. It must find something in the nature of affiliation or membership. Now, what does that mean? It means that we, on the part of the defense, have a right to show that despite instances of acquaintance or association Mr. Bridges' conduct has been such that that association or acquaintance, though it existed, is inconsistent with the idea of affiliation carrying out orders of the Communist policy for the Communist Party. [4428] With the situation different, namely, that Mr. Bridges didn't know a single Communist in the United States, perhaps, this kind of evidence would have no materiality, no weight of any kind, but in order to make it clear to you what the situation has been it becomes necessary for us to put in evidence of his actual conduct so that you will not accept the theory which the Government here asks you to accept from the day of the opening statement, namely, that a mere acquaintance or an asso-

(Testimony of Sam Kagel.)

ciation with a person who is a Communist makes one deportable.

You are being asked, in effect, to make a ruling which would change, in our opinion, the law of the United States. Now, we are asking you not only to permit that law to remain as it is, but to permit us to put in a defense which will justify the conclusion we ask you to arrive at, namely, to leave that law as it is and not yield to the request of Mr. Del Guercio that you change that law.

Presiding Inspector: Oh, I don't think he makes any such——

Mr. Del Guercio: (Interposing). We don't accept as ours counsel's remarks.

Presiding Inspector: No.

Mr. Gladstein: Moreover, we feel this: We feel this is somewhat crucial to the theory of our defense, very frankly, your Honor, and that, if you feel any doubt about the admissibility of this we would like to have it submitted here and [4429] now to Attorney General Jackson, to whom this matter ultimately will be submitted anyway, we presume, either through the form of a recommendation from you, because whatever the situation is, as I understand it, the Attorney General's word will be final in the matter, that is——

Presiding Inspector: (Interposing) That is true.

Mr. Gladstein: He can either accept or reject your recommendation.

Presiding Inspector: Certainly.

(Testimony of Sam Kagel.)

Mr. Gladstein: Now, that being so, and because we feel as we do about this character of testimony, we are prepared to ask you—in the event you do not permit us to put in this kind of testimony we are prepared to ask that the matter be submitted to Attorney General Jackson now so that we can know whether we have that right.

Presiding Inspector: I don't think that would be——

Mr. Del Guercio: (Interposing) That request is unusual. You are the trier of the facts right here, now. The matter is before you, not before Mr. Jackson.

Presiding Inspector: I know. I won't decide it this afternoon. I will think it over tonight. Go on to something else. I won't pass on it finally, but I won't talk with Mr. Jackson about it. I will take the responsibility myself.

Mr. Gladstein: Shall we withhold our offer of proof on this? [4430]

Presiding Inspector: Yes.

Mr. Gladstein: All right.

Mr. Grossman: No more questions.

Presiding Inspector: Do you want to cross examine or do you want to wait?

Mr. Del Guercio: Yes, your Honor. Well, is their direct examination of this witness over?

Presiding Inspector: Until I rule whether I will receive these details. I thought, perhaps you would like to postpone your cross examination.

(Testimony of Sam Kagel.)

Mr. Del Guercio: Well, I would until it is completed.

Presiding Inspector: Until tomorrow morning. I should think so.

Can you call another witness?

Mr. Gladstein: We don't have one here now. There are a few questions we could ask, I think, perhaps, your Honor.

Mr. Del Guercio: I may make this statement, if your Honor please: The Government, or those representing the Government in the prosecution of this case are just as anxious as you, the Presiding Officer, to conduct a fair hearing. We believe that you are primarily—we know you are, under the rules and under the law, primarily the trier of the facts. You have to determine first and make your recommendations to the Attorney General. And if we thought that such evidence was material, of course, we wouldn't object to it at all [4431] because we are just as interested in seeing that this is a fair hearing as you are and as everybody else is, and, I think, that any reference, any request from counsel for you to submit the question——

Presiding Inspector: (Interposing) I can't do that so disabuse your mind of it. I am going to take the responsibility here for good or for evil.

Mr. Gladstein: Did Mr. Del Guercio indicate that he desired to save his cross examination until tomorrow?

Presiding Inspector: Yes.

(Testimony of Sam Kagel.)

Mrs. King: If your Honor please, we still have portions of the testimony——

Presiding Inspector: (Interposing) Yes, can't we go on with those?

Mrs. King: (Continuing) ——that we could go on to.

Could the witness be excused until tomorrow morning?

Presiding Inspector: Yes, tomorrow morning at ten o'clock.

(Witness temporarily excused.)

Mrs. King: The Government read some material on pages 2663 running over to 2664. In that material there is a reference to Roy Hudson. Because of that reference I am proceeding to read on page 2671, beginning on the third line as follows:—

Mr. Myron: (Interposing) I wonder if you would wait a moment until we could find it in the reference book?

Mr. Del Guercio: What page is that? [4432]

Mrs. King: I am reading on the third line of page 2671 and I am basing my right to read this on your quotation from page 2663-4.

Presiding Inspector: How far do you want to read, Mrs. King?

Mrs. King. I want to read down to seven lines from the bottom of the page 2672.

Mr. Del Guercio: Well, our reference, to get the record clear, was the Marine Workers Industrial Union. The matter is on page 2663. That was the subject.

Presiding Inspector: She says that what you read brought in the name of Roy Hudson in some statement.

Mr. Del Guercio: Are you sure you don't mean Telford, Sam Telford?

Mrs. King: Right following Sam Telford on the next page, 2664, you have this q stion:—

Mr. Del Guercio: "Roy Hudson". That is right. Now, you want to read what?

Mrs. King: Beginning on the third line of page 2671 and reading to within seven lines of the bottom of 2672.

Mr. Del Guercio: Now, it has no reference, you will admit, to the subject matter of the Marine Workers Industrial Union. It merely has reference to Roy Hudson, is that correct, as being a member of the Communist Party? [4433]

Mrs. King: It also discusses his position with reference to seamen and so on, which, I believe, is an explanation of the discussion on the other page.

Mr. Del Guercio: We will object, then, to that, your Honor.

Presiding Inspector: What was the matter on the other page? I haven't the record before me.

Mrs. King: After the question "Sam Telford?" you have the answer "I think was a member of the Marine Workers Industrial Union and the Sailors Union of the Pacific.

"Q. Roy Hudson?

"A. The only union I think he was a member of was the Marine Workers Industrial Union."

This is a further discussion of Roy Hudson and the contact of Mr. Bridges with Roy Hudson.

Presiding Inspector: Now, where is this?

Mrs. King: Beginning on the third line of page 2671.

Presiding Inspector: How far do you want to read?

Mrs. King: To within seven lines from the bottom of page 2672.

Presiding Inspector: Well, I shouldn't think this testimony about Aaron Sapiro would be material.

Mrs. King: I don't think it is, but I wanted to read before and after. It seemed to be simpler to take it in.

Mr. Del Guercio: Well, that is highly objectionable, [4434] your Honor. It has no reference——

Presiding Inspector: (Interposing) I will receive it, down to the——

Mrs. King: The last question on page 2671.

Presiding Inspector: Down to the last question on 2671.

Mrs. King: All right. Then, can I go on?

Presiding Inspector: Yes.

Mrs. King: The difficulty is, your Honor, the first question on 2672 refers to the answer preceding it, but, I think, the rest of the questions on 2672 are relevant, and the answers.

Presiding Inspector: Yes. Why not leave out that first answer?

Mrs. King: All right.

"Q. Can you recall whether anybody was pre-

sent at that discussion?" You see, the words, "that discussion" don't make much sense without the preceding answer, but I am perfectly willing to leave it out.

Presiding Inspector: Well, I don't know. It is hard to——

Mrs. King: (Interposing) I will concede that. That is the reason why I included it; I mean, I am not terribly interested in it.

Presiding Inspector: Well, why not omit down to the question "Do you know that Roy Hudson was in charge of the trade union activity——"

[4435]

Mrs. King: All right, I will do that, your Honor.

Presiding Inspector: Yes, all right.

Mrs. King: "Q. I think you said yesterday you knew Roy Hudson? A. Yes.

"Q. Do you recall how many times you have met Roy Hudson?

"A. Only twice to the best of my recollection.

"Q. Do you know whether he holds any position in the Communist Party?

"A. I think he does. I want to say when I said 'twice' I mean that I can recall two distinct conferences with Roy Hudson. When he was around here in 1936 I met him on a few other occasions. I might have run into him—we used to go to a saloon on the waterfront there and maybe have a drink or two and talk things over. I remember he used to be around and I ran into him a few times there. I only have two distinct recollections of having a conference with him.

"Q. Do you recall what the subjects of those conferences were on those two occasions?

"A. Regarding the maritime situation.

"Q. What?

"A. In regard to the Maritime situation; the seamen-longshore situation. [4436]

Then, after an omission:

"Q. Do you know that Roy Hudson was in charge of the trade union activity for the Communist Party? A. I didn't.

"Q. And is a member of the Central Committee of the Communist Party? A. I didn't."

Now, I am about to read on pages 2793-4. The Government read immediately before what I have the intention of reading, about a certain Herman Mann.

Mr. Del Guercio: Now, can you tell me on what subject you are——

Mrs. King: (Interposing) Well, the Government read the question and answer in the middle of the page:

"Did you ever use Herman Mann as a messenger to contact Walter Lambert, Sam Darcy?

"A. I have used Herman Mann as a private investigator——"

Now, I want to go on.

"Q. (Interrupting)"——

Mr. Myron: (Interposing) We object to that, your Honor. It has no reference at all to the admission introduced by the Government.

Mrs. King: I can't understand if the Government talks about Herman Mann, why they have a

right to stop in the middle of a sentence with a dash and not let me go on reading to the [4437] conclusion of that.

Mr. Myron: The rest of the testimony has no bearing on the admissions that were introduced by the Government and made by the Alien.

Mrs. King: I mean, the purpose for which the Government introduced it may be one thing but it is more on exactly the same subject that the Government introduced material on.

Mr. Myron: That is why we object to it. It has no reference at all. It is only admissible as admissions by the person at the former trial.

Mr. Gladstein: Your Honor, the question that the Government read into the hearing on page 2703, "Did you ever use Herman Mann as a messenger to contact Walter Lambert, Sam Darcy," and the answer unfinished, "I have used Hermann Mann as a private investigator——", now, there could be drawn an inference from that that Mr. Bridges was answering to some effect that as an investigator or a messenger or in some such capacity the question has been answered or intended to be answered in the affirmative. We think we have a right to show what the balance of the question was, to show what Mr. Bridges' full answer was concerning Mr. Mann.

Presiding Inspector: How far do you want to read?

Mrs. King: Down to the sixth line on page 2704.

Mr. Del Guercio: If the Court please, we introduced that testimony as an admission in connection with the general subject [4438] of the Waterfront

Worker. Now, Mann, of course, may have as many personalities as—well, there are so many innumerable personalities. Mann, in one personality in connection with the Waterfront Worker, is a different man from that in connection with any other capacity.

Presiding Inspector: Yes, I think I will take that; it is pretty close.

Mrs. King: (Reading)

"Q. (Interrupting) No, no; as a messenger, I said. "A. As a messenger?

"Q. He was then a waterfront section organizer, if you recall. Do you know that?

"A. I didn't know that, and I don't recall it, and I don't recall ever using him as a messenger.

"Q. During the strike, I am talking about, in May 1934. A. No.

"Q. You never used him as a messenger?

"A. No, not at all. It is pretty hard to say whom you have used as messengers during the strike, but I don't recall——

"Q. (Interrupting) I mean continually or frequently. A. No.

"Q. You would know that, wouldn't you?

"A. I certainly would."

Now, I am proposing to read on pages 2780 and 2781, beginning in the middle of the—well, I mean in the course of [4439] the first full paragraph with the third sentence thereof after the word "No."

Mr. Del Guercio: So that we may follow can you tell us on what subject that is?

Mrs. King: Yes, on the I.W.W., and I propose to read through the first full paragraph on page 2780.

Presiding Inspector: All right.

Mrs. King: (Reading)

"Now, my answer would also be——"

Mr. Del Guercio: (Interposing) I object to the reading of it, your Honor.

Presiding Inspector: Why do you object to the reading of it?

Mr. Myron: We haven't found it. Of course, you have our volume.

Presiding Inspector: Yes, 2780.

Mr. Del Guercio: We don't have our volume.

Presiding Inspector: I have got it.

Mr. Del Guercio: May I look at it up there?

Presiding Inspector: Yes, certainly, come right up here and look at it.

Mr. Del Guercio: May I make my objections from here?

Presiding Inspector: Certainly, as long as you don't rule on them. How far do you want to read?

Mrs. King: Through the first full paragraph on 2781, [4440] ending with the words "over to their side."

Presiding Inspector: All right, I will allow it.

Mrs. King: "Now, my answer would also be that when it came to a question of working out solutions of problems, I think it is democracy enough if you are going to make advances, if you are going to have things work; otherwise, if it is not it is what was the matter with the I.W.W. where everybody

expressed themselves at any time; before decisions were made, after decisions were made, despite the rules in the union; every individual was free to do anything he liked. During a strike if he felt like going out and blowing up a bridge, that was perfectly all right; if he felt like—not that I say that they done it; I am just talking now as an example.

"You either have to have democracy where the line is drawn somewhere, or you have anarchy, and I think it is a safe rule to let everybody express themselves up until the point that the vote is taken and then after the vote is taken the majority rules and the minority is bound to go along; otherwise, you have got anarchy.

"I don't think the minority has got the right to keep on fighting and disrupting to get their own way. They have their right by democratic means to swing the majority over to their side."

Now, I am proposing to read on page 2850.

Mr. Del Guercio: On what subject, please?

[4441]

Mrs. King: On the I.W.W. again, beginning at the beginning of the last paragraph on that page and running down to the last statement of Dean Landis on the next page.

Presiding Inspector: Whereabouts was that? I was reading on from where you stopped. I was interested in it. Now, where are you now?

Mrs. King: I am on page 2850, beginning with the last paragraph.

Presiding Inspector: 2850.

Mrs. King: Down to the place where Dean

Landis talks about adjourning. I think we will do the same in a moment.

Presiding Inspector: What was that? What are you talking about?

Mr. Del Guercio: We object to reading any portion of that. It doesn't appear to have anything to do with the I.W.W. or the theory of the I.W.W.

Presiding Inspector: Where do you want to read from? 2850, what line?

Mrs. King: To the "Trial Examiner Landis: I think we had better adjourn at this time." I stop there.

Mr. Gladstein: You see, your Honor, on page 2851 Mr. Bridges refers back to what he said on the previous pages and characterizes it as what he believed to be a fair description of the I.W.W. philosophy.

Presiding Inspector: Where do you want to start? [4442]

Mrs. King: The last paragraph on page 2850.

Presiding Inspector: I will take this as being in some way connected with what has already been admitted.

Mrs. King: (Reading)

"I can understand the other process, but I cannot understand the taking over of industry by general strikes. I have seen general strikes. What you have here would have to be simultaneous, a general strike, and the general strike and taking over all the country. Then after you took those things over you would have to operate them, and

you would have to operate them for the benefit of the people that took them over.

"Well, maybe it could be done, but it is pretty far-fetched, it seems to me.

"Trial Examiner Landis: You wouldn't say that that particular illustration, which I regard as rather imaginary, is a fair concretization—if there is such a word—as Marxian technique?

"The Witness: No. That is a fair description of what the I.W.W. philosophy is."

Now, if your Honor please, I would like to read beginning on page 3060——

Mr. Del Guercio: On what subject?

Mrs. King: Again on the I.W.W. and, I believe, later on the MWIU. [4443]

Presiding Inspector: Well, I haven't the testimony before me.

Mr. Del Guercio: I will make it available.

Mrs. King: Beginning with the last question, the last question on 3060.

Mr. Del Guercio: 3060? We object to reading that. While there is a character reference to the I.W.W. it is not——

Mrs. King: (Interposing) I propose to read to where the Government started to read on page 3065, which was the last question on that page.

Presiding Inspector: They read to there?

Mrs. King: No; they began reading at that point.

Presiding Inspector: They began at 3065?

Mrs. King: The last question, in fact, the only question.

Mr. Del Guercio: On the I.W.W.?

Mrs. King: No; I said on the MWIU. Then, reading on to the company union, and the efforts to break away from it.

Mr. Del Guercio: Now, if your Honor please——

Presiding Inspector: (Interposing) Now, what is the point of this you want to read?

Mrs. King: The material beginning on page 3065 shows the organization, although the Government put it purely on the problem of the MWIU and the Waterfront Worker and the I.W.W., they show the culmination of a process which we contend begins on page 3060 and is part of the same process. [4444]

Mr. Gladstein: That is to say, for example, your Honor, during the course of Mr. Bridges' answer to that specific question that begins on 3065 where he is asked about "When did the men start to organize a union which was not a company union," he mentions "our waterfront paper." Now, the background against which that paper was started up and the motivation for it are discussed on pages 3060 to 3065. In order to give you a correct picture of that background it is necessary to have those pages in the record.

Mr. Del Guercio: Well, of course, we don't admit that is a correct statement of the background.

Presiding Inspector: I will take it; I will take it.

Mrs. King: (Reading)

"Q. And what was the condition of the water-

front at that time? Were there any unions in existence?

"A. There was—well, you had the company union in San Francisco. There were remnants of unions here and there up and down the Pacific Coast. In San Pedro the I.W.W. got pretty strong, even to the extent of pulling a strike in 1923.

"In some of the Northwest ports the American Federation of Labor, I.L.A., had charters, but without any power.

"In the port of Tacoma, I believe, was the only union of any weight or power and that was very limited.

"But as far as I was concerned, I was in San Francisco and they had a company union there.

[4445]

"Q. You were a member of that company union?

"A. About six months after I went on the waterfront I joined the company union. It was a question of joining or getting off the waterfront.

"Q. Were conditions on the waterfront good at that time?

"A. They were not so bad then. Later, on however, in 1925, they got pretty bad.

"In 1924 we attempted to form, and we actually did form a local of the I.L.A. We paraded on Labor Day in 1924. That was the last Labor Day parade in San Francisco until 1934.

"Q. Why were they discontinued?

"A. Well, it was at that time—I had my own ideas, I think I was correct. The leadership that

were engaged in organizing the union were organizing it fairly secretively which, of course, was the correct tactics, but they were operating on the basis that this was going to be done until everybody was in the union.

"Some of us put up quite a fight to have it done in another way, but I was new, a newcomer at that time, and had no weight. I didn't believe the tactics were correct. I had nothing to say about it, however.

"Then after 400 of us paraded in the open on Labor Day in 1924, why we were kind of blacklisted for a couple of years.

"Then, of course, from 1925 on up to 1934, conditions just [4446] got worse and worse. Wages were reduced, the rate of production was increased as high as around 500 or 600 per cent. Various forms of graft and racketeering increased. Unless you got around quite a bit and put up a terrific fight you had to pay for your job to your straw boss, or gang foreman, as the case may be.

"This was during prohibition. Functioning in conjunction with the company union were certain bootleggers on the waterfront and when you went to work why you had to cash your check with these bootleggers, and they would see to it that they got a certain amount of it. Then they would turn over their checks to the company union officials to cash with the steamship owners. In other words, if you wanted to work steady, and if you were a good company union man you worked fairly steady, although you really killed yourself while doing it. You

cashed your check with the bootleggers and 10 or 15 per cent of your wages went out of your check in that way.

"Then, of course, there were many other things you had to put up with more than your job was worth. You had to report if you got injured. If you got two serious injuries while working, regardless of how they occurred—it didn't necessarily have to be your own fault—you were generally through on the waterfront.

"There were some pretty ridiculous complaints.

"I recall my partner, he got hurt. He just returned to the job and got hurt a week later. He got his foot [4447] broken. The report was that he had soft bones. He had worked on the waterfront 18 years.

"These various things existed and really reached a high point around 1932.

"Q. Mr. Bridges, you just used the word 'partner' in that description.

"A. Longshoremen work in pairs in the holds of vessels and on the dock and on the deck. When I say 'partner' that is the technical term for your working partner in performing longshore work.

"Q. What were the wages at that time?

"A. 90 cents an hour in 1922. That continued on at 90 cents per hour until 1930, or 1929, I think, when they were cut to 85 cents and the following year they were cut to 75 cents.

"However, along with the cutting of the wages went the terrific speed-up which, in that type of work, can become something that is pretty hard to

describe, but can result in people actually being killed on the job through sheer exhaustion.

"Q. What was the 'shape-up?'

"A. The 'shape-up' was a method of hiring. In all ports,——

Presiding Inspector: (Interposing) Well, now, I didn't notice this part of the proof.

Mrs. King: What?

Presiding Inspector: Has this anything whatever to do [4448] with what was read?

Mrs. King: It has to do with what is about to be read, yes, what was read, because that explains why they started to organize a union which was not a company union.

Mr. Del Guercio: Well, it has nothing to do with the Marine Workers Industrial Union.

Mrs. King: It explains exactly why they were ready to cooperate with the Marine Workers Industrial Union, if there was any cooperation, because the conditions were so bad on the waterfront it was necessary to use what assistance was at hand, so that they cooperated with anybody who was organized in order to get away from the company unions and the conditions which the company unions had imposed on the men on the waterfront. [4449]

Now, there is only another page to read, your Honor, and it seems to me that this is clearly in line with what follows.

Mr. Gladstein: Specifically, your Honor, on page 3066, which is a part of the transcript read by the Government, you will find a reference in Mr.

Bridges' answer to the waterfront paper. He said "There was really no start toward real organization until September, 1932, when we started our waterfront paper. The waterfront paper generally dealt with the ills of the longshoremen."

Now, this portion which Mrs. King is reading discusses the ills of the longshoremen which represented the reason for the waterfront paper coming into existence.

Presiding Inspector: All right, go ahead.

Mrs. King: (Reading)

"A. The 'shape-up' was a method of hiring. In all ports, except San Francisco, they had what we term Fink Halls. Employers' hiring halls is the correct term. They were halls owned and controlled by the employers, where the hiring was done, and they were in reality an elaborate blacklising system where anybody that talked organization was immediately weeded out of the industry. They had a complete coastwise set-up in that regard.

"There was an exception in San Francisco where, because of the somewhat militant trade union background of San Francisco, they made a pretense at having a union. Therefore, [4450] the hiring was done by the 'shape-up' method. That meant that every morning, from 6:00 o'clock until 8:00 o'clock, all the longshoremen who wanted to go to work gathered on the waterfront in front of the Ferry Building there. Then the gang boss, who was a man that had charge of approximately a gang of 16 or 18 men, would come along and pick the men out. The term was derived from the way the men shaped

or formed themselves into a semi-circle and the boss came along and says, 'You; you, you,' and that is the way the terms originated.

"This 'shape-up' of course, was objected to because it put too much power in the hands of the boss, the gang boss, who was generally a petty racketeer.

"Of course, in longshore work there was no discrimination for being fired on the job, but the discrimination came from being hired."

Mr. Del Guercio: Of course, this is being read over our objection, if the Court please. Does the record show that?

Presiding Inspector: Oh, yes.

Mr. Gladstein: Your Honor, it is ten minutes past four. Shall we adjourn for the day?

Presiding Inspector: How much more have you of this?

Mr. Gladstein: We probably have—it will take until 5:00 o'clock.

Presiding Inspector: Oh, that is a good thing to do, isnt' it? Do you really want to adjourn now? [4451]

Mr. Gladstein: Yes, we would prefer it, your Honor. Then, the balance we can read during those intervals that occur invariably or inevitably during the rest of the trial.

Presiding Inspector: Very well. Tomorrow morning at ten o'clock.

(Whereupon, at 4:10 o'clock p.m. an adjournment was taken until Tuesday, May 20, 1941, at 10:00 o'clock a.m.) [4452]

Court Room 276,
Federal Building,
San Francisco, California,
May 20, 1941.

Met, pursuant to adjournment, at 10:00 A. M.

[4453]

PROCEEDINGS

Presiding Inspector: Now, we will proceed.

SAM KAGEL

called as a witness on behalf of the Alien, having been previously duly sworn, testified further as follows:

Presiding Inspector: Do you know what the question was that we were discussing?

Mr. Grossman: I think I can find it, your Honor. I can describe it in substance, if not in words.

Presiding Inspector: I know you can. I have it well in mind myself, but I didn't know what its technical form was.

Mr. Grossman: Here we are, your Honor, on page 4422:

"Q. Mr. Kagel, during the course of your trade union contacts with Harry Bridges was there any example of his conduct along the line of recommending forcefully to the union representatives that a strike they contemplated should not take place?"

Presiding Inspector: I excluded that question, did I not?

Mr. Grossman: Well, I don't know whether you

(Testimony of Sam Kagel.)

ruled—you indicated, I think, a desire to exclude it. Then there was the question of——

Presiding Inspector: I think I said I would think it over overnight.

Mr. Grossman: That is a question you were to think over.

Presiding Inspector: I understand this is objected to?

Mr. Del Guercio: It is. [4454]

Presiding Inspector: On the ground that it is incompetent, or isn't relevant to give the details upon which this witness has based his opinion?

Mr. Del Guercio: That is correct.

Presiding Inspector: I am going to adhere to that ruling and liken this to a reputation witness. In fact, this is a kind of reputation witness, reputation as a good trade unionist and, therefore, I will exclude the details upon which he bases this conclusion. I think it is well within the authorities.

I don't say that it isn't remotely relevant, but it is so remotely relevant that the time it would take to prove all those things would not be justified; and I rule it out as practically irrelevant, not within the general contemplation of the rule in relation to such testimony as this. Further, if there is any question it is a matter of discretion.

I don't think that it is necessary to make any offer of proof except to say, which I assume is the fact, that you would prove numerous instances of conduct which you would claim would be a fair basis

(Testimony of Sam Kagel.)

for conclusions of the man being a good trade unionist, as already stated by this witness.

We will proceed. Ask the next question. [4455]

Mr. Grossman: I have some more general questions.

Presiding Inspector: Oh, you may ask them. I want you to cover it in your general theories. I have allowed that, although I have grave doubt whether that is even competent, but I have allowed it and I am going to let you amplify the general basis.

Mr. Grossman: After I finish that, I think, your Honor, because I would state it slightly differently and in a little more detail, I would like to make my statement of offer of proof. I can make it simple.

Presiding Inspector: You may do that, but I don't want you to give——

Mr. Grossman (Interposing): I understand.

Presiding Inspector (Continuing): ——the matters which I am thus excluding under this theory.

Mr. Grossman: I understand.

Presiding Inspector: Now, I have given this the very best consideration that I am capable of and, of course, we are all subject to error.

Direct Examination

(Resumed)

By Mr. Grossman:

Q. Mr. Kagel, during the course of your trade union contacts with Harry Bridges did he always follow the policy of advocating and carrying out

(Testimony of Sam Kagel.)

strikes only when they were necessary as a last resort to satisfy the reasonable economic [4456] demands of the workers?

Mr. Del Guercio: I will object to that question as being too broad.

Presiding Inspector: I think I will take it. This is all on the basis of establishing that he is a good trade unionist in the opinion of this witness.

Mr. Del Guercio: Opinion testimony, your Honor, is it not?

Presiding Inspector: Yes. I will take it. It is opinion testimony.

A. In my opinion, the answer is Definitely Yes.

By Mr. Grossman:

Q. During the course of your trade union contacts with Harry Bridges did you find him continuously a supporter—withdraw that.

During the course of your contacts with Mr. Bridges did you find him equally willing to use the procedure of arbitration, negotiation and mediation as well as the procedure of strikes?

Mr. Del Guercio: Now, if your Honor please, I will object to that.

Presiding Inspector: I will take it.

Mr. Del Guercio: It is a lea' question.

Presiding Inspector: It is. I will take it.

A. The answer to that question is Definitely Yes. [4457]

By Mr. Grossman:

Q. During the course of your trade union contacts with Harry Bridges did you find him regu-

(Testimony of Sam Kagel.)

larly and continuously willing to and actually cooperating with Governmental agencies to avoid strikes where such strikes could reasonably be avoided?

Mr. Del Guercio: I will object to that, if your Honor please.

Presiding Inspector: If there were such instances I will allow it.

Mr. Del Guercio: What?

Presiding Inspector: I will take his general testimony on that.

A. There were certain instances where I had contact with Mr. Bridges relative to such cases where Mr. Bridges definitely cooperated with the Government authorities to the end of trying to avoid certain strike situations. And I could testify, if I were permitted, to the specific cases.

Presiding Inspector: We will strike that out.

The Witness: I am sorry.

By Mr. Grossman:

Q. Do you know of any cases to the contrary?

A. Not of my own knowledge. Not that I had anything to do with.

Q. Will you state from your trade union contacts with [4458] Harry Bridges what was and is his theory on the role and function of the trade unions?

Mr. Del Guercio: I will object to that, your Honor.

(Testimony of Sam Kagel.)

Presiding Inspector: I will sustain the objection to that question. That is his opinion of the workings of Mr. Bridges' mind. We will take that from Mr. Bridges.

Mr. Grossman: I think I am entitled to ask it, if the witness can answer it, from the activities of Mr. Bridges and the statements of Mr. Bridges that were integrally tied up with those activities and explanatory of them.

Presiding Inspector: It is immaterial anyway. I can't see how it is material.

Mr. Grossman: This goes to the very substance of the Government witnesses, that we started this discussion on. That is, as to the Communist theory on the role and functions of the union.

Presiding Inspector: Yes. But the Communist theory is a very complicated matter. You just pick out one very small part of it and try to draw conclusions from that. I think that you have got to treat this matter as a whole. I will exclude that question. Perhaps you can simplify it in that way.

Mr. Grossman: All right.

Mr. Gladstein: We haven't inquired about this, your Honor, but is it understood that whenever you make a ruling [4459] on a question of admissibility of evidence of this kind, for example, that when you exclude testimony which we desire to have brought into the record, that automatically an exception is noted in the record?

(Testimony of Sam Kagel.)

Presiding Inspector: I don't think any exception is necessary.

Mr. Gladstein: That is, it is not necessary for us to ask for any exception?

Presiding Inspector: Oh, no. The question, of course, in these administrative hearings is whether there has been a fair hearing on the one hand or whether the person determining the fact has acted in so gross a manner as to have denied either a fair hearing or to have been arbitrary or capricious.

By Mr. Grossman:

Q. Mr. Kagel, yesterday when I asked you whether Mr. Bridges had ever taken any action that was inconsistent with the best economic interests of the workers that were involved, you stated the answer was, Yes, because there were times when you disagreed with Mr. Bridges on matters pertaining to the negotiations or the handling of situations. If I asked you that same question in this form, tell me whether your answer would be any different. I am going to state the question again now. In the course of your trade union contacts with Mr. Bridges did he ever take any action that could be reasonably interpreted as being meant not in the best interests of [4460] the workers involved or being meant for some other ulterior political purpose? A. No, definitely not.

Mr. Del Guercio: Just a minute, please.

Presiding Inspector: Yes.

Mr. Del Guercio: I object to the question upon the ground of form.

(Testimony of Sam Kagel.)

Presiding Inspector: I will allow the objection to go in first before the answer.

The Witness: I am sorry.

Presiding Inspector: You answered quickly.

Mr. Grossman: I will ask that again.

Presiding Inspector: We will strike out the question and answer so we can start over. [4461]

By Mr. Grossman:

Q. In the course of your trade union contacts with Mr. Bridges did he ever take any action that appeared to you to be taken for a purpose other than satisfying the best economic interests of the workers that were involved?

Mr. Del Guercio: I object to that as being immaterial. Whether or not, in the opinion of this witness, that is true or not is immaterial.

Mr. Grossman: These have been permitted.

Presiding Inspector: I think it is along the same line and I will take the answer.

A. My answer to that is, no, he has never taken such a position. If I may be permitted——

Presiding Inspector: No, that answers it.

Mr. Gladstein: Why not let the witness explain?

Presiding Inspector: Because he will give some details.

The Witness: No.

Mr. Gladstein: Well, if he does give details those can be stricken, but if he wants to complete his answer in a general way——

Presiding Inspector: I don't see what more he can add to that. If he can, let him go ahead.

(Testimony of Sam Kagel.)

A. (Continuing): I simply wanted to explain that my answer yesterday, when I said "Yes", was meant to mean that I differed at times with Mr. Bridges as to procedure, or as [4462] to particular strategy at the moment; but the answer of "Yes" yesterday was not meant to mean that I knew of cases where he was taking a particular position contrary to the economic interests of those persons he represented.

Presiding Inspector: I don't think we so understood it.

The Witness: I wanted to clear it up on the record.

Presiding Inspector: I don't think the explanation was necessary.

Mr. Del Guercio: I move to strike out the witness' answer.

Presiding Inspector: I will let it stand. It don't amount to anything.

Mr. Grossman: I fought for days on end to have Government witnesses answer "Yes" or "No" and failed.

Presiding Inspector: I have ruled in your favor. If you want to withdraw it, or anything of that kind—I ruled in your favor.

Mr. Del Guercio: I have a statement to make. The Government has sat idly by and has not been given any opportunity to reply to various charges and accusations and implications, made by counsel——

(Testimony of Sam Kagel.)

Presiding Inspector: According to the rules laid down, none of this goes into the record.

Mr. Del Guercio: It is going in the record, however.

Presiding Inspector: This isn't the record. The record is what the Presiding Examiner reports to the authority, the Department. [4463]

Mr. Del Guercio: It will all be stricken from the record?

Presiding Inspector: That is what the rule says.

Mr. Del Guercio: The rules provide.

Presiding Inspector: Yes.

Mr. Del Guercio: But the reporter is recording all this.

Presiding Inspector: But he cannot use his discretion as to what goes in and what shouldn't go in. He is taking everything.

Mr. Grossman: At this time I would like to make my offer of proof.

Presiding Inspector: I don't know how to make up a record, how it would be possible to make it up, without having some of this discussion in, but we will have a talk about that when the case closes.

Mr. Grossman: I wish to make an offer of proof to the effect that if we had been permitted we would have asked questions, and the replies of Mr. Kagel to those questions, would be in substance this: That on many, many occasions the conduct of Mr. Bridges was such as to support the general statements that have been made, the general replies that have been made to the general questions previously

(Testimony of Sam Kagel.)

asked Mr. Kagel about characterizing the conduct of Mr. Bridges; and that all of the conduct of Mr. Bridges has been consistent with those statements; and that Mr. Kagel would have given specific examples showing cases where Mr. Bridges had opposed a strike, or strikes, [4464] even against the position of the leadership of the union involved, and even against the position of a large part of the membership in the union involved, because he thought it was not the best economic weapon to use at that time, or not necessary to achieve the economic ends of the union; that he would also testify to Mr. Bridges going so far in favor of collective bargaining that he disagreed with union committees on the question of whether employer groups should be permitted to join together into a single employer association for the purpose of collective bargaining, on the theory that such collective bargaining would be better collective bargaining and would avoid minor and small strikes; that Mr. Kagel would also have replied that at the request of the Government of the United States, officials of the Government of the United States, more properly, Mr. Bridges had used all his efforts to avoid and delay certain important strikes at the request of the Government in the hope of avoiding the strike permanently; that Mr. Kagel would also, if permitted to testify, give examples of Mr. Bridges theory of the role and function of the trade unions and its application to particular situations, showing that

(Testimony of Sam Kagel.)

such theory, which statements of Mr. Kagel would have the effect of showing that such theory, and such activities in support of such theory of Mr. Bridges, is completely inconsistent with the statements of Communists' theory as to the trade unions that have been made by the Government witnesses, [4465] in particular, Schnering, Rushmore and Diner.

Mr. Del Guercio: I object to the line of testimony offered by counsel.

Presiding Inspector: The first part of it is all in, that you offered, is already in.

Mr. Grossman: I recognized I was duplicating, but for the purpose of clarity I wanted to add that.

Presiding Inspector: But whatever new there is, outside of what you have already shown, I will exclude the evidence.

Let us have the next question.

Mr. Grossman: Your Honor, I would like to have a statement from you as to whether or not you consider our offer of proof sufficient for the purpose we are making it?

Presiding Inspector: I certainly do.

Mr. Grossman: And without mentioning the particular events or circumstances, about which testimony could be given, because in order to make our offer of proof conclusive we are willing to do that, unless your Honor considers that it is sufficient as it now stands.

Presiding Inspector: I think it is absolutely sufficient. In fact, I think the matter is entirely

(Testimony of Sam Kagel.)

clear without the offer. Of course, the offer is to clarify what needs clarification.

Mr. Grossman: Yes.

Presiding Inspector: And you showed by your question, I [4466] think, that you were aiming at fully, so as to protect your rights completely. I have allowed the offer so there may be no question about it, so as to make sureness doubly sure.

Mr. Grossman: No more questions.

Cross Examination

By Mr. Del Guercio:

Q. How old are you? A. I am 32.

Q. Now, you say you are connected with the Pacific Coast Labor Bureau? A. Correct.

Q. Is that a private organization?

A. Yes, sir.

Q. Is it incorporated? A. No, sir.

Q. Is it organized for profit?

A. Well, it is owned by one person, by H. P. Melnikow, as the Proprietor.

Q. What?

A. H. P. Melnikow is the Proprietor.

Q. Is he running the organization for profit, or is it an eleemosynary institution?

A. I don't know exactly what you mean by "profit." The money that is made, over and above expenses, is usually kept [4467] in the business.

Q. Are you a salaried employee of the concern?

A. I am.

Q. You don't have any title, do you?

(Testimony of Sam Kagel.)

A. Well, I have, as I testified yesterday, been called at times "Associate Director," or "Assistant Director."

Q. I am not asking you what you have been called. I am asking you what is your exact position with that concern, how are you carried on its payroll? A. Simply by name.

Q. By name. And you have no title at all?

A. Not on the payroll. [4468]

Q. What is your salary?

A. $425.00 a month.

Q. Who pays you that salary?

A. The Pacific Coast Labor Bureau.

Q. That is, Mr. Melnikow?

A. Mr. Melnikow.

Q. Who picked the name "Pacific Coast Labor Bureau"?

Presiding Inspector: There was a little noise in the room. It was difficult for me to hear as well as the witness.

By Mr. Del Guercio:

Q. Your organization is called the "Pacific Coast Labor Bureau". Do you know why the word "bureau" was chosen? A. Yes. I think I do.

Q. Well, without going into detail, great detail, who picked it out?

A. Well, the only way I can explain that is to tell you how the Pacific Coast Labor Bureau was itself established.

Q. Well, I am not asking you that.

A. Well, but——

(Testimony of Sam Kagel.)

Q. (Interposing): Was it picked out by Mr. Melnikow?

A. Mr. Melnikow picked out the name "Pacific Coast Labor Bureau", but the Pacific Coast Labor Bureau was an office taken over from a group originally known as the "Labor Bureau Incorporated", which was organized in New York and had offices throughout the country and had an office established [4469] in San Francisco.

Q. Now, was Mr. Gladstein ever connected in any shape, manner or form with that organization, either here or Portland or anywhere else?

A. No, sir.

Q. Do you know it?

A. Not to my knowledge. And for the period that I have been connected with the Bureau I would say, No.

Q. And you have been connected with it since 1933?

A. On a permanent basis and on a part time prior to that.

Q. Now, these contacts that you have testified to as having with Harry Bridges, they were on the basis of an employer and employee basis, were they not? A. That's correct.

Q. You were the employee, or your organization was the employee, Harry Bridges was your employer?

A. Well, the Union he represented was.

Q. Yes? A. Correct.

(Testimony of Sam Kagel.)

Q. And he paid you for all the information you furnished him? A. Correct.

Q. In other words, you and your organization were Harry Bridges' paid advisors, is that correct?

[4470]

A. Correct.

Q. And your relations with him throughout this period of time that you have testified to have been in that relationship, is that correct?

A. That's correct.

Q. Employer and employee? A. Correct.

Q. And without going into details or specific instances, Harry Bridges has employed you and your organization to obtain for him figures and statistics on employer organizations and labor matters and what-not?

A. Yes. The union that Bridges represents has employed us.

Q. Now, he didn't advise you, did he?

A. What, sir?

Q. He didn't advise you or your concern as to what you should or should not do in all of your contacts? A. With him?

Q. Yes.

A. Well, I might say that in our contacts with him these matters were always discussed pro and con, and it wasn't a question of advising our organization because our organization per se was not in the negotiations, for example, or in the arbitration. But there was a mutual exchange of opinions and advice and suggestions.

(Testimony of Sam Kagel.)

Q. Well, did you or your organization get advices from Harry Bridges? [4471]

A. Only in those cases where he had anything to do with the matter, such as the longshore matters or when he was the CIO West Coast Director, in those cases involving CIO Unions where the Union called in Bridges. We didn't call him in.

Q. He was paying you, was he not, for your advice? A. No.

Q. And for the advice of your organization?

A. No. I think I had better qualify that.

Q. Wait! Can you answer that "Yes" or "No."

A. Well, I want to——

Q. (Interposing): Then you can qualify it.

A. Let me explain it to you.

Q. Just a moment! Let me do the questioning.

Mr. Grossman: It is quite obvious that this can't be answered "Yes" or "No."

Mr. Del Guercio: He hasn't stated it.

Presiding Inspector: I don't know.

The Witness: Ask the question again.

Mr. Del Guercio: Will you read it, please?

(The question referred to was read by the reporter as above recorded.)

The Witness: The answer there should be "Yes", when Bridges was directly representing the longshoremen. But "No", when Bridges sat in conferences involving other CIO Unions and where he sat as the CIO Director. In those cases [4472] we were paid by the particular Union that called us in. For example, the Newspaper Guild or the Ware-

(Testimony of Sam Kagel.)

housemen. They paid us separately. But at their request they might have called Bridges in, and only in those cases did we advise with Bridges concerning their particular problems of these other unions.

Mr. Del Guercio: I move to strike the answer out on the theory that it was not responsive.

Mr. Grossman: It is perfectly responsive.

Presiding Inspector: I think that is responsive. It differentiates between two different things here, matters; both of which were covered by the question.

Mr. Del Guercio: Yes.

By Mr. Del Guercio:

Q. You and your organization claim to be experts in gathering statistics, do you not?

A. We do.

Q. And those statistics include matters pertaining to employment along the waterfront and the statistics concerning the ability or inability of the employer-shipowners to pay, say, certain wages claimed by the particular unions?

A. Well, they include all kinds of economic statistics that may be helpful in negotiations or arbitrations.

Q. And that is what you and your organization sell?

A. We do that, but we also prepare the exhibits, for example, for an arbitration proceeding and usually somebody [4473] from the staff will present the arbitration case.

(Testimony of Sam Kagel.)

Q. When you prepare these things you get paid for them, do you not? You sell them?

A. We get paid for all our services, Mr. Del Guercio.

Q. There isn't any service that you do that you don't get paid for? A. That is correct.

Q. That is not boughten and paid for?

A. That is correct. We are in the same capacity as a lawyer except that we do no legal work.

Q. Have you ever been a member of the Communist Party? A. No, sir.

Q. Have you ever been a member of the Professional Section of the Communist Party?

A. No, sir.

Q. At any time? A. No, sir.

Q. Did you ever attend any Communist Party meetings? A. No, sir.

Q. Open or secret? A. No, sir.

Q. Did you ever attend any rallies of the Communist Party? A. No, sir.

Q. Anywhere? [4474] A. No, sir.

Q. At any time? A. No.

Q. Did you ever belong to any—do you know what the term "Communist front organization" means?

A. Well, I have heard it discussed in the newspapers. I mean, I have read about it.

Q. Well, do you know of your own knowledge what they are?

A. I wouldn't say that I know their names, no.

(Testimony of Sam Kagel.)

Q. Are you familiar with the Congress of Democratic Action?

A. I have heard of the name.

Q. Did you ever sponsor such an organization?

A. Not to my knowledge. No, sir.

Q. Do you know who the sponsors of that organization are?

A. I wouldn't be able to tell you.

Q. What?

A. I wouldn't be able to tell you.

Q. Have you ever attended any meetings of the Congress of Democratic Action?

A. Not to my knowledge.

Q. Well, what do you mean "not to your knowledge? [4475]

A. Not that I can recall.

Q. You may have attended without your knowledge?

A. The point is that I go to many meetings in the course of my work. I am not sure that I never attended any meeting that was sponsored by the group that you have named.

Q. Would that answer be the same with regards to attending Communist Party meetings?

A. No, sir. That would not be the same.

Q. Do you read the People's World?

A. Yes.

Q. Do your subscribe to it? A. Yes, sir.

Q. Did you read an article in the People's World of March 31, 1939 reporting you as having

(Testimony of Sam Kagel.)

been a sponsor of the Congress of Democratic Action? A. I did not.

Q. How long have you been subscribing to that?

A. Our office subscribes to it, as we do to all newspapers.

Q. Well, how long a period?

A. Well, I am trying to—I think for the last two years. I am not sure.

Q. Were you subscribing to it on March 31, 1939?

A. I am not sure. It may be. The point is that the paper comes into the office, but I do not read it every day. [4476] We receive over a hundred papers in our office through the week. It is impossible to cover all of them.

Q. I don't know whether you were asked this on direct examination or not. Were you asked where you were born? A. No, I was not.

Q. Where were you born?

A. Right here in San Francisco, south of the slot.

Q. Are you married? A. Yes, sir.

Q. Did you ever write any speech—well, strike that out.

That is all, your Honor.

Presiding Inspector: Anything further?

Mr. Grossman: Just a moment.

Mr. Del Guercio: There is just one more question, if your Honor please, if I may ask it.

Presiding Inspector: Yes.

(Testimony of Sam Kagel.)

By Mr. Del Guercio:

Q. Do you know Aaron Sapiro?

A. I met Aaron Sapiro once or twice.

Q. Have you ever admitted to anyone that you were a member of the Communist Party?

A. No, sir; because I am not a member of the Communist Party and never have been.

Mr. Grossman: Is that all? [4477]

Mr. Del Guercio: That is all.

Mr. Grossman: No questions.

Presiding Inspector: That is all.

The Witness: Thank you.

(Witness excused.)

Mrs. King: If your Honor please, the next witness isn't here, but we will go on with our reading and he will be here in the next fifteen or twenty minutes.

Presiding Inspector: Very well.

Mrs. King: I propose to read from page——

Mr. Del Guercio (Interposing): May I be excused? I want to be excused for just a moment.

Presiding Inspector: Just wait a moment.

Mr. Del Guercio: It won't be necessary——

Presiding Inspector (Interposing): Can we go on?

Mr. Del Guercio: Yes.

Presiding Inspector: All right.

Mrs. King: I propose to read from page 3067 beginning on the fifth line to page 3073 to the point where the Government began to read on that page.

Presiding Inspector: What is the subject?

Mrs. King: It has some more to do with the set-up on the waterfront and immediately precedes the discussion of the Waterfront Worker and explains why the Waterfront Worker was undertaken.

"A. —— [4478]

Mr. Myron (Interposing): Just a moment!. We haven't found if yet.

Mrs. King: Oh, I beg your pardon.

Mr. Myron: We object to that, your Honor, as not having any reference to the admissions which have been introduced by the Government.

Presiding Inspector: I will have to look at it.

(The transcript containing the portion referred to was passed to the Presiding Inspector.)

Presiding Inspector: Where is this now, Mrs. King?

Mrs. King: It begins on the fifth line of page 3067.

Presiding Inspector: Where does it go?

Mrs. King: Down to the place where the Government itself read on page 3073, which is the last question. They started to read the last question on 3073.

Presiding Inspector: Did they read this 3066? Was that read?

Mrs. King: Yes. They read the part of 3066 to the bottom of the page. They started on 3065 to the bottom of page 3066, and what I am proposing

to read really is the portion between the quote which the Government read on page 3066 and the portion which the Government started on page 3073, feeling that this is just a part of that general picture, that what was taken out is relevant to a clear understanding of the picture on the waterfront at that time. It is very much of the same character as the last quotation that I read last night. [4479]

Presiding Inspector: Now, where do you end?

Mrs. King: What?

Presiding Inspector: Where does your offer end?

Mrs. King: Beginning with the fifth line on page 3067 and ending three lines from the bottom of page 3073, which is the beginning of the Government's quotation.

Presiding Inspector: Of course, I haven't read the testimony offered, but it seems to me that this is on a separate subject.

Mrs. King: I don't believe it is, your Honor, for this reason: It seems it impinges on two subjects covered in the Government's quotations. In the first place, it explains the difficulties that the longshoremen were suffering, which were set forth in the Waterfront Worker. It also has a very clear bearing, it seems to me, on the question of why Mr. Bridges cooperated with the Marine Workers Industrial Union, particularly, towards the end of this quotation. It seems to me that if the Government is entitled to show his connection with the Waterfront Worker, and his connection with the Marine

Workers Industrial Union, he is entitled to show the reasons for those connections.

Presiding Inspector: Yes. Is that what they introduced from his statements, what his connection with those matters may have been?

Mrs. King: They introduced the fact that he cooperated with [4480] the Marine Workers Industrial Union.

Presiding Inspector: Is that in here?

Mrs. King: That comes along.

Presiding Inspector: In what they have already introduced?

Mrs. King: Yes.

Presiding Inspector: Just tell me what the——

Mrs. King (Interposing): The material they introduced on the Marine Industrial Workers Union?

Presiding Inspector: Yes.

Mrs. King: Just a moment. That was one of the four subjects that was specified as being introduced by them. They introduced material on the Marine Workers Industrial Union, and on the Waterfront Worker, and on the IWW, and on Communist literature purchased by Mr. Bridges. Those were the four subjects.

Mr. Myron: The testimony introduced by the Government was introduced as admissions made by the party at a former hearing. Now, any evidence introduced by Alien's counsel must be introduced at this time to qualify or explain the subject matter of those admissions. We say that this doesn't even

remotely refer to the subject matter of the admissions introduced by the Government.

Presiding Inspector: It strikes me that it is remote, Mrs. King.

Mrs. King: Just a minute. At the very end there of their quo- [4481] tation,——

Presiding Inspector: Of course, I agree with your general principle that you are entitled to anything that explains or qualifies the admissions, the matter which they have introduced as admissions.

Mrs. King: For instance, on page 3073 you find this statement:

"When the strike was originally called were there any unions a part of it other than the International Longshoremen?"

"A. No, they were the only ones that struck on May 9, 1934."

And then it goes on to say:

"Q. Did you get any support from the International organization at all, or was it a local situation?

"A. None whatsoever."

Now, you will find in the portions that the Government read that they call attention to the fact that the Marine Workers Industrial Union went out on strike the next day. This entire picture of the strike gives the background against which Mr. Bridges cooperated with the Marine Workers Industrial Union, a large functioning organization on the West Coast, which was the first of the unions to go out in support of this strike after it was called. They went out on May 7th.

Now, in view of that situation, his relationship to the Marine Workers Industrial Union, which the Government calls at- [4482] tention to, is very different from what it might have been if there had been no strike situation, if there had been a functioning union of the International Longshoremen's Association.

I do not see how you can understand the admissions which the Government has introduced without a picture of the situation against which those admissions must be judged. It is part of that picture. The fact is that they read up to a point, and then skipped this portion that I am proposing to read, and then read right after it. This seems to me as a part of that story, as an integral part of it.

Presiding Inspector: It is the general practice to give wide latitude in allowing explanatory statements. I am not fully convinced that this is explanatory but, nevertheless, in the interest of fairness I will take it and let you read it.

Mr. Myron: Over the Government's objection?

Presiding Inspector: Yes.

Mrs. King: (Reading from transcript of previous hearing):

"A. It is generally known how a company union functions.

"The company union had a closed shop agreement. Everybody had to be a member of the company union. It was simply a device where you were supposed to bring any complaints you had against

the employers to the officials of the company union. The minute you done that, the officials of the company union went to that particular employer and said, 'Now, get rid of him fast.' And you were just blacklisted. [4483]

"Therefore, when you had a choice between being short-changed in your wages, or one thing and another, on the one hand, and the choice of reporting it to the company, so-called, union, on the other hand, you would be blacklisted off the waterfront. You took the short change and you took the other abuses and you generally kept quiet about it.

"There were a few of us that fought it. I got into trouble with it again around 1929 and I had another 18 months' layoff.

"Generally, the men were pretty well beaten and disorganized at that time and it was very hard to do anything about it.

"Q. Did the company union have union meetings?

"A. Of a type.

"Q. What do you mean by that?

"A. Well, there was a group of these bosses and the officials, and a little clique that used to hang around the company union hall and play gambling games; they had a lot of card-sharks around there, people that used to handle crooked dice—of course, every longshoreman knew better than to get into one of those games—and this was the group that used to make up the union meeting.

"Of course, if any ordinary working longshoreman raised a protest in the union meeting—we tried it once—why, we got thrown down the stairs, as a rule.

"Q. I take it there wasn't a great deal of democracy [4484] in the country, in those unions?

"A. No, I would say not.

"Q. Now, I interrupted you a moment ago when you were about to describe the activities of the union in 1933.

"A. Well, beginning with our—as far as the waterfront was concerned, I have already dealt with the longshoremen. The new deal came in, I think it was in April—I mean, the NRA came in after the election campaign, and I think it took effect in April. Under the NRA there began to be quite a surge for organization, and we already had the apparatus laid.

"In other words, there was a group of 15 or 20 of us functioning on the waterfront by that time. We had an organizational apparatus, so it was not very long under the NRA, with the organization incentive that that gave, until we had a union organized on the waterfront.

"Between April and June, 1933, we organized a majority of the longshoremen into a union and got a charter in the ILA, A F of L. And then came the task, of course, of getting the union into shape.

"Also, we had to give some attention to the other organizations on the waterfront. The seamen had no union to speak of; they also had what was in effect

a company union. As a matter of fact, our company union headquarters were in the same headquarters as the Seamen's Union, and Scharanberg, who was an official of the Seamen's Union, worked very [4485] closely with the company union officials. In other words, it was an employers' set-up all the way down the line.

"The Seamen's Union was a company union, to all intents and purposes, the same as our union, so we couldn't deal with one without very well dealing with the other, and we would have to give some attention to the organization of Seamen. We tried that in 1933, but we were generally rebuffed by their officials, who, in effect, said that, "We don't want anything to do with the longshoremen."

"So we went ahead by ourselves, and so we went through all the organizational stages, and this and that and the other thing, and generally had the union in pretty fair shape by January, 1934.

"Q. Meanwhile, what was the condition of, for instance, the Marine Cooks and Stewards, the Marine Firemen?

"A. Those unions remained in that company union state until May, 1934, when we was able to put sufficient pressure on them to force them on strike.

"Q. And were there any developments in the Longshoremen's Union between January '34 and the strike, or was it just a continued——

"A. (Interrupting): Well, it was in June, very shortly after our union got started, the Longshore-

men's Union, that we found out that the president of it was an employer's agent, employed and paid by the Industrial Association of [4486] San Francisco—Lee J. Holman. He got himself elected as president of our union by connivance, by the support of the Labor Council, by the support of the probation officer in San Francisco, and apparently a little help from the police department and what-not.

"So we had to organize to correct that situation, and that is where we formed the equality group.

"Q. When *that was* formed, as closely as you can fix it?

"A. As far as I can recall, in June, 1933. In addition to that, many of our members, as soon as you got active in our organization you were discriminated against on the waterfront. So we had some 14 men at that time who had been fired from their job for joining our union, even though there was a great to-do about the NRA.

"It was my idea and the idea of other people around me that to break the back of the company union we had to break its back in the place where it was the strongest, and that was the Matson Navigation dock. There had been four men, four of our best men fired from that dock for talking about and being active in our union, and eventually we organized a strike against that company in October, 1933, and won.

"Q. Now, was that an I. L. A. strike?

"A. That was an I. L. A. strike, yes, by the local

union here. We had the four men reinstated on the job, and of course that—we also organized a little business there where [4487] we burned our company union books, that is, a lot of the people that hadn't thrown them away. We made a bonfire and burned them in front of the Matson Company at that time, and of course all these things gave an added drive to our organization.

"From then on the organization started to move; until January, 1934, when we were up against the international and district officials. We sent two men from our local, myself and Dietrich, to visit the other locals on the Coast to demand a convention be called, to unite the Coast. We had already built up our local; the next step was to unite all the locals on the Coast on one program, and for that reason it was necessary to get a convention called, a Coast convention, and it was necessary to have it called by elected delegates, not by appointed delegates.

"There had already been one convention called where all the delegates were appointed by the international or district officers, and the membership had nothing to do with it; so we repudiated all the actions of that convention, mainly through the lead of the small group that we had organized in the Albion Hall, and eventually we sent myself and Dietrich in a delegation to visit the other ports.

"The other ports all voted in favor of calling a convention in San Francisco, February, 1934. At that convention the demands for the 1934 longshore-

men's strike were drawn up, and [4488] from that convention submitted to a referendum vote. Later on, of course, after the strike was originally set for March 7, 1934, at the request of the President we postponed the strike and it was eventually called on May 9, 1934.

"Q. Now, meanwhile what had happened to the company union, before the strike?

"A. We got rid of it. There was—it just folded up.

"Q. What were the demands made upon which the strike was based?

"A. Wages at that time were 85 cents an hour. The demands were for $1 an hour straight time, $1.50 overtime; a 6-hour day, instead of the 8-hour day; hiring through the union hiring halls, that is, establishing and hiring through union hiring halls; and no separate port agreements. They were the four demands.

"In other words, one Coast agreement and no separate port agreements. The reason we put that in is the past history of the Pacific Coast had shown that it had always been an instrument of the employers to sign separate agreements with the ports and play them one against the other, so we were determined to get one Coastwise agreement. Ultimately we did, of course.

"Q. When the strike was originally called, were there any unions a part of it other than the International Longshoremen? [4489]

"A. No, they were the only ones that struck on May 9, 1934.

"Q. Did you get any support from the international organization at all, or was it a local situation?

"A. None whatsoever. We never have—the International Longshoremen's Association at no time got any support from the International in any strike. All they got was threats to revoke their charter if they struck; and one thing and another."

[4490]

I am now turning to page 3075. I believe that is immediately after the Government's quotation beginning on 3073.

Presiding Inspector: 3075? Whereabouts on 3075?

Mrs. King: At the beginning of page 3075. On page 3076 you will see some mention of the Marine Workers Industrial Union. The quotation goes more on the picture of the general strike as it occurred——

Mr. Myron (Interposing): What is your contention? That it refers to what admission introduced by the Government?

Mrs. King: That it refers, as before: to the reason why the Waterfront Worker was started and also particularly to the Marine Workers Industrial Union and the reason why Mr. Bridges was ready at that time to cooperate with the Marine Workers Industrial Union, and it gives the entire picture of the strike situation at that time.

Now, I would like to read from the beginning of page 3075 to the last question on page 3092. It doesn't seem to me that the relation of Mr. Bridges to the Marine Workers Industrial Union is possible to be understood without a picture of the situation, the background against which it arose.

Presiding Inspector: How far do you read?

Mrs. King: Down to the last question on 3092.

If your Honor please, at this time I believe that the witness has come in and we would like to have the morning recess now and go on with the witness, if we can and then [4491] take this up at some later time.

Presiding Inspector: Very well.

(Whereupon a short recess was taken.)

Presiding Inspector: Call the witness, if you will.

ROSCO GEORGE CRAYCRAFT

called as a witness on behalf of the Alien, being first duly sworn, was examined and testified as follows:

Direct Examination

By Mr. Gladstein:

Q. Will you state your name, please?

A. Rosco George Craycraft.

Q. Spell it, please.

A. C-r-a-y-c-r-a-f-t.

Q. How is your first name spelled, Mr. Craycraft?

A. R-o-s-c-o.

(Testimony of Rosco George Craycraft.)

Q. Will you please state where you reside?

A. 025 Southwest Curry, Portland.

Q. Are you a man of family?

A. Wife, two children.

Q. Do they reside with you at that address?

A. Yes, sir.

Q. What is your occupation?

A. International Executive Board member of the International Longshoremen's and Warehousemen's Union.

Q. When did you acquire that office, please?

A. I think in the spring of '39.

Q. The spring of 1939? [4492]

A. 1939.

Q. Now, prior to becoming a member of the International Executive Board of the International Longshoremen's and Warehousemen's Union did you work as a working longshoreman?

A. Yes, sir.

Q. Beginning when, please? A. '29.

Q. 1929? A. Yes, sir.

Q. And where? In what city did you work as a longshoreman? A. Portland entirely.

Q. Portland what?

A. Entirely; all the time in Portland.

Q. That is, Portland, Oregon?

A. Portland, Oregon.

Q. For how long did you continue to work as a longshoreman in Portland after you once began in 1929? A. Ever since.

(Testimony of Rosco George Craycraft.)

Q. Have you held other union offices besides the ones that you have just mentioned?

A. I was Secretary of the Portland Local in the years 1937 and 1938.

Q. Is that the Portland Local Union of the Longshoremen? A. Yes, sir. [4493]

Q. And in 1936 and 1937 it was, was it not, a part of the then known International Longshoremen's Association? A. Yes, sir.

Q. Subsequently transferred its affiliation to the CIO, and became the International Longshoremen's and Warehousemen's Union, did it not?

A. Yes, sir.

Q. Did you hold the office of Secretary of the Portland longshore local union for two years?

A. Yes, sir.

Q. 1936 and 1937? A. No, 1937 and 1938.

Q. I beg your pardon. Now, prior to 1937 did you hold any office or position for the union?

A. I was a member of the Local Executive Board from 1933 up until the time I went in as Secretary of the union in 1937, outside of one six-months period in '35.

Q. How was your selection to that position made?

Mr. Del Guercio: Now, if your Honor please, we have listened to all these preliminary questions for about five minutes.

Presiding Inspector: Yes. We know who he is now. This is all for identification.

(Testimony of Rosco George Craycraft.)

Mr. Gladstein: Yes, it is. Not just for identification, but also to bring out sufficiently personal data to enable the trier of the facts to take into consideration those data in [4494] determining the weight of the evidence.

Presiding Inspector: Well, I call that "identification".

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. In 1934, Mr. Craycraft, did you hold any office in connection with the strike?

A. I was Chairman of the Local Strike Committee.

Q. Did you hold any similar position in 1936 during the strike of that year?

A. I was Chairman of the Relief Committee. [4495]

Q. Do you know a man named Maurice J. Cannalonga? A. Yes, sir.

Q. When did you first become acquainted with him?

Mr. Del Guercio: If your Honor please, I will object to any further questioning of this witness' relations with Maurice Cannalonga. Apparently the Court knows what he has in mind.

Presiding Inspector: I think I do. I have heard some statement from Mr. Gladstein along that line.

Mr. Del Guercio: You know the circumstances under which this alleged statement was—I say "alleged statement" because it can't be called by any other name—was made and that this witness was

brought down here in connection with the same matter.

Presiding Inspector: I think it is a troublesome matter. I think I will take the testimony.

Mr. Gladstein: Read the question, please.

Presiding Inspector: It is over your objection, Mr. Del Guercio, and very properly you should make the objection.

(The question referred to was read by the reporter as above recorded.)

A. During the 1936 and 1937 strike.

By Mr. Gladstein:

Q. Just very briefly, and in a general way, Mr. Craycraft, please state how that acquaintance was formed? [4496]

A. Maurice Cannalonga was a member of the Strike Committee, representing the Marine Firemen's Union. I was a member of the Strike Committee representing the longshore union. We held Strike Committee meetings practically daily.

By Mr. Gladstein:

Q. In what city? A. In Portland.

Q. Was this throughout the duration of that strike? A. Yes, sir.

Q. And is that the way in which you became acquainted with him?

Presiding Inspector: That is what he said. You asked him that.

The next question.

(Testimony of Rosco George Craycraft.)

By Mr. Gladstein:

Q. Since the 1936-'37 strike have you had occasion to see Mr. Cannalonga? A. I have.

Q. When was the first time?

A. April 30 of this year.

Q. How do you fix the date?

A. We had a special meeting of the longshore union called in Portland on that date.

Q. And did you see him on the same day?

A. I seen him on the same day of this special meeting.

Q. Before or after the meeting? [4497]

A. I seen him before the meeting and after the meeting.

Q. Where did you see him when you saw him before the meeting?

A. On the West Kussetta—K-u-s-s-e-t-t-a—I believe it is spelled.

Mr. Del Guercio: What?

The Witness: West Kussetta.

By Mr. Gladstein:

Q. A ship? A. Yes.

Q. Where was that ship docked?

A. At Irving Dock.

Q. In Portland? A. In Portland.

Q. Do you recall what time of day it was when you saw him?

A. Probably 6:30 in the evening, just prior to the time that the membership meeting would take place.

(Testimony of Rosco George Craycraft.)

Presiding Inspector: Are you having some difficulty in speaking? It is difficult to hear you even at this short distance?

The Witness: I know; I have sinus trouble.

By Mr. Gladstein:

Q. Were you with him on the ship on that occasion? A. Yes, sir. [4498]

Q. Where on the ship?

A. I met him in his room on the ship and just talked to him briefly. There were a couple of other shipmates of his in the room. I told him that I had a special meeting to attend of my own local union and if the meeting didn't go too long I would come down and see him again that night, or I would come down the following morning.

Presiding Inspector: When was this?

The Witness: On April 30.

Presiding Inspector: What day of the week?

The Witness: Wednesday.

By Mr. Gladstein:

Q. Did you, on that occasion, tell him, or did he ask you what purpose, if any, you had in mind in seeing him?

Mr. Myron: That is a leading question. You should ask for the conversation.

Presiding Inspector: I don't see how the conversation of April 30th has the slightest materiality. He was sworn as a witness after that.

Mr. Gladstein: Pardon?

Presiding Inspector: He was sworn as a witness after April 30th, wasn't he?

(Testimony of Rosco George Craycraft.)

Mr. Gladstein: No.

Presiding Inspector: When was he sworn?

Mr. Gladstein: Prior to April 30th. [4499]

Mr. Grossman: What is the date?

Presiding Inspector: I don't know, but I supposed it was before. What date was he sworn?

Mr. Gladstein: I can't tell you the exact date right now. I know it was prior to April 30th. Mr. Cannalonga testified I would say, approximately ten days or so previously.

Mr. Del Guercio: April 17th.

Presiding Inspector: Let us find out why he went to see him.

Mr. Gladstein: I have been told that Mr. Cannalonga testified on April 17th in this proceeding.

Presiding Inspector: Very well.

By Mr. Gladstein:

Q. Would you state, Mr. Craycraft——

Presiding Inspector: I thought it was after that.

By Mr. Gladstein:

Q. Will you state what occasioned you to go to Mr. Cannalonga on the ship on April 30th?

A. I was returning home after I had attended the ILWU Convention in Los Angeles. I stayed over in San Francisco here several days. I picked up a paper one day and I read where Maurice Cannalonga had testified in the Bridges trial, and at the bottom of the article his answer——

Presiding Inspector: Never mind what his answer was, what was in the newspaper. You read

(Testimony of Rosco George Craycraft.)

something in the news- [4500] paper that he testified to.

The Witness: His statement in the newspaper—

Presiding Inspector: Never mind his statement in the newspaper.

Mr. Gladstein: This goes——

Presiding Inspector: We will exclude any newspaper statement. He read something about Mr. Cannalonga.

Mr. Gladstein: What he read in the newspaper doesn't bind Mr. Cannalonga, the Government, as to the testimony, but it does show——

Presiding Inspector: I may bind me and I am excluding it. Go ahead.

Mr. Gladstein: How can it bind you? It goes to the motivation——

Presiding Inspector: I am not going to take it at this time.

Mr. Gladstein: I offer to prove——

Presiding Inspector: I won't accept your offer to prove.

Mr. Gladstein: I have a right to make an offer of proof in the record.

Presiding Inspector: No, you haven't. Go ahead. He read something in the newspaper about Mr. Cannalonga.

By Mr. Gladstein:

Q. Well, Mr. Craycraft, let me ask you this: Did you read something in the newspaper concerning

(Testimony of Rosco George Craycraft.)

Mr. Cannalonga [4501] which had any connection with your going to see Mr. Cannalonga?

Mr. Del Guercio: I will object to the form of the question.

Presiding Inspector: I will take that.

A. Yes.

Mr. Gladstein: Do I understand your Honor won't permit me to bring out what this was?

Presiding Insepctor: No. We don't care what was in a newspaper. How is that material?

By Mr. Gladstein:

Q. What was your purpose, Mr. Craycraft, in attempting to speak with Mr. Cannalonga?

Mr. Del Guercio: I will object to that as immaterial as to what purpose he had.

Presiding Inspector: What did he do? Let us hear what he did, and the purpose will probably be obvious.

Mr. Gladstein: I will withdraw that.

By Mr. Gladstein:

Q. After reading this item in the newspaper what, if anything, did you do in connection with attempting to talk with Mr. Cannalonga?

A. After reading the article I went up to see Mr. Bridges, and I told him I was acquainted with Mr. ——

Presiding Inspector: You saw Mr. Bridges. We won't have any conversation with Mr. Bridges.

Go ahead. You saw Mr. Bridges. Then what did you do? [4502]

(Testimony of Rosco George Craycraft.)

A. (Continuing) I asked him——

Presiding Inspector: Not any conversation. Where did you go then?

A. (Continuing) I went back to Portland to attend to my regular duties in my capacity as Board Member.

By Mr. Gladstein:

Q. Executive Board Member?

A. Executive Board Member; yes.

Q. What efforts, if any, did you make to find out where Cannalonga was?

Mr. Del Guercio: If your Honor please, I will object to that. It doesn't make any difference.

Presiding Inspector: I will allow it.

A. That was a request I made of Mr. Bridges to try to locate Mr. Cannalonga so I could speak to him and——

Presiding Inspector: Didn't you understand me to tell you not to give the conversation with Mr. Bridges?

Mr. Grossman: That was one of the efforts he made——

Presiding Inspector: Just a moment. It was after you left Mr. Bridges that you were asked what efforts you made. Did you understand me first?

The Witness: I thought according——

Presiding Inspector: Just a moment. Did you understand me?

The Witness: Not in that way. [4503]

Presiding Inspector: You didn't understand that

(Testimony of Rosco George Craycraft.)

I ruled that you could not give the conversation with Bridges?

The Witness: I don't see how I could answer the question without answering that way.

Presiding Inspector: Did your understand my ruling?

The Witness: I will have to say "No" to that.

Presiding Inspector: Be careful. [4504]

By Mr. Gladstein:

Q. Did you after your return to Portland learn that Mr. Cannalonga was working on the West Kusetta? A. Yes, sir.

Q. Do you remember when that information came to you?

A. On the evening of April 30th Mr. Rodman came to my house and told me that Cannalonga was working on the——

Mr. Myron: (Interposing) We object to that conversation.

Presiding Inspector: We don't care for any conversations.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. You learned on April 30th, is that correct?

A. That's right.

Q. Was it early evening or late evening?

A. Early evening around 5:00 or 5:30.

Q. After getting that information as to where Mr. Cannalonga was what, if anything, did you do in the way of an effort to talk with Mr. Cannalonga?

(Testimony of Rosco George Craycraft.)

A. I went immediately down to the ship and held a short conversation with Mr. Cannalonga.

Q. Did he recognize you?

A. Yes, sir. He seemed very well pleased to meet [4505] me.

Q. Was he friendly?

A. Yes, sir. He offered me a drink. Very friendly.

Q. How long were you with him that first occasion?

A. Not over ten minutes.

Q. Will you give all the conversation that you had with him that you remember?

Mr. Del Guercio: I will object, your Honor.

Presiding Inspector: I will exclude it. Now, you may ask him if he said anything that was contrary to what Mr. Cannalonga said and quote it to him and ask him whether he said that or that in substance, leading him.

Mr. Gladstein: I am willing to do that, your Honor.

Presiding Inspector: That's the way to proceed, I think.

Mr. Del Guercio: We will object also to that, your Honor.

Presiding Inspector: I know. But I will take it over your objection.

Mr. Gladstein: Are you ready, your Honor?

Presiding Inspector: Go ahead.

By Mr. Gladstein:

Q. On that first occasion, Mr. Craycraft, did Mr. Cannalonga state to you anything to the effect that

(Testimony of Rosco George Craycraft.)

he had given testimony in the Bridges case which was untrue? A. No.

Mr. Del Guercio: I will object to that. [4506]

Presiding Inspector: He said "No".

By Mr. Gladstein:

Q. Did he state to you on that first occasion anything concerning the testimony that he had given? A. No.

Q. In essence did anything occur other than a general discussion?

A. That is all, and to make arrangements for another meeting.

Q. And what were those arrangements?

A. I was to either come back after the union meeting that night or come down and see him the next morning.

Q. When is the next time after this first conversation on April 30th that you saw Mr. Cannalonga?

A. There wasn't a quorum at the meeting, so no meeting was held. I went back down to the ship at approximately 8:00 or 9:00 o'clock.

Q. Did you see Mr. Cannalonga then?

A. Yes, sir.

Q. Where on the ship?

A. First in his stateroom, then we went back to his little workshop between No. 4 and No. 5 hatch.

Q. Who, if anybody, was with you and Cannalonga on that occasion?

A. I don't know the shipmates on the boat who were in his room, but he had his radio playing. So

(Testimony of Rosco George Craycraft.)

he requested [4507] that we go back to his workshop and we went back alone.

Q. On that occasion, beginning at approximately nine o'clock in the evening, as you have stated, how long were you with him?

A. Oh, I would say, approximately 20, 25 minutes.

Q. On that occasion did you have a discussion with him? A. Yes, sir.

Q. In that discussion did Mr. Cannalonga make any statements with reference to the testimony he had previously given in the Bridges case?

Mr. Del Guercio: I will object to that, if your Honor please.

Presiding Inspector: I will take it.

A. Yes.

By Mr. Gladstein:

Q. What were those statements?

Presiding Inspector: No, not generally. Only contradictory statements.

Mr. Gladstein: Well, of course, this witness didn't hear the Cannalonga testimony.

Presiding Inspector: No, but you can suggest it to him.

Mr. Gladstein: Yes, I could suggest things to him. That is true.

Presiding Inspector: This is for the sole purpose of [4508] impeaching credibility of Mr. Cannalonga, as I understand it.

Mr. Gladstein: Yes. And there are also other things that we are interested in bringing out, too.

(Testimony of Rosco George Craycraft.)

It isn't only that. It isn't merely that he made statements contradictory to his testimony, but that he made other statements which we feel are very material.

Presiding Inspector: I don't know whether we will take those other statements. Now, we will take first the ones that are contradictory. Let us take up one thing at a time. I am trying to confine this witness to this subject now of contradictory statements, and it is in view of some things that have been said that I have acted a little sharply with this witness.

Mr. Gladstein: All right, your Honor.

By Mr. Gladstein:

Q. Now, Mr. Craycraft, on that occasion in the evening or at night April 30th of this year did Mr. Cannalonga make any statements to you along the line that he had given untrue testimony or had made untrue statements to the FBI?

A. That is correct.

Mr. Del Guercio: If your Honor please, I will object to that unless counsel states the exact——

Presiding Inspector: (Interposing) Well, I think he is going to follow it up. I will let it stand with that understanding.

Mr. Gladstein: Yes. My next question is, What were [4509] those statements?

Presiding Inspector: Yes.

By Mr. Gladstein:

Q. What were those statements, please, Mr. Craycraft?

(Testimony of Rosco George Craycraft.)

Mr. Myron: Of course, the Government objects to this line of inquiry.

Presiding Inspector: Yes, I know. But I have ruled that under the peculiar circumstances in this case I will broaden the usual rule of the common law and allow contradictory statements to be shown. I have already ruled that in relation to the testimony of Mr. Shoemaker, and I am going to follow it in this case.

Mr. Del Guercio: The Court has mentioned "peculiar circumstances" surrounding the taking of the statement.

Presiding Inspector: Yes. A subpoena was issued and it couldn't be served. The trial is still in progress. There has been no possibility evidently of producing the witness after the subpoena was issued. Under those circumstances I will take the contradictory statements.

Mr. Del Guercio: Does the Court——

Presiding Inspector: (Interposing) As bearing on his credibility.

Mr. Del Guercio: Does the Court also have in mind that the reports that were submitted to him in connection with the efforts made by the officers of the Immigration and Naturalization Service in looking for Cannalonga and that [4510] those efforts are continuing?

Presiding Inspector: Yes, I know that. Yes.

Mr. Del Guercio: And also——

Presiding Inspector: (Interposing) But it

(Testimony of Rosco George Crayeraft.)

would only postpone taking the testimony of this witness.

Mr. Del Guercio: What?

Presiding Inspector: It would only postpone taking the testimony of this witness. If it is on that ground, if you think that Mr. Cannalonga will be produced I will postpone this examination.

Mr. Del Guercio: I will assure the Court that if there is anything that the Government, the Immigration Service and the FBI can do to locate Cannalonga it is being done.

Presiding Inspector: Well then, let us take some testimony as to when Cannalonga was last seen and something of that kind.

Mr. Del Guercio: What I had in mind, if the Court please, also in connection with these peculiar circumstances——

Presiding Inspector: (Interposing) I thought that Mr. Cannalonga would in all probability not be found.

Mr. Del Guercio: I don't——

Presiding Inspector: (Interposing) You don't think that is justifiable?

Mr. Del Guercio: Justifiable.

Presiding Inspector: You do not. [4511]

Mr. Grossman: Your Honor, if we wait on Mr. Cannalonga that means waiting on the line of witnesses such as Mr. Crayeraft, which is going to necessarily mean—and I am sure it can be avoided—a delay in the trial of this case for that reason, because I do not think that it is fair or the law re-

(Testimony of Rosco George Craycraft.)

quires that we be asked to put on this type of evidence after we have closed our direct case. I think we have a right to put it on in our direct rebuttal case and we are coming very close to the end of our case, and if we are going to delay it is going to mean that. And I think your Honor should bear that in mind. It is liable to mean a delay, which we don't think is necessary. And finally is the fact that your Honor has just mentioned, in any event, no matter what Mr. Cannalonga says, if he does appear, the testimony of these witnesses or Mr. Craycraft in particular is relevant and will be given in any event unless he admits the whole of the testimony, which is exceedingly unlikely, in all its details. If there are any differences, as your Honor states, we can't put on Mr. Craycraft. Considering that I don't think it is worth while holding up the hearing. If, as Mr. Del Guercio says, all the energies of the Immigration and Naturalization Service and FBI and all the other services he mentions have been working on this for two weeks, starting from the same city at least an hour or, let us say, two hours after he was last seen; if after that they haven't found him in two weeks, though let us grant for the purpose [4512] of argument that they are bending all their energies, still after two weeks I think it is reasonable to assume that he is not going to appear at least within the next two or three days. And that means a delay of our hearing.

Mr. Del Guercio: If the Court please, while these

(Testimony of Rosco George Craycraft.)

statements are being made we may just as well correct every statement made by counsel.

In the first place, he misquoted me. I said that every effort was being made by the Immigration and Naturalization Service and the FBI. Now, the FBI haven't entered into it until just recently. Of course, this is an Immigration case, primarily. But there are other circumstances that we want to point out to the Court in connection with this matter now under consideration, and that is the "peculiar circumstances" that I thought the Court had in mind. And I think that for that purpose we should review shortly, because we didn't have an opportunity to argue the matter, and the circumstances are this:

We must first consider that a request for a subpoena, as I understand it, and as the record will show, was not made until Wednesday morning. I believe I am correct in that. If I am not correct, counsel there for the defense will correct me.

Presiding Inspector: I think that Mrs. King said that it was Wednesday morning. [4513]

Mr. Del Guercio: Yes. Now, it is admitted here that Mr. Gladstein, an attorney for Mr. Bridges, saw Cannalonga at Portland, Oregon on a Saturday preceding that Wednesday. It is admitted by counsel that he had had a certain conversation with Cannalonga at that time. He therefore had an opportunity—the witness was available then. A statement has been made that Mr. Wixon, who was the District Director of the Immigration and Naturalization Service, who was issuing subpoenas,

(Testimony of Rosco George Craycraft.)

was not available on Saturday and, further, that he had told Mrs. King and counsel that he would not issue subpoenas on Saturday. We have Mr. Wixon in the Court room here to give the lie to that.

Mr. Grossman: That statement was not made, Mr. Del Guercio, and the record will show that statement was not made.

Mr. Del Guercio: The record will speak for itself.

Mr. Myron: The record will speak for itself.

Mr. Grossman: The——

Mr. Myron (Interposing): The record speaks for itself.

Presiding Inspector: Let Mr. Del Guercio make his statement. Then I will hear you.

Mr. Del Guercio: The record further shows that Mr. Gladstein admitted seeing Cannalonga on a Sunday, the following Sunday, that is, prior to this Wednesday. It further shows that persons working for Mr. Gladstein and for others saw that witness on a Monday and also on a Tuesday. So that [4514] Mr. Cannalonga was available to them on Saturday, Sunday, Monday and Tuesday. So that they can't come in and say that the witness was not available and, therefore, "We ask that his statement that he made", if it was a statement, "be admitted."

He was available to them on those four days, Saturdays, Sunday, Monday and Tuesday, and so the ground on which Cannalonga's alleged state-

(Testimony of Rosco George Craycraft.)

ment was admitted I think was erroneous, and improper.

Presiding Inspector: It may be.

Mr. Del Guercio: And I think on that ground the Court should reconsider this decision.

Presiding Inspector: No. I am going to let it stand as it is. Now, I want to hear about why Mr. Cannalonga isn't here. When did this man last see him?

Mr. Gladstein: I am perfectly willing to have that answered.

Mr. Del Guercio: We will object also to this testimony, to taking any further testimony at this time.

Mr. Gladstein: I would like to hear that objection. Do I understand that your Honor wants to know from Mr. Craycraft when the last time was that Mr. Craycraft saw Mr. Cannalonga?

Presiding Inspector: Yes.

Mr. Gladstein: And that Mr. Del Guercio is objecting [4515] to that testimony, too?

Mr. Del Guercio: Yes, that is right.

Presiding Inspector: I would like to know when the last time is.

Mr. Gladstein: Your Honor, I have no objection to your asking him.

Presiding Inspector: When was the last time you saw Cannalonga?

The Witness: On Monday night, approximately 9:00 o'clock, and I just don't remember the exact date. It is the first Monday in May.

(Testimony of Rosco George Craycraft.)

Presiding Inspector: Where was that?

The Witness: On the West Kussetta Terminal No. 1, Portland.

Presiding Inspector: And you had a talk with him at that time?

The Witness: Yes, sir.

Presiding Inspector: You knew he had signed on for the voyage, or hadn't he?

The Witness: Not at that time. He was trying to get a man to take his place and he was coming to San Francisco with me voluntarily without a subpoena.

Presiding Inspector: When was that voluntary statement of Mr. Cannalonga?

The Witness: On Monday night.

Presiding Inspector: And then did you go to look for [4516] him after that?

The Witness: No. I came on to Frisco with the understanding with him that I would meet him in Frisco on Tuesday night, that he wanted to go to Seattle first before coming to Frisco.

Presiding Inspector: Ask your next question, please.

Mr. Gladstein: May I have the last question?

Presiding Inspector: He said he wanted to go to Seattle, in substance, and that he would then come out here.

Mr. Gladstein: No, I mean the last question that I asked before this began.

(The question referred to was read by the reporter as follows:

(Testimony of Rosco George Craycraft.)

"Q. What were those statements, please, Mr. Craycraft?")

Presiding Inspector: This is over your objection.

A. When we first went back to Cannalonga's machine shop he seemed to want to talk awful bad and he wanted to explain his——

Presiding Inspector (Interposing): Never mind! Just tell us what the statements were.

The Witness: You want me to give it all, just what he said?

Presiding Inspector: In answer to what his statements were.

A. (Continuing): He stated that he had come out of [4517] the Marine Hospital in Seattle with an injured hip and he was down to the Firemen's Hall Monday.

Presiding Inspector: I think that you should be confined to telling what statements there were which he said were false. That is the question, isn't it?

Mr. Gladstein: Well, I am perfectly willing to have that question asked of the witness, but I understand now he is going to give you, your Honor, his best recollection of the exact statements that Mr. Cannalonga made.

Presiding Inspector: We don't care for the whole statements.

Mr. Gladstein: Not the whole ones?

Presiding Inspector: No.

(Testimony of Rosco George Craycraft.)

By Mr. Gladstein:

Q. Mr. Craycraft, will you give us those statements——.

Presiding Inspector (Interposing): We are taking this on the ground of impeachment on the ground of contradictory statements.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. Will you relate the statements which Mr. Cannalonga made that night which specifically referred to the testimony that he gave in this case?

Mr. Del Guercio: I will object to that, if your Honor please. [4518]

Presiding Inspector: Yes, I will take it.

A. Well, he said he was forced to testify falsely through intimidation of the FBI.

By Mr. Gladstein:

Q. Did he make any——

Mr. Del Guercio (Interposing): If your Honor please, I ask that that statement be excluded. It wasn't responsive.

Presiding Inspector: Yes, I think that is responsive, and I think that is contradictory.

Mr. Del Guercio: It wasn't a contradictory statement, certainly.

Presiding Inspector: I think it is contradictory. I think he said here under oath and all the sanction of cross examination that he was not intimidated.

Mr. Gladstein: That is right, your Honor.

Presiding Inspector: And I will take this state-

(Testimony of Rosco George Craycraft.)

ment for what it is worth, this statement made in the cabin or on the deck of this vessel.

By Mr. Gladstein:

Q. Did he make any other statements, Mr. Craycraft, to you on the occasion that you are talking about, with respect to the intimidation?

A. He said they was holding 20 years Mann Act charge over his head.

Presiding Inspector: I don't think that you can go [4519] into that. He said he was intimidated.

Mr. Gladstein: Well, but——

Presiding Inspector (Interposing): That the statement was false.

Mr. Gladstein: Yes. And he gave as part of his——

Presiding Inspector (Interposing): What difference does that make?

Mr. Gladstein: Well, it is very important, your Honor.

Presiding Inspector: Well it might be important, but you would have to show the relevancy. You would have to show it ordinarily by direct testimony.

Mr. Gladstein: Well, we are.

Presiding Inspector: How can you get it in through a statement of Mr. Cannalonga which can't in any way be tested by cross examination?

Mr. Gladstein: Well, your Honor, this is the point. The witness is testifying as to a conversation that he had with Mr. Cannalonga. Now, it may

(Testimony of Rosco George Craycraft.)

have been, hypothetically, that when they say, well, the person may have said "I gave false testimony," and stop. Or he may have said, "I perjured myself," and stop. Or he may say that "I was forced to give false testimony because they were holding a certain charge over my head and I couldn't help myself," and stop with the "period" there. And you are entitled to give the entire sentence. [4520]

Presiding Inspector: What you are entitled to ask is this: "Did he say this or this in substance, that the testimony that he gave here was under threats or intimidation?" If he said that or that in substance, you may give it.

Mr. Gladstein: All right. Then I can ask him what were the words that he said.

Presiding Inspector: No. I am not sure that you can go any further than that.

Mr. Gladstein: Well, suppose the witness says "Yes" in response to that question,——

Presiding Inspector (Interposing): Well, do you want to open up the question of whether they were in fact threats or intimidation?

Mr. Gladstein: I certainly do.

Presiding Inspector: You have got to show that by someone else than by the statement of Mr. Cannalonga.

Mr. Gladstein: Why, your Honor, my understanding of this administrative proceeding is that you have not yet excluded testimony solely on the ground that it was hearsay. The only objection that can be made to this testimony is that it is hearsay

(Testimony of Rosco George Craycraft.)

as to the fact of whether or not the FBI intimidated him.

Presiding Inspector: Yes. But here is a charge against the Government institution based on pure hearsay from a man that you say is not worthy of belief.

Mr. Del Guercio: That is exactly what counsel is doing and [4521] making a serious charge.

Mr. Gladstein: And he testified falsely. It is our intention to prove that out of his own mouth. If we had him here we think we could force him to admit that.

Mr. Del Guercio: I question that.

Presiding Inspector: You hope. You may show any contradictory statements.

Mr. Gladstein: All right.

Presiding Inspector: Go ahead. Let us go ahead with that.

Mr. Gladstein: Before I go on with the next question, will your Honor please keep in mind when Mr. Cannalonga was on the witness stand he made a number of answers to the question that Mr. Del Guercio asked him, "Were you intimidated, threatened or coerced by the FBI?" One of his answers was "Well, yes and no." Subsequently when Mr. Del Guercio continued to ask him that question he said "Well, no." And I think I have quoted the record exactly on that.

We wish to prove that Mr. Cannalonga not only made these statements to the effect that he had been intimidated, but we wish to prove the words that

(Testimony of Rosco George Craycraft.)

he used as nearly as the present witness can recollect them. But, after all, when he answers "Yes" on the question, "Did Mr. Cannalonga tell you that he had been intimidated?" that is in a general sense a conclusion. When he says "Yes"—— [4522]

Presiding Inspector (Interposing): Why didn't you take it by cross examination? [4523]

Mr. Gladstein: We hadn't had any conversations with him at that time. We did test it by cross examination.

Presiding Inspector: What did he say?

Mr. Gladstein: He said he had been intimidated.

Presiding Inspector: I am going to let you show that he now says that was false.

Mr. Gladstein: All right.

Presiding Inspector: That is all you want, isn't it?

Mr. Grossman: May I ask you for this ruling: You have indicated——

Presiding Inspector: I will hear the second counsel now.

Mr. Grossman: This is a different argument that hasn't been made. You indicated that because the statements of Mr. Cannalonga are hearsay, which is the only legal objection that could be made to them, they are not going to be admissions on a question of whether he was intimidated, rather, how he was intimidated.

Presiding Inspector: I don't think the question of whether he was or was not, in fact, intimidated is material at this point. It may become so. But

(Testimony of Rosco George Craycraft.)

the question here is, and I have asked Mr. Gladstein to confine himself to it, is as to whether he made contradictory statements.

Mr. Grossman: I don't think, your Honor——

Presiding Inspector: This witness has testified that he said that he was intimidated. [4524]

That finished that on that point.

Mr. Grossman: Isn't it true, your Honor, that even in the most technical common law courts hearsay is admissible if it is against interest?

Now, here this admission, which is sought to be introduced, is an admission of the commission of a crime, two crimes; one, a crime of coming down here and committing perjury; and another crime, which I need not describe because I am not certain of the statute. If this were in the common law technical jurisdiction such hearsay would be admissible as against interest. If that is true, then I don't see any legal objection that can possibly be made to it.

Presiding Inspector: I never heard of that rule that you cite.

Mr. Grossman: Secondly, your Honor, we have had hearsay admissible in this proceeding——

Presiding Inspector: Yes.

Mr. Grossman (Continuing): ——we have had hearsay admissible in this proceeding on the basis, I suppose, that for practical reasons it was impossible to bring the person here for examination. As a matter of fact, I can cite examples in the Government's case where a man——

(Testimony of Rosco George Craycraft.)

Mr. Del Guercio (Interposing): If your Honor please, I object to any such——

Presiding Inspector: Just a moment. I can't hear counsel's argument. [4525]

Mr. Del Guercio: He is not arguing, but making a speech.

Presiding Inspector: I do not care, I have got to hear him. Then I will hear you. We must have some order here. I know it is difficult to sit by and hear these things said, but at the same time we have got to have some order in this hearing.

Go ahead.

Mr. Grossman: To go on—I can cite example after example——

Presiding Inspector: I am not blaming you, you understand.

Mr. Grossman: I can cite example after example of what has gone into this hearing and——

Presiding Inspector: Mr. Grossman, I have said that we would confine it to this point at first.

Mr. Grossman: That is no ruling on the other.

Presiding Inspector: Not a final ruling on the balance; no. Let us hear what he says about the contradictory statements.

Mr. Gladstein: Is there a question pending?

Presiding Inspector: It is hard to tell what is a question and what is argument.

By Mr. Gladstein:

Q. This may be repetition, but I don't know just what the state of the record is on this, so I will ask again, Mr. Craycraft, you to state what Mr. Canna-

(Testimony of Rosco George Craycraft.)

ionga said to you as to whether or not he had been intimidated, coerced, or threatened [4526] and, if so, by whom?

Mr. Goodwin: Your Honor, may I make an objection?

Presiding Inspector: Yes, you certainly may.

Mr. Goodwin: I understand that it is admitted that no such question as this could be asked in a court of law. Isn't that true? In your own Court of Appeals it has been decided that after a witness has left the stand he cannot afterwards put on testimony that he said that he was forced to give that testimony, that he was coerced, that he was very sorry that he made it.

Am I right in regard to that?

Presiding Inspector: Not quite right.

Mr. Goodwin: Not quite right?

Presiding Inspector: In a second trial it was shown, it was held, that it could not be shown that after the end of a trial a man had so stated.

Mr. Goodwin: That was after the testimony was given, that they wanted to put on testimony.

Presiding Inspector: I haven't read a case to that effect, but you may be right about it, but I thought not.

Mr. Goodwin: In reviewing the case of People vs. Moore that very question came up; that immediately after he left the stand he talked with different people, and he told them that he had given false testimony; that he was very sorry that he had

(Testimony of Rosco George Craycraft.)

given false testimony, but he was compelled to do so.

[4527]

Presiding Inspector: I think that was after the end of the trial.

Mr. Goodwin: Would your Honor reserve that until we look it up?

Presiding Inspector: Yes. I may be wrong.

Mr. Goodwin: I am quite sure that that was in rebuttal.

Presiding Inspector: Another trial.

Mr. Goodwin: Is it not a fact that no testimony can be adduced to contradict what a witness has said on the stand unless a foundation is laid in the question of prior testimony?

Presiding Inspector: Yes.

Mr. Goodwin: Prior testimony.

Presiding Inspector: That was the common law rule.

Mr. Goodwin: What?

Presiding Inspector: That, as I understand it, is the common law rule in general applied in this country.

Mr. Goodwin: Everywhere.

Presiding Inspector: No.

Mr. Goodwin: Perhaps not in Massachusetts, but that is very questionable. Now, there is no authority, so far as I can find, except that one Massachusetts case, where a witness is permitted to say that the witness had made a false statement, where a witness can go on the stand and testify that the

(Testimony of Rosco George Craycraft.)

witness said afterward that he made a false statement.

Now, your Honor, Mr. Del Guercio has pointed out this—let me put it this way: The matter of whether you shall [4528] receive hearsay evidence at all is within your sound discretion. You are not obliged to hear it. Considering all the facts and circumstances you must decide whether it is proper for you to hear it or not.

Now, Mr. Del Guercio has pointed out that this witness was in the possession of counsel for the other side practically as early as on Saturday; he was available on Saturday. He says, "Well, we couldn't issue a subpoena on Saturday because Mr. Wixon was not available." Mr. Wixon was available on Saturday; he was available on Sunday; he was available on Monday and he was available on Tuesday. But no effort was made to get this witness until Wednesday.

Now, they came in and asked your Honor to exercise his discretion and permit them to prove by hearsay what they had an opportunity to prove by that witness, if it was the truth. I say it is a denial of justice to the Government to permit that sort of evidence under the circumstances that Mr. Del Guercio has pointed out. There is no authority in a court of law and there is no reason for your Honor permitting it as a matter of hearsay in the circumstances that have been stated.

That is all, your Honor.

Presiding Inspector: I am going to receive the

(Testimony of Rosco George Craycraft:)

testimony of contradictory statements. I am not going to go farther than that at this time. Go ahead.

By Mr. Gladstein: [4529]

Q. I will ask you this, Mr. Craycraft——

Presiding Inspector: Ask whether he said this or that in substance. I think it is all covered.

By Mr. Gladstein:

Q. I want to direct your attention again to the nine o'clock meeting, let us call it, that you had with Mr. Cannalonga on the evening of April 30, 1941, on board the ship West Kussetta. Will you state, from the best of your recollection, all of the statements that Mr. Cannalonga made to you at that time that referred to the giving of false testimony in this case?

Mr. Del Guercio: If your Honor please——

Presiding Inspector: I won't receive that. I will allow you to ask him whether he said this or that in substance. All you want is that he made contradictory statements at this time. That is all you want at this time.

By Mr. Gladstein:

Q. I will ask you this as a preliminary question, Mr. Craycraft: In your discussion that evening with Mr. Cannalonga did he discuss with you specific parts of his testimony or was his discussion with you general?

A. He did not discuss any specific parts of his testimony, but he gave me the background of——

(Testimony of Rosco George Craycraft.)

Mr. Del Guercio (Interposing): If your Honor please, I move that the answer be stricken out.

[4530]

Mr. Gladstein: It can't be stricken out until it is spoken. Why is there this constant attempt to bottle up a witness? Mr. Goodwin says that the Government is interested in justice here, that he doesn't want the Government to be denied justice——

Presiding Inspector: Now, wait; now, wait.

Mr. Gladstein: Why aren't they interested in hearing the story and then let them do their own checking? If there is even a suspicion of injustice or false dealing, or double dealing on the part of anybody connected with the FBI it should be their first interest to have it come out, so that they can investigate it, instead of relying on all these hyper-technicalities, and red tape, and talking about the common law.

Mr. Del Guercio: In reply to that——

Presiding Inspector: This doesn't impress me at all, on either side.

Let us hear what the question was, and the answer as far as it goes.

Mr. Goodwin: While counsel is looking at his notes——

Presiding Inspector: It is the reporter who is going to refer to his notes.

Mr. Goodwin (Continuing): ——may I call your attention to 14 N. Y. 419, Stacy v. Graham, where the testimony of a witness had been taken de bene esse and was read at the trial. After plaintiffs had

(Testimony of Rosco George Craycraft.)

rested the defendant offered to prove [4531] conversations with that witness after the examination in which he confessed that his evidence was false; that it was given under threats; that he regretted that he had to swear to it.

That was in and during the trial after the plaintiffs had rested.

That is all I wanted to call your attention to.

Presiding Inspector: Well, the testimony had been taken de bene esse. There was a deposition and they could have produced him, I suppose. Was he dead, the witness in this case, dead?

Mr. Goodwin: He wasn't dead. The testimony had been taken de bene esse.

Presiding Inspector: Generally it is taken de bene esse because you are going to die, within a reasonable time.

Mr. Goodwin: You might say he wasn't available then, not available; but at the same time it was excluded. It says here:

"After plaintiffs had rested the defendant offered to prove conversations with that witness after the examination in which he confessed that his evidence was false."

It was excluded.

I think that case is stronger than the case of a deposition because you might say, in the case of a deposition, "Well, the witness is no longer available." I think our case here is stronger.

Presiding Inspector: I don't know. We will

(Testimony of Rosco George Crayeraft.)

have to [4532] examine the facts in that case to find out whether it is stronger or not.

We are not bound by these technical rules. I will take this within certain limits.

Mr. Gladstein: I understand that I had asked a question, and the witness had started to answer, and there was an interruption.

Presiding Inspector: This is over your objection.

Mr. Gladstein: Could we have the question and the answer again, please?

(The question and answer referred to were read by the reporter as above recorded.)

Mr. Gladstein: I think the witness should be entitled to finish his answer.

Presiding Inspector: Background of what?

A. (Continuing) Of how he came to testify as he did.

Mr. Gladstein: Are we permitted to go into that, your Honor?

Presiding Inspector: Ask the next question.

By Mr. Gladstein:

Q. What did he say?

Mr. Del Guercio: I will object to that.

Presiding Inspector: I will exclude that at this time.

Mr. Gladstein: All right, your Honor.

By Mr. Gladstein: [4533]

Q. Will you do this, Mr. Crayeraft: Please fix your mind on that meeting—how long did you say that it took, that 9:00 o'clock meeting?

(Testimony of Rosco George Craycraft.)

A. Approximately 20 or 25 minutes.

Q. All right. Will you try and recall, and please state, or relate to the best of your recollection, those statements, if there were more than one, which Mr. Cannalonga had made to you, which contained in essence a statement that was contradictory to the testimony that he had given in this case?

Mr. Del Guercio: I will object to that.

Presiding Inspector: We don't care about those statements. We have this witness' testimony that he made contradictory statements. He said he was coerced. Isn't that——

Mr. Gladstein: I think we are entitled to have what Mr. Cannalonga said, your Honor.

Presiding Inspector: As proof of what? Not proof that he was coerced, but that he said he was.

Mr. Gladstein: Within the limits of your own ruling we would be entitled to that. You are, in effect, confining us merely to a statement by this witness of conclusions, instead of facts.

Presiding Inspector: That is not a conclusion, except as everything is a conclusion from a legal standpoint.

Mr. Gladstein: I did not ask Mr. Craycraft to write out for me any report of what took place in these conversations. I do not [4534] have before me any way of putting specific questions to him and saying, "Did Mr. Cannalonga say this, that or the other thing?" I have general knowledge from Mr. Craycraft of what took place in these meetings. Of course, I have personal knowledge of what took place

(Testimony of Rosco George Craycraft.)

on two occasions. But I have not yet come to them. Therefore, I am not in a position to direct leading questions to him, and you are preventing me, by your ruling, from pointing out through this witness just what Mr. Cannalonga said, even though the question I am putting to Mr. Craycraft is within the scope of your limitation, namely, as to contradictory statements.

Presiding Inspector: Yes. I am going to let you show, and have said again and again, that I will let you show contradictory statements. But I don't want to wander all over the lot.

Mr. Gladstein: If it appears that the witness is wandering I suppose he will be stopped very fast, but can we not ask him to state from his memory those statements that Mr. Cannalonga made in which there was a reference to the existence of contradiction between the facts and the testimony that he gave?

Mr. Del Guercio: The witness has testified he didn't remember what Mr. Cannalonga had said regarding his previous testimony.

Mr. Gladstein: That is not true.

Mr. Del Guercio: Or that Cannalonga didn't refer to any specific statements he had made. [4535]

Mr. Grossman: He said in the first meeting that was true.

Mr. Gladstein: And he said in the second meeting there wasn't any specific break-down as to particular things; that there was a general discussion.

Mr. Del Guercio: How can he show contradictory statements, then?

(Testimony of Roseo George Craycraft.)

Mr. Gladstein: I don't know what the language was that Mr. Cannalonga used. I can't put it in the form of a leading question. I don't know whether Mr. Cannalonga——

Presiding Inspector: The only reason I suggested that was that he shouldn't wander all over the lot.

Mr. Gladstein: All right. I would ask leave to ask Mr. Craycraft the general question: "Tell us what Mr. Cannalonga said on this question of contradictory statements to his testimony", and if Mr. Craycraft appears to get into a field that you feel is improper, let us wait until he has finished his answer and then you can strike out those parts of his answer, or all of it, if you feel that it is improper. How can it hurt anybody? What great harm can it do anybody? If you think it shouldn't be in the record you can make a ruling on it.

Presiding Inspector: I think I will take it. Go ahead. But, of course, I don't take it now as proof of anything except that it is contradictory of what he said before the Court here.

Mr. Gladstein: I understand your ruling. [4536]

Presiding Inspector: I am not accepting this as proof of any accusation or allegation that he may have made.

Mr. Gladstein: All right.

Presiding Inspector: Go ahead.

A. At this 9:00 o'clock meeting he didn't go into contradictory evidence of what happened down here but he told me the reasons how he came to come down here to testify. I invited him over to my house for

(Testimony of Rosco George Craycraft.)

dinner the next Monday or Tuesday where he was going to give me the entire story.

Mr. Myron: That finishes the answer your Honor.

Mr. Gladstein: I didn't hear the answer. I couldn't pay attention to the answer and to the interruption at the same time.

Mr. Myron: Then ask the reporter to read it back.

Presiding Inspector: Read the answer Mr. Reporter.

(The answer referred to was read by the reporter as above recorded.)

The Witness: I haven't finished my answer.

Presiding Inspector: Go ahead.

A. (Continuing) Just before I left he requested that I see Dr. Buckner, in Seattle, who could substantiate all that had transpired in Seattle at the time he was taken in charge and when he was under investigation.

Mr. Del Guercio: I can't understand the witness, can't hear at all. [4537]

Presiding Inspector: The witness has some *affection* of the throat, evidently. It is hard to hear him. Will you read the answer that he gave there, Mr. Reporter?

(The answer referred to was read by the reporter as above recorded.)

By Mr. Gladstein:

Q. Now, Mr. Craycraft, in the next question, in view of the Judge's ruling, I do not want you to state what Mr. Cannalonga said but I want to refer you

(Testimony of Rosco George Craycraft.)

to something that you have just mentioned in your answer. You said that Mr. Cannalonga described the circumstances under which he came down to testify. Without going into those circumstances, will you state whether Mr. Cannalonga told you, on the occasion we are talking about, that because of those circumstances, whatever he may have said, he had given false testimony?

A. That is correct.

Q. Did he say that to you?

A. That is correct.

Q. Now, when was the next time—withdraw that. When is the next time that you saw Mr. Cannalonga?

A. On Friday night at the Sunset Oil dock around 8:00 o'clock in the evening.

Q. That would be Friday night, what date?

A. That would be May 2, I believe.

Q. Now, prior to May 2; prior to the time you saw Mr. [4538] Cannalonga next, did you write any letter to anybody in which you made any reference to the fact that you had seen Mr. Cannalonga?

Mr. Del Guercio: I will object to that.

Presiding Inspector: I will take it, if he wrote a letter.

A. I wrote a letter to Brother Bridges.

Mr. Gladstein: Now, I am going to show this letter to counsel before I ask the witness to identify it.

(The letter referred to was passed to Mr. Del Guercio.)

Mr. Del Guercio: Now, if your Honor please, I object——

(Testimony of Roseo George Craycraft.)

Mr. Gladstein: (Interposing) I haven't asked a question yet.

Mr. Del Guercio: I have an objection.

Mr. Gladstein: You can't make an objection when there isn't a question yet, or can you?

Mr. Del Guercio: That is for the Court to decide, Mr. Gladstein.

Presiding Inspector: I don't know. He said, "I will show you a letter."

Mr. Gladstein: I showed it to Mr. Del Guercio.

Presiding Inspector: What are you going to do with it?

Mr. Gladstein: I guess he wants to object to the fact that I showed it to him. That is more courtesy than he extended to us. [4539]

Presiding Inspector: Ask the next question.

By Mr. Gladstein:

Q. Where were you when you sent the letter that you referred to?

Mr. Del Guercio: I object to any further questioning of this witness along that line.

Presiding Inspector: I will take it.

Mr. Del Guercio: May I finish?

Presiding Inspector: Yes. But I will take it—where he was when he wrote the letter. How can that harm anybody?

Mr. Del Guercio: Nothing could harm us as far as that is concerned, because we know what the facts are.

Presiding Inspector: Mr. Del Guercio, I didn't mean that. I meant from a legal standpoint, how

(Testimony of Rosco George Craycraft.)

could the mere fact that he was in San Francisco, or Seattle, or Tacoma, or in New York City, when he wrote a certain letter which we haven't got in evidence, be harmful? It is preliminary. We will never get through if you keep objecting like that.

Mr. Del Guercio: That isn't what I had in mind. I had in mind what counsel is up to, that is, a desperate effort here to becloud the issue. They have nothing, and this is just a smoke screen, and they are getting very, very desperate.

Presiding Inspector: I will take an answer to the question. Where were you when you wrote the letter?

A. I was in the International office in the Arcade Building in Seattle, Washington. [4540]

Presiding Inspector: What is the next question?

By Mr. Gladstein:

Q. For the purpose of identification I show you a letter which I have already shown to Mr. Del Guercio and ask you whether that is the letter which you sent with reference to your having seen Mr. Cannalonga? A. That is correct.

Mr. Gladstein: I offer it in evidence.

Mr. Del Guercio: I object to it, if your Honor please, upon the ground that it is immaterial, incompetent and improper, and an attempt by indirection what they cannot do by direct evidence: to smear the FBI.

Presiding Inspector: I will exclude the letter.

Mr. Gladstein: Before you rule on that your Honor——

(Testimony of Rosco George Craycraft.)

Presiding Inspector: (Interposing) You may have it marked for identification.

Mr. Gladstein: Well, would that mean that there is a possibility that the letter will be in evidence?

Presiding Inspector: No. But you have asked about a certain paper, a writing, and it would be well perhaps if any reference is subsequently to be made to it to have it known what the letter was. I shouldn't think you would offer the letter.

Mr. Gladstein: You shouldn't think I should offer this?

Presiding Inspector: No; but that is your business.

(The letter referred to was marked Alien's Exhibit No. 23 for identification.) [4541]

By Mr. Gladstein:

Q. Now, after writing that letter I think you said that you saw Mr. Cannalonga on a Friday night, is that correct? A. That is correct.

Q. Prior to your seeing him on Friday night did you have any conversation with any of the defense counsel with reference to the possibility of one of the defense counsel talking with Mr. Cannalonga?

A. Mr. Gladstein called me in Seattle.

Q. That's me.

A. And wanted to know if I could go to Portland and arrange with Mr. Cannalonga— —

Mr. Del Guercio: (Interposing) I will object to any further testimony along that line.

Presiding Inspector: Well, it explains what I

(Testimony of Rosco George Craycraft.)

have already admitted in evidence, so I think I will take it.

Mr. Del Guercio: Well, the witness has testified that Mr. Gladstein called him, not the witness called Gladstein.

Presiding Inspector: Well, I suppose—what's the matter with that?

Mr. Del Guercio: He must have had some prior information.

Mr. Gladstein: After I had the letter, yes.

Presiding Inspector: Go ahead. I will take it.

A. (Continuing) Mr. Gladstein called me in Seattle [4542] and requested that I go down to Portland and see if Mr. Cannalonga would be willing to talk with the defense attorneys. So I proceeded to Portland that afternoon, went down to the ship to see Mr. Cannalonga approximately 8:00 at night, and I explained to him that the attorneys had called and they wanted to talk to him on the testimony he gave in this trial and would he be willing to meet me. He said "Yes" he would be glad to. So I called Mr. Gladstein back at 10:00 o'clock that night and then he proceeded to Portland the next day, Saturday.

By Mr. Gladstein:

Q. Now, in this Friday night conversation with Mr. Cannalonga where did that take place?

A. On the West Kussetta at the Sunset Oil dock.

Q. And how long were you engaged in conversation with him then?

A. Oh, very short time. The only discussion held with Mr. Cannalonga that night was to see whether

(Testimony of Rosco George Craycraft.)

he would be willing to meet with the defense attorneys and then arrange a meeting with him the next morning to see whether it was possible to get him to be up on Saturday.

Q. Was there any reference in that discussion on that Friday night to any testimony that he had given in the case?

Mr. Del Guercio: I will object to that. [4543]

Presiding Inspector: "Yes" or "No." I will take it.

The Witness: You will take it?

Presiding Inspector: Yes. "Yes" or "No."

A. No.

Presiding Inspector: Was there discussion?

The Witness: No.

By Mr. Gladstein:

Q. When was the next time that you saw Cannalonga?

A. I went down to the Crown docks the next morning, Saturday, at 10:00 o'clock and told Mr. Cannalonga that Mr. Gladstein would be in on the 1:35 plane and we would meet with him around 3:00 o'clock.

Q. Prior to seeing Mr. Cannalonga on that Saturday morning had you conveyed to me Mr. Cannalonga's willingness to talk to me?

A. By telephone that night previous around 10:00 o'clock.

Q. That is the Friday night?

A. The Friday night.

Q. And was it from that conversation that you learned when I would be in Portland?

(Testimony of Rosco George Craycraft.)

A. That is right.

Q. On the Saturday morning when you saw Mr. Cannalonga and told him that I was coming to Portland to see him did you have any discussion with him on that occasion with respect to the testimony he had given or the circumstances under [4544] which that testimony had been given?

A. No. the only request that he made of me was that the ship might be watched and he didn't want no one to see him leaving the ship or have me coming on the ship and going off with him. And so he would come out on the face of the terminal, walk down the street a block and I was to pick him up there and take him to your hotel.

Mr. Del Guercio: I move to strike that out as unresponsive and clearly improper.

Presiding Inspector: I will take it.

By Mr. Gladstein:

Q. Now, the next time that you saw Mr. Cannalonga after that Saturday morning occasion was when?

A. About twenty-five minutes to three I picked him up on Front Street.

Q. Had you prior to that time of the day seen me?

A. I met you at the plane at 1:30, took you over to the Clyde Hotel, left you there and then went down and picked up Mr. Cannalonga.

Q. Did you meet Mr. Camalonga at twenty minutes to three, or whatever the time was?

A. I was supposed to meet him at a quarter of

(Testimony of Rosco George Crayeraft.)

three. I was a few minutes early and so was he. It was about twenty-five minutes to three. He was out in the front waiting.

Q. After you met him what happened? [4545]

A. We came on back up to the Clyde Hotel. It wasn't quite three. So Mr. Cannalonga and I went in to the Virginia Cafe, got a cup of coffee before proceeding on up to your room.

Q. And then did you come to my room?

A. Yes, sir.

Q. What took place?

A. I introduced the two of you, give you the background of my talks with Mr. Cannalonga, and stated to you that Mr. Cannalonga was very willing to talk, that he was glad to see you. So then you spoke to Mr. Cannalonga. You said "Can you give me the entire truth——"

Mr. Myron: (Interposing) The conversation between him and Gladstein?

Mr. Gladstein: That is what I am asking for.

Mr. Myron: Mr. Gladstein is the best witness for that.

Mr. Gladstein: Isn't that a silly statement?

Mr. Myron: "Silly statement"?

Mr. Gladstein: He is the man who was present in the conversation.

Presiding Inspector: Mr. Gladstein is answering you. I will take it. Go ahead.

A. (Continuing) Mr. Gladstein asked Mr. Cannalonga, "What you told Mr. Crayeraft, is that the truth?"

(Testimony of Rosco George Craycraft.)

Cannalonga said it was.

Gladstein said "I want nothing but the truth and the whole truth." [4546]

Mr. Myron: Ha! Ha!

Presiding Inspector: Go ahead.

A. (Continuing) Then Mr. Gladstein started to question Mr. Cannalonga based on the testimony that I have an idea that was previously turned in here.

Do you want me to go into that discussion, too?

Mr. Gladstein: Well, I can lead him on this because I was there on this occasion, so I know just exactly what was asked. So does this witness.

Mr. Del Guercio: I don't know whether that statement is argument or what?

Mr. Gladstein: Yes, it is argument.

Mr. Del Guercio: Or whether he is testifying.

Presiding Inspector: Is that an objection?

Mr. Del Guercio: I object to counsel's statement.

Presiding Inspector: Oh, well, I don't think that is a part of the record, really.

Mr. Gladstein: All right, sir.

By Mr. Gladstein:

Q. On that Saturday afternoon in the Clyde Hotel, Mr. Craycraft, in your presence did I ask Mr. Cannalonga to tell me in his own words about what took place on the occasions when he saw the FBI, beginning at the beginning?

A. That is correct.

Q. In answer to my question did he tell me, did he state [4547] in your presence that he was first contacted in October, 1940, by a Mr. Boyd?

(Testimony of Roseo George Crayeraft.)

A. That is correct.

Mr. Del Guercio: I object to questions along that line.

Presiding Inspector: Is that contradictory?

Mr. Gladstein: Do you want me to confine it to just the contradictory portions?

Presiding Inspector: Yes.

Mr. Gladstein: All right. I will go to those.

Presiding Inspector: I don't think that is contradictory.

Mr. Gladstein: This is the problem, your Honor: I have not gone through Mr. Cannalonga's testimony in this case to pick out specific portions about which I could ask the present witness. Now, I had planned to ask this witness to testify to simply what took place beginning at the beginning and giving as exhaustively as he could his recollection of what occurred on that occasion, stating what was said by all three persons who were present. Now, if some of those statements, as we contend they are, are definitely inconsistent with his testimony here, obviously under your ruling they are admissible. If any of them are not inconsistent how can anybody be harmed by it? And to require us to differentiate in advance before the questioning would simply mean a matter of delay, because I would have to pick up Mr. Cannalonga's testimony and skip from one part to another, pick out those portions which in his testimony are not consistent with the [4548] statements he made to us. But the Government could not be hurt. If, for example, it is brought out here from

(Testimony of Rosco George Craycraft.)

Mr. Craycraft that Mr. Cannalonga told us that day that he was contacted by Mr. Boyd, how could they be hurt by that?

Mr. Del Guercio: If your Honor please, that has been repeated several times. It isn't the question of how the Government could be hurt or what harm it is. There is nothing that Mr. Gladstein can say or do that would hurt or harm the Government.

Presiding Inspector: That isn't what is meant by "hurt."

Mr. Del Guercio: That is what is meant. That is why we are objecting to it.

Presiding Inspector: He means in a legal aspect.

Mr. Del Guercio: Legally or otherwise.

Presiding Inspector: Then if you don't object to it we will take it.

Mr. Del Guercio: We do object, however, to those questions, but not on that ground.

Presiding Inspector: You are not entitled to object to things that don't hurt.

Mr. Del Guercio: I am objecting to counsel's statements.

Presiding Inspector: Oh, well, those are not evidence.

By Mr. Gladstein:

Q. Mr. Craycraft, on that Saturday afternoon, did Mr. [4549] Cannalonga say that he was first contacted by a Mr. Boyd of the Immigration Department while he, Mr. Cannalonga, was in the Marine Firemen's Hall?

(Testimony of Rosco George Craycraft.)

A. That is right.

Mr. Del Guercio: Your Honor,——

Presiding Inspector: (Interposing) I shall take that. I should think you would like to have that. I think it is of advantage to the Government to have that. I will take it. I don't see why Mr. Gladstein asked it. Go ahead.

By Mr. Gladstein:

Q. Did he state in answer to my questions that Mr. Boyd had taken him to two FBI agents?

Mr. Del Guercio: I will object to that.

A. That is right.

Presiding Inspector: I will take it.

By Mr. Gladstein:

Q. Did he name those two FBI agents as Mr. Medala and Mr. Dickstein?

A. That is right.

Q. Did he say that on the day when he was first introduced to the two FBI agents he, Cannalonga, had an appointment for either 1:00 or 3:00 o'clock in the afternoon with a doctor?

A. That is correct. [4550]

Mr. Del Guercio: I will object to that also.

Presiding Inspector: I think he also said that on his examination.

Mr. Gladstein: He said something along that line.

Presiding Inspector: Something along that line. It can't be harmful, though.

(Testimony of Rosco George Craycraft.)

By Mr. Gladstein:

Q. Did he on that occasion say that he was questioned by the FBI for approximately two hours?

Mr. Del Guercio: We will object to it.

A. Correct.

By Mr. Gladstein:

Q. Did he on that occasion——

Presiding Inspector: (Interposing) I will take it. I will let it stand.

By Mr. Gladstein:

Q. Did he on that occasion say that the FBI had asked him what he knew about Harry Bridges?

A. Correct.

Mr. Del Guercio: I will object to that.

Will you please let me get my objection in before you answer?

Presiding Inspector: Yes. Go a little slower. I will take that.

By Mr. Gladstein: [4551]

Q. Did he on that occasion say that he had told the FBI that he knew nothing as to whether Mr. Bridges was or ever had been a Communist?

A. That is correct.

Mr. Del Guercio: I will object to that, your Honor.

Presiding Inspector: I will take it.

By Mr. Gladstein:

Q. Did he on that occasion say that before he left he was told that the FBI is a big organization?

(Testimony of Rosco George Craycraft.)

Mr. Del Guercio: I will object to it.

Presiding Inspector: I don't see how that is material.

Mr. Gladstein: Well, I will finish the question, then. I will put it this way:

By Mr. Gladstein:

Q. Did he on that occasion say that the FBI had told him on the occasion of his first meeting with Mr. Madala and Mr. Dickstein that they wanted him back in their offices the following morning and that he was not to try to run away, because the FBI was a big organization?

Mr. Del Guercio: Your Honor, I will object to that, and not only on the ground that it is immaterial but indicating what was in the mind of the person that was asking that question; that the person who was asking the question, that it was conceived in his mind and not in the mind of Cannalonga.

Mr. Gladstein: Did you hear the question?

[4552]

Presiding Inspector: I should think that it was a very natural and proper thing for them to say. I don't see any harm in it. I will take it. [4552a]

By Mr. Gladstein:

Q. Did he say those things?

A. That is correct.

Q. Did he say that the following day——

Presiding Inspector: (Interposing) As the sequel shows, perhaps it was a very wise thing to say. He seems to have run away now.

(Testimony of Rosco George Craycraft.)

By Mr. Gladstein:

Q. Did he say on this Saturday afternoon that on this same first occasion he denied knowing anything or having any information as to whether Harry Bridges had ever been a member of the Communist Party?

Mr. Del Guercio: I will object to that, if your Honor please.

Presiding Inspector: I will take it.

Mr. Del Guercio: As I understand it, counsel here says that he was asking these questions, elicited that evidence from Cannalonga.

Presiding Inspector: Yes, that is so.

Mr. Del Guercio: He isn't stating in the course of his question, "Did I ask the witness this question?"

Mr. Gladstein: I did, if your Honor will look back at the record.

Presiding Inspector: I will let it stand as it is.

Mr. Del Guercio: And that doesn't contradict any previous testimony. [4553]

Presiding Inspector: Oh, yes. I think in a way.

By Mr. Gladstein:

Q. Did he say on that occasion, Mr. Craycraft, that with reference to the first time that he had met with Mr. Madala and Mr. Dickstein they sent him to his doctor in a taxi cab?

A. That is correct.

Mr. Del Guercio: I will object to it, your Honor, as not contradicting anything.

(Testimony of Rosco George Craycraft.)

Presiding Inspector: Oh, I don't see that that has any materiality, but I don't see any harm in it. I think I will let it stand. It is the whole story.

By Mr. Gladstein:

Q. Did I then I ask Mr. Cannalonga as to what took place on the second occasion when he met with the FBI agents?

Mr. Del Guercio: I will object to it unless counsel puts in the whole question that he asked him.

Mr. Gladstein: That is just the question.

Presiding Inspector: I will allow it.

A. Yes.

By Mr. Gladstein:

Q. Did Mr. Cannalonga say that he met the FBI agents for the second time on the day following the first occasion?

Mr. Del Guercio: I will object to that, not showing anything contradictory of the previous testimony.

Presiding Inspector: I will allow it. [4554]

A. Yes.

Presiding Inspector: No, it doesn't show anything contradictory. It is just explanatory of the history.

Mr. Del Guercio: May we have a general objection to all this line of inquiry instead of objecting every time?

Presiding Inspector: Yes, surely.

By Mr. Gladstein:

Q. Did Mr. Cannalonga say that on this second

(Testimony of Rosco George Craycraft.)

occasion the FBI agents wanted him to sign a statement to the effect that he, Cannalonga, had seen Harry Bridges pay dues in the Communist Party? A. Yes.

Presiding Inspector: Oh, no, just a moment! There is no such testimony in the case, is there?

Mr. Gladstein: As to what? Communist Party dues?.

Presiding Inspector: Yes.

Mr. Gladstein: There is reference——

Presiding Inspector: (Interposing) Is there any such statement in the record?

Mr. Gladstein: No, he actually didn't make a statement to that effect, but he made the statement to us.

Presiding Inspector: We are not as yet trying these FBI agents, you know.

Mr. Gladstein: Not as yet.

Presiding Inspector: I will exclude that. Strike out the answer. [4555]

Mr. Del Guercio: Well now, your Honor——

Mr. Gladstein: (Interposing) May I make a note on that particular question?

Presiding Inspector: Yes.

Mr. Del Guercio: If your Honor please, this is a public hearing. I think we are entitled to an explanation here from Mr. Gladstein when he made that remark in answer to your question as to whether we are trying the FBI agents. He stated "Not as yet."

Presiding Inspector: Well, he expects to intro-

(Testimony of Rosco George Craycraft.)

duce some testimony which may reflect upon them, I suppose.

Mr. Del Guercio: Well, inasmuch as this is——

Presiding Inspector: (Interposing) And he has already stated it two or three times in the Court. I don't think there is any very great mystery about it.

Mr. Del Guercio: So that the public may know, we want to know what Mr. Gladstein is going to do.

Mr. Gladstein: I will be very happy to tell counsel if your Honor invites me to do so.

Presiding Inspector: No. I think you had better go ahead.

By Mr. Gladstein:

Q. Did Mr. Cannalonga say that he was asked by the FBI agents whether he had ever been in meetings with William Schneidermann?

A. Yes. [4556]

Q. Did he say that he had told them that he had been in meetings with William Schneidermann?

A. Correct.

Mr. Del Guercio: I object to that question, both questions, none of them being contradictory.

Presiding Inspector: Those are not contradictory, but then that is all right. It doesn't do any harm.

By Mr. Gladstein:

Q. Did Mr. Cannalonga say that he was asked by the FBI agents whether he had been in meetings with Harry Bridges? A. Correct.

Q. Did Mr. Cannalonga say that he had told the

(Testimony of Rosco George Craycraft.)

FBI agents that he had been in meetings with Harry Bridges? A. Yes.

Mr. Del Guercio: Is the Court's ruling that it is going to admit other testimony than contradictory testimony?

Presiding Inspector: Well, if they are confirmatory I should think that you would like them.

By Mr. Gladstein:

Q. Did Mr. Cannalonga say that the FBI agents had then asked him whether he, Cannalonga had been in meetings where Schneidermann and Bridges were present at the same time? A. Yes.

Q. Did Mr. Cannalonga say that he told the FBI agents that he had never been in any meeting with William Schneider- [4557] mann and Harry Bridges at the same time?

A. That is correct.

Q. Did Mr. Cannalonga say——

Presiding Inspector: (Interposing) This is under the objection.

Mr. Goodwin: Your Honor, may I suggest that the witness be cautioned not to answer a question until counsel has objected?

Presiding Inspector: Counsel has entered a general objection to all this line.

Mr. Goodwin: All right.

By Mr. Gladstein:

Q. Did Mr. Cannalonga say that the FBI agents told him that they wanted him to sign a statement to the effect that he had been in meetings with Schneidermann and Bridges at the same time?

(Testimony of Rosco George Craycraft.)

Mr. Del Guercio: We object to that as not being contradictory of any previous statement, and in connection with the question as to whether it is confirmatory of what Cannalonga may have said we wish to state that we don't desire any confirmation from this witness. We haven't called him.

Presiding Inspector: Oh, I know. But it doesn't do any harm. I am trying to do my best to conduct what I consider a fair hearing and I am going to allow some latitude here for the sake of expedition. We don't want to worry over every [4558] particular question that may not be material. Of course, that is, I suppose, contradictory because he did say he had signed such a statement, and examined it, corrected it and says that he didn't notice it and it is in the record.

Mr. Gladstein: That is right, your Honor.

Mr. Del Guercio: I understand what the Court has in mind, but I have in mind it will open the case wide because we will be compelled to come in here——

Presiding Inspector: (Interposing) I think it will. I think it will.

Mr. Del Guercio: It will carry it far afield and we are getting away from the main issues.

Presiding Inspector: That may be. We can't help it. It seems already to have gone pretty far afield.

Mr. Gladstein: Will you read the question, Mr. Conklin?

(Testimony of Rosco George Craycraft.)

(The question referred to was read by the reporter as above recorded.)

A. Yes.

Presiding Inspector: I think I should say, Mr. Del Guercio and Mr. Gladstein, that all this evidence has no sanction of cross examination and its only real bearing is now that this witness under this meeting, after he had given testimony and been excused, made contradictory statements. Now, that is all there is. It doesn't say that the trier of the facts in admitting a piece of evidence—that the trier of the facts [4559] doesn't say that he will believe it. I will take it. Of course, testimony given under the sanction of cross examination is very much stronger here ordinarily than something given out of Court. The statement may have been under compulsions. We have no test upon the question as to what compulsions were influencing this witness to give these contradictory statements. That is all. I don't know that there will be anything of that kind, but you can't tell.

Mr. Gladstein: Something like the same problem of the Richard Lovelace statement.

Mr. Del Guercio: Well now, I don't think that that statement is necessary.

Mr. Gladstein: All right. I will withdraw the statement.

Presiding Inspector: No. I don't think that there is the same problem. There we have one where the rule itself permits that statement.

(Testimony of Rosco George Craycraft.)

Mr. Del Guercio: I may have misunderstood that last, unless that they have evidence that Mr. Cannalonga is dead. If that's what they mean——

Presiding Inspector: (Interposing) Perhaps they may have. I don't know.

Mr. Gladstein: Of course not. We have no such evidence. If we had any such evidence we would certainly bring it to the Court. I don't know how such evidence could come to us [4560] before it could come to that great organization, FBI, whose record has been in all the newspapers! Why, they are microscopic in their attention to detail! And here is a poor seaman who can't be found by them and they are now searching for him and have been for two weeks!

Presiding Inspector: Now, Mr. Gladstein, that is a speech.

Mr. Gladstein: It is an answer.

Presiding Inspector: It didn't have the merit of the speech that you objected to of Mr. Del Guercio. It wasn't a short one. Now, we will just cast this all aside and go ahead with this trial. We are having too much persiflage.

By Mr. Gladstein:

Q. Mr. Craycraft, did Mr. Cannalonga say on that same afternoon in the Clyde Hotel in the presence of yourself and myself that he had told Mr. Madala and Mr. Dickstein that he would refuse to sign a statement to the effect that he had been in meetings where Schneidermann and Bridges were, because such a statement would be false?

(Testimony of Rosco George Craycraft.)

A. That is right.

Mr. Del Guercio: I object to that.

Presiding Inspector: I will take it. And now we will go to lunch.

(Whereupon at 12:35 o'clock P. M., a recess was taken until 2:00 o'clock P.M. of the same day.) [4561]

After Recess—2:10 O'Clock P. M.

Mr. Del Guercio: I apologize for being late.

Presiding Inspector: That is quite all right. Now, Mr. Gladstein?

Mr. Grossman: Your Honor, because of the necessity of having enough witnesses in advance so there won't be any shortage of witnesses, and because of the distance from Portland, we had to inform Dean Morse in advance as to when we would be done with the witness before he was called, and since he has obviously important business back in Eugene at the Law School, and the students are going to be discomforted if he is delayed here, and also since we are in the middle of our direct examination and we can't harm the Government, we would like to withdraw Mr. Craycraft at this time and put on the Dean until he has finished his testimony.

Presiding Inspector: Is there any objection?

Mr. Del Guercio: We have an objection to putting on this witness out of order.

Presiding Inspector: You have an objection?

Mr. Del Guercio: Yes.

Presiding Inspector: Well, what is the objection?

Mr. Del Guercio: We should finish with the witness that is on the stand.

Presiding Inspector: I am sorry there is not an agreement [4562] on this, but I will allow you to withdraw Mr. Crayeraft. I am doing this to convenience the Dean. I do not think his testimony will be long.

WAYNE LYMAN MORSE

called as a witness on behalf of the Alien, having been first duly sworn, testified as follows:

Presiding Inspector: Give your name and address to the reporter.

The Witness: Wayne Lyman Morse, Eugene, Oregon.

Direct Examination

By Mr. Grossman:

Q. Dean Morse, are you connected with the University of Oregon Law School?

A. I am Dean of the Law School at the University of Oregon.

Q. For how long have you been?

A. I have been Dean since 1931 and a member of the staff since 1929.

Q. Dean, are you at present connected with any committees of either the Oregon or the American Bar Association?

A. I am a member of the Legal Education Committee of the Oregon State Bar Association, and

(Testimony of Wayne Lyman Morse.)

for a good many years have been a member of the Law Enforcement Committee, Chairman on several occasions; I am Chairman of the Committee of the American Bar Association on Sentencing, Probation and Parole. [4563]

Q. Have you, in the past, done any work for the Attorney General of the United States, or the Department of Justice of the United States?

A. In 1936 to 1939 I was Special Assistant to Attorney General Cummings, and Director of the Attorney General's nationwide survey of release procedures.

Q. Have you at any other time represented the Attorney General, or the Department of Justice?

A. Well, during that period of time I was in consultation with the staff on various matters; and on one particular occasion I was appointed by the Attorney General to present the Government's case in a labor matter before a specially appointed tribunal in the District of Columbia, the case involving a controversy between the Government and certain allegations which had been filed attacking the policies of the Government in connection with the Workers Alliance of America.

Q. Have you in the past held any other Government position, United States Government position?

A. Well, I have been appointed by the Secretary of Labor as Arbitrator to handle a series of labor disputes. However, I don't feel that technically that is a Government position. It is simply a case of where an officer of the Government has

(Testimony of Wayne Lyman Morse.)

been selected by the party-litigants to name the Arbitrator.

Q. Have you in the past held any position in the State [4564] Government of Oregon?

A. No position, except I was a Chairman of a Civil Service Commission for Police of the City of Eugene for a time.

Presiding Inspector: Is it a State Law School?

The Witness: Yes.

Presiding Inspector: And, of course, do you consider that as State employment or not?

The Witness: Well, it's State employment.

Presiding Inspector: Well, we understand that. I didn't want to have any omission.

By Mr. Grossman:

Q. Are you on any committee of the Association of American Law Schools?

A. I am on the Committee on Tenure.

Q. Have you published any books or treatises?

Presiding Inspector: Well now, are you qualifying him as an expert?

Mr. Grossman: No, I wouldn't say that this particular question is an important one. It is just general background.

Mr. Del Guercio: We don't question the identity of Mr. Morse.

Mr. Grossman: I won't pursue that question. I don't think it is important enough.

By Mr. Grossman:

Q. Have you had occasion to act as Arbitrator in labor [4565] matters?

(Testimony of Wayne Lyman Morse.)

A. Well, since 1935 I have arbitrated as far as final decisions are concerned, 86 cases, and I have two decisions pending.

Q. Have you been rather continuously an arbitrator since that time?

A. Well, I think the number of cases indicates that I have been rather busy.

Q. Do you have any regular appointment now or regular employment as an Arbitrator between any group of unions and any group of employers?

A. Well, at the present time I am called the Coast Arbitrator for disputes arising between the Waterfront Employers Association of the Pacific Coast and the ILWU, District No. 1, the International Longshoremen's and Warehousemen's Union.

Q. For how long have you held your present position as Arbitrator between the groups?

A. Well, my present appointment dates from December 20, 1940. In December of 1938 I was first appointed by Secretary Perkins to arbitrate a case then pending in San Francisco. And during that period of time the appointments were more or less case by case.

Q. Your latest appointment to this job was by whom?

A. By the Secretary of Labor. [4566]

Q. Could you estimate approximately how many arbitrations you have presided over as such Arbitrator?

Mr. Del Guercio: Well, if your Honor please,

(Testimony of Wayne Lyman Morse.)

I will object to that question as not involving any issue in this case.

Presiding Inspector: I think this is preliminary.

Mr. Grossman: It is preliminary showing the basis for knowledge. That is all, your Honor.

Presiding Inspector: Yes. I will allow it.

A. You mean——

By Mr. Grossman:

Q. Between the Waterfront Employers and the International Longshoremen's and Warehousemen's Union, approximately how many arbitrations have you presided over?

A. Oh, I think approximately between 65 and 70.

Q. Can you state whether Harry Bridges was an official of the International Longshoremen's and Warehousemen's Union throughout the entire period that these arbitrations covered?

A. He was President.

A. Of the International Longshoremen's and Warehousemen's Union?

A. Of the International Longshoremen's and Warehousemen's Union, District No. 1.

Q. Can you state whether Harry Bridges on several occasions appeared before you as such Arbitrator, either as a witness or as an advocate?

[4567]

Mr. Del Guercio: If your Honor please, I object to the question.

Presiding Inspector: I will allow it. "Yes" or "No".

A. Yes.

(Testimony of Wayne Lyman Morse.)

By Mr. Grossman:

Q. Could you estimate how many times he appeared before you in such capacity as a witness?

A. I would judge at least 40 and not more than 50.

Q. Can you estimate about how many times he appeared before you as an advocate acting as an attorney would if there were one present?

A. Well, the same number of cases because when he appears he always appears both as a witness and as an advocate.

Presiding Inspector: You mean he does not differentiate between the two positions?

The Witness: No. I mean that during the hearing he will take the witness stand and testify and he will also function as an advocate, frequently examining witnesses.

By Mr. Grossman:

Q. Will you state whether you had anything to do with the 1940 negotiations between the International Longshoremen's and Warehousemen's Union and the employers that they were dealing with?

A. I was called in by the parties to attend the negotiations on the last day preceding the signing of the Agreement [4568] in order to discuss with the parties certain mooted questions in regard to which there did not seem to be complete agreement.

Q. Was Harry Bridges present at those negotiations also? A. He was.

Q. And is that the only time you participated

(Testimony of Wayne Lyman Morse.)

in any way in the 1940 negotiations between the ILWU and the employers? A. That's all.

Q. Have you on any other occasion participated in any way in the negotiations between the ILWU or any section of that organization and the employers?

Mr. Myron: This is immaterial, your Honor.

Presiding Inspector: I think this is to lay a foundation for evidence as to his character as a labor union man, along the line of Mr. Kagel's testimony.

Mr. Grossman: That is correct.

Presiding Inspector: I will allow it on that basis. Counsel want to show what his experience is with Mr. Bridges, not any definite case but what in a general way is his experience.

Mr. Del Guercio: Of course, your Honor, we repeat our objection to this line of testimony.

Presiding Inspector: You remember, I confined this quite closely, but I will allow testimony as to his character in that respect.

Mr. Del Guercio: We want to get our objection rendered again on this same line of questioning on the ground that it [4569] would open up a new issue, that there is no issue in this case as to whether Harry Bridges is a good or bad labor man; and that to admit testimony of this kind would open the case up to us and we would have the right and be entitled to produce witnesses here to testify that Harry Bridges was not a good labor man.

Presiding Inspector: I think they will have to

(Testimony of Wayne Lyman Morse.)

take that risk. I have been in doubt as to whether the testimony is competent or relevant; competent, yes. But I am going to allow it.

A. Well, I haven't been in any direct negotiations as far as negotiating a contract, you understand, is concerned. Of course, there do follow my arbitration decisions from time to time what might be called "Negotiations" at the next hearing.

By Mr. Grossman:

Q. Has your trade union contact with Mr. Bridges been primarily then to arbitrations?

A. That's true. In fact, with the exception, if I may add, of the meeting on December 20, 1940 I can assure you that my contacts with Mr. Bridges have been limited to my work as Arbitrator, save and except similar occasions to this one at Angel Island when I was subpoenaed there, as here, to testify at that case.

Q. What was the procedure in the arbitrations involving the International Longshoremen's and Warehousemen's Union with [4570] respect to whether or not an oath was given to witnesses before they testified?

Mr. Del Guercio: I will object to that, your Honor, as being immaterial and irrelevant.

Presiding Inspector: I think I will take it. As to his opportunity to observe how Mr. Bridges conducted himself as a labor union man, I will take it.

A. In our early hearings oaths were given and then I took the position that a further oath would be unnecessary because I was going to take it for

(Testimony of Wayne Lyman Morse.)

granted that the parties would tell me the truth, and I thought I was in a position to detect whether or not they told me the truth, and if they didn't it didn't make any difference whether it was under oath or not, because I would take such action as I thought it warranted. I had no contempt power. Therefore, I thought the oath was unnecessary as a rule of procedure.

Mr. Myron: I think that answer should be stricken out. It is immaterial to any issue in this case, or any issue that might be manufactured in this case.

Presiding Inspector: The upshot is that an oath was administered at first. I will take it that far. That is all it establishes. That was in the discretion of the officer.

By Mr. Grossman:

Q. Will you state from your experience, as you stated, with Mr. Bridges, whether, during the course of that experience Mr. [4571] Bridges ever took the position that workers and employers cannot sit down at a table and bargain collectively in an amicable fashion and have it result in benefits for the workers?

Mr. Del Guercio: I will object to the question, your Honor——

Presiding Inspector: I will take it.

Mr. Del Guercio: (Continuing) ——it being broad and not going to any of the issues in this case.

(Testimony of Wayne Lyman Morse.)

Presiding Inspector: Don't you think you ought to ask him a preliminary question? Well, I will allow it. You may answer.

The Witness: May I have the question again, please?

Mr. Grossman: Read the question.

(The question referred to was read by the reporter as above recorded.)

A. He has not taken such a position within my experience.

By Mr. Grossman:

Q. Will you state whether, in the course of such experience, Mr. Bridges took the position that workers and employers can sit down at a table and bargain collectively in an amicable fashion and have it result in benefits for the workers?

Mr. Del Guercio: I object to the question.

Presiding Inspector: You are asking him affirmatively?

Mr. Grossman: Yes.

Presiding Inspector: You may answer. I will take it over [4572] your objection.

A. It has been my experience with Mr. Bridges that he has taken the posifion that employers and employees can and should sit down and negotiate their differences.

By Mr. Grossman:

Q. Will you state whether Mr. Bridges, during this contact of yours with him, took the position in good faith, I mean that appeared to you to be

(Testimony of Wayne Lyman Morse.)

in good faith, that arbitration on some occasions could be beneficial to the workers involved?

Mr. Del Guercio: I object to that, if your Honor please, as improper.

Presiding Inspector: I will take it over your objection.

A. He has shown by his record, and has urged arbitration.

Mr. Del Guercio: I ask that the answer be stricken—"by his record."

Presiding Inspector: You mean by the record before you?

The Witness: Yes.

Presiding Inspector: With that understanding I will take it. I thought that was it.

By Mr. Grossman:

Q. Has Mr. Bridges ever taken the position in your experience that arbitration, as a principle or as a general rule, is bad for the workers involved?

Mr. Del Guercio: Now, if your Honor please, I will object to that on the same grounds, and also on the further grounds that [4573] I don't understand this witness to be testifying other than his experience as an arbitration man for the Department of Labor, as I understand it. I believe it should be limited to that.

Presiding Inspector: These questions are all confined to your personal experience?

The Witness: That is the only answer I can give, as based on my experience in these cases.

Presiding Inspector: I will take the answer.

(Testimony of Wayne Lyman Morse.)

The Witness: May I have the question again?

(The question referred to was read by the reporter as above recorded.)

A. He has not.

By Mr. Grossman:

Q. Has Mr. Bridges taken the position that an arbitration set-up should be provided so that disputes between the workers and their employers could be settled without strikes?

Mr. Del Guercio: I object to that question as not in issue in this case.

Presiding Inspector: I will take it. This is all preliminary to asking a question as to whether, in the judgment of Dean Morse, Mr. Bridges is, as we have used the phrase, a good trade union man. I am allowing this as preliminary to that general question.

Mr. Del Guercio: Why can't we go direct to the question without these preliminaries? [4574]

Presiding Inspector: I cannot confine him to any particular manner of approaching his case. I will take these questions.

A. The answer is "Yes."

By Mr. Grossman:

Q. Has Mr. Bridges ever conducted himself in such a way as to indicate to you that he believed in the theory of strikes for strikes' sake?

Mr. Del Guercio: I object to that on the same ground.

Presiding Inspector: I will take it.

A. Well——

(Testimony of Wayne Lyman Morse.)

By Mr. Grossman:

Q. Would you like that explained?

Mr. Myron: Allow him to answer the question.

A. I will answer as I understand it and the Court may strike it if my answer is improper.

I think my answer would have to be that when his union has been involved in a given strike he certainly has intended to see to it that that particular strike was carried out to its proper end.

Presiding Inspector: Even to the bitter end?

The Witness: Sometimes to the bitter end.

By Mr. Grossman:

Q. Has Mr. Bridges conducted himself in such a way as to indicate to you that he believed in strikes, even though a [4575] particular—withdraw that—that he believed in a particular strike, or particular strikes, even though that strike or those strikes could not benefit the economic conditions of the workers involved?

Mr. Del Guercio: If your Honor please, that question obviously calls for an answer that I don't think Mr. Morse, or any other witness, could properly give. It would involve so many things. it would involve the determination of the things that led up to the strike, and other factors involved as to whether it benefits the public or is in the public interest.

Presiding Inspector: That is all true, but I don't want to go into those matters. This is laying a foundation for an ultimate question and I will take it. He may not ask the question——

(Testimony of Wayne Lyman Morse.)

Mr. Grossman: (Interposing) I will ask it.

Presiding Inspector: That is an ultimate conclusion to be finally drawn by the trier of the fact, athough the opinion may be of assistance or may not be of assistance.

The Witness: May I have the question, please?

(The question referred to was read by the reporter as above recorded.)

A. The answer is "No."

By Mr. Grossman:

Q. During the course of your contact with Harry Bridges did he act in such a way as to indicate to you that he [4576] believed in cooperation with Governmental agencies that were involved in labor relations?

Mr. Del Guercio: I will object to that as being broad—what governmental agencies and on what subject?

Presiding Inspector: It is broad, but I will take it.

A. Yes.

By Mr. Grossman:

Q. From what contact you have had with Harry Bridges would you say that he is a good trade unionist?

Mr. Del Guercio: If your Honor please, I will object to that as not being material and affects no issue in this case—the question of whether Harry Bridges is a good or bad labor man.

Presiding Inspector: The Government has asked

(Testimony of Wayne Lyman Morse.)

some questions along that line hypothetically. I will take it.

Mr. Myron: That is in his opinion?

Presiding Inspector: That is all he can say; from what he has seen and what he has testified to.

A. On the basis of my experience with him in the so-called longshore cases involving his union, and the Waterfront Employers Association, my answer is, yes, I consider him as a good trade union man in those cases.

By Mr. Grossman:

Q. Did you ever see any conduct of Harry Bridges indicating that he was attempting to involve workers in strikes solely for the purpose of achieving some revolutionary or ulterior purpose? [4577]

Mr. Myron: I object to that.

(Whereupon Mr. Del Guercio passed a paper to the Presiding Inspector.)

Mr. Myron: There is an objection to the pending question.

Presiding Inspector: I didn't hear the question.

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: I will take it.

Mr. Myron: It is calling for a state of mind of Mr. Bridges.

Presiding Inspector: It is, I realize that, but the whole matter really is of his state of mind.

(Testimony of Wayne Lyman Morse.)

Mr. Myron: It is asking the witness to determine what was in Mr. Bridges' mind at the time.

Presiding Inspector: So far as he observed, he is giving his impression of what Mr. Bridges' conduct indicated to him. That is all.

A. Based upon Mr. Bridges' conduct before me the answer is "No." [4578]

Presiding Inspector: It is really calling for your opinion of your own state of mind.

By Mr. Grossman:

Q. From your contact with Mr. Bridges are you able to state what is his theory of the role and the function of trade unions?

Mr. Del Guercio: I will object to that, if your Honor please; not involving any particular issue in this case.

Presiding Inspector: It is rather broad.

Mr. Grossman: It is just a generalization of these elements put together, perhaps adding another element.

Presiding Inspector: Very well. I will take it for what it is worth.

A. Well, it has been my conclusion as we have gone through these many cases that he has looked upon his job as a job which requires him to use his best efforts to promote the welfare of his men in their relations with their employers.

By Mr. Grossman:

Q. Dean, has the conduct of Harry Bridges with which you have come in contact in every case been consistent with proper collective bargaining?

(Testimony of Wayne Lyman Morse.)

Mr. Del Guercio: If your Honor please, I will object to that. Now, these questions, the Court has ruled, are preliminary.

Presiding Inspector: He has asked the final question.

Mr. Grossman: Not quite. [4579]

Presiding Inspector: He has asked the final question. This is supplementary.

Mr. Del Guercio: I say he has asked already the final question.

Presiding Inspector: He has asked the final question and this is an explanation of the final answer. I don't know that it is very helpful, but I will take it.

A. The answer is Yes.

Presiding Inspector: I think it is implicit in the main answer that he gave.

By Mr. Grossman:

Q. Dean, could you state briefly what generally were the issues that were involved in these arbitrations involving the IL and WU, the International Longshoremen and Warehousemen's Union?

Mr. Myron: It is highly immaterial.

Mr. Grossman: It is preliminary to show their general importance between the Union and the employer, that is all.

Presiding Inspector: Let me ask a question preliminarily.

Was there any general type?

The Witness: Well, I think they break themselves up into two types.

Presiding Inspector: I will hear those types.

(Testimony of Wayne Lyman Morse.)

Mr. Grossman: All right.

By Mr. Grossman:

Q. What were those two types? [4580]

Mr. Del Guercio: Our objection——

Presiding Inspector: Yes. Very briefly.

A. The cases have broken themselves up into two types: Those involving an interpretation of an agreement already signed by the parties, the application of the law of contracts to the agreement; and the second type of case has been a case involving a determination by the arbitrator on a record made by the parties before him on questions of wages, hours and conditions of employment.

By Mr. Grossman:

Q. And these would be where the latter was involved coastwise wages, hours and working conditions?

A. Most of them coastwise, unless you are dealing with a port practice problem. Then it would be of local significance to that port.

Q. In any of those cases in which you came in contact with Harry Bridges; did they involve questions which were occasioned by strikes or lockouts?

Mr. Del Guercio: I will object to that, if your Honor please.

Presiding Inspector: Yes. I will take it, but I won't go into the particular cases.

Mr. Grossman: No. I am not going into any particular cases.

Presiding Inspector: If there were such I will allow him to state. [4581]

(Testimony of Wayne Lyman Morse.)

Mr. Del Guercio: Is this also preliminary?

Mr. Grossman: This is to show the general importance——

Presiding Inspector: (Interposing) It is in form supplemental, but in purpose preliminary.

A. A considerable number of them involved port strikes, so-called "quickie" strikes, stoppages of work.

By Mr. Grossman:

Q. Many of them involve questions that were coastwise in the sense they affected working conditions up and down the entire Pacific Coast?

A. A considerable number of them.

Mr. Del Guercio: I object to that.

The Witness: I am sorry.

Presiding Inspector: I will take it.

The Witness: A large number of them.

Presiding Inspector: Over your objection. Now, Mr. Grossman, suppose you make the same offers that you did——

Mr. Grossman: I am not quite ready, if the Court please. I have some more general questions.

Presiding Inspector: I think you have about exhausted the subject.

Mr. Grossman: I have a couple more that I think are revelent even under your ruling, your Honor.

Presiding Inspector: All right.

By Mr. Grossman: [4582]

Q. Could you state whether from your experi-

(Testimony of Wayne Lyman Morse.)

ence with Harry Bridges in these arbitration proceedings you believe he has when testifying before you told the truth?

Mr. Del Guercio: If the Court please, I object to that.

Presiding Inspector: I can't take that.

Mr. Grossman: May I explain very briefly.

Presiding Inspector: That is on his general character, and I won't take that.

Mr. Grossman: May I explain something, your Honor?

Presiding Inspector: Surely.

Mr. Grossman: You will recall at the beginning of this general argument with reference to Mr. Kagel's testimony I declared that the various witnesses for the prosecution had given certain—well, I won't call them "Touchstone", but certain characteristics that they stated Communists always have. And I gave you some examples of characteristics which are involved in trade union action.

Now, with respect to this question that I am now asking I say that these Government witnesses were almost unanimous to the effect that Communists, if they think the end justifies the means, are willing to lie even to the extent of lying under oath. It would follow from that logically that if they are willing to lie even under oath they would lie certainly when there is not an oath and, therefore, no legal compulsion if important issues are involved.

I have showed so far the importance of these issues. I [4583] could enlarge on that, but I don't

(Testimony of Wayne Lyman Morse.)

think it is necessary. But these issues were very, very large with respect to Harry Bridges and the Union he has represented. I have also showed that on many occasions Harry Bridges testified. It is my theory that, if on those many occasions with so much at stake Harry Bridges always told the truth, that would characterize him as being different from these people who are described by the prosecution witnesses as "Communists" and described in various ways. So, for the same reason that we are permitted to go into Mr. Bridges' lacking these certain theories or activities in his union activities, such as being a bad trade unionist and not believing in collective bargaining, for the same reason and even a greater reason because so many of the Government witnesses have used this theory, I think we are entitled to go into whether or not Mr. Harry Bridges on important issues lies under oath or not under oath where that lie would have affected the results.

Presiding Inspector: I don't think that this kind of evidence would help to resolve that question. Further than that, I think it is far too remote and I will exclude it. Let me give you perhaps an example.

Mr. Grossman: I beg your pardon?

Presiding Inspector: If a man were charged with murder you wouldn't think the fact that he was a member of a church or other religious organization would be competent to show that he hadn't committed the murder on the principle that good

[4584] church members don't commit murders?

(Testimony of Wayne Lyman Morse.)

Mr. Grossman: I will say this, your Honor, I think a perfect analogy can be made that I agree with. I would say, if evidence were introuced that he belonged to a church which did not believe in the sanctity of the oath and believed that one should lie under oath if the ends justified the means, I believe one would have the absolute right to prove that this particular man under great stress and strain had not done that sort thing to prove that he didn't belong to that church and, therefore, the doctrines of that church wouldn't affect his credibility.

Presiding Inspector: I don't think so. I will exclude the question as one that bears upon his general character and his character is not attacked.

Mr. Grossman: Your Honor, I would like to make a very brief offer of proof, which is that, if Dean Morse were permitted to answer this question, I believe—I don't know definitely, but I believe—his answer would be that Harry Bridges told the truth under oath on all these various occasions, under oath and not under oath on all these various occasions, when he appeared before Dean Wayne Morse as Arbitrator.

Presiding Inspector: Of course, Dean Morse couldn't tell whether he told the truth or not.

Mr. Grossman: That is his job.

Presiding Inspector: He could only give his opinion.

Mr. Grossman: Just as you will give your opinion, [4585] your Honor, as to whether you will believe these witnesses are telling the truth.

(Testimony of Wayne Lyman Morse.)

Presiding Inspector: I will exclude it as evidence of general character, and his character has not been attacked generally.

By Mr. Grossman:

Q. Dean, has Harry Bridges in these various contacts that you have had with him ever engaged in such conduct or expressed such opinion or done anything that would indicate to you that he was or is a Communist?

Mr. Del Guercio: If your Honor please, I object to the question unless this witness is qualified here that he is an expert on Communistic matters and Communistic doctrines and principles, unless he is acquainted with the practices of the members of the Communist Party, acquainted with their beliefs.

Presiding Inspector: Oh, I think that is purely negative, Mr. Grossman.

Mr. Grossman: I recognize it is negative. I think it is as good——

Presiding Inspector: (Interposing) I doubt that being competent.

Mr. Grossman: Well, your Honor, it seems to me that this rule of allowing certain kinds of statements has got to work both ways. Now, the Government witnesses have stated that they "believe" that Harry Bridges is a Communist or, even, farther, that others "believe" that and they stated further that they [4586] believe it from the general activities.

(Testimony of Wayne Lyman Morse.)

Now, I believe if such evidence could be used to establish an affirmative it must be allowed to establish a negative. Now, the weight of it is for you, of course, to determine.

Presiding Inspector: I will allow you to show that he knows of no activity of his personal knowledge which indicates to him that he is a Communist.

Mr. Gladstein: That is what the question calls for.

Presiding Inspector: I will take that.

Mr. Del Guercio: May I just be heard?

Presiding Inspector: Yes.

Mr. Del Guercio: If testimony of that kind is permitted, of course, it would open the door very wide. They could call in many persons to testify similarly and we could call just as many that would testify to the contrary.

Presiding Inspector: That is true.

Mr. Del Guercio: Now, to do that we must, of course,—there must be an end somewhere.

Presiding Inspector: Yes.

Mr. Del Guercio: And I think it is right here.

Presiding Inspector: Well, this man has had a great deal of contact with him and I think it will be of little probative value, very little probative value. I think it just gets under the wire. I think I will take it. It is only a very slight matter. [4587]

By Mr. Grossman:

Q. Dean Morse, have you seen any activity of Harry Bridges——

(Testimony of Wayne Lyman Morse.)

Presiding Inspector: (Interposing) This is all objected to.

Mr. Del Guercio: Yes.

By Mr. Grossman:

Q. (Continuing) ——which indicated or indicates to you that he was or is a Communist?

Mr. Del Guercio: I will renew my objection unless the witness can testify that he knows what Communism is, how it operates, how it functions.

Presiding Inspector: That will take a long time to go into that.

Mr. Grossman: The opening statement of the prosecution says we can take judicial knowledge of the Communist Party.

Presiding Inspector: The only doctrine of the Communist Party which we are particularly interested in here is the theory of the establishment by revolution of the dictatorship of the proletariat with the overthrow of Government by force and violence. Of course, secondarily to that there is the policy of the Party in distributing literature, advocating such principles. Now, without going further into that I think I will allow the question.

A. Based upon the Court's explanation of Communism [4588] as it is involved in this case, which is also my understanding of it, the answer is that I do not know of any conduct of Mr. Bridges in any of my relationships with him that would indicate to me that he is a Communist.

Mr. Grossman: No more questions.

(Testimony of Wayne Lyman Morse.)

Cross Examination

By Mr. Del Guercio:

Q. Mr. Morse, in any of these proceedings—"arbitration proceedings", I believe you called them? A. Yes, sir.

Q. Did you ever have occasion to investigate or cause an investigation to be made of the questions as to whether or not Harry Bridges was a member of the Communist Party? A. No.

Q. Was that question ever before you as an Arbitrator?

A. Well, the charge that he was was before me.

Q. Who charged?

A. But it was immaterial.

Q. Who charged that Harry Bridges was a Communist?

A. Oh, it constantly weaves its way into the cases by statements of counsel or by statement of a witness, but I have always taken the position that it is no concern of mine.

Q. Was a formal charge made that he was a member of the Communist Party? A. Oh, no.

Q. Huh? A. No. [4589]

Q. Did you investigate to determine whether or not he was a member of the Communist Party?

A. The answer is No. I would certainly disqualify myself as a judicial officer if I did such a thing, wouldn't I?

Q. Well, I don't know. You were inquiring into the—it was one of your functions, was it not, to

(Testimony of Wayne Lyman Morse.)

determine the truth and veracity of witnesses appearing before you?

A. On the basis of the record made.

Q. Have you ever read any Communistic literature?

A. I believe I have. If what I think you have in mind is Communistic literature, I believe I have.

Q. I believe you said that charges had been informally made before you that Harry Bridges was a member of the Communist Party, is that correct?

A. Oh, comments have been made in testimony that "Here's a Communistic leader" or "We are not interested" says somebody, "in your Communistic approach", or something of that type.

Q. Having that in mind and those charges having been made, and having in mind also your testimony and your opinion that Harry Bridges was not a member of the Communist Party, did you consider this passage from Government's Exhibit No. 105——

Presiding Inspector: (Interposing) I don't think he quite said that, did he?

By Mr. Del Guercio:

Q. Is that what you said substantially? [4590]

Presiding Inspector: He said to his mind.

Mr. Del Guercio: Well, to his mind, of course.

By Mr. Del Guercio:

Q. Did you consider this passage from Government's Exhibit No. 105? I am reading from the "Left Wing Communism, An Infantile Disorder",

(Testimony of Wayne Lyman Morse.)

by N. Lenin, published by the Marxian Educational Society, 5941 Jos. Campau Avenue, Detroit, Michigan:

"It is necessary . . . to go the whole length of any sacrifice, if need be, to resort to strategy and adroitness, illegal proceedings, reticence and subterfuge, to anything in order to penetrate into the Trade Unions, remain in them, and carry on Communist work inside them, at any cost"?

A. Oh, I never——

Q. (Interposing) Did you consider that?

A. I have never read that passage. I simpled watched the witness on the basis of the testimony that he made before me and checked to see that it squared with the complete record.

Q. Well, I say, and then your answer to my question is——

A. (Interposing) I have never read that.

Q. You have never read that?

A. That's right.

Q. And you never took that into consideration in evaluating the testimony of witnesses that appeared before you? A. Not that passage.

Q. In giving your opinion, Mr. Morse, to the effect that [4591] Harry Bridges in your opinion was not a member of the Communist Party did you give weight and consider this passage from Government's Exhibit No. 225, taken from "The Communist" for May, 1934? There is in evidence in this case that that Communist magazine is the official

(Testimony of Wayne Lyman Morse.)

publication or is published monthly by the Communist Party of the United States:

"Tasks of the Party in the Trade-Union Work.

"1. (a) Mobilize the entire Party membership for revolutionary trade-union work; (b) for the carrying through of the program of concentration to root the Party in the most important factories, establish trade-union organization, for the building of the oppositions in the first place in the most important industries, stimulate, develop and lead the struggle of the workers. Enroll every Party member eligible into the trade unions on the basis of a thorough enlightenment of the membership as to reasons for our emphasis on work in the factories and trade unions. This was fully explained in the Open Letter, which stated that unless the Party establishes its roots among the decisive sections of the industrial proletariat it cannot become a mass Communist Party. The discussion must be brought into every Party nucleus, into every trade-union fraction. The Party leadership must not only convince the Party as to the correctness and urgency of carrying through the Open Letter, but also help the membership to carry through the tasks. Every district, section, nucleus, and especially shop nucleus, must work out its plan of work on the basis of the policy of concen- [4592] tration, assign the most experienced and developed comrades for leadership in the trade-union work. Steps are to be taken to build the trade-union fractions and assure their guidance through the Party Committees. The Cen-

(Testimony of Wayne Lyman Morse.)

tral Committee, the District Committee and all leading Party organizations must assume responsibility for the carrying through of these tasks and the work in the trade unions which is the task of the entire Party. In raising before the Party work in factories and trade-unions as the central task, care must be taken to overcome the opportunist conception of trade-union work. Our trade-union work is not an end in itself—the trade unions are for the Communists a bridge to the masses. As part of our Communist work in the factories, the Party nucleus in the factories must receive the greatest attention from the leading committees. They must receive the greatest guidance and support in building the union in the shop, the shopcommittee, the publication of a Party factory paper, building the circulation of the Daily Worker, recruiting into the Party." ?

Did you consider that passage?

A. I have never read the passage. This is the first time I have ever heard the passage.

Presiding Inspector: Is that a comment on the 21 or 23 points?

Mr. Del Guercio: No, if your Honor please. This is another portion of it. [4593]

By Mr. Del Guercio:

Q. And, Mr. Morse, did you, in arriving at your opinion as to whether or not Mr. Bridges was a member of the Communist Party, give consideration to an accepted precept of the Communist Party, and that is their policy of hypocrisy and deceit?

(Testimony of Wayne Lyman Morse.)

A. I understand it is one of their precepts and I certainly took that into account.

Q. You understood that that was one of their precepts? A. Yes.

Q. Where did you get that understanding from, Mr. Morse? A. Oh, reading.

Q. Reading what?

A. Literature heretofore testified to. I suppose there has gone across my desk——

Q. (Interposing). Can you give me the name of any literature that you read wherein that doctrine has been announced, the doctrine of hypocrisy and deceit?

A. I think it is announced pretty clearly in "Out of the Night."

Q. "Out of the Night?"

A. Yes; by Jan Valtin.

Q. By Jan Valtin? A. Yes.

Q. Is Jan Valtin a member of the Communist Party?

A. He states in his book that he was at one time. [4594]

Q. Was he speaking in his book as a member of the Communist Party?

A. He is speaking now, and writing now, as one who has discredited the Party and announced that he has repudiated it.

Q. You say Mr. Jan Valtin speaks of the doctrine of hypocrisy and deceit?

A. I think it appears in there over and over again.

(Testimony of Wayne Lyman Morse.)

Q. In what manner?

A. That the true Communist is a person who will use subversive tactics in order to undermine, and hypocrisy and deceit, as you use it, or untruthfulness, are tools that he will use to accomplish his vicious ends. I might add, it is my understanding, and I don't think a Communist, within the outline as placed before this Court today, would stop at anything to carry out his ends.

Q. Do you believe a member of the Communist Party would, even if appearing before you in an arbitration matter, testify falsely under oath if it was on a matter touching upon the interests of the Communist Party?

A. I am satisfied a Communist would. But if I caught him at it he wouldn't do it the second time——

Q. What would you do if you caught him at it?

A. He would not be allowed to testify before me again.

Q. What?

A. He would not be allowed to testify before me again. [4595]

Q. Is that all?

A. That is the only power I would have.

Q. Do you have the power, or did you have the power to administer oaths?

A. Yes; I can administer oaths.

Q. Under what authority?

A. Just by mutual agreement of the parties, as I explained in my direct testimony.

(Testimony of Wayne Lyman Morse.)

Q. Was there any authority under law for you to administer an oath? A. No.

Q. What? A. No.

Q. Then did you ever administer an oath as required by law to Mr. Bridges or any others appearing before you?

A. Not required by law.

Q. Then no one that appeared before you in those proceedings testified under oath, did they?

A. Only the oath that I gave by mutual agreement as to procedure.

Q. Did that oath have any legal effect?

A. No; it wouldn't have any legal effect in the sense that you are using it.

Q. It would be just as binding as though he were not sworn, isn't that correct?

A. Yes. The only power I have, after all, in these [4596] cases is the good faith of the parties.

Q. I thought that your testimony was that at one time you administered oaths and finally you did not?

A. My testimony was, sir, that at the very beginning of these arbitrations, back in 1938, the common practice was, as is the common practice before most voluntary arbitration boards, to administer oaths but they are not legal oaths in the sense you are using it.

Q. I didn't know what you had in mind, but that was the inference I got and I suppose that was the inference the Court got.

A. I am glad to correct it.

(Testimony of Wayne Lyman Morse.)

Q. Have you ever had any contacts with Mr. Bridges other than those before your arbitration—is it an arbitration board, or what do you call it?

A. There is one Arbitrator. He is the Arbitrator under the Agreement. As that Arbitrator, I am careful, as I have testified, to see to it that I don't have contacts with the parties outside the record. If you will permit me to answer further——

Q. (Interposing) Surely.

A. (Continuing) There have been examples of this type: On one occasion, I think in April 1940, the Union had its convention in North Bend, Oregon, and asked me to come down and give a speech on arbitration procedure. I met Mr. Bridges on the platform at the convention and the last I saw of him was [4597] on the platform at the convention. When I finished the speech I returned to Eugene.

Likewise, the employers have invited me to, or through the good offices of the employers, I have been invited to speak to institutes of industrial leaders on arbitration procedure.

Those are the only so-called off-the records contacts I have ever had with the parties, and I have insisted that they be kept on a highly professional plane.

Q. Then you have no personal knowledge of Harry Bridges' activities other than those which you learned through his appearance before you in the capacity of an Arbitrator?

(Testimony of Wayne Lyman Morse.)

A. That is my testimony.

Q. You gave substantially similar testimony on behalf of Mr. Bridges in the last deportation hearing, did you not?

A. No; they didn't let me go nearly that far in the last deportation hearing. I don't think more than two or three questions were put to me.

Q. I don't believe you have seen the transcript or you wouldn't have stated that.

Mr. Grossman: That is correct.

By Mr. Del Guercio:

Q. It is considerably more than that.

A. I mean outside of qualifications. They proceeded to qualify me, as here, but I mean as to the other matters there were only one, two or three questions put. I haven't [4598] read the transcript. I would be interested in seeing it some time.

Presiding Inspector: Is that all?

Mr. Del Guercio: No. I have one or two more questions.

Presiding Inspector: I beg your pardon.

By Mr. Del Guercio:

Q. Mr. Morse, did you at any time make this statement:

"My impression of him"—referring to Harry Bridges—"is that he is more sincere in his convictions concerning democratic processes than many of his critics who seek to deport him?"

A. Yes, I made that statement. I think that is in an article that I published some place on arbitra-

(Testimony of Wayne Lyman Morse.)

tion, and I think that is to be found in either the body of the article, or the report of the open forum discussion that followed the speech, which constitutes the body of the article.

Q. Was this during the time that you were sitting as an arbitrator?

A. I think that is the speech that I gave at North Bend.

Q. Mr. Bridges has continued to appear before you in the capacity of an advocate, I believe you said, and as a witness in cases before you?

A. Yes. If you may permit me to add, I have also said that in my opinion Mr. Gregory Harrison, of the Employers, was the most brilliant lawyer I have ever seen work.

Q. And you knew at the time that you made this statement [4599] that Mr. Bridges would appear again before you? A. Yes.

Q. And that you would have to sit and decide for or against Harry Bridges? A. Yes.

Q. In the matters before you? A. Yes.

Q. And you had no compunction of making a statement of that kind? A. Why no.

Q. Now, you used the word "critics." Who did you refer to as "critics?"

A. Well, there are certainly a great many of them. Any critic that would make——

Q. (Interposing) Did you have in mind the Attorney General of the United States?

A. Well, I would have him in mind if he didn't share that view.

(Testimony of Wayne Lyman Morse.)

Q. If he didn't share what view?

A. If it was his view that he did not believe in the democratic process I would say, "Mr. Jackson, my opinion is, on the basis of my experience, that you are wrong."

Q. Did you have him in mind at the time?

A. I had in mind anyone that shared the view that he did not believe, on the basis of my experience, as I have stated. [4600]

Q. Will you answer the question?

A. Yes, I will answer the question if you will put it in a form so it can be answered "Yes" or "No".

Mr. Del Guercio: Read the question.

(The question referred to was read by the reporter as follows:

"Q. Did you have him in mind at the time?")

By Mr. Del Guercio:

Q. Let me ask you this question, Mr. Morse. Who is trying to deport Harry Bridges?

A. Who is trying to deport him?

Q. Yes.

A. Why, I didn't know that anybody was trying to deport him. I thought they were trying to find out what the facts are to see whether or not there was a basis for deportation.

Q. Well, now, referring back to this statement, you said you used this languege: "* * * than many of his critics who seek to deport him." Who did you have reference to?

(Testimony of Wayne Lyman Morse.)

A. Those groups that have passed resolutions urging his deportation.

Q. Did you mean any governmental agencies?

A. Well, my statement was a general statement, and still is, that I mean any group that definitely takes the position that he should be deported.

Q. Well, this is a Governmental agency that is taking the stand that he should be deported and it is seeking to [4601] deport him. Did you have that Government agency in mind?

A. You mean the agency that you represent?

Q. Yes.

A. Of course, I think we are arguing a technicality. I am of the opinion that if, as a result of a hearing such as this, your agency should be convinced, on the basis of the record made by the defense, that he is not deportable, then you wouldn't want to deport him.

Q. And if a finding was made that he was subject to deportation——

A. (Interposing) That you would want to, and that is what the hearing is for. But I haven't taken a position, and it would be a surprise to me if you have any pre-judgment on that.

Q. Do you believe that the Attorney General would have issued a warrant for Mr. Bridges' deportation if he did not believe there was some evidence before him to show that he was a member of the Communist Party?

A. I am certain he must have thought at the

(Testimony of Wayne Lyman Morse.)

time a prima facie case existed that justified the hearing.

Q. And when you referred to "* * * critics who seek to deport him * * *" you did not have in mind, I assume, a Governmental agency?

A. I certainly wouldn't have in mind any judicial body because that isn't the way we administer law. We don't pre- [4602] judge a case. I recall that Attorney General Cummings, one time in his career he became convinced——

Q. (Interposing) Or any other Governmental agency?

A. Yes; or any other. I think that is basic in our democratic form of government, that is, to wait and see what the record shows.

Q. Did you wait to see what the record showed before you made this statement?

A. Yes. The record of which I was speaking was my experience with Mr. Bridges, and on the basis of that experience I made the statement.

Q. Did you have in front of you the record that the Government had, that your Government had?

A. I don't recall whether that speech was made before or after the Angel Island hearing. If it was made after I undoubtedly had that in mind because my judgment was, after that hearing, that the decision was proper.

Q. Did you have that record before you, and did you study it, look at it, before you made this

(Testimony of Wayne Lyman Morse.)

statement, the record of either the last hearing, or the record of this proceeding?

A. I didn't have this one before me. That was April 1940.

Q. Did you have the record of the other proceeding before you? [4603]

A. Simply my knowledge of it, if it was prior to the hearing. I don't recall whether that statement was made prior to the Angel Island hearing or afterward. If it was made afterward I say I undoubtedly had in mind that as a background. If I made it prior thereto I simply had my general information based upon my associations through these hearings with him.

Q. You say you made that statement in April 1939?

A. I think it was April 1940. I think your manuscript you have in front of you must bear a date.

Q. I don't have a manuscript, Mr. Morse. I have a pamphlet.

A. All right. You know one in my position can't make a speech but what it gets into various stages of misinterpretation.

Q. Yes. I would be glad to show you what I have in front of me here. I have a pamphlet published by the Harry Bridges Defense Committee, National Headquarters, 593 Market Street, San Francisco, wherein they quote that portion of your speech you testified that you made.

A. They must have taken it from some other

(Testimony of Wayne Lyman Morse.)

published document because they didn't get it from me.

Mr. Del Guercio: That is all.

Presiding Inspector: That is all.

Mr. Grossman: I think we have one or two more questions. Could we have a short recess first? It is past time for our afternoon recess now. [4604]

Presiding Inspector: We will take a short recess.

(Whereupon a short recess was taken.)

Presiding Inspector: Now, Mr. Grossman, we will hear you further.

Mr. Grossman: We have no further questions, your Honor.

Presiding Inspector: I think you are excused.

(Witness excused.)

Presiding Inspector: Now, if you will call back the witness Craycraft.

ROSCO GEORGE CRAYCRAFT

a witness called by and on behalf of the Alien, having been previously duly sworn, was examined and testified further as follows:

Direct Examination

(Resumed)

By Mr. Gladstein:

Q. Now, Mr. Craycraft, I think at the noon recess we were talking about the meeting in the Clyde

(Testimony of Rosco George Craycraft.)

Hotel on a Saturday afternoon, at which meeting were present you, Mr. Maurice Cannalonga and myself; and you had covered the conversation to the point, substantially this is it, where Mr. Cannalonga had stated in your presence and in mine that he had told the two FBI agents, Mr. Madala and Mr. Dickstein, that he had never been in a meeting with William Schneidermann and Harry Bridges at the same time; and that he refused to sign a statement to that effect because it would be a falsity. Thereafter, did Mr. Cannalonga say that, referring to the second time when he had [4605] been with the FBI agents, Madala and Dickstein —did he then say to you and to me that one of these FBI agents asked Cannalonga what had become of the girl Cannalonga picked up in Reno?

A. That's right.

Mr. Del Guercio: If your Honor please, I object to that. I object upon this ground: That the question itself carries only implications and nothing else, and on that ground it is improper and the answer that may have been given thereto is improper.

Mr. Gladstein: This is part of the conversation, your Honor.

Presiding Inspector: This you claim to be competent under my ruling as going to impeach the statement that he made, that he was not subject to any intimidation or threats of any kind?

Mr. Gladstein: Yes, and in light of the fact that Mr. Del Guercio read into the record in this hearing three statements which the two FBI agents had

(Testimony of Rosco George Craycraft.)

taken from Mr. Cannalonga. Therefore, the conversation on this Saturday, in which Mr. Cannalonga referred to and refuted those three statements saying they were contradictory, were tied up with his further statements as to why he signed those statements that he gave to the FBI.

Presiding Inspector: I will take it.

Mr. Del Guercio: If your Honor please, may I have the question read?

(The question referred to was read by the reporter as above recorded.) [4606]

Mr. Del Guercio: Now, if you will notice, counsel apparently has asked that question of Cannalonga.

Mr. Gladstein: No, I didn't. I didn't intend that the question should indicate that. I intended the question merely to ask of this witness—we are going back to the conversation in the Clyde Hotel. I am asking this witness if it isn't a fact that Cannalonga, while he was discussing this second occasion of meeting these two FBI agents, in telling us what he said had taken place, made this statement, namely, that at the second occasion of his meeting with the FBI agents, after certain things had already transpired, then one of the FBI agents asked Cannalonga what had become of the girl that he, Cannalonga, had picked up in Reno. This is Cannalonga's statement.

Presiding Inspector: You may say whether that occurred.

(Testimony of Rosco George Crayeraft.)

A. He did.

By Mr. Gladstein:

Q. Did Mr. Cannalonga at the Clyde Hotel say that he, in response to the FBI agent, said, "What girl"? A. That is correct.

Presiding Inspector: This is all under your objection.

Mr. Del Guercio: It is.

Presiding Inspector: Proceed.

By Mr. Gladstein:

Q. Did Mr. Cannalonga then say in the Clyde Hotel that the FBI agent had said to him, Cannalonga, "You know [4607] the girl we are talking about."? A. That is right.

Mr. Del Guercio: I will object to that also, your Honor.

Presiding Inspector: I will take it.

By Mr. Gladstein:

Q. Did Cannalonga say in the Clyde Hotel that, referring to the occasion when he was with the two FBI agents, the second occasion, he, Cannalonga, turned hot and cold? A. That's right.

Mr. Del Guercio: The same objection, if the Court please.

Presiding Inspector: What about that? I don't see how that is pertinent.

Mr. Gladstein: This happens to be exactly what he said and this is his picturesque way, I take it.

Mr. Del Guercio: Now, if the Court please, counsel is testifying. He says "This is exactly".

(Testimony of Rosco George Crayeraft.)

Presiding Inspector: I want to hear his argument as to why this is admissible.

Mr. Gladstein: This is Mr. Cannalonga's way of expressing his emotional or psychological reaction to the statement made to him by the FBI agents. It is his way of talking. This witness has already said that he used that expression.

Mr. Del Guercio: There is no evidence in the record to that effect, if your Honor please.

Presiding Inspector: No. But counsel claims, as I under- [4608] stand it, that this whole episode shows intimidation and, therefore, it contradicts what he said on the stand.

Mr. Gladstein: That is right, your Honor.

Presiding Inspector: That is one interpretation of it. With that understanding, I will take it.

Mr. Gladstein: Yes, your Honor.

Mr. Del Guercio: You say, "episode". Which episode do you mean? The episode that Mr. Gladstein is talking about?

Presiding Inspector: The episode at which inquiry was made concerning this.

By Mr. Gladstein:

Q. Did Mr. Cannalonga then say in the Clyde Hotel in your presence and in mine that he, Cannalonga, told the FBI agents "No, I don't know anything about any girl"? A. That's right.

Mr. Del Guercio: I will object to that, your Honor, on the same ground.

Presiding Inspector: I will take it. It is part of the history.

(Testimony of Rosco George Craycraft.)

By Mr. Gladstein:

Q. Then did Mr. Cannalonga then go on and say that one of the FBI agents had said to him, "Oh, yes. You know who we mean."?

A. That's right.

Mr. Del Guercio: I object to that also.

Presiding Inspector: There is an objection to all this [4609] testimony. Go ahead.

By Mr. Gladstein:

Q. Did Mr. Cannalonga then say in the Clyde Hotel that one of the FBI agents, referring to the second occasion of Mr. Cannalonga's meeting with Mr. Madala and Mr. Dickstein, proceeded to tell Mr. Cannalonga by name the various places in the various states where Mr. Cannalonga had stayed with a girl?

Mr. Del Guercio: I will object to that, if your Honor please.

Presiding Inspector: Oh, I will take it as bearing on the contradiction.

Mr. Gladstein: Yes, your Honor.

A. That is correct.

By Mr. Gladstein:

Q. Did Mr. Cannalonga in the Clyde Hotel say that the FBI agent told him, described Mr. Cannalonga's itinerary with this girl from the State of Nevada into the State of California, into the State of Oregon and thence into the State of Washington? A. That's right.

Mr. Del Guercio: I will object to that, if your

(Testimony of Rosco George Craycraft.)

Honor please, as being incompetent, irrelevant and immaterial and contradicts nothing.

Presiding Inspector: Well, it may not and yet it may. It is the way that it is looked at. I will take it. You see, [4610] he says he wasn't intimidated.

By Mr. Gladstein:

Q. Did I at the Clyde Hotel ask Mr. Cannalonga whether the FBI agents on this second occasion had him cold?

Mr. Del Guercio: What is that?

Presiding Inspector: What is that?

Mr. Gladstein: "Had him cold". It is pretty bad language for a lawyer.

Presiding Inspector: I am going to hear the question.

Mr. Del Guercio: I object to counsel's statement. Had whom "cold"? The attorney or the witness or who?

Mr. Gladstein: I will clarify it. I will rephrase the question.

By Mr. Gladstein:

Q. Did I ask Mr. Cannalonga in the Clyde Hotel substantially this question:

"Did they have you cold?" A. Yes.

Presiding Inspector: I will allow that.

By Mr. Gladstein:

Q. In response to that question of mine did Mr. Cannalonga nod his head in the affirmative?

Mr. Del Guercio: Well now, if your Honor

(Testimony of Rosco George Craycraft.)

please, I submit that questions of this kind, even when they want to derive some implication from what a witness acts or reacts to a certain question, and that kind of a question propounded by what counsel [4611] himself has termed unusual language "even for an attorney", and then seeking to introduce it in this Court and have you believe it, that is indeed unusual "even for an attorney".

Presiding Inspector: Yes. But I think Mr. Gladstein is attempting to show the effect of what he claims is intimidation by the statements which have been proved by this witness that Cannalonga made to Mr. Gladstein. I will take it over your objection.

Mr. Del Guercio: Yes, over my objection. The Court has noted, as I have noted, no doubt, that in answer to one of Mr. Gladstein's questions Mr. Cannalonga said he didn't know any such girl. Now, if he didn't know of any such girl how could it be possible for him to have been intimidated even though ten thousand FBI agents may have accused him and even if they described the itinerary which they traveled? Counsel would have us believe that Cannalonga did make that statement, that he told the FBI men that he didn't know of such a girl. I suppose that is what he is getting this for. He wants us to believe that and this Court to believe that, and Cannalonga told him, Mr. Gladstein, that Cannalonga had stated to the FBI men that he didn't know of such a girl.

(Testimony of Rosco George Crayeraft.)

Presiding Inspector: Yes. But if he subsequently made certain statements somewhat in contradiction of that, I think I will take that.

Mr. Del Guercio: Contradictory in the same inquiry now? In Mr. Gladstein's inquiry? [4612]

Presiding Inspector: Yes. I don't know much about the psychological occurrences, but sometimes they say one thing concerning the opposite sex, and then when matters are called to their attention they change their statements. I think that is what is claimed.

Mr. Gladstein: If I had been unclear in my questioning so that Mr. Del Guercio got an erroneous impression, I would like to state this, your Honor. I don't know what the record shows on this, but it is my intention by my questions to bring out not that Mr. Cannalonga told me that he was denying to me that he knew such a girl, but that in describing what had taken place with the two FBI agents on this second occasion, he Cannalonga, did respond in a certain way to their accusation and his first way was, as the witness has already testified, that he said he didn't know any such girl and then what took place after that. I can't believe for the life of me that Mr. Del Guercio really is serious when he says——

Presiding Inspector (Interposing): Never mind whether he is or not. Ask the next question.

Mr. Del Guercio: I will assure counsel and the Court that I do mean every word that I say.

(Testimony of Rosco George Craycraft.)

Presiding Inspector: We will take that, too.

Mr. Del Guercio: Yes, you may take that. That may stand.

Mr. Gladstein: What is the last question, please?

(The question referred to was read by the reporter as follows: [4613]

"Q. In response to that question of mine did Mr. Cannalonga nod his head in the affirmative?")

A. Yes.

Mr. Del Guercio: The witness responded "Yes." I understand the question was whether he indicated by a nod in the affirmative?

Presiding Inspector: Did he nod his head?

Mr. Gladstein: The witness said "Yes".

By Mr. Gladstein:

Q. When you said "Yes", you mean that he did do it? A. He did nod his head.

Q. Now, Mr. Craycraft, did Mr. Cannalonga then say in the Clyde Hotel, referring still to this second occasion of this meeting with Mr. Madala and Mr. Dickstein, that the FBI agents then went back to questioning him again concerning Harry Bridges? A. Yes.

Mr. Del Guercio: I will object to that, if your Honor please. That isn't contradictory of anything that Mr. Cannalonga said.

Presiding Inspector: Well, I suppose that is preliminary.

(Testimony of Rosco George Craycraft.)

Mr. Gladstein: Yes.

Presiding Inspector: That is not contradictory.

By Mr. Gladstein:

Q. Did Mr. Cannalonga——

Mr. Del Guercio (Interposing): Are we going to get pre- [4614] liminary things into this thing, too? This is all a conversation, you know.

Presiding Inspector: That is what I mean: preliminary to something that is material occurring thereafter in the conversation.

Mr. Del Guercio: Then I misunderstood the Court's ruling, because I understand that your ruling is that you were only going to admit those portions of Mr. Cannalonga's conversation that tended to contradict statements that he had made on the witness stand here, and nothing else.

Presiding Inspector: That's right. But I think his statement that an occurrence happened and then there was a pause or they went out and took a drink of water would come within the general story of what occurred. I don't think it can be differentiated from the rest. I don't see any great importance to it.

By Mr. Gladstein:

Q. Did Mr. Cannalonga say that he continued to tell the FBI agents that he knew nothing about Harry Bridges' membership in the Communist Party and that he had never attended any Communist Party meetings with him?

(Testimony of Rosco George Craycraft.)

A. That is right.

Mr. Del Guercio: I object to that as being a compound question.

Presiding Inspector: Yes. I will take it. It is com- [4615] pound.

By Mr. Gladstein:

Q. Did Mr. Cannalonga say that the FBI agents told him that they wanted him to sign a statement to the effect that he, Cannalonga, had been in Communist Party meetings with Bridges?

A. That's right.

Mr. Del Guercio: I will object to that.

Presiding Inspector: I will take it.

By Mr. Gladstein:

Q. Did Cannalonga say that he told the FBI agents that he had never been in such meetings with Bridges and could not make such a statement?

A. That's right.

Mr. Del Guercio: I will object to that aiso.

By Mr. Gladstein:

Q. Did Cannalonga say that the FBI agents then told him to return the following day?

A. Correct.

Q. Did Cannalonga say that he did return the following day to see Mr. Madala and Mr. Dickstein?

A. Yes. [4616]

Q. Did he say that they, the FBI agents, on this third occasion had a prepared typewritten statement for him, Cannalonga, to sign? A. Yes.

(Testimony of Rosco George Craycraft.)

Mr. Del Guercio: I will object to it.

Presiding Inspector: I will take it.

By Mr. Gladstein:

Q. Did Mr. Cannalonga say that he refused to sign the statement because it contained falsehoods?

A. Yes.

Q. Did Mr. Cannalonga say that one of the FBI agents then turned to the other and asked, "How much will he get under the Mann Act?"

A. Yes.

Mr. Myron: Are these contradictory statements?

Presiding Inspector: Contradictory to the fact that he was not intimidated.

By Mr. Gladstein:

Q. Did Mr. Cannalonga say to us in the Clyde Hotel that the two FBI agents on this third occasion computed imprisonment for Cannalonga on charges under the Mann Act at probably 20 years?

A. That is right.

Q. Did Cannalonga say that after that discussion of 20 years the FBI agents handed this statement to him to sign? [4617]

Mr. Del Guercio: I object to the question.

A. Yes.

Presiding Inspector: I will take it.

By Mr. Gladstein:

Q. Did Cannalonga say then in the Clyde Hotel that he signed the statement that the FBI agents gave him?

(Testimony of Rosco George Craycraft.)

A. With a few notations of corrections; yes.

Q. Did Mr. Cannalonga—withdraw that. Did I then ask Mr. Cannalonga whether the second statement signed by him for the FBI was also prepared in advance by the FBI? A. Yes.

Mr. Del Guercio: I object to that, your Honor.

Presiding Inspector: I will take it.

By Mr. Gladstein:

Q. What was his answer?

A. That it was.

Q. Did I ask him whether it also contained false statements? A. Yes.

Q. What was his answer? A. It did.

Q. Did I ask Mr. Cannalonga whether the third statement signed by him for the FBI was also prepared in advance by the FBI agents? A. Yes.

Q. What was his answer? [4618]

A. That it was.

Q. Did I ask him whether it, too, contained false statements? A. Yes.

Q. What was his answer? A. It did.

Q. Did Mr. Cannalonga say that after he testified in court in this case when he got off the stand the FBI gave him hell because his testimony was not strong enough? A. That is right.

Mr. Del Guercio: I object to that.

Presiding Inspector: I will exclude it. It hasn't anything to do with a contradictory statement.

Mr. Gladstein: I think the next question that I wish to ask will show that it does.

(Testimony of Rosco George Crayeraft.)

Presiding Inspector: Perhaps so. We will exclude it until we hear the next question.

By Mr. Gladstein:

Q. Did Mr. Cannalonga say that after the FBI men gave him hell because his testimony was not strong enough he said, Cannalonga, to the FBI, "Well, what did you expect?"

A. That is correct.

Mr. Del Guercio: I will object to that, your Honor.

Presiding Inspector: Strike it out. I will exclude it.

By Mr. Gladstein:

Q. Did I ask Mr. Cannalonga to come to San Francisco and [4619] testify to the whole truth?

A. Yes.

Mr. Del Guercio: If your Honor please, I have noted here that counsel, in some of his questions, used, "Did I ask," but in some of these other matters wherein the FBI is besmirched, he doesn't indicate that he asked, and put the question in the witness' mouth. Now, I think he ought to be cautioned about that, and he ought to be made to state whether or not he did ask that or not.

Mr. Gladstein: I will be glad to. It is quite apparent, at least to anybody with any intelligence, that by my questioning. I am trying to bring out the way this entire conversation occurred.

Presiding Inspector: Go ahead.

(Testimony of Rosco George Craycraft.)

You withdraw that remark?

Mr. Gladstein: Yes. I am trying to bring out the method in which this conversation occurred. I think the record will show that preliminary after the introductions, it was my intention to bring out from Mr. Craycraft that I asked Mr. Cannalonga to tell about what had taken place in the various FBI meetings in his own way, and that he proceeded to discuss those without questioning by me; that at various points I did interrogate him, I did throw in a question; that after he finished with the first statement——

Presiding Inspector: I don't know what you are talking [4620] about. Go ahead with your questions.

Mr. Gladstein: He wanted to know whether I had proceeded by specific——

Mr. Del Guercio (Interposing): We can find that out from you when you are on the stand.

Presiding Inspector: Neither of you should lead the other into discussions.

Go ahead and ask your next questions.

Mr. Gladstein: What was the last question?

Presiding Inspector: You are talking something about Mr. Cannalonga testifying here in this court room.

Mr. Gladstein: Do you want this without leading questions? I am willing to abide by your Honor's ruling.

Presiding Inspector: It should be without lead-

(Testimony of Rosco George Craycraft.)

ing questions. This is to show why he isn't here, I suppose.

Mr. Gladstein: To show what took place.

Presiding Inspector: Yes.

By Mr. Gladstein:

Q. Now——

Presiding Inspector: The question is excluded or was it withdrawn? Ask what was said between them with respect to Cannalonga coming down here.

By Mr. Gladstein:

Q. Would you please state to the Court what occurred at that conversation in the Clyde Hotel on that Saturday afternoon [4621] in your presence, and in the presence of Cannalonga, and in the presence of myself, with respect to any discussion relative to Mr. Cannalonga coming down to testify again in this hearing?

Mr. Del Guercio: I will object to that, if your Honor please.

Presiding Inspector: I will take it as bearing on his absence.

A. Mr. Cannalonga stated that he would be glad to come down to San Francisco and he would be willing to get up and tell the same story he told us that day, and the only request that he wanted was that he would be allowed to go to Seattle first to see some other parties whom he thought would be involved; and then proceed to Friseo to testify.

(Testimony of Rosco George Craycraft.)

By Mr. Gladstein:

Q. Now, on that occasion was there any discussion with respect to Mr. Cannalonga giving a deposition?

A. Mr. Gladstein asked Mr. Cannalonga if he wanted to take the time out to go to Seattle, would he have any objection to making a deposition at that time that he could take back to Frisco with him.

Mr. Cannalonga said, "No, I will be willing to do that up to the part where it involves the FBI and the Mann Act charges."

Q. Was there any discussion with respect to when such a deposition could be taken? [4622]

A. We agreed that we would meet the next morning, Sunday morning, and have a court reporter present to take the deposition.

Q. Did Mr. Cannalonga say something about wanting to sleep over the matter? A. Yes.

Q. Was that in reference to his going to Seattle and getting some kind of a clearance?

Mr. Del Guercio: If your Honor please, we didn't make an objection to the last one as leading and suggestive, but clearly this is—of course not that the witness needs it, I don't say that—suggestive.

Presiding Inspector: I don't quite understand the point of this.

Mr. Gladstein: It is all on the question of the deposition, the discussion that took place later on.

Presiding Inspector: The statement before this lawyer?

(Testimony of Rosco George Craycraft.)

Mr. Gladstein: Yes.

Presiding Inspector: Well, now, all this occurred after Mr. Cannalonga said he would come down here.

Mr. Gladstein: The witness didn't say that. He said he was ready to come down, but he said that he would come down if he could first go to Seattle and do something.

Presiding Inspector: I understood him to say he was willing to come down and make a clean, come clean, or whatever it is. [4623]

By Mr. Gladstein:

Q. Mr. Craycraft, will you state to the best of your recollection all of the things that Mr. Cannalonga said with respect to his coming down and testifying?

Mr. Del Guercio: I will object to that, if your Honor please.

Presiding Inspector: I think we have had it once. It is just for clarification. Go ahead.

A. The only point that Mr. Cannalonga raised

Presiding Inspector: What did he say?

A. (Continuing) He said he would come down and testify to everything up to the point that involved the Mann Act charges and the FBI; but if he was going to testify on that he wanted to go to Seattle first to see some other people whom he said were involved; and if it was agreeable to them then he would testify to that part too.

(Testimony of Rosco George Craycraft.)

By Mr. Gladstein:

Q. Didn't I state in substance to Mr. Cannalonga that if he was going to testify we wanted nothing but the whole truth and not just part of it?

A. That is correct.

Mr. Del Guercio: I will object to that.

Presiding Inspector: It is perfectly self-serving. I will exclude that.

Mr. Gladstein: I am going to start with the following day, [4624] and I see that it is after our hour for adjournment, and we cannot finish the direct today with this witness anyway.

Presiding Inspector: I think you can.

Mr. Gladstein: No. There are a number of meetings yet to be covered, your Honor.

Presiding Inspector: You are not going over what the stenographer has testified to?

Mr. Gladstein: No, but there were other meetings besides that, not with me, but meetings that Mr. Craycraft had with Mr. Cannalonga which I wish brought out in the record.

Presiding Inspector: Let's go along a little ways. Would you rather adjourn?

Mr. Del Guercio: Well, we are willing to abide by the Court's wishes.

Presiding Inspector: We will go on for five or ten minutes. These are short court days for me.

By Mr. Gladstein:

Q. What were the arrangements, if any, Mr.

(Testimony of Rosco George Craycraft.)

Craycraft, that were made with respect to meeting Mr. Cannalonga again?

A. I left your room with Mr. Cannalonga to take him back to the ship, but Mr. Cannalonga and I were to work out the time when we could meet the next day, and I was to call you back and let you know what time it would be.

On the way down to the ship we discussed this matter and Mr. Cannalonga said the best time for him to get off would be [4625] around a quarter to ten in the morning. I was to pick him up at a quarter to ten in the morning and bring him up to the Clyde Hotel at ten o'clock.

Q. Did you communicate that information to me? A. Yes, sir.

Mr. Del Guercio: Well——

Presiding Inspector: This is just the history of it.

By Mr. Gladstein:

Q. What arrangements, if any, were made with respect to making available a court reporter—withdraw that.

Presiding Inspector: How is that material? You did get a court reporter.

Mr. Gladstein: Well, I would like to have all these facts before the Court because I distinctly recall a statement by Mr. Del Guercio to the effect that I intimidated Mr. Cannalonga, and I would like to have all this come out just the way it happened, rather than allow any such statement to go in unanswered by testimony.

(Testimony of Rosco George Craycraft.)

Mr. Del Guercio: Now, if the Court please, we have the true facts from this witness here in his own defense that he did not intimidate Mr. Cannalonga.

Mr. Gladstein: I haven't been called as a witness, and I think Mr. Del Guercio knows better than to make a statement like that.

Mr. Del Guercio: On the contrary, he stated——

[4626]

Presiding Inspector: We are getting again into recriminations; criminations and recriminations.

Now, you want to show what was done?

Mr. Gladstein: I certainly do.

Presiding Inspector: All right. Go ahead. Be brief about it. I will take it.

Mr. Del Guercio: If your Honor please, I understand this is for the purpose of showing that Mr. Gladstein did not intimidate Mr. Cannalonga.

Mr. Gladstein: It is none of your—I will withdraw the remark. I have a right to introduce testimony on any tenable theory and I am not under any limitation by Mr. Del Guercio.

Presiding Inspector: Mr. Del Guercio has a right to object.

Mr. Gladstein: But not to impose conditions beforehand on the purpose for which I ask questions.

Mr. Del Guercio: I have a right to address the Court at any time.

Presiding Inspector: Go ahead.

By Mr. Gladstein:

Q. On that Saturday after Mr. Cannalonga left

(Testimony of Rosco George Crayeraft.)

my room in the Clyde Hotel, are you familiar with the arrangements, if any, that were made with respect to getting a shorthand reporter available for a deposition?

Mr. Del Guercio: Your Honor, I will object to that as not [4627] asking this witness as to anything that was said in Mr. Cannalonga's presence —"Are you familiar with what arrangements were made?"

Presiding Inspector: I don't think I would go into that, Mr. Gladstein. How is that material?

Mr. Gladstein: All right. If you rule that it is immaterial, I am satisfied.

Presiding Inspector: I don't think it is material. I would like to advance this examination.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. On the following morning, on Sunday, did you meet Mr. Cannalonga?

A. I picked him up at the ship, then took him up to the Clyde Hotel to your room.

Q. What time of the day was it when you picked him up?

A. Approximately 9:45 and we were up to your room about 10:00.

Q. And how long were the three of us in the room together?

A. Oh, I would judge approximately an hour and a half.

Q. And were there discussions at that time?

A. Yes.

(Testimony of Rosco George Craycraft.)

Q. Or was there a discussion? A. Yes.

Q. Did I ask Mr. Cannalonga again questions with respect to the meetings that he had with the FBI agents on the occasions that [4628] he described? A. Yes.

Mr. Del Guercio: I will object to that.

Presiding Inspector: Was that in the so-called deposition?

Mr. Gladstein: This is before the deposition.

Presiding Inspector: Oh.

Mr. Del Guercio: There were matters that were not in that deposition that were discussed? I will withdraw my objection.

Presiding Inspector: I will take that.

Mr. Del Guercio: Was that question answered?

The Reporter: Yes.

By Mr. Gladstein:

Q. Did I ask Mr. Cannalonga whether all the statements that he had given me in your presence the previous day were true?

A. That is right.

Q. What was his answer?

A. That they were true.

Q. Did I tell Mr. Cannalonga that arrangements had been made to meet at the office of Mr. William Lord, an attorney, for a deposition to be taken?

A. That is right.

Q. Did Mr. Cannalonga say that he was willing to give testimony in the deposition that the statements he had given to the FBI were false, but that

(Testimony of Rosco George Craycraft.)

he did not want to admit the inci- [4629] dent concerning the Mann Act?

Mr. Del Guercio: I will object to that, if your Honor please, on a number of grounds. First of all, that if counsel did ask Mr. Cannalonga such a question he knew that he was misleading and deceiving the Alien because he could not have taken the deposition within the legal conception of that term, a deposition from Cannalonga under those circumstances.

Mr. Gladstein: I don't know why not.

Presiding Inspector: I will take it just the same.

Mr. Gladstein: I would like to hear Mr. Del Guercio's definition of a "deposition".

Presiding Inspector: There may be some misapprehension as to what is meant by the word "deposition". A deposition may be an affidavit, I suppose. A definition may be testimony taken pursuant to letters interrogatory or any commission. The word has a broad significance.

Mr. Gladstein: In general it means a statement under oath, I suppose, and the usual form in this state, of depositions, is that the person giving the deposition is sworn and then the procedure is that he is asked questions to which he gives answers. That is the usual form in this state.

Mr. Del Guercio: Do I understand that in California, and am I correct in stating, that a deposition is usually taken with notice to the other party?

Presiding Inspector: Well, I don't think we

(Testimony of Rosco George Craycraft.)

need quarrel [4630] over the use of the word. In some places they use depositions in place of affidavits, I understand. In other places they don't. At any rate I don't think we will quarrel over the use of the word. Go ahead.

Mr. Gladstein: Read the question.

(The question referred to was read by the reporter as above recorded.)

A. That is correct. He still wanted to make a trip to Seattle before he would make anything in the deposition on that basis; that is, the Mann Act.

Q. Did I ask Mr. Cannalonga to come to the office of the attorney where I would proceed to ask questions and that he was perfectly free to answer, but I wanted no questions answered untruthfully?

Mr. Del Guercio: I will object to that as being self-serving.

Presiding Inspector: I believe that is self-serving.

Mr. Gladstein: What is self-serving about it?

Presiding Inspector: We don't care what you said about the truth.

Mr. Gladstein: It isn't that I said to him that I just wanted him to tell just the truth. It is that I said to him this: That he was free to answer those questions that he wanted and he was free not to answer those questions that he didn't want; but if he chose to answer a question that answer should be a truthful answer and nothing else. And that is important because it developed that at the deposi-

(Testimony of Rosco George Craycraft.)

tion there are questions which he [4631] chose not to answer.

Mr. Del Guercio: I still object upon the ground that it is self-serving.

Presiding Inspector: I will take so much of it as is included in what he might or might not answer.

Read the question, please.

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: You seemed to have some doubt that he would tell the truth. Why should you want that?

Mr. Gladstein: Because it is already indicated by the testimony that he was willing to give a part of the truth but not all of it without first going to Seattle.

Presiding Inspector: I know.

Mr. Del Guercio: And—all right.

Presiding Inspector: If you want it I will let you have the question in that form.

Mr. Gladstein: I would like the question in that form.

Mr. Del Guercio: And our objection is that it is self-serving.

Presiding Inspector: Repeat what he did say.

The Witness: Mr. Cannalonga said that he was willing to go up there and he would testify to that part which brought it down to the FBI in a Mann Act charge.

(Testimony of Rosco George Craycraft.)

Presiding Inspector: And what did Mr. Gladstein say?

The Witness: Mr. Gladstein said "That is all I want, is [4632-3] the truth, and I will ask you the questions and you answer those questions truthfully. Those questions which you don't want to answer," he says, "you don't have to answer. But if you do answer one of my questions I want a truthful answer."

Presiding Inspector: Go ahead.

By Mr. Gladstein:

Q. Did we then proceed to the office of Mr. Lord? A. Yes.

Q. Do you know where it is located?

A. In the Guardian Building on Third and Alder.

Q. And who were the persons that went to that building?

A. Mr. Cannalonga, yourself, myself.

Q. And how did we go from the hotel to the Guardian Building?

A. Drove down in my car.

Q. And when we got to the offices of Mr. Lord whom, if anyone, did we find?

A. Mr. Shoemaker and Mr. Lord.

Q. How long were we in the office of Mr. Lord on that occasion?

A. I believe it would be around an hour and twenty or thirty minutes all told.

Q. And were you present throughout all that took place? A. Yes.

(Testimony of Rosco George Craycraft.)

Q. Were you present while Mr. Cannalonga was there answering [4634] questions? A. Yes.

Q. And while I was there asking questions?

A. Yes.

Q. Was Mr. Lord present? A. Yes.

Q. And Mr. Shoemaker? A. Yes.

Presiding Inspector: Now we will take a recess until tomorrow morning.

(Whereupon, at 4:15 o'clock p.m. an adjournment was taken until Wednesday, May 21, 1941, at 10:00 o'clock a.m.) [4635]

Court Room 276,
Federal Building,
San Francisco, California,
May 21, 1941.

Met, pursuant to adjournment, at 10:00 A.M.

[4636]

PROCEEDINGS

Presiding Inspector: The hearing will proceed. Are you going to continue, Mr. Grossman?

Mr. Grossman: Mr. Gladstein will continue.

Mr. Gladstein: I have been put in a lower chair.

Presiding Inspector: Are you going to change?

Mr. Gladstein: No, your Honor.

Presiding Inspector: Go ahead.

ROSCO GEORGE CRAYCRAFT

called as a witness on behalf of the Alien, having been previously duly sworn, testified further as follows:

Direct Examination (Resumed)

By Mr. Gladstein:

Q. Now, Mr. Craycraft, we concluded yesterday's hearing at the point, I believe, where you, Mr. Cannalonga and I, on a Sunday morning in May of this year, went to the office of Mr. William Lord and there found Mr. Lord, and a court reporter by the name of Shoemaker. Did I ask you how long we were in that office?

A. Yes. I answered approximately, to the best of my recollection, about an hour and a half.

Q. And were you present during all of that time? A. Yes, sir.

Q. Now, after the proceedings which took place in that office were over did you go out to see Mr. Cannalonga when he was [4687] leaving?

Mr. Del Guercio: Just a minute. I object to the question, and object to the use of the word "proceedings." There were no proceedings in that office in any sense of the word.

Mr. Gladstein: I will take a suggestion as to the word that should be used.

Presiding Inspector: Transaction. I don't know just what the word would be. Go ahead.

By Mr. Gladstein:

Q. Do you have in mind the question?

Presiding Inspector: The use of a word would

(Testimony of Rosco George Craycraft.)

not in any way be evidence of any official character of what took place.

Mr. Del Guercio: It characterizes the nature of it.

Presiding Inspector: It might be thought to, but that wouldn't be the inference that this Inspector would draw from it.

Go ahead.

A. I went to the elevator with Mr. Cannalonga, and we agreed there that he was to call me that night at 7:00 o'clock and at that time we were going to discuss ways and means of going to Seattle the next morning. [4638]

By Mr. Gladstein:

Q. Did he call you up that evening?

A. No. One of the winches broke down on the ship and he was unable to get to the telephone. So I went down to the ship approximately 8:00 o'clock.

Q. That was on the Sunday night?

A. On a Sunday night.

Presiding Inspector: Can you hear the witness, Mr. Del Guercio?

Mr. Del Guercio: Not very well.

Presiding Inspector: Do the best you can.

By Mr. Gladstein:

Q. Did you see Mr. Cannalonga that night?

A. Yes. That night we discussed what would be the soonest time he could get off the ship, and he felt he could get off the ship by noon on Monday and I was to come down to the ship on the next

(Testimony of Rosco George Craycraft.)

morning at 10:00 o'clock to see if it would be possible for him to get his release.

Q. When you saw Mr. Cannalonga that evening, that Sunday night, where did you see him?

Mr. Del Guercio: I will object to this line of inquiry, if your Honor please.

Presiding Inspector: I think we might as well get all of the story. I will take it.

A. On the West Kussetta. Terminal No. 1.

By Mr. Gladstein: [4639]

Q. On what part of the ship?

A. On the afterdeck between No. 4 and No. 5 hatch.

Presiding Inspector: This, I take it, is in explanation of why he isn't here.

Mr. Gladstein: It leads up to the last time that Mr. Craycraft saw him.

Presiding Inspector: Yes.

By Mr. Gladstein

Q. Was there anybody else present besides yourself and Mr. Cannalong on that occasion?

A. Just Mr. Cannalonga and myself.

Q. How long were you with him at that time?

A. Not over seven or eight minutes. All we were doing was agreeing on what time we would meet the next morning to work out our plans to go to Seattle.

Q. Before you left Mr. Cannalonga that Sunday night did you agree on a time when you should see him again?

(Testimony of Rosco George Craycraft.)

A. The next morning at 10:00 A.M.

Q. Did you see him then? A. Yes, sir.

Q. Where did you see him?

A. I went down to the ship at 10:00 A.M. on Monday morning. The agent of the Marine Firemen was there. He was trying to get a relief so he could get off the ship.

Mr. Myron: Of course, this is objected to, your Honor. [4640]

Presiding Inspector: This I am taking as part of the history of Cannalonga's absence. I don't know whether there is anything of pertinence or not, but I will take it and we will determine that afterwards.

A. (Continuing) And he had stated that they had sent a man uptown already to try to get his license so that he could sail as an electrician; that they expected his relief around noon and he should be there not later than 2:00 P.M. And at 2:00 P.M. he would call me at Third and Couch in Portland.

By Mr. Gladstein:

Q. How long were you with him on Monday morning? A. Oh, not over five minutes.

Q. Did he call you?

A. He didn't call me at 2:00. He called me at 3:30.

Q. Where were you when he called you?

A. At Maleti's Grocery Store at Third and Couch.

Q. Had you previously told him where he could reach you?

(Testimony of Rosco George Craycraft.)

A. That was agreed between the two of us.

Q. How did he have the telephone number of the Maleti's Grocery?

A. I give it to him so he could reach me there.

Q. You say he phoned you about 3:30 Monday afternoon.

A. He phoned me at 3:30 Monday afternoon, said he had been unable to get his relief, that he was going to try to get off that evening at the latest, and if he hadn't heard from me up to the dinner hour for me to come down to the ship at that time. [4641] And I went down to the ship at about 7:00 P.M. Monday evening.

Q. Did you see him on that occasion?

A. When I first came aboard the ship he was off the ship doing a little shopping. I waited about ten or fifteen minutes, then Mr. Cannalonga came back and I stayed with him until about a quarter to nine or nine o'clock.

Q. On that occasion were you alone or was anyone else present?

A. Mr. Mowery, a member of our union, was with me.

Q. What is his full name?

A. Jack Mowery; M-o-w-e-r-y.

Q. Had the name of Jack Mowery come up in these discussions with Mr. Cannalonga prior to that Monday night?

A. Yes. In previous discussions with Mr. Cannalonga he had made the statement that he wanted to see Jack Mowery, that he happened to be a per-

(Testimony of Rosco George Craycraft.)

sonal friend of his and he went ahead and give me a little background of when he had been with him before. And he said, if I run into Jack to bring him down to the ship, that he wanted to talk to him.

Q. What took place that Monday night when you, Jack Mowery and Cannalonga were together on the ship?

A. Cannalonga had missed his meal hour. So he went out and made up a big pile of sandwiches, had a whole platter full of them. He brought those in and we sat there and ate sandwiches. We had a drink with our sandwiches, and then he give me more of the history of what went on in Seattle.

[4642]

Q. When you say "What went on in Seattle," are you referring to the times when Mr. Cannalonga was meeting with the FBI agents?

A. He gave me a list of all the places that the FBI agents had said they had checked up on him and found him in these different auto camps and hotels when he was registered with this woman.

Q. Did you make notes in Mr. Cannalonga's presence of this information?

A. Yes, sir.

Mr. Del Guercio: I will object to that, if your Honor please. I don't like, in court, to characterize this man's testimony, but I will object to this line of inquiry as being entirely improper, irrelevant and immaterial.

Presiding Inspector: You have got everything that you want. What difference does it make?

Mr. Gladstein: All right. Of course, my pur-

(Testimony of Rosco George Craycraft.)

pose, if I may state it for the record, in bringing out this fact, is to show the specific data supporting——

Presiding Inspector: What?

Mr. Gladstein: (Continuing) ——the specific data supporting the charge of intimidation.

Presiding Inspector: I think you have gone far enough.

Mr. Gladstein: All right.

Presiding Inspector: I think you have got everything that [4643] you need. Of course, if cross examination opens this further why you may on rebuttal examine further.

Mr. Gladstein: Thank you.

By Mr. Gladstein:

Q. On that same evening did Mr. Cannalonga state whether or not he was willing to come to San Francisco and testify and, if so, under what circumstances? A. He did.

Q. What did he say?

A. When we left there it was agreed between Mr. Cannalonga and Mr. Mowery—M-o-w-e-r-y—that Mr. Mowery would come down to the ship the next morning at ten o'clock, and if he was able to get his relief that they would proceed to Seattle, and after leaving Seattle they would come to San Francisco; after he made his trip to Seattle and seen certain parties—he didn't mention the names of these people he had to see—and if they were willing he would come to San Francisco and testify to

(Testimony of Rosco George Craycraft.)

the whole truth, even including the intimidations of the FBI.

Q. Now, during your conversations with Mr. Cannalonga did he ever state that he believed he was surveillance by representatives of the Government while he, Cannalonga, was working on the ship?

Mr. Del Guercio: I will object to that, your Honor.

Presiding Inspector: I don't see its materiality. [4644]

Mr. Gladstein: It goes to why these arrangements were being made for Mr. Cannalonga to go to Seattle and then come to San Francisco.

Mr. Del Guercio: I object to counsel's reference to this as "arrangements". I think it should be referred to as "concoctions."

Mr. Gladstein: I move that be stricken.

Presiding Inspector: Yes; I will strike that out. I don't see that that is material, what was in Mr. Cannalonga's mind.

Mr. Gladstein: It is what he stated. Of course, as I remember it, it seems to me that your Honor stated at some time during this question concerning Mr. Cannalonga, that you had received information to the effect that—or, perhaps you had received this information from us, and that we had received it from the north, that there were some representatives—I remember now: I made a statement that some FBI agents were watching that ship on Tuesday morning, and Mr. Del Guercio got up in court

(Testimony of Rosco George Craycraft.)

and said that wasn't true; that they were not FBI agents, but they were Immigration Inspectors.

Presiding Inspector: I think that is as I recall it.

Mr. Del Guercio: That is a misstatement of counsel.

Presiding Inspector: In a general way, something of that kind occurred.

Mr. Del Guercio: That was on Wednesday.

[4645]

Presiding Inspector: I don't know when it was.

Mr. Gladstein: Was it on Wednesday? Anyway, I think——

Presiding Inspector: Let me hear that question again.

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: You mean at this time, working on the ship at this time?

The Witness: Yes.

Mr. Del Guercio: Maybe the witness saw him. You might ask him if he saw him.

Presiding Inspector: I don't know. I will take the answer for what it is worth. It doesn't seem to be material.

A. Mr. Cannalonga seemed to be under that impression, and that is why——

Presiding Inspector: Did he say that?

The Witness: Yes. That is why he requested—

Presiding Inspector: Did he say that?

The Witness: Yes. That is——

(Testimony of Rosco George Craycraft.)

Presiding Inspector: That is all.

By Mr. Gladstein:

Q. Now, on that Monday night, after you made notes in Mr. Cannalonga's presence of the information that he gave concerning the data which the FBI agents said they had on Cannalonga with reference to this woman, did Cannalonga himself write anything?

A. Yes. I told Mr. Cannalonga, when I went down the [4646] first part of the evening, that I was leaving for San Francisco that night. So, after he volunteered all this information, and he stated he was going to Seattle, he gave me a note to Harry Bridges telling him that he would meet him in San Francisco on Tuesday night.

(Mr. Gladstein passed a document to Mr. Del Guercio.)

Mr. Del Guercio: We have no objection to this going in evidence, your Honor.

Mr. Gladstein: I haven't shown it to the witness, yet.

By Mr. Gladstein:

Q. I show you a slip of white paper. Is that the note that Mr. Cannalonga wrote?

A. (Examining paper) That is correct.

Mr. Gladstein: I offer it in evidence.

Presiding Inspector: Received without objection.

(The document referred to was received in evidence and marked Alien's Exhibit No. 24.)

(Testimony of Rosco George Craycraft.)

Mr. Gladstein: If there is no objection I will read this into the record, your Honor.

Presiding Inspector: Certainly.

Mr. Del Guercio: What?

Presiding Inspector: He wanted to read it into the record.

Mr. Gladstein: "May 5, 1941. Will see you tomorrow nite. Blackie."

By Mr. Gladstein:

Q. Have you ever seen Mr. Cannalonga since that Monday [4647] night?

A. No, sir.

Q. On that Monday night did you leave Portland?

Mr. Del Guercio: If your Honor please, I object to any further questioning along that line as to what this witness did.

Presiding Inspector: I will receive it just as a termination of the incident. A. I did.

By Mr. Gladstein:

Q. And by means of what type of transportation?

A. I left there on the 10:20 plane from Portland.

Q. For where?

A. For San Francisco; arriving here about a quarter to three.

Q. And were you in San Francisco all of Tuesday? A. Tuesday, Wednesday, Thursday.

Q. Of that week? A. Of that week.

Q. During your various conversations with Mr.

(Testimony of Rosco George Craycraft.)

Cannalonga did you on any occasion make any notes in Cannalonga's presence of any of these things that he told you?

Mr. Del Guercio: I will object to that, if your Honor pease.

Presiding Inspector: There hasn't been any failure of this man to remember. [4648]

Mr. Gladstein: All right, your Honor.

By Mr. Gladstein:

Q. Mr. Craycraft, I direct your attention to a convention of the International Longshoremen's & Warehousemen's Union in the year 1938. Do you know where such a convention was held?

Mr. Del Guercio: I will object to that, if your Honor please.

Presiding Inspector: This is an entirely different subject now?

Mr. Gladstein: Yes, it is. And this is preliminary to a different subject. It has nothing to do with Mr. Cannalonga.

Presiding Inspector: I will take it.

A. In Aberdeen, Washington.

By Mr. Gladstein:

Q. Were you present at the convention?

A. No. I made a trip while the convention was on on the first Saturday after the convention started.

Q. Do you know the date on which you made that trip?

Presiding Inspector: Now, just a moment. Have

(Testimony of Rosco George Crayeraft.)

we had anything about the Aberdeen convention?

Mr. Gladstein: No. But we have had something that relates to it and this is preliminary to that subject. We have had testimony from Mr. Wilmot with respect to an alleged occurrence prior to the Aberdeen convention. [4649]

Presiding Inspector: Will you just wait a moment? I want to send for the record.

Does this simply fix a date?

Mr. Gladstein: No. It is to lay the basis for a conversation to bring out matter directly contradictory to the testimony of Mr. Wilmot.

Presiding Inspector: I am waiting just a moment.

Exactly what was the question?

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: I will take it so far merely as fixing the date.

A. It was the first Saturday after the first Monday in April, 1938.

By Mr. Gladstein:

Q. And that enables you to fix it that way, Mr. Crayeraft?

A. Our annual convention starts on the first Monday in April.

Q. And you recall that your trip was on the Saturday following that?

A. That is correct.

Q. When you got to the convention did you have

(Testimony of Rosco George Craycraft.)

a conversation with Harry Bridges on the general subject of Mr. John M. Brost?

A. I did. [4650]

Q. Who else was present at that conversation?

Mr. Myron: I object to this line of inquiry, your Honor.

Presiding Inspector: I haven't any idea of what this is all about.

Mr. Gladstein: Shall I explain it, your Honor?

Presiding Inspector: No, just a moment.

Mr. Del Guercio: If the Court please, this is a conversation apparently had with the Alien who is on trial.

Presiding Inspector: Yes.

Mr. Gladstein: I suppose that means that the conversation is illegal for some reason?

Presiding Inspector: Not competent, and self-serving.

Mr. Gladstein: I beg your pardon?

Presiding Inspector: Not competent, and self-serving.

Mr. Gladstein: Well, you haven't heard the conversation.

Presiding Inspector: No. I suppose that is the objection, I say.

Mr. Gladstein: I haven't heard that stated.

Presiding Inspector: I gleaned that that was the gist of the objection. Maybe I am wrong. I had to guess at it.

The question was exactly what?

(The question referred to was read by the reporter as above recorded.)

(Testimony of Rosco George Craycraft.)

Presiding Inspector: Who else was present? I will take that.

A. Jack Mowery, a Trustee of our Union; myself, Secre- [4651] tary of the Portland Local; and I made this trip up there to see Brother Bridges.

Presiding Inspector: No, no, who was present at this particular conversation that you were asked about? That is all that is before us right now.

A. (Continuing) Well, other individuals that came in and out of the room while the conference was going on, and I don't recall their names.

By Mr. Gladstein:

Q. In what room was the conference being held?

A. Hotel Morck, M-o-r-c-k, in Mr. Bridges room.

Mr. Del Guercio: May I have the name of that hotel, Mr. Reporter?

The Witness: M-o-r-c-k.

By Mr. Gladstein:

Q. Was Matt Meehan present at that conversation at any time?

A. He might have been in and out of the room because other individuals were, but they didn't participate in this discussion.

Q. Now, what was the purpose of the discussion that you sought with Mr. Bridges?

Mr. Del Guercio: I will object to that, if your Honor please.

Presiding Inspector: I can't see that it has the slightest relevance. [4652]

Mr. Gladstein: Well, if you don't let him an-

(Testimony of Rosco George Crayeraft.)

swer the questions it could never become apparent.

Presiding Inspector: This is a conversation with Mr. Bridges and some people who are not interested in this proceedings.

Mr. Gladstein: I will be glad to explain it. I asked your Honor if you were willing to let me do so.

Presiding Inspector: No. I think you have got to make such a matter clear.

Mr. Gladstein: I will put it directly this way.

Presiding Inspector: Very well.

By Mr. Gladstein:

Q. In that conversation, Mr. Crayeraft,——

Presiding Inspector: Don't answer this.

By Mr. Gladstein:

Q. (Continuing) ——did Mr. Harry Bridges express himself in your presence and in the presence of any others that you have mentioned at that conversation with respect to the question of removal of John M. Brost as an organizer for the CIO in Oregon?

Mr. Del Guercio: I will object to that.

Presiding Inspector: I will reject it. I will exclude the question; not material to what Mr. Bridges may have said to anyone.

Mr. Grossman: Your Honor, may I recapitulate the testimony of Mr. Wilmot that makes this relevant in case your [4653] Honor may not have it in mind?

Presiding Inspector: Yes.

Mr. Grossman: Mr. Wilmot—and I am stating it from memory, but I think I have it correct in sub-

(Testimony of Rosco George Craycraft.)

stance—stated that there was a meeting at the Lennox Hotel at which there was a discussion concerning the removal of John Brost from a CIO position in Oregon.

Mr. Wilmot stated that it was made clear before that meeting began and during that meeting that Harry Bridges desired to remove John Brost from that position; that he had this meeting, which Wilmot called a Communist meeting, convened for the purpose of discussing that thing and reaching a conclusion similar to the one that Mr. Bridges already had, that Mr. Brost should be removed; that when this meeting had reached that conclusion then he, Mr. Bridges, had the power and the willingness to cause Mr. Brost to be removed. All right.

Therefore, there is involved necessarily in that at that time, or else Mr. Wilmot's testimony is not correct, the fact that Mr. Bridges first desired that John Brost should be removed and, second, would if this so-called Communist meeting decided to do so definitely follow out their decision to remove Mr. Brost? Therefore, it becomes relevant to show not just as a statement of Mr. Bridges but as action of Mr. Bridges that shortly after that time—very shortly after it, I think it will appear to be two, three or four days, at least a very short time after that—Mr. Bridges and, as I say, not as words, [4654] but as action, when being confronted with the request by people interested that Mr. Brost be removed, not only refused to do so, but stated his position, which was

(Testimony of Rosco George Crayeraft.)

thoroughly inconsistent with what Mr. Brost had testified.

In other words, we are dealing here not only with——

Presiding Inspector: (Interposing) That would be nothing more than what Mr. Bridges can cover by his own testimony, and what he said to someone else I rule as immaterial and, therefore, I reject this question.

Mr. Grossman: Isn't it true, your Honor, that what one says can contribute not only words, but action also?

Presiding Inspector: It may be.

Mr. Grossman: In other words, if a request or demand is made, if that demand is refused, that is not just words but that is action. That is action of Mr. Bridges which is completely inconsistent with his state of mind as Mr. Wilmot testified to it.

Presiding Inspector: I suppose that was only conclusion of Mr. Wilmot as to what Mr. Bridges' state of mind was. I will reject this testimony. We will have no more argument about it.

Mr. Gladstein: May I ask a question, your Honor?

Presiding Inspector: Yes.

Mr. Gladstein: Suppose Mr. Bridges at the convention had publicly and openly expressed himself on the subject of Mr. John Brost in a way completely inconsistent with what Mr. [4655] Wilmot said Mr. Bridges had been just prior to that time, or as

(Testimony of Rosco George Craycraft.)

of the same time; would we not be permitted to prove it by people who heard Mr. Bridges?

Presiding Inspector: Well, I am not going to answer hypothetical questions of that kind.

Mr. Gladstein: Well,——

Presiding Inspector: (Interposing) I exclude this question. Now, go on to something else.

Mr. Gladstein: I wish to make an offer of proof, then.

Presiding Inspector: You have already shown what you want by the argument. What more will the offer add?

By Mr. Gladstein:

Q. Mr. Craycraft, at the time that you spoke to Mr. Bridges in the hotel that you have mentioned did Mr. Bridges take any action in your presence to reject a request for the removal of John M. Brost?

Mr. Del Guercio: I will object to that on the same ground, if your Honor please.

Presiding Inspector: I don't see any materiality to it or relevancy. Therefore I will exclude it.

Mr. Gladstein: By that ruling does your Honor wish to convey the implication to us, as defense counsel, that you regard also as irrelevant the testimony of Mr. Wilmot on this question of the alleged desire of Mr. Bridges to have Mr. Brost removed and the alleged method? [4656]

Presiding Inspector: I can't sufficiently remember the testimony of Mr. Wilmot to answer that question, which I think is improperly put to me.

(Testimony of Rosco George Crayeraft.)

Mr. Grossman: Your Honor, may I ask this, then, which will properly raise the question? If it is immaterial whether Mr. Bridges had the state of mind in the beginning of April, 1938 to remove Mr. Brost, if it was agreed to by a Communist meeting; if that is immaterial, because this goes to that same question, I now move to strike all the testimony of Mr. Wilmot dealing with the alleged Lennox Hotel meeting, because this is the same subject matter we are now asking Mr. Crayeraft.

Presiding Inspector: You may show anything that occurred at the Lennox meeting. You may show by Mr. Bridges what his intentions were. You can't show by a witness that Mr. Bridges at some different time made some inconsistent statement.

Mr. Grossman: In the first place, it is not a different time. It is the same period of time because it is close by two or three days. Secondly, it is not a statement. It is action. It was stated that Mr. Bridges——

Presiding Inspector: (Interposing) Now, Mr. Grossman, do you understand that the Inspector has the right to rule on the acceptance and exclusion of evidence?

Mr. Grossman: That is right.

Presiding Inspector: Isn't it the duty of counsel to accept the decision and go on to the presentation of evidence?

Mr. Grossman: I am making a new motion now, your Honor, [4657] not dealing with Mr. Crayeraft's testimony.

(Testimony of Rosco George Craycraft.)

Presiding Inspector: I deny that motion. Now go on.

Mr. Gladstein: May we state an offer of proof for the record?

Presiding Inspector: No, because you clearly show what you want to prove.

Mr. Gladstein: Well, your Honor, for our clarification, because the balance of our case involves matters of this kind, would you be good enough to let us know what your position is on this?

Our theory is, your Honor, that if a witness testifies that Mr. Bridges at a certain meeting, which the witness characterizes in his own way, and that the subject for discussion was "X" and Mr. Bridges' position was pro-X, are we not permitted to show that actually in fact through witnesses that we can produce Mr. Bridges' position was not pro-X but was anti-X. Would that not go to the credibility, to the weight to be given to the testimony of the Government's witness who says there was such a meeting and that Mr. Bridges' position was pro-X?

Presiding Inspector: I would say that what Mr Bridges said at other times does not establish that and isn't pertinent. What Mr. Bridges may testify himself about these matters——

Mr. Gladstein: (Interposing) Well, you must remember, your Honor, that Mr. Wilmot did not claim that Mr. Bridges was present at this meeting. Mr. Wilmot said that he saw Mr. [4658] Bridges first—I am not even sure that he said that, but I think he did. Then there was a meeting later on at

(Testimony of Rosco George Craycraft.)

which he said Mr. Bridges was not present, but at which Mr. Bridges' policy or desires were laid down by someone.

Now, can we not show to go to the very essence of that testimony, which we contend is fabricated—can we not show that Mr. Bridges' position since he couldn't have talked about his position there, when he is not even claimed to be there; that his position on that very same subject at that very same period of time in various places that he was is contrary to the position claimed by the Government's witness?

Presiding Inspector: You are showing something that occurred afterwards.

Mr. Gladstein: It happened afterwards by a few days.

Presiding Inspector: Afterwards by a few days?

Mr. Gladstein: Yes.

Presiding Inspector: I don't see that it has any pertinence to or bearing on what his position was at the time. [4659]

Mr. Grossman: If I may say——

Mr. Myron: (Interposing) With all due courtesy to counsel for the Alien I think the Court has ruled on the admissibility of this evidence and that there should be no further argument. There is no question about its admissibility.

Presiding Inspector: I will conduct these proceedings.

Mr. Grossman: If your Honor please, for the purpose of clarification may I call this to your attention——

(Testimony of Rosco George Craycraft.)

Presiding Inspector: I have this fairly clearly in mind.

Mr. Grossman: I am positive about this: Mr. Wilmot testified concerning this Lennox Hotel meeting. Mr. Wilmot, at various times in his examination, gave several different dates as the time of that meeting; one of those dates was April 1st or 2nd, of 1938; another one of those dates was April 12th of 1938. Now, we may think that one or another of those dates was what he should have intended, perhaps, or something like that; but nevertheless, he testified equally to both dates. He did not correct this other reference and state "I now take it back."

This meeting that Mr. Craycraft is now testifying to took place in between those two dates. In other words, before the meeting at the Lennox Hotel, if the meeting at the Lennox Hotel took place on April 12th.

I wonder if that doesn't change the perspective?

Presiding Inspector: I will have to read the testimony of [4660] Mr. Wilmot, I see, to refresh my recollection.

Mr. Gladstein: Does your Honor wish us to wait on this until you have done so?

Presiding Inspector: Yes. You can go on with something else?

Mr. Gladstein: That is the only other subject matter I desire to cover with Mr. Craycraft.

Presiding Inspector: We will take a short recess. I will look it up. Was that on direct or cross?

Mr. Grossman: I believe you will find different

(Testimony of Rosco George Craycraft.)

dates on both. I wish I could shorten the time. You will probably have to read both.

Presiding Inspector: We will take a short recess.

(Whereupon a short recess was taken.)

[4661]

Presiding Inspector: Now, I have read the testimony which is to the effect that at this meeting at the Lennox Hotel, which happened some time not too definitely fixed, that "Jo-jo" or Joe Ring said that it was Mr. Bridges' intention to remove both O'Grady and Brost. But there is nothing to show that that is the fact except that Mr. Bridges said that Jo-jo would give him the line, or something of that kind. But that's entirely un-checked up.

It appears at this meeting that Ring somewhat definitely stated that Mr. Bridges would attend to the matter, and at the meeting the witness Wilmot said that he objected to the removal of Brost, that Brost was his friend, and that he didn't want his place, which had been suggested that he should have, and that at the meeting there was a general vote, or it was the conclusion that this should be done, but it should be done subject to the ratification of Mr. Bridges. He had independent action.

There is testimony that Mr. Wilmot afterwards saw Mr. Bridges, told Mr. Bridges he didn't want the job and there was no very definite statement by Mr. Bridges at that meeting.

Now, it is pretty shadowy.

Mr. Gladstein: Mr. Wilmot's testimony?

(Testimony of Rosco George Craycraft.)

Presiding Inspector: To show that it was not Mr. Bridges' intention to remove Brost, I don't think it would affect the credibility of Mr. Wilmot to any substantial extent. However, in order that you may have no opportunity to complain on this [4662] point I will let you show what Mr. Bridges said. I think it may corroborate Mr. Wilmot, as a matter of fact.

Do you think it will corroborate Mr. Wilmot?

Presiding Inspector: I think it will to me. I don't know.

Mr. Gladstein: Notwithstanding your Honor's statement we desire to have the facts in there.

Was there a question that I asked which was not permitted? I would like to hear that last question.

Presiding Inspector: I think you will have to go away back.

Mr. Gladstein: I won't ask the reporter to get his notes. I think I can recall it.

By Mr. Gladstein:

Q. Now, referring to this meeting that you had with Mr. Bridges in the hotel in Aberdeen—By the way, what is the name of that hotel?

A. I believe they pronounce it "Morck."

Q. How do you spell it?

A. M-o-r-c-k.

Q. At the Morck Hotel did Mr. Bridges take any action at that meeting with reference to a request to have John M. Brost removed?

(Testimony of Rosco George Craycraft.)

Mr. Del Guercio: I will object to that, if your Honor please.

Presiding Inspector: I will sustain the objection in that form. Let us hear what the request was, who it came from.

Mr. Gladtsein: All right. I will follow your Honor's [4663] suggestion.

Presiding Inspector: It pre-supposes a lot of things, your question.

Mr. Gladstein: I will follow your Honor's suggestion.

By Mr. Gladstein:

Q. Mr. Craycraft, in your own words, please tell what took place at this meeting that you, Mr. Mowery and Mr Bridges were present at, with the occasional presence or the intermittent presence of Mr. Matt Meehan, or others whom you do not remember?

Mr. Del Guercio: I will object to the form of the question.

Presiding Inspector: Now, has he given the date of this as closely as he can?

Mr. Gladstein: He gave the exact date, which he said was the Saturday following the first Monday of the month of April, 1938. I think a calendar would fix that.

Presiding Inspector: All right.

Mr. Gladstein: And it is my impression that that date is April 9th, but I am not certain.

Presiding Inspector: Very well. On April 9th or thereabouts.

(Testimony of Rosco George Craycraft.)

A. In March of 1938——

Presiding Inspector: (Interposing) No, you are asked about April. [4664]

By Mr. Gladstein:

Q. Tell us about what was discussed at this meeting, Mr. Craycraft, in Mr. Bridges' room. What did you say?

A. I have to give the reason why I went up there.

Presiding Inspector: No, never mind. We will assume that you are probably there. Go ahead.

By Mr. Gladstein:

Q. You can give your reason by referring to the conversation that actually occurred at that time.

Mr. Del Guercio: Now, if your Honor please, I will object to counsel instructing him as to what he may or may not give.

Presiding Inspector: Oh, that is merely amplifying his question and explaining it. Now, at this meeting—I will ask the question and perhaps it will satisfy—was there some discussion and some decision as to the removal of Brost or O'Grady from their positions or either of them?

The Witness: I requested Bridges as Coast CIO Director that Brother Brost, O'Grady, would be removed from their positions in thhe State of Oregon and the funds that was expended to maintain the office and their salaries be turned over to the Portland Industrial Union Council; that the Council have full charge of these funds, and if it was

(Testimony of Rosco George Craycraft.)

necessary to send an organizer into any certain area or any certain industry that they be fully responsible for the funds. [4665]

By Mr. Gladstein:

Q. When you say "they" do you mean the Portland Industrial Union Council?

A. Portland Industrial Union Council.

Mr. Del Guercio: I move his entire answer be stricken.

Presiding Inspector: I will let it stand. It is really at my suggestion. Go ahead. That is to explain the situation.

A. (Continuing) Brother Bridges stated to me that he had received——

Presiding Inspector: Was this in public, in the meeting?

A. (Continuing) In the meeting where I made this request.

Brother Bridges stated to me that it would be impossible to carry out my suggestion; that he had already received letters from the National CIO; that he would have to dispense with these officers eventually anyway; second, it would be against the policy of the National CIO to turn this money over to the Industrial Union Council; that it would be more in the matter or in the form of a subsidy for the Council. He also stated that his policy had been, as Coast CIO Director——

Presiding Inspector: We don't care anything about his general policy.

(Testimony of Roseo George Craycraft.)

Mr. Gladstein: That is not general; it goes to Mr. Brost.

Presiding Inspector: We want his attitude toward Mr. Brost.

Mr. Gladstein: He is going to come to that.

[4666]

Presiding Inspector: He had better come to it right now.

A. (Continuing) All right; that as long as Mr. Brost had been appointed, because he was elected as President of the Portland Local, as long as he was elected by a referendum vote, that he would remain in office as long as the office would be maintained; and that had always been his policy and he was going to adhere to that policy of appointing officials in appointive positions who had been elected by the membership.

Presiding Inspector: So he rejected the proposition to remove Mr. Brost and Mr. O'Grady?

The Witness: That is correct.

Presiding Inspector: That is all you need. That is in accordance with Mr. Wilmot's testimony.

Mr. Gladstein: What?

Presiding Inspector: In accordance with Mr. Wilmot's testimony, I suppose.

Mr. Grossman: I don't think it is, your Honor.

Mr. Gladstein: I think it is 100 per cent inconsistent. I can't understand why your Honor says that.

Presiding Inspector: I just read the testimony. I think you haven't it well in mind. It is what

(Testimony of Rosco George Craycraft.)

he submitted to Mr. Bridges. Matters occurred in this meeting, and a dispute had arisen. They hadn't fully followed this Joe Ring, and it was submitted to Mr. Bridges. This gentleman submitted this to Mr. Bridges and Mr. Bridges rejected it. [4667]

Mr. Grossman: I think you will find that on cross examination——

Presiding Inspector: I read it.

Mr. Grossman: There was something else on cross examination.

Presiding Inspector: There may be.

Mr. Grossman: When I asked the specific questions about this meeting with Mr. Bridges, which he testified to on direct examination, he claimed to have taken place after the Lennox Hotel meeting, then he said he wasn't even sure there had been a meeting with Mr. Bridges. On cross examination, when I tried to get the details, he said: "I am not even sure I discussed this with Mr. Bridges after the meeting." You are stating what he said on direct, but on cross he stated he wasn't sure of such a meeting taking place.

Presiding Inspector: If there wasn't such a meeting between Mr. Bridges and Mr. Wilmot, this was the presentation of the matter, or one of the presentations to Mr. Bridges, and Mr. Bridges rejected the suggestion of this witness.

Mr. Gladstein: Does your Honor have in mind the testimony of Mr. Wilmot where he says that it was Bridges' purpose to have Brost removed

(Testimony of Rosco George Craycraft.)

and Bridges wanted this Communist meeting to O.K. that?

Presiding Inspector: Where did he get that idea?—From Mr. Ring. [4668]

Mr. Gladstein: It doesn't make any difference.

Presiding Inspector: It isn't any evidence he got it from anything except what Mr. Ring said, except that Mr. Bridges said that Mr. Ring would give them the line.

Mr. Gladstein: There is something else too. Wilmot said at this meeting the discussion was to the effect that Brost was to be removed and that Wilmot was to be put in his place, and we are showing the facts are exactly the contrary; that that was never Bridges' position.

Presiding Inspector: Wilmot never claimed he was put in his place. I say, Mr. Wilmot was never put in his place and doesn't so claim. He said he didn't want to be put there.

Mr. Gladstein: He said there was a decision that he was to be put in the place.

Presiding Inspector: Of the Fraction—we have to take this up when the matter is considered. I have allowed you to put this in. I say it might corroborate Mr. Wilmot. You took the risk of that. Perhaps it doesn't and perhaps it does. That is a matter to determine. I think it is of very doubtful materiality still.

Go ahead.

By Mr. Gladstein:

Q. Who was the ranking official in the State

(Testimony of Rosco George Craycraft.)

of Oregon in the longshore unions at the time that you had this discussion with Mr. Bridges? [4669]

Mr. Del Guercio: I object to the question as being immaterial.

Presiding Inspector: What discussion?

Mr. Gladstein: The discussion in the Morck Hotel.

Presiding Inspector: It doesn't make any difference what you call it, whatever happened at the Morck Hotel; that is all right.

Mr. Gladstein: I am asking now for identification as to who was the ranking or top official among the longshore unions in the State of Oregon.

A. I was the Secretary of the Local in Portland.

Mr. Gladstein: You may cross examine.

Cross Examination

By Mr. Del Guercio:

Q. You testified you first met Cannalonga in the 1936-1937 strike, is that right?

A. That is correct.

Q. How often did you meet Cannalonga during the 1936-1937 strike?

A. In the Strike Committee meetings.

Q. How many times?

A. Well, I can't give you the exact number. Some days we would hold Strike Committee meetings once a day, and some days two or three times, and sometimes we would skip a day.

Q. How many times would you meet him?

A. The minutes, or record, would show it. [4670]

(Testimony of Rosco George Craycraft.)

Q. Don't you know?

Mr. Gladstein: I object to the question as argumentative. The witness hasn't been given an opportunity to finish his explanation as to how many meetings there could have been.

Mr. Del Guercio: I didn't ask him how many meetings there were. I asked him how many times he had met Cannalonga. The witness should know that. He said he didn't know.

Mr. Gladstein: I move that that be stricken as a misstatement of the evidence.

Presiding Inspector: I will let the evidence stand as it is.

By Mr. Del Guercio:

Q. How many times did you see Cannalonga after the 1936-1937 strike up to the time you state you saw him on April 30?

A. I never seen him.

Q. Did you correspond with Mr. Cannalonga during that period of time from the 1936 strike to the time you saw him on April 30, 1941?

A. No.

Q. Was he ever a member of your union?

A. No.

Q. Were you an officer of the union during the 1936-1937 strike?

A. I was Chairman of the relief Committee.

Q. Is that an office? A. Yes. [4671]

Q. A paid office? A. Not a paid office.

Q. Were you a paid officer of your union during the 1936-1937 strike?

(Testimony of Rosco George Craycraft.)

A. No; we had no paid officers during the strike period.

Q. Who was the President of the Union at that time, of your local?

A. I wouldn't say positively at that time, but I believe it was Bob Smith.

Q. Was he a paid officer?

A. No one is paid during strikes.

Q. Were you a paid officer at any time after the 1936 strike?

A. I went in as Secretary of the Local Union in March 1937.

Q. That is the first time you had a paid position?

A. That is the first paid position I held.

Q. What is the local number of your union?

A. At that time it was Local 38-78 of the ILA.

Q. You say you were on the Strike Committee during the 1936 strike. Let me have the names of some, or all the members of the Strike Committee?

A. It would be impossible for me to remember all the names.

Q. Give me as many as you can? [4672]

A. Charles Peabody.

Q. Charles Peabody. Is this the Strike Committee of your own union, or the Joint Strike Committee, if there was a Joint Strike Committee?

A. Well, we had our own Strike Committee of the Local Union, and then we had a Strike Committee of all the unions.

(Testimony of Rosco George Craycraft.)

Q. Were you a member of both?

A. I was a member of both committees.

Q. Let me have the names of those that you can recall on the Strike Committee of your Local Union first.

A. Henry Luch—L-u-c-h. It is going to be almost impossible to answer that because I have——

Presiding Inspector: Do the best you can.

A. (Continuing) I have been a member of the Executive Board all the time, and of the Strike Committee, and I believe it would be a confusing question, or answer. [4673]

By Mr. Del Guercio:

Q. Would be a confusing question to whom?

A. Yes. I might name men that had been members of the Executive Board either prior to that time or right after that time. I believe if you want that question answered what you should get is the roll call of the strike committee.

Q. You mean that your answer is that you don't know who the members of the strike committee were of your Local Union?

Mr. Gladstein: Just a moment! I object to that as argumentative, improper question.

Presiding Inspector: I will let the witness tell the names as far as he can. Of course, he has explained that he may make mistakes.

Give them as well as you can.

A. Well, Johnny Beaton, Frank Brost, John Brost——

(Testimony of Rosco George Craycraft.)

By Mr. Del Guercio:

Q. (Interposing) Wait a minute! John Brost?

A. John Brost.

Q. Charles Peabody also?

A. Charles Peabody. Frank Brost.

Presiding Inspector: Beaton, did you say?

The Witness: Beaton.

Presiding Inspector: Did you get Beaton, too?

By Mr. Del Guercio:

Q. How do you spell that?

A. B-e-a-t-o-n. [4674]

Q. Do you know his first name?

A. John. Bruce Borden.

Q. I didn't get that.

A. Bordon; B-o-r-d-e-n.

Q. And his first name?

A. Brude. Have you got Frank Brost? Have you got Frank Brost?

Q. Yes. A. M. Norbeck, Frank Leedy.

Q. Frank who?

A. Leedy, L-e-e-d-y. Fred Games.

Q. Will you spell that last name?

A. G-a-m-e-s. Well, I wouldn't say definitely on the rest right now, I may recall some.

Q. That is all that you can recall at this time. How many members were there on the committee, strike committee of your local union?

A. It varies at different times. Sometimes the committee would be larger some weeks. It varies, but we generally start in with around twenty-five.

Q. Start in with about twenty-five?

(Testimony of Rosco George Craycraft.)

A. Which is our normal Executive Board.

Q. On what strike committee was Cannalonga?

A. On the Marine Firemen.

Q. Marine Firemen's? A. Yes. [4675]

Q. Now, can you give me the names of any other members of the Marine Firemen's Strike Committee during that time?

A. No, I couldn't.

Q. Not a single one?

A. Not a single one, because Cannalonga done most of the speaking for the Marine Firemen.

Q. Now, was there also a Joint Strike Committe? A. There was.

Q. Huh? A. There was.

Q. Now, you served on the Joint Strike Committee?

A. I was very inactive on the Joint Strike Committee because the Joint Strike Committee met in the day time and I had complete charge of the commissary and the relief. So my duties on the Joint Strike Committee was very nil.

Q. How many meetings of the Joint Strike Committee would you say that you attended?

A. My meetings of mostly with the Joint Strike Committee would be to go in the morning and make my report on the activities, expenditures and so on and what was going on, and then go about my regular duties as Chairman of the Relief Committee.

Q. How many times did you do that?

A. Oh, in the normal course of the strike I should say around 40 or 50 times.

(Testimony of Rosco George Craycraft.)

Q. And did you ever see Cannalonga during those 40 or [4670] 50 times that you did those things? A. Yes.

Q. How many times?

A. Well, I couldn't say upon how many times.

Q. About?

A. Well, I would be safe in saying 20.

Q. Did you know Cannalonga well at that time?

A. Yes, because he was fighting like the devil to protect the firemen.

Q. What?

A. He was fighting to protect the firemen, the relief, to keep up the soup kitchen and so on.

Q. Now, what are the names of some of the other members?

Presiding Inspector: Of what?

Mr. Del Guercio: Of this Joint Strike Committee.

A. Well, I wouldn't say to be positive.

By Mr. Del Guercio:

Q. What?

A. I wouldn't say to be positive.

Q. Cannalonga is the only one you remember?

A. Oh, I can remember several more, all right. But——

Q. (Interposing) I will give you all the time you want to remember.

Mr. Gladstein: I move that that be stricken as not a question.

Presiding Inspector: Yes. I don't suppose that is. [4677]

(Testimony of Rosco George Craycraft.)

Mr. Gladstein: I am wondering about the materiality of this, your Honor.

Presiding Inspector: I don't see it.

Mr. Gladstein: Well, I will object to it.

Presiding Inspector: I will let him answer, but I don't see the materiality.

The Witness: In answering a question like that——

Presiding Inspector: (Interposing) Well, do the best you can.

The Witness: (Continuing) ——I would rather have the records of the Strike Committee and go over it, because I don't want to involve anybody.

Presiding Inspector: Do the best you can. You won't involve anybody.

Mr. Del Guercio: The materiality of this, if your Honor please, is that I doubt that this witness saw Mr. Cannalonga during that period of time.

Mr. Gladstein: I move that that be stricken as an improper statement and hardly becoming someone who purports to be a counsel in a case.

Mr. Del Guercio: Wel. now, what do you purport to be?

Presiding Inspector: Now, both of you!

Mr. Del Guercio: Now, if your Honor please,

Presiding Inspector: (Interposing) You may address the Inspector if you are going to quarrel. I don't see any point in these constant interchanges of recriminations. [4678]

(Testimony of Rosco George Crayeraft.)

Let the witness answer as best he can.

The Witness: I believe I answered this last question.

Presiding Inspector: Ask the next question. He says he has answered it.

By Mr. Del Guercio:

Q. Did you know Cannalonga before the 1936-'37 strike? A. No, sir.

Q. Had you ever met him?

A. Not to my knowledge.

Q. Anywhere? A. Not to my knowledge.

Q. At any time?

A. I might have seen him on the ship, but I don't recall him.

Q. Have you ever sailed on a ship?

A. I never have.

Q. Now, you said that sometime in April you were down here in San Francisco, is that correct?

A. That is correct.

A. And you live in Portland?

A. That is correct.

Q. And when were you down in San Francisco in April?

A. It was on my way back from the ILWU convention at Los Angeles.

Q. When did that convention occur?

A. It started on Monday the 7th. [4679]

Q. When did you leave?

A. I left Los Angeles on Wednesday of the next week.

(Testimony of Rosco George Craycraft.)

Q. By what mode of transportation?

A. Pardon?

Q. By what mode of transportation?

A. Car; automobile.

Q. Your own car? A. No.

Q. Whose car?

A. Dewey Van Brunt of Longview.

Q. Who? A. Dewey Van Brunt.

Q. And what was your destination at that time?

A. Portland.

Q. Did you go to Portland?

A. No. We stopped over in 'Frisco.

Q. And when did you arrive in San Francisco?

A. Well, it was on Wednesday. I believe it was the 16th of the month.

Q. The 16th of April?

A. If I had a calendar I could be sure of the date.

Q. How long did you remain in San Francisco?

A. Thursday and Friday.

Q. Two days? [4680] A. Two days.

Q. Did you see Harry Bridges on those two days? A. On Friday evening.

Q. Friday evening. Where did you stay? Where did you stay? A. Lincoln Hotel.

Q. What hotel? A. Lincoln.

Q. Both days? A. Yes, sir.

Q. Did you register in your own name?

A. Yes, sir.

Q. You saw Bridges in Los Angeles, did you not? A. Yes, sir.

(Testimony of Rosco George Craycraft.)

Q. At the convention? A. Yes, sir.

Q. Did you see him every day down there?

A. Yes, sir.

Q. And you say you saw Bridges again Friday in San Francisco? A. Yes, sir.

Q. Where? A. In his office.

Q. Who else was there?

A. Jack Price, Vice-President of the International [4681] Longshoremen.

Q. What? A. Jack Price.

Q. P-r-i-c-e? A. P-r-i-c-e.

Q. Anyone else?

A. Not that I can recall.

Q. How long did you remain in Bridges' office at that time?

A. Oh, I judge about 20 minutes.

Q. Did you see Bridges again at any other time during your stay in San Francisco?

A. None that I can recall.

Q. Where did you stay in Los Angeles during the time of the convention?

A. I don't remember the name of the hotel, but it is just where Avalon Street runs,—well, I can't even recall the name of that street.

Q. Did you stay at more than one hotel?

A. Just the one.

Q. You say it is on Avalon?

A. Well, it's right near—I believe Avalon runs into San Pedro, it seems like. It's on that corner.

Q. Is that the same hotel that Bridges stopped at? A. I don't know where he stopped.

(Testimony of Rosco George Crayeraft.)

Q. Are you married? [4682] A. Wife.

Q. Was your wife with you in Los Angeles and in San Francisco? A. Yes, sir.

Q. Now, you say the first time you saw Cannalonga was on April 30, 1941, after this 1936-'37 strike? A. That is right.

Q. And you saw him where?

A. On the West Cussetta at Irving dock.

Q. And who went with you?

A. I drove my own car down, but a man by the name of Rodman took me down or directed me to the ship.

Q. Who is Rodman?

A. Secretary of the Bridges Defense Committee in Portland.

Q. Are you on the Bridges Defense Committee also? A. No, sir.

Q. Did you tell Rodman what you were going down there for? A. Yes, I did.

Q. Did Rodman go with you on the ship?

A. He went on the ship to show me where Cannalonga's room was and then he immediately left and went ashore.

Q. Did he see Cannalonga? Did Rodman see Cannalonga? A. Yes.

Q. Rodman didn't remain there during your conversation [4683] with him?

A. Cannalonga wasn't in his room, so we had to go up forward to look for him.

Q. Both you and Rodman?

(Testimony of Rosco George Craycraft.)

A. I went up—I went on up forward to speak to some of the longshoremen on the ship. Rodman stood on the 'midships deck. Cannalonga come by and he come up to the forward end and yelled at me, and then I came on down.

Q. And then Rodman went away?

A. Rodman went ashore.

Q. Immediately? A. Immediately.

Q. After you had located Cannalonga?

A. That is correct.

Q. Where did you locate Cannalonga on the ship?

A. Just as you crawl up from No. 2 hatch up on 'midships deck.

Q. Was anyone with Cannalonga at the time?

A. No.

Q. What did you do then?

A. We went on into his room.

Q. Who suggested that you go into his room?

A. Cannalonga. He led the way.

Q. You went with him? A. Yes, sir.

Q. And you say you had a few drinks? [4684]

A. Oh, I wouldn't say "a few". It was only one.

Q. Not more than one? A. Pardon?

Q. More than one drink? A. Only one.

Q. Only one? A. Yes.

Q. Who offered to have a drink, you or Cannalonga? A. Cannalonga.

Q. Did he have a bottle?

A. He had a bottle.

(Testimony of Rosco George Craycraft.)

Q. How many drinks did Cannalonga have?

A. Cannalonga didn't have a drink. He said he was busy working on the winches.

Q. Is that the only time you saw him on April 30, 1941?

A. No, I went on over to the Union meeting and then I came back that night and seen him again.

Q. What time did you go on the ship before the meeting? What time was it?

A. Oh, I would judge it would be around 6:30.

Q. Did Rodman have to go back to the meeting, too?

A. No. This is a regular longshore meeting. He couldn't attend that.

Q. How long were you with Cannalonga the first time before the meeting?

A. Oh, just a few minutes. I wouldn't say over eight [4685] or ten minutes; around there.

Q. Now, I believe you testified Cannalonga was glad to see you? A. He was.

Q. And you hadn't seen him since 1936?

A. No. He impressed me that the man had something on his mind and he wanted to get it off.

Q. Wanted to get it off to you?

A. Well, I have an idea I substituted for any worker knowing him up there during the 1936-'37 strike. He would have been glad to talk to any of them.

Q. How much do you weigh?

A. How much do I weigh?

Q. Yes. A. About 203 pounds.

(Testimony of Rosco George Craycraft.)

Q. Are you known as the "strong arm man" of your Union?

A. We have no "strong arm men" in our Union.

Q. Do you have a beef squad? A. No, sir.

Q. You have never been on a "beef squad"?

A. No, sir.

Q. Have you ever been in a fight?

A. No, sir.

Q. Never? [4686]

A. No, sir.

Q. Have you ever been on what is called the "goon squad"? A. No, sir.

Q. Are you a private detective?

A. No, sir.

Q. Have you ever been a private detective?

A. No, sir.

Q. Have you ever been employed as one?

A. No, sir.

Q. Did Rodman say he knew Cannalonga?

A. I don't recall him ever making a statement whether he knew him or whether he didn't.

Q. Do you know if Rodman knew Cannalonga?

A. I don't know.

Q. You said he took you down to the ship?

A. That is correct.

Q. Did Rodman say he knew where Cannalonga was at that time?

A. That is right. He came up to my house while I was eating dinner and said that Cannalonga was down on the West Cussetta and that he had talked to him that afternoon and he mentioned about if

(Testimony of Rosco George Craycraft.)

he would like to have a talk with Craycraft, and Cannalonga said "Yes". So he said "I'll go out and see if he is out home and I will bring him down to the ship."

Q. Oh, then Rodman had first seen Cannalonga on April 30th? [4687] A. Correct.

Q. In the afternoon. And Rodman had made the arrangements for you to see Cannalonga that evening? A. That is correct.

Q. Is that right? Did Rodman tell you what Cannalonga told him?

A. He never had any conversation with Cannalonga whatsoever, according to what he told me, outside of asking Cannalonga if he wanted to have a talk with me.

Q. Well, when did you—did you have any conversations at all with Rodman prior to April 30th?

A. No, sir.

Q. When did you see him on April 30th, Rodman?

A. About 5:30 in the evening when he came out to my house.

Q. 5:30 in the evening. And you had never seen him before April 30th?

A. I haven't seen him since I got back from San Francisco, as I can recall, up until April 30th.

Q. And then you saw him on April 30th, you say, about 5:30 P.M.? A. That is correct.

Q. Now, you say you went back to the ship that evening after the meeting, after your Union meeting? A. That is right.

(Testimony of Rosco George Craycraft.)

Q. And was there a meeting of your Union?

[4688]

A. No, there wasn't a quorum present, so the meeting adjourned for lack of quorum.

Q. Who was the Chairman, if there was any? What kind of a meeting was it to be?

A. Union meeting.

Q. Well,——

A. (Interposing): A regular Union membership meeting.

Q. Membership meeting?

A. In the Harmony Hall in Portland.

Q. Where? A. Harmony Hall.

Q. Was it to be a regular meeting?

A. Special meeting called for reports of delegates to the convention.

Q. Special meeting. And who called the special meeting?

A. The membership at the regular meeting—at the regular membership meeting the Wednesday night previous.

Q. And what was the purpose of the special meeting?

A. To hear the report of the delegates to the INWU convention.

Q. Who was the delegate to the ILWU convention? A. Hugh Adams.

Q. Was Hugh Adams there the night of this meeting?

A. I don't think he showed up. [4689]

Q. How many showed up?

A. Of the delegates?

(Testimony of Rosco George Craycraft.)

Q. Of the membership of the Union.

A. I don't believe over 25 showed up at any one time.

Q. Let me have the names of some of these.

A. Of the delegates?

Q. No, the 25 that showed up.

A. Well, the Secretary of the Union.

Q. What is his name?

A. M. J. Eddy. The business agent of the Union.

Q. The what?

A. The business agent, Willie O'Keefe. The President of the Union, Ernie Baker. I don't think it is necessary to name the membership.

Q. Why not?

A. Well, I am not going to name the membership. I named the officials. You can check on that.

Q. What objection do you have to naming the membership of your union?

A. Well, I'm not going to name the membership. I named you the officials and I told you that there wasn't over 20 or 25 showed up.

Q. Let me have some of the names of the membership of your Union that showed up at that meeting.

Mr. Gladstein: I will object to that as immaterial [4690] and more——

Presiding Inspector (Interposing): I don't see how it is material.

Mr. Del Guercio: There is a question here as to whether this man even went to such a meeting.

Presiding Inspector: He has given enough to find out.

(Testimony of Rosco George Craycraft.)

Mr. Del Guercio: What objection, if the Court please, would there be to giving the names of the membership of a bona fide Union?

Mr. Gladstein: In the first place, the Union has a membership of about 1200, I think, your Honor.

Mr. Del Guercio: And only 25 showed up?

Mr. Gladstein: Yes. Why don't you ask him why only 25 showed up?

Mr. Myron: He is asking the questions, not you.

Presiding Inspector: If Mr. Craycraft can give the names of the people who were there, I think perhaps you have a right to have them. It seems to me that it is unnecessary.

The Witness: I gave him the names of the three titled officers of our Union.

Presiding Inspector: I know. He wants to know who the others were that were there, if you can remember them.

The Witness: I don't recall any names.

By Mr. Del Guercio:

Q. You don't recall a single one?

A. That is right. [4691]

Q. You can't name a single member of the Union that was there at that meeting?

A. I don't recall a one.

Q. And you are the what? What position do you hold in the Union, in the Local?

A. In the Local?

Q. Yes.

A. I hold no position in the Local.

(Testimony of Rosco George Craycraft.)

Q. What took place at the meeting?

A. Nothing. There was no quorum. There was no meeting. They waited about an hour and adjourned.

Q. Did anybody get up and speak?

A. No.

Q. Did you? A. No. [4692]

Q. Did anyone preside?

A. It takes 300 for a quorum to hold a membership meeting in our organization, and after a delay of about an hour the Chairman just adjourned the meeting for lack of a quorum. There was no discussion, or no motion, or no speeches or talking on the floor.

Q. Did you remain there for an hour?

A. I remained until after it adjourned.

Q. To when?

A. I remained until after the meeting adjourned.

Q. Well, did the meeting adjourn?

A. They called it to order and adjourned for lack of a quorum.

Q. Who called it to order?

A. The Chairman.

Q. Who was that? A. Ernie Baker.

Q. What time did the meeting adjourn?

A. I couldn't make it specific, but some time shortly after 8:00 o'clock. The minutes of the book would show it.

Q. Did you talk with anybody at the meeting?

A. I have an idea I talked to quite a few of the members standing around.

(Testimony of Rosco George Craycraft.)

Q. Let me have the names of some of those you talked to?

A. I don't recall any of the names. [4693]

Q. You don't recall the name of a single person you talked to during that meeting?

A. No. I talked to the officials considerable of the time.

Q. With whom of the officials?

A. Pardon?

Q. With whom of the officials did you talk during the meeting? A. The Secretary.

Q. That is M. J. Eddie? A. Yes.

Q. Who else—Willie O'Keefe? A. Yes.

Q. Did you talk to Ernie Baker? A. Yes.

Q. During the meeting?

A. There was no meeting.

Q. Or during the time of that alleged meeting?

A. While waiting for a quorum; yes.

Q. And you refuse to give the name of any of the membership of your union with whom you talked at that time? A. I don't recall their names.

Q. Were they members of the Communist Party that you talked to? A. I couldn't say to that.

Q. And where did you go after the meeting was adjourned? [4694]

A. I went back down to the West Cussetta.

Q. Did you leave the meeting with anyone?

A. I went back down to the West Cussetta alone.

Q. How did you go down from this Union hall to the West Cussetta?

(Testimony of Rosco George Craycraft.)

A. Across Broadway at about——

Presiding Inspector: I think he means whether you went on foot or—— A. In my car.

Presiding Inspector: In your car.

By Mr. Del Guercio:

Q. What kind of a car?

A. Pontiac, 1933 model.

Q. Registered in your name? A. Yes, sir.

Q. What is the license number? Do you have an operator's license with you? A. Yes, sir.

Q. Does it show on there?

A. No, it don't show in Oregon.

Q. Do you know what it is?

A. No, I couldn't say.

Q. It is an Oregon license?

A. An Oregon license.

Q. What kind of a car—is it a sedan?

A. Coach, Pontiac 1933 Coach. [4695]

Q. When you went—was anybody in the car with you when you went to the West Cussetta?

A. No.

Q. Did you pick up anybody on the way?

A. No.

Q. Did you talk to anybody on the way?

A. No.

Q. Not a single person?

A. No—well, yes, I did—going from my car over to the ship?

Presiding Inspector: He was asking about while you were in the car. A. No, no.

(Testimony of Rosco George Craycraft.)

By Mr. Del Guercio:

Q. Did you talk to anybody while in the car?

Presiding Inspector: He said twice he didn't talk to anybody while he was in the car.

By Mr. Del Guercio:

Q. And where did you park your car when you arrived at the ship?

A. Right in front of the walk going by the Irving Dock.

Presiding Inspector: Your next question.

By Mr. Del Guercio:

Q. Did you meet anyone there?

A. Well, they had just brought a load out of the hold just previous to the time I was going aboard ship, and they [4696] broke in the side of the building, and a couple of officials of the steamship company were there, one a member of the Labor Relations Committee of the Waterfront Employers, and they thought I had come down on this dispute and wanted to know what I was going to do about it to have the Union pay for it. That was the only thing I talked about, or the only ones I talked to.

Q. What were their names?

A. Morris, a member of the Labor Relations Committee of the Employers' Committee in Portland.

Q. You went on the ship?

A. Then I went aboard ship.

Q. Did anyone accompany you aboard ship?

A. What?

(Testimony of Rosco George Craycraft.)

Q. Did anyone accompany you aboard ship?

Presiding Inspector: Did anyone go with you when you boarded the ship?

A. No.

By Mr. Del Guercio:

Q. Where did you go?

A. I went to Mr. Cannalonga's room.

Q. Directly? A. Directly.

Q. Did you see anybody from the time you boarded the ship to the time you went into Mr. Cannalonga's room?

A. I believe about four or five gangs were working on the ship. [4697]

Q. Did you stop to talk to any of them?

A. No.

Q. Did you ask for permission to go aboard ship? A. No. I just walked aboard.

Q. Do they have a watchman there?

A. If they did I didn't see him.

Q. And was Cannalonga there in his room?

A. Yes.

Q. You say "room." What kind of a room was it?

A. The electrician has a private stateroom. He don't have to bunk like the sailors or the firemen.

Q. Was there anyone with Cannalonga when you went in his room?

A. There were some shipmates that were sitting in there listening to his radio.

Q. Do you know their names? A. No, sir.

Q. How many were there?

(Testimony of Rosco George Craycraft.)

A. I believe there were two when I first came in, two or three, and a couple left, and one sat there, or the other way around. There were two or three involved. One was sitting there reading a magazine all the time and never moved.

Q. Did you have any conversation with Cannalonga while the shipmates were in there?

A. No.

Q. Were the shipmates asked to go out? [4698]

A. No, sir.

Q. What? A. No, sir.

Q. Did they remain in there?

A. They remained in there. Cannalonga and I went back to his little workshop, between No. 4 and No. 5 hatch, on the afterdeck.

Q. How long after you arrived there?

A. Just a few minutes.

Q. Did you ask him to step out?

A. He made the suggestion himself.

Q. And you followed him?

A. Yes, sir; he led the way.

Q. And both of you went to No. 5 hatch, you say?

A. Between No. 4 and No. 5; there is a little tool room there.

Q. That is on the deck?

A. That is on the deck.

Q. Was there anybody else on deck?

A. Well, just the gangs working.

Q. Was there anyone within hearing on the deck? A. No.

(Testimony of Rosco George Craycraft.)

Q. Who chose that spot?

A. Mr. Cannalonga.

Q. And you then had a conversation with Cannalonga? [4699] A. Yes, sir.

Q. Were you seated or standing up?

A. Cannalonga sat down on the work bench and I just stood up.

Q. Did anyone hear what conversation you had?

Presiding Inspector: He said there was no one in earshot, I think.

Do you want to ask that over again?

Mr. Del Guercio: No. I will withdraw it.

By Mr. Del Guercio:

Q. How long did you talk with Cannalonga on that occasion?

A. I judge about 20 minutes, around that.

Q. How many questions would you say you asked him during those 20 minutes?

A. I didn't get a chance to ask him any questions. It seems like he was too willing to talk.

Q. This first time, going back to the first time you met him, did you speak about the old times you had together, you and Cannalonga?

A. No. About the only conversation I can recall at that time was, "Well, where have you been ever since the 1936-1937"——

Q. (Interposing): I am asking you if you had a conversation about old times, you and Cannalonga, together?

A. (Shaking head negatively.) [4700]

(Testimony of Rosco George Crayeraft.)

Presiding Inspector: Show a negative answer.

By Mr. Del Guercio:

Q. When did you next see Cannalonga?

A. A little louder.

Q. What?

Presiding Inspector: He didn't hear you.

By Mr. Del Guercio:

Q. When did you next see Cannalonga?

A. Friday night, the following Friday.

Q. Had you made any arrangements with Cannalonga to see him again?

A. On Wednesday night I had mentioned to Cannalonga about going to Seattle the next day to report to the Seattle Local Membership meeting on Thursday night; so Cannalonga requested that I go in and see Dr. Buckner, in Seattle.

Q. To see who?

A. Dr. Buckner, in Seattle, and he would substantiate the statement that he had just made previously to me.

Q. Now, with reference to Dr. Buckner——

A. (Interposing): I haven't finished. And on my return from Seattle he was coming out to my house the next Monday or Tuesday night and he was going to give me the full story of everything that happened.

Q. As I understand it, he wanted, Cannalonga, at this first conversation you had, the first or second conversation you [4701] had on Wednesday

(Testimony of Rosco George Crayeraft.)

night, wanted you to go to Seattle to see Dr. Buckner?

A. No. I had mentioned prior to leaving that I was going to Seattle, so Cannalonga requested that I stop in and see Dr. Buckner while I was in Seattle and he could tell how he was all doped up in the hospital there.,

Q. Did you go up to Seattle? A. Yes, sir.

Q. Did you see Dr. Buckner? A. No, sir.

Q. When did you go up to Seattle?

A. Thursday.

Q. Thursday night. That was April—Thursday after the Wednesday you saw Cannalonga?

A. That is right. That would be on April 31.

Q. And how did you go up to Seattle?

A. Drove with Jack Price.

Q. Drove with Jack Price? A. Yes; sir.

Presiding Inspector: That is what he said.

Mr. Gladstein: Your Honor, I think it is a matter of which you will take Judicial notice, that there isn't any April 31.

The Witness: It was May 1st.

By Mr. Del Guercio: [4702]

Q. When did you arrive in Seattle?

A. Oh, the best I can remember was around 3:00 o'clock in the afternoon.

Q. 3:00 o'clock on Thursday afternoon?

A. On Thursday afternoon.

Q. Was there anyone else in the car besides Jack Price? A. Mr. Price and his wife.

(Testimony of Rosco George Craycraft.)

Q. How long did you remain in Seattle?

A. Until Friday afternoon.

Q. Where did you stay?

A. At the Atwood Hotel.

Q. You registered there in your own name?

A. Yes, sir.

Q. Did you see anyone on Thursday afternoon after your arrival in Seattle?

A. After my arrival in Seattle I went to Matt Meehan's office, Secretary of the International, and discussed some minor union problems with him.

Then I went over to the——

Q. (Interposing): Just a minute, please. Did you discuss with Matt Meehan what Cannalonga had told you?

A. No. I didn't discuss that with Matt. But I wrote a letter to Harry Bridges at that time——

Q. (Interposing): I didn't ask you about that. I asked you if you discussed what Cannalonga told you with Matt Meehan. [4703]

Presiding Inspector: He said "No."

The Witness: I am trying to answer that I showed him the letter after I wrote it.

By Mr. Del Guercio:

Q. Now, where else did you go?

A. I went over to the longshore hall of the local union.

Q. How long did you remain there—how long were you with Matt Meehan?

A. Oh, I judge I was there in his office maybe an hour or an hour and a half.

(Testimony of Rosco George Craycraft.)

Q. How long were you at the longshore hall?

A. Well, I was at the longshore hall, or in that immediate vicinity, approximately an hour.

Q. Did you meet anyone at the longshore hall?

A. I met several of the membership; but not being familiar with them I don't recall their names.

Q. You don't——

A. (Interposing): The Secretary of the Union was busy collecting dues and I didn't get a chance to speak to him. He had quite a line-up there.

Q. Did he see you?

A. Well, I couldn't say for sure whether he did or didn't.

Q. What is the name of the Secretary of the Union? A. Youngberg. [4704]

Q. Then where did you go?

A. I went up to the restaurant to eat.

Q. Was anyone with you? A. Jack Price.

Q. Was Jack Price's wife there also?

A. Yes.

Q. You went to eat?

A. That is right.

Q. Then where did you go?

A. I didn't hear you.

Mr. Del Guercio: Read the question.

(The question referred to was read by the reporter as above recorded.)

A. After finishing eating, which I judge was close to seven o'clock, we went back up to Mee-

(Testimony of Rosco George Craycraft.)

han's office, and from there I went to the regular membership meeting.

Q. How long were you in Meehan's office the second time? A. Just about five minutes.

Q. Was there anyone else in Meehan's office besides you and Jack Price?

A. Matt Meehan, Jack Price and myself.

Q. No one else. You went back to a meeting, you say?

A. A special meeting of the Seattle Local, which was called for the report of the delegates to the convention.

Q. Did you go to Seattle on business of the International [4705] Longshoremen's and Warehousemen's Union? A. That is correct.

Q. At that time did the meeting end?

A. The meeting started at 7:00 o'clock and it was over some time between 11:00 and 11:30—I wouldn't say exactly.

Q. Where did you go from there?

A. Matt Meehan, Price and myself went up the street a couple of blocks, and stopped, and had a bottle of beer and went on home.

Q. The next morning what did you do?

A. The next morning I went over to the Secretary's office, Youngberg, and talked with him a while, with the President of the Local, Mr. Doyle, and went over and visited officials of the Warehouse Local a few minutes; and then I went back to Mr. Meehan's office.

(Testimony of Rosco George Crayeraft.)

Q. Did you discuss with Youngberg what Cannalonga had told you?

A. I never discussed Cannalonga with anyone in Seattle.

Q. You say you went home, you started home?

A. To the Atwood Hotel.

Q. To the Atwood Hotel? A. Yes.

Q. Did you make any effort at all——

A. (Interposing): Just a minute, pardon me. Are you referring to the next day or that night?

[4706]

Q. Friday morning.

A. I went back up to Matt Meehan's office.

Q. Did you make any effort to locate Dr. Buckner? A. No.

Q. Did you ask anyone who Dr. Buckner was?

A No, sir.

Q. Do you know who Dr. Buckner is?

A. No, sir.

Q. Did you promise Cannalonga that you would see Dr. Buckner? A. I did.

Q. When did you return to Portland from Seattle?

A. I left Seattle on a plane that afternoon and came down to Portland about 3:30.

Q. Did you leave your car in Seattle?

A. I didn't have my car. I rode up with Jack Price.

Q. I thought it was your car. You arrived in Portland when? A 4:30.

Q. 4:30 Friday afternoon?

(Testimony of Rosco George Crayeraft.)

A. Friday afternoon.

Q. Was anyone with you on the plane?

A. Pardon?

Q. Was anyone with you on the plane from Seattle to Portland?

A. No; I came down alone, that is, outside of the passengers that I didn't know. [4707]

Q. Now, I want to get these dates straightened out. You returned to Portland on Friday you say. That would be May 2?

A. That would be correct.

Q. Did you see Mr. Rodman that day?

A. No, sir.

Q. Did you see Cannalonga that day?

A. I went down to the ship that night about 8:00 o'clock at the Sunset Oil docks and talked to Mr. Cannalonga then.

Q. Now, before you went down to the dock did you see Jack Mowery? A. No, sir.

Q. That is, "Big Jack" Mowery, isn't it?

A. I never seen him no more.

Q. He is referred to as "Big Jack" Lowry, isn't he? A. The one I referred to?

Q. Yes. A. Yes.

Q. How big is he?

A. Oh, he is a little larger than I am.

Q. Heavy set? A. Yes.

Q. How long have you known Jack Mowery?

A. Well, he used to watch me play football in my high school days.

Q. Oh, you played football? [4708]

(Testimony of Rosco George Craycraft.)

Presiding Inspector: That is what he said.

By Mr. Del Guercio:

Q. Did Jack Mowery play football too?

A. No; he didn't play football.

Q. How long have you known Jack Mowery all together?

A. Well, that would be around 17 or 18 years.

Q. You are good friends?

A. We have been ever since I started longshoring in Portland.

Q. And you have continued to be good friends since? A. Yes, sir.

Q. You visit his home?

A. I have been there several times.

Q. Does he visit your home? A. Yes, sir.

Q. How long has Jack Mowery been a member of the Communist Party? A. I don't know.

Q. Do you know if he is a member of the Communist Party? A. I don't know.

Q. Has he ever told you?

A. He has never told me.

Q. Have you ever heard that Jack Mowery was a member of the Communist Party?

A. I have heard lots of people make that statement. I have never heard Jack come out and tell me, or he never did ask [4709] me to join the Communist Party, or talk Communism to me.

Q. Is Jack Mowery a member of any union?

A. A member of our union.

Q. A member of your union? A. Yes, sir.

(Testimony of Rosco George Craycraft.)

Q. And you say—from whom did you hear Jack Mowery was a member of the Communist Party?

A. Oh, I hear those remarks around the hall about every one of us, anyone active in the labor movement.

Q. Did Mowery ever deny he was a member of the Communist Party in your presence?

A. I have heard him deny it, and I have heard him say, "Do you want me to sign you up today?" or something like that.

Q. Now, did anyone go with you to the ship on May 2? A. Yes, sir.

Q. Who? A. Burt Nelson.

Q. Burt who? A. Nelson.

Q. N-e-l-s-o-n—how do you spell it?

A. Spell "Nelson"?

Q. Is it Ellison or Nelson?

A. Nelson; Burt Nelson.

Q. Who is he?

A. He is the organizer put in by the International in charge of the office in the Guardian Building. [4710]

Q. Where did you meet Burt Nelson?

A. I called him from our union office in Seattle at the Union office in Portland and asked him to come out there and meet me in the car.

Q. That was after you got off the airplane?

A. That was before I left Seattle.

Q. Did he meet you in Portland, Burt Nelson?

A. Yes, sir.

(Testimony of Rosco George Craycraft.)

Q. I believe you said you went to the ship immediately after you arrived?

A. We went out to my home first.

Q. Burt Nelson and yourself?

A. Yes. I spent a little time with the wife and children and then went on down to the ship.

Q. Did you invite Burt Nelson to go along with you?

A. I asked him to drive me down there.

Q. Did he go on the ship with you?

A. He went on the ship, but he wasn't with me when I was talking to Cannalonga. He went on back aft to watch them work.

Q. Did Burt Nelson see Cannalonga on the ship?

A. You mean that night?

Q. Yes.

A. Yes. Of course, Cannalonga walked to the gangplank with us. We walked back where Burt was standing on the [4711] afterdeck.

Q. Where did you meet Cannalonga that night?

A. In his room.

Q. In his room? A. In his room.

Q. And you and Nelson went to Cannalonga's room?

A. No, no. Nelson didn't. He went on aft and was standing on the afterdeck watching them load lumber. I spoke to Cannalonga alone.

Q. How long were you in Cannalonga's room?

A. Oh, just a few minutes. The only question I asked him was if he would be willing to talk to the defense attorneys and tell them the same story that

(Testimony of Rosco George Crayeraft.)

he had told me the other night, and he said "Yes."

I said, told him, "I will try to get hold of Mr. Gladstein tonight, and if I am able to reach him tonight, then I will come down to the ship tomorrow morning and tell you what time you can meet him."

After that was settled there was no use sticking around so I left. [4712]

Q. You were with him all together, you say, about four or five minutes?

A. Maybe ten minutes all together.

Q. Did you talk about anything else?

A. I don't recall anything specific that time outside of making arrangements to meet Mr. Gladstein.

Q. When did you next see Cannalonga?

A. I didn't understand.

Q. When did you next see Cannalonga?

A. The next morning at 10:00 o'clock. I went down to the Crown Mills.

Q. Who was with you?

A. I was alone when I met him. No one was with me.

Q. Did you go on the ship?

A. I went on the ship, talked to him on the ship, told him that Mr. Gladstein would be on the 1:30 plane in the afternoon, and then I would ask him about how I would meet him.

Q. This was on Saturday morning?

A. This was on Saturday morning.

Q. About what time?

(Testimony of Rosco George Craycraft.)

A. That was around ten o'clock in the morning. And he said that the ship was going to shift at noon down to Terminal No. 1, so he didn't know whether the FBI would be watching him there or not, and he said he thought it would be a good idea if he walked off the ship and I picked him up off the street around [4713] a quarter to three.

Q. When you went on the ship did you see anybody who was watching the ship?

A. Not that I could see watching them.

Q. Did you see any FBI men?

A. I wouldn't know one if I seen one.

Q. Did you ask permission all the time you went on the ship? A. Pardon?

Q. Did you ask for permission to go on the ship at any time?

A. I never have. I have went on and off those ships for years. I have always been admitted freely in Portland.

Q. And how long did you talk to Cannalonga at that time, this Saturday morning?

A. Just a few minutes; just enough to arrange to meet him that afternoon.

Q. What?

A. Just a few minutes; just enough to arrange to meet him that afternoon.

Q. And who suggested the meeting place?

A. Mr. Cannalonga.

Q. And he said what in regard to the meeting place?

(Testimony of Rosco George Craycraft.)

A. He said, instead of me coming aboard ship that he would meet me outside on the dock or on the street front.

Q. On what street, did he say? [4714]

A. Front Street.

Q. Any particular place on Front Street?

A. Terminal No. 1.

Q. What? A. Terminal No. 1.

Q. And I believe you stated that he set the hour?

A. A quarter to three.

Q. And is that the next time you met Cannalonga?

A. I went back. I got there a little bit early, about, I guess, around twenty-three, twenty-five minutes to three, and Cannalonga was out on the street then waiting for me then.

Q. Was anyone with you at that time?

A. I was alone.

Q. Huh? A. I was alone.

Q. Where did you go with Cannalonga?

A. We went up to the Clyde Hotel. There is a restaurant next door to the Clyde Hotel, the Virginia Cafe. We went in and had a cup of coffee to kill time until three o'clock, and then we went up to the room.

Q. At the hotel? A. That's right.

Q. And you arrived at the hotel about what time?

A. Three o'clock, why, we was in Mr. Gladstein's room.

Q. And where in the hotel did you go? Did you go [4715] directly to Mr. Gladstein's room?

(Testimony of Rosco George Craycraft.)

A. Yes, sir.

Q. You knew where it was?

A. I went up in the elevator.

Q. And who was there in Mr. Gladstein's room?

A. Mr. Gladstein.

Q. Anybody else? A. No.

Q. I believe you stated you remained in that room with Mr. Gladstein, yourself and Cannalonga for how long? A. Around one hour.

Q. You were present all the time?

A. Yes, sir.

Mr. Gladstein: I didn't hear that.

(The question and answer referred to were read by the reporter as above recorded.)

By Mr. Del Guercio:

Q. Did you participate in the questioning of Cannalonga?

A. I introduced Mr. Cannalonga to Mr Gladstein and briefly outlined what—

Q. (Interposing): Just a moment on that! You introduced Cannalonga to Mr. Gladstein. What did you say when you introduced him?

A. "Mr. Cannalonga, this is Mr. Gladstein."

Q. Did Mr. Gladstein act as though he had never seen [4716] Cannalonga before?

A. Naturally, under the circumstances both of them knew one another.

Q. Why was it necessary for you to introduce them?

A. Well, what do you do when you take anyone to meet anyone else?

(Testimony of Rosco George Crayeraft.)

Q. Did you introduce Gladstein to Cannalonga too?

A. I started to introduce Mr. Gladstein to Mr. Cannalonga. Both of them said "Well, we know one another". But they shook hands just the same.

Q. You didn't know that they had met each other?

A. I knew that they had met in the Court room here.

Q. Now, you say you asked Cannalonga questions that time, at that time, in Mr. Gladstein's room?

Mr. Gladstein: What was the question?

(The question referred to was read by the reporter as above recorded.)

A. I briefly made the statement to Mr. Gladstein to formally open it up what Mr. Cannalonga had told me down on the ship. Mr. Gladstein then stated to Cannalonga—he says, "You give me the story in your own words, right from the beginning". And he said, "Give me all the truth", and he says, "I don't want nothing but the truth and the whole truth". And then Mr. Cannalonga started in giving him the story.

Q. How many questions did you ask Cannalonga?

A. Oh, I might have interjected a question or two, but I [4717] don't recall it.

Q. You don't recall. And did Mr. Gladstein ask any questions?

(Testimony of Rosco George Craycraft.)

A. Mr. Cannalonga started right in from the beginning of when he was in the Firemen's Hall and told the entire thing up to the time that the FBI agents had put him on the train for Seattle, with Mr. Gladstein interposing questions at various times.

Q. And it took Cannalonga—you say, he talked about an hour? A. Yes.

Q. Now, where did you go after this meeting here with Mr. Gladstein in the Clyde Hotel?

A. I took Mr. Cannalonga to Fourth and Oak. I let him out there to do a little shopping.

Q. Was this in your car?

A. In my car. And then I went on down to Third and Couch, and I waited for him at Third and Couch. And then he came on down to Third and Couch. I picked him up there then and took him on back to the ship.

Q. You took him back to the ship?

A. Yes, sir.

Q. In your car? A. Yes, sir.

Q. Was anyone with you? [4718]

A. No, sir.

Q. Did you go on board the ship?

A. No, sir.

Q. What time did you arrive at the ship?

A. Oh, I judge it would be a little after 5:00; around there.

Q. In the evening? A. In the evening.

Q. When did you next see Cannalonga?

(Testimony of Rosco George Craycraft.)

A. The next time he was to call me by phone Sunday morning at Broadway 0718.

Q. What?

A. Broadway 0718. That's on Third and Couch. He was to meet me there.

Q. What telephone number is that?

A. Broadway 0718.

Q. Is that your telephone number?

A. Grocery store.

Q. Grocery store?

A. That's a grocery store on the corner of Third and Couch.

Q. Did you give Cannalonga that telephone?

A. He was to meet me on the corner of Third and Couch the next morning at a quarter to ten. So I gave him the phone number, so if anything happened he could call me there. I had [4719] given him the phone number previous to that time. It was raining so hard the next morning he called me up and told me to come down to the ship and pick him up.

Q. Where did he call you? Broadway 0718?

A. Broadway 0718.

Q. You were there? A. Yes, sir.

Q. In the grocery store? A. Yes, sir.

Q. Do you have a home phone? A. No, sir.

Q. Do you have an office phone?

A. I have no office at the present time.

Q. Did you have at that time? A. No.

Q. You do use the Union office, do you not?

A. I use the Union office for all my work.

(Testimony of Roseo Geofge Craycraft.)

Q. Huh? A. That is the Union.

Q. Do they have a phone there?

A. Beacon 9888.

Q. That isn't the answer. Did Mr. Gladstein tell you that he was going to remain in Portland all night? A. Please?

Q. Did Mr. Gladstein tell you that he was going to remain in Portland all night? [4720]

A. Yes. The night previous I had arranged with Bill Lord, the attorney, to be available.

Q. I am talking about this Saturday. Did Mr. Gladstein tell you that he would be in Portland all Saturday night and Sunday?

A. Yes. I arranged for an attorney to meet with Mr. Gladstein, Mr. Cannalonga and myself the next morning.

Q. Does the Clyde Hotel have a telephone?

A. I should judge they would.

Q. Now, did Mr. Gladstein say that—you say Mr. Gladstein told you that he would remain in Portland that night and Sunday morning?

A. That he would remain?

Q. Yes. A. Yes.

Q. And do you know if he did? A. Yes.

Q. You say that you testified on direct examination that arrangements were made this Saturday night while you and Mr. Cannalonga and Mr. Gladstein were in the room to take a deposition or some kind of a deposition of Cannalonga the next day?

The Witness: Repeat the question again.

(Testimony of Rosco George Craycraft.)

(The question referred to was read by the reporter as above recorded.)

A. That's correct. [4721]

By Mr. Del Guercio:

Q. And when were those arrangements made with regard to the conversation you had with Mr. Gladstein on Saturday night?

Presiding Inspector: Do you mean the time?

Mr. Del Guercio: Yes.

A. Approximately ten o'clock at night I called Bill Lord.

By Mr. Del Guercio:

Q. You what?

Approximately ten o'clock at night I called Mr. William P. Lord, the attorney.

Q. You misunderstood my question. I understood you to say on direct testimony that when Cannalonga was in the room, this hotel room, arrangements had then been made for Cannalonga to return so that he could make a statement. Is that correct?

A. That is correct.

Q. Now, when were those arrangements made?

A. Just prior to the time that Mr. Cannalonga and I left the room.

Q. And what was said with respect to that matter only?

A. Mr. Cannalonga said that he would be willing to make it up to a certain point on the information he gave us, and that was up to the point where it involved the FBI and the Mann Act charges. [4722]

(Testimony of Rosco George Craycraft.)

Q. Was anything said as to when that was to be made, this statement was to be made?

A. The following morning, on Sunday morning. That was when it was to be made.

Q. Who suggested that it be made on Sunday morning?

A. Mr. Cannalonga first suggested that he wanted a night to think it over.

Q. To think what over?

A. Well, to see how far he wanted to go in telling the whole story. So then it was understood that I go ahead and make the arrangements to get ahold of an attorney and a Court Reporter for the following morning.

Q. Well, were any arrangements made to take a statement from Cannalonga that night?

A. No.

Q. Did Mr. Gladstein ask Mr. Cannalonga to make a statement that night?

A. Yes. He asked him to make a statement that night. That was before we left around 4:00 o'clock, and Mr. Cannalonga said he wanted a night to think it over to see how far he would go in telling everything. But there had been no arrangements made for an attorney or a Court Reporter at all. That's on Saturday.

Q. And when did you next see Cannalonga?

A. I picked him up at the ship at 10:00 o'clock on Sunday morning. [4723]

Q. In your car? A. In my car.

Q. Was anyone with you? A. No, sir.

(Testimony of Rosco George Craycraft.)

Q. You went on the ship?

A. Yes—no. Well, I think I started on the ship and he met me coming off. I believe I met him right at the gate.

Q. Now, how were you dressed?

A. How *as* I dressed? I had on a pair of pants something the color of this (Indicating); and, oh, a coat something the color that that man is wearing there (Indicating).

Q. Which one? A. The third one there.

Q. Green? A. Whatever color that is.

Q. Green coat? A. That's it.

Q. How long did you remain on the ship that morning?

A. I didn't remain on the ship. We went right on up to Mr. Gladstein's room.

Q. Did you and Mr. Cannalonga get off the ship at the same time, come off the ship at the same time?

A. No, I met him up in front there.

Q. Oh, you met him in front. Was there somebody watching the ship? [4724]

A. I don't know.

Q. You met Cannalonga right in front of the ship? A. That's it.

Q. And how long had Mr. Cannalonga been waiting for you out at the front?

A. Well, just from the length of time I guess he called me by phone.

Q. Wasn't it raining down there?

A. Yes. That's the reason he called me up, to

(Testimony of Rosco George Craycraft.)

come down and pick him up. It was raining so hard.

Q. He stood out there in the rain waiting for you?

A. I have an idea that he stood under the roofs of the shed. I have an idea.

Q. What?

A. I have an idea that he stood under the roofs of the shed. He wouldn't stand out in the rain.

Q. And you took him where?

A. Up to Mr. Gladstein's room.

Q. Immediately? A. Pardon?

Q. Did you stop anywhere on the way?

A. We stopped in the Virginia Cafe and he had a cup of coffee.

Q. Is that all he had?

A. Well, he had a hunk of ice. I couldn't understand the ice and coffee. [4725]

Q. What did you have? Did you have anything?

A. I don't recall whether I had a cup of coffee or not.

Q. What time did you arrive at the hotel?

A. Right at——

Q. (Interposing) What?

A. Just a few minutes after ten.

Q. That is in the morning?

A. Two or three minutes after.

Q. Who was in Mr. Gladstein's room when you arrived there? A. Just Mr. Gladstein.

Q. No one else? A. No one else.

(Testimony of Rosco George Craycraft.)

Q. How long did you remain in Mr. Gladstein's room at that time?

A. We were in Mr. Gladstein's room approximately an hour and a half.

A. Just the three of us.

Q. And did you go over again the same matters that you went over the day before?

A. That is correct.

Q. Exacting the same?

A. Well, I wouldn't say "exactly the same" because there was this difference:—— [4726]

Q. (Interposing) Well, I don't want to go into the substance of the conversation.

A. Well, how can I answer the question then?

Q. Generally, were the same questions asked?

A. After he had thought it over all night he said what he would rather do first was to go to Seattle, and if he had seen these certain parties he would come on down to San Francisco and testify to the entire matter.

Q. And when did he say that in regards to the time that you arrived in Mr. Gladstein's room?

A. Oh, I couldn't say just exactly.

Q. He indicated that he didn't want to say anything unless he first went up to Seattle?

A. No. He was willing to go so far, but that was up to the part where it involved these other things and his contention was that it involved some other people in Seattle. Now, who those people were he never did say, but he went up and he had a talk with those people, and if they were willing

(Testimony of Rosco Georg. Craycraft.)

he would come back to San Francisco and testify to the entire matter all the way through. [4727]

Q. He never gave you the names of those people?

A. He never did at no time.

Q. And were any arrangements made at that time in regards to meeting Cannalonga again that day?

A. No. We proceeded then on down to Mr. Lord's office where he went down to make a deposition.

Q. Did Mr. Cannalonga indicate that he was willing to make what you call a deposition?

A. He did; up to the part that it involved the intimidation of the FBI, and he said he wouldn't answer any questions regarding that.

Q. That he wouldn't answer any questions as to whether or not the FBI intimidated him, is that correct?

A. He said, after he went to Seattle and talked to these parties in Seattle, then he would come on to Frisco and testify on that.

Q. But he did say he would not answer any questions as to whether or not the FBI had intimidated him?

A. It was understood when we went down to Mr. Lord's office that he could answer any questions that he wished, any questions put to him by Mr. Gladstein, and it was entirely up to him whether he wanted to answer them or not.

Q. And you remained in Mr. Gladstein's room

(Testimony of Rosco George Craycraft.)

all the time that Mr. Gladstein was talking to Cannalonga? A. Yes, sir.

Q. Where did you go from Mr. Gladstein's room? [4728]

A. From Mr. Gladstein's room I went down to my car and I drove the other two and myself down to Third and Alder to Mr. Lord's office.

Q. And who were there?

A. Mr. Shoemaker and Mr. Lord.

Q. Were they the only people that were in the room at the time that Mr. Cannalonga was there?

A. Mr. Lord's wife came up one time and just asked her husband how long it would be before he could leave.

Q. Where was "Big Jack" Mowery about this time? A. I hadn't seen him.

Q. Didn't see him at all Sunday morning?

A. He don't enter into this.

Q. What? A. He don't enter into this.

Q. Don't enter into what?

A. Into any of these meetings.

Q. And did you participate in the questioning of Mr. Cannalonga while you were in Lord's office?

A. I sat there all the time. I don't recall of even saying anything at any time.

Q. Who asked you to remain?

A. Well, I can't say as anyone did.

Q. Did Mr. Gladstein ask you to remain?

A. No. [4729]

Q. Did he ask you to leave? A. No.

(Testimony of Rosco George Craycraft.)

Q. Did Mr. Cannalonga ask you to stay?

A. No.

Q. Now, how many times did Cannalonga go out of that room? A. Twice.

Q. Twice. And you went out with him each time?

A. Cannalonga and I went out to the rest room once; and shortly after that he left the room again.

Q. You went out with him again?

A. And I went out in the hallway and started talking to him, and then I came on back and Mr. Lord stood there and talked to him a few minutes, and he came on back in the room.

Q. You went out every time Cannalonga went out? A. Yes, sir.

Q. Followed him out? A. Pardon?

Q. You followed him, didn't you?

A. Yes, sir. I wouldn't say I followed him. I went out jointly with him.

Q. When did you go out to the rest room?

A. Oh, I couldn't say exactly the exact time. I judge——

Q. (Interposing) With regard to the taking of this statement?

A. I judge after we had been there about half an hour. [4730]

Q. Were questions being asked Cannalonga at that time?

A. From the first time we entered the room, until the entire thing was over.

(Testimony of Rosco George Craycraft.)

Q. Was the reporter taking down all of the questions and answers? A. Yes.

Mr. Del Guercio: May I see that exhibit, please?

(The exhibit referred to was passed to Mr. Del Guercio.)

By Mr. Del Guercio:

Q. How long were you out in the rest room?

A. Oh, I guess not over two minutes.

Q. And you came back into Mr. Lord's office together? A. Yes, sir.

Q. Where was the rest room?

A. Oh, just about the length of this court.

Q. What?

A. About the length of this court down the hall from the office.

Q. And when did Mr. Cannalonga go out of Mr. Lord's office the second time with relation to his being questioned by Mr. Gladstein?

A. Oh, I wouldn't be exact on that, but there were several questions before the termination.

Q. Did Mr. Cannalonga say why he was going out there?

A. No; he never did give any reason. [4731]

Q. Did he ask you to go with him? A. No.

Q. You followed him out?

A. That is right.

Q. What took place outside? Did you mention Mowery's name to him? A. No, sir.

Q. Huh? A. No, sir.

Q. What did you say?

(Testimony of Rosco George Craycraft.)

A. I told him that as long as he had started I would like to see him go through with it, get it off his chest and be done with it.

Q. Just what words did you use outside there?

A. That is it.

Q. Huh? A. That is it.

Q. Were those your exact words?

A. I wouldn't say exactly; that is exactly what I meant.

Q. Did you ask him why he had gone out of the room? A. No.

Q. What? A. No.

Q. Did you ask him where he was going?

A. No. I didn't even ask him where he was going. He wasn't really going no place. It seems like he was more or less [4732] pondering over in his mind whether to go ahead and answer all the questions.

Q. What did you follow him out for, to help him make up his mind?

A. No; I wouldn't say to help him make up his mind. I did want to see him go ahead and answer all the questions because he had already given the answers to us previous to that.

Q. To "us"—who did he give the answers to?

A. To Mr. Gladstein and myself.

Q. He was talking to both you and Mr. Gladstein?

A. No. That was the previous day, when I said he had already given us the answers.

(Testimony of Rosco George Craycraft.)

Q. Did you follow Cannalonga out immediately or how far behind were you?

A. Well, I would say the first time we went out together.

Q. And the second time?

A. The second time I would say we were together, all right, because when he started out I started out with him.

Q. Where did you stop him?

A. I didn't have to stop him. He took a few steps away from the door, got away from the door, from the earshot of the room inside.

Q. Did he look back? A. No.

Q. Did he know you were there? [4733]

A. Sure; he knew I was there.

Q. Did you have your hands on him?

A. No.

Q. Was the door closed—did you close the door?

A. Well, the door to the outer office, it closes itself. In the inner office, I have an idea that door might have stayed open all the time.

Q. And what was the first thing that was said?

A. I asked him, I said, "Blackie, why don't you come clean with this, and tell all you told us yesterday? Why not answer the questions and straighten this up once and for all?"

Q. What did Cannalonga say?

A. He said, "There is only one thing. I want to go to Seattle first. I don't mind all the first part of the testimony but I would like to make a trip to Seattle first."

(Testimony of Rosco George Craycraft.)

"Well," I said, "I think that maybe Mr. Gladstein would be willing for that, and let the last part of the questions go unanswered."

Q. You said maybe Mr. Gladstein would be willing to have him go up to Seattle?

A. Instead of completing it.

Q. What else was said, anything else?

A. That is about all.

Q. And then what happened?

A. Well, Mr. Cannalonga came back in and Mr. Gladstein [4734] started asking questions.

Q. Did he come in first, precede you inside?

A. Well, I wouldn't say whether he preceded me or not; both of us came back walking side by side up the hall. The hall is plenty wide for that.

Q. And you returned together, is that correct?

A. That is right.

Q. And after you returned did Mr. Gladstein ask him questions immediately? A. Yes.

Q. Did you talk with Mr. Gladstein before he started asking Cannalonga questions?

A. Oh, no. Everybody was in the room, Mr. Shoemaker, Mr. Lord.

Q. Did you talk to Mr. Gladstein aside?

A. No.

Q. You are sure of that? A. Positive.

Q. Did you tell Mr. Gladstein what Mr. Cannalonga had said outside to you? A. No, sir.

Q. At no time?

A. I don't recall whether I told him after Mr. Cannalonga left or not. I could have.

(Testimony of Rosco George Crayeraft.)

Q. Was anything done about making arrangements for [4735] Cannalonga to go to Seattle?

A. When Mr. Cannalonga left, him and I discussed it before he got in the elevator. He was going to try to be sure and get a replacement in the morning, and then I would take him on to Seattle.

Q. Did you and Cannalonga go out of that office together?

A. I walked to the elevator with him. I left him at the elevator on the fourth floor.

Q. Was there any question open at the time you followed Mr. Cannalonga down the last time?

Mr. Gladstein: What was the question?

(The question referred to was read by the reporter as above recorded.)

Mr. Gladstein: I don't understand it. Maybe the witness does.

Presiding Inspector: I don't quite understand that.

By Mr. Del Guercio:

Q. Was Mr. Gladstein still asking Cannalonga questions when Cannalonga left the last time?

A. He asked him a question. Mr. Cannalonga didn't say "Yes", "No", or nothing. He just turned around and walked out.

Q. And you followed him out again?

A. So I walked out to the elevator with him.

Q. And did he ask you to go out with him?

A. No, he didn't ask me to. I just walked with him. [4736]

(Testimony of Rosco George Craycraft.)

Q. You walked behind, you mean, don't you?

A. No. I walked alongside of him.

Q. Did you have a hold of him, arm in arm?

A. Well, I did have my arm up around his shoulder.

Q. Oh, you had your arm up around his shoulder? A. Just put there.

Q. And did you go out the door together——

Presiding Inspector: (Interposing) He said he had his arm around his shoulder.

By Mr. Del Guercio:

Q. Were you behind him when you were going out?

A. I might have been a step behind him when he was going out the door.

Q. Did you have your hands on him when he was going out the door?

A. No, sir. But the boy was feeling pretty blue. After we got out in the hall I just put my hand on his shoulder and I asked him, reverting back to the previous conversation I had with him out in the hall,—I asked him what time he wanted to leave for Seattle tomorrow morning and get it all straightened out. And we stood there at the elevator and talked it over a while and I, well, he said, "I will call you at 7:00 o'clock tonight". I said, "O K." Then he went on down the elevator and I went back inside.

Q. How long were you with him outside before you returned to the office?

A. About four minutes. [4737]

(Testimony of Rosco George Craycraft.)

Q. Not more than four minutes?

A. It could have been five.

Q. Could it have been ten?

A. No, I don't think time went that fast.

Q. Was Jack Mowery outside?

A. No, sir.

Presiding Inspector: I think we will recess at this point until two o'clock.

(Whereupon at 12:40 o'clock P.M., a recess was taken until 2:00 o'clock P.M. of the same day.) [4738]

After Recess
2:00 o'Clock P.M.

Presiding Inspector: All right, Mr. Del Guercio.

ROSCO GEORGE CRAYCRAFT

called as a witness on behalf of the Alien, having been previously duly sworn, testified further as follows:

Presiding Inspector: Do you want the last question read?

Mr. Del Guercio: Yes.

Presiding Inspector: What was the last question?

The Reporter: I will have to go and get my notes.

Mr. Del Guercio: Never mind: I think I remember where we left off.

(Testimony of Rosco George Craycraft.)

Presiding Inspector: All right.

Cross Examination (Resumed)

By Mr. Del Guercio:

Q. Your last answer was that you had escorted Cannalonga to the elevator, is that correct?

A. No. I hadn't escorted him. I walked to the elevator with him.

Q. And you then returned to the room which Mr. Gladstein was in?

A. Mr. Shoemaker and Mr. Lord; yes.

Q. Did Mr. Gladstein continue asking questions after you returned? A. No, sir. [4739]

Q. Did you tell Mr. Gladstein then and there what you had told Cannalonga and what Cannalonga had told you?

A. When we left the office.

Q. Did you tell him in the office?

A. No. We left the office and went up to Mr. Gladstein's room where he was to pack and get ready to go to Frisco.

Q. Who else went to Mr. Gladstein's room besides yourself? A. Mr. Gladstein and I.

Q. Anyone else? A. No, sir.

Q. Was there anyone in Mr. Gladstein's room when you arrived? A. No, sir.

Q. How long did you remain in Mr. Gladstein's room?

A. Just long enough for him to pack up and then we went down to the Virginia Cafe.

Q. Did you make any arrangements with Mr.

(Testimony of Rosco George Craycraft.)

Gladstein in regards to getting Cannalonga up to Seattle?

A. No; I made no arrangements with Mr. Gladstein whatsoever. I told Mr. Gladstein that he told me at the elevator that he would call me that night.

Q. That who would call you?

A. That Mr. Cannalonga would call me and tell me what time he thought he could make the trip on Monday morning, and [4740] I was going to take him to Seattle to see these people that he wanted to see in Seattle, and then I would come on down to San Francisco with him.

Q. Oh, you were going to take him to Seattle?

A. Yes, sir.

Q. Was Cannalonga agreeable to that?

A. He was the one that suggested it.

Q. Did you tell that to Mr. Gladstein?

A. Yes, sir.

Q. When?

A. During—while he was packing his suitcase and during the meal hour.

Q. No one else was present? A. No, sir.

Q. And then did Cannalonga call you that Sunday night?

A. I was down on Third and Couch around 7:00 o'clock where he was supposed to call me.

Q. You were down where?

A. Third and Couch, where he was supposed to call me and he never called. I went down to the ship about 8:30 and I had a talk with him then.

Q. Well, now,——

(Testimony of Rosco George Craycraft.)

A. (Interposing): And the reason he hadn't called me was one of the winches had broken down and he had been unable to go to the telephone.

Q. How long did you remain at Third and—Couch, did [4741] you say?

A. Third and Couch.

Q. How long did you remain there?

A. Oh, I judge around 8:00, 8:10. I went down to the ship. I got there about 8:30.

Q. 8:30. And you stayed there until when?

A. Oh, just a few minutes.

Q. Just a few minutes. Well, how many minutes?

A. Just long enough to make arrangements to meet him the next morning at ten o'clock to see what time he would get off the ship.

Q. I am speaking about Sunday night.

A. Well, that's what I said. Just long enough Sunday night.

Q. Did you get a call from Cannalonga?

A. No.

Q. He was to call you, you say, at what time?

A. 7:00.

Q. At 7:00. And you got down—where was he to call you?

A. Well, he called me from the phone on the dock.

Q. Where was he to call you?

A. He was to call me at the Maleti's Grocery.

Q. And did you go down there at 7:00 o'clock to this grocery store?

(Testimony of Rosco George Craycraft.)

A. I was down there at 7:00 o'clock waiting for the [4742] call.

Q. And you remained there how long?

A. Well, I remained there—well, it was after 8:00.

Q. From 7:00 to 8:00? A. Yes.

Q. You were there an hour?

A. I waited better than an hour.

Q. And you didn't get any call?

A. No, sir.

Q. And then what did you do?

A. I went on down to the ship.

Q. Now, was any one with you at the grocery store?

A. Yes, sir. I visited with one of the members of our Coastwise Labor Relations Committee, Cole Jackman.

Q. What is his name? A. Cole Jackman.

Q. Will you spell the first name?

A. C-o-l-e.

Q. Cole Jackson? A. Jackman.

Q. Was he with you during that hour that you spent at the grocery store?

A. He was with me up until almost 8:00 o'clock. So I made a remark then that I was waiting for Mr. Cannalonga and I wondered why he didn't show up. So Cole Jackman went down to the ship so that I wouldn't miss him then if he did call. [4743] Cole Jackman went down to the ship and said that Cannalonga was working on one of the winches and

(Testimony of Rosco George Craycraft.)

couldn't get to the phone, and he wanted me to come on down there. So I went back to the ship.

Q. You sent Cole Jackman down to the ship?

A. Yes, sir.

Q. And when did you send him down?

A. Oh, sometime around, maybe, 7:30.

Q. Why did you tell Cole Jackman that you expected Cannalonga would come there?

A. He had invited me out to his house and I told him that I couldn't leave there, that I was expecting a call from Mr. Cannalonga.

Q. You did say that you were expecting a call?

A. That's right. That's where I was waiting for the call.

Q. And you say Cole Jackman, you sent Cole Jackman to the ship and he returned when?

A. Oh, he wasn't gone very long. I guess it's maybe a mile, a mile and a quarter from there down to the ship.

Q. Did he go down in your car?

A. No, in his own car.

Q. Did you have a car? A. Yes, sir.

Q. You saw Cannalonga, did you, that night?

A. Yes, sir. [4744]

Q. That Sunday night? A. Yes, sir.

Q. And did anyone go down to the ship with you? A. No, sir.

Q. You went alone? A. Yes, sir.

Q. And how long did you talk to Cannalonga then?

A. Well, he was pretty busy. The winches had

(Testimony of Rosco George Craycraft.)

gone haywire, and just as I walked aboard the ship the after lights went on on the deck. And so I just spoke to him long enough to tell him that I would come down tomorrow morning at 10:00 o'clock and I would fix transportation for us to go to Seattle.

Q. Let us get to this Sunday night when you talked to him on the ship.

A. That's what happened that Sunday night.

Q. Was anyone working with him?

A. No, sir.

Q. Was Cannalonga working alone?

A. Yes, sir.

Q. On the winch?

A. No, he wasn't working on the winch right then.

Q. What was he doing?

A. He was in the machine shop wrapping cords and electrical work. [4745]

Q. Was anyone else in the machine shop?

A. No, sir.

Q. Did you have any drinks with Cannalonga that night? A. No, sir.

Q. How long did you remain with Cannalonga?

A. Oh, I wouldn't say it would be a total of five minutes. [4746]

Q. Then where did you go?

A. Where did I go?

Q. Yes. A. Home.

Q. Did you see anyone that night?

A. No, sir.

Q. Did you see Mr. Gladstein?

(Testimony of Rosco George Craycraft.)

A. I put Mr. Gladstein on the 4:40 plane for Frisco.

Q. Did you tell him you had been on the ship that night and seen Cannalonga? A. No.

Presiding Inspector: 4:40 in the morning?

The Witness: That afternoon.

By Mr. Del Guercio:

Q. Before you went to the ship to see Cannalonga?

A. I don't know just what you mean there.

Q. You said you saw Cannalonga on the ship there about a little after 8:00 P.M.?

A. That is correct.

Q. And when you left the ship you went home. I asked if you saw Mr. Gladstein that night after you left the ship?

A. I put Mr. Gladstein on the 4:40 plane in the afternoon for San Francisco.

Q. Sunday afternoon?

A. On Sunday afternoon. [4747]

Q. Did you get in touch with anyone by phone?

Presiding Inspector: When do you mean?

Mr. Del Guercio: Sunday night.

Presiding Inspector: After he left Cannalonga on the ship?

By Mr. Del Guercio:

Q. After you left Cannalonga?

A. I don't recall getting in touch with anyone Sunday night.

Q. When did you next see Cannalonga?

A. Monday morning at ten o'clock.

(Testimony of Roseo George Craycraft.)

Q. Where did you see him?

A. At Terminal No. 1 on West Cusseta.

Q. On the ship? A. Yes, sir.

Q. Did anyone go with you? A. Yes.

Q. Who? A. Jack Mowery.

Q. Where did you pick up Jack Mowery?

A. Sunday afternoon, on my way to taking Mr. Gladstein to the plane, I stopped by Jack Mowery's house and told him that Cannalonga wanted to see him; that I was going to Seattle the next day with Cannalonga, and I wanted to know if he wanted to go down to the ship with me to see him.

Q. You two had this conversation on Saturday afternoon [4748] before you took Gladstein to the ship?

A. Not Saturday; but Sunday afternoon; yes, sir.

Q. And you told Mowery that Cannalonga wanted to see him? A. Yes, sir.

Q. When did Cannalonga tell you that?

A. Cannalonga told me that several times previously, that he would like to get hold of Jack Mowery and have a talk with him because he was an old acquaintance of his.

Q. Did he say that in the room when Mr. Gladstein was asking Cannalonga's questions?

A. I don't recall him ever making that statement in front of Mr. Gladstein.

Q. Did he make that statement in front of anyone besides yourself? A. No, he didn't.

(Testimony of Rosco George Craycraft.)

Q. Did you tell Mr. Gladstein that Cannalonga had asked to see Jack *Lowery.*

Q. (Interposing): I mean Mowery, instead of Lowery. That is who you have in mind, Mowery?

A. State your question again.

Q. What is Jack's last name? A. Mowery.

Q. M-o-w-r-y? A. M-o-w-e-r-y.

Q. Mowery—now, will you answer the question? [4749]

A. State the question again, please.

Presiding Inspector: Read it.

(The question referred to was read by the reporter as above recorded.)

A. After we finished eating our dinner Sunday we went up to my house on Curry Street——

By Mr. Del Guercio:

Q. (Interposing): Who is "we"?

A. Mr. Gladstein and I—we went to my house on Curry Street and visited with my children. I had to put Mr. Gladstein on the 4:40 plane. We stayed there to about 3:15 or 3:20 talking to the two girls.

Then I drove right straight on out to 82nd Street, out Foster Road, to where Mr. Mowery lives. I stopped there a few minutes and told him I wanted to see him tomorrow morning.

Q. Was Mr. Gladstein present?

A. Mr. Gladstein was present.

Q. Did you go into Jack Mowery's house?

A. Yes, sir.

(Testimony of Rosco George Craycraft.)

Q. And how long were you and Mr. Gladstein with Jack Mowery that Sunday afternoon?

A. Long enough for me to drink a cup of coffee. Mr. Gladstein didn't care for any coffee. We just had our meal a couple of hours ahead of that.

Q. How long would you say? [4750]

A. Six or seven minutes.

Q. Could it have been more than ten minutes?

A. I doubt it because we were rushed trying to get over to the plane.

Q. And you say that you then told Mowery that Cannalonga wanted to see him?

A. Yes, sir.

Q. And you say—did you say that in Mr. Gladstein's presence? A. Yes, sir.

Q. Is that the first time that Mr. Gladstein knew that Cannalonga wanted to see Jack Mowery?

A. I would say, yes, it was.

Q. In any event, that is the first time you ever told him?

A. I told him on my way to the plane that I wanted to take time enough to stop in and see Jack Mowery; that Cannalonga had requested that Jack come down to the ship to see him. So that would be the first time he could have possibly heard it.

Q. You and Jack Mowery went to the ship to see Cannalonga Monday morning? A. Yes, sir.

Q. And you got there about when, ten o'clock?

A. I would say around ten.

(Testimony of Rosco George Craycraft.)

Q. Did you see Cannalonga? [4751]

A. Yes, sir.

Q. Where did you see him?

A. In his stateroom.

Q. Was there anyone else present besides you and Mowery?

A. I could be wrong on whether it was actually in the stateroom or not, but the agent of the Marine Firemen's Union was down signing the men on for the next cruise. I don't believe they ever came into the room, but I do know they were in the doorway. I don't recall them coming into the room.

Q. Did you have a conversation with Cannalonga at that time?

A. The only conversation I had with Mr. Cannalonga at that time——

Q. (Interposing): I don't want the gist of it. I am asking if you had a conversation.

A. I am telling you what was said.

Q. I am not asking you what was said.

Presiding Inspector: He just wants to know if you had a conversation.

A. Yes.

By Mr. Del Guercio:

Q. Did Mr. *Lowery*——

Mr. Gladstein: It is still "Mowery".

By Mr. Del Guercio:

Q. Did Mr. Mowery say anything? [4752]

A. I don't recall him saying anything.

Q. Did Mr. Mowery raise his voice at any time while you were in that stateroom? A. No.

(Testimony of Rosco George Craycraft.)

Q. Did you? A. No.

Q. Was it possible for you to have been heard from the outside?

A. Sure; the door was wide open.

Q. The door was wide open. How long did you and Mowery remain with Cannalonga in this stateroom?

A. Well, the electrician came, that is, the shore electrician, and asked him a question, and he stepped out. As far as being present with him is concerned, that was a matter of a few minutes.

Q. How long were you and Mr. Mowery in that stateroom with Cannalonga?

A. Oh, it couldn't have been over four or five minutes, and Mr. Cannalonga walked out to the rail with us.

Q. Did you have anything to drink while you were in the stateroom? A. No.

Q. By "stateroom" you mean Cannalonga's room, don't you? A. That is right.

Q. You say Cannalonga accompanied you and Mowery off the [4753] ship?

A. No, not off the ship; out to the ladder which goes up on the top deck where the gangplank was.

Q. Did he remain on the ship? A. Yes.

Q. And you and Mowery left together?

A. Yes, sir.

Q. Where did you go? A. Cannalonga?

Q. No. Where did you and Mowery go?

A. I went home to pack my suitcase to go to Seattle; and Mowery went to his home to pack

(Testimony of Rosco George Craycraft.)

his suitcase to go to Seattle, and came back by my house and picked me up at a quarter to two and we went down to Third and——

Q. A quarter to two, when?

A. In the afternoon—and we went down to Third and Couch to wait for a telephone call from Mr. Cannalonga when to come down to the ship and pick him and his gear up.

Q. You were with Mr. Mowery at Third and Couch in the same grocery store?

A. That is from two o'clock on.

Q. Two o'clock until when?

A. 3:30, when Mr. Cannalonga called up and stated that he had been unable to get his relief so far, and he would try to get off the ship by five o'clock that night. [4754]

Q. Who did he talk to on the telephone?

A. To me.

Q. He didn't ask for Mowery? A. No, sir.

Q. All right. He told you that he couldn't get a relief?

A. He told me that he had been unable to get a relief, that they hadn't been able to get a replacement and if he wasn't able to get off for supper that night for me and Mowery to come down to the ship that evening.

Q. Now, you and Mowery were prepared then and there to go to Seattle, is that it?

A. That is correct.

Q. When did you next see Cannalonga?

(Testimony of Rosco George Crayeraft.)

A. Around 7:00 o'clock that evening Mowery and myself went down to the ship. Cannalonga wasn't there at the time. We waited around on the dock for a while and he got there about a quarter after 7:00. He had been uptown with an electrician, that is, the shore electrician, making a few purchases and so on.

Q. How did you and Mowery get to the ship?

A. Pardon?

Q. How did you and Mowery get to the ship?

A. Drove down in Jock Mowery's car. [4755]

Q. Were you trying to hide when you went down to the ship?

A. Not the way I would walk up and down those docks.

Q. And you walked right up the ship, right up the gangplank on the ship?

A. As I have always done.

Q. And did you see Cannalonga that night?

A. Yes, sir.

Q. That Monday night? A. Yes, sir.

Q. What time?

A. Well, I believe it would be around between 7:15 and 7:30 in the evening.

Q. And where did you go? In the stateroom again? A. In his stateroom.

Q. And how long did you and Mowery remain with Cannalonga that night?

A. Oh, I judge we was there an hour.

Q. Did you have anything to drink?

A. Yes, sir.

(Testimony of Rosco George Craycraft.)

Q. What did you drink?

A.) Cannalonga had a bottle of rum there. He had some Coca Cola and made what he called a "brown bomber", Coca Cola and rum mixed. He had missed his supper, so he went out in the mess room and made up a big platter of sandwiches, and I had a couple of drinks with my sandwiches. Mowery might have [4756] had a couple of drinks and Cannalonga, to the best of my knowledge, did not take any drinks at all that night. The shore electrician——

Q. (Interposing): "All that night". Were you with him all that night?

A. Well, that hour we were with him. And the shore electrician, he came in and he had a drink with us. The mate came down.

Q. What is his name?

A. I never asked him.

Q. What did you say his position was?

A. He is the shore electrician boss.

Q. Shore electrician boss. Did you see the Customs Guard at that time?

A. If I did I didn't pay any attention to him.

Q. As you got on the ship, you and Mowery, did you see him? A. I never noticed any.

Q. And then what happened?

A. One of the mate's radios went haywire upstairs. Cannalonga went upstairs and fixed his radio. We sat down there and ate sandwiches while he was gone. Then he came back down. I told him that I had talked to Mr. Gladstein in San Francisco

(Testimony of Rosco George Craycraft.)

that evening, that I was going to leave for San Francisco tonight on the ten o'clock plane to tell what had already transpired here in Portland. I said, "Mr. Mowery will take you on [4757] to Seattle in the morning. Then you can leave Seattle tomorrow night and then come on down to 'Frisco". Then I asked him if there was anything further he could tell me at this time. So that's when he gave me the list of the names and places where he was supposed to stop or did stop, and he also gave me the note to Harry Bridges.

Q. This was in the presence of Jack Mowery?

A. Yes, sir.

Q. You took these notes down in the presence of Jack Mowery? A. Yes, sir.

Q. Then what did you do?

A. (No response.)

Q. Then what did you do?

A. I didn't get that yet.

Q. Then what did you do?

Presiding Inspector: Then what did you do?

A. Well, I left. Mr. Mowery and I left. We went down to Maleti's Bros. I called up my father over in East Portland and talked to him a few minutes over the phone—or talked to my sister. He couldn't get to the phone. He was sick.

Q. Was Mowery with you all the time?

A. Mowery was with me. Then Mowery drove me on out to the plane.

Q. You got on to the plane when?

A. 10:20. [4758]

(Testimony of Rosco George Craycraft.)

Q. When did you have this telephone conversation with Mr. Gladstein?

A. Oh, I judge around 5:30 Monday evening.

Q. 5:30 Monday evening? A. Yes, sir.

Q. Did Mr. Gladstein call you up or did you call him up? A. Mr. Gladstein called me.

Q. What did he say to you?

A. He wanted to know—well, he really called, I guess, to find out whether Cannalonga and I had went on to Seattle, because I was supposed to leave the next day with Cannalonga to Seattle. And I told him what a hard time we had of getting a relief, that I checked with the Firemen's Hall at five o'clock that night and the business agent, Warwick, of the Firemen's Union had told me that they had been unable to get a replacement for Cannalonga and it looked like we were going to have to stay over another day. So he advised me then to come down to San Francisco and then Mr. Mowery could go on to Seattle with Cannalonga.

Q. Did he tell you why he wanted you to come down to San Francisco?

A. I guess for the same reason that I am here now.

Q. What is that?

A. As a witness. [4759]

Q. What?

A. Just why I am on here as a witness now.

Q. What did he say about that?

A. Nothing specific; that he wanted me to come on down to San Francisco.

(Testimony of Rosco George Craycraft.)

Q. To testify? A. To testify.

Q. To testify regarding what?

A. To all these meetings with Mr. Cannalonga, what had been said and so forth.

Q. How long was your telephone conversation with Mr. Gladstein, do you know?

A. Oh, I don't recall.

Q. That was about what time now, again, Monday?

A. I believe it was around 5:30 in the evening.

Q. Now, where did Mr. Gladstein reach you on Monday? A. At Broadway 0718.

Q. That's this same grocery store?

A. Yes, sir.

Q. Was Mowery with you at the time?

A. Yes, sir.

Q. Did he ask Mowery to come down, too, to testify? A. No, sir.

Q. Now, did Mr. Gladstein say that he also wanted you to testify—strike that, please.

When did you next see Cannalonga? [4760]

A. I haven't seen him since.

Q. You left for San Francisco when?

A. On the 10:20 plane out of Portland Monday evening, May 5th.

Q. And you arrived here when?

A. Oh, around three in the morning.

Q. Three in the morning. And how long did you remain in San Francisco?

A. Thursday night.

Q. Until Thursday night of last week?

(Testimony of Rosco George Craycraft.)

A. Yes, sir.

Q. And then what did you do?

A. I went back to Portland.

Q. Where did you stop while you were in San Francisco? A. Lincoln Hotel.

Q. Lincoln Hotel. And you got in touch, I assume, with Mr. Gladstein?

A. I did, the next morning.

Q. Did you go to his office? A. Yes, sir.

Q. And did he then tell you that he wanted you to appear here to testify?

A. I didn't understand.

Q. Did he then tell you that he wanted you to come to [4761] Court, that he might call upon you to testify?

A. He told me that he might call upon me to testify.

Q. That day, on Tuesday?

A. I believe he had somebody on the witness stand and he didn't know whether he would use me or not, Tuesday.

Q. Did he tell you that he had arranged with Mr. Shoemaker to come down?

A. I came down on the plane with Mr. Shoemaker.

Q. Oh, you came down with Mr. Shoemaker?

A. Yes, sir.

Q. Now, who asked Mr. Shoemaker to come down?

A. I have an idea the Defense.

Q. Who? What do you mean?

(Testimony of Rosco George Craycraft.)

A. I don't know. I didn't ask Mr. Shoemaker.

Q. Did you take Mr. Shoemaker to the Airport in Portland?

A. No. I met him as we started to get on the plane.

Q. Did you know before that that Mr. Shoemaker was going to come?

A. Naturally, after Sunday.

Q. What? A. Naturally, after Sunday.

Q. Did you understand my question?

A. You asked me if I knew Mr. Shoemaker previous to that time?

Q. No. Did you know that he was coming to San Francisco [4762] prior to the time you met him at the Airport? A. Oh, no, I didn't.

Q. Where did Mr. Shoemaker go, if you know, when you arrived at San Francisco?

Presiding Inspector: I can't hear your questions.

By Mr. Del Guercio:

Q. Where did Mr. Shoemaker go, if you know, upon your arrival in San Francisco?

A. We came over on the limousine from the Airport. Mr. Shoemaker got out at the Palace Hotel and they took me on down to the Lincoln. Now, whether he went into the Palace, I don't know.

Q. Did you give any money to Cannalonga at any time? A. No, sir.

Q. Did you give Cannalonga $200.00?

A. No, sir.

(Testimony of Rosco George Craycraft.)

Q. At any time? A. No, sir.

Q. Did Mr. Gladstein give you any money at any time to give to Mr. Cannalonga?

A. No, sir.

Q. Did Mr. Mowery give you any money?

A. No, sir.

Q. Did you see Mr. Mowery give any money to Cannalonga? A. No, sir.

Q. Did you meet Cannalonga in Portland at any of the [4763] places other than you have described here on the stand? A. No, sir.

Q. Did you meet Cannalonga in a sporting house in Portland, Oregon. A. No, sir.

Q. Did you follow him into such a house?

A. No, sir.

Q. You know what I mean by "sporting house," don't you? A. Yes, sir.

Q. Did you catch or see Cannalonga in such a house? A. No, sir.

Q. With a girl? A. No, sir.

Q. Did Mowery tell you of such a situation?

A. No, sir.

Q. Did Mr. Gladstein? A. No, sir.

Q. Do you know who took Mr. Cannalonga's clothes off the ship West Cussetta?

A. I know by hearsay.

Q. Do you know of your own knowledge?

A. I can't say that I know of my own knowl-

(Testimony of Rosco George Craycraft.)

edge. I only know what the Immigration Department said.

Q. Is this the—strike that, please.

What is your present position in the International Longshoremen's and Warehousemen's Union?

A. Executive Board Member for the Columbia River District. [4764]

Q. Executive Board Member. And how long have you had that position?

A. I was elected first term in June, 1939, re-elected in 1940.

Q. Do you occupy any other offices?

A. At the present time I am candidate unopposed for Vice-President of the International.

Q. Who proposed your candidacy for Vice-President?

A. The man who was Vice-President last year nominated me in the convention.

Q. Is Mr. Bridges interested in your candidacy; I mean, in a slight way?

A. Well, I have an idea he would be as President of the Union.

Q. Well, does he want you to be Vice-President?

A. He never personally told me so.

Q. Would you say that he doesn't want you to be Vice-President?

A. I think it is immaterial to him so long as the man really gets out and works for the Union.

Q. Well, do you think that you could become

(Testimony of Roscoe George Craycraft.)

Vice-President of that Union without Bridges' support?

A. If I had the support of enough delegates, yes.

Q. Without Bridges' support.

A. Yes. [4765]

Q. You have been pretty close to Mr. Bridges, have you not?

A. In trade unions, yes.

Q. You have always admired him?

A. I have.

Q. You have? A. I have.

Q. Have you ever made the statement to anyone at any time that the fact that Harry Bridges was a Communist made no difference to you?

A. No. I never made that statement.

Q. Did you make a statement substantially that?

A. I might have made a statement to this effect: That from all I have seen of Harry Bridges do in the trade union movement, even if he was a Communist it wouldn't affect me.

Q. Now, this meeting that you spoke of with Jack Mowery and Mr. Bridges in Portland sometime in April, 1938, is that the same Jack Mowery that went with you to see Cannalonga on the ship?

A. I have an idea you are referring to the meeting in Aberdeen?

Q. Aberdeen or Portland in the Morck Hotel; M-o-r-c-k, as you spelled it?

A. That is the same Mowery.

(Testimony of Rosco George Crayeraft.)

Q. Huh? [4766]

A. That is the same Mowery.

Q. That is the same Mowery. Was that in Aberdeen or was it in Portland?

A. In Aberdeen.

Q. Were anyone else present other than Mowery and yourself and Bridges?

A. There were other individuals in and out of the room at different times. I don't remember of anyone that stayed in there permanently all the time with Brother Bridges, Brother Mowery and myself. [4767]

Q. Well, you described it as a meeting. What kind of a meeting was it?

A. Previous to that time I called a meeting of the trustees of my union in Portland, because I didn't like the way the money was being expended in the State of Oregon. Brother Bridges was the only one that had the power, as Coast CIO Director, to make any change in the way it was done. So Brother Mowery and myself proceeded to Aberdeen to see if we couldn't do something to make a more solid union in Oregon and to see if we couldn't get these funds established in the hands of the Portland Industrial Union Council. And then we could hire a man for a specific job; that is, if we had a job down in a certain sawmill, and one man could do it better than another, that we could do it that way, and it would be better and we could get a competent man to do it. The Portland Industrial Union Council would be in charge of disbursing the money.

(Testimony of Rosco George Craycraft.)

That was the proposition we went to Aberdeen about.

Q. You and Jack Mowery left Portland to go to Aberdeen to see Bridges about this?

A. Jack Mowery was elected by a referendum vote by the trustees of our organization, and he was the man to go with me.

Q. When was he elected?

A. In the elections in December.

Q. December of what year?

A. 1937, to be installed in the first meeting in January [4768] 1938.

Q. How many persons are there on the Executive Board? A. 25 on the Executive Board.

Q. 25. And how many on the Board of Trustees? A. Three.

Q. Who are they?

A. There was Jack Mowery, Ed Lyons and Harry—I can't think of his name right now.

Q. Harry something? A. Harry——

Q. Were you on the Board of Trustees?

A. I was Secretary of the Union.

Q. You were Secretary, but you were not on the Board of Trustees? A. That is correct.

Q. Well, where was Ed Lyons at that time?

A. The Trustees would come up and go over the books once a month, or go over any other matters concerning the union.

Q. Where was Harry?

A. You mean why didn't all three not go? Is that what you mean?

(Testimony of Rosco George Craycraft.)

Q. You are anticipating my question.

A. Mowery and I were the only two that was going to come up there and see him.

Q. You said Ed Lyons and Harry——

A. (Interposing): Just a minute. It is up to the [4769] Board of Trustees to decide that.

Q. Did Jack Mowery have authority to speak on behalf of the other two members?

A. Why I take it for granted he would.

Q. Did he tell you so?

A. Well, Jack Mowery and myself would have the authority to speak.

Q. Was Harry Pilcher there?

A. I don't recall Harry Pilcher.

Q. You know who Harry Pilcher is, don't you?

A. Yes.

Q. Did you see him in Aberdeen?

A. I tell you I don't recall seeing Harry Pilcher in Aberdeen at all.

Q. How about Howard Bodine?

A. I saw Howard Bodine and he stayed at the same hotel I did.

Q. In Aberdeen? A. In Aberdeen.

Q. Was he at that meeting?

A. He might have been.

Q. What was he doing at the meeting?

A. Well, the President of the organization, naturally, his hotel room is more or less his headquarters and anyone that had any business with the President naturally would come to his room. [4770]

Q. In whose room was this meeting held?

(Testimony of Rosco George Craycraft.)

A. In Harry Bridges'.

Q. Did you attend a convention in Aberdeen in about October 1940 of the International Woodworkers of America? A. Yes, sir.

Q. In what capacity did you go to that convention?

A. Representing the international of the ILWU.

Q. Did you also go there as a supporter of Bridges?

A. No, I wouldn't say I went as a supporter of Bridges. I went there representing the entire organization of the longshoremen.

Q. Were attacks made in that convention on Communists. A. Lots of them.

Q. Did you oppose the attacks that were being made on Communists?

A. I never had a word to say in that convention; never opened my mouth. I sat up in the Balcony as an observer.

Q. You didn't say anything at all? A. No.

Q. Did you distribute or cause to be distributed any literature? A. No.

Q. What? A. No.

Q. Was Mowery at that convention? [4771]

A. Not to my knowledge.

Q. Have you received any communication from Cannalonga since you saw him the last time which, I believe, was Tuesday night?

A. Monday night.

Q. Monday night?

(Testimony of Rosco George Craycraft.)

A. I never received a communication from Cannalonga in my life outside of a telephone.

Q. Was there a telephone call?

A. No, sir.

Q. Or any communication through another person? A. No, sir.

Q. Did you do anything to frighten Cannalonga into not communicating with you?

A. Louder.

Q. Did you do anything that would frighten Cannalonga into not communicating with you?

A. No, sir.

Q. I believe you testified that he was glad to see you? A. He was.

Mr. Gladstein: Could I ask the reporter to read a question that occurred two or three questions before the last one? I didn't hear it. My attention has just been called to it by Mrs. King. I wonder if it could be read.

Presiding Inspector: Yes. [4772]

Mr. Gladstein: The one in which the witness was asked whether he had ever received a communication, and then what follows thereafter.

(The portion of the record referred to was read by the reporter as above recorded.)

Mr. Del Guercio: I don't know if I asked the witness this question before but if I have I will withdraw it.

By Mr. Del Guercio:

Q. I believe you testified on direct examination

(Testimony of Rosco George Craycraft.)

that you saw a newspaper article regarding Cannalonga appearing at this trial, is that right?

A. I don't know. You objected so much right there that I thought it was stricken. I did see a newspaper article.

Mr. Del Guercio: Was that stricken?

Presiding Inspector: I think going to the contents—the question that embodied the contents was disallowed as I recall.

By Mr. Del Guercio:

Q. When did you see this article with respect to your return from the convention in Los Angeles?

A. I read it here in San Francisco. When I read the article, and it got down to the bottom and said, "Yes or no," then after repeated questioning I just figured maybe there was something wrong.

Q. I didn't ask you anything about that. All I asked you [4773] was when you saw the article in a newspaper with respect to the time of your return from the convention in Los Angeles. Do you understand my question?

A. Friday, April 18.

Q. Had you seen Harry Bridges prior to that time?

A. That is when I went up to see him, when I read this article

Q. And as a result of seeing that article you went up to see Harry Bridges?

A. That is correct.

Q. And as a result of seeing Harry Bridges you

(Testimony of Rosco George Craycraft.)

went up to Portland and saw Rodman, is that correct? A. That is wrong.

Q. Huh? A. That is wrong.

Q. And as a result of your seeing Rodman you met Cannalonga, is that correct?

A. No; I said that was wrong.

Presiding Inspector: I think the witness denies the causation that is implicit in the question.

Mr. Del Guercio: Yes.

Presiding Inspector: I think that is the substance of his answer.

Mr. Del Guercio: Yes. That is all.

Presiding Inspector: Any further questions?

Mr. Gladstein: We have a few, your Honor.

[4774]

Redirect Examination

By Mr. Gladstein:

Q. Do you know what Jack Mowery's correct name is?

A. I don't know his correct name, but I know his initials from keeping records so long. It is W. H. Mowery.

Q. You say "from keeping records." You mean as Secretary of the Union? A. Yes, sir.

Q. Do you know why he is called "Big Jack"?

A. He has another brother designated as "Jack Mowery," so to distinguish between the two boys one is "Big Jack," and the other is "Little Jack."

Q. Is that the way they are known on the waterfront?

A. It is very common on the waterfront to call

(Testimony of Rosco George Craycraft.)

them "Little Jack" and "Big Jack," or "Snooze-face," or using some other term to designate a man,

Q. When you were a delegate to the convention of the International Woodworkers of America what was your capacity, a true delegate of that organization or something else?

A. I was not a delegate to their convention. I was there as an observer and more to see just what was going on in the convention to make a report to my own officials, my own organization.

Q. Do you know whether there is any custom or practice in the trade union movement for an international union, when it is about to hold a convention, to invite fraternal observers [4775] or delegates from other unions?

Mr. Del Guercio: Just a minute. I will object to that as improper redirect.

Presiding Inspector: I don't see how that is very material.

Mr. Gladstein: It is a subject that was touched on and, if your Honor recalls, something was said about why Mr. Craycraft, whether he did or did not take certain action at that convention on a certain issue. I think we are entitled to bring out in what capacity he was actually there.

Mr. Del Guercio: But not to beat around the bush. He can ask a direct question.

Presiding Inspector: Haven't you asked it and hasn't he answered it? He said he went as an observer.

(Testimony of Rosco George Craycraft.)

Mr. Gladstein: All right.

Presiding Inspector: I don't see what difference it makes as to what the custom is. I don't see any impropriety in going as an observer.

Mr. Gladstein: I don't either, but I want to show there is such a custom in the labor movement.

Presiding Inspector: Are there observers at these conventions?

The Witness: When an International holds——

Presiding Inspector: You can answer that "yes" or "no."?

The Witness: Yes, there are. [4776]

Presiding Inspector: Is this a closed meeting, this convention?

The Witness: No. The delegates have a voice and vote. Then the public can sit in the balcony, and that is where I was seated.

By Mr. Gladstein:

Q. Now, I think you testified, in response to questions by Mr. Del Guercio, that on the Friday night when you saw Cannalonga, the same night on which you telephoned to me, when you went down to the dock you met some people there. Do you have your mind on that incident?

A. You are mistaken. It wasn't Friday night; it was on Wednesday night when I went back after the Union meeting.

Q. I beg your pardon. What people did you meet there?

A. I met one of the members of the Employers

(Testimony of Rosco George Craycraft.)

Labor Relations Committee. The gang working on No. 4 hatch was bringing out a load of flour, a load of sugar, and swing it against the side of the dock and cared it in, and——

Mr. Del Guercio: (Interposing) Your Honor, all this has been gone into.

Presiding Inspector: Yes, but it came out, didn't it—I don't recall whether it was on cross or direct.

Mr. Del Guercio: I wouldn't say positively. But I remember this same line of talk by the witness.

Presiding Inspector: I don't think it will do any harm. We would have to look it up to see what the witness said. [4777]

Mrs. King: It came out on cross, I am pretty sure, your Honor.

Mr. Gladstein: May the witness continue?

Presiding Inspector: I will allow him to state it again.

By Mr. Gladstein:

Q. Will you continue, please?

Presiding Inspector: Although I wouldn't devote much time to it.

Mr. Gladstein: I don't intend to.

A. It came out when——

By Mr. Gladstein:

Q. No, no. Just continue with your answer as to what happened that Wednesday night.

Mr. Del Guercio: His position is apparent.

Mr. Gladstein: I move that be stricken.

Presiding Inspector: I will let it stand. It is just running comment.

(Testimony of Rosco George Craycraft.)

By Mr. Gladstein:

Q. Will you continue with what took place on this evening when you met a member of the Labor Relations Committee—by the way, who was that?

A. Mr. Morris.

Q. What is his full name, do you know?

A. No, I can't say as I do.

Presiding Inspector: He isn't the professor?

[4778]

The Witness: Mr. Morris is from the Employers.

By Mr. Gladstein:

Q. What is his position?

A. He is a member of the Labor Relations Committee and does all the hiring for the Portland Stevedoring Company.

Q. Did you talk to him on that occasion?

A. Yes. When he first came down there he thought I was down there to see if there wasn't some way he could make the stevedores pay for breaking in the side of the building, and that I came down there to look over the damage.

Q. Was this at the West Cussetta?

A. At the West Cussetta dock, where the West Cusetta was tied up. [4779]

Q. Were there any others there besides Mr. Morse or Morris?

A. Oh, there were several; the sling men and the walking boss and so on like that. But Mr. Morse was the only one that discussed it with me.

(Testimony of Rosco George Craycraft.)

Q. Now, has there been anything in your past relationship with Mr. Cannalonga that would make him friendly to you?

A. I would say, Yes. In the 1936 and '37 strike I was Chairman of the Relief Committee and the Marine Firemen's Union was practically bankrupt and they were having a hard time of raising any money to feed their members. So I went before the longshore organization and other organizations and I got them to pay in their pro-rata share of expenses in running the soup kitchen. And when the 1936-'37 strike was over they owed us approximately $1,700.

Q. Who is "they"?

A. The Marine Firemen. And Mr. Cannalonga naturally would remember that because that was one way they were able to keep their membership solid on the waterfront during the strike, was because they were being fed.

Mr. Del Guercio: I move to strike the witness' entire answer.

Mr. Gladstein: Why, it is quite responsive.

Mr. Del Guercio: Improper.

Mr. Gladstein: It shows——

Presiding Inspector: (Interposing) We have gone into the [4780] question of the friendliness of these people.

Mr. Gladstein: Yes.

Presiding Inspector: I think I will let it stand.

Mr. Gladstein: Thank you, your Honor.

(Testimony of Rosco George Craycraft.)

Presiding Inspector: There might be implications from it either way.

By Mr. Gladstein:

Q. Now, do you know whether Mr. Mowery during the 1936 and '37 strike took a position similar to yours on the question of feeding members of the Marine Firemen's Union?

A. Well, I couldn't swear to that.

Q. What was your position on that publicly and openly?

A. My position was that every man that was out on strike should be taken care of regardless of whether the Union had any money or not. The Unions that did have the money should help and support their fellow brothers.

Q. And is that the position which prevailed during the strike?

Mr. Del Guercio: I move that——

Presiding Inspector: (Interposing) You can draw inferences either way.

Mr. Del Guercio: I will object to any further questions. Well, the—if you want it in I will let it go in.

Presiding Inspector: Well, Mr. Gladstein wants it in. It might as well go in. [4781]

By Mr. Gladstein:

Q. Will you please answer it.

A. The question please.

Mr. Gladstein: Read it back.

(The question referred to was read by the reporter as above recorded.)

(Testimony of Rosco George Craycraft:)

A. It did after many heated debates.

By Mr. Gladstein:

Q. You mean that there was opposition to the policy that you were in favor of?

Mr. Del Guercio: Well now, if your Honor please, we are going into opposition, too? Now, what next?

Presiding Inspector: You have got the statement that this was his attitude. Now, what difference does it make?

Mr. Myron: With the exception of Mr. Gladstein's testimony. Apparently he is framing his questions to——

Mr. Gladstein: (Interposing) I still haven't heard an objection.

Presiding Inspector: What is that?

Mr. Gladstein: I still haven't heard an objection.

Mr. Myron: No objection.

Presiding Inspector: Yes, there was an objection.

Mr. Del Guercio: The objections aren't addressed to you.

Presiding Inspector: Read the objection.

(The objection referred to was read by the reporter as follows: [4782]

"Well, now, if your Honor please, we are going into opposition, too? Now, what next"?)

Mr. Gladstein: That is a question. What is the objection?

(Testimony of Rosco George Crayeraft.)

Presiding Inspector: I think there is an objection implicit in that.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. When you were Secretary of the Portland Longshore Local the time that you went to the Aberdeen convention to have this meeting with Mr. Bridges did your position include the job of being Treasurer?

A. Yes, sir.

Q. What was the title of your position?

A. Secretary-Treasurer.

Q. Why did you go to Aberdeen to see Mr. Bridges?

Mr. Del Guercio: Well, if your Honor please, we have gone all over that. Now, he wants to go over it again.

Mr. Gladstein: We are now on redirect. This was asked on cross examination.

Presiding Inspector: I know. But he merely covered the same thing that you brought out on direct. There was no new matter there, was there?

Mr. Gladstein: I think there was, yes, on this question.

Mr. Del Guercio: The Aberdeen meeting was brought out by counsel on direct. [4783]

Mr. Gladstein: Yes. But it was gone into on cross examination.

Presiding Inspector: But I don't think there was anything new on the matter.

Mr. Gladstein: There were a few names mentioned, for example.

(Testimony of Rosco George Craycraft.)

Presiding Inspector: Yes, there were some names mentioned. You may ask about those names. But I don't see any point in wasting and taking any time on that.

Mr. Gladstein: Well now,——.

Presidng Inspector (Interposing): This ruling is for the sake of expedition.

By Mr. Gladstein:

Q. Why didn't you see Mr. Bridges in Portland on that subject?

Mr. Del Guercio: If your Honor please, I will object to that question.

Presiding Inspector: I will let him answer that.

A. To the best of my recollection, Mr. Bridges didn't stop in Portland on the way to Aberdeen. That was the reason I had to go to Aberdeen to see him. If he had stopped in Portland naturally I would have seen him there.

Presiding Inspector: That covers both questions.

By Mr. Gladstein:

Q. Now, the name of Howard Bodine was mentioned as being at Aberdeen, that there was this convention going on, [4784] was there not?

A. Yes, sir.

Q. It was a convention of what Union?

Mr. Del Guercio: That has already been gone into, your Honor. There is no question about what convention was going on.

Presiding Inspector: I will allow it for the sake of expedition again.

(Testimony of Rosco George Craycraft.)

Mr. Del Guercio: For what?

Presiding Inspector: For the sake of expedition. If I don't allow it there will be a lot of other questions.

Go ahead.

Mr. Gladstein: Will you read the question?

(The question referred to was read by the reporter as above recorded.)

A. Of the International Longshoremen's and Warehousemen's Union.

By Mr. Gladstein:

Q. Do you know whether Howard Bodine was a delegate to that convention?

A. Duly elected delegate.

Q. From what Union?

A. From Local 1-8.

Q. That is located where?

A. The Portland Local. [4785]

Q. That is the same Local of which you were an officer? A. Yes, sir.

Q. In your testimony concerning the night that you arrived in San Francisco, or I think you said something about 3:00 A.M. the time when you came down on the plane with Mr. Shoemaker, your testimony was that Mr. Shoemaker stopped off at the Palace Hotel and then I think you said "he" took you to the Lincoln Hotel. When you used the pronoun "he" did you refer to Mr. Shoemaker or somebody else?

A. No. I referred to the man driving the cab.

(Testimony of Rosco George Craycraft.)

Q. In your cross examination you testified that after the ILWU convention in the year 1941 in Los Angeles you drove back with a man named Dewey Van Brunt. Who was he, please?

A. Dewey Van Brunt is the elected delegate of the Longview Local on the Columbia River.

Q. A delegate to the convention that you attended? A. To the convention.

Q. And who were the people in the car when you drove back from Los Angeles?

A. Mrs. Van Brunt and my wife.

Q. And yourself? A. The four of us.

Q. I want to call your attention to the time that you went up to see Mr. Bridges in his office on the Friday after reading this newspaper article. What took place in that office? [4786]

Mr. Del Guercio: I object to that, if your Honor please.

Presiding Inspector: If this is just about making engagements or requesting something for the future, I will take it. But if it is any oration of past events, of course, it would not be competent.

Mr. Gladstein: It has to do with Mr. Cannalonga.

Presiding Inspector: Well, if it was something to do with what this witness had to do with Mr. Cannalonga, I will take it.

Mr. Gladstein: That's right, your Honor.

Presiding Inspector: I excluded it before under the usual hearsay rule, which I applied in this in-

(Testimony of Rosco George Craycraft.)

stance, because I thought it was very insignificant as an oration of past events.

Mr. Gladstein: All right.

Presiding Inspector: Just an arrangement for the future, I will take it.

Mr. Del Guercio: Oh, your Honor, I will make the further objection, too, that Mr. Bridges is here and on trial.

Presiding Inspector: Well, I know.

Mr. Myron: Of course, this isn't proper redirect. It wasn't brought out on cross examination.

Presiding Inspector: I know. But I excluded it the other time on a general objection. Now, I will modify that. If it is an oration of past events, of course, it is not competent and I don't want such an oration. But on the assurance [4787] of counsel that it has something to do with some arrangement, I will take it.

You may state what happened so far as the conversation related to the future, what you would do about Cannalonga or anything of that kind. That is all you want, I understand?

Mr. Gladstein: Well, of course, he was asked on cross examination about this newspaper.

Presiding Inspector: Yes. But the detail of it wasn't given.

Mr. Gladstein: No.

Presiding Inspector: It was just a newspaper article. I don't think we ought to go into dispute about it.

(Testimony of Roscp George Craycraft.)

Mr. Gladstein: He was asked some questions about the causation, if you remember.

Presiding Inspector: Yes, he was.

Mr. Gladstein: Therefore, I would like to get the facts in which will show the causation or the chain of circumstances or whatever they are.

Mr. Del Guercio: Causation only as to time, your Honor, not as to——

Mr. Myron (Interposing): It was merely a reiteration of what was asked on direct examination.

Presiding Inspector: I will take it with the understanding that we will first hear about any arrangements that were [4788] made, any request that was made by Mr. Bridges to this witness.

Mr. Gladstein: Or vice versa.

Presiding Inspector: Or vice versa. Any suggestion that was made.

Mr. Gladstein: Yes.

Presiding Inspector: Any arrangement between them, any talk between them as to the future.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. Do you have that in mind, Mr. Craycraft?

Presiding Inspector: I think that is all you want.

Mr. Gladstein: That is, yes.

A. Well, after I read the newspaper article——

Mr. Del Guercio (Interposing): You have already read the newspaper article and you are there with Mr. Bridges.

Presiding Inspector: You are up in Mr. Brid-

(Testimony of Rosco George Craycraft.)

ges' office. Now, did you suggest that you do something or did he suggest it or what did happen along that line?

Mr. Gladstein: Your Honor, maybe the witness has the newspaper article with him. I don't know. I think he should be permitted to tell what happened.

Presiding Inspector: We don't care about that. The newspaper article must have been something about what happened here.

Mr. Gladstein: In Court. [4789]

Presiding Inspector: I think we generally know as much about it as the newspapers, but I see that that isn't always the case.

A. I went up to see Mr. Bridges, told him that I had never read anything so screwy in my life. I said "If you know where Mr. Cannalonga is——"

Mr. Del Guercio (Interposing): If your Honor please, that is what this witness has been wanting to say for a long time and it is apparent that what he saw was something "screwy".

Presiding Inspector: It is only criticism of the newspaper, or it may be a criticism.

Mr. Del Guercio: You have been wanting to say that.

Presiding Inspector: We are all tolerant of criticism of the newspapers. Now, go on.

A. (Continuing) ——That if he knew where he could reach Mr. Cannalonga I would be glad to talk to him. So I told him that I would go on back to the hotel and I would wait in the hotel. And I

(Testimony of Rosco George Craycraft.)

waited there all the rest of the night for a call from Mr. Bridges, and I guess he was unable to reach Mr. Cannalonga that night.

Presiding Inspector At any rate, you didn't hear from him?

The Witness: At any rate I didn't hear from him that night. [4790]

By Mr. Gladstein:

Q. When did you next hear as to where Cannalonga was?

A. Well, I had even forgotten about it until Mr. Rodman had come out to the house that night.

Q. Did you when you were with Mr. Bridges express some desire to talk with Mr. Cannalonga?

A. I did.

Q. Will you state what was said on that occasion?

A. I said "I would sure like to sit down and talk to 'Blackie', that I believe that 'Blackie' would give me the true story on it."

Q. What was in the newspaper—what was the question and the answer that caused you to seek out Mr. Bridges and have this conversation with him?

Mr. Del Guercio: I will object to that, your Honor. It is an apparent attempt by——

Presiding Inspector (Interposing): I don't think we need to go into that.

Mr. Gladstein: All right. I will withdraw it.

(Testimony of Rosco George Craycraft.)

By Mr. Gladstein:

Q. Do you know whether Jack Mowery is a veteran of the World War?

A. He is a member of the Veterans of Foreign Wars.

Mr. Del Guercio: If your Honor please, I object to that on the following grounds: First, it couldn't possibly be [4791] within this witness' knowledge. There is no foundation to show that he has ever been in the Army or in the Veteran's Bureau or connected with the United States Army in any manner, shape or form.

Presiding Inspector: We have heard a little bit of football and so forth. I will take this. I don't see that it amounts to anything particularly.

Mr. Del Guercio: The question on cross examination was whether Mowery was a Communist or not.

Mr. Gladstein: The question always is in this case by Mr. Del Guercio, "Have you heard that so and so is a Communist?"

Presiding Inspector: I think this doesn't need any argument. Go ahead.

Mr. Gladstein: Has the question been answered?

The Reporter: Yes.

Presiding Inspector: I didn't hear it.

(The answer referred to was read by the reporter as above recorded.)

Presiding Inspector: Well, that is implicit that he was, I suppose.

(Testimony of Rosco George Craycraft.)

By Mr. Gladstein:

Q. Do you know whether Mowery has any physical defects?

Mr. Del Guercio: I will object to that, if your Honor please, unless he—upon the ground it is improper cross examination or redirect.

Presiding Inspector: You asked him how large Mowery was, [4792] And you asked him some questions about—no, you didn't ask him about his clothing. I think I will take it as passing on identification.

Mr. Gladstein: All right.

Presiding Inspector: If he is lame or has one eye or any obvious physical defects.

A. Well, he has been wounded in the World War in the leg.

Presiding Inspector: Has it left a limp or anything?

The Witness: Not so noticeable.

Presiding Inspector: Then it isn't very material.

Mr. Gladstein: May we have a short recess?

Mr. Del Guercio: Do you have another witness?

Mr. Gladstein: I don't have one here.

Presiding Inspector: Better get him. We will have a short recess.

(Whereupon a short recess was taken.)

Presiding Inspector: Now, we will go on.

(Testimony of Rosco George Craycraft.)

By Mr. Gladstein:

Q. Now, Mr. Craycraft, I think you said it requires 300 members of your Union to constitute a quorum. Is that right?

A. That is correct.

Q. You can't have a meeting unless you have 300? A. That is correct.

Q. On this evening when there was to be a special meeting at which delegates were to report on the convention, I believe you said that there were only around 25 who were there?

A. I doubt if there were that many. [4793]

Q. Did the personnel of that 25, or whatever the group was, change during the period of an hour or so during which time you were waiting for a quorum?

A. I couldn't say definitely. Maybe one or two drifted in and drifted out.

Q. When you were up in Mr. Lord's office on the Sunday, will you state where the various persons who were present were seated in that room?

Mr. Del Guercio: Your Honor, I will object to that as already having been gone into, and not proper redirect.

Presiding Inspector: I will take it, if he can answer it.

A. To my left sat Mr. Gladstein.

By Mr. Gladstein:

Q. First of all, let me ask you this: Was there a desk in the office?

(Testimony of Rosco George Craycraft.)

A. There was a desk in the office, not quite as long as the one you are sitting before and just about the same width.

Q. Where was I sitting in that room with reference to the desk?

A. You were sitting behind the desk as at present.

Q. Now, was there anybody else who was seated in proximity to the desk?

A. Cannalonga was sitting just about where Mrs. King is sitting only away from the desk. Cannalonga's chair sat in the corner just where my seat is. Mr. Lord sat at this end of [4794] the desk (Indicating)) with his back up against the wall.

Q. Would you say that I was sitting alongside or close to Mr. Cannalonga?

A. I would say about four, five, six feet.

Q. Where was Mr. Shoemaker, the Court Reporter, sitting?

A. Mr. Shoemaker was sitting across from you across the desk, and I was sitting over here about, oh, four or five feet from the desk.

Q. Now, would it be correct to say that you were seated almost on the opposite side of the room from where I was?

Mr. Del Guercio: I would object to that, if your Honor please. Leading and suggestive.

Presiding Inspector: I don't think that is quite right. He was seated at your right, wasn't he?

Mr. Gladstein: Let me ask him.

(Testimony of Rosco George Crayeraft.)

By Mr. Gladstein:

Q. Where were you seated?

Mr. Del Guercio: That has already been asked and answered, your Honor.

Presiding Inspector: Yes, But I don't understand it myself. I will let you ask that, of course, because I don't understand it.

Mr. Gladstein: Yes. All right.

A. In relation to where—— [4795]

Presiding Inspector (Interposing): It was answered, Mr. Del Guercio, but I don't understand it.

A. (Continuing) In relation to where you are seated now I would be sitting off this end of the desk (Indicating) about four or five feet back.

Presiding Inspector: That was at Mr. Del Guercio's right, but just at the end.

Mr. Del Guercio: I was going to resent that. I think you meant "Mr. Gladstein's right". You used my name.

The Witness: Right where Mr. Gladstein is sitting now, I would be sitting at about where this paper is up on top of the desck (Indicating).

By Mr. Gladstein:

Q. That is the clerk's desk? That is the clerk's desk, Mr. Crayeraft? A. Yes, sir. [4796]

By Mr. Gladstein:

Q. That is, you were not actually at the desk at all? A. No, sir.

Presiding Inspector: You were across the table and slightly at the right of Mr. Gladstein?

The Witness: That is right.

(Testimony of Rosco George Craycraft.)

Presiding Inspector: But away from the table?

The Witness: That is correct.

Mr. Gladstein: That is all, your Honor.

Presiding Inspector: Anything further?

Recross Examination

By Mr. Del Guercio:

Q. You were facing Cannalonga?

A. No; I wouldn't say that I would be.

Q. Was your back to him?

A. No; my back wouldn't be to him. I was sitting more like I am sitting now, and Cannalonga would be sitting in this direction (indicating) from me.

Q. You could see him without making any effort?

A. Oh, yes. I didn't have to turn around to see him.

Mr. Del Guercio: That is all.

Redirect Examination

By Mr. Gladstein:

Q. Have you ever been appointed to any office by the Governor of your State? [4797]

Mr. Del Guercio: I will object to this, your Honor.

Presiding Inspector: I will take it.

A. I was appointed by Governor Sprague, at the 1939 Legislature, to make a study of the Accident Commission Laws in Oregon, and make a report back to the 1941 Legislature.

Q. Are you active in that matter now?

(Testimony of Rosco George Craycraft.)

Mr. Del Guercio: Is this preliminary to something?

Presiding Inspector: This is reopening for identification.

Mr. Gladstein: Yes; with your permission.

Presiding Inspector: Yes. This is really the only question?

Mr. Gladstein: Yes.

Presiding Inspector: Are you still active?

The Witness: No. That Commission would go out when the 1941 legislature would meet. Our report was for the 1941 Legislature.

By Mr. Gladstein:

Q. When was that report made?

A. That was made over a period of 1939-1940 and completed around November in 1940.

Mr. Gladstein: That is all.

Presiding Inspector: That is all.

(Witness excused.)

Mr. Del Guercio: Your Honor, I have a motion to make. [4798]

Presiding Inspecotr: Yes.

Mr. Del Guercio: In view of the testimony elicited here from this witness it is apparent that Cannalonga was available, was available to counsel, and could have been brought here had they wanted to.

You will recall this witness testified that he had been asked to come down here by Mr. Gladstein to testify in this case on Tuesday. Cannalonga was still available on Tuesday, his whereabouts were known. It is obvious, therefore that Mr. Gladstein, or anyone else, didn't want Cannalonga to come down here.

Presiding Inspector: Well, the evidence is that he said he would come if everything went well in Seattle.

Mr. Del Guercio: Further, arrangements had been made to have Shoemaker come down here.

Cannalonga, according to this witness' testimony, was going up to Seattle. Why didn't they wait until after what-you-call-him returned from Seattle?

Presiding Inspector: I don't know. But under all the circumstances I will deny the motion.

Mr. Gladstein: We had expected the cross examination of Mr. Craycraft to take the balance of the day and we, frankly, are not prepared to place another witness on the stand this afternoon.

Under the circumstances, we will ask that we may be per- [4799] mitted to take up one matter which Mrs. King desires to take up now. I think it requires the presence of Major Schofield.

Mrs. King: If he is not prepared to come in at this time we can go into the reading of further testimony from the previous hearing.

Presiding Inspector: I am sure he is prepared. Will you ask Major Schofield to come in?

(Whereupon Mr. Del Guercio left the room to summon Major Schofield.)

Mr. Del Guercio: He will be in here in a moment.

Presiding Inspector: Just a moment.

(Whereupon Major Schofield entered the court room.)

Presiding Inspector: Now, Mrs. King?

Mrs. King: If your Honor please, I believe that Major Schofield has seen the paper which I am holding in my hand, which purports to be a copy of a letter dated December 19, 1934, from the Commissioner of Immigration and Naturalization, the then Commissioner of Immigration and Naturalization, D. W. MacCormack, to Mr. George O. Brisbois, Chief of Police of Phoenix, Arizona, with reference to the testimony of Mr. Honig at a trial before Mr. Justice Edwad J. McGoldrich, in Special Term, Part V, Supreme Court, on October 6, 1933.

I believe that Major Schofield has very kindly consented to assure your Honor that this is a copy of the letter which was sent by the Commissioner of Immigration to Mr. George O. [4800] Brisbois under that date, and that there is a carbon copy of that letter in the files of the Immigration and Naturalization Service.

Presiding Inspector: Is that right?

Mr. Del Guercio: With this further observation: That not only did the Major see that letter, the copy that Mrs. King has, but the Major gave it to her.

Major Schofield: If your Honor please, I verified that fact by telephoning to the Central Office

in Washington that the letter, a copy of the letter shown to me is a copy of a carbon copy of a letter allegedly written, purportedly written by one of my predecessors, Colonel MacCormack, now deceased, on December 19, 1934, apparently a reply to a letter from the Chief of Police of Phoenix, Arizona, dated November 18, 1934.

Presiding Inspector: That, in the Major's own words, is what you stated.

Mrs. King: Yes; stated in my own way.

Presiding Inspector: Yes.

Mrs. King: I should like to offer in evidence this copy of the letter from Commissioner MacCormack upon the ground that it contains statements tending to contradict the testimony of the witness, Honig, with reference to the disaffiliation of the Trade Union Unity League from the Red International of Labor Unions, which we believe to be an important question in this case. [4801]

As your Honor knows, and I think as the Immigration Service will concede, the stenographic minutes of the hearing before Justice Edward J. McGoldrich, in Special Term, Part V, Supreme Court, on October 6, 1933, have been destroyed so that we do not have the minutes of that hearing.

This is the only available evidence of what was said by Mr. Honig at that trial.

In the letter Commissioner MacCormack says the following:

"With reference to the Trade Union Unity League and its former connection with the Red International labor unions, we have sworn state-

ments in our files as to the motion adopted at a meeting of that organization in New York City on July 1, 1933 'to discontinue and sever the then existing affiliation with the Red International of Labor Unions, an international organization of trade unions, of the said Trade Union Unity League and of all its constituent parts and associated organizations.' It appears that testimony to the same effect was given by Nathaniel Honig, then editor of 'Labor Unity', in the case of Chatham Shoe Company v. Shoe Workers Industrial Union at the trial had before Mr. Justice Edward J. McGoldrich in Special Term, Part V, Supreme Court, on October 6, 1933."

At the hearing in this case, under date of April 22, 1941, Nat, or Nathaniel Honig, testified there had been no such disaffiliation and all that had happened was that the affiliation was dropped off the letterhead. But he stated most positively [4802] that there had been no disaffiliation. We believe that this contradicts his testimony, and his testimony in an important issue of which he had personal knowledge because of his connection with the Trade Union Unity League, he being then the editor of its paper, Labor Unity, and as going to the credibility of Nat Honig, we believe that this letter is admissible and we offer it in evidence.

Mr. Del Guercio: If your Honor please, I assume that Mrs. King was not arguing in support of her motion to admit the letter.

Presiding Inspector: She may have it marked for identification at this time.

(The copy of letter referred to was thereupon marked for identification as Alien's Exhibit No. 25.)

ALIEN'S EXHIBIT No. 25
FOR IDENTIFICATION

U. S. Department of Labor
Immigration and Naturalization Service
Washington

December 19, 1934.

Mr. George O. Brisbois,
Chief of Police,
Phoenix, Arizona.

My dear Mr. Brisbois:

Thank you for your interest in writing me your letter of November 18, 1934.

The situation in Phoenix has caused us much concern, and we already have a representative of the Department making investigations in Arizona and are assigning a specially qualified man to study the set-up of the organizations concerning which there has been the charge that their principles are such as to bring them within the scope of the immigration acts.

With reference to the Trade Union Unity League and its former connection with the Red International labor unions, we have sworn statements in our files as to the motion adopted at a meeting of that organization in New York City on July 1, 1933 "to discontinue and sever the then existing affiliation with the Red International of Labor

Unions, an international organization of trade unions, of the said Trade Union Unity League and of all its constituent parts and associated organizations." It appears that testimony to the same effect was given by Nathaniel Honig, then editor of "Labor Unity", in the case of Chatham Shoe Company v. Shoe Workers Industrial Union at the trial had before Mr. Justice Edward J. McGoldrich in Special Term, Part V, Supreme Court, on October 6, 1933.

We appreciate your interest and cooperation and hope that, in the event you discover evidence which will permit proceedings under the immigration act, you will be good enough to communicate with the local officials of the Immigration and Naturalization Service or to advise me directly.

Very truly yours,

D. W. MacCormack

D. W. MacCORMACK

Mr. Del Guercio: We object to this letter for a number of reasons. We don't, of course, attack the authenticity of the document as such. That has been admitted by the Major. But we object to its introduction for the reason that it is not evidence of anything. It doesn't contradict, or appear to contradict anything that Mr. Honig has testified to in this trial.

Mrs. King has quoted a portion of this letter as follows:

"With reference to the Trade Union Unity League and its former connection with the Red International Labor unions, we have sworn statements in our files as to the motion adopted at a meeting of that organization in New York City on July 1, 1933 [4803] 'to discontinue and sever the then existing affiliation with the Red International of Labor Unions, an international organization of Trade Unions, of the said Trade Union Unity League and of all it constituent parts and associated organizations.'"

And then follows this:

"It appears that testimony to the same effect was given by Nathaniel Honig."

To the same effect as what? To the effect that a resolution had been passed.

Now, your Honor, I don't believe that counsel here would contend, or are contending, or propose to offer evidence that the Trade Union Unity League at any time actually disassociated, disaffiliated, as counsel said, itself from the Red International of Labor Unions. There is, however, positive testimony in this record, uncontroverted, that the Trade Union Unity League never did disassociate itself from the Red International of Trade Unions.

Now, Mrs. King has spoken of the manner in which this document was written, or some connection with it.

We are informed that the late Mr. MacCormack only had before him information. I believe he had a letter from Roger Baldwin to the effect that Roger Baldwin had received a telegram from Jack

Stachel to the effect that a motion had been made, or a resolution had been adopted, severing affiliations.

Now, the Court knows who Jack Strachel is. There is [4804] evidence in this record to show that he occupied, and still occupies, a high position in the Communist Party. He was a member, and had been a member, and probably still is a member of the highest Communist Committee here in this country, the Politbureau, Political Committee of the Communist Party of the U. S. A..

As the Major has told the Court, there are no sworn statements of any kind in the Immigration files; and while the deceased MacCormack speaks of sworn statements in our files he may have said that inadvertantly and meant they had information in the files.

So, for those reasons, I object to the introduction of this letter in evidence.

Mrs. King: If your Honor please, I believe in the first place, with reference to what Mr. Del Guercio says about our not being prepared to prove this disaffiliation, I doubt very much whether it, being a collateral matter, would be admissible in any event. I believe that everything that Mr. Del Guercio says may have to do with the weight of this evidence, but not of the question of its admissibility.

You have here a letter in which the highest official in the Immigration Service, short of the Secretary, states that he had certain things before him,

and there is an assumption that those things were then before him.

I think that everybody who has had to do with the Immigration [4805] Service knows that the files of that office are extremely complicated. It is quite possible that sworn statements which were then before Commissioner MacCormack are not now available, without throwing any doubt on the fact that they were, and that Commissioner MacCormack had them at the time this letter was written.

Furthermore, with specific reference to the testimony of Mr. Honig, there is nothing else to show what he testified to. These sworn statements may very well have contained evidence of that, but here is a man high in the Immigration Service, in the very Government Department that is prosecuting this case, that makes a statement with reference to what Mr. Honig testified to. And it seems to me that after his death we are not in a position to say what he acted upon particularly when all of those things are not before me. This is the nearest thing we have to proving what Mr. Honig said at that trial, and it is in conflict with his testimony at this hearing.

We believe, on the question of his credibility and even, if there is any question of the admissibility of it, the problem of disaffiliation, that it is admissible on both of those grounds. But I don't believe that the question of disaffiliation is before your Honor. I think what your Honor is interested in is the credibility of the witness Honig. I don't see how, in view of the state of the record, in

view of the fact that these stenographic minutes have been destroyed, and where you [4806] have a man of Colonel MacCormack's position making a statement of this kind, you can doubt that there was testimony of that kind before him, or evidence of that testimony which satisfied him as to what Mr. Honig testified to in the Chatham Shoe case.

Presiding Inspector: I will ask for the sworn statement first.

Of course, I couldn't receive the letter in that respect because that is entirely indefinite and unsatisfactory.

As to the statement that Mr. Honig testified in some certain way, that must be on information because we can't suppose that Colonel MacCormack was present at the trial in New York. There is no evidence of that kind. So it is a matter of information that he received which he undoubtedly believed. But that, I think, is far from proving that the testimony of Mr. Honig, as given, was to the effect that he there states. Consequently, I regretfully reject the offer of this letter but it may be marked for identification so you will have the benefit of the offer.

Mrs. King: Now, if your Honor please——

Mr. Del Guercio: (Interposing) May we have a five-minute recess? The Major is going away tonight and I want to consult with him.

Mrs. King: As far as we are concerned, and the fact that we have no other witnesses present, we are willing to adjourn for the day. [4807]

Presiding Inspector: I think the Major wants to, perhaps, come back.

We will take a recess.

Major Schofield: For about five minutes.

Presiding Inspector: Yes. We will take a five-minute recess.

(Whereupon a short recess was taken.)

Mr. Del Guercio: If the Court please, information has already been furnished you that Major Schofield must leave for Washington tonight. We would like to put the Major on the stand as a witness at this time.

Presiding Inspector: Very well. This is what they reserved, do you remember?

Mr. Gladstein: Well,——

Presiding Inspector: (Interposing) They reserved the introduction of testimony of Major Schofield.

Mr. Gladstein: Well, your Honor, I assume that we would have the right to cross examine, of course.

Presiding Inspector: Oh, yes.

Mr. Gladstein: And I don't have a notebook containing some notes on which I would want to cross examine.

Presiding Inspector: Send for it.

Mr. Gladstein: I will send for it, yes.

LEMUEL B. SCHOFIELD

called as a witness on behalf of the Government, being first duly sworn, was examined and testified as follows: [4808]

Direct Examination

By Mr. Del Guercio:

Q. Will you state your name, please.

A. Lemuel B. Schofield.

Q. And what is your occupation at the present time?

A. I am Special Assistant to the Attorney General in charge of the Immigration and Naturalization Service.

Presiding Inspector: And your address?

The Witness: Washington, D. C., Department of Justice.

Q. Now, Mr. Schofield, were you in San Francisco on April 22, 1941.? A. I was.

Q. And did you at any time on that day—were you at any time on that day present at the time that James O'Neil was present? A. I was.

Q. And where was that?

A. It was in an office building, I think the number is 111 Sutter Street, San Francisco.

Q. Is that in the office of the FBI?

A. It was.

Q. And who else was present?

A. Mr. E. J. Connelley, Assistant Director of the Federal Bureau of Investigation; a Federal Bureau of Investigation Agent by the name of Michael Cassidy; yourself, Mr. Del Guercio, and myself.

[4809]

(Testimony of Lemuel B. Schofield.)

Q. And was Mr. O'Neil there? A. O'Neil.

Q. Did you have any conversation with Mr. O'Neil that night? A. I did.

Q. Did the rest of those present have any conversation in your presence with Mr. O'Neil?

A. Yes. You and I, I think, asked most of the questions and conducted most of the conversation. There were, as I recall it, some questions and some statements made by Cassidy. I don't recall that Mr. Connelley said anything. And, of course, O'Neil made statements.

Q. Will you state what Mr. O'Neil said that night at that time and place? What was the conversation?

A. He was asked whether he had been a Communist and stated he had been a member of the Communist Party and had been active in its behalf here in San Francisco. He was asked whether or not Harry Bridges was a member of the Communist Party, and he said he was. He then said and volunteered this: That he, O'Neil, so far as he knew, was the only man who had visual evidence of the fact that Bridges was a Communist. We asked him what he meant by that, and he said that on one occasion he had actually seen Bridges pasting dues stamps in Bridges' membership book in the Communist Party.

Mr. Gladstein: I move to strike that answer upon the ground that this is impeachment of their own witness, your [4810] Honor.

Presiding Inspector: I will take it. I think

(Testimony of Lemuel B. Schofield.)

they may impeach their own witness. Of course, it isn't original proof of the matter.

Mr. Del Guercio: If your Honor please, it isn't only exactly on that line, but you will recall that O'Neil testified that what he had said that night at that time and place to Mr. Schofield and myself, Mr. Connelley and Mr. Cassidy, was true and correct.

Presiding Inspector: I remember that. I will take it.

By Mr. Del Guercio:

Q. Do you recall any other statement?

Presiding Inspector: It gets into a web of statement and contradiction, of course, but I will take it.

The Witness: What was the question?

(The question referred to was read by the reporter as above recorded.)

A. Yes. I recall that you said to him, and I also recall that I said to him, that we wanted only the truth and was he prepared to tell the truth. And he said, Yes, he was, and that what he had told us was the truth.

Q. Do you know if——

A. (Interposing) Then he was asked whether or not he would testify, and he said he would not testify. You pointed out to him that as an American citizen it was his duty to tell the truth, and we asked him why he wouldn't testify and he said that [4811] he was afraid of losing his job he had described obtaining and how he had obtained a position as broadcaster for a radio station. As I

(Testimony of Lemuel B. Schofield.)

recall it, I think it was located in a place called Marysville, California.

Q. Did he say anything as to how close he and Bridges had been?

A. He said that he didn't want to testify because he had been Bridges' friend, was still his friend and, in fact, had been asked by Bridges to head the Bridges Defense Committee.

Q. And did he also make any statements as to what would result in the event he did appear to testify?

Mr. Gladstein: Could I suggest that the witness not be led but be asked to give the conversation?

Presiding Inspector: Yes, I think that is so.

A. Well, he said that he would be known as an enemy of labor if he testified against Bridges and that he would lose all his friends in the labor movement and the labor crowd, and he wouldn't be able to live in San Francisco if he testified against Bridges. I remember that I asked him, I said, "Are you afraid?" He said, "No, I am not afraid, but I just won't testify against Bridges".

Q. Do you recall any other conversation with Mr. O'Neil at that meeting?

A. That is all that I can think of at the moment. After the meeting, oh, I do recall this, too: That it was ex- [4812] plained to him that he would be subpoenaed and, as I recall it, the subpoena was served on him then and there. And he then said that he wouldn't honor the subpoena and respond to it, and then it was explained to him—I took part

(Testimony of Lemuel B. Schofield.)

in this explanation—that if he failed to answer that subpoena we would, of course, under our duty be obliged to ask the Court to subpoena him and a subpoena would be served by a Deputy Marshal. And we pointed out to him the risks he ran if he failed to answer and respond to that kind of a subpoena. He then said that he didn't think that he would testify anyway or answer any subpoena, but he would make up his mind what he was going to do. And he also said that if we forced him to testify we "would be sorry", as he put it.

Q. Now, Major, did anyone in that room at any time threaten or intimidate or coerce James O'Neil?

A. Not in any way.

Mr. Del Guercio: You may cross examine.

Cross Examination

By Mr. Gladstein:

Q. Major, how many times have you seen Mr. O'Neil?

A. Except seeing him in Court on the attachment proceedings, I believe that's the only time I ever saw him.

Q. That is the only time you ever had a meeting in which there was a discussion?

A. That was. [4813]

Q. What day of the week was it, do you recall?

A. I think it was Tuesday, the 22nd of April.

Q. And what time did the meeting begin?

A. Well, Mr. Del Guercio and I went there, as I recall it, around 5:30. I know it was after the completion of the afternoon hearings here, and I

(Testimony of Lemuel B. Schofield.)

believe O'Neil got there somewhere shortly before 7:00 o'clock.

Q. And how long were you and Mr. O'Neil together with the others in that room?

A. It would be hard for me to state exactly, but I would say approximately three-quarters of an hour; maybe a little longer.

Q. When was the subpoena served on him?

A. During that meeting while he was in the room.

Q. What did the subpoena require him to do?

A. I think it required him to appear the following morning, though I won't be certain about that.

Q. Where? A. In this proceeding here.

Q. Did you see the subpoena?

A. I didn't.

Q. Then you don't know where it required him to appear, do you?

A. No, but it was discussed.

Q. What was the discussion on that? [4814]

A. I don't recall the discussion beyond it was a subpoena, an Immigration Service subpoena.

Q. Wasn't it a subpoena to require him to appear at 111 Sutter Street?

A. No, it was not; not that I know of.

Q. You really don't know, do you?

A. I am not certain, and I said so.

Q. What was Mr. O'Neil's condition as to sobriety?

A. Well, he was perfectly sober as far as I could tell.

(Testimony of Lemuel B. Schofield.)

Q. How close did you get to him?

A. Oh, after the meeting was over I talked with him a few minutes. Not a few minutes. I would say really a few seconds.

Q. Where?

A. In a little passageway. It was the vestibule, you might say, from the inner office out to the outer office.

Q. Is that when you told him something about helping him out on his job?

A. I told him that on two occasions. I told him that first in the room in the presence of the others, and I repeated it when I said "good-bye" to him, in that little room, in that little corridor.

Q. Were you and he alone then?

A. Yes. It lasted probably about a half a minute or maybe three-quarters of a minute, and I was as close to him as [4815] I am—closer to him than to the stenographer, and I smelled no liquor on him. He might have had some, but he didn't look like that or act like that.

Q. Did you see that evening either of the Inspectors or FBI Agents, whichever they were, who brought Mr. O'Neil down from Marysville?

A. He entered the room with Cassidy and he was very friendly with Cassidy.

Q. I didn't ask you whether he was friendly with Cassidy.

A. No, but that's how I remember it.

Q. I wanted to know——

A. (Interposing) I got the impression that Cassidy had come with him from someplace. Where

(Testimony of Lemuel B. Schofield:)

it was I don't know, and who the other agent was, if there was an agent, I don't know.

Q. Did it appear to you at that time that Mr. O'Neil had been drinking?

A. No, it did not.

Q. Now, what precisely is your position in the Department?

A. I am an Special Assistant to the Attorney General in charge of the Immigration and Naturalization Service.

Q. Well, specifically with reference to the Immigration Service you are in charge of it, are you?

A. That is correct. [4816]

Q. Could you describe in a general way what that entails as to your duties or authority?

A. Well, the office of Commissioner of Immigration is vacant and I am filling that position.

Q. In effect, therefore, you are the Acting Commissioner, although you don't have that exact title?

A. I would say that is a correct statement.

Q. What would you say in general is the authority of the Commissioner?

A. Well, in what respect? That is a pretty broad question.

Q. Let us take with reference to deportation cases. What are the duties and what is the authority of the Commissioner with respect to deportation cases?

Mr. Del Guercio: Your Honor, I will object to this line of questioning here and I don't think it is material or relevant.

(Testimony of Lemuel B. Schofield.)

Presiding Inspector: Does this call for a statement of the statutes of the United States?

Mr. Gladstein: I don't think so. I am asking simply for—I am not sure that it is covered by a statute. I don't know.

Mr. Del Guercio: The Commissioner of Immigration and Naturalization, if your Honor please, derives his authority from the statute and, of course, that would be authorized under the rules.

[4817]

Mr. Gladstein: If he can answer the question by referring to a statute he may do so, of course, but I am asking him for a general statement of the duties and authority of the position that he is now filling as Acting Commissioner.

Presiding Inspector: I don't think that is a proper question, but if the Major will answer it it will expedite the proceedings.

A. I don't know whether I can answer it, but I will make an attempt.

The authority that I have is derived from the statutes and also from the Attorney General.

By Mr. Gladstein:

Q. What is that authority?

A. I would say, to describe it generally with respect to deportation, you ask?

Q. Yes.

A. It is to supervise the issuing of warrants of arrest and deportation and, in a general way, supervise the hearings and take jurisdiction over those

(Testimony of Lemuel B. Schofield.)

who conduct the hearings and determine through subordinates the propriety of issuing warrants of deportation after the Attorney General or those delegated by the Attorney General has decided that on the evidence an order of deportation should issue, and then under my jurisdiction comes the carrying out of the order of deportation. [4818]

Q. To what extent, if any, does your position involve you in the determination of a deportation proceeding?

A. Well, I don't know what you mean by "determination". You mean of the final decision?

Q. Well, of any part of the decision or any decision during the course of the proceedings or at any stage of it?

A. I would say the prosecution of the case, comes exclusively under my jurisdiction subject, of course, to the Attorney General, who is my superior.

Q. Yes.

A. But after the case has been finished and it is reported, it goes before the Board of Immigration Appeals, which is not under my jurisdiction; and then from the Board it goes to the Attorney General.

Q. Well now, in your position as Special Assistant to the Attorney General is it or is it not the fact that you may be called on by the Attorney General to give your recommendations or your views with respect to a particular case?

A. Oh, he could. It isn't customary, but he could.

(Testimony of Lemuel B. Schofield.)

Q. And, therefore, it is possible that the Attorney General of this country may call on you for your views or your opinions with respect to whether or not there should be a deportation order issued against Harry Bridges?

A. Well, he might. But if he didn't I would think it my duty to give him my views. [4819]

Q. I see. And you have pretty definite views on this matter, don't you, Major?

A. I do, based upon the evidence that I have examined and testimony that I have heard and the results of the investigation that has been made.

Q. You have pretty definite views against Mr. Bridges along this line, too, don't you, Major? That you have expressed yourself before a Congressional Committee in the United States Government to the effect that you are of the positive conviction that Bridges and his counsel intended by their request to obtain the names of Government witnesses or statements of Government witnesses, that they intended to obtain such information as might be given them for the purpose of fabricating a defense, haven't you?

A. I don't recall that.

Mr. Del Guercio: I object.

Presiding Inspector: I will allow it.

A. (Continuing): I don't recall that I testified before a Congressional Committee to that effect. I might have. It is my belief. [4820]

(Testimony of Lemuel B. Schofield.)

By Mr. Gladstein:

Q. Didn't you know that you expressed that belief? A. I think I have.

Q. Do you know where you have expressed it?

A. I don't recall every place. I don't know as I have expressed it more than once or twice.

Q. Do you recall any Committee in Washington before which you expressed it?

A. I frankly don't. I might have if I were asked.

Q. Do you recall testifying recently before a Sub-Committee of the Committee on Judiciary of the United States Senate? A. I do.

Q. Do you recall that you were being asked your views as to the advisability of adopting certain then pending bills? A. I do.

Q. Do you recall expressing your views as to certain provisions in those bills? A. I do.

Q. And do you recall that you, without any request from any of the members of the Committee, adverted to the Bridges case and made certain references in which you exposited your views?

A. I might have used the request made by counsel for Bridges for permission to examine all our evidence prior to [482t] the hearing as an illustration of the futility of adopting such a method of procedure in administrative hearings.

Q. That is, you chose to speak about the Bridges case without any reference having been made theretofore to it by any of the members of the Committee

(Testimony of Lemuel B. Schofield.)

to serve as an illustration of your general views on the subject matter of the bills concerning which you were testifying, correct?

A. No. I don't recall just how that incident occurred, if it did occur. It might have occurred. I remember I was called upon to testify there, asked to testify, on how the three proposed bills, setting up what you might call a Code of Administrative Procedure, would affect the Immigration and Naturalization Service.

Mr. Gladstein: Now, your Honor, I have sent for, but it has not yet arrived, some material that is in my office, and I believe it is probably on the way now. With the exception of some further questions on the basis of that material I do not think that I have any other questions of Major Schofield.

I am wondering whether it would be satisfactory to you, and with the witness, to recess temporarily until that material reaches me.

I have asked that it be sent by taxi.

Presiding Inspector: How far away is it?

Mr. Gladstein: My office is not far away, about five minutes or ten minutes by taxi. But the young man had to go [4822] there with a key and also come back.

Presiding Inspector: It ought to be here very soon?

Mr. Gladstein: I think so.

Presiding Inspector: Well, we will recess for a moment. Let me know when it arrives.

(Whereupon a short recess was taken.)

(Testimony of Lemuel B. Schofield.)

Presiding Inspector: You may proceed.

By Mr. Gladstein:

Q. Now, Major, Senator O'Mahoney was one of the members of the Sub-Committee before which you testified, isn't that true? A. He was.

Q. How is it pronounced, O'Mahoney? (Giving pronunciation). A. I believe it is.

Q. And that testimony was given on May 2, of this year?

A. I wouldn't be sure of the date.

Q. Now, do you recall Senator O'Mahoney asking you in these words, or in substance, the following question:

"In the case of deportation proceedings, for example, the issue is probably rather clear, is it not?"

A. I don't remember that specific question, but I have no doubt that something like that was asked.

Q. And your answer was, Major:

"I think so."

A. It may have been.

Mr. Del Guercio: Does counsel purport to have the [4823] questions and answers asked before the Sub-Committee? I think if he does, he should show them to the Major here.

Mr. Gladstein: I don't know—this is to refresh his recollection—and anyway it doesn't purport to be official. I don't know whether the Major has ever seen this.

Presiding Inspector: Go ahead.

(Testimony of Lemuel B. Schofield.)

By Mr. Gladstein:

Q. Do you recall Senator O'Mahoney asking you this:

"Now, then, what right—under your procedure now—has a person in such a proceeding, to go over the record and files?"

Mr. Del Guercio: If your Honor please, is this for impeachment or what?

Mr. Gladstein: This is cross examination.

Presiding Inspector: That is to show bias.

Mr. Gladstein: It is, your Honor.

Presiding Inspector: I will take it for that purpose. That is leading to something.

A. I think a question of that kind was asked of me.

By Mr. Gladstein:

Q. And your answer, Major Schofield, was: "None at all." A. Yes.

Q. And then Senator O'Mahoney asked you: "What notice does he have of the issue?" [4824] Didn't he ask you that?

A. I think that was asked and I told him that he got the notice through the warrant.

Q. As a matter of fact, your answer was in the following words, was it not:

"He is served with a warrant, just as in any other proceeding, based upon a warrant, and the warrant must be specific in its allegations, and he is therefore put on notice, and then a time is fixed for the

(Testimony of Lemuel B. Schofield.)

hearing, and the witnesses must then be present, and he must be confronted with them, and he has a right to question them and to cross examine them.

"Now, that same issue was recently raised in San Francisco, from where I have just returned in the Bridges case.

"As a matter of fact, the alien in that proceeding made an application before the hearing opened—he made an application to Judge Sears, the special immigrant inspector, who was presiding in the case here in Washington, for permission to have access to all of our file, all of our investigation, every statement made by every witness, taken either by the Federal Bureau of Investigation or by our service, thus to be put on notice in advance, not only of the nature of the charges against him—which is all anybody under our system of Government is entitled to—but, in addition to that, to all the evidence that we had so that, ostensibly, they could meet what they allege to be framed-up evidence." [4825]

Did you give that answer?

A. If you are reading from the official transcript I would say "Yes." It sounds the way I recollect that I answered the question.

Q. And Senator O'Mahoney then asked you:

"Was that request of Bridges denied?"

Didn't he ask you that? A. I think he did.

Mr. Del Guercio: May I ask if counsel purports to read from the official record?

Mr. Gladstein: I can't say that this is official. If

(Testimony of Lemuel B. Schofield.)

the Major wishes he can say that in substance he did or did not answer as this appears.

Presiding Inspector: I will allow it. It doesn't make any difference whether it is official or not.

By Mr. Gladstein:

Q. Did you, Major, answer in these words:

"It was refused. A. Yes.

Q. Did Senator O'Mahoney then ask you:

"Then I take it to be your testimony that, if this provision contained in Section 306 of S-674 were the law now—"

At which point you, Major Schofield, interrupted to say:

"You would have to do it."

Is that correct? [4826]

A. That is a little confusing to me by what you mean by that. The point is that there was a provision in one of these three proposed bills which, in every Administrative hearing, not only in our service, but the Interstate Commerce Commission, and every other type of Administrative Hearing, would require the Government to, upon request, give to the other side, whatever it might be—in our case the Alien in a deportation case—complete access to every bit of information that the Government had, including a right to go through the records and the file. I opposed that.

Q. And then didn't Senator Mahoney ask you this:

"Mr. Bridges would be entitled to go into all the files of the F.B.I., and of your bureau, the Depart-

(Testimony of Lemuel B. Schofield.)

ment of Justice, to search out anything that might seem to him to have a bearing on his case?"

A. I know there was a question like that asked and I recall I said this was too broad; he wouldn't have the right to *go the* whole file, but under the provision of the proposed legislation he would have the right to be informed of all the information that the Service had in connection with his case.

Q. And your answer was then substantially this, was it not, Major.

"Well, Senator, I wouldn't go quite that far. I don't think he would have the right to go through all the files to find out what he thought pertained to him, but I do think it would place [4827] a duty upon us to supply him with information in the form of copies of statements or whatever form it could be agreed upon that it should be done."

A. That is substantially what I said.

Q. And then the Senator asked you:

"But this says, 'shall have access to the file or record of information upon which the agency has acted—and shall be notified of such right before the record is closed or informal or tentative decision is made.'"

Didn't he ask that?

A. I don't remember it. I suppose he did.

Q. Don't you remember saying:

"Well, sir, it is bad enough, if that is interpreted merely to mean that he shall have the right to information, but it would be a monstrous suggestion,

(Testimony of Lemuel B. Schofield.)

if you were to say that an alien could go through all your files, physically."

"Now, in the Bridges case, that same motion was renewed at the hearing itself in San Francisco."

Did you say that?

A. I wouldn't be sure, but I think I referred to the motion that was first made in Washington and repeated here.

Q. Didn't Senator O'Mahoney ask you this:

"What was the disposition of the motion then?"

A. I think he did.

Q. Didn't you say this:

"Major Schofield: It was again refused. At that time [4828] the hearing judge—Judge Sears—suggested, because of the precedent in the first hearing, in which the hearing commissioner rather surprisingly had requested the Secretary of Labor to hand over to Mr. Bridges' counsel, and to the alien, all of their statements, and all of their records having to do with the evidence against him, which was done, and, because of that precedent, Judge Sears requested me to take up with the Attorney General the request that had been made, although he, himself, refused to make any such order, but requested me to take it up to the Attorney General, which I did, and the Attorney General left it to the discretion of the hearing inspector—that is, our officer who was prosecuting the case—and myself, and we promptly refused the request. The request was made ostensibly to enable the alien to investigate in advance the witnesses who were to be called against him to check on

(Testimony of Lemuel B. Schofield.)

the statements in an effort to bolster their contention that the evidence was in large respect untrustworthy and manufactured. We are positively convinced that the real purpose was for the alien to concoct false alibis, false testimony, and endeavor falsely and corruptly to meet the evidence that was fairly presented against him. Now, to permit such a thing by elective enactment, to my mind would be ruinous to any successful enforcement of the deportation statutes, and yet this provision, it seems to me, would compel it. I am only using that as an illustration but it isn't only in an important case like that——"

[4829]

At which point there was an interruption.

Do you remember giving that answer?

A. I wouldn't say I gave it word for word, but that, in substance, is what I said; and I said it because I believed it, and because of the experience in the first case, and because of intimidation of Government witnesses, and the efforts made to prevent witnesses to testify.

Q. Did I understand you to say "Intimidation of Government witnesses?"

A. Prospective Government witnesses.

Q. For this or the last case? A. Both.

Q. Do you have any in mind?

A. I wouldn't be specific as to details but I know the great difficulty that the Government has encountered in obtaining witnesses who were willing and not afraid to testify.

Q. Please state one example, name one person

(Testimony of Lemuel B. Schofield.)

who was a prospective Government witness who was intimidated by the defense?

A. I don't carry those details sufficiently in my mind, Mr. Gladstein, to give you specific cases. But I know the difficulty that Mr. Del Guercio and the prosecution has been up against.

Q. Well, now, I am not interested in difficulties. I am interested in this intimidation on the part of defense counsel [4830] of prospective Government witnesses. Do I understand that you are unable to give me a single example?

A. I won't give you names because I won't trust my memory. In fact, I didn't try to remember the names.

Q. Do you have any objection to my request, which I am now making, that you consult your records—and I don't want you to be required to stay over for this if it will take long, but it is perfectly all right with me if you authorize Mr. Del Guercio to take this matter up and testify, or anybody else—but I am interested in knowing whether you will supply from the witness stand any instance of a person that you claim as a prospective Government witness who was intimidated by the defense, either in this case or in the last case.

Mr. Del Guercio: If your Honor please, in the first place it is not a question. It is argumentative. In the second place, as counsel knows, and as the witness has indicated here, his testimony is based upon what I told him and what others have told him, and everybody else has told him.

(Testimony of Lemuel B. Schofield.)

Presiding Inspector: Well, if the witness wants to answer this request he may do so. Of course, I have no control over such a request as that.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. What is your answer to the request?

A. My answer would be that I wouldn't do it if I did know [4831] it.

Q. Then you really——

A. (Interposing): The case is not c r yet, Mr. Gladstein.

Q. No, I understand. But you really don't have of your own knowledge—you don't know of your own knowledge any single case, do you?

A. I haven't talked to more than, I think, two witnesses who testified here, or prospective witnesses. So I wouldn't know of my own knowledge. I mean, even to that extent, that they had told me.

Q. Well, then, your statement a few moments ago concerning intimidation by the Defense, not only in the present case but in he prior Bridges case, was a statement which you are making solely on the basis of hearsay? Correct?

A. Well, if you'll look at the answer that you say I gave I said that I was convinced. And I am convinced.

Q. Well, I am afraid that isn't a responsive answer, Major. Could you say in answer to my question whether your statements in the case now that you have just made under oath regarding intimidation by the defense against potential Government

(Testimony of Lemuel B. Schofield.)

witnesses, both in this proceeding against Mr. Bridges and in the proceeding two years ago, whether or not that testimony of yours was based purely on hearsay?

A. But my testimony only had to do with my belief. Now, [4832] my belief I have arrived, at first of all, with respect to the first hearing by what I've read in the record and—I mean, I have got my whole appraisal of that hearing from hearsay and from reports, of course. I wasn't even connected with the Department then.

Q. Including, I take it, the decision of Dean Landis?

A. Yes. I have read that, all of it,

Q. Now, Major, when you testified before the Sub Committee to the effect that the Hearing Commissioner in the first case—incidentally, I take it you were referring to Dean Landis? A. Yes.

Q. When you said that he "rather surprisingly had requested the Secretary of Labor to hand over to Mr. Bridges' counsel, and to the Alien, all of their statements, and all of their records having to do with the evidence against him, which was done. . . ", were you saying that of your own knowledge?

Mr. Del Guercio: If your Honor please, I object to the manner of counsel conducting himself and the manner of his reading.

Presiding Inspector: I can't control——

Mr. Del Guercio: (Interposing): No, I realize you can't control it.

(Testimony of Lemuel B. Schofield.)

Presiding Inspector: I will let the question be asked.

A. Why, of course not. I have nothing to do with that. [4833]

By Mr. Gladstein:

Q. Then why did you testify under oath that such a thing had been done when you didn't know it?

A. Well, because I know it was done from the record. But you say whether I know it "from my own knowledge". In fact, I heard you and Mrs. King state that to the Court here.

Q. State what, please?

A. That Dean Landis had requested the then Secretary of Labor to furnish Counsel for the Alien in advance information as to what the nature of the testimony was; copies of statements, as I recall it.

Q. Well, now, Major, isn't it a fact that in the first Bridges hearing it is not true that all of the statements and all of the records having to do with the evidence against Harry Bridges was handed over by the Secretary of Labor to Mr. Bridges' counsel?

A. Well, I don't know that I said "Handed over." I am not sure. If you tell me that that is a transcript I wouldn't deny the accuracy of the reporter and I certainly didn't mean that the whole thing was physically handed over in that sense. But I mean information as to the testimony, as I understand it, was furnished the Alien in the other case in contrast to this hearing.

Q. Now, you said that you had read the Landis opinion. Before I ask you the next question on this

(Testimony of Lemuel B. Schofield.)

same subject matter, I want to refer you to a portion of it which begins on page 4 of [4834] the Landis decision under the subdivision entitled "Production of Documents."

Mr. Myron: We object to that, your Honor. What is the purpose of the reference to the Landis decision?

Mr. Gladstein: It is the basis of the next question.

Mr. Myron: I think we should have the purpose of the reference. He is claiming he is referring to a decision of Landis.

Presiding Inspector: I will allow him to refer to this opinion of Dean Landis. Go on.

Mr. Gladstein: I am quoting now, Major.

Presiding Inspector: You haven't got to the question yet.

By Mr. Gladstein:

Q. "Two circumstances in this connection deserve comment. The first relates to a series of requests made by the alien for the the production of certain documentary evidence in the possession of the Government. This evidence consisted either of affidavits of witnesses taken before immigration officials—witnesses who were later called to the stand —or of correspondence between officials of the Department of Labor stating facts that tended to impeach the testimony of witnesses called by the Government. This evidence was sought purely to impeach testimony already given by witnesses for the Government. Obviously the examiner as a subordinate official of the Department of Labor could not is-

(Testimony of Lemuel B. Schofield.)

sue compulsory process for the production of documentary evidence within the possession of the Department. Counsel [4835] for the Government claiming to be bound by Department regulations, refused in each instance to produce the evidence requested even though it was then in their possession.

"The first of these requests was granted by the secretary. Thereafter to afford greater expedition the examiner was empowered to refuse or grant any such request that might be made. Some requests of this character were denied, others were granted, the basis of decision in each case being the relevancy of the documentary evidence requested."

Now, in the light of that statement, Major, aren't you able now to say that the testimony that you gave before the Sub-Committee of the Committee on Judiciary was not accurate?

A. No, I wouldn't say so at all.

Mr. Del Guercio: That is not so and counsel here is purposely doing it. He knows what was in mind.

Presiding Inspector: He has answered the question.

Mr. Del Guercio: Well, I am making an objection to it.

Presiding Inspector: The witness has already said that he would not say so.

By Mr. Gladstein:

Q. Then I understand, do I Major, that you see no inconsistency between the portion of the Landis opinion which I read to you and your answer, which has previously been read to you and which you

(Testimony of Lemuel B. Schofield.)

recognized in substance as correct, your answer given to a question before the Sub-Committee of the [4836] Committee on Judiciary? Correct?

A. No, I don't, Mr. Gladstein, for this reason: I was making a general statement. For instance, I don't recall that I said anything about "correspondence" at all in that answer. I don't think the word is used.

Q. I haven't used the word "correspondence".

A. No, but Dean Landis did.

Presiding Inspector: Is that all, Mr. Gladstein?

Mr. Gladstein: I am just looking, your Honor.

By Mr. Gladstein:

Q. Major, do you consider it in accordance with the American tradition with respect to the judicial process for you, as the Chief of the Service, prosecuting this case, to play a role, give any view, express any opinion or exert any influence for the purpose of affecting the final decision of this case?

A. Well, I don't know what you mean by that. I think it is my duty, yes, or I wouldn't be doing it. I think it is my duty to do everything I can to see that the evidence is presented here to support my conviction that Harry Bridges is a Communist, is one of the leading Communists of the United States. Yes.

Q. And to exert every influence within your power upon the Attorney General or anyone else to secure a decision in accordance with that view?

A. Every legitimate influence, except that I wouldn't [4837] include the Attorney General, no.

(Testimony of Lemuel B. Schofield.)

I mean, I would prefer him to make up his own mind after he reads the record.

Q. But you would not bar yourself from expressing your views or exerting your influence in the making of that decision?

Mr. Del Guercio: If your Honor please,——

A. (Interposing): I wouldn't bar myself, you say?

By Mr. Gladstein:

Q. Yes.

A. No. I would regard it my duty to give him what I think the evidence shows.

Mr. Gladstein: I think that is all.

Presiding Inspector: That is all, Major.

Mr. Del Guercio: Just one question, your Honor.

Re-Direct Examination

By Mr. Del Guercio:

Q. Was there any conversation there in the corridor with O'Neil?

A. Yes. As I said a minute ago to Mr. Gladstein, that took probably a half a minute or three-quarters of a minute. To be accurate, I wouldn't say it took a minute. I simply said "Goodbye" to him and shook hands, "Goodbye" to him. And I asked him this. I said, "What is it that is really worrying you here, O'Neil? Is it your job in Marysville?" And he said, "Yes." And I said, "Well, you can trust us that we will do everything we can to see that you don't lose your job [4838] or that there is any other reprisal taken against you. I don't believe that any

(Testimony of Lemuel B. Schofield.)

employer would fire any man who came into court in response to a subpoena and testified to the truth." And I said, "Won't you think it over before you make up your mind?" And he said he would, and that was the end.

Mr. Del Guercio: That is all.

Re-Cross Examination

By Mr. Gladstein:

Q. Do you know, Major Schofield, that Mr. O'Neil was fired from his job before he ever took the witness stand here?

A. No, Mr. Gladstein. I didn't know it, but I read it in the newspaper that he said so on the stand.

Mr. Gladstein: That is all.

A. (Continuing): And I know that we had nothing to do with it.

Mrs. King: May I ask simply this? I don't care whether it is off the record or on the record: Whether that letter of Major MacCormack's was turned in to the reporter by Mr. Del Guercio?

Presiding Inspector: Yes. I think it is marked for identification.

(Witness excused.)

(Whereupon, at 4:45 o'clock p.m. an adjournment was taken until Thursday, May 22, 1941, at 10:00 o'clock A.M.) [4839]

No. 10450

United States

Circuit Court of Appeals

For the Ninth Circuit.

HARRY BRIDGES,

Appellant,

vs.

I. F. WIXON, as District Director, Immigration and Naturalization Service, Department of Justice,

Appellee.

Transcript of Record

VOLUME XII

Pages 5285 to 5753

Upon Appeal from the District Court of the United States for the Northern District of California, Northern Division

Rotary Colorprint, 590 Folsom St., San Francisco

Court Room 276,
Federal Building,
San Francisco, California,
May 22, 1941.

Met, pursuant to adjournment, at 10:00 A. M. [4840]

PROCEEDINGS

Mr. Gladstein: If your Honor please, I would like to recall Mr. Henry Schmidt for a brief questioning on a matter which was brought up on cross examination of the witness.

Take the stand please.

HENRY A. SCHMIDT

called as witness on behalf of the Alien, having been previously duly sworn, testified further as follows:

Re-Direct Examination

By Mr. Gladstein:

Q. Mr. Schmidt, when you were on the stand earlier in this case you testified in substance that you had never written any articles for the People's World. You were shown an article which purported to be written by you appearing in the issue, I think, of April 7, 1938, of the People's World. Since leaving the witness stand have you made a check-up to determine how that article happened to appear in the People's World?

Mr. Del Guercio: Now, I will object to this question, your Honor, as having all been gone into, asked and answered.

Presiding Inspector: I think, for the sake of

(Testimony of Henry A. Schmidt.)

showing the truth, if Mr. Schmidt has refreshed his recollection by other matters that weren't before him at that time, I will allow this evidence.

Mr. Myron: Is this a case of changing his testimony?

Mr. Gladstein: No; it is a case of substantiating his [4841] testimony.

Presiding Inspector: I will take it whichever way it is.

By Mr. Gladstein:

Q. What is the answer to the question?

A. Yes, I have.

Q. Now, on that check-up what have you discovered with respect to the article?

Mr. Del Guercio: I will object.

Presiding Inspector: With respect to its publication?

Mr. Gladstein: Yes.

A. Our Union has for years issued a weekly mimeographed bulletin, which is written, sometimes by myself and sometimes by the regularly elected publicity man, and I checked records of the middle of the year and prior to that time, of 1938, and I found a bulletin dated March 30, 1938, which has exactly the same article that was shown me in the People's World. That bulletin is dated March 30. The same article appears in the Voice of the Federation, that is, the following day, which would be March 31, 1938. There is one portion of the bulletin which is not reproduced in the Voice of the Federa-

(Testimony of Henry A. Schmidt.)

tion, and I don't think it is reproduced in the People's World that was shown me here.

Q. What is the Voice of the Federation to which you have referred?

A. The Voice of the Federation is the official organ of the Maritime Federation of the Pacific.

[4842]

Mr. Del Guercio: Are you calling my attention to this place that you have marked here?

Mr. Gladstein: Yes, the one that begins "Rising like a monolith."

Mr. Reporter, do you have the People's World issue that is in evidence, or is it for identification?

Mr. Del Guercio: It is in evidence.

Presiding Inspector: It is in evidence.

The Reporter: Government's Exhibit 274.

By Mr. Gladstein:

Q. Now, Mr. Schmidt, you made reference in your testimony just now to a bulletin of the ILWU. I show you such a bulletin with the heading "ILWU, Local 1-10, Bulletin CIO No. 27", date "Wednesday, March 30, 1938", purporting to have been put out by the ILWU Publicity Committee, Local 1-10 at 27 Clay Street, San Francisco, and ask you if this is a bulletin to which you made reference. A. It is.

Q. And the article to which you made reference, is it the one which begins at the fourth paragraph with the initial words "Company town" and the opening sentence "Rising like a monolith besides the yellow swirling tides of the Carquinez Straits"?

A. That's it.

Mr. Gladstein: I offer this in evidence. [4843]

(Testimony of Henry A. Schmidt.)

Mr. Del Guercio: I object to its introduction in evidence as not tending to either confirm or to contradict any previous testimony given by this witness.

Presiding Inspector: I will take it for what it is worth.

Mr. Del Guercio: And it is no comparison at all with the article.

Presiding Inspector: Well, we will leave that for argument in the briefs. I will take the article. I can't stop to examine every word.

Mr. Gladstein: May we have the right, your Honor, to have the stenographic reporter make a photostat of that bulletin and substitute it for the original, and we can withdraw the original?

Presiding Inspector: Yes, that is the general practice.

(The bulletin referred to was received in evidence and marked Alien's Exhibit No. 26.)

By Mr. Gladstein:

Q. Now, Mr. Schmidt, you made reference to an issue of the Voice of the Federation under date of March 31, 1938. I show you what purports to be that issue and ask you if this is the issue to which you made reference in the testimony given by you a few moments ago. A. It is the same.

Q. Now, I call your attention to an article which appears in column seven on the front page under the headline [4844] "Sugar Union Melts When CIO Strikes", purporting to be written by Henry Schmidt, and beginning "Rising like a

(Testimony of Henry A. Schmidt.)

monolith besides the yellow swirling tides" and so forth. Is that the same article?

A. That's the same article that appears in a bulletin of the day before.

Mr. Gladstein: I offer this in evidence.

Mr. Del Guercio: I object on the same ground.

Presiding Inspector: I will take it. We will have the privilege of reading that extraordinary sentence in three different publications.

(The bulletin referred to was received in evidence and marked Alien's Exhibit No. 27.)

By Mr. Gladstein:

Q. Did you ever, Mr. Schmidt, have any communications with anybody with respect to the publication or reprinting of the article in the ILWU bulletin, the one which is reprinted in the Voice of the Federation for reprinting or republication in the People's World on April 7th?

A. No. On April 7th I was out of town and I had been gone from San Francisco for four or five days.

Q. Where were you on April 7th, 1938?

A. In Aberdeen, Washington. [4845]

Q. For what purpose?

A. To attend the annual convention of the ILWU.

Q. Do you recall when you left San Francisco to attend that convention?

A. The convention opened on the morning of the 4th which, according to the calendar that I

(Testimony of Henry A. Schmidt.)

checked was a Monday, and I couldn't have left later than the Saturday morning prior to that which would be the 2nd.

Q. Of April? A. Right.

Q. Have you checked the official proceedings—withdraw that. Were you present on the day that the convention opened on April 4, 1938?

A. I was.

Q. Have you checked the official proceedings to see whether your name appears as answering in the affirmative when the roll call was made?

A. Yes; I answered as being present.

Q. Have you checked the proceedings to see whether you were present and active in the convention on the following day, April 5th?

A. Yes. I believe my name appears on one of the pages as having said something.

(Whereupon Mr. Gladstein handed the convention proceedings referred to to Mr. Del Guercio.) [4846]

Presiding Inspector: Is there any question about his being there? We haven't had any testimony about it.

Mr. Del Guercio: There has been no previous testimony.

By Mr. Gladstein:

Q. Then I will ask this question: Have you checked the official reports—withdraw that. Were you present at the convention from the opening

(Testimony of Henry A. Schmidt.)

day in Aberdeen, that is to say, from April 4th through April the 8th or thereafter?

A. I was there every day until the last day.

Mr. Gladstein: That is all.

Presiding Inspector: Cross examination.

Recross Examination

By Mr. Del Guercio:

Q. Have you, Mr. Schmidt, checked on the truth or falsity of any other testimony that you previously gave in this hearing?

Mr. Gladstein: I object to that as argumentative and improper.

Presiding Inspector: Yes, but I think——

Mr. Del Guercio (Interposing): On the contrary——

Presiding Inspector: Just a minute. Let me rule. I think I will allow it.

A. I don't quite understand you.

Mr. Del Guercio: Read the question.

(The question referred to was read by the reporter as above recorded.) [4847]

Presiding Inspector: I don't take any implication in that.

Mr. Gladstein: All right, your Honor.

Presiding Inspector: It is just a question as to what he has done, considering and reconsidering his testimony and making a check of it.

A. No.

(Testimony of Henry A. Schmidt.)

By Mr. Del Guercio:

Q. Do you recall the date on which you appeared here to first testify?

A. You mean the day of the week or the day of the month?

Q. The day of the month or the day of the week, either.

A. No, I really don't.

Q. Have you no recollection?

A. Well, you see, I was in here several times before I testified. I didn't make any effort to keep track exactly.

Q. Did you, the day before you appeared here to testify, make a speech on behalf of the American Peace Mobilization Plan?

Mr. Gladstein: I didn't hear that.

Mr. Del Guercio: American Peace Mobilization.

Mr. Gladstein: I didn't hear the question. I heard the last part of it.

Presiding Inspector: Did you, the day before you testified here, make a speech on the American Peace Mobilization Plan? I think that was the question.

Mr. Del Guercio: American Peace Mobilization.

[4848]

A. No, I don't think so.

By Mr. Del Guercio:

Q. You mean you have no recollection?

A. Well, I recall that I was advertised as a speaker last week, or the week before, somewhere on

(Testimony of Henry A, Schmidt.)

the waterfront, but I didn't speak. If that is what you have in mind—I don't know.

Q. Would you say that you did not speak, Mr. Schmidt, last week on behalf of the American Peace Mobilization?

A. I don't think I did.

Mr. Del Guercio: If the Court please, this hasn't been so very long ago and I think we are entitled to a "Yes" or "No" answer from this witness.

Presiding Inspector: You may press him on that.

By Mr. Del Guercio:

Q. Can you answer "Yes" or "No" as to whether you did or did not speak on the American Peace Mobilization?

Mr. Gladstein: I move the question be required to be made more definite as to place, date and city.

Presiding Inspector: It is too recent.

Mr. Del Guercio: I will give the date—on May 13, 1941, at Pier 42. Maybe that will refresh your memory.

A. I did not speak.

By Mr. Del Guercio:

Q. Having been advertised up and down the waterfront there by sound trucks? [4849]

A. Yes; I didn't speak.

Q. You did not speak?

A. That is right.

Q. You were not present at the time?

(Testimony of Henry A. Schmidt.)

A. No, sir; I was in this court room.

Q. On May 13, 1941? A. Yes.

Q. And did you see Walter Stack on that day?

A. No; I am sure I didn't.

Q. Do you know if you were introduced as a speaker on that date from a truck on the waterfront?

A. I have no way of knowing. I wasn't near there.

Q. You mean you don't have any recollection?

A. I have no way of knowing. I was uptown.

Q. Now, this Voice of the Federation, Alien's Exhibit 27, who are the editors of it?

A. You mean at the present time?

Q. At the time this was issued, on March 31, 1938?

Mr. Gladstein: I object to that as immaterial.

Presiding Inspector: I will take it. I don't see it's materiality.

A. I believe it was——

Presiding Inspector: It is background.

A. (Continuing): I think O'Neil was the editor at that time.

By Mr. Del Guercio: [4850]

Q. Jim O'Neil? A. Yes.

Q. And anyone else—were there co-editors or associate editors?

A. There was the so-called Executive Board, or Executive Committee, I believe.

Q. And I call your attention here to page 4 of this issue——

(Testimony of Henry A. Schmidt.)

Mr. Gladstein (Interposing): May I see what you are calling his attention to?

(The newspaper referred to was passed to Mr. Gladstein.)

By Mr. Del Guercio:

Q. That is the same James O'Neil who appeared here at this hearing to testify?

Mr. Gladstein: What is the question, please?

Presiding Inspector: If that is the same James O'Neil that appeared here to testify.

A. Yes. [4851]

By Mr. Del Guercio:

Q. I call your attention here to page 4 of this issue under "Editorial and Executive Board". Do you know any of the people that are mentioned under it? For instance, J. W. Engstrom, President?

A. Yes.

Q. Huh? A. Yes.

Q. Is J. W. Engstrom a Communist?

A. I don't know.

Q. You have no information about him?

A. No.

Q. Is——

Mr. Gladstein (Interposing): I might mention that he testified for the Government in the last case two years ago, your Honor. That is a matter of record.

Mr. Del Guercio: In which he admitted that he was a Communist?

Mr. Gladstein: I didn't say that. I say he testified for the Government in that case.

(Testimony of Henry A. Schmidt.)

By Mr. Del Guercio:

Q. Now, I also notice the name of Z. R. Brown. Is that the same Z. R. Brown that you have mentioned in your testimony?

A. It must have been the same man. I don't know of any- [4852] body else by that name.

Q. Is that the same Z. R. Brown who was at that time a member of the Communist Party?

A. I have no way of knowing.

Q. Now, I also notice the name of John Schomaker. Is that the same John Schomaker that you have mentioned in your testimony?

A. The same man.

Q. Do you know him to be a member of the Communist Party?

A. No, sir. I never bothered to inquire about it.

Presiding Inspector: I didn't hear the answer.

The Reporter: "No, sir. I never bothered to inquire about it".

By Mr. Del Guercio:

Q. Did you ever bother to inquire about the Communist affiliations of anybody in your union?

A. No.

Q. Of Harry Bridges? A. No.

Q. Did you ever ask Harry Bridges if he was a member of the Communist Party? A. No.

Q. Did you ever tell Harry Bridges whether or not you were a member of the Communist Party?

[4853]

A. No.

(Testimony of Henry A. Schmidt.)

Q. Did you ever deny to Harry Bridges that you were a member of the Communist Party?

A. No recollection of him ever asking me.

Q. The question of whether or not there were members of the Communist Party in your Union has been brought up time and time again, has it not?

Mr. Gladstein: I will object to that as immaterial and improper cross examination.

Presiding Inspector: I don't see that that is very material. You mean brought up officially?

Mr. Del Guercio: Officially, yes, sir; and otherwise in his union. The witness here says that he has never bothered with it.

Presiding Inspector: I will allow that.

The Witness: Will you read the question back, please?

(The question referred to was read by the reporter as above recorded.)

A. Well, the word is frequently used, but it is considered a big joke and it would be usually unofficially. Officially, very seldom.

By Mr. Del Guercio:

Q. Didn't you consider that a matter of public interest as to whether or not your Union was controlled and dominated by Communists?

A. Well, I don't know how to answer that. As I said [4854] before, the matter is considered a huge joke.

(Testimony of Henry A. Schmidt.)

Q. Well, do you think it is a huge joke for a person to be accused of being a Communist?

A. No, I don't think so. But I am trying to explain how the thing is looked upon in our Union. It's just—in the course of years people have been called this, that and the other thing in the newspapers and by word of mouth. You develop a habit of paying no attention to it.

Q. Now, the question of whether or not there were Communists in your Union has been discussed in the papers also, for a long period of time, has it not? A. Oh, yes.

Q. And you never bothered to determine who were and who were not Communists in your Union?

A. That's right; yes, sir.

Q. And you are the President of the Union?

A. That's right.

Q. You claim to be a labor leader?

A. Well, I'm not boasting about it.

Q. What? A. I'm not boasting about it.

Q. You are not? Are you proud of it?

A. Not necessarily. It has caused me a lot of hard work.

Q. Do you consider your Union a typical American Union?

A. Well, I think we have done a pretty good job. [4855]

Q. You know that Communists are controlled and dominated by a foreign power, don't you?

A. I have often read that and often heard it, but I have no direct knowledge.

(Testimony of Henry A. Schmidt.)

Q. You have never bothered to inquire?

A. That's right.

Q. Now, did you write both articles that appear, the one that appears in this Voice of the Federation and the other that appears in the People's World?

Mr. Gladstein: What is the question?

A. I don't know how to answer that. I wrote the article.

By Mr. Del Guercio:

Q. Well, are they same articles?

A. They certainly read the same.

Q. Are they identical?

A. Well, I didn't bother to proof-read it, if that's what you mean.

Q. Didn't you check them?

A. Well, I didn't have a copy of the People's World to check against the——

Q. (Interposing): Are they headed the same?

A. The heading might be different.

Q. Do they start out the same way?

Mr. Gladstein: Do you mean the article or the headline? [4856]

A. Yes.

Mr. Del Guercio: The article and the headline.

Mr. Gladstein: Which is it? The article or the headline?

Mr. Del Guercio: I am asking the question.

Mr. Gladstein: Then the question is compound and I object to it.

Presiding Inspector: One by one. Are the headlines the same?

(Testimony of Henry A. Schmidt.)

The Witness: Do you mean the headlines as compared——

Presiding Inspector (Interposing): In these two publications.

The Witness (Continuing): ——as compared with the Voice of the Federation and the People's World that you showed me the other day?

By Mr. Del Guercio:

Q. Yes.

A. Right now I don't recall what the headlines were in the People's World.

Q. How much check did you make? You said you made a check on it.

A. I didn't bother to get another copy of the People's World. I just looked into our files, if we had a Voice and if we had a Bulletin. As I recall——

Q. (Interposing): The article that appeared in the Voice of the Federation, to which you testified about and which you testified you wrote, is headed "Roth's Move Falls Flat in Dock [4857] Plot", and the article in the People's World is headed "In Spite of Terror, Sugar Mill-Owners, Stick-Up Man Kennedy—Crockett Workers Build Union".

Presiding Inspector: It sound like a telegram.

By Mr. Del Guercio:

Q. Did that apply to the same article?

A. The heading?

Mr. Gladstein: Just a moment. Let the witness answer.

(Testimony of Henry A. Schmidt.)

Mr. Del Guercio: Are you making an objection?

Mr. Gladstein: I am.

Presiding Inspector: He is.

Mr. Gladstein: My objection is that counsel is not permitting the witness to answer. He started to answer the question.

Presiding Inspector: You may answer the question.

By Mr. Del Guercio:

Q. If you had any recollection.

Mr. Gladstein: I move that that be stricken.

Mr. Del Guercio: Your Honor, the witne has continually said that he didn't have a recollection.

Mr. Gladstein: I move that that also be stricken as improper.

Presiding Inspector: Yes. Let us have the question answered.

The Witness: Is your question still the same?

(The question referred to was read by the reporter [4858] as above recorded.)

The Witness: There must have been a question just before that.

(The question referred to was read by the reporter as follows:

"Q. The article that appeared in the Voice of the Federation, to which you testified about and which you testified you wrote, is headed "Roth's Move Falls Flat in Dock Plot", and the article in the People's World is headed "In Spite of Terror, Sugar Mill-Owners, Stick-

(Testimony of Henry A. Schmidt.)

Up Man Kennedy—Crockett Workers Build Union".)

Mr. Gladstein: I think the question is very ambiguous, your Honor.

Presiding Inspector: I don't quite understand it.

By Mr. Del Guercio:

Q. Well, the article that you have identified in the Voice of the Federation as being the same one which appears in the People's World on April 7, 1938 starts off "Once more Almon E. Roth, notorious shipowner's Charlie McCarthy"—no, excuse me.

A. You're reading the wrong article.

Q. How do you know that? I thought you didn't have any recollection.

Mr. Gladstein: I move that that be stricken as argumentative and improper. [4859]

Presiding Inspector: Yes. I think we had better get along with the questions.

By Mr. Del Guercio:

Q. Did you write the article yourself?

A. Yes.

Q. Have you got a copy of it?

A. You mean, is there——

Q. (Interposing): Did you retain a copy of it?

A. The copy that we retained is the bulletin.

Q. Does that bulletin purport to contain the entire article that you wrote?

(Testimony of Henry A. Schmidt.)

A. The bulletin has more material than the article that appears in the Voice of the Federation.

Q. Did you write the entire bulletin?

A. Yes.

Q. Yourself? A. Well, I am pretty sure.

Mr. Del Guercio: I was looking at another article in the Voice of the Federation. I thought that that was the one that was pointed out.

Presiding Inspector: Yes.

By Mr. Del Guercio:

Q. Is Harry Bridges responsible for your holding the present position which you occupy in the Union?

A. No; the membership is responsible.

Q. Did Harry Bridges have anything to do with obtaining [4860] that position?

A. No. The membership elected me.

Q. Did Harry Bridges support you?

A. I think so.

Q. Well, don't you know?

A. Well, I'm sure of it.

Q. And do you support Harry Bridges?

A. Yes.

Q. And who is the—what is Mervyn Rathborne's position in your Union?

A. He doesn't belong to our Union.

Q. Does he occupy any position at all in the CIO set-up?

A. Yes. At the present time he is the Secretary of the San Francisco Industrial Union Council.

(Testimony of Henry A. Schmidt.)

Q. And where does he have his office?

A. In the Balboa Building.

Q. The same building you do?

A. No. I don't have my office there.

Q. The same building as Harry Bridges?

A. Yes.

Q. And in the same suite of offices.

A. Well, they have an entire floor there. There is the State CIO. The whole business is there.

Q. You know Mervyn Rathborne, don't you?

A. Yes. [4861]

Q. How long have you know him?

A. Since the '36-'37 strike.

Q. Has Mervyn Rathborne ever given you any order as to what you should do in your Union or anywhere else? A. Has he given me what?

Q. Orders? A. No.

Q. Huh? A. Certainly not.

Mr. Del Guercio: That is all.

Redirect Examination

By Mr. Gladstein:

Q. Mr. Schmidt, did you write the headlines that appeared above the article of yours in the Voice of the Federation?

A. No. The only thing that is produced in our office that I wrote in connection with it is the material that appears in the bulletin, and what happened after that I have no way of knowing. The newspaper people themselves, they write headlines.

Q. Now, how are the union bulletins, the ILWU Union bulletins, prepared? Who is responsible

(Testimony of Henry A. Schmidt.)

for the preparation of them and what is the actual practice?

A. Well, it's my responsibility to see that it gets out, although I don't always do the actual writing unless one of the publicity fellows gets sick or doesn't show up, and he usually appears on Tuesday morning in the office and gathers up his [4862] material and I give him some material that has accumulated during the week. Then during the course of the day the stencil is cut. Sometime in the afternoon somebody runs it off on the mimeograph machine, and then the following morning the bulletin is distributed to the members on the waterfront.

[4863]

Q. Is it a practice of the Voice of the Federation to reprint the official bulletins of the Longshore and other unions?

Mr. Del Guercio: I will object to that, what the practice was.

Presiding Inspector: Is there any such thing as a practice in that respect?

Mr. Gladstein: There may be.

Presiding Inspector: Let's find out whether there was a practice.

Mr. Gladstein: I asked if there was such a practice.

A. As far as our union is concerned, yes; the stenographer has instructions to send that bulletin to the labor papers immediately after it comes out of the mimeograph machine; and it is not only sent

(Testimony of Henry A. Schmidt.)

there, but it is sent to all the other longshore locals on the Coast.

Mr. Del Guercio: I move to strike out the witness' answer as not being responsive. He was asked to give the practice.

Presiding Inspector: That is what he said, the practice was to send this bulletin to all these papers he mentioned. I will let it stand.

Mr. Gladstein: I think that is all.

Mr. Del Guercio: That is all for the present.

Presiding Inspector: That is all.

(Witness excused.) [4864]

Presiding Inspector: Next witness, Mr. Gladstein.

Mr. Gladstein: I understand that that copy of the Voice of the Federation, which I offered, and which was received in evidence, I think that is our last exhibit—you say that is the last copy the Voice has?

Mr. Schmidt: The only one we have in our office.

Mr. Gladstein: That is the only one that the Union has—and Mr. Schmidt would like to have it back, so I am going to ask the same permission for photostating this.

Presiding Inspector: Yes; that may be done.

Will you stand and raise your right hand?

FRED HEINER

called as a witness on behalf of the Alien, having been first duly sworn, testified as follows:

Presiding Inspector: Give your name and address to the reporter.

The Witness: Fred Heiner,—H-e-i-n-e-r.

Direct Examination

By Mr. Gladstein:

Q. Mr. Heiner, where do you reside?

A. 155 Ellington Avenue.

Q. Ellington—how do you spell it?

A. E-l-l-i-n-g-t-o-n.

Q. San Francisco? A. Yes, sir.

Q. What is your occupation? [4865]

A. Ship clerk.

Q. By whom are you employed?

A. Waterfront Employers Association.

Q. Here in San Francisco?

A. That is correct.

Q. How long have you been engaged in the occupation of being a ship clerk?

A. Approximately two years.

Q. Prior to that time what did you do?

A. Longshoreman.

Q. For how long had you been a longshoreman before that? A. Since 1922.

Q. And in what ports did you work as a longshoreman?

A. The Port of San Francisco.

Q. As a longshoreman did you belong to a trade union of longshoremen?

(Testimony of Fred Heiner.)

A. I belonged to the only union which was here, which was the Blue Book.

Q. When was that?

A. In 1923 I joined.

Q. For how long were you a member of the Blue Book?

A. From 1923 until 1933.

Q. That is a period of about ten years?

A. That is correct.

Q. Thereafter did you become a member of any other union? [4866]

A. I then joined the ILA.

Q. That was the San Francisco Local, was it?

A. Yes, sir.

Q. Was that ILA 38-79?

A. That is correct.

Q. Do you remember when in 1933 you joined it? A. Approximately October.

Q. Since that time have you continuously remained a member of the ILA and its successor, the ILWU? A. That is correct.

Q. While you were in the longshore union have you ever held any positions or offices?

A. Yes; I was a member of the Labor Relations Committee.

Q. For which union?

A. For the longshoremen's union.

Q. When did you hold that position?

A. In 1935 and '36.

Q. What other positions?

(Testimony of Fred Heiner.)

A. I was a member of the Board of Trustees of the Local.

Q. When did you hold that position?

A. In 1934, I believe.

Q. Any other positions?

A. I was on the Defense Committee during the '34 strike.

Q. What Defense Committee was that?

A. That is the Legal Defense Committee for the Local. [4867]

Q. Who were the members of that Committee?

A. Eugene Dietrich and myself.

Q. Have you held any other positions in longshore unions besides those you have mentioned?

A. One other; I believe I was a member of the District Executive Board.

Q. Well, you were a member of that?

A. Yes, I was.

Q. When did you hold that office?

A. 1937 and 1938.

Q. What is the first union you ever joined?

A. The first union I joined was the "Wobblies."

Q. When did you join them?

A. 1921 or 1922.

Q. How old were you then?

A. Oh, about 15 or 16 years old, I believe.

Q. Where were you when you joined?

A. In Belden, California.

Q. How long did you remain a member of the "Wobblies"? A. For about three years.

(Testimony of Fred Heiner.)

Q. Was is after that that you became a member of the Blue Book union?

A. That is correct—no, simultaneous I think I belonged to the two unions.

Q. Now, in 1934 you say you were a member of the Legal [4868] Defense Committee for the longshore union? A. That is correct.

Q. Did you hold that position from the first day of the strike?

A. No. It was a few days after the strike I think when the Defense Committee was formed.

Q. Within how short a period after the strike began?

A. I would say the first week.

Q. And what, in general, was the nature of your responsibilities as a member of that Committee?

A. Well, the responsibility that we had was to see that the charges on which the members of the union were booked and to secure defense for the members of the local.

Q. Did it include getting the men out on bail?

A. That is correct.

Q. And did you serve from the time of the creation of that committee until the end of the strike?

A. That is right.

Q. That would be from May 9, 1934 to and including July 31.

A. That is correct.

Q. While you were a member of that Committee—withdraw that. Did that Legal Defense Com-

(Testimony of Fred Heiner.)

mittee have any connection with the Strike Committee?

A. It was part of the Strike Committee.

Q. In what way would the Legal Defense Committee work [4869] with or as a part of the Strike Committee?

A. Daily they would give their reports to the Strike Committee and receive instructions from the Strike Committee as to how to proceed.

Q. And who was the Chairman of the Strike Committee? A. Mr. Bridges.

Q. From the time that you became a member, from the time that the Defense Committee was created, did you attend as a member of the Defense Committee all meetings of the Strike Committee throughout the period of the Strike?

A. That is correct. I attended all but three, I believe.

Q. When did those three occur?

A. Right after the general strike. Oh, I think, July 5th was the first—July 6th must have been the second, or the first day that I missed.

Q. During the period of the general strike?

A. Yes.

Q. How long was the general strike?

A. Three or four days; I don't remember exactly.

Q. You say that you missed a period of how many days? A. Three days.

Q. What was the occasion of your missing those meetings?

(Testimony of Fred Heiner.)

A. I received an injury. I was kicked by a policeman's horse and laid up for a couple of days. [4870]

Q. Was that the only occasion that you missed Strike Committee meetings?

A. That is correct.

Q. Now, do you know whether members of the Strike Committee were required to receive special permission from the Strike Committee in order to leave San Francisco?

Mr. Del Guercio: If your Honor please, I will object to that question.

Presiding Inspector: I don't understand where we are going; probably you do. I trust you to connect this up with something that is material.

Mr. Gladstein: I think it is, your Honor.

Presiding Inspector: I don't see how it is material as yet, but I will take it with that understanding.

Mr Gladstein: Do you want the question read?

The Witness: Yes.

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: Is that a resolution, or a practice, or what was it—required how? The question is very indefinite.

Mr. Gladstein: Let us see if the witness can answer it.

A. For any member of the Strike Committee to leave the City of San Francisco, or do anything

(Testimony of Fred Heiner.)

connected with the strike, he must have gotten permission from the Strike Committee. [4871]

Presiding Inspector: You say "must." Was that by the law of the State, of the United States, or by rule of the organization?

The Witness: That was by rule of the organization.

Presiding Inspector: I think you should produce the rule of the organization, if it was a written one.

Was it a written rule?

By Mr. Gladstein:

Q. In what form——

Presiding Inspector: No. Answer my question.

Mr. Del Guercio: The Court has asked a question.

Presiding Inspector: Just a moment. Was it a written rule?

The Witness: It was a rule, I believe, that was established in the Strike Committee itself and should appear in the minutes of the Strike Committee.

Presiding Inspector: I think we ought to have those minutes, if this is of any importance. I can't see how it is of the slightest importance. Suppose someone disobeyed the rule? Are you trying to show that someone couldn't have gone away from here because he didn't get permission of the Strike Committee? Is that the idea?

Mr. Gladstein: I am showing that in the normal

(Testimony of Fred Heiner.)

course of events it was required, if a member of the Strike Committee wished to leave the City of San Francisco during the time that the strike was on, that he receive permission from the [4872] Strike Committee. I am trying to show that men who served on the Strike Committee, and on committees that were integrated with it, know of their own recollection that Mr. Bridges never asked, was never given permission to leave San Francisco, or to leave that strike; that it is their recollection that Mr. Bridges was in San Francisco on every day of the 1934 Strike.

Presiding Inspector: Let us hear from Mr. Bridges first before we have that.

Mr. Gladstein: He will testify on that. But we are not confined to just the testimony of Mr. Bridges.

Presiding Inspector: Of course you are not; but at the present time I can't see any point in this.

Mr. Gladstein: Your Honor will recall the testimony of Mr. Laurence on this matter. Do you remember Mr. Laurence's testimony?

Presiding Inspector: Yes.

Mr. Gladstein: He said that occurred during the 1934 strike on Thursday night.

Presiding Inspector: That doesn't make any difference whether it was a rule or not. You can't show by observance of a practice whether or not a man was or was not in a place.

Mr. Gladstein: I differ with your Honor on that.

(Testimony of Fred Heiner.)

Presiding Inspector: That is my understanding.

Mr. Gladstein: I think the law entitles us to introduce [4873] evidence to the effect that there was a practice or a rule, what the circumstances were that involved——

Presiding Inspector: Let us hear whether there was a rule.

Mr. Gladstein: I think that law entitles us to in- Strike Committee, by its own action, required members of the Strike Committee to remain, not to leave the vicinity of the strike without special permission from the Strike Committee. I think that is quite natural and logical. It would seem very, very unusual for men engaged in a strike of the scope and character of the 1934 Waterfront Strike, not to bind themselves by some such rule, but to permit anyone to leave and go anywhere at any time. There must be some sort of responsibility in carrying out the tasks of the strike, and we are trying to show there was this responsibility.

Presiding Inspector: Well, I haven't ruled you couldn't show it, but I have ruled that this is just a loose statement by this witness, without any introduction, and it is scarcely probative. Let us hear how this rule was adopted, or was it just a custom?

Mr. Gladstein: There will be testimony from Mr. Bridges on this very same issue, of course.

Presiding Inspector: All right.

Mr. Del Guercio: Is this for the purpose of giv-

(Testimony of Fred Heiner.)

ing support to what Harry Bridges may or may not say?

Mr. Gladstein: It is for the purpose of establishing [4874] one of the parts of the defense. I do not care how Mr. Del Guercio—he hasn't any right to inquire as to just what our specific purpose is. This is the defense case. The theory of our defense——

Presiding Inspector: I have a right to require you to show its materiality.

Mr. Gladstein: Certainly; and I am always glad to respond to any inquiry as to materiality.

Presiding Inspector: I think it is of doubtful materiality. Go ahead.

Mr. Gladstein: What was the last question, please?

Presiding Inspector: I think he answered it. He said there was such a rule.

Mr. Del Guercio: He didn't answer the question that way.

(The last question referred to was read by the reporter as above recorded.)

The Reporter: Do you want the answer?

Presiding Inspector: Yes.

(The answer referred to was read by the reporter as above recorded.)

Mr. Del Guercio: That wasn't the question I had in mind. I had in mind the question asked by the Court.

(Testimony of Fred Heiner.)

Presiding Inspector: How the custom was established, or the rule, or whatever it was.

The Reporter: Do you want me to read that?

Presiding Inspector: Suppose you ask it over again? [4875]

Mr. Gladstein: I think it has been answered.

Presiding Inspector: Very well.

By Mr. Gladstein:

Q. Mr. Heiner, with the exception of the period during the general strike itself, that is during the four or five days, whichever it was, of the general strike, with the exception of that part of that time when you were at home with this injury, did you see Harry Bridges on each day of the 1934 Waterfront Strike?

A. It was the custom of the Defense Committee—— [4876]

Presiding Inspector: No. The question is, Did you see him every day.

The Witness: The answer is, Yes.

By Mr. Gladstein:

Q. Now, will you explain the circumstances under which you saw him every day.

A. It was the custom of the Committees to report to the Central Strike Committee every day, even including Sundays at times, and the Committees had to give their reports and receive their instructions from the Central Strike Committee, the Committee of which Mr. Bridges was Chairman.

Q. Was there ever a day—withdraw that.

(Testimony of Fred Heiner.)

Now, when you say that the various Committees would have to report to the Strike Committee, did that include the Defense Committee, of which you were a member?

A. That is correct.

Q. What other Committees made their reports to the Strike Committee for instructions?

A. The Relief Committee.

Q. What?

A. The Relief Committee.

Q. Any other?

A. The Picketing Committee. The Good and Welfare Committee, and there were numerous other smaller Committees which I don't remember right now. [4877]

Q. Well, was there a regular period of each day, each week day, assigned for the reports of the Defense Committee to the Strike Committee?

A. Yes, there was. It was two o'clock in the afternoon.

Q. Where were those meetings held?

A. At the Union hall at 113 Steuart Street.

Q. How long were they? How long did they take?

A. From an hour to two hours.

Q. Did you have a great deal of business as a member of the Defense Committee?

A. Quite a bit.

Mr. Del Guercio: If your Honor please, I will object to all this as not being the best evidence. There is available—I assume there is—minutes of

(Testimony of Fred Heiner.)

this Strike Committee and their activities available there to Harry Bridges and the Defense.

Mr. Gladstein: I am not sure that there are. As a matter of fact, we have been making a search for the minutes of the Strike Committee of the strike of 1934 and we have thus far been unable to locate them.

Mr. Del Guercio: They have been in the possession there of the Defense all along.

Mr. Gladstein: I just got through saying that we have not had them, that we have been making a search for them.

Presiding Inspector: I don't think this goes to any specific question that the objection was made to. The objec- [4878] tion was interposed to the whole line.

Mr. Del Guercio: The whole line; yes, sir.

Presiding Inspector: I will let it stand.

By Mr. Gladstein:

Q. Now, Mr. Heiner, as a member of the Legal Defense Committee in 1934 can you state approximately how many cases of arrests of longshoremen occurred in San Francisco during that strike?

Mr. Del Guercio: I will object to that as being immaterial.

Presiding Inspector: I don't see how that is material.

Mr. Gladstein: Well, it is preliminary.

Presiding Inspector: What?

Mr. Gladstein: It is preliminary to something that I want to bring out, your Honor.

(Testimony of Fred Heiner.)

Presiding Inspector: I think it may have an ulterior effect, that we can't go into the details of this strike.

Mr. Gladstein: We are not going into the details. I want to show the reason——

Presiding Inspector: (Interposing) How many cases were there that came under the supervision of this Committee? Is that the idea?

Mr. Gladstein: Of the Defense Committee which would require, as your Honor will see when the figures are mentioned, continuous discussion with and obtaining of instructions from [4879] the Strike Committee daily.

Presiding Inspector: It is pretty remote, but I will allow the number.

How many?

A. I believe we counted them once and I believe there were 705 cases during the period of the '34 strike.

By Mr. Gladstein:

Q. How many of those men were ever convicted?

A. One, to my knowledge, in San Francisco.

Presiding Inspector: I think that was very improper. I said we couldn't go into the details of this strike.

Mr. Gladstein: I am not going into the details of the strike.

Presiding Inspector: Then you immediately asked a question as to the details of the strike.

(Testimony of Fred Heiner.)

What difference does it make how many were convicted?

Mr. Del Guercio: I move that it all be stricken.

Presiding Inspector: There is no objection to it, but it seems to me it is an improper question.

Mr. Del Guercio: I move that it be stricken.

Presiding Inspector: I will let it stand.

Mr. Myron: The objection stands to the whole line of inquiry, your Honor.

Presiding Inspector: Certainly.

By Mr. Gladstein: [4880]

Q. Were you among those arrested during the strike? A. Yes.

Mr. Del Guercio: I will object to that, if your Honor please.

Presiding Inspector: We are going right into the strike. I can't see any point in it. You said you weren't going to go into the strike.

Mr. Gladstein: I am asking this witness as to whether he has been arrested.

Presiding Inspector: Is that something to do with his credibility? Is that what you mean?

Mr. Gladstein: Well, I assume that the Government will probably——

Presiding Inspector: It is to avoid the—very well, on that point. I thought you meant this in relation to his knowledge. I thought that you offered this in relation to his knowledge of *that* the Defense Committee did.

Mr. Myron: I think, your Honor, his question was, Were you arrested during the strike?

(Testimony of Fred Heiner.)

Mr. Gladstein: I asked him was he arrested during the strike. I can ask him that.

Presiding Inspector: I think I will allow it as just a question about arrest and convictions that we have heretofore allowed to be asked of a witness. I will take that.

A. The question was, Was I arrested during the strike? [4881]

Mr. Gladstein: Yes.

Presiding Inspector: I don't know that arrest amounts to anything, but both sides throughout this case have asked whether witnesses have been arrested, and I think I will allow it.

A. Yes, I was arrested twice during the strike.

By Mr. Gladstein:

Q. Were you convicted on either occasion of any crime? A. No, sir.

Q. Have you ever been convicted of any crime?

A. No, sir.

Q. What were you——withdraw that.

Now, in these various positions that you have held while you were with the Longshore Union did you have frequent occasions, Mr. Heiner, to work with Harry Bridges in trade union matters?

Mr. Del Guercio: I will object to that question, your Honor. It doesn't matter whether he worked with Harry Bridges in trade union matters.

Presiding Inspector: What are you going to ask? More questions along the line of the questions put to Mr. Kagel?

Mr. Gladstein: I intend to, yes.

(Testimony of Fred Heiner.)

Mr. Del Guercio: The question as to whether he worked with Harry Bridges on Communist activities would be more pertinent, it seems to me.

[4882]

Mr. Gladstein: I move that that be stricken.

Presiding Inspector: Yes, I will strike it out. You mustn't do that.

Mr. Gladstein: Will you read the question, please.

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: Now, I suppose you could produce every member of a union that voted for him on these matters. I don't see that it is material in the slightest.

Mr. Gladstein: I don't intend to produce——

Presiding Inspector: (Interposing) I doubted the propriety of the examination of Mr. Kagel, you remember that. But I certainly don't think that from a union man that you should introduce such proof.

Mr. Gladstein: Well, this man, of course, has had contacts in the trade union movement with Mr. Bridges which were in general of a different character from the contacts that Mr. Kagel had.

Presiding Inspector: You see, there is going to be no testimony that he hasn't well performed the duties of his office.

Mr. Gladstein: I am not so sure of that, your Honor. I mean, if we can assume that that is true;

(Testimony of Fred Heiner.)

if we could assume that that is true, we might consider that the issue was closed. But we don't know what the theory of Mr. Del Guercio [4883] is in this case. It varies from time to time.

Presiding Inspector: There is no evidence of it so far and his case is closed.

Mr. Gladstein: You must expect, though, that the Defense has a right to anticipate with reasonable grounds positions that the Government may take or may shift to, and attempt in the presentation of the Defense in contemplation of those possibilities to put on testimony refuting a possible or potential or reasonably probable position that the Government may take.

Presiding Inspector: Yes.

Mr. Gladstein: You see, the Defense as always

Presiding Inspector (Interposing: I think that is so, but I don't think it is reasonably probable.

Mr. Gladstein: If we can have some assurance from Mr. Del Guercio on this issue, then perhaps

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Presiding Inspector (Interposing): You can't tell what is coming out on the examination.

Mr. Del Guercio: The Government's position has never shifted. We have had one issue involved here, and that is whether or not Harry Bridges is a member of the Communist Party. We have never shifted from that at any time.

Mr. Gladstein: Of course, I suppose the Government cannot shift from the position taken by its

(Testimony of Fred Heiner.)

own witnesses, because the Government when it places a witness on the stand vouches for his credibility and for his testimony and is bound, in [4884] theory, by what the witness says.

Presiding Inspector: Not as much as it used to be.

Mr. Gladstein: Yes. While it is no answer for Mr. Del Guercio to say that "Our position has been that Mr. Bridges is a Communist" when we are discussing this issue here as to whether the Government will introduce evidence to the effect that Mr. Bridges has been a bad trade unionist, not a good trade unionist, from which it might claim inferences could be drawn by the Court to the effect that he must therefore be allied with a group that isn't interested in trade unionism but interested in some ulterior purposes.

You see, it is the Government's witnesses, not ours, who took the stand and made a distinct, a very distinct, sharp contrast between a Communist in a trade union and a good trade unionist.

Now, it is their——

Presiding Inspector (Interposing): The whole thing is very doubtful. You had a witness named Schmidt who testified that he never inquired whether any of these people that were in his union were Communists or not; never thought it amounted to anything.

Mr. Gladstein: That is true.

Presiding Inspector: That is the essence of his testimony.

(Testimony of Fred Heiner.)

Now, you go over on the other side and want to show that this man is a good trade unionist; now, what bearing has that? [4885]

Mr. Gladstein: Well, your Honor, I think that you must remember that witnesses——

Presiding Inspector (Interposing): I allowed it in two cases from what might be called experts, I suppose, who were outside people, who had observed his conduct. I have grave doubt as to the relevancy of that testimony.

Mr. Gladstein: Well, I think you were correct in admitting the testimony of Mr. Kagel and the testimony of Dean Morse. On the other hand, though I agree with you that they are in their fields experts, I do think that the testimony of a trade unionist is of equal or possibly greater value than the testimony of an expert on this question.

Presiding Inspector: This man has been elected to office right straight along by his union.

Mr. Gladstein: Yes.

Presiding Inspector: Isn't that sufficient proof of the view of the members of the union? Do you have to pile up the testimony on that?

Mr. Gladstein: Well, we are still following this theory of the Government which was enunciated by Mr. Laurence, enunciated by Mr. Chase, enunciated by Mr. Diner. I am not sure whether Mr. Honig had anythig to say about it, but the possibilities are that he did. Mr. Rushmore had something to say about it and Mr. Gitlow had a good deal to say about it. These are the Government witnesses. They

(Testimony of Fred Heiner.)

are establishing [4886] the only thing in this case that can serve as a criterion of the initia, I suppose, in a trade union or the trade union movement of a Communist or a person who belongs to the Communist Party, that his conduct will be thus and so in such a way for certain reasons.

Now, if that is their theory—I mean, it must be their theory. They have put these witnesses on. They can't be permitted to switch from that. Then we have a right to meet them on that theory.

Now, it may well be, as your Honor indicated a moment ago, that to some extent one could say that there would be inconsistent defenses. But, that of course, is in legal contemplation perfectly all right. If it is the obligation of the prosecution of this case to establish A plus B plus C, then all that the defense needs do is to meet any one of those three or, in attempting to meet all three if it chooses to do so, take positions which are inconsistent with each other.

That's a rather fundamental rule in pleading and in the trial of a case.

Mr. Del Guercio: If the Court please, the only issue that the defense has to meet here are the charges contained in the warrant of arrest and the additional charge lodged.

Presiding Inspector: Do you want to ask him the question so far as his judgment as to whether the action of Mr. Bridges has been uniformly to the advantage of the members of the union. [4887]

(Testimony of Fred Heiner.)

in order to dispose of this matter, I will allow you to ask him. That's what the question is, isn't it?

Mr. Gladstein: Well, I don't know that I asked that question. I had asked a preliminary question in order to qualify the witness.

Presiding Inspector: I mean, you may arrive at that. We want to dispose once and for all of this kind of testimony.

Mr. Del Guercio: I thought it was disposed of before, but it has been brought up every day, if your Honor please.

Presiding Inspector: It is over your objection. But I don't want all the unions to be coming in here and swearing to this.

Mr. Gladstein: I must say this, your Honor: I know that you have a right to say "Well now, you are producing testimony which is cumulative. I will allow you within reasonable limits to produce such testimony, but I can't permit you to go on forever with a certain type of testimony".

I realize that. But I think before we come to that point that we should have some understanding here, because we are prepared and we intend to have representatives from Portland, Seattle, Los Angeles, San Francisco, from various unions testify on this subject.

We have heard from witnesses produced by the Government who—and I mean no offense by this, but who to our minds are renegades from the trade union movement. We desire by the testimony of men who are high in the trade union movement

(Testimony of Fred Heiner.)

[4888] to show that they, as the result of their contacts with Harry Bridges and their opportunities to observe him and to judge, are able to come in and say that he is a good trade unionist, he has never done anything to indicate that he was anything but, or that he had any ulterior purpose in mind or that he was trying to undermine the Government or any trade union or do any of the things which the Government witnesses say in this case are the marks of a Communist.

Now, it is true that your Honor would have a right to say to us "Well, we can't have this go on". But we at least would be entitled to put in some kind of an offer. And I think if we had the usual ethics of a case applied we would at least be entitled to a stipulation that, if so and so were called, if asked, he would testify to such and such.

Presiding Inspector: I have no doubt that you could produce a thousand witnesses who would testify that Mr. Bridges, so far as they have observed, has loyally fulfilled the duties of his office in the trade unions. And I don't believe that the Government is going to question it. Now, I don't see why you should pile this up. There has been no question of it up to this time.

Mr. Gladstein: I beg to disagree with your Honor. I think there is.

Presiding Inspector: No question at all.

Mr. Gladstein: I think the question has been raised. [4889]

Presiding Inspector: No, I think not.

(Testimony of Fred Heiner.)

Mr. Gladstein: Well, your Honor, the Government puts witnesses on the stand who say "Yes, yes, Mr. Bridges is a Communist"; "No, no Communist can be a good trade unionist".

Presiding Inspector: Oh, well, no. I don't find that in any way in the testimony. Mr. Diner is the one to whom you principally refer. Mr. Diner said that, as I recall it, in performing his trade union duties he thought that certain persons should not be appointed to various duties, and that he was called down by his Communist superior, and that he came to the conclusion from that in his experience that he couldn't be a good trade unionist and a good Communist at the same time. That is his testimony.

Mr. Gladstein: Yes.

Presiding Inspector: Now, you can't generalize from that.

Mr. Gladstein: Mr. Laurence testified that Mr. Bridges was, I think he called him "The greatest menace that the trade union movement has ever known".

Presiding Inspector: That was his opinion. Was there anything to base it on?

Mr. Del Guercio: It was brought out on cross examination.

Mr. Gladstein: Certainly we brought it out on cross examination to show how viciously biased the witness was.

Presiding Inspector: It may show bias, but there was no factual basis of it.

(Testimony of Fred Heiner.)

Mr. Gladstein: Well, there wasn't any more factual basis [4890] in my personal opinion than there was to anything else that was stated by the witness.

Presiding Inspector: Well, that is aside from the question.

Mr. Gladstein: But the point is, when a witness testifies flatly on a question of that kind and the Government is certainly bound by his testimony, we have a right to meet that issue, to meet them on that common ground, and to challenge them on that issue and to meet it with evidence of our own tending to refute it.

Presiding Inspector: Did you put any such evidence in in the other hearing?

Mr. Gladstein: To answer that accurately I would have to review, not the whole transcript but, say, Dean Landis' opinion simply to recall to my mind the witnesses that were put on. I think with a couple of moments' recess I could give you an answer to that.

Mrs. King: Could we have the morning recess now, if your Honor please?

Presiding Inspector: What is that?

Mrs. King: Could we have the morning recess now and then we could probably answer your question?

Presiding Inspector: I have read the report. I don't recall.

Mrs. King: I don't recall any such testimony either. [4891]

(Testimony of Fred Heiner.)

Presiding Inspector: No.

Mrs. King: But the issues were rather differently raised in that case.

Presiding Inspector: They put in these pamphlets, didn't they? Didn't they put in Lenin's "Left Wing Communism"?

Mr. Gladstein: Oh, all those pamphlets.

Mrs. King: There was no effort made to establish at that hearing that there was any affiliation along the lines that is sought to be established at this hearing. In this hearing there is the suggestion that Mr. Bridges' conduct with reference to the Marine Workers Industrial Union was very close, that maybe something could be worked out of that; that also his relation to the Communist Party was one of following a Communist Party line, whether he was a member or not; and from that same deduction might be drawn as to affiliation.

Now, it seems to me that in view of the difference of approach of the Government in this case from the approach of the Government in the last case that the Defense must necessarily meet the issue in a different way; that there was no suggestion in the first case that Mr. Bridges was a member of anything but the Communist Party. There weren't these ramifications into other organizations, and there wasn't really the emphasis upon affiliation that is being made at this time.

Presiding Inspector: That is one of the main attacks here by the Government: affiliation. [4892]

(Testimony of Fred Heiner.)

Mr. Gladstein: Yes, but in a different sense. The issue at the last trial was likewise membership in and affiliation with. But the issue was raised and decided on the basis of definitions of "affiliation" as found in Court decisions.

Now, in their opening statement here the Government has sought to point out and throughout its case its theory has been that mere association ——

Presiding Inspector (Interposing): No.

Mr. Gladstein: Well, that is what it amounts to, your Honor.

Presiding Inspector: I don't so understand it.

Mr. Gladstein: Well, I have a recollection that Judge Goodwin——

Presiding Inspector (Interposing): He may have, but I don't understand that mere casual association—there must be something mutual about it, I suppose, and there must be aid offered just as in the examples given in the statutes.

Mrs. King: It seems to me, your Honor, that one of the reasons——

Presiding Inspector (Interposing): I don't think we need to discuss this matter at this time because that is going to be a very serious matter of consideration when the case is before me for final decision and in making findings of fact and conclusions.

Mr. Gladstein: I am pretty sure in answer to your pre- [4893] vious question, that the Government in the last case did not put on witnesses to

(Testimony of Fred Heiner.)

testify as the witnesses have in this case, that you can't be a Communist and a good trade unionist, or if you are a good trade unionist you can't be a Communist, or vice versa.

Presiding Inspector: That all comes in the meaning of the word "good", and you and I and the counsel and the witness may have different interpretations of the word "good", "good trade unionist". I allowed that because it crept into some of the examination of the witnesses for the Government. But I think that when you call a member of the union and ask him whether his presiding officer of his union is a good trade unionist, it becomes absurd.

Mr. Gladstein: Well, of course, he is not a member——

Presiding Inspector (Interposing): Everyone in the union, I suppose, except some ill-affected person or some opponent, or enemies—and I suppose there are such of the Alien—would come in here and say that. And I don't think the Government in the sense that you are asking this is going to in any way dispute it.

Mrs. King: It seems to me, your Honor——

Mr. Del Guercio (Interposing): On that theory, if your Honor please, if we follow counsel's argument here, why, we could bring in witness after witness here to the effect that Harry Bridges because of his trade union activities has ruined the City of San Francisco, that it has created unemployment [4894] here.

(Testimony of Fred Heiner.)

Presiding Inspector: I am afraid that wouldn't be material.

Mr. Del Guercio: Huh?

Mr. Gladstein: But, you see, your Honor,——

Presiding Inspector (Interposing): That isn't material.

Mr. Gladstein: But that is just what is underneath the questions that Mr. Del Guercio has asked. That is implicit in every question that he asked about the Albion Hall group, the Waterfront Worker, the 1934 strike. It is no secret to us that Mr. Del Guercio is using a brief prepared by Harper Knowles and given to the Dies Committee.

Mr. Del Guercio: That is a lie, if your Honor please.

Mr. Gladstein: Because the material is the same.

Mr. Del Guercio: A scurrilous lie!

Mr. Gladstein: The material is the same.

Presiding Inspector: Let the tempers cool off a minute.

Mr. Del Guercio: If your Honor please, counsel shouldn't be permitted to be making statements, and they have been using this as a forum. We have had this record full of speeches down here and he takes every opportunity to use this Court as a forum, and we have never been permitted to make answers to those. He goes into one subject after another and continues and continues here for— I was going to say "hours", it isn't quite that bad,

(Testimony of Fred Heiner.)

but almost. And we forget, then, what he has said. He speaks about the ethics of his profession. I say that he [4895] has no ethics.

Presiding Inspector: Well, this isn't a place for recriminations.

Mrs. King: What we are trying to say, your Honor,——

Presiding Inspector (Interposing): We are trying to resolve a legal question, that is all. Somewhat legal.

Mrs. King (Continuing): ——is that the vagueness of the present charges against Harry Bridges, and particularly in view of the opening statement made by Judge Goodwin at this hearing, is such that we really don't know exactly what we are trying to meet. There are implications in these remarks that Harry Bridges is a Communist because he is a bad trade unionist, according to Laurence. And then there are implications from Mr. Rushmore that every Communist is a bad trade unionist. We are trying to meet both of those coming and going. It seems to me, that either the Government——

Presiding Inspector (Interposing): Let me interrupt you, Mrs. King. I don't understand that this Communist doctrine is a very firm one. That is, in the statement in Lenin's famous book the Communist was to get control of the trade unions for an ultimate purpose of control of the trade unions. He said that the control of the trade unions lay at the very basis of the success of the Communist movement.

Now, implicit in that must be that they must

(Testimony of Fred Heiner.)

win the confidence, these Communist members must win the confidence, and it must be assumed that they must work for the benefit of the [4896] members or they would be quickly ousted. So that you can reason in both directions from this Communist doctrine, and it isn't because a man comes in and says "Mr. Bridges in my judgment is a good trade unionist." That doesn't amount to anything. He may be doing the very thing—I don't say he is, of course, because this is all argument. He may be doing the very thing that Mr. Lenin pointed out, boring from within so as to get control of the trade unionists. So that the judgment on this or that case or on all the cases as to being a good trade unionist from the trade union member's standpoint has no bearing whatever on the question.

Mr. Gladstein: I would like to say this in response to your Honor. Here is the Government coming in with this kind of a proposition. They are trying to show that Harry Bridges—and this came out through their witness Laurence and through others, Chase testified about it, and so on—that Bridges had control of the trade unions. That he ran the ILWU and the CIO on the West Coast. And then they try to get you to draw the inference that he was doing this for an ulterior purpose and to establish the second point they first went on to show, and they do try to show, through their witnesses that Bridges is the head of the Unions here and that what he says goes.

All right. Now, if you accept that kind of a

(Testimony of Fred Heiner.)

theory then you make it almost impossible for any trade union leader in the United States to defend himself against a similar charge if he has the confidence of the members of the union or the trade union [4897] movement of which he is the head, if he has the kind of control which they say Mr. Bridges has. If, in other words, he enjoys the following of the trade unionists——

Presiding Inspector: (Interposing) No, they don't draw the inference that because he is a good trade unionist, therefore he is necessarily attempting to secure the control of the union for the Communist Party. They say that that doesn't make any difference one way or the other. It isn't pertinent on the subject, whether he is a good trade unionist or a bad trade unionist.

Mr. Gladstein: But they say——

Presiding Inspector: (Interposing) But the whole Communist doctrine is one of destruction and chicanery, and they quote the classic examples stated by Lenin himself in that famous pamphlet.

Mr. Gladstein: But your Honor, they say this:

Presiding Inspector: (Interposing) But you are trying to force them to take the position that every moment the person must be acting not for the benefit of the union but for the benefit of the Communist Party.

Mr. Gladstein: That is what the witness has said.

(Testimony of Fred Heiner.)

Presiding Inspector: Now, they may both go to the same end. It may be a Communist movement to bore from within and have control of the unions so that in the end they may bring about Communist purpose. [4898]

Mr. Gladstein: Well now, your Honor, you are speculating.

Presiding Inspector: Of course, I am speculating.

Mr. Gladstein: And the evidence——

Presiding Inspector: (Interposing) We are both speculating.

Mr. Gladstein: But the evidence of the Government witnesses is quite different. The evidence given by——

Presiding Inspector: Have you read these pamphlets?

Mr. Gladstein: No, I haven't read the pamphlets. I am talking about the evidence given by the Government's witnesses.

Presiding Inspector: I think it would be wise for you to read the pamphlets.

Mr. Gladstein: I have read some of these pamphlets in preparing for the last case.

Mr. Del Guercio: Only in pr ration?

Mr. Gladstein: Are you asking this of me or the Court?

Presiding Inspector: No, no. Don't interrupt! We are trying to reach a result here.

Mr. Gladstein: I am trying to point this out:——

(Testimony of Fred Heiner.)

Presiding Inspector: (Interposing) I am stating these things because I don't think that this testimony is in any way conclusive.

Mr. Gladstein: Well, you may not consider it conclusive, but we consider that it has weight in the case [4899]

Presiding Inspector: I think it is very, very, very remotely relevant. [4900]

Mr. Gladstein: Let me put it this way: The Government has said that Harry Bridges is the head of the Union because he is doing this in accordance with a Communist Policy to get control of a Union.

Presiding Inspector: He is head of the Union because he was elected.

Mr. Gladstein: That isn't what they say. They say he is doing this because he is carrying out a Communist Party policy. That is in effect what their position is. We are trying to show that he is head of the union, that he has been the head of it for these years because he is a good trade unionist and his followers on the Coast are legion in support of him because of his good trade union activities.

Presiding Inspector: Of course, we are discussing this on the basis that the Government claims that he is a member; we are discussing it on that basis.

You overlook, it seems, all this evidence, the point that so far as a member of the union is concerned a man may be a good trade unionist, to use that phrase, and still be a member of the Communist Party, just as your witness, Schmidt, said.

(Testimony of Fred Heiner.)

Mr. Gladstein: Some witnesses believe that; it is true they have so stated.

Presiding Inspector: Yes.

Mr. Gladstein: Others think otherwise.

Presiding Inspector: I think likely Mr. Bridges will say that. [4901]

Mr. Gladstein: He has said that at the previous trial.

Presiding Inspector: The fact that he is a good trade unionist doesn't amount to anything.

Mr. Gladstein: These are not witnesses—this has not been said by any witness on the part of the Government.

Presiding Inspector: I think it is implicit in the doctrines of the Communist Party, which are in evidence here.

Mr. Gladstein: I don't know but what I get this impression from you, Judge: That is, that your position on this matter that we are discussing is largely determined by what you have read in documents, and not by what has been the testimony of the Government witnesses.

Presiding Inspector: The documents are in evidence.

Mr. Gladstein: I realize these documents are in evidence.

Presiding Inspector: I think they are better than the testimony of any of the witnesses, even of Mr. Schmidt, we will say. The documents show the policies of the Party more than the testimony of any witness, don't they?

(Testimony of Fred Heiner.)

Mr. Gladstein: I have heard witnesses for the Government say what the policy of the Communist Party is, and what its tactics are, and what its position is, and how it is impossible for a man to be a good trade unionist and a Communist Party member. I assumed that the Government had some purpose in asking those questions of its witnesses. I assumed that Mr. Del Guercio was trying to prove something to buttress his case. [4902] I think we have a right to take him up on any issue that he presents and to show that he is wrong.

Mr. Del Guercio: The only issue is indicated in the Warrant of Arrest.

Mr. Gladstein: There is another——

Presiding Inspector: I will take this testimony. Go on. That leaves, of course, the question as to what effect I shall think should be given to it.

Mr. Gladstein: How do you mean that?

Presiding Inspector: Whether it has any bearing upon the proposition.

Mr. Gladstein: What is the last question?

Presiding Inspector: Go ahead.

Mr. Del Guercio: May we have a short recess?

Presiding Inspector: No; we will go right on with this witness.

Mr. Gladstein: We join in the request for a recess.

Presiding Inspector: Do you want it?

Mr. Gladstein: Yes.

(Whereupon a short recess was taken.)

Presiding Inspector: Now, Mr. Gladstein, I have

(Testimony of Fred Heiner.)

been thinking this matter over during this recess, which, perhaps was a very good thing to take, and I will limit you to six witnesses. You have had two on this point. That is just six [4903] too many in my judgment. We are going to rule quite sharply now. The witness will listen to the question closely and merely answer the question.

Let us get through with this. Go ahead.

Mr. Gladstein: I don't know whether there was a question unanswered or not.

Presiding Inspector: We had a long discussion.

Mr. Del Guercio: For half an hour.

Presiding Inspector: If necessary we will lengthen the hours of the session if this takes too long.

Mr. Del Guercio: It is agreeable to us to run to five o'clock if necessary.

Mrs. King: I think we should say that that would not be agreeable to us, but if we are forced to do so we will do it. We are pretty well overworked as it is.

Presiding Inspector: Go ahead.

By Mr. Gladstein:

Q. Now, Mr. Heiner, in addition to the contacts that you had with Mr. Bridges as a member of the District Executive Board, and the other positions that you have already described, have you ever had close contact with him in any strikes involving the Ship Clerks Union? A. Yes.

Mr. Del Guercio: I will object to the question.

(Testimony of Fred Heiner.)

Presiding Inspector: I will take it. [4904]

By Mr. Gladstein:

Q. When was that?

A. In 1939, the latter part.

Q. Were you a member of the Ship Clerks Union at that time? A. That is correct.

Q. Were you active in the strike?

A. I was a member of the Ship Clerks Strike Committee.

Q. Did that position, and your activity in connection with that position, bring you into frequent contact with Mr. Bridges? A. Yes.

Mr. Del Guercio: I will object to the question——

Presiding Inspector: I will take it.

Mr. Del Guercio: (Continuing) ——as immaterial and irrelevant.

By Mr. Gladstein:

Q. Have you had an opportunity through these years, to observe the conduct of Mr. Bridges and to be acquainted with his conduct with respect to trade union activities, negotiations, the conduct of strikes, arbitrations, and matters of that kind?

Mr. Del Guercio: I will object to that question unless counsel includes also his activities in the "Wobblies." This witness has testified; and he has qualified himself as being a [4905] good trade unionist, and he started off with being a member of the IWW in 1921 and 1922, and that should be included in the question.

(Testimony of Fred Heiner.)

Mr. Gladstein: I move that be stricken.

Presiding Inspector: There isn't anything to strike. I overrule the objection and the answer may go in. Go ahead.

Mr. Gladstein: I wish your Honor would caution counsel that when he gets a chance to ask questions he can ask anything he wants, and if there is an objection to be made I will object to it. But I have never suggested to him what he should put in his questions and I don't think the Court should permit him to run, not only his side of the table, but to attempt to run the defense too.

Mr. Del Guercio: I wish I could.

Mr. Gladstein: You are attempting to run the whole court room.

Presiding Inspector: Counsel, let's stop. Go ahead.

Answer the question.

The Witness: Will you repeat the question?

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: Have you had that opportunity?

A. Yes, I have. His conduct——

Presiding Inspector: That is all he asked you, whether you had that opportunity.

By Mr. Gladstein: [4906]

Q. Now, would you say, based on your contact with Harry Bridges in connection with these trade union activities, negotiations, and so on, that he has at all times been a good trade unionist?

(Testimony of Fred Heiner.)

A. Yes.

Mr. Del Guercio: Just a moment, please.

Presiding Inspector: I will take it.

By Mr. Gladstein:

Q. Did you ever observe anything in the actions or the positions taken by Harry Bridges to indicate to you that he was trying to recruit workers into the Communist Party in order to prepare them as stooges for a proletarian revolution?

Mr. Del Guercio: Your Honor, I will object to the question.

Presiding Inspector: I have taken that question before?

Mr. Gladstein: Yes.

Presiding Inspector: I will take it.

A. The answer is "No."

By Mr. Gladstein:

Q. Did you ever, in the course of your trade union contacts with Bridges, observe any conduct on his part, or se him take any position to the effect that workers and employers cannot sit down at a table, bargain collectively in an amicable way, with a result of benefits for the workers involved? [4907]

A. The answer is "No."

Mr. Del Guercio: I object to the question.

Presiding Inspector: I will take it.

By Mr. Gladstein:

Q. During the course of your contacts with Mr. Bridges did you ever observe any conduct by Mr. Bridges which appeared to you to be in support of

(Testimony of Fred Heiner.)

a policy of strikes for strikes' sake without regard to the economic interests of the workers involved?

Mr. Del Guercio: I will object to that.

Presiding Inspector: I will take it.

A. No.

By Mr. Gladstein:

Q. Did you ever observe any conduct on the part of Bridges, or any action taken by Bridges, favoring or advocating any policy of sabotage, industrial violence, or unlawful destruction of property?

A. No.

Mr. Del Guercio: I will object to that.

Presiding Inspector: I will take it. None of these things are suggested, you know, that there is anything of this kind. Go ahead.

You are putting in, as I look on it, you are erecting a straw man and knocking him down. There is no suggestion of any such thing. [4908]

Mr. Gladstein: I beg your pardon, your Honor——

Presiding Inspector: That is the way I look on it.

Go on and ask the next question.

Mr. Gladstein: I don't like the record to be left in that condition.

Presiding Inspector: We can't have discussion. I am just warning you about this matter. This is for your own good, as I look at it.

Go ahead.

(Testimony of Fred Heiner.)

By Mr. Gladstein:

Q. During your contacts with Mr. Bridges has he, within your observation, always followed a policy of advocating strikes only when they were necessary as a last resort to satisfy reasonable economic demands of the workers involved?

Mr. Del Guercio: I will object to that, if your Honor please. This witness hasn't been qualified to show that he knows what an economic matter is.

Mr. Gladstein: I move that remark be stricken. It is an insult. I think you ought to do something in the way of admonishing Mr. Del Guercio.

Presiding Inspector: I will allow it to stand. I think it is a proper objection.

Mr. Gladstein: That last statement of Mr. Del Guercio's?

Presiding Inspector: Yes. What is wrong about that?

Mr. Gladstein: I will tell you what is wrong about it: This witness has gone through the 1934 strike, the 1936 strike, [4909] a strike in 1939, and he has been a trade unionist since he was about 14 or 15 years old. Mr. Del Guercio will never know, as long as he lives, one-hundredth of what Mr. Heiner knows in the way of economic demands, trade unions and trade union activity. And you allow him to make a statement like this, insulting a witness, and when I ask you to admonish him you refuse to do it. It is a direct insult to say that the witness doesn't know what an economic demand is.

(Testimony of Fred Heiner.)

Presiding Inspector: Will you sit down, Mr. Gladstein? I won't hear you further. But we will let Mrs. King examine the witness. Go ahead.

It was a proper objection. That was the claim he made.

Go ahead, Mrs. King.

Mrs. King: I am not prepared to examine the witness.

Presiding Inspector: We will take an adjournment then for ten minutes.

I shan't hear you in this proceeding, Mr. Gladstein, further until you apologize to me for the statement.

(Whereupon a short recess was taken.)

Presiding Inspector: Now, Mrs. King, you may proceed.

Mr. Gladstein: Before we continue, your Honor, I wish the record to show that I apologize for the remarks that I made. I meant no imputation of any kind as to the partiality or impartiality, or fairness of the Court. My remarks apparently contain an implication which could be interpreted that way. I had no such intention. I am sorry, though, the [4910] remarks contained such implication.

My remarks were the result of feeling that I had, not against the Court, but against counsel on the other side.

I am sorry I made the remarks.

Presiding Inspector: I accept that statement, Mr. Gladstein. You may proceed to examine the witness.

(Testimony of Fred Heiner.)

By Mr. Gladstein:

Q. Mr. Heiner, in the course of your contacts with Mr. Bridges have you ever observed any conduct on his part that would indicate that he was a Communist, or a member of the Communist Party?

Mr. Del Guercio: I object to the question.

Presiding Inspector: Indicate to you, that is.

A. No.

Mr. Gladstein: I think that is all.

Presiding Inspector: You may examine.

Mr. Del Guercio: Mr. Myron will take over the examination.

Mr. Gladstein: There is one more question, if I may be permitted.

By Mr. Gladstein:

Q. Aside from the two arrests, Mr. Heiner, that you mentioned that occurred during the 1934 strike, and I think you said you were not convicted on either one——

A. (Interposing): That is correct. [4911]

Q. (Continuing): ——have you ever been convicted of any crime? A. No, sir.

Q. Have you ever been arrested, aside from the two occasions during the 1934 strike?

A. Yes, sir.

Q. When?

A. The exact year I don't remember.

Q. How old were you at that time?

A. I must have been around 16 years old.

Q. What was the arrest for and where did it take place?

(Testimony of Fred Heiner.)

A. In Klamath Falls, Oregon. I was picked up on suspicion of train robbery.

Q. What were the circumstances?

A. The train was dynamited. They picked up everyone in town. Later on three men were convicted of the crime.

Q. Do you know who these three men were?

A. The D'Autromont brothers.

Q. Do you know how many persons were picked up by the police in connection with that?

A. Quite a few in Klamath Falls.

Q. What happened as far as you were concerned? A. I was dismissed.

Mr. Gladstein: You may cross examine. [4912]

Cross Examination

By Mr. Myron:

Q. Are you presently a member of any union?

A. Yes, sir. Of the Ship Clerks.

Q. When did you become a member of that union?

A. Around two years ago, I believe.

Q. Have you held any positions in that union?

A. None whatsoever.

Q. How did you become a member of the union?

A. I transferred from the Longshoremen's Union into the Ship Clerks Union.

Q. Were you appointed to the Union?

A. No, sir. I was elected to the Union.

Q. Elected to membership in it?

A. Yes, sir.

(Testimony of Fred Heiner.)

Q. Originally when you became a member of the Union?

A. Yes, sir; when I became a member of the Union.

Q. Did Mr. Bridges have anything to do with your membership in the Ship Clerk's Union?

A. None.

Q. What is your present position?

A. My present position?

Q. Yes. A. Is a ship clerk. [4913]

Q. A ship clerk? A. Yes, sir.

Q. And what is that association that you spoke of and belong to at the present time? Association of ship clerks? A. It is the union.

Q. Is that the union?

A. That is a union. It is an ILWU union.

Q. I see. And that is a union you spoke of that you are now a member of? A. Yes, sir.

Q. When did you become a member of the IWW?

A. I believe to be exact in 1921.

Q. And how did you become a member?

A. I was working on a construction job for Stone & Webster at Belden, California, on the Caribou Project, a hydro-electric project.

Q. My question is, How did you become a member?

A. Well, it was the only union that I was asked to join and I joined.

Q. Did you receive a membership book?

A. I didn't hear your question.

(Testimony of Fred Heiner.)

Q. Strike that out. Did you apply for membership? A. Yes, sir.

Q. And you received the membership book?

A. That is correct. [4914]

Q. Do you have that membership book now?

A. No, sir. I have lost it years ago.

Q. How long did you remain in the IWW?

A. About three years.

Q. And what years were those?

A. I believe '21, '22 and '23.

Presiding Inspector: When were you born?

By Mr. Myron:

Q. Are you a member of the Communist Party?

Presiding Inspector: Just a moment! Let us find out when he was born.

When were you born?

The Witness: October 26, 1906.

By Mr. Myron:

Q. Are you a member of the Communist Party?

A. No, sir.

Q. Have you been at any time?

A. No, sir.

Q. A member of the Communist Party?

A. The answer is No.

Q. Are you familiar with the policies of the Communist Party? A. No, sir.

Q. Would you be able to determine the policies of the Communist Party in trade unions, what the policies of the [4915] Communist Party were at the

(Testimony of Fred Heiner.)

time of any issue being presented before the trade union?

A. I don't believe I would.

Q. How long have you *know* Mr. Bridges?

A. Since 1923.

Q. And when did you become acquainted with—where did you become acquainted with Mr. Bridges?

A. On the San Francisco waterfront.

Q. You were working at that time?

A. As a longshoreman.

Q. And Mr. Bridges was working at that time?

A. That is correct.

Q. As a longshoreman? A. Yes, sir.

Q. I think you stated that you were a member of the Blue Book Union? A. That's correct.

Q. Was Mr. Bridges a member of the Blue Book Union, too?

A. I do not know, honestly.

Q. Did you know where Mr. Bridges was employed at the time that you first met him?

A. The same employer that I was employed for.

Q. Working for the same company?

A. Yes, sir. [4916]

Q. What company was that?

A. The California Stevedore & Ballast.

Q. And when did you become a member of the ILA?

A. In the latter part of October or the first part of November of 1933, I don't remember. It is either that last week of October or the first week of November.

(Testimony of Fred Heiner.)

Q. That is in what year? A. 1933.

Q. That is about 10 years after you were working on the waterfront? A. That is correct.

Q. And during the time that you were working on the waterfront prior to the time that you became a member of the ILA, were you friendly and associated socially with Mr. Bridges? A. Yes, sir.

Q. And that friendship continued over the period of time when you first met him?

A. That is correct.

Q. To date. When did Mr. Bridges become a member of the ILA?

A. I believe in July, 1933.

Q. And what month did you become a member?

A. November.

Q. When was the ILA formed?

A. In the latter part of June. The first initiation, I believe, was in July of 1933. [4917]

Q. And subsequently you became a member of the successor of the ILA; that is the ILWU?

A. That is correct.

Q. How often did you meet Mr. Bridges during the time that you were a member of the ILA?

A. How often?

Q. Yes. A. Weekly.

Q. Once a week?

A. Well, we worked at the same docks. I should say daily.

Q. You met him daily?

A. Practically every noon hour we used to talk to each other.

(Testimony of Fred Heiner.)

Q. And over what period of time would that be?

A. Oh, I guess from around July of '33 until the strike.

Q. July of 1933 until the time the strike began?

A. Yes.

Q. Was he ever absent from work?

A. I didn't hear your question.

Q. Was he ever absent from his work on the waterfront while you were working with him?

A. Not to my knowledge. He may have been, but, I mean, I—he worked at one dock and I worked at the other dock for the same company.

Q. But you stated you met him daily? [4918]

A. During the lunch hour we used to meet quite frequently.

Q. How many times was he absent during the day from work?

A. None to my knowledge. You couldn't leave work in those days.

Q. Then, you say, your testimony is that during his employment there in the same firm that you worked for he wasn't absent from work on any day?

A. Oh, I couldn't say that. He may have been absent on some days, but, I mean, on the days that we were working, why, we would usually meet during the lunch hour.

Q. Then, as I understand it, the only times that you—that is, your conclusion is that when he was working you met him, but you don't know when he was absent from work; is that it?

(Testimony of Fred Heiner.)

A. No, nor when I was absent. I may have taken some time off or something.

Q. Did you hold any position in the ILA union?

A. Yes, sir.

Q. In 1933 or '34, prior to the strike?

A. I held none prior to the strike.

Q. And when did the strike stop?

A. The 9th of May, 1934, I believe.

Q. Now, did you hold any position during the strike in the ILA? [4919]

A. Shortly after the strike was called I was appointed to the Defense Committee by the Strike Committee.

Q. When was that?

A. Oh, after the first week of the strike, I believe.

Q. Do you know the date?

A. No, I couldn't remember it exactly.

Q. How were you appointed?

A. How was I appointed?

Q. Yes.

A. Well, just a group of names were suggested to these Committees and they were appointed by vote of the strike committee.

Q. A group of names was suggested to——

A. (Interposing): That is, the members of the Union.

Q. (Continuing): ——whom?

A. To the Strike Committee.

Q. While you were a member of the Strike Committee?

A. That is correct.

(Testimony of Fred Heiner.)

Q. How did you become a member of the Strike Committee?

A. How did I become a member of the Strike Committee?

Q. Yes.

A. At a Union meeting prior to the strike.

Q. When you spoke of a group of names being suggested what did you have in mind?

A. The Defense Committee. [4920]

Q. Well now, I am talking about the Strike Committee. Were you a member of the Strike Committee? A. Yes, sir.

Q. Well, how did you become a member of the Strike Committee?

A. At a membership meeting of the Union.

Q. And what was done?

A. Well, the Committees were formulated before the strike and each one was given their assignment. I believe myself, in my particular case, that I was unassigned.

Q. This is the Strike Committee I am talking about. How did you become a member of the Strike Committee?

Presiding Inspector: I think you had better suggest what you mean.

Mr. Myron: I think the witness has in mind the Strike Committee.

Presiding Inspector: I am not sure that he understands how he became a member, what you mean.

(Testimony of Fred Heiner.)

By Mr. Myron:

Q. Well now, you were a member of the ILA at the time the strike began, is that right, in 1934?

A. That is correct.

Q. And you said about a week later you became a member of the Strike Committee.

A. Of the Defense Committee.

Q. Were you a member of the Strike Committee? [4921]

A. I was a member of the Strike Committee before the strike had started. The Union had set up its Strike Committee before the strike.

Q. How soon before the strike?

A. That I couldn't recolleet. Approximately, I think it was about two or three meetings prior to the strike.

Q. And then how did you become a member of the Strike Committee?

A. Well, most of the men who served on the original Strike Committee volunteered for that service at a union meeting and were given the confirmation there at the meeting.

Q. I am talking about the orginal Strike Committee. How did you become a member of the original Strike Committee? A. That is the way.

Q. How?

A. Most of the men who served on that Committee volunteered on the original Strike Committee.

Q. Did you volunteer?

A. I believe I did.

Q. Did anybody suggest your name?

(Testimony of Fred Heiner.)

A. None to my knowledge.

Q. And then what was done with the volunteers? Were they all appointed to the Strike Committee?

A. By the membership meeting. They were appointed by the membership. [4922]

Presiding Inspector: That is, a vote was taken?

The Witness: Yes, elected.

By Mr. Myron:

Q. Let me understand you. You say that you were a member of the original Strike Committee. Now, that was a Committee which was established prior to the strike? A. That is correct.

Q. Now, and you became a member of that Committee in what way?

A. Through volunteering at a regular membership meeting.

Q. And was anything done with the names of the persons who volunteered? Were they elected or selected?

A. They were, I believe you would call it, selected at a membership meeting.

Q. And who selected the volunteers?

A. The Chairman of the meeting had them confirmed by the membership.

Q. Who was the Chairman?

A. Lee Holman.

Q. And he selected the names of the persons who volunteered to be members of this original Strike Committee, is that right?

A. Yes, I believe so.

Q. When was that?

(Testimony of Fred Heiner.)

A. I think about a month or maybe not. I think we met [4923] that time over two weeks and it was either one or two meetings prior to the strike.

Q. That was about two weeks prior to the 1934 strike, is that right? And you say that Lee Holman selected you to serve on this Committee?

A. No. Lee Holman only acted in the capacity of Chairman. The men were elected by the membership present at that meeting.

Q. You say that you were selected to serve on the original Strike Committee, is that right?

A. That is correct.

Q. And Mr. Holman was the one who had charge of selecting the names of those who volunteered? A. That is correct.

Q. And he was Chairman of the Committee, is that right?

A. No. He was President of the Union and Chairman of the meeting on that particular occasion.

Q. When did Holman serve as President of the ILA? A. He was their first President.

Q. And when did his official position in the Union as President end?

A. Right shortly before the strike.

Q. This was at the time——

A. (Interposing) Just shortly——

Q. (Continuing) ——that the original Strike Committee was selected? [4924]

A. That is correct.

Q. Preparations were made for the strike?

(Testimony of Fred Heiner.)

A. Yes.

Q. And Lee Holman was then President?

A. (Nodding affirmatively.)

Mr. Del Guercio: Did the reporter get the answer?

The Reporter: I got it.

Mr. Del Guercio: Nodding in the affirmative?

The Reporter: That is right.

By Mr. Myron:

Q. And you say subsequently those who served on the original Strike Committee served on the Strike Committee in the 1934 strike, is that right? The general Strike Committee?

A. I don't know what you are referring to.

Q. Well, was there any difference in the personnel of the Strike Committee, the original Strike Committee, and the Strike Committee that served in the 1934 strike?

A. (Shaking head negatively.)

Mrs. King: Mr. Heiner, will you say something instead of just shaking your head ?

Presiding Inspector: I am not sure that he understands.

A. (Continuing): I think the only difference in the personnel was one man, Mr. Holman himself. He was removed as President of the Union.

By Mr. Myron:

Q. And he was removed from the Strike Committee? [4925]

A. I believe that is correct. And Joe Johnson,

(Testimony of Fred Heiner.)

the Vice-President was then President of the Union. He succeeded the—the Vice-President succeeded the President.

Q. Now, how long did you serve on the Strike Committee?

A. From approximately the first day of the strike, and about a week later I was elected to the Defense Committee, which was part of the——

Q. (Interposing): I am talking about the Strike Committee. How long did your serve on the Strike Committee?

A. The entire length of the strike.

Q. And who were the other members of that Committee? I will withdraw that.

How many members?

A. Approximately a hundred, I would say.

Q. About a hundred members. Now, there were sub-committees appointed? A. That's correct.

Q. And how were they appointed?

A. By selection.

Q. Whose selection?

A. The selection of the men present at the strike meeting, the Committee meetings.

Q. And who was Chairman of the Strike Committee? A. Mr. Bridges.

Q. Now, what sub-committee did you serve on?

A. The Defense Committee. [4926]

Q. And who appointed you?

A. Who appointed me?

Q. To serve.

(Testimony of Fred Heiner.)

A. Mr. Dietrich, I believe, asked me if I would help. He was Chairman of that Committee and he asked me if I would want to serve on that Committee.

Q. And who appointed Mr. Dietrich?

A. The original Strike Committee.

Q. Then they appointed a one-man committee? The original Strike Committee appointed a one-man committee?

A. No. I believe there was one other man besides him on that, a man named Michaelson.

Q. And how was he appointed?

A. That I don't know. I don't believe I was present at the meeting at that particular time. I was—I believe, if I am not mistaken, I was on the Relief Committee just a few days prior.

Q. Then so far as you know Mr. Dietrich was appointed by the General Strike Committee?

A. That is correct.

Q. To serve on this sub-committee?

A. That is correct.

Q. And then he selected you and another man to serve with him, is that right?

A. That is correct. And then they were brought before the Strike Committee and approved by the Strike Com- [4927] mittee.

Q. The names of these two men, your name and the other man, were brought before the Strike Committee?

A. Speaking in my own case only. I don't know how the other man was selected.

(Testimony of Fred Heiner.).

Q. Was your name brought before the Strike Committee? A. That is correct.

Q. When was that?

A. About a week after the strike.

Q. And what took place at that meeting, if you know? You were there?

A. I was there; yes sir.

Q. What took place?

A. They asked me if I would serve on the Defense Committee.

Q. Who asked you? A. Mr. Dietrich.

Q. This was before the General Strike Committee, is that right?

A. Yes. He had seen me in the morning and he asked me if I would like to serve on the Strike Committee, and I told him that I would. And there was some objection to me being there and finally I was placed there.

Presiding Inspector: You misspoke there. Just read that answer.

(The answer referred to was read by the reporter as above recorded.) [4928]

The Witness: I was elected there.

Presiding Inspector: No. You say he asked you if you would like to serve on the "Strike Committee". Do you mean the Defense Committee?

The Witness: The Defense Committee.

Presiding Inspector: Yes.

By Mr. Myron:

Q. That was the time that your name was

(Testimony of Fred Heiner.)

brought before the General Strike Committee?

A. That is correct.

Q. And Mr. Dietrich took you aside in the committee room and asked you if you would like to serve on the Committee, and you said "Yes"; is that right?

A. No. It was on the street, I believe, in the morning he asked me.

Q. Well now, you spoke about your name being brought before the Strike Committee. Would you explain that?

A. When any man was elected to any Committee——

Q. (Interposing): No, I am just speaking of your case. What took place in your case? You spoke about your name being brought before the Strike Committee.

A. Well, my name was suggested by Dietrich, I believe. He was the one who brought it up.

Q. At a meeting?

A. At a meeting of the Strike Committee.

Q. Were you there? [4929] A. Yes, sir.

Q. And he proposed your name. Was there a motion?

Presiding Inspector: That isn't the way he said.

Mr. Myron: I am trying to understand just how he was appointed.

Presiding Inspector: As I understand it, Mr. Dietrich had spoken to him on the street in the morning and then he came to this meeting, and at the meeting—before the meeting Mr. Dietrich asked

(Testimony of Fred Heiner.)

the witness whether he would serve on the Defense Committee and, the witness having said he would, there was a confirmation of it by vote of the members of the Strike Committee. [4930]

By Mr. Myron:

Q. Is that true? A. That is correct.

Presiding Inspector: That was as I understood his testimony.

By Mr. Myron:

Q. Who was the Chairman of that meeting?

A. Mr. Bridges.

Q. Mr. Bridges?

A. You mean of the General Strike Committee?

Q. The meeting at which your name was proposed. A. Mr. Bridges.

Q. How long did you serve on that committee?

A. On the Defense Committee?

Q. That is right.

A. Until after the strike.

Q. That is, Mr. Dietrich, you and another individual? A. Yes.

Q. What was his name?

A. Michaelson, but he withdrew and there was just Mr. Dietrich and I.

Q. What were your duties as a member of this Committee?

A. To try to arrange bail for the men arrested and appoint, or see that they were given proper counsel. We had to arrange for counsel at their trials. [4931]

(Testimony of Fred Heiner.)

Q. Now, did you confer with any individuals, or any associations or organizations in connection with your duties?

A. The General Strike Committee.

Q. That was the only organization?

A. That is the only organization.

Q. You didn't solicit the advice of counsel of any other organization?

A. No, sir. We had our own counsel, a man by the name of Leo Collins.

Q. Neither as an individual, nor as a member of this Committee, on those matters which were in the scope of your jurisdiction you didn't confer with any other organization, or any other individual, with the exception of the Strike Committee, is that right?

A. With the Strike Committee, and attorneys, local attorneys practicing here in San Francisco.

Q. Who were the local attorneys?

A. Mr. Leo Collins was the attorney for the union; and Mr. Vincent Hallahan handled a couple of cases; and Mr. Charles O'Connor was another one. There were two more, but I don't recall their names.

Q. Two more attorneys? A. Yes, sir.

Q. And those are the only individuals, with the exception of the Strike Committee, is that right, with whom you conferred? [4932]

A. That is right.

Q. Now, did you confer with the Strike Com-

(Testimony of Fred Heiner.)

mittee as a whole, or with individual members of the Strike Committee?

A. It was the custom to make a daily report to the entire Strike Committee.

Q. Were they in session every day during the 1934 strike?

A. I believe there were some Sundays they didn't serve, but every week day they did meet.

Q. They met every day with the exception of Sundays?

A. Well, they didn't meet on some Sundays.

Q. What time of the day?

A. At two o'clock in the afternoon.

Q. They didn't change that time at any time during the strike, is that right?

A. On numerous occasions it was changed.

Q. On numerous occasions it was changed?

A. Yes; changed to morning meetings.

Q. When they had morning meetings they didn't have afternoon meetings, is that so?

A. Sometimes they did and sometimes they held meetings in the morning and in the afternoon. Sometimes we met twice daily.

Q. And you say that the membership of that General Strike Committee was approximately 100?

[4933]

A. Somewhere in that vicinity. It was a large Committee.

Q. Did you know any of the members of the Strike Committee?

A. I believe I knew them all.

(Testimony of Fred Heiner.)

Q. You knew them all?

A. Yes; from working with them. They were all longshoremen working on the job.

Q. Could you give us the names?

A. That is, the entire hundred?

Q. The names of some of them.

A. Surely. Henry Morrisse, McGuire——

Q. (Interposing): What?

A. McGuire, Harry Lynch, Robert Boyce, Roger McKenna, Harry Curtis, John Schomaker, Schmidt, Fred Frater, Ralph Mallen—I could go on continuously, I believe.

Q. That will be sufficient. I believe you stated that you conferred with this Committee daily?

A. That is correct.

Q. From the time that you became a member of this Sub-Committee to the end of the strike, is that right?

A. No. I was off a few days; that is, I was off three days on one occasion shortly after—I believe it was during the general strike.

Q. Now, was the entire membership of the Committee present when you gave your report?

A. The entire membership of the General Strike Committee?

Q. Yes. [4934]

A. No. At different times members were missing who were excused because they were doing work so it wouldn't be possible for them to get there at that time.

Q. Would there be records of those meetings at

(Testimony of Fred Heiner.)

which you made reports to the General Strike Committee?

A. There were records kept at that time.

Q. Who kept those records?

A. I believe the Secretary, a man by the name of Frater.

Q. Are those records in existence, if you know?

A. I wouldn't have that knowledge; I really wouldn't know.

Q. Would those records contain the names of the members who were present at various meetings?

A. That is correct; yes, they would.

Q. Was Mr. Morisse present on the days that you made your reports to the strike committee?

A. Mr. Morrisse?

Q. That is right.

A. On some occasions; yes.

Q. How many times was he absent?

A. That I wouldn't have no way of telling.

Q. Do you know what days he was present and what days he was absent?

A. Well, he was there the biggest portion of the time. He was serving on another Committee, I believe, and it is possible [4935] there would be days when he wasn't there.

Q. When you speak of the great portion of the time, how many days would you say he was absent from the Committee meetings? A. Very few.

Q. Would you know what days those were?

A. I wouldn't have no way of knowing.

(Testimony of Fred Heiner.)

Q. You spoke of Mr. Schomaker as being a member of this committee. How many days was he present at which you gave reports to the Committee?

A. He was present practically all the time, with the exception of the time he was in jail, I believe.

Q. When you say "practically" do you know the number of days he was present and the number of days he was absent?

A. Not directly. He was there the biggest portion of the time. He was head of the Publicity Committee.

Q. You wouldn't know how many days he was absent from the meetings, would you?

A. No, that I wouldn't know.

Q. Approximately?

A. I would say approximately not over five or six days during the whole strike, if he were absent.

Q. Do you know—I only want your knowledge.

A. To be truthful about it, I don't know how long he was in jail. [4936]

Q. Well, aside from the time he was in jail, if you know, how many days was he absent from the Strike Committee?

A. Not once to my memory.

Q. That is, of your own knowledge?

A. Well, I believe every time I was present he was there.

Q. And you were there every day, is that correct?

A. With the exception of about three days.

Q. With the exception of three days?

(Testimony of Fred Heiner.)

A. Yes; and I believe we had a trial at Modesto——

Q. (Interposing): What?

A. I believe there was a trial in Modesto around that time. In the mornings I would go up with the attorney and I wasn't present.

Q. How many days?

A. Two or three, I believe.

Q. That is two or three additional days, in addition to the days you have already mentioned?

A. Yes.

Q. And that may have been about a week in all?

A. Yes; something like that.

Q. About a week in all. And then you might say the meetings of the Strike Committee, which were held during the 1934 strike, about six or seven days?

A. That is correct.

Q. Would it be any more?

A. No, sir. [4937]

Q. How many days during that strike were meetings held in the morning?

A. I would say about, well, to be exact, three times to my knowledge that meetings were held in the morning.

Q. And the rest of the time the meetings were held in the afternoon? A. In the afternoon.

Q. From what time?

A. They would start at 2:00 and last approximately from an hour to two hours, according to the amount of business to be transacted at that meeting.

Q. Would you remain in those meetings?

(Testimony of Fred Heiner.)

A. Yes, sir.

Q. From the beginning to the end?

A. Not always until the end.

Q. How long would you remain at those meetings?

A. If we didn't have any cases in Court, which would come up on the afternoon calendar, we would remain until the meeting was ended; and if we had cases in court why, we would go up to the Hall of Justice in the afternoon. [4938]

Q. Now, if you didn't have any reports to make would you attend the meetings? A. Yes, sir.

Q. You would attend them? A. Yes, sir.

Q. Did you make the reports yourself?

A. Alternating with Mr. Dietrich.

Q. Well then, when Mr. Dietrich made the reports did you accompany Mr. Dietrich?

A. That's correct. Yes, sir.

Q. To the Strike Committee rooms?

A. Yes, sir.

Q. You came with him? A. Yes.

Q. And when you made the reports did Mr. Dietrich accompany you? A. Yes, sir.

Q. And Mr. Dietrich would be there on all occasions?

A. Not on all occasions. Sometimes he would have other business to attend to and he would tell me to make the report.

Q. How many times was Mr. Dietrich absent during the 1934 strike?

A. At the Committee meetings?

(Testimony of Fred Heiner.)

Q. At the Strike Committee meetings? [4939]

A. Two days to my knowledge.

Q. Who presided over the Strike Committee?

A. Mr. Bridges.

Q. At all times?

A. Not at all times. Sometimes he would be away and there would be an alternate Chairman selected.

Q. Who was the alternate Chairman?

A. It would be one of the men, whoever they happened to elect. They would elect a Chairman each time.

Q. On how many occasions during the 1934 strike did you have an alternate Chairman?

A. Well, to my knowledge I would say three times: Once Mr. Bridges was sent over to a meeting of the Sailor's Union——

Q. (Interposing): I am talking about the alternate Chairman. How many times did you have an alternate Chairman during the 1934 strike?

A. On three different occasions.

Q. And who was the individual or individuals that acted as alternate Chairmen?

A. On one occasion I remember a man named Davis acting as Chairman; on another occasion I believe Jack Creary, I think was his name; and a third occasion I believe the Vice-President, or the President of the Local, Mr. Joe Johnson acted. [4940]

Q. Did Mr. Schomaker ever act as Chairman?

A. Not to my knowledge.

Q. Well, you would know, wouldn't you?

(Testimony of Fred Heiner.)

A. The answer would be No.

Q. He didn't? A. No.

Q. He never acted as Chairman? A. No.

Q. Did Mr. McKenna act as Chairman?

A. No, not to my knowledge.

Presiding Inspector: I think this is a good place to recess for lunch.

(Whereupon, at 12:40 o'clock P.M. a recess was taken until 2:00 o'clock P.M. of the same day.) [4941]

After Recess
2:00 O'clock P.M.

Presiding Inspector: Now, Mr. Myron, you may proceed.

FRED HEINER

called as a witness on behalf of the Alien, having been previously duly sworn, testified further as follows:

Cross Examination
(Resumed)

Mr. Myron: May I have the last question read, please?

(The question and answer referred to were read by the reporter as recorded.)

By Mr. Myron:

Q. Do you know of any person, other than the three mentioned, who acted as Chairman at any of these meetings during the 1934 strike?

(Testimony of Fred Heiner.)

A. No.

Q. Now, in connection with your duties on this Defense Committee, I believe you stated that you made appearances in Court and provided for bail for those people who were arrested, is that right?

A. No; that is not correct. I didn't say we made appearances in court.

Q. You made no appearances?

A. We made no appearances.

Q. I understood you to say that. Did you at anytime appear in court in connection with the arrest—— [4942]

A. (Interposing): I, personally; no.

Q. (Continuing): ——or in connection with the bail of any person who was arrested during the 1934 strike?

A. Usually bail was arranged in the Judge's chambers or at their homes at night.

Q. Did you appear in the Judge's chambers in behalf of the Defense Committee? A. Yes.

Q. And on how many occasions would you say you appeared in that capacity?

A. There were really too many, too numerous to remember.

Q. Well, approximately?

A. I would say about 30 or 40 times.

Q. That is, during the 1934 strike?

A. Yes.

Q. And those appearances would be made during the day, is that right?

A. Or in the evening, if the arrests occurred at

(Testimony of Fred Heiner.)

night; sometimes we would go to the Judge's home and have him set bail.

Q. How many times did you appear in the Judge's chambers during that period of time?

A. I believe about 30 or 40 times during the strike.

Q. And what time during the day would these appearances be made?

A. Usually in the—— [4943]

Q. (Interposing): At various times?

A. At various times usually in the late afternoon.

Q. I see. A. After Court was over.

Q. Did you ever, as a member of the Defense Committee, pass on a question of accepting aid from the ILD? A. No, sir.

Q. Was that question before the Committee?

A. Yes, it was; before the Strike Committee.

Q. Was it before the Defense Committee?

A. No, sir.

Q. Did the Defense Committee have anything to do with that matter?

A. The Defense Committee at one time were asked to investigate it, and I believe Mr. Dietrich did—I was not present when the investigation was made.

Q. Was the question ever submitted by the Strike Committee to the Sub-Committee, the Defense Committee?

A. No, it was the other way around. I believe it was submitted on recommendation from the De-

(Testimony of Fred Heiner.)

fense Committee to the Strike Committee and it was rejected by the Strike Committee.

Q. Is it your understanding, then, that the question was originally submitted to the Sub-Committee?

A. First. Yes, I believe that's correct.

Q. And then the Sub-Committee recommended some action on [4944] that to the Strike Committee, is that right?

A. After an investigation by the Defense Committee.

Q. Now, did you participate in that matter when it was before the Defense Committee in any way at all? A. No, sir.

Q. You made no recommendation to have it submitted to the Strike Committee? A. No, sir.

Q. Was the question put to you for consideration by a member—by any member of the Defense Committee?

A. Yes, it was; by Mr. Dietrich. And I don't remember the occasion, but I was busy at the time and I told him "Well, whatever you do is all right with me."

Q. What did Mr. Dietrich say to you in that regard?

A. He said that he was told to—I believe there was, oh, a program of aid to men who were arrested and that he was going to investigate it and asked me if I wanted to go along, and I just happened to be busy at the time and did not go. I had nothing to do with any recommendations of the ILD or to the ILD from the Strike Committee.

(Testimony of Fred Heiner.)

Q. Well, you stated that Mr. Dietrich asked you whether or not you were in accord with obtaining aid from the ILD and you said "Whatever you do I'll go along."? A. Yes, that is correct.

Q. Now, did you report that to the Strike Committee?

A. No, Mr. Dietrich did. [4945]

Q. Were you present when Mr. Dietrich did?

A. Yes.

Q. And what did Mr. Dietrich say in proposing the acceptance of aid from the ILD?

A. He was against it. He was not in favor of it at all.

Q. He stated that to the Strike Committee?

A. That's correct.

Q. Is that right? A. Yes.

Q. And what action did the Strike Committee take?

A. They took the recommendation of Mr. Dietrich and the Defense Committee and voted it down.

Q. Now, isn't it a fact that you went to 121 Haight Street with Mr. Dietrich?

A. I have never——

Q. (Interposing): And conferred with Elaine Black on this question?

A. I have never been to 121 Haight Street.

Q. Did Mr. Dietrich go there?

A. I believe he did.

Q. Do you know that? A. Yes.

Q. Who accompanied Mr. Dietrich?

A. I think Mr. Michelson at the time.

(Testimony of Fred Heiner.)

Q. He was the other member? A. Yes.

[4946]

Q. And you state now that you were not present with Mr. Dietrich and Mr. Michaelson?

A. That's correct.

Q. At 121 Haight Street? A. Yes, sir.

Q. When was that conference held?

A. It must have been in June; oh, I would say the early part of June of 1934.

Q. Was Mr. Bridges there?

A. I do not know.

Q. You know that Mr. Michaelson and Mr. Dietrich were there? A. Yes, that's correct.

Q. You don't know whether Mr. Bridges was there, is that true?

A. That is correct. I don't remember whether he went there or not. I really couldn't say.

Q. And you say that you were not there?

A. That is correct.

Q. When did you learn about this, this meeting at 121 Haight Street between or among Mr. Dietrich, Mr. Michaelson and Elaine Black, as you have stated?

A. Well, the meeting between Mr. Michaelson and Mr. Dietrich and who they were to meet at 121 Haight Street, I don't know. Whether it was Elaine Black or anyone else. But [4947] I knew that they were going there to discuss the question of the ILD.

Q. Who told you that?

A. At the Strike Committee. It was brought up in the afternoon.

(Testimony of Fred Heiner.)

Q. At the Strike Committee?

A. Meeting. Yes, sir.

Q. And when was that? Prior to the time that it came before the Defense Committee?

A. No, at the same time. I believe on the same afternoon.

Q. Then Mr. Dietrich—let me get this straight. You say that it was first brought up before the Defense Committee, is that right. A. Yes.

Q. And then the Defense Committee brought it into the Strike Committee? A. Yes, sir.

Q. And then Mr. Dietrich and Mr. Michaelson proceeded to 121 Haight Street and conferred with somebody there, is that right?

A. Well, when they went there—I mean, directly from the Strike Committee meeting, I do not know. But they did go, I believe.

Q. Well, subsequent to the time it was brought before the Strike Committee they went to 121 Haight Street? A. That is correct. [4948]

Q. And after that you learned about their visit to 121 Haight Street? A. That is correct.

Q. Now, how soon after that?

A. h, I believe around three or four days after the meeting I was talking to Mr. Dietrich down in the Hall of Justice one morning and he told me what had transpired there.

Q. And what did he say to you?

A. He told me that he wasn't in favor of——

Q. (Interposing): What did he say to you about this meeting at 121 Haight Street?

(Testimony of Fred Heiner.)

A. Nothing at all. I mean, he stated their proposition of aiding the Local in defense, and that he was not in favor of it. And that is all there was to it.

Q. Did he say that he had gone to 121 Haight Street?

Mr. Gladstein: I think that has been asked and answered three or four times.

Presiding Inspector: He says that he knows they went and that he learned it from Mr. Dietrich. Of course, I am not sure that it is very clear when he learned.

Mr. Myron: Will you ask the question again?

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: That is what you are asking.

The Witness: And the answer was "Yes."

[4950]

Presiding Inspector: He has answered that.

By Mr. Myron:

Q. He told you that? A. Yes, sir.

Q. And when did he tell you that?

A. A couple of days later—at the Hall of Justice.

Q. Now, when did he ask you if you were in favor of accepting aid from the ILD?

A. Previous to his going to 121 Haight Street.

Q. How soon thereafter, or how recent?

A. If I am not mistaken, the day before.

Q. The day before he went to 121 Haight Street?

A. It was either that day or the day following, I believe.

(Testimony of Fred Heiner.)

Q. Now, that was the first time you heard anything about the question of accepting aid from the ILD, is that right? A. That is correct.

Q. Then what you stated about hearing this brought up in the Defense Committee, and in the Strike Committee, is not true, is that right?

A. It is. It happened on the same day; it all occurred on the same day. He came to me before the meeting. It was brought up at the meeting and, I believe——

Q. (Interposing): What meeting are you referring to?

A. The meeting of the General Strike Committee.

Q. What was brought up then? [4951]

A. As to the sending of someone up to 121 Haight Street to investigate the ILD.

Q. And then subsequent to that time it was brought before the Strike Committee?

A. I believe it was brought to the Strike Committee on the same day.

Q. And nothing was done aboue it, is that right?

A. I believe they were told to go and investigate it, if I am not mistaken.

Q. And you say four or five days later Mr. Dietrich told you that he had been to 121 Haight Street? A. That is right.

Q. Now, was it referred back to the Strike Committee? A. Yes, it was.

Q. A report of that conference at 121 Haight Street? A. Yes, sir.

Q. Who reported that? A. Mr. Dietrich.

(Testimony of Fred Heiner.)

Q. Would that be in the minutes of the meeting? A. Yes, sir; it should be.

Q. In considering this question before the Strike Committee who was Chairman, who presided? A. Mr. Bridges.

Q. And as a result the Strike Committee requested Mr. Dietrich and others to go down to 121 Haight Street and investi- [4952] gate, is that true?

A. Yes.

Mr. Gladstein: One moment.

Mr. Myron: His answer is "Yes."

Mr. Gladstein: I move that the answer be stricken for the purpose of making an objection.

Presiding Inspector: That may be done.

Mr. Gladstein: The form of the question is such that it contains an implication that should not be in the record. I object to the question. It says "As a result," undoubtedly referring to the previous question. That is the only reference it could have. The previous question had to do with who was the Chairman. The question was phrased, "as a result, was the matter submitted to the Strike Committee."

Presiding Inspector: I think you had better rephrase the question.

By Mr. Myron:

Q. Well, the matter was brought before the Strike Committee, is that true?

Mr. Gladstein: I want to object to this because counsel is not making clear in his questions which occasion he is referring to. It appears by the testi-

(Testimony of Fred Heiner.)

mony of the witness that there were at least two, and perhaps more, I don't know, instances when the Strike Committee considered the matter.

Presiding Inspector: I am a little confused about it myself, [4953] although it may be clear to the witness. But there seems to have been some questions, and some answers, which are capable of different interpretations.

Mr. Gladstein: That is why I suggest that counsel when he is asking the witness aboue the matter being brought before the Strike Committee——

Mr. Myron: (Interposing): I think the witness understands the question.

Presiding Inspector: Maybe the witness does. I wouldn't attempt to say that he didn't. I am a little confused myself.

Mr. Myron: I would rather have the witness answer the questions than have Mr. Gladstein answer them.

Presiding Inspector: The witness, of course, is the one to answer the questions.

Mr. Gladstein: I am concerned about the state of the record. I think when we read the record we will have difficulty in understanding what is referred to.

Presiding Inspector: You will have a chance to straighten that out, if you desire, on redirect. Go on. I think there is some difficulty in my mind, but maybe not with the witness.

Mr. Del Guercio: Does your Honor desire it cleared up?

(Testimony of Fred Heiner.)

Presiding Inspector: I think it ought to be cleared up some time; now or on redirect.

By Mr. Myron:

Q. Let's see if we understand you correctly, Mr. Heiner. [4954] You say this matter of accepting aid from the ILD was first brought to your attention as a member of the Defense Committee, is that right? A. That is correct.

Q. Now, when was that?

A. It was on the same afternoon on which it was brought up before the Strike Committee by Mr. Dietrich.

Q. Well, who brought it to your attention?

A. Mr. Dietrich.

Q. And what was said at that time?

A. He told me that he had been advised that the ILD wished to lend aid to the strikers who were arrested, and that he was going to investigate it and he would have to take it up with the Strike Committee first, I believe.

Q. Did he tell you who advised him?

A. No, that he did not.

Q. Now, immediately after that you say on the same day the matter was brought before the Strike Committee, is that true? A. That is correct.

Q. And Mr. Dietrich was the one that brought it before the Strike Committee?

A. That is correct.

Q. And you were present. Now, five or six days later they went to 121 Haight Street—and when

(Testimony of Fred Heiner.)

I say "they" I mean Mr. Dietrich and some others —and conferred with somebody at 121 Haight Street in regard to this question, is that [4955] true?

Mr. Gladstein: Just a moment.

Mr. Myron: I am asking the witness, is that true?

Mr. Gladstein: I still have a right to object on the ground that it misstates the evidence. As I recall it, the witness has already been asked and has answered this question.

Mr. Myron: I would rather have the witness answer the questions. If there is an objection to the question, and a ruling, I will ask another question.

Mr. Gladstein: I object and wish to explain the ground.

Presiding Inspector: I will allow the question, but let's make sure he understands it.

Is it true that four or five days later these people, Dietrich and the other men on your committee, went to 121 Haight Street?

The Witness: That is not correct.

Presiding Inspector: In what respect is it not correct?

The Witness: I believe that day, or the following day, they went.

By Mr. Myron:

Q. When the matter was brought to the attention of the Strike Committee who was the Chairman?

Mr. Gladstein: One moment.

(Testimony of Fred Heiner.)

Presiding Inspector: Which time do you mean?

[4956]

Mr. Myron: The first time it was brought before the Strike Committee.

Presiding Inspector: Before they went to 121 Haight Street.

A. Mr. Bridges.

By Mr. Myron:

Q. And was there a vote taken on the question? A. Yes.

Q. And as a result of the vote which was taken on that question, subsequent to that time Mr. Dietrich and others went to 121 Haight Street, is that correct? A. I believe so: yes, sir.

Presiding Inspector: Speak a little louder so they can hear.

The Witness: Surely.

Presiding Inspector: I don't know whether you heard the answer.

Mr. Myron: I think he said "Yes." That was my understanding.

Presiding Inspector: Yes. He gave an affirmative answer.

By Mr. Myron:

Q. Did you vote on the question?

A. Yes, I believe I did.

Q. Did Mr. Bridges?

A. No, he couldn't vote. He was Chairman.

[4957]

Q. How did you vote on the question?

(Testimony of Fred Heiner.)

A. I voted in the negative myself.

Q. Now, after the meeting at 121 Haight Street was it again brought to the floor of the Strike Committee? A. That is correct.

Q. And Mr. Dietrich was the one who brought it to the attention of the Strike Committee the second time? A. Yes, sir.

Q. Were you present? A. Yes, sir.

Q. You say now that you did not go to 121 Haight Street? A. That is correct.

Q. Do you know Elaine Black?

A. I met her once in the Hall of Justice.

Q. Is that the only time that you have ever met her?

A. That is the only time that I personally have ever met Elaine Black.

Q. Was that in connection with Strike matters?

A. Yes, sir. She had a man from the MWIU arrested and she was down there.

Q. What was your interest in that case?

A. None whatsoever.

Q. You talked with her on that occasion?

A. I didn't hear your question.

Q. Did you talk to her on that occasion? [4958]

A. Yes. She came over and asked some information on arranging bail or something of that nature.

Q. She was asking you about arranging bail. Did you advise her?

A. Well, I did. I told her that there was nothing that we could do about it because we were separate

(Testimony of Fred Heiner.)

and apart from the MW—Marine Workers Industrial Union.

Q. And that is the only occasion on which you met Elaine Black, is that right?

A. That is correct.

Q. When did you learn that Mr. Michaelson accompanied Mr. Dietrich to 121 Haight Street on a matter of accepting aid from the ILD?

Mr. Gladstein: I think that has already been asked and answered a couple of times.

Presiding Inspector: Yes. But we are trying to straighten the whole thing out.

A. To my knowledge I believe it was when it was returned to the Strike Committee because I believe, if I am not mistaken, Mr. Michaelson was for it and Mr. Dietrich was against it. That is how I know presumably he had gone there.

Q. Was the question at any time submitted to the Defense Committee for action other than when it was brought to your attention by Mr. Dietrich?

A. No.

Q. At no time? [4959] A. No.

Q. When Mr. Dietrich——

Presiding Inspector (Interposing): Just a moment! I think the witness wants to say something.

Mr. Myron: That is right.

A. (Continuing) The Defense Committee was not an autonomous body. They had to get permission from the General Strike Committee.

(Testimony of Fred Heiner.)

By Mr. Myron:

Q. Now, did you talk to Mr. Bridges during the meetings of the Strike Committee?

A. On numerous occasions, yes.

Q. Over that period of time?

A. Definitely, yes.

Q. In 1934? A. Yes, sir.

Q. Other than the reports—the subject matter of the reports that you made? A. Yes.

Q. You have talked to him? A. Yes.

Q. On how many different occasions?

A. I think nearly daily. We used to discuss coming meetings and strike events. I mean, other than the business of the Defense Committee.

Q. And, as I understand you, there were three meetings [4960] held in the morning?

A. To my knowledge. Maybe more. But, I mean, to my own recollection. Maybe more.

Q. And the rest of the meetings were held in the afternoon? A. That's correct.

Q. Were there any days during the 1934 strike on which there were no meetings held?

A. I believe two.

Q. What's that?

A. I believe there were two days.

Q. Two days on which there were no meetings held? A. Yes.

Q. That's to your best recollection?

A. Yes, that's correct.

Q. Would there be more?

(Testimony of Fred Heiner.)

A. Well, there would be a possibility when I wasn't there that there would be more.

Q. Well now,——

A. (Interposing) I mean, to my knowledge.

Q. I am excepting Sundays, and you say——

Presiding Inspector (Interposing): And excepting the time that he was——

Mr. Myron (Interposing): That we was away from the meetings. [4961]

Presiding Inspector: Yes, when he was under arrest. He has described that.

A. To my knowledge, the answer would be none other than the ones that I have stated.

By Mr. Myron:

Q. On two days, you say? A. Yes.

Q. Would you say that there were any more than two days? A. That I don't remember.

Q. You don't remember? A. No.

Q. There could have been many more days, couldn't there?

A. No. Not "many more" because I was there most of the time.

Q. Would you say that there were as many as ten days on which meetings were held?

A. Definitely no.

Q. And your best recollection now is that on two days no meetings were held?

A. That's correct.

Q. That was on days other than the days that you have stated you were away? A. Yes.

Q. Do you know Edward Russell?

(Testimony of Fred Heiner.)

Mr. Gladstein: What's the name? [4962]

Presiding Inspector: Russell.

A. Do I know Edward Russell?

By Mr. Myron:

Q. Yes. A. The answer is "No."

Q. What's that? A. No.

Q. Did you ever know a man by the name of Edward Russell?

A. I knew a man who was connected with the American-Hawaiian Steamship Company, who were my previous employers, by that name.

Q. Did you ever have any trouble with him?

A. No, sir.

Q. Now, you have known Mr. Bridges since the time you worked on the waterfront to date?

A. That's correct.

Q. You have always been very friendly with Mr. Bridges? A. Quite friendly.

Q. Have you ever been appointed by Mr. Bridges to any position? A. No, sir.

Q. Isn't it a fact that Mr. Bridges had you appointed to this Clerks' Association?

A. That is not correct.

Q. And isn't it a fact that you were subsequently elected [4963] into your union after Mr. Bridges had appointed you?

A. I was elected into the Union, but I was not appointed by Mr. Bridges.

Q. Would the minutes of the meeting of your union show that, how you became a member?

A. Yes, sir.

(Testimony of Fred Heiner.)

Mr. Myron: That's all.

Redirect Examination

By Mr. Gladstein:

Q. Mr. Heiner, did the Defense Committee in the 1934 strike have any power to commit the Strike Committee on the question of accepting ILD support? A. None.

Q. What was the extent of the power that the Defense Committee had on that subject?

A. To make recommendations only.

Q. Is that what the Defense Committee actually did? A. Yes.

Q. So that the actual determination of whether the proffered aid of the ILD should be accepted was up to the Strike Committee?

A. That is correct.

Q. And the Strike Committee made the decision on it? A. That is correct.

Q. Do you recall whether Mr. Bridges was Chairman of the meeting at which the Strike Committee ultimately rejected the [4964] proposal?

A. I do.

Q. He was? A. He was the Chairman.

Q. Now, you mentioned on cross examination some occasions when Mr. Bridges did not act as Chairman of the Strike Committee meetings. Do you have those in mind?

A. I believe I can remember three.

Q. Well, now, how did those occasions arise?

A. Once he was ordered by the Strike Committee

(Testimony of Fred Heiner.)

to attend a meeting of the SUP, the Sailor' Union of the Pacific.

Q. Where was Bridges when the Strike Committee made that order?

A. He opened the meeting and then as soon as the meeting opened, why, they took it up as a special order of business. There was immediate action necessary, and he was told immediately to leave and turn the chair over, and another Chairman was duly elected.

Q. So on that occasion Mr. Bridges actually opened the meeting as Chairman but did not preside throughout? A. That is correct.

Q. What was the procedure on the other two occasions? I think you have mentioned that there were three?

A. On the next one, to my memory, he was part of a Committee that was sent up to see the Board of Supervisors. [4965]

Q. Do you remember what that was about?

A. In reference to opening the Port, I believe. The Supervisors or the City Administration had some meeting in which they were going to reopen the Port.

Q. Now, was this occasion one on which the Strike Committee ordered Bridges and those who went with him to take this action?

The Witness: Repeat your question, please.

Mr. Gladstein: Will you read it, please, Mr. Reporter?

(The question referred to was read by the reporter as above recorded.)

(Testimony of Fred Heiner.)

A. Yes.

By Mr. Gladstein:

Q. Can you state whether Bridges acted as Chairman up to the time where the Strike Committee ordered him and the others to go to the Board of Supervisors?

A. Yes, he did act as Chairman.

Q. Do you recall what the third instance was?

A. He went to get a permit from the Chief of Police for a parade.

Q. Was he ordered to do that?

A. He was ordered to do so by the Strike Committee.

Q. By whom?

A. By the Strike Committee.

Q. And can you state whether on that occasion also he [4966] began as Chairman of the meeting and was then relieved?

A. Yes, I believe he was.

Q. Now, you mentioned that you were away from town for two or three days, I think you said, in connection with some Modesto cases. During what part of the strike did that occur?

A. During, oh, I would say just about the middle of the strike.

Q. Would that be some time in the month of June?

A. Yes, prior to the general strike.

Q. You mentioned that on some 30 or 40 occasions you were in the chambers of a Judge in connection with arranging for the release of ar-

(Testimony of Fred Heiner.)

rested strikers. On any of those occasions, Mr. Heiner, were you arranging for bail or release of a goup of men at one time, that is, more than one?

A. Yes; on numerous occasions more than one man.

Q. Can you give your best recollection of the maximum number of men who at one time you were arranging bail or release for?

A. I believe on July 5th, the morning of July 5th, we had approximately between 70 and 80 arrests that day.

Q. And that occasion when you were arranging for the release of those 70 or 80 men, that would represent one occasion of your going to court; is that correct? A. That is correct.

Q. Or going to court chambers. [4967]

A. That is correct.

Q. Now, you mentioned that there were two days that you recall that the Strike Committee did not meet. Was July 4th one of them?

A. July 4th and July 5th.

Q. Any others?

A. That is to the best of my knowledge.

Q. Well, now, did anything unusual happen on July 5th with respect to the—withdraw that. Where were the strike Committee meetings held?

A. 113 Steuart Street.

Q. Headquarters of the Union?

A. Correct.

Q. Was there anything unusual that occurred on July 5th at the union hall?

(Testimony of Fred Heiner.)

A. Yes. The Police shot tear gas into it.

Mr. Gladstein: I think the Court can take judicial notice of the fact that July 4th was Independence Day.

Presiding Inspector: I think so.

Mr. Gladstein: I think that is all.

Recross Examination

By Mr. Myron:

Q. You were a member of the Defense Committee you were a member of the Strike Committee, is

A. The Defense Committee was part of the Strike Committee. [4968]

Q. And being a member of the Defense Committee you were a member of the Strike oCmmittee, is that true? A. That is correct.

Q. And the matter was brought to your attention first as a member of the Defense Committee?

Presiding Inspector: What matter?

Mr. Myron: The matter of accepting aid from the ILD. A. Correct.

By Mr. Myron:

Q. And subsequently brought before the Strike Committee? A. That is correct.

Q. By Mr. Dietrich? A. Yes, sir.

Q. The Chairman of your Committee——

Presiding Inspector: I think he testified to that.

Mr. Myron: That is right.

By Mr. Myron:

Q. How do you recall that your absence during this Modesto case occurred in the middle of July?

(Testimony of Fred Heiner.)

Mr. Gladstein: He didn't say "July". He said "June."

Mr. Myron: In the middle of the strike.

A. It was prior to the general strike.

By Mr. Myron:

Q. That is July 16 to 19 were the dates of the general strike?

A. I believe that is correct. [4969]

Q. Some time prior to that?

A. Some time prior to that.

Q. Well, would it be the beginning of the strike on May 9? A. No, sir.

Q. What date would you place the Modesto case?

A. Pardon me—Modesto? Did I say Modesto?

Presiding Inspector: I think you did.

By Mr. Myron:

Q. Didn't you?

A. Well, I may have. I evidently became confused then. The Modesto case—that was where the men were arrested on the Standard Oil premises—I believe that was after the 1934 strike. The case that I was referring to was in Santa Rosa when I went away with counsel.

By Mr. Myron:

Q. You say the Modesto case occurred after the 1934 strike? A. Yes.

Q. Isn't it a fact that the Modesto case occurred prior to the 1934 strike, or right at the beginning of it? A. No, sir.

Q. Are you sure of that?

(Testimony of Fred Heiner.)

A. I am sure of it. I think the men had returned to work and the men were working when the Modesto case occurred. [4970] I was in error. If I said "Modesto" I meant Santa Rosa.

Q. It was your testimony that you remembered being absent during the Modesto case, which you say occurred about the middle of the strike, is that right?

Mr. Gladstein: Just a moment——

Presiding Inspector: He wanted to correct that.

Mr. Myron: I will let him correct it. I want to get his original testimony.

Mr. Gladstein: He already corrected it.

Presiding Inspector: It may be he is confused between the two events, and maybe not; but whatever he said is on the record.

A. The Modesto case definitely occurred after the 1934 strike. The case that I was referring to was the Santa Rosa case.

Mr. Myron: I think that is all, your Honor.

Mr. Gladstein: That is all, your Honor.

(Witness excused.)

Mr. Gladstein: If it is of any importance in the record—I don't know as it is actually material, but probably counsel has a record of this—the Modesto case I recollect occurred in connection with another strike in 1935.

Presiding Inspector: Of course, we can't take that as proof. I mean we cannot take the statement as any proof of it.

Call your next witness. [4971]

Raise your right hand.

COLE JACKMAN

called as a witness on behalf of the Alien, having been first duly sworn, testified as follows:

Presiding Inspector: Give your name and address to the reporter.

The Witness: Cole Jackman—J-a-c-k-m-a-n.

Direct Examination

By Mr. Gladstein:

Q. Where is your residence?

A. Portland, Oregon.

Q. And what is your occupation?

A. I am a longshoreman.

Q. How long have you been following that occupation? A. Since 1925.

Q. In the City of Portland? A. Yes, sir.

Q. Are you the holder of any office or position in the Longshore Union? A. Yes.

Q. What position do you hold?

A. I am a member of the Local Labor Relations Committee, and a member of the Coast Labor Relations Committee.

Q. Have you held any other office in the Local Union?

A. Yes; I was a Business Agent during 1940, and previous to that I was a member of the Local Labor Relations [4972] Committee; also some other local Union Committees.

Q. Were all those positions, that is, on the Local Labor Relations Committee, Business Agent, and so on, positions to which you are elected?

A. Yes; that is correct.

(Testimony of Cole Jackman.)

Q. Now, Mr. Jackman, you have been in court during this hearing, have you not?

A. Yes; on three or four different occasions.

Q. Were you present in court when Mr. Cannalonga testified? A. No, I was not.

Mr. Del Guercio: If your Honor please, in view of that statement—this is the second witness counsel here told us has been in the court room during this hearing. The other witness was Schmidt. It appears that the rule has been violated.

Presiding Inspector: Yes. The Presiding Inspector can take that into consideration, but I don't think it is a reason for excluding the testimony. Go ahead.

By Mr. Gladstein:

Q. Mr. Jackman, when was the last time that you were in court?

A. I believe it was Monday morning. I was here until they adjourned for lunch.

Q. Do you recall who was on the stand that day?

A. Henry Schmidt. [4973]

Q. Now, since that time you have not been here, is that correct? A. No, sir.

Presiding Inspector: That is correct?

The Witness: That is correct.

By Mr. Gladstein:

Q. Now, do you know a man by the name of Maurice J. Cannalonga?

A. Yes, I know who he is. I knew him casually before, and I had seen him, rather, I don't know him personally but I know who he is.

(Testimony of Cole Jackman.)

Q. Have you had occasion to personally meet with and talk to him during recent weeks?

A. Yes, sir.

Mr. Del Guercio: With whom?

Mr. Gladstein: Cannalonga.

Mr. Del Guercio: I object to any further questioning of this witness along that line.

Presiding Inspector: Ask the question, and don't answer until Mr. Del Guercio has an opportunity to object.

By Mr. Gladstein:

Q. When was the last time you saw Mr. Cannalonga?

Mr. Del Guercio: I will object to that.

Presiding Inspector: I will take it.

A. Sunday, May 4th.

By Mr. Gladstein: [4974]

Q. With reference—how do you fix that date, that Sunday?

A. Well, I know it was a Sunday. It was the Sunday before he disappeared. I think he disappeared on Wednesday, and that was the preceding Sunday.

Q. Where did you see Mr. Cannalonga that day?

A. On board the West Cussetta, the ship that he was working on.

Q. What time of the day was it that you saw him?

A. It was about 7:30 in the evening.

Q. And how did you happen to see him?

(Testimony of Cole Jackman.)

A. Well, I met Rosco Craycraft in a grocery store down on Third Stret in Portland, there at Maleti's Brothers Grocery, and he was waiting for Cannalonga to either come up or telephone him. He was supposed to have been there at 7:00. About 7:20 Rosco asked me if I would go down and see what was holding Blackie up.

Q. When you refer to "Rosco" you are referring to Rosco Craycraft? A. Yes.

Q. Have you known him long?

A. Yes; I have known him for many years.

Q. Now, when Mr. Craycraft asked you to see Mr. Cannalonga did he tell you where you could find him? A. Yes, he did.

Q. What did he tell you? [4975]

A. He told me he was on the West Gussetta, and this boat was down at Pier B, Terminal 1. That is a dock in Portland.

Q. And do you know why Craycraft asked you to go to Cannalonga, rather than go himself?

Mr. Myron: I object to this, your Honor.

Presiding Inspector: If he knows he can tell.

A. He was waiting for Cannalonga——

Presiding Inspector: This is all in the record.

A. (Continuing): ——waiting for Cannalonga to meet him there at this grocery store, and it was past the time when Cannalonga was supposed to have arrived there, and he didn't want to leave because he thought Cannalonga might telephone or

(Testimony of Cole Jackman.)

be on his way up, so he waited there and I went down to see what was holding him up.

By Mr. Gladstein:

Q. All right. How did you go down there?

A. I drove down in my car.

Q. Where was the West Cussetta docked at that time? A. Terminal No. 1.

Q. What did you do when you got down to Terminal No. 1?

A. Well, I looked up Blackie Cannalonga. He was an electrician on board the ship.

Q. Where did you go to find him?

A. Well, I went on the ship and I asked one of the [4976] fellows if he was aboard, and he said "Yes." He was in the Chief's quarters, I think, or some room close to his own, and I found him there.

Q. Do you remember who it was that you asked, who was the person who you spoke to when you asked where Cannalonga could be found?

A. No. He was some, looked like a fireman, or some member of the crew.

Q. Where did you find Cannalonga?

A. I believe it was in the Chief Engineer's quarters. There were two or three fellows in there.

Q. Do you know who they were?

A. No, I didn't.

Q. Was Cannalonga there? A. Yes.

Q. What took place?

(Testimony of Cole Jackman.)

A. Well, I introduced myself to him. I didn't know if he remembered me or not. I had just seen him a couple of times previously. He apparently knew me. We went to his room and talked for a while.

Q. How long were you with him that evening?

A. About half an hour, I would say.

Q. What took place in his room?

A. Well, I told him that Rosco was waiting for him up at Maletis Brothers; and he told me that he was stuck there on the job and would have to work that night. He was the electrician. [4977] The winches had broken down during the day and he said he would have to work until about midnight.

That was why he didn't show up.

Q. What other conversation did you have with him?

A. Well, we talked about several different things. I told him that I had been down in San Francisco for the past two or three months as a member of the Coast Committee——

Q. (Interposing): Coast Committee for what?

A. The Coast Labor Relations Committee, and——

Mr. Myron: (Interposing) I object to this conversation as not being material at all.

Presiding Inspector: I can't see its materiality.

Mr. Gladstein: It will shortly appear to be. It is simply that I don't wish to lead the witness.

(Testimony of Cole Jackman.)

Presiding Inspector: So far it is immaterial.

Mr. Myron: It is irrelevant also. There is no purpose in getting the conversation. The conversation is not admissible.

Presiding Inspector: No.

Mr. Gladstein: We will show its materiality or it is subject to a motion.

Presiding Inspector: Go ahead. I will allow it. I have disregarded the general rule as not having to lay a foundation for such evidence on account of the circumstances involving this case. [4978]

By Mr. Gladstein:

Q. You started to say, Mr. Jackman, that you were telling Mr. Cannalonga that you had been down in Court.

A. Yes. I told him that I had been down in San Francisco for two or three months as a member of the Coast Labor Relations Committee for the longshoremen. And I told him that I had had the opportunity to attend a few hearings here in the Bridges deportation. And he asked me if I had heard him testify, and I told him "No", but that I had read about it in the papers. And I told him that I was a little surprised at his testimony, and——

Q. (Interposing): Now, did he say to you——

Mr. Myron: (Interposing) Let him finish.

Mr. Gladstein: All right.

A. (Continuing): Well, he told me, he said "I hope that you fellows know the kind of a spot that

(Testimony of Cole Jackman.)

I was in". He says, "The FBI had the heat on me" and he says "I had to do pretty much what they told me to do."

Q. Was anything else said concerning the FBI on that occasion?

A. No. I didn't go into it any further. He told me that he had told Rosco and you about it.

Q. When did you leave Mr. Cannalonga that evening?

A. Well, I guess it was about 8:00 o'clock.

[4979]

Q. Before you left did he give you any message to be delivered to anybody?

A. Well, he told me to tell Rosco to come down there and see him down on the ship, and he told me where I could find him—where to tell Rosco to find him.

Q. When you left Mr. Cannalonga what did you do?

A. I went back to this grocery store and told Rosco that he would have to go down on the ship to see Cannalonga. He told me to tell Rosco to see him back in the control room, electric control room opposite No. 4 hatch on the ship.

Presiding Inspector: Cannalonga did that?

The Witness: Yes.

By Mr. Gladstein:

Q. Did you convey that information to Mr. Crayeraft? A. Yes.

Q. Then what, if anything did you do?

(Testimony of Cole Jackman.)

A. Well, I went home then: I left Craycraft shortly after I told him that.

Q. Have you seen Cannalonga since?

A. No, sir.

Q. Have you heard from him in any way?

A. No.

Mr. Gladstein: Cross examination.

Cross Examination

By Mr. Del Guercio:

Q. How did you happen to be with Craycraft at that [4980] grocery store?

A. Well, I drop in there occasionally for a sandwich or a glass of beer. It is a place down near where a lot of the fellows——

Q. (Interposing): Do you want us to believe that it was just a casual meeting between you and Craycraft at that time?

A. Well, yes. I believe it was.

Q. It wasn't an arranged meeting?

A. Well, I am not certain. I may have talked to him on the phone. I know I wanted to get in touch with him.

Q. Did he ask you to come down to the grocery store?

A. I don't remember exactly. He may have. I know I talked to him on the phone, I believe it was, that morning.

Q. Then you didn't meet him there casually, did you?

A. Well, I am not certain. I drop in there quite frequently anyway.

(Testimony of Cole Jackman.)

Q. Well, on this particular occasion were you there by pre-arrangement?

A. Well, I don't remember exactly. I think I told Rosco that I would either see him at the union meeting or see him down there.

Q. Did he ask you to come down? Did Craycraft ask you to come down and meet him there at this grocery store?

A. Well, as I recall it, he told me that he would probably be in there that afternoon or that evening. [4981]

Q. Well now, you have gone over this matter several times since this occurred, haven't you?

Mr. Gladstein: With whom?

By Mr. Del Guercio:

Q. With Mr. Gladstein or anyone else?

A. No. I haven't gone over it.

Q. You haven't talked with Mr. Gladstein about it at all? A. Yes.

Q. When did you talk to Mr. Gladstein about it?

A. Well, I told him Monday afternoon when this hearing recessed.

Q. While you were in Court here?

A. No, after Court.

Q. When were you here in Court last?

A. Monday morning.

Q. Monday morning. Did you tell him then?

A. No. I told him after the hearing was over.

Q. After the hearing was over?

A. After it was recessed.

(Testimony of Cole Jackman.)

Q. And did Mr. Gladstein go over all of the circumstances surrounding your being here at this grocery store?

A. No. I just told him briefly that I had gone down to the ship to see why Cannalonga didn't keep his date with Craycraft.

Q. And he didn't ask you how you happened to be at the [4982] grocery store at that opportune time?

A. No. I told him that I had met Craycraft there. We didn't——

Q. (Interposing): Well now, just what did Craycraft tell you to do? A. When?

Q. At the time you met him there at the grocery store.

A. Well, he told me that he was waiting for Cannalonga to come up and see him there. He was supposed to be there at 7:00 o'clock.

Q. Did you talk about Cannalonga and about what Cannalonga had testified to at this hearing?

A. No.

Q. You didn't talk about anything like that?

A. No, we didn't.

Q. No conversation at all? A. No.

Q. About Cannalonga and what he had testified to? A. No.

Q. Had you ever talked to anybody regarding what Cannalonga had testified to prior to your meeting Craycraft at this grocery store?

A. No, I don't believe I did.

Q. Did you talk to Mr. Gladstein?

A. Just what I told you about. [4983]

(Testimony of Cole Jackman.)

Q. Prior to the time that you met Craycraft at this grocery store?

A. No, no. I did not.

Q. Did you talk to Mr. Rodman?

A. Who?

Q. Rodman?. A. No, sir.

Q. Kenneth Fitzgerald?

A. No, sir. I don't even know him.

Q. Jack Mowery? A. No.

Q. You know Mowery, don't you?

A. Yes. I know Mowery. He is a member of my Local.

Q. Did you talk to him about it? A. No.

Q. Was he there at the grocery store?

A. No, he wasn't.

Q. Did you see him at any time prior to that incident at the grocery store? A. Prior——

Mr. Gladstein: (Interposing) Do you mean at any time or when?

By Mr. Del Guercio:

Q. When was the last time that you saw him prior to meeting Craycraft at the grocery store?

A. Saw Mowery? [4984]

Q. Yes.

A. Oh, I don't know. I think he was at the union meeting. I was at my Local union meeting the last time I was up north.

Q. When was that? A. A week ago.

Q. With respect to the time that you met Craycraft at the grocery store.

(Testimony of Cole Jackman.)

A. Well, I think—I think that was the previous Wednesday.

Q. Now, your testimony is that you didn't talk to anybody about the Cannalonga matter up to the time you met Craycraft at the grocery store?

A. Not so far as I can recall. I read his testimony.

Q. Well, how far can you recall?

A. Well, I don't—I had no occasion to talk to anybody about it.

Q. Now, just what did Craycraft tell you to do?

A. He told me he was waiting for Cannalonga to come up to see him.

Q. And so what?

A. And so he said he was supposed to be here at 7:00 o'clock, and——

Q. (Interposing): Well, were you there at 7:00 o'clock?

A. Yes, I was there a little before 7:00. [4985]

Q. A little before. When did he tell you this? Before 7:00?

A. Yes, I think it was before 7:00. About——

Q. (Interposing): What else did he tell you?

A. Well, that's all. He said he was waiting to see Cannalonga.

Q. And that's all he said? A. Yes.

Presiding Inspector: No. That is all he told him.

By Mr. Del Guercio:

Q. You say he sent you down to the boat to see what was holding up Cannalonga? A. Yes.

(Testimony of Cole Jackman.)

Q. Is that your testimony?

A. That's right.

Q. What did he say in regard to that, about going down to the boat?

A. That was about 7:20. He said something must have happened to hold Cannalonga up.

Q. When was this? Before 7:00?

A. No, after 7:00.

Q. After 7:00. How long after 7:00?

A. It was about a quarter after, 20 minutes after.

Q. It couldn't have been more than that?

A. No, I don't think so.

Q. About a quarter after 7:00 or 20 minutes after 7:00? [4986] A. Approximately.

Q. And were you with him all the time?

A. Yes.

Q. Were you talking? A. Yes.

Q. What were you talking about?

A. Oh, different things; the convention and union matters.

Q. And about a quarter after 7:00 or 20 minutes after 7:00 he told you to go down to do what?

A. To see what was holding up "Blackie" Cannalonga.

Q. Did he ask you to do anything else?

A. No.

Q. That's all he said? A. That's correct.

Q. And you were to go to the boat to see Cannalonga to see what was holding him up?

A. Yes.

Q. Nothing else?

(Testimony of Cole Jackman.)

A. Blackie was supposed to be there at 7:00 o'clock and he didn't show up.

Q. Well, you weren't to do anything else?

A. No, sir. I told you that already.

Q. Yes. All right. Now, you got down to the boat, didn't you? A. Yes. [4987]

Q. And you saw Cannalonga? A. Yes

Q. Why did you remain with him a half hour?

A. Because we were talking about a few things. He asked me some questions about some people that I know and he knows, and I told him something about the convention and he knew that I was a delegate.

Q. Weren't you worrying about Crayeraft waiting for you?

A. Well, I was only there about a half hour.

Q. You hadn't communicated with Crayeraft during that half hour, did you?

A. I got back shortly after 8:00 o'clock.

Q. Did you communicate with Crayeraft during that half hour you were with Cannalonga?

A. No. I couldn't communicate with him excepting to go back.

Q. But that's all that Crayeraft told you to go down there to do? To see what was holding up Cannalonga?

A. Absolutely. All that I went down there for was to see what was holding him up. Crayeraft thought he probably had to work, and that happened to be the case. The winches went haywire on the ship and Cannalonga had to work until midnight to repair them.

(Testimony of Cole Jackman.)

Q. Did this take you a half an hour to find out what was holding him up? [4988]

A. No, but he wanted to talk and he asked me about a few people that we both knew, and I told him a few things about the convention that we recently held.

Q. Well, as a matter of fact, you were sent down there to intimidate Cannalonga, weren't you?

A. I should say not.

Q. Huh?

A. I should say not.

Q. Was Cannalonga working when you found him in the chief engineer's quarters? A. Yes.

Q. What kind of work was he doing in the chief engineer's quarters?

A. Well, I think he was making out his time, his hourly time, or something.

Q. Time report? A. Yes, I think so.

Q. What was he doing?

A. Well, he was writing. I think he was making out the number of hours we was working or something.

Q. Do you call that "work"?

A. Well, I wouldn't know. I guess it all depends. They call it "work" in an office.

Q. Is that the kind of work that Cannalonga does?

A. No. I think he was just doing that for a few minutes. He had on his working clothes. [4989]

Q. When did you get back to the grocery store?

(Testimony of Cole Jackman.)

A. It was a little after 8:00, about five or ten minutes, after, maybe.

Q. Then you were gone more than a half hour, weren't you?

A. No, I don't think so. I was gone, well, possibly 40 minutes. But I drove down and back.

Q. How long did it take you to drive from the grocery store to the West Cussetta?

A. Oh, eight or ten minutes, I guess. It is about a mile and a half or two miles away.

Q. How long have you known Craycraft?

A. Well, I have known him about 10 years anyway, I think.

Q. Are you a member of the same Union?

A. Yes, sir.

Q. Do you pal around together?

A. Oh, not a great deal. We know each other pretty well. We have been associated somewhat in union business.

Q. How well do you know Mowery?

A. About the same.

Q. As well as you know Craycraft?

A. Well, yes. I guess so.

Q. Have you three ever been together, you, Craycraft and Mowery?

A. Oh, I suppose we may have been.

Q. Gone out on parties together drinking? [4990]

A. No, sir.

Q. What? A. No, sir.

Q. Have you ever been a member of a goon squad?

A. No, sir.

(Testimony of Cole Jackman.)

Q. Of your Union? A. No.

Q. Who are the members of the goon squad in your Union?

A. I wouldn't know. We don't have them. We don't deal that way.

Q. You know what a "beef squad" is, don't you?

A. Yes, I do.

Q. Have you ever been on a beef squad?

A. No, sir.

Q. Do you know if Craycraft has been on a beef squad? A. I know that he hasn't been.

Q. Huh?

A. I know that he hasn't been.

Q. Your Union doesn't have a beef squad?

A. No, sir. We don't.

Q. Does it have a Communist Party fraction?

A. Not so far as I know.

Q. Huh? How far do you know?

Mr. Gladstein: I think that question is ambiguous.

Mr. Del Guercio: He said not as far as he knows. It [4991] indicates that he might have some knowledge.

Presiding Inspector: No, I don't think it does. It denies knowledge in the usual manner of speech. "So far as I know" means——

By Mr. Del Guercio:

Q. (Interposing): How far does your knowledge go, then?

Presiding Inspector: It means that "that is as far as my knowledge goes".

(Testimony of Cole Jackman.)

By Mr. Del Guercio:

Q. Are you active in the Union?

A. Yes, sir.

Q. Well, do you know if there is a Communist fraction in that Union? A. I don't know.

Q. Would you know if there was?

A. Not necessarily.

Q. Would the officers of the Union know?

A. Well, I don't know whether they would or not. I don't see why they should know.

Q. Would you be interested in knowing if there is, if there was or if there is a fraction in your Local Union?

A. Well, I would like to know anything pertaining to the Union that affects the Union.

Q. Have you ever inquired? A. What?

[4992]

Q. Have you ever inquired if there was a Communist Party fraction within your Local Union?

A. No. I don't know who I would inquire to.

Q. You know Mowery, don't you?

A. Yes.

Q. Is he a member of the Communist Party?

A. I wouldn't know.

Q. Did you ever inquire? A. No.

Q. He is a member of your Union, isn't he?

A. Yes.

Q. And you have been friendly with him?

A. We've never discussed anything like that.

Q. Did Mr. Gladstein indicate to you while you

(Testimony of Cole Jackman.)

were sitting in Court that you would be called as a witness?

A. No, sir. The first time he—I had any idea that I would be called was when I told him about going down to the ship.

Q. You mean he didn't know about you having been with Craycraft at this grocery store on—what day was that?

Mr. Gladstein: I think that is calling for a conclusion.

Mr. Del Guercio: After all, your Honor, we are trying to go into all of the circumstances here on the part of every actor in this episode and the part he has played.

Presiding Inspector: You needn't argue it.

Mr. Gladstein: Did you see what the form of the question [4993] is?

Presiding Inspector: The objection is as to the form of the question, not the subtsance.

Read it, please.

(The question referred to was read by the reporter as follows:

"Q. You mean he didn't know about you having been with Craycraft at this grocery store on—what day was that?")

The Witness: Sunday.

Mr. Gladstein: How could this witness know whether I knew about something that is being inquired about.

Presiding Inspector: I think you had better reframe that question.

(Testimony of Cole Jackman.)

Mr. Del Guercio: The reason for that is——

Presiding Inspector (Interposing): You split the question and said "What day was this"? and it rather destroyed the continuity, and I think you had better reframe the question.

By Mr. Del Guercio:

Q. On what day was it that you were at this grocery store with Craycraft?

A. It was Sunday, the fourth of May.

Q. Sunday the fourth of May. Did you tell Mr. Gladstein at any time after Sunday, the fourth of May, that you were with Rosco Craycraft at that grocery store at that time?

A. Yes. I told him Monday, Monday afternoon after this hearing adjourned. I was in the hearing that morning and I [4994] told him.

Q. That is the first time?

A. That's right.

Q. Have you ever told anybody else that you were there at that grocery store at that time and place at any time after May 4th?

A. No, I don't think so.

Q. Mr. Rodman? A. No, sir.

Q. You know who Mr. Rodman is, don't you?

A. Yes, I know him just slightly. I haven't seen him for quite a while.

Presiding Inspector: I don't quite get this myself. This meeting with Craycraft happened on Sunday night?

The Witness: Yes.

Presiding Inspector: The 4th?

(Testimony of Cole Jackman.)

The Witness: That's right.

Presiding Inspector: Did you come down there that night?

The Witness: No.

Presiding Inspector: You speak of "Monday".

The Witness: Let me see.

Presiding Inspector: What Monday was that that you were here?

The Witness: Oh, that was last Monday; this last Monday.

Presiding Inspector: Oh, last Monday? [4995]

The Witness: Yes. I came down here, I think it was, the following Thursday after that Sunday.

Presiding Inspector: Yes. I was confused about the Sundays and Mondays.

The Witness: No. The Monday I referred to was last Monday, this last Monday.

By Mr. Del Guercio:

Q. Have you been reading the papers, to follow this case?

A. Yes, to some extent. I haven't read everything on it.

Q. Well, you have read about the disappearance of Cannalonga, haven't you? A. Yes.

Q. And you had seen Cannalonga on May 4th?

A. Yes.

Q. Did you tell anybody? A. No.

Q. What? A. No, sir.

Q. You didn't tell Mr. Gladstein?

A. No. I wasn't even——

Q. (Interposing): Mr. Margolis?

(Testimony of Cole Jackman.)

A. No, not until——

Q. (Interposing): Mr. Grossman?

A. No, sir. [4996]

Q. Mrs. King? A. No.

Q. Anybody connected with——

Mr. Gladstein (Interposing): One moment! Let the witness answer the question.

A. There is a lot of people seen Cannalonga after I seen him apparently. I understand he disappeared Wednesday morning. That was the Wednesday following the Sunday that I seen him, and I didn't even get down here until the following Thursday.

By Mr. Del Guercio:

Q. And you want us to believe, having read about Mr. Cannalonga's disappearance and knowing the part that you took in having something to do with Mr. Cannalonga's—the taking of Mr. Cannalonga's so-called deposition there, that you didn't tell anybody that you had seen Cannalonga on May 4th? Is that correct? Is that what you want this Court to believe?

A. Well, I had nothing to do with taking any deposition. I mererly went down to see what was holding him up. It was entirely a casual meeting of me going down there. As a matter of fact, I didn't even want to go down because I was supposed to be home at 7:00 o'clock.

Q. Well, if it was so casual why did you spend a half hour with Cannalonga on that ship talking to him about this case, about what he had testified?

(Testimony of Cole Jackman.)

A. Well, you don't like to rush away from a fellow when [4997] he is talking and we talked about a few things. He asked me about a fellow that we both knew pretty well in Portland and what he was doing, and so forth.

Q. What fellow was that that you both knew in Portland. A. Moose Norbeck.

Q. Moose who? A. Norbeck.

Q. Is he a member of your Union?

A. He is a former member of our Union. He is now head of the Line Service Bureau there. He is a former business agent of the Local. He asked me what he was doing.

Mr. Del Guercio: This may be a repetition, if your Honor please, but I want the record to be clear on this point.

Presiding Inspector: All right.

By Mr. Del Guercio:

Q. You didn't tell Mr. Gladstein or anybody connected with the Defense that you saw Cannalonga on May 4th and had this conversation, had the conversation that you had related, until last Monday?

A. No, I don't think I ever saw Mr. Gladstein until Monday.

Q. Well, is that correct, then?

Will you read my last question?

Presiding Inspector: There is an implied affirmative in that.

Mr. Del Guercio: Sir? [4998]

(Testimony of Cole Jackman.)

Presiding Inspector: There is an implied agreement with your question in there. He adds the reason.

The Reporter: Do you still wish the question?

Presiding Inspector: No, I don't think it is necessary.

By Mr. Del Guercio:

Q. And you told it to Gladstein on Monday, last Monday? A. Yes, sir.

Q. And that is the only time you spoke to anyone concerning this incident, concerning the incident about which you have testified?

A. Well, that was the first time I had talked to anybody about it, was Monday.

Mr. Del Guercio: That is all.

Redirect Examination

By Mr. Gladstein:

Q. Since that first time when you talked to me, Mr. Jackman, have you talked to me again before going on the stand? A. Yes.

Q. And what was the nature of that discussion?

A. Well, I just told you a little more in detail what had happened. That was today at noon. [4999]

Q. Now, on the day that you talked to me and told me about your having seen Cannalonga, did I give you any advice with respect to leaving Court?

A. Yes.

Q. What was it?

A. You said I had better not sit in any more because you might want to use me as a witness.

Q. Now, when you went down to see Mr. Canna-

(Testimony of Cole Jackman.)

longa that Sunday evening did you have any weapons with you? A. No, sir.

Q. Did you make any show of force?

A. No, sir.

Q. Did you do anything in the way of coercing Mr. Cannalonga? A. Not a bit.

Q. Was Mr. Cannalonga apparently afraid of you?

A. No, he wasn't. He was with a couple of other fellows in the Chief's room and he asked me into his own room, shook hands with me, and he apparently knew me, although I didn't know him very well, although I had seen him a time or two.

Q. Did he seem friendly at all?

A. Yes; very friendly.

Q. Did he seem afraid of Rosco Craycraft in any way? A. No, he did not.

Mr. Gladstein: That is all.

Presiding Inspector: Anything more? [5000]

Mr. Del Guercio: No, your Honor.

Presiding Inspector: You are excused.

Mr. Gladstein: That is all, Mr. Jackman.

(Witness excused.)

Presiding Inspector: Next witness.

Mr. Gladstein: May we have a recess, your Honor?

Presiding Inspector: Yes. We will take a short recess.

(Whereupon a short recess was taken.)

Presiding Inspector: Now, we will proceed.

I understand you are going to take up the testimony of Mr. Bridges.

Mr. Del Guercio: The reading of it?

Presiding Inspector: Yes.

Mrs. King: When I terminated this testimony on the last occasion I was suggesting that I intended to read from page 3075 to 3092.

Mr. Del Guercio: Does the Court have the testimony before him?

Presiding Inspector: No. What is this about, Mrs. King?

Mrs. King: It is the background of the 1934 strike and the explanation of a tie-up with the MWIU, reference to which occurs on the second page of this, and I contend that the entire matter serves to give a background of the situation which gave rise to the cooperation between Mr. Bridges and the Marine Workers Industrial Union; and also it explains somewhat the Waterfront Worker and its policy. [5001]

Mr. Myron: I think at that time there was an objection made by the Government that that had no reference at all to the admissions introduced by the Government.

Presiding Inspector: I will have to look at it.

Mr. Myron: I think you had gone over it.

Presiding Inspector: I will refresh my memory.

Mrs. King: I don't believe there had been a ruling.

(Whereupon Mr. Del Guercio handed the Presiding Inspector a copy of the testimony referred to, taken at the former hearing.)

Mrs. King: From the beginning of page 3075—may I call to your Honor's attention page 3074, and that was all read by the Government, beginning at the bottom of page 3073 and through 3074.

Now, I am proposing to read 3075 through 3092.

Presiding Inspector: How far do you want to read?

Mrs. King: Through 3092, down to the last question on that page.

Presiding Inspector: I can't see how that is material to what they have read. It is an interesting story. Of course, I may not grasp what they have read. It is very difficult to rule on these things without having——

Mr. Del Guercio (Interposing): What we read had to do with two subjects; one, the Waterfront Worker, and the other the Marine Workers Industrial Union.

Presiding Inspector: This is a general history of the [5002] strike.

Mrs. King: That is correct.

Presiding Inspector: You don't want to offer that as a general subject for discussion here, do you?

Mrs. King: Yes, I do, and for this reason: That the conduct of Mr. Bridges in relation to the Marine Workers Industrial Union was due to the facts surrounding the outbreak of the strike. What he would have done in another connection with reference to the Marine Workers Industrial Union might have been very different. But here he was confronted with a very interesting situation, presented

in these pages, and he acted as he did because of this situation. Now, to just give his conduct, without the facts which gave rise to that conduct, it seems to me to give a one-sided picture of the situation. I think he is entitled to his defense, if they put in the admission.

Presiding Inspector: Where were these admissions?

Mrs. King: I am not sure that I can find them. But they did, in general, suggest that Mr. Bridges cooperated in having people join the Marine Workers Industrial Union, which he said he did because the SUP was not backing the strike; whereas the Marine Workers Industrial Union went out the day after the strike, and that because of the intense need for cooperation at that time, because of the seriousness of the situation, he felt that any union that was out on strike, it was better to [5003] get people in it regardless of its political views, than it was to try and get people into a union that was refusing to cooperate in the strike.

The picture of the outbreak of the strike, and the cooperation of the Marine Workers Industrial Union, is brought out in these pages and it seems to me that it is most relevant to the question of why Mr. Bridges conducted himself as he did.

I am sorry I don't have the exact reference to what the Government read, but I think the Government has made plain that their interest is in his cooperation with the Marine Workers Industrial Union.

Presiding Inspector: Yes; that is true.

Mr. Del Guercio: I don't find any reference at all to the matters that we read into the record that Bridges gave as a reason for cooperating and affiliating with the Marine Workers Industrial Union because of the conditions of the strike.

Presiding Inspector: Let me see—there is a statement as to the date that the Marine Workers went out, I think, here.

Mr. Del Guercio: 3074.

Presiding Inspector: 3074.

Mr. Del Guercio: Having in mind also, if the Court please, that we read these matters into the record as admissions of the Alien, admissions against interest.

Presiding Inspector: Yes.

Mrs. King: I think the material read by the Government [5004] was on page 2605 through 2608, and then starting again on 2608 through 2614. It is really 2605 through 2614, with one line omitted, which I subsequently read.

Then there is some more along the same line on pages 2589 through 2591.

I would also like to call your attention to the two or three lines on 2489.

Presiding Inspector: 2489. I have read that.

Mrs. King: I think that is the simplest, shortest place where it comes out clearly.

Presiding Inspector: 2489?

Mrs. King: Beginning with the question:

"Q. Were you ever a member of the MWIU?"

[5005]

That's the shortest.

Presiding Inspector: "Were you ever a member"? I have it.

Mrs. King: Just through "Yes, but was never a member."

Now, it seems to me we are entitled to show why he worked closely with the MWIU, and I think these pages indicate that; the stress of the situation.

Presiding Inspector: Was there any objection to this testimony before Dean Landis?

Mrs. King: No, there was no objection to it. As Dean Landis said, there were very few objections throughout that hearing.

Presiding Inspector: On legal questions.

Mr. Del Guercio: If the Court please, assuming that what Harry Bridges admitted or the admissions of Harry Bridges that we introduced are sufficient to show that he was affiliated with the Marine Workers Industrial Union, certainly under such circumstances the reasons why he affiliated himself with the Marine Workers Industrial Union would be of no significance.

Presiding Inspector: Well, under the claim of Mr. Bridges' counsel they would say, I think, that that has some bearing on whether it was such affiliation as is meant by that term within the statute.

Mr. Del Guercio: Would the stress of circumstances under [5006] which a person joins a prescribed organization or affiliates himself——

Presiding Inspector: (Interposing) I am not ruling on it. I am saying that that would be the contention, I think——

Mrs. King: (Interposing) If the Court please —excuse me.

Presiding Inspector: (Continuing) ——of the counsel.

Go ahead.

Mrs. King: If the Court please, Mr. Del Guercio has talked about "joining" an organization. We are trying to explain with reference to an organization where there is no testimony that he joined whatsoever why he worked with it. And it would seem to me on the question of affiliation the reason why he worked with an organization might be very relevant on the question as to whether he was or was not affiliated. In other words, you might not have any kind of a permanent relationship with an organization and still, under the stress of circumstances, might work up a temporary cooperation which would not amount to affiliation.

I think what Mr. Del Guercio has said made much clearer than anything that I have said the need for reading in the material which explains what the Government took as admissions. The Government's position is, Mr. Bridges admits working closely; the reasons for that are immaterial. Because they have nothing to do with whether he was or wasn't affiliated. [5007]

I say, as your Honor suggested I would say, that they have a very clear bearing on whether he was or wasn't affiliated.

Presiding Inspector: Well, Mr. Del Guercio. I wouldn't want to pass on that question, upon a rul-

ing on the exclusion of evidence. That is a question that needs consideration.

Mr. Del Guercio: I mentioned that merely for the Court to consider, not as the sole ground, of course.

Mr. Myron: Of course, it is the Government's contention, if your Honor please, that this matter which the Alien is now attempting to read into the record has no reference or in no way explains or qualifies the testimony which the Government introduced as admissions at a prior hearing. I don't think there is any reference to the Waterfront Worker or any reference to the MWIU in the testimony which the Alien is now attempting to read into the record.

Mrs. King: There are two references to the Marine Workers Industrial Union in the pages that I am intending to read.

Mr. Myron: If that is so, if there are references we will allow those two pages to be read in. But not the complete story. I don't remember the evidence, but as I remember it, there were no references.

Presiding Inspector: Where are those?

Mrs. King: On page 3075 just below the middle of the page. [5008]

Presiding Inspector: That is the one that says "They were then on strike?"

Mrs. King: Yes. And on page 3077, about the middle of the page, there is another reference to the MWIU, just before the long paragraph, the end of the first long paragraph and before the second.

Presiding Inspector: "That together with our picket lines and together with the pressure of the MWIU already on strike forced the seamen to call the strike."

Mrs. King: It seems to me——

Presiding Inspector: (Interposing) It really is pretty remote from what the Government introduced.

Mrs. King: I don't see that it is remote, because it seems to me that his relationship with the MWIU was conditioned by the things that are set forth on these pages. That is the explanation for it. In other words, they, in my opinion, want to put in the admission but they don't want to give the background against which the facts of the admission occur.

Presiding Inspector: I will read this over again more carefully and rule on it tomorrow.

Mrs. King: All right.

Presiding Inspector: What is the next one?

Mrs. King: I want to read in pages 3100 to 3104. May I explain in that connection that the Government went into a very extensive consideration in the admissions that they put [5009] in as to the character of the MWIU constitution, and this was the explanation by the Alien of the fact that that constitution was very little different from the A. F. of L. constitution. And I believe that we have a right to show that.

Presiding Inspector: How far did they read?

Mrs. King: Beginning at the first question on 3100 through——

Presiding Inspector: (Interposing) Is this what you want to read or is this what the Government read?

Mrs. King: This is what I want to read. Through the middle of page 3104 to where Trial Examiner Landis comes in. I am basing my interest in that on the matter read by the Government.

Mr. Del Guercio: What particular portion read by the Government, so that we may properly follow?

Mrs. King: The portion read by the Government with reference to the constitution of the Marine Workers Industrial Union, which I am now looking for the page reference to. The part that I have in mind is the part that the Government read on pages 2617 through page 2628. In fact, the first question that I am proposing to read has a specific reference to the other testimony.

Mr. Del Guercio: We have no objection to the first one then, but we do to the rest of it.

Mr. Myron: We don't have a record to follow.

Presiding Inspector: No. [5010]

Mr. Myron: We don't know what question she refers to.

Presiding Inspector: I think I will exclude that.

Mrs. King: If your Honor please, here——

Presiding Inspector: (Interposing) I don't see what difference it makes what may be in other constitutions or that a bringing about of a socialistic age is of any importance here. I think it was Juarez who was asked when the socialistic age would come,

and he replied that "It has already come. We are in it now."

Mrs. King: I don't know how to answer that question. I am not sure that the reference is correct, but presumably it is.

Presiding Inspector: It may not be, but at any rate is was said by some prominent French socialist.

Mrs. King: Yes, I think it was. But in this instance you have a situation that the Government read pages and pages——

Presiding Inspector: (Interposing) You know, perhaps you noticed as we were going over these matters I have interposed several times and asked witnesses what they meant by "revolution."

Mrs. King: Yes.

Presiding Inspector: You have noticed that. Now, of course, that word is an ambiguous term. It may be figuratively used, it may be used in the literal sense of a revolt by force and arms. It is very customary to say that the world is in a revolution and has been for some time. This discussion, it [5011] seems to me, is remote from the matter which has been introduced by the Government.

Mrs. King: The matter that has been introduced by the Government on pages 2617 and following?

Presiding Inspector: It seems to be so.

Mrs. King: Because the Government, it seems to me, in the instant hearing makes a lot of capital about what the Alien says was insignificant in the Marine Workers Industrial Union constitution. He

said he wasn't concerned with all these big phrases. Now, it seems to me——

Presiding Inspector: (Interposing) They were there, though.

Mrs. King: So are they in the other constitution.

Presiding Inspector: No. They can be treated otherwise, and these he refers to are in Australia and the A. F. of L., and so forth. I don't think it adds anything.

Mrs. King: It seems to me the explanation concerns his attitude toward the Marine Workers Union constitution.

Presiding Inspector: Supposing it does perhaps explain the workings of his particular mind toward that?

Mrs. King: There are ten pages of the Government's admissions having to do with the operations of his mind on precisely that question. And it seems to me, if we are interested in the operations of his mind, we are interested in why his mind operated that way. [5012]

Presiding Inspector: Where is that matter that you refer to?

Mrs. King: Pages 2617 through pages 2628.

Presiding Inspector: 2617?

Mrs. King: Yes. [5013]

Presiding Inspector: I think the statement that was introduced is a very able argument on the proposition. I do not think it is affected by these examples of these other unions. I don't see very much harm, however, in having them in as a part of this general argument which the witness in the other proceeding gave.

Of course, it can be argued that from his statement —and I don't say that you have to accept this—that he is very able, and that he has a very good understanding of all the causes and picked out those that were correct, and those that were incorrect, or those which were dangerous and ought to be changed—he doesn't use that word "dangerous"—with extraordinary acumen.

I don't think it will add much, but I will accept these statements in comparison if you really want them. They are illustrative of his argument; that is all.

Mr. Del Guercio: I understood that you excluded them.

Presiding Inspector: I have been sort of thinking aloud, Mr. Del Guercio: I don't see that they add anything to what is already there. I don't say that they are not in a general way on the subject of these preambles in labor union constitutions.

Do you want to read them?

Mrs. King: Yes.

Presiding Inspector: I will let you read them. Go ahead.

Mr. Del Guercio: Did you say you excluded them? [5014]

Presiding Inspector: No. I will admit these matters.

Mr. Del Guercio: May I be permitted to be heard?

Presiding Inspector: Certainly.

Mr. Del Guercio: It seems that the matters admitted by the Court, and I think even counsel will

admit, are not of sufficient importance to be wasting so much time on them. Every time one of them is requested to be read, you make a ruling, thinking out loud, as you said, and then there is about ten or fifteen minutes of argument over the same matter.

Presiding Inspector: We are adding to it now. I am at fault partially, I know. It seemed to me that the part that you introduced here is a very clear statement on the part of the witness as to his understandings and interpretation from his point of view of the Marine Workers' constitution. Now, in the course of that there are certain phrases which he says, which it is claimed are also somewhat similarly used by other organizations. That is the claim.

Now, I think on the other side it may be argued that they are not the same; that these clauses in the Australian organizations, and in the A. F. of L., do not show clearly, at least indicate the approximate aim of what is called the Workers' struggle.

Now, I think an argument can be made either way on that, and so that we may have the whole thing before us I thought best to receive it. [5015]

Mr. Del Guercio: You believe they are sufficiently connected as to——

Presiding Inspector: I think they are somewhat remote, but perhaps they lend some explanation, perhaps they lend some aid to the interpretation which you have put on the matter.

I will take it.

Mrs. King: Reading now from page 3100:

"Q. You gave testimony yesterday about the

class struggle, which you have had experience in, and there was read to you by Mr. Shoemaker a preamble from the constitution of the Marine Workers Industrial Union, and you were asked as to whether you approved or disapproved of all or portions of it. Do you recall that testimony?

"A. Yes.

"Q. In your experience is it the usual or an unusual thing for unions of every kind in the A. F. of L., Railway Brotherhood, Independent or otherwise, to express such sentiments in their preamble to their constitution?

"A. I think it is the usual thing. Practically every union in Australia, for example, in their preamble points out——

"Mr. Shoemaker: (Interrupting) In Australia?

"The Witness: Yes. All the unions in Australia are generally industrial unions and in the preambles of practically [5016] every one of their constitutions they mention somewhere that the ultimate aim of the workers is a change of society to a socialistic form. I don't think any of them that I can recall specifically say how it will be done, but they lay down the general aims.

"I think most A. F. of L. unions, in their preambles you will find similar things. In the American Federation of Labor constitution itself you will find that the preamble of the constitution deals with the class struggle and says that it must continue until the workers take over, if I recall the wording correctly, something along that line, until

the workers get their proper share of the products of their labor.

"Q. I am referring now to the preamble to the constitution of the American Federation of Labor.

"Is this what you mean?

" 'Whereas, the struggle is going on in all the nations of the civilized world between the oppressors and the oppressed of all countries, a struggle between the capitalist and the laborer, which grows in intensity from year to year and will work disastrous results to the toiling millions if they are not combined for mutual protection and benefit.

" 'It, therefore, behooves the representatives of the trade and labor unions of America in convention [5017] assembled, to adopt such measures and disseminate such principles among the mechanics and laborers of our country as will permanently *unit* them to secure the recognition of rights to which they the justly entitled.

" 'We, therefore, declare ourselves in favor of the formation of a thorough Federation, embracing every trade and labor organization in America, organized under the trade union system.'

"Is that the sort of preamble that you have in mind?

"A. Yes. I think that preamble is common in practically all constitutions.

"Q. And to your mind does that preamble express the existence and recognized existence of what you termed in your discussion yesterday a class struggle?

"A. I think it expresses it better than I did.

"Q. Are there many unions affiliated with the American Federation of Labor which have similar provisions in their constitutions?

"A. I don't know if there are many left in the American Federation of Labor. I would say that the majority of the unions that withdrew from there and went with the CIO, in most cases had such preambles, but I am not quite sure if they continue in the constitutions of the ones that are remaining. Generally, you will find that, or some reference to it. No trade unionist denies the existence of the class struggle. [5018]

"Q. Now, recognition of the existence of a class struggle, does that necessarily mean that the attitude of these unions, or of yourself, is generally along this line: That there must be a revolution by force and violence to effect a change in the situation?

"A. Not at all. The difference—in other words, that is one of the basic differences between a company union and a bona fide union. You will notice that the foundation and all the principles of a company union—if you examine a company union's constitution you will find in there it saying such things as"——

Mr. Del Guercio: (Interposing) "such as."

Mrs. King: Yes, Excuse me

" . . . such as that the employer and the employee have everything in common; that the employers' interests are the employees' interests, and so on. That is what you find in the preamble of a company union. But when you get a bona fide labor union you can't help but see that the employers' interests and

the employees' interests are not the same. Every time the employees get a raise in wages the employers get less profits so it is impossible, it can't be done, and everybody recognizes that.

"Q. Despite that fact, or, I should say, in view of that fact that the interests of the employer and the employees are dissimilar and opposed to each other, as you have explained, [5019] would you say that the intention in these preambles is to express a revolutionary attitude involving the concept of force and violence?

"A. No; definitely not. I have never heard anybody doing it, or construing it that way.

"Q. Did you intend in your discussion yesterday on the subject of the class struggle to give the understanding that you believed that these changes, for which a desire is expressed in this preamble, must be brought about by forcible and destructive means?

"A. No. I don't think I said that anywhere. I think I explained that. It was certainly not my intention."

Presiding Inspector: I think we will stop now at this point until tomorrow morning at ten o'clock.

(Whereupon, at 4:16 P. M., an adjournment was taken to Friday, May 23, 1941, at 10:00 A. M.) [5020]

Court Room 276,
Federal Building,
San Francisco, California
May 23, 1941.

Met, pursuant to adjournment, at 10:00 A. M.

[5021]

PROCEEDINGS

Presiding Inspector: In respect to the reading of the long history, I don't want to pass on the effect of that testimony, on a ruling on the testimony, and I will, therefore, let you read it and will reserve whether it has any effect as a question of decision.

Mrs. King: Thank you, your Honor.

I am reading now from the top of page 3075:

(Reading from testimony of previous hearing.)

"Q. I didn't mean only for the paper itself, but the strike; did you get any financial help?

"A. Oh, yes. The strike was supported after it got rolling along pretty well—was supported all over. All the unions came through with very large and frequent contributions. As a matter of fact, when we ended the strike we had more money in the treasury than when we began.

"Q. Now, did various individuals come and help you with the strike?

"A. Oh, dozens of them. I can't recall, but at times like that a lot of people came down and would offer this or that, or volunteer their help, technical and otherwise. I can recall that three people came down and turned over brand-new machines to us;

we were a little skeptical, we thought there might be something wrong with them.

"A lot of people came down: Stenographers or bookkeepers and publicity experts, some college people came over and [5022] offered to help and aid, and it was quite an affair. There was a lot of that kind of stuff.

"Q. And did you use all of this help that was offered you?

"A. Not all of it. For the first few days of the strike things were pretty hectic. There wasn't many men there that knew what it was all about, and it was all generally handled through me, until we—the first few days of the strike the great job was to get everybody off the job and to get the thing lined up, get the picket line established, get the committees functioning; so we didn't pay much attention at that time.

"But later on we used a lot of this help, except we was able to select them and tell some we didn't need them, and some that we did, and they done us a tremendous amount of good.

"Q. And most of the people who went on strike at the beginning were members of the International Longshoremen's Association?

"A. All of them.

"Q. Nobody else went out?

"A. Nobody else struck. We were the only ones that struck on May 9; no other union.

"Q. When was the next time anybody went out?

"A. May 10, the Marine Workers Industrial Un-

ion. [5023] Following them were the Association of Machinists and Boilermakers.

"Q. When did they go out?

"A. Around May 12, and then—they were the next.

"Q. And then what?

"A. They were the next. The Machinists and Boilermakers were the next organization—they didn't strike; they just quit working on the waterfront and refused to handle any struck work. The employers immediately started to put strike breakers to work, and the unions refused to work anywhere on the waterfront as long as those strike breakers were there; but they worked elsewhere, of course.

"Q. And then did other groups go out?

"A. May 15, the Seamen struck. At that time, of course—around May 12, the employers suspended all coastwise shipping service. In other words, they shut down all coastwise shipping; their strategy being that they could fight the strike better by not having coastwise vessels operating. That, together with our picket lines, and together with the pressure of the M. W. I. U. already on strike, forced the Seamen to call a strike.

"Of course, it has got to be understood that the Seamen at that time, with the so-called union they had, was under the ironclad control of—the iron control of reactionary officials, and when I went over there and tried to argue with those of- [5024] ficials, and say 'Now; this is your opportunity to rebuild your union back to where it was in 1921,' after all,

I was an old member of the Sailors Union—why, they practically threw us out of the office and said we should attend to our knitting.

"Eventually, however, we forced them to call an official strike, and that took place May 15, 1934.

"Q. Was that strike called as a result of your efforts or really because the Coastwise shipping had been called off?

"A. Well, the fact that the Coastwise ships shut down, that forced all seamen ashore from all coastwise ships, and helped; but I think it was mainly the results of my efforts. I am not a bit ashamed of it.

"Q. What was the coastwise shipping? Where did that go from and to?

"A. That was the ships that only run on the Pacific Coast; in other words, distinguished from ships, say, that would run to China, or intercoastal ships running from Baltimore, New York, Philadelphia, which we call intercoastal or deep water ships. The coastwise ships are the ships packing coastwise up and down the Pacific Coast.

"Q. Now, after the Seamen went out on strike on May 15, what was the next group that went out?

"A. Well, there was—the next groups were the licensed officers. The next particular group was the radio operators on board the ships. Following right behind them [5025] were the licensed officers, that is, the captains and the mates and the pilots on the ships, and the engine-room officers, the engineers. They struck somewhere around the middle of June; I think it was June 10.

"Q. Had any demands been made by any groups except the longshoremen?

"A. Not at that time.

"Q. And will you go on to develop the other groups as they went out?

"A. Well, by approaching the middle of June everything on the waterfront—all unions on the waterfront were on strike or in support of it. Two weeks after May 9, the Teamsters, which were a very important group and a key group in the strike voted to refrain from hauling to or from the waterfront. Now, that in effect was not a strike except on the waterfront; they hauled elsewhere in the city.

"The towboats—we managed to get the towboats to refrain from handling any ships worked or manned by strike breakers, and that just about completed the picture. So around the middle of June we had things pretty well sewed up, up and down the Pacific Coast. All groups on all ships on strike, although the ships and the ports were operating with strike breakers, generally speaking, as the strike was being felt and was very effective.

"It was an industrial strike. We had it organized pretty [5026] well by that time, and despite predictions that we were going to be beaten in two days everybody swung around the other way and started to predict it was going to last six months.

"Q. And during this period your demands on the employers continued the same as when the strike broke?

"A. No, we began to drop our demands then. We first of all agreed—Edward F. McGrady, the Assistant Secretary of Labor, was in the scene and attempting to mediate the strike. They were proposing arbitration, and we were refusing to arbitrate, particularly the issue of recognition of the union, and the union hiring hall, which was somewhat the same as a closed shop. We refused, all of us, to arbitrate for that reason.

"However, we did by that time agree to arbitrate hours and wages, but we still held on and refused to arbitrate the question of hiring halls. Then, of course, the other issue cropped up. By that time we had the seamen sufficiently well organized that we had drawn up a set of demands for them, and we came to an agreement before the middle of June that no one union would return to work by itself; we would all go back together, and that no one union would accept an agreement until we all had an agreement. That had been accomplished by around the 8th or 10th of June.

"Q. And what caused the spread of the strike? Up until that time it was purely maritime, marine workers' strike; [5027] isn't that correct?

"A. Well, it was purely a marine workers' strike up until July 15, when we had the general strike.

"Q. How did the strike spread?

"A. As a general strike?

"Q. Yes.

"A. Well, we got nowhere in negotiations. The negotiations for the employers were being handled

by the Industrial Association. The Industrial Association was an association pledged to the American plan or open-shop plan, therefore they were determined not to give us any settlement of the strike that would do us any good.

"As a matter of fact, the only settlement they offered us was ones that we knew would completely eliminate every militant union off the waterfront; a settlement to return, for example, and keep the strike breakers on the job at the same time. In other words, settlements that were impossible.

"It was much better to fight and be completely beaten than to accept any of them. So negotiations did not get very far. Eventually they sat down and worked out another line of strategy, and that was to bring a tremendous amount of public opinion to bear. They started the Red scare business, this deportation hearing started then; that is when the first demands, I think, for my deportation came up, at that time.

"And the Industrial Association, after working up a lot [5028] of publicity with the able support of the press at that time, set a day when they were going to open the port. They had the Mayor of the city in full support of them, they had the police department—they were standing by with their orders—and so forth, and I think it was July 3, 1934, the date set to open the port. And what they meant by opening the port was to release the cargo from the docks the ships were working. They had enough strike breakers on the ships and on the docks to work the cargo, but it was piling up in the

docks and there was no more room left on the docks, they were full and no more cargo could be put on the docks, and they had to find some way of getting it off the docks because the strike had bottled up.

"So when they talked about opening up the port it meant that they were going to hire strikebreakers for teamsters and remove the stuff from the docks. And on July 3 we sent out an emergency call to all unions in the city to come down and string a mass picket line along the entire waterfront. When that was done the police charged the picket line and removed them, and they run a little bit of freight out of two or three of the docks and they utilized it, of course, to proclaim in very glaring headlines that the port at last was open; mainly all directed, of course, to breaking the morale of the strikers.

"Well, I remember at that time I knew that they had made a foolish move. It was all very well to use strike breakers and a lot of publicity on us, and the old Red scare, [5029] but when they started to put strike breakers in the place of the teamsters' union, which was an old established and conservative union, and started to call the teamsters a bunch of Reds, it just didn't work. So we got then the full and complete cooperation of the teamsters, and that is when we really started to get organized, and that was the beginning of the spread of the strike from July 3 on.

"July 5 was the famous 'Bloody Thursday,' when the police began—they gave us a day off on July 4, while they engaged in a patriotic parade, and then

the first attack took place again on July 5 at seven in the morning. I was in the strike committee, a meeting of the strike committee, and they packed two men in there who had been shot. The battle raged all that day, and when I say battle I mean that it was just a deliberate planned attack to shoot the men back to work, and anybody that knows anything about it knows that.

"Out of the 400 men that were shot; the majority of them were shot in the back. The two men that were killed were shot in the back. It was a deliberate planned murder by the police, and we are never going to forget it. Every July 5 we parade on the streets here so that they know we are not forgetting it.

"And that ended that night with the government calling out the National Guard. On July 9 we organized a mass [5030] burial of the two men that had been killed, and from then on began to organize a general strike which took place on July 16. The general strike was brought about and deliberately organized by us as a mass protest against the killing and the murder of the men on the waterfront, and it was successful.

"Q. When you say it was successful, what do you mean by that?

"A. I mean that it stopped the terror, it brought to the attention of the people just what was going on and who was responsible. It broke down the employers' position, where the people began to demand a settlement of the strike, and it brought into play all the forces of the labor move-

ment; and if there hadn't been a settlement made at that time the strike would have spread.

"It also brought into play the forces of the Federal Government, where they realized apparently for the first time that the millions of dollars that they were putting into subsidize shipping lines were being used to purchase bullets and tear gas to shoot us down with. It is a matter of record now that the greatest purchasers of tear gas, shotguns and so forth, in 1934, were the waterfront employers of the Pacific Coast, and it was actually purchased with Federal money that they had gotten from Federal ships' subsidies.

"Q. Now, Mr. Bridges, was there any effort to take over the government at that time, or create a revolutionary [5031] situation, as a result of this general strike?

"A. When we organized for the general strike and put the leaflets out all over the country, some 200,000-odd, the leaflet contained the fact that there would be no attempt to interfere with such things as lights, electricity or gas; there would be no attempt to interfere with the movement of foodstuffs, the operation of creameries or bakeries; but all of those other things were going to be struck, and that is the way it eventually worked out.

"Of course, the city took the opportunity to cry a lot about taking over the country and taking over the city, and all that, and set up an emergency state of affairs, but it wasn't necessary. The guard was on there, there was martial law on the waterfront, there was tanks, light artillery, machine guns,

barbed wire entanglements, sand bags and everything. It looked like a battleground, and it certainly looked like they wanted to take over the city, when all the men were asking at that time was a hiring hall of the union; that is all they were asking for at that time. They had forgotten wages, hours, and everything else, and was only asking for the hiring hall.

"And as far as taking over the city was concerned, the records of the general strike and what the program was is still available, and the way it was voted on.

"But of course, something happened at that time: [5032] William Randolph Hearst in London began to send daily cables, and the publishers—the newspaper publishers organized, headed by John Francis Neylan, and deliberately planned to lay a scare up and down the Pacific Coast of bloody revolution and the fact that we were attempting—the revolution was here and that the purpose of the whole thing was to take over the city."

Mr. Del Guercio: (Interposing) Of course, your Honor——

Presiding Inspector: This isn't evidence and don't prove anything. It is only to show the attitude of this man's mind. I think it may be pertinent on that if that attitude is in question in the case, which isn't yet determined. This isn't proof of any fact. [5033]

Mr. Del Guercio: No, but I was questioning that it was even remotely connected with it.

Presiding Inspector: It was a part of the examination of Mr. Bridges in the other hearing. I will take it.

Mrs. King. "General Johnson went on the air and worked up a lynching spirit, and his exact words were that, 'We have to run these people out of town like rats.'

"Rossi and Governor Merriam were on the air calling for the blood . . ."

Presiding Inspector: Of course, it doesn't prove that any such thing happened. It is just as to the attitude of this man's mind.

Go ahead.

Mrs. King: " . . and the lynching of the strikers, and they tried to work up and they did work up such a spirit that it would have been foolish to try and continue the strike any longer. Every one of us seen that; and the general strike was called off.

"At the same time, the vigilantes were in action, with the collaboration of the police—I don't know about the collaboration part, but I notice that as each vigilante group hit headquarters, or radical headquarters, there was no police within half a mile; but five minutes after they left and they had clubbed everybody into unconsciousness, I notice the police [5034] came around and arrested everybody that was lying around unconscious. But they never got one vigilante.

"And later on in those cases, as I recall, the city had to make good. In other words, the various clubs that they had raided, like the Finnish Society in San Francisco, and the Finnish Society in Berke-

ley, the I. W. W. union hall, and certain other places that they raided under the guise of being Communist headquarters, the cities were eventually forced to pay for the damage done to those places under the guise of calling the people Reds.

"We moved all of our records out of the union hall because we expected to get it any minute, but we were standing by. But the vigilantes didn't come by our hall, and maybe it is a pity they didn't, because we were ready."

I am leaving out the talk between counsel at that point.

"Q. Mr. Bridges, just a question or two about the general strike before we pass on to some other subject matters. Will you state briefly the mechanism by which the general strike in San Francisco was brought about?

"A. We presented a resolution in the San Francisco Labor Counsil.

"Q. To what effect?

"A. Asking that the Council recommend to all unions to take a vote to walk out unless the demands of the strikers on the waterfront were granted as of a certain date.

"The walkout was to take place Monday, July 16, 1934. [5035]

"The resolution was concurred in by the Central Labor Council and the various unions began to vote."

Mr. Del Guercio: If the Court please, I think the record ought to show that these are questions

that were asked the Alien here by Mr. Gladstein, his counsel.

Mrs. King: There is no objection to having the record show that.

Presiding Inspector: Yes.

Mrs. King: "Q. You say 'concurred in by the Council.' You mean the delegates to the Council?

"A. The delegates to the Central Labor Council.

"Q. Can you state briefly how the Council was composed?

"A. The Council was composed of delegates elected from each local union in this area affiliated with the Central Labor Council.

"Q. How was the number of delegates from each union determined?

"A. By the number of members in the union; one delegate for the charter, and one delegate for every hundred members, with a maximum number of 10 delegates allowed to the Council.

"Q. So it would be fair to say that the delegates to the San Francisco Central Labor Council formed a properly proportioned representative group, representing all of the unions in San Francisco?

"A. It changed after that. A general strike committee [5036] was elected because the resolution also asked each union to elect five representatives which would form a general strike committee, and that committee was formed.

"It was that committee that actually called the general strike. In other words, although the delegates to the Labor Council and the delegates to the strike committee might have been one and the same,

it was not necessarily so. In some cases new people were elected instead of the delegates.

"Q. But when you first presented the resolution to the Central Labor Council calling for a general strike, the delegates present at the meeting voted, is that right?

"A. Yes, that is right. I am trying to think—there might have been some other mechanics. That is right. The resolution was first adopted by the Central Labor Council and sent out to all unions asking them to elect five members to form a general strike committee and to vote on the question of a general strike.

"Q. And when that procedure had been followed then you had a joint strike committee, is that correct?

"A. A general strike committee, composed of five delegates from every union in the San Francisco area.

"Q. Do you recall the total number of members of that general strike committee?

"A. It filled that main auditorium of the Temple. It would be around 400 or 500.

"Q. Were you a member of that? [5037]

"A. I was a member of it; yes.

"Q. Now, how long was the general strike in effect?

"A. Totally in effect for about three days and then, because of the plain I described, the publicity and vigilante movement, it began to more or less break down. The street cars went back to work.

"Q. What were some of the most important arguments used to call the general strike?

"A. The general strike came about as a protest of the police terror, a protest in putting the troops on the waterfront, and we were being threatened with martial law against all unions, not only the unions on strike, but against all unions.

"Q. Was there any intention, expressed or otherwise, to seize the city administration, or overturn the government, or take steps of that kind?

"A. The majority of the unions had no demands. The only demands that any union had were on the waterfront, and the demands on the waterfront at that time were only three:

"1. The removal of the National Guard and all the strike breakers.

"2. An agreement that all the strikers be returned to work without discrimination.

"3. That the seamen be recognized also.

"In other words, when I say 'strike' I mean the longshoremen. The demands were three in number —the re- [5038] moval of the strike breakers and the National Guard, the longshoremen be returned to work and to be granted the right to hire through their own union halls, and recognition of the seamen. Those were the three demands.

Outside of those unions, no other unions—I think that is incorrect—we took the opportunity—when the general strike came around it had a very good organizing effect and in all about 35,000 new members went into trade unions. For the first time the Market Street Railway was organized. They pre-

sented demands also. They were officially on strike with demands. So outside of the waterfront they were the only union that had any demands.

"Q. Was there any talk, or any expressed intention of bringing about revolution?

"A. None whatsoever. The demands were simple demands as I have stated. There was plenty of talk. That talk was employer talk in the press and so forth. But as far as the union people were concerned, all they wanted were the things that I said. They had completely forgotten about hours, wages and working conditions. It was a question of getting back on the job.

"Q. How long did the entire strike period last, that is, as far as the longshoremen were concerned?

"A. The general strike ended July 19, I think. The waterfront remained on strike and finally ended in an agreement with the employers to arbitrate all issues in dispute [5039] for all the waterfront unions July 31, and all the waterfront unions returned to work together at 8:00 A. M. July 31.

"Q. What fundamental difference was there between the agreement to arbitrate all those issues and the previous proposal of the employers to arbitrate?

"A. When we went back to work it was agreed that the issues would be arbitrated by a Board selected by President Roosevelt, that all strike breakers would be discharged, that the National Guard would be removed, that there would be no discrimination against any of the men returning to work because of trade union activity.

"Q. And to what crafts was this arbitration to apply?

"A. All of the crafts on strike.

"The difference between that and what we had been offered before—before they had only recognized the longshoremen and they completely refused to recognize the seamen. Of course, that meant disunity. Eventually, the way it worked out, we all returned to work together with an agreement to arbitrate the demands of all unions.

"Q. And that is the way the arbitration was conducted?

"A. The arbitration was conducted that way, and an award was handed down for the longshoremen October 12, 1934; and later on handed down for the other unions."

Now if your Honor please, there is only one more passage which I have asked to read.

Presiding Inspector: That is that very short passage? [5040]

Mrs. King: Yes, on page 5951.

Presiding Inspector: I have read that. You may read that.

Mr. Del Guercio: Over our objection.

Presiding Inspector: Over your objection.

Mrs. King: It is just preceding the passage that was read by the Government on page 5952.

Presiding Inspector: It was about a page. [5041]

Mrs. King: (Reading)

"Q. I want to go now into the matter of your publication of the Waterfront Worker. That is on page 2720.

"I think you testified that the Waterfront Worker had been——"

Presiding Inspector: That doesn't mean anything now, page 2720?

Mrs. King: That is 2720 of the previous transcript.

Presiding Inspector: In this transcript it doesn't mean anything?

Mrs. King: No.

Presiding Inspector: That is just an explanation.

Mrs. King: (Continuing reading):

"I think you testified that the Waterfront Worker had been published prior to that by the M. W. I. U.

"A. Prior to the time we started to publish it?

"Q. That is right.

"A. I think it was, yes.

"Q. I think you said also that you purchased the mimeograph machine of the M. W. I. U., is that correct?

"A. I don't think I said that.

"Q. Just a minute:

"'What press did you use?'

"This is page 2723.

"'A mimeograph machine.

'Did you buy the mimeograph machine? [5042]

'We bought it.

'From the M. W. I. U.?

'No, we put up the money ourselves to buy it. We rented it first; later on we bought it outright.'

"Is that correct?

"A. That is right."

Now, if your Honor please, as you know we have asked to have the entire testimony of Mr. Bridges at the prior hearing annexed to this hearing, or become a part of this hearing. At that time your Honor stated that there were certain meetings referred to in the prior transcript which are of no concern to us at this time. We have, consequently, attempted to separate those meetings and are now asking to incorporate in this hearing all this remaining testimony of Mr. Bridges.

I had a list made up, a copy of which I will now give Mr. Del Guercio, of all that material, and I assume he will want to see what it is before he goes into it any further.

I would ask at this time to incorporate the testimony as indicated on this sheet of paper, which I will give to your Honor.

Presiding Inspector: You will want to look at it, Mr. Del Guercio? You can't object or anything else at present.

Mr. Del Guercio: No. But I want to call the Court's attention here to the unusual offer being made. As I understand it, all we have done here for the past six weeks [5043] is to read portions of the testimony that counsel thought was admissible on the theory that it related to matters concerning which the Government introduced from the previous hearing. Now, they come in with this offer. On what ground is this offer made?

Mrs. King: The ground of this offer is that all of the testimony of Mr. Bridges is relevant on the

material that was read by the Government, and on the general principle that you do not take a word, a phrase, a sentence or a paragraph out of the context, but that the whole testimony is relevant. On the other hand, we have excluded such portions as dealt specifically with the testimony of the witnesses for the Government at the last hearing. So that what we are asking to incorporate in the record is the general operation of this man's mind on the situation, his connections, his view of the situation, and, in a sense, his defense, which explained the sentences, or the pages, which the Government previously read.

It was the Government that referred to the last hearing in this case in the first instance. We feel that all of this matter is relevant to the problems which are presented by the quotations which the Government read and, for that reason, we ask to incorporate the whole thing, and we particularly ask that your Honor examine these portions so as to see whether we are entitled to incorporate them.

[5044]

Presiding Inspector: We will postpone any ruling on this until later; say, Monday morning.

Mrs. King: Now, I believe that your Honor planned to make some disposition of the subpoena applications that were made to you yesterday, or do you want to leave this go until Monday?

Presiding Inspector: Let's get that out of the way now.

I have two applications here for requests that the proper officials issue, that is, that I request, in

turn, the proper official to issue a subpoena to three persons; Frances Perkins, Gerard D. Reilly and Lemuel B. Schofield, in order that evidence may be given to bear upon the question of whether Mr. Bridges, in respect to this proceeding has been denied the equal protection of the laws guaranteed to him by the Constitution of the United States; the testimony sought being in respect to rulings by the Immigration and Naturalization Service, and sundry actions under those rules and actions in respect in general to the institution of deportation proceedings by reason of membership, or affiliation in the organizations known as the Industrial Workers of the World, Marine Workers Industrial Union, International Labor Defense, Trade Union Unity League.

This is, in substance, the application, isn't it?

Mrs. King: Yes.

Presiding Inspector: The subpoena will show for itself, [5045] the application being made, more fully.

Mrs. King: Yes. The application further states, your Honor, that there are large numbers of aliens in these groups in the United States.

Presiding Inspector: The application itself will show that?

Mrs. King: Yes, sir. [5046]

Presiding Inspector: Well now, Frances Perkins is Secretary of Labor, the head of the Department of Labor of the United States Government.

Mrs. King: Correct.

Presiding Inspector: Who is Gerard D. Reilly?

Mrs. King: He is, and has been for a number of years the Solicitor of the Department of Labor and was the Solicitor of the Department of Labor at the time that the Immigration and Naturalization Service was within the Jurisdiction of the Department of Labor.

Presiding Inspector: And where is he now?

Mrs. King: He is still the Solicitor of the Department of Labor.

Presiding Inspector: And Lemuel B. Schofield has already been sworn as a witness?

Mrs. King: Yes. In connection with his testimony his position in the Immigration Service was set forth.

Presiding Inspector: Well now, I decline to issue this subpoena for the reason that these people are officials of the Federal Government and the testimony which you seek to bring out from them is in relation to the conduct of Departments or employees or officers of the Federal Government, so that you seek to bring them in not as individuals—of course, you seek to bring them in personally, but you seek to examine them in respect to the conduct of their sundry offices. [5047]

That is one reason. I decline to issue the subpoena on that account. I think that is not within the power of this Department.

Secondly, I decline to subpoena them because this is not an issue. This legal proposition is not an issue in the hearing before me as a Presiding Inspector. This is something relating to the conduct of the Department of Justice and I haven't

been given any authority to hear anything but a hearing on this warrant in respect to the factual basis of the warrant.

I also decline to issue the subpoena as to Lemuel B. Schofield because he has already been a witness in this proceeding and you already had an opportunity and no new matter has arisen which calls for his return now.

I think that covers my position as to them.

Mrs. King: May I be heard on that, your Honor, just for the record?

Presiding Inspector: Yes.

Mr. Del Guercio: If your Honor please, I object to any further argument on that ground. This is the first subpoena that has been taken up in open Court.

Presiding Inspector: Yes. But it is the first subpoena that I have denied, the first request that I have denied.

Mrs. King: If your Honor please, with reference to the last ground, even though Major Schofield was here and was sworn as a witness, in other cases, as your Honor knows, where wit-
[5048] nesses have left the Court permission has been granted by your Honor to bring them back again.

Presiding Inspector: There have been special circumstances. But the other two reasons are sufficient in any event.

Mrs. King: And with reference to the other two reasons, I would like to say that we are not in a position without this testimony to prove that.

with reference to the Industrial Workers of the World, there have been no deportations as far as we have been able to discover since 1920, and that the singling out of Mr. Bridges for deportation on this ground we believe to be a denial of equal protection. But we are not in a position to know the regulations, the rules and so on.

Presiding Inspector: This isn't the place to raise that.

Mrs. King: But I just want the record clear on this issue.

Presiding Inspector: Yes, you have got it.

Mrs. King: And with reference to the Marine Workers Industrial Union, the International Labor Defense and the Trade Union Unity League, as your Honor knows, all of those were covered in the opinion of Solicitor Wyzanski under date of January 3, 1934 and the subsequent order of the Commissioner of Immigration, Colonel McCormick.

Presiding Inspector: Those are factual determinations.

Mrs. King: And we feel——

Presiding Inspector: (Interposing) And they are not [5049] matters of consideration before this Inspector in respect to the matters of the warrant which has been served upon Mr. Bridges.

Mrs. King: We feel that these factual considerations are matters which we are entitled to have in order to show that in the case of the IWW he has been singled out for the first time in 21 years, and in the other case it is a matter of approximately 7 years since anyone has been ar-

rested on the charges which have been leveled against Mr. Bridges in this case. And we feel that we are entitled to show the regulations and the process of the Immigration Service in order to establish the violation of the Fifth Amendment and the denial to Mr. Bridges of equal protection of the law.

Presiding Inspector: The other application relates to the same matter and relates to the same persons, but adds to it the request for a subpoena duces tecum to produce documents in the possession of the United States. This Inspector, a minor official in the Department of Justice—and I am using the language, I think, of Dean Landis—has no power to make such an order. And I add this to the other reasons that I gave in respect to the denial of the application for the other subpoena.

Now, I think that puts the whole thing in this record so that, if I am wrong in this, you will have an opportunity to argue this matter.

Mrs. King: If your Honor please, may I offer the applications in evidence? [5050]

Presiding Inspector: You may have them marked for identification. They are not evidence.

Mr. Del Guercio: We object to the introduction in evidence.

Presiding Inspector: No. I won't receive them in evidence, but I will allow them to be marked for identification.

(The documents referred to were marked Alien's Exhibits Nos. 28 and 29 for identification.)

Mrs. King: I have just one other matter. If your Honor pleases, we have been hearing for the last few days some of the problems that the testimony of Mr. Cannalonga brought into this hearing. I believe that you have in your possession, or perhaps they have gone back to the Government, two letters from the Immigration Service in the Northwest with reference to the attempts of the Service to subpoena Mr. Cannalonga.

The Defense feels that those letters are properly a part of the record in this case in view of what has transpired, and we should like to have, if possible, those letters introduced in evidence.

Presiding Inspector: Let's let them stand until the close of your case because Cannalonga may be produced. I don't know.

Mrs. King: Thank you, your Honor. That is quite satisfactory.

Presiding Inspector: Bring it up at the close of the case. [5051]

Now, Mrs. King, produce your next witness.

Mrs. King: I am afraid that I am not in a position to produce any witnesses today because the Defense office has been somewhat disorganized but made rather happy by the fact that the next generation of lawyers for Harry Bridges has been born. Mr. Grossman became a father last night.

Perhaps in my enthusiasm as a woman and one who is very much interested in the birth of Miss Grossman, I may have said something inappropriate at that moment. But I request on behalf of the Defense an adjournment of this hearing

until Monday so that we can reorganize ourselves on the new basis and go forward to the conclusion of the hearing without any further delay.

Presiding Inspector: I understand from what you have said that Mr. Grossman has been particularly working on the examination of the witness or witnesses whom you intend to produce?

Mrs. King: That is correct, your Honor.

Presiding Inspector: And that it is on that account that you can't go ahead and do justice to your case as you see it without his presence?

Mrs. King: That is correct.

Mr. Del Guercio: I don't believe, however,—we have no objection, of course, to that—but to take that as an opportunity to refer to Harry Bridges I think was entirely [5052] out of place, bad taste.

Presiding Inspector: I think it was in lighter vein.

Mrs. King: I withdrew it instantly, Mr. Del Guercio, and I am extremely sorry I said it.

Presiding Inspector: We will recess until Monday morning at ten o'clock.

Before we go. I want to say something about Friday. I hope that you are going to be able to finish your side of the case next week and, of course, if you do finish by Thursday night perhaps it would be better not to sit on Friday. But if you do not finish by Thursday night I think we had better continue on Friday even though it is Memorial Day.

Is that agreeable?

Mr. Del Guercio: Perfectly agreeable.

Presiding Inspector: If they do finish on Thursday you would rather prefer to have it go over until Monday?

Mr. Del Guercio: Either way will be satisfactory to us.

Presiding Inspector: Monday morning at ten o'clock.

(Whereupon at 10:50 o'clock A. M. an adjournment was taken until Monday, May 26, 1941, at 10:00 A. M.) [5053]

Court Room 276,
Federal Building,
San Francisco, California,
May 26, 1941.

Met, pursuant to adjournment, at 10:00 A. M. [5054]

PROCEEDINGS

Presiding Inspector: For my own convenience today I am going to change the hours slightly, and we will sit from ten o'clock until twelve o'clock, recess until two o'clock and sit from two o'clock to half past four, so we will have just as much time for the hearing, with a longer recess at noon.

Call your next witness.

Mr. Grossman: Will you take the stand, Mr. Meyer?

Presiding Inspector: Raise your right hand.

LEE A. MEYER

called as a witness on behalf of the Alien, having been first duly sworn, testified as follows:

Direct Examination

By Mr. Grossman:

Q. Will you state your full name, Mr. Meyer?

A. Lee A. Meyer—M-e-y-e-r.

Q. What is your position?

A. State Administrative Officer of the Works Progress Administration of Oregon.

Q. Are you here in response to a subpoena, Mr. Meyer? A. Yes.

Q. Which was served, was it, on Mr. Griffith, the State Administrator of the WPA?

A. A subpoena was served on him, but later another one was served on me. [5055]

Q. I see. Have you brought with you the records or documents that were called for in this subpoena?

A. We weren't able to produce all it called for because they were not all our documents but I have produced all of the documents bearing upon the case and person whom you mentioned in the subpoena.

Q. Will you state what you, in your position in the WPA, have to do with the documents that you have brought? Do you supervise or control those documents? A. Yes, sir.

Mr. Del Guercio: Have the witness speak a little louder, please.

Presiding Inspector: Speak louder, please.

(Testimony of Lee A. Meyer.)

The Witness: Yes, sir.

By Mr. Grossman:

Q. Are you familiar with the way in which the various records that you have brought with you have been kept? A. Yes, sir.

Q. May I see them, please, the documents you have brought in response to the subpoena?

A. (Producing documents) There are two sets of these documents; one is a set which is kept by the Employment Division, and the other is a set which is kept by the Division of Finance, who have to do with the paying for the work. They are so marked. [5056]

Mr. Grossman: Just one moment, your Honor.

By Mr. Grossman:

Q. Mr. Meyer, will you examine those documents and tell me what they show with respect to when Mr. Wilmot became a non-relief WPA person as distinguished from a relief WPA person?

Mr. Del Guercio: Now, if your Honor please, I will object to this. Apparently there is nothing—nothing has been shown here that is contradictory to Mr. Wilmot's testimony given by him on the stand. I don't believe that we should air a person's relief record.

Presiding Inspector: I think he was asked about it, wasn't he?

Mr. Del Guercio: He was asked.

(Testimony of Lee A. Meyer.)

Mr. Grossman: He was asked. This question doesn't go into the details of his relief record.

Presiding Inspector: I will allow this, just when the change was made. He spoke of the change that had been made.

Mr. Del Guercio: I would like to see it too, if your Honor please.

Presiding Inspector: You would like to see the testimony?

Mr. Del Guercio: No, the records.

Presiding Inspector: Oh, you may see them, of course.

Mr. Grossman: I suggest if the witness could answer the question first and clarify that, there is no objection to Mr. Del Guercio seeing them. [5057]

Presiding Inspector: I think if Mr. Del Guercio insists upon it he has that right.

Mr. Grossman: Yes, that is right.

(The records referred to were passed to Mr. Del Guercio.)

Mr. Del Guercio: Now, if your Honor please, we renew our objection.

Presiding Inspector: I will allow it. This is to fix a date.

Mr. Grossman: That is correct.

By Mr. Grossman:

Q. Do you remember the question, Mr. Meyer? The question was——

(Testimony of Lee A. Meyer.)

Presiding Inspector: (Interposing) We will have the question read.

Mr. Grossman: I can do it more simply by restating it, your Honor.

Presiding Inspector: Very well.

By Mr. Grossman:

Q. The question was when the status of Mr. Wilmot was changed from relief to non-relief on WPA. A. August the first, 1938. [5058]

Q. Will you state what the records show as to the reason for the removal of Mr. Wilmot from WPA in 1940?

Mr. Del Guercio: If your Honor please, I will object to that as not in evidence, not in issue.

Presiding Inspector: Read the question.

(The question referred to was read by the reporter as above recorded.)

Mr. Grossman: This specific question was testified to by Mr. Wilmot.

Presiding Inspector: I can't recall it, you know. It was some time ago.

Mr. Grossman: I know definitely it was.

Presiding Inspector: I will take your recollection of that.

Mr. Grossman: I am positive.

Presiding Inspector: I will allow it. Of course, the record is really the best evidence, but no one is insisting on that.

A. The record indicates that he was dismissed from the WPA as of September 4, 1940; the

(Testimony of Lee A. Meyer.)

reason given, "Drunkenness during project working hours."

By Mr. Grossman:

Q. Do the records show anything else as the reason for his removal from the WPA?

Mr. Del Guercio: I will object to all inquiries along this line. [5059]

Presiding Inspector: I don't know what pertinence it has. You are contradicting him on a collateral point, aren't you?

Mr. Grossman: In the first place, I should think this question of relevancy was settled by our being permitted to go into the question on examination. I should think that——

Presiding Inspector: I think not. I think you are bound by his answer.

Mr. Grossman: As to the relevancy of the subject matter.

Presiding Inspector: Has a collateral relevancy; yes. Of course, you could inquire about his habits, if they were reprehensive habits.

Mr. Grossman: Secondly, it is a question of whether it is impeachment, because he did state—it is difficult to state whether it is or isn't impeachment—because he did state that the records showed drunkenness.

Presiding Inspector: I don't think it is worth arguing about. It is in the record and we will let it stand, but I wouldn't have allowed it if I had understood what the matter was, because I think you are bound by his answers in that respect.

(Testimony of Lee A. Meyer.)

It hasn't anything to do with this case. It was in 1940 that this happened. This isn't a conviction of a crime, or anything else.

I will let it stand, but don't go any further.

Mr. Del Guercio: I move to strike the witness' answer. [5060]

Presiding Inspector: I will let it stay in. I will allow it to stand. You objected to it. I don't think it is worth talking about, Mr. Del Guercio.

By Mr. Grossman:

Q. Do the records show whether Mr. Wilmot remained continuously as a non-relief person on the WPA after the eighth month of 1938?

Mr. Del Guercio: I will object to this question also on the ground that it isn't relevant or material.

Presiding Inspector: I will take it.

A. Yes, sir.

Mr. Grossman: I have no more questions at this time, but I have not been permitted to fully examine the records yet. I would like to have a five minute recess so I may. The witness felt, and I believe he was right, that I should not be permitted to examine the records before he testified; so I was unable to do so before we convened. Five minutes will be ample, though, unless Mr. Del Guercio wants an equal time to examine them.

Presiding Inspector: I think Mr. Del Guercio examined them.

Mr. Del Guercio: I have examined them cursorily.

(Testimony of Lee A. Meyer.)

Presiding Inspector: Do you want to examine them further?

Mr. Del Guercio: Not at this time.

Presiding Inspector: We will take a five minute recess.

(Whereupon a short recess was taken.)

[5061]

By Mr. Grossman:

Q. Mr. Meyer, what do the records show as to whether Mr. Wilmot was a certified or relief employee for the WPA up to the eighth month of 1938?

Mr. Del Guercio: I will object to the question.

Presiding Inspector: I will take it.

Mr. Del Guercio: Nothing contradictory has been shown.

Presiding Inspector: What is that?

Mr. Del Guercio: Nothing contra- ory has been shown so far or indicated.

Presiding Inspector: Well, if it isn't contradictory you can't be aggrieved by it. I can't remember these dates, you know. I will take this.

Mr. Del Guercio: He was never asked the dates, if your Honor please, on Mr. Wilmot's examination direct or cross.

Presiding Inspector: Well, it won't make any difference. I will take it.

Mr. Grossman: Yes.

The Witness: At this time I have forgotten the question.

(Testimony of Lee A. Meyer.)

By Mr. Grossman:

Q. What do the records show as to whether or not Mr. Wilmot was continuously in the relief status up to the eighth month of 1938?

A. The records indicate—show that he was on as a relief worker during the entire time except for a period from [5062] June the 9th, 1936 until July the 7th, 1936, during which time he was in private employment.

Q. And for all other periods the records show, except for the period when he was non-relief, that he was relief? A. Yes, sir.

Q. And can you tell me from the records the entire period during which Mr. Wilmot was receiving benefits or receiving money from the WPA?

Mr. Del Guercio: I will object to that.

Presiding Inspector: Haven't you got that?

Mr. Grossman: I want to be sure the record is clear, your Honor. That is the only reason.

A. With the exception——

Presiding Inspector: (Interposing) Now, I don't understand the question.

Mr. Grossman: I want the entire period.

Presiding Inspector: You mean as a relief?

Mr. Grossman: In any way. We have the period when he was non-relief. I want the entire period now.

Presiding Inspector: Including non-relief?

Mr. Grossman: Both; yes, sir.

(Testimony of Lee A. Meyer.)

Presiding Inspector: I think that is very confusing. Why don't you have the period of relief and then you can add them up?

Mr. Grossman: All right.

By Mr. Grossman: [5063]

Q. Will you give the period or periods when Mr. Wilmot was a so-called relief employee of the WPA?

A. Continuously from March 10, 1936 until August the first—wait a minute—August the first, 1938, with the exception of the period from June the 9th, 1936 to July the 7th, 1936, during which time he was in private employment. [5064]

Presiding Inspector: I think you have got everything. You may cross examine.

Mr. Grossman: I have something more that I want to go into, your Honor.

Presiding Inspector: Oh.

By Mr. Grossman:

Q. During 1937, and up to the eighth month of 1938, what were the rules and regulations of the WPA on the question of whether a person having relief status was permitted to have outside income and still receive the same payments from the WPA?

Mr. Del Guercio: I will object to that as being improper and immaterial. The Court can take judicial notice of what the rules are.

Presiding Inspector: I think so. I do not think you should prove it by word of mouth. There must be some written or printed rules.

(Testimony of Lee A. Meyer.)

Mr. Grossman: I thought I had properly qualified this witness, your Honor, but I think I can properly qualify him as a man who has to do with the rules in that district and, therefore, prepared to state them. It may be that he can state that he would prefer to have them presented in written form; but I think——

Presiding Inspector: I should think he would for the sake of accuracy.

Mr. Grossman: I would like to have his answer. He deals [5065] with them daily.

Presiding Inspector: You can answer whether you can state that or not.

Mr. Del Guercio: We wouldn't mind if the whole statutes, all of the law, went in; not what this witness here says.

Presiding Inspector: This is merely a question as to his knowledge; not as to what the statutes state.

Do you know about that—"Yes" or "No"?

The Witness: It cannot be stated "Yes" or "No" because the regulations have changed almost with every appropriation for the Works Progress Administration. The regulations change somewhat. I can state in general what has been the situation covering all of the period, but to give it at any particular date I would have to refer to our manual of rules and regulations.

Mr. Del Guercio: We renew our objection.

Presiding Inspector: There is no question now.

(Testimony of Lee A. Meyer.)

Mr. Del Guercio: The witness said he couldn't give it specifically, but only generally.

By Mr. Grossman:

Q. Can you state whether, during 1937 and up to the eighth month of 1938, a relief employee on the WPA was permitted to have outside income without reporting it to the WPA?

A. No, sir.

Mr. Del Guercio: I will object to that. [5066]

Presiding Inspector: Strike out the answer. I think we should have the regulations.

By Mr. Grossman:

Q. Are the regulations in such form that they could be produced in written form for this court——

A. (Interposing): Yes.

Q. (Continuing) in answer to the last question?

A. Yes.

Q. Would you be willing to, after you left the stand, send down to the Court such written regulations or rules of the WPA as covered this subject during the year 1938 and the year 1938 up to the eighth month?

Mr. Del Guercio: I will object to that, your Honor. I think the Court will take judicial notice of the Federal Statues.

Mr. Grossman: Assuming that you can, you still must have them brought to your attention. It would be difficult for us to find it in the WPA apparatus, even if you do take judicial notice of it.

Presiding Inspector: This is a question as to whether he would be willing to send them down.

(Testimony of Lee A. Meyer.)

Mr. Grossman: Able and willing.

Presiding Inspector: Can you answer that, whether you could?

The Witness: Yes, I think so. [5067]

By Mr. Grossman:

Q. Will you state whether the records you have with you show that any report of outside income was made by Mr. Wilmot to the WPA during the year 1937 and during the year 1938 up to the eighth month?

Mr. Del Guercio: I will object to that, your Honor. Nothing here has been indicated as to whether these are the complete records of Mr. Wilmot, and I object.

Presiding Inspector: He asked him about that.

Mr. Grossman: He said they are the complete records of the WPA. He indicated there were others, but not in the custody and control of the WPA.

Presiding Inspector: I will take it.

The Witness: The question?

By Mr. Grossman:

Q. Will you state whether the records you have with you show any report by or on behalf of Mr. Wilmot of outside earnings to the WPA during——

Presiding Inspector: I think you should ask him preliminarily whether these records include such matter in general.

By Mr. Grossman:

Q. Do the records that you have brought down

(Testimony of Lee A. Meyer.)

here—rather, do the type of records that you have brought include, if there is any, every report made to the WPA of outside earnings while a person is on WPA? [5068] A. Yes, sir.

Q. Do the records you have brought with you include any report made by or on behalf of Robert Wilmot of his, or his family's outside income during the year 1937, or the first seven months of 1938?

A. No, sir. [5069]

Q. Will you state, using the records, if they will aid you, whether Robert Wilmot or any person on his behalf made any report to the WPA of outside earnings during the year 1937 or the first seven months of 1938?

Mr. Del Guercio: I will object to that, your Honor.

Presiding Inspector: Haven't you already covered it?

Mr. Grossman: No. I asked him whether the records contained it. I am now asking him to state, using the records if they will help him, whether a report was so made.

Presiding Inspector: Why, how would he know anything more than the records?

Mr. Grossman: He would be able to do this: He would be able to do this reasoning from the procedure in the WPA and the records.

Presiding Inspector: There is no use reasoning from that unless we know what the procedure is.

Mr. Grossman: You mean, unless I should ask certain preliminary questions?

(Testimony of Lee A. Meyer.)

Presiding Inspector: It seems to me you have covered it all.

By Mr. Grossman:

Q. What is the procedure in the WPA in Portland, Oregon, with respect to the receiving of and the filing in the official WPA records of reports made by or on behalf of relief employees of the WPA as to their outside earnings? [5070]

Mr. Del Guercio: I will object to that as being immaterial, if your Honor please, and even if the witness here gave a negative answer to the previous question it wouldn't contradict anything.

Presiding Inspector: Well, that may be. I am taking Mr. Grossman's recollection on that because I don't think it is worth the time looking it up in the record. I can't see the difference between this and the question that was asked him a little while ago, but I don't object to repeating it if you want a repetition.

Mr. Grossman: I want the record to be very certain, your Honor.

Presiding Inspector: Very well. Go ahead. Do you understand the question?

The Witness: Yes.

Presiding Inspector: Go ahead.

A. At the present time a social service worker employed by the WPA must interview every WPA worker not less than once every twelve months asking them questions concerning the amount of outside income and the amount of their personal expendi-

(Testimony of Lee A. Meyer.)

tures and budget and so on, and that is entered on a record.

Mr. Del Guercio: Now, if your Honor please, I move that the witness' entire answer be stricken. He has given what is the practice or the procedure at the present time.

Mr. Grossman: I am going to ask him whether it is [5071] the same. I think it is preliminary.

Presiding Inspector: If you will do that.

By Mr. Grossman:

Q. Was the practice and procedure the same during the year of 1937 and the first seven months of 1938?

A. It goes back to the question I said I couldn't answer definitely a while ago. I am not sure just when the procedure changed. It changed several times.

Q. What was the procedure just before the present one with respect to this question?

Mr. Del Guercio: I will object to that, if your Honor please. "Just before the present" is not fixed.

Mr. Grossman: It may be that even the previous procedure would be substantially the same.

Presiding Inspector: But we don't know whether the previous procedure would cover this time.

By Mr. Grossman:

Q. Can you state approximately when would be the beginning of the previous procedure?

Mr. Del Guercio: If your Honor please, that is immaterial.

(Testimony of Lee A. Meyer.)

Mr. Grossman: Before the present.

Presiding Inspector: I will take it as preliminary, if you can say. A. I couldn't say.

By Mr. Grossman:

Q. Can you state whether it was before 1938?

[5072]

Mr. Del Guercio: If your Honor please, the witness has just testified that he doesn't know.

Mr. Grossman: He still might know whether it was before 1938.

Presiding Inspector: Yes. I will allow that.

A. You mean the present——

By Mr. Grossman:

Q. (Interposing). No, the one before the present.

A. I couldn't say.

Q. Can you state whether the present procedure began before 1938?

A. I could state that it did not.

Q. Can you state whether the present procedure began before 1939?

A. I couldn't risk that.

Q. Can you give us any idea as to the date on which the procedure before the present one began?

Mr. Del Guercio: I think that has already been exhausted, your Honor.

Presiding Inspector: You have asked that. He said he couldn't.

By Mr. Grossman:

Q. Would you state whether there is any substantial difference between the procedure which ob-

(Testimony of Lee A. Meyer.)

tained in 1937 and the first seven months of 1938 and the procedure which obtains today? [5073]

Mr. Del Guercio: If your Honor please, that is the same question in a different form. The witness has testified that he doesn't know what the procedure was at that time. He certainly wouldn't know whether it was substantially the same.

Mr. Grossman: He might very well know that since 1935 the procedure has been substantially the same, or since 1936.

Presiding Inspector: We will have to go into the question of what he means by "substantially."

Mr. Grossman: Well, if I can get a "Yes" answer to this I think I can get that very easily. If I get a "No" answer, there is no need to do that.

Presiding Inspeceor: All right.

A. Will you restate the question.

By Mr. Gossman:

Q. Can you state whether the procedure on this question is substantially the same as it was in 1937 and the first seven months of 1938 or any part of that period? A. It was not.

Q. Can you state whether in 1937 and the first seven months of 1938 the rules and regulations of the WPA required a report at least once a year to the WPA or one of its representatives of outside earnings?

Mr. Del Guercio: I will object to that, if your Honor please.

(Testimony of Lee A. Meyer.)

Presiding Inspector: That calls for the regulations, doesn't it? We are going to have those.

[5074]

By Mr. Grossman:

Q. Would the regulations answer the question that I have just asked? A. Yes, sir.

Presiding Inspector: You see, his recollection is very naturally not enough to cover this. This is a matter of detail changing probably every few months. I say, "likely". I don't know whether it does.

By Mr. Grossman:

Q. I asked you, Mr. Meyer, whether you would be willing to send down the rules and regulations. I want to be very specific as to how we will do it.

Presiding Inspector: He said he would.

By Mr. Grossman:

Q. Will you send them to Judge Sears, care of this Court room, and can you state to me approximately how long it will take you to be able to send them down?

A. I presume I could go to our Regional Office this afternoon, if I am not on the set and at that time, and perhaps get them from there and perhaps have them made up today, depending upon how much I am tied up here.

Q. The last thing I want to make clear is that I am interested in the rules and regulations covering the report of outside earnings during 1937 and the first seven months of 1938. [5075]

(Testimony of Lee A. Meyer.)

Mr. Del Guercio: If your Honor please, I will object to that. I object to the offer. I object to the request unless it can be shown that these regulations were enforced in regards to Mr. Wilmot.

Mr. Gladstein: What is the objection?

Mr. Grossman: I didn't hear the last part of it.

Presiding Inspector: He says that he will object to this unless it can be shown that these were applicable to Mr. Wilmot.

Mr. Gladstein: Were what, your Honor?

Presiding Inspector: Unless these were applicable to Mr. Wilmot.

Mr. Grossman: I will ask another question to remove that objection, if there is any basis for it.

By Mr. Grossman:

Q. Looking at the records concerning Mr. Wilmot will you state that these regulations that you are going to send down would cover the case of Mr. Wilmot?

A. The regulations that I am to send down are to cover the entire period of the WPA, are they?

Q. Would they cover Mr. Wilmot as well as others on WPA?

A. Yes sir; to the time that he was non-certified.

Mr. Grossman: That is correct. No more questions.

Presiding Inspector: Cross examine.

Cross Examination [5076]

By Mr. Del Guercio:

Q. What is your position with the WPA, Mr. Meyer? A. State Administrative Officer.

(Testimony of Lee A. Meyer.)

Q. How long have you held that position?

A. I have held that position since July 22, 1940.

Q. Were you connected with the project prior to that time?

A. I was connected with the Adminsitration, yes.

Q. In what capacity?

A. As State Director of Education and Recreation.

Q. And what were your duties then? For how long a period did you hold that office?

A. I held that office from April 15, 1936 until July 22, 1940.

Q. While you had that office were you the custodian of these records?

A. I beg your pardon?

Q. Were you the custodian of the WPA records?

A. No, sir.

Q. Did you have anything to do with their preparation?

A. Only those that affected my particular part of the work.

Q. Well, would Mr. Wilmot's——

A. (Interposing): No, sir.

Q. (Continuing): Relief or non-relief record affect [5077] your duties? A. No, sir.

Q. In any way? A. No, sir.

Q. What did you do prior to 1936? Were you connected with the WPA also?

A. I beg your pardon?

Q. Were you connected with the WPA prior to 1936? A. No, sir.

(Testimony of Lee A. Meyer.)

Q. Do you know a Kenneth Fitzgerald?

A. I have heard the name. I don't know the gentleman.

Q. Was he ever connected with the WPA in Portland?

A. It is my recollection that I have heard that he was.

Q. In what capacity?

A. I don't know for sure.

Q. Did he ever have access to the records that you produced here, do you know?

A. No, sir. No, sir.

Q. Well, do you know that of your own knowledge?

A. No, sir. I beg your pardon. I want to qualify my answer. He shouldn't have had. There is no reason why he should have had that I know of.

Q. Who was the employee that made up these records? [5078]

A. These records were made up by a number of employees.

Q. Can you give me the names of them?

A. No, because they have changed employees in both the finance and the employment divisions quite often. I wouldn't know them all. [5079]

Q. Did you check the truth of everything that is on these records at any time?

A. No, sir; I just produced the records.

Q. The persons that made up these records are also relief workers? A. No, sir.

Q. What were they?

(Testimony of Lee A. Meyer.)

A. That prepared these records?

Q. Yes.

A. The persons who prepared these records were Administrative employees.

Q. Were they relief or non-relief?

A. Non-relief.

Q. What is the difference between a non-relief worker, WPA worker, and a relief worker?

A. The difference is that a relief worker is one who has been referred by the Welfare, State Welfare Commission, to the Works Progress Administration, as being in sufficient need, and having a job on the WPA, who is assigned as such and receives what is known as a security wage.

Q. And do you accept the findings and recommendations of the State Relief——

A. (Interposing): The Works Progress Administration may reject that if they believe it not to be true.

Q. Do they conduct an independent investigation in every [5080] case?

A. They merely hold an interview with the person who has been referred.

Q. Can you answer the question I asked you "Yes" or "No"?

Presiding Inspector: I think that is a fair answer; that is an answer.

By Mr. Del Guercio:

Q. Do you know if the State Relief submitted their findings and recommendations in the case of Mr. Wilmot?

(Testimony of Lee A. Meyer.)

A. I beg your parden, I didn't—I didn't get the first of it.

Presiding Inspector: Read the question.

(The question referred to was read by the reporter as above recorded.)

A. I believe there is a document here from the Relief Commission stating that Wilmot's family was a relief case.

Q. Do you know if any investigation was made by the WPA administration?

A. No, sir, I do not.

Q. Would the records show if there had been one?

A. I haven't looked to see whether it does or not.

Q. Will you look and see?

A. (Referring to date): I do not find any.

Mr. Del Guercio: That is all. [5081]

Mr. Grossman: That is all.

Presiding Inspector: You are excused.

(Witness excused.)

Presiding Inspector: Next witness.

Raise your right hand.

JOSEPH CURRAN

called as a witness on behalf of the Alien, having been first duly sworn, testified as follows:

Presiding Inspector: Give your name and address to the reporter.

(Testimony of Joseph Curran.)

The witness: Joseph Curran.

My address is 101 Cooper Street, New York City.

Direct Examination

By Mr. Gladstein:

Q. What is your occupation, please?

A. I am President of the National Maritime Union of America, affiliated with the CIO.

Mr. Del Guercio: I didn't hear that. Will the witness speak a little louder?

A. I am President of the National Maritime Union.

By Mr. Gladstein:

Q. You say it is affiliated with the Congress of Industrial Organizations?

A. Yes, with the CIO.

Q. And what, in general, is the jurisdication of that union? [5082]

A. The jurisdication of that union is the unlicensed personnel aboard merchant vessels, American vessels.

Q. And what is the approximate membership of the organization, Mr. Curran?

A. Approximately 55,000.

Q. How long have you been President of that Union? A. Since 1938.

Q. Do you hold any other office in the CIO besides the Presidency of the Union?

A. I am National Vice President of the CIO.

Q. How many Vice Presidents are there of the CIO? A. Six.

(Testimony of Joseph Curran.)

Q. Do you hold any special office with respect to Maritime work in the CIO?

A. I am Chairman of the National CIO Maritime Committee.

Q. Mr. Curran, do you know a man named William C. McCuistion? A. Yes.

Q. How long have you known him?

A. I have known him since the spring of 1936.

Q. Have you known him as a member of the National Maritime Union?

A. Yes. He was a member of the National Maritime Union.

Q. Do you know what the reputation of Mr. McCuistion is [3083] for truth and honesty among the men with whom McCuistion has worked and associated?

Presiding Inspector: Truth and veracity.

Mr. Gladstein: Truth and veracity; yes.

A. His reputation——

Presiding Inspector: First, do you know it?

A. I do.

By Mr. Gladstein:

Q. Will you state whether that reputation for truth and veracity is good or bad?

A. Very bad.

Q. Will you state whether you would believe Mr. McCuistion under oath? A. I would not.

Q. Mr. Curran, I want to call your attention to the year 1936, and particularly the fall of that year, and I want to refer to a strike which was taking

(Testimony of Joseph Curran.)

place on the east coast of seamen. Were your involved in that strike? A. I was.

Q. Did you hold any special position in connection with the conduct of that strike?

A. I was the Chairman of the Joint Strike Committee.

Q. And where were the headquarters of the Joint Strike Committee?

A. At 164 Eleventh Avenue, New York City.

Q. What personnel or classifications of work were [5084] represented by the people who composed the Joint Strike Committee?

A. The sailors, firemen, oilers, marine cooks and stewards, engineers, and a portion of the deck officers and radio operators.

Q. Do you recall the date, the approximate date, when you became the Chairman of that Strike Committee?

A. I believe it was on the 2nd or 3rd of November, at a mass meeting where the Strike Committee was elected.

Q. In the year 1936? A. Yes.

Q. Was there also a Committee known as the Seamen's Defense Committee?

A. There was. It was resolved at that meeting which elected a Strike Committee for the purpose of conducting the strike.

Q. What was the Defense Committee?

A. The Defense Committee was a Committee established after the Spring strike which took place in March of 1936 and ended in May of 1936. When

(Testimony of Joseph Curran.)

the men returned to the ships they elected, before they returned to the ships, a Committee of nine, whose job it was to stay ashore and to carry on the fight for Democracy within the union that we were then members of.

Q. What union was that?

A. ISU, an A.F. of L. union.

Q. What is the full name of the ISU? [5085]

A. International Seamen's Union of America.

Q. Can you state who the nine persons were who were on the Defense Committee?

A. As nearly as I can recollect the nine persons elected on the Seamen's Defense Committee were myself, as Chairman; Ralph Emerson, as Secretary; Albert Rothbart, Harry Alexander—I am not so clear on the others.

Q. Now, how long did that Defense Committee function?

A. It functioned from May until November the 2nd, when a mass meeting was called for the purpose of electing a Strike Committee, and it was dissolved at that time. Its purpose was only to work ashore after the men had returned in the Spring strike. Its usefulness was no longer necessary and it was dissolved at that mass meeting.

Mr. Del Guercio: I move that all of the witness' answer be stricken and that he be instructed to just answer the question asked and not volunteer.

Presiding Inspector: We haven't been very strict about that in this hearing, and if the answer

(Testimony of Joseph Curran.)

is substantially responsible, even though it wanders somewhat from the direct question, we have allowed it and I will proceed in that way, so I won't strike it.

By Mr. Gladstein:

Q. Now, Mr. Curran, when the Strike Committee was formed on November 2, 1936 what, in general, was the purpose of the [5086] strike of the seamen on the east coast?

Mr. Del Guercio: I object to that. The reason for the strike on the east coast is not an issue here.

Presiding Inspector: I think this must be preliminary. In and of itself, of course, I would say it is immaterial, but it is coming to something and I will let it stand for that reason—I will let the question be answered.

The Witness: What is the question?

Mr. Gladstein: Read the question, please.

(The question referred to was read by the reporter as above recorded.)

A. The purpose of the strike in itself was to support the West Coast Maritime Unions that were going out on strike at that time.

By Mr. Gladstein:

Q. Would it be correct to define the strike of the east Coast seamen as a sympathetic strike in support of the West Coast Maritime Unions?

Mr. Del Guercio: I will object to the question as being suggestive and leading. The witness has

(Testimony of Joseph Curran.)

already answered the question and has given the reason for the east coast strike.

Presiding Inspector: I think it is the same as what he just asked, but characterizes it in a popular way. I will take it.

A. The strike was definitely a sympathetic strike at its [5087] beginning.

By Mr. Gladstein:

Q. Now, in general who was laying down the policy for the conduct of the strike on the east coast —was that the Strike Committee?

A. The Joint Strike Committee on the east coast was laying down the policy for the carrying on of the strike and was working very closely with the Joint Strike Committee on the Pacific Coast.

Q. Were matters of policy for certain, or any of the aspects of the east coast strike, ever laid down by the west coast?

A. Not exactly laid down; no. Suggestions were made by both strike Committees back and forth, and were acted upon mostly in concert together.

Q. Now, during that strike were you at all times the Chairman of the Strike Committee?

A. I was.

Q. Did you have occasion in that capacity to communicate with Harry Bridges? A. I did.

Q. Can you state in a general way what the occasion was for your being in contact with Bridges?

A. One of the purposes that I had been in contact with him was that before the strike I was on the Pacific Coast for a [5088] few days and we had

(Testimony of Joseph Curran.)

made arrangements at a policy meeting, composed of members of all the unions, that a joint program would be carried on, and that we would work very closely together, and in the policy that was suggested there was one that we would hold mass meetings on both coasts in all ports for the purpose of clarifying the issues to the public and keeping the members clarified, and arrangements were being made to hold meetings on the east coast. One of the purposes of contact with Bridges was to inform him of the possibilities of those meetings and ask if the arrangements on the Pacific Coast would permit his attending some mass meetings on the east coast.

[5089]

Q. Now, with specific reference to a meeting that was held at Madison Square Garden on December 16, 1936, was a general program for such a meeting and similar meetings on the East Coast adopted prior to December, 1936?

A. Oh, yes. It was adopted, as near as I can recollect, in the latter part of October and in the early part of November.

Q. Of 1936? A. Of 1936, yes.

Q. Now, with specific reference to that particular meeting will you state whether you ever requested Bridges directly or through someone else to come to the East and attend as a speaker at that meeting? A. I did.

Q. Now, do you know when specifically you made such a request for the first time?

(Testimony of Joseph Curran.)

A. As near as I can recollect it was about the middle of November.

Q. And by what method was this request conveyed to Bridges?

A. At one time, the first time, I believe I called on the phone to San Pedro where the East Coast men were on strike and where there was an East Coast Strike Committee, an East Coast Strike Committee functioning with the West Coast men, because we had some East Coast ships there on strike. And I [5090] asked that the—at that time the Chairman of that strike committee to communicate with Harry Bridges and to ask him what his schedule was and then to inform him that we had arrangements made for several mass meetings, particularly a great one in New York, and asked if it were possible for him to attend it. That was the first time.

Q. Who was the person in San Pedro with whom you spoke? A. Peter Innes.

Q. What was his then position?

A. As near as I can recollect it was Chairman of the East Coast Seamen's Strike Committee, in San Pedro.

Q. How long had he held that position?

A. I believe from about November the second or third.

Q. What was his position before that?

A. His position before that was as a member of the Union who had left New York, sailed aboard

(Testimony of Joseph Curran.)

one of the President boats; upon arriving in San Francisco he communicated with the East——

Mr. Myron (Interposing): Is this his position before that?

Mr. Gladstein: As I understand it, he is explaining his position prior to the time that he became Chairman of the San Pedro Strike Committee.

Mr. Del Guercio: Then I think the witness should be instructed to confine his answer to the particular thing and not [5091] give a story.

Presiding Inspector: I think he is doing very well in that respect.

Go ahead.

By Mr. Gladstein:

Q. Will you continue, Mr. Curran?

A. He communicated with the East Coast and said that there were possibilities of getting advertising for our paper, and asked us——

Presiding Inspector (Interposing): Now I think you are wandering a little from the position.

The Witness: Well, that brings to me the position right now.

Presiding Inspector: Go right along.

A. (Continuing): We sent him credentials to get advertising as a representative of our paper, the Pilot. That was his position up to the time that he was elected Chairman of the Strike Committee.

By Mr. Gladstein:

Q. Did he prior to the time that he became the Chairman of the Strike Committee in San Pedro

(Testimony of Joseph Curran.)

ever have credentials signed by you as a representative of the East Coast Seamen's Defense Committee?

A. No, only of the Pilot; to get advertising for the [5092] Pilot.

Q. Now, I *want come* back now to the time that you spoke to Mr. Innes regarding Mr. Bridges for the purpose of having Mr. Bridges attend mass meetings in the East. Did you also communicate directly with Mr. Bridges in any form on that same subject matter? A. I did.

Q. And in that way did you do so?

A. I'm not too clear, but I believe I spoke to him by phone once and I believe I spoke to him by teletype at another time.

Q. And in what way did you do so? between the two of you?

A. I sent a telegram, yes.

Q. Now, Mr. Curran, at any time did you get from Harry Bridges or from anyone purporting to speak for him a flat refusal to come to the East Coast and attend the Madison Square Garden meeting? A. No.

Q. What was the problem, if any, that existed with respect to Bridges going to the East to attend this Madison Square Garden meeting?

Mr. Del Guercio: I will object to the form of the question.

Presiding Inspector: Yes. Why don't you ask what com- [5093] munication he did receive in that respect.

(Testimony of Joseph Curran.)

Mr. Gladstein: All right, I will withdraw it.

By Mr. Gladstein:

Q. What communications did you receive from Bridges in that respect as to Bridges coming out and speaking at that mass meeting?

A. The communications I received were along the line of trying to fit into the arrangements of mass meetings on the Pacific Coast, the time element, to also attend meetings on the East Coast. It was a question of arrangements.

Q. It was never a question of refusal, is that correct? A. No, no.

Q. Now, did Mr. Bridges eventually come East and address that meeting? A. He did.

Q. Do you remember how he came East?

A. He came by plane, United Air Lines.

Q. Did you meet him?

A. I met him at the airport, yes.

Q. Who were the people, to the best of your recollection, who met Mr. Bridges on that occasion?

A. Myself, and a driver of the car, Cunningham, and a driver of a coupe, Marciano. That was all.

Q. Was Mr. Innes there?

A. I can't recollect him being there, but I believe he [5094] was. I believe he was, yes.

Q. What happened after you met Mr. Bridges, you and the others?

A. We met Mr. Bridges and Mr. Meriweather, who was there with him.

(Testimony of Joseph Curran.)

Q. Do you know who Mr. Meriweather was?

A. Mr. Meriweather is an official of the MEBA on the Pacific Coast.

Q. What does the "MEBA" stand for?

A. Marine Engineers Beneficial Association. After we met them there were some photographers there that took pictures of them leaving the plane. They got in a Ford Sedan. We instructed the man with the Ford Coupe to take it back to the Union hall as we didn't need it, and we took them to the Victoria Hotel, where they registered.

Q. Now, at the time, or after the time that Bridges and Meriweather registered at the hotel did you and/or any of the others go up to Mr. Bridges' or Mr. Meriweather's room?

A. Yes. I and I believe—I am not too sure—, that Cunningham went up to the room with him and stayed a few minutes and talked about the meetings that were arranged in Boston and Philadelphia and Baltimore, and then left him to get some rest.

Q. Now, at that time, Mr. Curran, was any meeting held [5095] in the room of Mr. Bridges or in the room of Mr. Meriweather at which Brdiges, Roy Hudson, Tom Raye, Al Lannon, you and Peter Innes were present? A. No.

Q. Was Roy Hudson present at that time?

A. No.

Q. Was Tom Raye present? A. No.

Presiding Inspector: At what time?

Mr. Gladstein: In the room.

(Testimony of Joseph Curran.)

Presiding Inspector: Well, he says there was no such meeting. You can ask him, if you want to, if there was any meeting with any of those people there.

Mr. Gladstein: I beg your pardon.

Presiding Inspector: Was there a meeting with any of them? Of course, you have only really, strictly included all, a meeting with all of them.

Mr. Gladstein: Yes.

By Mr. Gladstein:

Q. I will ask you this: Was there a meeting in the room with Bridges and Meriweather between any of the people that I have mentioned?

Presiding Inspector: Except other than you and Mr. Bridges.

A. Well, there was that one meeting of a few minutes after we took them up to the room, which I have already pointed [5096] out. That was the only meeting. Attending that meeting were Cunningham, myself and Meriweather and Bridges. That was the only meeting.

Q. From the time that you got to the hotel with Bridges and Meriweather until the time that you left, Mr. Curran, did you see Roy Hudson?

A. No, I did not.

Q. Did you see Tom Rave? A. No.

Q. Al Lannon? A. No.

Q. Or Mervyn Rathborne?

A. No, I did not.

Q. At the time that you left Mr. Bridges' room,

(Testimony of Joseph Curran.)

Mr. Curran, can you state whether anybody was in that room outside of Bridges and Meriweather?

A. I can state that when I left the room there was no one else there but those two.

Q. Now, before you actually left Mr. Bridges' room had you settled upon the itinerary of Mr. Bridges with respect to the various speeches he was to make and the manner in which he was to get to those places? A. Yes, we did.

Q. What was that discussion?

A. What was discussed?

Q. Yes. What was the discussion on that subject? [5097]

A. The discussion was—the main thing was, we had a limited amount of time between meetings and we were trying to figure the fastest way to get to those meetings so as to get them all in in the limited amount of time that we had. The meeting in Boston took place at night and we arranged to fly to Boston and have the Ford Sedan which brought us over from the airport be driven to Boston to bring us back from Boston after that meeting.

Q. Was there also an arrangement made for Bridges to speak elsewhere than Boston?

A. Yes. At Philadelphia the following day, and then at New York on the 16th and then from that meeting to Baltimore.

Q. Now, had this general idea of having Bridges speak not only in New York but in these other cities that you mentioned been communicated to

(Testimony of Joseph Curran.)

you prior to Bridges ever coming out to the East Coast?

A. We discussed it in the Strike Committee, if that's what you mean. It had been a daily discussion of how to arrange mass meetings in order to clarify the issues to the public.

Q. Well, do you recall whether you received by telegram or other method prior to the 14th of December word from the West Coast that Bridges was coming out and that arrangements should be made for mass meetings to be held or arranged for in [5098] cities in addition to New York.

A. Oh, yes. We received communications from Mervyn Rathborne, I believe, at that time.

Q. And then you say there were discussions in the East Coast Strike Committee on this point?

A. Every day.

Q. Were the preliminary arrangements for Bridges to speak in Boston, Baltimore and Philadelphia made before Bridges ever came to New York on the 14th of December? A. Yes.

Presiding Inspector: You don't mean with Bridges?

Mr. Gladstein: No.

Presiding Inspector: Preliminary arrangements.

Mr. Gladstein: Well, all right. I will ask the witness.

By Mr. Gladstein:

Q. What were those arrangements, Mr. Curran?

(Testimony of Joseph Curran.)

Presiding Inspector: With whom was it?

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. With whom?

A. Well, the arrangements were, first, with the Strike Committee where it was agreed upon that he should come, that we should request him coming. Then we took up the question of actually getting him there with the West Coast [5099] Strike Committee and with Mr. Bridges himself. And those arrangements were concluded before he came East.

Q. All right. But then after the arrangements were concluded that Mr. Bridges was to come East how did you go about arranging for the mass meetings to be held in Boston, Philadelphia and Baltimore?

A. We had the Local Strike Committee in Boston make the arrangements for renting the hall and for getting out the proper leaflets and publicity on that meeting. We had the same thing done in the City of Baltimore and in Philadelphia. Those Local Strike Committees carried that on. And in New York we set up a Committee headed by Jack Lawrenson, who was the Secretary, to go out and see what the possibilities were of borrowing money in order to rent Madison Square Garden.

Q. Did you go to Boston with Mr. Bridges?

A. I did.

Q. By plane? A. Yes.

(Testimony of Joseph Curran.)

Q. Was that the first speech that he made?

A. It was.

Q. And where was it held?

A. It was held in an opera house on the—I'm not too sure, but I believe it is Tremont Street. I believe it's Tremont Street in Boston.

Q. Did you speak at that meeting? [5100]

A. I did.

Q. After the meeting was over do you know where Bridges went?

A. Yes. We went and got in a Ford Sedan. I recall it very clearly. It was bitter cold and one of the windows were broken in the sedan and we very nearly froze getting back to New York.

Q. What did you do after you returned to New York?

A. I don't know exactly what Mr. Bridges did when he got back to New York. I left him at the hotel to thaw out and I went on down to the room I had downtown to thaw out, too.

Q. Where did you then go with Bridges the next time that you saw him?

A. The next time Bridges went down to Philadelphia the following day.

Q. Did you accompany him?

A. No, I did not.

Q. You know that he was to speak there, is that correct?

A. Yes, at the meeting in Philadelphia.

Q. Did you see him on his return?

(Testimony of Joseph Curran.)

A. I saw him when he got back just a short time before the meeting in the Garden.

Q. That would be on the night of the 16th?

A. Yes.

Q. Were you present at the meeting at the Garden? [5101]

A. I was, and spoke there.

Q. You spoke there? A. Yes.

Q. Now, do you remember Bridges speaking there? A. I do.

Q. After the meeting was over—after the mass meeting was over do you recall what took place with respect to Bridges? A. I do.

Q. What took place?

A. After the meeting was over it was quite late. I believe it was around 12:30. The meeting had stretched. In Madison Square Garden there is a regular press room just abaft the platform and we went in the press room where the press wanted to meet with Bridges. In the meantime he was grabbed ahold of by a red headed fellow from Rhode Island by the name of Maynard who recognized him as an old shipmate and insisted that he talk to him.

Mr. Del Guercio: If your Honor please, I move that the witness be told to go to the——

Presiding Inspector (Interposing): Yes. I don't think we need to have these immaterial details.

Mr. Gladstein: Well, he is telling what took place.

(Testimony of Joseph Curran.)

Presiding Inspector: I know. Well, he talked with a man named Maynard. And then what?

[5102]

The Witness: Then we talked to the press.

By Mr. Gladstein:

Q. Who was in the press room when that was taking place?

A. Well, I should say about five or six or seven newspaper men and a couple of photographers.

Q. Who else?

A. Myself. I believe Innes was there. I believe that was all. I think we closed the door then in order to keep the red headed guy out.

Q. And Bridges?

A. And Bridges out? He was in.

Q. No. I say, Bridges was in the room.

A. Yes.

Q. Now, after the press conference what did Bridges do, if you know?

A. He came out the door and that red headed guy grabbed him and away they went.

Presiding Inspector: A second time?

The Witness: He got him and away they went.

By Mr. Gladstein:

Q. Now, Mr. Curran, at any time that evening was there a meeting in this ante-room or press room at which, or anywhere in the Madison Square Garden, Innes, you, Bridges, McCuistion and a man named David Leeds, Tom Raye, Al Lannon and [5103] possibly Roy Hudson were present?

(Testimony of Joseph Curran.)

A. No.

Q. State whether Roy Hudson was on the platform or in any part of the Garden as far as you know that evening.

A. As far as I know he wasn't on the platform, and I believe there were twenty thousand people in the Garden of all denominations and all faiths. I don't know whether he was in the Garden or not. If he had a ticket he could go in, I believe.

Q. What about Raye? Was he on the platform or in an ante-room with you or in the press room or any other kind of a room with you and Bridges that evening? A. No.

Q. What about Al Lannon? A. No.

Q. What about David Leeds?

A. I don't even know him. I wouldn't know him if I saw him.

Q. To your knowledge was Roy Hudson in Bridges' presence, in the presence of Harry Bridges at any time, as far as you know, from the time that Bridges came to New York on the 14th until the time that he left?

Presiding Inspector: That is a little doubtful. What do you mean by that? [5104]

Mr. Gladstein: Well, I mean immediate presence.

Presiding Inspector: Yes. Did he ever see him with Mr. Bridges?

Mr. Gladstein: That is right.

A. No, I did not.

(Testimony of Joseph Curran.)

By Mr. Gladstein:

Q. At any time on the evening of December 16th, Mr. Curran, were you present when William McCuistion, a man named David Leeds and Harry Bridges had some discussion about Bridges receiving reimbursement for his expenses in coming to the East? A. No, I was not. [5105]

Q. Will you state whether, in your presence, Bridges asked for or received any reimbursement for the expenses incurred in his coming to the east?

A. No; we were paying him as we went.

Q. Will you state whether, in your presence, Bridges received from a man named David Leeds, either $400 or $500 for which he signed and gave a receipt?

A. Not that I know of.

Q. Or any sum of money?

A. Not that I know of.

Q. How long have you known Peter Innes?

A. Since the spring of 1936.

Q. Have you known him since that time as a member of the National Maritime Union?

A. Up to a certain point.

Q. What point?

Mr. Del Guercio: Now, if your Honor please, I will object to any question along this line here. Up to what point? The witness has testified that he knew Innes from the spring of 1936, up to a certain point, and now counsel desires to bring out, and is asking the witness what that point is.

(Testimony of Joseph Curran.)

Mr. Gladstein: Right. What is wrong with that?

Presiding Inspector: I suppose if you know a person, and it is counsel's idea, you always known him, of course, in a certain sense, and in a certain sense that is true. What you [5106] mean is, did he have any communications with him, any transactions with him after a certain point, isn't that it?

Mr. Gladstein: Or association. The response of the witness indicates that he intended to say that he has known Innes, or associated with him, up to a certain date or point of time.

Presiding Inspector: I am going to allow what you want, but I am going to try to straighten out the question, or did try to, along the line that the objection indicated.

Mr. Gladstein: All right, your Honor.

Presiding Inspector: Of course, you are entitled to show when they ceased to have transactions with one another.

By Mr. Gladstein:

Q. When did your association with Innes, whatever it may have been prior to that time, end, Mr. Curran?

A. Either in the winter of 1938 or in the spring of 1939.

Q. What enables you to fix that date?

Mr. Del Guercio: Now, your Honor, I will object to that as being immaterial as to what occurred.

Presiding Inspector: I think I will take it. This

(Testimony of Joseph Curran.)

is a broad investigation and I will take it, very briefly.

By Mr. Gladstein:

Q. Will you answer the question?

A. In the spring of 1939, I am fairly sure it was, at that time Peter Innes was ordered suspended from the union. He was [5107] occupying the position of buying——

Presiding Inspector: We don't care anything about that, except that he was suspended.

A. (Continuing): He was suspended in the spring of 1939.

By Mr. Gladstein:

Q. Now, are you acquainted with the reputation that Peter Innes has for truth and veracity among the men with whom Innes has worked and associated with in and about the various branches of the NMU? A. I am.

Q. Is that reputation for truth and veracity good or bad? A. Very bad.

Q. Would you believe him under oath?

A. I would not.

Mr. Gladstein: I am checking my notes, your Honor.

By Mr. Gladstein:

Q. Mr. Curran, are you acquainted with the manner in which the Madison Square Garden was rented for the occasion of the mass meeting on December 16th?

A. Yes. The Joint Strike Committee instructed the Secretary of the Committee to take a couple of

(Testimony of Joseph Curran.)

members of the Committee and go out and try to raise the money by borrowing it with the understanding that it would be repaid if and when we were able to raise the money.

Q. Do you know what the efforts of those members of the [5108] Strike Committee were to obtain money?

A. Oh, yes; very definitely.

Mr. Del Guercio: Your Honor, I will object to that unless it is to show who arranged to rent Madison Square Garden. As to any unsuccessful attempt made by the Strike Committee, I don't think that is in issue in this case and should not be gone into.

Mr. Gladstein: I am not so sure about that. I think the witness is entitled to describe the efforts that the Strike Committee made, or its members made, to obtain that Garden.

Presiding Inspector: I don't see that it is very material.

Mr. Gladstein: I will tell you what the materiality is that is in my mind. The Government has introduced in evidence a lease made out to a man named David Leeds, who was acting as agent for the east coast strikers Committee. The Government has also introduced other leases, or contracts, made out to David Leeds in which Leeds was acting for the Communist Party. Now, the Government seeks to have you draw an inference, therefore, that the East Coast Strike Committee was under the domination of the Communist Party, and that the Madi-

(Testimony of Joseph Curran.)

son Square Garden meeting was arranged by the Communist Party, and that Harry Bridges spoke there under the auspices of the Communist Party.

We are seeking to show you that none of those contentions are true and in order to do that we must show you what the East [5109] Coast Strike Committee actually did by way of efforts to obtain the Garden and the money for it.

I think we are entitled to do that.

Mr. Del Guercio: The record speaks for itself, your Honor. Certainly this witness will not attempt, or counsel will not attempt to contradict what the record shows as to the rental of Madison Square Garden, by this witness.

Mr. Gladstein: The records don't say anything about the efforts of the Strike Committee to obtain the Garden, or what was done. That was a lease, as I understand it.

Mr. Del Guercio: They can produce the lease.

Presiding Inspector: This seems remote. Finally they got Mr. Leeds to sign this lease, or Mr. Leeds did sign it. Whether they got him to or not is another question.

Mr. Gladstein: I think we should be entitled to put in the facts, your Honor, because you see it is, as I say——

Presiding Inspector: Does he know anything about this?

Mr. Gladstein: I think I asked him if he knew what efforts were made to obtain the Garden and he said "Yes." My next question, if I haven't

(Testimony of Joseph Curran.)

asked the question I intended to, was to have him state of his own knowledge what the efforts were to obtain the Garden or money for the Garden meeting that night.

Presiding Inspector: You didn't make any of these attempts yourself?

The Witness: Yes, I did. [5110]

Presiding Inspector: You did?

The Witness: Yes.

Presiding Inspector: I will allow what he made, himself, first.

A. (Continuing): Well, we made the rounds in New York to the other trade unions and other people, the Republican Party on the West Side, and the Democratic Party there, and others, in an attempt to raise money to rent the hall, but we were unsuccessful. In the case of some we were even kicked out on the basis of the fact that we were classified as outlaw strikers.

Mr. Del Guercio: If your Honor please, in view of what the witness has testified to I move to strike it out. Apparently he is——

Presiding Inspector: I will strike out the statement that they were thrown out on the ground that they were outlaw strikers. I don't think that is material—merely that they were denied their application for money. That is all that is material.

By Mr. Gladstein:

Q. You may continue.

A. Then the Secretary of the Strike Committee, Jack Lawrenson, and some other members of the

(Testimony of Joseph Curran.)

Committee working with him, said that they had got possibilities of raising the money to rent the Garden on the basis that we would return the money.

[5111]

Q. Did they say from whom?

A. They did not.

Q. Go ahead.

A. And on that basis we were satisfied and went ahead with arrangements for the Garden.

Q. Did they mention whether it was from any private person or organization, whether it was from several people or organizations?

A. No, they did not.

Q. Now, at that meeting you say you spoke, is that right? A. Yes.

Q. What was in a general way—I don't want you to go into detail—what was in general the condition of the east coast strike with respect to finances during that period?

Mr. Del Guercio: Now, if your Honor please, I will object to that. While we would like to go into the east coast strike matter and show——

Presiding Inspector: I will let him show it.

Mr. Del Guercio (Continuing):—it was dominated by the Communist Party, we cannot make that as a basis for this hearing here. We are only trying Harry Bridges now as to whether he is a member of the Communist Party.

Presiding Inspector: That is the basis for their having to go out and get the money, trying to get subscriptions for that purpose.

(Testimony of Joseph Curran.)

Mr. Gladstein: That is right. [5112]

Presiding Inspector: I will take it. I believe he has already said they were hard up. He, as Chairman of the Strike Committee, said he didn't know from what source the money came. I will take it.

What was your financial condition?

The Witness: It was terrible.

Presiding Inspector: You were hard up?

The Witness: We took up collections in the street, got money in any way we could, aside from stealing it—we didn't steal any—and the men were sleeping in——

Mr. Del Guercio (Interposing): Just a minute. I don't know as anybody accused him yet of stealing money.

Presiding Inspector: That is just a joke.

The Witness: I didn't say anybody accused me of stealing money. I said "aside from stealing."

We raised money through collections, through speakers at meetings, and through shaking cans on the street, and various other means. We very rarely had enough to provide sleeping quarters for all the strikers. Some had to sleep on the floor in other places. None questioned the source of the collected money, and we took the money as long as it was spendable from anybody that gave it to us because it bought food and it provided places to sleep for a large group of striking seamen.

Mr. Del Guercio: I move that the witness' answer be stricken, if your Honor please.

(Testimony of Joseph Curran.)

Presiding Inspector: I think I will let it stand.

[5113]

Mr. Del Guercio: That is a vivid picture, but it has nothing to do with this hearing.

Mr. Gladstein: Is that part of the objection?

Presiding Inspector: This may have some basis, you know, some connection with that payment which the testimony shows, or attempts to show.

Mr. Del Guercio: We are not trying to paint a picture. We could paint it, probably paint it in drab colors. This witness here has painted it in vivid colors. We are not interested in that strike.

Presiding Inspector: I don't think it makes much difference.

Mr. Gladstein: It would be very unusual. Mr. Del Guercio usually paints everybody in red colors.

Mr. Del Guercio: I think we could paint this in red too.

Presiding Inspector: I am color blind. Go ahead.

By Mr. Gladstein:

Q. In your Strike Committee did you ever have occasion, prior to this Madison Square Garden meeting, to have any discussion with respect to whether or not a contribution or a donation from the Communist Party should be accepted?

A. Well, the minutes of the meetings at which we took up collections to support the strikers will show in several instances—one in particular, I believe, where a man rose to the [5114] floor and said,

(Testimony of Joseph Curran.)

"I have $200 here from the Communist Party," and he had a roll of bills.

I asked the membership, "Should we accept it?"

And I almost got shot, because they were hungry. They said, "Certainly we should accept it."

Mr. Del Guercio: "Almost got shot"—that is kind of hard to believe.

The Witness: It is a figure of speech. They didn't have any guns.

Presiding Inspector: They said they would accept it, the contribution of $200 from the Communist Party.

Mr. Del Guercio: You didn't get shot, I suppose?

The Witness: No, I didn't get shot.

By Mr. Gladstein:

Q. Was the money accepted because the membership needed it and ordered you to take it?

Mr. Myron: I object to that.

Presiding Inspector: It was accepted. He pictured their plight.

By Mr. Gladstein:

Q. Now, Mr. Curran, do you know whether, after Mr. Bridges returned west, after the Madison Square Garden meeting, whether the West Coast sent a donation or donations to the East Coast strikers?

Mr. Del Guercio: I will object to that if your Honor please, as being immaterial and irrelevant. [5115]

(Testimony of Joseph Curran.)

Presiding Inspector: Is that material?

Mr. Gladstein: This bears on the question of the so-called argument—you remember that Mr. Innes and Mr. McCuistion talked about Bridges demanding $500 and I wish to show——

Mr. Del Guercio: (Interposing): That wasn't an argument; that was testimony.

Presiding Inspector: All right; go ahead.

Mr. Gladstein: I wish to show, in addition to the testimony that Mr. Curran has given, that no such incident occurred, and Mr. Bridges will testify on the same subject. I wish to show that, rather than having the east coast Strike Committee pay Mr. Bridges' expenses, the thing was the other way around; that the west coast contributed, donated to the east coast, because of the east coast's perilous condition.

Presiding Inspector: That was afterwards, wasn't it? They sent the money afterwards?

Mr. Gladstein: Even so, your Honor, the source of that money that was paid to Mr. Bridges may be of great importance. Counsel evidently thinks it is. But it was paid to the east coast by the west coast.

Presiding Inspector: I don't see that it is material.

Mr. Gladstein: It isn't that a repayment was made, but that the west coast actually contributed funds to the east coast, rather than—— [5116]

Presiding Inspector: This is a sympathetic

(Testimony of Joseph Curran.)

strike, was a sympathetic strike on the part of the east coast.

Mr. Gladstein: Right. It would not be unusual for the west coast to help supply funds to the east coast. That is true.

Presiding Inspector: I think that would be natural.

Mr. Gladstein: But it is rather against the natural thing for an incident to have occurred along the lines as described by some of the Government witnesses; that is——

Presiding Inspector: From your side of the case; yes. I suppose Mr. Del Guercio would argue it was highly the natural thing.

Mr. Gladstein: Of course he would.

Mr. Del Guercio: What the union did on the west coast and what the union was doing there has no bearing on what Bridges did himself. We are not——

Presiding Inspector: I think it isn't material. I wouldn't go into that.

Mr. Gladstein: I recall some testimony by Mr. McCuistion that he argued against giving Bridges this money because he, McCuistion, would have, or did have, I forget which he said, have a hard time explaining to the hungry men the following day why they didn't get some money out of the meeting and Bridges was getting this money; and I remember that Mr. McCuistion said that the Communist Party made $400 or $500 out of this thing. That is what he said. [5117]

(Testimony of Joseph Curran.)

Presiding Inspector: Yes, I think there was some such testimony.

Mr. Gladstein: I want to show the facts were quite different; that Mr. ——

Presiding Inspector: This isn't the Communist Party here.

Mr. Gladstein: I understand, but I want to show that the facts are that Mr. Bridges was influential—of course, we can have Mr. Bridges' testimony direct on it, but as long as Mr. Curran is on the stand and is in a position to testify to his own knowledge, I want to show that Mr. Bridges, when he got back to the west coast, saw to it that money was contributed to the east coast, and, that from that you are entitled to draw inferences as to whether it is credible such an incident could have taken place as the kind described by Mr. McCuistion and, I think, also by Mr. Innes.

Mr. Del Guercio: If the Court please——

Presiding Inspector: Who was it that Mr. McCuistion said gave this money?

Mr. Gladstein: David Leeds, as I recall.

Presiding Inspector: He is not one of the Strike Committee. Aren't we getting into trouble here?

Mr. Del Guercio: It seems David Leeds is the person to call. He is still alive on the east coast in New York.

Presiding Inspector: I don't see that this has any materiality. [5118]

Mr. Gladstein: This money which was collected

(Testimony of Joseph Curran.)

at the meeting was collected for the benefit of the strikers.

Presiding Inspector: That doesn't appear one way or the other.

Mr. Gladstein: I think that has been testified to.

Presiding Inspector: In fact, it appears the other way, according to the testimony given by the Government.

Mr. Gladstein: I will ask the witness——

Presiding Inspector: Very well.

By Mr. Gladstein:

Q. I think you said a collection was taken up at the Madison Square Garden meeting on December 16, 1936? A. That is right.

Q. Now, for whom, or whose benefit was that collection taken up?

Presiding Inspector: Who received it?

By Mr. Gladstein:

Q. Who received it?

A. Madison Square Garden received it. We didn't take up enough to clear the meeting.

Q. But for whose benefit did you intend to make a collection?

A. For the striking seamen.

Q. Was any of it to go to the Communist Party?

A. Not that I know of. [5119]

Q. Was any of it to go to Bridges?

A. Not that I know of.

Presiding Inspector: Did you know that the Garden had been paid in full?

(Testimony of Joseph Curran.)

The Witness: We knew it after the collection was taken up because it had to be paid back and that matter cleared up.

Presiding Inspector: Who was it paid back to?

The Witness: I understand it was paid to the Garden.

Presiding Inspector: But the Garden had already been paid.

The Witness: As I understand it, the Garden was guaranteed; that was my understanding of it, that it was guaranteed.

Presiding Inspector: You don't know about this personally?

The Witness: No, I don't.

By Mr. Gladstein:

Q. Now, Mr. Curran, do you know what the official position is of the Congress of Industrial Organizations with respect to the present Bridges deportation case?

Mr. Del Guercio: I will object to that.

Presiding Inspector: How is that material?

Mr. Grossman: May I state this, because it was in my argument that this question first came up: I don't recall which witness it was, but I definitely made the argument that the anti-labor and, in particular, the anti-CIO bias of a witness was material to this case, because by reason of the action of the CIO the Harry Bridges deportation case, and the [5120] deportation of Harry Bridges is identified in the mind of the public with the CIO and the labor movement. Therefor, if it is so identified,

(Testimony of Joseph Curran.)

and a witness has a bias against the CIO, that bias we may reasonably conclude, at least, will be transferred also to Harry Bridges. Now, we haven't proved that yet. I made that as an argument to justify going into the anti-CIO or anti-labor bias on the part of witnesses.

I don't recall quite what the ruling was, but my recollection is that your Honor permitted us to go into that.

What we were relying on at that time was merely my argument that such was the fact.

We intend now to go into this and prove that such was the fact; that is, to prove that not only the CIO has taken a position in support of this case, but the position has been such, and given such publicity that, in the mind of the public generally, this case, or this deportation, is associated with a CIO and, therefore, a prejudice or bias on the part of the witness against the CIO or labor unions generally, you may reasonably conclude—you don't have to but you may reasonably conclude—would be transferred to a prejudice or bias against Harry Bridges, or in favor of his deportation. [5121]

Mr. Del Guercio: Well now, if the Court please——

Presiding Inspector (Interposing): Well, I think that is pretty remote, Mr. Grossman. Pretty remote.

Mr. Grossman: Your Honor, I don't see how it could be remote. If we assume that a witness has a bias against the CIO, if we assume that this

(Testimony of Joseph Curran.)

case is so tied up in the minds of the public because of the action of the CIO with the CIO, I don't think it is remote that a man would transfer in his mind a bias against the CIO to Harry Bridges. I don't mean "transfer" it, but apply it to Harry Bridges. I don't think that is at all remote. I think that is the way the human mind works. I think it is perfectly reasonable.

Now, I don't say that you will reach that conclusion or that you will draw that conclusion. All I say is that it is reasonable that you should, and we have the right to introduce evidence so that if you find a witness biased against the CIO you have a chance to conclude that that is also a bias in favor of Harry Bridges' deportation.

Presiding Inspector: Do you think that you can show that the Socialist Party has passed resolutions—I don't suggest anything has occurred—in favor of the work of the Bridges Defense Committee, or would you say that you can show that if it were the Presbyterian Church——

Mr. Grossman (Interposing): It depends on the extent.

Presiding Inspector (Continuing):—and then all the [5122] people who didn't belong to the Presbyterian Church would have a bias against Harry Bridges on that account?

Mr. Grossman: I say that this goes farther.

Presiding Inspector: I don't see it.

Mr. Grossman: We intend to show, your Honor, that the position of the CIO has been such that

(Testimony of Joseph Curran.)

at least the average man in the street, or at least the average trade unionist, or at least the average witness who has testified in this case, who is interested in this subject would reach the conclusion that the CIO and Harry Bridges and his deportation are integrally tied up, which is more than a mere support of it. I wouldn't say that action by the Socialist Party would be relevant, but if we can show, as we intend to do by this witness, that it is so tied up by reason of what was done and said by the CIO, then I say that that is relevant.

Mr. Del Guercio: If the Court please, if counsel is concerned with the public, I think we could remove—we have tried to throughout all this hearing—by giving a statement to the press that the Court made. We are not trying the CIO.

Presiding Inspector: No.

Mr. Del Guercio: We are not interested in the CIO in this hearing. We are trying one man, and that is Harry Bridges.

Presiding Inspector: You are not even trying him.

Mr. Del Guercio: We are trying to try him.

[5123]

Presiding Inspector: I mean to say, it isn't a trial.

Mr. Del Guercio: No. It isn't a trial. It is a hearing to establish certain facts.

Presiding Inspector: It is a civil hearing.

Mr. Del Guercio: And we are doing that. The Government hasn't at any time brought in the

(Testimony of Joseph Curran.)

name "CIO" for the sake of the CIO. We are not concerned with it. We are not concerned with the American Federation of Labor. Harry Bridges isn't the CIO. We are not trying Harry Bridges as a CIO member. We are trying—I say, I use the word "trying"—this is a fact-finding body. We are trying to determine if Harry Bridges is not a member of the CIO but a member of the Communist Party, an admitted member of the IWW, an affiliate of the Marine Workers Industrial Union, and nothing else. We haven't at any time tried any trade union, CIO or anyone else. We haven't brought that name in.

Mr. Gladstein: If your Honor please, I think counsel's memory is not long enough to recall the first witness on the stand, who was not cross examined by us and, therefore, everything that he said must have been in response to direct questions put to him by Mr. Del Guercio. And one of the things that Mr. Gitlow said was that the CIO is a culmination of a deep-dyed plot—those are not his words—laid in the Kremlin in Moscow to develop industrial unionism in the United States. That is testimony in this case which was solicited by Mr. [5124] Del Guercio and which was given by his own witness, namely, that the CIO is a resulted plan and the culmination of plans of the Communists in Moscow, Russia.

Now, if that isn't an attack on the CIO, then I doubt whether Mr. Del Guercio understands what the five million members of the CIO are like. Of

(Testimony of Joseph Curran.)

course, they would resent that kind of testimony and do, and I think it is testimony which was intentionally put in as part of an attack on the CIO.

Now, I am entitled to that opinion.

Mr. Del Guercio: I don't want to grant counsel's——

Presiding Inspector (Interposing): Wait!.

Mr. Gladstein: Even though Mr. Del Guercio may disagree with me. There are other witnesses in this case who have attacked the CIO, your Honor, either directly or indirectly. You will recall the testimony of Mr. Schnering. He made an attack. I don't recall the exact words or even too much of the substance, but he made an attack on the CIO. He said that the CIO was so Communist dominated that they wouldn't even let him work in his state since he had left the Communist Party. And I think there is testimony by Mr. Laurence which is directly against the CIO. And what about Mr. Kelley. Mr. Kelley made a pretty good attack of his own on the CIO, and when we attempted to show by cross examination that he had attempted to get some unfair advantages of an em- [5125] ployer, you recall that he made an attack on the CIO.

Now, I don't have it at hand at this moment, but there have been three, four, five or six witnesses that the Government has produced who have attacked the CIO.

Presiding Inspector: I think Mr. Kelley introduced some gratuitously at the end of his testimony.

(Testimony of Joseph Curran.)

Mr. Gladstein: Yes, he did. And that isn't all. I think Mr. Chase also. Oh, yes. Mr. Chase said that the whole International Furniture Workers and maybe some others—I am not sure about this—were all Communist controlled and Communist dominated, and that he, Mr. Chase, has now devoted his life to making up for the period when he erred so by being a member not only of the Communist Party but of the group which was pro-CIO and for industrial unions.

Presiding Inspector: What do you want to show here?

Mr. Gladstein: We want to show what the CIO position officially is on the Bridges case.

Mr. Del Guercio: That would certainly be remote, irrelevant and immaterial. The CIO isn't trying Harry Bridges. What their stand is on the Harry Bridges deportation case is unimportant. We might call other groups.

Presiding Inspector: Let me get the point directly. You want to show they are indifferent to the Bridges case?

Mr. Gladstein: On the contrary, we want to show that they are very much concerned about the present attempt to [5126] deport Harry Bridges; that they feel that it reflects a general anti-labor movement in the United States and that it is a symbol ——

Presiding Inspector (Interposing): We can't go into that. That would be criticising——

Mr. Del Guercio (Interposing): The Government.

(Testimony of Joseph Curran.)

Presiding Inspector (Continuing): ——the Government of the United States and the Congress of the United States.

Mr. Gladstein: It is pertinent, it is material on the proposition that since witnesses for the Government have attacked the CIO, this bias of theirs against the CIO is one which, as Mr. Grossman has pointed out, is the kind that can be applied against Harry Bridges.

Presiding Inspector: And then you want to have the other side draw the implication that all the people who are in any way connected with CIO are biased in favor of Mr. Bridges?

Mr. Gladstein: If the Government wants to claim that, that's perfectly all right.

Presiding Inspector: I am just asking you. Doesn't that very statement show the remoteness of this sort of thing?

Mr. Gladstein: I don't think so, your Honor. I don't think it is remote in any sense of the term.

Presiding Inspector: It seems to me very remote on the first blush. [5127]

Mr. Gladstein: I don't see it, your Honor. Of course, if the Government will stipulate that the membership and leadership of the CIO are biased in favor of Harry Bridges in this case; if that's what they would claim, if that's the inference that they would draw, and that they are biased in favor of Harry Bridges and are supporting him in an effort to defeat the attempt to deport him, we will

(Testimony of Joseph Curran.)

take the situation, if that is the inference that they want to draw, instead of offering the proof.

Presiding Inspector: No. I think they would immediately draw the inference that all your witnesses were absolutely biased against the Government's case.

Mr. Gladstein: Let them argue that inference. We couldn't stop them from arguing that inference anyway.

Presiding Inspector: No.

Mr. Del Guercio: We are not concerned, your Honor. Our position has been that what the position of the CIO is—we are not trying the CIO. There hasn't been any attack on the CIO.

Presiding Inspector: Was this testimony offered before Dean Landis?

Mr. Gladstein: No. There wasn't any occasion for it.

Mr. Grossman: Your Honor, may I say this? There wasn't occasion because the question of the relevancy of anti-labor [5128] bias was never raised. It has been raised in this case. The question of whether——

Mr. Del Guercio (Interposing): Raised by whom?

Mr. Grossman: I would like to state this. We recognize that in an ordinary Court or any hearing you can consider and you may conclude that the witnesses that have testified for Harry Bridges because of their membership in a union are biased in his favor. That doesn't mean that you disbelieve

(Testimony of Joseph Curran.)

them. As a matter of fact, the fact that we establish a bias——

Presiding Inspector (Interposing): It is a pretty weak bias, I think.

Mr. Grossman: Well, all right. But the point is, it is a bias.

Presiding Inspector: Everyone who is called on one side or the other is presumed to be biased to some extent. That's the reason you don't allow leading questions favorable to the side, in favor of the side on which they are called. That is an elementary proposition of law.

Mr. Grossman: But, your Honor, you will still admit that regardless of how much weight you are going to give a bias that nevertheless that bias is relevant, and we do admit that any CIO sentiment that our witnesses have, pro-CIO sentiment, could be considered by you as some evidence of their bias in favor of Harry Bridges, obviously, because that is the reverse of what we are trying to establish. But as [5129] Mr. Gladstein pointed out, we couldn't even argue against your taking that into account and giving it some weight.

Presiding Inspector: Now, you merely want to show that the CIO has adopted resolutions.

Mr. Grossman: Has taken a public position.

Presiding Inspector: And made contributions in favor of the Bridges Defense?

Mr. Grossman: What generally they have done, yes.

(Testimony of Joseph Curran.)

Presiding Inspector: I will take it to that very limited extent.

Mr. Del Guercio: Well, if your Honor please,——

Presiding Inspector (Interposing): Yes, over your objection.

Mr. Del Guercio (Continuing): ——I object strenuously to this also because we are injecting another issue in this case.

Presiding Inspector: I think it cuts both ways, Mr. Del Guercio.

Mr. Del Guercio: Even though it were favorable to the Government, your Honor, I object to it, because I don't think this is the proper hearing to go into what the CIO—resolutions that they may have adopted or what they adopted. We are trying an individual here not because of his membership in the CIO.

Presiding Inspector: I think this is very remote, but I [5130] will take it that far, as to whether they passed resolutions officially and whether they made contributions.

By Mr. Gladstein:

Q. Will you answer that question, Mr. Curran?

Presiding Inspector: I think it cuts both ways.

By Mr. Gladstein:

Q. As to the official position of the CIO on the deportation case.

Mr. Del Guercio: I will object to the question.

Presiding Inspector: Yes. I will take it.

A. The official position of the National CIO on the present second trial of Harry Bridges is to the

(Testimony of Joseph Curran.)

effect that it is a flank attack on the labor movement and they have voted in all of the Internationals of CIO and in the National CIO to give it full support.

By Mr. Gladstein:

Q. To give what full support?

A. The Harry Bridges Defense, give it full support financially, morally in order to defeat the flank attack on the labor movement.

Q. As an official——

Mr. Del Guercio (Interposing): I didn't hear that. "Financially and morally"?

The Witness: Financially and morally. [5131]

Presiding Inspector: "In order to defeat a flank attack on the labor movement", he says.

By Mr. Gladstein:

Q. Has the CIO set up an official committee, National Committee? A. It has.

Q. To assist in the defense?

A. It has. It consists of Sherman Dalrymple, President of the United Rubber Workers of America, and David McDonald, Executive Secretary of the Steel Workers Organizing Committee.

Q. And do you know whether President Philip Murray of the CIO has issued an official statement on the case?

Mr. Del Guercio: I will object to the leading question, if your Honor please.

Mr. Gladstein: I haven't finished it.

Presiding Inspector: I will exclude it.

(Testimony of Joseph Curran.)

By Mr. Gladstein:

Q. Do you know whether President Philip Murray has done or said anything by way of or in connection with the Bridges case?

Presiding Inspector: I will exclude it.

Mr. Del Guercio: I will object to that.

Presiding Inspector: He has given the official position. [5132] Whether the President has supported the official decision or not is entirely immaterial. We have got the official position.

Mr. Gladstein: I will just ask this question.

Presiding Inspector: Yes.

By Mr. Gladstein:

Q. The National Committee, consisting of Mr. Dalrymple, Mr. McDonald, do you know how that Committee came into existence?

A. It came into existence——

Mr. Del Guercio (Interposing): I will object to that, if your Honor please.

Presiding Inspector: Yes. I will take it. That is how it was appointed?

Mr. Gladstein: That is right, your Honor.

Presiding Inspector: How it was appointed and whether it was appointed pursuant to a vote of the organization?

Mr. Gladstein: Whichever way it came into existence.

Presiding Inspector: What is that?

Mr. Gladstein: Whichever way it came into existence.

(Testimony of Joseph Curran.)

Presiding Inspector: Whatever way it came about.

By Mr. Gladstein:

Q. How did the Committee come into existence?

A. It was appointed at a meeting of the Vice-Presidents and Executive Officers of the CIO. Philip Murray made the appointment with the approval of the Executive Officers of CIO and issued a statement over his signature. [5133]

Presiding Inspector: We don't care about the statement.

Mr. Gladstein: I don't know whether the record——

Presiding Inspector (Interposing): We have got the official attitude.

Mr. Gladstein: I don't know whether the record shows this, your Honor, but I think it should.

By Mr. Gladstein:

Q. That is, what is the official position of Mr. Philip Murray of the CIO.

Presiding Inspector: That has been shown.

A. The official position of Mr. Philip Murray, President of the CIO, is that this—— [5134]

By Mr. Gladstein:

Q. (Interposing) What is his position in the CIO?

A. He is President of the Congress of Industrial Organizations.

Mr. Gladstein: That is all I want. Thank you.

(Testimony of Joseph Curran.)

Cross Examination

By Mr. Del Guercio:

Q. Is the Congress of Industrial Organizations interested in knowing whether or not Harry Bridges is a member of the Communist Party?

A. I suppose it probably is.

Q. And if it were found by a fact finding body that he was a member of the Communist Party, and still is, what would the attitude of the CIO be toward Harry Bridges?

A. You are asking me a hypothetical question that I can't answer.

Q. That is a hypothetical question, and you refuse to answer?

A. I don't refuse to answer. I am not in a position to say what the Congress would do. It is composed of five million members.

Q. Do you know of your own knowledge whether Harry Bridges is a member of the Communist Party? A. I do not.

Q. Do you know if this Committee that you have spoken [5135] about, of the CIO, knows whether Harry Bridges is a member of the Communist Party?

A. I do not.

Q. Has it investigated to determine whether Harry Bridges is a member of the Communist Party? A. It has not.

Q. Is it interested—I will ask you again—in knowing whether Harry Bridges is a member of the Communist Party?

(Testimony of Joseph Curran.)

Mr. Gladstein: That has been asked and answered.

A. I am not in a position to say.

Presiding Inspector: He said that before and he keeps saying it.

Mr. Del Guercio: Do you want to take the noon recess?

Presiding Inspector: Yes; until two o'clock.

(Whereupon, at 12:00 o'clock noon a recess was taken until 2:00 o'clock p.m. of the same day.) [5136]

After Recess—2:00 o'clock p.m.

Presiding Inspector: You may proceed, Mr. Del Guercio.

JOSEPH CURRAN

called as a witness on behalf of the Alien, having been previously duly sworn, testified further as follows:

Cross Examination (Resumed)

By Mr. Del Guercio:

Q. I believe you testified that you were one of the five or six Vice Presidents of the National Maritime Union, is that correct?

A. No, I did not.

Q. What was your testimony?

A. My testimony was that I was one of the National Vice-Presidents of the CIO.

Q. And there are how many Vice Presidents?

A. Six.

(Testimony of Joseph Curran.)

Q. And you say that there are about approximately 55,000 members?

A. In the National Maritime Union.

Q. Has the question of the deportation proceedings against Harry Bridges been submitted to every one of those 55,000 members?

A. It has been submitted to the membership of the National Maritime Union. [5137]

Q. Merely submitted to the officers of that Union, is that correct? A. That is not true.

Q. How long have you been a member—when did you first join any union?

A. I was a member of the Sailors Union of the Pacific in 1926.

Q. And for how long a period?

A. Approximately three months.

Q. Then what happened?

A. My membership lapsed, based on the fact at that time it was a crime to be a member of a union you were blacklisted on any ship, and the patrolman never came aboard to collect your dues——

Q. (Interposing): Did I ask you about that?

A. No, you didn't.

Mr. Gladstein: I think it is responsive.

By Mr. Del Guercio:

Q. You are volunteering that?

Presiding Inspector: I think that is remote. Wait until he asks the next question.

By Mr. Del Guercio:

Q. Where did you join the Sailors Union of the Pacific? A. San Pedro, California. [5138]

(Testimony of Joseph Curran.)

Q. And what local was that?

A. It was the San Pedro branch. Harry Olsen was agent.

Q. Now, when did you next join a union?

A. I next joined a union aboard ship arriving in New York in about nineteen thirty—the early part of 1935. I am not too clear on that.

Q. You mean you weren't a member of any union from 1927 to 1935? A. That's correct.

Q. What were you doing during that period?

A. Going to sea.

Q. As what? A. As a sailor.

Q. Continuously? A. Yes.

Q. And in 1935 what union did you join?

A. In the early part of 1935 I joined the MWIU in New York.

Q. And what is the MWIU?

A. The Marine Workers Industrial Union.

Q. And affiliated with what?

A. I don't know.

Q. You joined the Marine——

A. (Interposing): I was a member for about a month.

Q. You what?

A. I was a member for about a month. [5139]

Q. Just a month?

A. Uh huh (affirmative).

Q. Paid member? A. A paid member.

Q. And who solicited, if anyone, your membership in the Marine Workers Industrial Union?

A. I don't recollect his name. A delegate came

(Testimony of Joseph Curran.)

aboard and was soliciting members and I joined aboard ship. I can't recollect his name.

Q. On what ship were you at that time?

A. That was on the Exmoore, the American Export Lines.

Q. And were you given a membership book?

A. I was.

Q. What became of that membership book?

A. I believe I lost it when a trunk was stolen from my house in 1938 along with other personal belongings.

Q. And you have had that membership book then from 1935 to 1938, is that right?

A. I didn't carry it that long. It was in a trunk.

Q. Well, you had it in your possession from 1935 to 1938? A. In my trunk, yes.

Q. Did you read it?

A. I read parts of it, yes.

Mr. Del Guercio: May I have these exhibits here? I won't hold it up any longer. We will go into something else and come back to that. [5140]

Presiding Inspector: Very well.

Mr. Del Guercio: Will you give me the answer to the last question, please?

(The question and answer referred to were read by the reporter as above recorded.)

By Mr. Del Guercio:

Q. Did you find out from reading this membership book in the Marine Workers Industrial Union as to what organization the Marine Workers Industrial Union was affiliated with?

(Testimony of Joseph Curran.)

A. No, I did not. I thought it was the Marine Workers Industrial Union, a union of seamen.

Q. And you didn't find out then, is that it?

A. No. I can't recollect what it was affiliated with.

Q. Why did you drop out of the Marine Workers Industrial Union, if you did drop out?

A. No, I didn't drop out. The NRA dropped the union out.

Q. The NRA dropped the union out?

A. That's correct.

Q. How do you know that the Marine Workers Industrial Union was a union?

A. I know that 14,000 members, all seamen, were in it, and I know that it was a union because it fought to better some of the rotten conditions that existed. I thought it was pretty good.

Q. Did you attend any meetings of the Marine Workers [5141] Industrial Union?

A. I didn't get the opportunity. I came in——

Q. (Interposing): How do you know that there were 14,000 members of the Marine Workers Industrial Union?

A. That's correct. I couldn't be too positive, but I ran into a great many of them on that ship, and they were listed and admitted during the hearings in Washington that there were 14,000 members.

Presiding Inspector: Well, you are giving your own testimony now.

The Witness: That is correct.

By Mr. Del Guercio:

Q. Then you don't know, do you?

(Testimony of Joseph Curran.)

A. I am not positive, no. I am not positive, no, that there were 14,000 members.

Q. I mean, you never did inquire as to how many?

A. I inquired of many people, yes.

Q. Of whom, for instance?

A. I inquired of——

Q. (Interposing): Of Roy Hudson?

A. Are you answering the question?

Q. Did you inquire of Roy Hudson?

A. I did not.

Q. Now, whom did you inquire of?

A. I inquired of several members of the crew on the Exmoore. [5142]

Q. And their names?

A. Who had been previous members of the—one man's name was Joiner, an A.B., and another A.B.'s name was Hayes Jones.

Q. Hayes Jones. And what did Jones tell you as to how many members there were in the Marine Workers Industrial Union?

A. He told me that there were 14,000 members.

Q. At that time? A. That time.

Q. And how many did Joiner say were in the Marine Workers Industrial Union?

A. He said about 14,000.

Q. Did you inquire of anyone else?

A. I don't recollect the names of all the seamen that were on that ship, but during discussions in the fo'c's'le collectively about eight men in there talked about the number of men in the MWIU, because I

(Testimony of Joseph Curran.)

know we made a point of the fact that it was growing pretty rapidly.

Q. Did Joiner occupy any official position in the Marine Workers Industrial Union?

A. No, he did not.

Q. Did Jones—I believe you said the name was?

A. Hayes Jones, no, he was an A.B. there, a member of the union, as far as I know.

Q. How long had they been members of the Marine Workers Industrial Union?

A. I couldn't say. They had been members for some time. [5143] That is all I know. Hayes Jones was the one that—Hayes Jones and Joiner both discussed the union with me, and on the basis of the discussions we had I thought it was a good union to join, and I joined it.

Q. And you say it was the NRA that knocked it out? A. Correct.

Q. How did the NRA knock the Marine *Industrial Workers* Union out?

A. In this manner: During that period they had decided to have certain unions represent certain bodies of men——

Q. (Interposing): Who do you mean by "they"?

A. A committee composed of a couple of Admirals and—I can't think—one man's name was, I don't know whether his name was Harrison——

Q. (Interposing): How did they knock out the Marine Workers Industrial Union?

A. The ISU at that time had about 800 members

(Testimony of Joseph Curran.)

and it was rapidly sinking into oblivion. Their officers appeared before this Committee and made a plea that the International Seamen's Unoin be the union to be recognized for the purpose of handling the Seamen's proposition. The MWIU, as I understand it, objected on the basis of representing a great many more seamen.

Q. Were you there?

A. I was not there. I read very carefully many documents [5144] regarding that hearing.

Q. You read documents? A. I did; yes.

Q. Where did you get these documents?

A. Well, the Marine labor papers carried stories about it, various marine labor papers, and there were mimeographed bulletins on the progress of the hearing. It was of a great deal of interest to the seamen at that time.

Q. You are not testifying of your own knowledge, but you are testifying to what you say you read?

A. I am testifying of my own knowledge; yes. I am not trying to testify to someting I don't know; I wouldn't do that.

Q. What?

A. I wouldn't testify to something I don't know.

Q. All right. Go ahead.

A. We followed it very closely because the ISU——

Q. (Interposing): Who do you mean, "We followed it very closely?"

A. The Seamen. I was an A.B. on a ship. Your

(Testimony of Joseph Curran.)

knowledge of a ship must tell you there is a crew on it.

Q. You said "We followed"—were you at that time following it with anybody in particular?

A. With the seamen on the ship, about 40 of them, I would say, 40 in a crew.

Q. You were on a ship during this time? [5145]

A. That is correct; yes.

Q. And you were getting daily bulletins of what was going on?

A. While the ship was in port these things came aboard.

Q. What ship were you on at that time?

A. At that time I was on the Excelsior, I believe.

Q. And between what ports was that plying?

A. Well, we went from New York, to Philadelphia, to Baltimore, to Norfolk, back to Philadelphia and New York.

Q. Coastwise all the time?

A. Yes; that is correct.

Q. Go on.

A. The Committee in Washington decided that the ISU would be the union to represent the Seamen. As a result the operators agreed with this Committee to cooperate and see that every Seaman on the ship joined the ISU. No Seaman could stay on a ship unless he took out an ISU book. If you didn't take out an ISU book you were discharged from the ship. So we had to take out an ISU book. The MWIU just disappeared, based on that.

(Testimony of Joseph Curran.)

Q. You didn't tell us just how the NRA knocked out the Marine Workers Industrial Union?

A. That is the way they knocked it out, by collaborating with the shipowners and the fakers in the ISU.

Q. The Marine Workers Industrial Union, so far as you know, [5146] was not dissolved because of any action taken by its own officials, is that what you are trying to testify to? A. Yes.

Mr. Gladstein: The question is ambiguous.

Presiding Inspector: That is all right. He is entitled to ask that.

Mr. Del Guercio: Was there an objection?

Mr. Gladstein: Yes; do you mind?

Presiding Inspector: We are having a lot of hearsay gleaned from reports of newspapers, and all that sort of thing, and Mr. Del Guercio, I think, is entitled to examine the witness on this.

Mr. Gladstein: I would like to hear the question read because I think it is ambiguous.

Presiding Inspector: Read the question.

(The question referred to was read by the reporter as above recorded.)

Mr. Gladstein: I think the form of the question is objectionable, but I haven't any objection to the question being answered.

By Mr. Del Guercio:

Q. Now, as a matter of fact, you knew, and you know now, that the Marine Workers Industrial Union was affiliated with the Trade Union Unity League?

(Testimony of Joseph Curran.)

A. I did not.

Q. You never found that out? [5147]

A. I have heard that it was so affiliated since; yes.

Q. Didn't you read about that in any of these documents that you testified you read?

A. No, I did not.

Q. And, as a matter of fact, you knew then, and you know now, that the Trade Union Unity League in turn was formed, created, controlled and dominated by the Red International of Labor Unions?

Mr. Gladstein: I object to that. It is a compound question.

Presiding Inspector: I don't think it is a question. The form you put it in is a statement.

By Mr. Del Guercio:

Q. Didn't you know then that the Trade Union Unity League was—you need not smile, Mr. Curran.

A. I can't help it, because you are laughing at me.

Q. No, I am not laughing at you. I feel sorry for you. A. All right.

Mr. Gladstein: I move that be stricken from the record.

Presiding Inspector: We will strike that comment out.

By Mr. Del Guercio:

Q. You knew at that time, did you not, that the Trade Union Unity League was controlled and

(Testimony of Joseph Curran,)

dominated by the Red International of Labor Unions? A. I did not.

Q. Do you know it now?

A. I have heard so. [5148]

Q. Where did you hear it?

Mr. Gladstein: I object to that as immaterial.

Presiding Inspector: I think it is immaterial, but it may lead to something. We haven't been very strict on this. I will take it.

A. I have heard it around the Dies Commitee, I have heard it around here, I have heard it on the waterfront, I have heard it from shipowners and I have heard it from various places. [5149]

By Mr. Del Guercio:

Q. Do you believe it?

Mr. Gladstein: I object to that as immaterial.

Presiding Inspector: Immaterial.

By Mr. Del Guercio:

Q. Who was the head of the Local of the Marine Workers Industrial Union in which you belonged?

A. At that time?

Q. At that time, yes.

A. As I understood it, Roy Hudson was the Secretary.

Q. Did you meet Roy Hudson at that time?

A. No, I didn't meet him at that time.

Q. Had you known Roy Hudson prior to the time you joined the Marine Workers Industrial Union? A. No, I never heard of him.

Q. Did you have any conversations with Roy

(Testimony of Joseph Curran.)

Hudson about the time you joined the Marine Workers Industrial Union?

A. No, I joined aboard ship.

Q. And were you on board the ship all the time that you remained a member of the Marine Workers Industrial Union?

A. No. I was ashore. I went ashore, much like other seamen do.

Q. Now, can you give me the exact date you joined the Marine Workers Industrial Union?

[5150]

A. No, I can't.

Q. The month? A. No, I can't.

Q. The year?

A. I say it was early in 1935.

Q. Early in 1935?

A. I am almost sure of that.

Q. Well, you say you were on a ship. Can you fix the date by the ship that you were on?

Mr. Gladstein: He has already answered as to the ship that he was on.

A. I think that becomes a little more clear to me. I don't think it was 1935. I think, on the contrary, it was early in 1934.

By Mr. Del Guercio:

Q. 1934? A. I think so. I think so.

Q. Now, are you sure about that?

A. No, I am not. I think so.

Q. You say now that it was either in the early part of '34 or the early part of 1935?

A. That is correct.

(Testimony of Joseph Curran.)

Presiding Inspector: His best recollection is that it was in 1934 now.

The Witness: That is my best recollection.

By Mr. Del Guercio: [5151]

Q. Well, were you working on the ship in 1934?

A. Sure! I worked on ships all year round '34.

Q. And are you sure about only remaining in the Marine Workers Industrial Union for only a month?

A. Well, I'm sure of that because I only paid a month's dues, and when, well, a few months later we made a two months' and fifteen-days' trip, I think, on the Excelsior and when I returned there just wasn't any more MWIU. You had to get into the ISU. So based on the fact that I only paid a month's dues I feel that that was all I was a member.

Q. You say that you were on the ship Excelsior after you joined? A. Yes.

Q. So far as you know, you were a member of the Marine Workers Industrial Union for two and one-half months?

A. Well, put it that way if you like.

Q. Is that your testimony?

A. I am basing it on the dues payment. I am not basing it on the amount of time that I was aboard that ship.

Q. Can you pay dues on the ship?

A. No. When I got back I couldn't pay any dues in it. The book was no good. I had to join the ISU to make another trip.

(Testimony of Joseph Curran.)

Q. Now, do you know when the 1934 Pacific Coast strike occurred? [5152]

A. Yes, I have some recollection of it. About May.

Q. When was that? About May?

A. Yes.

Q. With reference to the 1934 strike, May, when did you join the Marine Workers Industrial Union?

A. I don't know. I think it was about five or six months before then. About four months, I think. Right about in——

Q. (Interposing): Before the strike?

A. Oh, yes. It was before the strike.

Q. Huh?

A. It was about three—at least three months before that strike. You see, I am not clear on these dates about joining the MWIU.

Q. No, I realize that, that you wouldn't be very clear. Where were you during the 1934 strike?

A. Well, do you want me to answer shortly or do you want me to describe the trip?

Q. Whichever way——

A. (Interposing): I left New York, as near as I can recollect, on the first of May. We went twenty-three days to Capetown, Africa and spent seventeen days in Capetown. We then went to Derby, Elizabethtown, East London and then we returned over the same route arriving in New York June the 15th. I then took a position with the Grace Line shore gang [5153] in New York City

(Testimony of Joseph Curran.)

where I worked until August 22nd and then shipped aboard the Grace Line Santa Clara and stayed on her until December the 22nd of the same year, and coming off of there——

Presiding Inspector: (Interposing) You have gone away beyond.

The Witness: He didn't ask me the exact length.

By Mr. Del Guercio:

Q. Were you on the West Coast ashore?

A. Not unless I was——

Q. (Interposing): ——at any time during the 1934 Pacific Coast strike?

A. Not unless I was a dual personality.

Q. Not unless you were what?

A. I was in Africa. I couldn't be unless I was a dual personality.

Q. Do you have a dual personality?

Mr. Gladstein: I object to that.

A. No. The records in the Commissioner's office will verify the fact that I was on that African voyage.

Q. Was that on the SS Exmoore?

A. No. It was on the City of New York, American-South-African Line. If I was on the West Coast I would have been on the picket line.

Q. Then you didn't become a member of the Marine [5154] Workers Industrial Union while you were on the SS Exmoore, is that correct?

A. Yes, I did. Oh, yes.

Q. Was that before or after the 1934 strike?

A. That was before.

(Testimony of Joseph Curran.)

Q. Were you on the Exmoore after the 1934 strike?

A. No. After the '34 strike I was on the Santa Clara, August 22, 1934.

Q. You never shipped out on the Exmoore after the 1934 strike?

A. No. I believe I was on the Exmoore in January of 1934. I am not too clear on that.

Q. Now, did you join the Sailor's Union of the Pacific after you dropped out of the Marine Workers Industrial Union?

A. No. I joined the ISU. I joined the ISU.

Q. What is the ISU?

A. I was in New York.

Q. What is the ISU?

A. The International Seamen's Union of America.

Presiding Inspector: This Exmoore didn't take any of those Mediterranean route trips at that time, did it?

The Witness: Oh, yes, it did. It went through the Mediterranean.

Presiding Inspector: I thought you said it went up and down the coast. [5155]

The Witness: Well, you see, the method pursued is to load up on the Coast here first. That part of the trip we don't count. That is getting cargo for the trip across. You go to Baltimore, Philadelphia, probably Norfolk. This is known as a coastwise trip to load cargo for the voyage.

(Testimony of Joseph Curran.)

across. The actual voyage is constituted as going across.

Presiding Inspector: You go to some place in Palestine?

The Witness: No, we did not.

Presiding Inspector: They did at times.

The Witness: Well, they have different sections. The American Export Line has three distinct sections.

Presiding Inspector: Where did the Exmoore go when you were on it? Trieste?

The Witness: No, she didn't go to Trieste. She went to Genoa, she went to Naples, she went to Malay, she went to Constantinople and she went to the Black Sea to Constanza and Odessa, Russia, and returned.

Presiding Inspector: How long were you on it?

The Witness: Two months and fifteen days for the voyage across. Now, counting the voyage on the Coast, that usually takes two weeks. So that would make it about three months on the ship.

Presiding Inspector: Three months.

Mr. Del Guercio: Are you through? Do you have any further questions? [5156]

Presiding Inspector: Yes, I have finished.

By Mr. Del Guercio:

Q. As a matter of fact, you know that the Marine Workers Industrial Union was not dissolved until 1935?

A. I am not aware that it was officially dissolved at all—officially. I don't know about that.

(Testimony of Joseph Curran.)

Q. Would you have been notified if it was?

A. I don't know. It's pretty hard to notify all the men on the seven seas.

Q. Well now, your testimony is that you dropped out from the Marine Workers Industrial Union because the NRA dropped it out or knocked it out?

A. I didn't say I dropped out. I didn't say I dropped out.

Q. Oh, you continued as a member even after that? A. No, I didn't say that.

Q. Well, what did you say?

A. I said when I returned to New York on the Exmoore I was forced to take an ISU book.

Q. And did that automatically drop you out of the Marine Workers Industrial Union.

A. I imagine it would.

Q. Well, do you know?

A. Technically I'm not sure, but legally I think [5157] it does, I think——

Q. (Interposing): Let's explore your technical reasons first. What do you mean "technically" you are not sure?

Mr. Gladstein: Just a moment! I move that that be stricken.

Presiding Inspector: I will let it stand. He is giving the reason for asking the question.

A. I am not aware, you see, what the by-laws were as to dues payments.

By Mr. Del Guercio:

Q. By-laws of what?

A. In the MWIU. If the by-laws stated that if

(Testimony of Joseph Curran.)

you don't pay your dues for three months then you are out, then I was out.

Q. Did the by-laws provide that you would be notified?

A. I say I am not enough aware of the by-laws of the MWIU to know that.

Q. All right. Now, that is technically. Legally what?

A. Well, I supose legally you couldn't say I was in that union when I was in the ISU, and a paid-up member in the ISU.

Q. Was there anything in the ISU that would forbid you from belonging to the Marine Workers Industrial Union? [5158] A. Yes,

Q. What, may I ask you?

A. There was a clause in the by-laws that said any member belonging to a dual and hostile union would be tried, and so forth.

Q. Was the Marine Workers Industrial Union hostile? A. I don't know.

Q. To the ISU?

A. I don't know whether it was or not. But I assume, on the basis of the fact that the ISU appeared in Washington wanting to be recognized as the only Seamen's Union against the MWIU, there must have been some hostility between the two.

Q. When did you join the ISU?

A. I'm not too clear on that. I think it was in May of 1935. I am not too sure of that.

Q. Well, so the action of the ISU would have

(Testimony of Joseph Curran.)

nothing to do with your being dropped out of the Marine Workers Industrial Union, would it?

A. Well, in trade union circles, sir, if I may——

Q. (Interposing): You may.

A. (Continuing): ——when you leave one union and take a book in another, it's considered ethical to be a member of the one——

Q. (Interposing): Now, you dropped out, you say,——

A. (Continuing): ——and not both at the same time. [5159]

Q. You dropped out of the Marine Workers Industrial Union in 1934?

A. I didn't say I dropped out.

Q. Or you discontinued paying your dues?

A. I didn't say I discontinued paying my dues.

Q. What did you say?

A. Because of the situation occurring in Washington, when a ship returned to New York in order to stay no that ship, or, as a matter of fact, on any other ship on the East Coast I had to take an ISU book out.

Q. When did this occur in Washington, in what year?

A. I am pretty sure it occurred in 1934 during the NRA days.

Q. After the Pacific Coast 1934 strike?

A. No. I would say it occurred—yes, I would say it occurred after the strike. I am pretty sure it occurred after the strike. I am not too clear on it.

Q. Now, you say you were the Chairman of the

(Testimony of Joseph Curran.)

Joint Strike Committee in this strike in New York or on the East Coast in 1936? A. I was, yes.

Q. And how did you become Chairman of the Strike Committee?

A. On the day that the strike was called a mass meeting was held in New York in a place known as the Manhattan Plaza. It was attended by, I believe, around 1500 to 2000 [5160] seamen. And at that meeting—this is the first day—a Strike Committee was elected for the unlicensed personnel.

Q. Were you on that Committee?

A. I was elected as Chairman of that Strike Committee.

Q. Who proposed your name?

A. A member on the floor rose to his feet.

Q. Do you know his name?

A. No. We don't usually put the names down. The minutes show that a member rises to the floor, makes a motion, it is seconded and then put to a vote, and it is either carried, voted down or tabled or some such thing. That has been the custom and still is the custom in the rank and file.

Q. You were voted on this Strike Committee; then what happened?

A. I was elected as the Chairman. Then we proceeded to establish the——

Q. (Interposing): You were elected as Chairman by whom? A. By that 2000 members.

Q. By the Committee? A. No.

Q. By the membership?

A. No, by that membership at that meeting.

(Testimony of Joseph Curran.)

There was no Committee there to elect anybody. The Committee first had to be elected by the membership. [5161]

Q. And is that the only Strike Committee that existed throughout the strike?

A. No, that was the Strike Committee for New York. There were meetings held up and down the coast.

Q. Was that the Joint Strike Committee?

A. No, no. That was the Strike Committee of the unlicensed personnel. The Joint Strike Committee was brought together on the basis of the radio operators having a Strike Committee, the Masters, Mates & Pilots had a Strike Committee, the Marine Engineers had a Strike Committee, and on the basis of operating more closely together it was decided to establish a Joint Strike Committee with representatives of all these groups sitting in on the one Committee and it was then classified as the "Joint Strike Committee". [5162]

Q. How did you become Chairman?

A. That group, that group meeting elected me as Chairman of the Joint Strike Committee. I was already Chairman of the Unlicensed Personnel Strike Committee.

Q. How many persons were on the Joint Strike Committee?

A. I would say there were about 15.

Q. About 15? A. About 15; yes.

Q. And you say Peter Innes was one of them?

A. Peter Innes was one of what?

(Testimony of Joseph Curran.)

Q. Members of the Joint Strike Committee.

A. I did not say that.

Q. Of what Committee was he a member?

A. He was not there.

Q. Peter Innes?

A. He was on the Pacific Coast at that time.

Q. What Union did Peter Innes belong to at that time?

A. He belonged to the east coast rank and file seamen, ISU, naturally.

Q. Were they on strike also?

A. Well, you see when I speak of the ISU, we also were a part of the ISU.

Q. Did they have a strike committee?

A. The officials of the ISU were never on strike.

Q. Did they have a strike committee, the union to which [5163] Peter Innes belonged?

A. The union?

Q. Yes. A. Officially?

Q. Officially or otherwise?

A. Officially, the union officials were very busy running around with the shipowners getting scabs.

Q. Did I ask you that?

A. No. You asked me did they have a strike committee and I said "No."

Presiding Inspector: You shouldn't do that. Just answer the questions.

A. No, they didn't.

By Mr. Del Guercio:

Q. Well, what kind of a committee then was Peter Innes on?

(Testimony of Joseph Curran.)

A. Peter Innes—you see these things——

Q. (Interposing): Without going into "these things".

A. He was on a strike committee.

Q. He was on a strike committee? A. Yes.

Q. Was he elected to that committee?

A. He was elected.

Q. Did you have anything to do with that election? A. No.

Q. But you knew he was on it? [5164]

A. Yes.

Q. Who sent him to the west coast?

A. No one sent him to the west coast.

Q. Who paid for his expenses to come out here?

A. He shipped out.

Q. Was he given any instructions by anyone before he came out? A. No.

Q. Did you give him any instructions?

A. I did not.

Q. Did you tell him who to contact on the Pacific Coast? A. No.

Q. Did you give him a list of names?

A. I did not.

Q. You were pretty friendly with Peter Innes about that time? A. Yes, sir.

Q. You were a friend of his? A. Correct.

Q. He was a friend of yours?

A. I assume he was.

Q. Was his reputation for truth and veracity good at the time you knew him?

A. No; it wasn't too good.

(Testimony of Joseph Curran.)

Q. It wasn't good even then?

A. No. [5165]

Q. You communicated with him?

A. I did so on occasions.

Q. Do you know how many times you communicated with him?

A. No, I am not clear; I guess about 50 times. It is pretty hard to give the number exact.

Q. And did Peter Innes communicate at any time with you as Chairman of the Joint Strike Committee? A. Oh, yes.

Q. Well, was it on matters regarding the east coast strike?

A. Well, no; it wasn't on matters affecting the east coast strike.

Q. On what matters did he communicate with you as Chairman of the Joint Strike Committee?

A. He communicated on matters affecting the group that was on strike in San Pedro, and on relative matters between the coasts on questions of policy and so forth.

Q. He was a member—I want to get this straight—of the ISU, the same as you were?

A. That is right.

Q. Were you an official of the ISU at that time?

A. No.

Q. Was Peter Innes? A. No.

Q. Do you know how long Peter Innes remained on the west coast at that time?

A. I am not too clear on how long he remained there. He [5166] returned home once about De-

(Testimony of Joseph Curran.)

cember 10th, coming by train; and then he finally returned to the east coast, I believe, in February, —in February of 1937.

Q. On December 10th, you say——

A. (Interposing): He came home once and went back.

Q. Did you see him on December 10, 1936?

A. No. He left San Pedro on the 10th.

Q. When did he arrive in New York?

A. I think he arrived about the 13th or 14th.

Q. He left by boat from San Pedro?

A. By train.

Q. By train. And did he appear before this Joint Strike Committee? A. Yes.

Q. Does this Joint Strike Committee have any minutes?

A. It may have had, but the records were stolen.

Q. And did Mr. Innes report anything to this Joint Strike Committee regarding Harry Bridges' appearance as a speaker on the East Coast?

A. Well, I am not too sure, whether he did or not, because Harry Bridges arrived practically on the same day Innes did.

Q. About December 14th?

A. About December 14th.

Q. You say they arrived at the same time?

[5167]

A. About the same time; yes, sir.

Q. Would you say that you saw Innes before you saw Bridges?

(Testimony of Joseph Curran.)

A. I am not too sure. I went to the airport, I know, and I am not too sure which one I saw first.

Q. Now, who notified you that Bridges was coming out to the east coast?

A. Mervyn Rathborne, who was Secretary of District Council No. 2 of the Maritime Federation of the Pacific at that time.

Q. Did Harry Bridges advise you?

A. Well, he advised me by teletype that the way was clear, that meetings were such that he believed he could get in a few meetings on the east coast.

Q. Harry Bridges himself did that?

A. Yes; he notified me in that way, that arrangements looked like he could make it.

Q. When was that?

A. I believe that was around the 2nd, somewhere between the 29th of November; and about the 2nd of December.

Q. Do you have a copy of that teletype?

A. No, I haven't got it.

Q. What became of it?

A. Well, I imagine the same thing that became of the minutes, my book in the other union, and other things—those records were stolen. [5168]

Q. But you are sure—I think I heard you—you are sure that Harry Bridges signed the teletype?

A. Well, those teletypes don't have signatures on them, but it said "Bridges" on the bottom.

Q. You are sure——

A. (Interposing): We were talking about other things too.

(Testimony of Joseph Curran.)

Q. You are sure it said "Bridges"?

A. Yes.

Q. To whom was it addressed?

A. It was addressed to me in New York.

Q. To you, and not to the Joint Strike Committee?

A. Well, it was addressed to the Joint Strike Committee and then it asked at the top, "Is Curran there?" That is the way it was addressed.

Q. Did you have a teletype there at the headquarters of the Joint Strike Committee?

A. Yes.

Q. Where were the headquarters of the Joint Strike Committee at that time?

A. 164 Eleventh Avenue.

Q. What was the name of that hall?

A. That hall there had no name to it at all; it was just a three-story building. Upstairs was the ILA, Longshoremen's Union, and downstairs were a couple of restaurants, one restau- [5169] rant and a tailor shop. The building itself had no name.

Q. Did the Joint Strike Committee occupy this entire building?

A. It occupied the second floor; that is, the first floor from the street.

Q. Where was the ILA with reference to them?

A. On the top floor.

Q. And the teletype machine was where?

A. It was on our floor.

Q. In whose name were those offices rented?

(Testimony of Joseph Curran.)

A. The offices there were rented in the name of the radio operators.

Q. Were you connected with the radio operators?

A. No. We couldn't get a hall, you see, so the radio operators, who were an officially recognized union, guaranteed the hall for us.

Q. I believe you said that you had some kind of a communication from Mervyn Rathborne?

A. Yes; I am pretty sure I did.

Q. When was that?

A. I think it was shortly after that, somewhere around December 4, 5, or 6, telling me—you see, I had addressed a communication to Rathborne some time before that, the latter part of November.

Q. The latter part of November. I want to get this in [5170] sequence. The latter part of November you addressed a communication to Mervyn Rathborne? A. Yes.

Q. As what?

A. As the Secretary of the District Council No. 2 of the Maritime Federation of the Pacific.

Q. And you were communicating with him in what capacity? A. Well, he was——

Q. (Interposing:) In what capacity were you communicating with Mervyn Rathborne at that time? A. In my capacity?

Q. Yes.

A. As Chairman of the Joint Strike Committee in New York.

(Testimony of Joseph Curran.)

Q. Now, what did you say in that communication to Mervyn Rathborne?

A. I told him that it looked like it was going to be possible for us to get halls in Boston, in Baltimore, in Philadelphia, and it looked like we would be able to get the Garden, and for him to see that arrangements were made up and down the west coast to make it possible for Harry to come to the east coast on those specified dates. I think that was the substance of it.

Q. That was the substance of it. Mervyn Rathborne would have that teletype, wouldn't he?

A. I don't know.

Q. What? [5171]

A. I couldn't say. It is possible he has.

Q. It wasn't stolen?

A. I couldn't say. I don't know. I am not connected with the District Council.

Q. Why didn't you communicate with Bridges instead of Mervyn Rathborne?

A. Because all our communications for some months previous to that went through District Council No. 2, of which Mr. Rathborne was Secretary. Bridges was on the move up and down the coast all the time and we never could catch him. In order to get some action on the communications we used to send them to Mervyn Rathborne.

Q. Was Bridges on the District Council at that time?

A. I don't know. I know he was in the ILWU, or the ILA at that time, I guess it was, before it

(Testimony of Joseph Curran.)

went CIO; and he was very busy going up and down the coast. I think he was a member of the District Council No. 2, or a delegate to it. I think he was President of it. I am pretty sure he was President of District Council No. 2.

Q. You are sure now that he was President?

A. Yes.

Q. At the time you sent this communication to Mervyn Rathborne?

A. That is right.

Q. Did you ever communicate directly with Bridges as [5172] President of the District Council? A. Many times.

Q. I mean in regard to his appearing on the east coast? A. Yes.

Q. By teletype?

A. Well, I sent him a telegram.

Q. When did you send Bridges a telegram regarding his appearance on the east coast?

A. I don't—about the first week in December.

Q. That was after your communication to Mervyn Rathborne?

A. Yes; about the first ten days in December, one of those days.

Q. December 1936? A. Yes.

Q. And what did you say in that telegram?

A. Oh, I asked him to let us know if he could come to a meeting in the Garden.

Q. You asked Harry Bridges if he could do what?

(Testimony of Joseph Curran.)

A. I asked him to let us know whether he could come to a meeting in Madison Square Garden.

Q. Now, do you know if Harry Bridges has that telegram?

A. I don't know.

Q. Has that been stolen?

A. I don't know. I wouldn't be in a position to say.

Q. Did you get a reply to that telegram from Mr. Bridges?

A. I don't believe I did. [5173]

Q. Well, will you refresh your recollection a little bit?

A. That is what I am trying to do.

Q. Now can you state, "Yes" or "No", whether you received a reply to the telegram to Mr. Bridges?

A. No, I don't believe I did.

Q. You said you met Harry Bridges at the airport in New York? A. Yes.

Q. On December 14th, was that?

A. December 14th.

Q. And who was with you?

A. With me, there was a seaman by the name of Cunningham, who was driving a Ford sedan that I had there; and a coupe we had over there also was driven by the *name* named Marciano——M-a-r-c-i-a-n-o—and I am not too clear on whether Innes was with us or not. I am not too clear on that.

Q. What would clear it up?

(Testimony of Joseph Curran.)

A. Well, you see, a great many things have happened since then. It is almost impossible to have a clear-cut memory on such an incident as that.

Q. Well, Mr. Curran, we don't want you to—you seemed to recall the other incidents and I thought you might recall whether or not Peter Innes was there?

A. I believe he was there. [5174]

Q. Whose car was he in?

A. He was in the Ford Sedan with Cunningham and myself.

Q. In the same car with you? A. Yes.

Q. Why would Peter Innes be there?

A. Well, we had a habit of everybody piling in the cars all the time.

Q. There were only three persons in this car?

A. Yes.

Q. Just Peter Innes, yourself, and the driver. Why would Peter Innes be with you?

A. Mainly because he was on the Pacific Coast all the time.

Q. He wasn't on the Pacific Coast at that time. He was on the Atlantic Coast.

A. I say, the reason he probably was there was because he was on the Pacific Coast during all the period before.

Q. Did you ask him to come with you?

A. I believe I did. I may have asked him to come along.

Q. Was there any other member of that Joint Strike Committee there?

(Testimony of Joseph Curran.)

A. Neither one of these were members of the Joint Strike Committee.

Q. Was there any member of the Joint Strike Committee there? [5175]

A. Yes.

Q. Who? A. Myself.

Q. Any others? A. No.

Q. You said the driver of your car was who?

A. A man by the name of Cunningham, an able bodied seaman.

Q. Was he a member of the Strike Committee?

A. No. He was a rank and filer who was on the picket line and knew how to drive a car.

Q. Who got him to go along? A. I did.

Q. Was he sort of a bodyguard?

A. No.

Q. Who was in the second car?

A. A man by the name of Marciano.

Q. What was he doing there?

A. We brought him over there for fear the first car would break down. It was an awful "lizzie" and it had broken windows, and the tires weren't any too good.

Q. So you had two cars and you arranged for both cars?

A. Yes. The other was a brand new Ford coupe, a pretty good car.

Q. Was there anybody else, any other cars there? A. No. [5176]

Q. No other cars at the airport?

(Testimony of Joseph Curran.)

A. There were plenty of cars at the airport; plenty of them, all kinds of cars.

Q. Who was driving the third car?

A. There was no third car.

Q. You only had two? A. That is correct.

Q. Was it possible that there were more cars there and that perhaps you didn't know about them?

A. There were hundreds of cars at the airport.

Q. I mean coming there to see Bridges get off?

A. I wouldn't know about that. There were two cars that we brought over.

Q. Was Roy Hudson there in one of the other cars?

A. There was no other car with us.

Q. Was there any directly behind you?

A. There were hundreds of them around there, parked in a parking lot.

Q. Where did you leave from?

A. From New York.

Q. What part of New York?

A. From between 22nd and 23rd Streets on 11th Avenue, the location of the hall.

Q. How many cars started from there?

A. Two cars, the Ford coupe and the Ford sedan.

Q. Innes was with you? [5177]

A. Innes was in the sedan with me.

Q. Where did you sit in the car there?

A. On the front seat next to the driver.

Q. Where was Innes?

(Testimony of Joseph Curran.)

A. Probably in the back.

Q. How was Innes' reputation for truth and veracity at that time? A. Terrible.

Q. And you invited him along to go with you to meet your friend, Harry Bridges?

A. We did; I believe I did.

Q. He wasn't on the Joint Strike Committee?

A. No. He was Chairman of that Strike Committee in San Pedro that I told you about before.

Q. Now, Harry Bridges got off the airplane and into what car did he get?

A. He got into the Ford sedan.

Q. The one you were in?

A. The one with the broken windows.

Q. The one you were in? A. Yes.

Q. Did anyone else get into the car?

A. I did, and Mr. Meriweather got in.

Q. Did Innes get in the car too?

A. Yes, he got in the car. He muscled his way in everything. [5178]

Q. You say he muscled his way in. You just got through testifying you invited him to go along with you?

A. Yes; but I want to be clear what I mean by that. We had a Ford coupe with only one man in it, and we had a Ford sedan with four big men in it. And a fifth man in the Ford sedan would make it kind of crowded. I am pretty sure we asked Innes to ride in the coupe, but he muscled in the sedan.

Q. Is Innes a big man?

(Testimony of Joseph Curran.)

A. No; a little bitty fellow.

Q. He muscled his way in the car?

A. Yes. I don't mean that he forced his way in.

Q. No, I know——

Mr. Gladstein: (Interposing) Let the witness answer. I object to any interruption.

Presiding Inspector: I think he answered.

By Mr. Del Guercio:

Q. Who drove the car from the airport to the hotel? A. Cunningham.

Q. And you went directly to the——

A. (Interposing) Victoria Hotel.

Q. And you saw—did you all get out of the car and go into the hotel?

A. All except Cunningham, who had to park the car.

Q. And Innes got out too?

A. Yes. [5179]

Q. He went into the hotel with you?

A. Yes.

Q. And did Bridges register?

A. I am not too clear on how they registered. Mr. Meriweather was with him; whether they took a double room, I don't know, or whether they registered each by himself, or one registered for both —I am not too sure.

Q. You were with them?

A. I was in the lobby. I didn't walk right up to the desk with them and I didn't peer over their shoulders.

(Testimony of Joseph Curran.)

Q. Peter Innes was there? A. Yes.

Q. He went into the lobby also?

A. Oh, yes.

Q. Now, did you then immediately go to Bridges' room?

A. Just as soon as the formalities were cleared away of registering, and the bell hop got the baggage, we proceeded up to their room.

Q. Who proceeded, how many?

A. Innes, myself, and Cunningham came in the door then, having parked the car, and he came up, Mr. Meriweather and Mr. Bridges.

Q. You cleared up in your mind now that Innes was there all the time haven't you?

A. No. I say I am fairly sure he was there; fairly sure. [5180]

Q. How long did you remain in that room?

A. I should say about half an hour to three-quarters of an hour; they were pretty tired.

Q. Where did Marciano go?

A. Mariano drove the coupe back to the union hall because we had no use for it.

Q. Did you see him drive it to the union hall?

A. I instructed him to.

Q. Where did you tell him that?

A. At the airport.

Q. You remained in the hotel room about half an hour?

A. Roughly about half an hour.

(Testimony of Joseph Curran.)

Q. Was Innes there all the time?

A. I should say he was. [5181]

Q. Did anybody come into the room at any time during that half hour?

A. Not that I know of.

Q. Well did Roy Hudson come into the room?

A. No.

Q. You know Roy Hudson? A. Yes.

Q. You know him if you see him?

A. Yes. He looks like Lord Halifax.

Q. What?

A. He looks like Lord Halifax. Very much so.

Q. Is that why they call him "The Bishop"?

A. Yes, I guess so,

Presiding Inspector: Call him the what?

Mr. Del Guercio: "The Bishop."

The Witness: Yes. They call him "horseface" and everything, from what I have seen.

By Mr. Del Guercio:

Q. You knew him as "The Bishop" too, don't you? A. No.

A. Was Al Lannon there?

A. No.

Q. Did he come in at any time?

A. No.

Q. Who did you leave with, if you did leave? [5182] I suppose you did leave.

A. I must have left. Peter Innes and Cunningham.

Q. Cunningham was in the room too?

(Testimony of Joseph Curran.)

A. Sir?

Q. Was Cunningham in the room too?

A. Yes.

Q. He was just a driver.

A. He was a member of the Union, too; a man on strike. We didn't differentiate between a chauffeur and an official of the Strike Committee. We were all rank and file.

Q. I didn't mean that differentiation. I meant between a big shot and a little fellow.

A. That is your answer to it.

Q. Yes.

A. Not my answer.

Q. Did he participate in any of the conversation? A. He did.

Q. And what was the conversation about?

A. The conversation was about arranging details to see that Bridges got to Boston on time for the meeting there and down to Philadelphia the following day and give him the itinerary as we had got the halls hired in Boston.

Q. Had anybody authorized you to make those arrangements?

A. Yes. The Strike Committee did. [5183]

Q. Now, would they be in the minutes of the Strike Committee?

A. The minutes of the Strike Committee meetings will show all that.

Q. That you were authorized as a Committee of one to make arrangements with Bridges.

(Testimony of Joseph Curran.)

A. The arrangements had been made before that.

Q. By whom?

A. The arrangements had been made by the Joint Strike Committee to obtain the halls in Boston and Philadelphia and Baltimore, and the Garden in New York.

Q. Well, had that been communicated to Bridges?

A. Yes. The only thing that had——

Q. (Interposing): In what manner had that been communicated to Bridges?

Mr. Gladstein: Just a moment! The witness started to say something in addition.

Presiding Inspector: Oh, well, he gave a full answer to it. He gave a full answer. He may have wanted to add something. I don't see that he could have added very much.

Mr. Gladstein: Do you want to add something to that?

The Witness: Yes, I did. I can't think of how the question ran now.

Presiding Inspector: Read the question.

(The question referred to was read by the reporter as follows. [5184]

"Q. Well, had that bee. communicated to Bridges?

"A. Yes, the only thing that had——")

Mr. Gladstein: Then Mr. Del Guercio interrupted.

Presiding Inspector: That is the pending question.

(Testimony of Joseph Curran.)

The Reporter: No, your Honor. It was the prior question.

Presiding Inspector: Was that the prior question?

The Reporter: Yes, your Honor.

A. (Continuing): The only thing that hadn't been communicated to him—the thing that hadn't been communicated to him was the time for the meetings because we were trying to get the Garden, for example, for the 14th and the Garden was taken for the 14th, and we had to get it for the 16th and the Armory in Baltimore—we were still discussing that one until about the 12th. We hadn't got that one for sure. And the Boston meeting, the Strike Committee in Boston was still dickering about the hall up there. So those details were not communicated to him because we didn't have them. So we communicated them to him at the hotel when he arrived there.

By Mr. Del Guercio:

Q. And you were delegated to give those details to Harry Bridges?

A. As the Chairman of the Strike Committee I felt it was my duty to inform him of the arrangements made by the [5185] Strike Committee in New York.

Q. Well now, did you have—

A. (Interposing): That's my duty.

Q. As chairman of the Strike Committee did you have anything to do with making those arrangements for Bridges' itinerary?

(Testimony of Joseph Curran.)

A. Very much. I participated in the itinerary, yes, in communicating with Boston, Baltimore and Philadelphia informing the Strike Committees there as to how it was proceeding.

Q. Well now, how did you communicate to Harry Bridges that those plans and arrangements had been made, that is, that he was to speak at Boston, Philadelphia, Baltimore and New York?

A. Pardon me. When he arrived—pardon, me, you weren't finished?

Q. Yes.

A. When he arrived in New York and got off the plane and got up to the hotel, that's when I communicated the times to him. But——

Q. (Interposing): I mean, the arrangements excepting as to time?

A. Oh, that was done in communications to Mervyn Rathborne and to Bridges himself before then, that we had arrangements in these various ports for meetings. [5186]

Q. Now, you done that, you say? You did that by teletype?

A. I didn't finish the answer to that question.

Presiding Inspector: Go ahead and finish it. Go ahead and finish it. Do you want it read?

The Witness: No, I can remember it.

I said we had communicated with him that we had arrangements made for these meetings in the various ports and we asked him in the communications whether they fit in with the mass meetings that he was holding on the Pacific Coast. So he

(Testimony of Joseph Curran.)

had that detail long before, that we had these places available.

By Mr. Del Guercio:

Q. How long before, would you say?

A. Oh, I would say ten days before, anyway.

Q. At least? At least ten days?

A. I would say that.

Q. And did you communicate that to Harry Bridges and Mervyn Rathborne yourself?

A. Communicate what?

Q. The arrangements?

A. I communicated them either to Rathborne or Bridges——

Q. (Interposing): By——

A. (Continuing):——not the time, but just these arrangements.

Q. I understand. Not as to time but as to the meeting [5187] places?

A. Yes.

Q. By what method of communication?

A. I am not too sure. I think it was both by letter, teletype and I might have sent a telegram too.

Q. Would you say that you didn't advise him by telegram?

A. That I didn't.

Q. Yes.

A. No, I wouldn't say that. I might have.

Q. Did you advise him by letter?

A. What was that?

Q. Would you say that you didn't advise either

(Testimony of Joseph Curran.)

Mervyn Rathborne or Bridges by letter that arrangements had been already made?

A. I wouldn't say that neither.

Q. So your testimony is that at the time that Harry Bridges arrived there in New York he knew that he was to speak at Baltimore, Philadelphia, Boston and New York; is that right?

A. That's right.

Q. Now, you had charge of making all of the arrangements for the renting of the hall at New York, didn't you, as Chairman of this Strike Committee?

A. No. The Secretary of the Strike Committee does the work there. [5188]

Q. Well, don't you do any work? What was the Secretary's name?

A. I have worked all my life.

Q. You are not working now, are you?

A. No. You are working now.

Q. What's the Secretary's name?

A. The Secretary's name was Jack Lawrenson.

Q. Jack what?

A. Lawrenson.

Q. Now, did he do all of the work in connection with renting the Madison Square Garden?

A. Yes. He together with—I think that he had a couple of the members of the Strike Committee going the rounds with him, trying to raise the funds with which to rent the Garden.

Q. And did you as Chairman of the Strike Committee participate in any of those arrangements?

A. No. I was the Chairman of the Strike Com-

(Testimony of Joseph Curran.)

mittee, and when they returned after a day's mission searching for the money to rent the Garden, they would report whether it was good or bad news to me. That was the extent to which I participated.

Q. They would submit reports to you?

A. Oh, yes. And I would report to the general Strike Committee when it met as to whether they had any luck or not. [5189]

Q. You were required to do that?

A. No. We did it as a matter of practice. We held meetings every day.

Q. And when did they tell you that the Madison Square Garden had been rented?

A. I'm not too clear on the exact day, but I would say it was around the 12th.

Q. On December 12th. That is before Bridges' arrival? A. Yes.

Q. The Madison Square Garden had been rented for December 16th?

A. No. He didn't say "had been rented."

Q. Yes.

A. He said "It looks like we will be able to get the Garden." At that time we thought we could get it for the 14th, see, and then we found out that we couldn't get it for the 14th. It was taken.

Q. From who did you find out that you couldn't get it for the 14th?

A. From Lawrenson, the Secretary.

Q. Did he tell you from whom he found out?

A. Yes. He found out from the Garden.

(Testimony of Joseph Curran.)

Q. He himself had made these arrangements with Garden?

A. No, no. He found out from the Garden that you [5190] couldn't get it for the 14th.

Q. Who was making the arrangements to get the Garden, Madison Square Garden?

A. Lawrenson.

Q. And two others on the Strike Committee, is that correct?

A. Not permanently. I say that Jack Lawrenson would take a couple from the Strike Committee to make the rounds with him. We didn't set it.

Q. Had he been directed to do that?

A. What?

Q. Had he been directed to do that?

A. That's right.

Q. By whom?

A. By the Strike Committee.

Q. Well, from the Strike Committee. All at one time or from you as Chairman?

A. No, the Strike Committee votes on a question and then after they vote on a question it becomes the duty of the Chairman to impart the substance of that motion to whoever is instructed to carry it out.

Q. And did you impart it to Lawrenson?

A. I did that, yes.

Q. What did you tell Lawrenson?

A. I told Lawrenson to "go out and see if you can get the Garden." [5191]

(Testimony of Joseph Curran.)

Q. You had in mind then getting the Garden?

A. No. I said the Garden would be the best place to hold the big meeting. "Go out and see if you can get it."

Q. Did you give him any other instructions?

A. Oh, yes. I told him to——

Q. (Interposing) Tell me all the instructions you gave Lawrenson with respect to the renting of the Madison Square Garden or trying to rent it.

A. I told Lawrenson that it costs a great deal of money to get the Garden, and, if it were possible to raise the money, the Garden would be the likely place to hold a big mass meeting. That was the extent of the instructions given to Lawrenson. I discussed no mechanical questions with him.

Q. No what kind of questions?

A. No mechanical questions how to go about raising the money.

Q. And was a Committee appointed to carry out your instructions?

A. No. The Secretary of the Strike Committee was instructed that it was the desire of the Strike Committee to obtain the Madison Square Garden and to go ahead and try to get it.

Q. Can anybody but Lawrenson act for the Strike Committee in renting the Madison Square Garden?

A. Yes, they could. But it was the natural practice [5192] for the Secretary of the Committee, who was the working Secretary, the Acting Secretary, to do that type of work, you see.

Q. Oh, was he Acting Secretary?

(Testimony of Joseph Curran.)

A. I say, "the Acting Secretary." I mean by that that he was the man who worked as a Secretary, and the Secretary naturally does that type of work.

Q. And he did that type of work under your direction as Chairman?

A. Under the direction of the Strike Committee.

Q. And under your personal direction?

A. As the Chairman of the Strike Committee.

Q. As the Chairman of the Strike Committee?

A. Yes.

Q. Did he tell you when the hall was rented or arrangements had been completed for renting the Madison Square Garden? A. Yes.

Q. When did he tell you?

A. That was about the 12th.

Q. Prior to Bridges' arrival? A. Yes.

Q. Arrangements had been completed for renting the Madison Square Barden? A. Yes.

Q. Did he tell you how he got the money to rent the [5193] Madison Square Garden?

A. No, he did not. He said that the Garden, as such, was going to be O. K. We could get it.

Q. And did you have any money at that time in the treasury to hire the Madison Square Garden?

A. We not only didn't have no treasury, but we had half of the strikers out on the streets shaking cans to get enough money to go to bed and eat on.

Q. But you were willing, however, to hire the Madison Square Garden?

A. If we could raise the money, yes. We felt that we could really clarify the issues to the public

(Testimony of Joseph Curran.)

and possibly collect a sum of money for the strikers.

Q. Did Lawrenson tell you how much it would cost to rent the Madison Square Garden?

A. I believe he said $3,500.

Q. And you say that the striking seamen were starving to death at that time?

A. Yes, I said that.

Q. Do you know how much food $3,500 could have bought?

Mr. Gladstein: I object to that as immaterial.

Presiding Inspector: I don't think that is material.

Don't answer that. I have ruled that out.

By Mr. Del Guercio:

Q. Now, did Lawrenson say where the money came from that was used to rent the Madison Square Garden? [5194]

A. At that time?

Q. Yes.

A. You mean at that time? No, he did not and we didn't ask him.

Q. Wasn't the Strike Committee interested in knowing where that much money came from?

A. No, we were not. We wanted the Madison Square Garden.

Q. For Harry Bridges to speak in?

A. Not necessarily for Harry Bridges, no. No. 1: To clarify the issues to the public because we were being pressed from all sides at that time. And No. 2: To collect a sum of money to help the strike.

(Testimony of Joseph Curran.)

And No. 3: To let them hear Harry Bridges, who was one of the leaders of the strike on the Pacific Coast, yes.

Q. Did Lawrenson show you or did you ever see the lease for the renting of the Madison Square Garden on that occasion?

A. No, I did not.

Q. Do you know what arrangements had been completed or when the lease had been signed with the officials of the Madison Square Garden?

A. No, I don't know that. All I know is that Lawrenson reported to us that "The Garden is O. K."

Q. Who was to run this rally here at the Madison Square Garden? Under whose auspices was it?

[5195]

A. Under the Strike Committee.

Q. That is, under you?

A. Under the Strike Committee.

Q. And you as Chairman of the Strike Committee had charge?

A. I was a part of it, yes.

Q. Were any amounts set as to admissions, the cost of admissions?

A. I think it was two-bits.

Q. Twenty-five cents? A. I think so.

Q. Were any arrangements made for selling tickets? A. Oh, yes.

Q. Who made those arrangements?

A. The Strike Committee.

Q. And you as Chairman participated?

(Testimony of Joseph Curran.)

A. Yes.

Q. And who was to collect the funds received from the sale of these tickets?

A. The Secretary would account for them, I believe. That's the way that was arranged.

Q. Had arrangements been made?

A. We had a committee set up.

Q. All right. Now, who was this committee?

A. About a hundred. About a hundred on the committee, [5196] Master of Arms and everything.

Q. Were you on the committee?

A. I was Chairman of the Strike Committee.

Q. This was all under the Strike Committee?

A. I wasn't on that, no; not on that committee.

Q. Were admission tickets printed?

A. No, I believe they got those rolls of tickets, you know, at the box office. No tickets were sold outside. No ordinary tickets. You paid your admission when you went in and you had those rolls of ordinary theatre tickets that they passed out.

Q. Who arranged for the ushers in the meeting?

A. For what?

Q. Who arranged to have ushers?

A. We did; the Strike Committee.

Q. And did you participate in that?

A. As the Strike Committee?

Q. Yes. A. Yes.

Q. And where did you get your ushers from?

A. Right from the picket line.

Q. From the picket line. Were they to be paid anything?

(Testimony of Joseph Curran.)

A. Were they to be paid anything?

Q. Yes.

A. Well, they were to get what the rest of the strikers [5197] were getting. They were to get their food if we got the money for it. They were getting their bed, if we got the money for it. They had the same as others. They volunteered.

Q. Who was to account for the receipts there at the Madison Square Garden?

A. I imagine the Secretary of the Strike Committee would account for them.

Q. Did you have an Auditing Committee, too, or was he given full responsibility to account for all the money?

A. We didn't have an Auditing Committee then, no.

Q. Did you appoint anyone?

A. I did not.

Q. Well, was he to take charge of all of the collections at the Madison Square Garden for that night?

A. Yes, he was in charge of it.

Q. Did he collect all the money?

A. I don't know about that. I don't know.

Q. Didn't they report to you, Mr. Curran?

A. No.

Q. Weren't you interested in feeding these starving seamen? A. Very much, sir.

Q. Very much? A. Very much.

Q. Well, you say how many were there that attended [5198] this meeting?

(Testimony of Joseph Curran.)

A. At Madison Square Garden.

Q. Yes.

A. Somewhere in the neighborhood of 17,000.

Q. Do you know how much paid attendance there were?

A. I'm not too clear on how much. I think the meeting grossed—I am not too clear. I think $1,200.

Q. How do you know that?

A. I say, "I think" it was that. I believe I heard that figure.

Q. They grossed that much money.

A. Yes.

Q. That is, over and above what?

A. No, not gross. I mean the ticket sale, the ticket sale.

Q. And who collected that money?

A. Well, we collected that.

Q. Who do you mean by "we"?

A. Well, the Committee set up by the Strike Committee, supervised by the Strike Committee in the person of Jack Lawrenson and others and accounted for it.

Q. And under your direction as Chairman?

A. Under the Strike Committee's direction.

Q. And you as Chairman?

A. And mine as Chairman, yes. [5199]

Q. Who handled the funds?

A. I don't know who handled those funds. I really don't. I mean the actual handling of them. I know that Peter Innes was counting them. I

(Testimony of Joseph Curran.)

know that McCuistion was counting. I know that Jack Lawrenson was counting.

Q. Oh, did they have anything to do with this money?

A. What do you mean by that?

Q. Collecting the money.

A. Which money do you mean? The money that was collected?

Q. The money collected from the rally there.

A. On the tickets or the collections from the floor?

Q. Either the tickets or the collections from the floor.

A. Well, the collections from the floor, as it was being collected it was dropped and put on a table, and there were four or five busy counting it there. We were a group of rank and file.

Q. And among those were Innes?

A. Innes, McCuistion and Jack Lawrenson.

Q. Jack Lawrenson and yourself?

A. No, I didn't count it. No, not me.

Q. Who appointed Innes and McCuistion?

A. Nobody. You see, if you want me to be clear on that, in those days we had a very loose set-up. We didn't [5200] go in for a high degree of efficiency on anything. A group of rank and filers would jump in and do the work. You didn't have to appoint as they do in the A. F. of L. or other places. They just jumped in and did the work and we trusted each other.

Q. Did you trust Innes? A. Sure.

(Testimony of Joseph Curran.)

Q. Did you trust McCuistion?

A. At that time, yes, Sure!

Q. I thought you said they both had a poor reputation for truth and honesty? A. Yes.

Q. And you wouldn't believe them under oath?

A. That is right,

Q. And you trusted them with funds?

A. In front of 20,000 people, yes.

Q. And there were starving people?

A. They were counting money in the open. You see, this table was on the platform, in order to be clear. The table was on the platform and around it was the entire Garden and on the platform were another hundred.

Q. Was the money received from the sale of tickets at the box office on that table?

A. I don't know. I don't know. [5201]

Q. How much was received from the box office?

A. I don't know. I think it was in the neighborhood of $1,200.

Q. Where did you get that information?

A. I have heard it. I believe I heard it the following day.

Q. Weren't the reports submitted to you?

A. No. We didn't get reports on that. We got a report on it, I believe, on the approximate total and in the total I believe there was a calculation of the tickets and then the collection from the floor.

Q. All right. Do you know how much was collected on the floor?

(Testimony of Joseph Curran.)

A. I think it was about $2,000 or $2,500. I am not too clear on that neither.

Q. And how much was collected from the sale of the tickets?

A. About $1,200.

Q. Making a total of $4,200?

A. I don't know. I guess so. I can't figure it.

Q. Wasn't a counting made of it?

A. I am not counting that total here right now. You're counting the total.

Presiding Inspector: Oh, no. He is asking you.

By Mr. Del Guercio: [5202]

Q. Wasn't——

Presiding Inspector: (Interposing) Wait! Let us have order.

He is asking you. You can add it up yourself.

The Witness: All right.

Presiding Inspector: You have given the figures. Now, let us have some order in this proceedings.

The Witness: $2,000 and $1,200? That's $3,700, isn't it?

By Mr. Del Guercio:

Q. You said between $2,500 and $3,000. I took your highest figure.

A. I didn't. I said between $2,000 and $2,500.

Q. For the tickets? For the sale of the tickets at the box office?

A. No, the collection from the floor.

Presiding Inspector: Take the $2,000.

(Testimony of Joseph Curran.)

The Witness: And then about $1,200 from the sale of tickets.

By Mr. Del Guercio:

Q. Who had charge of the——

Presiding Inspector: (Interposing) Wait a second! Let us have the full answer.

By Mr. Del Guercio:

Q. Was that all the money that was collected? [5203]

A. To my knowledge.

Presiding Inspector: Now, how much does that make all together?

The Witness: Well, I believe that totals up around $3.200.

Presiding Inspector: Now, if it was $2,500?

The Witness: It would be $3,700.

By Mr. Del Guercio:

Q. Who had charge of the monies collected or received from the sale of the tickets from the box office?

A. I don't know. I don't know who had charge of the monies collected from the box office. I tell you again, it was a very loose establishment at that time.

Q. Well, was this thing run for a profit, to make money?

A. Of course it was run to get money for the striking seamen.

Q. What did you want the money for?

A. Mainly for the purpose of feeding and sleeping and taking care of striking seamen.

(Testimony of Joseph Curran.)

Q. Of the strikers? A. Yes.

Q. And——

A. (Interposing) We didn't clear the price of the Garden.

Q. How do you know you didn't? [5204]

A. Well, I can figure that out.

Q. Can you figure it out?

A. Yes. The Garden, if it cost $3,500 for the Garden alone, you then—as I understand it there, they also had some extras to pay in the form of special policemen and other things around there to take care of the building. They have to take care of that, too, and that's extra. Then if you take in $3,000 or $3,200 you didn't clear the cost of the Garden.

Q. How do you know you didn't clear $5,000?

A. Well, from the amount that I judge and that I have said I believe was collected there we didn't clear the initial price that was stated the Garden cost: $3,500.

Q. Now had the Garden been paid for prior to the rally?

A. I don't know. I know that it was guaranteed, I believe. I don't believe it was paid for.

Q. And you don't know whether it had been rented or not, or had been paid?

A. I was under the impression that it was guaranteed. In what shape, whether by note or endorsement I don't know. I didn't know at that time.

Q. Who would guarantee it, if somebody had?

A. I wouldn't know who would have guaranteed it. [5205]

(Testimony of Joseph Curran.)

Q. Didn't Lawrenson tell you?

A. Lawrenson told us that the Garden is available and that is all we asked him. We didn't ask him any more.

Q. And he didn't tell you how much he had to pay for the rental of the Garden?

A. No, I don't believe he did. I think that a few days before that we asked for information about the Garden and found out that it cost about $3,500.

Q. Did you as Chairman of the Strike Committee authorize David Leeds to rent the Madison Square Garden on behalf of the Strike Committee, of which you were Chairman? A. I did not.

Q. Did the Strike Committee as a whole authorize David Leeds to rent the Madison Square Garden for that Strike Committee?

A. They did not. They did not.

Q. Was David Leeds an agent of the Strike Committee at any time?

A. Not that I know of.

Q. You would know, of course, wouldn't you, if he was?

A. I would, I believe. Yes.

Q. I believe your testimony is that you didn't know who David Leeds is?

A. I not only didn't know him but I don't know him to [5206] this day, and wouldn't know him if I saw him here.

Q. So that your testimony is certain on that, that

(Testimony of Joseph Curran.)

you didn't appoint David Leeds as an agent of the Strike Committee?

A. It is certain, as certain as I am sitting here.

Q. And no motion was made or carried in any meeting of this Strike Committee appointing David Leeds as an agent of the Strike Committee for any purpose? A. No, there was not.

Q. You would know of such a motion?

A. I am pretty sure there wasn't.

Q. Now, you say all of the money was on the table here, the money that had been collected from the audience and the money from the sale of the tickets were on the table?

A. I am not sure that the money from the sale of the tickets was on that table. I say that the money, as it was being collected from the floor, was on the table.

Q. And it was counted?

A. It was being counted.

Q. Was the counting completed?

A. I believe there was an announcement at the end of the amount collected.

Q. What was the announcement as to the amount?

A. I am not too clear on it and I couldn't be sure.

Q. Who made the announcement?

A. I believe that McCuistion announced the amount that [5207] was collected.

Q. McCuistion stood up and announced the

(Testimony of Joseph Curran.)

amount of money that had been collected from the audience? A. Yes.

Q. Who authorized him to do that?

A. Well, he was the man that made the collection speech, you see. In other words, he was the one that spoke for the collection, and it's the usual custom in meetings of that type that the one who does the collecting usually comes back later and makes an announcement of the amount taken in. It's just a——

Q. (Interposing): Who authorized McCuistion to speak on behalf of the collection?

A. Well, we thought he was a pretty good speaker and we just naturally told him to do the talking, that's all.

Q. By "we" you mean yourself and others?

A. Yes; the group; the Strike Committee.

Q. McCuistion was a friend of yours at that time? A. Well, he was, yes.

Q. And what happened to the money after it was counted and the announcement made?

A. I don't know for sure what happened to the money after that, after it was taken off the table. I think——

Q. (Interposing): Weren't you interested?

A. No, in the actual counting of the money. I was too busy. [5208]

Q. Not the actual counting but as to where the money went?

A. No. We trusted most everybody in those days. We found out since we trusted too many,

(Testimony of Joseph Curran.)

but we trusted most everybody. We were pretty naive, and nine times out of ten nothing was stolen.

Q. And where did the money go?

A. We didn't have enough——

Q. (Interposing): After the money was counted where did it go and who took it?

Presiding Inspector: He says he doesn't know.

A. I don't know where it went after it was counted. I know this much: That it wasn't enough money collected to pay for the Garden.

By Mr. Del Guercio:

Q. How do you know that?

A. Well, since then I know that on our debts with the Union which we assumed when the National Maritime Union was set up there was a debt listed towards the Madison Square Garden of a few hundred dollars yet. And we have been paying off those debts which the strike committee in the old days had O.K.'d. We have been paying off those debts.

Q. Let me get this straight first. You have been paying debts to the Madison Square Garden?

A. I say, one of the debts that is among the debts [5209] in the National Maritime Union and listed as such, I believe, is an amount of money owed to the Madison Square Garden.

Q. Because of this rally in 1936? A. Yes.

Q. How much was that? In what amount?

A. I don't know.

Q. Has it been paid? A. I don't know.

(Testimony of Joseph Curran.)

Q. Huh?

A. Oh, whether it has been paid or not? We owe quite a few debts and we pay off on them in the regular way.

Q. Did you pay this debt to the Madison Square Garden?

A. I can't be clear on that unless you allow me to tell you how we pay our debts.

Q. No, no. You have already testified that there is a debt outstanding. A. That's right.

Q. Between the Garden and your—what is the organization you belong to at the present time?

A. The National Maritime Union.

Q. You say the National Maritime Union has assumed that debt?

A. We assumed the debts that the Strike Committee previous to the inception of our Union——

[5210]

Q. (Interposing): Incurred?

A. (Continuing): ——had contracted.

Q. And among those debts was that contracted for the use of the Madison Square Garden?

A. That's not my answer. Among those debts was a debt of some dollars to the Madison Square Garden and I saw it there. I believe it said "For Madison Square Garden meeting". I believe that's listed.

Q. In what amount?

A. Now, I say, along with the rest of our debts which we pay off on a regular periodic basis, depending on the manner in which our business is con-

(Testimony of Joseph Curran.)

ducted, that one too will be paid on the same basis as the others.

Q. Let's only go to that one particular debt.

A. You can't do it.

Q. Huh? A. You can't do it.

Q. You can't?

A. All our debts are put together. On the first of each month we make payments on our debts, you see.

Presiding Inspector: Just shows the gross amount of debts?

The Witness: It does, and then it itemizes them.

Presiding Inspector: What was the item for? That is what he is asking you, if you can tell. If you can't tell, [5211] just say so.

The Witness: It is itemized.

Presiding Inspector: Can you tell how much it was?

The Witness: No, I can't.

Presiding Inspector: That is all.

The Witness: No, no.

By Mr. Del Guercio:

Q. But——

Presiding Inspector: That ends it.

By Mr. Del Guercio:

Q. But you are sure that it was a debt incurred by the Strike Committee to the Madison Square Garden for the meeting here on December 16, 1936?

A. No, I am not sure.

(Testimony of Joseph Curran.)

Q. You are not sure?

A. I say that listed among our debts is a debt to the Madison Square Garden for a meeting, and I believe it's that meeting. I believe it's that meeting.

Presiding Inspector: That is his best recollection, he means.

By Mr. Del Guercio:

Q. Did the National Maritime Union assume any debts owed by the Strike Committee to David Leeds?

A. If they borrowed money from David Leeds, yes. [5212] And it was voted upon to go out and borrow money and David Leeds was the man they borrowed on it, yes, we assumed that debt as a legitimate debt.

Presiding Inspector: That would be under the name of David Leeds?

The Witness: That is correct, sir.

By Mr. Del Guercio:

Q. But did you incur any such debt owing to David Leeds?

A. I believe we owed a debt—I'm not sure whether it is to David Leeds or whether the item reads "Madison Square Garden".

Q. I am only asking you about David Leeds.

A. I am not sure that we owe any money to David Leeds as such.

Q. You testified that you had never heard about Leeds before?

A. Yes, I still say that I have never heard about

(Testimony of Joseph Curran.)

Leeds up to the time Leeds became in the first—I believe the first hearing here under Dean Landis, and this hearing. I have become acquainted with David Leeds, and in the Dies Committee. I have never laid eyes on David Leeds.

Q. But you have had an opportunity since that time to refresh your memory a little bit.

A. On what basis? On what? [5213]

Q. Regarding the debts owing to Madison Square Garden.

A. No. I am not too clear on that Madison Square Garden matter on the question of the debt. I said that before and I say it again.

Q. Now, I believe that you said that you didn't know where the money that was collected finally went to, is that correct?

A. I say that I believe it went to pay for the guarantee of the Garden.

Q. Who took it? Who took the money?

A. The Secretary of the Strike Committee.

Q. Lawrenson? A. Jack Lawrenson.

Q. Did McCuistion turn it over to him?

A. I believe so.

Q. Do you know?

A. I don't know for sure.

Q. What did Lawrenson do with it?

A. I believe Lawrenson turned the money in to clear up the Garden debt.

Q. Right then and there?

A. No, I don't believe right then and there.

Q. Well, when?

(Testimony of Joseph Curran.)

A. I believe we used some in the strike, I believe. [5214]

Q. Well now, are you sure of that? How much did you use during the strike?

A. Maybe a couple of dollars or so.

Q. A couple of dollars, is that all?

A. Maybe.

Q. Huh? A. I don't know the amount.

Q. Was a report made by Lawrenson?

A. On what?

Q. On what he did with the money?

A. On the amount of money used?

Q. Yes.

A. I believe a report was made on how the money was handled.

Q. You saw that report?

A. I believe I saw the report.

Q. Well, he gave that report to you, didn't he?

A. No. He gave the report to the Strike Committee, of which I was a member.

Q. Of which you were the Chairman?

A. That's right.

Q. Now, he wouldn't hand it to the Strike Committee? He would hand it to you, wouldn't he?

A. As Secretary of the Strike Committee it would be his job to read it to the Strike Committee, if he had a written report; and if he made a verbal report it would be up to him to [5215] make the report to the Strike Committee and not to me alone.

Q. And if a report was made you were present and heard it? A. That's correct.

(Testimony of Joseph Curran.)

Q. If a written report was made of it you would have seen it? A. That is correct.

Q. Did you see a written report?

A. I believe I did hear a verbal report.

Q. Did you see a written report?

A. I don't believe I did.

Mr. Del Guercio: May we have a little recess?

Presiding Inspector: Yes, short recess.

(Whereupon a short recess was taken.)

[5216]

Presiding Inspector: Mr. Grossman, did Mr. Meyer send you a copy of this letter that he sent to me?

Mr. Grossman: No, he didn't; at least, I haven't received it.

Presiding Inspector: He refers to three statutes, of which we will take judicial notice, of course, and I think it only covers one month of the period which you are interested in.

Mr. Grossman: I will look it over and discuss it with you.

Presiding Inspector: All right. Then show it to Mr. Del Guercio.

Mr. Grossman: Yes; I will.

(The letter referred to was passed to Mr. Grossman.)

Presiding Inspector: You may proceed, Mr. Del Guercio.

By Mr. Del Guercio:

Q. Who had charge of the admissions to this rally in Madison Square Garden?

(Testimony of Joseph Curran.)

A. Well, you mean who was in the ticket booths?

Q. Yes.

A. I don't know. I think there were striking seamen in the ticket booths.

Q. Was there somebody from the Garden there also?

A. I imagine there were plenty from the Garden; special police around, and supervisors and all; they are always around there. [5217]

Q. Had any instructions been left with them as to admitting anyone free of charge?

A. Yes. The striking seamen were to be let in free.

Q. How were they to be identified?

A. They had a strike card.

Q. Who made those arrangements?

A. Well, we told all and sundry that all the striking seamen were to get in. I don't remember the persons told, but everybody knew that.

Q. Was that discussed and arranged in the strike Committee?

A. Yes, of course. I believe we had some masters at arms stationed at the door, seamen, who were to look over the picket cards as they came in.

Q. How many striking seamen were there at that time?

A. Roughly, I should say about between 6000 and 7000 in New York.

Q. Were they all in Madison Square Garden?

A. No. We maintained some picket lines, and other activities.

(Testimony of Joseph Curran.)

Q. How many would you say attended the rally there?

A. It is pretty hard to say. I imagine about 4000.

Q. You say there were about 20,000, between 17,000 and 20,000 people there that night?

A. I would say nearer 20,000. We would have to say 20,000, when we count the striking seamen in there, there in [5218] the Garden. But we would discount them to get the number of paid admissions.

Q. There were about 20,000 paid admissions?

A. No. There were about 20,000 people in the Garden, from which you would discount the amount of seamen in there without paying, which would run maybe 3000 or 4000, and then you would probably have the paid admissions.

Q. Now, how many people were there on the platform that night?

A. I should say about between 50 and 100; quite a big platform.

Q. Was David Leeds on the platform?

A. I don't know.

Q. Would you say that he wasn't?

A. I don't know. I couldn't say he was or I couldn't say he wasn't, because I don't know the man when I see him.

Q. You knew Roy Hudson? A. Yes.

Q. Would you say he was not on the platform?

A. Yes; I would say he was not on the platform.

(Testimony of Joseph Curran.)

Q. Do you know Al Lannon? A. Yes.

Q. Would you say he wasn't on the speakers' platform? A. He was; yes.

Q. And do you know Tommy Raye?

A. Yes. [5219]

Q. Would you say that he was on the speaker's stand?

A. I don't believe he was on the speakers' stand.

Q. You don't believe—is there some doubt?

A. Well, you see there were a great many people on that platform. He was a member of the,—a striking member,—and there was a great many of them on the platform. I couldn't be sure whether he was there or not.

Q. He may have been there?

A. A great amount of time has passed since then and it is difficult to recollect every detail there.

Q. You wouldn't say that he wasn't on the stand?

A. No; I wouldn't say he wasn't or I wouldn't say that he was.

Q. After the rally was over I believe you testified that Harry Bridges went into the press room, is that right? A. Yes.

Q. And you went with him? A. Yes.

Q. How many went with you and Harry Bridges into the press room?

A. Well, we got off the platform and there was quite a milling around the platform there, and we got down off of there, and on the left hand side of

(Testimony of Joseph Curran.)

the platform going through the back there is an ante-room there. This red-headed guy, longshoreman from Rhode Island, grabbed hold of Harry and we had all we could do to drag him into that ante-room. [5220]

Q. You were with Harry Bridges at the time?

A. Yes.

Q. You recall that incident?

A. I do pretty clearly because we had quite a struggle getting him away from this red-headed guy who hadn't seen him for years.

Q. How many times have you been on the platform of Madison Square Garden?

A. You mean now, or before then?

Q. Before that?

A. I had never been in Madison Square Garden before then. That was the first time I had been in the Garden.

Q. Have you been there since?

A. Oh, yes; many times.

Q. On the platform?

A. Yes. I was there last week on the platform.

Q. Well, now, you say you went to the press room. How many were there with you and Bridges in the press room?

A. There were about six or seven newspaper men.

Q. Eliminating the newspaper men, how many others were there?

A. Well, there was, I believe, there was Bridges,

(Testimony of Joseph Curran.)

myself, Peter Innes, and, I am not too sure, no, McCuistion wasn't there.

Q. You are sure about that?

A. I am sure he wasn't there now; I am sure of that. [5221]

Q. Who else?

A. I don't recall clearly recollect anybody else.

Q. There might have been others?

A. I don't think there was anybody else.

Q. There might have been some others there?

A. Yes and no.

Q. What was Innes doing there?

A. Oh, every time you looked around he was there.

Q. He muscled in there too?

A. He muscled into everything; he never missed.

Q. How long would you say you remained in the press room?

A. I should say roughly about 15 or 20 minutes.

Q. And the press men were there all that time?

A. Yes; they were asking Bridges questions.

Q. And where did you go from there?

A. From there I went out of the building.

Q. Alone?

A. No. I had a whole group of seamen around me when I went out of the building.

Q. Was Harry Bridges with you? A. No,

Q. Did you leave Bridges in the building?

A. As soon as he got out of the press room this guy from Rhode Island grabbed him around the neck and they went off together.

(Testimony of Joseph Curran.)

Q. Did you see them go out? [5222]

A. I saw them go from the press room, from this ante-room, and I went out on my own and met a group of seamen at the door and we went down to strike headquarters.

Q. Let us get back to this press room. You saw Harry Bridges and this red-headed guy come out of the press room?

A. I say we came out of the door of the press room—and we had kept this guy, by main force, out of the press room—and when he came out the door he was there.

Q. Did you and Bridges come out of the press room together?

A. The whole group pushed out of the press room at the same time.

Q. The press men also? A. Yes.

Q. All pushed out?

A. Well, walked out, we will say. It is a narrow door and they all tried to get out the door at the same time. You can call it "pushing," or "shoving"—but we got out.

Q. You were with Harry Bridges when you were going out and you saw this red-headed guy grab him?

A. He grabbed Harry, hugged Harry, and they went on out the door.

Q. Did you see Harry go out the door?

A. Yes.

Q. Out of what door?

A. You see, Madison Square Garden is on the

(Testimony of Joseph Curran.)

starboard [5223] side, right side of the building on 48th Street; the left side is on 49th Street. We went out the 49th Street door.

Q. Who is "we"?

A. Bridges, the red-headed guy right behind him. I came out and met a group of seamen and we went down 9th Avenue, which is that (indicating) way, and Bridges and the red-headed guy went toward 8th Avenue, which was that (indicating) way.

Q. Did anybody else go with Bridges and this red-headed fellow?

A. I didn't pay any attention. When I came out of the door I walked down 9th Avenue with this group of seamen.

Q. Did you see where Bridges went?

A. No, I did not.

Q. That is the last you saw of Harry Bridges, when he and this red-headed guy left there?

A. That night; yes.

Q. Immediately after he went out the door on 49th Street? A. That night.

Q. And you went one way and Harry Bridges went another? A. Yes.

Q. Do you know where Harry Bridges went?

A. No.

Q. He might have gone back into Madison Square Garden?

A. He might have done anything for all I know.

Q. You wouldn't know? A. No. [5224]

(Testimony of Joseph Curran.)

Q. Did you go back to Madison Square Garden that night?

A. No. I went down to strike headquarters.

Q. Was Lawrenson—you know Lawrenson as a member of the Communist Party, don't you?

A. No.

Q. What?

A. I know him as a member of the National Maritime Union.

Q. You also know him as a member of the Communist Party? A. No, I don't.

Q. Have you ever said you knew him to be a member of the Communist Party?

A. No, I did not.

Q. Or that you knew him to be a member of the Communist Party? A. No, I did not.

Q. You have never at any time admitted you knew him to be a member of the Communist Party?

A. No. I believe I said that in the case of one, that I had heard proclaim himself publicly, being a member of the Communist Party.

Q. Who was that?

A. I believe that was in the case of Al Lannon. I am not too sure about that; I believe in that case I said that.

Q. Is Tommy Raye a member of the Communist Party?

A. I have heard people say he is. I don't know. I didn't question him on his affiliation, political affiliation. [5225]. He is a seaman.

Q. He is what?

(Testimony of Joseph Curran.)

A. A seaman, and a member of the union.

Q. Did you ever call Al Lannon a Communist, Tommy Raye, a Communist? A. No.

Q. At any time, any place?

A. Not that I know of. I don't make a practice of calling anybody a Communist.

Q. Why? A. I leave that to others.

Q. I believe you referred to a strike in the spring of 1936? A. Yes.

Q. That was called the spring strike?

A. Yes.

Q. And when did that strike terminate?

A. When did it what?

Q. Terminate?

A. It terminated, I believe, on May 4th.

Q. May 4? A. I believe.

Q. 1936? A. Yes.

Q. And do you know if Innes had any connection with that strike? [5226]

A. I believe it was in the middle of that strike, or nearing the end of that strike, that I first saw Innes, that he first appeared on the scene.

Q. And the other strike that took place in 1936, that began when?

A. I believe it began on November 1st.

Q. On November 1st?

A. Midnight of the—has October 31 days—on midnight of the 31st, that was when it actually took place, I believe.

Q. That is the strike in which you were Chairman of the Strike Committee?

(Testimony of Joseph Curran.)

A. Yes. I was also Chairman of the Strike Committee in the spring strike.

Q. When had it been decided upon to call that strike? A. The last strike?

Q. Yes.

A. Well, there was a meeting at Cooper Union Hall in New York City, sponsored by the officials of the International Seamen's Union of America, and at this meeting——

Q. (Interposing): When was that in respect to the time that the strike was actually started?

A. I believe that meeting was about October, somewhere around the 20th, but I am not sure; somewhere around that date.

Q. And is that the time that the Strike Committee was formed?

A. No. That is the time that the membership decided to [5227] support the west coast.

In order to be clear on that, there was a great deal of sentiment among the seamen to support the west coast unions, but the officials of the ISU would not allow them to express themselves on it. And in order to offset the growing sentiment the ISU officials called this big meeting in New York; and at this meeting they attempted to prevent the rank and file from voting support to the west coast, with the result at that meeting the officials had to walk out of the meeting because the rank and file wouldn't go along with them. They walked out of the meeting and left the meeting. The rank

(Testimony of Joseph Curran.)

and file at that meeting voted to support the west coast unions on strike without the officials being there. That is the place that it really started.

Q. Was the Strike Committee appointed at that time? A. No, no.

Q. When?

A. After that, I believe a couple of days after that, either one or two days—no—the next day at Manhattan Plaza.

Q. You knew Peter Innes at that time?

A. No—yes, at that strike; yes. I thought you were referring to the spring strike.

Q. What position did he have, if any, at that time?

A. He was on the Pacific Coast then. [5228]

Q. As what?

A. And he was collecting advertisements for the Pilot, our paper, and he muscled in here and there on the west coast.

Q. Was there a Seamen's Defense Committee around that time?

A. Yes. It was dissolved at the mass meeting at the Manhattan Plaza and the Strike Committee then took over.

Q. Who created the Seamen's Defense Fund?

A. The Strike Committee. When it ended on May 4th, or approximately that date, the rank and file seamen had been on an outlaw strike, as it was called by the officials of the ISU, and the strike was terminated then, and they decided in a mass meeting at the same place, Manhattan Plaza, in

(Testimony of Joseph Curran.)

order to protect themselves, and knowing that the west coast was definitely headed toward a strike, and being afraid that the ISU officials that were then in office would not allow them to take any action in support——

Q. (Interposing) Look, I am just asking you when that Manhattan Plaza meeting took place.

A. These things are so close——

Q. (Interposing) What date was that meeting? A. Which meeting?

Q. The one where the Strike Committee was set up?

A. Immediately at the close of the spring strike?

Q. That was when?

A. I should say about May 4th; at the termination of the strike a meeting was called for the purpose of calling off [5229] the strike and that committee was established.

Q. The Seamen's defense Committee continued after that date?

A. Yes. It was set up for that purpose, to continue to protect the interests of the rank and file.

Q. How long a period did it continue?

A. Right up until the second strike. It was dissolved at a mass meeting that created the Strike Committee.

Q. Was Peter Innes on that Seamen's Defense Committee?

(Testimony of Joseph Curran.)

A. No. He shipped out shortly after the spring strike.

Q. You said something about representing the Pilot, that Innes represented the Pilot.

A. Out on the Pacific Coast. He shipped out of New York and when he arrived on the West Coast he represented the Pilot; yes.

Q. What is the Pilot, will you explain that?

A. The pilot— —

Q. (Interposing) Briefly.

A. It was the official organ of the National Maritime Union at that time.

Q. Official Organ of the Maritime Union?

A. National Maritime Union.

Q. And it has its offices where?

A. In New York.

Q. And who appointed Peter Innes as a representative of the Pilot? [5230]

A. Of the Pilot—when I signed his credentials?

Q. You signed his credentials? A. Yes.

Q. And when was the NMU organized?

A. In May 1937; May 7, 8, or 9—I am not sure about what date that was. I think it was May 8.

Q. Was there a Pilot in May 1936?

A. Yes.

Q. Who ran it?

A. Some rank and file seamen, members of the ISU.

Q. It wasn't the official organ of the NMU?

A. There was no NMU at that time. It was the ISU.

(Testimony of Joseph Curran.)

Q. Was the Pilot the official organ of the ISU?

A. No. The Seamen's Journal was the official organ.

Q. Of what was the Pilot the official organ?

A. The voice of the rank and file in opposition to the fakers of the ISU.

Q. Who were the editors?

A. There were two or three editors, two or three different editors for it.

Q. Were you one of the editors?

A. No, I was not.

Q. Did you have anything to do with the Pilot?

A. At what period of time—let's get that clear?

Q. During 1936?

A. Yes. Then I was one of the editors of the Pilot in [5231] 1936, from May on.

Q. From May on to the time the NMU took over? A. Yes.

Q. When did the NMU take over?

A. It took over in May 1937.

Q. And you say you were one of those who appointed Peter Innes as a representative of the Pilot?

A. No. The Seamen's Defense Committee as such decided that it was all right for him to collect advertising, and to distribute the Pilot, and to make contacts for the Pilot to get it aboard the ships, and I signed his credentials, as Chairman of the Defense Committee, in that respect.

Q. Where did the Seamen's Defense Committee have its headquarters in 1936?

(Testimony of Joseph Curran.)

A. 164 Eleventh Avenue.

Q. New York? A. Yes.

Q. Were you the Chairman?

A. I was the Chairman.

Q. Who was the Secretary?

A. Ralph Emerson.

Q. Was it Jack Lawrenson or Ralph Lawrenson?

A. Ralph Emerson was the Secretary of the Seamen's Defense Committee.

Q. And did you ever correspond with Innes, as Chairman of the Seamen's Defense Committee? [5232]

A. I believe I did; I believe I did.

Q. Did you ever refer to Peter Innes as the W. C. Representative of the Seamen's Defense Committee? A. No.

Q. In 1936? A. No, I don't believe I did.

Q. Did you ever write him a letter, addressed to Peter Innes, as the West Coast Representative of the Seamen's Defense Committee?

A. I believe I did one or two; yes.

Q. Did you address him as "Dear Brother?"

A. Sure. He was a member of the union.

Q. And did you sign it, "Yours Fraternally, Joseph Curran?"

A. I would sign—you are speaking of what, of communications I sent, or a particular communication?

Q. Communications that you sent?

A. Communications I sent to any members of

(Testimony of Joseph Curran.)

the union would be signed "Fraternally yours," to a member of any trade union; yes.

Q. Now, do you know where Innes was about October 1936?

A. He might have been in Frisco.

Q. And do you recall now communicating with Peter Innes in October of 1936?

A. I might have.

Q. To go back, Mr. Curran, I believe you testified that [5233] you didn't know Tommy Raye, never knew he was a member of the Communist Party.

A. I think the record there states that.

Presiding Inspector: I think he said so.

A. (Continuing) I think the record shows.

Presiding Inspector: That is my recollection.

By Mr. Del Guercio:

Q. Did you, in any communication to Mr. Innes, say this:

"I am going to see that you get a *money sent* to you if it is at all possible. I know what you are up against there on the coast and the firemen here now with the exception of Jerry King, are all pie cards."

Q. Did you say that? A. I might have.

Q. Further, did you say to McInnes, in one of your letters——

A. (Interposing) I never wrote a letter to anyone by the name of McInnes.

Q. Innes. A. Oh.

Q. Did you say this:

(Testimony of Joseph Curran.)

"They have credentials from Hunter and they think they are big shots now. The C. P.'s"——

A. (Interposing) I might have,

Q. (Continuing) ——"have about got the control of the outfit now with Tommy Raye director of operations here in New [5234] York, but things are not bad on the whole."

Did you ever say anything like that in one of your letters to Innes? A. I might have.

Q. What did you mean by this language, "they have credentials from Hunter and they think they are big shots now. The C. P.'s have about got control of the outfit now with Tommy Raye director of operations here in New York, but things are not bad on the whole."

A. I would have to read the letter and study it to see what I meant. I can't just off-hand tell you what I meant. Time has gone along and I would have to see the letter.

Presiding Inspector: He is entitled to see the letter.

By Mr. Del Guercio:

Q. You knew at that time that Tommy Raye was a member of the Communist Party?

A. I did not.

Q. And didn't you in this letter, in the letter, tell Peter Innes that the whole outfit was under the control of Tommy Raye? A. I did not.

Q. Who is the Jerry King that you refer to?

A. He is another one of the ones we trusted.

(Testimony of Joseph Curran.)

Q. What?

A. He is another one of the ones we trusted in those days and who is now in prison. [5235]

Q. Is he also a member of the Communist Party? A. I don't know.

Q. Did you, in about August, 1936, write a letter to your friend, Peter Innes, asking Innes to take up the question of your coming out to the West Coast so that you could stay out here?

A. I am not qualified to answer that unless I see the letter. I wrote many letters in August to many people and I might have written a letter to Innes and I might not; but before I do say I wrote a letter I would like to see the letter.

Q. Did you say at any time, did you write to Innes at any time stating that you wanted to come out here to the west coast because you didn't believe that there was anything on the east coast because the Communist Party had broken up all your chances there?

A. I might have; I don't know; I might have. I would like to see the letter though before saying I did.

Q. Did you ever write another letter to Peter Innes, in about October 1936, wherein you complained to Innes that you were referred to by the World Telegram about a certain voice referring to you as "Joe Curran, adored by the seamen?"

A. I ask you to let me see the letter before I answer. I won't say "Yes" or "No" until I see the letter.

(Testimony of Joseph Curran.)

Q. Were you ever referred to by anyone as being "adored by the seamen?"

A. I don't recollect; I may have been. [5236]

Q. Did you complain of that to McInnes?

A. To Innes, you mean?

Q. Yes.

A. I don't know whether I did or not.

Q. You might have?

A. I would like to see the letter you referred to before I answer. I am not sure until I read the letter, just how it is written. You may be phrasing it in your own language.

Q. You know what the Voice of the Federation is, don't you? A. Yes, I certainly do.

Q. Did they ever refer to you, the Voice of the Federation, as "Joe Curran, adored by the seamen?"

Mr. Gladstein: I object to that as immaterial.

Presiding Inspector: I think it is immaterial.

A. I——

Presiding Inspector: Don't answer.

By Mr. Del Guercio:

Q. Now, Mr. Curran, who paid for Harry Bridges' expenses from New York to Philadelphia—is that the first place he went, to Philadelphia?

A. No. The first place he went was to Boston.

Q. To Boston. Who paid his expenses from New York to Boston? A. We did.

Q. Who do you mean by "we"? [5237]

A. We on the Strike Committee.

Q. Did you?

(Testimony of Joseph Curran.)

A. I had some money with me; yes.

Q. Did you purchase Bridges' transportation from New York to Boston?

A. No. I don't recollect how that was done. I paid for some food, he paid for some food, and I forget——

Q. (Interposing) Who do you mean by "he," Harry Bridges? A. He, Harry Bridges.

Q. You say you went with Harry Bridges from New York to Boston? A. To Boston; yes.

Q. Did anyone else go along?

A. Peter Innes, but Peter Innes didn't go on the plane. We managed to get away from him that time.

Q. He didn't muscle in? A. No.

Q. How did you travel from New York to Boston? A. We went by plane.

Q. Who purchased Mr. Bridges' transportation?

A. I don't remember. I think that Harry Bridges purchased it himself.

Q. Is it possible that Peter Innes purchased it?

A. He may have been assigned to the task of obtaining the ticket, but I don't believe that Peter Innes provided the [5238] cash to purchase it.

Q. Did you give any money to Peter Innes to buy any transportation?

A. I don't know for sure; I doubt it.

Q. You bought your own?

A. I think I did.

(Testimony of Joseph Curran.)

Q. You didn't buy Harry Bridges' transportation? A. I don't think I did.

Q. Did you see Harry Bridges buy his own transportation? A. I did not.

Q. Now, did you buy a return trip?

A. No.

Q. What? A. A one-way ticket.

Q. How did you return?

A. We returned in the Ford sedan with the broken windows, and we almost froze to death coming home.

Q. But you didn't? A. Not quite.

Q. And you returned with Harry Bridges?

A. Yes.

Presiding Inspector: That is the time they thawed out.

Mr. Del Guercio: I was wondering about that.

By Mr. Del Guercio:

Q. You returned to New York?

A. Yes. [5239]

Q. Where did you go from New York next with Harry Bridges, if you went anywhere?

A. Well, when we got back to New York from Boston I went on home.

Presiding Inspector: He means——

The Witness: Oh, the Philadelphia trip.

By Mr. Del Guercio:

Q. When did Bridges leave New York next after his return from Boston?

A. He next went to Philadelphia.

(Testimony of Joseph Curran.)

Q. Did you go with him?

A. No, I did not.

Q. Now, to go back to Boston, when you and Harry Bridges arrived in Boston, were you met by anyone?

A. Yes. We were met by members of our Strike Committee. I think the Chairman was Thomas. I am not sure about that. I think there was also a longshoreman by the name of Flaherty.

Q. Marty Flaherty?

A. Yes, I think so. I am not too clear on that. I think there were two or three more Boston people, I think a couple of seamen besides the Chairman of the Boston Strike Committee.

Q. Where did you go after you were met by this group?

A. I believe we had dinner at Marty Flaherty's house that night. I believe he fed us. [5240]

Q. How many were at Marty Flaherty's house at that time?

A. Just Flaherty, myself,—I don't believe Peter Innes had gotten there yet at that time. He was driving up in a flivver with Cunningham, so I don't think he had got there yet.

Q. Who else was there?

A. Just Bridges, and Marty Flaherty and his wife.

Q. Was Fitzsimmons there?

A. He might have been there. Now, that I recollect, Fitzsimmons might have been there.

Q. Anyone else?

(Testimony of Joseph Curran.)

A. He was one of the ones that met us at the plane.

Q. Anyone else? A. I don't believe so.

Q. Was Rose Burlac—B-u-r-l-a-c—there?

A. The only woman that was there was Flaherty's wife.

Q. You are sure that Rose Burlac wasn't there?

A. I am positive.

Q. Do you know who she is?

A. No, I don't know her. I know that the woman you speak of wasn't there, because the only woman that was there was introduced to me as Flaherty's wife.

Q. Did you ever meet Rose Burlac before?

A. No, I can't say that I have.

Q. Did you meet her at any time during this trip? A. I can't say I did. [5241]

Q. Of course, you know that Rose Burlac was the then Secretary of the Communist Party of Rhode Island? A. I don't know.

Q. Huh? A. No, I didn't know.

Q. And you say that she wasn't present at the house, at Flaherty's house, when you and Bridges arrived there? A. No, she was not.

Q. Or at any time during your being there?

A. She might have been in the audience in that meeting. There were a few hundred in the audience.

Q. In Flaherty's house?

A. No, in the meeting. At Flaherty's house there were only—as near as I can recollect there

(Testimony of Joseph Curran.)

were only Bridges, myself, I believe Fitzsimmons was there, and one woman. I remember she complained about feeding so many men.

Q. Was it Flaherty's wife?

A. Mrs. Flaherty.

Q. How do you know?

A. I was introduced to her. I was introduced to her as Mrs. Flaherty, and I don't ask any other questions.

Q. What?

A. And I don't ask any further questions.

Q. Nobody has asked you if you have asked or not. A. Huh? [5242]

Q. Nobody has asked you if you have.

Presiding Inspector: I know. That isn't the question. Go ahead and ask another question.

By Mr. Del Guercio:

Q. Now, you didn't go with Bridges from New York to Philadelphia, did you?

A. No, I did not.

Q. Do you know who went with Bridges?

A. No, I don't recollect who went with him.

Q. Did you purchase Bridges' transportation from New York to Philadelphia?

A. No, I did not.

Q. Did you arrange for his transportation to Philadelphia?

A. No. He went down in a Ford Sedan, I believe.

Q. Who drove him down?

A. I don't know.

(Testimony of Joseph Curran.)

Q. Bridges also spoke at Baltimore?

A. Yes. I went with him to Baltimore.

Q. Where did you start from?

A. We started from New York.

Q. And who paid for Bridges' transportation to Baltimore?

A. We each bought our tickets on the train.

Q. Bridges bought his own?

A. As near as I can recollect. I'm not too sure.

Q. Are you sure that Innes didn't buy it?

A. It may be. Innes was all over the place. I am not [5243] sure, but I bought my own at the station. I don't know how Bridges' ticket was bought.

Q. For whom was Innes acting around this time? A. Around that time?

Q. Yes.

A. He might have been acting for the FBI. I don't know.

Q. Are you sure of that?

A. He acted strangely every time we saw him. Every time we saw him he was in on everything.

Q. Were there FBI men there, too?

A. No. I say he "might have been." The LaFollette Committee describes labor spies in that manner.

Q. Was anybody trailing you at that time?

A. Was anybody what?

Q. Have you been trailed?

A. I have been trailed since the day I stepped off the California in 1936. I was trailed, I am sure.

(Testimony of Joseph Curran.)

Q. When Bridges was out there?

A. I was trailed, I am sure.

Q. By whom?

A. Some "G" man, I suspect.

Q. You suspect?

A. They don't come up and tap you on the shoulder and tell who they are. But I am sure that I was trailed.

Q. What were you engaged in? Were you engaging in some crime? [5244]

A. I was engaged in striking for better hours and working conditions.

Q. You hadn't robbed a bank around that time, had you?

Presiding Inspector: What?

Mr. Del Guercio: I am asking him if he had robbed a bank. He said he was being trailed by a "G" man, FBI men.

Presiding Inspector: I wouldn't ask that question.

Mr. Del Guercio: Well, if the Court please, he made the statement that he was being watched by FBI men. They have a purpose in watching people.

Presiding Inspector: You know that he hasn't robbed a bank.

Mr. Del Guercio: Well, I don't know.

Presiding Inspector: Well, everyone else in the room does.

Mr. Del Guercio: He says he was watched.

(Testimony of Joseph Curran.)

There is a purpose in the FBI watching these men.

The Witness: That's right. I was definitely advised that I was watched by the FBI.

By Mr. Del Guercio:

Q. Had you been investigated by the FBI at that time? A. I believe that.

Q. In 1936?

A. No, I don't believe so. Not in open hearing or anything like that. I believe we were investigated, yes.

Presiding Inspector: If the witness really meant that— [5245] I thought that——

The Witness: (Interposing) No. I am quite serious about it, sir.

Presiding Inspector: I didn't realize that. When you said that Innes might be an FBI man, were you serious about that?

The Witness: No, I don't believe Innes would ever be an FBI man. I believe——

Presiding Inspector: (Interposing) That will do. You weren't serious about that when you said he might be an FBI man?

The Witness: I didn't say he "might be an FBI man".

Presiding Inspector: I beg your pardon. Read it back.

(The portion of the record referred to was read by the reporter as follows:

"Q. For whom was Innes acting around this time?

(Testimony of Joseph Curran.)

"A. Around that time?

"Q. Yes.

"A. He might have been acting for the FBI, I don't know.")

Presiding Inspector: Now, you didn't mean that, did you? That was a joke?

The Witness: Well, I didn't mean he was an FBI man.

Presiding Inspector: That is what I say.

The Witness: But I say, according to the LaFollette hearings and other indications since, he may have been working [5246] for the FBI.

By Mr. Del Guercio:

Q. Now, you also made the statement that you were being watched or followed by FBI men at that time? A. That's correct.

Q. Did you mean that?

A. I meant that I was followed by the FBI from the day I stepped off the California in 1936 on March 18th. From that day forward, to practically this day—they may have taken a day or two off, but I have been pretty well followed, and I imagine there is a pretty full record of my movements since that time.

Q. When did you step off the California?

A. March 18, 1936, in New York City.

Q. March 18.

A. No, just a moment. March 16, 1936.

Q. And from that day on you were being followed by FBI men?

A. That's my opinion.

(Testimony of Joseph Curran.)

Q. Huh? A. That's my opinion.

Q. Well, what is your opinion based on?

A. My opinion is based on the fact that things have come up since that prove that.

Q. Well, did you see any FBI men following you? [5247]

A. You don't see them.

Q. Huh? A. You don't see them.

Q. You don't see them?

A. You can't see them or they wouldn't be there, I imagine. They have to be clever.

Q. Well, have you committed some crime then?

A. I say I believe that it was considered at that time a crime to fight for better conditions on the ships. We are accused of being mutineers and what-not.

Q. Well, had you committed a crime against the United States at that time?

A. Not that I know of, nor have I ever committed——

Q. (Interposing): Were you about to commit a crime against the United States?

A. I didn't get that.

Q. Were you about to commit a crime against the United States? A. No, I never have.

Q. Had you told that you were about or engaged in committing a crime against the United States? A. No. [5248]

Q. And you were being followed by FBI men?

A. I believe so. I believe so very definitely.

Q. You knew that the FB—(Pause). Were you on the West Coast at any time during 1934?

(Testimony of Joseph Curran.)

A. No.

Q. For any period of time?

A. Over what period of time?

Q. During the year 1934?

A. I was not.

Q. Were you paid off any ship during 1934 at a West Coast port? A. No.

Q. Did you have shore leave on the West Coast during the year 1934?

A. I don't remember. If I was on the Virginia, I believe, either the latter part of '33 or the winter of '33-34 and if I got to the West Coast on that ship, you can bet I got shore leave.

Q. And for how many days?

A. For as long as the ship was in.

Q. And how long was the ship in?

A. I am not too sure. It might have been in four, five, or six days.

Q. Was that in San Francisco?

A. If she came to the West Coast she stopped at San [5249] Diego, San Pedro and San Francisco.

Q. And you got shore leave at all those places?

A. Yes, sir. With that gang that we have got down there, we did.

Q. Were you in San Francisco on about October, 1936, just before the strike that you talked about? A. I believe I was.

Q. And how did you get to the West Coast at that time?

A. I drove out in an old broken down gray Packard.

(Testimony of Joseph Curran.)

Q. You didn't get out here on a ship in any event, did you?

A. No. The records would show that. No. I came overland in an automobile.

Q. And what were you doing in San Francisco at that time?

A. Probably meeting with a lot of trade unionists, discussing the possibilities of a maritime strike and what we on the East Coast could do to help them.

Q. Whom did you have such meetings with?

A. Possibly the leaders of the various unions, maybe Harry Bridges with the longshoremen, firemen, stewards.

Q. Let us confine ourselves to the meetings in which Harry Bridges was present.

A. I don't remember clearly how many meetings there were. I believe one meeting was between Harry Bridges, myself and McGrady of the Labor Department in a hotel. Another meet- [5250] ing was with the General Strike Committee, of which they had a whole coast—or General Negotiating Committee, I mean, of which there were about 25 or 30 members, I guess, from the whole coast. They were negotiating at that time.

Q. Here! Let's get this clear first. When did you arrive in San Francisco in 1936?

A. I'm not too sure of the date. Somewhere around the 24th of October.

Q. October 24?

A. Somewhere around there.

(Testimony of Joseph Curran.)

Q. 1936? A. Yes.

Q. You came to San Francisco? A. Yes.

Q. Anybody with you? A. Yes.

Q. Who?

A. A man by the name of David Ramos.

Q. David Ramos?

A. Ramos; R-a-m-o-s.

Q. Anyone else? A. That's all.

Q. How long did you remain in San Francisco?

A. I think I remained about four days.

Q. Until about October 27th?

A. Or 28th. [5251]

Q. Until about October 27th or 28th?

A. Yes.

Q. You stayed all that time in San Francisco?

A. Yes.

Q. Between October 24th and October 28th?

A. Yes. That's an approximate date, that arrival date, you know. I am not sure.

Q. Did you stop at any hotel? A. Yes.

Q. Where did you stop?

A. The Lincoln Hotel.

Q. And did you register there?

A. Definitely.

Q. Under your own name?

A. Definitely.

Q. Did Ramos register there also?

A. Yes. I believe Ramos stayed there.

Q. Under that name, David Ramos?

A. Yes.

(Testimony of Joseph Curran.)

Q. Did you hold any meetings in your hotel room at the Lincoln Hotel?

A. Sure! I met with the ship's delegates from the Dorothy Luckenbach. I met with some seamen off of the—I forget just what other ships were in, but I had quite a few seamen up off the ships. [5252]

Q. Were you an official of any union at that time?

A. No. I was the Chairman of the Seamen's Defense Committee.

Q. Chairman of the Seamen's Defense Committee. That's of the Seamen's Defense Committee that originated in the spring strike?

A. Yes.

Q. And that strike was over? A. Yes.

Q. You were not chairman of this Joint Strike Committee, the latter strike of 1936?

A. It hadn't been set up yet. There was no strike yet.

Q. And was David Ramos also a member of the Seamen's Defense Committee?

A. No. David Ramos was a rank and file sailor who had sailed with me on the California and who went with me so as to drive the car. I couldn't drive at that time. Ramos—I had just learned how to drive, I mean. Ramos went along to help drive the car and he also went along with me because two men are better in a fight than one man sometimes.

Q. Is that why you have others along with you?

(Testimony of Joseph Curran.)

A. Dave? That's why I had Dave with me?

Q. Yes?

A. Yes, because sometimes we might run into trouble and we would have to defend ourselves.

Q. You can't take care of yourself? [5253]

A. I might be able to take care of myself.

Q. You need somebody else to go along with you at all times?

A. Not all the time.

Q. Do you have bodyguards here as Vice-Presidents or other officers?

A. No. I haven't had a bodyguard since I came ashore from the California.

Q. Huh?

A. I don't need one now, neither.

Q. Huh?

A. And I don't need one now.

Q. Has anyone said or indicated that you do?

A. No.

Q. Huh? Are you afraid of anything right now? A. No.

Q. How many meetings did you have in this hotel room in which Bridges was present?

A. Well, I will tell you. Oh, Bridges? I don't believe I had any meetings at all.

Q. Bridges never came to visit you in this hotel? A. I don't think so.

Q. Did you know him then?

A. Yes, I knew him. Yes. Very definitely.

Q. Did you attend any meetings in San Fran-

(Testimony of Joseph Curran.)

cisco any- [5254] where during that period of time with Harry Bridges?

A. Oh, yes, yes, I attended the Negotiating Committee meetings, which was a meeting composed of the Negotiating members of the Union from Portland, Seattle, 'Frisco and 'Pedro. They met here to negotiate with the shipowners. Harry Bridges was a member of that Negotiating Committee.

Q. In what capacity did you go before them?

A. Just as an observer and a guest.

Q. What kind of an observer?

A. From the East Coast.

Q. Huh? Did you have any business there?

A. Now, just a minute! Let's get this clear. Not at the actual negotiations with the shipowners, but at the meetings of the Negotiating Committee.

Q. Yes.

A. After they returned from the shipowners, you see.

Q. You said you might have been there as a guest. A. Yes.

Q. Who invited you?

A. Well, I was on very friendly terms with every member of the Negotiating Committee in every trade union on this coast.

Q. Did Harry Bridges tell you?

A. The whole Negotiating Committee invited me, including Harry Bridges. We were friendly with all unions. [5255]

Q. Were you friendly then with Harry Bridges?

(Testimony of Joseph Curran.)

A. Yes. Still friendly with him.

Q. Was Mervyn Rathborne there?

A. Yes, Mervyn Rathborne was there.

Q. Are you friendly with Mervyn Rathborne?

A. Yes. Still friendly with him.

Q. How long have you known Mervyn Rathborne?

A. Since that time in 1936.

Q. Did you know him then as a member of the Communist Party? A. No.

Q. Huh? A. No, I did not.

Q. When did you find out that he was a member of the Communist Party?

A. I haven't found out yet.

Q. Huh? A. I haven't found out.

Q. Did you meet Roy Hudson in San Francisco at that time? A. No, I did not.

Q. October, 1936? A. No, I did not.

Q. Did you attend any meetings in which Roy Hudson was present? [5256]

A. No, I did not.

Q. Did you attend any meetings in which you and Harry Bridges, among others, and Roy Hudson were present? A. I did not.

Mr. Del Guercio: Do you wish to recess? I won't be able to finish.

Presiding Inspector: You won't be able to?

Mr. Del Guercio: No.

Presiding Inspector: I had hoped that you could get through with this witness so as to advance the matter. But you can't do the impossible.

(Testimony of Joseph Curran.)

Mr. Grossman: Before we adjourn, with respect to that letter that came in from Mr. Meyers, it is quite obvious from the letter that he has not given the full information we request. It may be that he can't.

Presiding Inspector: Perhaps there isn't anything more.

Mr. Grossman: But obviously another letter has to be written to him.

Presiding Inspector: Very well. You may write the letter.

Mr. Grossman: You suggest that I write the letter?

Presiding Inspector: Yes.

Mr. Del Guercio: I haven't seen it.

Presiding Inspector: It merely refers to three statutes. Of course, we will take judicial notice of those statutes; everyone in the Court room.

[5257]

Mr. Del Guercio: I should like to make an inquiry at this time as to whether or not Dr. MacMickle has submitted his diplomas?

Presiding Inspector: He has not.

Mr. Del Guercio: He was requested to do so. May the record show that he hasn't complied with the request?

Presiding Inspector: I don't know about the request, but the record may show that I have received nothing.

We will take a recess until ten o'clock.

(Testimony of Joseph Curran.)

(Whereupon at 4:30 o'clock P. M. an adjournment was taken until Tuesday, May 27, 1941 at 10:00 o'clock A. M.) [5258]

Court Room 276,
Federal Building,
San Francisco, California,
May 27, 1941.

Met, pursuant to adjournment, at 10:00 A. M. [5259]

Proceedings

Presiding Inspector: Now, Mr. Del Guercio, you may proceed.

JOSEPH CURRAN

called as a witness on behalf of the Alien, having been previously duly sworn, testified further as follows:

Cross Examination (Resumed)

By Mr. Del Guercio:

Q. You testified yesterday that you joined the Marine Workers Industrial Union and that you received a membership book, is that correct?

A. That is correct.

Q. Is this——

Mr. Gladstein (Interposing): May I see it before you show it to the witness?

Mr. Del Guercio: Yes; no objection.

(Testimony of Joseph Curran.)

(The membership book referred to was passed to Mr. Gladstein.)

Mr. Gladstein: Mr. Del Guercio has handed me a book which cannot be identified as to year.

Presiding Inspector: Let the witness identify it.

Mr. Gladstein: It apparently is—Mr. Del Guercio tells me it is not in evidence. And, as I say, by an examination of it you can tell that you can't identify it as to year. [5260]

Presiding Inspector: Perhaps the witness can; we don't know; perhaps he can't.

By Mr. Del Guercio:

Q. I show you what purports to be a membership book of the Marine Workers Industrial Union, and ask you to look at it and see if it is the same as the one you received when you joined the Marine Workers Industrial Union?

A. (Examining book.) It may be.

Q. You can't state definitely whether or not it is? A. No.

Q. You only had your membership book in the Marine Workers Industrial Union for several years, is that correct?

A. That is not correct.

Q. For how many years did you have it in your possession?

A. I didn't have it in my personal possession more than about a month.

Q. And you didn't have—where was it?

A. That is, on my person.

(Testimony of Joseph Curran.)

Q. Where was the book?

A. It was in a trunk.

Q. It was under your control all the time?

A. Well, it was up to a point.

Q. And you can't say—you want this court to believe that you can't identify this book as being similar to the one you had?

Mr. Gladstein: I object to the form of the question. [5261]

Presiding Inspector: I will allow it.

Mr. Gladstein: Then I want to state the grounds of my objection.

Presiding Inspector: Certainly.

Mr. Gladstein: I object to the question because of the form in which it is placed, it is argumentative and improper. It also asks for something that has been asked and answered, not once, but several times.

Presiding Inspector: I will allow it.

The Witness: Repeat the question.

Mr. Del Guercio: Read the question.

(The question referred to was read by the reporter as above recorded.)

Of course, this isn't a court in the first place, but that is a mere manner of speech.

Mr. Gladstein: It isn't the use of the word "Court" that I object to.

Presiding Inspector: You don't object to that "You still believe"——

Mr. Gladstein: (Interposing): The question asked was "Do you want this Court to believe"——

(Testimony of Joseph Curran.)

Presiding Inspector: Is that what you object to?

Mr. Gladstein: I object to the form of the question.

Presiding Inspector: You object to the form. We have used that manner of speech. That merely means it is still your testi- [5262] mony. With that explanation I will allow it.

Is it still your testimony that you can't identify this book as similar to the one you received?

The Witness: No, I can't identify it as similar to the one I received; I am not sure.

By Mr. Del Guercio:

Q. Well, did your book state, the one you received, "Membership Book of the Marine Workers Industrial Union"?

A. I believe it did.

Q. Did it also state, as it states in this book, "Affiliated with the Trade Union Unity League"?

A. It might have.

Q. And did it have the preamble as this book has on page 3? A. It might have.

Q. And was it similar—is it similar to the preamble in this book, reading as follows:—

Mr. Gladstein (Interposing): I will object to that as incompetent, irrelevant and immaterial.

Presiding Inspector: Both sides have done this right straight along.

Mr. Gladstein: Have done what?

Presiding Inspector: Have read an item and asked him whether that is the fact.

(Testimony of Joseph Curran.)

Mr. Gladstein: Your Honor didn't permit us to read an [5263] item which involved the preamble to the constitution of the American Federation of Labor.

Presiding Inspector: Which was entirely incompetent.

Mrs. King: Yes, it was read into the record.

Mr. Myron: It was read into the record.

Mr. Gladstein: I am sorry, your Honor.

Mrs. King: It was read into the record when Mr. Gladstein was not in Court.

Mr. Gladstein: I am sorry, your Honor.

Presiding Inspector: I might have ruled it out, but if I didn't then it is here.

Read the question, please.

(The question referred to was read by the reporter as above recorded.)

By Mr. Del Guercio:

Q. (Continuing): "——"The Marine Workers Industrial Union is organized to unit all workers in the marine industry and lead them in their struggles against the employers for better working and living conditions and for the ultimate freedom from wage slavery. This fight between——"

Presiding Inspector (Interposing): I have heard this before, haven't I? Go ahead.

Mr. Del Guercio: Sir? I don't know whether you have or not.

Mr. Gladstein: Several times. [5264]

Mr. Del Guercio: You are familiar with it?

Mr. Gladstein: I have heard you speak about it.

(Testimony of Joseph Curran.)

Presiding Inspector: Go ahead.

By Mr. Del Guercio:

Q. (Continuing): "——This fight between the marine workers and the shipowners, bosses, etc., is only one front of the class struggle which rages ceaselessly between the whole working class and the whole class of employers—the capitalists. Victory in this struggle can be won only by the most relentless, militant and revolutionary struggle of the whole working class.

"For this reason, the M. W. I. U. does not limit itself to narrow craft interests in the manner of the A. F. of L. Unions, but considers itself always as an integral division of the forces of the working class. It rejects and condemns the treacherous 'class-collaboration' policy of the A. F. of L. which seeks to delude the workers into believing that it is possible for them to live 'in peace' with the capitalists, and betrays them into surrendering their organizations to the control of their employers.

"While striving constantly for the immediate betterment of all living and working conditions of the marine workers, the M. W. I. U. does not limit itself to immediate economic demands alone, but declares that the liberation of the marine [5265] workers from exploitation is only one part of the revolutionary struggle of the whole working class against the capitalist system.

"The M. W. I. U. urges upon all its members the most active participation in the general struggles of the working class, economic and political,

(Testimony of Joseph Curran.)

directed toward the goal of the establishment of a revolutionary workers' government."

Is that the preamble in your book that you had?

Presiding Inspector: Was that the preamble in your book? A. It might have been.

By Mr. Del Guercio:

Q. And was your book signed by R. B. Hudson for the National Committee?

A. It might have been.

Q. You are not sure? A. No.

Mr. Gladstein: I will object to that.

Mr. Del Guercio: I offer this in evidence.

Presiding Inspector: You are objecting to his saying he is not sure?

Mr. Gladstein: No. I object to the question being asked half a dozen times, your Honor.

Presiding Inspector: Oh, every one has trespassed over that rule.

Mr. Del Guercio: I offer this book in evidence.

[5266]

Mr. Gladstein: I will object to it. No foundation has been laid.

Presiding Inspector: Very well. It may be marked for identification.

(The document referred to was marked Government's Exhibit No. 276 for identification.)

By Mr. Del Guercio:

Q. When was the NMU organized?

A. You mean organized or set up?

Q. Created, set up or whatever you call it?

(Testimony of Joseph Curran.)

A. It was created on May the 7th or 8th, 1937.

Q. Was there a convention about that time?

A. The convention was held in July.

Q. Were you one of the original organizers?

A. Yes.

Q. And where was the convention held?

A. In New York City.

Q. And were delegates appointed or elected or selected to this convention?

A. They were elected from the ships and from meetings ashore.

Q. From the various ships? A. Yes.

Q. And were you elected as a delegate?

A. Yes. [5267]

Q. From what ship? A. From ashore.

Q. You weren't on a ship at that time?

A. We elected delegates from ships and meetings ashore. Our constitution is very clear on that point.

Q. Did it have a constitution?

A. No. I say the constitution now is very clear on it and we worked on that basis.

Q. Who drew up the constitution for the NMU?

A. The constitution was drawn up by the convention.

Q. Was anyone appointed to draw it up?

A. No one was appointed to draw up a constitution.

Q. Who drafted the constitution?

A. No one drafted a constitution.

Q. How did it come into existence?

(Testimony of Joseph Curran.)

A. The men from the ships and the meetings up and down the coasts sent in suggested parts of constitutions.

Q. And to whom did they send in these suggestions?

A. They sent them in to us in New York

Q. Was there a committee set up for the purpose of drawing up a constitution? A. Yes.

Q. Were you on that committee? A. Yes.

[5268]

Q. And who else was on the committee?

A. Tommy Raye and our attorney, William Standard.

Q. Is he an attorney, too? A. He is.

Q. Is he also a Communist? A. He is not.

Q. And how about Tommy Raye?

A. He's a seaman.

Q. Huh? Well, is he a Communist, too?

A. I don't know.

Q. So you, Standard and Tommy Raye drafted or set up the constitution for the NMU, is that correct? A. That is not true.

Q. Well, did anyone else?

A. The convention set up the constitution.

Presiding Inspector: He means you presented it to the convention.

The Witness: We did not present it to the convention. We compiled the various suggestions that came in and, as is done in any convention, brought them to the convention in an organized manner, placed them——

(Testimony of Joseph Curran.)

Presiding Inspector: (Interposing): That is what he is asking you. Didn't you understand that?

The Witness: No, I didn't.

Presiding Inspector: That is what he asked you. [5269]

The Witness: I want to make that clear.

Presiding Inspector: Why, certainly. But that is what he was asking you. Then you did organize it and present it to the convention, brought it before the convention?

The Witness: We brought it before the convention.

By Mr. Del Guercio:

Q. When you say "we" you mean you, Tommy Raye and Standard?

A. Standard didn't attend the convention, no. He helped Tommy Raye and myself compile the material that came in. We brought it to the convention.

Q. Did either you or Tommy Raye put into the constitution any suggestions of your own?

Mr. Gladstein: I object upon the ground that is immaterial.

Presiding Inspector: Oh, don't you think we have gone far enough? [5270]

By Mr. Del Guercio:

Q. Did you ever attend a meeting with Thomas Raye in New Orleans?

A. I attended a convention in New Orleans. Thomas Raye might have been there. He was a seaman.

(Testimony of Joseph Curran.)

Q. Did you attend a meeting there in which Tommy Raye and one or two others were present?

A. I had lunch in a restaurant there with Tommy Raye. That is the only meeting I had with him. I think there were two or three others there.

Q. Who were the others?

A. I am not too clear as to who they were.

Q. Did you have a meeting with Tommy Raye in the Jung Hotel in New Orleans? A. No.

Q. What? A. No.

Q. At any time?

Presiding Inspector: You mean at any time during the convention?

Mr. Del Guercio. Yes. A. No.

By Mr. Del Guercio:

Q. Or at any time while you were in New Orleans?

A. Well, Tommy Raye was a seaman attending a convention. [5271] I also was a seaman. So there is no doubt that one seaman spoke to the other, and he might have spoken to me in several places, bars, restaurants—if you mean that—but as far as a meeting is concerned, no.

Q. You testified before the Dies Committee, didn't you? A. I didn't hear that.

Q. Did you testify before the Dies Committee?

A. Yes.

Q. Weren't you asked by the Dies Committee, Mr. Whitley, whether you had a meeting with Thomas Raye in your New Orleans in the Jung Hotel?

(Testimony of Joseph Curran.)

A. I might have been. I was asked millions of questions.

Presiding Inspector: Just answer the question.

A. (Continuing): I am not qualified to say exactly what I said at the Dies Committee hearing. Much time has passed. Many questions were asked. I would like to see the record before I am asked a question on it. Otherwise, I will have to say I don't know.

By Mr. Del Guercio:

Q. You have said that, I understand.

A. Yes.

Presiding Inspector: When was that?

The Witness: When I testified before the Dies Committee?

Presiding Inspector: Yes.

The Witness: I believe it was two years ago; somewhere [5272] between a year and a year and a half ago.

Presiding Inspector: Not this year anyway?

The Witness: No; it was quite some time ago.

By Mr. Del Guercio:

Q. Do you know Clarence Applewaite?

A. Yes. He was an official in what was once our Gulf District of our Union.

Q. Now, were you asked this question by Mr. Whitley of the Dies Committee:

"Have you ever had a meeting with Thomas Raye and Clarence Applewaite of the Gulf District Committee in the Jung Hotel in New Orleans?"

(Testimony of Joseph Curran.)

A. I might have.

Q. And was not your answer, "Yes"?

A. It might have been.

Q. Then did you have a meeting with Thomas Raye in New Orleans?

A. I might have had a meeting there; I am not sure.

Q. What was the purpose of that meeting?

A. Well, as seamen, I imagine, as Chairman of the Convention, and as a seaman—Applewaite as an an official, and Tommy Raye as a seaman, I believe we had a legal right to meet, and we might have met; I am not sure. But I would say we would meet any time we wanted to.

Q. Was this Tommy Raye a delegate to this convention in [5273] New Orleans?

A. No. There were hundreds of seamen that attended the convention that were not delegates.

Q. How did you go to New Orleans?

A. Oh, well, now—let me see. I believe I was in New Orleans for weeks before the convention took place.

Q. How did you get there—did you get there on a ship or overland? A. No; I flew.

Q. You flew? A. Yes.

Q. Well——

A. (Interposing): By plane, of course; not with wings.

Q. I don't believe that you have——

Presiding Inspector: Ask the next question.

(Testimony of Joseph Curran.)

By Mr. Del Guercio:

Q. And how did Tommy Raye get down there?

Mr. Gladstein: I think that is immaterial and I object to it.

Mr. Del Guercio: It is very material. Tommy Raye, the evidence shows here, is a well-known Communist and working for the Communist Party.

Mr. Gladstein: I challenge that statement. The evidence shows no such thing. I still object to the question on the ground that it is immaterial, your Honor; also that it calls [5274] for the opinion and conclusion of the witness on a matter that is——

Presiding Inspector: If he knows he may answer.

A. I don't know.

By Mr. Del Guercio:

Q. Do you know if Tommy Raye was working as a seaman before and after that meeting?

A. I don't know.

Q. Do you know how long it had been since Tommy Raye had even seen a ship——

Mr. Gladstein: (Interposing): I object to the question.

By Mr. Del Guercio:

Q. (Continuing): At the time of this meeting in New Orleans?

Mr. Gladstein: The question is so ridiculous that the Court should sustain an objection to it.

Presiding Inspector: If he knows; if he doesn't know he can say so.

(Testimony of Joseph Curran.)

Mr. Gladstein: How long it has been since another man saw a ship?

Mr. Del Guercio: He said he was a seaman.

Presiding Inspector: You know what he means, what counsel means.

Mr. Gladstein: I don't know what he means. I know what he said. I think the question is ludicrous and I object to it. [5275]

Mr. Del Guercio: Counsel knows what I mean exactly.

Presiding Inspector: He was a seaman; it is perfectly evident that he means how long since this man was employed as a seaman.

I will take the question, but it is very faintly relevant. I don't know how—it is preliminary, I suppose. I will allow it.

A. I don't know.

By Mr. Del Guercio:

Q. How do you know that Tommy Raye is a seaman?

A. Well, he is a member of the NMU and he produced discharges, passed qualifications to enter the union the same as other seamen.

Q. Do you know of any ship that he has been on, since, say, 1934? A. No, I don't.

Q. Have you ever seen any discharge from any ship in the name of Thomas Raye?

A. No; I don't make a practice of looking at people's discharges. We have a membership committee that does that, and there is regular membership procedure.

(Testimony of Joseph Curran.)

Q. And when I asked you if you knew that Tommy Raye was a Communist, and you said, "No. He is a seaman." upon what did you base your answer that Thomas Raye was a seaman?

Mr. Gladstein: I think that has been asked and answered. [5276]

Presiding Inspector: I think he has answered that; I think he has answered that.

Mr. Del Guercio: I will withdraw the question.

By Mr. Del Guercio:

Q. Did you ever make a tour of the Gulf Ports at the termination of the 1936 strike? A. Yes.

Q. And with whom did you make that tour?

A. I made it with Howard McKenzie.

Q. Anyone else?

A. William C. McCuistion and Joe Cain.

Q. That is the same William C. McCuistion concerning whom you testified yesterday?

A. There is only one McCuistion.

Q. Who invited McCuistion to go along with you on this tour?

A. I am not too clear on how that committee was set up; but I believe we had a meeting in New York after the spring strike and it was decided that a group of us should go to the Gulf and clarify the spring strike to the men in the Gulf. As you know, the strike did not penetrate the Gulf. It was confined mostly around New York and Philadelphia.

Q. Would you say that McCuistion muscled in?

A. I didn't say that.

(Testimony of Joseph Curran.)

Q. And how many ports did you tour with McCuistion? [5277]

A. I think—I didn't tour the ports with McCuistion alone. I toured the ports with about four men, among which was William McCuistion.

Q. And how many ports did you go to with William McCuistion?

A. I would say four or five.

Q. How did you travel?

A. By automobile.

Q. A jaloppy too?

A. It was a jaloppy; yes, sir.

Q. Who drove the car?

A. We took turns driving it.

Q. How long were you with McCuistion at that time?

A. I am not too sure whether he left us on that trip down in the Gulf, or whether he stayed down there, or whether he came back. I am not too sure.

Q. And did that committee submit reports?

A. No. You see—we submitted reports through the medium of the Pilot, which we were putting out, the paper, and so forth.

Q. Who sent in the reports?

A. And through the medium of small meetings we called in New York and members coming off ships. We put out bulletins on it; yes.

Q. Under whose name?

A. Under the Seaman's Defense Committee.

[5278]

(Testimony of Joseph Curran.)

Q. Did you sign your name to any of the reports submitted to the Pilot?

A. I might have.

Q. Did McCuistion?

A. He might have been on there.

Q. Now, you know that McCuistion went to Spain to fight for the Loyalist Cause?

A. I know he went to Spain.

Q. Did you ever contribute any money to the Loyalist Cause? A. Yes; sure.

Q. Who solicited your contribution?

A. At the meetings.

Q. In meetings of the then NMU?

A. Yes; took up collections on the floor.

Q. While you were present?

A. We bought an ambulance from collections.

Q. You bought an ambulance. At whose suggestion was the ambulance bought?

A. I think a resolution was drafted, and I think I participated in it, and we presented it on the floor of the meeting in New York, and it went up and down the coast.

Q. Who presented it on the floor?

A. I believe I did. I am not too sure; I believe I did.

Q. Did you make a speech? [5279]

A. I usually did; yes. We took up at the same time the Chinese and Spanish situations.

Q. We are talking only about the Spanish Loyalist Cause at the present time. You say you made a speech on behalf of the Loyalist Cause?

(Testimony of Joseph Curran:)

A. I made many speeches.

Q. At whose suggestion did you make these speeches? A. At my own suggestion.

Q. Tommy Raye didn't have any thing to do with it.

A. I didn't need anybody to suggest it.

Q. Did Roy Hudson? A. No one.

Q. Did either Roy Hudson or Tommy Raye propose to do that thing?

A. No one proposed it but myself, as a member and official of the Union. [5280]

Q. You were what at the time?

A. At that time?

Q. Yes.

A. I believe I was general organizer. I'm not too sure.

Q. Did you purchase an ambulance?

A. We certainly did.

Presiding Inspector: He said that.

By Mr. Del Guercio:

Q. And was it sent to Spain?

A. There is a photograph in our official organ and you can have it. It shows me standing by the ambulance that we bought.

Q. Is that why you admit it? A. No.

Mr. Gladstein: I object to that question, your Honor. I think you should caution counsel.

Presiding Inspector: That is one of the few occasions in which you have had a rather frivolous question in lighter vein.

(Testimony of Joseph Curran.)

Mr. Gladstein: That question was in frivolous vein?

Presiding Inspector: I think so. Didn't you think so?

Mr. Gladstein: Do you want my answer?

Presiding Inspector: I don't care about it.

By Mr. Del Guercio: [5281]

Q. Did you ever participate in any May Day parades? A. Yes.

Q. Where? A. Where?

Q. Yes. A. New York

Q. Every May Day?

A. No. I think I was in two.

Q. Were you in a May Day parade in New York on May 1, 1938?

Mr. Gladstein: I object to this as absolutely immaterial, unless Mr. Del Guercio claims——

Presiding Inspector: (Interposing) I don't see any point in it.

Mr. Del Guercio: It is common knowledge, your Honor, that May Day is Red Day.

Presiding Inspector: It is not common knowledge to me.

By Mr. Del Guercio:

Q. What is the purpose of May Day celebration, Mr. Curran?

A. As I understand it, in my limited knowledge,——

Q. (Interposing) You have a limited knowledge?

(Testimony of Joseph Curran.)

A. Yes, like all humans I do—I believe during the——about 50 years ago the American Federation of Labor, the [5282] Knights of Labor and the National Miners Union, I believe, originated the practice of marching on May Day and it was considered labor's day.

Q. Wasn't it under the auspices of the Communist Party in New York?

A. Not that I know of.

Q. Under whose auspices was that particular May Day parade?

A. Under a joint committee known as the May Day Parade Committee, and there were many trade unions in that committee as far as I know.

Q. Was Tommy Raye in that committee?

A. On the committee?

Q. Yes. A. I don't know.

Q. Was Roy Hudson?

A. Which one are you speaking about? Every year had a different committee.

Q. 1938. A. I don't know.

Q. Would you say that they weren't?

A. I don't know. I am not qualified to say. I may have been on the committee myself. I don't know.

Q. Was Dave Ramos?

A. I don't know who was on that committee.

Mr. Gladstein: I object to this line of questioning [5283] as immaterial, your Honor. The next thing we can expect is to find out whether the children in the City of New York were dancing around

(Testimony of Joseph Curran.)

a May Pole. Such a ridiculous line of examination for Mr. Del Guercio to adopt!

Mr. Del Guercio: Are you through, Mr. Gladstein? Perhaps you could suggest some questions.

Presiding Inspector: Go ahead, Mr. Del Guercio. Ask the next question.

Mr. Del Guercio: I admit that you know the Communist Party better than I do.

Presiding Inspector: Go ahead, Mr. Del Guercio.

By Mr. Del Guercio:

Q. Did you have anything, or were there any collections made in Boston, Philadelphia and Balimore places where Bridges spoke in 1936?

A. Oh, yes. We never missed taking up a collection at a meeting.

Q. Were those collections under your direction?

A. No. They were under whoever was organizing and handling the meeting.

Q. Did you have anything to do with the collections of the money at those meetings? A. No.

Q. Did you pay Bridges' transportation back to the West Coast? [5284]

A. I don't know. I don't think so.

Q. Do you know who did? A. No.

Q. Do you know if Peter Innes did?

A. I don't know.

Q. Do you know if David Leeds did?

A. No.

Q. Do you know if the Communist Party paid Bridges' transportation back to the West Coast?

(Testimony of Joseph Curran.)

A. No, I don't.

Q. Did you see Harry Bridges just before he left for the West Coast? A. Going home?

Q. Yes.

A. Yes. I saw him about, I guess, three or four hours, something like that, before he left for the Coast.

Q. And was there anyone else present?

A. I don't know just who was present. I think there were about three or four of us there. I think Meriweather was there, I think a couple of Baltimore seamen were there and myself. We were in a car. I don't know whether we took him to the airport or just where we left him. That's not too clear. There are too many things—too many things have taken place in the past few years to be too specific on those things.

Mr. Del Guercio: Do you mind if I consult for a few [5285] minutes?

Presiding Inspector: Yes.

By Mr. Del Guercio:

Q. Have you ever been a member of the American League for Peace and Democracy?

A. Yes.

Q. When did you join it?

A. I joined up there in Madison Square Garden at a meeting.

Q. When? A. I'm not too sure when.

Q. How many years ago?

A. I think it was 1938.

(Testimony of Joseph Curran.)

Q. And how long did you continue a member of that organization?

A. I don't know. I guess I'm still a member of it.

Q. Who solicited your membership?

A. Oh, right there a couple of women there asked me to join right there, and I signed a card on the platform. I think they took a photograph of it. That photograph is a matter of record at the Dies Committee, I think.

Q. And were you ever a member of the League Against War and Fascism?

A. I don't believe so. I don't know. If that's the same thing, I suppose I was, if it's the same one. But if not, [5286] I don't know.

Q. Did you join it twice or just once?

A. No, just that once.

Q. Did you serve on any committees of the American League——

A. (Interposing). No, I didn't.

Q. (Continuing) for Peace and Democracy?

A. I don't think so.

Q. Were you appointed to any committees?

A. I don't believe so.

Q. Does your name appear on any committees of that League? A. I don't know.

Q. Are you also a member of the American Peace Mobilization? A. One of the founders of it.

Q. Who helped you to found it?

A. Oh, a great mass-delegated meeting in Chicago last year.

Q. Were you a delegate?

(Testimony of Joseph Curran.)

A. Yes. I was Chairman of one of the panels.

Q. How were you selected as a delegate?

A. As the President of the NMU and as our membership——

Q. (Interposing): The membership or just the officials of the NMU? [5287]

A. Well, our membership has been on record in favor of A.P.M.

Q. Well, was there a vote taken? A membership vote taken?

A. No, there was not.

Q. How were you selected as a delegate to the American Peace Mobilization, Mr. Curran?

A. By our National Council.

Q. By the National Council. And who paid for your transportation from New York to Chicago and for your expenses?

A. Our organization paid my expenses to Chicago.

Q. The Union?

A. That's right. It appears in the records of the Union.

Q. And you say——

A. (Interposing): We had 75 other delegates too.

Q. You say you were one of the organizers of the American Peace Mobilization. Did you conceive this American Peace Mobilization?

A. I contributed my small part towards it, yes.

Q. In what way?

A. Well, there were about—I guess, about 50 or 60 of us met in Chicago.

(Testimony of Joseph Curran.)

Q. Before you went to Chicago? [5288]

A. I can't name all of them.

Q. Before you went to Chicago. In New York?

A. Well, the idea was conceived through consultation with Union leaders.

Q. Well now,——

A. (Interposing): Church leaders and others.

Q. Let me have these various meetings or consultations that you had in which the American Peace Mobilization was conceived.

A. I can't give you all of them. I don't know all about that. That's too much. I met with several trade union leaders.

Q. Who are they?

A. Many of them. Too many to mention.

Q. Can you give me the names of some?

A. I can give you a few.

Q. Will you do it? A. Yes.

Q. Where this American Peace Mobilization was discussed.

A. Oh, we had so many meetings on it, it's very difficult to mention all the meetings.

Q. You can't give me the names of a single person? A. I can yes. I told you I can.

Q. Was Tommy Raye one of them? [5289]

A. Tommy Raye, no. He is not a Union leader.

Q. Mink? A. No.

Q. Hudson? A. No.

Q. Had nothing to do with the organizing of the American Peace Mobilization?

A. Not that I know of.

(Testimony of Joseph Curran.)

Q. You conceived it, didn't you? You were one of the organizers? A. That's correct.

Q. Was it a creature of your own mind, this American Peace Mobilization, or did someone suggest it to you?

A. Well, I guess it was partly a creature of my mind and many other trade union leaders' minds and other progressive people throughout the country.

Q. Other what?

A. Other progressive people throughout the country.

Q. Well, how did you come about to conceive this American Peace Mobilization?

A. Well, we believe——

Q. (Interposing): You. I am not talking about anybody else. A. "I" believe—— [5290]

Q. (Interposing): Yes.

A. (Continuing): ——"I" believe that there was a great deal of danger in all the attacks against trade unions, the complete disregard of civil liberties, the constant attacks against minority groups and others, that it was necessary for the trade unions and other organizations to get together.

Q. Well, in what way?

A. In order to defend these things.

Q. Did the American Peace Mobilization have to do with trade union matters?

A. Well, the American Peace Mobilization is as much interested in the defense of Democracy at home as it is any place else, and we believe that we are rapidly losing it here. And this is an evidence of it.

(Testimony of Joseph Curran.)

Q. Is it also in Soviet Russia?

A. What? I wouldn't know about that. I am not qualified to speak on Soviet Russia. I think you will have to ask them.

Q. Have to ask who?

A. The people in Soviet Russia, not me.

Q. Where did you meet to organize this, before going to Chicago?

A. Well, our New York group, for example—our New York group——

Q. (Interposing): All right. Now you have a group [5291] in New York. Let me have the names of some of that group. A. Good!

Q. All right.

A. The President of the Transport Workers Union, Michael Quill; Abraham Flaxner; The American Radio Operators. I can name a lot of them for you.

Q. You just mentioned one name.

Presiding Inspector: Oh, no. He mentioned several.

A. I mentioned three names.

Presiding Inspector: Let the reporter read them.

(The answer referred to was read by the reporter as above recorded.)

By Mr. Del Guercio:

Q. All right. Name some more, Mr. Curran.

A. Joe Curran of the NMU.

Q. That's yourself? A. That's right.

Q. Anyone else?

(Testimony of Joseph Curran.)

A. Reid Robinson of the Mine, Mill & Smelter Workers, and several more.

Q. Is that all the names you can give?

A. Several more. I can't just think of them offhand.

Q. Well, name them all.

A. I can't. There were too many. [5292]

Q. And how often did this group meet to discuss this American Peace Mobilization?

A. Well, we met on all questions, so I guess we met on that one several times, too.

Q. Where did you meet on the question of organizing the American Peace Mobilization?

A. We might have met in the executive offices of the NMU; we might have met in the executive offices of the Transport Workers Union; we might have met in the offices of any of the unions, and we probably did meet in all of them.

Q. Probably did meet in all of them?

A. That's right.

Q. Did you meet anywhere other than those three places you have mentioned?

A. Not that I know of. We might have met in a big place like Manhattan Center, and I believe we did have a meeting in Manhattan Center.

Q. Did you ever meet in the Communist Party headquarters in New York?

A. I don't know where it is.

Q. You have never been there?

A. No, I haven't.

(Testimony of Joseph Curran.)

Q. Well, did the CIO sponsor the American Peace Mobilization?

A. I don't think it was asked to. [5293]

Q. Did they pass any resolutions concerning the——

A. (Interposing): What part of the CIO?

Q. Any part.

A. Well, I would say that our organization is affiliated with the CIO and it supported it. The Mine, Mill & Smelter Workers are a part of the CIO.

Q. As a union or just officials of the union?

A. As unions. We had 75 delegates from the NMU, from all ports to that meeting.

Q. Was the question presented to the membership?

A. Of course. They elected delegates, 75 of them.

Q. And for the American Peace Mobilization?

A. That's correct.

Q. The question was put up to the membership of the unions?

A. They elected delegates, yes.

Q. And there is a record of that in the minutes?

A. In the minutes of each port up and down the Atlantic Coast, the Gulf and the Great Lakes, the Mississippi and the Ohio.

Q. Those minutes are available to you?

A. They are available in the Union halls. They are hung up there for the membership to read.

Q. That the question of sending delegates to the [5294] American Peace Mobilization——

A. (Interposing): Correct.

(Testimony of Joseph Curran.)

Q. (Continuing): ——in Chicago was put up to a vote of the membership?

A. At membership meetings.

Q. And the membership elected delegates?

A. Yes.

Q. And that will be reflected in the minutes of the various unions with which you are connected?

A. I said—now, just a minute! Don't put words in my mouth. I said in the branches of our union. I am not responsible for every union.

Q. In the branches of your particular union?

A. That's correct.

Q. How many unions do you control?

A. The National Maritime Union, and I don't control it. The membership does.

Q. Now, will you send copies of those minutes to Judge Sears?

A. We'll send copies to anybody that requests them. They are available. But first, before I send copies to anybody, our membership has to pass upon sending them outside of the Union.

Q. I see.

A. Unless they are—— [5295]

Q. (Interposing): Would you mind doing that?

A. You make that request?

Q. Yes.

A. I will take it up with the Executive Board and the membership of our organization. That's all I can do. I imagine they are available down at the Department of Justice or some place, anyway.

Q. Do you know if they are?

(Testimony of Joseph Curran.)

A. I think they should be. Much of our stuff is down there. The Dies Committee might be able to furnish you with them. They are all around.

Q. You know that of your own knowledge?

A. We don't hide them.

Q. What? A. We don't hide them.

Q. Huh? Do you know as much about that as the matters that you have testified to here?

Mr. Gladstein: I object to that question.

Presiding Inspector: I will exclude it.

The Witness: I say they are available, though.

By Mr. Del Guercio:

Q. Where did the——

Presiding Inspector (Interposing): His judgment is immaterial.

Mr. Del Guercio: Sir?

Presiding Inspector: His judgment is immaterial.

[5296]

By Mr. Del Guercio:

Q. Where did you have this convention in Chicago.

A. I think they call it the Coliseum.

Q. The Coliseum?

A. Yes. I think that's that——

Q. (Interposing): And how many delegates attended?

A. Oh, I am not too sure. I think there were active delegates, elected delegates—I think there were 7,500.

Q. And was there a Chairman elected or selected?

A. Yes. I think it was Owen Knox.

(Testimony of Joseph Curran.)

Q. Owen Knox? A. I think so.

Q. Was he the permanent Chairman of that convention?

A. I believe he is the Chairman. I'm not sure. I'm not sure of that. I believe he is. It is either Knox of Thompson. I'm not sure which it is.

Q. Was he on any committee?

A. Well, what committee? What do you mean by that? There were several committees.

Q. Were committees appointed by the convention?

A. Yes. There was Resolutions Committee and Continuations Committee, and so forth, elected there; Credentials Committee.

Q. Were you on one of the committees?

A. I believe I was on the Resolutions Committee.

Q. Any other committees? [5297]

A. No. I was Chairman of one of the panels.

Q. What's a panel?

A. Well, a convention of that type in which labor and other groups participate, religious groups and social groups and other groups, usually boil down into panels. One panel will become a labor panel, another will become a religious panel and so forth. That's what "panels" are.

Q. And you were on one of these panels?

A. That's right.

Q. How long did this convention last?

A. I think it lasted three days.

Q. Now, did the American League for Peace and Democracy have a delegation to that convention?

(Testimony of Joseph Curran.)

A. I don't know.

Q. Did you represent the American League——

A. (Interposing): There were many hundreds of groups there.

Q. Did you represent the American League for Peace and Democracy?

A. No. I represented the National Maritime Union. [5298]

Q. You were a member of the American League for Peace and Democracy at that time, were you not?

A. I believe I was.

Q. Were you an official?

A. I don't think so.

Q. Weren't you a member of the Labor Committee of the American League for Peace and Democracy? A. I might have been.

Q. Well, don't you know.

A. I might have been; I am not sure.

Q. And didn't you—weren't you also Chairman of the Labor Committee at this Convention of the American—Labor Panel?

Presiding Inspector: He said he was.

Mr. Del Guercio: He didn't say "Panel".

Presiding Inspector: What are you talking about?

Mr. Del Guercio: This Labor Panel of the American Mobilization Plan.

Presiding Inspector: He said he was Chairman of that.

Mr. Del Guercio: I didn't hear it.

(Testimony of Joseph Curran.)

Presiding Inspector: He may not have called it "Chairman".

The Witness: I did say that.

Presiding Inspector: I so understood you.

By Mr. Del Guercio:

Q. Have you ever subscribed to the Daily Worker? [5299] A. No.

Q. Do you know what the Daily Worker is?

A. Yes.

Q. Do you know it as the official organ of the Communist Party?

A. Well, I don't know whether it is or not.

Q. Have you ever read the Daily Worker?

A. Yes.

Q. Did that ever appear on the masthead, "Official Organ of the Communist Party?"

A. I believe it is.

Q. Did you ever distribute copies of the Daily Worker anywhere, at any time, any place?

A. No.

Q. Did you ever cause copies of the Daily Worker to be distributed at any time, any place?

A. No.

Q. Bundles of them? A. No.

Mr. Del Guercio: That will be all, your Honor.

Redirect Examination

By Mr. Gladstein:

Q. Mr. Curran, as a trade union leader is it possible for you to enumerate all of the various committees of one kind or another that have requested your honorary support, or [5300] the use of your name?

(Testimony of Joseph Curran.)

A. No.

Q. Is it a frequent occurrence for organizations to request the use of a name for functions or in connection with organizations of members, or leaders in the trade union movement? A. Yes.

Mr. Myron: I object to that—as a custom of the organization.

Mr. Gladstein: Speaking from his own knowledge as to whether he gets frequent calls.

Presiding Inspector: That is a very general matter.

By Mr. Gladstein:

Q. Concerning your contributions to the Loyalists in Spain, do I understand that the organization of which you are the President, the National Maritime Union, officially contributed an ambulance to the Loyalists? A. No.

Q. How did it occur?

A. Collections, spontaneous collections were taken up in the ports based on a motion made on the floor. Each local has its autonomy in that respect. These collections were forwarded—and in the Port of New York they were put together and they amounted to enough to buy an ambulance. The motion that was made on the floor of these meetings said to buy [5301] medical supplies and ambulances. That is what it was for.

Q. Now, yesterday you were asked about a period in October 1936 when you were on the west coast, and in that period you stated that you had met with the Negotiating Committee on the west coast, includ-

(Testimony of Joseph Curran.)

ing Bridges, and that you had come to the west coast in an automobile with another man by the name of Ramos. Do you recall that testimony? A. Yes.

Q. Now, do you recall how you returned to New York on that occasion?

A. Well, I stayed here until the last possible minute to see what was going to happen, whether there was going to be a strike or not; and then the Maritime Federation of the Pacific, together with one ship's crew from the east coast, just to get enough money to pay my plane fare, and we left the automobile here. Dave Ramos stayed here on this coast during most of the strike. I went back to New York in order to get there in time enough to advise them of what was taking place out here.

Q. The name Al Lannon was mentioned in some of yesterday's examination. Is he a member of the NMU? A. Yes.

Q. Has he been from its inception?

A. Yes.

Q. Was he a member of any of the strike or defense [5302] Committees that represented the rank and file seamen on the east coast prior to the inception of the NMU?

A. I don't know. I think he was a member of the rank and file Committee; I am not sure.

Q. Calling your attention to the Strike Committee, the East Coast Seamen's Strike Committee in New York, the Committee that conducted the 1936 fall strike, do you recall whether Mr. Lannon was a member of the Committee?

(Testimony of Joseph Curran.)

A. I think he was a member of the Strike Committee; I am not too sure.

Q. Was Mr. Innes a member of that Committee?

A. No, he wasn't.

Q. What Committee was Mr. Innes a member of?

A. He wasn't a member of any Committee. He was dispatching tickets, I believe.

Q. Where?

A. In New York. No, he wasn't in New York. He was out here on the Coast during that strike.

Q. Well——

A. (Interposing): It is the spring strike I am thinking of when he was dispatching pickets.

Q. Calling your attention to the fall strike of 1936, did Innes hold any position as a member of the New York Strike Committee?

A. No; he was in San Pedro.

Q. What position did he hold in San Pedro?

[5303]

A. He was Chairman of that Strike Committee there, I believe; the East Coast Seamen's Strike Committee.

Q. So in your testimony yesterday with reference to Mr. Innes, I am not sure that the record is clear on this—I think it may be—when you referred to Innes being a member, or Chairman of the Strike Committee in connection with the 1936 Fall strike, was your reference to the San Pedro Committee in that connection? A. Yes.

Q. Now, while Mr. Innes was out here on the West Coast did you experience, as the Chairman of

(Testimony of Joseph Curran.)

the Seamen's Strike Committee, fall strike, any difficulty with Mr. Innes concerning his carrying out of the policy or program of the West Coast Strike Committee? A. We had——

Mr. Del Guercio (Interposing): If your Honor please, I object to that. There is no testimony here that there was any such.

Presiding Inspector: What is the object of this?

Mr. Gladstein: There is this testimony, if I recall correctly: Mr. Innes testified that he was put on the carpet, and he used words of that kind, and rebuked, or criticised very severely for setting up the East Coast strikers in a separate group apart from——

Presiding Inspector: Wasn't that in your cross examination. [5304]

Mr. Gladstein: I don't know whether it was my cross or not.

Presiding Inspector: If it was your cross examination your are bound by his answers.

Mr. Gladstein: I am pretty sure that he testified on direct, in answer to Mr. Del Guercio's questions, that he, Mr. Innes, got into trouble with the West Coast because he refused to place these East Coast strikers under Communist domination—something of that kind.

Presiding Inspector: Frankly, I can't remember.

Mr. Del Guercio: I don't recall any such testimony brought out in the record.

Mr. Gladstein: However, regardless of this, this question has been touched on as to Mr. Innes during

(Testimony of Joseph Curran.)

the cross examination of Mr. Del Guercio of the present witness. I think I have a right to get the balance of the facts out.

Presiding Inspector: If anything of the kind, even remotely connected with this, was touched upon by Mr. Del Guercio, of course you have.

Mr. Gladstein: I think it was.

Presiding Inspector: I don't remember anything along this line, but it may be there.

Mr. Del Guercio: I haven't asked anything along this line on the cross examination of this witness.

Mr. Gladstein: Well, Mr. Del Guercio asked about Mr. [5305] Innes being in San Pedro, and what his position was, and as to whether there were communications between the two of them.

Presiding Inspector: Yes.

Mr. Gladstein: Now, I think we are entitled to go into the balance of that.

Presiding Inspector: I don't think so necessarily, unless they relate to the fact of whether he did have communications with him, whether he was in San Pedro. If you want to have him explain those matters you may, of course, have that.

Mr. Gladstein: I think there is another ground on which this is material and that is this: Mr. Curran stated that at one time, not only Mr. Innes, but also Mr. McCuistion, was among those trusted by himself, and others in the NMU, and subsequently the reputation of Mr. Innes and Mr. McQuistion changed in the minds of——

(Testimony of Joseph Curran.)

Presiding Inspector: But you can't give individual facts on that point. You are bound by his general statement as to his general reputation.

Mr. Gladstein: But Mr. Del Guercio brought out, by questions of Mr. Curran, brought out that testimony concerning the truthfulness, the conduct of Mr. Innes, during this period of 1936.

Mr. Del Guercio: That was only volunteered by the witness. My questions weren't directed along that line at all.

Mr. Gladstein: We have some notes, and if I may spend a minute I would like to look that up. [5306]

Mr. Del Guercio: It was along the line of whether or not, because of this witness' dealing with those people, whether they had a good reputation at that time, that period of time; while Mr. McCuistion, for instance, was collecting money in behalf of the Seamen's Clubs, on behalf of this rally in Madison Square Garden.

Presiding Inspector: I don't think you can go into individual acts on the truthfulness, or anything, to support the statement, except those that have been gone into on the contrary by Mr. Del Guercio. Frankly, I can't remember anything that touches on this point. I don't say it isn't there, Mr. Gladstein. I don't recall it.

Mr. Gladstein: This is a matter which is also within the knowledge of Mr. Bridges, and can be covered by his testimony if we have a right to cover it at all. So I won't delay the preceedings simply to look up the testimony on this.

(Testimony of Joseph Curran.)

Presiding Inspector: Very well.

By Mr. Gladstein:

Q. Now, are you familiar with the circumstances under which Mr. McCuistion and Mr. Innes had their connection with the NMU severed?

Mr. Del Guercio: You Honor, I object to that as to why they severed their connection with the NMU.

Presiding Inspector: If he is familiar I will take that, "Yes" or "No".

A. Yes. [5307]

By Mr. Gladstein:

Q. Now, with reference to Mr. Innes, will you state what the circumstances were which led to the severance of relationship between him and the NMU?

Mr. Del Guercio: I will object to that, if your Honor please.

Presiding Inspector: Didn't Mr. Innes himself go into that?

Mr. Del Guercio: It was on cross examination, if at all.

Presiding Inspector: Wasn't that gone into on direct examination?

Mr. Del Guercio: I don't believe so.

Mr. Myron: It was all brought out on cross examination.

Mrs. King: If your Honor please, on this issue, it seems there is a problem going to the anti-labor bias of Mr. Innes. I believe it did come out on his direct examination.

(Testimony of Joseph Curran.)

Presiding Inspector: I thought so.

Mrs. King: But in view of your Honor's ruling yesterday with reference to this problem of bias, it seems to me this is not a collateral matter, but a question going to the problem of bias and that we are entitled to get the complete story of what happened.

Presiding Inspector: Let me see the testimony.

Mr. Gladstein: Of Mr. Innes?

Presiding Inspector: Yes.

Mr. Gladstein: On direct I think he was asked whether [5308] or not he had ever been a trade union man, and he said he had been a member of the NMU, and he said something about he no longer was at a certain point.

If your Honor wants to take the morning recess now we can look for it.

Presiding Inspector: No. I am anxious to get this thing straightened out.

(Whereupon a copy of the testimony referred to was handed to the Presiding Inspector.)

Presiding Inspector: It all came out on your cross examination.

Mr. Gladstein: What did?

Presiding Inspector: About this expulsion of Mr. Innes.

Mr. Gladstein: I am sure that Mr. Del Guercio wouldn't have asked this witness to tell about the fact that he was expelled from the union, but I——

Mr. Del Guercio: (Interposing) That statement

(Testimony of Joseph Curran.)

from counsel is uncalled for, if your Honor please. He has no business making it. We haven't produced any anti-labor men in here. This is all a smoke screen that the defense here is putting up. There has not been a single anti-labor witness; no such thing.

Mr. Gladstein: I can name six without thinking.

Presiding Inspector: Just a moment.

Mr. Del Guercio: You can't name a single one.

Presiding Inspector: Just a moment, now.

[5309]

Mr. Del Guercio: Why don't you try the facts?

Presiding Inspector: Now, Mr. Del Guercio, you should address yourself to the Examiner if you want to have anything asked of Mr. Gladstein.

Mr. Myron: This was all on cross examination.

Presiding Inspector: I found it on cross examination.

Mr. Gladstein: While looking for this, has your Honor considered the point that Mrs. King raises, that is, that anything that goes to bias could never be considered collateral?

Presiding Inspector: No. That is true. You can always show bias by other witnesses, but I don't think—I still think that there is no bias here in favor of, or against Mr. Bridges by the fact that a person is a believer in the trade union movement or is not.

Mrs. King: Here you have, if your Honor please, a distinct break between a large CIO union and a member thereof, and——

(Testimony of Joseph Curran.)

Presiding Inspector: How would that affect every member of these unions?

Mrs. King: It would seem to me very clear that as a result of—assuming there was an expulsion, for the purpose of this argument, here is a man who has been attacked by the union for conduct which they have denominated evil, and he has been thrown out of the union as a result of a decision by the union, which is a CIO affiliate. He would naturally [5310] be antagonized against the CIO by such conduct on the part of the union. If it is true that this case is identified in his mind with the CIO, his opposition to his own former union, out of which he has been expelled, that naturally would carry over to the defendant, who is the President of another CIO Union. It seems to me that there is just the same shade of bias involved in this thing as there was in the proposition that you took yesterday when you permitted the witness now on the stand to testify to the attitude of the CIO on the Bridges case. Now, if the one is relevant it seems to me clearly that the other is relevant.

Presiding Inspector: It is a question of remoteness, I suppose.

Mrs. King: But there is the problem of bias involved in the situation, and it seems that the problem should be cleared up, and the situation presented to your Honor, because there may have been a very real antagonism left in Mr. Innes' mind as a result of this incident which we are now trying to bring forth.

(Testimony of Joseph Curran.)

In view of the fact that bias is not a collateral matter, we are consequently not bound by the answer of the witness on the stand, that is, Mr. Innes in this case.

Presiding Inspector: Mr. Innes' statements on the stand are very much along the line of what you want to now produce.

Mrs. King: He said he walked out. [5311]

Presiding Inspector: Oh, no.

Mr. Gladstein: I admit, your Honor, that under cross examination Mr. Innes gave testimony which, from my viewpoint, is favorable to the defense; but I do think that we have a right to go into those things which one couldn't expect to get from a witness under cross examination.

Presiding Inspector: Of course, whether Mr. Innes was expelled or not, you have got it in the record. At least he said he didn't know about it except what he read in the newspapers. But it was evidently in the newspapers.

Mr. Gladstein: Of course, the question of the strength or extent of bias which is established, either expressly or inferentially, to your Honor with respect to the testimony of any witness is also a question. It is one thing to——

Presiding Inspector: But you don't think we can go in and try here the propriety of that decision of the union?

Mr. Gladstein: No.

Presiding Inspector: It might be relevant in the same way.

(Testimony of Joseph Curran.)

Mr. Gladstein: If they wish to question it, it is all right with us, the propriety of the decision of the union.

Presiding Inspector: It wouldn't be all right with me because we would be here a year if we tried all these collateral things.

Mrs. King: I believe that this matter has been litigated. [5312] If your Honor wants a decision on that expulsion I think we can produce it.

Presiding Inspector: You mean in the courts?

Mrs. King: Yes; it has been in the courts.

Presiding Inspector: I am not interested in that.

Mrs. King: I do think we are entitled to get from this witness what really happened as far as the union's point of view on the situation is concerned. He is the President of the Union which expelled this witness, Innes.

Presiding Inspector: You want to prove that he was expelled, is that all?

Mr. Gladstein: No. I wanted the circumstances which led to the termination of relationship in order to show to your Honor the character and depth of the bias which we feel you have a right to infer, as to the testimony of Mr. Innes.

I say, it is one thing for a witness to say, "You can consider maybe I am a little bit biased on such and such a thing," and it is quite a different thing to be able to bring out facts to show that that bias is so extreme that it colors, or could reasonably be considered to color every bit of his testimony. There are degrees of bias.

(Testimony of Joseph Curran.)

Presiding Inspector: You have got that all in the record. Have you re-read that cross examination that I pointed out to you?

Mr. Gladstein: Of Mr. Innes?

Presiding Inspector: Yes. [5316]

Mr. Gladstein: No, I haven't. You mean the small portion referred to here?

Presiding Inspector: Yes.

Mr. Gladstein: No. I turned it back to counsel.

Presiding Inspector: What more could you have than that? I think you are exaggerating this.

Mrs. King: I think, your Honor, that it would take less time to take this testimony, unless there is some real reason for not taking it, if it is merely a matter of time and expedition.

Presiding Inspector: Very well. I will let you have it. Go ahead.

Mr. Del Guercio: If the Court please——

Presiding Inspector: I will let it in over your objection. If you want to say anything more about it you may, in opposition.

Mr. Del Guercio: Yes, I do. On this question of bias, of course, we are going into things pretty remote——

Presiding Inspector: I think so too.

Mr. Del Guercio: (Continuing) ——unless it could be shown that Innes was unjustly expelled. As I understand the testimony, he was expelled in absentia. Whatever action was taken was taken while he was not present. There was no hearing.

(Testimony of Joseph Curran.)

If they could get through this witness here that Innes was unjustly and arbitrarily expelled, perhaps they may be able to establish prejudice of Innes against the Union. I don't [5314] know whether they have that in mind or not.

We could also show that this witness here himself was expelled from the union in about the same kind of a manner. Now, I suppose we can go into that also.

If we let this kind of testimony in we will have to open the thing wide open.

We have got to call a stop somewhere.

Presiding Inspector: I will take it. Go ahead.

By Mr. Gladstein:

Q. Do you understand the question?

Presiding Inspector: You have to be very careful in what you answer. Listen to the question and answer only the question or else we will get into matters which will unduly prolong the hearing. You understand?

The Witness: Yes.

By Mr. Gladstein:

Q. The question I asked was this: Please state what the circumstances were which led to the termination of connections or relationship between Mr. Innes and the NMU.

Presiding Inspector: Only the things that you personally know of.

Mr. Del Guercio: I will object to the question.

Presiding Inspector: I will take it.

(Testimony of Joseph Curran.)

A. The report of the Auditing Committee showed a mishandling of funds on the part of Peter Innes. [5315]

By Mr. Gladstein:

Q. What kind of funds?

A. Funds in relationship to material of the Union in the form of buttons.

Q. That is, Union funds?

A. Yes. In material that was bought for the use of the Union and in buttons and other materials of that type; a shortage of funds and a mishandling of those funds.

Q. Was Mr. Innes involved in a baseball incident, baseball bat incident?

Presiding Inspector: Do you know anything about it?

The Witness: Yes, I do, very much. I was in the center of it.

Mr. Myron: We object to that, if your Honor please, on the further ground—does it have anything to do with the expulsion from the Union?

The Witness: It does.

Mr. Gladstein: If it does, then I am going to ask the question.

Presiding Inspector: All right.

By Mr. Gladstein:

Q. Please state just briefly, Mr. Curran, what were the circumstances.

A. Peter Innes, together with a group, raided

(Testimony of Joseph Curran.)

the office of the Union hall under the smoke screen of driving [5316] out Communists.

Presiding Inspector: When and where was this?

The Witness: This was in, I believe, 1938.

By Mr. Gladstein:

Q. Where did it occur?

Presiding Inspector: Strike out the "smoke screen of driving out Communists."

The Witness: That's what they stated.

Presiding Inspector: You are not to answer except what you are asked.

The Witness: All right.

Presiding Inspector: Now, he may be able to ask that, but don't volunteer.

By Mr. Gladstein:

Q. Where did it occur, Mr. Curran.

A. 126 Eleventh Avenue.

Q. And that was what?

A. That was the Union hall.

Q. And you were present at the time?

A. I was there, yes.

Q. Did you see whether Mr. Innes and the people with him had baseball bats?

A. I did.

Q. Did they use them?

A. They used them.

Q. In what way? [5317]

A. Well, one woman was knocked downstairs.

Mr. De Guercio: I will object to this line of questions.

(Testimony of Joseph Curran.)

Presiding Inspector: Did you see Innes do that?

The Witness: Innes was carrying one of the baseball bats.

Presiding Inspector: Did Mr. Innes knock the woman down the stairs with a baseball bat?

The Witness: I didn't say he did.

Presiding Inspector: Then you had no business in saying anything about it.

Now, you are asked what Mr. Innes did.

Mr. Gladstein: But if Mr. Innes was part of a group that came in with baseball bats, then I think that Mr. Innes is just as responsible as anybody with him in that conspiracy who made the direct blow.

Presiding Inspector: This is going to take us very, very far afield.

Mr. Gladstein: Your Honor knows——

Presiding Inspector: (Interposing) I have ruled this all out unless we find that there were charges served on him.

Mr. Gladstein: Well, I will go to that.

Presiding Inspector: Go right to that.

By Mr. Gladstein:

Q. Was Mr. Innes formally charged in the NMU for the purpose of having him stand trial on those charges? [5318]

Presiding Inspector: "Yes" or "no."

A. Yes.

Presiding Inspector: Was it in writing?

The Witness: It was in writing in accordance with the constitution.

(Testimony of Joseph Curran.)

By Mr. Gladstein:

Q. Do you know whether the charge was served on him?

Presiding Inspector: Personally. Do you know?

A. The charge couldn't be served on Peter Innes personally. The constitution——

Mr. Del Guercio: (Interposing) Then I move that the answer be stricken.

Presiding Inspector: That is all right. I will take that.

By Mr. Gladstein:

Q. What did the constitution provide?

A. The constitution provides that you notify the one to be tried by registered mail, and if you are unable to reach him in that manner a notice is to be published in the Union halls and in the order of the Union that he is to appear for trial. That was done.

Presiding Inspector: Was that done?

The Witness: The notices were posted in the Union halls and the notice was carried in the official organ of the Union.

Presiding Inspector: Was it served on him by registered mail? [5319]

The Witness: We couldn't reach him with a registered mail. The constitution provides that if you cannot serve it with the registered mail the other method of posting and carrying in the official organ is constitutional. He disappeared.

(Testimony of Joseph C[illegible].)

Mr. Del Guercio: There, if your Honor please, there's another "he disappeared."

Presiding Inspector: Strike it out.

By Mr. Gladstein:

Q. You mean, it is true that you were unable to locate him.

A. That's true.

Presiding Inspector: What did you try to do, so far as you know yourself?

The Witness: I as President of the Union carried on the work of notifying the branches——

Presiding Inspector: (Interposing) We are not questioning that, but what did you do? That's it.

The Witness: I sent letters to every port; I notified all the men on as many ships as I could, that if they found hide or hair of Peter Innes to tell him that he was wanted for trial.

By Mr. Gladstein:

Q. Now, what if any action was taken by the NMU officially on the charges against Mr. Innes?

A. The regular procedure was followed. A trial was held [5320] and he was suspended, and the convention summarily adopted a resolution unanimously upholding the verdict of that trial committee.

Q. And what was the verdict?

A. The verdict of the trial committee was that he be suspended for 99 years.

Q. Now, do you know what the circumstances were that led up to the severance of the connection that had theretofore existed between William McCuiston and the NMU?

(Testimony of Joseph Curran.)

Mr. Del Guercio: I will object to that, if your Honor please.

Presiding Inspector: I will take it. The same thing that you have done before——

Mr. Gladstein: (Interposing) Yes.

Presiding Inspector: (Continuing) ——so far as charges are concerned.

Mr. Gladstein: Yes.

A. William McCuistion was charged with anti-Union activities in the form of leading what was known as "goon squads," "chain squads," breaking into Union halls and carrying on in a general manner antagonistic to the Union.

By Mr. Gladstein:

Q. Was he tried?

A. He was tried by the National Convention of the Union.

Q. What is the highest body in the Union?

[5321]

A. The convention.

Q. Do you know whether Mr. McCuistion was aware of the charges that were made against him?

A. He was not only aware of it, he was in the convention illegally and the question of legality as to the entry in the convention was being taken up by the Credentials Committee at the time.

Q. And were the charges on file against him at that time? A. Yes.

Q. And can you state, being present at that convention, whether McCuistion was told or was aware

(Testimony of Joseph Curran.)

while he was at the convention that there were those charges against him?

A. He was aware. They were the basis on which the Credentials Committee refused to seat him.

Q. Now, do you know what ultimate action occurred with respect to the charges against McCuistion?

A. The Convention voted to suspend him for 99 years.

Q. Now, you were asked yesterday about some strike committee minutes and other documents and this M. W. I. U. membership book, and you testified that you had a trunk stolen from your home, containing those documents, some time in the year 1938. Do you know by whom that trunk was stolen?

Mr. Del Guercio: If your Honor please, I will object to that. There was no such testimony. This witness tried as [5322] much as possible to get that in without once answering the question, and——

Presiding Inspector: (Interposing) Oh, yes. He said the trunk was stolen.

Mr. Del Guercio: He volunteered that, if your Honor please.

Presiding Inspector: Well, it's in the record. I don't see how——

Mr. Gladstein: (Interposing) I think it will connect it, your Honor. I first want to ask whether he knows. It may well be, and I am informed, that he cannot say who actually stole the trunk. But I have some further questioning on that subject matter which I think is pertinent.

(Testimony of Joseph Curran.)

Mr. Del Guercio: If criminal charges were preferred, If your Honor please, it might be a proper question. None that I know of have been. This witness says——

Presiding Inspector: (Interposing) I don't know what difference it would make whether there were criminal charges preferred or not.

Mr. Gladstein: I don't either.

Presiding Inspector: I don't see how it is competent in any way.

You want to show that it wasn't any person that was under his control? Why don't you ask him that?

Mr. Gladstein: No. Here is what I wish to show. Very [5323] frankly, your Honor, I wish to show that the trunk was stolen from Mr. Curran's house in the year 1938 and contained documents which a year or so later turned up before a hearing of the Dies Committee, introduced by Mr. McCuistion and Mr. Innes.

That's what I want to show. Now, Mr. Curran is not in a position to say that, as an eye witness he saw Mr. Innes or Mr. McCuistion steal his trunk, but he does know that there were documents in that trunk after that trunk was stolen, with the passage of about a year, which documents, or some of them, that were in that trunk were introduced before the Dies Committee by Mr. Innes and Mr. McCuistion.

I think we are entitled to put that in evidence, your Honor.

(Testimony of Joseph Curran.)

Mr. Del Guercio: We are not trying the Dies Committee here. No document was introduced in this hearing here that belonged to this witness.

Mr. Gladstein: Why, your Honor, during the cross examination yesterday Mr. Del Guercio was looking at photostatic copies in the official Dies Committee Reports of some of these purported letters and documents. For example, the purported communications between Innes and Mr. Curran and other things. And he was asking this morning about a May Day parade. There was a photostatic copy in the Dies Committee records of that showing Joe Curran marching in a May Day parade. All those things were introduced by McCuistion and Innes. I have read that [5324] record and I say that.

Mr. Del Guercio: The letters that I was looking at were the letters that this witness admitted writing to McCuistion.

Presiding Inspector: He didn't admit them and you didn't put the letters in. There is no proof in the case about these letters.

Mr. Del Guercio: That is correct.

Presiding Inspector: He said he "might have" written them, but there is no proof.

You want to prove a criminal act on the part of these people. You can't do that.

Mr. Gladstein: No, that isn't the purpose. Certainly, the proof lends itself to that inference being taken from it, but if you will recall,——

(Testimony of Joseph Curran.)

Presiding Inspector: (Interposing) That isn't——

Mr. Gladstein: (Continuing) ——Mr. Curran was asked about whether his records would show this and whether his records would show that, and his memory was probed regarding specific events that occurred during 1936 in that approximate time. He said that many of the things that were being asked about were matters of record, that he had those records at one time, that they were in a trunk in his home and it was stolen in 1938. He didn't at the time, as counsel would try [5325] to have you believe, say it was stolen by Innes or stolen by McCuistion or anything of the sort. I think, though, we are entitled to have him show that those very same documents, which to your Honor might seem rather queer, that the witness wouldn't have them or be willing to make them available or something of that sort——we would like to have your Honor know that those same documents were in the hands of the Dies Committee, that they were given to the Dies Committee by the two witnesses who appeared here, Innes and McCuistion. For all I know, they may be in the hands of Mr. Del Guercio. I don't know. At least they were given to the Dies Committee. And the record shows, if it shows anything, that there is certainly no lack of cooperation between men like McCuistion and Innes and a committee like the Dies Committee and its representatives and the representatives of the FBI and

(Testimony of Joseph Curran.)

the representatives of the Associated Farmers and of the Los Angeles Police Squad.

There is this——

Presiding Inspector: (Interposing) I think you had better leave all this until you finally present the case for decision. It seems to me it has no point in the discussion of this question of the admissibility of this evidence. Now, you have established that this trunk of this man—and I suppose it will be contradicted—was stolen. That is all you need to establish so far as the absence of the articles is concerned. [5326]

Mr. Gladstein: I think I can perhaps approach it this way and I think legally I am correct in doing so, your Honor. But at any rate, in spite of objections that I anticipate, let me ask this question. I withdraw the last question.

By Mr. Gladstein:

Q. Mr. Curran, in the trunk which you testified was stolen from your house in 1938 were there documents which later on turned up before the Dies Committee?

Mr. Del Guercio: I will object to the question, if your Honor please, as being immaterial. He had a million documents in that trunk that turned up before the Dies Committee—if he did, I am not admitting that there were—we are not concerned with that in this hearing. No such document has been introduced in this hearing. There is no such evidence in this hearing.

(Testimony of Joseph Curran.)

Presiding Inspector: Let me hear the question.

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: I will take that.

"Yes" or "No."

A. Yes, there were.

By Mr. Gladstein:

Q. Now, did you examine the Dies Committee Reports with specific reference to the testimony of Mr. McCuistion and Mr. Innes? Have you examined those reports? [5327]

Mr. Del Guercio: I will object to that, if your Honor please. We will have to go into the whole, entire testimony of the Dies Committee and introduce the whole thing here in this hearing.

Presiding Inspector: Very well.

Mr. Del Guercio: Do we want to do that?

Presiding Inspector: I don't see whether this man has examined this report or not is of any materiality.

Mr. Gladstein: I think it is preliminary to the next question and qualifies him to answer the next question. I don't see why Mr. Del Guercio should object to having this record show that Mr. Curran read the testimony of Mr. Innes and McCuistion before the Dies Committee.

Mr. Del Guercio: I will tell you why I am objecting to that. Because we are going so far afield here that we are forgetting that we are trying Harry Bridges.

(Testimony of Joseph Curran.)

Presiding Inspector: We are not "trying" Harry Bridges. We are investigating a very narrow point in relation to Mr. Bridges.

Mr. Del Guercio: Don't they have some evidence to contravert the evidence that the Government has introduced? This is a fact-finding body. We are looking for facts. What facts? The fact as to whether Bridges is a member of the Communist Party. Not what the Dies Committee did, not whether this witness ever had a trunk or didn't have a trunk and, if he had a trunk, whether [5328] it was stolen or not. I don't know whether he had a trunk.

Mr. Gladstein: So Mr. Del Guercio will understand——

Mr. Del Guercio: (Interposing) The witness said he was broke around that time and traveling in jaloppies.

Mr. Gladstein: So Mr. Del Guercio may understand the theory of the Defense, because he has asked this question a number of times, your Honor, ——

Mr. Myron: (Interposing) I don't think it is necessary to give us the theory of the Defense.

Mr. Gladstein: I would like to continue my statement.

Presiding Inspector: Let Mr. Gladstein continue with his statement.

Mr. Gladstein: So Mr. Del Guercio won't ask again why we are not contraverting his testimony, we are establishing, and certainly we contend that

(Testimony of Joseph Curran.)

we are establishing, that the witnesses that Mr. Del Guercio has relied on have lied, your Honor. That is the purpose of the testimony we have put in. We can argue whether the proof has been established one way or the other, but at least it should be clear to anyone what the theory of the Defense is.

Now, I think it is needless to have this same question asked by Mr. Del Guercio. I think it is the fourth or fifth time that he has asked that.

Mr. Del Guercio: In view of counsel's statement that the Government's witnesses are liars, I would also like to make [5329] the statement that every witness the Defense has brought here are liars.

Presiding Inspector: I don't think that adds much to the investigation.

Mr. Del Guercio: As much as his statement. That is my opinion. And I say it in seriousness, not in jest.

Presiding Inspector: The opinion of either of the representatives of the respective parties are entirely immaterial here, and they don't move me at all unless they are substantiated by the evidence.

Now, I will let the witness answer this very simple question. "Yes" or "No".

Mr. Gladstein: Do you recall the question?

Presiding Inspector: Have you read the testimony of the Dies Committee given by Mr. McCuistion and Innes? A. Yes.

(Testimony of Joseph Curran.)

By Mr. Gladstein:

Q. Now, can you state, based on that examination, whether any of the documents or written records that were in the trunk that were stolen from you in 1938 were introduced before the Dies Committee by Mr. McCuistion and Mr. Innes?

Mr. Del Guercio: I will object to that, your Honor.

Mr. Gladstein: As it appears from the record.

Presiding Inspector: Well, don't you think you had better put in the record?

Mr. Gladstein: He would have to answer that first based [5330] upon his examination and then, if it is a question of specific documents, we can go to the record.

Presiding Inspector: Well, I can see that this —I will take it.

Mr. Myron: His testimony is taken from the record. He said that he has read the testimony, and from reading the testimony he will draw certain conclusions and, therefore, the record——

Presiding Inspector: (Interposing) We are trying to avoid the technicalities as much as we can. I will take it.

Mr. Gladstein: Do you wish to have the question read to you or do you have it in mind?

A. Yes.

Mr. Gladstein: Now, does your Honor wish the documents referred to specifically?

Presiding Inspector: No.

(Testimony of Joseph Curran.)

By Mr. Gladstein:

Q. Now, yesterday, Mr. Curran, you were asked by Mr. Del Guercio whether the CIO was interested in knowing if Harry Bridges was a Communist, whether you knew of the CIO knew whether Mr. Bridges was a Communist. Do you wish to add anything to the answers that you gave on that subject matter?

Mr. Del Guercio: Well, if your Honor please, I object to that as being improper. The witness had every opportunity [5331] to answer that question.

Presiding Inspector: This is redirect. This is redirect. He can ask him to explain anything that he said in answer to your questions, Mr. Del Guercio.

But I think you had better direct his attention to something.

Mr. Gladstein: Well, there were a series of half a dozen questions. None of them is specifically in my mind, but the subject matter was generally as I have indicated in my question.

Presiding Inspector: All right. Go ahead.

The Witness: What was the question, please?

Presiding Inspector: Do you want to add anything to the answers that you gave to Mr. Del Guercio about whether these various people were or were not Communists?

Isn't that it?

Mr. Del Guercio: Do we want a prepared statement or is his testimony now spontaneous?

(Testimony of Joseph Curran.)

Presiding Inspector: We want a statement from this man.

A. Well, the only thing I wanted to add to it was that the CIO had very carefully, as far as I know, most of the executive officers, been aware of the fact that the Bridges case was already tried and that the decision of the Dean Landis hearing was that he was not. The CIO was satisfied that he had been tried and acquitted and that he was not a Communist, and [5332] therefore, voted every support to the defense of Bridges, which they believe was and do believe and will continue to believe is an attack against labor and not against Bridges as such.

Mr. Gladstein: That is all.

Recross Examination

By Mr. Del Guercio:

Q. Did Mr. Innes appear before your Union and defend himself against the charges made by you and your Union? A. I made no charges.

Q. Who made the charges?

A. The Auditing Committee elected by the membership.

Q. Well, did Innes appear?

A. Innes took a "run-out powder".

Q. What? A. He disappeared, faded.

Q. "Run-out-powder"? A. Yes.

Q. You are the President of a Union?

A. Yes.

Q. And you spoke for this Peace Mobilization

(Testimony of Joseph Curran.)

Plan, one of the delegates to the Peace Mobilization Plan. Now, I will ask the question again: Did Innes appear——

Presiding Inspector: (Interposing) Now, you can answer that "Yes" or "No". [5333]

By Mr. Del Guercio:

Q. (Continuing) ——Before your Union and defend himself against the charges——

A. (Interposing) No.

Q. (Continuing) ——Preferred against him?

A. No, he did not.

Q. Huh? A. No, he did not.

Q. Did McCuistion appear before your Union and defend himself against the charges preferred against him by your Union?

A. No, he did not.

Q. Have you ever been expelled from a Union?

A. Yes.

Q. From what Union? A. The ISU.

Q. And under what circumstances were you expelled?

A. I and 17 others were expelled for being responsible for the so-called outlaw strike in 1936 and the so-called mutiny on the California and for fighting against the fakers in the ISU, without trial.

Q. Were charges preferred against you?

A. No.

Q. Huh? A. There was no trial. [5334]

Q. How were you expelled?

(Testimony of Joseph Curran.)

A. I was expelled through the medium of the New York Times.

Q. Through the medium of the New York Times. Did the New York Times run the Union at that time?

A. No. It ran the notice that the officials had put in.

Q. What Union did you belong to at that time?

A. The International Seamen's Union of America, affiliated with the American Federation of Labor.

Q. And you were expelled from that, weren't you? Thrown out?

Presiding Inspector: He said so.

A. I and 17 others; yes, sir.

Presiding Inspector: We don't care about the 17 others.

By Mr. Del Guercio:

Q. Did you have a trial? A. No, sir.

Q. Huh? A. No, sir.

Q. Did you ever read the testimony in the previous trial against Harry Bridges?

A. No, I read the decision.

Q. Just the decision, not the testimony?

A. And I read parts of the trial, too, that were in [5335] the——

Q. (Interposing) Parts of the trial?

A. Parts of the trial that appeared in the papers. I followed it in the papers; read the decision.

(Testimony of Joseph Curran.)

Q. Did Harry Bridges or Mr. Gladstein here or Mr. Grossman or Mrs. King make available to you a transcript of the testimony that was adduced at the previous hearing?

A. No, they did not.

Q. Did they make it available to the officials of the CIO? A. I don't know.

Mr. Del Guercio: That is all.

Mr. Gladstein: I might mention for the record before I ask the question of Mr. Curran that Mr. Lee Pressman, the General Counsel of the Congress of Industrial Organizations was an attorney of record in the previous hearing in this case.

Redirect Examination

By Mr. Gladstein:

Q. When you and the 17 others were expelled from the ISU, Mr. Curran, how many members were left in the ISU, if you know?

A. When we were expelled, I believe that almost all of the members of the ISU stopped paying dues in the ISU as such. It is pretty hard to say. [5336]

Q. Does the ISU as such exist today?

A. No.

Mr. Gladstein: That is all.

Recross Examination

By Mr. Del Guercio:

Q. Do you want us to believe that it doesn't exist because you were expelled from that Union?

A. Believe what you like. I don't know.

(Testimony of Joseph Curran.)

Q. Is that what you want us to believe?

A. I didn't create that impression, no. I didn't attempt to do that. I merely answered a question.

Mr. Del Guercio: That is all.

Presiding Inspector: What did you mean when you said they stopped paying dues?

The Witness: I meant they were completely dissatisfied, your Honor, with the leadership of that Union and felt that it had been completely dishonest, and, therefore, stopped paying dues. That is what I meant to convey.

Presiding Inspector: You didn't have anything to do particularly with this expulsion?

The Witness: No, not particularly. The whole general situation in the Union was bad.

Presiding Inspector: It crumpled up about that time?

The Witness: Yes.

Mr. Gladstein: That is all, your Honor.

Presiding Inspector: That is all.

(Witness excused.) [5337]

Presiding Inspector: We will take a short recess.

(Whereupon a short recess was taken.)

Presiding Inspector: Call the next witness, Mr. Gladstein.

HARRY RENTON BRIDGES

called as a witness in his own behalf, having been previously duly sworn, testified as follows:

Direct Examination

By Mr. Grossman:

Q. Your name, please?

A. Harry Bridges. The middle name is Renton; R-e-n-t-o-n.

Q. Where were you born, Mr. Bridges?

A. Melbourne, Australia.

Q. Did you go to school in Australia?

A. I did.

Q. What schools did you go to there?

A. Ordinary private schools, grammar schools and later on a Junior College.

Mr. Del Guercio: Will you have the witness speak a little louder, please. I can't hear.

Presiding Inspector: Yes. Speak a little louder.

Mr. Del Guercio: May I make the suggestion here? To get a little closer?

By Mr. Grossman:

Q. How many years did you live in Australia?

[5338]

A. Until—I left around Christmas, 1910; before Christmas.

Q. In what year were you born?

A. 1901, July.

Q. Are your parents at the present time resident in Australia? A. They are.

(Testimony of Harry Renton Bridges.)

Q. What is the occupation of your parents?

A. My father was a realtor.

Q. Is he now? A. He is now.

Q. Did you ever do any work in Australia?

A. Yes.

Q. What kind of work did you do?

A. Shortly after leaving school I worked in the office of a stationery firm for a short while and then I went to sea.

Q. Did you ship back to Australia when you first began to ship?

A. Oh, yes. From Australia and back to various parts.

Q. About how long did you ship from and back to Australia?

A. Oh, for about five years; four or five years.

Q. Did you work in any particular department of the [5339] ships?

A. On deck, an able seaman.

Q. When did you first arrive in the United States; any kind of an arrival? A. 1918.

Q. And were you working in the crew of a ship at that time?

A. I was on a British ship, an Australian ship.

Q. Did you return to Australia after that time?

A. Yes.

Q. When was the next time you arrived in the United States? A. That was the only time.

Q. I assume you mean that was your only temporary—that was your first temporary arrival and

(Testimony of Harry Renton Bridges.)

your only temporary arrival. But what about the next arrival? A. 1920, April.

Q. Were you a member of a crew then?

A. I was.

Q. Did you continue to remain a member of the crew after you entered the United States?

A. I left that ship.

Q. At what port did you leave the ship?

A. San Francisco.

Q. Did you continue to ship after that? [5340]

A. I did.

Q. For about how long?

A. Until the end of 1922.

Q. Did you ever work for the Geodetic Survey?

A. I did.

Q. During what years?

A. From, I think it was, February or March of 1922 until, I think, September 1922. That was my last trip to sea.

Q. I beg your pardon?

A. That was my last trip to sea.

Q. After that what work did you do?

A. I worked—the first real work ashore that I did was in San Francisco in the fall of 1922. I forget the firm I worked with or what I was doing. It was a paint firm, I think, and then later on—I forget the exact time—I went to work as a longshoreman in San Francisco.

Q. Have you worked as a longshoreman ever since, continuously?

(Testimony of Harry Renton Bridges.)

A. Yes. At least since the latter part of '22 or the early part of 1923.

Q. Have you done any substantial amount of other work except holding a Union office since that time? A. Nothing else.

Mr. Del Guercio: Well, I will object to that.

[5341]

Presiding Inspector: I will take it.

A. (Continuing) : I have held a Union office since May 1934 and I have not worked as a longshoreman since.

Presiding Inspector: Of course, it was leading. But this is all preliminary.

Mr. Del Guercio: May I have that last question, please?

Do I understand that you haven't worked since you became a Union official?

The Witness: Not as a longshoreman.

Mr. Del Guercio: Will you read the answer?

(The answer referred to was read by the reporter as follows:

"A. (Continuing): I have held a Union office since May, 1934 and I have not worked as a longshoreman since.")

By Mr. Grossman:

Q. When was the first time that you belonged to a Union? A. In Australia.

Q. About when and what Union was it?

A. Around 1915 or so; the Australian Seamen's Union.

(Testimony of Harry Renton Bridges.)

Q. For what period of time were you a member of that Union?

A. That's hard to say. The way the Union functioned there, you withdrew from it, you took a temporary withdrawal card when you sailed in sailing vessels; then your card operated again when you went in steam. [5342]

Mr. Del Guercio: I will object to that and have the answer stricken out as not responsive.

Mr. Grossman: I think it is quite responsive, your Honor.

Presiding Inspector: I will take it. Go ahead. I will allow it to stand.

By Mr. Grossman:

Q. I take it, then, you never returned to sailing vessels?

A. I was in sailing vessels most of the time except a couple of trips I made in steam.

Q. I mean you never returned to steam vessels. Is that the thing that would discontinue your membership?

A. That's right. The effect of it was that my book was generally held in headquarters or the branch that I was attached to most of the time I went to sea there, and it was there and it is still there.

Q. When was the next Union you belonged to?

A. The Sailor's Union of the Pacific.

Q. When did you join?

A. Immediately when I landed in San Francisco: April, 1920.

(Testimony of Harry Renton Bridges.)

Q. For what period were you a member of that Union?

A. Until around June or July, 1921, or later. As far as the actual affiliation is concerned, I would say it was [5343] later on in the fall; a few months after the end of the 1921 seamen's strike.

Q. Did you hold any Union position in the Seamen's Union in Australia? A. No.

Q. Did you hold any Union position in the Sailor's Union of the Pacific?

A. Not any official position other than maybe a ship's delegate, committee member once in a while, and during the strike I was a picket captain.

Q. During the 1921 strike? A. Yes.

Q. Where were you during that strike?

A. In the City of New Orleans.

Q. When was the next time you joined the Union?

A. I joined the IWW during the strike, 1921.

Q. What Union was it that you joined in the IWW?

A. The Marine Transport Workers, 510.

Q. How long were you a member of that Union?

A. A few months. I can't exactly recall how long, but a few months.

Q. How did your membership in that Union become discontinued or severed?

A. I didn't like some of the tactics and the policies of the Union and did not believe that they would bring about [5344] the things that I had in mind as an individual at that time.

(Testimony of Harry Renton Bridges.)

Q. Did you drop out?

A. I dropped out.

Q. When was the next time you belonged to a Union?

A. 1934. That's excluding the Company Union that I don't recognize as a Union. Oh, in 1924 for a short while we revived the Longshoremen's Union affiliated with the American Federation of Labor in San Francisco, but that only lasted a few months.

Q. Was that Union affiliated with the International Longshoremen's Association.

A. That's right.

Q. Was there any American Federation of Labor Union functioning among the longshoremen in San Francisco during the time that you were a longshoreman that you did not belong to?

A. No.

Q. When did you say after this time in 1924 was the next time you belonged to a Union?

A. 1933, June.

Q. What Union did you join at that time?

A. ILA; International Longshoremen's Association.

Q. Mr. Bridges, was there any relationship between the working conditions on the waterfront in 1934 and the development of the 1934 strike? [5345]

Mr. Del Guercio: I will object to that, if your Honor please, as not being material and at issue in this case, conditions at that time.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: Just a moment! Now is that material?

Mr. Grossman: Your Honor, that's a preliminary question.

Presiding Inspector: Very well.

Mr. Grossman: I might as well state what it is preliminary to.

Presiding Inspector: Yes.

Mr. Grossman: It is a preliminary question in order to introduce the question of the conditions that were in existence, the working conditions at the time the strike developed, which goes to explain the various activities of Mr. Bridges, what cooperation there was with the Marine Workers Industrial Union, what connection he had with the Waterfront Worker, why the men joined the Union, why they set up the Albion Hall group; all these things that have been testified to or referred to or in which there are claimed admissions. And this is the objective working conditions at that time.

Presiding Inspector: Very well. I will take it with that understanding.

A. All the issues and demands of the '34 strike grew out of the conditions on the waterfront at that time, and pre- [5346] vious.

By Mr. Grossman:

Q. All right. Can you state what were the conditions on the waterfront that eventually resulted in the 1934 strike?

A. There were numerous conditions that were objected to by all the men. The main one——

(Testimony of Harry Renton Bridges.)

Mr. Del Guercio: (Interposing) As I understand it, is this within the witness' knowledge or what he has gleaned since or read about?

Mr. Grossman: Within the witness' knowledge.

The Witness: Conditions that I worked under and suffered under for a long time and fought to get rid of, and the reason that the Union was organized and eventually struck and won, definitely within my own knowledge.

By Mr. Grossman:

Q. Will you proceed to state those conditions, Mr. Bridges?

A. The first and the main condition was the blacklist or the discrimination against everybody that expressed themselves in any way against the conditions.

Q. How did that work out?

A. You just didn't work. If you persisted you just didn't stand much of a chance of making any type of a living in the industry.

Q. What forms of protest against conditions were [5347] sufficient to invoke the blacklist?

Mr. Del Guercio: My objection goes to all this line of inquiry, your Honor.

Presiding Inspector: Yes. I will take it.

A. A spoken protest, a mere objecton to doing this, that, or the other thing while working; the mere objection to the type of operation being performed; the mere objection to the unsafe conditions under which the work was performed; and objec-

(Testimony of Harry Renton Bridges.)

tion to the various forms of what we call "chiseling" on your pay and the payroll; all too numerous to mention. I could go on for many, many minutes telling you all about them.

By Mr. Grossman:

Q. Was this blacklist invoked by all the employers of longshore labor in the Port of San Francisco?

A. No. There were exceptions. The United States Army Transport dock did not belong to the Employers' Association and, therefore, did not indulge in the discrimination to any broad degree. There was certain discrimination. The Australian ships and what we would call the "Australian Dock," was another "haven of refuge", as we used to know them. The Japanese docks was another one. They were the three main ones where, when you were generally blacklisted by all the other companies, you could generally find a job now and again on those docks. [5348].

Q. Was there any condition with relation to hiring, the method of hiring that in any way brought about the 1934 strike?

Mr. Del Guercio: I will object to that, if your Honor please. The witness has just gone into that. He has testified as to what the conditions were. Now counsel is suggesting another line.

Mr. Grossman: Any other.

Presiding Inspector: I will allow him to add anything else.

(Testimony of Harry Renton Bridges.)

A. Yes: One of the worst complaints that the men had was the method of hiring. They were required to congregate every morning at six o'clock or seven o'clock on the sidewalks on the waterfront in front of the Ferry Building and then they would be selected by the straw boss or gang foremen who would pick them up in a gang and take them to work. And it placed such amount of power in the hands of a petty foreman that he could exploit the men in many ways and did; collect part of their pay on percentage for giving them a job, require that they purchase liquor at this, that or the other place, and such things as that. So, one of the deep-seated complaints of the men was the method of hiring and the discrimination allowed and all the abuses that went along with it.

Q. Was an expression commonly used to describe this [5349] method of hiring?

A. The "shape-up".

Q. What were the other grievances of any of the men that contributed to the development of the 1934 strike?

A. The "speed-up". The speed-up in the way that the speed that the men were forced to physically work at, eliminating a certain amount of the men from a job and, therefore, requiring a smaller number of men to do the work; the amount of tonnage handled by the men, so much per man per hour; the hazards, the safety, or the hazards that such operations brought about that resulted in num-

(Testimony of Harry Renton Bridges.)

erous injuries and deaths. And, well, I would say that about covers that.

Q. Was there a problem of an alleged—withdraw that. I will put it this way:

Did the men have any grievances based upon their allegation that a company union or some company unions were operating on the waterfront before the 1934 strike?

Mr. Del Guercio: I will object to that as being suggestive and leading.

Mr. Grossman: Of course it is suggestive.

Presiding Inspector: I will take it. It is merely directing his attention.

Mr. Grossman: It is quite obvious that Mr. Bridges knows more about this situation than I do.

[5350]

Mr. Del Guercio: We don't question that.

A. The Company Union was the apparatus through which the employers continued and increased the speed-up, prevented any organized protest or organized opposition to the various complaints, and was also the apparatus by which the petty graft was carried on against the men on the waterfront. [5351]

By Mr. Grossman:

Q. What was the name of the Company Union?

Mr. Del Guercio: I cannot hear counsel.

By Mr. Grossman:

Q. What was the name of the Company Union?

A. I am not quite sure of the technical name,

(Testimony of Harry Renton Bridges.)

but I think it was the San Francisco Longshoremen's Association. It was widely known by the men on the waterfront as the Blue Book.

Presiding Inspector: Blue Book?

The Witness: Yes. It came about because the union book required to be carried was blue in color.

By Mr. Grossman:

Q. You said you were required to carry this blue book. What was the basis for that statement?

A. They had a complete closed shop, and if you didn't have one you didn't work except on the two or three docks that I have mentioned.

Q. Did dues have to be paid into the union to remain a member? A. Yes.

Q. How much were the dues?

A. 75 cents a month and assessments occasionally.

Q. During what period of time did the Blue Book Union function? [5352]

A. All the time I was on the waterfront. It was already operating on the waterfront when I first started to work and it was not put out of existence until October 1933.

Q. What put it out of existence in October 1933, if you know?

A. The International Longshoremen's Association.

Q. Did the Blue Book Union ever do anything at all to improve the working conditions of the longshoremen?

(Testimony of Harry Renton Bridges.)

A. Not a thing to my knowledge.

Q. Can you state what the average earnings of longshoremen were on the San Francisco waterfront before the 1934 strike? A. $15.00——

Mr. Del Guercio: (Interposing) I object, if your Honor please, to the question as not being material or adding anything to any issue in this case.

Presiding Inspector: I think I will take it. But wouldn't it be better to give it by the hour?

Mr. Grossman: I don't think that would be a fair test. Mr. Bridges can explain it.

Presiding Inspector: If Mr. Bridges knows how much the average longshoreman worked, I suppose——

Mr. Grossman: (Interposing) We will give it both by the hour—both the total average earnings and what the men earned by the hourly wage. [5353]

By Mr. Grossman:

Q. What were the average hourly wages for longshore work in San Francisco before the strike?

A. 85 cents an hour. But that represented a 10 cent an hour increase that was received on account of the organization of the union. Prior to the union organizing, and receiving this gratuitous increase, which was given to try and block the organization of the union, the wages were 75 cents an hour. But the hourly wages meant nothing. You could not compute earnings on the basis of hourly wages.

(Testimony of Harry Renton Bridges.)

Mr. Del Guercio: I will object to that as the witness'——

Presiding Inspector: I think I will take it.

Mr. Grossman: It is in the interest of saving time.

Mr. Del Guercio: We are not saving time by going into all these matters.

Presiding Inspector: This was all gone into in the other case.

By Mr. Grossman:

Q. Why do you say, Mr. Bridges, that the hourly wage didn't mean anything?

A. You can get $10.00 an hour, but if you don't get an hour's work you don't make anything. It is the work that counts. The work on the waterfront is casual labor. It is a high hourly rate, it is true, because of the casualness of the work. But what you have to supply is first work and then a sufficient amount of money to pay you for that work.

[5354]

The operations, or the method of operating at that time, and the way the men were hired, why you could go two or three weeks, or a month, without work, and then make $50.00 a week, and then spread it out over the whole month, which made the average wage of all the longshoremen at that time between $10 and $15 a week.

Mr. Del Guercio: If your Honor please, I move to strike out the witness' answer. Let us have an understanding right here as to whether or not this is going to be an opportunity here for the witness

(Testimony of Harry Renton Bridges.)

here to expound his theories, or whether we are going to confine ourselves to the issues here. We don't mind listening to Mr. Bridges but——.

Presiding Inspector: I know what the issues are. I will take this.

Mr. Grossman: I don't wish there to be any misunderstanding. It is definitely our theory that it is quite appropriate for Mr. Bridges to expound his theories, because I don't have to explain why that is relevant to this case. Mr. Bridges is the one, whether this is a hearing or trial—nevertheless, Mr. Bridges is here in the dock and——

Presiding Inspector: Aren't you in agreement with the ruling that I have just made?

Mr. Grossman: Yes, but I want to make this clear.

Presiding Inspector: I don't think I would argue it.

Mr. Grossman: From now on we expect to go into all Mr. [5355] Bridges' theories.

The Witness: May I say, I am speaking from statistics and figures I have in mind.

Mr. Del Guercio: Is there a question pending?

Presiding Inspector: No yet.

By Mr. Grossman:

Q. What union was it that being organized caused the 10 cents an hour wage raise?

A. The International Longshoremen's Association.

Q. And as of what time was that?

(Testimony of Harry Renton Bridges.)

A. Chartered in June, 1933, by the American Federation of Labor and the ILA International.

Presiding Inspector: Could you give us how many men there were working as longshoremen on the waterfront at that time?

The Witness: It changed, your Honor. It used to be a habit at that time that everybody in the city almost, when they were looking for a job for a few days, they naturally seemed to get down to the waterfront. The number of men working changed and it would be anywhere from between 3000 and 5000; even though there might only be, the way this thing was handled, there might only be jobs as of a certain date for as many as 800, 900, or 1500.

By Mr. Grossman:

Q. Was there a demand during the 1934 strike for a union [5356] hiring hall?

A. That was the main demand; finally the sole remaining demand.

Q. What were the conditions, if any, that caused the men to raise that economic demand?

A. For the purpose of equalizing——

Mr. Del Guercio: (Interrupting) I object to the question.

Presiding Inspector: Haven't you been over that?

Mr. Grossman: This is one of the things that led up to it.

Presiding Inspector: I will take it. I think this witness is entitled to give his theories as meeting the entire case of Communist affiliation, or mem-

(Testimony of Harry Renton Bridges.)

bership activities, made by the Government. I am going to rule with great liberality on allowing him to give his whole story in this hearing.

A. The demands for the strike were four in number. They were dropped one by one as the strike went on, except there was only one demand left, and that was for a union hiring hall.

The purpose of the demand for the union hiring hall was for an equal distribution of the work; in other words, that the work, available work, would be distributed in such a way that all the men engaged in the industry over some period of time, providing they qualified as having worked a major part [5357] of their time in the longshore industry, were entitled to a living. The basis of the hiring hall was to so distribute the available work to meet the needs of the port, that is, to load the ships, and at the same time assure some measure of a living to all the men in the industry.

By Mr. Grossman:

Q. Were the earnings of longshoremen unequal before the 1934 strike?

Mr. Del Guercio: I can't hear.

By Mr. Grossman:

Q. Were the earnings of the longshoremen unequal before the 1934 strike? A. They were.

Q. Will you give some examples?

A. The bulk of the men, a group of men, what they called star or preferred men, numbering between 900 and 1300, made good money. They would

(Testimony of Harry Renton Bridges.)

average between $40.00 and up to $70.00 a week. The other 2500 or 3000 men filled in, got casual jobs here and there, and their average wage could be all the way between $8.00 and $20.00 a week.

Q. Were any attempts made to organize—withdraw that. What attempts were made to organize non-Company unions while you were working as a longshoreman on the waterfront until 1933?

A. One attempt was made in 1924. The union grew to [5358] approximately 500 men. That was also a local of the ILA. Four of the five hundred turned out in the 1924 Labor Day parade and the Company Union agents listed all of them and blacklisted most of them, and that ended that attempt for some time to come.

Later on, for a while, around 1926 or 1927, the IWW made an abortive attempt to organize, but didn't get very far.

They didn't get anywhere, as far as I recall, until in 1928, when there was an attempt to affiliate, and there was actual technical affiliation, to some degree, which did take effect, of the Company Union, or the Blue Book Union, to the American Federation of Labor.

However, the majority of the men on the waterfront were opposed to that, when it was made clear to them, and they voted against it.

Outside of those attempts there were no others. Well, there was the Marine Workers Industrial Union which, in 1932, attempted to organize the waterfront.

(Testimony of Harry Renton Bridges.)

But none of these attempts, outside of what I stated, came to anything. The most successful was the one in 1924 when they grew to a membership of around 500.

Q. You mentioned one example of discrimination against the men parading in 1924. Were there any other examples of discrimination during this period for union membership or union activity?

[5359]

A. Numerous ones. There were frequent occurrences where a man would be blacklisted along the entire waterfront; plenty of them. I can't remember the names of the fellows off-hand, but there were quite a few for different reasons.

Q. Can you state why the ILA was not well organized on the waterfront before 1933?

A. Before 1933?

Q. Yes.

A. Well, they had to overcome the very effective organization and the contracts of the Company Union. The employers were in full control. They had full control of the jobs. If they didn't want you, you didn't work. They operated under this Company Union with this contract, and they were successful and able to head off and smash any proper organization.

Q. During the time that you were a longshoreman, up to 1933, were the seamen well organized, that is, the seamen that sailed in and out of the Port of San Francisco?

(Testimony of Harry Renton Bridges.)

A. No. The seamen remained practically unorganized after the breaking of the 1921 strike until after the 1934 strike.

Q. Were any of the waterfront workers well organized during that period? A. No.

Q. Will you please describe the beginnings of the [5360] organization into the ILA in 1933?

Mr. Del Guercio: Just a minute. What is the question?

(The question referred to was read by the reporter as above recorded.)

A. Organizing the ILA followed the advent of the NRA. However, at that time conditions had reached a low point where everybody was pretty desperate. Everybody had reached a point where they practically had nothing to lose any more and they were willing to take a chance on anything. There had been a lot of agitation on the waterfront, at least, a little agitation, for a couple of years past.

The Communist Party was on the waterfront in 1931 and 1932. That is the earliest I can recall them.

There were some IWW organizers around at that time.

Then there was the Marine Workers Industrial Union.

They were all distributing literature on the waterfront. Occasionally, and more or less regularly, there were speakers of the three groups.

All of this agitation had some effect because they

(Testimony of Harry Renton Bridges.)

had a fertile field to work in. It educated the men to some degree. Therefore, the ground work had been well prepared when the NRA came along and the men flocked into the ILA practically overnight. The other groups didn't make much headway. Everybody was sympathetic to them. They spoke the language of the waterfront workers in so far as an attack on conditions was concerned. [5361]

Q. Who spoke the language of the waterfront workers?

A. The various groups, the "Wobblies," that is, the IWW, the Marine Workers Industrial Union, the Communists—they all got a sympathetic ear. Anybody that would come down to the waterfront and attack the Blue Book, they talked everybody's language. They didn't have to agree with them on that. It was the same with the Marine Workers Industrial Union and the same with the IWW. When they spoke against the bad conditions, when they spoke against the shape-up, when they spoke against the graft and the chiseling and the corruption, everybody agreed with them and that they were telling the truth. What they didn't have was a concrete program for the placing of workers on the waterfront. That was all.

Q. What part did you play in the organization of the ILA in 1933?

A. I was one of the people on the waterfront that advocated the men joining the union. I simply played the part, at first, as an ordinary rank and file worker, and then a month or six weeks after the

(Testimony of Harry Renton Bridges.)

whole matter got rolling I started, to the best of my ability, a movement to see that the union would be publicly established on a democratic basis.

For that reason a few of us organized a committee that we called the Committee of 500, and we distributed a leaflet demanding immediate elections, and an immediate adoption of the constitution, and immediate meetings of the membership [5362] so we could start to discuss union problems. We were having some difficulty along that line. That was around July 1933 when we eventually got the meetings and eventually the constitution was adopted, and we held our first election.

Q. What difficulties were you having?

A. The local A. F. of L., American Federation of Labor, officials at that time were still trying to support the Company Union. They had declared our union not——

Mr. Del Guercio: (Interposing) Do I understand the witness is stating what difficulties he was having, or the group that was forming the ILA was having?

Presiding Inspector: I don't know. Let me hear the question.

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: What do you mean by that, "you"?

Mr. Grossman: Well, Mr. Bridges had already stated that when they set up this Committee of 500 it was because they were having some difficulty.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: You mean the whole group?

By Mr. Grossman:

Q. You used the expression, when you were referring to the Committee of 500, you stated you had been having some difficulty. Please explain that statement.

A. The union was organized and chartered. There was quite a struggle to get the charter. The San Francisco [5363] American Federation of Labor Council protested the granting of the charter. They branded us as a group of up-starts and stated that the proper organization to receive the charter was this Company Union that had maintained peaceful industrial relations to the employers for the past fourteen years.

Paul Scharrenberg, the Secretary of the State Federation, also protested the granting of the charter and demanded that it be removed.

So we, first of all, had a struggle against the regular labor officialdom at that time to even get a charter for this new group of workers. These officials wished to charter the Company Union, and maintained the same apparatus, the same structure, the same officials. All we get out of it was the payment of more dues.

So that was our first job.

However, after we got over the charter fight then the union was just lining up more members. There was no accounting of funds. We didn't know where

(Testimony of Harry Renton Bridges.)

we stood in that respect. Some of our officials we definitely did not trust. They were incompetent and untrustworthy in our opinion. There were no union meetings. There was no organized union forum in any way.

So our first demands were to immediately call a union meeting to properly initiate the members, to establish some kind of temporary officialdom by means of an election, instead of each person being self-appointed as was the case [5364] at that time.

Eventually union meetings took place. Temporary officials were elected, and certain steps were taken to account for the funds, and so forth.

Then the next difficulty was to have a constitution adopted. We were functioning without a constitution. This left a small group of self-appointed officials, mainly consisting of people that were not even longshoremen, but city politicians, who were telling us what should be done, and saying "Leave everything to us. We will give you this, that and the other thing." Of course, we knew better.

The next move was to have the union officially adopt a constitution and officially have regular elections by secret ballot.

That was eventually accomplished aroun' August.

By Mr. Grossman:

Q. After that——

Mr. Del Guercio: Just a moment.

(Whereupon Mr. Del Guercio conferred with the Presiding Inspector.)

(Testimony of Harry Renton Bridges.)

Presiding Inspector: We will adjourn promptly at half past twelve.

By Mr. Grossman:

Q. After this was done was there any general dissatisfaction among the men with the leadership of the union and the [5365] way it was functioning?

A. There was.

Q. Will you explain that, please?

Mr. Del Guercio: If your Honor please, instead of having an explanation, I think that questions ought to be asked.

Presiding Inspector: Of course, that would be the usual method, but as this is probably going to be a long examination I think we can take it that way. You will have full opportunity to go into this.

Mr. Grossman: It would be the tail wagging the dog.

Mr. Del Guercio: I only have in mind expediting the hearing.

Presiding Inspector: Of course, I may be wrong and you may be right, but I think we will better expedite the hearing by letting him tell his story.

By Mr. Grossman:

Q. Will you explain that?

A. We had a regular election, elected officials, adopted a constitution, and elected an executive Committee.

Then the next step, of course, was to accomplish something with the union in the way of negotiations

(Testimony of Harry Renton Bridges.)

for a better agreement. Nothing was being done along that line. The union officials were still telling us that, through their political friends, and through the NRA, we could get everything without having to do very much about it; that for us to keep [5366] on working and they would take care of everything.

There were quite a few of us, possibly from past bitter experience, that didn't believe all this.

Shortly after the elections discrimination began all over again. The Company Union was still functioning. There was no real attempt made to put the Company Union out of existence.

It shortly developed that a meeting, or a hearing, was held of the Company Union by the officials of the NRA at that time, or an appointed committee; the Secretary of the San Francisco Labor Council, a Rabbi—I forget his name—and a Mr. Pettus, I think, who was a member of business. In other words, the Committee was supposed to be composed of one from labor, one from business, and one from the public at large. The Rabbi represented the public at large. Mr. Pettus represented the business groups, and John O'Connell, of the Labor Council, represented the San Francisco Labor Council.

Mr. George Creel, at that time Regional Officer of the NRA, was Chairman.

Their decision was that the Company Union was a bona fide organization with a closed shop contract, and we had to belong to it to work on the waterfront.

(Testimony of Harry Renton Bridges.)

Something had to be done about that.

On the basis of that decision the discrimination started all over again. They were told to take off their union buttons or they would be fired. [5367]

This eventually developed into a show-down on the Matson Dock in a strike in October, 1935.

Q. What year was it that strike took place?

A. October 1933. I made a mistake when I said "1935."

As a result of that strike, and the winning of the strike, that particular dock—this was a five day strike, if I remember correctly—we finally eliminated and started a real drive, offensive, against the Company Union, and we eliminated it forever—I hope.

Presiding Inspector: Before that time had you belonged, the men, to both the Company Union and the new union?

The Witness: That was the difficulty we were having. The men were still keeping the Company Union books. They were afraid not to because they had to show that book to get a job. If they showed the other book, or at many docks if there was even a suspicion of a man having the other book, they were discharged.

Mr. Del Guercio: I move his answer be stricken and that he confine himself to answering the questions that are asked.

Presiding Inspector: I think that he went beyond the question, of course.

(Testimony of Harry Renton Bridges.)

Mr. Grossman: He anticipated the next question; that is all.

Presiding Inspector: I think it is pertinent. I will let [5368] it stand.

By Mr. Grossman:

Q. Was there any work in any group done outside of the union to develop union activities?

A. Outside of the union?

Q. Yes. A. No.

Q. Was there a group, which has been called the Albion Hall group, functioning about this same time?

A. That started to function—yes, that started to function. The Albion Hall group was really the Committee of 500, and it started to function somewhere around July or August 1933.

Q. Will you please explain how this group came into existence and why?

A. I organized the group, to have proper organization on the floor of the meeting, and put an end to this disruption in the meeting, to throw out of the meeting some of the city politicians that took up our time and did nothing for us, and to see that there was proper organization in that union and proper democratic control. We used to meet as a group in Albion Hall.

We only had two fundamental rules: One, that every member of the group had to be a working longshoreman and a member of the union; second, that all programs adopted by the group had to be

(Testimony of Harry Renton Bridges.)

submitted to the union floor and adopted by a [5369] majority vote on the union floor.

Q. About how many people participated in the Albion Hall group?

A. Anywhere from between 10 to 30.

Q. Were they the same people week in and week out?

A. Generally, yes; but some dropped out and new ones were added.

Q. Were they all members of the ILA of your local? A. Every one of them.

Q. For what period of time did this group function?

A. As far as I know, up to, at least, up to the 1934 strike. I don't recall that during the strike or after the strike.

Q. When the group was first formed did it function secretly or openly?

A. More or less secretly.

Q. Was its existence mentioned in the meetings of the Union at first?

A. Not at first, no; later on; yes. It came to be pretty well known because certain people dropped out, and disagreed, and we didn't make any particular bones about it. We openly proclaimed that we were going to organize that union and we were going to give the officialdom and their friends some good solid organized opposition from the floor of the meetings, and we did.

Q. Did members of this Albion Hall group at any time [5370] state openly in the meetings of the

(Testimony of Harry Renton Bridges.)

union that they were members and what the decisions of that Albion Hall group were?

A. Yes.

Presiding Inspector: I think we will stop right here until two o'clock.

(Whereupon, at 12:30 o'clock p.m. a recess was taken until 2:00 o'clock p.m. of the same day.) [5371]

No. 10450

United States
Circuit Court of Appeals
For the Ninth Circuit.

HARRY BRIDGES,

Appellant,

vs.

I. F. WIXON, as District Director, Immigration and Naturalization Service, Department of Justice,

Appellee.

Transcript of Record

VOLUME XIII

Pages 5755 to 6250

Upon Appeal from the District Court of the United States for the Northern District of California, Northern Division

Rotary Colorprint, 590 Folsom St., San Francisco

After Recess
2:00 o'clock P.M.

Presiding Inspector: You may proceed, Mr. Grossman.

HARRY RENTON BRIDGES

called as a witness in his own behalf, having been previously duly sworn, testified further as follows:

Direct Examination (Resumed)

Mr. Grossman: Will you read the last question and answer, please?

(The question and answer referred to were read by the reporter as recorded.)

By Mr. Grossman:

Q. Can you give me one or two examples of the open statements in the ILA meeting of the activities of the Albion Hall group?

A. Some time after the group was functioning, and bringing up certain matters, they were criticized by individuals on the floor who raised the question as to what right they had to meet and come into the union with a program, and they were answered.

Q. How were they answered?

A. Well, they were answered by members of the group that got up and asked them what law there was against it, and if they wanted the minutes read on the floor of the meeting that the group would be only too glad to do it. I can recall [5372] the time that I did that myself.

Q. This Albion Hall group kept minutes, did it?

(Testimony of Harry Renton Bridges.)

A. It kept minutes; yes.

Q. About how often did it meet?

A. I can't quite recall. I think at first it met every week or two weeks; later on every two or three weeks.

Presiding Inspector: How often did the union itself meet?

The Witness: Every two weeks.

That reminds me—I think when the union was meeting every two weeks we met every two weeks. When the union met at shorter intervals I think we met at shorter intervals.

Presiding Inspector: You about synchronized them?

The Witness: Right. We always arranged for a meeting for the day before the union meeting so we could go into the union with a certain program to aim at.

By Mr. Grossman:

Q. How did one become a member of the Albion Hall group?

A. By just stopping him on the waterfront and asking if he would like to attend the meeting, and telling him where it was. [5373]

Q. What qualifications were there for membership and participation in the group?

Mr. Del Guercio: Will you speak a little louder, please?

By Mr. Grossman:

Q. What qualifications were there for membership or participation in the group?

(Testimony of Harry Renton Bridges.)

A. First, you had to be a member of the Union; second, you had to be a working longshoreman; and, third, you had to believe in the policies of the group.

Q. Could you state those policies briefly?

A. Yes. Policies for, first, democratic organizations, such as the policy we put forward at that time, that elections must be by a vote of the membershiip; all members of the Union Executive Committee must be working longshoremen, exclusive of the elected officials; all Executive Board decisions must be ratified by the general membership; all minutes must be kept in writing; all funds must be regularly accounted for by reports to the Union meetings; all funds must be approved before—or, all bills must be approved before being paid. Such things as that. And, finally, that we had to support a program for various demands on behalf of the workers, such as a cessation of the speed-up, the establishment of a hiring hall, the distribution of the work, the wage-hour demands, and so forth. There was a general program. [5374]

Q. Did the Albion Hall group take any position on a Union question that necessarily involved other ports of the Pacific Coast? A. Yes.

Q. What was that action?

A. There had been a convention. In the latter part of 1933 Code hearings were held at Washington, D. C. That was the time that they were trying to establish Codes for various industries. Code hearings were held in Washington, D. C. and we

(Testimony of Harry Renton Bridges.)

sent a representative back there—our Union did, Mr. H. P. Melnikow. At the same time the Company Union was represented back there, and as an outcome of these Code hearings a Pacific Coast Conference of our Coast Union was called, that is, representatives supposedly from the various other Locals of our Union up and down the Pacific Coast, was called in Portland and a Union program was arrived at there generally aimed at going along with the Code and the wages and conditions established under the Code and the grievance-settling machinery established under the Code.

It amounted at that time to, instead of doing something about the workers' demands, they were going to be put to arbitration and, in addition, there was something very dangerous that we thought—minority representation was allowed for. Under the NRA minority groups of workers could be recognized for collective bargaining purposes and, therefore, [5375] both the Company Union and our Union could have been recognized by the employers for bargaining purposes, whether they represented the majority or a minority of the workers. And this, in effect,——

Mr. Del Guercio: (Interposing) If your Honor please, this is an exposition of something else now and hasn't anything to do with the 1934 strike.

Presiding Inspector: I think it is merely explanatory. I think I will take it.

Mr. Del Guercio: The answer could be a little more shorter.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: Well, that is a suggestion to Mr. Bridges.

The Witness: I can shorten them, your Honor.

Eventually, out of it, this convention was repudiated; another convention was called that had its growth in the Albion Hall group, who proposed it and brought it about.

By Mr. Grossman:

Q. How did they bring it about?

A. Passed a resolution in the Local, elected myself and another person to visit the various Locals on the Coast and have the membership in those Locals go on record as demanding a Coast convention with regularly elected delegates to establish a trade union program and to force bargaining with the employers. [5376]

Q. You mean that these things that the Locals subsequently did were first decided upon by the Albion Hall group?

A. They were. In many cases they were.

Q. I meant with reference to this convention, this coastwise convention? A. That's right.

Q. Is it possible for you to state, Mr. Bridges, whether substantially all of the decisions of the Albion Hall group were accepted by the Local Union?

A. Practically all of them. I could look at the minutes and find out. I could check the minutes of the Albion Hall group with the minutes of the Local Union and come to a pretty complete con-

(Testimony of Harry Renton Bridges.)

clusion on that. But, as far as I can recall, practically every action or peace program put forward by that group was approved by the membership in the Union. [5377]

Q. Were you ever connected with a publication called the Waterfront Worker? A. I was.

Q. Do you know how that publication came into existence?

A. Yes. There were two, two or three parts of it.

Q. Will you state, if you know, how it first came into existence, who was responsible for it?

A. The Marine Workers Industrial Union.

Q. Do you know about when it first came into existence? A. 1933, January.

Q. And what kind of a publication was it? First, was it printed or mimeographed?

A. Mimeographed bulletin. A mimeographed four-page bulletin, I think in its beginning, two or four pages in the beginning; later on six pages; and later on eight pages.

Q. What subjects did it deal with at first while it was put out by the Marine Workers Industrial Union?

A. I can't quite recall. It dealt with the general subject of organization of seamen and longshoremen, their general complaints about conditions, the Company unionism on the waterfront, and also in addition certain political matters—I can't quite recall now.

(Testimony of Harry Renton Bridges.)

Q. Did it deal primarily with conditions on the San Francisco waterfront? [5378]

A. Yes; as far as I can remember it did.

Q. Did you have anything to do with its publication at that time?

A. Not when it started.

Q. Can you give us an idea of how long after it started you first had something to do with it?

A. It started in January '33. We took it over in September or October '33.

Q. Whom do you mean by "we"?

A. Well, the Albion Hall group in some respects; and a pretty loose group of people on the waterfront, the way the paper was handled, not by any particular organized group, but everybody in a general way took it over.

Q. Was it first published, when it was published, by the NMU, by working longshoremen?

A. Well, in a way you could call them that. At that time there were certain docks on the waterfront mainly handling coastwise vessels where the crews of those vessels would come in and in between the trips they would work ashore maybe for a few days, a few weeks, and then they would do longshorework. We have a somewhat similar structure at present, but more so in those days. Therefore, these men, for a certain period of time, would be performing longshore work and, really speaking, longshoremen. But next week, or the next couple of weeks, they would be at sea again. They were not permanent resident longshoremen of the port. [5379]

(Testimony of Harry Renton Bridges.)

Q. Do you know whether any of the resident longshoremen worked on the Waterfront Worker before you took it over?

A. I can't quite remember. My impression is if they did, they were very few. I remember that was a subject of discussion on the Waterfront at that time, where we believed, at least I can recall my impression was that very few of them did.

Q. Was the ILA also in existence at the time you took over the Waterfront Worker? A. Yes.

Q. Do you recall whether any change was made in describing those who were putting out the paper after you took it over?

A. Yes. We changed the name of the people putting out the paper to a group of ILA longshoremen.

Q. A group of what?

A. ILA longshoremen. Before the paper used to be put out by the MWIU. I think it carried that name on the masthead, or a group of longshoremen with the cooperation of the MWIU. I noticed one of the earlier issues since I have been in this trial, and I noticed that on the masthead. We took it over after that.

Q. How much of the old publication did you take over. Let me itemize the various things you might have taken over. Did you take over the name?

A. Took over the name. [5380]

Q. Did you take over a mimeograph machine?

Mr. Myron: I think he should be allowed to state what they took over.

(Testimony of Harry Renton Bridges.)

Mr. Grossman: That is quite the reverse of your objection previously made.

Presiding Inspector: I think it may expedite it.

Mr. Grossman: Mr. Bridges may think of something that I would not.

Mr. Myron: It is leading.

Presiding Inspector: It is leading.

Mr. Del Guercio: It is leading on a question that is very important here.

Mr. Grossman: All right, I will ask it the other way round, to show I have no axes to grind here.

By Mr. Grossman:

Q. What did you take over of the Waterfront Worker when you took it over?

A. We took over the paper, the name, the general make-up and the general idea.

Q. Did you take over anything else?

A. Well, I don't know what else it could be.

Presiding Inspector: Mimeograph machine?

The Witness: No, we rented our own.

By Mr. Grossman:

Q. The address? [5381]

A. Well, yes, we took over the address for a while.

Q. Did you take over any supply of paper or ink?

A. No. They had none. The paper went out of business. As I recall it, the paper was out of business for three or four months and that is where

(Testimony of Harry Renton Bridges.)

we got the idea to revive it because it was not being published any more.

Q. Do you remember whether any discussion was had with the MWIU about your beginning to put out the paper?

A. I discussed it myself with Harry Jackson of the MWIU.

Q. Will you give me the substance of any discussion, or discussions, you had with him about it?

A. The paper was being published at that time, and it was not finding a great deal of favor among the various regular longshoremen and——

Mr. Myron (Interposing): The question asked was what was discussed. The answer is not responsive.

Presiding Inspector: No.

A. (Continuing): All right. We discussed the fact that the paper was not a success because, in our opinion, who knew quite a bit about the background of the whole waterfront, it was not being put out by people who knew what the real grievances were of the longshoremen, and what should be done about them. We discussed that and pointed out that if this paper was published by men that really knew what they were talking [5382] about, it would be a very successful organ in more ways than one. We never found much agreement with the MWIU on that and, as we predicted, the paper folded up until we re-started it.

By Mr. Grossman:

Q. Did the contents of the paper change sub-

(Testimony of Harry Renton Bridges.)

stantially after you took it over? First, let me put it this way:——

Mr. Del Guercio (Interposing): There is a question, if your Honor please, and I think the witness should be permitted to answer that question.

Presiding Inspector: If he can answer.

Mr. Grossman: I will make it smaller.

By Mr. Grossman:

Q. Did it change in subject matter?

A. That would be pretty hard to answer, unless I had a file of the copies and went through them. It changed in so far as, for example, a definite program began to take place. There was definite suggestions in there as to what to do, which was lacking when the paper was put out by the MWIU, who generally put forth a program in generalities.

Mr. Myron: The question is, "Did it change?" The answer is not responsive to the question.

Presiding Inspector: It is explanatory, but I think it answers it.

By Mr. Grossman: [5383]

Q. Continue.

A. I would say that was the basic change.

Q. Did it change with respect to who wrote the articles?

A. Not entirely. There were articles written by the longshoremen on the waterfront in the first paper, I think; but the articles were not actually written and mailed in by the longshoremen. They

(Testimony of Harry Renton Bridges.)

were given to the people who put the paper out at that time. In other words, the paper operated in a way like a regular newspaper does; that is, a group of men were going up and down the waterfront in the way of reporters and they talked to the men and got any stories they had and they appeared in the paper. [5384]

Q. This was before you took it over?

A. Before we took it over, yes.

Q. And after you took it over how were articles given to the paper?

A. The same way, except mainly we requested that articles be written and sent in and contributions also. But at the same time any little bit of news that, the type of news we wanted at that time, we could dig up ourselves we wrote it down and put it in. The paper was made up of stories given in and written in and printed just as they came in.

Q. Were there a group of longshoremen who more or less regularly did some work in connection with the paper? A. There was.

Q. This is after you took it over? A. Yes.

Q. About how many would you say there were on the average?

A. All the way from about ten to thirty.

Q. If you took various periods in the history of the paper would the composition of this group change? Would there be different people in this group that had to do with putting out the paper?

(Testimony of Harry Renton Bridges.)

A. Yes, I think so. I think some of the fellows would be interested in it for two or three weeks, and then they would drop away from an active part. But they would help out in other ways. And it generally boiled down to the actual getting [5385] out of the paper had to be done by eight or ten people as far as any active work was concerned, seeing that enough articles got in to fill it up and seeing that the mimeographing of it was taken care of and seeing that the peddling of it was taken care of.

Q. By whom was the paper distributed?

A. By seamen; that is, seamen that we hired. I think we gave them 50 cents a day to come down and peddle the paper on the waterfront.

Q. Was that true during the entire existence of the paper after you took it over? A. Yes.

Q. How long did the paper remain in existence?

A. Until some time in 1936.

Q. What was the reason you took the paper over?

A. First of all, it had gone out of business; it was not being published. That didn't cause any great stir in itself except a situation developed on the waterfront at that time where we needed some kind of a medium to rally people. That was the time of the October, 1933 Matson strike. And we needed some, either leaflets or something like that to explain to the men on the waterfront what was happening and in order to explain to other people, and we seized upon the idea to use the Waterfront

(Testimony of Harry Renton Bridges.)

Worker, the reason for it being that they started to recruit strike breakers from the Skid Row on Howard Street amongst the unemployed. The Waterfront Worker of the Marine [5386] Workers Industrial Union had been circulated amongst the unemployed and it had a little more standing up there than it did down amongst us men on the waterfront. So we hit upon the idea of using the name "Waterfront Worker" and we issued a couple of leaflets during that strike headed "Waterfront Worker", mainly for circulation amongst the unemployed, urging them not to strike break. And the rest of it grew from that.

Q. Was the paper put out of existence or did it—well, I will put it this way: Did you take any active steps to put the paper out of existence?

A. When it finally went out of existence, yes.

Q. Why did you do this?

A. No necessity for the paper any longer. We had a democratic union where you didn't have to go to the methods—you didn't have to use those methods to express yourself. You could get up in the union and express yourself and be protected in expressing your opinion. Therefore, to keep an organ like that going was not democratic any more, not necessary.

Q. Was it needed, though, for that reason prior to that time?

A. It certainly was, in our opinion. And I think it eventually proved it.

Q. Was it impossible to express yourself as fully

(Testimony of Harry Renton Bridges.)

in the Union meeting in 1933 and 1934 as you could in a paper like the Waterfront Worker? [5387]

A. Well, I wouldn't—in 1934, even during the strike and after the strike, yes. It was possible to express yourself in the Union meetings, but it was still not possible to say a lot of other things because the Union wasn't strong enough to protect you. It is one thing talking in a Union meeting and it is one thing standing up for your rights so far as Union conditions were concerned while you were working. The employers had a pretty tough hold down there and, although we were not asking for anything unreasonable or out of the ordinary, why, they refused to recognize the Union, refused to even talk to the Union and to talk Union or to ask for anything was tantamount to being fired immediately.

Q. You mean, then, that even after the 1934 strike the Union was not able to fully protect members of the Union against discrimination by the employers?

Mr. Myron: I object to that, your Honor. He is asking the witness if he means something and he already stated what he knows.

Presiding Inspector: Well, I suppose it is strictly objectionable on that ground.

Mr. Grossman: For the purpose of clarity I think I have a right to say what I think is the interpretation to see if that is correct.

Presiding Inspector: Well, I think that really it doesn't need any interpretation. His answer is clear, isn't it? [5388]

(Testimony of Harry Renton Bridges.)

Mr. Grossman: All right.

Presiding Inspector: It is a technical objection.

By Mr. Grossman:

Q. Did the Waterfront Worker after you took it over support itself?

A. Yes. Right from the start it supported itself. Well, not right from the start. We all had to put in a few dollars to get the thing started and it never did—well, towards the end we had a few dollars in the fund, but it was touch and go. But it was always self-supporting. We raised the price from one cent to two cents shortly after we went into business, and eventually became pretty self-supporting; even showed a slight profit.

Q. What was the maximum circulation achieved by the paper?

A. Four or five thousand; not only in the Port of San Francisco. Later on we mailed some to other ports upon request.

Q. Could you estimate what proportion of the longshoremen in the Port of San Francisco were reading this paper at the time of its maximum circulation?

A. All of them and their families.

Mr. Del Guercio: I object to that.

Presiding Inspector: Could he show that? Would he know? [5389]

Mr. Grossman: Why, certainly.

Presiding Inspector: How many workers were there on the waterfront?

The Witness: At that time around four thousand.

(Testimony of Harry Renton-Bridges.)

Presiding Inspector: No, no; the whole Western Coast.

The Witness: Oh, longshoremen alone about twelve or thirteen thousand.

Presiding Inspector: And what was the circulation of your newspaper?

The Witness: About five thousand.

Presiding Inspector: Was that all over the Coast?

The Witness: That's right. But that means that out of the five thousand there might be five or six hundred mailed out of San Francisco. We wouldn't mail them in big orders.

Presiding Inspector: No.

The Witness: No. The bulk of the papers were sold on the San Francisco Waterfront generally between three and four thousand a week.

Presiding Inspector: If you want to ask it you may.

By Mr. Grossman:

Q. Can you estimate what proportion of the working longshoremen in San Francisco were readers of this paper at the time of its maximum circulation?

A. The answer is, All of them. Even the ones that didn't like it read it. [5390]

Mr. Myron: I assume he knows that.

The Witness: I am positive of it.

Mr. Grossman: I suggest that the Chronicle, if it can estimate things like that, the Waterfront Worker can.

(Testimony of Harry Renton Bridges.)

Mr. Del Guercio: Are you testifying?

Mr. Gladstein: May I suggest that counsel be required to address objections to the Court instead of back across the table, your Honor?

Presiding Inspector: I don't think that either of you are wholly free from blame in that respect.

Mr. Gladstein: Wouldn't it be a good idea to try to start it sometime?

Presiding Inspector: I have tried to. I think I must have said so 50 times in these weeks. It seems to me very long now.

Mr. Gladstein: What will the ruling of the Court be?

Presiding Inspector: The ruling is that you must address the Examiner. I mean, this particular Examiner.

Mr. Grossman: That is rather a change.

By Mr. Grossman:

Q. Did the Editors of the paper continue to function during its life more or less anonymously?

A. Yes.

Q. During the time that you were putting out the paper did you receive any help in any form from the Marine Workers [5391] Industrial Union?

A. It all depends on how you define "help." Information for the paper or stories for the paper, yes. Other help no. Financial help, no; mechanical help, no.

Q. Do you know how the mailing address for

(Testimony of Harry Renton Bridges.)

the Waterfront Worker was selected at any time when you had anything to do with it?

A. Yes. As far as I can recall, we——

Q. (Interposing) Will you state what you remember about that.

A. I didn't personally arrange it. I knew of it. We had Jackson arrange for a mailing address. We didn't want to be connected with it, mainly because of our fear of discrimination on the waterfront. That was the only reason. And the mailing address was arranged for merely to receive mail and contributions that we requested by mail, and they were picked up by one of the seamen that we used to hire and turned over to us.

Q. When your mailing address was 3470 19th Street did any of the editors of the paper ever go to that address to pick up the mail, money or whatever had been sent to it?

A. No. Logically not. The place was watched.

Q. When the mailing address was a certain Post Office box do you know whether any of those connected with the paper—rather, any of the working longshoremen went there to receive the mail or the money or whatever else may have been sent to [5392] the paper?

A. I am sure they didn't. That's the idea of having the mailing address. We knew that the employers on the waterfront were trying to find out who was connected with that paper. They had some very deep suspicions, but nothing concrete, and it was more than any of our jobs were worth or even

(Testimony of Harry Renton Bridges.)

our physical safety for a long time to be found or definitely shown to be behind the paper.

Mr. Del Guercio: I assume he is still speaking from his own knowledge.

The Witness: Definitely from my own knowledge. Very definitely. We had a Company Union down there and there were a good bunch of sluggers and I got slugged a couple of times by them.

By Mr. Grossman:

Q. Did you know at the time the Waterfront Worker was using the mailing address 3470 - 19th Street what that place is, or in whose name it was rented or owned?

A. I didn't know and didn't care much.

Q. At the time that the Waterfront Worker was using a Post Office Box for its mailing address did you know in whose name or by whom that Post Office box had been obtained?

A. No. I didn't know in whose name. I know that we got somebody that was pretty hard to be discriminated against inasmuch as he was not a working longshoreman. [5393] We generally aimed at getting somebody that didn't have to depend on the waterfront as a working longshoreman for a livelihood, somebody that had some other avenue of escape. That was the only idea we had in mind. We possibly didn't inquire too much into their connections or their record.

Q. Can you tell me how the 1934 strike developed? What was the first Union action that precipitated or caused the strike?

(Testimony of Harry Renton Bridges.)

Mr. Del Guercio: Your Honor, hasn't that been gone over, what brought about the 1934 strike? I thought we went all over that.

Mr. Grossman: All I went up to was the economic and working conditions on the waterfront. I wasn't concerned with the strike itself, the Union, etc., which I am now asking for.

Presiding Inspector: I think this is very remote, but I will take it.

A. As an outcome of the resolution passed in the San Francisco Longshore Local and the delegation that consisted of another person and myself visiting the other ports, a coast convention was called in San Francisco in February, 1934 and that convention adopted the Union demands and set a deadline on which they would take a strike vote if those demands were not granted. The deadline came and passed and a strike vote was taken. The strike was postponed at the request of President Roosevelt and a Mediation Board was established. They reached a compromise agreement that was repudiated by the Coast and [5394] eventually on May the 9th the strike was called as a result of that convention and by the coast officers at that time.

Presiding Inspector: I don't quite understand the terminology. What do you mean by "the coast"?

The Witness: The structure of our Union, your Honor; the Union at that time.

Presiding Inspector: You mean all of the Unions which were in communication with you?

(Testimony of Harry Renton Bridges.)

The Witness: It was all one Union except that it was divided into Locals.

Presiding Inspector: Different locals?

The Witness: Yes, and the jurisdiction broadly——

Presiding Inspector: (Interposing) That is what you call "the coast"?

The Witness: When I say "the coast" I mean the Pacific Coast between the borders of Mexico and Canada in this particular instance.

By Mr. Grossman:

Q. Was there not at that time a division of the International Union confined to the Pacific Coast called "The Pacific Coast District"?

A. That is right.

Q. With officers of its own?

A. That's right. An autonomous district.

Q. With a measure of autonomy?

A. That's right. [5395]

Q. Was action to call the strike taken by that district organization?

A. By the district organization through a referendum vote.

Q. Were there by this time locals in various ports on the Pacific Coast?

A. In all of them; practically all of them. That's incorrect. There was no local in Eureka, Crescent City, Fort Bragg.

Q. All the major ports?

A. All the major ports; yes, sir.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: Now, you said back there a compromise was suggested.

The Witness: That's right.

Presiding Inspector: Who were the ones who proposed the compromise?

The Witness: A Mediation Board established under the National Recovery Act at that time having in it, as I said, this business of allowing minority representation and calling for a vote with the exception of one port. The compromise agreement reached granted our demands in San Francisco up to some extent. For all the other ports they ruled that the men would have to start voting to see if the Union really represented them, and that proposal was proposed by the Mediation Board and rejected by the Coast longshoremen at our in- [5396] sistance for a program that, the best way to find out whether we represented the men or not was to stop the ships from running, and also the best way to kill off this minority representation that had the nature of a Company Union in each port was to do the same thing and demand a bona fide contract with proper recognition.

By Mr. Grossman:

Q. Why did you object at that time to minority representation?

A. Because obviously it would have destroyed our Union. We would have gotten nowhere in negotiations and it was the Company Union set-up all over again except instead of just having it confined

(Testimony of Harry Renton Bridges.)

to San Francisco it would have been a coast-wise Company Union.

Q. What was the date that the ILA went on strike on a coastwise basis?

A. May 9, 1934.

Q. During that same day did any other union go out on strike? A. No.

Q. What was the next union to go out on strike?

A. Marine Workers Industrial Union.

Q. Did they go out on a coast scale or in every port of the Pacific Coast?

A. May 10, yes. [5397]

Q. And whom did they represent?

A. The majority of the seamen at that time organized into a trade union on the Pacific Coast.

Q. You mean a majority of the seamen that belonged to any union whatsoever?

A. Well, there were——

Q. (Interposing) Or a majority of those who were working as seamen?

A. It represented a number of working seamen in a union. There were two unions. I think the best way to explain it is that there were two unions all right. There was the International Seamen's Union of America and there was the Marine Workers Industrial Union. The International Seamen's Union of America at that time had around four or five hundred members all told. The M. W. I. U. had 2000 generally speaking. Therefore, they represented the majority of organized seamen, those that were in unions at all. [5398]

(Testimony of Harry Renton Bridges.)

Q. Did the International Seamen's Union come out on strike?

A. May 15, under a lot of pressure.

Q. What kind of pressure?

A. First of all, they were locked out of the coastwise ships that suspended operations on May 12. They couldn't stay on the job. They tried to get them to get off. Others on deep water ships they were kept off to some degree by picket lines. In addition, through the propaganda and other things we carried on, many of them came off of their own accord through shame and other reasons; and many of them, of course, to support our strike as workers in the union.

However, the union, the teamsters union all this time were urging them to stay aboard the ships, urging them to have nothing to do with our strike, urging them on as strike breakers.

Eventually, a meeting was called that only consisted of 27 men in San Francisco of the Seamen's Union and that meeting voted the Pacific Coast strike for the Seamen May 15 by a vote of around 15 to 12.

Q. When the Marine Workers Industrial Union went out on strike did most of their men immediately come out on strike?

A. No. The Marine Workers Industrial Union sent a delegation over before our Longshore Strike Committee, and they had a list of ships that they had organized in varying degrees. [5399] They had a couple of ships, I think the number was two,

(Testimony of Harry Renton Bridges.)

where they had 100 per cent organization on them; and they had half a dozen or so where they had, say 75 or 80 per cent organization, dwindling all the way down to where they had five or ten per cent organization. They showed us the list of ships as to what number they had organized, and the question was should they order all their men off these ships, or should they not. We eventually agreed on a joint program with our Strike Committee, and the delegates from the MWIU that were down there putting all this problem up to us, we agreed that they should call off their crews on all ships where they had a majority of the crew organized, and on those ships where they had less than a majority organized, they should stay aboard for the time being to see if they could make the crew of the ship a majority in the union and as soon as that was done they were to call them off too.

Q. Immediately after your union went on strike did you set up any kind of a strike apparatus?

A. We set it up two months before.

Q. What was that apparatus?

A. A local strike Committee of 75 men, representing two men elected from each dock, and five men to represent the men at large, not regularly working on any particular dock—75 all told. In addition to that the Executive Board of the Union which, I think, consisted of 25 men, making a committee of— [5400] no. I think, all told it was 75 men; around 50 from the docks and the Executive Board of 25.

(Testimony of Harry Renton Bridges.)

Q. Did you hold any position on this Strike Committee? A. I was elected Chairman.

Q. At what time? A. March, 1934.

Presiding Inspector: That is of the Strike Committee?

The Witness: Chairman of the Strike Committee; yes.

By Mr. Grossman:

Q. For how long did you function as Chairman of the Strike Committee?

A. Until the end of the strike.

Q. Did the Strike Committee of your local union cooperate in any way with the Marine Workers Industrial Union? A. It did.

Q. In what ways did it cooperate?

A. Helped them establish the picket lines—in other words, the establishment of picket lines was a joint matter; to some degree we collaborated in helping them feed their striking men; they were supplied with picket cards, or not picket cards, but they were allowed to use their picket cards to eat in the soup kitchen that we established, and they worked in some cases under the direction of our Picket Captain, or our Picketing Committee; and we collaborated on the use of squad cars, and such things as that. For a while they had a [5401] regular delegation, and they were not seated, they were seated as observers on our local Strike Committee, a delegation from the MWIU.

Q. What are squad cars?

(Testimony of Harry Renton Bridges.)

A. Squad cars were just patrol cars used to patrol the waterfront with pickets in them, to watch for the movement of ships and one thing and another; generally what you might call patrols as distinguished from the stationary pickets that picketed outside of each dock.

Presiding Inspector: How many pickets did you have at one time?

The Witness: It depended. We had 20,000 one day.

Presiding Inspector: I mean on the waterfront serving as pickets.

The Witness: It grew. At the very start we possibly had turned out 1000 for the first couple of days.

Presiding Inspector: That is for the whole waterfront?

The Wtiness: Yes. That number grew and grew as the seamen came ashore and other workers walked out in our support, that number grew until it reached on one occasion 20,000.

Presiding Inspector: Quite a show of force?

The Witness: Quite a show of men on strike.

Presiding Inspector: Oh, no. They weren't wandering all around the city. They were right there all together, weren't they? [5402]

The Witness: They were pickets, quite a large number.

Presiding Inspector: You know what is meant by "quite a show of force."

The Witness: You might term it that, but that wasn't our idea.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: Go ahead.

By Mr. Grossman:

Q. What did the Marine Workers Industrial Union do to cooperate with your local?

A. Picketed with our men, contributed in so far as they were able to the various funds, such as the funds that supported the soup kitchen, exchanged information with us; in other words, if they had information of a ship coming in, going to the dock, and the possibilities of the crew striking—things like that—collaborating in the operation of—we had three picket boats. We had one speed launch and two other launches. They cooperated in the operation of those launches. And certain things like that.

Presiding Inspector: How long is the waterfront here?

The Witness: Oh, the waterfront here is about five miles, at least, on this side; and then it is much longer over on the other side, that is, the east bay side. It extends up the river. We were patrolling the whole area, you might call it, the San Francisco Bay area really. It goes up the river, the Sacramento River, as far as Stockton, Crockett, Vallejo; and down the peninsula as far as Redwood City. This was the [5403] broad area covered. That might be an area of at least 50 square miles or more.

Presiding Inspector: You concentrated, though, principally on the five or ten miles, along in there?

The Witness: We concentrated mainly on the five or ten miles on this side, and the five or ten miles on the other side of the bay.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: I am not familiar with the locale.

By Mr. Grossman:

Q. When the Marine Workers Industrial Union called their men out on strike did they have any demands of their own, that is, for the seamen?

A. No, the seamen had no demands of any description until much later.

Q. Would you state that the sole reason for the Marine Workers Industrial Union calling out its members on strike at the beginning was in sympathy, in support of the longshoremen and their demands?

Mr. Del Guercio: I object to the question as putting words in the mouth of the witness.

Presiding Inspector: I will take it.

Mr. Del Guercio: Not that the witness would fall for it, but——

Mr. Grossman (Interposing): On a question like this I can't force Mr. Bridges to say something he hasn't said many times before. [5404]

Presiding Inspector: I will take it.

Mr. Del Guercio: I would like——

Presiding Inspector: I have said twice that I will take it.

A. Yes.

Presiding Inspector: Over your objection.

A. (Continuing): Yes. It is a matter of record, as a matter of fact. A delegation at our 1934 February convention, a delegation from the Marine Work-

(Testimony of Harry Renton Bridges.)

ers Industrial Union, came to the convention and pledged full support to our securing a contract, and their strike was in the beginning purely a sympathetic strike.

By Mr. Grossman:

Q. What was the next union, after the MWIU, which came out on strike?

A. The Machinists Union.

Q. When did they come out on strike?

A. Around May 12.

Q. What was the next?

A. The Boilermakers, the same day. When I say, "strike," I mean they refused to work on the waterfront any struck work, refused to perform any repair work on the waterfront behind picket lines. They worked elsewhere in the city.

Q. When was the next union?

A. The seamen, May 15.

Q. When did the other seafaring unions come out on strike? [5405]

A. The Teamsters May 23—May 20 or 23, around there.

Following then, about ten days, or around the beginning of June 1st, or June 5th, I think it was, the licensed groups struck, that is the licensed deck and engine room officers.

Just prior to that time the licensed radio officers struck, that is, just prior to the licensed deck and engine room officers.

Q. Do you know whether the experience in San Francisco was typical of the coast with reference to

(Testimony of Harry Renton Bridges.)

when the Marine Workers Industrial Union called out their men and when the International Seamen's Union called out theirs?

A. The same up and down the coast.

Q. Do you know whether there was the same co-operation between the longshoremen and the MWIU in other of the major ports of the Pacific Coast as in San Francisco?

Mr. Myron: Is that material, your Honor?

Presiding Inspector: I don't think it is very material.

Mr. Myron: Unless it is to show he had something to do with the Marine Workers Industrial Union in other ports.

Mr. Grossman: I will explain it if there is any question about it.

Presiding Inspector: I will take it. I will take all of this testimony. I think it is rather remote.

Mr. Grossman: May I say it is with reference to explaining the clear significance of it. The Government has definitely stated, in their opening statement, that one of the theories upon which they would seek to deport Mr. Bridges is the theory [5406] that he was affiliated with the Marine Workers Industrial Union. Then they went farther. They gave what they claim should now be accepted as a definition of affiliation, as against the one now legally accepted by certain courts, which is very broad, as your Honor will recall, which would undoubtedly include the definition they are claiming, would be merely support, which would undoubtedly include, according to their theory, the acts which Mr. Bridges is now detailing.

(Testimony of Harry Renton Bridges.)

In other words, we want to show this: That in so far as Mr. Bridges was helping the Marine Workers Industrial Union, cooperating with them, or accepting their cooperation, it was, in the first place, acting not just as an individual, but acting as a representative of a union, and he was engaging in a legitimate union and strike activity, going so far, as a matter of fact, as I think the story will show, going so far—I mean their cooperation being so important—that it would be quite a reasonable conclusion that had there not been that cooperation at the beginning between the Marine Workers Industrial Union, a union, and the longshoremen, that the 1934 strike might not have succeeded.

Therefore, I intend to show that the cooperation, such as there was, between Mr. Bridges, as a representative of his own union, and the Marine Workers Industrial Union, was a part of the strike, not only in San Francisco, but on the entire Pacific Coast, and an integral part of the strike apparatus, [5407] the means by which the seamen, or the unlicensed seamen, entered and began to participate in the strike, at least at the very beginning.

That is the significance of it.

I do not think that is at all remote.

Mr. Del Guercio: I object to counsel arguing and expounding his theory of the case when he is about to ask these questions of the witness. It won't be necessary at all for the witness to testify.

Presiding Inspector: I think I will take it. I will take the full blame, if anyone is at fault. I

(Testimony of Harry Renton Bridges.)

wanted to understand exactly the basis of it. Without in any way saying that I do or do not accept this argument, I will take the proof.

Mr. Grossman: Will you read the question, Mr. Reporter?

(The question referred to was read by the reporter as follows:

"Q. Do you know whether there was the same cooperation between the longshoremen and the MWIU in other of the major ports of the Pacific Coast as in San Francisco?")

A. Substantially, yes; there might have been more in some cases and less in others.

By Mr. Grossman:

Q. Do you know whether this is true: That in every major port of the Pacific Coast the Marine Workers Industrial Union had a larger membership at the beginning of the strike [5408] than the International Seamen's Union?

A. Absolutely; yes.

Q. You stated, Mr. Bridges, that your Strike Committee, in your local, was set up two months before the strike began. Was there any cooperation between that Strike Committee and the Marine Workers Industrial Union before the strike began?

A. No. The Strike Committee was disbanded. The strike was originally set for March 7th. It was postponed at the request of the President and referred to this Mediation Board. After the strike was postponed the Strike Committee was temporarily

(Testimony of Harry Renton Bridges.)

disbanded and was not again established until the actual strike broke out. Prior to the strike there was no actual cooperation, although we were urging, as a general theme, that to win any strike and to strengthen our bargaining efforts, we had to get closer to the seamen because this was the first longshore strike that has ever been won, really speaking; every other strike has been lost because the seamen were disregarded, except in this case.

Q. To what extent did the Marine Workers Industrial Union participate in any joint Strike Committees that were set up in San Francisco?

A. None; there was no other union, that is, of the same degree of strength as we. We were the only union that was contemplating striking, the only union at all organized, so really there was no other union to speak of to cooperate with to any degree.

[5409]

Q. Now, after the strike started wasn't there a joint Strike Committee, or several joint Committees of some kind?

A. Not until some time after the strike, except in the cases I have told you, the Machinists and the Boilermakers Union, which were unions of more or less long standing. All the other unions, the Maritime unions, had practically no membership until the strike had been on a couple of weeks and some of the men came ashore off the ships and they got some members.

Presiding Inspector: You did say something

(Testimony of Harry Renton Bridges.)

about some people being allowed to attend your Strike Committee meetings?

The Witness: That was after the strike started. In other words, we had unions, you had the skeleton structure of unions, but no membership; and the largest membership in any seamen's union at that time was the Marine Workers Industrial Union. It is true that when the licensed group struck they said they had 1000 men that went out, but it is true that they were lucky to have had 100.

By Mr. Grossman:

Q. Was there any change in the relative membership of the Marine Workers Industrial Union and the International Seamen's Union as the strike went on? A. Yes.

Q. What happened?

A. The Marine *Industrial Workers* Union rapidly grew in [5410] membership. The Seamen's Union, what there was of it, the membership almost completely left them.

Q. Was there any other change in the respective membership of these two unions?

A. Later on, toward, after the strike was about two-thirds through, because of certain things, most of the membership left the Marine Workers Industrial Union and went into the Seamen's Union.

Q That was when?

A. I would say it was around the end of June, the beginning of July, of the strike—the strike started May 9th and ended July 31.

(Testimony of Harry Renton Bridges.)

Q. What positions did you hold, what union positions during the 1934 strike?

A. A member of the Executive Committee of the Local, and Chairman of the Strike Committee. That is all.

Q. Were you on any other committees—were you on any sub-committees of the Strike Committee?

A. No. I was ex-officio member, or ex-officio Chairman, you might say, of all committees. I was ex-officio member of all committees. Later I was Chairman of the Joint Marine Strike Committee, later on in the strike.

Q. Can you estimate about when that Joint Marine Strike Committee was set up?

A. June 17, 1934.

Q. And who were included on that Joint Marine Strike [5411] Committee?

A. Fifty men; five from every union on strike.

Q. Was the Marine Workers Industrial Union participating in that Joint Marine Strike Committee?

A. Only in the beginning, the first couple of days. We established the Joint Strike Committee after an attempt was made to settle the strike. We called upon each union on strike to send a delegation of five men to form a Joint Marine Strike Committee. The Marine Workers Industrial Union responded, like other unions. A dispute came up over them being seated on the Strike Committee. It got into such a wrangle that eventually the Marine Workers Industrial Union, their delegation, got up and said "Sooner

(Testimony of Harry Renton Bridges.)

than have this go on in the middle of a strike, we are withdrawing, and we will continue all our support, we will continue to carry on the way we have been carrying on, we will trust you people to do the right thing and to give us a square deal."

So they were only seated for two days, or two meetings.

Our particular union was instructed by the membership to support their seating on the strike Committee. We were overruled by a majority vote on that Joint Marine Strike Committee.

Q. At any other time during the strike did you hold any position on a union, whether your own union or any other union committee?

A. Not that I can recall. [5412]

Q. Did you hold any position during the general strike on any union committee?

A. I was a member of the general Strike Executive Committee, as well as being a member of the General Strike Committee.

Q. You were a delegate to the San Francisco Central Labor Council during the strike?

A. Yes.

Q. Could you give us a picture of your typical day's activity during the 1934 strike?

Mr. Del Guercio: Now, your Honor, that is a little far-fetched,—daily activities.

Presiding Inspector: I don't think it makes any —I understand what you have in mind.

Mr. Grossman: I am referring to the testimony of Mr. Laurence.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: Yes.

Mr. Grossman: I think, your Honor——

Presiding Insepctor: His custom, if it was a custom, wouldn't make any difference.

Mr. Grossman: I want to know when the Committees met, and that sort of thing.

Presiding Inspector: Haven't we had that already?

Mr. Grossman: No.

Presiding Inspector: You can show when the Committees met.

By Mr. Grossman: [5413]

Q. Could you state what was your regular routine with reference to when the various committees that you attended, or the various meetings that you attended, were convened?

Presiding Insector: We don't care so much about his routine. We can take that up later, if necessary. Let us find out when the committees met.

By Mr. Grossman:

Q. When did the committees meet that you were participating in?

A. That depends on which one you want.

Q. Take them one by one.

A. The committees that generally met first, at eight o'clock in the morning——

Mr. Del Guercio (Interposing): Which committee?

A. (Continuing): The Picketing Committee met regularly every morning at eight o'clock mainly

(Testimony of Harry Renton Bridges.)

for the purpose of assigning pickets, and working out the day's work on the picket lines, keeping track of all pickets to see that they were on the job, and so forth.

Following that we would have meetings of the other committees—Publicity, Defense—depending upon what activities were on for the day.

A regular daily meeting always was had by the Relief Committee, which was one of the more important committees.

Presiding Inspector: What time of day did that Committee meet? [5414]

The Witness: I can't recall. I know all those meetings generally occurred in the morning because regularly every afternoon the strike Committee as a whole met. Therefore, we set aside, because of the nature of the activities of those committees, first, and because that was the only time we had available, second, and these committees began to meet at eight o'clock in the morning.

By Mr. Grossman:

Q. How long did the meetings of the Strike Committee generally last?

A. All the way from one hour to three hours.

Q. Did you have any regular meeting to report to the membership?

A. Yes; very frequent ones.

Q. Would they be every day, every week, or what?

A. We had daily meetings; every day around ten o'clock, or maybe earlier, meetings following the

(Testimony of Harry Renton Bridges.)

Picketing Committee. Now, I recall we would have the Picketing Committee meet at eight o'clock in the morning, and as soon as the plans for the day were worked out, by that time all the pickets had congregated outside the union hall in a vacant lot across the street, and we would go out and get up on a stand and announce the day's plan of the Picketing Committee, to those who had just arrived, to all of those that were standing there, and they then dispersed to the various jobs and various places, after they had [5415] a general report of what had been arrived at, the status of negotiations, and certain other things.

[5416]

Q. Did you participate in the meetings of the Picketing Committee?

A. I participated in the meetings of all committees.

Q. Did you make a report every day to this meeting of the membership that was in the vacant lot across from the Union hall? A. Every day.

Q. Were there any other meetings now that were held every day during the strike?

A. Meetings of the—you mean meetings of the committees?

Q. Any meetings that were held daily. Were there any others?

Presiding Inspector: Committees or sub-committees.

A. Well, we had meetings of the sub-committee, the Local Strike Committee, and the Joint Marine Strike Committee daily. That was after the Joint

(Testimony of Harry Renton Bridges.)

Marine Strike Committee was formed, and then these membership—brief membership meetings lasting about half an hour every day for reports.

Presiding Inspector: Defense?

The Witness: It depends. Certain committees like Publicity, Defense, Sick Committees and things like that, they didn't meet daily so much depending on the amount of activity. Sometimes they might have to meet three or four times a day depending upon the activities of the people. Sometimes they may slip a day or two. [5417]

By Mr. Grossman:

Q. Were there regular meetings of the Local Union?

A. There were regular meetings of the Local Union generally once or twice a week. Once a week as a rule.

Q. Were they in the evening or day time?

A. In the evening.

Q. Which day of the week, if there was a regular day?

A. It depends. We didn't have regular meetings at that time. We operated on the basis that we called meetings when it was necessary; that is, so we wouldn't be bound to any one particular day. Therefore, we might have two or three meetings a week. We might go all the next week with one meeting.

Q. Would you change your schedule any when the Joint Strike Committee began to function?

A. Not that I particularly recall.

Q. Did the Joint Strike Committee meet daily?

(Testimony of Harry Renton Bridges.)

A. Yes.

Q. Did your Local Strike Committee meet every day? A. Every day.

Q. How often did the General Strike Committee meet?

A. Only for the period of the general strike every day, four days or about five days.

Q. Did it meet before the general strike?

A. Yes. I think one day before the general strike. At that time we were generally resolved—we were in a Committee of the whole, and then later on they elected out of the [5418] Committee of the Whole—they elected a Chairman, Vice-Chairman, Secretary and Assistant Secretary and an Executive Committee to act as General Executive Strike Committee. Otherwise what you might call it, the entire General Strike Committee was a Committee of the Whole consisting of five delegates from every Union in San Francisco.

Q. What was the smaller committee within the General Strike Committee?

A. The General Executive Strike Committee.

Q. How large was that?

A. I forget. I think it had—I think it had 15 or 20 members on it.

Q. You wouldn't be able to name most of those?

A. I think I would.

Q. Would you try?

A. Edward Vandeleur was Chairman; C. W. Diehl was Vice-Chairman; George Kidwell was Secretary; Jack Shelley was Assistant Secretary;

(Testimony of Harry Renton Bridges.)

John O'Connell was on there; Milton Maxwell of the Butchers was on there; I was on there; and the International Official of the Machinists Union, who is dead now, was on there. I can't recall his name. Charles Derry—Derry—I don't know what his first name is—of the Labor Journal was on there. A Mr. Desepte, if my recollection is correct, was also a member; that's about all I could recall off-hand. I could very easily check the records and [5419] get the entire committee.

Q. Was there any Governmental Commission or Committee functioning during the strike?

A. Board of Arbitration—a Board of Mediation at that time—it later became a Board of Arbitration—appointed by the President by a special Congressional resolution.

Q. And did you attend any meetings of that Committee during the strike?

A. Numerous ones.

Q. Was there any other Governmental Committee functioning during that strike?

A. Not that I recall. There was Government individuals laying all over the place, but not that I can recall specifically functioning as a committee.

Q. What was the function of this Governmental Committee that you described?

A. They were the regularly constituted Board of Mediation appointed by President Roosevelt as a result of a special resolution in Congress to attempt to mediate the dispute and to urge upon the parties arbitration.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: How large was the committee?

The Witness: A committee of three: Edward F. McGrady, at that time Assistant Secretary of Labor; Archbishop Hanna, who was Chairman; and Mr. O. K. Cushing. [5420]

By Mr. Grossman:

Q. Do you remember any other meetings, Union meetings that you attended during the strike?

A. So numerous that I could never remember them all. I attended a dozen a day. I attended as many as four or five at night.

Q. Did you ever have occasion to attend meetings of other Local Unions during the strike?

A. Almost every day and night.

Mr. Del Guercio: May we have a recess?

Mr. Grossman: Yes, we might as well have it now.

Presiding Inspector: We shall take a short recess.

(Whereupon a short recess was taken.)

Presiding Inspector: Now, Mr. Grossman.

By Mr. Grossman:

Q. Mr. Bridges, would the 1934 strike have been lost if there had been no Marine Workers Industrial Union? A. Yes.

Mr. Del Guercio: Well, if your Honor please,——

Presiding Inspector: (Interposing) I think that is too speculative.

(Testimony of Harry Renton Bridges.)

Mr. Grossman: Your Honor, I would say that for some people that would be speculative, but for one who not only has the trade union experience that Mr. Bridges had at that time but has obtained since, and with his close connection with [5421] the strike, you might not agree with his conclusions, but I am sure it is not his conclusions because he is dealing with a field which he knows as well as the handwriting expert knows his field. And I don't think it is at all speculative to remove one element. I think any expert can remove one element, and I think he is capable of doing it. Now, I am perfectly willing to get detail or proof in explanation of his answer, but I am sure that that is not speculative.

Presiding Inspector: Strike it out for the time being and put in the details.

Mr. Grossman: I will ask him the question.

Presiding Inspector: Very well.

By Mr. Grossman:

Q. What difference would it have made in the strength of the unions involved in the strike, Mr. Bridges, if there had been no Marine Workers Industrial Union?

Mr. Del Guercio: I will object to that.

Presiding Inspector: That calls for statistics. I will take it in that sense.

A. The longshore strike would have been lost like all similar strikes were lost in the entire history——

Presiding Inspector: (Interposing) The first

(Testimony of Harry Renton Bridges.)

question is, How much would that have weakened your strength on the waterfront?

The Witness: I doubt if I know how you could compute [5422] that. You couldn't put it in terms of members, your Honor.

By Mr. Grossman:

Q. Let me ask you specific questions. Would there have been in the early part of the strike a smaller number of seamen on strike if there had been no M.W.I.U.?

Mr. Del Guercio: If your Honor please, I will object to that as being purely speculative.

Presiding Inspector: I think that calls for an estimate really of the number of these M.W.I.U. men who were striking.

Mr. Grossman: The members and the supporters. In other words, those that would respond to a call of their strike.

Presiding Inspector: Yes. I think I will take that, as statistical.

Mr. Del Guercio: Without detracting, of course, from Mr. Bridges' experience as a trade union man, from his own testimony here so far he was just a working man during the 1934 strike and he hadn't achieved that prominence at that time yet. Counsel is asking questions regarding that 1934 strike, which his position was just as Chairman of the Strike Committee.

Presiding Inspector: That is the top of the heap, I suppose.

(Testimony of Harry Renton Bridges.)

Mr. Del Guercio: There were Union officials at that time that were much greater in importance and prominence than Mr. [5423] Bridges.

Presiding Inspector: I think I will take this. I am not recognizing the soundness of the theory. I have told Mr. Grossman that I am taking this without recognizing or denying the soundness of his theory. That is to be considered subsequently. I am taking this proof, though, along the lines of Mr. Grossman's theory, as he suggested it, without passing upon the soundness of his argument.

Mr. Grossman: All right.

Presiding Inspector: You understand that?

Mr. Grossman: Yes, I understand that.

By Mr. Grossman:

Q. In the early part of the strike—that will mean, let us say, the month of May—what difference would there have been in the number of seamen out on strike if there had been no M.W.I.U.?

A. There would have been very few seamen on strike. The seamen did not trust the Seamen's Union at that time for very good and substantial reasons. And, in addition, when we struck the Seamen's Union——

Mr. Myron: (Interposing: I think he answered the question, your Honor.

Mr. Grossman: Well, we'll see.

Mr. Myron: I think any further answer would not be responsive.

Presiding Inspector: I think I will take his explanation. [5424] This is corollary.

(Testimony of Harry Renton Bridges.)

A. (Continuing): The Seamen's Union officially and publicly had received quite an amount of publicity on the matter, ordered and instructed the seamen to stay aboard the ships. Therefore, we were in the position where the longshoremen were striking and the seamen were ordered to stay at work and if there had not been another union in the field to start the move to get the seamen off the ships eventually we would have got a certain number, but not for quite a while, and the number of seamen that would come off the ships under those conditions would have been very few.

By Mr. Grossman:

Q. Was there any relationship between the existence of the M.W.I.U. and its being on strike and the fact that the ISU ultimately declared a strike?

Mr. Del Guercio: Just a moment, please! I didn't get the question.

Mr. Grossman: Will you read it back, please, Mr. Reporter.

(The question referred to was read by the reporter as above recorded.)

Mr. Del Guercio: I don't understand the question. Maybe the witness does.

Mr. Grossman: I will ask it again. I think the witness does, but I think Mr. Del Guercio is entitled to understand it.

Mr. Del Guercio: Yes. [5425]

Mr. Gladstein: Make it more simple.

Mr. Del Guercio: If you can.

(Testimony of Harry Renton Bridges.)

Counsel was addressing his remarks to me, if your Honor please.

Mr. Grossman: I am perfectly willing to make it more simple, Mr. Del Guercio.

Mr. Gladstein: I was making that suggestion to my co-counsel.

By Mr. Grossman:

Q. The thing I am concerned with, Mr. Bridges, is whether the result of the vote of the ISU to go on strike in approximately ten days after the strike began would have been the same had there been no M.W.I.U on strike at that time.

A. Absolutely not.

Q. Can you state whether the ISU would have continued during the month of May not to strike had there been no M.W.I.U.?

Mr. Del Guercio: I will object to that, if your Honor please, as calling for purely speculation.

Presiding Inspector: I don't think you can go that far.

Mr. Grossman: I don't think that is more speculative than the other.

By Mr. Grossman:

Q. Mr. Bridges, I would like to have you state from your experience what is the importance in a strike of having [5426] a union giving leadership to the men who come out on strike or it is desired should come out on strike.

Mr. Del Guercio: I will object to that as being compound.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: Don't you think that is pretty self-evident?

Mr. Grossman: It may be to some people and its true significance may not appear to those people, your Honor. I think we are entitled to have an expert explain how much difference it would make.

Mr. Del Guercio: We are not trying an expert.

Mr. Grossman: I would say this, Your Honor: To me it seems elementary, except the fact that by reason of Mr. Bridges being unwilling to accept the spontaneous striking of these men and preferring rather that they should be led rather than the M.W.I.U, the Government would wish to deport him for that alone, among other things, but they are willing to deport him for that alone.

Presiding Inspector: Not quite that.

Mr. Grossman: Well, the way they define "affiliation" your Honor; the mere fact of helping the M.W.I.U. get members of and support from the seamen constitutes "affiliation" with the M.W.I.U and a ground for deportation under the theory of the Government. Now, since—— [5427]

Presiding Inspector: (Interposing) There is a little more added to that.

Mr. Grossman: I beg your pardon?

Presiding Inspector: There is a little more added to that: That they were mutually assisting each other.

Mr. Grossman: Not according to what they suggest. They talk about "support" as being synonymous with "affiliation".

(Testimony of Harry Renton Bridges.)

Presiding Inspector: The receiving of support and the mutual obligations and duties implied in that, I suppose.

Mr. Grossman: That is not in their definition, your Honor.

Presiding Inspector: Only implicit in the word "support."

Mr. Grossman: Well, I think so. I think "support"——

Presiding Inspector: (Interposing) I disagree with you. I think that is implicit, but you may be right about it.

Mr. Del Guercio: We don't adopt counsel's definition We will advance our own theory.

Mr. Grossman: Let us assume even that the Government would be accepting the definition of "affiliation" that was accepted in the last hearing. Nevertheless, apparently, their theory is that this cooperation, such as it is of Mr. Bridges, that is, helping the M.W.I.U bring the seamen out on strike, is sufficient to justify his deportation. Now, either the Government thinks that one should be deported for trade union activity simply; I mean, the theory at least of the Prosecution here; or else they assume that Mr. Bridges had a responsibility [5428] to stand idly by and let the men come out spontaneously on strike without having the M.W.I.U. because they had no other union, bring them out on strike. That changes the picture slightly and I think justifies having Mr. Bridges explain how much help there was in the strike so far as the seamen are concerned

(Testimony of Harry Renton Bridges.)

in having a union there to take them in as members and to give them leadership.

That's why I think we are entitled to go into it.

Mr. Del Guercio: If your Honor please, as I——

Presiding Inspector: (Interposing) Just a moment!

Of course, Mr. Grossman, I don't want to suggest this but I suppose the Government would claim that that was justifying association, affiliation, membership even with a subversive body if it had a good purpose, that argument.

Mr. Grossman: What do you mean by "justify"? Do you mean making it non-deportable?

Presiding Inspector: I mean it wouldn't be a violation of the statute if, for a good purpose, to win the strike for a proper organization of loyal Americans a step was taken to accept membership in a subversive organization. You see, it leads to wide fields for consideration. But I am going to take your view so far as the reception of evidence is concerned. You may go on.

By Mr. Grossman:

Q. What difference does it make from a trade union standpoint that there is a union in existence to give leader- [5429] ship to and to be a place for membership in for strikers and potential strikers?

A. A difference in winning or losing the strike.

Mr. Myron: I didn't hear that answer.

By Mr. Grossman:

Q. Could you receive——

(Testimony of Harry Renton Bridges.)

Presiding Inspector: (Interposing) "The difference between winning and losing a strike."

By Mr. Grossman:

Q. Could you explain what difference it makes? Why can't workers who go out on strike spontaneously without a union could be just as effective and strong in a strike?

Presiding Inspector: Don't you think it is perfectly apparent? It is like a class of boys without a teacher.

Mr. Grossman: Then I can't understand one of the elements of the Government's case. As I say, I thought that was self-evident, but apparently not.

Presiding Inspector: I think it is self-evident that leadership is necessary to a joint enterprise. Do you think there is any doubt about it?

Mr. Grossman: The Government went so far as to cite as so-called admissions from the last hearing Mr. Bridges' statements along this line: That he cooperated with the M.W.I.U for trade union purposes in order to have greater strength, in order to win the strike. And they take our time to read those things as what they called "admissions" on the theory [5430] apparently that these are sufficient to tend to establish at least the deportability of Harry Bridges. Now, you remember that.

Presiding Inspector: Oh, yes. I remember it very well.

Mr. Grossman: And those admissions, so-called, all dealt with cooperating for legitimate trade union purposes with the M.W.I.U.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: I know. But there are certain things that you can cooperate in and there are certain things that you can't cooperate with.

Mr. Grossman: Yes.

Presiding Inspector: And if you do cooperate in these improper things it doesn't make any difference what your purpose is.

Mr. Grossman: What's proper, your Honor?

Presiding Inspector: What is that?

Mr. Grossman: What's proper?

Presiding Inspector: I mean to say, if you called in to assist you—I am taking it from the general type of evidence we have had here—to win the strike, the whole force of a subversive organization, you are cooperating with them no matter what your purpose may be.

Mr. Grossman: Well, is that a deportable purpose?

Presiding Inspector: I should think so.

Mr. Grossman: To win a strike? You mean, asking for aid of the Communist Party is sufficient?

[5431]

Presiding Inspector: Yes, I should think so.

Mr. Grossman: To constitute deportability?

Presiding Inspector: I should think so. Supposing they contributed to the persons who win the strike?

Mr. Grossman: I would say this, your Honor——

Presiding Inspector: (Interposing) The definition is right in the statute on that.

Mr. Myron: May I say this, if your Honor please?

(Testimony of Harry Renton Bridges.)

That there is no question pending and apparently the last question——

Presiding Inspector: (Interposing) I know, but we are discussing the general admissibility of all this evidence. I am going to take it, but I don't think it is conclusive by any means.

Mr. Del Guercio: The Court has expressed our theory correctly, if your Honor please.

Presiding Inspector: I was trying to express the Government's view, not my own.

Mr. Del Guercio: No, the Government's view.

Mr. Gladstein: May I ask a question simply for clarity?

Presiding Inspector: Certainly, Mr. Gladstein.

Mr. Gladstein: Your last remarks give me this impression: That is, your interpretation of the Government's theory, as I understand it, would be, to put it in my own word so I can understand it, along this line; That if Harry Bridges accepted [5432] the assistance as a Union leader engaged in a strike, accepted the assistance of another organization or found it necessary to work with that organization in the conduct of the strike in order to win that strike, and that strike was a legal strike in the sense that it was a strike for those purposes which are recognized by American jurisprudence as perfectly legitimate; that that organization, not necessarily the members of the organization with whom Harry Bridges came into contact, but if that organization is shown to have had an affiliation with another organization known as the Trade Union

(Testimony of Harry Renton Bridges.)

Unity League, and if the Trade Union Unity League is shown to have had another affiliation with some other organization, and in the face of a ruling which theretofore, as I understand it, had been made by the Department of Labor; in the face of all that, is it the Government's contention that Mr. Bridges would be deportable on that ground?

Presiding Inspector: I think it. That is my understanding of the Government's theory.

Mr. Gladstein: Then essentially it boils down to this: That the difference between being deportable or not deportable, as far as an alien is concerned, on this question of M.W.I.U. affiliation; the difference is whether or not a man does those things which he considers necessary and which probably most people would consider perfectly appropriate in order to win the strike, on the one hand, in contrast with sitting idly by [5433] and allowing the strike to be lost.

In other words, if the strike was lost and unsuccessful because you didn't accept the aid of those seamen who were willing to give it, why then, you are a fine loyal American. But if you do something as a Union leader to accept the support of those seamen who are willing to assist the longshoremen in winning that strike and you actually do win your strike, then according to the Government's theory you are deportable.

Presiding Inspector: I think that is part of the Government's contention.

(Testimony of Harry Renton Bridges.)

Mr. Gladstein: I just wanted the Government's understanding.

Mr. Myron: The statute is plain.

Presiding Inspector: I understand that is part of the Government's contention. I am not passing on the soundness of it or on the soundness of the other side.

Mr. Grossman: All right.

Presiding Inspector: Now, we have had a long discussion. I hope it is elucidating.

Mr. Grossman: I believe the last question, your Honor, was a request from Mr. Bridges to explain further his statement that unions make a difference.

Presiding Inspector: Yes. I think it is self-evident. But if you think you should have it in the record——

Mr. Grossman: (Interposing) In the light of what we have been discussing, I think it is necessary.

[5434]

Presiding Inspector: Go ahead, Mr. Bridges. Tell them what you think about it.

The Witness: They have got to be organized for purposes of unity, solidarity, purposes of morale, purposes of getting things down or feeding them, of having activity toward winning the strike. Otherwise you have just got a mob. You have got a mob that is liable to do anything. They are liable to wreck your whole strike by individual terroristic action. They are liable to confuse the entire situation, and the difference between having workers organized in some sort of an organization, irregard-

(Testimony of Harry Renton Bridges.)

less of name—name doesn't matter, or at the particular time even affiliation doesn't matter. It is purpose and organization that matters, and the difference between having the workers in such an organization which gives them the right to move in an organized manner, gives them organized leadership, gives them an organized program, and not having them in such an organization. On the one hand, you have got a mob that can be many, many hundreds or thousands of times larger and be ineffective, and on the other hand you have got an organized group that can be much smaller and much more effective because they are organized they have a program, they know where they are going, they know how to express themselves and they know how to win.

By Mr. Grossman:

Q. What is the——

Presiding Inspector: (Interposing) I don't think there would be any difference of opinion on that. I think it is self- [5435] evident.

Mr. Del Guercio: Well, I was reminded, if the Court please, of the Communist Manifesto.

Mr. Grossman: Well, all right. If you want to be reminded by that——

Presiding Inspector: Yes. We all remember the Marx-Engels Manifesto.

By Mr. Grossman:

Q. You were making a statement previously, Mr. Bridges, about the fact that this strike had succeeded where other strikes had failed by reason of the sea-

(Testimony of Harry Renton Bridges.)

men participating. I wonder if you would explain exactly what you meant by that.

Mr. Del Guercio: If your Honor please, I object to that line. That is purely speculation as to what might have happened under other circumstances. We don't know. This witness don't know.

Mr. Grossman: I have laid a basis. I am coming back to it. This calls for what has happened in other strikes.

Presiding Inspector: Do you think we need to go into that?

Mr. Grossman: I want to lay the basis for the question that I started, and I don't know whether I have laid it fully or not.

Presiding Inspector: Why don't you ask that question?

Mr. Grossman: All right. [5436]

By Mr. Grossman:

Q. If there had been no M.W.I.U would the 1934 strike have been won or lost?

Mr. Del Guercio: If your Honor please, I object to that. The facts are that there was a Marine Workers Industrial Union.

Presiding Inspector: I will take his opinion for what it is worth.

A. I'm not sure and I wouldn't say that that single factor alone would result in losing the strike. I could be positive that the fact that they did exist resulted in us winning the strike and getting better conditions or a better settlement. But to say that the Marine Workers Industrial Union alone with the

(Testimony of Harry Renton Bridges.)

longshoremen as a single factor would have lost the strike, I think would be incorrect. There were other factors. A very important factor, even more important than the Marine Workers Industrial Union, was the Teamsters organization. But there is no question that what helped us organize the strike and make it tight and what, therefore, led to the Teamsters' strike and in concert with us and other groups striking in concert with us were the initial moves that began first with the longshoremen and second with the seamen, and enabled us to finally wind up the strike with definite gains and benefits and organization to the men involved.

Mr. Del Guercio: If your Honor please, in view of this witness' statement, I think it will answer counsel's question [5437] and will stop all further inquiry along that point. I think the witness has indicated that there were other people on strike and other leaders than himself in that 1934 strike. Apparently he wasn't the only one. I understand that there were some five or six thousand longshoremen on strike at the same time and all had their little part in it, too.

Mr. Gladstein: Then perhaps we had better suggest to Mr. Bridges that he testify so clearly that Mr. Del Guercio should not get the impression that Mr. Bridges claims to have been the only longshoreman on strike.

Presiding Inspector: There is no doubt about it. Go ahead.

You didn't make any motion, did you?

(Testimony of Harry Renton Bridges.)

Mr. Del Guercio: No.

Presiding Inspector: It was an explanation of your attitude; I mean, of your position, the Government's position. Go ahead, Mr. Grossman.

By Mr. Grossman:

Q. How many hours a day did the picketing go on during the strike? A. Twenty-four.

Q. Were there several shifts of pickets?

A. Four, six hours a shift.

Q. And were the shifts equal in size? [5438]

A. Generally speaking, yes, except on occasions when they would be strengthened.

Q. Did you say, Mr. Bridges, that there were one or two Governmental Commissions during this strike, Commissions or Committees?

A. There were two, really. We had the first Mediation Board, Mediation Commission that arrived at a compromise settlement that was rejected. That was prior to the strike. That was arrived at in the process of mediation in an attempt to stop the strike. That was practically unanimously rejected.

Q. By whom?

A. I wasn't any coast official at that time. I wasn't even an official of the Local. It was rejected by the——it was rejected by the coast officials in the main and practically the entire coast membership.

[5439]

Q. Who was on that Commission?

A. Judge Reynolds of Seattle; Dean Grady, at that time Dean of the University of California; and a Doctor of Economics from U.C.L.A. I forget his

(Testimony of Harry Renton Bridges.)

name. I forget his name. And that Commission functioned up until May 28, 1934 where they came,—brought forth another compromise proposal that was also rejected by the coast membership.

Q. Do you recall what that proposal was that they made during the strike?

A. Yes. It was what we call the May 28th proposal and it provided for a system of hiring through a hiring hall that still left the possibilities, the actual possibilities of discrimination wide open and still left the possibilities of the destruction of the union wide open. And it was rejected. It was rejected by every coast local. Our local was the only one that took a referendum on it. I recall that. The San Francisco Longshore Local, we insisted on a secret ballot for to reject it and to get some idea of the strength of the rank and file. It was rejected by 2400 to 80. All other locals voted it down in a voice vote.

Q. Now, was there another committee, Government committee or commission functioning during the strike?

A. That just about disbanded that commission, and then the other commission, which was the second commission, of Mr. McGrady, Archbishop Hanna and Mr. Cushing was created. [5440]

Q. Did that commission make any proposal to settle the strike?

A. It made a certain proposal from time to time, and they were generally rejected; rejected for two or three basic reasons, as I recall it.

(Testimony of Harry Renton Bridges.)

Q. How was the strike finally settled?

A. By an agreement that the longshoremen return to work without discrimination because of strike activities; that all strike breakers at that time working on the waterfront or on the docks would be discharged; and that all issues in dispute would be submitted to arbitration between the representatives of the employers on a coastwise basis and the representatives of the union on a coastwise basis. In other words, recognition was completely granted to that extent, and another of our demands was no separate port agreements but one coastwise agreement. And, in addition to that, recognition was granted the seamen, and it was agreed that they would also return to work and all their demands be submitted to arbitration. And we all returned to work together on July 31st under those conditions. The only difference between the settlement for the seamen and the longshoremen was that certain groups of the seamen, the deep-water groups, had to take a vote for purposes of representation as against the Marine Workers Industrial Union or no union. In other words, it was a plebescite at that time. [5441]

Q. How long after the end of the general strike was this strike ended?

A. The general strike ended July 20th. The marine strike ended July 31st.

Q. Were negotiations being carried on with the employers for the settling of the strike and, if so, during what period?

(Testimony of Harry Renton, Bridges.)

A. All during the strike period, from prior to May 9th and from May 9th on. [5442]

Q. Did you participate in those negotiations?

A. Not until after this May 28th proposal. I was about to explain it.

The negotiations were being carried on by a committee of the coast, a coast committee. I was not a member of that committee. I had no official position in the local except as a member of the Executive Board and Chairman of the Strike Committee.

When this May 28th proposal, as we called it, was brought back the men were somewhat incensed at what the proposal contained, and insisted that I be elected to sit on the Committee.

From that time on until June 16th I sat in the negotiations.

On June 16th another agreement was executed and signed without our knowledge.

Q. Without whose knowledge?

A. Without the knowledge of the men on strike, in an attempt to break the strike. That was repudiated, and that was the time that the Joint Marine Strike Committee was formed. From then on they negotiated the strike to a settlement.

Q. After the general strike ended were there daily negotiations with the shipowners for the settlement of the strike? A. Yes.

Q. Would there be every day?

A. Yes. [5443]

Q. Were you in on those negotiations?

A. Yes.

(Testimony of Harry Renton Bridges.)

Q. During the general strike were there any negotiations with the employers? A. Yes.

Q. Daily?

A. Yes. There were negotiations held with the employers, with the Mediation Board at that time sitting in with the parties.

Q. From June 16th on did you participate in every negotiation involving the longshoremen with the employers? A. Yes.

Q. Were you out of San Francisco—put it this way: Were you more than 50 miles out of San Francisco during the 1934 strike? A. No.

Q. Are you positive about that?

A. Absolutely positive about it.

Q. What is the basis of your being positive on this matter?

A. I have a very good recollection of every day of that strike. After all, the strike was brought about—there is no question but what the whole thing was somewhat of a wild affair in many respects. The men were pretty desperate. The majority of them, it is safe to say, did not realize the seriousness of that strike, although they worked very effectively [5444] in fighting, prosecuting the strike.

Mr. Myron: Is this responsive to the question?

Mr. Grossman: I think it is.

Presiding Inspector: He is giving the reason why he is so certain.

Mr. Myron: As a basis of his recollection?

Presiding Inspector: I will allow it.

(Testimony of Harry Renton Bridges.)

A. (Continuing): I distinctly recall that we met every day, practically, including every Sunday. I recall the days we had off. There was so much activity, and so many meetings, and so much to do, and so many events to fix it in my mind, that I couldn't possibly be mistaken.

By Mr. Grossman:

Q. Did you leave San Francisco at all during that strike?

A. I went to Oakland, I went to Crockett, I made one trip to San Jose, and I went as far as Stockton. They were the only trips I made.

Q. Did you ever go farther from San Francisco than Stockton during the 1934 strike?

A. If Stockton is farther than San Jose, which it is——

Q. (Interposing) It is.

A. No. That was the farthest point that I went to.

Q. Were you in Los Angeles at any time during the 1934 strike? [5445]

A. No. I was in Los Angeles in January 1934; and I wasn't down in Los Angeles again until September, 1934.

Q. What is the best date you can give as to the time when you first joined, rather, when you joined the IWW?

Mr. Myron: The best date?

Mr. Grossman: Yes.

A. July 21, 1921.

(Testimony of Harry Renton Bridges.)

By Mr. Grossman:

Q. How did you happen to join with reference to whether someone asked you to join?

A. The main reason was on account of the attitude of the leaders of the Sailors' Strike at that time. The strike was eventually smashed. The Seamen were on strike by themselves. The attitude of the leaders was to seek no help from the longshoremen, or anybody else. The strike could only end one way, and it did, and we were smashed.

Q. What part did the IWW play in that strike?

A. At that time they had a program of greater solidarity, cooperation between the longshoremen and the seamen, support of the seamen by the longshoremen, more democratic unionism, and a more definite prosecution of the strike toward a settlement.

Q. Did the IWW at that time and place play any part in leading the strike, or attempt to lead the strike, or any part of it? [5446]

A. In attempting to lead it; yes.

Q. How large was the membership of the IWW union to which you belonged at that time?

A. I can't recall that; I don't really know. They had quite a strong movement in the south at that time.

Q. How long did you remain a member of the IWW?

A. I think until the end of '21 or the early part of 1922.

(Testimony of Harry Renton Bridges.)

Q. Why did you drop out, if you did drop out, of the IWW?

Presiding Inspector: Hasn't he told that earlier to you?

Mr. Grossman: Only partially.

Presiding Inspector: I think he told that this morning.

Mr. Grossman: I am not sure that it is as clear as it might be.

Presiding Inspector: I thought it was very clear. You may ask, if you wish to, if you think this is something helpful.

A. The organiaztion was syndicalistic and anarchistic. Its method of operation allowed too much for provocative action. Its aims were pretty general, except in a specific situation when there were a certain set of facts at hand, and its aims were pretty general. Although they were the organization at that time that had a wonderful record that impressed me, and they did a tremendous amount of work, as a [5447] staid, permanent organization —at least I thought I knew enough about trade unionism to know it wasn't going to last very long. And I disagreed entirely with the attitude regarding no political action, because I had enough knowledge of trade unionism, even in Australia, to know that no union could keep any gains it made by economic action without some form of political action.

Of course, the IWW was always strongly against any form of political action. They finally got so syndicalistic and anarchistic, as I said, that nobody

(Testimony of Harry Renton Bridges.)

knew what was heads or tails of the outfit—everybody was a General.

Q. Mr. Bridges, I am going to hand you a book which, for the record, is a "History of Criminal Syndicalism Legislation in the United States," which appears to be a thesis of some kind, perhaps a doctrinal thesis, by Eldridge Foster Dowell, printed in 1939 by the Johns Hopkins Press, and call your specific attention to Chapter 1.

I will ask the question after I have shown it to counsel.

(The books referred to was passed to Mr. Del Guercio.)

Mr. Del Guercio: Are you referring to just the first paragraph?

Mr. Grossman: The entire Chapter.

Mr. Del Guercio: The entire Chapter?

Mr. Grossman: I think, when you hear the reference, you will se there is no need for you to read it all now, but you [5448] have a right to do that, of course.

Mr. Del Guercio: I don't want to read the whole thing unless——

Presiding Inspector: This book is a history of criminal syndicalism——

Mr. Grossman: (Interposing) It is a history of criminal syndicalism legislation, but Chapter 1 deals with the theories, practices and doctrines of the——

Presiding Inspector: Of the IWW.

(Testimony of Harry Renton Bridges.)

You don't need any more than Mr. Bridges himself has given on that, do you?

Mr. Grossman: There is more I want.

By Mr. Grossman:

Q. I want to show you this, Mr. Bridges, and ask you whether you have read Chapter 1 of this book?

A. (Examining book): Yes, I have read this.

Q. Will you state whether Chapter 1 of that book correctly states the theories and doctrines, official theories and doctrines, of the IWW as you understoood them at the time you joined the organization?

Mr. Del Guercio: If your Honor please, I object to the question on a number of grounds: First, the book that he has shown the witness—if I may have it for just a moment, Mr. Bridges—is a book entitled "A History of Criminal Syndicalism Legislation in the United States," by Eldridge Foster Dowell, [5449] Ph. D., Instructor in History and Political Science, Hollins College, printed in Baltimore by the Johns Hopkins Press in 1939. It purports to state the theories, practices and doctrines of the IWW. It purports to be what the author of the book thought the doctrines, practices and theories of the IWW were at that time, as he saw them, in 1939.

I haven't read the book. This is the first time I have seen it.

For those reasons I can't understand how this witness could possibly have any——

(Testimony of Harry Renton Bridges.)

Mr. Grossman: (Interposing) We don't want to rush this.

Mr. Del Guercio: Let me finish—I can't see what possible bearing even an affirmative answer of this witness would have on the doctrines, practices and theories of the IWW as shown by the literature, by their own literature, that is, the literature of the IWW.

Presiding Inspector: I don't see how we can receive that any more than any other history.

Mr. Grossman: May I say this: As I understand the law of evidence generally, a man may take what he believes to be facts at a certain time, or it is possible also to show him a book, or a document, which purports to state those things, and ask him whether it correctly states, or agrees with his state of mind. [5450]

Presiding Inspector: I never heard of such a rule.

Mr. Grossman: I understand that I can, and it will certainly save time for this reason, your Honor. I don't want this rushed, and I certainly want your Honor, before this is permitted, if there is any question about it, to read it over and see,—

Presiding Inspector: Even in a court in a medical case you can only confront a witness on cross examination by recognized authorities.

Mr. Grossman: Let me finish my statement. This book purports to be an academic and scientific statement, this Chapter, at least, as to the IWW. It purports to be that. I am not vouching

(Testimony of Harry Renton Bridges.)

for the academic standing of the author. It is one of the few books we have been able to find that purports to do that sort of thing. It purports to state what were the official doctrines and theories of the IWW at certain times. It purports to quote from their official resolutions and the convention decisions, and other things that would be correctly stated.

We are introducing it, not as the author's views, but as the doctrines of that organization. If Mr. Bridges agrees with the author, and to the extent that he does, that those were the doctrines as he understood them, quite obviously what Mr. Bridges thought the IWW believed in—whether it did or not doesn't matter—but what he thought it believed in at the [5451] time he joined it is material to his state of mind, quite obviously.

Mr. Del Guercio: On that statement alone it isn't material.

Mr. Grossman: You can answer my statement when I finish.

I say, what Mr. Bridges believes of the doctrines of the organization is material and what weight you give the evidence is another matter.

I can go through that point by point, and footnote by footnote, and ask Mr. Bridges, "Did you understand this legislation had been passed at this convention?" or "What is its position on sabotage?" which I think is an undue waste of time because I think if he has read it—if counsel has a chance to read it—and he states that the description

(Testimony of Harry Renton Bridges.)

which it purports to give of the doctrines of the organization in 1920 and 1921, when he joined, correctly represents what he thought it was, I think it is relevant for that purpose.

Presiding Inspector: I don't suppose his belief as to what they represented is material.

Mr. Grossman: Let me give you an example: Let us suppose——

Presiding Inspector: It may be the statute is perfectly clear on that.

Mr. Grossman: Let me state this: Let us suppose, now, that the Government should be able to establish—I don't [5452] agree that they can, and I am not making any statement on that at this time—but let's suppose they should be able to establish that the doctrines of the IWW were such as to make—well put it this way—such as to constitute that phrase which is descriptive in the statute. Let us suppose they should find they believed in sabotage. Let us suppose we could establish that if the IWW held those doctrines, believed in sabotage, it was not known by 98 per cent of their membership, and not known by Mr. Bridges. Are you stating the statute should be interpreted in such a way to deport a man for belonging to an organization which has a theory which he didn't recognize to be true, but, in fact, he recognized the contrary, and which wasn't recognized to be true by 99 per cent of the membership? I would say Congress certainly never intended the statute to be so interpreted.

(Testimony of Harry Renton Bridges.)

Now, quite obviously, as will appear from the testimony, Mr. Bridges believed that the IWW, when he belonged to it, had certain views. He didn't believe that the organization believed in sabotage; he didn't believe that it held certain other views that might be considered in violation of this statute. If he held those beliefs, that is, if he felt the organization didn't believe in sabotage, and if he thought the organization didn't believe in these other things, it is certainly relevant and within a reasonable interpretation of the statute.

If it is relevant I think this is the shortest way to prove [5453] it. I much prefer that, and I think your Honor should proceed in taking what purports to be an academic statement of it, and asking Mr. Bridges as to the whole statement, instead of footnote by footnote, and resolution by resolution, whether it agrees with what he understood at the time.

Mr. Del Guercio: If the Court please, in the first place, of course the authenticity of this book hasn't been established. You will recall the difficulties the Government had in getting these documents in, of the IWW, in evidence.

Now, here he is handing the Alien here a book and would want us to believe that it was written by so and so, and that it contains such and such a thing, without offering any proof of its authenticity.

Regardless of all that counsel forgets what the Alien is charged with in regard to the IWW.

The Alien is not charged with belonging to an

(Testimony of Harry Renton Bridges.)

organization that believes in, advises, advocates and teaches sabotage, or that the Alien belonged to an organization that advised, believed in, and advocated the unlawful destruction of property.

He is charged with—I can't repeat the exact language without consulting the charge lodged—with belonging to an organiaztion that distributed literature advocating and advising the unlawful destruction of property and sabotage.

Now, regardless of what this witness here may have believed the doctrines of the IWW have been at that time, that is immaterial in view of those charges. [5454]

The best answer to counsel is the case of Tisi vs. Tod, the decision having been handed down by the Supreme Court not so long ago.

Mrs. King: Tisi v. Tod?

Mr. Del Guercio: Yes. I don't know what the citation is off-hand.

If I recollect the facts correctly in this case the alien was arrested, having been found distributing Communistic literature. The evidence at the hearing showed that he was unable to read English and, therefore, could not understand the contents of the literature, and did not know the contents of the literature that he was distributing. He was charged, among other charges, if I recall correctly, with distributing Communistic literature and belonging to an organization——

Presiding Inspector: Was this a court case or a deportation case?

(Testimony of Harry Renton Bridges.)

Mr. Del Guercio: A deportation case.

The Supreme Court held that it did not make any difference whether or not he knew the contents of the literature he was distributing.

I think that case is very apropos here.

Presiding Inspector: I would like to read that case.

Mrs. King: If your Honor please——

Mr. Del Guercio: (Interposing) I don't purport to state all of the facts in the case accurately.

[5455]

Presiding Inspector: No.

Mrs. King: In that case I understand the holding of Mr. Justice Brandeis—I believe the case is 263 U. S., but I am not quite sure of the citation—the question was, rather, whether the Immigration Service, then the Secretary of Labor, was correct in its conclusion that the Alien really did know what he was distributing. I mean it wasn't only a question of knowledge, but this Alien testified that he could not read it. It was a question of fact as to whether the Secretary of Labor could hold that he did understand it.

I do not think that the case is at all clear for the proposition that regardless of whether he understood it the statute made his deportation mandatory.

It is interesting, although perhaps not entirely relevant, that after the decision of the United States Supreme Court the Warrant of Arrest against Catona Tisi was cancelled and he, Tisi, is still in the United States. In view of the decision of Mr. Jus-

(Testimony of Harry Renton Bridges.)

tice Brandeis the Labor Department changed its view and it shows that this is an Administrative proposition and not a Judicial one. We are now in the Administrative phase of the case, such a deportation case. [5456]

Presiding Inspector: That is something that you can argue to the Attorney General, if I should advise the Attorney General that Mr. Bridges was a member of this organization these many years ago and that his idea of the organization is just as he stated it. But that wouldn't be for this tribunal here, this advisory tribunal.

Mrs. King: We are trying to get into this record for your determination——

Presiding Inspector: (Interposing) You are quite right, Mrs. King.

Mrs. King: (Continuing) ——and for the determination of the Attorney General the character of the IWW, and we believe that this is a fair representation. But we also feel that the Alien's own views, Mr. Bridges' own views of the theories of the IWW are relevant. I believe it was in the Thomas Trust case that Secretary Post determined —and I think that case is footnoted to Skeffington v. Katzeff, or perhaps Judge Anderson's opinion in the lower court in the Collyer v. Skeffington case —that automatic membership in an organization did not constitute membership within the meaning of the statute, and it seems to me that what Mr. Bridges thinks of the organization has a bearing.

(Testimony of Harry Renton Bridges.)

There has never been, as far as I know, a decided ruling to the effect that where an alien has no knowledge of the character of the organization that he is nevertheless under the statute [5457] subject to deportation.

Now, we may be wrong on that theory, but we are at least entitled to make a record as to Mr. Bridges' views on the Industrial Workers of the World.

Presiding Inspector: But he has already given them, hasn't he?

Mrs. King: I don't believe so. He has given his views as to why he got out of it, but not of its philosophy while he was in it.

Presiding Inspector: He told why he got in and why he got out.

Mrs. King: Yes. Both of those things he has told, but still hasn't told what the organization in its general principles and theories stood for. And also with reference to Mr. Del Guercio's position, that it may have distributed literature, it is not my understanding of the meaning of the statute that, if an organization has one piece of literature which it distributed at one time, which an alien has knowlege of, that every alien who is ever connected with that organization, past or present, is for that reason deportable.

It seems to me that under our constitutional form of government and our right of free speech and free assembly that that is an incorrect interpretation of the statute. Now, I may be wrong as to that, but

(Testimony of Harry Renton Bridges.)

I still maintain the right to make a record on this. And I don't feel that the general prin- [5458] ciples of the IWW have been gone into, and I should like to suggest to your Honor that before tomorrow it may be possible for you to look at this and see the difference in the character of the material contained in this chapter with reference to the general principles of organization rather than the material which Mr. Bridges has suggested about the organization, which is purely of a trade union character and which had nothing to do with its general underlying principles, and particularly with its views on the subject of sabotage and the unlawful destruction of property which is involved in the statute that we now have under consideration.

Mr. Gladstein: Could I suggest, your Honor, it is ten minutes——

Mr. Del Guercio: (Interposing) May I say that this book here was written in 1939. Bridges was a member of this IWW in 1921. It would be a strange coincidence, strange indeed, if this man here, Mr. Hopkins, or whoever wrote this book, would in 1939 expound the same theories about the IWW that Mr. Bridges had when he first landed in this country.

Presiding Inspector: Well, let me see this book.

Mr. Gladstein: May I suggest, since it is ten after four, that your Honor take this book overnight and look at the first chapter, with the understanding that we are not offering this book as proof of what the IWW actually stood for, because we don't know whether this man who wrote it claims

(Testimony of Harry Renton Bridges.)

to be an authority [5459] on the IWW as a member of it or anything of that sort. But at least for the purpose of framing this question which was asked, whether that discussion reflects in any way—now, it may not or it may only in part—reflects in any way the opinions and beliefs of the organization at the time. It is simply a suggestion that you examinine it before you rule on it.

Since it is past the adjournment hour anyway and no harm could result from your taking under consideration until tomorrow morning the passing on this question——

Presiding Inspector: (Interposing) Oh, I will read the first chapter.

Mr. Goodwin: Your Honor——

Presiding Inspector: Just a minute.

Mr. Goodwin: I was going to suggest this, your Honor, if I may. If they want to ask him what his beliefs were or what his ideas were at that time, that's one thing. We think that is entirely immaterial. But to have him look at the book and say, Did that represent—a book, of course, which he had never seen—Does that represent what your ideas were at that time? I think that that is too far-fetched.

If they want to examine him in regard to what his ideas of what the IWW actually were, I think that those questions should be subject to the objection that that is entirely immaterial. But, in any event, this sort of a question, whether that particular book represented what he thought, is en-

(Testimony of Harry Renton Bridges.)

tirely, [5460] it seems to me, illogical and improper and inadmissible.

Presiding Inspector: You don't want me to read these footnotes? Only the text?

Mr. Grossman: I think you will find in some of the footnotes, which you will easily see, more specific references to the resolutions and decisions of the IWW than the text. But I am sure, running through the text, you will find which of the footnotes are relevant.

Presiding Inspector: There are a great many factual matters. They certainly wouldn't be competent.

Mr. Grossman: That is right. You won't find much relevant in this book.

Mr. Del Guercio: While you are reading, you might also read the pamphlets that the Government has offered.

Mr. Grossman: We have no objection to that.

Presiding Inspector: I know something about them.

All right. We will take a recess until tomorrow morning at ten o'clock.

(Whereupon, at 4:10 o'clock p.m. an adjournment was taken until Wednesday, May 28, 1941, at 10:00 o'clock a.m.) [5461]

Court Room 276,
Federal Building,
San Francisco, California
May 28, 1941

Met, pursuant to adjournment, at 10:00 A. M.

[5462]

PROCEEDINGS

Presiding Inspector: This is off the record.

(Remarks outside the record.)

Presiding Inspector: Now, you may proceed, Mr. Grossman.

HARRY RENTON BRIDGES

called as a witness in his own behalf, having been previously duly sworn, testified further as follows:

Mr. Grossman: Your Honor, I would like to offer in evidence the letter of Mr. Meyer, giving certain information on the statutes covering the WPA, which was in response to a request made when he testified here. It is a letter dated May 26, 1941, addressed to you.

Mr. Del Guercio: I object to it being accepted in evidence on the ground that there is a regulation of the statutes.

Presiding Inspector: It doesn't add anything to the statute.

Mr. Grossman: I will offer it for identification, if there is any question, as that will do the job.

Presiding Inspector: It may be marked for identification.

(Testimony of Harry Renton Bridges.)

(The letter referred to was marked for identification as Alien's Exhibit No. 30.)

Mr. Grossman: Your Honor, I wonder if you have made up your mind in any way on the question that arose just before we adjourned with reference to this Chapter in the book that [5463] I asked Mr. Bridges about?

Presiding Inspector: Yes, I have. What was the question?

Mr. Grossman: The question was, in substance: Does Chapter 1 of this book, purporting to show the official position of the IWW at the time you joined the IWW, correctly state what you believed at that time was the official poistion of the IWW?

Presiding Inspector: I will exclude it. I will exclude the question under the objection of Mr. Del Guercio.

Mr. Goodwin: There is something you said about that——

Mr. Del Guercio: (Interposing) He has already ruled.

Presiding Inspector: The witness may himself tell—in fact, I find nothing in the book of any significance.

Direct Examination (Resumed)

By Mr. Grossman:

Q. Mr. Bridges, do you now believe in sabotage?

A. No.

Q. Do you now believe in the unlawful damage, injury, or destruction of property? A. No.

Q. Have you ever believed in sabotage?

(Testimony of Harry Renton Bridges.)

A. No, sir.

Q. Have you ever believed in the unlawful damage, injury or destruction of property?

A. No. [5464]

Mr. Goodwin: Suppose that it has——

Mr. Myron: (Interposing) Just a minute.

By Mr. Grossman:

Q. Mr. Bridges, at the time you joined the IWW did you believe that it was the policy of the IWW to favor sabotage?

A. I didn't; I knew it wasn't. [5465]

Q. At the time you joined the IWW did you believe it was the policy of the IWW to favor unlawful damage, injury or destruction of property?

A. No.

Q. Mr. Bridges, a Mr. Diner testified in this hearing. You were present, were you not, during the entire testimony. A. I was.

Q. Among other things Mr. Diner stated in his testimony that he had met you for the first time at your Union office. Will you state whether that is true or not true according to your best recollection.

A. I have no recollection of such meeting.

Q. Do you state that no such meeting did take place?

A. A lot of people come to my Union office, or did at that time. I heard his testimony. I have no recollection.

Q. Mr. Diner also stated that he had once met you at your home. Is that statement true or not true?

(Testimony of Harry Renton Bridges.)

A. He has never been in my home. I am positive of that.

Q. Mr. Diner stated that after meeting you at your home he met you again at your Union office. Can you state whether that statement is true or not true?

A. It's possible. I have——

Presiding Inspector: (Interposing) Shouldn't he give his own testimony on this rather than——

[5466]

Mr. Grossman: (Interposing) I think I have a right to negative as well, your Honor, so that there is no question about the negation of the testimony of the Government. I don't want it to be said that perhaps his testimony doesn't completely cover——

Presiding Inspector: (Interposing) It is not as effective as though he gave his own testimony.

Mr. Grossman: I intend to go into that, but I want to negative it also.

Presiding Inspector: We can't go into it twice. If you negative it that is all there is to it. Go ahead. I mean, you can't go into it on account of the delay that it would take, not because it wouldn't be material.

By Mr. Grossman:

Q. Did you attend a Communist Convention in Fresno in December of 1934? A. No.

Q. Did you attend a Communist Convention in Fresno at any time? A. No.

Q. Have you attended a Communist Convention anywhere at any time? A. No.

(Testimony of Harry Renton Bridges.)

Q. Did you attend any convention on or around Christmas time of 1934 in Fresno? [5467]

Mr. Del Guercio: That has been asked and answered., I object to it.

Presiding Inspector: May I have the question, please?

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: I will take it again. This is specific. I say, this is a specific question.

Mr. Grossman: This is different.

By Mr. Grossman:

Q. Did you attend any convention in Fresno around Christmas time in 1934?

A. I was never in Fresno in my life until late in '35.

Q. Will you state what your relationship with Mr. Diner has been, if any?

A. So slight I can't even recall it. I knew him when he came into the Court room, but that's all.

Q. Do you remember any conversation that you have ever had with Mr. Diner?

Mr. Del Guercio: I will object to that, if your Honor please, unless it is something at issue in the case. "Any conversation."

Presiding Inspector: Well, I will take it as bearing on [5468] the general question.

A. I remember a dispute once that that Union was in and I remember a delegation coming down to see us to seek help. I have a recollection that Din-

(Testimony of Harry Renton Bridges.)

er might have been in the delegation, but I am not positive. I mean, coming down to my Union office, on the waterfront seeking help from our Union on the waterfront.

Presiding Inspector: Can you remember when that was?

The Witness: I'm trying to. I think that it's—it would be, I think it was following the 1934 strike. During the——

Presiding Inspector: (Interposing) What is your best recollection?

The Witness: Well, the reason I can recall what the incident was, was during the intense period of organization after the strike and this particular Union or this particular delegation that somehow I connect Diner up with, was seeking help on some Union dispute, and it would be about that time.

By Mr. Grossman:

Q. In December of 1934 did you hold any Union position?

A. I was President of the Local Union.

Q. Did you hold any other Union position at that time?

A. No. Committeeman—I might have been a member of a delegated body or member of a committee, but any salaried official position, that was the only position. [5469]

Q. Were you in New York in the winter of 1934-35—to be more specific, let us say between October 1 and April 30, October 1, 1934 and April 30, 1935?

(Testimony of Harry Renton Bridges.)

A. No. The first time I was in New York since 1921 was July, 1935?

Q. At any time have you been in the building which Mr. Thompson stated he was elevator operator in?

A. Never, never in my life.

Q. How did you happen to go to New York in July of 1935?

A. To attend an International Convention of the International Longshoremen's Association. [5470]

Q. Mr. Bridges, have you at any time, before appearing here, made any examination of your activities during this period of October '34 to April 1935, which tend to show where you were during the various days included in that period?

A. I have.

Mr. Del Guercio: I object to the form of the question. I think the witness should be asked the question, rather than what examination he made.

Presiding Inspector: I will take that.

By Mr. Grossman:

Q. What examination has been made, Mr Bridges?

A. I have examined various records, official records, minutes, correspondence, and so forth, dealing with all my activities over that period of time.

Mr. Del Guercio: I move that the answer be stricken, if your Honor please. If the witness is testifying regarding any records he should produce the records.

Presiding Inspector: I will let it stand.

(Testimony of Harry Renton Bridges.)

By Mr. Grossman:

Q. Will you state what is the largest—withdraw that. Will you state what is the longest period of time which you are unable to account for in that examination you have made for the period from October 1, 1934 to April 30, 1935?

A. I have official union records to show I wasn't away from San Francisco more than any two days at one time. [5471]

Mr. Del Guercio: I move that the answer be stricken and that the records be produced.

The Witness: I might say, of course, the records I refer to, they are a lot of records, union minutes, correspondence; they are dues receipt books, they are various accounts of trips I have taken that show where I was, and any specific date at that time, any two days all during that time, with the exception maybe of a Sunday, any specific date that is named I can show that I was in San Francisco by the official records.

Mr. Del Guercio: I still move that the answer be stricken.

Presiding Inspector: I think I will let it stand.

Mr. Del Guercio: What?

Presiding Inspector: I will let it stand. We are ruling rather liberally here, you know.

Mr. Del Guercio: The records, from the witness' own mouth, are available.

Presiding Inspector: Your objection stands. You may cross examine on it.

(Testimony of Harry Renton Bridges.)

By Mr. Grossman:

Q. Have you ever gone to New York by plane?

A. I have.

Q. When was the first time?

A. July 1935.

Q. You are sure of that?

A. Positive of it. [5472]

Q. How many times in your life have you been in 121 Haight Street, San Francisco, or, rather, a building which has that number?

A. To the best of my recollection, two.

Q. Will you describe those two occasions?

A. Two occasions in 1934; one, the first time, in connection with an investigation into the aid offered by the International Labor Defense; and later on, around the end of May, or it might have been in the beginning of July, during one of the riots on the waterfront, as they called them at that time, when a lot of people were shot and beaten.

Only those two occasions. I have no recollection ——As a matter of fact, I am certain that I was not there any other time.

Q. Do you know whether 121 Haight Street was the headquarters of the Communist Party on those two occasions?

A. I don't think it was.

Q. Have you any recollection of ever being at the home of Dawn Lovelace? A. Yes.

Q. Will you describe the circumstances surrounding your going to her home?

(Testimony of Harry Renton Bridges.)

A. I went there with a couple of other members of our union to have her do some typing.

Q. Was Hugh Adams one of those? [5473]

A. Hughie Adams was the man that took me.

Q. Did you know Dawn Lovelace before that?

A. Never met her; never met her since until she appeared here.

Q. Whose suggestion was it that you go to her house? A. Adams'.

Q. How did he happen to suggest—did you ask him for something, or for suggestions as to someone?

A. I don't remember. I needed some work done at that time. I needed to have some typing done. It was at night. I think I was leaving early in the morning and I wanted to leave the material behind, or something like that.

Q. Can you fix the date of that?

A. The date she fixed would be about correct; the week of August 12th to the 16th, because we were holding a District Executive Board meeting, as they called it, in Portland at that time, shortly after I had been to Washington, D. C.

Q. Do you know whether Richard Lovelace was there that evening?

A. I don't remember really.

Q. Do you know Richard Lovelace?

A. No; I can't place him at all.

Q. Do you know whether James Murphy was there that evening?

A. I don't recall that. [5474]

(Testimony of Harry Renton Bridges.)

Q. Do you know whether you have ever met James Murphy?

A. I have no recollection of meeting him.

Q. Do you know whether you ever met Richard Lovelace?

A. I have no recollection of ever meeting him. It is possible he was there that night; I don't recall it.

Q. Do you remember whether any telegram was sent by you during the time that you were at Dawn Lovelace's house, or shortly afterwards?

A. I sent a telegram at that time.

Q. When you say "at that time," what time is included?

A. I mean during the time I was in Portland; but whether I sent it that night or not I can't recall. I can check and find the date that that telegram was sent, I believe. But I know the circumstances surrounding the telegram and why it was sent, and who it was sent to.

Q. Will you please explain to whom it was sent, and why it was sent, and what it said?

A. It was sent to the Acting President of the local in San Francisco during my absence, a man by the name of Jack Creary—C-r-e-a-r-y—and it had to do with an issue that we were discussing on the Executive Board; and it was my instructions to the local to participate in a vote. The Executive Board had ruled the other way and instructed the local in a different way under the threat of revocation of their charter. [5475]

(Testimony of Harry Renton Bridges.)

Q. Which Executive Board?

A. The District Executive Board at that time. The issue was concerning a boycott we had on all cargo going to British Columbia due to a strike up there where we had voted by secret ballot not to handle any cargo destined for British Columbia. All the maritime unions, through the organization that embraced the maritime unions, the Maritime Federation, were going to vote, and they were going to vote as a Federation. Our particular union took the position that we should vote separately and apart from the others. I instructed the local to vote with the other unions as a part of the Federation, and the telegram was my instructions to the local President, who was acting as President in my absence. [5476]

Q. When had you first taken the position which was expressed in the telegram?

Mr. Del Guercio: I will object to that, your Honor, as immaterial, what was the statement.

Presiding Inspector: I will take it. I think it is an explanation of the transaction.

A. Back in Washington, D. C., before I ever returned to Portland.

By Mr. Grossman:

Q. Approximately how long before?

A. A week or ten days. And also on the Executive Board meeting, I think it's a matter of record in the official minutes as to my position, where I was recorded as to my position as against the other members of the Executive Board on that matter.

(Testimony of Harry Renton Bridges.)

Q. Do you remember any more about going to Dawn Lovelace's house than you have now testified to?

A. No. It was purely incidental and the only purpose was for the purpose I stated.

Q. Did you seek or receive any advice from anyone at Dawn Lovelace's house that evening?

A. I can't see anybody around there that could give me any advice on that subject matter.

Q. Did you seek any?

A. No. I don't seek advice on those matters.

[5477]

Q. Have you ever sought trade union or other types of advice from James Murphy?

A. Never.

Q. Have you ever sought trade union or other types of advice from Dick Lovelace?

A. Never.

Q. Have you ever received trade union or other types of instructions from either of those men?

A. No.

Q. Do you recall Mr. Kelley's testifying here?

A. Yes.

Q. To refresh your recollection he stated in substance that he was present in the hotel room of Dietrich when you were also present and, in substance, you stated according to him something like this to Dietrich: That "someday you'll be glad to belong to a 'Commie' outfit." Do you remember the—withdraw that. Did anything like what Mr. Kelley testified to take place?

(Testimony of Harry Renton Bridges.)

A. It's entirely possible. If you mean was I ever in Dietrich's room having a drink or more, or more than a drink, it is certainly possible. I can distinctly recall many such occasions.

Q. Now, is it possible that you made any such statement?

A. It's possible that many such statements were made with a little different twist or a little different construc- [5478] tion on them. Dietrich was the type of person—he was well known for it—that was always wise-cracking and kidding about the Communist Party.

Mr. Myron: Is this responsive, your Honor?

Mr. Grossman: Yes, this is responsive.

Presiding Inspector: I think so. Broadly so, not very closely responsive.

Go ahead.

By Mr. Grossman:

Q. Continue.

Presiding Inspector: It will only take time.

A. It was not unusual. As a matter of fact, it was a regular thing for Dietrich to make statements such as "Well, I think I'll join the Communist Party today." Or, "How about us both going up and joining?" Or he would introduce me to somebody and say "Meet this Communist. He has left his bombs home today." Over a period of time that I was associated with Dietrich many, many such remarks were made like that. The text of the remarks that I heard here, I don't recall that any such remarks and particularly that form.

(Testimony of Harry Renton Bridges.)

By Mr. Grossman:

Q. Will you state whether you made any such remark as is attributed to you by Mr. Kelley seriously, if you made it? [5479]

Mr. Myron: I object to that, your Honor.

Mr. Grossman: He is able to state from his state of mind whether he could have made such remark seriously.

Presiding Inspector: I think I will take it. There is no other way that that can be shown.

A. I don't think I made such a remark in the first place. If I did, it was certainly not seriously.

By Mr. Grossman:

Q. At that time did you belong to any Communist outfit? A. No.

Q. Or any Communist organization?

A. No.

Q. Or the Communist Party? A. No.

Q. Do you remember having any contacts with Mr. Kelley or any representative of his on the question of a CIO Union for hotel employees?

A. Yes.

Q. Will you state what you recall on that question?

A. I received at least one visit and one telephone call from Mr. Kelley. I received a letter also, as I recollect it, but I have been unable to find it in our files. I also received a visit from a woman closely connected with Mr. Kelley, who told me that she was working with him on the [5480] question of

(Testimony of Harry Renton Bridges.)

certain arrangements and understandings he wanted to make.

Q. What happened in the various conversations you had with Mr. Kelley?

Mr. Del Guercio: Well, your Honor, conversations with whom?

The Reporter: Mr. Kelley.

Mr. Grossman: Mr. Kelley.

A. Kelley was running a second-rate hotel. His hotel help was organized in the American Federation of Labor. He was complaining bitterly that he should not be required to pay the same amount of wages or work the help the same amount of hours as the larger first-rate hotels; that it was unfair to him. And he came to me with a proposition, and the woman likewise, that the Hotel Owners Association that he belonged to could exercise such influence to put all the employees in the second and third-rate hotels in the CIO Union if I would grant a charter to such Union, on the condition that the wages and the hours for such employees in second and third-rate hotels would be lower and longer. The proposition was refused.

By Mr. Grossman:

Q. Who refused it? A. I did.

Q. Definitely?

A. Very definitely, and notified the American Federation [5481] of Labor Union, just as to what he was trying to accomplish up there.

Q. Do you remember where this telephone conversation took place?

(Testimony of Harry Renton Bridges.)

A. In our International Union Office in Seattle, Washington, Arcade Building.

Q. Do you remember where, if anywhere, you received a letter from him—no, I mean, a visit from him?

A. In that same office.

Q. Mr. Bridges, do you remember the testimony of Mr. Wilmot with respect to an alleged meeting in the Lennox Hotel? In substance, Mr. Wilmot stated that you were present at the beginning of a meeting or just before a meeting began. Were you present at the beginning of a meeting or just before a meeting in the Lennox Hotel, as described by Mr. Wilmot? A. No.

Q. Were you present at any meeting in the Lennox Hotel in the month of April, 1938 at which there was discussed or was to be discussed the question of removing Brost from his position in the CIO in Oregon?

A. No. I wasn't in Portland at that time.

Q. Did you ever ask Robert Wilmot whether he had been a Trotzkyite?

Presiding Inspector: A what?

Mr. Grossman: Trotzkyite. That was the testimony of [5482] Robert Wilmot.

Mr. Del Guercio: Well, if your Honor please——

Mr. Grossman: (Interposing) The objection is apparently to Mr. Wilmot's testimony because that is his. I am just negativing it or explaining it or discussing his testimony.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: If you say there was such a question——

Mr. Grossman: (Interposing) Oh, yes, there was. I have taken over the language of Mr. Wilmot's testimony.

Presiding Inspector: All right. You may ask Mr. Bridges about it.

A. I'm not sure. I might have.

By Mr. Grossman:

Q. Can you explain why you say you "might have"?

A. I think he stated he came from Minneapolis and had been active in the labor movement there, and the last person I had a little experience with that came from the same place and had been active there and was also a newspaperman, why, he was a Trotzkyite and pretty much of a disrupter and wrecker.

Q. What was his name?

A. Barney Maas.

Q. And what was your contact with Barney Maas?

A. He was the editor of the Voice of the Federation until he was removed. [5483]

Q. Why was he removed?

Mr. Myron: Is it material, your Honor?

Mr. Grossman: Certainly it is material. This is a very strange circumstance. The Government apparently thinks it is important—I don't know why or how, but apparently they think it is important—that Mr. Bridges is charged by Mr. Wil-

(Testimony of Harry Renton Bridges.)

mot with asking someone whether he is a Trotzkyite. Now, therefore they object when I show that if Mr. Bridges discussed that with him he doesn't recall it.

Presiding Inspector: I have allowed it.

Mr. Grossman: The objection has been made. Are we free to go into this, your Honor?

Presiding Inspector: In respect to conversations?

Mr. Grossman: No. With respect to the experience Mr. Bridges had with a man who claimed he was a Trotzkyite. That is what I mean.

Presiding Inspector: To define what Mr. Bridges thought was meant by—what was it? A Trotzkyite?

Mr. Grossman: Thought of Trotzkyites and why.

Presiding Inspector: It is a little remote, but I will take it.

Mr. Grossman: It is no more remote than the Government testimony, your Honor. They brought it in. If it is remote they shouldn't have been permitted to introduce such testimony. [5484]

Presiding Inspector: No. I think the conversation with Mr. Maas is a little—is his name Maas?

Mr. Grossman: Maas.

Presiding Inspector: I think that is a little remote. Does Mr. Maas' name occur in any way?

Mr. Grossman: Yes.

Mr. Myron: He has been asked the question and he has answered the question. Apparently now they

(Testimony of Harry Renton Bridges.)

are going into some sort of conversation he had with some other individual.

Mr. Grossman: I want to go into what there was about Mr. Maas that caused Mr. Bridges to form what opinion he then had of Trotzkyites. That is all.

Presiding Inspector: This is really to define what Mr. Bridges meant by the word "Trotzkyite."

Mr. Myron: The question was, Did he have such a conversation? And the witness said "he might have."

Mr. Grossman: That is not the question.

Presiding Inspector: The purpose of the question is as I have indicated. To define the word "Trotzkyite" as used by Mr. Bridges.

I will take it.

Mr. Grossman: The question was, Why was he removed as editor of the Voice of the Federation.

Presiding Inspector: Well, I don't think we ought to [5485] go into the capacity of Barney Maas.

Mr. Grossman: Because his removal and the cause of his removal are behind the opinion of Mr. Bridges. I can ask him the preliminary question and I will ask it this way:

Q. Did the removal of Mr. Maas as editor of the Voice of the Federation and the reason for such removal have anything to do with the opinion you held in 1938 on Trotzkyites? A. It did.

Q. Why was Mr. Maas removed?

(Testimony of Harry Renton Bridges.)

A. He was the editor of our Maritime paper, the Voice of the Federation. He first of all procured the job under forged references and credentials. When I say, "forged" I mean that he presented references showing that he had worked on other newspapers. The check-up revealed that he had never worked there.

After coming in, or after becoming the editor, much of the stuff he printed in the paper was very disruptive, and eventually in the middle of the strike he almost wrecked our strike by erroneous news reports that had a very bad effect on our entire strike before it was half over, such as making reports that the strike was about to end, that settlements had been reached. Not only were there no settlements in sight but some of the Unions hadn't even met with the employers to negotiate a settlement, and it had a very bad effect all the way around. [5486]

It ultimately resulted in us taking action to give him a trial and move to remove him from his post. He resigned before the decision was put into effect. And his history in this connection is well known and he used to announce himself as a follower of Trotzky, although that had nothing to do in this particular instance with his removal. He wasn't removed because he was a Trotzkyite, but removed because of his disruptive and practically strike-breaking activities in this respect. [5487]

Presiding Inspector: I think you have gone pretty far afield. You have now proved he didn't

(Testimony of Harry Renton Bridges.)

have anything to do with Trotzkyism. I suppose Trotzkyism is a well recognized left wing branch of the Communists.

Mr. Grossman: Under the theory of the Government's position, and of course I have to interpret it myself because they didn't explain it, they think that, make the point that one must be a Communist to oppose Trotzkyites, because some people have a theory that one must be a Communist to oppose Trotzkyites; otherwise there would be no sense in the Government asking the question.

That being their theory I intend to show that Mr. Bridges' opposition was based on the fact that Mr. Maas, who announced himself as a Trotzkyite, took a very disruptive role, played a very disruptive role, as editor of this publication, and was removed because of that; and the attitude of Mr. Bridges toward such people is based on such trade union experience, and not, as the Government would apparently contend, based on the fact that they allege Mr. Bridges is a Communist.

Presiding Inspector: Trotzky is a Communist.

Mr. Gladstein: What?

Presiding Inspector: Trotzky is a Communist.

Mr. Gladstein: I don't think he is any longer.

Presiding Inspector: He isn't now, because he is dead, but his criticism of the Russian Government is that they are not [5488] Communists; that they have given way and become State Socialists.

Trotzky is, or was a Communist. I think we can take judicial notice of that, I suppose.

(Testimony of Harry Renton Bridges.)

By Mr. Grossman:

Q. Did you ever tell Wilmot to use the Labor New Dealer, of which he was editor, to get Helmig —H-e-l-m-i-g—and Hartung—H-a-r-t-u-n-g?

Mr. Gladstein: That is H-e-l-m-i-c-k.

By Mr. Grossman:

Q. Will you answer the question?

A. I believe I did——

Mr. Del Guercio (Interposing): Will you read the question?

(The question referred to was read by the reporter as above recorded.)

A. I believe I did, in the sense that I instructed him to use the paper to expose their activities.

By Mr. Grossman:

Q. What were their activities you wanted exposed?

Mr. Del Guercio: If your Honor please, I will object to questions along this line.

Mr. Grossman: I call your Honor's attention to the testimony of Wilmot on that question. Mr. Wilmot attempted to create the implication—you will find it in the same sentence where he testified—that Mr. Bridges told him to get Helmick and Hartung because they were waging an anti-Communist campaign there. [5489] If you will find the reference you will see that is true. Though he didn't state it too clearly, he intended to convey the implication that Bridges was out to get

(Testimony of Harry Renton Bridges.)

these men—that was the implication—because they were attacking the Communist Party.

We intend to show that Mr. Bridges might have said that, because he was interested in exposing their activities, but we wish to show why he was interested in exposing them and why he opposed them, and it wasn't the reason implied by Mr. Wilmot.

Presiding Inspector: I will take it.

Mr. Del Guercio: It wasn't Mr. Wilmot's implication. It was Mr. Wilmot's testimony.

Presiding Inspector: I will take it.

A. Their general activities—they were very disruptive, they were breaking the union, they were embarking on all forms of action that could have no successful results, could only result in defeat. They were very definitely placing our particular organization in many positions that were untenable, and the net result of the whole thing was that the movement, the labor movement in that part of the State, that is the Columbia River basin, was falling to pieces because of the activities of the group headed by these two people, Helmick and Hartung, and still is for that matter.

By Mr. Grossman:

Q. Has any convention of the International Longshoremen's [5490] and Warehousemen's Union condemned the activities of Helmick and Hartung, or the group they led?

Mr. Del Guercio: I will object to that, no time and place given.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: I will take it. I suppose it is to show the general picture.

A. Two conventions.

By Mr. Grossman:

Q. Which conventions and when?

A. The '40 and the '41 Conventions; 1940 and 1941 Conventions.

Q. Of which organization?

A. International Longshoremen's and Warehousemen's Union.

Q. The national organization or the district organization?

A. The international organization.

Q. Did Mr. Helmick and Mr. Hartung carry on any activities that affected the longshoremen in Portland or in any other parts of the coast?

A. Very definitely; at numerous times.

Q. What were these activities that affected the longshoremen?

A. Well, particularly a disruptive form of activity was, for example, in a small logging or lumber camp a hundred miles inland from the waterfront, they would declare a strike. They would not even have sufficient strength to pull a majority of the [5491] workers in that plant out on strike against the plant. They could only pull a minority. Then they would declare the products of that particular plant or mill as unfair. They would remove their picket line 100 miles inland down on the waterfront and demand that we refuse to handle that cargo. It happened on numerous occasions where,

(Testimony of Harry Renton Bridges.)

on more than one occasion, the entire port was locked out for days because of activity of that kind; and because, in trying to support such things, we would be in violation of our contract and as a result would be locked out; even approaching on one distinct occasion, I can recall, a coastwise lockout.

Q. In April of 1938 what was your position with reference to the continuation of Mr. Brost in his CIO position in Oregon?

A. I was in favor of his continuation.

Q. What was his position?

A. He was a field representative attached to the CIO regional office for the State of Oregon.

Q. How did he obtain that position?

A. I appointed him. The final power was not in my hands. I was given authority to recommend appointments to the national office of the CIO, and generally, without any exception that I can recall, those appointments were approved. I recommended the appointment of Brost and he was approved.

Q. Did you have the authority in April, 1938, to remove John Brost from his position? [5492]

A. I did.

Q. Now, will you state generally whether, in April of 1938, you, as CIO Director for the Pacific Coast, were engaged in a procedure of increasing or decreasing the size of the CIO, the number of the CIO representatives on the Pacific Coast?

A. I was engaged in decreasing them.

(Testimony of Harry Renton Bridges.)

Q. Can you give some examples indicating the extent to which such decreasing went on, and the approximate dates?

Mr. Myron: How is that material, your Honor?

Presiding Inspector: Yes; how is it material?

Mr. Grossman: We will show this, your Honor: We will show that not only did Mr. Bridges specifically refuse, when called upon by various union representatives, to remove Mr. Brost—Mr. Wilmot claimed he wanted to get rid of him—but he did this despite the fact that he was operating under orders from the national office of the CIO to cut down his forces, that he cut off valuable forces in other parts of the Pacific Coast and left Mr. Brost there. We are going to show that he was given full authority to cut off anyone he wanted to cut off on the Pacific Coast, and despite that fact he kept Mr. Brost on until later—certainly indicating the contrary of what Mr. Wilmot's testimony was that Mr. Bridges wanted to get rid of Mr. Brost.

Presiding Inspector: The only way, as I understand it, that there is any indication that Mr. Bridges wanted to get rid [5493] of Mr. Brost was through a statement made by a man named Ring.

Mr. Grossman: Either that testimony is relevant or it is not. If it is relevant it is because there is supposed to be some credibility about this hearsay or double hearsay. In other words, if that goes in; if it has any relevancy, it is only because it is supposed to show the attitude of Mr.

(Testimony of Harry Renton Bridges.)

Bridges in agreeing to the faction meeting and agreeing to its decision; otherwise, we move it be stricken. If it is relevant we intend to show—if there is any claim of relevance—that it shows the attitude of Mr. Bridges toward a fraction meeting on removing Mr. Brost. If it is relevant for that purpose we intend to show that the state of mind of Mr. Bridges was entirely and completely in conflict with that testimony. In fact, they aren't reconcilable at all.

Mr. Del Guercio: If your Honor please, Mr. Ring is available; he is still living and at one time was Mr. Bridges' bodyguard. Certainly he can be brought down here to testify.

Presiding Inspector: I don't believe that is necessary.

I will take this, although I think there are other explanations of it.

Mr. Grossman: I don't think they are reconcilable at all. Our position is they are not.

By Mr. Grossman:

Q. Would you state generally what were your activities shortly before and during April, 1938, with respect to increasing [5494] or decreasing the number of CIO representatives on the Pacific Coast?

Presiding Inspector: Doesn't that only support, by his own statement, what he has already testified to, that he was in favor of keeping Mr. Brost?

Mr. Grossman: Of course, it supports it.

Presiding Inspector: What difference does it

(Testimony of Harry Renton Bridges.)

make—all these underlying things? We cannot go into the reason for all these things. He has testified that he could remove Brost—and practically according to the testimony of other witnesses here—he has given his statement that he was opposed to it. As I understand it, he voted against it, or expressed himself that way. That is already in the tesimony. Why do we have to go into his authority with the CIO?

Mr. Grossman: Until your Honor states that he does not believe a word of Mr. Wilmot's testimony, we think we have a right to prove everything which confirms and corroborates the testimony of Mr. Bridges on this point, and we think we have a right to prove it right up to the hilt.

Presiding Inspector: You haven't a right to prove——

Mr. Grossman (Interposing): That corroborates——

Presiding Inspector: That substantially corrobrates it, but you don't get any corroboration in this way because it is already admitted he had the power to remove Mr. Brost.

Mr. Grossman: But it has not been admitted that he kept [5495] Mr. Brost on at the expense of other valuable organizers, and at the expense of the policy of the CIO to cut down as much as possible.

Presiding Inspector: What difference does that make?

(Testimony of Harry Renton Bridges.)

Mr. Grossman: If we can get a stipulation now that Mr. Bridges was not of the state of mind that he wanted to remove Mr. Brost, if we can get that stipulation, I will stop here and now. But the Government has presented a case which relies in part on the theory that Mr. Bridges wanted to get rid of Mr. Brost; that Mr. Bridges said, in substance, "I approve this fraction meeting and I want the fraction meeting to decide in favor of getting rid of Mr. Brost, and I will do that." That is the substance of their testimony, their claim.

Presiding Inspector: He denies all that.

Mr. Grossman: He is entitled to do more than deny it—unless your Honor is satisfied—he is entitled to show it is impossible and inconsistent with his activities publicly known.

Presiding Inspector: We cannot go into all his activities to show that. If I exclude this it is simply on the remoteness. It seems to me that you have got everything that you can have. But if you insist on it, if you insist on it, I will take it.

Mr. Grossman: We do.

By Mr. Grossman: [5496]

Q. Will you state——

Presiding Inspector: You then claim that you haven't sufficiently supported this witness by his statement?

Mr. Grossman: I will say we haven't proved it up to the hilt, which we now want to do. I will state that, though I think we have proof.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: Go ahead.

Mr. Grossman: Have you the last question? I will rephrase the question.

By Mr. Grossman:

Q. Mr. Bridges, what was being done in the month of April, 1936, and the previous few months, with respect to increasing or decreasing the number of CIO representatives under your control on the Pacific Coast?

Presiding Inspector: Now, I think you ought to prove that in some other way than by the oath of this witness. Did he receive communications to that effect?

Mr. Grossman: Yes.

Presiding Inspector: Then let's have those.

(Whereupon Mr. Grossman searched his files.)

Presiding Inspector: I don't mean it is necessary for you to produce the document, but instead of giving his opinion, state what he received.

Mr. Grossman: I beg your pardon. Though I have letters, I will do it the shorter way. [5497]

By Mr. Grossman:

Q. Mr. Bridges, what instructions, if any, did you receive from the national office of the CIO early in 1938, or before that time, with respect to increasing or decreasing the CIO representatives on the Pacific Coast?

A. Early in the fall of 1937 I received almost weekly written instructions from the national CIO

(Testimony of Harry Renton Bridges.)

office to reduce the forces down to the absolute minimum along the entire Pacific Coast, in all the territory that I was at that time in charge of—all the Western States.

Q. Can you estimate how many CIO representatives there were under your control at the time you first received instructions from the CIO to cut down. A. Around 45.

Q. Can you estimate the number of CIO representatives there were under your control in the middle of April of 1938? A. About eight.

Q. Will you state how many CIO representatives there were under your control at the time Mr. Brost was laid off?

A. I couldn't be too sure; I would have to check the records. I think around five. I am narrowing that down to CIO representatives. There were other people on the payroll. But when you say "representatives" that designates a particular office.

Q. That is correct. Well, when you stated "45," were [5498] you referring to CIO representatives?

A. Yes; yes.

Q. In other words, you were using the same term to describe the individuals when you testified to 45, to 8, and to 5?

A. Yes. A CIO representative in effect is an organizer.

Q. Do you remember a meeting in the Roosevelt Hotel approximately April 20, 1938, in your room, or anyone's room at which were present you,

(Testimony of Harry Renton Bridges.)

Pilcher, Harry Pilcher, Harry Jackson and Wilmot? A. April 20?

Q. Approximately that.

A. I don't remember a meeting, but it is entirely possible I was in the hotel at that time.

Q. Do you remember a meeting with any of those individuals in the Roosevelt Hotel at about that time? A. No.

Q. Did you ever, in a meeting where Wilmot was present, state in substance, or in words, "We Communists must stick together"?

A. No.

Q. Have you ever made that statement to anyone, anywhere, at any time? A. No. [5499]

Q. Do your remember ever having a discussion with Mr. Wilmot with respect to whether or not official press releases or statements from the Communist Party, should be printed in the Labor New Dealer?

A. I can't specifically remember any such.

Q. Will you state what was your position in approximately April of 1936 with respect to whether or not the Labor New Dealer should print official press releases or statements of the Communist Party?

A. That would depend. I have no specific recollection of any instances at that time. [5500]

Q. You mean that would depend upon the——

Mr. Myron (Interposing): He has answered the question. Is this the meaning of counsel?

Presiding Inspector: Yes. I think he has

(Testimony of Harry Renton Bridges.)

answered the question. If he wants to explain, he may.

The Witness: As I understand, the question was my position in regard to printing official Communist releases. I still say it might depend. For example if—there was a lot of trouble up there at that time, a lot of action and tieups. I believe that if the Communist Party happened to send in a statement saying that they would do everything they could to support the particular dispute at that time in behalf of the Union position, my position would be that I wouldn't have any great objection to seeing that carried in the Union paper. That would be my position even now, maybe.

By Mr. Grossman:

Q. Have you ever taken the position that under no circumstances should any official press release or statement of the Communist Party be printed in a trade union paper?

A. No, I haven't; not generally speaking, no.

Q. Did you ever order Wilmot to run statements of the Communist Party in the Labor New Dealer?

A. Not that I recall.

Q. Did you ever state to Wilmot in substance at approximately the time that the Strecker decision came down from the Supreme Court "Now is our chance. The Communist [5501] Party is coming into the open around here"? A. No.

Mr. Myron: What was the answer?

The Reporter: "No".

(Testimony of Harry Renton Bridges.)

By Mr. Grossman:

Q. Did you ever have a discussion with Wilmot with respect to his being appointed in the place of Brost as CIO representative?

A. Not at all.

Q. Did you ever consider the question of Wilmot taking the place of Brost as CIO representative in Oregon? A. In no way.

Q. Do you remember any conversation that you ever had with Wilmot outside of those you may have testified to?

A. I told him we had no use for him at one time unless he would quit drinking.

Q. When was that?

A. I told him if he didn't get around and get the paper out and make it some kind of a paper that could be used, we had no use for him. We had no money to waste on him in the CIO.

Q. How did this conversation take place?

A. I don't remember when it was, but I recall such a conversation on at least one occasion during one of my trips to Portland where it was getting pretty widely known that he was irresponsible, he was drinking, the paper wasn't getting [5502] out on time, it was a hit-and-miss affair. We were short of funds and I distinctly recall telling him that.

Q. Was there any occasion when the CIO was asked to put up funds, the National CIO, to subsidize the Labor New Dealer?

(Testimony of Harry Renton Bridges.)

Mr. Myron: I will object to that, your Honor.

Presiding Inspector: I will take it.

A. Yes. Over a wide—over quite a period of time the CIO was asked to subsidize that paper and other activities in Oregon.

By Mr. Grossman:

Q. Did you ever discuss that question with Wilmot?

A. No. That's possible. I might have. I don't recall. I discussed it with a lot of people in Oregon and I always supported the subsidization and made frequent recommendations to the National office of the CIO.

Q. In April of 1938 was Joe Ring in Oregon?

A. Yes.

Q. Do you know how he happened to go there?

A. I sent him there.

Q. Why did you send him there?

A. He was a CIO field representative and Oregon was crying for help. They needed help in the way of increased forces, they needed help in the way of technical help to get out publicity because Wilmot was laying down on the job, the [5503] reports I got. And it wound up with me dispatching our publicity man from San Francisco and our San Francisco organizer Ring to help out in Portland. And Ring and O'Neil were both up there—Jim O'Neil.

Q. O'Neil was your publicity man that you sent up there?

(Testimony of Harry Renton Bridges.)

A. At that time, yes. I sent them up there to help out; took them from San Francisco.

Q. From whom did the request come for the sending to Oregon of aid?

A. The local CIO Council in Portland and the CIO Regional Director, Mr. E. B. O'Grady.

Q. For how long was Ring in Portland?

A. I can't quite recall. A few weeks; maybe a month or two; a couple of months, I think.

Q. How long was O'Neil in Portland?

A. A short period of time, I believe.

Q. Was O'Neil sent there to do publicity work exclusively?

A. Yes. That's what his job was.

Q. Did you ever attend any kind of a meeting at the Gowman Hotel on or about March or May of 1937? A. In May, yes.

Q. What were you doing in Seattle in May of 1937?

A. Our convention was being held at that time.

Q. When did this meeting take place with relation to [5504] the convention?

A. During the convention.

Q. Will you state how you happened to go to that meeting?

A. I can't specifically recall. Dietrich and I went over. I think we were accompanied by Meehan. Dietrich and Matt Meehan and I went to the meeting at that time.

Q. Where was the meeting held in the Gowman Hotel?

(Testimony of Harry Renton Bridges.)

A. It was in a dining room.

Q. A private or public dining room? I mean is it the kind of dining room where people come in from the street and eat?

A. No, I don't think it was. I think you might call it more of a private dining room. If I remember correctly there was—I recall some dishes and things on the table. I know we were drinking. There were some drinks there; beer and other drinks.

Q. Whom do you remember to be present at that meeting?

A. It is pretty hard to remember, but I do remember Rapport.

Q. You have named Dietrich, and you stated that you think Meehan was there. Can you name anyone else that was there or whom you believe was there?

A. I think Robertson—J. R. Robertson, the International Vice-President of the Union. I think Goldbatt [5505] was there.

Q. Were Meehan, Dietrich, Robertson and Goldblatt delegates to your convention?

A. Yes. They were all delegates, I think. They were definitely.

Q. Do you remember whether there was a Chairman at this meeting?

A. I don't remember. My impression is that there wasn't.

Q. Were most of the people there when you arrived? A. Oh, yes.

(Testimony of Harry Renton Bridges.)

Q. Did you leave before the end?

A. I did.

Q. Withdraw that. Did you leave before most of the people left? A. As I recall I did.

Q. With whom did you come to the meeting?

A. Dietrich and Meehan, I believe.

Q. With whom did you leave?

A. I think I left with Dietrich.

Q. What do you remember about that meeting?

A. Not a great deal. I remember a pretty hot argument, but that's about all.

Q. Between whom was the hot argument?

A. Mainly between Dietrich and I and Rapport.

Q. Who was on which side? [5506]

A. Well, Dietrich and I generally used to get lined up together.

Q. I mean, were you lined up together at that time? A. Yes.

Q. And who was on the other side of the argument?

A. I don't remember the individuals, but I distinctly remember Rapport.

Q. Was this Rapport Morris Rapport?

A. Morris Rapport who was at that time the Secretary or the head of the Communist Party in the State of Washington.

Q. Had you met Rapport before then?

A. Yes. I met him during the convention. That's the first time I had met him. I mean, not this particular time, but I met him before that meeting in the convention.

(Testimony of Harry Renton Bridges.)

Q. Do you remember what this hot argument was about?

A. No. But I think—I have no definite recollection. I have a faint recollection that it was on the question of CIO and the activities of some unions in Seattle in regard to CIO affiliation or something like that.

Q. Was there anything formal about this meeting? A. No, not that I can recall.

Q. Do you remember anyone saying "Mr. Chairman" or "Comrade Chairman" or "Miss Chairman"? Or any designation for a Chairman?

A. I don't. I am sure they didn't.

Q. Do you remember any motions being made?

[5507]

A. Not while I was there. As a matter of fact, now the recollection comes back to me. Everybody was talking at one time. I know the argument waxed pretty hot and Dietrich was the kind of person that was pretty loud talking and an energetic person and I wasn't missing any opportunities. I don't think there was any formality about the meeting whatsoever.

Q. Do you recall how long you were there?

A. No.

Q. Do you know how the meeting came into being? A. No.

Q. Do you know how Rapport happened to be there?

A. I do not. I have tried to recollect, but it's pretty hard and it was more or less incidental. So I just can't remember.

(Testimony of Harry Renton Bridges.)

Q. Do you recall anyone else being present that you now know or knew then was a Communist, except Rapport?

A. No, I don't. There was a lot of people there. I just can't recall. There were only two or three that stand out in my mind.

Q. Mr. Cannalonga stated that a Mr. Bristol was there. A. Who?

Q. Bristol, B-r-i-s-t-o-l. Do you know whether he was or not?

A. I don't think I know him. [5508]

Q. You don't know Mr. Bristol?

A. Not as far as I know.

Q. I believe his name is supposed to be Al Bristol and I believe also he is supposed to be an official of the Communist Party.

A. I don't know him.

Q. Do you know whether Harry Jackson was there?

A. I'm pretty sure he wasn't. I have no recollection at all of him being there.

Q. Was there any conclusion to the argument which you were involved in? In other words, did you reach an agreement with—did those who were arguing reach any agreement?

A. Not that I can remember of. If there had been some decision reached I might have remembered it, but I don't recall any agreement or decision being reached on anything now.

Q. How hot was this argument?

Mr. Del Guercio: Well, if your Honor please, that is a familiar term.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: I suppose that is a figure of speech.

Mr. Grossman: Yes. It has different meanings.

Presiding Inspector: He has given it pretty definitely. He told about their being noisy and so forth.

Mr. Del Guercio: I would suggest a substitution of the word "Red".

Mr. Grossman: Mr. Cannalonga has stated——

[5509]

Presiding Inspector: (Interposing) I suppose you will have your opportunity to argue the case at the end.

By Mr. Grossman:

Q. Mr. Cannalonga has stated that you were at a fraction meeting somewhere around the 1936 strike period with him in San Francisco, at which were present Schneidermann, Stack, Telford, Schmidt, Saunders, Brown and Pyle. Did you ever attend such a meeting? A. No.

Q. Did you ever attend a Communist Party fraction meeting with Cannalonga? A. No.

Q. Did you ever attend any kind of a Communist meeting with Cannalonga? A. No.

Q. Did you ever attend any kind of a Communist meeting with anyone, anywhere, any place?

A. No.

Mr. Grossman: May we have our morning intermission now, your Honor?

Presiding Inspector: Yes. A short recess.

(Testimony of Harry Renton Bridges.)

(Whereupon a short recess was taken.)

Presiding Inspector: We will proceed. Mr. Grossman.

By Mr. Grossman: [5510]

Q. Mr. Bridges, do you remember the testimony of Mr. Rushmore who stated that he had interviewed you in New York City? A. Yes.

Q. What were you doing in New York City at that time?

A. I was attending the International Convention of the International Longshoremen's Association.

Q. Did you speak at any meeting at the Madison Square Garden on that occasion?

A. No. I spoke at a meeting, but not at that place.

Q. Did you speak at any mass meeting on that occasion?

A. Yes. I think I spoke at a meeting at the Manhattan Opera House.

Q. What was the subject of the meeting?

A. Unemployed Insurance; Trade Union Unemployment Insurance, I believe.

Q. What did you speak on at that meeting?

A. I think I was asked to give a review of the happenings on the West Coast, the '34 strike and subsequent happenings.

Q. Is that what you spoke on?

A. As far as I can recall, yes. And I also spoke, of course, in support of the move for Unemployment Insurance, and I think another sub-

(Testimony of Harry Renton Bridges.)

ject was at that meeting, Trade Union Democracy. [5511]

Q. When was the first time you met James O'Neil?

Mr. Del Guercio: Who?

Mr. Grossman: James O'Neil.

A. 1937.

By Mr. Grossman:

Q. Do you remember where you met him the first time? A. In my office.

Q. Did you meet James O'Neil at someone's home on New Year's Day? A. No.

Q. Were you ever introduced to James O'Neil as "Comrade Bridges"? A. No.

Q. Did you ever recommend to James O'Neil that he transfer from the Guild Fraction to the Waterfront Section of the Communist Party?

A. No.

Presiding Inspector: What is the point of all this?

Mr. Grossman: Well, I am just negativing the alleged statement which Mr. O'Neil has denied. If your Honor feels it irrelevant——

Presiding Inspector: (Interposing) No, I don't say so. But I just want to get the point.

Mr. Grossman: That is the point. Do you consider it relevant? [5512]

Presiding Inspector: If you treat it as original proof, yes.

Mr. Grossman: Well, I don't know. I don't

(Testimony of Harry Renton Bridges.)

think it is. If it is, I want to deny the record, that is all, so your Honor might as well rule. I don't think it is proof. I just want it not to be said that we have failed to deny——

Presiding Inspector: (Interposing) I am not going to make a ruling on that at this time. It is a proposition I would like to have briefed.

Mr. Grossman: Well, I will ask him the questions, your Honor, but in asking the questions I am not admitting at all that it is original testimony.

Presiding Inspector: That is what I had in mind.

Mr. Grossman: I don't want it to appear that we haven't denied the statements.

Presiding Inspector: Very well.

Mr. Grossman: However, even if there is no evidence of it——

Presiding Inspector: (Interposing) I asked you with that very thought in mind. Of course, an argument can be made that what he says, whatever he did say there, was the truth and there is evidence that he did make these statements in dictation to Mrs. Segerstrom.

Mr. Grossman: Then I will continue to ask the questions with the understanding that by so doing I am not admitting [5513] that there is any evidence in the record or in the hearing on these questions.

Presiding Inspector: Yes. I think you ought to have that explanation on the record.

(Testimony of Harry Renton Bridges.)

Mr. Del Guercio: Well, if your Honor please, what understanding is that? We say that there is such a statement. That statement has been proved beyond any doubt at all, that O'Neil made that statement.

Presiding Inspector: Then, of course, it is competent under your theory to permit Mr. Grossman to make this proof.

Mr. Del Guercio: Yes.

Presiding Inspector: That is the only way he can protect himself, I suppose.

By Mr. Grossman:

Q. Did you ever tell James O'Neil that he had not been attending Communist Party meetings?

A. No.

Q. Did you ever have a meeting in the Balboa Building with Schneidermann, Cayton, Goldblatt and O'Neil? A. No, not that I recall.

Mr. Del Guercio: What is the answer?

The Witness: Not that I recall having met with Schneidermann in the Balboa Building.

By Mr. Grossman:

Q. Did you ever have a meeting with Schneidermann, Cayton, Goldblatt and O'Neil in the Balboa Building at which [5514] you discussed the Communist Party position on the CIO press and on the Sailor's Union of the Pacific?

Presiding Inspector: Will you take a short recess? I have a message.

(Whereupon a short recess was taken.)

(Testimony of Harry Renton Bridges.)

By Mr. Grossman:

Q. Did you ever tell James O'Neil that you had participated in Communist fraction meetings?

A. No.

Q. Are you a member of the Communist Party?

A. No.

Q. Have you ever been? A. No.

Q. Are you affiliated with the Communist Party? A. No.

Q. Have you ever been? A. No.

Q. What trade union positions do you hold at the present time?

A. President of the International Longshoremen's and Warehousemen's Union; California Director for the CIO. That would be about all the main ones. I have various other minor positions.

Q. Do you hold any national position with the CIO?

A. Member of the Committee on Unemployment, member of [5515] the Pan-American Committee, or Latin-American Committee.

Q. Are you a member of the National Executive Board of the CIO?

A. Member of the National Executive Board of the CIO.

Q. What positions have you held in the past in the Maritime Federation?

A. For two years I believe I was President of the San Francisco Federation Council, District Council No. 2. That is the only real position.

(Testimony of Harry Renton Bridges.)

Q. Have you ever been on the Executive Board of the Maritime Federation?

A. I was on the first Executive Board for a short while.

Q. What position have you held in your Local Union?

A. Executive Board member in 1934 and then President from 1934 to 1936.

Q. And after 1936 what positions did you hold, if any, in the ILA?

A. I was elected District President in 1936.

Q. District President of the ILA?

A. Of the ILA; that is, Pacific Coast District.

Q. And when did you become President of the ILWU? A. July, 1937.

Q. Was that the time that the ILA Pacific Coast District changed its affiliation to the CIO? [5516]

A. That is right.

Q. Have you been District President since that time? A. Yes.

Q. Were you ever an international representative of the ILA? A. I was.

Q. When?

A. For a short while; July, 1936 to December, 1936.

Q. Were you ever a member of the State Executive Council of the A. F. of L.?

A. State of California, yes.

Q. What position would that be? Vice-President of the Federation of Labor?

(Testimony of Harry Renton Bridges.)

A. State Vice-President.

Q. For what period did you hold that position?

A. I didn't serve a full term. It was in 1936. I was removed.

Q. Why were you removed?

A. Supporting CIO.

Q. Have you ever taken the position, Mr. Bridges, that it is impossible for the workers and employers to sit down to the table, bargain collectively in an amicable fashion and have it result in benefits for the workers?

Mr. Del Guercio: I will object to the question. It is irrelevant and immaterial. [5517]

Presiding Inspector: I will take it.

A. No.

Presiding Inspector: I will take it. It concerns his attitude.

By Mr. Grossman:

Q. What is your position on the value of collective bargaining, negotiating with employers and arbitration to the members of Unions?

Mr. Del Guercio: I will object to that, your Honor, on the same ground.

Presiding Inspector: Isn't that a pretty large question?

Mr. Grossman: I understand. But there is no sense starting at it in a small way. We will ultimately get into it in a large way. I may have misunderstood you, your Honor, but I understood you to say that when we were attempting——

(Testimony of Harry Renton Bridges.)

Presiding Inspector: (Interposing) Oh, I allowed that.

Mr. Grossman: I thought I understood you to say that Mr. Bridges could state more on his general views than such witnesses as Mr. Kagel and Dean Morse.

Presiding Inspector: I don't know, but you asked them so many question.

Mr. Grossman: No, I didn't get into this. I didn't get into Mr. Bridges' general views on collective bargaining. I don't think I did. But, anyhow, I want to now. [5518]

Presiding Inspector: Are these controversial matters, really, any longer?

Mr. Grossman: Well, I don't like to duplicate the argument we have had before, but I think——

Presiding Inspector: (Interposing) It would be shorter probably to take it. I will take it.

Mr. Grossman: I think so.

Presiding Inspector: It seems to me of slight importance.

By Mr. Grossman:

Q. Will you state your position on the value of collective bargaining, negotiations with employers and arbitration at certain times to the members of unions?

Mr. Del Guercio: If your Honor please, I want to object to that on another ground. We are getting into an argument here on the theory of the

(Testimony of Harry Renton Bridges.)

value of such matters not at issue even remotely in this proceedings.

Presiding Inspector: Well, I suppose if they have no value I wouldn't favor them. That would be the next question under those circumstances. I think I will take it. It is pretty general.

A. Collective bargaining is the fundamental issue underlying any organization of workers, of course. That is the primary purpose for which the workers are organized, following the organization of the workers in a group. Next [5519] comes collective bargaining in an attempt to secure an agreement, the agreement naturally embracing the rate of wages, the number of hours, seniority, vacations, the question of methods of hiring, working conditions and all the things that go into a collective bargaining agreement.

Of course, collective bargaining is brought about through methods of both negotiation, mediation and arbitration. I think they all run to the same term and you can't mention one without going into the other. Therefore, when you organize a union and then you engage in collective bargaining, to try and engage in collective bargaining without negotiations is silly and, likewise, without mediation or arbitration. It's equally ridiculous.

So the whole thing goes together and we have always supported such fundamental matters, and still do.

We can see how—we can't see how any headway

(Testimony of Harry Renton Bridges.)

can be made unless you do in so far as the trade union is concerned.

By Mr. Grossman:

Q. What is your position as to generally when and where strikes should be engaged in?

Mr. Del Guercio: I will object to that, if your Honor please, as being immaterial.

Presiding Inspector: Does this have anything to do with the issue we are trying? [5520]

Mr. Grossman: I believe it is the positive side of the negative testimony we have been giving through our expert witnesses and expect to give through Mr. Bridges. In other words, instead of merely asking him whether he has ever believed this sort of thing that I just read him a statement of, I think I am entitled to show positively what he believes.

Presiding Inspector: If you think it is material I will take it.

Mr. Grossman: Yes.

A. We only resort to strikes as a last resort, after we have exhausted the resources of negotiation, mediation and in many cases arbitration. There is this point, however. There are some matters that cannot be arbitrated. That is, no Arbitrator when he is asked to decide on certain issues it is impossible for him to make a decision that is workable. Such decisions or such issues can better be settled or can only be settled by negotiation.

(Testimony of Harry Renton Bridges.)

To give an example of what I mean, it is impossible for an Arbitrator to arbitrate recognition of a Union. You get it or you don't. No recognition; therefore, no Union. It is impossible for an Arbitrator to arbitrate many things, especially if those things go to the very foundation of the Union without which the Union can't live. And it has generally been our proposition that certain matters of that type we have refused to arbitrate them, because we knew that arbitration [5521] would be fruitless. We have always taken other positions on arbitration: That we would not re-arbitrate matters that had already been arbitrated. In other words, arbitration is not for the purpose of keeping on arbitrating a particular question after an issue has once been decided for the simple reason that one side is pushing for arbitration knowing that they have got nothing to lose and they might gain something.

So under those circumstances, such as I have described, at times we have refused arbitration. But on any general question that doesn't go to the very life of the Union we have always favored both mediation and arbitration and used it. In most cases we have used it entirely on those matters, providing that recognition of the Union, the protection against discrimination for union activities or union membership and such things as that is already secured or guaranteed through negotiation.

(Testimony of Harry Renton Bridges.)

By Mr. Grossman:

Q. Can you give some specific examples in the experience of the International Longshoremen's and Warehousemen's Union of your position on arbitration?

Mr. Del Guercio: Now, if your Honor please, I will object to that. We are going from the general to the specific.

Presiding Inspector: He has given his fundamental view. Shouldn't you leave that for cross examination?

Mr. Grossman: Well, I could leave it if I am guaranteed [5522] that they go into it, but if they are not going to I prefer to do it on direct, your Honor, because I think the specific example is much more clear-cut. Where there may not be conviction from a general statement there would certainly be, I think, from a specific example which was only explicable in the light of the theory which we claim Mr. Bridges has. In other words, I think the general is never as convincing as the specific example, for obvious reasons. I don't think this will be very lengthy.

Presiding Inspector: Very well. You may answer.

A. That would be difficult. We have engaged in some 200-odd arbitrations in the last six or seven years, both the ILA and the ILWU. To pick out any specific case, why, it is simple. But generally arbitration comes either in two or three

(Testimony of Harry Renton Bridges.)

ways: To prevent a dispute by both parties agreeing that they will submit the issues in dispute to arbitration; to settle part of a dispute where agreement has been reached on certain things and the rest are referred to arbitration; to end a dispute after a dispute is already under way by referring the matters to arbitration for settlement, and to clarify certain issues after an agreement has been reached and the agreement provides that there will be no stoppage of work and all disputes be settled by arbitration. So we have used all methods and generally do. It is not very well known, of course. There are very many conflicting opinions on arbitra- [5523] tion and the word is loosely thrown around sometimes. But as a rule we have used it in most of our minor and major disputes in some form or other. [5524]

By Mr. Grossman:

Q. Can you state generally approximately how many cases are submitted to arbitration each year by the International Longshoremen's and Warehousemen's Union for longshoremen, rather, under the longshore agreements?

Mr. Del Guercio: I object to that.

Presiding Inspector: I don't thing it is material if they make an agreement. I suppose there is a general arbitration agreement, isn't there?

Mr. Grossman: I think the experience, nevertheless, of collective bargaining agreements there often—that is, since they are rather loose and have

(Testimony of Harry Renton Bridges.)

no real compulsion, as Dean Wayne Morse testified, sometimes you have an arbitration provision in an agreement, which is not carried out in good faith by one or the other parties—in other words, to sabotage the use of the arbitration procedure, and actually refuse it in some cases. You will find many agreements which perhaps have an arbitration clause, and because of sabotage or refusal by one side or the other, it isn't used.

Presiding Inspector: You already have the proof, testimony of Dean Morse on that.

Mr. Grossman: Correct. I will withdraw it for that reason.

By Mr. Grossman:

Q. Do you remember, Mr. Bridges, a particular negotia- [5525] tion between the Newspaper Guild and the publishers into which you entered briefly where the issue was one of whether a strike would take place for the Guild shop, or closed shop, or preferential hiring? A. I do.

Q. Will you state briefly the circumstances surrounding your being brought into that picture?

Mr. Del Guercio: I will object to that, if your Honor please, as not being in issue here.

Presiding Inspector: Isn't this pretty remote?

Mr. Grossman: This is a specific example of Mr. Bridges adopting a policy——

Presiding Inspector: Taking part in that arbitration.

Mr. Grossman: No. This is a specific example of

(Testimony of Harry Renton Bridges.)

his participating in a policy which is completely inconsistent with the descriptions given by those government witnesses I quoted before, and to state generally what its significance is, will be, I will say this: This example, when given, will show that Mr. Bridges was called in, in an advisory capacity by the union involved, this newspaper Guild, and he went to the extent of opposing a good many of their Negotiating Committee who decided to strike on this sole issue, and suggested to them the possibility of achieving it without a strike, and indicated a definite desire to use all methods short of a strike, even at the expense of disagreement with the Negotiating Committee [5526] involved.

Presiding Inspector: Wasn't this case sketched generally by Mr. Kagel?

Mr. Grossman: No. We weren't permitted to go into examples. I started to go into this and you cut me short. So we have given no specific examples through the other witnesses.

Presiding Inspector: All right. This will be short?

Mr. Grossman: Yes.

By Mr. Grossman:

Q. Will you state, generally and briefly, what brought you into the picture?

A. Negotiations were under way at that time for a contract between the union and the newspaper publishers for the City of San Francisco and Oakland. The Union, in some degree, and the Committee negotiating the contract believed that the only way to get

(Testimony of Harry Renton Bridges.)

the desired provisions in the contract was by a strike. In effect, they had relinquished that demand and there was a demand for a union ship in the previous year's negotiations.

The only part that I played was in the capacity as a CIO official I met with the Committee, and after reviewing the circumstances and the possibilities of the strike on that issue alone, I advised against it.

An agreement was signed and negotiated, negotiated and [5527] signed, without any strike taking place.

Q. What was the attitude of the Committee before you began to participate in it, or at the time you began to participate with them?

Mr. Del Guercio: I think the Committee would be the best——

Presiding Inspector: Having allowed it so far, I will allow the rest.

By Mr. Grossman:

Q. What was the Committee's attitude at the time you entered into the picture with respect to whether a strike should be carried on solely on this issue of the union shop?

A. It favored a strike; mistakenly so, I thought.

Q. As a result of your participation—withdraw that. After you expressed your views on that matter was a decision finally made by this Negotiating Committee that they would not strike for a union shop?

A. That is correct. Although I would not say solely as a result of my being there and so advising.

(Testimony of Harry Renton Bridges.)

Q. I didn't ask that. After you participated they made that decision, did they? A. Yes.

Q. Did you state what methods they could use to obtain that union shop, if any?

Mr. Del Guercio: I object to any further inquiry along [5528] this line.

Presiding Inspector: How did they achieve it?

Mr. Grossman: His suggestion to them, if any, as to how, in lieu of a strike, they should take action to obtain a union shop.

Presiding Inspector: You are forcing this pretty far. I will take it.

A. We discussed it. I really can't say the program we outlined now; I can't remember it.

By Mr. Grossman:

Q. Do you remember a threatened strike of the Marine Cooks and Stewards in 1940?

Presiding Inspector: I think you have gone far on this. This is the third strike. Is this a strike of his union?

Mr. Grossman: A union.

Presiding Inspector: His union?

Mr. Grossman: No. A strike in which he played a very important part, and it is very significant evidence along this line.

Presiding Inspector: I thing it is immaterial. We have one example.

Mr. Grossman: This is a different example.

Presiding Inspector: I know. Are we going to have fifty examples?

(Testimony of Harry Renton Bridges.)

Mr. Grossman: If they are of different things.

[5529]

Let me state what this is, and I will state it briefly because it will save time.

Presiding Inspector: You need not do that. If you think this is important you may have it.

Mr. Grossman: I will cut down on the examples, but this is slightly a different example

Presiding Inspector: I think these are all immaterial.

Mr. Grossman: I think it is important.

Mr. Del Guercio: We object to it on that ground.

By Mr. Grossman:

Q. Do you remember a threatened strike involving the Marine Cooks and Stewards in 1940?

A. Yes.

Q. What was the issue of that threatened strike?

Mr. Del Guercio: We object to that, if your Honor please. We cannot try the issues of these strikes.

Presiding Inspector: No.

Mr. Grossman: There is no dispute about the issues.

Mr. Del Guercio: There is a dispute about everything that was said going in.

Mr. Grossman: I think you will agree in this case with what Mr. Hillman said.

Presiding Inspector: You shouldn't have things like that on the record.

Mr. Grossman: Mr. Del Guercio isn't going to

(Testimony of Harry Renton Bridges.)

take the [5530] position that his position was Communistic, I am sure of that.

Presiding Inspector: Go ahead.

A. The issues, I think, were a six-hour day for the men on board ships in the culinary department; a certain number of men, called the Manning Scale, a certain number of men required on ships of certain tonnage; and proper protection of seniority rights.

By Mr. Grossman:

Q. Had the union taken a strike vote when you came into the picture? A. They had.

Q. And how close to the strike deadline was it at the time you came into the picture?

Mr. Del Guercio: I object to that, your Honor.

Presiding Inspector: I will take it.

A. Two hours.

By Mr. Grossman:

Q. How did you happen to come into the picture?

A. I was appointed to act on behalf of the Advisory Commission on National Defense.

Q. Who appointed you?

A. Mr. Sidney Hillman.

Q. How did he appoint you?

A. He just appointed me. You mean by——

Q. (Interposing): How were you notified?

[5531]

A. He telephoned me and wired me.

Q. What did he tell you to do, if anything?

Mr. Del Guercio: I will object to any conversation had with Mr. Hillman by this witness.

Mr. Grossman: I want to know what position he

(Testimony of Harry Renton Bridges.)

was supposed to play, what Mr. Hillman asked him to do.

Presiding Inspector: I will take that, but not as any definite instructions as to an attitude which he should take.

Mr. Grossman: Yes.

Presiding Inspector: Unless the Government wants that.

A. I had no instructions. He told me he had notified both parties and, if agreeable to me, he would ask me to act on behalf of the Commission in this case to see if we could arrange a settlement prior to the strike deadline.

By Mr. Grossman:

Q. Did you then begin to participate in the negotiations between the union and the employer?

A. I met with both groups and worked out a compromise.

Q. Was an agreement reached without a strike?

A. At a quarter of a minute to midnight, which was the strike deadline, we reached an agreement.

Presiding Inspector: When was that?

The Witness: The end of 1940, I think, or—no—in the fall of 1940.

Mr. Grossman: One moment, your Honor. [5532]

Your Honor, Mr. Gladstein is going to take over the examination now.

Mr. Del Guercio: Well, if your Honor please, we object to changing counsel in the middle of the examination.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: I will allow it. Go ahead. We have been very liberal about this. In fact, there isn't any rule here, you know.

Mr. Gladstein: I don't think there is a——

Presiding Inspector: Go ahead.

By Mr. Gladstein:

Q. Mr. Bridges, do you remember the witness, William C. McCuistion? A. Yes.

Q. He testified in substance that he first met you in the early part of 1935, somewhere around April or May, just prior to a convention of the Maritime Federation of the Pacific. And in his testimony he mentioned meeting you on the street and being introduced to you near the wate front by a man named Frederick Reed. Did any such occurrence ever happen? A. No.

Q. He testified that that same evening, or in the evening, by prearrangement with you, he met you at the Communist headquarters. Did anything like that ever happen? A. No. [5533]

Q. Did you ever discuss with him the question of his expulsion from the Communist Party?

A. No.

Q. Did you ever ask him at or about that period, or at any time, to stay on the Pacific Coast and assist you in forming a bloc against Harry Lundeberg?

A. No.

Q. Now, at that time, the time that Mr. McCuistion is referring to, the early part of 1935, prior to the Maritime Federation Convention of that year,

(Testimony of Harry Renton Bridges.)

what, in general, was your relationship to Harry Lundeberg? A. Friendly and——

Mr. Del Guercio (Interposing): I object to that, unless it is intended to bring Harry Lundeberg in here.

Mr. Gladstein: It is intended to show Mr. McCuistion was a liar.

Mr. Del Guercio: Mr. McCuistion was not a liar.

Presiding Inspector: Well, I don't suppose the statement of either——

Mr. Del Guercio: (Interposing): And they can't show he is a liar.

Presiding Inspector: Well——

Mr. Del Guercio (Interposing): They know it.

Presiding Inspector: Let me hear the question.

Mr. Gladstein: Read the question. [5534]

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: Do you mean the character of it, or what business he had with him?

Mr. Gladstein: The general character of the relationship.

Presiding Inspector: I will take it.

A. We were working very closely together——

Presiding Inspector: No. He wants to know whether or not you were friends or otherwise.

A. (Continuing): Very friendly. We were in full support of him.

By Mr. Gladstein:

Q. And at the convention which followed, this

(Testimony of Harry Renton Bridges.)

period of time, the convention which took place in 1935,—what month was it, by the way?

A. April 15, 1935.

Q. At that convention, Mr. Bridges, what was your open position as to support or non-support of Harry Lundeberg for an office or an official position in the Maritime Federation?

A. Full support. We nominated him, placed him on our votes, gave him our vote, and elected him.

Q. Now, Mr. McCuistion testified that he left the Pacific Coast around June of 1935. Was your position, up to [5535] and through June of 1935, was your relationship with Harry Lundeberg the same as you have just described? A. It was.

Q. When, for the first time, did your relationship with Lundeberg take a different direction?

A. Not until 1936.

Q. Did you ever receive any communications from Lundeberg in 1935? A. I did.

(Whereupon Mr. Gladstein passed a communication to Mr. Del Guercio.)

Mr. Gladstein: Is there a possibility of seeing the date in June, 1935, when Mr. McCuistion said, and the record shows, that he departed from San Francisco?

Presiding Inspector: Ask Mr. Gaiser.

Mr. Gladstein: There is a photostatic copy of some——

The Witness (Interposing): June 6th.

Mr. Gladstein: Do you recall it as June 6th?

(Testimony of Harry Renton Bridges.)

By Mr. Gladstein:

Q. Now, Mr. McCuistion testified that in these conversations prior to his sailing from San Francisco in the early part of June, 1935, you, in a conversation, asked McCuistion to stay on the West Coast and help you form a bloc to fight Lundeberg. Did any such conversation ever occur?

A. No. [5536]

Q. I show you a letter, which I have already shown to counsel, under date of June 22, 1935, a date subsequent to the time that McCuistion left the Pacific Coast, and purporting to be signed by Harry Lundeberg, and I will ask you whether you received that and recognize that as a letter from Harry Lundeberg?

A. (Examining letter) I do.

Mr. Gladstein: I offer that in evidence, your Honor, because it shows a relationship between Bridges and Lundeberg which was one of friendship and closely——

Mr. Del Guercio: (Interposing) Is that an argument in support of the offer?

Mr. Gladstein: I am addressing myself to the Court.

Mr. Del Guercio: I haven't made my objection.

Presiding Inspector: Let us hear the objection.

Mr. Gladstein: May I finish my statement in support of my offer?

Presiding Inspector: No.

Mr. Del Guercio: It contains extraneous matters,

(Testimony of Harry Renton Bridges.)

nothing that would contradict anything that was introduced in this hearing.

Mr. Gladstein: In answer to that it is my contention, your Honor, that that letter, and the testimony of Mr. Bridges, directly contradicts and throws the lie in the face of the witness, McCuistion. [5537]

Mr. Del Guercio: I question that, if your Honor please, and I question the authenticity of the letter. I suggest that Mr. Lundeberg be called.

Mr. Gladstein: You can call him.

Mr. Del Guercio: You won't dare.

Mr. Gladstein: I said you can call him.

Mr. Del Guercio: And immaterial also.

Mr. Gladstein: You can call him.

(The letter offered was passed to the Presiding Inspector.)

Presiding Inspector: I don't see how this proves the attitude of Mr. Bridges.

Mr. Gladstein: The attitude of Mr. Bridges and the attitude of Mr. Lundeberg are integral parts of each other as of that time and——

Presiding Inspector: It may or may not be.

Mr. Gladstein: I don't quite understand.

Presiding Inspector: I mean to say that may show what Mr. Lundeberg thought of the friendship of Mr. Bridges, but that might not necessarily be so.

Mr. Gladstein: But if you will read this letter——

Presiding Inspector: I read it.

Mr. Gladstein (Continuing): ——you will see——

(Testimony of Harry Renton Bridges.)

Presiding Insepctor: I saw a lot of extraneous matter in the letter. [5538]

Mr. Gladstein: I renew my offer, and I wish the record to show that the reason for this offer, though it comes from Mr. Lundeberg to Mr. Bridges, and reflects a friendly attitude on the part of Lundeberg toward Bridges, it also refers in its contents to a previous request made by Bridges of Mr. Lundeberg and——

Presiding Inspector: We can't take that as original evidence of anything of that kind, as to whether there is some other matter concerned. This witness can testify about that.

Mr. Gladstein: He has testified, but I have documentary evidence to support his testimony. Is it your position that we are not permitted to put in the documentary evidence that will support that testimony?

Mr. Myron: Mr. Lundeberg is available.

Presiding Inspector: Produce your documentary evidence.

Mr. Gladstein: I consider this proper and I offer it in evidence.

Presiding Inspector: Let's have the other documentary evidence first.

Mr. Gladstein: What other documentary evidence.

Presiding Inspector: That this supports, you say.

Mr. Gladstein: Every letter Mr. Bridges has written is not in his possesion.

Presiding Inspector: I thought you said you had it. [5539]

(Testimony of Harry Renton Bridges.)

Mr. Gladstein: I said this letter refers to a previous request, as you will see there, a request made by Mr. Bridges.

Presiding Inspector: I didn't notice it. The tone of the letter, I thought that was what you were offering it for.

Mr. Gladstein: Also for the tone.

(The letter referred to was passed back to the Presiding Inspector.)

Presiding Inspector: I can't read this (indicating).

Mr. Gladstein: What part, your Honor?

(Whereupon the Presiding Inspector and Mr. Gladstein conferred over the document.)

Presiding Inspector: I will receive it.

Mr. Del Guercio: If your Honor please, we question——.

Presiding Inspector: I will receive it.

Mr. Del Guercio (Continuing): We question the authenticity of that document.

Presiding Inspector: I will receive it. He said he received it in the mail.

(The letter referred to was received in evidence and marked Alien's Exhibit No. 31.)

By Mr. Gladstein:

Q. When was the first time you ever in your life met William C. McCuistion?

A. December 1936 at the Madison Square Garden.

(Testimony of Harry Renton Bridges.)

Q. Did you meet him at all prior to the actual Garden [5540] meeting?

A. I believe I did at that time in New York. I mean that that was the first time I met him when I was in New York to attend that meeting.

Q. What was the extent of the relationship, or of any conversations that you had with Mr. McCuistion on that occasion?

A. Very brief; so brief I can't even recall it.

Q. Can you state whether you ever discussed with him the question of his membership in or expulsion from the Communist Party?

A. I never have.

Q. Have you ever seen him since the time of the Madison Square Garden meeting to the time that he came into court, to your knowledge? A. No.

Q. Now, Mr. McCuistion testified, and Mr. Innes testified, that you had flatly refused to come to the east to address the Madison Square Garden meeting——

Presiding Inspector: Don't you think it would be better to ask the questions, without telling the witness first

Mr. Gladstein: I am directing his attention to something.

Presiding Inspector: I know. I think you are doing it in a questionable way; that is all.

Mr. Gladstein: I will withdraw the question if you think [5541] it is improper.

Presiding Inspector: You can suggest the subject matter, whether John Jones or Richard Roe tes-

(Testimony of Harry Renton Bridges.)

tified to something, but not to suggest to the witness to enable him to testify. You have got a very competent witness here.

By Mr. Gladstein:

Q. I will refer you, Mr. Bridges, to the Madison Square Garden meeting in December 1936. What was the situation on the Pacific Coast as of that time with respect to the strike?

A. We had the strike won on the West Coast.

Q. When did that strike begin?

A. October 28, 1936.

Q. What unions were involved in this strike?

A. The unions that were actually participating in the strike were all the unions affiliated with the Maritime Federation, some twelve or fourteen all told, or more; and, of course, practically directly involved in the strike to some extent was the Teamsters' Union.

Q. What was the situation on the East Coast with respect to the strike on the West Coast?

A. The East Coast was on a sympathetic strike, the East Coast Seamen, and as the strike appeared to be nearing a point where a settlement could be reached it was necessary to determine what was going to happen, and what was going to be the program in so far as the East Coast Seamen were concerned.

[5542]

Q. Now, had you had any discussions with any representatives of the East Coast Seamen prior to the time that the Madison Square Garden meeting was held? A. Yes.

(Testimony of Harry Renton Bridges.)

Q. With whom, and what kind of discussions?

A. Well, with both Innes, Peter Innes and Joe Curran. Curran was out here prior to the strike taking place, although we didn't discuss the strike then, we discussed the general strategy in connection with securing an agreement, the possibility of a strike. We were endeavoring to postpone the strike then, and we did. Then later on, between the West and the East Coast, by telephone, telegram, letter and teletype.

Q. You just mentioned that you were endeavoring to postpone the strike. Had there been a prior strike deadline?

A. Yes. The strike—the strike—when our agreement terminated September 30 of that year, and the employers had notified us that unless there was a new agreement that they would close down on September 30th, so we were engaged in attempting ot postpone the closing down date. They were all prepared, there were political implications, and one thing and another, and eventually we succeeded in having the shutdown date postponed for two or three periods of 15 days, or one period of 30 days, and one period of 15 or 18 days.

Q. Were any of these postponements requested by any [5543] representatives of the United States Government? A. Yes.

Q. By whom?

A. Well, Daniel Tobin, and at that time he was the Labor Chairman for the Democratic Party; John

(Testimony of Harry Renton Bridges.)

L. Lewis was very much concerned, and Edward F. McGrady.

Q. Who was he?

A. The Assistant Secretary of Labor.

Mr. Myron: Is that responsive, these officials of the United States Government?

Presiding Inspector: I don't suppose so.

Mr. Myron: I don't think that is what the question called for.

Mr. Gladstein: I consider it responsive. If you can't understand it——

Presiding Officer: I don't think it is responsive, but——

The Witness (Interposing): The request was transmitted to me through John L. Lewis saying the President had requested we postpone our strike.

By Mr. Gladstein:

Q. What was done after you received that?

Presiding Inspector: It isn't harmful that I can see.

By Mr. Gladstein:

Q. What was done, Mr. Bridges?

A. We done everything we could to postpone the strike. [5544]

Q. That was an election year, was it not?

A. That is right. We were urged to see that no strike broke out until after the election date. We held it down until October 28th.

Q. That is when the strike began?

A. October 28th. The elections, I think, were on November 2.

(Testimony of Harry Renton Bridges.)

Q. Now, at about that time did I understand you to say that you had discussions with Mr. Curran?

A. Prior to that time.

Q. And what, in general, was the nature of the discussions with reference to what should be done on the East Coast in the event a strike occurred on the West Coast?

A. To support us and to use every effort they could to have the longshoremen also support us; that is, the East Coast longshoremen also support us.

[5545]

Q. Now, after the strike broke out on the West Coast was any policy adopted on the West Coast with respect to the sending of delegations of speakers from the West Coast to the East Coast to address strikers there? A. Yes.

Presiding Inspector: In respect to that Dietrich letter, don't you think that you ought to show that this witness knew his handwriting?

Mr. Gladstein: You mean the Lundeberg letter?

Presiding Inspector: The Lundeberg letter.

Mr. Gladstein: Yes. I will ask him that question.

By Mr. Gladstein:

Q. Are you able to recognize the handwriting of Mr. Lundeberg?

A. I am. I received that letter when I was in the hospital at that time and I received quite a few communications from him, including, I think, three bouquets of flowers. I am well acquainted with the handwriting.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: Is that in his handwriting?

The Witness: It is.

Mr. Del Guercio: Well, I don't believe that it has been established yet that he knows the handwriting of Harry Lundeberg.

Presiding Inspector: He has had communications from him. [5546]

Mr. Del Guercio: Well, three of them. Were they all the same?

Presiding Inspector: You may examine when the time comes.

The Witness. I have had numerous communications from him.

Mr. Del Guercio: I will object on this ground: That Lundeberg is available here.

Presiding Inspector: That doesn't make any difference. If the witness knows of his handwriting you can introduce the document. We are not so strict about that, having seen him write, as we used to be. I mean, even in Courts of Justice.

Mr. Del Guercio: Any particular part of this letter here you have reference to?

Mr. Gladstein: Well, yes.

By Mr. Gladstein:

Q. By whom was such a policy adopted, Mr. Bridges?

A. First by the Longshoremen's Coast Executive Committee, then submitted and recommended to the Joint Coast Policy Committee and adopted there.

Q. Was any official publication of such a policy or program ever made?

(Testimony of Harry Renton Bridges.)

A. You mean in the——

Q. (Interposing): Was any release of this program ever made?

A. Yes. All locals were notified. [5547]

Q. Locals of what?

A. Of the District Union of the ILA at that time, and the East Coast was also notified. We sent copies to the various East Coast groups we were working with; that is, the Seamen's groups in the East Coast, the Seamen's Defense Committee and others.

Q. That would include, that is, the groups to which copies of this announcement of the official policy of the West Coast in connection with the activities of the East Coast and the sending of delegations from the West to the East, were sent to various groups including the group of which Mr. Curran is a leader? A. That is correct.

Mr. Del Guercio: If your Honor please, the questions are so long that counsel propounded that I can't follow them and I doubt very much if they are questions here.

Presiding Inspector: Perhaps you had better have the reporter read them if you don't understand them. Sometimes I don't.

Mr. Gladstein: Did you understand the question?

Mr. Del Guercio: Will you read the question?

(The question referred to was read by the reporter as above recorded.)

Mr. Del Guercio: Your Honor, I will object to that as not being a question. It's an answer. [5548]

Presiding Inspector: Well, he said it was correct,

(Testimony of Harry Renton Bridges.)

so that I don't believe we need go over it again. I will let it stand.

By Mr. Gladstein:

Q. Now, Mr. Bridges, I show you what purports to be on the official letterhead of the International Longshoremen's Association, affiliated then with the American Federation of Labor, under date of November 19, 1936 a mimeographed letter consisting of three and a half pages and purporting to be signed by yourself. Will you identify it, please?

A. This is a letter sent out by the Longshoremen's Negotiating Committee or Strike Committee at that time outlining to all locals our entire and detailed method of proceeding to prosecute the strike, our entire strike policy.

Q. Does this policy as expressed in this letter include the program outlined on and by the West Coast for the activities on the East Coast?

A. Yes.

Q. With specific reference to the question of West Coast delegations being sent back to address meetings of the East Coast, will you please point to the portion.

A. That's the last point in the program, the last page.

Mr. Gladstein: I call your Honor's attention to the top of page four of this document.

(The document referred to was passed to the Presiding [5549] Inspector.)

Presiding Inspector: Just this?

(Testimony of Harry Renton Bridges.)

Mr. Gladstein: I am going to offer the entire letter in evidence as showing the policy outlined in connection with the conduct of the strike, showing the chronological series of steps which were recommended and adopted to be taken, one of which is the question of sending delegations to the East Coast.

I offer this letter in evidence, your Honor.

Mr. Del Guercio: Well, if your Honor please, before we make any objection I want to know whether that reference made by counsel is the only one upon which he is introducing this letter in support of his contention that that was the policy of the West Coast at that time, to send people to the East Coast.

Mr. Gladstein: I don't quite understand the question. Do you mean, Mr. Del Guercio, you want to know if I have further proof to offer on the subject?

Mr. Del Guercio: No. If there is anything further in that letter other than that one paragraph that you showed me in support of your statement that the policy was to send speakers to the East Coast.

Mr. Gladstein: Well, I think this is the point. The letter sets forth a rather comprehenstive program for the prosecution of the strike and the integration of the efforts being made on the two coasts. One of those recommendations [5550] which is adopted and made a part of the program, is an idea of sending delegations at suitable times back to Eastern and Gulf ports. That is only one of them. I think to tear that out of its context and leaving it

(Testimony of Harry Renton Bridges.)

standing alone, without showing what the balance is to which it refers, would perhaps distort that part of it. Therefore, I think the entire program as set forth in this letter should be admitted in evidence. I doubt whether counsel will claim that this letter incorrectly states what the program was by the Union.

Mr. Del Guercio: My point is that there is nothing in the letter that you pointed me out that states that it was the policy to send delegates to speak on the East Coast. All there is there, the portion that you referred to me, was "Delegations were to be sent to Eastern and Gulf Coasts to prevail on longshoremen for economic action".

Mr. Gladstein: I will have the witness explain what that means, if there is any uncertainty in the mind of the Court.

Presiding Inspector: I think I will take the letter.

(The letter referred to was received in evidence and marked Alien's Exhibit No. 32.)

Mr. Del Guercio: I think counsel should refrain from making a remark of that kind. He has the witness on the stand and to put the words in his mouth on matters of that kind is unfair, I think.

Mr. Gladstein: What did I say that was unfair?

[5551]

Do you know, your Honor

Mr. Del Guercio: Have the witness explain.

Presiding Inspector: I think he complains of your having said that you would have the witness cover this.

(Testimony of Harry Renton Bridges.)

Mr. Gladstein: If there is any uncertainty in your mind.

Presiding Inspector: Go ahead. I can hardly rule on that.

Mr. Del Guercio: Sir?

Presiding Inspector: That calls for some conduct of this case by Mr. Gladstein; I can hardly rule on that.

By Mr. Gladstein:

Q. Part of this program which was adopted and officially announced on November 19, 1936 was, as follows:

"That suitable time be allowed for publicity campaign and if same is not successful in bringing required Governmental pressure on Employers, in order they negotiate and agree to Union demands, that the West Coast ILA send delegations to Eastern and Gulf Coasts to prevail on longshoremen there for economic action". I was quoting from page four of Alien's Exhibit 32 in evidence. Now, will you explain——

Mr. Myron: (Interposing): Do I understand that this document has been introduced in evidence?

Presiding Inspector: Yes.

Mr. Myron: This document has been introduced in evidence?

Presiding Inspector: Yes. I said I would receive it. [5552]

Mr. Myron: I don't see any necessity in quoting from it.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: Well, we have done that all the way through, both sides. There isn't any need. But that has been the practice in this hearing from the very start. We have had great numbers of Communist documents introduced and read from, and it perhaps will enable the Presiding Inspector to analyze this case in his own mind without reading every one of the documents from beginning to end.

Mr. Myron: I understand it was part of a question that was being asked. That is my objection.

Mr. Gladstein: I never finished because Mr. Myron interposed his objection. I was about to ask a question, yes. I didn't get to that before we heard from Mr. Myron.

Presiding Inspector: Well, go ahead.

Mr. Myron: That was my objection, your Honor, as I understood.

Presiding Inspector: I didn't understand that. I thought the objection was reading.

Mr. Del Guercio: Because of the preliminaries, the preliminary is so long that we don't know where the question begins and ends.

Presiding Inspector: I know we have that all the time in this hearing. It seems to be the practice adopted by both sides.

Go ahead. I think it is not very good practice.

[5553]

By Mr. Gladstein:

Q. Now, Mr. Bridges, with reference to the part of the program set forth in the last exhibit, Alien's Exhibit 32, as to sending speakers to the East to

(Testimony of Harry Renton Bridges.)

prevail on longshoremen to cooperate, will you explain what that had reference to, what the situation was that that referred to?

Mr. Del Guercio: Now, if your Honor please, I object to that. The document, of course, speaks for itself.

Presiding Inspector: Yes. I think the document does.

Mr. Gladstein: I am not asking for an interpretation of the document, but the situation to which the document refers.

Mr. Del Guercio: Counsel has asked the witness, quoting one paragraph from that document——

Presiding Inspector: (Interposing): That is all we are interested in, I suppose, except for its setting.

Mr. Gladstein: We can have the witness explain the whole situation on both Coasts within his knowledge, if that is the objection.

Presiding Inspector: I don't think that is necessary.

Mr. Gladstein: I don't quite get the point of the objection.

Presiding Inspector: I will let the witness answer what the general condition was in respect to which these de- [5554] legates were to be sent.

Mr. Gladstein: That is right, your Honor.

Presiding Inspector: I think the word is "delegates" rather than "speakers".

Mr. Gladstein: "Delegates" yes.

Mr. Del Guercio: "Delegations".

(Testimony of Harry Renton Bridges.)

Presiding Inspector: "Delegations" rather than "speakers."

A. To answer the question you would have to briefly outline the entire strategy, the type of strike and all the rest of it.

By Mr. Gladstein:

Q. Well, I am asking you to do that.

Mr. Del Guercio: I will object to that, if your Honor please. In other words, the witness admits that he can't answer the question without going into a number of other matters that have not been asked.

Mr. Gladstein: Now, if your Honor please,——

Presiding Inspector: (Interposing): If counsel wants it I will allow him to have it. Go ahead.

A. Because of the nature of the strike, the strike was a coastwise strike, no attempt was made to operate the ships or use strike breakers. It was the type of a strike that was going to be a kind of sit-out campaign. As a matter of fact, just shortly before we drew up this program it was announced by the ship owning employers that they would keep the ships [5555] tied up for two years to beat us. So it was a kind of a deadlock, no activity or anything, and there was two schools of thought in how to prosecute the strike. One was by militant action to spread the strike, to involve other industries as against the policy that is outlined in that program there, a program of wide publicity to bring the issues of the strike forward, to build up the morale of the men and keep them solid because there was very

(Testimony of Harry Renton Bridges.)

little activity going on. Picket lines were not of any great use and we well knew that the strike would be won or lost in Washington because of which way the Government might move in the case.

Mr. Del Guercio: Well now, if the Court please, so far I haven't heard a word about this whole piece of sending speakers to the East Coast.

Presiding Inspector: Well, there wasn't any question about that. It was the question of the general conditions——

Mr. Del Guescio: (Interposing): "Policy".

Presiding Inspector: No. The general conditions then prevailing.

Mr. Del Guercio: That is the witness' explanation. He said he couldn't answer the question unless he went into that. The question, as I understand it, is still directed to the policy of sending speakers out to the East Coast.

Presiding Inspector: Read the question, Mr. Reporter.

Mr. Gladstein: Of course, your Honor, we will never get [5556] anywhere if at the end of every sentence Mr. Myron or Mr. Del Guercio pops up to say "I haven't heard the answer" or "Is this responsive?" or, when I am asking a question, when I stop for breath——

Mr. Myron: (Interposing): We won't get very far if we have statements before each question as we have been having.

Presiding Inspector: I think we are losing time, Mr. Gladstein.

(Testimony of Harry Renton Bridges.)

Read the question, Mr. Reporter.

(The question referred to was read by the reporter as follows:

"Q. Now, Mr. Bridges, with reference to the part of the program set forth in the last exhibit, Alien's Exhibit 32, as to sending speakers to the East to prevail on longshoremen to cooperate, will you explain what that had reference to, what the situation was that that referred to?")

Presiding Inspector: "Situation was that that referred to", that is the part that I heard particularly.

The Witness: That's right. And it was a part of the strike strategy. As I say, the strike differed. It wasn't the type of strike that was fought by——

Presiding Inspector: (Interposing) Yes, you have told us about that.

The Witness: And we had to build the whole thing up [5557] to a certain point before it was wise or of any great use to send delegations back to the East Coast. The meetings and the parades and the rallies were all arranged on the Pacific Coast and they took place, and then a delegation was sent back immediately following the big mass meeting in San Francisco here, which was December the 8th and it was a delegation. Randolph Meriweather of the Marine Engineers, a man named Captain Charlotte of the Masters, Mates & Pilots, and myself was the delegation that was on the East Coast at that time. They were taking care of licensed officers' groups. I was taking care of the longshoremen and the seamen.

(Testimony of Harry Renton Bridges.)

By Mr. Gladstein:

Q. What was the problem——

A. (Interposing): And that was the ultimate outcome. That was putting into effect the last point on that twelve-point program to win the strike and build it up to a point where we could settle it.

Q. What was the problem with the longshoremen and seamen on the East Coast which it was felt required sending delegates from the West Coast?

A. They were working. We had been promised support by the international officers in the International Union of the ILA who would support us on the West Coast, even to the extent of striking. The International reneged on that support, and then when the seamen supported us, had their strike declared an outlaw strike—— [5558]

Q. (Interposing): Who had their strike declared an outlaw strike?

A. That is the International Seamen's Union, although their strike was called in keeping with the constitution it was declared illegel and found so by the American Federation of Labor convention that at that time—around that time—met in Florida. So as a result of these things, all these things coupled together, we thought it was necessary to send a delegation to the East Coast to not only try to secure support but, incidentally, to survey the situation to bring back a factual report to the West Coast so we would know exactly how to move and how and when to end the strike, if a favorable opportunity appeared.

(Testimony of Harry Renton Bridges.)

Q. Were the longshoremen on the East Coast working ships in such a way as to endanger the West Coast strike? A. Yes.

Mr. Del Guercio: Well, if your Honor please, I will object to that extraneous matter, and leading and suggestive not to say the least, and immaterial and irrelevant.

Mr. Gladstein: I can state the materiality. The purpose of the question is to show, your Honor, that the situation was such that it was anticipated on November 19th, it was believed because of what had happened between October 28th and November 19th that it might be necessary to send a delegation or delegations from the West Coast to seek the sup-

[5559]

port of the longshoremen on the East Coast, as this letter says, because of the factual situation, which I now want to bring out, namely,——

Presiding Inspector: (Interposing): What is the date of that letter?

Mr. Gladstein: November 19, 1936, your Honor. And, as you see, it specifically refers to West Coast ILA sending delegations to Eastern and Gulf Coasts to prevail on longshoremen for economic action. I was going to show that the situation was such on the East Coast at the time this letter was drawn up and sent that the possibility of successful outcome of the West Coast strike was endangered and depended in a major part on the role that the East Coast longshoremen would play.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: This all bears on the probability of the truthfulness of the testimony of——

Mr. Gladstein: (Interposing): McCuistion and Innes.

Presiding Inspector: (Continuing): Curran, McCuistion and Innes?

Mr. Gladstein: That's right, your Honor.

Presiding Inspector: Pretty remote.

Mr. Gladstein: Well, now, as I recall it, your Honor, McCuistion and Innes in effect said that Bridges refused to go East.

Presiding Inspector: Yes, at this time. [5560]

Mr. Gladstein: What?

Presiding Inspector: At that time when they talked with him.

Mr. Gladstein: Yes. Well, that was in the first part of December.

Presiding Inspector. Well, sending delegations doesn't necessarily include Mr. Bridges.

Mr. Gladstein: This is only the first step in a chain of proof that we intend to introduce, your Honor. This is only one letter, one document among the number that we intend to offer.

Presiding Inspector: The document is in,

Mr. Gladstein: I know.

Presiding Inspector: And you have got the attitude, the description of the condition in. Now, what more do you want?

Mr. Gladstein: I want to show that the situation on the East Coast was such that Mr. Bridges from November 19th on could have had no other attitude

(Testimony of Harry Renton Bridges.)

as a sincere trade unionist but that he would go back as soon as it was possible for him to do so, to go back and address those men and attempt to get their co-operation, and that it would be inconceivable for a man of Bridges' type to give a flat denial.

Presiding Inspector: I think you had better leave this for the final argument of the case, because this is not an argument on the admissibility of this evidence but on its [5561] effect.

Mr. Gladstein: No.

Presiding Inspector: Or at least I so take it. I may be wrong about it.

Mr. Gladstein: I am now asking you to allow evidence as to what the situation was on the East Coast as referred to in this letter.

Presiding Inspector: I have already allowed it and I thought he had given it.

Mr. Gladstein: No, there is a question pending on that very thing, your Honor.

Presiding Inspector: I think he has given it and that is all there is to it.

Mr. Gladstein: No, there is an unanswered question on it.

Presiding Inspector: You have had all about this being declared an outlaw strike and the vote and all these things.

Mr. Gladstein: But, your Honor, I just asked another question, which was——

Presiding Inspector: (Interposing): It is just the same, isn't it?

Mr. Gladstein: No.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: Then we will let you ask it after lunch.

Mr. Gladstein: All right. [5562]

Presiding Inspector: Two o'clock.

(Whereupon, at 12:35 o'clock P.M. a recess was taken until 2:00 o'clock P.M. of the same day.) [5563]

After Recess—2:00 O'Clock P.M.

Presiding Inspector: You may proceed.

HARRY RENTON BRIDGES

called as a witness in his own behalf, having been previously duly sworn, testified further as follows:

Direct Examination (Resumed)

By Mr. Gladstein:

Q. Mr. Bridges, before I go back to the subject matter you were discussing at the noon recess, I wish to ask you a question for clarification of the record. You were asked this morning whether you had been a Vice President of the California State Federation of Labor. I believe you said you were in the year 1936? A. That is right.

Q. Do you recall just what your term of office was?

A. It was supposed to be for a year, but it terminated before the end of the year.

Q. In what year did it terminate?

A. 1937.

(Testimony of Harry Renton Bridges.)

Q. And just briefly what was the circumstances that caused the termination?

A. That might have been—I think it was a little prior to the time we affiliated with the CIO. Our unions were suspended before we affiliated with the CIO and my office automati- [5564] cally ended when my union was suspended from the State Federation of Labor.

Q. Now, at the noon recess you were discussing the situation on the east coast in the fall of 1936 as it related to the west coast strike.

Mr. Del Guercio: I am going to object to the statement of counsel. It isn't occasionally, but it is continuously. Preparatory to every question he makes a statement. I think it is highly objectionable.

Presiding Inspector: But this is to continue from the morning.

Mr. Gladstein: That is right; to direct his attention to a particular subject.

Presiding Inspector: Don't make these statements. Go ahead.

By Mr. Gladstein:

Q. I wish to ask you——

Presiding Inspector: They are not evidence, though. We haven't any jury here, even though the box is full. Go ahead.

By Mr. Gladstein:

Q. I wish to ask you now, Mr. Bridges, what the situation was on the East Coast with respect to long-

(Testimony of Harry Renton Bridges.)

shoremen which offered a problem, if any problem was offered, to the conduct and successful conduct of the West Coast Strike? [5565]

Mr. Del Guercio: I will object to the question and to its form, and also object on the ground that it is immaterial.

Presiding Inspector: I will allow it.

A. The policy of the strike, or the possibilities of the strike, had been discussed at a national conference of our international union of the longshoremen in New York City in September, 1936. At that time it was agreed that on a national basis the West Coast would be supported by the national union.

By Mr. Gladstein:

Q. Which national union?

A. International Longshoremen's Association. When we actually got to the strike the support was not forthcoming. The International officers refused to give the support that they had promised that in part led us somewhat into the strike. Therefore, later on in the strike, about a month after it started, I think, we set a deadline at a certain date that we would give the national union to give us the support on the East Coast and the Gulf that was promised us.

Q. What kind of support was that?

A. Various kinds of support, financial support, but mainly economic support in the way of refusing to load ships that were running to the Pacific Coast

(Testimony of Harry Renton Bridges.)

and prolonging our strike. And we set a deadline as to when the loading of those ships should cease by members of our own International Union on the East Coast and in Gulf ports, and if the deadline [5566] passed without action being taken the delegations were to go back east and try to have the men take action in defiance of the International officials because of the agreement that had been properly made in September.

In addition to that, of course, many locals on the East Coast had communicated both to the International and to us their willingness and their desire to refuse to handle this cargo or load these ships, and they said that if they were asked by West Coast delegations of longshoremen to cease work on these ships they would do so.

Q. Is that the situation to which reference is made in the letter of November 19th where it speaks of sending delegations to request cooperation from East Coast longshoremen?

A. Yes.

Q. What was the significance, if any, of East Coast longshoremen working or continuing to work ships bound for the West Coast with respect to the successful conduct of your strike on the West Coast?

Mr. Del Guercio: I will object to that as being immaterial and irrelevant.

Presiding Inspector: I will take it.

A. The American Pacific Coast was shut down. That is, the entire coast line in all the American

(Testimony of Harry Renton Bridges.)

ports between the Canadian border and Mexico, and they were keeping it shut down, and at the same time moving certain goods by having ships come [5567] from the East Coast and discharging in ports in Mexico and then running the goods up by rail and having ships come and discharge in British Columbia and running the goods south by rail. In other words, Mexican ports and the West Coast of Mexico, Ensenada, were servicing California; British Columbia ports were servicing the Northwest. And those ships were being loaded and coming to the West Coast in an attempt to break down our strength, and at the same time keep a certain amount of freight moving, and those ships were being loaded and worked by our own union men affiliated with our own union that was on strike on the West Coast; at least, I mean, the same men on the East Coast, members of the same national union, after we had been promised and had a written agreement by the national union that we could get the support and they wouldn't do that.

Mr. Del Guercio: If your Honor please, I move that the entire answer be stricken upon the ground that it has nothing to do with the issues of this case.

Presiding Inspector: I understand it is the general picture, although I think it is pretty remote. This all bears on the testimony of McQuistion and Innes, I suppose. That is the whole purpose of this, isn't it?

(Testimony of Harry Renton Bridges.)

Mr. Gladstein: Well, yes.

Presiding Inspector: That is all, if that is its sole purpose. Of course, we are not interested in this strike as [5568] strike.

Mr. Gladstein: No. We are interested only in the position taken by Mr. Bridges at various stages of the strike as those positions reflect an attitude inconsistent with the testimony of any Government witness given.

Presiding Inspector: If it is inconsistent.

Mr. Gladstein: We submit that that is the purpose.

Presiding Inspector: That is your contention.

Mr. Gladstein: That is the purpose of it.

Presiding Inspector: Yes.

By Mr. Gladstein:

Q. Now, Mr. Bridges, at about this time in 1936 were you acquainted with Peter J. Innes?

A. Yes.

Q. When did you first meet him?

A. The latter part of September, 1936, I think; it might have been earlier. I met him before the strike took place. I am not sure if I met him before we had the conference in New York, our International conference, but I would say it could have been August or September '36.

Q. Under what circumstances, do you recall?

A. I recall at least one circumstance; that was where he had ordered some crews off of a ship in the Port of San Francisco in defiance and

(Testimony of Harry Renton Bridges.)

against the orders of our Maritime Council that generally had jurisdiction over such matters, [5569] if it was going to be participated in by all Unions.

Q. Do you recall whether you had any difficulties with Mr. Innes during the 1936 strike in any way with respect to the conduct by Innes of strike groups or committees? A. We did.

Q. When did you have such difficulty and what was its nature?

A. On matters of strike policy, the first part of the strike, we had a question as to how the strike should be conducted in respect to certain ships. For example, as to whether ships, whose home port was an eastern port, or a Gulf port, as to whether those ships would proceed back to their home ports before they were struck, or as to whether they would be struck in the ports where they happened to be at that time, even though not in the home port of the ship.

Our policy was to have the ships struck where they lay except, of course, any ship that was in a foreign port, and she was to be sailed back home to the first American port and struck there.

I believe, if my memory is good on the point, that Innes advocated a program of sailing the ships back to their home ports, which we were opposed to.

Q. What would be the significance of such a policy?

(Testimony of Harry Renton Bridges.)

Mr. Del Guercio: If your Honor please, I submit that such a matter is remote and unimportant.

[5570]

Presiding Inspector: I don't see why we should go into that.

Mr. Del Guercio: I thought we were trying to proceed expeditiously.

Presiding Inspector: You have got the facts. Why go any further? We are not trying this strike.

Mr. Gladstein: No, no; of course not. But I wish to state the materiality of this.

I now propose to show, on this issue, and also on another issue which occurred relatively early during the strike, quite a bit before December, before the Madison Square Garden meeting, that Mr. Innes was in rather vigorous opposition to Mr. Bridges——

Presiding Inspector: You have shown that.

Mr. Gladstein: But I wish to show that the significance of those disagreements is so great that your Honor can draw from that fact what we consider appropriate inferences as to whether Mr. Innes could possibly, conceivably have been entrusted with the kind of a telephone conversation which he described in this case.

Mr. Del Guercio: I think that argument——

Presiding Inspector: I——

Mr. Del Guercio (Continuing): ——is so farfetched, your Honor, that—excuse me.

Presiding Inspector: I was going to say that

(Testimony of Harry Renton Bridges.)

I didn't see how it could lead to any such conclusion. Supposing it [5571] establishes and is absolutely essential to what Mr. Bridges thought was the well being of his union in this strike, what difference would it make beyond the fact that they were in conflict?

Mr. Gladstein: Suppose, your Honor, that the disagreement between Mr. Bridges and Mr. Innes was one which was known to and shared by, say, Mr. Curran, in New York, or other members of the Strike Committee in New York; suppose there had been even correspondence exchanged on that subject. By proving that such disagreements occurred, and the significance of those disagreements, and that there was correspondence between the east and west on that, it would definitely tend to show the position that Mr. Innes occupied, the way in which he was regarded by these same people who he says impressed him with this kind of highly confidential telephone conversation.

Presiding Inspector: You want to pile inference on inference.

Mr. Gladstein: Here is an analogy: As you will recall Mr. McCuistion said, after he had been expelled from the Communist Party, after he had been expelled, he claimed he was regarded in greater and higher confidence than when he was in the Communist Party; and that after he was expelled he was entrusted with the kind of highly confidential matters that he, as a member of the Communist Party, hadn't been entrusted with. I

(Testimony of Harry Renton Bridges.)

think those are things for the trier of the fact to evaluate. [5572] I think we are entitled to show what position a witness actually occupied in this strike.

Presiding Inspector: You want to draw the inference, from a result of this quarrel in the strike, that Mr. Curran wasn't in a position, or wouldn't naturally communicate with Mr. Innes, and then from that you want to draw the inference that he came up to San Francisco and saw Mr. Bridges on different matters, or something of that kind?

Mr. Gladstein: No. Your Honor hasn't stated the point correctly. You see——

Presiding Inspector: I meant to state it.

Mr. Gladstein: As Mr. Innes and Mr. McCuistion described it—this is my recollection and it is not offered as a substitute for the testimony, but this is my remembrance in summary of what they said: Mr. McCuistion and Mr. Innes in effect said that at a time when neither of them was a member of the Communist Party—in fact, Mr. Innes never claimed to have been a member of the Community Party and never took orders from it, he claimed—and Mr. McCuistion, who had been in the Communist Party, had been expelled from it. At such a time when neither of them was in the Communist Party they would have the Court believe that the Communist Party entrusted them with a highly confidential telephone conversation for the purpose of having Mr. Bridges come back east.

(Testimony of Harry Renton Bridges.)

Now, I think that we are entitled to show, apart from [5573] what we consider the inherent credibility of that character of testimony, we are entitled to show the actual position occupied by these men in the strike to additionally reveal to the trier of the fact that no credibility can attach to that kind of testimony; and, therefore, we have a right to show, I believe, that disagreements occurred on various strike issues which were significant disagreements, and the result of which was that correspondence was exchanged between the east and the west raising this whole question of the alleged irresponsibility of Mr. Innes, the allegd untrustworthiness of the man, that he wasn't properly carrying out the policies of the West Coast Strike Committee, and wasn't properly carrying out instructions from the east, all for the purpose of showing that picture from which you have a right to conclude, and we think you should conclude, that this telephone conversation was not a genuine, bona fide telephone conversation.

We have a right to make that contention, and to offer proof in support of that contention. And that, frankly, is our purpose.

Mr. Del Guercio: Counsel has conveniently failed to mention that after Mr. McCuistion was expelled from the Communist Party that, through the Communist Party, Mr. McCuistion enlisted in the Spanish cause, went over there and fought for the Communist Party and was wounded twice; that he carried funds [5574] of the Communist Party,

(Testimony of Harry Renton Bridges.)

entrusted to him by the Communist Party in New York, funds not only for the recruits that he was in charge of, but funds destined to a Communist Party member in Paris, France, and they say that McCuistion isn't to be believed, that he wasn't closely associated with the Communist Party after he had been expelled. [5575]

Presiding Inspector: Well, that was merely an argument of his general position. I will take the proof.

Mr. Gladstein: I can put it in this form.

Presiding Inspector: No, no. Ask the—have the question——

Mr. Gladstein: I was going to put the question.

Presiding Inspector: You can put it again, of course.

Mr. Del Guercio: I just mentioned that, your Honor, as being the gratitude of the Communist Party as they expressed it.

Presiding Inspector: We are not trying the Communist Party either.

Mr. Del Guercio: Well, we are trying the Communist Party here.

Presiding Inspector: No. We are trying Mr. Bridges——

Mr. Del Guercio (Interposing): As a member of the Communist Party.

Presiding Inspector: At least we are hearing about the question of Mr. Bridges as it comes

(Testimony of Harry Renton Bridges.)

within the condemnation of the deportation law. That is all we are trying really, anyway.

By Mr. Gladstein:

Q. Now, Mr. Bridges, will you state what significance, if any, there was with specific relationship to the successful outcome of the 1936 strike to this agreement between your [5576] position and the position of Mr. Innes on where ships from other home ports should be struck.

Mr. Del Guercio: I will object to that.

Presiding Inspector: Hasn't he covered that?

Mr. Gladstein: He hasn't stated what the significance was, whether it was important or whether it was a minor and trivial thing.

Presiding Inspector: Isn't that something that we can tell just as well as Mr. Bridges?

Mr. Gladstein: I don't think that anybody reading the record and having just that much would necessarily know that that was an important thing or an unimportant thing.

Presiding Inspector: I should think anyone reading the record would know it. But you may show it.

Mr. Gladstein: If your Honor is satisfied——

Presiding Inspector (Interposing): Go ahead. Ask it.

Mr. Gladstein: I did. I did ask it.

Presiding Inspector: Let Mr. Bridges answer.

A. Well, the effect of the issue itself would be, of course, to prolong the strike for the reason that it would take two or three months to even get the

(Testimony of Harry Renton Bridges.)

strike going or to get it tightened up. On this specific case there were two or three positions. I can't exactly recall where Innes was on the first position, but we finally got it straightned out.

[5577]

By Mr. Gladstein:

Q. Was there any other issue on which there was disagreement between Mr. Innes and yourself or Mr. Curran? A. Yes.

Q. What?

Mr. Del Guercio: We object, of course, to all this line.

Presiding Inspector: Certainly. Certainly.

A. Very early in the strike the issue of removing perishable goods from the ships that were tied up—our policy was to remove them, such as refrigerated goods, fruits and perishable types of cargo that was stored in the refrigerators aboard the ships. And inasmuch as the crews had been withdrawn from the ships there was nobody to operate the refrigerating machinery and those goods would rot away.

Our policy was to—even though the strike was on, to supply men to remove those goods. Innes was in opposition to that.

By Mr. Gladstein:

Q. What was the importance in respect to the possible winning of the strike of whether or not refrigerated goods should be removed from the ships? A. We didn't accomplish——

(Testimony of Harry Renton Bridges.)

Mr. Del Guercio (Interposing): I would object to that as calling for pure speculation.

Presiding Inspector: I will take it. I think it is [5578] pretty speculative.

Mr. Gladstein: I beg your pardon?

Presiding Inspector: I think it is pretty speculative, but I will take it. It is his conclusion on things that never happened, and his policy was this. He stated it, but he may answer, if he wants to venture a conclusion on that.

A. (Continuing): There were two or three reasons. Some of these goods were aboard——

Presiding Inspector (Interposing): Read the question. I don't know that I have it in mind.

(Whereupon the question referred to was read by the reporter as follows

"Q. What was the importance in respect to the possible winning of the strike of whether or not refrigerated goods should be removed from the ships?")

Presiding Inspector: What was the importance toward winning the strike?

A. (Continuing): Well, it had a bearing. Some of these such goods were aboard ships that were subsidized by the United States Government and the authorities in Washington were threatening to remove those goods, and eventually, as a matter of fact, the Marshal in Los Angeles Harbor was ordered through some kind of a warrant to remove certain perishable goods. It was a cargo of bananas from one of the ships, and the situa-

(Testimony of Harry Renton Bridges.)

tion could have been threatening and damaging to our strike. We were sacrificing [5579] public opinion with no good coming out of it. And, after all, the goods and the food was going to waste and was rotting.

The way it finally wound up, the various committees argued so long that by the time they decided on the policy, which was not to remove the goods, the stuff had rotted away and gone bad anyhow.

By Mr. Gladstein:

Q. Now, is there any other issue on which you and Mr. Innes were in disagreement?

A. Yes. The formation in San Pedro of a group of men that he was working with and leading as a group separate and apart from the other body of strikers. He had his own committee, his own commissary, and soup kitchen and such things as that; his own little set-up.

Q. What was the importance—withdraw that. Were you opposed to Mr. Innes conducting that kind of separate soup kitchen, commissary and other aspects of the strike involving the East Coast men who were in San Pedro?

A. Yes. We believed that the best way to handle the whole thing and that made for greater unity and solidarity was to handle the whole thing as one group of strikers, seamen and longshoremen, East Coast and West Coast men combined, and not as groups, from this, that, or the other part of the nation.

(Testimony of Harry Renton Bridges.)

Q. Now, on that subject matter do you recall whether correspondence in the form of teletypes or any other form took place between the East and West with respect to any con- [5580] fusion that was caused by the manner in which Mr. Innes conducted this separate group in San Pedro?

A. We notified the East Coast that unless Innes was ordered to cease the policies or attempt to carry out these certain policies that we would have nothing to do with him and would not work with him in any way.

Mr. Gladstein: While counsel is examining that, I want to say that there will be various teletypes or telegrams introduced or perhaps additional letters. Will the same understanding prevail, that we will have the right to withdraw the originals upon the substitution of photostats made by the Court Reporter?

Presiding Inspector: Why, of course, unless there is some doubt as to their authenticity and they want to examine into that.

Mr. Gladstein: We have no objection to that.

Mr. Del Guercio: We do. We want to reserve that.

Presiding Inspector: You have a right to do that, of course, just as that same privilege was allowed to Mr. Gladstein.

By Mr. Gladstein:

Q. Now, Mr. Bridges, I show you what appears to be a teletype message under date of November

(Testimony of Harry Renton Bridges.)

21st and ask you if you can identify it as a teletype actually sent and received on the West Coast with respect to the question of confusion caused by the manner in which Mr. Innes was conducting the [5581] East Coast strikers' group in San Pedro.

Mr. Del Guercio: If your Honor please, I object to the question, to the form of it and giving it at this time. He is showing here the Alien here a telegram that is complete, apparently, in itself. And so is interpreting it for the witness before he asks a question on it, and I submit that that is out of place.

Presiding Inspector: I don't think it will do any harm, though, Mr. Del Guercio. All the question is is whether he identifies this.

Mr. Gladstein: That is right.

Mr. Del Guercio: Why couldn't——

Presiding Inspector (Interposing): Well, I don't know.

Mr. Del Guercio: Why all the preliminary?

Presiding Inspector: That is his way, and we can't——

Mr. Del Guercio (Interposing): I think it is highly objectionable.

Presiding Inspector: Even if we might want to make him over we couldn't do it. He has a right to present his case in his own way.

All you want about this is whether he identifies it.

Mr. Gladstein: I might state that my purpose

(Testimony of Harry Renton Bridges.)

in having the question phrased so as to make it significant and whole in and of itself is because when you read a record, and I have read many transcripts of trials, if you do not put the facts fully enough in a question the answer "Yes" or "No" [5582] may be meaningless and you may have to search all through the record and find difficulty in connecting up that question or that answer with the subject matter that you are interested in having brought out. And I therefore have learned from experience that it is best to put these things in a question with sufficient detail so that there can't be any argument later on as to what the record means.

Mr. Del Guercio: The question is not the answer.

Presiding Inspector: Do you recognize its having been received?

A. Yes. This is a carbon copy.

Presiding Inspector: You know about it personally?

The Witness: Yes. This is a carbon copy. This is not the original. The original is on white paper as it comes out of the teletype and this is a carbon, and I recognize this as having been received by our Strike Committee.

By Mr. Gladstein:

Q. Do you know here you were at the time this was received?

A. I would have to check that. I have got records to show whether I was in San Francisco. Possibly I was in San Francisco at that time.

(Testimony of Harry Renton Bridges.)

Mr. Gladstein: I offer this in evidence and call your Honor's attention to a portion of it.

Mr. Del Guercio: Just a minute! I object to that. [5583] No proper foundation has been laid for the introduction of it in evidence.

Presiding Inspector: I haven't seen it.

(The proffered Exhibit was passed to the Presiding Inspector.)

Mr. Del Guercio: It isn't addressed to Mr. Bridges, it isn't signed by Mr. Bridges.

Mr. Gladstein: I can lay a more complete foundation, your Honor, as to where these teletype machines were.

Mr. Del Guercio: I think we should have Mr. Rathborne on the stand to identify it.

Presiding Inspector: Well, I don't see how a teletype from Mr. Rathborne is of any importance here.

Mr. Gladstein: Well, that teletype——

Presiding Inspector (Interposing): This was both received and sent on the Pacific Coast, as I understand it.

Mr. Gladstein: That was and makes reference to a communication sent from the East Coast to the West Coast.

Presiding Inspector: Yes.

Mr. Gladstein: I will do this before ask——

Presiding [illegible]ector (Interposing): I don't know what these letters really mean.

Mr. Gladstein: I will ask the witness about that.

(Testimony of Harry Renton Bridges.)

By Mr. Gladstein:

Q. Mr. Bridges, will you describe what the teletype [5584] set-up was during the 1936 strike with reference to the various cities in which they were located—the machines, that is—and the offices in which they were located and how communication over the teletype machines took place.

Mr. Del Guercio: I will object to that as being four or five questions in one.

Presiding Inspector: I think that is all right. I will allow that. Go ahead.

A. We had a teletype network. San Francisco, Portland, Seattle and San Pedro was connected by teletype, and San Francisco and New York and Los Angeles and New York. The teletypes were in the various Union offices. In San Francisco the teletype was in my office, and when a teletype came in the girl receiving it—the teletypes were not received personally by myself operating the machine or Rathborne or any of the other officials. There were received by a girl operating the machine and she would sign off on our name or whoever received or whoever the message was intended for. Then later, of course, Innes had his own apparatus in Los Angeles or San Pedro where he set up a teletype machine in his separate committee quarters or strike quarters down there, and these messages, of course, passed around the network and were relayed on. If they happened to come through from New York to Los Angeles they would be relayed up to

(Testimony of Harry Renton Bridges.)

San Francisco. If they happened to come from New York to San Francisco they would be relayed down [5585] to San Pedro, because sometimes New York might call on account of the difference in time and they mightn't find the particular person or somebody of sufficient importance in the office. They might be at a meeting somewhere. Therefore, they would switch the call to San Francisco and we would relay on and at the same time we would understand and know what the messages were as they passed through.

By Mr. Gladstein:

Q. Now, was the teletype in the San Francisco office used by and in the offices of yourself only or yourself and anybody else?

A. Myself and Rathborne. But the teletype was located in—we had three offices and the teletype was located in the center office and operated by my secretary.

Q. What was your—withdraw that.

Did you hold any position in the District Council at that time? A. President.

Q. That is the District Council of the Maritime Federation?

A. Of San Francisco Bay Area, yes.

Q. And who was the Secretary?

A. Rathborne.

Mr. Gladstein: Now, I think with that basis, your Honor, [5586] that the witness is qualified to identify this as a teletype.

(Testimony of Harry Renton Bridges.)

Mr. Del Guercio: If your Honor please, I don't believe by the witness' own statement that he is qualified. He didn't see this come in, he wasn't there when it came in. He can't testify as to where it came from. He says he don't use the teletype machine himself. That is delegated to the secretary, Mr. Rathborne.

Mr. Gladstein: He didn't say that. He said the girl in his office actually operated the machine.

By Mr. Gladstein:

Q. When you said "the girl in the office"——

Mr. Del Guercio: (Interposing) And that thing can be typed off a machine as well as a teletype.

By Mr. Gladstein:

Q. Mr. Bridges, when you said "the girl in the office" to whom did you have reference?

A. My secretary.

Q. The stenographer?

A. Not necessarily. When a teletype came through there might have been three of us standing around the machine reading the message as it was typed on the machine. Rathborne, being the Secretary, would generally sign communications, if he was there at all. In other words, when we received this and I was standing there and two or three other people, we wouldn't sign "Bridges, Rathborne and Joe Blow". We would sign one name. [5587] Teletypes cost money and we would sign "Rathborne". That's the way these things came through. It is entirely possible that when this teletype came

(Testimony of Harry Renton Bridges.)

through I was standing right by the machine with Rathborne watching the message come through.

Q. How many teletype messages would you estimate were sent and received in the San Francisco office for the duration of the strike?

A. Several daily, from all points. That would be West Coast points as well as East Coast points.

Q. Now, after the strike or during the strike what arrangements, if you know, were made to keep files of the various teletypes that had been received or sent in the San Francisco office?

A. They were filed; maybe not very efficiently, but we filed them away in the cellar some way.

Q. This teletype that I have just handed you, did it come from one of the files into which were placed such of the teeltypes as were kept in the 1936 strike?

Mr. Del Guercio: I will object to the question. We are interested in this particular teletype.

Mr. Gladstein: I said that. I asked him that.

Presiding Inspector: I will take it.

A. Yes. I procured that myself. I searched the records myself.

By Mr. Gladstein:

Q. Now, when the teletype was sent, Mr. Bridges, [5588] would you describe, please, the way in which a conversation could be held over the teletype machine.

Mr. Del Guercio: I will object to that as being immaterial and not laying a foundation for the admission of the document.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: I will take that. This is the general teletype operation.

A. Two or three ways. You could dictate a message. If it was a long statement and going a long way, such as New York, the best and efficient and cheapest way was to dictate the statement that you were going to make first and then you could edit it and you could eliminate all the unnecessary words and the girl could type it faster. If it were a shorter or long message you could stand at the teletype while the girl was sending the message and tell her what you wanted sent as she sent it.

By Mr. Gladstein:

Q. Now, did it sometimes occur that—withdraw that.

How would a connection between the San Francisco office and any of the other places to which San Francisco was connected by teletype be made?

A. You would call their call number on the teletype.

Q. After that connection was made was it possible for a two-way conversation to take place; that is to say, for one of the stations to speak in writing or in written form to the other and then receive an answer or further questions [5589] from the other end and carry it back and forth that way?

A. That's right. We used to even hold meetings on the teletype. We would have four or five stations on. We would have San Pedro, Portland, San Francisco, New York maybe, and Seattle all listening in at the same time and all talking backwards and forwards.

(Testimony of Harry Renton Bridges.)

Q. Would it—withdraw that.

Now, during the strike were teletypes filed away in the Maritime Federation office that showed conversations that were held between San Francisco and other ports? A. Yes.

Q. Did those teletypes show conversations alternately; that is to say, where the San Francisco office would be speaking in written form and then the other office would speak and then back to San Francisco, and so forth?

Mr. Del Guercio: I will object to that question, if your Honor please.

Presiding Inspector: This is the operation of the teletype.

Mr. Gladstein: That's right.

Presiding Inspector: I will take it.

A. That's right. That's the way it works. [5590]

Mr. Gladstein: I think there has been sufficient identification of this teletype and I renew my offer, your Honor.

Presiding Inspector: Are these teletypes signed?

Mr. Gladstein: You mean in handwriting?

Presiding Inspector: In general?

The Witness: No.

Presiding Inspector: Do they bear a signature?

The Witness: In some cases they bear a signature spelled out; and in some cases they bear the initials; and in some cases they bear dates. It was generally our practice that the only signing done was by the written teletype, and unless the date was

(Testimony of Harry Renton Bridges.)

not typed at the time, the girl penciled or inked the date in.

Presiding Inspector: Is that the signature of the receiver or sender?

The Witness: The signature of both. In other words, when the call, when somebody was calling to San Francisco, for example, they type in, well, this is such and such a number, Portland, calling; and they would ask for who they wanted to speak to, maybe such and such a number in San Francisco; and they would say who was calling, and they would sign their name, spell out their name, or give their initials; and the person receiving the message would do likewise. That is to say, this is so and so speaking, and when they sign off they sign off the same way. [5591]

Presiding Inspector: Let me see it.

(The document referred to was passed to the Presiding Inspector.)

Mr. Gladstein: I might say, your Honor——

Presiding Inspector: I don't understand it, not the words, but I don't understand the process, as to where the name of the sender is on this.

By Mr. Gladstein:

Q. Would you explain that further——

First, let me ask this, your Honor: I realize I can't duplicate for the record what a teletype machine is like, and so on. But if your Honor is not familiar with it——

(Testimony of Harry Renton Bridges.)

Presiding Inspector: I am entirely unfamiliar with it.

By Mr. Gladstein:

Q. Mr. Bridges, would you describe the teletype machine itself, and what it looks like, as the thing is being operated, and a message is being sent, say, from San Francisco to Portland; and then how Portland can send its message to San Francisco?

Mr. Del Guercio: If your Honor please, as long as counsel is suggesting this form of a question I can make a suggestion, too, and I think it will clear this up. It is possible, as I understand it, for a teletype machine to make one of these copies without communicating with anybody. You could practice on the teletype sending messages. [5592]

Presiding Inspector: When I have looked into it I will probably take judicial notice of the operation of the teletype, but at the moment I am entirely in the dark on it.

By Mr. Gladstein:

Q. Will you proceed, Mr. Bridges?

A. A teletype is just like a typewriter, except that to the back of it is attached a long roll of paper, this type of paper (indicating), excepting it is in a long roll. As you type a message on the teletype it writes it on this paper, and at the same time transmits it by telegraph to the point you are talking to. Then when you get through sending your message the party on the other end responds and your teletype moves, and the message appears

(Testimony of Harry Renton Bridges.)

before you, and the keys on the teletype move as if an invisible hand was typing them.

Presiding Inspector: You tear if off?

The Witness: Yes. This is part of a long roll. We still have in our files long rolls of these teletypes, six or eight feet long.

Of course, the message is sent like this message is sent, they have a call number.

The number here, call letters here, are "Marfed". That designates the station in San Pedro that is sending it. It is "Marfed."

By Mr. Gladstein:

Q. That stands for what? [5593]

A. Maritime Federation.

Mr. Del Guercio: Of course, if these questions are directed to qualifying the witness as an expert we would like to question him also on the teletype machine.

Presiding Inspector: I don't think this is an expert matter. It is just the use of a familiar instrument, familiar to most people, but I never happened to have had any experience with the teletype.

Mr. Gladstein: Actually, your Honor, it is an attempt to——

Presiding Inspector: I wouldn't explain it.

Go ahead, Mr. Bridges. I will take it. You have given, or said that "Marfed" means San Pedro.

The Witness: "Marfed" meant San Pedro at that time; yes, sir.

Then the individual's name is signed here, "Jordan."

(Testimony of Harry Renton Bridges.)

Jordan, I know, was the Secretary of the Strike Committee at that time.

"Marfed", that is a mistake. "Marfed" was San Francisco and not San Pedro. If I said San Pedro before that is incorrect. "Marfed" was our call, San Francisco. That was because San Francisco was the head office, and where we had our headquarters, and "Marfed" meant Maritime Federation Headquarters. I didn't mean to say San Pedro.

Mr. Del Guercio: I think we are getting away from the [5594] real issue at point here.

Presiding Inspector: They are trying to explain to me how a teletype works.

Mr. Del Guercio: But the teletype hasn't been identified as having been received—purported to have been sent.

Presiding Inspector: He said to the best of his recollection it was received. He didn't say about the date.

Mr. Gladstein: He said that he obtained this from a file in which was kept, not all——

Mr. Del Guercio: (Interposing) From a file? Taken from the teletype.

Mr. Gladstein: He said he obtained this document from a file.

Presiding Inspector: I know what he said. I can't understand still who it went to, or where it was sent, or where it came from.

The Witness: As a matter of fact, during the strike there was some inexpert people on the other

(Testimony of Harry Renton Bridges.)

end sending a lot of these messages and we had a tough time understanding some of them ourselves.

In regard to this particular message I know it was ultimately transmitted by telegraph and the official telegram, or a copy of the telegram appears in the minutes of the Strike Committee around this date. That is the text of that teletype. [5595]

Mr. Del Guercio: It is more confusing than it ever was, if your Honor please.

Mr. Gladstein: This is simply as he recollects it. He has an independent recollection, in addition to the document that he has been talking about, an independent recollection that the subject matter of the document was also the subject matter of the telegram, and that it came in and became a part of the official minutes of the union.

Mr. Myron: So probably it wasn't a teletype message at all.

Presiding Inspector: You can have both, you know.

Mr. Gladstein: I renew my offer.

Presiding Inspector: You offer the document?

Mr. Gladstein: Yes.

Presiding Inspector: Have it marked for identification and let me ask some questions about it.

Mr. Gladstein: All right.

(The document referred to was marked for identification as Alien's Exhibit No. 33.)

Presiding Inspector: Does the signature on this instrument—I call it an instrument—this paper,

(Testimony of Harry Renton Bridges.)

which is Alien's Exhibit 38 for identification, that name at the end, does that purport, as you understand the teletype practice, to be the sender or the receiver?

The Witness: Here? (Indicating). [5596]

Presiding Inspector: Yes.

The Witness: That is the sender.

Presiding Inspector: Where was it received?

The Witness: San Francisco. First of all is the call.

Presiding Inspector: Can you tell where it was sent from?

The Witness: San Pedro—"San Pedro. O.K. End."

Here is the message here (indicating) and that is the end of the message.

Presiding Inspector: It is a message from——

The Witness: (Interposing) Jordan.

Presiding Inspector: From someone in San Pedro named Jordan?

The Witness: Yes.

Presiding Inspector: To the San Francisco office of the Strike Committee, and received by Rathborne?

The Witness: That is right. And these letters that appear here (indicating) are some code letters that we had that I forget the meaning of them. I can recall the meaning of these (indicating) code letters here, but these code letters appearing before and after Jordan's name, I forget the meaning, what they really meant at that time, now.

(Testimony of Harry Renton Bridges.)

But that is the way the message came. It is a message to Rathborne. Rathborne replies and signs off; and then Jordan replies again and signs off.

[5597]

Jordan was the Secretary of the Los Angeles Strike Committee and he is sending the message to the Maritime Federation Headquarters in San Francisco, which was my office at that time.

Presiding Inspector: What was Innes doing at that time? What was his position with this Strike Committee?

The Witness: Innes, he had no position with our Strike Committee. He had his own separate Strike Committee. That is what the complaint was. We complained to the East Coast, and this was in answer to it.

Presiding Inspector: That was a committee of what?

The Witness: Innes' committee?

Presiding Inspector: Yes.

The Witness: Merely a committee of men who had walked off East Coast ships, meaning ships whose home port was on the East Coast.

Presiding Inspector: They weren't members of your local lodges?

The Witness: They were members of the East Coast—they belonged on two big ships laying in the port of San Pedro, members of two big passenger ships laying in San Pedro. There were about 300 all told. He took these people and set up separate strike headquarters, and a separate Strike Com-

(Testimony of Harry Renton Bridges.)

missary, teletype system, and all the rest, and that was what the complaint was about. This is a teletype instructing Innes and [5598] notifying us.

Mr. Gladstein: I renew the offer.

Presiding Inspector: That is a communication between two people, neither of whom are present, reporting a further communication from a man who has been sworn here as a witness. Now, what point is there in this?

Mr. Gladstein: I will be very happy to tell you.

In the first place, this teletype, as described by the witness, appears by his testimony to have been brought into existence, sent and received, and sent back, and so on, in the manner in which he described it in the usual and ordinary course of the business of operating the teletype in connection with the business of operating a strike on the West Coast in 1936. It deals with a subject matter concerning which this witness has testified and concerning which Mr. Innes testified. And I remind your Honor that Mr. Innes admitted, when he was on the stand, that he was involved in an altercation——

Presiding Inspector: Then why do you need anything more?

Mr. Gladstein: I would like to have the facts because he places his own interpretation on it. I think he said he was almost thrown out of the union—I don't purport to quote him—he said he had quite a disagreement on this very same issue of the way in which he was conducting the San Pedro Hall for the East Coast men. Now, Mr. Innes made

(Testimony of Harry Renton Bridges.)

this interpretation of it: That he, Mr. Innes, was conducting himself in that way [5599] because he refused to place those east coast men under the domination of the West Coast Unions, which he called Communist-dominated. That is his testimony here today.

We wish to show, not only by the testimony of Mr. Bridges, and by the testimony which Mr. Curran has already given, but by records which came into existence as a part of the ordinary course of the strike——

Presiding Inspector: I don't see that it helps you. Now, you want this as a hearsay statement of what Mr. Curran communicated,——

Mr. Del Guercio: Jordan.

Presiding Inspector: (Continuing) ——to Rathborne.

Mr. Gladstein: Is your Honor raising the objection that this is hearsay?

Presiding Inspector: Well, it is triple hearsay, isn't it?

Mr. Gladstein: I made that objection before when the Government was putting in hearsay, and I think I said it was triple hearsay, and you allowed it.

Mr. Del Guercio: Not on the introduction of documents.

Presiding Inspector: It should at least be given by word of mouth, so you could test at least one witness on it. We haven't Mr. Jordan or we haven't Mr. Rathborne.

(Testimony of Harry Renton Bridges.)

Mr. Del Guercio: Mr. Rathborne is available.

Mr. Gladstein: There are a great many of these documents, [5600] these teletypes, which were received and filed away. And I say they came into existence in a manner in which Mr. Bridges testified.

If your Honor is going to invoke a technical rule to exclude this evidence it seems to me that——

Presiding Inspector: I am not invoking any rule——

Mr. Gladstein: (Continuing) ——it would not be consistent with the liberal rulings you have heretofore made when we objected.

Presiding Inspector: First, I think it is only remotely relevant anyway. It seems to me that such a teletype message has no particular point. You have got the testimony of Mr. Curran.

By Mr. Gladstein:

Q. I will put it in this form: Mr. Bridges, I want to ask you whether you know if, during the 1936 strike Mr. Curran, in response to protests from the West Coast, notified the West that, having received information that Peter Innes was causing confusion, Mr. Curran, under the circumstances, called on the West Coast Strike Committee to instruct Innes that he, Innes, was to work completely under the jurisdiction of the Joint Strike Committee and not as an individual.

Mr. Del Guercio: I will object to that.

Presiding Inspector: You claim he knew it. He may have read it in the newspaper. [5601]

(Testimony of Harry Renton Bridges.)

Mr. Gladstein: It makes no difference if he got the information.

Presiding Inspector: Yes it does. He can't tell his knowledge of a fact of that kind without giving the source. Of course, if this really had any immediate pertinence why we might overlook all these things.

Mr. Gladstein: It has two points of materiality: One is——

Presiding Inspector: You told us about that.

Mr. Gladstein: I have only discussed one.

The other, it is a question of the state of mind of Mr. Bridges with respect to Mr. Innes.

Presiding Inspector: How is that material?

Mr. Gladstein: Because if Mr. Bridges was of the opinion, and had the attitude at that time that Mr. Innes was causing confusion by a disruptive program, was not carrying out a program which had been agreed to by the unions involved, so much so that Mr. Bridges participated in a complaint to the East Coast about Innes, Mr. Bridges would be in a position to state what his attitude was toward Innes.

Presiding Inspector: I have already allowed that.

Mr. Gladstein: But on this specific subject you have not?

Presiding Inspector: It doesn't make any difference what the subject is. His attitude is all we need, isn't it? As far as that is concerned we have already got it in the case. [5602]

Mr. Gladstein: I know, but the basis for a per-

(Testimony of Harry Renton Bridges.)

son's attitude, the specific events which substantiate that attitude, which make that attitude understandable and logical, that, to the trier of the fact, is important. Otherwise, all you are allowing us to do is to give the empty shell of a generalization and we are not content with that. We believe we should have the picture, all the facts.

Presiding Inspector: I notice that. You see, this matter strikes me of very little importance, in view of what you have already got. But if you think that anything is added by this you can call Mr. Rathborne, and you can call Mr. Jordan.

Mr. Gladstein: There are teletype messages during this particular strike to which signatures appear of perhaps twenty different people. Is it your Honor's position that we have to call all those twenty people in order to establish something that Mr. Bridges is certainly qualified to discuss?

Presiding Inspector: Of which he has already told at this hearing.

Mr. Gladstein: Which is the point? First, you say——

Presiding Inspector: I don't know what the point is.

Mr. Gladstein: I am asking you what the point of your objection is.

Presiding Inspector: First, that it doesn't come within earshot of proof, legal proof. It is a message on a piece of paper here which undoubtedly, according to the testimony of [5603] Mr. Bridges, and I have no reason to doubt it, is a teletype message received by Mr. Rathborne from Mr. Jordan.

(Testimony of Harry Renton Bridges.)

Now, there the whole thing is. We don't know whether Mr. Jordan was correct. He is giving something there that he is quoting. But we don't know what he is quoting it from, how they received it, what was the point of it, or anything else.

Mr. Gladstein: Some of these teletypes, your Honor, we did not have in court on the day that Peter Innes testified; some of the teletypes that we are interested in introducing in evidence came from Innes, or were sent to Innes—at least Innes was involved in a two-way conversation. According to your theory it would then be incumbent on us to secure Mr. Innes, or the other party, or parties, to whom he was talking, because there may have been quite a number, in order to identify those teletypes.

Presiding Inspector: We will come to that question when you produce those messages.

Mr. Gladstein: I am simply following out to its logical conclusion the theory of your objection.

Presiding Inspector: You have several times objected to what you called triple hearsay.

Mr. Gladstein: I don't so consider this. I have objected to what I called triple hearsay when the Government attempted to introduce such evidence, and it is my recollection that the Government was permitted to put it in. I don't just recall——[5604]

Presiding Inspector: I sustained your objection.

Mr. Grossman: No. Your Honor will remember Mr. Honig was testifying and he stated that in Moscow someone said that someone in the United States said that Harry Bridges was a Communist and that

(Testimony of Harry Renton Bridges.)

was introduced and received against our objection.

There are other examples.

Mr. Chase testified that Mr. Hanoff told him that Bridges was a Communist.

Presiding Inspector: I have admitted hearsay on both sides of the table, repeatedly. But as to this triple hearsay, Mr. Gladstein objected to it on that ground, and my recollection is that I sustained Mr. Gladstein.

Mr. Grossman: We have not won any victory at all on hearsay objections.

Presiding Inspector: I beg your pardon. My recollection is different. You may be right, but I think you have.

Mr. Gladstein: If we have won a victory on objections to Government hearsay testimony it would have to be on fourth hearsay, and not on third.

Mr. Del Guercio: Now, that is very nice of you and——

Presiding Inspector: I think I will answer Mr. Gladstein, if he needs any answer.

Go ahead and ask your next question.

Mr. Gladstein: I had a question pending. May I have it [5605] read?

Presiding Inspector: We will never finish this case if we are going to discuss each instrument that you bring in of this kind.

Mr. Gladstein: Well, your Honor, I would like to accommodate you. We didn't bring this case in the first place. We think it is an outrage that the case was ever brought in the first place.

Presiding Inspector: I am not interested in that.

(Testimony of Harry Renton Bridges.)

Mr. Gladstein: We want to make our defense.

Presiding Inspector: You know that I didn't bring this case either, and I am not interested in who brought it, and I think there should be no comment of that kind from counsel.

You may have your question read.

(The question referred to was read by the reporter as follows:

"Q. I will put it in this form: Mr. Bridges, I want to ask you whether you know if, during the 1936 strike Mr. Curran, in response to protests from the West Coast, notified the West that, having received information that Peter Innes was causing confusion, Mr. Curran, under the circumstances, called on the West Coast Strike Committee to instruct Innes that he, Innes, was to work completely under the jurisdiction of the Joint Strike Committee and not as an individual?")

Presiding Inspector: Before you answer that question, [5606] did you have any information that you received from Mr. Curran, or did you have any direct telephonic or teletypic communication on the subject?

The Witness: I know all about it, your Honor, and it is my recollection that we didn't only receive it by telephone, by telegram and by teletype, but I was involved in it and it is a matter of official record in the minutes of the Committee at that time.

By Mr. Gladstein:

Q. Did you have any personal discussions with Mr. Innes on the subject?

(Testimony of Harry Renton Bridges.)

A. Very definitely I did, right in my office.

Mr. Del Guercio: Your Honor, there hasn't been a ruling on my objection.

Presiding Inspector: I overruled the objection—I overrule the objection.

By Mr. Gladstein:

Q. Now, do you have in mind the question that I asked you——

A. (Interposing): Yes.

Q. What is the answer to that question?

A. That is correct; he did.

Mr. Gladstein: Will you allow us a recess now?

Presiding Inspector: Yes; certainly.

(Whereupon a short recess was taken.) [5607]

Mr. Gladstein: Are you ready, your Honor?

Presiding Inspector: Yes.

By Mr. Gladstein:

Q. Now, Mr. Bridges, did you ever have conversations—personal conversations—with Mr. Innes in which there was disagreement between the two of you over the question of Mr. Innes' operation of the or conduct of the East Coast strikers' problems in San Pedro?

Mr. Del Guercio: I will object to that, if your Honor please. If it goes to the bias of the witness, of course, it will also show the bias of this witness equally.

Mr. Gladstein: Then I don't see why the Government should object.

Presiding Inspector: I will take it.

A. Yes.

(Testimony of Harry Renton Bridges.)

By Mr. Gladstein:

Q. What were they?

Presiding Inspector: Now, are you contradicting Innes without giving him an opportunity to explain?

Mr. Gladstein: Giving whom an opportunity to explain?

Presiding Inspector: You are now asking for a conversation with Innes going to his credibility.

Mr. Gladstein: Yes.

Presiding Inspector: Shouldn't you have asked him about it? [5608]

Mr. Gladstein: No, I don't think we are confined to offering this merely by way of impeachment.

Presiding Inspector: Isn't that the point?

Mr. Gladstein: It may follow that he is impeached, but that isn't necessarily the rule of evidence to which the introduction——

Presiding Inspector (Interposing): No, no. I thought that was the sole purpose of it.

Mr. Gladstein: We think that it would have that effect, but we think it is admissible simply as part of the situation as it actually developed and as the witness can describe it to show again the state of mind of Mr. Bridges as of that time with respect to Mr. Innes; that is, Mr. Bridges' attitude and so on, all for the purpose of advising your Honor as to whether it would be conceivable or credible that Mr. Bridges could be involved in this kind of a telephone conversation that was testified to and to which I am coming later.

A. The conversations were notifying him that we

(Testimony of Harry Renton Bridges.)

would not put up with the actions and the policies that he was——

Mr. Del Guercio (Interposing): Speak a little louder, please.

A. (Continuing): ——guilty of, and he was notified by me that unless something was done about it, why, he would be excluded from our committee meetings. And he was excluded [5609] from one and it eventually resulted in him being ordered to work under our instructions.

By Mr. Gladstein:

Q. By whom was he so ordered, if you know?

A. By Joe Curran.

Q. Now, I show you a letter, which I have already shown counsel, under date of November 27, 1936 and ask you to identify it.

Mr. Del Guercio: Before the witness replies, if your Honor please, if it is the same letter that counsel showed me it is a mimeographed copy unsigned.

Mr. Gladstein: It bears a mimeographed signature, I believe, does it not?

The Witness: No.

Presiding Inspector: That seems to be signed. Isn't that signed?

Mr. Del Guercio: Sir?

Presiding Inspector: It seems to be signed.

The Witness: Not this one.

Mr. Del Guercio: It doesn't even have a mimeographed signature.

The Witness: There was a space left for signature. The copies that went out were signed. This copy didn't go out.

(Testimony of Harry Renton Bridges.)

Mr. Myron: I object to this testimony in regard to the letter. [5610]

Mr. Gladstein: I think the witness has a right to identify the document.

Presiding Inspector: Oh, yes. He has a right to identify the document. I will allow him to identify it.

A. This was one of the official communications that was sent out at that time by the District Executive Board to all our locals reporting on events up to date and outlining future program in certain respects.

By Mr. Gladstein:

Q. Now, the copy that you have in your hand appears not to have been signed. Can you explain why?

A. Well, because the only copies that were signed were the ones that went out. The ones that went into the files naturally didn't need any signature unless the stencil on which the letter was mimeographed was signed, and in this case it wasn't. We used both methods. Sometimes we signed the stencil, sometimes we leave the space for the signature and we sign every letter to the locals that go out separately. This is one of the latter ways of doing it. And undoubtedly the originals that went out were all signed by me, some twenty or thirty all told.

Q. Where did you obtain this particular document concerning which you have just testified?

A. From the official files of our organization.

Mr. Gladstein: Before I offer it in evidence I call your Honor's attention—— [5611]

(Testimony of Harry Renton Bridges.)

Presiding Inspector (Interposing): Has it any purpose except to refresh the witness' recollection?

Mr. Gladstein: Well, he has already testified on the subject matter.

Presiding Inspector: Of course, I don't know what is in there.

Mr. Gladstein: Yes. I simply wanted to make this statement. The letter of November 27th, your Honor, has two references which are pertinent in view of the testimony that Mr. Bridges has given. One appears on page two and has reference to the fact, as stated in the letter, "that Joseph P. Ryan", and I think he has been identified as the then President of the International Longshoremen's Association, "was refusing to recognize the East Coast marine strike and was forcing the ILA men"—that refers to the longshoremen on the East Coast—"to work shifts despite the maritime workers' picket lines".

The other reference in which we are interested, your Honor, appears on page 3 and there it is stated that "The Executive Board", and that is referring to the Executive Board of the Pacific Coast District of the ILA, the group of which Mr. Bridges was President—"The Executive Board is also seriously considering sending a delegation to the East and Gulf Coasts in order to appeal to the longshoremen there to (illegible) e West Coa.. strike and the East Coast *maritime* [5612]

Presiding Inspector: Why is this any better than his testimony?

Mr. Gladstein: It is not better than his testimony,

(Testimony of Harry Renton Bridges.)

but it simply is written corroboration of his testimony.

Presiding Inspector: You can't show that he made similar statements at other times. That is elementary. With his statement, I don't think it is material.

Mr. Gladstein: This is the official statement of the International Longshoremen's Association of the Pacific Coast.

Presiding Inspector: I don't think there will be any question about this point, Mr. Gladstein. I think you are laboring the point here, which I don't think will be controverted.

Mr. Gladstein: I think this testimony controverts some evidence introduced by the Government.

Presiding Inspector: I don't think so, that delegations would be sent or that they were planning to send delegations if they needed them to encourage these co-strikers.

Mr. Gladstein: Well, I have in mind, your Honor, the testimony that Mr. Innes gave to this effect: That he said when he came up here in the early part of December—at one point in his testimony he said it was December 3rd or 4th, I believe, and later on he said "within the first week of December or possibly the last part of November". He was a little vague about the date. But, as I say, at one point he [5613] said December 3rd or 4th. When he came up here to talk to Bridges about going back East——

Presiding Inspector (Interposing): If you want it, I will take it.

Mr. Gladstein: I want to explain it, your Honor.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: No. I don't think it is material. I don't think it is any better than his testimony, and I don't think it is necessarily controversial. This is, I don't think it is on a controversial subject.

Mr. Gladstein: Well, if you will let me finish——

Presiding Inspector: Surely. I will let you finish.

Mr. Gladstein: Mr. Innes said at that time, December 3rd or 4th, when he asked Mr. Bridges about going back to New York Mr. Bridges, he said, expressed himself this way: "I don't want to go into that mess back there. I'm not going back there". And then, you remember, Mr. Innes testified about a telephone conversation which Mr. Innes said was the cause of Mr. Bridges changing his mind.

Now, I am here trying to show, your Honor, by a series of documents, as well as the testimony, that Mr. Bridges' state of mind was and his acts were and the written evidence shows that at all times his was the policy, from at least November 19th on and even in prior discussions in a general way also, that he or a delegation of longshoremen—and, as it turns out, the only delegation, as we will show, consisted of him and those [5614] who went on this occasion—would go back East to speak to those mass meetings; that at all times that was his position, and, therefore, that this actual history based on these objective facts, this objective evidence, is inconsistent with the testimony of Mr. Innes and Mr. McCuistion to the effect that Mr. Bridges flatly refused to go, "refused to become involved in that mess back

(Testimony of Harry Renton Bridges.)

there", and so on and so forth. I think that that is the theory on which we offer this evidence.

Mr. Myron: Of course; this is all argument based on incorrect statements of the record, and so forth.

Presiding Inspector: I will take it. I don't think it adds anything to the testimony already given. It is a self-serving declaration of this witness. But we are granting you very liberal interpretation of the rules. I will take it.

(The document referred to was received in evidence and marked Alien's Exhibit No. 34.)

Mr. Del Guercio: I wouldn't waste so much time if it wasn't for the fact that I suspect or anticipate that they will offer not only these but probably hundreds of these same things. That's the reason why I am urging these objections. Here, ordinarly, the document itself is inocuous.

Presiding Inspector: It seems to me so.

Mr. Del Guercio: That is the reason I am offering objections, but I don't want to lay the groundwork here for introducing others. [5615]

Presiding Inspector: It is perfectly proper for you to do that.

Mr. Del Guercio: I want to call the Court's attention that the one previously introduced bears the mimeographed signature of Mr. Bridges and also his initials "HRB". I suppose they are his initials. He doesn't testify that they are.

Presiding Inspector: Oh, yes, he does.

Mr. Del Guercio: And this one here bears no signature. Both of these documents have been in the

(Testimony of Harry Renton Bridges.)

possession of the witness here since, well, I don't know how long. Now, we don't concede the authenticity of these documents. We don't have any way of knowing that they were written at the time he says they were. If they want to support, of course, the witness' oral testimony by matters of this kind, I don't know that we could stop them. But I say it serves no purpose at all as the Court has stated.

Presiding Inspector: I never supposed that supporting statements or statements to the same effect made at other times to other people are admissible unless you have proof that he made contradictory statements, and there is no proof that Mr. Bridges has made contradictory statements that I know of.

Mr. Gladstein: That is how I interpret Mr. Innes' testimony.

Presiding Inspector: Oh, no. They are not contradictory.

Mr. Gladstein: And Mr. McCuistion's testimony. [5616]

Presiding Inspector: I think not.

Mr. Del Guercio: We can't proceed on counsel's interpretation of it.

Presiding Inspector: I will take those. I will take the teletype, too, that you put in. I think that is innocuous.

Mr. Myron: That is a carbon copy of what purports to be a teletype message?

Presiding Inspector: Yes.

Mr. Del Guercio: Without knowing where the original is.

Presiding Inspector: Yes.

(Testimony of Harry Renton Bridges.)

(The document referred to was received in evidence and marked Alien's Exhibit No. 33.)

The Witness: I think I have the original, your Honor.

Presiding Inspector: You have the original?

The Witness: I think so.

Presiding Inspector: Mr. Bridges thinks he has the original.

The Witness: It is on white paper.

Presiding Inspector: The teletype.

Mr. Del Guercio: Well, that is another ground for our objection to its admissibility, your Honor.

Presiding Inspector: Oh, no. I won't insist that you produce the original.

Mr. Del Guercio: Is that going to lay the groundwork [5617] for the introduction of these others?

Presiding Inspector: I suppose so. I think they are innocuous, though.

Mr. Del Guercio: I want the record to show that I seriously object to their introduction.

Presiding Inspector: I know, but I think it is best to do it. Mr. Gladstein thinks, and perhaps he is right about it, that this has materiality. I have got to evaluate this testimony, although my decision is not the ultimate one. Others will do it, too.

Mr. Del Guercio: In our offer of documents you will recall that we were restricted strictly to real documents in the introduction of offers.

Presiding Inspector: I remember very well, Mr. Del Guercio, what has happened. I don't remember every word of the testimony.

(Testimony of Harry Renton Bridges.)

By Mr. Gladstein:

Q. Now, Mr. Bridges,——

Mr. Del Guercio (Interposing): We were required to go through the authenticity of every document almost.

Presiding Inspector: Well, I will take that teletype.

By Mr. Gladstein:

Q. Did you receive or did your office receive a telegram from Mr. Joseph Curran that the Madison Square Garden meeting had been arranged for?

[5618]

A. Yes.

Q. In the 1936 strike was any special designation or name used by Mr. Curran in any of the communications that he directed to the West Coast?

A. Yes.

Q. What was that designation?

A. "JACY".

Q. When was that chosen?

A. That was chosen as an aftermath of the spring strike. In the spring strike certain forged communications came through that got us into some pretty hot water. Certain employers' agents were sending communications backwards and forwards. They were sending some supposedly signed by me and we were receiving some supposedly signed by Curran. We found out that they originated with the shipping employers. So from that time on as a result of that we learned our lesson and then we had certain code words that followed our various names, as you will

(Testimony of Harry Renton Bridges.)

notice running all through these, and unless those code words were on there we disregarded the message and on occasion the code letters were changed.

Q. How was "JACY" pronounced?

A. Just four letters.

Q. I say, how were the four letters pronounced?

A. I don't know. I never tried to pronounce them. [5619] "J.C.", I guess.

Q. What does "JACY" mean?

A. Joe Curran, New York.

Q. I show you a telegram—

Mr. Del Guercio (Interposing): Does the reporter get how it was pronounced? I didn't get the answer.

Presiding Inspector: "J.C.", I suppose.

Mr. Gladstein: It quite obviously stands for the initials.

Mr. Del Guercio: "JACY", I understand the telegram is signed.

Mr. Gladstein: The telegram is signed "JACY" which, when pronounced, is "J.C."; and if you divide that into the two syllables you will observe that they represent the initials of the man's name.

Mr. Del Guercio: Well, never mind.

Mr. Myron: That is Mr. Gladstein's pronunciation and Mr. Bridges doesn't know how to pronounce it.

Mr. Gladstein: I thought I heard Mr. Bridges testify to that.

Presiding Inspector: Well, it is in the record. Go ahead.

(Testimony of Harry Renton Bridges.)

By Mr. Gladstein:

Q. I show you this telegram under date of December 2, [5620] addressed to you and ask you whether that was received by you or your office?

A. It has got a pencil notation on as to when it was received, I think, and it has got the office stamp on it, that it was received on December 2nd. I wasn't in San Francisco at this time. It was teletyped me up north.

Q. And where did you obtain this particular telegram? A. Out of my files.

Mr. Gladstein: I offer it in evidence, your Honor.

Mr. Del Guercio: Your Honor, I object to it. No proper foundation has been laid for its introduction. The witness has tetified that he did not receive it, that he was elsewhere at the time of its purported arrival in San Francisco. There is a receipt stamp there, but there is a "By" also and a blank after "By" indicating that there is no evidence as to by whom it was received.

Mr. Gladstein: The authenticity, your Honor, of any of these telegrams or other documents can be checked by the FBI, I am quite sure, because as I understand it, the various telegraph companies keep records of the telegrams that are sent. I may be misinformed.

Presiding Inspector: They wouldn't be open to anyone.

Mr. Del Guercio: You are misinformed and you know better.

Mr. Gladstein: No. I was under the impression that they did. [5621]

(Testimony of Harry Renton Bridges.)

Presiding Inspector: I don't think they keep them as long back as this. I am not sure about that.

Mr. Gladstein: The witness identifies it as a telegram received by his office; he identifies the stamp on it; he says that he obtained it from his files; he says that he has knowledge, personal knowledge of the contents of the telegram by virtue of the fact that it was relayed to him.

Presiding Inspector: I will receive it.

(The document referred to was received in evidence and marked Alien's Exhibit No. 35.)

Mr. Del Guercio: We may want to make a test as to when that receipt was put on.

Mr. Gladstein: You may have it.

Mr. Del Guercio: By us.

Mr. Gladstein: You may have it for any person you like, Mr. Del Guercio. It hasn't been marked yet. Do you mind allowing the Reporter to mark it for the record?

Mr. Del Guercio: The Reporter will call that to my attention.

Presiding Inspector: Oh, well, now. Let's go ahead.

Mr. Gladstein: May I read it?

Mr. Del Guercio: If your Honor please, I would like to call attention to something else. It is written in pencil here, apparently, "12:10 PM Dec 2".

Mr. Gladstein: I suppose by that Mr. Del Guercio means [5622] to imply that the year isn't shown, but if your Honor will see that stamped on the document itself at the very top there is what appears, as I

(Testimony of Harry Renton Bridges.)

believe on every telegram that comes through the telegraph offices a year and a date number.

Presiding Inspector: I will take it. I will take it.

Mr. Gladstein: And you find this is "Dec 2 1936" or, I should say "1936 Dec 2 PM 12:02".

I will read this in evidence. It is addressed to Harry Bridges, 112 Market Street.

"ABBCF have arranged for super mass meeting maritime situation stop on December 14th wire at once if you—". At that point there is a parenthesis with the figures "02" in the parenthesis and then the end of the parenthesis, and it is signed "JACY".

Presiding Inspector: The next question, Mr. Gladstein.

Mr. Gladstein: Yes, your Honor. [5623]

(Whereupon Mr. Gladstein handed Mr. Del Guercio a document.)

Mr. Del Guercio: How many of these are there? I suggest that he might as well introduce them en masse.

Presiding Inspector: I suggested that to Mrs. King.

Mr. Del Guercio: We object to the introduction of every one of them on the same ground: that is, no proper foundation has been laid for them.

Mr. Grossman: The Government is still about 200 exhibits ahead of us, your Honor. I don't think we are being unfair.

Mr. Del Guercio: We laid a proper foundation for the introduction of every document.

Mr. Gladstein: Could I ask for the exhibits that

(Testimony of Harry Renton Bridges.)

the Government introduced on the IWW, the two or three booklets?

Mrs. King: Do you want the numbers?

The Reporter: Yes.

Mrs. King: 252, 253, 257 and 259.

(The exhibits referred to were given to Mr. Gladstein.)

By Mr. Gladstein:

Q. I want to go for a moment to the question of these IWW documents. I show you Government's Exhibit No. 252, "The I.W.W., its History, Structure and Methods," by Vincent St. John. While you were in the IWW did you ever see distributed, or did you yourself distribute, any copy of that document?

[5624]

A. Not that I can remember.

Q. Have you ever had one in your possession to your knowledge? A. No.

Q. Did you know, at any time that you were in the IWW, whether or not that document was distributed by the IWW, or its membership?

A. I don't know.

Q. Did you know then?

A. Not that I can remember.

Presiding Inspector: May I see it?

(Government's Exhibit No. 252 was passed to the Presiding Inspector.)

By Mr. Gladstein:

Q. I show you Government's Exhibit No. 253 entitled "Sabotage," by Walker C. Smith, and ask you to examine it and state whether, while you

(Testimony of Harry Renton Bridges.)

were in the IWW, you ever saw it distributed, or whether you yourself ever distributed any copies of that publication?

A. (Examining pamphlet) The first time I ever seen a pamphlet like this was in this hearing.

Q. You have never had one in your possession?

A. No.

Q. Did you ever know, while you were in the IWW, or just before you joined that organization, whether or not this [5625] pamphlet, or one similar to it, on the subject of "Sabotage" was ever distributed by the IWW or any of its members?

A. Not that I know of.

Q. I show you Government's Exhibit 257 entitled "The Revolutionary I. W. W." by Grover H. Perry, and I will ask you whether, while you were in the IWW, you ever saw that pamphlet, or publication, or anything like it, distributed by the IWW, or any of its members?

A. (Examining pamphlet) No; I have never seen this pamphlet before.

Q. Did you, yourself, ever distribute such a pamphlet? A. No.

Q. Have you ever had one in your possession?

A. Not that I remember.

Q. Did you know, when you joined the IWW, or while you were in it, whether or not such a pamphlet was distributed either officially, or by the membership of the IWW? A. I did not.

Q. I show you Government's Exhibit No. 259 entitled "I. W. W. Songs," and ask you to

(Testimony of Harry Renton Bridges.)

state whether, while you were in the IWW, you ever saw copies of that distributed?

A. (Examining pamphlet) I have seen copies of the songbook—I don't know if this is the particular form of the book—but I recall song pamphlets, pamphlets with songs in it, at the time I was a member. Songs that I recognize are in here. [5626] I possessed one at one time.

Q. Can you go through that pamphlet and tell which songs were distributed in pamphlet form by the IWW, or its membership while you were a member?

Mr. Myron: If he knows—as far as he knows.

Presiding Inspector: Of course.

A. (Referring to Government's Exhibit No. 259) I recall very many of these songs, even before I was a member of the IWW. I don't think that there is anything new about the songs by Joe Hill.

I don't think there is anything new about "The Red Flag"—an old Socialist song.

I don't think there is anything new about "The Workers' Marseillaise."

I remember this one about "Scissor Bill."

I think I remember "The Preacher and The Slave," another Joe Hill song.

"Ta-ra-ra-Boom-De-ay"—I remember that one.

I certainly recall "Hold the Fort."

I certainly recall "Solidarity Forever."

"Casey Jones"—I am familiar with.

(Testimony of Harry Renton Bridges.)

Q Have you sung it? A. I have sung it.

Presiding Inspector: You mean with these words? Not Casey Jones, but Ta-ra-ra-boom-De-ay? [5627]

The Witness: Tunes adapted from those songs.

Presiding Inspector: But not the words, those in the song book?

The Witness: I specifically recall singing some of them at this time. But I remember them at that time, and I remember this particular "Casey Jones" song. It used to be sung at sea. After all, it is not specifically sung ashore.

Presiding Inspector: That is the "Sea" Casey Jones?

The Witness: Well——

By Mr. Gladstein:

Q. Do you know whether various lyrics have been sung to the same tunes of Casey Jones and the other songs in this pamphlet?

A. Yes. There have been additions to them, and some of them, I can say I have heard some of these songs sung the world over. I have heard some of those songs in many parts of the world.

Q. Have you ever sung any of these songs for the purpose of advocating the overthrow of the United States Government by force and violence, or for the purpose of advocating sabotage, or the unlawful destruction of property?

A. No; and I recall nobody else did. They were solidarity songs, morale songs, pep songs, and many times for amusement, of course.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: Were they sung satirically? [5628]

The Witness: Generally speaking; yes.

Presiding Inspector: In disregard of what they say?

The Witness: I would say yes. My recollection of the people that sung them at those times, they didn't sing them with the idea of carrying out the intent of the songs.

By Mr. Gladstein:

Q. Now, going back to the last exhibit, the telegram, I show you what purports to be a copy of a teletype message and ask you if you can identify it?

A. (Examining document) Yes. This is a teletype from my office in San Francisco to Portland, a copy of a teletype.

Q. Where were you at the time, if you know?

A. I was in—let me see the date——

Mr. Del Guercio: (Interposing) It tells you on the top there.

Presiding Inspector: He is looking for it.

A. (Continuing) On the top it says "Is Bridges still in Portland?"

On December 2, 1936, in the evening at least, I was in Aberdeen, Washington. I know that.

This shows the afternoon, 12:10, P. M. apparently, on December 2. I would still be in Portland, or maybe around there somewhere. I have the records which I can check as to where I was at that time.

(Testimony of Harry Renton Bridges.)

By Mr. Gladstein: [5629]

Q. Where did you obtain the teletype?

A. Out of my files in my San Francisco office. The other end of it is in Portland, I presume, a copy. The original possibly was delivered to me in Portland.

Mr. Gladstein: I offer it, if your Honor please, in evidence.

Mr. Del Guercio: I object to it, your Honor.

Presiding Inspector: Have you seen it?

Mr. Del Guercio: Yes, I have. No proper foundation has been laid for the copy, or what purports to be a copy of the original. This witness does not know whether he received it or not.

(The document referred to was passed to the Presiding Inspector.)

Mr. Del Guercio: I believe that counsel should be required to lay a proper foundation for the introduction of any document.

Presiding Inspector: Did you ever see that teletype before?

The Witness: Undoubtedly, if the teletype was sent, I would receive a copy of it in due course.

The only difference between, when I said the original, the only difference between this and the original is the color of the paper. The paper is the same texture, the wording is the same, except the other paper is white and this is yellow. In fact, both copies are made together on the [5630] machine. I am pretty sure you could come up here with that same thing on white paper and the

(Testimony of Harry Renton Bridges.)

only difference between the original and the copy would be the color of the paper.

Presiding Inspector: You remember receiving this?

The Witness: Yes. There are reasons for remembering those things.

Presiding Inspector: I will take it.

(The teletype message referred to was thereupon received in evidence and marked Alien's Exhibit No. 36.)

Mr. Del Guercio: There was an objection that no proper foundation has been laid.

Presiding Inspector: I think a foundation was laid with the questions I asked.

Mr. Del Guercio: The original is available.

Presiding Inspector: There is no difference between the original and the copy. There is no signature on these.

Mr. Del Guercio: No signature; no.

Presiding Inspector: One is yellow and the other is white. I don't see that it makes any difference.

Mr. Del Guercio: That could have been made today.

Presiding Inspector: So could the original. He said he has an independent recollection of receiving this.

By Mr. Gladstein:

Q. Now, Mr. Bridges, this telegram refers—I won't put this in the form of a question, but

(Testimony of Harry Renton Bridges.)

so the [5631] record will show it, your Honor, I point ou that Alien's Exhibit No. 36 in evidence refers to Alien's Exhibit 35, namely, the telegram from Mr, Curran. I call your Honor's attention to this——

Presiding Inspector: Really the same thing?

Mr. Gladstein: Except for one thing, and that I want to call your attention to, and that is in the telegram you will notice the last word is "You". It says "Wire at Once If You" and then there is a parenthetical reference to the figure "02".

In the teletype your Honor will notice that the quoted telegram reads, although there is a misspelled word, "If You Can Attend"—the words "Can Attend" in the teletype.

I point out to your Honor that reference.

We can have a Western Union representative testify on this if necessary, though I don't deem it that important, but it is my belief——

Mr. Myron: (Interposing) We don't want his belief in the record.

Mr. Del Guercio: He is not under oath.

Mr. Myron: It speaks for itself, I believe.

Presiding Inspector: Let it speak for itself.

Mr. Gladstein: All right. Let it speak for itself.

By Mr. Gladstein:

Q. Now, Mr. Bridges, did you have any problem in going [5632] back to attend the Madison Square Garden meeting? A. Yes.

(Testimony of Harry Renton Bridges.)

Q. What was the nature of that problem?

A. Getting the proper dates arranged, trying to cover enough meetings on schedule time, and having the dates so spaced that we could get around.

Q. What was your schedule on the Pacific Coast in the latter part of November and the early part of December, with reference to the mass meetings or other meetings?

A. Seattle, November 30; Aberdeen, Washington, December 2; Portland the next day; Astoria that night. I was due back in San Francisco December 5 in the afternoon. Then there was a meeting in San Francisco on December 8th. There was a national radio broadcast on December 7th. There were tentative arrangements that we had to cancel in both Portland and Los Angeles for meetings because we couldn't fit the dates in. All the arrangements were made and had to be cancelled.

Presiding Inspector: What dates?

The Witness: We had one meeting arranged in Portland, or Los Angeles—I think it was Los Angeles—for December 17th; and a meeting around the same time, I think, December 15 or 16 in Portland. We just didn't make the dates jibe. We postponed those meetings to a later date.

By Mr. Gladstein:

Q. By virtue of this schedule, or these mass meetings [5633] that you were covering on the Pacific Coast, how did that affect the ultimate announcement of when you could go back east?

(Testimony of Harry Renton Bridges.)

Mr. Del Guercio: I will object to the question in its form.

Presiding Inspector: Isn't that self-evident? He had these engagements and naturally they would affect any arrangements for going east.

[5634]

Mr. Gladstein: Well, let me put it this way:——

Presiding Inspector: (Interposing) He couldn't be in two places.

By Mr. Gladstein:

Q. At any stage—at any time up to—withdraw that.

Did you ultimately tell the East that you were going back there to speak?

Mr. Del Guercio: Well, I will object to that, if your Honor please, unless we get something more specific than "the East".

Presiding Inspector: Of course, he did go back East.

Mr. Gladstein: Yes, he did. I wanted to know whether prior to his going back there he communicated with them.

Presiding Inspector: There is no question about it. Before he started he must have told them.

Mr. Gladstein: Yes. I think that is also self-evident.

Presiding Inspector: I think so.

Mr. Gladstein: But nevertheless there is some documentary evidence on it as to the date and so on.

(Testimony of Harry Renton Bridges.)

By Mr. Gladstein:

Q. Prior to your going back to the East Coast to address the Madison Square Garden meeting did you communicate with the East or cause a communication to be sent to the East Coast?

Mr. Del Guercio: I will object to the question unless [5635] something more definite than "the East" is included in the question.

Presiding Inspector: I will take it.

A. I both telephoned and I wrote.

By Mr. Gladstein:

Q. To whom?

A. From the Northwest. When I was in the Northwest at that time I telephoned and wrote, both.

Q. To whom?

A. To Curran and to the longshoremen in Boston.

Mr. Del Guercio: Curran and who?

The Witness: Joe Curran and the longshoremen in Boston.

By Mr. Gladstein:

Q. When you say "the longshoremen in Boston" to whom do you have reference?

A. The ILA Local in Boston that we were communicating with at that time.

Q. Now, before you actually left the West Coast to speak at the Madison Square Garden meeting had any arrangements been made for any meeting other than the one at the Madison Square Garden?

(Testimony of Harry Renton Bridges.)

A. Yes. Specifically the meeting in Boston. The only thing was the question of date. I told them to go ahead and arrange a meeting up there, get all the preliminary arrange- [5636] ments; we would notify them as to definite date afterwards. That was the same situation on the West Coast. We made all preliminary arrangements and it was just a question of setting the exact date. There is a lot of work and preparation in a meeting that takes a few days or maybe weeks and all we were trying to get straightened out was definite dates and have them properly spaced so we could take care of them all. And before I left the West Coast I notified the East Coast to arrange meetings in ports other than New York, and in Boston I had already arranged that from the Northwest before I ever left the Northwest to come back to San Francisco. It was arranged by long-distance phone.

Q. Before leaving for the East, Mr. Bridges, did you cause to be communicated to the East your desire that meetings be arranged in the Ports of New York, Boston, Baltimore and Philadelphia?

A. Yes.

Mr. Del Guercio: Any particular portion of this or all of it?

Mr. Gladstein: Oh, the first page shows it, I think. There is a paragraph there, the first paragraph; the first subparagraph.

(Testimony of Harry Renton Bridges.)

By Mr. Gladstein:

Q. I show you a mimeographed letter of three pages under date of December 10th and ask you whether you can identify it.

A. I can. [5637]

Mr. Del Guercio: Hasn't the witness seen that before?

By Mr. Gladstein:

Q. What is the answer?

A. I can. It was one of our official communications that was sent out at that time.

Mr. Gladstein: I offer this in evidence with particular reference, your Honor, to the first page in which the Pacific Coast District Executive Board of the ILA announces that it has decided on the following plan of action——

Mr. Del Guercio: (Interposing) Well, if your Honor please, before counsel reads it let me get in an objection.

Mr. Gladstein: Oh, certainly.

Mr. Del Guercio: I am objecting to the introduction of the document on the same ground as before. It is immaterial and irrelevant. The contents of that letter do not in any wise contradict or affect the evidence already given.

Presiding Inspector: It is a self-serving declaration.

Mr. Gladstein: Well, a little bit different from that.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: It is a confirmatory statement made at another time.

Mr. Gladstein: No. I haven't had him testify on this subject. Here on December 10th is an official announcement, your Honor, by the Pacific Coast District Executive Board which says, in effect, that an ILA delegation is being dispatched to the East Coast to cover the Ports of New York, Boston, Baltimore [5638] and Philadelphia and appeal to the longshoremen there to do this, that and the other thing; in other words, clearly referring to mass meetings in those four cities.

Now, your Honor may recall that Mr. Innes testified that the arrangements or the idea of having mass meetings in Boston, Baltimore and Philadelphia were discussed for the first time and laid down in what he called a "fraction meeting" in the Victoria Hotel after Mr. Bridges arrived in New York. I am here trying to show that the itinerary of covering those ports in mass meetings, those four that actually were covered, was all announced and covered officially by the Union on the West Coast before Mr. Bridges ever got to the East Coast. That is the materiality.

Mr. Del Guercio: If your Honor please,——

Presiding Inspector: (Interposing) You can prove that by the testimony of Mr. Bridges.

Mr. Gladstein: Yes.

Presiding Inspector: Let us get Mr. Bridges' testimony and then offer it. Or, if you say you are going to ask him——

(Testimony of Harry Renton Bridges.)

Mr. Gladstein: Yes, I was going to ask him. It is a matter of order. Can we mark it for identification?

Presiding Inspector: I will allow it to go in evidence.

Mr. Gladstein: All right.

Presiding Inspector: It is violating the usual rules of Common Law. [5639]

(The document referred to was received in evidence and marked Alien's Exhibit No. 37.)

Mr. Del Guercio: May we have the record show that we don't agree with counsel's interpretation of what the witness testified to?

Presiding Inspector: Oh, yes. You are not bound by that. The trier of the facts has to evaluate all the evidence.

By Mr. Gladstein:

Q. Now, Mr. Bridges, was the idea of your speaking at mass meetings in cities other than New York on the occasion of your trip back there in December of 1936 originated for the first time in the Victoria Hotel in New York or elsewhere?

A. Elsewhere.

Q. And where was the "elsewhere"?

A. In the Northwest and in San Francisco, because my trip back East was not worth while unless I spoke to the longshoremen of those ports and was not necessary unless I spoke to the longshoremen in those ports, because the trip had a definite reason. There was a deadline laid down

(Testimony of Harry Renton Bridges.)

as to how long we would give the International to respond to our demands for help, as they had promised us; and before I left all locals were ordered to take up and discuss and vote on the question of East Coast Ports, meaning that if the East Coast longshoremen walked out in support of us we would not settle our West Coast [5640] strike until they were safely protected. And all locals were notified before I left the West Coast to take up and vote on this question and notify me by telegram in New York City, care of Joe Curran. And the letter here refers to that particular thing, and, therefore, it can be seen that unless these meetings were arranged and I definitely went back with them all scheduled out my trip East was worthless.

Mr. Gladstein: Shall we suspend for the day?

Presiding Inspector: No. Go on five minutes longer.

Mr. Gladstein: I beg your pardon?

Presiding Inspector: Go on until a quarter after.

The Witness: I wish to add——

Mr. Del Guercio: (Interposing) Now, there is no question pending.

By Mr. Gladstein:

Q. Just a moment! Do you wish to add something to your last answer?

A. I just thought of this much: That I have the sheaf of telegrams that were sent to New York

(Testimony of Harry Renton Bridges.)

while I was there all concurring in the action of the Executive Board and my going East, and all saying that they would support the East Coast longshoremen if the East Coast longshoremen moved in our support.

Q. From whom were these telegrams?

Mr. Del Guercio: Just a minute! I want to make a motion to strike the last answer. I move to strike the last answer [5641] as not being responsive to the question and it was not in explanation of anything.

Presiding Inspector: Well, giving it a broad interpretation, I think it was explanatory. Of course, if the objection went to the *telegrams would* speak for themselves, that would be different.

You don't expect to produce them, do you?

Mr. Gladstein: *There a* lot of them and I don't know that it is necessary to encumber the record with them, your Honor.

Presiding Inspector: I will let it stand.

By Mr. Gladstein:

Q. From whom were these telegrams?

Presiding Inspector: He said from all the Unions on the West Coast.

Mr. Gladstein: Oh, I beg your pardon.

Presiding Inspector: Now, Mr. Bridges, had you planned for all of the meetings at which you spoke? That is, had you told them tentatively to arrange for them?

(Testimony of Harry Renton Bridges.)

The Witness: Yes.

Presiding Inspector: But, of course, you didn't know the dates absolutely?

The Witness: I knew the dates.

Presiding Inspector: In all cases? [5642]

The Witness: The date for the meeting in Boston, I arranged that meeting by a long-distance telephone from some place in the Northwest. The date for Philadelphia was arranged. The date for New York——

Presiding Inspector: (Interposing) Was arranged from the West or from New York?

The Witness: From here, from this end.

The date for New York was arranged, although it was changed; and the date for Baltimore was arranged.

Presiding Inspector: It was all arranged before you left?

The Witness: Before I ever left San Francisco.

Presiding Inspector: Including the dates?

The Witness: Yes. And I wired, I am sure—well, I did wire New York along those lines following up the conversations that I had over the phone.

By Mr. Gladstein:

Q. When you got to New York, Mr. Bridges—withdraw that.

Who accompanied you to New York?

A. In my immediate company Randolph Meriweather, who was the Business Manager of the

(Testimony of Harry Reuton Bridges.)

Marine Engineers' Beneficial Association; also going Captain George Charlot of the Masters, Mates & Pilots Association, Local 90, San Francisco.

[5643]

Q. Were either of those Unions involved in the strike? A. All of them: both of them were.

Q. What was the purpose of their trip East?

A. Because their National Unions were attempting at that time or had indicated they were going to call off the strike of those particular unions on the East Coast.

Q. Now, with whom—withdraw that.

Do you know how—did you call him "Captain" Charlot? A. Captain Charlot; C-h-a-r-l-o-t.

Q. Do you know how he went?

A. I am not sure whether he took a train or went by plane.

Q. You and Mr. Meriweather went together?

A. Both by plane.

Q. When you arrived in New York were you met? A. At the airport, yes.

Q. By whom?

A. I only remember Joe Curran.

Q. Were there others?

A. I think there were.

Q. Where did you go?

A. To the Victoria Hotel.

Q. What happened there?

A. My recollection is that Meriweather registered for the room. I don't recall registering. We took a double room in the hotel and I'm fairly

(Testimony of Harry Renton Bridges.)

sure that I didn't sign the register. [5644] Meriweather signed for both of us.

Q. Now, in that hotel after your arrival did any meeting take place in which you, Roy Hudson, Tommy Raye, Al Lannon, Joe Curran, Peter Innes, possibly Mervyn Rathborne, were present?

A. No, definitely not. Mervyn Rathborne was in San Francisco. [5645]

Q. Was Mr. Hudson in the room? A. No.

Q. Was Tom Raye in the room? A. No.

Q. Was Mr. Lannon in the room?

A. No.

Q. Was Curran there?

A. No—yes, he was there.

Q. Was Mr. Innes there?

A. I am not sure about Mr. Innes. My recollection is that he was not.

Q. What took place in your room after you arrived, if anything?

A. We discussed things for a few moments. We were pretty tired. The plane got in early, or the middle of the afternoon. Meriweather and I were pretty tired. As I recall it we slept for a little while. I had a meeting scheduled that night, I think—not to Boston, but to Philadelphia, my recollection is.

Q. At any time on that trip——

Presiding Inspector: Do you know those men whose names were mentioned?

The Witness: I know them—I know Al Lannon, and Tommy Raye. I met them for the first

(Testimony of Harry Renton Bridges.)

time about six months afterwards. I know Hudson. I met Hudson—he was in San Fran- [5646] cisco at that time, during the 1936 strike. I met him for the first time at that time. He was in San Francisco at that time.

By Mr. Gladstein:

Q. When did you meet Tommy Raye for the first time? A. June, 1937.

Q. Do you remember under what circumstances?

A. Yes.

Q. What were they?

A. He was at that time, the first time I met Raye, he was the Chairman, or Secretary of the New York Maritime Council. I am sure that wasn't formed until the spring of 1937.

Q. And in what connection did you meet him, under what circumstances?

A. I met him in New York Headquarters of the National Maritime Union.

Presiding Inspector: I think we will stop here until tomorrow morning.

(Whereupon, at 4:15 o'clock p. m. an adjournment was taken until Thursday, May 29, 1941, at 10:00 o'clock a. m.) [5647]

Court Room 276,
Federal Building,
San Francisco, California,
May 29, 1941.

Met, pursuant to adjournment, at 10:00 A. M.

[5648]

PROCEEDINGS

Presiding Inspector: You may proceed, Mr. Gladstein.

HARRY RENTON BRIDGES

called as a witness in his own behalf, having been previously duly sworn, testified further as follows:

Direct Examination (Resumed)

By Mr. Gladstein:

Q. Mr. Bridges, you remember the witness, Thompson, who testified in this case?

A. Yes.

Q. To your knowledge have you ever seen him before until the time he came in here?

A. No.

Q. During the period from October 1934 to and including the end of April, or the first part of May, 1935, at any time during that period were you in New York City? A. No.

Q. What was the extent of your departure from the west coast, or from San Francisco, during that period?

A. I never left the Pacific Coast states. Yesterday I said, if I recall, and it was slightly in error, that our records showed I hadn't left San

(Testimony of Harry Renton Bridges.)

Francisco. I referred at that time to my records in my office in San Francisco which indicated that I had not left the Pacific Coast States for a period longer than—I hadn't left them—and I can produce records to show—— [5649]

Presiding Inspector: We are taking your recollection.

The Witness: There was a slight error in the testimony yesterday.

Presiding Inspector: You can make a correction.

The Witness: I didn't exactly mean San Francisco; I meant any Pacific Coast, West Coast states.

By Mr. Gladstein:

Q. Now, Mr. Bridges, at any time have you ever been a member of the Marine Workers Industrial Union? A. At no time.

Q. Have you ever been affiliated with that organization?

Mr. Del Guercio: Well, your Honor, I object to the question unless the witness——

Presiding Inspector: I think that is a question for the Court.

Mr. Gladstein: All right.

Presiding Inspector: He may tell what relation he has had with them, if any.

Mr. Gladstein: He has already testified to that.

Presiding Inspector: Although, if there is anything more he may tell it.

(Testimony of Harry Renton Bridges.)

By Mr. Gladstein:

Q. Did you ever have any correspondence with William McCuistion? [5650]

A. Not that I can recall. I have written to a lot of people and it is possible that I might have received or written a letter in the course of Union business, but not that I can ever remember.

Q. Did you ever correspond with him on the subject of Communist Party policies or the Communist Party, or the Marine Workers Industrial Union? A. At no time.

Q. Did you ever submit to Mr. McCuistion or to any body else while you were connected with the Waterfront Worker copies of that paper for editing back east? A. At no time.

Q. Was it submitted to anyone back east for auditing—or, editing, I should say?

A. No. It was submitted to no one except the longshoremen involved.

Mr. Del Guercio: Except to who?

The Witness: Except the longshoremen involved, and I wouldn't say "submitted" to them either. Articles went in as they came in without any editing or change whatsoever.

By Mr. Gladstein:

Q. Now, at my request did you attempt to find the telegram which is referred to in a teletype message that yesterday was admitted in evidence with respect to a problem involving Peter Innes in 1936? [5651] A. Yes.

(Testimony of Harry Renton Bridges.)

Q. Did you find such a telegram?

A. I did.

(The telegram referred to was passed to Mr. Del Guercio.)

By Mr. Gladstein:

Q. I show you a telegram under date of November 20, 1936, and ask you if that is the telegram to which you have just referred? A. It is.

Mr. Gladstein: I offer it in evidence.

Mr. Del Guercio: We object to its admission in evidence, if your Honor please; not material to any of the issues in this case. It doesn't explain or contradict anything.

Presiding Inspector: I will take it over your objection.

Mr. Del Guercio: And no proper foundation laid for it. The telegram, if the Court will note, is addressed to the Joint Strike Committee...

Presiding Inspector: He was Chairman at that time.

Mr. Del Guercio: We don't know.

Presiding Inspector: He has sworn to it.

Mr. Del Guercio: It is addressed to the Joint Strike Committee.

The Witness: I was Chairman the day that telegram was received and read into the record, and I have the minutes.

Mr. Del Guercio: Was there a question on it?

[3652]

Presiding Inspector: Yes. That was implied

(Testimony of Harry Renton Bridges.)

from my remarks. I understand that he had already sworn to it. I will let it stand.

(The document referred to was received in evidence and marked Alien's Exhibit No. 38.)

By Mr. Gladstein:

Q. Mr. Bridges, have you made a search of the minutes of the San Francisco Bay Area District Council No. 2 acting as the San Francisco Joint Marine Strike Committee during the 1936 Strike to determine whether the telegram which has just been received in evidence, Alien's 38, appears as part of the official minutes of any meeting of that group? A. I have.

Presiding Inspector: This doesn't add anything, does it?

Mr. Gladstein: It does not, except that it appears officially because—the only point I had was that if there is any question as to the authenticity of the telegram the minutes of that date, November 21, 1936, record the receipt of a telegram from J. Curran setting forth verbatim the text of the telegram that has just been received in evidence.

Presiding Inspector: Very well.

Mr. Gladstein: Perhaps at this time it is immaterial, and if cross examination does not raise any further question——

Presiding Inspector (Interposing): I should think so, Mr. Gladstein. [5653]

Mr. Gladstein: All right.

(Testimony of Harry Renton Bridges.)

By Mr. Gladstein:

Q. Now, do you know when Peter Innes for the first time received any kind of credentials authorizing him to represent the East Coast seamen to or on the West Coast Strike Committee?

A. During the strike of 1936, after it broke out.

Q. Do you know what the form of those credentials was?

A. He received them by telegram. We refused to seat him, or recognize him, on the Strike Committee, because of the trouble we had, unless we had further credentials—on account of the trouble we had. Therefore, we demanded credentials before he would be recognized and seated on the Committee. He was wired credentials from back East. He had no credentials.

(Mr. Gladstein passed a telegram to Mr. Del Guercio.)

Mr. Del Guercio: If the Court please, I have been shown by counsel a telegram addressed to Peter Innes by Joe Curran. That telegram, I don't believe, was produced at the time Peter Innes was on the stand, although apparently available.

Presiding Inspector: I don't think it was, but I don't know as that is material.

By Mr. Gladstein:

Q. You just testified that Mr. Innes received telegraphic authorization to represent the East Coast strikers at the time, or immediately after

(Testimony of Harry Renton Bridges.)

the West Coast strike went into effect, is that correct? A. That is right. [5654]

Q. Do you know whether—withdraw that. Do you know what, if anything, Mr. Innes did with that telegram when it was received by him?

A. He presented it to the Strike Committee as credentials, and it was received as a regular credential. He was ordered seated by a vote of the Committee on that occasion.

Q. Were others who were seated in the Strike Committee also required to present credentials from their unions?

A. They all were required to present official credentials.

Q. I show you a telegram, dated October 29, 1936, purporting to be from Joe Curran to Peter Innes, and I will ask you whether that was the telegram which was presented by Mr. Innes as his credentials to entitle him to sit as an East Coast representative with the West Coast Strike Committee?

A. (Examining telegram). It is. Ordinarily we wouldn't accept a telegram, but inasmuch as it has the code on it we knew it was authentic and we accepted the telegram and seated him under those credentials.

Mr. Gladstein: I offer it in evidence.

Mr. Del Guercio: I will object to it.

Presiding Inspector: I will receive it over the objection.

(Testimony of Harry Renton Bridges.)

(The telegram referred to was received in evidence and marked Alien's Exhibit No. 39.)

By Mr. Gladstein:

Q. Will you state whether, prior to October 29, the date [5655] of the last exhibit, Alien's 39, there was ever shown to you, or ever came to your attention or knowledge, any other credentials of any character by Mr. Innes?

A. Nothing, except his union book or strike card from the 1936 strike. That was all he had.

Q. Now, Mr. Bridges, at the Madison Square Garden meeting you spoke, did you?

A. I did.

Q. Did you have any meetings, either before or after that mass meeting, in which any of the following persons were present: David Leeds?

A. Never met him in my life.

Q. Tom Raye? A. No.

Q. Roy Hudson? A. No.

Q. What, if anything, did you do after the mass meeting was over?

A. As soon as I stepped off the platform there was an old friend of mine that I had sailed with in Australia, and in the islands, and he was standing at the foot of the stairs. I recognized him immediately. He came along with me. We went back, and I spoke to the newspaper reporters for a while, and then we left, and we went to some place where we spent three or four hours having some drinks, and talking about [5656] our old times together. His

(Testimony of Harry Renton Bridges.)

name is George Maynard—M-a-y-n-a-r-d. He came from Rhode Island. He was formerly a shipmate of mine and he came up with me from Australia on the Ysabel. That was the first time I had seen him since that time. That is all we done until about four o'clock in the morning. The meeting didn't get through until around 12:30 at night. It was around 4:00 in the morning when he went home. I invited him to come to the hotel and see me the next day. I don't recall whether he did or not.

[5657]

Q. Now, Mr. Bridges, at any time prior to that meeting at the Madison Square Garden in December of 1936 did you speak on the long distance telephone between San Francisco and New York with Thomas Raye? A. No.

Q. Did you speak with anyone on the long distance telephone and receive orders from the Communist Party to appear at that Madison Square Garden meeting? A. No.

Q. Do you recall the testimony of Mr. Innes that while he was in your office or in the office that was shared by you and Mr. Rathborne a telephone call came in, as a result of which he said he and you went downstairs to a public phone and made a telephone connection with New York City? Did any such incident occur?

A. Not at all. The idea was ridiculous.

Mr. Del Guercio: I move that the last part of the answer be stricken.

Presiding Inspector: Strike it out.

(Testimony of Harry Renton Bridges.)

By Mr. Gladstein:

Q. Before you went East—withdraw that.

Presiding Inspector: Not the part that no such thing occurred.

Mr. Del Guercio: No, just the last part.

By Mr. Gladstein: [5658]

Q. Can you recall what the indication was to you to attend the Madison Square Garden meeting with respect to the payment of your traveling expenses?

A. East Coast—the East Coast Seamen's Committee said that they would pay the expenses.

Q. Did they arrange for your airplane passage?

A. My airplane ticket was arranged for in New York City; a round trip ticket.

Q. Did you receive any of your other expenses or any expenses at all in New York when you got to the meeting?

A. They drove me to Philadelphia; they furnished the plane ticket to Boston; I paid my own train fare, I think, to Baltimore, and then from Baltimore I went to Washington and came back.

Q. Was that the extent of the expenses which the East Coast discharged in connection with your trip?

A. They paid most of the expenses of the trip; that is, at that time.

Q. Did they pay you any sum of four or five hundred dollars?

A. That is not so. They just paid the expenses

(Testimony of Harry Renton Bridges.)

and—well, the way it happened was this: When the invitation was made and the offer to pay all expenses was made our Strike Committee on the West Coast, we didn't exactly know their financial condition there and, of course, our Strike Committee said "Well, [5659] as long as they are offering to pay it, why, we'll turn nothing down". And I went back under those conditions.

After I went back there and seen the financial situation, as soon as I returned to the West Coast I got into action and seen that there was a thousand dollars sent back to them immediately. They needed it much more than we did and much more than paying my expenses.

Q. At any time while you were back East on December 14th, 15th or 16th, 1936 or in that vicinity was any sum of cash given to you by any person from the East Coast Seamen's Committee or anyone representing them or anyone having anything to do with the strike?

A. I never received a nickel in actual cash.

Q. Or any other person?

A. Or any person.

Q. Did you ask for any money from them?

A. I did not. I had enough money in so far as expenses were concerned. I was getting a salary at that time, but my salary was turned in weekly to the Strike Committee and I didn't need to take any money from them if I didn't want it, and I didn't need it. As far as any nominal expenses was concerned, my own Union had money.

(Testimony of Harry Renton Bridges.)

Mr. Myron: Now, is this responsive?

Presiding Inspector: No, I don't think it is.

Mr. Gladstein: I think it is, and I think——

Presiding Inspector (Interposing): No. [5660]

Mr. Gladstein (Continuing): ——I think it would be much better——

Presiding Inspector (Interposing): No. I think there is a good deal in there that wasn't material.

Mr. Gladstein: I think it would be much better procedure to allow the witness to answer the question, and if there are parts which counsel feel are not responsive they can always move to strike rather than break in the middle of the answer, because there may be something which is about to be said which is responsive.

Presiding Inspector: He has fully answered the question.

Mr. Del Guercio: The witness is intelligent enough to answer the questions asked.

Presiding Inspector: He has fully answered the question and a good deal more. I don't mean that it isn't natural to say what he did, if it is true.

By Mr. Gladstein:

Q. Were you ever advised by any person at all that it was a Communist Party decision for you to speak at the Madison Square Garden meeting on December 16, 1936?

A. I wasn't advised. I knew it wasn't.

Q. I want to refer for a moment—I think in a general way you have covered this subject matter.

(Testimony of Harry Renton Bridges.)

Do you recall the testimony of Mr. Cuistion to the effect that in the spring of 1935 you arranged for Mr. McCuistion to be shipped out, although Mr. McCuistion did not hold a Union card in the Sailor's Union [5661] of the Pacific?

Mr. Del Guercio: Before the question is answered, your Honor, I object to counsel making a statement. He was warned yesterday about doing the same thing and it is very objectionable to call attention to previous testimony.

Presiding Inspector: I suppose he knows what happened in that respect.

Mr. Gladstein: He has already testified that the first time he met McCuistion was in 1936 at the Madison Square Garden meeting, but I want specific reference to this particular incident.

Presiding Inspector: It doesn't make any difference about who testified or anything of that kind. Ask him the question.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. Did you, Mr. Bridges, make any arrangements of any kind at all for Mr. McCuistion in the spring of 1935 or the early part of 1935 to be shipped out from San Francisco? A. No.

Q. Mr. Bridges, did you ever attend any top fraction meetings of the Communist Party with a man named Nathaniel Honig or Nat Honig or Nat Davis?

A. No. I never met him until he come into the Court room. [5662]

(Testimony of Harry Renton Bridges.)

Q. Did you ever receive orders at any meeting during the 1936-7 strike to take the ILA—that is, the International Longshoremen's Association Unions—into the CIO?

A. Never received orders to do that at any time.

Q. What in fact was your position on the question of whether the ILA should affiliate with the CIO as of the period during the 1936-7 strike and for several weeks thereafter?

A. I was opposed to it.

Mr. Del Guercio: Just a minute. I object to the question, if your Honor please. "What in fact". He is asking for the witness' testimony.

Presiding Inspector: That's what he is asking for.

Mr. Gladstein: Yes.

Presiding Inspector: I don't understand the objection.

Mr. Del Guercio: Well, that indicates that there might be some contradictory testimony as to what his position was.

Presiding Inspector: Oh, I think that is a mere form of speech. I will take the answer.

A. (Continuing): I was opposed to affiliation.

[3663]

By Mr. Gladstein:

Q. What was your position on the question of the CIO during the period beginning, let us say, with the 1936-'37 strike, that is October 28, 1936 to and including the time of the ILA convention in the year 1937?

(Testimony of Harry Renton Bridges.)

A. To stay in the AF of L, and still support the CIO.

Q. In what way could you support the CIO and still insist that the ILA stay in the AF of L?

A. At that time the CIO had been ordered suspended, the CIO unions. It was merely a committee. It wasn't an organization as yet. It was a committee of organizations that decided to follow a program of organizing workers on the industrial union basis. They had been suspended illegally by the American Federation of Labor. Those unions that were CIO, or comprised the CIO at that time, they still claimed that they were still affiliated to the AF of L and were fighting for reinstatement on the basis that they had been illegally suspended. Our position was to remain, the large body of the CIO, and to fight for the proper reinstatement of those unions and for the adoption of the entire CIO program by the American Federation of Labor. We were strongly advocating and opposing any move toward affiliation with the CIO and the breaking off with our American Federation of Labor affiliate. At the same time we were supporting the program of the CIO in so far as their organizational program was concerned; and [5664] that was simply a program to organize on an industrial union basis.

Q. With specific reference to whether the ILA should be taken into the CIO, when is the first time that you took the position that the ILA should so affiliate? A. June, 1937.

(Testimony of Harry Renton Bridges.)

Q. Did you make your position, prior to June 1937, to the effect that you were opposed to the ILA affiliating with the CIO, known publicly?

A. Yes.

Q. Where and under what circumstances?

A. There was many talks before my own union meetings, many similar talks before union gatherings and conventions. I had done it while I was still a Vice President of the American Federation of Labor in the State of California, and in our convention, and in our various union publications.

Q. When was the ILA convention held in 1937?

A. May 1937.

Q. And at that convention did you publicly, before the convention, state your position on whether the ILA should go into the CIO? A. I did.

Q. And what was your statement in substance?

Mr. Del Guercio: Your Honor, I object to that as immaterial and irrelevant. [5665].

Presiding Inspector: How is that pertinent? How is it any better than his statement now?

Mr. Gladstein: I will withdraw that question.

Presiding Inspector: It may come out on cross examination.

By Mr. Gladstein:

Q. Do you know, Mr. Bridges, whether the Voice of the Federation has ever carried statements of your position in the early part of 1937 on whether the ILA should affiliate with the CIO, or seek such an affiliation?

(Testimony of Harry Renton Bridges.)

Mr. Del Guercio: I will object to that, your Honor.

Presiding Inspector: I think we should leave that to Mr. Del Guercio's cross examination. I don't think it is any better than his statement, that is, at this time.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. Will you fix the date when the 1936-'37 strike ended?

A. I am not sure but I think it was February 4, 1937. I might be mistaken on that date. It might be March 4; either March or February 4th.

Presiding Inspector: Of course, you can show him the document to refresh his recollection when his recollection is not complete.

Mr. Gladstein: All right.

Presiding Inspector: That is, on a thing of that kind.

(Whereupon Mr. Gladstein passed to Mr. Del Guercio a file [5666] of the Voice of Federation.)

Presiding Inspector: He says he isn't sure as to the date.

The Witness: I am sure it was February 4, your Honor.

Presiding Inspector: He said he is sure it is February 4.

By Mr. Gladstein:

Q. The date of the end of the strike?

(Testimony of Harry Renton Bridges.)

A. Yes.

Mr. Gladstein: I am now showing counsel something else.

Mr. Del Guercio: The article that counsel has shown me has to do with a matter the Court has already ruled on regarding the witness' stand on the CIO.

Presiding Inspector: He hasn't asked a question about it.

Mr. Gladstein: I will withhold it. It is simply my position that as of the time, you see, in 1937, when the—when Mr. Bridges took the——

Presiding Inspector: I don't think it adds anything at this time.

Mr. Gladstein: All right, your Honor.

By Mr. Gladstein:

Q. Now, Mr. Bridges, as of the period of the 1936-'37 strike I want you to tell me what union positions, if any, were held by the following persons, if you know: Henry Schmidt? [5667]

A. President of the San Francisco Longshore Local.

Q. Bjorn Halling?

The Reporter: Spell it, please.

Mrs. King: B-j-o-r-n.

Mr. Gladstein: Halling, H-a-l-l-i-n-g.

A. Halling was a member of the Executive Committee of the local, and he was also Chairman of some SubStrike Committee, as well as a member of the Joint Strike Committee.

(Testimony of Harry Renton Bridges.)

By Mr. Gladstein:

Q. Did he have any connection with publicity?

A. Possibly that is the committee that he was Chairman of; I am not sure.

Presiding Inspector: What local?

The Witness: Of the San Francisco Longshore Local.

By Mr. Gladstein:

Q. Revels Cayton?

A. He was a member of the Marine Cooks and Stewards Association Strike Committee in San Francisco; and also on the Coast Committee.

What makes it so complicated is that there were three committees: Your own local union strike Committee and the San Francisco area Joint Strike Committee and the Coast Joint Strike Committee.

Q. Louis Goldblatt?

A. He was Vice President of the ILA Warehousemen's Union [5668] at that time, San Francisco.

Q. Roy Pyle?

A. Pyle was an official of the American Radio Telegraphists Association, San Francisco.

Q. Mervyn Rathborne?

A. He was Secretary of the San Francisco Council of the Maritime Federation, and Secretary of the Strike Committee.

Q. Z. R. Brown?

A. I think he was Secretary of the San Francisco Local of the Radio Telegraphists.

(Testimony of Harry Renton Bridges.)

Q. Matt Meehan?

A. He was the Pacific Coast District Secretary of the ILA.

Q. Al Quittendon?

The Reporter: Spell it, please.

Mr. Gladstein: Q-u-i-t-t-e-n-d-o-n, I think it is.

A. The Assistant Secretary of the Sailors Union of the Pacific.

Q. John Schomaker?

A. I think he was Chairman of the Publicity Committee, of the Joint Strike Publicity Committee, part of the Joint Strike Committee.

Q. When did the longshoremen actually begin to take a vote on whether or not they should become affiliated with the CIO? [5669]

A. June, 1937.

Q. Did that vote have anything to do with any convention that was being held at that time or just prior to that time?

Mr. Del Guercio: I object to the question as leading and suggestive.

Presiding Inspector: I will take it.

A. It was during the 1937 convention of the Maritime Federation of the Pacific. [5670]

By Mr. Gladstein:

Q. Where and when was it held?

A. Portland, Oregon, beginning the first week in June, I believe; June 3rd, 4th or 5th; something like that.

Q. What was the result of the vote as far as the longshoremen were concerned?

(Testimony of Harry Renton Bridges.)

A. Overwhelming majority to affiliate with the CIO, except a few disrupters and such people as that.

Q. When did the affiliation actually become complete?

A. August, 1937; August the 9th, I think we were chartered.

Q. Now, you have testified that you held a position known as West Coast CIO Director.

When did you achieve that position?

A. The middle of July, 1937.

Q. In what manner?

A. Appointed by the President or the Chairman at that time of CIO, later on approved by the Executive Committee or the Conference—the first conference that the CIO held, which was in October, 1937 in Atlantic City.

Q. Who was the then Chairman by whom your appointment was made? A. John L. Lewis.

Q. Did you—withdraw that. What general instructions did you receive from the CIO after your appointment as West Coast Director? [5671]

Mr. Del Guercio: I will object to that as being immaterial.

Presiding Inspector: I don't think I grasped the question. Will you read the question.

(The question referred was read by the reporter as above recorded.)

Mr. Gladstein: I will withdraw the question, your Honor.

(Testimony of Harry Renton Bridges.)

By Mr. Gladstein:

Q. What instructions, if any, did you receive from the CIO at your appointment as West Coast CIO Director with respect to the affiliation of A. F. of L. Unions, Local Unions or International Unions, with the CIO?

Mr. Del Guercio: I will object to that, your Honor, as not being material.

Presiding Inspector: Perhaps the witness understands the question. I don't understand it. "What instructions". You mean what legal advice or——

Mr. Gladstein: (Interposing) No; what instructions he received, if any.

Presiding Inspector: How is that material?

Mr. Gladstein: This is as to the question of how and under what circumstances or conditions the CIO would advocate or would permit the affiliation with it——

Presiding Inspector: (Interposing) How is that [5672] material?

Mr. Gladstein: (Continuing) ——of A. F. of L. Unions. This goes, your Honor, in a preliminary way to the meeting concerning which Mr. Chase testified. I am coming to that, you see.

Mr. Del Guercio: I don't think it is material, if your Honor please.

Mr. Gladstein: Well, I can go at it this way. I will withdraw that question.

(Testimony of Harry Renton Bridges.)

By Mr. Gladstein:

Q. Mr. Bridges, do you recall whether or not you spoke at any meetings on West Washington Boulevard in Los Angeles in the fall of 1937?

A. I did.

Q. Do you recall a meeting at which there was, among others, a man by the name of John Horn?

A. I do.

Q. When approximately was that meeting held?

A. August or September, 1937. My best recollection is that it was early in September.

Q. Do you know how that meeting was called?

A. I called it through the Southern California Regional Director at that time, J. R. Robertson.

Presiding Inspector: CIO Director?

A. (Continuing): He was—that's right. He was a CIO Director of Southern California, and the meeting was called [5673] through him. He put out the publicity.

By Mr. Gladstein:

Q. What was the purpose of having this meeting called?

A. To convey—I had just returned from Washington and I called a series of meetings on the Pacific Coast to report on the discussions I had with the National officers of the CIO at that time and convey them to the officials locally.

Q. At the meeting, the particular meeting that was attended by Mr. Horn, did you discuss the question of A. F. of L. Unions affiliating with the CIO?

A. I did.

(Testimony of Harry Renton Bridges.)

Q. What did you say?

Mr. Del Guercio: If your Honor please, I object to that as not being material.

Presiding Inspector: I will take it.

Mr. Del Guercio: What?

Presiding Inspector: I will take it. We have had some evidence in a way as to the character of Mr. Bridges' speech.

Mr. Del Guercio: Then we should have the whole speech and not just a portion of it.

Presiding Inspector: That is what he is going to ask him, what did he say. That calls for the speech.

Mr. Del Guercio: Just the one particular part as to the affiliation with the A. F. of L.?

Presiding Inspector: No. We are going to get the rest. Perhaps he has the manuscript. [5674]

Mr. Gladstein: I will ask him.

By Mr. Gladstein:

Q. Do you have the verbatim report of what you said?

A. No. I have looked for it, but I can't find it.

Q. Do you have a recollection of what you said?

A. Fairly good one.

Q. All right. Will you state what you did say?

A. At that time there was quite a lot of misunderstanding not only in Los Angeles but elsewhere as to——

Mr. Myron: (Interposing) Is that what he said?

(Testimony of Harry Renton Bridges.)

Mr. Del Guercio: I will object to that as not answering the question.

Presiding Inspector: Never mind the preliminary. Just tell us what you said.

A. (Continuing) I said that, too, your Honor, because that is the way I opened up by saying that there is quite a little bit of misunderstanding down here as to what the role of the CIO is in swinging over Unions to it. And that's exactly what I said. That is what the meeting was about.

Presiding Inspector: You are entitled to say that.

Mr. Myron: We have no objections if that is what he said.

The Witness: That is what I said and then I followed it up by explaining why the misunderstanding and what the program should be, and that the program was correct because I had discussed this particular matter with the National officers of [5675] the CIO, and we worked out a complete understanding on the whole thing.

I pointed out that the basic program of the CIO was to affiliate to the actual CIO Committee Unions on a national scale, generally speaking. There were certain fields that should not be penetrated or molested in so far as organizing was concerned; that the main concentration should be on the unorganized fields, of which there was certainly plenty in Los Angeles, without moving in or fooling around with the Unions regardless of affiliation that were already in the field.

(Testimony of Harry Renton Bridges.)

I warned against what was going on at that time, and that was that in many cases small groups of individuals that collected a small group or a following in a Local Union would seek a CIO charter for that small group, even though it might be less than a majority of a small Local Union, and in that way there was quite a bit of disruption and destruction going on in the trade union movement in Los Angeles. There was charters being issued that it took us six months to even find some of them. And this was the address that I made there.

I went on to say that they should disregard the campaign and the slander and the publicity that was going on in Los Angeles at that time through the press, through the various employer associations and, of course, coming from all the oppositionists to CIO in the Local A. F. of L. Unions and, in some cases, CIO Unions to the effect that the CIO was a Communist organization; that it was inspired from Moscow; that [5676] John J. Lewis was a Communist, as he was roundly and nationally being called at that time, John Brophy, many of the leaders of the CIO. And, of course, I didn't escape myself and many of the officials of the National Government. And I went into that and told them the purpose of such a thing was to confuse the issue and that they should not only disregard the statements such people made but treat them with suspicion and distrust. And then we laid out the program for further meetings where the whole thing could be gone at in an organized way with no more charters to be granted in the Southern California

(Testimony of Harry Renton Bridges.)

area unless the situation was thoroughly investigated as to where the charter was going, whom it was going to, and what purpose it was going to be used for. And we also made arrangements to collect a few charters.

Mr. Myron: May I interrupt at this time? He is mentioning "we". I suppose he means himself.

The Witness: All right. We will say me. I was the boss at that time as far as the question of charter was concerned. Charters couldn't be issued without my authority and approval. So in this case we can say "I".

By Mr. Gladstein:

Q. Mr. Bridges, at that meeting——

Mr. Del Guercio: (Interposing) Wait a minute! He hasn't finished the speech yet, have you?

The Witness: Just about. Simply by winding up, we [5677] laid plans for more meetings of the same type and meetings of the same type were held regularly, every week or two.

By Mr. Gladstein:

Q. At that meeting or at any meeting did you lay down or intend to lay down any policy to govern the conduct of Communist Party members on the question of CIO affiliation?

Mr. Del Guercio: I will object to that, if your Honor please, to the form of "did you intend to". The speech speaks for itself, those who heard him, as to whether it did lay down the Communist Party line.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: You mean as separated from other members?

Mr. Gladstein: Yes, yes.

The Witness: The line we laid down was to govern all members of the CIO——

Presiding Inspector: (Interposing) I will take it.

A. (Continuing) ——egardless of affiliation.

By Mr. Gladstein:

Q. Were the remarks that you made at that meeting in any way ordered or suggested by the Communist Party or any of its representatives?

A. It came straight from John J. Lewis and John Brophy. Now, I have no definite knowledge as to—I have only heard some testimony around here.

Mr. Del Guercio: Now, just a minute! Is that your complete answer, "only heard some testimony"? [5678]

The Witness: Well, the only knowledge I have got of John L. Lewis being a Communist is the testimony that I hear.

Mr. Del Guercio: Brophy?

The Witness: Brophy; John Brophy?

Mr. Del Guercio: Yes.

The Witness: Yes. I have heard that, too, but I don't believe it.

By Mr. Gladstein:

Q. To your knowledge did the Communist Party or its members make any arrangements or have

(Testimony of Harry Renton Bridges.)

anything to do with the arrangements that were made for the holding of this particular meeting or any of the other meetings that were held in Los Angeles on this organizational question?

A. No. The notice of the meeting was published in the press.

Q. As coming from whom?

A. Coming from the Southern California CIO Office.

Presiding Inspector: Was it an open meeting?

The Witness: No. It wasn't exactly an open meeting. It was a meeting confined to CIO and A. F. of L. Unions. It wasn't completely a CIO Union meeting. A. F. of L. Unions were also there.

Presiding Inspector: Trade unionist meeting?

The Witness: It was closed to anybody but the trade unionists, yes.

Presiding Inspector: Admitted on cards of the Union, I [5679] suppose, or perhaps by people who knew them? There must have been some kind of recognition.

The Witness: I don't exactly recall that. The actual mechanics of the meeting was not in my hands. The Regional Director down there handled all that.

By Mr. Gladstein:

Q. Did you ever have any private conversation or personal conversation or private meeting with Mr. Ezra Chase? A. Yes, I have.

Q. When?

(Testimony of Harry Renton Bridges.)

A. I can't recall; around that time or prior to that time. I have had conversations with him and I have had communications with him, letters.

Q. On what subject matter?

A. About going into the CIO.

Q. Anything else?

A. I think, yes, also on the question of negotiations down there at one time, the various negotiations and contracts and certain difficulties that they were in.

Q. Was Communism or the Communist Party or Communist Party policies discussed in any of these conversations or in any of this correspondence? A. No.

Q. Do you know whether or not Ezra Chase was a Communist?

A. I did not. I didn't even know he was a labor spy. [5680]

Mr. Del Guercio: Well, I move that that last answer be stricken, your Honor.

Presiding Inspector: Strike it out.

Mr. Gladstein: You can cross examine.

Presiding Inspector: The witness is yours, Mr. Del Guercio.

Cross Examination

By Mr. Del Guercio:

Q. Now, Mr. Bridges, don't you attribute your success as a great labor leader even in a small way to the support given to you by the Communist Party?

(Testimony of Harry Renton Bridges.)

A. Oh, I think I might attribute it more to the attacks made on me by the Hearst press.

Q. But you have received support from the Communist Party and members of the Communist Party, have you not?

A. I wouldn't doubt that that's correct. I have received support from other parties.

Q. And you have supported the Communist Party and Communist Party leaders, have you not, throughout your so-called career?

A. Yes and no.

Q. Now what do you mean "yes or no"?

A. I have supported certain things regardless of what political party might have also supported them, and I have supported individuals and certain policies of all political parties, [5681] Democratic—

Q. (Interposing) Let us confine ourselves to the Communist Party. We are not concerned with the Republican Party and we are not concerned with the Democratic Party or any other party excepting the Communist Party.

A. So long as it is——

Q. (Interposing) When did you support the Communist Party?

A. I don't know. You would have to be specific and you would have to nail it down.

Q. Now, you have made the statement that you have supported the Communist Party. Now tell us, tell the Court here when and under what circumstances you supported the Communist Party.

(Testimony of Harry Renton Bridges.)

A. I was asked a general question. I gave you a general answer. If you will be specific and nail it down to any specific question I will give you a yes-or-no answer.

Q. You mean you refuse to answer the question as to when and under what circumstances you supported the Communist Party?

A. No. I am unable to answer the question in the form it is put.

Q. Now, when and under what circumstances did you support members and leaders of the Communist Party?

A. I can't say off-hand, I haven't stated that I have supported members and leaders of the Communist Party. [5682]

Q. Now, your testimony here has been that you did support leaders of the Communist Party.

A. I don't think that was my testimony.

Q. Now, you left Australia when?

A. You mean the last time?

Q. I mean the first time.

A. I left it dozens of times.

Q. The first time. When did you start going out to sea?

A. I can't quite recollect that. It was early in the war; around 1915.

Q. How old were you at that time?

A. Fifteen. I might say that I juggled my age around a bit. I was a little anxious to get away and I shoved it a few years ahead and later on I shoved it back a few years.

(Testimony of Harry Renton Bridges.)

Q. What do you mean you "juggled" your age?

A. Well, I might have said I was sixteen or seventeen when I wasn't that old.

Presiding Inspector: When you signed on?

The Witness: When I signed on. My folks were kind of opposed to it.

By Mr. Del Guercio:

Q. Have you juggled your age continuously since?

A. No. I have had a tough time catching up to how old I really was.

Q. For how long a period of time did you ship in and out of Australia? [5683]

A. Until I came up here: 1920. I didn't go back. Four or five years.

Q. Now, how many trips or voyages did you take out of Australia approximately during that period of time?

A. Oh, I couldn't say; fifteen or twenty. It depends on what you call a "voyage". I made many short ones. Some long ones, some fast ones.

Q. Would you say that you spent most of the time in Australian or on ships during that period of time?

A. On ships. I was getting around plenty.

Q. You have testified, I believe, that you were familiar with the labor situation in Australia at that time?

A. I was, in this way: That it didn't make much impression on me. I kind of remembered it more

(Testimony of Harry Renton Bridges.)

later on and I remember it now, but I wasn't familiar because of my own active participation, but I had some relatives that were very active.

Q. Haven't you given interviews to the effect that you were familiar with the labor situation in Australia during that period of time?

A. Nobody can be in Australia and be a working person without being familiar with the labor movement.

Q. And then you were also familiar with the movement of the IWW in Australia about that time, were you not?

A. Yes. I was opposed to it.

Q. You were opposed to them? [5684]

A. The way it was down there, yes.

Q. You knew what the IWW was doing in Australia, did you not? A. Oh, yes.

Q. You knew that they were burning docks?

A. I did not. Never heard it yet.

Q. And you knew that they were sabotaging property in Australia? A. No.

Q. You knew that the IWW had been outlawed in Australia? A. At what time?

Q. During that period of time.

A. What period of time?

Q. Well, you are a trade unionist, aren't you? You are familiar with all these trade union matters?

A. I am familiar with quite a few of them.

Q. You tell me the time that the IWW was outlawed in Australia.

(Testimony of Harry Renton Bridges.)

A. I don't know. I never heard of it. As far as I know it never was.

Q. Was it a legal Union in Australia, considered as such?

A. Yes. There was very little difference between the IWW in Australia and the Australian Workers' Unions in there. They closely follow the pattern of the IWW yet. Now, you have to differentiate when you are talking about the Australian labor movement because it is complicated. [5685]

Q. Is your testimony, Mr. Bridges, that the IWW was not engaged in sabotaging and the destruction of property in Australia during the period of time that you were out to sea and shipping in and out of Australia?

A. It is my testimony, within my knowledge, and from everything I know—I have heard that the IWW engaged in sabotage in the United States, but know not one case of sabotage that has ever been proven.

Q. You knew then, did you not, that the IWW was engaged in sabotaging and in the destruction of property in Australia?

A. I did not; I don't now. I have heard of it.

Q. And you knew the nature and character of the IWW at the time you arrived in the United States in 1920?

A. I knew what I thought it was. It was a trade union to me, and a little better than some I seen around.

(Testimony of Harry Renton Bridges.)

Q. Didn't you testify that you were in the general strike in Australia?

A. In the 1917 general strike, yes, sir, of the seamen.

Q. Who called that strike?

A. The Australian Seamen's Union, the Miners' Union, the Railway Union, and we were in a supporting position.

Q. Were you a member of any union at that time? A. The seamen's Union.

Q. Were they on strike?

A. They certainly were. [5686]

Q. Was the IWW on strike?

A. Not so much. I don't recall that particular phase of it, but the unions on strike were the bona fide labor unions of Australia and they struck the whole country.

Q. What do you mean by "Not so much?" Was the IWW on strike at that time?

A. I don't know. Everybody was on strike, whether the IWW or anything else. The whole country was on strike. It was a general strike. And the IWW, while I might not agree with them, I never found them strike breakers.

Q. Did I ask you that?

A. Well, it is in answer to your question. No.

Q. Please don't volunteer anything I don't ask.

A. I am only trying to be helpful.

Mr. Grossman: It was obviously in reply to the question asked as to whether they were on strike.

Presiding Inspector: Just reply to his questions.

(Testimony of Harry Renton Bridges.)

The Witness: All right.

Mr. Del Guercio: Your Honor, I have some material that I don't have here. May we have a short recess?

Presiding Inspector: Yes. We will take a short recess.

(Whereupon a short recess was taken.)

Presiding Inspector: You may proceed, Mr. Del Guercio.

By Mr. Del Guercio:

Q. Going back to Australia, in this 1917 strike who did you say called the general strike in Australia at that time? [5687]

A. It began in the railroad work shop in Newscastle, New South Wales, over the speed-up system. Certain men were fired and the union in the yards demanded their reinstatement. It was refused and the yard struck.

The railroad unions struck in sympathy with the yards.

The Miners struck in sympathy with the railroads.

We struck in sympathy with the Miners.

Q. Did anybody else strike?

A. Everybody struck.

Q. Including the IWW organizations?

A. I don't recall that. They were not engaged in this particular——

Q. (Interposing): Is that the only portion of the general strike in Australia that you don't recall, the part that the IWW played in it?

(Testimony of Harry Renton Bridges.)

A. I don't recall what part they played in it. There was enough other people to play a big part without considering them.

Q. As a matter of fact, you know that the IWW played the leading role and the leading part in that strike in Australia?

A. I know something exactly to the opposite.

Q. Now, was not the IWW active in Australia at that time?

A. The IWW was active almost in every part of the world I ever went.

Mr. Del Guercio: I move that that last answer be stricken [5688] and that the witness be instructed to confine himself to the questions that I am asking and not to wander all around.

Presiding Inspector: Yes; that is the rule.

A. I believe the IWW was active in Australia as well as everywhere else.

By Mr. Del Guercio:

Q. And isn't it a fact that about that time, just prior to the strike, they had a membership of about 15,000 throughout Australia?

A. I don't know.

Q. Aren't you familiar with the labor movement in Australia? A. I am.

Q. And isn't it a fact, and don't you know, and didn't you know at the time you arrived in the United States in 1920, that during the general strike in Australia, in 1917, the town of Sidney had been set on fire? A. No. I don't know it yet.

(Testimony of Harry Renton Bridges.)

Q. And didn't you know that it had been set on fire by fire bombs?

A. I don't know it yet. I don't believe it.

Q. And cotton waste?

A. No. Who did they blame it on?

Q. Don't you know?

A. No. I know who was on strike, and it wasn't the IWW. [5689]

Q. And didn't——

A. (Interposing): There was a lot of that talk.

Q. Didn't you know at that time that the Steamer Cumberland, which was loaded with meat and supplies for England, was wrecked by an explosion of a bomb while en route between South Wales and Victoria?

A. If she was en route she was filled with strike breakers and anything could happen in that case.

Q. Didn't you know that the IWW were accused of causing that explosion—you knew that, didn't you?

A. I don't know it, but I can quite believe it. I know that the IWW were always accused of a lot of things; and not only the IWW, but I remember the trade union movement down there, the bona fide trade union movement that was on strike, was certainly accused of everything.

Q. Is that in answer to my question?

A. Yes.

Q. My question was, did you know whether or not the IWW were accused of causing the explosion on the Cumberland?

(Testimony of Harry Renton Bridges.)

A. And I said everybody on strike was accused of doing a lot of things.

Q. Was the IWW accused of causing the explosion on the Cumberland?

A. I don't recall that specific case; but it is within my knowledge that I have heard the IWW accused of many, many [5690] things. I don't believe it.

Mr. Del Guercio: I move that the witness' answer be stricken, if your Honor please.

Presiding Inspector: It will save time to let it stand because immediately it will be followed by other questions along that line. I think I will let it stand.

You must confine yourself to the questions and not volunteer.

By Mr. Del Guercio:

Q. Isn't it true that two docks at Sidney were destroyed by fire and that the IWW were accused of starting that fire?

A. Not that I know of.

Q. You do know that two docks in Sidney were set on fire, don't you?

A. No, I don't. Sidney—Australia is a big country. I was a long way from Sidney at that time. I was in Melbourne.

Q. Is that in answer to my question?

A. Yes. I think you asked me if two docks in Sidney were on fire. I would have to be there to know it. I was in Melbourne.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: You are asking for knowledge here. He couldn't——

Mr. Del Guercio (Interposing): Answer "Yes" or "No".

Presiding Inspector: Listen—he couldn't know it unless he was there. If you want to insist on the word "Knowledge" [5691] in that sense—that is what he is trying the explain to you, the sense in which he takes your question in respect to "knowledge."

Mr. Del Guercio: If the Court please, the witness has already testified that he was participating in the 1917 strike and all these events are events in the 1917 strike.

Presiding Inspector: But that is a large country and he may not have been there.

By Mr. Del Guercio:

Q. Where, in Australia, were you at the time of the 1917——

Presiding Inspector: I think you mean personal knowledge.

Mr. Del Guercio: Any knowledge, wherever he may have gotten it, from newspapers or otherwise.

Presiding Inspector: He was trying to explain that.

By Mr. Del Guercio:

Q. Where in Australia were you at the time of the 1917 general strike?

A. Melbourne, Australia, living at home.

Q. Did you remain in Melbourne throughout that time——

(Testimony of Harry Renton Bridges.)

A. (Interposing): For the duration of the strike.

Q. (Continuing): ——the duration of the strike? A. Yes.

Q. Did you participate in the strike?

A. As a rank and file member; yes.

Q. Were you on the picket line, or did they have picket [5692] lines?

A. They had picket lines, yes; but in a little different sense than what they might have them here.

Q. Did you participate in the picket lines?

A. Yes.

Q. Where? A. Melbourne.

Q. On the docks? A. Yes.

Q. Now, did you know that at the time of the general strike in Australia, in which you say you participated, that the Schooner Miranda—M-i-r-a-n-d-a—was destroyed by fire?

A. Numerous schooners were destroyed by fire.

Presiding Inspector: Do you know about that schooner?

The Witness: I used to follow very closely anything like that because I was sailing in those ships. It is possible I knew about it at the time, but I don't have any recollection now.

Was it during the strike?

Mr. Del Guercio: Yes.

The Witness: Those ships were manned by scabs and they were pretty dangerous. They carried case oil and they used to blow up every once in a while.

(Testimony of Harry Renton Bridges.)

By Mr. Del Guercio:

Q. Did you know, did you have any information at that time that the IWW were accused of causing the burning of the Schooner [5693] Miranda?

A. I have a pretty extensive knowledge of those ships because I sailed on them and the IWW was not active on those ships at all. I have no knowledge of the incident you are talking of.

Q. How far is Sidney from Melbourne, Australia? A. 500 miles, roughly.

Q. Did you read the newspapers during the 1917 strike? A. Sure.

Q. Did you read an article during that time headed "Australia IWW Try to Burn Sidney?"

A. No; but I have no doubt that articles like that appeared in newspapers. The newspapers are as bad in Australia as they are here.

Q. Did you read the papers around that time?

A. Sure.

Q. Did not the Government of Australia, because of the activity of the IWW in the 1917 strike, take action, legislative action, to outlaw the IWW in Australia?

A. They took legislative action, but not because of the IWW. They took legislative action the bona fide trade union movement to outlaw strikes, and a lot of other things.

Q. Didn't they pass a law providing for the deportation of any person, not a citizen of Australia, if he belonged to [5694] or was affiliated with the IWW? A. Not that I know of.

(Testimony of Harry Renton Bridges.)

Q. You have no information on that point?

A. None at all. I have relatives in Parliament down there. I know the acts they did pass. They passed a Transport Act requiring the licensing of seamen and longshoremen.

Q. With reference to the IWW, do you know what legislation they passed?

A. None to my knowledge.

Q. Would you say they didn't pass any?

Mr. Gladstein: I think the question has been asked and answered two or three times.

Presiding Inspector: I am not sure what he meant by "my knowledge."

The Witness: Meaning that this was a long time ago and it is pretty complicated. I left shortly after that, and they might have passed legislation shortly after, or at that time, and I wouldn't know about it. But I don't recall any, or know of any.

By Mr. Del Guercio:

Q. Did you know a man by the name of Mark Sheldon—M-a-r-k S-h-e-l-d-o-n? A. No.

Q. Commissioner for Australia?

A. No. Commissioner from where? [5695]

Q. From Australia, I suppose; from the Commonwealth of Australia.

A. Commissioner in the United States?

Q. Yes; Commissioner in the United States.

A. No. I hadn't come here then.

Q. Isn't it a fact, Mr. Bridges, that a law was passed in Australia about 1918, or 1917, making it

(Testimony of Harry Renton Bridges.)

illegal for any organization, such as the IWW, to exist? A. Not that I know of.

Q. Isn't it a fact that a law was passed in Australia——

Presiding Inspector: He says he doesn't know.

Mr. Del Guercio: This is another question.

Presiding Inspector: Another law?

Mr. Del Guercio: Yes.

Presiding Inspector: All right. Go ahead. I supposed his answer was quite full; that he didn't know about that.

Go ahead.

By Mr. Del Guercio:

Q. That a law was passed providing for the imprisonment or fine, and fine, of any person belonging to the IWW?

A. No, not that I know of. I know what was done, but it is not the way you express it.

Q. Will you explain what was done in regard to the IWW?

A. You can't separate the IWW from the rest of the labor movement because the laws applied to all unions. Strikes were [5696] illegal in Australia. It was under a system of compulsory arbitration. During the 1917 strike they had our President in jail, Tom Walsh. I went to see him in jail.

Q. Was he an IWW?

A. He was not. He was President of the Australian Seamen's Union.

Q. Was he also an IWW? A. No.

Q. We are only talking about the IWW.

(Testimony of Harry Renton Bridges.)

A. And I point out that a strike was illegal, and they could throw you in jail for striking. So I can't see why they needed any such law, because that law applied to all unions. Our President went to jail, and a lot of other trade unionists went to jail.

Q. Where were you in 1919?

A. What part?

Q. Oh, for the period—the latter part of 1919, October, November and December.

A. I was on a ship called the Valmarie that sailed from New Zealand to Australia. She was wrecked on the coast of Australia. She went ashore at a place called "90 Mile Beach", 150 miles from Melbourne.

Q. Was that in 1919?

A. November, 1919.

Q. How long did you remain ashore then?

[5697]

Presiding Inspector: The ship?

Mr. Del Guercio: No. I am asking how long he remained ashore there?

A. I sailed again on that ship. We left Melbourne shortly before Christmas on this same ship bound back for New Zealand.

Q. And you remained ashore about a month?

A. More than that, I think. She went ashore in October or November, 1919. She stayed ashore for quite a while. She was towed off and taken to Melbourne to be refitted, and I worked on her while she was being refitted.

(Testimony of Harry Renton Bridges.)

Q. Did you hear anything about that time as to what action the Government of Australia had taken toward the IWW?

A. None as far as I know.

Q. I believe you said that your second arrival in the United States was in 1920?

A. Well, if you call it an arrival. The first time I was here I was here with the crew of a ship. I went ashore as a member of the crew. [5698]

Q. Well now, you arrived in the United States as a member of the crew of the SS Ysabel, did you not?

A. I arrived here and left the ship here. That's what I call my "first" arrival, really.

Q. That's on the Ysabel?

A. Ysabel, yes.

Q. And when was that? A. April, 1920.

Q. Was it April 12, 1920?

A. I believe so; sometime around there. I am not sure of the date.

Q. Where did you arrive?

A. San Francisco.

Q. And did you desert the ship at that time?

A. Under British law I deserted. Under American law I quit.

Q. Did you desert the ship at that time?

A. Under British law I deserted. Under your American law I quit.

Q. Was the Ysabel an American registry or British registry? A. New Zealand registry.

Q. New Zealand registry? A. Yes.

(Testimony of Harry Renton Bridges.)

Q. And you were employed as a seaman there under [5699] British law, were you not?

A. Under New Zealand law; British.

Q. Under New Zealand law? A. Yes.

Q. You weren't paid off, were you?

A. I was. I left half my pay behind, or some pay behind I know.

Q. Then you weren't paid off. Were you discharged? A. It depends what you mean.

Q. Did the Captain tell you that you could go off the ship? A. No. I quit. I walked off.

Q. And where did you go after you left the SS Ysabel?

A. Do you mean when I went to sea next or what I had done next?

Q. Yes. Did you remain in San Francisco?

A. For a short while.

Q. For how long?

A. I can't recall; not very long. I shipped out again very shortly after.

Q. On what ship was that?

A. I think a Shell Oil tanker, the Silver Shell.

Q. Where did you go on it?

A. Oh, I can't recall now.

Q. Was it for a foreign trip?

A. I think it was. I think we—I think we went to [5700] China and Manila.

Q. Did you sign up for a round trip?

A. I guess I would.

Q. Huh? A. I believe I would in that case.

Q. As what? A. Able seaman.

(Testimony of Harry Renton Bridges.)

Q. And when did you return to the United States?

A. I'm not sure. We returned in about a month or two, I think.

Q. And I believe you testified that you shipped in and out of San Francisco a number of times?

A. Yes.

Q. In 1920?

A. Well, not very many times that year. I think only once or twice more. For a few times towards the end of the year I think that I was sailing on the Coast for a short while. I can't recall how many times.

Q. Well, did you sign on the tanker Silver Bell in 1920? A. Silver Shell?

Q. Shell, I mean. A. Yes.

Q. That was in what? May, 1920?

A. I'm not sure. It could have been.

Q. It could have been. Did you sign on the SS [5701] Delisle? A. Yes.

Q. Did you ship on it in San Francisco?

A. Yes.

Q. About when? After you returned from the Silver Shell?

A. Yes. It was afterwards. It might have been before the Silver Shell. I'm not quite sure of which one I took first.

Q. Did you also sign on the Fred Baxter?

A. Yes.

Q. From where?

(Testimony of Harry Renton Bridges.)

A. Either San Pedro or San Francisco.

Q. And when were you paid off of the Fred Baxter? A. I don't recall.

Q. Would it be the latter part of 1920?

A. It could have been. I am not sure.

Q. These trips that you were on, the SS Delisle, Silver Shell and Fred Baxter were all foreign, were they not? A. Yes, I think they were.

Q. And I believe you also testified that during the latter part of 1920 you shipped on coastwise ships?

A. Yes. That is as far as I remember.

Q. Do you know the names of any of those coastwise ships? [5702]

A. Oh, I was on numerous runs for short periods of time. I can't remember now.

Q. Were you on the Charles Christensen?

A. I shipped on the Charles Christensen. I can recall that for a specific reason.

Q. Gray's Harbor?

A. Yes, I was on her too.

Q. When did you leave the West Coast in 1920, if you did leave in 1920?

A. I'm not sure. It might have been late in 1920 or—I am not sure. I can't remember that.

Q. Well now, directing your attention to your testimony regarding your joining the IWW in New Orleans—— A. (Interposing): Yes.

Q. (Continuing): ——you testified that you joined the IWW when? A. In 1921.

Q. What part?

A. The latter part of the year. It may be any-

(Testimony of Harry Renton Bridges.)

where from July on. July, August or September is my best recollection.

Q. Now, when did you arrive in New Orleans with regard to the date of your joining the IWW?

A. Oh, I think about six or seven months before, maybe; somewhere between, say, four and seven months I think. [5703]

Q. As what? How did you arrive?

A. I went down by Morgan Line steamer from New York.

Q. Morgan Line steamer from New York?

A. Yes, as a passenger.

Q. As a what? A. As a passenger.

Q. As a passenger? A. Yes.

Q. And do you remember the date you arrived in New Orleans? A. I do not.

Q. The month?

A. I think it was in the early part. I think it was January or February; something like that.

Q. January or February of 1921?

A. Yes.

Q. And——

A. (Interposing) I know it was prior to the '21 strike. I made two or three short trips out of New Orleans.

Q. I am coming to that now. You arrived the first part of 1921 in New Orleans as a passenger on this boat, this Morgan Line boat?

A. That's right, I think.

Q. And how long did you remain in New Orleans before you shipped out?

(Testimony of Harry Renton Bridges.)

A. I don't know; a few weeks, I think. [5704]

Q. And when was the first boat on which you shipped out? A. I can't remember.

Q. Well, now, did you ship out before the strike?

A. Yes.

Q. On how many boats did you ship out on before the 1921 strike in New Orleans?

A. My best recollection is two or three, the last one getting back to port about 10 or 15 days after the strike started. I can remember that one. That was the James Timson, a mahogany packet that run down to Central America.

Q. Now, you said you arrived in New Orleans as a passenger and that you got on at New York?

A. I paid my passage from New York to New Orleans.

Q. Just prior to your going to New Orleans hadn't you been employed as a seaman?

A. Yes.

Q. And what was the last ship that you were on before your departure for New Orleans?

A. I think I made a second trip on the Delisle. No, it was a Luchenbach steamer and they laid her up in Boston.

Q. And when did you arrive in Boston?

A. I don't know, but I know the snow was about six feet deep.

Q. Well now, if the records of the Immigration office there show that you arrived there and paid off *in* February 5, [5705] 1921 would that be correct?

(Testimony of Harry Renton Bridges.)

A. That could easily be correct, yes.

Q. So that you were in Boston on about February 5, 1921?

A. That's possible, yes. I am not too sure. If that's the case, of course I arrived in New Orleans much later. I am not too sure. That's a long while ago.

Q. Now, did you go from Boston to New York?

A. From Boston to New York by the small steamer that run down there, yes.

Q. If the records at the New Orleans office show that you signed on the SS James Timson on April 21, 1921 for a trip to Belize, British Honduras, would that be correct?

A. That would be correct.

Q. So you were not in New Orleans after April 21, 1921; is that correct?

A. I was in New Orleans. The records——

Q. (Interposing): You signed on this SS James Timson on April 21, 1921? A. Right.

Q. For a trip to British Honduras?

A. All right.

Q. Did you go on that trip to British Honduras?

A. I did.

Q. And was it on April 21, 1921?

A. I can't recall, but if the records—— [5706]

Q. (Interposing): If the records so show, would that be correct?

A. I'm sure they would.

Mr. Del Guercio: All right. I don't know

(Testimony of Harry Renton Bridges.)

whether I can assure him or not that the records so show.

Presiding Inspector: It isn't very material, is it?

The Witness: I came back and paid off that ship and went to the Marine Hospital in New Orleans for a few days.

By Mr. Del Guercio:

Q. All right. When did you return to New Orleans on the James Timson?

A. Very shortly afterwards. It was a short trip.

Q. If the records showed that you returned on May 25, 1921—no, wait just a minute, please! How many voyages did you go on the SS James Timson?

A. I don't recall, but I think it was only one.

Q. Well now, didn't you also go to Nicaragua on it? A. Yes.

Q. And wasn't that also in 1921?

A. Yes.

Q. And didn't you return from a trip to Nicaragua on the James Timson on February 25, 19—May 25, 1921 A. It's possible.

Q. And weren't you at that time held at the Immigration Office? [5707] A. No, I was——

Q. (Interposing): Weren't you detained at the Immigration Office after your arrival from Nicaragua?

A. No. We were detained in quarantine on account of fever. I went to the hospital for a check-

(Testimony of Harry Renton Bridges.)

over. In quarantine the doctor looked us over and it was something that they looked us over for, and a half a dozen of us, I think, were told to report to the hospital for further observation. I believe it was a preventive measure because of some fever that was raging down in Nicaraugua at that time or in Belize.

Q. Well, that was immediately upon your return from this trip to Nicaraugua?

A. That was when I came off the SS James Timson. I went to the hospital, I know that, and was discharged immediately.

Q. Where is Bluefields?

A. Bluefields is in Nicaraugua.

Q. Well, would you say that that is the correct date when you returned from Nicaraugua? About May 25, 1921?

A. I think so. I think that would approximately be it.

Q. When did the strike in New Orleans start?

A. The beginning of May. I am not sure of the exact date. It may have been the first or the fifth or something like that.

Q. It might? [5708]

A. Yes. I know I came back in the middle of the strike.

Q. You were at sea when it started?

A. I was at sea when the strike was declared.

Q. As a matter of fact, you shipped out just before it was called, did you not?

A. Not "just before."

(Testimony of Harry Renton Bridges.)

Q. A short time before?

A. Two or three weeks before.

Q. Two or three weeks before?

A. Yes; shipped out in turn from the Union hall.

Q. Were you a member of any union at that time?

A. I was a member of the Sailor's Union of the Pacific and the Eastern Gulf Sailors' Association. I shipped out from their Union hall on my regular turn on the list.

Q. Did you vote on the question as to whether a strike should be taken? A. I did.

Q. Where?

A. I don't recall, but I voted.

Q. Well, when was the strike called? Or when was the discussion had as to calling a strike?

A. Discussions extended all the way back into the time I was on the West Coast in the Union meetings.

Q. And then you were a member of a union at the time the strike was called and during the strike?

[5709]

A. Certainly.

Q. And the strike was called by whom?

A. The International Seamen's Union of America.

Q. Any other unions participate?

A. Yes. The Marine Engineers Union participated and the others were in and out all the time.

(Testimony of Harry Renton Bridges.)

Q. And you remained a member of the union there throughout the strike, did you not?

A. I did until after the strike.

Q. You did until after the strike?

A. That is, in so far as that I was in good standing. My dues were paid up, I was on the picket line and all the rest of it during the strike.

Q. How long did the strike last?

A. I'm not sure of the exact date. It lasted a couple of months and it kind of petered out on the East Coast. Nobody knew when it was off and when it was on. We would be told one day it was off and the next day it was on.

Q. Did it end—was it ended in June, 1921?

A. On the East Coast?

Q. No, in New Orleans. You were in New Orleans all this time?

A. That's right. That is what I mean. There was a division. The West Coast stayed on strike sometime after the East Coast went back to work.

[5710]

Q. Well now, was the strike ended in New Orleans in June, 1921?

A. I am not sure. It is possible.

Presiding Inspector: You count the Gulf as part of the East Coast?

The Witness: Eastern Gulf. That was the name. There were two divisions.

By Mr. Del Guercio:

Q. Why did you join the IWW?

A. When?

(Testimony of Harry Renton Bridges.)

Q. Why?

A. Why? Well, the strike was being sold out. It had gradually got to where it was nothing more than a racket. The leaders of the strike itself, the leaders of the International Seaman's Union at that time, although we had the lonshoremen lined up to support us in New Orleons, and they were perfectly willing to support us, the leaders of the International Seamen's Unions told them that we didn't need any support.

Q. But the strike was over, was it not, when you joined the IWW?

A. No. I joined during the strike.

Q. Huh?

A. I joined during the strike.

Q. Your testimony is that you joined in July, 1921. [5711]

A. I might be a little wrong as to dates. After all, you have got the record there.

Q. Well, your testimony is that you were a member of a union during the entire time of the strike.

A. I was a member of the——

Q. (Interposing): Of the Seamen's Union?

A. That's right.

Q. Could you be a member of two unions at the same time? A. I was.

Q. Huh?

A. I was a member of both of them, and I can tell you why I joined the IWW at that time and what——

(Testimony of Harry Renton Bridges.)

Q. (Interposing): How long did you remain a member of the IWW? A. A few months.

Q. Well now, as I get your testimony here, at one time you testified that you remained a member two months and another time you testified that you remained a member until the latter part of that year or the early part of the following year. Now which is correct?

A. I can't say which is correct. I am doing the best I can on dates. It's twenty years ago.

Q. Well, is it possible that you were a member of the IWW for more than two months? [5712]

A. Yes, it is.

Q. Is it possible that you were a member of the IWW for more than six months?

A. I don't think I would put it more than six months.

Q. Did you ever drop out of the IWW?

A. Oh, yes.

Q. Now, how, when and where?

A. I dropped out very definitely. I notified—I was on one ship when they had an organizer aboard there and he came around and tried to solicit me again, and I told him, for example, "No, I was in once. I'm out." And I told him the organizer in that field at that time that I was through.

Q. Now, what ship was that?

A. That was the Eldorado, the early part of '22.

Q. The early part of—and where did you ship on the SS Eldorado? A. New Orleans.

Q. Foreign?

(Testimony of Harry Renton Bridges.)

A. Yes. That was a foreign ship.

Q. And where did it go? A. West Coast.

Q. And who was the organizer of the IWW that you told?

A. I can't recall. I remember him when I was ashore. I remember him as being one of the organizers and I don't know his name.

Q. Well, would the manifest of the crew of the SS [5713] Eldorado refresh your memory?

A. It might.

Q. It might?

A. It might. You mean as to whom the IWW organizer on that ship was?

Q. Well, you said he was on the ship, didn't you?

A. The manifest might refresh my memory. I am not sure if it would.

Q. And just what did you tell this organizer of the IWW?

A. We used to talk about the IWW. I used to——

Q. (Interposing): With regards to your dropping out?

A. I told him I was through.

Q. Huh?

A. I told him that I had dropped out sometime prior to that.

Q. And what did he say?

A. And I dropped out in the official fashion.

Q. No, no. What did the organizer say?

(Testimony of Harry Renton Bridges.)

A. Oh, I think he worked pretty hard on me to get me back.

Q. Did you give him—did you surrender your book to him at that time?

A. No, not to him. My book had already gone back. I am not sure about my book. I don't know what happened to that. [5714] As a matter of fact, I think I kept my book for quite a while.

Q. Can you drop out of any Union by just telling an organizer of the Union that you are dropping out?

A. You can drop out of any Union if you don't pay your dues over a certain period of time.

Q. Were you ever expelled from the IWW?

A. I never was.

Q. Huh? A. Never was.

Q. So that if I give you an opportunity now to refresh your memory would you be able to say exactly how long you remained a member of the IWW? A. I might.

Q. Huh? A. It is hard to say.

Q. How much time do you want?

A. Oh, do you mean just sit up here and think it over?

Q. Yes.

A. I don't think I could do any better than I have done.

Q. That's the best?

A. Well, it's not bad after twenty years.

Q. Did you—now, Mr. Bridges, didn't you testify at your previous deportation hearing in 1939

(Testimony of Harry Renton Bridges.)

that you joined the IWW during the strike in New Orleans? A. Yes.

Q. Was that correct? [5715]

A. I testified to the same thing here, and it's correct.

Q. You mean that your present testimony is also to the effect that you joined the IWW during the strike in New Orleans?

A. I am sure I said that yesterday or the day before and today. It's the truth.

Q. Did you have an interview with Theodore Dreiser of Los Angeles on October 4, 1940?

A. I did.

Presiding Inspector: The novelist?

The Witness: Yes.

By Mr. Del Guercio:

Q. And did you tell Mr. Dreiser that you joined the IWW after the 1921 strike because you saw how the A. F. of L. had sold out the strike?

A. I don't think so. I wouldn't tell him that. After all, putting it after the strike or before or during the strike wouldn't make any difference.

Q. To whom.

A. To Mr. Dreiser. And he might make a little slip here or there, if you know him.

Q. Well, is it possible that you did in fact join the IWW after the strike in 1921?

A. The best of my memory is during the strike.

Q. What became of your membership book in the IWW? A. What was that? [5716]

(Testimony of Harry Renton Bridges.)

Q. What became of your membership book?

A. I don't know. I don't know. I wish I had it now.

Q. Who signed your membership book?

A. I don't remember that either.

Q. You have seen the membership book in the IWW that the Government has introduced in this hearing? A. Yes.

Mr. Del Guercio: Do you have that here?

The Witness: I had a similar one.

By Mr. Del Guercio:

Q. You had a similar one? A. Yes.

Q. And if I showed you this Government's Exhibit, the IWW book, you would say that you had a book similar to that?

A. As far as I remember, very similar.

Q. Were you ever in Mexico?

A. Yes.

Q. When?

A. Oh, I don't know. I think it was either—I was down there in 1920, I was down there in 1921 sometime for a while.

Q. Did you ever work in Mexico?

A. Tried to. I was out of luck.

Q. Doing what?

A. Oh, I was almost willing to do anything. I was [5717] hungry.

Q. Did you ever work in any oil field in Mexico?

A. No, I tried to.

Q. You didn't succeed in obtaining work?

(Testimony of Harry Renton Bridges.)

A. No. They didn't need any riggers. I was looking for a rigging job.

Q. Did you tell Mr. Dreiser in the same interview that you had obtained work as a rigger in the oil fields in Mexico?

A. Well, he might have picked up the expression "As a rigger."

Q. Well, did you tell him that you had done work, had worked as an oil rigger in Mexico?

A. Possibly.

Q. That was not a true statement, was it?

A. It was.

Q. Well, isn't it your present testimony that you did not work in Mexico?

A. That isn't what you asked me. I have worked in Mexico in more ways that one. I am just trying to be clean on it.

Q. Did you ever work as a rigger in an oil field in Mexico. A. No.

Q. Did you tell Mr. Dreiser that you worked as a rigger in an oil field in Mexico? [5718]

A. Oh, we had a long conversation about that. He might have used the term "rigger."

Q. Did you tell Mr. Dreiser that you had worked as a rigger in an oil field in Mexico?

A. I don't think so. I told him what I did work at.

Q. Did Mr. Dreiser correctly quote you in the magazine "Friday" for October 4, 1940 when he said that you had told him that you had worked as a rigger in an oil field in Mexico?

(Testimony of Harry Renton Bridges.)

A. That might be what you call a correct quote. He mightn't have got the technical term correct.

Q. Did Mr. Dreiser quote you correctly in this magazine "Friday" for October 4, 1940 when he quoted you as saying that you joined the IWW in New Orleans after the 1921 strike?

A. He might have quoted me correctly. He quoted me correctly on every substantial point. On minor points, such as dates or technical terms, it is entirely possible that there is a mistake here or there. That would possibly be my language instead of Dreiser's.

Q. Did Mr. Dreiser quote you correctly when he said that you joined the IWW because the A. F. of L. had sold out the strikers?

A. That was one of the main reasons I joined, whether he said it or not. If he said it, it's true. I mean, in that case the particular leaders involved.

Q. Is this in explanation of the——

A. (Interposing): Yes. I say I mean in that case the [5719] particular A. F. of L. individuals involved. I can name them.

Q. Now, you testified that you knew at the time you joined the IWW that it had anarchistic doctrines?

A. I didn't. I didn't testify to that. You mean at the time I left, I knew that?

Q. You left because they were anarchistic?

A. One of the reasons, yes.

Q. Now, what do you mean by "anarchistic"?

(Testimony of Harry Renton Bridges.)

A. Disorganized, leads to disruption, too fertile a field for provocative agents, and there were—too fertile a field for labor spies to work in, employers' agents. The place was full of them.

Q. How old were you at this time?

A. I was old enough.

Q. How old were you?

A. About twenty, nineteen.

Q. Had you ever heard the word "disrupter" at that time?

A. No only heard it. I knew some.

Q. Huh?

A. It wasn't a question of words. I knew one when I seen one or heard one.

Q. I believe you also used the word "syndicalist"?

A. "Syndicalist," yes.

Q. Do you know what it means? [5720]

A. I did and do now.

Q. And is that the reason you dropped out, because there were syndicalists and anarchists?

A. It wasn't a question of words. It was a question of tactics. But you're right. I didn't agree with syndicalistic views.

Q. No, I didn't say you didn't agree.

A. All right.

Q. Are you in favor of laws against syndicalism or regulating syndicalism?

A. No. It depends upon how you use the term. You might mean something different than what I

(Testimony of Harry Renton Bridges.)

do. Explain what you mean by "syndicalism" and I will tell you.

Q. I would rather have you explain.

A. To me it simply means a trade union or an organization of workers that favors direct action at all times and with a complete disregard, and not only disregard but opposition, to any form of political action. That's what I mean by "syndicalism." And I am not in favor of laws to prevent a union being syndicalistic if they want to.

Q. And is it your testimony that all the laws, state syndicalism laws are directed against only organizations such as you describe?

A. Oh, no. Those laws were directed against all organizations.

Q. And what is your position with respect to those [5721] laws?

A. A hundred per cent against them, and I worked hard to get rid of some of them.

Presiding Inspector: What do you mean by "direct action"?

The Witness: "Direct action" means the use of economic action as against—that is, without any attention or resorting to the processes of mediation, arbitration, negotiation. In other words, you settle your disputes by walking off the job. You get everything by walking off the job. And that was generally the IWW policy. That works all right up to a point, but there comes a time when something has to be settled and a contract has got to be negotiated and signed and lived up to.

(Testimony of Harry Renton Bridges.)

Mr. Del Guercio: Is the Court through?

Presiding Inspector: Yes. I wanted to get his understanding of the phrase.

By Mr. Del Guercio:

Q. Did you in 1921 file a Declaration of Intention in the United States District Court for the Eastern District of Louisiana in New Orleans?

A. A Declaration of Intention for citizenship you mean?

Q. Yes. A. Yes.

Q. And was that under oath? A. It was.

Q. And was all the information contained in that decla- [5722] ration true and correct?

A. To the best of my knowledge it was.

Mr. Gladstein: May I see it?

(The document referred to was passed to Mr. Gladstein.)

By Mr. Del Guercio:

Q. Now, I will show you a certified copy of the Declaration of Intention filed in the United States District Court, Eastern District of Louisiana in New Orleans, on May 7, 1920 by one Harry Renton Bridges, and ask you if that is your declaration?

Presiding Inspector: A copy of it.

Mr. Del Guercio: A carbon copy of the original.

A. That's right. This is my signature, and—— that's right.

By Mr. Del Guercio:

Q. Did you at that time state under oath that you were born at Melbourne, Australia?

(Testimony of Harry Renton Bridges.)

A. Yes.

Q. On the 28th day of July, 1899?

A. Yes.

Q. Is that the correct date of your birth?

A. No.

Mrs. King: If your Honor please, I think it is all immaterial.

Presiding Inspector: Well, of course, it's importance may be slight or great, but I think it is material. Contra- [5723] dictory statements made by the witness.

Mrs. King: The only thing is this, if your Honor please. It was some time ago when we offered character evidence in this case and you said there had been no attack on character evidence. If this kind of testimony——

Presiding Inspector: (Interposing) This isn't an attack on character.

Mrs. King: Certainly it is.

Presiding Inspector: No, not a direct attack. That doesn't open the door to proof such as you have suggested.

Mrs. King: Because it certainly is an attack on his veracity.

Presiding Inspector: An attack on his veracity in that particular.

Mrs. King: Yes. That seems to me under the—

Presiding Inspector: (Interposing) Oh, no.

Mrs. King: (Continuing) ——rules laid down in Wigmore, that is exactly the thing which opens up the door.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: I think not. I won't dispute you about Wigmore, but I am confident——

Mrs. King: (Interposing) I have it here.

Presiding Inspector: (Continuing) ——that that is not the general rule. There may be all kinds of contradictory statements and you may claim, or the other side may claim that it does affect his character but that doesn't open the door to character witnesses to show by general reputation——[5724]

Mrs. King: (Interposing) What his reputation for truth and veracity is when there is an attack on his veracity?

Presiding Inspector: No, not unless there is proof that his reputation is the contrary.

Mrs. King: I don't believe—I would like your Honor to stop at this time, if I may, to discuss this whole problem, because apparently there is an intention to attack it in this way. And it seems to me that it does open the door under the rules as laid down by Wigmore, that that is definitely the way not because there is a general attack on his reputation, but where there is an attack on him for contradictory statements.

Presiding Inspector: I will examine any authorities that you may submit to me. It is not the rule that I am familiar with.

Mrs. King: And it says here——

Presiding Inspector: (Interposing) It won't make any difference anyway. We would be entitled to take this. I would be entitled to take this.

(Testimony of Harry Renton Bridges.)

Mrs. King: All right. But I just wanted you to realize that we are going to raise the contention——

Presiding Inspector: (Interposing) Oh, certainly.

Mrs. King: (Continuing) ——if this type of evidence is introduced.

Presiding Inspector: I should think you would.

Mrs. King: That there has been an attack on Mr. Bridges' credibility, and that we will have to bring in a large number [5725] of character witnesses if this kind of thing is indulged in.

Presiding Inspector: If you are permitted to.

Mrs. King: Yes, if we are permitted to, of course, your Honor. But we feel that this is entirely outside the issue and it is an attempt to——

Presiding Inspector: (Interposing) Oh, this witness' credibility, of course, will be subject to attack.

Mrs. King: Yes.

Mr. Del Guercio: Of necessity it must be, if your Honor please.

Mrs. King: For truth and veracity.

Presiding Inspector: You don't need to say anything.

Mrs. King: As I say, these efforts to just whittle away on this kind of thing seems to us——

Presiding Inspector: Just exactly the same as you have done in certain of the witnesses.

Mrs. King: This does, though, as——

Presiding Inspector: (Interposing) Of course, the Government hasn't attempted to prove any good

(Testimony of Harry Renton Bridges.)

reputation. We haven't allowed it. There hasn't been any such thing suggested except in the case of Mr. Horn. But this is the first that we have heard of any contradictory statements with respect to Mr. Bridges.

I think we had better get along. When we come to your matter that can be taken up then. I would be very glad to see [5726] any authorities that you wish to submit.

Mr. Del Guercio: I want to make a correction there for the record.

Presiding Inspector: Go ahead.

Mr. Del Guercio: I have stated the wrong date that this declaration was filed. It was filed on July 3, 1921.

By Mr. Del Guercio:

Q. Is that correct?

A. That's the date, if that's the correct date on there. I didn't notice it.

Mr. Del Guercio: I offer this in evidence as Government's Exhibit next in order.

Mr. Gladstein: We object to if as immaterial, your Honor.

Presiding Inspector: I will receive it.

(The document referred to was received in evidence and marked Government's Exhibit No. 277.)

By Mr. Del Guercio:

Q. Do you have your discharge papers from any of the vessels on which you shipped?

(Testimony of Harry Renton Bridges.)

A. I have some. I don't know exactly where they are. I could search for them and see what I can get together.

Q. You don't have them with you? A. No.

Q. Do you know what employment you had for the period [5727] from July, 1921 to March, 1922?

A. From when? July what?

Q. July, 1921 to March, 1922?

A. No. I can't recall offhand.

Q. Did you ever sign on the Chickasaw City?

A. Yes, I was on her for a while, anyway. I can't——

Q. Was it in July or August, 1921?

A. It might be around that time, yes.

Q. If the records show that you did, would that be correct or incorrect?

A. I was on the Chickasaw City during '21 and I would not dispute the record as to the month.

Q. You know, do you not, that a record of your arrival as a member of the crew is kept at the Immigration and Naturalization Office at the port of arrival? A. That's right.

Q. And that is made at the time of your arrival?

A. And it is noted on your passport, on your seaman's passport.

Q. And you were examined and inspected by an Immigration Officer upon each and every arrival from a foreign ship?

A. As far as I recall, yes. The ship wasn't allowed to dock.

(Testimony of Harry Renton Bridges.)

Q. What?

A. The ship wasn't allowed to dock, as far as I recall, [5728] and no trip that I was ever on, the ship wasn't allowed to dock until that inspection had been made. [5729]

Q. Did you sign on the Lake Falama—F-a-l-a-m-a? A. I think I did.

Q. What? A. I think I did.

Q. And where did you ship on it?

A. I don't—it may be New Orleans, it might have been Mobile, it might have been Vera Cruz.

Q. If the records show that you shipped on this vessel at Galveston, Texas, September 6, 1921, would you say that is correct?

A. It might be; although my recollection is it was at Vera Cruz.

Q. Vera Cruz, Mexico?

A. That might be the period of signing on. I might have been on the ship before—at the termination of the articles. It is my recollection that I picked her up in Vera Cruz.

Q. Were you paid off from this ship, the Falama on September 28, 1921, at New Orleans?

A. It is possible.

Q. So that you were not in New Orleans, were you, in July or August, 1921?

A. If the report shows I was on those ships, I was on the ships; I was not in New Orleans.

Q. Then you were not in—but you were in New Orleans the early part of July? [5730]

A. It is possible.

(Testimony of Harry Renton Bridges.)

Q. Say, about the 13th of July?

A. It is possible.

Q. And you had been arrested in New Orleans, had you not? A. During the strike?

Q. During the strike. A. Yes.

Q. And do you know the date of that arrest?

A. No, I don't remember.

Q. Have you ever checked it?

A. No, I can't say I have.

Q. Have your attorneys checked the date of your arrest in New Orleans? A. I don't know.

Q. Do you know that there is a record of your arrest?

A. I don't think there is. We were released without being booked.

Q. Well, Mr. Bridges, as a matter of fact you were booked, were you not? A. I was booked?

Q. Yes.

A. I might have been; I am not sure.

Q. Do you know what you were charged with?

A. We were charged with loitering. We were on the picket [5731] line.

Q. I said "July". My records show you were arrested on June 11, 1921. A. June 11?

Q. Yes. A. It could be correct.

Q. You were in New Orleans on June 11, 1921?

A. I was arrested, sure, on the corner—I know the street.

Q. Were you a member of the IWW at the time of that arrest?

(Testimony of Harry Renton Bridges.)

A. I was a picket captain at that time.

Q. Were you a member of the IWW at the time of that arrest?

A. I could have been; I am not sure.

Q. Was it because of your activities in the IWW that you were arrested?

A. It was because of my activity on the picket line.

Q. Was it because of your activities in the IWW—"Yes" or "No"?

A. No. I can recall the circumstances. The Mayor issued an order——

Q. (Interposing) I didn't ask for the circumstances, unless it is to qualify your answer.

A. It does qualify the answer. [5732]

Q. You mean it might not be "No"?

A. "No"—with qualifications.

Q. Were you ever employed on the SS Eldorado? A. Yes.

Q. Where did you sign on?

A. New Orleans.

Q. When? A. I don't know.

Q. Could it have been October 11, 1921, if the records so show? A. It could be.

Q. And where were you paid off?

A. San Francisco, I think; maybe Seattle—maybe some—I was paid off on the Pacific Coast.

Q. If the records show that you were paid off in San Francisco, California, on November 12, 1921, would that be correct?

A. I would not dispute it.

(Testimony of Harry Renton Bridges.)

Q. The records show that you signed on the SS Eldorado at Anacortes, Washington, November 30, 1921, and that you were paid off in San Francisco February 22, 1922, is that correct?

A. It is possible.

Q. I mean February 26, 1922, is that correct?

A. It is possible.

Q. Were those all of the vessels upon which you were employed [5733] during the period from July 1921 to March 1922, and I will list them again for you: The Chickasaw City, the Lake Falama and the SS Eldorado.

A. As far as I recall. I remember—I am not sure if I made any trips, or if I worked on them, but I know I tried to ship on other ships; one Norwegian and one British, two British ships. I am not sure if I sailed on them or made any trips. As far as I know, I can't recall any others than you have outlined there.

Q. Now, the records show that you signed off the Lake Falama on September 28, 1921, and then signed on the next ship, SS Eldorado, on October 11, 1921. From September 28, 1921 to October 11, 1921, where were you? A. I don't know.

Q. Were you in New Orleans?

A. Possibly.

Q. If you signed on in New Orleans on October 11, 1921, would that refresh your memory?

A. If I signed off in New Orleans and I signed on another ship three weeks or a month later, the

(Testimony of Harry Renton Bridges.)

possibilities are I was in New Orleans. I can't remember.

Q. Now, were you ever employed on the SS Lydonia—L-y-d-o-n-i-a? A. Yes.

Q. That was a Coast Geodetic Survey about which you [5734] testified on direct examination?

A. That is right.

Q. And when did you sign on it?

A. I don't remember.

Q. If the records show it was on March 3, 1922 would you say that that was correct?

A. I wouldn't dispute it.

Q. And you were employed as what on the ship?

A. Quartermaster.

Q. You didn't sign on as Quartermaster, did you? ?A. I think I did.

Q. Did you sign on as an able bodied seaman?

A. That might be. I might have signed on as an able bodied seaman and was transferred, or given the Quartermaster's job a little later on.

Q. How long did you remain on that ship?

A. A few months; six or seven months, I think.

Q. And were you discharged?

A. I left; I quit. I have got an honorable discharge.

Q. Were you discharged because you needed hospitalization?

A. No—oh, yes. I was not discharged. Shortly after I went on there I had to go to the hospital for spinal meningitis. Then I went back to my ship.

(Testimony of Harry Renton Bridges.)

Q. Was that at the Marine Hospital in Los Angeles? [5735]

A. San Francisco. But I went back to the ship after that.

Q. It was after that that you were promoted to Quartermaster?

A. I am not sure. I was acting Quartermaster before I went to the hospital.

Q. When did you say you were discharged?

A. From what?

Q. From the Lydonia?

A. I wasn't discharged.

Q. Wasn't it a fact that you were discharged at Oakland, California, October 4, 1922?

A. Discharged at my own request; yes. I left at my own request.

Q. You were discharged, weren't you? Isn't that the usual expression? A. All right.

Q. Seamen are discharged, aren't they?

A. No. That is not the way. They pay off.

Q. And are discharged?

A. And they get a discharge; a paper.

Q. And did you serve on that vessel while it was stationed at Coos Bay, Oregon?

A. Eureka and Coos Bay; yes.

Q. Now, on direct examination you stated that you couldn't [5736] recall your earliest employment on the west coast?

A. Not all that I had. I had short periods of employment. My earliest recollection, of course, would go back to my longshore work. After I quit

(Testimony of Harry Renton Bridges.)

going to sea there were spaces in between, even during the time that I was working on the waterfront, that I had other employment for a short while.

Q. When did you first begin working as a longshoreman?

A. To the best of my recollection it was late in '22 or maybe early in '23.

Q. What does a longshoreman's work consist of?

A. A lot of hard work sometimes; but in general it is the work of loading ships, or loading cars on the docks; or discharging ships and discharging cars on the docks, generally speaking.

Q. Stevedore work?

A. Stevedore work; yes.

I think now I recall that at Christmas, 1922, I was working as a lumber piler in San Francisco, at Van Arsdale and Harris, Fifth and Brannon Streets.

Q. It was after that that you began working as a longshoreman?

A. No. I put in a little time before that. After I got through there, if I am correct, I worked for a while as a longshoreman and then I had other employment for a little while. [5737] I made a couple of trips here and there.

Q. Did you go to sea?

A. Not to sea, no. I went up to Oregon.

Q. Where?

A. I went up to Oregon for a few days, or a week, or something like that, and came back.

(Testimony of Harry Renton Bridges.)

Q. When was that?

A. I don't know; some time in '23.

Q. It was after you were discharged from the Lydonia?

A. Yes. The last time I went to sea was on the Lydonia.

Q. What part of Oregon did you go to?

A. Portland and Coos Bay.

Q. After you began working as a longshoreman, what was the first employment you had as a longshoreman, and with whom, if you know?

A. I don't know.

Q. Was it with the California Stevedoring Company? A. I don't know.

Q. Could it have been?

A. It could have been. I have an idea it was. I am not sure, though.

Q. Was there any union at that time?

A. No.

Q. In 1923, any longshoremen's union?

A. No; not a bona fide union. A company union. [5738]

Q. Was there a company union?

A. Oh, yes.

Q. What was the Company union known as?

A. The Longshoremen's Association of San Francisco; commonly known as the Blue Book.

Q. Was that the same Blue Book Union that was in existence in 1933? A. Yes.

Q. That was in existence, you say, in 1923 also?

(Testimony of Harry Renton Bridges.)

A. Yes. It was formed following the 1919 strike in San Francisco.

Q. Now, was that an A F of L Union?

A. No; it was a company union.

Q. Now, was there any effort made in 1924 to form a longshoremen's Union?

A. There was one formed; yes.

Q. By whom?

A. Lee J. Holman at that time——

Q. (Interposing) In 1924?

A. In 1924. I can only recall a few of the people. I recall Lee J. Holman; yes.

Q. Holman was active as a longshoreman at that time?

A. No; he was active in this particular union. He is the only one I can recall. There were others.

Q. Did you participate in an attempt to form a longshore- [5739] men's union?

A. I became a member at that time.

Q. Did you become a member of it after it was formed or were you one of the organizers?

A. Well, it was never really formed. I mean it never got established to any great degree. The membership, I think, grew to around 500; and we were all, in a way, organized, as far as individuals was concerned.

Q. Did you work with Holman to attempt to organize this union? A. Not very closely.

Q. Did you work with anyone?

A. No; not to any great degree.

(Testimony of Harry Renton Bridges.)

Q. As a matter of fact, you had nothing to do with the forming of that union, did you?

A. No, in that sense I wouldn't. If you mean to say was I a charter member, or active when the thing began, not at all.

Q. A charter had been given this union in 1924, had it not?

A. Oh, sure. It had been going for some time.

Q. By the A F of L? A. Right.

Q. And you were not one of the charter members, were you?

A. No. I never said I was at any time. [5740]

Q. Didn't you testify in your previous hearing that—strike that. Now, what was that union called that was formed in 1924, the A F of L union?

A. I don't remember the exact designation, or the number of the charter. It was what was called the Red Book. It was a re-establishment of the old union that had existed in 1919. It had a number, but I just don't recall it now.

Q. Well, now——

A. (Interposing) I can check up and find out.

Q. Was it known as Local 38-33?

A. That is right; that was the number.

Q. Of the International Longshoremen's Association? A. Right.

Q. And that was an American Federation of Labor Affiliate? A. Right.

Q. And isn't it a fact that it had been on the waterfront since 1919?

(Testimony of Harry Renton Bridges.)

A. No—well, it all depends. If you mean that somebody——

Q. (Interposing) This Local 38-33?

A. That is right; that is correct. The charter had been kept in existence, maybe, by a small group of men. But when you say it had been on the waterfront, that simply means that a group of men got together, and paid dues, and talked to themselves—that is all it meant. [5741]

Q. Were you a member of 38-33?

A. Yes.

Q. Now, was there another local of the ILA in 1925 in San Francisco? A. Of the ILA?

Q. Yes. A. No.

Q. There was 38-33?

A. As far as I recall that was the only one.

Q. Was there also a 38-69?

A. I don't think so; not that I recall. I might be mixed up in the local numbers. I don't recall any such local in 1925.

Q. Well, which one did you belong to, 38-69 or 33-38—I mean 38-33?

A. Well, I wouldn't be sure as to what the number was.

Q. Have you any way of checking?

A. I think I could check. I have a recollection—I am thinking now whether there was an ILA charter among the lumber workers, lumber clerks. I have some kind of a recollection there was.

Q. Did you have anything to do with obtaining of the charter for either 38-33 or 38-69?

(Testimony of Harry Renton Bridges.)

A. No, actively, no.

Q. Were you a charter member of either one of those two [5742] locals?

A. In the sense that you only have to have ten members to get a charter, I was not one of them. I was one of the original members; that was all.

Mr. Del Guercio: I am going into a new subject. I don't want to go into it before lunch.

Presiding Inspector: We have seven minutes.

Mr. Del Guercio: I won't be able to complete it.

Presiding Inspector: You want to recess at this time?

Mr. Del Guercio: Yes.

Presiding Inspector: Two o'clock this afternoon.

(Whereupon, at 12:25 p. m. a recess was taken until 2:00 p.m. of the same day.) [5743]

After Recess
2:00 o'Clock P. M.

Presiding Inspector: You may proceed, Mr. Del Guercio.

HARRY RENTON BRIDGES

called as a witness in his own behalf, having been previously duly sworn, testified further as follows:

Mr. Del Guercio: May I have the last question, please?

(The question and answer referred to were read by the reporter as recorded.)

(Testimony of Harry Renton Bridges.)

Cross Examination (Resumed)

By Mr. Del Guercio:

Q. Now, did you, on June 15, 1928, prepare and file with the United States Immigration and Naturalization Service, here in San Francisco, a Preliminary Form for Petition for Naturalization?

A. I did, around that time.

Q. And did you prepare it in your own handwriting? A. I think I did.

(Whereupon Mr. Del Guercio passed a document to Mr. Gladstein.)

By Mr. Del Guercio?

Q. I will show you Form 2214; Preliminary Form for Petition for Naturalization submitted by one Harry Renton Bridges, 37 Alpha Street, San Francisco, California, and ask you if that is the petition you prepared and filed? [5744]

A. (Examining document): Yes, sir; this is it.

Q. Is that filled out in your own handwriting?

A. It is; and signed by me.

Q. Did you answer all of the questions on this petition? A. I did.

Mr. Del Guercio: I offer this in evidence as Government's next exhibit in order.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government Exhibit No. 278.)

(Whereupon Mr. Del Guercio passed a document to Mr. Grossman.)

(Testimony of Harry Renton Bridges.)

By Mr. Del Guercio:

Q. Now, did you, on the 9th day of August, 1928, file another Declaration of Intention in the U. S. District Court in San Francisco?

A. I did; about that time.

Q. And that was under oath? A. It was.

Q. Before the Clerk of the U. S. District Court here in San Francisco? A. That is right.

Q. I will show you a certified copy of a declaration of intention filed in the U. S. District Court at San Francisco on August 9, 1928, by one Harry Renton Bridges, and ask you if [5745] that is your Declaration of Intention, or a certified copy of your Declaration of Intention?

A. (Examining document).

Mr. Del Guercio: That is certified to as being a true copy by the Clerk of the Court.

A. (Examining document): That is correct.

Mr. Del Guercio: I offer this in evidence as Government's Exhibit next in order.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government Exhibit No. 279.)

By Mr. Del Guercio:

Q. Now, you said—you testified, I believe, that you continued working on the waterfront in San Francisco up until the time you became an official of the Union in about 1934, is that correct?

A. That's right, with the exceptions that I men-

(Testimony of Harry Renton Bridges.)

tioned: That there were spells or short periods in which I might have had other employment, but they were very brief.

Q. But your main employment was that of a waterfront worker in and around San Francisco?

A. Yes. I had no other employment that would last, say, more than five or six months during the entire time if you put it all together.

Q. Now, when did the Communist Party as such appear on [5746] the waterfront in San Francisco?

A. I don't know. I remember when I first saw Communist Party speakers on the waterfront.

Q. Well, you spoke of Communist Party speakers. A. That's what I mean.

Q. In your previous testimony. Now, when was that? Around what period of time?

A. Around 1931 or '32 is my best judgment.

Q. Now, was the Marine Workers Industrial Union in existence at that time?

A. Not that I remember.

Q. Now, when did the Marine Workers Industrial Union come into existence here in San Francisco?

A. My earliest recollection of that is through Harry Jackson and I first recall meeting Jackson in 1932, I think. It might have been '33.

Q. Well, now, do you remember your testimony in the previous hearing regarding that?

A. Not specifically. I have read my testimony in the last hearing. I can't remember it all. But my testimony will be the same this time—I hope.

(Testimony of Harry Renton Bridges.)

Q. That what?

A. I hope my testimony will be the same this time.

Q. Well, I hope, too, for your sake.

Mr. Gladstein: It is obvious that this is a question of [5747] recollection, your Honor.

By Mr. Del Guercio:

Q. Did you say you came in contact with Harry Jackson about that time? A. Yes.

Q. Now, that's the Harry Jackson whom you knew as a member of the Communist Party, is it not? A. Later on, yes.

Q. Well now, you knew at the time you first met him on the waterfront that he was a member of the Communist Party, did you not?

A. I don't think so.

Q. Now, you don't think so. What do you mean, you "don't think so"?

A. I connect him up at that time with the Marine Workers Industrial Union. There were Communist Party speakers there also and I have a distinct impression that I have got them separate.

Q. Well, Harry Jackson was one of those Communist Party speakers around that period of time, was he not?

A. That's not my recollection.

Q. Well, what is your recollection?

A. Well, there used to be speakers there——

Q. (Interposing): Well now, who were some of the speakers?

A. I can recall Sam Darcy, I can recall Jim

(Testimony of Harry Renton Bridges.)

Branch, I [5748] can recall a young fellow named—no, a young fellow named Shannon used to speak on behalf of the Marine Workers Industrial Union.

Q. All right. You knew then that Sam Darcy was a member of the Communist Party at that time?

A. Yes, I did, I think.

Q. You knew that Jim Branch was a member of the Communist Party at that time?

A. They used to speak in the name of the Communist Party. That's how I knew it.

Q. That's how you knew that they were members of the Communist Party?

A. Well, when somebody gets up and says "Speaking on behalf of the Communist Party we advocate this, that and the other thing," I take it——

Q. (Interposing): Harry Jackson in the same manner also?

A. No. I don't recall Jackson doing that. I recall Jackson soap-boxing down there advocating and outlining the program of the Marine Workers Industrial Union.

Q. Now, was Harry Jackson connected with the Marine Workers Industrial Union?

A. I think he was, definitely.

Q. In what connection?

A. I think he was an official or an organizer.

[5749]

Q. Who was—the Marine Workers Union had a local there in San Francisco, didn't they?

A. I don't know about that time. I know they did

(Testimony of Harry Renton Bridges.)

later on. My first recollection of them having any tangible office or anything was much later.

Q. When? How much later?

A. Oh, I would say around the end of 1933 or the fall of 1933.

Q. And who did you know at that time that were connected as officials of the Marine Workers Industrial Union?

May I have that question?

(The question referred to was read by the reporter as above recorded.)

A. Specifically that I am sure of there were Sam Telford——

By Mr. Del Guercio:

Q. (Interposing): Sam Telford?

A. There was Harry Hynes; a young fellow named Jim Shannon and Harry Jackson.

Q. Now, you knew that Sam Telford was a member of the Communist party, did you not?

A. I did not.

Q. When did you find out that he was?

A. I couldn't exactly remember. I found out eventually—I think he told me, but I can't remember exactly when it was. [5750]

Q. It might have been around this period of time?

A. I think it was a little later. I didn't meet Sam Telford, until much longer after I met Jackson. I didn't meet Telford, to my best recollection, until 1933.

Q. Telford was around here in San Francisco

(Testimony of Harry Renton Bridges.)

during that period of time, was he not? '32 and '33?

A. He might have been; I don't know.

Q. Was he active on the waterfront at that time?

A. My first definite recollection of Telford was just prior to the 1934 strike.

Q. How about Shannon—you knew him to be a member of the Communist Party, did you not?

A. I am a little hazy on Shannon. My impression is that he spoke for the Marine Workers Industrial Union, but I am not sure; he might have been speaking for the Communist Party.

Q. Who was the other person you mentioned?

A. Hynes.

Q. You knew him to be a member of the Communist Party? A. No, I didn't.

Q. When did you find out that he was a member of the Communist Party? A. I never did.

Q. Huh? A. I never did. [5751]

Q. Now, you said in the last hearing that the Marine Workers Industrial Union and the Communist Party became active on the waterfront about the fall of 1932, is that correct?

A. Substantially; a little difference in the dates, that is all.

Q. And that you cooperated with the Marine Workers Industrial Union?

A. In the way that I have stated.

Q. When did your cooperation with the Marine Workers Industrial Union begin?

A. During the strike of 1934.

Q. Wasn't it in fact prior to that time that you

(Testimony of Harry Renton Bridges.)

started cooperating with the Marine Workers Industrial Union, prior to the 1934 strike?

A. No; I opposed them.

Q. When did you first meet Jackson?

A. To the best of my recollection, in '32; or it might have been '33.

Q. Where did you meet him?

A. On the waterfront.

Q. Did you have any meetings with Jackson about that time?

A. No more than standing on the curb and talking.

Q. You spoke to him? [5752]

A. On the curb, right on the waterfront.

Q. What did you talk to him about?

A. Millions of things.

Q. With reference to the Marine Workers Industrial Union and the Communist Party and their activities?

A. We argued all those things.

Q. Did you argue Communism with him?

A. I argued against it generally.

Q. You talked about Communism with Harry Jackson? A. Oh, sure.

Q. What stand did he take on Communism?

A. Favored it.

Q. He favored it? A. Yes.

Q. That was in '32?

A. At that time, '32 or '33; I can't be exactly clear on the date.

(Testimony of Harry Renton Bridges.)

Q. Then you knew in 1932 that Harry Jackson was connected with the Communist Party?

A. Not necessarily.

Q. What else did you talk about?

A. We talked about the waterfront, about conditions, about this union, that unoin and the other union, about seamen, about the MWIU, the "Wobblies", and everything.

Q. Did you talk about the activity of the Marine [5753] Workers Industrial Union on the waterfront?

A. Jackson was doing that most of the time that I can recall; that was his job.

Q. Was he talking to you all the time about this?

A. No; not all the time. He spoke to many others.

Q. Who was with you—were you alone with Jackson there?

A. No. We always used to gather around there; there were hundreds of us there.

Q. "We used to gather around there,"—who do you mean?

A. The waterfront longshoremen.

Q. The waterfront longshoremen gathered around Harry Jackson?

A. No; gathered around the waterfront trying to get a job.

Q. And Jackson was there and spoke to you about Communism and about the Marine Workers Industrial Union?

A. He spoke to me and hundreds of others.

(Testimony of Harry Renton Bridges.)

Q. Did Jackson ever try to get you to join the Marine Workers Industrial Union?

A. Plenty of times.

Q. How many times?

A. I can't say off-hand; but numerous times.

Q. Now, during this period, prior to the 1934 strike, [5754] did you solicit members to join the Marine Workers Industrial Union?

A. No; just the opposite—I advocated that they join the Seamen's Union.

Q. Did you, during the 1934 strike, solicit anyone to join the Marine Workers Industrial Union?

A. To some extent, yes, but under different circumstances.

Q. I am not speaking about the circumstances. I am asking you whether you solicited anyone to join the Marine Workers Industrial Union during the 1934 strike.

A. If you mean that I took people up and urged them join it, I think you are right; I did.

Q. You know what I mean.

A. I am not sure I do.

Q. You took people up where?

A. To the Marine Workers Industrial Union hall and had them join the MWIU.

Q. How did you have them join—who did you take them to?

A. Well, I can tell you the whole story.

Q. Just a little at a time, and it might come out better.

A. I took them up to the MWIU headquarters.

(Testimony of Harry Renton Bridges.)

Q. Who was at their union headquarters at that time? [5755] A. I forget.

Q. This is the early part of the 1934 strike, is that correct? A. The month of May.

Q. The month of May? A. Yes.

Q. How many people did you take up to the Marine Workers Industrial Union and urge them to join the Marine Workers Industrial Union?

A. Might be quite a few; anywheres from 20 to 100; might be.

Q. Would you say there were more than 100?

A. It is possible.

Q. 200? A. Might not be that many.

Q. And who would you take them to, any particular person in the Marine Workers Industrial Union Hall?

A. No; just the person that was in the union hall that had authority to sign members up.

Q. Would Harry Jackson be there?

A. It is possible.

Q. And it is possible also that you took a number of them to Harry Jackson, isn't it?

A. It is possible that he was up there on duty at that time. I don't specifically recall it, but I wouldn't say it [5756] wasn't possible.

Q. You wouldn't say that you didn't take anybody up to Harry Jackson and urge them to join the Marine Workers Industrial Union?

A. I don't remember it specifically.

Q. You knew then at that time, did you not, that Harry Jackson was a member of the Communist

(Testimony of Harry Renton Bridges.)

Party and active in Communist Party matters on the waterfront? A. I am not sure if I did.

Q. Your recollection fails you?

A. No; my recollection is pretty good.

Q. Now, you also testified that you went to 37 Grove Street, the headquarters of the Communist Party, and purchased literature, did you not?

A. Yes, I have been at 37 Grove Street.

Q. How much literature did you purchase there?

A. Oh, I can't recall. I did purchase some pamphlets and other things there.

Q. With your own funds?

A. With my own hard-earned money.

Q. How much literature did you purchase?

A. I couldn't say; I really couldn't say.

Q. What kind of literature was it that you purchased?

A. I wouldn't be too sure as to that now.

Q. But you are sure that it was Communist literature, [5757] are you not?

A. I am not even sure as to that.

Q. What are you sure about?

A. I am sure there was a book store there, and it was on my way home from work, and many times I passed it, and many times I stopped, and they had books and pamphlets of all descriptions on display in the window; and certain ones that took my eye I went in and bought them.

Q. And you can't remember at this time, of course, which ones caught your eye at this time and that you purchased?

(Testimony of Harry Renton Bridges.)

A. No, I can't. I mean——

Q. (Interposing): Huh? A. No, I can't.

Q. What did you do with that literature?

A. I read it.

Q. And did you get anything out of it?

A. Well, I can't exactly remember that, but I possibly did. Otherwise I don't think I would have purchased it.

Q. And you retained since then most of the stuff you read in it and applied it?

A. I don't know how to answer that one.

Q. You knew, did you not—strike that. You had been on the San Francisco waterfront, you said, since about 1923? [5758] A. That's right.

Q. And you had heard Communist Party speakers there on the waterfront? A. I had.

Q. And you knew, did you not, that 37 Grove Street at that time was the headquarters of the Communist Party?

A. I'm not sure that I did.

Q. Would you say that you didn't know?

A. No, I wouldn't say that either. I have no distinct recollection. I know there was a book store there. That's what I was doing there.

Q. Did you take anybody to that book store to purchase literature with you?

A. Not that I know of. I don't think I did.

Q. To whom did you distribute the literature, the Communist Party literature that you purchased at 37 Grove Street?

A. No one. I read it myself. That's what I bought it for.

(Testimony of Harry Renton Bridges.)

Q. Did you retain it?

A. I think I did for some time. I might still have some of it yet. I am not sure.

Q. Oh, you have some of the literature that you purchased at 37 Grove Street? Still have?

A. It's possible. I have a lot of—— [5759]

Q. (Interposing): What are the names of some of the books and pamphlets that you purchased?

A. I have a great many books that you might think are Communistic but I might disagree with you.

Q. Let me be the judge of that. Show them to me.

A. I haven't them with me.

Q. What are the names of some of them?

A. I have Marx' "Capital".

Q. You purchased that at 37 Grove Street?

A. No, I didn't.

Q. Well, those that you purchased at 37 Grove Street.

A. I am trying to think. I can recall purchasing some books or pamphlets giving the stories of certain strikes, or something. It seems to me that one of them was the story of the Passaic, New Jersey strike.

Q. By whom?

A. I can't recall. That book shop used to have all kinds of books and literature.

Q. Well now, you knew that it had nothing but Communist Party literature in that book store, don't you?

(Testimony of Harry Renton Bridges.)

A. No, I know nothing of the kind and that is not correct.

Q. That book store was run by the Communist Party, was it not?

A. Well, if I am going to keep out of places because [5760] of who they are run by, I won't be able to do much shopping in this city.

Q. I didn't ask you that. You knew that that book store at 37 Grove Street was run by the Communist Party?

A. Not particularly I didn't.

Q. What do you mean "not particularly"?

A. I was up there purchasing a book.

Q. Well, I asked you if you knew that it was run by the Communist Party?

A. And I have no distinct recollection that I knew it.

Q. When did you find out that it was?

A. I don't know that either.

Q. Huh?

A. But I presume, looking back, that maybe some time in '34; early in '34. That's the best I can do.

Q. You knew, of course, that it did sell Communist Party literature at that book store, did you not, at that time?

A. I think that would be natural. I am pretty sure that if I was in there—after all, I can read English. I have a general idea of what Communist Party pamphlets are, and if I was in there purchasing other pamphlets I believe I would know that they had Communist Party books on sale. I have no

(Testimony of Harry Renton Bridges.)

recollection of it maybe right now, but I wouldn't [5761] be that stupid, maybe.

Q. Didn't you testify—didn't you at the last hearing testify that you knew that they did sell Communist Party literature at that book store?

A. I don't know. I might have. I don't remember what I testified to at that hearing. I haven't testified differently now.

Q. Well, is your testimony now that you knew in 1934 that they sold Communist Party literature at the book store at 37 Grove Street?

A. No. I have already told you my recollection. Of course, two years ago—that testimony is a couple of years ago.

Q. Without referring to what you have already said, what is your testimony now?

A. My testimony is that I have no distinct recollection right now that I knew that it was the Communist Party headquarters. Or that—I also said that if I was up there purchasing books I would know enough to know a Communist Party pamphlet if I seen one, and if they was in that book store I would see it and know what it was. And it might have been early in 1934. That's the way I remember it now.

Q. Now, you knew—you say you could distinguish in 1934 between Communist Party literature and non-Communist Party literature, is that right?

A. I think that's correct. [5762]

Q. Now, having that in mind, that distinction in mind, what kind of literature did you purchase at 37 Grove Street?

(Testimony of Harry Renton Bridges.)

A. I could purchase many kinds of literature.

Q. I am not asking you what you could purchase. I am asking you what you did purchase.

A. If I can remember, I'll tell you.

Q. Now, you have retained some of the books, you have testified. You still have some of the books?

A. I have many books. I am just trying to see if I can get any sorted out that I got at that time from that store. I'm not quite sure what they are. I have many books and pamphlets. I couldn't——

Q. (Interposing): A little hazy on that subject?

A. Well, for example, I could guess. I don't want to do that. At that time there were a lot of pamphlets floating around. There was a pamphlet, for example, explaining the workings of the NRA. I might have picked——

Q. (Interposing): I am not asking you about pamphlets of the NRA. I am asking you about Communist Party literature. You understand me, of course, don't you?

A. You mean what I think is Communist Party literature?

Q. Yes.

A. No. I don't know what—I don't think I have got what I think is Communist Party literature that I purchased at that book store.

Q. How many times did you visit that book store? [5763]

A. Not very often. I can't recall definitely, Maybe two, three times or so.

(Testimony of Harry Renton Bridges.)

Q. Did you ever walk in there with Harry Jackson?

A. I don't recall ever seeing him there.

Q. Huh? A. No.

Q. You might have? A. I don't think so.

Q. Did you ever go in there with Sam Darcy?

A. No.

Q. With Telford?. A. No.

Q. Sam Telford?

A. My recollection is that I didn't meet Telford until around the '34 strike. I had a lot of time on my hands. I used to do a lot of reading.

Q. Is that an answer to the last question? I thought you were a hard worker at that time.

A. Ah, I was. But——

Q. (Interposing): What is a "star gang", Mr. Bridges?

A. A star gang used to be a gang that got the preference of the work on the waterfront. In other words, they got more work, literally speaking, too, than the general run of the men on the waterfront.

Q. Did you ever belong to the star gang?

A. Much too long I did. [5764]

Q. Now, how many times did you meet Tom Raye? A. Tommy Raye?

Q. When you took these men here to join the Marine Workers Industrial Union?

A. Never met him.

Q. Never met him? A. Not——

Q. (Interposing) Prior to the 1934 strike?

A. Never met Tommy Raye until 1937.

(Testimony of Harry Renton Bridges.)

Q. Did you ever meet Roy Hudson?

A. In 1936 I met Roy Hudson for the first time that I recall.

Q. How can you say—what fixes the date 1937 in your mind as meeting—Roy Hudson, was it?

A. No, Tommy Raye.

Q. Tommy Raye. What is it that occurred at that time that fixes that date so definitely in your mind?

A. A conference of longshoremen and seamen in New York in June, 1937 that Tommy Raye attended.

Q. Tommy Raye was there?

A. Yes. And Tommy Raye——

Q. (Interposing) And you spoke to him?

A. What?

Q. And you spoke to him? [5765]

A. Yes.

Q. Were you introduced to him? A. Yes.

Q. By whom? A. I forget.

Q. Oh, you——

A. (Interposing) I do meet a lot of people.

Q. You do? A. Yes.

Q. Like Tommy Raye and Sam Browder?

A. Well, I don't know. It depends. You mean they look alike?

Q. You can't remember, then, who introduced you to Tommy Raye?

A. Not the particular individual, no.

Q. What was your position at that time in 1937?

(Testimony of Harry Renton Bridges.)

A. President of the Pacific Coast District of the ILA.

Q. What was Tommy Raye's position, if any?

A. I think, if I am not mistaken—I think he had some official position, if not the Secretary of a New York Marine Council.

Q. New York Marine Council?

A. Or New York Marine Committee of some kind.

Q. You don't know, do you? Are you sure about that?

A. Yes, I am sure. If you mean on the marine—— [5766]

Q. (Interposing) No, as to whether Thomas Raye had any connection with any Union at that time?

A. Sure, I am sure. I am positive. There was a functioning committee, a marine committee that Tommy Raye was either the Secretary or the Chairman of at that time. And I am positive.

Q. What was he connected with?

A. This Council or this Committee. There was a committee formed in New York on the same pattern as our Maritime Council in San Francisco and the other West Coast ports.

Q. And you were attending this conference?

A. Oh, no.

Q. What were you doing?

A. I was back East in Washington and New York conferring with the leaders of the CIO.

Q. Well, what were you doing at this particular

(Testimony of Harry Renton Bridges.)

conference where you met Tommy Raye, where you were introduced to him?

A. Oh, we were discussing the possibilities of the East Coast longshoremen affiliating with the CIO.

Q. Well, was it an arranged meeting?

A. Yes.

Q. Who arranged it?

A. I'm not sure. It was arranged at my request. I forget [5767] who I asked to arrange it now. I think it was arranged by Rathborne.

Q. Mervyn Rathborne? A. Yes.

Q. And when did he arrange it?

A. At that time.

Q. Was he with you?

A. I'm pretty sure he was.

Q. You had nothing to do, then, with the arrangements? You left that all to Mervyn Rathborne? A. Yes.

Q. And with whom did he arrange this meeting or conference?

A. With all the people that attended.

Q. That attended what?

A. The conference.

Q. Where did he go? Whom did he contact?

A. He contacted the people I wanted him to contact: seamen and longshoremen.

Q. Did you give him particular persons you wanted contacted?

A. No, I didn't know them. He knew them. I asked him to get me a delegation from Boston,

(Testimony of Harry Renton Bridges.)

from Philadelphia, from New York, from Newport News, from Norfolk, from Brooklyn and some from New York as well as some of the seamen there, [5768] because I wanted to talk over the possibilities of CIO.

Q. And Mervyn Rathborne went out and got those delegations?

A. He was stationed in New York. I worked out of his office at that time. He was much better acquainted than I am.

Q. Where was Mervyn Rathborne's office at that time?

A. 10 Bridge Street in New York City. He was president of the ARTA.

Q. And you went out there and met him. Now, what were you doing on the East Coast at that time?

A. I was back East to—I was back East on something or other. I think that it was to confer with John L. Lewis and John Brophy of the CIO.

Q. Had you conferred with John L. Lewis prior to going to New York to attend this conference?

A. Yes. I had to go to New York, I think, from Washington.

Q. And you say Mervyn Rathborne arranged for all these people to come there? A. Yes.

Q. And you didn't tell him what people to contact? A. Oh, I mentioned some of them.

Q. Did you mention Tommy Raye?

A. No.

(Testimony of Harry Renton Bridges.)

Q. He went out and got Tommy Raye himself? [5769]

A. Tommy Raye, as I say, had the official position in this committee, as I recall it.

Q. What committee? Did the conference have a committee, too? A. No, the conference——

Q. (Interposing) What committee was there?

A. Tommy Raye's position at that time was in an official capacity with this Maritime Committee or Maritime Council.

Q. Well now, this was just a conference that you attended? A. That's right.

Q. And it was called for what purpose?

A. For me to talk with them.

Q. Just for you to talk with them? Nothing else?

A. No, that's all. And for them to talk to me.

Q. About what?

A. About CIO affiliation of East Coast longshoremen.

Q. Now, can you tell me the names of some of the other persons that attended that conference?

A. I can't.

Q. Huh?

A. I can't. Most of them were strangers to me, after all.

Q. What? [5770]

A. Most of them were strangers to me.

Q. Tommy Raye wasn't strange to you, was he?

A. Tommy Raye wasn't strange to me?

Q. Yes. A. First time I ever met him.

(Testimony of Harry Renton Bridges.)

Q. And you remember Tommy Raye?

A. Oh, well, I saw him later.

Q. And you can't remember anyone else that you saw at that conference but Tommy Raye?

A. Well, they haven't played such an important part. The fact that Tommy Raye is mentioned here, in the Dies Committee and all over the country. The other fellows I met with them were either just minor officials or ordinary rank and file longshoremen.

Q. The reason you mentioned Tommy Raye is because you know that he has played a very active part in Communist Party activities since 1932?

A. No, I don't.

Q. Huh? A. No, I don't.

Q. You remember Thomas Raye because you know he went to Moscow, to Soviet Russia there in 1932 and returned about the time that the Marine Workers Industrial Union was formed on the West Coast here? A. No, I don't. [5771]

Q. Is that the reason you remember——

A. (Interposing) No.

Q. (Continuing) ——Thomas Raye?

A. No. The reason is what I told you.

Q. And he is the only person that you remember at that conference?

A. Oh, no. I never said that.

Q. Who else was there?

A. Rathborne was there.

Q. Your friend Mervyn Rathborne?

(Testimony of Harry Renton Bridges.)

A. Yes. I think Joe Curran was there.

Q. Your friend Joe Curran was there?

A. Yes. And that is not the only reason I remember Tommy Raye. I never said that that was the only reason I remember him. I have a distinct recollection of why I remember him.

Q. Did he urge you to join the Communist Party at that time or had you already told him that you were a member?

A. I don't think either thing happened.

Q. Huh?

A. But I can still remember why I remember him.

Q. Where did you meet Roy Hudson?

A. My first recollection is 1936.

Q. Where? A. San Francisco. [5772]

Q. Under what circumstances?

A. He come up to my office.

Q. Roy Hudson came up to your office?

A. Yes.

Q. Your office was where at that time?

A. 112 Market Street. [5773]

Q. Was he alone?

A. As far as I remember; yes.

Q. And was there anyone in your office at the time? A. Not that I remember.

Q. All right. What did he come up there for?

A. Oh, just for a general talk; came in and said "Hello."

Q. To renew acquaintances?

A. No; I had never met him before.

(Testimony of Harry Renton Bridges.)

Q. What did he talk about?

A. The Maritime situation, possibilities of the strike—all that—the situation on the east coast.

Q. Anything else?

A. Not that I can remember.

Q. Of what union was Roy Hudson an official at that time?

A. I don't know—that is, I forget—I don't know if he was a member of any union at that time.

Q. As a matter of fact, you knew that he wasn't a member of any union?

A. I didn't; I didn't.

Q. Did he tell you that he was?

A. I can't remember that.

Q. Well, you were an official of a big union at that time, weren't you?

A. That doesn't say that I can't talk to people not members of unions. [5774]

Q. What else did you talk about?

A. I can't recall anything else than what I have told you. We discussed the Seamen situation, both east and west, and we discussed——

Q. (Interposing) Let's stay with the Seamen's situation. What did Roy Hudson say about the Seamen's situation?

A. That it had improved a great deal by their organization of the CIO——

Q. (Interposing) By the organization of the CIO?

(Testimony of Harry Renton Bridges.)

A. Not into the CIO, but their organization into the Defense Committee, and a drive against, at that time, a drive was on against the ISU.

Q. What did Roy Hudson have to do with that?

A. Well, I don't think it was on the basis of what he had to do with it. He had, as I recall it, recently came from the east and he was telling me about this in a general way.

Q. Telling you about the situation in the west?

A. He didn't have to; I knew more about that than he did.

Q. What?

A. I knew more about that than he did.

Q. He came up to talk to you about it?

A. Yes.

Q. What did he say about it—is that all he said? [5775]

A. About the situation in the east?

Q. In the west.

A. I can't recall him telling me anything about that. We discussed it, of course. We discussed the west coast situation. But the main emphasis, I think, was on the east coast situation, the activities of the CIO, and things like that.

Q. Was the CIO active at that time?

A. Oh, yes; oh, yes.

Q. That was in 1936? A. In 1936; yes.

Q. Was Roy Hudson connected with the CIO movement at that time?

A. I don't think he was; not that I remember.

Q. You knew, did you not, at that time that

(Testimony of Harry Renton Bridges.)

Roy Hudson was on a committee, but it was the Central Committee of the Communist Party, did you not? A. No; no.

Q. That is the reason he came out to see you in 1936? A. I don't think so.

Q. You knew he wasn't connected with any union? A. I did not.

Q. You knew he was not a trade union man, didn't you? A. I did not.

Q. Didn't you? [5776] A. No, I did not.

Q. You knew he was known as the "Bishop", did you not, even at that time?

A. No. I heard that expression here.

Q. For the first time? A. Yes.

Q. Did Roy Hudson tell you that he was coming over to see you as one trade union man to another?

A. No; I don't think he put it that way. My girl came in and said Roy Hudson was outside and would like to see me. I said "Show him in." I am not too fancy to speak to anybody.

Q. Did you know of Roy Hudson at that time?

A. Did I know of him?

Q. Yes. A. Oh, yes.

Q. What had you heard about him?

A. I had heard that he had been active in maritime affairs.

Q. What kind of maritime affairs?

A. Trade Union maritime affairs.

Q. Was he a Trade Union man?

A. As far as I know he was.

(Testimony of Harry Renton Bridges.)

Q. You said you had heard of him. Tell me all you heard about Roy Hudson?

A. I heard he had been active in trade union affairs; [5777] that during the early days of the NRA that he was trying to organize the West Coast seamen and longshoremen—I mean the East Coast seamen and longshoremen, not the West Coast.

Q. I don't want you to get mixed up.

A. I won't.

Q. Was it the East Coast?

A. The East Coast seamen and longshoremen.

Q. Not the west coast? A. East coast.

Q. What else did you hear?

A. That is about all.

Q. You hadn't heard about his Communistic activities, had you? A. Such as what?

Q. Such as anything?

A. Well, I don't know what you mean by "such as anything." You have got to understand that at that time, or for two or three years prior to that time, everybody that was active as a unionist was a Communist almost, and still are.

Q. Had you heard that Roy Hudson was connected with any union, any legitimate union?

A. My distinct impression is that I did and had.

Q. With what union?

A. I can't remember. I think it was the Marine Workers [5778] Industrial Union that at-

(Testimony of Harry Renton Bridges.)

tempted to organize both longshoremen and seamen on the east coast.

Q. Now we are getting somewhere. You had heard that Roy Hudson was associated with the Marine Workers Industrial Union?

A. I never said that.

Q. As a matter of fact, that is the only union, if it is a union, or if it ever was a union, that Roy Hudson was connected with?

A. I don't know; I don't know.

Q. Had you heard he had been connected with any other union?

A. I can't remember; not that I can recollect.

Q. And how long did Roy Hudson remain in your office?

A. I don't know. I wouldn't remember that.

Q. Could you state approximately?

A. Could I guess?

Q. Approximately?

A. Well, approximately is another word for "good guess". I would say from half an hour to an hour, or from 15 minutes to an hour.

Q. What time of day did he go there?

A. I don't remember. I know the girl was working so it was within the regular working hours.

Q. It was during working hours?

A. Yes. [5779]

Q. So it must have been on business that Roy Hudson was coming up to see you about?

(Testimony of Harry Renton Bridges.)

A. Well, if everybody came up to my office on business I would get more work done than I do.

Q. Give me your best estimate on how long Roy Hudson was up in your office?

A. Anywhere from ten or fifteen minutes to an hour.

Q. Did you talk about the times that you and Roy Hudson had during the 1934 strike?

A. No; he wasn't here in 1934.

Q. You are sure that Hudson was not in San Francisco at any time during the 1934 strike?

A. If he was he had no active part in the strike. Anybody that had any active part in the strike I knew.

Q. Didn't he have an active part in the strike, and particularly during the time that the general strike was called?

A. Not that I remember. What part?

Q. Didn't you play a leading part, or didn't you want to have this Court believe that you played a leading part in the 1934 strike?

A. I done my share.

Q. Don't you know all of the persons that were active and playing a leading part in the 1934 strike?

A. As far as I know I think I do. [5780]

Q. Well, now, having that in mind, didn't you meet Roy Hudson——

A. (Interposing) No.

Q. (Continuing) ——in San Francisco in 1934?

(Testimony of Harry Renton Bridges.)

A. No; and he had no active part in the strike whatsoever.

Q. And pa.ticularly in July of 1934?

A. No; definitely not.

Presiding Inspector: There was an answer you gave some time ago in which you said that in those days every longshoreman was a Communist. Now, what did you mean by that?

The Witness: In 1934, your Honor, and especially during the 1934 strike, although the strike was under the leadership of the San Francisco Labor Council, the entire strike leadership, and practically the entire rank and file on strike, were attacked as Communists. So the accusation of being a Communist doesn't, or at that time didn't mean a great deal to any of us. It was passed off as a little more employers' propaganda. The same thing has generally been true, as far as our experience has been, since.

That is all I meant.

By Mr. Del Guercio:

Q. What was the official organ of the 1934 strike? A. What part of it? [5781]

Q. Any part. A. Any part of it?

Q. The first part, the first part of the 1934 strike.

A. Let me see—I will have to break it down. What do you mean—do you mean the official organ of this or that union?

(Testimony of Harry Renton Bridges.)

Q. Of the one you were connected with, your strike committee.

A. The official organ of the longshoremen's strike?

Q. Now, you are asking me.

A. I am asking you what you mean.

Q. Strike that last question. I will put it this way: Was the Western Worker ever the organ of the Strike Committee, or of your union?

A. You mean the longshore Strike Committee?

Q. Yes. A. No.

Q. Of what was it the organ?

A. The Communist Party.

Q. And did you adopt it, did you have anything to do with adopting the Western Worker as the organ for the Strike Committee? A. No.

Q. At any time?

A. No. We never did. [5782]

Q. Now, to go back to the "Bishop".

A. To who?

Q. Roy Hudson. Didn't he make a speech here in San Francisco during the 1934 strike?

A. Not that I know of.

Q. If he had would you know about it?

A. If it had anything to do with the strike I think I would.

Q. If it had anything to do with the 1934 strike you would have known about it?

A. It all depends on where he made it. If he made a speech up in some room by himself I

(Testimony of Harry Renton Bridges.)

wouldn't; if he made a speech before any large group of people I would.

Q. Do you know if he is in the habit of making speeches in his own room?

A. I don't know him well enough to know. But if he made a speech before any large group during the 1934 strike I would know about it.

Q. You would know about it? A. Yes.

Mr. Del Guercio: May we have a recess?

Presiding Inspector: We will take a short recess.

(Whereupon a short recess was taken.)

Presiding Inspector: You may proceed, Mr. Del Guercio. [5783]

By Mr. Del Guercio:

Q. Didn't you testify at the last hearing that the Communist Party made an offer to make the Western Worker available to you? A. Yes.

Q. To whom was the offer made?

A. There was an offer made to the Strike Committee that they would print for us a daily bulletin and we accepted that.

Q. You were the Chairman of the Strike Committee at that time?

A. And under its orders: yes.

Q. You were the Chairman? A. I was.

Q. And who made the offer, who with the Communist Party made the offer to make available the Western Worker?

(Testimony of Harry Renton Bridges.)

A. They sent a delegation down there that appeared before the Strike Committee.

Q. More than one person?

A. Two or three, if I recollect right.

Q. Who were they?

A. Darcy, Lawrence Ross, and I am not sure whether Hanoff was there or not.

Q. Darcy, you are sure of Darcy?

A. I am pretty sure of Darcy, and I am pretty sure of Ross. He was the editor of the Western Worker. [5784]

Q. You are not sure of Hanoff—was it Elmer Hanoff?

A. I am not sure of the third man.

Q. He, Hanoff, might have been there?

A. He might have been.

Q. And who requested them to come down to the Strike Committee?

A. I think they thought it up themselves.

Q. And you presided at that meeting?

A. I did.

Q. Now, when, during the 1934 strike, did this occur?

A. I think shortly after it began.

Q. And this was before the General Strike Committee of which you were,—not the General Strike Committee, but the Strike Committee of which you were Chairman?

A. I was Chairman of two Committees.

Q. Which one was it that they appeared before?

(Testimony of Harry Renton Bridges.)

A. The Longshore Strike Committee of Local 38-79, ILA.

Q. And during what portion of the 1934 strike did they come down there?

A. The early part; some time during the first week of the strike is my best recollection.

Q. And who spoke on behalf of this delegation, as you called it, Darcy, Hanoff, or Ross?

A. I don't recall. I think it was Ross.

Q. What did he say? [5785]

A. Offered us, said that the Western Worker Publishing Company, or the publication, had printing facilities and paper, and that in order that a Strike Bulletin would be available daily to the workers, and people interested in the strike, and inasmuch as they had heard that we were very short as far as finances were concerned, they made us an offer that their printing facilities——

Q. (Interposing): They made who an offer?

A. The Strike Committee.

Q. Sitting as a whole?

A. Sitting as a whole—made an offer to the Strike Committee that they would print a bulletin every day, composed of material furnished them by the Strike Committee.

Q. Was the offer accepted?

A. Officially by the Strike Committee; yes.

Q. Was a vote taken?

A. A vote was taken.

Q. Who took the vote?

A. The Strike Committee.

(Testimony of Harry Renton Bridges.)

Q. Did you vote?

A. No; the Chairman doesn't vote.

Q. Were you in favor of accepting it?

A. I believe at that time I was.

Q. There is no question about that, is there?

A. I don't think so. I didn't give it much thought. [5786] We took anything we could get at that time for nothing.

Q. Did you speak before the Strike Committee?

A. At that time?

Q. Yes.

A. No. They used to kind of hold me down. I was the Chairman.

Q. Even at that time? A. What?

Q. Skip it. Did you advocate the acceptance of the offer made by Sam Darcy, Lawrence Ross, and possibly Elmer Hanoff?

A. I don't specifically remember. I think that at that time if I was asked was I in favor of it my answer possibly would be "Yes."

Q. Was your recollection better at the last hearing than it is now?

A. I am only human after all.

Q. You are what?

A. I think my recollection was better two years ago than it is now.

Q. Did you testify at the last hearing, in answer to this question—strike that and I will put it this way. Was this question asked you at the last hearing: "Did you advocate the acceptance of that offer to the members of the Strike Committee?"

(Testimony of Harry Renton Bridges.)

A. I think such a question was asked. [5787]

Q. Did you reply:

"Certainly I advocated that, and also the other paper."

A. If the record shows that I said it.

Q. The record does so show.

A. Then I said it.

Q. Is it true?

A. Yes. I might not remember it now, but that would be my position at that time. I mentioned the other paper too.

Q. I haven't asked you about the other paper. I asked you about the Western Worker.

Presiding Inspector: Don't scold the witness.

Mr. Del Guercio: Sir?

Presiding Inspector: Don't scold him.

Mr. Del Guercio: He couldn't be scolded by me. I am just a—well, I am not a "big shot". [5788]

By Mr. Del Guercio:

Q. Now, the Western Worker then did become the organ of the Strike Committee after you accepted the offer? A. No, it didn't.

Q. It printed a bulletin for you?

A. A——

Q. (Interposing) For the Strike Committee?

A. The Western Worker kept on publishing in its usual form. We had a full, one-single sheet, "Strike Bulletin" it said on the top, "ILA Strike Bulletin", "Donated by the Western Worker" underneath it.

(Testimony of Harry Renton Bridges.)

Q. Did it also say "Western Worker, official organ of the Communist Party"?

A. I don't think it did.

Q. Huh? A. No.

Q. Would you say it didn't?

A. I would say it didn't.

Q. Did you subscribe to the Western Worker at that time? A. No.

Q. Huh? A. No. I read it.

Q. Did your office—or did you have an office then? A. No; had no office. [5789]

Q. Now, you said that if Roy Hudson spoke in San Francisco at any time during the 1934 strike you would know about it?

A. I never said that.

Q. What did you say?

A. I said, if he spoke before any sizeable gathering on the strike in 1934 I would know about it.

Q. Do you know where Eagle's Hall is?

A. Yes.

Q. Where is it?

A. Golden Gate Avenue. We meet there every Monday night, my own Union.

Q. Is that a sizeable hall?

A. It holds about 2200 people.

Q. That would be one of the places then you would know if Roy Hudson spoke?

A. I said a "sizeable gathering". You can have a big hall but few people in it.

Q. Oh, the gathering too now. There must have been a sizeable gathering and there must have been

(Testimony of Harry Renton Bridges.)

a sizeable hall for you to have known where Roy Hudson spoke at any time during the 1934 strike?

A. In connection with the strike. That was the question you asked me before.

Q. Yes. Now, as a matter of fact, you know that Roy Hudson spoke at the Golden Gate—at the Eagle's Hall [5790] Golden Gate Avenue, San Francisco, on July 2nd, 1934 and advocated a general strike? A. Who was he talking to?

Q. I will ask you that.

A. I don't know. Never heard of the meeting.

Q. Huh?

A. I dont' know. It's news to me.

Q. News to you? A. Yes.

Q. And you were active in the 1934 strike?

A. I had a little to do with.

Q. If the Western Worker for July 16, 1934 printed the speech of Roy Hudson, made on the date I mentioned, you would know about it, wouldn't you? A. No.

Q. Huh? A. No. Why would I?

Q. Why wouldn't you?

A. I don't know, but I don't.

Q. You still want this Court to believe that you didn't know or hear about Roy Hudson during the 1934 strike? A. Definitely didn't.

Q. And that the first time you met him was or heard about him—well, you heard about him before. But the first time you met him was in 1936, was it?

A. I can't help what the Court believes. That's the [5791] truth.

(Testimony of Harry Renton Bridges.)

Q. Huh?

A. And I certainly want the Court to believe it. We were holding meetings at that time. The Civic Auditorium wasn't big enough for us. We needed a little more room than that had.

Q. Was the Eagle's Hall?

A. No, sir. That wasn't big enough to hold our local membership meeting. We overflowed out of that all over the street.

Q. Let us stay with Roy Hudson for a little while without meandering. I believe you testified at the last hearing that you saw membership books in the Marine Workers Industrial Union, did you not?

A. Yes.

Q. You know what they look like?

A. Yes. I saw one in the last hearing.

Q. Let me show you a membership book in the Marine Workers Industrial Union. Did you ever see similar books? A. Yes.

Q. Is that the kind of books you saw while you were soliciting members for the Marine Workers Industrial Union?

A. I think that's the kind of books they—no, they weren't giving out books at the time I was taking members up there or sailors up there. They didn't give them books. [5792]

Q. But you can say, can you not, that this is the official book of the Marine Workers Industrial Union? A. As far as I know it is.

Q. And who signed—or, when did you see these books, Mr. Bridges?

(Testimony of Harry Renton Bridges.)

A. Oh, I saw them at that time on the waterfront.

Q. Who were they signed by?

A. I don't know.

Q. Huh? A. I don't remember.

Q. Is it possible that they were signed by Roy Hudson?

A. It is possible. It is possible.

Q. Is it possible that you saw Marine Workers Industrial Membership books in 1934 signed by R. B. Hudson?

A. If he was signing them at that time it is possible.

Mr. Del Guercio: I will offer this book in evidence, if your Honor please, as Government's Exhibit next in order.

The Witness: You must understand that in 1934, if you took a walk along the waterfront you would be stopped on every block and somebody would ask you to dig up your union book and I have done as much asking as anybody.

Presiding Inspector: I will take it.

Mr. Gladstein: I still don't think that the proper foundation has been laid for its introduction in evidence.

Presiding Inspector: He said that he recognizes it, not necessarily at that time. But that was a book of the [5793] Marine Workers Industrial Union.

(The book referred to was received in evi-

(Testimony of Harry Renton Bridges.)

dence and marked Government's Exhibit No. 276.)

By Mr. Del Guercio:

Q. You knew at that time that the Marine Workers Industrial Union was affiliated with the Trade Union Unity League, did you not?

A. I'm not sure that I did or give it much thought either.

Q. You read the Waterfront Worker, didn't you? A. Yes.

Q. Huh? A. Yes.

Q. Well now, having read—having in mind that you read the Waterfront Worker would you say that you knew at that time that the Marine Workers Industrial Union was affiliated with the Trade Union Unity League?

A. I said it's possible. I am not sure of it now.

Q. Was it ever printed in the Waterfront Worker that the Marine Workers Industrial Union was affiliated with the Trade Union Unity League?

A. I don't know.

Q. Well, you printed the Waterfront Worker, didn't you? You were one of the editors, you say?

A. I can't remember. I doubt it. At the time we [5794] were putting it out I don't know if we did or not.

Q. And if I showed you a copy of the Waterfront Worker during the time that you were putting it out, wherein it was stated that the Marine Workers Industrial Union was affiliated with the Trade

(Testimony of Harry Renton Bridges.)

Union Unity League, would that refresh your memory?

A. Possibly it would. I wouldn't deny it. We were kind of proud of the paper.

Q. And you would remember then that you knew at that time that the Marine Workers Industrial Union was affiliated with the Trade Union Unity League?

A. No. I would remember that we printed it in the Waterfront Worker.

Q. Did you print anything in there that wasn't true?

A. No, not as much as we could do to stop it. We printed a few things that were not true.

Q. Did you print lies?

A. In some cases that even happened. It wasn't exactly our fault. We used to print the material as it was sent in and sometimes it turned out that one particular person wanted to take a rib at somebody else, and he might have actually not told the truth. When we found those things we corrected it in the next issue.

Q. Did you print falsehoods in the Waterfront Worker?

A. In the way I stated it actually happened.

[5795]

Q. And you caused them to be printed?

A. No.

Q. Mimeographed?

A. They way I stated: That we were not able to check the complete truthfulness of every story.

(Testimony of Harry Renton Bridges.)

When it did happen that some errors appeared in a story it would be corrected in the next issue, which, after all, is something that is pretty difficult to have that done in any newspaper.

Q. Was the Waterfront Worker a newspaper?

A. Yes.

Q. Was it registered as a newspaper?

A. Well, it might not be in the technical sense. It was a waterfront newspaper.

Q. Was it registered in the Post Office?

A. No. I didn't know that was a requirement of a newspaper.

Q. Was it sent through the mails?

A. Yes.

Q. As what?

A. As the Waterfront Worker.

Q. As a newspaper?

Presiding Inspector: I think he means at newspaper rates.

The Witness: Oh, no. Oh, no. We mailed them in the regular style.

Mr. Del Guercio: We have introduced a number of these [5796] Waterfront Workers in evidence here, your Honor.

Presiding Inspector: Yes, I think you have.

By Mr. Del Guercio:

Q. Let me show you Government's Exhibit 205, which is an issue of the Waterfront Worker for July, 1933. That's the time you had a hand in the Waterfront Worker, is it not? A. No.

Q. Huh? A. No.

(Testimony of Harry Renton Bridges.)

Q. When did you begin? A. Later.

Q. Later? A. Yes.

Q. Did you testify at the last hearing in 1939 that you became associated with the Waterfront Worker in 1932?

A. I think I made that statement.

Q. Huh? A. Yes.

Q. Was that correct?

A. No, I don't think it was.

Q. It wasn't true?

A. I have found out since that that was an incorrect date. I said in the last hearing—I said we became associated with it in September or October, 1932. At the same time I said I could check the date and check the issues. [5797]

Q. Well now, what have you checked?

A. As a matter of fact, the Waterfront Worker didn't start until June, 1933. So I was just a year out, and we started operating it around September or October of 1933.

Q. So that this group of longshoremen that you have been talking about had no connection with the Waterfront Worker in July, 1933?

A. No. I think it went out of business around July, '33.

Q. The Waterfront Worker——

A. (Interposing) Yes.

Q. (Continuing): ——went out of business in July, 1933? A. Yes.

Q. What issue is this, Government's Exhibit 205?

A. The first issue we put out changed the name

(Testimony of Harry Renton Bridges.)

here. It said, "Issued by a group of ILA longshoremen".

Q. Now, this is Government's Exhibit 205. You will note it is for July, 1933. A. Yes.

Q. And on the masthead, notwithstanding what you have said, it says "Issued by a group of longshoremen". Now, regardless of the checking that you have done you were connected or associated with the Waterfront Worker in July of 1933, weren't you? A. No.

Q. Huh? [5798] A. No.

Q. Well, to what group of longshoremen does this refer to in the July, 1933 issue of the Waterfront Worker?

A. I think there was a group of seamen-longshoremen.

Q. Huh?

A. I think there was a group of seamen-longshoremen, if not in the Marine Workers Industrial Union possibly closely affiliated. It was not our group.

Q. You were not one of them?

A. No. When we took it over and put it out we changed it, and if you will look through some of those issues you will find, I think, maybe some statement to the effect that it was going to be discontinued for lack of funds or something.

Q. Now, in this same issue, Government's Exhibit 205, appears this, notwithstanding what you have testified to, on page 6 in the bottom of the last column: "As in the past, the Marine Workers In-

(Testimony of Harry Renton Bridges.)

dustrial Union has given us their cooperation and help in issuing this paper. The next issue of the Waterfront Worker will contain the report of the Unity Convention being held in New York July 16, 17 and 18".

Well now, Mr. Bridges, doesn't that refresh your recollection a little bit? A. No.

Q. Huh? [5799]

A. No. It's fresh enough.

Q. Now, to whom did they refer? What did this refer to: "As in the past, the Marine Workers Industrial Union has given us their cooperation and help in issuing this paper"? What were they talking about? A. I don't know.

Q. You don't know? A. No.

Q. Huh? A. No.

Q. What checking did you do between the last hearing and this hearing with reference to the——

A. (Interposing) In the——

Q. (Continuing): ——with reference to the time you became connected with the Waterfront Worker?

A. In the last hearing I promised that I would try to search and get all the old issues of the Waterfront Worker that I could. I was unable to do that. I never had any old issues. These are the first time I have seen issues like this since 1933 or 1934, but as soon as I saw them I knew the difference because I remember when the change-over was made, what the change-over was, and that is that it was definitely put out by a group of union longshoremen. One of the arguments against the paper and

(Testimony of Harry Renton Bridges.)

why it wasn't successful was that it was not being put out by the union longshoremen on the waterfront, [5800] and complaints were made that it was disrupting or splitting the union. And we agreed with those complaints. I was one of the ones that raised it. And when we started to put it out, either in September or October, 1933, after it had been out of business a couple of months, we stated that "This is a new Waterfront Worker being put out by a group of ILA union longshoremen to build the ILA".

Q. Well, let's see how correct you are, Mr. Bridges. I have in my hand here again this Government's Exhibit No. 205. I am reading now the first article that appears on the front page below the masthead there, below this "Issued by a group of longshoremen".

"What Does 'The News Letter' Mean?

"Like the rest of the stevedores we have signed up in the I.L.A. and paid the 50c. Like the rest of the stevedores we are fed up with the B.B. and have organized to finally smash it. It is now up to us to make the new union a real fighting weapon of the stevedores able and ready to win better wages and working conditions and to protect all our interests. To do this we ourselves must take control of our organization. The 'News Letter' issued by a self appointed executive board has convinced us that we must start doing this immediately. What does this letter contain? And what does it mean to us?"

(Testimony of Harry Renton Bridges.)

Do you want to change your testimony now, Mr. Bridges?

A. Not at all. Anybody that is familiar with the [5801] waterfront can just judging by that terminology alone—could see what complaint we had.

Q. You don't want to change it yet?

A. "Stevedore" is a word never used on the waterfront by anybody who works down there or everybody down there. That's one of the complaints we had. Any longshoremen any length of time on the waterfront reading that alone, that paragraph that you just read, would know that it was never put out or written by a longshoreman.

Q. Let me show you, then, Government's Exhibit No. 204, which is the June issue, June, 1933 issue of the Waterfront Worker, and on the masthead appears this "This paper is issued by a group of organized longshoremen. We acknowledge the help given us by the M.W.I.U.". Does that help you refresh your memory? A. Sure it does.

Q. Huh? A. It sure does.

Q. Do you now want to——

A. (Interposing) Sure! Some of the complaints we were raising began to work on these fellows and instead of putting the bulletin out in the name of the M.W.I.U. they began to put it out in the name of a group of longshoremen, but they still couldn't make a job of it.

Q. Now, your testimony was that you took over

(Testimony of Harry Renton Bridges.)

the [5802] Waterfront Worker after the Marine Workers Indust ial Union couldn't make a go of it?

A. That's right.

Q. Huh? A. That's right.

Q. Nobody else had taken it over between that time and the time you had it? A. No.

Q. Did they? A. No, no.

Q. No group of longshoremen? A. No.

Q. Had taken it over before your group of longshoremen had taken it over, had they?

A. Not that I know of.

Q. Huh?

A. Not that I know of. My best recollection is that we took it over at the time of the October s[illegible]ke in 1933 and it had been out of business for a couple of months then. Now, if you have enough issues there you can follow them right down the line and see the issue. If you have got all the issues you will see the issue in there, the first issue we put out, where we explained what we were doing: That we were taking the paper over and it was going to be put out by a group of organized union longshoremen. Now, if you have [5803] got them all you have got that one, too.

Q. You would be surprised what we have got. You will get some more surprises before it is over. Now, I have here—excuse me, your Honor, for the remark. It was not said with any offense.

Now, I have here the August 15, 1933 issue of the Waterfront Worker. A. Yes.

(Testimony of Harry Renton Bridges.)

Q. Did you have anything to do with it at that time?

A. The only way I can go by is if the masthead changed.

Q. Huh?

A. That is the only thing I can go by.

Q. Haven't you checked that between your testimony at the last hearing and your testimony now?

A. No. I have no way to positively check it. I have checked it the best way I was able to. But the best thing to go by is when the name on the masthead changed and that indicated a change in ownership.

Q. Would you say that you had nothing to do with it in August, 1933?

A. To the best of my recollection I did not.

Q. Let me show you this copy of the Waterfront Worker for——

A. (Interposing) No, we had nothing to do with it then. [5804]

Q. Huh?

A. We had nothing to do with it then.

Q. Let me call your attention here to the masthead here "Issued by a group of Longshoremen with the cooperation of the Marine Workers Industrial Union". Now, my voice is getting a little hoarse. Would you mind reading that article on the front page. [5805]

A. The article is headed "Tonight"—the article is headed "For the I.L.A. Meeting Tonight".

"Tonight the I.L.A. meets for the second time

(Testimony of Harry Renton Bridges.)

since its beginning here two months ago. What has the I.L.A. done for us in this two months? What has been done to immediately better the conditions on the waterfront?

"The great ballyhoo Lee Holman and Co. made about breaking the B.B. has petered out into a farce. The B.B. is still here and victimizing men on the front every day. What is the present leadership of the I.L.A. doing about it? Nothing! What has happened to the promises of an Dollar a hour, and a Dollar and a half overtime and all the other rosy promises??? Nobody hears any more of them. In Fact, some stevedores are now heard to ask: 'What has happened to the I.L.A., has it given up?'

"Why has the I.L.A. not become the fighting organization we wanted on the front? Because we have never taken affairs into our own hands. We have from the first let everything in the hands of a few individuals we know little about.

"Tonight we must make the break. We must take the organization into our own hands. The rank and file must run and control the I.L.A. Tonight we must attend the meeting and do the following:

"1.) Elect our own Chairman . . . .

"2.) Elect a complete slate of our own officials, men from the Waterfront whom we know well.

[5806]

"3.) Elect an Executive Board of about 24, so that the organization will remain in our own hands and be kept from the control of a few officials. This

(Testimony of Harry Renton Bridges.)

Executive Board must be representative of the various docks.

"4.) Begin the building of dock committees, so that we can have the Union right on the job, and use it on the job.

"5.) Wide representation from the rank and file must be gotten at all conferences.

"6.) We must take immediate steps to develop action against the B.B.

"Only by carrying out immediately this steps can we protect our interests on the waterfront.

"Fellow Stevedores: Let us take things in our own hands tonight!

"For Complete Rank and File Control in the I.L.A.!!

"For Immediate Organized Action Against the B.B.!!"

Q. Well, you recall your testimony here about this Albion Hall group? A. Yes.

Q. Huh? A. Yes.

Q. Now, having in mind your testimony regarding the Albion Hall group and this article that you have just read, would you say that you weren't connected with the Waterfront Worker at that time?

[5807]

A. Since reading the article now I am positive. And I can say why.

Mr. Del Guercio: I will offer——

The Witness (Interposing): We put out a leaflet along the same line.

(Testimony of Harry Renton Bridges.)

Mr. Del Guercio: Wait a minute! I didn't ask you yet.

I will offer this Waterfront Worker for August 15, 1933, in evidence.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 280.)

GOVERNMENT'S EXHIBIT No. 280

WATERFRONT WORKER (Cut)

Issued by: A group of longshoremen with the cooperation of the Marine Workers Industrial Union.

Vol. 1 No. 9 Waterfront Worker August 15, '33

FOR THE I. L. A. MEETING TONIGHT.

Tonight the I.L.A. meets for the second time since its beginning here two months ago. What has the I.L.A. done for us in this t w o months? What has been done to immediately better the conditions on the Waterfront?

The great ballyhoo Lee Holman and Co. made about breaking the B.B. has petered out into a farce. The B. B. is still here and victimizing men on the front every day. What is the present leadership of theILA doing about it? Nothing! What has happened to the promises of an Dollar a hour, and a Dollar and a half overtime and all the other rosy promises? ? ? Nobody hears any more of them. In Fact, somestevedores are now

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 280—(Continued.)

heard to ask: "What has happened to the ILA? Has it given up?

Why has the I.L.A. not become the fighting organization we wanted on the front? Because we have never taken affairs into our own hands. We have from the first let everything in the hands of a few individuals we know little about.

Tonight we must make the break. We must take the organization into our own hands. The rank and file must run and control the I.L.A. Tonight we must attend the meeting and do the following:

1.) Elect our own Chairman.

2.) Elect a complete slate of our own officials, men from the Waterfront whom we knew well.

3.) Elect an Executive Board of about 24, so that the organization will remain in our own hands and be kept from the controll of a few officials. This Executive Board must be representative of the various docks.

4.) Begin the building of dock committees, so that we can have the Union right on the job, and use it on the job.

5.) Wide representation from the rank and file must be gotten at all conferences.

6.) We must take immediate steps to develope action against the B.B.

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 280—(Continued.)

Only by carrying out immediately this steps can we protect our interests on the Waterfront.

Fellow Stevedores: Let us take things in our own hands tonight!

"For Complete Rank and File Control in the I.L.A.!!"

"For Immediate Organized Action Against the B.B.!!"

* * * * * *

Wick tries hard . . . .

Wicks, the Blue Book dues collector had a confab with Stratmeyer the Supt.of McCormic S. S. Co last week, in regards to pulling men off the job who werenot paying up in the B.B. After 15 minutes of pushing breeze between them, Stratmeyer said to Wicks: "If they pay, alright,but if they do not, leave them alone, as I do not want new men coming in this dock as we have a tremendousturnover in Labor."

* * * * * *

The Marine Workers Industrial Union wishes to announce a Dance & Entertainment, Saturday Aug. 26, 8.P.M. at 1223 Fillmore Admission 25c Unemployed 5c.

* * * * * *

Not a Cent More into the B.B. Racket

Page 2 Waterfront Worker August 15 '33

EXTRACTS FROM THE CODE FOR LONGSHOREMEN DRAWN

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 280—(Continued.)

UP BY THE MARINE WORKERS INDUSTRIAL UNION

While 36 hours shall contitute a weeks work there must be a garanteed minimum of 30 hours a week, 40 weeks a year. The Government and industry shall guarantee this minimum of 40 weeks; all workers getting less than 40 weeks shall receive the difference between their actual earnings and the minimum wage from Unemployment Insurance, funds for which shall be raised by a 1c tax on every hundred pounds of freight; and from funds appoprited for the Jones-White Act.

* * * * * * *

Wages shall be adjusted regularly as prices rise so that there will be no lowering of the living standards due to inflation. There shall be no gang system of engagement but a roto system of hiring to be controlled by a committee of longshoremen.

* * * * * * *

Double straight time shall be paid for the following holidays: New Year's Day, Lincoln's Birthday, Washington's Birthday, Thanksgiving Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Armistice Day and Christmas. When the above holidays fall on Sunday the overtime rates shall apply to the following day. All workers to be given time off with pay to vote in all elections.

* * * * * * *

Under no conditions shall seamen drive wenches.

* * * * * * *

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 280—(Continued.)

When men are ordered out to work and no work is provided the men shall be paid four (4) hours at the prevailing rates.

* * * * * *

In order to create more jobs the minimum gang for general cargo shall not be less than 22 men, with corresponding increases for all other types of cargo. The local Union and Dock committees shall determine the size of gangs.

* * * * * *

To insure the health of the men there shall be one relief man on the forward and one on the after part of the ship.

The longshoremen shall have the right to join any union they see fit. The right to strike when their demands are not otherwise granted. We demand that provisions be made for the recognition of elected committees of the longshoremen.

Continued on next column.

EXTRACTS FROM THE CODE FOR SEAMEN DRAWN UP BY THE MARINE WORKERS INDUSTRIAL UNION

On all vessels carrying dangerous, inflammable and obnoxious cargo (oil tankers, sulpher, boats, etc) an additional increase of 20% in wages shall be given.

* * * * * *

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 280—(Continued.)

Full wages shall be paid for every member of the crew and there shall be a complete abolition of the workaway system.

* * * * * *

Food shall be of adequate quality and quantity suitable to climate and weather conditions and subject to inspection of ships' committee.

* * * * * *

Fink Halls and shipping masters shall be abolished and a central shipping agency with rotary system of engagement under control of elected committees of seamen shall be instituted.

* * * * * *

The workers shall have the right to belong to any union of their own choosing and the right to strike whenever the workers' demands are not otherwise granted. As a means of providing additional work for seamen the code shall include the recommendation of definite trade relations between the USA and the Soviet Union.

* * * * * *

The Seamen's code shall provide recognition of democratically elected Committees of the seamen representative of all departments on a vessel.

* * * * * *

These ship committees to be recognized by the employers in the enforcement of wages, hours, discharges and conditions of labor contained in the above provisions and any other problems that may arise.

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 280—(Continued.)

* * * * * * *

Continued from column 1.

These dock committees to be recognized by the employers in the enforcement of wages and conditions of labor contained in this code and in any other problems that might arise. In all conferences the longshoremen shall be represented by committees elected by and from the ranks of the longshoremen.

* * * * * * *

Page 3 Waterfront Worker August 15 '33

Things are daily happening on the Front. The waterfront is going to be astir from now on. Difference of opinion is going to be common. Fight it out in the Waterfront Worker.

Write to the Waterfront Worker. 3470-19th St.

The Mail Bag

HOLMAN & CO. AND THE B.B.

Dear Editor:

On August 7th a stevedore employed by the Matson S.S. Co. was ordered off Pier 32 by Capt. Russel and instructed not to return until he had paid up in the Blue Book. A demand was made upon Lee Holman and his associates by a number of interested stevedores that some action be taken, and support given to men who are being knocked off on account of not paying dues in the B. B.

Lee Holman's reply to this was for workers not

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 280.—(Continued.)

to pay their dues in the B. B. That he would take the matter up with Rayn and Dept. of Justice. Stevedores are daily becoming more impatient with Holman and his policy of watchful waiting.

A real leader would declare his policy so the workers would know what course to follow. The Matson Co. and other shipowners, if not curbed will knock off individually, men who refuse to pay up in the B. B. Stevedores will be intimated and forced to join the Blue Book.

It is now almost two months since Lee Holman appeared on the Waterfront and signed up men in the I.L.A., Men who signed up were promised a militant union: A union that would fight for their interests. When it comes to fighting for the interests of the workers, Lee Holman can't make a decision without his shadow, McNulty who has not been active on the Waterfront for many years.

Striking workers in the Eastern industrial belt during the past few months have had to develop leaders from the rank and file. Our way out is the same.

It [illegible] coming clear that militant and intelligent leadership cannot be expected from the old line AFL leaders and politicians.

A Waterfront Worker.

Editors Note: The writer shows a tendency to depend on a few "leaders". The sooner we forget about individual leaders and depend on ourselves, the better.

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 280—(Continued.)

WHEN TWO OF A KIND BEATS A FULL HOUSE

Fellow Stevedores & Editor:

We all know how to play poker, but we don't all know how a membership meeting in our union should be carried out. I witnessed that at our first meeting in the Labor Temple on July 27th.

Once in a great while those of us who play poker see a deal where two of a kind beats a full house by bluffing. If the full house doesn't call the two of a kind, the full house loses. That is just what happened at our meeting.

We had a full house at the Labor Temple that night—Lee Holman and Tom Hern were the two of a kind. They bluffed and got away with it. Why didn't we call their bluff? Was it because they had two gunmen at the door or didn't we know how to carry out our meeting? I think we did not know how to carry out our meeting and hope that the Editor of the Waterfront Workers will explain in the next issue of the paper how a Union meeting should go about so the two of a kind won't have a chance of bluffing a full house again.

Dock Walloper.

WATER CANS AND RATS

The water cans which the men use to drink from on pier 40 (McCormick) are old and rusted, and filthy with slime and scum. The Company is too busy piling up profits to have the cans scalded out

(Testimony of Harry Renton Bridges.)
Government's Exhibit No. 280—(Continued.)

or replaced with new ones. The cans are left in the hold at sea partly filled with water and as the holds are infested with rats it is not an uncommon occurance to find one or more of them drowned when the hatches are opened. It is time to take serious notice of this condition & take immediate active steps to remedy it. Unless something is done we can expect a virulent epidemic to set in.

* * *

Page 4 Waterfront Worker August 15, '33

UNDER BELOW
HUNGRY GUS AGAIN

By a correspondent

Recently on Pier 22 the gang was handling sugar —26 sacks on a flat ton (one ton)—Hungry Gus seeing that they could pull that hollered for 25 sacks.

Looks like if the gang don't take action soon, Hungry Gus's ambition will bellow for 30 sacks next.

TRITTON IN TROUBLE

By a correspondent

One of the McCormicks East Coast boats was working all night at Pier 40. Tom Tritton had a gang there with several more windbags like himself shouting and banging things trying to outnoise every thing else.

The ship had a high deckloas of lumber which they were discharging. The winch driver not able

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 280—(Continued.)

to see, sent a load of lumber crashing into a warehouse, tearing everything away before it glass and all. It was a grand spectacle to behold, to see the sling of lumber sailing thru the air. The Walker came along and sent Tritton home with his gang.

SAFETY SECOND

By a correspondent

In the SS Brookings and other vessels of the McCormick Line there are but two ladders for the four hatches—no bulkhead between No. 1 and No. 2 or between No. 3 & No. 4.

The shipowners have conceived this idea as a way to save a little steel and weight regardless of their jepardizing the lives of the men who are piling up their enormous profits.

When a vessel arrives at it's terminus the exit to the ladder in the adjoining hatch is blocked off with lumber or other cargo. In case of fire or of the ship taking a heavy list, the men working below would have little chance for escape—being caught like rats in a trap.

* * *

INTERNATIONAL NEWS

Stockholm, Aug. 10.—A strike of 90 sailors and 400 recruits in a barracks at the Swedish naval base at Kariskrona, in protest against bad food, was followed almost immediately by a strike of 800 more sailors in another barracks.

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 280—(Continued.)

All refused to drill until better food was guaranteed. The strike was won.

* * *

New York. Aug. 6—A cable from the International Seamen's and Harbor Workers' Union yesterday announcing that Polish seamen had gone out on strike and calling on the Marine Workers' Industrial Union to stop all Polish liners in port, was followed by a cable story announcing that the strikers had won all demands and gone back to work. The I. S. H., which is working illegally in Poland, has succeeded through leading a series of militant strikes in isolating the strike-breaking reformists and building democratically elected rank and file committees among the Polish seamen which have carried through many successful strikes.

* * *

Canton, China. Aug. 7—A boycott of the British owned China Navigation Company, biggest shipping firm in China, by striking seamen of Canton has completely tied up the company's docks. Picketing is so successful that the company's ships are not calling at Canton. Over $2,000,000 worth of goods is deteriorating in the warehouses.

* * *

NEWS FROM OTHER PORTS

A longshoreman from Phila reports that the I.L.A. officials gave a picnic in Phila. and drained the treasury of $5000.00. Ryans henchmen were the ones who had the picnic.

(Testimony of Harry Renton Bridges.)
Government's Exhibit No. 280—(Continued.)

* * *

Santiago, Chile. Aug. 8 All the crews on the ships of the South American Steamship Company (U.S.) went on strike here today demanding a 25 percent rise in wages.

* * *

The Sydney M Hauptman of the McCormick Line came into Frisco with her crew 100 per cent organized into the Marine Workers Industrial Union.

* * *

Send your material for the next Waterfront Worker in early.

Page 5 Waterfront Worker August 15 '33

AT LAST WE MEET

By a correspondent

With Leo Holman presiding the long delayed meeting of I. L. A. came to order July 27 at 8 P.M. & so to assure himself that said order would be maintained, Holman called upon S.F. police for help by having two officers stationed within the door, and not outside where they belonged as a member of the meeting pointed out from the start.

This motion however met with no approval from the chair for a mighty good reason as I saw a few minutes later. A member seconded the motion that a chairman be elected from the floor as suggested by the Waterfront Worker. Holman had him removed by the cops. Although I do not know the men myself, I ascertained that he has been working on the front for years and is well known.

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 280—(Continued.)

If such high hat methods are going to be used against any one who dares to voice an opinion contrary to the ideas of Holman I forsee a quick end to the enthusiasm and interest in the I.L.A. that now prevails on the front.

Another feature of the meeting that I have heard discussed with much ill feeling was the way that the two delegates for the Portland Convention were selected—(certainly not elected) Holman was nominated by T Hern to present the code at Portland and the latter was in turn nominated by Holman in the event that he(Holman) was unable to go. Both motions were rapidly carried—steamrollered I should say, in short order, without the customary question being put. I noticed at least four members who tried to get the floor at this time which was their absolute right, by all the rules of order, but the floor was denied to all for fear that the motion may have been exposed by debate and not carried. Holman was certainly afraid that some member would move that a delegate be elected from the rank and file, but by this method Holman secured the job for himself and T. Hern in face of a great deal of protest.

Viewed from the two main angles, wages and hours, the proposed code was all that could be desired. The dimensions of the loads was another mat ter. 20 cases of oil, 6 drums of oil & asphaltum, 60 & 40 cases of canned goods, etc. with only 8 men in the hold is no reduction on any dock except Matson

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 280—(Continued.)

or Swayne & Hoyt. Again no discussion was allowed nor did I hear the question of a list system with an accompanying flat rate for hour mentioned. The lat ter method found much favor among men on the front.

After waiting patiently, and being confident that something would be done, when hearing McNulty denounce the Blue Book and being told how the San Pedro men had run Scabby Peterson out, imagine my surprise whereupon it was moved that every man on the Waterfront who is a member of the ILA refuse to pay dues to the B.B. and said motion was seconded by three or four different members and also meeting with undisguised approval of the majority of the members present, the chairman had the adacity to adjurn the meeting thus sidetrack. ing one of the most important issues on the front today. Why was this important issue sidetracked? It was also too bad that the chair dared not to have the police throw out the member making this motion and so had to resort to the adjournment as a last resort. I gave the chair credit for quick thinking.

In conclusion I would urge all longshoremen attending the next meeting to see that the chair al lows a member to voice an opinion from the floor without his being thrown out, and so let all of us on the front have a say in such matters as 1. How big shall the loads be. 2. Who shall represent us at the conference. 3. How shall we combat the black-listing tactics of the Blue Book.

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 280—(Continued.)

N R A COMES TO PIER 40

By a correspondent

Recently, while working on a McCormick vessel, the discharging load was three half rolls of new sprint paper on a board sling, making a hoist of some twenty one hundred pounds to a lift.

With his usual majestic display of authority, the dock captain came over to the hatch and ordered the size of the loads to be increased to six rolls.

Now the question arises, considering the fact that the McCormick Line is the first outfit on the front to display the NRA Blue Eagle flag,—is this what Roosevelt had in mind when he spoke so encouragingly to us of the New Deal.

* * *

WRITE FOR THE WATERFRONT WORKER

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IN A PIG'S EYE!

WATERFRONT WORKER
3470-19th Street
SAN FRANCISCO

The Sales Tax . . .

Rolph's veto of the income tax leaves no doubt the policy of the state government is to exempt the rich from taxation. As a matter of fact the 2½ % tax is closer to 7%. The average purchase that working class housewives make is far less than 59 cents

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 280—(Continued.)

Probably 3 pennies are drawn out of a worker thru 15 and 20 cent purchases for every 59 cents spent. The tax is the same as if the workers wages were cut, and it was quite fitting that it began on the very day when the Blue Eagle policy, supposedly a symbol of more wages went into effect. The tax is on top of increases in prices of products most commonly consumed by workers, averaging already at least 20%. As a matter of fact the NRA ballyhoo to date has only served as an excuse to increase prices and impose such taxes.

It is in the interest of the stevedores as well as all other workers to organize a fight against this tax scheme. This must not be confused with the move of a group of large merchants who have announced that they will initiate a referendum for repeal. Such a referendum takes two years to carry thru. This would be useless as the law is only a two years' measure. This fight is part of the struggle against the high cost of living, and goes hand in hand with the chief fight, which is for increases in wages, and against the NRA cuts.

* * *

The B.B. in Pedro.

(by a correspondent.)

Stein, former "Iron Man" of the Blue Book got shown up in Pedro He was trying to cash in on the sentiment for organization created there.

In the Fink Hall alley one of the longshoremen

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 280—(Continued.)

acused him of collecting dues with blackjack in one pocket and gun in the other.

"And I'll bet you have a gun in your pocket right now" said the Steve.

This was proven to be true. So Stein slunk out of the alley . . .

* * *

NOT A CENT MORE INTO THE B.B. RACKET

[Endorsed]: Filed June 2, 1942.

Mr. Del Guercio: I would like permission to withdraw it and substitute a photostatic copy.

Presiding Inspector: Certainly.

By Mr. Del Guercio:

Q. Who were the editors of the Waterfront Worker in 1933 and particularly in June, July and August? A. I don't know.

Q. Huh? A. I don't know.

Q. Who were the editors of the Waterfront Worker when you took it over?

A. What do you mean by an "editor"?

Q. One who edits a paper, I guess. [5808]

A. Well, I know editors and editors. I go out here and I see a man sitting behind a desk in a big office. He's an editor. This type of paper, what you might call an "editor" was possibly anybody who contributed an article. I don't know of any editors

(Testimony of Harry Rentor Bridges:)

in the true sense. The paper was handled by a group of people who contributed the material for it.

Q. There was a group? A. Yes.

Q. A group of what? A. Longshoremen.

Q. And you were one of them?

A. Oh, yes.

Q. Huh? A. Yes.

Q. Now, when did that group—how did they come about to edit or to get out the Waterfront Worker-

A. We just—one of the days that we were standing around on the waterfront waiting for some work that didn't come along, why, just standing there on the curbstone on the sidewalk discussing it, we got the bright idea that we could do a better job with those fellows then they had been able to do.

Q. Than what fellows were able to do?

A. These fellows, this group of longshoremen.

[5809]

Q. Of the Marine Workers Industrial Union?

A. Oh, we suspected—since reading this I can tell you why. We suspected——

Q. (Interposing) Now, wait! Not the Marine Workers Industrial Union? It was this group of longshoremen, a group of longshoremen other than these?

A. We suspected that they were one and the same.

Q. When did your group that you are talking about get together and first conceive the idea of taking over the Waterfront Worker?

A. My best recollection is in October.

(Testimony of Harry Renton Bridges.)

Q. October what? A. 1933.

Q. 1933? A. At the time——

Q. (Interposing): That is your best considered recollection?

A. Well, the reason I fix it is this: Because at that time we had a strike on the waterfront and we needed some kind of an organ or a paper or some type of literature to distribute to explain the issues and to prevent strikebreakers coming on to the waterfront, and we conceived the idea.

Q. "We", who do you mean by "we"?

A. Just a group of longshoremen; just the fellows that [5810] stood there every morning day in and day out.

Q. And who were they among that group besides yourself?

A. Oh, there was quite a few. I could name off a few names.

Q. Yes, if you please.

A. Schmidt was one.

Q. Henry Schmidt? A. Henry Schmidt.

Q. In 1933? A. I think so.

Q. You are sure of that?

A. Well, I heard his testimony here. But I am just giving you now my best recollection.

Q. I know you heard his testimony and I know you heard him testify that he had nothing to do with the Waterfront Worker until the early part of 1934 some time. A. I did.

Q. And notwithstanding that you say that he

(Testimony of Harry Renton Bridges.)

was associated, connected with the Waterfront Worker in about, as you say, October 1933?

A. That was my recollection. Of course I could change it and say that it might have been '34, but I am trying to give my best recollection.

Q. Oh, I am sure. Sure.

A. Notwithstanding what Schmidt said. [5811]

Q. Now, who else?

A. I didn't say that Schmidt might have been it right from the start, but I certainly couple him up with it pretty close from the time we got started.

Q. Would you say that from the very beginning Mr. Schmidt was associated with the Waterfront Worker-

A. In my recollection he was there pretty close to the start.

Q. Now, who else?

A. Jack Shaw was another; John Schomaker.

Q. Jack who?

A. Jack Shaw. Schomaker was another.

Q. Is that John Schomaker? A. Yes.

Q. Right from the very beginning now?

A. Yes, or thereabouts. When you say "from the beginning" are you referring now to when the thing actually started?

Q. When your group, the group that you were connected with, took over the publication; if you call it "publication," of this Waterfront Worker?

A. It is pretty hard to nail that down when you understand the way the thing started. The thing

(Testimony of Harry Renton Bridges.)

started in a loose way. It didn't start in an organized way.

Q. Look! I have already asked you how it started [5812] and you said a group of longshoremen got together on the curb. You mentioned "curb."

A. That's right.

Q. And you got started. Do you want to go into that again?

A. That is exactly the way it happened, but your idea of what I meant by a "group" is different from what my answer really is.

Q. What group is that that conceived the idea of taking over the Waterfront Worker?

A. Just a few men standing on the waterfront one morning.

Q. Who are they?

A. I am trying to tell you to the best of my memory.

Q. You mentioned Schmidt, I believe.

A. I did.

Q. Jack Shaw?

A. Jack Shaw was another.

Q. John Schomaker was another?

A. Yes, to the best of my recollection.

Q. Who else?

A. Let me get around to it. I am trying to separate those first few fellows as much as I can from the large number who later contributed.

Q. Let me do some separating for you. You tes-

(Testimony of Harry Renton Bridges.)

tified that there were only about eight or ten that were actively [5813] connected with the paper?

A. That I can remember.

Q. Give me the names of those eight or ten.

A. John Larson. It is pretty hard to remember some of them right now because of the way we used to know the fellows.

Q. They were the same fellows that were in this Albion Hall group that you have testified about?

A. No, no. Yes and no.

Q. Huh? A. Yes and no.

Q. Well, that's a good answer.

A. Well, I can explain it.

Q. Yes.

A. I can explain it. Many people contributed to the paper in the way of articles. Many people knew generally speaking, who was putting it out.

Q. Now, who now? A. Many people.

Q. Let's stay on that. You say many people knew who was putting it out? A. Yes.

Q. Let me ask you then who was putting it out?

A. Quite a number of longshoremen in the way that I have described.

Q. Now, let me have the names of those longshoremen [5814] that you say everybody knew; a lot of people *knew were* putting it out.

A. I am giving you the names to the best of my recollection. You first of all have got to understand the waterfront. You know this guy by the name of "Dutch" and this guy "Snowy" over here, and this guy is "Bill," and you have all kinds of nicknames

(Testimony of Harry Renton Bridges.)

and you can recall them much better by their nicknames and by just looking at them.

Q. I would even accept the nicknames, if you will tell me.

A. That's what I am trying to think of.

Q. Well, give me them.

A. Well, it is not so easy. I can't recall many more. They are the ones that stand out most in my mind.

Q. And yet you were able to recall definitely that there were eight or ten associated actively in putting out the Waterfront Worker. Now, how did you know that?

A. When was that?

Q. In your testimony even as much as yesterday and this morning.

A. Oh, no.

Q. Do you forget what you testified to yesterday?

A. I haven't said that there were not eight or ten. You are asking me to name them.

Q. Do you refuse to name them?

A. No, I don't. I just have a little difficulty [5815] remembering all their names. After all, that's eight years ago and I just don't remember all their names.

Q. Is that the best you can do now, those that you have mentioned?

A. Off-hand, yes. I could possibly—as we go along, every time I think of one I will let you know.

(Testimony of Harry Renton Bridges.)

Q. You will put up your hand?

A. Well, I can tell you or I can possibly do a little checking up and get you a few more. [5816]

Q. You testified, either yesterday or this morning—I don't remember which—that you employed seamen to distribute copies of the Waterfront Worker. Who employed the seamen?

A. Well, us fellows who were putting out the paper.

Q. "Us fellows who were putting out the paper?"

A. Yes; the same eight or ten.

Q. Who did the hiring, "us fellows all together?" A. As a rule.

Q. Did you have——

A. (Interposing): I am just trying to think of the person we used to depend on to take care of that. There was nothing to it. They was always a few hundred seamen——

Q. (Interposing): Did you have anything to do with hiring the seamen to distribute it?

A. You bet; on occasions.

Q. You hired them yourself?

A. On occasions.

Q. You paid them 50 cents a day?

A. It wasn't done that way. A. Huh?

A. You didn't pay them. You supplied them with the papers and then they sold them.

Q. At 50 cents a day.

A. They gave you back the money they had left over.

(Testimony of Harry Renton Bridges.)

Q. Your testimony this morning was that you employed [5817] seamen at 50 cents a day.

A. That is still correct.

Q. To distribute the Waterfront Worker.

A. That is still correct.

Q. 50 cents a day?

A. That is still my testimony.

Q. That is still your testimony? A. Yes.

Q. You were a union man at that time?

A. Yes.

Q. Huh? A. Yes.

Q. You employed seamen at 50 cents a day to work, to distribute papers for you?

A. Well, you are looking at "employment" in a little different way. They weren't in it for the money.

Presiding Inspector: Next question.

By Mr. Del Guercio:

Q. Now, you said that Jack Shaw was one of the original group of longshoremen who took over this Waterfront Worker?

A. Yes; and very active.

Q. Very active? A. Yes.

Q. Did he run for office about that time?

A. What kind of office? [5818]

Q. Municipal office. A. I don't know.

Q. Huh? A. I don't remember.

Q. Did the Waterfront Worker support him in his campaign for city office?

A. I think if Jack Shaw run for any office we

(Testimony of Harry Renton Bridges.)

who were running the Waterfront Worker would have supported him.

Q. Regardless of what ticket he was running on?

A. We would have supported him.

Q. If he ran on the Communist Party ticket would you have supported him?

A. We might not care what ticket he run on.

Q. Would you have supported him if he had run on the Communist Party ticket?

A. That is a theoretical question.

Q. And you don't want to answer a theoretical question?

A. It would depend on his program. If he was running for an open shop, the answer to that is "No." It would depend on what he run on. If he had been running on a program for short wages, or lesser wages, we wouldn't have supported him.

Q. Was John Shaw a member of the Communist Party?

A. I don't know. As far as I know he is not.

Q. Was John Schomaker?

A. I am not sure. [5819]

Q. Huh? A. I am not sure.

Q. What did you testify about that at the last hearing regarding John Schomaker, do you remember?

A. No. I don't have to check my testimony with my testimony at the last hearing, unless I was lying.

Q. Well, I don't know if you are lying—are you lying?

(Testimony of Harry Renton Bridges.)

A. Well, it depends on who is going to judge that.

Q. Now, even now do you state that your best recollection is that you took this waterfront paper over in 1933 about October? A. Yes.

Q. That is the first issue?

A. It is not my best recollection. I am definitely sure of it.

Q. You are definitely sure of it?

A. Yes. The paper wasn't in existence in 1932 so it couldn't have been taken over then.

Q. Do you know Jack Bishop?

A. I had a recollection of a Bishop when you you were asking me about the "Bishop," and I was trying to place him.

Q. That isn't the same "Bishop"—Roy Bishop. This is John Bishop.

A. When you started talking about the "Bishop" it reminded me of the name of Bishop and I am still trying to [5820] place him. I heard it somewhere and I connect it with the waterfront.

Q. Do you also connect it with the Waterfront Worker?

A. You mean as a member of, if he was a longshoreman—no, I don't.

Q. He was a longshoreman working on this same waterfront that you were working on all these years from 1923 up to the time you became an official of your union?

A. Well, he might have been. I don't recall him very well. I just have a faint impression of the

(Testimony of Harry Renton Bridges.)

name, and that I either know the name or I know him somehow; but I don't connect it in my mind with the Waterfront Worker.

Q. Did the Waterfront Worker support his candidacy for office in the San Francisco municipal elections in November, 1933?

A. I don't know. After all, I can't remember that.

Q. You had something to do with the publication of the Waterfront Worker in November, 1933, did you not?

A. I am pretty sure at that time we did.

Q. And if the Waterfront Worker did support Jack Bishop as a Communist Party candidate in the San Francisco municipal elections in November 1933 you would have had a hand in that, wouldn't you?

A. In what way?

Q. In getting the Waterfront Worker to support him, Jack Bishop, a Communist Party candidate? [5821]

A. Not necessarily; no. It depends. Somebody might have wrote a letter in and it would be printed, saying, "I believe that everybody ought to vote for those people." I don't know. It all depends on how it is done. Unless it is announced there by me, or not by me—it all depends on how it is done. If Bishop was a longshoreman—and I don't remember that he was—but if he was a longshoreman and was running for office, it is entirely logical that he

(Testimony of Harry Renton Bridges.)

was supported by the Waterfront Worker. It would depend on his program, of course.

Q. Now, tell us just how you and the group of longshoremen took over the Waterfront Worker?

A. Well, we didn't exactly take it over. We started it up again.

Q. You must have done something. Where did you go, and who went?

A. Oh, as near as I can remember, here is what happened: First of all, the paper was coming out and there were many complaint raised against it; that it didn't talk the language of the men——

Q. (Interposing): This was before. Begin at the time that you and this group of longshoremen conceived the idea of taking over the Waterfront Worker. What did you do, where did you go, who did you meet?

A. That is what I am trying to tell you. [5822]

Q. Can you get that sequence?

A. Oh yes. I can tell the whole story.

Q. And try and follow it.

A. I will be able to follow it and tell you the whole story.

As I say, the paper went out of business. We were asking——

Q. (Interposing): Let me interrupt you right there if you don't mind. You said the paper went out of business. There was no publication for the month of October, no publication for the month of July, no publication for the month of June, 1933,

(Testimony of Harry Renton Bridges.)

no publication for any time during the year 1933, is that what you are trying to tell us?

A. No, no, I am not saying that. I am saying that the paper went out of business, to the best of my knowledge, for a couple of months.

Q. Prior to the time you took it over, so there were no issues for September, then, 1933?

A. I don't think there was.

Q. There was no issue for August 1933?

A. You just showed me one.

Q. A couple of months—how many months are a couple of months?

A. Well, that is my best recollection. Now, it is pretty hard—you are sitting there with the issues. My [5823] best recollection is that there was no issue for a couple of months. I can be mistaken on that point after this length of time.

Q. Yes, I realize that. A. All right.

Q. I realize that you can be mistaken.

A. I will say the first issue we put out was in October, 1933. I don't believe there was an issue put out in September, 1933.

Q. Now, you are positive on that now?

A. As positive as my memory will allow me to be.

Q. Let us go back and try and answer the question that I have asked you. Do you remember the question?

A. I remember the question all right.

I will say that there was no paper published for a certain period of time anyway.

(Testimony of Harry Renton Bridges.)

Q. Perhaps you have lost the question that I asked you.

Will you read the question, Mr. Reporter?

A. I can remember it very well.

We got the idea at that particular time that we needed some kind of a leaflet, or a paper, and we just decreed that we would take the name of the Waterfront Worker and put it out the same way.

Q. "We"—who do you mean by "we"?

A. Just a group on the waterfront. [5824]

Here is how we did it:——

Q. (Interposing) Just a moment—who did you get ahold of about this?

A. We got ahold of Harry Jackson and asked how he put out his paper.

Q. Where did you go to get hold of Harry Jackson? A. Right on the waterfront.

Q. Right at this time that this group conceived the idea of getting, or taking over the Waterfront Worker?

A. Yes. He was on the waterfront every morning.

Q. He was there, and you and this group of longshoremen were there, and you talked to Harry Jackson about the Waterfront Worker?

A. Yes. We said, "What happened to the paper? Where did it go?"

Q. You said, "What happened" to Harry Jackson. What did he say?

A. He said it was not being published any more.

(Testimony of Harry Renton Bridges.)

Q. Who said it was not being published?

A. Harry Jackson said it wasn't being published any more.

Q. He said that he wasn't publishing it any more? A. That is my best recollection.

Q. He said that. What did you next say?

[5825]

A. Well, we asked him how it was published. We hadn't given much attention to it up to that time.

Q. Did Harry Jackson tell you how it was published? A. Yes.

Q. What did he say?

A. That it was put out, mimeographed and put out.

Q. Did he tell you where it was being mimeographed? A. Yes.

Q. Where? A. I forget.

Q. You forget. Did he tell you by whom it was being published?

A. Our conversations, as far as I remember, were just along the line of how much money it would take. He told us it was simple; that all we needed was a mimeograph machine, and somebody to do the typing. So we went into the newspaper business.

Q. Didn't he, Jackson, tell you that he had a mimeograph machine? A. Yes.

Q. What did he say, suggest, about that?

A. I think he said it had broken down and

(Testimony of Harry Renton Bridges.)

couldn't be used, or something. That was one of the contributing——

Q. (Interposing) Did he say it couldn't be repaired?

A. Something like that. That was one of the reasons [5826] the paper went out of business, among others.

Q. Was anything said at that time, while you were talking with Harry Jackson, about any money, about purchasing anything that belonged to the Waterfront Worker?

A. No. I remember we just went around and hit a few guys here and there for 50 cents, $1.00, $2.00, and rented a mimeograph machine.

Q. Let us stay there for just a moment. There was Harry Jackson, you, and this group of waterfront workers—you were talking with Harry Jackson about the Waterfront Worker?

A. Yes. That about ended it as far as Jackson was concerned.

Q. You asked him how you could get the Waterfront Worker? A. We didn't; no.

Q. Tell me everything that was said?

A. That is what I am trying to do if I get a chance.

Q. Give the conversation with Harry Jackson.

A. Jackson just told us how they had put out their paper. He told us what had happened to their paper. After he got through telling us how they had done it, and that their paper was finished, we didn't see any great difficulty as to why we

(Testimony of Harry Renton Bridges.)

couldn't do just as good, and maybe a lot better, and so we proceeded to do it. [5827]

Q. Did Harry Jackson offer his help and assistance?

A. I don't remember whether he did or not. I have an idea that is just the kind of thing he would say. I don't remember that we accepted it, or needed it.

You see, I should explain that up to this time we were putting out, this Committee of 500, were putting out printed leaflets on the waterfront, just one page leaflets.

For example, the meeting here (indicating) that you referred to——

Q. (Interposing) Now, you are going——

A. (Continuing) ——we had a leaflet on this particular meeting you referred to.

Q. You are going into another matter.

A. No, I am not.

Q. I am still staying with the Waterfront Worker, and how you got it from Harry Jackson, what you said to him, and what he said to you, and everything else. Is that all that you can remember now?

A. I am on the same subject.

Instead of putting out a printed leaflet, we decided to borrow the name of the Waterfront Worker, and all we took over was the name.

Q. And Harry Jackson said, "Sure, you can

(Testimony of Harry Renton Bridges.)

have the Waterfront Worker, and you don't have to give me anything for it," is that what he said?

[5828]

A. Yes, as far as I know. It wouldn't have done him much good to have said, "I want a lot for it." We just started the paper up, took the name.

Q. Were any arrangements made then there with Harry Jackson as to what the mailing address was to be of the Waterfront Worker?

A. Yes. I think that—if not then at some later date.

Q. Who discussed it with Harry Jackson?

A. We discussed it along this line——

Q. (Interposing) You said, "We". You mean you are including yourself and——

A. (Interposing) Some others, myself and others. I can't recall the others that were there. I can't recall specifically the other people, but I was there.

One of the things that we were concerned about was to keep our identity secret.

Q. You were talking to Jackson about this?

A. Yes.

Q. All right. What was said about the address of the Waterfront Worker?

A. Well, we continued to use it for a while.

Q. Did you ask Jackson, "Can I use, or can we use the same address that you have of the Waterfront Worker?"—Is that the way it happened?

A. Not that I recall. [5829]

(Testimony of Harry Renton Bridges.)

Q. What did happen regarding the use of the address?

A. I think we sent somebody up there, one fellow went up to see if we do it.

Q. "We sent"—who do you mean, you mean you sent someone?

A. I was one of the fellows talking it over.

Q. Who did you send? A. I don't recall.

Q. When did you send him with regard to this first conversation you had with Harry Jackson, regarding the Waterfront Worker?

A. At about that time.

Q. At about the same time, the same day?

A. I don't know that—around October 31.

Q. Did he return?

A. I don't specifically remember him returning, but it is a cinch he did.

Q. What arrangements were made with regard to using the address of the Waterfront Worker?

A. To continue having the address used as a mailing address.

Q. Do you recall—I am getting a little ahead of my story but I will come back again—when the Matson strike occurred?

A. When the Matson strike occurred? [5830]

Q. Yes.

A. That is at the time I am talking about—October '33.

Q. October '33? A. Yes, sir.

Q. Was the first issue of the Waterfront Work-

(Testimony of Harry Renton Bridges.)

er the one that carried the story of the Matson Dock strike?

A. I am pretty sure it was; I am pretty sure that the first one we put out was a printed leaflet of the Waterfront Worker for special distribution up on Skid Row, a single page leaflet.

Q. Was this the first issue which you and this particular group put out?

A. I think it was. I might be wrong on it.

Q. After that did you put out a regular issue of the Waterfront Worker after the first issue?

A. I think we did; yes.

(Mr. Del Guercio passed an issue of the Waterfront Worker to Mr. Gladstein.)

By Mr. Del Guercio:

Q. Now, I will show you the September 15, 1933 issue of the Waterfront Worker, and on the masthead this is contained: "Issued by rank and file group in the I.L.A., Volume 110."

A. (Examining publication) That is one of ours. [5831]

Q. That is one of yours? A. Yes.

Q. So it wasn't September that you first took over the Waterfront Worker?

A. I think that is right.

Q. Huh? A. I think that is right.

Q. Not in October any more, is it?

A. No. I was fixing the date by the strike on the Matson Dock. You notice this (indicating) refers to the strike, except it was in September instead of October.

(Testimony of Harry Renton Bridges.)

Q. Mr. Bridges, is it possible that you again may be mistaken and that you now, after looking at this, and the others that I have shown you, say that you took over the Waterfront Worker earlier than even this date?

A. No. You notice this——

Q. (Interposing) Will you answer my question, please?

A. I say off-hand, my best judgment is, and from what I know, this was an issue put out by us.

Q. And you are sure you don't want to go back to your previous testimony in the earlier hearing and state that you took it over in 1932?

A. That is impossible. It wasn't in existence in 1932. Your first issue shows, Volume 1, No. 1, came out in January 1933.

Mr. Del Guercio: I offer this in evidence, if your Honor [5832] please, as Government's Exhibit next in order.

Presiding Inspector: It may be received.

Mr. Del Guercio: And with the request that we be permitted to withdraw it, have a photostat made, and substitute it for the original.

Presiding Inspector: Certainly.

(The publication referred to was received in evidence and marked Government's Exhibit No. 281.)

(Testimony of Harry Renton Bridges.)

GOVERNMENT'S EXHIBIT No. 281

(Cut)—WATERFRONT WORKER

Issued by a rank and file group in the I. L. A.

BLUE BOOK SMASHED ON MATSON S. COMPANY BACKS DOWN AS MEN DESTROY BOOKS

The Blue Book is on the way out. On Thursday, Sept. 14th the stevedores working on the Matson Dock, decided amongst themselves that the B.B. had ruled them long enough. The result was that when called on to show their books, the men refused and walked off the dock 100%, and after a little discussion outside proceeded to tear up their B.B.s, and dump them in a pile on the sidewalk.

Imagine the feelings of Wicks and Red, who stood looking on from the upper windows of the dock.

Finally, after a conference by the B.B. officials and the Matson Co., Haskell came out and hired 3 gangs to go to work, and said, "Never mind the books". After that, hiring continued until (continued on page 3 column 1)

NO RANK AND FILE GUARANTEE ON LOCAL N.R.A. CODE

Everyone on the front is wondering what the NRA code for the longshoremen will be when it will be out. The code proposed by the I.L.A. "looks" very good; a $1 an hour, and a 6 hour

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 281—(Continued)

day—but what guarantee have we that this code will be accepted? And how will the wages look when inflation finally gets under way? Already prices are rising and the NRA proposes to force them further up.

As matters now stand, the Intern'l President, Ryan, will be our representative before the N. R. A. board. Ryan has a long history of cooperation with the shipowners and against the workers.

The code does not come back to the local for final approval, and no representative has ben sent from S. F. In the three Eastern districts of the I.L.A., the Atlantic, Gulf, and Great Lakes, the proposed code has been even lower, 85c an hour and an 8 hour day. The local N.R.A. committee, composed of Creel, the ballyhooer for the (continued on page 3 Col 1)

I. L. A. LONGSHOREMEN STRIKE IN BALTIMORE

Support Seamen On SS Diamond Cement; Wage Increase Won

Baltimore, Md.—Led by the fighting Marine Workers Industrial Union, the entire crew including officers, of the S. S. Diamond Cement, chartered to the Nelson Line declared a strike on August 18th, for the following demands: 1) $ 10 increase in wages, 2) better food, 3) recognition of a ship's comittee, 4) no one to be victimized, all strikers to be put back to work.

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 281—(Continued)

Called by Captain Kjeldsen, the police came on board, arrested four of the crew, and put the rest ashore. A picket line was formed by the crew and the unemployed sea men of Baltimore, until a towboat finally came alongside and towed the Diamond Cement out into the bay.

Unable to obtain scabs, the agents finally appealed to the notorious scab-herding agency, the New York Seamen's Institute, who sent 21 men to Baltimore. Eighteen of these men finding upon arrival (continued on Page 3 Col. 2)

INDEPENDENT LONGSHOREMENS COMMITTEE

Who And What Are They?

The leaflets that have appeared on the front lately and signed by the Independent Longshoremen's Committee, disclaim any connection to the employers, or the Blue Book. Why is it then, that only ones seen passing them out are Wicks and Red?

The last one issued right after the ILA election, stressed the fact that the fighting talk delivered by Paddy Morris of Tacoma was to arouse the fighting spirit of the members. Well, at least, Paddy Morris saw the need of action on the B.B. or the I.L.A. is liable to die away. Then again, maybe he had been reading the Waterfront Worker which has been advocating the same thing for the last

(con'd Page 2 Col 2)

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 281—(Continued)

Page 2 Waterfront Worker Sept. 15,'33

STRIKE NEWS

Aug. 22—Following the example of the fighting crew of the Diamond Cement, the crew of the S. S. Cornore of the Ore S. S. Co., went out on strike under the leadership of the Marine Workers Industrial Union for $5 increase in wages, three watches, better sanitary conditions, and recognition of a ship's committee.

When representatives of the Marine Workers Industrial Union went on board the Cornore to confer with the ship's crew, they were threatened with arrest. This threat failed to materialize however, when the crew made militant demands that their chosen leaders be let alone.

Although efforts were made by scab-herding shipping masters to put scabs aboard, latest reports are that they were unable to do so. A twoboat captain publicly announced that neither he nor his crew would put any scaps aboard the Cornore.

Under the leadership of the M. W. I. U., the only organization leading the struggles for better conditions, That Stands For The Unity Of All Workers, Regardless Of Organization, The Fight Has Begun. Let us go forward in a united front of seamen and stevedores for higher wages and better conditions.

(Testimony of Harry Renton Bridges.)
Government's Exhibit No. 281—(Continued)

NOTHING CAN BE GAINED EXCEPT THRU STRUGGLE

Despite the fact that the NRA is supposed to guarantee the workers the right to organize into the union of their own choosing, discrimination has been resorted to in many cases on the S.F. waterfront. The Waterfront Employers Association, thru their own union, the BB, have been firing men right and left from many different docks.

Excepting the actions already described on the front page of this paper, nothing else, that has been done by the ILA, the Labor Commission, or the NRA board, has succeeded in putting these victimized men back on the job.

Our policy is then clear. Never mind waiting for unfavorable decisions by any of the different boards. Let every longshoreman do his part, and see that the BB goes and that there is an end to all discrimination.

"SMASH THE BLUE BOOK"

IN THE MAIL BAG

Dear Editor:

After last Wednesday's meeting one thing should be clear to all stevedores—that waiting for law is not going to do us any good in getting rid of the Blue Book.

Curly Cutright's report showed us that we cannot get any action from the labor commission or

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 281—(Continued)

the NRA board. It seems to me that Paddy Morris hit it on the head when he said, "Labor never gained anything thru law, but only thru organized action of labor."

At the meeting before this, he told us that no man should carry an I.L.A. card and Blue Book and that if he wanted to carry a B. B. he should turn in his I. L. A. card. I agree with this, too.

Now most of us know these things and want to be rid of the Blue Book, so why all the delay in our union getting busy with some organized action to smash the B.B.?

Waiting for a code to be signed and hoping our I.L.A. will be the recognized union instead of the BB, besides keeping us in suspense is giving the shipowners a chance to knock off our men, one by one, and we have not been able to do anything about it so far. There is one good way we can be sure the ILA will be recognized in the code and that our members will be protected, and that is, for us to smash the B.B. now.

Let's organize committees of our members on each dock to refuse to pay to the B.B. and to organize a walk out if we are knocked off.

A stevedore

INDEPENDENT LONGSHOREMENS COMMITTEE

(continued from page 1)

ten months. "Do we want a fight" they ask. And

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 281—(Continued)

we answer, "How're we going to avoid one? Are the shipowners going to give us what we demand without a fight?"

Maybe, but we have all yet to live to see it. We must be prepared to fight, and not expect to get wages and working conditions by just trusting to any labor leaders, here, or anywhere else.

They say the BB union has a large treasury, and is not likely to go out of business. Judging from the action of the gangs on Pier 39, and the Matson gangs walking out and tearing up their books, throwing them on a pile on the sidewalk, it looks as tho the B B will need their treasury to buy some books.

The only good piece of advice that we find in them is that the longshoremen don't allow themselves to be fooled by attorneys that may be hired to fool them, or by leaders who don't know how to lead but are only interested in what they get out of it.

Sept. 15, 1933 Waterfront Worker Page 3

BLUE BOOK SMASHED
ON MATSON. MEN WIN

(Continued from page 1)

enough men had been hired to work the ships, and not one man showed a Blue Books.

The foregoing, following the walkout on Pier 39 a short time ago, is clear cut proof that the long-

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 281—(Continued)

shoremen on this waterfront are definitely thru with the B. B. Don't let this action go unsupported.

All longshoremen must stand ready to back up the action taken by the gangs on these docks and to see that the I.L.A. also gives its full support.

I.L.A. delegates that were present at the time of the walkout, and who gave the longshoremen a great deal of unofficial support deserve credit. But, we might ask, why unofficial?

Red, Bryan and Wicks, when they left the docks after their conference with the Matson Company officials, were asked by some of the men, "Well, what are you going to do about it?"

They replied that they were going to stick with it, and for a moment, it looked as if they were in for a tough time, but they quickly jumped into their machines and beat it, followed by a great chorus of howls and boos.

NO RANK AND FILE GUARANTEE ON LOCAL N.R.A. CODE

(continued from page 1)

last war, Reichert, a rabbi, and O'Connell of the Central Labor Council of wellknown sellout fame, has handed down a decision that the Blue Book is not a company union. This means that as far as the N.R.A. is concerned, they might deal with the B.B. unless we organize to smash it.

The code previously passed under the NRA show what a vicious attack on our living standards the

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 281—(Continued)

employers have been able to force on us. For instance, the auto code, $15 a week minimum, and the open shop.

The only way to better our conditions on the waterfront and smash the Blue Book, is to take matters into our own hands.

A) Dock committees should be formed on every dock to carry thru in an organized manner, the refusal to pay dues to the Blue Book.

B) We should insist that a rank and file representative be sent to Washington.

I.L.A. LONGSHOREMEN STRIKE IN BALTIMORE

(continued from page 1)

that the ship was on strike, joined the picket line and supported the strike although the captain offered as high as $75 for A.B.'s. The other three, detectives, and professional stoolpigeons, went aboard in a police launch.

Of extreme importance to the San Francisco stevedores is the fact that the Baltimore longshoremen—rank and file members of the International Longshoremen's Ass'n walked out in solid support of the seamen. Although the officials of the Baltimore I.L.A. attempted to get the Negro local to work the ship, all refused to do so.

The Diamond Cement was finally towed to Philadelphia, with a skeleton crew of six scabs, where she was met by another picket line, and was unable

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 281—(Continued)

to ship a crew. Later she went to New York and was greeted by M.W.I.U. pickets. Many of the unemployed seamen were so aroused they bombarded the ship with stones, rivetheads and brickbats. The wage increase has been won, but latest reports disclose that the strike will continue until the original crew is reinstated.

In a leaflet issued in Balitmore, the striking crew of the Diamond Cement say, "Longshoremen,we, thank you for your support. Your act of solidarity will help unite the seamen and longshoremen in all ports who will follow your example. . . . . In the future, we pledge to do everything possible to mobilize the seamen for support of the struggles of the longshoremen."

900 BARGEMEN WIN STRIKE LED BY M. W. I. U.

St. Louis, Mo.,—Aug. 25th.Under the leadership of the Marine Workers Industrial Union, 900 Negro bargemen declared strike and walked out demanding a 48 hour week, an increase in wages, no work on Sunday, and recognition of the M.W.I.U.

Again the solidarity of the workers was displayed in that the longshoremen of East St. Louis and Cairo, Ill. gave full support to the strike.

The strike, which tied up the entire barge fleet, lasted for 11 days. The strikers won their demands for a 48 hour week, no Sunday work, recognition of the union and 7c per hour wage increase.

(Testimony of Harry Renton Bridges.)
Government's Exhibit No. 281—(Continued)

Page 4 Waterfront Worker Sept. 15, 1933

THE SALES TAX

Always on the alert to stick another knife into the backs of the workers, our treacherous state officials, at the instigation of the big capitalists, have placed the burden of the state finances directly upon the workers, farmers and small businessmen of the state.

Deliberately vetoing a state income tax which would have forced the bankers and the big businessmen to carry this load, Gov. Rolph and the State Legislature, thru a neat bit of legal trickery, have forced thru the Sales Tax Act, and have even attempted to make it appear that the people themselves had voted for it.

The present drive of the NRA to legalize low wages and high prices, coupled with the Sales Tax, are an integral part of the vicious plan of Wall Street to force small businessmen out of their establishment and what is far worse, to so weaken the American working class by the lowering of the standard of living, that they will be unable to defend themselves against further attacks.

This tax, which is supposed to be 2½% tax on all sales, is so devised that it is in reality a 4 to 6% tax, due to the fact that most purchases of the workers are for small amounts, on which the tax is much higher than 2½% (for instance, when you pay 1c on a 15c purchase, you pay a 6.66% tax).

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 281—(Continued)

This acts as a direct wage cut when already wages are at starvation level.

The Retail Merchants Association headed by the Chamber of Commerce, have initiated a move for a referendum on the tax which has much support from small merchants. This is an attempt to fool the small businessman and workers into believing something is being done against the sales tax so they will not take the issue into their own hands and put up a real fight against it.

(continued in next column)

STRIKE ON HAVANA FRONT

Havana, Cuba—4000 longshoremen went on strike in Havana and tied up the entire waterfront. After several days of militant struggle, during which even the Cuban women attacked scabs with stones and clubs, the shipowners granted the demands of the workers. A 10% increase in wages, a rotary system of employment, and recognition of the union were won.

ORGANIZE. AGITATE! FIGHT!

This move is not only fake, and insincere, but is absolutely ineffectual. The tax bill is only designed to last two years, and it would take two years to repeal it by referendum.

In order to really defend ourselves against this and further ons. ights against our standards of living, we must make a real fight against this tax.

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 281—(Continued)

To do this, we must cooperate with the Anti-Sales Tax Committee and refuse to pay the tax. We must boycott every store and business house who will not join us in our fight, and patronize only those who will.

When you go into the corner grocer to buy two bits worth of liver, or a loaf of bread, refuse to pay the pennies. If the merchant will not make the sale, explain to him the fake tactics of the Retail Merchants Association and urge him to join in the program of the Anti-Sales Tax Committee. If he refuses to do so, take your trade only to some merchant who will.

This is an issue which strikes home to all of us. We must throw off this terrific burden, maliciously forced on us by the bosses, and by a solid, united effort we can force a special session of the State Legislature to convence and repeal the sales tax.

GRACE GETS HIS

The shooting of F. J. M. Grace, the retired shipowner, by his one time nurse, calls to our minds the time—about a year ago—when a gang loading lead on one of the Grace Line ships on Pier 46, was instruced by the walking boss that two tons to a load was required in order to make money for the company.

Well, those two tons damn near killed many a stevedore, but it only took one load with a hell of a lot less weight than two tons to finish Grace!

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 281—(Continued)

ACTION ON PIER #39

When several stevedores were knocked off for not paying their B.B. dues, the rest of the men walked off with them. The next day the men were called back to work without the B.B!

[Endorsed]: Filed June 2, 1942.

By Mr. Del Guercio:

Q. Would you say that the word "Stevedore" never appeared in the Waterfront Worker after you and your group took it over? A. No.

Q. Huh?

A. No. That is, that the word "Stevedore" never appeared in the Waterfront Worker after we took it over?

Q. Yes. A. Ridiculous.

Q. When referring to longshoremen?

A. I wouldn't say that either. You can't refer to longshoremen, after all——

Q. (Interposing) Didn't you testify that one reason you didn't believe in taking the Waterfront Worker over was because of the appearance of the word "Stevedore"?

A. No—but it was used. You can read it yourself. [5833] I can explain it further if you like. But to refer to longshore work without using the word "Stevedore" somewhere—you read that ar-

(Testimony of Harry Renton Bridges.)

ticle that you are looking at and see the difference between that and this. (Indicating.)

Q. Do you know what article I am looking at?

A. I looked at one article and I could see the difference immediately.

Q. You can do more than I can.

Now, let's go back to this address now. You sent somebody to see Jackson about using the same address?

A. No, we didn't. I never said that.

Q. What did you say?

A. I said somebody went up to the address to see if it was all right to continue using that address for a while.

Q. What was done?

A. What was done on what?

Q. Did he come back and report on that?

A. I don't remember that. But I presume he did.

Q. What address was used?

A. I forget—at least I didn't recall until I saw the Waterfront Workers in evidence here.

Q. What?

A. I know now. But I didn't remember. The first time that I brought it back to my mind was when I saw the Waterfront Workers introduced in evidence here. It was a Market [5834] Street Address.

Q. Is that the first address that the Waterfront Worker used after you and your group of longshoremen took it over?

(Testimony of Harry Renton Bridges.)

A. I think so. It will show on the copy.

Q. And that was 830 Market Street, room 421, is that correct? A. Possibly; yes.

Q. Possibly? A. That is right; correct.

Q. Do you know whose address that was at that time?

A. I think I do now. I had no recollection of it when the hearing started.

Q. Was Sam Diner at that address at that time? A. I don't know.

Q. Huh? A. I don't know.

Q. You heard Sam Diner testify?

A. Yes.

Q. What? A. Yes.

Q. You heard him testify that he had offices at 830 Market Street, that he occupied Room 421?

A. I heard him say that.

Q. Did you ever go up to this address at that time?

A. No. We kept away from those addresses, very far [5835] away.

Q. Now, tell me to whom the various articles that appeared in the Waterfront Worker, to whom they would be sent? A. To the address.

Q. And who was at that address to receive them?

A. Nobody; except they were just kept until somebody went up and collected them, and that was none of us.

Q. Who went up to collect them?

A. Oh, some seamen that we sent up there.

Q. Did you pay the seamen?

(Testimony of Harry Renton Bridges.)

A. First, you have got to get the idea as to why we had such an address.

Q. I have the idea, and I wonder if you will be getting it pretty soon. A. I have it too.

Q. This was your mailing address, 830 Market Street?

A. That is all; a mailing address.

Q. And articles that later appeared in the Waterfront Worker were submitted, sent to that address? A. That is right.

Q. You, yourself, wrote articles for the paper?

A. Oh, sure.

Q. Did you send them to this address?

A. No. [5836]

Q. Where did you send your articles?

A. Sometimes I did and sometimes I didn't.

Q. When you didn't send them, your own articles, to 830 Market Street, Room 424, where did you send them?

A. I would give them to the fellow that was going to have them typed.

Q. Who was he?

A. I don't remember. I think it was—I don't remember. One of the fellows had a wife who was a typist, and she used to do the typing. I remember that.

Q. All right. Let's get away from the typist for a while and go back to the articles which you now say, that is, some of which you say you sent to 830 Market Street. A. That is right.

(Testimony of Harry Renton Bridges.)

Q. Then, what would you do, send somebody up there to get them? A. That is right.

Q. What? A. That is right.

Q. You mailed the article up there and then sent somebody up to get it?

A. Right. That is perfectly easy to understand if you know the picture. We used to do work out of town——

Q. (Interposing) There is no question pending, unless you want to make an explanation. [5837]

A. This is an explanation.

Q. Do you want to qualify your answer?

A. I don't want to qualify my answer, but I would like to add something to the answer.

Mr. Del Guercio: I submit it isn't a qualification of his answer.

Presiding Inspector: It will all come out later.

Mr. Del Guercio: I see it is getting close to four o'clock.

Presiding Inspector: I think we will go on. We have lost a good deal of time today. We will go on for about ten minutes.

(Whereupon Mr. Del Guercio conferred with the Presiding Inspector.)

Presiding Inspector: We will adjourn until Monday morning at ten o'clock.

(Whereupon, at 4:10 P. M. an adjournment was taken to Monday, June 2, 1941, at 10:00 A. M.) [5838]

Court Room 276,
Federal Building,
San Francisco, California
June 2, 1941

Met, pursuant to adjournment, at 10:00 A.M.

[5839]

PROCEEDINGS

Presiding Inspector: You may go on, Mr. Del Guercio.

Mrs. King: If your Honor please, before any further examination I would like to call attention to two errors, I think, in the reporter's transcript which occurred on Thursday. One of them is on page 5798, the third line, where the date appears as "June, 1938" when the Bridges group took over the Waterfront Worker, and I have a clear recollection that it was January 1938—I mean, 1933. And that was the date of the first issue. It was January and not June, and that is my recollection.

Presiding Inspector: The first issue of the Daily Worker?

Mrs. King: Of the Waterfront Worker.

Presiding Inspector: Of the Waterfront Worker, I mean? The paper itself shows.

Mrs. King: Yes.

Presiding Inspector: It can't make and difference.

Mrs. King: I believe the transcript is incorrect.

Presiding Inspector: Is that in the testimony of Mr. Bridges?

Mrs. King: Yes.

Presiding Inspector: I don't recall anything about it.

What do you think about that, Mr. Del Guercio?

Mr. Del Guercio: I don't think there should be any [5840] change in the transcript at all. The transcript speaks for itself. We made a similar request not so long ago in connection with the spelling of the name "M-a-a-s" and "M-a-y-e-s", I also have a distinct recollection at that time that the witness had said "M-a-a-s".

Presiding Inspector: I can't remember, myself. I have no recollection. You had better let it stand.

Mr. Del Guercio: That can be brought out on redirect.

Presiding Inspector: Explain it in your brief.

Mrs. King: Then there is another one which I think maybe Mr. Del Guercio would consent to have changed because it is in one of his questions. As it reads now it doesn't make any sense, and it is on page 5832.

Presiding Inspector: Will you look at it? I don't want to see it.

Mrs. King: The third line, the question as it now stands in the transcript is as follows: "So it wasn't September that you first took over the Waterfront Worker?" My recollection was, "So it was in September," not "So it wasn't September." Now, I don't know.

Presiding Inspector: You will have to read the context, Mr. Del Guercio.

Mr. Del Guercio: We don't agree with that.

Mrs. King: All right.

Presiding Inspector: All right. Let it stand.

[5841]

Mr. Del Guercio: We will let the transcript stand.

Presiding Inspector: I have no recollection of it.

Mr. Gladstein: It can be corrected by the testimony on redirect.

HARRY RENTON BRIDGES

called as a witness in his own behalf, having been previously duly sworn, testified further as follows:

Cross Examination (Resumed)

By Mr. Del Guercio:

Q. Now, you testified last Thursday that if Roy Hudson had made a speech during the 1934 strike, in connection with the 1934 strike, you would have known about it?

A. That is right, to any sizeable group.

Q. Now, you recall, don't you, that particular period during the 1934 strike when the discussions were had regarding the calling of a general strike?

A. I do.

Q. Are those events fresh in your mind?

A. Pretty clear.

Q. Now, who was it that first proposed the calling of a general strike?

A. The Joint Marine Strike Committee.

Q. And were you in favor of it? A. Yes.

Q. And was the Marine Workers Industrial Union in favor [5842] of it?

(Testimony of Harry Renton Bridges.)

A. I think they were. They were not seated with us at that time.

Q. Did they make known to you, as Chairman of the Strike Committee, that they were in favor of calling a general strike?

A. I don't recall if they officially made it known, I am pretty sure they were in favor of it.

Q. How did they make it known to you?

A. I am trying to remember.

Q. Having in mind that Harry Jackson was at the head, or heading the Marine Workers Industrial Union at that time, can you now recall how it was made known to you?

A. Maybe not; maybe I can't recall specifically if they sent us a communication, but I am pretty sure they were in favor of it, and they supported it.

Q. Was Harry Jackson in favor of it?

A. I am sure he was.

Q. He talked to you about it, didn't he?

A. I am pretty sure he did.

Q. When did he talk to you about calling a general strike? A. I can't recall that.

Q. But it was before the general strike was called?

A. Very definitely it was. [5843]

Q. Did you have meetings with Harry Jackson?

A. I can recall the Marine Workers Industrial Union presenting credentials to the General Strike Committee——

Q. (Interposing): I am not speaking about that. I am talking about the meetings discussions that you had with Harry Jackson with reference to call-

(Testimony of Harry Renton Bridges.)

ing a general strike and with reference to the Marine Workers Industrial Union supporting such a general strike. You understand that?

A. I do.

Q. All right. Now, confine yourself with that.

A. I can't recall any specific conversation at this time on that matter.

Q. But you did have specific conversations, and you did have meetings with Harry Jackson, did you not?

A. It depends on what you call a meeting.

Q. What kind of meetings did you have with Harry Jackson?

A. Just prior to the general strike?

Q. Yes.

A. I don't recall any formal meeting.

Q. Where did you meet Harry Jackson to discuss the general strike and to discuss the Marine Workers Industrial Union's support of a general strike?

A. Oh, I guess we would meet Jackson most any place at that time. Jackson was around—— [5844]

Q. (Interposing): I am not asking how you would meet him. I am asking where you met him.

A. I can't recall any specific meeting. I told you that. If you are asking me was there a formal meeting of some type, I don't recall any. If you are asking did I meet Jackson during the various strike activities and discussed all the strike questions with him, the answer it "Yes."

Q. Now, Jackson was talking to you and discuss-

(Testimony of Harry Renton Bridges.)

ing these matters with you not as a trade union man, but as a member of the Communist Party, wasn't he?

A. No.

Q. Was he a trade union man?

A. As far as I know; yes.

Q. How far did you know?

A. I knew enough to know he was.

Q. What union was Harry Jackson a member of?

A. Marine Workers Industrial Union.

Q. Was he a worker?

A. As far as I know; yes.

Q. What was he working for?

A. For the strike at that time.

Q. He was working for the Communist Party, wasn't he? A. Not that I know of.

Q. You knew he was a member of the Communist Party?

A. I am not sure I did at that time; but even if he was [5845] he was still working for the strike.

Q. And he was working for the Communist Party?

A. He was working for the men on strike as far as I know.

Q. And you and Harry Jackson were working together, weren't you?

A. Well, in so far as the strike was concerned. I think that is correct.

Q. Now, this Roy Hudson, you say you knew all about every event leading up to the 1934 strike. You took an active part in it, didn't you?

A. I certainly did.

(Testimony of Harry Renton Bridges.)

Q. You considered yourself one of the leaders of the 1934 strike, didn't you?

A. I had a little to *with*.

Q. Well, did you have more than anyone else—withdraw that. Would you say that you were the leader in the 1934 strike? A. The leader?

Q. Yes.

A. No, not particularly. [5846]

Q. Well, who was? Harry Jackson?

A. No, I don't think so.

Q. Roy Hudson? A. No.

Q. The Communist Party? A. No.

Q. Well, who was?

A. I would say the labor movement was and the various leaders and the officials of the labor movement. I can name them.

Q. You were a member of the ILA at that time, weren't you? A. Yes.

Q. Now, did the ILA call a conference prior to the calling of the general strike with regards to calling a general strike?

A. Yes. They had a meeting of various unions. They called a conference of unions in the Eagle's Hall, I think; either the ILA Committee or the Joint Marine Strike Committee.

Q. And who called that conference?

A. The Strike Committee.

Q. You were Chairman of the Strike Committee?

A. I was Chairman of both of them.

Q. And you called a conference to be held at the Eagle's Hall? [5847]

(Testimony of Harry Renton Bridges.)

A. Yes. The Strike Committee did.

Q. Well, you were on the Strike Committee? You were the Strike Committee, weren't you?

A. I was the Chairman of the Strike Committee.

Q. And you called a conference to be held at the Eagle's Hall?

A. The Strike Committee did, not me.

Q. Were you there at the conference?

A. I think I was.

Q. All right. You were at that conference?

A. If you have the same conference in mind as I have.

Q. I think we have. Now, you knew——

Presiding Inspector (Interposing): Just wait a minute, Mr. Del Guercio.

By Mr. Del Guercio:

Q. (Continuing): ——that Roy Hudson, at least during the time of the 1934 strike, was general Secretary of the Marine Workers Industrial Union, didn't you?

A. Not that I remember I don't.

Q. Well, I will refresh your memory.

A. It is very fresh on that point.

Q. Well, it might be fresher after you read this. I have here a copy of the Western Worker for July 16, 1934 and there are several articles in this issue, one particularly appearing on page 1, column 3, headed "26 Locals want general [5848] strike, 1600 packed the hall, conference called by ILA wants immediate action to settle strike." Does that refresh your memory?

(Testimony of Harry Renton Bridges.)

A. In regard to what?

Q. In regards to the matter of the 1934 strike and the calling of that conference.

A. I said I remember the conference.

Q. All right. Now, we will go further. The article reads: "An immediate general strike was the voice of delegates representing 26 local A. F. of L. Unions at a maritime conference called by the Maritime Strike Committee at Eagle's Hall". That is the same matter about which you have just testified, the calling of such a conference?

A. The same conference. I remember.

Q. To go further: "1600 workers took every available inch in the hall cheering and applauding as delegate after delegate announced his union 100 per cent for immediate strike action". You recall that? A. Yes.

Q. That is correct, is it? A. Yes.

Q. "The meeting was a preliminary conference to determine the sentiment"—"sentiment"—"of all workers toward a general strike. Delegates"—and I continue on page 5, column 4—"Delegates of 26 unions declared their overwhelming majority. One delegate expressed himself 'our men ready for instant action by union has voted 100 per cent [5849] for a general strike and we are ready right now. What we don't approve of is all this monkeying around. Let's go' ". Do you remember that?

A. I remember lots of statements something like that.

Q. " 'All labor leaders who oppose general strike

(Testimony of Harry Renton Bridges.)

at this time', said a representative of the Teamsters' Union, 'are labor fakers and should be driven out of organized labor.' " That is correct, isn't it?

A. Well, there was something said like that.

Q. "His statement was received with thundering applause". Is that correct?

A. If I remember the meeting correctly, that would be about correct.

Q. "Representatives of all marine unions now on strike addressed a conference stressing the true situation on the waterfront as opposed to the false statements printed in all capitalist papers." Is that correct? A. I think so.

Q. "Delegates demanded a general strike for the protection of their own unions. 'This strike is no longer a matter of the waterfront alone', was the opinion voiced by almost every speaker. 'The armed attack of the bosses on the longshoremen threatens the existence of every union not only in S. F. but in the entire U.S.A.' " Is that correct?

A. I think that that was the general nature of many [5850] statements.

Q. "Members of the marine unions gave detailed descriptions of the ruthless police attack of last Thursday and of the cold-blooded murder of workers who were struggling for decent conditions." That is correct, isn't it? A. Yes.

Q. "Every man in the hall stood silent for one minute in honor of the dead." That is correct, isn't it? A. I think so.

Q. "All unions were requested to close their halls

(Testimony of Harry Renton Bridges.)

for a period of two hours on Monday in respect of their fallen comrades." That is correct, isn't it?

A. Right.

Q. "It was also suggested that all comrades lay down their tools for one hour at one o'clock on Monday, which is the time of the funeral." That is correct, isn't it? A. Right.

Q. "A representative of the Cannery and Agricultural Workers Industrial Union announced that his union had voted 100 per cent to support the general strike." Is that correct? A. I guess so.

Q. All right. Now, I will read you another article in this same paper headed "Strike Ranks"—just a minute, please. Is that your picture appearing in this paper, Mr. Bridges? A. Yes. [5851]

Q. That is yours?

A. Uh-huh (Affirmative).

Q. Now, immediately underneath it it reads "Strike Ranks Solid in All Coast Ports. Communist Central Committee calls for solidarity actions in all states. The 2000-mile strike front at a glance stood as follows on the ninth week: In San Francisco 2000 troops took control of the waterfront after battles which resulted in at least two dead and hundreds wounded". That is correct, isn't it?

A. Right.

Q. "The State Belt Line workers joined the strike." That is correct, isn't it? A. No.

Q. That is not correct?

A. No, not entirely correct.

Q. "Cargo movements through police and mili-

(Testimony of Harry Renton Bridges.)

tia convoys are insignificant as pickets stop all trucks".

A. More or less.

Q. That is correct? A. More or less.

Q. "A conference of 26 locals was 100 per cent for a general strike. From indications the San Francisco Labor Council's efforts to head off the general strike will be overwhelmed by the sweep". Is that correct? A. Yes. [5852]

Q. Now, skipping several articles here in regard to the situation at San Pedro and Portland and in San Diego and in Seattle and reading on "From the East come reports that New York longshoremen are to consider a general sympathy strike unless Ryan can stop it. Ryan, International President of the longshoremen, who was kicked out of the situation here by the strikers, continues with his strike breaking efforts." Is that correct?

A. Very much so.

Q. "'The Pacific Coast strike' he says, 'can never be settled until employers refuse to recognize Harry Bridges and his Strike Committee'". Is that correct. A. Yes.

Q. A quotation from Ryan?

A. Yes, he said worse things than that.

Q. "The Central Committee of the Communist Party has issued an appeal to workers in all parts of the country for immediate action in support of the West Coast strike with protests, solidarity actions in all ports and financial assistance." That is correct, isn't it?

(Testimony of Harry Renton Bridges.)

A. I think so. We received contributions from all parts of the country.

Q. Now, "the appeal concludes with 'The strike can be won with the combined forces of workers. Protests against the bloody terror should swamp the U. S. and California Government offices.'" That is correct, isn't it? [5853]

A. Sure; that's how it was won, too.

Q. "Financial support should be sent by unions and labor organizations to the Central Strike Committee and the Marine Workers Industrial Union". That is correct, isn't it? A. Yes.

Q. You were working in close cooperation with the Marine Workers Industrial Union at that time, weren't you, as this indicates?

A. That does not indicate. That indicates funds to be sent to two separate organizations, which was the facts at that time,——

Q. (Interposing): Now, I will continue.

A. (Continuing): ——because they had been removed from the strike committee or were not speakers on our strike committee they had to establish their own separate set-up.

Q. And you were continuing to cooperate after they had been refused to be seated, didn't you.

A. In the way of funds?

Q. In every way? A. No.

Q. Didn't you continue to contact Harry Jackson?

A. That was—well, it was impossible to do otherwise. If you say, did I continue to talk to him and the

(Testimony of Harry Renton Bridges.)

two committees continue to work together on certain phases of the strike, absolutely yes.

Q. You did? [5854] A. Yes.

Q. Now, continuing on page 5 of the same article, column 8——

May I consult here a minute with Mr. Whitson?

(Whereupon Mr. Del Guercio conferred with Mr. Whitson.) [5855]

By Mr. Del Guercio:

Q. Now, continuing reading that article there in column 8, page 5:

"Solidarity actions in all ports, on the ships and docks and on the waterfronts, must be launched at once in support of the heroic West Coast Strikers.

"Demand that the terror against the longshoremen cease!

"Demand the right to strike and picket!

"Demand that the warship Holland be removed from the vicinity of the Frisco piers.

"Pacific Coast workers, answer the terror with a general strike!"

That is correct, isn't it, that is what the Marine Workers Industrial Union and the Communist Party were demanding at that time?

A. Maybe they were.

Q. And what you were demanding, in collaboration with them?

A. I don't understand all the demands—I don't remember any warship Holland.

Q. Do you want to read the article?

A. Yes; I would like to.

(Testimony of Harry Renton Bridges.)

Q. Can you see that?

A. (Examining article referred to.): Yes.

Presiding Inspector: He has the original paper if you [5856] want to see it.

A. (Continuing): The only thing I don't recall is any demand about the warship being removed.

By Mr. Del Guercio:

Q. You recall the rest?

A. Yes. I think we had all those demands, the demand that terror cease, the demand to strike and picket and to support the general strike. All unions had those demands.

Q. Now, I will show you another article here on page 5 headed "Teamsters Vote General Strike, continued from page 1, column 7." That is the article I first showed you under your photograph headed "Strike Ranks Solid in all Coast Ports."

A. I thought under my photograph was "Communist Executive Council."

Q. Read that, and going down in the article under the heading "First Strike Breaking Action:

"The very first action of the Committee of Seven was a step toward strike-breaking."

What was the Committee of Seven?

A. The Committee of Seven was a Strike Strategy Committee—the Committee of Seven was from the San Francisco Labor Council.

Q. Were you on the Committee? A. No.

Q. That is one committee you weren't on, that is right.

(Testimony of Harry Renton Bridges.)

A. That was a committee set up by the Labor Council. [5857]

Q. (Continuing): "They, in a meeting with the representatives of the striking unions demanded that the conference called to consider general strike action should not take any actual organized steps."

Is that correct?

A. Right.

Is that correct? A. Right.

Q. (Continuing): "It was taking seriously the much advertised purpose of the 'Strategy Committee' as a step toward a general strike,"——

Is that correct?

A. That is right. We agreed with the Strategy Committee and went along with them.

Q. (Continuing): " . . . that the strike representatives agreed." A. That is right.

Q. (Continuing): "This is now clearly seen as a serious mistake, as the effect is only to delay action. The Committee will come before the Board with speeches while cargo is loaded protected by bayonets."

Is that correct?

A. At that time that was, I think, was the line advocated, and it is one of the times it wasn't followed, I guess.

Q. (Reading on):

"While the S. F. Labor Council was in session, a meeting of 1600 workers packed the Eagles' Hall to hear Roy Hudson"——[5858]

Does that refresh your memory?

(Testimony of Harry Renton Bridges.)

A. On the meeting I am talking about, no.

Q. Does it refresh your memory?

A. I was in the Labor Council.

Q. You were in the Labor Council?

A. Apparently I was at every meeting of the Labor Council at that time.

Q. You are sure you weren't at this other meeting with Roy Hudson? A. I am positive.

Q. You can recollect clearly back to those events, back in 1934—how many years ago is that?

A. That is eight years ago; seven or eight years.

Q. You now recall clearly being in a labor council meeting while Roy Hudson was speaking at the Eagles' Hall?

A. I recall that any time that the Committee of Seven met I was around, because we were suspicious of them.

Q. Let me read on and maybe this will refresh your memory a little more.

" . . . Roy Hudson, General Secretary of the Marine Workers Industrial Union, and raised the roof with their applause for every mention for a general strike, and the unity of all unions involved in the strike."

Does that refresh your memory?

A. I don't think that refers to the meeting I am talking [5859] of.

Q. Roy Hudson was advocating a general strike at that time, wasn't he?

Q. Roy Hudson was the general secretary of the Marine Workers Industrial Union at that time, wasn't he? A. Apparently.

(Testimony of Harry Renton Bridges.)

Q. You were working in close cooperation with the Marine Workers Industrial Union at that time, weren't you?

A. Up to a point. You are asking me about——

Q. (Interposing): I will continue to read the article——

A. (Interposing): I am kind of mixed up. What meeting do you mean?

Q. You know the meeting I mean.

A. I think I know. Do you mean the meeting called by the twenty-seven unions?

Q. I mean the meeting in Eagles' Hall in which Roy Hudson spoke.

A. That is a meeting called by the twenty-seven unions?

Q. What do you mean?

A. I am referring to that meeting. If you are referring to another, I don't know anything about another meeting.

Q. Have you a lapse of memory?

A. I have no lapse of memory.

Q. To continue reading: [5860]

"The majority of those present were strikers. Among the speakers were Henry Schmidt, of the ILA Strike Committee"——

You remember Henry Schmidt, don't you?

A. Yes; sure.

Q. A friend of yours? A. A very good one.

Q. Your pal? A. And how!

Q. And he was there. Now, to continue reading:

" . . . and Caves, of the International Seamen's Union rank and file."

(Testimony of Harry Renton Bridges.)

You remember Caves?

A. Sure—Chairman of the Sailors' Strike Committee.

Q. (Continuing):

"The wife of Nick——"

A. (Interposing): Bordeau, the man that got shot during the strike.

Q. How do you pronounce it?

A. Bordeau.

Q. No, this is someone else—"Nick Coundeorakis"—— A. I don't know him.

Q. (Continuing):

". . . member of the Communist Party, who was killed in front of the ILA hall, was on the platform."

Do you remember that now? [5861]

A. The only person I remember being killed at that time was Nick Bordeau. I thought you were going to refer to him.

Q. Maybe that is an alias for Nick Coundeorakis. Was Nick Bordeau a Greek? A. Yes.

Q. And might have been the same person?

A. Possibly. Nick Bordeau was the only person I remember being killed down there at that time.

Q. And then in parenthesis at the end appears this: "(See Hudson's Speech elsewhere in this issue.)"

After seeing this Western Worker issue for Monday, July 16, 1934, and calling attention to Roy Hudson's speech there in San Francisco in the

(Testimony of Harry Renton Bridges.)

Eagles' hall, and advocating a general strike, don't you want to change your testimony as to when you met Roy Hudson? A. No.

Q. Huh?

A. No. I don't recall meeting Roy Hudson during the Maritime Strike and the general strike.

Q. Now, you recognize the Western Worker as the Western organ of the Communist Party of the USA, Don't you? A. Yes.

Q. That isn't a fake copy, is it?

A. (Examining publication.) There is no mention of Hudson at the meeting I am referring to.

[5862]

Q. Try and refer to the same meeting I am referring to.

A. I don't recall that one. I think that if I check, or you check, you will find I was with the Strike Strategy Committee somewhere else.

Mr. Del Guercio: I offer this Western Worker in evidence as Government's Exhibit next in order.

Mr. Grossman: We object on the ground that no proper foundation has been laid. Otherwise, it seems to be an attempt to introduce as evidence the news story contained in the paper.

Mr. Del Guercio: The witness has identified the paper, the articles I read.

Mr. Grossman: Assuming Mr. Bridges said it looked like the Western Worker, that doesn't mean it is proper to introduce it as evidence because there is no evidence contained in that paper that is properly before this court.

(Testimony of Harry Renton Bridges.)

Mr. Del Guercio: Let your expert examine it.

Presiding Inspector: Just a moment. This is a serious question. We have received a great deal of similar testimony, similar exhibits.

Your objection is that this is hearsay from an undisclosed source?

Mr. Grossman: Certainly. Even if a proper foundation is laid, which I doubt, it is incompetent, irrelevant and [5863] immaterial. I would like to know for what purpose it is introduced. If it is to prove the facts set out in the articles, it certainly is the kind of hearsay that is not admissible.

Presiding Inspector: I don't see that it is admissible, but only used to refresh his recollection.

It may be marked for identification.

I can't see how it is evidence otherwise.

Mr. Del Guercio: The Court will recall that the witness testified last Thursday that if anybody made a speech in 1934——

Presiding Inspector: This is no proof that anyone did make a speech. You will have to have something more than a mere newspaper account.

Mr. Gladstein: I recall the same question coming up during the cross examination of Mr. McCuistion, and you ruling was the same, that the newspaper article was not evidence.

Presiding Inspector: It may be marked for identification. The only value is as a source of refreshing his recollection. When his recollection is refreshed his testimony is the material part.

(Testimony of Harry Renton Bridges.)

Mr. Del Guercio: This paper here also contains the text of Roy Hudson's speech.

Presiding Inspector: That is no proof of it unless——

Mr. Del Guercio (Interposing): And it contains a [5864] photograph of Roy Hudson.

Presiding Inspector: We can't try this on newspaper accounts.

I will allow it to be marked for identification.

(The publication referred to was thereupon marked for identification as Government's Exhibit No. 282.)

By Mr. Del Guercio:

Q. The same issue of the Western Worker, Government Exhibit 282 for identification, contains a full text of Roy Hudson's speech. Let me read you the last two paragraphs of that speech:

"Go ahead in the struggle for the establishment of a united front, build up a fighting organization in the course of the strike. Murders do not stop our struggle. Monday we will demonstrate that we will continue to fight that other workers have died for.

"Our ace in the hole—the ace in the hole of the working class—must be an answer to the bosses' attacks with a general strike. This must be done by the rank and file. Local after Local is going on record as being in favor of a general strike. Demonstrate at the Central Labor Council. Go forward to a rank and file

(Testimony of Harry Renton Bridges.)

conference and make a decision for a general strike."

Do you now recall Roy Hudson's speech at Eagles' Hall on that day? [5865] A. No.

Q. You still don't?

A. No. If that had been an important instance I would have recalled it.

Q. On page 4 of the issue of the Western Worker appears a photograph of Roy Hudson. Do you recognize it?

A. (Examining photograph): Yes.

Q. That is a photograph of Roy Hudson?

A. Uh huh (affirmative).

Mr. Del Guercio: I offer this in evidence, if your Honor please, for the——

Mr. Grossman (Interposing): We will agree to the admission of the photograph, but not the document. That may be a ruse to get the whole paper in. We submit; by cutting out the picture, he can get the same effect.

Mr. Del Guercio: I don't want to destroy the picture, I mean the paper.

Presiding Inspector: Counsel concedes you may have the picture, but I don't think the picture aids in any way.

I will adhere to my ruling.

By Mr. Del Guercio:

Q. Now, you testified, also last Thursday, that the first mailing address of the Waterfront Worker, after you and your group of longshoremen took it

(Testimony of Harry Renton Bridges.)

over, was 3470 Nineteenth Street, or Market Street —I gave the wrong number. I have another——

[5866] A. (Interposing): ——821.

Q. 830 Market Street, room 421, is that correct? A. That is correct.

Q. Those rooms were occupied by the Needle Trades Union, were they not?

A. I think so. I am not quite sure.

Q. Of which Sam Diner was an official?

A. I think that is correct.

Q. And the Needle Trades Union was also a TUUL Union, was it not?

A. I believe that is so.

Q. How long did you continue to retain that address as the mailing address of the Western Worker—of the Waterfront Worker?

A. I don't remember exactly.

Q. But—what was the Waterfront Worker's next address?

A. 3470 Nineteenth Street.

Q. How did you happen to get that address as a mailing address of the Waterfront Worker?

A. I don't recall. I think that it was for the purpose of switching it around, and getting a new address, and in that way divorce it from the waterfront, from the MWIU group, and the other group that had been putting out the paper. [5867]

Q. And how was this brought about?

A. I can't recall exactly. I think one of the fellows connected with the Waterfront Worker—

(Testimony of Harry Renton Bridges.)

as a matter of fact, hearing the testimony here and looking at the Exhibits, I believe the man who helped to rent the box was one of them. That's Mann. Herman Mann.

Q. What was that man's name?

A. Mann.

Presiding Inspector: Herman Mann.

By Mr. Del Guercio:

Q. M-a-n-n?

A. Yes. He was one of the original group. And, incidentally, I have thought of a few more that I can give you any time you want them.

Q. I told you to raise your hand. You remember a few more? A. Yes.

Q. Mann was one. A. Yes.

Q. Do you remember any more?

A. Michaelson; a man named Andy Thor; a man named Marshall Olsen; a couple more. For example, their nicknames, I recall a fellow we used to call "Mac". I can't think of the rest of the name. I have been trying to think it up, but that is all I can think of.

Q. Who contributed the most articles to the Waterfront [5868] Worker?

A. When? Right at the start?

Q. Throughout the whole period?

A. That would be hard to say. The contributions came in from numbers of people. That would be hard to say who contributed the most. The articles were contributed by dozens of men on the waterfront, either verbally or written.

(Testimony of Harry Renton Bridges.)

Q. And how many articles did Harry Jackson contribute?

A. I don't know. I doubt whether he—it's possible he contributed some. I don't recall that. He mightn't have contributed any.

Q. How many did Sam Darcy contribute?

A. None.

Q. Huh? A. None.

Q. How many did Elaine Black contribute?

A. None so far as I remember.

Q. How many did Schneidermann contribute?

A. I don't think—Schneidermann wasn't even around then. He didn't come to San Francisco until, as far as I know—until 1936.

Q. The Waterfront Worker was not in existence then?

A. I think it had folded up before he come to San Francisco.

Q. Now, to go back to this address, 3470 19th Street, you say that's the next address after the one at 830 Market [5869] Street? A. Yes.

Q. With whom did you discuss the change of address of the Waterfront Worker?

A. I don't know.

Q. Did you talk about it with—did you talk to Harry Jackson?

A. I don't specifically remember that.

Q. Huh?

A. It's entirely possible I did.

Q. And why would you be talking to Harry

(Testimony of Harry Renton Bridges.)

Jackson at that time regarding the moving of the address for the Waterfront Worker?

A. I thought I had explained that. Our purpose in having a mailing address was to pick up mail and it wasn't to be picked up by any of us. The place was being watched.

Q. And whose address was 3470 19th Street?

A. I don't know.

Q. Huh?

A. I don't know. We weren't concerned with that.

Q. And who obtained the service at that address, like the gas service and the electric service?

A. I didn't know that. I know now.

Q. You know now, don't you? A. Sure.

Q. You know now that it was Walter Lambert?

[5870]

A. According to the records you showed here. It was the first I knew of it.

Q. Had you met Walter Lambert at that time?

A. Yes.

Q. You knew who Walter Lambert was?

A. Oh, yes, yes.

Q. And who was he?

A. I forget his exact position, but I knew he was an official in the Communist Party.

Q. And for how long had he been an official in the Communist Party?

A. I don't know that.

Q. Huh? A. I don't know that.

(Testimony of Harry Renton Bridges.)

Q. And when prior to the time he had applied for service at that address, 3470 19th Street, did you know Walter Lambert?

A. I met Lambert in the Labor Council in 1933 upon the occasion of a Cigar Makers' strike.

Q. 1933. And that's the first time you met him?

A. The first time I recall meeting him, yes.

Q. How many meetings did you have with Walter Lambert thereafter? A. None.

Q. Huh? A. None. [5871]

Q. At any time?

A. Not that I recall.

Q. Was Walter Lambert connected with the Marine Workers Industrial Union?

A. Not that I remember.

Q. But you do know that he was connected as an official of the Communist Party? A. Sure.

Q. How did it happen, if you know, how Walter Lambert applied for service at 3470 19th Street?

A. How do I know that?

Q. Yes.

A. I saw it here in this hearing.

Q. Can you explain that?

A. No. The first I knew of it.

Q. You can't explain it?

A. Can I explain how I knew? Is that the question?

Q. Why Walter Lambert applied for service at 3470 19th Street?

(Testimony of Harry Renton Bridges.)

A. I don't know. Possibly because he wanted gas and lights, would be the most logical explanation.

Q. What did he want gas and lights for?

A. The same reason I would want them.

Q. What was that address at 3470 19th Street?

A. What was it? [5872]

Q. Yes. Was it a home?

A. I couldn't tell you. I was never there.

Q. You were never there? A. No.

Q. As a matter of fact, you know it was a hall, don't you?

A. Know it was what?

Q. A hall? A. I do not.

Q. Where was the——

A. (Interposing): As a matter of fact, I had the impression it was a home.

Q. Now, you saw this Government's Exhibit 219, didn't you? A. Yes.

Q. Application for service? A. Yes.

Q. At 3470 19th Street, made out by Walter Lambert? A. Yes.

Q. And you saw also that he stated that the premises there were occupied as "halls"?

A. I didn't. When I saw that Exhibit I got a brief look at it here when the lawyers were looking it over, and they gave it back to you. I would have liked to see more of it, but I didn't get a chance.

Q. And you saw on the back of it that Walter Lambert gave his occupation as at that time "manager, Workers Ex-Service Men's League". [5873]

(Testimony of Harry Renton Bridges.)

A. You say did I see that?

Q. Yes.

A. I did not. I never had a chance to look the thing over. All I saw was that the bills were made out to Lambert. I didn't look any further.

Q. Now, there are two of these applications: One on 8/15/1933 and one on 8/12/1933 for services at this same address, 3470 19th Street. On the one for 8/15/1933 Walter Lambert states that the premises was occupied as halls. On the one for—is that correct?

A. (Examining Exhibit): In this application, yes.

Q. And on the second one it is stated that the premises were occupied as "assembly rooms". Is that correct?

A. That's what it says, yes.

Q. Now, having that in mind does it refresh your memory as to why you transferred the name and address of the Waterfront Worker from this address on Market Street to 3470 19th Street?

A. No. I think we transferred it for the reason to protect ourselves and remain unknown as the people putting out the paper, for the reasons I have stated.

Q. Now, was the Waterfront Worker mimeographed at 3470 19th Street? A. It was not.

Q. Where was it mimeographed? [5874]

A. It was mimeographed in one of the fellow's homes by his wife.

Q. What fellow's home?

(Testimony of Harry Renton Bridges.)

A. I can't specifically remember that. I have been trying to.

Q. You can't remember that?

A. No. I don't know if it was—it was mimeographed at one of the fellow's homes. We rented a mimeograph machine.

Q. Who cut the stencils for the mimeograph machine?

A. One of the fellows whose wife was a stenographer.

Q. And you don't remember his name?

A. The same person. That's where the mimeograph machine was. That's where the typing was done.

Q. Was it John Schomaker?

A. I was thinking of Schomaker. I am not sure if it was or not.

Q. How long did you continue to retain that 3470 19th Street address as a mailing address for the Waterfront Worker?

A. I don't know. Not very long I don't think. I am not sure.

Q. Then what happened?

A. Well, I know we got a Post Office address. I have seen that by the Exhibits that were introduced here.

Q. Now, how did it come about that you transferred to a Post Office box this mailing address?

A. I can't remember that. [5376]

Q. You mean you can't explain it?

(Testimony of Harry Renton Bridges.)

A. I think it is a difference. Those matters are not very important, and there would be nothing——

Q. (Interposing): You mean it is not important that you were using as an address for your Waterfront Worker an address occupied by a known Communist?

A. It wasn't as important——

Q. (Interposing): Not of importance to you?

A. Not as important to us at that time as possibly losing our jobs or getting run out of the city and thrown in jail or something.

Q. Did anybody discover why you were using this Walter Lambert's address?

A. Discover why we were?

Q. Yes, as the mailing address for the Waterfront Worker?

A. Did anybody discover why we were using that address?

Q. Yes?

A. I don't know what you mean by that.

Q. Well, why did you change the mailing address from Walter Lambert's premises?

A. I don't know.

Q. Huh? [5877] A. I don't know.

Q. Would there be any reason for changing it?

A. Possibly was.

Q. And you don't know what the reason was?

A. No. Maybe, look in the paper. If you have got a copy of it, look in the paper. It might tell you.

(Testimony of Harry Renton Bridges.)

Q. Did you get orders from Sam Darcy to change it?

A. Never had orders from Darcy in my life.

Q. Did you get orders from Harry Jackson to change it?

A. Never had orders from Harry Jackson in my life.

Q. Whom did you get orders from to change the address of the Waterfront Worker?

A. From no one. We were able to do a pretty efficient job all by ourselves.

Q. And you don't know why you changed the address?

A. No, not off-hand. Can't remember why we changed the address. It wasn't important.

Q. It wasn't important to whom?

A. No. To us.

Q. And who went up to rent the Post Office box?

A. I don't know.

Q. How did it happen?

A. I don't know that either.

Q. Huh?

A. I am telling you that it wasn't important. It [5878] didn't make a good enough impression upon me at that time.

Q. But it does make an impression on you to know that Harry Jackson went up to rent the Post Office box for your Waterfront Worker?

A. I know that.

Q. You know that?

A. In testimony here.

(Testimony of Harry Renton Bridges.)

Q. What kind of an impression does that make upon you?

A. Not a very——

Q. (Interposing): Not a very good one?

A. (Continuing): ——important one, no.

Q. Do you know any reason why Harry Jackson should go up and hire and rent a Post Office box for your Waterfront Worker?

A. I can think of the reason. If you want to know the reason I will tell you.

Q. I want the truth.

A. That is all you are getting.

Q. The real reason. What was the real reason for Harry Jackson going up to rent a Post Office box for your Waterfront Worker?

A. Jackson was known—Jackson was out in the open. They couldn't do any more to Jackson than they had already done.

Q. What do you mean "Jackson was out in the open"? [5879] Do you mean that everybody knew that he was a Communist? A. No.

Q. What do you mean?

A. Everybody knew he was trying to organize.

Q. Organize what? A. The workers.

Q. On what? A. On the waterfront.

Q. In what union?

A. In the M. W. I. U.

Q. And in the Communist Party?

A. I wouldn't call that a union.

Q. No, I wouldn't either.

A. We agree on that then.

(Testimony of Harry Renton Bridges.)

Q. Was he soliciting members for the Communist Party also?

A. I am sure he was.

Q. Huh? A. Yes, sure.

Q. And you were working with Harry Jackson? A. In some respects.

Q. Can you give us a reason here?

A. Yes.

Q. Why you were using Harry Jackson at that time to change these various addresses for your Waterfront Worker?

A. Yes. Now, listen to me when I give it. [5880]

Q. Yes. I will be glad to listen to your story.

A. I have already told you what the paper was for. The paper was to bring the attention of the various people in the waterfront and in sympathy with the waterfront to the conditions that prevailed on the waterfront. The paper was also a means of the men on the waterfront, for the men being able to express themselves without coming out in the open. The things that they were able to say through the Waterfront Worker, if they had said them openly they would have been blacklisted out of the industry. Therefore, that was the main reason the paper was anonymous.

Q. Now, you haven't mentioned a single reason why Harry Jackson was connected with the Waterfront Worker.

A. I am giving the reasons. You don't understand them, but I am giving the reasons. Now, we had to get an address, a mailing address where

(Testimony of Harry Renton Bridges.)

these written complaints could be mailed in. We also knew that there was quite an effort afoot through the city agencies, through the employers' own agencies and their own people to discover the people behind the Waterfront Worker. They had a couple of nice little slugging squads around there, too, also trying to find out who was behind it.

Q. Did you ever get slugged?

A. Well, in more ways than one, yes.

Q. Go on. Continue.

A. That's always part of the game. [5881]

Presiding Inspector: Let him finish his answer.

A. (Continuing) And, therefore, the thing to do was to pick out somebody who was already known, and if they were watching the place that was selected for a mailing address and they found that this person was going up there to rent it or to collect the mail or anything like that, and it was somebody already known to them, somebody they had already discriminated against as much as possible, it didn't hurt us, the real people behind the paper. So it was merely for the protection against the employers and the employer agencies that were at work to protect the people who were trying to bring out the bad conditions on the waterfront. And that was the only reason, no other one.

Q. Now, will you tell me why you used Harry Jackson to change the addresses?

A. Because—I thought I had said that.

(Testimony of Harry Renton Bridges.)

Q. That is your reason?

A. Jackson was so much out in the open. They had done about everything they could to Jackson. They couldn't do any more, even if they found out he was the whole brains behind the Waterfront Worker, which was not so.

Q. Is this correct? You went to Harry Jackson and said "Will you please change the Waterfront Worker's address for us? We don't want to continue it at the first address there on Market Street. We want another address". Is that [5882] correct?

A. I am not sure that that is entirely correct.

Q. What happened?

A. I don't know if I went to him, but this is what is correct.

Q. (Interposing) With regards to the changing of the address.

A. Harry Jackson was requested by the people who were concerned with the Waterfront Worker to change the address or establish an address to have the various letters and complaints mailed into, yes.

Q. And you say that Harry Jackson was out in the open so you used Harry Jackson?

A. That's right.

Q. Well, then can you tell me why Harry Jackson had to use an alias in getting that Post Office box?

A. No.

Q. Or can you explain that?

A. No.

(Testimony of Harry Renton Bridges.)

Q. But you know he did rent the box under an alias, don't you? A. I don't. Did he?

Q. You have heard the testimony here in Court. You have heard the name of Harry Glickshon, haven't you? A. Yes.

Q. And you have heard it testified that Harry Glickshon [5883] was Harry Jackson's alias?

A. I might have heard things testified to here. You are asking me what I know and what I believe.

Q. You have seen this Government's Exhibit 212, haven't you, application to rent a box in the Post Office; haven't you? A. I saw that.

Q. Well, look at it again. A. Yes.

Q. Do you see the name of "Harry Glickson"?

A. Yes.

Q. And he rented what box?

A. 1185. Our box.

Q. That is the Post Office box for your Waterfront Worker? A. That's right.

Q. So Harry Jackson came out in the open or was out in the open and because of that you used him to rent the Post Office box for your Waterfront Worker under an alias, is that correct?

A. That is not correct.

Q. Well now, who suggested——

A. (Interposing) As far as I know, the testimony I have heard here is that his correct name is Glickshon, the name he used on the box is correct.

Q. Was he known as Harry Glickshon? [5884]

(Testimony of Harry Renton Bridges.)

A. Not to us he wasn't. He was known as Jackson.

Q. That is the only name you knew him under?

A. That's all.

Q. And is that the only name he was known to by others?

A. As far as I know, yes. He was known to us under an alias. He used his true name to rent the box, apparently.

Q. And how long did you continue to use that Post Office box as the address of the Waterfront Worker?

A. I don't recall that specifically either. I don't recall whether we changed or kept the same box all the time.

Q. Who paid the rental for the box?

A. The Waterfront Worker.

Q. The Waterfront Worker. Did it go up to the Post Office and pay it? A. Yes.

Q. Huh?

A. I presume so. I don't recall a detail like that.

Q. Who went up to the Post Office to pay it?

A. I don't remember.

Q. Well, as a matter of fact, you know that Jackson paid it, didn't you?

A. You mean continuously? I know that that would be impossible.

Q. That would be impossible. Why would it be impossible [5885] for Harry Glickshon or Harry Jackson to pay for the box?

(Testimony of Harry Renton Bridges.)

A. Because he was not there after a certain time. Glickshon left the city.

Q. When did he leave the city?

A. I think it was towards the end of 1935 or the middle of 1935 after the M. W. I. U. dissolved. He went to Seattle.

Q. He went to Seattle? A. Yes.

Q. And he remained up there?

A. Sure! So he couldn't pay the rent.

Q. So that up to the time he went to Seattle would he be paying the rent?

A. I am not at all familiar with how it was done. I don't know whether it would be paid by mailing the money in or by sending a check in or anything else.

Q. Who paid the original deposit for the box?

A. I believe it was Jackson, according to the records there.

Q. Well, was it his own money?

A. No. I think that it was given to him by us.

Q. You are sure of that?

A. I have a very definite recollection of when we took over the paper and started it up again all the expenses were met by us. [5886]

Q. You gave the money to Jackson?

A. For that purpose, yes.

Q. Where did you see Jackson to give him the money for that purpose?

A. I don't recall anything like that.

Q. Did you give him the money?

A. I don't recall that. I might have.

(Testimony of Harry Renton Bridges.)

Q. You said you recall definitely the incident.

A. I did not. I said I definitely recall that we assumed all expenses. But when you start asking me about details, who done this, that and the other I don't remember.

Q. Yes, so I notice. Now, how much money did you give Harry Jackson for the rental of the box?

A. I don't know. We gave him enough.

Q. When you say "we" you mean yourself and others?

A. Every time I say "we" I refer to everybody that was connected with the Waterfront Worker at that time.

Q. And who was connected with the Waterfront Worker at the time you gave this money to Jackson?

A. The ones that I recall I have told you.

Q. You can't recall any others?

A. Well, you asked me originally for the names of the bunch that got together first. Now, if you want to have me recall everybody that was connected with the Waterfront Worker, why, that would amount to hundreds and it would be almost im- [5887] possible for me to do it.

Q. Now, did you have a discussion with Harry Jackson at the time this money was given to him?

A. I don't recall that.

Q. And where did you give the money to him? Did you go to his home or did you go to the headquarters of the Communist Party to see Jackson?

(Testimony of Harry Renton Bridges.)

A. None of those things were necessary. Most of those transactions were carried on, as I say, just by standing on the waterfront on the sidewalk.

Q. You mean you carried on a transaction of this nature, of changing the address of the box of the Waterfront Worker, out in the street?

A. That is practically the way the whole thing functioned. Even the union functioned that way for quite a few months.

Q. You didn't go up to see Harry Jackson at the Communist Party?

A. It was not necessary.

Q. It was not necessary? A. No.

Q. And your testimony is now that Harry Jackson may have continued to pay the rental of that box up until the time he left for Seattle in the middle of 1935?

A. No, it is not. That is not my testimony. My [5888] testimony is that I don't remember whether that happened or not.

Q. Do you know if you paid for it?

A. If I went up and paid the actual money in?

Q. Yes.

A. No. I'm sure none of our group did.

Q. None of your group did?

A. Not that I remember.

Q. So then it is possible for Harry Jackson to have paid it?

A. Oh, wait a minute! Not necessary.

(Testimony of Harry Renton Bridges.)

Q. Who else would have paid it?

A. We might have sent up one of the fellows that would have peddled the paper. I am sure of this: We would send up somebody who couldn't be taken any steps against in so far as his job on the waterfront was concerned. Now, we were not foolish. We knew that they were watching for who as behind the paper and we knew that they were watching the mailing address, and anybody who went up to collect the mail was somebody they couldn't make any move against on the waterfront, generally speaking anyhow.

Q. They didn't follow the one that picked up the mail, did they?

A. Did they? Oh, I'm sure they did. [5889]

Q. Well, how did he get the mail to you after he picked it up? A. It never did come to me.

Q. Whom did it go to? To Jackson?

A. No. The mail could be opened up and then turned over to one of us on the waterfront.

Q. Who would do that? The same fellow who went up to get the mail?

A. That was all, sure.

Q. Where did he open it up?

A. He brought it right down to the waterfront. It could be opened up there.

Q. Right in the street?

A. Sometimes, sure.

Q. Would you be there when he opened up the mail? A. Sometimes, yes.

Q. The times you were there he would go up

(Testimony of Harry Renton Bridges.)

to this Post Affice box or these other addresses, go up and get the mail and bring it down to where you were gathered out in the street and open it up there?

A. We might be sitting in a restaurant on the waterfront or sitting in a saloon somewhere.

Q. And he couldn't have been followed while he was doing that? A. Sure, he could. [5890]

Q. Was he followed? A. Plenty of times.

Q. Huh? A. Plenty of times.

Q. Were you ever caught with the fellow who got the mail from these various addresses?

A. Undoubtedly they saw us talking to the man who collected the mail.

Q. And what happened? A. Nothing.

Q. Did anything happen? A. Nothing.

Q. Were you exposed?

A. No. By that time we were getting pretty strong on the waterfront and it reached the point where it was——

Q. (Interposing) I am talking about 1934 and '33, the latter part of '33 and 1934, the time you had this Post Office box.

A. Oh. About four or five months after we took the paper over we weren't particularly worried any more.

Q. So there was no necessity, then, for getting anybody to rent a Post Office box for you in 1934?

A. No; a few months after we took the paper over the Union was pretty well organized and we

(Testimony of Harry Renton Bridges.)

didn't have to worry so much about being discriminated. [5891].

Q. Oh. Then, you want to change your testimony and say that that was not the reason why Harry Jackson rented the box?

A. No. I still say that. You are talking about the initial renting of the box.

Q. Which was on February 7, 1934.

A. All right. And a couple of months after February of 1934 we weren't particularly worried about any discrimination. We were beginning to get our feet on the ground then.

Q. Now, you continued to use that box, did you not, until the Waterfront Worker discontinued?

A. I am not sure about that. Possibly. There might have been another change.

Q. Did you have any other mailing address for the Waterfront Worker? A. What?

Q. Did you have any other mailing address for the Waterfront Worker?

A. I don't remember.

Q. Huh? A. Not that I remember.

Q. Now, to go back to this mimeograph machine, you say you and a group of longshoremen purchased it? A. Later on.

Q. When did you purchase it? [5892]

A. Oh, I can't remember that. We rented the first one and later on we made an appeal——

Q. (Interposing) You rented the first one?

A. Yes.

Q. From whom?

(Testimony of Harry Renton Bridges.)

A. Oh, I forget. Some firm in the city.

Q. You rented a mimeograph machine?

A. Yes.

Q. How long did you rent it for?

A. Five or six months or so.

Q. And you don't remember the name of the firm?

Presiding Inspector: He said that.

A. There are a lot of firms who do business like that.

By Mr. Del Guercio:

Q. Where was the mimeograph machine taken that was rented?

A. Where was it rented from?

Q. Where was it taken?

A. It was taken to one of the fellow's homes, the fellow whose wife typed the stencils.

Q. And later on you purchased a mimeograph machine?

A. Yes. We put on a drive through the pages of the paper and asked that donations be sent in. We printed a weekly itemized statement of expenditures and we put on a subscription drive and a donation drive. [5893]

Q. And you purchased this mimeograph machine?

A. Yes, and got together $500 through such a set-up and purchased the machine outright.

Q. From whom did you purchase the mimeograph machine? A. I forget that, too.

(Testimony of Harry Renton Bridges.)

Q. From the same company?

A. I am not sure.

Q. Was it a San Francisco firm?

A. Yes.

Q. Local? A. Yes.

Q. You are sure you didn't rent it and purchase it from the Communist Party?

A. Gee! I didn't know they were in business selling machines.

Q. Did they have a mimeograph machine?

A. The Communist Party?

Q. Yes.

A. I am sure that they have plenty of them.

Q. You didn't get one of those? A. No.

Q. Huh?

A. No. We bought our own machine brand new from some stationary firm.

Q. Did you retain a bill of sale, if there was any? [5894]

A. Possibly for a while. A lot of these items you are talking to me about was something that we didn't pay a great deal of attention to. Maybe in an efficient business office you would. This wasn't that efficient type of set-up and bill of sale for the ink and machine and things like that I don't remember and I don't know where they went. They were paid, that's all.

Q. At any time while you were putting out this Waterfront Worker did you support or the Waterfront Worker support a slate, a Communist slate of candidates for the municipal elections in San Francisco?

(Testimony of Harry Renton Bridges.)

A. I don't remember that. It's possible. Maybe we did and maybe we didn't, or we might have supported certain individuals who were running for office. I recall they used to always be campaigning on the waterfront of all different types and characters.

Q. Now, who would ask you to give support to any particular candidate running for office?

A. The candidates themselves. They were down on the waterfront constantly asking us for support. Everybody was soap-boxing.

Q. Did Jack Bishop ever run for office in San Francisco?

A. I don't specifically recall. My memory of Bishop is pretty hazy. I think he was a longshoreman. I am not even [5895] sure of that.

Q. You are sure that he was a member of the Communist Party?

A. I am not even sure of that. I never said that.

Q. John Diaz. A. Who?

Q. John Diaz.

A. That name makes an impression on me. I can't place him off-hand.

Q. Ed Harris?

A. Ed Harris. I know Ed Harris.

Q. You know him to be a member of the Communist Party?

A. I know him to be a member of the Machinists' Union.

Q. What?

(Testimony of Harry Renton Bridges.)

A. I know him to be a member of the Machinists' Union.

Q. Do you know him to be a member of the Communist Party? A. No.

Q. Louise Todd?

A. Louise Todd was one of the people in the Cotton strike in '33.

Q. A member of the Communist Party?

A. Somehow or other I know she is now. I am not sure about that time.

Q. James Tracy? [5896]

A. I know Tracy.

Q. A member of the Communist Party?

A. No, a member of the Machinists' Union.

Q. And did the people that I mentioned run for Supervisors in 1934 in San Francisco?

A. I don't know. They might have.

Q. Neil Hickey? A. I don't know him.

Q. Ran for Treasurer?

A. I don't recall him.

Q. Now, you knew that these people that I have mentioned—Bishop, Diaz, Harris, Todd, James Tracy and Neil Hickey—were advertised as the Communist slate?

A. Not particularly. I don't recall that.

Q. Well, for the purpose of refreshing your memory I will show you an issue of the Waterfront Worker for October 18, 1933 and call your attention to an article appearing on page 2 under the heading "Vote for Whom?" I am reading now the Western Worker, looking——

(Testimony of Harry Renton Bridges.)

Do you want to see this?

Mr. Gladstein: We will look at the copy while you read the original, or vice versa.

By Mr. Del Guercio:

Q. "The Waterfront Worker in looking over the 30 can- [5897] didates and their platforms for the coming elections, recommends to all longshoremen to vote for the six Working Class Candidates".

Mr. Gladstein: What page did you say this was on?

Mr. Del Guercio: Page 2 second column.

By Mr. Del Guercio:

Q. "Some candidates want votes because they were born somewhere in S. F. or other, some because they belong to some order or other, others promise economy, but at who's expense they don't say.

"We can all agree with the platform of the six Working Class Candidates * * * Cash Relief—Abolition of the Vagrancy Laws—No Evictions—Gas, Water and Electricity for the Unemployed—Unemployed Relief at the Expense of the Rich Taxpayer.

"Vote for Jack Bishop, John Diaz, Ed Harris, Louise Todd & James Tracy for Supervisors. Neil Hickey for Treasurer".

Did you write that article?

A. Sounds very much not like what I wrote but it sounds very much like an article that the Waterfront Worker would support.

Q. And does that refresh your memory now?

(Testimony of Harry Renton Bridges.)

A. Meaning would I agree with that?

Q. Yes.

A. Oh, yes. I agree with it. [5898]

Q. And did you support those candidates as indicated by this article?

A. Possibly. I don't recall what candidates were running against them, but they certainly must have looked the best to us, and if it is in the paper I supported it, yes.

Q. Well, it is in the paper, isn't it?

A. Well, you read it. Better let me see it.

Q. Well, you look at it.

A. (Examining Exhibit) Yes. The article is here and undoubtedly that was the position of the paper in supporting them.

Q. Then you did support at that time those candidates for office, is that your testimony?

A. Yes.

Q. Did anyone ask you to give your support to them?

A. Only in the way that it is set forth in the paper, as I said: That all the candidates for office at that time were on the waterfront requesting support.

Q. Did they ask you for your support?

A. I don't remember that specifically or whether any of them specifically asked me.

Q. Did Harry Jackson ask you to support them? A. No.

Q. Did Sam Darcy ask you to support them?

A. I have told you how it was done. [5899]

(Testimony of Harry Renton Bridges.)

Q. Well, how was it done? Maybe I misunderstood you.

A. All the candidates for office at that time were on the waterfront, the various—of all political denominations, urging that the men on the waterfront vote to support them. There was a specific reason for it. You could go down to the waterfront every morning at seven o'clock and you could speak to upwards of three or four thousand men. That's why they were all down there. Mayor Rossi, all the Supervisors, all the candidates for those offices, the Socialist candidate, the Progressive candidate and the Communist Party candidate, they were all down there. We picked out what we thought was the best of the bunch and supported them.

Q. You picked out, did you not, the Communist Party candidates?

A. Not necessarily. I don't know that.

Q. You don't know that?

A. We picked out all the trade unionists apparently.

Q. Let me refresh your memory.

A. What?

Mr. Del Guercio: I offer this Waterfront Worker in evidence, your Honor, and ask that a photostatic copy be substituted.

Presiding Inspector: There is no objection to that. It may be received.

(The paper referred to was received in evidence and marked Government's Exhibit No. 283.) [5900]

No. 10450

United States
Circuit Court of Appeals
For the Ninth Circuit.

HARRY BRIDGES,

Appellant;

vs.

I. F. WIXON, as District Director, Immigration and Naturalization Service, Department of Justice,

Appellee.

Transcript of Record

VOLUME XIV

Pages 6251 to 6720

Upon Appeal from the District Court of the United States for the Northern District of California, Northern Division

Rotary Colorprint, 590 Folsom St., San Francisco

(Testimony of Harry Renton Bridges.)

GOVERNMENT'S EXHIBIT NO. 283

Flash!! Flash!! Last minute report of Arbitration Board findings bottom Page I

Published by A Rank & File Group in the I. L. A.

WATERFRONT WORKER

October 18 1933 Vol. I, No. 12

Waterfront Worker

Price: One Cent Page 1

"IMPARTIAL" BOARD SITS ON DISCRIMINATION

Union-Buster Sloss on Arbitration Board

From the very first beginnings of the ILA on the San Francisco waterfront, the ship owners showed that they were determined to keep the BB. Many men were knocked off at various docks and at dif ferent times for refusing to pay the BB dues or for belonging to the ILA. Inspite of the demand of the majority of the longshoremen to answer the shipowners with strike action to force the BB off the waterfront Holman & his side kickers refused to act and tried their best to prevent the rank and file from taking the initiative to act.

The Matson Co. has always taken the lead in the fight against the stevedores and it was there that a showdown had to come and did come in spite of all the efforts of Holman and his machine to hold the men back and thus give in to the shipowners attempts to save the BB. The strike on

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 283—(Continued)

the Matson was more than a strike against the discrimination of 4 members of the ILA. It was a strike for the recognition of the unions. And for this reason it not only concerned the stevedores on the Matson but every stevedore on the front. The strike threw a strong light on many things. It showed that the shipowners are determined to fight it out and that the stevedores were just as determined. It showed, however, that little in the way of leadership can be expected from the top officials of the union or from the International.

The rank and file will have to develope leadership from its' own ranks. None of the strike tactics that are used by workers everywhere were used. No organized mass picket line existed at any time during the strike. Much in this respect can be learned from the miners, who bring their families and all sympathetic workers into the picket line & organize picket lines in front of scab-herding agencies. No efforts were made to make the strike known to all the unemployed or the seamen on the Matson ships, or to call on them for support. No efforts were made to involve the teamsters.

The failure to take these steps, which are necessary to win any strike, was mainly due to the lack of a broad strike committee and to the fact that the Matson stevedores allowed themselves to be bulldozed into folding their arms by means of the old Red Scare. The shipowners will always drag

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 283—(Continued)

that out unless we act just as Scabby Peterson wants us to.

With the Matson ships tied up & support coming from San Pedro, the Northwest ports, and Australia, it was a mistake to submit to arbitration. The issue was clear. Either the Matson took back the four ILA members, or it didn't. What the striking Matson stevedores will get by arbitration is well illustrated by the fact that on the board of arbitration sits that well known union-buster, Judge Sloss, who as a member of the Industrial Association was successful in the breaking up of the building trades union in San Francisco.

In this case we can accpet no compromise. Either the shipowners recognize the union of our own choosing or they don't. We cannot allow ourselves to be blinded by so called "impartial" arbitrators. We Must Stand Ready for the Next Move!!!

Smash the Blue Book!!!

Flash!!! As we go to print report comes that our Mass Solidarity forced—the Arbitration Board to decide the four men fired will go back to work!

October 18 1933 Waterfront Worker Page 2

ACTIVITIES OF "WATERFRONT-WORKER" IN THE STRIKE

While the leadership of the ILA, the Holmans down to those that want to get in (the Kulbergs)

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 283—(Continued)

were busy making statements to the papers, that they could no longer hold the men in check, the Waterfront Worker did its' duty—3000 special Don't Scab editions were issued.

The group of longshoremen responsible for the Waterfront Worker was the only organized body who took any concrete steps whatsoever to fight the recruiting of scabs. The leaflet was issued on Tuesday night and Wednesday morning immediately following the walkout, calling upon the other stevedores, the seamen, the teamsters and all workers not to scab. This leaflet was given wide distribution, in the Fink Hall, along the skid road, at the Murray & Ready employment office, among the teamsters, all along the Oakland Waterfront, in North Beach, Mission district, and every other place where a possibility of attempts at precruiting scabs might take place. This leaflet was very effective in accomplishing its purpose, proof of this is the fact that the shipowners found it impossible to hire scabs among any of the workers whom the leaflets reached.

One reason for the success of this leaflet was the fact that it had been proceeded by another leaflet, which was distributed along the S F front just prior to the strike. This leaflet also called upon all workers to support the Matson stevedores in their demands. With the excetion of two men, who are dealt with elsewhere in this issue, these two leaflets

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 283—(Continued)

received the heartiest endorsement of all workers who read them.

The Waterfront Worker takes this opportunity to point out to the rest of the ILA members, that if they do not immediately take control of their organization, by means of rank & file dock committees on every dock, they will suffer disasterous results from the misleadership from the officialdom of the ILA.

EXPEL THE TREASURY THIEVES

Those responsible for the treasury shortage will try to use the excitement of the moment created by the Matson strike to escape punishment. Because a struggle with the shipowners for better

Continued on Page 5

N R A & COMPANY UNIONS

Dealing with workers through company unions is in full conformity with the NRA, said Robert L Lund, Pres. of National Ass'n of Manufasturers, in a statement addressed to William Green, Pres. of the AFof L.

Lund's statement dealt with Green's sham attack on company unions.

Lund complained that Green and other AFofL officials could not control the rank and file members, saying, "It is clear that a great deal of the organizing effort and agitation resulting from it is the work of men, some of them of very radical be-

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 283—(Continued)

liefs, who pay little attention to those leaders nominally representing them."

The National Association of Manufacturers says that 80 per cent of its members support NRA.

VOTE FOR WHOM?

The Waterfront Worker in looking over the 30 candidates and their platform for the coming elections, recommends to all longshoremen to vote for the six Working Class Candidates.

Some candidates want votes because they were born somewhere in S F or other, some because they belong to some order or other, others promise economy, but at who's expense they don't say.

We can all agree with the platform of the six Working Class Candidates . . . Cash Relief—Abolition of the Vagrancy Laws—No Evictions—Gas, water and electricity for the unemployed—Unemployed Relief at the expense of the rich tax payer.

Vote for Jack Bishop, John Diaz, Ed Harris, Louise Todd, & James Tracy for Supervisors. Neil Hickey for Treasurer.

THE OLD RED HERRING

It is an old trick of the bosses that whenever the workers strike to better their conditions, they are accused of being Reds. According to Scabby Peterson and one or two misguided workers, any worker who don't agree with them is a Red. But what do we see? It was old Scabby himself who sent in

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 283—(Continued)

scabs to the Matson Co and not the so-called Reds. The best way to answer that is by sticking together and fighting our common enemy, the shipowners, instead of fighting among ourselves.

* * * *

October 18th, 1933 Waterfront Worker Page 3

We will need the pages of the Waterfront Worker more than ever. Things will be happening—are happening—differences of opinion—meetings—Use the Waterfront Worker to express yourself. Address—3470 19th Street.

The Mail Bag

FRANK WORDS FROM THE RANK AND FILE

Editor:

How about Joes gang of scalers of Pier 44 moving freight from one side of the dock to the other, getting 35 cents per hour while hundreds of longshoremen are idle. Why don't the ILA correct this? We stevedores demand action, not promises as has been the case in the past.

A Stevedore.

STRAW HAT BEN. HE'S NOT SO HOT

About a year ago the Admiral Line canned Straw Hat Ben Knutson, but he was reinstated when he promised the Company that he could save them money—and how.

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 283—(Continued)

He had the gang bosses tend hatch, thus doing away with one man. However, about 6 weeks ago the candykid with the gum nose was demoted to hatch-tender himself, kid-gloves and all! Since then he has lost even that job, and has been relegated to the extra list.

We may mention heer that besides wearing kid gloves and dressing . . . like he thinks the well dressed gigalo does he also wears a wig to keep his brains warm so he caon hatch out more bright money-saving ideas for the Admiral Line.

A Stevedore.

OVERHEARD ON THE FRONT

Said one worker to another: "Say, John, I am a newcomer on the front, looking for work, and they call me a "prospector". Now I thought prospectors always had a jack-ass with them."

John: "Yes, but don't sit around and wait for the $1900 the Blue Book tells us we make, or you will be the jack-ass, and starve to death." Demand cash relief for all unemployed and part time workers!

QUESTIONS TO MEMBERS OF THE ILA

Should cops belong in ILA? If not, what is McNulty, who is a probation officer, doing in the ILA? The same people who sent the cops to protect the scabs on the Matson docks, most likely sent McNulty in to stool on the members of the ILA and

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 283—(Continued)

also behind the scenes to run the ILA through Holmen. McNulty hasn't worked on the beach for years so he has no business in our union now. Not until we get rid of McNulty and his kind will we have a fighting union which will protect our interests.

FROM ONE WHO WANTS TO KNOW

When Holman recently got up on the soap box and chirped about being ready to die for the stevedores he must have been very sure of his ground, considering that a hundred and fifty or two hundred dollars have gone to the doctor to make damn sure that Lee doesn't lose his life.

With us stevedores facing a battle, these dollars might be one of the things that will spell the difference between defeat and victory. Demand an accounting of all funds!!!

From a Stevedore.

Dear Editor:

The thousands of Charity workers who refused to scab during the Matson strike should receive the support of every stevedore on the front in their fight for Cash Relief.

(Testimony of Harry Renton Bridges.)
Government's Exhibit No. 283—(Continued)

October 18 1933 Waterfront Worker Page 4

UNDER BELOW—By the Hatchtender—

BIG LOAD
THOMPSON
SOME MORE ON BIG LOAD

Last month on the Admiral dock, B L Thomsen got a bright idea. He had the car gangs load the cargo on board slings during the day, then sent the dock gang home, using the only jitney drivers and hookers on dock—the hold gang workers—thus he saved overtime on half the gang.

* * * *

Dear Editor:

The lot of the prospector is hard on the front. We must shape up early on the Embarcadero and if we don't make it which is usually the case, we go to various docks where ships are due. Some of us play some docks—others play other docks, but the story is always the same. It means long hours of waiting for the ship to dock, and then more waiting in the hope the Boss will pick us. And if we do get on it may last only an hour or so.

Now comes the question—how do we live? Well some of us live in the Rich street soup line on the skid road. Some of us who are married, work for the Charities and get in return, food that in most cases, could not be sold on the public markets, and for this rotten chuck we must work every third week.

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 283—(Continued)

Fellow stevedores and Waterfront workers: Demand cash instead of groceries. Demand cash at the expense of the very shipowners who are trying to force their rotten BB union on us.

A Stevedores.

YOU CAN'T JOIN THE ILA

On the Nelsen pier 22, Dog-faced Nelsen is so in love with B.B. he has squaked to the men not to wear I.L.A. Buttons.

Get wise, Dog Face. Remember the Matson strike.

* * * * *

EVERETT WALK-OUT SUCCESSFUL

A brief but successful walk-out occurred on the Everett waterfront, Oct. 5th. Resentment against a hiring system of favoritism and discrimination, under which straw-bosses would pick the men that they pleased. One hundred and forty men walked out of the Fink hall in a body.

Everett is one of the ports that has a duly elected grievance committee. This grievance committee informed the employers and in an hour's time Mr Weber, head of the Fink hall arrived from Seattle to arbitrate matters. A meeting was called of over 100 men and Mr. Weber pleaded with them to give the companys a break . . . not to hold them responsible for the action of their straw bosses.

After Wever left the hall the men took a vote

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 283—(Continued)

. . . agreed to go back to work only if they be allowed to pick their own men to do the hiring and the other straw bosses be fired. These demands were granted and the men then went back to work.

RECOGNITION THRU ARBITRATION?

The argument that the Matson Co agreement to arbitrate amounts to recognition of the ILA is but a stretch of the imagination. What are the facts? In the first place the Matson Co is not arbitrating directly with the ILA but thru an "impartial" board. In the second place after arbitration the Matson can still tell the longshoremen where to get off. The coal operators did that to the 100,000 miners and now they are striking for recognition a second time. The only time the shipowners will recognize the ILA without a fight is when the ILA becomes as harmless as the BB. What will be the gain then?

* * * *

October 18 1933 Waterfront Worker Page 5

FIGHT FOR UNEMPLOYMENT RELIEF

In Jersey City, a man, unidentified, except for a button proving membership in a longshoremen's union, was found dead of starvation. In his pocket, he had one 5-cent piece, kept apparently for an emergency. The emergency came, and mercifully took him away.

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 283—(Continued)

Whatever is done will be done too late for him in this world.

TAKE A TIP MICKEY

While you were out fighting the Waterfront Worker, Mickey Rowen, scabs were being hauled into the docks. What did you, as a Union stevedore do?

The Waterfront issued a special bulletin calling on workers not to scab, which was given to seamen, longshoremen, teamsters, unemployed workers, and others, and you by your actions, tried hard to stop the only leaflets issued in support of the strike. The stevedores know, in spite of the write-up you received in the papers, that whether intentional or not, you actually gave support to the shipowners by your actions. Continued similar actions may win for you the reputation of being a rat, and we certainly do not want this to happen, Mickey.

GRACE LINE CUTS WAGES

We together with other seamen on the Grace Line were made happy recently when we saw the Blue Eagle flying above. But our happiness didn't last long. They fired 19 Chinese stewards and replaced them at the rate of one white worker for every three Chinese fired.

Their next step was to cut wages 8%. When the Santa Barbara found this out a ships committee was organized with the result they didn't get the

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 283—(Continued)

cut. The Grace Line has announced that under no circumstances must seamen who belong to the Marine Workers Industrial Union be hired.

A Seamen.

Continued from Page 2 Col 2

Fellow stevedores; it is time that we forget what political beliefs the next worker has, when we are fighting for the betterment of our conditions; but rather we must unite in one common fight against rotten conditions existing on the beach. We must not be scared by the word Red. The bosses & their agents always try to keep the workers divided by calling the workers Reds because they strike and fight for better conditions.

NEWS FROM OTHER PORTS
ILA OFFICIALS MAKE AGREEMENT TO LOSE STRIKE

New Orleans, La. Dock men working on the government owned Federal Barge Lines went on strike on Sept 11 tying this line up. These men demanded 50c an hour straight time, & 75c an hour for overtime. Six men to a hold, four men to a car, two men to a bag. The Eight Hour day.

They got in touch with the ILA representatives, Darcy and Spencer who worked out an agreement to get the men back to work under the same conditions they were striking against. Being a government line, they got the recent Roosevelt 15% economy cut, reducing their pay to 34c an hour. The

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 283—(Continued)

men work as long as necessary. Five men were cut off each gang.

During the strike there was no picketing, and scabs freely came to work. The strikers were warned by the ILA to beware of the Reds, or the government wouldn't negotiate with them.

This action was in distinct difference from the St. Louis strike of last August, where the bargemen led by the Marine Worker's Industrial Union organized a strong picket line, and won all their demands.

"Stockholm, Sweden—Following similar action taken in Danish ports, the longshoremen of Stockholm refused to unload the German freighter "Malkah", until it would pull down the Nazi flag it was flying.

JUST SOMETHING TO REMEMBER

The American Hawaiian line reports profits of 105,818 dollars clear. A Senate investigation of ship-subsidies now in progress discovered 66,000 dollars paid for carrying an entire pound of mail. During the past fourteen years the government has paid to shipowners a total of 3 & a half billion dollars. According to reports of the 22 Annual Safety Congress recently held in Chicago, the Marine Industry is only exceeded in severity rates by foundry, quarry, construction, lumbering and mining industries. Therefore the Congress decided to still

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 283—(Continued)

keep this industry on the list of hazardous occupations.

Continued from Page 2 Col 1

conditions is on, it is doubly important for us that they do not escape. Now it is more important than ever that honest men lead the ILA. The trial of Holmen & others must take place immediately & when found guilty, expelled.

* * * * *

October 18 1933 Waterfront Worker Page 6

STEVEDORES! SEAMEN! STICK TOGETHER!

In the last regular issue of the Waterfront Worker we carried an article dealing with the unity of white and Negro stevedores in which we pointed out the shipowners policy of playing one worker against another as a means of breaking a strike and warned all workers to be on guard against any attempt of the shipowners to divide our ranks and lower the living standard of all workers on the Front.

That our warning was well founded is proven by the following facts:

On Thursday, Oct 12, in North Beach, a meeting was called by one "Fat", a colored tool of the ship owners. About 80 Negroes, mostly unemployed, were present. After listening to a white representative of the shipowners Ass'n make a long

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 283—(Continued)

winded flowery speech in which he said, "If you will stand by us now we will stand by you later".

Later in the evening, at a resort on Post Street, between Webster & Fillmore, beer and sandwitches were set up at the expense of the shipowners.

Last Saturday night in a cellar at North Beach (No. 6, Stark St.) "Fat" again addressed a group of colored workers—this time only about 23 were present. This time he told them, "When you go to work, work as hard as you can. Build up a reputation, and maybe we can get a 5 year contract, when the strike is over".

After "Fat's" pretty speech, one Negroe got up and spoke in spite of threats of violence, pointing out that they would only hurtthemselves and that their own people would turn against them if they scabbed. Finally the entire gathering got up and walked out at the request of the speaker to show their solidarity with the strikers. They walked out leaving "Fat" and his secretary alone and bewildered in their foul basement.

WAR GOOD OR BAD

With war preparations going strong, with shipments of war materials constantly increasing, some workers think war is OKay. Look at the last war . . . we all had a chance to work . . . made good wages. Let us reason this out. First, is there a new world war to be declared and why? The statement that wars are fought to gain markets, wealth,

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 283—(Continued)

and to increase the power of a nation, is proven correct by the capitalists statement in "trade follows the flag". Lack of trade then becomes one of the conditions which creates wars. A check of figures show the U. S. is losing 60%.

Much of this trade however was lost due to the fact that there has been a tremendous drop in purchasing power throughout the world.

The fight for the remaining markets becomes more sharp. Therefore all nations who must sell goods to make profits are spending untold billions to prepare to take the biggest slice of the world trade. The U. S. alone spent, out of a public fund, 938 millions of dollars for the army and navy this year. And other stunts are pulled. Wages are constantly cut so competing nations will be in a better condition to undersell on the world markets. Proof of this is shown by every $10 in wages we workers got in in 1926—today we only get $4.26. In addition to this prices are being boosted to 1926 levels.

We can readily see that even war preparation means more misery for us. At present, in addition to fighting among themselves, these capitalist nations are seeking to attack the Workers Republic, the Soviet Union, the only country in the world where wages go up, hours come down and there is no unemployment. War itself will mean 6% guaranteed profits for the bosses as provided by an act of Congress, and the army scale of pay for the workers.

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 283—(Continued)

Smash the Bosses War Plans.

Demand That All War Funds Be Used For Unemployed Relief.

Refuse To Ship War Supplies.

NORWEGIAN MUNITION SHIP EXPLODES

Colombo, Ceylon—Through several rescued sailors picked up at sea it is learned that the Norwegian munition ship, "Himnoy" carrying a cargo to Hong Kong exploded 300 miles out from Colombo. The ship sank immediately with almost the entire crew.

[Endorsed]: Filed June 2, 1942.

By Mr. Del Guercio:

Q. I have before me now the Western Worker, San Francisco, September 18, 1933, in an article here appearing in the third column of the front page: "Communist Slate for Election in S. F. Nominated, Conference of workers organizations to endorse slate planned, Only workers ticket, A. F. of L. officials back Rossi Machine; . . .". You didn't back the Rossi Machine, did you? A. No.

Q. You were an A. F. of L. official at that time, weren't you? A. That's right.

Q. "Locals to be canvassed for Red ticket".

A. Yes.

Q. Was your local canvassed for the Red ticket?

(Testimony of Harry Renton Bridges.)

A. I don't recall. Possibly it was.

Q. Would you say that it wasn't canvassed?

A. I couldn't remember that. It is entirely possible it was. I just don't remember.

Q. To read on: "San Francisco, Sept. 11.—The Communist Party has nominated candidates for the five supervisors and city treasurer, to be elected in San Francisco this November. They are: For Supervisors: Jack Bishop, Longshoreman; Louise Todd, office worker; James Tracy, railroad worker; Edward Harris, Machinist; John Diaz, Agricultural Worker. For Treasurer, [5901] Neil Hickey, Miner".

Those are the same names, the same persons that appear in your Western Worker here for October 18, 1933, on page 2, are they not?

A. Right, and were supported by the Waterfront Worker. They were running for office, and legally, I understand, we supported them through the paper.

Q. Now, this is the issue of the Waterfront Worker, Western organ of the Communist Party, U. S. A., isn't it, the one I have just shown you?

A. "Issue of the Western Worker", you mean?

Q. "Western Worker".

A. Yes, right.

Q. And is it true that the Communist slate for election in San Francisco nominated the persons I mentioned—Jack Bishop, Louise Todd, James Tracy, Edward Harris, John Diaz and Neil Hickey?

(Testimony of Harry Renton Bridges.)

A. Is it true that they say it in there?

Q. Yes. A. Yes.

Q. The Western Worker wouldn't print falsehoods?

A. They possibly have made a mistake or two in their time.

Q. Would they make a mistake?

A. I would believe the Western Worker before I would believe the Hearst papers, for example. [5902]

Q. Do you believe that that is a correct statement, that the Communist slate——.

Mr. Gladstein (Interposing): I think this question calls for conjecture and it wouldn't satisfy the requirements of proof.

Suppose the witness says that he doesn't have——

Presiding Inspector (Interposing): Well, he has said it so many times.

Mr. Gladstein: Suppose he says that he hasn't any doubt, that it may be so? That still doesn't satisfy the rule requiring proof of the fact. I don't think it is a good substitute to take care of that problem before offering the document in evidence, and we will renew the same objection.

Presiding Inspector: I suppose that Mr. Del Guercio is pressing him for an admission in that respect.

Mr. Del Guercio: I have a right to do that.

Presiding Inspector: Of course you have the right to press him.

(Testimony of Harry Renton Bridges.)

Mr. Del Guercio: I offer the copy of the Western Worker in evidence as Government's Exhibit next in order.

Mr. Gladstein: We make the same objection.

Presiding Inspector: For what purpose do you offer it?

Mr. Del Guercio: For similarity of names.

Presiding Inspector: Oh, that is admitted.

Mr. Del Guercio: May I offer it for identification then? [5903]

Presiding Inspector: Yes. You may have it marked for identification.

(The paper referred to was marked Government's Exhibit No. 284 for identification.)

Presiding Inspector: He admitted not only the similarity of names but the similarity of the identify of persons. There is no question about it, I suppose?

By Mr. Del Guercio:

Q. Is there any question in your mind that thos persons were the candidates of the Communist Party, Jack Bishop, Louise Todd, James Tracy, Ed Harris, John Diaz, and Neil Hickey?

A. I couldn't say with certainty, but I am sure that the city records would show whether they were not. They could be running on the Communist Party ticket without necessarily being Communists.

Mr. Grossman: Your Honor, just a moment, please. The San Francisco municipal elections and

(Testimony of Harry Renton Bridges.)

the county elections are non-partisan elections. It would be impossible for any candidate now or at that time to run on a Communist Party platform or any other.

Presiding Inspector: I can't accept that.

Mr. Del Guercio: That isn't an objection, if your Honor please.

Mr. Grossman: Just a moment! Therefore, any reference [5904] which indicates that they were running on any party ticket would be misleading the witness, because it would have been impossible at that time.

Presiding Inspector: The witness has assumed that that was so, I think. Perhaps I misunderstood him.

Mr. Gladstein: It might well be that all that actually happened would be that if——

Mr. Del Guercio (Interposing): If your Honor please, I object because it is on a matter that I want to press the witness on here, and also unless there is an objection——

Presiding Inspector (Interposing): Still, I must hear the objection.

Mr. Gladstein: We are objecting to the offer in evidence of the document, because no proper foundation has been laid for its introduction.

Presiding Inspector: It hasn't just been offered, has it? It was offered some time ago.

Mr. Del Guercio: A ruling has been made on that.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: I haven't received it except for identification only.

Mr. Del Guercio: For identification only.

Presiding Inspector: It has been marked for identification.

By Mr. Del Guercio:

Q. I will ask the question again. I don't know whether [5905] it has been answered or not. Is there any question in your mind that Jack Bishop, Louise Todd, James Tracy, Edward Harris, John Diaz and Neil Hickey was the Communist slate for election in San Francisco at that time?

A. Supported by the Communist Party?

Q. Yes.

A. No. I think that is correct. But I am basing my answer on what I read in the paper there. I don't necessarily disbelieve the paper on that ticket matter.

Presiding Inspector: We will take a short recess.

(Whereupon a short recess was taken.)

[5906]

Presiding Inspector: All right, Mr. Del Guercio.

By Mr. Del Guercio:

Q. Now, during the time that you and your group of longshoremen were putting out this Waterfront Worker were you collaborating with the Western Worker in any manner? A. No.

(Testimony of Harry Renton Bridges.)

Q. In anywise, in connection with the matters that were to appear in the Waterfront Worker?

A. No. It depends on what you mean by "collaborating," of course.

Q. Were anybody on the Western Worker giving you any ideas to be used in the Waterfront Worker? A. Not that I recall; no.

Q. Would you say that they didn't, that nobody——

A. (Interposing): I would say they didn't.

Q. Did Harry Jackson give you any ideas?

A. Oh, at the start; yes. We asked him how he put out the paper; and it seemed to be simple, and we figured we could do it. After we got rolling we thought we were very self-sufficient.

Q. And you told Harry Jackson, "We don't need you any more;" is that it?

A. I don't think we exactly done that, but we didn't need anybody. We felt we were getting along fine.

Q. Did Harry Jackson continue to give you ideas? [5907] A. No.

Q. Did you at any time, in the Waterfront Worker, tell the readers to read the Workers' Press? A. Oh, that is possible.

Q. What is the Workers' Press—what was the Workers' Press at that time?

A. I don't know; I don't recall what we had reference to. It might have meant a lot of things.

Q. Was it the Western Worker?

(Testimony of Harry Renton Bridges.)

A. Possibly—the Western Worker and other publications.

Q. Communist Party Publications?

A. Not necessarily. We might have meant the Labor Council Journal, or might have meant the Leader—might have meant a lot of papers.

Q. Who drew the cartoons for the Waterfront Worker?

A. Oh, we had somebody quite an artist; I forget his name.

Q. Was it one of the group of the longshoremen putting out the paper?

A. Here is what it was: They were traced generally. In other words, you could pick out a cartoon from a newspaper, or a magazine, or something, and you could trace it, trace the general outline.

Q. Who did the tracing, who in your group?

[5908]

A. Wherever the paper happened to be stenciled, mimeographed, at that time.

Q. Who did it?

A. I am not sure; I can check up and find out. To the best of my recollection, from time to time the mimeograph machine was moved around, was located in this person's home, and in that person's home. I can check up on it definitely.

Q. You don't know who did the tracing, or who drew the cartoons that appeared in the Waterfront Worker, is that it? A. Yes, I do.

Q. Who was it?

A. I can't recall the particular person's name.

(Testimony of Harry Renton Bridges.)

Q. Was there more than one person?

A. I would know him, would have seen him. You must understand we knew a lot of fellows by their first name or a nickname.

Q. Was it a longshoreman connected with this group? A. Yes.

Q. Was it any of the ones you named?

A. I think he was among them; yes.

Q. One of those that you named?

A. Yes, sir. As I say, at times one of the fellow's wives done the tracing. I recall that.

Q. I show you the March 22, 1934 issue of the Waterfront Worker, and call your attention to an article in it, a [5909] cartoon appearing on page 2.

A. (Examining cartoon.)

Q. Now, will you look at that cartoon?

A. Yes, I am.

Q. Who drew that cartoon?

A. Just a minute. I want to look at the story. It might help.

(Examining article): Well, I couldn't say who drew the cartoon, this specific one.

Q. The cartoon represents two workers?

A. Apparently that is what it is meant to represent.

Q. Does it represent longshoremen?

A. No—well, I guess they could represent any workers that pack a lunch box.

Q. What are they reading?

A. The Western Worker, according to the cartoon.

(Testimony of Harry Renton Bridges.)

Q. And immediately underneath that appears "Read the Workers' Press," does it not?

A. Yes. I think the entire article and the cartoon indicates that the Waterfront Worker was advocating the workers to read the Western Worker.

Q. Who advocated them to read the Western Worker?

A. The people that put out the Waterfront Worker, including myself.

Q. And you advocated at that time the reading of the [5910] Western Worker? A. Yes.

Q. And you knew at the time that the Western Worker was the official organ of the Communist Party of the USA?

A. I believe that is correct.

Q. No doubt about it, is there?

A. No. I think that——

Presiding Inspector: He testified to that several times before.

Mr. Del Guercio: I offer this copy of the issue of the Waterfront Worker in evidence.

Presiding Inspector: Does it add anything to the testimony?

Mr. Del Guercio: Yes. It shows—it is documentary evidence of the Alien's cooperation with the——

Mr. Grossman (Interposing): We have no objection.

Mr. Del Guercio (Continuing): ——Western Worker, the official organ of the Communist Party.

Presiding Inspector: I will receive it.

(Testimony of Harry Renton Bridges.)

A. At times the Western Worker——

Mr. Del Guercio: Is there a question pending?

The Witness: No. I am sorry.

Presiding Inspector: I will take it.

(The document referred to was received in evidence and marked Government's Exhibit No. 285.)

GOVERNMENT'S EXHIBIT No. 285

WATERFRONT WORKER

Vol. 2, No. 7 March 22nd, 1934

San Francisco, Calif.

THE STRIKE and Its LEADERSHIP

The Waterfront Worker advises the men to go forward with the strike preparations regardless of the advice of the couple of weakkneed brothers who did their damnedest to disrupt the Special Strike meeting.

Brother Finnegan ran true to the form he displayed at the ILA Convention, when he came out for arbitration, and recognition thru Regional Labor Boards, which plan was discarded by the Convention, in favor of a Coast-wise strike to win recognition and our demands.

The Waterfront Worker wants to point out if we follow Brother Finnegan's advise of relying on Pres. Roosevelt's intervention, & allowing the shipowners another 20 days to prepare for the strike we will find ourselves in the same position as

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 285—(Continued)

the auto workers, the Railroad workers, and the Wierton Steel workers. These workers were betrayed and promises broken on their return to work after they were assured of a square deal by the N. R. A.

The impression created by Brother Finnegin, that the District Executive Board has the power to call a strike or to end it—is wrong. The Executive Board has only the authority to negotiate and to recommend. The power to call off the strike must be left in the hands of the Central Strike Committee, who are the true representatives of the men. This is the only way we can be sure that the wishes of the membership can be carried out and the danger of sell-outs avoided.

We have had one experience with Labor Advisers, and now we have a lawyer who wants to dic-

(Con. on Page 6, Col. 2)

(Cartoon—Shipowner: I Can Only Speak for San Francisco. Scabby Peterson: A Closed Shop Is Unfair. I. L. A.: We Demand a Closed Shop, $1.00 an Hour, $1.50 Overtime, I. L. A. Recognition, and No Rats. We Are Preparing to Win! Stein: The Blue Book Is a Good Union Come Back.)

(Testimony of Harry Renton Bridges.)
Government's Exhibit No. 285—(Continued)
Page 2 March 22, 1934

Water Front Worker

BIG LOAD DEMANDS TONNAGE

It happened during a dark and stormy night not so long ago, one of the Admiral Line ships was working at full speed, the ship was late, cargo must be discharged in a hurry, in order to send the ship on her way and to the next port.

The Gaffer was none other than Ben Ohm, a character well known on the Frisco front. He was doing his best, urging and egging the men on to hurry their work. There was plenty of hollering & growling and sarcasm. The stevedores were sweating blood, for the going was tough, but all thought that they were doing their very best.

Then like a bolt of lightning from a blue sky the unexpected happened. Big Load Thompson appeared on the scene. According to very authentic information received by us B. L. T. was about "three sheets in the wind" he'd been splicing the main brace. And then something happened to Ben Ohm. Mr. B. L. T. proceeded to bawl him out, and told Ben that the 5 gangs working the ship were only averaging 87 tons per hour, only 87 tons per hour, just think of it. The steamship owners must grow many gray hairs worrying over this.

Was Ben's face red when the great B. L. T. dressed him down, his knees actually shook and the roar was gone from his voice. Benny only

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 285—(Continued)

draws $200.00 per. Big Load Thompson gets $500.00 per month for thinking up schemes to cheat the longshoremen out of work. Money which should go into the pockets of the men as wages, go into B. L. T.'s jeans instead. He must be keeping a harem on $500.00 per month, while many a poor stevedore can't even take his wife or gal to a nickelodean. Well let's hope things are different after the strike, maybe there two characters can be eliminated.

(Cartoon—Worker: Hook It Onto the Bulkhead. B. L. T.: You Moved Only 57 Tons the Last Hour. Ben Ohm: Be Careful, Big Load, the Boys Won't Be Rushed.)

WESTERN WORKER

READ THE WORKERS PRESS

Many workers in the marine industry are beginning to realize for the first time that newspapers do not print the workers' side of the story. Many workers are beginning to see the vast amount of resources the shipowners have at their disposal to try and confuse the men and get them back into the Blue Book. It is easily understood that the shipowners who can pay thousands of dollars for advertisements—are going to get the preference in stories sent to the press. Is there any worker foolish enough to believe that the newspapers are seeking the truth or will print the longshoremens' side of all the misery, the long wait for jobs in

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 285—(Continued)

the shape up, the tramping up and down the waterfront in prospecting the beach, the speed-up, the bosses shouting and raving for more tonnage, when we longshoremen, thru our organization, the ILA, have no money to spend for quarter page advertisements.

We workers if we want the truth we must try and read the Workers Press. The Workers Press prints the workers stories. The hunger and misery we face when we go on strike, our toiling at Break Neck speed to build up profits for the Bosses. The Workers Press prints these tales truthfully, simply and boldly.

We must not only read our own press, but we must write for it too. The Workers Press has no reporters to send out in taxicabs with cameras and pads, the workers on the job, on the picket line, on the CWA jobs, in the soup line and flop houses, on the farms and in the shops are the reporters.

READ AND SUBSCRIBE TO THE WORKING CLASS PRESS

During a strike you will need the Waterfront Worker more than ever.

Keep the Waterfront Worker informed of all news on the front.

(Testimony of Harry Renton Bridges.)
Government's Exhibit No. 285—(Continued)
March 22, 1934 Page 3

Waterfront Worker

ON THE SPOT

BLIND BOSS THREATENS GANG

Charlie Kallini, one of the bosses for the associated Terminals, warned his gang that if any of them walked out when the strike is called, the strikers will lose their jobs.

Charlie, you are blind to facts—you have as much chance of scaring the men from strikings as you have in keeping the tide from coming in. Get next t yourself, the shipowners only use you when you are useful to them, you can no longer serve them, you are junked. Stick—to your class—the working class. To hell with the shipowners and The parasites who rob us of what we produce. Stick together. Strike with the men.

Editor Water Front Worker:

Just a few words to let you know that our Secretary, Mr. Keys, has skipped with a chunk of I.L.A. Dough. He was also, Secretary of Ferry-Boats union. He was recommened by Mr. Kulberg.

I. L. A. SAFE CRACKED

We wonder why the shipowners sent their stool pigeons over to Try and crack the I. L. A. safe? May be scabby and Plant thinks they can — uncover a "red-plot" or find secret orders direct from Moscow.

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 285—(Continued)

(Cartoon — Shipowner: Open Her Up. There's Orders From Moscow in It. Two Cracksmen: She's Sure a Tough Crib!)

"WHAT A MAN??

The other day, the young efficiency expert, Big Load Thompson came on the Admiral dock, packing quite a load of this 98 cents a pint liquor. Drunk or sober he is an efficient boss always. So he staggered up the gang plank and bawled Ben Ohm the gang boss, out for not getting out the tonnage. Good stuff Big Load, you had better take full advantage of your opportunity because the I. L. A. will soon clip your wings—drunken bosses will not be allowed on the docks after the I. L. A. gets recognition.

Ed's Note: We have another report of the same incident.

SAILOR BLACKLISTED
NEED OF UNITY

On Washington's birthday, the crew walked off the Griffau because the skipper would not pay overtime. The Crew walked off after they found that the longshoremen were getting holiday pay and the sailors were not. Later one of the sailors on the Solano but after the skipper found out that he had been in the crew of the Griffau the sailor was fired. Brother stevedores this is just one of the many reasons that we must strike to enforce

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 285—(Continued)

betterWorking conditions on the front. For 14 years the shipowners have been doing such tricks as this and they have been getting away with it. Now the time has come when we must put a stop to it. Longshoremen, steam schooner men, sailors, teamsters, & all waterfront workers stick together and win. Do not let the disrupters split us up by telling usThe seamen's troubles are not the concern of the longshoremen and vice-versa. We longshoremen can help the seamen win better working conditions and the seamen can help the longshoremen win I. L. A. recognition.

We must stick together. Let us go down the line arm and arm United. For better working conditions. For union recognition.

As we go to press we are notified from Stockton that the Gentleman, who was strongly recommended by our International Organizer. Mr. Kulberg left town in a hurry with ILA funds that the men had to scrape up to pay dues. Kulberg fixed it up so the men can't work any more.

THREE REGULAR JOES

Kuhlberg and Ryan and Morris—
Three regular Joes;
And to a worker—they hit him
Like a smack upon his nose.
Kuhlberg and Ryan and Morris—
The (best ??) you've ever seen in your life;

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 285—(Continued)

Address

Waterfront Worker

P. O. Box 1158, S. F., Calif.

They're after a worker's heart all right—

After it—With a Knife. (E. A. Poop)

Page 4 March 22nd, 1934

Waterfront Worker

(Cartoon—Worker's Wife: Husbands and wives solidarity.)

A MILITANT WIFE SPEAKS AN APPEAL TO ALL WOMEN

Editor Waterfront Worker:

I am the wife of a longshoreman and being his wife I am going to fight with him in the coming struggle. This is not only the fight of our husbands, but the fight of every woman whose men work on the waterfront, be it husband, father or son, therefore like my husband I stand 100% in favor of the coming strike, which is our only way out of our uncertainty & to a great extent our misery.

I wish to make this letter an appeal to all wives and mothers—who have men working on the waterfront to join with them in their struggles and to understand the reasons why and how the men have to fight.

I am ready and willing to take my place alongside my husband on the picket line and in the fight for relief or in any way in which I can help.

We women have been silent long enough, it is

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 285—(Continued)

time for us to act, for the men's problems are our problems. Their victory is our victory, their defeat is our defeat. We should organize the women to collect and distribute relief and to help in any manner in which they can. This fight isOur fight.

So once again in closing I appeal to all women to support and aid the men.

The fighting wife of a Fighting Stevedore.
Editor P. S.

Wives have had to suffer thru the system of keeping longshoremen waiting around for hours awaiting orders when to report at work. This system has been very beneficial to the liquor sellers as many longshoremen while waiting are tempted to drink & spend perhaps most of their wages. Another good reasons why we mustWin our demands for job control and hiring from the I. L. A. Hall.

WORKERS! AWAKEN!

The convention is all over
We learned quite a few tricks
Shipowners & Fakirs though they
are
Made lots of silly ships.
The big chiefs hate the progressive groups
The Radical Communist tribe
They are not so easy let astray
With a present or a bribe
The Labor Fakirs say Ahmen!

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 285—(Continued)

We have trouble too with this bunch
Whenever we try to put one over
They are the first to have a hunch
You suppose to pay your dues per month
No matter how little you work
Be very quite at the meetings
And keep praying to the Lord.
Ryan, Morris & Byorklund
Commanders from border to border
Are ruling with an iron hand
To enforce everything they order
Even shame oh! Shame Holman
Has seen the writing on the wall
If any one has to be appointed
I am the chief I do it all
I am sorry to disappoint you
Distroy your illusing of Power
But when you study History
You know what can happen in one hour
The fog over the toilers is clearing
The sky is nice and blue
Let this be a friendly warning
There is even hope for you
The Orders you are carrying out
Is all for the A. F. of L.
Reactionary officials?
And is hading to Hell
Any worker who wants to address our meeting
Without the seal of the A. F. of L.
Is stopped by orders of the 101 per cent

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 285—(Continued)

Of his experience he cannot tell
There is something in those verses
When you're on strike your credentials are hot
You're facing the Law of the Mighty
And your papers wouldn't stop any cop
The Son of Star gang stevedore

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Waterfront Worker

Hangman LEAVING

Editor Waterfront Worker:

What will become of all the Blue Book bosses on 39 when the Hangman leaves? Only Preacher Larsen knows and he's not telling. It looks like the Blue Book is going to; then what will happen? The Preacher says they'll all join Judge Rutherfords army selling books. Preacher Larsen is an expert book seller and after a few lessons from him the Blue Book force can make their living selling "Moses' Books".

The Preacher don't look for any extra work, he would sooner go around and pester people with his fanatic literature. Since the Blue Book got sick, he spends most of his time running between Pier 39 and the Blue Book. The Preacher knows all the bad sides about the I. L. A. and nothing but "good" about the Blue Book, in fact, he thinks he knows it all.

After the Blue Book is rubbed out, you had bet-

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 285—(Continued)

ter stick to Moses, Preacher, the I. L. A. don't want you.

A Steyedore, Pier 39.

(Cartoon—Red (to lady): Just Slightly Used, Madame. Judge: That's the Way, Red. Wicks: I Have to Peddle Mine, Too.)

GANGS WALK OFF PIER 45
BOSS BEGS MEN TO GO BACK

Last week 4 California gangs were working across the Bay and men were ordered back to 45 at eleven o'clock, but due to fog the ship did not get in until 2 o'ck. Arvid Anderson sent 2 gangs aboard a quaker boat which had 2 hours left and the other 2 gangs were sent aboard the golden ship, this move would beat the 2 gangs outof about 2 hours waiting time and the stevedores like true I. L. A. men refused to turn to and be beat out of their money. When the other gangs heard about it they refused to take off the hatches and walked off too. Arvid Anderson began to plead and beg the men not to walk off but to come back and go to work. The men went back only to their original ships.

This is the kind of action that will win better working condition

(Cut of rat.)

AN ANSWER TO SCABBY PETERSON

The Waterfront Employees Union has been car-

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 285—(Continued)

rying paid advertisements in all newspapers statingThat the longshoremen are very unfair in asking for coastwise negotiations and a coastwise agreement. The Shipowners state they have no authority to speak for the Pacific Coast. They also state that it is illegal according to Gen. Johnson, to ask for a closed shop. These statements are deliberate lies on the part of the shipowners.

The Pacific Coast steamship Operators Association organizes and calls the rate conferences which sets the passenger and freight rates for the Pacific Coast. The newspaper advertisements is an attempt to misinform the men that the shipowners have no right to speak for the coast, this is an absolute lie.

Scabby claims it is illegal for the I. L. A. to ask for a closed shop although the Blue Book has maintained a closed shop for 14 years with the men being forced to pay dues and accept its scabby rule.

The fact that Gen. Johnson, as quoted by the Waterfront Federation, made the statement that it is illgal to have a closed shop this should prove to the workers that the N. R. A. is a scabby document, as all the rulings made are in favor of the employers. These facts were pointed out by the Waterfront Worker last July.

We must asnwer the shipowners, Scabby Peterson and his stool pigeons with a solid, united fight-

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 285—(Continued)

ing front with the stevedores organized strongly behind the I. L. A. under rank and file control.

Break the stranglehold the shipowners have on the Marine Workers.

LOST STRAYED OR STOLEN

One perfectly good slightly used poet, long black hair, brown soulful eyes, soiled white shirt flowing black tie, about medium height and wistful mouth; many girls call him their dream man. When last seen the wonder man was searching for a partner for the nudist colony—take worning, Lee if any particulars notify immediately the waterfront worker. P.O. Bos 1158—S.F. P.S. His family is frantic with grief. The dream man answers to the name of Edgar Allan Poop.

(Continued from colume one)

for the men on the waterfront, and shows that the stevedores are militant fighting men.

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Waterfront Worker

The Waterfront Worker
Is Published by a Group
of Rank and File Stevedores—Members of the ILA
Send All News . . Articles . . . .
and Donations to:
P. O. Box 1158
San Francisco
California . . . .

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 285—(Continued)

(Cut of the Mail Bag.)

MESSAGE FROM STEAM SCHOONER MAN

Editor Waterfront Worker:

I am a steam schooner sailor and want to say that the men on the schooners are plenty disgusted with conditions. Every day we work 10-12-14 hours and if we happen to have a 4 to 8 watch when we come into port we have to work 16 hours at a stretch. The pay runs around $45.00 a month and 40c an hour for overtime after 8 hours. When we take aboard oil we used to get overtime for handling the oil hose and for standing by when we were oiling but all that has been stopped now. Almost every schooner has from 1 to 4 I.L.A. men aboard and it is no doubt when the stevedores hang the hook we will too. We have nothing to lose we are barely making a living, and I want to say in closing that the steam schooner sailors are not scabs but are behind the longshoremen in their fight.

An I.L.A. STEAM SCHOONER SAILOR.

Ed's Notes: When the strike is called, the steam schooner sailors should go on strike but do not leave the ship in case you are forced off the ship you must picket the dock when the ship is tied up. Do not just walk off the ship in sympathy with the longshoremen but present to the shipowners the demands of the crew.

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 285—(Continued)

PREPARE AGAINST POLICE TERROR

Already Thomas Plant, the spokesman for the shipowners, has made the statement that the S. F. Police will be used against the union stevedores. Chief Quinn has also stated that the police detail at Harbor station has been increased.

These preparations mean but one thing and that is the shipowners mean to protect their profits even if it means the shedding of the worker's blood.

The stevedores cannot take this lying down, we must be ready to defend ourselves against all attacks of the shipowners and their agents.

We must stand up like men and fight for the right to organize, strike and picket and to defend our right to struggle to better our conditions.

(continued from Page 1)

2—The Strike Committee to get in touch with Strike Committees in other Ports.

3— Each member of the Strike Committee to carry the decisions of the committee back to the men on the docks and get their endorsement.

4— On the basis of the endorsement of the men, the Strike Committee will make its final decisions.

WE MUST PREPARE STRIKES TO WIN

UNITE!! STRUGGLE!! WIN!!

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 285—(Continued)

SOLIDARITY OFFER OF W. I. R.

Royce, the Workers International Relief organizer, brought a message and expression of true working class solidarity when he spoke at our Special Strike Meeting.

He stated that he had been busy and had the backing of the United Front Conference forUnemployment Insurance and the Continuation of CWA Jobs. This Conference is composed of 45 organizations. 15 AFofL Trade Unions, 4 Unemployed Organizations, CWA workers organization, Marine Workers Industrial Union, and 5 other Industrial Unions, the International Labor Defense, the Communist Party and various other organizations.

(Cut of tearing up of Ryan Plan Shipowners' Code by Strike!)

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Waterfront Worker

KULBERG BLOCKS MOVE FOR UNITY

Editor Waterfront Worker:

The most disgraceful thing I have ever seen took place at our last regular meeting when the 9 sailors were refused the floor. I had sailed for many years and I was in the 1921 strike here in Frisco. I want to say here and now that I do not blame those sailors for joining the Marine Workers In-

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 285—(Continued)

dustrial Union and refusing to have anything to do with the P.S.U. Didn't Andy Fursueth, "the old man of the Sea" have the cops beat up the young sailors and throw them out of the meeting when they wanted to keep up the strike when they had a chance to win? Andy Fursueth had that done and now the great leader Kulberg wants to chance the sailors back into Andy's arms. Say who is this guy Kulberg anyway to be shouting for the A. F. of L. anyway? Wasn't he an organizer for the I. W. W. at one time? It's damn funny he should change over so sudden. It must be the $10.00 a day, in other words he will serve any master who has the money. Your paper had a picture of Kulberg heading back for Cardiff, what is the meaning of this? Let us know. I have been a longshoreman for many years and I want to see one strike where the stevedores and sailors strike together. Lets go out together.

Yours for a Successful Strike, One of Andy Fursueth's Boys Educated in the 1921 Strike.

(Cartoon—Unity With Stevedores. Boyce: Scabby Don't Want Unity 'Tween Seamen and Longshoremen. Kulberg: Go Away! Paddy Says You Are a Dual Organization.)

We like to inform Mr. Kulberg that depite his manouvers to split the unity of seamen and longshoremen, the seamen will back up the stevedores 100%.

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 285—(Continued)

PEDRO PETE
DICKERS WITH THE LABOR BOARD

Reports come up from Pedro, that Pete, "the wonder man", has approached the Regional Labor Board of Southern California to see if San Pedro could sigh an agreement with the shipowners and let the coastwise negotiations go by the board.

If such reports are true, we would like to know how much money it took to buy Pedro Pete? If Pedro Pete can be judged by his actions in the I.L.A. convention acting as servant boy to Paddy Morriss and as a "Yes man" to "old lady" Bjorklund, we would say the price of a package of Bull would be a big price. Pedro Pete you have to prove you are on the up and up—your past record is against you. Anything can be believed of a servant boy of your caliber.

P.S. Anyway you always remain a louse.

BIG EMIL THE FOOTBALL STAR

Emil Larson claims he has 19 gangs ready to scab when the stevedores go on strike. We wonder where Big Emil got all the scabs? Could they be from Union Square? Or these husky he men from the Dugout Cafe?

We hear rumors that recruiting of scabs is going on in the Old Men's Home, too.

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 285—(Continued)

You can't build football teams with the Powell St. Hill Billies or keep up tonnage with the chorus boys from the Dugout Cafe. Emil, we think you are—phtt—

(Cartoon—Big Emil and His Scabs.)

The W. W. has criticized many gaffers, and surely they deserve criticism, but there is at least one boss on the front who is a gentleman who treats the men as men, and that is Brown at the Admiral docks. Brown does not razz the boys continuously but patiently talks to the boys and shows them how to work lumber. Brown, we's like to shake you by the hand. Let's have more men of Brown's type on the front.

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Waterfront Worker

NEWS FROM PEDRO!!!

(Cartoon—Pedro Pete With Strike Ballot No. X.)

NAPOLEON RETURNS FROM THE WARS

Editor S.F. Waterfront Worker:

Pedro Pete has returned with his army of four trusted captains from the Pacific Coast ILA. Convention. Pete in reporting did not say anything what the convention did or the program adopted, all he said was that there were 16 Communists on the Frisco delegation and Pete and Paddy Morris stopped the Communists in wrecking the ILA. He

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 285—(Continued)

also said that these shipowners did not want to do business with the Frisco ILA because the men are too radical.

We got hold of a copy of the Frisco Waterfront Worker and the picture of Pete down on his knees before Paddy Morris is fine.

That's Pete all over—you stevedores in Frisco should have taken up a collection and bought him a new set of Knee-pads, his old ones are about wore out.

In looking over the minutes of the convention the men in Pedro can see why the shipowners called the Frisco Stevedores radicals, the Frisco delegation were the only ones to put up the demands of the men and they sure fought for the men all thru the convention. Pete has ruled the Pedro Local with an iron hand But We Are Beginning to See Thru the "Little Napoleon".

You fellows in Frisco keep up the fight, the progressives in Pedro are behind you and will stick to the last ditch.

A Progressive Pedro Longshoreman.

Address

Waterfront Worker

B. O. Box 1158, S. F. Calif.

PEDRO PETE—THE LABOR LEADER!

Editor Waterfront Worker:

A number of lumber ships coming into Pedro will not hire men from the Fink Hall lists so the

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 285—(Continued)

prospectors on the beach work these ships regularly. The lumber handlers thought it best if the ILA would run a lumber list and the men made the suggestion to Pete. What does Pete do but go to the Mr. Nichols and asks the king snipe of the Fink Hall for permission to run the lumber list thru the Fink Hall. This action shows what kind of a labor leader this guy Pedro Pete is. He is always running to the government officials, and he is always worrying about the poor shipowners. Pete says the men should be patient and take thing easy, the government will make the bad shipowners toe the mark. As a rank and file stevedore of San Pedro, I want to tell the coast stevedores that the men are fed up with Pete, Patterson and Hull. These baloneys have shot enough hot air into us and we are ready to stick to the demands of the men and to hell with the National Industrial Labor Board and compulsary arbitration.

A Stevedore Who Should Have Been a Delegate to the ILA Convention.

Editor Waterfront Worker:

Reading your paper, I sure agree with you about the necessity of united action by seamen and longshoremen. Being a seaman who has been sailing on this coast off and on for about 12 years, I can see the need of sticking together with the stevedores very plainly now, when the shipowners will try every way to get us to scab on the stevedores, but

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 285—(Continued)

most of the seamen I talked to in the last couple of weeks all promised not to scab. I think one thing the I.L.A. should be sure to keep a strong watch on the scabby Fink Hall as they will try to recruit scabs right away.

A Seaman on the Beach, Who Will Be in the Picket Line.

OLD TIMERS SHOW SOLIDARITY

Various dock superintendents have approached old timers on the Beach to see if they would take gangs. But we are glad to report that the old timers have turned down the offers and are going to stick with the stevedores.

[Endorsed]: Filed June 2, 1942.

Mr. Del Guercio: And I would like to substitute a photostatic copy.

Presiding Inspector: Yes.

By Mr. Del Guercio:

Q. Were there any paid advertisements appear- in the Waterfront Worker?

A. I think there were on occasions.

Q. And would they so state that they were paid advertisements? A. I don't remember that.

Q. Let me show you another article in this Waterfront Worker, appearing on page 6——

(Passing publication to Mr. Gladstein.)

(Testimony of Harry Renton Bridges.)

Mr. Del Guercio: This is Government's Exhibit 285.

By Mr. Del Guercio:

Q. (Continuing): ——and the heading "Solidarity Offer of W.I.R."

What is the "W.I.R."?

A. Workers International Relief.

Q. Was that a Communist Party organization?

A. Not that I know of. I only remember it very briefly. It was on the waterfront, or had representatives on the waterfront for a very brief time. That is all I remember about it.

Q. You heard testimony in this hearing here that the [5912] Workers International Relief was a Communist organization, haven't you?

A. I have heard it said here.

Q. Now, who wrote this article regarding the "Solidarity Offer of W.I.R."?

A. (Examining article): I don't know specifically who wrote the article, but I remember the incident.

Q. Could it have been Harry Jackson?

A. I don't think so.

Q. Could it have been Sam Darcy? A. No.

Q. Could it have been Elaine Black?

A. No.

Q. Did you write it?

A. No, not that I remember.

Q. Somebody wrote it?

A. If I recall writing it I would have no hesitation in saying that I did.

(Testimony of Harry Renton Bridges.)

Q. Somebody did write it?

A. Oh, sure; somebody wrote it for the Waterfront Worker and sent it in; or one of the people connected, or concerned with the Waterfront Worker wrote it, and I can't remember.

Q. Who had the say about what was to appear in this Waterfront Worker? [5913]

A. Well, it was never, it was never very tight. Everything was printed in the paper as it came in—even articles attacking the paper. You will find, if you look through the various issues of the paper, you will find articles in there attacking the paper.

Q. Do you have any such issues of the Waterfront Worker?

A. I have no issues of it in that respect; but I am sure, if you have a file of them, you will find many of them like that.

Q. And you don't know then who wrote this particular article? A. No, I don't.

Q. It might have been sent in by Jackson?

A. Well, of course—I guess that is possible.

Q. Now, did you read the article? A. Yes.

Q. Let me read it for the purpose of the record, and it might refresh your memory:

"Royce"——

You know who Royce is?

A. I remember him.

Q. Who is he?

Presiding Inspector: He said he remembers the incident. What is the use of reading the article? If you want the incident [5914] why don't you ask him?

(Testimony of Harry Renton Bridges.)

Mr. Del Guercio: I have another reason for reading the article.

By Mr. Del Guercio:

Q. There is a reference in this article to the International Labor Defense? A. Yes.

Q. What was the International Labor Defense?

A. The International Labor Defense.

Q. Was that a Communist organization?

A. Not that I know of.

Q. You have heard testimony in this hearing to the effect that it is a Communist Party organization?

A. You have got to differentiate between the testimony being given here and what the real facts are.

Q. What are the real facts, as you know them, in regard to the International Labor Defense?

A. Not a Communist organization.

Q. You know that of your own knowledge?

A. I know it as an ordinary person. I was never a member of the organization. I just know the activities of the International Labor Defense as it applies to our trade union movement.

Q. Do you know of the activities of the International Labor Defense during the 1934 strike? [5915]

A. Yes; and in many other cases too.

Q. You had dealings with the International Labor Defense during the 1934 strike. A. Yes.

Q. And with whom in the International Labor Defense? A. Elaine Black.

Q. Elaine Black? A. Yes.

(Testimony of Harry Renton Bridges.)

Q. Where was Elaine Black's office during the 1934 strike? A. 121 Haight Street.

Q. 121 Haight Street? A. Yes.

Q. You knew Elaine Black to be a member of the Communist Party, did you not? A. I did not.

Q. When did you find that out?

A. I don't recall, but some time later.

Q. How much later?

A. I don't remember that. I think it was around after the strike, or many months after the strike.

Q. And she occupied offices at 121 Haight Street, the headquarters of the Communist Party?

A. I think she was the Secretary, or the ranking official that did the business for the International Labor Defense at that time. [5916]

Q. How many times did you go to see Elaine Black at 121 Haight Street? A. Only once.

Q. When was that? A. 1934.

Q. What month? A. May.

Q. Was it during the 1934 strike or after the strike had been called?

A. After the strike had been called.

Q. And what was the occasion of you going to see Elaine Black at 121 Haight Street?

A. I was sent up by the Strike Committee.

Q. Who from the Strike Committee sent you up there? A. The Strike Committee; all of them.

Q. Was there a vote taken? A. Yes.

Q. Did you have the minutes of that Strike Committee? A. I don't know if I could get them.

(Testimony of Harry Renton Bridges.)

Q. Did you ever advocate sending yourself up to see Elaine Black?

A. I don't remember. I was the Chairman of the Committee. They used to do pretty well without me advocating things.

Q. You say you were chosen to go up to see Elaine Black [5917] at 121 Haight Street, is that right?

A. I was one of the committee that went up there.

Q. How many were on the Committee?

A. Myself, Dietrich, and a third person.

Q. Now—and this was done at the meeting of the Strike Committee?

A. Official meeting of the Strike Committee.

Q. Did you preside as Chairman at the time?

A. Yes.

Q. Did you propose your own name?

A. I don't remember that.

Q. How did the question of going to the International Labor Defense, or going to 121 Haight Street to see Elaine Black, of the International Labor Defense, come up?

A. At that time we were attempting, we were attempting to set up a defense structure to protect our people. There was three or four recommendations of the best way to do it. Fred Heiner, who testified, was a member of the Defense Committee, and he was suggesting one attorney; Dietrich was suggesting another attorney. The ILD had made an offer.

To investigate the three offers—they are the three that I remember—the Strike Committee sent this

(Testimony of Harry Renton Bridges.)

Committee up to investigate, to see what was the best thing to do. They brought back a recommendation, in connection with the ILD, against using the ILD, and that was concurred in. [5918]

Q. That was your committee, wasn't it?

A. Yes.

Q. And you went up to 121 Haight Street, in accordance with the mandate, or dictates of that strike Committee? A. Right.

Q. And who did you see? A. Elaine Black.

Q. Anyone else? A. I don't remember.

Q. Who was the spokesman for the Committee?

A. Our Committee?

Q. Yes—you were on the committee?

A. Yes. I think we all spoke. I think Dietrich was the spokesman, as much as anybody else.

Q. Did you speak? A. I am sure I did.

Q. To whom? A. Elaine Black.

Q. Now, what did you say to Elaine Black?

A. Oh, I think we—I don't recall any specific conversation. I am sure that we told her we were up there as a result of the action of the Strike Committee to ask her to explain what their proposals were for proper defense of any strikers that were arrested, or got into trouble in any way.

After they had explained the whole thing to us we reported [5919] back to the Strike Committee.

Q. After "they"——

A. (Interposing): After she explained the whole thing to us.

(Testimony of Harry Renton Bridges.)

Q. Is it possible that Sam Darcy was there at the time? A. Not that I recall.

Q. Is it possible that Harry Jackson was there?

A. I have no recollection of Harry Jackson being there either. I am sure he wasn't.

Q. But Darcy might have been there?

A. He might have been in the building, or somewhere around. I only recall meeting with Elaine Black alone, and no one else.

Q. You said that an offer had been made by the ILD? A. Yes.

Q. Some time prior to your going to this 121 Haight Street? A. Right.

Q. Who made the offer and to whom was it made?

A. My recollection is that Elaine Black came down to the Union headquarters at some time, even before the strike broke out, or she came down before the Strike Committee, and made this proposal. As a result of her appearance this Committee was sent up to investigate.

Q. Did she appear before the Union or before your [5920] Strike Committee, or did she appear before both?

A. I am not sure. She either appeared before the Union or the Strike Committee. I think it was the Strike Committee.

Q. And you were there? A. Yes.

Q. What did she propose?

A. She proposed to utilize the International Labor Defense for the proper and adequate defense of

(Testimony of Harry Renton Bridges.)

any person who got into trouble with the law during the strike.

Q. And did she tell you who the attorneys for the ILD were at that time?

A. I am not sure. Possibly she did. I don't remember that particularly.

Q. You know, don't you, who the attorneys for the ILD were at that time?

A. I think George Anderson was the leading attorney.

Q. Anyone else?

A. I don't remember any others.

Q. Now, you heard the testimony of your witness, Heiner, regarding the same incident? A. Yes.

Q. Did he testify truthfully regarding that same incident?

A. I wouldn't say that he was testifying in any other [5921] way, because his remembering of what happened and mine happens to be different. I am giving you my best recollection.

Q. But they both couldn't be the same, could they?

Mr. Gladstein: I think that is argumentative.

Presiding Inspector: That is for the trier of the fact and not for the witness.

By Mr. Del Guercio:

Q. Isn't it true that Elaine Black spoke at the convention of the longshoremen in 1934, February, 1934?

A. She might have; I don't remember off-hand.

Q. That was before the 1934 strike?

(Testimony of Harry Renton Bridges.)

A. That was in February, 1934; yes.

Q. That wasn't the union, was it, your union, Local union?

A. That was a Coast Convention, Pacific Coast District Convention.

Q. And you were there?

A. I was a delegate there.

Q. You were a delegate? A. Yes.

Q. Don't you know if Elaine Black appeared before that convention and spoke?

A. I can't remember that well. It is entirely possible she did. It is entirely possible. I can easily check it up. I have the official minutes. [5922]

Q. Could you check that?

A. And how! I will check it.

Q. Will you please do that and be prepared to come in this afternoon with that information?

A. I will give you the minutes. You can look through them.

Q. Then you wouldn't know right now what Elaine Black spoke about?

A. I wouldn't be able to say with any certainty. There is no use guessing as long as I can look up the minutes and definitely find out.

I think the Marine Workers Industrial Union spoke there too.

Q. Do you know Bill Dunne?

A. I have met Bill Dune.

Q. When did you meet him?

A. Some time in New York, and fairly recently.

(Testimony of Harry Renton Bridges.)

I forget the particularly occasion,—I was introduced to him.

Q. Who introduced you to him?

A. I don't remember that. It was at some social gathering, or some union dance, or something.

Q. Well, now, if it was a social gathering where would it have been?

A. Well, I am not that well enough acquainted with New York to say. [5923]

Q. At whose social gathering were you at the time? A. At whose?

Q. Yes.

A. Oh, as I say, my recollection is it was some union social affair. I recall being introduced to Bill Dunne.

Q. You met him, you say, recently. Can you place it more definitely?

A. I am trying to place it right now. It was during one of my trips east; I will say within the last couple of years.

Q. Within the last couple of years—1939?

A. I doubt if it would be that long.

Q. Was it prior to your last hearing in 1939?

A. I don't think it was. I think it was afterwards.

Q. How long after? A. I don't know.

Q. Would you say it was the latter part of 1939?

A. It is possible.

Q. You were in New York the latter part of 1939?

A. No—I am not sure about that. I was back and forth to New York quite a bit.

(Testimony of Harry Renton Bridges.)

Q. Can you put it more definitely than you have as to——

A. (Interposing): No. That is pretty hard. After all, I meet a person, get introduced to them and——

Q. (Interposing): Who was Bill Dunne? [5924]

A. Bill Dunne—I think the main reason I know him, he was one of the Dunne brothers of Minneapolis.

Q. Is he also the Dunne of the Communist Party.

A. He is the same Dunne, that Bill Dunne of the Communist Party. That is one branch—after all, things kind of get mixed up. They all claim that they are Communists—Vincent Dunne, and the other Dunne brother, and Bill Dunne.

Q. The Bill Dunne of the Central Executive Committee of the Communist Party?

A. I don't know that.

Q. What?

A. I don't know that. I know he is a trade unionist.

Q. You would know him as having been the member of the National Executive Committee of the AF of L at one time?

A. No, I don't know that. I am not sure of that.

Q. Were you ever—— (pause)

Presiding Inspector: Where?

Mr. Del Guercio: I was just thinking—strike that.

(Testimony of Harry Renton Bridges.)

By Mr. Del Guercio:

Q. Did you know Bill Dunne prior to this time that you met him in New York? A. No.

Q. In the last couple of years? A. No.

Q. Did the Waterfront Worker ever carry anything about [5925] Bill Dunne during the time that you and your group of longshoremen were putting it out?

A. I don't know that; I don't remember. It is impossible for me to remember all these references to individual people that the Waterfront carried.

Q. Do you know of the Butte, Montana incident connected with Bill Dunne?

A. Not particularly.

Q. What?

A. I remember they were on a strike in 1934, the miners up there.

Q. Do you recall now that Bill Dunne being a militant leader of that strike in Butte, Montana?

A. No; not particularly.

Q. Let me refresh your recollection. I have here Government's Exhibit 250, the Waterfront Worker for December 1, 1934, and there appears on the first page of this Waterfront Worker an article under this heading, "A Birthday Party", the following:

"Come to the birthday party. Waterfront birthday party, Saturday nite, January 5th—8:00 P.M. at Albion Hall, 145 Albion Street,—around the corner from Duggan's Funeral Parlors.

"The Waterfront Worker is going to celebrate its 3rd birthday by holding a meeting at Albion Hall,

(Testimony of Harry Renton Bridges.)

Saturday Night. [5926] For this memorable occasion, the Waterfront Worker has invited Wm. F. Dunne, one of the foremost trade-union authorities in America, to speak and explain the West Coast Maritime Strike and the Great San Francisco General Strike. Many workers are acquainted with Dunne already, knowing him for his militant history in Butte, Montana, and as a militant member of the National Executive Committee of the A.F. of L." [5927]

Now, does that refresh your memory as to when you first met William F. Dunne? A. Yes.

Q. Then the first time that you met William F. Dunne was not in 1939, recently, as you have testified, but you met him in 1934, didn't you?

A. No, I never. I didn't meet him on that occasion. After all, that was a question of inviting a trade union leader to speak, and I didn't meet him—I recall distinctly—I was sorry I didn't.

Q. You remember distinctly that you weren't there on that occasion?

A. I am sure I wasn't, and I remember that meeting; and there was no harm in having a meeting. It was December, '34. Dunne was in town and he just came from some place or other. But I never met him.

Q. How did you know that Dunne was in town?

A. Apparently that article—I can remember that much.

Q. Do you remember anything except what it says in that article?

A. I recall the celebration, and the meeting here.

(Testimony of Harry Renton Bridges.)

I think, if you will look in other copies you will find out who was there at that meeting and who else spoke.

Q. Were you there at the meeting?

A. I was not. [5928]

Q. Where were you?

A. I don't exactly know where I was. I wasn't at the meeting.

Q. You know you weren't at the meeting, but you don't know where you were?

A. Listen—maybe it was on the December 23 when I was supposed to be in Fresno.

Q. That is very possible. A. Yes.

Q. You remember now being in Fresno, do you?

A. No.

Q. At the Communist Party convention in Fresno?

A. I am sure I wasn't there, and if you had not put it on Sunday I would have proved it too.

Q. As a matter of fact, this William F. Dunne was in San Francisco all of the 1934 strike, wasn't he, the general strike, for the three days of the general strike?

A. During the three days of the general strike?

Q. Yes. A. Not that I know of.

Q. How long did the general strike last?

A. It lasted about four days.

Q. About four days? A. Yes.

Q. Was William F. Dunne here?

A. I don't know. [5929]

(Testimony of Harry Renton Bridges.)

Q. Huh? A. I don't know.

Q. Maybe Government's Exhibit 191 will refresh your memory.

A. I saw that in the last hearing, that pamphlet.

Q. You did? A. Yes.

Q. You have read this (referring to Government's Exhibit 191) before?

A. Yes. I read it some time before the last hearing. I read it also during the last hearing too. I mean I read the entire pamphlet during the last hearing.

Q. Who wrote Government's Exhibit 191?

A. Supposed to be written by William F. Dunne.

Q. You knew that?

A. Listen, I am not exactly dumb. I remember that much.

Q. I know that.

A. I have seen this pamphlet, and it was written by Bill Dunne.

Q. Did he state the correct happenings of the 1934 strike, as stated here?

A. If I remember correctly, in most respects; but there were certain respects that he didn't.

Q. Can you tell me what are the respects in which he [5930] didn't correctly state them?

A. You read it and I will tell you. I can't remember that well.

Q. I don't want to take the time to read it all.

A. I will read it through and come back and tell you.

Q. Now, he states here on page 5:

(Testimony of Harry Renton Bridges.)

"The Marine Workers Industrial Union—affiliated to the Trade Union Unity League—raised the question of a general strike."

Is that true?

A. Raised it with whom—at their own union? If they raised it at their own union I guess it is true.

Q. (Reading):

"The Left Wing in the leadership of the ILA"——

That is you, isn't it?

A. Oh, I think you would call me a member of the Left Wing before you would of the Right.

Q. (Reading):

" . . . and the Joint Strike Committee of the Waterfront Unions, headed by Harry Bridges"——

That was you? A. That is me.

Q. (Reading):

" . . . in San Francisco, endorsed the proposal to call upon the Bay Counties' unions for a general strike." [5931]

Is that correct? A. Whose proposal?

Q. Is that correct?

A. Whose proposal—the first proposal for the general strike and the first movement for the general strike was made by the Joint Strike Committee.

Q. Then it goes on .

"Harry Bridges and the Committee of strikers brought the question of the general strike to the Central Labor Councils in San Francisco and Oakland."

Is that correct? A. Right.

Q. (Reading):

(Testimony of Harry Renton Bridges.)

"The official leaders endorsed it."

Is that correct?

A. What official leaders?

Q. "Opposed it," instead of "endorsed it."

A. The official leaders of what?

Q. I will read on:

"Bridges and the Committee then began a systematic canvass of all local unions affiliated to the Central Labor Councils."

Is that correct? A. Right.

Q. Now, even at that time you knew, did you not, that [5932] William F. Dunne was a militant Communist Party member?

A. No. I told you I didn't meet Dunne——

Q. (Interposing): This is the same Waterfront Worker. Did you ever use 37 Grove Street as a place where the Waterfront Worker could be purchased?

A. At no time—where it could be purchased?

Q. Yes.

A. That is possible. We tried to use a lot of places to have it purchased.

Q. Who made those arrangements?

A. I don't remember that.

Q. Would you have made the arrangements?

A. It is possible.

Q. And if you did, with whom did you make the arrangements? A. I don't know.

Q. Was it with Harry Jackson?

(Testimony of Harry Renton Bridges.)

A. Just a question of having it put on the newspaper stand for sale up there.

Q. Let me show you here the issue of the Waterfront Worker for January 28, 1935——

(The issue referred to was passed to Mr. Gladstein.)

Q. (Continuing) ——And on page 5 of it appears this:

"Waterfront Worker outmaneuvers bosses.

[5933]

"Again the Waterfront Worker is printing a small part of Bill Dunne's famous pamphlet, 'The Great San Francisco General Strike.' Every worker should read this lively and intimate report on the second general strike in America.

"The pamphlet can be bought at 37 Grove Street, or from the Western Worker salesmen on the Front every day."

I want to apologize here. I deceived you. I thought it was the Waterfront Worker that you were putting on sale at 37 Grove Street, but apparently here you were advertising Communist literature on behalf of the Communist Party. I don't want to deceive you.

Having called your attention to this article here, can you tell me what it is about?

A. (Referring to article) Just the top article?

Q. Yes.

A. That is a boost for Bill Dunne's pamphlet on the San Francisco General Strike, with the suggestion that every worker should read the pamphlet.

(Testimony of Harry Renton Bridges.)

Q. That is the pamphlet here? (Indicating).

A. It says where the pamphlet can be bought.

Q. This one? (Indicating).

A. Yes.

Q. "The Great San Francisco General Strike," by William F. Dunne; Government's Exhibit 191?

A. Yes, sir. [5934]

Q. Published by the Workers Library Publishers? A. Yes.

Q. Is that correct?

A. Yes; that is right.

I was looking through to see if we have any other ads about supporting any other papers. I am sure you will find them.

Q. Look and see if you can find any.

A. (Examining publication) Maybe not this one—but I might as well look while I have got it.

Q. Are you through looking?

A. Yes. I can't find any along the lines I was looking for. I am sure, if you will look through the various issues, you will find on occasion we urged that this, that, or the other particular publication be read, because it dealt in some way with the Waterfront, or our general problem.

Q. Did you collaborate with William F. Dunne in writing this book, "The Great San Francisco General Strike"?

A. No. If I had been asked I might have. I collaborated with a lot of people writing things about the waterfront.

(Testimony of Harry Renton Bridges.)

Q. With how many members of the Communist Party have you collaborated in writing Communist Party literature?

A. None; not in writing Communist Party literature.

Q. Did anyone ask you to advertise the fact that this, [5935] Government's Exhibit No. 191, could be purchased at 37 Grove Street?

A. I don't know. Maybe we didn't need any asking. We figured it was a good enough pamphlet to advertise and support without being asked.

Q. "We figured"—who do you mean by "we"? Do you include yourself?

A. Yes; I include myself.

Q. Who else.

A. Everybody connected with the Waterfront Worker.

Q. Did your account of the San Francisco General Strike differ from William F. Dunne's account of it?

A. In some respects it does. I was in a better position to know about it than William F. Dunne, and still am.

Mr. Del Guercio: Excuse me. I am looking for a particular issue of the Waterfront Worker.

Presiding Inspector: Certainly.

By Mr. Del Guercio:

Q. I have here a copy of the Waterfront Worker for November 19, 1934.

(The publication was handed to Mr. Gladstein.)

(Testimony of Harry Renton Bridges.)

By Mr. Del Guercio:

Q. (Continuing): I want to call your attention to an article appearing on page 5, headed, "Hearst —Lying Editor [5936] of Gutter Press. Boycott all Yellow Sheets—Read Working Class Press. A Call-Bulletin Newsboy."

Who wrote that article—and at the end it says, "We remain very respectfully yours, The Editors, Waterfront Worker, P. O. Box 1158."

A. (Examining publication): It seems to me this is in answer—here is the first letter. Here is the letter (indicating) written in by a newsboy; and an answer was given in the paper to the letter written in by the newsboy.

Q. Who wrote this?

A. It reads—the particular individual?

Q. Yes. A. I don't know. [5937]

Q. Did you write it?

A. It doesn't look like my language, but it doesn't seem to be a bad article to me.

Q. You adopt everything that is said in there? You would have done the same thing?

A. Well, generally speaking, yes. I think it is a good article.

Mr. Gladstein: I suggest that the entire article be read to the witness and the witness be asked whether he disputes any part of it. The purpose is to obtain the witness' views.

Mr. Del Guercio: Is this an objection to the question?

(Testimony of Harry Renton Bridges.)

Mr. Gladstein: It is a suggestion to the procedure.

Presiding Inspector: I think I will have to let the counsel adopt his own course.

By Mr. Del Guercio:

Q. Let me read you a portion of this article.

Mr. Gladstein: We will object to the reading of any portion of the article which tears it out of its context.

Presiding Inspector: You can read the rest.

By Mr. Del Guercio:

Q. I want to call your attention particularly to this paragraph: "Ragged Newsboy, the workers never forget the injustices heaped upon them by the ruling class and their flunkies." Would you have written the same kind of a sentence in connection with this same matter? [5938]

A. Well, I mightn't have used the same words.

Q. The same thought?

A. Yes. When they call Hearst a "flunky" of somebody I think they are right. I'll say that.

Q. I am continuing: "The terror, the brutalities, the beatings, the jailings, the murders, are never forgotten"?

A. I think that's a true statement. You could go down and ask the fellows on the 'front.' They haven't forgotten.

Q. I will continue: "These impressions are stamped upon our minds forever and ever." They are stamped on your mind too, aren't they?

(Testimony of Harry Renton Bridges.)

A. I sure remember them.

Q. Now, "One day soon those sadistic culprits shall answer before a Workers' Tribunal"?

A. I hope so.

Q. Huh? A. I hope so.

Q. You believe in the Workers' Tribunal, do you?

A. Well, part of that has been accomplished. There was a change of government in the State of California and some of them had to answer a little bit.

Q. That is the dictatorship of the proletariat?

A. Oh, you are reading something in there that is not there.

Q. I will continue, the last paragraph. [5939]

A. Yes.

Q. "Workers, read the working class press—The Western Worker printed twice weekly and the Daily Worker, the only working-class daily in America." Does that express your thought, too.

A. In preference to the Hearst press? Absolutely. I'll advocate that they read those papers before they would read and believe the Hearst press.

Q. Now, are you able to state who wrote that article? A. Specifically, no.

Q. As to the particular individual who was responsible for the article.

A. The group behind the Waterfront Worker, including myself.

Q. You would be responsible for it? You

(Testimony of Harry Renton Bridges.)

wouldn't evade responsibility for this article, would you?

A. No, I don't think I could.

Mr. Del Guercio: I will offer this in evidence, if your Honor please, as Government's Exhibit next in order.

Presiding Inspector: It will be received without objection.

(The paper referred to was received in evidence and marked Government's Exhibit No. 286.)

GOVERNMENT'S EXHIBIT No. 286

2 Cents

WATERFRONT WORKER

Volume II Number 35 November 19, 1934

San Francisco

LET'S ACHIEVE COAST UNITY

Don't Let The Shipowners Worsen Conditions

Upon looking over the situation and current events along the Front we must point out to the longshoremen that a critical situation exists on the Waterfront.

The S. F. longshoremen are certainly the most militant of any group existing along the Coast. The men in the other marine crafts are well aware of this and take advantage of the militancy existing in S. F.; for instance—seamen are continually striking their ships when arriving in S. F. knowing

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 286—(Continued)

they will receive full support from the S. F. longshoremen.

The employers accuse the

Page 2 Waterfront Worker November 9, 1934

I. L. A. of breaking the award—and accuse its leaders of being irresponsible because they support the men every time the longshoremen take action. The strikes occurring during the past ten or twelve days at the Dollar Docks, Piers 34 and 23, were deliberately provoked by the employers who tried to increase loads. They are doing this in order to worsen conditions, and if we fight back they pretend that we only want to make trouble.

The strikes mentioned above were caused mainly by the employers demanding that bigger loads be hoisted. They have been satisfied with small loads since the termination of the strike, but are suddenly taking an attitude of offensive; they may attempt a lock-out in this port, hoping of course that the other ports will not support S. F. The infamous Joe Ryan will certainly stab us in the back at the first chance he gets. We stopped him from selling out the strike last summer and Fink Ryan stepped out of the picture for awhile, but he left his loyal henchmen on the job. These boys are still with us and doing everything in their power to stop and hinder the work of the Relations Committee. The District officials, Lewis, Morris, Pedro Pete and the rest of those "officials" did nothing to organize and help win the strike. On the contrary, they

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 286—(Continued)

worked overtime to betray us. Now, they are working to split us up.

What is Lewis, drawing his $60:00 a week doing to build Coast unity. Nothing, on the contrary, he is trying to split the coast. Pedro Pete, another District official, is also sitting back doing the same thing. Why have such men represent us? Now is the time to build the Pacific Coast Federation. Now is the time to build in order to hold the gains we won through our splendid fight.

A leader is judged by the manner in which he leads his army. All Lewis was concerned with was to draw his $60.00 a week, which has got all during the strike and to "keep from being a playmate of Tom Mooney," as he said.

Temporarily a policy of watchful militancy be adopted by the S. F. longshoremen. The militant spirit existing must not be allowed to die. However, pull your punches for awhile so far as improving conditions further, but dont let the bosses worsen conditions. Let's keep status quo until our men on the board adopt working rules This should be done within a few days.

Remember, the employers want a group of meek workers along the Front, but meekness is something S. F. longshoremen do not possess.

The concentration of cops on the waterfront is ample proof that the shipowners are contemplating some dirty work; intimidation of the workers by

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 286—(Continued)

these methods is an old trick with which we are acquainted.

The "Marine Federation" must be made into a reality. The marine workers along the entire Coast must be drawn in—only by unity and solidarity can present conditions be retained and undesirable conditions eliminated.

Remember the good ship, I.L.A Local 38-79, is being held to her right course by your local militant leaders, but the employers and fakers are always trying to run the ship on the rocks.

[Cartoon] 15 cases Shipowners

Special Meeting
To-night 8 P.M.
Building Trade Temple

VERY IMPORTANT

November 19, 1934 Waterfront Worker Page 3

ON THE SPOT
WANTED AT ONCE:

Remedies to remove discoloring from eyes, ache from sore jaws, back, sides and hips—not caused from hard work. Also prescription to stop pain in gums, when sound teeth have suddenly been extracted.

Send all remedies immediately if not sooner, to Captain Gates or Captain Smith, C/o Swayne & Hoyt.

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 286—(Continued)

A WORD OF ADVICE

Overtime Fred, on Pier 26 wants 6 oil drums to aload Follow the stock market, Fred—What price creosote or arnica?

CHANGE OF NAME

By request "The Producer" announces that hereafter he should be addressed as "The Reducer."

SPECIAL COP MALONEY

Young Maloney, driving jitney for the Calif. Stev. Co. at Pier 28, seems to be displaying a great amount of courage these days. During the General Strike this same man sold his services as a special cop, joining a machine set up to destroy the workers, and when the strike was over, young Maloney, through the influence of his Pa and Uncle, Ed and Jack Malony, who are big shots at Piers 28 and 38, respectively, was brought in to share the improved working conditions won by our militant workers.

Fate does play a peculiar game at times for Jack Malony came very close to receiving a good beating along with some more finks whom he had hired at a hotel on Fillmore Street during the strike. He escaped this thrashing by a bare few minutes, but never mind, Maloney, fate will not always be so kind to your kind and maybe after dishing out a good beating to one of the family it will have the

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 286—(Continued)

effect of sapping some of the courage from your special cop off-springs.

"LOYAL EMPLOYEE" SAILS EAST

Jack Miske, one of the loyal employees of the Grace Co. has been transferred to New York. The weather here has proven very unhealthy. It is rumored that Scabby Jack is going to the dock where the social climber, Ryan, got his start. "Sellout" Ryan can teach Scabby Jack many lessons in the art of finking.

[Cartoon] Captain Smith All right Boys Six to a Sling.

FIVE AT A TIME

A stevedore asked Captain Smith if he was going to demand six drums to a load. Smith replied "Yes". The stevedores said, "Here's five now" - - - WHAM.

TIGER THE MAN-EATER

We wonder why there are always new men in Tiger's Gang. Is it possible that he rides 'em too much?

Write for the Waterfront Worker—Post Office Box # 1158—San Francisco

(Testimony of Harry Renton Bridg...)

Government's Exhibit No. 286—(Continued)

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NEWS BOY CALLS FOR FAIR PLAY CHARGES UNION MEN SMOKE FINK CIGARETTES

The Waterfront Worker

Gentlemen:

Why do you boycott the Hearst newspapers? Why do most all Unions boycott a Union newspaper? Is it because you didn't like the editorials written by Mr. Hearst during the last strike? I didn't like them myself, and I sell a Hearst paper.

Wasn't it Abraham Lincoln who said, "You can please some of the people all of the time, and all of the people some of the time, but you can't please all of the people all of the time?" And truer words were never spoken.

You are not hurting Mr. Hearst a great deal because the advertisements almost pay for the cost of the paper. You are only hurting the newsboy. And believe me the newsboys have a hard enough time now to make a living.

You Union men have no scruples to borrowing money from these same newsboys.

The most of you Union men who smoke cigarettes smoke either Lucky Strikes, Chesterfields or Camels, and they are absolutely Non-Union. I firmly believe you have a sense of fair play, so why don't

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 286—(Continued)

you play fair with your newsboys. Hoping you will print this but afraid you will not.

I am very respectfully yours,

A Call-Bulletin Newsboy

November 19, 1934 Waterfront Worker Page 5

HEARST—LYING EDITOR OF GUTTER PRESS

BOYCOTT ALL YELLOW SHEETS—READ WORKING CLASS PRESS

A Call-Bulletin Newsboy

Sir:

In answer to your pathetic plea for justice of "poor" Mr. Hearst, please bear with us while we answer your question: "Why do you boycott the Hearst newspaper"?

This question could be answered very simply and truthlyfully by stating, the Hearst newspapers are the most vicious, lying, strike breaking, anti-working class, yellow-sheets ever printed, which are owned and edited by a liar, a forger, a war-monger, red-baiting, union busting scoundrel—Wm. Randolph Hearst.

Because the Waterfront Worker is a paper published by a group of militant longshoremen, who realize that the great masses of workers must be made conscious of their own strength and power therefore, it is to the interest of all maritime workers and to all workers that we add to the knowledge

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 286—(Continued)

gained through the bitter struggle of the maritime strike of last summer, so we will further analyze why every class-conscious worker should not only boycott Hearst newspapers but all yellow capitalist rags.

To begin with, Mr. Hearst represents and is spokesman for the Capitalist or Boss-class. We are workers, therefore, Mr. Hearst and the longshoremen have nothing in common.

During the Maritime Strike, the newspapers played a vile part in villifying and slandering the heroic strike leaders. The yellow-press out-did themselves in heaping dirt and abuse upon those courageous fellows and leading the pack of yelping jackals was the Hearst gutter-press.

The Hearst newspapers supported one of the blackest reactionnaires ever to run for office in the U.S. and when he was elected Governor, proudly boasted that the Hearst papers helped to elect him. That man (?) "So I took the $30,000" is now Governor of our glorious state.

During the time of the vigilante raids on Workers Centers thru-out the Bay Region, Hearst reporters played an important role. Photographs were taken showing these "Gentlemen" gleefully helping the police and other hoodlums smash the working-class halls.

Ragged newsboy, the workers never forget the injustices heaped upon them by the ruling class and their flunkies. The terror, the brutalities, the

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 286—(Continued)

beatings, the jailings, the murders, are never forgotten—these impressions are stamped upon our minds forever and ever. One day soon those sadistic culprits shall answer before a Workers' Tribunal. Yes, poor newsboys, one day soon.

Sure the newsboys have it tough; all workers have a tough time to make a living. The boss forces the workers to toil for miserable wages so he can have a larger profit, but the workers must Organize and demand a decent living wage.

Most Union men smoke but they do not all smoke non-union cigarettes. Twenty-Grand, Wings and Clowns are union made smoke and more and more the workers are turning to these.

Yes, we have a sense of fair play, not only to the newsboys, but to all workers. First of all the newsboys must be fair to themselves. Do they want to continue to be exploited by a tyrant, such as Hearst, or are they going to get together with others of their class and smash Mr. Hearst and other blood-suckling leeches. But the newsboy must help himself—Organize, Boys, Organize.

You say we are not hurting Hearst in the boycott because advertisements pay for the paper. Well, little newsboy, we know that the newspaper which gets the largest circulation also gets the largest paid advertisement. That is why newspapers have a Circulation Department generally used to increase and speed-up the circulation, using all tricks, even writing to a small rank and file paper, such as the

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 286—(Continued)

Waterfront Worker and signing it "A Call-Bulletin Newsboy". There is nothing a Circulation Department will not do to boost "their" paper, regardless of how finky it is.

In closing we make an appeal to all workers to continue and spread the boycott against all yellow-lying sheets, especially the vicious red-baiting Hearst gutter-press.

Workers, read the Working class press — The Western Worker printed twice weekly and the Daily Worker, the only working-class daily in America.

We remain very respectfully yours,

The Editors
Waterfront Worker
P. O. Box 1158

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(Cartoon)

The Waterfront Worker Is Published by a Group of Rank and File Stevedores—Members of the I.L.A. - - - - -

Send All News . . . . . Articles and Donations to P. O Box 1158 . . . .

San Francisco, Cal. . . .

FINNEGAN SIGNS HIS NAME AGAIN
CLERKS BEWARE

Dear Ed:

You dont have to call a clerk Oscar to make him wild these days. Just ask him how he likes the

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 286—(Continued)

award that Finnegan got for him from the arbitration board. The only ones the clerks have a right to get mad at though are themselves. This paper warned them months ago, that no union should give one man the power to act for it in negotions, let alone a man like Finnegan, whose knowledge of the labor movement is nil. But the clerks have run their union like a bunch of boy scouts with Finnegan, the Leader the Noonan, the Scout Master, Brolan and Hesketh, the Chief Cubs. These boys went around the docks saying the board was leaning over backwards in the clerk's favor. Well, this kind of Favor has given many clerks a reduction in wages. The whole award is finky. President Roosevelt and Bill Green have both come out strong for a shorter working day and yet the board deliberately ignored that side of the question, despite the fact that there are, on the busiest days, clerks out of a job. How "Limo Johnstone" on 26 will laugh now that the board has authorized all docks to put his system of one hour shifts, into operation.

Why clerks, who are supposed to have more brains than us stevies, should allow themselves to be flim-flammed for a whole year is a mystery!

Does Finnegan have you fellows hypnotized or chloroformed? Why you should think this guy, who couldn't make good as a shyster lawyer, would make a union leader, is another mystery. He was wrong on the June 16th signing. He was wrong

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 286—(Continued)

on the14th Street notice, when he said it was a fair shop with fink clerks working there. He was not there when we wanted to clean out the finks from 26. But why go on? Next time, get a man who will do as You tell him and not try to tell you what is best for you Start in now and fight that fink award because the board leaned so far backward that they have fallen on their rumps and you are underneath. Get a rank and file committee to get you out of the wilderness where your "Leader" has lost you.

A Longshoreman.

(Cartoon)

Man—"Did you do your good turn today?"

Three Scouts—"Yes Finnie! We put over the award."

MR. ABEL KNOWS — OH YEAH!!

Dear Ed:

Oakland 14th St. is in the limelight again. Mr. Abel, the big boss there, has been giving out weight to the newspapers since last week's little disturbance, says, "The I.L.A. is not going to tell him, etc. etc." Also, "The I.L.A. has no jurisdiction over clerks". Mr. Abel may be able to kid himself that way, but will he be able to persuade the Labor men of Oakland, that members of the punk orchestra run by his straw boss, are able to come to work the morning after and do the work that I.L.A. clerks are qualified and able to do?

Oakland Stevedore.

(Testimony of Harry Renton Bridges.)

Government's Exhibit No. 286—(Continued)

FOR SALE: CHEAP—

Used shower bath equipment, only slightly used during strike by scabs. Apply Syd Alvin, Pier 18

[Endorsed]: Filed June 2, 1942.

By Mr. Del Guercio:

Q. Now, I believe you testified—when did you say the ILA was organized? [5940]

A. June, 1933.

Q. And who obtained the charter for the ILA at that time?

A. The organizer at that time, Lee J. Holman.

Q. Were you an organizer at that time of the ILA? A. It depends on what you mean.

Q. Well, did you go about trying to get members? A. Yes.

Q. To make up this new union? A. Yes.

Q. Were you one of the charter members?

A. No.

Q. Do you know who the charter members were, how many there were? A. Oh, about 10 or 12.

Presiding Inspector: Haven't you been all over this?

Mr. Del Guercio: No, we haven't.

Presiding Inspector: I thought he said he wasn't a charter member although he was an original member.

(Testimony of Harry Renton Bridges.)

By Mr. Del Guercio:

Q. Were you an original member of the ILA?

A. Yes.

Q. Huh? A. Yes. [5941]

Presiding Inspector: A charter member, I suppose, is one who asks for the charter.

The Witness: I was initiated in June, 1933 and the organization was chartered in 1933.

By Mr. Del Guercio:

Q. Was it chartered before you were initiated into the union? A. Of course. That's logical.

Q. So that you were not one of the original founders of the ILA?

A. In the way of being a charter member? Signing for the charter?

Q. In any way?

A. No. Most of the charter members were not even longshoremen.

Q. Was Holman a longshoreman?

A. Some time past, but he had never been on the waterfront for 10 years.

Q. Were you a paid official of the ILA at any time from its inception to the time of the calling of the 1934 strike? A. At no time.

Q. Who was the President of the Union at that time? A. Lee J. Holman.

Q. Prior to the 1934 strike?

A. Before the 1934 strike? [5942]

Q. Yes. A. Lee J. Holman.

Q. Lee J. Holman? A. Yes, sir.

(Testimony of Harry Renton Bridges.)

Q. Now, the calling of the 1934 strike was discussed prior to May 9, 1934, in the union, was it not?

A. Oh, it was originally set for March 7, 1934.

Q. And who had advocated it? Did Holman advocate calling the strike?

A. No. He was against it.

Q. And who advocated it?

A. Lots of us did. I did.

Q. Would you say that you were instrumental in having the union, the ILA, go on record as favoring a strike at that time? A. Yes.

Q. Huh? A. Yes.

Q. Huh? A. Very definitely, yes.

Q. Would you say that anybody else was responsible?

A. Certainly. Many others were responsible. It wasn't a one-man job. The strike was voted by a referendum.

Q. And I believe there is testimony here that a Strike Committee of the Local Union was created or formed. [5943] A. It was.

Q. At whose suggestion was that Strike Committee formed?

A. Well, I don't know if you would say that it was on my sole suggestion, but I know at least I, among others, suggested it, and very strenuously.

Q. Did Holman oppose it? A. Yes.

Q. Huh? A. Yes.

Q. And a vote was taken, as I understand it, in the Local Union and a Strike Committee was formed and persons were nominated?

(Testimony of Harry Renton Bridges.)

A. Not that way, no.

Q. How was it done?

A. A strike Committee was established of 75 men.

Q. Who established it?

A. Composed of two men from each dock elected in the union meeting.

Q. Were you elected in a union meeting?

A. Yes, elected from my particular dock on the Strike Committee.

Q. Was that a union matter or was it just an action of various individuals of the union?

A. That was a matter of the union meeting three months before the strike,—two months before the strike. [5944]

Q. Done in a regularly conducted union meeting?

A. Right, at Eagle's Hall. I have got the minutes of the meeting.

Q. Was Heiner a member of the original committee? A. Yes.

Q. Strike Committee?

A. Yes. He was elected from the dock, the same as I was.

Q. Did Holman appoint anyone on the Strike Committee? A. Holman?

Q. Yes. A. No.

Q. Did he suggest or propose anyone to serve on the Strike Committee?

A. You mean nominated anyone?

(Testimony of Harry Renton Bridges.)

Q. Yes. He might have. All he could do was to get up and place somebody's name in nomination.

Q. Did he oppose your nomination for the Strike Committee?

A. I don't think—as a matter of fact, I believe those last couple of months before the strike Holman had quietly disappeared.

Q. I am not talking about that. I am talking about the time the Strike Committee was formed.

A. Yes. I am just wondering if he was even around. I [5945] think he disappeared at that time, or said he was sick or something. I don't have a distinct recollection that Holman was present at that meeting.

Q. What other paid officials of the ILA were there at that time? A. Of the Locals?

Q. Yes.

A. The Treasurer, the Vice-President.

Q. Who was the Vice-President?

A. A fellow by the name of Joe Johnson.

Q. Did he participate?

A. I am pretty sure he did. He was pretty active at that time.

Q. Was he in favor of the strike?

A. I can't recollect whether he was or not. I have got an impression that he was, but I am not quite sure.

Q. Who was the Secretary?

A. Ivan F. Cox.

Q. Prior to the call of the strike did the Strike

(Testimony of Harry Renton Bridges.)

Committee operate under any directions from the President of the Local?

A. No. The Strike Committee was almost a separate body. We had quite a discussion over that with the officials taking the position that all the Strike Committee was for was to handle the strike and had no interest and no concern in any [5946] other business or any other affair of the Local itself.

Q. Was there any provision in the constitution of the ILA at that time regarding the relationship of the Strike Committee so formed and the officials of that Local?

A. No, I don't think there was. The constitution was pretty vague on those points and pretty incomplete.

Q. Well, could the Strike Committee under the Constitution as it then existed operate independent of the officials of the Union?

A. It could and did.

Q. Do you have the constitution of the ILA at that time? A. Have I?

Q. Yes.

A. I am not sure. I might be able to find out. I'll try, but if I recall——

Q. (Interposing) Will you try and——

A. (Interposing) Our constitution was very vague. We never did—it wasn't until many months after the strike, if I remember correctly, that we ever had a printed constitution of the Union.

Q. Now, you say you were a delegate to the San

(Testimony of Harry Renton Bridges.)

Francisco Labor Council that was set up during the 1934 strike? A. What was set up?

Q. Well, not the San Francisco Labor Council, but you [5947] were a delegate to the San Francisco Labor Council during the 1934 strike or a portion of it? A. And before the 1934 strike.

Q. And before? A. Yes.

Q. Now, what were some of the duties and purposes of the Labor Council?

A. The Labor Council? What were its duties and purposes?

Q. Yes.

A. Generally to act as an organizing medium for the entire labor movement; to act as a legislative body for the entire labor movement; to act in many cases and disputes as a body in attempting to negotiate a settlement of a dispute as a body for mediation, as a body that suggested or actually carried on arbitration; also as a central body that could—where the unions would congregate; a delegated body for the purposes of cooperating with each other, coordinating the various activities of each individual union and supporting each other.

Q. Well now, were their decisions binding upon the unions? A. No.

Q. Huh?

A. No, unless they could enforce them in some way. [5948]

Q. What?

A. Certain decisions they could enforce in more

(Testimony of Harry Renton Bridges.)

ways than one, but to say that all their decisions were binding on the unions, no, that is not so.

Q. Would they be binding on the Strike Committee during the time of the strike?

A. No, not particularly. The union could—a local Strike Committee could approve the recommendations. All the Council could do would be to recommend. If the Local Union to which the recommendation was directed or at which the recommendation was directed, if they wished to approve the recommendation, all right. If they wished to reject it, the Labor Council could do nothing.

Q. Do you recall a mass meeting being held on June 19, 1934 in which the Marine Workers Industrial Union's representative Harry Jackson spoke?

A. You mean at the Civic Auditorium?

Q. Yes. A. Yes.

Q. Who called that meeting? A. Oh, sure.

Q. Who called it?

A. I think the Joint Marine Strike Committee.

Q. Were you a member of the Joint Marine Strike Committee?

A. What was the date of the meeting? [5949]

Q. June 19, 1934.

A. The Joint Marine Strike Committee called it, yes, and I was the Chairman of the Joint Marine Strike Committee.

Q. And who invited Harry Jackson to come over to speak?

A. I don't know. The Committee, I guess. All arrangements for the meeting were approved by

(Testimony of Harry Renton Bridges.)

the Committee. The way those meetings were arranged, they would be arranged through a sub-committee who would report back to the main committee and they would approve all arrangements. If Jackson was invited——

Q. (Interposing) Did the Marine Workers Industrial Union have a representative on the Strike Committee?

A. They had a speaker as a union on strike, and I remember a big fuss was made of it.

Q. Well, did they have a representative on the Joint Strike Committee?

A. No, not after the first two or three days.

Presiding Inspector: I think you have been over that a good many times.

Mr. Del Guercio: Sir?

Presiding Inspector: That is pretty clear in the record.

Mr. Del Guercio: I don't believe so.

Presiding Inspector: Go ahead.

Mr. Del Guercio: If we have, I won't——

Presiding Inspector: (Interposing) Well, that parti- [5950] cular feature, I am sure has been covered by the testimony. Not that meeting that I know of, but the representative of the Marine Workers Industrial Union on the General Strike Committee.

By Mr. Del Guercio:

Q. As a matter of fact, the Marine Workers Industrial Union had withdrawn from membership

(Testimony of Harry Renton Bridges.)

from the Joint Strike Committee at that time, had it not? A. Right.

Q. And at whose—were they requested to withdraw because of some action taken by some body?

A. Yes. Their seating on the Joint Strike Committee was protested by some of the Seamen's Unions and it developed into such a wrangle that the delegation from the Marine Workers Industrial Union finally got up and said "Well, sooner than have all this trouble and dissention on the Strike Committee as to whether we will be seated or not, we will pull out of the Strike Committee and keep on supporting the strike in every way we can".

Q. Then there was a question of the Marine Workers Industrial Union being seated in this Joint Strike Committee?

A. This was challenged by two or three groups; all the seamen's groups, I know.

Q. Just stick to that. Did you advocate that the Marine Workers Industrial Union representatives be seated on the Joint Strike Committee? [5951]

A. Yes.

Q. And the Joint Strike Committee voted not to seat them, is that correct?

A. That's right. I was under instructions from my Local Union to fight to seat them on the Committee as a striking union.

Q. That what? A. As a striking union.

Mr. Del Guercio: Will you read the last answer, please?

(Testimony of Harry Renton Bridges.)

(The answer referred to was read by the reporter as above recorded.)

By Mr. Del Guercio:

Q. Who from the union gave you those instructions?

A. Well, first the Strike Committee and then all actions of the Strike Committee were approved by the general membership.

Q. Now, the Strike Committee was not the union, was it?

A. Oh, very much so in many respects at that time. In between meetings of the union the Strike Committee was the union.

Q. And you were the Strike Committee?

A. I was the Chairman of the Strike Committee, bound by its decisions and always carried them out.

[5952]

Q. All right. Now, after they had been refused a seat in this Joint Strike Committee they had no longer any official connection with the strike, did they, the Marine Workers Industrial Union?

A. As far as the Strike Committee—as far as being seated on the Strike Committee is concerned, that's right.

Q. And——

A. (Interposing) But they were still on strike.

Q. And thereafter you invited, as I understand it, Harry Jackson to speak at a mass meeting held at the Civic Auditorium?

A. They were officially invited to speak at that

(Testimony of Harry Renton Bridges.)

meeting and they did speak and the invitation came from the Joint Strike Committee.

Q. Who extended that invitation?

A. The Committee.

Q. Were you on the Committee?

A. Yes; Chairman.

Q. And did you advocate sending the invitation to Harry Jackson to appear to speak?

A. I don't recall specifically that I did, but I would, I think.

Q. You wouldn't have opposed it?

A. I don't think so.

Q. And did Harry Jackson at that time advocate a [5953] general strike?

A. I'm not sure. He might have. I only remember one specific remark that he made that stuck in my head ever since.

Q. And thereafter did not the San Francisco Labor Council pass a resolution on June 22, 1934 substantially to the effect that the Labor Council disclaimed all connection with Communist organizations and particularly the Marine Workers Industrial Union? A. That's right.

Q. And did not in the same resolution the San Francisco Labor Council advise the Longshoremen's Association, the ILA, to disavow all connections with the Communist element on the waterfront?

A. Yes.

Q. Huh?

A. A resolution was passed. I remember a big battle in the Labor Council the night it was passed.

(Testimony of Harry Renton Bridges.)

Q. And did you consider yourself bound by such a resolution?

A. Yes. I think at that time—we approved the passage of the resolution at the local meeting.

Q. Did you approve it? A. Yes.

Q. Huh? A. Yes. [5954]

Q. Did you disavow your connections with the Communist Party after the passage of that resolution?

A. I followed the orders of my union.

Q. Huh?

A. And that's what happened.

Q. Huh? A. I can tell you why.

Q. Well, now, didn't you continue cooperating with the Marine Workers Industrial Union even after the passage of that resolution? A. No.

Q. Didn't you continue to advise with and associate with Harry Jackson? A. No.

Q. Huh?

A. I never said I did. I have already testified that later on they had to have their own set-up entirely. Our members picketed with them, but after the passage of that resolution we had to take an official position for the simple reason that the Labor Council, along with the resolution, said "If you didn't you would get no more funds".

Q. As a matter of fact, you notified the Communist Party even before the resolution was passed to the effect that that action was going to be taken by the San Francisco Labor Council? [5955]

A. That is true.

(Testimony of Harry Renton Bridges.)

Q. Huh? A. That is true.

Q. And whom did you inform in the Communist Party?

A. I think I informed Darcy at the time.

Q. Sam Darcy? A. Yes.

Q. Where did you meet Sam Darcy to notify him of that resolution that was about to be passed?

A. Sam Darcy was down at our union headquarters very early in the strike. My best recollection is that he came down with Ross in connection with offering the printing of the special bulletin of the Waterfront Worker.

Q. Are you sure you didn't go to see Sam Darcy?

A. I am sure of it.

Q. You say that he and Lawrence Ross came down to you at your Union headquarters?

A. Yes, him and Lawrence Ross and some other person.

Q. When did they come down there?

A. Oh, that was shortly after the strike broke out.

Q. Well, the strike broke out in May?

A. Yes.

Q. And this action of the Labor Council, when was it first brought out that they were going to take such action? [5956]

A. Oh, the question came up two or three times in the Labor Council. I can give you the whole story. But there were certain—some of the officers in the Labor Council were for us and wanted to support us.

(Testimony of Harry Renton Bridges.)

Q. What do you mean? For whom?

A. For the longshoremen, for the strike and in support of us. Others were definitely against us. Others even tried to stop the chartering of our Local Union.

Q. Let's stick to Sam Darcy.

A. The whole story is tied in together.

Q. You met Sam Darcy when with reference to the matter of the resolution that was passed by the San Francisco Labor Council?

A. Oh, it was before that.

Q. How long before it?

A. I first remember meeting Sam Darcy in the early days of the strike on the occasion that I have told you about.

Q. Is that the only time you met him?

A. Oh, no. I met him later.

Q. The first time you met him did you discuss with him the action that the District Council was contemplating taking with regard to the disavowing connection with the Communist Party of the Marine Workers Industrial Union?

A. No, not that I recall. The discussion all centered around the one thing and I don't know as any action was contem- [5957] plated at that time.

Q. The second time you met Sam Darcy was when? A. Oh, I don't know.

Q. Huh?

A. I met him on more than one occasion during that entire strike period. I couldn't say the second time I met him.

(Testimony of Harry Renton Bridges.)

Q. How many times did you meet Sam Darcy during the 1934 strike?

A. Oh, I don't know that.

Q. Huh? A. I don't know that.

Presiding Inspector: I think we will stop here and resume at two o'clock.

(Whereupon at 12:35 o'clock P. M. a recess was taken until 2:00 o'clock P. M. of the same day.) [5958]

After Recess
2:00 O'Clock P. M.

Presiding Inspector: You may proceed, Mr. Del Guercio.

By the way, there is a letter from Mr. Meyer saying that there are no other statutes or regulations. I will show you the letter. Hand it to Mr. Gladstein.

(The letter referred to was passed to Mr. Gladstein.)

Mr. Grossman: This probably should be marked for identification, then, your Honor.

Presiding Inspector: Very well.

Mr. Grossman: Since the other was.

Mr. Del Guercio: I haven't seen it.

Mr. Grossman: Oh, I beg your pardon.

(The letter referred to was passed to Mr. Del Guercio.)

(Testimony of Harry Renton Bridges.)

Presiding Inspector: Mark it for identification.

Mr. Del Guercio: Very well.

Presiding Inspector: Just in connection with the other letter.

(The letter referred to was marked for identification as Alien's Exhibit No. 40.)

Presiding Inspector: Now, Mr. Del Guercio.

HARRY RENTON BRIDGES

called as a witness in his own behalf, having been previously duly sworn, testified further as follows:

Cross Examination (Resumed) [5959]

By Mr. Del Guercio:

Q. Now, during the general strike in 1934 did your Strike Committee or the Strike Committee of which you were Chairman continue to exist?

A. Yes.

Q. Did your Strike Committee thereafter have full control of the general strike? A. No.

Q. Who did?

A. The General Strike Committee.

Q. And who formed the General Strike Committee?

A. The San Francisco Labor Council.

Q. Were you on that Committee? A. Yes.

Q. What was your position on that Committee.

A. I was a delegate to it, and later on a member of the General Executive Strike Committee.

Q. Was there also a Strike Strategy Committee?

A. Yes, prior to that.

Q. What? A. Prior to that.

(Testimony of Harry Renton Bridges.)

A. And who formed the Strike Strategy Committee?

A. Formed by the Labor Council.

Q. Were you on it? A. No. [5960]

Q. And what were the functions or duties of the Strike Committee—of the Strategy Committee?

A. It was a Committee of Seven appointed by the San Francisco Labor Council to see what steps could be taken by the Labor Council to terminate the dispute, or the strike in our favor.

Q. Would it be true to say that through this Strategy Committee and the other Committee of which you spoke that the leadership of the general strike was placed in the hands of conservative leaders of the AF of L?

A. Not necessarily. There was a lot of leaders on there that you might not term conservative; some of them you would definitely.

Q. Now, and what did this Committee do with reference to the general strike?

A. What committee?

Q. The Strategy Committee.

A. The Strategy Committee?

Q. Yes.

A. The main thing it done was to try to prevent the general strike.

Q. It didn't succeed? A. No.

Q. Now, did you oppose a general strike?

A. No; I was for it. [5961]

Q. You were for it? A. Yes.

Q. Was the Communist Party for a general strike. A. I think it was.

(Testimony of Harry Renton Bridges.)

Q. Was the Marine Workers Industrial Union for a general strike?

A. All the unions that went on general strike were for it.

Q. Was the Marine Workers Industrial Union for it?

A. I think so; yes. All the maritime unions were.

Q. Would you say the conservative element in the unions were against the general strike?

A. What do you mean by "element"?

Q. Conservative elements, the AF of L leaders in the various unions, and particularly the Strike Strategy Committee?

A. That is pretty hard—I don't know exactly what you mean. There were certain individuals and certain unions opposed to a general strike; certain unions for it. The latter were in the majority.

Q. Now, did you hold any conferences with members of the Communist Party just prior to the calling of the general strike? A. No.

Q. Did you meet with Sam Darcy?

A. No—in connection with the calling of the general [5963] strike?

Q. Yes.

A. Not that I remember; no.

Q. Well, will you try and remember?

A. I can—the answer is still "No".

Q. Did you meet with Harry Jackson?

A. No.

Q. Did you discuss with him the calling of the general strike?

(Testimony of Harry Renton Bridges.)

A. I have explained how I met with Harry Jackson. I couldn't avoid meeting with Jackson in connection with the activities of his men on strike, and his union practically during the strike period.

Q. You said that you met with Sam Darcy on numerous occasions during the general strike, is that correct?

A. Did I say that? I said that I had quite a few meeting with Darcy. I don't know how many.

Q. Would you say you had 25 meetings with Sam Darcy during that period? A. No.

Q. Would you say you had 20? A. No.

Q. How many?

Mr. Grossman: During what period?

The Witness: The general strike period, as I understood it. [5963]

Mr. Del Guercio: Yes. A. No.

By Mr. Del Guercio:

Q. How many? A. Two or three.

Q. Where did you have these meetings with Sam Darcy?

A. Generally on the waterfront, or in union headquarters.

Q. The ones you had in the union headquarters, who would be present?

A. Oh, it might be myself, and other members of the Strike Committee.

Q. Who, on the Strike Committee—all the members?

A. Anybody that happened to be around; not all the members necessarily.

(Testimony of Harry Renton Bridges.)

Q. Can you fix any particular meeting with Sam Darcy that you can remember?

A. No, I can't.

Q. During the general strike? A. No.

Q. Was Sam Darcy a member of any union?

A. No. I think when we met with him we met with him as a representative of the Communist Party——

Q. Now——

A. (Interposing): ——or of the Western Workers. [5964]

Q. When "we met with him." By that you mean you and certain others?

A. I and others.

Q. What did you discuss with Sam Darcy?

A. That depends. I don't recall that. I can recall two or three particular matters we discussed with him, but to recall all the things we ever discussed would be impossible.

Q. Let us have the things you do recall discussing with Sam Darcy.

A. I recall specifically discussing with him in regard to the Western Worker. I recall specifically——

Q. (Interposing): What was the discussion regarding the Western Worker that you had with Sam Darcy?

A. I think I told you once what that was: that they came down and offered to print a bulletin for us with the Western Worker apparatus and it was accepted. That is one thing I recall.

I can recall very distinctly discussing a meeting

(Testimony of Harry Renton Bridges.)

with Sam Darcy in connection with a lot of people that were injured around the end of May, in 1934.

I can recall distinctly meeting with Sam Darcy in connection with the action taken by the Labor Council and by my own union—that we had to disassociate ourselves officially and publicly from any connection with the Communist Party.

Q. Was that after the resolution had been passed by the San Francisco Labor Council or before?

A. I don't know whether it was after or before. I think it was possibly after.

I recall those [5965]

Q. Was that after the resolution had been passed by the San Francisco Labor Council or before?

A. I don't know whether it was after or before. I think it was possibly after.

Q. How many times did you see Sam Darcy after this resolution had been passed?

A. I don't know.

Q. Huh?

A. I don't know. A few times.

Q. So many times that you couldn't fix them?

A. No. No, no. You are talking about the strike period now?

Q. Yes.

A. You are talking about the strike period?

Q. After the resolution had been passed by the San Francisco Labor Council in June, 1934.

A. I don't know, two or three or four times, maybe.

Q. And where did you meet Sam Darcy then?

(Testimony of Harry Renton Bridges.)

A. Generally on the waterfront, or somewhere thereabouts.

Q. What did you talk about with Sam Darcy?

A. I don't know.

Q. Huh?

A. I don't know.

Q. And who were present when you met Sam Darcy? [5966]

A. I don't recall that. They would be members of the union or the Strike Committee.

Q. Was Schmidt there?

A. It's possible.

Q. What?

A. It's possible. It was done openly, nothing secret about it.

Q. Huh? A. Nothing secret about it.

Q. When was the general strike called? I don't believe we have that fixed in the record.

A. July 16 to the 20th, '34.

Q. July 16th to the 20th?

A. That's right.

Q. Was there any discussion in the General Strike Committee as to whether the Bakery Wagon Drivers and the Milk Wagon Drivers and the Ice Wagon Drivers were to go out? A. Yes.

Q. Huh? A. Yes.

Q. And what was your stand on that proposition?

A. Against it. As a matter of fact, when we first proposed the general strike program we took care of all those things in the proposals.

(Testimony of Harry Renton Bridges.)

Q. Well, didn't you before the General Strike Committee claim that allowing the Bakery Wagon Drivers and the Milk Wagon [5967] Drivers and the Ice Wagon Drivers to remain at work would be bad strategy and it might break up the strike?

A. No.

Q. Huh?

A. No. Exactly the opposite. I am sure we can find it in the minutes.

Q. Now, do you have the minutes of the general Strike Committee?

A. No, but I have got an idea I can find out where we can get them.

Q. Are they available to you?

A. No. They are not available to me, but I believe the minutes of the General Strike Committee at that time are laying around somewhere and I could ask certain officials of that Committee for them. They might be available.

Q. Who was President of the San Francisco Central Labor Council at that time?

A. Edward Vandeleur.

Q. Now, if Vandeleur would say that your stand was opposite to what you are testifying now would your testimony be the same?

A. Sure. Vandeleur has been mistaken more than once.

Q. Will you make an effort to obtain the minutes of that General Strike Committee with reference to that matter?

(Testimony of Harry Renton Bridges.)

A. I will be glad to. You could do a much better job [5968] in that connection than I could, possibly. I could give you the names of the people who are officials and who I think have those minutes.

Q. Yes, do that.

A. Yes, I am pretty sure if you approach Mr. Vandeleur, Mr. John O'Connell of the Labor Council or Mr. George Kidwell, who was Secretary of the Strike Committee, and request them on behalf of the FBI that they will be forthcoming.

Q. When did the 1934 strike end?

A. What strike?

Q. The 1934 strike.

A. What part of it? It had two or three different groups in it at different times.

Q. The part that you were connected with, the longshoremen. I assume you were connected with the longshoremen.

A. The longshoremen's strike ended July 31st.

Q. July 31, 1934? A. Yes.

Q. Did the Marine Workers Industrial Union go back to work on that day, too?

A. Yes. All Marine groups did.

Q. And did the strike end for all purposes on July 31, 1934?

A. Oh, no. No, no. It carried on in many ways.

Q. What continued? [5969]

A. Well, the clearing of many of the strike breakers off the waterfront continued; the organizational work continued; the adjustment of the va-

(Testimony of Harry Renton Bridges.)

rious grievances continued and the discrimination against union men continued.

Presiding Inspector: I think by the "strike" itself he meant the men not being at work.

The Witness: That's right.

By Mr. Del Guercio:

Q. That ended on July 31st?

A. That ended the main strike, yes. But there were post-strike activities that went on and actions.

Presiding Inspector: Almost always that is the case?

The Witness: Yes. There were walk-outs and stoppages of work over disputes and discrimination for many, many months.

By Mr. Del Guercio:

Q. Were you in favor of the men going back to work on July 31, 1934?

A. Very definitely. I advocate the support of arbitration and the men returned to work all together. That's when the so-called conservative leaders got pretty militant and it went the other way.

Q. You weren't in that conservative group, were you?

A. No. I was against them. I was for getting back to work. [5970]

Q. You were in the 1934 strike with the Communist Party and with the Marine Workers Industrial Union? You were on their side, were you not?

A. I had done what?

(Testimony of Harry Renton Bridges.)

Q. Were you on the side of the Communist Party and the Marine Workers Industrial Union?

A. I was on the side of the people on strike.

Mr. Del Guercio: Now, may I have Government's Exhibit 135?

(The exhibit referred to was passed to Mr. Del Guercio.)

By Mr. Del Guercio:

Q. I will show you here Government's Exhibit 135 entitled "From Bryan to Stalin" by Foster. You know who Foster is, don't you?

A. Yes.

Q. Who is he?

A. Bill Foster, an old trade unionist and I think he is now the official head of the Communist Party.

Q. Have you read his book, Government's Exhibit 135? A. Yes.

Q. You know that it carries on account of the 1934 strike? A. That's why I read it, mainly.

Q. Now, I refer you particularly to that portion of it beginning on page 258 and ending here on the middle of page [5971] 262. Would you say that that was a correct exposition of the events as they occurred during the 1934 strike?

A. (Reading pages enumerated) Generally I think that's correct. Uh huh, (affirmative.).

Q. Now, can you point out anything that is incorrect?

A. I can go over this paragraph by paragraph —starting with the San Francisco strike, starting off on page 259, the second paragraph:

(Testimony of Harry Renton Bridges.)

"The most important strikes of 1934 were those in Toledo, Milwaukee, Minneapolis, the Pacific Coast Marine Strike, the San Francisco General Strike and the National Textile Strike. These were practically all conducted under the banner of the A F of L. For the most part, the TUUL's participation in them took the form of active support by its unions or work through its groups within the A F of L. But in all these situations the C.P. and the TUUL forces played a vital role."

Q. Is there anything wrong with that?

A. Not a great deal.

Q. Huh? A. No.

Q. Anything else?

A. I can go over the whole thing. As I say, generally, the statements made in here are correct. It deals with the——

Q. (Interposing) Is this statement correct:

[5972]

"But it was in the big Pacific Coast Marine and San Francisco General Strike that the C.P. and the TUUL did their most important strike work in this period."

Is that correct?

A. I think if you will read——

Q. (Interposing) Is that statement correct?

A. It also says—I think it is correct—I think it points out that the Marine Workers Industrial Union organized the seamen and——

Q. (Continuing):

(Testimony of Harry Renton Bridges.)

"In fact, in this struggle"—referring to the San Francisco strike—"their influence was decisive."

That is the influence of the Communist Party and the TUUL A. Decisive in what way?

Q. You read the article haven't you?

A. Well, I have read it and I have my ideas on it. You have got to explain what you mean by being "decisive." They were very decisive.

Q. As far as it goes, is that correct?

A. Yes, as far as it goes—decisive in getting the Marine Workers on strike, sure.

Q. And this statement appearing on page 260:

"The strike movement began among the longshoremen early in the spring of 1934. The San Francisco local had taken [5973] the lead in lining up the weak ILA Coast Locals to present demands to the employers."

Is that statement correct? A. Correct.

Q. (Continuing):

"The employers, aided by corrupt ILA top leaders, tried the usual schemes of delay, conciliation and arbitration to break up the rapidly developing militant movement."

Is that correct? A. Correct.

Q. (Continuing):

"Rechecking these maneuvers, the ILA locals declared a strike on May 9th and had the whole Pacific Coast tied up within two days."

Is that correct?

A. Yes. They are brief statements. There are a lot of statements, but they are correct basically.

(Testimony of Harry Renton Bridges.)

Q. (Continuing):

"Harry Bridges was elected Chairman of the ILA Strike Committee, and the Western Worker, Local Communist organ, was endorsed as the official strike journal."

Is that correct?

A. In the way I have described it; yes.

Q. Is it correct in the way Foster has described it, as I just read it to you? [5974]

A. Well——

Presiding Inspector: He doesn't describe it. He just makes the statement.

By Mr. Del Guercio:

Q. In the statement that Foster made correct?

Presiding Inspector: I think he has answered that. He said "Yes", he described it.

If you want to press him further on it you may, if you think it will do any good.

By Mr. Del Guercio:

Q. Now, did the Strike Committee of which you were Chairman cease to exist after the men returned to work in July, or July 31, 1934?

A. Yes; very shortly afterward.

Q. Well, now, did you immediately after that, have any official position at all in the ILA Union?

A. I—right after the strike ended—I and two or three others carried on, on behalf of the unions, on a committee mainly concerned with settling grievances that carried over and making adjustments of complaints after the strike was over.

Q. I believe your first position in the, official

(Testimony of Harry Renton Bridges.)

position in the ILA local 38-79 was President, is that correct?

A. No. I was an Executive Committee member.

Q. For what period of time? [5975]

A. From '33 to '34.

Q. September 1933 to 1934—was that a paid position? A. No.

Q. You were elected President when?

A. September '34.

Q. Are you sure it was September, or was it October, 1934?

A. Well, at the time of the yearly elections—I thought it might have been later.

Q. That is the first time you held a paid position in the local?

A. No. I was paid on this position after the strike ended, that I have just referred to.

Q. On the Executive Board?

A. No. I was still a member of the Executive Board, but this was a position as kind of a trouble shooter.

Q. For how long a period did you hold that position?

A. Up until the time I was President.

Q. And for how long previously?

A. What is that?

Q. For how long previous thereto?

A. From the end of the strike.

Presiding Inspector: About a year?

(Testimony of Harry Renton Bridges.)

The Witness: No, no. From July to September, as I understood the question. [5976]

Presiding Inspector: When were you elected President—wasn't that the next year?

The Witness: No; the same year—the fall of 1934, September or October.

Presiding Inspector: I misunderstood.

The Witness: I thought it was September.

By Mr. Del Guercio:

Q. And when you were elected President, in either September or October, 1934, you became a paid official of the Union, that is, a permanently paid position?

A. Yes; but I was being paid before that time.

Presiding Inspector: From the end of the strike?

The Witness: From the end of the strike up until the time I was regularly elected President. I was paid as a kind of a representative of the Union, adjusting matters that came up after the strike, that was a carry-over.

By Mr. Del Guercio:

Q. And you have been a paid official ever since, up to the present time, ever since the end of the 1934 strike? A. Not continuously.

Q. Huh? A. Not continuously.

Q. You have been an official of the Union ever since?

A. I have been an official of the Union, but I [5977] haven't been paid continuously.

(Testimony of Harry Renton Bridges.)

Q. Have you done any longshore work?

A. No.

Q. Huh? A. No.

Q. Any work, manual work of any kind that you got paid for?

A. No—I have done a lot of work.

Q. You have lived off the union ever since that?

A. That is not a correct statement. I have lived off of nobody at no time.

Q. The union has paid you, however, since that time, has it not— that is where your salary came from?

Presiding Inspector: He said——

A. (Interposing) The union has paid me, and has offered to pay me more, and I have refused it.

By Mr. Del Guercio:

Q. Did you continue to be a delegate on the San Francisco Labor Council after the 1934 Strike?

A. Yes.

Q. For how long a period?

A. Until we were thrown out of there.

Q. When were you thrown out? A. 1937.

Q. By whom? [5978]

A. The Labor Council.

Q. That is, after your union went CIO?

A. Yes.

Q. Now, during the time that you—in what capacity did you serve on the San Francisco Labor Council after the 1934 strike?

A. I was never any more than a delegate. For a

(Testimony of Harry Renton Bridges.)

brief time I was elected to the Executive Committee, but I never had enough time to show up at the meetings and I resigned.

Q. You resigned before you were thrown out?

A. Oh, yes. I think that was around 1936 some time.

Q. Now, how often would the San Francisco Labor Council hold meetings?

A. Every Friday night.

Q. Did you attend all those meetings until the time you resigned?

A. Every one, as long as I was in San Francisco. I never missed a meeting.

Q. Now, did you hold any meetings with anybody else prior to these Friday night meetings of the San Francisco Labor Council?

A. Occasionally we did at certain times; yes.

Q. With whom?

A. Well, we had a whole caucus of delegates that used to attend the Labor Council. [5979]

Q. Well, now would they be in connection with matters that were to be taken up in the Labor Council meeting the next day? A. That is right.

Q. Who would you sit with?

A. Who would we sit with?

Q. Yes.

A. The delegates, you mean?

Q. Yes—in these caucus meetings?

A. There was delegates from, as I remember, from the culinary group, delegates from the machinists groups, delegates from practically every mari-

(Testimony of Harry Renton Bridges.)

time union, delegates from the clothing workers—they were there—and we had a group of about, oh, 20 or 30. [5980]

Q. Twenty or thirty?

A. Delegates, more or less.

Q. How many were there on the Labor Council all together?

A. How many delegates used to attend the Labor Council?

Q. Yes.

A. Oh, I think around 250 or 300.

Q. Did this group that you speak of, of 20 or 30——

A. (Interposing): Yes.

Q. (Continuing): ——would they meet regularly?

A. The year round? No. Generally before elections.

Q. Can you give me the names of some of those that met with you prior to the regular meetings of the San Francisco Labor Council?

A. You mean of our caucus?

Q. Yes. That is what you call it a, "caucus"?

A. Yes. Well now, maybe you are referring to something else.

Q. What?

Presiding Inspector: No. it is of the caucus. Go ahead.

A. Well, I could give you the names of quite a few. There might be repercussions in their own par-

(Testimony of Harry Renton Bridges.)

ticular unions from their Internationals, but I guess it can't be helped. [5981]

By Mr. Del Guercio:

Q. Are you talking to yourself or are you testifying? A. No, I am explaining.

Presiding Inspector: Do you want him to give the names?

The Witness: I don't wish to give the names.

Presiding Inspector: He would rather not give the names. Do you want to press him on it?

Mr. Del Guercio: Yes.

Presiding Inspector: All right. Give the names.

The Witness: There used to be—we'll take, first of all, the delegates from the Cooks and Waiters. I think Battalini, who has just been elected to office——

By Mr. Del Guercio:

Q. (Interposing): Battalini?

A. Battalini.

Q. How do you spell it?

A. B-a-t-t-a-l-i-n-i, I think.

Q. Is that the same one that is connected with the American Peace Mobilization? A. Who?

Q. Is that the same person who is connected with the American Peace Mobilization?

A. I don't know. He might be. I am not sure.

Q. All right.

A. And I think McKelvie is another one. I don't know [5982] his first name. He was one of the strong supporters of the rank and file in the Labor Council. Another fellow from Local 110, also Culinary group. There was Sam Jaye, was one. There were others,

(Testimony of Harry Renton Bridges.)

but at least I recall Jaye. There were more from that particular group. I can't recall them offhand. From the Metal Trades—that is, Metal Trades groups—I remember a fellow named Saunders.

Q. What is Saunders' first name?

A. Hookendillan.

Q. What is Saunders' first name?

A. I don't know. I think Bill Saunders. Hookendillan, Slattery, Scheer. They were Metal Trades workers and others.

Q. How about Walter Lambert?

A. I don't know if he was there. He might have been there. I don't know if he represented any particular Union at that time.

Q. Would you say that he didn't attend any of these caucuses that you speak of?

A. I can't be sure. It is possible he did.

Q. Huh?

A. If he was representing a union—the caucus would be confined to representatives of unions in the Labor Council.

Q. Was Lambert representing any union at that time? A. He might have been, I don't know.

Q. Was he a delegate to the San Francisco Labor Council?

A. He might have been. I don't know. [5983]

Q. The minutes would show, would they not?

A. Yes. I think the minutes would. The Labor Council would have credentials at that time. I recall when I first met Lambert. I think he was a delegate

(Testimony of Harry Renton Bridges.)

to the Labor Council, and I might be getting things mixed as to the exact time. He might have been there.

Q. Was Henry Schmidt?

A. Oh, yes. All of our delegates were there; all the maritime delegates.

Q. Schomaker?

A. Schomaker, sure. Our entire delegation used to attend.

Q. Where would you meet with this group?

A. I think some of the meetings we held of that were in Albion Hall.

Q. Were they open meetings?

A. No. I would say they were closed to the extent I have outlined. They were a private caucus.

Q. And what would you do in these meetings? Would you program?

A. We would program for the Labor Council what candidates we were going to support and why and so forth.

Q. Would the meetings be regular meetings. Would a Chairman be elected?

A. Yes, I think we had a Chairman to keep order.

Q. Did you preside as Chairman? [5984]

A. I don't recall that I ever did. They were not that formal.

Q. Did Walter Lambert?

A. Never as far as I remember, if he was there.

Q. Did Sam Darcy ever appear at any of these meetings?

A. I am sure Darcy never attended any of them?

Q. Harry Jackson?

(Testimony of Harry Renton Bridges.)

A. No. I don't think Jackson would attend any of them or did.

Q. Are you sure that Harry Jackson never appeared before any of these caucuses?

A. Not that I recall.

Q. Now, you knew, then, did you not, at the time these meetings were going on that Walter Lambert was a member of the Communist Party?

A. Oh, I think so, yes. The time I am thinking of would be about 1934 and '35.

Q. That is the same time. A. Yes.

Q. And wasn't he the so-called trade union expert of the Communist Party? A. Who?

Q. Walter Lambert?

A. Yes; he was one of them.

Q. Do you know any others who were trade union experts in the Communist Party?

A. I guess they all believe or they all are in some form [5985] or other.

Q. And did Walter Lambert lay down in these meetings that you attended with him the Communist Party Line in regard to your trade union activities?

A. The meetings were all held on the question of a program for the Labor Council.

Q. Did Walter Lambert—did you understand my question?

A. Yes, I understood your question.

Q. Will you answer that first?

A. Well, I don't recall anything. All the meetings were concerned with what I have told you and I

(Testimony of Harry Renton Bridges.)

don't recall Lambert laying down any program, even if he was there. I don't recall him him specifically being there, not at the times I am thinking of.

Q. You did at the last hearing testify that Walter Lambert did attend such caucuses, did you not?

A. I might have.

Q. Huh? A. I might have.

Q. Let me refer to your testimony in the previous hearing in that connection. I refer now to page 2695, Volume 17:

"Q. (Interrupting) : Suppose I ask you a few names; would that relieve it? Was Lambert there?

"A. I think Lambert was there a couple of times."

A. Yes.

Q. Did you so testify? [5986]

A. I believe I did.

Q. At the last hearing?

A. I believe I did.

Q. And is that testimony true?

A. I think it is.

Q. Is there any question?

A. No, no question, except that I just don't remember two years later where I said that I think he was at a meeting. I still say I think he might have been there. I am telling you what I based it on. It would be very easy to check up. The Council group at that time running for elections put out their own printed slate with a full slate of candidates and we all stood at the door of the Council——

(Testimony of Harry Renton Bridges.)

Q. (Interposing): Is this an answer to some question or are you just making a speech?

A. Well, at least I guess you want all the knowledge you can get on the subject.

Q. Wait until I ask the question first.

A. This was following up the question.

Presiding Inspector: Go ahead and ask the next question.

By Mr. Del Guercio:

Q. Well, as a matter of fact, while you were meeting with Walter Lambert in these caucuses you knew he wasn't a member of any union?

A. Not particularly. I knew nothing of the kind; no [5987] sir.

Q. You knew that the only union, called a "union", that he was representing, was the Communist Party? A. I did not.

Q. Huh? A. I did not.

Q. Well, do you have any information either now or then that Walter Lambert was representing any union while you were meeting with him in these meetings?

A. My distinct impression is that he is and was a member of the union. I have told you that.

Q. Of what union?

A. I don't know. I have told you you can check up on it, too. The credentials or the files of the Labor Council will show you that and they will give them to you before they will give them to me.

Q. Who arranged for these caucuses? Who brought it about?

(Testimony of Harry Renton Bridges.)

A. Well, I know I arranged for some of them.

Q. Who started them?

A. I did in many respects.

Q. Was it your own suggestion or did somebody suggest it to you?

A. Mainly I was running for office in the Labor Council. I was running for office in the Labor Council and [5988] I was looking for a little support, and I started to organize some of it and that's how this come about.

Q. This continued over a period of years, did it?

A. Oh, no. I never said that.

Q. For how long a period?

A. My only recollection is '34 and '35.

Q. Well, that's two years. A. Yes.

Q. Approximately.

A. But I don't recall any year-round meetings. These meetings or caucuses used to start maybe a month or two before the regular elections. That's all that I have reference to. Any others I don't know them.

Q. Now, you have heard of the American League Against War and Fascism? A. Oh, yes.

Q. And you have heard the testimony that was given here regarding the American League Against War and Fascism? A. Oh, yes.

Q. Have you ever been a member of the American League Against War and Fascism? A. Never.

Q. Did you ever hold any position in the American League Against War and Fascism?

A. No.

(Testimony of Harry Renton Bridges.)

Q. Do you recall a Pacific Coast Congress Against War [5989] and Fascism in San Francisco on April 28, 1935? A. Where at?

Q. In San Francisco?

A. Not off-hand, I don't.

Q. Did you attend such a conference, such a congress?

A. I think I have attended a couple of conferences.

Q. Well, with particular reference to this Congress that was held in San Francisco on April 28, 1935 did you attend it?

A. I can't specifically place it. If you can tell me where it was I would know better. I attended numerous conferences and I have a——

Q. (Interposing): Maybe I can refresh your memory. You had just come back from Seattle, Washington. A. In April?

Q. Yes.

A. Yes. We just came back after a convention up there.

Q. Now do you recall attending such a Congress?

A. I don't recall if I attended at that time, but I have a recollection of attending some conferences.

Q. Do you know Leo Gallagher?

A. Yes.

Q. Who is Leo Gallagher?

A. He's a member of a group of attorneys in Los [5990] Angeles, at the present time, the official firm of attorneys representing some of our unions and doing an excellent job of it.

(Testimony of Harry Renton Bridges.)

Q. And an admitted Communist, isn't that correct? A. I don't know.

Q. Huh? A. Is he? I don't know.

Q. Has he ever denied that he was a member of the Communist Party? A. I can't recall.

Q. What?

A. I can't recall ever asking him.

Q. Huh?

A. We just don't run around nailing people down and asking them if they are Communists or not.

Q. Representing, you say, some of the CIO Unions in Los Angeles?

A. CIO Unions and ILWU Unions that I happen to be elected President of, and doing a good job of it.

Q. Huh? A. That's what I said.

Q. That's what you say.

A. That is what I said. Just freed two or three men that were on charges.

Q. And is he also the Los Angeles ILD attorney

A. I don't think he is.

Q. What? [599]]

A. I don't think he is.

Q. Was he ever an attorney for the ILD?

A. He possibly has been. I am not sure. I think he had handled cases for the ILD, but I believe his partner, Al Wirin, was the ILD attorney. Oh, no. That's wrong. I think Grover Johnson, another member of the firm, was the ILD attorney.

Q. And isn't that the same Leo Gallagher who

(Testimony of Harry Renton Bridges.)

represented the Communists that were charged with setting fire to the Reischwehr in Germany?

A. Certainly. He certainly did. That's exactly what——

Q. (Interposing): Do you know who sent him over to Germany to represent such Communists?

A. Either the Communist Party or the ILD. Whoever done it I would certainly be in favor of it.

Q. Now, to go back to this Congress Against War and Fascism, isn't it true that you were elected to the presiding committee at that Congress Against War and Fascism held in San Francisco on April 28, 1935?

A. I don't know. I have no particular recollection. How was I attending? Was I attending as a delegate from our Local Union to such a Conference?

Q. Were you?

A. I have been elected to many committees attending a conference on behalf of my Local Union. Any time I was nominated and elected I would serve. That's what I was there for. [5992]

Q. Well, did you ever serve on such a presiding committee of the Congress Against War and Fascism?

A. I don't specifically remember it, but if you have got a record there that I did it's possibly true.

Q. If I showed you the record would you then admit that you did *service*?

A. I can see what's doing on it, then.

Q. Let me show you what——

(Testimony of Harry Renton Bridges.)

(Whereupon the document referred to was passed to Mr. Gladstein)

By Mr. Del Guercio:

Q. I have here the proceedings of the first Pacific Congress Against War and Fascism, San Francisco, California, Building Trade Temple, April 27 and 28, 1935. On the first page appears this:

"The following were elected to the presiding committee", and among others "Harry Bridges, President, San Francisco International Longshoremen's Association". Does that refresh your memory?

A. Yes, I think that's correct. I think that's correct. I believe that——

Q. (Interposing): You were elected on the presiding committee of this Congress of—what do they call it?

A. Of the West Coast, or the Pacific Coast Congress [5993] Against War and Fascism. But I am trying to find out what this thing was called by. Maybe it was called by us. It just shows that I was elected to a committee at a conference attended by probably half the trade unions in San Francisco.

Mr. Gladstein: Does it purport to be put out by the American League Against War and Fascism, Mr. Del Guercio?

Mr. Del Guercio: It is headed "The Minutes and Proceedings of the First Pacific Coast Congress Against War and Fascism, April 28, 1935, San Francisco, California", signed by Thelma Bramley, Regional Secretary.

(Testimony of Harry Renton Bridges.)

Mr. Gladstein: That isn't the same as American League Against War and Fascism on its face.

Mr. Del Guercio: It is the forerunner.

Mr. Gladstein: I don't know anything about that.

By Mr. Del Guercio:

Q. Now,——

Mr. Gladstein: (Interposing): Just a moment! I would suggest this: If you are not offering that, there is quite a list of people on that presiding committee. I don't know what counsel's purpose is in questioning along this line, but I think for the sake of fairness that entire list should be put in and not simply Mr. Bridges' name taken out of the list, so that the character or nature of the committee, or whatever it was, may be before the eyes of the Court when it comes to judgment. [5994]

Presiding Inspector: You can put that in on redirect.

Mr. Gladstein: We don't have the book. It should be marked for identification at least, in view of the fact that it has been used.

Presiding Inspector: He will let you have the book.

Mr. Del Guercio: I have just shown it to refresh his recollection and it has served that purpose.

Presiding Inspector: And they may put in the rest of the paragraph if they want to put it in.

Mr. Gladstein: For that purpose I suggest that the document be marked for identification at this time. Is there any objection to that?

Mr. Del Guercio: Yes, there is at this time.

(Testimony of Harry Renton Bridges.)

Mr. Gladstein: All right.

By Mr. Del Guercio:

Q. Your memory having been refreshed, do you recall attending such a Congress in San Francisco on April 28, 1935?

A. I don't recall attending that specific Conference. I attended so many. But I believe that record is correct and I don't remember any of the details.

Q. Well now, isn't it true that the Chairman of that Congress introduced you as President of the San Francisco ILA, who had just returned from Seattle, where you had been active in forming the Maritime Federation?

A. I don't remember it, but that's what the record said and that's entirely—possibly that is the way I would be [5995] introduced.

Q. And *is true* that you then reported on the work you accomplished at Seattle?

A. Yes. We are very proud of it.

Q. You recall that?

A. No, I don't. I am saying that this is the logical thing. I just returned from the first convention of the Maritime Federation and it is logical that I would report. And that book does something else. I was short a couple of dates around there in making up the New York trip. That fills in a couple of days that I was short. So if I had been able to know where I was at, if I had remembered that conference, I would have put that in my record.

Mr. Del Guercio: I move that that be stricken, if your Honor please, as not being responsive.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: Well, it will come out afterwards. I think I will let it stand.

By Mr. Del Guercio:

Q. And at this conference were not the following pledges, among others, made: "To support the peace policies of the Soviet Union, including total and universal disarmament, and to defend the Soviet Union against all its enemies"?

A. Are you asking me?

Q. Was that pledge made?

A. Are you asking me from memory?

Q. Yes. [5996]

A. I don't know. I would sooner go by the record.

Q. I will show you the same proceedings here and call your attention to page 33.

Mr. Grossman: Your Honor, may I suggest that this is certainly improper, when the witness says that he can't remember whether he was at the conference (to ask him whether or not certain resolutions were passed?

Presiding Inspector: I think he has now conceded that he was at the conference.

Mr. Grossman: I don't think he has conceded that. He has conceded that he might have been there.

Presiding Inspector: He says that accounts for two days of his life.

Mr. Grossman: He says "if" he was there.

Presiding Inspector: Which I think is an admission that he was there.

Mr. Grossman: This is true: He might have been there, but he doesn't recall.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: He can say so. If this doesn't refresh his recollection, of course he is perfectly at liberty to say he doesn't remember.

The Witness: I am trying to say, if I was in attendance on that particular day. There is no question about the action was taken. That was one of the policies adopted by the conference according to the minutes here. [5997]

By Mr. Del Guercio:

Q. Did you subscribe to such a pledge?

A. I don't recall it, but if I was in attendance here, and that was the action taken by the conference, I would be part of it.

Q. And you would have made such a pledge, "to defend the Soviet Union against all enemies?"

A. Not necessarily. I mean—when you put it like that, not necessarily.

Q. Put it in the language, as used in this book, here, "to support the peace policies of the Soviet Union, including total and universal disarmament, and to defend the Soviet Union against all its enemies."

Mr. Grossman (Interposing): If your Honor please, to ask the witness whether he would have done something if he had been present—we have no objection to asking what his views are.

Presiding Inspector: It is purely hypothetical.

Mr. Grossman: I don't think he is entitled to ask such a hypothetical question.

Presiding Inspector: It is purely hypothetical. I don't think it is proper examination.

(Testimony of Harry Renton Bridges.)

A. I don't see where that was even adopted. This seems to be a statement in a resolution put forward by somebody or other. I can't find where it was adopted. [5998]

By Mr. Del Guercio:

Q. Would you say it wasn't adopted?

A. Not that—I haven't found where it was adopted.

Q. Your office subscribed to the Western Worker about that time, did it not? A. My office?

Q. Yes.

A. April '35? I am not sure if it did or not.

Q. What?

A. It might have. I couldn't say for certain.

Q. Was your attention called to an article wherein your name appears in it——

Mr. Grossman: (Interposing) Let me see it, please.

(The article referred to was passed to Mr. Grossman.)

By Mr. Del Guercio:

Q. (Continuing) ——in the Western Worker for Thursday, May 2, 1935?

A. An article in the Western Worker by me?

Q. Wherein your name was mentioned as attending this Peace Conference?

A. Oh, I don't know. It is possible that there is such an article. You mean a statement in the newspaper that I attended?

Q. Yes.—A statement in the Western Worker.

[5999]

(Testimony of Harry Renton Bridges.)

A. Well, I guess you might read that in every San Francisco newspaper. I can't keep track of every time my name is mentioned in the papers as doing this, that and the other thing.

Q. I will show you an article appearing in the Western Worker for Thursday, May 2, 1935, under the heading "238,000 unite in Pacific Coast Anti-War Meet," and I call your attention to the comments appearing on page 4 as follows:

"Harry Bridges spoke on the powerful Pacific Maritime Federation which has just been formed in Seattle, 35,000 strong, seamen, radio men, longshoremen, every one who works in the Marine Industry. Bridges told how this organization was fighting Fascism in the northeast, where a Fascist Committee of 500 openly advocates Fascist terrorism and the enactment of laws abolishing trades unions."

Does that refresh your memory?

A. On what?

Q. As to your——

A. (Interposing) As to whether——

Q. (Continuing): ——your presence at this Conference and your making these pledges, one of which I just read to you?

A. I think that I attended a conference—if it says so in the minutes there—and possibly you can go by the Western Worker, or you can take the other papers in San Francisco, the Chronicle or the Examiner. If you give me my choice [6000] on which I would believe I would sooner believe this.

(Testimony of Harry Renton Bridges.)

Q. The Western Worker? A. Yes.

Q. The official organ of the Communist Party?

A. Before the Examiner, the Chronicle and the other papers; absolutely.

Presiding Inspector: May I see the document that you showed the witness? Have you finished with it for the moment?

Mr. Del Guercio: For the moment; yes.

(The booklet referred to was passed to the Presiding Inspector.)

Mr. Del Guercio: May I proceed, or do you want to finish looking at that?

Presiding Inspector: You may proceed.

By Mr. Del Guercio:

Q. Did Sam Darcy appear and speak at the same Congress? A. I don't remember.

Q. Huh? A. I can't recall.

Q. Maybe this will refresh your memory—this is from the same article in the Western Worker, the article that I referred you to, and it states as follows:

"Sam Darcy, District Organizer of the Communist Party, sounded a grave note of warning. 'Unite, forget basic differences, join hands and defeat this relapse into barberism that [6001] is Fascism and the horrors of another world war!' His plea won the greatest ovation of the Congress. Darcy urged the consolidation of all liberal, radical and revolutionary political movements under a joint ticket in

(Testimony of Harry Renton Bridges.)

the coming elections, a Labor Party ticket for which all workers, poor farmers, middle-class and intellectual progressives may unite to elect their candidates."

Does that refresh your memory?

A. On what he said?

Q. Yes—and about Sam Darcy being there?

A. No, I don't recall him being there. I think the official minutes are the best thing to go by. As far as what he said. Apparently he knew what he was talking about, if you will look around us in this day.

Q. Would you believe the Western Worker?

A. I would sooner believe the minutes before I believe the Western Worker; and I would believe the Western Worker before the other papers.

Q. Was John Shoemaker also there?

A. I don't know.

Q. He was there from your union, wasn't he?

A. I don't know.

Q. Didn't he head the Trades Union Commission? A. I don't know.

Q. You would be interested in knowing whether he was there in an official capacity? [6002]

A. I am not saying he wasn't there. If there was such a conference going on we were attending as the official delegates, elected delegates of our union. If we weren't it can be checked up and found out. I will check the minutes and let you know.

(Testimony of Harry Renton Bridges.)

Q. The Western Worker, the official organ of the Communist Party——

A. (Interposing) Right.

Q. (Continuing) ——states this in regard to Shoemaker:

"Delegate Shoemaker, of the ILA"——

That is your union?

A. That means he was a delegate there elected by the membership.

Q. (Continuing):

"* * * who headed the Trades Union Commission of the Congress"——.

A. (Interposing): Yes.

Q. (Continuing):

"* * * told how the unions must be organized to defeat war and Fascism"——

A. (Interposing): That is right.

Q. Did he do that?

A. Well, I don't remember, but knowing Shoemaker I am pretty sure that he would. [6003]

Q. (Continuing):

"* * * told how the unions must be organized to defeat war and Fascism, with especial reference to tie-ups of munitions factories"——

You remember that, don't you?

A. I don't recall it.

Q. (Continuing):

"* * * transportation, food supplies and the handling of war materials during a general strike."

A. I don't recall that he said it, but a lot of people feel pretty strongly about these things.

(Testimony of Harry Renton Bridges.)

Q. Do you believe munitions should be tied up during times like the present, for instance?

A. And how! It depends on who they are going to. We have been opposing it.

Q. They are going to Great Britain.

A. That is news to me. I go down on the waterfront and see them going to Great Britain and everywhere else.

Q. Do you believe in tying up munitions, and war supplies, that the United States is now sending to Great Britain?

A. We haven't advocated any such thing. We have tied them up going to Japan, Italy and Germany.

Q. Do you believe in tying them up when going to Great Britain at the present time?

A. No, I don't think we have taken any position. [6004]

Q. What would be your position, or what is your position?

A. You mean as an individual, or as President of the Union?

Q. As a member of the Communist Party?

A. Well——

Presiding Inspector: Just a moment. I think that is improper. He hasn't admitted he is a member of the Communist Party. Let us keep within some bounds.

Mr. Del Guercio: He knows what I mean.

Presiding Inspector: But I don't. Go ahead.

(Testimony of Harry Renton Bridges.)

Ask the next question. We are getting pretty far from the issue here involved.

By Mr. Del Guercio:

Q. Do you know if a Second Congress against War and Fascism was held in Chicago?

A. No.

Q. Do you know of a Congress against War and Fascism that was held in Chicago prior to the Congress held in San Francisco? A. No.

Q. Were you notified, or did you receive any information from any source to the effect that your name was placed before the Convention of the Second U. S. Congress against War and [6005] Fascism held at Chicago, Illinois, on September 28, 29, 30, in 1934? A. No.

Q. And that your name was placed before the Convention as a nominee for the Executive Committee? A. No.

Q. And that you were unanimously elected?

A. And I wasn't there?

Q. Were you there?

A. I am sure I wasn't.

Q. Did you receive information that you had been placed in nomination?

A. Not that I remember.

Q. Did you receive information that you had been elected?

A. No. It is strange to me that I should be elected when I wasn't even there. I can prove that I wasn't there, if that is what you mean.

Q. Did I say you weren't there?

(Testimony of Harry Renton Bridges.)

A. No, but you are asking if I was elected at that Congress.

Q. Would it have been impossible to have elected you in your absence?

Mr. Gladstein: I will object to that——

Presiding Inspector: It is self-evident. You don't gain [6006] anything by asking this witness about that. You may ask him if he ever heard of it, if you wish to. If you ask him about what occurred some place where he wasn't present, it isn't very important.

By Mr. Del Guercio:

Q. Have you ever been connected with the American League Against War and Fascism?

A. Do you mean as a member?

Q. Yes. A. No.

Q. In what way were you connected with it?

A. Well, do you mean if we ever supported their policies or endorsed certain actions they took in the union?

Q. In whatever manner.

A. Well, I would say in the latter way; certainly, yes.

Q. In what latter way—what do you mean?

A. It seems to me that the League——

Q. (Interposing): Not what it seems to you—in what way were you connected with the American League Against War and Fascism—just the facts?

A. Only by supporting certain policies, or things that they advocated. That is the only way I can think of.

(Testimony of Harry Renton Bridges.)

Q. What policies of the American League against War [6007] and Fascism did you advocate and support? A. We were against——

Q. (Interposing) "We"—you mean who, I am asking you?

A. Well, boil it down to myself,—I was against a shipment of munitions and materials to Mussolini; also during the campaign against Ethiopia. I was against any assistance to France in Spain. For years we have been opposed to shipments of munitions and other things to Japan. And certainly we have always been opposed—I have always been opposed to any support of Hitler.

The American League——

Q. (Interposing): Are you now opposed to any support to Hitler?

A. We have never changed—I never have.

Q. Has the American League Against War and Fascism changed? A. Not that I know of.

Q. Is there such a thing as an American League Against War and Fascism at the present time?

A. Is there any such thing?

Q. Yes?

A. No. I think it went out of business.

Q. When was it out of business?

A. I don't know. [6008]

Q. What?

A. Some time recently, I think.

Q. Did you adopt or support any program against shipping munitions, or giving any aid to the Soviet Union? A. We in the union?

(Testimony of Harry Renton Bridges.)

Q. In the Union, at any time, any place, anywhere?

A. Not that I remember; not that I remember any single case. We supported all nations that were opposed to what was going on at that time.

Q. I am only asking you about the Soviet Union.

A. You can't pick out one.

Presiding Inspector: How is this of any materiality?

Mr. Del Guercio: It indicates, if your Honor please, the witness' attitude.

Presiding Inspector: But you have implied that this was to the contrary. You say, "Have you ever opposed aid to the Soviet Union?" Was there any proposal for aid? It doesn't advance it any. I think you have got everything there is about that.

By Mr. Del Guercio:

Q. What other policies of the American League Against War and Fascism did you support?

A. I don't remember any others.

Q. Huh?

A. I don't remember others; there might have been others. [6009]

Q. Did you give any financial support to the American League Against War and Fascism?

A. You mean did I personally, or individually?

Q. Let us take yourself individually, first.

A. Not that I remember. I think now and again I bought a few buttons for it. I remember Dietrich was a great button seller for them.

Q. You bought buttons yourself?

(Testimony of Harry Renton Bridges.)

A. Yes, for two-bits, 25 cents, or a dollar.

Q. Did you send any money to them?

A. Only in that way—I don't recall making any other contributions.

Q. Did you speak on behalf of the American League Against War and Fascism at any time?

A. Not that I remember.

Q. Have you ever spoken at any place, any time, under the auspices of the American League Against War and Fascism?

A. Not that I know of, or even recall. I have spoken a great many places, and it is barely possible, but I don't recall any specific occasions; no.

Mr. Del Guercio: May we have our afternoon recess?

Presiding Inspector: Yes.

(Whereupon a short recess was taken.)

[6010]

Presiding Inspector: Now, Mr. Del Guercio.

Mr. Del Guercio: If you will bear with me for a moment.

Presiding Inspector: Oh, certainly. We will run over a little this afternoon because of conferences.

Mr. Del Guercio: I am trying to weed out certain matters.

Presiding Inspector: Yes. Take as much time as you need.

Mr. Del Guercio: We will save time this way.

By Mr. Del Guercio:

Q. Now, I want to direct your attention to this 1936-'37 strike. When was that strike first called?

(Testimony of Harry Renton Bridges.)

A. October 28, 1936.

Q. That is the date that they actually went out on strike? A. Yes.

Q. Who called that strike?

A. The strike was voted by all the maritime unions affiliated with the Maritime Federation of the Pacific.

Q. They were all A. F. of L. Unions, were they not? A. Yes.

Q. And you were at that time what?

A. That is incorrect, that they were all A. F. of L. Unions. At least one of them, I think, had been suspended. [6011]

Q. I am speaking now of the West Coast.

A. Maybe more. That's what I am.

Q. Yes.

A. I am pretty sure that the Sailor's Union of the Pacific was functioning at that time as the Sailor's Union of the Pacific Emergency Committee, suspended and expelled from the American Federation of Labor. I believe the Marine Cooks & Stewards, and the Firemen's Union, the Pacific Coast Marine Firemen's Union was somewhat in the same status.

Q. Now, were you President of your own union at that time, the ILA?

A. No, I was President of the Pacific Coast District of the ILA.

Q. Pacific Coast District of the ILA?

A. That's right.

Q. Did you hold any position in your union?

(Testimony of Harry Renton Bridges.)

A. My Local Union?

Q. Your Local Union?

A. No. I don't think I did at that time.

Q. And weren't you also an international officer of the A. F. of L.? A. No.

Q. Huh?

A. I was the Vice-President of the State A. F. of L. [6012]

Q. Vice-President of the State A. F. of L. Now, this Pacific Coast District, who elected you to that office?

A. The Pacific District membership by Australian ballot.

Q. What was Joe Ryan's position at that time?

A. International President of the ILA.

Q. And were you not the international representative on the West Coast at that time??

A. Of the ILA?

Q. Of the ILA. A. Oh, yes.

Q. Was that an appointive job or an elective job?

A. In so far as being on the payroll was concerned of the International, an appointive position; in so far as——

Q. (Interposing) Now, in that connection who paid your salary?

A. The International Union, Joe Ryan.

Q. How much were you getting?

A. What's that?

Q. What was your salary?

A. $75.00 a week.

(Testimony of Harry Renton Bridges.)

Q. Now, in addition to that you occupied what positions? A. You mean in the ILA?

Q. Yes. A. Or any other position? [6013]

Q. Any other positions?

A. Well, for a period, as I have said, I was a Vice-President of the State A. F. of L. of California.

Q. Did that carry a salary? A. What?

Q. Did that carry a salary?

A. Oh, no. I was the President of the San Francisco Bay Area District Council of the Maritime Federation.

Q. Did that carry a salary?

A. No. No other position carried a salary except my one position as President of the District.

Q. Well now, what was your salary as President of the District? A. What is that?

Q. What was your salary as President of the District?

A. $75.00 a week. But the way it was handled was this:——

Q. (Interposing) Well now, so that all together you were receiving $150.00 a week?

A. No, I was not.

Q. Why?

A. I was on the International payroll at $75.00 a week by virtue of my position as the District President.

Q. Did you have any other salary other than that? A. No other salary whatsoever. [6014]

Q. And what were your duties as International District Officer?

(Testimony of Harry Renton Bridges.)

A. My duties were prescribed first of all by the constitution of the District and, secondly, they were also prescribed to some degree by the International President himself.

Q. And that was Joe Ryan?

A. Joe Ryan.

Q. Now, your Local—that is, your Local ILA, No.—what was that number? What was the number of your Local?

A. 38-79, the Local I belonged to.

Q. Did it go on strike?

A. All the Locals went on strike.

Q. All the Locals went on strike. Now, did any A. F. of L. Unions on the East Coast go on strike at the same time? A. Yes.

Q. Who?

A. The Masters, Mates & Pilots Organization.

Q. When did they go on strike?

A. I think at the same time, October 28. I might be incorrect as to that, but I think that's correct.

Q. Any other union? Was the Masters, Mates & Pilots, was that a sympathetic strike or was it a strike of its own?

A. No, the Masters, Mates & Pilots struck on the West Coast and they struck on certain ships on the East Coast. I am [6015] not sure whether they struck all ships, but they struck some ships as a National Organization, and certain of the seafaring unions.

(Testimony of Harry Renton Bridges.)

Q. Under the A. F. of L.?

A. Yes. The Marine Firemen on the East Coast were A. F. of L. at that time.

Q. Did they strike?

A. They struck. Their strike was later declared illegal, but the strike was voted by the membership.

Q. Did they actually cease work? A. Yes.

Q. Did they go back to work when the strike was declared illegal? A. No. Some of them did.

Q. Any other A. F. of L. Union on the East Coast?

Presiding Inspector: On the East Coast?

Mr. Del Guercio: Yes.

A. I don't think so. I don't—not A. F. of L. Union.

By Mr. Del Guercio:

Q. So that on October 29th the only A. F. of L. Unions that went on strike were the Masters, Mates & Pilots and the Marine Firemen's Union?

A. On the East Coast?

Q. Yes, on the East Coast?

A. Well, of course you will have to understand the [6016] position of the Marine Firemen and the Marine Cooks & Stewards on the East Coast. They were still affiliated with the A. F. of L. They were later suspended because of this strike action from the A. F. of L., or the fight was going on at that time, and the International Officers of those unions declared them suspended for some technical or

(Testimony of Harry Renton Bridges.)

through some technical methods or other. So, really, you could say that all the East Coast seamen's Unions were in the A. F. of L. at that time. They had not been expelled or suspended.

Q. Did you take up as International Officer the question of your going back East in December, 1936 with either the local unions here on the Pacific Coast or with Joe Ryan? A. Yes.

Q. All right. Now, let us take your local unions first. With what unions did you take it up?

A. All of them.

Q. All. In what manner?

A. They were notified as to exactly what our plans were.

Q. Not what "our" plans were. I am talking about "your" plans, what your plans were. Did you take that up?

A. Just a moment! What do you mean by "my" plans?

Q. What do you mean by "our" plans? Who else was in it? [6017]

A. I mean the plans of the ILA Strike Committee.

Q. Was there an ILA Strike Committee?

A. Oh, yes. A Coast Strike Committee.

Q. Were you connected with it?

A. I was Chairman of it.

Q. All right. Now, what action was taken?

A. There was arrangements made to call upon Joe Ryan to live up to a promise he had made to support us at a conference held in New York in

(Testimony of Harry Renton Bridges.)

September, 1936. That was attended by Matt Meehan and myself. And at that conference the International pledged us full support, if we had to strike for the demands as we outlined them at that time. When the question came to get that support the support was not forthcoming and eventually we set a deadline on the West Coast to give Joe Ryan and the East Coast International Offisers —we set a deadline as to when they would make good on the support that had been officially passed upon and promised. I think that deadline was December 20th, and if the support was not forth coming by that time we were to urge the East Coast longshoremen to strike in our support in defiance of Joe Ryan and, in return for striking in our support, we would promise the East Coast longshoremen that we would not return to work on the West Coast until they had reached a settlement of any demands or any grievances they had on the East Coast. And at the time I left to go East, a couple of days [6018] before, we notified all unions by letter as to these plans asking——

Q. (Interposing) Whom do you mean by "we", "We notified all Locals"?

A. I notified them on behalf of the Longshore Coast Committee.

Q. All right. Now, in what manner did you notify them?

A. I notified them by letter and they were asked to——

(Testimony of Harry Renton Bridges.)

Q. (Interposing): Just a minute, please. You notified them by letter? A. Yes.

Q. You signed the letter? A. Yes.

Q. And what did you say in the letter?

A. It's in evidence here.

Q. Is that the letter you refer to.

A. The letter of December 10th.

Q. I have here Alien's Exhibits 37, 34 and 32. Will you tell me which letter you have in mind?

A. This is it.

Presiding Inspector: Which does he refer to?

Mr. Del Guercio: Sir? Referring to Alien's Exhibit 37.

By Mr. Del Guercio:

Q. That is correct? [6019]

A. That's right.

Q. Now, as I understand your testimony, it is that you sent letters to all Locals that you were going to take a trip to the East Coast for the purpose of pulling out the longshoremen there, is that correct? A. Right, under certain conditions.

Q. Now, was anyone to go with you?

A. I don't remember at that time. Nobody did, except Meriwether and Charlot. They went back in connection with the activities——

Q. (Interposing) Were they part of your delegation? A. Oh, yes.

Q. Of your delegation?

A. We all went back for the same reason, but they did not go back specifically to speak to the longshoremen. They went back in conjunction

(Testimony of Harry Renton Bridges.)

with their own organizations and difficulties with their organizations along the same line. In other words, their national organizations were withdrawing support and that's why they went back, the same reason as I was, practically.

Q. Did you ask them to go along with you?

A. No. I think that the—I didn't ask them. I think that was action of the Joint Committee. I am not sure. I think it was.

Q. Now, did you tell your Local Unions in this letter [6020] anything about going back there to speak at Boston, Philadelphia?

A. I don't know. I didn't read the letter.

Q. I thought you read it? A. No.

Q. Is there anything in this letter wherein you advised your Locals that you were going back to speak at Madison Square Garden, Boston, Philadelphia or elsewhere?

A. I think so. "To dispatch an ILA delegation to the East Coast which will attempt to cover the ports of New York, Boston, Baltimore and Philadelphia".

Q. What delegation was that?

A. Well, in this case I was the delegation.

Q. Huh? A. From the ILA.

Q. It was a one-man delegation, is that it, and you were it?

A. Maybe they figured that was enough.

Q. Who was to pay your expenses?

A. Well, I explained how that happened. So

(Testimony of Harry Renton Bridges.)

long as the East Coast offered to pay my expenses our West Coast Committee, being somewhat thrifty, I guess, said "O.K. with us".

Q. Did you tell your Local that the East Coast had offered to pay your expenses?

A. Oh, yes. They knew all about it.

Q. When? When did you tell them that?

[6020A]

A. Well, I am sure that they knew before I left. My own Strike Committee knew it.

Q. Who on your Strike Committee knew it?

A. And I reported that they had paid my expenses after I returned because I remember making the report the way——

Q. (Interposing) I am speaking of the time before you left. A. Yes.

Q. Who on the Strike Committee knew that the East Coast was to pay your expenses?

A. The entire Committee.

Q. Give me some of their names, the persons that knew. A. Our ILA Strike Committee?

Q. Yes. Is that the Committee you refer to?

A. I am referring to both the ILA Committee and the Joint Committee.

Q. Well, who knew? Do you understand my question?

A. Yes. I understand very well and you are getting an answer.

Q. Yes. Who knew on either Committee before your leaving for New York that your expenses were to be paid by the East Coast?

(Testimony of Harry Renton Bridges.)

A. All of them. [6021]

Q. Huh? A. All of them.

Q. Will you give me the names of some of them that knew?

A. Instead of me trying to remember the names, let me submit you an official list tomorrow or some other time of the members of the Committee.

Q. You don't know at this time?

A. Yes. I know a lot of them.

Q. Give me the names of those that you do know.

A. I will give you the names first of the ILA Strike Committee or the ILA Executive Committee. There was myself, Chairman; Matt Meehan, Secretary; Con Negsted was——

Q. (Interposing). Let's go to Matt Meehan. Did Matt Meehan know that your expenses were to be paid by the East Coast prior to your departure? A. Yes.

Mr. Del Guercio: All right.

Presiding Inspector: He said that everyone.

The Witness: Con Negsted was another member of the Committee. F. Ward was another member. A. Larson was another member. That's all I can think of with certainty, for this reason: That the Committee changed.

By Mr. Del Guercio: [6022]

Q. Without regard to your reason——

A. (Interposing) I might get somebody on

(Testimony of Harry Renton Bridges.)

there that wasn't on there at that time, but I can submit you an official list of the members of that Committee.

Q. What was the other Committee?

A. The other Committee was the Joint Coast Committee. There was three or four Committees. If you want the names of the Joint Coast Strike Committee——

Q. (Interposing) How many were there on the Joint Committee?

A. Oh, there were four or five from each Union; about 40 or 50 all told.

Q. Now, isn't it a fact that the purpose of your going to the East Coast at that time was to confer with Joe Ryan?

A. Part of it, yes; very definitely.

Q. Well now, that was the primary purpose, was it not? A. Oh, no.

Q. Huh?

A. No. The letter shows you otherwise, and the minutes will show you otherwise. One of the things that I was supposed to do, and it was done, was to call upon Joe Ryan and demand that he give us the support that he had promised us, and after waiting around in New York for two or three days I [6023] managed to crash past Joe Ryan and his gangsters and talk to him.

Q. Now, was Joe Curran at that time connected with any union affiliated with the American Federation of Labor?

(Testimony of Harry Renton Bridges.)

A. The position of the entire East Coast seamen was that they were still affiliated and been illegally suspended.

Q. Then Joe Curran was not, as I understand your testimony, affiliated with any A. F. of L. Union?

A. Well, it all depends on how you look at it.

Q. Well, was he or wasn't he?

A. Yes; in my opinion, definitely.

Q. And in the opinion of the International Officers?

A. Oh, no. Definitely the other way.

Q. Whom did Joe Curran represent at that time?

A. East Coast Seamen's Strike Committee.

Q. And whom did the East Coast Strike Committee represent at that time?

A. The East Coast Seamen on strike, and a lot of them that weren't, I guess.

Q. They were the rank and file seamen, weren't they? A. That's right.

Q. And they were not connected with any A. F. of L. Union, were they?

A. They were all members of the ISU.

Q. Was that an A. F. of L. Union? [6024]

A. International Seamen's Union of America, affiliated with the American Federation of Labor.

Q. And you say that they had been outlawed because of their——

A. (Interposing) I think that Curran's testimony on that point is better than mine. He

(Testimony of Harry Renton Bridges.)

officially participated. The membership voted to strike and the officials walked out of the meeting then and the membership carried on.

Q. The officials did not want them to go out on strike? A. That is correct.

Q. And they went out notwithstanding?

A. That's right.

Q. And they didn't go out then as an A. F. of L. Union but rank and file?

A. Oh, no. Because the officials didn't want the strike doesn't say that they didn't go out as an A. F. of L. Union.

Presiding Inspector: We have got the fact. The conclusions we can draw. [6025]

By Mr. Del Guercio:

Q. Now, when you returned from the east coast did you make a report to anyone?

A. Yes; I made—sure, I made a report, I think, to all the ports on the coast; all the big ports, and I made it to a mass meeting in San Francisco. I made quite a few reports on that. And, of course, I made it to the Joint Strike Committee, and my own Strike Committee.

(Whereupon Mr. Del Guercio showed Mr. Gladstein a book of convention proceedings.)

By Mr. Del Guercio:

Q. I have here the proceedings of the Thirtieth Annual Convention of the Pacific Coast District No. 38, International Longshoremen's Association——

Mr. Gladstein: (Interposing) '37.

(Testimony of Harry Renton Bridges.)

Mr. Del Guercio: '38.

Mr. Grossman: He is speaking of District No. 38.

Mr. Del Guercio: Pacific Coast District No. 38.

Mr. Gladstein: I thought you said 1938 proceedings.

By Mr. Del Guercio:

Q. (Continuing) ——of May 3 to 22, 1937, covering that period. Mr. Bridges, have you ever seen that before?

A. (Examining proceedings) Yes. This looks like a copy of our official convention minutes of the convention that was supposed—I forget—I think it is the 28th [6026] or 29th Annual Convention of the District.

Q. Now, reading from page 120 of these proceedings:

"At this time also the District Executive Board decided to send me to the east coast to survey the situation and see what could be done to get support of the Atlantic ILA and in conjunction with the publicity program in an attempt to exert added pressure on the shipowners to break down their refusal to arrive at a settlement."

Did you make such a statement?

A. That is my statement.

Q. That is your statement?

A. In the official minutes.

Q. (Continuing):

"Attempts to get some action and support of the East Coast Longshoremen to the East Coast rank

and file seamen on strike although having some little results were mainly fruitless."

A. Right.

Q. (Continuing):

"However, the East Coast seamen despite the greatest odds and obstacles were making a valiant although losing fight and the West Coast ILA and Maritime Unions owed them a never to be forgotten debt for their fight and support on our behalf."

Did you make that statement? [6027]

A. Not only at the convention, but I made a similar report when I returned from the east.

Q. (Continuing):

"I proceeded to New York, attended a mass meeting of seamen, also attended meetings of longshoremen and seamen in Boston, Philadelphia and Baltimore." A. Yes.

Q. (Continuing):

"It was apparent, however, to myself on arrival on the east coast that the possibility of any broad action from the longshoremen was nil. We were able to institute some action in the ports of New York, Baltimore and Philadelphia, such as having some longshore locals refuse ot work ships. It was at this time that I met with J. P. Ryan and the Atlantic District Executive Board and was informed I was no longer a member of the International Executive Council or on the payroll of the International."

Is that correct. A. Correct.

Q. (Continuing):

(Testimony of Harry Renton Bridges.)

"After staying four days on the east coast, I returned to the west coast. However, one thing happened while east that was noticeable, and that was the publicity to the effect that the West Coast Strike was almost over.

"The question came up this morning about carrying out [6028] the orders of the District Executive Board. Those were concurred in by all locals, I understand. When we discussed it on the Executive Board, we had certain information that we didn't know how authentic it was—that possibly we could get the support of the east coast longshoremen. The seamen requested me to go back and attend a mass meeting, paid the expenses—the District didn't pay them.

"In regard to carrying out orders. The orders were carried out, but just a bit too good for Mr. Ryan. When I got to New York I found he was not in but was in Albany and I was not going to hang around and wait for him and waste a day. I went to Philadelphia that night and attended a mass meeting. I went to Boston, and then to Baltimore, where they tied up ships the next morning."

Is that correct? A. Substantially; yes.

Q. What orders were you talking about there in that paragraph?

A. I think you would have to read what I referred to during the rendering of the report. Somebody raised a question of what I was doing back there, and he raised the question in defense of Joe Ryan. He happened to be, I believe, one of the

(Testimony of Harry Renton Bridges.)

people that was a recognized supporter and an adherent of Joe Ryan and actually left our union when it went CIO, and he was bringing up the fact that when I had gone back [6029] east I had not carried out the orders of the Executive Committee.

Q. What were the orders of the executive Committee with respect to your going back east?

A. The letter of December 10th, in evidence.

Q. Were they orders, or was that your letter?

A. That was an official letter of the Executive Committee. And just what I say is true—The orders were carried out so well that I got fired.

Q. And you are referring to Alien's Exhibit No. 37?

A. Yes; orders of the Executive Committee.

Q. That was signed by yourself, was it not?

A. As Chairman of the Board.

Q. Pacific Coast District Executive Committee?

A. Yes.

Q. Is there any mention in this letter about arrangements having been made for you to speak at Philadelphia, Boston, New York, or elsewhere?

A. What I think you was referring to here. I have got evidence that we did. I have got evidence, I have a telegram wiring back east before I left, to make arrangements to speak.

Q. Is there anything in this exhibit, Alien's Exhibit 37, to the effect that arrangements had been made for you to speak at New York, Philadelphia, Baltimore or Boston? [6030] A. Yes.

Q. Where? A. In the first paragraph.

(Testimony of Harry Renton Bridges.)

Q. Will you read the first paragraph?

A. (Reading) "(1) To dispatch an ILA delegation to the east coast which will attempt to cover the ports of New York, Boston, Baltimore and Philadelphia, and appeal to the longshoremen there, members of the ILA, to immediately refrain from performing any further work on inter-coastal ships operated by companies that the ILA, Pacific Coast District, is at present striking against."

Q. That is the only thing in that letter with reference to arrangements having been made for you to speak?

A. That is certainly enough, as far as I can see it, taken into consideration with what actually was done. I wasn't going to go back in the dark, with the short space of time we had. Those arrangements were made before that letter was ever written.

Q. Now, as a matter of fact, you had made those arrangements with Joe Curran, isn't that right?

A. Yes. I had made the arrangements partly through Joe Curran, partly through Rathbone, partly by direct contact with Foster.

Q. Did you make any such arrangements with Joe Ryan? A. To meet—— [6031]

Q. Did Joe Ryan know you were going back east at those places? A. Oh, yes.

Q. When did you notify Joe Ryan?

A. We notified Joe Ryan by——

Q. (Interposing) Do you mean by letter?

(Testimony of Harry Renton Bridges.)

A. I did, as Chairman of the Board.

Q. When did you notify Joe Ryan?

A. At the end of November.

Q. The end of November?

A. I think; yes.

Q. Well, now, had arrangements been made for you to go to the East Coast to speak at the end of November?

A. I can tell you everything that happened if you want me to.

Q. Do you have a copy of that letter that you sent to Joe Ryan?

A. I am referring to a letter—yes, I have got a copy of it.

Q. Where is it?

A. It is a letter dated November 29th.

Q. Do you have it here?

A. They (indicating counsel) should have it there.

Mr. Del Guercio: Will counsel mind getting the letter?

Mr. Gladstein: He says it is in evidence—are you [6032] referring to a letter in evidence?

The Witness: The letter of November 29 or thereabouts.

By Mr. Del Guercio:

Q. Is it in evidence, or has your counsel got it?

A. I am not sure—I don't remember. It might be, but I don't think so.

Q. What did you say in this letter to Joe Ryan about going back east to speak?

(Testimony of Harry Renton Bridges.)

A. The letter was addressed to Joe Ryan, pointing out that he was strike-breaking—we called him as much—and that we demanded that he live up to the promises that he had made us for our support.

Q. Was there anything in that letter about you going to the east coast to speak?

A. I am just trying to remember.

Q. That is the only question.

Presiding Inspector: I suppose the letter would be the best evidence.

A. (Continuing): I am not quite sure. That is why I wanted to look at the letter. I think it is all connected up.

By Mr. Del Guercio:

Q. Try and look for it. First, you say you might have the letter here?

A. My going back east——.

Mr. Gladstein: We are looking for the letter.

[6033]

The Witness: My going back east was a follow-up of the letter. I am not sure whether it says specifically in the letter that I am going to go back east; but all these letters that were written, copies of them always went to Joe Ryan, and were published in the papers, published in our Organ—and all the rest of it. Joe knew I was coming back. He had a couple of people there to meet me.

(Whereupon Mr. Gladstein passed a letter to the witness.)

The Witness: There is nothing in this particular letter (indicating) that specifically indicates that.

(Testimony of Harry Renton Bridges.)

By Mr. Del Guercio:

Q. What you are referring to now is a letter handed to you by your counsel?

A. Yes—a letter dated November 29, one of our official letters.

Q. And there is nothing in that letter referring to your going back east?

A. Nothing in there that indicates or specifically says that I will——

Q. (Interposing): Nothing that indicates that you will be going back east?

A. It only indirectly indicates that.

(Whereupon Mr. Gladstein passed another letter to the witness.)

The Witness: The same with this letter (indicating). [6034] This is a letter dated November 28th. It doesn't specifically refer to a delegation going back but indirectly.

By Mr. Del Guercio:

Q. Then, as I understand you, you have nothing to show that you notified Joe Ryan that you were going back east to speak?

A. No, not specifically in these letters. It is possible there is some communication. I would have to look and see.

Q. Will you make a search for such a communication?

Mr. Gladstein: We shall.

By Mr. Del Guercio:

Q. And let me know tomorrow about it?

(Testimony of Harry Renton Bridges.)

A. That is a letter, or a wire, or something showing Joe Ryan that I was bound back east?

Q. Anything.

A. Yes. I can make a search for one. I am pretty sure I will find one.

Q. Now, when had you definitely decided to go back east to speak at those places?

A. When?

Q. Yes. A. December 9th.

Q. Before this letter of December 10th had been written? A. Yes. [6035]

Q. Alien's Exhibit 37?

A. Yes. I couldn't go back—we were still making arrangements for meetings. We had a meeting going on here December 8th, and we couldn't set a definite time.

Q. Were you a free agent at that time—could you determine your own trips? A. Oh, no.

Q. Huh? A. No, sir.

Q. You had to get authority, didn't you?

A. And how!

Q. And so you couldn't have gone back east without getting authority from someone?

A. Right.

Q. Who did you have to get the authority from?

A. My executive committee.

Q. You didn't have any authority to go back east to speak, did you, on December 9, 1936?

A. I had it before that; yes, had it before that.

Q. Do you have any evidence of that, other than

(Testimony of Harry Renton Bridges.)

this letter of December 10, 1936, signed by yourself?

A. Yes. I think you will—we have got the evidence in the minutes of the Executive Committee, and certainly it is indicated in the letter of November 29 as part of the major program. [6036]

Q. Did you tell anyone that you had arranged with Joe Ryan to speak——

A. (Interposing) I am sure we did.

Q. (Continuing): ——prior to your going out there to speak at Madison Square Garden, and Philadelphia, and Boston, and Baltimore?

A. Yes. Our Committee certainly knew it, and I know that when I was up north it was known, and my attorneys have got a set of teletypes and telegrams that indicate it.

Q. Now, you didn't meet Joe Ryan, did you, in New York upon your arrival there?

A. No. He was in Albany attending a session of the Legislature.

Q. How did you know that?

A. Well, I was first informed, I believe, by the press.

Q. When? A. When I hit there.

Q. What did they say about it? Did you ask the press there as to where Ryan was?

A. The press—of course, every time I hit New York at that time they wanted to know what I was going to do to Joe Ryan, or what Joe Ryan was going to do to me. There seemed to be quite a lot of interest in it.

(Testimony of Harry Renton Bridges.)

Q. Where was this? Immediately upon your alighting from the airplane? [6037]

A. That is generally where they get down to see me at New York.

Q. Where? A. At the air field.

Q. And what did they say? A. Well,——

Q. (Interposing): Did they ask you why you were coming to New York?

A. They apparently knew.

Q. Huh?

A. You see, what you have got to understand——

Q. (Interposing) Wait now! You are getting off the airplane and the press is interviewing you. What did they say to you?

A. They asked me how far I thought I would get in the program that I had come to New York and the east coast to put over, the program that had been published in the press.

Q. Now, did they say anything about your speaking there? A. Yes.

Q. At Madison Square Garden?

A. Well, I don't know about that.

Q. Huh? A. I don't recall that.

Q. Did they say anything about your going down to Philadelphia to speak? [6038]

A. I don't recall that.

Q. Did they say anything about your going to Baltimore to speak?

A. I don't remember. I don't remember if we——

(Testimony of Harry Renton Bridges.)

Q. (Interposing): Did they say anything about your going to Boston to speak?

A. I don't remember.

Q. Then you weren't interviewed concerning the speeches that you were to make at any of those places, were you, by the press?

A. I don't recall specifically. I was interviewed on the general nature of my trip back east.

Q. And did you tell them that you were going to speak at any of these places? Did you tell the press?

A. I don't recall what I told them.

Q. You know you didn't?

A. No. Here's what happened, if I remember. I was to go back there and I was to arrange a meeting with Ryan. Communications and wires and telephone calls had availed us nothing, and I was to see Ryan and finally say "Now, what's the score here? Do you back up what you promised us or don't you?" And if he refused we were going to try and contact the longshoremen in as large a number as possible everywhere we could, especially the ports that we had discussed.

Q. Now you are using "we" again. Who is your "we"? [6039]

A. Well, I mean "I" was in this case.

Q. There wasn't anybody else, was there?

A. No, not in this connection there wasn't. It was just myself.

Q. Joe Curran included?

(Testimony of Harry Renton Bridges.)

A. Well, of course Joe was with me on these trips.

Q. Tommy Raye included? A. No.

Q. Roy Hudson included?

A. No. I was representing the West Coast longshoremen and I was able to do it without any help.

Q. Now, isn't it a fact that Roy Hudson had a lot to do with the rank and file seamen that were on strike at that time?

A. I don't know.

Q. Huh? A. Not to my knowledge.

Q. Didn't Joe Curran ever tell you anything about that? A. No, never.

Q. And wasn't that one of the things that you discussed with Roy Hudson when he came to your office there early in '36? A. No.

Q. Huh? A. Not that I remember.

Q. Didn't he talk to you about the situation in the [6040] east coast?

A. Oh, yes.

Q. And the support you might receive out there?

A. Yes.

Q. If the west coast struck?

A. He talked, I believe, about the entire situation.

Q. And didn't he tell you what influence he had on the east coast? A. He might have.

Q. Didn't you meet Roy Hudson there upon your arrival in New York?

A. In New York?

(Testimony of Harry Renton Bridges.)

Q. Yes. A. No.

Q. Was he in New York at the time?

A. I don't know.

Q. Now, when did you see Joe Ryan?

A. When?

Q. Yes, on that trip.

A. Oh, I don't remember. I don't remember whether it was—I know it was before the Madison Square Garden meeting. Whether it was the same day in the morning or the day before, I'm not—I can't recall.

Q. That was how many days after your arrival in New York? [6041]

A. Well, I didn't see him the day I arrived. I doubt if I saw him the second day. It was either the second or third day after I arrived.

Q. And where did you see him?

A. When?

Q. Where? A. Right in his office.

Q. Was anybody with you?

A. He wouldn't talk to me. I didn't see Ryan. He wouldn't talk to me. He sat in the next office and sent one of his gangsters in to talk to me.

Q. Anybody with you? A. No, I was alone.

Q. And you went to see Joe Ryan in his office alone? A. That's right.

Q. And what did Joe Ryan tell you?

A. He wouldn't talk to me. He sent in a fellow named Owens to talk to me.

Q. What did Owens tell you?

(Testimony of Harry Renton Bridges.)

A. He would come in and tell me what Joe Ryan thought of me and I told him what I thought of Joe Ryan, and that's the way the things went on, and in the meantime the goon squad went around making dirty cracks at me, threatening to throw me out.

Q. Did they, literally? [6042]

A. Just about.

Q. Well, did they? A. Just about.

Q. Did they use force to throw you out?

A. Well, I would call it "force."

Q. They put their hands on you? A. Yes.

Q. And they threw you out? A. Yes.

Q. Now, Joe Ryan fired you, didn't he?

A. Oh, yes. That was done before I was thrown out.

Q. When was it done?

A. Before I was thrown out.

Q. Who told you that you were fired?

A. The ambassador that was passing backwards and forwards.

Q. Did he tell you why?

A. Did he tell me what?

Q. Did he tell you why? A. Sure.

Q. Why?

A. I was going against Joe Ryan.

Q. Did he tell you that it was because you hadn't obeyed orders?

A. I wasn't under Ryan's orders. [6043]

Q. Under whose orders were you?

A. Under west coast orders.

(Testimony of Harry Renton Bridges.)

Q. Weren't you also under Joe Ryan's orders?

A. No. I would have kept my job if I had done that.

Q. You were required to do that?

A. No, no. I was required to take orders from the west coast and the people who elected me.

Q. And as an International officer you weren't required to take any orders from Joe Ryan?

A. Not in conflict with my orders from the membership on the west coast.

Q. And what orders were in conflict with orders from the west coast?

A. Joe Ryan's orders.

Q. What were his orders?

A. Break the strike. Break the strike. That was his orders.

Q. Now, the west coast had ordered you to go to see Joe Ryan, hadn't they?

A. Right.

Q. Huh? A. Yes.

Q. Had they ordered you in so many words to make a speech in the Madison Square Garden?

A. No. I don't think they did in so many words. [6044]

Q. Had they ordered you to make a speech in Philadelphia? A. Yes.

Q. Huh? A. They knew I was going there.

Q. I didn't ask you if they knew that you were going there. I asked you if they had given you orders to go back east to speak at Philadelphia.

A. They gave me orders to get all the support I

(Testimony of Harry Renton Bridges.)

could get in any way I could get it, and I carried out orders.

Q. But not to speak, did they?

A. Any way. That included speaking. They trusted my judgment some, and that included speaking or doing anything else that was legal.

Q. And is that—did they give you orders to go to the Communist Party headquarters in New York?

A. Not necessarily. Not that I remember. Completely unnecessary.

Q. Now, did you go to the Communist Party headquarters while you were in New York?

A. Never been to them in my life in New York. Don't even know where they are at.

Q. At any time? A. At any time.

Presiding Inspector: Can you finish this subject? [6045]

Mr. Del Guercio: No.

Presiding Inspector: Then we will recess until tomorrow morning at ten o'clock.

(Whereupon, at 4:15 o'clock p. m. an adjournment was taken until Tuesday, June 3, 1941, at 10:00 o'clock a. m.) [6046]

Court Room 276,
Federal Building,
San Francisco, California.
June 3, 1941.

Met, pursuant to adjournment, at 10:00 A. M.

[6047]

PROCEEDINGS

Presiding Inspector: You may proceed, Mr. Del Guercio.

Mr. Del Guercio: Thank you.

HARRY RENTON BRIDGES

called as a witness in his own behalf, having been previously duly sworn, testified further as follows:

Cross Examination (Resumed)

By Mr. Del Guercio:

Q. Now, to go back to this trip of yours to the east coast in December, 1936. As I understand it, you had been ordered to go there to try and get the east coast longshoremen to declare a strike, is that right?

A. Providing Ryan wouldn't go through with the promise he had given us.

Q. That was your purpose in going to the east coast, to try and get the longshoremen to go out on strike?

A. Yes—and some of them went out.

Q. Now, under whose auspices were the meetings at Philadelphia, Boston, Baltimore, and the mass meeting in New York?

(Testimony of Harry Renton Bridges.)

A. Under the auspices of the seamen in some cases, longshoremen in others. I think the meeting in Boston was under the auspices and arranged for by the longshoremen of Boston.

Q. The meeting at Boston—— [6048]

Presiding Inspector: Just a moment. I would like to speak to you a moment.

(Whereupon the Presiding Inspector conferred with Mr. Del Guercio.)

Presiding Inspector: We will take a brief recess.

(Whereupon a short recess was taken.)

Mr. Del Guercio: Will you read the last question and answer, please?

(The question and answer referred to were read by the reporter as above recorded.)

By Mr. Del Guercio:

Q. Well, what longshoremen union arranged for a meeting with the seamen, the mass meeting of the seamen at Boston?

A. I never said that. The meeting in Boston was arranged by the ILA.

Q. By what ILA?

A. The ILA; the union.

Presiding Inspector: The local union?

The Witness: Yes, the Boston Local of the ILA; the officials up there. I think the President of the Local arranged it.

(Testimony of Harry Renton Bridges.)

By Mr. Del Guercio:

Q. That ILA was, of course, an AF of L affiliate at that time?

A. Affiliate of our own International. [6049]

Q. And who with that ILA joined with the seamen to hold this mass meeting at Boston?

A. Marty Flaherty, the only one I remember. There were others.

Q. Was there any joint mass meeting with the joint longshoremen and seamen at any of the other places, at New York, Baltimore and Philadelphia.

A. The meeting at Philadelphia was longshoremen and seamen; mainly longshoremen.

Q. Did the local ILA there join with the seamen to hold that mass meeting? A. Yes.

Q. And who in Philadelphia with the longshoremen did that?

A. I don't remember the names of the local men.

Q. Now, as a matter of fact, all of those meetings at which you spoke were held solely under the auspices of the rank and file seamen headed by Joe Curran?

A. That is not so. I have got the records to show otherwise.

Q. Now, on this trip to the east coast did you make any contacts with east coast unions of the longshoremen? Did you yourself go on the floor of any longshoremen union on the east coast at either Boston, Philadelphia, New York or Baltimore?

A. Not at that time. Do you know how impos-

(Testimony of Harry Renton Bridges.)

sible it [6050] is to get a meeting of longshoremen on the east coast?

Presiding Inspector: No. Did you?

By Mr. Del Guercio:

Q. I am speaking of this time that you went to the east coast to get the longshoremen on strike. Did you appear in any of those four days on the floor of any longshoremen east coast union?

A. And I am saying No, because such a thing would be a practical impossibility. There were no meetings of those unions. Some of the men I spoke to hadn't been in a union meeting for twenty years.

Q. Did you make any attempt before you left the west coast to contact any longshoremen union on the east coast?

A. I arranged the Boston meeting. I arranged the Boston meeting the early part of December.

[6051]

Q. Did you have any communication with any longshoremen union regarding the Boston meeting?

A. Yes.

Q. Where are those communications?

A. My attorneys have some of them.

Mr. Gladstein: Do you want them?

Mr. Del Guercio: Yes.

(The communications referred to were passed to Mr. Del Guercio.)

By Mr. Del Guercio:

Q. Did you have any communication with any

(Testimony of Harry Renton Bridges.)

longshoremen union in Philadelphia regarding your speaking there?

A. No. We wired Curran to arrange that.

Q. Now, you knew that Curran wasn't connected with any longshoremen union, didn't you?

A. I knew he had more connections than many of the so-called longshore leaders.

Q. Did you also wire to Roy Hudson to make the same connections?

A. Not necessarily. I wired to Curran

Q. Well, did you wire to Roy Hudson?

A. No.

Q. Huh? A. No. [6052]

Q. Did you wire to Tommy Raye?

A. No.

Q. Did you wire to anybody in the Communist Party? A. Not at all.

Q. To make arrangements?

A. We have got the wires to who I wired to.

Q. Do you have the wires to the Communist Party?

A. I wired and telephoned to the official people back there that we were working with.

Q. Now, this Flaherty that you speak of in Boston, he's a member of the Communist Party isn't he? A. He is not.

Q. Huh? A. He is not.

Q. Is he still with the A. F. of L?

A. He is still, I think, the president of the Longshore Council out there, or of the Longshore Union.

(Testimony of Harry Renton Bridges.)

I don't know what his official office is now, but he was at that time.

Q. Now, your counsel here has handed to me two telegrams here received from——

Mr. Gladstein: (Interposing) There are three of them.

By Mr Del Guercio:

Q. (Continuing): Thomas. Who is Thomas?

A. I know a half a dozen. Which one do you want?

Q. J. E. Thomas.

A. I think he was the Chairman of the Sailors' Strike [6053] Committee in Boston at that time.

Q. He wasn't connected with any longshoremen union, was he? A. Yes, I think so.

Q. Huh?

A. I think so. I think in a time like that everybody is connected with the unions on strike.

Q. Did he belong to any longshoremen union, J. E. Thomas?

A. He might have. I don't know. I don't think so.

Q. Well, you weren't communicating with him as an official of any longshoremen union, were you?

A. No, not necessarily.

Q. He wasn't communicating with you as an official of any longshoremen union?

A. He was communicating with me in conjunction with Flaherty.

Q. He was communicating with you as Chairman of the Strike Committee on the East Coast?

(Testimony of Harry Renton Bridges.)

A. Of the Sailors' Strike Committee.

Q. Not the Longshoremen Strike Committee?

A. In conjunction with the longshoremen.

Q. The longshoremen went on strike on the East Coast? [6054]

A. There were a few. After we got through there was.

Q. But not at the time you went East?

A. They had all taken a vote to strike, but they were not allowed to strike.

Q. Then they weren't on strike?

A. Well, it all depends. Up in Boston and up in Connecticut, a few other places around there, they were refusing to load West Coast ships. Now, maybe they weren't on strike. Technically, according to Ryan, the action was illegal. But they went in our support and they had refused to load the ships bound for the West Coast.

Q. And, as a matter of fact, you didn't carry out the orders of your locals here on this trip to the East Coast, did you?

A. Well, between what you say and what my convention said I'll go by the convention.

Q. And you know, and, as a matter of fact, you were just camouflaging that trip to the East Coast?

A. In what way?

Q. In every way. You were going out there on orders of the Communist Party, weren't you?

A. Not at all. It's all in the records how I went there, why I went there, and I reported back to my Executive Committee in the convention and my re-

(Testimony of Harry Renton Bridges.)

port was approved, except for the agents in the convention. [6055]

Q. Do you know how much money was collected at the Madison Square Garden meeting in December, 1936?

A. You mean in the collection itself?

Q. All. A. The whole thing?

Q. The collection and the tickets; the money received from the sale of admission tickets?

A. No. I think Curran's recollection is better than mine on that.

Q. Did you ever have any independent knowledge of how much was collected?

A. At no time.

Q. How much did Joe Curran tell you was collected?

A. He told everybody on the witness stand. I forget the figures now. I think he said about $3,500, he said. That is the paid admission and the collection. All that I remember was that the sum was announced before we left the meeting and it was published in the newspapers the next day.

Q. Is that the first time you had any knowledge as to how much was collected at the time Joe Curran testified here on the witness stand?

A. No. I heard the amount announced at the meeting. It was announced before the meeting was over.

Q. And who announced it?

A. I don't recall. It was either Lawrenson or McCuistion. [6056]

(Testimony of Harry Renton Bridges.)

Q. And did you receive any of that money?

A. I never received a nickel of the entire trip in cash.

Q. My question is, Did you receive any of that money that was collected at the Madison Square Garden meetings?

Presiding Inspector: Well, he said "No."

By Mr. Del Guercio:

Q. Either by sale of the tickets, admission tickets or by collection?

A. I never received a nickel of it.

Q. Now, you never received a nickel of it?

A. Not a nickel.

Q. Now, on July 3, 1937 at the convention of the Maritime Federation of the Pacific in Portland, Oregon——you remember that, don't you?

A. What date?

Q. On July 3, 1937? A. Yes.

Q. Did you state in substance with regard to your trip to New York in December, 1936 as follows. "I am going to speak for the records. During the last strike I drew not one nickel in salary or in expenses during the entire time of the strike, not one nickel of it. The funds of the District were audited by the auditing committee of the District Convention and they found those statements entirely correct. I [6057] made a trip back East and the entire trip was paid by the East Coast seamen because I was to attend the mass meeting of the seamen and speak in their behalf. They collected

(Testimony of Harry Renton Bridges.)

some $4,000 at the mass meeting. I assume some of the expenses, which was about $275.00 train fare, came out of that money."

Did you make such a statement at that time?

A. I believe I would make a statement along that line, yes.

Q. Then you did receive $275.00 from the money that was collected at that mass meeting?

A. No, I didn't.

Q. In New York? A. No, I didn't.

Q. Huh?

A. My ticket was paid for before I left the West Coast.

Q. Your ticket was paid for before. By whom?

A. I don't know the individuals, but we have got a telegram to show it.

Q. Could it have been paid for by Roy Hudson?

A. I don't think so.

Q. Could it have been paid for by Tom Raye?

A. No.

Q. You heard the testimony of Joe Curran here, didn't you? [6058] A. Yes.

Q. Did he say that money had been advanced to you from the East to pay for your transportation back East? A. No.

Q. And your testimony now is that it wasn't?

A. My testimony is that we wired East that I was coming and to arrange for the ticket in New York, and it was done before I ever left here.

Q. Well now, who gave you that $275.00?

A. I never got any $275.00.

(Testimony of Harry Renton Bridges.)

Q. Well, were you making a false statement when you gave that report before this Maritime Federation in Portland?

A. I think it is substantially correct.

Q. Well, where did that $275.00 come from?

A. That was the price of the ticket.

Q. And who gave it to you?

A. Who gave me the ticket?

Q. Yes.

A. Oh, the East Coast seamen.

Q. Who and when?

A. Before I left the West Coast.

Q. And how was it sent to you? Through the mails?

A. Well, you don't do it that way.

Q. What did they do?

A. I would go down and get aboard the plane and my [6059] transportation was arranged for.

Q. Tell me how you did that. You went down to what airport?

A. I went down to Mills Field, if I left from San Francisco, which I did.

Q. What did you do?

A. You just go down and get aboard the plane and you are off.

Q. Without any ticket?

A. Without any ticket at all. That is, if they trust you. They mightn't do it for everybody.

Q. Did they have a ticket there for you?

A. Yes. That was the way it was done.

Q. Who purchased it?

(Testimony of Harry Renton Bridges.)

A. The ticket was purchased in New York and they had word of it in San Francisco, and all you did was to board the plane, and that was before the meeting and before any collection was made. I have already told you that we sent a thousand dollars back East immediately after I returned to the West Coast. [6060]

By Mr. Del Guercio:

Q. Well, now, Curran's testimony that the seamen there on strike on the east coast were starving to death, didn't have a penny to spare, that was all untrue and false, is that correct?

A. No. It is perfectly true and correct. I saw that with my own eyes.

Q. You mean the seamen were starving to death and yet they had enough money to advance you $275 to pay for your round trip ticket?

A. They apparently did.

Q. They didn't need that money to feed the starving seamen on the east coast?

Mr. Gladstein: That is argumentative.

Presiding Inspector: Isn't that all argument?

Mr. Gladstein: Very much so; and I object to it.

Presiding Inspector: I think you have the facts.

Mr. Gladstein: I have shown Mr. Del Guercio three telegrams, none of which he has chosen to use, and I have now given him a fourth telegram.

Mr. Del Guercio: I am about to use this telegram now. I only use it if I wish, regardless of what counsel hands me, but I use this.

(Testimony of Harry Renton Bridges.)

By Mr. Del Guercio:

Q. Your counsel has given me what purports to be a copy [6061] of an RCA radiogram, dated December 10,—notice the date—December 10, 1936, addressed to Joseph Curran, Chairman, Strike Strategy Committee, 164 Eleventh Avenue, New York City, and signed by Mervyn Rathborne.

This wire reads:

"Harry will speak at mass meeting Madison Square Garden December fourteenth Stop."

You didn't speak at Madison Square Garden on December 14, did you?

A. No. I think it was two days later.

Q. (Continuing):

"Request you make immediate arrangements for round trip airplane ticket with United Air Lines and notify by telegraph Stop."

A. Right.

Q. (Continuing):

"In addition to public mass meeting also arrange mass meetings of longshoremen in Boston and New York Stop."

So that Mervyn Rathborne then was arranging for the mass meetings in Boston and in New York, and not the seamen on the east coast?

A. Do you want me to answer that?

Q. Can you answer it?

A. Sure I can.

Presiding Inspector: He asked the questions. I suppose he [6062] wants you to answer.

(Testimony of Harry Renton Bridges.)

A. Rathborne was the Secretary of the Committee, and communications that went out generally went out signed by Rathborne. That is what the Secretary of the Committee is for. I didn't sit down and send the communications off. Rathborne used to take care of those things. He was the Secretary of the Committee and he operated in the office. I was getting around here, there and everywhere. Those meetings were arranged by me and Rathborne was just transmitting the arrangements from me to Joe Curran, and that is what that telegram means.

By Mr. Del Guercio:

Q. It ends:

"Acknowledge receipt and keep us posted as to arrangements." A. That is right.

Q. What does the "ABAJCF" mean there?

A. That was so the other end would know that no agency of the employers, or any other kind of agency, were doing a little spying and sending phony telegrams.

Q. You wanted to keep this secret?

A. No. Do you want an explanation of that? I can give it to you.

Q. I know you can. A. You bet. [6063]

Q. Having seen this wire, do you want to change your testimony that you gave here just this morning—not yesterday or several years ago—that you had made arrangements for that Boston meeting upon your return from the northwest prior to December 10th?

(Testimony of Harry Renton Bridges.)

A. No. I made the arrangements before I returned..

Q. Huh?

A. Before this telegram was sent and before I returned from the northwest. We have telegrams to show that too.

Q. You don't want to make any explanation of that?

A. Oh, yes, I will explain.

When I was in the northwest—I left San Francisco November 29—and I had to speak at a meeting in Seattle November 30, and I spoke there. I also spoke at meetings in Astoria, In Aberdeen, in Portland. Then I came back to San Francisco.

While I was in the northwest at some point or other I spoke to Boston by long distance telephone, and arranged the meeting tentatively in Boston—maybe not the exact date—but all the other arrangements; told them to procure a hall, told them to get the arrangements set up, and all the rest of it, and that we would be back there. I done it in the northwest before I returned to San Francisco.

This (indicating radiogram) is in the nature of a confirmation. We have the teletypes and telegrams to show that [6064] too, with the telephone numbers.

Q. Now, I believe you testified here on direct examination that you were in the hospital in June 1935, is that correct?

A. The best part of it; the best part of June.

Q. What? A. The best part of June.

(Testimony of Harry Renton Bridges.)

Q. The best part of June?

A. Yes. I went to the hospital May 28.

Q. Had you at that time been insured with the IWO?

A. No, never been insured in the IWO.

Q. Do you know what the IWO is?

A. Yes.

Q. What is it?

A. International Workers Order. It is kind of a fraternal or benefit society.

Q. Isn't it an insurance organization set up by the Communist Party?

A. Not that I know of. You had better ask somebody that is in it.

Q. Do you know Max Bedacht?

A. I met him for the first time about two months ago.

Q. You heard that about two months ago?

A. No. I met him for the first time about two months ago. I was in a meeting where he spoke.

[6065]

Q. Do you know him as being the head of the IWO? A. I didn't, and I don't now.

Q. Who treated you while you were in the hospital? A. Who treated me?

Q. Yes.

A. You mean the doctors, the nurses, or who?

Q. Doctors?

A. I had three doctors; one was Dr. Korshet—K-o-r-s-h-e-t—I think it is; and——

(Testimony of Harry Renton Bridges.)

Q. (Interposing) Let us stay with Dr. Korshet. Wasn't he the doctor for the IWO?

A. I don't know.

Q. Who made arrangements for you to have Dr. Korshet?

A. I don't know that. I think some of my friends on the waterfront did.

Q. Schneidermannn?

A. I don't think it would be Schneidermann. He wasn't even in the city.

Q. Was it Darcy that made the arrangements?

A. I don't see why; I don't think so. The state I was in I wasn't worrying about who made the arrangements for the doctor. I would have taken him regardless of who made the arrangements.

Q. As a matter of fact, it was Norma Perry—P-e-r-r-i e—no, P-e-r-r-y—who made the arrangements, [6066] wasn't it?

A. I don't know. I think I was out at that time; unconscious. That is entirely possible.

Q. And Miss Norma Perry had been assigned to you as your Secretary by Sam Darcy?

A. She had not been assigned to me; no.

Q. Was Norma Perry your secretary at that time?

A. I think she was at that time; yes. She was not assigned to me by anybody except the longshore Executive Board, and somewhat against my will.

Q. How did she get employed with you?

A. She came down on the waterfront during the

(Testimony of Harry Renton Bridges.)

1934 strike here, as did a group of other people, quite a few.

Q. Group of what other people—who were the others?

A. I am trying to recall. There were dozens of people at that time coming down and volunteering their services, such as stenographers, this and that and other thing, and some of them we accepted and some we didn't.

I remember once I fired a whole bunch out of the strike headquarters.

Q. Let us stick with Norma Perry.

A. Yes—and I am saying that somehow she got back.

Q. All right. Did she tell you who sent her down there? A. At that time, no. [6067]

Q. Did she tell you at any other time?

A. Not that I recall. I had very grave suspicions as to who sent her down there.

Q. Did she tell you that Sam Darcy had sent her down there?

A. I don't recall that. She was very well acquainted with Darcy and everybody.

Q. She was well acquainted with all the Communist Party leaders at that time, wasn't she?

A. Sure. She was so well acquainted with some of the people in the city that I got very suspicious of her. She was well acquainted with all the police, the District Attorney, and the employers, and everybody, and that is why I finally fired her.

(Testimony of Harry Renton Bridges.)

Q. How long was Norma Perry with you?

A. I don't know. I can check the record.

Presiding Inspector: Your best recollection.

A. (Continuing) Somewhere around 1935.

By Mr. Del Guercio:

Q. For how long a period?

A. From the 1934 strike, the first or second month of the 1934 strike, to around the end of 1935, I think.

Q. Over a year? A. Oh, yes; over a year.

Q. About two years? [6068]

A. Might have been.

Q. She first came to you during the 1934 strike?

A. Yes. And she was assigned to the Publicity Committee, to work with them during the strike.

Q. Did she work with Henry Schmidt?

A. No. She worked with Ralph Mallon, and he made the motion to the Executive Board to hire her as a regular union stenographer after the strike was over.

Q. Was that done?

A. That was done. I have the minutes, I think.

Q. Did you support it?

A. I think I opposed it.

Q. In any event, she became Secretary?

A. Yes, she became one of the Secretaries. There was others.

Q. Who were the others?

A. I can't think of the girls' names, a couple of girls there, one, at least—and I can't think of them now.

(Testimony of Harry Renton Bridges.)

Q. During this period of time you were on speaking terms with Sam Darcy?

A. Oh, yes; sure.

Q. Did Sam Darcy ever speak to you about Norma Perry? A. Not that I recall.

Q. Can you try to recall?

A. I don't recall any specific conversation about her. [6069]

Q. Well, not a specific one, but maybe you can recall a general one.

A. No. It is pretty hard to recall general conversations that far back.

Q. And you want your testimony to be that Sam Darcy never spoke to you about Norma Perry at any time?

Mr. Gladstein: I object to that as a misstatement of the evidence.

Presiding Inspector: You have got that once. Why ask it again?

By Mr. Del Guercio:

Q. Did you speak at the Dreamland Auditorium on July 5, 1935, here in San Francisco?

A. Dreamland Auditorium?

Q. Yes. A. July 5, 1935?

Q. Yes.

A. I am pretty sure I did. That was another meeting when I gave Lundeberg a big build-up, even though I was supposed to be against him.

Q. Who was on the speakers' platform at that time?

(Testimony of Harry Renton Bridges.)

A. I remember Lundeberg, and that is about all. I think there was also a member of the Masters, Mates and Pilots, a Captain Lawberg — L-a-w-b-e-r-g — that is the only two. I am not sure about the latter. I am positive [6070] Lundeberg was there. I went up there with him and introduced and spoke in his behalf, as well as my own.

Q. Was Henry Schmidt there?

A. Undoubtedly he would be.

Q. Was Louis Weinstock there?

A. Not that I remember.

Q. You are sure that Henry Schmidt was there?

A. I am not sure as to that. Knowing the type of meeting the chances are 99 out of 100 Schmidt would be there.

Q. Now, on your direct examination you testified that you spoke at Manhattan Opera House?

A. In 1935?

Q. 1935? A. Yes.

Q. When was that, in July?

A. July 1935.

Q. And under whose auspices was that meeting in the Manhattan Opera House?

A. I am not sure. It was either the A F of L Trade Union Committee for Unemployment Insurance, or the A F of L Trade Union Committee for something else. I am not sure what the name was. It was one of those two.

Q. Was it the American Federation of Labor Committee on Unemployment Insurance and Relief? A. I think it might have been. [6071]

(Testimony of Harry Renton Bridges.)

Q. Who was the Chairman of that Committee, or President? A. I am not sure.

Q. You know Louis Weinstock, don't you?

A. I know Louis Weinstock; yes.

Q. Was he there?

A. Yes; he was at that meeting. He was either the Chairman or the speaker.

Q. He was on the speakers' platform?

A. He was either Chairman or a speaker.

Q. You know that Weinstock is a member of the Communist Party, don't you?

A. I know nothing of the kind; and if he was for unemployment insurance I didn't care either. I recall the circumstances there well.

Q. Even though it was called the American Federation of Labor Committee on Unemployment Insurance and Relief you know that it wasn't an A F of L Committee at all?

A. I know nothing of the kind. I know it was.

Q. Huh? A. I know it was.

Q. Wasn't the matter litigated in a Federal Court? A. Not that I know of.

Q. With the Trade Commission?

A. Not that I know of.

Q. Weren't they compelled to drop the name "American [6072] Federation of Labor?"

A. It might have been one of those technical cases where the American Federation of Labor refused to allow any member of the American Federation of Labor to use the name. That has happened dozens of times.

(Testimony of Harry Renton Bridges.)

Q. Well, you were served with a summons in that case, weren't you? A. I never was.

Q. Huh? A. Not that I remember.

Q. You don't remember the incident now?

A. Not at all. If I was served with a summons I didn't do anything about it.

Q. Weren't you also served with a notice to cease and desist?

A. Certainly not that I remember. I remember instances like that.

Q. With reference to this particular Committee? A. No, not that I recall.

Q. Would the records refresh your memory?

A. They might. I remember a case like that, but I don't think it was in connection with what you are referring to. I thought it was in connection with some publication.

Q. Well, now, as a matter of fact, you recall that you got two notices, one a notice to cease and desist and the other [6073] a notice to appear at a hearing?

A. Well, I don't recall. I recall receiving such a notice—yes, it would be a cease and desist notice—but I don't think it was in connection with this case. It might have been, I know that that was the basis of it, that it was an order to cease using the name of the American Federation of Labor without the American Federation of Labor's permission. But it seems to me that suit was brought, or that, whatever you call it, was brought by Paul Scharrenberg.

(Testimony of Harry Renton Bridges.)

Q. Wasn't that done because that group there was a Communist organization?

A. No, not the case I am referring to. It was done by the leaders of the American Federation of Labor, who were opposing unemployment insurance at that time, and there was a movement amongst the rank and file of the American Federation of Labor to support the bill in Congress at that time asking for unemployment insurance.

Q. And not a movement by the Communist Party?

A. I think the Communist Party was of the same mind, but the Committee I refer to was composed of A F of L local unions and union officials.

Q. Who were also members of the Communist Party? A. I don't believe it.

Q. You don't believe that Louis Weinstock is a member of the Communist Party? [6074]

A. No.

Q. Huh? A. Why should I?

Q. And a member of the Central Executive Committee of the Communist Party?

A. Why should I believe that?

Q. Huh?

A. Why should I believe that? I have no recollection of him telling me he was.

Q. Wasn't this Louis Weinstock on the speakers' stand there in the Madison Square Garden meeting in December 1936?

A. He was either the Chairman of the meeting or one of the speakers of the evening.

(Testimony of Harry Renton Bridges.)

Q. Was he connected with the American Federation of Labor at that time?

A. I am sure he was; either a member of a local union or in some official capacity. I know later on he was Chairman of the New York Council of Painters, and they gave him credit for cleaning out all the racketeers out of the movement and giving it back to the rank and file.

Q. Was Roy Hudson on the speakers' platform at the Madison Square Garden meeting?

A. I don't think so. What meeting?

Q. What?

A. The Madison Square Garden meeting, do you say? [6075]

Q. Yes. A. Not that I remember.

Presiding Inspector: You mean the Madison Square Garden meeting?

Mr. Del Guercio: Yes. Not the Manhattan Opera House.

By Mr. Del Guercio:

Q. Was Vito Marcantonio there?

A. He spoke.

Q. He spoke?

A. Marcantonio was one of the speakers of the evening.

Q. Now, you know Bill Schneidermann, don't you? A. Yes.

Q. When did you first meet Bill Schneidermann? A. 1936.

Q. And where did you meet him?

(Testimony of Harry Renton Bridges.)

A. I can't quite recall where.

Q. Under what circumstances?

A. I don't remember that either.

Q. When?

A. I have a hazy recollection it was in connection with the Presidential Election at that time, or some political movement at that time. I don't recall where I met him. He might have come down to see me in my office.

Q. Could that have been the time you were introduced to [6076] Earl Browder at Dreamland Auditorium?

A. It might have been; I don't remember.

Q. Who introduced you to Earl Browder?

A. It was either Schneidermann or Lambert, if I remember.

Q. Was it Elmer Hanoff?

A. Might have been Hanoff. They were all up there. I went up to the meeting, and Browder was speaking and I remember I asked one of them to introduce me.

Q. Did you ask either Elmer Hanoff or Schneidermann?

A. It might have been Schneidermann, Hanoff or Lambert, but I don't recall now.

Q. So you knew Schneidermann before that meeting? A. I think so.

Q. Can you tell me the circumstances under which you met Schneidermann?

A. No. I can recall some of these things, but I can't recall all those little incidents.

(Testimony of Harry Renton Bridges.)

Q. Well, now, go back a little while—is it possible that you could have met Schneidermann at 121 Haight Street? A. No.

Q. Huh?

A. No. I am sure of that. I can tell you why.

[6077]

Q. And did anybody introduce you to Schneidermann?

A. I don't recall it, but I assume that that's how I would meet him.

Q. You don't recall anything about how or when or where or under what circumstances you met Schneidermann?

A. I seem to have a recollection that I met Schneidermann in '36 around election time, about the middle or right after the middle of 1936.

Q. Who was Schneidermann at that time?

A. Schneidermann took Darcy's place in the Communist Party, whatever the official office was, whether it is the District Secretary or State Secretary or State Organizer.

Q. Of the Communist Party? A. Yes.

Q. And how many times did you meet with Schneidermann after that, after you first met him?

A. You mean up to now?

Q. Yes.

A. Oh, I don't know; ten or a dozen times.

Q. At the most?

A. Oh, it might be more, it might be less. It might be a few more times. I couldn't say with certainty.

(Testimony of Harry Renton Bridges.)

Q. And where did you meet him?

A. Generally come down to my office.

Q. Schneidermann would come down to your office? [6078] A. Yes.

Q. Was Schneidermann ever a member of any union?

A. I don't know. I don't know.

Q. Did he come down to your office?

A. I think he was. I think, if he isn't now, or hasn't been recently, he was a pretty prominent member, I believe, at one time.

Q. Well, did he ever come down to your office as a member of a union?

A. A. No. Always came down as a member of the Communist Party, as far as I recall.

Q. And would he be alone when he would come down to your office?

A. No. Maybe sometimes he might have somebody with him.

Q. Who?

A. Well, I recall a couple of times he came down with Lambert, for example.

Q. Walter Lambert? A. Yes.

Q. Anyone else?

A. I can't remember off-hand, not that I recall.

Q. And how many times did he come down to your office? A. How many?

Mr. Gladstein: It has been asked and answered, your Honor.

Presiding Inspector: Yes. [6079]

Mr. Del Guercio: Has it? I don't recall.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: He has told you how many times he met him.

A. (Continuing) Well, practically all the meetings would be in my office.

By Mr. Del Guercio:

Q. All of them?

A. Yes. I don't recall seeing him eslewhere, except on occasions like, well, there would be the occasion of the meeting when Browder spoke and I have seen him at other public functions.

Q. And how long would he remain in your office?

A. How long would he remain in my office?

Q. Yes.

A. That would depend. Maybe five or ten minutes, maybe half an hour.

Q. Maybe two hours?

A. I can't recall any occasion where he'd stay that long, or have any reason to stay that long.

Q. Were there any meetings at your office in which anybody else was present other than Schneidermann and Walter Lambert?

A. Meetings? Do you mean while they were present?

Q. Yes.

A. Would there be anybody else there? [6080]

Q. Yes.

A. Yes. There would be other people coming in and going out.

Q. Would they be there the entire time that

(Testimony of Harry Renton Bridges.)

Schneidermann and Lambert would be in your office? A. No.

Q. Was O'Neil ever present at a time when Schneidermann came in to your office?

A. Yes. I think that O'Neil would come in and out, but he wouldn't sit down and participate in the discussion. My office——

Q. (Interposing) What discussions did you have with Schneidermann and Walter Lambert?

A. Generally it was on something that they wanted support on.

Q. "They", you mean——

A. (Interposing) Schneidermann or Lambert representing the Communist Party.

Q. Wanted your support?

A. Or some question that might involve certain activities I can't specifically recall some of them to mind, but if I do a little thinking about it I will be able to.

Q. Well, let me help you do a little thinking. When they would discuss with you about wanting your support for the Communist Party, what matters would they want your support on? [6081]

A. It might be a lot of matters. It might be a matter of some of them in trouble.

Q. Some of who in trouble? Some of the Communist Party members in trouble?

A. Some of the Communist Party members in trouble in some legal way and they would want support, pledges of support. It might be a political question.

(Testimony of Harry Renton Bridges.)

Q. If it was a political question what would they want you to do? A. Support them.

Q. Support the Communist Party?

A. Or some individuals or some individual that the Communist Party was supporting who might not be a Communist.

Q. And they would talk these things over with you and you would come to some kind of and understanding? A. Yes.

Q. How many times did Schneidermann come there to your office offering the support of the Communist Party in your activities?

A. Oh, I don't know if you could put it that way.

Q. Would you say 50-50?

A. Would you say offering the support of the Communist Party to who?

Q. To your activities.

A. To my activities? Well, it all depends on what my activities were. You see, he might come down and offer his [6082] support in our activities; for example, in supporting certain political people in office. That wouldn't exactly be "my activities". That would be the activities of the organizations that we represented on behalf of certain groups or certain individuals.

Q. Tell me about those circumstances.

A. I would say the election of Governor Olson, Ellis Patterson and Sheridan Downey would be one meeting.

(Testimony of Harry Renton Bridges.)

Q. And Schneidermann came down and asked you to support them?

A. They were supported.

Q. You were an Alien then? A. Yes.

Q. Schneidermann was an Alien?

A. I thought he was a citizen.

Q. Well, he is an Alien now?

A. Oh, yes. I think——

Mrs. King: (Interposing) If your Honor please, that is immaterial and something not within this witness' knowledge.

Presiding Inspector: Then he can say so.

A. (Continuing) Well, I think the present case is in Court.

Presiding Inspector: You don't have to give an opinion on a legal case. [6083]

The Witness: It is not an opinion. I didn't know his case had been decided.

By Mr. Del Guercio:

Q. Hadn't you heard that the Circuit Court had rendered a decision upholding the cancellation of Schneidermann's citizenship upon the ground that it had been procured by fraud? A. No.

Presiding Inspector: What difference does all this make? We are not trying Mr. Schneidermann.

Mr. Del Guercio: Well, we won't argue the matter.

Presiding Inspector: I don't see that it is material. If it is you may have it, but I don't see how it is material.

(Testimony of Harry Renton Bridges.)

By Mr. Del Guercio:

Q. Now, what else would he ask for your support on? A. Other political matters?

Q. What other political matters?

A. Well, there were other political contests. There were certain matters pending in the legislature that they might, and definitely did, think might be harmful to them and to us also, and, therefore, we would have a common ground to fight the things on through our various organizations.

Q. You and the Communist Party had a common ground on these matters?

A. That's true. There are many matters, legislative matters that the Communist Party opposes that we oppose. [6084]

Q. And then in those matters, after these meetings with Schneidermann, you would support Schneidermann and Schneidermann would support you, Schneidermann representing the Communist Party?

A. It wasn't a question of supporting me. It was a question of the issues involved as to whether the Communist Party as an organization would use what weight or what votes or what influence they had against certain things. I can name them if you wish.

Q. Now, how many times did Schneidermann talk to you about your trade union activities in these meetings?

A. It is pretty hard to separate trade union

(Testimony of Harry Renton Bridges.)

activities from the general subject under discussion.

Q. Well, will you try to as best you can?

A. No, I can't.

Q. Huh?

A. I can't. I know a little about trade union activities, but if you can separate them I can't. I can't separate them from political activities of a trade union. Impossible.

Q. You mean you are unable to separate trade union activities from Communist Trade Union activities? Is that what you are saying?

A. I can do that. That is not the question.

Q. Will you do that as far as Schneidermann is con- [6085] cerned?

Mr. Gladstein: I submit that that is immaterial. I object to it, your Honor.

Presiding Inspector: Well, if the witness understands. I don't understand, but if the witness does he may answer. I will overrule the objection.

By Mr. Del Guercio:

Q. What Communist activities did Schneidermann ask you to follow in your trade union activities? A. I never said that.

Q. Huh?

A. I said that the conferences and the discussions were in connection with certain matters that originated either from our side or from the Communist side, and we had a mutual reason to either support or oppose such things. Now, it didn't necessarily mean that they were my activities or trade

(Testimony of Harry Renton Bridges.)

union activities or Communist activities or any other political party's.

Q. In so far as you were concerned, your activities and the activities of the union, you w epresenting in these conferences, and meet ags those activities? A. That's right.

Q. And Schneidermann was representing the Communist Party?

A. That's right. I think the best thing to do would be—— [6086]

Q. (Interposing): When did you first meet Morris Rapport?

A. During the 1937 ILA convention.

Q. Where was that? A. Seattle.

Q. And who was Morris Rapport?

A. He was the head of the Communist Party in either Washington or the Northwest or in Seattle.

Q. And was he a trade union man?

A. Was he a what?

Q. Trade union man at that time?

A. I don't know. I think he was a carpenter or something, but I am not sure.

Q. Did you meet him as an official or representative of a trade union?

A. I met him as the official of the Communist Party. That's the way he was introduced to me.

Q. And who introduced you to Morris Rapport?

A. I don't recall that; either one of the delegates or somebody in the convention one day. The convention was open to the public. He was in the

(Testimony of Harry Renton Bridges.)

galleries, and I forget who done the actual introducing.

Q. Did Morris Rapport participate in the convention? A. No, merely a spectator.

Q. You have testified, I believe, that you were present [6087] at a meeting with Morris Rapport?

A. I didn't hear you.

Q. You testified on direct examination that you were in a meeting with Morris Rapport during the time of this convention?

A. I testified I went to a meeting in the Gowman Hotel where there was a discussion going on and he was there.

Q. Morris Rapport was there?

A. Oh, yes. I recall that very distinctly.

Q. Who invited Morris Rapport to this meeting at the Gowman Hotel? A. I don't know.

Q. Who invited you?

A. I don't think I was invited.

Q. Did you call the meeting?

A. No. I just heard that there was a gathering of warehousemen over there, that they were discussing the warehouse situation and the CIO situation and we barged in.

Q. Was Morris Rapport a warehouseman?

A. No. I'm sure he wasn't.

Q. Was he a CIO man?

A. No. I'm sure he wasn't. You mean affiliated or a member of?

Q. A member of or affiliated with the CIO.

A. No; I'm sure he wasn't. He was a CIO sup-

(Testimony of Harry Renton Bridges.)

porter may- [6088] be, but I'm sure that he was not a member, not at that time.

Q. He was a CIO supporter? A. What?

Q. You say he was a CIO supporter?

A. Yes.

Q. And you have known Morris Rapport continuously since? A. Yes, that's true.

Q. How many times have you met with Morris Rapport since that first meeting?

A. Oh, less than half a dozen times, I think; half a dozen or less.

Q. Now, Elmer Hanoff, where did you meet Elmer Hanoff? A. I met Hanoff in '34.

Q. Before or during the 1934 strike?

A. During the strike.

Q. And who was Elmer Hanoff?

A. I don't know what his position was. I know him as an official or he was connected with the Communist Party. I don't know what his position was.

Q. Could he have been the District Organizer of the Communist Party?

A. He might have been.

Q. And who introduced you to Elmer Hanoff?

A. I think Hanoff—my recollection is that Hanoff [6089] came down to strike headquarters with Ross and Darcy.

Q. Sam Darcy?

A. Sam Darcy, on the offer of printing the free bulletin for us.

Q. Let's see. This Strike Committee also had a Publicity Committee at that time? A. Yes.

(Testimony of Harry Renton Bridges.)

Q. Who was on that Committee, the Publicity Committee?

A. I think Schmidt was one. Schmidt was one, Ralph Mallon was the Chairman. That's the only two that I recall now.

Q. And how many times did you meet with Elmer Hanoff after you met him in 1934?

Presiding Inspector: I have difficulty in hearing.

Mr. Del Guercio: Sir?

Presiding Inspector: I have difficulty in hearing.

By Mr. Del Guercio:

Q. Do you have difficulty in hearing?

A. I didn't hear that one.

Presiding Inspector: I didn't either.

Mr. Del Guercio: I will try to speak a little louder.

Presiding Inspector: You drop your voice.

By Mr. Del Guercio:

Q. How many times did you meet with Elmer Hanoff after the first meeting?

A. I have no recollection. [6090]

Presiding Inspector: "After the first meeting"?

Mr. Del Guercio: After the first meeting.

Presiding Inspector: Oh.

A. (Continuing): I have no recollection of meeting with Hanoff after that first meeting. If I met with him it was casual and very few in number.

(Testimony of Harry Renton Bridges.)

By Mr. Del Guercio:

Q. Not official meetings?

A. Not that I recall at any time.

Q. Now, Walter Lambert, when did you first meet Walter Lambert?

A. I met Lambert in 1933 at the Labor Council, San Francisco.

Q. Were you a delegate to the San Francisco Labor Council at that time? A. Yes.

Q. 1933? A. Yes.

Q. Was Lambert in 1933?

A. I think he was. Let me see. No, I don't think he was a delegate. I remember the circumstances of how he was up there and how I met him.

Q. And who was Walter Lambert?

A. Who is he now?

Q. Who was he then and who is he now?

A. He was just somebody who had been beaten up in a [6091] picket line at that time to me.

Q. Who is he now?

A. Oh, he is an official of the Communist Party, so far as I know. I haven't seen him for quite a while.

Q. Didn't you testify at the last hearing that you knew that Lambert had more to do with trade union affairs from your own experience than possibly anybody else you had run into?

A. That's true.

Q. And that your contacts with Walter Lambert had been more than with anyone else?

(Testimony of Harry Renton Bridges.)

A. That's true.

Q. Now, do you know Alex Noral?

A. Yes.

Q. When did you first meet Alex Noral?

A. 1933.

Q. Where?

A. Oh, he was running a vacant lot up in the Skid Row.

Q. And was he a member of the Communist Party at that time? A. I don't know.

Q. Do you know now?

A. I think he is.

Q. When did you first learn that he was a member of the Communist Party?

A. I don't know. I am pretty hazy on Noral. I don't [6092] know. All I have got is an impression. I don't recall specifically knowing it in any way.

Q. Well, you knew him at the time he was President of the Workers Alliance of the State of California — A. Yes, sure.

Q. When was that?

A. That was mostly through '36, '37, I think, and '38; '37 and '38.

Q. And didn't you testify at the last hearing that you had frequent dealings with Noral as a member of the National Unemployment Committee of the CIO? A. Yes, true.

Q. And didn't Noral assist you in the Matson strike that you have testified to?

A. What strike?

Q. The Matson strike?

(Testimony of Harry Renton Bridges.)

A. That's when I first met Noral.

Q. You knew him well then, didn't you?

A. I did not. I met him for the first time.

Q. Now, Lawrence Ross, you know him, don't you? A. Yes.

Q. Who is he?

A. He was the Editor of the Western Worker.

Q. And a functionary of the Communist Party?

A. I don't know.

Q. Huh? [6093] A. Maybe.

Q. Did you testify at the last hearing that you knew him to be a member of the Communist Party?

A. Yes.

Q. You do know that he was a member of the Communist Party?

A. Oh, you said a "member." I thought the question was, "Was he a functionary"?

Q. Member or functionary.

A. Well, what's a "functionary"?

Q. You tell me.

A. I don't know. You tell me.

Q. Wasn't he the leader of the Communist Party delegation that proposed to your Strike Committee acceptance of the assistance of the Western Worker?

A. He was one of them. I don't know if he was the leader. It is just a logical conclusion on my part, so long as he was the editor of the paper, that he might naturally be the leader of the delegation.

Q. Do you know of anybody connected with the

(Testimony of Harry Renton Bridges.)

Western Worker who was not a member of the Communist Party?

A. I don't know enough people connected with the Western Worker.

Q. Do you know Ida Rothstein?

A. Yes. [6094]

Q. Do you know her to be a member of the Communist Party? A. No.

Q. When did you first meet Ida Rothstein?

A. I met Ida Rothstein around the same time, very early. Pretty hazy about her. I think I met Ida Rothstein around the same time in 1933 or later. She was—I met her in connection with the unemployed movement, I think.

Q. Did you testify at the last hearing that Ida Rothstein was a Communist and that she was active in the unemployed councils during 1933, '34 and '35? A. I might have.

Q. Was that testimony true? A. Yes.

Q. Do you know Jim Branch? A. Yes.

Q. Do you know him as a member of the Communist Party?

A. Well, I always took him for one. He used to speak—my recollection is that he used to speak on behalf of the Communist Party.

Q. Betty Gannett, G-a-n-n-e-t-t?

A. No, I don't recall meeting her very well. I think I have met her, but I can't connect it up with anything in my mind that gives me any idea of how I met her, where I met her, what she looks like or

(Testimony of Harry Renton Bridges.)

anything like that. The name seems [6095] familiar. I think I have met her.

Q. Did you testify at the last hearing that you did know Betty Gannett?

A. I might have. I am sure that I couldn't have testified that I knew her very well.

Q. Was that testimony true, that you did know her?

A. Well, I am saying that I know it now.

Presiding Inspector: That does not prove that he did testify to that. He says he might have.

The Witness: I think I testified that I knew her and I testified that I didn't know her very well, and I couldn't recall where I met her.

Presiding Inspector: That is more definite.

Mr. Del Guercio: Sir?

Presiding Inspector: That is more definite.

By Mr. Del Guercio:

Q. Did you testify at the last hearing that you knew that she was a member of the Communist Party?

A. I am not sure. I might have.

Q. Were you asked this question:——

A. (Interposing): That's my impression now: That wherever I met her I met her as a member of the Communist Party.

Q. Were you asked this question at the last hearing:

"Do you know whether she," referring to Betty Gannett, "is a member of the Communist Party?" and did you answer "She is"? [6096]

(Testimony of Harry Renton Bridges.)

A. Possibly. That's my impression.

Q. Well, I will show you the transcript of the previous testimony.

Presiding Inspector: He says that is his belief now.

Mr. Del Guercio: What?

Presiding Inspector: He says that is his belief now. He has admitted it.

I take it that is correct?

The Witness: That is correct, yes.

By Mr. Del Guercio:

Q. Following that were you asked this question: "How do you know that?" and did you reply "Well, she told me"?

A. I don't know. If I said it then, my memory is a little better than it is now. It is two years later.

Q. Did you so testify at the last hearing?

A. I possibly did. The only recollection I have got of Betty Gannett now is that I have met her seldom. I don't even recall when and under what circumstances, and my testimony was the same——

Q. (Interposing): Do you have available the transcript of your deportation proceedings in the last hearing?

Mr. Gladstein: You know that the witness doesn't have that in his pocket. There are volumes of transcript. If you [6097] are going to read something, go ahead and read it. We don't think that you are going to misread the record.

(Testimony of Harry Renton Bridges.)

Mr. Del Guercio: I don't know what you are thinking.

By Mr. Del Guercio:

Q. I have here the transcript of the deportation proceedings against you in 1939 and your testimony of August 2, 1939. I am reading from page 2581:

"Q. Do you remember Betty Gannett?

"A. Betty Gannett, yes.

"Q. Do you know whether she is a member of the Communist Party? A. She is.

"Q. How do you know that?

"A. Well, she told me.

"Q. Do you remember when you first met Betty Gannett? A. Very recently.

"Q. When, for instance? About when?

"A. Well, it"—that should be "I", I suppose—"I think some time last year; some time during the election campaign; prior to the election campaign.

"Q. In November? A. Pardon me?

"Q. In November?

"A. No. I think maybe a little before that."

[6098]

Did you so testify at the last hearing?

A. I did.

Q. Was that testimony true?

A. Yes. You'll find more of it there where I was unable to remember what she looked like or the circumstances or anything else. I had met her recently, apparently, and I still had the recollection. It was so incidental that I don't remember it now.

(Testimony of Harry Renton Bridges.)

Q. Do you know Walter Stack?

A. Very well.

Q. When did you meet Walter Stack?

A. I think in 1934 for the first time. I wouldn't be too sure. It might have been earlier.

Q. And under what circumstances did you meet Walter Stack in 1934 or earlier?

A. Either as a member of the Marine Workers Industrial Union or as a member of the Marine Firemen.

Q. Do you know if Walter Stack is and was a Communist? A. Oh, yes.

Q. And was he also called "Ed" Stack?

A. I never heard him called that.

Q. I believe you testified that Walter Stack might have been connected with the Marine Workers Industrial Union at the time you met him?

A. He might have been. My impression is that he was. [6099]

Q. Was he with Harry Jackson at the time you met him?

A. I don't know. He might have been.

Q. Who introduced you to Walter Stack?

A. I can't remember that.

Q Did you meet him at a meeting?

A. Possibly did. I think he was on the Northwest Strike Committee or he was on the Seamen's Strike Committee in the Northwest.

Q. Prior to 1934?

A. No, during 1934.

(Testimony of Harry Renton Bridges.)

Q. Was there any strike going on in 1933 in the Northwest?

A. Quite a few here and there.

Q. Was Walter Stack down here in San Francisco or in the Northwest in 1933?

A. My impression is that I met him in San Francisco.

Q. Was there a Local of the Marine Workers Industrial Union in the Northwest anywhere?

A. They had Locals in every port.

Q. And how many times did you meet with Walter Stack after you first met him?

A. How many times have I up to now?

Q. Yes.

A. That would be too numerous to mention. He's an official of the Marine Firemen. He is an official now and he [6100] has been an official and delegate—he has been an official of this, that and the other thing. He has been a delegate of this, that and the other convention or conference.

Q. Do you remember if he had ever withdrawn as a member of the Communist Party?

A. I am sure he hasn't.

Q. He still is? A. Yes.

Q. An admitted Communist? A. Yes.

Q. He is one of the so-called few labor leaders who openly admit their Communist connections?

A. He admits that he is a Communist, and apparently he makes a good labor leader because he keeps on getting elected by his membership. They don't seem to mind it.

(Testimony of Harry Renton Bridges.)

Q. Do you support him?

A. Certainly I support him. He has always appeared to me to be a good trade union leader and a good union man.

Q. Has Walter Stack asked for your support?

A. It is not a question of whether he asks for it or not. He would get it anyway.

Q. Has he, that you recall?

A. Not that I recall. He knows that I would support a good unionist without being asked. [6101]

Q. Would you also support a good Communist?

A. Not if he is a bad unionist, I won't.

Q. Do you know Dave Saunders? A. Yes.

Q. Is he also a Communist?

A. I don't know. I don't think he is.

Q. Did you testify at the last hearing that you knew that he was a Communist?

A. I don't know. I don't think I did. I think I said I "believed" he might me.

Q. Did you testify at the last hearing regarding Saunders as follows: "I know that Saunders—Dave Saunders is a Communist. I, of course, know the recognized official Communists outside the union movement."

That is on page 2480.

"I know we have in our Local Unions, for example, a fellow by the name of Archie Brown; we have Ben Jones. We have—off-hand, I can't think of all of them, but when I see them and know them I can recall their names."

Did you so testify at the last hearing?

(Testimony of Harry Renton Bridges.)

A. Yes.

Q. Is that testimony true? A. Yes.

Q. Now, this Sam Telford, I believe you testified that you knew him? [6102] A. Yes.

Q. As an official of the Marine Workers Industrial Union? A. Right.

Q. Is that the circumstances under which you first met him?

A. Yes. I think he was the President or the Organizer or the Secretary.

Q. Would you say that you met Sam Telford at about the same time you met Harry Jackson?

A. No, much later.

Q. Much later?

A. My recollection of Telford is not meeting him before the strike.

Q. And you knew him also to be a member of the Communist Party?

A. Yes.

Q. How many times did you meet with Sam Telford? A. How many times did——

Q. (Interposing): After your first meeting how many times did you meet with Sam Telford?

A. I can't remember that, but I had contact with Telford numerous times. He was the official of the union.

Q. Is there any official or was there any official of the Communist Party on the Pacific Coast that you did not meet [6103] or that you did not know or that you did not come in contact with?

A. Is that the question?

(Testimony of Harry Renton Bridges.)

Q. Yes.

A. Give me a list and I'll look them over and I'll tell you.

Q. You know them all, don't you? A. No.

Q. Huh?

A. No. You know many more than I do.

Q. Yes, I know I do. A. That's right.

Q. Much more.

A. You give me a list and I'll look them over and tell you the ones I have met and the ones I have never met.

Q. You know Frank Spector, don't you?

A. No, I don't.

Q. You have never met Frank Spector?

A. I don't recall meeting him.

Q. Have you heard that he is a member of the Communist Party?

A. I have heard of it. I think I have read a book or something by Spector.

Q. You also read that he was made the subject of a deportation proceedings? [6104]

A. Did I know?

Q. As a member of the Communist Party?

A. No.

Q. I just happened to have handled that ten years ago, so I know. A. Pretty good!

Q. Was he an official of the ILD?

A. I don't know.

Q. Has he ever been? A. I don't know.

Q. Regarding Frank Spector did you testify as follows in the last hearing:

(Testimony of Harry Renton Bridges.)

"Q. (By Mr. Shoemaker) Frank Spector?

"A. Spector? I am not sure about Spector. I think he is an official of the Communist Party."

Did you so testify? A. I think so.

Q. Was that testimony true?

A. Yes. I'm still not sure.

Q. Do you know John Brohman?

A. Who?

Q. Brohman? A. Oh, yes.

Q. Who is John Brohman?

A. Connected with the People's World at the present [6105] time.

Q. Is that the successor of the Western Worker? A. No, it's the People's World.

Q. Huh? A. The People's World.

Q. Did it succeed the Western Worker?

A. I don't know. Did it? I don't know.

Q. Do you know John Brohman to me a member of the Communist Party? A. No.

Q. Huh? A. No.

Q. When did you first meet John Brohman?

A. I can't tell that. I have met him many times. My meetings with Brohman are generally in the nature of newspaper publicity.

Q. Did he ever work on the Western Worker?

A. Did he ever work on the Western Worker?

Q. Yes? A. Not that I know of.

Q. Did you meet him while he was employed on the Western Worker?

(Testimony of Harry Renton Bridges.)

A. Not that I remember. It's possible, if he was on the Western Worker. I can't remember all the names of the reporters on the Western Worker? [6106]

Q. You have seen him in this Court room, haven't you? A. Oh, yes.

Q. Is he here now? A. I can't see him.

Q. How many persons on the editorial staff of the Western Worker do you know?

A. How many persons?

Q. Would you say that you knew them all?

A. No, I never. I said I didn't know them and I don't yet. I don't know how many persons are on the editorial staff and I don't know how many people connected with the Western Worker that I might know might be on the editorial staff. You name them and I will tell you whether I know them.

Mr. Del Guercio: If the Court please, I believe that I am through with the cross examination, with the reservation, however, concerning that matter that we were speaking about in chambers.

Presiding Inspector: All right.

Mr. Gladstein: Shall I go ahead with redirect?

Presiding Inspector: Now, Mr. Gladstein.

Redirect Examination

By Mr. Gladstein:

Q. Mr. Bridges, in your cross examination you were asked whether you had heard that the ship Cumberland had exploded. You gave an answer to

(Testimony of Harry Renton Bridges.)

the effect that there were [6107] strike breakers on that ship. How would that relate to the possibilities of an explosion occurring on that ship?

A. It depends on what the ship was, where she was going to, what she was carrying, and at that time it was bad enough with an experienced crew on some of those ships, because I sailed on many of them. The ship— I thought he said the Schooner Cumberland. There was a fleet of ships sailing out of Australia to South Sea ports, up to ports in the Straits Settlements, up and around Burma and around there, and the cargo they used to carry was always topped off with a load of high-test gasoline on deck in cases. And those ships used to disappear one after the other simply because the gasoline used to blow up, get on fire. The working around with the cargo used to blow them up and they were pretty tough ships to sail on, and I was on quite a few where, as soon as we hit bad weather, the first thing we used to do was to throw the gasoline overboard.

Q. Now, what difference would it make——

A. (Interposing): And with a crew of inexperienced men acting as strike breakers it is very easy to understand what would happen. The strike breakers didn't know enough to throw the gasoline overboard, and up they went.

Q. You mentioned that you are opposed to legislation against criminal syndicalism. Do you know whether the labor movement of this State or of this

(Testimony of Harry Renton Bridges.)

country has ever taken any [6108] official position similar to yours or different than yours on that subject matter?

A. At every annual convention of the National A. F. of L. and the State A. F. of L. they have unanimously gone on record for the repeal of the criminal syndicalism laws.

Q. And what is the basis or reason given for that position by the A. F. of L.?

Mr. Del Guercio: We didn't object to the Alien going into this matter here, but we certainly object to going into the reasons that other organizations have given for opposition to criminal syndicalism laws.

Presiding Inspector: I think he can give his union's views, if he knows them. Is that what you asked?

Mr. Gladstein: That is what I am calling for.

Presiding Inspector: This, of course, must be based on what he knows of the members at the meetings.

Mr. Gladstein: Yes.

A. Well, the criminal syndicalism——

Presiding Inspector (Interposing): They have made speeches on this subject, I suppose.

A. (Continuing): The criminal syndicalism laws are used to prevent organizing. They are applied in such a way that straight organizing, striking, picketing are termed as coming under the application of the C. S. Laws, and people have been sent to jail and are still being sent to jail for

(Testimony of Harry Renton Bridges.)

straight [6109] trade union activities, but they have been prosecuted under the C. S. Laws. The laws have been generally applied against any type of trade unionism where they have had a chance to apply them.

By Mr. Gladstein:

Q. Is that, what you have testified to, the position of yourself or the trade union movement or both?

A. Myself, the trade union movement, both A. F. of L. and CIO.

Q. Now, during the 1934 strike was there any other publication besides the Western Worker which offered support or assistance to the strikers?

A. Yes.

Q. Which one or which ones, if any?

A. The Catholic Leader, Father York's own paper. There was an East Bay—there was an East Bay neighborhood paper. It seems to me there was one other, but I can't recall.

Q. How were these offers of assistance made by the Catholic Leader and the other newspaper you have mentioned?

Mr. Del Guercio: I object to that upon the ground it is incompetent, irrelevant and immaterial.

Presiding Inspector: Isn't that remote from the issue?

Mr. Gladstein: I will withdraw that and ask it this way.

(Testimony of Harry Renton Bridges.)

By Mr. Gladstein: [6110]

Q. Were the offers of these other newspapers, the two that you have mentioned, or publications, accepted by the Strike Committee?

Mr. Del Guercio: I object to that as irrelevant and immaterial.

Presiding Inspector: I don't see its relevancy.

Mr. Gladstein: Well, I think that shows the factual situation, your Honor, at the time that support was accepted.

Presiding Inspector: Then we would have to go into what kind of support.

Mr. Gladstein: I mean simply the—well, that's true. I would have to bring out that they made their columns available to the union.

You see, the point I have in mind, is this: The Government has tried, in my opinion, to create the inference that the entire union, in effect, during 1934 was taking Communist support and that, therefore, for that reason and others that are offered by the Government it was a Communist strike instead of a genuine bona fide fight for trade union conditions.

I think we are entitled to show that the situation was that the strikers had very, very few opportunities to obtain assistance and that they did take those which were offered. And I think we have the right to have the record show who offered assistance and what that assistance consisted of, and whether or not the strikers rejected it or accepted it. [6111]

(Testimony of Harry Renton Bridges.)

If the strikers accepted aid, no matter from what source it came, that would certainly tend to refute the inference which the Government seeks to have drawn by this line of testimony.

Presiding Inspector: I think it seeks other inferences from that evidence, but it may seek the inference that you speak of. Therefore, I will take this testimony.

Mr. Del Guercio: If the Court please, the Government did not try to leave the inference that the union was accepting Communist support. The inference—I say the "inference" is that Harry Bridges and certain of his group were members of the Communist Party.

Presiding Inspector: I think I understand your theory, but there is a possibility of the claim being made that Mr. Gladstein suggests, and on that basis I will take this very briefly.

By Mr. Gladstein:

Q. Do you have the question in mind, Mr. Bridges? A. The aid was accepted.

Mr. Del Guercio: I didn't hear the question.

Presiding Inspector: "The aid was accepted", he said.

What was the nature of the offer of assistance?

The Witness: The big difficulty of the strike was to get the real issues before the people and the public, and we had no methods of doing that. We had no money for radio time.

Presiding Inspector: They offered to print in

(Testimony of Harry Renton Bridges.)

their [6112] columns such material or some material that you might offer them?

The Witness: They printed articles just as they were sent up by the union and photographs. They printed, for example—the Leader printed a double page of photographs of the shooting and the tear-gassing, and it had quite an effect on—well, at least the——

Presiding Inspector (Interposing): Well, they printed it anyway?

The Witness: Yes. We accepted it. It was a weekly paper. [6113]

By Mr. Gladstein:

Q. Now, you were asked whether you had ever stopped at the book shop at 37 Grove Street to buy pamphlets, and when you answered that you had you were asked to look and see whether you had any of those at your home. Have you done so?

A. Yes.

Mr. Del Guercio: If your Honor please, I asked him about Communist Pamphlets. I assume counsel is going to show him Communist Pamphlets.

Mr. Gladstein: I don't know—it all depends on what you think are Communist Pamphlets.

By Mr. Gladstein:

Q. I show you a pamphlet——

Mr. Del Guercio (Interposing): Are they to be shown to me? I understood the witness was going to give me the pamphlets.

(Testimony of Harry Renton Bridges.)

Mr. Gladstein: I gave you some telegrams and you didn't use them.

(The pamphlets referred to were passed to Mr. Del Guercio.)

Mr. Del Guercio: We have no objection to their being introduced in evidence.

Mr. Gladstein: I haven't offered them yet. I intend to ask the witness about them.

By Mr. Gladstein: [6114]

Q. Mr. Bridges, here is a pamphlet put out by Bernard Shaw, rather, carrying his name. Do you recall whether you bought that at 37 Grove Street?

A. (Examining pamphlet): Yes.

Mr. Del Guercio: That is the same book you showed me?

Mr. Gladstein: Yes.

Mr. Del Guercio: Put out by the Friends of the Soviet Union?

Mr. Gladstein: I don't know whether it is or not. We will offer it.

Mr. Del Guercio: No objection.

Presiding Inspector: Received.

(The pamphlet referred to was received in evidence and marked Alien's Exhibit No. 41.)

By Mr. Gladstein:

Q. Here is one entitled "The Strike of the Dredging Fleet 1905."

Mr. Del Guercio (Interposing): By whom published?

(Testimony of Harry Renton Bridges.)

Mr. Gladstein: The Workers Library Publishers. It shows on its face, I take it.

A. (Examining pamphlet): This is one of them that I purchased there; yes.

Mr. Gladstein: I will offer that.

Presiding Inspector: Received.

(The pamphlet referred to was received in evidence and marked Alien's Exhibit No. 42.)

[6115]

By Mr. Gladstein:

Q. Here is one entitled "Burlington Dynamite Plot," published by the International Labor Defense. Did you buy that there? A. Yes.

Mr. Gladstein: I offer it.

Presiding Inspector: Received.

(The pamphlet referred to was received in evidence and marked Alien's Exhibit No. 43.)

By Mr. Gladstein:

Q. Have you, since 1933, ever bought pamphlets or books in any of the book shops on the waterfront or elsewhere? A. Yes.

Mr. Del Guercio: If your Honor please, I object to that. Certainly there is no question that he bought books elsewhere.

Presiding Inspector: He says he bought a great many books and is a great reader. That is all you want to convey, isn't it?

Mr. Gladstein: All right.

Presiding Inspector: I don't think there is any question about that.

(Testimony of Harry Renton Bridges.)

By Mr. Gladstein:

Q. I don't think the record shows the date when the CIO unions were suspended by the A F of L, Mr. Bridges. Do you recall that date? [6116]

Presiding Inspector: You mean those that voted to go into the CIO?

Mr. Gladstein: No. The original ten.

By Mr. Gladstein:

Q. I think there were ten. How many were there, do you recall? A. Ten.

Q. When were they suspended?

A. I think it was late summer of 1936. I am not sure. I can check the date.

Presiding Inspector: What was their status at that time?

The Witness: The unions?

Presiding Inspector: Had they voted to go in the CIO?

The Witness: No.

Presiding Inspector: Or applied for a charter?

The Witness: No, nothing like that.

Presiding Inspector: What had been done?

The Witness: Ten national unions, of the American Federation of Labor, formed themselves into a Committee called the Committee for Industrial Organizations, as against the craft type of organization. It grew out of a resolution being passed by the 1934 and 1935 national convention of the American Federation of Labor.

This Committee of National Unions, that called

(Testimony of Harry Renton Bridges.)

themselves [6117] the Committee for Industrial Organization—that is CIO—they pooled, or they each donated a certain amount of money that was to be put into organizing the mass industries on an industrial basis.

The Executive Council of the American Federation of Labor ordered them to disband and cease their organizing.

The Committee refused to do that, taking a position that they were not organizing a dual organization, but were carrying out the action of the convention, which they were really doing. They were organizing workers into the American Federation of Labor, not into another organization.

When the A F of L Executive Council ordered them to disband, and they refused to disband and cease organizing, they were suspended by the Executive Council prior to the annual convention of the American Federation of Labor.

The suspension was protested under the constitution of the American Federation of Labor, because the Executive Council had no legal power to suspend unions.

By the suspension that automatically prevented the unions from appearing at the annual convention of the A F of L and defending themselves, or having a vote on their particular case.

The convention took place, the annual convention, and with the ten of the largest unions in the A F of L suspended, and therefore unable to vote, the decision for suspension of [6118] the A F of

(Testimony of Harry Renton Bridges.)

L Executive Council was upheld and in that way became legal.

So it was not until after that that the CIO actually decided that they would go ahead and begin issuing charters; because, in addition to the ten original unions by that time other unions were being expelled or suspended from the American Federation of Labor for supporting the ten suspended unions. They also made that a crime and suspended you for that too, and in that way the CIO eventually reached a point where it had to form its own organization and grant charters to take care of the expelled and suspended unions.

By Mr. Gladstein:

Q. You have mentioned in your testimony that you have members of your family, relatives, in Parliament in Australia. Would you give the names of them and their positions?

A. I have one.

Q. Which one at the present time?

A. I have an uncle in the Upper House in Australia.

Presiding Inspector: Commonwealth or Dominion?

The Witness: Federal Parliament; the Upper Chamber of the Federal Parliament.

By Mr. Gladstein:

Q. Do you know on what ticket he was elected?

A. Yes.

Q. What one? [6119]

(Testimony of Harry Renton Bridges.)

Mr. Del Guercio: I submit it is of no importance unless he was elected on the Communist Party ticket.

Mr. Gladstein: Let us have the answer.

Presiding Inspector: Let us have the answer. That will be all on this.

A. Elected on the non-Communist Labor ticket.

Mr. Del Guercio: A black sheep.

Mr. Gladstein: Does Mr. Del Guercio's remark appear on the record?

The Reporter: Yes.

Mr. Del Guercio: Are you asking the Court or the reporter?

Mr. Gladstein: The reporter.

Presiding Inspector: He may answer.

The Reporter: Yes.

Presiding Inspector: I didn't hear it.

By Mr. Gladstein:

Q. Now, in discussing the IWW you used the expression "Direct action." Will you state whether that term was used by you, or whether you know it to have been used by anyone in the IWW during the time that you were in it?

Mr. Del Guercio: I will object to that as being too ambiguous.

Mr. Gladstein: I will withdraw the question.

By Mr. Gladstein: [6120]

Q. Was that expression used, "direct action," by you in such a way as to include the idea of violence or unlawful action?

(Testimony of Harry Renton Bridges.)

Mr. Del Guercio: I will object to that as being suggestive and leading.

Presiding Inspector: He may explain what he meant by the use of that term. A. No.

By Mr. Gladstein:

Q. In what sense did you use the term "direct action"?

A. Well, a preference for economic action in all cases and under all circumstances as against the use of other forms of action or bargaining.

Q. Could you give some examples that will illustrate your idea of the meaning of the term "direct action"?

Mr. Del Guercio: I will object to that, if your Honor please.

Presiding Inspector: I will take it.

A. It used to be the IWW philosophy that as a rule they are opposed to signing collective bargaining agreements. They first secure an understanding, or a verbal agreement in the matter of wages, hours and working conditions. If a grievance ever develops on that job they would adjust that grievance by taking direct action or economic action. That is what the term really means. Instead of, for example, once there being trouble, the matter of a strike, an understanding was reached on [6121] wages, hours and working conditions that settled the strike; and then after the strike was over and everybody was working, and some grievance came up on the job, the IWW philosophy generally was to walk off the job until the grievance

(Testimony of Harry Renton Bridges.)

was settled. And in general the term "direct action" means that instead of, after you have collective bargaining established, say a contract was signed, contracts generally carry within them the machinery for adjusting disputes, and it was never the IWW philosophy to do that as a general rule.

By Mr. Gladstein:

Q. Did you know of the term "direct action" ever being used by any IWW member to indicate to you anything other than direct economic action?

A. No. It was always used in that sense.

Mr. Gladstein: You have seen all these wires and telegrams—I have showed them to you.

(Whereupon Mr. Gladstein handed Mr. Del Guercio the telegrams referred to.)

By Mr. Gladstein:

Q. Now, Mr. Bridges, I show you a telegram under date of December 3, 1936, addressed to you, purporting to be sent from Boston, Massachusetts, by Thomas, Chairman of the Boston Strike Committee. Did you receive that telegram?

A. (Examining telegram): Yes.

Q. And where did you find it? [6122]

A. I found this in the files in my office; the old files.

Q. Does it relate in any way to your speaking in Boston in December of 1936? A. Yes.

Q. Will you explain in what way it does?

A. Well, this is just——

(Testimony of Harry Renton Bridges.)

Mr. Del Guercio (Interposing): If your Honor please, the telegram speaks for itself.

Presiding Inspector: Yes. It can be introduced in evidence.

Mr. Gladstein: I will offer it in evidence.

Presiding Inspector: I will receive it.

Mr. Del Guercio: I object to it on the ground that no proper foundation has been laid for it.

Presiding Inspector: I think, in view of your examination, I will take it. You have asked about the communications and so forth. He says he received this and various telegrams.

(The telegram referred to was received in evidence and marked Alien's Exhibit No. 44.)

By Mr. Gladstein:

Q. I show you another telegram——

Presiding Inspector: You know who the sender is?

The Witness: Yes. That was Thomas—Thomas, Chairman of the Boston Strike Committee.

Presiding Inspector: I haven't seen it. [6123]

The Witness: It says, "Chairman, Boston Strike Committee."

By Mr. Gladstein:

Q. I show you another telegram under date of December 5, 1936, addressed to you, also sent by J. J. E. Thomas, and ask you if you can identify that telegram as having to do with your speaking in Boston during December of 1936?

A. (Examining telegram): Yes.

(Testimony of Harry Renton Bridges.)

Q. Where did you obtain this telegram?

A. Out of my files.

Q. Did you receive it? A. I did.

Mr. Gladstein: I offer it.

Mr. Del Guercio: I will object to it. I object on the ground that no proper foundation has been laid.

Presiding Inspector: May I look at it?

(The telegram referred to was passed to the Presiding Inspector.)

Mr. Del Guercio: These telegrams add nothing or detract nothing from the testimony.

Presiding Inspector: I didn't hear that.

Mr. Del Guercio: And clearly not on matters brought up on cross examination.

Presiding Inspector: I will take it. [6124]

(The telegram referred to was received in evidence and marked Alien's Exhibit No. 45.)

By Mr. Gladstein:

Q. I show you another telegram under date of December 5, 1936, addressed to you, purporting to come from Martin J. Flaherty, J. R. Walker and J. E. Thomas, and ask you if you can identify that? A. (Examining telegram): Yes.

Q. What is it? A. This is a telegram——

Mr. Del Guercio (Interposing): If it is going to be introduced in evidence it will speak for itself.

By Mr. Gladstein:

Q. Did you receive it?

(Testimony of Harry Renton Bridges.)

A. I received it.

Q. From where did you obtain it?

A. From my files.

Q. Does it relate to your speaking in Boston in December 1936? A. Very definitely.

Mr. Gladstein: I offer it.

Mr. Del Guercio: I object to it.

Presiding Inspector: I will receive it over your objection. [6125]

(The telegram referred to was received in evidence and marked Alien's Exhibit No. 46.)

Mr. Gladstein: I have in my hand a copy of a telegram dated December 10, 1936, to Joseph Curran from Mervyn Rathborne——

Presiding Inspector: You read that into the record?

Mr. Gladstein: Part of it was read.

Mr. Del Gurecio: Yes, in connection with a question that I asked.

Mr. Gladstein: The fact that it was officially sent from the ILA, and from the address of the ILA, was not read by Mr. Del Guercio, and I think, under those circumstances, that I would like to offer this in evidence.

Presiding Inspector: I will receive it.

Mr. Del Guercio: Do I understand you to say that Rathborne was connected with the ILA?

Mr. Gladstein: This was charged to the ILA.

Mr. Del Guercio: Wath Rathborne connected with the ILA?

(Testimony of Harry Renton Bridges.)

Mr. Gladstein: Mr. Rathborne, as I understand from Mr. Bridges' testimony, was the Secretary of the Maritime Federation of the District of which the ILA was a member.

Presiding Inspector: I will take it.

(The radiogram referred to was received in evidence and marked Alien's Exhibit No. 47.)

The Witness: He sent it for me, is what I said. [6126]

Presiding Inspector: Wait until the question is asked.

By Mr. Gladstein:

Q. Referring to the July 1935 meeting at the Manhattan Opera House, Mr. Bridges, what kind of a meeting was that?

Mr. Del Guercio: That has already been gone into, your Honor.

Presiding Inspector: Yes.

Mr. Gladstein: Only on cross examination and to a very limited extent.

Presiding Inspector: Pardon?

Mr. Gladstein: Only through cross examination and to a very limited extent, which did not bring out the character of the meeting, and whether it was an open meeting, a mass meeting, or a public or secret meeting.

Mr. Del Guercio: Maybe the witness didn't know.

Presiding Inspector: As it was only brought

(Testimony of Harry Renton Bridges.)

out to some extent by the Government I will take it as redirect.

By Mr. Gladstein:

Q. Were you present at that meeting?

A. I spoke at it.

Q. What kind of a meeting was it?

A. It was a public mass meeting.

Q. How many people attended, do you know?

Mr. Del Guercio: I will object to that. What difference does it make? [6127]

Presiding Inspector: I will take it.

A. A large number—I wouldn't know exactly—but the place was pretty full.

By Mr. Gladstein:

Q. What were the subjects discussed, do you recall?

Mr. Del Guercio: I object to that, your Honor.

Presiding Inspector: I will take it. I think you went into it. I think it is repetition.

Mr. Del Guercio: Only by whom it was called; not as to what was said there, or who said it.

Presiding Inspector: You asked what was the object of the meeting and he stated in relation to unemployment insurance, or something of that kind. I will take it in view of the fact that the door was opened.

A. The meeting was called by this committee, who was supporting and advocating the passage of legislation for unemployment insurance, and who called themselves the American Federation of Labor Committee on Unemployment Insurance.

(Testimony of Harry Renton Bridges.)

By Mr. Gladstein:

Q. Was there a division of the American Federation of Labor at that time as to whether or not trade unions should support the idea of obtaining legislation for Unemployment Insurance?

Mr. Del Guercio: I will object to that as being immaterial. [6128]

Presiding Inspector: I will take it.

A. There was.

By Mr. Gladstein:

Q. What was that division?

A. Many of the official leaders—I know the President of the American Federation of Labor at that time—and other official leaders were opposed to the idea of unemployment insurance, claiming that it would in some way injure unions; and they were opposed to legislation of this nature. Therefore, the unions and individuals, and individual members of the rank and file, formed this Committee in defiance of the leaders, such leaders as I have mentioned—they were not all that way—in defiance of the leaders to advocate and support the passage of such legislation. And this committee was under the auspices of that particular Committee.

I can distinctly recall, for example, that the Printers Council of New York—or New Jersey, I think it was—and the Chairman of that Council was present at the meeting and also spoke, a man named Brown.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: Is that all on that subject?

Mr. Gladstein: I think so.

Presiding Inspector: We will take a recess.

(Whereupon, at 12:30 P.M. a recess was taken until 2:00 P.M. of the same date.) [6129]

After Recess
2:00 o'clock P.M.

Presiding Inspector: We are all ready.

Mr. Gladstein: Yes, your Honor.

HARRY RENTON BRIDGES

called as a witness in his own behalf, having been previously duly sworn, testified as follows:

Redirect Examination (Resumed)

By Mr. Gladstein:

Q. Now, Mr. Bridges, going to the '34 Strike, will you state just when you began to advocate that workers join the Marine Workers Industrial Union, and which workers your advocacy pertained to?

Mr. Del Guercio: That is a compound question, your Honor. I think it ought to be split.

Presiding Inspector: Yes.

Mr. Gladstein: I have heard many compound questions which we didn't object to in order to save time, but I am willing to do so, your Honor.

By Mr. Gladstein:

Q. When did you begin for the first time to ad-

(Testimony of Harry Renton Bridges.)

vocate that any workers join the Marine Workers Industrial Union?

A. After the strike started in May '34.

Q. What workers did you believe should join the Marine Workers Industrial Union? [6130]

A. Seamen at that time.

Q. Did you ever, or have you ever taken the position that longshoremen should join the Marine Workers Industrial Union?

A. At no time. They were—well, of course, there were a lot of circumstances surrounding it; but the longshoremen were already organized when the strike broke out. The——

Q. (Interposing) Did you ever——

Mr. Del Guercio: (Interposing) He hasn't finished his answer.

By Mr. Gladstein:

Q. Have you finished?

A. The longshoremen were already organized. The Marine workers were trying to organize longshoremen, oh, I think, beginning around 1932, but didn't get anywhere, and it was always opposed, and the longshoremen eventually organized themselves into the ILA.

Q. Did you ever advocate that longshoremen join or become affiliated with the Marine Workers Industrial Union? A. At no time.

Q. Now, when did you—withdraw that. You say that you advocated the seamen joining the Marine Workers Industrial Union shortly after the 1934 strike began, is that correct?

(Testimony of Harry Renton Bridges.)

A. That is right. [6131]

Q. Prior to that advocacy on your part had you taken a different position?

A. Yes; at many times.

Q. What was your position with respect to the organization of seamen prior to the 1934 strike?

A. We were trying to have the International Seamen's Union organize jointly with us.

Q. When you say "we" to whom do you refer?

A. The longshoremen at that time in the ILA, going back to the latter part of '33 and early in 1934. I attended a meeting of the seamen in 1934 when Andrew Furuseth was speaking, the President of the Seamen's Union, and speaking from the floor I asked Andrew why the seamen couldn't organize together with the longshoremen so that we wouldn't make any more mistakes like such as always had been made in the maritime industry? And I can still remember his answer. This was prior to the 1934 strike, and on many occasions prior to that time, even going back to 1920 that I can recall, this had been quite a matter that I couldn't understand as to why the seamen and the longshoremen couldn't work together. We just changed that situation in 1934, but the leaders of the seamen at all times refused to allow their men to have anything to do with the longshoremen.

Mr. Del Guercio: If your Honor please, I move that the witness' answer be stricken. It isn't responsive to the ques- [6132] tion asked.

Presiding Inspector: It may not be strictly re-

(Testimony of Harry Renton Bridges.)

sponsive but it is on the general subject and I think it would save time to let it stand.

By Mr. Gladstein:

Q. Now, what was the position of the ISU with respect to taking the unorganized seamen into their organization as at the beginning of the 1934 strike?

A. They refused to take them in and they refused to have them recognize the strike. They urged them not only to do their own work but to perform longshore work to help break our strike.

Q. What was the opinion of yourself and other leaders of the ILA during the strike with respect to the importance of having the seamen join in the strike on the side of the longshoremen?

Mr. Myron: I object to that, your Honor. It should be limited to his own opinion, not to the opinion of others.

By Mr. Gladstein:

Q. I will ask first for your own opinion on that, Mr. Bridges.

A. Well, my own opinion was in conformity with the decisions of the union and of the convention.

Q. And what were those decisions?

A. Our convention in February, 1934, passed a special [6133] resolution on it urging the organization of the seamen and the organization of seamen and longshoremen together in a federation and joint and mutual support on questions such as strikes and so forth, and, therefore, when the strike broke out

(Testimony of Harry Renton Bridges.)

and the seamen were refused entrance into the Seamen's union, I'm not quite sure about the other locals in the other ports in all cases, but I know in the Port of San Francisco our official position, not only mine, but the official position of the union, was to urge them to join the Marine Workers Industrial Union to get them into an organization.

Q. And how would getting the seamen into an organization increase or decrease, or in any way affect the chances of the longshoremen to win that strike?

Mr. Del Guercio: Your Honor, I will object to that.

Presiding Inspector: I will take it. We are going pretty broadly into this man's views. I will take it.

A. Well, I think the only way you could judge that is that I don't think there has been a strike won in the Marine industry without the longshoremen or seamen working together. Every other one has been lost. I know of none, and I am pretty well acquainted with the marine labor history.

Q. Now, during the 1934 strike was there a time when the seamen later found it possible to become members of the ISU? [6134]

Mr. Del Guercio: I will object to that, if your Honor please; immaterial and irrelevant.

Mr. Gladstein: I will withdraw the question and put it this way.

By Mr. Gladstein:

Q. After the time when you urged seamen to go

(Testimony of Harry Renton Bridges.)

into the Marine Workers Industrial Union did the position change?

A. Yes, there was reasons.

Q. Well, how did it change?

A. Both the MWIU and the Seamen's Union were recognized by the President's Board. Both were given audience before the President's Board and both put forward demands before the President's Board, and then the issue come up as to which union truly represented the seamen. And it was decided that an election would be held, and the election was eventually held. However, prior to that time many of the seamen deserted the MWIU and joined the ISU, who by that time had agreed to take them in, and they were taken in as probationary pledge-card members. They were not admitted to full membership. They were given pledge-cards for the purposes of voting as to which union would represent them.

Presiding Inspector: When was that?

The Witness: That was in the hearings right here in this court room, before the President's Arbitration Board, July 9, 1934. [6135]

By Mr. Gladstein:

Q. Did your position as to whether seamen should go into or remain members of the Marine Workers Industrial Union change as of that date?

A. Providing the Seamen's Union would accept them without any discrimination, and when the Seamen's Union finally agreed to do that we urged the seamen to join the ISU of A.

(Testimony of Harry Renton Bridges.)

Q. When you say "we" to whom do you refer?

A. I mean myself and other members and officials of the Union.

Q. Which union? A. Longshoremen.

You have got to understand that for many, many months after the strike——

Mr. Del Guercio: (Interposing) Is this in answer to a question——

The Witness: (Interposing) Yes.

Mr. Del Guercio: The same question?

The Witness: He asked me what I meant by "we".

By Mr. Gladstein:

Q. If you want to finish your answer you may do so.

A. The seamen never had an organization until some eight or ten months after the strike ended. They went into the strike with no organization. The main thing they got [6136] out of the strike was organization. That organization wasn't a stable one until around February or March, 1935.

Q. Now, Mr. Bridges, what actually caused, if you know, the general strike of 1934 to take place?

Mr. Del Guercio: If your Honor please, I will object to that. It has already been gone into a dozen times at least.

Presiding Inspector: May I hear the question?

(The question referred to was read by the reporter as above recorded.)

Mr. Gladstein: I may say, in explanation of that,

(Testimony of Harry Renton Bridges:)

your Honor, that on cross examination Mr. Del Guercio, by his questions, indicated a line of examination intended to show that the general strike was an idea of Mr. Roy Hudson, or the Communist Party, or both, and we intend to show what the true cause was.

Presiding Inspector: Isn't that going to lead us into the justification for the strike?

Mr. Gladstein: I don't think so. I am not going into the merits of the strike from the employers' point of view or from the workers' point of view, but simply what Mr. Bridges, who was involved in the strike, says was the actual cause of it.

Presiding Inspector: I will take it.

A. Well, there were many things that might have caused it. I think the main thing that caused the strike was the [6137] results of the attacks on the waterfront pickets on July 5, 1934, when the men was shot and gassed, resulting in two men being killed. It was a terroristic attack.

At that time an organization known as the Industrial Association had taken over the strike for the employers and their leaders, that is, the leaders of the Association, were making various statements, saying that "for once, or this time, labor has got to be taught a real lesson and this is the time to do it," and so forth.

On July 5th there was an all-day battle on the waterfront, some 400 men being injured, shot, clubbed, gassed, and so forth, two being killed and——

(Testimony of Harry Renton Bridges.)

Mr. Del Guercio: (Interposing) We are going into again the reason for it, and I thought that was to be excluded.

Presiding Inspector: Yes. I am afraid you are going to have this whole fight brought out.

Mr. Gladstein: Just the cause of the general strike is all I am interested in.

Presiding Inspector: He said that there was injury to certain of their pickets——

Mr. Gladstein: (Interposing) And the death of certain of the men.

Presiding Inspector: We don't care about the merits, what they were, for the purpose of this hearing.

By Mr. Gladstein: [6138]

Q. Were the men killed members of organized labor?

A. Yes; one of them was a longshoreman. The other one was a member of the Cooks and Stewards.

Q. Do you know what the reaction among organized labor was to the events of July 5 that you have just mentioned?

Mr. Myron: I object to that, your Honor.

Presiding Inspector: I will take it.

A. The strike was a protest against the attack on the waterfront, and at that time many of the leaders of the labor movement, who had formerly refused to support the strike, woke up to the fact that the attack was also directed against them and held dangers, and therefore, the general strike took

(Testimony of Harry Renton Bridges.)

hold as a protest against, not only the attack on the waterfront on July 5, but the placing of troops on the waterfront on the evening of July 5.

By Mr. Gladstein:

Q. Now, when did the general strike actually begin? A. July 16.

Q. Between July 5 and July 16, Mr. Bridges, do you know whether San Francisco labor leaders, regarded as conservatives in the labor movement, changed their position as coming out in favor of a general strike? A. Some of them did.

Q. Now, are you able now to name any of the leaders of the 1934 waterfront strike? [6139]

Mr. Del Guercio: The what?

(The question referred to was read by the reporter as above recorded.)

Mr. Del Guercio: I will object to that, your Honor.

Presiding Inspector: Haven't we had that?

Mr. Gladstein: No. There was reference made along this line: That Mr. Del Guercio, in his questioning, asked Mr. Bridges if he wasn't the leader. He said, "No," that there were others; and he was asked, "Was Jackson a leader?" and Mr. Bridges said "No." He asked, "Was the Communist Party the leader of the strike?" and Mr. Bridges said "No, but I can tell you the names of the leaders." But Mr. Del Guercio didn't seek those names, and I think, for the record, we should have those.

Presiding Inspector: It won't mean anything.

(Testimony of Harry Renton Bridges.)

Mr. Gladstein: If your Honor feels that way I won't go into it. It was simply to fill the record on that one point where Mr. Bridges had offered to supply this information for the record and it had not been taken; but if you regard it as unimportant——

Presiding Inspector: I don't think it amounts to anything but if you think the record ought to be filled, I will allow him to give the names.

By Mr. Gladstein:

Q. Would you do that? [6140]

A. You say the waterfront strike—you mean the waterfront striking unions?

Presiding Inspector: 1934.

Mr. Gladstein: Yes.

A. (Continuing) Of course, there was, first of all, the longshoremen——

Mr. Del Guercio: (Interposing) He asked for the leaders only.

Presiding Inspector: But he is going to put these in classes.

A. (Continuing) That is right. There were the longshoremen, and the longshore strike committee, of which I was Chairman, and various other sub-Chairmen, members of the Strike Committee. There were 75 of them, and many of their names have been mentioned.

There was the seamen, broken down into three parts.

For the AF of L——

(Testimony of Harry Renton Bridges.)

Jackson, Telford, the two that I most remember, they were for the MWIU.

For the AF of L seamen, the Sailors Union, Bill Caves was Chairman of the Strike Committee; George Larson, and a man named Silver, were two of the local officials of the Sailors Union at that time. Herbert Mills was a member of the Strike Committee, and a man named O'Brien was on their committee. There were others I can't recall right now. [6141]

For the Firemen there was John McGovern, and he was the Secretary or the ranking official of the union. I can't think of any others at this time, who was on that committee.

By Mr. Gladstein:

Q. You mean the Committee for the Firemen?

A. I am talking now of the San Francisco Committee for Firemen.

For the Marine Cooks there was Eugene Burke, present Secretary of the Union, and a man named Carl Frietche—F-r-i-e-t-c-h-e—and he was a member of their Strike Committee and very active.

I can't remember the rest of their committee.

[6142]

Q. Were there any draft organizations represented by leaders in the strike?

A. Yes. I am giving you now the waterfront unions.

Q. Yes. Well, I am referring to unions that had any connection with the waterfront or were part of the general or Joint Strike Committee.

(Testimony of Harry Renton Bridges.)

A. Sure. There was dozens of them.

Q. You remember any of the other leaders?

A. Well outside of the waterfront you should have the Machinists and the Boilermakers, the Ship Fitters, the Patternmakers. They were all concerned——

Mr. Del Guercio: (Interposing) We have been all over this.

Presiding Inspector: Yes, the only question is about names.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. Can you recall the names of any of the leaders of those unions?

A. Yes. Two of the leaders are pretty active now; Harry Hook and Dillon. They were leaders then. They had their International Representative, a man named Grow—"Curley" Grow they used to call him. For the Boilermakers I think there was a man named Gabbett. I don't recall the other officers. And then I think you get away from them and [6143] you get off the waterfront. The next group would be the Teamsters.

Mr. Del Guercio: He has only asked for the waterfront, as I understand it.

By Mr. Gladstein:

Q. Did the Teamsters have any direct connection with the strike on the waterfront or maritime unions?

A. They struck the waterfront. They refused to haul any goods to and from the waterfront.

(Testimony of Harry Renton Bridges.)

Q. Under whose leadership were they?

A. Michael Casey and John P. McLaughlin.

Q. Did the Teamsters support the longshoremen during that strike?

A. Through the entire strike. They played a very important part. Without the Teamsters the strike would have been lost.

Q. Was any of that support from Mr. Casey in the nature of personal support to you, Mr. Bridges?

A. No, I don't think so. He was very much opposed to me at that time.

Q. Did he later change his opinion and support you in any way?

A. Oh, yes. He later changed his opinion completely.

Mr. Myron: I don't know how this is material, your Honor.

Presiding Inspector: I don't see how this is material. [6144] Leave that out.

By Mr. Gladstein:

Q. Now, you testified yesterday that you have in the past advocated that workers read the Western Worker or the Daily Worker. Did you have reasons for that position?

Mr. Del Guercio: Well, the reasons aren't important. The fact that he has advocated it is sufficient.

Presiding Inspector: Well, I think that you have——

Mr. Del Guercio: (Interposing) It would be self-serving at the best.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: I know, but that wouldn't be a reason for not receiving it. I think I will take it.

A. Yes, I have.

Presiding Inspector: You have gone into his general attitude toward all these matters. In fact, you seek to draw an inference from the very fact that he advised this.

Mr. Gladstein: That is right.

Mr. Del Guercio: If your Honor please, supposing that this Alien was charged with distributing literature advocating the overthrow of the Government by force and violence, and supposing that he admitted that he did distribute such literature? Now, would the reason why he did it be important or material or relevant?

Presiding Inspector: According to the claim of the Alien it would be. [6145]

Mr. Gladstein: I would like to add something to that, your Honor.

Presiding Inspector: It is their argument and I am not passing on the validity of that argument at present. Therefore, I think we had better have the proof as a background.

Mr. Gladstein: As a matter of fact, our theory is a good deal different from that and our theory is much more in line with the decision of the United States Supreme Court in the Dijon case in which the Court stated, for example, in that case that a peaceful assembly for the purpose of lawful discussion could not be made criminal even though it

(Testimony of Harry Renton Bridges.)

developed in the case that one or two of the people who were present at that meeting were members of the Communist Party.

Now, our position simply on the question of the Western Worker and the Daily Worker is to find out what reason there was Mr. Bridges had in suggesting to anybody that that person read it.

Mr. Del Guercio: Was the Dijon case a deportation case?

Mr. Gladstein: No, it wasn't. But I don't think that makes a great deal of difference.

Presiding Inspector: I don't think the precedent is very close, but I will take the proof.

A. (Continuing) The answer is, Yes.

By Mr. Gladstein:

Q. What were those reasons? [6146]

A. Well, it has always been our experience, still is——

Mr. Myron: (Interposing) Now, this is his own reason, I believe, your Honor.

Presiding Inspector: Yes. Give your own reasons.

A. (Continuing): It has always been my experience and still is that you can't, or one can't, especially the working or labor people, can't expect any fair treatment from the daily newspapers. I think we see enough evidence every day of that.

Mr. Del Guercio: The witness should be confined to his own experiences.

Presiding Inspector: He is giving his own ex-

(Testimony of Harry Renton Bridges.)

periences. I take this as his own. He may use different pronouns, but he means his own.

That is right, isnt' it?

The Witness: Yes. I am not in the habit of saying "I", maybe.

Presiding Inspector: Go ahead. Don't be afraid to say "I". Go ahead.

A. (Continuing): I think that in dealing with the problems of labor and trying to get their story before the broad mass of the people that we have a very difficult time with the ordinary, average daily newspaper, and separate and apart from the policy or certain other things advocated by such an organization as the Daily Worker or Western Worker [6147] it certainly has been my experience that they run the story of labor pretty straight as a rule. It is certain that they make mistakes and make errors at times in printing the whole story, but compared to the other newspapers, who either refuse to print any press release that a union gives them—if they print it they add an editorial completely distorting it, they twist it around and, as a matter of fact, they lie. Compared with those types of papers and a paper like the Western Worker or the Daily Worker, they would print the true facts of a labor case. And in so far as those articles are concerned, the average person can get a better idea of what a labor union is doing and what their true story is than they can by reading any of the other newspapers. And, therefore, in urging any workers to read a paper like the Western Worker or the Daily

(Testimony of Harry Renton Bridges.)

Worker you are not necessarily urging them to read them because of the policies or the principles set forward in the editorial policy, but merely for the news and the stories contained in the paper in regard to union activities or trade union activities or this, that or the other issue that at that time is current.

That was the only reason that I ever had in urging that workers read those papers, and my ideas haven't changed on it even yet.

Mr. Del Guercio: If your Honor please, I move that the entire answer be stricken as it appears to me that it is not [6148] testimony but merely a present solicitation for the subscription to the Daily Worker and the Western Worker. I suppose a motion would be improper, as it might be said to be improper, as it would tend to establish that even now the Alien here——

Presiding Inspector: (Interposing) You are giving that——

Mr. Del Guercio: (Continuing) ——is soliciting subscriptions to Communist papers.

Presiding Inspector: I think he was giving that latter statement now to show the firmness of his belief in the correctness of the original view as stated, and I will let it stand. I don't think it will be very successful as a bid for subscriptions for the particular journals.

By Mr. Gladstein:

Q. Mr. Bridges, you were asked whether Elaine

(Testimony of Harry Renton Bridges.)

Black spoke at the ILA convention in February of 1934, and you stated that you would check the records and see whether she actually spoke or not. Did you make a check of those records? A. I did.

Q. Did you find whether or not Elaine Black was a speaker? A. She didn't speak.

Mr. Myron: I assume he means by that, whatever records he checked didn't show that she spoke.

Mr. Gladstein: I suppose so. I don't suppose he could say that she didn't speak from any records he didn't check. [6149]

Mr. Del Guercio: The question was whether Elaine Black was scheduled to appear to speak.

Mr. Gladstein: Do you want to continue with your cross examination?

Mr. Del Guercio: Are you speaking to me or to the Court?

Presiding Inspector: Oh, now, let us not get into a controversy on the matter.

Mr. Del Guercio: He should address the Court.

Presiding Inspector: Even though it varies from your question I will allow it. He hasn't been able to find any records.

By Mr. Gladstein:

Q. What records did you check?

A. Official minutes of the convention. They are verbatim.

Q. Did you find whether or not she was invited to speak or whether she asked permission to speak?

A. She was invited to speak.

(Testimony of Harry Renton Bridges.)

Q. And by whom was she invited, according to the records? Of course, I suppose the records are the best evidence.

Mr. Del Guercio: I think the records should be produced.

Mr. Gladstein: I don't suppose they are material exactly and I will withdraw the question. [6150]

Presiding Inspector: I will take it without the introduction of the documents. It is entirely collateral. I will allow it.

By Mr. Gladstein:

Q. Do you know by whom she was invited to speak?

A. The minutes show that the Chairman announced that there had been a request in the form of a communication by Elaine Black herself, I think, or someone else, and that's all that deals with the invitation.

Q. What was the disposition of it?

A. I think a vote was taken and the answer was, No.

Presiding Inspector: You didn't want to hear her?

The Witness: There is no reason given in the minutes as to why they didn't want to hear her, but they didn't want to hear her. That is correct. No reasons given. It might have been because of the press of work before the convention, one thing or another.

Mr. Del Guercio: May I ask that an answer be

(Testimony of Harry Renton Bridges.)

read a little way back? Maybe I was mistaken. I thought I heard the witness testify that they were verbatim minutes.

Presiding Inspector: He did say, I think, that the minutes were verbatim.

You did, didn't you?

The Witness: That's right. The minutes show "All [6151] those in favor of hearing her speak say 'Yes' ", and there was some "Yesses". "All those say 'No' ", and there were too many "Noes" and that was that.

By Mr. Gladstein:

Q. Now, did the question of the Waterfront Worker ever come up before the union itself, the ILA? A. Yes.

Q. When?

A. I don't remember the exact time. 1935 or early in '36.

Q. In what way did the question come up before the union?

A. Somebody got up and made a motion to donate a couple of hundred dollars to the Waterfront Worker.

Q. Did the union take any position on that motion? Or any motion to support the Waterfront Worker?

A. Once the motion was made they would have to take a position. My recollection is that—I am not sure the donation was approved or voted. I do remember that a vote of confidence was given the paper.

(Testimony of Harry Renton Bridges.)

Q. That is the ILA union voted a vote of confidence to the Waterfront Workers? A. Yes.

Q. You were asked about the constitution of the ILA in 1935 and you stated that you would make a search for that [6152] and attempt to produce it here. Did you make such a search?

A. Yes, and couldn't find one.

Q. Do you recall from memory what the situation was in 1934 with respect to whether the ILA had a constitution?

Mr. Del Guercio: Your Honor, that has been gone into.

Presiding Inspector: I think so.

Mr. Gladstein: It hasn't.

Presiding Inspector: I think that he said it had, but not a very full one.

Mr. Gladstein: Well, assuming then that that is the state of the record—

Presiding Inspector (Interposing): I may be wrong, but that was my general recollection.

By Mr. Gladstein:

Q. Assuming that that it the state of the record I will ask you, Mr. Bridges, in what state the constitution was,—that is, in what condition it was—in 1934 with respect to whether there were copies available, printed copies or whether it was in the process of being adopted?

A. I don't think there was any printed copies of the constitution available until after 1934. Pretty loose. The constitution was adopted in 1933 and there were a few mimeographed copies distributed

(Testimony of Harry Renton Bridges.)

then and really no—as far as I recall, there was really no printed copies of the constitution available in final form until after 1934. [6153]

Presiding Inspector: I think that is substantially what he testified to before.

By Mr. Gladstein:

Q. Is there any office of the ILWU, either in San Francisco or elsewhere on the Pacific Coast or anywhere——

Mr. Myron (Interposing): May I get that question?

Mr. Gladstein: I haven't finished it yet.

Mr. Del Guercio: We can't hear you. You have got your hand up to your face.

Mr. Gladstein: I am falling into your habits, Mr. Del Guercio.

Mr. Del Guercio: I don't have to cover mine.

Presiding Inspector: Let us hear the question again. Do you wish the reporter to read it?

Mr. Gladstein: No.

By Mr. Gladstein:

Q. Is there any place where there could be available to you a copy of the ILA constitution in 1934?

A. I don't know. Maybe in the International Offices of the ILA or in the ILA District Offices on the Pacific Coast. The reason is that most of our ILA records were given over to the ILA after we went CIO. They sued for them and they were turned over to them. So any spare copies of constitutions and things like that that were on file in what you

(Testimony of Harry Renton Bridges.)

might call my office or the office of the Secretary were turned over [6154] as a rule.

Q. Now, you were asked concerning a meeting on June 19, 1934 at which Harry Jackson was present. Do you recall that meeting?

A. Well, I was asked about a lot. I don't know exactly what meeting you refer to now. June 19, 1934? Off-hand I don't know what meeting you refer to.

Q. A public meeting, as I understand it.

A. I recall such a meeting around that time, yes.

Q. Where was it held, do you remember?

A. Civic Auditorium, San Francisco.

Q. Under whose auspices?

A. Joint Marine Strike Committee.

Q. What was the purpose of the meeting?

A. A public mass meeting to acquaint the people of San Francisco with the reasons that a contract—a so-called contract that had been signed by President Ryan had been repudiated by the longshoremen.

Q. Now, you stated that you recall Jackson being there.

A. I don't know at this meeting. I think that the only meeting I recall Jackson speaking at was a meeting after—the only meeting that I recall Jackson speaking at was a public meeting in the Civic Auditorium—and I don't recall any other—was a meeting after July 5, 1934.

Q. You testified that you recalled a public meet-

(Testimony of Harry Renton Bridges.)

ing at which Jackson spoke because of a remark that he made. Do you [6155] recall that remark?

A. Yes.

Q. Do you recall the remark that he made?

A. If it is the meeting I mean, and this was the meeting where—I think that was in regard to the general strike being advocated—I recall one meeting and I recall one remark that he did make, yes.

Q. What was the remark?

A. Well, I just happened to remember it. His remark was, I think, that "They might call us 'Red', but they can't call us 'Yellow' ". I happen to remember that one, and later on in the Labor Council there was quite a to-do over the fact that he spoke at this meeting with the rest of us.

Q. Now, you mentioned the Agreement of June 16, 1934 that was signed by Mr. Ryan. I think you have already testified that the rank and file or the Local Unions up and down the Pacific Coast refused to accept that Agreement, is that correct?

A. That's right. It was an agreement they called the "June 16 Agreement".

Q. What was your relationship with Mr. Ryan at that time?

A. That was the first time I ever seen him.

[6156]

Q. Well, what did your relationship become as a result of your experinece with him at that time?

A. Pretty strained, I would say. Ryan came to the West Coast here, and with a lot of publicity.

Presiding Inspector: What was your relation-

(Testimony of Harry Renton Bridges.)

ship with Mr. Ryan? I think you can answer that directly as being close, or friendly, casual, or any of those words.

Mr. Myron: He already answered. He said it was strained.

Presiding Inspector: Strained?

Mr. Myron: Strained.

By Mr. Gladstein:

Q. Has your relationship to Mr. Ryan been different than that?

A. We got kind of friendly later on; I mean it changed a little.

Q. At what period did that occur?

A. For about three months in 1936.

Q. Can you date that period with respect to the time when, as you have testified, the International agreed to support the Pacific Coast District in the 1936 strike?

A. Yes. That would extend from about August to November or December, 1936—or September to about December, 1936.

Q. Now, when——

Mr. Del Guercio (Interposing): Are we going into all this on redirect examination? [6157]

Presiding Inspector: I don't know. New matters brought out on cross, as to those subjects there may be redirect examination.

Mr. Del Guercio: It is on a subject that has no remote connection here.

Presiding Inspector: Let's hear the next question.

(Testimony of Harry Renton Bridges.)

By Mr. Gladstein:

Q. When did the relationship between you and Ryan become strained again?

A. When I went back east in 1936, or just prior to that; around the beginning of December, 1936, or a little earlier.

Q. While you were back east was it possible for you to appear at any ILA union meetings?

Presiding Inspector: You asked about that?

Mr. Gladstein: I don't know as I have.

Presiding Inspector: I don't know as you have. He explained that pretty fully. I didn't suppose you cared to touch it, but you are entitled to if you want it.

Mr. Gladstein: Some things that were not brought out on cross examination.

Presiding Inspector: Very well.

A. No; no, only in certain cases.

By Mr. Gladstein:

Q. Would you explain that, please?

Mr. Del Guercio: Are we going into—— [6158]

Presiding Inspector: You went over it, and I don't suppose they would care to touch it, but they have a right to ask him again about it.

A. Well, in most of the ports of the east coast the men in the union, they don't just have any union meetings. There are some exceptions. The places that I went to at that time were the exceptions, where the local union leaders were not a part of the Ryan machine, and they held local union meetings

(Testimony of Harry Renton Bridges.)

—the three places being Boston, Baltimore and Philadelphia.

Practically all through the entire port of New York, for example, union meetings of the longshoremen are unheard of. The unions are gangster controlled. Something has recently been done about that particular phase of the situation there.

Mr. Del Guercio: Are you talking about Joe Curran's union?

The Witness: Oh, no. Joe Curran was one of the fellows that put a stop to that kind of thing.

Mr. Del Guercio: I must have misunderstood you.

The Witness: I am sorry. I thought you wanted the information.

I am talking about Joe Ryan, and the ILA in the Port of New York, where the District Attorney for Brooklyn recently ordered him to hold union meetings, and forced him to disband [6159] three local unions there under the domination of gangsters.

So it wasn't easy to hold union meetings of longshoremen in New York, and it is not easy now. It is more than your life is worth in some cases.

By Mr. Gladstein:

Q. Now, in that 1936 strike in the east was there any close connection between the longshoremen and the seamen who were on strike?

A. There is always a close connection between longshoremen and seamen, and especially in strike periods, and there was at that time very definitely a close connection.

(Testimony of Harry Renton Bridges.)

Q. What was the nature of that connection?

A. Well, the support of the longshoremen would determine the success of the seamen's strike. They didn't get the support and, therefore, their strike was not a success.

Q. Would that in any account for the fact that some of the requests that you received from the east to speak in the East came from representatives of both the seamen's group and the longshore group?

Mr. Myron: I object to that as a hypothetical question.

Mr. Del Guercio: And as calling for a conclusion.

Presiding Inspector: There are objections to that question.

Mr. Gladstein: It does call for a conclusion, but I can ask him to explain the relationship. [6160]

Presiding Inspector: Perhaps that would be the best way.

By Mr. Gladstein:

Q. Would you explain the relationship between what you have just expressed, what you have just explained, and the telegrams in evidence, which came to you during 1936 from representatives of both the seamen's and the longshore groups, jointly signed?

Mr. Myron: I object to that.

Presiding Inspector: I will take it.

A. The only requests that I received from any eastern port, or the Gulf, were from those ports where the seamen and the longshoremen were work-

(Testimony of Harry Renton Bridges.)

ing together, where the longshoremen were supporting the seamen; and where there was some measure of tried union democracy, where they were able to send such a request. And in those particular ports there was close cooperation between the seamen and the longshoremen, and we were trying to spread that cooperation—therefore, the requests.

Q. Now, you were asked about a meeting in San Francisco on July 5, 1935, a public meeting. What kind of a meeting was that?

A. I am not sure if it was a public meeting. I think it was a meeting in commemoration of July 5, 1934. It has been one of our policies to set aside July 5 in memory of the [6161] men that were killed and shot up and down the Pacific Coast in the '34 strike. Eight men were killed all told. We have generally recognized, and have held certain types of services, on July 5th.

July 5, 1935, I recall that we had all the unions participate in a demonstration, in a mass parade, winding up in the evening, or in the late afternoon, I think it was, in a meeting of the Waterfront Maritime Workers in Dreamland Auditorium. I was one of the speakers.

Q. Now, was that anything except a union meeting?

A. It was mainly a union meeting. It is possible that members of the public were there, but it would mostly be members of the maritime unions.

Q. You mentioned that Mr. Lundeberg spoke at that meeting. Do you recall that? A. Yes.

(Testimony of Harry Renton Bridges.)

Q. And that you introduced him?

A. I introduced him as the President of the Maritime Federation of the Pacific, the newly elected President.

Q. And as of that date, July 5, 1935, what did you in public say with respect to Lundeberg as to your position toward him?

A. I said we were lucky to be able to elect him President of the Maritime Federation, and believed that he would make a very good President. [6162]

We all make mistakes.

Q. Now, you mentioned that you have supported a man named Walter Stack, whom you know to be a Communist. Will you explain in what ways you have supported him and your reasons for it?

A. Oh, I supported him as long as he had a good trade union policy; and always opposed him when he had a bad one.

Q. In what ways would the question of your support for Walter Stack come up?

Mr. Myron (Interposing): "Would" come up, or "did" come up?

Mr. Gladstein: "Did".

A. It might be any matter, it might be any policy, or activity he was advocating as the best thing to do at a particular time for the——

Mr. Myron (Interposing): I object—the question was reframed to "What did occur".

Presiding Inspector: Yes.

The Witness: Something specific?

(Testimony of Harry Renton Bridges.)

Presiding Inspector: As to what did occur in that respect.

A. (Continuing): Let me see—you want a specific example?

Presiding Inspector: Yes.

A. (Continuing): I very recently had—although Stack [6163] has more or less come to see it the same way—very recently had a pretty wide difference of opinion with him. On the question of affiliating, for example, the Maritime Federation of the Pacific Coast, Stack was opposed to it. I thought he was all wet. He might have changed his mind a little, but not completely. I think that is a good example and one of the most recent.

There have been many similar.

By Mr. Gladstein:

Q. Were you and he in open opposition on that matter in trade union meetings?

A. Yes; very definitely.

Q. What has been your position, Mr. Bridges with respect to whether or not you will support a trade unionist if he is a Communist or—if he is a Communist?

Mr. Del Guercio: "If he is a Communist or if he is a Communist?"

Mr. Gladstein: No. I finished the question. I said "if he is a Communist."

A. The question of support only goes to whether he is a unionist or not. If he is a bad unionist, we don't care what he is, we are against him; if he is a

good one, we don't care what he is, we are for him. His first allegiance must be for the union.

Mr. Myron: I suppose when he says "we" he means "I"? [6164]

The Witness: I.

By Mr. Gladstein:

Q. How do you determine, how have you determined in the past, Mr. Bridges, whether a man is a good trade unionist?

A. How do you determine it?

Q. Yes.

A. Well, generally by the net results of the policies or the activities he advocates and follows. For example, if you see a person advocating a strike at the wrong time, and the strike takes place and you see the union smashed, well, I would say as a trade unionist, regardless of his political affiliation, he is lousy. We have had enough examples of that.

At the same time, take the reverse situation—if a strike is necessary, and you see a person fighting against a strike, and as a result the union is weakened or destroyed, or becomes impotent, again he is no good as a trade unionist.

It doesn't make much difference whether he is possibly sincere in his beliefs or not, it is results you must go by. The workers don't excuse you, and there is no good arguing with them that you made a mistake and didn't mean it. They want results and that is all they go by. If you don't produce them it is too bad. Therefore, when you start trying to judge people on their political philosophy, if he is

(Testimony of Harry Renton Bridges.)

a trade unionist, the first thing that counts is what are you going [6165] to do for the union as a whole and what will the union get out of it. As long as a person, as far as I am concerned, as far as our entire union is concerned—and when I say "our entire union" this question comes up occasionally:——

Q. (Interposing): Has your union ever passed on this question?

Mr. Del Guercio: If your Honor please, we are not interested in his union, but in his own particular beliefs.

Presiding Inspector: We have had those.

The Witness: In all matters I am bound by my union. I can't operate as a single individual. Everything I say or do——

Mr. Del Guercio: Wait until a question is asked.

The Witness: I think it is entitled to come out as to what the true facts are.

Presiding Inspector: Perhaps you had better let the Presiding Inspector rule on this.

I will take the answer.

A. (Continuing): I was just saying, it is impossible for me to do anything any more as an individual. Everything I say I have got to watch, everything I do I have got to watch. I can't do anything as an individual. It is always taken as an official position of my union, or of the CIO, or something; so that to talk in terms of personal or individual opinions is somewhat foolish in these cases. Generally, when [6166] I express an opinion, for my own protection, if nothing else, I express an

(Testimony of Harry Renton Bridges.)

opinion that I well know I will be supported in by the majority in my union, or the majority of all unions that I have to represent; otherwise I would be foolish. And when I point out that there is no discrimination in our union because of political beliefs, I mean that. We have gone on record for it time and time again. And while this hearing was adjourned the matter came up in our convention and the decision in favor of no discrimination because of political beliefs was unanimous.

By Mr. Gladstein:

Q. Has that position been previously taken in local unions, or in district conventions of the longshoremen?

Mr. Del Guercio: If your Honor pleases, in the interests of expedition alone I think that the witness should be stopped.

Presiding Inspector: We have heard a lot about good trade unionists, and bad trade unionists, and about good Communists and bad Communists. I think we will take this, and let it stand.

The Witness: It has been settled, as I explained it.

By Mr. Gladstein:

Q. Now, referring to the occasions when Mr. Schneidermann, or Mr. Lambert, have come to your office and had conversations with you, what have been, to your recollection, any of [6167] the issues or matters discussed?

A. You mean specific examples?

Q. If you can think of any.

(Testimony of Harry Renton Bridges.)

A. I can think of some. Separate and apart, practically any discussion like that would be——

Mr. Myron (Interposing): He has been asked what were the discussions and he is saying what would have been.

Presiding Inspector: He is saying how difficult it is for him to remember. This is a mere explanation.

Go ahead.

A. (Continuing): The only ones that I can think of were generally political matters, matters of——

Presiding Inspector: What do you mean by "political," supporting some candidate or policy?

The Witness: And other things.

First of all, at no time do I recall were trade union policies as such discussed in such conferences.

Presiding Inspector: Were political philosophies discussed,

The Witness: Political theories, yes. I have discussed that with those people, and in many cases disagreed.

For example, there would be matters discussed such as the freedom, or support in the fight for freedom of certain prisoners—Mooney and Billings, McNamara, the Scottsboro case, King-Ramsay-Connor, and the Modesto case, and many things like that; and there would be requests for support [6168] against discrimination, such as refusing halls to Communists, or Communist speakers, or Commu-

(Testimony of Harry Renton Bridges.)

nist political candidates; the refusal of the radio; requests for them to appear before our union meetings on behalf of this, that or the other issue; requests for support of legislative matters that might hurt, hit or hurt trade unions, and discussions along that line. In addition to supporting certain political candidates or matters.

For example—I can give examples if necessary.

By Mr. Gladstein:

Q. Will you give any that you think of, other than what you have mentioned?

A. Well, I think the Communist Party didn't exactly like my attitude in the last election where, somewhat in the support of John L. Lewis——

Mr. Del Guercio (Interposing): This relates to a discussion, meetings and discussions with Schneidermann long prior to this last election.

A. (Continuing): Well, I can go back even further: I can definitely remember a discussion—I am trying to place one with Schneidermann. I can remember a discussion with Schneidermann on the "Ham and Eggs" issue. We supported it. The Communist Party was against it.

I can remember many discussions, for example, on matters such as I have said, support or joint cooperation in the [6169] matter of the fight to release Mooney and Billings, McNamara, Scottsboro case, and such things as that.

Presiding Inspector: You were in general accord on those subjects?

(Testimony of Harry Renton Bridges.)

The Witness: Oh, yes. I can remember, definitely remember requests asking us to protest to maybe the City authorities, maybe private authorities, for the refusal of city and private authorities to rent them halls and things like that. In many cases we protested.

I can recall discussions in the C.S. cases, where they had several of their people in jail on the C.S. laws, and asking us to help them in the fight against the C.S. laws, and we were in agreement on those things.

I can recall them requesting to have speakers at certain meetings we held to speak in favor of either the Communist Party, or something connected with it.

And, as I say, I can recall various discussions requesting our cooperation, or them offering their cooperation, on certain matters, such as the support of political candidates, matters of strikes, and things like that.

Mr. Gladstein: Could I have time for a conference for a few moments? Could we take our recess?

Presiding Inspector: You want a short recess?

Mr. Gladstein: Yes.

(Whereupon a short recess was taken.)

[6170]

Mr. Grossman: Your Honor, at this time we would like to ask leave to have Mr. Bridges withdrawn from the stand so that we can put on our next witness. We have finished our redirect exam-

(Testimony of Harry Renton Bridges.)

ination. The reason for this request is that our next witness is an important official of the State of California whose time is rather important. Because of the uncertaintly as to when this case would end he is now available, and we would appreciate it very much if we could, in order to save his time, put him on at this time.

Presiding Inspector: How much further do you have?

Mr. Grossman: We have finished our redirect.

Presiding Inspector: Oh, you have?

Mr. Grossman: We have finished our redirect, yes.

Presiding Inspector: Then, if you will step aside,——

Mr. Del Guercio: (Interposing) I have, of course, a few questions.

Presiding Inspector: You have a right to ask them. You don't object to this?

Mr. Del Guercio: No. I don't object. I do object—I think we are all important. All our time is important and our time is to be considered, too.

Presiding Inspector: I think that is true, too.

(Witness temporarily excused.) [6171]

BENJAMIN E. MALLARY

called as a witness for and on behalf of the Alien, being first duly sworn, was examined and testified as follows:

Direct Examination

By Mr. Grossman:

Q. What is your name, please?

A. My name is Benjamin E. Mallary; M-a-l-l-a-r-y. I live at 33 Overhill Road, Orinda, California.

Q. What position or positions do you hold at the present time, Mr. Mallary?

A. I am a Consultant in Personnel Training, and among my positions are at the University of California as a lecturer and member of the State Personnel Board, and I advise with several Government departments regarding personnel training.

Q. What generally—very generally and simply—are your functions in connection with the State Personnel Board?

Mr. Del Guercio: I will object to going into the functions if your Honor please. He has stated what his occupation is. I think that is sufficient.

Presiding Inspector: Unless his functions have brought him in contact with Mr. Bridges.

Mr. Del Guercio: Sir?

Presiding Inspector: Unless his functions have brought [6172] him in contact with Mr. Bridges.

Mr. Grossman: I will abandon that, then, your Honor.

Presiding Inspector: Yes.

(Testimony of Benjamin E. Mallary.)

By Mr. Grossman:

Q. For how long have you been connected with the State Personnel Board?

A. Two years about.

Q. And how was that connection established? By election, appointment or what?

A. By appointment of the Governor.

Q. Have you ever held any other state positions?

A. I was with the State Department of Education for about ten years.

Q. In what capacity?

A. Supervisor for the training of vocational teachers located at the University of California.

Q. Have you held any Federal positions?

A. From April, 1935 until September, '36 I was employed by the Department of Agriculture, part of that time as Assistant Director in the Resettlement Project, Region No. 12 at Amarillo, Texas.

Q. Have you held any advisory positions in connection with any governmental departments or agencies, any federal departments or agencies?

[6173]

A. Oh, several.

Q. Which federal departments or agencies?

A. Oh, the Forest Service. I mean, these were consulting capacities, usually unpaid. CCC, NYA, WPA. Those are some of the agencies.

Q. For how many years have you been working

(Testimony of Benjamin E. Mallary.)

in the field of personnel work or personnel administration? A. Since 1918.

Q. For how many years have you been connected with the University of California?

A. Indirectly about 13 years and directly about 5.

Q. Could you define for us very generally what personnel work consists of?

Mr. Del Guercio: If your Honor please, I think this is a sufficient building up.

Mr. Grosman: I am asking this question because I am getting close now to the basis of his knowledge, and I think if we define "personnel workers" its importance will be indicated.

Presiding Inspector: With that understanding I will take it. I think you have established the position of the witness.

Mr. Grossman: I want to know, though, what "personnel work" generally consists of because of the basis of his knowledge. [6174]

Presiding Inspector: If that has brought him into contact with the Alien I will allow that.

By Mr. Grossman:

Q. Will you state generally what personnel work consists of?

A. Primarily it consists in attempting to surround workers, whether they are in private industry or public employment, with the kind of conditions that will be conducive to them doing their work well and selecting the right man for the right

(Testimony of Benjamin E. Mallary.)

job and be concerned that the right men are promoted; the whole problem of the worker and his work.

Q. Do you belong to any California organization of personnel specialists?

A. California Personnel Management Association.

Q. And, generally speaking, can you describe what is the function of personnel managers?

Mr. Del Guercio: If your Honor please, I will object to going any further.

Mr. Grossman: This is going along the same line as coming closely to the basis of his knowledge.

Presiding Inspector: You had better get quickly to it. I will take it.

Mr. Grossman: The next question, your Honor.

A. The members of that Association are representatives of Government agencies and private employers and they are in- [6175] terested in working conditions.

By Mr. Grossman:

Q. What did you say was the name of this California Organization?

A. California Personnel Management Association.

Q. Did you ever have occasion in connection with the meetings or conferences of this Association to obtain any information on the reputation of Harry Bridges for truth and veracity?

A. I have.

Mr. Myron: I object to that, your Honor.

(Testimony of Benjamin E. Mallary.)

Presiding Inspector: I will take it.

By Mr. Grossman:

Q. Can you state what was the occasion for your receiving such informotion on the reputation of Harry Bridges for truth and verocity?

Mr. Myron: I object to this, your Honor.

Presiding Inspector: I will take this. It is a qualifying comment. He has not yet reached what his reputation is, but what opportunities the witness has had to know of his reputation among the people.

Mr. Grossman: That is right.

A. During the years 1937 and '38 and part of '39 I was a regular attendant at every one of their meetings, and at [6176] those meetings the men and women are seated around small tables, and during those table conversations that took place before the speakers we would discuss employment conditions, and at that time I received my information.

By Mr. Grossman:

Q. Were there present there personnel managers for various industrial establishments?

A. There were.

Q. Were there present there personnel managers for various shipping companies?

A. I believe there were.

Q. Were there present there personnel managers for various companies which have their seat of operation on the waterfront?

(Testimony of Benjamin E. Mallary.)

Mr. Myron: He might ask him who was there?

Presiding Inspector: I suppose he is going to do that. I will allow this question.

A. There were.

By Mr. Grossman:

Q. Were there present personnel managers or men doing personnel work in State and County governments? A. There were.

Q. Could you state about how many persons there were at these various meetings you spoke about? A. From 75 to 175 persons.

Q. Would it be possible for you to list the names [6177] of these persons?

A. I couldn't recall specific names.

Q. Upon the basis of what discussions were had in the meetings of this organization can you state what is the reputation of Harry Bridges for truth and veracity where he lives and works?

Mr. Myron: I will object to that.

Mr. Del Guercio: I will object to that, if your Honor please, on a number of grounds: Bringing in the question, the issue of the Alien's reputation for truth and veracity, which is not at issue at this time. It also brings in another question. I don't believe that the witness is qualified to say whether he knows——

Mrs. King: (Interposing) We can't hear you.

Mr. Del Guercio: (Continuing) ——the Alien's reputation for truth and veracity. All he has testified to so far is that he has attended a number of personnel meetings. I don't know whether these

(Testimony of Benjamin E. Mallary.)

people, of course, knew; where the meetings were held. They weren't held, certainly, as I get the testimony in the community in which the Alien there has lived and worked. And so on those grounds, both of those grounds——

Presiding Inspector: (Interposing) Were there representatives of employers in San Francisco there?

The Witness: There were. [6178]

Presiding Inspector: And of citizens? A number of citizens of San Francisco?

The Witness: Oh, they were most all of them employers' representatives or employers.

Presiding Inspector: In San Francisco largely?

The Witness: About half, I should judge.

Presiding Inspector: I think he is qualified. You may test his qualifications on cross examination.

Now, so far as the testimony being competent, although I excluded this same line of testimony with the Witness Horn who was on the stand and held—and I adhere to that ruling—that mere contradictions in the evidence between statements made on the stand and statements made elsewhere do not open the door for this kind of proof, yet if the witness goes to far as to give a basis on which it could be found that there was, for example, the commission of crime or anything weighing against his general character, then I think this testimony would be competent. Under the circumstances here

(Testimony of Benjamin E. Mallary.)

I have decided to admit this line of testimony, so I will allow the question.

I made that statement as a general explanation of what might appear to be an inconsistent ruling.

Mr. Grossman: I will reframe the question to save time.

By Mr. Grossman:

Q. Are you in a position to state what was the reputation [6179] between 1937 and 1939 of Harry Bridges for truth and veracity in the places where he worked and lived? A. Excellent.

Q. Upon the basis of what you know about the reputation of Harry Bridges for truth and veracity would you believe him under oath?

A. I would.

Mr. Grossman: No more questions.

Presiding Inspector: Cross examine.

Cross Examination

By Mr. Del Guercio:

Q. Are you an important State official?

A. Modesty declines me to——

Q. (Interposing) What?

A. Modesty makes me decline to answer.

Q. This State Personnel Board, what does it consist of?

A. They are constitutional officers. There are five members appointed for ten years. They are responsible for the administration of the State Civil Service system, about 27,000 employees.

Q. Is it a political appointment?

(Testimony of Benjamin E. Mallary.)

A. Well, I had to be approved by the Senate. It is certainly not of my political faith by and large.

Q. Who appointed you to the position?

A. The Governor appointed me and the Senate confirmed [6180] me.

Q. Governor Olson? A. Yes.

Q. And it wasn't at any of these meeting of the Personnel Board of the State of California that you had occasion to know the reputation of Harry Bridges here? A. Never.

Q. For truth and veracity? A. No, sir.

Q. Did his name ever come up in connection with your duties as a State officer? A. No, sir.

Q. Did the question of Harry Bridges' reputation for truth and veracity ever come up during the time you occupied advisory positions with the State and Federal Governments? A. No, sir.

Q. Do you know any members of the Communist Party? A. Not that I know of.

Q. Huh? A. Not that I know of.

Q. Have you ever asked members of the Communist Party as to what Harry Bridges' reputation for truth and veracity is?

A. Well, I wouldn't know. [6181]

Q. You wouldn't know?

A. I wouldn't know whom to ask.

Q. Huh?

A. I wouldn't know whom to ask.

Q. Would you say that a member of the Communist Party would have a good reputation for truth and veracity?

(Testimony of Benjamin E. Mallary.)

A. Well, I wouldn't know because I don't know much about them.

Q. Have you ever gone into the question or ever discussed the question with anybody as to whether the Alien here, Harry Bridges, was a member of the Communist Party? A. I probably have.

Q. Did that question ever come up in the meetings here of the California—what do you call it? California Personnel Management Association?

A. Never, to my knowledge.

Q. You say that there were representatives from the shipowners in those meetings. Did these representatives of the shipowners ever state in these meetings that Harry Bridges was a member of the Communist Party? A. I never heard any.

Q. Huh?

A. I never heard any make that statement.

Q. Did these representatives of the shipowners accuse in these meetings here Harry Bridges of ever being a member of [6182] the Communist Party?

A. I never heard one of them do so.

Q. Did they give their opinion as to the Alien's reputation for truth and veracity?

A. They did.

Q. Do you know Mervyn Rathborne?

A. No.

Q. Did he have anything to do with your appointment on the State Personnel Board?

A. I would not know.

(Testimony of Benjamin E. Mallary.)

Q. You say you were connected with the National Youth Administration in advisory capacity?

A. In advisory capacity.

Q. Was Mervyn Rathborne ever connected with the National Youth Administration?

A. I do not know.

Q. You also say you were connected with the WPA? A. In an advisory capacity.

Q. In what connection?

A. Oh, I advised them regarding a pamphlet they wrote down there at Washington to train WPA foremen.

Q. Were you paid? A. I was not.

Q. You say you were also employed—connected in an advisory capacity with the CCC? [6183]

A. Yes, sir.

Q. Were you paid? A. I was not.

Q. How long have you known Harry Bridges?

A. I don't know him.

Mr. Del Guercio: You don't know him.

Well, if your Honor please,——

The Witness: (Interposing) Well, I don't know him personally.

Mr. Del Guercio: (Continuing) ——I move that all this testimony be stricken.

Presiding Inspector: Oh, you don't have to know a witness. He testifies as to the witness' reputation. He has to know his reputation, not know his personally. He has to know his reputation in the mouths of the people either generally or the community in which he lives and works.

(Testimony of Benjamin E. Mallary.)

By Mr. Del Guercio:

Q. Who are some of the other members of this —give me the names of all of the members of the State Personnel Board?

A. There are about 350.

Q. Of the Board?

A. Oh, I beg your pardon. I thought you were talking about the California Personnel Management Association. Ex-Senator Christian of Hayward; Mr. Arthur Brown of San Bernardino; Mr. Harry Luchins of San Francisco; Mr. Irvin Spurback [6184] of Sacramento.

Mr. Del Guercio: That is all.

Presiding Inspector: That is all.

(Witness excused.)

Presiding Inspector: Now we will call back the Alien.

HARRY RENTON BRIDGES

called as a witness in his own behalf, having been previously duly sworn, testified further as follows:

Presiding Inspector: Mr. Del Guercio.

Mr. Gladstein: I have finished with my redirect examination. I may say this, your Honor: There are a number of requests that were made. As you noticed in the redirect examination, I attempted to bring out that Mr. Bridges had attempted to make a search for certain documents that were sort of requested by Mr. Del Guercio.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: Yes.

Mr. Gladstein: And I have some notes on some others he requested for which we had not had time to make a search. So we may later on have occasion to ask Mr. Bridges to take the stand for five minutes to identify certain documents. Otherwise we have finished with the redirect examination.

Presiding Inspector: Yes. That is quite understandable.

Recross Examination

By Mr. Del Guercio:

Q. You say that you can recall an expression used by Harry Jackson or that you did recall an expression used by [6185] Harry Jackson in his speech at the Civic Auditorium on June 19, 1934, and that that expression was that "They can call us 'Red', but they can't call us 'Yellow' ". Is that correct? A. That's substantially.

Q. Whom did he mean? Whom did Harry Jackson refer to when he said that "They can call us 'Red' but they can't call us 'Yellow' "?

A. Possibly those who criticised the fact that they were connected with the strike.

Q. Did he mean you? A. No.

Q. Huh? A. No.

Q. Were you called a "Red"?

A. Oh, oh, yes.

Q. Well, did he mean you when he said that it was all right to call you a "Red", but as long as they don't call you "Yellow"?

(Testimony of Harry Renton Bridges.)

A. No. He was referring to the Marine Workers Industrial Union that was called a "Red" Union, I guess.

Q. Well now, was Harry Jackson speaking to the Marine Workers Industrial Union at that time?

A. No. It was a public meeting. The auditorium was packed.

Q. And this was on June 19, 1934, is that correct? [6186]

A. I am not sure if that was the date. It seems to me that the meeting was after July the 5th.

Q. And did not Harry Jackson at the same time also advocate a general strike?

A. He might have. I think every speaker did. That was one of the purposes of the meeting.

Q. Well, as a matter of fact, Harry Jackson advocated a general strike, John Schomaker advocated it long before the killing of pickets? I say, long before—at least two or three weeks before—that took place? A. I don't think so.

Q. Huh? A. I don't think so.

Q. Do you want me to refresh your memory?

A. Yes. I still don't think so. The idea of a general strike, I am sure, didn't come up until after the threat to open the Port and after the actual move to open the Port. There was talk of a general strike if they went ahead with their plans. [6187]

Q. Now, Sam Darcy was advocating also a general strike long before these events took place?

(Testimony of Harry Renton Bridges.)

A. There were 50,000 people advocating that as far as I know.

Q. Before July 5, 1934?

A. Well, I know—I know at least one or two unions—I know the Machinists' Union had taken a general strike vote way in advance.

Q. And you were in favor of it yourself before July 5, were you not?

A. I am not sure as to that, but I think so, along the lines I have indicated.

Q. Let's go back to this resolution that was passed by the San Francisco Labor Council——

A. (Interposing) This resolution would indicate the time of the meeting.

Q. Was this the resolution that was passed——

A. (Interposing) I don't know—what is the date?

Q. I will read it for you:

"Whereas Communist propagandists have taken advantage of the waterfront strike to issue numerous scurrilous attacks upon the unions affiliated with the American Federation of Labor, and upon the duly elected officers of said unions; and,

"Whereas, the anonymous slander of the A. F. of L. unions [6188] and officials thereof has had a tendency to weaken the morale of the strikers and to confuse the minds of trade unionists not familiar with the tactics of a Communistic character; and,

"Whereas, at a mass meeting of the waterfront strikers held in the Civic Auditorium, Tuesday, June

(Testimony of Harry Renton Bridges.)

19, the Chairman introduced a spokesman for a notorious Communist organization, thereby creating the altogether erroneous impression that the unions involved have made common cause with the Communists;

"Therefore, Be It Resolved, by the San Francisco Labor Council in regular meeting assembled on Friday, June 22, that we repudiate all Communist organizations, especially the so-called Marine Workers Industrial Union, and denounce their efforts to inject themselves into an industrial conflict for the sole purpose of making converts to Communism;

"Further, Be It Resolved, that the San Francisco Labor Council strongly advises the International Longshoremen's Association, its members and its representatives to disavow all connections with the Communist element on the waterfront; and,

"Further, Be It Resolved, that copies of the resolution be forwarded to the President of the American Federation of Labor, the Presidents of the International unions involved, and to the press."

[6189]

You remember that resolution, don't you?

A. Yes. Did you read who it was signed by?

Q. You were bound by it, weren't you?

A. No.

Q. You weren't bound by it?

A. The particular local union that I was a member of——

Q. (Interposing): You were a member of the

(Testimony of Harry Renton Bridges.)

ILA at that time, were you not? You were Chairman of the Strike Committee? A Yes.

Q. Formed by that ILA union, were you not?

A. Yes.

Q. And yet you were working with the Marine Workers Industrial Union, with Harry Jackson and Sam Darcy before after that resolution was adopted?

A. You have heard why. You forgot to mention who that resolution was introduced by, and there were many things surrounding it, and which we were not bound by.

Q. The resolution was adopted, was it not, that resolution I read?

A. It was adopted by the Labor Council. I have seen a lot of things adopted by the Labor Council that didn't bind us and we didn't approve of.

Q. How many unions did that Labor Council represent?

A. Oh, at that time—I don't know—possibly 70 or [6190] 100, something like that.

Q. It represented all of the unions that were on strike, excepting the Marine Workers Industrial Union at that time, if that was a union, did it not?

A. No.

Q. Were there any unions, any bona fide unions, American Federation of Labor Unions, that weren't represented in the San Francisco Labor Council at that time? A. Sure.

Q. That were on strike? A. Yes.

Q. Who?

(Testimony of Harry Renton Bridges.)

A. The Marine Engineers' Beneficial Association, and the American Radio Telegraphists' Association.

Q. The ARTA?

A. Yes—independent unions, both of them.

Q. They weren't AF of L affiliates, were they?

A. No. They were independent. They pulled out of the AF of L because it was too rotten for them.

Q. And the Communists controlled the ARTA, particularly? A. No, you are wrong.

Q. Communist controlled and Communist dominated? A. No, you are wrong.

Q. Huh?

A. No, you are wrong. Your agents have misinformed you [6191] again.

Mr. Del Guercio: I might say that you are—I won't say "misinformed."

Presiding Inspector: Just a moment.

By Mr. Del Guercio:

Q. Now, that resolution that was passed by the San Francisco Labor Council was sent down to your own local, wasn't it? A. Yes.

Q. What did your local do about it?

A. The local approved it.

Q. Did they do anything else besides approving it? A. How do you mean?

Q. Didn't your own local—to refresh your memory—didn't your own local pass a resolution to the effect that to any person who refused to abide, any members of the local who refused to abide by the advice of the San Francisco Labor Council to dis-

(Testimony of Harry Renton Bridges.)

avow all connections with the Communist element on the waterfront shall be held on trial on charges of insubordination and, if found guilty, shall be expelled from Local 38-79, International Longshoremen's Association?

A. I don't know. I don't recall if they passed that resolution.

Q. Did you consider yourself bound by such a resolution of your own local? [6192]

A. If they passed it. I don't know if they did.

Q. Did you check the records, the minutes, then, to determine whether that resolution was passed by your local?

A. No. They are missing, but I have a hunch where they are at now.

Q. Huh? A. They are missing.

Q. What?

A. The minutes are missing; but I have a hunch where they are at now.

Q. Are the records of the Central Labor Council also missing?

A. They are not very friendly with me and won't make them available to me.

Q. Is anybody but a Communist friendly with you? A. Well——

Q. (Interposing): Strike that.

By Mr. Del Guercio:

Q. Now, the minutes of the San Francisco Labor Council are published, are they not, and are available to the public?

A. Yes. It used to be the custom, unless it is

changed, to publish them in their weekly journal, or at least to publish them very briefly.

Q. Are the minutes of any of your unions available to the public?

A. Some of them; yes. [6193]

Q. All of them?

A. No, not all of them. The minutes of our meetings during the strike weren't. The only people that could get them were the agents of the employers.

Q. Do you consider your own unions to be sort of public organizations?

A. Public organizations?

Q. Yes.

A. What do you mean by "public organizations"?

Q. What do you mean by it? A. Huh?

Q. What do you think I mean by it?

Mr. Gladstein: I suggest that is immaterial.

A. A public organization is an organization that, for example, operates in the public welfare, operated by the public, operated by the State, Federal or City Government.

By Mr. Del Guercio:

Q. Do you consider, under your definition, your unions are public organizations?

A. No, I wouldn't class them as a proper public organization. I wouldn't consider an organization a public organization unless the public is admitted to all its activities, its meetings.

I am sure the FBI is not a public organization.

(Testimony of Harry Renton Bridges.)

Q. Don't compare the FBI with your union.

[6194]

A. No, I shouldn't want to.

Mr. Del Guercio: If the Court please, the FBI is a Governmental agency and shouldn't be taken by either this witness, or anybody else——

Presiding Inspector: That is true, but let's go right along.

Mr. Del Guercio: I want to go on record as resenting those remarks made by the witness, counsel, and anybody else that makes them against any Governmental agency.

Presiding Inspector: Certainly; it will be on the record. He is merely giving his viewpoint.

Mr. Del Guercio: Even if it is his viewpoint, your Honor, it is not only bad taste but——

Presiding Inspector: Well——

Mr. Del Guercio: This is our Government here, we hope.

Presiding Inspector: There is no use wrangling with the witness. Go on. It doesn't affect anybody.

Mr. Del Guercio: That is all, excepting that reservation I made earlier.

Presiding Inspector: Yes.

Mr. Gladstein: That is all.

Presiding Inspector: That is all.

(Witness excused.)

Presiding Inspector: Next witness. [6195]

Mrs. King: I am sorry, but we have no others—

Mr. Gladstein: (Interposing) We have no oth-

ers for today. We didn't expect the cross examination to end so soon.

Presiding Inspector: You don't want to depend on cross examination.

Mr. Gladstein: That is true.

There is one other request we might make at this time and that is in connection with the witness, Cannalonga. You will recall that there was a letter shown to you, and also to me, by Mr. Del Guercio. It is our feeling that since that bears on the subject it ought to be offered in evidence.

Mr. Del Guercio: We will offer it in evidence at the proper time.

Mr. Gladstein: You don't have objection?

Mr. Del Guercio: We object to it at this time; but at the proper time before the hearing is over, no.

Mr. Grossman: We probably should go into conference in chambers about the matter we discussed before, and if there is any news on that Mr. Del Guercio will probably know whether there is.

Presiding Inspector: Very well. We will have a conference in chambers.

We will now recess until tomorrow morning at 10:00 o'clock.

(Whereupon, at 3:40 p.m., an adjournment was taken to Wednesday, June 4, 1941, at 10:00 a.m.) [6196]

Court Room 276,
Federal Building,
San Francisco, California
June 4, 1941

Met, pursuant to adjournment, at 10:00 A. M.

[6197]

PROCEEDINGS

Presiding Inspector: Do you want to wait for Mr. Gladstein?

Mr. Grossman: No. We can start.

Presiding Inspector: All right. Call your next witness, Mr. Grossman.

Stand and raise your right hand.

HENRY P. MELNIKOW

called as a witness on behalf of the Alien, having been first duly sworn, testified as follows:

Direct Examination

By Mr. Grossman:

Q. What is your name?

A. Henry P. Melnikow—M-e-l-n-i-k-o-w.

Q. Your address?

A. 2333 Rose Street, Berkeley, California.

Presiding Inspector: Speak louder. Draw up your chair and speak louder so they can hear you over there.

By Mr. Grossman:

Q. What is your business, Mr. Melnikow?

A. I am the Director of the Pacific Coast Labor Bureau, which is a business engaged in furnishing

(Testimony of Henry P. Melnikow.)

statistical research and personal representation on behalf of trade unions in connection with negotiation, mediation and arbitration proceedings and collective bargaining. [6198]

Q. For how long have you been connected with the Pacific Coast Labor Bureau?

A. Since 1921.

Q. Were you doing similar work before that time?

A. No. That was when I came out from the middle west shortly after my overseas service.

Q. Has your time been devoted almost exclusively, or exclusively, to such work since 1921?

A. Practically exclusively.

Q. Does your organization do work for all types of unions?

A. All standard or bona fide unions. We do not do work for company unions.

Q. In what cities does your organization represent unions?

A. We have branch offices in Portland and Seattle at the present time, and in Vancouver, British Columbia. [6199]

Q. Have you had occasion personally to represent unions in other cities besides these where you have stated you have branch offices?

Mr. Del Guercio: If your Honor please, I object to any further testimony along this line.

Presiding Inspector: This is for qualification, I suppose; Identification and qualification. I will al-

(Testimony of Henry P. Melnikow.)

low it to a certain extent. I think he may go somewhat further. Of course, it isn't material on the direct issue.

Mr. Grossman: You may answer.

Presiding Inspector: You may answer.

Mr. Del Guercio: He was asked for his qualifications in trade union matters. That isn't at issue here.

Presiding Inspector: I know. But this shows, I suppose, his knowledge on the general subject on which I anticipate, judging from the testimony of the Witness Kagel, that he is going to be examined on.

By Mr. Grossman:

Q. Do you remember the question?

A. I think I do. I have represented unions as far East as Washington and as far South as San Diego and as far North as Vancouver, British Columbia.

Presiding Inspector: As far East as Washington, D. C.?

The Witness: Yes, sir. [6200]

By Mr. Grossman:

Q. Does your organization have regular retainers in the sense that it does regular work for certain unions?

A. Yes. About half of our work is done on that basis and the other half is on what we call a "special-job" basis.

Q. Could you estimate about how many unions

(Testimony of Henry P. Melnikow.)

there are for which your organization does regular work? And I am including your branch offices in this question.

A. Between 75 and 100.

Q. Could you estimate the number of unions you personally have done work for during the last several years? Just a rough estimate.

A. As a rough estimate I would place it at 300.

Q. Could you estimate about how many different international unions would be included in this 300? Just a general estimate.

A. My guess would be about 35.

Q. Could you estimate the relative proportion at the present time of your clients between A. F. of L. and CIO?

Mr. Del Guercio: I will object to that.

Presiding Inspector: I don't see what difference that makes. They are just unions.

Mr. Grossman: If the claim were made that there were any bias. That is the only reason for laying such a basis. It is not important, though, your Honor.

Presiding Inspector: I don't think it is important. [6201]

Mr. Grossman: All right.

Presiding Inspector: We will see what the cross examination is.

Mr. Grossman: All right.

By Mr. Grossman:

Q. When was the first time that you had any

(Testimony of Henry P. Melnikow.)

occasion to meet Harry Bridges in connection with this work you have been describing?

A. 1934.

Q. And what brought about your meeting with Harry Bridges?

A. I can't remember specifically, but my recollection is that it was a meeting of a committee to plan what to do about appearances before the National Longshoremen's Board.

Q. What unions was involved in that?

A. The International Longshoremen's Association, Pacific Coast District.

Q. Could you estimate about how many different issues—withdraw that.

This is a little bit difficult to express, Mr. Melnikow. What I am concerned with is different occasions in the sense that a complete negotiation is an occasion or a complete arbitration is an occasion.

Mr. Myron: Is this a question? [6202]

Mr. Del Guercio: I will object to that.

Presiding Inspector: No. He is framing his question. Let him finish it.

By Mr. Grossman:

Q. Defining "occasions" that way, that is, a whole negotiation would be an occasion or a whole arbitration would be an occasion, on how many different occasions have you worked with Harry Bridges?

Mr. Del Guercio: I will object to the form of the question in its present form.

(Testimony of Henry P. Melnikow.)

Presiding Inspector: I will allow it.

A. Without consulting my records that would be difficult to say, but my guess would be upwards of 50 and perhaps closer to 100.

By Mr. Grossman:

Q. Have you had occasion to work with Harry Bridges on arbitration proceedings? A. Yes.

Mr. Myron: Of course, we object to all this line of inquiry, your Honor, upon the ground it is immaterial.

Presiding Inspector: Yes, of course. That is your objection. But I will take it.

By Mr. Grossman:

Q. Could you estimate about how many of these arbitra- [6203] tion proceedings, in about how many of these arbitration proceedings you were working with Harry Bridges?

A. At least 25, including what we call "Interpretation" proceedings.

Q. During the time that these occasions occurred was Harry Bridges President, either of the District of the ILA, or of the ILWU?

A. He was either President of the Local or President of the District of the ILA or the ILWU.

Q. Have you had occasion to participate in negotiations along with Harry Bridges?

A. Yes; on a number of occasions.

Q. Have you had occasion to participate in meetings that were not negotiations with Harry Bridges to discuss trade union policy and strategy?

A. Yes. Preparatory to negotiations or arbitra-

(Testimony of Henry P. Melnikow.)

tions we would frequently meet to discuss policy and strategy.

Q. Mr. Melnikow, during your various trade union contacts with Harry Bridges has he at all times been a good trade unionist?

Mr. Del Guercio: I will object to it, your Honor.

Presiding Inspector: I will take it—in his opinion.

By Mr. Grossman:

Q. In your opinion?

A. Yes. In my opinion he has conducted himself as an [6204] excellent trade unionist.

Q. During the course of your contracts with Harry Bridges has he ever, in your opinion, acted in such a way as to recruit thhe workers into the Communist Party and prepare them as stooges for the proletarian revolution?

Mr. Del Guercio: I will object to that.

Presiding Inspector: Does he know anything about this?

Mr. Grossman: I suppose he would know the negative. In other words, it is the absence of Harry Bridges doing anything along those lines.

Presiding Inspector: Very well.

Mr. Myron: This is on the basis that he has seen him or heard him?

Presiding Inspector: We will find that out when you cross examine. I judge he has seen him if he participated in all these arbitrations.

A. My answer would be no, not to my knowledge.

(Testimony of Henry P. Melnikow.)

By Mr. Grossman:

Q. During the course of your contacts with Harry Bridges has he ever taken the position that workers and employers cannot sit down at a table and bargain collectively with the employers in an amicable fashion resulting in benefits for the workers involved?

A. No; wherever the employer was acting in good faith his position has been that it was possible for the union to sit [6205] down and negotiate in good faith with the employer.

Q. You indicate that in some cases he has taken the position that it would not be possible to bargain collectively with employers in an amicable fashion and have it result in benefits for the workers involved?

A. In some instances, where the employers gave indication of not being in good faith, not acting in good faith, it was difficult, if not impossible, to see any good that would come from it, in his opinion.

Q. In the course of your contacts with Mr. Bridges did he ever take any action, or position, that was inconsistent with the best interests of the workers involved?

Mr. Del Guercio: I will object to that, your Honor.

Presiding Inspector: Of course, this is based on a lot of conclusions of this witness. I will take it. I don't know how valuable it is. It is a matter for the trier of the fact when it comes to evaluate the evidence.

(Testimony of Henry P. Melnikow.)

A. No. While we have differed, I think he has always done his best to do what was best for the economic interests of the workers he represented.

By Mr. Grossman:

Q. You mean while you have differed for the best interests of the workers involved?

A. Yes. There have been times when I thought he was wrong and there have been times when he thought I was wrong, [6206] in our opinions.

Q. In any of these occasions when you thought he was wrong was he, in your opinion, attempting to carry out some ulterior purpose, such as aiding the Communist Party, or any other ulterior purpose, except the best interests of the workers involved?

Mr. Del Guercio: I submit that is clearly improper.

Mr. Myron: I object—unless he knows.

Presiding Inspector: This is his judgment. I will take it for what it is worth.

A. As far as I could judge, in my opinion, he was always acting in a sincere manner in what he considered the best interests of the workers.

By Mr. Grossman:

Q. During the course of your contacts with Harry Bridges.

Presiding Inspector: This is his conclusion Mr. Bridges' conclusion.

Mr. Grossman: Right, based on objective things, your Honor.

(Testimony of Henry P. Melnikow.)

Presiding Inspector: Yes; I realize that.

By Mr. Grossman:

Q. During the course of your contacts with Harry Bridges was there any action of his that you saw along the line of sabotage, or industrial violence, or advocacy of sabotage or industrial violence? [6207]

Mr. Del Guercio: I object to that as improper, if your Honor please.

Presiding Inspector: I don't know how you can see it, but I will take it.

Mr. Grossman: If the Government is going to prove it I assume there is some way of recognizing it, your Honor,

Presiding Inspector: I don't know——

Mr. Del Guercio: (Interposing) Unless——

Presiding Inspector: (Continuing)——we might go into these riots we heard intimation about, if you ask questions of that kind.

Mr. Grossman: On cross examination I have no objection. I am using the wording of the statutes and I assume that there must be some way to prove such things. I don't see clearly how you would prove it but, nevertheless, if it is possible for a witness to testify Mr. Melnikow also can.

May we have an answer?

Presiding Inspector: Yes. I will allow it.

A. No. The position has always been against violence, sabotage, or anything that would interfere in the lawful following up of the interests of the workers.

(Testimony of Henry P. Melnikow.)

By Mr. Grossman:

Q. During the course of your contacts with Bridges did he ever advocate a policy of a strike for a strike's sake, a strike which was not justifiable, because of the economic advantages it would bring to the workers involved? [6208]

Presiding Inspector: Again, your opinion.

A. In my opinion, while he has been in favor, in one or two occasions, of strikes where we thought it was inadvisable, it was not because of lack of interest in the workers but just an honest difference of opinion as to what would be the consequences.

By Mr. Grossman:

Q. Have there ever been occasions when you were in favor of a strike and Mr. Bridges was not in favor of such a strike, and continued to advocate having no strike?

A. Yes. On a number of occsasions we thought that the best interests of the workers would be reflected by strike action and Mr. Bridges differed with us on that. Also in the reverse—in other words, to be fair to myself. [6209]

Q. During the course of your trade union contacts with Harry Bridges did he ever engage in conduct such as unlawful destruction of property in connection with industrial disputes?

A. No.

Presiding Inspector: As far as you know?

The Witness: Not to my knowledge.

(Testimony of Henry P. Melnikow.)

By Mr. Grossman:

Q. During the course of your contacts with Mr. Bridges did you find him equally willing to use the procedure of arbitration or negotiation or mediation as well as the procedure of strike?

Mr. Del Guercio: I will object to that, if your Honor please. Of course, this is all opinion testimony.

Presiding Inspector: All opinion. I will allow it. It is all opinion.

A. Generally speaking, yes, but there have been times when he has been more in favor of one method as against the other, depending on the circumstances of the case.

By Mr. Grossman:

Q. You mean there have been times when he was more in favor of strikes than of the other procedures that I named? A. Yes, sir.

Q. And vice versa?

A. And vice versa. There have been times when he was [6210] opposed to strikes when others, including myself, thought it would be the best procedure under the particular circumstances.

Q. During the course of your contacts with Harry Bridges did you find him regularly and continuously willing to and actually cooperating with Governmental agencies to avoid strikes where such strikes could reasonably be avoided?

Mr. Del Guercio: I will object to it also, with the same understanding that it is opinion testimony.

(Testimony of Henry P. Melnikow.)

Presiding Inspector: There are two or three judgments mixed in there, aren't there? I will allow it.

The Witness: May I have the question?

Presiding Inspector: Read it to him.

(The question referred to was read by the reporter as above recorded.)

A. I should say, on the whole, yes. There have been instances where he wasn't sure of the good faith of the particular individual involved. He was loath to cooperate in those instances.

By Mr. Grossman:

Q. Did Mr. Bridges ever take the position in your contacts with him that arbitration as a principle or as a general rule is bad for the workers involved?

Mr. Del Guercio: I will object to that, your Honor.

Presiding Inspector: I will take it. [6211]

A. No. He considered, as far as I could judge, that arbitration was one of the methods to be used in collective bargaining procedure.

By Mr. Grossman:

Q. To your knowledge has Mr. Bridges ever taken the initiative to see to it that an arbitration set-up could be provided so that disputes between the workers and their employers could be settled without a strike?

Mr. Del Guercio: I will object to that also.

(Testimony of Henry P. Melnikow.)

Presiding Inspector: If he understands it he may answer it. I don't.

By Mr. Grossman:

Q. Well, do you understand it?

A. I'm not sure. May I have the question read?

Q. I will rephrase it, then. Did Mr. Bridges ever take the initiative to provide in an agreement between employers and employees some kind of an arbitration set-up to settle disputes arising under the contract?

A. Oh, yes. There have been a number of occasions where the union would not want the arbitration procedure written into the contract and would be told that it was to the best interests to have it in the contract.

Q. Told by whom? A. By Mr. Bridges.

Q. From your trade union contacts with Mr. Bridges are you able to state what was or what is his theory of the role and [6212] the function of trade unions?

Presiding Inspector: Well, haven't you had that from Mr. Bridges?

Mr. Grossman: Yes.

Presiding Inspector: How will this witness——

Mr. Grossman (Interposing): The Government apparently disbelieves the statements Mr. Bridges made on that question.

Presiding Inspector: This merely shows that this man believes him. That is all.

Mr. Grossman: Well, your Honor, I think I

(Testimony of Henry P. Melnikow.)

have qualified Mr. Melnikow sufficiently to show that his opinion of Mr. Bridges and his views may be based in part, true, on what Mr. Bridges may have said, but is based in large part at least on the activities of Mr. Bridges from which he can draw certain conclusions.

Presiding Inspector: You have shown the opinion of Mr. Melnikow about this. I have allowed it very generously. Has the question been allowed heretofore?

Mr. Grossman: Yes.

Presiding Inspector: Are you sure about that?

Mr. Grossman: Dean Morse was permitted. You see, every question I am using was permitted either in the examination of——

Presiding Inspector (Interposing): In this form?

Mr. Grossman: Yes. I have the page. It is 4579. [6213]

Presiding Inspector: Very well. I will allow it, then.

A. As near as I can judge from Mr. Bridges' utterances and actions he believed in the gradual improvement of our present economic order, economically and politically, through trade union action. I would say that I see traces of the Australian labor movement philosophy in his actions and his thoughts.

By Mr. Grossman:

Q. During the course of your contacts with

(Testimony of Henry P. Melnikow.)

Harry Bridges have you seen any activity of his which indicated or now indicates to you that he was or is a Communist?

Mr. Del Guercio: I will object to that, your Honor.

Presiding Inspector: Well now,——

Mr. Grossman (Interposing): This was permitted, your Honor, in the examination of Dean Morse.

Mr. Del Guercio: I don't know that that was permitted, that particular question.

Mr. Grossman: Page 4588 of the transcript.

Presiding Inspector: Wasn't there some qualification of what this man knows about Communism?

Mr. Grossman: I know the Government raised that objection and I don't recall whether any questions were asked to qualify him. We can look at the transcript.

Presiding Inspector: Never mind. I will take the question. We will leave it to cross examination. [6214]

Mr. Grossman: I know it led to cross examination on the question. I will repeat the question.

Mr. Del Guercio: Read the question.

By Mr. Grossman:

Q. Have you seen any activity of Harry Bridges which indicated or now indicates to you that he was or is a Communist? A. No.

Mr. Grossman: You may cross examine.

Presiding Inspector: Cross examination.

(Testimony of Henry P. Melnikow.)

Cross Examination

By Mr. Del Guercio:

Q. What is this Pacific Coast Labor Bureau?

A. It is a private enterprise which was started in 1920 in New York by Stuart Chase and Evans Clark and a number of others, and through correspondence with them I was induced to start a branch office of what was called the Labor Bureau, Incorporated, in San Francisco.

Q. Is it incorporated?

A. No. The incorporation was dissolved and at the present time the Pacific Coast Labor Bureau is solely owned by me.

Q. You are the sole owner? A. Yes, sir.

Q. Are you running it for profit? [6215]

A. For compensation rather than profit, because we each have a fixed compensation; each member of the staff.

Q. What is the difference between "compensation" and "profit"; running it for "compensation" and running it for "profit"?

A. Well, in the case of profit there is a desire to make all the profit you possibly can, and in the case of compensation there is the desire to earn a certain amount as compensation for the work.

Q. Do you have any other income other than the income you receive from your work with this Pacific Coast Labor Bureau?

A. Nothing except what I get from teaching.

Q. Where do you teach?

(Testimony of Henry P. Melnikow.)

A. I have taught at the University of California Extension Division and at the present time I teach at the Pacific Coast School for Workers every summer.

Q. Pacific Coast School for Workers?

A. Yes.

Q. Who runs it?

A. It is an Advisory Board consisting of labor people who operate it as a summer school every summer in Berkeley.

Q. Who operates it?

A. Well, this Advisory Board consists of trade unionists and educators, and they operate it. [6216]

Q. Who are they? What are their names?

A. George Headley is the Director of the school. There is a committee consisting of Mr. Maguire of the Building Service Employees, who I think is Chairman, representing the trade unionists; and a representative of the State Department of Education whose name escapes me at the moment, but I think it is Mrs. Heinneman; and I believe there is a representative of the University of California, who is John L. Kerchen; and a number of others. I think the Chairman of the Educational Committee is Mrs. May.

Q. Well now, who started this school?

A. I'm sure I can't tell.

Q. When was it started?

A. It was started years ago, and I believe it was the result of cooperation between the State Federa-

(Testimony of Henry P. Melnikow.)

tion of Labor and the University of California Extension Division.

Q. And you receive a salary? A. Yes.

Q. How much?

A. $100.00 per summer.

Q. $100.00 per summer? A. Yes.

Q. Now, is that your only income other than that received from the Pacific Coast Labor Bureau?

A. I own two houses and, being unable to live in them, receive rent for them. That is another source of income. [6217]

Q. Now, when you say that you were working with Harry Bridges, do you mean that you were employed by Harry Bridges?

A. We use the word "retain" because we consider ourselves as professionals rather than employees and consider the capacity that of between client and professional consultant.

Q. Are you an attorney? A. No, sir.

Q. What kind of a profession is it?

A. Economist and statistician.

Q. What?

A. Economist and statistician. I am on the——

Q. (Interposing): "Communistic" did you say? I didn't get it. Will you speak a little louder, please?

A. Yes. I am on the Civil Service list of the United States Civil Service Commission as Principal Economist, and I consider that my profession.

(Testimony of Henry P. Melnikow.)

Q. Well, is that your profession in connection with the Pacific Coast Labor Bureau?

A. Yes, sir. We call ourselves "economic counsel".

Q. Well, you sell your services, don't you?

9. We sell them?

Q. Yes.

A. In the same sense that any other professional sells his services; yes, sir. [6218]

Q. Do you sell your services?

A. Yes. We are paid for our work.

Q. And has Harry Bridges paid you for the work you have done for him?

A. Not personally, but the organizations which he represented or advised did.

Q. Now, can you estimate how much you have received from Harry Bridges and from his union that he represents during the time that you have known him?

A. It would be rather hard without consulting the books, but I should say it would run approximately $15,000 since 1934: perhaps more.

Q. $15,000 since 1934? A. Yes, sir.

Q. Does that include all of your employment by Harry Bridges and the unions he represents?

A. That would depend on the definition of "represents".

Q. Let's take all of the CIO Unions, for instance. How much have you received, your company received, from the CIO Unions since you started this Bueau?

(Testimony of Henry P. Melnikow.)

Presiding Inspector: You mean which Mr. Bridges represents?

Mr. Del Guercio: With which Mr. Bridges is connected.

A. Yes. Well, I think that would begin about 1937.

By Mr. Del Guercio:

Q. That what? [6219]

A. Beginning in 1937, because prior to that, even though Mr. Bridges represented them, they were not CIO Unions. My guess—and it would be sheer guess, I would rather consult my records—would be approximately *right* or nine thousand dollars.

Q. Now, you know that Bridges is a national official of the CIO?

A. I don't know it, but I have been told that.

Q. Have you represented also any other CIO Unions on the Pacific Coast?

A. Yes, quite a large number.

Q. Can you estimate your total income, say since 1937, since the time that the CIO Unions came into existence; your total income received from all CIO Unions?

A. That's difficult to estimate, but I will venture a guess that it would be about a third of the annual income of the Pacific Coast Labor Bureau.

Q. And what is the annual income of the Pacific Coast Labor Bureau?

A. It runs between seventy and ninety thousand dollars, a year.

(Testimony of Henry P. Melnikow.)

Q. And a third of that would be about $25,000?

A. Something like that.

Q. How many people are employed by your Bureau?

A. It ranged from about twenty-five to about thirty on [6220] an average and sometimes there wwill be as many as forty or fifty all together, including temporary employees as we are pressed.

Q. That includes clerks and stenographers?

A. Yes, sir.

Q. How many clerks and stenographers do you have? A. About ten.

Q. Now, when you say that you participated in negotiations with Harry Bridges do you mean that you were employed by Harry Bridges in such negotiations? A. We use the term "retained".

Q. Well, weren't you employed? Did you sell your services to Harry Bridges in such negotiations?

A. In a sense, yes. But we regard the retainer as being a more independent relationship. In other words, if a union or its representatives asked me or anybody connected with the Bureau to do anything that we considered unprofessional we would merely sever the connection with that retainer.

Q. What are the professional ethics of a Bureau such as you represent? Are they written ones?

A. Yes. We have had ever since it started four cardinal principles.

Q. You mean you have?

(Testimony of Henry P. Melnikow.)

A. Yes, and the Labor Bureau, Incorporated, which started in 1920 had exactly—— [6221]

Q. (Interposing): Is that your own company?

A. No. That was the corporation of which Stuart Chase was President and was until very recently the president. [6222]

Q. Is that a corporation?

A. That was a corporation and it has been dissolved recently.

Q. Your organization is not a corporation?

A. Not at the present time; no.

We followed those four cardinal principles, which were as follows:

First, not to have any political affiliation, but to adhere strictly to the economic field of action.

Second, to take no part in any inter-union conflicts or factional fights.

And to do the work on a strictly professional basis on the assumption that the facts and figures would, in the long-run, benefit labor more than any misrepresentation.

And, finally, to do it on as nearly a cost basis as possible.

Q. Is there any organization or bureau to check up on you to see whether or not you live up to those ethics?

A. We have always invited it.

Q. Is there any organization or bureau—read the question.

(The question referred to was read by the reporter as above recorded.)

(Testimony of Henry P. Melnikow.)

Presiding Inspector: You may answer the question directly.

A. Yes—the answer is that we have invited the repre- [6223] sentatives of organized labor to check whenever they wanted to, but they never have taken occasion or advantage of the invitation.

By Mr. Del Guercio:

Q. Then your answer is that there is no such organization to check on you?

A. There is, but they have never taken any occasion to do it.

Q. Is there any governmental agency set up to check up on the ethics of your Bureau?

A. Not directly. I am in continuous touch with Dr. Steelman, and the other Mediation bodies, and they are in a pretty fair position to judge of our activities.

Q. Do you know what the policy of the Communist Party is toward trade unions?

A. Towards trade unions?

Q. Yes.

A. I can't say that I am an expert on the subject, but from my readings I would say that at various times that policy has changed. At times they have wanted to set up dual organizations; at other times, apparently, the idea was to control the organizations without setting up dual organizations.

Q. What literature have you read?

A. Oh, generally the issues of the American Federation [6224] of Labor publications, and similar publications.

(Testimony of Henry P. Melnikow.)

Q. Have you read Communist literature?

A. No, not to any extent; nothing except as it happened to fall into my hands.

Q. Have you ever conferred with and consulted with members of the Communist Party?

A. Not to my knowledge. There may have been those who were members, or officials, but I didn't know it.

Q. Did you ever represent Harry Jackson?

A. Not to my knowledge.

Q. Do you know Harry Jackson?

A. I had him pointed out to me by Mr. Paul Scharrenberg.

Q. Have you ever had any business relations with Harry Jackson?

A. Not to my knowledge.

Q. Have you ever been a paid advisor of Harry Jackson? A. No, not to my knowledge.

Q. Would your books show that?

A. That is, unless he was a member of an organization which I represented and I didn't know that he was a member thereof.

Q. Did your organization ever represent the Marine Workers Industrial Union?

A. No, sir.

Q. Have you ever been a paid advisor of Mervyn Rathborne? [6225]

A. Yes, I think so. I think when he was in charge of, what is called now the American Communications Association out here, we participated in negotiations for that union.

(Testimony of Henry P. Melnikow.)

Q. Have you ever been a paid advisor of Walter Stack? A. Walter Stack?

Q. Yes.

A. I think he served on one committee of the Marine Firemen's Union at a time when we represented them.

Q. Were you ever employed by Walter Stack?

Presiding Inspector: What?

By Mr. Del Guercio:

Q. Were you ever employed by Walter Stack at any time?

A. Not in any personal way. We have been employed by the organization, the Marine Firemen's Association.

Q. Through whom were those negotiations carried out, your employment?

A. I didn't catch that.

Mr. Del Guercio: Read the question.

(The question referred to was read by the reporter as above recorded.)

A. Through a committee.

By Mr. Del Guercio:

Q. Was Walter Stack on that Committee?

A. I am not sure whether he was on the Committee at the time we were retained, or came in later. I am inclined [6226] to believe the latter is true; that we were retained and he came down from, I believe, Seattle and joined the Committee and we were retained.

(Testimony of Henry P. Melnikow.)

Q. Do you know if Walter Stack is a member of the Communist Party, and was a member at the time you had these business transactions with him?

A. No, I didn't; and I don't know it today.

Q. You never heard that Walter Stack has admitted that he is and has been a member of the Communist Party?

A. No. I have seen some references to statements that he was a member of the Communist Party in the newspapers, but that is as far as my own knowledge goes.

Q. Haven't you seen the same things about Harry Bridges in the newspapers. A. Yes.

Q. As you have Walter Stack?

A. Yes. I have also seen publications about me too, but I knew better than to believe them.

Q. Do you believe that Walter Stack is a member of the Communist Party?

A. Do I believe it?

Q. Yes.

A. I have no basis on which to have an intelligent belief.

Q. Have you any basis on which to believe whether or [6227] not Harry Bridges is a member of the Communist Party?

A. Only through my continuous contact with him, and observations of his actions.

Q. Did you have the same opportunity with regard to Walter Stack?

A. No, not nearly the same. It was very limited compared to my contacts with Mr. Bridges.

(Testimony of Henry P. Melnikow.)

Q. You have come in contact with a lot of trade union men, have you not?

A. Yes, sir; hundreds and thousands.

Q. Hundreds and thousands of them. Over what period of time? A. Since 1913.

Q. In your contacts with these hundreds of thousands of labor men have you ever discovered one who was a member of the Communist Party?

A. Well, there is one I am sure of. When he was negotiating for the International Ladies Garment Workers Union, I was told Mr. Sam Diner was a Communist and also that he was a stooge for the employees, and I didn't know which to believe.

Presiding Inspector: Stooge for whom?

The Witness: For the employers.

Presiding Inspector: You said "employees".

By Mr. Del Guercio: [6228]

Q. Sam Diner is the only one that you can remember out of these hundreds of thousands—did you say hundreds of thousands?

A. No. I said hundreds and thousands.

Q. And the only one you can think of is Sam Diner?

A. Well, that is the only one that occurs to me right now, and that apparently on his own statement.

Q. Can you think of anyone else of these hundreds and thousands of labor men that you have come in contact with——

(Testimony of Henry P. Melnikow.)

A. (Interposing): Off-hand, no.

Q. Sam Diner is the only one?

A. That occurs to me at the moment; yes, sir.

Q. You have come in contact with Harry Jackson, haven't you?

A. Just by having him pointed out to me by Paul Scharrenberg on one occasion.

Q. By whom? A. Paul Scharrenberg.

Q. What did Paul Scharrenberg have to say about him, if anything?

Presiding Inspector: I cannot hear.

(The question referred to was read by the reporter as above recorded.)

A. What he said would hardly be printable.

By Mr. Del Guercio: [6229]

Q. About Harry Jackson? What did he say?

A. He called him a "blankety-blankety-blank"——

Q. (Interposing): What?

A. A "blankety-blankety-blank Red".

Q. Do you know that Harry Bridges has associated with Harry Jackson?

A. I don't know it, but it may be quite true.

Q. Huh? A. It may be quite true.

Q. Do you know what Bridges' associations wi Harry Jackson were?

A. Not from my personal knowledge; no.

Q. You have no knowledge at all on that?

A. No, sir.

(Testimony of Henry P. Melnikow.)

Q. Do you know what Harry Bridges' associations were with Sam Darcy, or have been?

A. No, sir.

Q. Huh? A. No, sir.

Q. Do you know who Sam Darcy is?

A. I have heard that he was an official of the Communist Party.

Q. And you don't know anything about Harry Bridges' association with Sam Darcy?

A. No, sir. [6230]

Q. Do you know who Elmer Hanoff is?

A. No, sir.

Q. Have you ever heard of him?

A. Only what I have read in the newspapers recently.

Q. Do you know what Harry Bridges' associations with Elmer Hanoff have been?

A. No, sir.

Q. Do you know William Schneidermann?

A. I have had him pointed out to me at a convention a couple of years ago.

Q. What convention was that?

A. CIO convention in San Francisco.

Q. Was Schneidermann present?

A. He was there as a spectator and one of the persons there I knew pointed him out and said, "There is Schneidermann."

Q. Where was that convention held?

A. It was held in Polk Hall.

Q. Where?

(Testimony of Henry P. Melnikow.)

A. Polk Hall, the Civic Auditorium, of the City and County of San Francisco.

Q. What date?

A. It was August, I believe, of '35 or '36—I am not sure—maybe '37. I would have to look that up.

Q. Was Schneidermann on the speakers' stand?

[6231]

A. No. He was present in the same capacity that I was, just looking on.

Q. Who pointed him out to you?

A. I can't recall at this time, but somebody who was with me said, "There is Bill Schneidermann."

Q. Do you know Morris Rapport?

A. No, sir.

Q. Have you ever heard of him?

A. Not except what I saw in the newspapers while I was up in the northwest about some proceedings in which he was involved.

Q. Isn't he considered an authority on trade union matters?

A. I wouldn't consider him such without more knowledge than I have of him at the present time.

Q. Do you know Walter Lambert?

A. No, sir.

Q. Have you heard of him?

A. Only what I have read in the papers recently.

Q. In any of your transactions, business transactions, with any of these unions has the name of Walter Lambert ever come up?

(Testimony of Henry P. Melnikow.)

A. I don't think so directly. I think, perhaps, in an indirect way his name may have been mentioned, but if it was I can't recall at the present time. [6232]

Q. Do you know what association Harry Bridges has had with Walter Lambert? A. No, sir.

Q. Were you ever associated with the Sailors Union of the Pacific? A. Yes, sir.

Q. When?

A. Back in 1934, 1935 and, I think, in 1936.

Q. In what capacity?

A. In the same capacity as with all the other unions, retained to assist them in a professional way in their negotiations and arbitrations.

Q. Have you ever been retained by them since then?

A. No. They had a difference of policy as to living up to agreements or doing it by job action; that is, changing the agreement by job action versus striking, and they decided that our services would not assist them because they were going to do it by way of job action, rather than collective bargaining procedure direct.

Q. Isn't it a fact that you were kicked out of the Sailors Union of the Pacific for 99 years?

A. Kicked out? No, sir.

Q. Not literally kicked out—but you know what I mean.

A. Yes. To answer that fairly—I was told that a resolution was passed by the Sailors Union of

(Testimony of Henry P. Melnikow.)

the Pacific that [6233] they would not use our services for a period of 99 years.

Presiding Inspector: What do you mean by "job action"?

The Witness: By job action is meant such activities right on the job as will force the employer to do what the union wants them to do.

Presiding Inspector: Sabotage?

The Witness: Not necessarily; although that is a part of the extreme form, yes, sir.

Presiding Inspector: Sit-down strikes?

The Witness: Yes; or walking off the job at the end of six hours when the agreement calls for eight hours, and saying "That is our day's work done unless you pay us overtime"—something like that.

By Mr. Del Guercio:

Q. Didn't the ILA use job action on various docks during 1934 and 1936? A. The ILA?

Q. Yes.

A. Not in the same degree or in the same way; no, sir.

Q. In what way did they differ?

A. They never walked off the job at the end of six hours. For example, if they walked off the job it was simply on the ground that the award under which they were operating said that the employees could choose their jobs and the [6234] employers could choose their men; and whenever the men didn't like the conditions of employment they said, "We hereby do not choose this job," and walked off with that as an excuse—which gives it

(Testimony of Henry P. Melnikow.)

a little bit different situation than a sailor walking off the job from the ship.

Q. Well, it was still job action?

A. To that extent, yes; it was a form of job action.

Presiding Inspector: Is that good trade union policy?

The Witness: I think it is justifiable only in extreme occasions. I do not think it is ordinarily good trade union policy.

By Mr. Del Guercio:

Q. Have you ever been a member of the Harry Bridges Defense Committee?

A. I am not sure. I was called up on the telephone and asked if I would permit my name to be used and I said, "Yes." Whether they are actually using it or not I can't say.

Q. The present one, you mean?

A. No. I think that was some time ago. I don't know what the present situation is.

Q. Have you made any contributions toward the Harry Bridges Defense Fund?

A. I do not believe so.

Q. You do not believe so?

A. I mean I do not remember that I did. I may have, but [6235] I don't remember.

Q. Wouldn't you know it if you did?

A. I don't know that—I didn't directly.

Q. Did you do it directly or indirectly?

A. It may have been that somebody passed a

(Testimony of Henry P. Melnikow.)

slip around our office and there might have been a contribution made that way. That is what I have in mind.

Q. Did you make a contribution there?

A. No, I haven't personally.

Q. Did your company—whatever you call it—the Pacific Coast Labor Bureau, make any contribution? A. No, sir.

Q. In any form?

A. No, sir—well, in the form that some employee may have passed a slip around; yes, I think there was such a slip passed around.

Q. Did you solicit contributions in your office for it? A. No, I didn't.

Q. Did you give permission for anyone to solicit contributions?

A. No one asked my permission.

Q. They just walked in and did it?

A. What I said was some employee in the office may have circulated such a slip.

Q. Do you know Sam Kagel? [6236]

A. Yes; very well. He is my right hand——

Q. (Interposing) Is he employed by you?

A. Yes, sir.

Q. Is he on a salary basis? A. Yes, sir.

Q. What is his salary?

A. $425.00 a month.

Q. $425.00. Are you on a salary basis?

A. Yes.

Q. What is your salary?

A. $600.00 a month.

(Testimony of Henry P. Melnikow.)

Q. $600.00 a month? A. Yes.

Q. Are there any other high salaried employees in your organization?

A. It depends on the definition of "high." I think the next person gets $350.00, and it ranges down to $130.00 for the stenographer.

Q. All these salaries come from your employment with these unions? A. Yes, sir.

Q. What is done with the—are all the funds you receive expended in salaries?

A. No, sir. We have a sizeable overhead.

Q. Do you have a reserve fund? [6237]

A. Yes, sir.

Q. How much do you have in that reserve fund at the present time?

A. I am not sure that I can tell you, but it must be about $6500 or $7500.

Q. And in whose name is that?

Mr. Grossman: (Interposing) Just a moment. I don't want to make a legal objection. This seems to be completely irrelevant. However, unless Mr. Melnikow has any desire to——

Mr. Del Guercio: (Interposing) Well, now——

Mr. Grossman: (Continuing) Let me finish.

I say, if Mr. Melnikow has any reasons to desire any kind of secrecy, which cannot be maintained in the light of this series of questions, with reference to any of his business transactions, I believe he should express himself and I think your Honor should rule. But from our standpoint we have no

(Testimony of Henry P. Melnikow.)

objection, although we think it is completely irrelevant.

Presiding Inspector: I don't think he has any objection.

The Witness: On the contrary—our financial books, and otherwise, are always open and available.

By Mr. Del Guercio:

Q. You don't want to hide anything?

A. Not a thing.

Mr. Grossman: I withdraw my statement.

By Mr. Del Guercio: [6238]

Q. What do you do with the moneys you receive in excess of salaries and overhead?

A. We put it in a savings account and draw on it when we begin to run into the red.

Q. When you say "we", do you mean you put it into a savings account? A. Yes.

Q. The money is in your name — it is your money?

A. It is in the name of the Pacific Coast Labor Bureau, which is a trade name, and of which I am the sole owner.

Q. You are the sole owner? A. Yes.

Q. Where were you born, Mr. Melnikow?

A. In Kiev—K-i-e-v—Russia.

Q. Did you try to go out of the United States recently, Mr. Melnikow?

A. Yes. I just returned from Canada last week.

Q. Were you permitted to enter Canada?

A. I was on the last occasion. On the occasion before I was deported.

(Testimony of Henry P. Melnikow.)

Q. When was that?

A. The order for deportation is dated May 6, 1941.

Q. Were you made the subject of deportation proceedings in Canada? A. Yes, sir.

Q. On what ground? [6239]

A. On the ground that I was not an accredited representative of an International Trade Union, and that I was entering Canada under contract.

The Immigration official who was responsible for this order did not tell the truth to the newspapers and published a report that it was because of doubt of my United States citizenship. He has since explained to me that he thought it would sound better if he put it on that basis, rather than make a labor matter of it.

However, within a couple of hours after I went back to Seattle they sent a message that I could come back and that all was a mistake.

I have the deportation order here if you would like to see it. [6240]

Q. You were served with a notice of your exclusion order, were you not?

A. I didn't get that.

Q. You were served——

Presiding Inspector: (Interposing) Read the question.

By Mr. Del Guercio:

Q. (Continuing) ——with an order of your exclusion, were you not?

(Testimony of Henry P. Melnikow.)

A. Yes, sir. I have it right here.

Q. How does it read?

A. Just as I have read it a minute ago.

Q. May I see it? A. Certainly.

(The document referred to was passed to Mr. Del Guercio.)

By Mr. Del Guercio:

Q. You were examined here by the Canadian Immigration Officers at Vancouver, were you not?

A. Yes, sir; at the airport there.

Q. Sir? A. At the airport.

Q. At the airport in Seattle? A. Yes, sir.

Q. Were you given a hearing?

A. No. I was merely asked a lot of questions and then told that I would be barred. I asked whether the law had been changed and I was told, No, it hadn't been. And then—— [6241]

Q. (Interposing) Was there some question about whether or not you were a member of the Communist Party? A. No, sir.

Q. Was the Communist Party mentioned? Was the Communist Party mentioned?

A. No, sir. The only ground that was mentioned was the one shown in the order as you have it.

Q. Did you take an appeal from this exclusion order?

A. I did, and I was admitted later upon orders from Ottawa.

Mr. Grossman: May I have that last answer, please?

(Testimony of Henry P. Melnikow.)

(The answer referred to was read by the reporter as above recorded.)

By Mr. Del Guercio:

Q. Did you apply for an American passport before you went to Canada?

A. No. It isn't necessary to have an American passport in going to Canada.

Q. At that time? When was that? In what year?

A. May 6, 1941. I did have my identification papers.

Q. You had an identification card?

A. Yes, sir.

Q. Issued where?

A. Well, I have a number of them. One is a transcript of my registration. I got that later. And as a voter in Alameda [6242] County, California.

Q. Did you have a registration card issued at an Immigration Office? A. No, sir.

Q. Have you ever discussed with leaders of the Communist Party, any leader of the Communist Party the policy of the Communist Party towards trade unions? A. No, sir.

Mr. Del Guercio: That is all, your Honor.

Mr. Grossman: Just one moment, please.

Redirect Examination

By Mr. Grossman:

Q. Are you a citizen of the United States, Mr. Melnikow? A. Yes, sir.

Q. On the occasion when you were first not per-

(Testimony of Henry P. Melnikow.)

mitted to enter Canada what was the reason for your trip to Canada?

A. I was to represent the three divisions of the Amalgamated Association of Street Electric Railway and Motor Coach Employees of America in an arbitration against the British Columbia Electric Railway, Limited.

Q. Do you know whether Harry Bridges took any position on job action in 1935?

A. Yes. He was opposed to it.

Q. Can you state what if anything he did to carry out [6243] that opposition?

Mr. Del Guercio: I will object to that, your Honor.

Presiding Inspector: I don't suppose you can show individual acts.

Mr. Grossman: This matter was brought out in connection with the Sailor's Union of the Pacific, his position on job action.

Presiding Inspector: Not in relation with anything to Mr. Bridges.

Mr. Grossman: I beg your pardon?

Presiding Inspector: Not in relation with anything to Mr. Bridges.

Mr. Grossman: All right. It is not too important. His position is well known.

No more questions.

Presiding Inspector: Would mass picketing be job action?

The Witness: No, sir. Job action relates to action on the job before a strike is called. That is, the

(Testimony of Henry P. Melnikow.)

people remain on the job and continue to draw their pay, but do things which they trust will force the employer's hand.

Presiding Inspector: Very well.

Mr. Grossman: No more questions.

Mr. Del Guercio: That is all.

(Witness excused.)

Presiding Inspector: Next witness.

Mr. Grossman: Your Honor, at this time we rest our case [6244] except for the fact that we have a witness, Mr. Lord, who I think will be here tomorrow morning. We mentioned it to you, and naturally we are going to ask leave when he comes to put him on out of order.

Presiding Inspector: I think there will be no objection to that.

Mr. Grossman: Otherwise we rest our case.

Presiding Inspector: No, Mr. Del Guercio.

Mr. Grossman: Could we have a recess now, your Honor?

Presiding Inspector: Yes.

(Whereupon a short recess was taken.)

Presiding Inspector: Call your witness, Mr. Del Guercio.

F. J. M. ERNEST

called as a witness in rebuttal on behalf of the Government, being first duly sworn, was examined and testified as follows:

Direct Examination

Presiding Inspector: Give your name and address.

By Mr. Del Guercio:

Q. State your name, please.

A. F. J. M. Ernest.

Q. Where do you reside?

A. Portland, Oregon.

Q. What is your profession?

A. Physician and surgeon.

Q. And are you connected with any Governmental agency [6245] at this time?

A. I am with the Veteran's Administration.

Q. In what capacity?

A. Neuro-psychiatrist.

Q. For how long a period have you been so connected with the Veteran's Bureau?

A. Since 1922 I have been doing nothing but such work.

Q. Are you also a physician and surgeon?

A. I am.

Q. For how long a period?

A. 1904. I graduated in 1904.

Q. What college did you graduate from?

A. I am a graduate of Kansas; Post-Graduate of Rush, Chicago; Sanitary School of Lyon, France; and University of California Medical.

(Testimony of F. J. M. Ernest.)

Q. Do you know a Richard Lovelace?

A. Yes.

Q. And will you state for how long a period you knew him and under what circumstances?

A. I have known him since he came to Oregon in, I think, 1929.

Q. And did you ever treat Richard Lovelace?

A. Yes. I took care of him—oh, I examined him on a number of occasions and he reported to the Veteran's Hospital [6246] at Portland, and he was admitted to our hospital on February 20th this year after having had a stroke, and he was under my supervision until he died on the 13th day of March.

Q. Now, you say that he was under your supervision until the time of his death? A. Yes.

Q. And for how long a period prior to his death had you been treating him at the Veteran's Bureau?

A. Pardon? I didn't get the question.

Q. For how long a period had you been treating him at the Veteran's Bureau prior to his death?

A. He was a Veteran of the World War and he had been to our hospital on a number of occasions previous to this last admission, and over a period of years ever since—I think I first knew him shortly after he came to Oregon, because he came up to the Veteran's Hospital. I didn't know him well or markedly until 1932 when he ran for Congressman, United States Congressman on the Communist ticket. Then in '34 he ran for the State Legislature on the same ticket. I knew him then, and two or three years later I began to know him better, and for the last two

(Testimony of F. J. M. Ernest.)

or three years I had been pretty closely associated with him.

Q. What was Mr. Lovelace's mental condition during the time that you knew him up until the time of his death?

A. Well, he was an intelligent, very conscientious, rather clever individual. He was bright, active.

[6247]

Q. Did you notice any mental impairment in his mental faculties in any period of time that you knew him and treated him?

A. Oh, no. Mentally alert.

Q. Did you ever have occasion to discuss Mr. Lovelace's reputation for truth and veracity in the community in which he lived? A. No.

Mr. Del Guercio: That is all. Just one more question, if your Honor please. May I?

Presiding Inspector: Yes.

By Mr. Del Guercio:

Q. You knew a Mr. MacMickle who calls himself a "doctor"? A. No.

Q. Did you ever discuss Mr. Lovelace's condition with a Mr. MacMickle? A. No.

Q. A Virgil MacMickle? A. No.

Q. Either over the telephone or otherwise?

A. No.

Mr. Del Guercio: That is all.

Presiding Inspector: I would like to ask a few questions.

What is paranoia?

(Testimony of F. J. M. Ernest.)

The Witness: Paranoia is a mental sickness in which the [6248] individual has an exalted idea of his own ability and efficiency. It's a delusional state.

Presiding Inspector: Is it a well-recognized condition?

The Witness: Very well recognized.

Presiding Inspector: And is it easily recognizable?

The Witness: Easily recognizable.

Presiding Inspector: Now, will you state whether or not at any time up to the time that you say this man had a stroke whether he was suffering from paranoia?

The Witness: Oh, no.

Presiding Inspector: Do you want to ask anything else?

Mr. Del Guercio: No.

Mr. Grossman: Just a moment.

Cross Examination

By Mr. Grossman:

Q. Doctor Ernest, do you consider that you specialize in the field of psychiatry? A. Yes.

Q. Are you attached to the staff of the Veteran's Hospital in Portland? A. I am.

Q. Do you do any other work besides the work for the hospital?

A. Oh, no. I have been wholly employed by the Veteran's Administration; I mean, in full time.

Q. Is the work that you do for the hospital confined to the specialization of psychiatric work?

[6249]

(Testimony of F. J. M. Ernest.)

A. Well, every member of a general hospital has to do general work as well as his specialty, but my work on that staff is neuro-psychiatry. For instance, I have to be the officer of the day when my turn comes and I have general care then of all patients.

Q. Now, for how long have you been specializing —rather, put it this way: For how long has most of your work in the Veteran's Hospital been within the field of psychiatry? A. Since 1922.

Q. Now, what is the practice in the Veteran's Hospital with respect to whether a patient is treated by one doctor or several doctors or a combination of those two methods?

A. Well, the staff of a Veteran's Hospital constitutes a clinic and his examination covers all the specialties. I mean, if he requires any special examination there is a member of the staff to do that.

Q. I see. Suppose a man returned several times to the hospital, is he treated or examined by the same doctor?

A. Well,——

Q. (Interposing) Generally speaking?

A. Generally speaking, no. A man is admitted to the hospital through the admission and diagnostic service, and there is one officer in charge of that service. So that any [6250] time he is admitted other than by the officer of the day he comes through that service, but his treatment will be according to the disablement for which he has been admitted.

For instance, if he is a cardiac case he will be sent

(Testimony of F. J. M. Ernest.)

to the cardiac ward. If it is a tuberculosis, then the tubercular specialist will have him. If he is a neurological case he will come under my supervision or neuro-psychiatric work, and g.u. and so on. Surgical work goes to the surgical service.

Q. Can you state when was the first time that you had occasion to examine Mr. Lovelace from a medical standpoint?

A. Oh, I — roughly speaking, I should say it might have been *been* the fall of '29 or the spring of '30. It was just after he had come to Oregon.

Q. And on that occasion was any treatment given him by you? A. No.

Q. On that occasion were there several examinations or only one?

A. I didn't get your question.

Q. Were there several examinations or only one on that occasion?

A. On that occasion he came in for examination for rating purposes.

Presiding Inspector: For what?

The Witness: For rating purposes. [6251]

By Mr. Grossman:

Q. Disability rating purposes?

A. For rating purposes; examination to determine whether he has compensation coming and how much, and they are examined in—any patient coming in that way will be examined by the different members of the diagnostic staff.

Q. When was the next time you had occasion to examine Mr. Lovelace?

(Testimony of F. J. M. Ernest.)

A. Well, it's over the period of years from that time on, until he was admitted the last time, I can't give you the dates of that.

Q. Can you make an estimate of the number of times, very generally, during that period that you either examined him or treated him?

A. Well, it would be rather hard to make an estimate. Possibly once in two years or such a matter. The regulations have been changed with reference to the number of times men are called in for examination for rating purposes.

Q. Would you state that you had examined Mr. Lovelace at no time except when he was brought in for rating purposes?

A. I never examined—oh, for rating purposes, yes. I have examined him at times when he was in the hospital for other conditions. For instance, he was hospitalized a time for a cardiac disease, for heart disease, and I reported on [6252] his condition at that time as part of the routine record.

Q. Do you remember any other occasion except the rating examinations when you examined Mr. Lovelace?

A. Well, that wasn't for rating purposes.

Q. Yes. Any others besides that one?

A. Oh, I don't recall any other time.

Q. Did you examine him for other than rating purposes after he came to the hospital in February of 1941?

(Testimony of F. J. M. Ernest.)

A. Oh, I didn't examine him at that time for rating purposes.

Q. For any purpose?

A. Oh, yes. That's for Apoplectic treatment purposes.

Q. And what was his condition when he came to the hospital in February of 1941?

A. On the 20th day of February? When he came in he was unconscious. He had just had a stroke and he was brought by ambulance.

Q. Were you the doctor who was primarily responsible for his treatment when he came to the hospital in February of 1941?

A. I was the doctor who made the examination and the diagnosis and recommended the treatment.

Q. What was your diagnosis at that time?

A. Well, generally speaking, apoplectic stroke.

Q. Had there been any medical history which tended [6253] you thought, to explain the stroke at that time?

A. Yes. The refined diagnosis was—I think I can probably—well, the diagnosis given on his death certificate—and, of course, that was arrived at after he had been admitted and after laboratory studies of various kinds had been made and after the treatment and final determination and death—was thrombotic embolism left brain, possibly or probably due to myocardial infarction, myofibrosis.

Q. What would that mean with reference to the condition of the brain at the time of the death? Could you put it in layman's language, please?

(Testimony of F. J. M. Ernest.)

A. Well, what it actually means is that at some time, and possibly when or about the time when he was last admitted to our hospital for treatment of heart disease, he probably had a coronary thrombosis—that is, one of the arteries of the heart occluded, that shut off the blood of a certain artery of the left ventricle and, as a result of that, the lack of blood supply and his ability to recover a fibrosis developed; and in those fibrous developments occasionally they will lose their own vitality enough so that a part of them will break off, and it is on the order of an organized clot.

Now, if one of those—a piece breaks off of this fibrous structure it slips into the circulation and goes out through the collateral artery, and in this case we explain it as being forced through the middie vaginal artery on the left, producing the deep vascular disturbance, as we [6254] called the stroke a while ago.

Presiding Inspector: That is, this clot, in layman's language, becomes lodged in one of the smaller arteries in the brain itself, and that occludes that artery and there is a lack of blood supply to part of the brain, and that makes the disturbance in the body?

The Witness: That's right. The usual blood supply to the brain is not—it has no collateral. This artery has so many branches and there are no collateral circulation from some other part. Now, when the piece broke off of the mural thrombus in

(Testimony of F. J. M. Ernest.)

the heart it became an embolus. It was something loose, a loose body in circulation. Then it went through and followed along with the blood stream until it got to the place where it couldn't go any further and then it blocked off all beyond that area. And that's the thing that happens that brings about the stroke.

By Mr. Grossman:

Q. Can you state, Doctor, whether you have had experience with any cases where such a blood clot as you found in the brain of Richard Lovelace interferred with the mental processes of a person having such a clot?

A. Will you repeat that question? I didn't understand it.

Presiding Inspector: I don't understand it.

By Mr. Grossman:

Q. Have you had any such experience with such blood [6255] clots on the question of whether they ever affect the mental processes?

Presiding Inspector: You mean before the stroke?

Mr. Grossman: Oh, yes. Before a stroke takes place.

Presiding Inspector: I suppose his blood clot lodges there within a very short time.

Mr. Grossman: Well, the Doctor hasn't testified to that. As a matter of fact, he testified that it probably began to form at the time he was previously in the hospital.

(Testimony of F. J. M. Ernest.)

By Mr. Grossman:

Q. Didn't you, Doctor?

Presiding Inspector: And then at the time it became an embolism. An embolism is a floating body and it couldn't affect the brain until the embolism reached the brain.

The Witness: That's correct.

Presiding Inspector: That's elementary.

By Mr. Grossman:

Q. Could you state, Doctor, when you think was the first time that this fibrosis had developed in the brain?

A. We assume that it was in process of development ever since the previous time he had been hospitalized for heart disease.

Q. And when was that?

A. That was within a year or less; a few months. I can't give the dates exactly, because he was on another service and we don't remember those things very well. And in answer to [6256] your question, there would be no involvement of the patient's mental functions until the thrombosis took place, until the circulation was shut off, and after that many times there is no involvement of the mental capacity so far as thinking or reasoning or judgment is concerned. It depends on the area in which this embolus lodges.

Q. Well, was this in such an area that it could have affected the mental processes?

A. Well, it didn't in this case. This man was—after he came through the original shock of his

(Testimony of F. J. M. Ernest.)

stroke he cleared and became conscious and was perfectly familiar with everything going on in his environment. He wasn't able to speak because it shut off the motor area, which is Broca's area; so-called "Broca's area". He couldn't talk, but he understood everything you said to him and he smiled appropriately. He appreciated the things that were being done for him. He was a very splendid patient.

Q. In layman's language, ultimately this stroke came from the fact that the blood vessels were closed off or one blood vessel was closed off in the brain or at least that participated, did it, in causing the stroke?

A. Yes. The left middle cerebral artery was occluded.

Presiding Inspector: That was the stroke?

The Witness: That was the thing that caused the stroke, yes.

Presiding Inspector: By the "stroke" you mean the—— [6257]

The Witness (Interposing): The lodging in of the embolus in this stream where the vessel was too small for it to go any farther. That's the thing that caused the stroke.

By Mr. Grossman:

Q. Is it possible that this occlusion or cutting off of the blood stream took place gradually; in other words, that it was cut off in parts for some time before it was completely cut off?

(Testimony of F. J. M. Ernest.)

A. Oh, no. In an embolic thrombosis it is a slow process in comparison with a man being shot, for instance. The shock will come, but he will continue to lose certain physical ability for probably hours after the first impact because, as the embolus lodges and shuts off the circulation, then all tissue, all brain tissue supplied by blood will almost, well, shortly be converted into fat and products of that kind. So that that particular area becomes a cavity rather than a mass of tissue as it had been before, and as the embolus in its lodgment interferes with the blood supply, coagulation takes place around the original embolus and it increases in size and, as it does, the clotting of the blood behind it backs up and involves other vessels leading away from this main artery, and then you have a wider field of an involvement than you did have when the original embolus struck. [6258]

Q. Have you stated all the physical conditions of Mr. Lovelace that contributed to his death, or were there others that contributed to some extent to his death?

A. We are quite satisfied that we have stated all of the causes of death.

Q. Was your diagnosis generally the same before the autopsy—I assume there was an autopsy?

A. Yes.

Q. Was your diagnosis generally the same before the autopsy as it was after it?

A. The same diagnosis before and after.

(Testimony of F. J. M. Ernest.)

Q. What was the condition of Mr. Lovelace when he was first given his disability rating?

A. Well, I am not qualified to answer that question, your Honor, because we are not permitted to do it without his, or someone's consent. Unless his file was subpoenaed and brought into court I couldn't quote from it. I couldn't give—we are not permitted to answer that question. I am not permitted to answer that question, even if I knew it, but I don't know it.

Q. What was his condition so far as your examination disclosed at the time he was first given a disability rating?

A. I wouldn't answer for the same reason. I have covered practically all the things with reference to my examination in what I have already stated. [6259]

Q. You mean you don't remember what his condition was so far as disclosed by your examination when he was first given a disability rating?

A. He had a disability——

Mr. Del Guercio (Interposing): That is not what the witness has stated.

Mr. Grossman: It may not be, but I am trying to clarify his reason.

Mr. Del Guercio: He has given his reason.

Presiding Inspector: I would like to hear the question.

(The question referred to was read by the reporter as above recorded.)

(Testimony of F. J. M Ernest.)

Presiding Inspector: I think that question is clear.

Mr. Del Guercio: He already explained what he testified to.

Presiding Inspector: I am not quite sure.

Mr. Del Guercio: Read the previous question and answer.

Presiding Inspector: Yes.

(The question and answer referred to were read by the reporter as above recorded.)

Mr. Grossman: When he stated the same reason as his previous answer, his previous answer was in part that he didn't know. I want to know whether it was for the same reason.

Presiding Inspector: He said he didn't know and couldn't [6260] testify at any rate, under the rules.

Mr. Grossman: I am concerned now with whether he remembers.

Presiding Inspector: He says——

Mr. Grossman (Interposing): I don't think he has answered this because your Honor——

Presiding Inspector: Let me ask a question. Have you any recollection on the subject?

The Witness: Well, I haven't any recollection in detail, and apparently that is what he is trying to get me to say.

Presiding Inspector: You have such a recollection of his condition as any person dealing with him might have, a layman's recollection?

(Testimony of F. J. M. Ernest.)

The Witness: That is right.

Presiding Inspector: To which you apply your medical knowledge, of course?

The Witness: Well, if the records had been subpoenaed, your Honor, and they were here in Court, then I could testify accurately to all of the records and could give my findings, as well as the others—and especially I could give mine in detail—but we can't remember over a period of years—for instance, I can't tell you whether a man had neuritis in 1932, and paralysis in 1934. That is, I can't tell, give details about the things that we arrive at on our examination and remember them in detail to report [6261] on them years afterwards.

Mr. Grossman: Recognizing that his memory may not be as good as the records, I still think I am entitled to the witness' best recollection as to his condition as disclosed by his first examination of him. We are certainly not limited to the last examination.

Presiding Inspector: I think that you are entitled to that.

By Mr. Grossman:

Q. I want your best recollection, doctor, of the condition of Mr.——

A. (Interposing): As far as——

Q. (Continuing): I want your best recollection of the condition of Mr. Lovelace, as disclosed by your first examination of him.

A. My recollection of him there was that he was——

(Testimony of F. J. M. Ernest.)

Mr. Del Guercio (Interposing): Just a moment —if it is permitted under the rules of the Veterans' Administration.

Presiding Inspector: You produced this witness, the Government produced this witness. I will allow the question.

Mr. Del Guercio: Even if we did produce him——

Presiding Inspector: You produced him to show that he was not mentally affected.

Mr. Del Guercio: At the time prior to his death?

Presiding Inspector: At the time these various matters [6262] relate to. I will allow cross examination on that.

A. Well——

Presiding Inspector: Of course, if he comes in conflict with the rules he can state that; but he is asking for his recollection, if he has any.

A. Well, I remember Lovelace as a veteran, as a splendid sort of an individual who was quite bright and pleasant, efficient, intelligent, a kind of a fellow that was affable and knew what he was doing, and interested in everything going on about him. He was a conscientious sort of a chap, as I stated before. He had ideas of his own. He wasn't influenced too much by public opinion. He usually went into the subject in hand and familiarized himself with it and then made up his own mind and acted accordingly.

That was his picture when I first knew him, and that is his picture when I last knew him. There

(Testimony of F. J. M. Ernest.)

had been no change in his type of personality in all the years I have known him.

By Mr. Grossman:

Q. Were there any neurological or psychiatric problems you discovered when you first examined him?

A. He never had any psychiatric problems in his case.

Q. How about neurological?

A. Well, that is the thing that I am not prepared to give in detail because I can't remember—I don't remember [6263] whether, as I said a while ago, whether he had neuritis, whether he had paralysis of the peripheral nerve, or whether he had some peculiar thing as a result of gunshot wounds that were reported in detail. I can't remember those things in detail.

Q. Do you remember whether, at the time you first examined him, there was any shell shock condition?

A. Oh, no. He wasn't the type of shell shock. He had a splendid army record. He saw action. He was the kind of a fellow that didn't boast about what he had been through but he never evaded anything. He was in touch with reality, and he was a real splendid citizen.

Q. Did you examine Mr. Lovelace more than any of the other doctors in the hospital, or did you just do your share in your specialty?

A. Oh, I just did my specialty.

(Testimony of F. J. M. Ernest.)

Q. Do you remember whether you ever examined him on any occasion when he was not examined by doctors in all the other specialties that the hospital had?

A. You mean outside of the Veterans' Administration—no.

Q. In the Veterans' Administration—in other words, here is what I am driving at, Doctor!, You stated that when a patient came in for rating he was examined by doctors in the various specializations in the hospital? [6264] A. Yes.

Q. And as part of your specialized work you examined him. I want to know whether on any occasion you examined him when he was not examined by the doctors in the other specializations?

A. Now, I understand your question to be did I examine him as a neuro-psychiatrist for mental or nervous disturbances?

Q. No. That is not the question. The question is, did you ever examine him, not as part of a complete examination of all parts of him by all specialists?

A. When we make an examination our examination is independent of all others. We make a special examination. It is inclusive and conclusive as far as nervous and mental diseases are concerned.

Q. Was it true that whenever a man came in for examination as to his rating that he was examined as to every specialization or, rather, by every specialist from every field?

(Testimony of F. J. M. Ernest.)

A. No. A man comes in for rating purposes. He is examined by the man we call the General Examiner. Then he routes him around to the various specialists, according to his idea of what the man needs. If he has some definite service connected disability, something that has been rated or has been considered by the Legal Department and determined to be ratable, compensable, then always he will be examined [6265] by the specialist in that department.

If it was for paralysis of some sort he would come to me. If he had a service connected neuritis he would come to me. But if he had tuberculosis he would go to the T.B. specialist, or for heart disease he would be examined by the cardiac specialist—and for surgery and orthopedic things accordingly.

So the service connected disabilities are always examined by specialists and reported on for rating.

Q. Did Mr. Lovelace have a service connected disability? A. Yes.

Q. What was it?

A. I can't answer that question. I can't answer because I am not prepared to answer it.

Q. Was it in your specialized field?

A. No.

Q. Will you please explain then why, if the service connected disability of Mr. Lovelace, for which he came to the hospital for regular rating,

(Testimony of F. J. M. Ernest.)

was not in your specialized field, why you examined him on each occasion?

A. He had gunshot wounds and as a result of gunshot wounds we have, in the areas involved, nerve supply which may at some time be active. For instance, a gunshot bullet or missile may be in the neighborhood of the peripheral nerve— [6266] by that I mean one of the nerves that comes out to the extremities after it leaves the neuro axis— and the missile may at times irritate the nerve and produce neuritis. As a result of his service connected gunshot wounds, or missile, which happens to be there, then the neuritis would also be service connected if it was present. At one examination it may be present and at another examination it isn't there, and he would be covered, that patient would be covered.

Q. Did Mr. Lovelace have neuritis?

A. Yes. He at times had involvement of the peripheral nerves, especially in—well, following his cardiac hospitalization treatment for his heart he had a good deal of trouble with his left brachial plexus, which means the nerves supply to the left upper extremity.

Q. Is neuritis within your specialization?

A. That is right.

Q. When was the first time that Mr. Lovelace developed any neuritis?

A. I can't answer that.

Q. To your knowledge?

A. I can't remember. How could I?

(Testimony of F. J. M. Ernest.)

Q. Can you give me any kind of an estimate?

A. I really don't know. It may have been on the first occasion he came up in 1929 or 1930; and it may have been any other times in between. I don't know. [6267]

Q. Is it your statement, then, that—withdraw that. Is it correct that the only reason that you examined Mr. Lovelace was because of the presence or the possibility of neuritis?

Presiding Inspector: That isn't in accordance with his statement. He said it was routed to him.

Mr. Grossman: If he knows why he was routed to him he may say. I assume that the routing would indicate——

Presiding Inspector: You should have something shown about the routing.

By Mr. Grossman:

Q. Let's have the routing procedure. I assume it would be true that the routing, doctor, would give you some idea of the reason why a particular patient was being routed to you, is that correct?

A. That is usually the way.

Q. All right. And basing your answer on that knowledge which you received from the routing, Doctor, or any person who saw to it that Lovelace came to you for examination, will you state whether you ever examined Lovelace for any reason except neuritis, or the possibility of neuritis?

Mr. Myron: I object to that question, your Honor. He can ask him whether he received any or not.

(Testimony of F. J. M. Ernest.)

Presiding Inspector: I will allow him to show it, if he can remember that.

A. I don't remember. [6268]

Presiding Inspector: Neuritis isn't the whole subject of the neurological field.

Mr. Grossman: It may be the only one that is traceable to the cause that Mr. Lovelace had.

Presiding Inspector: Maybe. He gave that, I suppose, as an example.

The Witness: That is correct.

By Mr. Grossman:

Q. Do you know why, on any occasion, Mr. Lovelace was routed to you?

A. You are asking me to answer a question that I have already told you that, without the records I couldn't give the details. I don't remember just the answer to the question that you now have propounded.

Q. Do you remember the reason on any occasion, however general, why Mr. Lovelace was routed to you?

A. Well, there isn't any question about why he was routed to me, when he came to the hospital this last time, because he came to my service direct. He was routed to me, or I was asked for a conference while he was being treated for heart disease, on account of his complaint of a pain in his left upper extremity, and especially his shoulder.

Q. Do you remember any other?

A. No. Those are in rather recent years and I remember those.

(Testimony of F. J. M. Ernest.)

Q. What did you find to be the cause of the pain in [6269] the shoulder or upper extremity?

A. It was a lack of nourishment. In cardiac cases the circulation isn't so good and the nervous system, like the rest of the body, is not adequately supplied; and then you get your neurotic or your neuritic pains.

Q. Before you came down here did you read the hospital record on Lovelace, or any portion of it?

A. No. The only thing I read was the death certificate. The records have been sent to Washington, D. C. After the death of a veteran the files are closed and sent to the central office.

Q. Do you know when they were sent to Washington? A. After his death.

Q. Do you mean to say that there are no records remaining in the veterans' hospital in Portland as to the physical condition of Lovelace at any time?

A. Well, I asked for them, because I wanted to refresh my memory before I came down here. The manager was away. The Chief Medical officer knew of only the file of the death certificates. We keep a copy and that is the one I reviewed.

Q. Did you speak to any doctor in the hospital, or formerly in the hospital, with respect to the mental, with respect to the physical or mental condition of Lovelace before coming down here?

A. You mean to help refresh my memory, or something like that? [6270]

Q. For any purpose?

(Testimony of F. J. M. Ernest.)

Mr. Del Guercio: For any purpose? You mean for any purpose connected with Lovelace?

Presiding Inspector: Yes; certainly.

Mr. Grossman: I assume it would be connected with him.

Presiding Inspector: Go ahead.

The Witness: May I have the question again?

By Mr. Grossman:

Q. Before coming down here did you speak to any physician about the physical or mental condition of Lovelace at any time?

A. Oh, well——

Q. (Interposing): I mean in the last, let us say, two or three months?

A. He died the 13th day of March—April, May, June—that is two or three months—his case came before the staff conference after death, who had the laboratory studies with the microscopic projection of slides, and the specimen examination, and that was shown to the whole staff, the case was presented to the whole staff. That is just one of the routine things we do with cases of this kind.

But I talked to no one.

Presiding Inspector: Did you demonstrate something there on the slides?

The Witness: Yes, sir. The slides—and a picture [6271] was graphically portrayed of exactly what I have told you.

Presiding Inspector: You see there was talk of that kind.

(Testimony of F. J. M. Ernest.)

By Mr. Grossman:

Q. After that time, when you had conferences in order to fix the cause of death, have you discussed Lovelace's physical or mental condition with any decor?

A. Well, when I spoke to the Chief Medical Officer asking him for the records to refresh my memory, we discussed, oh, just comments like one doctor would do to another, in regard to Lovelace; and the fact that when he came there on the 20th of February he practically was—I believe the remark was that he was practically the same as dead, except that he knew what was going on. He was conscious. He wasn't able to move or talk. It was just that sort of conversation. There wasn't anything with reference to his physical or mental condition.

Q. Was that the only discussion you have had with any doctors? A. Yes.

Q. Since the cause of death was finally fixed at your conference——

A. (Interposing): The cause of death was fixed by autopsy—it was verified.

Q. When was the discussion you had with this doctor is the hospital? [6272]

A. Dr. Brace—the C.M.O.—that would be on Saturday morning. I left on Sunday.

Q. Last Saturday?

A. This last Saturday.

Q. When was the first time you made any inquiry to see if there were any medical records in the hospital on Richard Lovelace?

(Testimony of F. J. M. Ernest.)

A. That Saturday morning.

Q. Do you recall where the medical history of Mr. Lovelece's, as given by him to you, or obtained from any other source——

Presiding Inspector: When he first came, you mean?

Mr. Grossman: At any time.

By Mr. Grossman:

Q. (Continuing): ——contained any facts or alleged facts that caused you to investigate as to whether there was any psychiatric problem there?

A. All history is of record and when a man has been examined in one facility and transferred to another, or if he moves about, all his records go with him. And when we made our first examination we had all of the records that had been made before, ever since his application for compensation, and we considered all those records, as well as the history he gave us, at the time of our examination in arriving at our own conclusions.

Presiding Inspector: Are you testifying from general [6273] routine or from your memory of this particular case?

The Witness: That is general routine.

By Mr. Grossman:

Q. Do you remember anything in the history that caused you to investigate as to whether there was any psychiatric problems?

A. There wasn't anything in his history that I recall that indicated that he had ever had any nervous or mental—I mean, mental sickness.

(Testimony of F. J. M. Ernest.)

Q. Temporary or permanent?

A. I don't recall anything either temporary or permanent.

Q. Now, is it your best recollection that you never examined Mr. Lovelace except when he was being examined for a rating, or for a possible change in the rating, or when he was in the hospital because of his cardiac condition, or when he came to the hospital because of the stroke?

A. I have no recollection of ever making any examination.

Q. Did you have any contact with Mr. Lovelace outside of the medical contact you have related in the hospital? A. Oh, yes.

Q. What was that other contact?

A. Well, I have been on the Executive Board of Post 1, American Legion, Portland, Oregon, for a number of years. In 1937 he came before the Executive Board in an effort to get [6274] back to the American Legion. We discussed the situation but when the minutes of the Executive Board were read on the Post floor, floor of the Post, they wouldn't permit him to come back. Dick was at that meeting. The Legionnaires weren't very careful about how—they stated that he had been a Communist and "Once a Communist, always a Communist," or something to that effect, and they didn't want him in our Post.

That is when I began to know him best and from then on I have more or less been in close contact with him inside and outside of the hospital.

(Testimony of F. J. M. Ernest.)

He was not admitted. We didn't accept him.

I think it was in 1939, because he was recommended by members of our Post who had special things to do with the subversive activities, he was considered by the Executive Board again and was admitted. Since that time he had been an active member of Post 1, American Legion.

I now am Second Vice Commander of the Post, and, as I said, I have been on the Executive Board for years before that. I had something to do with getting him back into the Legion because he has been—since he has come back he has been a very good Legionnaire and he has been attending meetings regularly. We meet every Monday night. At the same time he has been working on the various committees. He was Chairman of the Committee, active manager of a Committee to put on the [6275] Greek Relief, in which we invested some $2000, and he had charge of that and was working on that at the time of his death.

Q. Doctor, did you participate as a pallbearer, or honorary pallbearer, at his funeral?

A. Occasionally.

Q. I say, at his funeral?

A. No. I thought you asked that as a general question. For instance, I was an honorary pallbearer at a funeral here just recently in Portland.

Q. Did your Post provide funeral ceremony?

A. They did.

Q. For Mr. Lovelace? A. They did; yes.

(Testimony of F. J. M. Ernest.)

Q. You are sure you weren't one of the honorary pallbearers?

A. I wasn't a pallbearer at all.

Q. I mean in the sense—I assume the honorary pallbearers don't carry anything.

Presiding Inspector: You mean his name was published in the newspaper?

By Mr. Grossman:

Q. There was a printed program put out for this funeral ceremony?

A. I can't answer that. I know I wasn't at his funeral.

Presiding Inspector: You know it is like places where [6276] there are going to be speeches—the announcements are not always carried out.

Mr. Grossman: Yes.

Presiding Inspector: People's names are posted in the newspapers, as well as honorary pallbearers, when they haven't been there.

By Mr. Grossman:

Q. At least, you have a recollection of that?

Presiding Inspector: I think the Examiner would take judicial notice of that.

By Mr. Grossman:

Q. At least, you weren't at the funeral, that is definite? A. No.

Q. Did you ever have any social contact with Mr. Lovelace outside of the activities of the Legion Post? A. No. [6277]

Q. Now, you have described the mental condi-

(Testimony of F. J. M. Ernest.)

tion of Mr. Lovelace, I have forgotten the terms you used, but you used such terms as "intelligent"——

Mr. Del Guercio (Interposing): The record will show what terms the Doctor used.

Mr. Grossman: I understand. I am not changing them by restating them.

By Mr. Grossman:

Q. Did you have the same views with respect to the mental condition of Mr. Lovelace at any time when you knew that he was an active Communist?

A. Yes, for the reasons that I gave. He was one of those—he was a well educated chap and he had the faculty of going into things, and if you asked him why—in fact, at that appearance at the Post when they turned him down he explained why he got into the Communist Party and the difficulty he had in getting out. And it was a very instructive talk he made. He was a very intelligent sort.

Q. Did you as a psychiatrist consider that he gave a rational explanation of why he went into the Communist Party?

A. Yes, I certainly do. He said that the constitution and by-laws and the preamble or the creed, or whatever it is upon which Communism was based, was ideal for the human race and he didn't hesitate in giving a lot of reasons why. That was his statement when he went in, and his statement that the reason he went out was that, while that was the foundation [6278] of it, so far as he was concerned

(Testimony of F. J. M. Ernest.)

he found out that it was a racket and that was his explanation for getting out.

Mr. Grossman: Your Honor, at the present time we have completed our cross examination. It may be that we have absolutely finished it. At the same time, since we naturally didn't know that Doctor Ernest would testify—we would like some chance to check our records. We can do it without inconveniencing the Court if we adjourn fifteen minutes earlier and reconvene fifteen minutes earlier. We, therefore, would like the opportunity of continuing our cross examination after lunch and adjourn now.

Mr. Del Guercio: That is unusual.

Presiding Inspector: Oh, I don't think that is very unusual. But do you want to re-examine him any further?

Mr. Del Guercio: Not at all.

Presiding Inspector: Have you another witness that you can put on?

Mr. Del Guercio: Yes. We won't break in for ten minutes.

Presiding Inspector: Perhaps I'll decide that.

Mr. Del Guercio: Sir?

Presiding Inspector: Perhaps I'll decide that.

Mr. Del Guercio: I meant that, of course. We don't want to.

Presiding Inspector: But I will accept the suggestion.

Mr. Del Guercio: I have a matter, however, that I would [6279] like to take up at this time.

Presiding Inspector: In chambers?

(Testimony of F. J. M. Ernest.)

Mr. Del Guercio: No; right here in Court.

Presiding Inspector: Very well. You are excused for a moment, but don't go because they want to examine you at a quarter of two, perhaps.

(Witness temporarily excused.)

Presiding Inspector: Now, Mr. Del Guercio.

Mr. Del Guercio: I have here a——

Mr. Grossman (Interposing): Just one thing. Is it understood, Doctor Ernest, that—Doctor, you understand that we would like to have you back at two o'clock?

Presiding Inspector: Yes, he understands.

Doctor Ernest: Yes. The Judge just informed me.

Presiding Inspector: A quarter of two.

Mr. Grossman: Yes, a quarter of two.

Mr. Del Guercio: Are you through?

Mr. Grossman: Yes, I am through.

Mr. Del Guercio: I have here an affidavit from Virgil MacMickle in which he transmits a photostatic copy of certain diplomas. I offer this in evidence.

Mr. Grossman: We have no objection.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 287.) [6280]

Mr. Del Guercio: And I want to call the Court's attention to Virgil MacMickle's diplomas. The Court recalls his testimony regarding the diplomas he received and the places he received them.

Presiding Inspector: I remember that.

Mr. Del Guercio: There is one here, a diploma from the Stanhope High School, a photostatic copy. The next one is a diploma from—what purports to be a diploma from the American School of Naturopathy, Incorporated, 1905 under the laws of the State of New York, reading as follows:——

Mr. Gladstein (Interposing): Is it necessary that it be read?

Mr. Del Guercio: Your Honor, I think it is very important in view of the testimony given by MacMickle.

Presiding Inspector: Counsel wants to point out something to the Presiding Examiner. I will allow him to do it because we have done this all the way through.

Mr. Del Guercio: Because of the volume of the Exhibits here I am afraid that the Court will not have time to look over each of the Exhibits.

Presiding Inspector: Oh, I shan't read all the Exhibits.

Mr. Del Guercio: "Be it known to all to whom this presents shall come that Virgil MacMickle has received the full theoretical and practical course of instruction in all of the Branches of the Science of Naturopathy".

You will recall MacMickle's testimony that he attended [6281] that school in New York for just a period of six months, not longer than six months, and took a Post Graduate course.

"As prescribed by the Faculty of the American School of Naturopathy and Graduated with Honor

in consideration of the high degree of ability attained, the American School of Naturopathy does by this instrument certify him to be a competent Naturopathy and commend him to public favor", signed by Benedict Lust, N.D., M. D. and Wm. F. Havard, N.D.

This is signed and sealed by the American School of Naturopathy, the 20th day of June, 1913.

The next one is a diploma from the MacFadden College of Physcultopathy. I don't know if I can pronounce that or not. I understand that that is physical education.

Presiding Inspector: I don't know.

Mr. Del Guercio: "Physcultopathy".

Presiding Inspector: I am not familiar with the word.

Mr. Del Guercio: "Physcultopathy".

Presiding Inspector: I am also unfamiliar with that word.

Mr. Del Guercio: Chicago, Illinois.

You will recall Mr. MacMickle's testimony. He said he attended the American College of Drugless Physicians in Chicago, Illinois for about two years.

Presiding Inspector: Yes, I recall the testimony. [6282]

Mr. Del Guercio: And this reads: "To all to whom this writing may come, Greetings.

"Be it known that Virgil MacMickle having successfully completed the Post-Graduate course of Study of this College and having complied with all other requirements for graduation from this Insti-

tution has been declared a Doctor of Physcultopathy", and signed by, among others, Frederic S. Goodrich, D.D., which I suppose is Doctor of Divinity. I don't know. And John G. Speicher. I can't make the initials out there, and another person.

Presiding Inspector: You may have it marked in evidence. We will take a recess until——

Mr. Del Guercio (Interposing): Sir? I have a few more documents on this.

Presiding Inspector: All right.

Mr. Del Guercio: The Court will recall that MacMickle testified that he was authorized to call himself a Doctor by virtue of the diploma received from this American School of Naturopathy.

Presiding Inspector: Yes.

Mr. Del Guercio: I have here, and I offer it in evidence, under the seal of the State Department of Education, the State of New York, reading as follows:

"I, J. Hillis Miller, Associate Commissioner of Education of the State of New York, do hereby certify that an examination of the records of this Department does not reveal [6283] that the American College of Naturopathy was ever incorporated by the Board of Regents of the University of the State of New York; that said college was not in 1910 or subsequent thereto a recognized college in the State of New York.

"The records further reveal that Benedict Lust and Virgil MacMickle have not been licensed to practice medicine in the State of New York. No

person unless licensed may legally practice medicine in such state.

"I further certify that the degree of 'Doctor of Naturopathy' does not appear among the degrees in course or the honorary degrees approved by the Board of Regents of the University of the State of New York.

"In witness whereof", the usual affidavit.

Mr. Gladstein: We object to the offer and we move that that portion which was read into the record be stricken upon the ground that the document offered is incompetent, irrelevant and immaterial and no proper foundation has been laid for its introduction in evidence, and it is also hearsay on which no possible cross examination——

Presiding Inspector (Interposing): It is an official document. As a matter of fact, all educational institutions—I happen to know and I suppose you would be willing that I should take judicial notice of the laws of the State of New York.

Mr. Grossman: That is correct. [6284]

Mr. Gladstein: We have no objection to your taking judicial notice of the laws.

Presiding Inspector: All educational institutions must be incorporated under the Regents.

Mr. Grossman: Has that always been true?

Presiding Inspector: I think so, ever since I practiced law.

Mr. Grossman: Because we are dealing with a period back—what is it? 1911.

Presiding Inspector: I was admitted in '95.

Mr. Gladstein: We renew our objection to that, your Honor.

Presiding Inspector: I will receive it. But you may, of course, attack it by any reference to the laws or anything of that kind or any regulations of the Regents of the University or any department in the State of New York.

(The document referred to was received in evidence and marked Government's Exhibit No. 288.)

Presiding Inspector: We accept those certificates in relation to colleges even outside of the State of New York.

Mrs. King: We have no objection to your taking judicial notice of the fact that the school was not incorporated under those laws, but the fact is that what knowledge Doctor MacMeikle had of the situation is another problem. [6285]

Presiding Inspector: Oh, that doesn't appear, of course. That doesn't establish that he had any knowledge.

Mrs. King: Yes, and that is the reason we regard it as immaterial.

Presiding Inspector: I don't suppose that he has to take judicial notice.

Mr. Del Guercio: Before I offer these I want to call the Court's attention to the fact that MacMickle, when he appeared on the stand here, testified that he did not know that Doctor Lust—Benedict Lust had been convicted of unlawfully issuing degrees. I have a number of certified copies of convictions of Doctor Lust for publishing advertise-

ments relating to venereal disease, two of them for unlawfully conferring a degree.

Mr. Gladstein: We object to all those as incompetent, irrelevant and immaterial.

Presiding Inspector: I don't suppose Doctor Lust's character is in question, if he is "Doctor" Lust. I will exclude those.

Mr. Del Guercio: He is in question. Everything MacMickle claims to be he got from Doctor Benedict Lust.

Presiding Inspector: Yes.

Mr. Del Guercio: So we go to the source to see the sources.

Presiding Inspector: You have made the offer. You may [6286] have them marked for identification.

Mr. Del Guercio: I will offer them for identification.

Presiding Inspector: I won't receive them in evidence.

(The documents referred to were marked Government's Exhibit No. 289 for identification.)

Mr. Del Guercio: I have just one other document, your Honor.

You will recall another witness—I don't believe he was a character witness—that the Defense called, a Charles A. Yeoman. That's the man here that was in doubt as to whether he had married a girl the first time.

Presiding Inspector: Was his name "Yeoman"?

Mr. Del Guercio: Yeoman; Charles A. Yeoman.

Presiding Inspector: Are these records of conviction?

Mr. Del Guercio: Sir?

Presiding Inspector: Are these records of conviction?

Mr. Del Guercio: Yes. It is a record of conviction. He testified that he was not convicted of a felony in the State of Oregon.

Presiding Inspector: Yes, I remember that.

Mr. Del Guercio: I am not speaking about the other charge here in Los Angeles. This is a charge in Oregon.

Mr. Gladstein: Are these the same?

Mr. Del Guercio: Yes.

Mr. Grossman: Your Honor, we wonder about this question. [6287] This is a conviction that Mr. Yeoman admitted. I don't think in any sense this is inconsistent with the admission he made on the stand. That being true, if it is,—and I think very definitely it is—then we think this is incompetent, irrelevant and immaterial.

Presiding Inspector: It would only be——

Mr. Grossman (Interposing): Confirmatory as a statement.

Presiding Inspector (Continuing): ——confirmatory and perhaps it is a little fuller than his statement.

Mr. Grossman: Yes.

Presiding Inspector: I think I will receive it. It is one, isn't it? Just one conviction?

Mr. Grossman: Yes, in Portland.

(The document referred to was received in

evidence and marked Government's Exhibit No. 290.)

Mr. Del Guercio: As I recall Yeoman's testimony in that connection, he said that he was convicted of petty larceny or petty theft.

Mr. Grossman: Maybe it is petty larceny. There is no way of knowing. It is called "larceny" and it gives the amount. Unless we look at the statutes in Oregon we wouldn't know.

Presiding Inspector: Those sums are different in different statutes.

Mr. Grossman: Yes, that is right.

Mr. Del Guercio: I now offer in evidence a certified [6288] copy of conviction in the Circuit Court of the State of Oregon for the County of Multnomah in the case of The State of Oregon vs. Charles A. Yeoman.

Presiding Inspector: I will take it. I think there was a little doubt in his mind as to the sum.

Mr. Grossman: That is right.

Presiding Inspector: So that this will explain that at least.

Mr. Del Guercio: I desire to call the Court's attention to the fact that this document shows that Charles A. Yeoman was accused of the crime of larceny, by information filed in the Municipal Court for the City of Portland, County of Multnomah, State of Oregon, and having appeared before the Honorable Robert Tucker, Judge of the above-entitled Court, and waived indictment therefor, the undersigned, District Attorney for the County of Multnomah, State of Oregon, files this Information

against the said Charles A. Yeoman, and charges him with the crime of larceny, committed as follows:

"The said Charles A. Yeoman on the 14th day of September, A.D., 1935, in the City of Portland, County of Multnomah, State of Oregon, then and there being, did then and there unlawfully and feloniously take, steal and carry away certain personal property, to-wit:——"

And then it won't be necessary to read that.

". . . . of the total aggregate value of $278.00, contrary to the statutes in such cases made and provided, and against the [6289] peace and dignity of the State of Oregon".

Presiding Inspector: Is there anything else before recess?

Mr. Del Guercio: No.

Presiding Inspector: We will take a recess until a quarter to two.

(Whereupon at 12:25 o'clock P.M. an adjournment was taken until 1:45 o'clock P.M. of the same day.) [6290]

After Recess
1:40 o'clock P.M.

Presiding Inspector: You may proceed.

Mr. Grossman: We have no further questions of Dr. Ernest.

Presiding Inspector: Then the Doctor is excused unless——

(Whereupon Mr. Del Guercio entered the hearing room.)

Presiding Inspector: I beg your pardon. They said they have no further questions of Dr. Ernest, and unless you have some questions of the Doctor he is excused.

Mr. Del Guercio: No, I have not.

Presiding Inspector: You are excused, Doctor. Next witness?

Mr. Del Guercio: Just a moment.

(Witness excused.)

MAURICE J. CANNALONGA

called as a witness in rebuttal on behalf of the Government, having been previously duly sworn, testified as follows:

Presiding Inspector: You have been sworn?

The Witness: I have.

Presiding Inspector: You continue under the oath.

The Witness: I do.

Presiding Inspector: Anything you say is under the oath already given.

The Witness: Yes. [6291]

Direct Examination

By Mr. Del Guercio:

Q. What is your name?

A. Maurice J. Cannalonga.

(Testimony of Maurice J. Cannalonga.)

Q. Are you the same Maurice J. Cannalonga who appeared in this proceeding here and have given testimony? A. I am.

Q. Now, Mr. Cannalonga, do you remember the testimony you gave here in this court the last time you appeared here? A. I do.

Q. Was all that testimony true and correct?

A. It is.

Q. Now, when did you complete testifying in this case, the last time, Mr. Cannalonga?

A. It was on a Thursday.

Q. On April 17, do you recall? A. Yes.

Q. 1941? A. Yes.

Q. Will you tell the Court what happened after you completed testifying here, starting from the time you left the stand?

A. Well, I left here and caught a train back to Seattle—I think it was an Express—and I got to Seattle on Friday evening about 8:00 o'clock. Then I went out to the [6292] house.

The next morning I went down to the union hall to register. I got down there and went in there and saw the business agent. He looked at me—his name was Burt Cole—and he said, "You got yourself in a pretty bad spot."

I said, "Yes, I believe I have."

He says, "Well, anyway, I have got a good job for you. I want you to take it."

I didn't intend to ship. I was going to wait for my old ship, the Clevdon. The Chief Engineer and

(Testimony of Maurice J. Cannalonga.)

the Ship's Delegate had made arrangements for me to go back on it.

He said, "We are in kind of a spot now. Charlie got off the West Cussetta in Victoria to go out on one of the new ships."

Charlie is another electrician.

So I said, "Well, I don't want to ship." I says, "I will see you Monday. I will think it over and see you Monday."

He said, "Well, think it over pretty serious because we can't get electricians for the ships, and we want you to take this for we know you can handle it."

So I went down Monday morning and he got ahold of me and he says, "We are in a tough spot, Blackie. We have got to have a man and we can't get no electricians. How about taking it?"

I said, "O.K., I will take it." I said. "As soon as I [6293] can get relief later on I will quit it."

Q. On what ship was that?

A. The West Cussetta.

Q. The West Cussetta?

A. Yes, a Maritime Commission Ship.

Q. And that was lying in Portland at the time?

A. No, Seattle.

Q. In Seattle?

A. In Seattle, yes. Well, you want a brief outline.

Q. Yes, sure. A. O. K.

Presiding Inspector: Go right ahead. He inter-

(Testimony of Maurice J. Cannalonga.)

rupted to have it straightened out in some way something about which he was in doubt.

A. (Continuing): Ah, uh-huh (Affirmative). Let's see. Then——

Presiding Inspector: (Interposing) You said you would take if.

A. (Continuing): I took the job and I went down aboard ship and reported to the Chief Engineer and then asked him if I could get off in the afternoon about two o'clock so I could go down and see the Draft Board as I hadn't taken a physical examination yet and I had been notified on the East Coast and again in Portland just before I came down to testify.

And he said "O. K." And I went down and saw the Draft Board and tried to make arrangements with them to get a physical [6294] examination right then. And they said, "Come back Wednesday."

Well, on Wednesday the ship was in Tacoma and then from there. from Tacoma we went down to Portland and we got to Portland and a longshoreman came aboard to load cargo, and my job was electrician's, checking up on electric winches and seeing that everything was in proper shape.

I met quite a few longshoremen that I knew and they wanted to know why I testified against Bridges and I told them that I testified mainly against the Communist Party and what it stood for. And then I think that's the day Craycraft came aboard on a Thursday, yes.

(Testimony of Maurice J. Cannalonga.)

By Mr. Del Guercio:

Q. Let me interrupt you there. When did the West Cussetta arrive in Portland, do you remember?

A. I believe it was Thursday.

Q. Thursday. Was that May the——

A. (Interposing): Thursday or Friday.

Q. April 30th, is that correct?

A. May the 30th, yes.

Q. April 30th?

A. April 30th. Correct. And, oh, there was quite a few fellows that came aboard ship and asked me the same question why I testified against Bridges. And I think it was three or four days later that Crayeraft came aboard. He had some meeting on a Friday to go to. I think it was an Executive Board meeting of some sort, and, well, anyway he talked to me. And the [6295] first thing he said that down in San Francisco he heard that the FBI had a Mann Act charge against me and that I had transported a woman from Reno, I believe, to Seattle. And I looked at him and I says "Christ! You're crazy!"

So, anyway, he talked a while and he said he had to go and he had this meeting to go to and he would be back later on that night. So as he was leaving the gangway another fellow stopped him and asked Crayeraft—he says "What's the status of Cannalonga?" And Crayeraft says "Just hold everything up."

(Testimony of Maurice J. Cannalonga.)

"Well," he says, "The members want to know," because if I am not mistaken that same day a picture of me appeared in the Voice of the Federation as a stool pigeon and labor spy. So I was kind of burned up over it. So he said he would come back that night and, well, he came back that night and there was a couple of fellows in the room drinking with me. We had a bottle of rum out and some Coca Cola and I gave him a drink and he called me aside. He says "Well," he says "I want to talk to you." He says "I don't want to talk to you in front of a bunch of fellows and I don't want to be seen on the ship."

So I told him "Well, I have got a little work to do back in the shop. If you want to come back there you can go ahead and come back and talk to me while I am working."

So he says "OK." And we got back in the shop and he mentioned that Bridges couldn't understand why I appeared against him and that he was worried over me and said that the FBI had [6296] some kind of a hold on me. And at the time I told him, I says, "No, they didn't have anything on me." So well, he said he was leaving, that Gladstein would be up on the following day, Saturday, and he wanted to talk to me. And I says "Well, I don't want to see Gladstein."

"Well," he says, "You should talk to him. They are worried about you down in 'Frisco."

And so I says "Yes, I would like to see him and have him explain to me in regards to the piece that

(Testimony of Maurice J. Cannalonga.)

appeared in the Voice of the Federation and that they had already started a campaign against me in the papers being a stool pigeon and a labor spy."

And so he says he will see me on the following day. And the following day, Saturday, which was my birthday—so I started hitting the bottle in the morning doing a little celebrating and had some of the fellows aboard ship in for a drink or so. Then I think it was around three o'clock that I met Craycraft. I am not sure of the exact time, and most of what so-called happened up in that hotel room—I am still hazy as the devil of what was said or done up there.

By Mr. DeGuercio:

Q. Where were you when you met Craycraft on Saturday?

A. I think he came aboard ship and we walked out to the car or I went out to the dock and met him. [6297]

Q. Well, did he tell you where he wanted to take you?

A. Yes. He said he was going to take me up to see Gladstein.

Q. And do you know where he took you?

A. Yes. I think it was the Clyde Hotel.

Q. Clyde Hotel. And where in the Clyde Hotel did he take you?

A. That's in Portland.

Q. No. Where? Did he take you to a room in the Clyde Hotel?

A. Yes, in the hotel room.

(Testimony of Maurice J. Cannalonga.)

Q. And who was in the room when you arrived there?

A. I think just Gladstein, Craycraft and myself.

Q. Now, will you tell us what happened in that room? What was the first thing that was said when you met—is this the Gladstein that you mean here?

A. Yes, that's the Gladstein. (Indicating)

Q. What was the first thing that happened when you saw Gladstein?

A. Let's see now.

Q. That you remember.

A. I remember—it is still vague as hell in my mind. I remember one instance where I think I brought up in regards to the Voice of the Federation, and another one where he said they had the backing of Murray and Lewis and political backing and [6298] physical backing.

Q. Who said that, Mr. Cannalonga?

A. I don't know whether it was Gladstein or Craycraft. I think it was Craycraft.

Q. Well now, will you repeat that again? What was said?

A. Well, they said that they had financial backing and backing of Lewis and the CIO and Murray, and that they had physical backing also.

Q. And that was said by either Mr. Gladstein here——

A. (Interposing): Yes.

Q. (Continuing) ——or Craycraft?

A. Or Craycraft.

(Testimony of Maurice J. Cannalonga.)

Q. Or, in any event, it was said in the presence of Mr. Gladstein? A. Yes.

Q. That is in Mr. Gladstein's hotel room there in Portland, Oregon? A. Yes. [6299]

Q. Will you proceed and tell us, please, what else happened in Mr. Gladstein's hotel room?

A. I believe we were in the room about an hour, and I left and went back to the ship. I got back to the ship and the first one I met—I went in a room and was in this room a while and had a couple of more drinks, and I came out and the first—I was going into the salon for dinner—and the first man I met in the passageway was the Purser, and he said, "I don't know how in the hell you can walk around," he says, "with that load you are carrying but, God damn, you sure can do your work," or words to that effect.

I beg your pardon for the swearing.

Presiding Inspector: Go ahead. We can stand it.

A. (Continuing) I said, "Well, as far as the job is concerned," I says, "I know my job and I have been putting in some pretty long hours." In fact it was from, I believe 59 hours overtime, besides my regular eight hours a day the first week, and 58 or so the second week, and I was pretty well pooped out; in other words, you know, from lack of sleep and—well, you can't exactly explain it. You have to go through the same thing yourself to understand it.

(Testimony of Maurice J. Cannalonga.)

By Mr. Del Guercio:

Q. Did Craycraft go back with you, from Gladstein's hotel room, to the ship?

A. Yes, he did. In fact, he stopped—I had him pick me [6300] up a bottle. I didn't have one of those—what you call it?—Liquor permits. I didn't have a liquor permit so he got me a bottle of Government House rum, and I got half a dozen bottles of Coca Cola.

Q. Did he come on board the ship with you?

A. Yes; he came aboard ship. I gave him a drink.

Q. How long did he remain on the ship?

A. That I couldn't recall.

Q. Will you tell us, proceed from that point on?

A. Well, they worked cargo that night.

Q. Were you working that night?

A. Yes. As luck would have it, nothing broke down either. So I was all right.

Just as they knocked off, I think it was nine o'clock or so, one of these winches did go haywire and I got up—I had went to sleep—and I think I got up at three o'clock in the morning.

Q. That was Sunday morning?

A. Sunday morning—I had the night Mate wake me up at three o'clock to fix the winch; otherwise I never would have been able to fix it.

After I got it fixed, my head was a little big so I started in again and started to do some more drinking.

(Testimony of Maurice J. Cannalonga.)

Q. Did you meet anybody on this Sunday morning, that is, either Mr. Craycraft or any other longshoreman? [6301]

A. I think Craycraft came down that morning and wanted to know if I could get off.

Q. Look, Mr. Cannalonga, let's go back to this hotel room when you were with Craycraft and Gladstein here. Do you remember anything being said about Gladstein wanting to see you again either that day or the next day?

A. I believe so. I am not sure. It is hazy.

Q. What do you recall as to whether any arrangement was made to see you again?

A. (Pause).

Q. Just your best recollection. If you don't remember, say you don't know.

A. I don't believe I remember.

Q. Then you saw Craycraft on Sunday?

A. Yes. I think I did Sunday morning some time. He said something about calling him up at a grocery store when I could get off.

Q. Did you call him up?

A. I believe I did; yes, I did.

Q. And then what happened? Did you meet Craycraft?

A. I went out on the dock, to the dock office and called up; yes. Then I remember I went back to the ship and got another drink, and then I went out on the dock and went outside there, and he came along in a car and picked me up.

(Testimony of Maurice J. Cannalonga.)

Q. Was anybody with Craycraft when he picked you up [6302] that Sunday morning?

A. I don't think so.

Q. Where did he take you?

A. I believe we went up to the Clyde Hotel and I remember yes, we went up to the Clyde Hotel.

Q. Who did you meet at the Clyde Hotel?

A. It was Gladstein up there again.

Q. In his, Gladstein's room?

A. Yes, in his room, and Craycraft.

Q. Did you have any conversation there in Gladstein's room that Sunday?

A. I believe we did have some kind of an argument and I believe the outcome of the argument, either one of them said, "Well, what are you afraid of"?

I said, "Nothing."

I think I told Craycraft if he wanted to work me over he could at the time.

You see, it is pretty hazy. I wouldn't want to swear that I did and didn't—you know, after all, things like that, when you are not sure.

I think we did get in a car and started for some place.

Q. Who; you, Gladstein and Craycraft?

A. Yes.

Q. You went out of the hotel room and got into a car? A. Yes. [6303]

Q. Where did you go?

A. I remember going into the elevator; I remember that part of it, going into some building;

(Testimony of Maurice J. Cannalonga.)

and into some room where there was three or four other people in there.

Q. Was Gladstein there?

A. Well, he must have been; he was with me.

Q. Was Craycraft there?

A. Yes; I am quite sure he was.

Q. Did you know anybody who was there?

A. No. Some lawyer—some lawyer's office, if I am not mistaken.

Q. What took place in this office?

A. Well, as far as I can remember, I remember being out in the hallway and Craycraft was out there and asked me to go back in.

I said, "No. Why should I go back in there? What are you guys trying to pull?"

And then I went into the toilet and I think I heaved a little. Then I came back out again and went back in the lawyer's office. And there was mentioned something about the Mann Act, and I turned around and walked out on them.

He came out again and asked me to come back.

Q. Who came out?

A. Craycraft. I says, "No, I am going down to the ship."

I went back down to the ship. Then I got aboard ship [6304] and had some supper.

That night I believe Craycraft or Mowery, one of them, came down and—the whole thing is hazy as the devil.

Q. Do the best you can.

(Testimony of Maurice J. Cannalonga.)

A. Yes, I am trying to. Anyway, I got back aboard ship.

Q. Did you see Craycraft, you say?

A. I believe so, I am not quite sure.

Q. You say Mowery might have come down there? A. Yes.

Q. Do you know who Mowery is?

A. Yes; I know Jack Mowery.

Q. How long have you known him?

A. I knew him, met him during the 1936-1937 strike in Portland.

Q. Is he a member of the Communist Party?

A. He wasn't then; no.

Q. Was he later? A. I don't know.

Q. Then what happened? Did Craycraft say anything to you that Sunday on the ship after you left the lawyer's office?

A. Oh, I believe he wanted me to go back and see Gladstein again, and I wouldn't do it.

Then the following day there was quite a few fellows that [6305] came aboard to see me.

Q. That was Monday?

A. Yes, Monday—and I do know Monday night Craycraft and Mowery was aboard ship and Craycraft wanted me to write a note to Harry and stating I would be down there, and stating I would be down to see him.

I told him that I didn't want to write a note. I said, "What for"?

He said, "We will take you down and you can talk to Harry and kind of straighten things out."

(Testimony of Maurice J. Cannalonga.)

I said, "No."

He said, "Well, why don't you write a note anyway. It will make him feel better."

I said, "O.K. I will write a note."

I wrote what he told me to write. Then he asked me to sign my name and I signed it "Blackie," which is my nickname.

He said, "What do you sign it that way for"?

I says, "That is good enough. He will know who wrote it."

He said, "You should sign your name."

I said, "No, let it stand that way as 'Blackie'."

Q. Who asked you to write a note to Bridges?

A. Craycraft. Then I think I went and made some sandwiches. I had a bottle and we were drinking out of it. I think I went to the pantry and made up a half a dozen sandwiches and brought them back in. [6306]

On the ship they have a night lunch for the crew and you just go and help yourself and make these sandwiches. When anybody comes, you see, regardless of who it is, you always play host to them.

And then I believe—oh, yes—when I got down to Portland I think I had been there about a week and I had called up the hall asking them to get me a man to relieve me, for the job was getting me down. I was putting in too long hours. I had just gotten off a ship. So they said they would do their best, and as soon as they could get a man I could quit the job and then go back up to Seattle. I wanted to go

(Testimony of Maurice J. Cannalonga.)

back up to Seattle and go to a place of mine out on Hood Canal.

Well, they couldn't get a relief and, I believe, Monday night they mentioned—— [6307]

Q. Did you tell Crayeraft what you were doing, that you were trying to get off the ship?

A. Oh, yes. He knew that. In fact, the Chief Engineer I notified him, and the port engineer previous to that and they didn't want me to leave the ship, and they claim I have been the best electrician they ever had on there. But I told them that the job was too much, that I was putting in too long hours and the ship was in pretty bum shape.

So then it was either Jack or Rosco Crayeraft suggested that if I was going to Seattle they would give me a ride up. They had to go up anyway. And so I worked Tuesday and I think I left the ship Wednesday morning.

Q. Mr. Cannalonga, before you proceed any further I want to show you here Alien's Exhibit 24 and ask you if that is the note you wrote and signed "Blackie"? A. That's it.

Q. And to whom was that to be addressed or to whom were you told that that was being addressed?

A. I think he said Harry Bridges.

Q. Crayeraft did? A. Yes.

Q. And is that all in your handwriting?

A. Yes, that is my handwriting.

Q. And you gave this to who?

A. Crayeraft.

Q. To give to whom? [6308]

(Testimony of Maurice J. Cannalonga.)

A. I don't know.

Q. Well now, you say on this Monday here before you saw Craycraft again four or five longshoremen came aboard the ship to see you?

A. Yes, there was quite a few of them.

Q. What did they say?

A. They all mentioned the same thing, why I testified against Bridges.

Q. Now, were there any longshoremen employed on the ship that also asked you the same thing?

A. Oh, yes.

Q. How many of them?

A. Oh, Christ! About half the longshoremen on the ship.

Q. Now, did you see anybody else Monday night?

A. Yes. I think there was somebody else. I had been working and doing something and I had just gotten—how was that? Oh, I was—yes, I was taking a little nip in a room and this fellow showed up and he said he was Chairman of the Defense Committee, Bridges, and he wanted to know why I testified against Bridges.

Q. Had you ever seen him before?

A. No, I don't believe I have.

Q. Did he tell you his name?

A. I believe he did. [6309]

Q. Was it Rodman?

A. Yes, something like that.

Q. And he said he was from the Bridges Defense Committee? A. Yes.

(Testimony of Maurice J. Cannalonga.)

Q. What did he say as far as you can remember of what he said? Will you tell us all that he said?

A. All that he said? Well, he mentioned he was surprised that I appeared against Bridges and they all figured that the FBI had something on me and they were holding the rap over my head. And I told them, I says "No, they have never had anything on me. In fact, my record is as clean as a whistle." And I pointed out—I don't know whether it was him or Craycraft—that they could trace where I had been and what I had done from back to 1927 right to this day.

Q. What had you been doing from 1937?

A. '27.

Q. '27 to the present time?

A. Well, in 1927 I put a year in the Coast Guard and then in '28 I had been on the American Pioneer Steamship Company out of New York and we were gone about a year, and then on the West Coast, '29, I was on various tankers and then I was on various Dollar Steamship vessels and American Mail Line ships, and then I got off of one of the Dollar boats in '34 and went out on strike; was on strike all during the 1934 strike in San Francisco. And then I shipped on one of the [6310] States Line Ships to the East Coast; made a trip to the East Coast and got off—that was right after the '34 strike, and——

Q. (Interposing): Let me put it this way, Mr. Cannalonga. From 1927 until the present time have you ever been on the beach long enough to have taken a trip around the United States overland?

(Testimony of Maurice J. Cannalonga.)

A. No. You see, in the first place, from '34 on we have what we call a shipping register and to ship out of that particular port you have to go on the shipping list and you register and then you have to go to meetings every two weeks. Otherwise, if you don't do that you go on the bottom of the list and you can't ship unless you do register in the union hall. You see, we have complete control over hiring.

Q. And your record there is available?

A. Oh, yes.

Q. As to what you have done from the time——

A. (Interposing): Oh, yes. From 1935 to the present.

Q. Now, have you ever been in Nevada?

A. No.

Q. Have you ever been to Reno, Nevada?

A. No. In fact, I have never been off the coast states.

Q. By the coast states you mean Washington——

A. (Interposing): Washington, Oregon and California. I have never been in any of the inland states.

Q. Did your ever go across the country overland? [6311] A. No.

Q. Huh? A. No.

Q. Let us say from Massachusetts to the West Coast here.

A. No.

Q. Or the other way around? A. No.

(Testimony of Maurice J. Cannalonga.)

Q. You were born in Massachusetts, weren't you? A. I was.

Q. You say that every time you went from the East Coast to the West Coast or from the West Coast to the East Coast you went by ship?

A. By steamship.

Q. And you have never been in any of the states in the West other than the coast states?

A. No.

Q. Now, let's see. To go back to this Monday night, that is the day following your conversation with Mr. Gladstein and Craycraft.

A. Uh-huh (Affirmative).

Q. And now you were at the point where Craycraft had seen you the Monday night, is that right?

A. Yes, I believe so.

Q. Now, what happened Tuesday, the following day? [6312]

A. I think that's the day I quit the ship.

Q. What?

A. It was either Tuesday or Wednesday I quit. Let's see. Tuesday.

Q. Would dates mean anything to you?

A. It would help, yes.

Q. Let's see. Sunday was May the——

A. (Interposing): May the 4th Sunday was.

Q. This is for the purpose of refreshing his memory. I have some time-sheets here on the West Cussetta. Would they help you in refreshing your memory? A. Yes, very much.

(Testimony of Maurice J. Cannalonga.)

Q. What are those, Mr. Cannalonga?

A. Well, it's my overtime record from the time I was on the ship until I left it. It gives the overtime started until it ended and then the number of hours and the jobs that I was doing.

Q. You were in Gladstein's, or in that attorney's office there on Sunday. That would be May the 4th, wouldn't it? A. Yes.

Q. All right. And the Monday, the day following, would be May the 5th. Now, what happened on May the 6th, the next day, Tuesday?

A. I believe that's the day they offered me a ride to [6313] Seattle.

Q. Who offered you a ride to Seattle?

A. Craycraft and Mowery. They said they were going to Seattle and they would give me a ride up there.

Q. Did you ask them for a ride?

A. Oh, no.

Q. What did they say about that?

A. They says "Well, if you are going up to Seattle"—I told them I was pretty sure that I would get a relief because the ship was about due to sail and that I didn't want to go out on it. And they said, "Well, if you are going to Seattle we'll give you a ride up. We're going up that way."

Q. Did you take up their offer?

A. What?

Q. Did you take up their offer to give you a ride? A. No.

Q. Huh? A. No, sir.

(Testimony of Maurice J. Cannalonga.)

Q. Did you see Craycraft or Mowery or anyone else on Wednesday?

A. Oh, no. I was gone Wednesday.

Q. When did you leave the ship?

A. About eight o'clock in the morning.

Q. About eight o'clock in the morning?

A. Just previous to that the night mate, he gave me a call about six o'clock. They were going to start working [6314] cargo at seven and he gave me a call at six and he told me, he says—he says "You're in a pretty bad spot." And I says "What do you mean"?

"Well" he says "There has been a car outside the dock all night". He says "One of the Inspectors, Immigration Inspectors has come aboard and had checked to see if you was all right", and he says "They have been watching you for quite awhile now".

So I figured it was time to "take a powder". So I saw the first assistant and I told him that I was going to leave, and he told me—he says "Yes, you are in a pretty tough spot", he says.

I says 'Well, I will leave all my gear aboard". And he says "Yes, you can leave that aboard and we'll take care of it for you". So he says "Watch yourself".

And so I picked up a couple of fans and walked off the ship with a couple of fans and headed for this shore side electric shop that were doing a lot of work for us, the Marine Electric.

Q. What is the name of that shop?

(Testimony of Maurice J. Cannalonga.)

A. The Marine Electric.

Q. The Marine Electric Shop?

A. Yes, in Portland. And then I asked him to give me a lift to Vancouver and I wanted to catch a bus. So I caught a bus and went as far as Tacoma and then in Tacoma I took a cab [6315] and went down the highway and into Seattle, then I changed again and then I got my car and another fellow came down and picked up my clothes, and I had left the car—left him at Olympia and he came back as far as Olympia, and then I got my car and I beat *up in* the Olympic mountains,

Q. What did you do in the mountains?

A. Well, I did a little fishing.

Q. No drinking? A. No.

Q. Now, to go back to the day that you were in Gladstein's room there, in the hotel room on Saturday, that would be about May 2nd?

A. Saturday May the 3rd.

Q. May the 3rd?

A. Yes. I remember Saturday.

Q. May the 3rd, yes.

A. It is my birthday.

Q. Do you remember any other conversation that you may have had with Gladstein or Craycraft?

A. Yes. They were hammering about that——

Q. (Interposing) Concerning the FBI particularly. Was anything said about the FBI?

A. Oh, yes. They mentioned that the FBI was using Gestapo methods or words to that effect.

(Testimony of Maurice J. Cannalonga.)

Q. Now, who said that? [6316]

A. I believe it was Gladstein.

Q. Did he say that he knew all about Gestapo methods or anything like that, that he was familiar with them? A. No, I don't recall.

Q. Was anything mentioned about O'Neil?

A. I believe there was, yes, in regards to how he was getting—they made him testify and that he's arrested now and—how was that now? The best of my recollection was that he had mentioned O'Neil and how the FBI had used Gestapo methods on him; words to that effect.

Q. And did they say anything else about the FBI? Let me ask you this question, Mr. Cannalonga. Did either Gladstein or Craycraft suggest to you, if you remember, that you had been intimidated and threatened by the FBI?

A. Oh, yes, yes. I remember now what the argument was about. They kept hammering at me in regards that I must—that the FBI forced me to make statements that wasn't true. And I believe I told him that every statement I had made on the stand here previous was the best of my knowledge. And I think he harped about Schneidermann, too.

Q. Who did that? A. Gladstein.

Q. What did he say about Schneidermann?

A. Well, that I was all wet and wrong on that regards of Bridges being at the same meeting as Schneidermann in that [6317] private home.

Q. Do you remember anybody saying anything about the FBI having you "cold"?

(Testimony of Maurice J. Cannalonga.)

A. Having me what?

Q. Cold? A. I didn't get that.

Q. Did you hear anybody saying anything about the FBI having you "cold"?

A. Oh, "cold". I believe that——

Q. (Interposing) At the time that you were making these statement to the FBI men?

A. Oh, I believe he did mention that "They must have had you cold".

Q. Do you remember who said that?

A. It was either Craycraft or Gladstein.

Q. To get back to the first time you met Craycraft, Mr. Cannalonga, did he mention anything about the FBI must have had a Mann Act charge against you? A. Yes, he mentioned that.

Q. And did he also say—give you the name of the girl that you were supposed to have transported from one state to another?

A. Yes, I believe he did. But I didn't take much notice of it because I thought it was damn funny at the time. Why, Jesus! somebody goofy on it! [6318]

Q. Did he even map out the route, the route that you were supposed to have taken?

A. Yes, I believe he did. It's like I say. I didn't give it much attention because it was so damn fantastic.

Q. Did you ever transport a girl from one state to another for any purpose? A. No.

Q. Huh? A. No.

Q. At any time? A. No.

(Testimony of Maurice J. Cannalonga.)

Q. Did anyone ever question you about the circumstances under which you had made the statements to the FBI men prior to the time you appeared here to testify?

A. Well, it's like I said. What happened up in that hotel room, in a lawyer's office, is as vague as the devil. I might have been questioned, and if I did I might have made answers that I don't remember saying.

Q. Let me ask you this, Mr. Cannalonga. Did you at any time say to Craycraft or to any other person "Well, I was forced to testify falsely through intimidation of the FBI"?

A. No, not to my knowledge.

Q. Huh? A. No.

Q. Did you ever make that statement to Mr. Gladstein? [6319] A. No.

Q. At any time? A. No.

Q. Any place? A. No.

Q. Anywhere? A. No.

Q. Did you ever say this to Mr. Craycraft at any time, any place, anywhere: "So I proceeded to Portland that afternoon, went down to the ship" —no, excuse me. Strike that out, please.

Let me ask you this question. Mr. Craycraft appeared here in this proceedings to testify. I don't know the exact date. Among other things he said that he had a meeting with you on Friday night, May the 2nd, 1941. A. May the 2nd.

Q. And he stated as follows: —Craycraft said "So I proceeded to Portland that afternoon, went

(Testimony of Maurice J. Cannalonga.)

down to the ship to see Mr. Cannalonga approximately eight at night and I explained to him that the attorneys had called and they wanted to talk to him on the testimony he gave in this trial and would he be willing to meet me. He said", meaning you, "He would be glad to. So I called Mr. Gladstein back at ten o'clock that night and then proceeded to Portland the next day, Saturday". . .

Will you state, please, if that is correct? [6320]

A. No, that's not correct. He asked me if—he had asked me—let's see—if I would see Gladstein, and I says "No, I don't want to see him".

"Well," he said "He wants to talk to you".

I said "The only thing I'll see him about is in regards to the Voice of the Federation calling me a stool pigeon and a labor spy".

Q. Now, Mr. Craycraft also testified that he again contacted you on Saturday, May 3, 1941 at ten o'clock and that he told you, advised you that Mr. Gladstein would be in on the 1:35 plane and that he, Craycraft, would meet you at around three o'clock. Did Mr. Craycraft so advise you?

A. No.

Q. Huh?

A. I don't remember saying that. [6321]

Q. Will you state, if you haven't already stated, how you met Craycraft again on Saturday, May 3?

A. On Saturday, it is like I say—I had been drinking pretty heavy and——

Q. (Interposing) That is the time Craycraft contacted you and took you to the hotel?

(Testimony of Maurice J. Cannalonga.)

A. Yes. I called up. I went out on the dock to phone to some grocery store.

Q. Now, Craycraft, while he was on the stand here, was asked this question by Mr. Gladstein:

"Mr. Craycraft, did Mr. Cannalonga say on that same afternoon in the Clyde Hotel, in the presence of yourself and myself and"—that is, Gladstein and Craycraft—"that he had told Mr. Medala and Mr. Dickstein that he would refuse to sign a statement to the effect that he had been at meetings with Schneidermann and Bridges because such a statement would be false?"

And Mr. Craycraft said, replied; "That is right?"

Did you have such a discussion as that with Gladstein or Craycraft?

A. No, I never. I never made no statement like that. In fact—I am quite sure of it.

Q. Were you under any kind of pressure at the time you made the statements to the FBI then?

A. No. At no time was I under any pressure.

[6322]

Q. Were you "gowed" up, Mr. *Craycraft?*

A. "Gowed" up—Jesus Christ, no. I never was "gowed" up—whatever you want to call it.

Q. Were you under the influence of any drug while you were making these statements?

A. No. I never was.

Q. Are you a drug fiend of any kind, Mr. Cannalonga? A. No.

Q. Had you taken any kind of a drug when

(Testimony of Maurice J. Cannalonga.)

you were making these statements, or at any other time, for that matter, particularly——

A. (Interposing) I threw my hip out of joint up north. I saw a doctor, a marine doctor in Juneau, and the ship was leaving for Saskatchewan, and when we got down to Saskatchewan a prescription that the Doctor had made out for me I took it and—no, the Skipper went ashore and got it. On that prescription there was a dozen and a half of amytal sleeping tablets.

Q. Amytal? A. Yes.

Q. Not nembutal? A. No.

Q. Amytal? A. Yes.

Q. How do you spell it? [6323]

A. A-m-b-y-t-a-l.

Q. How many of those pills did you have?

A. Eighteen of them. I still got some left at home.

Q. You haven't used them all up? A. No.

Q. How many of those pills have you used?

A. Well, let me see—I think I have about eleven of them at home.

Q. How many of them did you take at any one time? A. One.

Q. And they were on orders of your doctor?

A. Yes.

Q. For what purpose were they given to you?

A. To make you sleep. It is a sleeping pill.

Q. Now, the statements I have in mind, that you made to the FBI men, are Government Ex-

(Testimony of Maurice J. Cannalonga.)

hibits 208, 209 and 210. They were shown to you and you identified them at the last hearing.

Now, Mr. Cannalonga, were you intimidated in any way at the time you made those statements to the FBI men? A. No. If anything——

Q. (Interposing) What were your relations with the FBI men at the time you made these statements?

A. I thought they were a swell bunch of fellows.

Q. Who were the men, the FBI men?

A. John Madala there, the fellow with the brown suit on— [6324] if he will stand up.

Q. Did he, during any time that he was taking these statements from you, did he even as much as give you a dirty look? A. Oh, hell, no.

Q. Did Mr. Dickstein, the other agent?

A. No. He is just as good a guy as John there.

Q. What do you think of those two men, Mr. Cannalonga?

A. Well, I think they have very good personalities and they are pretty efficient.

Q. Would you be glad to shake their hands at any time you met them, anywhere?

A. Certainly I would.

Q. Now, did either Mr. Madala, here, or Mr. Dickstein, threaten you with any prosecution, with any kind of a prosecution? A. No.

Q. In particular, did they threaten you with a Mann Act porescution? A. No.

(Testimony of Maurice J. Cannalonga.)

Q. Did they mention, tell you, or in your presence did they say anything about the Mann Act?

A. Not a thing.

Q. Did they at any time, and particularly during the time that they were taking these statements from you, state [6325] that, or talk between themselves, that the penalty for transporting a girl from one state into another was 20 years?

A. No.

Q. Or words to that effect?

A. No; never.

Q. When was the first time you heard the mention of the Mann Act and the fact that you had been transporting a girl from one state to another?

A. When Craycraft told me aboard ship.

Q. You hadn't heard that from any officer of the United States? A. No; never.

Q. Or about the 20 years, that you might be getting 20 years? A. No.

Q. Now, this same Craycraft was asked this question when he testified here:

"Thereafter, did Mr. Cannalonga say that, referring to the second time when he had been with the FBI agents, Madala and Dickstein, did he then say to you and to me that one of these FBI agents asked Cannalonga what had become of the girl Cannalonga picked up in Reno?"

And to that question, that was the question that Mr. Gladstein asked Craycraft, and then Craycraft answered:

(Testimony of Maurice J. Cannalonga.)

"That is right." [6326]

Do you recall having any such discussion with Crayeraft and Gladstein? A. No.

Q. Did you say anything like that to either Mr. Gladstein or to Crayeraft? A. No.

Q. Did you say anything like that at any time in the presence of——

A. (Interposing) I would be crazy if I did.

Q. What?

A. I would be a nut if I did.

Q. Crayeraft was asked this other question by Mr. Gladstein—Mr. Gladstein asked him:

"Did Cannalonga then say in the Clyde Hotel that one of the FBI agents, referring to the second occasion of Mr. Cannalonga's meeting with Mr. Madala and Mr. Dickstein, proceeded to tell Mr. Cannalonga by name the various places in the various states where Mr. Cannalonga had stayed with a girl?"

And Crayeraft said:

"That is correct."

Did anything like that happen?

A. No. I never said anything like that.

Q. And then Mr. Gladstein asked Crayeraft this question:

"Did I"—meaning Gladstein—"at the Clyde Hotel ask Mr. Cannalonga whether the FBI agents on this second occasion [6327] had him cold?"

That is the expression I meant to use the other day.

To which Crayeraft replied:

(Testimony of Maurice J. Cannalonga.)

"Yes."

Do you recall making any such statement to Mr. Gladstein?

A. No, I don't recall making any such statement.

Q. Now, Craycroft was also asked by Gladstein this question:

"Did Mr. Cannalonga say that he continued to tell the FBI agents that he knew nothing about Harry Bridges' membership in the Communist Party and that he had never attended any Communist Party meetings with him?"

And Craycraft said:

"That is right."

A. Read that again, please?

Q. This question was asked Craycraft, when he was on the stand, by Mr. Gladstein:

"Did Mr. Cannalonga say that he continued to tell the FBI agents"—that is during the time they were taking these statements, you know, these three statements from you—— A. Yes.

Q. (Continuing) ——"That he knew nothing about Harry Bridges' membership in the Communist Party and that he had never attended any Communist Party meetings with him?"

Meaning Bridges—and Craycraft said: [6328]

"That is right."

Did you say that in Mr. Gladstein's presence?

A. I never said anything, or words to that effect.

Q. Did you at any time tell Gladstein, or any-

(Testimony of Maurice J. Cannalonga.)

one in Gladstein's presence, that you had never attended any Communist Party meetings with Bridges? A. Read that again, please?

Mr. Del Guercio: Read the question.

(The question referred to was read by the reporter as above recorded.)

A. No, not that I know about.

By Mr. Del Guercio:

Q. Now, Mr. Craycraft testified here that when you met Madala, Mr. Madala and Mr. Dickstein the third time, you were presented with a typewritten statement and then Mr. Gladstein asked Craycraft his question here:

"Did Mr. Cannalonga say that he refused to sign the statement because it contained falsehoods?"

And Craycraft said:

"Yes."

A. No. I never said that.

Q. Did you make any such a statement to Mr. Craycraft? A. No.

Q. Or to Mr. Gladstein? A. No. [6329]

Q. Or to anybody in Mr. Gladstein's presence?

A. No.

Q Did you at any time refuse to sign a statement that the FBI agents had prepared because it contained falsehoods? A. No.

Q. As a matter of fact, Mr. Cannalonga, before you signed these three statements you made to the FBI you had read them over, had you not?

A. I read them and corrected them—that was

(Testimony of Maurice J. Cannalonga.)

the first time on the stand. Those statements were the truth to the best of my knowledge.

Q. And were you given every opportunity to read those statements before you signed them by the FBI agents? A. Yes, I was.

Q. Now, Mr. Craycraft—I say Mr.—Craycraft testified in answer to a question asked by Gladstein, while on the stand, he said:

"Mr. Canalonga stated that he would be glad to come down to San Francisco and he would be willing to get up and tell the same story he told us"—meaning Craycraft and Gladstein—"that day, and the only request that he wanted was that he would be allowed to go to Seattle first to see some other parties whom he thought would be involved, and then proceed to Frisco to testify."

Presiding Inspector: Do you understand that?

[6330]

The Witness: Yes.

By Mr. Del Guercio:

Q. Did you say that? A. No.

Q. Did you at any time tell Craycraft or Gladstein, or anyone in Gladstein's presence, that before you came down here to San Francisco to testify again you wanted to see somebody in Seattle?

A. No.

Presiding Inspector: Just a moment. Did they talk with you about coming down here?

The Witness: Your Honor, it is like I say, those two days are vague as hell.

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: You can't remember?

The Witness: No.

Presiding Inspector: You can't remember whether they were talking about coming down here or not?

The Witness: Some points, you know, seem half clear and, like I say, I don't want to say for the simple reason that I have been hitting the booze heavy then.

Presiding Inspector: I understand your explanation. But do you recall whether there was talk about your coming down here again to testify?

The Witness: No, I don't.

Presiding Inspector: That is all. [6331]

By Mr. Del Guercio:

Q. Now, Craycraft also testified to the effect that you were willing to make a deposition, or a statement, to Mr. Gladstein, and in that connection Mr. Craycraft said that you stated:

"I am willing to do that up to the part where it involves the FBI and the Mann Act charges."

Did you say anything like that?

A. No, not to my knowledge.

Q. Did you say anything like that to Mr. Gladstein? A. No.

Q. Or Mr. Craycraft?

A. I don't believe I did.

Q. Or to anyone? A. No.

Q. Craycraft also testified that you said you would come down and testify to everything up to the point that involved the Mann Act charges and

(Testimony of Maurice J. Cannalonga.)

the FBI, but that if you were going to testify on that you wanted to go to Seattle first to see some other people who you said were involved.

A. That sounds silly.

Q. Did you say anything like that to anybody?

A. I don't believe I did. Why would I want to say anything like that after I had been on the stand here and testifying, and then turn right around and make statements of [6332] that sort? So—well, I won't say the rest of it. I will just think it.

Q. Did your trip to Seattle, that you took to Seattle, have anything to do with your coming down here to testify, either for Mr. Gladstein, or anybody else? A. No.

Q. Now, at any time while you were on that ship, or at any time, say, after you left the stand here on, I believe it was April 17, were you, up to last Thursday, Mr. Cannalonga, were you contacted by any FBI agent? A. No.

Q. From the time you left the stand on April 17 to last Thursday? A. No.

Q. Were you contacted by, or did you speak to any Immigration Officer? A. No.

Q. Were you contacted by, or did you speak to any Government agent.

A. No. They couldn't contact me. I was up in the mountains.

Q. Did you at any time say to Mr. Gladstein, or to Mr. Craycraft, that you would be willing to give testimony in a deposition that the statements

(Testimony of Maurice J. Cannalonga.)

you had made, that you had made to the FBI agents, were false? [6333] A. No.

Q. Now, do you recall—I believe you testified about leaving this attorney's office once—that is on a Sunday when you, Craycraft and Gladstein and some others were in there—that you left once to go to the toilet and——

Presiding Inspector: You have been all over that.

Mr. Del Guercio: I am bringing it up——

A. (Interposing) Yes, like I told you at the start, I remember winding up in the toilet and throwing up.

Presiding Inspector: You have told us about that.

By Mr. Del Guercio:

Q. Now, when you returned to the office did Gladstein say anything?

A. Yes. I walked back into that lawyer's office with Craycraft and he started to ask me about the Mann Act and I told him, "What are you trying to pull?" And I walked out on him.

Q. Did you use stronger language than that?

A. Yes, I did.

Q. Now, Craycraft also testified like this:

"I mentioned prior to leaving that I was going to Seattle"—that is, he had reference then to Monday night, May 5, 1941—"so Cannalonga requested that I stop in and see Dr. Buckner while I was in Seattle, and he could tell me how he was all doped up in the hospital there." [6334]

(Testimony of Maurice J. Cannalonga.)

Did you ask Craycraft to see Dr. Buckner?

A. What day was that, on Monday?

Q. Monday night, May 5, 1941. Did you say anything like that to Craycraft at any time?

A. No.

Q. Huh?

A. No. He had mentioned about my hip and I said, "If you want to know about my hip you can go up and check with Dr. Buckner in Seattle. He has records of the time I spent in the hospital and what was wrong with me."

Q. Who was Dr. Buckner?

A. He is a bone specialist. He does all the orthopedic work up there for——

Q. (Interposing): Do you know what Dr. Buckner's reputation is? A. A-1.

Q. He is a specialist in his line?

A. Supposed to be one of the best bone doctors in the country.

Q. Did Dr. Buckner prescribe any kind of drug for you? A. No.

Q. Did he give you any pills, even sleeping pills?

A. No, I don't believe so. He just gave me his regular routine reatment.

Q. Do you know anybody by the name of Cole Jackman? [6335]

A. At times that name sounds familiar, but I wouldn't be able to pick him out, say, in this room here. I had seen him a few times here. I believe he

(Testimony of Maurice J. Cannalonga.)

was on some part of the Strike Committee in Portland during the '36-'37 strike.

Q. Do you recall any such person coming down to the boat to see you?

A. Well, there is a possibility; yes. He might have come down, but I don't remember, you know, just by the name.

Q. Do you know Bert Nelson? A. Yes.

Q. Who is Burt Nelson?

A. He is a member of the longshoremen's union.

Q. Does he belong to the Communist Party?

A. He did; I don't know whether he does now or not.

Q. Did he come up to see you on that boat, on the West Cussetta? A. Yes.

Q. How many times?

A. Oh, a couple or three times; maybe more.

Q. What did he say to you?

A. The first time he invited me out to his home to have dinner.

Q. Did he say anything else to you?

A. He mentioned the Bridges case.

Q. What did he say about the Bridges case?

[6336]

A. Wanted to know why I testified against Bridges.

Q. Now, Mr. Cannalonga, to go back to this attorney's room there on Sunday, do you remember if you were asked whether or not the FBI had asked you if you had ever attended Communist meetings with Bridges, and do you remember if you

(Testimony of Maurice J. Cannalonga.)

replied as follows to Mr. Gladstein's question and to Mr. Craycraft there:

"I told them, no; that I had been in meetings with him where there were Communists and non-Communists, and then I explained the Party structure, how it works with the rank and file, and the progressive groups in the union."

Do you recall making any such statement?

A. No— —

Q. (Interposing): I will read it again.

A. No, I don't recall making that statement.

[6337]

Q. In any discussions that you may have had with Gladstein and Craycraft with reference to your hip injury and your treatment by Doctor Buckner at Seattle did you make any statement to the effect that the Doctor in Juneau gave you a prescription and that you got a hundred of them?

A. No, I don't ever recall making any statement like that.

Q. Did you ever get a hundred sleeping pills at Juneau? A. No, never.

Q. Anywhere else? A. No.

Q. Did you ever have a hundred sleeping pills in your possession at any time?

A. No. I don't think they will sell you a hundred at a time.

Q. Did you ever tell Mr. Gladstein or Craycraft or anyone in the presence of Gladstein that you were under the influence of a drug which prevented

(Testimony of Maurice J. Cannalonga.)

you from knowing what you were going or talking about at the time you made the statements to the FBI men?

A. No. I never recall making a statement of that sort.

Mr. Del Guercio: May we have a recess?

Presiding Inspector. Yes. We will have a short recess.

(Whereupon a short recess was taken.)

[6338]

Presiding Inspector: Call back the witness.

By Mr. Del Guercio:

Q. Mr. Cannalonga, did you ever tell Mr. Gladstein or Craycraft that you had stated to Mr. Madala and Dickstein, the FBI agents, that you had never to the best of your recollection been present at a meeting of Communists wherein Schneidermann and Bridges were also present?

A. No. I don't ever recall making any such statement.

Q. Did you ever make this statement to Mr. Gladstein or Mr. Craycraft or to anyone in Gladstein's presence, as follows: "You see, when I read these statements I was gowed up. If you don't know what 'gowed up' is, I was taking these pills pretty heavy. I was in pretty bad shape, and so instead of using them as sleeping pills, if you double the dose it makes everything rosy then."

Did you make any such statement?

A. No. I don't ever recall making any statement of that sort.

(Testimony of Maurice J. Cannalonga.)

Q. Did you ever make any statement like this: "If you double the dose it makes everything rosy then" at any time? A. No.

Q. To anyone?

A. No, I don't recall making any such statement.

Q. Do you recall being asked this question on Sunday there in this lawyer's office in the presence of Gladstein and [6339] Craycraft and others: "So you signed the prepared statement that they had," meaning the FBI, "for you"? and did you answer "Yes"?

A. No. I don't ever recall making——

Q. (Interposing): And then were you asked this question: "And it contains statements that weren't true, is that right"? Do you recall being asked that question? A. No, I don't.

Q. And did you reply or do you recall replying "Correct"?

A. No, I don't recall.

Q. Now, Mr. Cannalonga, you said that you didn't see any agents of the Government from the time you left this stand here the last time you were here until last Thursday?

A. Right.

Q. Will you state under what circumstances you met an FBI man at that time, Thursday, last Thursday?

A. From last Thursday until today, you mean?

Q. Yes.

(Testimony of Maurice J. Cannalonga.)

A. Well, I came back out of the mountains Thursday morning about two o'clock I got into Seattle, and I figured on getting in on about eight o'clock Wednesday night. Well, I burned out a bearing on the car and I had to make a quick repair out in the woods. So I got in about two o'clock in the morning and I slept a whole and then I went downtown and filed [6340] application into joining the Navy. And I didn't want to do a year in the Army on foot. I would rather do my four years on a ship than a year in the——(Pause). So I passed their physical test and then they gave me an examination and I passed the electrician's examination and they rated me First Class Electrician's Mate. And I got home in the afternoon quite late after being, you know, examined by the Navy and, well, I just got into the house and Mr. Madala drove by and stopped and knocked at the door and said that there was a subpoena out for me. And then Friday night we caught the train and come down here to San Francisco.

We arrived here—it was a slow train, I remember that. We slept two nights on the train, Friday and Saturday nights, and got here Sunday morning about eight o'clock. And I had been served with the subpoena, and since then I have been staying out at a hotel and manage to take a show in every night, going out to that Ice Follies and went swimming until today.

Q. Have you been drinking while you have been down here? A. No.

(Testimony of Maurice J. Cannalonga.)

Mr. Del Guercio: You may cross examine.

Cross Examination

By Mr. Gladstein:

Q. Have you got the subpoena with you?

A. Yes. [6341]

Do I have to show him the subpoena?

Presiding Inspector: Yes, if he wants to see it.

Mr. Gladstein: Just a moment, your Honor.

(Whereupon the witness produced the subpoena.)

Presiding Inspector: Keep it until he asks for it.

By Mr. Gladstein:

Q. May I see the subpoena?

A. (Handing subpoena to Mr. Gladstein).

Q. When was this served on you?

A. The date is on there.

Q. You tell me.

A. Well, let me see it then.

Mr. Del Guercio: Well, let him see the subpoena. It is his there.

Presiding Inspector: Oh, no. If you can remember it.

The Witness: Well, I don't remember it, your Honor. I want to look at it to see it.

Presiding Inspector: If you can remember you can answer.

By Mr. Gladstein:

Q. This week or last week?

A. I believe the second of this month—it is

(Testimony of Maurice J. Cannalonga.)

dated the second. May the 6th it was dated out the top part of it and served June 2nd.

Q. Where were you when it was served on you?

A. Where I was? [6342]

Q. Where were you?

A. Well, it tells you where I was.

Q. I am asking you.

A. Oh, you are asking me. O. K. San Francisco.

Q. Were you served with any subpoena before June 2nd?

A. Well, you'll find out.

Presiding Inspector: No, you must answer. He has a right to ask you.

Mr. Myron: Of course, he was served the first time he appeared here.

Presiding Inspector: That isn't what he means. He means since he left the stand here.

Mr. Myron: This is the subpoena that has brought him here in Court, your Honor.

Presiding Inspector: It doesn't make any difference. If he wasn't served with a subpoena he can say so. If he was served with another subpoena he can say so.

Mr. Del Guercio: Tell him.

The Witness: Yes. I was served with another one in Seattle.

By Mr. Gladstein:

Q. When?

A. When? On a Saturday.

Q. Do you have it with you?

(Testimony of Maurice J. Cannalonga.)

A. No, I haven't. [6343]

Q. Saturday of when?

A. Oh, the Saturday I got into Seattle. I got in on Thursday and I was served—no, I was served Friday. I beg your pardon.

Q. Which week?

Presiding Inspector: You mean, got back from Olympia?

The Witness: Yes, from the mountains. May I have your calendar, Judge?

Presiding Inspector: Yes.

The Witness: So I can get these dates straight.

Presiding Inspector: Certainly.

(The calendar referred to was passed to the witness.)

The Witness: Thank you. This is the 4th, isn't it, your Honor?

Presiding Inspector: Yes.

The Witness: June the 4th. Oh, it was on or about May 30th.

By Mr. Gladstein:

Q. Who served it on you?

A. A fellow from the Immigration Department.

Q. Do you have that subpoena in your pocket?

A. No, I haven't got it in my pocket.

Q. You don't have any other subpoena on you?

A. No, that is the only one.

Q. What did you do with that subpoena? [6344]

A. I think I have got it up in the hotel room.

(Testimony of Maurice J. Cannalonga.)

Q. Will you look in your pocket to see if you have the other subpoena?

A. I know I haven't.

Mr. Del Guercio: He said he doesn't have it.

The Witness: What do you want me to do? Search myself?

Mr. Myron: I don't think that is a proper question.

Presiding Inspector: Oh, yes. That is perfectly proper.

The Witness: No. It is up in the hotel room.

Presiding Inspector: If he says he hasn't it, that ends it, of course.

Mr. Myron: He says it was up in the hotel room, your Honor.

Presiding Inspector: I know. But he asked him if he would search his pocket. He can answer that. It is perfectly simple.

The Witness: I haven't got it on me, your Honor.

Do I get that back?

Presiding Inspector: No. I suppose they will introduce it in evidence. If they do you won't get it back. Otherwise you will.

By Mr. Gladstein:

Q. Did you remember what the other subpoena said? A. I don't.

Q. When did it tell you to appear? [6345]

A. I don't remember.

Q. Was that other subpoena like this one, Mr. Cannalonga?

(Testimony of Maurice J. Cannalonga.)

A. Yes, I believe it was. I didn't take a picture of it. It was just like the other subpoena. Aren't they all alike? I don't know.

Q. Did you read it?

A. No, I didn't read it.

Q. You didn't read the other subpoena?

A. I signed it, yes, and I believe I did glance at it. But I don't recall what it said.

Q. Who was the person who served it?

A. From the Immigration.

Q. Do you know who it was?

A. No, I don't remember his name.

Q. Where was it served?

A. In Seattle.

Q. Where in Seattle?

A. I believe up in the FBI office.

Q. When you say you "believe" you mean you don't know?

A. No. I told you. I believe it is up in the FBI office.

Q. Well, was it up in the FBI office?

A. Well, was it? Sure.

Q. All right. Now, where is that office? [6346]

A. It is up in the Federal Building, the new Court building. Yes. The new Court building.

Q. What time of the day was it served on you?

A. Well, you got me on that. I don't remember.

Q. Were you sober? A. Yes, I was sober.

Q. You don't remember the day, the time of the day?

(Testimony of Maurice J. Cannalonga.)

A. No, I don't. It was sometime in the—sometime during the day.

Q. Morning or afternoon?

A. I don't quite recall whether it was morning or afternoon.

Q. Who was with you when you were served?

A. Mr. Madala.

Q. Anybody else?

A. And that Immigration guy, and I think an office boy. Somebody was in the office. And then there was another fellow there. There was about four.

Q. Which Immigration guy?

A. I don't know his name.

Q. Did you ever see him before?

A. No.

Q. Is he the one who served it on you?

A. I did ask him to identify himself and he pulled out a badge that says "Immigration Department," and then he had a [6347] square gadget with his picture on it, because I wasn't going to take a subpoena from a perfect stranger. So I asked him to identify himself.

Q. Was it in Madala's office?

A. No, not Madala's office.

Q. Whose office?

A. Sort of a—you know, where they have a suite of offices and there is a place where your switchboard is and all that. Well, that part of the office.

Q. How long had you been up in that office before the subpoena was served?

(Testimony of Maurice J. Cannalonga.)

A. Just got up there.

Q. Did you go up there alone or with somebody else.

Q. Who else? A. Two FBI men.

Q. Who were the two?

A. Mr. Madala and—I believe he can tell you the name of the other. I didn't take time off to ask him.

Q. Had you ever met that other one before?

A. No.

Q. What did you do with the subpoena when it was given to you?

A. Well, before I accepted it I had this fellow identify himself and he identified himself properly, then I took the subpoena and I glanced at it and saw that it was [6348] made out to me, and I put my John Henry on it and he had two copies, yes, and he signed one. The copy he gave me he signed, and I think he put the time on it, too, if I am not mistaken.

Q. What did you do with the subpoena when he gave it to you?

A. What else could I do?

Q. What did you do with it?

A. I stuck it in my pocket, of course.

Q. Did he tell you what the subpoena required you to do? A. No.

Q. Did anybody? A. No.

Q. Did you have any discussion about the subpoena? A. No.

(Testimony of Maurice J. Cannalonga.)

Q. Did anybody suggest that you were supposed to come to San Francisco and testify under that subpoena?

A. Well, it was written on it.

Q. It was? You saw that? A. Yes.

Q. When did it say that you were supposed to be here? A. I don't recall.

Q. Did you have any discussion with anybody as to when you were supposed to be here?

A. No. Could I have that thing back? You are liable to forget it. That is my property. [6349]

Q. Oh, yes, you will get it back. A. O. K.

Q. Did you read it through to find out what it required you to do?

A. Would you repeat it again? "Did you read it through to find out"—was it? It just says "appear at San Francisco," to the best of my knowledge, and I don't recall the date or how I was to get down here or anything else on it. I don't think it specifies.

Q. You say you don't think it specifies the date when you were supposed to testify?

A. No, on how to get down here. It must have had a date on it, yes.

Q. Did you ask anybody as to when you were supposed to come down here to testify?

Mr. Del Guercio: It has been asked and answered, your Honor. He is making much to do—what if there were two subpoenas? We will admit that there were two subpoenas issued. One was served on him up there and one down here.

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: He may answer.

By Mr. Gladstein:

Q. Do you want the question read?

A. Yes, read the question, please.

(The question referred to was read by the reporter as above recorded.)

A. No, I don't believe I did. [6350]

By Mr. Gladstein:

Q. You paid no further attention to the subpoena? A. No.

Q. And nobody discussed it with you?

A. Oh, I don't recall.

Q. Did anybody tell you that you didn't have to bother about that subpoena?

A. No. What's all this anyway over a subpoena? Will you tell me, your Honor. Give me a fair idea.

Presiding Inspector: It doesn't make any difference. All you have to do is to answer the questions. If you can't answer them by lack of knowledge, you say so.

The Witness: Because, you know——

Presiding Inspector: (Interposing) There is no use of arguing here.

By Mr. Gladstein:

Q. After the subpoena was served on you did you stay up in that office?

A. No. Let's see. No I caught the eleven o'clock train that night for San Francisco here.

(Testimony of Maurice J. Cannalonga.)

Q. Did you leave——

A. (Interposing): I figured that——

Q. (Continuing): Did you leave Seattle on the same day that the subpoena was served on you?

A. Yes. [6351]

Q. With whom did you come?

A. With the FBI man, Madala.

Q. Was anybody else on that trip?

A. I believe another agent came on at Portland; a fellow by the name of Means, I think it is.

Q. Did he then travel with the two of you?

A. Huh?.

Q. Did Mr. Means then travel with you and Madala? A. Yes, we rode down together.

Q. Anybody else?

A. No, that's all.

Q. What did you do when you got to San Francisco?

A. Went up and registered at a hotel.

Q. When was that? A. Sunday morning.

Q. Did you go up there alone or with anybody else?

A. Well, I had another fellow with me.

Q. Who? A. Madala.

Q. Did he register there too?

A. I think he did. I don't know.

Q. Don't you know whether he registered and had a room there?

A. Well, I'm not going to follow the guy. I don't know. [6352]

Q. That was on Sunday morning?

(Testimony of Maurice J. Cannalonga.)

A. Yes, Sunday morning.

Q. This last Sunday?

A. Yes, this last Sunday.

Q. After you registered did you see Mr. Madala again that day? A. Yes.

Q. Where?

A. I think he and I went to a show together.

Q. When did you meet him? A. Huh?

Q. When did you meet him?

A. In the afternoon. Yes, it was around supper time; after supper.

Q. Where did you meet him?

A. At the hotel.

Q. Did he come to the hotel?

A. I think I run into him in the lobby. I'm not sure.

Q. Did you see anybody from the FBI or the Immigration Office from the time that you arrived Sunday morning until the time that you met Mr. Madala in the lobby of the hotel?

Presiding Inspector: Answer it.

A. Repeat that again. I didn't quite get you. Why don't you shorten out the questions?

By Mr. Gladstein: [6353]

Q. What's that?

A. Shorten your questions out instead of making them so long.

Presiding Inspector: Read the question.

(The question referred to was read by the reporter as above recorded.)

(Testimony of Maurice J. Cannalonga.)

The Witness: I could have seen 50 of them and not know it.

Presiding Inspector: Well, he means did you see them to speak with?

The Witness: Yes, I believe I did. Some friend of Mr. Madala, I was introduced to him and——

By Mr. Gladstein:

Q. (Interposing): Did you see Mr. Del Guercio that day? A. No.

Q. Did you see Mr. Myron?

A. Who's Myron?

Mr. Myron: I am.

The Witness: No, I didn't see him that day either.

By Mr. Gladstein:

Q. Did you see any of the other people who are here at the Government Counsel table?

A. Let's see. Sunday. Yes, I believe I saw one other.

Q. Which one? [6354]

A. I think Mr. Donnelley. I am not sure. I wouldn't swear to it or be positive about it.

Q. Point him out, please.

A. That guy with the glasses there (Indicating)

Q. You mean Mr. Connelley?

A. Connelley.

Q. The man at the end of the table here in the brown suit?

A. Uh-huh (Affirmative)

Q. Where did you see him?

(Testimony of Maurice J. Cannalonga.)

A. I don't recall where I saw him.

Q. At the FBI office?

A. I don't recall.

Q. How much time did you spend with Mr. Connelley on that Sunday?

A. I don't think I spent much time with him.

Q. Did you talk with him at all?

A. I don't remember.

Q. Did you talk with Mr. Madala at all about the case?

A. Well, we couldn't have done much talking. We went to a show.

Q. Did you or not?

A. Well, that's the answer.

Q. At any time on that Sunday.

A. Well, what do you want me to say? I don't get that [6355] one either.

Presiding Inspector: He wants you to say whether you talked with him concerning anything about this case on that Sunday. You can answer that "Yes" or "No," I should think.

The Witness: Well,——(Pause)

By Mr. Gladstein:

Q. "Yes" or "No," please.

Mr. Del Guercio: Do you understand the question?

The Witness: I still don't quite understand it.

Presiding Inspector: Did you talk over any of this case with Mr. Madala on that Sunday?

The Witness: Yes, I believe I did.

(Testimony of Maurice J. Cannalonga.)

By Mr. Gladstein:

Q. Where? A. Huh?

Q. Where were you when you talked about it?

A. Oh, on the way to the show.

Q. Did you talk about your testimony in this case?

A. No, I don't believe so.

Q. Did you talk about Craycraft's testimony?

A. I don't think so.

Q. Did you talk about Mr. Shoemaker's testimony? A. I don't think so.

Q. Did you talk to anybody on that Sunday regarding your testimony in this case or Craycraft's testimony or Mr. [6356] Shoemaker's testimony?

A. I believe I did discuss—but I don't recall what I said, because naturally a person will talk about something that he is interested in.

Q. Well, whom did you talk with on Sunday regarding anybody's testimony in this case?

Mr. Myron: I think he just answered the question. If he asks him when did he talk about the case with somebody I suppose he can tell him.

Presiding Inspector: This witness has said that he talked about the case with Mr. Madala.

By Mr. Gladstein:

Q. Is that correct?

A. I believe it is, yes.

Q. Can you remember anything that was said by you or Mr. Madala on that Sunday when you discussed the case? A. No, I don't.

(Testimony of Maurice J. Cannalonga.)

Q. Nothing about your testimony?

A. No.

Q. Nothing about Craycraft's testimony.

A. Just casual talking over the thing.

Q. Nothing about Craycraft's testimony, Mr. Cannalonga?

A. No, I don't believe so.

Q. Nothing about Mr. Shoemaker's testimony?

A. Who is Shoemaker?

Q. Well, did you discuss the testimony of a Mr. [6357] Shoemaker in this case? A. No.

Q. In your discussion or talks with Mr. Connelley on that Sunday did you discuss any of the testimony in this case?

A. Yes, I believe I did.

Q. Whose testimony? A. Huh?

Q. Whose testimony?

A. About myself, naturally.

Q. What was that discussion? A. Huh?

Q. What was the discussion?

A. Well, don't yell at me that way either. I don't like your tone of voice.

Presiding Inspector: Never mind. Answer the question.

The Witness: Your Honor,——

Presiding Inspector: (Interposing) Oh, well, answer the question.

A. (Continuing): Well, ask that question again, please.

(Testimony of Maurice J. Cannalonga.)

By Mr. Gladstein:

Q. *Where you* when this discussion was held, Mr. Cannalonga?

A. Oh, I don't just quite recall where I was.

[6358]

Q. Was it in your hotel room?

A. I can't recall whether it was in the hotel room, or up in the office or——

Q. (Interposing) What time of day was it?

Mr. Myron: Which discussion is this you are referring to?

Mr. Gladstein: I think it is clear from my question the reference is to the discussion with Mr. Connelley.

By Mr. Gladstein:

Q. Do you have that in mind, Mr. Cannalonga?

A. What is that again?

Q. What time of the day was it on Sunday, this last Sunday, when you talked with Mr. oCnnelley about your testimony in this case?

Mr. Del Guercio: Why don't you ask him if he made any statement to Mr. Connelley?

Presiding Inspector: He can put the question as he sees fit. Go ahead.

Mr. Gladstein: Will you read the question?

(The question referred to was read by the reporter as above recorded.)

A. That is the first of June, wasn't it?

I didn't get the question. Read it again.

(Testimony of Maurice J. Cannalonga.)

(The question referred to was reread by the reporter as above recorded.) [6359]

A. What time? Well, that I don't recall either.

Presiding Inspector: Was it in the morning or in the afternoon?

The Witness: I think it was in the afternoon some time.

By Mr. Gladstein:

Q. How long a period of time did you talk to Mr. Connelley about your testimony in this case?

A. Well, I couldn't say that either; I don't remember.

Q. Was it half an hour?

A. No. I don't remember how long it was.

Q. Was it more or less than a half hour, do you think? A. Well——

Presiding Inspector: He is asking you for your best recollection about this. Probably you didn't look at a watch. Give him your best recollection.

By Mr. Gladstein:

Q. Was it as much as a hour?

A. No—I don't know.

Q. Do you think it was a little less than an hour?

A. It could have been less or it could have been more.

Q. Was anybody else present besides you and Mr. Connelley when you talked with him?

A. Yes. There was, I think there was, two fellows there.

Q. Which two fellows? [6360]

(Testimony of Maurice J. Cannalonga.)

A. On Sunday—your Honor, I am trying to figure whether it was a Sunday.

Presiding Inspector: This was the last Sunday, three days ago.

A. (Continuing): I remember making a statement to the FBI. I don't know whether it was on Sunday or Monday. I got the days confused. I think I can clarify that easy enough by asking Mr. Connelley if he remembers what day it was.

By Mr. Gladstein:

Q. You say you made a statement to Mr. Connelley? A. Yes.

Q. You mean a written statement?

A. A written statement.

Q. Is that the first time that you discussed with any representative of the FBI during the last month, let us say, your testimony in this case?

A. Repeat that again.

(The question referred to was read by the reporter as above recorded.)

Mr. Del Guercio: Do you understand the question?

By Mr. Gladstein:

Q. I will make it clear to you, Mr. Cannalonga. You say that you made a statement to Mr. Connelley, a written statement, and you are not sure whether it was Sunday, this [6361] last Sunday, or the following day, Monday, is that right?

A. Right.

Q. At the time you made that written statement

(Testimony of Maurice J. Cannalonga.)

to Mr. Connelley, whether it was Sunday or Monday, was that the first time that you discussed your testimony, or Craycraft's testimony, or the testimony of a Mr. Shoemaker, at any time during the last month? A. I believe it is.

Q. Is there any doubt in your mind about it?

A. Well, it is like I say—I am kind of doubtful on those two days, but outside of that, I haven't talked to nobody, to no FBI men in regard to the case.

Q. So you didn't talk to Mr. Madala, or any of the other FBI men, on your trip to San Francisco this last time? A. No.

Q. Or to any Immigration Inspector or representative of the Immigration office? — A. No.

Q. And on the day that you spoke to Mr. Connelley that is the only time, up to the time that you took the stand here today, that you have discussed your testimony, or Craycraft's testimony, or anybody's testimony in the Bridges case?

A. Yes.

Q. Now, where were you when you made that statement?

A. When I made that statement where was I? [6362]

Q. Yes. A. Up in the offices of the FBI.

Q. Do you recall when it was?

A. No. If you ask him he will tell you what day it was.

Presiding Inspector: I didn't quite get the question—when it was?

(Testimony of Maurice J. Cannalonga.)

The Witness: When it was, yes.

Presiding Inspector: You already asked when it was.

The Witness: Is it all right if I ask Mr. Connelley?

Presiding Inspector: No. He is testing your recollection.

By Mr. Gladstein:

Q. You said a couple of others were there too and Mr. Connelley? A. Yes.

Q. Do you see any of them here?

A. Yes, Mr. Weeks, and that is all I do see, and Mr. Main was there.

Mr. Gladstein: Mr. Weeks. will you stand?

(Whereupon Mr. Weeks stood.)

Mr. Del Guercio: You don't have to stand.

By Mr. Gladstein:

Q. Did you see Mr. Weeks standing?

A. That is the guy with the blue tie, white shirt and curly hair. (Indicating). [6363]

Mr. Gladstein: There is no question—Mr. Del Guercio, I want to ask you this through the Court—that Mr. Weeks has been identified by the witness?

Mr. Del Guercio: There is no question at all—Mr. Weeks was there.

By Mr. Gladstein:

Q. How long were you with Mr. Connelley on that occasion?

(Testimony of Maurice J. Cannalonga.)

A. Oh, from about three o'clock until, I believe four o'clock. Then they changed stenographers and from four o'clock to five o'clock, and I believe they had another change of stenographers, and it wound up about, I would say, about seven o'clock, six-thirty or seven o'clock. I had got up a couple of times and went out and come back again.

Did you hear me then?

The Reporter: Yes.

By Mr. Gladstein:

Q. Since you gave that statement you have talked to nobody about any of the testimony in this case, is that right?

A. Since I gave that statement I talked to nobody, you say?

Q. Is that correct?

A. Well, you know that covers a large field. I read newspapers and——

Presiding Inspector: He means about the testimony in [5364] the case.

A. (Continuing): About the testimony—no, I haven't.

By Mr. Gladstein:

Q. Did you sign that statement? A. Yes.

Q. When did you sign it?

A. The same day they finished it.

Q. When did they finish it?

A. I just got through telling you. I don't remember what day it was.

Q. What time of the day?

(Testimony of Maurice J. Cannalonga.)

A. It was, oh—I signed it the next day.

Q. Where did you sign it?

A. I went up in their office and read it over and then signed each page there. It was the following day; yes.

Q. What time the following day?

A. Oh, about ten o'clock.

Q. Was that yesterday? A. Yeah.

Q. What is the answer?

A. Yeah. No, I think I signed it—yes, Monday I signed it, I think. I am not sure now whether it was Monday or Tuesday. I know it was the day following after I made the statement and, if I am not mistaken, I made that statement on a Sunday.

[6365]

Q. The day you came here? A. Yeah.

Q. And do you know now where you saw Mr. Connelley on Sunday, the day you came here?

A. Well, I told you where I saw him the first time. Naturally, when I came in the first day I saw him; yes.

Q. Do you know where it was?

A. I think it was up in their office.

Q. Who took you up there?

A. I got off the train, and went up to the hotel and took a shower. I don't recall his name.

Q. Have you talked with Mr. Del Guercio before you went on the stand? A. No.

Q. Have you talked with Mr. Myron before you went on the stand?

A. No. You mean about the case here?

(Testimony of Maurice J. Cannalonga.)

Q. I mean about the case, or your testimony, or anybody's testimony in the case?

A. No, I haven't.

Q. Have you talked to them at all about anything?

A. No. I did see them eating their lunch one day.

Q. What is that?

A. I did see them in a restaurant about five tables away across the dining room if that is what you mean. [6366]

Q. In the same hotel where you stayed?

A. Oh, no.

Q. Where did you stay?

Mr. Del Guercio: If your Honor please, I don't believe, under the circumstances, the witness——

Presiding Inspector: I will allow it.

Mr. Myron: It is pretty dangerous.

Mr. Grossman: He can move away.

Presiding Inspector: I will allow it.

The Witness: I won't answer it.

Mr. Myron: I think the witness should be given some protection here.

Presiding Inspector: I don't see that he needs any protection.

Mr. Myron: Well, it is pretty evident that he does. I think his place of abode has no materiality to this case at all.

Presiding Inspector: I am not so sure about that. We will take his answer if the witness will answer it.

(Testimony of Maurice J. Cannalonga.)

The Witness: And if I don't answer, your Honor?

Mr. Del Guercio: Go on and answer. We will give you sufficient protection.

A. At the Sutter Hotel—S-u-t-t-e-r.

By Mr. Gladstein:

Q. Have you been staying there since you arrived [6367] Sunday? A. Yes.

Q. Did you register under your own name?

A. No, I didn't.

Q. Now, besides those that you have named, I want you to look around the Government table, and also the side wall there, and the court room—and take plenty of time—and pick out every person that you see here who is connected in any way with the FBI, or the Immigration Service, or the Government, to your knowledge, with whom you have talked since you arrived here on Sunday.

Do you understand the question?

A. In other words, you want me to pick out everybody that is——

Mr. Del Guercio: I object to that.

Presiding Inspector: You went into the same matter as to about what happened in Portland, or wherever it was Mr. Gladstein went and interviewed this witness. I think we can have the same examination on the other side.

You look around, if you are willing, and indicate who you have seen that you have talked with.

A. (Glancing around room): Well, there has

(Testimony of Maurice J. Cannalonga.)

been two FBI men with me practically at all times when I was on the streets because they thought I needed some protection.

There is one of them in the back of the hall there standing up with the—— [6368]

By Mr. Gladstein:

Q. What is his name?

A. Some Irish name.

Q. How much of the time has he been with you since you arrived here?

A. Oh, I believe I went to a show—I went swimming with him yesterday, and to a show. We went out to the Cliff House and had a little lunch, and after we had swam a while, and then we went and saw "Blood and Sand," the Tyrone Power picture.

Q. What is his name, the FBI agent?

A. Why don't you ask him yourself?

Q. Don't you know it?

A. I suppose I do, part of it.

Q. What is it, if you know?

A. I don't recall his last name.

Q. What do you call him? A. Joe.

Q. What? A. Joe—J-o-e—Joe.

Q. Who else?

A. Then Mr. Madala (indicating) and I don't see anybody else. There was Mr. Devereau.

Q. What is that?

A. There was a Mr. Devereau and Mr. Means—four of [6369] them.

Q. Can you think of any others?

A. No, that's all.

(Testimony of Maurice J. Cannalonga.)

Q. What about Mr. Cassidy? A. Huh?

Q. What about Mr. Cassidy?

A. Cassidy?

Q. Have you seen him?

A. No, I haven't seen no Cassidy. What's he look like?

Mr. Gladstein: Mr. Cassidy, would you be good enough to stand up?

(Whereupon Mr. Cassidy arose in response to Mr. Gladstein's request.)

The Witness: No. I have never been with him.

By Mr. Gladstein:

Q. You have never been with him?

A. No. There were just four of them. They relieved each other.

Q. Well, at least two of them have been with you pretty much of the time since you got to San Francisco? A. Yes.

Q. Would you say all the time?

A. No, I wouldn't say all the time.

Q. What times were they not with you? [6370]

A. Well, when I went to bed.

Q. That's the only time? That's the only time, Mr. Cannalonga? A. Huh?

Q. That's the only time?

A. Yes, that's all.

Mr. Gladstein: May we offer this for identification, your Honor.

Presiding Inspector: Certainly. Have it marked for identification.

(Testimony of Maurice J. Cannalonga.)

(The document referred to was marked for identification as Alien's Exhibit No. 48.)

Mr. Grossman: Your Honor, it is after four. If you don't mind adjourning for the day, we have a request to make for something for you to do between now and tomorrow morning.

We would like to have Mr. Wixon produce for you—and I am sure he will at your request—a record of, which would include a copy of, any subpoenas served on Mr. Cannalonga.

Now, it may be that some of them were signed by Mr. Wixon or signed by the Seattle office. Of course, he could check that very easily and I am sure there would be a record showing the man who served it and when it was served and where it was served. [6371]

Presiding Inspector: Didn't he say something in all our presence about subpoenas being issued from the north somewhere?

Mr. Grossman: It is possible.

Presiding Inspector: I think he did.

Mr. Grossman: It is possible we would have to do it by telegram, and I request that you suggest that so we can have it as soon as possible.

Presiding Inspector: Mr. Del Guercio.

Mr. Del Guercio: Mr. Wixon does not have them I have those.

Presiding Inspector: You have them?

Mr. Gladstein: Do you have them now?

Presiding Inspector: Mr. Del Guercio says he has them.

(Testimony of Maurice J. Cannalonga.)

Mr. Grossman: The only question is this. I think we should have those that Mr. Del Guercio has, but Mr. Del Guercio can't state positively probably whether any others have been served. That's why we would like Mr. Wixon's statement as to whether any others have been. This may be all. There may be others.

Presiding Inspector: I think Mr. Del Guercio, in the first instance—we had just better follow Mr. Del Guercio's offer and statement that he has them. If that doesn't——

Mr. Grossman: (Interposing) If he states that he has them all, that satisfies me. [6372]

Presiding Inspector: You don't have to answer this.

Mr. Del Guercio: If I don't, I should have. I'll look.

Presiding Inspector: As far as you know from the office here you have?

Mr. Del Guercio: Yes.

Presiding Inspector: That is as I understood.

Mr. Gladstein: Would you mark them for identification?

Mr. Del Guercio: Yes. I don't have the subpoena that was served on him up there. It is back there in the office, but I will have it available.

Presiding Inspector: You will hand them in tomorrow morning in so far as they are here.

Mr. Gladstein: Do you have others now which relate to Mr. Cannalonga?

(Testimony of Maurice J. Cannalonga.)

Mr. Del Guercio: The original—what is that that you have? A copy there?

The Witness: This one here is dated May 6th and signed by Samuel—something or other.

Presiding Inspector: I think you have them all. We will recess until tomorrow morning at ten o'clock.

(Whereupon, at 4:15 o'clock p.m. an adjournment was taken to Thursday, June 5, 1941, at 10:00 o'clock a.m.) [6373]

No. 10450

United States

Circuit Court of Appeals

For the Ninth Circuit.

HARRY BRIDGES,

Appellant,

vs.

I. F. WIXON, as District Director, Immigration and Naturalization Service, Department of Justice,

Appellee.

Transcript of Record

VOLUME XV

Pages 6721 to 7233

Upon Appeal from the District Court of the United States for the Northern District of California, Northern Division

Rotary Colorprint, 590 Folsom St., San Francisco

Court Room 276,
Federal Building,
San Francisco, California
June 5, 1941

Met, pursuant to adjournment, at 10:00 A.M.

[6374]

PROCEEDINGS

Presiding Inspector: Now, Mr. Gladstein, you have the witness—or Mr. Grossman.

Mr. Gladstein: I will continue with the examination, your Honor.

MAURICE J. CANNALONGA

called as a witness in rebuttal on behalf of the Government, having been previously duly sworn, testified further as follows:

Cross Examination (Resumed)

The Witness: Here is that subpoena that you were asking me about yesterday.

(The subpoena referred to was passed to Mr. Gladstein through the reporter.)

Mr. Gladstein: Your Honor, I have been handed indirectly from the witness, Mr. Cannalonga, a subpoena.

By Mr. Gladstein:

Q. I will ask you, Mr. Cannalonga, whether this document is the one which you say was served on you on May 30th? A. It is.

Mr. Gladstein: I will offer it for identification.

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: It may be marked for identification.

(The subpoena referred to was marked for identification as Alien's Exhibit No. 49.)

By Mr. Gladstein: [6375]

Q. Now, I want to direct your attention to April 17, the day that you testified for the first time in this proceeding. After you got off the stand what, if anything, took place?

A. After I got off the stand I went in that side room and stayed there five or ten minutes. From there I went right down to the Ferry Building and I got my ticket for the train, and went directly north.

Q. While you were in that side room was there any conversation? A. Not that I recall.

Q. Who was in the room with you?

A. There was two FBI men and, I think, a couple of Immigration Inspectors, these fellows with uniforms. There was quite a crowd in there.

Q. What took place in that room, anything?

A. No.

Q. Did you collect——

A. (Interposing): Oh—I asked about my transportation, and they asked me if I wanted to wait until the next day. I said No, I had plenty of money on me, and that they could mail it up to me up north.

Q. Did anything else take place?

A. No. Well, I had them call and make a reservation for the train for me. [6376]

(Testimony of Maurice J. Cannalonga.)

Q. What else? A. That is about all.

Q. Did you collect your witness fees?

A. No, not that day.

Q. When did you collect your witness fees?

A. It was mailed up to me. I asked them to mail it up to me. I didn't want to wait around for it.

Q. Who made the reservations for you on the train? A. Who made it?

Q. Yes.

A. I believe one of the FBI men made the reservation for me.

Q. This was in your presence?

A. In my presence; yes.

Q. He used the telephone to do so?

A. Yes.

Q. Did he make the reservation under your own name? A. Yes. [6377]

Q. And what were the reservations that he made?

A. I asked him to make reservations first class as that train was an express going North and to get an upper berth, and I got aboard the train and decided that I wanted a lower berth.

Q. And to where did these reservations take you? A. To Seattle.

Q. That's what you asked them to reserve for you? A. Yes.

Q. And that is what they did?

A. They did.

(Testimony of Maurice J. Cannalonga.)

Q. Did they ask you where you were going to go in Seattle? A. No.

Q. Did you tell them? A. No.

Q. After the reservations were made did you leave here?

A. Yes. They drove me down to the Ferry Building.

Q. Who drove you down?

A. The FBI boys.

Q. And what happened then?

A. Well, I picked up my reservation at the ticket office and then went into the gate through that ferry that goes across to the Bay and then boarded my train.

Q. Did you have any conversation with the FBI men on [6378] the way down to the train?

A. No, no, I didn't.

Q. Did you tell them how they could get in touch with you if they wanted you again?

A. No.

Q. Did they ask you for an address?

A. No.

Q. Now, you said you——

A. (Interposing) Pardon me. I believe I did mention that I was going to wait for my—for that ship, if I could make it, the Clevdon.

Q. You told them that you might wait for the ship? A. Yes.

Q. Now, you say that when you were in the side room here you didn't want to wait around for the check to be made out?

(Testimony of Maurice J. Cannalonga,)

A. Uh-huh (Affirmative).

Q. Is that right? A. Right.

Q. So you told them to mail the check to you?

A. Yes, the check to me in Seattle.

Q. What address did you tell them?

A. 3033 - 115th Street, Seattle.

Q. So you did tell them where to mail the expenses to you? A. Yes. [6379].

Q. Did you tell them that that was your home?

A. Yes.

Q. So you did tell them where you lived?

A. Well, it's on the—I did.

Q. What happened when you caught the train? What happened after that?

A. Well, I caught the train and rode up to Seattle, and I got into Seattle about eight o'clock in the evening the following day. I left at five on the 17th and got there on the 18th at eight o'clock, and I got into a cab and then went home.

Q. Did anything happen the next day?

A. I went down to the Union hall the next day.

Q. What for? A. To register.

Q. What time did you go down there?

A. Oh, I believe it was in the morning.

Q. What were you going to register for?

A. So I could ship out and be able to get back on that same ship. If I didn't register I couldn't ship.

Q. What do you have to do in order to register and ship out?

(Testimony of Maurice J. Cannalonga.)

A. Well, you go down to the hall and present your discharge, and that's about all, and show your Union book, that your dues are paid and you are in good standing.

Q. Did you do that? [6380]

A. Oh, yes.

Q. Is there any other purpose in registering except to ship out? A. No.

Q. In other words, if a man wants to ship out he has to register, is that right?

A. He has to register; correct.

Q. And if he doesn't want to ship out he doesn't register, is that right?

A. Uh-huh (Affirmative).

Q. You went down the hall, you say, and you registered? A. Uh-huh (Affirmative).

Q. What did you register for? A. What?

Q. What did you register for? Anything specific?

A. You don't register for anything specific.

Q. You just put in a——

A. (Interposing): You show them your register and your Union book and they make out a card for you, a shipping card, and then when jobs come up they call them out on the hour, see.

Q. They use the rotation system?

A. Yes, they use a rotation system. And, say, for instance, if a job will come out on a ship, electrician, see. Well, they will call for an electrician. Then if you throw in for the job you have got to produce your Certificate of Efficiency showing that

(Testimony of Maurice J. Cannalonga.)

you have been qualified as an electri- [6381] cian by the Steamboat Inspectors or discharges.

Q. If there is a man who has the same qualifications who has been out of work longer than you he gets the first choice?

A. He gets the first choice, yes.

Q. When you register you don't register for any specific job? A. No.

Q. What happened at the time you registered that morning?

A. Oh, I went in the office and talked to Bert Coleman, and he—we got talking and he says I was in a "pretty tough spot".

Q. Who was he talking about?

A. We got talking about the Bridges case.

Q. How did that happen?

A. Well, he knew I had been on the stand and testified. My name was in all the papers.

Q. How did the conversation come out about the Bridges case? Who spoke about it first?

A. I believe he mentioned it first.

Q. What did he say?

A. Like I told you: That I was in a "pretty bad spot". [6382]

Q. Were those his words?

A. As far as I remember; yes.

Q. He said to you, "You are in a pretty bad spot?" A. Uh-huh (affirmative).

Q. That was Mr. Coleman?

A. Mr. Coleman.

Q. Who else was there at the time?

(Testimony of Maurice J. Cannalonga.)

A. Well, there was a couple or three other fellows, I believe.

Q. Who were they?

A. I don't recall the names.

Q. Where did this conversation take place?

A. In the Union office.

Q. That is, in Mr. Coleman's office?

A. Yes.

Q. Were there people working in that office?

A. No. I don't think anybody was working at the time. You see, in the Firemen's Hall we have access to the business agent's office. In other words, if we want to go in and chew the fat with the business agent, there is no locked doors or privacy. We just go in and get a chair and sit down and talk.

Q. And there were other people in that room?

A. Yes; like I say, I believe three or four.

Q. Did you talk to any of them? [6383]

A. Well, I wouldn't say I talked to anybody directly. It was just the ordinary conversation where four or five fellows get together and talk.

Q. Was there a general conversation in which four or five people participated? A. Yes.

Q. Who were these other people?

A. I don't recall who they were.

Q. Were they members of your union?

A. Yes; members of our union.

Q. How do you know that?

A. Well, it is just like in here—you get four or five fellows and you know definitely that they

(Testimony of Maurice J. Cannalonga.)

belong to the organization; otherwise they wouldn't be in the office. After all, in Seattle there are 800 or 900 fellows that ship out steady and you get so you know faces and you don't know their names.

Q. Had you ever shipped out with any of these other men?

A. No, I don't recall shipping with any of them.

Q. Do you remember the name of any of those men? A. Well, I don't believe I do.

Q. All right. Now, when Mr. Coleman said, "You are in a spot"—that is what he said?

A. Yes; words to that effect.

Q. What did you say? [6384]

A. I told him, I said, "I don't think I am."

Q. What did he or anybody else say to that?

A. Well, they kind of grinned and—there was general rumors around there that by appearing on the stand here I wasn't doing myself any good. It is like I said, that the Voice of the Federation had branded me as a stool pigeon and as a company agent.

Q. That was before you registered for this job?

A. No. Your see, they don't get up—that paper up in the union hall. They——

Q. (Interposing): At the time you were talking to Mr. Coleman had the Voice of the Federation branded you as a stool pigeon?

A. I believe it did on Friday. It comes out on a Friday, I think the Voice does, Friday or Saturday,

(Testimony of Maurice J. Cannalonga.)

and I think I had been branded then some kind of a stool pigeon.

Q. Before you actually talked to Mr. Coleman and registered?

A. Well, the paper wouldn't be up there by then, but down here it was.

Q. Where had you seen the paper before you talked to Mr. Coleman?

A. Well, I didn't see the paper before I talked to Mr. Coleman.

Q. How did you know that it had come out before you [6385] talked to Mr. Coleman?

A. The paper that came out, dated that following Friday, had an article on me appearing against Bridges.

Q. I don't want the paper that came out the following Friday. I want——

A. I didn't say "the following Friday". I said the Friday after I got off the stand.

Q. You got off the stand on Thursday?

A. Yes. And the paper comes out Friday or Saturday, and that issue had a spread in regard to me. I don't recall just what it said.

Q. That was the spread on the Friday, the day after you finished testifying? A. Yes.

Q. And you had seen that paper before you talked to Mr. Jackman in order to register?

Mr. Del Guercio (Interposing): He didn't say he talked to Jackman.

Mr. Gladstein: Excuse me—I withdraw the question.

(Testimony of Maurice J. Cannalonga.)

A. I didn't say I saw this paper. Let us get it straight——

Mr. Gladstein: I withdraw the question.

Mr. Del Guercio: Let the witness get it straight. You misstated the evidence and the witness is entitled to straighten it out.

Mr. Gladstein: I withdrew the question because I realized [6386] I used an incorrect name.

By Mr. Gladstein:

Q. At the time you were talking to Mr. Jackman —I mean Mr. Coleman, that was a Saturday morning? A. I believe it was; yes.

Q. All right. At the time you talked to Mr. Coleman on Saturday morning had you already seen or heard about this spread in the Voice of the Federation calling you a stool pigeon?

A. No, not when I talked with Mr. Coleman.

Q. Did any of them talk about it?

A. I don't know if they had seen the paper or not.

Q. You say there had been some rumor about your being a stool pigeon? A. Yes.

Q. At the time you talked to Mr. Coleman, you mean? A. Yes.

Q. Where did you learn about those rumors?

A. Around the hall. You see, the Communist Party has quite a set-up in the Marine Fireman, and they have means of communicating with each other up and down the coast. They have a regular underground system of communication. One of

(Testimony of Maurice J. Cannalonga.)

their main methods of breaking down a fellow is that they immediately start a slanderous campaign against him. That is one of the main methods of the Party. If anybody had broke away from the [6387] Party they brand him as a Trotzkyite, or a stool pigeon, or a pimp, or what have you. They start building up right off the bat. They call them everything under the sun.

Q. From whom had you heard, Mr. Cannalonga, from whom had you heard that there were rumors against you before you talked to Mr. Coleman?

Mr. Del Guercio: If the Court please, I submit this question has been asked and answered.

Presiding Inspector: I will allow it. I think it has been covered generally.

A. I couldn't say just who it was. You get around a union hall and maybe there are a hundred fellows in the hall and somebody says "Hello, Blackie. I heard this and I heard that,"—and I don't know what his name is.

By Mr. Gladstein:

Q. Can you name one person from whom you heard that there was a rumor that you were a stool pigeon before you talked to Mr. Coleman?

A. No, I couldn't name any name.

Q. Did Mr. Coleman tell you that? A. No.

Q. Did any of the men who there in Mr. Coleman's office at the time you were talking to Mr. Coleman tell you that?

A. No. I believe I had mentioned it to the boys in the [6388] office there at the time that I was quite

(Testimony of Maurice J. Cannalonga.)

sure that seeing that I had been in the Party, I had a general idea on h- they worked, and I was quite sure they would start a campaign of villifying my name and calling me a stool pigeon, and what have you.

Q. You said that to Mr. Coleman?

A. Yes; I said that to Mr. Coleman.

Q. Is Mr. Coleman a Communist?

A. No; no, he is not.

Q. All right. Now, when he said "You are on a spot," and you said "No," you are not, what happened in the conversation after that?

A. I can't recall. It was just a general conversation. You get a bunch of fellows talking together and you are not going to write everything down or try to remember everything you talk about.

Q. How long did you talk with him?

A. Oh, about fifteen minutes or so.

Q. Can you remember anything at all that was said besides what you have already testified to?

A. Yes. He mentioned about the job on the West Cussetta and he mentioned about the permit man. I think it is, on the Cape Alva——

The Reporter: Spell it, please.

The Witness: I don't know how to spell it. It is one [6389] of the new Maritime ships that has just been put into commission. It is being operated by the American Mail Line.

By Mr. Gladstein:

Q. What did he say about that?

(Testimony of Maurice J. Cannalonga.)

A. Well, this fellow was a permit man. It seems like he got drunk and didn't show up on the job. The ship sailed to Victoria, and the West Cussetta was going to Victoria. And when that Cape Alava was due—they had wired the ship for Charlie Danielson to take the job because she was heading for the Orient and the West Cussetta was heading for Seattle. He wanted me to take the job and I told him "No," I says, "I am going to wait for the Clevdon to come back. She was due back to Seattle after—she was due at Everett and loading for Honolulu. And he had mentioned that they were having quite a hard job getting electricians, as most of the electricians at the hall had been either working at the shipyards or working ashore. All over the country there was a quite a shortage of electricians. So he say, "Well," he says, "If you won't take it we will have to shanghai you on it."

I said, "No, I don't want it."

Then he mentioned the position that the organization was in if they couldn't get an electrician for it; that they had a signed contract with the steamship companies.

So I told him that I was going back out to the house, and I needed a little vacation, and I would think it over [6390] and come back Monday and if he hadn't got anybody by Monday that I would take the job. [6391]

Q. Let me ask you this: You say that Charlie Danielson—is that the name?

A. Uh-huh (Affirmative).

(Testimony of Maurice J. Cannalonga.)

Q. (Continuing): ——had been the electrician on the West Cussetta? A. Yes.

Q. But he had transferred to this other ship that you named? A. Yes, in Victoria.

Q. In Victoria? A. Yes.

Q And the reason he did was because the electrician on this other ship—what is the name of that ship? A. The Cape Alava?

Q. The Cape Alava?

A. I think that is the name of it.

Q. The reason that Danielson took that job on the Cape Alava was because the electrician on the Cape Alava got drunk?

A. And never showed up.

Q. And that left an opening on the West Cussetta? A. Yes.

Q. And they wanted you to take the job on the West Cussetta? A. Yes. [6392]

Q. As an electrician? A. Yes.

Q. As Chief Electrician? A. Yes.

Mr. Del Guercio: That has all been gone over. The witness testified to that.

By Mr. Gladstein:

Q. Well, you took the job on the following Monday, is that right? A. Yes.

Q. Did you have any assistants on that job?

A. No.

Q. You were the only one?

A. The only one.

Q. What kind of a ship is the West Cussetta?

(Testimony of Maurice J. Cannalonga.)

A. She is a Diesel job.

Q. That means a motor ship?

A. Yes, a motor ship.

Q. As distinguished from steamship?

A. Yes.

Q. On the West Cussetta do they have winches?

A. Yes.

Q. How many of them?

A. Oh, you have got your windlass forward. That is electric. Then you have two winches for each hatch. There is twelve, thirteen, fourteen winches on deck. You see, you [6393] have a capstan aft and windlass forward tying up the ship and hoisting anchor, and then two winches for each hatch.

Q. How are those winches operated?

A. By electricity.

Q. Anything else on the ship operated by electricity?

A. All your auxiliaries down in the engine room are electric. Well, everything is electric. And there was three generators on the ship.

Q. Dynamo? A. Yes.

Q. And you were the only one in charge of all the works? A. All that works, yes.

Q. While you were on that job after you took it did you have any trouble with the winches?

A. Yes. There was—off and on there was different winches going haywire and I'd fix them up and get them back in working order.

Q. Was the ship operating pretty steadily?

(Testimony of Maurice J. Cannalonga.)

A. Yes, it was.

Q. Was it operating an unusually long number of hours?

A. Well, I wouldn't say unusually long number of hours. Since the war that Britain has had the American ships, they have been what they call working "around the clock", all the American ships, so that they could move the cargo. [6394]

Q. Well then, the ship was really operating, with respect to the moving of cargo, practically day and night from the time that you went to work?

A. Yes.

Q. Is there any danger in the handling of any of those electrical appliances on that ship?

A. No.

Q. None at all? A. No.

Q. What is the voltage? A. 230.

Q. Would you call it a responsible job?

A. Yes.

Q. Now, you say that there was some trouble getting an electrician and that's why Mr. Coleman insisted that you take it? A. Yes.

Q. Do you have to have special qualifications of any kind to handle that type of job?

A. Yes.

Q. What special qualifications?

A. Well, you are rated by the Steamboat Inspectors. They rate you as a ship's electrician by giving you examination and they rate you as Chief Electrician, as Electrician and as Assistant Electrician.

(Testimony of Maurice J. Cannalonga.)

Q. Not every electrician could handle that kind of a [6395] job? A. No.

Q. In other words, that job involves special difficulties for which you have to have special qualifications? A. Yes.

Q. Did you work a lot of overtime after you took that job? A. I did.

Q. Yesterday you had an overtime sheet with you. Do you have that with you now?

A. No, I haven't.

Q. Where is it?

A. I believe the FBI has it.

Mr. Gladstein: It was used for identification, I think, your Honor. I am wondering whether counsel would be good enough to produce it. Your Honor will remember that the witness used it to fix the dates.

Presiding Inspector: Yes.

Mr. Del Guercio: To refresh the witness' recollection.

Presiding Inspector: What is that?

Mr. Del Guercio: I will give it to the witness.

Presiding Inspector: Give it to Mr. Gladstein.

(The documents referred to were passed to Mr. Gladstein.)

By Mr. Gladstein:

Q. Mr. Cannalonga, I show you some documents here which you used. [6396]

Presiding Inspector: It was used for identification, although it is not received in evidence.

(Testimony of Maurice J. Cannalonga.)

By Mr. Gladstein:

Q. Can you identify these documents?

A. Yes.

Q. What are they?

A. This is my overtime record while I was on that ship.

Q. Is it a correct record?

A. Yes. It has to be. It is in my handwriting.

Q. Is it a correct record? A. Yes.

Q. It covers the complete period you were on the West Cussetta? A. Yes.

Q. And it shows the overtime hours only?

A. Yes.

Q. In addition to the overtime hours shown on these documents you worked regular hours, did you?

A. Yes.

Q. What did they consist of?

A. Eight in the morning to five in the evening.

Q. Every day?

A. Every day but Saturdays and Sundays, and Saturday is from eight to noon.

Q. And Sunday is—— [6397]

A. (Interposing): Sunday is the day off.

Mr. Gladstein: I offer these for identification, your Honor. They haven't been marked.

Presiding Inspector: Oh. I understood they had been.

Mr. Del Guercio: No, they have not.

Presiding Inspector: I beg your pardon. I thought they had been. I took the statement that was made here yesterday as though they had been

(Testimony of Maurice J. Cannalonga.)

marked for identification. They may now be marked for identification.

(The documents referred to were marked Alien's Exhibit No. 50 for identification.)

By Mr. Gladstein:

Q. Do you remember the date when you took that job on the West Cussetta?

A. It was on a—— (Examining calendar): ——April 20th. April—pardon me. Wait a minute. April 21st, Monday morning.

Q. Monday morning, April 21st? A. Yes.

Q. Where was this ship when you took it?

A. In Seattle.

Q. And have you worked continuously on that ship until you left on——

Mr. Del Guercio (Interposing): If the Court please, those time sheets were offered for identification. They show the hours and the day he started on the West Cussetta, and I think the witness should have them. [6398]

Presiding Inspector: If he wants to refresh his recollection from them he may have them, of course.

By Mr. Gladstein:

Q. Have you worked continuously since April 21st of this year on the ship the West Cussetta until you got off on a Wednesday in May of this year? A. Yes.

Q. When is the first time that you saw Rosco Craythaft on that ship?

A. I could tell better by those overtime sheets.

(Testimony of Maurice J. Cannalonga.)

(Whereupon Alien's Exhibit 50 for identification was passed to the witness.)

A. (Continuing): I believe it was Wednesday.

By Mr. Gladstein:

Q. Wednesday. What date? A. The 30th.

Q. What helps you fix that date from that schedule, Mr. Cannalonga?

A. Well, nothing in particular. Just gives me an idea of where the ship was. You see, the ship arrived at Portland on 7:00 P.M.

Q. On what day?

A. On the 25th; Friday the 25th.

Q. And did it remain in Portland until the 30th?

A. Yes. It remained in to Portland until the 7th.

Q. All right. So the first time that Crayeraft [6399] actually saw you on that ship was nine days after you took the job?

A. Something like that.

Q. Do you remember the time of the day?

A. Yes. It was in the late afternoon or early evening.

Q. Somebody had been on that ship and asked you earlier that day whether you would care to speak to Roseo Crayeraft, is that right?

A. No, I don't remember.

Q. Do you know a man named Rodman?

A. Rodman? No. I'm still trying to place that Rodman's name.

(Testimony of Maurice J. Cannalonga.)

Q. Do you remember a man who came down to the ship and said he was from the Bridges Defense Committee and wanted to know if you would speak to Craycraft? A. No.

Q. You don't say that didn't happen?

A. No, I don't say it didn't happen.

Q. All right. Did you talk to Rodman at all at any time?

A. Well, I will tell you. It's like I say. There was quite a few fellows that come aboard ship. It seemed like it was a steady stream of them and I do recall when Craycraft come aboard and when he left, and he said that he was going to a meeting. And then there was a fellow by the gangway that [6400] asked him—asked Craycraft what my status was as he was going to some meeting and he wanted to inform the membership; and Craycraft says to hold it until he got through talking with me and he would see me that night.

Q. Did you talk to a man named Rodman at any time? A. I might have, yes.

Q. Do you remember anything that was said in that conversation?

Mr. Myron: Conversation with whom?

Mr. Gladstein: With Mr. Rodman.

Mr. Myron: He said he "might have" spoken to him.

Presiding Inspector: He said "I might have, yes". I don't know what he means by that.

By Mr. Gladstein:

Q. What do you mean by that, Mr. Cannalonga?

(Testimony of Maurice J. Cannalonga.)

A. It's like I say. I don't know the guy personally or good enough to know his—you know, know him by the name.

Presiding Inspector: Well, there was someone there that you talked with?

The Witness: Yes. There has been, like I told him——

Presiding Inspector: (Interposing) Well now, have you got any particular person in mind?

The Witness: I haven't.

By Mr. Gladstein:

Q. Well, did anybody come from the Bridges Defense [6401] Committee? Did anybody come in and introduce himself as being from the Bridges Defense Committee?

A. Yes. I remember somebody introducing themselves from the Bridges Defense Committee.

Q. Didn't he say that his name was Rodman?

A. Well, I didn't take particular note at the time.

Q. Did you see Mr. Rodman at any time other than such occasion?

A. Well, if I am not mistaken, at two different times fellows said that they were from the Bridges Defense Committee.

Q. The same fellow or different fellows?

A. I don't even recall whether it was the same fellow or not.

Q. Well, didn't somebody on the afternoon of Wednesday April 30th, come to the ship and tell

(Testimony of Maurice J. Cannalonga.)

you that he was from the Bridges Defense Committee and ask you if you would care to talk to Rosco Crayeraft?

A. In the afternoon? Do you know what time about?

Q. In the later afternoon.

A. Late afternoon? No. I recall talking to Crayeraft because I knew him a lot better than, you know, being on the Strike Committee with him. We had been working together quite a while on that Strike Committee during the '36-'37 strike, and I remember Rosco quite well and I remember when he came aboard the ship, and I'm quite sure it was late afternoon. [6402]

Presiding Inspector: Now, we are talking about the man who said he was from the Bridges Defense Committee.

The Witness: I don't recall.

Presiding Inspector: You remember someone was there.

The Witness: Yes.

Presiding Inspector: We are calling that man "Rodman" in this examination.

That is right?

Mr. Gladstein: Yes, your Honor.

By Mr. Gladstein:

Q. Didn't he say——

Mr. Myron: (Interposing) Are you "calling" him "Mr. Rodman"?

Presiding Inspector: For the sake of identification.

(Testimony of Maurice J. Cannalonga.)

Mr. Myron: He might not have been. We don't know. Of course, the witness can't remember.

Presiding Inspector: Well, he doesn't know who Rodman is. Well, call him "Gregory", if you want.

Mr. Gladstein: I shan't call him anything, your Honor. That will be better.

By Mr. Gladstein:

Q. Mr. Cannalonga, before you ever saw Rosco Crayeraft in the late afternoon or early evening of Wednesday, April 30th didn't a man come down and tell you that he was from the Bridges Defense Committee and ask you whether you would care [6403] to talk to Rosco Crayeraft?

A. No, I don't remember.

Q. It could have happened?

A. Well, let's see. On that Wednesday there was three or four fellows that come down.

Q. Were you sober that day?

A. Well, yes.

Q. All that day? A. Yes.

Q. All that evening?

A. Well, I had a couple of drinks.

Q. Were you sober? A. I believe I was.

Q. When you had a couple of drinks that doesn't make you completely drunk, does it?

A. Oh, no. Certainly not.

Q. So all that day, including the evening and the night, you were sober, were you?

A. Uh-huh (Affirmative).

Q. That's April 30th? A. Yes.

(Testimony of Maurice J. Cannalonga.)

Q. Wednesday, April 30th.

A. Wednesday, April 30th.

Q. Now, in the evening or late afternoon Rosco Craycraft did come down and see you on the ship, didn't he? A. He did. [6404]

Q. You were at the forward end of the ship, weren't you? A. No. I was in my room.

Q. Weren't you at the forward end when he say you for the first time?

A. I was at the forward end, you say?

Q. Yes.

Presiding Inspector: He is asking you if you weren't at the forward end.

By Mr. Gladstein:

Q. Isn't this what happened, Mr. Cannalonga? Weren't you at the forward end and didn't Craycraft come up and talk with you and then you suggested that both you and Craycraft go to your room? A. No.

Q. Did you go to your room with Craycraft?

A. I believe I met him in a passageway just outside of the room along the deck there.

Q. What were you doing just before you saw Craycraft for the first time that day?

A. Well, that's pretty hard to say because there was four or five shore side electricians working on the ship and I had been doing quite a bit of running around back and forth and checking up on their work, and— (Pause. [6405]

Q. Weren't you pretty busy on the winches at about that time? A. Yes.

(Testimony of Maurice J. Cannalonga.)

Q. Some of the winches at the forward end had broken down, hadn't they?

A. I recall some of the winches breaking down forward. There was one set there that was giving quite a bit of trouble that day and——

Q. (Interposing) What part of the ship was that on?

Mr. Del Guercio: Let the witness finish. He hasn't finished.

A. And that was up in the forward end, and I think it was No. 2 hatch, the winches for No. 2 hatch; and finally, after making a few adjustments and I corrected what was wrong, there was a couple of wires that had burned out.

By Mr. Gladstein:

Q. And isn't that where you were, on the forward end when Craycraft came up there and saw you for the first time on April 30th?

A. No, I don't believe so.

Q. You are not sure about it? A. No.

Q. Do you remember that you and Craycraft went at your invitation into your stateroom?

A. Yes. I asked him into the room, and there was a couple of fellows in there drinking. [6406]

Q. How long did Craycraft spend with you on that occasion?

A. Oh, about five, ten minutes.

Q. What was the conversation between you and him?

A. He would ask me about the Bridges case

(Testimony of Maurice J. Cannalonga.)

and said he had a meeting to go to and he would come back later that night or the next day, and he wanted to have a good talk with me, and words to that effect.

Q. What did you say to that?

A. I says "O.K.".

Q. Any other conversation?

A. No, I don't recall.

Q. Now, he and you were pretty good friends, weren't you? A. Yes, we had been.

Q. You had worked pretty close during the strike of 1936 and '7? A. Yes.

Q. And you and he had been on the same side of a pretty important argument on the question of relief to the Firemen in the '36 strike?

A. Correct.

Q. Didn't you talk about old times at all?

A. Oh, yes. We talked about the '36-'37 strike, and— [6407] (Pause).

Q. What else?

A. That's about all, and then he mentioned that he had to go to a meeting; some kind of a meeting.

Q. A meeting of his Union, wasn't it?

A. I believe it was, yes.

Q. Didn't he tell you that he had just come from a convention of the ILWU and he was a delegate to that convention and he was supposed to make a report to a meeting of his Local Union?

A. I believe he did mention that.

(Testimony of Maurice J. Cannalonga.)

Q. Now, you offered him a drink on that occasion, didn't you? A. Yes.

Q. He took one, didn't he?

A. Yes. I believe he took one of two. [6408]

Q. In the five minutes you think he took two?

A. I believe so; one or two. I wasn't——

Q. (Interposing) Did you take any drinks?

A. Yes, I took some.

Q. How many did you take?

A. The same amount he did.

Q. Are you sure?

A. No, I only took one.

Q. As a matter of fact, you didn't take any because you were busy on the winches, isn't that true? A. It might be so.

Q. All right. Now, he told you—withdraw that. Before he left it was understood, wasn't it, that after his union meeting he would come back and talk with you again?

A. Yes. He said he wanted to come back and talk with me.

Q. Did he come back that evening?

A. Well, I walked to the gangway with him and then that incident I told you about a little while ago, about that other official of the union asking what my status was.

Q. Who was that person?

A. I don't know his name.

Q. What union did he belong to?

A. I don't recall. It was affiliated with—some CIO affiliation. [6409]

(Testimony of Maurice J. Cannaloñga.)

Q. What does he look like?

A. Oh, he is sort of, I would say, about five foot eight and kind of dark complexion and wears glasses.

Q. Had you ever seen him before?

A. I believe I had seen him around the ship.

Q. Was he working on the ship? A. Yes.

Q. What job did he have?

A. I don't recall what job he had.

Q. Don't you know whether he was doing longshore work or whether he was a cook, or whether he was in a black gang?

A. He didn't belong to the ship's crew. He belonged to the gang—there were quite a few gangs on the ship working. They were doing a lot of work.

Presiding Inspector: Shore gangs?

The Witness: Yes. There were quite a few shore gangs there. I don't know what union he belongs to.

By Mr. Gladstein:

Q. What time that night did Craycraft come back?

A. Oh, I would say about eight or nine o'clock, —somewhere in that vicinity. I don't know—it was kind of late.

Q. Where did you meet him?

A. I was in my room and he came into the room. There was a couple of other fellows in it.

Q. In your room? [6410] A. Yes.

(Testimony of Maurice J. Cannalonga.)

Q. Just before that there had been an accident right near your ship, hadn't there? A. Yes.

Q. A load had broken in the side of a building, isn't that right? A. Yes.

Q. They were taking a load out of the ship and it swung into the side of a building and broke it, isn't that true? A. Yes.

Q. And Craycraft came to your private stateroom, didn't he? A. Yes.

Q. Where was that located?

A. That is on the starboard side of the ship. It used to be a passenger room and they put the electrician in there because it was quiet and larger accommodations.

Q. You didn't have to bunk the way the other sailors did?

A. No. I had a private room all to myself with running water in it.

Q. And there were a couple of men in this stateroom at the time Craycraft came? A. Yes.

Q. Isn't it true that you and Craycraft then left that room and went to your little workshop?

[6411]

A. Well, when he saw the fellows in the room he says, "Well, we can't do any talking in here." He said, "Let's go some place where we can talk."

I told him, "I have a little work to do in the shop and if you want to come back there you can."

Q. You say he suggested it? A. Huh?

Q. You say he suggested that you go to your workshop?

(Testimony of Maurice J. Cannalonga.)

Mr. Del Guercio: The witness has testified that Crayeraft said that he didn't want to talk in the presence of the other individuals.

Presiding Inspector: I think it is quite clear. If you want to have the answer read, all right.

Mr. Gladstein: I will withdraw that last question.

Presiding Inspector: All right.

By Mr. Gladstein:

Q. Did you have any drinks with Crayeraft then in the stateroom?

A. Yes; I believe we had one apiece.

Q. You think you had one apiece?

A. I believe so.

Q. Had you had any before that?

A. Did I have any before?

Q. Yes. A. I had a couple. [6412]

Q. Were you sober? A. Yes.

Q. Where did you go with Crayeraft?

A. We went back to the workshop and——

Q. (Interposing) Where is that located?

A. That is in the after part of the ship between the hatches.

Q. Between No. 4 and No. 5 hatches, isn't it?

A. Yes.

Q. And you sat down on the work bench there, didn't you?

A. No, I didn't sit down on no work bench. I think I had a motor apart on that work bench.

One of the first words he asked me he——

(Testimony of Maurice J. Cannalonga.)

Q. (Interposing) Wait just a minute, we will get to the conversation.

Mr. Del Guercio: Just a minute. I think the witness should be permitted to answer the question.

Presiding Inspector: He has answered the question. Go ahead.

By Mr. Gladstein:

Q. At any time were you sitting down on that work bench, or any place in that work shop?

A. Well, yes, I could have been sitting down.

Q. You didn't have any drinks in that work shop, did you? [6413] A. No.

Q. You were there with Craycraft about 20 minutes to half an hour that time, weren't you?

A. I don't recall just exactly how long.

Q. Was it about that long?

A. I would say it was.

Q. You would say it was?

A. Yes, I believe so.

Q. Now, did Craycraft tell you that he was able to get back and see you a little bit early because there wasn't a quorum at the longshore meeting?

A. Well, yes, I believe he did mention something about the reason why he got back early.

Q. I just want to ask another question about when you were back in your stateroom just before you came to the work shop with Craycraft that evening. Did you have a radio in your room?

A. Yes.

(Testimony of Maurice J. Cannalonga.)

Q. And when these shipmates of yours were in that stateroom of yours with you, when Craycraft came in that evening, Wednesday, April 30th, the radio was playing, wasn't it? A. Yes.

Q. Wasn't that the reason that you and Craycraft left your stateroom so you could go somewhere so you could talk [6414] undisturbed?

A. No.

Q. What was the reason?

A. He didn't want to be seen with too many fellows.

Q. He didn't want to be seen?

A. He didn't want to be seen on the ship.

Mr. Myron: He already stated that.

By Mr. Gladstein:

Q. When did he tell you that?

A. He called me aside and out in the passageway and he says, "I don't want too many people to see me aboard. I have got no business down here."

Q. Had he been in your stateroom before he did that?

A. Yes. He had been in and then called me out.

Q. How long afterwards?

A. Oh, not very long.

Q. How long was he in your stateroom before he called you out?

A. Just long enough to have a drink.

Q. Did you introduce him around to the other men? A. I don't believe I did.

(Testimony of Maurice J. Cannalonga.)

Q. Did everybody have a drink?

A. No. I just poured one out. The others had been helping themselves to the bottle.

Q. How big is that stateroom? [6415]

A. Oh, I couldn't say exactly how big, but it is quite a large stateroom. On the bulkhead to the starboard side of the ship there was a settee; then there was a dresser, and a bunk, and a writing table.

Q. Can you give the dimensions, approximately?

A. No, I couldn't. I am just describing it and that would give you a fair idea of the size of the room. There was a wash basin in there, and this desk was a writing desk with pigeon holes in it.

Q. When Craycraft——

A. (Interposing) And two large clothes lockers.

Q. What were you drinking then?

A. Rum.

Q. Where was the bottle of rum?

A. Sitting on top of the dresser.

Q. And were the other men, your shipmates, seated nearby?

A. No, sir; they were seated down near the after end of the room.

Q. How long is that room?

A. Oh, I should say about from the edge of this stand (indicating) to where you are at.

Q. The edge of the stand to where I am. My best guess is about ten feet—maybe more—what do you think?

(Testimony of Maurice J. Cannalonga.)

Mr. Del Guercio: I will object. Let's measure the space.

By Mr. Gladstein: [6416]

Q. Maybe it is 15 feet. Do you have any idea of whether it is 10, 15 or 50 feet?

Mr. Del Guercio: He stated what he thought it was.

A. It would be like me asking you if you knew the size of your hotel room.

By Mr. Gladstein:

Q. You mean the one you were in, in my hotel room?

Presiding Inspector: He asked for your best judgment.

A. I thought maybe by describing the different articles in the room it would give him a fair idea. The bunk is 6½ feet long, and then from the foot of the bunk to the forward bulkhead I would say there is a door which opens at the foot of the bunk, an ordinary size ship's door, which is about three feet or so. That is nine and one half feet. Then there is a big clothes locker from the door to the forward bulkhead, and that is about two feet or so deep. So that would be 6, 6½, 9½—about 10 or 11 feet, or 12 feet.

By Mr. Gladstein:

Q. These shipmates of yours, were they in plain view of Craycraft when he was in that room for the five minutes or so? A. Yes.

Q. And he was in plain view of them, of course?

A. Yes.

(Testimony of Maurice J. Cannalonga.)

Q. Now, going to your workshop, when you and Crayeraft [6417] were there on the evening of Wednesday, April 30, what did you talk about?

A. Well, he mentioned the Bridges case.

Q. Who mentioned it? A. Crayeraft.

Q. What did he say? A. He said——

Q. (Interposing) What did he say, Mr. Cannalonga? A. Huh?

Q. What did he say? A. I started——

Mr. Del Guercio: (Interposing) He started to tell you.

By Mr. Gladstein:

Q. You say he mentioned the Bridges case but I want to know what the words were.

A. I was starting, going into it to the best of my recollection of what he said.

Q. What did he say?

A. He said that Harry was worried about me and that they figured that the FBI had a rap over my head and they were exerting pressure, and that he had heard from one of the waterfront taverns——

Q. (Interposing) Did he say what tavern it was?

Mr. Del Guercio: The witness here hasn't finished.

Presiding Inspector: I think he has. If he hasn't [6418] finished you can bring it out on redirect.

(Testimony of Maurice J. Cannalonga.)

By Mr. Gladstein:

Q. Did he say where the waterfront tavern was located? A. No.

Q. Did he say in what city?

A. In San Francisco here—and that somebody had told him that they figured that there was a Mann Act charge hanging over my head. I turned around and told him, I said, "Hell, you are crazy. I was never involved in any Mann Act."

He said, "Well, that is what the rumors are," and, he says, "Now, if they have got anything like that we will try to"——

Q. (Interposing) "We will try to" what?

A. ——"We will try to protect you, or see what we can do for you."

And so I told him, I says, "There is no such thing." I says, "My record can be checked," I says, "to way back." So I says, "I don't see how they can have a Mann Act charge on me."

He kept insisting they did have a Mann Act charge and talked on at quite a length.

I told him I couldn't see how they had a Mann Act charge because I was never involved in one.

It was just around that mostly.

Q. Was anything else said? [6419]

A. And that—let me see—then he mentioned would I be willing to see you and I says "What for?"

He said, he says, "Harry is worrying about you

(Testimony of Maurice J. Cannalonga.)

and he is asking about you, and if you would talk to Gladstein maybe he can help you out."

I told him, I said, I says, "The only thing that I would like to know is why the Voice has branded me as a stool pigeon and a labor spy," because I had a fairly good, a good record during the 1934 and the 1935 tanker strike, and the 1936-1937 strike on the waterfront.

I thought it was—well, I used some nasty language then.

Q. You had seen the Voice of the Federation before Wednesday, April 30th?

A. No.

Q. How did you know about it if you hadn't seen it?

A. How did I know about it? Well, how do you know when people start spreading rumors? You don't know how they start, or who talks about it, but I know, and I knew the workings of the Communist Party, and I could practically predict the day I got off the stand what was going to be done, and how they were going about it It is a method the Communist Party uses.

Q. Mr. Cannalonga, on Wednesday, April 30th, when you were talking to Crayeraft, you just got through saying that you [6420] talked to Crayeraft about how the Voice of the Federation had called you a stool pigeon? A. Yes.

Q. Did that happen?

A. I am quite sure it did.

Q. That evening?

(Testimony of Maurice J. Cannalonga.)

A. Well, not that evening.

A. Well—if I could get ahold of the files of the Voice of the Federation maybe I could tell you better.

Q. Have you ever seen an article in the Voice of the Federation calling you a stool pigeon or as having been intimidated by the FBI?

A. I saw an article in the Voice of the Federation, a picture of me, and other witnesses, and right down at the bottom of the whole thing, saying "Stool pigeons, rats and labor spies."

The Reporter: The word after "Stool pigeons"?

Presiding Inspector: The other word was "rats"?

By Mr. Gladstein:

Q. Where did you see it?

A. In the Voice of the Federation.

Q. Where were you when you saw it?

A. Aboard ship.

Q. And is that the article that you had reference to in [6421] your discussion with Craycraft on Wednesday, April 30th?

A. Well, I am not quite sure whether it was that article or not.

Q. What other article could it have been?

A. Well, it could have been, like I say—rumors had already started to spread and different ones aboard ship had mentioned that they heard others call me a stool pigeon, and words to that effect, for appearing against Bridges.

(Testimony of Maurice J. Cannalonga.)

Q. When you talked to Crayeraft on the night of Wednesday, April 30th, did you talk to him then about the article in the Voice of the Federation calling you a stool pigeon?

A. Well, I am not quite sure whether I mention that particular article. I did mention the fact that there was quite a few rumors going around that I was a stool pigeon, a labor spy, and a rat, and everything else that goes with it.

Q. You know, as a matter of fact, that no such article appeared or was seen by you until several days later, isn't that true?

A. I am not saying about the Voice of the Federation. I am telling you about the rumors that were going around.

Q. When was the first time you saw the article in the Voice of the Federation?

A. There was a couple of articles, wasn't there?

Q. When was the first time you saw any article in the [6422] Voice of the Federation in which there was a group of pictures, all of whom were labeled, as you have said "stool pigeons, rats and labor spies," and which included your picture among among them—when was the first time you saw that?

A. I don't recall when I first saw it. I know there were two articles, there were two issues—the issues right after I left the stand, and the following issue, so I don't know what issue it was.

Q. Well, that Wednesday night that you talked to Crayeraft you have just finished saying that

(Testimony of Maurice J. Cannalonga.)

Craycraft asked you whether you would talk to me. Do you remember giving that testimony just now?

A. What is that, sir?

Q. On that Wednesday night when you were talking to Craycraft do you say that Craycraft asked you whether you would talk to me, is that right? A. Yes.

Mr. Del Guercio: If your Honor please, that is not what the witness said. I don't believe counsel should——

By Mr. Gladstein:

Q. Is that what happened?

Mr. Myron: He already stated.

Mr. Del Guercio: He stated what happened.

Presiding Inspector: I think we will hear it again. There seems to be some misunderstanding.

[6423]

By Mr. Gladstein:

Q. Is that what happened, Mr. Cannalonga?

The Witness: Will you read that back, please?

(The question and answer referred to were read by the reporter as follows:

"On that Wednesday night when you were talking to Craycraft do you say that Craycraft asked you whether you would talk to me, is that right?

"A. Yes.").

By Mr. Gladstein:

Q. Did you say "Yes"?

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: As the reporter read it, yes.

Mr. Gladstein: To the last question?

Presiding Inspector: The one before. The last question is, "Is that so?"

Mr. Gladstein: The reason I asked that was because there was an objection that I had misstated evidence.

Presiding Inspector: Have the question and answer read again.

(The question and answer referred to were reread by the reporter as above recorded.)

By Mr. Gladstein:

Q. What did you say when Crayeraft—withdraw that. What did Crayeraft say that I wanted to talk to you about?

A. It is like I told you previous to this, that he [6424] mentioned the fact that Bridges was worried and stated that you could help me out in regards to the FBI rap that they supposed that the FBI had hanging over my head.

Q. What did you say to that?

A. And I told him, I said, "Well, I want to get a lot of things clear." I said, "Rumors have been spread around the waterfront here about me being a stool pigeon and a labor spy"——

Mr. Del Guercio: (Interposing) We have been over and over this matter.

Presiding Inspector: Yes, we have.

Mr. Gladstein: Please don't interrupt the witness.

(Testimony of Maurice J. Cannalonga.)

By Mr. Gladstein:

Q. Go ahead, Mr. Cannalonga.

Mr. Del Guercio: I have an objection here, if the Court please.

Presiding Inspector: What is the objection?

Mr. Del Guercio: That the matter has been gone over at least——

Presiding Inspector: I will let him answer. We haven't been very strict upon this. Questions have been asked by both counsel repeatedly.

By Mr. Gladstein:

Q. Will you continue?

Presiding Inspector: It is very bad practice.

The Witness: You will have to read it back now.

[6425]

By Mr. Gladstein:

Q. The last question I asked you want read, is that right?

The Witness: And the answer.

Mr. Myron: The question and part of the answer.

Mr. Gladstein: You want the question?

Mr. Myron: You asked him to continue.

Mr. Gladstein: Do you want the reporter to read back to you the last question I asked and all of the answer that you have given so far?

The Witness: Yes.

Will you do that, Mr. Reporter?

(The question and answer referred to were read by the reporter as above recorded.)

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: Is there anything else you want to say on that?

The Witness: No.

Mr. Del Guercio: May we have a recess, your Honor?

Presiding Inspector: Yes; surely.

(Whereupon a short recess was taken.)

[6426]

Presiding Inspector: All right, Mr. Gladstein. You may continue.

By Mr. Gladstein:

Q. Now, Mr. Cannalonga, at the time on Wednesday, April 30, 1941 in the evening or night time when you and Rosco Craycraft were in your little workshop on the ship West Cussetta, what did you say to Craycraft when he suggested that you talk to me?

Mr. Del Guercio: I will object to that as having already been answered at least twice.

Presiding Inspector: I am not sure. I don't remember that direct question being asked. I will take it.

The Witness: Would you read that question back, please?

Presiding Inspector: The general conversation was asked for.

(The question referred to was read by the reporter as above recorded.)

A. Well, it was mostly a general conversation.

Presiding Inspector: No. There was some time

(Testimony of Maurice J. Cannalonga.)

when he suggested "Will you speak to Mr. Gladstein"? What did you say when he said that?

The Witness: I said "All right."

Q. What did he say that he wanted you to talk to me about?

A. It's like I told you before: in regards helping [6427] me out on that rap that the FBI had re the Mann Act.

Q. And you said that there wasn't any such rap?

A. I told him that there was no such rap.

Q. Then why did you say "Yes," you would want to speak to me on that subject?

A. I didn't say I wanted to see you on that subject.

Q. What subject were you willing to see me on?

A. In fact, I told him he was crazier than hell that the FBI had a Mann Act rap on me, that there was no such thing. And I kept telling him that they had nothing on me and he kept insisting that they did. And, like I just told you, that was my answer. But I was willing to speak to you.

Q. What were you willing to speak to me about?

A. Well, to see how this rumor started against me and why it was started.

Q. The rumor that you were a stool pigeon?

A. Yes.

Q. Did Craycraft tell you that I was willing to come to Portland to talk to you about a rumor that you were a stool pigeon?

(Testimony of Maurice J. Cannalonga.)

A. No. There was nothing mentioned about why you was willing to come to Portland.

Q. Did you tell Craycraft that you were willing to see me only to find out why there was a rumor that you were a stool pigeon?

Mr. Del Guercio: That has been asked and answered, if [6428] your Honor please.

Presiding Inspector: He wants to conclude this. I think he is within his rights on that.

The Witness: What was that, please?

Presiding Inspector: I don't remember the exact form of the question.

Mr. Gladstein: Will you read it, please?

The Witness: I believe I have answered it.

(The question referred to was read by the reporter as above recorded.)

A. Well, your Honor, if he looks back, I have answered that about——

Mr. Myron: (Interposing) He has already given the entire conversation.

Presiding Inspector: No. I don't know whether it is justified by the evidence or not, but he is inquiring whether you told him that you were willing only on account of the rumors to talk with Mr. Gladstein.

The Witness: Well, your Honor——

Presiding Inspector: (Interposing) You told him that you were willing to talk to Mr. Gladstein?

The Witness: Yes.

Presiding Inspector: Now, did you go any further than that?

(Testimony of Maurice J. Cannalonga.)

The Witness: No. [6429]

By Mr. Gladstein:

Q. Didn't you have any discussion with Mr. Crayeraft as to what I would be interested in talking to you about?

Mr. Del Guercio: Now, I submit, your Honor, he has given the complete conversation.

Presiding Inspector: I think you have been all over it, haven't you?

Mr. Gladstein: I don't think I have asked that question, your Honor.

Presiding Inspector: Well, very well.

The Witness: Read the question again, please.

(The question referred to was read by the reporter as above recorded.)

A. Well, it's like I said before: that Crayeraft was insisting that the FBI had something on me and that they had this here Mann Act charge.

Presiding Inspector: Yes. Now, go on from there and answer it. Did he tell you what Mr. Gladstein wanted to talk with you about?

The Witness: No.

By Mr. Gladstein:

Q. Did you ask him?

A. No. I don't recall ever asking him why you wanted to come up.

Q. Did you think I had something to do with these [6430] rumors against you?

A. I don't know.

Q. At that time did you think so?

(Testimony of Maurice J. Cannalonga.)

A. I don't know. You could of and you couldn't of.

Q. Did you tell that to Mr. Craycraft?

A. No, I didn't tell him that.

Q. What else was said in that conversation?

Mr. Del Guercio: He has already given the entire conversation.

Presiding Inspector: If there is anything more he can give it.

A. I don't remember any more, your Honor.

By Mr. Gladstein:

Q. You don't recall anything else?

A. No.

Q. Now, isn't it a fact, Mr. Cannalonga, that on that evening Mr. Craycraft told you that the Bridges Defense Committee was interested in knowing why you had given testimony which they knew to be false?

A. No, I don't recall that.

Q. Did it take place or not?

A. I don't believe it did.

Q. You can't answer for sure?

A. Well, it seems funny to me that you have all this stuff verbatim and, you take the average fellow when he is talking, he can't remember. [6431]

Presiding Inspector: Well, he is asking you if you can't say positively to say to the best of your recollection.

The Witness: No, I couldn't, your Honor.

Presiding Inspector: You couldn't? You haven't any recollection or you mean to the best of your rec-

(Testimony of Maurice J. Cannalonga.)

ollection you didn't have? What do you mean? I don't understand.

The Witness: Well, the way he put it, your Honor, I don't ever recall making any such statement.

Presiding Inspector: Or his making any such statement to you?

The Witness: Yes.

Presiding Inspector: He says he doesn't recall making any such statement, Mr. Craycraft making any such statement to him.

By Mr. Gladstein:

Q. Isn't it true that you told Mr. Craycraft that the FBI had "put the heat" on you?

A. No.

Q. Isn't it true that you told Mr. Craycraft that Ed Fisher had turned you in to the FBI?

A. No.

Q. Do you know Ed Fisher?

A. Yes, I know Ed Fisher.

Q. Who is Ed Fisher?

A. He used to be a member of the Communist Party in Seattle at the time I was, and I don't know whether he is a [6432] member of the Party now or not.

Q. Do you know whether he is related to Mr. Honig? A. No, I don't.

Q. Did you ever tell anybody that he was?

A. No. I do know that he got married and I think the girl he married had that name "Honig."

Q. She was the sister of Nat Honig, isn't that right?

(Testimony of Maurice J. Cannalonga.)

A. I don't know. I have never met the woman.

Q. Isn't that what you heard?

A. Well, I don't recall. I don't believe I had heard, or did I?

Q. Isn't it true that you said——

Excuse me. I don't know whether he finished that answer or not. Will you read the last question and answer?

(The question and answer referred to were read by the reporter as above recorded.)

The Witness: You see, I wasn't particularly interested in the man and I might have heard that he married this Honig, is it, Honig's sister or not. I might have heard it, you know, in general conversation along the waterfront and I wasn't interested enough in the man to take a note of it.

Q. Didn't you ever say to Rosco Crayeraft that you understood that Ed Fisher had turned you in?

A. No.

Q. Didn't you tell him that you had heard that Ed Fisher was a brother-in-law of Nat Honig?

[6433]

A. No.

Q. Did you tell that to Crayeraft?

A. No, I didn't.

Q. In the Clyde Hotel in my presence?

A. No.

Q. You are sure about that?

A. I am quite positive it didn't happen.

Q. Are you sure that didn't happen?

A. I am quite positive it didn't happen.

(Testimony of Maurice J. Cannalonga.)

Q. Are you sure that there was no discussion about Fisher in the Clyde Hotel?

A. There might have been some discussion. I couldn't say whether there was or not.

Q. What was the discussion?

A. I don't know.

Q. Do you know anything about the discussion in the Clyde Hotel about Ed Fisher?

A. No, I don't recall that.

Q. Then how do you know that the discussion about Ed Fisher wasn't along the lines that you said Ed Fisher had turned you in?

A. That I don't know. It's like I said when I first came on the stand, the day I went up to that hotel of yours I had been drinking pretty heavy and I could have said a lot of things and not remember it. It's like I say, I had been drinking pretty heavy and I could have said black was white. [6434]

Q. How can you be sure now that you didn't say——

A. (Interposing): It's like I said.

Q. Just a minute. (Continuing)—in the Clyde Hotel that Ed Fisher had turned you in to the FBI?

A. I am not sure.

Q. And how can you be sure now that you didn't say in the Clyde Hotel that you had checked and learned that Ed Fisher was a brother-in-law of Nat Honig?

A. You just got through telling me that I said that on the night of the 30th. Now, is this the night of the 30th or in the hotel?

(Testimony of Maurice J. Cannalonga.)

Q. I am asking you about the first time you came to the Clyde Hotel. Do you remember that?

A. Yes, yes. I remember going up to the hotel.

Q. I think you said yesterday it was about three o'clock Saturday afternoon?

A. Somewheres around that.

Q. Can you be sure now, are you positive that you didn't say in the Clyde Hotel on that day in the presence of Craycraft and myself that Ed Fisher had turned you in and that you had checked on Fisher and learned that he was a brother-in-law of Nat Honig?

A. No, I couldn't be positive.

Q. You mean that you were so drunk on Saturday afternoon in the Clyde Hotel when you saw me that you don't know [6435] what took place there?

A. It's like I said the first day on the stand: Everything was pretty hazy; my memory was pretty well fogged up as I had been hitting the bottle pretty heavy and I could have made those statements, yes, and I couldn't have.

Q. Were you drunk or not?

A. I was drunk.

Q. Were you so drunk that you don't know what what took place?

A. Like I said: I was able to walk and do a lot of things automatically and I might have said these statements, and I might have not.

Q. Were you so drunk that you don't know what took place that Saturday afternoon in the Clyde Hotel?

(Testimony of Maurice J. Cannalonga.)

Mr. Del Guercio: That has been asked and answered.

Presiding Inspector: I think he has answered that.

By Mr. Gladstein:

Q. Was the same thing true the following morning? A. Yes.

Q. You were just as drunk on Sunday morning in my hotel room and in the lawyer's office as you were were the previous day?

A. Yes.

Q. Are you sure of anything that was said by anybody in the Clyde Hotel on the afternoon of that Saturday when you [6436] were in my room?

A. I am not positive.

Q. Are you sure o fanything that was said by anybody on the following Sunday morning in the Clyde Hotel?

A. No, I'm not positive.

Q. Are you sure of anything that was said by anybody in the lawyer's office on the Sunday morning when you, a shorthand reporter, another attorney, Rosco Crayeraft and myself were in an office building?

A. No. I'm not sure what happened there either.

Q. Let's go back to this Wednesday night, April 30th. Have you given all the conversation on all the subject matters that you remember were discussed that evening?

(Testimony of Maurice J. Cannalonga.)

A. I believe I have.

Mr. Del Guercio: I believe that question is improper, your Honor.

Presiding Inspector: No. I think that is perfectly proper. He wants to conclude it now.

By Mr. Gladstein:

Q. Did Craycraft say anything as to what he was going to do about getting me to the North to talk with you?

Mr. Del Guercio: That has been gone over a number of times.

Mr. Gladstein: I don't think so. [6437]

Presiding Inspector: No, I don't think that has, about getting him up.

Mr. Del Guercio: Yes.

Presiding Inspector: I didn't hear it. I don't recall it.

Mr. Gladstein: I am sure I didn't ask that.

Presiding Inspector: I will take it.

Did Craycraft say that to you on Wednesday night or not?

A. I believe he mentioned something about phoning and flying.

Presiding Inspector: He mentioned something about phoning and flying.

By Mr. Gladstein:

Q. What did he say.

A. Well, I don't—I think he mentioned that he was going to phone you and that you would fly up.

Q. What else did he say about me?

A. I believe that's all I can recall.

(Testimony of Maurice J. Cannalonga.)

Q. Did he say that you were to see me the next day?

A. No. He said he would see me the next day.

Q. Did he see you the next day?

A. Thursday? No.

Q. When did he say—on Wednesday night when did he say that he was going to see you the next day?

A. He said he'd come down to the ship. [6438]

Q. What was he going to come down to the ship for? To tell you whether I would come up, and, if so, when?

A. No. He wanted to talk to me some more.

Q. Was he going to give you a report on the following morning when he came down to the ship about phoning me? A. No.

Q. He said nothing like that?

A. No. I don't think he—he said he was going to make out a report.

Q. Did Craycraft tell you on that Wednesday evening when he was going to phone me?

A. No.

Q. Did he tell you or indicate to you that he was going to do it pretty quick?

A. No, no. I don't recall whether he mentioned when he was going to phone or why or how.

Q. Did you get the impression from Craycraft that he was anxious to have you talk to me?

A. Yes.

Q. Did you get the impression from him as to why he was anxious to have you talk with me?

(Testimony of Maurice J. Cannalonga.)

A. No. The only impression I got was he seemed to have an idea that the FBI had a Mann Act charge hanging over my head, and I don't know where he ever got that idea. And that's [6439] about the whole thing that I can recall.

Q. Was anything else said that Wednesday evening between you and Craycraft?

A. I don't believe so.

Q. Now, as a matter of fact, he told you, didn't he, that he had to go to Seattle the next day in order to make a report to another Union meeting?

A. Yes. Since you—I believe he did mention Seattle and the meeting.

Q. Isn't it true that you told him that if he wanted to he could drop in on Doctor Buckner and check upon the name of the pills that you had been taking at the time you came out of the Marine Hospital last year?

A. No.

Q. Was the name Doctor Buckner mentioned?

A. Yes, the name Doctor Buckner was mentioned.

Q. Who mentioned it?

A. He did. He asked me who was taking care of me when I was sick in Seattle, and—and he seemed—his impression was that I hadn't been sick and he wanted to check up on me. That's the impression I got. And I told him, I said "Well, you go to Seattle and see Doctor Buckner and he has got a record of me in the Marine Hospital when I threw my hip out and what they did for me," and all he

(Testimony of Maurice J. Cannalonga.)

would have to do is to go to Seattle and check up with this doctor Buckner. [6440]

Q. Then you did tell him the name of Doctor Buckner, didn't you? A. Why, yes.

Mr. Myron: He said that on the record.

The Witness: Sure I told him the name of Doctor Buckner.

By Mr. Gladstein:

Q. And you did suggest that he could check with Doctor Buckner about something regarding your injury, is that right?

Presiding Inspector: He has just said that.

A. I just got through telling you that.

Mr. Del Guercio: He said it on direct and cross.

Presiding Inspector: Well, he has a right to ask him on cross if he said it on direct.

By Mr. Gladstein:

Q. Had you been using any kind of dope of any kind in the hospital?

A. Now, will you clarify "dope"?

Q. Well, I mean pills, that, to use your language, would have a tendency to "dope you up", in any way. Do you understand me?

Mr. Del Guercio: Used whose language? He hasn't used any language like that, if your Honor please.

A. I don't understand you. Is it morphine or what, or sleeping tablets?

(Testimony of Maurice J. Cannalonga.)

By Mr. Gladstein: [6441]

Q. Did you take pills to kill the pain in your hip last year?

A. No. You see, when I hurt myself on the ship it happened out at sea and the captain of the ship went ashore and saw the doctor, and I had gone ashore in Juneau and saw the doctor there, and then the ship just pulled in long enough so that I could see the doctor and the doctor said that I would be better off down in Seattle in the Marine Hospital in Seattle, I would get better care. So he wrote out a prescription and part of it was filled in Juneau and on the way down stopped at Ketchican. They had to pick up some cannery workers in Ketchican, and he went ashore and bought me the other half of the prescription, and it was sleeping tablets. A dozen and a half he bought. I think they were "ambytols". And so I took them as it was directed, and when we got down to Seattle I had eleven of them left.

Q. Do you have any difficulty remembering the name of that tablet? A. "Ambytol".

Q. I say, have you had any difficulty in remembering that name? A. No.

Q. You have always remembered it well?

A. Yes. It's a coal tar by product.

Q. Where did you get that prescription?

A. In Ketchican. [6442]

Q. From whom?

A. The prescription. I got that from the doctor in Juneau and it was——

(Testimony of Maurice J. Cannalonga.)

Q. (Interposing): What doctor?

A. Marine doctor.

Q. What is his name?

A. Oh, I don't recall his name. I know that he handles all the marine cases.

Q. Describe him in a general way.

A. Oh, he's an elderly fellow, white hair, and I believe he wears a goatee.

Q. When did you get the prescription from him?

A. When?

Q. Yes.

Q. Well, I wouldn't recall the exact day.

Q. Approximately.

A. Oh, about the middle of September.

Q. Last year? A. Yes.

Q. And you got about 18?

A. Not there. I got—the prescription was partly filled in Juneau and the rest of it filled in Ketchican.

Q. How many tables or pills all together did you get from that prescription?

A. A dozen and a half. [6443]

Q. And have you ever had any other prescription or used any other prescription for those tablets? A. No.

Q. Or any similar tablets? A. No.

Q. How many of those 18 tablets or pills have you ever used?

A. Well, I got 11 left, so I used 7 of them.

Q. Now, that Wednesday evening on the West

(Testimony of Maurice J. Cannalonga.)

Cusseta, didn't you tell Roscoe Crayeraft that when you were coming out of your Union hall a Mr. Boyd from the Immigration Department got hold of you last October?

A. No. I don't believe I ever said that to Crayeraft.

Q. Are you sure that you didn't?

A. I'm quite positive I didn't because, in the previous testimony about Mr. Boyd contacting me and then going up to the FBI office—oh, no; I never recall making that statement to Crayeraft.

Q. What did you tell him about Mr. Boyd?

A. I don't believe I have said anything to him about Mr. Boyd.

Q. Did you tell him how the FBI happened to get hold of you? A. No.

Q. Did he ask? [6444]

A. No, he didn't ask me.

Q. Did he ask you about the first time that you were with the FBI Agents?

A. No. I don't recall him asking anything about the FBI. The only thing his mention of the FBI was that they had a rap on me and it involved the Mann Act. That's about the only thing that I can recall referring to the FBI.

Q. When he said that to you, when he mentioned the Mann Act did you ask him where he got his information?

A. Yes. Like I told you half a dozen times, he claims he got it out of a tavern on the waterfront here in San Francisco.

(Testimony of Maurice J. Cannalonga.)

Q. Did you ask him anything else about it?

A. No. I thought——

Mr. Del Guercio: (Interposing) Your Honor, I submit that we have gone over that, surely.

Presiding Inspector: I think we have been over that, haven't we?

Mr. Myron: Three times, your Honor.

Presiding Inspector: I wouldn't be sure about the "times".

Mr. Del Guercio: The record, I think, will show that we have been over it at least that.

Presiding Inspector: Haven't you been over it?

Mr. Gladstein: Not this question. I have the previous question, [6445]

Presiding Inspector: Ask the one you haven't been over.

By Mr. Gladstein:

Q. After there was this talk about Craycraft learning about a rumor in a waterfront tavern in San Francisco about a Mann Act charge did you ask him anything further about it?

A. No. I thought it was pretty fantastic, because I knew in my own mind that I had never traveled across any state lines with a woman, and so the Mann Act just covers going across state lines, if I am not mistaken. There is enough publicity about it. And so, like I said, I couldn't figure out where he ever got that idea.

Q. Did he ask you anything at all about the times that you had been with the FBI Agents?

Mr. Del Guercio: That has been gone over.

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: Now, this is on Wednesday night?

Mr. Gladstein: Yes, your Honor.

A. On Wednesday night?

Mr. Del Guercio: We have gone back to Wednesday night there at least four or five times.

Presiding Inspector: Yes. But after he has exhausted his recollection it may suggest things.

The Witness: Will you repeat that, please?

Presiding Inspector: I think he has given his recollection. Now you can ask him direct questions to refresh his recollection.

Mr. Gladstein: Yes. [6446]

Presiding Inspector: Was anything said about that matter?

The Witness: No. It is like I stated, the only thing I recall in regards to the FBI was this rap they held—so-called rap they held over my head.

By Mr Gladstein:

Q. You mean there was no discussion between you and Craycraft as to whether or not you had given false statements to the FBI?

Mr. Del Guercio: Now, if your Honor please, I will object to the question.

Mr. Myron: It has been gone over before.

Presiding Inspector: I will allow it. He is suggesting. He is trying to refresh his recollection.

A. No, not that I recall.

Presiding Inspector: From his standpoint.

(Testimony of Maurice J. Cannalonga.)

By Mr. Gladstein:

Q. You say not that you recall. You mean that you are uncertain about it?

A. No. I am not uncertain about it. I do recall him mentioning that I could have made false statements and I denied it to him, but as far as specially bringing in the FBI into the conversation it's like I say, about the—I recall him mentioning the FBI in regard to that Mann Act.

Q. Then you do recall some talk about false statements, do you? [6447]

A. He was the one that mentioned it, yes.

Q. What did he say?

A. Like I just told you. Will you read back that answer.

Q. No, no; what did he say to you about false statements?

Mr. Del Guercio: What was it that you wanted?

A. Oh, I just got through telling him in regards to how he mentioned it I could have made some false statements in the first deposition, and I told him, no, I didn't.

By Mr. Gladstein:

Q. What did he say to you about false statements? A. I just got through telling you.

Q. Did he say to you "Cannalonga, you lied under oath"? A. No.

Q. What did he say?

Mr. Del Guercio: Well, your Honor, we are going back again.

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: I will allow it. He is pressing him now to find out what was the conversation about false statements.

A. Well, it's like I said: Crayeraft insisted that I could make some false statements and I told him, No, I hadn't made any false statements and that everything I had [6448] said I thought was the truth.

Q. Do you say that Crayeraft insisted that you "could" make false statements or that you "did"?

A. That I could have or did.

Q. Did you ask him what false statements he claims you made?

A. No, because I figured that——

Q. (Interposing): Did he tell you?

A. No, I don't believe he did.

Q. When he told you that you had made false statements, what did you do?

A. I just laughed it off because it was kind of silly.

Q. Did you feel mad?

A. No. Why should I feel mad? I just thought it was silly to—to suggest anything of the sort.

Q. Now, before he left you that Wednesday night Crayeraft told you that he was going up to Seattle to report to a longshore union meeting and he was going to be back in Portland on Friday, didn't he?

Mr. Del Guercio: We have gone into that. We are going over every situation at least three or four times, if the Court please.

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: No. That hasn't been gone over. At least part of it hasn't. The first part has been gone over about going to this meeting, but not that he would be back Friday, as I remember.[6449]

Did he tell you after going to this meeting he was going to be back Friday?

The Witness: No, I don't recall when he—(Pause).

By Mr. Gladstein:

Q. Did he tell you that he was coming back to see you after he did his work for the union in Seattle?

A. Yes. He did mention that he was going to see me again, but he didn't specify when or where or—(Pause).

Q. Well, he saw you again on Friday, Friday evening, didn't he?

A. Yes, I believe he did.

Q. 8:00 o'clock about, wasn't it?

A. Well, I couldn't say the exact time.

Q. And the ship had moved in the meantime from the Irvin Dock to the Sunset Oil docks, hadn't it?

A. Yes. Sunset was—that's down about 12 miles out of Portland.

Q. And when he saw you that evening the two of you walked back to the after deck, didn't you?

Mr. Del Guercio: Well now, have we gone over this?

Presiding Inspector: No, I think not, not on cross examination.

(Testimony of Maurice J. Cannalonga.)

Have you been over this?

Mr. Gladstein: No. This is an entirely different evening. [6450]

Presiding Inspector: You went over it, I think (addressing Mr. Del Guercio).

A. No, I don't recall going back.

By Mr. Gladstein:

Q. Were you sober?

A. Yes, I was sober.

Q. All that evening?

A. I'm quite sure I was.

Q. And you knew what was being said and what was taking place? A. I believe so.

Q. Up to this point you hadn't been drunk at any of the times that you had seen Crayeraft, is that right? A. No.

Q. Is that right? A. That's right.

Q. And as you were walking back to the after deck there, you and Crayeraft, you saw a man named Burt Nelson, didn't you?

A. Well, that wasn't on the after deck.

Q. No. But you saw him as you were leaving with Crayeraft, isn't that right; when Crayeraft was leaving the ship.

Presiding Inspector: After the conversation.

A. Oh, yes. I believe Burt Nelson did come aboard. [6451]

By Mr. Gladstein:

Q. You were walking Crayeraft up to the gangplank and that's where you saw Nelson, isn't that right? A. Yes, that could have been.

(Testimony of Maurice J. Cannalonga.)

Q. And all three of you stood around the gangplank and talked for a minute before Craycraft and Nelson left, isn't that right?

A. Yes, I think so.

Q. All right. Now, before that happened Craycraft and you were alone in your room, isn't that true? A. Alone in my room?

Q. Yes.

A. Well, that's hard to say. I don't remember the both of us being alone in that room at that time.

Q. Well now, isn't it a fact that Craycraft told you then that he had been talking on the telephone to me and that I had asked Craycraft to find out from you whether you would talk with me? Didn't he tell you that?

The Witness: Will you repeat that again?

Presiding Inspector: Read the question.

(The question referred to was read by the reporter as above recorded.)

A. He might have said it that way.

By Mr. Gladstein:

Q. And didn't you tell him that you were willing to do so? [6452]

A. Yes. I believe Wednesday I told him I was willing to talk to you.

Presiding Inspector: We have got down to Friday now.

The Witness: Yes, I know.

Presiding Inspector: Did you tell him on Friday that you were willing to talk with Mr. Gladstein?

(Testimony of Maurice J. Cannalonga.)

The Witness: Yes, I did. Yes.

By Mr. Gladstein:

Q. And didn't he ask you if you were willing to repeat the same things to me that you had told to him? A. No.

Q. You are sure that didn't happen?

A. I am positive.

Q. What makes you so positive about that, Mr. Cannalonga?

A. Huh? Well, there was nothing to repeat. The way you ask that question you might think that he took shorthand notes of our conversation. That's the way I get it. Now, if you will read that question back again, Mr. Gladstein, maybe I'll——

Mr. Gladstein: (Interposing) Certainly.

Mr. Myron: He could be positive of what he said or what he knows he said.

Mr. Gladstein: We will read it back.

Presiding Inspector: Read the question. [6453]

By Mr. Gladstein:

Q. Which question do you wish read back?

A. This last question and the answer.

Presiding Inspector: And the answer.

(The question and answer referred to were read by the reporter as follows:

"Q. And didn't he ask you if you were willing to repeat the same things to me that you had told to him? "A. No.

"Q. You are sure that didn't happen?

"A. I am positive.")

(Testimony of Maurice J. Cannalonga.)

The Witness: Yes, I am still positive about it, your Honor.

By Mr. Gladstein:

Q. I am asking you now what is it makes you positive about that?

Mr. Myron: He says nothing happened. I suppose he could be positive.

Presiding Inspector: I think he has answered it.

Mr. Gladstein: I suppose he will adopt the answer that Mr. Myron just gave him.

Mr. Myron: That is the only answer he could give.

By Mr. Gladstein:

Q. Is that your answer, the one that Mr. Myron just gave? [6454]

Mr. Myron: Is that your question now? I object to the question.

Presiding Inspector: Did you get what Mr. Myron said in the record?

The Reporter: Yes, your Honor.

Presiding Inspector: Then I will allow the question.

A. No. I answered his question, the question of Mr. Gladstein. [6455]

By Mr. Gladstein:

Q. Didn't Crayeraft tell you that he would try to phone me that night, and would let you know the next day whether I could come up?

A. No.

Q. He didn't say that? A. No.

(Testimony of Maurice J. Cannalonga.)

Q. You are positive of that too?

The Witness: I don't get this word "positive," your Honor.

Presiding Inspector: Are you sure?

The Witness: Yes, I am sure.

Presiding Inspector: Certain?

The Witness: Yes.

By Mr. Gladstein:

Q. You are absolutely certain?

The Witness: "Positive"—that is being infallible, isn't it? After all——

Presiding Inspector: Well, I suppose there are degrees of it.

By Mr. Gladstein:

Q. Don't you know what the word "positive" means? A. Well, I understand——

Q. (Interposing) Do you know what it means or not? A. Yes—you are infallible. [6456]

Q. Is that what you meant when you said a while ago that you were positive?

A. No, I didn't mean that—now, you are bringing up infallibility. Well, there is only one man that is infallible.

Q. Who brought up "infallibility"?

Presiding Inspector: Don't wrangle with the witness. Ask the next question.

By Mr. Gladstein:

Q. How long were you with Crayeraft that evening, that Friday evening?

A. Oh, I don't know how long I was with him.

(Testimony of Maurice J. Cannalonga.)

I couldn't definitely state whether I was with him five minutes or five hours. It was like I said, there was a pretty steady stream of fellows coming aboard ship to talk to me about the Bridges case, and it was a continuous stream, and every time I turned around there was some people asking me about the case.

Q. You mean that you couldn't, can't now tell whether you spent five minutes or five hours with Craycraft on Friday evening, May 2?

A. Oh, I would say approximately from 5 to 15 or 20 minutes.

Q. All right. What did you talk about with him?

A. Well, I don't recall every word that we said.

Q. Do you recall anything? [6457]

Presiding Inspector: He has recalled some of it, hasn't he?

Mr. Gladstein: He has been asked some specific questions.

Presiding Inspector: You don't want to go over it all again?

Mr. Gladstein: No.

Presiding Inspector: Was there anything else?

The Witness: No, there isn't.

Presiding Inspector: Now, if you want to suggest anything to him.

By Mr. Gladstein:

Q. Did Craycraft tell you that he was going to phone me and let you know the next day whether I was coming?

(Testimony of Maurice J. Cannalonga.)

A. You asked that question before.

Presiding Inspector: You have been over that.

The Witness: And I answered that.

Presiding Inspector: I think you have been over that.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. When was the next time you saw Mr. Crayeraft after that Friday evening, May 2?

A. Saturday.

Q. When?

A. Oh, I believe it was in the afternoon some time.

Q. You saw him in the morning about ten o'clock, [6458] didn't you?

A. I don't recall seeing him in the morning.

Q. Didn't the ship move over to the Crown Mills?

A. I remember the ship moving; yes.

Q. Didn't Crayeraft come up to the ship and see you that morning?

A. No, I don't recall seeing him that morning.

Q. Didn't Crayeraft tell you that I would arrive on the 1:30 plane that afternoon?

A. No. I recall calling him up at some grocery store.

Q. When did you call him up at a grocery store?

A. Saturday morning. It is like I say, maybe I didn't call him up. I don't know.

Q. Did you or didn't you?

(Testimony of Maurice J. Cannalonga.)

A. Like I say, I don't know.

Q. Why don't you know?

A. Well, that was my birthday and I was celebrating.

Q. When did you begin celebrating?

A. Oh, about eight o'clock in the morning.

Q. When did you think you called him up?

A. Well, I thought maybe I called him up some time during the morning, about ten o'clock or so.

Q. Where do you think you called him?

A. The way I remember, I thought I called him at some grocery store. [6459]

Q. Maleti's grocery? A. Maleti's.

Q. What did you call him up for?

A. To make a date with him, if I am not mistaken.

Q. A date of what kind?

A. To meet him out on the dock at three o'clock.

Q. What for?

A. We were going to see you, I think; yeah.

Q. That is what you called up for on Saturday morning?

A. I believe that is what I did Saturday morning.

Q. That is, to find out when you could see me?

A. No.

Mr. Del Guercio: He didn't say that.

The Witness: (Interposing) To see him.

Mr. Del Guercio: He already testified why he called.

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: He wants him to explain what "make a date" is.

By Mr. Gladstein:

Q. You mean an appointment by "date"?

A. Appointment to meet a fellow.

Q. Well, you called up on Saturday morning to find out from Crayeraft what time you could see me? A. No.

Q. What did you call him up for?

A. What time I could see him, Crayeraft. [6460].

Q. What did you want to see him about?

A. He told me to call up.

Q. When did he tell you that?

A. I think it was a couple of days before that.

Q. What did he tell you to call up for?

A. Well, he told me if I could get off the ship and see him, and if I could to call him.

Q. What for? A. I don't know.

Q. Didn't you ask him what he wanted you to call for?

A. No. He said just to make a call, so I called.

Q. What did you say to him when you called him?

A. I had in mind we were going to meet you.

Q. Where did you get that idea?

A. From the Wednesday previous. He said you were going to fly up and get here Saturday, I think.

Q. He told you that on the previous Wednesday?

A. Oh, it would have been Wednesday or Thursday or Friday—I don't know.

(Testimony of Maurice J. Cannalonga.)

Q. All right. So you called up on the phone, called him up on the phone and you asked what?

A. I asked for Crayeraft.

Q. Did you get him? A. Yes.

Q. What did you say to him when you got him?

[6461]

A. I said, "Well, I will see you at three."

Q. Who said that?

A. I did; I think I said it.

Q. Was that the first thing you said?

A. Yes.

Q. Did you tell him where you would see him?

A. I think I told him I would see him out on the dock.

Q. Did he ask you what for? A. No.

Q. Was there any talk about me?

A. I don't believe so.

Q. Well, you said that you intended to call him regarding the appointment with me. Isn't that what you intended?

Mr. Del Guercio: That isn't what the witness' testimony is.

Presiding Inspector: He called to make a date.

By Mr. Gladstein:

Q. To make a date, is that right?

A. With Crayeraft. You see, this whole thing on Saturday—let me see——

Presiding Inspector: We know what you said. There is no use going over that. We know it was your birthday and that you were celebrating on your birthday. [6462]

(Testimony of Maurice J. Cannalonga.)

The Witness: A lot of this stuff is hazy, your Honor.

Presiding Inspector: We understand that you said that too.

Go on.

By Mr. Gladstein:

Q. What did you say to him on the phone?

A. It is like I told you, I might have phoned, and I don't know. I am just assuming that I phoned him.

Q. What would you be phoning him for?

Mr. Del Guercio: That has been gone over.

Presiding Inspector: He said he phoned him to make a date.

A. In the afternoon, meet him in the afternoon.

By Mr. Gladstein:

Q. What did you want to meet him in the afternoon for, Mr. Cannalonga?

A. Well, he said he wanted to see me.

Q. When did he tell you he wanted to see you?

A. I don't remember.

Q. Was it before you phoned him?

A. It could have been.

Q. Was it before you started celebrating?

A. Now, you have got me on that.

Presiding Inspector: You say, Mr. Cannalonga, I think, it was on Wednesday you had been asked to call him up at that [6463] time, at this grocery store. Isn't that right?

(Testimony of Maurice J. Cannalonga.)

The Witness: No, your Honor. You see, I might have met him that morning, and I might not have made this phone call, you see—I don't know.

By Mr. Gladstein:

Q. Do you remember anything at all about it, do you remember a phone call?

A. It was either—it might have been a phone call for me to call back. It could have been that way.

Presiding Inspector: Well, now, you have said a number of times about this grocery store, that there was to be a telephone conversation. You didn't put it in that language.

The Witness: Yes.

Presiding Inspector: Now, when was it that it had been arranged that there should be some telephone conversation, either you were to call him or he was to call you—when was that?

The Witness: Well, your Honor, I don't know whether I made that phone call Saturday or not. I remember making some kind of a phone call to a grocery store, and I don't remember whether somebody called up the ship for me to call back that number, or I called.

By Mr. Gladstein:

Q. Is there a phone on the ship?

A. Out on the dock. [6464]

Q. You don't remember whether you were responding to a phone call or whether you made the phone call yourself? A. Right.

(Testimony of Maurice J. Cannalonga.)

Q. But you remember that you made a phone call? A. Well, I think I did.

Q. If you made the phone call do you remember what you said?

A. Well, if I made the phone call, I remember making a date to meet somebody at three o'clock.

Q. Now, isn't it true that at ten o'clock that morning Craycraft came down to the ship, which was at the Crown Mills, and told you that I was going to be in town on the 1:30 plane that afternoon?

A. No, I don't remember that.

Q. You don't remember it? A. No.

Q. It could have happened, but you don't remember it, is that it? A. It could have happened.

Q. And isn't it true that Craycraft asked you, "How shall I meet you, Cannalonga?"

A. No.

Q. What is that?

A. No, I don't remember that.

Q. You don't remember it. It could have happened, but [6465] you don't remember it?

A. Yes, it could have happened.

Q. Isn't it true that you told Craycraft that the ship was going to shift at noon to Terminal No. 1? A. It could have happened.

Q. Did the ship shift at noon to Terminal No. 1?

A. Yes, it did.

Q. Isn't it true that you told Craycraft that you thought the FBI might be watching the ship

(Testimony of Maurice J. Cannalonga.)

so you would walk over and meet Crayeraft on the street at about 2:45 P.M.?

A. No, I don't recall making that statement to him.

Q. What did you say about meeting Crayeraft?

A. I don't even recall meeting Crayeraft that morning.

Q. What did you say to Crayeraft about meeting him that afternoon?

A. It is like I say, to the best of my recollection I thought I was phoning.

Q. Whether you were phoning or talking in person, what arrangements did you make with Crayeraft regarding meeting him that afternoon?

A. I remember meeting him outside the dock at three o'clock, or somewhere around that time.

Q. About 2:45, wasn't it?

A. It could have been 2:45.

Q. You had walked off the ship and you met him out on [6466] Front Street, didn't you?

A. Out on the dock; yes.

Q. Outside the dock where Front Street is, isn't it?

A. Sure, the dock runs into the streets.

Q. Front Street is the street that is alongside that dock at Terminal 1, isn't it?

A. Front Street? I believe it is.

Q. That is where you met him, isn't it?

A. Yes; in front of the dock.

Q. And you had told him that he could meet you there at a quarter to three, hadn't you?

(Testimony of Maurice J. Cannalonga.)

A. I don't know the exact time, or whether I told him over this phone, or talked to him that morning.

Q. All the time that you were putting in these overtime hours of work on the ship, were you in a constant state of intoxication?

A. It being my birthday—during my birthday and the following day; yes.

Q. On all other days how were you?

A. Sober.

Q. You say on the day of your birthday and the following day you were drunk all of both those days? A. Yes, I would say I was.

Q. Did you do any work at all?

A. Now—when you call it "working"—in the electrical [6467] game that has a long explanation. If you want me——

Q. (Interposing): Did you do any work at all on those two days? You can answer "Yes" or "No" and then you can explain.

Mr. Del Guercio: The witness can explain.

A. Yes.

By Mr. Gladstein:

Q Now explain.

A. All right. You see, when a ship packs one electrician, it is his job—as long as those winches are turning he has to see that they keep running, that they don't break down. That is his main function. And there is a lot of little things he can do. He can be dead drunk and as long as he can walk on

(Testimony of Maurice J. Cannalonga.)

his two feet he is still on the job. The engineers on the ship, they decide whether you can handle a job or not. They make a little allowance like for birthdays, and so forth. So the Chief, and the First Assistant, they liked me and thought I was a good man. I had done a lot of work on there. I had rebuilt half a dozen big motors, and did quite a bit of jobs, correcting a lot of work that needed correcting, and so when my birthday came around I told them I was going to start hitting the bottle and I was going on a couple of days' spree. So the Chief said, "O.K. We will keep an eye on things."

I believe I turned in that night about midnight. [6468].

Q. What night?

A. And got three hours' sleep.

Q. What night?

A. Saturday night. I woke up, had the night mate give me a call at three o'clock Sunday morning, and I repaired a winch that had broken just as the longshoremen were knocking off. So it just happened to be a lucky break for me that she broke down as they were knocking off. They reported it. So the night mate gave me a call at three in the morning so I could repair it and get it ready for seven o'clock. So I got up at three and took a cold shower and repaired this panel board.

Q. How long did it take you to repair it?

A. About an hour and a half.

Q. What did you do after that?

A. Well, I started hitting the bottle again.

(Testimony of Maurice J. Cannalonga.)

Q. How long did you continue to hit the bottle?

A. Oh, until late Sunday night, until I passed out.

Q. Continuously?

A. Well, I managed to go through a couple of quarts of rum that day.

Q. Did you do any work, any more work on Sunday? A. No.

Q. Now, on Saturday when did you start hitting the bottle then? [6469]

Presiding Inspector: He told you that.

Mr. Gladstein: That was on Sunday, your Honor.

A. I told you Saturday at eight o'clock in the morning.

By Mr. Gladstein:

Q. Did you do any work at all on Saturday?

Mr. Del Guercio: He has gone over that.

Presiding Inspector: You have gone over all that.

By Mr. Gladstein:

Q. What kind of work did you do on Saturday?

Mr. Del Guercio: He has gone over that.

Mr. Gladstein: I am not sure.

A. I just got through telling you that I was on the payroll as working, and so forth. I got a lucky break. The Chief and the First Assistant said they would keep their eyes on the equipment.

By Mr. Gladstein:

Q. Isn't it true that you didn't have to do a

(Testimony of Maurice J. Cannalonga.)

thing on Saturday from eight o'clock in the morning until the time that the winch broke down when the longshoremen went off shift around 3:00 A.M. the following morning? A. No; no.

Q. How was it?

A. Give me those overtime slips you got there and I will show you how it was.

(The overtime slips referred to were passed to the [6470] witness.)

A. (Continuing): On Saturday they worked until nine o'clock.

By Mr. Gladstein:

Q. And finished when?

A. Saturday evening. They worked cargo and knocked off. That is when that winch had broken down, just as they were knocking off.

Q. Could I interrupt for a second? Is that the first piece of work that you had to do on Saturday, the repairing of the winch that broke down at nine o'clock? A. No.

Q. What did you do——

A. (Interposing): I am—well, they knew that the winch was broke, and I was pretty drunk at the time, so the first assistant notified the night mate to wake me up in the morning. I had passed out. So he woke me up about three o'clock in the morning, Sunday morning.

Presiding Inspector: The question is, what work did you do during Saturday before this winch broke down from 8:00 o'clock in the morning, when you

(Testimony of Maurice J. Cannalonga.)

began drinking, as you have said, until three o'clock the next morning? Did you do any work? I mean by "work", any work with your hands?

The Witness: I might have; yes.

Presiding Inspector: Did you? [6471]

The Witness: I don't know.

Presiding Inspector: That doesn't show (overtime sheets) does it?

The Witness: Well, you see——

Presiding Inspector: Does it show that?

The Witness: It shows that I got paid for that time.

Presiding Inspector: That is all it does show?

The Witness: Yes.

Presiding Inspector: Does it show that you were off the ship during that time?

The Witness: No.

Presiding Inspector: Although you were?

The Witness: Yes, sir. The way they work it is like this: When there is one man in charge of the electrical work, one electrician, they make a little allowance, if you notify the Chief Engineer, so you can go off an hour or so.

By Mr. Gladstein:

Q. Mr. Cannalonga, you have already said, concerning this exhibit, this time sheet, which is a record of your overtime work, that you made it out in your handwriting, is that correct? A. Yes.

Q. And that is a truthful answer?

A. Yes.

(Testimony of Maurice J. Cannalonga.)

Q. Now, it shows on Saturday, May 3, that from 12:00 [6472] noon until 1:00 o'clock you put in an hour testing the steering engine. Did you do that—"yes" or "no"?

A. Yes. But then there is an explanation for that too.

Mr. Del Guercio: He can explain.

By Mr. Gladstein:

Q. Explain it if you want to.

A. When you test a steering engine here is what you do: You take the deck cadet back with you, and the Mate up on the bridge, he turns it hard over to port and hard over to starboard, and back to midship. That is to see if it needs repairing.

Q. That doesn't require any manual work?

A. No.

Q. Did you do any of the testing of that steering engine?

A. I went back and just stood up while he worked the wheel from the bridge.

Q. Is this a truthful statement on this time sheet of yours, that you spent one hour testing the steering engine? A. Yes, it is true.

Q. And it says from one o'clock until two o'clock you checked and helped with the circulator. What is that?

A. The circulator is a motor down in the engine room. That had stopped on them. They wanted me to go down, and I [6473] went down, and the Engineer on watch wanted to know what was wrong

(Testimony of Maurice J. Cannalonga.)

with it. He couldn't get it started. I said, "There is a button there. Push it." He pushed the button——

Presiding Inspector: This was on your birthday?

The Witness: Yes. He pushed the button and she started.

By Mr. Gladstein:

Q. Did it take one hour to do that?

A. You see——

Q. (Interposing): Did it take an hour to do it?

A. Well, will you let me explain?

Q. First answer "yes" or "no", and then explain. A. No.

Q. But you put down claiming an hour overtime?

A. Yes. The rule is——

Q. (Interposing): Just——

Mr. Del Guercio (Interposing): He wanted to explain.

A. (Continuing): I want to explain that. The contract signed between the organization and the shipowners provides that any part of an hour is an hour.

Presiding Inspector: All right.

By Mr. Gladstein:

Q. Also, on Saturday, May 3, your record shows, made by you, that you put in three hours, between 2:00 o'clock and 5:00 o'clock, that afternoon. Is that (indicating) "cargo"?

(Testimony of Maurice J. Cannalonga.)

A. That is cargo. [6474]

Q. What does that mean?

A. That means standing by on the winches.

Q. Standing by, to do what?

A. Nothing.

Q. Well, what were you supposed to do standing there?

A. In case the winches break then you are supposed to fix them. You know what I mean by "standing by"?

Q. You actually weren't standing by on that ship for those three hours, were you? A. No.

Q. You were away about two hours of that time, one hour in my room in the Clyde Hotel, and the other hour going to and coming away from the hotel, isn't that true?

A. It could be possible.

Q. Is it true or not? A. I suppose so.

Q. All right. Now, on Sunday, May 4th, from 3:00 A.M. to 7:00 A.M. you spent four hours repairing the cargo winch, is that right?

A. Yes.

Q. Is that winch the one that broke down at nine o'clock Saturday night? A. Yes.

Q. Did you finish repairing it by 7:00 A.M.?

A. Yes. [6475]

Q. And you started hitting the bottle again?

A. Yes.

Q. Did you start hitting the bottle before or after 7:00 A.M.?

Mr. Del Guercio: I think the witness is enti-

(Testimony of Maurice J. Cannalonga.)

tled to see the time slips here to refresh his memory.

By Mr. Gladstein:

Q. When did you start hitting the bottle?

That don't show on the record when he started hitting the bottle.

Mr. Myron: Let him see the sheets.

Presiding Inspector: You testified as to that?

The Witness: Yes.

Presiding Inspector: Let us hear it again.

By Mr. Gladstein:

Q. Was it three o'clock in the morning when you started hitting the bottle again? A. No.

Q. Was it after you finished with the repair?

A. About, I would say about seven o'clock, after I had a little coffee. I took a little shot of rum and——

Q. (Interposing): You didn't get yourself drunk while you were working four hours repairing this winch? A. No.

Q. You couldn't repair cargo winches if you were drunk, could you? [6476] A. No.

Q. So you got drunk right after seven o'clock?

A. Yes.

Q. Is that right?

A. Yes. I did have a drink before I started to work on the winch to kind of snap me out of it.

Q. It didn't make you drunk? A. Oh, no.

Q. And then after you got yourself drunk, right

(Testimony of Maurice J. Cannalonga.)

after seven o'clock Sunday morning, you were drunk all day long until you passed out that night?

A. Yes.

Mr. Del Guercio: Are you making that as a statement or asking a question?

By Mr. Gladstein:

Q. I am asking you if that is true.

A. What is that again?

Q. When you began drinking at 7:00 o'clock Sunday morning you kept on and got yourself drunk, and didn't know what was taking place in my room, or in the lawyer's office, and you were drunk all day until late that night when you passed out, is that right?

Mr. Del Guercio: I object to that question. In the first place, it isn't one question. It is many questions.

Presiding Inspector: I will take it. He can divide it. [6477]

By Mr. Gladstein:

Q. Is that true:

Presiding Inspector: It is on one subject.

Mr. Myron: That is not the evidence.

Presiding Inspector: It doesn't make any difference whether it is the evidence or not.

Mr. Myron: He shouldn't mislead the witness by stating the evidence and asking——

Presiding Inspector: I don't think it is misleading the witness.

(Testimony of Maurice J. Cannalonga.)

Mr. Myron: The witness testified he remembers some things that took place.

Presiding Inspector: But he said he was drunk all that time.

Mr. Myron: But he remembers some things that took place.

Presiding Inspector: This doesn't say he couldn't.

Mr. Myron: I so understood the question.

Presiding Inspector: Let's hear the question.

Mr. Gladstein: I will restate it.

Presiding Inspector: No. Let the reporter read the question.

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: You didn't know what was taking [6478] place, anything more than what you have testified to?

I didn't realize it was so positive.

By Mr. Gladstein:

Q. I will put it this way: You began to drink at seven o'clock that morning, on Sunday, after you finished repairing the cargo winch?

A. Yes.

Q. And you say you got drunk, and you were drunk at the time you came to my hotel room that morning? A. Yes, I was.

Q. And were you drunk at the time you went over to the lawyer's office? A. Yes.

(Testimony of Maurice J. Cannalonga.)

Q. And you continued to remain drunk until late that night when you passed out, is that right?

A. No.

Q. When did you sober up?

A. If I am not mistaken I recall doing a little, getting sick in the toilet up in that office, and I went back aboard the ship and talked to the First Assistant, and he made the remark that he didn't see how I could stand up, doing all this drinking, and that I was holding my booze pretty good. And then I went in and I et—I don't recall what we had for dinner that evening——

Q. You were too drunk to know that? [6479]

A. No, I don't recall.

Q. Were you drunk or not when you had dinner that evening?

A. Well, I was, yes. I was starting to snap out of it then.

Q. You were starting to snap out of it at 6:00 o'clock in the evening?

A. Yes. Sober up, yes.

Q. When did you actually become sober?

A. Well, that's hard to—hard to say.

Q. Well, were you drink from 7:00 o'clock in the morning until 6:00 o'clock that night, on that Sunday?

Mr. Del Guercio: Now, if your Honor please, it is obvious that under those circumstances down there that counsel can't pin him down to hours.

Presiding Inspector: No. Well, he knows approximate hours.

(Testimony of Maurice J. Cannalonga.)

Mr. Gladstein: Of course.

A. Well, I would say, Yes.

By Mr. Gladstein:

Q. When did you pass out on Sunday night?

A. I didn't pass out Sunday night.

Q. Didn't you pass out on Sunday night?

A. No.

Q. You didn't pass out at all? A. No.

Q. You didn't pass out from being drunk?

[6480]

A. No, not Sunday night.

Q. What night was it that you passed out from being too drunk? A. Saturday night.

Q. What time Saturday night?

Mr. Del Guercio: We have gone all over that.

Presiding Inspector: I think we have been over that.

A. I told him when I passed out on the Saturday, your Honor.

By Mr. Gladstein:

Q. What time on Saturday night did you pass out? A. It was in the evening some time.

Q. What time?

A. I couldn't say exactly what time.

Q. Early evening or late?

A. No. It was dark.

Q. Early evening or late at night?

Presiding Inspector: Well, Mr. Gladstein, can a man tell the hour when he is drunk and passes out?

(Testimony of Maurice J. Cannalonga.)

Mr. Del Guercio: If he knows.

Mr. Gladstein: My recollection of the testimony was that he previously said that he passed out on Sunday.

The Witness: No, I said "Saturday".

By Mr. Gladstein:

Q. You meant Saturday night? [6481]

A. And I said "Saturday night".

Q. Now, the record shows that on Sunday, May 4th you worked from 7:00 A.M. to 12:00 noon, repairing cargo winches. Is that true?

Mr. Del Guercio: Is that what the time sheet says?

A. No. It says "cargo". That's just cargo here (indicating). Here's (indicating) where I made the repair work, where I put "winches" and then "repair". But the rest of it is cargo.

By Mr. Gladstein:

Q. From 7:00 to 12:00 noon is cargo?

A. Yes.

Q. What were you doing then?

A. I don't know.

Mr. Del Guercio: We have gone over that, your Honor.

By Mr. Gladstein:

Q. What were you doing?

A. I don't remember what I was doing. I was drinking. I had been drinking.

Q. You mean that you were standing on the deck of that ship drunk for those five hours?

(Testimony of Maurice J. Cannalonga.)

A. On the Sunday?

Q. Yes.

A. No. I wasn't standing on no deck. [6482]

Presiding Inspector: "Standing by".

The Witness: That don't mean "standing".

By Mr. Gladstein:

Q. What does it mean that you were doing?

A. That means that you are subject to call where they can get ahold of you. I could be in the bridge.

Presiding Inspector: Ready to do the service you are called upon to do?

The Witness: What, sir?

Presiding Inspector: Ready to do the service you are called upon to do.

The Witness: Yes, sir.

Presiding Inspector: That is what is called in the parlance of the sea "standing by".

The Witness: "Standing by"; yes, sir.

By Mr. Gladstein:

Q. And you did no work that day?

Mr. Del Guercio: Does the time sheet show? Why don't you give him the time sheet and let him see.

Presiding Inspector: No. If he has any recollection he can tell.

A. No. I don't recall doing any work.

Presiding Inspector: The next question.

Mr. Gladstein: Just one second, your Honor.

Presiding Inspector: Yes. [6483]

Mr. Gladstein: Do you want to recess now?

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: Were you going to take up some new matter?

Mr. Gladstein: Yes, I was thinking of it.

Presiding Inspector: Very well. We will recess until two o'clock.

(Whereupon at 12:25 P.M. a recess was taken until 2:00 P.M. of the same day.) [6484]

After Recess
2:00 o'Clock P. M.

Presiding Inspector: Now, Mr. Gladstein. Shall we wait for Mr. Del Guercio?

Mr. Myron: He will be in shortly. We can go ahead.

Presiding Inspector: You are willing to proceed?

Mr. Myron: Yes.

Presiding Inspector: All right. We will wait for him if you wish?

Mr. Myron: He suggested we go right ahead.

Presiding Inspector: Very well.

MAURICE J. CANNALONGA

called as a witness in rebuttal on behalf of the Government, having been previously duly sworn, testified further as follows:

Cross Examination (Resumed)

By Mr. Gladstein:

Q. Mr. Cannalonga, on those overtime sheets of

(Testimony of Maurice J. Cannalonga.)

yours, which are an exhibit for identification, regarding the work that you did on Sunday, those hours when you were standing by, would you call it "standing by" when you were not on the ship?

A. Well, it is like I explained. Any time that I left the ship I generally saw the Chief Engineer and First Assistant and asked permission.

Q. Have you always done that? [6485]

A. Oh, yes.

Q. So you asked permission to leave on Saturday and Sunday when you left? A. I did.

Q. Who did you ask permission of on Saturday?

A. Oh, I think the First Assistant was in the Chief's room, and the Chief was in there, and I asked if I could go.

Presiding Inspector: You call the Chief the Master of the ship?

The Witness: No. He is in charge of the engines.

Presiding Inspector: The engineer?

The Witness: The Chief Engineer.

By Mr. Gladstein:

Q. What was his name?

A. I don't recall his name. It is Mack something.

Q. The First Mate, you talked to him about that?

A. Not the first mate—the First Assistant.

Q. The First Assistant Chief Engineer?

A. Well, I will explain the rating of the Engineers.

(Testimony of Maurice J. Cannalonga.)

Q. Certainly.

A. There is the Chief Engineer, a First Assistant, a second Assistant Engineer, a third Assistant Engineer, a fourth Assistant Engineer.

Q. All right. Now, on Saturday before you left the ship to see Mr. Craycraft and me, you told the Chief Engineer [6486] and the First Assistant that you were going to leave and you wanted permission? A. Yes.

Q. And they gave you permission to leave?

A. Yes.

Q. Did you tell them where you were going?

A. No.

Q. Did they ask you? A. No.

Q. Did you ask them for permission to charge the company, your employer, for those hours that you were away from the ship?

A. Well, it's like I said.

Presiding Inspector: Well, did you ask them specifically? A. (Continuing) No,

By Mr. Gladstein:

Q. Did you ever ask anybody about that?

A. No. You see, I would like to explain a little on that, your Honor.

Presiding Inspector: You claim that is the custom.

The Witness: Yes, that is the custom.

Presiding Inspector: That is your testimony: that that is the custom.

By Mr. Gladstein: [6487]

Q. Now, did you tell the Chief Engineer and

(Testimony of Maurice J. Cannalonga.)

the First Assistant on Saturday how long you were going to be gone? A. I don't believe I did.

Q. Did they ask you?

A. No, I don't believe they did, because I had previous like when I first went aboard in Seattle, I told them I wanted to go ashore for a while and I believe I went ashore in Tacoma the same way.

Q. Did you consider that you were available for duty on that ship during the couple of hours that you were ashore? A. No.

Mr. Myron: He has already testified to all this, your Honor.

Mr. Gladstein: I didn't ask him that.

Mr. Myron: What difference does it make?

Mr. Gladstein: It wasn't answered.

Mr. Grossman: He didn't answer.

The Witness: I did answer it. I said "No".

By Mr. Gladstein:

Q. Why did you claim that overtime in your work sheets?

A. Oh, for Christ's sake! I told you once——

Presiding Inspector: (Interposing) Well now, just tell him again.

A. (Continuing) ——that it has always been the custom on any ship where there is one electrician, the company [6488] doesn't expect a man to stay on that ship all the while it is in port for the 24 hours and every day that the ship is in port. They make leeways and the figure that, after all, a person is human and he likes to get ashore

(Testimony of Maurice J. Cannalonga.)

for an hour or so and providing he tells the proper ones that he is going to leave for a while, why, it is all right with the company. They just turn their head aside on it.

By Mr. Gladstein:

Q. Now, these hours on Saturday that you were not available for duty you charged overtime, did you not? A. Yes.

Q. Is that the custom?

A. Yes, sure it is the custom.

Q. The custom on ships belonging to the Maritime Commission? A. Yes.

Q. You know the Maritime Commission——

A. (Interposing) Yes, I know what you are trying to get at. You are trying to get that I swiped a couple of hours of overtime on the company. Is that what you are driving at?

Mr. Myron: I believe he testified that his day was over Saturday at noon.

Mr. Grossman: He is claiming overtime, Mr. Myron, for that. [6489]

Presiding Inspector: I don't know, I guess you have all there is to it.

By Mr. Gladstein:

Q. What happened on Sunday? Did you get permission to leave then? A. Yes.

Q. Who did you ask permission of?

A. Either the Chief or the First. I am hazy on it. I know I asked them.

Q. Where were they when you asked them?

(Testimony of Maurice J. Cannalonga.)

A. You see, the Chief's room was just one door down from mine.

Q. Well, did you go there?

A. I believe I did.

Q. Don't you know whether you asked permission?

A. If I didn't ask him permission he would have, no doubt, told me about it.

Q. Did he ever tell you about it?

A. No. So I must have asked him for permission.

Q. Do you have a distinct recollection of asking for permission? A. No.

Q. On Sunday? A. No.

Q. How about Saturday? [6490]

A. I am quite sure I did on Saturday.

Q. Now, where did you go to get permission on Saturday? A. The same place.

Q. What's "the same place"?

A. In the Chief's room.

Q. Who was there at the time?

A. I believe the Chief and the First Assistant and possibly one of the other engineers.

Q. And what were they doing?

A. Just sitting around talking.

Q. What time of the day was that?

A. I don't recall the time of the day.

Q. Well, was it morning or afternoon?

A. I don't remember that.

Q. What did you ask him?

(Testimony of Maurice J. Cannalonga.)

A. I assume that I asked him if it was all right with him if I went ashore for a while.

Q. Well, did you or didn't you ask him that?

A. It's like I made the first testimony on the stand here. There are a lot of things that is very vague. After all, I had been doing quite a bit of drinking and a lot of that stuff isn't clear in my memory.

Q. When on Saturday did you ask him, do you remember? A. I don't. [6491]

Mr. Myron: He has been over this over and over again.

Presiding Inspector: I think we have been over it three or four times.

Mr. Gladstein: No, Your Honor; not this.

Presiding Inspector: Well, we have had a general statement that he asked. Of course, you are pressing for very great details. It may be interesting to see how much he can remember.

By Mr. Gladstein:

Q. What was said to you when you asked for permission on Saturday to leave the ship?

A. I don't know.

Q. Don't you know whether they said "Yes" or "No"?

A. Well, if they didn't say—if they said "No", I would not have went ashore, and if they said "Yes" I went ashore.

Q. Do you know what they said?

A. No, I don't.

(Testimony of Maurice J. Cannalonga.)

Mr. Del Guercio: Well, that's at least six times, your Honor.

Presiding Inspector: I think it is pretty repetitious. Of course, it is implicit that they have to say something.

Mr. Gladstein: Excuse me, your Honor.

Presiding Inspector: I say it may have been implicit in the conversation.

By Mr. Gladstein: [6492]

Q. As a matter of fact, on that Saturday afternoon, Mr. Cannalonga, you left that ship and met Mr. Craycraft a little bit early on the street, didn't you?

Mr. Myron: At little bit early? What do you mean by "A little bit early"?

A. I don't know.

By Mr. Gladstein:

Q. You were supposed to meet him at a quarter of three, weren't you?

A. If I am not mistaken I was supposed to meet him some time in the afternoon.

Q. At a quarter of three so that you would then meet with me at three o'clock, isn't that correct?

Mr. Del Guercio: That has been gone over.

A. I don't remember the specific time.

Presiding Inspector: I know, but I will allow him to press him.

By Mr. Gladstein:

Q. What's the answer, please?

A. I don't remember the specific time.

(Testimony of Maurice J. Cannalonga.)

Q. As a matter of fact, you met Crayeraft on the street at about 2:25, didn't you? 2:25 or 2:30?

A. I don't know.

Mr. Del Guercio: That has been gone over.

By Mr. Gladstein:

Q. Do you know where you met him? [6493]

A. Yes. I have a recollection of meeting him outside the dock.

Q. Right out at Front Street, wasn't it?

A. Well, I don't know the name of the street out in the dock, in front of the dock.

Mr. Del Guercio: I will object to that. They pressed him on that this morning.

Presiding Inspector: Yes. I think this was covered.

By Mr. Gladstein:

Q. Didn't you and Crayeraft then go—withdraw that.

Where did you and Crayeraft go after you met?

Mr. Del Guercio: I will object to it also on the same ground, your Honor. We might as well start from the beginning again.

Presiding Inspector: I am not sure that that was covered, so I will allow it.

Mr. Gladstein: I know it was not, your Honor.

A. I believe we rode in a car and went up to the hotel. [6494]

By Mr. Gladstein:

Q. What car? A. His car.

Q. Crayeraft's? A. Yes.

Q. What kind of a car was it?

(Testimony of Maurice J. Cannalonga.)

A. I don't know the make of it.

Q. Well——

A. (Interposing) Well, I don't know whether it was his car or not.

Q. What kind of a car was it you rode in?

A. It was a—let me see—a sedan.

Q. Two door?

A. No, I couldn't say whether it was a two door or a four door sedan.

Q. Did you sit in the front seat with him?

A. Yes.

Q. Was it a new or an old car?

A. Well——

Mr. Myron: (Interposing) You mean what model or what year it was?

Mr. Gladstein: I mean exactly what I asked.

By Mr. Gladstein:

Q. Was it a new or an old car, Mr. Cannalonga?

A. I don't know.

Q. Was it a new car? [6495]

A. I don't know.

Mr. Del Guercio: He might as well ask him if it was a used car or a new car.

Presiding Inspector: I think the purpose is perfectly evident. I will allow it. I think it is a proper purpose, I mean, within his right.

A. I don't recollect whether it was a new car or an old one.

(Testimony of Maurice J. Cannalonga.)

By Mr. Gladstein:

Q. Where did you go after you got in the automobile?

A. Well, I remember we drove for quite a while, and I don't know how long we drove, or where we drove to.

Q. Where did you drive to?

A. Well, I remember——

Presiding Inspector: You mean the final place?

Mr. Gladstein: Yes.

Presiding Inspector: Where did you stop—after you had driven where did you stop, get out?

A. The next thing I remember was going in an elevator. There are only certainly things that——

By Mr. Gladstein:

Q. (Interposing) Didn't you go in a cafe before you went in the hotel elevator? A. No.

Q. Isn't there a cafe near the Clyde Hotel called the [6496] Virginia Cafe?

A. I believe we did go in a cafe.

Q. Didn't you have a cup of coffee in that cafe? A. Yes.

Q. Didn't you and Craycraft sit in that cafe and have coffee in order to kill time until 3:00 o'clock?

A. No, I don't remember about killing time. But, if I am not mistaken, I do recall that I had coffee, black coffee.

Q. With some ice in it?

A. Well, I don't know whether I had ice or not in it.

(Testimony of Maurice J. Cannalonga.)

Q. Do you do that once in a while?

A. Yes; that is a habit of mine.

Q. When the coffee is hot?

A. Regardless of whether it is hot or not, I always put ice in coffee.

Q. All right. Then you went up in an elevator?

A. Yeah.

Q. To the second floor, wasn't it?

A. I couldn't say what floor it was

Q. You went to a hotel room in that hotel?

A. Yeah.

Q. This was the Clyde Hotel, wasn't it?

A. I don't even know the name of the hotel.

Q. You testified yesterday it was the Clyde Hotel. [6497] Where did you get that name?

Mr. Myron: I think he was asked.

Mr. Gladstein: I am asking him.

By Mr. Gladstein:

Q. Where did you get that name?

A. Oh——

Mr. Del Guercio: (Interposing) You said he testified yesterday it was the Clyde Hotel. Did he testify yesterday it was the Clyde Hotel?

Mr. Gladstein: He did, your Honor.

Mrs. King: If your Honor please, all during the examination of this witness there has been an effort on the part of counsel for the Government, it seems to me, to protect him beyond——

Mr. Myron: (Interposing) There has been no such effort.

Mrs. King: (Continuing) ——beyond what is

(Testimony of Maurice J. Cannalonga.)

warranted, which has interrupted the examination rather more than has been customary with other witnesses.

Mr. Myron: We have a right to object to questions improperly put.

Presiding Inspector: I don't think there is any objection now.

Mrs. King: It isn't a question of objection.

Presiding Inspector: Counsel shouldn't suggest answers. Of course, I am not passing on that, but it shouldn't be done. [6498]

A. I believe later on Rosco mentioned it was the Clyde.

By Mr. Gladstein:

Q. When did he mention that to you?

A. Well, I don't know whether I saw the name on the hotel, or he had told me a couple of days later that it was the Clyde.

Q. Do you remember when, a couple of days later, he mentioned it was the Clyde? A. No.

Q. Do you remember where you were?

A. No, I don't.

Q Who knocked on the door, you or Crayeraft?

A. You got me. I don't know.

Q. One of you did? A. I believe so

Q Did I answer the door?

A. I think you did.

Q. And you and Crayeraft came into the room; didn't you? A. I believe; yes.

Q. There was nobody else in that room, was there? A. No.

(Testimony of Maurice J. Cannalonga.)

Q. And Crayeraft introduced you and me and we shook hands, isn't that correct? [6499]

A. Did we?

Q. I am asking you?

A. I don't recall shaking hands with you.

Q. Did he introduce you and me?

A. I suppose he did.

Q. Didn't he say, "Brother Cannalonga, this is Brother Gladstein"?

A. Not to my recollection.

Q. You don't remember that?

A. No, I don't.

Q. Now, do you remember sitting down in an arm chair in that room? A. No.

Q. Do you remember where you sat?

A. No. I suppose I did sit down

Q. You sat on a chair, didn't you?

A. I don't know if I sat down or not.

Q. You think you might have stood up?

A. I might have.

Q. Through the whole time that you were there?

A. No, no; I wouldn't have stood up the whole time I was there; naturally not

Q. You were there about an hour, weren't you?

A. I don't remember how long I was there.

Q. You didn't have any drinks while you were there, did you? [6500] A. No.

Q. Now, isn't it true that Roseo Crayeraft said that you had told him that your testimony in the Bridges case had been false? A. No.

Q. You are sure that didn't happen?

(Testimony of Maurice J. Cannalonga.)

A. Well, the way you put it—I am not sure what happened in that room. Like I said repeatedly, there was certain things that stood out, and others was foggy, and I could have said black and white. I don't know.

Q. Isn't it true that Craycraft said that you had told him, Craycraft, that the reason you had given false testimony in this case was because you had been threatened by the FBI with a Mann Act charge?

A. No; I don't ever recall him saying that.

Q. Do you deny that he said it?

A. Yes, to the best of my knowledge. He might have said it.

Q. Isn't it true that Craycraft then said that he had asked you whether you would be willing to tell me the entire story, as you had told it to him?

A No, I don't remember that.

Q. Do you mean you don't remember it, or do you deny that it was said?

Presiding Inspector: If he doesn't remember how can he [6501] deny it?

Mr. Gladstein: Of course, the witness has used various phrases——

Presiding Inspector: When you say—of course, this may call for what he actually remembers, or in light of the whole examination it may mean, could that have happened from the background, and it leaves him doubt, I think, as to that.

Mr. Gladstein: All right.

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: He says he has no recollection on the matter.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. Didn't Craycraft say that you had said you were willing to talk with me?

A. That I was willing to talk with you?

Q. Yes.

A. Well, I said that the previous Wednesday, but I don't recall saying that up in the hotel room.

Q. Didn't Craycraft say that up in the hotel room on Saturday?

A. No, I don't remember him saying that.

Q. Didn't Craycraft say that because you had told him you were willing to talk with me he had phoned me and I was there to hear what you had to say? A. No, I don't remember that.

[6502]

Q. Didn't I ask you to start at the beginning, using your own words, and tell me about the times you had seen the FBI agents? A. No.

Q. What is the answer?

A. I said, "No, I don't think so."

Q. When you say, "I don't think so," Mr. Cannalonga, do you mean that you don't remember?

A. It is like I said, could have said it, yes; but if I did say it I don't ever recall saying it.

Q. All right. Now, didn't you tell me and Mr. Craycraft that the first time you were contacted

(Testimony of Maurice J. Cannalonga.)

by the FBI was through a man named Mr. Boyd, of the Immigration Service, in October of 1940?

A. No, I don't believe I said that.

Q. What do you believe you said about that, if anything?

A. I don't know what I said about it.

Q. Didn't you say that you were in the Marine Firemen's hall at the time, just coming out of the Union hall? A. No.

Mr. Myron: What time is this, may I ask, your Honor?

By Mr. Gladstein:

Q. Do you understand the time I am talking about, the time the FBI agents first contacted you?

A. Well, that is in the previous statement that I had [6503] made.

Q. I will rephrase the question. We are in the Clyde Hotel now, Mr. Cannalonga, on Saturday afternoon. A. Uh huh.

Q. You are there, Mr. Craycraft was there, and I. Didn't you on that occasion, say that the first time you were contacted in connection with this proceeding by the FBI was indirectly through an Immigration man named Mr. Boyd, who caught you as you were coming out of the Marine Firemen's Hall on a day in October of last year?

A. No, no. That circumstance never happened.

[6504]

By Mr. Gladstein:

Q. Didn't Mr. Boyd get into contact with you

(Testimony of Maurice J. Cannalonga.)

in October of last year as you were in or leaving the Marine Firemen Hall.

A. Oh, no. No. I think you have got that twisted up with leaving the Out-Patient Station of the Marine Hospital. The United States Public Health Service Out-Patient Station, not the Firemen's Hall.

Q. Were you leaving the Out-Patient Station of the Marine Hospital in October of last year when Mr. Boyd contacted you?

A. I would have to have something to refresh my memory on that.

Q. What do you want to refresh your memory?

A. That previous deposition that I made when I was on the stand here on the 17th.

Presiding Inspector: What is your present recollection on the matter?

The Witness: I don't—to make the—I think it was down in Boyd's office, not in front of any union hall.

Presiding Inspector: You remember Boyd, do you?

The Witness: Yes.

By Mr. Gladstein:

Q. Do you remember Mr. Boyd?

A. Yes. [6505]

Q. You know he is from the Immigration Office?

A. Uh-huh (Affirmative).

Q. You knew that in 1940? A. Yes.

Q. You know he is sitting in the room here, don't you?

(Testimony of Maurice J. Cannalonga.)

Mr. Myron: I object to this line of questioning.

Presiding Inspector: I will allow it.

Mr. Del Guercio: Where is he sitting in the room?

Presiding Inspector: This tests his recollection.

Mr. Myron. He is testing his recollection in the Clyde Hotel. He says he doesn't recollect anything about Mr. Boyd in the Clyde Hotel.

Presiding Inspector: I know, but he said right after that that he thought that Mr. Gladstein had it confused with meeting him as he was leaving the Out-Patient Department of a hospital. Now, he is pressing him on that.

Mr. Myron: He said he couldn't have said that, regardless of the fact that he didn't recollect what he said, because it wasn't true, that he met him at such and such a place.

Presiding Inspector: He said he met him somewhere else.

Mr. Myron: That is right.

Presiding Inspector: That was only qualifiedly untrue because he did say he got in contact with him, but now he says, recollecting further, that he thinks when he met Mr. Boyd it [6506] was in the office of one of the departments. I think it is proper.

Mr. Del Guercio: Then Mr. Gladstein pointed out to the witness and stated to the witness that Mr. Boyd is in the room. Will you point him out, Mr. Gladstein?

(Testimony of Maurice J. Cannalonga.)

Mr. Gladstein: I don't know whether he is or not. I am asking whether he is.

Mr. Del Guercio: You told him he was in the room.

Presiding Inspector: He may have said that.

Mr. Reporter, will you read what Mr. Gladstein said?

(The portion of the record referred to was read by the reporter as follows:

"Q. You know he is sitting in the room here, don't you?")

Mr. Del Guercio: "You know that he is sitting in the room here, don't you?"

Presiding Inspector: That does imply that he is in the room.

Mr. Grossman: He doesn't happen to be, but we have a right to find out if this witness can identify him.

Presiding Inspector: Yes, but not to suggest to the witness that he is in the room and then ask him whether he is *nor* not.

Mr. Gladstein: I will withdraw the question.

By Mr. Gladstein:

Q. You know Mr. Boyd? There is no doubt about that? [6507] A. No.

Q. You knew him before the 1939 hearing, didn't you? A. '39?

Q. The 1939 hearing against Harry Bridges?

A. Yes.

Q. And you met him again in 1940, in October, didn't you? A. Yes.

(Testimony of Maurice J. Cannalonga.)

Q. He is the man who contacted you, isn't he?

A. Is he?

Q. Is he?

A. Now, your Honor, I'm getting all confused. We are up in the hotel room now.

Presiding Inspector: We have gone somewhere else now.

The Witness: We have gone somewhere else.

Presiding Inspector: Now, is he the man from the department who first, I suppose, on that occasion got into communication with you?

The Witness: Yes.

Presiding Inspector: He said "Yes".

By Mr. Gladstein:

Q. And where did he contact you?

Mr. Myron: Now, this is immaterial.

Presiding Inspector: I will allow it. I am not sure that it is immaterial. It may be. [6508]

A. I believe I contacted him down in his office.

Presiding Inspector: "In his office", he said.

By Mr. Gladstein:

Q. Whose office? A. Mr. Boyd's office.

Presiding Inspector: Speak up a little louder so that we can all hear.

By Mr. Gladstein:

Q. How did you happen to go there?

A. I believe there was a phone call asking me to go down there.

Q. Where did you get that phone call?

A. I think it was the union hall.

(Testimony of Maurice J. Cannalonga.)

Q. So you were contacted by Mr. Boyd through the union hall?

A. Yes, through the union hall.

Q. By telephone?

A. By telephone, leaving a message.

Q. Now, didn't you tell Mr. Craycraft and myself on that Saturday in the Clyde Hotel that Mr. Boyd took you up to the Immigration Station where Mr. Boyd told you that some FBI men were coming down and wanted to talk to you?

A. No, because it never happened that way.

Q. In what way did it happen?

A. I got a phone call to go down to the Immigration [6509] Office and I went down to Mr. Boyd's office at the Immigration Building, and while I was down there in the Immigration Building two of the FBI men came down.

Q. Did Mr. Boyd tell you before the FBI men came that they were coming down and wanted to have a talk with you?

A. I think he mentioned that the FBI men wanted to see me.

Q. Before they came? A. Yes.

Q. And then the FBI men came, is that right?

A. Yes.

Q. And then when they came they took you to the FBI Building?

A. Yes. That is all in the previous deposition.

Q. Didn't you tell me those things and Mr. Craycraft those things in the Hotel Clyde?

A. No.

(Testimony of Maurice J. Cannalonga.)

Q. Are you sure about that?

A. No. I'm not sure of anything I did up there.

Q. Didn't you say in the Clyde Hotel that the FBI men took you a building called the Vance Building on the corner of Third and Union?

A. No, I don't remember.

Q. Did they actually do that? [6510]

A. Well, as near as I can recall, after we left the Immigration Station, I was driving my own car and I parked it at the Four Stores Garage in Seattle and from there walked up to the FBI office, which was in the Vance Building, I think the ninth floor.

Q. Didn't you say in the Clyde Hotel that you went up to the ninth floor of the Vance Building and were with two FBI men by the name of Madala and Dickstein? A. No, I didn't say that.

Q. Is that what happened?

Presiding Inspector: What do you mean? Happened at the Clyde Hotel?

By Mr. Gladstein:

Q. Did it actually happen that you went up there to the ninth floor of the Vance Building and were with Mr. Madala and Mr. Dickstein?

A. No. When I got up to the Vance Building there was just Mr. Dickstein. We went in the building together and I went in one of the offices and then Mr. Madala showed up.

Q. That is, Mr. Madala showed up after you were up there with Mr. Dickstein: A. Yes.

Q. And then you met Mr. Madala afterwards?

(Testimony of Maurice J. Cannalonga.)

A. Yes.

Q. Didn't you tell us that on Saturday? [6511]

A. No.

Q. Didn't you say that on Sunday the following day in the lawyer's office? A. No.

Mr. Myron: He has answered all these questions. He says "No".

Mrs. King: It does seem to me that the Government continues to suggest things——

Mr. Myron: (Interposing) The Government will have to continue to object.

Mrs. King: It isn't a question of objecting. They didn't object to anything then.

Presiding Inspector: Let Mr. Gladstein go on. Ask the next question.

Mr. Gladstein: Was there an answer to the last question?

Presiding Inspector: I think he is entitled very fully to examine this witness as to what his recollection is of this interview in the Clyde Hotel.

Mr. Myron: I agree, your Honor, but I think he shouldn't reiterate the same questions over and over again.

Presiding Inspector: Well, he shouldn't. One answer is as good as a hundred, but that has been very largely forgotten in this hearing.

Mr. Grossman: If it is the same answer. [6512]

Mr. Gladstein: Was the question answered, Mr. Reporter?

The Reporter: Yes.

Mr. Gladstein: What was the question?

(Testimony of Maurice J. Cannalonga.)

(The question referred to was read by the reporter as above recorded.)

By Mr. Gladstein:

Q. Didn't you say on Saturday in the Clyde Hotel to Craycraft and myself that Madala and Dickstein began to question you regarding Bridges?

A. No, I don't believe I did.

Q. Didn't you say that you were with Madala and Bridges about an hour and a half or so? Excuse me. I withdraw that.

Didn't you say in the Clyde Hotel that you were with Madala and Dickstein about an hour and a half or two?

A. No, I don't believe I did.

Q. Didn't you say that you had a doctor's appointment that day at either one o'clock or three o'clock in the afternoon?

A. No, I don't think I did.

Q. Didn't you say that you were questioned by the FBI Agents for approximately two hours before that appointment with the doctor?

A. No, I don't think I did.

Q. Didn't you say that a general conversation took place during that two hours?

A. No, I don't believe I did. [6513]

Q. Didn't you say that the FBI Agents asked you a lot of questions about what you knew about Harry Bridges? A. I don't believe so.

Q. Didn't you say that you were asked by Madala and Dickstein whether you could prove whether Bridges was a Communist?

(Testimony of Maurice J. Cannalonga.)

A. I don't think so.

Q. Didn't you say that you were asked by Madala and Dickstein whether you could prove that Bridges was a Communist, and that you answered, "No", you couldn't prove that he was a Communist?

A. No, I never said anything like that.

Q. Didn't you say that Madala and Dickstein told you that they knew you had been a Communist?

A. No. I don't recall discussing either Madala or Dickstein with you—or Dickstine.

Q. Didn't you say that they wanted you to make a statement for them in which you were to say that Bridges was a Communist?

A. No, I don't think so. In fact, I know I wouldn't have said anything like that if I was sober.

Q. Why wouldn't you have said that if you were sober?

A. For the simple reason that it wouldn't be the truth.

Q. You mean that Mr. Madala and Mr. Dickstein never asked you to make a statement for them in which you were to [6514] say that Bridges was a Communist? A. No.

Q. They never did that?

A. No, not to make a statement that Bridges was a Communist.

Q. Didn't you say in the Clyde Hotel on that Saturday afternoon that Madala and Dickstein kept asking you questions as to whether you knew if Bridges was a Communist and that you kept denying that you had any such knowledge?

(Testimony of Maurice J. Cannalonga.)

A. No.

Q. You didn't say that? A. No.

Q. Isn't it true that that happened?

A. What's that again?

Q. Isn't it true that Madala and Dickstein did ask you such questions and that you did deny——

Presiding Inspector: (Interposing) Now you have left it.

Mr. Gladstein: I will withdraw it. I will withdraw the question.

By Mr. Gladstein:

Q. Didn't you say in the Clyde Hotel that Saturday afternoon that Madala and Dickstein had asked you whether you had ever attended Communist meetings with Bridges?

A. No, not in the hotel. [6515]

Q. You didn't say that? A. No.

Q. Are you sure that you didn't?

A. Well, I am not sure of anything that happened up there.

Q. You wouldn't have said it if you were sober?

Mr. Myron: Oh, now. Said it to whom?

Presiding Inspector: That is rather argumentative, isn't it?

Mr. Gladstein: All right. I will withdraw it.

By Mr. Gladstein:

Q. Isn't it a fact that Mr. Madala and Mr. Dickstein did ask you whether you had ever attended Communist meetings with Bridges?

A. Is this in the——

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: (Interposing) This is not in the Clyde Hotel, but when you had the conversation with Madala and Dickstein.

A. (Continuing) Oh, yes, yes.

By Mr. Gladstein:

Q. Isn't it true that you said in the Clyde Hotel that you had not been in any Communist meeting or meetings with Bridges?

A. No, I didn't say that.

Q. Isn't it true that in the Clyde Hotel you said that you had told Madala and Dickstein that you had been in [6516] meetings with Bridges where there were Communists and non-Communists?

A. No, I don't remember that.

Q. Did you say it or didn't you? A. No.

Q. Didn't you say in the Clyde Hotel that you explained to Mr. Madala and Mr. Dickstein the structure of the Communist Party, how it works with the rank and file and the progressive groups in the union? A. At the hotel?

Q. Yes.

A. No, I don't remember saying anything like that. No.

Q. Did you say it or not?

A. Well, I don't know.

Mr. Myron: He says he doesn't remember.

Presiding Inspector: I suppose that is all the way through. When he says "No" he means that he has no recollection of it.

The Witness: I can't say I did.

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: He doesn't vary from that statement, as I understand it.

The Witness: And it is like I say, at the time I had been drinking pretty heavy.

Presiding Inspector: I believe we have that all in mind. [6517] You needn't repeat that. We understand it quite fully.

The Witness: I would be just making a liar out of myself if I said "sure".

By Mr. Gladstein:

Q. Didn't you on that Saturday afternoon in the Clyde Hotel in the presence of Craycraft and myself say that you had given untrue testimony and had made untrue statements to the FBI?

A. Not to my recollection, no.

Q. Did you ever say that to Craycraft?

A. No.

Q. Did you say that on Wednesday, April 30th to him? A. No.

Q. Are you sure of that?

A. Yes, I am sure of that Wednesday. I was sober.

Presiding Inspector: Speak up so that we can hear you, Mr. Cannalonga.

The Witness: All right, sir.

Presiding Inspector: I told him to speak up.

[6518]

By Mr. Gladstein:

Q. Didn't you say in the Clyde Hotel that the reason you had given false statements to the FBI

(Testimony of Maurice J. Cannalonga.)

and because they were holding a 20 year sentence on a Mann Act charge over your head?

A. No.

Q. Did you ever say that to anybody?

A. No, I didn't.

Q. Did you say that to Craycraft on Wednesday, April 30th? A. No.

Mr. Gladstein: I am sorry about the delay but the pages of the transcript that I am reading contain so many objections that it is difficult to find the testimony of the witness and I wish to confront him with as nearly the exact testimony as I am able to find.

Presiding Inspector: That is all right.

By Mr. Gladstein:

Q. Didn't you, in the Clyde Hotel on that Saturday afternoon, say you had given false testimony on this witness stand? A. No.

Q. Didn't you tell that to Rosco Craycraft on Wednesday evening of April 30th?

A. No. [6519]

Mr. Del Guercio: I want to interpose an objection. We are going back now to what he told Craycraft on that Wednesday night, and we have certainly been over that.

Presiding Inspector. I don't think he has asked that particular question, has he?

Mr. Gladstein: I haven't.

Mr. Del Guercio: I assume he did. He asked everything that occurred on that Wednesday night.

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: He asked, refreshed his recollection, or claims to be refreshing his recollection, pressing him on a particular point, after having exhausted his recollection, and that is allowable.

Mr. Del Guercio: I may be mistaken.

Presiding Inspector: You may be right about that, but I don't recall it. He asked him quite fully about that conversation, there is no question about that.

Mr. Del Guercio: That is what I was basing my statement on.

By Mr. Gladstein:

Q. Didn't you say in the Clyde Hotel that Saturday afternoon that you left the FBI agents, Madala and Dickstein, on the occasion when you first saw them, in a cab for the doctor's office?

A. No, I don't recall saying that.

Q. Did you actually leave there, the FBI agents, in [6520] October of last year after your first interview with them, and take a cab and go to your doctor?

A. No; no; I walked to the doctor's because the doctor's office is just around the building from the —the Vance Building is on Third and Union and the doctor's office was on Fourth and University—just one block.

Q. Didn't you say in the Clyde Hotel that when you left the FBI agents on the occasion when you first saw them you had consistently denied that you

(Testimony of Maurice J. Cannalonga.)

had any knowledge or information to the effect that Bridges was a Communist?

A. No; I don't recall saying that at the Clyde Hotel.

Q. As a matter of fact, on the occasion when you first saw Mr. Madala and Mr. Dickstein in 1940, October of 1940, didn't you leave them on that first occasion, after having denied that you had any information or knowledge that Bridges was a Communist?

Presiding Inspector: I think that is a little objectionable. You mean, did he state that, did he make that statement?

Mr. Gladstein: Yes.

Presiding Inspector: You are asking if he left?

Mr. Gladstein: Excuse me.

Presiding Inspector: You put in a subordinate clause. I think you should ask him directly.

By Mr. Gladstein:

Q. At the first time when you met there with Mr. Madala [6521] and Mr. Dickstein didn't you say to them that you didn't know whether Bridges was a Communist or not? A. No.

Q. Did you tell them that you knew he was a Communist?

A. I told them that I thought that Bridges was a Communist.

Q. Did you tell them that you knew he was a Communist?

A. No, I didn't say—I just told you what I told them.

(Testimony of Maurice J. Cannalonga.)

Q. Did you tell them why you thought he was a Communist? A. I believe I did.

Q. What did you say?

A. That he had been following the Party line pretty close.

Q. What else?

A. And that it was generally known among the Party members that he was a member of the Party.

Q. What else?

A. But there was no way of proving that he was a member of the Communist Party because I hadn't seen his Party book or seen him pay dues into the Party.

Q. What else did you tell them?

A. I believe that is about all.

Q. That is all the things that you told them which were [6522] the reasons why you thought Bridges was a Communist?

Mr. Myron: On this first occasion?

Mr. Gladstein: On this first occasion.

A. The transcript covers it pretty well.

By Mr. Gladstein:

Q. I am asking you now, Mr. Cannalonga.

A. You would have to give me a little time to kind of——

Q. (Interposing) You take all the time you want.

A. Was that—that was covered by about four pages of that whole testimony.

Presiding Inspector: Never mind that. He is asking for your recollection as to everything you said to meet this question.

(Testimony of Maurice J. Cannalonga.)

By Mr. Gladstein:

Q. All the reasons, Mr. Cannalonga, that you gave to Madala and Dickstein the first time you saw them as to why you thought Bridges was a Communist, besides those you have given?

Mr. Del Guercio: I would like to interpose an objection right here—all of the reasons? That presupposes—that is what the witness may have in mind—he was asked the question, "What reasons do you have"?

Presiding Inspector: He has given some of them so I don't think there can be any mistake by the witness.

Mr. Myron: Those are the statements he made; not [6523] necessarily reasons.

Presiding Inspector: Statements of reasons.

By Mr. Gladstein:

Q. Have you now given, Mr. Cannalonga, all the statements that you are able to remember that you made to Madala and Dickstein the first time you saw them as to why you thought Bridges was a Communist—"Yes" or "No"?

A. Will you ask that question again?

Presiding Inspector: Read the question.

(The question referred to was read by the reporter as above recorded.)

A. Well, then there was a Frisco meeting here in a private home where I sat in a meeting with Bridges and Schneidermann, and a few others, and that was in the original statement.

(Testimony of Maurice J. Cannalonga.)

By Mr. Gladstein:

Q. Did you say that the first time you spoke to them—did you tell them that the first time you spoke to them, Madala and Dickstein?

A. Well, I would have to look at some of these statements——

Presiding Inspector: No—your recollection, He is asking about your recollection.

A. (Continuing) My recollection—you see, it might have been in the second statement I made.

By Mr. Gladstein:

Q. The first time you ever saw Madala and Dickstein, [6524] up in the Vance Building, you told them that you thought Bridges was a Communist, is that right? A. Yes.

Q. But you said you didn't think it could be proved, as far as seeing his Party book, or paying Party dues, is that right? A. Yes.

Mr. Myron: He already testified to that.

Mr. Gladstein: It is preliminary in a sense.

Presiding Inspector: That isn't quite what he said.

By Mr. Gladstein:

Q. Is it correct or not?

Mr. Myron: His testimony shows what he said.

Presiding Inspector: I think you must follow his testimony. He said he thought it couldn't be proved because he couldn't show his book.

By Mr. Gladstein:

Q. Is that what you meant? A. Yes.

(Testimony of Maurice J. Cannalonga.)

Q. And then when you said you thought Bridges was a Communist did they ask you what you based that on, did they ask you to tell them what you knew about Bridges? A. Yes.

Q. And then did you give them all these things you have just stated?

A. I believe I did. [6525]

Q. They did not suggest these things to you, did they? A. No.

Q. You told them all about these things voluntarily yourself? A. Yes.

Q. You told them about the meeting with Schneidermann and Bridges? A. Yes.

Q. You told them about all the party members knowing that Bridges was a Communist?

Mr. Del Guercio: I will interpose another objection. This was all gone into, and they had a very exhaustive cross examination on this matter at the time the witness was on the stand the last time.

Presiding Inspector: Isn't that so?

Mr. Del Guercio: It isn't fair to the witness or anyone else to go into the same matter again.

Presiding Inspector: This really isn't new matter, is it?

Mr. Grossman: We certainly have a right to go into it again, considering the circumstances. What Mr. Del Guercio means is that they haven't prepared him on this again. That is what he means.

(Testimony of Maurice J. Cannalonga.)

Mr. Del Guercio: That is not so at all. We don't have to follow those tactics. [6526]

Mr. Grossman: It is quite obvious that is the reason because——

Presiding Inspector: I think that is an improper statement. Perhaps you ought to be called upon to produce proof before we finish.

Mr. Del Guercio: Yes; and we demand it.

Mr. Grossman: We will produce it. I think we are tending to prove it now. I think, if you will look at the record, and find the number of objections, it is quite obvious that is the reason. Throughout the cross examination they object to every question and the reason is they are afraid to let this witness answer questions.

Presiding Inspector: I think that is a highly improper statement.

Mr. Grossman: It is true, your Honor.

Presiding Inspector: I think it is a highly improper statement.

Let's go on with the examination.

Mr. Gladstein: Is there a question unanswered?

Presiding Inspector: You can argue your case when you sum it up at the end. If you want to sum it up orally I will give you an opportunity; otherwise, in your written brief.

Go on, Mr. Gladstein.

Mr. Gladstein: Will you read the last question? [6527]

(The question referred to was read by the reporter as above recorded.)

(Testimony of Maurice J. Cannalonga.)

Mr. Del Guercio: Was there a ruling?

Presiding Inspector: I will allow it.

By Mr. Gladstein:

Q. Do you remember the question? A. No.

Mr. Gladstein: Will you read the question again?

(The question referred to was reread by the reporter as above recorded.)

A. Yes, I believe I did.

By Mr. Gladstein:

Q. You volunteered that and told them about it?

A. Yes.

Q. They didn't ask you about it first?

A. Oh, no.

Q. And you volunteered to them that it was generally well known that Bridges was a Party member, is that right? A. Yes.

Q. And they didn't try to force you to make any statements that were untrue, did they? A. No.

Q. And they didn't suggest to you that you had been at a meeting with Bridges?

A. No. [6528]

Q. They simply asked you to give them all the information you had against Bridges? A. Yes.

Q. And you voluntarily and freely told them everything you remembered? A. Yes.

Mr. Del Guercio: If that isn't repetition I don't know what is.

Presiding Inspector: I think it is.

(Testimony of Maurice J. Cannalonga.)

Mrs. King: If your Honor please——

Presiding Inspector: I think we have been all over this.

Mrs. King: It is not repetition. Whether it is repetition or not the answers to the questions are exactly—well, I don't want to go into that at this time, but it seems to me that the evidence that Mr. Gladstein is drawing from the witness at this time is extremely valuable and to cut us off at this time I think would be really to take away our rights.

Presiding Inspector: I think you have covered this.

Mr. Gladstein: My recollection is that the testimony now being given by this witness is almost directly contradictory to the testimony he gave the first time when he was on the stand.

Presiding Inspector: Can you show me the testimony?

Mr. Gladstein: Yes, I think so. [6529]

(The transcript referred to was passed to the Presiding Inspector.)

Mr. Del Guercio: What testimony are you referring to?

Presiding Inspector: Page 1085.

We will take a short recess.

(Whereupon a short recess was taken.)

Presiding Inspector: You did go all over this before.

Mr. Gladstein: In the first cross examination, yes.

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: I say, you did.

Mr. Gladstein: During the first cross examination.

Presiding Inspector: What right have you to go over it again?

Mr. Gladstein: I beg your pardon?

Presiding Inspector: What right have you to go over it again?

Mr. Gladstein: Well, if your Honor thinks I shouldn't ask——

Presiding Inspector (Interposing): You excused the man. You cross examined here. There are differences now, to be sure, but we can't retry this whole case. I will allow it as far as it has gone and I will let you have this. I think there was one further question, wasn't there?

Mr. Gladstein: Well, I don't remember whether there was.

Presiding Inspector: We can't go over the whole case. [6530]

Mr. Gladstein: But I can summarize that in the form of one question, if you will allow that.

Presiding Inspector: Yes.

Mr. Del Guercio: I think we have a right to recall every witness who testified against Bridges——

Presiding Inspector (Interposing): I have expressed my view, Mr. Del Guercio, that we can't retry the whole case.

Mr. Gladstein: You said I could ask one more question?

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: Yes, you may. We have covered this subject pretty nearly fully. It is all in the record. We had better allow this one more question.

By Mr. Gladstein:

Q. Mr. Cannalonga, the first time you were with Mr. Madala and Mr. Dickstein, the FBI Agents, is this what happened? Did they ask you about what you knew about Bridges being a Communist? And did you tell them freely and voluntarily that you had been in a meeting with Bridges and Schneidermann and that you had been to a Communist fraction meeting at the Gowman Hotel and that Party members generally knew that Bridges was a Communist, and those other things which were contained in the statements?

Mr. Myron: Now, that has been answered.

Presiding Inspector: Right. But I will allow it. It sums up the testimony.

Mr. Myron: It has been answered. [6531]

Presiding Inspector: Yes, I think so. But he wants to sum up the whole matter and get an answer. I will allow the question.

The Witness: It is kind of confusing, it is so long. I can't keep up with him.

Presiding Inspector: Read it to him.

(The question referred to was read by the reporter as above recorded.)

A. Yes.

(Testimony of Maurice J. Cannalonga.)

By Mr. Gladstein:

Q. Now, coming back to the Clyde Hotel on that Saturday afternoon didn't you say to Mr. Crayeraft and to me that Madala and Dickstein had told you the first time that you were with them that they wanted you to come back the following morning?

A. No, I don't remember telling you that.

Q. Didn't you say that Madala and Dickstein had told you not to try to run away because the FBI was a big organization? A. No.

Q. You didn't say that?

A. No, I don't recall saying that.

Presiding Inspector: I don't understand that his answers, the answers that this witness is giving, are that he remembers it and can say that he didn't. His answer is "No. I answered it in the negative because I have no recollection".

Mr. Grossman: Well, your Honor, what are we to say, then, [6532] with reference to answers he gives where he doesn't say "I don't recall" but merely says "No".

Presiding Inspector: What?

Mr. Grossman: Are we able to distinguish between answers that he gives as "No" and——

Presiding Inspector (Interposing): I don't know. The whole subject is obscure in the way the questions are put and the way they are answered.

(Testimony of Maurice J. Cannalonga.)

Mr. Grossman: This was begun by Mr. Del Guercio because Mr. Del Guercio went through certain questions. He got a "No" answer, which on the record looks as if this witness remembers that he didn't say it. Now, in answer to almost the same questions as to these things being said we now get a "No, I don't remember". What I want to know is this: Are we going to interpret the "No" differently from the "No, I don't remember"?

Presiding Inspector: I don't know.

Mr. Grossman: If not, or, if so, are we going to interpret it any differently when he says "I am positive"?

Presiding Inspector: I am going to say that I don't know.

Mr. Grossman: In other words, we are going to either take the position that none of it is to be trusted because he didn't remember. That would knock out the answers that Mr. Del Guercio got.

[6533]

Mr. Del Guercio: As I sit here I note that they tell half-truths every speech that they make. My questions were "Do you recall? Were these things?" or "Do you recall that they were said at that time", referring to the conversation in the hotel. Why, counsel had to deliberately in all of the statements that he made——

Presiding Inspector (Interposing): I don't think that we should have recriminations one side to the other.

Mr. Grossman: This is not a one-sided charge.

(Testimony of Maurice J. Cannalonga.)

I am prepared right here and now to give Mr. Del Guercio the pages, because I have examined the transcript with that in mind, of questions that were not "Do you remember?" but "Did this take place?". And the answer was "No". And if Mr. Del Guercio wants a test on that I will give him the pages and show that this is not a half-truth. It is the full truth. If that is an issue I will prove it.

Presiding Inspector: Well, wait until the testimony is evaluated on this matter.

Mr. Grossman: All right. I can prove it.

Presiding Inspector: But you go on, Mr. Gladstein, with your examination.

Mr. Gladstein: All right, your Honor.

By Mr. Gladstein:

Q. That Saturday afternoon, that afternoon in the Clyde Hotel, Mr. Cannalonga, didn't you tell Mr. Craycraft and me about the second time that you saw the FBI Agents? [6534]

The Witness: What was that again?

Mr. Gladstein: Read it.

(The question referred to was read by the reporter as above recorded.)

A. No.

By Mr. Gladstein:

Q. Didn't you say in the Clyde Hotel that the second time you saw the FBI Agents they wanted you to sign a statement to the effect that you had seen Harry Bridges pay dues in the Communist Party? A. No.

(Testimony of Maurice J. Cannalonga.)

Q. Didn't you say in the Clyde Hotel that you refused to sign such a statement? A. No.

Q. Didn't you say in the Clyde Hotel that Saturday that the FBI Agents on this second occasion when they met you wanted to know whether you had ever been in meetings with William Schneidermann? A. No.

Q. Didn't you say in the Clyde Hotel that you had told the FBI Agents that you had been in meetings with William Schneidermann?

The Witness: Will you read that?

Presiding Inspector: Did you say this in the Clyde Hotel: That you had been in meetings with William Schneidermann? [6535]

A. No, no, not in the hotel.

By Mr. Gladstein:

Q. Did you say in the Clyde Hotel that the FBI Agents on this second occasion when they saw you wanted to know if you had been in meetings with Harry Bridges?

A. No, I don't recall saying that.

Q. Didn't you say in the Clyde Hotel that you told the FBI Agent you had been in meetings with Harry Bridges?

A. No, I don't recall that—saying that in the hotel.

Q. Didn't you say in the Clyde Hotel that the FBI Agents on this second occasion wanted to know whether you had been in meetings with Schneidermann and Bridges present at the same time?

A. No, I don't recall that.

(Testimony of Maurice J. Cannalonga.)

Q. Didn't you say in the Clyde Hotel that you told the FBI Agents that, while you had been in meetings with Harry Bridges and meetings with Schneidermann, you had never been in any meetings with the two of them there at the same time?

A. No, I don't recall saying that.

Q. Didn't you say in the Clyde Hotel that the FBI Agents told you that they wanted you to sign a statement to the effect that you had been in meetings with Schneidermann and Bridges at the same time, although you had already told them that you had not been in such meetings? [6536]

A. No, I don't recall that.

Q. Didn't you say in the Clyde Hotel that you told Madala and Dickstein on this second occasion that you would refuse to sign any statement to the effect that you had been in meetings with Schneidermann and Bridges present at the same time because such a statement would be false?

A. No.

Q. Didn't you say in the Clyde Hotel that after you refused to sign a statement for Madala and Dickstein one of them asked you what had become of the girl you picked up in Reno? A. No.

Q. You didn't say that in the Clyde Hotel?

A. No.

Q. Are you sure of it?

Mr. Del Guercio: Now, if the Court please, certainly that is objectionable.

Presiding Inspector: No, I will allow it.

A. Well, it's like I told you, Mr. Gladstein, when I first come on the stand. I gave a brief out-

(Testimony of Maurice J. Cannalonga.)

line of what had happened to the best of my recollection up at that hotel and it seemed to me like you and what's his name, both of you seemed to be bringing up this point about the Mann Act. Now, I don't know where you people ever got the idea and it seems like all through this, to me, it looks like that I am trying to [6537] be made out as a pimp.

By Mr. Gladstein:

Q. Are you sure that you didn't say that in the Clyde Hotel? A. I'm quite sure.

Q. Didn't you say in the Clyde Hotel that when the FBI Agent mentioned this girl you said "What girl"? and denied that you knew any girl or had picked up any girl?

A. No, I don't recall saying that.

Q. Didn't you say in the Clyde Hotel that the FBI Agent said "You know the girl we are talking about"? A. No.

Q. Didn't you say in the Clyde Hotel that the FBI Agent mentioned the name of the girl?

A. No, I don't recall that.

Q. Didn't you say in the Clyde Hotel that the FBI Agent told you at what places you stopped with the girl? A. No.

Q. Didn't you say at the Clyde Hotel that the FBI Agent described your itinerary from Nevada to California to Oregon to Washington? A. No.

Q. Didn't they tell you the name of the girl?

A. No. How could they tell me the name of the girl when I was never involved in any Mann Act?

Q. Didn't you tell the name of the girl to Craycraft? [6538]

(Testimony of Maurice J. Cannalonga.)

A. I don't recall telling Crayeraft the name of any girl.

Q. Didn't you give the name of Duval to Crayeraft? A. No.

Q. Have you ever mentioned that name to him?

A. No.

Q. Do you know a girl by that name?

A. No, I don't.

Q. Have you ever? A. No, I never.

Q. Didn't you tell Crayeraft on Wednesday, April 30th that the FBI Agent told you that that was the girl that you had taken through these various states?

A. Is this in the hotel now or back——

Q. Do you want to hear the question again?

A. Please. We are in the hotel one minute and back and forth.

Presiding Inspector: No. We are somewhere else now.

The Witness: I want to make sure where we are at.

Presiding Inspector: We are back on the ship.

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: That is now on the ship.

The Witness: No, I never did. [6539]

By Mr. Gladstein:

Q. Didn't I ask you in the Clyde Hotel, in the presence of Crayeraft and yourself, whether the

(Testimony of Maurice J. Cannalonga.)

FBI agents, on this second occasion that they saw you and talked to you about this girl, had you cold?

A. No, I don't remember that.

Q. Didn't you nod your head to say "yes" in answer to that question?

A. I don't remember nodding my head either.

Q. Didn't you say in the Clyde Hotel that after a discussion with the FBI agents concerning this girl that the FBI agents then went back to questioning you about Bridges? A. No.

Q. Didn't you say in the Clyde Hotel that you continued to tell the FBI agents that you knew nothing about Harry Bridges' membership in the Communist Party and that you had never attended any Communist Party meetings with him?

A. No.

Q. Didn't you state in the Clyde Hotel——

Mr. Del Guercio (Interposing): Just a minute. I think at this time that the record should show that counsel is looking at a transcript of Crayeraft's testimony—I assume it is—although he was present at that hotel at that time.

Presiding Inspector: That doesn't make any difference. This testimony is in through the oath of Crayeraft, and he is [6540] negativing this so as to cover the contradictory statements which Crayeraft testified that the witness made. I think it is proper. Probably it should have been before the testimony of Crayeraft and Shoemaker, but——

Mr. Del Guercio (Interposing): I don't remember Crayeraft mentioning the name of any girl.

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: I think that is so; but perhaps that will come out later.

Mr. Gladstein: It will.

Presiding Inspector: It doesn't make any difference whether Mr. Craycraft stated—this is your witness and this is cross examination to lay a basis for contradiction. Now, in the exigencies of this hearing we have allowed contradiction in large part to come in first, because Mr. Cannalonga was not for a time produceable.

Mr. Del Guercio: I thought I should note it because it is unusual.

Presiding Inspector: You are quite right.

Mr. Gladstein: I think I should note my feeling that the statement of Mr. Del Guercio was not intended as the basis of an objection, but it was intended merely to convey to the witness something Mr. Del Guercio felt he wanted the witness to know.

Presiding Inspector: No, that is not intended. That doesn't advance anything.

Ask the next question. [6541]

By Mr. Gladstein:

Q. Didn't you say in the Clyde Hotel that the FBI agents then went back and started again to try to get you to sign a statement to the effect that you had been in a Communist Party meeting with Bridges? A. No.

Q. Didn't you say in the Clyde Hotel——

Presiding Inspector: What?

The Witness: I said "No".

(Testimony of Maurice J. Cannalonga.)

By Mr. Gladstein:

Q. (Continuing): ——you told the FBI agents that you had never been at such meetings with Bridges and you could not sign such a statement?

A. No.

Q. Didn't you say in the Clyde Hotel that the FBI agents then told you to return the following day? A. No.

Q. Didn't you say in the Clyde Hotel that you did return the following day and saw Mr. Madala and Dickstein? A. No; I don't recall it.

Q. Didn't you say that the FBI agents, on the third occasion that you saw them, had a prepared typewritten statement for you to sign?

A. No. I am quite sure I didn't say that for the simple reason that, if I am not mistaken, the third statement was [6542] written in pen and ink.

Q. I am talking about the third time you saw them, Mr. Cannalonga, and not the third statement. Do you understand?

A. I understand what you mean now.

Q. All right. With that understanding, did you say that in the Clyde Hotel or not?

A. No, I don't think I did.

Q. Did you say in the Clyde Hotel that you refused to sign the statement because it contained falsehoods? A. No, I don't believe so.

Q. Did you say in the Clyde Hotel that one of the FBI agents then turned to the other and asked, "How much will he get under the Mann Act?"

A. I don't think so.

(Testimony of Maurice J. Cannalonga.)

Q. Did you say in the Clyde Hotel that the two FBI agents, on this third occasion when you saw them, computed your imprisonment on charges under the Mann Act at probably 20 years?

A. No, I don't think so.

Q. You didn't say that?

A. I don't think so.

Q. Did you say in the Clyde Hotel that after this discussion of 20 years imprisonment the FBI agents handed this typewritten statement to you to sign?

A. No, I don't think I did. [6543]

Q. Didn't you say in the Clyde Hotel that you then signed a statement that the FBI agents gave you? A. I don't think I did.

Q. Didn't you say that you went through the statement and made some unimportant notations or corrections? A. No, I don't think I did.

Q. Did I ask you in the Clyde Hotel whether the second statement that you signed for the FBI was also prepared in advance by the FBI?

A. I don't believe you did.

Q. Did you tell me that the second statement was prepared in advance by the FBI before you signed it? A. I don't think so.

Q. Did I ask you whether the second statement also contained false statements?

A. I don't think so.

Q. Did you tell me that the second statement that you signed for the FBI also contained false statements? A. I don't believe so.

(Testimony of Maurice J. Cannalonga.)

Q. Did I ask you whether the third statement signed by you for the FBI was also prepared in advance by the FBI agents?

Mr. Del Guercio: "Signed by you for the FBI?"

Presiding Inspector: I didn't hear that.

Mr. Gladstein: I will ask that the question be read and [6544] if it is ambiguous I will rephrase it.

(The question referred to was read by the reporter as above recorded.)

Mr. Del Guercio: "Signed by you for the FBI."

Presiding Inspector: That is just his manner of speech.

A. I don't think so.

By Mr. Gladstein:

Q. Did you say to me that it was prepared in advance by the FBI? A. I don't believe so.

Q. Did I ask you whether the third statement was in your handwriting? A. I don't think so.

Q. Did you tell me that it was not in your handwriting? A. I don't believe so.

Q. Did I ask you whether the third statement also contained falsehoods?

A. I don't believe so.

Q. Did you say that the third statement did contain falsehoods? A. I don't think so.

Q. Do you remember anything about what was discussed in the Clyde Hotel that afternoon?

A. That I said previous on the stand this morning, I [6545] remember that incident, one incident, in regard to the Mann Act.

(Testimony of Maurice J. Cannalonga.)

Q. What was the discussion on that?

Mr. Del Guercio: We have been all over that.

Mr. Gladstein: I haven't come to this meeting at all, your Honor.

Presiding Inspector: What?

The Witness: Yes, your Honor, I answered that about three times this morning.

Mr. Gladstein: On direct; not on cross, that I know of.

Mr. Myron: He answer it very recently this afternoon.

Presiding Inspector: He has asked about specific statements this afternoon.

Mr. Gladstein: Yes; about specific. Now, I would like——

Presiding Inspector: Ask him what he does remember.

Mr. Gladstein: That is what he does remember.

Presiding Inspector: I will allow it. Go ahead. You have given the answer to Mr. Del Guercio. Mr. Gladstein has a right to re-ask the question.

By Mr. Gladstein:

Q. This is on Saturday afternoon at the Clyde Hotel—do you have that in mind? A. Yes.

Q. How much do you recollect about that—or what was [6546] said?

The Witness: Your Honor, it is like I said this morning, I had been drinking and I got up to the Clyde Hotel, and I remember the incident where somebody brought up in regards to the Mann Act, and I told them that they were crazy, words to

(Testimony of Maurice J. Cannalonga.)

that effect; that I couldn't possibly be involved in it.

Then another incident I recall was in regards, I believe it was Craycraft or Gladstein, at the time had stated that they had the backing of John L. Lewis, and Murray, and the CIO, and that they had financial backing, as well as physical backing.

I think I got in an argument with Craycraft about this "physical backing" and told him if he wanted to work me over he could right then and there.

There was mention of—I believe they mentioned Schneidermann and Bridges. The rest of the time up there—that is about all I can recall just now.

By Mr. Gladstein:

Q. Was anything said about your having given false testimony?

A. No; I don't recall anything about false statements or testimony.

Q. Was anything said about your having given false statements to the FBI?

A. No; I don't recall that. [6547]

Q. All right; what was said about the Mann Act?

A. Well, like I said, I didn't pay much attention to it because I knew that the thing was all haywire.

Q. What was said about it?

Mr. Myron: He has already given that.

(Testimony of Maurice J. Cannalonga.)

A. Like I told you, either you or Mr. Craycraft mentioned the Mann Act.

By Mr. Gladstein:

Q. What was said when we mentioned it?

A. Oh, something about the FBI putting the pressure on me—words to that effect.

Q. How was it said—you don't mean that somebody just got up and said "Mann Act?"

A. I don't recall exactly the words. I have a faint recollection of the Mann Act being mentioned.

Q. In what way was it mentioned?

Mr. Del Guercio: That is what the witness has said for the last——

Presiding Inspector: He just said that he has a faint recollection of a charge being made, that the FBI had used an accusation of a violation of the Mann Act. That is what he said; as I understood it. I haven't phrased it in his words.

By Mr. Gladstein:

Q. Is there anything else that you remember that was said by anybody concerning the Mann Act?

A. No. [6548]

Q. That is all?

A. Yes; I believe that is all.

Q. What was said about the backing of the CIO?

A. Well, just the way I just told you.

Q. Well, what was said, who said it, and in what way?

Mr. Myron: He testified to that a few minutes ago.

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: I think he has testified it was Craycraft. A. Craycraft.

Presiding Inspector: He said they had the backing of these gentlemen whom he has named, and that they had physical and financial backing.

Mr. Myron: Yes.

By Mr. Gladstein:

Q. In what way was that raised, Mr. Cannalonga?

A. I don't recall how it was raised. It is like I say, most of that stuff is not clear and there are certain incidents that I happens to remember.

Q. That is all you remember about the backing of the CIO? A. I believe it is.

Q. What was said there in connection with that argument, where you said to Craycraft something about working you over?

A. That followed right after, if I am not mistaken—I can picture it now—it was why I remember it—right after [6549] he said that I was getting hostile and told him if he wanted he could start working me over.

Q. You say who got hostile?

A. I did. I said, "If you want to work me over you can start."

Q. What made you hostile?

Mr. Del Guercio: He just got through stating, if your Honor please, that it was what Craycraft said.

Presiding Inspector: I think that is true.

(Testimony of Maurice J. Cannalonga.)

By Mr. Gladstein:

Q. What happened, Mr. Cannalonga, that made you feel hostile?

A. After he got through making that statement about—what got my goat was in regard to when he mentioned the physical backing.

Q. What did you understand by that?

A. Well, just like anything else—physical backing—you know the definition of physical backing.

Q. What did you understand by it when Mr. Crayeraft said it? A. Just what I said.

Q. What?

A. At the time I told him, if he wanted to work me over to go ahead and start working me over.

Q. Now, in spite of that hostility that you felt to Crayeraft that Saturday afternoon, you met him again on [6550] Sunday morning, on Sunday night, on Monday morning, and on Monday night, didn't you? A. Yes.

Q. What was said that Saturday afternoon about Schneidermann and Bridges—withdraw that.

Have you given all the testimony that you can remember, all the statements or discussions that you can remember regarding working you over?

A. Yeah.

Q. And all the incidents connected with it, you have given everything you remember about that?

A. I think I have.

Q. You can't remember anything else?

A. No.

(Testimony of Maurice J. Cannalonga.)

Q. What was said about Schneidermann and Bridges that afternoon?

A. I don't recall what was said.

Q. Do you recall anything at all about Schneidermann and Bridges being talked about that afternoon? A. No, I don't believe I do.

Q. What makes you think it was discussed?

A. I don't even know whether it was discussed or not. You claim it was.

Q. How long did the discussion take about that Mann Act—how long were we talking about it?

[6551]

A. I don't know.

Q. Was it a short time? A. I don't know.

Q. Don't you know whether it was one minute or half an hour?

A. No, I couldn't say; I don't know.

Q. Now, Mr. Cannalonga, the next day, on Sunday, beginning about noon—that would be Sunday, May 4, 1941— didn't you go up to the Guardian Building in Portland, Oregon, with Rosco Craycraft and me, and go into the office of an attorney by the name of William P. Lord, who was there, together with a shorthand reporter by the name of Ray D. Shoemaker?

A. No. I recall riding in an elevator in some office building, and then I recall leaving, recall being out in the hallway and in a wash room, and Craycraft asked me to go back in, and I went back in, and you was mentioning something about a

(Testimony of Maurice J. Cannalonga.)

Mann Act, and I said, "What are you trying to pull?"

I then walked out and went into the hallway, and Craycraft asked me to go back again, and I said "Nothing doing. I won't go back."

And I left the building and went back aboard ship. [6552]

Q. Weren't you in Mr. Lord's office seated in a chair, for example, where you are now while I was seated behind the desk in a swivel chair, with Mr. Shoemaker, the Court Reporter, on the other side of the desk taking shorthand notes, Mr. Lord, the attorney, sitting about where the Judge is in relation to you, and Mr. Craycraft sitting over against the wall away from the shorthand reporter?

A. No, I don't.

Q. "I don't" what? A. I don't recall.

Q. Didn't Mr. Lord ask you to raise your right hand? A. No.

Q. Didn't you raise your right hand?

A. I don't remember that.

Q. Didn't Mr. Lord administer an oath like this: "Do you solemnly swear to tell the truth, the whole truth and nothing but the truth in the testimony you are going to give?"

A. No, I don't remember that.

Q. Did he say any words like that at all?

A. I don't even remember him.

Q. Didn't you say to him "I do"?

A. No, I don't remember that.

Q. Didn't I ask you, Mr. Cannalonga,——

(Testimony of Maurice J. Cannalonga.)

Mr. Del Guercio: (Interposing) Are you reading from a Government Exhibit, an Exhibit there in the record?

Mr. Gladstein: No. I am reading from a copy. [6553]

Presiding Inspector: Are you going all through that?

Mr. Gladstein: No, we haven't touched it with this witness at all.

Presiding Inspector: I say, Are you going all through it?

Mr. Gladstein: Yes. I think it is necessary.

Presiding Inspector: He already said he didn't have any recollection.

Mr. Gladstein: I understand that, your Honor.

Mr. Grossman: He said that about the hotel meeting, too.

Presiding Inspector: I know, and I let you go all through it.

Mr. Grossman: He also said that he didn't recall anything.

Presidiing Inspector: I don't think he said he didn't remember anything. He said he remembered some things.

Mr. Gladstein: Perhaps the cross will develop that he remembers some things.

Presiding Inspector: We will stay here tonight until you finish it.

Mr. Gladstein: I will ask that the reporter get the original so that there won't be any question.

(Testimony of Maurice J. Cannalonga.)

(The original referred to was passed to Mr. Gladstein.)

The Witness: Don't you think we should have a recess?

Presiding Inspector: No. I think we are getting along [6554] all right.

By Mr. Gladstein:

Q. Didn't I ask you, Mr. Cannalonga, "Mr. Cannalonga, you were recently a witness in the Harry Bridges Deportation Case, were you not?"

A. Is this supposed to happen up——

Q. (Interposing) You just put your mind on what happened up in Mr. Lord's office on that Sunday morning. Did I ask you that question?

Mr. Del Guercio: He is entitled to know what you are reading from there.

Presiding Inspector: He is going to find out.

A. No, I don't believe you did.

Q. Did you answer "Yes" to that question?

A. I don't remember.

Presiding Inspector: He will speak louder, I think, if you will stand a little further away.

By Mr. Gladstein:

Q. Did I ask you——

Presiding Inspector: Now, speak up.

The Witness: Yes, sir.

By Mr. Gladstein:

Q. (Continuing) ——"Yesterday, in my room in the Clyde Hotel in Portland, you and Mr. Rosco

(Testimony of Maurice J. Cannalonga.)

Craycraft came into my room at about 3:00 o'clock, is that correct?

A. I don't believe you asked me that. [6555]

Q. Didn't you answer "Yes, sir."?

A. I don't think so.

Q. Didn't I ask you "And at that time Mr. Craycraft introduced you to me, did he not?"?

A. I don't believe so.

Q. Didn't you answer "Yes."?

A. I don't remember.

Q. Didn't I ask you "Then a conversation took place between the three of us, is that correct?"?

A. I don't remember.

Q. Didn't you answer "Yes:"?

A. I don't remember.

Q. Didn't I ask you "Now, I want to ask you some questions concerning that conversation, and I want to ask you to repeat the statements you made to both Mr. Craycraft and to me at that time. First of all, will you state in your own words the circumstances under which you were first contacted to give a statement to the FBI in the Bridges Case?"? A. I don't remember.

Q. Didn't you answer "I want to get this straight."? A. I don't remember.

Q. Didn't I ask you "Tell me where and who and what happened."? A. I don't remember.

Q. Didn't you answer "Well, I was contacted through the immigration."? [6556]

A. I don't remember.

(Testimony of Maurice J. Cannalonga.)

Q. Didn't I ask you "Immigration department?"? A. I don't remember.

Q. Didn't you answer "That lawyer in the immigration department."?

A. I don't remember.

Q. Didn't I ask you "He is a man by the name of Mr. Boyd?"? A. I don't remember.

Q. Didn't you answer "Boyd. That is it."?

A. I don't remember.

Q. Didn't I ask you "Where did he contact you?"? A. I don't remember.

Q. Didn't you answer it "Thrugh the marine firemen's hall."? A. I don't remember.

Q. Didn't I ask you "That is the union hall?"?

A. I don't remember.

Q. Didn't you answer "Yes."?

A. I don't remember.

Q. Didn't I ask you "When was that?"?

A. I don't remember that.

Q. Didn't you answer "I don't remember the date."? A. I don't remember.

Q. Didn't I ask you "The month?"?

A. No, I don't recall that. [6557]

Q. Didn't you answer "I don't even remember the month."? A. No, I don't remember.

Q. Didn't I ask you "Yesterday I think you told me it was sometime in October of last year. Would that be about right?"?

A. I don't remember.

Q. Didn't you then take a pocket-book from

(Testimony of Maurice J. Cannalonga.)

your pocket and look at a card and answer "Yes; in October."? A. I don't remember.

Q. Didn't I ask you "In October of last year?"?

A. I don't remember.

Q. Didn't you answer "Yes."?

A. I don't remember.

Q. Didn't I ask you "What happened?"?

A. I don't remember.

Q. Didn't you answer "Well, I went down to the immigration station and Boyd told me that the FBI men were coming down and they wanted to talk to me. Then from there we went out to the FBI building."? A. I don't remember.

Q. Didn't I ask you "Do you remember where that was?"? A. I don't remember.

Q. Didn't you answer "The Vance building, on the corner of Third avenue and Union."?

A. I don't remember. [6558]

Q. Didn't I ask you "In what city?"?

A. I don't remember.

Q. Didn't you answer "Seattle. And I think it is the 9th floor. And went up to the 9the floor and met a fellow by the name of Madala and——", at which point you paused? Did you give that answer? A. I don't remember.

Q. Did I ask you "Yesterday you said Dickstein."? A. I don't remember.

Q. Did you answer "And Dickstein."?

A. I don't remember.

Q. Did I ask you "Is that correct?"?

A. I don't remember.

(Testimony of Maurice J. Cannalonga.)

Q. Did you answer "Correct. Madala and Dickstein."? A. I don't remember.

Q. Did I ask you "What happened?"?

A. I don't remember.

Q. Did you answer "Well, they started questioning me in regard to Bridges, for an hour and a half."? A. I don't remember.

Q. Did I ask you "What time did the questioning begin?"? A. I don't remember.

Q. Did you answer "Oh, let's see."?

A. I don't remember.

Q. Did I ask you "This is what you told me yesterday: you said that you had a doctor's appointment at either 1:00 [6559] or 3:00 o'clock in the afternoon."? A. I don't remember.

Q. Didn't you answer "Yes. That is it."?

A. I don't remember.

Q. Didn't I ask you "And that the questioning by the FBI Agents took place for a period of approximately two hours before that appointment time with the doctor,"?

A. I don't remember.

Q. Didn't you answer "That is it."?

A. I don't remember.

Q. Didn't I ask you "Is that what happened?"?

A. I don't remember.

Q. Didn't you answer "Yes."?

A. I don't remember.

Q. Didn't I ask you "During that two hours what took place?"? A. I don't remember.

(Testimony of Maurice J. Cannalonga.)

Q. Didn't you answer "Well, just a general conversation."?

A. I don't remember.

Q. Didn't I ask you "Did they ask you a lot of questions about what you knew about Harry Bridges?"?

A. I don't remember.

Q. Didn't you answer "Yes."?

A. I don't remember.

Q. Did they ask you whether you could prove —withdraw [6560] that.

Did I ask you this: "Did they ask you whether you could prove that Bridges was a Communist?"?

A. I don't remember.

Q. Didn't you answer "Yes; they asked me that, and then I answered that, no, I couldn't prove that he was a Communist."?

A. I don't remember.

Q. Didn't I ask you this: "Did they tell you that they knew that you had been a Communist?"?

A. I don't remember.

Q. Didn't you answer "Yes."?

A. I don't remember.

Q. Didn't I ask "Did they tell you that you should make a statement for them in which you were to say that Bridges was a Communist?"?

A. I don't remember.

Q. Didn't you answer "Not that first time. You see, all during this time they never came out the way you said it."?

A. I don't remember.

Q. Didn't I ask you "Then let me ask you this question: is it correct that on this first occasion they kept asking you questions as to whether you

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knew that Bridges was a Communist and you denied that you had any such knowledge?"?

A. I don't remember.

Q. Didn't you answer "Yes."? [6561]

A. I don't remember.

Q. Didn't I ask you "Is that correct?"?

A. I don't remember.

Q. Didn't you answer "Yes."?

A. I don't remember.

Q. Didn't I ask "That was what happened?"?

A. I don't remember.

Q. Didn't you answer "Yes."?

A. I don't remember.

Q. Didn't I ask "Did they also ask you whether you had ever attended Communist meetings with Bridges?"? A. I don't remember.

Q. Didn't you answer "Yes, they asked me that."? A. I don't remember.

Q. Did I ask you this: "What did you reply to those questions?"? A. I don't remember.

Q. Didn't you answer "I told them, no; that I had been in meetings with him where there were Communists and non-Communists, and then I explained the party structure, how it works with the rank-and-file, and the progressive groups in the union."? A. I don't remember.

Q. Didn't I ask you this: "Now, at the end of that first day, you told me yesterday that they sent you in a taxicab to the doctor?"? [6562]

A. I don't remember.

Q. Didn't you answer "Yes."?

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A. I don't remember.

Q. Didn't I ask "Is that what happened?"?

A. I don't remember.

Q. Didn't you answer "Yes, that is correct. I went to the doctor in a taxicab."?

A. I don't remember.

Q. Didn't I ask you "Before you went to the doctor, did they tell you that they wanted to see you again?"? A. I don't remember.

Q. Didn't you answer as follows: "Yes; they made an appointment for the next day. You see, the reason why I was going to the doctor, when I was on the branch I threw my hip out of joint up in Alaska, and I had been quite a while on a ship before I could get to a doctor; and I went to a doctor in Juneau and he didn't take no x-ray pictures and he just figured I had this sciatic rheumatism; and so when I got down to Seattle they had an ambulance waiting for me. They had to *pick* me off the ship. And so they drove me,—well, it wasn't an ambulance,—it was a Public Health Service car there. And so they took me up to the U. S. Marine hospital in Seattle. That is the U. S. Public Health Service. And I went in there, and I was in there, —I don't quite recall—but I have got the hospital discharge. You see, when you go into the Marine hospital they give you a discharge when you come out, the [6563] length of time you were in the hospital. And I asked to be released so I could go to a private doctor. And so I went down and saw Bogle, Bogle & Gates. I believe they handle all

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the insurance and accident insurance; and so they sent me up to Dr. Buckner."?

Did you give that answer?

A. I don't remember.

Q. Now, did you throw your hip out of joint up in Alaska? A. Yes.

Q. When you were on the branch there?

A. Yes.

Q. Had you been for quite a while on the ship before you could get to a doctor?

Presiding Inspector: Have you been over this?

The Witness: We have.

Mr. Gladstein: No.

Presiding Inspector: Are you sure about that?

Mr. Gladstein: I am pretty sure, your Honor.

Mr. Myron: I am sure we have.

Presiding Inspector: I rather thought we had.

Mrs. King: If your Honor please, we went over the fact of the doctor.

Presiding Inspector: We have been over it to-day, this [6564] afternoon.

Mrs. King: Only as to the name of the doctor, but not as to——

Presiding Inspector: (Interposing) Oh, no. About his getting off at some queer-named place.

The Witness: Ketchican.

Mrs. King: That had to do with pills and where he had them made up.

Presiding Inspector: I know, but that covers the whole matter.

(Testimony of Maurice J. Cannalonga.)

Mrs. King: There were certain details in this statement that were not in the other statement and as to the length of time on the ship.

By Mr. Gladstein:

Q. I will ask you—put it this way: You just heard the answer which I read, Mr. Cannalonga, which you say you don't remember.

A. Is this what happened up in the office or is this another instance now?

Q. I am asking you whether you made that statement, gave that answer up in the lawyer's office.

A. And I told you I didn't remember.

Q. And you say you don't remember. You heard me read the statement. Is that statement a truthful one? A. No. [6565]

Q. Where is it wrong?

A. For one thing, when I threw my hip out I was only about six hours from Juneau, from the doctor in Juneau. So I wasn't any great length of time with my hip out of joint on the ship. You see, they took a tender to a place called "Takoo".

Q. How long was it before you could get to a doctor? A. Oh, about six or eight hours.

Q. And that was a doctor in Juneau?

A. Yes, the Public Health doctor.

Q. Did he take X-Rays? A. No.

Q. He thought you had sciatic rheumatism, didn't he??

A. Well, he knew something was wrong with me.

Q. When you got back to Seattle were you able

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to navigate by yourself off that ship or did they pick you up in some kind of a car?

A. I walked down to a car, yes.

Q. What kind of a car?

A. A Public Health car.

Q. Sort of an ambulance, wasn't it?

A. Yes.

Q. And they took you in that to the United States Marine hospital?

A. Uh-huh (Affirmative).

Mr. Myron: It simply takes up time. [6566]

Presiding Inspector: But it isn't going to take any time to speak of.

By Mr. Gladstein:

Q. A Public Health Service car?

A. Yes, a Public Health Service car. That is the Marine hospital.

Q. And you finally got a discharge from there?

A. I stayed there, or, I think it was just about a week.

Q. You wanted to go to a private doctor?

A. Well, they wasn't doing anything for this hip of mine, so I asked them to discharge me and then from there I went to Bogle, Bogle & Gates. You have to see them before you go to a private doctor. And, well, they sent me to a bone specialist, a fellow by the name of Doctor Buckner, and he took the X-Rays. He took the X-Ray pictures and told me to come back the following day. And this was in the morning, and after he had seen the X-Ray pictures he got ahold of me and told me to go right up to

(Testimony of Maurice J. Cannalonga.)

the Providence hospital as my hip was out of joint. And he wanted to,—I believe he called it "manipulate" that same day. And I remember talking to him. And so I says "O.K., I will be up there about one o'clock".

So I got a suit of pajamas and shaving gear and so forth and I went up there that day, and that night about five o'clock they injected something in my vein and put me to [6567] sleep, and I woke up about an hour or so afterwards on this mattress with a bunch of boards under it, and I stayed there, oh, possibly a week or more. And after I left there I was taking treatments from him. He would inject, oh, some sort of medicine in my veins for the hip as it was still sore.

Q. Before you went to the hospital, after you talked to Dr. Buckner, did you go home and get yourself some pajamas and shaving gear and stuff?

A. No. I didn't go home. I called up the house.

Q. And had it brought to you? A. Yes.

Q. But you took that stuff along with you when you went down to the hospital? A. Yes.

Presiding Inspector: He just stated that he did.

By Mr. Gladstein:

Q. Now, up at the lawyer's office on that Sunday, May the 4th——

A. (Interposing): We are up in the office now?

Q. Yes, we are up the office again.

A. O.K. I just want to get it clear now.

Q. After this answer that I read to you about Bogle, Bogle & Gates did I ask you this question:

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"This all took place before the first time you saw the FBI?"? A. I don't remember.

Q. Did you answer "Oh, yes."?

A. I don't remember. [6568]

Q. Did I ask you this question: "Did Dr. Buckner proceed to give you treatments?"?

A. I don't remember.

Q. Did you answer "Well, Dr. Buckner examined me that day, and it was on a Thursday, and he told me to come back the next day, that he would have his X-Rays all finished and everything. And so, in the meantime I had gone down to Bogle, Bogle & Gates, and they told me that Dr. Buckner, —the next day,—on Friday,—they said he wanted to see me right away; and so I called him up,—that was about 9:00 or 10:00 o'clock in the morning,— I called him up and he says, 'You go right up to the Providence hospital,' and I says, 'What for?' and he says, 'Well, we have to manipulate you.' I says, 'What the hell is manipulating?' So he explained it that my hip had been out of joint and that he wanted me to get up there right away, because that afternoon he was going to put me under ether and,—well, it is not ether, either; it is a new stuff they shoot in your veins that makes you go to sleep. And so then I argued with him. I told him, I said, 'Hell! You acted like I was faking, so I will be up there at 1:00 o'clock in the afternoon. I have to go home and get some clothes and stuff.' And so he says, 'You make sure to be up there.' And so I

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went home and got a couple of suits of pajamas and shaving gear and stuff."?

Did you give that answer? [6569]

A. I don't remember.

Q. Did I ask you this question: "Did you go into the hospital?"? A. I don't remember.

Q. Did you answer "Then I come back and I went to the hospital."? A. I don't remember.

Q. Did I ask you, "How long were you in the hospital?"? A. I don't remember.

Q. Did you answer "I think I was in the hospital a couple of weeks."? A. I don't remember.

Q. Did I ask you this question: "During all the time you were under treatment by Dr. Buckner?"?

A. I don't remember.

Q. Did you answer "Yes. And after I left the hospital I started taking treatments again from Dr. Buckner."? A. I don't remember.

Q. Did I ask you "What kind of treatments?"?

A. I don't remember.

Q. Did you answer "Well, he was giving me shots."? A. I don't remember.

Q. Did I ask you "Shots of what?"?

A. I don't remember.

Q. Did you answer "I don't know."? [6570]

A. I don't remember.

Q. Did I ask you "Was he also prescribing pills of any kind?"? A. I don't remember.

Q. Did you answer "No. I had a box of pills that I got up at the Marine hospital. And in Juneau,—the doctor in Juneau gave me a prescrip-

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tion, and I got, I think, a hundred of these,—oh, what the devil do you call them?—a sleeping pill. You take one or two and go to sleep, but if you take four it makes you higher than a kite"?

A. I don't remember.

Q. Did I ask you "Nembuthal?"?

A. I don't remember.

Q. Did you answer "Nembuthal."?

A. I don't remember.

Q. Did I ask you "That is the name you mentioned to me a while ago, isn't it?"?

A. I don't remember.

Q. Didn't you answer "Yes. Nembuthal. These names are pretty hard."?

A. I don't remember.

Q. Did I ask you this: "Were you taking any more pills just before you saw the FBI Agents for the first time?"? A. I don't remember.

Q. Did you answer "Yes."? [6571]

A. I dont' remember.

Q. Did I ask you "How many pills at a time were you taking?"? A. I don't remember.

Q. Did you answer "I was taking four pills at a time."? A. I don't remember.

Q. Did I ask you "How many times a day were you taking these pills?"?

Q. Did you answer "Oh, well, I was taking them four or five times a day, so I was all hopped up all the time."? A. I don't remember.

Q. Did I ask you "Was this to relieve the pain from your hip?"? A. I don't remember?

Q. Did you answer "Yes. I think, if I am not

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mistaken, Dr. Buckner prescribed some of these pills, too."? A. I don't remember.

Q. Did I ask you this: "Let's go back for a minute to the first time you spoke to Mr. Madala and Mr. Dickstein, the FBI Agents. That conversation was in their office in the Vance Building"?

A. I don't remember.

Q. Did you answer "Yes."?

A. I don't remember. [6572]

Q. Did I ask you:

"And they told you to come back the next day?"

A. I don't remember.

Q. Did you answer:

"Yes." A. I don't remember.

Q. Did I ask you:

"At what time?" A. I don't remember.

Q. Did you answer:

"I believe it was in the morning."

A. I don't remember.

Q. Did I ask you:

"Did you come back the next day?"

A. I don't remember.

Q. Did you answer:

"I did." A. I don't remember.

Q. Did I ask you:

"What happened?" A. I don't remember.

Q. Did you answer:

"We were there a while and I,—well, I couldn't sit down very well. The hip bothered me. And so they asked me was my hip bothering me and I said, 'Yes,' and they suggested [6573] that we go

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up to the hotel room in the Roosevelt hotel in Seattle, and so we rode up to the room in a taxi up to the Roosevelt Hotel, and we went up in their room. And that was on the 10th or 11th floor. Quite a ways up in the elevator."

A. I don't remember.

Q. Did I ask you:

"What happened when you got into the room?"

A. I don't remember.

Q. Did you answer:

"Well, I got in the room and they had—I believe—yes, they did have a statement already typewritten out, and so"——

Did you give that answer?

A. I don't remember.

Q. Did I ask you:

"What did they want you to do with the statement?"

A. I don't remember.

Q. Did you answer:

"Well, they wanted me to sign it."

A. I don't remember.

Q. Did I ask you:

"Yesterday you told me that on this second day when the FBI agents saw you they told you that they wanted you to sign a statement in which you were to say that you had seen Harry Bridges pay his Communist Party dues. Did they do that?"

A. I don't remember. [6574]

Q. Did you answer:

"Yes. They mentioned that. And then I told them that I had never seen no party book—never seen

(Testimony of Maurice J. Cannalonga.)

Harry Bridges in a party book, or ever paid party dues."

A. I don't remember.

Q. Did I ask you:

"Did you read the statement, or did they read it to you? The statement that they had prepared?"

A. I don't remember.

Q. Did you answer:

"Well, to tell you—the statement was already typed, so I glanced through it. And they asked me, 'Now, are there any mistakes?' And so I found some words misspelled and a few errors, and they told me to initial,—to make corrections and put my initials on each line where I made a correction."

A. I don't remember.

Q. Did I ask you:

"Before that happened, you told me yesterday that they asked you whether you had been in meetings with William Schneidermann?"

A. I don't remember.

Q. Did you answer: "Yes."

A. I don't remember.

Q. Did I ask you: [6575]

"What did you tell them?"

A. I don't remember.

Q. Did you answer:

"Yes, I told them I had met Schneidermann."

A. I don't remember.

Q. Did I ask you:

"You also told me they asked you whether you had been in meetings with Bridges?"

A. I don't remember.

(Testimony of Maurice J. Cannalonga.)

We are still in this office?

Q. Yes, still in the office.

Did you answer:

"Yes; they asked me that, too, and I said, yes, I had been at meetings with Bridges, and then they asked me if there was any Communist meeting I had been with Harry Bridges, and I told them that I had been—the meetings I had been with him, there was Communists in the meeting, such as myself, and there were non-Communists, and all the meetings were pertaining to—referred to the making up of agreements at the time. We were meeting at the shipowners of the waterfront unions, and, you see, we were meeting as a group, and that the sailors were going to try to break away at the time."

Did you give that answer?

A. I don't remember.

Q. Did I ask you this: [6576]

"Yesterday you told me that Mr. Madala and Mr. Dickstein asked you whether you had ever been in a meeting where Schneidermann and Bridges were present at the same time, and that you told them you never had." A. I don't remember.

Q. Did you answer:

"Yes." A. I don't remember.

Q. Did I ask you:

"Is that what happened?"

A. I don't remember.

Q. Did you answer:

"Yes; that is right." A. I don't remember.

Q. Did I ask you:

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"And that was a truthful answer to their question?" A. I don't remember.

Q. Did you answer:

"Yes. And as I told them, I had been—I was taking in quite a few meetings at the time—both Communists and non-Communist meetings—and that I couldn't remember that I ever had been in a meeting where both Schneidermann and Bridges were there. Which is correct. I hadn't."

A. I don't remember.

Q. Did I ask you this question:

"But the statement that you signed for the FBI agents [6577] contains a statement to the effect that you had sat in a meeting with Schneidermann and Bridges. That was untrue?"

A. I don't remember.

Q. Did you answer:

"Yes; but that isn't correct."

A. I don't remember.

Q. Did I ask you:

"They had prepared that in the statement for you?" A. I don't remember.

Q. Did you answer:

"Yes; and I never noticed it when I"——

A. I don't remember.

Q. Did I ask you:

"When you read it?"

A. I don't remember.

Q. Did you answer:

"Yes. You see, I want you to understand this, too. You see, when I read these statements I was

(Testimony of Maurice J. Cannalonga.)

gowd up. If you don't know what gowd up is,—I was taking these pills pretty heavy. I was in pretty bad shape. And so instead of using them for sleeping pills, if you double the dose it makes everything rosy then."

Did you give that answer?

A. I don't remember.

Q. Did I ask you:

"So you signed the prepared statement they had for you?" [6578] A. I don't remember.

Q. Did you answer:

"Yes." A. I don't remember.

Q. Did I ask you:

"And it contained statements that weren't true, is that right?" A. I don't remember.

Q. Did you answer:

"Correct." A. I don't remember.

Q. Did I ask you:

"Later on they had you sign two more statements, isn't that true?" A. I don't remember.

Q. Did you answer:

"Correct." A. I don't remember.

Q. Didn't I ask you:

"Were those also prepared statements which were prepared by them in advance?"

A. I don't recall.

Q. Did you answer:

"Yes." A. I don't remember. [6579]

Q. Didn't I ask you:

"Did those two statements also contain untrue statements?" A. I don't remember.

(Testimony of Maurice J. Cannalonga.)

Q. Didn't you answer:

"They did." A. I don't remember.

Q. Is the reason that you don't remember any of this your claim that you were drunk?

A. What is that again? I don't even remember being up in that office.

Q. You were so drunk you don't even remember being up in that office, is that right?

A. That is correct.

Q. Is that correct? A. Yes.

Q. Did I ask you:

"Did those two statements also contain untrue statements?" A. I don't remember.

Q. Did you answer:

"They did." A. I don't remember.

Q. Did I ask you:

"And they had you sign those also?"

A. I don't remember.

Q. Did you answer:

"Yes." [6580] A. I don't remember.

Q. Did I ask you:

"Why did you sign all of these statements which they had prepared for you when you knew that those statements contained false statements?"

A. I don't remember.

Q. Did you answer:

"Why?" A. I don't remember.

Q. Did I ask you:

"You knew and they knew, when you were signing those statements, that those statements contained falsehoods, isn't that true?"

(Testimony of Maurice J. Cannalonga.)

A. I don't remember.

Q. Didn't you answer:

"Yes." A. I don't remember.

Q. Didn't I ask you:

"You told me yesterday that you were compelled to sign those statements even though you knew they contained falsehoods. Is that right?"

A. I don't remember.

Q. Isn't it true that you sat there and didn't answer that? A. I don't remember.

Q. Didn't I ask you: [6581]

"You didn't sign those voluntarily and freely when you knew they were untrue, did you?"

A. I don't remember.

Mr. Del Guercio: Do I understand counsel is reading matters that were not permitted, not read before?

Mr. Gladstein: No.

Presiding Inspector: He is getting down close to it though, I think.

By Mr. Gladstein:

Q. Did you hear the last question?

A. Yes.

Q. You don't remember that? A. No.

Q. Didn't you sit there and refuse to answer that question? A. I don't remember.

Q. Didn't I ask you:

"Let me ask you this: Isn't it true that you signed those statements because you felt under compulsion to do it even though you knew the statements were untrue?" A. I don't remember.

(Testimony of Maurice J. Cannalonga.)

Q. Didn't you sit there and not answer?

A. I don't remember.

Q. Didn't I ask you this:

"Isn't that what you told me yesterday, and isn't that the [6582] truth? I want you to answer only the truth, and nothing else. Isn't it true that before you signed even the first statement you were under compulsion to do it, and they knew it?"

A. I don't remember.

Q. Didn't you sit there and not answer that question?" A. I don't remember.

Q. Didn't I ask you:

"Didn't you tell me that yesterday?"

A. I don't remember.

Q. Didn't you sit there and not answer?

A. I don't remember.

Q. Didn't I ask:

"Please answer. Didn't you tell me that?"

A. I don't remember.

Q. Didn't you sit there and not answer?

A. I don't remember.

Q. Didn't I ask you:

"Didn't you tell me that yesterday?"

A. I don't remember.

Q. Didn't you sit there and not answer?

A. I don't remember.

Q. Didn't I ask you:

"You did tell me that, didn't you, and it was true when you told me, wasn't it? Why do you object to answering it now? [6583] Don't you want to answer the question?" A. I don't remember.

(Testimony of Maurice J. Cannalonga.)

Q. Didn't you sit there and not answer that question? A. I don't remember.

Q. Didn't I ask you this:

"Well, I will ask you this question: You can answer it or not, as you see fit. Yesterday in my room in the hotel, in front of Rosco Craycraft, you told me that you were forced by the FBI agents to sign all those three statements? Didn't you tell me that?" A. I don't remember.

Q. And didn't you sit there and not answer that question? A. I don't remember.

Q. Didn't I ask you this:

"Didn't you tell me yesterday, in front of Rosco Craycraft that the FBI agents forced you to sign the first statement through threats?"

A. I don't remember.

Q. Didn't you sit there and not answer that?"

A. I don't remember. Was I awake at the time in an office?

Q. Do you recall now whether you were awake or asleep?

A. No. I don't even recall being in any office. Keep reading the questions. [6584]

Presiding Inspector: Go ahead.

Mr. Del Guercio: He is asking you if you know —you were there.

Presiding Inspector: Go ahead.

By Mr. Gladstein:

Q. Didn't I ask you this question:

"Why don't you want to answer? If there is a question that is asked, there is an answer to it. It is

(Testimony of Maurice J. Cannalonga.)

either 'yes' or 'no' or whatever the answer may be. There is a truthful answer. That is the only answer I want to the question. Yesterday you made certain statements to me. These statements were made freely and voluntarily by you. I ask you now to repeat those statements. I am asking you questions for the purpose of bringing out those statements that you made to me. You told me that those statements were the truth. Why don't you answer the questions now? Is it because you are afraid of the FBI?" A. I don't remember.

Q. Didn't you answer:

"Off the record." A. I don't remember.

Q. Didn't your ask to go off the record on that question? A. I don't remember.

Q. Didn't you want to engage in discussion outside of this record at that time?

A. I don't remember. [6585]

Q. Didn't I ask you:

"Do you want to answer that? 'Yes' or 'No'. Don't you want to answer?"

A. I don't remember.

Q. Didn't you sit there and not answer?

A. I don't remember.

Q. Didn't I ask you this question:

"I don't care whether you ever sign this deposition or not. All I want is an answer to the question, and the answer I want is the truth, and nothing else. Don't you want to answer the question?" A. I don't remember.

Q. Didn't you sit there and not answer?

A. I don't remember.

(Testimony of Maurice J. Cannalonga.)

Q. Didn't I ask you this:

"Since you indicate that you don't, I have no alternative except to summarize in a question form and put it to you directly. Yesterday, in my hotel room, you told Rosco Craycraft and me that when the FBI agents asked what you knew about Bridges and whether you knew he was a Communist, and so on, you kept telling them that you didn't have any information against Bridges in any way. You told them that you hadn't been in any Communist meetings with him. You told them that you had never been in a meeting with William Schneidermann and Bridges present at the same time. And despite that, the [6586] FBI agents prepared a typewritten statement for you to sign in which there is a statement that you had sat in a meeting with Schneidermann and Bridges, and you signed it. You told me yesterday that when you refused to make false statements to the FBI agents, they started to ask you certain questions. Do you remember telling me that?"

A. I don't remember.

Q. Didn't you at that point——

Mr. Myron: (Interposing) I didn't get the last question.

Presiding Inspector: The question was whether this occurred, whether Mr. Gladstein did say that.

By Mr. Gladstein:

Q. Didn't you at that point get up and leave the room and return in about three minutes?

(Testimony of Maurice J. Cannalonga.)

A. I remember leaving a room and going into a toilet. And when I got in that toilet I threw up a little. I came out, and I think it was Rosco Craycraft that was waiting out in the hallway and asked me to go back, and when I went back—go ahead.

Q. When you went back what happened?

A. You read it.

Q. You tell me what happened?

A. I am telling you what happened when I went out in the hallway.

Q. You tell me what happened when you came back from the [6587] hallway?

A. What happened when I came back?

Q. Yes.

A. Well, I remember feeling pretty sick, and I went back and Craycraft asked me to go back, and I went back in, and I noticed that there was yourself and two other fellows in the room, and I think you started to ask a question again, and I turned around and walked out. Craycraft came out in the hallway with me and asked me to go back in again and I says, "No." I told him, "What are you trying to pull?" And the I went back aboard ship.

Q. Where did you make this statement, "What are you trying to pull?"—In the hallway to Mr. Craycraft? A. Yes.

Q. After you had left the office?

A. I believe so. I don't quite recall whether

(Testimony of Maurice J. Cannalonga.)

it was in the office or in the hallway. I do remember making that statement and walking out.

Q. As a matter of fact, when you came back—withdraw that. As a matter of fact, you asked to leave the room because you wanted to urinate, isn't that true?

A. No. I don't remember that. I remember leaving that office, like I told you, and I went to this toilet, on the floor there.

Q. Did you go alone? [6588]

A. No. I think Crayeraft — they keep those locked—I think he came out and opened the lock for me, opened the door.

Q. Did you tell anybody you wanted to go to the toilet? A. What?

Q. Did you tell anybody that you wanted to go to the toilet?

A. I don't remember telling anybody.

Q. You just walked out of the room?

A. Yes. That is all I remember, leaving the room, and going out in the hallway.

Q. Then what happened?

A. That is like I told you twice now.

Presiding Inspector: I think he has told about that. Go ahead. Ask the next question.

By Mr. Gladstein:

Q. To whom did you express the desire to go to the toilet, anybody? A. No.

Q. You just went to the toilet yourself?

A. I don't remember how I wanted to go to the

(Testimony of Maurice J. Cannalonga.)

toilet, but I do remember after I heaved I felt a lot better.

Q. Where did you heave?

A. In the toilet.

Q. Were you alone? [6589]

A. I believe I was.

Q. Didn't you come back in that room, and didn't I ask you:

"Before you go I want to finish asking you a question. If you don't want to answer it, it is up to you. Will you please sit down so I can ask the question?"

A. I don't recall sitting down.

Q. Didn't you answer me as follows:

"I can answer here."

A. Read that again.

Q. Do you recall my asking you this question:

"Before you go I want to finish asking you a question. If you don't want to answer it, it is up to you. Will you please sit down so I can ask the question?" A. I don't recall it.

Q. Do you recall that you were standing up in the back of the office at that time?

A. No. I recall coming back and standing by the door a while, and I was starting to feel sick again and then I left.

Q. Now, don't you remember that you had a discussion with Mr. Lord at that time?

A. No, I don't.

Q. Don't you remember that Mr. Lord asked

(Testimony of Maurice J. Cannalonga.)

whether there was something that you wanted to discuss with a lawyer? [6590] A. No.

Q. Don't you remember that Mr. Lord said, in substance, to you "If you have got something on your chest that you want to get off, if you have any fears about it, go and get yourself a good lawyer?"

A. No, I don't recall.

Q. Didn't he tell you that?

A. No, I don't recall that he did.

Q. Do you remember anybody coming in the office at all during that time? A. No.

Q. Didn't a lady come in the office?

A. No, I don't believe so.

Q. Didn't Mr. Lord's wife come into the office and ask how long he was going to be?

A. No; I don't remember.

Q. While you were sitting down in a chair?

A. No; I don't remember.

Q. Didn't I ask you:

"Yesterday you told Mr. Craycraft and me that when you told the FBI that you didn't know anything against Bridges and that you refused to sign false statements for them, Mr. Madala and Mr. Dickstein asked you what had become—wait a minute"—

And then you left the room? A. No.

[6591]

Q. Didn't that happen?

A. I don't remember that.

Mr. Gladstein: Shall we adjourn?

Presiding Inspector: No; let's go on.

(Testimony of Maurice J. Cannalonga.)

By Mr. Gladstein:

Q. Now, Mr. Cannalonga, do you believe that you said any of those things in the lawyer's office on that Sunday morning?

Mr. Myron: I object to that question, your Honor.

Presiding Inspector: How is that material?

Mr. Grossman: Your Honor, in referring to the Clyde Hotel meeting there were some distinctions in the testimony. That is what we discussed before. There were some distinctions in the answers of Mr. Cannalonga. In some of them he said merely he didn't remember. As to others he said "No, I am positive not." Now, I think we are absolutely permitted if he will say more than "I don't remember." It is possible for him to say "I believe" on the basis of some other information.

Presiding Inspector: Well, we have been all over the other information.

Mr. Grossman: No, we haven't on this. We haven't asked him whether he believed——

Presiding Inspector: (Interposing) Oh, well, we have been all over the fact in this matter. Now, what difference [6592] does it make whether he says he might have said it or not.

Mr. Grossman: On some of these he might say he didn't say them.

Presiding Inspector: We can't go all over that. It would merely be repetition. It would call for the facts and you have been over the facts. All

(Testimony of Maurice J. Cannalonga.)

you are making here is laying a basis for contradictory statements. That is all this testimony is for, I suppose.

Mr. Grossman: If your Honor will remember, with reference to the Clyde Hotel meeting——

Presiding Inspector: (Interposing) Oh, I know.

Mr. Grossman: (Continuing) ——in many of the questions the answer was either "no" or "I don't believe so", and we were permitted to ask further questions to confirm it in some of those cases.

Presiding Inspector: Because I didn't remember in those cases or there was no objection. One or two questions I allowed. We had gone so far I thought we might as well have the whole statement. But you had been over it. You had had every opportunity to cross examine him on the facts. I don't see that his belief is material now.

Mr. Grossman: All right, your Honor.

By Mr. Gladstein:

Q. Now, Mr. Cannalonga——

Presiding Inspector: Because I don't think it would bring [6593] out anything new, Mr. Grossman.

Mr. Grossman: Unless he will say "I am positive that I didn't say that."

Presiding Inspector: He hasn't said that in any way through this.

Mr. Grossman: He might. Suppose he were asked this question—he did with reference to one. Suppose he were asked this question: "Is there any

(Testimony of Maurice J. Cannalonga.)

question here or any answer that you are positive was not asked or not given?"

Presiding Inspector: He wouldn't do it from his recollection because he says he has no recollection.

Mr. Grossman: He has some recollection of this meeting. He has indicated he recalls leaving, he recalls saying something.

Presiding Inspector: Yes. He has some recollection when he walked out. Now you want to go back and review this on the basis of the facts.

Mr. Grossman: Without asking specific questions, though, just saying——

Presiding Inspector: (Interposing) I don't see how that is material. It seems to me it is going over it again.

Mr. Grossman: All right.

By Mr. Gladstein:

Q. Mr. Cannalonga, the Chief Engineer, you say, knew that you were drunk on Saturday?

A. Yes. [6594]

Q. And knew that you were drunk on Sunday?

A. Yes.

Q. And the First Assistant knew that you were drunk on those two days? A. Yes.

Q. Who else knew you were drunk on those two days? A. Well, I don't know.

Q. Who else did you talk with on the ship while you were in a drunken condition?

A. Well, I don't know who I talked to. I could have talked to five hundred persons on the ship.

(Testimony of Maurice J. Cannalonga.)

Q. What makes you think that the Chief Engineer knew you were drunk?

A. Well, the Chief and the First both had made remarks late Sunday, on Sunday late in the afternoon or about five or six o'clock, just before I went in to supper, and pointed out, like I pointed out when I made the statement yesterday morning, yesterday afternoon, that the first, he couldn't understand how I was walking around with the load that I had been carrying; that I was a perfect gentleman while I was drunk, or words to that effect. He said he didn't know how you could do it.

Q. What about Saturday? What makes you think they knew that you were drunk on Saturday?

A. Well, I didn't write them no letters about it.

[6595]

Mr. Myron: He has given the reason.

Mr. Gladstein: I would rather that Mr. Myron didn't answer, if your Honor. If he wants to make an objection he may. If he wants to object on the grounds that it has been asked and answered, he may do so.

Mr. Myron: That is my objection. It has been asked and answered.

Mr. Gladstein: Every time, in my opinion, he says something that is intended for the witness and is nothing but coaching, your Honor.

Presiding Inspector: Let us hear the question.

(The question referred to was read by the reporter as above recorded.)

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: Now, there is an objection to this. I will allow it to be answered.

Go ahead, if you can tell.

A. (Continuing) Well, I don't know how they knew I was drunk, your Honor.

By Mr. Gladstein:

Q. Why do you say they knew you were drunk if you don't know why?

A. Well, well, how do you know that anybody is drunk?

Mr. Del Guercio: Why does one know.——

Mr. Gladstein: (Interposing) Just a minute! I object to the form of these statements. [6596]

Presiding Inspector: Let him answer if he can.

By Mr. Gladstein:

Q. Answer it, please.

A. Well, I can't answer that.

Mr. Myron: My objection was that he had given the reasons, and if there are any further reasons why he knew that he was drunk, why, he can give them.

Presiding Inspector: This was on a different occasion.

Mr. Myron: That isn't the proper way to ask the question.

Mr. Gladstein: That is right, your Honor.

Mr. Myron: I think the first question referred to Saturday and Sunday, and I think his answer was made and then it was referred to.

Presiding Inspector: Yes. I think the question

(Testimony of Maurice J. Cannalonga.)

first was in relation to both Saturday and Sunday, and then he separated it.

Mr. Gladstein: That is right, your Honor.

Mr. Myron: After he has answered it once, if he wants to ask him if there are any further reasons, that is proper.

Presiding Inspector: If there are any reasons other than obvious condition.

The Witness: No, your Honor. There is no— (pause)

By Mr. Gladstein:

Q. Saturday and Sunday were the only two days on which [6597] you had been drunk while you were on the West Cussetta? A. Yes.

Q. You were sober every other day?

A. Well, I had been drinking, yes, and leading up to Saturday and Sunday.

Q. How about after Sunday night?

A. No, I was sober after Sunday.

Q. Were you sober all day Sunday?

A. Yes, I was.

Q. All evening Monday? All night Monday?

A. Uh-huh (affirmative).

Q. And how about all day Tuesday?

A. Yes.

Q. And all day Wednesday? A. Yes.

Q. Definitely sober on those days?

A. Yes.

Q. Now, you say that about six o'clock Sunday you had a discussion with somebody about your

(Testimony of Maurice J. Cannalonga.)

having been drunk and carrying a load like a gentleman, something like that?

A. Yes, the First.

Q. Who was that with?

A. The First Assistant on the ship.

Q. Where? A. On the West Cussetta.

[6598]

Q. Where were you when the discussion was held?

A. Oh, just outside of my room. He had come in the room and had a drink with me, and I recall that I was trying to sober up at the time and I recall he stated—he says "By God!", he says, "You sure have been celebrating your birthday", he says, "and I don't see how you can carry such a load as you do."

Presiding Inspector: Now, when was that?

The Witness: That was on the Sunday.

By Mr. Gladstein:

Q. What time Sunday? A. Oh,——

Mr. Myron (Interposing) He has already answered that question, your Honor.

Presiding Inspector: Yes. He did answer it, I think.

By Mr. Gladstein:

Q. Well, it was about six o'clock, I think you said? A. Somewheres around there.

Q. You were sobering up there?

A. Yes, I was trying to sober up.

Q. Did you drink any more after that?

(Testimony of Maurice J. Cannalonga.)

A. Yes. I had a few, tapering off.

Q. Were you sober after six o'clock Sunday night?

Mr. Myron: He is going into Sunday, Monday, Tuesday and Wednesday now. He is going over it again. [6599]

Presiding Inspector: I think it is all right. Go ahead.

By Mr. Gladstein:

Q. Were you sober after six P. M. Sunday?

A. Was I sober? Well, I wasn't entirely sober, no. I was tapering off.

Q. Do you have to get these time sheets approved by anybody? A. Oh, yes.

Q. By whom? A. The Chief Engineer.

Q. Have these been approved?

A. They are. They were.

Q. When were they approved?

A. When?

Q. Yes.

A. Just before they pay you off for your port pay.

Q. So the overtime hours that you have put in for on Saturday, May 3rd, and Sunday, May 4th, were all approved by the Chief Engineer?

A. They were.

Q. Now, at the time that you were talking to the First Assistant about six o'clock Sunday evening when he had this conversation with you about how much you could carry in the way of liquor, were you working at that time? [6600]

(Testimony of Maurice J. Cannalonga.)

A. It states on there. Can I look at those?

Q. Don't you remember?

Mr. Del Guercio: Well, if he wants to look at it, it is his.

Presiding Inspector: No. He is asking about his independent recollection.

A. I don't quite recall. Your Honor, if I would look at that overtime sheet I would tell you right to the exact minute.

Presiding Inspector: I know, but have you any recollection? That is the question?

The Witness: I think they were working cargo at the time.

By Mr. Gladstein:

Q. What do you think you were doing?

A. Huh?

Q. What were you doing at that time?

A. I was standing by.

Q. How long had you been standing by?

A. Well, I would have to look at the sheets to tell you the exact time. The sheets give it in detail.

Q. When you stand by does that mean that you are out on the dock ready for——

Mr. Del Guercio: (Interposing) Haven't we gone into this?

Mr. Gladstein: I will withdraw that. [6601]

Presiding Inspector: We have already gone into what he means by "standing by".

The Witness: May I look at those sheets, your Honor?

(Testimony of Maurice J. Cannalonga.)

By Mr. Gladstein:

Q. Let me ask you this question, Mr. Cannalonga: Do you know whether the First Assistant at the time that he had this discussion with you on Sunday about six o'clock in the evening—have you got that discussion in mind?

A. Yes, I believe I have.

Q. All right. Do you know whether he knew whether you were working or not at that time?

A. Well, it made no difference.

Q. Did he or didn't he know that?

Mr. Del Guercio: How could he know what is in the mind of another person, your Honor?

A. It is just like I said.

By Mr. Gladstein:

Q. Well, is he your boss in any way?

A. Yes, he is my boss.

Q. Then he would know as your boss whether or not you were working?

A. Yes. But it makes no difference.

Q. I mean, he would know whether you were working or not?

Mr. Del Guercio: I will object to that. He is asking [6602] what another person knows, not what that other person said but what is in his mind. Certainly that is improper.

Presiding Inspector: I don't think it is meant quite that way. I will take it. We have had many of those questions by both counsel throughout this hearing.

(Testimony of Maurice J. Cannalonga.)

By Mr. Gladstein:

Q. As a matter of fact, your time sheets show that you worked cargo, or standing by, or whatever you call it, from one to six P. M., five hours, and from six P. M. to midnight, six hours, on Sunday, May the 4th. That is an eleven-hour stretch.

Mr. Myron: I object to that. Why doesn't he be fair to the witness? Show him the time sheet and ask him what it says.

Mr. Gladstein: Oh, that is absurd.

A. I will explain it.

By Mr. Gladstein:

Q. I just want you to see that. Is that correct?

A. Let me hold it, please, and then I can see it better. 1:00 to 6:00, five hours, and 6:00 to midnight; yes.

Q. That is straight eleven hours that you were working overtime? A. Yes.

Q. And your boss knew that you were working overtime? A. Yes. [6603]

Q. And he's the First Assistant? A. Yes.

Q. And he is the one that had this talk with you, is that right?

A. Yes. Uh-huh (affirmative). [6604]

Q. Are there any rules about being drunk on the job on the ship?

A. Will you ask me that question again? You was walking around the table when you was talking. I didn't quite get you.

Q. I will ask you this question first: Is there

(Testimony of Maurice J. Cannalonga.)

any rule regarding being drunk on the job aboard ship? A. What kind of rules?

Q. Any kind of rules?

A. Yes, there is, we have a rule in our contract with the steamship companies that it is up to the First Assistant if he wants to fire a fellow for being drunk while on duty. Now, I have explained this to you a dozen times, Mr. Gladstein, in regards to standing by.

Q. No, don't tell me about "standing by". I just want to know about rules now for drunkenness.

A. I just told you about the rules and maybe you have misunderstood me.

Q. You say there is a union rule?

Presiding Inspector: You have covered the rule. If there is some other rule you can give it. You say that the rule is that if a man is drunk on duty he can be fired?

The Witness: Yes, if the First Assistant wants to fire him.

By Mr. Gladstein: [6605]

Q. That is in the union contract with the shipowners, is that right? A. Yes.

Q. Are there any other rules regarding being drunk on the job?

A. Well, there are rules for being drunk, incompetent, and the Marine Firemen have rules to that effect.

Q. That is a union rule? A. Yes.

Q. That is a union rule, separate and apart from the rule that is contained in the collective bar-

(Testimony of Maurice J. Cannalonga.)

gaining agreement between the shipowners and the union? A. That is correct.

Q. Are there any rules besides those two rules on drunkenness?

A. No. But I would like to explain those two rules.

Q. Is there a Maritime Commission regulation?

Mr. Del Guercio: If he wants to explain it let him explain.

Presiding Inspector: You can ask about them.

By Mr. Gladstein:

Q. Is there a Maritime regulation regarding being drunk on the job on ships operated by the Maritime Commission? A. I don't know.

Q. Is there a Steamboat Inspection rule regarding being [6606] drunk on the job on a motor ship of that kind?

A. I don't know. But, now, may I explain, your Honor?

Mr. Gladstein: Just a moment, Mr. Cannalonga.

Presiding Inspector: No. You answer the questions. You will have time to explain. There is going to be plenty of opportunity.

By Mr. Gladstein:

Q. Is the First Assistant Engineer a licensed officer?

A. He is, and he has the responsibility to Judge whether a man is competent or not on the job.

Q. And according to the rules of the Steam-

(Testimony of Maurice J. Cannalonga.)

boat Inspection Service his license is subject to being cancelled if he violates rules, isn't that right?

Mr. Myron: I object to that, your Honor.

Presiding Inspector: How is that material?

The Witness: I don't know.

Mr. Gladstein: All right. I will withdraw that question.

By Mr. Gladstein:

Q. What was the name of the Chief Engineer on that ship, please?

A. I don't recall his name.

Q. What was the name of the First Assistant?

A. And I don't recall the First's name. [6607]

Q. What was the name of the Second Assistant?

A. I don't recall his name.

Q. What was the name of the Third Assistant?

A. I don't recall his name.

Q. What was the name of the Fourth Assistant?

A. I don't recall his name.

Q. What was the name of anybody on that ship?

A. You want to understand, Mr. Gladstein, that aboard ship——

Q. (Interposing): Can you give me the name of anybody on board that ship?

A. I will give you their nicknames.

Q. Were you drunk on that ship all the time you were on it? A. No.

Q. How friendly were you with the Chief Engineer? A. I wasn't friendly with him.

Q. You were or you were not?

(Testimony of Maurice J. Cannalonga.)

A. I was not friendly with him.

Q. How friendly were you with the First Assistant?

A. I wasn't friendly with the First Assistant. I only spoke to him in the line of duty.

Presiding Inspector: Is that all for this witness?

Mr. Gladstein: Oh, no.

Mr. Grossman: We have a lot more of this witness.

By Mr. Gladstein:

Q. Mr. Cannalonga, what was the name of the Mate that [6608] woke you up at three o'clock in the morning?

A. I don't know his name. He was the night mate.

Q. Did he know that you were drunk?

A. I don't know whether he did or not.

Q. Did any of the longshore gang foremen talk with you at any time while you were on this drunk during Saturday and Sunday?

A. I don't recall. I could have talked to individuals on the ship, but I don't recall talking to anybody in particular.

Q. When did that winch break on Saturday?

Mr. Del Guercio: Haven't we gone over that?

Presiding Inspector: I think we have been over that.

Mr. Gladstein: I am not sure.

The Witness: Yes, we went over that. I remember that quite well.

(Testimony of Maurice J. Cannalonga.)

By Mr. Gladstein:

Q. Do you remember when the winch broke? I don't remember what the record shows?

Mr. Del Guercio: Is there a ruling on that?

Presiding Inspector: Do you want me to tell you?

Mr. Gladstein: Yes.

Presiding Inspector: It broke just as they were quitting work in the unloading in the evening and he was called again at three o'clock in the morning, and I think he said at nine o'clock in the evening. [6609]

By Mr. Gladstein:

Q. When was the next shift of longshoremen to go on who would have occasion to use that winch, Mr. Cannalonga? A. At eight——

Q. (Interposing): The next morning.

A. If you will let me look at this overtime sheet.

Q. Yes, certainly.

A. Thanks. At seven A.M.

Q. That is as the men were leaving the ship on Saturday night, the longshoremen, Saturday evening, as the shift was going off at about nine o'clock the winch broke down; is that right?

A. I believe so.

Q. And that winch was not to be used again by the longshore gang until seven o'clock the next morning, is that it? A. I think that's it.

Q. And you were told about the winch break-

(Testimony of Maurice J. Cannalonga.)

ing down at three o'clock in the morning when you were awakened by the night mate?

A. By the night mate. He is a relief mate.

Q. Is that correct? A. That is correct.

Mr. Gladstein: Does your Honor want to recess now? I see we have had a rather long day and we cannot finish [6610] with this witness today, your Honor. I regret that this is going to take the time that it does take, but I see no alternative.

Mr. Del Guercio: Regrets, your Honor.

Presiding Inspector: We will recess until tomorrow morning at ten o'clock.

(Whereupon at 4:50 o'clock P.M. an adjournment was taken until 10:00 o'clock A.M. Friday, June 6, 1941.) [6611]

Court Room 276,
Federal Building,
San Francisco, California,
June 6, 1941

Met, pursuant to adjournment, at 10:00 A.M. [6612]

PROCEEDINGS

Presiding Inspector: Call the witness.

Mr. Del Guercio: Before we proceed, I have a request to make.

Presiding Inspector: Yes, sir.

Mr. Del Guercio: Will the Court please inquire

as to whether Harry Lundeberg has responded to a subpoena for ten o'clock this morning.

Presiding Inspector: I don't know.

Mr. Del Guercio: Will you please make inquiry so I may take proper steps if he is not here?

Presiding Inspector: The name?

Mr. Del Guercio: Harry Lundeberg.

Presiding Inspector: Is Harry Lundeberg in the hearing room?

(No response.)

Will you call his name in the hall?

(Whereupon Harry Lundeberg's name was called out in the hall by a guard.)

A Guard: No response.

Presiding Inspector: You had better call it again loudly in the hall.

(The name of Harry Lundeberg was again called in the hall by a guard.)

Presiding Inspector: Evidently there is no response. [6613] It is only two minutes past ten. You had better call it again at half past ten.

Mr. Gladstein: Shall I proceed?

Presiding Inspector: Yes.

MAURICE J. CANNALONGA

called as a witness in rebuttal on behalf of the Government, having been previously duly sworn, testified further as follows:

(Testimony of Maurice J. Cannalonga.)

Cross Examination
(Resumed)

By Mr. Gladstein:

Q. Mr. Cannalonga, do you have any seamen's certificate or discharge papers with you?

A. I have.

Q. With you? A. Yes.

Q. May I see one of them?

A. What do you want to see?

Q. Your identification certificate as a seaman, if you will.

A. (Producing papers): Of course, you understand that these papers——

Q. (Interposing): I won't take them from you.

A. I will let you look at it, but the Government reserves me the right to keep my papers at all times and nobody has a right to take them.

Q. I wouldn't think of it. [6614]

A. Let me get them apart, please.

(The papers produced were passed to Mr. Gladstein.)

The Witness: Anything in particular you are looking for? I have got about seven there.

Mr. Gladstein: I just want to look over it.

The Witness: Which one are you looking for, Mr. Gladstein? I might be able to help you.

(The papers referred to were passed back to the witness.)

By Mr. Gladstein:

Q. Let's go back for a moment and start with

(Testimony of Maurice J. Cannalonga.)

that Saturday afternoon in the Clyde Hotel, Mr. Cannalonga. Do you recall how the subject of political backing of the CIO came up?

A. I don't remember.

Mr. Del Guercio: Haven't we gone all over this?

Presiding Inspector: I am not quite sure whether that particular question was asked, but you have been over this in general.

By Mr. Gladstein:

Q. Are your sure that "physical backing" was mentioned in any way?

A. I am quite certain of that.

Q. In those words?

A. It is like I told you yesterday or the day before, that the whole thing was pretty hazy and I remember having an [6615] argument with Craycraft and that was mentioned in regards to physical backing.

Q. Isn't it a fact that I asked you to come to San Francisco and testify to the whole truth?

A. I don't remember, Mr. Gladstein. [6616]

Q. Isn't it a fact that you said you would be willing to come to San Francisco on condition that you first went to Seattle and cleared with some people in Seattle?

A. No, I don't believe so.

Q. Isn't it a fact you said you were afraid the FBI might go after you for perjury if you went on the stand again and told the truth?

A. I don't believe so.

(Testimony of Maurice J. Cannalonga.)

Q. Isn't it a fact that that's the way the O'Neil question came up? A. I don't remember.

Q. Isn't it a fact that I told you that the CIO would stand behind any man who was prosecuted for perjury by the FBI as a result of his taking the stand and exposing the methods of the FBI?

Mr. Del Guercio: Now, if your Honor please, it is obvious that that question was not meant at all for the purpose of cross examining this witness but for other purposes. The O'Neil matter has never appeared in examination of this witness.

Presiding Inspector: The question ought not to be asked unless it is the claim of counsel that some such thing occurred.

Mr. Gladstein: It is that claim, your Honor.

Presiding Inspector: In violation of professional duty.

Mr. Gladstein: It is that claim and we will have evidence [6617] on it.

Presiding Inspector: Very well. I will allow the question.

A. I don't recall that, Mr. Gladstein.

By Mr. Gladstein:

Q. Isn't it true that before you left the Clyde Hotel that Saturday I asked you whether you would be willing to make the statements that you had made to Crayeraft and to me in a sworn deposition before a Notary Public? A. No.

Q. Isn't it true that you said you would like to have a night to think it over?

(Testimony of Maurice J. Cannalonga.)

A. No, I don't recall saying that.

Q. Isn't it true that you said you would be willing to make a statement but you did not want to admit having committed a violation of the Mann Act ?

A. No. I don't possibly see how I could make a statement of that sort.

Q. Isn't it true that before you left the Clyde Hotel that Saturday afternoon it was agreed that you should return the following morning at 10:00 o'clock and that in the meantime arrangements should be made for a shorthand reporter and a Notary Public in whose office you were to give a deposition the following day? A. No. [6618]

Mr. Del Guercio: Your Honor, I object to the use of the word "deposition".

Presiding Inspector: I will take it. If that was said, you see.

A. (Continuing): No. I don't ever recall you saying anything like that.

By Mr. Gladstein:

Q. Where did you go after you left my room with Rosco Craycraft that Saturday?

Mr. Del Guercio: That has been gone over.

Mr. Gladstein: It has not been asked, your Honor.

A. Well, I went back to the ship.

By Mr. Gladstein:

Q. How did you go back to the ship?

(Testimony of Maurice J. Cannalonga.)

A. I don't recall how I did go back. I think I —I think Rosco took me back.

Q. Why, he took you to Fourth and Oak where you wanted to do some shopping, didn't he?

A. Fourth and Oak? I believe we stopped at a liquor store and picked up a quart of rum and half a dozen bottles of Coca Cola.

Q. Didn't he take you to Fourth and Oak at your request because you wanted to do some shopping?

A. He possibly could have.

Q. Didn't he tell you that he would wait for you at [6619] Third and Couch?

A. Third and Couch? Whereabouts is Third and Couch?

Q. I am asking you this: Didn't he tell you that he would wait for you at Third and Couch after you finished doing your shopping?

A. No, I don't recall.

Q. Didn't you do some shopping?

A. Well,——

Mr. Myron (Interposing): Does shopping include buying that liquor?

By Mr. Gladstein:

Q. Didn't you do some shopping, Mr. Cannalonga?

A. I believe I did stop at a drug store and pick up some Anacin tablets and a bottle of——

Q. (Interposing): Didn't you go in there alone? A. I think I did.

Q. Didn't you then go to Third and Couch

(Testimony of Maurice J. Cannalonga.)

when you finished with your shopping and meet Craycraft? A. Third and Couch?

Q. Did you or didn't you?

A. Yeah, I think I went to some grocery store.

Q. That is the Maleti's Grocery Store, isn't it?

A. Maleti's, yes.

Q. And didn't you then ask Craycraft to take you down to [6620] the ship?

A. No. I don't believe I asked him to take me down to the ship.

Q. Did he take you down to the ship?

A. As far as I recall, we got in his car and the next stop was I asked him to stop at a liquor store on the way down to the ship and I didn't have no liquor permit, so he bought me a bottle of rum and I got a half a dozen bottles of Coca Cola.

Q. Before you met Craycraft at Maleti's Grocery on Third and Couch what other shopping did you do besides the Anacin tablets?

A. Oh, I don't—well, I didn't do any shopping.

Q. Didn't Craycraft take you down to the ship in his automobile and you got there about 5:00 o'clock?

A. I believe it was around that time. I'm not sure.

Q. And didn't you agree with Craycraft before you left him that afternoon that he was to meet you the next morning at 9:45 in the morning?

A. No. I don't recall making a date at 9:45 with him in the car. [6621]

Q. Wasn't that—you say in the car?

(Testimony of Maurice J. Cannalonga.)

A. Yes.

Q. Any time before you got on the ship didn't you make that date for 9:45 the following morning with Craycraft?

A. No. I believe he came aboard ship with me and we opened a bottle and—I had a bottle already open aboard ship—and poured a couple of drinks.

Q. Which was it, did you open a new bottle or did you have an old bottle?

A. I had an old bottle open.

Q. How long was Craycraft with you on the ship? A. I don't recall how long he was.

Q. Anybody else in the room?

A. No; I don't think so.

Q. Nobody at all?

A. I don't know; I couldn't be sure.

Q. How long was Craycraft with you?

A. Oh, I would say he was with me long enough to have a drink.

Q. How many drinks?

A. I don't recall how many drinks.

Q. Before he left you that afternoon, that Saturday afternoon, didn't you agree with him that you would meet him at 9:45 the following morning?

A. I possibly could have agreed with him.

[6622]

Q. Wasn't the reason for that date with Craycraft because it had been previously agreed when you were in my room in the Clyde Hotel that you would come back at ten o'clock on Sunday morning?

A. No; I don't recall that.

(Testimony of Maurice J. Cannalonga.)

Mr. Del Guercio: Are we going all over this matter again?

Presiding Inspector: Haven't you gone over this?

Mr. Gladstein: I think not. I have a right to press him on this.

Presiding Inspector: Yes, but you haven't a right to press him more than once.

Mr. Gladstein: When part of it comes out I think I have a right to follow it up.

Presiding Inspector: I think you have gone over this—be brief about it.

Mr. Gladstein: Was there an answer?

The Reporter: Yes.

Mr. Gladstein: What was the answer?

(The answer referred to was read by the reporter as above recorded.)

By Mr. Gladstein:

Q. Where was that liquor store where you say Crayeraft bought some liquor for you?

A. I don't recall the street. I know—I am quite [6223] sure it was on the way out to the ship.

Q. Give me the neighborhood.

A. What is that?

Q. Give me the neighborhood.

A. I don't know the neighborhood of Portland.

Q. Do you know anything as to the name of any street nearby? A. No.

Q. Did you go in the store? A. No.

Q. Where were you?

(Testimony of Maurice J. Cannalonga.)

A. I was—I believe I walked down the block to a restaurant of some sort, or a store, and I picked up the Coca Cola.

Q. By yourself? A. I believe so.

Q. Do you know where you picked up the Coca Cola? A. No.

Q. What did the store look like?

A. I don't recall what it looked like.

Q. What street was it on?

A. I don't know.

Q. Was it a corner store?

A. No—I don't know whether it was a corner store or what the street was. [6624]

Q. Was it a drug store, a grocery store, or what kind of a store?

A. No, it wasn't a drug store. I don't recall what the store was.

Q. Did you talk to anybody in that store?

A. Well, I must have talked to somebody to get the Coca Cola.

Q. Now, the next morning, Sunday morning—withdraw that. After Crayeraft left you that Saturday afternoon you didn't see him again that night, did you?

Mr. Del Guercio: That has been gone over. Are we going over it again?

Presiding Inspector: I think you have.

Mr. Gladstein: This is Saturday night. I have not gone over it. All I have done is to go into the events in the hotel room and the events in the law-

(Testimony of Maurice J. Cannalonga.)

yer's office. But I have not gone over the matters in between. I haven't done that, your Honor.

Mr. Del Guercio: We may withdraw the objection as to show what must have gone on there Saturday and Sunday considering Mr. Gladstein's attitude now. If he does that in this court room what did he do there on Saturday and Sunday night?

Mr. Gladstein: I don't understand that as an objection.

Presiding Inspector: Go ahead.

I would like to see the testimony of yesterday.

[6625]

(Whereupon Mr. Gaiser left the hearing room for the transcript referred to.)

Presiding Inspector: Go ahead.

By Mr. Gladstein:

Q. You didn't see Crayeraft again after he left you about five o'clock Saturday, May 3rd, did you?

Mr. Del Guercio: I will object to this as having been asked and answered.

Presiding Inspector: It is preliminary, I suppose. I will take it.

A. After five o'clock? You say after five o'clock?

By Mr. Gladstein:

Q. After about 5:00 p.m., yes.

A. No, I don't think I did.

Q. But you spoke to him the following morning on the telephone, didn't you?

(Testimony of Maurice J. Cannalonga.)

A. I think it was.

Q. You phoned him, didn't you?

Mr. Del Guercio: That has been asked and answered.

Presiding Inspector: Yes; half a dozen times.

Mr. Gladstein: Not on Sunday morning.

Presiding Inspector: Yes; oh, yes, that was asked. He wavered somewhat as to whether he called or was called.

Mr. Gladstein: Well, perhaps there was a question on that. [6626]

Presiding Inspector: More than a question; quite a lot of them.

(Mr. Gaiser entered the hearing room and handed to the Presiding Inspector a copy of the transcript previously requested.)

Mr. Gladstein: Shall I continue?

Presiding Inspector: I wouldn't pursue that.

Mr. Gladstein: I shan't at length.

By Mr. Gladstein:

Q. You phoned him at Maleti's Grocery, didn't you? A. Well——

Q. (Interposing) Did you or didn't you?

Presiding Inspector: That means you had a talk with him. Or do you mean he called him?

By Mr. Gladstein:

Q. You called him?

A. I think I did; I am not sure.

Presiding Inspector: You have been over that.

(Testimony of Maurice J. Cannalonga.)

By Mr. Gladstein:

Q. Wasn't it raining so hard that you called him and asked him over the phone to come and call for you?

A. No. I don't remember the conversation I had on the phone.

Q. Wasn't it raining hard?

A. I don't remember whether it was raining or not. [6627]

Q. Did you call Broadway 0718?

Mr. Myron: I object to this line of inquiry, your Honor.

Presiding Inspector: If he can tell.

Mr. Myron: That has been gone over and over again.

A. The way it seems to me, that he called to the ship and left a phone number for me to call back. I am not sure on that. I remember there was a phone number written on a slip of paper, so if that is the number of the grocery store that you just said that is the number I called.

By Mr. Gladstein:

Q. After that he called for you and met you, did he not, near the——

Mr. Del Guercio: (Interposing) I object to that as having been asked and answered a dozen times.

Mr. Gladstein: I haven't finished yet.

Presiding Inspector: He hasn't finished.

By Mr. Gladstein:

Q. After this phone call, Mr. Cannalonga, Cray-

(Testimony of Maurice J. Cannalonga.)

craft called for you and met you at the gate of the ship near the sheds, didn't he?

Mr. Del Guercio: I object to that.

Presiding Inspector: You have been over that.

Mr. Gladstein: I am doing this very hurriedly for the purpose of getting the chronology, your Honor. [6628]

Presiding Inspector: I think the chronology is perfectly clear.

Mr. Gladstein: We will save a lot of time. As you notice, I am not going into the details of these matters at all.

Presiding Inspector: Well, I don't think there is any doubt about the chronology. I think you have covered it. [6629]

By Mr. Gladstein:

Q. All right. That Sunday morning when you were in my room before we went to the lawyer's office, you didn't have any drinks in my room, did you?

Mr. Myron: Now that was asked. That same question was asked, I think, twice.

Presiding Inspector: I can't remember that.

Mr. Del Guercio: May we go over the transcript, if your Honor please, to see whether that question was asked?

Mr. Gladstein: That was asked as to the Saturday afternoon, your Honor, but I am perfectly willing to take a stipulation that the answer that was given applies to both.

Mr. Del Guercio: I won't stipulate.

(Testimony of Maurice J. Cannalonga.)

Mr. Gladstein: Then if you don't stipulate I would like an answer to the question.

By Mr. Gladstein:

Q. You don't think that you had any drinks in my room that Sunday morning?

Mr. Del Guercio: Just a moment! The Court hasn't ruled.

Mr. Grossman: May I say something about what I think is wasting a lot of the Court's time? It is my understanding that in cross examination there is no rule of evidence that a question, assuming that it has been the same question in identical words, has been asked twice. There is no rule of evidence forbidding it. It is entirely within the discretion of the Court. [6630]

Presiding Inspector: That is true. It is entirely within the discretion of the Court.

Mr. Grossman: And very often in cross examination similar questions are permitted to test the recollection of the witness and lots of other things. Now, since there is no legal rule, even assuming that these identical questions have been asked, and, secondly, since it certainly takes longer to have an objection made than to get a reply and no one is hurt, I think we would certainly expedite the proceedings if, subject to the limitation that Mr. Gladstein has put on himself, that he is only going through this briefly, if we do not have such objections as "asked and answered", because, as I say, it takes more time than having an answer and an

(Testimony of Maurice J. Cannalonga.)

answer doesn't hurt anything. If it is inconsistent I know your Honor would like to have the answer. If it is going to be the same it doesn't hurt any.

Mr. Del Guercio: I think, if the Court please, we have been very, very lenient.

Presiding Inspector: If I may look at this just briefly here, it will only take a moment or two (Examining transcript).

I think it will be shorter to allow it. I don't think there is any claim of any such thing as proving a negative.

The Witness: Will you repeat that question again?

By Mr. Gladstein:

Q. You didn't have any drinks in my room on Sunday morning, May the 4th, did you? [6631]

A. No.

Q. Or in the lawyer's office, did you?

A. I don't think so.

Q. Or between the two places, did you?

A. I don't believe so.

Q. Now, after you left with Crayeraft and me on Sunday morning, after we left the Clyde Hotel we walked about a block and a half or a block to Crayeraft's car, didn't we?

A. No. I don't remember walking to any car.

Q. And didn't you see a man in plain clothes and a green hat and say that you had seen him before and you wondered whether he was watching you? A. No, I don't believe——

Q. (Interposing) And didn't we stand on a

(Testimony of Maurice J. Cannalonga.)

corner and watch to see where this man was going?

A. No, I don't remember watching any man.

Q. Didn't we ride in Crayeraft's car, you seated —where were you seated, by the way?

A. I don't—I don't even remember where I was sitting.

Q. Didn't you get in and sit in the back?

Mr. Myron: This has all been gone over.

Presiding Inspector: No, I don't think the details to that extent.

A. No. I don't remember I sat in the back.

Mr. Myron: I think he asked him what car it was, what [6632] model it was and where he was seated in the car. I remember.

Mr. Gladstein: No, I didn't ask about this particular day.

Mr. Del Guercio: No. I don't think that there was any testimony that Mr. Gladstein was watching a man with a green hat.

Presiding Inspector: Go ahead.

By Mr. Gladstein:

Q. Didn't you get in and sit in the back of the car?

A. No. I don't remember getting in the car at all.

Q. And wasn't I sitting in the front with Crayeraft? A. I don't know.

Q. And didn't we carry on a conversation as we drove to the building where the lawyer's office was?

A. No. I don't remember no conversation.

(Testimony of Maurice J. Cannalonga.)

Q. Didn't we park the car and get out and walk toward that building? A. No.

Q. Didn't we have a conversation——

Mr. Del Guercio: (Interposing) May I interject something? By "we" do you mean yourself?

Mr. Gladstein: The question is perfectly clear, and I will answer only the questions of the Court.

Presiding Inspector: Go ahead. I think the question is clear. [6633]

By Mr. Gladstein:

Q. Didn't we have a conversation before we got to the lawyer's office?

A. No, I don't recall either.

Q. About the pills that you had been taking?

A. No, I don't recall any conversation.

Q. Didn't you say it was pretty hard to remember those names? A. No.

Q. Didn't you tell me they were sleeping tablets?

A. No, I don't believe so.

Q. Didn't I say that I had been in the hospital and had had sleeping tablets by the name "nembuthal"?

A. No. I don't recall ever saying that to you.

Q. Didn't you say when you heard that word "That's the name of the tablets."?

A. No, I don't remember saying that to you.

Q. Before that didn't you suggest that we walk into a drug store and ask them about the names of sleeping tablets because you wanted to know the name of the tablet before you went into the deposition? A. No, I don't remember that.

(Testimony of Maurice J. Cannalonga.)

Q. Now, when you were up in that office, that lawyer's office, isn't it a fact that when I started asking questions, not at the beginning but later on, which you refused to answer you got up, walked out of that office into the corridor, into [6634] a hallway within the office suite, where Rosco Crayeraft talked to you for a moment?

A. No, I don't remember.

Q. Isn't it true that Mr. William P. Lord walked out there and talked with you for a short time?

A. Well, he could have, I don't remember.

Q. Isn't it true that Mr. Lord said to you out there in the hallway that if you were afraid of anything you had better go to a lawyer and talk to him about it? A. No.

Mr. Del Guercio: Meaning that there weren't any lawyers in the room or what?

Presiding Inspector: I think you have asked about that. I don't know that you have placed it in the hall.

Mr. Gladstein: No, I hadn't, and there is some more that I wish to ask.

Presiding Inspector: Very well; go ahead. You asked about that.

By Mr. Gladstein:

Q. And isn't it true that he said to you that under the circumstances he considered that he should not be the one to give you advice, but he would give you the names of some of the most prominent law-

(Testimony of Maurice J. Cannalonga.)

yers in the city who would be only too glad to advise you if you were without money?

A. No, I don't remember that. [6635]

Q. And didn't he also say that you probably needed the advice of a lawyer.

A. I don't recall that.

Q. And isn't it true that after that conversation with Mr. Lord you came back in the office and sat down again and the deposition continued?

A. No, I don't remember.

Q. Now, isn't it true that as you were leaving that office you had a conversation with Crayeraft and you asked Crayeraft to call you or see you again that night? A. No, I don't remember.

Q. Isn't it true that you told Crayeraft that you were going to try to get replaced, a replacement for your job so that you could go to Seattle and get this clearance from these people?

A. No, I don't remember saying that to him.

Q. Isn't it true that you told Crayeraft that if you could get a replacement that day, Sunday, you would go with Crayeraft the following day to Seattle to see these people that you wanted to see?

A. No. In regards to replacement, it was known on the ship as soon as we hit Portland I was trying to get a relief.

Q. What is your answer to that question?

A. No, I don't recall telling Crayeraft that.

Q. Isn't it true that you told Crayeraft that morning, [6636] that Sunday—it was after lunch time, after 12:00 noon—isn't it true that you told

(Testimony of Maurice J. Cannalonga.)

him as you were leaving the lawyer's office that you would call Crayeraft at 7:00 o'clock that evening?

A. No. I don't remember saying that to him.

Q. Now, isn't it true that about 7:30 that evening a man named Cole Jackman came down to see you on the ship?

A. I can't place that name, the name of that Cole Jackman.

Q. Did a man come down and see you on the ship at 7:30 P.M. Sunday? You were sober then, you said yesterday.

A. 7:30, I believe somebody did come down.

Q. And didn't he come down to ask why you had not called Crayeraft, who was waiting for you at the Maleti's Grocery Store?

A. No. I don't—I don't remember asking me that.

Q. What did he ask you?

A. I don't think he asked me anything.

Q. What's that?

A. I don't think he asked me anything.

Q. Well, where did you see him? Where were you when he saw you?

A. I believe I was in the room on the ship, in my room.

Q. What happened when he came in? [6637]

Mr. Myron: This has all been gone into.

Mr. Gladstein: This has not been gone over. The incident with Mr. Jackman, it hasn't even been touched.

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: His name was mentioned.

Mr. Gladstein: On direct it was.

Presiding Inspector: Didn't you mention it?

Mr. Gladstein: No.

Presiding Inspector: Very well. I will take your recollection. Go ahead.

By Mr. Gladstein:

Q. Do you have the last question in mind?

A. Yes. You asked me what did he ask me?

Q. Yes. What was said?

A. I think I offered him a drink.

Q. Did he drink with you? A. I think so.

Q. Did you know him? A. No.

Q. Did he introduce himself?

A. Yes. I think he introduced himself as a member of the Bridges Defense and I think he mentioned something about being on the Strike Committee during the '36-'37 strike.

Q. You were in the Chief Engineer's quarters when he saw you that evening, weren't you?

A. Oh, I was in the Chief's room? [6638]

Q. Yes, when he saw you for the first time that evening? A. It could be possible.

Q. And then he introduced himself, didn't he, to you? A. It's like I said——

Q. (Interposing) Did he or didn't he?

Mr. Myron: He is explaining. Let him answer the question.

A. I think he did.

Presiding Inspector: You mean did he introduce

(Testimony of Maurice J. Cannalonga.)

himself further than by saying that he was interested in the Bridges Defense?

Mr. Gladstein: No. I am not satisfied with the witness' answer as to how the introduction was made and I am asking him whether he introduced himself.

Presiding Inspector: That is introducing himself. You want to know whether he introduced himself later?

By Mr. Gladstein:

Q. Do you mean to say that Jackman told you that he was a member of the Bridges Defense Committee?

A. I'm not quite clear on that, Mr. Gladstein.

Q. You invited him to come to your room, didn't you? A. I assume I did. [6639]

Q. And he stated——

Mr. Del Guercio: He hasn't finished the answer. He butts right in.

By Mr. Gladstein:

Q. Go ahead and finish.

A. For the simple reason that anybody who comes aboard a ship, and if I am in somebody else's room, it is just a matter of courtesy of inviting you into your own room.

Q. You invited him into your stateroom and he came with you, didn't he?

A. I believe he did.

Q. And the two of you stayed there a half hour?

A. Half hour?

(Testimony of Maurice J. Cannalonga.)

Q. About a half hour?

A. Oh, I don't recall how long.

Q. And didn't he tell you that Craycraft had been waiting for your phone call?

A. No. I don't recall him saying that.

Q. And didn't you tell him that the reason you couldn't meet or call Craycraft at 7:00 o'clock was because the winches had broken down?

Mr. Del Guercio: I suppose we haven't gone over that?

Mr. Gladstein: I know we haven't.

Presiding Inspector: I don't know. It is not claimed that the conversation with Jackman was gone into in any detail. [6640] I will take it.

A. No. I don't recall any winches breaking down that time.

By Mr. Gladstein:

Q. Didn't you tell him that the reason you couldn't call or meet Craycraft at 7:00 o'clock that evening was because the winches had broken down?

A. No, I don't remember telling him that.

Q. Didn't you talk about Jackman having been a delegate to the ILWU convention and having just come up from San Francisco where he had been for a while?

A. He could have mentioned it, yes.

Q. And didn't you ask him whether he had heard your testimony here in Court?

A. No.

Q. Are you sure about that?

A. Well,—(Pause).

(Testimony of Maurice J. Cannalonga.)

Q. Are you sure about it, Mr. Cannalonga?

A. Well, let me try to work it out in my mind, try to place the incident. It's like I told you, there has been a steady stream of fellows coming aboard the ship and the little minor details, I wouldn't catalogue them.

Q. This isn't a minor detail. The two of you were talking about mutual acquaintances that evening, weren't you?

Mr. Del Guercio: I object to that threatening manner of [6641] counsel.

Presiding Inspector: I think we have had it on both sides during the case.

Mr. Del Guercio: It indicates his attitude there on Saturday and Sunday. If he is doing this now what was he doing then?

A. No, I don't.

Presiding Inspector: I couldn't get the objection there.

By Mr. Gladstein:

Q. Do you know a man named Moose Norbeck?

A. Yes.

Q. Didn't you and Jackman talk about Moose Norbeck whom both of you know?

A. I believe we did. [6642]

Q. Yes. Didn't you ask Jackman whether he had heard you testify here in Court?

A. No; I don't believe I did.

Q. Didn't Jackson tell you before that that he had taken in a couple of days of the hearing when he was here in San Francisco?

(Testimony of Maurice J. Cannalonga.)

A. No; I don't remember him saying that.

Q. Isn't that the reason that you asked him whether he had heard you testify?

A. No; I don't think so.

Q. Didn't Jackman say to you that he was surprised when he read about your testimony?

A. No; I don't believe he did.

Q. Didn't you say to Jackman, "I hope you fellows know what kind of a spot I was in. The FBI had the heat on me and I had to do pretty much what they told me to do?" A. No.

Q. You deny that you said that?

A. I do.

Q. You are positive about that, is that right?

A. Well——

Mr. Del Guercio: (Interposing) That is another——

Presiding Inspector: I will take it. We have had it right through the trial.

By Mr. Gladstein: [6643]

Q. Are you positive about that?

A. I couldn't be absolutely positive, but I know in my own mind that I never made a statement of that sort.

Presiding Inspector: That is the same word "positive" you see.

Go ahead.

By Mr. Gladsein:

Q. Didn't you tell Jackman that you had told the whole story, all the facts, to Crayeraft and to me? A. No.

(Testimony of Maurice J. Cannalonga.)

Q. Were you drunk or sober at 7:30 p.m. to 8:00 p.m. on Sunday night, Mr. Cannalonga?

A. I told you yesterday, Mr. Gladstein, and I think I repeated, that on Sunday evening I started to taper off and cut down on my drinking. I believe it is quite clear what I told you. You don't sober up like that.

You have been drunk, haven't you?

Presiding Inspector: He doesn't have to answer that.

Mr. Gladstein: Nobody has ever been as drunk as you say you were.

Mr. Del Guercio: Have you?

Presiding Inspector: Let's not have that.

By Mr. Gladstein:

Q. Isn't it a fact that Jackman told you that he was a member of the Coast Labor Relations Committee for the longshoremen? [6644]

A. No; I don't remember him saying that.

Q. He left you about eight o'clock, didn't he?

A. I don't even recall what time he left, Mr. Gladstein.

Q. Before he left, that is Jackman, I am talking about, didn't you tell him to tell Rosco Craycraft to come down and see you on the ship?

A. No; I don't recall telling that to Jackman.

Q. When you say you don't recall, is it possible that you did tell him that?

A. Well, Mr. Gladstein, it is possible I could have said all this stuff, and it is possible that I couldn't.

(Testimony of Maurice J. Cannalonga.)

Q. And didn't you tell Jackman before he left where you would be so that Rosco could find you?

A. No; I don't think so.

Q. Didn't Rosco Craycraft see you about 8:30 that Sunday night?

A. No; I don't recall the exact time he came aboard.

Q. Isn't it true—what do you mean by that—do you mean you remember seeing him but you don't know the exact time?

A. He could have been aboard ship that night.

Q. Was he or not? A. I don't know.

Q. You mean you have no recollection at all about what happened that Sunday night? [6645]

A. No, I don't.

Q. Isn't it true that some winches had broken down?

Mr. Del Guercio: Here are the broken winches again.

Presiding Inspector: Yes. He told your once he didn't remember.

Mr. Gladstein: This is a question as to the fact, and not as to what took place in the conversation with Mr. Jackman. We are now in a subsequent incident, your Honor.

Presiding Inspector: Oh. Haven't we been through the broken winches? At what time is this?

Mr. Gladstein: 8:30 p.m. and thereafter Sunday night.

Presiding Inspector: There is testimony that it was about 9:00 o'clock the winches broke down.

(Testimony of Maurice J. Cannalonga.)

Mrs. King: That was Saturday night.

Presiding Inspector: Aren't we on Saturday night now?

Mr. Gladstein: Sunday night.

Presiding Inspector: I will let you answer that. I thought you had gone back to Saturday.

Mr. Gladstein: No, I hadn't, your Honor.

The Witness: Could I have those time sheets, please?

By Mr. Gladstein:

Q. Can't you answer that from your memory first?

A. I would like to have those sheets.

Q. You can have them, but please answer first.

Mr. Del Guercio: The witness said he would like to have [6646] those sheets.

Presiding Inspector: But he is entitled to ask for his recollection, and then if he cannot recollect his memory can be refreshed by the time sheets.

A. I do recall a terminal being loose on the control board on winch No. 2—No. 2 winches.

By Mr. Gladstein:

Q. When did you learn that it was loose?

A. Well, as a rule when a winch stops, either the walking—the sugercargo—that is the head. walking boss, whatever you want to call him—I don't know what you call him——

Q. (Interposing) That is the longshore boss, isn't it?

A. I think so.

Q. He keeps a written record of breakdowns?

(Testimony of Maurice J. Cannalonga.)

A. I believe he does.

Q. Did he tell you about that—when did you learn about this breakdown?

A. I think he came back in the room and called me and I went up there.

Q. When was that, Mr. Cannalonga?

A. I don't recall what time it was, Mr. Gladstein.

Q. Sunday evening, wasn't it?

A. I believe it was Sunday evening. [6647]

Q. All right. You went back to the winch and what did you do?

A. Well, just one little wire was lose and I pulled the switch and took a screwdriver and screwed up this little connection.

Q. There wasn't much to it, was there?

A. No.

Q. It is pretty dangerous for the men who are working as longshoremen if there is anything wrong with a winch, isn't it? A. Yes.

Q. And it is a pretty big responsibility for you, who are in charge of those winches, to see that they are operating correctly, isn't it?

A. Yes, it is a responsibility.

Q. So the winches had broken down before Crawcraft saw you that evening, correct?

A. Yes; that could be correct.

Q. And you had worked on them?

A. I had gone up and fixed it; yes.

Q. And Crayeraft met you in the machine shop,

(Testimony of Maurice J. Cannalonga.)

your machine shop, where you were wrapping some cords, is that right?

A. Wrapping some what?

Q. Cords for electric wires. [6648]

A. Coils?

Mr. Gladstein: Cords.

Presiding Inspector: Co-r-d-s.

Mr. Gladstein: Yes.

A. You mean making up solenoids?

By Mr. Gladstein:

Q. Is that what you were doing?

A. I think so.

Q. What is a solenoid?

A. A solenoid is just a spool with a lot of wire wrapped around it. You measure the ohms on it and you use it as a magnetic induction, either induction or repulsion. That is a solenoid. It is used on relays quite a bit.

Q. Relays on what? A. Electrical relays.

Q. Electricity? A. Yes; electrical relays.

Q. What were you doing with those solenoids?

A. I think at that time I was testing them.

Q. Testing them for what?

A. To see if they were grounded.

Q. Why did you do that?

A. Well, there is a whole slough of them laying around the ship and I was checking over all this stuff, as I had a testing instrument of my own. The ship didn't have any. I [6649] was throwing away the ones that were haywire.

(Testimony of Maurice J. Cannalonga.)

Q. Why did you throw them away—was there any danger from them when they were haywire?

A. No. They just don't work. There is no —when they are grounded, a solenoid when it is grounded loses its magnetic field.

Presiding Inspector: This was material in the storeroom.

By Mr. Gladstein:

Q. Who told you to do that? A. Nobody.

Presiding Inspector: I mean, this is not a part of the connected apparatus on the ship.

A. (Continuing) I couldn't say when I started, Mr. Gladstein, because there is a lot of stuff—everything was left to my own discretion aboard the ship. If I saw stuff that needed repair, I did it; and I didn't have to get a written order to do anything.

By Mr. Gladstein:

Q. In other words, there were some things that you had the right to do when you had time and felt like doing it?

A. Yes. In fact, all the electrical equipment.

Q. And Craycraft met you in your machine shop while you were doing this work?

A. It is not a machine shop. [6650]

Q. What is it? A. It is a work shop.

Q. He met you in that work shop while you were doing this work, it that right?

A. I believe so.

Q. And before he left you that evening didn't

(Testimony of Maurice J. Cannalonga.)

you agree with him that he was to return and see you again at ten o'clock the next day?

A. No; I don't think I did—I don't recall that.

Q. You had been unable to get a relief for yourself up to 8:30 that night, isn't that true?

A. Well, I didn't get no relief at all.

Q. But you had put in for a relief earlier, had you not?

A. Oh, I had put in for relief, I believe it was the second day the ship got into port.

Q. And didn't you on Sunday night, when you talked with Craycraft, say that you thought you would get your relief by ten o'clock the next morning?

A. No, I didn't say that to him.

Q. Didn't you ask him to see you again on Monday morning at ten o'clock?

A. No, I didn't ask him to come and see me.

Q. Now, either in that conversation on that Sunday night, or in previous conversations with Craycraft, the two of you had talked about mutual friends, had you not? [6651] A. I believe so.

Q. One of those mutual friends was a man named Jack Mowery, isn't that true?

A. I think so; yes.

Q. He had been a friend of yours during the 1936-1937 strike, hadn't he? A. Uh huh.

Q. And you asked about him, didn't you?

A. I think I did ask about him.

Q. And didn't you, on Sunday night, ask Craycraft to invite Mowery down to speak to you?

(Testimony of Maurice J. Cannalonga.)

A. No; not the way you put it, Mr. Gladstein.

Q. Had you asked Craycraft to invite Mowery down to see you on the ship if Craycraft ran across Mowery?

A. No. I didn't send an invitation to him. If I am not mistaken, we were talking about Jack Mowery and I said I would like to see him, that I hadn't seen him since the '36-'37 strike.

Q. On Monday morning at ten o'clock at Terminal No. 1 on the ship, the West Cussetta, Craycraft and Mowery came down and met you in your stateroom, isn't that true?

A. I think that is correct.

Q. You were sober then, weren't you?

A. Oh, yes.

Q. All right. And you spent about five or ten minutes [6652] in your stateroom with them, didn't you? A. Something like that.

Q. And didn't you talk about the question of getting relief so that you could go to Seattle and get your clearance before you came down to testify in the Bridges case?

A. No; I didn't say anything about "clearance." I am pretty certain that I mentioned that I was still waiting for somebody to take over my job so I could go to Seattle.

Q. You did say you wanted to go to Seattle?

A. Yes.

Q. Did you tell them why you wanted to go to Seattle? A. No.

Q. Did they ask you why? A. No.

(Testimony of Maurice J. Cannalonga.)

Q. Why did you want to go to Seattle?

A. Because that is where I lived.

Q. Is that the only reason? A. Certainly.

Q. But you never discussed with Mowery and Craycraft why you wanted to go to Seattle?

A. No.

Q. But you just told them that you did want to go to Seattle and you were going to Seattle as soon as you could get a relief? [6653]

A. Yes; as soon as I could get off the ship.

Q. Now, isn't it true that before Craycraft and Mowery left you that Monday morning, the three of you arranged that you were to phone this Maleti's Grocery store as soon as you were ready to go to Seattle with Craycraft and Mowery?

A. No.

Q. You say that didn't happen, or you don't remember, which is it?

A. No; that didn't happen.

Q. Now, at 3:30 that afternoon, that is Monday, May 5, you phoned Craycraft, didn't you?

A. Monday—I believe I did.

Q. What did you phone him for?

A. I don't recall right now what I phoned him for.

Q. Why you phoned him to tell *you* that your relief had not yet come and you would try to leave the ship by 5:00 p. m., didn't you?

A. No. I don't think—no, I don't recall what I said to him over the phone.

Q. Then you tell me what you said, or talked

(Testimony of Maurice J. Cannalonga.)

about, on that telephone with Craycraft when you called him Monday about 3:30 in the afternoon.

A. No, I can't remember what I said.

Q. Not a thing? [6654]

A. No. It couldn't have been much because——

Q. (Interposing) Were you drunk then too?

A. No, I wasn't drunk.

Q. Isn't it true that you called him because they were waiting at that grocery store for you as soon as you got your relief to tell them so that all three of you could go to Seattle, where you wanted to see these people before you came back to San Francisco to testify to the truth in the Bridges case? A. No, it is not true.

Q. Didn't you tell them on this telephone, tell Craycraft, at 3:30 in the afternoon that Monday, that you thought you would get your relief by 5:00 o'clock?

Mr. Del Guercio: That is about the third time——

Presiding Inspector: You asked that before and got a negative answer.

Mr. Gladstein: I will withdraw it.

By Mr. Gladstein:

Q. Didn't you tell them on the telephone, Craycraft, when you spoke to him that Monday afternoon, that if you didn't get your relief by 5:00 o'clock and leave the ship that day you wanted Craycraft and Mowery to see you that evening on the ship?

(Testimony of Maurice J. Cannalonga.)

A. No. Let me see, I do recall asking Craycraft if Mowery was going to come down again—words to that effect. [6655] I remember talking over the phone a few minutes. I think I mentioned if Jack was coming down.

Q. Weren't you making plans all the time with Jack Mowery and Rosco Craycraft for you to leave that ship, go to Seattle, where you said you wanted to see some people, before you could testify to the whole truth, and then come down to San Francisco?

Mr. Del Guercio: That has been asked and answered. Counsel has put it in so many forms, it is like a snake charmer. He wants to charm the witness into saying it.

A. No.

Presiding Inspector: This is cross examination. He is your witness, Mr. Del Guercio. I will allow it.

By Mr. Gladstein:

Q. That night, Monday night about seven o'clock, you did see Craycraft and Mowery, didn't you?

A. Yes. They came down to the ship.

Q. Were you drunk then?

A. No, I wasn't drunk.

Q. As a matter of fact, when they came down to the ship you had been uptown shopping with the shore electrician, isn't that right?

A. I had been up—I went ashore, yes, up to the shop of the Marine Electric. I made quite a few trips up there.

(Testimony of Maurice J. Cannalonga.)

Q. On that particular evening you got down to the ship [6656] at about 7:15, didn't you?

A. I don't know the exact time I got down to the ship.

Q. Was it about that time?

A. It was in the evening some time; yes.

Q. And you were late for your appointment because you had been uptown doing this shopping, this electrical shopping of some kind, isn't that correct?

A. Well, I went up to this shop, Marine Electric Shop; yes. [6657]

Q. And that's the reason you were late for your appointment with them, isn't it?

A. Appointment? I never make appointments.

Q. Now, you and Craycraft and Mowery went to your stateroom? Correct?

A. I believe they were in the stateroom already. They were already in my room.

Q. Do you mean to say they didn't wait on the dock for you?

A. No, I don't think they did.

Q. Did you tell them where you had been when you found them in your stateroom?

A. I believe there was some mention.

Q. How did that come up? A. Huh?

Q. How did that come up?

Mr. Del Guercio: How did what come up? All the witness said that there was some mention and counsel interrupted and said——

(Testimony of Maurice J. Cannalonga.)

Mrs. King: (Interposing) Your Honor please, if Mr. Del Guercio wants to make an objection I think he is entitled to make an objection, but I see no reason why he is entitled to interrupt an examination and make it more difficult——

Mr. Del Guercio: (Interposing) I am making an objection——

Mrs. King: (Interposing) To contact the witness and get anything out of him, and it seems to me that that kind of a [6658] remark,——

Presiding Inspector: (Interposing) I suppose the objection is that the question is answered, that they had this conversation. How it came up is immaterial.

Mrs. King: I mean, if he wants to make an objection, then it is "immaterial".

Presiding Inspector: I suppose that is his objection. I will take it to be such. I will let you ask it.

Mr. Gladstein: The witness probably doesn't remember it. I will repeat it, your Honor.

Presiding Inspector: Of course, this is all largely collateral. You may go ahead.

By Mr. Gladstein:

Q. How did this mention of your having been uptown to do this shopping come up in the conversation between you, Mowery and Craycraft that Monday night?

A. I believe they asked me where I had been and I naturally answered them.

(Testimony of Maurice J. Cannalonga.)

Q. Didn't you tell them that that was the reason you were late?

A. Yes. I suppose when I answered them, there was nothing to hide, so in a natural conversation with any fellow on the ship, if they ask you where you have been you generally tell them, give them a rough outline of where you have been.

Q. And didn't you tell them that? Didn't you give [6659] them that rough outline to explain why you were late?

A. No. I didn't have no explaining why I was late because I was late for nobody. After all, ——

Q. (Interposing) How long were you with Craycraft and Mowery that evening?

A. Oh, I would say about a half hour.

Q. About an hour is more like it, isn't it?

Mr. Myron: Well, he has answered the question.

Mr. Gladstein: I am entitled to cross examine him.

Presiding Inspector: Yes. He can press him.

The Witness: No. I figure about a half hour.

By Mr. Gladstein:

Q. Were you drunk that night?

A. Now, Mr. Gladstein.

Q. Were you? "Yes" or "No", please.

A. No, I wasn't drunk.

Q. All right. Because you were late you had missed your supper, isn't that right?

A. Yes. I didn't have any supper.

(Testimony of Maurice J. Cannalonga.)

Q. So you made some sandwiches, didn't you?

A. Yes. I made sandwiches.

Mr. Del Guercio: I object to that, if your Honor please, as being immaterial and irrelevant.

Presiding Inspector: I don't understand the point of it, [6660] but you may ask it.

By Mr. Gladstein:

Q. And while you and Craycraft and Mowery were in your room eating some of these sandwiches that you made——

A. (Interposing) And drinking some rum.

Q. And drinking some rum, you say?

A. Yes, certainly.

Presiding Inspector: Go ahead.

By Mr. Gladstein:

Q. One of the mates came in and asked you to fix a radio of his which had gone "out of whack", isn't that right?

A. No. There was no radio that I fixed. I do recall the mate came down to the room and asked me if I would go up to his room. He had boughten a new radio and the ship's juice is 240 volts and the radio was only operated on 110 volts and he wanted me to fix up a resistor for him to cut down the voltage. So I went up to the mate's room and took a test instrument, my test instrument with me and fixed up this resistor to cut down his voltage.

Q. And then you had a conversation with Cray-

(Testimony of Maurice J. Cannalonga.)

craft and Mowery in that stateroom that evening, didn't you?

A. Yes. I think we had a general conversation.

Q. Do you know anything at all that was said by any of the three of you that evening?

A. Yes. I believe I mentioned to him that I was having trouble ever since I got into Portland trying to get a man to [6661] replace me and talking about a shortage of electricians up and down the whole coast; that a fellow could go ashore and go right to work if he wanted to because there was quite a shortage of them. And I think they asked me why I wanted to quit, and I told them that I had been putting in pretty long hours and the ship was in pretty bad shape; that I had done quite a bit of work on it. And then I think I was called again by somebody else.

Q. Anything else in that conversation with them that you remember?

A. Yes. I mentioned that I was going to Seattle and I think Craycraft said, well, he was going to Seattle too, and he would give me a ride up.

Q. Now, Mr. Cannalonga, isn't it a fact that Craycraft told you that Monday evening that he had talked on the long distance telephone to me and that he, Craycraft was leaving for San Francisco on the airplane that night in order to testify in this case? A. No.

Q. He didn't tell you that?

(Testimony of Maurice J. Cannalonga.)

A. No, he didn't mention it.

Q. He told you that he was going to Seattle the next day?

Mr. Del Guercio: If your Honor please, that is what the witness has testified.

Mr. Gladstein: I know, but I am entitled to press [6662] him on this, your Honor.

Presiding Inspector: I don't think you are entitled just to ask the same question over again.

Mr. Gladstein: It isn't the same as repeating the question.

Presiding Inspector: That isn't pressing.

Mr. Gladstein: When something new comes up it seems to me that you are entitled to come back.

Presiding Inspector: Very well. If you claim that that is something new and he denies anything of that kind.

Mr. Gladstein: Of course, when there is objection and then discussion, the purpose of the examination is lost.

Presiding Inspector: Go ahead.

Mr. Gladstein: I don't even remember the last question now.

Presiding Inspector: You may have it read, then.

(The question referred to was read by the reporter as above recorded.)

By Mr. Gladstein:

Q. How about it, Mr. Cannalonga?

A. Well, it could be—there was mention of—I

(Testimony of Maurice J. Cannalonga.)

assume that the both of them were going up to Seattle.

Q. You started to say "it could be". What was the rest of that?

A. Well, just like I say, it could be possible that he [6663] was going down to 'Frisco. I didn't know that he was going to 'Frisco. It didn't come out in that conversation.

Presiding Inspector: Is that all? Do you want to say anything more about the conversation?

The Witness: Oh, no.

Presiding Inspector: He has finished.

By Mr. Gladstein:

Q. All right. Anyway, your best recollection is that Craycraft and Mowery said that they were going to Seattle the next day and if you would like to come, why, they would be glad to take you; is that it? A. Yes.

Q. Then why did you write a note on Monday night giving it to Craycraft to be given to Harry Bridges in which you said "Harry, I'll see you tomorrow night"?

Mr. Del Guercio: That isn't the testimony, if your Honor please. There is no such evidence in the record, no such testimony.

Mr. Gladstein: I will ask the question. If he wants to say that there isn't, that is all right.

Mr. Del Guercio: Well, he is deceiving the witness. He has no right to do that.

Presiding Inspector: He hasn't any right to deceive him.

(Testimony of Maurice J. Cannalonga.)

Mr. Del Guercio: Cross examination or what. [6664]

Presiding Inspector: He has no right to deceive the witness, of course.

Mr. Gladstein: May I have that Exhibit, please?

Presiding Inspector: I think the question should be as to this Exhibit, then. Why did he write this Exhibit.

(Whereupon the Exhibit referred to was passed to Mr. Gladstein.)

By Mr. Gladstein:

Q. Then why did you write——

Mrs. King: Just a moment! I think there was a statement made by Mr. Del Guercio while the Court Reporter was looking for the Exhibit that is not in the record. I am wondering if we could have the last thing in the record.

Presiding Inspector: I don't recall it.

Mrs. King: The statement was "We are not in the hotel".

Mr. Del Guercio: No, I will repeat the statement if the Court wants me to.

Mrs. King: I should like to have it in the record.

Presiding Inspector: Well, if you are willing to, Mr. Del Guercio. You don't have to.

Mr. Del Guercio: I would be glad to repeat it if they want me to.

I said that "Mr. Gladstein is not in the hotel room now questioning the witness". [6665]

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: Well, I think it was an improper remark. That is not an objection.

By Mr. Gladstein:

Q. Now, Cannalonga, ——

A. (Interposing) Will you let me see what you have got there?

Q. Not yet. I will show you this later. Isn't it true that that evening you agreed that the following morning, relief or no relief, you were going to quit that ship and go with Mowery to Seattle and then come down to San Francisco after you had seen the people in Seattle and then testify in this case to the whole truth? A. No.

Q. What is the answer?

Presiding Inspector: If you will stand back, I suggest the witness will be inclined to speak louder.

The Witness: I says, No.

By Mr. Gladstein:

Q. And isn't it true——

Presiding Inspector: Speak out, Mr. Cannalonga, so we can hear.

By Mr. Gladstein:

Q. And isn't it true that Mr. Craycraft told you that he, because he had talked with me, was going to San Francisco by plane that Monday night? [6666] A. No.

Q. And isn't it true that you wrote a note for Craycraft to take with him so that Bridges would

(Testimony of Maurice J. Cannalonga.)

know that you would be down in San Francisco Tuesday night? A. No.

Q. Now, I show you Alien's Exhibit 24. That's the note you wrote, isn't it?

A. Yes, I wrote that.

Q. What's the date on it?

A. May the 5th.

Q. That was in your handwriting, wasn't it?

A. Yes.

Q. You weren't drunk then, were you?

A. No.

Q. That was Monday May the 5th, wasn't it?

A. Well, if you want, it is not——

Q. (Interposing) Was it Monday, May the 5th?

Mr. Del Guercio: Let the witness answer there.

By Mr. Gladstein:

Q. Was it Monday, May the 5th?

A. Yes.

Q. All right. And when you say "Will see you tomorrow night", to whom was that sent?

A. Well, that could have been sent to anybody.

Presiding Inspector: Let me see it. [6667]

(The Exhibit referred to was passed to the Presiding Inspector.)

By Mr. Gladstein:

Q. To whom did you send it?

A. I was asked to write it and sign my full name to itand I wouldn't sign my full name to it.

Q. Who told you to say that story?

(Testimony of Maurice J. Cannalonga.)

A. Nobody told me to say that story.

Q. All right. Now,——

Mr. Del Guercio (Interposing): Now, if the Court please,——

By Mr. Gladstein:

Q. (Continuing): ——who were you sending that note to?

Mr. Del Guercio: I demand that he take his foot off that witness stand. That's the attorney.

Presiding Inspector: I have suggested to Mr. Gladstein, as I suggested to you several times, that we would get along better if you would stand near the table provided for counsel.

By Mr. Gladstein:

Q. Who did you want this note to go to, Mr. Cannalonga?

A. That note, it's like I said at the start when I first came on the stand, that night Craycraft asked me to write a note to Harry Bridges and sign my full name to it, and I says "What do you want my name to it for?" And he insisted [6668] that I sign my name to this note. So at the time I figured, "Well, O.K. I'll write a note". So I wrote a note and he dictated the words.

Q. Who dictated it? A. Craycraft.

Q. Did you understand what he was dictating?

A. Did I understand what he was dictated?

Q. What he was dictating to you?

A. Well, that's the words.

(Testimony of Maurice J. Cannalonga.)

Q. When he dictated to you did you understand what he was dictating?

Mr. Myron: You mean, did he write it?

Presiding Inspector: No. He means did he understand what the words meant.

A. No. I just wrote what he told me to write.

By Mr. Gladstein:

Q. Did you know what you were writing?

A. I just scribbled that down.

Q. Did you know what you were writing?

A. Yes.

Q. Did you understand what you were writing?

A. I didn't understand it was going to be sent to Bridges, no.

Q. How did you understand this note was going to get to Harry Bridges?

A. I didn't even think it was going to get to Harry [6669] Bridges.

Q. Whom did you think it was going to get to?

A. I don't know.

Q. How did the name of Harry Bridges come up in this?

A. Well, he mentioned Bridges.

Q. In what way?

A. Oh, in a dozen ways.

Q. You tell me any of them.

A. About Harry being worried about me and that Harry Bridges felt that I was under pressure by the FBI.

Q. What else? Any other mention of Bridges that you can remember that Monday night?

(Testimony of Maurice J. Cannalonga.)

A. No, I don't believe so.

Q. Was there any mention of Bridges in connection with this note?

A. Not at the time I wrote it.

Q. When? When was that mention made?

A. I believe the mention of Bridges was before I went up to fix this radio.

Q. Regarding Bridges and this note, you mean?

A. About me writing to Bridges, yes.

Q. All right. What was that mention? Who mentioned it? A. Craycraft.

Q. What did he say?]6670]

A. He wanted me to write a note to Harry Bridges.

Q. A note to Harry Bridges?

A. Uh-huh (Affirmative).

Q. What did he want you to say in your note to Harry Bridges? A. He didn't say.

Q. What? A. He didn't say at the time.

Q. When did he say? A. He didn't say.

Q. When did he say at any time that night what he wanted you to write to Harry Bridges?

A. He didn't.

Q. So you wrote this yourself saying that you were going to see Harry Bridges the following night, didn't you?

A. No. That there was dictated tome.

Q. It was still dictated?

A. Yes, that note there.

Q. Well, if it wasn't dictated by Craycraft was it dictated by Mowery?

(Testimony of Maurice J. Cannalonga.)

A. It was dictated by Craycraft, like I said at the start.

Q. Did you understand that Craycraft was going to deliver this note to Bridges? A. No.

[6671]

Q. What did you think he was going to do with it? A. I don't know.

Q. He didn't tell you? A. No.

Q. You didn't ask him? A. No.

Presiding Inspector: I think we will take a short recess.

(Whereupon, a short recess was taken.)

Presiding Inspector: Now, Mr. Gladstein, you may continue.

Mr. Gladstein: Yes, your Honor.

By Mr. Gladstein:

Q. When you said in this note, Mr. Cannalonga, "Will see you tomorrow night" what did you understand "tomorrow night" to mean?

A. Well, like I said, there was quite a bit of argument over that note, Mr. Gladstein, nad——

Q. (Interposing): Were you threatened?

A. Well, he insisted that I write this note.

Q Were you threatened? Were you threatened?

A. Openly?

Q. In any way?

Mr. Myron: Let him answer the question. He was starting to answer it.

Presiding Inspector: I think he want to answer it. [6672]

(Testimony of Maurice J. Cannalonga.)

A. No, I wasn't threatened openly.

Q. In what way were you threatened?

A. I don't know how to answer that question, Mr. Gladstein.

Q. I can understand that. But in what way were you threatened?

Mr. Del Guercio: May be Court at this time should properly take the witness under his hand now. It is apparent that this witness has been under—perhaps the Court will find out just what the witness means, whether he was threatened and intimidated.

Mr. Grossman: Would you like a "Yes" or "No" answer, as you did before?

Presiding Inspector: If you don't know how to answer it, you can say you don't know how to answer it; or make a try at it, if your wish to.

A. I wouldn't know how to answer it, your Honor.

Presiding Inspector: You mean you don't know whether your were threatened or not?

The Witness: No.

By Mr. Gladstein:

Q. You don't know whether you were intimidated or not? A. No.

Q. You don't know whether you were forced or not? [6673]

A. Well, if you call being "insistent" "forced", then I was forced.

Q. How did they insist on this?

A. Oh, he just kept "Well, go ahead and write

(Testimony of Maurice J. Cannalonga.)

the note" and I kept saying "No, I don't want to write no note. Why should I?"

Q. And then what did they say?

A. And, oh, it kept up for about five minutes, I believe, and then the mate come in and the mate come in then and asked me if I would put this resistor in for him. So I got up and put the resistor in.

Q. Before you went and put in the resistor, let's go back to the five minutes when they were insisting that you write the note and you said "No", you didn't want to. You say they kept insisting that you write a note? A. Yes.

Q. What did they say?

A. Oh, I don't recall everything they said.

Q. What arguments did they use that you should write the note?

A. I don't know what you mean by that, Mr. Gladstein.

Q. What did they say to try to persuade you to write the note or try to insist that you write the note?

A. He just kept repeating, that's all.

Q. What did he keep repeating? [6674]

A. "Go ahead and write that note".

Q. In a threatening way?

A. Well, what do you call "threatening"?

Q. Did you understand it as a threat?

A. No. He didn't come out openly and threat.

Q. Did you write this note against your will? "Yes" or "No".

(Testimony of Maurice J. Cannalonga.)

A. I don't get your answer. What do you mean by that?

Q. You didn't want to write this note, you say?

A. No. I didn't feel that I should write the note.

Q. And they insisted that you write the note, is that right? A. Yes.

Q. So you finally wrote the note against your will, is that right?

A. Well, I finally wrote the note.

Q. Against your own will, is that right?

A. No. That's hard to answer, too. If you want to write against—I just wrote the note because they insisted.

Q. Did they insist on anything else besides you writing that note? A. No.

Q. Did you ask them what they wanted that note for?

A. Yes. I asked them, and they wanted me to sign my full name and I wouldn't sign my full name. I just signed the way it was signed. [6675]

Q. Why wouldn't you sign your full name?

A. Because I wouldn't.

Q. Why? You must have had a reason?

Mr. Del Guercio: Now he is arguing with the witness, your Honor.

By Mr. Gladstein:

Q. Did you have a reason for not signing your full name? A. No, I didn't.

Q. Why did you refuse to sign your full name?

A. Because I thought it wasn't proper.

Q. You thought what?

(Testimony of Maurice J. Cannalonga.)

A. It wasn't proper.

Q. In what way did you think it was improper?

A. Well, when they insisted that I write this note and sign my full name I figured, well, they must have some reason for wanting me to sign my full name to it. So I just got——

Q. (Interposing): Suspicious?

A. Well, you can call it that if you want.

[6676]

Q. So you got suspecious of those men, Mowery and Craycraft? A. I did.

Q. And you wrote this, though you didn't want to write it, because they insisted on it?

A. Yes.

Q. That night while you were with Mowery and Craycraft, the night that you wrote this note, Craycraft told you that he was coming down on a plane to San Francisco and was going to testify to the things that you had told him and me, didn't he?

Mr. Del Guercio: I object to that. It has been asked and answered before.

A. No, he didn't.

Presiding Inspector: I think I will allow it.

Mr. Gladstein: Thank you, your Honor.

By Mr. Gladstein:

Q. Didn't he? A. No.

Q. And didn't he ask you, "Before I go, Cannalonga, is there anything else, is there any other information you want to give me before I go to testify on this thing?" A. No, he didn't say that.

Q. Didn't you at that time tell him the various

(Testimony of Maurice J. Cannalonga.)

places where you had been with this girl, and where the FBI said they [6677] had checked and found you had registered with her? A. No.

Q. And didn't he make notes on an envelope right in front of you as you were telling him this?

A. No.

Q. That didn't happen?

A. No; that didn't happen.

Q. Didn't he write that list of places on a slip of paper as you told him the places? A. No.

Mr. Del Guercio: First, it was an envelope and now it is a slip of paper.

Presiding Inspector: That is comment, argument.

By Mr. Gladstein:

Q. Didn't you tell him that the first place you stopped with this girl was this side of Reno in an auto camp about four or five hours out of Reno?

Mr. Del Guercio: If the Court please——

A. Interposing): No.

Mr. Del Guercio: I want to make an objection at this time. I believe the Court will recall—I am not sure of it, but I think I am fairly certain—Crayeraft testified that he was making notes on an envelope. Counsel is now reading from a sheet of paper. He had an envelope there that he pulled out a little while ago, and I think it is very very important to know whether it is an envelope or a [6678] sheet of paper.

Presiding Inspector: I don't think it is of any importance——

(Testimony of Maurice J. Cannalonga.)

Mr. Gladstein (Interposing): I will tell Mr. Del Guercio about it.

Presiding Insepctor: Just a moment. I don't think it is of any importance so far as this question is concerned. It may be important largely later, but not so far as this question is concerned.

Go ahead.

The question is whether he told this fact about where a certain camp was, and whether he stopped there on his way from Reno. That is all the question is. It hasn't anything to do about an envelope or anything else.

The Witness: I answered that question.

By Mr. Gladstein:

Q. How did you answer it? A. No.

Q. Didn't he make a note right in front of you to that effect as you told him? A. No.

Q. Didn't you tell him that you then went to the southern part of California with this girl?

A. No.

Q. Didn't you tell him that you stayed in an auto [6679] camp in the vicinity of Los Angeles and San Pedro? A. No.

Q. Didn't you tell him that you then drove up toward San Francisco with this girl and spent a night in an auto camp in South San Francisco?

A. No.

Q. Didn't you tell him that you then went up north and stayed in an auto camp between Frisco and Eureka? A. No.

(Testimony of Maurice J. Cannalonga.)

Q. Didn't you tell him that you stayed in an auto camp in Eureka one night? A. No.

Q. Didn't you tell him you spent one night in Roseburg? A. No.

Q. Didn't you tell him that you spent one night in Portland? A. No.

Q. At a National Auto Camp just before you get into Portland? A. No.

Q. Didn't you tell him that you then went with this girl to Tacoma? A. No.

Q. And that you stayed in an auto camp there?

A. No.

Q. Didn't you tell him that you then went to Seattle? [6680] A. No.

Q. And that you stayed in a hotel on First Avenue between Seneca and University?

A. No.

Q. Didn't you tell him that you then went to Coulee City, or Coulee Dam and stayed a night with her? A. No.

Q. Didn't you tell him then you went to Spokane and spent two nights there? A. No.

Q. The first night was in an auto camp?

A. No.

Q. And the second night in a hotel?

A. No.

Q. Didn't you tell him that you left the girl in Spokane? A. No.

Q. And that you then came back to Seattle?

A. No.

Q. And that you then got a ship in April of

(Testimony of Maurice J. Cannalonga.)

1940 at the branch in Seattle headed for Bristol Bay? A. No.

Q. Did you ship out in April of 1940 from Seattle to Bristol Bay? A. No. [6681]

Q. From where did you ship?

A. The ship left Seattle for Bristol Bay in May; the latter part of May.

Q. Where were you in April of 1940?

A. In April I think I was down in the Union hall.

Q. Now, didn't you repeat, in the presence of both Mowery and Craycraft on two occasions on Monday, May 5, one at ten o'clock in the morning, when you were with them in your stateroom, and the other time a little after seven o'clock in the evening when you were with them in your stateroom, didn't you say to both of them that your testimony in the Bridges case had been false?

A. No.

Q. That your testimony had been given under pressure? A. No.

Q. That you were glad that you had made a statement in the Attorney's office? A. No.

Q. That you were willing to testify in San Francisco if you could get relieved and get a clearance from these people in Seattle? A. No.

Q. Didn't you tell them that Monday night that you expected your relief the following morning?

A. No. [6682]

Q. Didn't you tell them that night that you would call Mowery the following morning at Ma-

(Testimony of Maurice J. Cannalonga.)

leti's Grocery at ten o'colck to advise him whether you were free to go to Seattle in Mowery's car?

A. No.

Q. Now, as a matter of fact, on Tuesday, May 6th, you did phone Mowery, didn't you?

A. Tuesday, May 6th—yes, I did phone him.

Q. And you phoned him at this grocery store, didn't you? A. I believe I did.

Q. And you told him, didn't you, that your relief for your job had not come?

A. I think he asked me if there was another electrician aboard yet and I told him "No."

Q. He asked you? A. Yes.

Q. You didn't tell him this before he asked you?

A. No.

Q. What did you call him up for?

A. He asked me to call him up at this grocery store.

Q. What for? A. He wanted to talk to me.

Q. What about? A. I don't know. [6683]

Q. Didn't he tell you what he wanted to talk to you about? A. No.

Q. You mean he told you Monday night he wanted you to call him just to talk? A. Yes.

Q. Just to talk? A. Yes; certainly.

Q. And so you went out on Tuesday and you phoned Mowery just to have a talk with him, is that right? A. Correct.

Mr. Del Guercio: That is what the witness testified.

(Testimony of Maurice J. Gannalonga.)

Presiding Inspector: Yes; that is what he testified to.

By Mr. Gladstein:

Q. Did you tell Mowery over that telephone that you expected your relief to come any minute?

Mr. Del Guercio: That has been asked and answered.

Presiding Inspector: Not in this particular respect.

A. I did answer—no, I didn't tell him that.

By Mr. Gladstein:

Q. What did you tell him?

A. He asked if I got a relief yet, if the fellow had relieved me yet, another electrician had come aboard, and I said "No."

Q. Didn't you tell him that you expected to be relieved, [6684] at any time?

A. Yes, I told him that.

Q. And din't you invite Mowery to come down to the ship to see you?

A. Sure, I invited him to come to the ship.

Q. Didn't he come down and see you at 10:30 that morning?

A. I think he came down at 10:30.

Q. Didn't he see you in your room?

A. Yes.

Q. Didn't he spend about half an hour with you that Tuesday morning in your room?

A. Well, no; he didn't spend half an hour there.

Q. How long did he spend with you?

(Testimony of Maurice J. Cannalonga.)

A. He was in the room about that time, yes; but I had left a couple or three times while he was in the room to do a little work.

Q. Were you sober then?

A. Yes; I was sober.

Q. Didn't you tell Mowery in your room that you were trying to get the Marine Firemen's agent to see why you hadn't been relieved?

A. Yes; that was mentioned; correct.

Q. Didn't you say that you would call Mowery again at noon that day?

Q. No, I don't believe I did. [6685]

Q. Well, at noon you did phone Mowery, didn't you? A. I don't think I did.

Q. Didn't you phone Mowery and tell him that you were still waiting for your relief? A. No.

Q. Are you sure about that?

A. I am pretty sure.

Q. Didn't you tell Mowery over the telephone that Mowery was to stand by and wait for a phone call from you which you would give him as soon as you were relieved?

A. No. He did mention that he was going to be around this grocery store all day. There was a little bar in there, if I am not mistaken, a beer joint in this grocery store. He said that is where they hung out, a bunch of longshoremen hung out.

Q. You say you didn't call him at noon.

A. No, I didn't.

Q. As a matter of fact, you called him at noon and also at three o'colck that afternoon, didn't you?

(Testimony of Maurice J. Cannalonga.)

A. No.

Q. You did call him at three o'clock, didn't you?

A. I think I called him at three.

Q. You asked him to come down to the ship at that time, didn't you?

A. Yes, I asked him to come down to the ship.

[6686]

Q. And he came down and met you at 3:15 on the ship, didn't he.

A. He came aboard in the afternoon; yes.

Q. Right after you phoned him, wasn't it?

A. Yes.

Q. And it was in your stateroom, wasn't it?

A. Yes; in my room.

Q. And you told him if you didn't have relief by the following morning you would go to Seattle anyway? A. No.

Q. What did you say about that, if anything?

A. Nothing; we were just talking about—we had been doing quite a bit of talking about the 1936-1937 strike, and we were going over old times. That is all.

Q. What? A. Nothing.

Q. That is what you were talking about at 3:15?

A. Yes.

Q. You called up at 3:00 o'clock to invite him to come down at 3:15 to talk about old times?

Mr. Del Guercio: That isn't his testimony.

Mr. Gladstein: I am asking the question.

Presiding Inspector: I will allow it. It is cross examination.

(Testimony of Maurice J. Cannalonga.)

A. The reason I called—he said he wasn't doing [6687] anything all day and he would be around there and would like to talk over old times with me. I said "O.K. The first chance I get caught up on some of this work I will give you a buzz and have you come down to the ship."

By Mr. Gladstein:

Q. But you were busy while he was in there, isn't that true?

A. Yes; but I wasn't so busy I couldn't see him for a while.

Q. Isn't it a fact that you told him at 3:15 in the afternoon that day, that Tuesday, that if you didn't get a relief by the following morning you would pack up and leave the ship anyway?

A. No.

Q. That you were going to go to Seattle with him?

A. No. I believe there was mention that he was going to Seattle and he would give me a ride up.

Q. Didn't you agree that you would phone Mowery at nine o'clock the next day? A. No.

Q. Was there any talk about a phone call at nine o'clock the next day, nine in the morning?

A. I believe there was mention, yes, if I got a relief that he would hold up that trip to Seattle and give me a ride.

Q. Now, that night he saw you again at about six [6688] o'clock, didn't he?

(Testimony of Maurice J. Cannalonga.)

A. Yes, I believe he did drop in just before he went to work.

Q. He came down to the ship and told you that he had just received a call, a phone call, from San Francisco, didn't he?

A. No; I don't think he mentioned that.

Q. Didn't he tell you he had received a phone call and that he had information that a subpoena was to be issued for you? A. No.

Q. Was there any talk about a subpoena?

A. No.

Q. Didn't he tell you——

A. (Interposing) What day is this, Monday or Tuesday?

Mr. Del Guercio: Is that Tuesday night you are talking about?

The Witness: Is it Tuesday?

Mr. Del Guercio: May I have that question read?

The Witness: Mr. Gladstein——

Mr. Del Guercio: (Interposing) Just a minute.

Presiding Inspector: Let the reporter read that question.

(The question referred to was read by the reporter as follows: [6689]

"Q. Didn't he tell you he had received a phone call and that he had information that a subpoena was to be issued for you?

"A. No.")

Mr. Del Guercio: I assume that is Tuesday night.

(Testimony of Maurice J. Cannalonga.)

The Witness: Is that Tuesday night?

Mr. Gladstein: Tuesday night I am talking about.

A. No; he didn't come aboard ship.

By Mr. Gladstein:

Q. As a matter of fact, at 6:00 o'clock you weren't on that ship at all, were you, on Tuesday?

A. No; I don't think I was.

Q. And a message was left for you by Mowery to call him at the Union Hall of the Marine Cooks and Stewards where he was going to be, correct?

A. No.

Q. Didn't you call up the Marine Cooks and Stewards Hall at eight o'clock that night?

A. I didn't.

Q. What? A. No.

Q. Didn't you call up and say you were Cannalonga and a man named Eddie Lane answered the phone? A. No.

Q. Didn't you ask for Mowery? [6690]

A. I called up—I think it was that grocery store that I called up.

Q. You called up the Marine Cooks and Stewards Hall, didn't you? A. No, I didn't.

Q. You asked for Mowery, didn't you?

A. I asked for Mowery, yes.

Q. And you asked for Mowery when you were making this telephone call at eight o'clock Tuesday night, 'isn't that true?

A. It was on a Tuesday night; yes. I don't recall what time it was.

(Testimony of Maurice J. Cannalonga.)

Q. It was about eight o'clock, wasn't it?

A. It was dark, yes; I suppose it was about eight o'clock.

Q. Did you get Mowery right away or did you have to ask for him from somebody else?

A. I had to ask for him. I am quite sure it was a grocery store.

Q. Were you sober or drunk? A. Me?

Q. Yes. A. I was sober.

Q. All right. When Mowery took the phone you asked him what he wanted and why he had left a message for you to call him, isn't that true?

A. I believe that is right. [6691]

Q. And isn't it true that he told you that a subpoena had been, or was about to be issued for you?

A. I believe he did mention a subpoena.

Q. Didn't he tell you that the subpoena was going to be served on you the next morning?

A. No; I don't believe he mentioned when it was going to be served.

Q. Didn't he tell you that by being served with a subpoena on the next morning, Wednesday, that it would give you a legal right to leave that ship and not wait for a relief any more?

A. No, he didn't.

Q. What did he say about that?

A. He just mentioned this subpoena, and how he heard it was being issued to me and I told him —well, I believe I read it in the newspaper too.

Q. You had read it in the newspaper that day?

A. I believe so. I am not quite sure.

(Testimony of Maurice J. Cannalonga.)

Q. In what paper had you read it, Mr. Cannalonga?

A. Either in the Oregonian—I think it was the Oregonian.

Q. On that Tuesday? A. Yes.

Q. In the afternoon or in the morning?

A. At night.

Q. At night? [6692] A. Yes.

Q. What time at night?

A. Oh, it was about—after supper.

Q. Before eight o'clock? A. Yes.

Q. What had you read?

A. There was a little article about a subpoena being issued for me.

Q. You are sure about that?

A. I am quite sure about it.

Q. Now, didn't Mowery tell you over the telephone that this subpoena was going to be served on you the next morning, but he had word from the defense attorneys that if you wanted to go to Seattle and see these people before you came to San Francisco to testify it would be all right?

A. No; he didn't say that.

Q. Didn't he tell you that this subpoena required you immediately to come to San Francisco, but since you were being subpoenaed by the defense, if the defense allowed you to go to Seattle where you wanted to go first, it would be all right?

A. No.

Q. He didn't give you that information?

A. No.

(Testimony of Maurice J. Cannalonga.)

Q. What was said about the subpoena then?

A. He just mentioned the fact that a subpoena was being [6693] served on me and I told him, I said, "Yes, I know that. I seen it in the paper."

Q. What else? A. That is all.

Q. That is all that was said?

A. That is all.

Q. Did you tell Mowery whether you would come down if the subpoena was served on you?

A. No, I didn't.

Q. Did he ask you?

A. I don't believe he asked me.

Q. When you read about this subpoena did it frighten you in any way?

A. No, the subpoena didn't.

Q. When you heard that there was going to be a subpoena issued to you to come down and testify were you scared? A. No, I wasn't.

Q. Was there any reason why you wouldn't want to come down and testify? A. No.

Q. And you knew about a subpoena being issued on Tuesday?

A. I don't know what day it was going to be issued, the exact minute.

Q. But you heard about it?

A. I heard about it; yes. [6694]

Q. Now, didn't Mowery tell you over the telephone—withdraw that.

Didn't you tell Mowery over the telephone that your relief had not yet come?

(Testimony of Maurice J. Cannalonga.)

A. I believe he asked me if I got another electrician yet. I said "No."

Q. This was the eight o'clock telephone conversation, eight o'clock at night, Tuesday, correct?

A. Somewhere around there.

Q. Didn't you say that although your relief had not come you would leave the next day with Mowery and go to Seattle? A. No.

Q. And didn't you say that you would phone Mowery at nine o'clock in the morning and tell him where and when to meet you so that you could go to Seattle? A. No.

Q. Now, on Wednesday morning you did phone Mowery at eight o'clock in the morning, didn't you? A. I did.

Q. At Maleti's Grocery, correct?

A. I did.

Q. And Mowery wasn't there so you left a message, didn't you? A. I did. [6695]

Q. You said, "Give Mowery a message to the effect that Blackie called and will call later", didn't you?

A. Yes. I said I would call back about ten o'clock.

Q. Correct.

Mr. Del Guercio: What was that last remark?

The Reporter: "Correct."

By Mr. Gladstein:

Q. At 10:15 in the morning you had not called the *ship*, had you? A. No.

Q. I mean, you hadn't called the grocery store?

(Testimony of Maurice J. Cannalonga.)

A. No.

Q. You didn't call Mowery after eight o'clock, although you left a message saying that you were going to call again at ten? A. Right.

Q. So Mowery went down to the ship and he saw you in your stateroom at about 10:15 in the morning? A. He saw me there?

Q. Yes, didn't he?

A. Well, he is seeing things, was seeing things because I was on my way to Seattle at 10:15 Wednesday morning.

Q. Oh, you were?

A. I absolutely was.

Q. Why did you leave a message that you were going to [6696] call Mowery at ten o'clock then?

A. Well, now, I have got to tell you what happened. At 6:00 o'clock in the morning of Wednesday——

Q. (Interposing) What happened after six o'clock in the morning?

A. The Mate came aboard, the night Mate, and woke me up and he said, "Blackie, you are in a pretty tough spot." He says, "You want to watch yourself." He says, "You are liable to wake up one of these mornings not knowing that you are alive."

I said, "What is the trouble?"

He said, "During the night one of the Immigration Inspectors, or Custom Inspectors, had seen a car parked across the dock there with a bunch of fellows in it and they were there all night long."

and that they were watching me. So he had woke me up at six o'clock.

He said, "Watch yourself. This Custom man came aboard ship to see that you were all right." He said, "You had better stop drinking, and stop seeing these fellows that have been coming aboard to see you every day." He says, "They have seen them come aboard."

So I started putting two and two together, and so I left the ship at 7:30 with a piece of motor, a small motor, headed for this electrical shop.

I stopped in a restaurant and called up Mowery. It was about [6697] eight o'clock. I called him up and told him that I would see him at ten o'clock—knowing that he wouldn't come down to the ship and that he would stay over at this grocery store.

Then I asked—oh, I got twisted up on the streets. I had been at that shop a dozen times, but I got lost. So I called up their shop and asked them whereabouts it was at. So he told me, he says, "You are only about four blocks from the shop here." And so I walked—he said "I am heading down that way and I will pick you up."

So I started walking toward the shop, and this fellow from the Marine Electric Shop picked me up. We went to the shop.

On the way to the shop, before we went inside, I asked him if he would do me a favor. He said, "Yes. Sure. What do you want?".

(Testimony of Maurice J. Cannalonga.)

I said, "How is the chances of getting one of the boys to give me a ride over to Vancouver, Washington?"

He said, "O.K."

I said, "If anybody asks if you saw me to tell them you didn't."

So on the outskirts of Vancouver, just outside the city limits, I got out of this pick-up truck of theirs and caught a bus and beat it to Seattle.

So I couldn't have been on that ship at the time Mowery came. [6698]

Q. Where were you when you called Mowery?

A. I called him from this restaurant.

Q. Which restaurant?

A. I don't remember the name of the place.

Q. Where was it located?

A. Down on the waterfront.

Q. Why did you call him? A. Why?

Q. Yes.

A. I just told you he asked me to call him.

Q. When did he ask you to call him?

A. I think the night before.

Q. When, the night before?

A. I don't recall just when.

Q. Why did you leave word that you were going to call again at ten?

A. Well, I figured that he wouldn't know where I had gone.

Q. You didn't want him to know where you had gone? A. No.

Q. Why? A. Just because.

(Testimony of Maurice J. Cannalonga.)

Q. You must have had a reason, did you?

A. Well, there was plenty of reason outside the dock there in that car.

Q. Did you think Mowery was going to beat you up? [6699]

A. No, I didn't think Mowery would.

Q. Who did you think it was in that automobile?

A. I don't know who it was.

Q. Did you think it was the FBI?

A. No.

Q. Did you think it was the Immigration Inspectors? A. No.

Q. Who did you think it was?

A. I don't know who it was—just a carload of fellows.

Q. What were you afraid of, Mr. Cannalonga?

A. I wasn't afraid.

Q. Then why did you leave the ship that way?

Mr. Del Guercio: It is obvious—a car full of men.

Mr. Grossman: You need not tell why he left.

Presiding Inspector: Let's find out. I think it is proper. I would like to know myself.

By Mr. Gladstein:

Q. Why did you leave the ship, Mr. Cannalonga?

A. Well, I will tell you why.

Q. That is what I am asking.

A. Because I felt I was being watched and intimidated.

Q. By whom?

(Testimony of Maurice J. Cannalonga.)

A. By the Communist Party. [6700]

Mr. Del Guercio: He said "The Communist Party."

Mr. Gladstein: I heard it. I heard it.

By Mr. Gladstein:

Q. Why do you think the Communist Party was watching you?

A. Why? For the simple reason that they already started a campaign against me, a whispering campaign, and a few incidents caused me to believe that it seems like every move that I made in Portland and when I shipped on the ship and everything else pointed out that all my movements were being watched.

Q. You didn't associate Mowery or Craycraft with the Communist Party, did you?

A. What was that again?

Q. You didn't associate Mowery or Craycraft with the Communist Party, did you?

A. Well, I don't know whether they are Communists or not.

Q. Did you associate them with the Communist Party?

A. I understood that—what do you mean "associate"?

Q. When you say that you thought you were being watched by the Communist Party did you mean that you thought you were being watched by Mowery and Craycraft, too?

A. Well, Mowery seemed to want me to phone him up pretty often.

(Testimony of Maurice J. Cannalonga.)

Q. Why should he watch you, do you know?

[6701]

A. No, I don't.

Q. Did you have any idea? A. No.

Q. Did you think that he was interested in watching you? A. I don't know.

Q. Did you think so at that time?

A. No, I didn't think so at first.

Q. How about Craycraft? Did you think that he had any interest in watching you?

Mr. Myron: Wait a minute! Why don't you let him finish the answer?

Presiding Inspector: Was there anything more?

Mr. Myron: Read the answer.

The Witness: I told him that I didn't think he was interested in watching me at first, but later on I got suspicious that he was.

By Mr. Gladstein:

Q. When did you get suspicious for the first time that Mowery or Craycraft was interested in watching you? A. Oh, Tuesday.

Q. Tuesday when?

A. The day before I left.

Q. Well, what time Tuesday?

A. Oh, I couldn't say right at the exact minute. It [6702] was just during the day.

Q. Were you interested—did you think that Mowery was interested in having you watched that day?

A. Yes. I started to feel it because all these

(Testimony of Maurice J. Cannalonga.)

phone calls were supposed to have been made in good fellowship, and I got thinking Jesus! that's doing a lot of phoning to say hello to a guy who is interested in whether I got a relief or not.

Q. Did you think the same thing about Craycraft that day.

A. I don't even know if Craycraft was there at all that day.

Q. Did you think the same thing about Craycraft that day?

A. The the rest of the ship seemed to have felt the same way, that I was being watched every move and step. The engineers remarked on it and different crew members.

Q. Now, when you left that ship you thought that there was a subpoena out for you, is that right?

A. When I left the ship?

Q. Yes. You had heard about it the previous day? A. Yes.

Q. You read about it?

A. Yes. I read that little article.

Q. All right. So at the time you left the ship you were under the belief that there was a subpoena out for you to have you come back and testify in this case? Correct? [6703]

A. Well,——

Q. (Interposing) Correct?

A. I didn't know what the subpoena was about, no.

Q. But you were under the impression that a

(Testimony of Maurice J. Cannalonga.)

subpoena was issued for you to come back and testify again? A. No, I wasn't.

Q. What did you think the subpoena was about?

A. I didn't know what the subpoena was about.

Q. You knew it was a subpoena involving you?

A. Yes.

Q. All right. Now, the only subpoena you have ever been served with in this case was a subpoena before you first testified, is that right?

Presiding Inspector: You mean before that time?

Mr. Gladstein: Before that time, yes.

A. Oh, you mean the first subpoena?

Presiding Inspector: Yes.

A. (Continuing) Yes, yes.

By Mr. Gladstein:

Q. Do you know anything else about a subpoena except that it requires you to come to Court to testify?

A. No, that is all I know about them.

Q. Now, Mr. Cannalonga, isn't it true that at about 10:15 in the morning on Wednesday you were still on that ship and Mowery saw you in your stateroom?

A. Absolutely false. How could I be on the ship? [6704] How could I be on the ship when I was on a bus?

Q. Yes. And isn't it true that you asked Mowery why the subpoena had not been served?

A. At 10:15?

Q. That morning.

(Testimony of Maurice J. Cannalonga.)

A. That morning? No, it is not true.

Q. Did you ask him at any time that morning why the subpoena had not been served?

A. No.

Q. Did you discuss it with him at all?

A. No.

Q. You deny that you discussed it?

A. I deny discussing it with him.

Q. Didn't Mowery tell you that he understood that the subpoena was to be served that morning on you? A. No.

Q. Didn't you tell Mowery to come back at noon and the two of you, you and Mowery, would pull out for Seattle? A. No.

Q. Didn't you spend about 15 minutes with Mowery in your stateroom that morning?

A. No. That's Wednesday morning now?

Q. Yes, that's Wednesday morning.

A. Uh-huh (Affirmative). Absolutely not.

Q. Were you on deck at 11:00 o'clock that morning, on the deck of that ship? [6705] A. No.

Q. Were you around there at noon of that morning? A. No.

Q. Did you leave that ship somewhere around noon that day? A. No.

Q. What kind of clothes were you wearing when you left?

A. My regular working clothes: khaki pants and khaki shirt; a reversible blue—one of these skiing jackets, a water-proof jacket. You know, it has

(Testimony of Maurice J. Cannalonga.)

a zipper and one side is dark blue and the other side is light.

Q. What else did you take with you?

A. That's all.

Q. You took no baggage or luggage?

A. No baggage or luggage.

Presiding Inspector: A hat?

The Witness: No hat.

By Mr. Gladstein:

Q. When you left the ship did you intend to to come back? A. I did.

Q. Now, you say you went by bus?

A. I did.

Q. By the way, you have mentioned several times [6706] that a lot of longshoremen kept asking you why you testified against Bridges. Please give me the name or nickname or first name or last name of any one of those longshoremen.

Mr. Myron: Now, this has all been gone over, your Honor.

Mr. Gladstein: I haven't asked for names.

Presiding Inspector: I think he was asked, wasn't he, then he said he couldn't give their names.

Mr. Gladstein: That is men on the ship.

Presiding Inspector: Then he said "You don't understand that people are known by nicknames".

Mr. Myron: We have no objection to this. It might delay the proceedings.

Presiding Inspector: I think that occurred at some time. Go ahead.

(Testimony of Maurice J. Cannalonga.)

Can you give any names?

The Witness: No, I couldn't.

Presiding Inspector: Can you give any nicknames?

The Witness: No, sir.

By Mr. Gladstein:

Q. Do you know where they were working, any of them that spoke to you?

A. Oh, the different parts of the ship, various parts of the ship. They were working different hatches, all hatches.

Q. Can you identify any winch driver or hatch tender [6707] or any particular classification of work that was filled by any man who talked to you and said "Why did you testify against Harry Bridges?" or anything of that kind? A. No.

Q. Who was the man that said "What's the status of Cannalonga?"

A. I don't know his name either.

Q. Was that the first time you ever saw that man? A. I believe it was.

Q. Is that the last time you ever saw him?

A. Oh, I saw him once or twice after that.

Q. Doing what?

A. I don't recall what he was doing.

Q. What kind of work was he doing?

A. I don't know.

Q. You don't know whether he was a longshoreman or anything else?

A. No. All I noticed is he had a CIO button on him and, it's like I stated, at the time, oh, there was

(Testimony of Maurice J. Cannalonga.)

about eight different gangs, shore gangs on that ship. They were doing a lot of engine work and there was machinists and everything else.

Q. How many times did Craycraft tell you that he didn't want to be seen on that ship?

A. I believe he mentioned it a couple of times.

Q. Three or four? [6708]

A. Oh, no. It would be a couple of times.

Q. Now, on your direct examination you said that after you had been in the lawyer's office on that Sunday morning, Mr. Cannalonga, later on you saw Craycraft and Craycraft wanted you to see me again. Do you remember that testimony?

A. Yes.

Q. Now, when was it that Craycraft made that request?

A. I was aboard the ship, I believe.

Q. Who was present?

A. Oh, I don't recall who was present.

Q. What did he say? A. When?

Q. At the time, the first time that he wanted, or any time that he said to you that he wanted you to see me again.

A. I don't recall him saying that.

Q. What is the answer?

A. You say "any time". Is it Saturday or Friday or when?

Q. No. After you were up in the lawyer's office.

A. After I was up in the lawyer's office?

Q. That Sunday morning did Craycraft ever ask you to see me again?

(Testimony of Maurice J. Cannalonga.)

A. No, I don't believe he did.

Q. Now, you say that that Monday night, when Craycraft saw you with Mowery in your stateroom—do you remember that? [6709] A. Yeah.

Q. The night that you wrote that note?

A. Uh-huh (Affirmative).

Q. You say that you didn't tell him about these various places? A. No, I didn't.

Q. With a girl? A. No.

Q. There was no discussion of that at all?

A. No. He——

Mr. Del Guercio: Now, if the Court please, I will object to that.

Presiding Inspector: Haven't we been over this?

By Mr. Gladstein:

Q. There was no discussion of that at all? Correct? A. No.

Mr. Del Guercio: Just a minute! I am waiting for a ruling, if the Court please. I have an objection to it.

Presiding Inspector: Well, I don't know what is meant by the word "discussion". I think I will ask the counsel to elucidate the question.

Mr. Gladstein: All right. I shall.

By Mr. Gladstein:

Q. You say you didn't tell——

Presiding Inspector (Interposing): He said that.

By Mr. Gladstein:

Q. (Continuing): ——Rosco Craycraft these

(Testimony of Maurice J. Cannalonga.)

things that [6710] I asked you about, these various places where you stopped over night.

Presiding Inspector: Yes, that's the testimony.

Mr. Gladstein: This is preliminary.

Presiding Inspector: Yes. Now, go ahead.

By Mr. Gladstein:

Q. Is that correct?

A. That is correct.

Q. Was that mentioned at all by you?

A. Now, what do you mean "was that mentioned by me"?

Q. These places, these various places.

A. No, they weren't. I never mentioned anything about that.

Presiding Inspector: We have had all that before.

By Mr. Gladstein:

Q. Did anybody mention it?

Mr. Del Guercio: I will object to that as already having been——

Presiding Inspector (Interposing): No. If Mowery mentioned these places——

Mr. Myron (Interposing): He has already testified to that.

Presiding Inspector: He didn't ask him about Mr. Mowery.

Mr. Myron: That has been gone into three or four times.

Presiding Inspector: I haven't heard any such testimony. [6711] The suggestion in the question

(Testimony of Maurice J. Cannalonga.)

is that Mowery told the witness about these places. Is that so?

The Witness: No, that is not so.

By Mr. Gladstein:

Q. Did anybody mention these places?

Presiding Inspector: Was there anyone else there? Wait a minute! Do you claim that there was anyone else there?

Mr. Gladstein: I asked the witness in my previous questions about that.

Presiding Inspector: He said there wasn't.

Mr. Gladstein: Yes, he did.

Presiding Inspector: Then how could anyone else say that?

Mr. Gladstein: I did ask him, your Honor, and he admitted that he was there that night with Crayeraft and Mowery the night that he wrote the note.

Presiding Inspector: Yes, I know.

By Mr. Gladstein:

Q. That note, by the way, Mr. Cannalonga, did you give it to Mowery or to Crayeraft?

A. I believe Mr. Crayeraft took it.

Q. All right. Now, that night when you were having a discussion you have already said you didn't tell Mowery and Crayeraft about these various cities and auto camps that I read off to you. Correct? [6712] A. No, that is correct.

Q. And you say that Mowery didn't mention anything like that either? A. No.

(Testimony of Maurice J. Cannalonga.)

Q. And Craycraft, what about him?

A. He—it's like I say. He kept pounding away. He mentioned that Mann Act all the time.

Presiding Inspector: Did he mention any places?

The Witness: No, he didn't.

Presiding Inspector: Is that all?

Mr. Gladstein: That is all I have, your Honor. There is a line of examination that we have yet to go into and I would like——

Presiding Inspector: Well, we had better go right into it.

Mr. Gladstein: I would like to have permission to have Mr. Grossman take over the examination.

Presiding Inspector: Oh, yes. That you may do. Go ahead, Mr. Grossman.

By Mr. Grossman:

Q. What were your regular hours of work, Mr. Cannalonga?

Presiding Inspector: Where?

Mr. Grossman: On the ship.

Presiding Inspector: On the ship.

A. On the ship, from 8:00 o'clock in the morning—— [6713]

Mr. Del Guercio (Interposing): Now, your Honor, I will object to this line. Apparently we are going into the same thing. He has already asked him what the hours were. He has the time sheets. They are in, identified.

(Testimony of Maurice J. Cannalonga.)

The Witness: I did answer that once before.

Presiding Inspector: I don't remember it, so I would like to have it again.

A. (Continuing): My working—I was working from 8:00 o'clock in the morning until 10:00; then I knocked off fifteen minutes for coffee from 10:00 to 10:15; 10:15 to ten minutes of twelve; and from ten minutes to twelve to 1:00 o'clock was dinner hour; and 1:00 o'clock until 3:00 o'clock, then knocked off again for coffee from three to three fifteen; then went back to work; you go back to work from 3:15 to, oh, about ten minutes to five; and you do that on Monday, Tuesday, Wednesday, Thursday and Friday. Then Saturday you go to work at 8:00 o'clock in the morning until 10:00, and from 10:00 to 10:15 is coffee time; then you go back to work until ten minutes of twelve.

By Mr. Grossman:

Q. Mr. Cannalonga, when did you make out your overtime sheet for Wednesday, May the 7th?

A. Where?

Q. When? [6714]

A. When? That morning.

Q. When that morning?

A. Oh, when I got up at 6:00.

Q. Are you sure of that? A. Yes.

Q. Are you aware of the fact that the overtime sheet shows overtime being done after 6:00 o'clock that morning?

A. Yes, I know that. They started working cargo from 7:00 to 8:00.

(Testimony of Maurice J. Cannalonga.)

Q. Was it your practice to make out your overtime sheet on the same day that the overtime work was done? A. Yes.

Presiding Inspector: I don't quite understand that. Before you did the work?

The Witness: Oh, yes. You see——

Presiding Inspector (Interposing): You made it out in the morning because you had orders for overtime?

The Witness: No, your Honor. You see, the way they work it, you see, before 8:00 o'clock or after 5:00 o'clock is overtime; and the supercargo, he knows that time they are going to start the winches the next day, you see, that night when they knock off, and he will leave word to the night mate to tell the electrician or he will tell the electrician himself "Well, we are going to start working at 7:00 o'clock in [6715] the morning".

Presiding Inspector: So you have practically orders in the morning for the rest of the day?

The Witness: Oh, yes.

Presiding Inspector: And that's what you put in on your overtime sheet?

The Witness: That one hour from seven to eight.

By Mr. Grossman:

Q. When was this overtime sheet approved, the one that we have for identification?

A. Oh, that was—you see, let's see. May I have that sheet a moment? And I'll tell you.

Q. While you are looking at it I am going to

(Testimony of Maurice J. Cannalonga.)

change the question. When was your overtime for Wednesday, May 7th, approved and by whom?

A. By the Chief Engineer.

Q. When? A. On the ship.

Q. When? A. Oh, I suppose a couple of days later.

Q. What is your recollection?

A. I don't know; you see, I had already left the ship.

Q. Weren't you there when it was approved?

A. No.

Q. How did you get it to the Chief Engineer?

A. Well, these slips were left on my desk at all times. [6716] You see, this was my own copies.

Q. What was your practice so far as getting the approval of someone for these overtime sheets?

A. Well, as far as the cargo overtime was concerned, that automatically is made out because so long as those winches are turning over it is overtime.

Q. You mean you are given credit for it even though you don't show it on your overtime sheet?

A. Oh, yes. Correct.

Q. What about the other overtime? Are you given credit for it only if it is shown on your overtime sheet?

A. Yes. You show it on your overtime sheet and then the Chief O.K.'s it.

Q. Don't you have to hand the sheet to the Chief so that he can O.K. it? A. No.

(Testimony of Maurice J. Cannalonga.)

Q. How does he know what overtime you are claiming?

A. How does he know? You tell him.

Q. How do you tell him?

A. And as a rule——

Q. (Interposing): Orally or in writing?

A. Orally. As a rule you tell him "I have been working on such and such a job" and he knows the job was done, and so there you are.

Q. How many copies of the overtime sheet do you make? [6717] A. One copy.

Q. Is this copy that you have brought here the only copy you made of your overtime?

A. I didn't bring this copy here.

Q. Is that copy the only one that you made of your overtime sheet?

A. No. I had a little book aboard ship, too.

Q. Is that the only copy in that form?

A. In that form, yes.

Q. Do you know how the Chief Engineer or anyone else got this copy?

A. I don't. Yes, I do. Wait a minute! I do. Before I left the ship I talked to the First Assistant and——

Q. (Interposing): The First Assistant what?

A. Engineer.

Q. Yes.

A. When I say, "First Assistant" I mean First Assistant Engineer. That is all there is on the ship, one First Assistant. And I had seen him about

(Testimony of Maurice J. Cannalonga.)

three o'clock in the morning just after I had finished repairing this winch on the—no. I seen him at six when the Mate called me. That's right. And I told him that I was going to leave and that everything was O.K. on the ship, there was nothing broke down, that everything was in running order. And I mentioned I had left all my stuff in the room and I asked him if he'd take care of it when [6718] the ship got out to sea, and he said he would, and that my overtime sheets were laying on the desk.

Q. Did he object to your leaving the ship?

A. No.

Q. Was there an electrician on the ship, or arrangements to come to the ship, when you left?

A. No.

Q. Did he state that he needed an electrician on the ship and, therefore, you shouldn't leave unless there were one there? A. No.

Q. Did he make any objection at all on your leaving the ship?

A. No. He said he was sorry as hell to see me go.

Q. Did you tell him why you were leaving the ship?

A. I didn't have to; he had an idea himself.

Q. Did you tell him?

Presiding Inspector: He said "No."

A. No.

By Mr. Grossman:

Q. Do you know how he got an idea? What

(Testimony of Maurice J. Cannalonga.)

makes you say he had an idea as to why you were leaving?

A. He seemed to feel that people were watching me, and that my life was in danger. Yes, he did.

Q. What gave you that impression?

A. I don't know what gave him that impression.

Q. What gave you the impression that he felt that way? [6719] A. He told me.

Q. He told you before you left your life was in danger? A. Yes.

Q. Did he tell you what he based that on?

A. No.

Q. How many people did you talk to on the ship about leaving the ship before you left?

A. Just him.

Q. Did you talk to the other Mate that woke you up about leaving the ship? A. No.

Mr. Del Guercio: We didn't object to changing counsel, but they are going over the same thing that the other counsel did, but in a little different form.

Presiding Inspector: No, I think this is different.

By Mr. Grossman:

Q. You didn't mention to the Mate that you were going to leave this ship? A. No.

Presiding Inspector: That relates to the psychology of this man, his reaction.

(Testimony of Maurice J. Cannalonga.)

By Mr. Grossman:

Q. With whom did you have this conversation about leaving your gear on the ship? [6720]

A. The First Assistant.

Q. What time was it, about six o'clock.

A. About that time.

Q. What did he say to you about leaving your gear? A. He said he would look after it.

Q. Did you tell him when you were going to leave the ship?

A. I told him I was going to leave that morning.

Q. Did you tell him what time that morning?

A. No.

Q. What were the plans of the ship for that day—was it to remain where it was, or was it to move?

A. I don't know. I believe it was to remain there for a while until noon.

Q. And then where was it to move to?

A. I don't know as to that. You see, when they are alongside docks you don't know that far ahead of time. Sometimes they will say they will be two days at one dock and be there a couple of hours and then move. The ship was supposed to have gone to a dozen different places and being that we had to go into dry dock that ruined the whole schedule of the different docks. We were supposed to go to Terminal 4 and Terminal 1 and shift around to different places. And what they did do, they made

(Testimony of Maurice J. Cannalonga.)

one or two shifts and then just stayed in one dock. So I don't know whether she left at noon [6721] or where she went at noon.

Q. Did you take any money with you when you left this ship?

A. Yes; the money that I had on me.

Q. How much money?

A. Oh, about $200—almost $300.

Q. You had that much money with you when you left the ship?

A. Oh, yes. We just got paid off a couple of days before I left the ship. That goes on the ship's articles.

Q. Was this $200 or $300 mainly money you had received as wages for work on the ship?

A. Yes.

Q. Do you recall approximately how much you got paid on that last payday?

A. Oh, about $235.00.

Q. For how long a period?

A. Oh, let's see—about 15 days.

Q. Did you read any newspaper before you left the ship? A. No.

Q. Did you know that a Mr. Shoemaker had testified on Tuesday the day before you left the ship, in this hearing? A. No.

Q. Did you know that someone had testified in this hearing on Tuesday to the effect that you had given certain [6722] statements in a lawyer's office concerning this case? A. No.

Q. You are sure of that?

(Testimony of Maurice J. Cannalonga.)

A. I am positive of that.

Q. Did you read any newspaper on Tuesday night?

A. No; just this article that the Sailors had seen and mentioned to me in regards to this subpoena.

Q. Did that article mention who had testified that day in the Bridges hearing? A. No.

Q. Did you listen to any news broadcast on Tuesday night, or Wednesday morning concerning the Bridges case? A. No.

Q. Did you talk to any man on the ship, or anyone else, on Tuesday night, or before you left the ship, as to what had taken place on Tuesday in the Bridges hearing? A. No.

Q. Did you talk to any representative of the Government, or anyone who claimed to have any connection with the Government, before you left the ship? A. No.

Q. What kind of a bus was this you got on in Vancouver?

A. It was not in Vancouver. It was just outside of Vancouver.

Q. What kind of a bus was it? [6723]

A. Greyhound.

Q. Pardon? A. Greyhound.

Q. How far did you go on that bus?

A. South Tacoma.

Q. How did you happen to get out in South Tacoma—why did you get off there?

(Testimony of Maurice J. Cannalonga.)

A. So I couldn't be traced. I got off at South Tacoma and got in a cab and rode to Seattle in a cab.

Q. How far is it from South Tacoma to Seattle?

A. It is $7.00 fare.

Q. $7.00 fare? A. Flat rate.

Q. Why did you think it would be more difficult to follow you in a taxicab than a bus?

A. Well, you see, South Tacoma, that is about a couple of miles before you go into Tacoma. I felt maybe at that bus station somebody would recognize me, and this way I just pushed the button and the bus stopped at this corner, and I just got off the bus.

Q. Did you tell this First Engineer where you were going? A. No.

Q. Did you tell him how you were going?

A. No.

Q. Did you have any discussion with the First Engineer [6724] as to what you were going to do after you left the ship? A. No.

Q. When you left the ship did you see any car full of men?

A. There was quite a few cars out there at the time.

Q. Full of men?

A. Well, yes, there was—I believe it was longshoremen coming to work, or something like that, at the time. I don't just recall. In fact, I didn't notice. I was just packing this little electric motor,

(Testimony of Maurice J. Cannalonga.)

so I wouldn't be—I don't know how you say that—I didn't notice how many cars were out there.

Q. What time did you leave the ship?

A. About 7:30.

Q. Can you estimate what time you caught the bus?

A. I caught the bus on the outside of Vancouver about 8:30.

Q. What time did you call Mowery?

Mr. Myron: We have gone all over this. Mr. Gladstein went into it and now Mr. Grossman wants to go through it.

Presiding Inspector: He has given that conversation.

Mr. Grossman: Just a moment.

By Mr. Grossman:

Q. What time did you start work that morning? A. What time did I start work?

Mr. Myron: What morning? [6725]

Mr. Grossman: Wednesday morning.

A. Seven o'clock.

By Mr. Grossman:

Q. What kind of work were you doing?

A. Nothing in particular.

Presiding Inspector: Standing by?

The Witness: Yes, sir.

By Mr. Grossman:

Q. Did you work only to 7:30?

A. I don't recall just how long I was on the

(Testimony of Maurice J. Cannalonga.)

ship; between 7:00 and 7:30 I believe—somewhere in there.

Presiding Inspector: I think we had better recess now until 2:00 o'clock.

(Whereupon, at 12:33 P.M. a recess was taken to 2:00 P.M. of the same day.) [6726]

After Recess

2:00 O'clock P.M.

(Remarks outside the record.)

Presiding Inspector: Now, Mr. Grossman.

MAURICE J. CANNALONGA

called as a witness in rebuttal on behalf of the Government, having been previously duly sworn, testified further as follows:

Cross Examination

(Continued)

Mr. Grossman: May I have the last question and answer, please?

(The question and answer referred to were read by the reporter as above recorded.)

By Mr. Grossman:

Q. On this Wednesday morning when you left the ship what did you do after you arrived in Seattle?

A. I went out to the house and took a bath.

Q. Who lives at that house?

(Testimony of Maurice J. Cannalonga.)

A. Mr. E. G. Emel.

The Reporter: Spell "Emel" please.

The Witness: E-m-e-l.

By Mr. Grossman:

Q. Is he any relation to you? A. No.

Q. Does anyone else live there?

A. His wife and son. [6727]

Q. Do you consider that your home?

A. I do.

Q. Is that the address you give when you give your address? A. It is.

Q. How long were you there?

A. How long was I there?

Q. In that house.

A. Oh, long enough to take a bath, and he was home and I asked him to come back down to Portland and pick up my clothes.

Q. Do you remember what kind of a cab it was you took from South Tacoma?

A. I don't.

Q. Do you remember the color?

A. No. I remember it was a new Buick.

Q. Do you remember about what time you arrived at this house in Seattle?

A. Oh, it was in the afternoon sometime.

Q. Early or late?

A. Oh, about the middle of the afternoon.

Q. Did you have to wait for this bus that you picked up at Vancouver?

(Testimony of Maurice J. Cannalonga.)

A. I believe I did. About five minutes or so; five or ten minutes.

Q. What is the address of this house in Seattle? [6728] A. 3003 East 115th.

Q. 3003 East 115th? A. East 115th.

Q. Street? A. Uh-huh (Affirmative).

Q. How do you spell the name of the people who live there? A. Emel; E-m-e-l.

Q. Did you say something about Mr. Emel picking up some clothes? A. Yes.

Q. What was that you said about the clothes?

A. Well, I asked him if he would come down to Portland and pick up my clothes and gear that was on the ship.

Q. Did he agree to do so? A. Yes.

Q. Did you tell him the circumstances under which you left the ship? A. No.

Q. Did you tell anyone in that house the circumstances under which you left the ship?

A. No.

Q. Did you discuss with anyone in that house the question of your possibly being a witness again in this case? [6729] A. No.

Q. Or the question of the subpoena?

A. No.

Q. Did they discuss that question with you?

A. No.

Q. When did you leave the house?

A. I think I left after supper.

Q. Are you sure of that?

A. I believe I am.

Q. You mean you ate supper there?

(Testimony of Maurice J. Cannalonga.)

A. Yes.

Q. What time of day did you leave?

A. Well, ordinarily they generally have supper around 6:00.

Q. Did you leave right after supper?

A. I believe I did.

Q. Where did you have lunch on that day, if you had any?

A. Where did I have lunch? In Centralia.

Q. Do you remember where in Centralia?

A. Yes, where the bus stops.

Q. How long did the bus stop in Centralia?

A. Twenty minutes. [6730]

Q. What did you do after you left this house?

A. Well, I rode with him to, I believe it was, Olympia, and he proceeded on to Portland and picked up my stuff, and I met him again and, then, I got into my car.

Q. Now, wait, not so fast. You waited at Olympia until he came back? A. Yes, sir.

Q. How long did it take him to get back?

A. Oh, I don't recall the exact time.

Q. Where did you wait in Olympia?

A. In—oh, I walked around town and, I think, I took in a movie.

Q. Well, did you have an appointment to meet him when he came back? A. Yes, sir.

Q. Where and when were you to meet him?

A. Well, we had figured—let's see—I believe it took him about four hours. We had figured something like that.

(Testimony of Maurice J. Cannalonga.)

Q. You mean four hours from Olympia to Portland and back?

A. Yes, four or five hours; I am not quite sure.

Q. How long does it take to drive from Seattle to Olympia; rather, how long did it take you that night? A. Oh, about two hours.

Q. Now, did you have an appointment to meet him when he came back and where and when would it be? [6731]

A. I don't know what you mean by "appointment."

Q. Well, how was he to find you when he came back to Olympia?

A. I told him I would meet him on such and such a corner.

Q. At what time?

A. Like I told you, we had figured approximately it would take him that long barring accidents and so forth.

Q. Did he come back about the time you expected?

A. No—wait a minute now—let's see. No, we didn't leave right after supper; pardon me. I believe I went to bed; that is it, I went to bed right after supper and we left about eleven or twelve o'clock at night.

Q. At night? A. Yes, sir.

Q. How could you have gone to a show in Olympia, then?

A. Well, it is just coming to me now; I am trying to tell you as close as possible how we left

(Testimony of Maurice J. Cannalonga.)

and when we left. I went to the show in Seattle with him, that is it. Now, we get the show straightened out. After supper we went to a show; then, after the show we left for Portland.

Q. You didn't go to bed in Seattle, then, before you left? A. No; I laid down for a while.

Q. Let's get this straight. After supper you went to a [6732] show in Seattle?

A. Yes, we went to a show about eight o'clock.

Q. What show did you see? A. Oh, I——

Presiding Inspector: (Interposing) Just suspend a moment.

(Discussion outside the record.)

By Mr. Grossman:

Q. What picture did you see, Mr. Cannalonga?

A. I went to the Arabian Theater. I don't recall what the picture was. [6733]

Q. You can't remember anything about the picture? A. No, not off-hand.

Q. Do you recall about what time this Mr. Emel came back to Olympia to pick you up?

A. Well, instead of asking me all these questions, if you let me tell the story as I can recall it—you are asking me a question one minute and you get me all confused. If you will let me tell the story from the time I left the ship and I went home and had my gear picked up, and so forth, I can do it. It would be a lot better for you.

Presiding Inspector: Do the best you can in answer to Mr. Grossman's questions.

(Testimony of Maurice J. Cannalonga.)

By Mr. Grossman:

Q. See if you can tell the same story in reply to specific questions. That is what I am concerned with. The next now is, What time did he pick you up again in Olympia? I am referring to Mr. Emel.

A. Yes, I know you are referring to Emel. You see, I made two trips. There was two trips made and on the first trip—no, on the first trip I rode to Portland with him when the clothes were picked up. Then we went back to Seattle.

Q. You say you rode to Portland?

A. Yes.

Q. That is a little different. [6734]

A. Well, if you want me to tell you the story——

Mr. Grossman: Just a minute!

Mr. Del Guercio: Just a minute!

Mr. Grossman: We'll get there, Mr. Del Guercio, in my way.

Mr. Del Guercio: If your Honor please, the witness hasn't finished with his answer and there is nothing different about it at all.

Mr. Grossman: The record will speak for itself whether it is or it isn't.

Presiding Inspector: The record will show. He was explaining how he might do it. But, of course, Mr. Grossman may proceed and ask him particular questions.

Mr. Grossman: He said there were two trips

(Testimony of Maurice J. Cannalonga.)

to Olympia. Now, I am going to make sure that it is clear, that he didn't go to Olympia and stop.

By Mr. Grossman:

Q. When you left Seattle what is your best judgment as to the time that you left with Mr. Emel?

A. Well, I left Seattle at—after the show. It was about—about midnight, and I drove with him. We went right directly to Portland, and——

Q. (Interposing) Do you remember what time you got to Portland?

A. No. I was asleep in the car.

Q. Did you wake up at all while you were in Portland? [6735]

A. Yes. But I don't know what time it was. It was early morning. Dawn was breaking.

Q. And do you know whether he went to the ship to pick up your clothes?

A. Yes. He went aboard ship and got my clothes.

Q. How do you know that?

A. Because on the way leaving Portland all my gear was in the car.

Q. Did he tell you he had been to the ship?

A. Yes.

Q. What is his first name? A. Ernest.

Q. Ernest? A. Uh-huh (Affirmative.)

Q. Did he tell you whether he had had any conversation with anyone on the ship?

A. No, he didn't.

(Testimony of Maurice J. Cannalonga.)

Q. All right. Then can you——

Presiding Inspector: (Interposing) You mean he didn't have a conversation or he didn't tell you?

The Witness: He didn't tell me. You see, I had given him——

Presiding Inspector: (Interposing) Yes, that is all right.

By Mr. Grossman: [6736]

Q. When did you tell Mr. Emel where to go and what to pick up?

A. Well, when I got home I told him that my clothes and stuff was on the ship, that I would like to have him go down and pick it, and he suggested "Well, you might as well come along". And so then I suggested to him that we go to a movie first and that it was better traveling at night than it was day time; no traffic on the highways.

Q. Did Mr. Emel ask you how it was that you had left the ship, just left the ship and you wanted him to go back and pick up your clothes?

A. No. You see, it's quite common for him, whenever I get off the ship,—for him to come down to the ship and get my gear.

Q. Why is that common?

A. Well, he has an automobile and it is easier to go right down to the ship to pick up your clothes than it is to pack it to a bus station.

Q. Has he ever gone down from Portland to Seattle for you to pick up your gear?

(Testimony of Maurice J. Cannalonga.)

A. He did. When I got off the Clevdon the first trip he came down. I called him up, asked him to come down and pick up my gear.

Q. Did he pick up you also that other time?

A. Yes.

Q. Was it his car that you were driving in? [6737] A. Yes.

Q. What kind of a car is that?

A. It's a DeSoto.

Q. What year? A. '39.

Q. Sedan? A. Coupe. Business coupe.

Q. All right. When you got down to Portland do you know where he stopped the car to get out and get the gear?

A. Yes. In front of the dock.

Q. Were you awake at that time?

A. Yes.

Q. Did you tell him how to find the ship?

A. No. The ship was—you can see the ship from the dock where you park the car, and I had given him a note to the First Assistant.

Q. What did the note say?

A. Just telling him to give Mr. Emel my clothes and radio and all such property that I had on there, my tools and stuff.

Q. When did you write that note?

A. Just before he went aboard the ship.

Q. Was there anyone else in the car at any time between Seattle and Portland?

A. No. There was a dog in there. [6738]

Q. Did you stop to eat on the way?

(Testimony of Maurice J. Cannalonga.)

A. I believe we stopped in Olympia, for a cup of coffee.

Q. All right. After you got the gear what did you do?

A. Come back to Seattle and got into my car and left.

Q. You drove directly back to Seattle?

A. Yes.

Q. You didn't stop in Olympia? A. No.

Q. Did you ever stop in Olympia and go to a show? A. Yes. When I had my own car.

Q. All right. You drove directly back to Seattle, you say, and got your car? A. Yes.

Q. Where was your car? A. At home.

Q. Why didn't you go down to Portland in your own car? Why did you have Mr. Emel take you down?

Mr. Del Guercio: It doesn't make any difference as to why he didn't, if your Honor please. He has testified that he went down to Seattle in somebody else's car. He went back to Seattle. Now, he is asking him why he didn't go down in his own car.

The Witness: I will give him the answer.

Presiding Inspector: I think we may have the reason. [6739]

Mr. Del Guercio: It is a waste of time, if your Honor please.

A. For the reason that my car is an old model and in pretty bad shape. It is just about wore out, and his car was in better condition mechan-

(Testimony of Maurice J. Cannalonga.)

ically. He just had an overhaul job done to it and a lot faster than mine and a lot more comfortable. [6740]

By Mr. Grossman:

Q. Why did you take Mr. Emel down with you to Portland to get your stuff?

A. Well, like I say it is his car; he drives his own car. I am not going to grab his car off and drive it.

Q. And as soon as you got into Seattle after this trip to Portland, did you immediately get into your car and leave town? A. I did.

Q. You didn't stop anywhere at all?

A. I stopped in Olympia. I believe I stopped on a highway and had some gas put in.

Q. Why didn't you go aboard ship to get your own gear? A. So I wouldn't be seen.

Q. Why didn't you want to be seen?

A. That is the reason why I left the ship, for the same reason. It seems like they still had some fellows who were watching that ship.

Q. What do you mean "it seems like?"

A. I don't know; I didn't look.

Q. Well, then, why does it seem like that to you?

A. Well, I felt that if they would watch the ship the night before they would still be watching the ship.

Q. After you left?

A. After I left. [6741]

(Testimony of Maurice J. Cannalonga.)

Q. Between the time that you left Portland, or, rather, the time that you caught the bus in Vancouver and the time that you left Seattle in your own car did you meet anyone except the Emel family? A. No, I didn't.

Q. After leaving Seattle in your own car where did you go?

A. I went down to Olympia and stopped off and went to a show.

Q. What time would this be that you arrived at Olympia?

A. Oh, I don't recall the exact time.

Q. What day was it? A. What day?

Q. Yes. A. Oh, on a Thursday.

Q. Morning or afternoon?

A. In the afternoon.

Q. Early or late?

A. Oh, about the middle of the afternoon.

Q. What did you do after you arrived in Olympia?

A. I just told you I went to a show.

Q. Went to a show. Do anything else there?

A. No.

Q. Then, what did you do?

A. I just told you I went to a show. [6742]

Q. Went to a show. Did you do anything else there? A. No.

Q. Then, what did you do?

A. Then, I cut across.

Q. You mean you left Olympia——

(Testimony of Maurice J. Cannalonga.)

A. . (Interposing) After I left Olympia I headed for——

Q. (Interposing) Just one moment.

Mr. Del Guercio: Your Honor, the question is asked, the witness is replying and counsel won't give him a chance to answer it. He interjects other questions making it confusing not only to the witness but to everybody else.

Presiding Inspector: Let's hear the question and answer.

(The question and answer referred to were read by the reporter as above recorded.)

Mr. Grossman: I have a right to stop with leaving Olympia. I don't have to get the rest of the tour just because Mr. Del Guercio wants the witness——

Mr. Del Guercio: (Interposing) He has no right to stop the witness.

Mr. Grossman: I have a right to stop the witness.

Presiding Inspector: He has the right to stop at the end of a responsive answer.

By Mr. Grossman:

Q. Before you left Olympia this time—I am referring to now when you were driving your own car—withdraw that. [6743] Between the time that you left the ship and the time that you left Olympia driving your own car did you read any newspapers? A. No.

Q. Did you hear any news broadcasts?

(Testimony of Maurice J. Cannalonga.)

A. No.

Q. Did you find out from anyone what had happened in the Bridges' deportation case or what had happened with respect to your subpoena?

A. No.

Q. Were you interested in the question of whether there was a subpoena out for you and when they were going to serve it? A. No.

Mr. Del Guercio: I will object to that, your Honor.

Presiding Inspector: He has answered it. I will let it stand.

By Mr. Grossman:

Q. After leaving Olympia what did you do?

A. I went to Aberdeen, then, from Aberdeen to Hoquiam.

Q. Did you stop in Aberdeen?

A. I believe I stopped in Aberdeen for a cup of coffee.

Q. About when did you arrive in Aberdeen?

A. I don't recall.

Q. Was it dark?

A. I believe it was. [6744]

Q. How far is it from Olympia to Aberdeen?

A. Oh, about 60, 70 miles.

Q. What did you do after you left Aberdeen?

A. Then, I headed for Hoquiam, then, up towards the Olympic peninsula.

Q. Then, what did you do?

A. Then, I went up in the mountains.

(Testimony of Maurice J. Cannalonga.)

Q. Did you have any long stops or any stops of more than an hour between leaving Aberdeen and arriving in the mountains? A. No.

Q. What was the first stop you made in the mountains?

The Witness: Do I have to tell him where I went in the mountains?

Presiding Inspector: I should think so.

The Witness: Your Honor, I figure on going back up there again.

Presiding Inspector: That won't hurt you.

Mr. Del Guercio: What?

Presiding Inspector: He says he figures on going back up there again. I say it won't hurt him.

Mr. Del Guercio: Well, no——

Mr. Grossman: (Interposing) Except, if there is another subpoena out for him we want to know where he is.

Presiding Inspector: Another subpoena? [6745]

Mr. Grossman: I say if there is one we want to know where he is going in the mountains. Otherwise, we won't——

Presiding Inspector: (Interposing) I don't understand that.

Mr. Del Guercio: I don't believe we should keep witnesses available here.

Presiding Inspector: He is here.

Mr. Grossman: He is here after dodging a subpoena. We want to know where he was; we have a right to know where he was.

(Testimony of Maurice J. Cannalonga.)

The Witness: What do you mean I dodged a subpoena?

Presiding Inspector: Just answer the question.

Mr. Myron: It is a charge that is unfounded. Counsel said he was dodging a subpoena.

Mr. Grossman: We will let the record speak for itself.

Mr. Myron: He didn't know there was any subpoena, according to his testimony.

Mr. Grossman: That isn't the way I understand it.

Presiding Inspector: You have heard his testimony. No use discussing it now.

Mr. Gladstein: Your Honor, regardless of the question of a future subpoena we do have a right, in view of the direct examination which traced his trip, or which brought out the fact that he had been in the mountains during this period of time, to test him on cross examination. [6746]

Presiding Inspector: Yes, I think you have that right on cross examination it having been brought out on direct. I will take it.

Mr. Del Guercio: If it were only for the purpose of cross examination we would make no objection. Our objection is not directed to that. Our objection is directed to the protection of the witness.

Presiding Inspector: How can it protect the witness not to——

Mr. Del Guercio: Well, the witness has testified that he expects to return to this——

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: (Interposing) Suppose he does?

Mr. Del Guercio: He doesn't want to be bothered by either Mr. Gladstein or the Communist Party or anybody else.

Mrs. King: Or the FBI.

Presiding Inspector: I think we will take this testimony. It is in relation to what you brought out on direct. You showed he went up in the mountains and stayed there. There were subpoenas out at some time for him and they weren't served until later. Now, we will find out what there was about that in view of your examination in chief.

By Mr. Grossman:

Q. Where did you stop first in the mountains?

A. Up in the Quinalt district.

The Reporter: Spell it, please.

The Witness: Q-u-i-n-a-l-t. [6747]

By Mr. Grossman:

Q. And where in that district?

A. Well, that is hard to say because the mountain is just covered with hundreds of trails.

Q. Well, suppose you describe it to me as if you were telling me how to get there?

A. I wouldn't be able to describe it to you.

Q. Well, do the best you can. Start from the last city or town you went through and tell me how you get to where you got for your first stop?

A. Well, all I can say, if you get to Quinalt

(Testimony of Maurice J. Cannalonga.)

there is a road leading up the mountainside and there is no name on the road. You have to be out there; you have to get a guide if you don't know that country; you have to get a guide to take you there, and I couldn't off-hand say the name of a place. There is no names to any of those trails; it is all trails that was built by the CCC and, you see, the average person doesn't go up there in that section because it is a Government reservation, it is a national forest, and about the only ones that have any business up there would be forest rangers on the lookout for fires, and so I couldn't possibly explain just how to get up there. All I know, I can take you up there in a car and show you where I went.

Q. Did you go to a place that has a mailing address? [6748] A. No.

Q. Did you go to a cabin or a house or hotel of any kind?

A. No. You see, up in—they have shelters strung all through that Olympic forest, the national forest that the CCC have put up and you can——

Presiding Inspector (Interposing): Shelters for trampers?

The Witness: Yes.

Presiding Inspector: Tourist trampers?

The Witness: Yes.

Presiding Inspector: Excursions, pleasure seekers?

The Witness: No; it is in case somebody gets

(Testimony of Maurice J. Cannalonga.)

lost in the woods. It is a log cabin, three-sided log cabins that the CC boys have put up there.

Presiding Inspector: Fireplace on the open side?

The Witness: Yes.

Presiding Inspector: Well, I think we know about that sort of thing.

By Mr. Grossman:

Q. And you stayed at one of those shelters?

A. Yes, sir.

Q. Did you stay in one of those shelters every night that you were up in the mountains?

A. Oh, no; I slept out quite a few nights. [6749]

Presiding Inspector: Are there provisions in some of these shelters?

The Witness: No, your Honor.

Presiding Inspector: You bring your own provisions?

The Witness: I had all my own provisions.

By Mr. Grossman:

Q. Had you ever been up there before in that district?

A. Oh, yes. See, I have got a place out in Hood Canal; that is just the other side of the mountains in the same section. Behind Brannon is the Olympic Mountains.

Presiding Inspector: Was that the name of the mountain or is that the name of the village?

The Witness: It is the name of a village. [6750]

By Mr. Grossman:

Q. Did you go to your own place at all when you

(Testimony of Maurice J. Cannalonga.)

were up in the mountains on this occasion?

A. No.

Q. During the entire time until you came down from the mountains on last Thursday or last Wednesday—I mean, Thursday or Wednesday of last week—were you in that district the entire time?

A. Yes, the Olympic mountain district.

Q. I mean the smaller district than the Olympic mountain district.

A. What?

Q. That smaller district that you named.

A. The Quinalt.

Q. Yes. Were you in that district the entire time?

A. That's where I turned in. It's the Olympic National Forest, yes.

Q. You were in that district the entire time until you came down from the mountains until Wednesday or Thursday of last week?

A. Oh, no, no; not the entire time. I made a trip to Port Angelus.

Q. When did you make your trip to Port Angeles? A. I don't recall what day it was.

Q. What did you do in Port Angeles? [6751]

A. I took a run into Port Angeles and picked up some more grub.

Q. Did you get any newspapers? A. No.

Q. Did you have a radio with you?

A. Yes, I had my radio.

Q. Did you take any other trips out of that district? A. No.

(Testimony of Maurice J. Cannalonga.)

Q. Can you estimate when it was that you went to Port Angeles? A. No, I couldn't.

Q. Well, could you tell me whether it was last week? A. Yeah, last week sometime.

Q. It was last week sometime? A. Yes.

Q. Well, if you came out of the mountains Wednesday night or Wednesday P.M. can't you give us an idea of when it was that you were in Port Angeles?

A. I think I was there the Monday preceding the Wednesday I come out.

Presiding Inspector: You mean two days before?

The Witness: Yes, about two days before.

By Mr. Grossman:

Q. Did you see anyone in Port Angeles? [6752]

A. No.

Q. What did you do in Port Angeles, except buy grub? A. That's all.

Q. Did you go to any show in Port Angeles?

A. No.

Q. During the entire time that you were in the mountains did you listen in on any news broadcasts concerning what happened in the Bridges case or concerning the subpoena for your appearance?

A. No.

Q. Did you talk to anyone up to the time that you came out of the mountains back to Seattle concerning the Bridges hearing or a subpoena for your presence at the Bridges hearing? A. No.

(Testimony of Maurice J. Cannalonga.)

Q. Did you take up to the mountains with you enough food to last you until the time that you went to Port Angeles? A. Yes.

Q. And when you went to Port Angeles how many days' supply of food did you get?

A. Oh, I got about three days' supply.

Q. Did you run out of food before you went to Port Angeles? A. No, I didn't run out.

Q. Did you have enough food to last you for three days? [6753]

A. No, I was getting low on some of the staples.

Q. Where did you get your food supplies for the mountains in the first place before you went up there the first time?

A. I picked them up just before I went up in the mountains?

Q. Where? A. In a store.

Q. Where? A. In Aberdeen.

Q. Do you know the name of the store?

A. No, I don't.

Q. Why did you come out of the mountains to Seattle when you did?

A. For the simple season that, you see, I've—I had to take a physical examination for the Draft, and so I got figuring, well, I have been now a couple of weeks without reporting to the Draft Board; that it is time to go in and report; otherwise it will be pretty serious. I think it is a year in jail you get if you don't report at the right time to the Draft Board.

(Testimony of Maurice J. Cannalonga.)

Q. What did you understand to be the rules of the law governing the reporting to the Draft Board when you came out of the mountains?

A. I don't know what the rules was. [6754]

Mr. Del Guercio: Just a minute! I object to that.

Mr. Grossman: I am not trying to prove what they were. I am trying to show his understanding.

Presiding Inspector: He has already testified as to that.

Mr. Grossman: No, not as to when and how often.

Presiding Inspector: He said if you didn't report pretty soon that there would be a penalty. I don't think it is very material.

Mr. Grossman: I do, if that is the reason he came out. He stated it is.

Presiding Inspector: I don't see any materiality in it.

Mr. Grossman: I think I ought to be permitted to pursue it.

Presiding Inspector: If you really want it——

Mr. Grossman (Interposing): Yes, I want it.

Presiding Inspector (Continuing): ——I will let you have it, but I think it is losing time here.

What were your ideas then?

The Witness: My ideas was, you see, your Honor, it goes back to when I was on the Clevdon and I reported to the Draft Board just before the ship sailed and I got a notice to fill out my first form in New Bedford, Mass., and I filled it out then. And then in Los Angeles I got a notice from them

(Testimony of Maurice J. Cannalonga.)

to go [6755] and see a doctor in Portland while the ship was down in Los Angeles. So I couldn't see no doctor in Portland. We had another week to go before. And then when I went back to Seattle from the trial here I reported again to them and they had set a tentative date for a physical examination two weeks ahead of time, and then I shipped on the West Cussetta, and the day I was supposed to see the doctor I was on the ship in Tacoma, out of the city. And so I had figured, well, I was supposed to see the doctor in Seattle and they generally give you about a month, is the way I figured it, before you could see him again because I wasn't in the city that they notified me. So when I got up in the mountains I got thinking about it and figured, well, if I don't come in pretty soon to the Draft Board that they are going to have me arrested like they do any Draft evader. I have read articles off and on, different fellows being caught evading the Draft and getting a year's jail sentence. And that's the reason why I came in. I didn't want to go to no jail for a year.

By Mr. Grossman:

Q. And when you were in the mountains did you write any letters to anybody? A. No.

Q. From the time that you left the ship in Portland did you write any letters to anybody?

A. No.

Q. Was there anyone up there in the mountains with you? [6756] A. No.

(Testimony of Maurice J. Cannalonga.)

Q. Was there anyone living anywhere near you?

A. No.

Q. When you came back to Seattle what was the first thing you did?

A. The first thing I did, I took a bath.

Q. Go ahead. What was next?

A. Well, that's the first thing I did.

Q. What was the next thing you did?

A. The next thing I did was, I went down to the Naval Recruiting Station and I had known for quite a long time that they had been advertising, oh, a month ago over the radio for electricians. There was a heavy shortage of electricians in the Navy. So I had planned on going into the Navy over a year ago, and so I figured, well, instead of doing a year with the Army on dry land that I would just as soon put in four years on a boat. So I went down to the Naval Recruiting Station and asked them, If I join up the Navy does that exempt them from the Army Draft? And they says "Yes".

Q. All right. Now, up to the time that you went into this Recruiting Station did you know anything that had happened in the Bridges case since you left the ship in Portland? A. No.

Q. Did you know anything about what had been done in connection with serving a subpoena or attempting to serve a subpoena on you? [6757]

A. No.

Q. Weren't you interested in the question of this subpoena that you understood was out for you?

A. No, I wasn't.

(Testimony of Maurice J. Cannalonga.)

Q. After you left this Navy Recruiting Station did you go to this place on 115th Street?

A. No.

Q. What did you do?

A. After I left the Naval Recruiting Station I went and visited some people in the Fremont District, West 39th Street.

Q. What was the name of those people?

A. Whitcomb.

Q. What is the first name? A. Ralph.

Q. Who were the other people?

A. Well, that's the——

Q. (Interposing): You mean Mr. and Mrs. Ralph Whitcomb? A. Yes, his home.

Q. That is what you meant by "people"? Mr. and Mrs.? A. Yes.

Q. And after that what did you do?

A. I had a little lunch there and then I went home.

Q. Did you remain around 115th Street for a while; I mean, around this home there?

A. Well, that was about—I got home about 4:00 [6758] o'clock and I just got in the house and I had a cup of coffee, and just as I started to drink this coffee in comes Mr. Madala of the FBI.

Q. What did he say to you?

A. He says—he mentioned that they were looking for me and that the Immigration was looking for me to serve a subpoena. That was about 4:30.

Q. Did he explain why he had come to see you

(Testimony of Maurice J. Cannalonga.)

when he didn't have the subpoena to serve on you? Did he explain what his interest in you was?

A. Yes. He explained that he wanted to see me and he mentioned—asked what I left the ship for and why I was hiding out? And so I told him.

Q. What did you tell him?

A. Just what I have told you.

Q. You didn't tell him anything else?

A. And then he said he thought that there should be somebody with me as protection, and if it was all right if he'd stay with me. And I says "Yes". And so supper was about ready to be served and I invited him to have supper.

Q. Why did he say someone ought to stay with you?

Mr. Myron: Why did he?

Mr. Grossman: Yes.

A. Because he felt——

Mr. Del Guercio (Interposing): Now, if the Court please, [6759] he is asking the witness here why Mr. Madala——

By Mr. Grossman:

Q. (Interposing): Did he state why?

Presiding Inspector: He amended the question.

By Mr. Grossman:

Q. Did he state why someone ought to stay with you?

A. Yes. He stated that he felt that I needed some protection.

Q. Against what? A. Against what?

Mr. Del Guercio: (Inaudible)

(Testimony of Maurice J. Cannalonga.)

By Mr. Grossman:

Q. Mr. Del Guercio has told you.

A. What did he say?

Presiding Inspector: Never mind.

By Mr. Grossman:

Q. Against what? A. Against what?

Q. Yes. A. Against bodily harm.

Q. Against whom? Protection from whom or against whom? A. Well, he didn't state.

Q. He didn't state? A. No. [6760]

Q. Did you ask him anything about the Bridges hearing?

A. I believe I did. I asked him, "How's the Bridges hearing was coming?" And I believe he mentioned in connection with me, he asked me why I ran away and— (Pause).

Q. What else did he say about the Bridges hearing?

A. That's all that I remember that he stated.

Q. Did you admit that you had run away from the ship? Did you deny it, admit it or say nothing about it? When he asked you why you ran away from the ship did you reply to that?

A. I don't get that.

Q. When he asked you why you ran away from the ship what was your reply?

A. I told him that there had been a carload of fellows parked across the dock.

(Testimony of Maurice J. Cannalonga.)

Q. When he mentioned the subpoena what did you say?

A. I says "Well, that's fine." I says "They can serve it any time they want to".

Q. Did he tell you who had asked for the subpoena? A. What?

Q. Did he tell you who had asked for the subpoena?

A. I don't believe he mentioned who had asked.

Q. Did he tell you that there was testimony in the Bridges hearing concerning statements made by you to Mr. Craycraft? [6761]

A. I believe he did mention that.

Q. Did he tell you what Mr. Craycraft had testified to? A. No.

Q. Didn't you ask him?

A. No, I don't think I did.

Q. Did he tell you that a Mr. Shoemaker, a Court Reporter, had testified concerning a statement given in the office of Mr. Lord?

A. I believe he did say that.

Q. Did you ask him what was in that statement?

A. Yes. I think I asked him what was in it, and he mentioned the Mann Act. And I looked at him and I says "Christ! they're crazy, aren't they?"

Q. Did he tell you that Mr. Craycraft testified that you had admitted testifying falsely in the Bridges case?

A. No, I don't think he did.

(Testimony of Maurice J. Cannalonga.)

Q. You would remember it if he had, wouldn't you? A. I might have, yes.

Q. Wouldn't you remember if Mr. Craycraft—if you had been told that Mr. Craycraft had testified that you had admitted testifying falsely in this case, wouldn't you remember a thing like that?

A. I believe I would remember. No; he just gave a [6762] brief outline of this testimony of these witnesses and asked me if it was true. And it's like I just told you. I thought it wasn't.

Q. Did he say what his plans were for you, if any?

A. No. He asked me if it was all right if he and another agent would be with me at all times, and I says "Yeah, it is O.K.".

Q. Will you state all that you can remember that you told Mr. Madala after he had told you what the testimony of Mr. Craycraft and Mr. Shoemaker had been?

Mr. Del Guercio: If the Court please, I will object to that.

By Mr. Grossman:

Q. I want all your reply after he had informed you what Craycraft and Shoemaker had testified to.

Mr. Del Guercio: I object to that as already having been asked and answered.

Mr. Grossman: I don't think I have all of it, your Honor.

Mr. Del Guercio: It is immaterial in any event.

Presiding Inspector: I think I will take it, al-

(Testimony of Maurice J. Cannalonga.)

though I don't know that you ought to have the whole conversation.

Mr. Grossman: All dealing with this subject.

Presiding Inspector: Yes.

A. I don't think he specified Mr. Crayeraft or [6763] Shoemaker.

Presiding Inspector: I don't recall this having been covered.

Mr. Del Guercio: Sir?

Presiding Inspector: I don't recall this having been covered.

By Mr. Grossman:

Q. When I say "Shoemaker" I am referring to testimony——

Presiding Inspector (Interposing): Was this covered, Mr. Grossman?

Mr. Grossman: No, it wasn't.

Mr. Del Guercio: Gladstein covered it.

Mr. Grossman: No. Just a moment. The subject generally was gone over. I am not repeating any questions, your Honor.

Mr. Del Guercio: I submit it is the same question in a slightly different form.

Presiding Inspector: Well, whereabouts is it? Have you got it? Look at it and see how much you went into this.

Mr. Grossman: Your Honor, do you want me to go ahead on a different subject while you are looking, to save time?

Mr. Gladstein: This subject, my recollection is, your Honor, that Mr. Del Guercio brought it out

(Testimony of Maurice J. Cannalonga.)

on direct that Mr. Madala had met Mr. Cannalonga.

Presiding Inspector: Yes. [6764]

Mr. Gladstein: I didn't go into any conversation on cross examination; conversations between them at that time.

Presiding Inspector: I didn't remember that you did.

Mr. Gladstein: The only conversation that I went into was at the time that Mr. Cannalonga met Mr. Connelley in San Francisco.

Presiding Inspector (Examining transcript): Go ahead, Mr. Grossman.

By Mr. Grossman:

Q. What was all you said to Mr. Madala after he had told you that Mr. Craycraft testified that you had admitted false testimony when you testified here? I want your entire reply to him.

A. He never specified.

Presiding Inspector: I think the question is a little confusing.

Mr. Myron: Will you repeat the question?

Mr. Grossman: All right. I will rephrase it.

Mr. Myron: Will you read the question?

Presiding Inspector: No, it isn't necessary. He is going to rephrase it. He has withdrawn it.

By Mr. Grossman:

Q. What is your best recollection of what Mr. Madala told you about the testimony in the Bridges case during the time that you were absent? [6765]

Mr. Del Guercio: That has been asked and an-

(Testimony of Maurice J. Cannalonga.)

swered, if your Honor please. Now, he has already testified as to what some of it was. Now, "Is there anything else that Mr. Madala said?" would seem to me to be the proper question.

Presiding Inspector: Yes. I think that perhaps that would be better.

Mr. Grossman: I think this is also proper. Then there is no misunderstanding. I want everything that was said by Mr. Madala. There wasn't much.

Presiding Inspector: Of course, you went into part of it.

Mr. Grossman: Yes, I know. But so there won't be any confusion I want everything Mr. Madala said about what had happened in the Bridges case after you left the ship.

Mr. Del Guercio: I will object to that.

Presiding Inspector: I will allow it. I will allow it.

The Witness: Will you read that question again, please?

Presiding Inspector: What did Madala say to you about what had happened in the Bridges case? Tell it all as far as you recall.

The Witness: He had asked me if I had read any papers and I told him "No", I hadn't. And he says—he says "They have brought in some testimony that I was supposed to have made in Portland". And I says "I never made no statement in Portland". And then he asked me why I left the ship. [6766]

(Testimony of Maurice J. Cannalonga.)

Mr. Grossman: Just a moment! On the Bridges——

Mr. Myron: Let him tell it. You asked him.

Mr. Grossman: Your Honor, they know as well as everyone in the Court room that that is not responsive.

Mr. Myron: He has asked for the entire conversation and he should be allowed to testify as to the entire conversation.

Mr. Grossman: I don't see why they are so frightened that their witness is going to have to answer questions.

Mr. Myron: He should be allowed to answer the questions that are asked.

Presiding Inspector: Wait just a moment!

Mr. Grossman: The question, if it is read by the reporter, will show that it deals only with what transpired in the Bridges hearing.

Presiding Inspector: That is right.

Mr. Grossman: And he is now going to talk about the Bridges case.

Do you get that, Mr. Myron?

Mr. Myron: Do you know what he is going to testify to? I am listening to the entire conversation he had.

Mr. Grossman: Will the reporter read the last few words by Mr. Cannalonga before I cut him short?

Presiding Inspector: Go ahead. [6767]

(The portion of the answer referred to was read as follows:

(Testimony of Maurice J. Cannalonga.)

"* * * * and then he asked me why I left the ship.")

Presiding Inspector: We don't care about why he left the ship.

Mr. Grossman: That is correct.

Presiding Inspector: Mr. Grossman is inquiring for the benefit of the Inspector here as to what was said by Mr. Madàla to you and what you said about what had transpired in the Bridges trial. Now, you have told some of it.

Mr. Myron: If your Honor please, may I ask that the question be given by the Reporter?

Presiding Inspector: No. The question is clear to him, I am sure.

You understood the question?

The Witness: Yes, and I answered it, your Honor.

Presiding Inspector: Not fully, did you?

The Witness: Yes. To the best of my knowledge.

Presiding Inspector: All right.

By Mr. Grossman:

Q. Didn't Mr. Madala tell you what was supposed to have been said in this Portland statement?

A. No, I don't believe he did.

Q. Didn't you ask him?

A. Yes, I did ask him. I says, "Well, what was in the statement?" And he says "Well," he says—he says—he men- [6768] tioned something about where I had claimed that the FBI had put

(Testimony of Maurice J. Cannalonga.)

pressure on me. And I looked at him and I kind of grinned. I says—I says "I don't ever remember you people putting pressure on me". And then he asked me if I was ever involved in a Mann Act, and I says "No, I never was".

I think that's about the whole thing. [6769]

Q. You are sure, though, he didn't mention anything about Craycraft testifying you had admitted giving false testimony?

Mr. Del Guercio: I will object to that, if your Honor please. He has asked for the entire conversation.

Presiding Inspector: Yes, but after exhausting his recollection he may suggest matters so as to refresh the witness' recollection on subjects that he has not testified to.

A. I believe he asked me if I had made that statement that Craycraft—I told him, I says "No." I says "I don't see why I ever want to make a statement of that sort."

By Mr. Grossman:

Q. Did he ask you whether you had made any statement at all to Craycraft?

A. I don't believe he did.

Q. How long did this conversation with Mr. Madala last?

A. Oh, it was only a couple of minutes.

Q. Then, did he remain there or leave?

A. No. He had asked me if it was all right if he and Mr. Ross stay with me and I said "Yes," and then we had supper and after supper I said,

(Testimony of Maurice J. Cannalonga.)

well, I says, "I would like to go to a show, and if you guys want to come you can," and so we went out and we got back to the house at eleven o'clock. There was no extra bed and I suggested, I says, well, I says, "No place for you fellows to sleep out here." I said, "If you want we [6770] can go down to a hotel." So we went down to the Olympic Hotel, got adjoining rooms and I slept in one room and he and Mr. Ross slept in another room.

Q. Did Mr. Madala tell you how he knew you were in Seattle? A. No, he didn't.

Q. Did you ask him? A. No.

Q. Who paid for the hotel?

A. I paid for half of it.

Q. And what did you do in the morning?

A. We went back out to the house in the morning. We had breakfast first and then went out to the house.

Q. What did you do out at the house?

A. I was—picked up a book and started to read.

Q. Did you do anything important at the house?

A. No.

Q. When did you leave the house?

A. We left about—oh, it was about one o'clock.

Q. Where did you go?

A. Down to the—down to the Federal Building.

Q. With Mr. Madala and Mr. Ross?

A. To the Courthouse, and we went up there and then I was served a subpoena; then, after I was served the subpoena.

(Testimony of Maurice J. Cannalonga.)

Q. Just one moment. Before you were served with a [6771] subpoena had anyone mentioned the fact that there was a subpoena for you?

A. Yes. Mr. Madala had mentioned it.

Q. When did he mention it for the first time?

Mr. Del Guercio: If your Honor please, that is gone over now. Counsel asked him about the subpoena the first time that Mr. Madala saw him.

Presiding Inspector: I think that is so. Isn't it, Mr. Grossman?

Mr. Del Guercio: It is going back and forth.

Mr. Grossman: All right, withdraw that.

Mr. Del Guercio: Irksome.

By Mr. Grossman:

Q. Did you do anything at the FBI office except receive the subpoena?

A. That is all, just received the subpoena.

Q. How long were you up at the office?

A. Oh, a few minutes.

Q. Then, where did you go?

A. Then, I wanted to go to a show again and I told him that I was going to a show and so both Mr. Madala and Mr. Ross went with me to the show and after the show we had supper again, and in the meantime we made arrangements to get this train to come down to San Francisco. He explained to me that it meant forthwith, that if I wanted to go that I [6772] should leave for San Francisco and——

Q. (Interposing) Just a minute. Who explained that to you? A. Mr. Madala.

(Testimony of Maurice J. Cannalonga.)

Q. He explained that what meant forthwith?

A. He explained that the subpoena—that I had to start for San Francisco as soon as possible after I received the subpoena.

Q. When did he make this explanation?

A. When it was received.

Q. When you were served with it?

A. Yes; this guy that handed it to me.

Q. Had you asked him or did he volunteer this information?

A. I asked him. I asked him, "Well, what does 'forthwith' mean?"

Q. Didn't you testify yesterday that you didn't even know when the subpoena asked you to come to San Francisco? A. What is that?

Q. Didn't you testify yesterday or the day before that you didn't even know when the subpoena required you to come to San Francisco?

A. I didn't at the time, no, until—it is like I told you, I had that subpoena up in the hotel room. I had two of them. I didn't know what was in both of them until I [6773] had seen it and then I could tell you.

Mr. Grossman: Miss Reporter, will you read the last answer, please?

(The answer referred to was read by the reporter as above recorded.)

Q. What hotel room are you referring to?

A. I was referring to the Sutter Hotel. When he asked me if I had another subpoena from the

(Testimony of Maurice J. Cannalonga.)

one he took away from me the first time on the stand here—he asked me if there was another one and I told him "Yes," and he wanted me to search my pockets and see if I had it on me.

Presiding Inspector: Don't go over that. We have heard all that. The Sutter Hotel is all you need to say.

Go ahead.

The Witness: He asked me that.

Presiding Inspector: Now, Mr. Grossman, ask the next question.

Mr. Grossman: Just one moment.

By Mr. Grossman:

Q. Mr. Cannalonga, the day before yesterday when you were asked at the beginning of your cross examination about this subpoena that was served on you in Seattle you were asked this question: "When did it say that you were supposed to be here?"

Your answer was: "I don't recall." [6774]

The next question was: "Did you have any discussion with anybody as to when you were supposed to be here? A. No."

Were those answers correct that you gave the day before yesterday?

A. At the time, if you will recall it, there was quite a squabble here over the subpoenas.

Q. Yes or no, were they correct or not correct?

A. Well, you had me all confused at the time.

Mr. Del Guercio: Your Honor, I object——

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: (Interposing) Wait a moment.

Did you have an objection?

Mr. Del Guercio: I have.

Presiding Inspector: What is it?

Mr. Del Guercio: The witness should not be instructed by counsel there to answer the question "yes" or "no". Moreover——

Presiding Inspector: (Interposing) If they call for a "yes" or "no" answer he may ask that they be answered "yes" or "no".

Now, the question is, as I understand it, if there is no other objection, in substance is that correct, "yes" or "no"?

Mr. Del Guercio: There is another objection on the ground that the matter has already been covered.

Presiding Inspector: No, whether that is correct or not has not been covered as I understand it. I will take it. [6775]

Do you want to make any correction? You can do so after saying is that correct, "yes" or "no".

Read it to him again. Let the reporter read it.

By Mr. Grossman:

Q. "When did it say you were supposed to be here? A. I don't recall.

"Q. Did you have any discussion with anybody as to when you were supposed to be here?

"A. No."

Mr. Del Guercio: That is as to when the subpoena was supposed to tell you to be here.

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: No. Was there any discussion with anybody, it says, as to when you, Cannalonga, were supposed to be at this hearing. Now, that is the question. Now, was that correctly answered?

The Witness: No, not at the time, your Honor.

Presiding Inspector: Do you want to make an explanation?

The Witness: I would.

Presiding Inspector: Yes. Well, make the explanation.

The Witness: You see, at the time I had two subpoenas on me and he asked me for one of them and I gave it to him and the other one was in the hotel room, and he kept insisting, and there was quite an argument over that subpoena, and he had me search myself to see if I had it on me, and I told him that I would bring it to him the next morning, that I didn't know [6776] what it said, that subpoena, what it said. Then, he asked me about it, this subpoena, this other subpoena, in regards to whether I had talked to anybody on this other subpoena. That is how I got the question, and I says, "No."

Presiding Inspector: All right, ask the next question.

By Mr. Grossman:

Q. You mean you understood the questions after the day before yesterday to refer to the subpoena that was served on you in San Francisco?

(Testimony of Maurice J. Cannalonga.)

A. Yes. You people had me all confused on the subpoenas asking me to shake myself down and search myself for one, and I told you it was up in the hotel room, and the next morning I brought it to you and I had a chance to look at it and see what it said.

Q. Well, now, let's get this clear. When you gave the testimony the day before yesterday that you didn't recall the date on the subpoena and that you didn't have any discussion with anybody as to when you were supposed to be here you thought at that time that you were being asked about the second subpoena; is that your testimony?

Mr. Del Guercio: Your Honor, I will object to that as being already covered.

Presiding Inspector: No, I think I will allow it. It is cross examination.

By Mr. Grossman: [6777]

Q. Is that your testimony?

A. It is like I say, Mr. Grossman——

Presiding Inspector: Is that it?

Mr. Grossman: Yes or no.

Presiding Inspector: Is that it? We have got to finish this some time.

The Witness: Well, your Honor, I was so confused about both of these subpoenas.

Presiding Inspector: He says he was confused on both of the subpoenas.

Mr. Grossman: Well, I still have a right to know whether he thought I was referring to the San

(Testimony of Maurice J. Cannalonga.)

Francisco served subpoena, or, rather, what Mr. Gladstein was referring to as the San Francisco served subpoena. That seemed to have been his response and I wanted it clear.

The Witness: I don't know which one you were referring to.

By Mr. Grossman:

Q. To what subpoena were you referring when you replied in the way that I am going to read: "When did it say that you were supposed to be here?

"A. I don't recall.

"Q. Did you have any discussion with anybody as to when you were supposed to be here.

"A. No." [6778]

To what subpoena did you think Mr. Gladstein was referring when he asked those questions and when you replied? A. Well, I——

Mr. Myron: (Interposing) Your Honor, I think at this time the record should show what happened, what subpoena Mr. Gladstein had in his hand when he asked those questions.

Presiding Inspector: I don't think he had any subpoena.

Mr. Myron: I think he did. He gave him the subpoena and he had it in his hand.

Presiding Inspector: There was only one subpoena introduced up to that time.

Mr. Myron: That is right. I think the record should show it.

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: That is the one that was served after he got down here in this city, as I understand it.

Mr. Myron: That is right.

Presiding Inspector: Now, the other subpoena at that time had not been produced.

Mr. Myron: That is right, your Honor.

Presiding Inspector: Now, it seems to me this is all very clear and doesn't need very much further examination, but if you wish to ask anything more I will allow it.

Mr. Grossman: I still don't have an answer.

I got the impression clearly that Mr. Cannalonga was saying that this testimony that I read him was given because he [6779] confused the first with the second subpoena. Now, I want that clear. I want to know whether he intended it to apply to the first subpoena or not. I haven't got it clear whether he intended it to apply to the first subpoena or the second subpoena or neither.

By Mr. Grossman:

Q. What subpoena did you think Mr. Gladstein was referring to when he asked you these questions?

A. Well, Mr. Grossman, if you will read back further—after all, I can't say off-hand right now. It is like I told you, that these two subpoenas, I handed him one. He kept insisting I had another one in my pocket and asked me to shake myself down, until everything was all jumbled up. I didn't know which one he meant or anything else. He

(Testimony of Maurice J. Cannalonga.)

kept waving one subpoena at me and asked me to produce another one and I told him it was up in the hotel room, that I would get it for him and show it to him the next day.

Presiding Inspector: Now, let's see; we are now up in Portland. A subpoena was served on you.

The Witness: Seattle, you mean.

Presiding Inspector: Seattle. A subpoena was served on you.

The Witness: Yes.

Presiding Inspector: Was there or was there not any discussion with the person who served it on you, or with Mr. [6780] Ross as to when you were required under the subpoena to be here in this hearing?

The Witness: Well, there was discussion on the subpoena. I had asked the question what "forthwith" meant. No, it was not Mr. Madala; it was the man that served it to me.

Presiding Inspector: Well, I say any one of the three.

The Witness: Uh huh. He had said—well, he says, "You are to leave as soon as you can for San Francisco," and that is what I did.

Presiding Inspector: Now, if the other testimony is to other effect you have the full benefit of it.

Mr. Grossman: Yes.

By Mr. Grossman:

Q. Now, did you have any discussion with this man who served the subpoena as to what the sub-

(Testimony of Maurice J. Cannalonga.)

poena required you to do in addition to leaving immediately? A.. No.

Q. What did you think at that time the serving of the subpoena on you required you to do?

Presiding Inspector: I don't believe he can understand that. You will have to make that a little clearer.

Mr. Grossman: All right.

By Mr. Grossman: [6781]

Q. Mr. Cannalonga, a subpoena is served on you. You understood, did you not, that it was an order of some kind for you to do something; is that right?

A. Yes, sir.

Q. What did you think it was an order for you to do?

A. Like I did the last time I had one served on me.

Q. What?

A. To come down here to San Francisco and report to the—for the Government like the original one, the first time I come down to court.

Q. Did you understand that the subpoena required you to report to the FBI? Was that your understanding when you were served in Seattle?

A. What do you mean "report to the FBI"?

Q. Tell me this: Did you believe when you were served with that subpoena in Seattle that it ordered you to appear in this hearing or in this court room?

A. No, not in the court room. To come down here and report in——

(Testimony of Maurice J. Cannalonga.)

Q. (Interposing) Where?

A. San Francisco like I did the first time.

Q. Where in San Francisco?

A. At the FBI office.

Presiding Inspector: Well, no witnesses have appeared in the Court room that I know of in pursuance to a subpoena [6782] unless they were in the other room when they were served because all witnesses have been excluded from this hearing.

Mr. Grossman: All I know is the subpoena orders them to appear here.

Presiding Inspector: Yes, but no one——

Mr. Grossman: (Interposing) I am not referring to what others do.

Presiding Inspector: That has not been required as to any witness.

Mr. Grossman: I want his understanding.

Presiding Inspector: Yes, you are entitled to it. You have got it.

Mrs. King: If your Honor please, with reference to the witnesses for the defense as opposed to the witnesses for the prosecution there were a number of them that came here and waited in the witness room.

Presiding Inspector: Yes, but they didn't appear in the court room.

Mrs. King: No, they appeared at the court.

Mr. Grossman: Appeared at the court.

Presiding Inspector: I don't know where they were. They didn't, any of them, report to the Presiding Inspector.

(Testimony of Maurice J. Cannalonga.)

Mrs. King: No, I understand that. As I say, that is merely for the record.

Presiding Inspector: That may be; I don't know, except [6783] I don't know where any subpoenaed witness reported.

Mrs. King: The only thing we want——

Presiding Inspector: (Interposing) The only thing I know, witnesses were kept in the adjoining room and very soon afterwards they appeared in the court room. Of course, we have excluded all of them.

Mrs. King: The only thing we wanted to make clear was that witnesses for the defense did not ordinarily report to the FBI office.

Presiding Inspector: I don't know.

Mr. Del Guercio: I think that statement is unnecessary.

Mrs. King: I don't think it is at all necessary.

Presiding Inspector: I think that is a fair statement.

Mr. Grossman: Especially considering some of the subpoenas that have been issued by the FBI.

Presiding Inspector: I don't think it is very important to show where a witness has reported as long as the witness reported to the counsel in this case. If they reported to the wrong counsel, why, I suppose they would be transferred. I don't know what the subpoena says, whether it says—it probably says he was to give testimony in the case without any reference on whose behalf.

Mr. Gladstein: May I see the subpoenas, please?

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: This man was at all times the Government's witness. [6784]

Mr. Grossman: That is not true.

Presiding Inspector: He can't be anything else. Having been once called he remains the Government's witness throughout the hearing.

Mr. Grossman: It was our subpoena, your Honor.

Presiding Inspector: It doesn't make any difference. He doesn't become your witness because you call him back for further cross examination.

Mr. Grossman: The Government doesn't have control over the subpoena.

Presiding Inspector: He does.

Mr. Grossman: They can extend the subpoena.

Presiding Inspector: No, they can't extend the subpoena. He must come here, of course, but he still remains the Government's witness. You couldn't cross examine if that weren't so.

Mr. Grossman: Oh, I agree——

Presiding Inspector: Yes.

Mr. Grossman: (Continuing) But the reason is because the FBI, instead of letting him appear here forthwith, as he was ordered to do by the subpoena, took him in to their custody——

Presiding Inspector: That may be.

Mr. Grossman: (Continuing) ——to destroy the effect of that——

Presiding Inspector: (Interposing) You have got the full benefit of that. [6785]

(Testimony of Maurice J. Cannalonga.)

Mr. Grossman: May I see the subpoena that was offered for identification?

(The documents referred to were handed to Mr. Grossman by the reporter.)

Presiding Inspector: The subpoenas very, generally, as I have been accustomed to see them, say to give testimony on behalf of such and such a side.

Mr. Gladstein: That is what a subpoena usually says, as a witness for plaintiff or defendant.

Presiding Inspector: Yes, that is the subpoena that I have usually seen but I didn't notice that it said that on these.

By Mr. Grossman:

Q. Mr. Cannalonga——

Mr. Del Guercio: (Interposing) May I see those subpoenas, please?

(The documents referred to were handed to Mr. Del Guercio by Mr. Grossman.)

Mr. Del Guercio: I refer, if the Court please, to the two subpoenas issued——

Presiding Inspector: (Interposing) When we come to that——

Mr. Del Guercio: (Interposing) But in view of counsel's argument, this is a reply to it because I would like to——

Presiding Inspector: (Interposing) We don't need any reply. There is no conclusion. [6786]

Mr. Del Guercio: In order to get the record straight.

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: All right, if you want to put something in you may.

Mr. Gladstein: The subpoenas speak for themselves.

Mr. Del Guercio: There are two. One is dated May 6, 1941. As I told the Court some time before——

Presiding Inspector: (Interposing) What is that? I beg your pardon; I didn't catch that.

Will you read it, please.

(The statement of Mr. Del Guercio referred to was read by the reporter as above recorded.)

Mr. Del Guercio: It requires the appearance of Cannalonga at room 276, Federal Court House, Post Office Building, 7th and Mission Streets, San Francisco, California, not that it would have made any difference whether it required him to appear at Sutter Street, or whether it required him to appear at Los Angeles or any place else.

The other is dated May 10, 1941, requiring Cannalonga to appear at room 276, Federal Court House, Post Office Building, 7th and Mission Streets, San Francisco, California.

Now, where counsel got the idea there that the subpoenas that this man produced required him to appear at the FBI office I don't know.

Mr. Gladstein: Your Honor, the thing was this: The testimony simply went to, or the questioning of the witness went [6787] to—as to his understanding as to where he was to report.

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: That is all.

Mr. Grossman: Your Honor, if counsel wants to know where I got the idea——

Presiding Inspector (Interposing): Oh, no, I don't think counsel wants to know anything from any statement except from the witness.

Mr. Grossman: I can back up the statement the FBI is issuing subpoenas to appear at the FBI office.

Mr. Del Guercio: I am telling you I have issued them, will continue to issue them from the FBI office.

Mr. Grossman: They are null and void.

Presiding Inspector: Go ahead.

By Mr. Grossman:

Q. Did you have a discussion with anyone, Mr. Cannalonga, as to whether or not the subpoena served on you in Seattle required you to come to the hearing room as soon as you got to San Francisco? A. No.

Q. At the first opportunity after you got to San Francisco? A. No.

Q. When you were served with this second subpoena were you told anything as to the reason why a second subpoena was being served on you?

A. No. [6788]

Q. Did you ask? A. No.

Q. Were you surprised that a second subpoena was served on you?

(Testimony of Maurice J. Cannalonga.)

A. Not a bit. I am not surprised at anything that happens to me.

Q. Are you in court in response to a subpoena?

A. I am.

Q. Which subpoena?

A. That first one, I believe.

Mr. Del Guercio: Your Honor, I object.

Presiding Inspector: That is a mere legal conclusion: He is in court, or, at least, in a hearing. It is a court room.

By Mr. Grossman:

Q. Were you ever told by anyone that the defense had had a subpoena issued for you?

A. No, no.

Q. At any time before you came back to San Francisco with Mr. Madala had you seen a transcript or a portion of the transcript of the testimony given by Mr. Crayeraft in this proceeding?

A. No.

Q. At any time did Mr. Madala summarize for you or state for you what the testimony of Mr. Crayeraft was in [6789] addition to that first day when he spoke to you in Seattle? A. No.

Q. Did anyone give you any information about what testimony had been given in this hearing before you talked to Mr. Connelley except Mr. Madala on Thursday in Seattle? A. No.

Q. Is it true, then, that when you talked to Mr. Connelley in San Francisco you knew no more about what had been testified to in this hearing by Mr. Crayeraft than what Mr. Madala had told you?

(Testimony of Maurice J. Cannalonga.)

Mr. Del Guercio: Well, your Honor, I will object to it.

Presiding Inspector: I will take it.

Mr. Grossman: Will you read it, Miss Reporter?

(The question referred to was read by the reporter as above recorded.) A. Yes.

Presiding Inspector: We will take a short recess.

(Whereupon a short recess was taken.)

[6790]

Presiding Inspector: Now, Mr. Grossman, we are ready.

By Mr. Grossman:

Q. Mr. Cannalonga, did you tell Mr. and Mrs. Emel where you were going when you left Seattle?

A. No. What period is this now? Is this on the subpoenas?

Q. When you left Seattle to go to the mountains did you tell Mr. and Mrs. Emel where you were going? A. No.

Q. Did you give them any statement as to where you were going? A. No.

Q. Are you sure of that?

A. Uh-huh (affirmative).

Q. When you came back did Mr. and Mrs. Emel tell you that anybody had been looking for you at their place? A. Yes.

Q. What did they tell you on that matter?

A. They said that the Draft Board had been out to the house and some members of the Draft Board

(Testimony of Maurice J. Cannalonga.)

wanted to know where I was, and that the FBI agent was—agents were looking for me as there was some kind of a subpoena out for me, and I believe the Immigration man went out there, too.

Q. Did they tell you what they had replied to these FBI men and Immigration men? [6791]

A. No.

Q. Did you tell the Emels when you were coming back? A. No.

Q. Did you give them any ideas as to when you were coming back? A. No.

Q. How did you know when to appear in this court to testify on this occasion, this present occasion?

A. What do you mean by that, Mr. Grossman?

Mr. Del Guercio: Your Honor, I will object to that. It goes to the same matter here. He is here.

Mr. Grossman: That is not enough. He can be kidnapped and brought here and, if so, we want to know it.

Mr. Del Guercio: We are not the Communist Party.

Mr. Grossman: Just a minute! If he came because he recognized that the subpoena obligated him to come at a particular time I would like to know that.

Presiding Inspector: I don't see that it is very material, but you may have it. He is here.

By Mr. Grossman:

Q. How did you know when to come to this court in this hearing this time?

(Testimony of Maurice J. Cannalonga.)

A. Well, the subpoena said I had to come down to 'Frisco and I just followed the same procedure that I had done previous.

Q. That is not what I mean. You arrived in San Francisco [6792] Sunday? A. Yes.

Q. How did you pick the day before yesterday, Wednesday, to come to this court, instead of Monday? A. How did I pick that out?

Q. Yes. How did you happen to pick Wednesday to come?

The Witness: I don't get what he means.

Presiding Inspector: Well, he wants to know why you didn't come the first day, or what did happen.

By Mr. Grossman:

Q. Why didn't you come Monday? Why did you come Wednesday?

A. Well, here's what happened. Sunday I made out a question-and-answer statement to Mr. Connelley and then I was told that I would be told when to come.

Presiding Inspector: You were relying on the Government agents to tell you when to come?

The Witness: Yes.

By Mr. Grossman:

Q. Who told you that?

A. Who told me that?

Q. Yes.

A. One of the Government agents.

Q. Who was it?

(Testimony of Maurice J. Cannalonga.)

A. I don't know who it was. It's like I said on [6793] the stand here once before, that at all times I have been in San Francisco I have had a couple of agents with me and the Bureau felt that I needed protection and I was free to go wherever I wanted and that I would be notified when to appear on the stand.

Q. Did Mr. Connelley tell you that?

A. I don't recall if it was Mr. Connelley who said that.

Q. They told you they would notify you when they wanted you, is that right?

A. Yes, I would be notified and told.

Q. When you received that second subpoena did you look at it to see when it required you to come to testify? A. No.

Mr. Myron: This has been gone over twice, I think, already, your Honor.

Mr. Grossman: The second subpoena? There hasn't been a question asked about it.

Presiding Inspector: This was the subpoena that was received here?

Mr. Del Guercio: I refer to page 6343, your Honor, in cross examination.

Presiding Inspector: 6343. I haven't that here.

(Whereupon a copy of the transcript was passed by Mr. Del Guercio to the Presiding Inspector.) [6794]

Presiding Inspector: At the top of 6346 there is an answer. The last question is on 6345. No.

(Testimony of Maurice J. Cannalonga.)

that is the other subpoena. Well, I don't seem to find this particular question.

Mr. Grossman: I think there is some doubt whether it refers to the first or the second. It may refer to the second. But since there is doubt I think there is no question but what we should go into it and clear up the doubt.

Presiding Inspector: Very well. You may ask this particular question.

(The question referred to was read by the reporter as above recorded.)

A. No, I didn't give it any particular notice. I just signed it.

By Mr. Grossman:

Q. Did you find out at any time up to now when the second subpoena ordered you to appear to testify? A. No.

Q. Did you have any discussion with anyone from the FBI or the Immigration Service as to when the second subpoena required you to testify?

A. No.

Q. Were you ever told by anyone that the subpoena served on you in Seattle—withdraw that.

Were you ever told by anyone that you should get in [6795] touch with defense counsel when you were in San Francisco because of the service of this first subpoena on you in Seattle? A. No.

Presiding Inspector: May I see that Seattle subpoena?

(Testimony of Maurice J. Cannalonga.)

Mr. Grossman: The first one, your Honor, is this one (Indicating).

Presiding Inspector: That is the only one I wish. I might look at the other, too.

(The subpoenas referred to were passed to the Presiding Inspector.)

By Mr. Grossman:

Q. You stated the day before yesterday that on Sunday when you arrived in San Francisco you were introduced to a friend of Mr. Madala. Can you state his name?

A. Did I say a friend of Mr. Madala?

Q. Yes. When you were asked about the various people that you had talked to you said Mr. Madala introduced you to a friend of his.

A. Well, when we got in——

Q. (Interposing): Do you know his name?

A. Well, I am trying to——

Presiding Inspector (Interposing): Well, do you know his name?

The Witness: Yes. [6796]

Presiding Inspector: Then give his name.

By Mr. Grossman:

Q. What's the name? A. Joe.

Q. Joe. You mean that is the FBI man that was one of those who was with——

A. (Interposing): Uh-huh (affirmative). No, not with me. He come down and met the ferry in a car.

(Testimony of Maurice J. Cannalonga.)

Q. I mean was with you for the next few days? Wasn't Joe one of the FBI men that——

A. (Interposing): Oh, yes.

Q. (Continuing): ——stayed with you all the time?

A. No, not all the time.

Q. Half the time for the next few days?

A. Yes.

Q. Except when you went to sleep.

Mr. Del Guercio: Well, if your Honor please, he is not giving the witness a chance to talk.

Presiding Inspector: I guess he has in between the spaces answers here.

By Mr. Grossman:

Q. When was the first time you found out that there was in evidence in this case a statement that was supposed to be a sworn statement by you made in a lawyer's office in Portland?

Mr. Del Guercio: Your Honor, there is no such evidence [6797] that he ever made a sworn statement.

Mr. Grossman: Will you read it back, please, Mr. Reporter?

Presiding Inspector: Read the question.

(The question referred to was read by the reporter as above recorded.)

The Witness: I don't know what he means by that, your Honor.

Presiding Inspector: Well, the question is. When did you first learn of there having been produced here what purported to be a sworn state-

(Testimony of Maurice J. Cannalonga.)

ment made by you in Mr. Lord's office in Portland? When did you first hear about that? [6798]

The Witness: Sunday afternoon when Mr. Connelley was asking me when I made out this question-and-answer statement for him.

By Mr. Grossman:

Q. When was the first time that you had heard that Mr. Jackman had testified here to a conversation with you?

A. When I made out this question-and-answer statement to Mr. Connelley.

Q. All right. Now, when did you first see Mr. Connelley?

A. It was the same day I got into San Francisco; in the afternoon of Sunday.

Q. Did you have any discussion with Mr. Connelley before he started taking this statement with a stenographer taking it down? A. No.

Q. Do you mean the moment he started to talk to you the stenographer started taking it down?

A. Yes.

Q. And he had no discussion with you except a question-and-answer type of discussion?

A. That's all.

Q. In this question-and-answer type of discussion did he ask you whether or not you had made certain statements to Mr. Crayeraft? [6799]

A. He did.

Q. Did he ask you whether or not you had been to an attorney named William Lord's office in Portland?

(Testimony of Maurice J. Cannalonga.)

A. He did, in this question-and-answer statement.

Q. Did you admit that you had been to this attorney's office in Portland?

A. No. I told him to the best of my recollection I didn't know who this Lord was and that I had gone up in some kind of an office building.

Q. Did you admit the making of these statements to Mr. Crayeraft that Mr. Connelley asked you about? A. What was that?

Q. Did Mr. Connelley ask you whether you had made certain statements to Mr. Crayeraft?

A. He did.

Q. What did you say to Mr. Connelley as to whether you had made those statements?

A. That I didn't.

Q. That you hadn't made any of them?

A. No.

Q. Did you tell Mr. Connelley that you had had various discussions with Mr. Crayeraft?

A. I did.

Q. Did Mr. Connelley ask you whether you had a certain discussion with Mr. Jackman? [6800]

A. I believe he asked me that.

Q. What did you tell him as to whether or not you had that discussion?

A. That I didn't know who this Mr. Jackman was, that there was a possibility that I spoke to the man.

Q. Did Mr. Connelley ask you why you left the ship on Wednesday? A. He did.

(Testimony of Maurice J. Cannalonga.)

Q. Did Mr. Connelley show you a copy of the transcript of the testimony of either Mr. Craycraft, Mr. Shoemaker or Mr. Jackman? A. No.

Q. Did Mr. Connelley read you what he claimed was a portion of the transcript or any portion of the transcript of this hearing?

Mr. Myron: Now, I object to that.

Presiding Inspector: I will take it.

Mr. Myron: What he "claimed" it to have been. If you will read from a transcript——

Mr. Grossman (Interposing): I am asking the questions, Mr. Myron.

Presiding Inspector: I will take it.

Mr. Myron: I will object to the form on the question.

Presiding Inspector: I don't think there is anything offensive in the form or intended to be.

Mr. Myron: No objection if there is no intention. [6801]

Presiding Inspector: "Claimed" means "stated to be."

The Witness: I didn't hear this question. I don't understand it, your Honor.

Presiding Inspector: You don't object to changing the word "claimed" to "stated"?

Mr. Grossman: No.

Presiding Inspector: Read the question with the change in it, Mr. Reporter.

(The question referred to, as amended, was read by the reporter, as follows:

"Q. Did Mr. Connelley read you what he

(Testimony of Maurice J. Cannalonga.)

stated was a portion of the transcript or any portion of the transcript of this hearing?")

A. Well, when he asked me these questions that I answered he had a sort of a book in front of him.

By Mr. Grossman:

Q. You got the impression that he was reading to you from the testimony of someone at this hearing? A. Yes.

Q. Did you deny making all the statements that he read to you from Mr. Craycraft's testimony?

A. No.

Q. You admitted making some of them?

A. I denied that there was—I told him that there was a possibility I could have made some of the statements and there was a possibility I couldn't.

[6802]

Q. Did he also appear to be reading to you from a transcript of the testimony of Mr. Jackman when he asked you questions about Mr. Jackman?

A. Well, I don't know whether it was a transcript of Mr.——

Q. (Interposing): No. Did he appear to you to be reading from a transcript of Mr. Jackman?

A. What was that again?

Q. When he asked you questions about Mr. Jackman did he appear to be reading from a transcript of the testimony of Mr. Jackman?

A. I don't know whether it was the testimony of Mr. Jackman.

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: No, of course you don't.

A. (Continuing): He was reading off like one of those books that you have in front of you.

Presiding Inspector: What you took to be the testimony of Mr. Jackman?

The Witness: Yes.

By Mr. Grossman:

Q. Did he also ask you questions about what you said in this meeting in the lawyer's office? Did Mr. Connelley ask you what you had said in this meeting in the Portland lawyer's office?

A. Did he ask me what I had said?

Q. Yes. [6803]

A. He asked me if I had been up to this office and I told Mr. Connelley the same thing I said on the stand here: That I was pretty drunk and I don't remember saying anything up in this office.

Presiding Inspector: Well, did he ask you these particular questions? Did he read particular questions and answers to you and ask you——

The Witness (Interposing): I believe he did.

By Mr. Grossman:

Q. When was the first time that you told anyone at all that you were very drunk on Saturday and Sunday, May 3rd and 4th? When was the first time that you told anyone that you were very drunk on those two days? A. When?

Q. Yes.

A. When I made out this question and answer.

(Testimony of Maurice J. Cannalonga.)

Q. You mean last Sunday?

A. Last Sunday.

Q. In the presence of Mr. Connelley?

A. Yes. Mr. Connelley and Mr. Means and Mr. Weeks was in there and the stenographer.

Q. Do you keep your discharges? A. Yes.

Q. Will you examine your discharges and tell me whether your did any shipping during 1940 and, if so, on what ships for what periods?

A. I haven't my discharges on me. [6804]

Q. Can you state from memory generally whether you did any shipping in 1940?

A. No. I would have to look up the discharges, different ships.

Q. Don't you have any recollection as to any ships you might have been on?

A. I am liable to say a ship and it could have been a year ahead of that.

Q. Just assume that this is your best recollection and you won't be held to it. I would like the names of any ships that you think you shipped on in 1940.

A. I would rather have my discharges.

Presiding Inspector: We want to finish as much as we can today. Give your best recollection. You are not going to be held to this exactly.

The Witness: In 1940? You see, I don't recall if I was on one of the Alaska Steamship Passenger ships in January of 1940 or not.

Presiding Inspector: What is your best recollection?

(Testimony of Maurice J. Cannalonga.)

The Witness: I could possibly have been on there around that time.

Presiding Inspector: What was her name?

The Witness: That was the—let's see. The sister ship to the Baranof. Mt. McKinley.

Mrs. King: We couldn't hear it. [6805]

Presiding Inspector: He said "The sister ship to the Baranof. Mt. McKinley".

The Witness: The SS Mt. McKinley. I could have possibly been on there in the earlier part of January for about a week.

Presiding Inspector: She was an Alaska passenger ship.

By Mr. Grossman:

Q. You mean you were on that ship in 1939?

A. I was on there around the holidays, the Christmas holidays.

Q. Of 1939?

A. Of 1939 and possibly part of '40.

Q. Can you think of any other ship that you were on in 1940 or might have been on in 1940?

A. Yes. Then I was on the Branch in 1940; went up to Bristol Bay and then I was on the Clevdon in 1940.

Q. If you had your discharges here could you give me the complete list of ships that you had shipped on in 1940 and the periods on which you had shipped? A. Yes.

Q. Where are your discharges?

A. In Seattle.

(Testimony of Maurice J. Cannalonga.)

Q. How long would it take you to get them down here?

A. Oh, I could pick up a telephone and phone up to Seattle and have them sent down to me and, oh, I would get them tomorrow sometime by Air Mail Special Delivery. [6806]

Q. Now, were you on the beach in Seattle or Portland or any other place during 1940?

A. Yes, in Seattle.

Q. Any other port? A. No.

Q. Do you know what period you were on the beach in Seattle?

A. Yes. The period that I wasn't on the ships.

Q. Then for the entire period that you were not on ships in 1940 you were on the beach in Seattle, is that correct? A. Yes, correct.

Q. Now, when you were in port in Seattle did you register regularly in the union?

A. Yes.

Q. How often would you register in the union?

A. Every time you get off a ship you register.

Q. You mean you just register once when you get off the ship? A. Yes.

Q. You don't register every two weeks or anything like that?

A. No. You have your card stamped every two weeks; your shipping card.

Q. Which card?

A. When you register they give you a shipping card [6807] you see, and this shipping card—you go to a meeting and you hand the card in as you

(Testimony of Maurice J. Cannalonga.)

go into the meeting, and the following day you go down the hall and pick it up. They stamp it, the date on the back of it, showing that you had been to that meeting. If you don't do that you go to the bottom of the list.

Q. You don't carry that shipping card with you?

A. No. When you ship they pick it up at the hall and issue out a new one when you come in again.

Q. Have you ever taken an automobile trip from Nevada to California? A. No.

Q. Have you ever taken an automobile trip from California to Oregon? A. No.

Q. Have you ever taken an automobile trip from Oregon to Seattle? A. No.

Q. Have you ever stayed——

A. (Interposing) Now, Mr. Grossman, these automobile trips—are you referring to the year 1940 or are you referring to back in 1900? I don't know what years.

Q. All right. Suppose we take the last three years. What is your answer with respect to the questions I have just asked you?

A. The answer is the same. [6808]

Q. It is "No" with respect to all these questions? A. Yes.

Q. For the last three years?

A. Yes, for the last three years.

(Testimony of Maurice J. Cannalonga.)

Q. Have you ever stayed in an auto camp in South San Francisco? A. No, never.

Mr. Del Guercio: If the Court please, we have been all over that in the specific questions and now we are going into the general.

Presiding Inspector: No. I don't think they covered it quite in this form.

Mr. Grossman: No, we didn't cover it in this way.

Mr. Del Guercio: It is a little different date.

Presiding Inspector: No. He wants to test the possibility of his having been there according to the testimony.

By Mr. Grossman:

Q. Did you ever stay in an auto camp in Roseburg, Oregon?

A. Never. In fact, Mr. Grossman, I have never stayed at no auto camp in my life, if that will help you out.

Q. Have you ever been at Coulee City or the Coulee Dam?

A. I have been out to the Coulee Dam when they first started building it and made a short trip with a friend of mine. [6809]

Q. And not since then?

A. Not since then.

Mr. Grossman: No more questions.

Presiding Inspector: Now, Mr. Del Guercio.

Mr. Goodwin: Your Honor, may I make a suggestion? And I make it subject to whatever Mr. Del Guercio wishes:

(Testimony of Maurice J. Cannalonga.)

The witness has been on the stand for cross examination now for two days. We cannot possibly, I believe, finish our redirect today. There are some things I should like to check over myself, and in a great deal of the time Mr. Gladstein has talked so loud that I have been able to hear him. Now, I think that it would serve no useful purpose to proceed with the redirect now and it would serve the purpose of perhaps shortening it if it might go over to the next session.

I make that suggestion subject to the wishes of Mr. Del Guercio.

Presiding Inspector: How do you feel about it, Mr. Del Guercio? This suggestion was made subject to your wishes.

Mr. Del Guercio: Having been made, I will adopt it.

Presiding Inspector: You would prefer to have it go over?

Mr. Del Guercio: I join.

Mr. Grossman: We have no objection if they want to put on another witness and withdraw him temporarily. We have no objection to anything of that kind. [6810]

Presiding Inspector: Well, they perhaps wouldn't like to do that.

Mr. Gladstein: Since the witness will be here on Monday for redirect, could we ask the Court to ask him, if he has no objection—there was a

(Testimony of Maurice J. Cannalonga.)

question that came out during cross as to whether he would send for his discharges.

Presiding Inspector: Yes.

Will you send for the discharges?

The Witness: Yes, I will.

Mr. Del Guercio: We will telephone at the expense of the Defense.

The Witness: Who is going to pay for the phone call?

Mr. Grossman: We will pay for it.

(Remarks outside the record.)

Presiding Inspector: Then we will take a recess until Monday morning at 10:00 o'clock.

(Whereupon at 4:00 o'clock P. M. an adjournment was taken until 10:00 A. M. Monday, June 9, 1941.) [6811]

Court room 276,
Federal Building,
San Francisco, California,
June 9, 1941.

Met, pursuant to adjournment at 10:00 A. M. [6812]

PROCEEDINGS

Presiding Inspector: Mr. Del Guercio, you may proceed.

The witness, Cannalonga, was excused, wasn't he?

(Testimony of Maurice J. Cannalonga.)

Mr. Del Guercio: I believe he was to appear on redirect this morning.

Presiding Inspector: Oh.

MAURICE J. CANNALONGA

called as a witness in rebuttal on behalf of the Government, having been previously duly sworn, testified further as follows:

Redirect Examination

Presiding Inspector: I will say to the witness that he understands, I suppose, he is still under oath?

The Witness: Yes, sir.

By Mr. Del Guercio:

Q. Now, Mr. Cannalonga, had you, prior to Saturday, May 3, 1941, been in a hotel room with an attorney like Mr. Gladstein and a 225 pound man? A. No, sir.

Q. Had you, prior to May 4, 1941, that is on a Sunday, been in an office with an attorney, with two attorneys like Mr. Gladstein and Mr. Lord, a court reporter and a 225 pound man?

A. No, sir.

Q. Now, when you testified on cross examination that you were being watched while you were on the West Cussetta, who did you have in mind watching you? [6813]

A. Well, I knew it wasn't any Government men; private individuals.

(Testimony of Maurice J. Cannalonga.)

Q. Well, now, did you think that they were friends of Mr. Gladstein and the alien here?

A. I don't know, sir.

Q. And did you ever see this carload of men —I believe you said "carload"? A. No, sir.

Q. Who called your attention to the fact that there was a carload of men there?

A. The night Mate.

Q. Just what did he tell you about that?

A. Well, it is like I said when I was cross examined, that the night Mate said there was a carload of fellows that had been watching me ever since we were at that particular pier; that is, Terminal 1. [6814]

Q. Is that where your ship was docked?

A. Yes, sir.

Q. Now, is there any doubt in your mind, or—strike that, please.

I believe you also testified on cross examination that you left the West Cussetta for Seattle because you were afraid of the Communist Party: is that correct? A. Correct.

Q. Is there any doubt in your mind but that the Alien here is connected with the Communist Party?

Mr. Gladstein: I object to that as being immaterial.

Presiding Inspector: I don't think that is material.

Mr. Del Guercio: Your Honor, it is material in this way, that the——

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: (Interposing) Well, you have already been over it.

Mr. Del Guercio: (Continuing) ——disappearance of the witness from the West Cussetta was due to——

Presiding Inspector: (Interposing) I know, but whether he has any doubt or not, I think is immaterial.

By Mr. Del Guercio:

Q. Now, do you know where the West Cussetta is at the present time?

A. I believe she is out around Shanghai right now.

Q. When did she leave Portland or any U. S. port, if you know? [6815]

A. She left after I left the ship, one or two days later.

Q. One of two days later. Now, I believe you have testified that Crayeraft and Mowery and another person saw you, or came to see you on the West Cussetta on Monday and Tuesday and that you were in communication, or had seen Crayeraft on Wednesday morning; is that correct?

A. I didn't see Crayeraft Wednesday morning because I had left the ship.

Q. Did you see anyone Wednesday morning?

A. No, sir.

Q. That is, anyone connected with Mr. Gladstein?

A. No.

Q. Well, now, when you saw Crayeraft Monday

(Testimony of Maurice J. Cannalonga.)

morning did he say anything to you about wanting to show you a transcript of the alleged statements you made in the hotel? A. No, sir.

Q. Did he say that Mr. Gladstein wanted you to read over what you were alleged to have stated in that lawyer's office on Sunday morning?

A. No, sir.

Q. Now, you saw Mr. Craycraft again Tuesday? A. Yes, sir.

Q. Did he at that time say that Mr. Gladstein wanted you to read over the alleged statement that you made on that [6816] Sunday in the attorney's office? A. No, sir.

Q. Did he say Mr. Gladstein wanted you to sign that statement that you were alleged to have made in the lawyer's office on Sunday?

A. No, sir.

Q. Did anyone else, anyone either on Monday or Tuesday——

Presiding Inspector: (Interposing) Is there any such claim?

Mr. Del Guercio: Sir?

A. No.

Presiding Inspector: Is there any such claim?

Mr. Del Guercio: No, there is not.

Presiding Inspector: Well, you are negativing something which isn't in the evidence. I wouldn't devote much time to it.

By Mr. Del Guercio:

Q. Now, you have been in the protective cus-

(Testimony of Maurice J. Cannalonga.)

tody of Agents of the FBI since Thursday, is that correct? A. Yes, sir.

Q. Since last—well, a week ago from last Thursday, is that correct?

A. Uh-huh (Affirmative).

Q. Until you appeared here on the stand to testify? A. Yes, sir. [6817]

Q. During that period of time have you been free to go and come? A. I have.

Q. Has your custody, so-called custody been voluntary? A. It is.

Q. Who paid for your expenses while you were in such custody? A. Myself.

Q. Who paid for your room? A. Myself.

Q. Who paid for your amusements?

A. Myself. [6818]

Q. Who paid for your food? A. Myself.

Q. Why were the agents with you during all this period of time?

A. For my own mutual protection.

Mr. Grossman: May I have the answer?

The Reporter: I am not sure I caught it correctly—"for my own mutual protection".

Presiding Inspector: No, no. The answer was: "Because they thought I needed protection."

The Witness: Yes.

By Mr. Del Guercio:

Q. Was that your answer? A. Yes.

Q. Because you thought who needed protection?

A. No—I said because the Bureau thought I needed protection.

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: I think he used the word "they" instead of "Bureau".

The Witness: Yes.

Mr. Del Guercio: That is all.

Recross Examination

By Mr. Gladstein:

Q. When you say "Bureau" you mean the FBI agents, don't you? [6819] A. I do.

Q. Are you sure you saw Craycraft on Tuesday, May 6th?

A. No, I am not, Mr. Gladstein.

Q. As a matter of fact, you didn't see him at all on that day, did you?

A. No, I don't—I don't recall if I saw him.

Q. The last time you saw him was Monday evening, May 5th, when he told you he was going to San Francisco, isn't that correct?

A. I don't believe he told me he was going to San Francisco.

Q. That is the night you gave him the note to Harry Bridges—that is the last time you have ever seen him, isn't it?

A. I believe that is it.

Q. Now, you say the ship was to leave a day or so after the date when you left it?

A. I don't know when she left. I didn't know the itinerary, the exact day she was to leave the Columbia River.

Q. But your understanding, that is on the day you left it, that is, Wednesday morning you left

(Testimony of Maurice J. Cannalonga.)

the ship, your understanding was the ship was going to leave port in a day or so?

A. That she was going to move down, was supposed to move down to the mouth of the Columbia, Astoria.

Q. And then to the Far East? [6820]

A. No. She was to come back up the river again to a lumber dock.

Q. And ultimately to the Far East?

A. Yes.

Q. You say you were afraid of the Communist Party and that is why you left the ship?

A. Yes.

Q. Why didn't you stay on the ship? Did you think the Communist Party was going to come on the ship and hurt you?

A. Yes; they could have come aboard the ship.

Q. Did you really feel that? A. I did.

Q. Who did you have in mind as possibly coming on the ship?

A. Nobody in mind; no particular person.

Q. Now, the first Mate, or the night Mate, who talked to you about this, about this carload of men, did you regard him as your friend?

A. I did.

Q. Were you sober when you were discussing this with him? A. I was.

Q. Were you aware of the fact that there were Government agencies to whom you could appeal?

A. I was.

Q. Did you do that? A. No. [6821]

(Testimony of Maurice J. Cannalonga.)

Q. How long had this ship been at Terminal No. 1 before you left it?

A. Oh, three or four days.

Q. During all that time you had come off and on the ship a number of times, is that correct?

A. No.

Q. You had been to town on a Saturday, you had been to town on a Sunday, you had been to town on a Monday—aren't those things correct?

A. You say I was at town Monday? I went up to the electrical shop, yes.

Q. I mean you were off and on that ship from time to time during the period that the ship was at Terminal No. 1, correct? A. Yes.

Q. And prior to that time, correct?

A. Yes.

Q. And you, yourself, never saw any carload of men watching you, did you?

A. No; I never gave it any particular notice.

Q. How did you know you weren't watched by Government men? A. I don't know.

Q. Didn't the Mate tell you that an Immigration man had made inquiry concerning you?

A. He did. [6822]

Q. When did he tell you that?

A. He said that the Immigration man came aboard ship to see that I was all right.

Q. When did he tell you the Immigration man had come aboard ship?

A. During the night when I was asleep.

Q. Did he tell you who the man was?

(Testimony of Maurice J. Cannalonga.)

A. No, he didn't.

Mr. Del Guercio: We have been all over this before.

Mr. Gladstein: This is something brand new.

Mr. Del Guercio: The testimony was it was a Custom man.

Mr. Grossman: The testimony is both, a Custom man and an Immigration man.

Presiding Inspector: Go ahead.

By Mr. Gladstein:

Q. What else was said in this conversation?

Presiding Inspector: Haven't you been over that?

Mr. Gladstein: It is true; I think so.

Presiding Inspector: They haven't gone into that. I think you have been over it.

By Mr. Gladstein:

Q. You testified that you took a Greyhound bus to Tacoma? A. Yes. [6823]

Mr. Del Guercio: I will object to that. It has all been gone over before.

Mr. Gladstein: I want to ask one or two questions on this, your Honor.

Presiding Inspector: If you want to add something I will allow it.

By Mr. Gladstein:

Q. Mr. Cannalonga, we have the information that the Greyhound Bus people do not run a bus on the route that you say you took one. Would

(Testimony of Maurice J. Cannalonga.)

that in any way affect your testimony—do you want to change it?

Mr. Del Guercio: I will object to that. There is evidence here——

A. (Interposing) Well, Mr. Gladstein——

Mr. Del Guercio: Just a minute.

Presiding Inspector: I will let him inquire as to how he knows it was a Greyhound bus.

A. It is a subsidiary of the Greyhound, the North Coast—it was the North Coast. That is the outfit that runs between Portland and Seattle.

By Mr. Gladstein:

Q. It wasn't the Greyhound bus, but some other kind?

A. The regular bus outfit that runs between Portland and Seattle. [6824]

Q. Did you bring your discharges?

A. Yes.

Q. May I see them?

A. (Producing discharges) You may—and if you want a copy of them you can, Mr. Gladstein. But like I told you, these papers are——

Q. (Interposing) I won't deprive you of them. You don't mind if I take them to the desk?

A. No.

Q. There are three of them?

A. Three of them; yes.

Q. You have handed me three certificates of discharge, Mr. Cannalonga, in response to our request that you produce your discharges?

(Testimony of Maurice J. Cannalonga.)

A. Yes, sir.

Q. Are these all of the certificates of discharge which you have for the years 1940 and 1941 to date? A. Yes.

Q. Now, for the record——

Mr. Del Guercio: (Interposing) Is there 1941 there?

The Witness: Yes; there is a 1941 here.

By Mr. Gladstein:

Q. For the record, I want to show that the witness has a discharge——

A. (Interposing) Here is the first one. (Indicating). [6825]

Q. Which one? A. This one here.

Q. The earliest date is——

A. (Interposing) 5/31/40.

Q. May 31, 1940 to August 5, 1940?

A. Correct.

Q. On the ship——

A. (Interposing) David——

Q. (Continuing) ——David W. Branch. The next——

A. (Interposing) Here (indicating) is the next one.

Q. The next is also on the ship, David W. Branch, and dated from August 12, 1940 until September 2, 1940? A. Yes.

Q. And the third is on the Clevdon——

A. (Interposing) Date of shipment——

Q. (Continuing) The shipment was from November 7, 1940 to April 16, 1941?

(Testimony of Maurice J. Cannalonga.)

A. Correct. [6826]

Mr. Gladstein: That is all. Just a moment. I have one or two more things.

By Mr. Gladstein:

Q. Mr. Cannalonga, do those three discharges that I have just read from into the record represent all the ships on which you sailed or worked during the years 1940 and 1941 to date?

A. Yes, with the exception of the West Cussetta.

Q. Yes, and the only time that you were ever on the West Cussetta is the date you have indicated in your testimony heretofore?

A. Yes, correct, and I called up the Union Hall and they are making out my shipping card and it has not come down yet.

Mr. Gladstein: Now, your Honor, we would like the letters of Mr. Bonham for the purpose of asking a question or two of this witness if those letters are now available.

Presiding Inspector: What letters are these?

Mr. Gladstein: Well, there was one letter of Mr. Bonham which referred to this question of Mr. Cannalonga——

Presiding Inspector: (Interposing) Are these the letters that I was supposed to have?

Mr. Gladstein: Yes.

Presiding Inspector: Have you found them?

Mr. Del Guercio: I don't have them. Now, the letter that he refers to from Mr. Bonham is one

(Testimony of Maurice J. Cannalonga.)

in which Mr. Bonham advised me, as I recall it, that he was continuing to make [6827] efforts to locate Mr. Cannalonga and that, in his opinion, Mr. Cannalonga's disappearance was caused by the Communist Party, and this was the usual——

Presiding Inspector (Interposing): Well, we can't take the evidence——

Mr. Del Guercio: (Interposing) That is what counsel has in mind. He may question the witness on that.

Mr. Grossman: We wonder why the carbon copies of the letters haven't been produced because Mr. Del Guercio assured us he could at least get carbon copies of these letters since they were sent by Mr. Bonham and Mr. Norene.

Presiding Inspector: Can you produce carbon copies?

Mr. Del Guercio: I will apply for copies of them.

Mr. Gladstein: Don't you have any now, Mr. Del Guercio?

Mr. Del Guercio: No.

Mr. Gladstein: Your Honor, it is simply my recollection in the Bonham letter—I am not sure about the Norene letter—I think it is also true of the Norene letter—there is a reference of a specific character regarding the search and my recollection is that Mr. Bonham names at least one person to whom he has made inquiry concerning Mr. Cannalonga, and that this occurs in the letter prior to his final conclusion in which he makes the kind of statement that Mr. Del Guercio has just made. It is that

(Testimony of Maurice J. Cannalonga.)

information contained in that letter that I desire to ask this witness about.

Presiding Inspector: Well, do you want to ask him now? [6828]

Mr. Gladstein: I don't have the letters, your Honor, so I can't ask him specifically. I do not recall whether Mr. Bonham said——

Mr. Del Guercio: (Interposing) Mr. Bonham did not say in that letter——

Presiding Inspector: (Interposing) You better produce the copies. You can do that in a few minutes. Can't you send for them?

Mr. Del Guercio: Yes, I can send for them.

Presiding Inspector: If you will do that.

Mr. Gladstein: I don't have any questions other than those.

Mr. Del Guercio: One was from Portland and one was from Seattle.

Presiding Inspector: Yes. If you will produce the copies, that is all right.

You step aside, then, Mr. Cannalonga. The next witness.

The Witness: Do I leave the Court Room now, your Honor?

Presiding Inspector: No. You can sit over there. I want you about because they want to ask you a few questions when they get these letters.

The Witness: All right, sir.

Presiding Inspector: Do you want him to leave the Court room?

Mr. Del Guercio: Those letters will have to come down from Portland and Seattle.

(Witness temporarily excused.) [6829]

Presiding Inspector: I thought you said you had copies of them.

Mr. Del Guercio: No; I said we would send for copies.

Mr. Grossman: It seems to me we can get them over the telephone with a stenographer on each side taking them down.

Presiding Inspector: Perhaps you could do that this noon. I would like to get through with this witness.

Mr. Gladstein: We would too.

Presiding Inspector: You have taken a lot of time about it.

Your next witness.

J. W. FARMER

called as a witness in rebuttal on behalf of the Government, being first duly sworn, testified as follows:

Presiding Inspector: Give your name and address to the reporter.

The Witness: J. W. Farmer, F-a-r-m-e-r.

Presiding Inspector: Now, Mr. Del Guercio.

Direct Examination

By Mr. Del Guercio:

Q. Where do you reside, Mr. Farmer?

(Testimony of J. W. Farmer.)

A. Seattle, Washington.

Q. How long have you lived in Seattle, Washington? A. Since about '32.

Q. Since 1932? [6830] A. Yes, sir.

Q. Continuously? A. Beg your pardon?

Q. Continuously? A. Yes, sir.

Q. How old are you, Mr. Farmer?

A. Born September 21, 1908; 32.

Q. Are you married? A. Yes, sir.

Q. Do you have any children? A. Two.

Q. Two children. Where does your family live?

A. Beg your pardon?

Q. Where does your family live?

A. In Seattle.

Q. What is your present occupation?

A. District Manager of the Seattle Star.

Q. That is in Seattle? A. Yes, sir.

Q. And how long have you had that position?

A. About five and a half years.

Q. And what were you doing before that time, Mr. Farmer? A. Well, I was a musician.

Q. Musician. Do you belong to any unions?

A. Yes, I belong to the American Newspaper Guild. [6831]

Q. And for how long have you been a member of the Newspaper Guild?

A. Since the last of 1936, as I recall it.

Q. And you are at present a member?

A. That is right.

Q. And what local of the Guild?

A. It is Charter 82 of the Seattle Local.

(Testimony of J. W. Farmer.)

Q. Well, do you know a person—do you hold any position in the Guild?

A. I am president of the Seattle Guild.

Q. And were you elected president?

A. That is right.

Q. When were you elected president?

A. January 1941.

Q. When does your term expire?

A. January 1942.

Q. Prior to that time did you hold any other position in the Guild?

A. Yes, I was secretary of the Star Unit of the Seattle Newspaper Guild in 1937, and a member of the Executive Board.

Q. Are you acquainted with Nathaniel Honig?

A. Yes.

Q. For how long a period of time have you known him? A. Oh, since 1937. [6832]

Q. Is he a member of the same guild of which you are a member?

A. That is correct, the same Chapter.

Q. Did he ever hold any official position in the guild of which you are a member?

A. Yes; he was Chairman of the Industrial Unit and also was an Executive Board member.

Q. And have you had occasion to discuss with Guild members the reputation of Nathaniel Honig for truth and veracity? A. Very frequently.

Q. And what is Nathaniel Honig's reputation for truth and veracity?

A. I would say it is very good.

(Testimony of J. W. Farmer.)

Q. Would you believe him under oath?

A. Yes, I would.

Q. Is Nathaniel Honig a member in good standing of the Guild at the present time?

A. So far as I know, yes.

Mr. Del Guercio: You may cross examine.

Mr. Grossman: May we have about one minute, please, your Honor?

Presiding Inspector: Yes, of course.

Cross Examination

By Mr. Grossman:

Q. Mr. Farmer, how did it happen that you heard these [6833] discussions or had these discussions with respect to the reputation of Mr. Honig for truth and veracity?

A. William Raymond, who is the Executive Secretary of the Seattle Newspaper Guild, died, I believe, in February, and at that time we wanted to appoint an interim secretary to take his place. Nat Honig had volunteered to serve in that capacity without pay and it was discussed among the Executive Board members in the Executive Board meeting. He was subsequently asked to serve as interim secretary, that is, Executive Secretary of the Seattle Guild.

Q. Is that the occasion when there was a discussion of his truth and veracity?

A. There was very much discussion then.

Q. Isn't it unusual to discuss truth and veracity in considering whether a man will make a good secretary of a labor organization?

(Testimony of J. W. Farmer.)

A. Not at all; it is very important, I would say.

Q. And how many people on that Executive Board expressed opinions as to the reputation for truth and veracity of Mr. Honig?

A. Oh, I would say six or eight, something like that.

Q. Did any express the view that his reputation for truth and veracity was not good?

A. Yes, there was one person who made a remark that she questioned—she personally questioned whether he would [6834] make a good secretary or not.

Q. I am talking about his reputation for truth and veracity.

A. I don't recall that any remark was made against him, no, in that respect.

Q. Is it your testimony that six or eight people there said that Honig had a good reputation for truth and veracity?

A. I would say that was implied. I don't know whether they used those exact words or not.

Q. By what was it implied?

A. By things that they said.

Q. What did they say?

A. That Nat had been a good Guild member and that he was working part time on the P.I., had plenty of time to devote to the job.

Q. Now, was there any member of that Executive Board who made the statement either in these words or in substance that Nat Honig has a reputa-

(Testimony of J. W. Farmer.)

tion, a good reputation for truth and honesty, or rather, truth and veracity?

A. I don't recall that those words were used.

Q. In substance?

A. I mean certainly it was implied that he did have.

Q. What do you mean by truth and veracity?

A. I mean that the man could be believed under oath if he made any statement under oath or that his spoken word could be believed. [6835]

Q. All right. Now, can you remember what any single individual at that Executive Board meeting said? A. Yes, sir.

Q. All right, name his name and state what he said.

A. I recall one was Burt Sparks, an Executive Board member. When we were discussing who we should have and whether or not Nat would be all right he said that he had known Nat for a long time and certainly thought that he would be very capable in that job.

Q. Do you remember anything else he said?

A. Not at the moment.

Q. Can you think of anything that anyone else in that Executive Board said on this question of truth and veracity?

A. Yes, I can recall that Bill Schultze said substantially the same thing, that he was—Bill also stated that he enjoyed a very good reputation among the fellow workers on the copy desk of the Post Intelligencer.

(Testimony of J. W. Farmer.)

Q. Reputation for doing what?

A. As a newspaper man.

Q. Can you think of anything that anyone else there said?

A. Well, they all said—I mean the whole trend of the conversation was substantially the same, but I recall those two particular ones. [6836]

Q. Was there any other occasion when you heard any discussion of the reputation of Nat Honig for truth and veracity?

A. At what particular time?

Q. Any other time? A. Yes.

Q. What was the occasion?

A. I recall one time that Nat Honig had come out to my house, at his own invitation, and at that time, that night, it seems to me there were five or six persons there, other persons there—Burt Sparks was there, Fred Niendorff—N-i-e-n-d-o-r-f-f—was there, Al Brock was there, and Bill Schultze—S-c-h-u-l-t-z-e—was there, and Howard Barnes, who is now Advertising Manager for the Seattle Star, was there. This was prior to the convention, the Guild Convention at Memphis, and we were discussing candidates, and Nat Honig joined in the conversations.

I remember there were a few of us who went into the kitchen, and we were talking in the kitchen and Nat was out in the living room. At that time we discussed Nat, just how he stood: we discussed whether or not, because of his acknowledged change of affili-

(Testimony of J. W. Farmer.)

ation, if he was sincerely a good Guild member, if he could be trusted, if we could believe things he said that he had told us at that meeting. It was the opinion among all of us then that that was true, we could.

Q. That what was true?

A. That he could be believed. [6837]

Q. Who was in that kitchen?

A. Fred Niendorff, Burt Sparks, Al Brock; myself, and there may have been others, but I don't recall who.

Q. Did everyone in the kitchen agree on all those things? A. That is correct.

Q. Do you think of any other occasion—let me ask you this before you answer the last question: Has there been any discussion since this testimony here in this Bridges' hearing concerning his reputation for truth and veracity?

A. Yes, sir; there has been informal discussions.

Q. Have you discussed with anyone his reputation for truth and veracity after he testified here?

A. Yes, sir.

Q. Can you name an occasion?

A. Yes; it was after a Guild meeting—I don't recall which meeting—that there must have been, or, 25 or 30 of us went up to a restaurant after the meeting. We sat at a big long table, and were all seated together, and Nat Honig and his testimony down here was the subject of conversation.

Q. I am concerned with whether his reputation for truth and veracity was discussed?

(Testimony of J. W. Farmer.)

A. I don't recall whether it was or not. It was generally conceded by all of us.

Q. What do you mean by "It was generally conceded by all of us"?

A. We never had occasion to doubt anything that Nat [6838] Honig had ever said.

Q. You mean you had never had any occasion to doubt his truth and veracity? A. Right.

Q. Do you know whether the other 25 there had had any occasion to doubt it?

A. I couldn't speak for them. I can speak only for myself.

Q. You are only speaking for yourself when you say that.

A. In that particular case; yes.

Presiding Inspector: Did they express any doubt?

The Witness: No. There was no doubt expressed.

Presiding Inspector: And so that far you speak for all of them?

The Witness: Yes.

Mr. Grossman: Yes.

Presiding Inspector: They didn't express any doubt?

By Mr. Grossman:

Q. Have you ever heard that Nat Honig was accused of stealing books from the Frederick & Nelson Department store? A. Yes.

Q. Did you ever hear that he had been accused of stealing books for a long period of time from that department store? A. No.

(Testimony of J. W. Farmer.)

Mr. Del Guercio: Your Honor, I object to that unless [6839] counsel states what he means by "accused." Certainly the testimony here is that there was no charge made against Nat Honig?

Presiding Inspector: I think I will allow it.

By Mr. Grossman:

Q. Did you ever hear of an occasion when Nat Honig was arrested, or taken into custody, by a store detective in connection with a charge of stealing books from the Frederick & Nelson Department Store?

Mr. Del Guercio: I object to that, your Honor.

Presiding Inspector: That isn't quite the evidence.

Mr. Del Guercio: That is not the evidence.

Presiding Inspector: As I understand it, a definite statement was made by Honig that he was not arrested.

Mr. Grossman: I said "taken into custody."

Presiding Inspector: That is "arresting"—I don't understand the difference.

Mr. Grossman: Detained, then.

Presiding Inspector: No; that he voluntarily went to the Police Station.

By Mr. Grossman:

Q. Do you remember hearing about an occasion——

Presiding Inspector: Isn't that right?

Mr. Grossman: I will put it that way—I want to describe the occasion simply for the present.

[6840]

(Testimony of J. W. Farmer.)

By Mr. Grossman:

Q. Did you ever hear of an occasion when Nat Honig, in connection with a charge of stealing some books, went to the Police Station and the books were supposed to have been stolen, if from anyone, from the Frederick & Nelson Department Store? Do you remember that occasion, or have you ever heard of it?

A. I remember an incident of that type; yes.

Q. Did you ever hear of it? A. Yes.

Q. Was there ever any discussion among these people whom you have mentioned as having discussed his reputation for truth and veracity of that incident?

A. Yes; no lengthy discussion.

Q. Did you ever discuss his reputation for truth and veracity after that incident?

A. I don't know whether there had—I don't recall any occasion where that came up.

Q. Did you ever hear, that before this occasion that I have referred to, Nat Honig had taken books regularly from the Frederick & Nelson Department Store without paying for them?

Mr. Del Guercio: That is not in evidence at all.

Presiding Inspector: There is no such testimony.

Mr. Del Guercio: There is no such evidence in the record and—— [6841]

Presiding Inspector: I have ruled in your favor, Mr. Del Guercio.

Mr. Grossman: Just a moment, your Honor.

On the question of whether in cross examining a

(Testimony of J. W. Farmer.)

character witness who testifies as to the good character of a witness, whether you can go into matter that hasn't yet been proved, which may be rumor, so far as this witness is concerned, Mr. Wigmore has quite a bit of discussion——

Presiding Inspector: I don't care what Wigmore says.

Mr. Grossman: Mr. Wigmore states the general rule, and let me state the reasons why he takes——

Presiding Inspector: Let me see that.

Mr. Grossman: Section 988.

("Wigmore on Evidence" was passed to the Presiding Inspector.)

Mr. Grossman: As a matter of fact, he doesn't agree with part of the rules——

Presiding Inspector: Pardon?

Mr. Grossman: Mr. Wigmore states it is the rule in many jurisdictions, though he disagrees with part of them. I am not quoting Wigmore, but his quotation of decisions, rather.

Presiding Inspector: You haven't established that he knows of any such rumors.

Mr. Grossman: I have a right to ask him.

Presiding Inspector: Why don't you ask him? You [6842] haven't asked him.

By Mr. Grossman:

Q. Mr. Farmer, have you ever heard of a story, or a rumor, or a charge, that Nat Honig had taken many books, without paying for them, from the Frederick & Nelson Department Store before this occasion when he went to the Police Department?

(Testimony of J. W. Farmer.)

A. No.

Mr. Del Guercio: I object to the question.

Presiding Inspector: I will allow it. He said "No."

By Mr. Grossman:

Q. Have you ever heard that mentioned?

Presiding Inspector: He said "No."

Mr. Del Guercio: That has been asked and answered.

Presiding Inspector: Go ahead.

By Mr. Grossman:

Q. Have you ever heard, Mr. Farmer, that Nat Honig asked certain Executive Officers of the National Office of the Newspaper Guil to write a reference for him that he had worked for certain newspapers, for whom he had not worked?

A. I will say on that, that I read an account of it in the paper.

Q. When did you read an account of it in the paper?

A. I don't remember the date. It was during his testimony here at this trial. [6843]

Q. Did you ever check that story after reading about it?

A. I had no occasion to.

Q. Did you ever ask Mr. Honig about it?

A. No.

Q. Did you ever discuss it with any of these people that expressed to you, according to your testimony, the view that his reputation for truth and veracity was good?

A. No.

(Testimony of J. W. Farmer.)

Q. Mr. Farmer, can you state to me how you can testify here that his reputation for truth and veracity is good without having investigated such a story when you read it?

Mr. Del Guercio: I object to the question, if your Honor please, as being improper.

Mr. Grossman: Let me ask a preliminary question and I will come back to that.

By Mr. Grossman:

Q. Do you consider that if Mr. Honig did what you read in the newspaper he did, that it was consistent with his being a man of truth and veracity?

A. Are you asking for an opinion?

Q. Yes.

Mr. Del Guercio: That isn't in evidence, and that isn't what the newspaper said.

Presiding Inspector: I don't know about that, but I will allow this question, although I don't know how you are going to [6844] go any further with it.

Go ahead. I will allow this anyway.

By Mr. Grossman:

Q. If what you read in the newspaper was correct about a false reference, would you say that was consistent with the truth and veracity of Mr. Honig?

Mr. Del Guercio: I object to that unless counsel tells the witness that this so-called slander appeared in a Communist newspaper.

Presiding Inspector: Oh, no, Mr. Del Guercio.

Mr. Grossman: Let the witness testify now, and perhaps he will so testify after hearing that.

(Testimony of J. W. Farmer.)

Presiding Inspector: I think both statements are out of order.

I will allow the question.

By Mr. Grossman:

Q. Do you remember my question?

A. No.

Q. I ask you whether such an application for a false reference would be inconsistent with the truth and veracity of Mr. Honig as you knew it?

Mr. Del Guercio: I object to the form of the question.

Presiding Inspector: I will state it—not inconsistent with his reputation, but inconsistent with being a man of truth and veracity. [6845]

By Mr. Grossman:

Q. Whether you would think that he could be a man of truth and veracity and do that?

Mr. Del Guercio: There is no evidence on that.

Presiding Inspector: But he is testing his idea of what truth and veracity is. I will allow it.

A. May I answer it in this way: That if a man had given me his spoken word on something, and later had been proved that what he told me was not true, then certainly I would question his truthfulness.

By Mr. Grossman:

Q. You haven't answered the question.

Mr. Del Guercio: That answers the question.

A. (Continuing): You are asking an academic question.

(Testimony of J. W. Farmer.)

By Mr. Grossman:

Q. Assuming the truth of what you read in the newspaper, would you say that Mr. Honig was a man of truthfulness and veracity?

Mr. Del Guercio: I object to the form of the question.

Presiding Inspector: I think that is highly improper.

Mr. Del Guercio: What newspaper is he referring to?

By Mr. Grossman:

Q. I am going to repeat the facts and forget the newspaper. Would you say that a man could ask for a reference from the National Offices of his organization to the effect that he had worked on newspapers that he had not worked on, [6846] and still be a man of truth and veracity?

A. Not if that were true.

Q. Now, you say you made no investigation whatsoever as to the truth of this charge——

Presiding Inspector: That is what he said.

Mr. Del Guercio: What charge?

By Mr. Grossman:

Q. Are you friendly with Nat Honig?

A. What do you mean "friendly"?

Q. How friendly are you with him?

A. I have know him over a long period of time. I have known his wife very well. I knew her when she was working at the Star before they married.

Q. How long have you known her?

(Testimony of J. W. Farmer.)

A. I would meet him at Guild meetings and various caucus meetings where I met Nat. I discussed—we were fellow delegates to the Washington State CIO Convention in 1941. He rode with me in my car to that convention. We were together all the time during that convention. I think we were there a day and a half.

Q. Have you ever met him socially?

A. Yes. I have had dinner at his house.

Q. How many times? A. I don't recall.

Q. About how many times? [6847]

A. Four or five times, I would say.

Q. Did he ever eat at your house, come to your house? A. Yes.

Q. About how many times?

A. Four or five. I might add that my dinner dates, because of the hours that I work, I very seldom have friends in for dinner or go out. I work right over the normal dinner period. I work from 12:00 to 9:00.

Q. That being true, this would be a large number of occasions, considering your program wouldn't it?

A. I would say so.

Q. Then you would consider yourself rather friendly with him, by your definition of the word "friendly"? A. That is correct.

Q. Did you know his wife before he married her? A. Yes.

Q. Were you friendly with her before you ever met him?

(Testimony of J. W. Farmer.)

A. What do you mean by that?

Q. Your own definition of "friendliness."

A. I never had dinner with her; no.

Q. No implications. I want to know whether you considered yourself a friend of hers before you ever met him?

A. I organized her into the Guild.

Q. Have you ever run on the same slate in the union with Mr. Honig? [6848]

A. Yes; yes.

Q. How many times?

A. Twice, as I recall.

Q. When was the last time?

A. I think the last time was for delegates to the Washington State CIO Council, as I recall.

Q. When was the first time?

A. I believe he was on the—he was on the slate of officers. He was nominated for Secretary, I believe, for the Guild in 1941.

Q. When was that? A. 1941.

Q. 1941?

A. That is right. The election was held in January of 1941.

Q. It was an election when you were elected?

A. That is correct.

Q. Was the entire slate elected?

A. Well, I don't quite understand your definition of "slate." I mean all these persons were nominated for office.

Q. I thought there might have been a slate of candidates, that is, all you candidates got together

(Testimony of J. W. Farmer.)

and said, "We are all running on the same program and believe in the same things. Vote for all of us." Did that take place?

A. As I recall it, there was a pamphlet, or something of that type, gotten up. I didn't participate in it. I [6849] didn't know of any candidate for office who did participate in it.

Q. I see. Was everyone on that list elected?

A. I don't recall if I saw the list.

Q. Was Mr. Honig elected Secretary?

A. No.

Q. When did you first believe that Mr. Honig had a good reputation for truth and veracity?

A. Well, that is rather hard to answer because I never thought otherwise. I never had had any occasion to doubt whether he was. I mean, as far as I am concerned, a man's truth and veracity is above question until it is proven otherwise.

Q. That being true, can you explain why there was a discussion of why he was a man of truth and veracity in this Executive Board meeting?

A. Yes.

Mr. Del Guercio: There is no such testimony.

The Witness: I think I answered that as a matter of going to the qualifications of a person for that job.

Presiding Inspector. I will take it.

By Mr. Grossman:

Q. How long have you known Mr. Honig?

Mr. Del Guercio: He has already testified to that.

(Testimony of J. W. Farmer.)

A. Since 1937, approximately. [6850]

By Mr. Grossman.

Q. Do you know Mr. Honig was a Communist during part of the time you knew him?

A. Do I know he was a Communist?

Q. Yes. A. I had heard he was.

Q. When was the first time you heard he was a Communist?

A. I don't recall the occasion.

Q. Well, you believe that he was a man of truth and veracity during the time that you heard he was a Communist, isn't that correct?

A. I had heard nothing to the contrary.

Q. Who talked to you for the first time about testifying in this proceeding?

A. Mr. Roth.

Q. Mr. who? A. Roth.

Q. Do you know who he is A. Pardon?

Q. Do you know who he is?

A. He said he was a special agent from the FBI.

Q. When did he first talk to you?

A. Last Friday.

Q. Did he, or anyone else, tell you how he happened to go to you? A. No, [6851]

Q. What was the first thing he said to you?

A. He questioned me about a story that had appeared in the Guild Reporter. The story in the Guild Reporter—I mean, there was a tag line on another story. It was sent in by a Seattle newspaper. As President of the Newspaper Guild, I

(Testimony of J. W. Farmer.)

sent the story to Fred Meyer, who was editor of the Guild Reporter. My name appeared in that story as having sent the story to the Guild Reporter.

Q. What did he say about that story—how did he say that the story—withdraw that.

What was your discussion on this story, in addition to what you have stated?

A. Whether or not the story had been written, whether or not it was approved by the Chapter meeting.

Q. When did he begin to discuss with you your testifying here?

A. Well, it was during that same conversation. He asked me about the story, I mean the meeting at which the story was approved and passed by the membership, and if I had seen the story in the Guild Reporter as it came out and was published.

Q. Are you leading up to the question of how he mentioned your testifying here—that is what I am concerned with? A. Yes.

Q. And that is when he first mentioned you testifying here? A. Yes. [6852]

Q. What was his first words here with reference to your testifying here?

Mr. Del Guercio: If the witness remembers.

A. As I recall, he asked if I would testify here.

By Mr. Grossman:

Q. As to what?

A. As to the story as it appeared in the Guild Reporter. And he also asked about Nat Honig,

(Testimony of J. W. Farmer.)

asked how long I had known Nat Honig, what I knew of him, how long he had been a member of the Guild, what was his record in the Guild. And after I made these statements he asked if I would testify to that effect.

Q. Did he ever use these words—withdraw that. Did he ever ask you what the reputation of Nat Honig was for truth and veracity in those words?

A. I don't recall whether he did or not in those words. [6853]

Q. Did he ever ask you whether you had discussed with anyone whether Nat Honig was a man of truth and veracity?

A. I don't recall that he asked it in that way. He asked if I had ever had any discussion with any Guild members about Nat and I told him yes, we had had much discussion.

Q. Is he the only one that you discussed the question of testifying with?

A. Before I got to San Francisco?

Q. Yes. A. Yes.

Q. Did you ever discuss it with Nat Honig?

A. No.

Q. You are sure of that?

A. I told—no, there was no discussion. Nat was working on the desk. I might state that when Mr. Roth asked if I would testify I told him that I was awfully busy—it was just before the Guild Convention—I was awfully busy and that I would go if I was subpoenaed. I would have to go. I mean, there was nothing else I could do.

(Testimony of J. W. Farmer.)

Q. I am concerned with Nat Honig now.

A. When I saw Nat it was late Friday afternoon. He was on the copy desk on the P. I. I didn't go up to see Nat; I was up there to see the Chairman of the P. I. Unit, Bernie Jacobson.

The Reporter: Spell that, please.

The Witness: B-e-r-n-i-e Jacobson.

We were discussing some contract matters on the P. I. Nat [6854] was sitting over on the copy desk. I went over and spoke to him and some of the other boys on the desk. I told him that Mr. Roth had been to see me and had said that I might be subpoenaed to testify in this hearing.

Q. Have you had any social contact with Mr. Honig after he testified here?

A. When did he testify here? Sometime in May, wasn't it?

Mr. Grossman: Do you know, Mr. Gaiser?

Mr. Gaiser: I can probably approximate it from this list of the reporters.

Mr. Gladstein: It was in April.

Mr. Grossman: It would be in April.

Mr. Gaiser: The first document introduced on Honig's testimony was April 21st.

Mr. Grossman: Approximately April 21st.

The Witness: Yes.

By Mr. Grossman:

Q. Could you describe those occasions for us?

Mr. Del Guercio: If the Court please, I don't believe that is necessary.

(Testimony of J. W. Farmer.)

A. As I recall it——

Presiding Inspector: (Interposing) I will take it briefly.

The Witness: Beg your pardon?

Presiding Inspector: Have you been to his house? [6855]

The Witness: Not to his house.

Presiding Inspector: Or the theatre with him? Had luncheon with him?

The Witness: Yes, after Board meetings and after Guild meetings we would all go out and have coffee together.

Presiding Inspector: These are merely suggestive kind of things.

Mr. Del Guercio: Yes.

By Mr. Grossman:

Q. Have you had any social contact with him outside of social contact after Guild meetings?

A. No.

Q. You haven't had lunch with him?

A. No.

Q. He hasn't been to your house for dinner or vice-versa?

A. No; I mean, I am in the midst of moving so I don't have any place where anybody could come.

Q. You haven't been to his house?

A. No; he just moved and I don't know what his present address is.

Q. Have you ever worked with Nat Honig?

A. What do you mean by that?

(Testimony of J. W. Farmer.)

Q. Worked closely with him in the newspaper business?

A. No; he has always—I have always been on the [6856] Star while Nat was in Seattle.

Q. And he has always been——

A. (Interposing) On the Timber Worker or the Post Intelligencer.

Q. He has never worked on the Star?

A. No, not so far as I know; I mean, he has not in the last five and one-half years.

Q. You stated that you had participated in certain caucuses with Nat Honig. What were these caucuses?

A. Well, they were caucuses of Guild members. They were not in any sense of the word closed caucuses. They were usually held, in most places—I mean, they were held before a Guild meeting or between Guild meetings. The policy was discussed, organizing problems were discussed.

Q. Were these official meetings of the Union?

A. No; they were caucuses.

Q. Well, they weren't recognized by the Union as an official part of its activities?

A. I don't understand what you mean by that.

Q. I mean, the Union—let me put it this way:—

A. (Interposing) It was not called by the—I mean, I didn't call the caucuses as President of the Guild.

Q. Let me put it this way: There are many different types of Union meetings. There are meetings where the whole Union meets in a membership meet-

(Testimony of J. W. Farmer.)

ing. Then, you may have committee meetings of the Union. You may have units, the Post Intelligen- [6857] cer and Star Units. All are official meetings of the Union although they may not take in all the members.

In that sense were these caucuses official meetings of the Union? A. No.

Q. These caucuses were meetings of certain members of the Union to draft and put over a certain policy of the Union; is that what they generally were for?

A. What do you mean by "draft and put over"?

Q. What were they for?

A. Nothing could be passed without the majority of the membership.

Q. What was the reason for these caucus meetings?

A. Discussion of organizing problems.

Q. What was the need for meetings?

A. There is always a very great need in any Union to discuss organizing.

Q. What was the need of discussing these things in non-Union meetings?

A. Many times——

Mr. Del Guercio: (Interposing) Your Honor, I object.

The Witness: (Continuing) —particularly in the copy section of the Post Intelligencer where there are twenty men, there they are not only able to get to——

(Testimony of J. W. Farmer.)

By Mr. Grossman: [6858]

Q. (Interposing) This was activity conducted with Mr. Honig. I want to know its detail.

Presiding Inspector: I think it is perfectly obvious a group met previous to meetings.

Mr. Grossman: I want to know the detail, what kind of a group it was.

Presiding Inspector: Why don't you ask him that?

Mr. Grossman: How closely it worked, and so on. I think it is of some relevance.

Presiding Inspector: We had the same thing, in a way, in these Albion Hall caucuses.

Mr. Grossman: Yes, and we went into detail. I want a little more detail here.

Presiding Inspector: Yes.

By Mr. Grossman:

Q. What was the need for these meetings?

Presiding Inspector: Not the need of them.

By Mr. Grossman:

Q. What did you feel to be the need?

Presiding Inspector: Whom did they consist of? How was this caucus gotten up?

Mr. Grossman: Answer the Judge's question, now, to take the place of mine.

The Witness: How were the caucuses called?

Presiding Inspector: Who were the members of it?

The Witness: They were called. There is no membership [6859] in a caucus, or these cau-

(Testimony of J. W. Farmer.)

cuses. Any person who is a Guild member may attend these caucuses. They are pretty widely known, I mean, it is known through all the plants that a caucus is going to be called to discuss certain matters, organizing, for instance, or what we shall do on the current time situation. Some situation will come up, some particular situation will come up and some of the boys on the P. I. or the Times or the Star will contact other persons and ask them to invite other people; I mean, it is rather a mushroom effect to discuss particular problems which come up.

By Mr. Grossman:

Q. Were there no limitations or qualifications as to who could attend and participate in these caucuses?

A. Yes, limitations and qualifications in that they must be Guild members.

Q. That is the only one? A. That is right.

Q. They didn't have to believe in a certain policy or anything like that? A. That is right.

Q. Did Nat Honig play any active part in these caucuses?

A. As I recall, he attended most of the caucuses. When he was not working he would attend the caucuses.

Q. Who arranged the caucuses? Did you?

[6860]

A. No.

Q. Did Nat Honig? A. No.

Q. Was it out of such a caucus that this slate came into being that we were talking about?

(Testimony of J. W. Farmer.)

A. I don't know——

Mr. Del Guercio: (Interposing) Will you read that, please?

Presiding Inspector: "Was it out of such a caucus that this slate came into being that we were talking about"?

By Mr. Grossman:

Q. You stated some printed matter was put out listing all these candidates, all these particular candidates and asking that they all be voted for. Do you know whether the caucuses had anything to do with printing that printed matter?

A. No caucuses that I ever attended did.

Q. Well, do you believe that the caucuses had something to do with that?

Mr. Myron: He said he didn't.

A. Do I what?

By Mr. Grossman:

Q. Do you believe that the caucuses had something to do with that?

Mr. Myron: I object to that question.

Presiding Inspector: I will allow it.

A. I don't know of every caucus there is in Seattle. [6861]

By Mr. Grossman:

Q. Do you believe that the caucuses had something to do with putting out that printed matter?

A. I have no belief that a caucus did that.

Q. Have you any idea as to who put out that printed matter establishing a slate?

(Testimony of J. W. Farmer.)

Mr. Del Guercio: I object to that, your Honor, as being immaterial and irrelevant, not even remotely connected.

Presiding Inspector: I will allow it.

Can you tell anything about how this slate got out or where it came from?

Mr. Del Guercio: He testified that there wasn't any slate, if your Honor please.

Presiding Inspector: He said that certain people were nominated ,and we popularly call those who are nominated the slate if they were nominated by a group at all.

A. I don't—I mean, as far as that printed matter is concerned I don't recall whether it carried a name. I think it did carry a name of some kind as to who put it out. If we had a copy of it, I mean, I would recognize what it was.

Presiding Inspector: You don't recall?

The Witness: No.

Presiding Inspector: Did you have anything to do with it?

The Witness: No. [6862]

By Mr. Grossman:

Q. Did you object to it when you saw it ?

A. No, I didn't object to it because there was printed matter, I think—oh, at various times in the Guild there has been printed matter which has been distributed.

Q. Did these caucuses meet regularly.

A. No.

(Testimony of J. W. Farmer.)

Q. About how many caucuses would you say you have attended with Nat Honig?

A. I have attended with Nat Honig?

Q. Yes.

A. Over what period?

Q. Since you have known him?

A. Beg your pardon?

Q. Since you have known him?

A. Well, I don't have any way to determine that.

Q. How long have these caucuses been in existence?

A. As long as the Guild, I would imagine.

Q. Well, do you know how long you have known about them?

A. Since I have been a Guild member I have known there has always been caucuses.

Q. Have you attended caucuses since you have been a Guild member?

A. Yes, off and on.

Q. The same kind of caucus that you are now describing? [6863]

A. Yes, I mean, where a group of individual members of the Guild will get together: I mean, we call it a caucus, if four or five Guild men were to meet on the street, or get through their run in a particular time and they go down to have a cup of coffee together and they discuss Guild matters; that would be a caucus.

Q. Now, did these caucuses ever decide on a program to carry out in the Union meeting?

(Testimony of J. W. Farmer.)

A. Well, a caucus itself has no standing so far as legality of the Union is concerned. When they meet together they meet to discuss certain problems which they think will probably come up, or which have developed, and they get a general agreement among those persons who attend the caucus. Thus caucuses—I recall one caucus where, I think, there was some 80-odd Guild members present at this caucus. It so happened that that caucus was larger—the caucus itself was larger than a previous membership meeting. At this discussion that took place it was decided—certain things were decided, I mean, one of which was that the organizing drive on a particular paper must take place. That discussion was held before the—during—in this caucus before a general membership meeting so that when they attended the general membership meeting these persons had the benefit of discussion previous to the meeting.

Q. Didn't you understand that all the members of the [6864] caucus were to carry out the decision of the caucus in the membership meeting?

A. Not at all, not at all. There is nothing binding at all.

Q. Did you feel that it bound you?

Mr. Del Guercio: If the Court please——

A. (Interposing) Not at all.

Mr. Del Guercio: (Continuing) I think we have reached the limit here in connection with this. We have been very patient.

(Testimony of J. W. Farmer.)

Presiding Inspector: Well, there is no question pending now.

Mr. Del Guercio: It is not even remotely connected with the subject under inquiry, your Honor.

Mr. Grossman: Apparently this witness and Mr. Honig have been working together in a type of work——

Presiding Inspector: (Interposing) You have got that all shown.

Mr. Grossman: (Continuing) —in a type of organization. I am concerned with exactly how much of an organization it was.

Presiding Inspector: How does that make any difference? Isn't that pretty remote?

Mr. Grossman: I don't think so. I think that is the reason he is testifying here, your Honor. I think that connection with Mr. Honig carried through in various ways, his [6865] social life, his trade union and so on.

Presiding Inspector: If he weren't connected with Mr. Honig he wouldn't know anything about his reputation.

Mr. Grossman: There is much more to it than that.

Presiding Inspector: That is your contention, of course, that there is more to it than that.

Mr. Grossman: I mean, there is a lot closer connection than just——

Mr. Del Guercio: (Interposing) Why don't you bring it out instead of beating around the bush.

(Testimony of J. W. Farmer.)

Mr. Grossman: Then don't object to it when I am bringing it out.

By Mr. Grossman:

Q. Don't you know, as a matter of fact, it was a theory of this caucus after a decision was made that the members of the caucus, or most of them, or the good members of it would carry out the decision in the Union meeting?

Mr. Del Guercio: I will object to that.

Presiding Inspector: I will take that.

A. Absolutely not.

By Mr. Grossman:

Q. Did you ever go into a meeting and take a different position than this caucus took?

A. Frequently.

Q. Do you know whether Nat Honig did? [6866]

A. Frequently.

Q. Can you explain why you took a different position in the Union than you took in the caucus?

Mr. Del Guercio: Is it necessary to go into the reasons also as to why he took a different attitude——

Presiding Inspector: (Interposing) I will take it. I think it will be shorter.

By Mr. Grossman:

Q. Why did you depart from what decision there may have been in the caucus in the Union meeting?

A. Because I didn't believe the same as some people.

Q. Why did you hold the caucus in the first

(Testimony of J. W. Farmer.)

place if you weren't going to carry out the decision reached in the caucus in the membership meeting?

Mr. Del Guercio: I object.

Presiding Inspector: I think it is within the scope of this inquiry.

The Witness: Will you restate the question again, please?

Mr. Grossman: Will you read it, please?

(The question referred to was read by the reporter as above recorded.)

A. A caucus was held, as I think I said——

Mr. Myron: (Interposing) I object. He has already stated the purpose of the caucuses, what happened in the caucuses. [6867]

Presiding Inspector: State it again.

The Witness: The caucus was for general discussion.

By Mr. Grossman:

Q. Are you claiming you couldn't have general discussion in your membership meetings of your Union? A. Not at all.

Q. Why couldn't that discussion suffice without a private meeting to have such a discussion?

A. Because of the length of time——

Mr. Del Guercio: (Interposing) I object to that as being a debate between counsel and the witness.

Presiding Inspector: I will take it.

The Witness: There is a matter of time involved. Meetings are called at 8:30 and there are many times when discussions—you can have previous dis-

(Testimony of J. W. Farmer.)

cussions on any subject, and then, you can go in informed on all sides of that particular question. It takes up less time in the membership meeting. However, our meetings have not been too notable for their lack of time or their shortness of duration.

By Mr. Grossman:

Q. When you had caucuses did you take steps to get all sides of the questions you intended to discuss represented in your caucuses?

A. Did I take steps? [6868]

Q. Did anyone who formed the caucuses, to your knowledge?

A. There were many differences of opinion.

Q. I am asking you whether any steps were taken to see to it that the opposite views on the questions you were going to discuss would be represented in the caucus?

A. I would say yes.

Q. Did the Union ever approve the policy of holding caucuses before the meetings?

A. Yes, that has been generally approved. I don't know that it ever was put as a motion and accepted.

Q. You know how things are decided in Unions, don't you.

A. By membership vote, yes.

Q. That is right. Did your Union ever officially take any action approving the policy of holding a caucus before or between meetings?

A. I think I might state that the policy——

(Testimony of J. W. Farmer.)

Q. (Interposing) Just a moment. Answer yes or no.

Mr. Del Guercio: Just a minute.

Mr. Grossman: Then you may explain all you wish.

Presiding Inspector: I think it is proper.

Mr. Grossman: Yes or no first. Then you may explain if it needs explanation.

The Witness: Whether or not——

Mr. Del Guercio: (Interposing) I don't think he can [6869] answer yes or no.

Presiding Inspector: If he can't, he can say so.

The Witness: I can't answer yes or no to that.

By Mr. Grossman:

Q. Did the Union ever pass a motion or resolution approving the policy of holding caucuses between meetings or before meetings?

A. I should say that it has been generally approved.

Q. Yes or no?

A. I can't answer yes or no to that.

Q. You don't know whether a motion or resolution was passed?

A. Approving caucuses?

Q. Approving these particular caucuses, yes?

A. I mean, the question is negative in itself.

Q. All right. You can't answer the question, is that it, yes or no?

A. I can answer it, yes, if you give me an opportunity——

Q. (Interposing) Can you answer it yes or no? That is the question.

(Testimony of J. W. Farmer.)

Mr. Del Guercio: If your Honor please, he is not required to answer a question yes or no.

Mr. Grossman: I am not required to listen to an explanation if he says it can't be answered yes or no. [6870]

Mr. Del Guercio: If you don't want an answer to the question——.

Mr. Grossman: (Interposing) If he doesn't know if a motion was passed by the Union I don't want his answer.

Presiding Inspector: You say you don't know whether or not a motion was passed?

The Witness: Well, a motion was never made, to my knowledge; a motion was never made to allow or disallow caucuses.

Mr. Grossman: All right.

The Witness: May I add to that question? May I add to the answer?

Presiding Inspector: Your answer, yes.

The Witness: I recall that a recess was called at a meeting so that a caucus might be held and that motion was made, put on the floor and was seconded and was passed and a caucus was held.

By Mr. Grossman:

Q. You mean a temporary recess in a meeting?

A. That is correct.

Q. For a few minutes?

A. I don't know that there was any stated time.

Q. Do you consider that approval of this policy of conducting caucuses that you were holding?

(Testimony of J. W. Farmer.)

A. I would say so.

Q. All right. What was the question that was to be [6871] discussed at this caucus?

A. I don't recall.

Mr. Del Guercio: Your Honor, now we are going pretty far afield, I believe, certainly nothing connected with the——

Presiding Inspector: (Interposing) He says he doesn't recall.

Mrs. King: If your Honor please, I think we could proceed more rapidly if we had the recess now.

Presiding Inspector: No, I think we will go right along and finish this subject, if we can.

By Mr. Grossman:

Q. Did the Seattle Newspaper Guild ever pass a resolution against caucuses? A. No

Q. You are sure of that now?

A. Not that I recall. I beg your pardon?

Q. You are sure of that?

A. To my knowledge no resolution has ever been passed against caucuses.

Q. Is there some doubt in your mind?

A. No.

Q. Have you yourself ever taken any position openly before the meetings of the Seattle Guild opposing caucuses before or between meetings?

A. No. [6872]

Q. You are sure of that now? A. Positive.

Q. I am not concerned with opposing your particular policies——

(Testimony of J. W. Farmer.)

Mr. Del Guercio: (Interposing) He has just answered the question.

Presiding Inspector: He is asking if he is sure of it.

By Mr. Grossman:

Q. I am not referring to your caucuses. I am referring to the question of caucuses generally. Have you ever taken the position against the holding of caucuses between meetings or before meetings?

A. No; I have always believed it a very democratic procedure.

Q. Do you know whether Honig has ever taken that position in your local Union?

A. I don't know whether he has ever taken any position on it at all. I don't know that it ever came up.

Mr. Grossman: No more questions.

Presiding Inspector: Anything further?

Mr. Del Guercio: Just one question. Counsel referred to a story.

Mr. Gladstein: Counsel did not refer to a story, your Honor.

Presiding Inspector: No, he referred to a rumor.

[6873]

Mr. Del Guercio: No, I have in mind, if your Honor please, when counsel cross examined as to when he was first contacted by an FBI Agent and the witness said it was because of a story that appeared——

Presiding Inspector: (Interposing) Oh, yes.

(Testimony of J. W. Farmer.)

Mr. Del Guercio: (Continuing)——In some paper. I am asking him about that story.

Mr. Gladstein: The witness mentioned it; counsel did not.

Presiding Inspector: Do you think that is of any materiality?

Mr. Del Guercio: Yes, your Honor.

Redirect Examination

By Mr. Del Guercio:

Q. What story was that, Mr. Farmer?

Mr. Gladstein: I object to that as immaterial.

Presiding Inspector: I don't think we want to go into that. Show whether or not it referred to Honig.

By Mr. Del Guercio:

Q. Did it refer to Honig? A. Yes.

Q. In what way did it refer to Honig?

Mr. Gladstein: That is immaterial.

Presiding Inspector: No, we can't get into that.

By Mr. Del Guercio: [6874]

Q. Was it in connection with a resolution passed by the Seattle Newspaper Guild?

Presiding Inspector: I will exclude it.

Mr. Gladstein: It is immaterial.

Presiding Inspector: We don't know anything about it. It doesn't matter.

Mr. Del Guercio: If your Honor please, on cross examination counsel there asked a question as to whether or not Honig's reputation for truth and veracity had ever been brought up.

(Testimony of J. W. Farmer.)

Presiding Inspector: Yes.

Mr. Del Guercio: Now, can't I go into that matter?

Mr. Gladstein: In so far as redirect refers to——

Presiding Inspector: (Interposing) In so far as they went into it, but they haven't gone into——

Mr. Guercio: (Interposing) They brought out this story.

Presiding Inspector: No, they didn't bring out the story. They said simply there was something in the newspaper that brought this man into contact. Now, it doesn't make any difference what it was. It may be that he kept a chicken farm; we don't care; it doesn't make any difference.

Mr. Del Guercio: Well, I desire to make an offer of proof at this time.

Presiding Inspector: Very well. [6875]

Mr. Del Guercio: I desire to show through this witness that at a certain time——

Mr. Gladstein: (Interposing) One moment. I will object to the offer of proof as being immaterial and improper.

Presiding Inspector: I don't think you should do anything more. Do you want to offer the statement in the newspaper?

Mr. Del Guercio: Not the statement in the newspaper, if your Honor please, but a resolution that was passed by the Seattle Newspaper Guild relative to Nat Honig with reference to——

Presiding Inspector: (Interposing) We can't take such proof; it would be hearsay.

(Testimony of J. W. Farmer.)

Mr. Grossman: We can produce lots of resolutions.

Presiding Inspector: We could not take a resolution of that kind.

Mr. Del Guercio: No more questions.

Mr. Grossman: That is all.

(Witness excused.)

Presiding Inspector: Now, we will take a recess.

(Whereupon a short recess was taken.)

Mr. Del Guercio: The next witness is being called.

Presiding Inspector: Are you a witness?

Mr. Eigner: Yes.

Presiding Inspector: Come right over here.

[6876]

W. A. EIGNER

called as a witness in rebuttal for the Government, being first duly sworn, testified as follows:

Direct Examination

By Mr. Del Guercio:

Q. What is your name?

A. W. A. Eigner.

The Reporter: Spell it, please.

The Witness: E-i-g-n-e-r.

By Mr. Del Guercio:

Q. Where do you reside, Mr. Eigner?

A. In Portland.

Q. And a subpoena was served upon you to bring a certain document. Did you bring it?

(Testimony of W. A. Eigner.)

A. Yes sir.

Q. May I see it?

A. (Handing document to Mr. Del Guercio).

Q. I will ask you first where are you employed?

A. At the State Liquor Store.

Q. State Liquor Store where?

A. Broadway, Portland, Oregon.

Q. How long have you been so employed?

A. Two months.

Q. And where is that store located?

A. On Broadway and Davis. [6877]

Q. Broadway and——

A. (Interposing): Davis.

Q. Broadway and Davis. Were you so employed on May 3rd, 1941? A. Yes, sir.

Q. And at what hours were you employed at that place on that date?

A. From 3:30 in the afternoon until 11:00 at night.

Mr. Del Guercio: If the Court please, I have a document here from the Oregon Liquor Control Commission dated May 3, 1941; 41887-36 to Store No. 23 showing that on that date there was sold—I will ask the witness here.

By Mr. Del Guercio:

Q. This document shows—what does it show was on that day, Mr. Eigner?

A. No. 495-B, that is a Government House rum.

Q. How much?

A. A Fifth, Government House rum.

(Testimony of W. A. Eigner.)

Q. Government House rum. Who purchased that?

A. A fellow by the name of Craycraft.

Q. Now, did Craycraft sign that receipt?

A. Yes sir, as far as I know.

Q. Now, under the law of the State of Oregon can anyone—who could purchase liquor?

A. Nobody unless they got a permit.

Q. Does the permit have the name of the purchaser, [6878] the person? A. Yes, sir.

Q. Does it have the signature?

A. Yes, sir.

Q. Do you compare the signature on the permit with the signature on that slip?

A. No, we don't hardly look at the name on the permit.

Mr. Del Guercio: I offer this in evidence, if your Honor please.

Mr. Grossman: We object to that as incompetent, irrelevant and immaterial. Putting in evidence like this which has only the purpose of corroborating a minor part of the witness' story we think is completely irrelevant in any case.

Mr. Del Guercio: Is it denied that——

Mr. Grossman: You are making a legal argument, Mr. Del Guercio.

Presiding Inspector: I will exclude it at present. It isn't disputed.

Mr. Grossman: It hasn't been testified; it isn't disputed.

(Testimony of W. A. Eigner.)

Mr. Del Guercio: When Craycraft was on the witness stand he didn't say anything about purchasing some liquor for Cannalonga, as a matter of fact, he said he never purchased a drink for Cannalonga. He was asked that question. [6879]

Mr. Grossman: Does this prove he purchased liquor for Cannalonga?

Presiding Inspector: No; it proves that he purchased liquor——

Mr. Del Guercio: (Interposing) He purchased liquor on May 3, 1941.

Mr. Grossman: It has not been disputed, your Honor.

Presiding Inspector: I don't think there is any dispute. I don't think it reaches any issue in the case.

Mr. Del Guercio: It contradicts, I think, in a way, Craycraft's testimony.

Presiding Inspector: Have it marked for identification. I will consider whether I will receive it or not.

Mr. Del Guercio: May we ask that a photostatic copy be substituted?

Presiding Inspector: Certainly.

Mr. Del Guercio: This is a public document.

Presiding Inspector: I know, but I don't see its materiality.

Mr. Del Guercio: It is to contradict Roseo Craycraft's testimony on the stand here that he at no time purchased a drink for Cannalonga.

Presiding Inspector: This doesn't show that.

(Testimony of W. A. Eigner.)

Mr. Del Guercio: In a way. Cannalonga's testimony is that Rosco Craycraft stopped at a certain liquor store in [6880] Portland, Oregon, and purchased for him a quart of Government House rum. Now, on May 3, 1941, we have here a document which shows that on that day Rosco Craycraft did purchase some Government House rum. It doesn't show, of course, that he purchased it for Cannalonga.

Presiding Inspector: No.

Mr. Del Guercio: But it does have some connection.

Presiding Inspector: Very remote, very remote, indeed.

Mr. Del Guercio: Well, there is some connection certainly. I believe we are entitled to show and to produce this evidence even though it may be a little remote.

Mr. Grossman: Your Honor, may I suggest what this opens up? If this is permitted, then there has been no contradictory evidence on this, it means that Mr. Craycraft, for example, for all the details of his testimony can produce such corroboration, produce a street car conductor to show he was on a street car, produce a gas station man to show he stopped and bought some gas if he happened to testify to it. We think it is completely irrelevant, not only remote, unless it is in dispute and it isn't at the present time.

Presiding Inspector: I don't think it is in dispute.

Mr. Del Guercio: I thought counsel wanted the whole truth.

(Testimony of W. A. Eigner.)

Presiding Inspector: I don't think there is any dispute. [6881]

Mr. Del Guercio: Will that be stipulated?

Presiding Inspector: You don't expect to put in testimony denying that Mr. Craycraft purchased rum at the——

Mr. Grossman: (Interposing) We assume not. We will ask him to identify——

Presiding Inspector: (Interposing) Is Mr. Craycraft going to be here?

Mr. Grossman: He will be here.

Presiding Inspector: I will reserve that until Mr. Craycraft comes. If he denies it it can be introduced in evidence.

Very well, have it marked for identification.

(The document referred to was marked Government's Exhibit No. 291 for identification.)

Mr. Del Guercio: Do you want this back? Are you required to return this slip?

The Witness: Well, you can send it back.

Presiding Inspector: You can send it back. Is that all from this witness?

Mr. Del Guercio: Yes, that is all.

Mr. Grossman: No questions.

Presiding Inspector: You may be excused.

(Witness excused.) [6882]

Presiding Inspector: Next witness.

You have been sworn, haven't you, before?

The Witness: No.

Presiding Inspector: I mistook you for another witness.

LAWRENCE F. SHIRLEY

called as a witness in rebuttal on behalf of the Government, having been first duly sworn, testified as follows:

Direct Examination

By Mr. Del Guercio:

Q. What is your name? A. What?

Presiding Inspector: State your name.

The Witness: Shirley.

Presiding Inspector: Where do you live?

The Witness: Seattle.

Presiding Inspector: What is your first name?

The Witness: Lawrence F. Shirley.

By Mr. Del Guercio:

Q. By whom are you employed?

A. Libby, McNeil & Libby.

Q. Where is that?

A. They are out on Lake Union in Seattle.

Q. In what capacity are you employed?

A. Assistant Office Manager out there.

Q. What kind of an outfit is that Libby, *O'Neil &* Libby? [6883]

A. Well, they pack salmon.

Q. Is it Libby, McNeil & Libby?

A. Libby, McNeil & Libby.

Q. In what capacity are you employed there?

A. Assistant Office Manager.

Q. How long have you been so employed?

A. I have been with them around 25 years now.

Q. In what business is that firm engaged?

A. Salmon canning, in the branch that I am in.

(Testimony of Lawrence F. Shirley.)

Q. Now, Mr. Shirley, were you served with a subpoena to produce certain papers? A. Yes.

Q. Did you produce them?

A. Yes (producing papers).

(The papers referred were passed by Mr. Del Guercio to Mr. Gladstein.)

By Mr. Del Guercio:

Q. Will you describe the document that you have produced, Mr. Shirley?

A. This (indicating) represents our journal, which we charge on the ledger from the bills that the Captain turned in after he came back from the end of the voyage.

Q. What Captain? A. Captain Schade.

Q. On what ship? [6884]

A. The David W. Branch.

Q. The David W. Branch? A. Yes.

Q. For what period of time?

A. This is the last trip to Taku in the fall, September 2, 1940 to the 19th of September

Q. Will you speak a little louder?

A. Yes; I will try to.

Q. Now, does that show, the document you produced, show as to whether or not some amytal tablets were furnished to Captain Schade?

A. That is what the bill shows.

Q. What does it show?

A. That the Walker Drug Company, in Ketchikan, on September 16th, furnished to Libby, McNeil & Libby—because the Captain paid for it out of his

(Testimony of Lawrence F. Shirley)

own cash funds—1½ dozen tablets Amytal, 1½ gr.

Q. Does it show anything else?

A. It shows on the bottom here that Captain Schade was buying them for M. J. Cannalonga, Fireman on the D. W. Branch.

Mr. Del Guercio: I offer this in evidence.

Mr. Grossman: It is objected to as heresay. It is obvious, if it has any credibility at all, it is only because it purports to show that someone, not one working in the office here, not showing in the office records, had given something to Mr. [6885] Cannalonga.

Mr. Gladstein: And as being immaterial.

By Mr. Del Guercio:

Q. These records were kept in the usual course of business? A. Yes.

Presiding Inspector: I don't see how this is material. There is no dispute about it.

Mr. Del Guercio: There is a dispute. You will recall that when this alleged statement of Mr. Cannalonga was introduced in evidence——

Presiding Inspector: How does this witness know about it?

Mr. Del Guercio: This is a transaction in the usual course of business.

Presiding Inspector: Yes; between a man named Schade and this witness.

By Mr. Del Guercio:

Q. What is your firm's connection with Schade?

A. He is the Captain of our vessel.

Q. And the vessel belonged to——

(Testimony of Lawrence F. Shirley)

A. (Interposing): Libby, McNeil & Libby.

Q. And he is required to submit to the Company all expenses and bills in connection with that ship?

A. Yes, sir. [6886]

Presiding Inspector: I don't see that it is material, but if you think it is material I don't see that it will hurt anything. I will receive it.

Mr. Del Guercio: We do, and we ask that a photostat copy be substituted.

Presiding Inspector: Very well.

(The documents referred to were received in evidence and marked Government's Exhibit No. 292.)

Mr. Del Guercio: That is all.

Mr. Gladstein: No questions.

Presiding Inspector: You are excused.

(Witness excused.)

Presiding Inspector: Next witness.

Raise your right hand.

JOHN L. MADALA

called as a witness in rebuttal on behalf of the Government, having been first duly sworn, testified as follows:

Direct Examination

By Mr. Del Guercio:

Q. State your name, please?

A. John L. Madala—M-a-d-a-l-a.

(Testimony of John L. Madala.)

Q. Are you an agent for the FBI?

A. I am.

Q. What is your position?

A. Special Agent. [6887]

Q. And for how long a period of time have you been so employed?

A. Eight and one-half years.

Q. Do you know Maurice Cannalonga?

A. Yes, sir.

Q. When did you first contact him?

A. The first time I saw him was October 5, 1940—October 7, 1940.

Q. And is that the first time you contacted him?

A. Yes, sir.

Q. And who was with you at the time?

A. Agent Dickstein.

Q. I show you Government's Exhibit 208 and ask you if you witnessed Cannalonga's signature on that document? A. (Examining document) I did.

Q. I show you Government's Exhibit No. 209 and ask you if you witnessed Cannalonga's signature on that document?

A. (Examining document) Yes, I did.

Q. How many times—strike that. Did you talk to Mr. Cannalonga on more than one occasion?

A. Yes, sir.

Q. Did you at any time, while you were talking to Mr. Cannalonga, intimidate him?

A. No, sir.

Q. Did any one in your presence intimidate Cannalonga? [6888] A. No, sir.

(Testimony of John L. Madala.)

Q. Did you at any time hold a 20-year Mann Act charge over Cannalonga's head? A. No, sir.

Q. Did anyone in your presence hold a Mann Act charge over Cannalonga's head? A. No, sir.

Q. Did Cannalonga make a statement to you on October 8, 1940, as shown by Government's Exhibit No. 208?

A. (Examining document) Yes, sir.

Q. Did he make that statement voluntarily?

A. Yes.

Q. What was Mr. Cannalonga's condition at the time he made this statement, or signed the statement?

A. He was perfectly normal.

Q. Was he under the influence of any drug, narcotic, or liquor at the time?

A. Not to my observation.

Q. Was he under the influence of a drug, Narcotic or liquor at any time that you contacted him or interviewed him? A. Not to my observation.

Q. I show you again Government's Exhibit 209 and ask you if Cannalonga made this statement to you? A. (Examining document) Yes, sir.

[6889]

Q. And what was his condition at that time?

A. Perfectly normal.

Q. Would you say that it was the same as his condition at the time he made this statement on October 8, 1940? A. I would say yes.

Q. Did Cannalonga at any time say to you that he would refuse to sign Government Exhibits 208 and 209 because they contained false statements?

(Testimony of John L. Madala.)

A. No, sir.

Q. Did he say that to anyone in your presence?

A. No, sir.

Q. Did Cannalonga at any time say to you, or in your presence, that he refused to sign Government's Exhibits 208 and 209 because they contained statements to the effect that Bridges and Schneidermann were together at Communist Party meetings and because such statements, that is, Bridges and Schneidermann being at the meetings together, were false?

A. No, sir.

Q. Did you at any time say to Cannalonga what had become of the girl that he, Cannalonga, picked up at Reno? A. No, sir.

Q. Did anyone in your presence at any time, any place, anywhere, make that statement to Cannalonga? A. No, sir.

Q. Did you at any time, any place, anywhere, say to [6890] Cannalonga, "You know the girl we are talking about?" A. No, sir.

Q. Did anyone in your presence say to Cannalonga, at any time, any place, anywhere, "You know the girl we are talking about?" A. No, sir.

Q. Or words to that effect? A. No, sir.

Q. Did you at any time, any place, anywhere, say to Cannalonga, "Oh, yes, you know who we mean?"

A. With reference to what?

Q. With reference to the girl?

A. No, sir.

Q. Did anyone in your presence say, "Oh, yes, you know who we mean" to Cannalonga?

(Testimony of John L. Madala.)

A. No, sir.

Q. Did you, or anyone in your presence, say, use words to that effect, or substantially to that effect, or in any way implying that you knew that Cannalonga had a girl—did you say anything about a girl to Cannalonga? A. No, sir.

Q. Did anyone in your presence say anything about a girl to Cannalonga at any time?

A. No, sir.

Q. Any place? A. No, sir. [6891]

Q. Anyhere? A. Still "No."

Q. Did you, or anyone in your presence, at any time, any place, anywhere, describe to Cannalonga the itinerary with this, let us say, mythical girl, as follows: That Cannalonga traveled from the State of Nevada to the State of California, and to the State of Oregon, thence into the State of Washington? A. No, sir.

Q. Or did you describe, or did anyone in your presence describe, any kind of an itinerary that Cannalonga is said to have had with any girl?

A. No, sir.

Q. Did Cannalonga ever say to you, or to anyone in your presence, that he, Cannalonga, knew nothing about Harry Bridges' membership in the Communist Party? A. Will you repeat that?

(The question referred to was read by the reporter as above recorded.)

A. At no time did he say that.

(Testimony of John L. Madala.)

By Mr. Del Guercio:

Q. Did Cannalonga ever tell you, or anyone in your presence, that he never attended any Communist Party meetings with Harry Bridges?

A. No, sir.

Q. Did you, or anyone else in your presence, at any time, [6892] any place, anyhere, say to Cannalonga, or state to Cannalonga, how much he would get under the Mann Act? A. No, sir.

Q. Did you, or anyone in your presence——

A. (Interposing) State that?

Q. State that? A. No, sir.

Q. Did you, or anyone in your presence, and in the presence of Cannalonga, compute how much Cannalonga would get under the Mann Act?

A. No, sir.

Q. Did you, or anyone in your presence, and in Cannalonga's presence, compute that Cannalonga would get about 20 years under the Mann Act?

A. No, sir.

Q. At any time, in Cannalonga's presence, any place, anywhere, was any mention ever made by you, or by anyone in your presence, about the Mann Act? A. No, sir.

Q. Or of the Mann Act, say?

A. No, sir. You mean prior to the time he testified?

Q. Sir?

A. You mean prior to the time he testified?

Q. Any time. A. At any time—no, sir.

[6893]

(Testimony of John L. Madala.)

Q. Did you, or anyone in your presence, at any time, or any place, coerce Cannalonga?

A. No, sir.

Q. When was the first time that you heard anything about the Mann Act with relation to Cannalonga?

A. At the time Mr. Shoemaker testified to it from this witness stand.

Q. Do you have any knowledge of any investigation ever being conducted by the FBI against Cannalonga with reference to a Mann Act charge?

A. I know we never investigated Cannalonga for a violation of that type.

Presiding Inspector: What was the answer?

The Witness: The FBI never investigated Cannalonga for a violation of that type.

By Mr. Del Guercio:

Q. Did you make such an investigation at any time? A. No, sir.

Presiding Inspector: What was the question?

(The question referred to was read by the reporter as above recorded.)

By Mr. Del Guercio:

Q. Who was with you when Mr. Cannalonga signed these statements, Government's Exhibits No. 208 and 209? A. Special Agent Dickstein.

[6894]

Q. What is his first name? A. Abraham.

Mr. Del Guercio: You may cross examine.

Presiding Inspector: The witness is yours.

Mr. Gladstein: One second, your Honor.

(Testimony of John L. Madala.)

Mr. Grossman: Your Honor, we have this problem: We stated at the end of our case that because of the difficulty of getting Mr. Lord down here we would want to put him on afterward. Mr. Lord is now here and we wish, right after lunch, to ask your Honor if we couldn't put him on.

Now, this occurs to us: Whether, if we are going to ask that this witness go off and Mr. Lord go on, whether we should start our cross examination now or——

Presiding Inspector: Oh, yes; I think so.

Mr. Grossman: And then ask, after lunch, that this witness be taken off temporarily?

Presiding Inspector: Yes—however, I hope you will finish by that time. Won't you?

Mr. Grossman: I don't think so. We are going to have to get the transcript.

Presiding Inspector: What transcript?

Mr. Grossman: The transcript of the previous testimony. We don't have all of the transcript with us that we want to ask him about.

Presiding Inspector: We will furnish it to you. [6895] We have them here in the office.

Go ahead. There has been a narrow examination.

Cross Examination

By Mr. Grossman:

Q. How many different times did you see Mr. Cannalonga before he testified in this hearing?

A. Before he testified—I saw him on October 7th, I saw him on October 8th, I saw him on Oc-

(Testimony of John L. Madala.)

tober 9th, and I may have seen him once or twice thereafter. Then I saw him when he was on the witness stand.

Q. What do you mean when you say you may have seen him once or twice?

A. My recollection is that I contacted him some time thereafter, but I don't know now whether I saw him in person or talked to him over the telephone.

Q. Do you recall what you cantacted him about?

A. No. It may have been with reference to locating someone. After the October 9th interview I was through with him as far as his statements were concerned.

Q. How did you happen to talk to Cannalonga in the first place?

A. How did I happen to talk to him?

Q. Yes.

Mr. Del Guercio: I object to that as immaterial and irrelevant.

Presiding Inspector: I will take it. [6896]

A. I wanted to determine if he had any information——

Presiding Inspector: That question has been asked so many times.

A. (Continuing) I wanted to determine whether he had any information in connection with this instant case.

By Mr. Grossman:

Q. Who told you he might have?

Mr. Del Guercio: I object to that, your Honor.

(Testimony of John L. Madala.)

By Mr. Grossman:

Q. How do you know he might have?

Mr. Del Guercio: You have noted my objection?

Presiding Inspector: Yes. I will take it.

A. I believe at the time I interviewed a Mr. Davis, he indicated to me that Cannalonga had been connected with the Communist Party, and had been a waterfront organizer for the Party in Seattle, and that he may have some information about this case.

By Mr. Grossman:

Q. Which Davis is that?

A. John Ryan Davis, the man who testified at the previous hearing.

Q. When did he give you this information?

A. I interviewed him, I believe, on September 12, 1940.

Q. Is there any other reason why you went to see Davis except the information given you by Mr. Davis? [6897]

A. No. I believe Mr. Bridges testified in the previous hearing he knew Cannalonga as a waterfront organizer and I thought he may know something about Bridges.

Q. Any other reason?

A. No. I think those are the two basic reasons.

Q. Before you went to see Mr. Cannalonga did you have, or had you read, the report of previous investigations of Mr. Cannalonga?

(Testimony of John L. Madala.)

A. There were no previous investigations.

Q. By representatives of the Immigration and Naturalization Service?

A. Had I read about it—no.

Q. Had you read any report purporting to be a report of an investigation or meeting with Mr. Cannalonga before you went to see him?

A. No, sir.

Q. You are sure of that now?

A. I am positive.

Q. Did you discuss with Mr. Boyd, before you went to see Mr. Cannalonga, his discussions, or discussion, with Mr. Cannalonga? A. Yes.

Q. When did you see Mr. Boyd on this question first?

A. That is hard to say; it was some time between the time I interviewed Mr. Davis and the time I interviewed Mr. [6898] Cannalonga.

Q. How did you happen to talk to Mr. Boyd about this? A. How?

Q. Yes. Did you go to him, or did he go to you?

A. I was in frequent contact with Mr. Boyd during this period, and how his name came up I don't know. I do remember that he said that he had talked to Cannalonga at the time of the previous hearing and tried to get him to come down to testify; but that Cannalonga didn't want to become involved in this case and refused to come.

Q. Did he tell you that Cannalonga gave him

(Testimony of John L. Madala.)

information before the previous hearing, that would have justified his testifying in this case?

A. No.

Q. Did he tell you that Cannalonga told him, when he talked to him, that he didn't know anything that would be of any use to the Government in this case?

A. No. I don't believe we went into detail as to the results of his contact with Cannalonga. I do remember him saying that he tried to get him to come down and testify, but that Cannalonga didn't want to become involved in this proceeding, or the previous proceeding.

Q. Didn't you make notes of what Mr. Boyd told you about Mr. Cannalonga?

A. No. There was nothing to make notes about.

[6899]

Q. Did Mr. Boyd tell you whether he had any written memorandum of his meeting with Mr. Cannalonga?

A. That Mr. Boyd had a written memorandum?

Q. Yes. Did he tell you whether he had any?

A. I am sure he didn't.

Q. You are sure because he didn't mention it to you, is that why you are sure, or have you some other reason for being sure?

A. I don't recall seeing a memorandum.

Presiding Inspector: I think you misinterpreted his answer—"You are sure Boyd didn't tell you such?"

The Witness: That he had a memorandum?

(Testimony of John L. Madala.)

Presiding Inspector: Yes.

The Witness: I know he didn't tell me that.

By Mr. Grossman:

Q. You didn't mean to say that you were sure Boyd did not have a memorandum?

A. I don't know whether he did or not. I know I didn't see one.

Q. Did you ask Mr. Boyd for all the information he had on Mr. Cannalonga?

A. My recollection is that Mr. Boyd said that Cannalonga refused to discuss the matter with him. He had contacted him, but he refused to give him any information, and I would have no reason for asking for a memorandum. I believed him. [6900]

Q. How did you happen to get in touch—I mean, how did you happen to get in touch with Mr. Cannalonga?

A. Well, at the time I talked to Mr. Boyd I asked him to be on the alert for Cannalonga, and if he should get any information that might lead to his location to give me a telephone call; that at the same time Agent Dickstein and I would look for him up there in Seattle.

Mr. Boyd did call and told me that he had located Cannalonga.

Q. What did you do to arrange an appointment with him?

A. As I recall it, Mr. Boyd called the Seattle office on Saturday, October 5th, and left a message for either Mr. Dickstein or myself to get in touch

(Testimony of John L. Madala.)

with him. We were out of town that day. I got in touch with Mr. Boyd the first thing Monday morning on October 7th, at which time he told me that he had been in touch with Mr. Cannalonga, and that he had arranged for Cannalonga to come to his office at 9:00 or 9:30 that morning, and if we wanted to talk with Cannalonga we could find him over there.

So Agent Dickstein went over to Mr. Boyd's office and brought Cannalonga over to our office immediately.

Q. What day was this?

A. That was on Monday, October 7.

Q. At what time of day?

A. Shortly after nine.

Q. Then did you have a discussion with Mr. Cannalonga? [6901] A. That day?

Q. Yes. A. Oh, quite a discussion.

Q. Immediately after he got there?

A. Oh, yes.

Q. About how long did this discussion last?

A. Well, we talked briefly at the office, and then it was suggested we go over to our room at the Roosevelt Hotel. We felt there would be more privacy over there; and Mr. Cannalonga at that time had a hip injury, and I thought perhaps the hard chair might be uncomfortable for him, so I suggested that we go over to the hotel where he would be more comfortable. We proceeded to the hotel.

(Testimony of John L. Madala.)

Q. The entire conversation with him lasted how long? A. In the office.

Q. Yes, in the office.

A. Oh, twenty minutes, I would say.

Q. At the hotel, how long?

A. Well, on the way over to the hotel we stopped and had a cup of coffee—he is a great coffee drinker—and then we went up to the hotel and we got there about, oh, between 10:00 and 10:30. I talked to him up until noon. We had lunch. He said he had an afternoon appointment with Dr. Buckner and wanted to know if he could get off to keep that appointment. I said, "Sure." [6902]

I believe we left him go about 3:00 or 3:30.

Q. Did you take notes of what he said?

A. I took copious notes; yes.

Q. Do you take shorthand?

A. No, sir. I wrote it out in longhand.

Q. Now, who was present at all times during this stay?

A. All the time there was Cannalonga and Agent Dickstein present.

Q. No one else? A. No.

Q. Did Mr. Cannalonga seem willing to tell you everything that he said, or did he have some reluctance?

A. No; he didn't show any signs of reluctance. My recollection is that when we got down to the hotel we started right in interrogating him and he supplied the answers.

Q. Did you ask him, or did he explain to you,

(Testimony of John L. Madala.)

why his attitude had changed between the last hearing, or before the last hearing, and before this hearing?

A. I didn't even bring up the previous contact he had with Mr. Boyd.

Q. Was that discussed at any time in the various conferences you had with him?

A. Yes; yes, he brought it up for the first time after he signed the second statement, which was on October 9th. At that time he pulled out a long-hand statement and showed it to me, and told me the circumstances under which that statement [6903] was taken. That was on October 9th, after he had signed the second statement, and was prepared to leave.

Q. Did he explain the difference between his attitude on the previous occasion and his attitude at this time when you were questioning him?

A. If he did, I don't recall. It wasn't important to me.

Q. You are familiar with this statement of October 8, are you not?

A. That is the first statement?

Q. Yes. A. Yes, very familiar with it.

Q. On the first occasion that you talked to Mr. Cannalonga in your office and in the Roosevelt Hotel, did he give you all the information which is contained in this statement?

A. All the information that is contained in that statement; yes, sir. Later on I talked to him and

(Testimony of John L. Madala.)

he elaborated on some of the points which I didn't include in the statement.

Q. What do you mean by "later on"?

A. When I talked to him—probably the previous day, or the day after.

Q. When was this statement drawn up?

A. When was it dictated and transcribed, you mean?

Q. Yes.

A. On the evening of October 8—no. October 7, after the initial interview. [6904]

Q. Who drew it up?

A. I dictated it from my notes.

Q. Did Agent Dickstein participate in the dictation?

A. The dictated statement, no. I dictated the statement myself in its entirety.

Q. Now, is all the information that is contained in this statement information that was given to you on that day by Mr. Cannalonga?

A. On that day; yes, sir.

Q. At the time you talked to Mr. Cannalonga did you tell him that you already had information about this meeting in the Gowman Hotel?

A. No. We were told about that meeting in the Gowman Hotel and this was the first time I ever heard it.

Q. You are sure of that?

A. I am positive.

Q. When you talked to Mr. Cannalonga about a certain Top Fraction meeting in San Francisco, did

(Testimony of John L. Madala.)

you tell him at the time that you already had some information about that meeting?

A. No; because that was the first time I had heard of that Communist Top Fraction meeting.

[6905]

Q. Before you talked to Mr. Cannalonga had you talked to any other persons that are in his statement said to have been in the Gowman Hotel meeting?

A. I talked to Laddie Hope and Edward Fisher about the Gowman Hotel meeting, which they confirmed, but that was after the interview with Cannalonga.

Q. I said before you talked to Mr. Cannalonga?

A. Oh, before? No, sir.

Q. Had you talked to anyone that, according to Cannalonga's statement, was at the Gowman Hotel meeting? A. No, sir; not before.

Q. Had you talked to Eugene Dietrich before you talked to Cannalonga?

A. I don't know Eugene Dietrich.

Q. When did you see Cannalonga again?

A. What do you mean?

Q. Referring now to after your discussion with him in the Roosevelt Hotel?

A. The first day?

Q. Yes. A. I saw him the next morning.

Q. You didn't see him any more that first day after he left to go to the doctor?

A. Not after he left to go to the doctor, no sir.

(Testimony of John L. Madala.)

Q. Did you have an appointment with him to see you the [6906] next morning?

A. Yes, sir; I told him to be up at our hotel room at 10:00 A. M. the next morning.

Q. Did he show up at that time?

A. Yes, sir.

Q. Who was present?

A. Agent Dickstein and I were in the room waiting for him.

Q. Did you have another discussion with him at that time? A. Yes, I talked with him.

Q. How long did it last?

A. Probably 2:00, 2:30. We took an hour off for lunch.

Q. Did you also take notes?

A. As to this second interview? Yes, sir.

Q. And did you dictate this second statement?

A. Yes, sir.

Q. When did you dictate it?

A. I dictated it that afternoon after he left.

Q. Is everything contained in the second statement information that was given you by Mr. Cannalonga at this second meeting?

A. With particular reference to Bruce Hannon, yes, sir. [6907]

Q. I asked you whether everything in that statement, rather, whether all the information in that statement was given you by Mr. Cannalonga on the second day that you talked to him?

A. No, some of the information was given to me at the time of the first interview. When he

(Testimony of John L. Madala.)

came back the second time he elaborated on some of that first information.

Q. Were all the facts contained in the second statement given to you by Mr. Cannalonga either in the first or the second interview?

A. Yes, sir.

Q. When did you see Cannalonga again?

A. The next day.

Q. Had you an appointment to see him again?

A. Yes, sir.

Q. And where did you meet him the next day?

A. The next day I met him in our hotel room in the afternoon.

Q. Who was present?

A. Agent Dickstein and myself.

Q. What happened?

A. Well, I presented him with the second statement to read and certify and it was at that time that he told me about this statement that he had made for Mr. Meehan.

Q. When did he sign the first statement? [6908]

A. The first thing Tuesday morning, October the 8th. After he came into our room I gave him the statement to read and he signed it and then I questioned him as to the facts contained in the second statement.

Q. Did you question Cannalonga any further on the third occasion with respect to any matters except the statement that he had given Mr. Meehan?

A. Well, I may have; I don't know.

(Testimony of John L. Madala.)

Q. Did you make any notes of any other questioning? A. I may have; I don't know.

Q. At least, you don't remember any subject matter that you discussed?

A. No, I don't remember any particular subject matter that was discussed the third time. Everything that we wanted I fully covered in the first two interviews. I may have asked him one or two additional questions; I don't recall at this time.

Q. Are you a graduate of a college?

A. Yes, sir.

Q. What college? A. Northwestern.

Q. When did you graduate? A. '31.

Q. Did you attend a law school?

A. No, sir.

Q. Did you immediately after leaving college go to work [6909] for the FBI? A. Yes, sir.

Q. What generally has been your position with the FBI? Have you had any title of any kind?

A. I at first was a clerk; then, I was appointed Special Agent in January, 1933.

Q. For how long a period—withdraw that.

When did you first begin to work on investigation of the Bridges' case?

Mr. Del Guercio: If your Honor please, I will object to that as immaterial and irrelevant.

Presiding Inspector: That is this case, you know. I will take it.

Mr. Del Guercio: Only we produced this witness in connection with the Cannalonga matter. We

(Testimony of John L. Madala.)

confined it to that. We think that the cross examination should be confined to that particular thing.

Presiding Inspector: I will take this.

When did you first——

A. (Interposing) On or about September 1, 1940.

By Mr. Grossman:

Q. Did you make the statement on direct examination that you know that Cannalonga was not investigated by the FBI for an alleged Mann Act violation?

Mr. Del Guercio: If your Honor please, that was not the [6910] question on direct examination.

Mr. Grossman: Did or did you not? I am entitled to have an answer.

Presiding Inspector: You are not entitled to ask him what the——

By Mr. Grossman:

Q. (Interposing) Do you know whether the FBI conducted an investigation of Mr. Cannlanga with respect to the Mann Act?

A. I know we did not.

Q. How do you know you did not?

A. Well, that information certainly would have come to my attention at the time I was working up there in Seattle.

Q. You mean when you went to talk to a witness about his testimony or possible testimony in this case you had before you any possible criminal investigation of that man; is that what you mean?

(Testimony of John L. Madala.)

A. Positively, yes.

Q. In other words, when you went to speak to a potential witness you had in your hands any criminal record he might have had or any investigation then being conducted by the FBI?

Mr. Del Guercio: If your Honor please, I will object to that.

Presiding Inspector: I will take it. It will be a clarification. [6911]

The Witness: Will you repeat that?

(The question referred to was read by the reporter as above recorded.)

A. No, I never had no such criminal record when I talked to Cannalonga.

By Mr. Grossman:

Q. We are not talking about Cannalonga. I am talking about generally. A. No.

Q. Didn't you testify that the reason you know there was no investigation being conducted by the FBI was because you hadn't been told about it before you went to talk to Cannalonga?

A. I know there was not; I know there was no investigation conducted regarding Cannalonga.

Q. Didn't you testify, Mr. Madala, that the reason you knew there was no investigation was that you hadn't been given information about it before you talked to Mr. Cannalonga?

Mr. Myron: That was not his testimony.

A. No information was called to my attention.

Mr. Myron: He didn't say "before".

(Testimony of John L. Madala.)

By Mr. Grossman:

Q. What was your testimony as to why you knew or how you knew that Mr. Cannalonga——

[6912]

A. (Interposing): I don't know how to answer that. I just don't know of any investigation. I know there was no investigation conducted.

Q. How do you know?

A. Because it was my responsibility up there to locate Cannalonga and interview him and I know I didn't conduct any investigation with respect to Cannalonga.

Q. Is that all you know about an investigation with respect to the Mann Act, that you didn't conduct it?

A. Yes; I know the FBI didn't conduct an investigation.

Q. How do you know the FBI didn't?

A. Because it didn't come to my attention.

Q. How would it have come to your attention?

A. Well, it would be in the file in this case.

Q. You mean in this case? A. Yes, sir.

Q. Do you mean that before you had gone to see Cannalonga if there had been an investigation already conducted or being conducted with respect to the Mann Act that that would be in the file of this case?

A. Not this case. Not at that time, no, but it certainly would have come to my attention.

Q. Where would it be? How would it have come to your attention?

(Testimony of John L. Madala.)

Mr. Del Guercio: If your Honor please, that is argumen- [6913] tative now.

Presiding Inspector: I will let him answer.

By Mr. Grossman:

Q. How would it have come to your attention?

A. It would have been told to me for my information.

Q. You mean it was the practice to give you all information concerning criminal investigations of these witnesses or potential witnesses before you talked to them? A. Criminal or other.

Mr. Del Guercio: I will object to that. It is obvious counsel is not questioning the witness regarding this matter but to find out how the FBI operates. We are not going to permit that.

Presiding Inspector: No, I don't think that is true at all.

Mr. Del Guercio: He should be limited and restricted.

Presiding Inspector: I don't think that is his purpose.

Mr. Del Guercio: He has no right asking questions of that kind.

Presiding Inspector: Oh, no, Mr. Del Guercio. This man has said that he had no information about it. Now, he wants to know if it happened whether he would have information. I think that is proper.

Mr. Grossman: Will you read the last question and answer?

(Testimony of John L. Madala.)

Presiding Inspector: That doesn't go into the general [6914] matters of the practices in general of the Federal Bureau of Investigation. Of course, we are not going into that, but we are going to allow this witness to testify fully as to his knowledge about Cannalonga or any investigation.

You may answer that.

Mr. Grossman: Will you read the last question and answer?

(The question and answer referred to were read by the reporter as above recorded.)

Mr. Del Guercio: He is asking for the general practice.

Presiding Inspector: No; he is asking in relation to the Bridges' case.

Mr. Grossman: That is right.

Presiding Inspector: Only in relation to the Bridges' case.

By Mr. Grossman:

Q. Did you discuss with Mr. Cannalonga whether he would be called as a witness in this case? If so, when was the first time?

A. I probably mentioned it to him during one of the three interviews I had with him up there in Seattle on October 7th, 8th or 9th.

Q. Do you know what you said to him?

A. I said that if we have a hearing you will probably be called as a witness, yes.

Q. Did he reply to that?

(Testimony of John L. Madala.)

A. I don't recall what he said about it. He didn't [6915] have any reluctance at the time.

Q. Before he testified did he ever have any reluctance to testifying as a witness?

A. At the time—I didn't see him after——

Q. (Interposing): I don't care when you saw him. I am asking you whether you know whether he expressed any reluctance to you to testifying in this case? A. No, I am sure he didn't.

Presiding Inspector: Now, I think we better stop here until two o'clock.

(Whereupon at 12:40 o'clock P.M., a recess was taken until 2:00 o'clock of the same day.) [6916]

After Recess
2:00 O'clock P.M.

Presiding Inspector: Did you want to interrupt the present witness and put on Mr. Lord?

Mr. Grossman: Yes, we did. Mr. Lord is here now.

Presiding Inspector: I think we had better have Mr. Lord. We have not been very strict about the orderly procedure.

Stand up here and raise your right hand.

WILLIAM P. LORD

called as a witness on behalf of the Alien, having been first duly sworn, testified as follows:

Direct Examination

By Mr. Gladstein:

Q. Will you state your name, please?

A. William P. Lord.

Q. Your residence?

A. Dunthorpe, Portland, Oregon.

Q. And your occupation or profession, Mr. Lord? A. Attorney at law.

Q. How long have you pursued that profession?

A. I was admitted to practice, I believe, in the year 1908 by the Supreme Court of the State of Oregon.

Q. Of what courts, or to what courts are you admitted to practice? [6917]

A. The courts of Oregon, United States District Court of Oregon, the Court of Appeals to this District.

Q. Of this Federal Circuit?

A. Yes; the Federal Circuit.

Q. Do you hold a Commission as a Notary Public? A. I do.

Q. How long have you held such a commission?

A. Those commissions are renewable. Mine has been renewed from time to time for many years. I wouldn't undertake to say how many years I have had a commission.

Q. Did you, on Sunday, May 4, 1941, hold a

(Testimony of William P. Lord.)

Commission as a Notary Public in the State of Oregon? A. I did.

Q. Mr. Lord, calling your attention to the 4th day of May, 1941, at approximately noon of that day, did a proceeding occur in your office involving yourself, myself, Rosco Craycraft, Ray D. Shoemaker and Maurice J. Cannalonga?

Mr. Del Guercio: I object to that question, if your Honor please, to the use of the term "proceeding." There is no such evidence that there was any such proceeding at all.

Presiding Inspector: It can't be, or should not be referred to as a legal proceeding in any sense. The question is whether, at that time, a statement of Mr. Cannalonga was taken. Whether it is a proceeding or not is a legal question.

By Mr. Gladstein: [6918]

Q. All right. Use the Judge's language. Would you answer that question, Mr. Lord?

A. There was a statement taken of Mr. Cannalonga under oath in my presence and in my office at suite 405 Guardian Building, Portland.

Q. At approximately what time of the day did the beginning of that statement or the beginning of the taking of the statement occur?

A. Well, it was around twelve o'clock.

Q. Before any statement was taken was Mr. Cannalonga administered an oath?

A. He was.

Q. By whom? A. By myself.

(Testimony of William P. Lord.)

Q. Will you state what occurred in that connection?

A. Well, he was sworn in accordance with the usual swearing of a witness to tell the truth, and nothing but the truth.

Q. Did you ask him to do anything?

Presiding Inspector: Ask him what?

By Mr. Gladstein:

Q. Did you ask him to raise his hand?

A. Oh, yes, he raised his hand and was regularly sworn as a witness would be sworn in a court proceeding.

Q. Thereafter what took place? [6919]

A. You proceeded to ask him questions and he thereupon gave answers, or didn't give answers as it suited his whim or caprice.

Q. About how long did this entire incident take?

A. Well, I should judge it was concluded by one o'clock, possibly a little bit after.

Q. Did you have a good opportunity to observe whether Mr. Cannalonga appeared to be under the influence of liquor or stimulants or intoxicants of any kind? A. Yes, I did.

Q. Will you state what that opportunity consisted of?

A. Well, in the first place I don't use intoxicating liquors myself.

Mr. Del Guercio: Now, I move that be stricken, your Honor, as not responsive, as to whether he uses intoxicating liquors or not.

(Testimony of William P. Lord.)

Presiding Inspector: I suppose that is so. I will strike that.

By Mr. Gladstein:

Q. Will you proceed, Mr. Lord, and tell what that opportunity you had to observe Mr. Cannalonga consisted of?

A. Mr. Cannalonga was not six feet away from me at any time except as he may have left the room, so I heard him testify. I was very, very close by him, sitting in a chair or standing up while he was sitting down in one of these old-fashioned office chairs, and I observed him very closely as [6920] he was testifying. Now, if he had liquor on his breath I would have known it. If he seemed under the influence of drugs, I think, as a practical individual, I would have known whether or not he was under the influence of opiates or drugs of any kind, and I am convinced that he was not.

Q. At any time during the entire time Mr. Cannalonga was in that office giving that statement on Sunday, May 4, 1941, did he at any time appear to you to be drunk? A. He did not.

Q. What would you say was his apparent condition as to sobriety during all of that time?

A. He was perfectly sober. His deposition speaks for itself.

Mr. Del Guercio: His what speaks for itself?

The Witness: Deposition or his statement.

Mr. Myron: I ask that be stricken out, your Honor.

(Testimony of William P. Lord.)

Presiding Inspector: Which?

Mr. Myron: That the deposition speaks for itself.

Presiding Inspector: I suppose it is a deposition in a sense; he deposes and says.

Mr. Myron: Well, that is a conclusion of the witness there.

Presiding Inspector: What difference does it make? It doesn't give it any greater significance. It is a statement made under oath.

Mr. Del Guercio: There is no evidence that he has seen [6921] the deposition.

Presiding Inspector: He doesn't have to.

Mr. Del Guercio: Or whatever it was.

Presiding Inspector: No.

By Mr. Gladstein:

Q. During the hour that Mr. Cannalonga was in your office did you have occasion at any time to talk with him personally?

A. I did out of the presence of yourself and Mr. Crayeraft.

Q. Will you state how that occurred?

A. Well, I was rather disposed to feel that this individual was not responsive to the questions, or he was not answering the way that a witness ordinarily would answer a question that was put to him, so I then, the first opportunity I had, I got him aside in my law library and talked to him, and asked him if he was laboring under any sort of strain, that he didn't want to talk.

(Testimony of William P. Lord.)

Q. How close were you to him when you had that discussion or conversation with him?

A. Oh, we were not but a few feet apart, I should say three, four feet apart.

Q. Tell us what that discussion or conversation consisted of, Mr. Lord?

A. Well, I had, as I say, a feeling that the man may not [6922] be a willing witness, that there was something that—in the back of his mind, that constrained him to answer the questions that you put to him with a degree of ease and frankness that a witness ought to reply to a question, so I wanted to find out if the man was being coerced in any way to come to the office and testify or give the statement that he was giving, and I thereupon asked him if he was, and he told me that he just—that he was not, that he was just kind of, you know—I can't explain it to you—he just simply didn't talk.

Mr. Del Guercio: Just a moment. We are relating a conversation here, your Honor——

Mr. Gladstein (Interposing): Just a moment. I object to counsel interrupting. If he has an objection to make he may make it.

Mr. Del Guercio: I do have an objection to make.

Presiding Inspector: Let him finish his answer, Mr. Del Guercio. You may then move to strike.

The Witness: I trust I am not indulging in an impropriety. It was a question of the demeanor of the witness, your Honor.

(Testimony of William P. Lord.)

Presiding Inspector: He didn't say anything?

The Witness: He didn't exactly respond. At the same time there was an opportunity for the man to speak and he didn't speak and thereupon I told him that "If you are—" I had never seen the man before but I said "If you are—you [6923] probably don't trust me because you don't know me, but if you—but I am acting as a man giving you an oath here, but if you want to find out what your rights are, if you don't want to give this testimony you don't have to give it. If you want to consult with a lawyer I will select one of the leading lawyers of the Portland Bar who will be very glad to advise you, men who have been in the United States District offices or otherwise, and they will give you the advice that you need and you can speak out your mind freely to those men, if you want to."

By Mr. Gladstein:

Q. Did he reply to that?

A. He didn't. He just sort of, if I may be permitted to state my own conclusion about the matter, he just sort of remained mute.

Mr. Myron: I don't think we want his conclusion.

Presiding Inspector: Let it stand.

By Mr. Gladstein:

Q. After that discussion did Mr. Cannalonga return to the room and refuse to answer questions that I put to him? A. He did.

Q. Now, at any time while Mr. Cannalonga was there in that office did you, Mr. Craycraft or Mr.

(Testimony of William P. Lord.)

Shoemaker, or I, do or say anything which appeared to you to be an effort to coerce or intimidate, or force Mr. Cannalonga in any manner? [6924]

Mr. Del Guercio: If your Honor please, I object to that. He is asking for a conclusion, and not asking for the acts.

Presiding Inspector: You asked the same question in relation to Mr. Madala.

Mr. Del Guercio: If, in his opinion.

Presiding Inspector: Yes. That is all he is giving.

Mr. Myron: He asked Mr. Madala if he did anything.

Presiding Inspector: Did he coerce him?

Mr. Myron: That is not his question.

Presiding Inspector: Well, he is asking, not whether it appeared to the witness to be a threat or coercion, but whether he did anything. He can say whether he saw anything which, in his opinion, amounted to intimidation or coercion.

That is all you want, isn't it?

Mr. Gladstein: Yes.

Presiding Inspector: Did you see anything on the part of any of those gentlemen, or in pairs or triplets, which, in your judgment, tended to coerce or intimidate Mr. Cannalonga?

The Witness: Not a thing. As a matter——

Presiding Inspector: That answers it.

The Witness: I might say that part of the time——

(Testimony of William P. Lord.)

Mr. Del Guercio (Interposing): There is no question.

Presiding Inspector: Wait until the next question is asked. [6925]

The Witness: I want to make an explanation.

Presiding Inspector: You may make an explanation.

The Witness: The point is that for a period of time Mr. Craycraft was not in the office at all. He went down on the street to my automobile and talked to my wife down in the car because I knew she was sitting down there for quite a period of time and I asked him to go down and placate her.

By Mr. Gladstein:

Q. Now, Mr. Lord, do you recall whether, toward the end of the taking of this statement, Mr. Craycraft left the room, leaving yourself, Mr. Shoemaker and myself in the office?

A. That is correct; he did.

Q. And whether I completed a question in his absence, after he had got up and left the room, as I had begun that question?

Mr. Del Guercio: I object to that, your Honor, as leading and suggestive.

Presiding Inspector: There is no question about his being there?

Mr. Del Guercio: I don't know. I question everything that went on in that room.

Mr. Gladstein: At first Mr. Del Guercio even questioned whether there had been such a meeting.

(Testimony of William P. Lord.)

and he made a direct statement, Mr. Del Guercio did, which I can prove to your Honor in the record, that he questioned whether Mr. Cannalonga had ever been in that office. He made that statement [6926] directly. He said, "I don't believe he ever was there."

Presiding Inspector: I know, but assume that is so——

Mr. Del Guercio (Interposing): I still say it.

Presiding Inspector (Continuing): ——Mr. Cannalonga testified that he was there.

Mr. Gladstein: I know.

Presiding Inspector: The question is whether you recollect, Mr. Lord, such an occurrence as Mr. Gladstein has specified in his question. It is leading, but I will allow it, in my discretion.

The Witness: Yes, your Honor. There was a moment there when a question was being put to him, asking him certain details as to a conversation he had the night before, whereupon this individual got up from his chair and bolted out of the office and I assumed that that concluded the taking of his testimony.

By Mr. Gladstein:

Q. At all times prior to that incident, Mr. Lord, was Mr. Cannalonga present in that office while all my questions were asked of him?

A. As I recall it, there were two occasions when he left. You mean to say were you present when these questions and answers were given?

(Testimony of William P. Lord.)

Q. No. What I mean to say, with the exception of this last question, in the middle of which you testified Mr. Cannalonga got up and left the office, and I concluded that question [6927] for the record after he had gone from the office, with the exception of that last question, was Mr. Cannalonga present in your office at all of the times that I asked him questions during the taking of the statement?

A. He was.

Mr. Gladstein: You may cross examine.

Presiding Inspector: Cross examine.

Mr. Del Guercio: Mr. Myron will cross examine.

Cross Examination

By Mr. Myron:

Q. Mr. Lord, how long have you known Mr. Gladstein?

A. Well, I think I met Mr. Gladstein twice in my lifetime.

Q. When was the first time you met him?

A. I think the occasion of the trial in the United States Court in 1937. He was one of the attorneys, and I was an attorney for one of the defendants.

Then I met him in my office——

Q. (Interposing): Let us take that first occasion. Did you participate with Mr. Gladstein in the trial of that case?

A. Well, I might say Mr. Gladstein participated with me to the extent of one argument on a motion.

Q. Was this Mr. Gladstein's case?

A. No. It was a suit wherein the divers unions

(Testimony of William P. Lord.)

and locals were involved. Who he represented it is not clear in my mind. I represented the Portland District—Columbia River District Council. [6928]

Q. Did Mr. Gladstein call you in?

A. He did not. I was employed by the District Council.

Q. Did Mr. Gladstein participate in that case?

A. You know, I don't know these two gentlemen well enough to answer that. It may have been Mr. Grossman for all I know.

Mr. Myron: Well, I do not think Mr. Gladstein will mind standing up.

Presiding Inspector: You see Mr. Gladstein?

The Witness: I saw a good many people—there were several attorneys in that case.

By Mr. Myron:

Q. Mr. Gladstein is the third man there at the table. A. I know him.

Q. Did he participate in that case?

A. My memory says he did. It may have been Mr. Grossman.

Q. Was he allowed to participate in that case by the Court?

A. I think he made an argument, if I recall correctly.

Q. Wasn't the purpose of your participating in this case because Mr. Gladstein could not participate and he asked you to come in and help him? A. No, he did not; no, sir.

Q. You are sure?

(Testimony of William P. Lord.)

A. I am very very certain of it; very certain of it. [6929] In fact, I don't believe I spoke a half dozen words to Mr.—whichever member of their firm was there. I only saw them in the court room. I had no conference with them.

Presiding Inspector: This was in Oregon?.

The Witness: In Oregon; yes.

By Mr. Myron:

Q. And this was before Judge Fee?

A. That was before Judge Fee.

Q. And your testimony is now that Mr. Gladstein did participate in that case representing a different client than you represented, is that right?

A. That is my recollection. You see, I don't know your name——

Mr. Del Guercio (Interposing): It isn't necessary.

Mr. Myron: I am the attorney for the Government.

The Witness: I understand, naturally.

Presiding Inspector: Myron.

A. (Continuing): I wanted to say that I don't know who represented the other people in that case, the other defendants and——

By Mr. Myron:

Q. Who did you represent?

A. I represented the Columbia District Council.

Q. Who did Mr. Gladstein represent?

A. I also represented Local 28-03, of Toledo.

[6930]

(Testimony of William P. Lord.)

Q. That is the case we are talking about before Judge Fee? A. Yes.

Q. Whom did Mr. Gladstein represent?

A. I don't know. I presume he represented the Committee of Industrial Organizations. I presume he did,—I don't know.

Q. Were these locals of the CIO——

A. (Interposing): Yes.

Q. (Continuing): ——that you represented?

A. I represented the Toledo local and the Portland District Council.

Q. And Mr. Gladstein represented the CIO, is that right?

A. I don't know. I am only giving you what my assumption would be. I didn't discuss the matter with Mr. Gladstein, or whichever representative of Mr. Gladstein's office was present.

Q. Well, now, I just want to sum it up. Your testimony is now that you were not called in by Mr. Gladstein to take over, is that right?

Mr. Gladstein: That is objected to not as having been asked once or twice, but——

Presiding Inspector: I know—you are not bound by his answer—I will take it.

A. If he was I didn't know about it.

Presiding Inspector: Do you want to explain?

[6931]

The Witness: No, I don't see anything to explain. I have nothing to apologize for.

Presiding Inspector: Let it stand.

(Testimony of William P. Lord.)

By Mr. Myron:

Q. What type of law practice do you follow?

Mr. Gladstein: That is objected to as immaterial.

Presiding Inspector: I think that is immaterial.

Mr. Del Guercio: No, if your Honor please, it is not immaterial.

Presiding Inspector: I think it is immaterial, Mr. Del Guercio.

Mr. Del Guercio: May we argue the matter?

Presiding Inspector: Yes.

Mr. Del Guercio: To show that it is not immaterial.

Presiding Inspector: Why do you think it is not immaterial?

Mr. Del Guercio: We have a situation up here in this hotel room that, in my opinion, should be placed before the Oregon State Bar. We want to know everything that occurred.

Presiding Inspector: This man administered an oath. That is about all he has testified to.

Mr. Del Guercio: We want to know all the circumstances surrounding the taking of that so-called statement there in that hotel room, or all the circumstances in connection with it, this witness' connection with it, and his connection and [6932] association with Mr. Gladstein—all about it.

Presiding Inspector: I don't think there is anything to be gained. Go ahead.

(Testimony of William P. Lord.)

Mr. Gladstein: I call your Honor's attention to the fact that the witness has not testified to anything taking place in any hotel room.

Mr. Del Guercio: His office.

Mr. Gladstein: He has only testified to the proceeding in his office.

Presiding Inspector: I know that.

What was the last question?

(The question referred to was read by the reporter as above recorded.)

Mr. Gladstein: I renew my objection.

Presiding Inspector: I will take it.

The Witness: Shall I answer?

Presiding Inspector: Yes.

A. I do a more or less general practice of the law. A great deal of it is centered around maritime employments. I have a great many personal injury claims. We have a compensation Act in Oregon, where there is a rejection, employers are allowed to reject the Act—many employees' cases.

By Mr. Myron:

Q. Have you ever represented the Communist Party?

A. I certainly have not and will not. [6933]

Q. Have you ever participated with any other attorney in representing the Communist Party?

A. I certainly have not.

Q. Now, do your clients consist chiefly of the laboring class, longshoremen?

(Testimony of William P. Lord.)

A. Yes—not necessarily longshoremen. There are many longshoremen; yes.

Q. Do you know Mr. Bridges?

A. Casually. I met Mr. Bridges a couple of times.

Q. When did you first meet him?

A. I think I first met him here in San Francisco when I was down here on some business.

Q. How long ago was that?

A. It was after the '34 strike.

Q. Do you have card rooms available for longshoremen?

Mr. Gladstein: That is objected to as immaterial.

A. What do you mean?

Presiding Inspector: I will allow it.

By Mr. Myron:

Q. Have you provided rooms or space where card games are held by longshoremen?

Presiding Inspector: In his office, you mean?

Mr. Myron: In or out of his office.

A. I have not.

By Mr. Myron: [6934-5]

Q. When were you first contacted by Mr. Gladstein, or anybody else, in regard to making your office available and having you present?

A. Mr. Rosco Craycraft contacted me some time after nine o'clock.

Q. When was this, what date?

(Testimony of William P. Lord.)

A. What date was that deposition taken, may I ask? Was it May 2?

Presiding Inspector: It was a Sunday.

By Mr. Myron:

Q. Do you know what day of the week it was when you were first contacted?

A. Yes. I know it was on Sunday; I can't recall the date.

Q. That was the first time that you knew anything about these arrangements, is that right?

A. The night before, on Saturday night, as I started to say, I was called by telephone by Mr. Craycraft asking me if I knew where I could get a reporter to take a deposition of somebody. I told him that I did, or would try and get him one. And that led up to the taking of this.

Q. That was all the conversation you had with Mr. Craycraft at that time?

A. Oh, I don't know. I know him well, you know. I might have had some—— [6936]

Q. (Interposing) Tell us your entire conversation with him over the phone?

A. I can't remember the conversation I had with a good friend of mine that I had known for years.

Q. I mean, in regard to securing or making arrangements for this statement to be taken?

A. He said they wanted to take a deposition, or a statement, and he wanted me to secure a reporter.

Q. He said "they" wanted?

(Testimony of William P. Lord.)

A. Well, I don't know how he said it—whether he said he wanted to take it or "they".

Q. Try to recall what was said?

A. He said Gladstein was there, or something to that effect—I don't know—and I was to arrange for a reporter. I was to take no part in the matter. It was a matter that didn't mean anything to me, but he wanted to get a reporter to take a statement, and he wanted it to be sworn to, and I said that I would secure him a reporter. That must have been around ten o'clock or it may have been after ten. [6937]

Q. This was the night preceding?

A. The night preceding, yes sir.

Q. And did you make arrangements to secure a reporter? A. The next morning I did.

Q. You made the arrangements the next morning? A. Yes, sir.

Q. And whom did you talk with the next morning?

A. I talked with Mrs. Roscoe Hunt.

Q. Mrs. who? A. Roscoe Hunt.

Q. Who is she?

A. She is the wife of the reporter, official reporter of one of the departments of the Circuit Court of the State of Oregon, Multnomah County, and then I called up Alfred P. Dobson who is Judge of the Circuit Court and asked him where I could get ahold of a young man by the name of Michelet who is assistant reporter in that department of the Circuit Court, and I couldn't—

(Testimony of William P. Lord.)

he didn't know where I could get ahold of that gentleman, so I then called up Ray Shoemaker and eventually secured his services.

Q. Now, what time was this?

A. Oh, some time after nine o'clock, between nine——

Q. (Interposing) Sunday morning, is that right? A. Sunday morning.

Q. And Shoemaker agreed——

A. (Interposing) Reluctantly. [6938]

Q. What is that?

A. Reluctantly he agreed to.

Q. Now, how did you know where to have Mr. Shoemaker come? A. I beg your pardon?

Q. Where was Mr. Shoemaker to go?

A. I told him to go to my office.

Q. Who had made arrangements to have your office? A. I had.

Q. When?

A. Over the telephone the night before.

Q. Well, then, a part of the conversation the night before was to have the use of your office?

A. A part of the conversation was I would secure a reporter and he would come to my office and take the deposition or the statement and I would——

Q. (Interposing) Who asked you to make your office available for the taking of this statement? A. I think Mr. Craycraft did.

Q. Was there anything else said that Saturday night? A. Not that I can recall.

(Testimony of William P. Lord.)

Q. There were only two things taken up then, that was first securing your office, the second a reporter, is that right? A. Yes, sir.

Q. And Sunday morning you secured the services of Mr. [6939] Shoemaker? A. Yes, sir.

Q. That was about 9:00 o'clock?

Presiding Inspector: That is what he said, I think.

A. It was between 9:00 and 10:00. I can't remember details so closely.

By Mr. Myron:

Q. Now, did you get in touch with anyone after 9:00 or 10:00 o'clock when you secured Mr. Shoemaker's services? A. No, sir.

Q. Did you call Mr. Gladstein or Mr. Craycraft?

A. I did not. I didn't even know where Mr. Gladstein was staying at the time.

Q. Well, how did you let them know that you had secured a reporter?

A. They were coming in after, I thought 10:00 o'clock, but it seems that their appointment was 11:00 when they expected to be there, and they didn't get there until 12:00.

Q. Then, arrangements were made the night before, is that it, that Mr. Gladstein and Mr. Craycraft were to be at your office at a certain time?

A. I am not certain that I even knew that Mr. Gladstein was—maybe I did—but I told them my office would be available to them for the purpose of taking the deposition.

(Testimony of William P. Lord)

Q. You didn't know Mr. Gladstein was going to partici- [6940] pate in that, is that right?

A. Well, I didn't say that. You know, sometimes——.

Q. (Interposing) Saturday night?

A. You know sometimes details like this are not very significant to you. I wouldn't undertake to——

Q. (Interposing) Was there any mention about Mr. Gladstein Saturday night in your conversation with Crayeraft?

A. I am trying to——

Presiding Inspector: (Interposing) He is testifying about that.

A. (Continuing) I am trying to give you the information. I really don't know. I think it is fair to say I understood there was someone from San Francisco representing Mr. Bridges who was going to take a statement of somebody.

By Mr. Myron:

Q. What did Crayeraft say about that?

A. Well, I don't know. He just simply wanted a place to take a deposition. He wanted somebody to swear a witness and he wanted a Court reporter.

Q. Crayeraft himself?

A. Crayeraft is the one that called up.

Q. And he wanted the room made available to him and a Court reporter made available to him?

A. Now, that isn't fair to——

Q. (Interposing) Well, I want to get the entire conversation you had. [6941]

(Testimony of William P. Lord.)

A. You know, I wouldn't expect Mr. Crayeraft to take the deposition; you know that, an attorney. I expected——

Q. (Interposing) Well, what was the conversation?

Presiding Inspector: He has given you the conversation two or three times.

Mr. Myron: He has not mentioned——

Presiding Inspector: (Interposing) I beg your pardon. He mentioned that he understood that some one from San Francisco was going to be there and he had the impression it was Mr. Gladstein that was mentioned; he isn't quite sure.

By Mr. Myron:

Q. Did you know Mr. Gladstein?

Presiding Inspector: Just a moment. You have been over that. You have searched his recollection on that.

Mr. Myron: My question now, your Honor, is did he know it was Mr. Gladstein who was coming there to take the statement.

Presiding Inspector: He has testified as to that. He has testified as to that, that he understood someone from San Francisco was coming and he has the impression that it was Mr. Gladstein. He isn't sure of it.

By Mr. Myron:

Q. Did you get that impression from the conversation you had with Mr. Crayeraft Saturday night? A. Yes, yes sir.

(Testimony of William P. Lord.)

Q. Now, what time was the appointment on Sunday morn- [6942] ing?

A. Well, I thought it was 10:00 o'clock so I——

Q. (Interposing) And when did somebody arrive in your office?

A. Well, I got the reporter there; he came there along a little after 10:00.

Q. Is that Shoemaker?

A. That was Shoemaker.

Q. Did he come with you?

A. He came to the office.

Q. With you?

A. Oh, no; he lives on the other side of the river from where I live.

Q. What time did you get to the office?

A. Oh, I should judge just around 10:00.

Q. What time did Mr. Shoemaker get there?

A. A few minutes later.

Q. Now, when did Mr. Gladstein arrive?

A. Well, they didn't get there until somewhere around noon.

Q. About 12:00?

A. Uh-huh (Affirmative).

Q. Who was with Mr. Gladstein?

A. Well, I think he came in with Mr. Crayeraft.

Q. Mr. Gladstein and Mr. Crayeraft came into your office? [6943]

A. He may not have; I can't answer those questions definitely because I don't know. I didn't pay enough attention to it. It didn't seem signifi-

(Testimony of William P. Lord.)

cannt to me and I didn't pay any attention to it as to who came in. I know that they all shortly arrived about the same time, that is, this man whose testimony was going to be taken and——

Q. (Interposing) Well, you know his name?

A. Well, I know it, but I can't say it very well. I don't speak——

Q. (Interposing) Were they all together when they came into your office?

A. Well, I don't know; I can't recall. They were there very shortly. If they may have come in together or not, I don't know.

Q. You don't recollect seeing Mr. Cannalonga come into your office, is that right?

A. Yes, I recollect the man coming in, yes.

Q. What was the first thing that took place in the office after they were all there?

A. Oh, the usual amenities were——

Q. (Interposing) Not the usual thing. I am talking about what happened at this meeting?

A. Well, I said "How do you do." They said "How do you do". And I said "How are you this morning, Rosco", meaning Mr. Crayeraft, and they introduced me to this fellow Cannalonga.

Presiding Inspector: That is right, pretty nearly right, [6944] as right as I can get it.

The Witness: And Shoemaker and I were discussing some books and the deposition started. I swore——

By Mr. Myron:

Q. (Interposing) They all sat down?

(Testimony of William P. Lord.)

A. Well, it is pretty hard for me to answer that question. I know that Mr. Gladstein sat down and I know that this fellow Cannalonga——

Presiding Inspector: Not so good that time.

The Witness: (Continuing) ——Sat down, and whether Mr. Craycraft sat down or not I don't know but I think he did.

By Mr. Myron:

Q. And then what happened?

A. I swore this fellow Cannalonga and the reporter sat on one side and Mr. Gladstein on the other, and Cannalonga over on the other.

Q. Did Mr. Gladstein speak to you before you swore Cannalonga in?

A. Not very much. He may have said a word or two.

Q. Did he tell you what the purpose of this meeting was?

A. I knew enough about it to know that they were going to take the testimony of a witness.

Q. Well, now, did he say anything to you?

A. Well, now, I couldn't answer that. You know how— [6945] I mean to say, he may have said something to me but there was no discussion as to whether this fellow was—he was a perfect stranger to me; I never saw him before.

Q. What is your best recollection? Did Mr. Gladstein say anything to you at all before you swore in Cannalonga?

A. He may have spoken in a friendly way, but nothing about who this individual was.

(Testimony of William P. Lord.)

Q. Nothing about this statement? A. No.

Q. And after you swore Mr. Cannalonga what happened?

A. Well, I stayed there in the room and these questions were asked and Cannalonga answered as he came around to it, or got around to it. He sat there taking everything in and looking around the room and answering questions when he got around to it.

Q. Did Mr. Gladstein do all the questioning?

A. Yes, sir.

Q. Now, when did Mr. Crayeraft leave the room?

A. Well, I don't know. He left it after a few minutes.

Q. Had Mr. Gladstein started to question Cannalonga? A. Yes, he had.

Q. How many questions—your best recollection on this—how many questions had he asked before Crayeraft left the room?

A. I think Crayeraft had—or, I think, this individual had got down to the point where he had related the circum- [6946] stances of his connecting up with the Government Intelligence Department and explained in detail how he had met those men, been called upon, how he had been involved with some——

Q. (Interposing) Was that shortly after Mr. Gladstein started his questioning?

A. Oh, it was quite a little while. He got up and——

(Testimony of William P. Lord.)

Q. (Interposing) Now, had Mr. Cannalonga left the room prior to Mr. Craycraft at any time?

A. He left the room twice, according to my recollection.

Q. Prior to the time that Mr. Craycraft left the room, is that right?

A. Well, I sent Craycraft downstairs to the street to do——

Q. (Interposing) You sent him down?

A. Yes, sir.

Q. Well, now, did you answer my question?

A. No, I hadn't. Cannalonga said he wanted to go to the lavatory so I told Mr. Craycraft where it was and to take him down there.

Q. Is that the only occasion——

A. (Interposing) Well, then, he came back and I said "I want you to go down and talk to my wife because she will be getting pretty hot under the collar having to sit in the automobile so long", and so on.

Q. Then—— [6947]

A. (Interposing) So he went down there, you see, and then he came back after a while and he brought my wife back up into the office.

Q. Then, before Mr. Craycraft left the room Mr. Cannalonga went outside on one occasion?

A. Yes sir, one occasion.

Q. Is that right? A. Yes, sir.

Q. Who went with him?

A. Mr. Craycraft.

(Testimony of William P. Lord.)

Q. Was he the only one? A. Yes, sir.

Q. How long were they gone on that occasion?

A. Oh, I should judge two or three minutes.

Q. And this was shortly after Mr. Gladstein had started to question Cannalonga?

A. Well, he had gone through quite a number of questions and answers.

Q. Now, after Craycroft left the room did Mr. Cannalonga leave again?

A. Well, one time he went out and didn't come back, as I understand it. I forget.

Q. He went out and didn't come back?

A. He left abruptly. He was asked a question and he just picked himself up and got out.

Q. Was that the only occasion that he left the room [6948] after Craycraft left?

A. Well, I would like to be more specific but I can't. You know, the matter didn't register in that sort of a way that I could be definite about the details of a thing of that kind. I didn't think it of sufficient consequence. I saw the man there. I thought he was disturbed and I sought to advise him as any attorney would.

Q. Now, did Mr. Gladstein leave the room at any time?

A. No, I don't think—no, he didn't to my knowledge.

Q. Did Mr. Shoemaker leave the room at any time? A. No, he did not.

Q. Now, you said, you testified that you did

(Testimony of William P. Lord.)

leave the room and go out into the hallway with Mr. Cannalonga on one occasion.

A. Well, I talked to Cannalonga twice.

Q. When was the first time that you talked with Cannalonga with reference to the time Craycraft left the room?

A. Well, now, with reference to—I got him out in the hallway leading into my office which comprises a library, and there I talked to him.

Q. That was after Craycraft left the room?

A. Well, I think Craycraft came back with him from the lavatory—I may be mistaken on it—but the sense of it is that I talked to him and Craycraft was not there. I think Craycraft came into my office.

Q. Well, as I understood your testimony before Mr. [6949] Craycraft left to go down on the street he went out with Mr. Cannalonga on one occasion? A. Yes, sir.

Q. Is that right? A. That is correct.

Q. To go to the lavatory? A. Yes, sir.

Q. Now, after Mr. Craycraft went down on the street you went out in the hallway with Mr. Cannalonga on two occasions, is that true?

A. Well, I talked to him on two occasions. I don't know about the details, whether Craycraft was in my office or had gone down on the street or not, sir.

Q. Well, when you talked with Mr. Cannalonga in the hallway outside the room was Mr. Craycraft with Cannalonga or with you?

(Testimony of William P. Lord.)

A. Mr. Cannalonga and I talked alone, sir.

Q. You were alone? A. Yes, sir.

Q. Now, what was the occasion of Mr. Cannalonga going out with you the first time?

A. Well, I don't know; it isn't clear in my mind what it was. I think I may have asked him out there and talked to him.

Q. Well, why?

A. Why did I talk to him? [6950]

Q. Yes? What was the occasion for your going out in the hallway and talking with Cannalonga?

A. I wanted—I didn't want anyone to give a deposition or be a party to the giving of a deposition which might be coerced or be unwilling in any way to give a statement, or to give a statement that might be the result of any fear of any kind.

Q. And then you took Mr. Cannalonga out in the hallway and advised him of that?

A. I advised him that he didn't—yes, I will answer it that way, if you ask me if I advised him, yes, I advised him.

Q. You had the impression that he was being coerced and intimidated and you wanted to advise him that he didn't necessarily have to answer those questions?

A. Well, I didn't know whether he was or not. He was what you would call a reluctant witness.

Q. Well, that was your impression. That is the reason you took him out into the hallway and talked with him?

(Testimony of William P. Lord.)

Mr. Grossman: What was his impression?

Mr. Myron: He can answer; he is an intelligent witness. Let him answer the question.

Mr. Grossman: Just a moment. I think we are entitled to know what Mr. Myron means when he says "that was your impression."

Presiding Inspector: Read the question before that. [6951]

Mr. Myron: I will withdraw it and ask another

By Mr. Myron:

Q. As a result of certain things that happened in that room you brought Cannalonga out in the hallway and had this conversation with him, is that right?

A. Not as the result. It is the result of his own demeanor, not of anything else; his own demeanor in answering questions. I thought that——

Q. (Interposing): Well, can you describe his demeanor?

A. Well, I can, yes; but I don't want to.

Q. Was he reluctant? A. Well, it is——

Q. (Interposing): Hesitant?

A. No, I wouldn't say that he was hesitant. It was the typical Commie complex that——

Q. (Interposing): What is the "typical Commie complex?"

A. Oh, I can't answer it; you know it as well as I do.

Q. I don't know it. I want to find out what it is.

A. Well, he knows what is going on; he knows all about everything and he is just feeling his way

(Testimony of William P. Lord.)

around and not answering questions when he should answer them, and when he should answer them he won't answer them, or what-not. It is pretty hard to say.

Q. Well, was Mr. Cannalonga bound to answer any questions at this meeting? [6952]

A. Now——

Q. What is that?

A. I couldn't force him to answer any questions. If he wanted to be as he is it isn't my fault. I just——

Q. (Interposing): Well, did it appear to you as though somebody else was forcing him to answer questions?

A. I didn't know what was happening, what was in the back of his mind. He was a funny individual.

Q. Well, did it appear to you as though somebody in that room was forcing him to answer the questions?

A. Certainly not, or there wouldn't have been any questions answered, sir.

Q. Well, then, why did you take him out in the hallway?

A. Because I thought the man had been guilty of some crime or something and that he was going to get himself into trouble. I wanted him to tell the truth about himself, or about what had happened in respect to Mr. Bridges. If he had made a mistake or if he had done wrong I wanted him to rectify the wrong.

Q. Well, what questions were asked in that room

(Testimony of William P. Lord.)

which indicated to you that he was guilty of any crime?

A. Oh, his general demeanor. I didn't know who the man was. He was a——

Q. (Interposing): This is Cannalonga's demeanor? [6953] A. Yes, sir.

Q. What about his demeanor indicated to you that he might have been guilty, or thought he might have been guilty of any crime?

A. Oh, I don't know. It was just simply—I put that in. That is just that I didn't know what the man had been into. It struck me that something was funny about it.

Q. Then, why did you take him out in the hall and talk with him?

A. Because I want to see the man protected if there was anything wrong in his career.

Q. He needed protection there, didn't he?

A. He didn't need any protection, except if he needed protection, advice from a lawyer he should have it and he was going to get it. It was in my office and I was taking his deposition.

Q. The protection that you thought he needed was he needed a lawyer there?

A. If he couldn't—yes, I did.

Q. He was not in any condition, was he?

A. Certainly, he was in a condition. You mean to say what condition?

What do you refer to by "condition"?

Presiding Inspector: He means——

(Testimony of William P. Lord.)

By Mr. Myron:

Q. (Interposing): To answer questions?

A. Oh, of course he was. It was perfectly——

[6954]

Q. (Interposing): And he didn't want to answer any questions, did he?

A. Well, I thought he did and he didn't.

Q. Now, did Mr. Gladstein force him?

A. Oh, I should say not.

Q. To answer?

A. I should say not. Mr. Gladstein treated him as courteously and as decently——

Q. (Interposing): Well, did you do anything?

A. You heard what I have done.

Q. Did you do anything in that room to force him to answer these questions?

A. I certainly did not.

Q. Well, did Craycraft?

A. No; Rosco sat over on the side, or stood over by the window.

Q. Then, can you tell us why you took him out in the hall?

A. For the same reason that you would as an attorney.

Q. Well, what is that reason? If you want my answer and on the record, why, I don't know whether it would stand or not, but what is your reason?

Presiding Inspector: Hasn't he given it two or three times?

The Witness: I thought my—— [6955]

(Testimony of William P. Lord.)

Mr. Del Guercio: If the Court please——

Presiding Inspector: (Interposing) Wait, let's see if he has given it. He said he acted as a reluctant witness, there was something funny about him, and it impressed him that he might have some kind of psychological complex, he didn't understand it, and that it occurred to him that he might need advice.

Mr. Myron: Protection.

Presiding Inspector: That is all.

Mr. Myron: And protection, I think, he said.

Presiding Inspector: Protection, yes. So he suggested that he might want to see a lawyer and he would arrange it.

I think you have covered it.

Mr. Myron: All right, your Honor. I will go on to another subject.

Presiding Inspector: Yes.

By Mr. Myron:

Q. Now, after this meeting in the hall, or conversation in the hall with Mr. Cannalonga, did you go out again with Mr. Cannalonga?

A. Yes, sir.

Q. Before the meeting broke up?

A. Well, I don't know whether I did or not. I know I talked to him a second time.

Q. Where was that conversation held?

A. In the hall leading to the elevator. [6956]

Q. Who was present?

A. Myself and my wife. Mrs. W. P. Lord.

Q. And what did you tell Cannalonga, or what

(Testimony of William P. Lord.)

conversation did you have with Cannalonga on that occasion?

A. I told him that I thought if he had done a wrong towards Mr. Bridges that he should rectify it, but if there was anything that prevented him from doing it that he ought to go and talk to an attorney about his rights and what was advisable for him to do, and I would be glad to name some lawyers who would give him the correct advice.

Q. And this was before the final question was asked?

A. Well, I think it was afterwards. I think that I went down the hall with him and my wife. We were anxious to get away. We had been there two hours and she was cold, it was a cold morning, and more than two hours had transpired, as a matter of fact.

Q. Where was Mr. Gladstein?

A. I left him in my office.

Q. And who was with Mr. Gladstein in your office?

A. Mr. Crayeraft. Maybe Cannalonga was afterwards; I don't know; I can't——

Q. (Interposing): Was Shoemaker there?

A. That is right; it was Shoemaker; that is right. I left the office. Cannalonga walked down the hall to the elevator.

Q. Did Mr. Cannalonga go out on this occasion before [6957] you did?

A. No. As I recall it, he went out with me, but I may be mistaken on that. It was not a matter

(Testimony of William P. Lord.)

that impressed itself on my memory at all, but I know I talked to him in the hallway there.

Q. Well, did you come back into the office after you had this conversation with Cannalonga?

A. No. The last conversation?

Q. This last conversation?

A. No, sir. I did not.

Q. You did not come back in the office?

A. No, sir.

Q. Where did you go?

A. Well, in order to make peace with my wife I took her up to restaurant——

Q. (Interposing): No, no. We are outside of your office near the elevator.

A. I went down the elevator and got into my automobile and drove up to a place called Henry Thiele's.

Q. Now, we are not——

Presiding Inspector: (Interposing) We are not interested in that.

By Mr. Myron:

Q. We are not interested in that. Did Cannalonga go down in the elevator with you?

A. I think he did; he may not have. [6958]

Q. Your wife was with you at the time?

A. Yes, sir.

Presiding Inspector: Craycraft?

The Witness: Craycraft was not, your Honor.

By Mr. Myron:

Q. Then, you and Cannalonga and your wife, went down in the elevator?

(Testimony of William P. Lord.)

A. That is my recollection.

Q. To the first floor?

A. That is my recollection.

Q. Did you talk with Cannalonga in the elevator?

A. I think I had finished my conversation with him.

Q. Where did you leave Cannalonga after you got off the elevator?

A. In the—I am not going to answer that because I don't know. It isn't definite in my mind about what took place at that stage of the proceeding.

Q. Don't you remember this conversation you had with Cannalonga?

A. I remember the conversation, its general import; that was up on the fourth floor of this building near the elevator, but what—whether he went down in the elevator with me or not I can't recall definitely.

Q. Do you recall seeing Cannalonga leave the building? A. No, I don't.

Q. Well, in any event you left Craycraft, Shoemaker and [6959] Gladstein in your office?

A. Yes, sir.

Q. And you and Cannalonga out in the hallway?

A. He bolted out; we were through. He was not going to answer certain questions apparently and he went out, so I said to my wife "We will go now", and I says "If you need any library facilities here, Mr. Gladstein, they are here for you." And I went

(Testimony of William P. Lord.)

down the hallway and there was Cannalonga waiting at the elevator and at that stage of the proceedings I talked to him again.

Q. Who told you the proceedings or the meeting there was over? A. Nobody.

Q. How did you realize that the meeting was over?

A. Well, when he came to the point where he was asked as to whether or not he hadn't been threatened he sat there in his chair and stared, and all of a sudden he jumped up and started down the hallway out of the office, so I proceeded——

Q. (Interposing): Didn't say anything, just jumped up and walked out?

A. Yes; I think I waited a minute or two.

Q. Just a minute. I am getting Cannalonga. You say he jumped up and bolted out; is that right?

A. Well, he just left.

Q. Didn't say anything? [6960] A. No.

Q. And then you took your hat and went out?

A. In a minute or two. When I got out he was there by the elevator and again I engaged him in this conversation.

Q. And you told Gladstein that he could have the use of your library and you left him with Crayeraft and Shoemaker in your office?

A. That is my recollection, yes.

Q. Now, when you got outside where was Cannalonga?

Presiding Inspector: You mean outside of that?

Mr. Myron: Outside of his office.

(Testimony of William P. Lord.)

Presiding Inspector: He told you where he was.

Mr. Myron: I want to find out where he first met him.

By Mr. Myron:

Q. Now, Cannalonga was out in the hallway, as I understand it?

Presiding Inspector: He has told you.

Mr. Myron: I would like to have it again, that one question.

Presiding Inspector: All right, tell him again.

A. I think he rang for the elevator. I was coming up to the elevator. The elevator was not very fast on Sunday and the result was that I talked to him again in front of the elevator door.

By Mr. Myron:

Q. How long a conversation did you have with him [6961] there?

A. Oh, just long enough to tell him that he was not compelled—you asked me how long? I should judge a minute and a half or two minutes. [6962]

Q. And you went immediately into the elevator and went downstairs? A. Yes, sir.

Q. And Cannalonga had rung for the elevator?

A. He had what?

Q. You had rung for the elevator?

A. He had rang for it; yes, sir.

Q. And the three of you——

A. (Interposing): I say "Yes, sir." He was in front of the elevator door.

Q. Now, does it refresh your recollection as to

(Testimony of William P. Lord.)

whether he went downstairs with you in the elevator? A. It doesn't.

Q. You don't remember?

A. I don't remember.

Q. Have you talked—after you left the building did you get in touch with Mr. Gladstein again?

A. I didn't see him again.

Q. Did you talk with him?

A. You mean while he was in Portland on that trip?

Q. That is right. A. No, sir.

Q. Who had the key to your office?

A. I think it was turned over to—he had a key—I don't know whether I gave him a key or not. I might have [6963] given Craycraft a key.

Q. You gave Craycraft a key?

A. I might have. I can't recall whether I did or not.

Q. Did you talk to Craycraft about this meeting after you left the building?

A. What period of time are you referring to, sir?

Q. After you left the building.

A. On that day, no.

Q. Did you talk to him the next day?

A. I don't know. Those kind of matters are not clear in my mind. I don't think I did.

Q. Did he return the key to you?

A. He probably did; if he had it he did. I know I have it. I only have one key.

(Testimony of William P. Lord.)

Q. You don't remember him returning the key to you? A. I don't recall the incident.

Q. You only have one key?

A. I only have one key and I know where it is right now.

Q. How did you get in the office the next day?

A. Oh, there are several other parties that have keys to my office. I don't get down there and open up the office myself, you know.

Q. When did you talk next to Mr. Crayeraft about this incident?

A. I don't know. I may have talked to him.

[6964]

Q. When?

A. Well, I think he was in my office Saturday morning—Saturday morning I talked to him.

Q. That is the first time you talked to him since this incident on Sunday?

A. No, no. He came out to my house one night.

Q. When was that?

A. That was some time ago. It was before he came down here to testify?

Q. Right after this Sunday meeting?

A. Well, it was some time afterwards.

Q. You talked about this incident?

A. He and his wife and children came out, drove out one Sunday night, as I recall it.

Q. You talked about this incident on one of the previous Sundays?

A. I don't think so much was said about that. I may have made some comment on it.

(Testimony of William P. Lord.)

Q. You stated on direct examination that Mr. Cannalonga was laboring under—you asked Mr. Cannalonga if he was laboring under any strain. Was that the first occasion, first conversation you had with him?

A. Yes, sir.

Q. How close were you at any time to Mr. Cannalonga while he was in the room? [6965]

A. As close as this gentleman (indicating) here is to me.

Q. And during the——

Mr. Grossman: For the record, that is Judge Goodwin, who is about three feet away, is that correct?

The Witness: That is about correct.

By Mr. Myron:

Q. And during the latter part of the questioning Mr. Cannalonga said nothing, is that right?

A. Yes; he refused—he didn't refuse, but he just looked through his glasses and didn't answer.

Q. And the questions which Mr. Gladstein was asking were leading questions, were they not?

A. I thought so, but that was a matter of opinion.

Q. Your opinion as an attorney is that they were leading questions, is that right?

A. They were.

Q. And it was in the course of this questioning that Mr. Cannalonga got up from his chair and bolted from the room?

A. Well, the word "bolted" is too descriptive.

Q. I thought you used that word?

(Testimony of William P. Lord.)

A. I may have used the word "bolted". He got up and out he goes.

Q. Now, while Mr. Craycraft was downstairs did Mr. [6966] Gladstein ask any questions?

A. Yes. The examination went right along the same.

Q. Well, how long would you say Mr. Craycraft was out of the room with your wife, I understood you to say. A. Yes. Some little time.

Q. How long? A. Quite some little time.

Q. How long would you say?

A. Oh, it would be very difficult to estimate.

Q. Half an hour? A. No, sir.

Q. Twenty minutes?

A. That would be very liberal.

Q. About fifteen or twenty minutes?

A. I think about fifteen minutes; maybe not that long.

Q. How many times did Mr. Craycraft go out of the room with Cannalonga, other than the first occasion when he went out to the lavatory?

A. He only went out once to my recollection.

Q. That was the time he went out to the lavatory?

A. Of course, he went out with him once and then he went out to get my wife.

Mr. Myron: That is all.

Presiding Inspector: That is all.

Mr. Grossman: No more questions. [6967]

Presiding Inspector: You don't want this witness any further?

(Testimony of William P. Lord.)

Mr. Grossman: No, sir.

Presiding Inspector: You are excused, Mr. Lord.

(Witness excused.)

Mr. Grossman: May we have a recess?

Presiding Inspector: Yes.

(Whereupon a short recess was taken.)

Mr. Del Guercio: I believe Mr. Madala was on the stand for further cross examination.

Presiding Inspector: Yes.

No. 10450

United States

Circuit Court of Appeals

For the Ninth Circuit.

HARRY BRIDGES,

Appellant,

vs.

I. F. WIXON, as District Director, Immigration and Naturalization Service, Department of Justice,

Appellee.

Transcript of Record

VOLUME XVI

Pages 7235 to 7745

Upon Appeal from the District Court of the United States for the Northern District of California, Northern Division

Rotary Colorprint, 590 Folsom St., San Francisco

JOHN L. MADALA

called as a witness in rebuttal on behalf of the Government, having been previously duly sworn, testified further as follows:

Cross Examination (Resumed)

By Mr. Grossman:

Q. Mr. Madala, in the first statement, the October 8th statement, there appears the following language:

"The only time I ever appeared as witness in any civil or criminal litigation was in 1937 at Seattle, Washington. This was either in the Superior Court or Federal Court, I do not remember which. I testified as an expert witness for the plaintiff in the case of Golden vs. McCormick Steamship Company, wherein seaman Golden sued the McCormick Steamship Company for damages of a personal injury sustained by him [6968] while he worked on one of the company's ships."

Was the information contained in what I have read given to you by Cannalonga when he talked to you in the FBI office or in the hotel room?

A. Yes, sir.

Q. Including the name of the case?

A. Yes, sir.

Q. You are sure of that? A. Positive.

Q. Between the time that Cannalonga testified here—withdraw that. After Cannalonga testified here for the first time and left San Francisco, when was the next time that you saw him?

A. After he left San Francisco?

Q. That is right?

(Testimony of John L. Madala.)

A. Oh, on the late afternoon of May 29, 1941.

Q. Where did you see him?

A. I saw him at the home of Mr. and Mrs. Emel, 3003 East 115 Street, Seattle.

Q. How did you know he was there?

A. I was watching the house.

Q. How long had you been watching the house?

A. I had been watching the house intermittently for ten days.

Q. What do you mean by "intermittently"?

[6969]

A. I would drive by every morning, every afternoon and every evening.

Q. How did you know he was there on this particular occasion?

A. Because I saw his car in the driveway that morning.

Q. Did you have a discussion with him that same day? A. Yes, sir.

Q. Did you tell him there was a subpoena out for him?

A. Yes; I told him they were trying to serve him with a subpoena, yes.

Q. Did you describe the subpoena to him?

A. No.

Q. Did you do anything to get that subpoena served?

A. Yes. I called Mr. Bonham and told him that we had located Cannalonga and that he was available if he wanted to serve him with a subpoena.

Q. Did you arrange with Mr. Bonham how and when the subpoena would be served?

(Testimony of John L. Madala.)

A. Yes. I told him Mr. Cannalonga would be in our office at 2:00 P.M. on May 30th.

Q. And was he served in your office on May 30th? A. Served in my presence; yes, sir.

Q. At that time, or about that time, did you discuss with Mr. Cannalonga the meaning of the subpoena? A. No, sir. [6970]

Q. Did you ever discuss with Mr. Cannalonga what the subpoena meant? A. No, sir.

Q. Did you ever tell Mr. Cannalonga that the subpoena required him to appear in San Francisco forthwith?

A. I guess that was written on the subpoena.

Q. Did you ever discuss that with him?

A. No, sir.

Q. Was it discussed with Mr.—withdraw that. Did anyone in your presence, after the subpoena was served, discuss with Mr. Cannalonga his obligations under the subpoena?

A. Yes; Mr. Schwandt, the Inspector that served him.

Q. What did he say?

A. That it was a forthwith subpoena.

Q. Did he explain the word "forthwith" to Mr. Cannalonga?

A. I don't know that it was necessary; I am sure he didn't.

Q. Did he explain to Mr. Cannalonga where Mr. Cannalonga had to go? A. San Francisco.

Q. Is that all he said?

A. That is all I heard; yes, sir.

(Testimony of John L. Madala:)

Q. Did Mr. Schwandt say anything except that Mr. [6971] Cannalonga had to go to San Francisco forthwith in response to the subpoena?

A. Not to my recollection.

Q. Was there ever any other discussion in your presence with Mr. Cannalonga with respect to his obligation under that or any other subpoena?

A. There was no discussion about a subpoena at all. He knew he had to come down here, and when he was served he took the first available train out of there.

Q. Was there ever, outside of that occasion which Mr. Schwandt made the service, was there ever, in your presence, any explanation to Mr. Cannalonga of the effect of any subpoena that was served on him?

A. No, sir.

Q. Did you ever have a discussion with Mr. or Mrs. Emel with respect to the whereabouts of Cannalonga?

A. Yes. I had a daily discussion with Mrs. Emel.

Q. What did she tell you about his whereabouts?

A. She told me that he left hurriedly at midnight May 9th, left in his automobile with his clothes, and she hadn't the slightest idea where he went.

Q. Did you have any discussion with Mr. Emel about it?

A. Mr. Emel was on the high seas at the time I was in Seattle, during that period. [6972]

Q. Did you ever have a discussion with Mr. Emel on this question? A. No, sir.

(Testimony of John L. Madala.)

Mr. Grossman: I would like to ask Mr. Del Guercio through you, your Honor, whether we have copies of those letters available at this time?

Mr. Del Guercio: I telephoned about them this noon and I haven't heard yet. I had to take a number of them. I didn't know which ones they were. I have phoned, but haven't heard yet.

Mr. Grossman: No more questions.

Presiding Inspector: Any redirect?

Mr. Del Guercio: Yes, your Honor. Just a minute.

Redirect Examination

By Mr. Del Guercio:

Q. Mr. Madala, do you recall the time that Cannalonga testified in these proceedings the first time?

A. Yes, sir.

Q. Did you see Cannalonga after he got off the stand? A. Yes.

Q. Did you have any conversation with Cannalonga after he got off the stand?

A. Nothing particularly; no, sir.

Q. Did you bawl out Cannalonga in the manner in which he testified? [6973]

A. No, sir; I thought he made a good witness.

Q. Did anyone in your presence bawl Cannalonga out? A. No, sir.

Mr. Del Guercio: That is all.

Presiding Inspector: That is all.

(Witness excused.)

Presiding Inspector: Call the next witness. Raise your right hand.

ABRAHAM DICKSTEIN

called as a witness in rebuttal on behalf of the Government, having been first duly sworn, testified as follows:

Presiding Inspector: Give your name and address to the reporter.

The Witness: Abraham Dickstein—D-i-c-k-s-t-e-i-n.

Direct Examination

By Mr. Del Guercio:

Q. Mr. Dickstein, are you employed by the Federal Bureau of Investigation? A. I am.

Q. And how long have you been employed by the Federal Bureau of Investigation?

A. For the past seven years and two months.

Q. In what capacity? A. Special Agent.

Q. Were you so employed on October 8, 1940?

[6974]

A. I was.

Q. Do you know a Maurice Cannalonga?

A. I do.

Q. Maurice Joseph Cannalonga, is it?

A. Yes, sir.

Q. When did you first contact or see Maurice Cannalonga? A. About October 7, 1940.

Q. Where?

A. At the front of the Immigration Building at Seattle, Washington.

Q. And who was with you at the time?

A. I was there myself.

(Testimony of Abraham Dickstein.)

Q. Did you see Cannalonga, or contact Cannalonga on more than one occasion thereafter?

A. Yes.

Q. Did you take a statement from Cannalonga, or were you present when any statement was taken from Cannalonga?

A. I was present when the statement was taken from Cannalonga.

Q. Mr. Dickstein, I show you Government's Exhibit No. 208 here, and ask you if you witnessed Mr. Cannalonga's signature on that statement?

A. (Examining statement) Yes.

Q. Now, did Cannalonga read this statement before he [6975] signed it? A. He did.

Q. In your presence? A. Yes, sir.

Q. And did he make any corrections?

A. He did.

Q. And the corrections appear—did you see Cannalonga make the corrections appearing on this Government's Exhibit? A. Yes, sir.

Q. I show you Government's Exhibit No. 209 and ask you if you witnessed Cannalonga's signature on that statement?

A. (Examining statement) Yes, sir.

Q. Did Cannalonga read that statement before he signed it? A. He did.

Q. In your presence? A. He did.

Q. I show you Government's Exhibit 210 and ask you if you witnessed Cannalonga's signature to that document?

A. (Examining document) Yes, sir.

(Testimony of Abraham Dickstein.)

Q. Were you present when Cannalonga signed it?

A. Yes, sir.

Q. Did Cannalonga read this before he signed it?

A. He did. [6976]

Q. In your presence? A. Yes, sir.

Q. Now, Mr. Dickstein, did you, at any time, at any place, anywhere, intimidate or coerce, or threaten Maurice Cannalonga? A. No, sir.

Q. Did anyone, at any time, at any place, in your presence, intimidate, threaten or coerce Cannalonga?

A. No, sir.

Q. Did Cannalonga sign these two statements that I have shown you, Government's Exhibits 208 and 209, the first one on October 8, 1940, and the second one on October 9, 1940, voluntarily?

A. I didn't get the last part.

Presiding Inspector: "Voluntarily."

A. Yes, sir.

By Mr. Del Guercio:

Q. Did Cannalonga at any time, any place, anywhere, say to you, or anyone in your presence, that he would refuse to sign Government's Exhibits 208 or 209 because they contained false statements?

A. No, sir.

Q. Did Cannalonga say to you, or to anyone in your presence, that Bridges and Schneidermann were not together at any Communist Party meeting? [6977]

A. He never said that.

Q. Did Cannalonga say to you or to anyone in

(Testimony of Abraham Dickstein.)

your presence that he would refuse to sign any statement because it contained a statement to the effect that Bridges and Schneidermann were together at a Communist Party meeting——

A. (Interposing) You will have to——

Q. (Continuing) ——because such a statement was false? A. No; he never said that.

Q. Did you, or anyone in your presence, say to Cannalonga at any time, any place, what had become of the girl that he, Cannalonga, had picked up at Reno? A. No, sir.

Q. Did you, or anyone in your presence, at any time, at any place, make reference to any girl to Cannalonga? A. Absolutely not.

Q. Did you say, or did anyone in your presence say, to Cannalonga at any time, at any place, anywhere, "You know the girl we are talking about?"

A. No, sir.

Q. Did you say, or did anyone in your presence say to Cannalonga, "You know the girl we are talking about?" A. No.

Q. Did you say, or did anyone in your presence say to Cannalonga, "Oh, yes, you know who we mean," or words to that effect? [6978]

A. No, sir.

Q. Did you say, or did anyone in your presence say to Cannalonga, say or mention the name of the girl and the various places, and the various states where Cannalonga had stayed with a girl?

A. No, sir.

(Testimony of Abraham Dickstein.)

Q. Did you describe, or did anyone in your presence describe to Cannalonga, the itinerary he was supposed to have taken with such a girl from the State of Nevada into the State of California, into the State of Oregon, and thence into the State of Washington? A. No, sir.

Q. Did you, or did anyone in your presence compute, in the presence of Cannalonga, how much one would get for conviction under the Mann Act?

A. No, sir.

Q. Did you, or did anyone in your presence say to Cannalonga, that he would get 20 years under the Mann Act? A. No, sir.

Q. Or words to that effect? A. No, sir.

Q. Was any discussion ever had at any time, any place, with Cannalonga regarding a Mann Act charge? A. Absolutely not.

Q. Did you know, at any of the times that you inter- [6979] viewed Cannalonga, or at any of the times that you were present with Cannalonga, that there was a Mann Act charge against him?

A. No, sir.

Q. Do you know now? A. No, sir.

Presiding Inspector: That relates to your information, as well as your knowledge? You haven't any information about that matter?

The Witness: No; we have no knowledge of it. Our files would disclose if there was such a violation against him.

Presiding Inspector: What?

The Witness: Our Bureau files would disclose if

(Testimony of Abraham Dickstein.)

there was such a violation against him. Our records would show if there ever was such a violation against him. There is no such record.

By Mr. Del Guercio:

Q. There is no such record of any such charges against Cannalonga? A. No, sir.

Q. Did you ever——

Mr. Grossman: (Interposing) Just one moment. We are going to object to that last question and answer because obviously it calls for hearsay; and if admissible we are going into the FBI records as to what they show. We submit we have a right to do it by subpoena. We consider this irrelevant [6980] because it is hearsay as to this person as to what the records show.

Presiding Inspector: I think what the records show is irrelevant—except his knowledge.

By Mr. Del Guercio:

Q. Did you have any information——

Presiding Inspector: Just his knowledge, his information. That is all that is really pertinent.

Mr. Del Guercio: That is right.

By Mr. Del Guercio:

Q. Did you ever have any information at any time——

Presiding Inspector: So the other answer may be stricken out.

By Mr. Del Guercio:

Q. (Continuing) ——that Cannalonga was violating the Mann Act or had violated the Mann Act?

(Testimony of Abraham Dickstein.)

A. No, sir.

Q. Or the White Slave Act? A. No, sir.

Q. Was that subject ever discussed with Cannalonga or in Cannalonga's presence? A. No, sir.

Q. What was Mr. Cannalonga's condition at the times that you talked to him or were present when some other agent talked to him? [6981]

A. He appeared very normal and intelligent and coherent in his conversation.

Q. Did he, at any time during your interviews with him, or interviews in your presence, appear to be under the influence of any drug, narcotic, or liquor? A. No, sir.

Mr. Del Guercio: You may cross examine.

Presiding Inspector: Cross examination.

Cross Examination

By Mr. Grossman:

Q. Mr. Dickstein, at the time you first talked to Mr. Cannalonga did you give him information about this Gowman Hotel meeting before he gave you information? A. No, sir.

Q. When Mr. Cannalonga testified the first time he was on the stand that you gave him information about, rather, that you, or Mr. Madala, gave him information about this meeting before he gave you any, would you state that he is not telling the truth?

A. He is not telling the truth there. We didn't give him no information like that.

Q. You are sure of that now?

(Testimony of Abraham Dickstein.)

A. We only heard it from him; we didn't give him that information. He gave it to us.

Q. You are sure of that? [6982]

A. I am absolutely positive that Cannalonga told us about the Gowman Hotel meeting.

Q. Before you told him anything about it?

A. Yes, sir.

Q. Did you know anything about this Gowman Hotel meeting before you talked to Mr. Cannalonga?

A. No, sir.

Q. Had you talked to any of the people that Mr. Cannalonga put in that meeting before you talked to Mr. Cannalonga? A. No, sir.

Q. Did you know anything about this alleged meeting in San Francisco at which Schneidermann and Bridges were present before Mr. Cannalonga told you about it? A. No, sir.

Q. Would you say that when Mr. Cannalonga testified that you gave him information about that meeting before he told you anything about it, that he was not telling the truth?

A. Will you explain that question again?

Mr. Del Guercio: I don't know as——

Presiding Inspector: I think you have a contradiction if——

Mr. Grossman: (Interposing) There is a better way to bring this out. [6983]

By Mr. Grossman:

Q. If I tell you that Cannalonga, when he was first on the stand here, stated that before he gave you

(Testimony of Abraham Dickstein.)

any information about that meeting in San Francisco, you and Madala, or one of you, gave him information about that meeting, would that affect your testimony any?

Mr. Del Guercio: I don't understand that question. I will object to it on the ground that it is not what the evidence is.

Presiding Inspector: I don't know, but I think that you have a complete contradiction if he did say he had.

Mr. Grossman: I want to know if he will change his testimony considering what Cannalonga testified to?

Presiding Inspector: Ask him, on the basis of whatever he did say, he would want to change his testimony.

By Mr. Grossman:

Q. Would you want to change your testimony if I told you that when Mr. Cannalong was on the stand here he stated that you and Mr. Madala told him about a meeting in San Francisco in which Schneidermann and Bridges were present, before he mentioned it to you?

Mr. Del Guercio: I object to that question, I don't recall any such testimony.

Presiding Inspector: I don't recall.

Mr. Del Guercio: Let's get Cannalonga's testimony. That [6984] is not what he testified to.

Mr. Grossman: I submit he did.

Presiding Inspector: It will take a few minutes to look it up.

(Testimony of Abraham Dickstein.)

Mr. Grossman: It will be about 20 pages. It will take some time to do it. It is in the volume that is on Mr. Gaiser's desk because I borrowed it.

Presiding Inspector: Is the testimony in that volume?

Mr. Grossman: Yes; in the beginning of my cross examination of him.

Mr. Del Guercio: Cannalonga testified twice concerning that.

(Whereupon the transcript was referred to.)

Presiding Inspector: Yes. I think that was covered. It wavers somewhat—around about page 1086.

Mr. Grossman: Will the reporter read that last question that I asked?

(The question referred to was read by the reporter as above recorded.)

A. I would not want to change my testimony.

Presiding Inspector: I don't know about Schneidermann and Bridges. The particular meeting——

By Mr. Grossman:

Q. (Interposing) The particular meeting in San Francisco. [6985]

A. I would not want to change my testimony.

Q. How many different times did you see Cannalonga before he appeared on Tuesday?

A. I saw him on October 7th, October 8th, October 9th and November 5, 1940; and the next time I saw him was down here.

Q. Have you seen him since he left San Francisco after testifying? A. No, sir.

(Testimony of Abraham Dickstein.)

Q. How did you happen to see him on November 5th?

A. I called him up to come to the office.

Q. Why did you do that?

A. Well, when we interviewed him the first time he said the Gowman Hotel meeting took place in March, 1937. At the time that he stated that he gave two or three other names of persons who attended the Gowman Hotel meeting. We talked to one of them named Laddie Hope, and he placed the meeting as May 1937, at the time of the ILA convention in Seattle. I called Cannalonga to come to the office, and he did come on November 5th. I asked him was he sure that the meeting at the Gowman Hotel was held in March or May, 1937. He said there was a doubt in his mind after he left us and he feels now sure that the meeting was held at the Gowman Hotel during the month of May, 1937, during the time of the convention in Seattle. [6986]

Q. Who first raised the question of Eugene Dietrich? A. Cannalonga.

Q. When he was in your office?

A. Yes, sir.

Q. What did he say about Dietrich?

A. When he got through talking there he said, "By the way, when I left you I was a little doubtful about Dietrich. I don't think he was present at that meeting."

In view of that I said, "Well, you had better put that in your statement if there is any doubt about how the name came up."

(Testimony of Abraham Dickstein.)

Q. Did he explain why he was doubtful about Dietrich? A. He said, "I am not sure."

I said, "If you are not sure you had better put that in the statement."

Q. Did you give him a copy of the statement, the first statement he signed, after he signed it?

A. No, sir.

Q. Who wrote out this statement that was signed on November 5th?

A. November 5th? Agent James A. Robey, in my presence.

Q. What work did you do before you went to work for the Federal Bureau of Investigation?

A. I was with the Immigration Service for about a year and a half. [6987]

Q. Where did you work in the Immigration Service?

A. I worked in Detroit, Cleveland, Los Angeles, New York, Chicago. The last place I worked was in Chicago in 1934.

Q. Where did you work before that?

A. Prior to that time?

Q. Yes.

A. I was with the George A. Atwell Foundation Company, Civil Engineers, New York, now known as Thompson-Starrett Construction Company.

Q. How long had you worked there?

A. Two years. [6988]

Q. When you first went to see Cannalonga did you have with you information on his previous criminal record?

(Testimony of Abraham Dickstein.)

A. We had no record of the fact that he had a criminal record at all. We checked whether he did have a record or not before we talked to him to get his background.

Q. Before you went to see Cannalonga did you take steps to find out whether there was any investigation pending to determine whether he had committed any crime?

A. We merely checked the indices of our file in the Seattle office, in the town where Cannalonga lived. We found no record on him whatsoever.

Q. When you say "we" do you mean you participated? A. Agent Madala and myself.

Q. Uh-huh. (Affirmative)

A. I might add that we also checked the Seattle Police Department.

Q. Before you went to see Cannalonga?

A. Before we interviewed him.

Q. Did you check every investigation being conducted as well as for a criminal record?

A. There was no investigation being conducted.

Mr. Del Guercio: I don't know what he means by that question.

Presiding Inspector: I don't know. He may understand it.

By Mr. Grossman: [6989]

Q. Isn't it true that in the files of the FBI there is a record of investigations of people against whom there have not yet been filed or ever were filed criminal charges? [6990]

(Testimony of Abraham Dickstein.)

Mr. Del Guercio: Oh, your Honor——

A. (Interposing) No, sir.

By Mr. Grossman:

Q. Do you mean if an investigation is carried on and it doesn't result in a criminal charge no record is kept by the FBI?

Mr. Del Guercio: I will object to that as not being proper cross examination, immaterial and irrelevant.

Presiding Inspector: I will let him take the answer. He is bound by it.

A. There would be a record to show if he ever was investigated.

By Mr. Grossman:

Q. All right. I am asking you whether you checked that kind of record before you went to see Cannalonga? A. Yes, sir.

Q. Did Mr. Cannalonga express any reluctance at all at any time that you and Madala talked to him to give the statement you requested?

A. A little bit at the beginning; he was a little reluctant.

Q. How did he express that reluctance?

A. Well, he was afraid—he mentioned about the goon squad in the Communist Party, that they would beat him up if he talked about anybody. [6991]

Q. He said that.

A. Yes, he just mentioned that they would beat him up.

Q. Did you put that in his statement?

(Testimony of Abraham Dickstein.)

A. I don't recall that it was put in the statement; it was not material to the statement; that is why.

Q. Where was he when he said that?

A. At the first contact. Agent Madala was not present. I met him in front of the Immigration Building and talked to him about a few minutes and asked him to come up to the office and he said "I would" and before we reached the office, while walking to the office from the garage he just mentioned "I will get hurt if I do any talking."

Q. Was that the only reluctance he expressed?

A. That is all I recall.

Q. Did he express any reluctance to give you the information you wished?

A. Well, just a little bit, as I stated before.

Q. Well, how did this express itself? Did he say "I don't want to answer that"——

A. (Interposing) No; just as I told you he was afraid to get hurt.

Q. After that did he do anything to indicate any reluctance? A. No, sir.

Q. Did you discuss with him why he hadn't given this [6992] same information when he was contacted before the last hearing.

The Witness: I beg your pardon. Can I get the question?

Mr. Grossman: Will you read it back, Miss Reporter?

(The question referred to was read by the reporter as above recorded.)

(Testimony of Abraham Dickstein.)

A. I didn't see him.

By Mr. Grossman:

Q. I am asking you whether you ever discussed —withdraw that.

Didn't you know that he was contacted before the last hearing by one of the Immigration men?

Mr. Del Guercio: If your Honor please, I will object to that. The question is whether he knew.

Presiding Inspector: Yes, yes or no, did you know it?

The Witness: He told us he was—I only knew when we interviewed him he told us he was contacted by John P. Boyd, Jr., one of the Immigrant Inspectors in Seattle.

By Mr. Grossman:

Q. Did Madala tell you that before you went to see Cannalonga?

A. No, sir.

Q. You are sure of that? A. Positive.

Q. Are you sure that this interview, or this contact [6993] that Mr. Boyd had with Mr. Cannalonga did not appear in your files?

A. No, sir, not in our files.

Q. You are sure of that?

A. Not in our files.

Q. When did he first mention it? When did Cannalonga first mention it to you? A. To us?

Q. Yes.

A. About being contacted by the Immigration Authorities?

(Testimony of Abraham Dickstein.)

Q. Yes. A. On October the 7th.

Q. Where was it; your office or the Roosevelt Hotel?

A. No; at the Roosevelt Hotel, Room 1214.

Q. Are you sure about that?

A. Positively.

Q. How do you happen to remember when it was?

A. That is when we interviewed him. We didn't say much at the other office. We went over to a more comfortable place; we went over to our hotel.

Q. What I mean is this: You talked to him at least four different times. Why are you sure this was the place where he first mentioned his contact with Mr. Boyd?

A. Because that was the first contact with him and he repeated that the next day, on October the 8th after he signed [6994] the statement. He elaborated on his contact with Boyd.

Q. When he first mentioned his contact with Boyd what did he say about it?

A. Well, he said that at the last hearing Boyd wanted him to go down to San Francisco to testify, at the Bridges' hearing at Angel Island.

Q. Anything else?

A. That is all. He just didn't want to go because he was a little irritated. He thought they are trying to buy him off, or something, that they would give him a trip down to San Francisco, but he misunderstood them.

Q. Did he state whether he had any information he could testify about in San Francisco?

(Testimony of Abraham Dickstein.)

A. At that—when is this, Mr. Grossman?

Q. When Boyd contacted him?

A. When we first contacted him?

Q. No; when he described his contact with Mr. Boyd did he state whether he could have testified in San Francisco, whether he had information that would have allowed it?

A. No, he didn't tell Mr. Boyd anything.

Q. I want to know what he told you about it?

A. He told us he didn't tell anything to Mr. Boyd.

Presiding Inspector: Is that all, Mr. Grossman?

Mr. Grossman: Just one moment, please. [6995]

By Mr. Grossman:

Q. Did Mr. Cannalonga ever mention a statement that he had given to Matt Meehan?

A. Yes, he did.

Q. When did he mention it?

A. That was on October the 8th.

Q. What did he say about it?

A. Well, he said that he left after he was contacted by Boyd. He was down walking through Seattle and he ran into Matt Meehan and he was all excited and he related to Matt Meehan his contact with Boyd, and that Matt Meehan invited him up to his office and asked him would he give a statement and he said he went up there and "I gave some sort of statement in the presence of Grace Corbin," who is the secretary of Matt Meehan, and that they had typed this statement up and he was

(Testimony of Abraham Dickstein.)

given a copy of this statement. That is what he told us.

Mr. Grossman: No more questions.

Mr. Del Guercio: No more questions.

Presiding Inspector: That is all.

(Witness excused.)

Presiding Inspector: The next witness.

Mr. Del Guercio: We will have another witness tomorrow. May we adjourn now? We haven't any more at the present time.

Presiding Inspector: Why, I suppose so. We still have a minute.

Mr. Del Guercio: I could take it up in making a speech. [6996]

Presiding Inspector: No.

Mr. Grossman: I wonder if we could find out if the Government has any idea when they will end so we could begin to make preparations for our witnesses?

Presiding Inspector: Finish tomorrow morning?

Mr. Del Guercio: I think we can finish tomorrow.

Mr. Grossman: Any idea of when tomorrow?

Mr. Del Guercio: Late tomorrow. It all depends on the cross.

Presiding Inspector: We will assume they will finish tomorrow morning early.

Mr. Del Guercio: No.

Presiding Inspector: That is a safer thing to assume because you will have your witnesses here, if you have any more.

Mr. Grossman: Yes, we will have some.

Presiding Inspector: Tomorrow morning at ten o'clock.

(Whereupon at 4:00 o'clock P. M. an adjournment was taken until ten o'clock Tuesday, June 10, 1942.) [6997]

Court Room 267
Federal Building,
San Francisco, California,
June 10, 1941.

Met, pursuant to adjournment, at 10:00 A. M.

[6998]

PROCEEDINGS

Presiding Inspector: Now, Mr. Del Guercio, we will proceed.

Mr. Del Guercio: We are ready for another witness. Call Mr. Lundeberg, please.

Presiding Inspector: Stand up and raise your right hand.

HARRY LUNDEBERG

called as a witness in rebuttal on behalf of the Government, having been first duly sworn, testified as follows:

Presiding Inspector: State your name and address to the reporter.

The Witness: Harry Lundeberg; 59 Clay Street, San Francisco.

(Testimony of Harry Lundeberg.)

Direct Examination

By Mr. Del Guercio:

Q. Of what country are you a citizen, Mr. Lundeberg? A. United States.

Q. Are you a trade union man?

A. I have been a member of trade unions for 24 years.

Q. And will you tell us what position you hold in the trade unions at the present time?

A. I am the Secretary-Treasurer of the Sailors Union of the Pacific, and head of the Seafarers' International Union of North America, and Vice President of the State Federation of Labor of California. [6998]

Q. Is the Sailors Union of the Pacific affiliated with the American Federation of Labor at the present time?

A. Yes; the Sailors Union of the Pacific is affiliated with the American Federation of Labor.

Q. How long have you been active in trade union matters, Mr. Lundeberg?

A. I have been a member of the Sailors Union of the Pacific for 18 years; and prior to this I was a member of the Seamen's Union in Australia, and prior to that a member of the British Seamen's Union; and prior to that I was a member of the Norwegian Seamen's Union.

Q. Were you ever connected with the—strike that. Did you ever hold any position in the Maritime Federation?

(Testimony of Harry Lundeberg.)

A. I was the first President of the Maritime Federation.

Q. When was that?

A. That was in 1935; I was elected in April 1935. [7000]

Q. How many members does the Sailor's Union of the Pacific have at the present time?

A. The Sailor's Union of the Pacific at the Present time have between five and six thousand members active.

Q. Do you know a Mr. Melnikow?

A. Melnikow?

Q. Yes. A. Henry Melnikow?

Q. Yes. A. Yes.

Q. Now, was he ever, I believe the word is retained by your union, the Sailor's Union of the Pacific?

A. Henry Melnikow was retained by the Sailor's Union of the Pacific by Mr. Paul Scharrenberg, a discredited faker who was expelled from the Sailor's Union of the Pacific.

The Reporter: Will you spell that name, please?

The Witness: S-c-h-a-r-r-e-n-b-e-r-g. He was retained by Scharrenberg to help out in the negotiations and he was discharged——

Mr. Gladstein: (Interposing) Just a moment, please.

The Witness: (Continuing) ——discharged from the Sailor's——

Mr. Gladstein: (Interposing) Just a moment, please, Mr. Lundeberg.

(Testimony of Harry Lundeberg.)

I think the question has been answered.

Presiding Inspector. I think so. [7001]

Mr. Gladstein: I move the last statement regarding the discharge be stricken as not responsive.

By Mr. Del Guercio:

Q. Why was he discharged, Mr. Lundberg?

Presiding Inspector: Wait a moment.

I think I will let it stand. It will only lead to other questions.

Mr. Gladstein: All right, your Honor.

The Witness: He was discharged——

Mr. Gladstein: (Interposing) Just a moment.

Mr. Del Guercio: I have a question there. It isn't necessary for counsel——

Mr. Gladstein: (Interposing) I want to make an objection to it, counsel.

Presiding Inspector: You are entitled to make an objection, of course.

Mr. Gladstein: I object to the question as incompetent, irrelevant and immaterial.

Presiding Inspector: Why is it material?

Mr. Del Guercio: Mr. Melnikow, when he was on the stand, testified as to why he was discharged from the Sailor's Union of the Pacific, for how long a period he set himself up as an expert on trade union matters.

Presiding Inspector: Was that on direct? [7002]

Mr. Del Guercio: It was on direct and cross both.

Presiding Inspector: How is that, Mr. Gladstein? I don't recall.

(Testimony of Harry Lundeberg.)

Mr. Gladstein: I would like to check the record on that, if your Honor please. I am of the opinion that it was collateral matter brought out on cross.

Presiding Inspector: I think it is a collateral matter.

Mr. Gladstein: Brought out on cross examination.

Presiding Inspector: If it was brought out on direct I think he may answer.

Mr. Gladstein: Do you have a reference to the direct examination, Mr. Del Guercio, in which you say that was brought out?

Mr. Del Guercio: I have both; I don't have the record here before me.

Presiding Inspector: Let's get it.

Mr. Del Guercio: May I withdraw that question temporarily and proceed?

Presiding Inspector: Yes.

By Mr. Del Guercio:

Q. Have your activities in the trade unions for the past 18 years been mostly on the Pacific Coast, Mr. Lundeberg? A. On the Pacific Coast, yes.

Q. When was the Sailor's Union of the Pacific started?

A. The Sailor's Union of the Pacific was organized in [7003] 1885.

Q. And it has continued ever since?

A. Has been in continued existence since 1885.

Q. Do you know Harry Bridges?

A. Yes, sir.

(Testimony of Harry Lundeberg.)

Q. Do you recognize him here in the Court room? A. Yes, sir.

Q. Will you point him out, please?

A. (Indicating) Sitting down there chewing gum.

Mr. Del Guercio: May the record show that the Alien has been identified by the witness?

Presiding Inspector: Oh, yes, no question about it.

By Mr. Del Guercio:

Q. Now, when did you first meet the Alien here?

A. I met Bridges first in 1934 up in Seattle.

Q. And under what circumstances, Mr. Lundeberg?

A. I met him in a meeting of the Seattle Marine Council.

Q. And when did you next meet him?

A. Next I met him in February, 1935, in San Francisco in the Maritime Conference.

Q. Here in San Francisco?

A. Yes; I was a delegate from the Sailor's Union there.

Q. And when was the next time that you met him?

A. The next time I met him was up in Seattle in the first Maritime Federation Convention. [7004]

Q. Was that a conference or a convention of the Maritime Federation?

A. That was the first convention of the Maritime Federation.

(Testimony of Harry Lundeberg.)

Q. That is the one in which you were elected President? A. That is right. [7005]

Q. And when was the next time that you saw the Alien?

A. I saw him down in Frisco from time to time. After I became elected to the Maritime Federation I used to go up and down the coast, and I ran into him down in Frisco from time to time.

Q. Will you state under what circumstances you met him here in San Francisco at that time?

A. Well, just in the line of trade union business.

Q. Have you ever been to his home here in San Francisco? A. Yes. I was to his home once.

Q. And when was that?

A. Oh, in '35; some time during '35; the summer of '35, I guess.

Q. And will you describe the circumstances under which you went to the Alien's home at that time?

A. I was invited up there for supper.

Q. Who invited you? A. Bridges.

Q. And did you go up there?

A. Yes; I went up there.

Q. And who did you meet, if anyone, when you arrived at his home? A. I met Darcy up there.

Q. And did you have any conversation with Darcy and Bridges at that time in Bridges' home?

A. Well, yes; we talked a while. [7006]

Q. Did Bridges introduce you to Sam Darcy?

A. Well, he introduced me to Sam Darcy, first as Mr. Jacobson, a carpenter, but afterwards he said it was Darcy.

(Testimony of Harry Lundeberg.)

Q. Will you relate all the conversation that you had in Bridges' home at that time with Darcy, yourself and Bridges?

A. Well, I don't remember the details. We talked about various things on the waterfront, and unions, and so forth.

Darcy asked lots of questions. It was a general conversation.

Q. Now, at that time you were the President of the Maritime Federation, is that right?

A. That is right.

Q. Is that right? A. Yes.

Q. Did Sam Darcy ask you to do anything?

A. Well, he asked me to join the Communist Party.

Q. What did he say about joining the Communist Party?

A. Well, he gave me a lot of soft soap, saying that if I joined the Communist Party it would do me a lot of good and the Communist Party will give me a lot of support, and all the soft soap they peddle around.

Q. And this was in the presence of Bridges?

A. Yes.

Q. Now, did Sam Darcy, in that conversation, say anything [7007] about Bridges being a member of the Communist Party in Bridges' presence?

A. He mentioned several people who was a member of the Communist Party.

Q. Who was that, Sam Darcy? A. Yes.

Q. What did he say about Bridges?

(Testimony of Harry Lundeberg.)

A. Well, he said he was a member of the Communist Party.

Q. What did Bridges say?

A. Well, he says, "You don't have to be afraid because nobody has to know you are a member of the Communist Party if you join."

Q. Did Bridges join Sam Darcy in urging you to join the Communist Party?

A. No. Sam Darcy is the guy—Sam Darcy was the guy who wanted me to join the Party.

Q. Now, was anything said about that if you joined the Communist Party they would throw their whole support to you and make you as big a shot as they had made Harry Bridges?

A. Well, this guy, Darcy, said, "We will give you lots of publicity, and will build you up, and make a great labor leader out of you," and the blah-blah that the Communist Party always peddles.

I told them that I wasn't interested in joining the Party; that I belonged to a trade union and always did, and couldn't [7008] see why I should belong to the Communist Party.

Q. Now, did Sam Darcy say that if you joined the Communist Party——

Mr. Gladstein: (Interposing) That is quite leading, all of this examination.

Presiding Inspector: Yes, you are leading.

Mr. Gladstein: The last three or four questions have been leading and I haven't objected.

Presiding Inspector: Yes. Be a little careful; be very careful.

(Testimony of Harry Lundeberg.)

By Mr. Del Guercio:

Q. Was anything else said by either Sam Darcy or by Harry Bridges at that time?

A. Well, I can't remember. There was a general conversation.

Q. Now, did you join the Communist Party?

A. I should say not.

Q. Can you recall at this time anything else that Bridges may have said in the presence of Darcy and yourself at that time?

Presiding Inspector: That he did say.

A. I can't remember the details. It was a general conversation.

By Mr. Del Guercio:

Q. Generally, in substance, what did Bridges say? We [7009] don't expect you, of course, to remember the exact words or the——

Presiding Inspector: Have you given the substance as far as you remember it?

The Witness: Well, the substance was, as I told you, that Darcy asked me to join the Communist Party and Bridges says, "You don't have to be afraid because I am one too," and the old stuff, and the conversation was friendly all the way through, and I just laughed at it and forgot about it.

By Mr. Del Guercio:

Q. Now, what was your attitude toward the Communist Party after that meeting?

A. My attitude toward the Communist Party,

(Testimony of Harry Lundeberg.)

and the organization I represent, is that we are fighting them both tooth and nail, and have been, and still are, and are going to continue to do so.

Q. Were you ever called down by members of the Communist Party because of your activities against them?

A. I was called down, and I was attacked by their press, and their sheets, and in meetings, publicly and otherwise; and I was called in some time during 1935 up to a meeting on Market Street, where there was at least five members, known members of the Communist Party, or Commissars—what they like to call themselves—and they tried to put the heat on me. [7010]

Q. Who were present at that meeting?

A. Elmer Hanoff, Walter Lambert, and a fellow by the name of Johnston, supposed to be from the Central Committee of the Communist Party.

Q. The Central Executive Committee of the Communist Party?

A. That is right; that is what he told me.

Q. How many persons were there there all together?

A. There were five, and myself was six.

Q. And you have mentioned Elmer Hanoff, Walter Lambert, Johnston. Do you recall anyone else?

A. I can't recall the names of the other ones.

Q. What occurred at that meeting?

Mr. Gladstein: I object to that as immaterial.

Presiding Inspector: I don't see any materiality.

Mr. Del Guercio: If the Court pleases,——

(Testimony of Harry Lundeberg.)

Presiding Inspector: You have shown that these three men were there, but they are recognized Communists. I don't know about Johnston.

Mr. Del Guercio: This was a meeting following an invitation extended by Bridges and Sam Darcy to join the Communist Party.

Presiding Inspector: I can't see the competency. I will exclude it. You have shown his——

Mr. Del Guercio: (Interposing) I believe the Court will [7011] agree that we have a right to show, under the charges here made against the alien, the nature and character of the Communist Party, among other things.

Presiding Inspector: Yes, you have.

Mr. Del Guercio: How it operates, what its aims are, and particularly in connection with this alien's connection with the Communist Party.

Now, we have a meeting here—Mr. Lundeberg has testified to a meeting where he and one of the leading Communists on the west coast here, invite a prominent labor leader to join the Communist Party. They urge him to join and told him, "If you join we will conceal the fact that you are a member of the Communist Party just like we have Harry Bridges." This, Mr. Lundeberg refuses. Thereafter the Communist Party takes certain action.

Now, if we can show, and if this witness will so state that that action taken by the Communist Party followed, or was a result of his refusal to join, the invitation to join extended by the Alien and Sam Darcy, I believe it is very material.

(Testimony of Harry Lundeberg.)

Presiding Inspector: If it is intended to show that the Communist Party favored the overthrow of the Government by violence and force, or if it is intended to show they favored the illegal destruction of property, or illegal action, or if it is intended to show that the Communist Party was [7012] distributing seditious literature, then I should take it. But I don't see how——

Mr. Del Guercio: (Interposing) These activities are directed toward that end.

Presiding Inspector: Remotely, I think. I will exclude it for the present. [7013]

Mr. Del Guercio: Now, I believe that while Mr. Melnikow was on the stand—and counsel will correct me if I am mistaken——

Presiding Inspector: (Interposing) I beg your pardon?

Mr. Del Guercio: I say, I believe that Mr. Melnikow when testifying on direct examination spoke about——

Presiding Inspector: (Interposing) We don't find it; I don't find it.

Mr. Del Guercio: Accused the Sailor's Union of the Pacific of engaging in job action.

Presiding Inspector: I don't remember that.

Mr. Gaiser: I think it was on cross.

Presiding Inspector: It was suggested to me by my Clerk that that may have been on cross too.

Mr. Del Guercio: Well, while that is being found out I will pursue another line.

Presiding Inspector: While these matters were

(Testimony of Harry Lundeberg.)

important, still, I didn't charge my mind with them as to whether they were on the cross or on the direct examination, but it now becomes important because if they were on cross examination, then, you are bound by the answers.

Mr. Del Guercio: Yes.

By Mr. Del Guercio:

Q. Now, Mr. Lundeberg, do you know if the Alien here has ever been a member of the Sailor's Union of the Pacific?

A. Yes, he was a member. According to the records of [7014] the Sailor's Union he was a member of the Sailor's Union from April 20th; for four months he was a probationary member of the Sailor's Union of the Pacific.

Q. What is his record in the Sailor's Union of the Pacific? A. His record——

Mr. Gladstein: (Interposing) Object to it as calling for not the best evidence, immaterial.

Presiding Inspector: Maybe he doesn't know anything about it.

Mr. Del Guercio: The witness has testified he is familiar with the record.

Mr. Gladstein: I haven't heard that said.

Mr. Del Guercio: He is Secretary and Treasurer of the Sailor's Union of the Pacific, if your Honor please. He has been engaged——

Presiding Inspector: (Interposing) Have you examined the records in that respect?

The Witness: Yes, we examine the records of every member that ever joined the organization and dropped out, and we have the records all in our office.

(Testimony of Harry Lundeberg.)

Mr. Gladstein: I just heard the witness say the the records are available. I think they are the best evidence.

Mr. Del Guercio: I recall——

Presiding Inspector: (Interposing) I wouldn't put much stress on that, on this collateral point. [7015]

Mr. Gladstein: I don't know how collateral Mr. Del Guercio intends to make it. It is collateral at the present time.

Presiding Inspector: It seems to be.

Mr. Gladstein: I think if the witness is going to testify as to the contents of records which are easily available to him that they should be produced.

Presiding Inspector: Where are these records?

The Witness: Down at the Sailor's Union.

Mr. Del Guercio: He is testifying, if your Honor please, from his recollection.

Presiding Inspector: Well, his recollection not of the fact but of certain records.

Mr. Del Guercio: Well, we have permitted the Alien here to testify from that when the records were available. We made the same objection.

Presiding Inspector: No, I don't — weren't those cases where the man had an independent recollection himself besides the recollection of the records?

Mr. Gladstein: And there were not any records

(Testimony of Harry Lundeberg.)

available, or the record which had been offered had been objected to upon some technical ground.

Presiding Inspector: I think you better produce the record. It would be safer, more convincing.

By Mr. Del Guercio: [7016]

Q. Have you discussed with anyone Harry Bridges' record in the Sailor's Union of the Pacific?

Mr. Gladstein: Object to that as immaterial.

A. That is a well known fact among——

Presiding Inspector: (Interposing) I will allow that. You have discussed it, yes or no?

The Witness: Yes.

By Mr. Del Guercio:

Q. And what is Harry Bridges' record in the Sailor's Union of the Pacific? A. It stinks.

Mr. Del Guercio: Now, I am not speaking of record in the sense of the record, but the Alien here has testified that he has been a good trade union man from the very beginning of time.

Presiding Inspector: Yes, we have heard that.

Mr. Del Guercio: And, I believe, that we have a right to go into that.

Presiding Inspector: You have, but the question is whether you are going into it the right way, but I see no objection.

Go on, Mr. Lundeberg.

The Witness: You asked me how the record was of Harry Bridges?

Presiding Inspector: Yes, what is his record?

(Testimony of Harry Lundeberg.)

The Witness: As far as the membership in the Sailor's Union is concerned and I am concerned it stinks. In 1921 [7017] Bridges shipped out on a ship out of New Orleans for twenty-five cents a month as a worker; that is against the union principles, and he was sailing without a union book in his pocket; that is also against the Sailor's Union principles. And he has been breaking through Sailor's Union picket lines on the Coast; that is against the Sailor's Union principles. And any man, in my opinion, who sails and works for a living should always pack a union book and he didn't do it; I did.

Presiding Inspector: When was all this?

The Witness: That was all in 19[illegible], from there on. 1921 he shipped out on the Steamer Eldorado out of New Orleans for twenty-five cents a month as a worker.

Presiding Inspector: What was the latest one of these events?

The Witness: April 1938 Mr. Bridges led a bunch of goons through the Sailor's Union picket line in Seattle and broke their picket lines on the whole Pacific Coast when we had a fight with the shipowners. He took the side of the shipowners.

By Mr. Del Guercio:

Q. Mr. Lundeberg, do you know the reputation of Mr. Melnikow among the members of your union for truth and veracity?

Mr. Gladstein: I will object to that as immaterial and improper.

(Testimony of Harry Lundeberg.)

Mr. Del Guercio: Improper? That is quite unusual [7018] coming from counsel. That is all they have been doing in this hearing.

Mr. Gladstein: I move that that remark be stricken.

Presiding Inspector: I didn't hear it; I didn't pay attention to it; I was thinking about——

Did Mr. Melnikow have anything to do with your union except on one occasion?

The Witness: Well, he didn't have anything to do with it after I got in there; I got rid of him.

Presiding Inspector: Well, now, you have been asked whether you know his reputation among the men of your union. Of course, his business is as a trade union advisor. You know that?

The Witness: I know all about him.

Presiding Inspector: Has he ever done any business with your union?

The Witness: Do you want to know his reputation among the members of the——

Presiding Inspector: (Interposing) Not yet. I want to see whether the reputation is broad enough, whether your knowledge is broad enough to let you answer the question, you see. That is what I wanted.

Now, from among what people do you know his reputation? Among trade unionists in general?

The Witness: Yes, from the membership of the Sailor's [7019] Union; that is good enough for me; 6000 members.

(Testimony of Harry Lundeberg.)

By Mr. Del Guercio:

Q. And what is his reputation, Melnikow's reputation among those 6000 members for truth and veracity?

Mr. Gladstein: The same objection; incompetent, irrelevant and immaterial, improper examination.

Presiding Inspector: I think it is a little doubtful. I will take it.

What is his reputation; good or bad?

By Mr. Del Guercio:

Q. Is it good or bad? A. Bad.

Q. Would you believe him under oath?

Mr. Gladstein: The same objection.

Presiding Inspector: I will take it.

A. I wouldn't.

Mr. Del Guercio: Now, if your Honor please, I don't like to be put in a position of trying to press this point too much but I believe that we have the right——

Presiding Inspector: (Interposing) It is quite all right for you to press it, Mr. Del Guercio.

Mr. Del Guercio: (Continuing) ——to go into the question there of this man. This Witness has testified regarding this conversation there with the Alien and Sam Darcy.

Presiding Inspector: I think you have got all that there [7020] is in that, Mr. Del Guercio.

Mr. Del Guercio: Don't you think we are entitled to go into it as to what followed that incident

(Testimony of Harry Lundeberg.)

there because it is directly connected. Here is an invitation, here is the Communist Party, a representative of the Communist Party and Bridges saying "You come in with our party, or if you don't, why, it will be too bad."

Mr. Goodwin: Your Honor, may I say something after Mr. Del Guercio has concluded?

Presiding Inspector: Yes, certainly, if Mr. Del Guercio yields the floor to you.

Mr. Goodwin: Your Honor, Mr. Del Guercio thinks that this is material to the Government's case.

When I was brought into this case by the Attorney General I advised the Attorney General that it was not only necessary that the Alien have a fair hearing but that the public should know that he had had a fair hearing. Now, I say at this hour and in this unlimited emergency it is not only necessary that the Government shall have a fair hearing but that the public should know that it has had a fair hearing.

As I say, Mr. Del Guercio has thought and thinks that this line of testimony is material. If it is excluded there is no remedy hereafter. If it is admitted and your Honor should think hereafter that it is immaterial or irrelevant your Honor may disregard it, but you have been very indulgent to the other [7021] side. We have asked no indulgence with you. I think the examination of this witness is crucial and I think we ought to be permitted to ask the questions, to have

(Testimony of Harry Lundeberg.)

them asked and have them answered. If your Honor should think hereafter that they are immaterial or irrelevant there is no jury to be affected. I think your Honor should permit the answer of these questions as you have permitted the answer of other questions on behalf of the Alien with the right on their part to move to have them excluded hereafter.

For that reason I ask your Honor to permit Mr. Del Guercio to continue this line of examination.

Presiding Inspector: What is your theory about its relevance?

Mr. Goodwin: I leave it to Mr. Del Guercio.

Mr. Del Guercio: If your Honor please, I have another round upon which I believe this line of inquiry is proper. It is this: This will show how the Communist Party works with relation to trade unions, that it is part of their policy to, of course, infiltrate into trade unions and through their trade unions create such a situation as will ultimately lead to their final aims.

Now, this is an exact situation here, I believe, that will demonstrate that method, that infiltration into the trade labor unions and how they do it and how they work and for what purpose, and, I believe, that on that theory of law, on that [7022] ground the evidence would be admissible.

Presiding Inspector: As bearing on the question of whether a man could be a member of the Communist Party and a good trade unionist?

(Testimony of Harry Lundeberg.)

Mr. Del Guercio: No, not necessarily on that theory, but the policy of the Communist Party to show what the policy of the Communist Party is toward trade unions, how they bore into the trade unions, what they represent to bona fide trade unionists, how they go about trying to get bona fide trade unionists to enter the ranks of Communism, for what purpose and for what ultimate aim.

Mr. Goodwin: There is another point on which I think it is material. It has been the same at all times on their part, that this Alien, and he admits it, with the assistance of the Communist Party has accomplished great things for labor. I think on that theory also, the question of what their methods are, what they have done, is material at this time, but I leave it to the major argument projected by Mr. Del Guercio. Your Honor can reserve ruling on it and have it stricken out hereafter if on argument it appears to be irrelevant or improper.

Mrs. King: The suggestion originally made by Judge Goodwin that in this National Emergency rules of evidence change and that there is any difference from what there would be when there is not a National Emergency seems to me quite improper and also irrelevant to the situation which confronts us at this [7023] time.

It seems to me that it is also improper to suggest that great latitude has been allowed in the introduction of evidence on behalf of the Alien. We have been complaining for weeks of the fact

(Testimony of Harry Lundeberg.)

that evidence that we have wanted to introduce in this hearing has been held to be irrelevant and we don't see that suddenly, because the Government charges that everything that we have wanted has gone in, they are entitled to put in everything that they want.

And finally, with reference to the operation of the Communist Party in trade unions it seems to me that the effort on the part of the Communist Party to get in any trade union from the time the Party began to the present time would be relevant if this testimony which is sought to be elicited at this time is relevant. It has no connection with Harry Bridges.

Now, at times it has been suggested that we forget that it is Harry Bridges that is having a hearing here. It seems to me that if there was a moment at which it is being forgotten it is right now in connection with this offer to introduce evidence and we claim that this is entirely irrelevant and that these emotional arguments made to your Honor with reference to this testimony should not be given any weight whatsoever.

Mr. Goodwin: Your Honor, what the Communist Party is, what its methods are is of vital interest, is a vital question in this case. We have a witness here who has first-hand knowledge on that question and we think that we have a right to [7024] examine him in regard to it, and I think that if we don't we are denied the right to present the entire case.

(Testimony of Harry Lundeberg.)

Presiding Inspector: We are only interested in the Communist Party so far as its party policies are seditious. We are not interested in any other way. I can't see how this evidence——

Mr. Goodwin: (Interposing) You are not interested in their methods?

Presiding Inspector: Yes, provided it is connected, directly connected with seditious purposes. Now, I don't see that they are asking this man to be a member or even threatening him if he isn't a member, that they will break him, or anything of that kind. I am merely imagining what he may say. I don't see how that is within the scope of the specifications in the warrant.

Mr. Del Guercio: If the Court please, that is my fault here because I didn't make it very clear. What we are trying to show by this evidence, we are trying to follow up this invitation extended to Mr. Lundeberg by Mr. Bridges and Sam Darcy. It follows it is a result of that, of that meeting, what I am trying to bring out now, this other occurrence. It is directly connected with it. I think it is admissible on that ground under any rule of evidence.

Presiding Inspector: That is another thought, that you want to introduce this as some corroboration of the fact that [7025] the request was made in the presence of Mr. Bridges.

Mr. Del Guercio: Certainly, your Honor.

Mr. Goodwin: Your Honor, it is a ridiculous understanding and statement to say that the re-

(Testimony of Harry Lundeberg.)

quest was made. The pressure that was brought to bear, what happened in this meeting, all those things go to the methods of the Communist Party and go to the issues here, and if we don't connect it up in such a way as to make it material your Honor may strike it out.

Presiding Inspector: No, I will exclude it.

Go ahead. Ask the next question. [7026]

Mr. Del Guercio: May I make an offer of proof on this question?

Mr. Gladstein: I will object to the offer.

Presiding Inspector: I don't think so. You made it very clear what you wanted to show. If you can in any way ask a question that will connect Mr. Bridges with this I will permit it.

Mr. Del Guercio: Sir?

Presiding Inspector: If you ask a question that will in any way connect Mr. Bridges with this conversation I will allow it.

By Mr. Del Guercio:

Q. Mr. Lundeberg, as a result of this meeting with Harry Bridges and Sam Darcy, and as a result of your refusal to join the Communist Party, did you have any further doings with the Communist Party, or with members of the Communist Party?

Mr. Gladstein: One moment. I object to this as calling for the opinion and conclusion of the witness, and being improper and immaterial.

Presiding Inspector: I think I will exclude that as calling for his conclusion on the matter, it not

(Testimony of Harry Lundeberg.)

being shown that he would have any opportunity of knowing any facts from which to draw a conclusion.

By Mr. Del Guercio:

Q. Was any further effort made by the Communist Party [7027] to induce you to join the Communist Party after this incident that you have related?

Mr. Gladstein: I think that is just——

A. (Interposing) Yes——

Mr. Gladstein: (Continuing) ——the same question in another form.

Presiding Inspector: I will exclude that question. If there is any other effort of Mr. Bridges to have him join the Communist Party I will permit it.

By Mr. Del Guercio:

Q. Was any further effort made by anybody who was present at Harry Bridges' house to thereafter induce you to join the Communist Party?

Mrs. King: That is objected to, your Honor.

A. No.

Mr. Gladstein: We withdraw the objection.

Presiding Inspector: You may answer the question.

The Witness: I said "No."

Presiding Inspector: I didn't hear it.

The Witness: I don't know when I am supposed to speak because this gets mixed up.

Presiding Inspector: You are quite right.

(Testimony of Harry Lundeberg.)

When an objection is made just wait until the Inspector rules, until I rule on it.

The Witness: Yes. [7028]

By Mr. Del Guercio:

Q. Did either Sam Darcy or Harry Bridges tell you that someone else connected with the Communist Party would thereafter see you?

A. No; I don't think—no, they didn't. It wouldn't have done them any good anyhow.

Presiding Inspector: I want to give you full liberty, Mr. Del Guercio. If you can show in this conversation, which seemed to have been grouped, containing one member from the Central Executive Committee, if you can convey in any of this conversation that there was anything seditious, or in favor of sabotage, or the distribution of seditious literature, anything along the line of the accusations which are shown in the Warrant, of course, I will receive it.

Mr. Del Guercio: That is not the ground upon——

Presiding Inspector: I thought not, but I wanted to have it so there wouldn't be any misunderstanding.

Mr. Del Guercio: We will, however, show that there were threats made against an outstanding labor leader if he refused to join the Communist Party and follow the Communist Party line.

Presiding Inspector: Physical threats?

Mr. Del Guercio: Physical threats, if your Honor please—and this followed directly the invi-

(Testimony of Harry Lundeberg.)

tation with a request made by Bridges and Sam Darcy to join the Communist Party. [7029]

Presiding Inspector: If they threatened physical injury to this man, or anyone else, I will take that.

By Mr. Del Guercio:

Q. Mr. Lundeberg, were you ever threatened with physical injury——

Presiding Inspector: No, no—at this time we are in, this conversation where Johnston was present. I confine it to that because what some independent person said, or who is a Communist, wouldn't be competent here. You have got to show that it was within the Communist line.

Mr. Del Guercio: May I show what occurred at that meeting in order that I may bring out this line?

Presiding Inspector: Yes.

By Mr. Del Guercio:

Q. Where was this meeting held?

Mr. Gladstein: I will object to that as immaterial.

Presiding Inspector: I will take it.

A. The meeting was held up in a hall, up on Market Street, which was the headquarters for the so-called United Union Labor—something like that—some Communist front organization they had in '35 to elect themselves a Mayor in this town.

By Mr. Del Guercio:

Q. Who invited you to attend this meeting?

(Testimony of Harry Lundeberg.)

Mr. Gladstein: Object to that as immaterial.

[7030]

Presiding Inspector: I will take it.

A. They called me on the phone. I don't remember who.

By Mr. Del Guercio:

Q. And what was said at this meeting?

Mr. Gladstein: Same objection.

Presiding Inspector: Wait a second. What was said in relation to physical injury to you or any other person?

A. Well, they wound up by telling me that if I didn't go down the line that they would put the heat on me and move me off the Coast.

And one of the Communists got so excited that he grabbed me by the arm and said, "We will fix you, see."

I told him to shoot his best shot.

By Mr. Del Guercio:

Q. Who grabbed you by the arm, Mr. Lundeberg? A. Commissar Hanoff.

Q. Elmer Hanoff? A. Yes.

Q. Were any other threats made upon your person at that meeting?

Mr. Gladstein: I object to that and move that the previous answer be stricken on the ground that——

Presiding Inspector: I think I will let it stand.

A. Well, they all—at first, the conversation was soft, to kind of soften me up, telling me what they

(Testimony of Harry Lundeberg.)

could do [7031] for me, and what a good guy I was.

I told them "Nothing doing."

They told me to go down and stop bucking the policy of the Communist Party in the Sailors Union.

I said "That is none of your business," because they are not members of the Sailors Union and as long as I have anything to say no Communist is going to stick their snouts into the Sailors Union.

They got up and finally said, "If you don't go down the line we will give you the heat."

I says, "They wasn't big enough to give me the heat."

They said, "The Communist Party is pretty strong in this country."

I said, "Yes? Your shoot your best shots, see, and try it." I said, "I am not going to be driven off the coast by a bunch of guys like you."

Then Hanoff got a little excited, I guess, and so he grabbed my arm and says, he says, "Well, we will see that the heat is on you, young fellow."

I told him to try it out. "You are not big enough to handle me anyhow. So that is that."

Q. Were any other threats made upon you at that meeting—strike that. How long did this meeting last, Mr. Lundeberg?

A. It lasted for five hours.

Q. Did they tell you at this meeting what they wanted [7032] you to do? A. Yes.

(Testimony of Harry Lundeberg.)

Mr. Gladstein: I object to that as immaterial.

Presiding Inspector: I will allow it, in view of what has now been said that these statements were conditioned upon membership.

A. (Continuing) They wanted me to stop bucking the Communist Party in the Sailors Union.

By Mr. Del Guercio:

Q. Thereafter were any other threats made upon you by members of the Communist Party?

A. Yes. On January 27, 1936——

Mr. Gladstein: (Interposing) I object to that as incompetent and immaterial.

Presiding Inspector: Yes. Threats of physical injury or destruction of property, I will take it. Of course, you have got to first show that threats were made by the Communist Party, a responsible person.

Mr. Del Guercio: Yes, your Honor.

A. (Continuing) On January 27, 1936, the Sailors Union lost their charter, was kicked out of the International Seamen's Union. There was a big meeting down in San Francisco. A resolution was passed to stick together and hold the organization together, regardless of what happened. It was carried practically unanimously by the membership. [7033]

About one o'clock in the morning, when I got into my hotel—I lived in a hotel right across the street here, the Grand Southern—it was one o'clock in the morning, and I was laying down, and then

(Testimony of Harry Lundeberg.)

three guys came into my room, and among them was Walter Lambert. I asked them how the hell they got into my room at that time in the morning.

So they says, they started to abuse me right away about what happened in the Sailors' Union meeting. They said, "That is against the Communist Party policy because we must stay within the A. F. of L. That is the policy of the Communist Party."

I said, "What has the Communist Party got to do with the Sailors Union and what they do in their meetings? They know what to do themselves."

They says, well, they got a little tough so I kicked them out of there.

Mr. Gladstein: I move the entire answer be stricken.

Presiding Inspector: Strike it out.

By Mr. Del Guercio:

Q. Did they threaten you, Mr. Lundeberg, with physical violence?

A. Well, they threatened physical violence with their mouth, but didn't do anything else. They talked, but they didn't try anything else because I was ready for them.

Q. You mean they didn't accomplish their purpose? [7034] A. Not yet.

Mr. Del Guercio: You may cross examine.

(Testimony of Harry Lundeberg.)

Cross Examination

By Mr. Gladstein:

Q. When was this meeting held on Market Street?

A. It was some time during this labor campaign, United Labor Party campaign.

Q. What part of the year?

A. Probably it was in—you could probably find out that.

Q. You answer—what is your best recollection?

A. It was during '35.

Q. What part of the year, the early part or the latter part?

A. During the time of the City Election.

Q. What is your best recollection as to when those elections were held?

A. I can't say for sure.

Q. Was it in the spring?

A. No; probably in the summer, spring or summer. I can't remember.

Mr. Del Guercio: If your Honor please, I think counsel is misleading the witness. He knows when those elections were held.

Mr. Gladstein: Just a moment. I object to counsel starting [7035] to make a speech for the purpose of coaching the witness on the stand. I have a right to ask that question.

Presiding Inspector: It leaves me cold on both sides.

Ask the next question.

(Testimony of Harry Lundeberg.)

By Mr. Gladstein:

Q. Mr. Lundeberg, you——

Presiding Inspector: You may press him.

By Mr. Gladstein:

Q. (Continuing): ——you say you were asked to stop bucking the Communist Party?

A. Yes.

Q. You were told that you ought to and that is when they threatened you?

A. They told me that I should; that I had to.

Q. Had you been bucking the Communist Party?

A. Well, I hadn't fought them at that time, but they were starting to put the heat on so I started fighting back.

Q. What kind of fighting back did you do?

A. I took on their stooges in the Sailors Union and weeded them out, for one thing.

Q. You attacked them openly, is that right?

A. Oh, yes; a union policy.

Q. When did you first become an officer of the Sailors Union?

A. I became an officer of the Sailors Union in 1934. [7036]

I was a patrolman in Seattle, and was elected by the membership.

Q. When did you become Secretary-Treasurer?

A. I became Secretary-Treasurer of the Sailors Union in 1936.

Q. What was your position, union position, in the Sailors Union during 1935?

(Testimony of Harry Lundeberg.)

A. I was, up to April, 1935, I was a patrolman for the Sailors Union in the Port of Seattle.

Q. What were you after April?

A. I was President of the Maritime Federation.

Q. Did you hold an office in the SUP?

A. No, not while I was President of the Federation, but I was an active member.

Q. How long have you been fighting the Communist Party in the Union?

A. Well, I have been fighting them right along.

Q. Since you became a leading official in the Trade Union movement? A. Yes.

Q. Since you became President of the Maritime Federation? A. Absolutely.

Q. When did you become an American citizen?

A. 1933.

Q. Have you ever been a member of the Communist Party? [7037] A. No.

Q. Have you ever been a member of the Industrial Workers of the World?

A. You mean the IWW?

Q. Don't you know what the full name of the IWW is?

A. I do; but I was never a member of it.

Q. Do you think a Communist can be a good trade unionist? A. No.

Q. Now, Mr. Lundeberg, you mentioned Mr. Scharrenberg, whom you called a discredited official? A. That is right.

Q. You meant discredited with the rank and file of your union membership?

(Testimony of Harry Lundeberg.)

A. Yes. He was expelled from the Sailors Union of the Pacific.

Q. He was rather a leading figure during the 1934 Maritime Strike, was he not?

A. Not to my knowledge.

Q. Well, of course, you were not participating actively as a member of any Strike Committee, or as a trade union official, in 1934, were you?

A. I was on the Sailors Union of the Pacific Strike Committee in the Port of Seattle. I was active every day during the strike.

Q. In Seattle? [7038] A. Yes.

Q. Don't you know that Paul Scharrenberg was in San Francisco as an official of the ISU and was regarded as the leading figure among the conservatives in the trade union movement connected with that strike?

A. He might have been an official of the ISU, but he was not an official of the Sailors Union of the Pacific. George Larson was the Secretary of the Sailors Union of the Pacific. Mr. Scharrenberg was not active, and didn't attend meetings. He was uptown with the rest of them.

Q. What position—do you know what position Mr. Scharrenberg held with the ISU in 1934?

A. He didn't hold any position. I believe, to the best of my knowledge, I think he was an ISU West Coast representative of some kind of the International Executive Board, or something like that.

Q. Wasn't Scharrenberg also a member of the SUP? A. He was; but he is not now.

(Testimony of Harry Lundeberg.)

Q. Wasn't he also then the Secretary of the California State Federation of Labor?

A. He was; but he is not now.

Q. Wasn't he also acting as the negotiator for the Sailors Union of the Pacific during that strike?

A. Against the membership's will.

Q. Now, don't you know that it was Mr. Scharrenberg [7039] who was the author of a resolution in the San Francisco Labor Council expressing opposition to the 1934 Maritime Strike and attacking the waterfront unions, including the ILA, as engaging in a Communist Strike?

A. I don't know, but I wouldn't put it past him.

Q. Now, Mr. Lundeberg, during or after that 1934 strike, the membership of the Sailors Union faced the problem of whether to expel, or not to allow MWIU members, previous MWIU members, to join the Sailors Union, isn't that correct?

A. Well, they didn't face—that was not a particular problem with the Sailors Union.

Q. You say it was not a particular problem?

A. No.

Q. Wasn't a demand made that the Sailors Union of the Pacific expel members who previously had been members of the MWIU?

A. No. I, myself, advocated in the Sailors Union that any active, bona fide seaman that participated in the strike become a member, regardless of what affiliation they had; and as long as a man was an active, bona fide seaman, nad participated in the strike, we didn't care where he came from.

(Testimony of Harry Lundeberg.)

Q. Even including those who had previously been members of the MWIU?

A. There were lots of good men in the MWIU.

Q. As a matter of fact, isn't one of the reasons that the Sailors Union of the Pacific had its charter revoked by [7040] the ISU, the fact that the SUP refused to expel men whom you have called good seamen, who participated in the strike, who had previously been affiliated with the MWIU?

A. That had nothing to do with the expulsion of the Sailors Union of the Pacific. The Sailors Union of the Pacific was expelled, for one thing, because we expelled Paul Scharrenberg; second, because they claimed that we engaged in an outlaw strike. That is what they were expelled for, for refusing to take orders from the International Executive Board, who lived back east and didn't know what the score was on this coast.

Q. You say one of the reasons was not the refusal of the Sailors Union of the Pacific to comply with the demand of the ISU, or officials of the ISU, to expel men who had previously been affiliated with the MWIU?

A. Absolutely. I believe, and the chances are that—I believe that one of the reasons they expelled us from the International Seamen's Union was because they didn't like me, and a lot of other guys were fighting Scharrenberg, and had him expelled, and it had nothing to do with the MWIU.

Q. Isn't that one of the reasons given by Mr. Scharrenberg?

(Testimony of Harry Lundeberg.)

A. No; I don't think so. I have all the records; I can find out by digging into the files.

Q. Wasn't part of the fight of the SUP against Mr. [7041] Scharrenberg, and the ISU officials, a fight to protect men in the SUP who had formerly been members of the MWIU?

A. No. It was not a fight, Mr. Gladstein, because I put the motion on the floor in a San Francisco meeting in 1932 to expel Mr. Scharrenberg from the Sailors Union. That was long before 1934. That has been a long fight in the Sailors Union.

If you want me to tell you the background I might do so.

Q. You say—the latest instance that you cited in your direct examination of Harry Bridges' record concerns the breaking of the SUP picket lines in April of 1938 at Seattle? A. That is right.

Q. Was that not a jurisdictional disute between your union and the National Maritime Union?

A. No; it was not a jurisdictional dispute. The Sailors Union of the Pacific had an agreement, a closed shop agreement, with that company, and has had since 1937.

Q. I asked whether it was a jurisdictional dispute between the National Maritime Union and the Sailors Union of the Pacific. You say "No"?

A. No.

Q. Isn't it true that the National Maritime Union had won an election conducted under the auspices of the National Labor Relations Board for the right to represent the men working on that ship, or other ships of that company, involved in this [7042] inci-

(Testimony of Harry Lundeberg.)

dent that you are discussing? Answer "yes" or "no", please?

A. I don't know. But I know we had a written agreement, closed shop, and that is good enough for me.

Q. Your picket line was thrown around a ship which had on it a crew belonging to the National Maritime Union, an affiliate of the CIO, isn't that correct? A. That is correct.

Q. And your picket line was for the purpose of keeping CIO longshoremen off a ship being worked by a CIO crew, correct? A. No.

Q. Isn't that what you did? A. No.

Q. You were trying to get a crew off, weren't you?

A. Our purpose for the picket line was to tie the ship up so the ship owners will live up to an agreement signed with the Sailors Union of the Pacific.

Q. But you wanted that crew kicked off the ship, didn't you?

A. We wanted the shipowners to live up to their agreement.

Q. Please, Mr. Lundeberg——

Mr. Del Guercio: (Interposing) The witness has answered the question several times.

Presiding Inspector: I think I will let Mr. Gladstein press him on the matter. [7043]

Mr. Del Guercio: How many times?

Mr. Grossman: Until he answers the question.

Presiding Inspector: If the same questions are asked I suppose the answers will be the same.

(Testimony of Harry Lundeberg.)

By Mr. Gladstein:

Q. Was it not your purpose, by that picket line, to prevent CIO longshoremen from handling cargo on that ship, with the intention of achieving this result: That a CIO crew on that ship should be taken off and men of your union be put in their place?

A. We had no fight with the CIO longshoremen. The purpose of the picket line was to make the shipowners, Mr. Shepard, live up to the agreement and stop chiseling.

Presiding Inspector: How were you going to make him do that?

The Witness: To take the men right from the Sailors Union Hall, where he had a contract to hire our men, and live up to every agreement, to pay our wages and meet certain conditions.

That was what they was trying to get away from by getting a CIO crew there.

Presiding Inspector: What was the purpose of the picket line?

The Witness: The purpose of the picket line was to tie the ship up. [7044]

Presiding Inspector: How does the picket line succeed in tying the ship up?

The Witness: We tried to stop the ship from working.

By Mr. Gladstein:

Q. You mean you tried to stop the longshoremen from working the ship?

(Testimony of Harry Lundeberg.)

A. We didn't stop the longshoremen. We tried to tie up the ship.

Presiding Inspector: You tried to keep everyone from working?

The Witness: Right.

Presiding Inspector: Longshoremen and everyone else?

The Witness: That is right.

By Mr. Gladstein:

Q. And your purpose was to have that CIO crew removed from that ship of the Shepard Line, and have your own men placed in their places, isn't that correct?

Mr. Del Guercio: That has been asked and answered.

Mr. Gladstein: I don't think it has been answered.

Presiding Inspector: I think so.

Mr. Gladstein: Other than by a statement that he wanted the company to live up to a contract. I am entitled to press him as to what he means by that.

Presiding Inspector: Ask him that.

By Mr. Gladstein:

Q. What did you mean when you stated that the purpose of [7045] your picket line was to have the company live up to its agreement?

A. The Sailors Union had struck that company a year prior to that, for the purpose of cleaning the ships of scabs, nad we kicked the CIO men out

(Testimony of Harry Lundeberg.)

of the Sailors' Union hall, and we insisted that the company live up to their agreement and hire Sailors' Union men and live up to the West Coast scale.

Is that O.K.?

Presiding Inspector: We will have a short recess.

(Whereupon a short recess was taken.)

By Mr. Gladstein:

Q. Mr. Lundeberg, at the time you say you were invited to Mr. Bridges' house, and met Sam Darcy there, were you already the President of the Maritime Federation of the Pacific?

A. Yes; yes, I was.

Q. Now, going back to this Shepard Line incident, do you mean to say that you did not know whether there had been a Labor Board proceeding to determine whether the SUP or the NMU had the right to represent the men on the ships of that company?

A. No. As a matter of fact, the Sailors Union of the Pacific took no part in that. Their name was not on the ballot. They protested the election and —they held an election without putting the Sailors Union on the ballot.

Q. Do you know that there was an election and that the NMU won? [7046]

A. They had been trying to get an election.

Q. You do know there was an election held, don't you?

(Testimony of Harry Lundeberg.)

A. It was pretty hard to follow the National Labor Relations Board in those days.

Q. Do you or don't you know there was an election at which the NMU won the right to represent the men on those ships of the Shepard Line?

Mr. Del Guercio: The witness has answered that. He can't answer "yes" or "no". He has got to give an explanation. He can't give a "yes" or "no" answer without an explanation.

Mr. Gladstein: He has given his explanation.

Presiding Inspector: I don't think his explanation is very full.

Mr. Del Guercio: Ask for a fuller explanation, rather than pressing him.

Mr. Grossman: It seems this question is capable of a "yes" or "no" answer. He either knew it or he didn't know it.

Presiding Inspector: That implies that an election is something like a color on this well, dark or light, and the person is asked to answer "yes" or "no".

Mr. Grossman: That is not true in connection with the National Labor Relations Board with respect to this witness, who is a trade unionist. Either an election was held, or it wasn't, and he has had plenty of dealings with the NLRB, and it is obvious he is dodging the question. It isn't that he can't answer[7047] the question.

Presiding Inspector: Isn't it capable of the explanation that in his opinion this was not a legal election?

(Testimony of Harry Lundeberg.)

Mr. Gladstein: I am willing to accept that kind of a response, but I want his knowledge as of that time. If he wishes to criticize the election he is entitled to do it. I am not going to hold him to that.

Presiding Insector: Then there is no misunderstanding.

Mr. Del Guercio: Well, there are elections and there are elections. That is probably what the witness has in mind.

Mr. Grossman: This is a Government election.

Mr. Gladstein: You shouldn't have mentioned that.

Presiding Inspector: Go ahead.

By Mr. Gladstein:

Q. Mr. Lundeberg, didn't you know at the time that you put your picket lines around that Shepard Line ship in Seattle that the National Labor Relations Board had conducted an election proceeding and had certified the National Maritime Union as the exclusive collective bargaining representative of the employees of that company?

A. I don't know if they had certified them.

[7048]

Q. Didn't you know that the NMU had won that election?

A. No, I didn't know because we was not in the competition.

Q. Didn't you take an interest to find out whether a branch of the United States Government had certified another union as against your own union with this Shepard Line?

(Testimony of Harry Lundeberg.)

A. If they certified it they must have made a mistake because we have got the agreements today.

Q. Didn't you take an interest at that time to find out, Mr. Lundeberg, whether the National Labor Relations Board had conducted a proceeding in which the NMU had won an election to represent the men on those ships?

A. I found that out later on when they called me into Washington, D.C. to appear before the National Labor Relations Board in regards to that dispute.

Q. When did you find that out for the first time?

A. They called me into Washington, D.C.

Q. When was that?

A. It was during that Shepard Line beef.

Q. Before the picket lines were removed?

A. After; we didn't remove them until we won the beef.

Q. Was that the first time, when you were called into Washington, D.C., that you knew that there had been a Labor [7049] Board proceeding in connection with that Shepard Line?

Mr. Del Guercio: If your Honor please, the witness did not testify that he didn't know that there was a Labor Board decision, but that certification——

Presiding Inspector: (Interposing) If that is so he can say.

Mr. Gladstein: I will withdraw that.

By Mr. Gladstein:

Q. Was that the first time when you were called

(Testimony of Harry Lundeberg.)

into Washington, D. C. that you found out that there had been an election conducted by the National Labor Relations Board?

Mr. Del Guercio: I object to that. That is not what the witness has testified.

Mr. Gladstein: I don't care what he has testified. I have a right to ask the question.

Mr. Del Guercio: You have no right to deceive the witness.

Presiding Inspector: You have no right to deceive.

The Witness: Ask me the question again.

Mr. Gladstein: Certainly, read it to him.

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: I think you will have the same trouble with that question as you did with the earlier ones, because, I think, the witness claimed that he did not know it was an [7050] election before that time.

Mr. Gladstein: I don't care whether he regards this as a valid or invalid election.

Presiding Inspector: Well, make that clear to him.

By Mr. Gladstein:

Q. You understand, Mr. Lundeberg, that by answering these questions you are not pinning yourself down as to whether you regarded that election as being void or valid or anything else. We are not asking you for your judgment, and nothing that you

(Testimony of Harry Lundeberg.)

will say will make that election good or bad. You understand that?

Mr. Del Guercio: Your Honor, I will object to that statement from counsel.

Mr. Gladstein: It is for the purpose.——

Presiding Inspector: (Interposing) This is merely my suggestion so that there will be no misunderstanding on the part of the witness.

Mr. Del Guercio: Then, I think the Court should address the witness, not counsel.

Presiding Inspector: I will accept it.

By Mr. Gladstein:

Q. Now, with that understanding, Mr. Lundeburg, will you please state whether at the time you went to Washington, D.C. that was the first knowledge you had ever gained that there had been an election conducted by the National Labor [7051] Relations Board to determine whether your union or the NMU—withdraw that—to determine who should represent the men on the Shepard Line?

A. I didn't know of any election; they never notified us, that is, the first time I knew about a certification was when I got into Washington, D.C.

Presiding Inspector: Did you know that something was going on, that some people considered it an election?

The Witness: Yes.

By Mr. Gladstein:

Q. A few moments ago you said that your union refused to participate in the election; is that correct? A. No, I didn't say "refused."

(Testimony of Harry Lundeberg.)

Q. What did you say?

A. I said we were never even asked to participate. The National Labor Relations Board evidently handed out the Shepard Line beef to the CIO. We was not asked to get in on the election.

Q. And you never knew about the holding of the election until after you had gone to Washington, D.C. and found out that the NMU had been certified, is that correct?

A. I got to Washington, D. C. and they told me they had been certified and so forth and they wanted to make a compromise with us, the National Labor Relations Board, the Government wanted to compromise after they had an election. [7052] In other words, the election was phony.

Q. Do you mean to say you never knew until you got to Washington, D.C. and learned that the NMU had been certified to represent the men on the Shepard Line ships that an election was going to be held at any prior time?

A. I didn't know anything about that. They never told us they were having an election.

Q. Now, don't you know that the longshoremen in the Port of Seattle held a mass meeting to discuss the question of whether they should respect your picket line around that Shepard Line ship and that they voted not to respect that picket line because it was a jurisdictional picket line?

Mr. Del Guercio: I will object to that as being testimony, not a question, your Honor.

Mr. Gladstein: It calls for his knowledge.

(Testimony of Harry Lundeberg.)

Presiding Inspector: I think counsel asks whether that is a correct statement. I am not sure that is the question, that the question is technically correct.

Mr. Gladstein: That is correct.

Presiding Inspector: We will take it with that understanding.

Is that in substance correct?

The Witness: I didn't know; I wasn't in Seattle.

By Mr. Gladstein:

Q. Didn't you hear to that effect? Weren't you informed to that effect, Mr. Lundeberg? [7053]

Mr. Del Guercio: Now, he is asking for hearsay.

Mr. Gladstein: Well, I am asking him for his information.

Mr. Del Guercio: (Continuing) On a collateral matter.

Mr. Grossman: Just a minute.

Your Honor, Mr. Lundeberg would attempt to characterize Mr. Bridges as a trade union man on the basis of this picket line. Now, since he is going to make a judgment and he did make a judgment based on this picket line we have a right to know what he knew regardless of how he knew it.

Presiding Inspector: I think you have. I don't think you need to argue.

Mr. Grossman: Mr. Del Guercio——

Presiding Inspector: (Interposing) I am going to allow it.

Mr. Gladstein: Is there a question before the witness? I think there is. I will repeat it.

(Testimony of Harry Lundeberg.)

By Mr. Gladstein:

Q. Weren't you informed officially, Mr. Lundeberg—wasn't your union informed by the ILWU convention of the taking of such a vote and a determination on their part to disrespect your picket line on the ground, as they said, that it was a jurisdictional dispute?

A. I don't know anything about it.

Presiding Inspector: Do you mean you didn't get any [7054] official information?

The Witness: Absolutely not.

By Mr. Gladstein:

Q. Did you get any information from any of your union officials or from any other source to that effect?

A. I didn't get any information from any of our union officials.

Q. Or from anyone else? A. No.

Q. And isn't it a fact that the Maritime Federation of the Pacific at the same time took action of a similar kind to that which I have described in my questions to you with respect to the ILWU?

A. The Maritime Federation of the Pacific caused—went on record to recognize no other union on the Pacific Coast for sailors than the National Maritime Union. Consequently, they regarded the Maritime Federation as a dual and hostile organization to the Sailor's Union of the Pacific.

Q. Isn't it true that as of that time you learned that the Maritime Federation of the Pacific went on record with specific reference to the Shepard Line

(Testimony of Harry Lundeberg.)

as to the effect that your picket line was a jurisdictional picket line? Yes or no, please?

A. I learned at that time that the Maritime Federation of the Pacific come out openly to break up the Sailor's Union, [7055] to replace us with the CIO on the Pacific Coast; that is what I found out.

Presiding Inspector: Well, that doesn't quite answer the question.

The Witness: Well, it is close.

Presiding Inspector: Well, you found what you say, but did you also find out that they had adopted the resolution of which Mr. Gladstein spoke?

The Witness: I didn't know anything about the resolution that they passed about jurisdictional picket lines. All I know about, they passed a resolution to recognize no other union but the National Maritime Union, the CIO, a dual and hostile organization to the Sailor's Union of the Pacific Coast.

By Mr. Gladstein:

Q. Was this an important incident to you, the Shepard Line incident? A. Well, it was.

Q. Were you on the Pacific Coast or in this country somewhere?

A. I was in San Francisco.

Q. Weren't you taking an interest in what was going on up there?

A. I led the Sailor's Union of the Pacific in San Francisco; at Pier 41 we slugged it out.

Q. "You slugged it out?" A. Yes, sir.

(Testimony of Harry Lundeberg.)

Q. That is the time you had a baseball bat in your [7056] hand?

A. I never had a baseball bat in my hand.

Mr. Del Guercio: Your Honor, that is uncalled for. I demand that counsel be censured.

Presiding Inspector: I think with that answer there would be some occasion for the question.

By Mr. Gladstein:

Q. Now, Mr. Lundeberg——

The Witness: (Interposing) For the records, I didn't have no baseball bat in my hand.

Presiding Inspector: No, I know.

By Mr. Gladstein:

Q. Mr. Lundeberg, isn't it true that you knew while that dispute was going on that the ILWU Convention and the Maritime Federation of the Pacific adopted resolutions branding your picket line in Seattle, as jurisdictional?

A. No, I didn't know.

Q. And you didn't take any interest to find out?

Mr. Del Guercio: If your Honor please, I think he has pressed him enough on that point. He can go on to another subject.

Presiding Inspector: He didn't know.

Did you make any inquiries about this subject that you didn't know anything about? That is the question.

The Witness: I didn't make any inquiries about anything. [7057] I didn't know anything about— I was too busy taking care of the Sailor's Union business.

(Testimony of Harry Lundeberg.)

By Mr. Gladstein:

Q. Well, didn't you care at that time——

A. (Interposing) Care for what?

Q. (Continuing) ——what position, official position the ILWU or the Maritime Federation of the Pacific took or might take on your picket line in Seattle?

Mr. Del Guercio: If your Honor please, I will object to that.

Presiding Inspector: If he feels he took any interest he can say so.

A. To take any interest about what?

Mr. Gladstein: Read the question.

Presiding Inspector: Did you take any interest in the subject?

The Witness: Well, I took the interest to defend the rights of the Sailor's Union of the Pacific; that is my job.

By Mr. Gladstein:

Q. I am asking you whether you took an interest in finding out the position that the Maritime Federation or the ILWU took or might take in connection with your Shepard Line picket line?

A. The Maritime Federation? I didn't have to take an interest in that. They have already gone on record to do away with the Sailor's Union of this coast; that is official knowledge. [7058]

Q. Mr. Lundeberg, please listen to the question. A. I heard you.

Mr. Gladstein: I will repeat the question so you can answer it.

(Testimony of Harry Lundeberg.)

Mr. Del Guercio: If your Honor please, it isn't necessary that he repeat the question. The witness has already said he heard it.

Mr. Gladstein: I think the answers have not been responsive, your Honor. I wish to direct the——

Presiding Inspector: (Interposing) I am not quite sure. I will hear the question.

By Mr. Gladstein:

Q. Mr. Lundeberg, I want to know whether you took any action to find out what position, if any, the Maritime Federation of the Pacific or the ILWU took or might take during that dispute with specific respect to your picket line in Seattle?

Presiding Inspector: Do you understand that?

The Witness: What action they took or did take, the Maritime Federation or the Longshoremen?

Presiding Inspector: Yes.

By Mr. Gladstein:

Q. Yes, did you do anything to find out what action they took?

A. I went down to—I followed the instructions of the Sailor's Union of the Pacific membership to fight for our rights and our contracts in that company. [7059]

Mr. Gladstein: I submit the answer is not responsive. I move it be stricken.

Presiding Inspector: No. I won't strike it but I will ask the question.

Did you send a messenger down; did you write a

(Testimony of Harry Lundeberg.)

letter; did you go yourself or did you send a telegram or telephone, find out what attitude this body took in respect to this strike?

The Witness: No, I didn't do that. I was down there to fight for our rights.

Presiding Inspector: Yes. Well, did you read anything in the newspaper about it?

The Witness: I didn't have time.

Presiding Inspector: That you remember?

The Witness: I didn't have time to read a newspaper those days.

Presiding Inspector: You knew that body was hostile, however, to your organization?

The Witness: Yes, I knew that.

Presiding Inspector: You had known it for some time?

The Witness: That is right.

By Mr. Gladstein:

Q. Now, you have been engaged in quite a number of trade union disputes in which you and Harry Bridges have been on opposite sides of the fence; isn't that true? [7060]

A. Trade union disputes? Opposite sides?

Q. Yes.

A. Well, I guess our policies differ.

Q. Isn't it a fact that in 1937, the late part of the year, you were opposed in your position to Bridges in connection with the placing by the Teamsters Union in San Francisco of a mass picket line on the San Francisco waterfront for the purpose of forcing warehouse workers who were then in the CIO to go into the Teamsters Union?

(Testimony of Harry Lundeberg.)

A. That I was opposed to Bridges?

Q. Yes.

A. The Sailor's Union of the Pacific—I just live up to the policy of the membership, that they always respect a picket line, and that was the policy of the Sailor's Union of the Pacific.

Q. Well, then, isn't it true that you supported the Teamsters and opposed Bridges and the International Longshoremen's and Warehousemen's Union in connection with that embargo of the waterfront for the purpose of forcing warehousemen out of the CIO and into the A. F. of L.?

Mr. Del Guercio: Just a moment, please, your Honor. I will object to the question. It is long, compound, ambiguous and it is difficult to follow.

Presiding Inspector: Well—— [7061]

Mr. Gladstein: (Interposing) Do you understand the question, Mr. Lundeberg?

The Witness: Oh, I understand it very well.

Mr. Gladstein: He is smarter than his lawyer.

The Witness: Smarter? Perhaps, I am as smart as you are. You don't have to go to law to be smart.

Mr. Del Guercio: If your Honor please, I think the record ought to show the remark of counsel to which the witness has replied.

Presiding Inspector: I guess the reporter got it.

Do you understand the question?

The Witness: Yes.

(Testimony of Harry Lundeberg.)

Presiding Inspector: Now, what do you say about it?

The Witness: It has never been my position to try to force organized workers from one union into another. They stay in the union they wish as far as I am concerned, but we are very friendly with the Teamsters Union. They have been very good to us; they have been very good to the longshoremen and everything on this waterfront. As a matter of fact, if it hadn't been for the Teamsters we would not have won the strike in 1934; they are the ones that won the strike for us.

Now, is that good enough?

By Mr. Gladstein:

Q. Didn't you know in the fall of 1937 that the only issue was the Teamsters were demanding that Warehousemen who were in the CIO leave the CIO and become members of the [7062] A. F. of L.?

A. No, that wasn't the only issue as far as I was concerned.

Q. What was the issue?

A. I understood they had a fight about the Cal Pack Plant, or something.

Q. What was the issue——

Mr. Del Guercio: (Interposing) If your Honor please, the witness is answering that.

Presiding Inspector: Well, he has answered it, I think.

Do you want to go into the matter in dispute.

Mr. Gladstein: I am entitled to go into it if the witness denies the issue.

(Testimony of Harry Lundeberg.)

Presiding Inspector: I didn't know that you wanted to.

By Mr. Gladstein:

Q. What was the issue, Mr. Lundeberg, if it was not as I have put it, that the Teamsters were trying to force warehousemen out of the CIO and into the A. F. of L.?

A. Not that I know of. I understood there was a dispute about a Cal Pack warehouse, about teamsters driving in there, and there was some trouble between the teamsters and the warehousemen. I didn't know and still don't, never heard that they were trying to force them into the A. F. of L.

Q. What did you hear the issue was?

Mr. Del Guercio: Now, that is going into——

[7063]

A. (Interposing) I didn't hear because I didn't mix into other peoples' business. I take care of the Sailor's Union business.

By Mr. Gladstein:

Q. Do you mean to say that your union and you refused to pass through pickets without your finding out what the issue was and why those pickets were there?

Mr. Del Guercio: If your Honor please, I object to that as being argumentative.

Presiding Inspector: I will take it.

A. Up to that time the Sailor's Union of the Pacific, it was their policy on this coast to respect all picket lines on the Pacific Coast, and the Sailor's Union was one organization who lived up to it, but

(Testimony of Harry Lundeberg.)

after the CIO got into the picture they used to start to break picket lines. Well, it used to be the common thing after that.

By Mr. Gladstein:

Q. Now, we are talking now prior to the Shepard Line incident.

A. Prior to the Shepard Line incident the policy of the Sailor's Union of the Pacific was to respect any picket line.

Q. Regardless of what the issue was?

A. That is right; a picket line was a picket line to us. [7064]

Q. Was that the reason that you supported the Tacoma longshoremen last year when they were striking against the National Labor Board decision to the effect that the ILU was entitled to represent the longshoremen on the Pacific Coast?

A. The Sailor's Union of the Pacific supported the Tacoma longshoremen for one specific reason, in their attempt to deal with the waterfront employers who refused to recognize them as a bona fide organization, or refused to deal with them, and they had a fight against the bosses and we backed them up. We will do it again.

Q. Didn't you know at that time you were backing up the Tacoma longshoremen, Mr. Lundeberg, that for several years prior to that time and as of that time there was in effect a decision of the National Labor Relations Board certifying the CIO Union, the International Longshoremen's and Warehousemen's Union, as the exclusive collective

(Testimony of Harry Lundeberg.)

bargaining representative for all longshoremen in Pacific Coast ports employed by ship owners?

Mr. Del Guercio: Just a minute now. I lost sight of the question.

Presiding Inspector: Well, do you understand the question?

The Witness: Oh, very well.

Mr. Gladstein: Will you answer it?

Presiding Inspector: You may answer it. [7065]

A. I did not go into the details of what the National Labor Relations Board did. What was most in our mind there was a thousand men in Tacoma who wanted to get an agreement with the owners and the owners refused to—tried to make second class citizens out of them. We backed them up there and would do it again.

By Mr. Gladstein:

Q. Didn't you know, Mr. Lundeberg, that there is in effect this decision of the National Labor Relations Board that I have mentioned in my previous question as of the time and before the time that you supported the Tacoma longshoremen's picket line?

A. I know there was a decision handed down but it has not been finally decided; it is still in the Courts, whether that ruling is right or wrong. The Tacoma longshoremen has that before the Court in Washington, D. C. now.

Q. Well, isn't it true, Mr. Lundeberg—and you have mentioned contracts a moment ago—isn't it true that as of the time you supported the Tacoma

(Testimony of Harry Lundeberg.)

longshoremen and before your picketing activities there was in effect and had been for some time a Pacific coastwide collective bargaining agreement covering all longshoremen between the shipowners and the ILWU, the terms of which covered Tacoma longshoremen as well as those in other ports?

Mr. Del Guercio: Just a moment. I will object to that if your Honor please. The witness has already answered the [7066] matter is still under litigation.

Mr. Gladstein: This is as to the contract.

Presiding Inspector: This isn't a decision; it is a contract now. I will take this if the witness understands it.

The Witness: Oh, I understand it perfectly, Judge.

Presiding Inspector: All right.

Mr. Gladstein: Will you answer it?

The Witness: Sure, I can answer it.

Mr. Gladstein: Please do.

A. The Tacoma longshoremen are not part of the CIO. They are members of the American Federation of Labor; they are friends of the Sailor's Union of the Pacific and we always help our friends; that is good enough.

By Mr. Gladstein:

Q. Even in a strike against the Government?

A. Oh, was it a strike against the Government now?

Q. I am asking you that. Do you help your friends even in a strike against the Government, Mr. Lundeberg?

(Testimony of Harry Lundeberg.)

A. Do you class the National Labor Relations Board as the Government?

Q. Will you answer my question? Do you help your friends in a strike even against the Government?

A. We never strike against the Government?

Mr. Del Guercio: If your Honor please, I will——

Presiding Inspector: (Interposing) Just a moment. [7067] Has there been any such incident?

Mr. Gladstein: Yes, there was such an incident.

Mr. Del Guercio: Mr. Bridges' incident that he is talking about.

Mr. Gladstein: I will lay a more detailed foundation.

By Mr. Gladstein:

Q. Mr. Lundeberg, isn't this incident in Tacoma when you supported the Tacoma longshoremen—isn't that the one concerning which Dean Wayne Morse was called to hold a hearing and which, in his decision, he branded the action of the Tacoma longshoremen as a strike against the United States Government?

A. Well, because Dean Morse said that, that doesn't say it is true, does it? Who is Dean Morse? He is paid by the CIO longshoremen, retained; they pay him so much dough a year. Naturally, he is going to say against the A. F. of L. longshoremen. He is going to talk for the ones that pay him, ain't he? That is what you are doing.

Presiding Inspector: The next question.

(Testimony of Harry Lundeberg.)

Mr. Gladstein: Yes, sir.

By Mr. Gladstein:

Q. Now, last year there was another dispute, was there not, involving some fishermen, Mr. Lundeberg, in which you and Mr. Bridges were on opposite sides of the fence?

A. Where was that fishermen's beef? Can you explain what place it was? I might be able to remember it. [7068]

Q. I am referring now to an incident involving fishermen on ships going to Alaska.

A. Well, you——

Q. (Interposing) Were you not engaged in a dispute at that time in which both you and Bridges were on opposite sides of the fence?

A. I believe you and I were on the opposite side; you were down on Clay street on a sound truck telling the Sailor's Union members to go up and take away the union from me, you and Mr. Grossman, weren't you down on Clay street?

Presiding Inspector: He is not a witness.

By Mr. Gladstein:

Q. Are you just as sure about that, Mr. Lundeberg, as you are about the rest of your testimony?

Presiding Inspector: Now, Mr. Gladstein, let's have him answer the question that you put first.

Was there an incident about these fishermen in which you and Mr. Bridges were on two sides of the controversy, different sides?

The Witness: I didn't know that Bridges was a fisherman; he was not on that.

(Testimony of Harry Lundeberg.)

Presiding Inspector: You weren't either?

The Witness: No.

Presiding Inspector: In an advisory capacity were you on opposite sides? [7069]

The Witness: I used to fish mackerel on the Dover banks in the North Sea.

Presiding Inspector: We are not going into those things, or trout fishing or anything else.

You remember this thing, don't you, this controversy?

The Witness: There was no controversy with Bridges. There was a controversy with the fishermen's union down there; I remember it.

By Mr. Gladstein:

Q. That is a CIO Union, the Fishermen's Union?

A. That is right. Do you want to know more about it? I think you know plenty.

Q. Wasn't the issue in dispute, Mr. Lundeberg, whether the members of the CIO Fishermen's Union should be ousted from their jobs on those ships going to Alaska to be replaced by members of your union?

A. No, that was not the issue.

Presiding Inspector: That answers it. Now, this is a collateral matter. We have got to make some progress. Do you want to know what the issue was, Mr. Gladstein?

Mr. Gladstein: Yes, I would like to have the witness' understanding.

(Testimony of Harry Lundeberg.)

By Mr. Gladstein:

Q. What was the issue, Mr. Lundeberg?

A. The issue was that the members of the Sailor's Union wanted to sail the ships, which is their job. The [7070] sailors, they sail the ships. The fishermen go up to Alaska and fish. We wanted to stop the fishermen from doing two jobs, one as a fisherman and one as a sailor. This job is distinctly a sailor's union jurisdiction. We sail those ships; the fisherman doesn't. They fish for salmon in the Bering Sea and they have no business to sail and take a sailor's job; they have no business to hold two jobs.

Q. Had your men ever done the work of sailing those ships during the past 40 years up to that date? A. Oh, yes.

Q. When?

A. They have sailed them up to the time they had squarerig ships going up there; members of the Sailor's Union sailed them.

Q. Up to what date?

A. Oh, to what did you say?

Q. I said during the last 30 or 40 years.

Presiding Inspector: Up to about what date?

A. They have sailed them for years, members of the Sailor's Union.

By Mr. Gladstein:

Q. Up to when, Mr. Lundeberg? Had any members of the Sailor's Union sailed those ships that were engaged in this controversy last year at any time since, say, 1900?

(Testimony of Harry Lundeberg.)

A. Yes, they sail them every year, every spring and every fall they sail them. [7071]

Q. They used to as members of the Sailor's Union? A. We have contracts.

Q. As members of the Sailor's Union?

A. Yes, we have contracts with the Alaska packers, Libby, McNeil & Libby.

Q. What was the dispute about, then, if your men were occupying those positions? What was the dispute about?

A. The fishermen wanted to sail the vessels up on the fishing trips and we have an agreement with Libby, McNeil & Libby, for instance, the biggest packers on the Pacific Coast, where they retain the sailors from the spring to the fall of the year, from the time they start out until the finish, and they keep sailors aboard these vessels up in the Bering Sea while they are fishing, and the Fishermen's Union in Seattle recognized that right but the Fishermen's Union in San Francisco did not, and it is the same organization, and it was just trying to chisel in on the Sailor's work, that is what it is.

Q. Hadn't the Fishermen's Union members sailed the vessels up to Alaska in previous years?

A. Where? From where?

Q. From Seattle and San Francisco?

A. No, not from Seattle.

Q. How about San Francisco?

A. San Francisco? They had from time to time, yes; [7072] part of the time, not all of the time. But nevertheless it doesn't say it was their right to do so.

(Testimony of Harry Lundeberg.)

Presiding Inspector: You have answered it.

By Mr. Gladstein:

Q. Now, for some time, Mr. Lundeberg, there has been a running dispute between your union and the ILWU with respect to the performance of longshore work on steam schooners; isn't that true?

Mr. Del Guercio: Now, if your Honor please, there is no such evidence.

Presiding Inspector: No, he is asking him about it; he is going to ask him about it. He is showing bias; all this is proof directed to the question of bias.

Mr. Del Guercio: Has there been? Not that there is such a dispute; has there been such a dispute?

Mr. Gladstein: I will ask the reporter to read the question to the Court. If there is anything improper in it I will reframe it.

Would you read it?

(The question referred to was read by the reporter as above recorded.)

Mr. Del Guercio: I renew my objection.

Presiding Inspector: I will overrule it.

A. Longshoremen work on steam schooners? The sailors on the steam schooners?

Presiding Inspector: (Interposing) No; he just wants [7073] to know whether there has been a dispute about this.

The Witness: Well, it all depends on what you call longshore work, or what——

(Testimony of Harry Lundeberg.)

Presiding Inspector: (Interposing) Yes. Well, that is the question.

The Witness: You see, I have to explain.

Presiding Inspector: There has been some disagreement about the matter?

The Witness: About sailors' work, not longshoremen work.

By Mr. Gladstein:

Q. About the unloading of cargo while the steam schooners were in port; isn't that what the issue is? A. That is right.

Q. This issue has been of pretty vital importance as a matter of dispute between the Sailor's Union and the longshoremen even before there was an ILWU and while the longshoremen were in the ILA; isn't that true?

A. It has between various officials, yes, but I don't think the longshoremen themselves are interested in it.

Q. When you say "various officials" I suppose you mean including yourself and Bridges both of whom are on the opposite sides of the fence and have been on this issue; would that be correct?

[7074]

A. Perhaps you are right.

Q. And isn't one of the complaints made against you and the Sailor's Union in connection with that issue the charge that your men perform longshore work while the steam schooners are in port, that is, unloading cargo at wages far less than the established wage provided for longshore work on the Pacific Coast?

(Testimony of Harry Lundeberg.)

A. There is no such a charge in the Sailor's Union against that. The Sailors on board steam schooners make more money than the longshoremen. They get their feed, they have rooms, and they get boarded; they get their wages and they average two hundred to two hundred and fifty-dollars a month. They get steady work.

Q. How much an hour do they get?

A. They work by monthly wages and overtime wages.

Q. Please break this down into the handling of cargo while the steam schooners are in port, not the performance of seamen's work while the vessels are at sea. I am referring now only to the doing of this handling of cargo work while the steam-schooners are in port. Isn't it true that the charges made by the longshore unions are that your members are performing longshore work at less than half the established scale of wages for longshore work on the Pacific Coast?

A. The charge may be so from some of the officials of the longshoremen, but it is not true. The sailors on the steam schooners are better off than the longshoremen. They [7075] get steady employment, more wages, and they can work month in and month out; they are not casual workers.

Q. How much an hour do your members get for performing this work of handling cargo while steam schooners are in port?

A. They work on a monthly base; they get overtime rates and certain working rules. Sometimes, they get as high as $2.20 an hour.

(Testimony of Harry Lundeberg.)

Q. What did you say the average wage of your members on these steam schooners including overtime is per month?

A. From $200 to $250 a month.

Q. How much does the overtime come to?

A. Well, that is pretty hard to tell, different rates all the time.

Q. Your best judgment?

A. Sometimes they get $1.10 an hour overtime, sometimes $2.20; it is pretty hard to say.

Q. What is the total monthly average earnings not counting overtime?

Mr. Del Guercio: Now, your Honor I will object to that. We are going into a comparison now.

Presiding Inspector: I will take it. I think the witness opened this subject.

Mr. Del Guercio: Sir?

Presiding Inspector: He opened this subject by testifying respecting the comparative advantages of the two positions. [7076]

The Witness: I didn't open it up. They opened it up.

Presiding Inspector: I will allow it.

A. I have told you that the Sailor's Union gets—a man that goes to sea on deck in a steam schooner will get paid so much a month which is $90.00 a month. He gets his three squares a day, coffee time at ten and coffee time at three and coffee time at nine o'clock, three square meals, and they get a flop on top of it, a bunk.

(Testimony of Harry Lundeberg.)

Q. How many hours a month is that, how many hours a day, how many days a month, if you care to put it that way, for the $90.00 a month?

A. That is monthly wages.

Q. I know. How many hours of work per day, how many hours of work per week for the $90.00 a month?

Presiding Inspector: Let me put the question. How many hours does a sailor work a day while he is on the ship?

The Witness: On the ship he stands his watches, three watches, four on and eight off; that is the Government law.

By Mr. Gladstein:

Q. That is 12 hours a day, isn't it?

A. Is it? Four on and eight off? Four and four is eight; I didn't know it was twelve.

Q. They work eight hours a day, is that right?

A. Stand regular steamboat inspection watches; it is a [7077] Government law, see. You can't strike against the Government.

Q. And how many hours a day in port working cargo?

A. Working eight hours and the overtime.

Q. That is, if they work over eight hours?

A. Yes, sir.

Presiding Inspector: No overtime for the sailors during the voyage?

The Witness: It all depends on what kind of work you do. If you work outside of your regular

(Testimony of Harry Lundeberg.)

watch hours, then, you get paid overtime. For instance, if I get a four to eight watch and I go to the wheel and steer the vessel from four to six, then, I come down from the ship and they tell me to go around the deck and paint, then, I get overtime for it.

Presiding Inspector: Is that common?

The Witness: Yes, that is very common. We only do the regular navigation duties but any work outside of that is overtime and paid for.

By Mr. Gladstein:

Q. Outside of overtime, then, is this correct, Mr. Lundeberg: That your men make $90.00 a month for eight hours of work a day?

Presiding Inspector: On the voyage?

Mr. Gladstein: In port or out?

A. They get $90.00 a month plus their meals and plus their room. [7078]

By Mr. Gladstein:

Q. That is in port or out; correct?

A. In port and at sea, $90.00 a month plus their meals plus their room.

Mr. Del Guercio: If the Court please——

The Witness: (Interposing) I want to get that in, and they eat pretty good, too. I got to make a correction: the wages——

Presiding Inspector: (Interposing) Just wait.

The Witness: The wages——

Presiding Inspector: (Interposing) Wait until they have talked.

(Testimony of Harry Lundeberg.)

The witness wants to make a correction.

The Witness: The wages is $97.50 a month. I forgot we raised the wages not so long ago. I must be slipping.

By Mr. Gladstein:

Q. Now, Mr. Lundeberg, have you ever been a party to any law suits brought against Harry Bridges?

A. Law suits against Harry Bridges? Me?

Q. Well, you or your union?

A. Against Harry Bridges?

Q. Against Harry Bridges as one of a number of defendants. Either personally against Bridges or naming him as a defendant?

A. We have not—the Sailor's Union has never brought a suit against Bridges.

Q. How about you? [7079] A. No.

Q. Have you recently brought suit against the Maritime Federation of the Pacific and certain officials including Harry Bridges?

A. The Sailor's Union of the Pacific have got a law suit against the Voice of the Federation for slander, and the Voice of the Federation—you probably know. You are the attorney, aren't you?

Q. Isn't Bridges named as a defendant in that case?

A. I couldn't tell you. The attorneys take care of that; I wouldn't mix into their business.

Q. For how much are suing, Mr. Lundeberg?

(Testimony of Harry Lundeberg.)

A. I don't know what they are suing for at all. It is not—it doesn't make any difference what they are suing for. I don't even remember. It is in the hands of the attorney.

Q. When you went to dinner at Harry Bridges' house did you go alone? A. No.

Q. Whom did you go with?

A. I went there with—well, I went alone but I met people there.

Q. What other people did you meet there?

A. I met Bridges' wife and Bridges' secretary.

Q. Did you bring anybody? [7080]

A. No.

Q. What is the name of Bridges' secretary?

A. Norma Perry.

Q. Were there any other people who were there that evening? A. Darcy.

Q. Well, other than what you have already named? A. Not that I can remember.

Q. Where did this discussion take place?

A. In one of the rooms, in the kitchen.

Q. You say that was in the summer of 1935?

A. It was in 1935; I can't exactly say the date.

Q. Where did Mr. Bridges live at that time?

A. He lived up on Pine Street some place, somewheres around there. I have forgot the number now.

Q. Was it before—withdraw that.

Do you remember there was a time when Mr. Bridges went to the hospital in the year 1935? Do you recall that?

(Testimony of Harry Lundeberg.)

A. Yes, I remember Bridges went to the hospital.

Q. Now, was this——

A. (Interposing) That is the time I sent him flowers, isn't it?

Q. You remember that, do you?

A. Well, I guess I do. You told him, didn't you?

Q. Mr. Lundeberg, was this incident, this supper at [7081] Bridges' house before or after the time that Bridges went to the hospital?

A. I can't recall, but I think it was after.

Q. What trade union position did you hold, if any, besides President of the Maritime Federation of the Pacific? Is that the only one?

A. That is right.

Q. Who was present when this discussion took place?

A. Only me and Bridges and Darey.

Q. In what room of the house?

A. Oh, I don't know; I guess it was the kitchen. I can't recall.

Q. Before or after supper?

A. Well, I guess it was—I don't know whether it was before or after. It was during that night when we were there talking.

Q. Don't you know whether it was before or after supper?

A. No, I can't remember exactly.

Q. Where was Mrs. Bridges at the time?

A. I think she was in the other room.

(Testimony of Harry Lundeberg.)

Q. Which other room?

A. Well, they had another room there.

Q. Well, which room, if you know?

A. Well, I don't know the different, how many rooms [7082] they had, and I don't know—but I know we were alone when we discussed this; that is all I know.

Q. Was the door open or closed?

A. I don't remember.

Q. Had you ever met Darcy before?

A. No.

Q. Was Mr. Bridges' daughter there?

A. I can't remember; she might have been in and out of there; I don't know.

Q. Now, you say you were introduced to Mr. Darcy by what name? A. Jacobson first.

Q. And where were you when this introduction took place? A. In Mr. Bridges' house.

Q. Well, where in the house?

A. Oh, I don't remember what room it was.

Q. Was it right after you came into the house?

A. Yes.

Q. When you came into the house you say you didn't bring anybody to the house with you?

A. Not that I remember.

Q. Well, you came there and you found Norma Perry, Mrs. Bridges, possibly Mr. Bridges' daughter, Mr. Bridges and Mr. Darcy; correct? [7083]

A. That is right.

Q. Were you introduced immediately?

A. Yes, sir.

(Testimony of Harry Lundeberg.)

Q. You don't remember where you were introduced, is that right?

A. I was in the house, I guess.

Q. Somewhere in the house? A. Yes, sir.

Q. And what name was Mr. Darcy introduced by?

A. Mr. Jacobson, if I am not mistaken, that is what it was.

Q. You say if you are not mistaken. You mean you are not sure?

A. Well, I am pretty sure that that was the name, Mr. Jacobson.

Q. And for how long——

A. (Interposing) He was supposed to be a carpenter.

Q. For how long—withdraw that.

How long was it before you were later told that the man's name was really Darcy?

A. Well, that was just shortly afterwards.

Q. Well, how long afterwards?

A. I couldn't tell you; maybe half an hour, maybe ten minutes, maybe five minutes. [7084]

Q. Between those two points, that is, the time of the introduction of the man by the name of Jacobson and the time that you were told that the man's name was really Darcy there had been discussion among the people who had been there?

A. General discussion, general talk.

Q. This introduction then took place in front of the other people who were there, did it?

(Testimony of Harry Lundeberg.)

A. Well, I don't know whether they were right there when I shook hands with him or not, but they might have been there; they might not.

Q. Where were you when you were told that the man's name was not Jacobson at all but Darcy?

A. I was in Bridges' house.

Q. Where in the house?

A. I don't know; I don't remember the house; I don't remember the room. I was only in there once.

Q. Were you having supper at the time?

A. We were eating something there.

Q. You were eating something at the time?

A. I don't know if I was eating something at the time I was introduced to him or the time he told me his name was Darcy.

Q. You don't remember that?

A. No; I remember I was told his name was Darcy.

Q. That was in front of the other people who were [7085] there? A. I didn't say that.

Mr. Del Guercio: He didn't say that.

By Mr. Gladstein:

Q. I am asking. Was that——

A. (Interposing) I don't remember.

Presiding Inspector: I think he said that before.

Mr. Del Guercio: Certainly.

By Mr. Gladstein:

Q. You say you received an invitation to dinner at the house? A. Yes.

(Testimony of Harry Lundeberg.)

Q. From Bridges? A. Yes.

Q. Do you remember the circumstances under which you got the invitation?

A. Well, I don't remember exactly the circumstances. He asked me to come up to have dinner with him and a friend of his.

Q. Where were you at the time the invitation was extended?

A. I don't know. It must have been around the waterfront somewheres, probably around the Sailor's Union Hall.

Q. Did he tell you who the friend was at the time he extended the invitation?

A. No. [7086]

Q. Did you ask him? A. No.

Q. What else was the conversation about?

A. Oh, just general matters, union, waterfront, so forth.

Q. When did he tell you to come?

A. Oh, I don't recall; it was an evening. I can't remember the hour exactly.

Q. Just before you came up there; is that the idea?

A. I don't remember exactly what time the invitation was.

Q. Do you remember whether he made a date for a special day in the future or whether your impression is that casually or otherwise he asked you to come u to the house that evening for supper?

A. Oh, I imagine it was just a casual invitation.

(Testimony of Harry Lundeberg.)

Q. Now, you say that that night Bridges said, admitted to you that he was a Communist?

A. Well, that is what I said. He stated "Nothing to be afraid of; I am a member of the Communist Party" and shrugged his shoulders and laughed. And I said "Well, it is O.K.; do what you like; I will do what I like."

Q. Have you ever told anybody about this?

A. Oh, I have mentioned that from time to time.

Q. This specific—this particular admission, Mr. Lundeberg? [7087]

A. Oh, I mentioned it to a lot of sailors from time to time.

Q. All right; who is the first person you ever mentioned it to? Do you remember?

A. Oh, I can't remember whom I have mentioned it to.

Q. Well, name any person to whom you have mentioned it?

A. Oh, to some of the officials and the members of the Sailor's Union. I can't tell who the first was.

Q. When is the first time that you ever mentioned to anybody that Bridges had admitted to you that he was a Communist?

A. Oh, I can't remember.

Q. When is the first time you ever told anyone [illegible]

A. I have never told the Committee anything that at any time

(Testimony of Harry Lundeberg.)

Q. At any time up to the time that you took the stand? A. Well, I was——

Q. (Interposing) At any time up to the time you took the stand, Mr. Lundeberg?

A. I talked to Mr. Del Guercio last night. I was called in. He had a subpoena against me. Otherwise, I didn't want to go to jail for 60 days so I went up and saw him. [7088]

Q. I am not asking you anything as to the subpoena, I am asking you now when is the first time you ever told any representative of any Government agency that Bridges had told you that he was a Communist? Last night? A. Yes.

Q. Now, have you ever been approached prior to last night with respect to testifying in this case or in any case against Bridges?

A. Yes; I was approached here last fall by a couple of men from the FBI.

Q. Did they seek information from you?

A. Yes; they asked me to testify against Bridges.

Q. Well, did they ask you questions?

A. No.

Q. They asked you no questions at all?

A. They asked me lots of stuff and I told them "I don't know; I don't want to testify. I don't want nothing to do with it."

Q. Well, what did they ask you?

A. They didn't get the chance to ask me because I said "I want nothing to do with you."

Q. How long were they with you?

(Testimony of Harry Lundeberg.)

A. Oh, I would say about half an hour or so.

Q. Well, during that half hour they asked you some questions, didn't they?

A. Yes, they shot questions at me but I didn't —they [7089] didn't get any answers.

Q. You didn't answer any questions of any kind? A. I says "I don't know."

Q. What questions did they ask you, Mr. Lundeberg?

Mr. Del Guercio: If your Honor please, the witness has already testified that he didn't answer any questions. What difference does it make?

Mr. Gladstein: No; he has just testified——

Presiding Inspector: I think it might have some significance. I will take it.

A. They asked me if I wanted to testify in the Bridges trial and I says "No."

By Mr. Gladstein:

Q. Well, that didn't take half an hour. What else did they ask you?

A. Maybe it was twenty-five minutes; I don't know.

Q. Well, didn't they ask you whether you had any information as to whether Bridges was a Communist?

A. I don't know what they asked me. They asked me if I would testify. I told them "No."

Q. Did they ask you whether you would testify before they asked you if you had any information as to whether Bridges was a Communist?

(Testimony of Harry Lundeberg.)

A. They asked me whether I wanted to testify and I said "No." They kept on asking the same thing. I said "No." [7090] And I didn't give them any information and they left me in disgust.

Q. Mr. Lundeberg, do you mean to testify that for twenty-five minutes or half an hour some FBI Agents kept asking you just the question, "Do you want to testify?" And that you kept saying "No", and that there were no questions directed to you asking for information as to whether Bridges was a Communist?

A. Well, you know in twenty-five minutes you can waste a lot of time. See, first of all when people talk to me I want to know who they are, see; they have got to produce the stuff. And I asked them a lot of questions, see, so I didn't give them a chance to ask me so much, see.

Q. Well, now, will you please answer this: Did the FBI Agents ask you to testify against Harry Bridges before they asked you what information you had or might have that would prove Bridges was a Communist?

The Witness: Will you repeat that again?

Mr. Gladstein: Certainly. Read it.

Presiding Inspector: Read the question.

(The question referred to was read by the reporter as above recorded.)

A. They asked me if I had any information and I says "No." Then they asked me whether I wanted to testify at the Bridges' trial and I said

(Testimony of Harry Lundeberg.)

"No". Whether I said that before or after I couldn't tell you. It is pretty hard to remember. [7091]

By Mr. Gladstein:

Q. Let's see if I have this straight, Mr. Lundeberg. The two FBI agents asked——

Mr. Del Guercio: (Interposing) He has the testimony of the witness. It isn't necessary—whether or not Mr. Gladstein has it. He can read it from the record.

Mr. Gladstein: That was simply——

Presiding Inspector: That is preliminary.

Mr. Gladstein: (Continuing) —— an expression; yes.

By Mr. Gladstein:

Q. Did the FBI men ask you if you had information that would prove Bridges was a Communist, and did you then say "No," and did they then ask you to testify against Bridges, is that the way it happened?

A. I don't remember if they asked me one question first or afterward.

Q. It might have happened that way?

A. Might and might not.

Q. Did either they, or you, mention this meeting, or this supper at Bridges' house?

A. No.

Q. Is last night the first time that this was mentioned in any discussion between you and a

(Testimony of Harry Lundeberg,)

representative of the Government, or any branch of it? A. That is right. [7092]

Q. When was the next time—withdraw that. You say these FBI agents came to you some time last fall? A. Yes.

Q. Can you fix the date, approximately?

A. Oh, it is pretty hard to—I can't say for sure what month it was. It was prior to the New Year; I know that.

Q. Was that the first time that any representative of that department of the Government approached you on the question of information concerning Harry Bridges?

A. Well, when they had this Angel Island trial the guy running the show over there asked me to testify.

Q. When was that?

A. When was it, was it a year or two years ago?

Q. With relationship to the hearing itself, how long before, Mr. Lundeberg, or was it during or afterward? A. It was during the hearing.

Q. When during the hearing, do you recall?

A. I can't recall.

Q. And who was it that saw you then, do you know?

A. Well, I think it was a guy by the name of Shoemaker or "Shoemacher"—or something like that.

Q. Was that the first time, Mr. Lundeberg, when you talked to Mr. Shoemaker during the

(Testimony of Harry Lundeberg.)

previous deportation proceeding, that you have ever been approached by any representative of any branch of the Government concerning information on Bridges? [7093]

A. That is right.

Q. That is the very first time?

A. That is right.

Q. You weren't approached the previous year?

A. No.

Q. Where did you meet with Mr. Shoemaker, do you recall?

A. He came down to the office.

Q. And who else was with him, if anybody?

A. Well, I think he had another man with him. I don't know what his name was.

Q. How long were they with you?

A. Oh, I don't remember exactly how many minutes. They were there for a little while.

Q. Did they take a statement from you?

A. No.

Q. Did you have a discussion?

A. They asked me if I would testify in the Bridges trial at Angel Island and I said "No."

Q. Was that the first thing they asked——

A. (Interposing) Yes.

Q. (Continuing) ——before they asked whether you had any information that would help them, is that correct? A. Yes.

Q. And in that discussion neither you nor they mentioned this supper meeting with Mr. Darcy at Mr. Bridges' house, is that correct? [7094]

A. Absolutely correct.

(Testimony of Harry Lundeberg.)

Q. Now, when was the next time, after meeting with Mr. Shoemaker, the one that you have just given, or was there any before that?

A. After meeting with Mr. Shoemaker they didn't bother me any more until the FBI agents came after me last fall.

Q. All right. Now, since the meeting last fall with the FBI agents—by the way, do you recall their names? A. One was Devereau.

Q. And the other? A. I don't remember.

Q. When was the next time that you met with any representatives of the Government?

A. The next time was when I was called up to the FBI office here about a month or six weeks ago by Mr. Schofield and Mr. Del Guercio. I was called up during the meeting of the Sailors Union on Monday night.

Q. How were you called? A. By phone.

Q. Who spoke to you?

A. I think Mr. Devereau; the same man.

Q. What did he ask you to do?

A. He asked me to come up there.

Q. To the FBI offices?

A. That is right. [7095]

Q. And did you go?

A. I went up there with the Assistant Secretary of the Sailors Union, Mr. Prevost.

Q. What took place there?

A. Well, they asked me to testify again.

Q. Was that the first question they asked you?

A. Oh, I don't remember that.

(Testimony of Harry Lundeberg.)

Q. Did they ask you to testify before they asked you whether you had information and, if so, what your information was concerning Bridges? "Yes" or "No", please. A. I can't remember.

Q. You can't remember that?

A. No; I can't remember either way.

Q. How long were you there that time?

A. Well, we were there for some time.

Q. What is that?

A. I was there for some time. I don't remember exactly how long.

Q. Two hours? A. I don't know; maybe.

Q. Did they take a statement from you?

A. No, they did not.

Q. Were notes taken of your conversation?

A. No.

Q. Are you sure of that? [7096]

A. Absolutely.

Q. Did you answer questions?

A. I answered what they asked me.

Q. What did they ask you about?

A. Oh, they asked me—it was a general conversation about Communism on the waterfront, and so on and so forth, and they were telling me that the Sailors Union—Mr. Schofield was telling me that the Sailors Union of the Pacific is known to be anti-Communist, a fighting outfit, and so forth, and a general conversation. And I was asked if I wouldn't help get rid of the Communists, and so forth.

I answered, "We are doing all we can to get rid of them in our own way."

(Testimony of Harry Lundeberg.)

And then they said, "Wouldn't you like the Government to do so," something along those lines.

I said, "Well, you fight them in your way and we will fight them in our own way. I don't believe in this testifying in any hearing for anybody in a case like that."

Q. What did they ask you to do, or to say, Mr. Lundeberg?

A. They didn't ask me to say anything. It was just a general conversation, and they asked me if I would testify.

Q. What did you say? A. I said "No."

Q. Was the Darcy meeting at Mr. Bridges' house mentioned by anybody on that occasion? [7097]

A. No.

Q. Now, did they ask you whether you had ever been a Communist?

A. No, I don't think so. They might have asked me. I don't remember all the details.

Q. Who were the other people who were present—name all who were present?

A. Well, I can name Mr. Schofield and Mr. Del Guercio. The other ones I might name if I see them.

Q. How many were there all together?

A. I think it was four. I know Mr. Devereau was there because I met him before.

Q. Was Mr. Connelley there?

A. I think that was the name. I can tell you if I see the man.

Q. What time of the day was it?

(Testimony of Harry Lundeberg.)

A. After the Sailors Union meeting at night.

Q. What time?

A. I would say around ten o'clock at night.

Q. How long did the discussion last?

A. Oh, I can't recollect exactly. We were there for some time.

Q. What is that?

A. We were there for some time.

Q. Until after midnight?

A. Possibly [7098]

Q. What did they ask you with respect to Bridges?

A. Well, they asked me if I knew anything about him. I said "No."

Q. When was the next time that you saw any representatives of the Government?

A. Last night.

Q. How did you happen to see Mr. Del Guercio last night?

A. Because I, myself, went up and saw him. I had two subpoenas issued against me, one in San Francisco and one in San Pedro, and I was told in San Pedro if I didn't appear here that I will get slapped into jail for contempt. I sent Mr. Del Guercio a wire asking him to get an extension and I would contact him as soon as I got to Frisco. And I received a wire back saying the extension was granted. And as soon as I got into Frisco, and after the Sailors' meeting was over, I went up to see him.

Q. Who was present last night when you saw Mr. Del Guercio? A. Mr. Devereau.

(Testimony of Harry Lundeberg.)

Q. Anybody else? A. No.

Q. Was a statement taken from you at that time?

A. No; no statement was taken.

Q. Were notes taken?

A. Well, maybe they took notes; but no statement. [7099]

Q. Did you see anybody taking notes, or what appeared to be notes, of your conversation?

A. No. They asked me a lot of questions, but didn't take any notes to my knowledge.

Q. How long were you there?

A. Oh, I would say about half an hour.

Q. What did they ask you last night?

A. Well, they first of all asked me why I was running around the country dodging subpoenas, and if I thought I could get by with playing around with the United States Government and not answer.

I told them that I intended to be there. I had to leave town on account of urgent business in San Pedro and that was why I did not appear the first time.

So they told me, "All right. You have got to go and testify tomorrow or else you might get into trouble with the law," which I know myself.

I said, "I will be there at ten o'clock in the morning."

They asked me about, did I know that Mr. Melnikow had accused the Sailors Union of sabotage. I said I read it in the paper, and I said it was a lie.

They asked me about the connection of the MWIU and the Sailors Union of the Pacific.

(Testimony of Harry Lundeberg.)

They asked me if I knew Bridges, and I answered. Then I left and said, "See you in the morning."

[7100]

Q. That is all that took place?

A. That is all.

Q. Did they tell you about this Darcy meeting at Bridges' house?

A. They asked me all the questions and told me to tell the truth.

Q. Did they ask you about this meeting at Bridges' house?

A. No, they didn't ask about the Darcy meeting.

Q. Did you tell them about it?

A. Yes. I told them about it. They told me to tell the truth and that is what I am going to do.

Q. What did they ask you?

A. They asked if I knew Bridges, where I met him, what place, and so forth, and if I mixed with him socially, if I had been to his house, or anything like that. Naturally, I told the truth. I am not going to tell the Government a lie, am I?

Q. Did they tell you about this meeting at Bridges' house?

A. No; they didn't know anything about it. Most of the questions were around the MW and the Sailors Union of the Pacific. They asked me how many members the MWIU had on the Pacific Coast during the '34 strike. I told them. I said, "I think the most they had on the Pacific Coast was 500 active [7101] seamen. The rest was cherry pickers."

(Testimony of Harry Lundeberg.)

Q. Now, what you testified to concerning Bridges in New Orleans, his record, which you characterized as, in your opinion that it stinks, what documents, if any, was that opinion of yours, or those expressions, based on?

A. I looked at—I went and looked at the Shipping Commissioner's records. You can always go to the Shipping Commissioner and look back to the records.

Q. When did you do that?

A. Well, that was for my own information.

Q. When did you do it?

A. I did it a long time ago. I done it for my own information.

Q. When?

A. People told me he was scabbing in 1921 and I wanted to find out.

Q. When did you go there?

A. A long time ago.

Q. Don't you know whether it was this year, last year, or five years ago? A. Years ago.

Q. When?

A. A couple or three years ago, I guess.

Q. Where did you go?

A. I went down to the Commissioner here, U. S. Commis- [7102] sioner, Shipping Commissioner, in San Francisco to look it up. I didn't tell him I was looking for Bridges' record. I went in to check up on something and I sneaked in and looked at it.

Q. Did you tell him what you were looking for?

A. I forgot even what I told him.

(Testimony of Harry Lundeberg.)

Q. What did you look for?

A. I was looking for Bridges' record.

Q. What kind of records do they have there?

A. They have the articles of ships, and all that stuff, their voyages, voyages of the ships, and so forth.

Q. As to the end of the voyage, articles to the end of the voyage? A. Sure.

Q. In San Francisco? A. Yes, sir.

Q. With respect to a 1921 voyage in New Orleans?

A. Yes. The voyage terminated in San Francisco.

Q. Did you see whether or not the records showed there if the men were paid off?

A. I don't remember. All I remember is the signing on for 25 cents a month.

Q. Was that before or after the ship sailed?

A. Well, you can check with the Commissioner. I know he signed at 25 cents a month.

Q. All that you said was based on what these records show, your recollection of what they show, is that right? [7103] A. Yes.

Mr. Gladstein: You will recall, your Honor, we raised the question of the records being the best evidence of this, and now it appears that the witness' entire testimony on that particular——

Presiding Inspector: It is only collateral. What difference does it make? The strict rule is to the integration of the best evidence rule. The matter being in a record isn't applied as strictly on a col-

(Testimony of Harry Lundeberg.)

lateral matter. Furthermore, we are not confined to the rules anyway.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. Have you ever told any union meeting, or anybody, that you have been a member of the IWW?

A. I never told any union meeting I was a member of the IWW.

Q. Have you ever told anybody that you have been a member of the IWW?

A. I have never told anybody I was a member of the IWW. If I was a member of the IWW, you don't have to be afraid, for I wouldn't hide behind a smoke screen and not say so.

Q. Have you ever told anybody at all, to your recollection, that you were a member?

A. No; I have never told anybody I was a member of the IWW. If I was I would tell the world about it. [7104]

Q. Did you ever sign a card to become a member?

A. Of the IWW?

Q. Yes. A. No.

Q. You say the first time you met Bridges was in Seattle in 1934? A. Right.

Q. At the Marine Council? A. Yes.

Q. And you say that you were a member of the Strike Committee at that time?

A. No. I didn't say that. The Marine Council was formed after the strike. This was in December, 1934, I believe, to the best of my knowledge.

(Testimony of Harry Lundeberg.)

Q. Well, is that——

A. (Interposing) I was a member of the Seattle Strike Committee of the Sailors Union of the Pacific.

Q. During the waterfront strike of '34 you were a member of the Strike Committee? A. Yes.

Q. Of the Sailors Union? A. Yes.

Q. When did you go on strike?

A. I went on strike—I was on the steam schooner James Griffith out in the bay here, and we got in on May 30. I [7105] was the Third Mate and I took them off.

Q. What was the ship's name?

A. James Griffith.

Q. What is your best recollection, Mr. Lundeberg, as to the date when you first met Bridges?

A. Well, I believe that the first time I met him, as I stated before, was up in Seattle in December, around in the fall of the year, in the Marine Council.

Q. It was December, or earlier in December?

A. I can't say for sure. It was at a meeting of the Marine Council up in Seattle.

Presiding Inspector: It was in '34?

The Witness: In '34; yes.

By Mr. Gladstein:

Q. Are you sure it was in 1934? A. Yes.

Mr. Gladstein: May we have our noon recess?

Presiding Inspector: I thought you might be able to close.

Mr. Gladstein: I think there are other questions I would like to give consideration to.

(Testimony of Harry Lundeberg.)

Mr. Del Guercio: Before we adjourn I would like to ask if Mr. Cannalonga is needed any longer.

Presiding Inspector: Do you want him?

Mr. Grossman: We have this problem: The letters, as [7106] we thought, make it necessary for us to ask a minimum of questions. But we have some information, which we reasonably expect, and we have tried to get it here before, but which we reasonably expect will be here the first thing tomorrow morning. That will enable us to ask some further questions. We did our best to get it here before. We can't ask those questions at this time because it isn't in such form, until we get the written documents, and we think they will be here in the morning. Therefore, since he has waited this long, and since we want to ask those questions tomorrow morning, we ask that he remain over, and any expense involved we are perfectly willing to meet; which we think is reasonable considering the fact that he has remained this long, and there is nothing, so far as we know, nothing pressing, requiring his attendance elsewhere.

Presiding Inspector: How long will the matter take?

Mr. Grossman: We won't have many questions.

Presiding Inspector: Are you sure?

Mr. Grossman: Yes. We will be prepared as well as possible by tomorrow morning.

Presiding Inspector: I am in hopes that we may close the hearing tomorrow.

Mr. Grossman: In any event, we will be prepared on this tomorrow morning.

(Testimony of Harry Lundeberg.)

Presiding Inspector: I think he had better stay. We will take a recess.

(Whereupon, at 12:34 p.m. a recess was taken until 2:00 p.m. of the same date.) [7107]

After Recess
2:00 o'clock P.M.

HARRY LUNDEBERG

called as witness in rebuttal on behalf of the Government, having been previously duly sworn, testified further as follows:

Presiding Inspector: You continue under oath.

The Witness: Yes.

Cross Examination (Resumed)

By Mr. Gladstein:

Q. Mr. Lundeberg, have you ever been convicted of any crime?

A. Not of any crime.

Q. Have you ever been convicted of anything?

A. Well, I was in jail for riotous——

The Reporter: (Interposing) I didn't catch the last of it?

A. (Continuing) I was in jail for riotous behavior in Australia during a strike.

Presiding Inspector: "For riotous behavior in Australia during a strike," he said.

(Testimony of Harry Lundeberg.)

By Mr. Gladstein:

Q. What year was that?

A. It was in the early part of '23 or the latter part of '22.

Q. In connection with what strike? [7108]

A. We struck a couple of German ships coming down on account of scab wages, and we tried to force union wages on them.

Q. Where did the strike occur?

A. In the Port of Newcastle, New South Wales.

Q. What part of 1923 was that?

A. It was in the early part of it, of 1923.

Q. What other arrests——

Mr. Del Guercio: (Interposing) What, felonies or arrests?

Presiding Inspector: I don't know. I don't suppose it makes much difference. It is riotous behavior. We don't know whether they have any such classification in New South Wales.

By Mr. Gladstein:

Q. I will ask this question: What were you charged with that time, Mr. Lundeberg?

A. I was charged with beating up a German Skipper.

Q. Do you recall what the exact charge was?

A. Fighting.

Q. What? A. Assault, I guess.

Q. Was there a trial? A. Yes.

Q. Were you convicted? [7109] A. Yes.

Q. What was the sentence?

(Testimony of Harry Lundeberg.)

A. Three months. I didn't serve three months; they let me out afterwards.

Q. Have you been arrested on any other occasion? A. I was arrested in London.

Q. I didn't hear you.

Presiding Inspector: "Arrested in London," the witness said.

By Mr. Gladstein:

Q. What was the charge?

A. Fighting scabs.

Q. Was that the charge? A. Yes.

Q. You mean that you were arraigned and the charge against you was fighting scabs?

Mr. Del Guercio: If your Honor please, the witness has answered it. He said he was fighting scabs. Mr. Gladstein knows that the witness said that. It isn't necessary to repeat it.

Presiding Inspector: That is a mere description, I suppose. I don't suppose it is a crime, under the English law, for fighting scabs. It may be.

By Mr. Gladstein:

Q. What was the charge, Mr. Lundeberg? [7110]

A. Well, it was during the——

Q. (Interposing) What was the charge?

Presiding Inspector: What did they charge you with? A. They charged me with fighting.

Mr. Del Guercio: I think we can properly exclude all of this line of inquiry here concerning these arrests and confine it to the question of whether he ever has been convicted of a felony.

(Testimony of Harry Lundeberg.)

Presiding Inspector: I know, but that hasn't been the plan under which either side has proceeded in this case.

By Mr. Gladstein:

Q. When did this arrest occur?

A. That occurred in London during the seamen's strike; the American seamen's strike and the European seamen's strike.

Q. What year, please? A. 1921.

Q. What part of 1921?

A. Well, that was—I was paid off in London from a three masted bark on the 8th of May in London, 1921; and I was on the beach in London during the American seamen's strike, and the Norwegian seamen's strike, and during the Swedish seamen's strike, and there was more or less a seamen's strike all over the world at the time.

Q. When did this arrest occur?

A. It occurred on the West India—— [7111]

The Reporter: Will you repeat the last of the answer?

A. It occurred on the West India Dock Road.

By Mr. Gladstein:

Q. When? A. 1921.

Q. What happened in that case?

A. Well, I was bailed out and got out of it. I was only in a couple of days.

Q. Have you ever been arrested on any other occasion?

(Testimony of Harry Lundeberg.)

A. I have been arrested in Bahia Blanca, South America, Argentina.

Q. What were you arrested for?

A. I had trouble with a Skipper. There was a fight between the crew on the dock and I was tossed in the bucket for a while.

Q. What were you tossed in the bucket for?

A. For fighting. I was complaining about food aboard ship, and was fighting for better conditions, and we finally had it out on the dock, and the Skipper had a warrant for me and a couple of other fellows and they put us in the jail.

Q. What did the warrant charge you with?

A. The warrant charged—I don't know what the warrant charged us with. I know they tossed us in jail.

Q. How long were you in jail?

A. For fourteen days.

Q. Have you ever been arrested on any other occasion? [7112]

A. Yes; once more and in Seattle.

Q. When was that?

A. Oh, that was around 1927 or 1928, for a fight up in Belltown. I was on a sailing ship.

Q. What were you charged with?

A. Fighting.

Q. Were you convicted?

A. No. They let me out. I paid my fine and got out of there.

Q. You paid your what? A. Fine.

Q. Of how much? A. $10.00.

(Testimony of Harry Lundeberg.)

Q. Then you were convicted and sentenced to pay a fine, is that right?

A. No. I paid—I didn't even go to court. I paid $10.00 and got out of there the next morning.

Q. Have you listed all the times you have been arrested or convicted of any misdemeanor or crime of any kind, or charge of any kind?

A. Well, that is all the times I have been arrested. You have got it all there now—whether you call it crimes or not—it was fighting.

Q. Now, did you ever meet with Sam Darcy at any time after this date in 1935? [7113]

A. No; not that I remember.

Q. That is the only time you saw him?

A. Yes.

Q. You were asked this morning by Mr. Del Guercio about this meeting that you say lasted about five hours at an address on Market Street, where you saw a Mr. Hanoff, a Mr. Lambert, and Mr. Johnston, and some others were present. Did you have that in mind?

A. Yes; I remember it.

Q. Now, I am interested in this question: How long after you were in Bridges' house did this Market Street meeting occur?

A. I don't remember.

Q. Approximately?

A. It is pretty hard to tell because I was in and out at that time all the time.

Q. Which one occurred first?

(Testimony of Harry Lundeberg.)

A. To my knowledge the meeting in Bridges' house when I had dinner with him occurred first.

Q. How long before?

Presiding Inspector: Speak louder.

A. I can't remember how long before or how long afterward.

By Mr. Gladstein:

Q. With respect to the City Elections that were taking [7114] place, or were about to take place, at what part of the campaign, or the elections, would you place that meeting on Market Street?

A. I can't remember.

Q. Can you fix it with respect to the tanker strike in 1935? You are familiar with when that took place, are you not, Mr. Lundeberg?

A. The tanker strike took place from March 10 or 11, and was concluded in June.

Q. All right. With respect to that tanker strike would you say that this Market Street meeting occurred some time during the strike, or some time before, or some time after?

A. Really, I couldn't tell you for sure what time it did happen.

Presiding Inspector: Your best recollection.

A. I can't remember.

—Presiding Inspector: You haven't any recollection?

The Witness: No.

By Mr. Gladstein:

Q. Well, you remember when the Voice of the Federation began, don't you? A. Yes.

(Testimony of Harry Lundeberg.)

Q. When did it begin?

A. It began around May or June, I guess.

Q. Of 1935? A. Yes. [7115]

Q. All right. With respect to the beginning of that paper, did this Market Street meeting occur before or after?

A. It must have occurred after, I suppose.

Q. How long after?

A. I don't remember exactly.

Q. What makes you suppose that it was after? Do you have any recollection of it at all?

A. I have a very good recollection of the meeting, but I can't remember the date and the time it was. I know it was in '35.

Q. Do you remember when Mr. Scharrenberg was expelled? You talked about that today?

A. Yes.

Q. Do you remember when it was?

A. I was on the Trial Committee.

Q. Do you recall when it occurred?

A. In 1935.

Q. When in 1935?

A. I can't remember the day and the date, but we can find out from the Sailors' record.

Q. Did the Market Street meeting occur before or after the expulsion of Mr. Scharrenberg?

A. I can't remember.

Q. Can you remember any activity, any trade union [7116] activity, or other activity, in which you took a particular interest which was going on at the time that you had this Market Street meeting, or just

(Testimony of Harry Lundeberg.)

before or just after, in order to enable you to fix the approximate date of that meeting?

A. No. I can't remember any particular activity because there was a lot of activity in those days.

Q. What were you doing in San Francisco at that time?

A. I was down here as head of the Maritime Federation.

Q. Were your offices here?

A. No. My office was anywhere I happened to be on the coast.

Q. Wasn't there a central headquarters of some kind?

A. There was an office in Seattle and the central headquarters was at No. 24 California Street, San Francisco.

Q. And you have a distinct recollection that you were in San Francisco at that period in connection with the Maritime Federation of the Pacific business?

A. Yes, sir; I was in San Francisco on Maritime Federation business. We had—a tanker strike was going on and various other matters.

Q. Was the tanker strike going on while this Market,—when this Market Street meeting occurred?

A. I couldn't remember the date and the time of that. [7117]

Q. Do you know who the two other people were who were at that meeting?

A. I can't remember.

(Testimony of Harry Lundeberg.)

Q. Can you describe them in any way?

A. No.

Q. Can you state whether they were trade unionists or had trade union connections of any kind?

A. No; I believe they were Commissars; they were all Commissars.

Presiding Inspector: "Commissars", he said.

The Witness: Or would-be Commissars.

Presiding Inspector: That is what you call them?

The Witness: Yes.

By Mr. Gladstein:

Q. You have testified that the time that you had supper in Bridges' house was after he had got out of the hospital in 1935. That is correct, isn't it?

A. Yes, I am sure it was after.

Q. Do you recall how soon after he got out that supper occurred? A. I can't recall.

Q. Do you recall whether Bridges was convalescing at his home at that time?

A. Not that I remember; I am not quite sure.

Q. Do you remember there was a big parade in July of [7118] that year, Mr. Lundeberg, on July 5th to commemorate the events of "Bloody Thursday" of the previous year? You recall that, don't you? A. Yes, sir.

Q. All right. Now, was this meeting at Mr. Bridges' house prior to that parade or afterwards?

A. I can't remember, as I told you whether it was before or after the tanker strike or before or after the fifth of July.

(Testimony of Harry Lundeberg.)

Q. Have you ever been called a Communist?

A. They have called me anything that they can print in the paper, from a Communist——

Q. (Interposing): I say have you ever been called a Communist?

A. Well, the San Francisco Chronicle called me a Communist one time.

Q. Did Scharrenberg call you a Communist?

A. Well, he is bound to call me anything, that guy.

Q. Did Forsythe ever call you a Communist?

A. No, he did not.

Q. Did Clyde Deal ever call you a Communist?

A. Clyde Deal?

Q. Yes.

A. He didn't get near enough to call me anything.

Q. Do you know whether he ever called you a Communist [7119] or not?

A. To my knowledge I don't know. He probably did, though, because I was fighting him all the time.

Q. Now, I want to direct your attention for a moment to this meeting that you had with Mr. Schomaker and someone else from the Immigration Department during the last Bridges trial. That was in 1939, Mr. Lundeberg. As I understand it, they were in your office?

A. They came down to the office, yes.

Q. They wanted you to testify against Bridges?

A. Yes, sir.

Q. And at that time they asked you some questions, is that correct?

(Testimony of Harry Lundeberg.)

A. They asked me if I knew anything about Bridges. I says "No."

Q. Well, when they asked you if you knew anything about Bridges they asked you, did they not, if you had any information that would tend to show that Bridges was or had ever been a member of the Communist Party; isn't that correct?

A. I don't remember them asking me that question whatsoever.

Q. Substantially wouldn't that be correct, Mr. Lundeberg?

A. That might be correct, yes.

Q. And that is the kind of question, or those were the kinds of questions to which you gave the answer "I don't [7120] know," is that correct?

A. That is right.

Q. Did the same thing, or substantially the same thing occur about six weeks ago when you were meeting in the offices of the——

Mr. Del Guercio: (Interposing) We have been all over that. We are not going over the same thing again.

Presiding Inspector: I don't know that Mr. Gladstein has been over it in any detail.

Mr. Gladstein: I haven't, your Honor.

Presiding Inspector: I will allow it.

By Mr. Gladstein:

Q. Did substantially the same thing occur, Mr. Lundeberg, at the meeting you had about six weeks ago in the FBI offices? A. That is right.

Q. Now, Mr. Lundeberg, do you feel that the

(Testimony of Harry Lundeberg.)

labor movement would be better off without Harry Bridges?

Mr. Del Guercio: If your Honor please, I object to that.

Presiding Inspector: I will take it on the basis of bias.

Mr. Del Guercio: What?

Presiding Inspector: I will take it on the basis of bias.

Mr. Del Guercio: Well, I am quite sure I know what this witness' answer is, and I know what my answer would be, and I [7121] know what everybody else's answer would be.

Mr. Gladstein: I move that counsel's statement be stricken from the record as improper.

Presiding Inspector: It doesn't amount to anything.

Mr. Gladstein: I realize it doesn't amount to anything but it is improper nevertheless.

Presiding Inspector: Go ahead.

The Witness: Answer it?

Presiding Inspector: Yes.

The Witness: I have to?

Presiding Inspector: Yes.

A. I say the trade union movement would be better off without him.

Mr. Gladstein: No further questions.

Presiding Inspector: Anything further?

Mr. Del Guercio: Just a few questions.

(Testimony of Harry Lundeberg.)

Redirect Examination

By Mr. Del Guercio:

Q. Mr. Lundeberg, did your union or your unions take any action with regard to your appearing here to testify today?

Mr. Gladstein: Object to that as immaterial.

Presiding Inspector: Sustained; it is immaterial.

Mr. Del Guercio: If the Court please, counsel has gone into the motives of this witness appearing here to testify. [7122]

Presiding Inspector: We don't care about the motives of other people.

Mr. Del Guercio: Sir?

Presiding Inspector: We don't care about the motives of other people.

Mr. Del Guercio: They are not the motives. It is what induced Mr. Lundeberg to appear here and testify today as he has.

Presiding Inspector: I don't think he needs any apology for appearing here.

Mr. Del Guercio: Not that he needs it, but I think the witness has a right to answer that question.

Presiding Inspector: No, I don't see that it is material. I will exclude it. I think you have had him here and he has given his testimony.

Mr. Del Guercio: That is true. We are very glad to have him here.

Presiding Inspector: No reason why he

(Testimony of Harry Lundeberg.)

shouldn't, that I can see. He doesn't need any apology for doing it.

By Mr. Del Guercio:

Q. Well, now, with reference to this 1934 strike, Mr. Lundeberg, was there a strongly organized Seamen's Union at that time?

A. It was not very strong, but there was one union that was functioning and organized on the coast; that is the Sailors [7123] Union of the Pacific.

Q. Sailors Union of the Pacific? A. Yes.

Q. Now, what was the Sailors Union of the Pacific membership with regard to the Marine Workers Industrial Union?

A. Well, the Sailors Union of the Pacific had 1600 members, active members in 1934. The Marine Workers Industrial Union had approximately 500 members on the whole coastwise scale, including firemen, cooks, stewards, longshoremen, what have you. That is about all they had, if they had that many.

Mr. Del Guercio: That is all.

Mr. Gladstein: Just a moment.

Recross Examination

By Mr. Gladstein:

Q. What records are you relying on for the statement you have just made that the SUP had 1600 members in 1934?

A. The records of the Sailors Union.

Q. And what part of the strike are you referring to?

A. The beginning of the strike, prior to the strike.

(Testimony of Harry Lundeberg.)

Q. That the SUP had 1600 members in good standing?

A. That is right, on a coastwise scale.

Q. That is, you say, based on the records of your organization? A. That is right. [7124]

Q. Are they available? A. Oh, yes.

Q. Do you have any objection to having them examined? A. None whatsoever.

Q. Now, what kind of records are you referring to?

A. I am referring to the dues cards and so forth.

Q. Dues payments? A. Yes, sir.

Q. All right. So you are saying in effect—I want to have this straight—that your records in the SUP will show that at the beginning of the 1934 strike and prior, just prior to it, the SUP had 1600 dues-paying members on the Pacific Coast?

A. That is right.

Q. Now, what do you base your statement on that the MWIU had only 500 members?

A. By asking one of the officials of the MWIU who was active at that time.

Q. Who is that? A. Mr. Harry Prevost.

Q. And what did he tell you?

A. He told me that if they had 500 members that was tops.

Q. When did you ask him that?

A. I asked him that a long time ago; we discussed the MWIU and the Sailors Union of the Pacific. [7125]

(Testimony of Harry Lundeberg.)

Mr. Gladstein: I would like to ask one more question which should have been asked on cross rather than on recross.

Presiding Inspector: All right.

By Mr. Gladstein:

Q. At the time that you were in Bridges' house did he seem to be sick or was he completely recovered to your observation from his spell in the hospital, Mr. Lundeberg?

A. He didn't seem to be sick—I don't remember—but he was not sick; he was not lying down.

Q. Well, he had been sufficiently well so that he could invite you to that supper when he met you down town; is that correct? A. Yes, he was.

Q. So he was moving around and engaging again in normal activities at the time that this supper was held; correct? A. Possible.

Q. Well, what is your best recollection?

A. Well, the man was not laying down in bed; that is all I can tell you. He was on his feet and he sat down at the table eating.

Mr. Gladstein: Now, your Honor, I would like an opportunity to examine the records to which the witness has just made reference.

Presiding Inspector: He said that it was available to him. [7126] You can arrange it with him.

Mr. Gladstein: Yes, I will do that. And also there is something further which may require brief cross examination of the witness on another subject; it may not. We will not have this information until tomorrow so I would like this understood, if we

(Testimony of Harry Lundeberg.)

may have it, the witness can be excused. We will ask that the witness be excused with the understanding that he is still under the subpoena of this court and that upon telephonic request from us he will agree to appear again tomorrow for further examination. And as to this other question of the records, I suppose that——

Mr. Del Guercio: (Interposing) Let's take one matter up at the time, if your Honor please, so there won't be any confusion.

Now, on the matter of his appearing again I object to that for a number of reasons. Mr. Lundeberg here is a local man, well known in labor circles.

Presiding Inspector: Oh, it is quite customary.

Mr. Del Guercio: Counsel here has had every opportunity to prepare for this examination here. There is no excuse or no reason for any delay or for recalling him. He is here. We presented him. They have their opportunity to cross examine him now, and they have had full opportunity.

Presiding Inspector: Still, I think it is very usual to arrange that witnesses remain through a hearing. This [7127] man is a local man, as I understand it.

You live here?

The Witness: Well, I live any place but this is the headquarters.

Presiding Inspector: Yes, this is your headquarters?

The Witness: Yes, sir.

(Testimony of Harry Lundeberg.)

Presiding Inspector: You are going to be here until tomorrow anyway, aren't you?

The Witness: I expect to.

Presiding Inspector: Well, we will let it go that way. You come if you are phoned to. The subpoena holds over.

Mr. Del Guercio: If there is any communication it should come from the Court, I believe, rather than from——

Presiding Inspector: I will call him.

Mr. Gladstein: I was only going to accommodate the witness. I was going to agree to do this: To agree to call him before ten o'clock if we do not need him so it will save him a trip down here, but if the Government objects, of course, we won't do it.

Mr. Del Guercio: I don't know if the witness has any objection.

The Witness: It is all right with me. Whose voice am I supposed to listen to, you or someone else's?

Mr. Del Guercio: You are not supposed to listen to his voice. [7128]

Presiding Inspector: Let the witness come here tomorrow morning unless Mr. Gladstein releases him by telephone before 10:00 o'clock or before 9:30 o'clock.

Mr. Grossman: Are you staying at the Sailor's Union Hall?

The Witness: Yes.

Presiding Inspector: You stay there until the time to come down here.

(Testimony of Harry Lundeberg.)

Mr. Gladstein: As to those records will you make those available late this afternoon?

Presiding Inspector: You can arrange that off the stand.

Call the next witness.

Mr. Gladstein: Will you be in your office by 4:30?

Presiding Inspector: I think I heard that, Mr. Gladstein. Better make it a little later. You said 4:30. We might run along here this afternoon.

These arrangements need not be on the record.

(Discussion outside the record.)

(Witness temporarily excused.)

Presiding Inspector: Call your next witness.

Mr. Del Guercio: We have called him.

LEE BARLOW

called as a witness in rebuttal for and on behalf of the Government, being first duly sworn, testified as follows:

Presiding Inspector: Give your full name and address to [7129] the reporter.

The Witness: Lee Barlow.

The Reporter: Spell it, please.

The Witness: L-e-e B-a-r-l-o-w.

Presiding Inspector: Your address?

The Witness: 111 West Burnside, Portland Oregon.

(Testimony of Lee Barlow.)

Presiding Inspector: Now, speak so all these gentlemen can hear.

Direct Examination

By Mr. Del Guercio:

Q. Mr. Barlow, did you attend the convention of the Maritime Federation of the Pacific in April, 1935 in Seattle, Washington? A. Yes, I did.

Q. And in what capacity did you attend that convention?

A. A delegate from the Sailor's Union of the Pacific.

Q. And while you were at that convention did you see the Alien, Harry Bridges? A. I did.

Q. And will you state under what circumstances you saw him?

A. Well, I saw him on the convention floor, that is the first time that I had met the man during the convention, and during that time an issue of Communism came up during the meeting, and afterwards I talked to Bridges outside the convention and Bridges stated to me that the only way that a young fellow could get ahead in the labor movement today was to [7130] join the Communist Party.

Q. Who was present when that conversation occurred?

A. Well, there was quite a few around there. The only one I could remember for sure is my dad; he was there.

Q. What is your father's name?

(Testimony of Lee Barlow.)

A. John Barlow.

Mr. Del Guercio: You may cross examine.

Cross Examination

By Mr. Grossman:

Q. How long have you been a member of any union, Mr. Barlow?

A. I joined the SUP in 1931; I have been a member in good standing ever since.

Q. Out of which port did you ship?

A. I started going to sea out of Seattle. Since then I have sailed out of every port on the Coast.

Q. Did you say the first time you had ever met Harry Bridges was during this Federation convention? A. Before the convention.

Q. How long before the convention?

A. A couple of days, when I came in to town.

Q. How did you happen to meet him?

A. Through Lundeberg.

Q. Well, what happened? How did you happen to meet him?

A. Well, he introduced me to him before the convention, [7131] that was all.

Q. Was it at some kind of a meeting?

A. No, it was no meeting.

Q. What did Mr. Lundeberg say when he introduced you?

A. He said "This is Harry Bridges from San Francisco."

Q. Did you have any discussion at that time?

A. No, I didn't.

Q. When was the next time you saw him?

(Testimony of Lee Barlow.)

A. All during the convention.

Q. Did you sit in any caucuses with Harry Bridges? A. No, I didn't.

Q. Did you sit in any fraction or Communist meetings with Harry Bridges?

A. No, I didn't.

Q. This conversation you referred to about a young fellow getting ahead was held where?

A. Within the Labor Temple in Seattle.

Q. Is that where the convention was held?

A. That is right.

Q. Was it during a session of the convention?

A. No. It was after the day's proceedings, if I remember right.

Q. But after the convention had adjourned?

A. Yes, sir.

Q. Where in the Labor Temple was this conversation? [7132]

A. It was on the stairs leading down to the basement there.

Q. Do you remember whether it was at the top of the stairs or the bottom of the stairs?

A. I don't recall whether it was on the first floor or the main floor.

Q. Were you walking down the stairs at the time the conversation took place?

A. No; we were standing there on the landing.

Q. Had you been discussing something with Bridges before the statement was made?

A. Oh, just discussing the day's proceedings all together there.

(Testimony of Lee Barlow.)

Q. About how many people were there?

A. Well, I couldn't say the exact amount. They were broken up in little groups talking there.

Q. About how many were within three or four or five feet of you?

A. Oh, I would say maybe six or seven; I don't know the exact amount.

Q. Can you name any except your father?

A. No, not to my knowledge, no.

Q. Do you have a hazy recollection of any except your father? A. No, I don't. [7133]

Q. Did you agree or disagree with Bridges at that convention?

A. I didn't make any comment one way or the other.

Presiding Inspector: No; he means during the convention had you been in general agreement with Bridges or against him or——

The Witness: (Interposing) As a matter of fact, I think that during the convention the longshoremen and the sailors voted pretty nearly in a block.

By Mr. Grossman:

Q. Was your father a delegate to that convention? A. No sir, he was not.

Q. How did your father happen to be there?

A. He was attending the convention; they had a gallery there.

Q. Do you recall whether there were any introductions between Bridges or your father or any of these other people there?

(Testimony of Lee Barlow.)

A. That I couldn't say whether there was an introduction; whether my father was introduced to Bridges or not; I don't believe so.

Q. How did this subject come up out of which Bridges made this statement?

A. If my memory serves me right, it came up over the question of the delegate from the Fireman's Union being eligible [7134] to sit in the convention.

Q. Who was that delegate?

A. Walter Stack.

Q. You mean it came up on the convention floor? A. That is right, the issue.

Q. Now, I am concerned with how this particular statement came up in the convention? I assume this was not the first thing that was said in the conversation, was it?

A. No. If my memory serves me right, the question came up of a beef about Walter Stack being a delegate and being ineligible, and some members of the Firemen's Union accused him of being a member of the Communist Party.

Q. Now, when you were on the stairs with Harry Bridges were you discussing this question of Walter Stack being admitted as a delegate?

A. Yes, that was in the conversation; that is how it started.

Q. Did you express an opinion at that time as to whether Stack should have been admitted as a delegate?

A. No, I did not. It didn't concern me. I was a

(Testimony of Lee Barlow.)

member of the Sailor's Union, not the Firemen's Union.

Q. What position did you take in the convention on that point?

A. It was not a question of the convention taking a position on it. It was his own local union.

[7135]

Q. Did it arise in the convention or not?

A. That is right.

Q. How did it arise in the convention?

A. I don't remember the exact way it came up but it was bounced around the floor.

Q. What action was the convention being asked to take on it?

A. I don't remember whether the convention was asked to take any action on it, but it was brought to the floor of the convention, if my memory serves me right.

Q. Can't you recall whether it was official business in the convention or not?

A. I would have to look the minutes up; that has been six years ago, five years ago.

Q. Your best recollection is, then, that the convention took no official action on this case?

A. That is right.

Q. All right. Now, do you remember anything else about the conversation between you and Bridges and the rest of this group?

A. No, because I left there that day.

Q. I beg your pardon?

A. I left there right after that.

(Testimony of Lee Barlow.)

Q. After what?

A. After I talked to Bridges there for a few minutes. [7136]

Q. I am talking now about the conversation involving Bridges on the stairs. You stated that you discussed in that conversation the question of Walter Stack?

A. Not Walter Stack alone; the Communist Party.

Q. All right. What was said about the Communist Party?

A. I don't remember in full. I think I asked Bridges what he thought about it.

Q. About the Communist Party?

A. That is right.

Q. Do you recall what he answered?

A. I gave my answer already.

Q. That was his answer to your question about what he thought of the Communist Party?

A. That is right.

Q. Do you remember anything else that he said?

A. No, I don't, not exactly, no.

Q. Do you remember whether anything else was said in this conversation?

A. No; that was—I didn't—I wasn't—I didn't leave the convention with Bridges. I was walking out of the convention and, as is generally the style, everybody breaks up and talks together.

Q. Did you ask Bridges whether you should join the Communist Party?

A. No, I did not.

(Testimony of Lee Barlow.)

Q. And be a Communist? [7137]

A. No. I did not.

Q. Now, can you remember any more detail of this statement of Bridges except that he said "The only way for a young fellow to get ahead is to joint the Communist Party?"

Presiding Inspector: Isn't that complete in and of itself?

Mr. Grossman: I don't know whether it is or not.

Presiding Inspector: All right.

Mr. Grossman: It might or might not be, your Honor.

Presiding Inspector: Why don't you ask him, then, instead of suggesting there was more.

By Mr. Grossman:

Q. Was there any more detail in his statement than that?

A. Not that I can recall, no.

Q. Do you remember whether the other people in your group were delegates to the convention?

A. Well, most of them that were around there were delegates to the convention.

Q. In your group?

A. I was not with any——

Q. (Interposing) In your group, for example?

A. I was not with any group.

Presiding Inspector: No, he means in the group, a few people. [7138]

The Witness: I would say that they were delegates to the convention, yes.

(Testimony of Lee Barlow.)

By Mr. Grossman:

Q. Now, your father was not a delegate?

A. That is right.

Q. But you are sure that the rest in this small group that were close to you were all delegates?

A. That is right.

Q. You haven't got the least idea who the others were? A. I don't recall, no.

Q. When was the first time you gave this information that you have just testified to to any representative of the Federal Government?

A. I haven't given any until now.

Q. Not before you testified?

A. No, I haven't. [7139]

Q. When was the first time that you were contacted by any representative of the Federal Government with respect to testifying in this case?

A. In the first Bridges hearing.

Q. Who contacted you and where?

A. Some Immigration official, when I was sailing at the time. I was on a ship at Astoria, Oregon.

Q. Do you know his name?

A. No, I don't remember his name.

Q. Do you know when it was?

A. It was in August, 1938.

Q. 1938 or 1939?

A. Well, I think it was 1939.

Q. Was it during the hearing? A. Yes.

Q. What did he say to you?

A. He just asked me if I knew anything about Bridges and I said "No."

(Testimony of Lee Barlow.)

Q. Did he ask you whether you knew anything that showed or tended to show that Bridges was a Communist? A. No, he didn't.

Q. Did he just ask you if you knew anything about Bridges? A. Right.

Q. Didn't he limit his question to whether Bridges was [7140] a Communist.

A. No, he didn't. He took me in the post office at Astoria, and my wife sat there during the time he was questioning me; and that is all there was to it.

Q. And your reply was you didn't know anything? A. That is right.

Q. About Bridges? A. Pardon?

Q. Your reply was you didn't know anything about Bridges? A. That is right.

Q. And you knew that he wanted information that would tend to show that Bridges was a Communist, didn't you?

A. That was my opinion; yes.

Q. When was the next time you talked to any representative of the Federal Government with respect to testifying?

A. When I was served with a subpoena.

Q. When was that?

A. It was last Friday.

Q. You are sure that was the first time?

A. That is right.

Q. Where were you served with a subpoena?

A. At my home in Portland, Oregon.

Q. Since then have you had any discussion with

(Testimony of Lee Barlow.)

any representative of the Federal Government with respect to testifying? [7141]

A. Yes. I notified him last night I was in town.

Q. When you were served with a subpoena did you have any discussion with the man who served you, or anyone that was with him, about testifying in this case?

A. No. He was sitting in the lobby when I entered the hotel and I took him up to the room.

Q. Since being served with a subpoena have you discussed with any representative of the Federal Government what testimony you were going to give, or could give against Harry Bridges?

A. I did not.

Q. Have you told anyone at all about this incident that you have just described before coming to court? A. No, I haven't.

Q. Have you ever discussed this with your father? A. Yes.

Q. When was the first time?

A. After that happened.

Q. How long after it happened?

A. That night.

Q. And what was said?

A. He told me if I ever joined the Communist Party that he would disown me as his son.

Q. Did you ever have any other discussion with your father about that? [7142]

A. Yes, I did; — not about that subject — but about the subject of Communism.

Q. I am talking about the subject of this conversation.

(Testimony of Lee Barlow.)

A. Not until lately, when we were both served with a subpoena.

Q. Was there any other discussion, when you discussed it with your father for the first time, except what you have related?

A. I have already told you what the discussion was.

Q. Was there anything else? A. No.

Q. After this statement made by Bridges on the stairs, did he leave first, or did you leave first, or did you leave together?

A. I left with my father.

Q. When was the next time that you discussed this conversation with your father?

A. I already told you when we were served with a subpoena.

Q. And what was said at that time?

A. We just discussed this that had happened before; and I told my father, in the event that I was subpoenaed, that I wasn't going to do any time in jail for perjury or anything else.

Q. Who raised the question of perjury? [7143]

A. I did.

Q. How did you happen to raise the question of perjury?

A. I made the statement to my father that I wasn't going to do any time, when I had a subpoena, and that I would answer it.

Q. Did anyone tell you that you would be guilty of perjury if you testified the way you have here? A. No.

(Testimony of Lee Barlow.)

Q. Was there anything else in the discussion between yourself and your father at that time?

A. That is all.

Q. Have you, at any other time, had a discussion with your father about this incident?

A. I have already told you "No."

Q. Now, have you discussed this incident with any other person, at any other time, except those that you have mentioned?

A. I have already answered that — No.

Presiding Inspector: Is that all?

Mr. Grossman: No.

By Mr. Grossman:

Q. Have you ever given any statement, written statement, to the FBI? A. I have not.

Q. Do you know whether your father has?

A. He will have to answer for himself. I don't know.

Q. Do you know whether, at any time that you talked to [7144] the FBI, any notes were taken?

Presiding Inspector: Any what?

Mr. Grossman: Any notes taken?

A. I don't know — I didn't know that I talked to the FBI.

By Mr. Grossman:

Q. At any time when you had contact with any representative of the Federal Government were any notes taken?

A. I didn't have any contact with the Federal Government in any case except the times that I have

(Testimony of Lee Barlow.)

mentioned and to my knowledge there weren't any.

Q. At any of those times were any notes taken?

A. Not to my knowledge.

Q. Do you hold any position in the Sailors Union of the Pacific? A. Yes.

Q. What is your position?

A. I am patrolman in Portland.

Q. Before coming here did you discuss with Harry Lundeberg your testifying?

A. I did not.

Q. Have you ever discussed with Harry Lundeberg this incident that you have described?

A. No.

Q. How long have you held that position in the Sailors Union of the Pacific? [7145]

A. This is the second year.

Q. Pardon? A. This is the second year.

Q. Have you ever been convicted of any crime?

A. No.

Q. Are you a citizen?

A. That is right; I am.

Q. By birth? A. Yes.

Q. Did you have lunch with Harry Bridges?

A. I did.

Q. Did you discuss your possible testimony in this case? A. I did not.

Q. Did you tell Lundeberg why you were —— withdraw that. Did you tell Lundeberg at any time what your were going to testify about in this case?

A. No, I didn't.

(Testimony of Lee Barlow.)

Q. Have you ever been a member of the Communist Party? A. I have not.

Q. Have you ever sat in Communist meetings?

A. Yes.

Q. When? A. In Seattle.

Q. How many times? A. Once. [7146]

Q. How did you happen to sit in a Communist meeting?

A. Because they were trying to join me in the Party.

Q. Did you know it was going to be a Communist meeting before you sat in it?

A. I did.

Q. Why did you go?

A. I wanted to see what the layout was like.

Q. Was this before or after this conversation at the Maritime Federation Convention?

A. It was afterwards.

Q. When was it? A. It was in late '35.

Q. Did you sit through the entire Communist meeting?

A. I don't know whether it was a Communist meeting, but lots of them were members of the Communist Party.

Q. Didn't you say you went to the meeting because you wanted to see what the Communist Party was like? A. That is right.

Q. Didn't you think it was a Communist meeting?

A. I was invited by members of the Communist Party.

(Testimony of Lee Barlow.)

Q. Isn't it your present opinion that that was a Communist meeting?

A. I would say yes.

Q. Was that the only Communist Party meeting you have ever sat in?

A. That is right. [7147]

Mr. Grossman: No more questions.

Redirect Examination.

By Mr. Del Guercio:

Q. You testified that up to today you did not discuss your testimony with anyone. You did talk to FBI agents this morning, didn't you?

A. Yes; when I reported in.

Mr. Del Guercio: That is all.

Mr. Grossman: Just a moment.

Recross Examination

By Mr. Grossman:

Q. What transpired in the meeting this morning with the FBI agents?

A. They asked if I was prepared to take the stand.

Q. Is that all they said?

A. That is all.

Q. What did you reply to that?

A. I told them that I had driven 700 miles and that I was prepared.

Q. Did they ask you what you were going to testify to?

A. No, they didn't.

Q. Did they tell you what you were going to testify to? A. No; no they didn't.

(Testimony of Lee Barlow.)

Q. Was there any discussion as to what you would testify to? [7148]

A. No. They told me to be ready to take the stand.

Q. Is that all that transpired this morning?

A. That is all.

Mr. Grossman: No more questions.

Presiding Inspector: That is all.

(Witness excused.)

Presiding Inspector: Next witness.

Mr. Del Guercio: May we have a recess first, your Honor?

Presiding Inspector: Yes. We will take a short recess.

Mr. Grossman: Before we recess, if Mr. Del Guercio can tell us whether he is likely to finish his case before we conclude today that will help us in preparing our witnesses.

Presiding Inspector: What do you think about that, if you want to say?

Mr. Del Guercio: I want to discuss that now before I answer. I have some more witnesses, but there is a question.

Presiding Inspector: When you come back you can answer.

(Whereupon a short recess was taken.)

Mr. Del Guercio: May we have a conference in chambers, if your Honor please?

Presiding Inspector: Yes.

(Whereupon followed a conference in chambers between the parties.) [7149]

Presiding Inspector: Now, Mr. Del Guercio, proceed with the case.

Mr. Del Guercio: If your Honor please, the Government rests its case except that particular——

Mrs. King: (Interposing) I beg your pardon. Before he goes on there is no objection to the witness being in the room, is there, the next witness?

Presiding Inspector: No.

Mrs. King: I beg your pardon.

Mr. Del Guercio: If the Court please, there is another situation which arose here since we have been in the chambers, and we do have another witness, but I don't know as to whether or not it will be necessary to call him until I first talk to him. I haven't talked to him as yet. I would like to do that before I close the Government's case. If I do call him I don't believe it will take very long either on direct or cross. It is on a material matter and it has already been brought in and it is in a way rebuttal.

Mr. Grossman: We would not object.

Presiding Inspector: Very well, then, no objection to your calling him tomorrow.

Mr. Del Guercio: Also we reserve, of course, the other matter——

Presiding Inspector: (Interposing) That was have been talking about. [7150]

Mr. Del Guercio: (Continuing) ——that we have been talking about in the chambers.

Mr. Grossman: Your Honor, at this time we

wish to offer in evidence two letters. I need not describe them any further than to say that they are between officers of the Immigration and Naturalization Service and they deal with the service of subpoenas, or the attempt to serve subpoenas on Maurice Cannalonga. We claim that along the same lines that we have been permitted cross examination, that is, the line of the whereabouts of Cannalonga, the efforts of the Immigration Service and the FBI to find and to serve subpoenas on Mr. Cannalonga, and also the line of the actual service of a or several subpoenas on Cannalonga these letters are relevant.

In so far as they might be considered confidential documents of the service we claim they have lost this confidential character by the fact that they have been offered to and read by counsel for the Alien. We claim they are quite relevant and certainly considering what we have been permitted to go into on our cross examination on these questions I mentioned should be introduced in evidence.

Mr. Del Guercio: I object to their introduction on a number of grounds, first of all they are interdepartmental communications and they were offered to the Court only in response to charges made by counsel that no efforts were being made at that time to locate the missing witness. Secondly, [7151] they are [illegible] in themselves complete. There are further reports and letters which, of course, we will not make available to counsel because they contain confidential matters, and third, and another ground, that, of course, the reports of themselves are irrele-

vant and immaterial. I think on either one of these three grounds they should be rejected. They were not, of course, offered to counsel; they were offered to the Court, and while it is true that the Court, perhaps, with my consent showed them to counsel they were not under any circumstances intended to be made public.

Presiding Inspector: Why can't a statement be made of the general disclosures in these letters?

Mr. Grossman: Except that it would probably be as detailed as the letters if everything important were included.

Presiding Inspector: I don't think so.

Mr. Grossman: This much we would like to say, your Honor: That though at the beginning of this hearing certain matters, or without this hearing certain matters might have been considered confidential we think by the very nature of this hearing, certain things that have developed, certain things become material to this case, whereas, otherwise they might be confidential. One of those matters is the disappearance of Cannalonga, the efforts made by the Immigration and Naturalization Service and the FBI with respect to subpoenaing him and the ultimate subpoenaing of him. Now, it can't be said [7152] that they weren't involved in this case. I don't have to point out to your Honor the particular evidence and the particular theories that are involved, but whenever the activities of the FBI or the Immigration Service become involved and are subject to evidence, as they are in this case, then,

obviously such letters as this lose their confidential character because otherwise what we are doing, in effect, is suppressing evidence that is relevant because we must assume this is relevant on the theory that it is inter-departmental communications.

I say that much of the doings of the Department or the Service definitely is relevant to this case, and if it is relevant these letters are relevant for the same reasons.

Mr. Del Guercio: I don't believe there is any merit in any of counsel's argument, if your Honor please. Those reports, as they are, do not——

Presiding Inspector: (Interposing) Well, they can't prove everything at one time.

Mr. Del Guercio: What?

Presiding Inspector: They can't prove everything at one time. I don't understand really the materiality of the matter. If you intend to prove that the Government concealed this witness I suppose you might prove it. On the other hand, the Government has proved that you made no attempt to get this witness. You took a statement from him without any attempt to bring him down here for several days. It seems to me that [7153] it lacks importance in the case, it lacks relevance.

Mr. Grossman: I would like to state this: If necessary, I am perfectly willing to give a foretaste of the argument we will make in our brief when we summarize all of these facts that have been brought out.

I will merely state this: That definitely our brief will indicate that we are establishing a theory along

the general lines you suggest, without showing the details. But making an argument showing just how these particular letters fit in the picture would be very difficult at this time. I don't think it is required. I think they should be introduced because obviously they are relevant along the general theory that you have indicated. If the Government wants to make any argument from the fact that Mr. Cannalonga was talked to by some representatives of the Defense before the subpoena was issued they can make such an argument; and we can certainly make an argument from the fact that he disappeared in the way he did, and the subpoenas were served in the way they were, at the time they were. If we are permitted to make that argument in a brief, and to put in evidence, as we have been we are permitted what cooperation there is in these letters.

Presiding Inspector: Of course, this record will be reviewed by other persons than myself.

Mr. Grossman: Correct.

Presiding Inspector: I don't see that these letters——

Mr. Del Guercio: (Interposing) I believe those letters [7154] should be returned to me, if the Court please.

Presiding Inspector: I will receive them in evidence with the understanding that they are to be returned to Mr. Del Guercio. I will let Mr. Del Guercio keep them. They can be retained by you so that you can see there are no copies made of them. If they want them so as to get the facts out of them for their brief they can do that.

Mr. Gladstein: How will they be made available?

Presiding Inspector: Mr. Del Guercio will make them available.

Mr. Gladstein: As exhibits in the case?

Presiding Inspector: Yes. So that you can comment on them in the brief. But they are not to be kept with the other exhibits because of the peculiar relation that they have in the files of the Department.

(The two letters referred to were received in evidence and marked Alien's Exhibits Nos. 53 and 54.)

Mrs. King: Mr. Erwin.

Presiding Inspector: Raise your right hand.

CLAUDE ERWIN

called as a witness in surrebuttal on behalf of the Alien, having been first duly sworn, testified as follows:

Presiding Inspector: Give your name and address to the reporter?

The Witness: My name is Claude Erwin — E-r-w-i-n. [7155]

Direct Examination

By Mrs. King:

Q. Where do you live, Mr. Erwin?

A. Los Angeles.

(Testimony of Claude Erwin.)

Q. When were you first contacted, and by whom, to become a witness in this case?

A. It was in the latter part of April I was contacted by some men who showed me their cards to be FBI agents and they told me that they were investigators in the Bridges case.

Q. Did they tell you why they wanted you to testify?

A. They stated that they had investigated and found I had a good American background and, to their knowledge, had not been convicted of a felony and they thought I would be a proper witness for identifying literature.

Q. What kind of literature, Mr. Erwin?

A. Literature of the IWW, Industrial Workers of the World.

Q. Have you ever been a member of the IWW?

A. I have.

Q. Are you a member today?

A. I am; yes ma'am.

Q. Do you have with you your IWW membership card?

A. (Producing membership card) Yes ma'am.

Q. This card indicates, Mr. Erwin, that it was issued on July 25, 1919. Was that when you joined the IWW? [7156]

A. I first joined in 1912. I remained a member but this card was issued in 1919.

Q. Have you been a member continuously since 1912? A. Yes, ma'am.

Q. What offices have you held in the IWW?

(Testimony of Claude Erwin.)

A. Well, the first — outside of being job Delegate, the first office I held was in 1919. I was elected on the District Organization Committee of California. I served until the early part of 1920 on that Committee.

Then I was elected District Secretary and served until about the middle of July. I think it was after the 1920 Convention. The Convention abolished the District form of organization and that automatically closed that office as a District office.

Q. Was that the last office that you held?

A. No. I was appointed — after I went out of office, I was appointed as traveling delegate or organizer, you might term it, for the construction workers, and I made a trip east in 1920.

Early in 1922 I was elected on the General Organization Committee for the oil workers.

Later, in 1927, I was elected Secretary of the General Recruiting Union with headquarters in Chicago. I served a term and a half on that, and they revised the structure of the organization; that is, the clearing house took the place [7157] of the Industrial Union offices, and then I went to Detroit as an organizer.

I have been on the General Executive Board.

Q. When were you on the General Executive Board?

A. I was on the General Executive Board in 1934.

Q. Do you hold any office at the present time?

A. I am credentialed as an organizer. It is an appointive job by the General Administration.

(Testimony of Claude Erwin.)

Q. From your knowledge gained, both as a member and as an officer of the IWW, will you inform me whether the IWW has believed in, or now believes in, has advocated, or now advocates, sabotage?

Mr. Del Guercio: If your Honor please, I object to the question, as to its form. It contains in reality two questions.

Presiding Inspector: I don't think that can be proved by oral testimony but through the Lodge.

Mrs. King: He was a member of the General Executive Board, which is the highest——

Presiding Inspector: He would have to have a resolution, wouldn't he, or something of that kind?

Mr. Gladstein: On that same question, your Honor, I recall the record shows that Mr. Gitlow, and other witnesses, were permitted to testify.

Presiding Inspector: No objection was made. Mr. Gitlow [7158] gave his testimony from beginning to end without any objection, as I recall it. I don't remember a single objection.

By Mrs. King:

Q. Mr. Erwin, I show you the Defense News Bulletin, issued in Chicago, Illinois, May 4, 1918, and ask you whether that was an official paper of the IWW?

Mr. Del Guercio: May I see it?

Mrs. King: Certainly.

(The publication referred to was passed to Mr. Del Guercio.)

(Testimony of Claude Erwin.)

Presiding Inspector: The question is, is that an official paper of the IWW?

A. (Examining publication) That was a newspaper put out by the General Defense Committee, and the General Executive Board of the IWW, that was the General Defense Committee, so it was the official IWW publication; yes, sir.

By Mrs. King:

Q. I show you a resolution appearing on the first page of this paper, and ask you if you remember the resolution at the time of its passage?

A. (Examining resolution) I do very clearly. I know what it is. The General Executive Board—it is regarding violence and sabotage. I remember the resolution.

Presiding Inspector: You were in the General Council at that time? [7159]

The Witness: I was—at that time I was not on the General Executive Board, but I was a member, and that was sent throughout the field to the membership.

Presiding Inspector: Very well.

By Mrs. King:

Q. Does this resolution set forth the policy of the IWW at that time? A. It does; yes.

Q. And do you know whether this resolution was adopted?

A. This resolution was adopted and widely circulated. It was adopted by the 1920 convention.

I might state, in that connection, that was adopted

(Testimony of Claude Erwin.)

at that time and was reaffirmed at the 1920 convention.

Mrs. King: I shall read the resolution into the record——

Mr. Del Guercio: (Interposing) I object to the reading of the resolution. I object to any further reference to the paper. There is no foundation laid for it. It hasn't been introduced or offered in evidence yet.

Presiding Inspector: I think—didn't you offer it?

Mrs. King: Not yet.

Presiding Inspector: You should offer it.

Mrs. King: I will offer it in evidence and ask leave to substitute a photostatic copy.

Presiding Inspector: Yes.

Mr. Del Guercio: I object to the offer in evidence. [7160]

First of all, it has not been shown that it was the official publication of the IWW. All that it has been shown to be is that it was a publication of the Defense Committee. The paper itself shows it was put out during the time of the Haywood trial, or some such trial when certain members of the IWW were being tried on charges of sabotage, and sedition, and they were convicted.

This is the paper that was put out by the Defense Committee in order to help the defense in that case. Certainly such a paper doesn't prove anything, establish anything.

(Testimony of Claude Erwin.)

Presiding Inspector: He says that this is the resolution which shows the policy of the IWW.

Mr. Del Guercio: But this man was not at that time, that is, he hasn't qualified himself——

Presiding Inspector: He was a member of some organization and that was officially sent to him. I will take the document.

Mr. Del Guercio: May I be heard further on it?

Presiding Inspector: Yes.

Mr. Del Guercio: He was not—in 1919 he said he held his first office as a District Organizer in California here and to the early part of 1920. Prior to that time he held no office. This is dated——

Mrs. King: (Interposing) 1918.

Mr. Del Guercio: (Continuing) ——1918, so it is prior to the time that he held any kind of an office in the IWW. [7161] And he never became a member of the Executive Board until some time in 1934.

Presiding Inspector: Let me see it.

By Mrs. King:

Q. May I ask him this one question: What was the relation of the General Defense Committee to the IWW?

A. The General Defense Committee is a part of the IWW. The Committee itself was composed of the General Executive Board of the IWW, and the General Secretary-Treasurer, and the officials of the Industrial Unions located in Chicago, headquarters there—strictly an IWW institution.

(Whereupon the resolution referred to was passed to the Presiding Inspector.)

(Testimony of Claude Erwin.)

Mrs. King: May I add, your Honor, that this resolution was re-passed at the convention of 1920 when this man was an officer? [7162]

Mrs. King: Now, if your Honor pleases, the same resolution appears in Solidarity in 1920 when the thing was passed. However, I should like to have it appear as of 1918 when it was originally passed by the General Executive Board. I would like to have the witness identify this paper.

Do you want to see this?

Mr. Del Guercio: Yes, please. Is that a new one? Is that the same paper?

Mrs. King: No, this is Solidarity.

(Whereupon the document referred to was handed to Mr. Del Guercio.)

By Mrs. King:

Q. What was the official paper——

Mr. Del Guercio: (Interposing) Just a minute, please.

By Mrs. King:

Q. What was the official paper of the IWW?

A. Solidarity was the official paper at that time in 1920.

Q. I show you this copy, issued May 22, 1920, and ask you if that is a copy of Solidarity, the official paper?

A. (Examining paper) That is the official organ and so states on the front page.

Q. Do you find in this paper a report of the official action of the convention with reference to sabotage?

(Testimony of Claude Erwin.)

Mr. Del Guercio: If your Honor please——

[7163]

By Mrs. King:

Q. (Continuing) And I ask that you point it out, if you find it.

Mr. Del Guercio: I object to that. This witness has not been qualified yet as being able to identify any such a resolution, and this is only a newspaper report of a resolution, and having in mind the reasons for putting out these articles during the pendency of a trial wherein an IWW member was charged with the very things that the Government contends and of which he was convicted, why, I believe that the paper has no value at all.

Presiding Inspector: That would go for the weight to be given to this item but I don't see how it would go to the competency of it.

Mr. Del Guercio: It also goes to the competency in that no proper foundation has been laid.

Presiding Inspector: He said he was a member of the Executive Council.

Mr. Del Guercio: Not at that time.

Presiding Inspector: In '20.

Mr. Del Guercio: No, not even in '20. He did not become——

Presiding Inspector: (Interposing) When did you become a member of the Executive Board?

The Witness: In the year 1920 I was a member of the [7164] District Organization Committee of California; later in the same year I was District Secretary.

(Testimony of Claude Erwin.)

Presiding Inspector: Then, when did you become a member of the Executive Board?

The Witness: The General Executive Board? I was a member in '34.

Mr. Del Guercio: '34, you see.

The Witness: But that was in an elective position.

Presiding Inspector: Now, were those documents, these resolutions sent to you and your councils?

A. They were sent to all the branches, yes, sir; the minutes of the convention. Later portions of it came out in the paper.

Mr. Del Guercio: The minutes are the best evidence, not a newspaper report.

By Mrs. King:

Q. Mr. Erwin, did you receive these as District Organizer in California? A. Yes.

Q. They were sent to you? A. Yes, sir.

Q. At the office of the IWW in California?

A. Yes, ma'am.

Q. Because you were District Organizer?

A. Yes, they were sent there. Being organizer and also [7165] later secretary all of the papers and literature came to the office and were distributed to the field from that office.

Presiding Inspector: I will take this.

The Witness: Hundreds of copies were——

Presiding Inspector: (Interposing) I will take so much of this paper of May 22, 1922 as contains the resolution.

(Testimony of Claude Erwin.)

Mrs. King: Isn't that May 22, 1920, your Honor?

Presiding Inspector: What did I say? 1922?

Mrs. King: Yes, sir.

Presiding Inspector: No, May 22, 1920. Not the rest of the paper.

Mrs. King: And may I also——

Presiding Inspector: (Interposing) As to the earlier one, we don't know anything about the organization or the powers of this committee that adopted this resolution.

Mrs. King: He said that the General Defense Committee——

Presiding Inspector: (Interposing) Well, I know, but I——

Mrs. King: (Interposing) It is the same resolution, your Honor, identically.

Presiding Inspector: I know. I will reject that for the present.

Mr. Grossman: Your Honor, I think you will find that when you were reading the Exhibit the witness was testifying on this Defense Committee.

Presiding Inspector: Was he? [7166]

Mr. Grossman: And explaining it. I don't think you heard it because it was going on simultaneously.

Presiding Inspector: Will you read what he said in that respect?

Mr. Grossman: Perhaps, the reporter can find it.

Presiding Inspector: Was this resolution adopted by the Defense Committee?

(Testimony of Claude Erwin.)

Mrs. King: By the General Executive Board, the highest body of the IWW.

Presiding Inspector: That doesn't appear in the paper.

Mrs. King: It appears in the heading, G.E.B., which is the abbreviation for General Executive Board, resolution regarding sabotage.

Presiding Inspector: Let me read that.

(The paper referred to was handed to the Presiding Inspector.)

Presiding Inspector: Well, I will take it for what it is worth.

Mr. Del Guercio: Your Honor, before you do that, I would like to know what article.

Presiding Inspector: Only the resolution. Nothing but the resolution.

Mr. Del Guercio: Where does that article appear?

Presiding Inspector: Nothing but the resolutions.

Mrs. King: If your Honor please, I ask at this time to [7167] substitute a photostatic copy.

Presiding Inspector: Yes, that may be done.

Mrs. King: Do you want the whole publication or just the first page, in view of your ruling?

Presiding Inspector: Just the first page and only the part with the resolution is received.

Mrs. King: Yes, I understand.

Mr. Del Guercio: The heading to identify the paper and the nature of the paper.

(Testimony of Claude Erwin.)

Presiding Inspector: Yes, the heading of it. Of course, if you want it all to go in——

Mr. Del Guercio: (Interposing) Only that portion that you said. The other part is immaterial.

Presiding Inspector: There are certain things in the editorials and so forth that I thought were immaterial.

Mr. Del Guercio: Yes. Of course, it is over our objection.

Presiding Inspector. Oh, of course, certainly, certainly.

Mrs. King: Major Schofield, can I have that marked in evidence and I will give it right back to you?

(Whereupon Major Schofield handed the document to Mrs. King.)

(Whereupon the papers referred to were received in evidence and marked Alien's Exhibits Nos. 55 and 56. [7168]

Mr. Del Guercio: Am I correct in assuming this is the portion you pointed out to me?

Mrs. King: (Examining paper) No; in here (Indicating).

Mr. Del Guercio: May we request that all of Alien's 56 go in?

Presiding Inspector: Certainly, if you wish it, it may all go in.

Mr. Gladstein: We are only offering, if your Honor please, the resolution and so much of the paper to show that it is an official publication of the

(Testimony of Claude Erwin.)

IWW. We haven't offered the balance of the paper. We don't know what the materiality of the balance of it would be to this case.

Presiding Inspector: I don't know either, but it is a single——

Mr. Gladstein: (Interposing) Well, if the Government wants to offer anything else, that is, of course, up to them. We are only offering that portion which your Honor has admitted on our offer heretofore as the record shows.

Presiding Inspector: Well, do you want to withdraw the offer of the whole paper?

Mrs. King: Yes, I do, your Honor.

Presiding Inspector: Then, we will receive only that part.

Mr. Del Guercio: We object to its receipt.

Presiding Inspector: Yes, received over objection. I [7169] will take it.

By Mrs. King:

Q. I show you this and ask you what it is?

A. (Examining paper) That is a one—it is two pages of the Solidarity, the official organ of the IWW. I made an attempt to get the full paper but I couldn't get it. This is all that I could get ahold of. There is the minutes (Indicating) of the General Executive Board of the organization.

Q. You stated that it carries the minutes of the General Executive Board of the IWW. For what date?

A. August 16th to August 25th, 1920.

(Testimony of Claude Erwin.)

Mrs. King: If your Honor please, I offer this in evidence.

Mr. Del Guercio: I object to that.

Presiding Inspector: How did you receive it?

The Witness: I had it in my own belongings.

Presiding Inspector: Where did you get it?

The Witness: From my trunk in Los Angeles.

Presiding Inspector: Well, I mean originally?

The Witness: Originally I got it from Chicago. That was one of the publications——

Presiding Inspector: (Interposing) Did you get it as a subscriber or did you get it as an officer or member of this local?

The Witness: Well, I got it as an official of the organization. I used to receive hundreds of copies of them [7170]

Mr. Del Guercio: We object to its introduction. First, it is only a newspaper, of course; it is not the proper evidence. The minutes are still available; the organization is still functioning. Secondly, the witness here is not competent to testify in regard to whether or not that newspaper clipping carries the official minutes of the Executive Board. He was not at that time present there; he was out here on the West Coast. He was a minor official in the IWW.

Mrs. King: If your Honor please, this is from the official paper which purports to carry the minutes of the General Executive Board of the organization for which it was the official paper. He received this as an official of the organization and he

(Testimony of Claude Erwin.)

subsequently acted upon it, as we will show in a moment. It seems to me——

Presiding Inspector: (Interposing) Is this the same resolution?

Mrs. King: No; it is a different resolution.

(Whereupon the document referred to was passed to the Presiding Inspector.)

Presiding Inspector: How many of these papers have we had introduced in evidence? How many of these various papers that they have here have been introduced in evidence?

Mrs. King: I don't know, your Honor. You mean of the ones——

The Reporter: (Interposing) Is this for the record? [7171]

Presiding Inspector: No, no; she is just pointing this out.

(Discussion outside the record.)

Presiding Inspector: I will take this.

By Mrs. King:

Q. I show you these minutes, Mr. Erwin, and ask if they show any action taken by the General Executive Board with reference to pamphlets dealing with sabotage?

A. (Examining paper) Yes, there is a motion to that effect in there.

Q. Will you read that motion, please.

A. "Moved by McClelland. Seconded by Brown. That all branches be instructed to destroy all copies.

(Testimony of Claude Erwin.)

of the following pamphlets 'New Unionism.' 'Sabotage' by Flynn and Smith. Carried."

Mrs. King: I offer this in evidence as to that portion of the minutes, your Honor.

Presiding Inspector: I will receive it.

Mr. Del Guercio: Over our objection.

Presiding Inspector: Certainly.

(The paper referred to was received in evidence and marked Alien's Exhibit No. 57.)

By Mrs. King:

Q. As a result of the passage of the resolution by the General Executive Board with reference to the destruction of [7172] pamphlets dealing with sabotage did you personally take any action?

A. Yes, sir.

Q. What action was that?

Mr. Del Guercio: Now, if your Honor please, I object to that question. That isn't the purport of this Exhibit that they have offered in evidence.

Presiding Inspector: Yes, it is.

Mr. Del Guercio: It means the pamphlet, one pamphlet; it doesn't say pamphlets.

Presiding Inspector: I thought she meant the copies of the same pamphlets.

Mr. Del Guercio: That isn't the question, though; that is not the question.

By Mrs. King:

Q. After the passage of the resolution set forth in Alien's Exhibit 57 did you take any action personally? A. Yes.

(Testimony of Claude Erwin.)

Q. What action was this?

A. In the latter part of July, 1920, after the minutes had been mailed to the field from the convention I helped burn the pamphlets in Stockton, the ones that were in stock there.

Q. When you say you helped burn the pamphlets, which pamphlets are you referring to?

A. Well, there was Sabotage by Flynn and Smith—no, there was none by Smith. I have never seen any by Smith in [7173] circulation, but by Flynn, and that New Unionism by Tridon.

The Reporter: Will you spell that, please?

The Witness: T-r-i-d-o-n, I think is the way.

[7174]

Presiding Inspector: Was that introduced?

Mrs. King: It was not.

Presiding Inspector: We are not interested in any pamphlets except the one on "Sabotage" by Flynn.

Mrs. King: The pamphlet on "Sabotage" by Flynn was not introduced, but a pamphlet was introduced as Government's Exhibit 253 entitled "Sabotage, its History, Philosophy and Function," by Walker C. Smith.

Mr. Del Guercio: Neither of those were introduced by the Government.

Mrs. King: "Sabotage, its History, Philosophy and Function," was introduced as your Exhibit 253.

Mr. Del Guercio: The witness here testified he never had seen one by Smith.

(Testimony of Claude Erwin.)

Presiding Inspector: I don't suppose there is any proof——

Mrs. King: (Interposing) He said he hadn't seen it in the field.

May I ask him if he has ever seen a copy?

By Mrs. King:

Q. Have you ever seen a copy of this pamphlet?

A. (Examining pamphlet) The only place I saw that pamphlet was in the Court room. I have never seen them in circulation in the field.

Q. When you say you have——

Presiding Inspector: I don't see what object there is in [7175] proving that they destroyed certain pamphlets which are not involved in this case.

Mrs. King: Because, according to his testimony, the pamphlets dealing with sabotage were destroyed, showing the general position of the IWW.

Presiding Inspector: The resolution says there had been no change in the policy in this respect.

Mrs. King: There was no change—let us ask the witness.

Presiding Inspector: The resolution itself says that. What difference does it make whether he destroyed pamphlets or not which are not before us in this case?

Mrs. King: I should like to ask about this pamphlet.

Presiding Inspector: Do you want to put the pamphlet in evidence?

(Testimony of Claude Erwin.)

Mrs. King: No, I do not. I want to ask him what opportunity he has had to know whether this pamphlet was distributed by the IWW at any time.

Presiding Inspector: You can cover that if you can.

Mrs. King: All right.

By Mrs. King:

Q. Mr. Erwin, what opportunity did you have to know what pamphlets were being circulated by the IWW in 1921, and in the early part of 1922?

A. Well, in connection with all the official publications [7176] we used to have a literature list put out showing a list of the pamphlets for sale. I don't remember of seeing Walker Smith's pamphlet on that list. But I know I have never seen it in any of the halls, and I have been in a good many, at that time.

Q. When you say you have never seen it in any of the halls, can you estimate how many IWW halls you have been in?

A. Well, at that time I had been in, up until 1920, I should judge, probably 12 or 15 halls; but since then I have been in halls all over the United States, in every part of the United States.

Q. Have you ever seen this pamphlet?

A. (Examining pamphlet) I have never seen it in any IWW hall.

Q. Are you familiar with "The I.W.W., its History, Structure, and Methods," by Vincent St. John, introduced in this case as Government's Exhibit 252?

(Testimony of Claude Erwin.)

A. (Examining pamphlet) I am.

Q. Was that pamphlet distributed by the IWW in 1921 and in 1922 as far as you know?

A. Not to my knowledge.

Q. I show you, "The Revolutionary I.W.W.," by Grover H. Perry, Government's Exhibit 257, and ask you whether you know whether that pamphlet was distributed by the IWW, or sold in any of its halls in 1921 and 1922?

A. (Examining pamphlet) It was not because I know it went out of print. It was circulated early, around 1914, I [7177] think, 1913, and then went out of print and there was no more stock.

Q. Have you ever heard any official of the IWW advocate sabotage, or the unlawful injury or destruction of property?

A. I have not.

Mr. Del Guercio: I object to that, if your Honor please.

Presiding Inspector: I don't see that that is very material. It is a negative. He has never heard judged from, I suppose, by what they did say.

Mr. Gladstein: This is based on what he has heard them say as an official of the organization, and asking him whether in any of the statement they made officially or otherwise in meetings, at conventions, or otherwise, any of them, ever advocated the unlawful destruction of property. I think we are entitled to prove that, your Honor.

Presiding Inspector: I don't think there is any

(Testimony of Claude Erwin.)

evidence that anyone did orally except as these documents may show it.

Mr. Gladstein: That is possibly true. I am not sure just what Mr. Reese's testimony was on that. There was someone else testified about the IWW and I am not sure what he said. Your Honor's recollection may be correct, that there isn't any testimony on that. In that event——

Presiding Inspector: Is there?

Mr. Del Guercio: I don't believe there is. [7178]

Mr. Gladstein: If the position of the Government is to this effect, that the Government is not claiming that the IWW advocated the use or engaged in the use of unlawful destruction of property——

Presiding Inspector: I think it is claiming that.

Mr. Gladstein: This is the point I am trying to bring out: If that is their claim then we are entitled to this testimony. If their claim merely is that they distributed certain pamphlets, the evaluation of which is for your Honor, that is something else. If it is confined to distribution of certain pamphlets which they say come into conflict with the statute, that is another matter. But if their contention is broader then it seems we are entitled to this testimony.

Presiding Inspector: It may be broader in that the pamphlets indicate that they did advocate the unlawful destruction of property. I haven't read the pamphlets, except the song book. I haven't read all of that.

(Testimony of Claude Erwin.)

Mr. Gladstein: The contents of that are supposed to be enjoyed most when they are sung to tune.

Presiding Inspector: Yes.

Mrs. King: Now, if your Honor please——

Presiding Inspector: I will take this witness' statement.

Mrs. King: May I restate the question?

Presiding Inspector: I don't think it amounts to very [7179] much. That is my present view.

By Mrs. King:

Q. Have you ever heard an official of the IWW advocate the unlawful damage, injury or destruction of property, or sabotage?

A. I haven't. I have heard it the other way —that they advised against it.

Q. Is there anything in the literature of the IWW, subsequent to 1918, which was being distributed after that date, or after the 1920 convention of the IWW, which advocates the unlawful damage, injury or destruction of property, or sabotage? A. No; there never was.

Mr. Myron: I object to that, your Honor.

A. (Continuing) And there wasn't any before that.

Presiding Inspector: I think I will take it.

A. (Continuing) The literature was educational. It merely showed the workers what the workers in other countries were thinking about; just the same as the publishing houses today will print in the paper what is going on over in Ger-

(Testimony of Claude Erwin.)

many, about the long range guns, and so forth. It was information for the workers on how the workers were carrying on their struggles. The IWW never advocated sabotage through those pamphlets, never went on record endorsing the action used in the pamphlets. It was merely a discussion of it. [7180]

By Mrs. King:

Q. Did the policy of the IWW, adopted at the 1920 convention, of not issuing any printed matter dealing with the subject of sabotage continue to be its policy from that time to the present time?

Mr. Del Guercio: I object to that question. There is no such evidence.

To what resolution is that referred to?

Presiding Inspector: The resolution—that is the first resolution, the one on solidarity.

Mr. Del Guercio: Would you mind pointing out to me what resolution you have in mind?

Mrs. King: Here (indicating).

Mr. Del Guercio: I submit there is nothing in the resolution here stating any such thing—they were withdrawing literature.

Presiding Inspector: Where is that?

Mr. Del Guercio: This one here (indicating)—the one pointed out to me by counsel.

(Whereupon the Presiding Inspector examined the publication referred to.)

Mrs. King: I withdraw that question and will reword it.

(Testimony of Claude Erwin.)

Presiding Inspector: All right.

By Mrs. King:

Q. Did the policy laid down in the resolution, which [7181] appears in Alien's Exhibit 55, on May 22, 1920, the issue of Solidarity, continue to be the policy of the IWW from that time to the present day?

Mr. Del Guercio: We object to that. There is no proper foundation laid for such a question of this witness.

Presiding Inspector: He has been an officer of this organization; a somewhat inferior officer. I will take it. The proof of the question is whether it calls for his opinion as to whether there has been any change in the policy of this organization from the time that this resolution was adopted.

A. There has never been any more——

Presiding Inspector: That is, in respect to sabotage.

A. (Continuing) ——literature dealing on the subject of Sabotage printed or circulated by the organization.

Mr. Del Guercio: That is not responsive. There is no reference made to literature in that resolution, your Honor.

May I hear the question again?

Presiding Inspector: Read Mrs. King's question.

(The question referred to was read by the reporter as above recorded.)

(Testimony of Claude Erwin.)

A. Yes; the policy as stated in that has never been changed.

By Mrs. King:

Q. Mr. Erwin, are you familiar with the requirements as [7182] to payment of dues by members of the IWW in 1921 and 1922?

A. I am.

Q. What were those requirements?

A. Well, a man—the dues would become due on the first of the month, and he had that month and 30 days to pay his dues; 30 days after the current month he was in bad standing. He had no voice in the meetings. He ceased to be a member until his dues were paid up.

Q. So that if he were 60 days in arrears he ceased to be a member? A. Yes, ma'am.

Q. Would it be correct, then, Mr. Erwin, according to your testimony, that, with reference to, let us say, the dues for June, that they are due and payable the first day of June, and they can be paid during the whole month of June and the whole month of July, and that if they are not paid by the last day of July you would then cease to be a member on the first day of August?

A. Yes. He would have no voice——

Presiding Inspector: That is all. He ceases to be a member on the first day of August.

Mrs. King: You may cross examine.

Presiding Inspector: Will you be able to close?

Mr. Del Guercio: No. But I think, unless you want——

(Testimony of Claude Erwin.)

Presiding Inspector: I mean with this witness?

[7183]

Mr. Del Guercio: We won't be able to close.

Presiding Inspector: We will have to have him back in the morning?

Mr. Del Guercio: Yes. That is, it all depends on how long you want to remain.

Presiding Inspector: Not more than 15 minutes.

Mr. Del Guercio: I don't believe we will be able to close.

Presiding Inspector: Let us go as far as we can.

Cross Examination

By Mr. Del Guercio:

Q. Do you know Vincent St. John?

A. I can't hear.

Q. Vincent St. John, have you ever heard of him? A. Yes, indeed.

Q. Who is Vincent St. John?

A. Well, he was an organizer in the Miners' Union.

Q. Was he ever connected with the IWW?

A. He was. He came in with the Western Federation of Miners.

Q. What was his position with the IWW?

A. Well, he had held various positions. He was a general organizer.

Q. Is that all you know about Vincent St. John?

A. No. He was quite active among the Western Federation [7184] of Miners.

(Testimony of Claude Erwin.)

Q. I mean in connection with his relations with the IWW.

A. Well, the Western Federation of Miners was part of the IWW.

Q. Would you mind removing your hand from your mouth—I can't hear you.

A. The Western Federation of Miners became a part of the IWW.

Q. Yes. But what was Vincent St. John's position with the IWW?

A. He held the Secretaryship in early years. I was not in the organization at that time.

Q. As a matter of fact, he was General Secretary and Treasurer of the IWW?

A. Before I became a member; yes.

Q. That is the highest position in the IWW, isn't it? A. That is; yes.

Q. Have you read any literature written by Vincent St. John?

A. Yes. I have read his pamphlets.

Q. Have any of Vincent St. John's writings ever been repudiated by any convention of the IWW at any time, any place?

A. I don't think it is necessary to repudiate them. I have never seen any pamphlets that——

[7185]

Q. (Interposing) I didn't ask you that. Have any of St. John's pamphlets, or literature ever been repudiated? A. Not that I know of.

Q. Do you know William D. Haywood?

A. Yes; I have met him.

(Testimony of Claude Erwin.)

Q. What position did he occupy in the IWW?

A. He held the position of General Secretary-Treasurer, and organizer, and Secretary of the General Defense Committee.

Q. He occupied the highest position in the IWW, didn't he? A. At one time; yes.

Q. When was that?

A. That was back around in 1910 or 1911, I believe, when he was Secretary; and he was Secretary of the General Defense Committee in 1920.

Q. Did you ever hear Haywood speak on the policy of the IWW? A. Yes.

Q. Did you ever hear him speak on the tactics of the IWW? A. Yes.

Q. Did Haywood ever preach sabotage?

A. No, sir.

Q. You never heard that? A. No.

Q. Did you attend his trial? [7186]

A. I did not attend the trial, but I read the minutes of it.

Q. Do you know what Haywood was charged with?

A. Yes. He was charged with the same as the other bunch was.

Q. What was he charged with?

A. I forgot the specific wording of it.

Q. Wasn't he charged with sabotage, among other things? A. No, I don't think so.

Q. Was he charged with sedition?

A. Sedition?

(Testimony of Claude Erwin.)

Q. Wasn't he charged with unlawful destruction of Government property?

A. I don't think so.

Q. What was he charged with?

A. I don't know the exact wording of it; I don't remember.

Q. Now, he was charged as an IWW member, wasn't he? A. Yes.

Q. And who were the other defendants?

A. Well, there was a good many of them; over 100, I think, all together.

Q. What were they convicted of?

A. They were convicted of opposing the draft; for one thing. I think they called it "sedition".

Q. What else? [7187]

A. I don't think there was anything else, to my knowledge, in the indictment. I don't remember exactly what it was.

Q. Didn't you follow it?

A. Well, I perhaps did at that time, but I have forgotten. That was a long time ago.

Q. You have identified these papers here, this Defense News Bulletin. What was that put out for?

A. That was put out by the General Defense Committee.

Q. In defense of whom?

A. The General Defense Committee was organized before Haywood was ever indicted.

Q. What were they organized for?

(Testimony of Claude Erwin.)

A. They were organized at the time of a trial up in Washington.

Q. What trial was that?

A. When a Vigilante Committee beat up a bunch of members of the IWW, and there was shooting by the Sheriff's posse and members of the IWW were killed, and members of the IWW were arrested and acquitted. That was the formation of the General Defense Committee in 1916.

Q. Did it continue then until 1918?

A. That continues right to the present time.

Q. To the present time? A. Yes. [7188]

Q. At the time of this issue (indicating) Haywood was on trial, was he not, in 1918?

A. Well, I think the trial — I don't know whether it was going on right at that time or not, but it was around that time, or a little later.

Q. You, yourself, have been charged and convicted of criminal syndicalism, have you not?

A. I have not.

Q. You never have been convicted of it?

A. No, sir.

Q. Weren't you tried on that charge?

A. I was tried.

Q. Were you convicted in a lower court?

A. The upper court reversed the conviction.

Q. You were convicted in the lower court?

A. Convicted and the higher court reversed the conviction.

Q. What were you charged with?

A. Criminal syndicalism.

(Testimony of Claude Erwin.)

Q. Was that in connection with your activities in the IWW?

A. I was arrested as a member of the IWW and charged with criminal syndicalism; yes.

Q. Where were you tried?

A. In Los Angeles County [7189]

Q. In what year? A. 1923.

Q. Was Anita Whitney one of the defendants?

A. No.

Q. Was she subsequently tried?

Mr. Grossman: I object to that as immaterial —was she subsequently tried?

A. Well, I don't know.

Presiding Inspector: I don't know what point there is to that.

Mr. Del Guercio: The name of Anita Whitney has appeared in this trial before as a Communist.

Mr. Gladstein: In other words, counsel has the right to ask the names of all the people who have ever been tried for criminal syndicalism? That must be his theory.

Presiding Inspector: I don't see how it is material.

Mr. Del Guercio: I will withdraw the question.

By Mr. Del Guercio:

Q. Now, Vincent St. John is quite a respected author, isn't he, in the IWW?

A. Vincent St. John was—I don't know what you call a respectable author—but he wrote some very good works I think, including that book there (indicating).

(Testimony of Claude Erwin.)

Q. What did Vincent St. John mean—strike that.

Did any body of the IWW ever repudiate this statement made [7190] by Vincent St. John in Government's Exhibit 252:

"I. W. W. Tactics or Methods.

"As a revolutionary organization the Industrial Workers of the World aims to use any and all tactics that will get the results sought with the least expenditure of time and energy. The tactics used are determined solely by the power of the organization to make good in their use. The question of 'right' and 'wrong' does not concern us."

Did any body connected with the IWW, at any time, any place, or by resolution, or otherwise, ever repudiate that passage?

A. No. If you read the whole pamphlet you will know what he means by that.

Q. They didn't repudiate that passage at any time, any place?

A. That passage has no meaning where you take it by itself. You must read the whole pamphlet. [7191]

Q. Will you answer as to whether they ever repudiated those words that Vincent St. John used?

A. No, because it is not necessary; there is nothing to it.

Q. Now, the IWW still distributes literature of Vincent St. John, do they not?

(Testimony of Claude Erwin.)

A. No; I don't think there is any in circulation at the present time.

Q. Is it only because it isn't in circulation at the present time?

A. It is because Vincent St. John has been dead for a good many years and he hasn't written anything.

Q. Is his literature still being sold?

A. No, because there is none printed.

Q. When was the last printed?

A. I don't remember when the last issue was. It was early, around in 1918 or 1920 or so.

Q. So there is no 1921 issue by Vincent St. John? A. Maybe; I am not positive.

Q. What would you say?

A. I wouldn't say because I don't remember. But I know that I have seen those pamphlets since then.

Q. Where have you seen those pamphlets since then?

A. I have had them in my own possession.

[7192]

Q. Did you distribute any of them?

A. Yes.

Q. Then you have distributed Vincent St. John's literature since 1921?

A. I did. I wish I had some more. They are good pamphlets.

Q. Do you know who Flynn is, mentioned in Alien's Exhibit 57? A. Who?

Q. Flynn? In this motion that was moved and

(Testimony of Claude Erwin.)

carried it speaks of establishing Sabotage by Flynn. Who was Flynn?

A. Flynn, she used to be a member of the organization, and an organizer in the organization.

Q. Do you know why that motion was made and carried? A. Yes.

Q. Why?

A. Because the members didn't agree with that, a lot of the members, or enough of them didn't agree with it, didn't think it was educational and voted against it.

Q. Were you there at the convention at that time?

A. I remember reading the minutes of the meeting in Philadelphia, Marine Transport Workers No. 8, passing a motion that that pamphlet, and some others, be destroyed; and that motion was later taken up on the floor of the convention and concurred with, and it was carried out. [7193]

Q. Isn't it a fact that that motion was made and carried because Flynn was a Communist?

A. No.

Q. Huh? A. No.

Q. Wasn't Flynn a Communist?

A. She wasn't a Communist at that time.

Q. She wasn't a Communist at the time that this motion was made here in—when was that motion made, do you know?

A. Well, the first action of the G. E. B. on that question was in 1918.

(Testimony of Claude Erwin.)

Q. I was referring to this particular motion that appears in this thing. (Indicating)

A. In 1920.

Q. You say Flynn wasn't a member of the Communist Party in 1920?

A. Not to my knowledge. I never knew she was a member until later years.

Q. Do you know if the members of the Executive Board, at the time they made this motion, knew that Flynn was a Communist?

A. I don't know yet that she was a Communist.

Mrs. King: I object to Mr. Del Guercio misleading the witness.

Mr. Del Guercio: There is no misleading at all.

Mrs. King: Certainly there is, when you state to the [7194] witness——

Mr. Del Guercio: (Interposing) Do you deny Flynn was a Communist, is that what you have reference to?

Mr. Gladstein: Simply that you are misleading the witness by the form of your last question and we make our objection on that ground.

Presiding Inspector: The witness has intimated that he later did learn that she was a Communist.

The Witness: I heard it—I didn't learn it—but I don't know how.

Presiding Inspector: You haven't heard it since 1920?

The Witness: No.

(Testimony of Claude Erwin.)

By Mr. Del Guercio:

Q. This issue (Indicating) is dated September 4, 1920. A. Yes.

Q. Now, what is the feeling between an IWW and a Communist?

Mr. Gladstein: I object to that as immaterial.

Presiding Inspector: I don't see how that is material.

Mr. Del Guercio: It is material in this way: It gives a reason for passing this resolution taking out of circulation a pamphlet written by Flynn, a Communist.

Mr. Grossman: There is no evidence that this woman was a Communist at that time.

Presiding Inspector: No, I think not.

I don't think that advances the case any. [7195]

By Mr. Del Guercio:

Q. Now, I am reading again from Government's Exhibit 252, the pamphlet by Vincent St. John. On page 16 he says:

"Failing to force concessions from the employers by the strike, work is resumed and 'sabotage' is used to force the employers to concede the demands of the workers."

Now, did the IWW or any official body of the IWW, ever refute those words of Vincent St. John as they appear on page 16 of Government's Exhibit 252?

A. I don't know as there is any refutation of it, but I think if you read the whole pamphlet you

(Testimony of Claude Erwin.)

will understand what he means by the statement that he makes in there. It is the history, structure and methods.

Q. You have to read the whole book to know what he is trying to say? A. Absolutely.

Q. Is there any body of the IWW that, any official body of the IWW that passed a resolution, or any kind of a—withdraw that.

Did the IWW at any time withdraw this pamphlet by St. John?

A. I don't know for sure whether there was any of them left in circulation or not.

Q. Did they ever withdraw it from circulation?

A. If there is none out in the field there is no need [7196] of withdrawing it.

Presiding Inspector: He asked you whether you knew whether they had done that.

The Witness: No, I don't.

By Mr. Del Guercio:

Q. Did they ever take any official action to withdraw this document?

A. I don't remember of any.

Q. Do you know of any?

A. If I don't remember I surely don't know.

Presiding Inspector: It is five o'clock now.

(Whereupon, at 5:00 P. M., an adjournment was taken until Wednesday, June 11, 1941, at 10:00 A. M.) [7197]

Court Room 276,
Federal Building,
San Francisco, California,
June 11, 1941.

Met, pursuant to adjournment at 10:00 A. M.

[7198]

PROCEEDINGS

Presiding Inspector: Do you want to wait for Mr. Gladstein?

Mr. Grossman: We can start without him.

CLAUDE ERWIN

called as a witness in surrebuttal on behalf of the Alien, having been previously duly sworn, testified further as follows:

Presiding Inspector: You are to continue under oath.

The Witness: Yes, sir.

Presiding Inspector: Now, Mr. Del Guercio.

Cross Examination (Resumed).

By Mr. Del Guercio:

Q. You testified yesterday that you never saw this book here, "Sabotage," by Walker C. Smith, is that right?

A. I said in circulation. I saw a copy of it in the court room in Los Angeles.

Q. Now, do you know if this book here was ever withdrawn by the Executive Board of the IWW, or by any official body of the IWW?

A. Yes. It was named in the resolution.

Q. Was this particular book named, or was it a book by Flynn and Smith that was withdrawn?

(Testimony of Claude Erwin.)

A. I think—I know that all the sabotage books were withdrawn.

Q. Why were they withdrawn? [7199]

A. Well, because they thought it was of no interest to the organization, it was detrimental because the courts had misinterpreted the meaning.

Q. That was the only reason it was withdrawn, because of the Haywood trial, and for the purpose of camouflaging the policy of, and ideality of the IWW, was it not?

A. That is not a fact. In fact, the Sabotage pamphlets were of an educational nature to inform the workers what was going on in other countries. The pamphlet by Tridon was translated from French and printed into English.

Q. Did you ever read a book by Pouget on Sabotage? A. Yes.

Q. Was that ever withdrawn? A. Yes.

Q. When? A. At the same time.

Q. By what?

A. By action of the General Executive Board.

Presiding Inspector: You mean that resolution that was introduced?

The Witness: Yes, sir.

Presiding Inspector: The series of resolutions?

The Witness: Yes, sir.

By Mr. Del Guercio:

Q. Did you ever see this, "I.W.W. Songs"? [7200]

A. Yes, sir.

Q. Did you ever sing any of them?

(Testimony of Claude Erwin.)

A. I am not much of a singer.

Q. Was that ever withdrawn?

A. The songbooks,—the songs are changed from year to year.

Q. Was that book ever withdrawn out of circulation?

A. I don't know whether that particular one was or not. I don't know as any of those song books were withdrawn, but the songs were changed from time to time.

Q. Well, as a matter of fact, this book here, "IWW Songs", Government's Exhibit No. 259——

A. (Interposing) May I see it, please?

Q. (Continuing) ——was never withdrawn?

Presiding Inspector: Of course, there is no claim it has been withdrawn unless you bring it up now.

A. That is one of the earlier editions; that was revised and reprinted. There has been a dozen songbooks out since then. I think it is up to the '25 edition now.

By Mr. Del Guercio:

Q. Have you ever practiced sabotage?

A. No, sir.

Q. What were you arrested for when you were arrested?

A. I was arrested in Los Angeles County in 1922.

Q. On what charge? [7201]

A. A charge of criminal syndicalism.

Q. What were you charged with doing?

(Testimony of Claude Erwin.)

A. I was never charged with committing any overt act of any kind.

Presiding Inspector: What were you accused of?

The Witness: Criminal syndicalism.

Presiding Inspector: In what respect? It must have been a specification.

The Witness: No; it was belonging to an organization—I think the indictment read: "Belonging to an organization that advocated the overthrow of the Government."

By Mr. Del Guercio:

Q. Was that the only charge contained in the indictment?

A. I think it was also distributing literature that advocated the use of force and violence, but the case was reversed in my instance.

Presiding Inspector: You have told us about that. No use repeating it because we have heard about that.

The Witness: But there was never a member charged with criminal syndicalism. It was a charge of committing an act himself.

By Mr. Del Guercio:

Q. The organization referred to in that indictment was the IWW, was it not?

A. What is that? [7202]

Q. Was the IWW referred to in the indictment?

A. Criminal syndicalism covers any organization.

(Testimony of Claude Erwin.)

Q. How many defendants were named with you in that indictment?

A. There were eight of us on trial in my case; all reversed.

Q. Was the IWW named in the indictment?

A. What is it?

Q. Was the IWW named in the indictment?

A. Yes, being a member of the Industrial Workers of the World, yes, in my specific indictment.

Presiding Inspector: Mrs. King, did you introduce in evidence all the resolutions in relation to withdrawals or only the one in relation to a sabotage book which is not in evidence?

Mrs. King: If your Honor please, I introduced one with reference to a sabotage book in August of 1920 and, I believe, that the book is in evidence because it was "Sabotage" by Smith.

Presiding Inspector: Well, this is by Smith and somebody else.

Mrs. King: No; there were two sabotage books. That is just the wording of the resolution.

Presiding Inspector: I see. Well, but you [7203] didn't introduce those to show that any of these other books——

Mrs. King: (Interposing) No, sir.

Presiding Inspector: You don't claim that any of the other books were specifically mentioned in those resolutions?

Mrs. King: No.

Presiding Inspector: No use introducing it in evidence if that is the understanding.

(Testimony of Claude Erwin.)

Mrs. King: Yes, we introduced the general resolution with reference to sabotage.

Presiding Inspector: Oh, you did? But there are a series of them, aren't there, a series of these resolutions?

Mrs. King: No; in those minutes we only introduced so much of it as related to the pamphlet by Flynn and Smith, just that one paragraph.

Presiding Inspector: But you don't claim there was any specific resolution in relation to these other books in evidence?

Mrs. King: We don't know that, your Honor.

Presiding Inspector: That is right. I just wanted to get clear what the purpose was, what the extent was.

By Mr. Del Guercio:

Q. Do you know an attorney by the name of Henderson? A. (No response).

Q. An attorney by the name of Henderson?

A. Yes, sir. [7204]

Q. Did you consult with him before you appeared here to testify?

A. Why, Attorney Henderson told me that the Defense wanted me and asked me if I would come up here.

Q. Did you speak with Henderson before you came up here? A. Yes, sir.

Q. Did you go over your testimony with Mr. Henderson?

A. No. I didn't know just exactly what was

(Testimony of Claude Erwin.)

to be covered here, but I went over it with the Defense attorneys.

Q. Well, did you meet with Mr. Henderson first?

A. I met with him before I was sure that I was going to be called. When he first asked me I met with Mr. Henderson.

Q. Where did you meet with Mr. Henderson?

A. I met him in Bakersfield in his home.

Q. Did he send for you?

A. He asked me to come up and talk it over.

Q. Who paid for your transportation?

A. I paid for it myself.

Q. Are you working now?

A. I am not right now.

Q. Where do you live?

A. I am stopping here in San Francisco. I worked a few days——

Q. (Interposing) Well, where is your place of residence? [7205] A. Los Angeles.

Q. Los Angeles. How did you get up here to San Francisco?

A. I came up of my own accord.

Q. You paid your own transportation?

A. Yes, sir.

Q. The Defense here didn't pay for your transportation from Los Angeles? A. No.

Q. And Mr. Henderson didn't pay for it?

A. No, sir.

Q. Do you have any income other than from employment? A. I don't.

(Testimony of Claude Erwin.)

Q. Huh?

A. I don't. I borrowed $20.00 to come up here.

Q. From whom?

A. From a friend of mine.

Q. What is the name of the friend?

A. Well, I don't care to give any names.

Q. What?

A. I don't care to give any names.

Mr. Gladstein: I object.

Presiding Inspector: I think it is immaterial.

By Mr. Del Guercio:

Q. How long have you been employed? [7206]

A. I have been laid up in the hospital for nearly four years from an automobile accident.

Q. You haven't been working for the last four years? A. No, with the exception——

Q. (Interposing) How do you support yourself?

A. The last three days and a half before I came into the city here I worked in Petaluma.

Q. How have you been supporting yourself for the last few years?

A. I told you I was in the County of Los Angeles Hospital for nearly four years.

Q. What were you doing in Petaluma?

A. Working on a chicken ranch.

Q. Working what?

A. On a chicken ranch.

Q. For how long a period?

A. Three days and a half before I was summoned to come in here.

(Testimony of Claude Erwin.)

Q. Is that the only employment you have had?

A. That is all since I have come out of the hospital.

Q. Were you in the hospital continuously for three years?

A. Hospital and rest home. I was in the rest home when the FBI man contacted me in April.

Q. Rest home of what?

A. Los Angeles hospital.

Q. How did you know that it was an FBI man that con- [7207] tacted you?

A. Because they showed me their credentials. They stated they were investigators on the Bridges' case.

Q. Did they tell you they were FBI men?

A. Well, no. They showed me their credentials with their pictures on it and I didn't read it over but they said they were investigators on the Bridges' case, representing the case.

Q. They didn't say they were FBI men?

A. Huh?

Q. They didn't say they were FBI men?

A. I don't exactly remember whether they said FBI or Immigration officials, but they nevertheless were Government officials. [7208]

Q. Now, what rest home were you staying at?

A. I was in Los Angeles County.

Q. That is the Los Angeles Farm?

A. That is—yes, it is a part of the General Hospital now.

Q. How long were you there?

(Testimony of Claude Erwin.)

A. I was there about a year and a half or a little better.

Q. You had been there for a year and a half?

A. Yes.

Q. Do you expect to repay this $20.00 you borrowed from this friend?

Mr. Gladstein: I object to that as immaterial.

Presiding Inspector: Immaterial; yes, sir.

Mr. Del Guercio: It goes to——

Presiding Inspector: No. We won't go into civil obligations.

Mr. Del Guercio: Sir?

Presiding Inspector: We won't go into civil obligations.

By Mr. Del Guercio:

Q. Do you expect to pay your own way back to Los Angeles?

Mr. Gladstein: I object to that as immaterial.

Presiding Inspector: I don't see how that is material.

Mr. Grossman: If Mr. Del Guercio is interested, we are [7209] going to pay all his expenses before he goes back.

Mr. Del Guercio: Why doesn't the witness say so?

Mr. Grossman: You haven't asked him.

Mr. Del Guercio: No further questions.

Presiding Inspector: That is all. Do you want to ask something further?

Mrs. King: Yes.

Presiding Inspector: I beg your pardon. I thought you had finished.

(Testimony of Claude Erwin.)

Mr. Del Guercio: There is one other matter. I believe only a portion of one paper was introduced. I would like to offer at this time the rest of that paper if counsel has it.

Presiding Inspector: The whole of one paper was introduced.

Mr. Del Guercio: There is one exhibit that only a portion of it was introduced.

Presiding Inspector: Yes; the one the resolution was in.

Mr. Del Guercio: I would like to introduce the rest of that paper.

Mr. Gladstein: While we do not have any basic reason for objecting, it is simply a question of asking what the materiality of the rest of the newspaper is. If it is only to show the official character of the newspaper, we have no objection.

Presiding Inspector: I suppose, if it has anything in [7210] explanation of the resolution——

Mr. Del Guercio: (Interposing) That is it.

Mr. Gladstein: Anything material——

Mr. Del Guercio: (Interposing) There is an editorial appearing there and it explains the resolution, your Honor.

Presiding Inspector: There is an editorial there.

Mr. Grossman: Though we may not have the paper here, and the photostatic copy, we will see that it is produced before the end of the hearing.

Mrs. King: I have the original of the paper. I don't have the other pages; but I will produce the other pages in the course of the day.

(Testimony of Claude Erwin.)

Presiding Inspector: The paper has been given an exhibit number so far as it relates to the copy of the resolution. Now, the same exhibit number can cover the entire document. The minutes will show that.

Mr. Grossman: May the record be clear as to which paper this is that is being introduced?

Presiding Inspector: Certainly; it should be.

Mr. Del Guercio: May I see the paper?

(The publication referred to was passed to Mr. Del Guercio.)

Presiding Inspector: One was fully received; the other one wasn't. [7211]

Redirect Examination

By Mrs. King:

Q. You testified on direct examination yesterday, Mr. Erwin, that the pamphlet, Government's Exhibit 252, "The I.W.W., its History, Structure and Methods," by Vincent St. John, was not being distributed by the IWW in 1921 and 1922 as far as you knew. Is that correct?

A. That particular copy, an exhibit here.

Q. You testified on cross examination, I believe, that that pamphlet was not withdrawn by the IWW. I should like to ask you whether any pamphlets bearing that name, "The I.W.W., its History, Structure and Methods," by Vincent St. John, were being distributed after 1921 and 1922?

Presiding Inspector: To your knowledge.

A. Yes, the History, Structure——

(Testimony of Claude Erwin.)

Presiding Inspector: You can go into how much he knows.

By Mrs. King:

Q. After 1920?

A. Yes, "History, Structure and Methods" by Vincent St. John was revised in 1919 and circulated after that date.

Presiding Inspector: In the revised form?

The Witness: In the revised form.

By Mrs. King:

Q. I show you this pamphlet (indicating) and ask you whether that is the revised edition? [7212]

A. (Examining pamphlet) That is the revised edition; yes, ma'am.

Q. When was that issued, Mr. Erwin?

A. In 1919, 1920 and 1921 until they run out of the pamphlets. I don't think it was reprinted after —I don't remember of it being reprinted after '24: I am sure it wasn't, pretty sure. But I know it was revised and printed in 1919.

Q. As far as you know, Mr. Erwin, as far as you can recall, was the portion of the pamphlet read to you yesterday by Mr. Del Guercio incorporated in the revised edition, or was it omitted from the revised edition?

A. That was omitted from the revised edition.

Q. Is that true as to both the portions that were read, or only one of the two portions that were read yesterday? A. Both portions.

Q. That is your best recollection?

A. To the best of my knowledge; yes.

(Testimony of Claude Erwin.)

Mrs. King: Of course, the pamphlets can be compared.

Presiding Inspector: Yes. You had better introduce it in evidence.

Mrs. King: I offer this in evidence as Alien's Exhibit next in order.

Presiding Inspector: It may be received. [7213]

(The pamphlet referred to was received in evidence and marked Alien's Exhibit No. 58.)

Mr. Del Guercio: The exhibit I referred to a moment ago is Alien's Exhibit 56, the entire paper. We want the entire paper introduced in evidence.

Presiding Inspector: It may be received, the entire paper, as Alien's Exhibit 56.

(The entire publication referred to was received in evidence and marked Alien's Exhibit No. 56.)

By Mrs. King:

Q. Mr. Erwin, do you carry any credentials as a delegate or organizer of the IWW? A. Yes.

Q. May I see those credentials, please?

A. (Producing credentials) That is for 1941.

Q. May I have the earliest credentials that you have?

A. (Producing credentials) The earliest credential I have is for 1929, when I was Secretary-Treasurer of the General Recruiting Union.

Q. On the back of this credential, Mr. Erwin, there are instructions. Do you know whether the instructions— withdraw that question.

(Testimony of Claude Erwin.)

Did you have earlier credentials than the 1929 credentials?

A. Yes. I had credentials in 1927 and 1928.

[7214]

Q. Did you have any credentials as far back as 1920 or 1921?

A. I had credentials in 1920; yes.

Q. And in 1921? A. In 1921.

Q. And in 1922? A. In 1922; yes.

Q. Do you know whether the instructions on the back of those credentials are identical with the instructions on the 1929 credentials?

A. They were. All the general organization credentials carried those instructions.

Mrs. King: I offer the credentials of April 6, 1929.

Mr. Del Guercio: I haven't seen them yet. I object to their introduction as immaterial and irrelevant.

(The credentials referred to were passed to Mr. Del Guercio.)

Presiding Inspector: I will take them. Mark them in evidence. I don't think they are of very great weight because whether he has had some similar credentials depends upon his verbal statement under oath. It is scarcely better than a later document.

(The credentials referred to were received in evidence and marked Alien's Exhibit No. 59.)

Mrs. King: Do you think it would be of any pro-

(Testimony of Claude Erwin.)

bative [7215] value to show the instructions were the same in——

Presiding Inspector: I don't know what the instructions are.

Mrs. King: I ask leave to withdraw this and substitute a photostatic copy.

I would like to call your attention to this one paragraph:

"The I.W.W. in none of its doctrines in the past or present, has ever advocated the destruction of life or property, but has, in fact, always strenuously opposed such teachings, methods and tactics. Furthermore, it is against the principles of the Industrial Workers of the World to destroy anything in any way, shape or form."

By Mrs. King:

Q. I asked you yesterday, Mr. Erwin, how many halls, IWW halls, you had been in up to 1921. I should like to ask you how many halls, in addition, you were in during the year 1921, if you can recall—withdraw that question.

Can you tell me how many halls in all, IWW halls, you were in up to the end of 1921?

A. Well, I would have to count up on them. I can name them, perhaps.

Presiding Inspector: Give us a rough estimate.

A. I should judge 25 halls.

By Mrs. King:

Q. Was IWW literature sold in every one of those halls? [7216] A. Yes.

(Testimony of Claude Erwin.)

Q. Have you looked at the transcript of yesterday's testimony?

A. I glanced through it this morning; yes.

Q. And when you glanced through it did you observe a statement that you had been back east in 1922?

A. I said I went back east in 1920. In 1922 I was still there and elected to the General Organization Committee of the oil workers, and came west in 1922.

Q. Mr. Erwin, do you know the local number of the Agricultural Union of the IWW—did you know it in 1920 and 1921?

Presiding Inspector: Whereabouts? Is it all the same?

Mrs. King: In Kansas.

A. The Agricultural Workers Industrial Union has one number. It was 400 in 1918; and in 1920 they changed the number to 110.

By Mrs. King:

Q. Has it subsequently been changed?

A. It has remained 110 ever since to the present time.

Q. Do you know what Industrial Union Local 600 was in 1919 and 1920?

A. They are not judged as locals. This Industrial Union No. 600 was the Railroad Workers up until 1920 and it was changed to No. 520 instead of 600.

Q. After that change what union bore the designation [7217] of 600, if you know?

(Testimony of Claude Erwin.)

A. 600 is not in existence. There was no union of 600 after 1920.

Mrs. King: That is all.

The Witness: I might state that 600 represents a whole department——

Mr. Del Guercio: (Interposing) There is no question.

Mr. Gladstein: I understand that the witness wants to add something to his answer. I don't think——

Mr. Del Guercio: It wasn't to his answer.

Mr. Gladstein: Do you want to add something to your last answer?

The Witness: Yes.

Mr. Del Guercio: I object to that, if your Honor please.

Presiding Inspector: I will hear it.

The Witness: In 1920, at the time the numbers were changed in the Industrial Unions, the charts were changed and No. 600 came under a department instead of an Industrial Union, the 600 Department?

The Witness: Yes.

By Mrs. King:

Q. Did these matters come to your attention in your official capacity? [7218] A. Yes, sir.

Presiding Inspector: The witness is yours, Mr. Del Guercio.

Mr. Del Guercio: That is all. No questions.

Presiding Inspector: You are excused.

Mr. Gladstein: We can put Mr. Cannalonga on now and finish with him.

Presiding Inspector: Mr. who?

Mr. Gladstein: Mr. Cannalonga.

Presiding Inspector: You may take the stand, Mr. Cannalonga.

Mr. Gladstein: Do you have those letters which were received in evidence, but given to your custody, Mr. Del Guercio?

(The letters referred to were passed to Mr. Gladstein.) [7219]

MAURICE J. CANNALONGA

called as a witness in rebuttal on behalf of the Government, having been previously duly sworn, testified further as follows:

Further Cross Examination

By Mr. Gladstein:

Q. Mr. Cannalonga, you testified that the Emel family, E-m-e-l, the Emels, were not in any way related to you. Isn't Mr. Emel a half brother of yours? A. He isn't.

Q. He what? A. No.

Q. Is either he or his wife in any way related to you by blood? A. No.

Q. Have you ever stated in any ship articles that you have signed or anywhere else that there was a relationship between you and Mr. Emel or Mrs. Emel? A. What is that again?

(Testimony of Maurice J. Cannalonga.)

Mr. Gladstein: Will you read the question?

(The question referred to was read by the reporter as above recorded.)

A. I have.

By Mr. Gladstein:

Q. I beg your pardon? [7220] A. I have.

Q. When did you first do that?

A. Oh, about five or six years ago.

Q. Why did you do that?

A. In case I died out at sea, that my possessions would be turned over to him.

Q. And what did you state the relationship to exist when you made that statement.

A. Step brother.

Q. Does Mr. Emel ever go by the name, to your knowledge——

Presiding Inspector: (Interposing) What is the purpose of all this? Those papers were not introduced for the purpose of contradicting this witness.

Mr. Grossman: That is correct.

Presiding Inspector: No, I beg your pardon. I didn't so receive them.

Mr. Grossman: I said that is correct.

Presiding Inspector: Oh, I beg your pardon.

Mr. Grossman: But the papers do show that, at least on the shipping articles——

Presiding Inspector: (Interposing) Well, what difference does it make?

Mr. Grossman: That is what we want to know.

Presiding Inspector: Well, what difference does

(Testimony of Maurice J. Cannalonga.)

it [7221] make if they do? That is for you to know, whether they mean anything.

Mr. Grossman: It may or may not. The fact that this man had something to do with getting his clothes and his leaving the ship, and all that sort of thing, who, according to these papers was stated to be a half brother by him, and now said by the witness not to be any relation. It might have some——

The Witness: (Interposing) Well——

Presiding Inspector: (Interposing) Now, we have had enough.

By Mr. Gladstein:

Q. Mr. Cannalonga, before the Shipping Commissioner on various occasions when you have shipped out have you given the name of Ernest Emel Cannalonga at 3003 East 115th Street, Seattle, Washington, as your half brother?

A. Not the way you just said it, I never.

Q. Well, how did you do it?

A. Just his right name, Ernest Emel, not Cannalonga.

Q. Now, when you saw Mr. Emel on Wednesday, that Wednesday, the day that you left the ship, did you give him any instructions as to what he should say in the event the Immigration Department or the FBI should make inquiries as to where your were?

A. I didn't.

Q. None whatsoever? [7222]

A. None whatsoever.

Q. Do you have any brother at all?

A. I have.

(Testimony of Maurice J. Cannalonga.)

Q. Do you have a brother who lives in Seattle or anywhere in that vicinity? A. No.

Q. How many brothers do you have?

A. Two.

Q. And where do they reside?

A. Back in Massachusetts.

Q. Were both of them residing back in Massachusetts during all of April and May of this year?

A. They were. I haven't seen them since——

Presiding Inspector: (Interposing) No, never mind. Just answer the question.

By Mr. Gladstein:

Q. Now, before you left Mr. Emel to go on this trip that you have described did you ever tell Mr. Emel that you had recently been worked over by goons. A. No.

Q. Please speak up. A. I said "No."

Presiding Inspector: Of course, that letter wasn't introduced for any such purpose, to show any fact of that kind.

Mr. Grossman: That is correct. [7223]

Presiding Inspector: It was only introduced in relation to the action of the officials, the Government officials in trying to find——

Mr. Gladstein: (Interposing) Yes, I understand that.

Mr. Del Guercio: They are not, however, confining themselves to that purpose, if the Court please.

Mr. Grossman: We are not trying to impeach him.

(Testimony of Maurice J. Cannalonga.)

Presiding Inspector: That was the sole purpose for which I received it.

Mr. Grossman: Your Honor, we are using the letter only for the purpose of getting ideas, not to impeach the statement.

Mr. Del Guercio: I move every answer of this witness and the questions be stricken from the record.

Presiding Inspector: No, I will let it stand. These questions are not going to be used in any way except—these answers, except as Mr. Grossman just said, to get ideas about what was done during that period.

By Mr. Gladstein:

Q. Did you tell Mr. Emel at any time, Mr. Cannalonga,——

Mr. Del Guercio: (Interposing) The letters speak for themselves.

Presiding Inspector: Well, he is going to ask him now. The letters don't speak for Mr. Cannalonga. They report certain conversations and certain actions which related to the Government officials, that is, conversations which they had [7224] with other people and actions which they took.

Mr. Del Guercio: If the Court please, the letters show that he had no contact with——

Presiding Inspector: (Interposing) Oh, that is perfectly apparent; we all know that.

By Mr. Gladstein:

Q. Did you tell Mr. Emel or his wife that you were laying low? A. I didn't.

(Testimony of Maurice J. Cannalonga.)

Mr. Gladstein: I think that is all, your Honor.

Presiding Inspector: Is that all from this witness?

Mr. Gladstein: Yes.

Presiding Inspector: You are excused, Mr. Cannalonga.

(Witness excused)

(Whereupon Mr. Gladstein handed documents to Mr. Del Guercio.)

Presiding Inspector: Those will be accessible to you, Mr. Gladstein.

Mr. Gladstein: What?

Presiding Inspector: They will remain accessible to you under the rule.

Mr. Gladstein: Thank you.

Mr. Grossman: We would like to ask Mr. Cannalonga to be excused from the room. He has been sitting here without objection, but for the following witnesses we don't want him [7225] present.

Presiding Inspector: All right, that is perfectly proper. He may be excluded from the room.

Call the next witness.

Mr. Grossman: We are calling our next witness.

LOUIS E. YOUNG

called as a witness in surrebuttal on behalf of the Alien, being first duly sworn, testified as follows:

Presiding Inspector: Give your name and address to the reporter.

(Testimony of Louis E. Young.)

The Witness: Louis E. Young, 0315 Southwest Nebraska Street, Portland, Oregon.

Direct Examination

By Mr. Grossman:

Q. Mr. Young, what is your occupation?

A. Longshoreman, stevedore foreman.

Q. For how long have you been a longshoreman?

A. Since about 1918, October.

Q. Do you remember working on the West Cussetta in May of this year? A. Yes, sir.

Q. And what position did you occupy in that work at that time?

A. I had a gang on hatch No. 4.

Q. Were you foreman of the gang? [7226]

A. Yes, sir.

Q. How large was the gang?

A. Eleven men; well, it was thirteen. I only carry eleven; they have two extra men, board men.

Q. When did you go to work for the first time on the West Cussetta?

A. Crown Mills at 8:00 o'clock in the morning on Saturday morning.

Q. Saturday, May 3rd? A. 3rd, yes.

Q. Do you know a man named Maurice Camalonga? A. Yes, sir.

Q. When did you first meet him? I don't mean in 1941, but if you met him before that when was the first time?

A. Well, during the 1934 strike.

Q. Did you meet him on many occasions during the 1934 strike?

(Testimony of Louis E. Young.)

A. Well, I seen him—he was a delegate; he was a committeeman, I suppose, a delegate from the Fireman's Union, I believe it was, and I seen him on the stand making reports several times during different meetings.

Q. Did you see Maurice Cannalonga on Saturday, May 3rd? A. Yes, sir. [7227]

Q. What was the occasion for your seeing him for the first time on that day? How did it come about?

A. Well, we had electric winches and they didn't function very good. It seemed like the port winch continuously broke down and I had to get him on several occasions.

Q. On the first occasion what happened? How did you come to talk to him?

A. Well, the winches wouldn't run when we started to work, so the walking boss, Captain Enstrom was standing—

The Reporter: (Interposing) Will you spell that, please?

The Witness: I don't know; it is a Norwegian name.

Presiding Inspector: Do the best you can.

The Witness: E-n-s-t-r-o-m, I think it is.

I asked the walking boss to go get the electrician because the winches wouldn't work, and he went and got him, or he had the Chief Engineer go get him, I don't know which, but anyway he came just a few minutes after 8:00.

(Testimony of Louis E. Young.)

By Mr. Grossman:

Q. And did you then have any conversation with him?

A. Well, no, just the winches were haywire and I asked him to fix them.

Q. Did he then work on the winches?

A. Yes. [7228]

Q. Was it one winch or several that were bad then?

A. Well, the winches all over the ship, but our winches, it seemed to be the fourth winch was the worst one. He claimed it was full of water.

Q. Then, on this first occasion that you saw him Saturday morning he worked on the winch?

A. Yes, sir.

Q. Can you estimate about how long he worked on the winch?

A. I presume around a five-minute interval.

Q. On any other occasion that day did you see Mr. Cannalonga?

A. Yes, I saw him. I called—I went to his room three or four different times to get him.

Q. What was the occasion for you going to his room?

A. Well, the winches would go on the bum and the fellows would start hollering in the hold, and the winch drivers would quit work and say the winches would either be fixed or they were going to quit, so I would go after him again.

Q. When you went to his room what did you find him doing on these various occasions?

(Testimony of Louis E. Young.)

A. Well, I remember he was laying on the—he had a radio against the wall and he would be laying on a couch there listening to the radio. [7229]

Q. On any of these occasions did you find him drinking when you went into his room?

A. No, sir.

Q. Upon how many different occasions did you see Cannalonga working on one of the winches on that Saturday?

A. Oh, I should judge he must have been back there eight or ten times.

Q. Will you state whether Mr. Cannalonga was drunk or sober on Saturday, May 3rd when you saw him working on those winches?

A. Well, he was sober.

Q. Are you sure of that? A. Yes, sir.

Q. Did you see Cannalonga—withdraw that.

Did you work on the West Cussetta the next day?

A. Yes, sir.

Q. When did you go to work the next day?

A. Seven o'clock in the morning at Terminal 1.

Q. Do you mean you were to start work at seven?

A. Yes, sir.

Q. What time did you personally arrive at the boat on Saturday morning?

A. I got there about fifteen, twenty minutes to seven.

Q. Did you find Cannalonga on or about the time —did you see Cannalonga on or about the time that you arrived [7230] at the boat that Sunday morning?

A. Yes, he was working on the winches.

(Testimony of Louis E. Young.)

Q. Which winch was he working on?

A. He was working on the port winch—no, on the starboard—I beg your pardon. He was working on the starboard winch.

Q. Can you state what he was doing at that time?

A. Well, he was putting it back together again. He had several little plates out, whatever they are—I don't understand that—but he was drying it out.

Q. Did he say to you what he was doing or had been doing?

A. Yes, he said it was full of water and that he had opened it up and got the water out and was drying it out.

Q. For what period of time continuously did he work on that winch after you came that Sunday morning?

A. Well, he worked continuously up until 7:30 on the winch because we stood by. The men just sat there and waited until 7:30. We never moved a thing because we were taking lumber from the barge and we couldn't do anything because the top of the booms—we had to top the yard arm and lower the guide ship. We had to have the gear, the winches to do it with, so we couldn't do nothing.

Q. Did Mr. Cannalonga state anything to you as to whether he had worked the night before on the winches? [7231]

A. He told me he worked practically all night on them and he said "They ought to be in pretty good shape now."

Q. Do you remember, did the winches break down at any other time that day?

(Testimony of Louis E. Young.)

A. Yes, at intervals, off and on practically the whole day. They——

Q. (Interposing): On any of these—excuse me. Continue.

A. Well, you know, they would stop probably for two or three minutes. We would go ahead and they would stop, and like you would bring a load in they would just stop, that is all, and you would have to pull them back and forth. They have a lever where it comes in back and forth, second and—to try and keep them—get them started, and they wouldn't work. Once in a while they would take hold, were liable to take hold going back or going forward.

Q. On any of these occasions when the winches broke down or wouldn't work well did you go after Cannalonga to fix them on Sunday?

A. Yes, I went after him Sunday a couple——

Q. (Interposing): Was there any occasion when you went after him and couldn't find him?

A. In the afternoon.

Q. And did you do anything—did you talk to any other [7232] worker on that ship when you couldn't find Cannalonga?

Mr. Del Guercio: I will object to that, your Honor.

Presiding Inspector: Well, I will allow that.

By Mr. Grossman:

Q. What efforts did you make—I will put it this way—what efforts did you make to find Cannalonga on that occasion?

(Testimony of Louis E. Young.)

Presiding Inspector: What day was this?

Mr. Grossman: Sunday.

Presiding Inspector: Sunday, Sunday afternoon?

By Mr. Grossman:

Q. Approximately what time was it that you unsuccessfully tried to find Cannalonga?

A. It was after lunch.

Q. What efforts did you make at that time to find Cannalonga?

A. I went to the Chief Engineer.

Q. Did you go to Cannalonga's room too?

A. Yes, and it was locked.

Q. Did you talk to the Chief Engineer about it?

A. Yes, I went to see the Chief Engineer.

Q. Did you see Cannalonga later that day?

A. Yes, I seen him in the afternoon and in the evening.

Q. Did Mr. Cannalonga work on those winches between [7233] three and six of that afternoon?

A. Yes, sir.

Q. Can you estimate about how much of the time between three and six that afternoon he worked on the winches?

A. Well, the winches were broke down practically half of the time from three to six.

Q. Was he working on the winches all the time that they were broken down?

A. Off and on, yes, back and forth.

Q. Do you have any procedure in your union which requires you to make any reports of the kind

(Testimony of Louis E. Young.)

of work that is done and any breakdowns there may be in the operations of the winches?

A. Yes; the organization went on record as to that for the simple reason that the employers claim lots of times a gang don't put in any work. We will go on a job and you will have to top your gear and lower your booms and uncover and possibly go into two or three decks to take out fifteen, twenty tons of cargo. By the time you do all this and go below and cover up, and coming back up, well, maybe two hours is gone. Well, if you only move a little bit of cargo it showed before that there was a lot of argument over that. Therefore, the union took it on themselves for us to make out the slips, to give certain times, whatever they do, uncovering and loading general cargo, lumber, stand-by or dunnage, laying dunnage, [7234] which on the American-Hawaiian it takes you half of that time to lay dunnage. You do about half work and half dunnage.

Q. On May 3rd and 4th did you make a report showing what work was done by your gang and showing the time that the winches were not operating?

A. Well, the first day it was short time.

Presiding Inspector: No; did you make such a report?

By Mr. Grossman:

Q. Did you make such a report generally?

A. Yes, I did.

Q. And to whom, if anyone, did you give copies of that report?

(Testimony of Louis E. Young.)

A. The walking boss.

Q. Was the walking boss a representative of the company? A. Yes, sir.

Q. Did you give any copies to anyone else?

A. Only to the union. I turned in my slips, the same as the ones to the walking boss.

Q. Did you give any copies to anyone except the walking boss and the union? A. No.

(Whereupon Mr. Grossman handed documents to Mr. Del Guercio.)

Mr. Del Guercio: I am through with these, if you are waiting for them.

By Mr. Grossman: [7235]

Q. Will you examine these papers I hand you and tell me what they are?

Mr. Del Guercio: I will object to them, your Honor. He has already testified from his recollection.

Presiding Inspector: Yes, that is true.

Mr. Del Guercio: Regarding the same matter.

Presiding Inspector: But this question doesn't go any further than asking him what they are.

By Mr. Grossman:

Q. Will you identify them, please?

A. (Examining documents) Well, these are the slips I made out for the six days that I was on the ship, like for rigging time, for the cargo and hanging tent and——

Presiding Inspector: (Interposing) Well, is there one for each day?

The Witness: Yes, sir.

(Testimony of Louis E. Young.)

By Mr. Grossman:

Q. Are they made out in your handwriting?

Presiding Inspector: I don't think you need to go any further than that. Go ahead.

By Mr. Grossman:

Q. Are they made out in your handwriting?

A. Yes, sir.

Q. When did you make out the slip for May 3rd?

[7236]

A. I made it out on the job and hung it with the time sheets.

Q. On that same day? A. Yes, sir.

Q. When did you make out the slip for May 4th?

A. On the 4th, on the job.

Q. Well, will you explain why the slip for May 3rd doesn't show these various short breakdowns that you referred to on the winches?

A. Yes; on account I went to the walking boss and asked him if I should report them and he told me if it didn't carry to fifteen minutes not to bother with it, because if it went over fifteen, went fifteen minutes they would get half an hour, and he said he would take care of that.

Q. Was that the general practice on the water-front there? A. Yes, yes.

Mr. Grossman: I want to offer in evidence, your Honor, the slip for May 3rd and the slip for May 4th.

Mr. Del Guercio: I will object to them.

Presiding Inspector: I will take these two. They were made in the course of duty.

(Testimony of Louis E. Young.)

The Reporter: Separate numbers, your Honor?

Presiding Inspector: Separate numbers. [7237]

(The documents referred to were received in evidence and marked Alien's Exhibits Nos. 60 and 61.)

Presiding Inspector: Anything further from this witness?

Mr. Grossman: Yes.

By Mr. Grossman:

Q. Was Mr. Cannalonga drunk at any time when you saw him on Sunday? A. No, sir.

Q. Are you sure of that? A. Yes, sir.

Q. Would you have tolerated or permitted, in so far as you had control over it, his working on those winches if you had thought he was drunk?

Mr. Del Guercio: I will object to that.

Presiding Inspector: I don't think that is proper. You have got his direct statement.

By Mr. Grossman:

Q. What is the relationship between the safety of the men working cargo and the performance of the winches?

Mr. Del Guercio: I will object to that, your Honor.

Presiding Inspector: Isn't that perfectly obvious?

Mr. Grossman: I don't know whether it is or not. If you could stipulate it, all right. It is possible, I suppose, for some mechanical apparatus used by some workers to be defective without endangering

(Testimony of Louis E. Young.)

the workers or without endanger- [7238] ing them to any great extent. I think the relationship here is quite different in the sense it is more extreme.

Presiding Inspector: Can't we take it in a single answer?

Mr. Grossman: I beg your pardon?

Presiding Inspector: Can't we get this all in a single answer?

Mr. Grossman: I think we probably can.

Presiding Inspector: Go ahead, then.

Mr. Grossman: I have to lead him to get it in a single answer.

Presiding Inspector: Well, lead him then.

By Mr. Grossman:

Q. Will you state whether the improper functioning of these electric winches is dangerous to the workers who are handling cargo?

Mr. Del Guercio: I will object to the question, the form.

Presiding Inspector: Well, then, go into it in detail, if it is objected to. I thought we could expedite this.

Mr. Del Guercio: I don't think it is material or relevant.

Presiding Inspector: I have ruled that this is competent. Go ahead. I will take it.

Mr. Del Guercio: Well, I will withdraw my objection.

Mr. Grossman: All right, we will have the general [7239] question, then. Will you read the general question again?

(Testimony of Louis E. Young.)

Presiding Inspector: I will ask it.

Is there danger to the longshoremen working, I suppose, in the hold——

The Witness: (Interposing) Yes, sir.

Presiding Inspector: (Continuing) ——if the winches are not properly operating?

The Witness: Yes, sir; there is.

By Mr. Grossman:

Q. Do you know of your own knowledge whether the owner of the ship has to meet any costs or expenses—withdraw that.

Do you know of your own knowledge whether the owner of the ship has to pay the stevedoring company something or receive less from the stevedoring company for such occasions when the winches or other equipment of the ship is not operating?

Mr. Del Guercio: I will object to that, your Honor.

Presiding Inspector: I don't see how that is competent.

Mr. Grossman: It goes, your Honor—it is a small matter—but it goes to indicate the importance to the company of keeping the records, of accuracy in them since it means financial obligations too. In other words, it tends to show that there would be a check by the company on his statement because his statement might mean great expense to the company if it showed a breakdown of the winches. That is what I mean. [7240]

Presiding Inspector: Oh, I think it is too remote.

(Testimony of Louis E. Young.)

Mr. Grossman: Well, I agree it is a small matter; it tends to corroborate to a small extent.

By Mr. Grossman:

Q. Did you see Maurice Cannalonga on Wednesday, May 7th?

A. Yes, I saw him about 11:30.

Q. How do you fix the time?

A. We went to lunch at 11:00 o'clock, and to relieve hatch 5, and the whole gang practically, all but three or four men was underneath the platform of the winch in hatch 4 talking, and it was raining, and we were eating lunch there on a pile of lumber and some ladders when he came by.

Q. Where did you see him first?

A. Well, he came down off the bridge, the lower bridge.

Q. On the ship?

A. The bridge deck, we call it. He came down off the bridge deck and stepped on the lumber, him and some other man, small man, and they walked aft and they turned right around and left again.

Q. Where did they go, or, rather, where was the last place that you saw them?

A. We saw them come off the bridge and go back to the after hatch, hatch 5, and turn right around and go off again. [7241]

Q. Still on the ship when you last saw him?

A. That is as far as we seen him. [7242]

Q. That was about what time?

A. It was around 11:30.

(Testimony of Louis E. Young.)

Q. In the morning of Wednesday, May 7?.

A. Yes, sir.

Mr. Grossman: You may cross examine.

Cross Examination

By Mr. Del Guercio:

Q. Now, we are speaking about Wednesday, May 7th. Are you sure you saw Cannalonga at 11:30 A.M. that morning? A. I am positive.

Q. Having in mind that Cannalonga testified that he got off that ship at about 10:00 or 11:00 and did not return——

Mr. Grossman: (Interposing) He didn't testify that way.

Presiding Inspector: You have the hour wrong.

Mr. Grossman: 7:30 was his testimony.

By Mr. Del Guercio:

Q. (Continuing) ——that he went off that ship at 7:30, if that is correct, and he did not return there, would your testimony be the same?

A. Ask that question again.

Q. Cannalonga testified ~~that~~ he went off that ship at 7:00 or 7:30 and did not return to it. Having in mind the testimony of Mr. Cannalonga, would you say that you saw him at 11:30 A.M.?

A. I would.

Q. You are positive of that? [7243]

A. Yes, sir.

Q. Do you know who the man was that was with Cannalonga? A. No, I do not.

Q. Was he working on the ship?

(Testimony of Louis E. Young.)

A. I don't know.

Q. Do you know Mowery? A. Yes, sir.

Q. Was it Jack Mowery?

A. No, it wasn't.

Q. Now, describe the man that was with Cannalonga.

A. He was a little man, and he had on a dark pair of trousers; and he came down, him and Cannalonga came off of the lower bridge.

Q. Where were they when you first saw them?

A. I was sitting underneath the platform on the winches facing the forward end of the ship.

Q. Were they sitting there when you first saw them? A. Where?

Q. Were they sitting there?

A. No; I was sitting there.

Q. You were sitting—where were they?

A. They were walking.

Q. Walking from where to where?

A. Walking from the forward end of the ship aft, [7244] starboard side, coming down the bridge at hatch 4, and walked by the platform, and we were all sitting on a lumber pile eating our lunch. It was raining and we were sitting in the dry.

Q. This was Wednesday morning?

A. Wednesday morning, around 11:30, because we were having our lunch.

Q. It was raining? A. Yes, sir.

Q. Now, did you see them come on the ship?

A. No, sir.

(Testimony of Louis E. Young.)

Q. Had you ever seen this man before, the short man that was with Cannalonga? A. No.

Q. Was he employed on the ship?

A. I do not know.

Q. Did you see him come on the ship?

A. I did not.

Q. Did you see Cannalonga come on the ship that morning? A. No, sir.

Q. Did you see him go off the ship?

A. No, sir.

Q. At any time that day? A. No, sir.

Q. Now, you have only described his height and the [7245] trousers he was wearing. Can you give us any other description of the man?

A. No, I can't. He was just a little man—that is all I know—because Cannalonga is a pretty big man and he was a small man.

Q. How tall is Cannalonga?

A. Well, I wouldn't say, but it is pretty good sized.

Q. Was he shorter than Cannalonga?

A. Yes.

Q. How much?

A. Well, I can't give no inches

Q. Were they standing up beside each other?

A. They were walking together.

Q. How did their heights compare?

A. Probably four or five inches difference and probably 100 pounds in weight.

Q. You mean this other man was about four or five inches shorter than Cannalonga? A. Yes.

(Testimony of Louis E. Young.)

Q. Do you know how tall Cannalonga is?

A. I do not.

Q. If he were five feet four this other man would be about four feet nine?

A. I presume he would be.

Mr. Grossman: Just a minute. That arithmetic is bad. [7246] I don't think you have a right to——

Mr. Del Guercio: (Interposing) I didn't have a slide rule.

Presiding Inspector: All right.

By Mr. Del Guercio:

Q. Now, you say he was 100 pounds lighter than Cannalonga? A. He looked about that; yes.

Q. How long did you see him?

A. It was just a few minutes, when they walked down there, just like to the end of this court room and back.

Q. You didn't see him again that day?

A. No.

Q. Did you see him before 11:30?

A. No, sir.

Q. Did you see Cannalonga at any time prior to 11:30? A. No, I didn't.

Q. How do you fix the time at 11:30?

A. I was having lunch between 11:00 and 12:00.

Q. Do you always have your lunch at 11:30?

A. I go to lunch at 11:00 to relieve Hatch 4 at 12:00 o'clock.

Q. Do you always go to lunch at 11:00?

A. No; 12:00 o'clock. But whenever you relieve a hatch you go to dinner at 11:00. [7247]

(Testimony of Louis E. Young.)

Q. Did you relieve the hatch on Wednesday?

A. Yes.

Q. How do you know? A. Well, I know.

Q. Did you relieve the hatch on Tuesday?

A. I believe I did relieve a hatch on Tuesday—Tuesday and Wednesday I believe I relieved.

Q. Both Tuesday and Wednesday?

A. I believe it was; yes.

Q. Did you relieve a hatch on Sunday?

A. No, I did not.

Q. Were you working Sunday? A. I was.

Q. Did you relieve a hatch on Saturday?

A. No, I did not.

Q. Now, do you have any records of having relieved a hatch on Wednesday?

A. We always make records; yes.

Q. Do you have your records here?

A. I believe so.

Mr. Grossman: Here they are, Mr. Del Guercio. Here is the 7th.

(The records referred to were passed to Mr. Del Guercio.)

By Mr. Del Guercio:

Q. How long were you off work on Wednesday?

A. How long? [7248]

Q. Yes—for your dinner hour?

A. One hour.

Q. And when did you start?

A. We started in the morning and we were off——

(Testimony of Louis E. Young.)

Q. (Interposing) When did you start your lunch hour on Wednesday?

A. 11:00 o'clock, I believe it was.

Q. When did you go back to work?

A. 12:00.

Q. From 11:00 to 12:00 you had your lunch hour? A. Yes.

Q. Were the winches all right then?

A. In which hatch?

Q. In all the hatches?

A. They was never all right in no hatch.

Q. Hatch No. 5?

A. No. We had trouble with them there.

Q. Was Cannalonga working on the winches then? A. No, he wasn't.

Q. Nobody was working on them?

A. No, sir.

Q. Trying to fix them? A. No, sir.

Q. Was anything wrong with the winches before 11:00 o'clock on Wednesday morning? [7249]

A. Are you speaking of Hatch 4 or 5 now?

Q. Any hatch?

A. In our hatch, yes, we had trouble with them off and on continuously from the time we started to when we finished.

Q. Who fixed them? A. Who fixed them?

Q. Yes.

A. Well, Cannalonga worked on them when he was there, I guess.

Q. Did you see Cannalonga work on them Wednesday morning? A. No, I did not.

(Testimony of Louis E. Young.)

Q. Did you see anybody work on the winches Wednesday morning? A. No.

Q. Were they fixed?

A. They were not; they kept going like they were off and on.

Q. Then nobody worked on any of the winches that were not operating right Wednesday morning?

A. No, sir.

Q. Huh? A. No, sir.

Q. How long have you known Cannalonga?

A. Well, I have seen him. To know him personally, I [7250] don't; but I see him.

Q. Do you know him to speak to him?

A. No, I didn't.

Q. Would you say that he hadn't been drinking at all on Saturday?

A. No, sir; he hadn't been drinking to my knowledge.

Q. Would you say that he hadn't been drinking?

A. I would, yes.

Q. Did you smell his breath?

A. No. I never went that far to go up and smell his breath.

Q. How about Sunday?

A. Well, the man worked all night on the winches and he was there and I was with him practically for 40 minutes in the morning.

Q. Would you say he wouldn't be able to work on the winches if he had been drinking?

A. Yes; he wouldn't be able to work on the winches if he had been drinking.

(Testimony of Louis E. Young.)

Q. Why not?

A. Well, a man—I have seen a few drunks and I have never seen one yet that could do anything.

Q. Do you ever get drunk?

A. Years ago; yes.

Q. But not since? [7251] A. No, sir.

Q. What union do you belong to?

A. Local 1-6, CIO; longshoremen's Union, International Longshoremen's and Warehousemen's Union.

Q. That is one of Bridges' unions?

A. Yes, sir.

Q. Who is the President of that union?

A. Brother Bridges.

Q. Brother Bridges, you say?

Presiding Inspector: That is what he said.

By Mr. Del Guercio:

Q. What is Craycraft's position with that union? A. I can't hear you.

Q. What is Craycraft's—do you know Rosco Craycraft? A. Yes, sir.

Q. What is his position with the union that you belong to?

A. Well, I think he is second Vice President now.

Q. Second Vice President. Has he talked to you at all about this case? A. Yes, sir.

Q. When? A. Monday morning.

Q. For the first time? A. Yes, sir. [7252]

Q. Had you talked to anyone else about the case?

(Testimony of Louis E. Young.)

A. Yes, sir. I talked to the attorneys when I got in town last evening.

Q. Did you talk to anybody about Cannalonga or about the case at any time after May 7, 1941 up to the time you saw Roscfo Craycraft?

A. No, I didn't. I just seen the paper talk, or heard them talk, but otherwise, no.

Q. You had read the papers that Cannalonga had disappeared?

A. Yes; I seen that in the paper.

Q. You knew that on May—when did you know for the first time that Cannalonga had disappeared?

A. Oh, I don't know. I have been working nights ever since the 16th of last month, and I never got a day shift from then on. I have been working nights and I will tell you——

Q. (Interposing) When did you first learn that Cannalonga had disappeared?

A. Oh, I don't remember the date. I seen it in the paper. I don't know what paper it was or when.

Q. When with respect to the last time you saw Cannalonga on May 7, 1941?

A. Around 11:30 on that Wednesday.

Q. When did you read in the newspaper that Cannalonga had disappeared?

Presiding Inspector: With relation to that, when did [7253] you see it in the newspaper, that day, or two days later, or what?

A. I believe it was right that day or the next day.

(Testimony of Louis E. Young.)

By Mr. Del Guercio:

Q. Did you notify anyone that you had seen Cannalonga on Wednesday, May 7th?

A. No, I didn't.

Q. Did you tell Rosco Craycraft?

A. No, I didn't say nothing to nobody.

Q. Did you tell that to any official? A. No.

Q. When was the first time you said to anybody that you saw Cannalonga the last time on May 7, 1941? A. It was Monday.

Q. And that was to whom?

A. Rosco Craycraft.

Q. Where? A. In Portland, Oregon.

Q. What conversation did you have with Craycraft at that time—first of all, where did you meet Craycraft on that day?

A. Where did I meet him?

Q. Yes.

A. They left word in the hall.

Q. Who left word?

A. Rosco Craycraft—for me to get in touch with him. [7254] I had been away on a vacation for four or five days. And I don't know—probably he was trying to get ahold of me before.

Q. You hadn't told anything about that to Craycraft prior to that time? A. No.

Q. And he had left word in the hall for you to see him? A. Yes, sir.

Q. Where did you see him?

A. I seen him on the corner of—I seen him——

(Testimony of Louis E. Young.)

Q. (Interposing) Where were you to see him? Where did he tell—you say Rosco Craycraft left word to tell you to see him. You said he left word in the hall for you to see him? A. Yes.

Q. Where were you to meet him?

A. I was to meet him down in the Secretary's office.

Q. When? A. Monday morning.

Q. Monday morning? A. Yes, sir.

Q. Did you go to see him Monday morning?

A. I did, about 7:45.

Q. What was the first thing that was said?

A. Well, he had these time slips. He looked them up, I presume, to see on that ship what——

Presiding Inspector: What did he say to you?

[7255]

A. (Continuing) He asked me if I would come down here and testify.

By Mr. Del Guercio:

Q. That was the first thing he said?

A. Yes, sir. He asked if those slips were correct, and I told him, "Certainly. That is what we make them out for."

Q. What else was said?

A. That is all. He asked if I would come down to testify.

Q. Was anyone else present while you were talking to Craycraft on Monday?

A. No. There were two men in there but they walked out when I came in.

(Testimony of Louis E. Young.)

Q. Tell us all that Craycraft said to you?

A. Tell you what?

Q. All that Craycraft said.

Presiding Inspector: Do you remember anything else besides what you have said?

A. No. He read these slips over and said we would go up to the employer's office and get an affidavit of them, and get the other time slips that corresponded with them.

By Mr. Del Guercio:

Q. Did he ask you if you knew whether Cannalonga had been drinking on Saturday, May 4th?

A. Yes, I believe he did. [7256]

Q. I mean Saturday, May 3rd?

A. Yes, sir.

Q. Did he ask you if you knew Cannalonga had been drinking on Sunday, May 4th?

A. I believe he did.

Q. What did you say? A. I told him no.

Q. Do you know whether or not Cannalonga had been drinking on those two days—can you testify that Cannalonga was not drinking on either Saturday or Sunday?

A. He sure can hold his liquor if he was.

Q. If you knew that Rosco Craycraft himself had testified that he saw Cannalonga drinking on Saturday will you change your testimony?

Mr. Gladstein: I will object to that as argumentative and improper, your Honor.

Presiding Inspector: Well——

(Testimony of Louis E. Young.)

The Witness: (Interposing) I would like to answer that.

Presiding Inspector: He said he would like to answer. So you will withdraw your objection?

Mr. Gladstein: All right.

Presiding Inspector: Go ahead.

A. A man can take a drink, anybody can take a drink and not be drunk.

By Mr. Del Guercio: [7257]

Q. Then Cannalonga might have been drinking Saturday and Sunday?

A. I would never say the man might not have had one drink.

Q. When is a man drunk in your opinion?

A. When a man is drunk he staggers.

Q. Is that the only time he is drunk, when he staggers?

A. Or laying down.

Q. So that when you testified that Cannalonga was not drunk on either Saturday or Sunday, you mean that he was not staggering and he was not laying down? A. Yes, sir—was on the job.

Q. Did Craycraft ask you on Monday as to when you had last seen Cannalonga?

A. Yes, sir.

Q. Huh? A. Yes, sir.

Q. What did you say?

A. I told him I saw him Wednesday.

Q. At what time—did he ask you the time you saw him?

A. He asked the time and I told him 11:30.

(Testimony of Louis E. Young.)

Q. Did he suggest the time might have been 11:30? A. He did not. [7258]

Q. You knew it was 11:30 without him fixing the time? A. I did.

Presiding Inspector: We will take a short recess.

(Whereupon a short recess was taken.)

Presiding Inspector: Anything further with this witness, Mr. Del Guercio?

Mr. Del Guercio: Oh, yes indeed.

By Mr. Del Guercio:

Q. To go back to this Wednesday morning to the time you saw Cannalonga, there is no question in your mind, is there, that you saw Cannalonga that day at 11:30? A. Not a bit.

Mr. Del Guercio: Not a bit.

Now, if the Court please, may I request that you explain to this witness the penalty of perjury?

Presiding Inspector: No, I shan't do that.

Mr. Del Guercio: We have conclusive evidence——

Presiding Inspector: Very well, but I can't make any explanation. Of course, false swearing in this proceeding is perjury, willful false swearing on any material point, at least.

By Mr. Del Guercio:

Q. Do you understand that?

Presiding Inspector: Yes, he understands that. They all understand it. [7259]

There is no suggestion from me of anything which should affect you in any way.

The Witness: Yes.

(Testimony of Louis E. Young.)

Mr. Del Guercio: We don't want to threaten or coerce the witness in any manner. We want him to know——

Presiding Inspector: That is merely at your request.

Mr. Del Guercio: Yes.

By Mr. Del Guercio:

Q. Now, if you knew that Cannalonga got a bus for Seattle at 8:00 o'clock Wednesday morning, would that change your—between 8:30 and 9:00—would that change your testimony?

Mr. Gladstein: I object to that as being improper and argumentative.

Presiding Inspector: No foundation for it.

Mr. Gladstein: Correct.

Presiding Inspector: If he got on a bus at 8:00 o'clock why I suppose it would be inconsistent with his statement, unless he got off the bus and came back.

Mr. Del Guercio Do you allow the question?

Presiding Inspector: No, I don't allow the question. It is asking whether black is the same as white.

By Mr. Del Guercio:

Q. How was Cannalonga dressed when you saw him on Wednesday? [7260]

A. At what time, at 11:30?

Q. How many times did you see him on Wednesday?

A. Well, I didn't know whether you was speaking of Saturday, Sunday or Wednesday.

(Testimony of Louis E. Young.)

Q. I am speaking of Wednesday, May 7th.

A. I think he had khakis on.

Q. You didn't see him more than once on——

A. (Interposing) That is all I seen him on Wednesday.

Q. What kind of shirt was he wearing?

A. Khaki.

Q. Did he have a coat on?

A. No, I don't believe he did.

Q. Do you know what kind of a hat or cap he was wearing?

A. No, I don't. I don't believe he—he didn't wear a hat on the whole job.

Q. Did this other man that was with him have a hat?

A. No, he didn't. It was not noticeable if he did.

Q. Did either this short man or Cannalonga have anything in their hands?

A. No; they didn't have a thing.

Q. Do you know how much Cannalonga weighs?

A. Well, no, I don't; but I presume he weighs around 215 pounds.

Q. 215 pounds. And you say this other man that you saw weighs about 100 pounds less? [7261]

A. Yes. He was a small man; he was a little man.

Q. How many times had you seen Cannalonga all together, that is, from the time you were working on the ship?

A. Well, when I was on deck I saw him prac-

(Testimony of Louis E. Young.)

tically every few minutes running from one end to the other on them winches.

Q. How long have you known Rosco Crayeraft?

A. Well, I believe I have known him from about 1932.

Q. How many pounds does Rosco Crayeraft weigh? A. He weighs about 220 or 215.

Q. Cannalonga weighs more than Crayeraft, or about the same?

A. About the same, I presume; possibly a little bit heavier, fatter.

Q. About the same height, Cannalonga and Crayeraft?

A. Well, I wouldn't say as to the height; I don't know.

Q. Huh? A. I don't know.

Q. Compare their heights—you know both men.

A. Well, I couldn't say as to inches shorter or longer.

Q. Did you ever see Crayeraft with Cannalonga? A. No, I never did; I never did.

Q. Did you ever see Cannalonga and Mowery together? A. No, I didn't.

Q. Jack Mowery? A. No, sir. [7262]

Q. Did you ever see Crayeraft aboard the West Cussetta at any time?

A. No, I have never seen him on that ship. I heard he was down there, but I never seen him.

Q. Did you ever see Burt Nelson around that ship? A. I don't know him.

(Testimony of Louis E. Young.)

Q. You don't know Burt Nelson? A. No.

Q. Now, have you told us all the conversation you had with Crayeraft on Monday?

A. Yes, sir.

Q. You can't think of anything else?

A. No, sir.

Q. Do you know how long Cannalonga was absent from the ship on Sunday?

A. No, I don't. I know he was gone a while, but I don't know.

Q. Were the winches operating while he was gone?

A. No. They were the same way from the start to the finish on Sunday.

Q. Did you know that Crayeraft had taken him off the ship, or had requested that he go off on Sunday?

A. I told you I never seen Crayeraft and him together.

Q. Where was the ship docked on Monday—on Wednesday, May 7th? [7263]

A. Terminal 1 in the slip, at the old American-Hawaiian dock,

Q. What terminal were you working on on Thursday, May 8th? A. On Thursday?

Q. Yes.

A. We went to Terminal 4, but the ship didn't get there, so we stood by.

Q. Where was the ship on Thursday?

A. It was at the home dock.

Q. What terminal was that?

(Testimony of Louis E. Young.)

A. That was Terminal 1 in the slip, now called the Pan-American.

Q. Were you working on the ship at all on the 8th?

A. No. That was Thursday. We didn't—we got two hours from stand-by time, from 7:00 to 9:00. They sent us home at half past eight.

Q. Where were you standing by?

A. Terminal 4.

Q. The ship was not there?

A. No; it didn't come in.

Q. Do you know where it was?

A. Yes; it was the Pan-American dock, Terminal 1.

Q. Were you on the ship Thursday night?

A. No. I didn't go back. A new gang came on. When [7264] you have any time, when you go on a ship, and get knocked off, they send in another gang.

Q. Do you know Rodman?

A. I beg your pardon?

Q. Do you know Rodman? A. No, sir.

Q. Have you ever heard that name before?

A. No, sir.

Q. Have you spoken to anyone on the Harry Bridges Defense Committee?

A. Well, in what way do you mean?

Q. About this case?

A. No; only just to Rosco Crayeraft and to the attorneys last night; that is all.

(Testimony of Louis E. Young.)

Q. Did Crayeraft tell you that he was on the Harry Bridges Defense Committee?

A. Well, I presume he is. He is an official of the organization?

Q. An official of your organization?

A. Yes.

Q. Can you fix the time more definitely that Cannalonga was absent from the ship on Sunday?

A. No. The only thing I know, I think it was after lunch that I tried to get ahold of him, and I went to the Chief Engineer, and they were fixing the engines, and they had a bunch of men there working, machinists, and he said, [7265] "I have got all I can"——

Q. (Interposing) When did you see Cannalonga the last time on Sunday?

A. It was in the afternoon.

Q. Did you see him in the morning?

A. Yes; I seen him from a quarter to seven to seven thirty.

Q. When was the last time you saw him in the morning?

A. He came to the winches, I think, around 8:30 or 9:00 and he says, "How are they running?"

Q. Did you see him after 8:30 in the morning?

A. No; I didn't see him after that no more.

Q. What time did you see him again in the afternoon? A. Between 3:00 and 6:00.

Mr. Del Guercio: That is all.

Presiding Inspector: Is that all?

(Testimony of Louis E. Young.)

Mr. Grossman: We have one or two questions.

Mr. Del Guercio: One question.

By Mr. Del Guercio:

Q. What is your address in Portland?

Presiding Inspector: He has given it.

Mr. Del Guercio: He has?

Presiding Inspector: Oh, yes.

By Mr. Del Guercio:

Q. How old are you? [7266]

A. 43 years old.

Redirect Examination

By Mr. Grossman:

Q. Was Cannalonga's speech normal Saturday and Sunday?

A. Yes, it was, from what I talked to him.

Q. Could you understand him when you spoke to him? A. Yes, sir.

Q. Did he seem to have control of his hands and his feet and all that?

A. Yes. He was very agreeable and he tried to do everything he could to help.

Q. Did you see anything abnormal about his physical behavior?

Presiding Inspector: Hasn't he already answered that?

Mr. Grossman: Not this question. The only reason I am going into it is because Mr. Del Guercio implies that this witness doesn't know when a man is sober or drunk. I am going into his

(Testimony of Louis E. Young.)

physical characteristics, but this is the last question, your Honor.

Presiding Inspector: All right.

By Mr. Grossman:

Q. Did you see anything abnormal about his physical behavior at any time on Saturday or Sunday?

Mr. Del Guercio: I will object to that.

Presiding Inspector: I will take it. [7267]

A. No; I never seen nothing wrong with him at all.

Mr. Grossman: That is all.

Presiding Inspector: That is all.

(Witness excused.)

Mr. Gladstein: I will call the next witness.

Mr. Grossman: Your Honor, I wonder if, especially considering the fact that Mr. Cannalonga has been sitting in the court room, whether Mr. Young can sit here after his testimony?

Presiding Inspector: I see no objection to it.

Mr. Del Guercio: We object. We have excluded Cannalonga and this witness should be excluded.

Presiding Inspector: I said I saw no objection to it. If counsel sees an objection he may be excluded.

Mr. Del Guercio: We have other reasons in mind that we don't care to disclose.

Presiding Inspector: You don't have to; you are well within your rights.

RAY D. SHOEMAKER

called as a witness in surrebuttal on behalf of the Alien, having been previously duly sworn, testified further as follows:

Direct Examination

By Mr. Gladstein:

Q. Mr. Shoemaker, you have already been a witness? A. Yes. [7268].

Q. You have already testified in this case, have you not? A. I have.

Q. I call your attention to the Sunday in May when you were present in the office of Mr. Lord, at which time there were present also Mr. Rosco Craycraft, Mr. Cannalonga and myself. Do you have that incident in mind? A. Yes, sir.

Q. Now, during that period of time did you have a good opportunity to observe whether or not Mr. Cannalonga exhibited anything indicating that he was under the influence of liquor?

Mr. Del Guercio: I will object to that as being leading and improper.

Presiding Inspector: Well, I think it is perfectly competent for a lay witness to say whether or not a person with whom he comes in contact is drunk or sober. That is what this question is directed to.

By Mr. Gladstein:

Q. Did you have such an opportunity?

A. I did have that opportunity.

Mr. Myron: Is it your question that is pending, your Honor?

(Testimony of Ray D. Shoemaker.)

Presiding Inspector: No; that he had an opportunity to observe him.

Mr. Myron: I think your question is a proper question, [7269] your Honor, and we won't object to it.

Presiding Inspector: That is a proper question.

Mr. Myron: Yes. Their question is not proper. It is very suggestive.

Presiding Inspector: He is telling what opportunity he had for observation.

By Mr. Gladstein:

Q. Will you state, Mr. Shoemaker——

Presiding Inspector: Although, I think we have had a great deal of this.

By Mr. Gladstein:

Q. Will you state what that opportunity to observe Mr. Cannalonga, as to whether or not he was in an intoxicated state, consisted of?

A. Well, he was introduced to me. I shook hands with him. I sat there across the table from him for about an hour taking shorthand notes of his statement.

Presiding Inspector: Was it directly across the table?

The Witness: Well, at about as far as from here to the stenographer, your Honor.

Presiding Inspector: Eight or nine feet, ten feet?

The Witness: About five feet, I believe.

(Testimony of Ray D. Shoemaker.)

By Mr. Gladstein:

Q. Did you have an opportunity to observe his face? A. I did.

Q. His eyes? [7270] A. I did.

Q. His movements? A. I did.

Q. Did you have an opportunity to see him walk? A. Yes, sir.

Q. Did you have occasion to ask him to spell words for you? A. On one or two occasions.

Q. That is, during the taking of the statement?

A. Yes, sir.

Q. Based on your observations that day, Mr. Shoemaker, will you state whether or not Mr. Cannalonga was drunk or sober?

A. He was sober.

Q. Now, at any time during that morning did Mr. Cannalonga exhibit to your observation anything that would indicate that he was under intimidation, or duress, or coercion of any kind?

A. He did not.

Mr. Gladstein: Cross examine.

Mr. Del Guercio: Mr. Myron will cross examine.

Presiding Inspector: Mr. Myron?

Cross Examination

By Mr. Myron:

Q. When were you first advised to come to Mr. Lord's [7271] office?

A. About 9:00 or shortly after 9:00 on Sunday morning.

Q. How were you advised?

(Testimony of Ray D. Shoemaker.)

A. By telephone.

Q. By whom? A. Mr. W. P. Lord.

Q. What did he say to you?

A. He said he wanted me to take a deposition in his office about 11:00 o'clock that morning.

Q. For whom? A. He didn't say.

Q. Did he say who was going to question the witness? A. He did not.

Mr. Del Guercio: May I have that deposition, please?

By Mr. Myron:

Q. What else was said?

Presiding Inspector: Just a moment. Mr. Del Guercio wants that deposition.

Mr. Del Guercio: I made a mistake. I didn't mean to say "deposition".

Presiding Inspector: It doesn't make any difference what it is called.

(Whereupon the exhibit referred to was passed to Mr. Del Guercio.)

Mr. Myron: Is there a question pending? [7272]

The Witness: Yes—what else was said, I believe.

By Mr. Myron:

Q. Yes—in this telephone conversation.

A. Yes. I told Mr. Lord that my boy was going to play baseball that day, and I thought that I was going to have to take him out of town for the purpose of playing baseball, and I didn't want to take the deposition if I could get some-

(Testimony of Ray D. Shoemaker.)

body else to do it. I tried to get ahold of John Michelet—M-i-c-h-e-l-e-t—who is a reporter in the court house in Portland. I couldn't get ahold of John so I asked my boy if he was going to play, if it was necessary to take him out to play ball. He said it was raining and the game was called off. So I called up Mr. Lord about 9:30 and told him I would be there at 11:00 o'clock to take the deposition.

Q. This is the second conversation you had with Mr. Lord? A. Yes.

Q. On the telephone? A. Yes.

Q. The second conversation? A. Yes.

Q. What was the first conversation?

A. The first conversation—he asked if I could take a deposition in his office about 11:00 o'clock.

Q. That was all? A. Yes. [7273]

Q. And you said you would find out?

A. I told him about my boy going to play baseball and I would see if I couldn't get somebody else.

Q. And you called him later on?

A. About five minutes later.

Q. What time was that?

A. Oh, it was between 9:00 and 9:30.

Q. What time did you arrive at Mr. Lord's office? A. Eleven o'clock.

Q. What time? A. Eleven o'clock.

Q. Who was there then? A. Mr. Lord.

Q. Anybody else? A. Nobody else.

(Testimony of Ray D. Shoemaker.)

Q. What conversation did you have with Mr. Lord at that time?

A. We sat there and talked about things in general. He was talking about a certain book he was reading, and just other things in general.

Q. Did he tell you who was going to be there?

A. He did not.

Q. Anything about the taking of this statement? A. He did not.

Q. He didn't mention the statement in the conversation [7274] with you? A. He did not.

Q. How long did you remain there before anybody else came into the room?

A. About an hour.

Q. That would be about 12:00 o'clock?

A. 12:00, or a little after.

Q. Who came into the room then?

A. Mr. Gladstein, Mr. Cannalonga and Mr. Crayeraft.

Q. The three of them together? A. Yes.

Q. Was that the first time that you learned that Mr. Gladstein and Mr. Crayeraft were to be there? A. It was.

Q. You are sure Lord said nothing to you about that?

A. I don't remember; if he did I certainly don't remember it.

Q. Were you surprised to see Mr. Gladstein?

A. I didn't know Mr. Gladstein. I didn't know what it was all about.

Q. Were you surprised to see Mr. Crayeraft?

(Testimony of Ray D. Shoemaker.)

A. I didn't know Mr. Crayeraft.

Q. What was done after they were all in the office?

A. They introduced, Mr. Lord introduced Mr. Gladstein to me, Mr. Crayeraft and Mr. Cannalonga. Then Mr. Lord swore [7275] Mr. Cannalonga and I started taking the statement.

Q. Mr. Lord introduced you to Mr. Cannalonga?

A. No. He introduced me to Mr. Gladstein.

Q. Mr. Gladstein? A. Yes.

Q. And then who introduced you to Cannalonga?

A. I believe Mr. Gladstein did; I wouldn't be sure.

Q. How did he introduce you?

A. He just said, "This is Mr. Cannalonga and this is Mr. Crayeraft."

Q. Then what was done?

A. Then Mr. Lord was asked to swear Mr. Cannalonga and to have his statement taken.

Q. After Cannalonga had been sworn did they start to question immediately?

A. As I recall, they did.

Q. What is that?

A. As I recall it, they did.

Q. Now, did anybody leave the room prior to the beginning of this examination, or inquiry?

A. I think Mr. Crayeraft went down to speak —I think Mr. Lord's wife was sitting out in front in an automobile, and I think that he told Mr.

(Testimony of Ray D. Shoemaker.)

Craycraft to go down and tell her that he was going to be there for a while, or something. I don't remember just exactly. [7276]

Q. When did he go out?

A. Well, it was right about the time we started taking the deposition.

Q. How many questions had been asked?

A. I don't know.

Q. Approximately?

A. I wouldn't be able to say. [7277]

Q. What is that?

A. I wouldn't be able to say that.

Q. Now, how long was he gone?

A. I don't know that.

Q. Approximately?

A. Well, I was sitting there taking a statement. I don't know when he came back.

Q. Well, did he come back?

A. I saw him in there later.

Q. How long afterwards, after he had left the room?

A. I saw him when we finished taking the statement.

Q. Is that the first time you saw him after he left the room at the beginning of the statement?

A. Well, I don't remember. I was taking that statement. I don't remember whether he——

Q. (Interposing) Now, give us your best recollection?

A. Yes, I think I saw him in there again. I think I glanced over and he was sitting there on

(Testimony of Ray D. Shoemaker.)

the east window, by the east window just before we got through taking the statement.

Q. You don't remember him being in the room from the time that he first left, which was at the beginning of the statement, until towards the end of the statement; is that right?

A. I don't remember anything about it. My attention [7278] was directed to the taking of the statement from Mr. Cannalonga. I was not interested in Mr. Crayeraft at all.

Q. Now, did anybody else leave the room during the taking of this deposition?

A. Yes, Mr. Cannalonga left the room once for about three or four minutes.

Q. When was that?

A. Oh, along towards the latter part of the statement; I imagine about, oh, ten minutes to one, something like that, about in there.

Q. That was the only time he left the room?

A. That is the only time that he left the room until he left for good.

Q. That was the only time he left the room from the beginning of the taking of this statement, is that right? A. Yes, as I remember it.

Q. And who was with Mr. Cannalonga when he left the room on that occasion?

A. Well, I think Mr. Lord went out with him?

Q. Did Mr. Cannalonga come back then?

A. Yes, he came back.

Q. Did Mr. Lord come back?

(Testimony of Ray D. Shoemaker.)

A. Yes, I think Mr. Lord came back and stood in the doorway, both of them stood in the doorway after he came back.

Q. This was after the statement had been completed? [7279]

A. No, not after the statement had been completed, because Mr. Gladstein asked him two or three questions while he was standing there by the door.

Q. While Mr. Cannalonga was standing by the door? A. Yes, sir.

Q. And where was Mr. Lord at this time?

A. As I remember, Mr. Lord was standing right there by him.

Q. With Mr. Cannalonga? A. Yes, sir.

Q. And Mr. Gladstein was asking him questions? A. Yes, sir.

Q. Asking Mr. Cannalonga questions, is that right? A. Two or three.

Q. And then what happened?

A. Well, then, Cannalonga refused to answer any more questions and walked out.

Q. Did Mr. Cannalonga go out there then?

A. Yes, he walked out.

Q. And who went with Mr. Cannalonga?

A. Nobody.

Q. He went out alone? A. Yes, sir.

Q. Did he come back? A. He did not.

Q. Now, did anybody else leave the room afer that? [7280]

A. Not—no. Mr. Lord and I—let's see—after

(Testimony of Ray D. Shoemaker.)

Cannalonga left, then, Mr. Lord said he was going down to see his wife. I picked up my books and left. Mr. Craycraft and Mr. Gladstein were sitting in the room at the time I left.

Q. Where was Mr. Lord?

A. Mr. Lord went down to his wife.

Q. He left before you did? A. Yes, sir.

Q. And after Mr. Cannalonga, is that right?

A. And what?

Q. After Mr. Cannalonga?

A. A few minutes after, yes. We stood there for maybe three or four minutes after Cannalonga left and then Mr. Lord left and I left.

Q. Now, that was the only occasion that Mr. Cannalonga left the room during the taking of this statement, is that right.

Mr. Gladstein: What is the question? Will you read it?

Presiding Inspector: You mean the two that he has given, the two occasions?

Mr. Myron: He has already given one, I think, your Honor.

Presiding Inspector: He has given one when he went out and came back and he gave the second when he went out and didn't come back. [7281]

Mr. Myron: May I question the witness on that, your Honor?

Presiding Inspector: That is what you brought out yourself.

Mr. Myron: I don't believe so, your Honor. I would like to have his testimony.

(Testimony of Ray D. Shoemaker.)

Presiding Inspector: Now, let me tell you what I understood.

Mr. Myron: It will only be one question. May I ask him that?

Presiding Inspector: Why, sure.

By Mr. Myron:

Q. How many times did Mr. Cannalonga leave the room?

Presiding Inspector: You mean and come back?

Mr. Myron: Before the statement had been completed.

Presiding Inspector: No, because that is a little doubtful, the meaning of that. The statement, in a way, went on afterwards, after Cannalonga went out; that is his testimony, and that is what appears in the deposition.

By Mr. Myron:

Q. When I say the completion of the statement I mean when you had finished writing.

A. Oh, I see.

Q. Now, how many times prior to that did Mr. Cannalonga leave the room? A. Twice. [7282]

Q. From the beginning?

A. As I remember.

Q. Twice? A. Yes, sir.

Q. And on the first occasion who accompanied Mr. Cannalonga out of the room?

Mr. Gladstein: It has been asked and answered, your Honor.

Presiding Inspector: Yes, I think so. I will allow him to ask it again.

(Testimony of Ray D. Shoemaker.)

A. As I remember, Mr. Lord went out with him.

By Mr. Myron:

Q. And on the second occasion Mr. Cannalonga left the room alone? A. That is right.

Q. Now, how many times did Mr. Crayeraft leave that office during the taking of the statement?

A. Well, as I say, as I remember, Mr. Lord told him to go down and tell his wife that we were liable to be up there for some time. That is as I remember it and that is all I remember about it.

Q. I show you what purports to be a statement of Maurice Cannalonga designating you as a short-hand reporter and ask you if you can identify that as the record which you took on that occasion? [7283]

A. (Examining document): That is the carbon copy, yes.

Q. Now, you state there that "This statement was taken in the presence of William P. Lord and Richard Gladstein, attorneys; Rosco Crayeraft and Ray D. Shoemaker." A. That is right.

Q. Was that true? A. Yes, sir.

Q. Was Mr. Crayeraft there?

A. Well, he was there as far as I know.

Q. Well, isn't it your testimony that he left the room?

A. He left the room for a few minutes but I noticed him there again. I told you I noticed him again, didn't I?

Q. Then, he was not there when you took this statement, is that right?

A. Well, it is pretty technical.

Q. Well, isn't it true?

(Testimony of Ray D. Shoemaker.)

A. Yes, he was there.

Mr. Gladstein: I think the witness——

By Mr. Myron:

Q. (Interposing): He was not there during the taking of this statement, was he?

A. I say he was.

Q. Is it your testimony that he left the room to go down to the car where Mrs. Lord was sitting?

Mr. Grossman: Your Honor, I think it has gone far [7284] enough.

Presiding Inspector: Yes.

Mr. Grossman: Obviously being there is ambiguous. One might be there part of the time or all the time. I don't think Mr. Myron should be permitted to play on words that way.

Mr. Myron: I think that is uncalled for, your Honor.

Presiding Inspector: I think it is perfectly clear, what he means, but you may ask.

Will you read it, please?

(The question referred to was read by the reporter as above recorded.)

A. It is.

Presiding Inspector: He has already testified to that half a dozen times. The next question.

By Mr. Myron:

Q. And it is true, is it your testimony that you don't remember him coming back into that room?

A. No, I don't.

Q. And is it your testimony that it was sometime

(Testimony of Ray D. Shoemaker.)

after or near the close of the statement that you saw him for the first time again in that room?

A. As I said, I glanced over towards the east window and he was sitting there on a chair.

Q. Then, he was not present in that room during the taking of this statement, is that right? [7285]

A. As far as I know, he was.

Q. He was not there during the taking of a good portion of it?

A. Well, as far as I know he was; I saw him over there. I don't suppose it took him very long to tell Mrs. Lord what he was supposed to tell her.

Q. Well, you didn't see him there; is that true?

Presiding Inspector: He has told you that he didn't notice him for some little time. You have got all that in the testimony.

By Mr. Myron:

Q. Did you see anybody else in that room at any time during the taking of this statement?

A. I did not.

Q. Other than the persons you have already mentioned? A. I did not.

Q. Where was Mrs. Lord?

A. As far as I know, she was sitting in the car down at the front——

Q. (Interposing): How do you know that?

A. Hearsay.

Q. What is that? A. Hearsay.

Q. Who told you?

A. By Mr. Lord telling Mr. Craycraft to go down and tell her that we were up there. [7286]

(Testimony of Ray D. Shoemaker.)

Q. Now, did you see Mrs. Lord at any time after that? A. I did not.

Q. How soon after Mr. Lord left the room did you leave? A. About a minute.

Q. How long? A. Oh, about a minute.

Q. About a minute after?

A. Thirty seconds.

Q. How did you leave the building, leave the floor——

A. (Interposing): By elevator.

Q. (Continuing): ——on which this office is located? A. By elevator.

Q. Did anybody go down the elevator with you?

A. No, sir.

Q. Did you see Mrs. Lord or Mr. Lord after you left the room? A. I did not.

Q. Did you see Cannalonga? A. I did not.

Q. Did you see them at any time downstairs?

A. I did not.

Q. And you left about a minute after Mr. Lord left the office?

A. Just about; that is as I remember it.

Q. Was there any conversation in that room about [7287] finding a key to the lavatory at any time? A. I don't remember of any.

Q. Did Mr. Cannalonga leave the room for that purpose as far as you know?

A. Yes, I believe he did.

Q. When? A. The first time he went out.

Q. Now, who went with him on that occasion?

Mr. Grossman: Do you mean who left with him?

(Testimony of Ray D. Shoemaker.)

This witness may not have been in a position to know.

A. I think he left alone. I didn't notice anybody go with him.

By Mr. Myron:

Q. And who was in the office at the time that he left to go to the lavatory?

A. Oh, yes, now I do remember. Craycraft was in the office at that time.

Q. Who else? A. Sir?

Q. Who else?

A. Mr. Gladstein and myself and Mr. Lord, and that is when Mr. Lord went out.

Q. Mr. Lord and Mr. Cannalonga?

A. Yes, sir.

Q. Went to the——

A. (Interposing): They went out together.

[7288]

Q. Went out together? A. Yes, sir.

Q. Now, do you recall whether Mr. Cannalonga said he was feeling sick at that time?

A. He did not.

Q. What was the conversation, if you can remember it?

A. He just said he wanted go to the lavatory is all.

Q. And then left the room? A. Yes.

Q. Mr. Lord left with him?

A. Mr. Lord told him he would show him where it was, as I remember.

Q. Is that the occasion that you referred to previ-

(Testimony of Ray D. Shoemaker.)

ously when Mr. Lord and Mr. Cannalonga went out for the first time? A. Yes, sir.

Q. And there was only one other occasion when Mr. Cannalonga left the room; that was the final leaving? A. That is the way I remember it.

Q. Now, this transcript shows, or indicate that on two occasions the witness left the room, and to refresh your memory I will show you the transcript.

A. (Examining transcript): That is right.

Q. Now, those are the two occasions that you refer to? A. Yes, sir. [7289]

Q. In your testimony here?

A. When he left the room I made a notation in my notes.

Q. And those were the only two occasions that he left the room?

A. As I remember. I put it in my notes at the time he left the room.

Q. Now, after the proceedings started and during the time they proceeded until the completion did you take down all the remarks, conversation that were made in that room?

A. All except those little conversations I told you about when he wanted to go to the toilet I didn't.

Q. Those were the only remarks that you didn't take down or put down?

A. As I remember, yes. Well, I was there to take down all the remarks and I attempted to do that.

Q. Well, what you mean by that is when you stated the witness left the room——

A. (Interposing): Well, of course, that is just

(Testimony of Ray D. Shoemaker.)

a notation to show what happened, and to explain the transcript I put that in.

Presiding Inspector: (Interposing) You didn't put down the request of Mr. Lord——

The Witness: (Interposing) No.

Presiding Inspector: (Continuing) ——to Mr. Craycraft [7290] to go down and see about his wife?

The Witness: No; I don't think that was a part of the transcript.

Presiding Inspector: But what you mean is that you put down all of the questions and answers as between Mr. Gladstein and Mr. Cannalonga?

The Witness: That is right, your Honor.

By Mr. Myron:

Q. Was there any conversation between Mr. Lord and Mr. Cannalonga in regard to securing the services of a lawyer for Mr. Cannalonga?

A. Not in my presence.

Q. You didn't hear any such remark?

A. I did not.

Q. Was there any occasion during the taking of this statement when Mr. Lord took—strike that out.

Was there any indication to you that Cannalonga was laboring under any strain during the taking o this statement? A. No, not to my opinion.

Q. At the time that Mr. Lord took Cannalonga out of the room was there any manifestation on Cannalonga's part which indicated to you that Lord took him out of the room for the purpose of advising him that he needed a lawyer's advice?

Mr. Gladstein: Well, I don't have any objection

(Testimony of Ray D. Shoemaker.)

to the witness trying to answer that but I don't see how there could be any manifestation of the character called for in that [7291] question, your Honor. I don't see how that could be unless he is asking him for speech or conversation.

Presiding Inspector: I don't know. Maybe the witness can answer.

The Witness: It would be merely opinion on my part, your Honor.

Presiding Inspector: Of course, it is your opinion. They want your opinion.

The Witness: I don't believe the witness was under any strain whatever.

Presiding Inspector: That is all you want, isn't it?

Mr. Myron: Yes, your Honor.

Mr. Gladstein: Are you finished?

Mr. Myron: Just a minute.

By Mr. Myron:

Q. Now, when did you transcribe your notes?

A. The same afternoon.

Q. Did you give a transcription of the record to anybody?

A. I sent two copies of it by Air Mail that same afternoon.

Q. To whom? A. To Mr. Gladstein.

Q. Did you give a copy to anybody else?

A. I did not. [7292]

Q. Did you talk with Mr. Lord about this case?

A. I have not.

(Testimony of Ray D. Shoemaker.)

Q. Did you talk with anybody prior ao the time you were called here to the witness stand?

A. I talked to Mr. Gladstein for about five minutes.

Q. That was prior to the time that you took the stand here before?

A. This morning. Oh, you mean——

Q. (Interposing): Well, you were a witness previously.

A. The other day, oh, yes, I talked to him about five minutes.

Q. Prior to that time? A. Yes, sir.

Q. You haven't talked with anybody else?

A. I have not.

Mr. Myron: I think that is all.

Redirect Examination

By Mr. Gladstein:

Q. Mr. Shoemaker, at any time while you were in the office of Mr. Lord and while Mr. Cannalonga and the others whom you have named were there, or any of them were there, did Mr. Cannalonga ever say the following or in substance the following "What are you guys trying to pull or to pull off?"

A. I heard no such remark.

Mr. Gladstein: That is all. [7293]

Presiding Inspector: That is all.

The Witness: What is gentleman's name. May I answer a question that he asked?

Presiding Inspector: Mr. Myron.

The Witness: Mr. Myron. You asked me if I talked to anybody about this case since the time I

(Testimony of Ray D. Shoemaker.)

was here and now, and there were two officers came out to my house a couple of weeks ago and talked to me.

Did you want to know about that?

Recross Examination

By Mr. Myron:

Q. Those were the only other persons you talked to? A. Yes, two Immigration Officers.

Mr. Myron: That is all.

Presiding Inspector: That is all. I think you are finally excused.

The Witness: All right, thank you.

(Witness excused.)

Presiding Inspector: Next witness.

Mr. Gladstein: Yes, we are having him called, your Honor.

ROSCO GEORGE CRAYCRAFT

called as a witness in surrebuttal on behalf of the Alien, having been previously duly sworn, testified further as follows: [7294]

Presiding Inspector: You have been sworn; the oath still is the same.

The Reporter: Your name, please?

The Witness: Rosco George Craycraft.

Direct Examination

By Mr. Gladstein:

Q. Mr. Craycraft, you have already testified in this proceeding, have you not? A. Yes, sir.

(Testimony of Rosco George Craycraft.)

Q. Now, I want to call your attention to Saturday, May 3rd and Sunday, May 4th. On any of the occasions when you were with, or when you saw Maurice Cannalonga on either of those two days did he appear to you to be drunk? A. No.

Q. Did he appear to you to be sober?

A. He did.

Q. On any of those days and at any time on either of those days did he appear to you to have normal possession of all his faculties? A. Yes, sir.

Q. Did you notice at any time on either of those two days whether he walked in a staggering manner or in a normal manner?

A. Well, I would say in a normal manner.

Q. Was there anything about his speech on either of [7295] those two days or at any time that you saw him or were with him that would indicate to you that he was not sober? A. No.

Q. Was there anything about his facial appearance, his eyes or any part of him which would indicate to you on either of those two days or at any time that you saw him or were with him that he was drunk? A. No.

Q. Now, I direct your attention to the first time that you spoke with him on Wednesday, April 30th, on that evening—I withdraw that—not the first time, but the second time that same evening, that Wednesday, April 30th. Do you have that incident in mind?

A. Yes, sir.

Q. On that occasion was it you or was it he who raised for the first time in your conversation that there was a Mann Act charge over Mr. Cannalonga?

(Testimony of Rosco George Craycraft.)

Mr. Del Guercio: Now, if your Honor please, we have gone over that.

Presiding Inspector: I don't think you went over it with this witness. I don't think that Mr. Gladstein has been over it with this witness.

Mr. Del Guercio: The witness has appeared here before; he has testified.

Presiding Inspector: I know, but that has come up since. [7296]

Mr. Gladstein: You are right, your Honor.

Presiding Inspector: Mr. Cannalonga has made certain statements about it. I think I will take this.

A. It was me.

By Mr. Gladstein:

Q. In what way did you raise it?

A. When we first went back to the little tool shop Cannalonga started in telling me about Doctor Buckner at Seattle, and he seemed to be very sorry for the things he had done; he felt very badly about it.

Mr. Del Guercio: I move to strike out what it seemed to him, your Honor.

Presiding Inspector: No, I will let it stand. We are not being very sharp about these matters.

By Mr. Gladstein:

Q. Continue, please.

A. (Continuing): "——that he felt very badly about it, so I told him at the time that I had heard a conversation down on the Embarcadero, a rumor that maybe they had a Mann Act charge against him. I said: 'Is there any truth in that?' He said: 'Yes, that is what the trouble is.'

(Testimony of Rosco George Crayeraft.)

Q. Did he say to you "Christ, man. You are crazy", or any words to that effect? A. No.

Q. Was it you or was it he in any of the conversa- [7297] tions that you had with him, Mr. Crayeraft, who mentioned the various places or states at which Mr. Cannalonga stayed or was supposed to have stayed in connection with this Mann Act charge?

A. He was the one that listed it to me.

Q. Was it you or was it he who mentioned the name of the girl that was, or was supposed to have been involved? A. He was.

Q. Now, what did he say to you? Do you recall the name that he gave you?

Presiding Inspector: I think we have been over this.

Mr. Gladstein: All right. Perhaps, we have, your Honor.

By Mr. Gladstein:

Q. Mr. Crayeraft, at any time while you were with Cannalonga on the ship West Cussetta did anybody direct a remark to you of this character "What is the status of Cannalonga", to which you replied, "Just holding everything up." Did any such incident occur? A. No.

Mr. Gladstein: Your Honor, there is a question of recollection as to whether you struck out some of this testimony when it first came out.

Do you have a recollection as to whether——

Presiding Inspector: (Interposing) You mean about this—— [7298]

(Testimony of Rosco George Craycraft.)

Mr. Gladstein: Itinerary and the——

Presiding Inspector: (Interposing) Yes, I stated at that time that I didn't think the fact was material.

Mr. Grossman: Yes.

Presiding Inspector: It was only the fact whether there was conversation or something of that kind.

Mr. Gladstein: Surely, but didn't you rule on a motion to strike to the effect that the conversation on that subject matter was to be stricken from the record?

Presiding Inspector: I think not; I think not.

Mr. Gladstein: Well, if that is in the record, why, of course, there is no purpose in our going over it again.

Presiding Inspector: What is Mr. Del Guercio's recollection? I didn't strike that out.

Mr. Del Guercio: I don't believe you did.

Presiding Inspector: I stopped the witness telling where these places, these alleged stopping places were because I said the fact at that time appeared to me immaterial.

Mr. Gladstein: Was immaterial.

Presiding Inspector: That is right, isn't it?

The Witness: It seems to me like it is. However, theer were so many objections.

Presiding Inspector: You can bring it out if you have any doubt about it.

By Mr. Gladstein: [7299]

Q. Now, Mr. Craycraft, was it on that Wednesday night or was it on a later night, on Friday of that

(Testimony of Rosco George Craycraft.)

same week that you first asked Mr. Cannalonga whether he would speak with me?

Mr. Del Guercio: I will object to that, if your Honor please. That has all been gone over.

Presiding Inspector: I can't recall. Has that been gone over?

Mr. Gladstein: No; Mr. Cannalonga testified on that.

Well, of course, this witness did testify the first time he was here to a conversation on a Friday night with Mr. Cannalonga.

Presiding Inspector: Now, if you want to ask any specific question, why, I think it would be better to do it that way.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. I will call your attention to Friday night of that week—I want to go back to Wednesday night, that first Wednesday night. On that night did you ask Mr. Cannalonga whether he would be willing to talk with me? A. No.

Mr. Del Guercio: I object to that.

Presiding Inspector: He says "No."

By Mr. Gladstein: [7300]

Q. Did Mr. Cannalonga, on that night or any occasion say that he was willing to talk with me about an article in the Voice of the Federation?

A. No.

Q. Did he say that he was willing to talk with me concerning a rumor of any kind? A. No.

(Testimony of Rosco George Crayeraft.)

Q. Now, calling your attention to Saturday, May the 3rd, at any time in my room did Mr. Cannalonga say or did anyone say anthing concerning working Mr. Cannalonga over?

A. Mr. Cannalonga did.

Q. What did he say in that connection?

A. Well, Mr. Cannalonga stated he felt so rotten and so miserable that he wished somebody would take him out and just beat the devil out of him.

Q. And do you recall what was said in that connection after he made that statement?

A. Yes; I told him that I thought that was a poor way to approach it. The sensible thing to do would be to come down to San Francisco and tell the truth and forget about everything else.

Q. Was anything else said during that entire conversation in any way concerning working him over or physical backing of any kind?

A. Only the one remark of Cannalonga, the one you have [7301] given, the one that I have given.

Q. At any time during that Saturday afternoon in the Clyde Hotel was any statement made or did any incident occur indicating hostility between you and Cannalonga or between any of the parties that were in that room? A. No.

Q. At any time did Mr. Cannalonga say to you that he did not see how the FBI could have a Mann Act charge over him because he was never involved in one? A. No.

Q. At any time in your conversations with Mr. Cannalonga was it stated that "I would come to

(Testimony of Rosco George Craycraft.)

Portland for the purpose of helping Mr. Cannalonga out on the rap that the FBI had concerning the Mann Act?" A. No.

Q. At any time in your conversations with Mr. Cannalonga did you keep insisting that the FBI had a Mann Act rap on Cannalonga, and did he keep denying that?

A. No; he talked freely on that.

Q. Did Mr. Cannalonga tell you that Ed Fisher had turned him in to the FBI?

A. He said that Ed Fisher, a member of the SUP in Seattle, was the only one he could figure that could have turned him in.

Mr. Del Guercio: Now, you forgot to mention this the [7302] last time, didn't you?

The Witness: No.

Mr. Gladstein: He was asked and not permitted, your Honor. [7303]

By Mr. Gladstein:

Q. In your conversations with Mr. Cannalonga was it you or was it he who first mentioned the name of Dr. Buckner? A. Cannalonga.

Q. And in those conversations was there anything said regarding checking with Dr. Buckner?

A. He said if I go to Seattle and see Dr. Buckner that he could verify all that he had told me previously about him taking dope, or shots, as he called it.

Q. Was it you or was it Mr. Cannalonga who mentioned in your conversations that a Mr. Boyd,

(Testimony of Rosco George Craycraft.)

from the Immigration Department, had got ahold of Cannalonga last October?

A. Cannalonga.

Q. In your conversations did Cannalonga tell you how the FBI happened to get ahold of him last year?

A. Only the one reference he made to Ed Fisher.

Q. In his conversations with you did he tell you about the occasions when he was with FBI agents and conversations that took place between them?

A. The times that he went up to the Vance Building.

Q. Was there a conversation between you and Cannalonga concerning those occasions?

A. No; not on what transpired. He said they took him up to the Vance Building.

Q. Did he tell you about the conversations that took [7304] place up there? A. (Pause.)

Presiding Inspector: Your answer is "No"?

Oh, you haven't answered.

Mr. Del Guercio: He is thinking.

Presiding Inspector: Pardon me.

A. You still have reference to this Friday night, is that the night you mean?

By Mr. Gladstein:

Q. On any of the occasions when you were with him?

A. On all occasions—only when he told us that Saturday.

Q. At any time in your conversations with Can-

(Testimony of Rosco George Craycraft.)

nalonga did he deny that he had given false testimony in this case?

Mr. Del Guercio: If your Honor please, I object to that question.

Presiding Inspector: That is pretty broad.

By Mr. Gladstein:

Q. Was there ever a discussion between you and Cannalonga regarding his giving false testimony or false statements in this case?

A. Well, only as applied to the Mann Act charge and intimidation.

Q. When did the conversation occur, Mr. Craycraft?

Mr. Del Guercio: I object to any inquiry along this line. If it is allowed then we have a right to call Mr. Cannalonga [7305] back and——

Presiding Inspector: He is still your witness, Cannalonga, and you called him.

Mr. Del Guercio: We will have to call Cannalonga back.

Presiding Inspector: No. They are negativing what he has recently said.

Mr. Del Guercio: Why wasn't that brought out on the cross examination of Mr. Cannalonga?

Presiding Inspector: I think it was brought out on direct examination down here. I am not sure about that.

Mr. Gladstein: Your Honor is correct. There were certain questions put to Mr. Cannalonga, and he gave certain testimony, and it is our purpose to negative that testimony.

(Testimony of Rosco George Crayeraft.)

Mr. Del Guercio: In the first place——

Presiding Inspector: This has to do with testimony given by Mr. Cannalonga on the last occasion.

Mr. Gladstein: That is right.

Mr. Del Guercio: This witness was permitted to testify the first time because Mr. Gladstein represented that Mr. Cannalonga was not available.

Presiding Inspector: Yes.

Mr. Del Guercio: He testified.

Presiding Inspector: That is true; he wasn't available at that time.

By Mr. Del Guercio: [7306]

Mr. Del Guercio: When did he testify—Wednesday? All right, he testified and he was cross examined.

Presiding Inspector: You asked him all about these things. You asked him when he was down here——

Mr. Del Guercio (Interposing): Counsel has had an opportunity to cross examine Cannalonga.

Presiding Inspector: Not since you have. They have the last word on these matters, because he is your witness. The cross examination follows the direct.

Now, if I am wrong about that, and if this did not occur on the last occasion that Cannalonga was called, then there may be another question. But did this occur, as I recall, on the last occasion when Cannalonga was down here.

Mr. Del Guercio: Will you read the last question?

(Testimony of Rosco George Crayeraft.)

(The question referred to was read by the reporter as above recorded.)

Mr. Del Guercio: Cannalonga was called to refute this witness' testimony.

Presiding Inspector: Yes.

Mr. Del Guercio: Now, they are calling the witness again to refute Cannalonga.

Presiding Inspector: These weren't matters which this man had testified to. If he has already testified——

Mr. Del Guercio (Interposing): He testified to all those situations. [7307]

Presiding Inspector: But subsequent to that you brought this out, and I am going to let him negative it.

Mr. Gladstein: I will withdraw the last question.

Presiding Inspector: That is, if he can. That is a matter that I don't know about.

By Mr. Gladstein:

Q. On that Saturday afternoon in the Clyde Hotel, or at any time, Mr. Crayeraft, has Cannalonga denied that he gave false statements to the FBI and false testimony in this case?

Mr. Del Guercio: I will object to the question.

Presiding Inspector: I don't know about that. This is what he didn't say. You are now asking——

Mr. Gladstein (Interposing): He testified that there was a conversation about it, and that he denied—he didn't give the exact language—so I am

(Testimony of Rosco George Crayeraft.)

using just the transcript, using the word "deny", although at one time——

Presiding Inspector: I don't think you can do that. Because he gave a conclusion you can't show the negative of that conclusion.

Mr. Gladstein: I can't imagine what the words were that—I will put it this way:——

Presiding Inspector: Haven't you got it all?

Mr. Gladstein: There is on that—I think the record perhaps is clear enough on that. [7308]

Presiding Inspector: Mr. Del Guercio is quite right in saying that we don't want to go over what this witness has already testified to.

Mr. Gladstein: I agree.

By Mr. Gladstein:

Q. Now, on Monday night, Mr. Crayeraft, when Mr. Cannalonga wrote a note to Bridges, did Mr. Cannalonga show any reluctance to write that note?

Mr. Del Guercio: We certainly have been over that.

Presiding Inspector: I think you have been over that.

Mr. Gladstein: Only with Mr. Cannalonga on cross.

Presiding Inspector: You showed by this witness about that note.

Mr. Gladstein: But not as to whether there was any reluctance about writing it, or what was supposed to have taken place as to how the note came to be written, your Honor.

(Testimony of Rosco George Craycraft.)

Presiding Inspector: Oh, I thought you had gone all over that.

Mr. Del Guercio: He testified to all the circumstances around that transaction.

Presiding Inspector: I will have to look at his testimony.

Mr. Gladstein: I am rather certain I didn't ask Mr. Craycraft because I couldn't have anticipated at that time [7309] that there would be an occasion to ask Mr. Craycraft as to whether there was an argument, for example, on the question of how the name of Cannalonga should be signed. That is one thing.

Presiding Inspector: Isn't that a very immaterial point?

Mr. Gladstein: I rather think so, but it is one of the points, you see, on which I think we are entitled to negative the testimony of Mr. Cannalonga. It is not very lengthy.

Presiding Inspector: I will allow you to ask him about the signature.

By Mr. Gladstein:

Q. On the night when the note was written, Mr. Craycraft, was there any argument or dispute as to how the note should be signed? A. No.

Q. Was the note written by virtue of insistence——

Mr. Del Guercio (Interposing): I have the portion of the transcript on that.

Presiding Inspector: I will be very glad to see it.

(Testimony of Rosco George Craycraft.)

Mr. Gladstein: What?

Presiding Inspector: They have the portion of the transcript of Mr. Craycraft's testimony on this.

(Whereupon the transcript referred to was passed to the Presiding Inspector.)

Mr. Gladstein: Would you like to read that during the noon recess? I notice it is after 12:30 now. [7310]

Presiding Inspector: No. I want to get along if we can.

Mr. Gladstein: We still want to eat lunch.

By Mr. Gladstein:

Q. Was that note, Mr. Craycraft, that was written by Mr. Cannalonga on that Monday night written by virtue of insistence on your part as against reluctance on the part of Mr. Cannalonga?

Mr. Del Guercio: I will object to that.

Presiding Inspector: I will take it.

A. No.

By Mr. Gladstein:

Q. Was there any argument or discussion as to whether Cannalonga, after having signed the name "Blackie" should sign his full name?

A. No.

Q. Now, Mr. Craycraft, at any time during any of these discussions that you had with Mr. Cannalonga did you ever say or do anything for the purpose of intimidating him? A. No.

Q. Or coercing him? A. No.

Q. Did you say or do anything which, in your

(Testimony of Rosco George Crayeraft.)

opinion, could possibly have the effect of intimidating him?

Mr. Del Guercio: I will object to this, giving his opinion. [7311]

Presiding Inspector: You have got his conclusion already. I don't think you can force it any further.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. Now, prior to coming down here on that Monday night, when you saw Mr. Camalonga for the last time, did you ask him for any further information? A. (Pause.)

Mr. Del Guercio: Let the record show the witness is thinking.

Mr. Gladstein: That is a little bit more, and I would like the record to show, than some of the Government witnesses have done; they have done no thinking.

Presiding Inspector: Let's not get into remarks like that.

A. I am not quite clear. Do you mean outside of the list of the places he is supposed to have stopped at, and the note to Harry Bridges?

By Mr. Gladstein:

Q. I have reference particularly to the list of places. Do you recall that? A. Yes.

Q. How did that come up?

Mr. Del Guercio: I will object to that as already having been gone over. [7312]

(Testimony of Rosco George Crayeraft.)

Presiding Inspector: I excluded that. It may now be competent if you want to ask it on account of the testimony of Mr. Cannalonga, who said that there was no such occurrence. Therefore that he couldn't say or give any list of places. If you want to bring out this list of places I think it is competent.

The Witness: What is the question?

(The question referred to was read by the reporter as above recorded.)

A. Mr. Cannalonga just started discussing the different places he stopped at since he left Reno, Nevada, so I just wrote the names down as he named them off.

By Mr. Gladstein:

Q. Did you write these names down in his presence? A. Yes, sir.

Q. While he was talking? A. Yes, sir.

Q. Was this on the same night when you told him that you were going to San Francisco?

A. Yes, sir.

Q. Did he know from the conversation that you had with him that night, Mr. Crayeraft, whether or not you were going to be a witness and testify in this case?

Mr. Del Guercio: I will object to that, your Honor. How could this witness know what was in Cannalonga's mind? [7313] Maybe he does.

Presiding Inspector: Strictly that is objectionable.

(Testimony of Rosco George Craycraft.)

Mr. Gladstein: I said "From any conversations."

I will withdraw that.

Presiding Inspector: I didn't hear that.

By Mr. Gladstein:

Q. Was there any conversation that night, Mr. Craycraft, as to whether or not you were coming to San Francisco to be a witness in this case?

A. I told him that you had called me around five o'clock and requested that I come to San Francisco to be a witness, and I asked him if there was any further information he could give me before I left. That is when he gave me the list of the names, and the note to Harry Bridges.

Q. Now, on a prior occasion did you take notes of any of the things that Mr. Cannalonga told you? A. Once.

Q. When was that?

A. On Wednesday night, April 30th.

Q. And how did that occur?

A. Well, while he was giving me this information I made a few notes on it and then before I left I read it back to him and told him what I had down.

Mr. Gladstein: Now, your Honor, I have both of the documents that the witness has referred to; one is an envelope [7314] and one is a slip of paper. Except in so far as they are corroborative of the witness' testimony I don't know that they are of great importance.

(Testimony of Rosco George Craycraft.)

Presiding Inspector: I don't think so. You have got the fact that he made these notes.

Mr. Gladstein: And read them back.

Mr. Del Guercio: What?

Presiding Inspector: The fact that he claims to have made the notes. I don't think the notes themselves are material. They weren't made in the course of business.

Mr. Gladstein: That is true.

By Mr. Gladstein:

Q. On the Monday night before you left, Mr. Craycraft, did you read back to Mr. Cannalonga the notes that you made concerning the itinerary?

A. Yes.

Q. Did he make any corrections?

A. It seems to me—I haven't seen those since I have been here—it seems like there are one or two where I drew lines and added more information in. I believe there are one or two places on the notes.

Q. From what source did that information come?

A. Mr. Cannalonga.

Presiding Inspector: Have you nearly finished?

Mr. Gladstein: Yes; almost. [7315]

By Mr. Gladstein:

Q. Now, Mr. Cannalonga, before coming here to testify today did you have occasion to attempt to learn from the Portland Stevedoring Company, in Portland, Oregon, what their records showed as to the work done by certain stevedoring gangs

(Testimony of Rosco George Craycraft.)

aboard the ship West Cussetta on May 3 and on May 4? A. Yes.

Q. To whom did you speak?

A. I received a telephone call from you on Thursday noon of last week——

Presiding Inspector: Who did you speak to of the company?

By Mr. Gladstein:

Q. Who, at the company, did you talk with, Mr. Craycraft, concerning this? A. Mr. Webber.

Q. Who is he? A. Timekeeper.

Q. When did you have occasion to talk with him? A. Saturday morning.

Q. Of which week? A. Last week.

Q. Did you ask him for copies of the records?

A. Yes, sir.

Q. Did you discuss with him the manner in which those [7316] records are kept?

A. Yes, sir.

Q. What did that discussion consist of?

Presiding Inspector: This is the same as was given by the stevedore.

Mr. Grossman: These are company records prepared from the records, prepared by the foreman. In other words, the company takes his reports and makes up their reports and, therefore, this is what is in their files as their report of what happened.

Mr. Gladstein: I might state, your Honor, that I have here——

Presiding Inspector: Do you deem this of any

(Testimony of Rosco George Crayeraft.)

great importance after you have these slips of this other witness?

Mr. Gladstein: These are records, which are the company records.

Presiding Inspector: They are all made out from the original of those slips?

Mr. Gladstein: They are made up also in this respect, that is, they do show the breaking down of winches——

Mr. Grossman: They show this much, in addition, and only in addition: They show the company's acceptance of these records by incorporating them into theirs; otherwise they just represent a report of the foreman, such as we have had.

Presiding Inspector: I don't suppose there will be any [7317] contradiction of that except as already in the record?

Mr. Grossman: I don't know.

Presiding Inspector: Very well. You may go on.

It is now a quarter to one. We will recess until two o'clock.

(Whereupon, at 12:45 P.M. a recess was taken until 2:00 P.M. of the same date.) [7318]

After Recess
2:00 O'clock P.M.

ROSCO GEORGE CRAYCRAFT

called as a witness in surrebuttal on behalf of the Alien, having been previously duly sworn, testified further as follows:

Presiding Inspector: Mrs. King told me that Mr. Bridges would be five or ten minutes.

Mr. Gladstein: What was the last question?

(The question referred to was read by the reporter as above recorded.)

Mr. Del Guercio: Is the Alien's presence waived?

Mr. Grossman: Yes, we will waive it; we will waive Mr. Bridges' presence.

Presiding Inspector: Yes.

Direct Examination
(Resumed)

By Mr. Gladstein:

Q. Mr. Crayeraft, in this discussion you had with this Mr. Webber of the Portland Stevedoring Company what did that discussion consist of with respect to how these daily time reports are made up and kept?

A. Those are made up daily.

Mr. Del Guercio: I object to this line of inquiry.

Presiding Inspector: Of course, I suppose this is really incompetent.

Mr. Gladstein: It is hearsay, I admit. [7319]

(Testimony of Rosco George Craycraft.)

Presiding Inspector: Yes, but it seems to me——

Mr. Del Guercio (Interposing): And on a collateral matter, if your Honor please.

Presiding Inspector: Yes, on a collateral matter. You are simply going to corroborate the testimony of the other witness?

Mr. Gladstein: Yes, but if your Honor doesn't——

Presiding Inspector (Interposing): Oh, I will take it, then. I will take it over your objection. It will be just that they have taken their records from this and from, I suppose, the statements, perhaps, of Cannalonga, overtime statements.

Mr. Grossman: No.

Mr. Del Guercio: Not overtime statements.

Presiding Inspector: Oh, yes, the overtime records.

Mr. Del Guercio: Not of Cannalonga, as I understand it.

Presiding Inspector: He made out the overtime records.

Mr. Gladstein: Those are not involved here.

Presiding Inspector: They are not involved. The Cannalonga overtime record is not involved.

Mr. Gladstein: Will you answer that, Mr. Craycraft?

The Witness: Let's have the question.

By Mr. Gladstein:

Q. What did your discussion consist of with respect to how the records of the stevedoring com-

(Testimony of Rosco George Craycraft.)

pany are made up and kept with respect to daily time reports just briefly? [7320]

A. The gang foremen are instructed to put down the time they start, then, the amount of time they lose in rigging up or rigging tents and so forth, then the amount of time that is spent in hoisting cargo. Then, if there is a breakdown of the winches that runs a steady length of time they are to put that on the time sheet and that will be at the bottom of the time sheets. That shows any prolonged breakdowns, but any stoppage of the winch for just a few minutes doesn't appear on the time sheets.

Q. Now, what does the company do with the reports that are made by the gang foremen?

A. They take from those reports and charge back to the steamship company itself for the lost time.

Q. And does the stevedoring company make up records of its own based on the records made up by the men who were on the job?

A. That is correct.

Mr. Del Guercio: I will object to this, your Honor. It is certainly not the best evidence.

Presiding Inspector: Well, if we do this we will have to just wait until they have sent for someone from Portland. If you want to insist on it I will rule with you. It seemed to me that it was a very immaterial point.

Mr. Del Guercio: Well, if it is immaterial, then, of [7321] course——

(Testimony of Rosco George Craycraft.)

Presiding Inspector: (Interposing) Because they have already got it in the case. I will exclude it.

Mr. Gladstein: You may cross examine. [7322]

Cross Examination

By Mr. Del Guercio:

Q. You many drinks did you have with Cannalonga on Saturday night, May 3?

Presiding Inspector: Is that anything that has been brought in here?

Mr. Gladstein: No.

Mr. Del Guercio: Yes.

Presiding Inspector: Not how many he had.

Mr. Del Guercio: I want to know whether this witness was——

Presiding Inspector: I am going to confine you closely to the Direct examination.

Mr. Gladtsein: I call your attention to the fact that there has been no testimony regarding Mr. Craycraft and Mr. Cannalonga being together on Saturday night.

Presiding Inspector: We are in a position now where only legal evidence is competent.

Mr. Del Guercio: I started to ask one question and before an objection was made——

Presiding Inspector: I exclude it because I think it is an improper question under the circumstances.

Mr. Del Guercio: Mr. Myron will take over the cross examination.

Presiding Inspector. No. You started the cross examination. You can proceed. [7323]

(Testimony of Rosco George Craycraft.)

By Mr. Del Guercio:

Q. How many drinks did you have with Mr. Cannalonga on Satruday night, May 3rd?

A. None.

Q. Did you purchase any liquor for Cannalonga?

A. Yes, sir.

Q. Huh? A. Yes, sir.

Q. When was that?

A. On our way from Third and Couch going down to the ship we stopped at a liquor store on Broadway, right across from the old Post Office.

Q. Whose permit did you use to purchase that?

A. My permit. Mr. Cannalonga went in the liquor store with me and paid for it.

Q. Cannalonga went in with you?

A. Yes, sir.

Q. And what did you purchase.

A. A fifth of rum—I don't know what brand.

Q. Did you give it to Cannalonga?

A. We went out to the car and he took a notion that he wanted some Coca Cola, and he walked down the street a block to get his Coca Cola, and I got in the car and drove on down and picked him up that [7324] bottle?

A. I never got on the ship.

Q. Did you go on the ship?

A. I never got out of the car.

Q. Is that your signature appearing on that slip?

A. (Examining signature) That is correct.

Q. Did you purchase a B. Government House

(Testimony of Rosco George Craycraft.)

fifth of rum at that place, at that time indicated on this receipt? A. I signed a receipt.

Q. Huh?

A. I signed a receipt and Mr. Cannalonga paid for the whiskey, or rum, rather.

Q. Are you permitted, under the laws of the State of Oregon, to purchase liquor on your permit for somebody else?

A. I wouldn't say as to that. I know we go in quite often together.

Q. With Cannalonga?

A. No; different people.

Mr. Del Guercio: I offer this receipt in evidence.

Presiding Inspector: Received.

(The receipt referred to was received in evidence and marked Government's Exhibit No. 291.)

By Mr. Del Guercio:

Q. What is the name of the girl that you say Cannalonga told you he had been with?

A. He called her Duval. [7325]

Q. How long had you know this girl?

A. I never seen her.

Q. Where does she live?

A. I don't know.

Q. Didn't you ask Cannalonga where she lived?

A. No, sir; I didn't.

Q. You never saw her? A. No, sir.

Q. And I suppose you have made a check of these tourist camps that you say Cannalonga gave you?

(Testimony of Rosco George Craycraft.)

Mr. Gladstein: Objected to as immaterial.

Presiding Inspector: Sustained.

By Mr. Del Guercio:

Q. Have you made a check of the tourist camps?

Mr. Gladstein: Same objection.

Presiding Inspector: Sustained..

By Mr. Del Guercio:

Q. What was your purpose in asking Cannalonga for the various places in which he stopped, said, he stopped with this girl?

A. Well, at the time I can't say that I really had any purpose. The man more or less volunteered the information.

Q. For your own information?

A. Well, I knew that I was coming to Frisco at the time [7326] and he gave it to me.

Q. You testified here this morning that you were on the ship to see Cannalonga there on Monday night, and that you told Cannalonga that Mr. Gladstein had told you that you were to appear in San Francisco to testify, is that correct?

A. That is correct.

Q. What were you to testify about?

A. I was to testify on what had transpired in Portland over the period from April 30, when I talked to Mr. Cannalonga.

Q. Was that what Mr. Gladstein told you?

A. I couldn't say whether he definitely told me I was supposed to testify to everything or not; but I was given to understand that I was to come to San Francisco to testify.

(Testimony of Rosco George Crayeraft.)

Q. And did Mr. Gladstein tell you that you were to tell Cannalonga that you were coming down here to testify as to what Cannalonga had told you?

A. I don't recall him saying anything in regard to that. [7327]

Q. Well, now, just what did Mr. Gladstein say in that connection?

A. He asked me if I would come on to San Francisco that night, that it might be possible that I would have to go on the witness stand the following day. I told him that I had already made arrangements with Mr. Cannalonga to go to Seattle, that I would have to go down and tell him it couldn't be done, and I would have to get someone else to take him to Seattle.

Q. Now, was this over the telephone?

A. Yes, sir.

Q. And when did Mr. Gladstein, at what part of the conversation did Mr. Gladstein tell you to go down and tell Cannalonga?

A. I can't say he told me any part; that was up to my own judgment.

Q. You testified, did you not, that Gladstein had told you to tell Cannalonga that you were coming down here to San Francisco to testify?

A. No, I didn't say it that way. I said that Mr. Gladstein had told me over the phone to get ready to come on to San Francisco that night, it looked like I might have to go on the stand the following day.

(Testimony of Rosco George Crayeraft.)

Q. Now, Gladstein knew at that time that Cannalonga was up there in Portland, didn't he?

A. That is right. [7328]

Q. And he knew that you were going to see him?

A. That is right.

Q. Now, up to that time Cannalonga hadn't refused to come down to testify, had he?

A. No, sir.

Q. Did you tell Mr. Gladstein that Cannalonga had refused to come down?

A. No, sir. I told him that he was willing to come down, only he wanted to go to Seattle first.

Q. How many times were you on the ship with Cannalonga on Sunday? A. Sunday?

Q. May the 4th? A. Once.

Q. And were you in Cannalonga's stateroom?

A. No, sir.

Q. Were you in Cannalonga's stateroom on Saturday at any time?

A. Saturday morning at 10:00 o'clock when I went down to the Crown docks I found him in his stateroom.

Q. Now, did Cannalonga take any drinks then while you were with him? A. No, sir.

Q. Not a single one? A. No, sir. [7329]

Q. Now, going back to this office, Mr. Lord's office, in what building was that?

A. In the Guardian Building on the corner of Third and Alder.

Q. Now, you testified when you were on the

(Testimony of Rosco George Craycraft.)

stand here before that you were present throughout the entire proceedings that took place in his office?

A. That is correct.

Q. Is that still your testimony?

A. Yes, sir.

Q. That you were not out of that room at any time while Mr. Gladstein was asking questions of Cannalonga; is that your testimony?

A. That is correct.

Q. Mr. Lord didn't send you out of the room to see his wife during any time while Gladstein was asking questions?

A. That was before he started asking questions.

Q. Well, if Mr. Lord testified that you went out of the room at his request while questions were being asked, or during the time that questions were being asked of Cannalonga, Mr. Lord would be testifying falsely?

Mr. Gladstein: Just a moment. I object to that.

Presiding Inspector: I will exclude it. One witness can't characterize the testimony of another.

By Mr. Del Guercio: [7330]

Q. Would you change your testimony if you knew that Mr. Lord had so testified?

A. No, sir.

Q. And is that the same thing for Shoemaker, if Shoemaker so testified? Would you change your testimony? A. No, sir.

Q. Who made the arrangements for securing Mr. Lord's office? A. I did.

(Testimony of Rosco George Craycraft.)

Q. You did. When did you make those arrangements?

A. Ten o'clock Saturday night.

Q. Who asked you to, if anyone?

A. Mr. Gladstein.

Mr. Gladstein: Your Honor, all this has been gone into in the previous cross examination and has not been brought out at this time on the direct. Although, I don't have any objection to testing the witness' recollection I think it is wasting time in going over matters that have been covered.

Presiding Inspector: That may be true, but it was brought out under the testimony of Mr. Lord whom you brought back, or whom you swore. I will allow it.

Mr. Gladstein: All right, sir.

Presiding Inspector: You brought it into the case.

Mr. Gladstein: All right.

Mr. Del Guercio: Is there a question? [7331]

Presiding Inspector: You may answer.

(The question and answer referred to were read by the reporter as above recorded.)

By Mr. Del Guercio:

Q. Did you tell Mr. Lord that Mr. Gladstein had asked you to make arrangements to obtain his office?

A. Yes, sir.

Q. And was that over the telephone?

A. Yes, sir.

Q. On Saturday night? A. Yes, sir.

Q. At 10:00 o'clock?

(Testimony of Rosco George Crayeraft.)

A. Yes, sir.

Q. And what did you tell Mr. Lord about Mr. Gladstein?

A. I told him that we would have Mr. Cannalonga there in the morning and I also requested a Court Reporter, and Mr. Lord made the arrangements to get the reporter.

Q. As I understand it you also mentioned to Mr. Lord Cannalonga's name?

A. Yes, sir.

Q. Now, did you also tell Mr. Lord what you wanted to question Cannalonga about?

A. I don't recall whether I did or I didn't.

Q. Well, what is your best recollection?

A. Well, I requested him to be in his office; I re-
[7332] quested him to have a Court Reporter and I told him that we had Mr. Cannalonga coming up there.

Q. Now, did you tell Mr. Lord who Cannalonga was?

A. I could have told him he could have been the man who testified in a trial and wanted to change his testimony, but I wouldn't say for sure.

Q. That is in this telephone conversation on Saturday night?

A. That is the only time I talked to him over the telephone at any time.

Q. Did you talk to him more than once over the telephone on Saturday night? A. No.

Q. And did you arrange the time with Mr. Lord as to when you were to meet him in Lord's office?

(Testimony of Rosco George Crayeraft.)

A. Yes, sir.

Q. And what time did you say?

A. Eleven o'clock Sunday.

Q. Were you there—at one o'clock did you say?

A. No; eleven.

Q. Were you there at eleven?

A. No. I called Mr. Lord about eleven. I told him we would be a little bit late.

Q. Then you called him up again?

A. That was on Sunday morning, I called him at his [7333] office.

Q. Then, you called him twice; you called Mr. Lord twice, as I understand it, in relation to the taking of this statement in his office?

A. The one time——

Q. (Interposing) Once Saturday night and once Sunday morning?

A. That is right.

Q. Did you call him up any more times?

A. No.

Q. What did you tell him Sunday morning?

A. I told him that we would be a little bit late.

Q. You told who you would be a little bit late?

A. Mr. Gladstein, Mr. Cannalonga and myself.

Q. Did you mention Mr. Gladstein's name over the telephone Sunday morning?

A. Yes, sir.

Q. And did you mention Cannalonga's name?

A. Yes, sir.

Q. And where did you call from?

A. From the Clyde Hotel.

(Testimony of Rosco George Craycraft.)

Q. And who was with you when you called?

A. Mr. Gladstein, Mr. Cannalonga and myself.

Q. Now, when did you arrive at Lord's room, or Lord's office?

A. I couldn't say exactly but it seemed like it was [7334] around 11:30.

Q. And who was there?

A. Mr. Lord and Mr. Shoemaker.

Q. Now, when did the questioning of Cannalonga begin with relation to the time you arrived in the office?

A. When I arrived in the office I introduced everyone around, and Mr. Lord requested I go downstairs and tell his wife that he had been detained a little while, for her to wait for him. Then, I came on back upstairs and I understood——

Q. (Interposing) How long were you gone?

A. Oh, I don't judge it would take over four or five minutes.

Q. To walk down?

A. No; fourth floor; two elevators.

Q. Now, had the examination of Cannalonga begun?

A. No; it just started when I came back.

Q. It had just started? A. Yes, sir.

Q. Well, what was being asked Cannalonga that long?

A. I just couldn't recall the exact question at the present time.

Q. But you do recall that a question was being asked? A. Yes, sir.

(Testimony of Rosco George Craycraft.)

Q. As you walked in?

A. When I came in they just started in because why I [7335] know it, they just started in, there was some little remark made at the time about—well, anyway, the remark was about in this way: "All you want to do is just give us what you did yesterday and tell us nothing but just the truth of it."

Q. And who said that?

A. Mr. Gladstein.

Q. And was any reply made by Cannalonga to that? A. That is what he did.

Q. What?

A. That is what he said he would do.

Q. And Cannalonga said he would?

A. Yes, sir.

Q. Now, did the reporter take that down?

A. I couldn't say.

Q. Well, he was taking down everything that was said at the time?

Mr. Gladstein: That is calling for the conclusion of this witness.

Presiding Inspector: Ask him if he knows.

By Mr. Del Guercio:

Q. Do you know if the reporter was taking it down? A. I couldn't say.

Q. That was the first thing that you heard when you came up to the office?

A. Yes, sir. [7336]

Q. You didn't hear anything else?

(Testimony of Rosco George Crayeraft.)

A. I understood afterward while I was gone that in the meantime Mr. Lord had sworn Mr. Cannalonga in.

Q. Then you weren't there when Cannalonga was sworn in? A. No, sir.

Q. And you weren't there then at the beginning of the taking of the statement?

A. Yes, sir.

Q. How do you know?

A. I told you the remark that sets it in my mind.

Q. Have you seen the transcript?

A. I don't believe I have read it.

Q. The reporter's transcript?

A. I don't believe I have ever read it.

Q. I show you what purports to be, or has been introduced as the transcript of the questions and answers that were given, that were asked and given at that time. Will you show me where in this transcript you came back into the office?

Mr. Gladstein: I object to that as improper.

Presiding Inspector: If he can he may.

A. Well, it says here, "In the presence of Mr. William P. Lord, Mr. Richard Gladstein, Rosco Crayeraft and Ray D. Shoemaker." [7337]

Q. So what?

A. According to the transcript I was present when it started.

Q. That is the only thing that refreshes your memory, because that states there that you were present?

(Testimony of Rosco George Crayeraft.)

A. No. I told you what refreshes my memory.

Q. This question that was being asked by Mr. Gladstein, can you find that anywhere in that transcript?

A. No. It don't say anything about it.

Q. Do you find Mr. Cannalonga's answer?

A. No.

Q. Now, isn't this the place where you returned into this room, when Mr. Gladstein was asking this question:

"Isn't that what you told me yesterday and isn't that the truth. I want you to answer only the truth and nothing else."

A. No. That was before any questions were asked at all when that statement was made.

Q. Well, I didn't finish. Will you wait until I finish:

"Isn't it true that before you signed even the first statement that you were under compulsion to do it and they knew it?"

Is that the question that Mr. Gladstein was asking when you came in?

A. No, because I know when I came in the room he [7338] was asking for the true statements, and what he had told us the previous day.

Q. He was asking those questions?

A. Yes, sir.

Q. As to whether, what he had told you on the previous day was true? A. That is right.

Q. Then you weren't in the room when Mr. Gladstein asked him this question:

(Testimony of Rosco George Craycraft.)

"Mr. Cannalonga, you were recently a witness in the Harry Bridges deportation case, were you not?"

You weren't there then, were you?

A. To the best of my recollection I was there from the time it began until it ended, outside of the couple of times that we stepped out.

Q. You just said that you got back in the office when Mr. Gladstein began asking questions as to what had occurred the previous day. Isn't that what you testified to?

A. That is correct.

Q. Do you want to change that testimony?

A. No, sir.

Q. Now, the first question that appears in this transcript is this:

"Mr. Cannalonga, you were recently a witness in the Harry Bridges deportation case, were you not?" [7339]

And the answer appears:

"Yes."

Were you there then?

A. I heard all those statements, but here is one thing that makes it difficult to say this happened here and that happened then——

Q. (Interposing) What makes it difficult for you to say?

A. Because all those statements were made over a two-day period, on Saturday and Sunday morning, and then started in when I came up again.

(Testimony of Rosco George Crayeraft.)

Q. You were there for the purpose of noting everything that was said, weren't you?

A. That is correct.

Q. You were there because you knew Mr. Gladstein had told you that you would appear here to testify, weren't you?

A. No; not at that time.

Q. Isn't that why Mr. Gladstein wanted you in that room?

A. No, sir. Mr. Gladstein didn't request I stay or request I leave.

Q. You didn't take any notes then, did you?

A. No, sir; not with a court reporter taking it down.

Q. Now, you testified the last time you were on the stand here that when Cannalonga finally went out of that office you followed him out. Is that correct? [7340]

A. That is correct.

Q. You were with Cannalonga from the time he last left the office until the time he got on the elevator, weren't you?

A. No. There was a period of two or three minutes.

Q. When did you discover that interval?

A. Because he was talking to Bill Lord and I didn't want to break into it.

Q. What?

A. Because he was talking to Bill Lord and I didn't want to break into it.

Q. You saw him talking to Bill Lord?

A. At the elevator.

(Testimony of Rosco George Craycraft.)

Q. At the elevator? A. Yes.

Q. Where were you?

A. I was down the hall.

Q. You were down what hall?

A. Well, it is about, oh, 60 or 75 feet, I guess, from the elevator to Bill Lord's office.

Q. Weren't you still holding on to Cannalonga?

A. No, sir.

Q. Didn't you have your hands on him?

A. No, sir. Bill Lord was talking to him alone there. [7341]

Q. And you were how many feet away?

A. Oh, I was—I was out of earshot, but they were talking.

Q. Mr. Lord saw you, of course?

A. I imagine he did.

Q. Did you talk to Mr. Lord?

A. No, sir.

Q. Did he talk to you?

A. No, sir. I just passed Mr. Lord when he went on back in the office and I arranged with Cannalonga then to meet him that night.

Q. You went out the door with Cannalonga, didn't you—you were together when you went out the door? You testified in the last hearing you had your hands on his shoulder. Do you want to change that?

A. No, sir.

Q. Did you have your hands on his shoulders as he was going out?

(Testimony of Rosco George Craycraft.)

A. I don't think I had my hand right on his shoulder.

Q. What part of his body did you have your hand on?

A. On his shoulder, but not going out the door.

Q. Where did you go with Cannalonga when you went out?

A. We went down the hall.

Q. Toward what?

A. Toward the elevator. [7342]

Q. Did you stop at the elevator?

A. Cannalonga and Mr. Lord came by, and came out, and Mr.——

Q. (Interposing) You were with Cannalonga. When did Mr. Lord come out?

A. Well, I left Cannalonga there.

Q. Did Mr Lord come out before you?

A. I couldn't say. I wasn't paying any attention to Mr. Lord at the time.

Q. Who were you paying attention to?

A. I was talking to Mr. Cannalonga.

Q. Had Mr. Lord gone out of the room before you and Mr. Cannalonga stepped out?

A. Well, I wouldn't say for sure on that.

Q. Did he remain in the office?

A. I wouldn't say.

Q. Did I understand your testimony correctly the last time you testified, that Cannalonga jumped up and started out, and he was the first one to leave the office, is that correct?

(Testimony of Rosco George Craycraft.)

Mr. Gladstein: I object to the form of the question.

Presiding Inspector: I think he is pressing him on this matter. I will allow it.

Mr. Gladstein: Yes; but I think the question in its present form is objectionable.

Presiding Inspector: Perhaps so, but I will allow it. [7343] Ask the question.

Mr. Del Guercio: I believe there is a question pending.

Presiding Inspector: Read the question.

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: The question is whether that was your testimony.

Mr. Gladstein: That is why I think it is improper. The record speaks for itself.

Presiding Inspector: I think it is merely pressing him. Of course, ordinarily it isn't proper to ask what the testimony was. Under the circumstances I think Mr. Del Guercio is justified in asking that question.

By Mr. Del Guercio.

Q. Did you answer that last question?

The Witness: Let's have the question again.

(The question referred to was reread by the reporter as recorded.)

A. That is correct. He was the first one to leave the office.

(Testimony of Rosco George Craycraft.)

By Mr. Del Guercio:

Q. And Mr. Lord remained behind in the office?

A. I wouldn't say to that.

Q. Had he gone out before Cannalonga? [7344]

A. I don't recall that. I know that Cannalonga and I were together, and I know when Mr. Lord came up to talk with him I went away because I didn't want to listen to the conversation.

Q. Did Mr. Lord come out when you were with Cannalonga? A. I couldn't say positively.

Q. How long were you with Cannalonga outside? A. At the elevator?

Q. Outside the office, before Mr. Lord came out?

A. I couldn't—before Mr. Lord came out?

Q. Yes.

A. There was only one thing that I was interested in myself, and that was what time I would see him that night to make arrangements for going to Seattle. I don't recall whether I was with him one minute or two minutes or not.

Q. Did you ask him that before Mr. Lord talked to him?

A. I talked to him after Lord left.

Q. You talked to him after Lord left?

A. About going to Seattle; yes.

Q. You are sure of that? A. Yes, sir.

Q. Then when you testified the last time that when you returned to the office after seeing Cannalonga go away, and you saw Mr. Shoemaker and Mr. Lord, you weren't testifying [7345] correctly?

(Testimony of Rosco George Craycraft.)

A. Yes, sir.

Q. Will you please explain that inconsistency?

A. Mr. Lord, Mr. Shoemaker and Mr. Gladstein was in the office when I went back from the elevator.

Q. You just said Mr. Lord went down the elevator?

A. No, I didn't. I said Mr. Cannalonga went down the elevator.

Q. Where did Mr. Lord go?

A. He went back in his office.

Q. With you?

A. No, sir; I talked to Mr. Cannalonga after Mr. Lord did.

Q. Mr. Lord didn't go down the elevator?

A. No, sir.

Q. After he got through talking with Mr. Cannalonga he went back into the office?

A. Yes, sir.

Q. And then you stayed out there and talked with Cannalonga for about how long?

A. Not over two minutes.

Q. And then you returned to the office?

A. Yes, sir.

Q. And you saw Mr. Shoemaker and Mr. Lord?

A. Yes, sir. And Mr. Lord gave me his key to his [7346] office and told me whenever we got ready to go to lock it.

Q. If you knew that Mr. Lored testified that right after he talked to Mr. Cannalonga he went

(Testimony of Rosco George Crayeraft.)

down the elevator, would you want to change your testimony? A. No, sir.

Mr. Gladstein: Just a moment. I want to point out that that is a misstatement in counsel's question of the record.

Mr. Del Guercio: It is not a misstatement, if your Honor please. We will check the record on that right now.

Presiding Inspector: I thought the testimony was that Mr. Lord did leave these people in his office.

Mr. Gladstein: As Mr. Crayeraft says; yes.

Presiding Inspector: Yes.

Mr. Gladstein: There is no inconsistency there. But as expressed in the question of Mr. Del Guercio it is something along this line: He is asking, or saying that Mr. Lord testified that after talking to Mr. Cannalonga in the corridor Mr. Lord went down the elevator. That is not Mr. Lord's testimony.

Mr. Myron: That is a misstatement. The record will speak for itself.

Presiding Inspector: That was this morning. We haven't the record on that yet.

Mr. Gladstein: Mr. Lord didn't testify this morning. [7347]

Presiding Inspector: That is so; yes.

Mr. Del Guercio: I don't have the transcript here on that, but the record will speak for itself.

Presiding Inspector: Just a moment.

(Testimony of Rosco George Craycraft.)

(Whereupon the Presiding Inspector referred to that portion of Mr. Lord's testimony referred to.)

Presiding Inspector: Now, what was the question? Let me hear it again.

(The question and answer referred to were read by the reporter as above recorded.)

Presiding Inspector: I think that is the testimony.

Mr. Gladstein: I beg your pardon?

Presiding Inspector: I think that is the testimony. You take this and look at it.

(Whereupon the Presiding Inspector handed the document to Mr. Gladstein.)

Mr. Del Guercio: What page is that?

Presiding Inspector: Page 6958 and 9. I think I will allow that.

Mr. Gladstein: It has been answered.

Presiding Inspector: It has been answered? Will you read the answer?

(The answer referred to was read by the reporter as above recorded.)

The Witness: Well, I never got a chance to finish it, though. [7348]

Presiding Inspector: Go ahead, explain if you want to.

The Witness: The reason why I know he went back into the office and all of them were in the office, when he got back into the office Mr. Lord asked us how much longer we would be. They said

(Testimony of Rosco George Craycraft.)

"Just a few more minutes." And Mr. Lord gave me the keys to his office to lock up the office, which I returned to him the next morning. Mr. Gladstein and Mr. Shoemaker then made arrangements on getting the transcript down to San Francisco. Mr. Lord did leave then after giving me the keys.

By Mr. Del Guercio:

Q. So that what you are trying to say is that you are positive in your testimony as to that incident?

A. Yes; he got his hat and coat and gave me the key.

Q. And Mr. Lord is wrong?

Mr. Gladstein: Just a moment. That is improper.

Presiding Inspector: Yes.

Mr. Del Guercio: I will withdraw that.

Presiding Inspector: That is a conclusion which may or may not be drawn.

By Mr. Del Guercio:

Q. Now, how many times did you see Mrs. Lord in that office?

A. Mrs. Lord never did come in the office.

Q. At any time?

A. She just came to the door. [7349]

Q. She sent who to the door?

A. She just came to the door.

Q. When was that?

A. The door of the inner office.

Q. When?

A. Oh, not very long before we finished.

(Testimony of Rosco George Crayeraft.)

Q. Before you arrived, then?

A. What is that?

Q. Before you arrived?

A. No; I was sitting in the room.

Q. You testified that Mrs. Lord took Lord to the office. A. Pardon? I don't understand.

Q. No, I am afraid you don't.

Mr. Gladstein: I don't see how anybody could.

Mr. Del Guercio: I don't think you would either.

Mr. Gladstein: Will you explain the question?

Presiding Inspector: Ask the next question. Let's not have any by-play.

By Mr. Del Guercio:

Q. When did Mrs. Lord take Mr. Lord to the office?

A. I don't know. Mr. Lord was in the office with Mr. Shoemaker when we got there.

Q. How many times did you see Mrs. Lord in the office while this incident was going on? [7350]

A. Mrs. Lord only came to the door once that I ever seen.

Q. When was that?

A. That was along towards—well, just a little while prior to the time we finished she asked Mr. Lord "How much longer will you be?" He says "Not very much longer." She went on back down the hall.

Q. She was not there, then, at the beginning of the taking of the testimony?

(Testimony of Rosco George Craycraft.)

A. No; she was sitting in her car down on the street.

Q. How do you know that?

A. Because I went down and seen her.

Q. All the time? A. No, sir, just the once.

Q. Now, how many times did you go out of the office while questions were being asked of Cannalonga? A. None.

Q. What? A. None.

Q. At no time? A. No, sir.

Q. How many times did you step out with Cannalonga? A. Twice.

Q. Twice. You have related those in your previous testimony? A. Yes, sir.

Q. You don't want to change any of that?

[7351]

A. No, sir.

Q. Now, you went out twice with Cannalonga and brought him back, didn't you?

A. That is correct.

Q. Then, you went out with him again, the third time, when he finally left, Cannalonga finally left?

A. At the elevator.

Q. That is three times you went out?

A. That is right.

Q. Did Cannalonga leave the office at any other time than those three times? A. No, sir.

Q. You are positive of that? A. Yes, sir.

Q. Now, I didn't quite get your testimony there

(Testimony of Rosco George Craycraft.)

as to when Mrs. Lord came up to the office. When was that? Would you mind repeating it again?

A. Well, it was sometime prior to the time, whenever it was, that we broke up; I couldn't say.

Q. Well, how long before?

A. Well, I couldn't say whether it would be ten minutes or fifteen minutes.

Q. And did she go out again?

A. She went on down the hall.

Q. Did she remain in the office any length of time? [7352]

A. She might have remained in the outer office. I didn't go out in the outer office to see.

Q. Well, did you see Mrs. Lord when you stepped out to the hallway with Cannalonga the last time? A. No, sir.

Q. She wasn't in the outer office then, was she?

A. I never seen her. There is three or four offices there. She could have been in any of them.

Q. Well, now, you saw Mr. Lord out in the hallway, you say, with Cannalonga?

A. That is right.

Q. Was Mrs. Lord there?

A. I never seen her.

Q. Did you see Mr. Lord go down in the elevator?

A. No sir; I stayed in the room with Mr. Shoemaker and Mr. Gladstein after Mr. Lord left.

Mr. Del Guercio: That is all.

(Testimony of Rosco George Crayeraft.)

Redirect Examination

By Mr. Gladstein:

Q. Mr. Crayeraft, the word "hall" has been used a number of times. Will you please describe the set-up of Mr. Lord's offices in order to explain to his Honor whether there is a hall within the suite of offices as well as a corridor in the building between the elevator and the suite of offices?

Mr. Del Guercio: If the Court please, he has already [7353] given a description of——

By Mr. Gladstein:

Q. (Interposing) Well, would you draw a picture of it? Do you think you could do that?

Mr. Del Guercio: He has already told——

A. (Interposing) Well, I can draw pretty close.

Presiding Inspector: When did he do that?

Mr. Del Guercio: In the questioning.

Mr. Myron: In the questioning.

Presiding Inspector: Oh, well——

Mr. Gladstein: (Interposing) He was directing his attention to——

The Witness: (Interposing) Do you mean when you come up the elevator?

By Mr. Gladstein:

Q. Leave out all the elevator part. Suppose you first of all draw your recollection of his suite of offices.

A. (Drawing on paper.)

Q. May I see it?

A. (Handing paper to Mr. Gladstein) I don't

(Testimony of Rosco George Craycraft.)

know; it is not very good drawing, but that is the way they are set-up.

Q. All right. Now, what does this represent (Indicating)?

Presiding Inspector: Better look at this, Mr. Del [7354] Guercio.

Mr. Gladstein: Do you want to come up here and look at it?

Mr. Del Guercio: No.

By Mr. Gladstein:

Q. What does this represent, Mr. Craycraft (Indicating)?

A. Mr. Lord's office is in the corner (Indicating). This is the hallway going down to the main floor (Indicating).

Q. Will you mark the hallway that goes between the main floor and Mr. Lord's office, draw a line through it and bring it out and mark an "X" on it, if you will.

A. (Witness marks drawing.)

Mr. Del Guercio: Is this redirect examination?

Presiding Inspector: I don't know, Mr. Del Guercio.

Mr. Del Guercio: What?

Presiding Inspector: I don't know what this is.

Mr. Del Guercio: Well, we object to it.

By Mr. Gladstein:

Q. Now, you also——

Presiding Inspector: (Interposing) This is, I suppose, to elucidate this matter of there being, as

(Testimony of Rosco George Craycraft.)

it is claimed, two passageways that may have been called halls, only to cover that.

Mr. Del Guercio: I didn't question the witness at all on that. [7355]

Presiding Inspector: What?

Mr. Del Guercio: I didn't question the witness at all on that.

Presiding Inspector: I know, but the witness has used "Going into the hall" and so forth. He wants to know what he means by that, if there is any possibility of error; usually there wouldn't be.

By Mr. Gladstein:

Q. Now, you have used the word "corridor" here on a portion of the drawing. What does that represent? A. To the elevator.

Q. And to the elevator from what?

A. To the elevator from Mr. Lord's suite, the entire suite.

Q. All right. Now, in what office room of the Lord suite did the deposition take place?

A. Mr. Lord's.

Mr. Gladstein: I offer this in evidence, your Honor.

Mr. Del Guercio: I will object.

Presiding Inspector: Let me see that.

(Whereupon the witness handed document to Presiding Inspector.)

Presiding Inspector: I don't think this will help any, Mr. Gladstein. [7356]

(Testimony of Roscoe George Craycraft.)

Mr. Gladstein: Well, I think it clarifies the record in this respect, your Honor: There has been testimony with respect to Mrs. Lord coming to the door, for example. Now, in the cold record it can't be told whether Mr. Craycraft was referring to the door to the office suite or to the door to Mr. Lord's office.

Presiding Inspector: I don't think this will help either.

Mr. Gladstein: All right, then, I will ask him these questions.

By Mr. Gladstein:

Q. When you, in your testimony, Mr. Craycraft, referred to Mrs. Lord coming to the door to which door were you referring?

A. To the door in Mr. Lord's own office, or that is, his private room.

Presiding Inspector: From what? The door in the private office. What is the other side?

The Witness: Yes. Well, all of it belongs in a suite there.

Presiding Inspector: I know, but what is it there? Is it another office?

The Witness: No; that is going up the hallway.

Presiding Inspector: What hallway?

The Witness: When you come down the corridor and come into the reception room. [7357]

Presiding Inspector: Yes.

The Witness: Then, there is a door going into a little hallway up past the three offices on the left-

(Testimony of Rosco George Craycraft.)

hand side. Then, Mr. Lord's office is the third door at the end of the hallway.

Presiding Inspector: Yes. Now, when you say "hallway" you mean within the private office?

The Witness: That is it.

Presiding Inspector: And when you say "corridor" you mean the one that is outside of the private office?

The Witness: Going to the elevator.

Presiding Inspector: Going to the elevator.

Mr. Gladstein: I am not sure that the word "corridor" has been used by counsel on either side in this case.

Presiding Inspector: I am not either; I don't know that it has.

Mr. Gladstein: That is why I think this should be admitted in evidence, your Honor.

I will ask one more question.

By Mr. Gladstein:

Q. Does this document which you have just drawn, Mr. Craycraft, represent—is it, in your best judgment, and based on your recollection and upon your observations a fair representation of the set-up of the Lord suite of offices in the Guardian Building? [7358]

A. Yes, outside of I haven't drawn the dimensions correct.

Mr. Gladstein: I renew my offer.

Presiding Inspector: Well, if you want it.

Mr. Del Guercio: We haven't brought out any questions about the office.

(Testimony of Rosco George Craycraft.)

Presiding Inspector: I know. I will take it.

I will ask him a question or two further to clarify my mind on it.

Where are the elevators in this place?

The Witness: (Drawing on paper.)

Presiding Inspector: Where is the lavatory?

The Witness: Right in here (Drawing on paper).

Presiding Inspector: Across from the elevator?

The Witness: Right in here, on the same side (Indicating).

Presiding Inspector: The elevator is, as you go out the corridor, so-called outer hall from Mr. Lord's suite you find the elevators opposite the way you are walking?

The Witness: When you go right down the corridor and you get to the end of the corridor there is a little jog this way (Indicating). Your elevators are sitting there (Indicating).

Presiding Inspector: A little jog to the left where the elevators are; a little jog to the right where the lavatory is?

The Witness: Yes, sir. [7359]

Presiding Inspector: How far is it from the toilet room to the elevators?

The Witness: Oh, twenty, thirty feet, I judge.

Presiding Inspector: Twenty, thirty feet. I will take it.

(The document referred to was received in evidence and marked Alien's Exhibit No. 62.)

(Testimony of Rosco George Craycraft.)

Presiding Inspector: Is that all, Mr. Gladstein?

Mr. Gladstein: That is all.

Presiding Inspector: Do you want to ask anything more?

Mr. Del Guercio: No.

(Witness excused.)

Presiding Inspector: Next witness.

Mr. Grossman: Your Honor, we have no more witnesses except Mr. Bridges. In case the Government has another witness, which they indicated they might have, we suggest that it would be proper for them to put on the witness at this time because we intend to end the case with Mr. Bridges. If they put on another witness it will require us to put him on the stand again which we think is not desirable or in the regular order of things.

Presiding Inspector: That is a suggestion to you, Mr. Del Guercio: You don't have to accept it unless you wish.

Mr. Del Guercio: No; we would rather follow the usual procedure.

Presiding Inspector: Call Mr. Bridges, then.

[7360]

HARRY RENTON BRIDGES,

called as a witness in surrebuttal in his own behalf, having been previously duly sworn, testified as follows:

Presiding Inspector: The oath previously given,

(Testimony of Harry Renton Bridges.)

as I have told the other witnesses, continues to bind the witness.

Direct Examination

By Mr. Grossman:

Q. Did you ever state at the time of the Maritime Federation of the Pacific Convention in Seattle, 1935, to Mr. Barlow either in words or in substance "The only way that a young fellow could get ahead in the labor movement today is to join the Communist Party?" A. No.

Q. Did you at that time or that place make that statement to anyone?

A. Not that I remember.

Q. Have you ever made that statement to anyone at anytime or any place?

A. Not that I ever remember; I am sure I haven't.

Q. Has Sam Darcy ever been at your home?

A. No.

Q. Has Harry Lundeberg ever been at your home? A. Yes, sir.

Q. Do you recall when Lundeberg was at your home?

A. Yes, in the latter part of 1935, September, around September. [7361]

Q. Is that the only time? A. Yes.

Q. Was he there for dinner?

A. I believe he was.

Q. Do you remember whether anyone else was there?

(Testimony of Harry Renton Bridges.)

A. I am not sure; I think my wife, another woman and two children, the boy and the girl.

Q. During the course of the last few years, Mr. Bridges, have you had occasion to disagree fundamentally with Harry Lundeberg on trade union policies?

A. Yes, on numerous questions.

Q. When was the first time that you remember any fundamental disagreement with Harry Lundeberg on trade union questions?

A. October, 1935.

Q. What was that issue?

A. October or November.

Q. What was that issue?

A. On account of my taking a position against a policy that was called job action, that is, the type of job action that was taking place at that time, and I was instrumental in seeing that a special convention of the Maritime Unions was called, and at that convention I introduced a resolution against continuing the job action policy that was being carried on at that time in the way it was being carried [7362] on, and suggested a different type of policy, and that caused the first basic disagreement between myself and Harry Lundeberg. It came about, of course, the Maritime Federation had been formed in May, 1935 and I had sponsored and nominated Lundeberg and swung votes to him and he was elected, and the special emergency convention, we called, came about because of the policy he was following as the President of the Maritime Federation

(Testimony of Harry Renton Bridges.)

and the use of this particular method of job action on ships that would start with just a handful of men but involved us time and time again in what verged on a complete coastwise tie-up. For example, it might be over the grievance of one man. And this convention was called to stop that policy continuing any further.

I introduced the resolution and it developed into a pretty deep breach at that time and from then on, why, we have disagreed on practically everything else as far as trade union policy is concerned.

Q. Do you remember a dispute involving the ship called the Vancouver? Oh, excuse me. That was not the name of the ship.

Do you remember a hot cargo situation involving Vancouver hot cargo? A. Yes.

Q. Was there any disagreement in connection with any issue developing out of that dispute in which you and Lundeberg [7363] disagreed fundamentally?

A. Only towards the end. At first we both worked together on it. The dispute concerned a strike of a crew of a ship in Vancouver, British Columbia, one of Lundeberg's,—I mean one of the West Coast ships, and the crew of the ship following this job action policy struck the ship in British Columbia which was recognized, of course, as a foreign port. The longshoremen in that port struck in sympathy with them and they were discharged. Eventually they were locked out, and

(Testimony of Harry Renton Bridges.)

they discharged the crew of that ship and put a new crew on it later on when she was in San Francisco. I don't know if they discharged it before she got to San Francisco. And the ship was declared unfair. Well, the seamen had nobody on the ship and the only ones that were really affected were the longshoremen and it eventually developed to an entire—to a complete shut-down of the entire Port of San Francisco and began to spread up and down the Pacific Coast, and when I thought it was too hot to take it any more I wanted to call it off and Lundeberg insisted that it continue.

Presiding Inspector: When was this?

The Witness: November—October, 1935, October, 1935, October or November. I can't remember the exact date. I could check the records. I can check it because Judge Marcus C. Sloss was our coastwise arbitrator. Judge Sloss called in as arbitrator, had ruled against us and ordered the longshoremen [7364] to cease this support because they were in violation of their contract, and the only one that was affected and had their men out was myself as President of the San Francisco Local. None of the seamen's unions were affected; they had all their men working. We were the ones that were completely on the spot. It was very easy for them to say "Let the thing go until it cracks." They had no men affected and Lundeberg refused, as President of the Maritime Federation, where he was in an official position on a coastwise basis to do it, to aid me in calling off the dispute.

(Testimony of Harry Renton Bridges.)

Vancouver was involved because the strike was called in Vancouver at that time and we were really supporting locked out men in British Columbia and we had San Francisco shut down in support of locked out——

Mr. Del Guercio: (Interposing) Now, if your Honor please, we are relating disagreements here and the witness is relating the story.

Presiding Inspector: Well, the story involves the disagreement, I think.

The Witness: It was the basic disagreement, your Honor, that led up to everything, after that a complete disagreement on basic trade union policies.

Mr. Del Guercio: Disagreement by him, no doubt.

Presiding Inspector: Well, I am not sure. I think he is [7365] justified——

The Witness: (Interposing) Anyway, I had to move to get the matter straightened out, and I did, and the attitude taken by Lundeberg and certain other people he was working with was an act to move to see that I was condemned or criticised, which I was in some quarters, except for my own membership which supported me generally.

By Mr. Grossman:

Q. Did you have any disagreement with Lundeberg with respect to the steam schooner strike?

A. Yes, very definitely; that was in December, 1935. It was not a strike. Lundeberg had the coastwise ships under contract at that time. His

(Testimony of Harry Renton Bridges.)

membership on a coastwise basis had advocated to submit the issues on the coastwise ships, in this case the main one being a six-hour day, to arbitration. Although his membership had voted that way Lundeberg tried a maneuver, called job action. In other words, he tied up every coastwise vessel for a six-hour day and then tried to explain that it was not a strike, that the men just quit at the end of three a'clock every day, and as soon as the employers agreed that they would only work them six hours a day that everything would be all right. The publicity in the official leaflets that were put out at this time said "This is not a strike; this is merely a little job action we are taking"; in other words, a complete bad policy of trade unionism. [7366]

You can't go after a major demand in conditions such as the reduction of work from eight to six hours work a day.

Mr. Del Guercio: I move that be stricken, your Honor. He has given not only the cause of the disagreement but also his conclusions as to what was wrong.

Mr. Grossman: He is giving his views——

Presiding Inspector: (Interposing) He is giving his views as to how he was in conflict with Lundeberg. I think I will let it stand.

The Witness: Well, that was all. Of course, the results speak for themselves. He was completely whipped in the—I mean, the strike was completely whipped, although we swung in and tried to patch it up and support it as much as we could, but you were

(Testimony of Harry Renton Bridges.)

beaten before you start so, of course, that didn't strengthen any relationship between ourselves or our various organizations.

By Mr. Grossman:

Q. Did you have any disagreement with Lundeberg with respect to the question of the Sailor's Union of the Pacific becoming independent of the ISU?

A. Yes, very definitely. That started around the same time.

Q. What was the issue of that disagreement?

A. Lundeberg attempted to get me to work with him, to have the Sailor's Union expelled from the American Federation of Labor. The steam schooner strike, or job action, and [7367] all these other actions that he was taking were being taken deliberately.

Q. Did he state that to you?

A. He talked it over with me many times and attempted to have me support the program, and I was opposed to it, and he kept on advocating and building the set-up in such a way that—and the union was taking these actions in such a way that eventually the International Officials had no recourse but to expel the union, which they eventually did. The night the union was expelled—Lundeberg knew weeks before the union was going to be expelled. I knew three or four days before the Union was going to be expelled and I spoke to Lundeberg three or four days before the Charter was lifted and urged him to quit before it was too late and to try

(Testimony of Harry Renton Bridges.)

and keep the union and fight from within the American Federation instead of following the line he wished to follow, that was, have the union expelled, and it eventually happened. The night it was expelled he put a resolution on the floor of the meeting to form a new union closely following the lines of the IWW, called the Industrial Seafaring Union, or something like that.

Q. Did you express your complete disagreement with that policy to Lundeberg?

A. Very definitely, I did, yes; and to others. We were in complete disagreement on that because it affected us. He followed it up; the plans were pretty complete. He [7368] had a maritime—we had this Maritime Federation. His ideas run along the line of building an independent West Coast labor movement separate and apart from the American Federation of Labor and using the per capita tax generally paid to the American Federation of Labor to organize more workers in our independent industrial labor set-up for the Pacific Coast. Following the expulsion of the Sailor's Union he then proceeded, according to his plans, to call upon every union to support only the Sailor's Union of the Pacific as the West Coast seafaring union, and not to work any ships that the International A. F. of L. Unions would put any men on except his men. And, of course, the main and most powerful factor to enforce a set-up like that was only the longshoremen. He could not accomplish it any other way. He had to have our support; he had to have some agreement

(Testimony of Harry Renton Bridges.)

in the plan. When he could not receive any support, although he received the support of some other longshore groups, he went ahead anyway and the union was eventually expelled on January 1936.

Q. Did you openly oppose him on the question of a coastwise refusal to work on ships that did not employ SUP members?

A. I certainly did, because I knew what was behind the plan. We always agreed and always generally have supported a bona fide strike or tie-up, but in this case where I knew what was behind the plan, when he introduced the resolu- [7369] tion, for example, in the San Francisco Maritime Council, which was the largest and most powerful Council on the Coast—I was president of it—I opposed the resolution, and the resolution was defeated, and that resolution called to cease work on any ship that did not carry a crew of SUP workers.

The next thing, of course,—since the set-up had, of course, gone that far, the next thing I knew, because he discussed it with me, was to make a move to jump all ships whether they were East Coast or West Coast ships.

Q. Did you have any fundamental trade union disagreement with Harry Lundeberg in the 1936 Maritime Federation convention?

A. Oh, yes, I think we disagreed on almost everything there.

Q. Do you remember any of the major disagreements at that convention between you and him?

A. We disagreed on the selection of officers. We

(Testimony of Harry Renton Bridges.)

disagreed on the policies laid out to govern the official paper of the federation. We disagreed on the reports, for example, of the various activities that had gone in the year previous to the forming of the federation, some of them which I have related here. We disagreed on the future program for the federation and such things as what was going to be done when the agreements opened—when the agreements expires in September 30th of that year. The federation was in June. [7370] We disagreed on the position in regard to longshore work on coastwise vessels, and the most basic disagreement again was this question of job action which was at the root of the whole thing again, because I can recollect distinctly Lundeberg making the motion that any time the majority of a crew of a ship wished to take action to tie that ship up the entire coast swing in behind them with their support, and that official motion was made in the minutes and was defeated, but that was the basic matter below everything, although there were a few things that I think we agreed on.

[7371]

Q. Did you disagree with him on any question involving the organization of certain racial groups or the abolition of certain racial discriminations?

A. That was in 1934. That question kept on bobbing up with the Sailors Union, not so much with Lundeberg, but when Lundeberg moved into the leadership of the Sailors Union he followed the same policy.

(Testimony of Harry Renton Bridges.)

But the question regarding the discrimination against racial groups stemmed back from 1934 and prior to 1934.

Q. Did you disagree with Lundeberg on that trade union question?

A. Oh, yes; always have.

Q. What was yours as against his position?

A. That is, against the refusal to organize negroes, Chinese, Filipinos, or Japanese; yes.

Q. What was your position?

A. We organized everybody that worked for a living.

Q. What was his position?

A. That is, if we can, if they will join our organization. We don't discriminate against anybody because of race or color.

Q. What was his position?

A. He excludes them and discriminates against them, and has tied up ships to drive them off, and has called upon us to support his tie-ups to drive them off the ships. [7372]

We have always refused.

Q. Did you have any fundamental trade union disagreement with Harry Lundeberg at about the beginning of the 1936 Strike with respect to the beginning of the strike? A. Very definitely.

Q. What were the issues of that disagreement?

A. Lundeberg refused to work with the other unions. Lundeberg did not want to see his members on our Joint Committee.

(Testimony of Harry Renton Bridges.)

He refused to take a strike vote, preferring to let a lockout occur.

He refused to cooperate with us in the postponement of the strike date or of the deadline date of the agreements expiring; and eventually, when the strike actually took place, he almost completely disrupted the beginning of the strike by beginning to tie up ships three or four days ahead of the actual strike date.

The way the situation developed was this: The agreements, all our agreements expired simultaneously on September 30. The waterfront employers and the steamship owners had notified us that unless agreements were reached on September 30 they would shut down and work would stop. They prepared to have the shut-down. There was a tremendous amount of activity for three or four months, day and night, prior to the actual expiration date. The employers had openly told us, [7373] "Everything goes down on September 30." Lundeberg agreed with them. He said, "Let the employers shut down and lock down, and the onus of the lockout, so far as the Government and the public is concerned, will be on the employers."

Our policy was different. We worked to demand an extension of the shut-down date, that is, the expiration of the agreements, which was September 30; and we worked in close cooperation with the national forces at that time—I mean the Government forces,—and eventually the employers, very

(Testimony of Harry Renton Bridges.)

much against their will, were forced to grant a 15-day extension of the agreements.

That had the effect, although they had made all plans for a shut-down, had stopped the shipment of all freight to the docks—there was barely a drizzle of freight going to the docks, and there was none on the docks at that time, and practically all the ships were at sea.

So the strategy of it was that when the 15-day extension was forced upon them they were required to practically renew operations, or begin operations all over again.

After the first 15-day extension we pushed for another 15-day extension and got it.

The strike took place at the end of the second 15-day extension.

So Lundeberg, he was following a different policy, and wanted to have the same shut-down September 30.

Then, of course, our policy basically disagreed on that. [7374] We won but, nevertheless——

Q. (Interposing) During the course of the strike was there any fundamental disagreement with him?

A. Yes; almost the entire strategy of the strike we had disagreed upon.

Q. What about the conclusion of the strike, was there any fundamental disagreement as to when and how the strike should end?

A. Very definitely.

Lundeberg, of the Sailors Union of the Pacific,

(Testimony of Harry Renton Bridges.)

and the Firemen's Union, negotiated agreements very suddenly without the Committees of the other unions knowing it.

First of all, all the Committees of the unions met together. We had an agreement among ourselves that every time there was a meeting with any group with the employers a report would be made to the entire committee.

The first thing we knew we found Ferguson, of the Firemen's Union, and Lundeberg, of the Sailors, meeting secretly with the employers and negotiating secretly for their particular groups. They reached an agreement and then tried to put their men back to work and leave the rest of us high and dry even though we had not yet had a meeting with the employers.

We took the matter before the rank and file of the Sailors Union and the Firemen's Union, and they went along with us, and they would not go along with their own officials [7375] until we had an agreement.

As soon as they had negotiated those agreements, and when we had almost arrived at agreements for the other groups, tentative agreements, at that time the Copeland Discharge Book, continuous discharge book, became an issue. It was passed by Congress——

Mr. Del Guercio (Interposing): If the Court please, I have been sitting by patiently here listening to all of this. I don't believe it is proper.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: Well, this is to show bias on the part of Lundeberg.

Mr. Del Guercio: There should be some limit to it.

Presiding Inspector: It is to show bias against this witness. I think it is perhaps over-detailed. I think the substance of these disputes, to show bias is competent.

I think you are going pretty far in some of these matters.

Mr. Grossman: We need a certain amount of details so that the skeleton has some meat on it, especially, for the people who don't understand the situation.

Presiding Inspector: We are getting not only meat, but fat.

Mr. Grossman: The reason that there is so much is that there is such a basis, so much basis for bias on the part of Mr. Lundeberg, in other words, so much fundamental disagreement.

Presiding Inspector: I will allow it, but I suggest [7376] to the witness——

Mr. Del Guercio: May I be heard on that?

Presiding Inspector: Certainly.

Mr. Del Guercio: I don't believe it shows anything of the kind. It is admitted, everybody knows that there is disagreement between this man and Harry Lundeberg. There is no question about that. Their policies do differ.

Presiding Inspector: But I think they have a

(Testimony of Harry Renton Bridges.)

right to put it in the record. Everybody may not know it.

Mr. Del Guercio: That is the purpose of it, I think Lundeberg should have the opportunity to come back and give his side of the disagreements.

Presiding Inspector: Of course he is, in the course of defending his side. That part, of course, is not particularly material.

I will suggest to the witness that he be as clear in showing what these disagreements are as possible without elaborating.

By Mr. Grossman:

Q. You were discussing the issue of the Copeland book. What was the issue on which you disagreed with Lundeberg with relation to the Copeland book?

A. After all the unions had reached tentative agreements on the strike issue, as to hours, wages and working conditions, Lundeberg proposed that we continue the strike until the Government abandoned the issuance of the Copeland [7377] book that had just become a law in Congress.

Q. What position did you take on that?

A. To return to work, since we won our strike demands, and deal with the Copeland book through the Governmental agencies and through proper amendments through Congress and through administration agencies, which was eventually done.

I think the point should be clear on all these points that I am enumerating here that in practically every case Lundeberg was defeated on them.

(Testimony of Harry Renton Bridges.)

Q. Did you state in this last instance that the sole disagreement at the end of the strike was the fact that Lundeberg wanted to continue the strike for that sole issue, and you were opposed to continuing the strike for that sole issue?

A. That is a matter of record with not only the Government agencies and the Department of Commerce, and the Department of Labor, but it is a matter of official record in the labor circles, and the labor council here.

Mr. Del Guercio: I move that that be stricken.

Presiding Inspector: That is substantially what he said before. It is repetition, but I will let it stand. I think it adds very little to what you said before. It summarizes it.

By Mr. Grossman: [7378]

Q. Was there any disagreement on trade union questions between you and Lundeberg involving a ship called the Coloradian? A. Yes.

Q. What was the essence of that disagreement?

A. The Steamer Coloradian was in Puerto Rico and——

Mr. Del Guercio (Interposing): If your Honor please, this isn't anything to refute anything Mr. Lundeberg mentioned.

Presiding Inspector: But to show bias. There was an acrimonious controversy between these men at all times.

Mr. Del Guercio: I think that the fact that there was a dispute would be sufficient for that purpose,

(Testimony of Harry Renton Bridges.)

and not the details of the dispute. I believe that the details should be stricken out.

Presiding Inspector: Well, I think that the extreme details should not be given, but what the general gist of it was I think should be taken.

Mr. Del Guercio: It is difficult to determine what are the extreme details and what aren't details.

Presiding Inspector: I will ask Mr. Bridges to confine it to the mere essence of the dispute.

The Witness: That is all I am doing.

Presiding Inspector: Go ahead.

A. (Continuing): The Coloradian was in Puerto Rico, [7379] and the crew walked off, the entire crew, sailors, firemen and cooks, in support of a longshore strike there. The longshoremen were not affiliated with us. They were A. F. of L.

Lundeberg put a crew of strike breakers on that ship, in place of the crew that walked off, including his own men. He was condemned by every Maritime union.

By Mr. Grossman:

Q. Was he condemned by you?

A. Not me personally. I had no personal animosity.

Q. I mean, did you make an open condemnation of the activity that you have described?

A. An official one, yes.

Q. Have you had any fundamental disagreement with Lundeberg on the question of longshore work

(Testimony of Harry Renton Bridges.)

being performed by members of the SUP on steam schooners?

Mr. Del Guercio: Inasmuch as this is being gone into I will object to the form of the question as being leading. The first question that was asked was if he had any fundamental disagreement with Lundeberg on labor matters; and the witness related them. Then counsel got into every specific one and is continuing to do so. We can keep this up all day and not get through.

Presiding Inspector: I think I will take it, though.

Mr. Grossman: It will save time by leading.

Presiding Inspector: You haven't much more?

[7380]

Mr. Grossman: No.

A. There is a very fundamental disagreement between both our organizations.

Q. What was the fundamental issues on which you disagreed?

A. Lundeberg and the employers wished to use seamen for longshore work at less than half the wages than they are required to pay longshoremen, and it has been a running battle for the last three or four years now. There is no question about the fact that the sailors work eight hours a day and we work a six-hour day, and they get less money per hour by far than our men. They work for less than half of the hourly wage we get, and the same applies on straight and overtime.

Q. Do they do the same work on the boat?

(Testimony of Harry Renton Bridges.)

A. Exactly the same work.

Q. On the same boats?

A. On the same boats. They might work right alongside of each other. One man might be on one end of a piece of lumber, one of our men, and one of Lundeberg's men might be on the other end of the same piece of lumber.

I will admit that the relations are a little too strained for that now.

Q. Has there been any fundamental disagreement between you and Lundeberg on the question of whether the Sailors [7381] Union of the Pacific should affiliate, or should have affiliated with the CIO? A. Very definitely.

Mr. Del Guercio: I will object to that, your Honor.

Presiding Inspector: I will take it.

A. At one time his membership voted by secret ballot to affiliate. There was no question of the vote that it was overwhelmingly in favor of the affiliation. The ballots were destroyed by Lundeberg, until such a time had elapsed where he could line the thing up and take another ballot, which carried against the affiliation.

Mr. Del Guercio: I move that the answer be stricken. It certainly couldn't have been a point of disagreement because the witness had no knowledge of this, and couldn't have, if it was a secret ballot.

The Witness: I had very definite knowledge of it.

(Testimony of Harry Renton Bridges.)

Mr. Del Guercio: I am not asking you.

Presiding Inspector: I think I will allow it.

By Mr. Grossman:

Q. Now, on these——

Presiding Inspector: The important fact is the attitude here.

By Mr. Grossman:

Q. Now, on these various issues that you have described, on which you fundamentally disagreed with Harry Lundeberg, [7382] have you taken an open, strong position against the position that Mr. Lundeberg has taken?

A. In every case, and I have generally been supported on them by my own union, and the majority of the other unions on the waterfront in those positions.

Q. Have you in many of these cases openly and severely criticized the position taken by Harry Lundeberg on these issues?

A. Only because of the issues and on the basis of the issues; yes.

Q. But have you made such criticism?

A. Yes.

Q. Do you know whether and when Harry Lundeberg went on strike in 1934?

A. He didn't go on strike.

Q. How do you know that?

A. I know. His own testimony doesn't only show it here, but I happen to know the entire circumstances. After we tied a ship up they fired the

(Testimony of Harry Renton Bridges.)

whole ship's crew and she was laid up. We had her on strike. All he could do was to walk off after we had tied the ship up. He never did strike.

Q. Did you work on a ship for 25 cents a month?

A. No. I can explain that particular incident.

Q. All right, if you will. [7383]

Mr. Del Guercio: Do we want an explanation too?

Presiding Inspector: It was brought out, I think.

Mr. Grossman: Mr. Lundeberg brought it out.

Mr. Del Guercio: He says "No." How is he going to explain that.

Mr. Grossman: To show how Mr. Lundeberg got a wrong impression.

Presiding Inspector: I will take it. He does not need to explain that he didn't, but he can explain what he has heard about it here.

Be very brief.

A. Very briefly—that was a particular ship laying in New Orleans, and a friend of mine had a job on it. The ship had not signed on——

By Mr. Grossman:

Q. (Interposing): You mean articles had not been signed by the crew?

A. Yes—and at the same time I was looking for a job. This friend of mine that was on that ship had a chance to go on another ship. Some Mate, or the Captain, wanted him to ship on another ship, but he didn't,—hadn't made up his mind at that time, but he preferred to take the other

(Testimony of Harry Renton Bridges.)

ship. There was some hitch in it, so I took his place on that ship while he went over and worked on the ship that he wanted to sail on. He was not sure until that ship signed on, left the [7384] port. He took the job and sailed with that ship. In the meantime I was standing by the Eldorado.

As soon as the ship signed on I signed on at full wages and was paid off in full wages, and the payroll will so show.

Incidentally, I have my union book, and the whole clearance is there. I have them with me now.

Mr. Del Guercio: I can't understand how that was in explanation of his negative answer, your Honor.

Mr. Grossman: I will explain it to you.

By Mr. Grossman:

Q. Do you know how Lundeberg got his idea about 25 cents? A. Yes, sir.

Presiding Inspector: I will allow you to show it.

By Mr. Grossman:

Q. Where did he get that idea?

Mr. Del Guercio: I understand you have ruled against me and counsel is proceeding as though you hadn't.

Mr. Grossman: Mr. Del Guercio wanted an explanation and he is going to get it.

Mr. Del Guercio: I am not asking you. I am asking the court.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: I will allow him to explain.

A. The Master of that particular ship, we both happened to know him, my night Mate and I, and an examina- [7385] tion of that record will show that I was put down at 25 cents a month. It was for the purpose—I was getting paid every day. I was working stand-by. I was just standing by while we saw if this other fellow made the other ship. If he could have made the ship that was going to India why I was through and I would get off. So the Captain wouldn't carry another man on the payroll I still held the job for this other fellow. I was down for three or four days at $25 a month and at the same time on the regular payroll——

Mr. Del Guercio (Interrupting): You mean 25 cents a month?

A. 25 cents a month, yes—and I got the regular stand-by daily rate, and that shows on the payroll, and if anybody takes a look at the official payroll they will see it there. The records are available.

By Mr. Grossman:

Q. Do you know during what dates you were in the hospital in 1935? A. Yes.

Q. What dates were they?

A. From May 25, I think from May 26 for the next two weeks after that date.

Q. In what hospital were you?

A. The St. Francis.

(Testimony of Harry Renton Bridges.)

Q. And did you have any period of convalescence after [7386] coming out of the hospital?

A. Yes, sir; three weeks.

Q. Did you remain home during that entire three weeks' period?

A. I was required to by the doctor.

Presiding Inspector: And you obeyed him?

The Witness: Yes, until I recovered.

Mr. Del Guercio: Did you recover?

Presiding Inspector: He said until he recovered. I asked him if he obeyed the doctor and he said, "Yes, until I recovered."

Mr. Del Guercio: I thought there was a question about his recovery.

The Witness: I still have my ulcers, if that is what you mean.

Mr. Grossman: No more questions.

Presiding Inspector: The witness is yours.

Mr. Del Guercio: May we have a short recess?

Presiding Inspector: Yes.

(Whereupon a short recess was taken.)

Presiding Inspector: Now, Mr. Del Guercio, we are ready.

Cross Examination

By Mr. Del Guercio:

Q. I have one matter to clear up regarding your testimony [7387] when you were last on the stand that I forgot to ask you about. It is in connection with this resolution passed by the San Francisco Labor Council during the 1934 strike. Do you recall the resolution I read to you?

(Testimony of Harry Renton Bridges.)

A. Which one?

Q. The resolution directing that all union members disavow their connection with the Communist Party.

A. That is right; I remember that one.

Q. You have the resolution in mind?

A. Yes.

Q. I believe you testified that you opposed its adoption in the San Francisco Labor Council?

A. Oh, yes.

Q. And did you also oppose its adoption in your own local?

A. I couldn't specifically remember. It is my belief that I did. I opposed it, that is, partly because of the person who introduced the resolution.

Q. Didn't you testify in the last hearing that you did oppose it in your own local?

A. I am not testifying any different now.

Q. Then your testimony now is that you did oppose its adoption in your own local, is that correct?

A. I am not sure whether I did or not.

Q. Was your memory any better in the last hearing [7388] than it is now? A. Yes.

Q. And if you so testified in the last hearing your testimony would be the same now?

A. I think it would be better to go by. I am two years older.

Presiding Inspector: He said that it is his best recollection now. That is right, isn't it?

The Witness: That is right.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: That is your best recollection, that is, that you did oppose it?

The Witness: Yes, sir.

Presiding Inspector: In your own local?

The Witness: Yes.

Presiding Inspector: That is how I understood you.

By Mr. Del Guercio:

Q. What is your position in the CIO at the present time?

A. Director for the State of California. That is one position. I am a member of the Executive Board of the CIO, and I am a member of the Committee on Unemployment, and a member of the Pan-American Committee.

Q. Now, as State CIO Director, what are your duties?

A. General Organizational duties, general duties of Directorship in regard to the unions in the State of California, both the local and unattached unions. [7389]

Q. That is, all the CIO unions within the State?

A. Yes.

Q. They come within your supervision as State CIO Director?

A. General supervision up to a certain point. I am not allowed——

Q. (Interposing): What point?

A. I am not allowed to interfere, or have authority to interfere with a local union unless I am re-

(Testimony of Harry Renton Bridges.)

quested to do so by the International Union, or by the national officers of the CIO.

Q. Do your duties as such extend without the State?

A. No; I wouldn't say they did any more. They might in some cases in this way: It might be dealing with a situation where the union is concerned and is operating over a wide area, and you can't handle the situation in one place without taking care of it in another place.

Q. Supposing there was a situation arising in a local there of some CIO union in Detroit, would your duties as State CIO Director of California, require you to take any action in that situation in Detroit?

A. No, not unless I was especially assigned to do so.

Q. Could you do so? A. No.

Q. If you did what would happen? [7390]

A. I don't really know.

Q. Would any disciplinary action be taken by the national officers of the CIO?

Mr. Grossman: I object to that as calling for the conclusion of the witness.

Presiding Inspector: It calls for his conclusion, unless there is a rule.

Mr. Grossman: Only if there is a rule.

Presiding Inspector: If there is a rule to that effect.

By Mr. Del Guercio:

Q. What are the rules?

(Testimony of Harry Renton Bridges.)

A. I don't know of any specific rule. Possibly the least that would happen would be that you would be pretty soundly criticized maybe removed from your position, your official position in that respect.

Q. Now, are you familiar with the strike at the North American Aircraft Corporation?

A. Yes.

Q. Are you familiar with the conditions or the situation that resulted in the calling of the strike?

A. Yes.

Q. Then you know that in March—is it not a fact that in March of this year that the National Labor Relations Board named the UAW as the bargaining agent for the employees of the North American plant in Inglewood? [7391]

Mr. Gladstein: If your Honor please, may we inquire as to the purpose of this line of examination? We do not see the materiality of it on the face of the question, and we feel it is objectionable for that reason, and immaterial. But if counsel can state a purpose that is material to the issues of this case we would like to have him do so.

Mr. Del Guercio: This is preliminary, your Honor. For that reason I don't like at this time to reveal the purpose.

Mr. Gladstein: Preliminary to what? It certainly isn't secret as to what the North American Aviation strike was, so it can't be preliminary to anything.

Presiding Inspector: I suppose he is going to ask something definite. I don't know. I think I

(Testimony of Harry Renton Bridges.)

will take it. We will see about it. It is subject to your motion to strike.

Mr. Gladstein: All right, your Honor.

A. Yes, I am familiar with it.

By Mr. Del Guercio:

Q. What was the nature of the dispute between the North American Aviation plant employees and the corporation?

Mr. Gladstein: The same objection; that it is immaterial.

Presiding Inspector: I will take your word that this is something definite.

Mr. Del Guercio: Yes, sir. [7392]

Presiding Inspector: Very well. And not to show the general attitude of the CIO. We don't care anything about that.

Mr. Del Guercio: No.

Presiding Inspector: If you intend to show something definite I will take it.

Mr. Gladstein: So I won't have to interrupt, unless there is a specific basis for an objection, may it be understood that this line is being objected to as immaterial?

Presiding Inspector: Yes. But you must make your definite motion to strike at the end.

Mr. Gladstein: Yes.

A. The whole thing boils down to a question of wages and breaking of the 50-cent minimum.

The practice has been that the aircraft corporation for the first year refused to pay more than

(Testimony of Harry Renton Bridges.)

50 cents an hour. It comes to $19.60 a week, less social security deductions.

The whole issue boiled down—there was an agreement reached on practically every issue, except the request for a wage increase from 50 cents to 75 cents an hour.

By Mr. Del Guercio:

Q. How long has that dispute been going on?

A. At North American?

Q. Yes.

A. It was in issue in the negotiations. There was an [7393] issue in negotiations, at least after the winning of the election, until the time the strike was called.

As far as the dispute going on, there has been a dispute between the workers and the management in that plant since the plant started operating.

Mr. Grossman: It must be understood that the testimony of Mr. Bridges is not from direct knowledge because I don't think he has contended that he has direct knowledge. I don't think it is contended, he personally participated in these negotiations.

The Witness: Up to this point it is from direct knowledge. I was down there and while I wasn't in the negotiations I know the issues involved up to a point.

Presiding Inspector: You have heard what he said while you were talking?

Mr. Del Guercio: No.

Presiding Inspector: He said up to this point it is from direct knowledge; that he was down there.

(Testimony of Harry Renton Bridges.)

Mr. Del Guercio: Up to what point?

Presiding Inspector: Up to the point that his testimony has gone.

I now suggest to the witness that when he passes beyond his direct knowledge that he call it to our attention.

By Mr. Del Guercio:

Q. When were you down there, Mr. Bridges?

[7394]

A. I was down there the week after this trial started, while I was away for the convention. I met with these people concerned in the negotiations at that time, and with the local officials, and, as I say, I caught up on the entire situation then and, of course, I was well aware of it previously.

Q. You talked with local officials?

A. Yes.

Q. Who did you talk to?

Mr. Gladstein: I object to that as immaterial.

Presiding Inspector: I will take it, although I don't where it is leading.

A. I talked with three International officials, Wyndham Mortimer——

Q. (Interposing): What was his position with reference to the local union?

A. International organizer.

Q. International organizer?

A. International organizer in the aircraft field in Southern California. Also Lew Michener, Western International Representative for the region,

(Testimony of Harry Renton Bridges.)

Western Region, and that includes the entire Pacific Coast; and Jack Orr, another International Organizer; and then half a dozen of the local committee whose names I can't recall offhand.

Q. When did you talk with these people?

A. I met them just a couple of days before I returned [7395] to the hearing here after the trial recessed.

Q. Can you fix the date more definitely than that?

A. Let me see—if you can tell me the date the trial resumed I can fix it definitely.

Q. We resumed when—last week?

A. No; after I got a week off for the ILWU convention.

Q. Oh, that was sometime in May?

Mr. Gladstein: April.

Presiding Inspector: We took a recess on the 2nd day of May to the 13th day of May, as I remember it.

Mr. Gladstein: No.

Mr. Del Guercio: April.

Presiding Inspector: Wait a second. Wait a moment. I got that date wrong. From the 4th day of April to the 15th day of April.

By Mr. Del Guercio:

Q. Then, you were aware of the fact that the National Labor Relations Board in March had named the UAW as the bargaining agent for those employees of the North American Aviation Plant?

(Testimony of Harry Renton Bridges.)

A. Very definitely. We discharged our union negot ating committee for a week to send them down there to help win the election; very aware of it.

Q. And was it after that that the UAW began negotia- [7396] ting for a new increase in wages?

A. Yes, with a definite program in mind, yes.

Q. Did you support that?

A. Very definitely, yes.

Q. And what was done about that?

A. Done about what?

Q. About negotiating for increases in wages?

A. You mean what was done?

Q. Yes?

A. Well, the committee negotiated with the AUWA.

Q. Negotiated with whom?

A. The management.

Q. Did they reach any agreement?

A. No.

Q. And what happened then?

A. The strike was finally—I mean, the matter was finally sent to the National Mediation Board.

Q. Well, now, before that was done, didn't Miss Perkins of the Department of Labor try to conciliate the matter?

A. I think there was a couple of conciliators on the job for a while.

Q. Didn't they thereafter certify the matter to the National Defense Mediation Board?

A. I am not too sure about that, that that occurred; [7397] it is possible. If that occurred that

(Testimony of Harry Renton Bridges.)

occurred since the hearing has been going on the second time. I have been pretty busy and I am not sure of that.

Q. Now, when was the strike called?

A. Oh, I think it was a week ago last Thursday.

Q. Did you regard the strike as being justified?

A. Very definitely.

Q. Had you talked to anyone about it?

A. Yes, sir.

Q. With whom?

A. I talked to the entire committee when I was down there and the officials there.

Q. Do you know Mr. Connelly?

A. Certainly; I talked to him, too.

Q. Did you talk with Mr. Connelly?

A. Yes, sir.

Q. When did you talk with Mr. Connelly with respect to [illegible] the time the strike was called?

A. Wi respect to the time the strike was called?

Q. Yes.

A. Oh, I am in frequent communication with Connelly on this particular matter. Do you mean verbally or personally or over the phone?

Q. Verbally or otherwise, telegraph or telephone?

A. I have spoken to him on numerous occasions over the phone on other matters. Of course, this matter could have [7398] been mentioned or the entire conversation might be devoted to this matter. I wouldn't be able to fix that definitely.

(Testimony of Harry Renton Bridges.)

Q. Did you tell him that you would support his position in the strike?

A. You are talking now before or after the strike broke out?

Q. After the strike broke out or before?

Presiding Inspector: You can separate them, if necessary.

By Mr. Del Guercio:

Q. Separate them, if you want to.

A. Before the strike broke out—I didn't know that the strike was going to come as suddenly as it did. I knew that they were contemplating strike action. The committee had divided itself. A part of it was back in Washington; a part of it was still in Los Angeles. They were in daily telephone communication; they had a daily telephone meeting. Of course, at that time I was pretty busy up here and didn't keep in very close contact with it. The whole matter was handled—because after all, they had their own representatives in charge and it was not under my immediate supervision unless I was called in and requested to do something, and I was not so requested. However, in so far as the—it was certainly my position that if they thought it was necessary to strike, if there was no compromise could be arranged in negotiations [7399] or any other way and they struck to break that fifty-cent minimum I was certainly in support, or would support the strike.

Q. Did you communicate with Mr. Connelly?

A. At that time when—no, not before the strike

(Testimony of Harry Renton Bridges.)

actually broke out. There was no occasion to do that. In other words——

Q. (Interposing) Did you after the strike was called?

A. After the strike was called? Yes, I discussed the matter with Connelly and with others, and I told——

Q. (Interposing) In what manner did you discuss the matter with Connelly?

A. I discussed all the details with Connelly over the phone.

Q. Over the phone? A. Yes.

Q. Now, when did you call Mr. Connelly over the phone?

A. Oh, I practically called—I might have called Connelly daily.

Q. After the strike was called when did you call the first time?

A. The first time? I really don't know. I could be specific as to those conversations that are very definitely fixed in my mind. [7400]

Q. When was the strike called?

A. I am trying to think of that now, too. I am not sure of the date.

Presiding Inspector: You said a week ago last Thursday.

The Witness: That is—yes, but thinking it over that date might be incorrect.

Presiding Inspector: Yes.

(Testimony of Harry Renton Bridges.)

By Mr. Del Guercio:

Q. That was Thursday, was it not, the 5th of June?

A. That is right; it was just last Thursday.

Q. Yes. And did you call him up that day?

A. No, no; I have no recollection of calling Connelly specifically on this until I was speaking to him Saturday morning, I think, and then I tried 11:30 last Saturday night.

Q. Well, now, you said you talked to him Saturday morning the first time after the strike was called.

A. Yes, I am pretty sure I was talking to him on the phone Saturday morning.

Q. All right. Now, what did you tell him over the telephone Saturday morning?

A. I don't recall; nothing important. I think the conversation more or less was that I asked him "What does it look like? What is doing in the strike situation down there?" We discussed more than one matter.

Q. Did he ask for your support?

A. No, not at that time. [7401]

Q. In that telephone conversation?

A. Not at that time.

Q. When did he ask for your support?

A. At no time.

Q. When did he ask for your support of his position?

A. He never asked me for any support at any time. I tried to get him, as I said, Saturday night.

(Testimony of Harry Renton Bridges.)

I tried for two or three hours to reach any of the officials down there. That was after the threat had come out that the troops were going to be used. I spent until 11:30 Saturday night trying to reach him and couldn't. I couldn't reach Connelly until Sunday morning; I reached him about 8:00 o'clock Sunday morning and talked the situation over at great length.

Q. What did you say to Connelly then?

A. I told him to pull in his horns and duck it, and not to call that strike.

Q. In those words?

A. Yes, in those words.

Q. You didn't tell him Saturday night that you would support his position in the strike?

A. I was trying to call him Saturday night to tell him that that strike was going to be smashed by the Federal Government and the troops.

Q. Now, did you understand my question?

A. I thought I did; maybe I didn't.

Q. Now, is it your testimony that you did not at any [7402] time after the strike was called communicate with Connelly by either telephone, telegraph, teletype or any kind of communication that you would support in substance—that you would support his position in that strike?

A. That is right; that is my testimony. The first time that I had done anything like that, or said anything like that was Sunday morning. When the meeting was coming up Saturday afternoon I said, "Well, tell the fellows best wishes and good luck

(Testimony of Harry Renton Bridges.)

from me." That was the only message of greeting or support that I sent down there; that was over the phone. There was no letters, telegrams, teletypes or anything else sent, and at no time did I support Connelly's position in the strike.

Mr. Grossman: We ask again, your Honor, what the relevance of this line of inquiry is?

Presiding Inspector: I don't know.

Mr. Del Guercio: May I get that last answer, please?

Presiding Inspector: The conduct, I suppose, of the CIO official.

Mr. Grossman: What is there about the conduct, according to the theory of Mr. Del Guercio, that makes it relevant?

Presiding Inspector: I don't know. That is all I can see.

The Witness: I am not sure, your Honor, what he is referring to.

Presiding Inspector: Well, he is asking you certain [7403] questions. You are answering it very fully.

The Witness: Well, he says "Connelly's position in the strike?"

Presiding Inspector: Well, that I didn't notice.

The Witness: Now, the position can change from day to day. There were certain positions that I supported fully.

By Mr. Del Guercio:

Q. Let me substitute instead of "Connelly's position," did you support the strike or did you tell

(Testimony of Harry Renton Bridges.)

Connelly you would support the strike at any time after it was called?

A. No, I didn't tell Connelly that I can recall, no, but I was in full agreement with the strikers' demands, and if I had been requested—it just happened that I was not asked—I had been busy——

Q. (Interposing) You say you were in full agreement with the demands of the strikers?

A. Very definitely, yes, and still am.

Q. Did you express that to anyone?

A. I am sure I did.

Q. To whom?

A. Well, I would express it generally. If you are asking the question did I express it in any official way, no, I didn't.

Q. To whom did you express the statement that you have made, that you were in full agreement with the demands of the [7404] strikers?

A. Oh, I expressed that to the——

Q. (Interposing) Or with the strike?

A. After the strike was called.

Q. After the strike was called. Now, to whom did you express that?

A. I expressed that to local officials right here in San Francisco such as Goldblatt, Louie Goldblatt. He is the Secretary of the State CIO.

Q. And also a member of the Communist Party.

A. That is not so.

Q. Now, who else?

A. I am sure I expressed it to George Wilson who is the President of our Local CIO Council here,

(Testimony of Harry Renton Bridges.)

and other officials that I met with every day. I could name off all our Local CIO officials, and any of them that happened to come up from Los Angeles.

Q. Now, who did happen to come up from Los Angeles connected with the strike?

A. Connelly was up here last week. I am just wondering if it was before or after the strike. He was up in the hearing here and I know I discussed the North American situation with him. If he was here after Thursday——

Q. (Interposing) Well, try and recall as to whether he was, now.

A. I really can't recall the exact day he was here, [7405] whether it was before or after Thursday. If it was after Thursday I certainly discussed North American with him, and if they were on strike at that time I would certainly have told him, and I still think that the strike demands were entirely justified.

Q. And that you would support it, throw your support to the strike?

A. Certainly. I was in support of the strike. If I haven't expressed it before I will now. So was the National CIO.

Q. Now, was your attitude, the one that you express now communicated to the strikers by anyone?

A. Only in the way I said that I know of, where I told Connelly last Sunday morning to give my regards and greetings to the strikers in the mass meeting that afternoon.

(Testimony of Harry Renton Bridges.)

Q. Now, what did you mean when you said "Give my regards and best wishes to the strikers"?

A. Well, that is the usual thing when there is a group of people on strike. Lots of times in a strike meeting, or even a union meeting the officer in charge will announce that, "We have received telegrams of greetings and best wishes from so and so," this and that and the other union.

Q. Now, that was an expression of your support of the strike, wasn't it?

A. That was Sunday morning.

Q. And you intended it to be that? [7406]

A. No, not particularly.

Q. What did you intend it to be?

A. I called Connelly Sunday morning to tell him to move to try and have that strike called off, because it was going to be smashed.

Q. I am speaking about the time that you sent this expression of your wishes, best wishes?

A. It was not, no; that is what I am saying, no, it was not.

Q. What was it?

A. Well, it was the usual thing. I think that—it is nothing unusual for me or many others to send a message of greetings and best wishes to any group of workers, and here was a group——

Q. (Interposing) Best wishes for what? For success in the strike, what they were striking for?

A. Yes, certainly; best wishes for success in what they were striking for, and they have still got them, my best wishes for that.

(Testimony of Harry Renton Bridges.)

Q. All right. Were picket lines formed?

A. If it was the kind of strike that we have they were.

Q. Were your longshoremen at San Pedro used in the picket line?

Mr. Gladstein: Just a moment. It is quite obvious that Mr. Del Guercio is now questioning about a subject [7407] matter that took place in Los Angeles on days that Mr. Bridges was here in Court. He is calling for hearsay of a character that certainly can't be material to the issues of this case. I think it is about time we put a stop to it.

Presiding Inspector: I don't see that it is very harmful. What difference does it make?

Mr. Del Guercio: It won't be very long.

Presiding Inspector: It was a strike. I don't suppose it is necessary to——

By Mr. Del Guercio:

Q. (Interposing) Were longshoremen from San Pedro used on the picket lines?

A. I don't know of my own knowledge; I have heard it and I suspect it and I would favor it.

Q. Did you favor it?

A. Our union is on record to support that group down there. If they sent out a call for help and support on the picket lines I believe our locals would respond.

Mr. Del Guercio: What?

Presiding Inspector: He said he favored it.

(Testimony of Harry Renton Bridges.)

By Mr. Del Guercio:

Q. Now, you knew, did you not, that late in May at the invitation of the National Defense Mediation Board representatives of the company and of the union went to Washington to thresh out the difficulties of the strikers? A. I knew that. [7408]

Q. And you knew that these representatives reached an agreement on May 27th, 1941 with each other and with the Board?

A. On what?

Q. Did you know the terms of the agreement?

A. I know nothing. I know that no such agreement was reached, that is, I do not know of it.

Q. Well, you are State Director of the CIO, are you not? A. That is right.

Mr. Gladstein: That has been asked and answered and is immaterial.

By Mr. Del Guercio:

Q. Would that be a matter under your jurisdiction?

A. Not particularly, no, unless it is called specifically to my attention, but it is a matter I would try to find out just for my own knowledge, that is all, but I know of no agreement that was reached between the representatives of the union and the management before the Mediation Board; I know the opposite.

Presiding Inspector: Did you hear the last phrase?

Mr. Del Guercio: What?

(Testimony of Harry Renton Bridges.)

Presiding Inspector: He said he knew the opposite.

The Witness: I should say, your Honor, I was informed of the opposite effect.

By Mr. Del Guercio: [7409]

Q. Now, who informed you of the opposite effect?

A. I don't know whether it was Connelly or Goldblatt, one or the other, or both.

Q. And what did he say?

A. The union committee—there was a committee of nine in Los Angeles. Three of them were dispatched to Washington by the membership of the local union to meet with the Mediation Board and the management. The committee spent some time back there and eventually the Mediation Board told both the management and the union committee to get together by themselves in negotiations and see if they could reach an agreement. This was done, and the union committee——

Q. (Interposing) And that agreement provided for mediation of the demands?

A. What is that?

Q. And was mediation of the demands one of the agreements reached?

Mr. Grossman: Just a minute. Mr. Bridges has not stated any agreement was reached.

Presiding Inspector: Oh, no; he has not yet said there was any agreement.

You may ask him if that was a subject that was discussed.

(Testimony of Harry Renton Bridges.)

Mr. Del Guercio: Yes.

The Witness: Yes. Naturally all the issues were discussed, and I am giving you now what I was told in this respect in the report, and I understand that everything was agreed to, [7410] or gotten around that is, all the issues were gotten around except the one issue of the wages, and the union committee and the management retired at the request of the Mediation Board to thresh the thing out, or to thresh this problem out alone by themselves, and they worked on it for two or three days and they got nowhere. Eventually the union committee in Washington telephoned the local committee in Los Angeles. They used to hold regular daily meetings over the telephone, the three in Washington and the six in Los Angeles. And the union committee in Washington telephoned the local union committee in Los Angeles that there was no chance apparently, from what they could see, of getting anywhere either in the Mediation Board or with the management on the question of wages, that it looked completely hopeless as the management had not budged an inch.

By Mr. Del Guercio:

Q. Now, the National Defense Mediation Board had made no recommendations up to that time, had it?

A. I don't think it had.

Q. And isn't it a fact, Mr. Bridges, and didn't you know that this agreement had been reached one, that there was to be no stoppage of work or

(Testimony of Harry Renton Bridges.)

interference in any way with production during the pendency of the case before the National Mediation Board and for three days after the Board's recommendations are made?

A. When was that supposed to have been reached? [7411]

Q. At 7:00 P. M., May 27, 1941.

A. I don't know of it. Was that agreement reached with the union committee?

Q. Yes, didn't you know about that?

A. Was that agreement reached in connection with the first strike deadline?

Q. I will show you a copy of the agreement reached, Mr. Bridges.

A. I know this was done: The union committee went back with a strike deadline and there was an agreement reached to postpone that deadline, which the union agreed to, and in that respect, why, my office and other offices recommended to the local union that they respect the decision reached by the Mediation Board, and the deadline was postponed.

Q. Will you look at that agreement or that copy of that agreement and tell me if you have ever seen it?

A. (Examining document) That is in regard to the agreement, not to the strike. In the last paragraph there it shows you where the union membership voted to accept the agreement.

Q. Then, you knew about it, didn't you?

A. I not only knew about it but I supported it.

(Testimony of Harry Renton Bridges.)

Q. And then you knew there was an agreement not to strike?

A. That is not so. Now, if you will read that thing you will see that the strike committee had—that the union [7412] had a strike deadline, and that on the basis of the management offering to——

Q. (Interposing) Wherein in this agreement do you see that the strike committee had a deadline or a date line?

A. (Examining document) "Union stated that membership would not permit deferment of strike action later than Tuesday, June 3, 1941." Right there (Indicating). Here is the paragraph about strike action (Indicating). There is the last where the union concurs with the Board's recommendation.

Q. Now, you referred to this No. 12 which reads as follows:—No. 12 there which is not the agreement reached, isn't that a fact, Mr. Bridges?

A. No, not the way I read it.

Q. Now, isn't this the only agreement that was made and reached: "1. Agreements when and if reached would be retroactive to May 1st."

A. Right, that is one point.

Q. "2. No stoppage of work or interference in any way with production will be permitted during the pendency of this case before the National Defense Mediation Board and for three days after the Board's recommendations are made."

"3. The issue of retroactive benefits is hereby removed from the list of items to be considered dur-

(Testimony of Harry Renton Bridges.)

ing negotiations, it being fully understood that this issue has not been settled finally.

"4. Failure in any respect to abide by the terms of [7413] Paragraph 2 hereof, automatically invalidates the Company's obligation expressed in Paragraph 1 hereof."

A. Yes, sir.

Q. "5. It is hereby agreed that neither the Union or the Company will make any statement to the press."

Now, isn't that the agreement that was reached?

A. Let me see. (Examining document) No.

Q. That is, the quoted portion?

A. Just a minute. You have read a proposal that was made to the union by the employers. It was presented to the union committee by the National Mediation Board. The union committee informed the National Mediation Board they would have to take it back to the membership, and it was agreed that they take that back to their membership. It was never accepted by the union. That is the way I read that.

Q. Now, how do you know that it was never accepted by the union?

A. Just according to what you have got there. I don't know any other way. I don't know whether it was accepted or not. I am just—you are asking me.

Q. Then, you don't mean what you said before that it was not accepted by the union?

A. Now you are pointing out certain language

(Testimony of Harry Renton Bridges.)

there. If you are asking me what it means I can tell you. If you ask me what that says I have told you. [7414]

Mr. Grossman: Your Honor, I think at this time that should be marked for identification. Quite obviously we are going to have a lot of questions to ask on it.

Presiding Inspector: Yes, I think it should be marked.

Mr. Del Guercio: I will be glad to have it marked.

Presiding Inspector: Mark it for identification.

(The document referred to was marked Government's Exhibit No. 293 for identification.)

By Mr. Del Guercio:

Q. Now, No. 17 on this document, on this copy of the paper that I have here, that has been marked Government's Exhibit 293 for identification reads: "Company representatives were later informed by Mr. Seward that union representatives had telephoned the Los Angeles Committee who had agreed to accept the offer, but because of the possibility of independent strike action being taken, the Washington representatives were urged to go to Los Angeles to present the matter fully to the membership at a meeting Saturday, May 31, 1941."

A. Right.

Q. Now, you knew about that, didn't you?

A. Well, no, I didn't in detail, only generally, but that is clear enough there. I explained how the committee was working, six in Los Angeles, three in

(Testimony of Harry Renton Bridges.)

Washington, and the three in Washington never had authority to accept that offer without the majority vote of the full committee and the membership. They could only accept it tentatively for presentation [7415] to the membership.

Q. Now, is it still your testimony that there was no agreement between the union and the company?

Mr. Gladstein: I object to that as calling for the opinion and conclusion of the witness, and in view of the circumstances, namely, that he isn't a party to any agreement, if there was one, that he is not—

Mr. Del Guercio: He was a party inasmuch as he is the State Director, your Honor.

Presiding Inspector: I think I will take it.

Mr. Grossman: May I say this: Mr. Del Guercio is getting into this kind of a field where if he gets in he is going to be all the way before he gets through. On whether there is an agreement doesn't depend the legality of an agreement; it depends upon whether a particular body of men——

Presiding Inspector: (Interposing) I suppose the pertinence of that—this is imaginative on my part—I suppose the pertinence of this is in relation to the conduct of the witness as the State superior officer of the CIO organization.

Mr. Grossman: Yes, but I mean asking——

Presiding Inspector: (Interposing) And so his attitude, his beliefs in it become material, if there is anything in it.

Mr. Grossman: Just a moment. I haven't explained what [7416] we mean by agreement. He has

(Testimony of Harry Renton Bridges.)

asked this question: Was there an agreement. Whether there was an agreement doesn't mean whether somebody offered an agreement.

Presiding Inspector: I think the question really means what was his understanding in that respect.

Mr. Grossman: All right. He should be asked that.

Mr. Gladstein: One more thing: Is it the Government's——

Presiding Inspector: (Interposing) I think that is the purport of the question.

Mr. Gladstein: The witness has already testified as to this particular strike, and as he has described it, in various situations he would not have direct supervision unless he were requested to come in and participate, that he has certain duties which he has outlined in a general way. It doesn't appear from the testimony that he had any duties or powers of any special character with respect to this particular strike.

Presiding Inspector: That may be, except under his general office that is all. He has general supervision of the unions in the State, as I understand it.

Mr. Grossman: No supervision in the sense that he could control this union.

Presiding Inspector: What "supervision" means, I don't know.

Mr. Grossman: Well, it is understood, is it not, that before the word "agreement" can be used in a question it must be defined by—— [7417]

(Testimony of Harry Renton Bridges.)

Presiding Inspector: (Interposing) It isn't proof that there was an agreement.

Mr. Grossman: No, I mean before the word can be used, since there are a variety of definitions, it must be defined either by Mr. Del Guercio or by Mr. Bridges.

Presiding Inspector: Oh, I think that Mr. Bridges understands this, that they are asking for his understanding of this.

That is right isn't it? You are asking for his understanding of this?

Mr. Del Guercio: That is correct.

Presiding Inspector: Yes. Of course, whether there was in fact an agreement may be outside of his knowledge, but you are trying to get his understanding of the matter.

Mr. Del Guercio: His understanding of the matter.

Presiding Inspector: Yes. I think we understand it.

By Mr. Del Guercio:

Q. Now, you say there was no agreement, that you had no knowledge of any agreement?

A. I was informed to the contrary; I checked on that.

Q. Well, where did you check; with whom?

A. I am not sure whether it was Connelly or Goldblatt. The way it works is this: Since I have been busy in the trial we have had to—we function through our other officials and the best I could do

(Testimony of Harry Renton Bridges.)

is to get reports from them from time to time as to what is going on. [7418]

Now, it was officially and definitely reported to me that there was no agreement reached in that Mediation Board, and the reason that I wanted to know is because of newspaper reports that there was confusion regarding the calling of the strike, and I was notified that no agreement had been reached.

Q. Now, who notified you of that?

Mr. Grossman: He has answered that question.

A. I am not sure whether it was Goldblatt or Connelly; it was one or the other, or both of them.

Presiding Inspector: He says he isn't sure.

By Mr. Del Guercio:

Q. Did you communicate with any other CIO official? A. Yes.

Q. Did you communicate with Mr. Murray?

A. I did.

Q. About this matter? A. Yes, sir.

Q. And what did Mr. Murray tell you?

A. I talked it over with him, gave him my ideas.

Q. With regard to this agreement that had been reached?

A. Oh, no, I am sorry, not in—well, indirectly we discussed the workings on the Mediation Board but not specifically that agreement, I don't think.

Q. Well, what did Mr. Murray say to you?

A. Well, I called Mr. Murray to discuss the mat-

(Testimony of Harry Renton Bridges.)

ter with him and give him my ideas on it and suggestions, and asked authority to do certain things. [7419]

Q. When was this conversation that you had with Mr. Murray?

A. I am trying to fix the—it took me 24 hours to get him. It was Monday, Monday night. I tried to reach him Sunday afternoon, and I didn't get him until Monday.

Q. Monday morning?

A. No. Monday, the first time—I had two or three conversations. The first time was definitely Monday night.

Q. You say you had two or three conversations? A. Yes.

Q. With Mr. Murray? A. Yes.

Q. When was the first one, the first conversation with regard to this matter?

A. I think that was Monday night.

Q. Monday night? A. Yes, sir.

Q. That is June, the——

A. (Interposing) It was last Monday night.

Q. Huh? A. This last Monday night.

Q. Did you talk to Mr. Murray before the plant was seized by the Government?

A. I don't think so. That is what I was trying to remember. It shouldn't slip my mind. I don't think I did. I [7420] was still talking to the local people and trying to reach Frankensteen. I was trying to reach Frankensteen Saturday night, but they were all pretty busy and I couldn't get

(Testimony of Harry Renton Bridges.)

none of the people down there Saturday night. They were busy apparently in the meeting.

Q. You didn't talk to Frankensteen prior to the time the plant was seized?

A. What is that?

Q. Did you talk to Frankensteen prior to the time the plant was seized?

A. I couldn't get him at any time; I couldn't get him at any time.

Q. When did you talk to Frankensteen?

A. The first time I got him was Tuesday morning.

Presiding Inspector: Is there any evidence as to the position that Mr. Frankensteen holds?

Mr. Del Guercio: We have Mr. Frankensteen here, if your Honor please.

By Mr. Del Guercio:

Q. What was your conversation with Mr. Murray?

A. I asked him for authority to go down and settle that strike and get those workers back to work.

Q. Just what did you say?

A. I told him it was a bad situation. I didn't——

Q. (Interposing) Did you say in what way it was bad? [7421] A. Yes, sir.

Q. Can you tell us?

A. 2500 troops are always bad in a strike for somebody.

Q. Well, just what did you tell Mr. Murray?

(Testimony of Harry Renton Bridges.)

A. That is what I told him. I told him I had faced a few bayonets myself and I didn't like to see a young group of people like those people down there—they are all young unionists, and I didn't like to see them facing bayonets.

Q. What did Mr. Murray say? Is that all you told Mr. Murray? A. No; I outlined——

Q. (Interposing) Tell me all that you told Mr. Murray.

A. I outlined a plan for settlement.

Q. What is that?

A. I outlined a plan for settlement, that I would go down there. I made reservation on the seven o'clock plane Tuesday morning to go down there.

Q. Well, now, you didn't tell that to Mr. Murray, did you? A. I did.

Q. All right. What else?

A. And I had a—the thing had developed to the point then where there was quite a wide breach between Richard Frankensteen, who was the Aircraft Director, and the local [7422] leadership, and I told Mr. Murray that the best thing I could do was to get down there and try to go between the two groups and get those workers together and tell them to get back inside that plant and get to work and "Let's fight for the demands back in Washington." And I asked Mr. Murray if I could tell them, those workers, that he would pledge himself along with the rest of us that we would carry

(Testimony of Harry Renton Bridges.)

on the fight through all the other channels we could to get them their 75 cents an hour.

Q. What did Mr. Murray say?

A. He said "O.K." Generally he was in favor of the plan, and I made arrangements to call him next morning between 4:30 and 5:00.

Q. Now, did you have any discussion over the telephone with Mr. Murray regarding your action in connection with the strike prior to the time the army had seized the plant? A. No.

Mr. Gladstein: The question is indefinite.

The Witness: I don't know what you mean by that.

By Mr. Del Guercio:

Q. None at all?.

A. Mr. Murray knows my action.

Q. Did you tell Mr. Murray that you had supported the strike prior to the time the army took it over?

A. No; he asked me my position; I told him my position. [7423]

Q. What was your position? What did you tell him was your position?

A. Well, I have just told you what that was; I told Murray.

Q. Prior to the time that the army had taken it over, had taken the plant over?

A. We didn't discuss that. There was no—we had other things to discuss. We weren't discussing the fact that the army had taken over. I didn't waste any time.

(Testimony of Harry Renton Bridges.)

Q. Did you tell him what your attitude was prior to the time that the army had taken it over?

A. No, there was no necessity to do that. He knows what my attitude is.

Q. Well, how did he know what your attitude was?

Mr. Gladstein: I will object to that as immaterial.

A. It was only two weeks ago I was back in New York talking to Mr. Murray, among other things talking about North American.

By Mr. Del Guercio:

Q. Did Mr. Murray support your action?

A. Mr. Murray is in favor of those workers' demands.

Q. That is not the question. I asked was Mr. Murray in favor of your supporting the strike?

A. I am sure he is, but it is up to what point you mean. Support extends to——[7424]

Q. (Interposing) Did Mr. Murray tell you he was in favor of calling a strike at the North American plant?

A. No, it hadn't reached that point. I don't think I discussed calling a strike.

Q. Did Mr. Murray say to you at any time that he would support the strike after it was called?

A. No, I don't think he did.

Q. Did you tell Mr. Murray that you had stated to three persons that you would support the strike after it had been called?

(Testimony of Harry Renton Bridges.)

Mr. Gladstein: That is a misstatement of the evidence. The witness hasn't said that he would support a strike in advance of the calling of the strike.

Mr. Del Guercio: There were three persons in Los Angeles that he was in agreement with; he told three persons——

Mr. Grossman: (Interposing) Let's get this question cleared up. Does it mean tell someone before the strike took place or after the strike took place?

Mr. Del Guercio: After the strike was called. The witness knows what I mean.

The Witness: Your Honor, I just want to say this much: What is causing the confusion here is this: In addition to being CIO Director I am the President of an organization that is on record to support these people, and I can take a position as President of the organization, and Mr. Murray or [7425] nobody else in the CIO has got anything to do with it except that organization. Any position I wish to take in regard to that strike as President of the longshoremen, that is our business and nobody else's.

By Mr. Del Guercio:

Q. Now, your position—— A. Now——

Q. (Interposing) Well, just a minute.

Mr. Gladstein: Just a moment.

Presiding Inspector: Let the witness finish his statement. I think this is an interesting statement.

(Testimony of Harry Renton Bridges.)

Go ahead, Mr. Bridges.

The Witness: And as the President of the organization I sent greetings and wishes to the strikers and that is all.

By Mr. Del Guercio:

Q. Yes, best wishes, wasn't it?

A. Best wishes. Well, they weren't bad ones.

Q. Now, your position in connection with the strike was contrary to the position taken by Murray, was it not? A. No. In what respect?

Q. In that Mr. Murray was opposed to the strike being called at the time that it was.

A. Oh, that may be so.

Q. And in its continuation?

A. I don't know so much about that.

Q. Now, you know, as a matter of fact, that it is [7426] Mr. Murray's position and was Mr. Murray's position——

A. (Interposing) Against the strike being called?

Q. Yes.

A. Well, if we are arguing Mr. Murray's position, or whether I was in agreement with it or not——

Q. (Interposing) Were you against the strike being called?

A. Under the circumstances, yes.

Q. Did you express that to anyone?

A. To who?

Q. To anyone? A. Well, the strike——

Q. (Interposing) At the time?

(Testimony of Harry Renton Bridges.)

A. The strike was an unexpected occurrence to me. I was busy up here.

Q. After it had been called you sent them your best wishes.

Presiding Inspector: You have had that several times.

Mr. Gladstein: He said that six times.

A. Certainly. After the strikers—after the strike was called and the workers are meeting down there, and it was a tense and tight situation, you are not going to be able to have the confidence of those workers and be able to give them proper advice that they might respect and listen to if you go around acting a certain way. I was operating on the basis [7427] that I wanted to be in a position that when I advised those workers to do something they might listen to me, and eventually maybe they did.

By Mr. Del Guercio:

Q. And you had advised them to continue out on strike?

A. I had not at no time. The strike was called Thursday and on Saturday night I was trying to get in touch with all those leaders down there and couldn't raise one. As soon as I got a report Sunday morning I sent Goldblatt down there to try and do something about that strike because I knew the troops were going to move in.

Presiding Inspector: Now, Mr. Del Guercio, it is perfectly apparent that we can't finish tonight.

(Testimony of Harry Renton Bridges.)

Mr. Grossman: Your Honor, I don't know why we can't finish tonight. If Mr. Del Guercio wants to turn this hearing into an anti-labor hearing because he is trying to make some point because Mr. Bridges supports strikers, I suppose we can't finish tonight. If we are going to discuss the issues of this case I suppose we can finish.

Your Honor, we have been trying since the beginning of this examination to get a statement of the theory. The only theory I can see, Mr. Del Guercio condemns Harry Bridges for sending his good wishes to those strikers on Sunday morning. Otherwise there seems to be no theory to this cross examination. [7428]

Presiding Inspector: I don't know what theory there is, but——

Mr. Grossman: (Interposing) What other theory is there?

Presiding Inspector: Mr. Del Guercio assures the Inspector that he has a theory. I can imagine it is a conflict between the officers of the International Association and his position as the State leader. Now, I don't know.

Mr. Gladstein: Could we do this, your Honor: At the beginning of this examination we objected to it as being a lot of inquiry which did not appear to be material to any of the issues.

Presiding Inspector: Yes.

Mr. Gladstein: And at your Honor's remark Mr. Del Guercio said that he did have a purpose and he implied at least that that purpose would

(Testimony of Harry Renton Bridges.)

show that the line of examination was material, but he didn't prefer to state it at that time.

Now, this was almost an hour ago and it seems to me that it is about time to find out now that he has covered this North American strike how he contends that it is material, your Honor.

Presiding Inspector: I don't know. At least, I don't know definitely.

Mr. Gladstein: Could we not have a statement?

Presiding Inspector: You could imagine as well as I. Of course, you have thrown into the arena here the conduct [7429] of this man as a trade unionist.

Mr. Gladstein: Yes.

Presiding Inspector: And I suppose it has something to do with that?

Mr. Gladstein: Yes.

Presiding Inspector: You see, you have even gone and called expert witnesses.

Mr. Gladstein: So we have, your Honor.

Presiding Inspector: We will take a recess until tomorrow morning.

Mr. Del Guercio: If the Court please, we have one witness here we would like to call.

Presiding Inspector: Just a moment. [7430]

Mr. Del Guercio: We have one witness here who would like to leave tonight, if possible. I don't believe it will take very long.

Presiding Inspector: How long will it take?

Mr. Del Guercio: Not more than fifteen minutes.

(Testimony of Harry Renton Bridges.)

Mr. Gladstein: If it is Mr. Frankensteen it may take a long time because, I assume from the newspapers the subject matter that the Government intends to ask him about is the North American strike. They have gone into that with Mr. Bridges for an hour and Mr. Bridges wasn't personally involved or on the scene, and if they put Mr. Frankensteen——

Presiding Inspector: (Interposing) I don't suppose what actually happened there except Mr. Bridges' attitude toward it is very material, if there is anything here.

Mrs. King: If your Honor please, we suggested that Mr. Frankensteen be put on before Mr. Bridges. They refused to do that at that time. Now, they are complaining because we don't want to have him put on at this time of the night. If they wanted him on today why didn't they put him on before? Because they wanted to put Bridges in a hole is why they wouldn't do it.

Mr. Grossman: All they wanted to do is make a newspaper deadline; that is the only reason. We say this: We say this hearing can end today if they are going to stick to the issues. If they want to make it an anti-labor proceeding the issues are going to be longer and we are going to go into [7431] detail to show the anti-labor activities of the FBI and the pro-labor activities of Mr. Bridges.

Presiding Inspector: It isn't going to be anything of that kind.

(Testimony of Harry Renton Bridges.)

Mr. Grossman: We made a motion to strike at the beginning. It was stated at that time that we would permit Mr. Del Guercio to ask a few questions so that he could take someone by surprise before we asked him to state his theory. At this time, after an hour, he is still not prepared to state his theory. It appears to us irrelevant. We renew our motion to strike all this evidence.

Presiding Inspector: I will still permit this to stand because I don't think the matter is fully clarified. I think the purpose of it is to show what kind of a labor leader the witness is, the Alien. I can't imagine anything else, and I suppose that inquiry is opened.

Mr. Gladstein: Well, now, how long does the Government think the witness will take?

Major Schofield: Fifteen minutes.

Mr. Gladstein: It may be forty-five minutes on cross.

Presiding Inspector: You may not want to ask him anything.

Mr. Gladstein: I doubt that very seriously. If the Government intends to put on a man whom we wouldn't be interested in asking any questions on cross examination, or very few, then, it certainly can't be to put in evidence that we are [7432] interested in or which could be regarded as important in any way.

Mr. Del Guercio: He is a CIO official, if your Honor please.

Mr. Grossman: But you are not going to bring

(Testimony of Harry Renton Bridges.)

out the facts that we have. That is what will take the time.

Mrs. King: We would suggest that his testimony is immaterial anyway.

Presiding Inspector: Step aside.

(Witness temporarily excused.)

Presiding Inspector: Call your witness, but I am not going to tolerate this lasting any length of time. [7433]

Presiding Inspector: Step up and raise your right hand.

RICHARD T. FRANKENSTEEN

called as a witness in rebuttal on behalf of the Government, having been first duly sworn, testified as follows:

Presiding Inspector: Give your name and address to the reporter.

The Witness: Richard T. Frankensteen — F-r-a-n-k-e-n-s-t-e-e-n.

My home address?

Presiding Inspector: Yes.

The Witness: 18685 Roselawn Avenue, Detroit, Michigan.

Direct Examination

By Mr. Del Guercio:

Q. Mr. Frankensteen, what position do you occupy in the CIO?

A. I am National Director of Aviation.

(Testimony of Richard T. Frankensteen.)

Q. What is the UAW?

A. United Automobile Workers, an affiliate of the CIO. However, in my capacity I represent the CIO directly.

Q. Are you familiar with the dispute of the North American Aircraft Corporation employees?

A. I am.

Q. And will you tell us what you know about that dispute? [7434]

Mr. Gladstein: I object to that as immaterial. I think the Government's question should be confined. I would like to hear the story but——

Presiding Inspector: Are you going to show that Bridges knew of this, or was informed of it?

Mr. Del Guercio: He was informed of it.

Presiding Inspector: If he was informed of it I will take it, that is, to show that Mr. Bridges was informed of it I will take it.

Q. May I ask——

By Mr. Del Guercio:

Q. First—what is the bargaining agent for the North American Aircraft Corporation employees?

A. The United Automobile Workers—CIO.

Q. When did they make it the bargaining agent?

A. Well, they were certified some two months, two and one half months ago.

Q. Now, after they were certified did they make any demands? A. They did.

Q. And what were those demands?

A. There were many different demands—se-

(Testimony of Richard T. Frankensteen.)

niority, bargaining rights, wage adjustments, minimum wage standards, union shop—and various things that go with any contract.

Q. And to whom were those demands stated?

[7435]

A. They were submitted to the management of the North American Company.

Q. Did they come to any agreement?

A. No.

Q. And what was the result?

A. It resulted in a strike vote being taken, after which the situation was certified to the Defense Mediation Board.

Q. Who certified it to the Defense Mediation Board?

A. It was certified by Madam Frances Perkins.

Q. What did Miss Perkins do—did she take any action?

A. No, except to certify the fact that the strike, or that the negotiations were not able to produce results through the Mediation Department, and asked the Defense Mediation Board to try to their hand at settling the case.

Q. Did the National Defense Mediation Board take any action?

A. They set up a panel in the City of Washington for the purpose——

Q. (Interposing) What did the panel consist of?

A. The panel consisted of Dr. Dykstra, Tom Kennedy, Secretary of the United Mine Workers,

(Testimony of Richard T. Frankensteen.)

and I don't recall the third party to the panel, the representative of management.

Q. What action did the Mediation Board take?

A. I think I am a little bit ahead of my story—if [7436] I may go back a minute.

Q. Yes.

A. The first action that was taken, when the Committee arrived in Washington, I was present with the Committee, and we were unable to get a panel due to the fact that all panels were tied up in the various cases that were at that time before the Mediation Board. However, we did meet with the Secretary of the Mediation Board, Mr. Seward; and later in the afternoon we met with Judge Stacey, and were able to work out an agreement that any wages which resulted from the negotiations which would appear before the Board would be retroactive to the date of May 1st; and in return the Union agreed that during the time that the Board had this case before them, and for three days thereafter, there would be no strike in the plant of North American.

Q. Was that communicated to the union out here? A. It was.

Q. And who agreed to that?

A. That was agreed to by the three members of the Negotiating Committee who were sent to Washington by this union.

Q. Do you know the names of those?

A. Yes,—that was Mr. Wutanen—something of that sort.

(Testimony of Richard T. Frankensteen.)

Q. Walter S.?

A. Walter Wutanen; and Elmer Freitag, and Mr. Dave [7437] Simpson.

Those were the three, along with Lew Michener, Regional Director of the United Auto Workers, and myself, and Mr. Walter Smethurst, representing my office.

Q. Who represented the company?

A. For the company there was the President, Mr.——

Q. (Interposing) Mr. Kindelberger?

A. Yes, Mr. Kindelberger; and the Vice President of the company, whose name I don't know.

Q. Atwood?

A. Atwood is correct. And Mr. Neary, the Attorney for the company.

Q. McNary? A. No—Neary.

Q. Do you know the date this agreement was reached—do you have a copy of it?

A. Yes, I have. I have the original copy here.

Q. Mr. Frankensteen, will you compare it with what appears on Government's Exhibit No. 293 for identification and state whether it is the same, appearing on page 2 thereof, beginning with 1, 2, 3, 4, 5?

A. (Making comparison). That is correct; it is the same agreement.

Q. Now, among other things it was agreed that there was to be no strike? [7438]

A. That is correct.

Q. Until after what?

(Testimony of Richard T. Frankensteen.)

A. Until the Mediation Board had made its findings and then not until three days had expired if it was unacceptable.

Q. Had the Mediation Board made any finding?

A. Not yet.

Q. Have they yet made any?

A. They have not.

Q. And that was communicated to the officials out here, you say? A. That is correct.

Q. Now, do you know when the strike was called, Mr. Frankensteen?

A. Yes. It was called Thursday.

Q. Of last week?

A. Of last week. I believe it was June——

Q. (Interposing) Was that in accordance with the agreement? A. It was not.

Q. Was it in violation of the agreement?

A. It was in violation of the agreement.

Q. And do you know who called the strike?

A. The strike was called by the nine-man committee, Negotiating Committee, the three from Washington and the six who were left in Los Angeles. [7439]

Q. You named the three in Washington. Can you name the six out here?

A. Well, I would have difficulty in naming all them. There was Mr. Smith——

Q. (Interposing) Do you know his first name?

A. No, I don't. Have you anything that I might identify the names from?

(Testimony of Richard T. Frankensteen.)

Q. Just a minute. Was it Irvin J. Smith?

A. Correct.

Q. Elmer Freitag, was he another one?

A. Correct.

Q. William Goodman? A. Right.

Q. James Backman? A. Correct.

Q. Robert W. Mallory? A. Right.

Q. Walter Hathcock? A. Correct.

Q. William J. Pupos? A. Right.

Q. David Simpson? A. Right.

Q. And Walter Wutanen?

A. Correct. [7440]

Q. Now, what was the position of the International that you represent in connection with the strike?

A. I knew nothing of any plans for the strike except I did know there was a lot of tenseness in the air. I knew that the workers felt very keenly about their demands, and that there was much tenseness around the entire picture. But I knew nothing of any plan for a strike until one o'clock in the morning—that was one o'clock Detroit time—of the morning that the strike was to be called.

At that time I got on long distance phone, and spoke for 45 minutes to the Committee in Los Angeles urging them to withhold any action.

I spoke to Washington. I talked to President Murray, of my organization, and President Thomas, of the Auto Workers. I acquainted them with the situation and told them that I was unable to prevail, over long distance wire, with the Committee to

(Testimony of Richard T. Frankensteen.)

avoid calling the strike. I urged them, I threatened them, I practically begged them not to do it until we had a chance to exhaust the machinery that was set up before them.

I might say, if I may, that I also acquainted them with the fact that I thought that their demands were absolutely justified and that their demands could be met through the processes of collective bargaining with the Mediation Board.

I told them if they would stand solidly on their position that I thought we would come out all right and not be stampeded into wildcat action. But that was to no avail. [7441]

Q. What effect, Mr. Frankensteen, did the calling of the strike, and the strike have on the plant?

A. Well, the strike was 100 per cent effective in stopping production in the plant.

Q. Now, it resulted, did it not, in a complete shutdown of the plant? A. It did.

Q. And it was known that the plant had $200,000,000 in contracts for airplanes and other defense material? A. That is correct.

Q. And that is one of the reasons, is it not, that Mr. Murray, Mr. Hillman, and others in the National Defense Board, were opposed to the strike?

A. That is correct.

Q. What were they making in the plant there, Mr. Frankensteen?

A. Bombers and training planes.

Q. For the United States Army?

A. Correct.

(Testimony of Richard T. Frankensteen.)

Q. And also for Great Britain?

A. Also for Great Britain.

Q. What did the—the strike resulted, as you said before, in a complete shut-down?

Presiding Inspector: An absolute shutdown; 100 per cent effective. You can't get it any stronger than that. [7442]

By Mr. Del Guercio:

Q. How many planes a day are turned out of that plant a day?

Mr. Gladstein: I object to that as immaterial.

Presiding Inspector: I think we have gone far enough into the question, however, the question of whether Mr. Bridges knew anything about it is still open.

By Mr. Del Guercio:

Q. Now, Mr. Frankensteen, who, if you know, brought about this strike in the North American plant?

Mr. Gladstein: I object to that as immaterial.

Presiding Inspector: If he knows.

A. Who brought it about?

By Mr. Del Guercio:

Q. Yes.

A. Well, I think a very bad management, who stalled was greatly responsible for creating the sentiment that became very difficult to control. But for the actual calling of the strike the Committee of Nine were responsible.

Q. What did you do when the strike was called?

(Testimony of Richard T. Frankensteen.)

A. I immediately made plans to fly out to the west coast.

Q. For what purpose?

A. For the purpose of getting the plant to,—in operation by Monday morning. [7443]

Q. When did your arrive?

A. I arrived in Los Angeles on Friday night.

Q. On Friday night? A. Yes.

Q. Did you take any action Friday night?

A. On Friday night I called a meeting—I believe I arrived on Friday morning. Let me get this right. Yes, I arrived on Friday morning. I left Detroit Thursday evening on the first plane that was available for me to go out on.

I arrived on Friday morning, at which time I immediately called a meeting of all of the International Representatives who were working on my staff. I told the staff just exactly what I knew of the situation; I told them that I had been acquainted with certain facts that involved the seriousness of this situation; I told them that it was my understanding that the sentiment in Washington was such that it might bring repressive labor legislation against, not only this group, but the entire working class of people in the plants of this country; I told them that it was my position that this strike must be ended and ended at once; I told them I had information which made it very clear to me that just what did happen would happen, that the troops would be called into this picture; I told them that we had a union there of 600 people up until the

(Testimony of Richard T. Frankensteen.)

time of my arrival on the west coast when 6000 people came into the union during a three-weeks' period. I told them, in the first place that there was no justification [7444] for the strike, no justification of not exhausting the machinery we had at least until such time as we found out whether we had a chance to receive equity and justice before the Board, which I felt had been fair in their previous cases, such as the Mine Workers, Steel Workers, General Motors Workers, where decisions were rendered which were favorable to and equitable to the people involved.

I pointed that out to them and told them it was my position, the position of Mr. Philip Murray, President of my organization, that we should do everything within our power to see that that plant was put back to work on Monday morning.

I asked them to arrange a meeting, two meetings, rather, one for the following day with the members of the local negotiating committee and the chief stewards, and the Strike Committee leaders and all of the key people of the local union. I arranged that in my hotel.

I asked them if they would see to it that these people were there.

I asked them if they agreed with my position, and at that time all of them went down the line with my position completely. That includes the five men that I have since found it necessary to discharge from the payroll of my organization.

At that time they agreed to call this meeting, and to go out and arrange a mass meeting for Sunday at

(Testimony of Richard T. Frankensteen.)

this field, [7445] known as the bean field, across from the North American plant.

On Saturday I had this meeting with the Committee of Nine, and this Committee was supplemented by certain other leaders from the Local Union. But they refused to come to the hotel and said they would not meet me there; that they would meet me in their own office.

I told them I wasn't very technical, or very proud, and I would go any place they wanted to meet; that it was perfectly all right with me.

I met with that Committee at their office, and I told them much of what I am saying here, and I think much stronger because I was speaking to my own people.

I thought I had a very good response from them. It seemed to me they were quite susceptible, until I called upon the Regional Director of my own organization who got up and took an opposite position.

Q. Who was that?

A. Lew Michener—despite the fact that he had been notified by the President of my organization, by Mr. Thomas, the President of his organization, that the position I was expressing was the official position of my organization, he took an opposition stand and stated that he disagreed and would not ask these people to return to work; after which Mr. Wyndham Mortimer, who was working for me as an organizer [7446] out here, also got up and took an opposition position.

(Testimony of Richard T. Frankensteen.)

I then announced to the press that I was going over the head of the Committee. By that time, I might say, that the Committee joined in with these people who, after all, had had much more opportunity of working with these people and getting their confidence than I had had. They disagreed with my position.

I announced to the press that the meeting would be held on Sunday, at which time I would present the entire case to the workers themselves at the North American plant.

Q. This was all on Saturday?

A. On Saturday.

Q. Now, isn't it a fact that on Saturday the President had declared that if the strikers did not open up the plant on Monday the War Department would take over and operate the plant?

A. Well, I am not positive as to my dates. I have lived a month in the last five days.

Presiding Inspector: Haven't you covered this now?

Mr. Del Guercio: Just about.

Presiding Inspector: You have gone seven minutes over the time that you estimated. I don't want to hold you to it.

By Mr. Del Guercio:

Q. Did you also make a broadcast on Saturday night? [7447] A. I did.

Q. And did you, in that broadcast, declare the strike was a result of the vicious underhanded maneuvering of the Communist Party?

(Testimony of Richard T. Frankensteen.)

A. I did.

Q. Upon what information was that based, Mr. Frankensteen.

A. It was based on the functionaries who were hanging around the office; based on the people who were writing the leaflets; it was based on information which came to me, and which I do not feel that I ought to go into at this time because I don't think it would help anything.

Q. Did you also state you were taking that opportunity to serve notice on the Communists that they must keep their hands off the policy and affairs of the Aircraft Division of the CIO?

A. I did.

Q. On the West Coast? A. I did.

Q. And didn't you also state that that went for any other groups which may have an interest in influencing the affairs of your organization?

A. I did.

Q. And you meant that, did you not?

A. I did, and I do. [7448]

Q. And did you also declare that the strike was contrary to CIO policy? A. I did.

Q. That they would lose their CIO charter?

A. I did.

Q. And of the UAW? A. That is right.

Q. And didn't you also say that you were speaking with the full support of Mr. Murray and Mr. Thomas? A. I did.

Q. When was this?

(Testimony of Richard T. Frankensteen.)

Presiding Inspector: He said it was Sunday night.

The Witness: That was Saturday night, the broadcast.

By Mr. Del Guercio:

Q. When, on Saturday night?

A. Saturday night at seven o'clock, I believe, Los Angeles time; 7:00 or 7:30, I am not sure.

Q. Now, you say there was a mass meeting on Sunday? A. Correct.

Q. June 8th? A. Correct.

Q. What took place at that mass meeting?

A. Well, the mass meeting was called for three o'clock Sunday afternoon. There was a very fine turn-out.

Upon my arrival they started the meeting by putting on [7449] seven of the nine-man Committee ahead of me, who proceeded to harangue and point out the fact that I was trying to break their strike and lead them back to work, and break the morale of their workers, and sell them down the river. All seven of them took that approach.

I listened very patiently until it came my time to talk. When I attempted to speak, as soon as I was called to speak, a very well-planned demonstration was put on by hecklers, who were planted for that purpose. They had placards drawn with caricatures, which were not too complimentary to myself. These placards were waved at the same time, calling me a lot of things which I have never had to be

(Testimony of Richard T. Frankensteen.)

called before in a meeting. Every time I attempted to speak I was howled off the mike until, finally, I had to give up.

I got over several remarks, one of which was that I urged all of these people to return to their jobs on Monday morning, and that I would again go on the air and make clear my point inasmuch as they didn't have the decency to permit me to make it there.

I also stated that it was my opinion that 70 per cent of the people in attendance at that meeting; if given an opportunity to hear a fair presentation of the case and a democratic right to vote their sentiment, would vote to immediately follow the instructions of their organization and their leadership which, in my opinion, I think is sub- [7450] stantiated by the record, has been an honest leadership and a leadership that has brought many millions of dollars worth of gains to the people who have supported that leadership.

Q. You also read a telegram from Philip Murray?

A. I did—I did not. I read a telegram from Mr. R. J. Thomas, President of the Auto Workers, which advised these people that their action was in contradiction to the policy of the organization; that it was a wildcat strike, and urging them to comply with my request and get back on the job.

I attempted to read a telegram from Philip Murray, but by that time it became impossible for me to proceed any further.

(Testimony of Richard T. Frankensteen.)

Q. Was Murray against the strike?

A. Murray was definitely against the strike, advising the people that it was contrary to the constitution, and urging them to support their leadership in going back to work.

Q. What did you do after that?

A. I left there and proceeded back to my hotel, after which I arranged a broadcast on the air that evening advising the workers to return to their jobs the following morning; that they were not strike-breaking, that there was no strike called; that they had not been given an opportunity of voting as to whether they wanted to return, and advising them [7451] I would not permit a minority of hecklers to thwart their legitimate interests by keeping them out on the street against their government, their union, and everything else, without an opportunity of voting. I advised them to go back in the plant.

After that I suspended the five International representatives who had refused to follow the policy of their organization, suspended the Committee, and appointed an Administrator to take over the local union.

Q. Who did you suspend?

A. I suspended Wyndham Mortimer—I fired Wyndham Mortimer and——

Q. (Interposing) Do you know whether he is a member of the Communist Party?

A. I don't know that.

I might say this, so there is no confusion on this point: I didn't fire any of these five people on the

(Testimony of Richard T. Frankensteen.)

basis of any of their politics. I fired them on the basis that they refused to follow the policy of their organization, and on the basis that they had refused to accept orders from their superiors, and refused to carry out their assignments.

Q. But you were convinced that Communists were behind the calling of the strike?

A. That is correct.

Q. Who were the others?

A. Stan Douglas. [7452]

I want to say clearly all of these people are definitely not Communists.

Another was Stan Douglas—I wonder if I could get a little help on some of these—Arthur Kearns, John Orr, Sr., and John Orr, Jr.

Q. Irvin J. Smith?

A. The nine men that I have identified as members of the Committee I suspended from office in the local union.

Presiding Inspector: It is perfectly clear to me that if there is any cross examination at all it will take all day tomorrow.

Mr. Gladstein: I still don't see, your Honor, the point or the materiality of this.

Presiding Inspector: It has to be brought home to Bridges in some way.

The Witness: May I interject a point here?

Presiding Inspector: Yes.

The Witness: It is very urgent that I get back to Los Angeles. I think it is very dangerous for me to remain longer than tonight.

(Testimony of Richard T. Frankensteen.)

Presiding Inspector: They said that.

Mr. Gladstein: We would like to accommodate the witness and suggest that the hearing continue until the Government brings out whatever point it thinks is material in this case. [7453] It may be they will complete their examination and that there may not be any cross examination of any kind.

Presiding Inspector: We will go ahead for a few minutes longer.

I don't think they will get through with you, Mr. Frankensteen.

The Witness: I certainly hope so.

By Mr. Del Guercio:

Q. Did you suspend Irvin J. Smith?

A. I did.

Q. Do you know whether he is a Communist or not? A. I do not.

Q. Don't you know he registered as a Communist? A. I do not know that.

Presiding Inspector: He said he didn't.

By Mr. Del Guercio:

Q. Did you suspend Elmer J. Freitag?

A. I did.

Q. Do you know whether he is a Communist?

A. I don't.

Presiding Inspector: What difference does it make? Are you going to connect Mr. Bridges with all this?

Mr. Del Guercio: Yes; we are going to show Bridges' connection was in support of this strike.

(Testimony of Richard T. Frankensteen.)

Presiding Inspector: You are going to connect him with [7454] all of these things?

Mr. Del Guercio: Yes.

Mr. Gladstein: Why doesn't counsel ask Mr. Frankensteen direct questions as to what connection, if any, Mr. Bridges has with all this?

Presiding Inspector: Mr. Del Guercio is entitled to do it in his own way. Go ahead.

Mr. Del Guercio: You may cross examine.

Mr. Gladstein: I don't think we have any questions at all.

Presiding Inspector: You are excused, Mr. Frankensteen. You may go.

The Witness: I would like——

Presiding Inspector: We will recess until tomorrow morning.

The Witness: May I make a statement?

Presiding Inspector: What is it?

The Witness: I want to make a statement regarding my appearance here.

A lot has been said as to why I——

Presiding Inspector: You are here under subpoena.

Mr. Del Guercio: He was subpoenaed by the Government.

Mr. Grossman: I believe he is entitled to make a statement.

Presiding Inspector: Very well. [7455]

The Witness: I would like to say that I was summoned here under a subpoena served on me in the City of Los Angeles by the Federal——

(Testimony of Richard T. Frankensteen.)

Mr. Del Guercio: Be seated.

The Witness: Surely.

I should like to make this statement: That it is my considered judgment that some of the patterns set in this hearing are ominous ones for the future——

Mr. Del Guercio: (Interposing) We object to the statement being made.

The Witness: (Continuing)——of legal action in the United States.

After one exhaustive trial in which Mr. Bridges was completely cleared of charges against him, there is a hollow——

Mr. Del Guercio: (Interposing) I object to this.

Presiding Inspector: We will take it in the record. You have called the witness and I think you have gone far afield. I will take the statement. It doesn't make it facts. Let us hear what he has to say.

The Witness: I would like to go back and repeat the last paragraph.

After one exhaustive trial in which Mr. Bridges was completely cleared of the charges against him, there is a hollow mockery in this hearing and a double jeopardy which cannot but prejudice American workingmen against their [7456] government. They resent obvious unfairness and discriminatory practice whether it is practiced by the manufacturers for whom they work, or the government which they respect.

(Testimony of Richard T. Frankensteen.)

Attacks such as this one, aimed at a militant leader of labor who has made outstanding gains for the members of his union, and who has genuinely represented the interests of the American workers, exhaust the patience of citizens and causes them to seriously question the purpose of legitimate functions of government which may be exercised in the future.

Mr. Del Guercio: I ask that that be stricken from the record.

Presiding inspector: I will take that into consideration when the other motion to strike comes up.

Mr. Gladstein: That is all.

Presiding Inspector: We will adjourn now.

(Whereupon, at 5:15 o'clock p.m. an adjournment was taken until Thursday, June 12, 1941, at 10:00 a. m.) [7457]

Court Room 276,
Federal Building,
San Francisco, California,
June 12, 1941

Met, pursuant to adjournment, at 10:00 A.M.

[7458]

PROCEEDINGS

Presiding Inspector: You may proceed, Mr. Del Guercio. You want to continue with Mr. Bridges?

Mr. Del Guercio: If the Court please, I move

that the unasked for statement of Mr. Frankensteen, after the direct examination and cross examination had been completed, be stricken from the record. It is not testimony in any sense of the word.

Presiding Inspector: It was not testimony. There is no objection?

Mr. Gladstein: We oppose the striking of that statement.

Presiding Inspector: Why?

Mr. Gladstein: For the reason that here is a witness called by the Government, and although we chose not to direct any questions to him on cross examination, he had a statement to make, which was more nearly related to the issues in this case than anything that was sought from him on direct examination by the Government. He had an opinion to express with respect to the hearing and the calling of the hearing.

Presiding Inspector: He expressed his opinion as to this entire proceeding and it is a criticism of the Congress of the United States and of the Attorney General acting thereunder. It has nothing to do with the evidence in this case.

Mr. Gladstein: I would like to be heard on this, your [7459] Honor.

You will recall that during the testimony of Mr. Curran we sought to elicit from him what the position of the Congress of Industrial Organizations was with respect to the hearing; the second hearing in this case. Your Honor permitted that.

Presiding Inspector: Only in relation to his bias.

Mr. Gladstein: But your Honor permitted it.

Presiding Inspector: That was in relation to the bias of the witness.

Mr. Gladstein: If your Honor regards it as material or admissible on that issue then your Honor may entertain this statement on the same basis.

Presiding Inspector: You mean it strengthens the Government's case?

Mr. Gladstein: I——

Presiding Inspector: Is that what you mean?

Mr. Gladstein: I don't mean that.

Presiding Inspector: That is the only conclusion that could be drawn from your argument.

Mr. Gladstein: If your Honor thinks that is the basis of the admissibility, you are free to draw that inference, but we think the point is arguable. We don't think it establishes bias, but if that is the reason for which you allowed the other expression of opinion to be admitted we think this [7460] likewise should be permitted.

We think it comes queerly from the Government to put on a witness, build him up as the personal emissary of Mr. Philip Murray, head of the CIO, and obtain from him the facts concerning a strike, and which was charged yesterday, and we still feel is true, which indicates that the Government in a desperate last effort made an attempt to place the blame for what it considered an unjustified strike on Mr. Bridges shoulders.

Presiding Inspector: That isn't a matter that is before this tribunal.

Mr. Gladstein: Neither was all his testimony.

Presiding Inspector: If Mr. Bridges was acting in conflict with the leaders of the CIO an inference might be drawn from that that he was not a loyal labor man, and that is the only basis that I can see for all this testimony.

Mr. Gladstein: Is it not true that not one word was mentioned in all the testimony of Mr. Frankensteen, nor was one question asked him that in any way requested information concerning Mr. Bridges, or to connect him in any way with that strike mentioned by Mr. Frankensteen?

Presiding Inspector: You are quite right.

Mr. Gladstein: I say if the matter is immaterial at all then it seems to me that it is the position of the Government, if it wishes to have anything stricken from the [7461] record, it is the position of the Government, and its duty, to say frankly, "We have made a mistake. We thought there was material here that would be pertinent to the issues of the case, but we now see it is not and we ask that all of the testimony be stricken."

I think that should be the position of the Government if it moves to strike anything. [7462]

Presiding Inspector: Well, the time has not come for that——

Mr. Gladstein (Interposing): But he is now making a motion to strike portions of the testimony.

Presiding Inspector: Yes, because it is entirely irrelevant to this case.

Mr. Grossman: Your Honor, may I make a statement that I think is important?

Presiding Inspector: Yes, I will hear you both, then Mrs. King, if she wants to.

Mr. Grossman: As I understand this case, rules of evidence—as I understand the law, rules of evidence apply both ways. In other words, a yes answer is really a no answer and a no answer is really a yes answer. If necessary, I can take the time of this Court to go through the transcript and find time and time again references in answer to questions on the part of the Government of their witnesses: Why are you testifying? Why do you think this should be done with Bridges? And the answer in every case is: I think Harry Bridges is a Communist; I think what he does is bad for the labor movement; that is the reason I am here. I am not anti-labor; I am here because I think Harry Bridges is a Communist and that is bad for the labor movement. That is one side of it.

Presiding Inspector: Wait a moment. Didn't those [7463] answers come in reply to your questions?

Mr. Grossman: No, they did not.

Mr. Del Guercio: On the contrary; they emanated from the Defense.

Mr. Gladstein: I can show from the transcript that Mr. Del Guercio asked these people while they were testifying: Do you think you are a good trade unionist? Do you think Bridges is good for trade unionism, and so on. I can find those. That is one side of it. Now, we have, too, in answer to the Government's questions, not ours, or rather, in response to questions of the Government witnesses, not ours.

we have the opposite of that, the direct opposite of that, the testimony of this witness that Harry Bridges stands for the contrary of that, stands for what is good in trade unionism. Then, that is considered irrelevant. I say it is the direct evidence and I can show in the transcript the direct opposite of the testimony of the Government witness.

Presiding Inspector: Well——

Mr. Gladstein (Interposing): Could I have one more thing?

Presiding Inspector: You want to allow this to stand?

Mr. Grossman: Yes, sir.

Mr. Gladstein: Yes, sir.

Presiding Inspector: That means you want all the testimony he has given to stand? [7464]

Mr. Gladstein: Let *is* all stand.

Presiding Inspector: I said I would consider it together.

Mr. Gladstein: You pointed out when Mr. Del Guercio moved to strike the last remarks of Mr. Frankensteen—you pointed out that the Government had called the witness and that you thought the Government had gone far afield and you would allow the statement to be made. Now, I realize that statement on your part was made before the witness had completed his statement.

Presiding Inspector: Of course, I thought he was going to make a pertinent statement.

Mr. Gladstein: I certainly think that part of it is.

Presiding Inspector: Maybe.

Mr. Gladstein: If your Honor please, I call your attention to this portion of Mr. Frankensteen's statement: "Attacks such as this one, aimed at a militant leader of labor who has made outstanding gains for the members of his union, and who has genuinely represented the interests of the American workers—" and then he proceeded.

Now, there is a statement by a Government witness on an issue which definitely is pertinent in this case. Here is a witness who, pursuant to Government subpoena, showed himself as being opposed to Communists and Communism and against what he considered was the Communistic influence in a strike. [7465]

He was brought here, invited here and ordered here by the Government to establish that, and then, in effect, on cross examination, although he was not asked this, he expresses the kind of opinion evidence with respect to Mr. Bridges which already has been allowed in this case, your Honor. Therefore, on that theory his statement should not be stricken.

Presiding Inspector: He only says that incidentally.

Mr. Gladstein: Well, he says—of course, the entire statement is very short. It only consists of four or five sentences. That is one of the——

Presiding Inspector: (Interposing) Well, I am surprised at your argument, Mr. Gladstein: I am surprised at your argument.

Mr. Gladstein: Well, we were surprised at the testimony.

Presiding Inspector: So was I.

Mr. Gladstein: Well, of course, if none of the testimony has any relevancy in the case, and very frankly from a legal point of view I think it doesn't —that was the position that we took yesterday— but I say this: Rather than have the Government go about it piecemeal and ask to strike out that which most glaringly is opposed to them, why don't they be fair and——

Presiding Inspector (Interposing): I don't think anything is opposed to them.

Mr. Gladstein: Well, I think the statement is.

[7466]

Presiding Inspector: I think it is more in favor of the witness. It shows the attitude which he takes when he testifies.

Mr. Gladstein: Well, all right. Then, I can't see why the Government would move to strike it. We may disagree.

Presiding Inspector: Well, I am giving you my view, not the Government.

Mr. Gladstein: I understand. We may all disagree as to what the appropriate inference is that should be drawn from that testimony, but we have our views on it, and we think first that none of that evidence was material and we moved to strike it yesterday but that motion was not granted, and we made our objections. Second, that if any part of it is to remain in the record it should all remain in the record. Third, if the Government wants to strike out any portion it should be fair and ask that it all be stricken out. That is our position.

Presiding Inspector: Well, the Court, or the Ex-

aminer, Inspector, whatever he may be, won't pass on this at this time.

Mr. Gladstein: All right, your Honor.

Presiding Inspector: Proceed with your examination, Mr. Del Guercio.

HARRY RENTON BRIDGES

called as a witness in surrebuttal in his own behalf, having been previously duly sworn, testified as follows:

Further Cross Examination [7467]

By Mr. Del Guércio:

Q. Now, you stated here yesterday that you were in sympathy with the North American strike and that you would support the strike?

Mr. Gladstein: I object to that as a misstatement of the evidence. He has said he was in sympathy with the striker's demands.

Mr. Del Guercio: If the Court please——

Presiding Inspector (Interposing): I am not quite sure about that.

Mr. Del Guercio: If the Court please, the record shows that he said——

Mr. Gladstein (Interposing): What page, please?

Moreover, if your Honor will recall, there was a great deal of testimony as to whether Mr. Bridges supported the strike in advance or advocated it. The testimony is clear. He had nothing to do with the calling of the strike. His opinion was one that became material, if at all, after the strike had already been called and his testimony is repeatedly

(Testimony of Harry Renton Bridges.)

—I have gone over the transcript this morning—that he was in sympathy with and in support of their demands.

And I call your Honor's attention to Mr. Frankensteen's testimony who said that he and Mr. Murray both felt that the demands of that union were justified.

Presiding Inspector: We are not trying the strike. [7468]

Mr. Gladstein: Well, the Government put this entire thing into issue.

Presiding Inspector: Only as bearing—the only pertinence here is its bearing on the conduct of Mr. Bridges after he had knowledge of this condition, what he did.

Mr. Gladstein: Well, your Honor, the Government produced Mr. Frankensteen and didn't ask him one question concerning Mr. Bridges. What is the theory of the Government on this issue? Is it that Mr. Bridges because of his position as California CIO Director had the duty or the power to intercede in that affair, to prevent it, or after it began, to stop it, or attempt to stop it?

Presiding Inspector: Not to encourage it?

Mr. Gladstein: They haven't shown anything of any kind, nor did they ask anything of Mr. Frankensteen.

Presiding Inspector: They have shown, I think it was on Sunday, he sent a message. That was after the strike had been called. He sent a message of congratulation and best wishes.

(Testimony of Harry Renton Bridges.)

Mr. Gladstein: No; of greetings and best wishes and at the same time advised them to call the strike off.

Presiding Inspector: That may be.

Mr. Gladstein: That is the testimony, your Honor.

Presiding Inspector: It may be.

Mr. Del Guercio: That is not so, your Honor. We will [7469] prove and we will establish——

Presiding Inspector (Interposing): Well, go on and we will hear your examination. I don't know whether that question is correct.

By Mr. Del Guercio:

Q. Now, did you mean——

Presiding Inspector (Interposing): We will have to look up the transcript.

Mr. Del Guercio: Yes.

By Mr. Del Guercio:

Q. Now, did you mean by sending your best wishes to Mr. Connelley and the strikers on Sunday, after the strike had been called and before the Army came in, that you would support the strike even before the National Defense Mediation Board had acted?

Mr. Gladstein: I object to that as being been asked and answered not once but several times yesterday and a great explanation was made as to what this kind of telegram in trade union circles means.

Presiding Inspector: Yes, sir.

Mr. Gladstein: When you send fraternal greet-

(Testimony of Harry Renton Bridges.)

ings and best wishes.

Presiding Inspector: Yes, I think that is so, but I will let you sum it up in this one question.

A. No, that was not my position. I took no position [7470] on the strike at all. I had no detailed report. I was trying to find out what was actually taking place.

By Mr. Del Guercio:

Q. Well, as a matter of fact, you were in telephonic conversation with Mr. Connelly, were you not? A. Sure.

Q. During the strike?

A. Sunday morning.

Q. Yes, you knew what it was all about?

A. What was all about?

Q. What the strike was all about and what they were doing?

A. I knew what the strike was all about and I knew what was happening.

Q. Yes, and you knew and you were aware of the fact that Connelly told the strikers at this mass meeting in that field near the North American Plant on Sunday afternoon that you supported the strike and the strikers had your support?

Mr. Gladstein: Now, just one moment. I think that question is ambiguous. Obviously, Mr. Bridges —unless the Government claims he was in Los Angeles at the time this took place, and I am sure that they make no such claim——

Presiding Inspector (Interposing): No.

(Testimony of Harry Renton Bridges.)

Mr. Gladstein (Continuing): ——couldn't know what was taking place in Los Angeles on that day.

[7471]

Now, does the question refer to knowledge obtained after the event or to knowledge before the event or to authorization of the event, or to something that took place at the time of the event?

Presiding Inspector: You knew at the time? The question is as to your knowledge at the time that you sent the message.

The Witness: No. I called Connelly Sunday morning and we had a long discussion over the phone and I told Connelly that the troops were going to be in that plant, and I said "It looks bad and I don't think you can handle it", and advised him to tell the workers the circumstances, tell them that we thought that their strike was justified in so far as the demands were concerned but they were up against too much and he should advise them in the meeting that afternoon to go back to work.

By Mr. Del Guercio:

Q. Then, you did tell them that the strike was justified, didn't you?

Mr. Gladstein: I submit that has been answered.

Presiding Inspector: You can't make it any clearer, Mr. Del Guercio, than the answer does.

By Mr. Del Guercio:

Q. Now, have you ever repudiated what Connelly said to those strikers on Sunday?

Mr. Gladstein: Just a moment.

(Testimony of Harry Renton Bridges.)

A. I have——

Mr. Gladstein (Interposing): Just a moment, Mr. [7472] Bridges.

It assumes something not in evidence. There is no evidence as to what Connelly said to those strikers.

Presiding Inspector: I don't know what Connelly said to the strikers.

Mr. Del Guercio: Well, I just asked him whether Connelly told the strikers on Monday, on Sunday afternoon, that Bridges supported the strike and that the strikers had his support and best wishes.

Presiding Inspector: I don't think there is any proof of that.

Mr. Grossman: Mr. Del Guercio isn't testifying now.

Mr. Del Guercio: I am asking the witness if he does not know that.

Presiding Inspector: Let's find out what he knows. There is no proof on the question.

By Mr. Del Guercio:

Q. Didn't you know that Connelly had so stated to the strikers there on Sunday?

A. I didn't; I don't know yet.

Q. Didn't you read the newspaper accounts of what Connelly said?

A. That is the whole trouble; that is the whole trouble. You go too much by the newspapers. I have got the telegrams of Connelly in answer to

(Testimony of Harry Renton Bridges.)

me contradicting those newspaper accounts and notifying me that the story in the newspapers [7473] is incorrect, that he made no such statement.

Q. How many telephone conversations did you have with Connelly on Sunday?

A. Two or three.

Q. Was it before or after he had addressed the strikers? A. Only one before.

Q. How many after?

A. I think a couple.

Q. What did you tell him before the address?

Mr. Gladstein: I object to that as not having already been asked and answered once, but it has been gone into three times.

Presiding Inspector: This will be four. Go ahead.

A. I can give you the entire conversation that took place Sunday morning.

By Mr. Del Guercio:

Q. Give us that conversation.

A. I had spoken to Lou Goldblatt. We talked the matter over for two hours Saturday night, and we tried to get Connelly Saturday night; not only Connelly, but Frankensteen and any of the other leaders down there. I tried up to 11:30 in my office before I went home.

So I had two or three long distance calls pending Sunday morning.

I talked with Goldblatt again Sunday morning and we [7474] reached a decision Saturday night that the strike should be called off.

(Testimony of Harry Renton Bridges.)

Sunday morning I called Connelly and asked him for a complete report on the whole matter, what the Committee had done back in Washington, what they had reported back to the local union, what, if any, commitments had been made, and what the whole thing looked like.

Connelly was enthusiastic. He said, "Well, I have never seen anything like it. There is eight thousand or nine thousand young people down here, all young people, and you will have to be a second generation of America to work in the aircraft plants. They are mostly southwesterners, people from Missouri, Arkansas, Oklahoma and Texas. They are plenty tough and they were pretty wild and determined to get that 75 cents an hour." They had been under terrific pressure down there on this $19.60 a week, for many reasons, and it was all they could see. I even knew that. He didn't have to tell me that.

Connelly said, "Well, yesterday my wife and I, and my daughter, spent all day with the strikers, their wives and children, talking to them, feeling out the sentiment, seeing what they stood for, and how they felt."

He said, "It seems to me it is 100 per cent." He said, "To try and chase those people back to work is dynamite." He says, "Gosh, they will lynch me." [7475]

We talked about the strike, going back to the time that the Committee was in Washington with the Mediation Board. I got the whole history of that up to date.

(Testimony of Harry Renton Bridges.)

It finally wound up by me telling Connelly, I said, "I am in this position: You are down there. I haven't been there lately. I have only the reports. You are on the job. You know what the feeling is. You know what the people think. You are much closer to the situation. So I guess your judgment might be a little better than mine, but I haven't changed my mind yet. I still think it is too hot, and you ought to advise the workers to go back to work."

Q. You didn't——

A. (Interposing): Just a moment.

Then I said, "I am going to call Michener, or Frankensteen."

Connelly says, "I don't know." he says, "If you call Michener I don't know what good it will do. He is pretty set and he is pretty determined." He says, "You will throw him in a state of uncertainty and I don't think you will do yourself any good. He will just ignore you."

Then I asked about Frankensteen. I said, "I think I will call Frankensteen."

So he said, "Well, after yesterday afternoon's meeting——" Frankensteen had gone to the meeting the day before and it had been a very turbulent meeting, and he had gone on the air the night before and criticized the strikers, the leaders and so [7476] forth, and, he said, "The feeling between Michener and the other local leaders and the members, is very bitter." He said, "I don't know if you will do any good by getting in touch with Franken-

(Testimony of Harry Renton Bridges.)

steen. If you do why don't you notify the strikers you are doing it."

I talked about Michener or Wyndham Mortimer again.

The whole thing finally wound up by me closing my conversation with, "Well, maybe you fellows know what you are doing. But I still am of the same opinion. Anyway, I wish you luck. Say 'Hello,' to the strikers for me."

Now, that was all that was said.

Immediately then I got ahold of Goldblatt——

Q. (Interposing): Are you through with the telephone conversation you had with Connelly in the morning? That is all I asked you about.

A. Yes. I don't know if I had another one with him. I was thinking—I got hold of Goldblatt——

Q. (Interposing): Are we through with the telephone conversation with Connelly?

A. Yes.

Q. Let me ask you this: Then you knew Sunday morning what agreement had been reached before the National Mediation Board in Washington, D. C., didn't you?

A. No. Connelly told me, and Goldblatt told me that there had been no agreement reached.

[7477]

Q. No agreement reached? A. Yes.

Q. Isn't this what actually happened: You had received orders from the Communist Party to support this strike; and when you realized the asinine

(Testimony of Harry Renton Bridges.)

mistake you had made you tried to retract, but it was too late, isn't that what actually happened?

A. You are just a fool.

Q. You are the fool.

A. Do you want me to explain about the aircraft situation?

Presiding Inspector: Just a moment. We must keep order in this proceeding.

Ask the next question.

Mr. Gladstein: Certain answers seem to be naturally called for to certain questions.

Presiding Inspector: No discussion.

By Mr. Del Guercio:

Q. You were aware that the President and the Congress of the United States had established this National Defense Mediation Board?

A. I am well aware of it.

Q. And you were aware that the Union down there, and the representatives of the Company, Company officials, had put this dispute before the National Defense Mediation Board? [7478]

A. I am aware of much more than that. I think I had ought to be allowed to explain what led up to that.

Q. And you——

A. (Interposing) I am aware of this much——

Presiding Inspector: You will have an opportunity.

The Witness: All right.

By Mr. Del Guercio:

Q. And you professed, did you not, that you

(Testimony of Harry Renton Bridges.)

would only resort to a strike only after mediation and negotiations had failed?

Mr. Gladstein: That is a misstatement of the evidence. The witness' testimony to that is——

Presiding Inspector: I don't think he is quoting the evidence. He is asking him independently.

Mr. Gladstein: We are now going into the question—if Mr. Del Guercio wants to open this up in detail—as to whether it is possible for a labor leader to say, "I am in favor of never striking until there has been mediation or until there has been arbitration"——

Presiding Inspector: That is argumentative. We will let him answer the question. It doesn't purport to be a quotation from the evidence.

Mr. Gladstein: Very well.

A. At the last meeting of the National Executive Council of the CIO, I think the action, of the vote on the [7479] proposal at that time was unanimous, and I voted for it. We discussed the entire defense situation and its relation to labor, and the Council worked out a plan that the facilities of all Government agencies would be used to the fullest extent before a strike was called. I followed that program absolutely.

By Mr. Del Guercio:

Q. But you knew on Sunday, and before you sent your best wishes to the strikers, and your support, you knew then that this strike had been branded as an outlaw strike by Philip Murray?

A. I did not.

(Testimony of Harry Renton Bridges.)

Q. You hadn't read the newspaper account of it?

A. I received no word—and I can't go by the newspapers.

Q. You heard Mr. Frankensteen testify yesterday that it had. Do you believe Mr. Frankensteen?

A. No.

Presiding Inspector: That isn't proper.

Mr. Gladstein: That is argumentative and improper.

By Mr. Del Guercio:

Q. You knew, did your not, that this strike was a Communist inspired strike?

Presiding Inspector: Do you know that?

A. I don't, no—I am sure it was not. [7480]

By Mr. Del Guercio:

Q. You heard Mr. Frankensteen testify on the stand that it was a Communist inspired strike?

Mr. Gladsteen: I object to that as improper and I think counsel should be cautioned that that is not the proper method of questioning the witness: whether he heard somebody, and whether he believes him or not. As your Honor has ruled a dozen times, that is not proper questioning.

Presiding Inspector: No.

Mr. Del Guercio: This witness here is a CIO official. He is the State CIO Director.

Presiding Inspector: Yes.

Mr. Del Guercio: Here is Mr. Frankensteen, who is also a higher official than this witness in the CIO ranks, who appears on the stand here and tes-

(Testimony of Harry Renton Bridges.)

tifies, and states under oath that this strike at the North American plant was Communist inspired. He knew what he was talking about.

Presiding Inspector: But this man may not know. You already asked him and he said that he doesn't know. In fact, he says he knows it isn't.

Mr. Grossman: If anything——

Presiding Inspector: I have ruled in your favor.

Mr. Grossman: Did you say he could ask a question about it being Communist inspired?

Presiding Inspector: He did. [7481]

Mr. Gladstein: It was asked and answered.

Presiding Inspector: And he answered it.

By Mr. Del Guercio:

Q. Did you tell Connelly on Sunday, at any time on Sunday, that he should urge the strikers to go back to work and wait until the National Defense Mediation Board had acted? A. Yes.

Q. When was that? A. Sunday morning.

Q. Sunday morning.

A. Yes. Well, I didn't do it in this way—I didn't tell Connelly in effect, "Here is what I order you to do." I gave him my judgment. I said, "If I was handling this, this is what I would do, and advise the strikers that the circumstances"—the whole conversation turned around that point. I told Connelly that the men were 100 per cent right in their demands; that in so far as the strike was concerned, under ordinary circumstances it might be one matter; under the present circum-

(Testimony of Harry Renton Bridges.)

stances it was an entirely different thing; and in view of all the facts and the conditions it was my judgment that the people down there in charge should work to call it off.

You have got to understand I had no authority in that strike. I was never contacted, and interfered of my own volition. As a matter of fact, I exceeded my authority, [7482] and that is all you can do in these cases. I was not called into the strike by Frankensteen, or any of the local leaders, or Philip Murray. I went ahead of my own idea at that time, because I thought it had gone far enough, and I started to step in and see what I could do.

Q. Was it your own idea?

A. My own idea; no other except my own idea and that is where it came from.

Q. You sent a telegram on June 11, 1941, to Mr. Connelly, did you not, or did you send it to Lou Goldblatt to give to Mr. Connelly?

A. To the strikers.

Q. The strikers?

A. Yes. I sent a telegram down there to that Tuesday morning meeting.

Q. Did you state in that telegram in part as follows, on June 11th, after the army had taken over the plant:

"I sincerely and urgently advise the North American workers to return to work as an organized body in view of the extreme circumstances."?

A. Yes.

(Testimony of Harry Renton Bridges.)

Q. Did you state that? A. Yes.

Q. Did you also state:

"There can be no question that their strike was for a [7483] just and reasonable demand."?

A. Right.

Q. Did you state that? A. Right.

Q. Did you also state:

"Expressly so when we recognize the tremendous profits being made by airplane manufacturers under Government contracts."?

Did you state that? A. I did.

Q. Did you also state:

"My recommendation to end strike takes into consideration the array of powerful forces aligned against the strikers and no body of workers, no matter how courageous and how just their fight is, can be expected to face such odds as the United States Government, its armed forces and the hysterical propaganda aimed at inciting the American people against labor's struggles."

Did you state that? A. And how I did!

Q. Did you also state:

"The striking workers should know that they have demonstrated their solidarity"——?

A. They have to.

Q. You got that in the Communist Party Manifesto, [7484] "Solidarity," didn't you?

(Laughter from spectators.)

A. (No answer.)

Q. Didn't you also state:

"* * * and fighting ability to the entire nation and that a return to work in face of the odds

(Testimony of Harry Renton Bridges.)

against them is no defeat but an organized and strategic retreat in the interests of their own membership and of all labor."

Did you state that?

A. I certainly did. I stated a little more.

Q. Why didn't——

A. (Interposing) I stated a little more.

Q. Why did you state that they should return to work only because of the odds against them?

Mr. Gladstein: I think that is a misstatement. I don't recall the telegram stating they should return only because of the odds against them.

Presiding Inspector: But he gave certain reasons.

Mr. Grossman: Mr. Del Guercio is only entitled to quote from the telegram and ask, "Did you say that?"

Presiding Inspector: I think that is argument.

Mr. Del Guercio: I think the Court can draw the inference from the telegram.

Presiding Inspector: I think the evidence is in.

By Mr. Del Guercio: [7485]

Q. You knew at that time when you sent this telegram that the North American Plant was engaged in turning out airplanes and other vital needs for the national defense, didn't you?

A. I have known that for years.

Q. Are you in sympathy with that?

A. Just what do you mean?

Q. With the turning out of airplanes and other implements of war in aid of national defense?

(Testimony of Harry Renton Bridges.)

A That all depends.

Q. It all depends—you have a qualification, haven't you?

A. Those plants have been turning out airplanes for some years past. I know where some of them have gone. I can tell you we done something about it. You are asking me about aircraft, and outside of foreign influences, I can tell you something because I reported it to your department a couple of years ago. If you want my attitude on it I am ready to give it to you.

Q. You knew that the calling of that strike has paralyzed a vital defense industry?

Mr. Gladstein: I think that is immaterial, your Honor.

Presiding Inspector: I think that is immaterial.

The Witness: I want to get this clear.

Presiding Inspector: You are not to answer yet.

[7486]

By Mr. Del Guercio:

Q. And in spite of all that——

Mr. Grossman: (Interposing) All what?

Presiding Inspector: I excluded the question.

Mr. Del Guercio: You excluded it?

Presiding Inspector: It is all argumentative. I don't think there is any evidential value in the question.

By Mr. Del Guercio:

Q. Now, did you mean to say in this wire that you sent Connelly, through Lou Goldblatt, that if the strikers were strong enough to resist the United

(Testimony of Harry Renton Bridges.)

States Army they should continue to encourage, that Connelly should continue to encourage them in remaining out on strike—is that what you meant to say?

A. If you want an explanation of what I meant to say you will get it. I can explain the telegram, and how it was sent, and why, and in conjunction with who. That telegram was sent in conjunction with Philip Murray and Richard Frankensteen.

Q. Had you discussed this with Murray and Frankensteen?

A. Yes. They knew exactly what I was going to do.

Q. On June 11th?

A. Oh, yes, sir. I was talking with Philip Murray from 4:00 o'clock in the morning on.

Q. Had you been in contact with Mr. Frankensteen on [7487] June 11th?

A. I called him just before I sent the wire.

Q. And did you read the wire that you sent through Goldblatt to Frankensteen?

A. I told him exactly what I was going to send. I called Frankensteen twice and, in between times, I called the local leaders down there and advised them to do the same thing, and said the wire was going down in conjunction with Murray and Frankensteen, and I mentioned it in the wire. You didn't read it.

Q. This was after the army——

Mr. Gladstein: (Interposing) Do I understand that counsel has been reading only a part of the telegram and not all of it?

(Testimony of Harry Renton Bridges.)

Presiding Inspector: That is what the witness says.

Mr. Del Guercio: Unfortunately, I only have that portion of the telegram that was quoted in the People's World, a Communist newspaper.

Mr. Grossman: Do you consider it reliable?

Mr. Del Guercio: No, I do not, but your client here does, and has so stated.

Presiding Inspector: Let's not——

Mr. Grossman: (Interposing) Evidently you consider it——

Presiding Inspector: Quiet! Go on with this pro- [7488] ceeding in an orderly fashion.

Mr. Del Guercio: That remark from counsel was unnecessary.

Presiding Inspector: Go on.

By Mr. Del Guercio:

Q. Let's see what your attitude was in the lumbermen's strike in the northwest.

Mr. Gladstein: I object to that as immaterial. Now we are going into the lumbermen's strike.

Presiding Inspector: I suppose that is on the same point.

Mr. Gladstein: So far there is no point at all. You practically said the same thing, your Honor, in agreement with our contention as far as the North American is concerned.

Presiding Inspector: I say, and I still say that the only point in all this testimony is as to the action of Mr. Bridges as a labor leader.

Mr. Gladstein: Yes.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: And it may have some point. I am not saying whether it has or not. Of course, there is another implication which counsel seeks to draw; that, in view of the testimony of Mr. Frankensteen, there is action of this witness which the Government may claim indicates his affiliation with the Communist Party.

Now, you may say that is a far-drawn, far-fetched con- [7489] clusion. That is argumentative.

Mr. Gladstein: That would be the least by way of characterization.

Presiding Inspector: I merely intimated that that may be a possible claim. I don't know.

Mr. Del Guercio: That is one of our claims.

Mr. Gladstein: Then that is the sort of thing that you can find in page after page of the Dies Committee hearings, nothing but that sort of thing. You cannot establish anything with legal probative value in this case by having one witness get up on the stand and say, "I believe, or I have information to the effect that a certain strike was Communist inspired," and then, without anything more, because Mr. Bridges sent a telegram of greetings and best wishes to the workers who were on strike against conditions of $19.60 a week, claim that an inference should be drawn that Mr. Bridges is affiliated with the Communist Party. It is not just a question of being far-fetched. I think we have simply exhausted all possible imaginative limits of probative value. If the Government is willing to say now that that is the theory of their case, and

(Testimony of Harry Renton Bridges.)

that is the kind of evidence that they intend to rely on in their effort to deport Mr. Bridges,—well, I suppose we have to sit back and listen to them do it.

But we still want to make our legal objection, and we want the record to clearly show it. [7490]

Mr. Del Guercio: Counsel had full opportunity to cross examine Mr. Frankensteen concerning his statement here that this strike was Communist inspired. They apparently believed it and let it go because they didn't cross examine him on it.

Mr. Grossman: When we are talking about whether a strike is Communist inspired, we have what is considered in any court a legal conclusion. When we consider that Mr. Frankensteen stated clearly and positively that this strike was 100 per cent solid, what did he mean by that? He meant 12,000 workers who favored the strike. When he states it was Communist inspired, he didn't mean that they were all Communists. He was giving his legal conclusion. He is entitled to his opinion. We are not stating he is not. But to state that Mr. Frankensteen even intended to give something as factual testimony, is not correctly stating it. He was giving his opinion, solely his opinion, not purporting to be facts and it cannot be treated as if it were facts. Other people would reach a different conclusion from the same facts. Other people would say, "If 12,000 workers are solid, it couldn't be Communist inspired." Obviously, it is a conclusion.

(Testimony of Harry Renton Bridges.)

Mr. Gladstein: In addition, you must keep in mind the testimony of Mr. Frankensteen which he previously gave, and this was brought out in response to questions that were [7491] directed to him by the Government, that the leaders of the Strike Committee, for example, the men whom he found it necessary to discharge because they didn't obey the orders of the International Union, he said were not Communists.

Presiding Inspector: He said that in the case of some of them.

Mr. Grossman: All of them.

Mrs. King: Every one of them.

Presiding Inspector: He said that he did not discharge them because of any political views.

Mr. Grossman: He stated more than that. He stated those men discharged were definitely not Communistic and those, he stated, were the men who called the strike. That is according to his own testimony. Therefore, as Mr. Gladstein has pointed out, we are faced with this: That is whether one who merely thinks a strike is Communist inspired is enough to label anyone a Communist who supports it.

Mr. Gladstein: On page 7453 is part of an answer where Mr. Frankensteen is listing the people whom he suspended, or discharged. On the previous page it started:

"Q. Who did you suspend?

"A. I suspended Wyndham Mortimer."

Then he was asked:

(Testimony of Harry Renton Bridges.)

"Q. Do you know whether he is a member of the Communist Party? [7492]

"A. I don't know that."

Then he went on to say:

"I might say this, so there is no confusion on this point. I didn't fire any of these five people on the basis of any of their politics."

Later on he was asked:

"Q. Who were the others that you fired?"

He answered by naming Stan Douglas, and then he said:

"I want to say clearly all of these people are definitely not Communists."

The Government, it seems, is bound by the testimony of their own witness on that.

Mr. Del Guercio: May I proceed?

Presiding Inspector: Yes, proceed.

By Mr. Del Guercio:

Q. Now, June 11, 1941, when you sent this telegram to Connelly, through Lou Goldblatt, was the first time since the strike had been called that you came out publicly urging the strikers to return to work, isn't that a fact?

A. I didn't even come out publicly then. I haven't yet.

Q. But your telegram was published, was it not?

A. I don't know what happened to it. I know it was read, according to my instructions to the person to whom it was sent. Whether it was published or not I don't know. [7493]

(Testimony of Harry Renton Bridges.)

Q. You intended it to be read, didn't you?

A. That is right. It was read to the members, strikers.

Q. Now, did you, on June 6, 1941, send this wire to O. M. Orton, President of the CIO International Woodworkers of America:

"You have our unqualified and wholehearted support in your stand against the union smashing proposals of the National Defense Mediation Board. Congratulations on your courage and determination in the face of the extreme pressure that is being put upon you to sign away the fundamental rights and living standards of your membership."?

A. Did I send that?

Q. Yes? A. No.

Q. Didn't you and Matt Meehan send that wire?

A. No.

Q. Who sent it?

A. Matt Meehan sent it and signed "Matt Meehan and Bridges." I knew nothing about it. I read an account of it in the press and I sent a follow-up wire and said, "The wire does not represent my sentiment or opinions." That wire, I am sure, was sent on the same date, a little later than that one you refer to, and it is in the possession of Orton, and I have a carbon copy of it. [7494]

Q. Do you have a carbon copy with you?

A. Oh, yes.

Q. May I see it?

A. I do not have it with me. I can get it.

Mr. Del Guercio: Does counsel have it?

(Testimony of Harry Renton Bridges.)

Mr. Gladstein: No. We didn't anticipate questions of this kind. We will supply the telegram.

By Mr. Del Guercio:

Q. You are sure that this was sent the same day or the following day, on June 7th?

A. I am not sure. After all, we had our own strike——

Q. (Interposing) Let me refresh your memory. Is this the wire that you followed it up with:

"I.L.W.U. pledges full support to strike for improved hours wages working conditions of N. W. lumber workers against the notorious Weyerhauser. National defense should mean decent wage-hour standards just as important as large profits of industrial corporations. We regret that employer representatives on National Mediation Board were apparently able to influence Board against strike and sincerely hope you may be successful in urging C.I.O. Representatives on Board to offer reasonable basis for returning to work with substantial increase improvement for workers involved."

Is that the telegram you have in mind?

A. Yes. [7495]

Q. What is there in that telegram about you repudiating the one sent by Matt Meehan in connection with which he used your name?

A. I had better tell you the whole thing.

Q. Will you answer that question? What is there in that telegram wherein you repudiated everything sent in the earlier telegram on June 6th?

(Testimony of Harry Renton Bridges.)

Mr. Gladstein: The telegram speaks for itself.

A. There was another telegram. It is not in this telegram.

By Mr. Del Guercio:

Q. You sent another wire?

A. There is another wire; yes. Not only that, but I called Orton on the long distance phone, in the presence of Matt Meehan, as soon as the telegram came to my attention. I asked Meehan whether he sent the wire and he said "Yes." We had a discussion on it. I said, "I don't approve of the position taken by Orton, of any statements he has made carrying the implication that Philip Murray or Tom Kennedy were participating in the union's fight."

I called Orton immediately and I said, "I had no part in that telegram. It doesn't represent my sentiments and I advise you to wire Mr. Murray an apology if he has read that implication in your message." I said, "I am sending you a telegram to this effect, saying I had nothing to do with the [7496] sending of that telegram sent by Matt Meehan, and I will send you an official telegram expressing the opinion of our organization in connection with your strike."

You have got *in* there.

Q. The one I read last?

A. Then I have another telegram saying that the telegram sent and signed by Meehan does not in any way represent my sentiments, and so forth.

Q. Now, on the same day——

A. (Interposing) I can produce it.

(Testimony of Harry Renton Bridges.)

Q. Was the CIO represented on the National Defense Mediation Board? A. Sure.

Q. Who is that?

A. Philip Murray, Thomas Kennedy, they are the two ranking ones. There are panels and they change around.

Q. And you knew, prior to the sending of these telegrams to O. M. Orton, that O. M. Orton had had a conference with the National Defense Mediation Board in Washington, D. C., did you not?

Mr. Gladstein: I object to the question as being vague. Three telegrams have been mentioned. To which are you referring?

Mr. Del Guercio: All the telegrams.

Mr. Gladstein: You see, that is the point. The third [7497] telegram, the one signed by Matt Meehan, the only evidence there is on that is that it was a telegram not authorized by the witness to have been sent.

Presiding Inspector: But there is the first one.

Mr. Gladstein: But the question, in its present form, attempts to put into the record a question which——

Presiding Inspector: Let me hear the question.

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: It is put in a passive form. It doesn't imply that this man sent that Meehan-Bridges telegram. I will take it with that understanding.

(Testimony of Harry Renton Bridges.)

A. I knew that they had been in Washington conferring with the Mediation Board; yes.

By Mr. Del Guercio:

Q. And in sending the wire that you did, even the wire on June 7th, not to say anything about the first wire, you were defying, were you not, the National Defense Mediation Board?

A. What do you mean, "defying the Mediation Board"?

Q. Opposing it.

A. Well, if it is going to be illegal to oppose the Mediation Board it is something new to me. Any time I think the Mediation Board is making a recommendation to a group of workers that is not going to do the workers any good, I hope [7498] we still have the right to oppose it—possibly that is going to end soon—but at least we still have that right, and that position.

Q. And you set yourself up as a one-man judge to judge the National Defense Mediation Board?

A. No, I didn't; oh, no, I didn't. I was requested—after all, our unions work closely with the Woodworkers and the——

Q. (Interposing) North American?

A. And the North American?

Q. Yes. A. Oh, yes.

Q. Pretty close together? A. Yes.

Q. You know what is going on all the time?

A. I try to. I know pretty much what is going on. I would like to have you go into some of it, but

(Testimony of Harry Renton Bridges.)

in the case of the IWA, the two unions work very closely together.

When a group of workers are on strike, at least, they think they are right. When you are going to change their mind you don't want to kick them around the ears, but to handle them decently, and because we have always done that they listen to us.

Q. You don't believe that the representatives of the CIO on the National Defense Mediation Board can properly take [7499] care of those matters?

Mr. Gladstein: I object to that as argumentative and immaterial.

Presiding Inspector: I think that is pure argument.

By Mr. Del Guercio:

Q. Are you setting yourself up as superior to Sidney Hillman and to Philip Murray?

Mr. Gladstein: The same objection; it is argumentative.

Presiding Inspector: I thing that is argumentative.

By Mr. Del Guercio:

Q. You heard Mr. Frankensteen broadcast Saturday, didn't you? A. I didn't

Q. You didn't?

A. That is why I couldn't get him. I was trying to reach him on the long distance phone and he was broadcasting. I didn't hear him broadcast, nothing. I knew nothing about it until Sunday morning. I

(Testimony of Harry Renton Bridges.)

was tired and went home and went to bed Saturday night.

Q. Now, let's go back to your differences here, alleged differences with Harry Lundeberg. Isn't it a fact that your only differences with Harry Lundeberg have been that you are following the Communist Party line and that Harry Lundeberg is not, isn't that correct?

A. I don't think so. Lundeberg doesn't worry us much. [7500]

Q. That is the only fundamental difference between you and Harry Lundeberg.

A. All the differences I have had with Lundeberg have been on matters of policy in the Maritime industry, or in trade unions generally. But Lundeberg is not a large person; he is a small worry to us. [7501]

Q. And your only other difference with Harry Lundeberg is your disappointment that you were unable to get him into the Communist Party; isn't that a fact?

A. Well, after seeing him up here—he landed up here where I always figured he would land and it may be a good job he didn't get in, but I had nothing to do with it one way or the other.

Q. And Harry Lundeberg is not fighting you and has not been fighting you as an individual but is fighting you as a Communist; isn't that a fact?

A. I don't know. Lundeberg might be able to distinguish the difference.

(Testimony of Harry Renton Bridges.)

Q. Well, I think he can much better than you can.

A. Well, we might differ on that.

Mr. Gladstein: Your Honor——

Presiding Inspector: (Interposing) Now, we have got to have questions, Mr. Del Guercio, and not argument from counsel.

By Mr. Del Guercio:

Q. Now, you admitted that you had Harry Lundeberg up to dinner just once; is that correct?

A. That is right.

Q. That was the only time you had him up to your house, just that one time? [7502]

A. That is right.

Q. You never invited him before for dinner and you never invited him afterwards for dinner up to your house?

A. Oh, I think it is possible I had invited him before, that either he couldn't make it or I couldn't make it.

Q. You say at the time you did invite him when he was up at your house your wife was present?

A. Yes, sir.

Q. And you say there was another woman?

A. Yes, sir.

Q. Now, who was that other woman?

A. I think Lundeberg's testimony was correct in that I think it was Norma Perry.

Q. And she was your secretary at that time?

A. Yes; I think she brought him up there.

(Testimony of Harry Renton Bridges.)

Q. She was your secretary at that time, wasn't she?

A. She was my secretary.

Q. Employed by you?

A. No; employed by the union.

Q. And working under your supervision?

A. Oh, yes.

Q. Have you ever heard of Harry Lundeberg having conferences with Communist Party leaders like Sam Darcy, Schneidermann, Morris Rapport, and others of that kind, Elmer [7503] Hanoff?

A. Heard from who? Heard it from——

Q. (Interposing) Do you know of your own knowledge whether he had conferences with those Communist Party leaders?

A. No, I don't know; I don't remember.

Q. Uh-huh.

A. There is a mistaken idea that Lundeberg has a lot to do with—that I keep track of him and all the rest of it, but I don't know what Lundeberg does. He is small potatoes.

Q. He is what?

A. He is not very important in our affairs, you know.

Q. As a matter of fact, he is a lot bigger than you are; isn't that a fact?

Mr. Gladstein: Now, I think——

Mr. Del Guercio: I don't mean physically, either.

Presiding Inspector: Just a minute. I am not sure but what the answer of the witness gave some basis for that.

(Testimony of Harry Renton Bridges.)

Mr. Gladstein: What does the previous question say?

Presiding Inspector: The witness volunteered a statement as to the size of Mr. Lundeberg.

Mr. Gladstein: Well, I understood that, your Honor, but nevertheless if an answer is not properly in the record, then, the appropriate thing to do is to move to strike it as being unresponsive.

Presiding Inspector: I don't suppose he cares to strike [7504] it.

Mr. Gladstein: It is not for Mr. Del Guercio to begin arguing with the witness and to phrase questions of the last kind.

Presiding Inspector: That is true.

Mr. Gladstein: Which certainly can't advance us.

Mr. Del Guercio: I am not trying to argue with the witness. I am trying to get the truth from him. I know I am not succeeding.

Mr. Gladstein: I move that be stricken as highly improper.

Presiding Inspector: Yes, I will strike that out. I don't think this question helps any.

Mr. Del Guercio: Now, if the Court please, yesterday I offered for identification a document, the agreement reached before the National Defense Mediation Board.

Presiding Inspector: Yes, sir.

Mr. Del Guercio: I have today a certified copy of the agreement entered into before the representatives of the North American Aviation, Incorpo-

(Testimony of Harry Renton Bridges.)

rated and the United Automobile Workers of America, CIO, Local 683, entered into May 27, 1941, furnished by or certified to as being a correct copy by Ralph T. Seward, the Executive Secretary of the National Defense Mediation Board. I desire to substitute this for the one I [7505] offered yesterday.

Presiding Inspector: You may put it in, but you have had a reference to the other in the testimony of Frankensteen. I wouldn't substitute it. This is merely corroborative or a little more official. I don't think it is really necessary.

Mr. Gladstein: It really isn't because apparently it is——

Presiding Inspector: (Interposing) No, the same thing. It may be well, though, to have it in the record. I will take it but I don't think it can be substituted because it would affect the testimony of Mr. Frankensteen.

Mr. Gladstein: As well as portions of the other document which were referred to Mr. Bridges.

Presiding Inspector: That I don't remember.

(The document referred to was received in evidence and marked Government's Exhibit No. 294.)

Mr. Del Guercio: And I also desire to offer at this time the Federal Register containing an executive order ordering the taking over of the North American Plant by the Army.

Mr. Gladstein: I object to that as immaterial

(Testimony of Harry Renton Bridges.)

Presiding Inspector: I don't think it is very material. You have got the fact in.

Mr. Del Guercio: We want the executive order to show the exact situation here, a National Emergency existing, the public announcement of the President on Sunday. [7506]

Presiding Inspector: I don't see how it is any more harmful to you.

Mr. Gladstein: It isn't, your Honor. It is simply the question we raised yesterday.

Presiding Inspector: I think I will take it.

(The document referred to was received in evidence and marked Government's Exhibit No. 295.)

Mr. Gladstein: If the existence of a National Emergency means that rules of law must be suspended in this case and immaterial matters admitted, I suppose, it must be done.

Presiding Inspector: I will take it.

Mr. Grossman: I notice the document substituted for the document that was introduced for identification doesn't seem to be the same. If there is any difference we wish the other document to continue for identification.

Now, isn't it true that it is not the same document?

Mr. Del Guercio: There is no difference in so far as the agreement is concerned, so far as I know.

Mr. Grossman: There is more to the other than the agreement you asked questions on.

Presiding Inspector: We didn't strike the other.

(Testimony of Harry Renton Bridges.)

Mr. Grossman: Is it still in?

Presiding Inspector: Still in.

Mr. Grossman: I thought it was substituted.

[7507]

Presiding Inspector: No, I couldn't allow it to be substituted. That would affect the testimony of Mr. Frankensteen who made reference to the other.

Mr. Del Guercio: That is all, if the Court please, except with the reservation of the other matter we have in mind.

Presiding Inspector: Yes.

Mrs. King: Yesterday, I believe Mr. Del Guercio, you wanted to introduce in evidence some other pages of an IWW publication. I brought those other pages with me. I didn't know which ones you wanted.

Mr. Del Guercio: All of them.

(Whereupon the documents referred to were passed to Mr. Del Guercio.)

Mr. Gladstein: Your Honor, I would like to suggest while this is being done, so we can go over our notes to see what, if any, redirect examination we wish to make, that we might take a short recess, our morning recess at this time.

Presiding Inspector: Yes, we will take a short recess.

(Whereupon a short recess was taken.)

Mr. Gladstein: We will only have a question or two, your Honor.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: Yes. Shall we proceed?

Mr. Gladstein: Yes. [7508]

Redirect Examination

By Mr. Gladstein:

Q. Has it ever been true that your only difference, or any difference between you and Harry Lundeberg has been the question of following the Communist Party line or the question of Mr. Lundeberg joining the Communist Party?

A. I have never had any single difference with him on that point at no time.

Q. Have your differences been other than those which have been described in your testimony yesterday?

A. No, simply trade union policies, that is all, tactics.

Q. Did you ever in your home or at any other place ever tell Harry Lundeberg that you were a member of the Communist Party?

A. No.

Mr. Del Guercio: That has been gone into, your Honor.

Presiding Inspector: Well——

Mr. Gladstein: (Interposing) I don't know that it has.

Mr. Grossman: No, that was not gone into.

Presiding Inspector: I thought that was answered.

Mr. Grossman: No, it was not. That was omitted. That is why it is asked today.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: I think it was answered the same [7509] way.

By Mr. Gladstein:

Q. Or did you ever say in these words or in substance that he had nothing to be afraid of, that he should join the Communist Party?

A. No.

Mr. Gladstein: That is all, your Honor.

Presiding Inspector: Anything further from this witness?

Mr. Del Guercio: No, excepting for that matter that——

Presiding Inspector: (Interposing) Yes. You have finished with this witness?

Mr. Del Guercio: Yes, sir.

(Witness excused.)

Mr. Del Guercio: We have one other witness. We have a short witness here, about five minutes.

Presiding Inspector: Better call him.

Mr. Gladstein: Before we rest I wish to make this statement: I realize it is not in the nature of evidence, your Honor—you will recall during the cross examination of Mr. Lundeberg that a question was raised as to the membership of the Sailor's Union of the Pacific at the very start of the 1934 strike.

Presiding Inspector: The number of members.

Mr. Gladstein: Yes, sir; and at our request Mr. Lundeberg agreed that a representative of our office

or of the Defense could examine the files of that union. [7510]

Presiding Inspector: Yes, sir.

Mr. Gladstein: We have taken advantage of that opportunity and I simply point this out: Our representative, in the presence of Mr. Lundeberg and Mr. Prevost, an assistant of Mr. Lundeberg, and also in the presence of a third man, on June 11th at about 8:45 in the morning in the office of the Sailor's Union of the Pacific, was shown certain files containing certain cards, membership cards, and he was directed to three files in particular and was told that those files contained the membership cards indicating dues payments prior to 1934 and particularly prior to the 1934 strike.

These cards, all of the cards represented the total membership of the Sailor's Union of the Pacific for a long period of time and our representative was told that there were probably between two and three thousand cards in those boxes. It was impossible for him, in the time that he had, to examine all of the cards so he examined a sampling of one hundred cards at random. In the first group of 40 that he examined there were four which indicated dues payments during the month of May 1935, or during any of the three months immediately prior thereto.

Mr. Del Guercio: Is this testimony?

Mr. Gladstein: No; I stated this is not testimony; I have stated that. I make this statement because of something that I wish to say for the record. [7511]

In the next group of 40 samples there were seven such cards.

Presiding Inspector: I suppose you ought to substantiate this if it is going to be of any effect.

Mr. Gladstein: I realize that it will not have probative effect.

Presiding Inspector: No probative value, but there is something you are coming to?

Mr. Gladstein: Yes, sir. In the last group of 20 there were no such cards.

Now, in a great many of the cases of the cards, of the 100 cards that were examined the stamps indicated dues payments for such early years as 1919 or 1926 or 1928, and then there would be a lapse or gap between those early years and some later year such as 1936, and many of the cards bore notations to the effect that the member was reinstated upon the payment of four months dues and the date of reinstatement was given as some time in 1935 or late in 1934 or some later date.

Now, it would obviously be impossible, unless we wished to extend the hearing, to take the time to make a complete analysis of those cards.

We do not feel that the matter is of sufficient importance to warrant that and we don't feel that the hearing should be protracted for that reason, so I make this statement simply because if I did not do so the record would show that we had [7512] made a request of Mr. Lundeberg and that had we said nothing else as to what had been done with respect to that request an inference might be drawn that we had not taken advantage of it, or were appre-

hensive about doing so. That is the reason that I make this statement.

Mr. Del Guercio: Well, I think, of course, the entire statement should be stricken in view of counsel's statement that it has no probative value. It is argument of counsel.

Presiding Inspector: All they want it to appear, they took advantage of the offer but they could come to no conclusion on it.

Mr. Del Guercio: That is the only statement I think should be permitted to stand in the record.

Presiding Inspector: Well, that is the essence. I think, and that is what I will take from it.

Mr. Del Guercio: May we call our next witness?

Mr. Gladstein: What is this? Surrebuttal?

Presiding Inspector: I don't know what this is. We have lost all track of——

Mrs. King: (Interposing) It seems to me your Honor, we should not be required to close our case before the Government calls its last witness because that witness may affect the future conduct of our case. [7513]

Presiding Inspector: All right, I will take that into consideration if you throw yourself on the mercy of the Inspector.

Mr. Gladstein: Is this the last witness, Mr. Del Guercio?

Presiding Inspector: I don't know?

Mr. Del Guercio: Yes.

Presiding Inspector: Call the witness.

FOSTER HAILEY,

called as a witness in rebuttal on behalf of the Government, being first duly sworn, testified as follows:

Presiding Inspector: State your name for the reporter.

The Witness: Foster Hailey, H-a-i-l-e-y.

Direct Examination

By Mr. Del Guercio:

Q. What is your occupation, Mr. Hailey?

A. Reporter.

Q. With what newspaper?

A. The New York Times.

Q. Were you present in Los Angeles on Sunday the *9th* of May, 1941?

A. Is that Sunday.

Q. Yes. A. Yes, I was.

Q. And where were you in Los Angeles? [7514]

A. Well, I was at various places.

Q. Well, did you attend a mass meeting of the strikers of the North American Corporation on that day? A. I did.

Q. And did you hear—where was that held?

A. Well, it was held in what they call a bean field, a big open field to the north of the North American Aviation Company Plant.

Q. And who was present, that is, what kind of an affair was it?

A. Well, it was a meeting of the—supposed to be a meeting of the strikers at the plant.

Q. And who was addressing the strikers?

(Testimony of Foster Hailey.)

A. Well, there were several people addressing the strikers. First, there were the members of Local 683's Negotiating Committee; then, Mr. Frankensteen. Following that I went to telephone my story to that point to New York City, and then I returned and heard other speakers.

Q. Did you hear Mr. Connelly speak?

A. I did.

Q. Did you hear what Mr. Connelly—did Mr. Connelly say anything with reference to Harry Bridges? A. Yes, sir.

Q. What did he say?

Mr. Gladstein: I will object to that as calling for [7515] hearsay, your Honor, of a secondary character and as being immaterial.

Mr. Del Guercio: Now, if the Court please, this isn't hearsay. We have now that situation there at the strike. We have Harry Bridges' admission that he sent his best wishes and his support to the strikers. We have Bridges' admission that he was in telephonic conversation there with Connelly.

Presiding Inspector: Afterwards?

Mr. Del Guercio: Sir?

Presiding Inspector: Afterwards?

Mr. Del Guercio: Afterwards. We say before, too.

Presiding Inspector: Yes. Was he in communication with Connelly afterwards?

Mr. Del Guercio: Yes, before and afterwards.

Mr. Gladstein: Now, if your Honor please, as I understand it, the Government is now attempting

(Testimony of Foster Hailey.)

to prove something that Mr. Bridges is supposed to have done or said by——

Presiding Inspector: (Interposing) Well, to Connelly.

Mr. Gladstein: (Continuing) ——by virtue of what Mr. Hailey says he heard Mr. Connelly say.

Now, if your Honor please, that is the kind of hearsay that is inadmissible particularly in view of the fact that the Government has not established the unavailability of Mr. Connelly. [7516]

Mr. Del Guercio: Now, if the Court please——

Mr. Gladstein: (Interposing) Then of course, the primary proof as to whether Mr. Bridges authorized anybody to say anything, if so, what would come directly from Mr. Bridges, that has been gone into. Now, if the Government wishes to claim any conflict, or that it wishes to finish the picture, if a man named Connelly is supposed to have said something, if there is no proof that he is unavailable—and there hasn't been any such proof—then, I think it is their obligation to produce Mr. Connelly, not somebody who happened to be down there and heard Mr. Connelly's remarks.

How can Mr. Bridges be bound by that sort of testimony?

Presiding Inspector: I don't think he can.

Mr. Del Guercio: Now, if the Court please, you must understand that Mr. Connelly was speaking for Harry Bridges. He is also a representative of the CIO and a representative of Bridges.

Presiding Inspector: No, that doesn't make any

(Testimony of Foster Hailey.)

difference. It is a question of evidence here. Shouldn't you produce Mr. Connelly?

Mr. Del Guercio: Well, of course, Mr. Connelly is unavailable to us on account of his position in the matter.

Presiding Inspector: That wouldn't make any difference. He is subject to subpoena. [7517]

Mr. Gladstein: Mr. Frankensteen is one of the same kind of witnesses and he came in response to the subpoena.

Mr. Del Guercio: I am talking about the Communist Party.

Mr. Goodwin: May I say something?

Presiding Inspector: Yes, surely.

Mr. Goodwin: We are not obliged to call Mr. Connelly and rely on his testimony. I don't see that there is any limitation on the hearsay rule because we are having this witness repeat what Mr. Connelly said. Now, I think it sufficiently appears in the record that Mr. Connelly is an officer of the trade union, a trade union officer in the State of California and that Mr. Bridges is also an officer in the CIO in California. This strike occurred in California. Mr. Connelly was addressing a body of strikers, addressing them in his official position as an officer and advising them, reporting to them, in fact, with reference to the attitude of an official and the head of the longshoremen. Now, that is a fact. The question of what he said there is a fact, an evidentiary fact, and it is one that we have first had information in regard to by this witness.

(Testimony of Foster Hailey.)

Now, we are not obliged to call Mr. Connelly or be bound by what he says. If this witness says that Mr. Connelly said something that Mr. Connelly doesn't agree to, then, the other side may call him.

We object to being obliged to call a witness who may be [7518] a hostile witness. It is the fact of what he said there that is material.

Now, there is no limitation, as I understand it, your Honor, upon your right.

Presiding Inspector: No necessary limitation, no legal limitation, you are right about that. I may disregard the rules, the ordinary common law rules of evidence.

Mr. Goodwin: Yes.

Presiding Inspector: But I don't see what Mr. Connelly said there about what Mr. Bridges said, how it binds Mr. Bridges.

Mr. Del Guercio: If we could show that Mr. Connelly was speaking as an agent of Mr. Birdges.

Mr. Gladstein: But the testimony, your Honor, is that Mr. Bridges sent a Mr. Goldblatt down there personally to participate in a certain way in accordance with an agreement that Mr. Goldblatt and Mr. Bridges had. You recall that. And Mr. Bridges had already testified as to Mr. Connelly and the evidence is clear that Mr. Connelly has not been acting as a representative or agent of Mr. Bridges, and the evidence is that Mr. Connelly occupies a position in the CIO down there and he doesn't have to take orders from Mr. Bridges and Mr. Bridges didn't give him any orders.

(Testimony of Foster Hailey.)

Now, of course, what the real purpose of the argument is is not that which Judge Goodwin points to because that de- [7519] feats itself. As Judge Goodwin says, if you allow this testimony, then, it casts upon us the responsibility of finding Mr. Connelly, to bring Mr. Connelly into disagree—I assume that this is the possibility—disagree with what Mr. Hailey says Mr. Connelly said. What are we trying then? Are we trying what Mr. Bridges did in that particular case, what Mr. Bridges' attitude was? No; then, we are trying the issue as to whether Mr. Connelly said A, B, C, or whether he didn't say A, B, C; that is what it amounts to.

Presiding Inspector: How does Mr. Bridges know what Mr. Connelly said?

Mr. Del Guercio: It was given publicity, if your Honor please, and it was not repudiated.

Mr. Grossman: That is not true.

Mr. Goodwin: May I say something?

Mrs. King: It seems to me, your Honor——

Presiding Inspector: (Interposing) Let's hear Judge Goodwin first. Then I will hear Mrs. King. Is there anything else you wanted to say?

Mr. Goodwin: All I wanted to say, I think I said. What he said on that occasion as an official is an evidentiary fact even outside of hearsay.

Presiding Inspector: It might bind Mr. Connelly.

Mr. Goodwin: It is one of the things that has to do with the questions that are involved in this case.

[7520]

(Testimony of Foster Hailey.)

Now, your Honor says——

Presiding Inspector: (Interposing) Frankly, Judge Goodwin, I can't see how this will help me decide this case.

Mr. Goodwin: Undoubtedly, he said something in the course of his official business in connection with the strike, in connection with his duties as an official, and the only objection to the statement is that it is a statement of what he said and not——

Presiding Inspector (Interposing) It may prove that Mr. Connelly has been faithless in delivering a message, that is, it doesn't show what Mr. Bridges said to Mr. Connelly. It certainly doesn't show that. It doesn't show any proof which would be accepted in any Court that I know of or in any hearing as to what Mr. Bridges said to Mr. Connelly. It would show that Mr. Connelly quoted Mr. Bridges but whether he is correct would depend upon the credibility of Mr. Connelly of which we haven't the slightest information.

Mr. Goodwin: Yes. Well——

Mr. Del Guercio: (Interposing) Permit me, your Honor, to make this observation:——

Presiding Inspector: Yes, certainly.

Mr. Del Guercio: There is evidence that Bridges was in communication with Connelly before this purported conversation and after.

Presiding Inspector: Yes. Well, he has told what he [7521] said.

Mr. Del Guercio: All right. Now, we have a

(Testimony of Foster Hailey.)

statement on a vital public matter. Connelly, after a conversation with Bridges, makes a certain statement purporting to come from Harry Bridges. It is given publicity. He speaks as an agent of Bridges at that time. The matter is given publicity. Harry Bridges has been in communication, admittedly in telephonic communication with Connelly immediately afterwards, and there has been no repudiation of that statement. The witness has so testified.

Now, I think that under those circumstances we are allowed, or should be allowed to bring out what that statement was.

Presiding Inspector: Well, how does that bind Mr. Bridges?

Mr. Del Guercio: Well, it binds Mr. Bridges in this respect: That here is a person down there who is speaking for him——

Presiding Inspector: (Interposing) Oh, no, no; he was not speaking for him. He was speaking——

Mr. Del Guercio: (Interposing) Well, we will see what the testimony of this witness is. He said he was speaking for Harry Bridges.

Presiding Inspector: Then, show who he was speaking for. Who was Mr. Connelly? [7522]

Mr. Del Guercio: Mr. Connelly was an official of the CIO speaking to these strikers.

Presiding Inspector: Certainly.

Mr. Gladstein: Of which there are thousands, thousands of officials of the CIO.

Presiding Inspector: Not speaking for any particular——

(Testimony of Foster Hailey.)

Mr. Del Guercio: (Interposing) May I ask this one question of the witness?

Presiding Inspector: Yes, certainly.

Don't answer it.

By Mr. Del Guercio:

Q. Was Mr. Connelly speaking for Mr. Bridges in connection with the matter?

Mr. Gladstein: Obviously that calls for the opinion and conclusion of this witness.

Presiding Inspector: How does this witness know?

Mr. Del Guercio: Well, Connelly said——

Presiding Inspector: (Interposing) Did Connelly say so?

Mr. Del Guercio: Here is an account that says "I authorize the speaker——"

Presiding Inspector: (Interposing) No; I have heard enough argument. I won't take this testimony.

Mr. Goodwin: May I say one thing before you finally [7523] close the door on that testimony?

Presiding Inspector: Yes, certainly.

Mr. Goodwin: The fact that this witness says here that Mr. Connelly reported there that Mr. Bridges had taken a certain position is logically evidentiary, is it not, just as much as any other hearsay evidence?

Presiding Inspector: I wouldn't say so.

Mr. Goodwin: Now, the only reason that testimony of that kind is excluded is for reasons of pub-

(Testimony of Foster Hailey.)

lic policy, what somebody else said is not admissible in a Court of Law. The whole thing is historical. Now, you know and I know and everybody knows that when this witness testifies in regard to what Mr. Connelly says, what Mr. Bridges says, that has logically probative force, and if your Honor excludes it your Honor merely excludes it for the reason that you don't care to hear it because you think it is too remote.

Presiding Inspector: That is it.

Mr. Goodwin: Yes. Well, now, you are excluding it, just as in the case of any other hearsay when a Court of Law excludes hearsay evidence, and excludes it merely because—not because it is not logically probative but as a matter of public policy and for historical reasons.

Presiding Inspector: I excluded the book that they produced here about the IWW on exactly the same basis, that the [7524] author of that book only had hearsay information as to the policies of the IWW, under the objection of the Government.

Mr. Goodwin: I don't see that they are connected. Here is the witness, a credible witness, who says Mr. Connelly——

Presiding Inspector: (Interposing) Because it depends on the truthfulness of various or here, perhaps, a single intermediary, and we have never seen Mr. Connelly. We don't know what he said, what Mr. Bridges said to Mr. Connelly. Maybe his statement would be his opinion on what Mr. Bridges' attitude was.

(Testimony of Foster Hailey.)

Mr. Goodwin: Well, he heard——

Presiding Inspector: (Interposing) Now, I can't see how that would advance anything. No Judge would give it any particular credence even if it came in.

Mr. Goodwin: Yes. I think that in these hearings they have gone so far so to overrule an objection that the hearsay evidence is not only hearsay but it is hearsay on hearsay on hearsay evidence.

Presiding Inspector: Well, I think this is too remote.

Mrs. King: I think that you said what I wanted to say far better than I could have said it, your Honor. In other words, this isn't a question of hearsay. It is a question of what——

Presiding Inspector: (Interposing) Now, if you can show that Mr. Bridges had any conversation with Mr. Connelly, [7525] conversation subsequent to this time about what occurred at that meeting, then, that might be another question.

Mr. Del Guercio: Well, I will——

Presiding Inspector: (Interposing) I will ask Mr. Bridges, myself, if you don't object.

Mr. Del Guercio: No.

Presiding Inspector: Did you have any later conversations with Mr. Connelly after this meeting occurred?

Mr. Bridges: Well, yes, I did.

Presiding Inspector: And you have discussed the attitude since, of the strikers?

Mr. Bridges: I have.

(Testimony of Foster Hailey.)

Presiding Inspector: With Mr. Connelly?

Mr. Bridges: After the meeting occurred; then, they began to agree with me.

Presiding Inspector: Did Mr. Connelly tell you that he had given your message to the strikers?

Mr. Bridges: He told—I spoke to him about that. He says "Well, all I told the strikers was that I had been talking to you and I would give you a full report" and I said that, anyway, I wished them luck.

Mr. Del Guercio: Now, that is the conversation we want, your Honor, from this witness here. Now, we want to show that that is exactly what Connelly told the strikers here at that time. [7526]

Mr. Gladstein: That he wished them luck? Well, Mr. Bridges testified to that.

Presiding Inspector: He has already testified to that himself.

Mr. Del Guercio: All right, that is the conversation that Bridges has testified to. Now, we want to show that that message was sent to the strikers.

Presiding Inspector: Well, he said so. That is what he testified before.

Mr. Del Guercio: Well, Bridges was not present when it was given to the strikers. Now, we want to show by an eye witness——

Presiding Inspector: (Interposing) That the message was delivered?

Mr. Del Guercio: That the message was delivered to the strikers.

(Testimony of Foster Hailey.)

Presiding Inspector: If that is the purpose of it I will take it.

Mr. Grossman: If the message is identical.

Mr. Del Guercio: Well, now, substantially, of course.

Presiding Inspector: Well, it need not be in the very same words.

Presiding Inspector: I will take it. It seems to me it is a point for Mr. Bridges.

By Mr. Del Guercio: [7527]

Q. Now, Mr. Hailey, will you tell us what Mr. Connelly said concerning the message he had received from Harry Bridges to give to the strikers?

A. Well, Mr. Connelly made a very rhetorical approach. He said he had been talking with a great labor leader in San Francisco on the long distance telephone, that he had got him out of bed that morning to discuss the strike with him, and he was very harried and tired and worn but that nevertheless he had discussed this matter with him because he was interested in whatever happened to working men in this country, and he said that "That man sends you his best wishes and pledges his full and complete support", and he said "That man to whom I was talking was Harry Bridges."

Mr. Del Guercio: You may cross examine.

Presiding Inspector: Do you want to ask this witness anything?

Mr. Gladstein: I think we may have a question or two. We are interested mainly out of curiosity, your Honor, but of course, it is material, I think.

(Testimony of Foster Hailey.)

Mr. Del Guercio: Now if it is curiosity alone, your Honor, I will object before even a question is asked.

Presiding Inspector: Well, we will judge whether it is curiosity alone.

Cross Examination

By Mr. Gladstein:

Q. When were you subpoenaed, Mr. Hailey?

[7528]

A. Yesterday afternoon in the Court.

Q. Where? A. Out in this building.

Q. By whom? A. By a Mr. Holland.

Q. Who?

A. A Mr. Holland, an FBI Agent.

Q. Was anything said to you at that time regarding testifying here? A. No.

Q. What were the circumstances that led up to your being subpoenaed, if you know?

A. Well, I had flown up from Los Angeles with Mr. Frankensteen and the two Los Angeles detectives who had taken us to the plane had told us that Mr. Frankensteen was to be met by two FBI Agents at the San Francisco terminal. We were discussing on the way up what the effect might be on the members of Mr. Frankensteen's union, of his being subpoenaed in this case at this time in view of the charges that had been made against him by the strikers, that he was selling them out and was a stooge of the Aircraft Manufacturers and so on, and he asked me—he said "If I am met there will you

(Testimony of Foster Hailey.)

go along with me?" and I asked him where his subpoena called for his appearance, and he showed it to me and it called for his appearance in this room. So when we were met at the airport by the two FBI men he asked them if it was all right if [7529] I came along with him, and I did, and when we got in the car he asked that he be brought here, and they said that they had been told to take him to the St. Francis Hotel to see Major Schofield and that he would rest there until they were ready for him in the Court room.

So I went along with Mr. Frankensteen to the hotel and in a general conversation there it was brought out that Mr. Frankensteen was not present when Mr. Connelly spoke but that I was, and I said, as I have testified here, as to what Mr. Connelly said to my best recollection, which I refreshed from the notes that I took at the time.

Q. And those are the circumstances that led to your being subpoenaed?

A. Yes, I told him that I had sent that same information to my paper on Sunday afternoon. And when I came to the Court at two o'clock with Mr. Frankensteen, why, I was served with a subpoena to appear.

Mr. Gladstein: I don't think we have any—yes, there is another question.

By Mr. Gladstein:

Q. Do I understand you to say that you telephoned to your paper on Sunday?

(Testimony of Foster Hailey.)

A. That is right.

Q. And that is when you telephoned the report, your news report of the meeting?

A. That is right. [7530]

Q. Now, have you ever had any subsequent—withdraw that.

Have you ever had occasion to discuss that report with anyone since last Sunday?

A. Well, yes, I have discussed it with other newspaper men, and on the following afternoon a reporter for the Los Angeles Times came to me in the Los Angeles Times News Bureau where I was writing my story on Monday and told me that the CIO headquarters had sent me a message that Mr. Bridges' position had been misrepresented and that he had taken no official position in the strike at all.

Q. From what source did that come?

A. Well, I can't swear as to that. Joe Parks, the Labor Editor of the Los Angeles Times, said that Slim Connelly's office had called and asked him if he knew where I was and he said that he didn't.

Mr. Del Guercio: Now, if your Honor please, we are making the same objection to this testimony as counsel——

Presiding Inspector: (Interposing) Go ahead. I will allow it.

A. He said that he did not at the time but he would take any message for me. I believe the man who called was Jack—or the kid who was handling publicity for the strikers. I am not sure as to that because I don't remember, but that was the message

(Testimony of Foster Hailey.)

that Mr. Parks delivered to me and which I [7531] carried in the newspaper the following morning.

Mr. Gladstein: I think that is all except we would like to point this out, your Honor: In so far as our argument has gone with respect to any difference that appears in the record between Mr. Bridges' testimony as to what he told Mr. Connelly to convey to the strikers, and what Mr. Connelly did say, according to this witness——

Presiding Inspector: (Interposing) That is all open to argument?

Mr. Gladstein: Yes; that is the only objection we have.

Presiding Inspector: Certainly, that is all open to argument.

Mr. Gladstein: Yes, that is all.

Mr. Del Guercio: There are just two questions.

Redirect Examination

By Mr. Del Guercio:

Q. Now, I believe this meeting, mass meeting was held on Saturday, was it now, June the 8th?

A. Sunday afternoon.

Q. Sunday, June the 8th.

A. Sunday afternoon.

Q. That was June the 9th, or June the 8th, rather.

Mr. Del Guercio: Well, let's check a calendar.

Presiding Inspector: Sunday was the 9th—no, Sunday was the 8th. [7532]

Mr. Del Guercio: Sunday was the 8th.

(Testimony of Foster Hailey.)

The Witness: It was during the 8th, then.

By Mr. Del Guercio:

Q. Now, you said the FBI men had subpoenaed you or had met you?

A. That is right.

Q. As a matter of fact, they were Immigration Officers, were they not?

A. Well, now, I don't know about that. There was a Mr. Holland.

Q. Well, Mr. Holland is an Immigration Officer.

Mr. Gladstein: Is this a statement or a question?

Presiding Inspector: I don't see what difference it makes.

Mr. Del Guercio: They were Immigration Officers rather than FBI men.

Mr. Gladstein: I object to that statement from counsel. It is not a question. It can't be testimony unless Mr. Del Guercio raises his right hand and gets on that stand. Let him testify.

Presiding Inspector: It is just the same as the statement you made a while ago; neither of them are evidence.

Mr. Grossman: What is the difference, Mr. Del Guercio thinks attaches——

Presiding Inspector: (Interposing) I don't see what difference it makes. [7533]

Mr. Del Guercio: I will answer that if Mr. Grossman tells me what he has in mind with reference to the Communist Party.

Presiding Inspector: I am not interested in

(Testimony of Foster Hailey.)

what is in either of your minds unless it comes into the record.

Mr. Del Guercio: That is the threat of the whole three of them. I can tell you what I have in mind.

Presiding Inspector: None of the thoughts of counsel are interesting to the inspector.

Mr. Del Guercio: I practice no policy of hypocrisy and deceit.

Presiding Inspector: No, no. We can't have constant argument here.

The Witness: May I say, Judge, I thought he was an FBI man. He showed me no credentials. He did show his credentials to Mr. Frankensteen.

Presiding Inspector: All right.

Mr. Del Guercio: That is all, then.

(Witness excused.)

Presiding Inspector: Now, is there anything further from you, Mr. Gladstein?

Mr. Gladstein: One more thing if the Government has closed.

Have you closed, Mr. Del Guercio?

Mr. Del Guercio: With a reservation, excepting a reservation. [7534]

Presiding Inspector: No further witnesses.

Mr. Grossman: Your Honor, we would like to make a statement; we think it is a kind of thing that requires a statement. We have a signed statement of a Portland longshoreman who has since the making of this signed statement died. The reason we make this statement is first because the material and

the information contained in the statement is relevant to the proceedings.

Presiding Inspector: Let me see it.

Mr. Grossman: We are not offering it, your Honor, so may I just finish my statement?

Presiding Inspector: Oh, yes. I thought you were going to offer it.

Mr. Grossman: No, we are not offering it. That is the reason we are making this statement. I will tell you generally what this information is. It will be clear after I make the statement. It is obviously not evidence.

This deals with the alleged presence or stated presence of Mr. Cannalonga on that boat after the time that he stated he left on Wednesday. Now, we consider, as we have stated, that this evidence is relevant. We are not offering this signed statement and, I think, the Court is entitled to a statement to that effect. We are not offering this because, although the Government has been operating on the theory in the introduction of the statement of Mr. Lovelace that statements, signed statements may be introduced in evidence in this proceeding though [7535] there is obviously no basis for cross examination when the man making the statement is dead, we continue to believe that that is a denial of constitutional rights even though the rules of the Department may permit it.

We have this statement. We are perfectly willing to have it examined but we are not introducing it because we still do not concede that that can be

done without cross examination without denial of constitutional rights.

Mr. Del Guercio: Can I ask the purpose of this?

Mr. Grossman: The man's name for the record is—I will have to spell it. I am not sure of the pronunciation. S-v-e-r-d-r-u-p S-a-l-v-e-s-e-n.

Mr. Gladstein: The first name is S-v-e-r-d-r-u-p; the second name is S-a-l-v-e-s-e-n.

Presiding Inspector: That may be entered on the record.

Now, have we finished?

Mr. Gladstein: I believe we have no other matter.

Presiding Inspector: Anything further?

Mr. Del Guercio: No.

Presiding Inspector: Any further taking of testimony here?

Mr. Del Guercio: No, your Honor. I was just about to say a prayer.

Mr. Gladstein: We are going into the chambers, I assume.

Presiding Inspector: A sort of salutary prayer?

[7536]

Mr. Del Guercio: Yes, sir.

Presiding Inspector: We will take it in silence.

Then, the taking of testimony is closed. [7537]

Presiding Inspector: I will state for the record that Alien's Exhibits Nos. 51 and 52 have been skipped in numbering.

Mrs. King: The Alien's offer of the parts of the testimony in the first hearing before Dean Landis, not already admitted in evidence, is withdrawn.

Presiding Inspector: I will deny the motions to strike made yesterday and today not previously ruled on.

Mr. Del Guercio: I offer in evidence, as Government's Exhibit next in order, Declaration of Intention No. 103785, filed in the District Court of the United States at San Francisco, California, on the 28th day of March, 1939, by Harry Renton Bridges, and I ask that we be permitted to substitute a photostatic copy.

Mr. Grossman: No objection.

Presiding Inspector: It may be received and the photostat substituted.

(The document referred to was received in evidence and marked Government's Exhibit No. 296.)

Mr. Del Guercio: I next offer in evidence Application for Certificate of Arrival and Preliminary Form for Declaration of Intention No. 22-56274, submitted at San Francisco, California, the certificate being dated May 2, 1936, by Harry Renton Bridges.

The application has attached to it the certificate of [7538] arrival showing the arrival of Harry Bridges at the Port of San Francisco, California, on April 12, 1920 on the SS Ysabel.

I offer a photostatic copy of the application.

Presiding Inspector: Received.

(The document referred to was received in evidence and marked Government's Exhibit No. 297.)

Presiding Inspector: I would now like to ask the Alien some questions.

HARRY RENTON BRIDGES

the Alien, was questioned by the Presiding Inspector as follows:

By Presiding Inspector:

Q. What is you full name?

A. Harry Renton Bridges.

Q. Have you any other names?

A. Well, I have other first names. I am not quite sure about some of them. I have had what they call Confirmation names.

Q. In church? A. Yes.

Q. Those are not names. A. Well——

Q. (Interposing) They are not real names.

A. There is a custom, a certain custom.

Q. You gave your Patron Saint?

A. Yes. I have acquired a couple like that. They [7539] were used occasionally, but not for any great length of time.

Q. Used in your family?

A. As far as I know my name is Alfred, Renton, Bryant and Harry.

Mr. Del Guercio: Bridges?

A. Bridges.

By Presiding Inspector:

Q. You gave the place of your birth. Will you give it again? A. Melbourne, Australia.

(Testimony of Harry Renton Bridges.)

Q. And, of course, Melbourne is the name of the nearest town of importance because you were born in Melbourne itself? A. In Melbourne itself.

Q. And that is in what Province?

A. State of Victoria.

Q. And what country? A. Australia.

Q. Your religion? I suppose that means the religion you were brought up in—Roman Catholic?

A. Catholic.

Q. What is your religion now?

A. Catholic.

Q. The names and locations of the churches or schools you have attended. First, take the churches you have been a [7540] parishioner in?

A. In Australia?

Q. Yes. A. St. Brendans.

Q. Melbourne?

A. Melbourne. Flemington, Melbourne—that was the church we usually went to. That is the only one that comes to my mind. We went to Sunday School there and I also went to the St. Brendans School.

Q. How about after you came to this country?

Mr. Del Guercio: Not in this country. That means in the country of birth.

Presiding Inspector: Is that what that means?

Mr. Del Guercio: Yes.

Presiding Inspector: Very well. It doesn't say so.

(Testimony of Harry Renton Bridges.)

By Presiding Inspector:

Q. And the name and location of schools you attended? A. All of them?

Q. In Australia, yes.

A. Well, I attended for a short while, and some time, the public schools. I think you might call them the State School, one located in Kensington, Melbourne, a suburb of Melbourne; and another located in Moonee Ponds, Melbourne.

They were two Government schools, State schools.

I attended them for a short while. And I attended St. [7541] Brendans School, located in Flemington, Melbourne; and also Christian Brothers College, located in West Melbourne.

Q. And your last address in your native country, Australia?

A. I can give my father's business address. I don't remember the other. That would be 144 Bellair Street, Kensington, Melbourne.

Q. And did you reside in any country, except Australia, before you came to this country, or did you call any other country your residence? Of course, you were on the sea. A. No.

Q. From what country did you embark for the United States?

A. Do you mean the last port of call?

Mr. Del Guercio: That means the country from which you came when you decided to come to the United States.

A. Auckland, New Zealand. There were stops, of course, before I came here.

(Testimony of Harry Renton Bridges.)

By Presiding Inspector:

Q. You have given the date previously?

A. Yes.

Q. The correct names and addresses and citizenship, or nationality, of the Alien's nearest relatives residing in the country of his birth. That would be your father.

A. My father and mother. [7542]

Q. And you gave their names?

A. In this hearing, do you mean?

Q. I think you did, at the beginning of the hearing. Perhaps you had better give them again. Give your father's name and your mother's name.

A. My father's name is Albert Ernest Bridges, of Kensington, Melbourne; and my mother's name is Julia Bridges.

Mr. Del Guercio: Your mother's maiden name?

A. Julia Dorgan.

By Presiding Inspector:

Q. And the correct names and addresses of your nearest relatives residing in the United States, that is, other than your wife and child?

A. None that I know of. I have heard that there are some here, but I don't know where and I have never run across them.

Major Schofield: The address of your father and mother?

A. I could get that but I cannot give it right now. My father has been established for a long

(Testimony of Harry Renton Bridges.)

time. He has quite a large building at the address I gave. They are well known.

Major Schofield: Does he mean to say he don't know where his mother and father live?

A. No. They have a private address to. They do not live at the business address.

Major Schofield: You don't know where your own mother [7543] and father live?

A. I can't call it to mind, the exact address. There are reasons for that. They have quite a few places. They get around quite a bit. They own some hotels, and things like that, and I get mixed up on it. I can secure the address.

Presiding Inspector: I don't think that is necessary.

By Presiding Inspector:

Q. They can be reached by a letter sent to this address? A. Oh, certainly.

Mr. Del Guercio: I suggest you should give him the warning.

Presiding Inspector: I am required by the regulations to warn you that the Act of March 4, 1929, of Congress, as amended, provides that any alien who, after arrest and deportation or departure from the United States in pursuance of an order of deportation, enters or attempts to enter the United States, shall be guilty of a felony, and upon conviction shall be liable to imprisonment for not more than two years or a fine of not more than $1000, or both such fine and imprisonment, unless such entry or at-

(Testimony of Harry Renton Bridges.)

tempted entry is made after one year from the date of such departure or deportation, and the alien, prior to his re-embarkation at a place outside of the United States or prior to his application in foreign contiguous territory for admission to the United [7544] States, has been granted by the Attorney General permission to re-apply for admission to the United States.

Mr. Del Guercio: Do you understand that?

By Presiding Inspector:

Q. Do you understand that?

A. Yes. That means after I have gone.

Q. Yes; after you have gone.

Presiding Inspector: Now, I will ask respective counsel if they desire to file briefs in this matter?

Mrs. King: Yes, your Honor: I think our stipulation covers that.

Mr. Del Guercio: The stipulation takes care of that.

Presiding Inspector: It is stipulated between counsel for the Government and counsel for the Alien that, irrespective of the rules of the Department of Justice, the Presiding Inspector may submit to the Department, or proper officers therein, the full transcript of the hearing, as prepared by the reporter, as the official record of the hearing, without amendation or modification.

Mr. Gladstein: So stipulated.

Mrs. King: So stipulated.

Mr. Del Guercio: That is agreeable.

Presiding Inspector: It is also stipulated that briefs by counsel for the respective parties shall be exchanged between the parties, each furnishing the other with three carbon [7545] copies thereof, on or before the thirtieth day after the conclusion of the taking of evidence at the hearing.

And that the respective parties shall at the same time mail the original and one carbon copy of their briefs to the Presiding Inspector at his residence in Eden, Erie County, New York; and one carbon copy of said briefs to be mailed to Daniel W. Gaiser, care of Lands Division, Department of Justice, Washington, D. C.

Within two weeks after the day appointed by this stipulation for the exchange of briefs the parties shall exchange replies to the briefs already filed, each furnishing the other with three carbon copies thereof; and at the same time the original and one carbon copy of their respective reply briefs shall be similarly mailed to the Presiding Inspector, and one carbon copy thereof to Daniel W. Gaiser.

Mr. Gladstein: So stipulated.

Mr. Del Guercio: Agreeable.

Presiding Inspector: That is all.

I would like to see the members of the press in chambers for a moment, if you will all come in.

(Whereupon, at 12:00 noon, the hearing in the above entitled matter was concluded.)

[Endorsed]: Filed June 2, 1942. [7546]

[Endorsed]: No. 10450. United States Circuit Court of Appeals for the Ninth Circuit. Harry Bridges, Appellant, vs. I. F. Wixon, as District Director, Immigration and Naturalization Service, Department of Justice, Appellee. Transcript of Record. Upon Appeal from the District Court of the United States for the Northern District of California Northern Division.

Filed June 3, 1943.

PAUL P. O'BRIEN,
Clerk of the United States Circuit Court of Appeals for the Ninth Circuit.

United States Circuit Court of Appeals
For the Ninth Circuit

No. 10450

HARRY BRIDGES,

Appellant,

vs.

I. F. WIXON, as District Director, Immigration and Naturalization Service, Department of Justice,

Appellee.

STIPULATION RE EXHIBITS

It is stipulated, subject to the approval of the above-entitled Court, that:

1. The following exhibits introduced in evidence at the hearing before the Immigration and Naturalization Service, Department of Justice, shall be printed and incorporated in the printed record on appeal:

Government Exhibits 203, 204, 205, 247, 248, 249, 250, 251, 280, 281, 283, 285, and 286; and Alien's Exhibits 15 and 25.

2. No other exhibits introduced into evidence at said hearing need be printed.

3. The remaining portions of the record in the court below, including the transcript of testimony, shall be printed, except that documents which appear in the transcript need not be printed, and opinions and decisions which were issued in printed form need not be printed but may be physically integrated in the record.

4. The parties may, in their briefs and arguments before the Court, refer to any and all exhibits on file with the Court and all such exhibits shall be deemed part of the record on appeal.

5. The parties may temporarily withdraw any or all of the exhibits on file with the Court, for purposes of inspection or examination in connection with the preparation of briefs.

Dated this 22nd day of July, 1943.

GLADSTEIN, GROSSMAN,
SAWYER & EDISES,
Attorneys for Appellant.
FRANK J. HENNESSY,
Attorney for Appellee.
United States Attorney,
C. H. B.

The foregoing stipulation is hereby approved, and it is so ordered, Exhibits to be withdrawn only upon special order.

Dated this 23rd day of July, 1943.

CURTIS D. WILBUR
Senior United States Circuit
Court Judge.

[Endorsed]: Filed July 23, 1943. Paul P. O'Brien, Clerk.

United States Circuit Court of Appeal
for the Ninth Circuit

No. 10450

HARRY BRIDGES,

Appellant,

vs.

I. F. WIXON, as District Director, Immigration and Naturalization Service, Department of Justice,

Appellee.

STATEMENT OF POINTS ON APPEAL

The points on which appellant intends to rely on this appeal are as follows:

1. There is no substantial evidence to support the finding made by the Attorney General that after entering the United States, Harry Bridges has been a member of the Communist Party of the U.S.A.; and the District Court erred in failing so to hold.

2. There is no substantial evidence to support the finding made by the Attorney General that after entering the United States, Harry Bridges has been affiliated with the Communist Party of the U.S.A.; and the District Court erred in failing so to hold.

3. There is no substantial evidence to support the finding made by the Attorney General that after entering the United States, Harry Bridges has been affiliated with the Marine Workers Industrial

Union; and the District Court erred in failing so to hold.

4. There is no substantial evidence to support the finding made in the warrant of deportation that Harry Bridges, after entering the United States, has been a member of an organization, association, society, or group that believes in, advises, advocates and teaches the overthrow by force and violence of the Government of the United States; and the District Court erred in failing so to hold.

5. There is no substantial evidence to support the finding made in the warrant of deportation that Harry Bridges, after entering the United States, has been affiliated with an organization, association, society, or group that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States; and the District Court erred in failing so to hold.

6. There is no substantial evidence to support the finding made in the warrant of deportation that Harry Bridges after entering the United States, has been a member of an organization, association, society, or group that writes, circulates, distributes, publishes and displays printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States; and the District Court erred in failing so to hold.

7. There is no substantial evidence to support the finding made in the warrant of deportation that Harry Bridges, after entering the United States, has been affiliated with an organization, association, society, or group that writes, circulates, distributes,

publishes, and displays printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States; and the District Court erred in failing so to hold.

8. There is no substantial evidence to support the finding made in the warrant of deportation that Harry Bridges, after entering the United States, has been a member of an organization, association, society, or group that caused to be written, circulated, distributed, published, printed, and displayed printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States; and the District Court erred in failing so to hold.

9. The deportation of appellant without substantial evidence to support the charges in the warrant of arrest and the findings in the warrant of deportation constitutes a denial of liberty without due process of law in violation of the Fifth Amendment to the Constitution of the United States.

10. The construction and application of the Act of October 16, 1918, as amended by the Acts of June 5, 1920, and June 28, 1940, to authorize the deportation of appellant in the absence of substantial evidence to support the charges in the warrant of arrest and the findings in the warrant of deportation, constitutes a denial of liberty without due process of law, in violation of the Fifth Amendment to the Constitution of the United States.

11. The Immigration and Naturalization Service, by a warrant of arrest issued in 1938, and amended and reissued in 1939, charged Harry

Bridges with being found in the United States in violation of the Immigration laws thereof:

a. In that after he entered the United States he became and now is a member of an organization, association, society, and group that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States;

b. In that after he entered the United States he became and now is affiliated with an organization, association, society, and group that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States;

c. In that after he entered the United States he became and now is a member of an organization, association, society, and group that causes to be written, circulated, distributed, printed, published, and displayed printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States;

d. In that after he entered the United States he became and now is affiliated with an organization, association, society, and group that causes to be written, circulated, distributed, printed, published, and displayed printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States.

After extensive hearings upon said amended warrant, Trial Examiner James M. Landis recom-

mended on or about December 28, 1939, that said warrant of arrest be cancelled; and thereafter, on or about January 7, 1940, Secretary of Labor Frances Perkins accepted said recommendation and cancelled said warrant of arrest.

The issues determined in said first proceeding are res judicata, or upon an analogous principle are conclusive, as to all the issues involved in the second proceeding (of which issues the determinations are set forth in the warrant of deportation dated May 29, 1942); and the reconsideration of said issues was and is a denial of liberty without due process of law, in violation of the Fifth Amendment to the Constitution of the United States.

12. The second proceeding against appellant, in 1941 and 1942 as hereinabove set forth, constituted double jeopardy, or upon an analogous principle subjected appellant to trial twice for the same conduct and activities, and thereby denied and denies appellant of liberty without due process of law, in violation of the Fifth Amendment to the Constitution of the United States.

13. All of the activities of the Government designed to secure the deportation of appellant, and the proceedings to which appellant was subjected in that connection, were and are discriminatory and unfair, and thus constitute a denial of equal protection of the laws and a denial of liberty without due process of law, in violation of the Fifth Amendment to the Constitution of the United States.

14. The Act of June 28, 1940, C. 439, Title II, §23, 54 Stat. 673 (i.e., the 1940 amendment to 8 U.S.C. §137) as applied to Harry Bridges, constituted an ex post facto law in violation of Article I, §8 of the Constitution of the United States, and a denial of liberty without due process of law, in violation of the Fifth Amendment to the Constitution of the United States; and, upon a principle of law analogous to the doctrine of ex post facto, according to which laws shall not be given retroactive or retrospective effect, constituted error of law.

15. Appellant was denied his liberty without due process of law, in violation of the Fifth Amendment to the Constitution of the United States, for the following reasons, separately and collectively:

a. The Government failed, refused and neglected to make available to him or his counsel the prior statements of Government witnesses, although demand therefor was duly and properly made, and the possession of such statements by Government counsel was not denied.

b. Appellant's motion for an order directing an examination of witnesses with respect to the use of wire-tapping by the Government in connection with its preparation and handling of the second hearing in 1941, and the use made by the Government of intercepted telephone messages, was denied.

c. The Government failed, refused and neglected to produce the witness Maurice Cannalonga in response to appellant's subpoena, but later produced said Cannalonga as a Govern-

ment rebuttal witness after he had been subjected to improper inducements by Government agents for the purpose and with the effect of influencing his testimony.

d. The Government's knowing and wilful use of the false and perjured testimony of said witness Cannalonga tainted and vitiated the Government's entire case against appellant; notwithstanding, the Attorney General failed, refused and neglected to evaluate and judge the Government's case and evidence against appellant in the light of the Government's use of such false and perjured testimony, and also expressly relied in part upon the testimony of said witness Cannalonga in reaching his conclusions and order against appellant.

e. The Attorney General failed, refused and neglected to give prima facie or any weight or value to the cancellation of the first warrant of arrest against appellant and the proceedings based upon such warrant to which appellant was subjected. Said failure and refusal by the Attorney General was arbitrary, capricious, and error of law, and constituted a failure and refusal to consider and evaluate all the evidence material and relevant to a fair and full determination of the issues.

f. The Attorney General applied an erroneous rule as to the Government's burden of proof.

g. The Attorney General was influenced in reaching his conclusions and decision against

appellant by Lemuel B. Schofield, special assistant to the Attorney General in charge of the Immigration and Naturalization Service, who was in charge of the prosecution of the second proceeding against appellant, and who testified as a witness at said proceedings against appellant, admitting bias and prejudice against appellant, and declaring his intention to influence the Attorney General, not alone upon the evidence produced at the hearing against appellant, but upon views formed by said Schofield from his extra-judicial investigation of the case.

16. The Attorney General's assumption of jurisdiction, after appellant was cleared of the charges against him by unanimous decision of the Board of Immigration Appeals, was in violation of the rules of the Immigration Service, to the protection of which rules appellant was entitled; and the deprivation of such protection served to deny appellant due process of law, in violation of the Fifth Amendment to the Constitution of the United States.

17. The Attorney General's determination of the case without according appellant an opportunity to be heard before him, as the deciding officer, constituted a denial of due process of law, in violation of the Fifth Amendment to the Constitution of the United States.

18. The Act of October 16, 1918, as amended by the Act of June 5, 1920, as amended by the Act

of May 28, 1940 (8 U.S.C. §137) deprives appellant of his liberty without due process of law, in violation of the First and Fifth Amendments to the Constitution of the United States.

19. The Act of October 16, 1918, as amended by the Act of June 5, 1920, as amended by the Act of May 28, 1940 (8 U.S.C. §137) deprives appellant of his liberty without due process of law, in violation of the First and Fifth Amendments to the Constitution of the United States, in that said Act imposes an unreasonable and arbitrary condition upon appellant's continued residence in the United States.

20. The adoption of said Act of October 16, 1918, as amended by the Act of June 5, 1920, as amended by the Act of May 28, 1940 (8 U.S.C. §137) was intended to and did discriminate against appellant, and served to deprive him of the equal protection of the laws, and thus deprived him of his liberty without due process of law, in violation of the First and Fifth Amendments to the Constitution of the United States.

21. The construction and application of said Act so as to single out appellant for deportation from among thousands of aliens who had been members of or affiliated with the Marine Workers Industrial Union or other unions affiliated with the Trade Union Unity League, was error of law, and was deliberately and intentionally arbitrary and discriminatory as to appellant, and was part of a scheme, plan and intent, and served, to deny appellant equal protection of the laws, and thereby

deprived appellant of his liberty without due process of law, in violation of the First and Fifth Amendments to the Constitution of the United States.

22. The construction and application of said Act to authorize deportation of appellant for past affiliation with the Marine Workers Industrial Union was error of law, and unreasonably and arbitrarily abridged appellant's rights of free speech, free press, free assembly, and free association without due process of law, in violation of the First and Fifth Amendment to the Constitution of the United States.

23. The construction and application of said Act to authorize deportation of appellant for past membership in or affiliation with any organization, was error of law, and is arbitrary and imposes an unreasonable, vague, and ambiguous limitation on appellant's past conduct, in violation of the First and Fifth Amendments to the Constitution of the United States.

24. The construction and application of the said Act to authorize the deportation of appellant upon the evidence adduced would require appellant to relinquish his rights of free speech, free press, free assembly, and free association as guaranteed by the First Amendment to the Constitution of the United States, and thus would impose a void, improper and unconstitutional condition upon appellant's right to remain in the United States, in violation of the First and Fifth Amendments to the Constitution of the United States.

25. The construction and application of the said Act to authorize the deportation of appellant for membership in or affiliation with any organization or organizations, without evidence or finding that such organization or organizations, or their beliefs or activities, presented a clear and imminent danger of any substantive evil which said Act was designed to prevent, or that his membership therein, or his beliefs or activities as such member, presented any such danger, deprived appellant of liberty without due process of law, in violation of the First and Fifth Amendments to the Constitution of the United States.

26. The construction and application of the said Act to authorize the deportation of appellant for beliefs or activities, without evidence or finding that such beliefs or activities presented a clear and imminent danger of any substantive evil which said Act was designed to prevent, deprived appellant of liberty without due process of law, in violation of the First and Fifth Amendments to the Constitution of the United States.

27. The construction and application of the said Act to authorize the deportation of appellant for mere membership in or affiliation with any organization, without evidence or finding that appellant had knowledge of the proscribed character of such organization, or of the proscribed character of its beliefs, activities, doctrines, or literature, or subscribed to the principles of said organization, was error of law, and constitutes a denial of liberty without due process of law, in violation of the

First and Fifth Amendments to the Constitution of the United States.

28. The construction and application of the said Act to authorize the deportation of appellant for membership in or affiliation with any organization distributing literature advocating the overthrow of the Government by force and violence, without evidence or finding that appellant participated in the distribution of such proscribed literature, was error of law, and constitutes a denial of liberty without due process of law, in violation of the First and Fifth Amendments to the Constitution of the United States.

29. The construction and application of the said Act to authorize the deportation of appellant for affiliation with the Marine Workers Industrial Union, without evidence or finding that appellant had knowledge that the Marine Workers Industrial Union was a proscribed organization or was a part of the Communist Party or dominated or controlled by it, was error of law, and constitutes a denial of liberty without due process of law, in violation of the First and Fifth Amendments to the Constitution of the United States.

30. The construction and application of the said Act to authorize the deportation of appellant for past affiliation with the Marine Workers Industrial Union, without evidence or finding that said organization engaged in anything but lawful and legitimate trade union activities, or that said affiliation consisted of anything but cooperation or support by appellant in such lawful and legitimate

trade union activities, was error of law, and constitutes a denial of liberty without due process of law, in violation of the First and Fifth Amendments to the Constitution of the United States.

31. The Attorney General and the District Court committed the following errors of law, each of which taken singly, or all of which taken together, deprived appellant of his liberty without due process of law, in violation of the First and Fifth Amendments to the Constitution of the United States:

a. Gave and applied to the term "affiliation" a meaning in conflict with and contrary to law.

b. Interpreted the term "affiliation" in a manner so vague, uncertain and meaningless as to furnish no ascertainable standard of conduct whatsoever.

c. Relied upon, and partially based the decision against appellant upon, the testimony of certain Government witnesses solely on the basis of the volume of their testimony, despite the fact that the individual testimony of each of said witnesses was not accepted as establishing the facts to which each such witness testified.

32. The District Court held that the testimony given by and concerning Government witness James D. O'Neil relative to the question of appellant's membership in the Communist Party, was, as a matter of law, incompetent, and that it was erroneously admitted in evidence and erroneously given

weight by the Attorney General in reaching his decision against appellant. Said testimony was so substantial, and so permeated the Attorney General's consideration of the case and the conclusions to which he came, that the District Court's affirmance of an order of deportation which originally issues in reliance upon such evidence, is error of law, and served to deprive appellant of due process of law, in violation of the Fifth Amendment to the Constitution of the United States.

33. The District Court committed error of law in denying to appellant his right to challenge the appropriateness and the reasonableness of the statutory criteria for deportation of aliens in ruling that Congress has not confined itself to the deportation of alien members or affiliates of those subversive organizations only whose activities present a clear, serious or imminent danger of accomplishing the evil which the legislation is designed to prevent, and thereby deprived appellant of opportunity to challenge the constitutionality of said Act, and of due process of law, in violation of the Fifth Amendment to the Constitution of the United States.

34. The District Court and the Attorney General committed error of law in refusing appellant an opportunity to establish that his deportation was arbitrary, discriminatory and unreasonable.

35. Each of the points hereinabove relied upon, taken separately, and all of said points taken together, constitute error of law, and serve to deprive appellant of due process of law, in violation of the

Fifth Amendment to the Constitution of the United States.

36. The District Court erred in not granting the writ of habeas corpus and discharging appellant from the custody and control of I. F. Wixon, as District Director, Immigration and Naturalization Service, Department of Justice.

37. The District Court erred in not holding that it had jurisdiction to issue the writ of habeas corpus as prayed for in the petition filed with that Court by appellant.

38. The District Court erred in not holding that the allegations set forth in the petition and amended petition of appellant for a writ of habeas corpus were sufficient in law to justify and require the granting and issuing of a writ of habeas corpus.

39. The District Court erred in holding that there was substantial evidence before the Immigration authorities to justify the conclusion that appellant was unlawfully in the United States.

40. The District Court erred in not holding that there was no substantial evidence before the Immigration authorities to justify the conclusion that appellant was unlawfully in the United States.

41. The District Court erred in holding that appellant was accorded a full and fair hearing by the Immigration authorities.

42. The District Court erred in not holding that appellant was not accorded a full and fair hearing by the Immigration authorities.

Appellant further states that he relies upon the entire record certified by the Clerk of the United States District Court for the Northern District of California, Northern Division, to this Court, and designates that said record, so certified, shall be printed as the record on appeal, and that the stipulation as to record on appeal made on May 5, 1943, and the order of the said District Court made May 6, 1943, both of which were filed in the said District Court and copies of which have been filed with the Clerk of this Court, shall be complied with.

LEE PRESSMAN,
CAROL KING.
GLADSTEIN, GROSSMAN,
SAWYER AND EDISES.
By: RICHARD GLADSTEIN,
AUBREY GROSSMAN.

Receipt of copy of the foregoing Statement of Points on Appeal, and Designation of Record, is hereby acknowledged this 18th day of June, 1943.

.....
U. S. Attorney.

[Endorsed]: Filed June 18, 1943.

TRANSCRIPT OF RECORD
IN SEVENTEEN VOLUMES

Office - Supreme Court, U. S.
FILED
DEC 27 1944
CHARLES ELMORE CROPLEY
CLERK

IN THE

Supreme Court of the United States

October Term, 1944

No. 788

HARRY BRIDGES,

Petitioners,

vs.

I. F. WIXON, as District Director, Immigration and Naturalization Service, Department of Justice,

Respondent.

VOLUME XVII

Pages 7762 to 7814

UPON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT

Rotary Colorprint, 55 Eleventh Street, San Francisco.

No. 10450

IN THE

United States Circuit Court of Appeals

For the Ninth Circuit

HARRY BRIDGES,

Appellant,

vs.

I. F. WIXON, as District Director, Immigration and Naturalization Service, Department of Justice,

Appellee.

Upon Appeal from the District Court of the United States for the Northern District of California, Northern Division

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PROCEEDINGS HAD IN THE
UNITED STATES CIRCUIT COURT OF APPEALS
FOR THE NINTH CIRCUIT

United States Circuit Court of Appeals for the Ninth Circuit

Excerpt from Proceedings of Tuesday, February 8, 1944.

Before: Wilbur, Garrecht, Mathews, Stephens and Healy, Circuit Judges.

[Title of Cause.]

ORDER OF SUBMISSION

Ordered appeal herein argued by Mr. Richard Gladstein, and Mrs. Carol King, counsel for appellant, and by Messrs. Frank J. Hennessy, United States Attorney and Edward G. Jennings, Special Assistant to the Attorney General, counsel for appellee, and submitted to the court for consideration and decision, with leave to counsel for appellant to file additional memorandum in five (5) days from date.

1767

United States Circuit Court of Appeals

FOR THE NINTH CIRCUIT

HARRY BRIDGES,
Appellant,

vs.

I. F. WIXON, as District Director, Immigration and Naturalization Service, Department of Justice,
Appellee.

No. 10450

In the Matter of the Application of the COMMUNIST PARTY OF THE UNITED STATES OF AMERICA, by WILLIAM Z. FOSTER, its National Chairman, and EARL BROWDER, its General Secretary, for leave to intervene.

NOTICE OF MOTION AND MOTION FOR ORDER GRANTING LEAVE TO INTERVENE, PETITION, EXHIBIT AND PROPOSED PLEADING

JOSEPH R. BRODSKY,
Attorney for Applicant,
Communist Party of the U. S. A.,
100 Fifth Avenue,
New York, New York.

FILED
FEB 21 1944
PAUL P. O'BRIEN,
CLERK

JOSEPH R. BRODSKY, Esq.,
Attorney for Applicant,
Communist Party of the U. S. A.,
100 Fifth Avenue,
New York, New York.

United States Circuit Court of Appeals

FOR THE NINTH CIRCUIT

HARRY BRIDGES,
Appellant,

vs.

I. F. WIXON, as District Director, Immigration and Naturalization Service, Department of Justice,
Appellee.

No. 10450

In the Matter of the Application of the COMMUNIST PARTY OF THE UNITED STATES OF AMERICA, by WILLIAM Z. FOSTER, its National Chairman, and EARL BROWDER, its General Secretary, for leave to intervene.

NOTICE OF MOTION AND MOTION FOR ORDER GRANTING LEAVE TO INTERVENE

To: HON. FRANCIS BIDDLE, Attorney-General of the United States; HON. TOM C. CLARK, Assistant Attorney-General of the United States; HON. FRANK J. HENNESSY, United States District Attorney; LEE PRESSMAN, Esq.; CAROL KING, Esq.; GLADSTEIN, GROSSMAN, MARGOLIS, and SAWYER, Esqs.:

YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that, on the 28th day of February, 1944, at ten-o'clock in the fore-

noon of that day, or as soon thereafter as counsel can be heard in the courtroom of the United States Circuit Court of Appeals for the Ninth Circuit, at the Post Office Building, Seventh and Mission Streets, San Francisco, California, the Communist Party of the United States of America will, and it hereby does, move the Court for an order granting its application to intervene in the proceeding and the appeal herein, and directing the District Court to remand the deportation proceeding to the Immigration and Naturalization Service of the Department of Justice, with directions to the said Department to give the Communist Party of the United States of America a full and fair opportunity to be heard concerning its objectives, including the right of confrontation and cross-examination and the right to present evidence, oral and documentary, in its own behalf, and such other and further relief as the Court may direct, upon the grounds that the interest of the Communist Party of the United States of America is not represented by any party to the proceeding now pending in this Court; that adequate representation of its interest requires that it be permitted to intervene; that its rights will be prejudiced if the findings and order made by the Attorney-General are sustained by a judgment of this Court; that its claim and the main proceeding herein have a question of law and fact in common; and upon all the other legal and constitutional grounds set forth in the petition annexed hereto.

Dated: February 16, 1944.

Joseph R. Brodsky, Esq.,
Attorney for Applicant,
Office & Post-Office Address,
100 Fifth Avenue,
New York, New York.

JOSEPH R. BRODSKY, Esq.,
Attorney for Applicant,
Communist Party of the U. S. A.,
100 Fifth Avenue,
New York, New York.

UNITED STATES CIRCUIT COURT OF APPEALS

FOR THE NINTH CIRCUIT.

HARRY BRIDGES, Appellant, vs. I. F. WIXON, as District Director, Immigration and Naturalization Service, Department of Justice, Appellee.	No. 10450
In the Matter of the Application of the COMMUNIST PARTY OF THE UNITED STATES OF AMERICA, by WILLIAM Z. FOSTER, its National Chairman, and EARL BROWDER, its General Secretary, for leave to intervene.	

PETITION TO INTERVENE

To the Honorable the Judges of the Circuit Court of Appeals for the Ninth Circuit:

The petition of the Communist Party of the United States of America by William Z. Foster, its National Chairman, and Earl Browder, its General Secretary, respectfully alleges:

FIRST: The Communist Party of the United States of America, hereinafter referred to as Communist Party, is

a political party, a voluntary unincorporated association of citizens of the United States.

SECOND: William Z. Foster has been the National Chairman of the Communist Party since 1929, and Earl Browder has been its General Secretary since 1929.

THIRD: The aforesaid William Z. Foster and Earl Browder are fully familiar with the Constitution and By-Laws of the Communist Party, its organization, the proceedings of its several national conventions, the programs and platforms promulgated therein, the principles and activities of the said Communist Party from its inception to date, and are further familiar with the classic economic and political writings in the field of scientific socialism.

FOURTH: Upon information and belief, on May 28, 1942, Hon. Francis Biddle, Attorney-General of the United States, in a deportation proceeding entitled In re Harry Renton Bridges found that the Communist Party of the U. S. A., from the time of its inception in 1919 to the present time is an organization which advocates the overthrow by force and violence of the Government of the United States.

FIFTH: The findings were made by the Attorney-General without a trial or hearing, and without an opportunity being given the petitioner to present evidence, oral and documentary in its behalf.

SIXTH: The findings were made by the Attorney-General without notice to the petitioner.

SEVENTH: The findings made by the Attorney-General are unsupported by any evidence.

EIGHTH: The Attorney-General was without jurisdiction to make the findings.

NINTH: The findings made by the Attorney-General were arbitrary, capricious, and an abuse of administrative discretion, contrary to law, and the result of bias, prejudice and prejudgment.

TENTH: The findings made by the Attorney-General are unfounded and baseless in fact.

ELEVENTH: Upon information and belief, the Attorney-General on the said May 28, 1942, made an order of deportation against the said Harry Renton Bridges.

TWELFTH: Thereafter the said Harry Renton Bridges obtained from a Judge of the United States District Court for the Northern District of California an order directing the said Attorney General and others to show cause why a writ of habeas corpus should not issue, and a proceeding was had thereon and the application denied. An appeal from the order denying the said application is now pending in this Court.

THIRTEENTH: Upon information and belief, at the time of the issuance of the aforesaid order of deportation, the Attorney General at a press conference stated that he desired the courts to pass on all features of his opinion including his conclusions on the Communist Party, and that he considered the matter a test case.

FOURTEENTH: Accordingly, on August 7, 1942, the petitioner requested the Attorney General, in writing, to consent to the petitioner's intervention in the aforesaid proceeding now pending in this Court and to the entry of an order remanding the Bridges matter to the Naturalization and Immigration Service of the Department of Justice so that proper inquiry could there be made concerning the objectives of the Communist Party.

FIFTEENTH: On August 12, 1942, the Attorney General, in writing, refused the aforesaid request of the petitioner.

SIXTEENTH: The petitioner, in the proceeding herein, does not speak for the petitioner in the main proceeding, Harry Renton Bridges, whose alleged membership in the Communist Party has been repeatedly denied by the petitioner; it is concerned solely with the attempt to inflict a corollary injury upon the Communist Party.

SEVENTEENTH: The Communist Party does not and never has from the time of its inception in 1919 to the present time advocated the overthrow by force and violence of the Government of the United States.

EIGHTEENTH: The petitioner respectfully submits to this Court that its application herein is not made for any partisan reasons; is not made for the purpose of defending the Communist Party as a party of socialism; nor is the said application made for any academic reasons or merely in the interests of abstract and historic truth. The petitioner is impelled at this crucial moment in the life of our country to take issue with the allegations made by the Attorney General against the Communist Party, a party of American workers, solely for the reason that it is convinced the unfounded charges made by the Attorney General must be answered in the interest of national unity.

NINETEENTH: The techniques of dividing nations and peoples by a hue and cry against the alleged danger of Communism and Marxism was a familiar and principal weapon of Hitler and his agents in every country that he conquered.

TWENTIETH: Through the complete distortion and falsification of the tenets of Marxism and Communism; by the false assertion that those tenets included a principle or policy of forcible overthrow of the state itself or the demo-

cratic institutions of a country, Hitler and his agents divided and blinded the people in each country, weakened the vigilance of the governments against the political activities of the treacherous fifth columnists, the spies and saboteurs, and thus paved the way for national demoralization and conquest, for the fascist rule of Hitler's agents, the Quislings and Lavals.

TWENTY-FIRST: It is common knowledge that the maintenance of the false charge against the Communist Party that it advocates the forcible overthrow of our government makes it possible for the defeatist elements to use the bugbear of Communism as a cover for their disruptive and anti-war activities by denoting every anti-fascist and progressive person a "Communist".

TWENTY-SECOND: Almost without exception, those persons who are now convicted or under indictment for treasonable activities aimed at disrupting national unity are agents of Hitler who for years have employed the method of hysterical red-baiting as a means of accomplishing their unpatriotic tasks.

TWENTY-THIRD: The false statement that the Communist Party controlled a union or "manoeuvred" a strike is dangerous to the independence and integrity of our trade unions and harmful to the welfare of the nation: the Communist Party has never controlled a union nor suggested a strike; it has, prior to the war, supported strikes called by trade unions because it sought to do everything possible to aid the workers of the nation and thus to aid the nation.

TWENTY-FOURTH: Since the war effort required it, the petitioner has been among the first to urge that the trade unions refrain from exercising their right to strike while the war continued, and it has consistently opposed all strikes during this period.

TWENTY-FIFTH: The petitioner submits that were the charge against the Communist Party permitted to stand together with the charge that domination of a union by the Communist Party makes membership in that union illegal, there would be nothing to prevent the Attorney General or his successor from considering past membership of aliens in unions as a deportable offense.

TWENTY-SIXTH: The petitioner submits that it would not be difficult, by the same line of reasons and legal conclusions, to charge existing unions and their present or past alien members with being subject to deportation since reactionary forces in our country have charged and continue to charge that many unions affiliated either with the American Federation of Labor or the C.I.O. are Communist organizations.

TWENTY-SEVENTH: The finding made by the Attorney-General that the Communist Party advocates the forcible overthrow of the Government of the United States is unsupported by any evidence of a single overt act of political violence or sabotage by any member of the Communist Party from the inception of the Party to the present day.

TWENTY-EIGHTH: The petitioner respectfully submits that the Attorney-General has been unable to cite such illegal act on the part of any member of the Communist Party because the tenets of the Communist Party are opposed to and inconsistent with advocacy of force and violence.

TWENTY-NINTH: Despite the fact that the petitioner has held six national conventions in the past decade; despite the fact that its governing body, the National Committee, has met even more often; and despite the fact that both bodies have adopted resolutions, programs and platforms and issued official statements of the position of the organization, the Attorney-General has not seen fit to refer

to a single resolution, declaration, or statement made by the Communist Party or its elected officials during the past twenty years.

THIRTIETH: The Communist Party of the United States of America originated in 1919 when a large number of members of the Socialist Party, also an unincorporated political association, severed their connections with that organization to form separate political bodies.

THIRTY-FIRST: At the aforesaid period, there were formed two organizations, the one known as the Communist Party and the other as the Communist Labor Party.

THIRTY-SECOND: In or about December, 1921, the aforementioned organizations, together with the Workers Council, a group of persons who had remained in the Socialist Party, and various trade union groups, as well as other small associations of persons, united to form the Workers Party of America.

THIRTY-THIRD: The aforesaid Workers Party became known as the Workers (Communist) Party of America in 1925, and finally in 1929 assumed the name of Communist Party.

> "The Workers Party was the first united organization of the American Communists; it was a sharp break with the romantic 'Leftism' of underground days for which it accepted no responsibility." (Earl Browder, The Communist, September, 1939, p. 795.)

THIRTY-FOURTH: During this first decade, the development of the Communist Party was hindered by factional disputes engendered by persons within the organization who declined to adhere to the principles upon which the Party was founded. By 1929, these persons had been expelled from membership in the organization.

THIRTY-FIFTH: Thereafter, the Communist Party conducted its affairs under an unwritten constitution until 1938, when the general laws and rules which had been in effect during the past decade were codified in the Constitution of the Communist Party of the United States of America, adopted officially by the Tenth National Convention, the organization's highest governing body, in May, 1938. A copy of the Constitution of the Communist Party is attached hereto and marked Exhibit "A".

THIRTY-SIXTH: The Communist Party of the United States of America is an American political party; makes its own decisions; and maintains its own policies and activities guided solely by the needs and desires of the American people and based upon the social, political and cultural institutions of our country.

THIRTY-SEVENTH: The petitioner submits further, that its policies and activities are necessarily constantly undergoing changes as the basic conditions upon which these policies and activities were grounded are themselves altered.

THIRTY-EIGHTH: In formulating its policies and determining the nature of its activities, the petitioner studies the conditions prevailing in the nation at the given time, and the relation of those conditions to past events.

THIRTY-NINTH: The petitioner adopts this scientific method because it believes that present customs, institutions and ideas are the outgrowth of the historical development of our country.

FORTIETH: For the aforesaid reasons, the petitioner has studied and analyzed the history of our country, honors and endeavors to emulate the great leaders of the past, Thomas Jefferson, Andrew Jackson, Thomas Paine, and Abraham Lincoln.

FORTY-FIRST: From its study of the history of our country, the petitioner is fully cognizant of the opposition which the honored founders of our country encountered when they sought to establish a society consistent with the conditions that existed in their day—a society founded upon a democratic Constitution, a republican form of government, and the right of suffrage.

FORTY-SECOND: With equal understanding, the petitioner is aware of, and struggles against, those groups who oppose all efforts to improve our system of society, or fundamentally change that society appropriate to modern conditions.

FORTY-THIRD: The petitioner bases its principles and policies upon the scientific law that the economic development of an epoch or of a nation is the foundation upon which particular social, political and cultural systems are erected; that this economic foundation of society is in a constant state of motion and change; and that when the economic structure of society is materially changed, the superstructure of social, cultural and political institutions will also change and become more compatible with the material economic changes.

FORTY-FOURTH: The petitioner submits that this law of social development provides the scientific explanation for the history of past eras, and provides the only reliable guide for the progress of present and future society.

FORTY-FIFTH: Because of this scientific analysis the principles evolved by the Communist Party, and, therefore, its policies and activities, are constantly being developed and improved; and the Party does not hesitate to replace outdated propositions and conclusions with new principles which correspond to new historical conditions.

FORTY-SIXTH: The principle and viewpoint enunciated by the founders and exponents of scientific socialism that

their theory is a guide to action and not a dogma emphasizes the need for the application of the theories of scientific socialism to the concrete settings of time and space.

FORTY-SEVENTH: Thus, prior to the attack at Pearl Harbor, the petitioner had officially stated that it did not make any proposals of a specific communistic or socialistic character during the war or the immediate post-war period, because such proposals would not, under present conditions, receive a majority support of the American electorate; and that such proposals could only have the effect of dividing the people on nearly all issues and thereby weakening the strength of the nation for whole-hearted prosecution of the war.

FORTY-EIGHTH: In accordance with the aforesaid official statement of the petitioner, and in the interest of national unity, it being clear that the so-called system of private enterprise would be the system under which the war would be prosecuted and reconstruction in the post-war world achieved, the petitioner pledged itself to give its full support to the fulfillment of these tasks under that system which obviously will prevail in this period—the system of capitalism; i.e., the so-called "private enterprise".

FORTY-NINTH: However, in the broad historical perspective, the petitioner seeks to convince the American people that a change from the capitalist to the socialist form of society has been made necessary by the enormous development of modern industry and the centralization of capital, and that the overwhelming majority of the American people would be benefited immediately—and the total of the people ultimately—by such a change.

FIFTIETH: The petitioner has not withdrawn, but continues to affirm, its conclusion that the economic development of human society has reached a stage in which the

capitalist mode of production must be replaced within this historic epoch by a socialist form of organization, in which the large industrial and financial corporate properties, which have reached the state of monopoly and which constitute the chief social means of production, must become the property of the nation by the will of the majority of the American people, to be expressed at the ballot-box.

FIFTY-FIRST: The petitioner submits that in the aforesaid respect it may be compared to the formative period of the Republican Party, which came into existence with progressive aims in 1852.

FIFTY-SECOND: The founders of the Republican Party, believing that the feudal system prevailing in the South, and which the Southern slave owners sought to extend everywhere, hampered the development of modern industry and democracy, organized themselves into a political party to convince the American people of the truth of their views. Fortunately, the Republican Party, then under the leadership of Abraham Lincoln, met with success.

FIFTY-THIRD: The Communist Party respectfully submits to this Court that its democratic program and activities are based on the aforestated laws of social development and should be tested on that basis.

FIFTY-FOURTH: The petitioner submits that it seeks only an ever-increasing development and expansion of our productive forces, the mines, the factories, the farms, so that they may produce increasing quantities of material goods which can be utilized by all the inhabitants of our nation. The petitioner respectfully directs the attention of this Court to the preamble of its Constitution.

> "The Communist Party of the United States of America is a working class political party carrying forward today the traditions of Jefferson, Paine, Jackson and Lincoln, and of the Declaration of Independ-

ence; it upholds the achievements of democracy, the right of 'life, liberty, and the pursuit of happiness,' and defends the United States Constitution against its reactionary enemies who would destroy democracy and all popular liberties; it is devoted to defense of the immediate interests of workers, farmers, and all toilers against capitalist exploitation, and to preparation of the working class for its historic mission to unite and lead the American people to extend these democratic principles to their necessary and logical conclusions."

FIFTY-FIFTH: The petitioner properly endeavors to put its principles into practice in every sphere of political and social life.

FIFTY-SIXTH: The petitioner has advocated the principle of unionism with collective bargaining and especially industrial unionism as a further advance for the workers of our nation.

FIFTY-SEVENTH: The petitioner has as one of its fixed policies the principle of equal rights for Negroes, believing that discrimination against thirteen million Negroes is a survival of an outworn and reactionary system, and a factor which retards social and political and economic advance of the entire nation.

FIFTY-EIGHTH: In the field of foreign affairs, the petitioner has adopted policies fully familiar to the American people.

FIFTY-NINTH: The petitioner has urged upon our government the adoption of a good-neighbor policy believing that a practice of repression of other nations is not only immoral, but stifles the growth of social forces in the oppressed nation, as well as our own, thus retarding social development and progress.

SIXTIETH: For nine years, since the Italian attack on Ethiopia in 1935, the petitioner advocated a policy of collective security among those nations who were prepared to resist fascism, a policy which was resisted by other groups and political associations.

SIXTY-FIRST: The petitioner submits that it is now historically verifiable that had the policy of collective security which it advocated been adopted, such a policy would have been in the true national interest of the United States and would have served to protect democracy everywhere; would have been the most effective method of preventing the outbreak of the present world war, and the resultant destruction of life and property.

SIXTY-SECOND: The petitioner has conducted election campaigns in accordance with constitutional and statutory provisions applicable to those who exercise the franchise.

SIXTY-THIRD: The petitioner has nominated candidates of its own choosing, seeking office on platforms which specifically set forth its views on the issues of the day and its program for the welfare of the nation, and its candidates have campaigned throughout the country on these platforms.

SIXTY-FOURTH: The petitioner submits that an examination of its platforms in the past three presidential campaigns, is ample proof that its policies were determined strictly on its analysis of prevailing conditions and are consistent with the general law of social development upon which its policies are based.

SIXTY-FIFTH: The petitioner understands that its principles, and the social system which it advocates for the United States, is opposed by groups who are interested in forestalling social progress, and that its views have as yet not been accepted by large numbers of persons. However, it states:

"We of the Communist Party never did and never will hold to a program of forcible establishment of socialism against the will of the people. While the majority of the people, and above all of the working class, do not yet accept the program of socialism, our program of socialist reconstruction of society is a matter for educational work to win the majority, while our practical and immediate political work is to be in the forefront in the organization of the majority of the workers and of the people generally, against the reactionary menace to their rights and interests, for a program of betterment of their lives such as the majority is ready to accept and fight for now—the program of the People's Front. If our understanding of history is correct, this is the surest and least difficult road to winning the majority for socialism in the long run."

SIXTY-SIXTH: The determined and unqualified support of the war of our country by the Communist Party of the United States of America; the readiness of every member of the Communist Party to make every sacrifice in defense of our liberties, our democratic institutions, and our country's existence and independence; to do everything possible to strengthen our armed forces; to develop to the maximum the production of war materials, all contradict and disprove the spurious charge that Communists advocate or seek to overthrow our government by force and violence, or otherwise.

SIXTY-SEVENTH: The position of the Communist Party of the United States of America, its support of the war policies of the Government of our country is not an accident, but is consistent with and flows directly from all the principles that have guided the activities of your petitioner throughout its existence. No Communist Party, no party guided by the principles of Marxism, could have adopted a different position, and, as will presently appear, this position is not newly acquired since Pearl Harbor.

SIXTY-EIGHTH: As early as 1933, soon after Hitler came to power, the petitioner called attention to the danger of Nazi aggression and urged measures to preserve world peace and collective security and to safeguard our national independence and democratic institutions.

SIXTY-NINTH: The alertness of the Communist Party to this world danger was made possible by the application of the scientific principles of Marxism, principles which are applied as a guide to action and not as dogma, and upon which principles the Party is founded.

SEVENTIETH: Unthinking persons are led by the Attorney-General to believe that the petitioner became alert to this world danger "only after June, 1941", when Russia was attacked, and from this false premise it is argued that petitioner's policy is shaped "in the interest of Russia"; both premise and conclusion are untrue, for the petitioner first made its demand for a policy of coalition to "Stop Hitler, Mussolini and Japan", not in 1941, but six years earlier—in 1935; it made the demand not on behalf of Russia, but directly on behalf of Ethiopia and, in a greater sense, it was made because of a view—now generally accepted—that this was the only sound foreign policy in the interest of our country; it made a second demand that our country join in forming such an anti-Axis coalition in 1936, in behalf of Spain; it made a third demand that our country adopt this foreign policy in 1938, in the hope of saving Czechoslovakia from Germany. There is no instance in which the petitioner has made a proposal concerning foreign relations that is not now generally conceded to have been sound policy from the point of view of the interests of the United States.

SEVENTY-FIRST: Based upon its understanding of world events and a policy dedicated to the welfare of the American people, the Communist Party exposed the Japanese attack upon China as a threat to our country's security and independence.

SEVENTY-SECOND: In similar fashion and for similar reasons, the Communist Party condemned the fascist invasion of Spain.

SEVENTY-THIRD: In similar fashion and for similar reasons, your petitioner exposed and fought against the policy of appeasement which led to the Munich betrayal.

SEVENTY-FOURTH: In similar fashion and for similar reasons, your petitioner urged collaboration between our country and the Soviet Union in order to safeguard peace.

SEVENTY-FIFTH: In similar fashion and for similar reasons, the Communist Party throughout the period from September, 1930, to June 22, 1941, struggled constantly against those forces which sought to come to an agreement with Hitler at the expense of the small nations for a war against the Soviet Union.

SEVENTY-SIXTH: The petitioner submits that its policies are based upon the natural concern of the American citizens who constitute it, that our country pursue a sound and democratic course. Its activities have served to create greater understanding among the American people concerning the danger of fascism and fascist aggression; to promote those policies now embodied in our national policy and the policy of the United Nations, and to foster the closest collaboration and alliance of our country with the Soviet Union, China and Great Britain.

SEVENTY-SEVENTH: The petitioner respectfully submits further that its policies through all the years of its existence on the domestic front; the struggle for labor organization; for greater social security; for equal rights for the Negro people; for the battle for production; for the exposure of the Hitler fifth column in this country, must now be recognized to have been helpful in the development of today's national unity.

SEVENTY-EIGHTH: The petitioner submits to this Court that at the present time when the entire country is engaged in a life and death struggle for its survival, the Communist Party subordinates all other activities for the one purpose of winning the war; all its work, all its activity, has this goal in mind and nothing else; all its proposals spring solely from the consideration of how to effectively strengthen the war effort; and in this war, which is not a war of socialism, but a war of national liberation, the Communist Party advocates and fights for the unity of all patriotic Americans regardless of class, creed, color, national origin, or political belief.

SEVENTY-NINTH: The most profound example of the petitioner's desire to strengthen the unity of all progressive and democratic forces in the nation in the support of the war effort and the solution of the problems of the post-war era, is a proposal recently made by its National Committee to a convention of the Party that it cease to call itself a "party" and adopt a probable future designation of itself as an "association". The significance of this proposed change is explained in a report of Earl Browder, the General Secretary of the petitioner:

> "It is around the concept 'party' rather than of 'Communist' that there exists today in America the most practical obstruction to our cooperative relationships with other democratic groups.
>
> "What is called the 'two party system' in the United States is an old tradition which dominates most American minds. It recognizes as a 'party' only that particular combination which is in power and the combination of the opposition which is an immediate alternative to take power. All lesser political groupings are contained within the 'two major parties', which in fact are coalitions of many groups which in most countries would be separate parties; or if the lesser group takes the name 'Party', and becomes one

of the so-called 'minor parties', it is regarded as a sect which has withdrawn itself from the practical political life of the nation. * * *

"Obviously, to realize the promise of Teheran, the broadest democratic-progressive united front must be maintained in the United States. Equally obviously, the Communists will be a part of that united front. The Communist organization will be in a long-term alliance with forces much larger than itself.

"It follows from this fact that, in the peculiar American sense of the word, the Communists will not be operating as a 'Party', that is, with their own separate candidates in elections, except under special circumstances when they may be forced to act through 'independent candidates.' * * *

"All these considerations point to the expediency of a decision that the Communist organization in the United States should adjust its name to correspond more exactly to the American political tradition and its own practical political role.

"Such a decision would be that, instead of being known as 'The Communist Party of the United States', our organization should call itself something like 'American Communist Political Association' * * *

"Under such a name, we will find it much easier to explain our true relationship with all other democratic and progressive groupings which operate through the medium, in the main, of the two-party system, and take our place in free collaboration at their side."

EIGHTIETH: The petitioner submits that such a fundamental step could only be taken by a party which does not espouse the doctrine of force and violence as a means of effecting political and social change.

EIGHTY-FIRST: The petitioner respectfully addresses the Court in the words of the Manifesto of the National Committee of the Communist Party of the United States of

America, addressed to the American people on December 8, 1941, the day after the treacherous attack upon Pearl Harbor and the Axis acts of war against our country:

> "Never in the history of our country has the need for unity of the nation been so great as now. The Communist Party pledges its loyalty, its devoted labor and last drop of its blood in support of our country in this greatest of all the crises that ever threatened its existence. In the tradition of the Communist leaders who in 1861 joined the United States Army under commissions issued by President Lincoln, 100,000 American Communists today step forward to support the bigger war against slavery, a war in defense of the whole world's freedom.
>
> * * * * * * *
>
> "All Americans must join in one mighty stream of national unity to assure that 'government of the people, by the people, and for the people shall not perish from the earth.'
>
> "Everything for national unity!
>
> "Everything for victory over world-wide fascist slavery!"

EIGHTY-SECOND: The Attorney-General in his decision has placed his reliance upon quotations from three documents dated, respectively, 1848, 1920, and 1921.

EIGHTY-THIRD: In the aforesaid decision, the following excerpt from the Communist Manifesto of 1848 appears:

> "The Communists disdain to conceal their views and aims. They openly declare that their ends can be attained only by the forcible overthrow of all existing social conditions."

EIGHTY-FOURTH: The petitioner respectfully submits that the Attorney-General has torn the aforesaid quota-

tion out of factual and historical context and created thereby a wholly erroneous and misleading impression.

EIGHTY-FIFTH: The Attorney-General failed to cite in his decision another statement which appears in the Communist Manifesto: "Finally they (The Communists) labor everywhere for the union and agreement of the democratic parties of all countries"; nor did he cite the statement on page thirty of the same Manifesto, wherein it is stated: "We have seen above, that the first step in the revolution by the working classes, is to raise the proletariat to the position of ruling class, to establish democracy."

EIGHTY-SIXTH: The apparent contradiction between these quotations in the same document gives the clue to the erroneous interpretation made by the Attorney-General of the political theories contained in the Communist Manifesto —the result of his unscientific method of tearing an isolated sentence out of context.

EIGHTY-SEVENTH: The petitioner respectfully submits that Karl Marx, in the Communist Manifesto, was setting forth the law of social development which he had evolved; that he was presenting the general principles of historical development of society and social systems, from the slave era of early Rome to the capitalist period of his day, 1848; that he was projecting the system of socialism as the next historical stage, and, at the same time, enunciating the specific policies applicable to the specific conditions which prevailed in 1848 in Germany, France, Poland and Switzerland, a period of revolution throughout Europe. (See Section IV of the Communist Manifesto entitled, *Position of the Communists in Relation to the Various Existing Opposition Parties.*)

EIGHTY-EIGHTH: The Communist Manifesto, upon which the Attorney-General relies, itself programatically negatives the idea of force and violence by its advocacy of

social gains similar to those now existing in this country, such as collective bargaining, social security, and taxation based on ability to pay; the petitioner submits that the aforementioned social advances have been gained only after years of tireless effort by social minded progressive people, especially labor, whose opponents sought to discredit them by describing them as dangerous radicals who deserved, and who often suffered, imprisonment and death.

EIGHTY-NINTH: It is historically verifiable that Karl Marx prepared the Communist Manifesto as an official, and at the direction of the Communist League, in London.

NINETIETH: The petitioner submits further that it is also historically verifiable that the quotation culled from the Communist Manifesto by the Attorney-General was addressed to the peoples of the countries of Germany, Italy and other parts of Europe in the 1840's in support of their progressive struggles for democratic rights and the abolition of the remnants of the feudal system.

NINETY-FIRST: In other writings, Karl Marx specifically excepted the United States and Great Britain from those countries on the monarch-ridden mainland of Europe in which he believed the conditions at that time would lead to violent overthrow of states.

NINETY-SECOND: The historical conditions which existed at the time when the Communist Manifesto appeared containing the statement extracted by the Attorney-General is further exemplified in every history book used in American schools wherein the leaders of these revolutionary movements against feudalism, such as Carl Schurz and Louis Kossuth, are acclaimed as heroes and great pride taken in the fact that our country furnished them with asylum when they fled into exile.

NINETY-THIRD: The petitioner respectfully submits that Karl Marx, writing in a period of revolutionary upsurge against feudalism, and at a time when the peoples in Europe were striving and aspiring for democratic rights, would have been guilty of gross hypocrisy and sheer absurdity if he had maintained that these social changes could be brought about by peaceful requests and petitions to the then ruling autocrats, dictators, and tyrants.

NINETY-FOURTH: The petitioner further submits that such a fallacious conclusion would be equivalent to a statement by a leader of the United Nations counseling the people of the conquered nations to employ peaceful methods against Quisling or Laval or Hitler.

NINETY-FIFTH: The Attorney-General makes the fundamental error of tearing living facts out of their historical context.

NINETY-SIXTH: The fallacious and unscientific method used by the Attorney-General would condemn the Republican Party and its members because of the admirable and wholly correct theory of social change enunciated by Abraham Lincoln in his First Inaugural Address, a statement which if torn out of textual and historical context would similarly be used to establish that the great President who defended the United States during the Civil War adocated the forcible overthrow of our government:

> "This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing Government, they can exercise their constitutional right of amending it, or their revolutionary right to dismember or overthrow it."

NINETY-SEVENTH: The petitioner respectfully submits that a fair and scrupulous historian would appraise the words and writings of Abraham Lincoln in their historical setting and would correctly conclude that Abraham Lincoln

defended the government of the United States against those who sought its destruction, a position taken by other great Americans, patriotic Americans, including Communists.

NINETY-EIGHTH: On January 12, 1848, Abraham Lincoln, then a young Congressman from Illinois, arose in the House and stated:

> "Any people anywhere being inclined and having the power have a right to rise up and shake off the existing government, and form a new one that suits them better. This is a most valuable, a most sacred right—a right which we hope and believe is to liberate the world. Nor is this right confined to cases in which the whole people of an existing government may choose to exercise it. Any portion of such people that can may revolutionize and make their own so much of the territory as they inhabit. More than this, a majority of any portion of such people may revolutionize, putting down a minority, intermingling with or near about them, who may oppose this movement. Such a minority was precisely the case of the Tories of our own revolution. It is a quality of revolutions not to go by old ideas or old laws; but to break up both, and make new ones." (Stephens, Alexander H., *The War Between the States*, Vol. I, p. 520.)

NINETY-NINTH: The petitioner further submits that the Democratic Party and its principles would be chargeable, if the unscientific method of the Attorney-General were adopted, with unlawful conduct because Thomas Jefferson declared that: "A little rebellion now and then is a good thing and as necessary in the political world as storms in the physical," and "The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants. It is its natural manure."

ONE HUNDREDTH: The petitioner maintains that the words of great patriots and great leaders when abstracted from their historical setting, may be made to appear as the words of an enemy of democracy; but when placed in their appropriate setting, they become appropriate and encouraging guides for action by freedom loving peoples.

ONE HUNDRED FIRST: The words of Karl Marx, written for an Europe of 1848, spurred the peoples of that day to free themselves from the rule of tyrants and are appropriate again today for the enslaved peoples in countries controlled by the Axis powers.

ONE HUNDRED SECOND: While the Attorney-General erroneously transposes a statement of general principles from a document written in Europe almost one hundred years ago to the present historical conditions in the United States of America, he fails to mention the specific utterances made by Karl Marx concerning the capitalist system and the political institutions of the United States.

ONE HUNDRED THIRD: The Revolutionary War which gave us our national existence and independence, and the Civil War which saved and maintained the Union, were the sources from which Karl Marx drew inspiration and experience, as examples of progressive social development, consistent with his theories of social change.

ONE HUNDRED FOURTH: These historic struggles for democracy and the progress of our country have inspired the American people and the American Communists, as well as the Communists in the entire world.

> "As in the Eighteenth Century, the American War of Independence sounded the tocsin for the European middle class, so in the Nineteenth Century the American Civil War sounded it for the European working class." (Marx and Engels Selected Correspondence, p. 136.)

ONE HUNDRED FIFTH: The Attorney-General fails to mention the official records of correspondence between Karl Marx and President Lincoln, transferred through United States Ambassador Adams in London, in one of which letters Karl Marx wrote:

> "From the commencement of the titanic American strife the workingmen of Europe felt instinctively that the Star-Spangled Banner carried the destiny of their class." (Marx and Engels, *Civil War in the United States.*)

ONE HUNDRED SIXTH: The Attorney-General, while placing reliance upon the historic Communist Manifesto in support of his erroneous findings, ignored the fact that Karl Marx headed a world-wide movement organized to obtain popular support for the United States armed forces against the effort made to overthrow the Government of the United States by force and violence.

ONE HUNDRED SEVENTH: The interpretation of the Communist Manifesto made by the Attorney-General is completely inconsistent with the recorded facts that two of the closest political associates of Karl Marx, were Brig. Gen. August Willich and Col. Joseph Weydemeyer, both of the United States Army, prominent Communists, commissioned by President Abraham Lincoln, who served faithfully in the Civil War.

ONE HUNDRED EIGHTH: The patriotic conduct of these political associates met with the unstinted approval of Karl Marx, who found their conduct completely consistent with the principles enunicated in the classic document the Communist Manifesto.

ONE HUNDRED NINTH: The Attorney General failed to mention the article by Karl Marx published in the New York Daily Tribune on February 1, 1862, wherein our government, then headed by President Abraham Lincoln

was admiringly termed "The only popular government in the world."

ONE HUNDRED TENTH: The petitioner submits that the Marxist theories of scientific socialism (Communism) do not advocate and are incompatible with the advocacy of force and violence except in the sense of organized military defense of democracy, which is a part of the philosophy of citizenship of every good American; no individual has the right to judge the petitioner by standards of the false philosophy of pacifism.

ONE HUNDRED ELEVENTH: The completely false theory of force and violence which the Attorney-General wrongfully attributes to the petitioner is the theory that social changes and advances can be accomplished by eliminating in coup d'etat fashion the persons, groups or classes who happen to possess political control.

ONE HUNDRED TWELFTH: The petitioner submits that the theories of Marxism have never embodied the absolute necessity or even the inevitability of force and violence to accomplish social changes in general, or the transition to socialism in particular.

ONE HUNDRED THIRTEENTH: In 1872, nearly twenty-five years after the appearance of the Communist Manifesto, Karl Marx stated:

> "Of course, it must not be supposed to imply that the means to this end (the establishment of a new organization of labor) will be everywhere the same. We know that special regard must be paid to the institutions, customs and traditions of various lands; and we do not deny that there are certain countries such as the United States and England in which the workers may hope to secure their ends by peaceful means." (Stekloff, *History of the First International* (Eng. Tr.), p. 240.)

ONE HUNDRED FOURTEENTH: When the Czar was overthrown by the Russian people and the Provisional Government co-existed with the Soviets, Lenin advised taking advantage of the possibilities of the situation to "secure a peaceful development of the revolution."

> "The democracy of Russia, the Soviets and the Socialist-Revolutionary and the Menshevik parties, are now confronted with the opportunity, very seldom to be met with in the history of revolution, of securing the convocation of the Constituent Assembly at the appointed date without further delay, of saving the country from military and economic catastrophe, and of securing a peaceful development of the revolution.
>
> "By seizing power now—and this is probably their last chance—the Soviets could still secure a peaceful development of the revolution, the peaceful election of deputies of the people, the peaceful struggle of parties within the Soviets, the testing of the programmes of the various parties in practice, and the peaceful transfer of power from party to party.
>
> "If this opportunity is allowed to pass, the entire course of development of the revolution, from the movement of May 3 (April 20) to the Kornilov affair, points to the inevitability of a bitter civil war between the bourgeoisie, and the proletariat * * * On the other hand, the proletariat would support the Soviets in every way if they were to avail themselves of their last chance of securing a peaceful development of the revolution." (Lenin, V. I., *Selected Works.*)

ONE HUNDRED FIFTEENTH: The petitioner submits as another example of the application of the principles of scientific socialism the conduct of the Communist Party in Spain when it staunchly defended the country against the rebellion by force and violence initiated by Franco and the Fascists at the instigation of Hitler.

ONE HUNDRED SIXTEENTH: In similar fashion, the Communist Party of China has by its policies and deeds strengthened the unity of the Chinese nation and heroically in unison with the Chinese Government, is fighting and destroying the Japanese invaders; and at the same time adapting its program to the economic development and institutions of China.

ONE HUNDRED SEVENTEENTH: The terms "Communist" or "Communist Parties" are used in the foregoing paragraphs in respect to countries other than the United States in the same manner or sense as the term "democrat" or "republican" is used for all countries, without implying a necessary connection as between those of one country and those of another. As Lincoln said:

> "The strongest bond of human sympathy, outside of the family relationship, should be one uniting all working people of all nations and tongues and kindreds."

ONE HUNDRED EIGHTEENTH: The petitioner submits that the aforementioned examples of unswerving loyalty by the various Communist Parties of the world are the clearest evidence that "force and violence" are not inherent elements of the laws of scientific socialism.

ONE HUNDRED NINETEENTH: The Attorney-General places further reliance in his decision concerning the objectives of the Communist Party upon a quotation from a document allegedly adopted in 1921 as the program of the American "section."

ONE HUNDRED TWENTIETH: The petitioner maintains that the history of the development of the Communist Party in America conclusively establishes that it cannot and does not take responsibility for any document or activity of any group prior to the formation of the Worker's Party in December, 1921, and that the Communist Party

since 1921 has repudiated the ideas and expressions contained in the quotation relied upon by the Attorney-General.

ONE HUNDRED TWENTY-FIRST: The petitioner has been compelled by reason of the unlawful conduct on the part of individuals and officials of government to protect itself against the spurious versions of Marxism foisted upon it, and has, therefore, adopted the following official resolution:

> "That the Convention formally and officially declares that the Communist Party of the United States is responsible for no political document, policy, book, article, or other expression of political opinion, except such as are issued by itself, through its regularly constituted leadership, on the basis of the Eleventh National Convention deliberations and decisions, and of this present special Convention." (*Report to the Emergency National Convention of the Communist Party*, New York, November 16, 1940.)

ONE HUNDRED TWENTY-SECOND: The Communist Party has repeatedly denied the slanderous assertions made against it through its official spokesmen and by its very Constitution.

> "Because we are advocates of a future socialist system, which as yet is supported only by a small minority of the population, we Communists declare that it is the duty of adherents of socialism to join hands with all progressives not ready for socialism, on the basis of such a platform of democratic and progressive measures, which will guarantee our country from the horrors of fascism and war, and make the future social transformation less difficult and painful." (Browder, Earl, *The People's Front* [1938], p. 85.)

* * * * * *

> "Mr. Browder, we have heard a great deal of Communists advocating the overthrow of the United States

Government by force. I think it will clarify the situation greatly were you to tell us just what the stand of your Party is on that particular question.

"The Communist Party does not advocate force and violence. It is a legal party and defends its legality. Communists are not conspirators, not terrorists, not anarchists. The Communist Party is an open revolutionary party, continuing under modern conditions the revolutionary traditions of 1776" (*supra*, p. 197).

* * * * * *

"The Communist Party repudiates now as in the past, all theories or proposals looking toward a forcible imposition of Socialism or any utopia upon the majority of the people. We repudiate the 'reckless resolve to seize power' by any minority. If there should arise in America anything similar to the situation in Spain, where the democratic republic while repulsing the fascist invasion was stabbed in the back by the 'uncontrollable extremists' (a minority of the anarchists and the Trotskyist F.O.U.M.), that we, like our brothers of the Spanish Communist Party would be in the forefront of the struggle to suppress such 'extremists,' who are really agents of fascism, and render them harmless" (*supra*, p. 239).

* * * * * *

"The Communist Party must smash once and for all the superstition, which has been embodied in a maze of court decisions having the force of law, that our Party is an advocate of force and violence, that it is subject to laws, (Federal immigration laws, State 'criminal syndicalism' laws) directed against such advocacy. The Communist Party is not a conspirative organization, it is an open revolutionary Party, continuing the traditions of 1776 and 1861; it is the only organization that is really entitled by its program and work to designate itself as 'sons and daughters of the American revolution')."

"Communists are not anarchists, not terrorists. The Communist Party is a legal party and defends its legality. Prohibition of advocacy of force and violence does not apply to the Communist Party; it is properly applied only to the Black Legion, the Ku Klux Klan and other fascist groupings, and to the strikebreaking agencies and the open-shop employers who use them against the working class, who are responsible for the terrible toll of violence which shames our country" (*supra*, p. 112).

* * * * * *

"The Communist Party of the U.S.A. upholds the democratic achievements of the American people. It opposes with all its power any clique, group, circle, faction or party which conspires or acts to subvert, undermine, weaken or overthrow any or all institutions of American democracy whereby the majority of the American people have obtained power to determine their own destiny in any degree. It condemns and opposes all policies and acts of sabotage, espionage, and all other forms of 'Fifth Column' activity. The Communist Party of the U.S.A., standing unqualifiedly for the right of the majority to direct the destinies of our country, will fight with all its strength against any and every effort, whether it comes from abroad or from within, to impose upon our people the arbitrary will of any selfish minority group or party or clique or conspiracy" (*Constitution of the Communist Party of the United States of America, Article* VI, Sec. 1).

One Hundred Twenty-third: The quotation contained in the decision of the Attorney-General from "The Thesis and Statutes of the Third International," a document formulated in 1920, is another illustration of the unscientific and illegal methods adopted by the Attorney-General.

ONE HUNDRED TWENTY-FOURTH: The petitioner submits that it is an historically verifiable fact that the Communists in America were not affiliated with the Third International in 1920; and the Petitioner is not at the present time affiliated with any international organization or association.

ONE HUNDRED TWENTY-FIFTH: The Communist Party of the United States of America is an American political party; makes its own decisions; and maintains its own policies and activities, guided solely by the needs and desires of the American people and based upon the social, political and cultural institutions of our country.

ONE HUNDRED TWENTY-SIXTH: Moreover, Communists do not even copy and blindly apply, regardless of time, place and consequences, the more extreme of the precepts on violence uttered by the founders of our nation—enunciated by them as guides to action against tyranny and in the defense of human progress under the different circumstances of an earlier time, because of the petitioner's belief that there can be no mechanical transposition of the precepts of one era to another, nor their application to all countries at the same time.

ONE HUNDRED TWENTY-SEVENTH: The petitioner submits that only the naive and biased would ascribe to humanity's leaders, past and present, the dogmatic advocacy of force and violence in all countries and under all conditions. Those who endeavor to create such misconceptions render the greatest disservice to the nation and the democratic process.

ONE HUNDRED TWENTY-EIGHTH: For all of the aforestated reasons, the petitioner submits that the charge made by the Attorney-General that it advocates force and violence, is untrue; that the issue of force and violence is one totally irrelevant to and unconnected with the nature of the

Communist Party; that the Communist Party cannot and does not by reason of the tenets of scientific socialism which it upholds, advocate the forcible overthrow of the government of the United States.

ONE HUNDRED TWENTY-NINTH: The petitioner submits that American constitutional law guaranteeing the republican form of government and assuring popular suffrage and free elections, adopts as its very essence the principle that the electorate and the electorate alone passes judgment at the polls upon all political programs; and the same Constitution guarantees the free offering to the public by means of speech, press and assemblage of such political doctrines and programs.

ONE HUNDRED THIRTIETH: The petitioner submits that it was not within the province of the Attorney-General, as administrative official of government, to pass upon the merits of the program of any political party of American citizens; and that this function cannot be thrust upon a court by a subterfuge wherein it is pretended that a judgment is being passed upon an individual's qualifications as indicated by his affiliation with a political party in the United States.

ONE HUNDRED THIRTY-FIRST: The findings made by the Attorney-General concerning the objectives of the Communist Party deprived the petitioner of its constitutional rights of freedom of speech, freedom to assemble and to petition the government for a redress of grievances, in violation of the First and Fifth Amendments to the Constitution of the United States.

ONE HUNDRED THIRTY-SECOND: The aforesaid findings made by the Attorney-General denies to the petitioner the equal protection of the laws, in violation of the Fifth Amendment to the Constitution of the United States.

ONE HUNDRED THIRTY-THIRD: The aforesaid findings were made by the Attorney-General in violation of the Fifth Amendment to the Constitution of the United States in that it deprived the petitioner of its liberty and property without due process of law.

ONE HUNDRED THIRTY-FOURTH: As a result of the findings and order made by the Attorney-General concerning the objectives of the Communist Party, the petitioner has suffered and continues to suffer injury and damage, and is threatened with future injury and damage to its liberty and property as guaranteed by the Constitution of the United States.

ONE HUNDRED THIRTY-FIFTH: As a result of the findings and order made by the Attorney-General, damage is threatened to the reputation of the petitioner and its members and to the esteem in which they are held by large numbers of the American people.

ONE HUNDRED THIRTY-SIXTH: The legal and constitutional right of the American citizens who are organized in the petitioner party to disseminate ideas and principles and to promulgate platforms and programs has been violated by the aforesaid findings and order of the Attorney-General, and its ability to nominate and elect candidates of its own choice, or to support in its public activity other candidates deemed by it to represent the public interest and to present its views to the electorate, has been obstructed.

ONE HUNDRED THIRTY-SEVENTH: The findings and order made by the Attorney-General, unjustly attacking an American political party, are injurious to national unity and national morale, both essential to winning the war.

ONE HUNDRED THIRTY-EIGHTH: The petitioner has no adequate or other remedy, in any forum, at law or in equity, to restrain the continuing and threatened damages to its liberty and property.

ONE HUNDRED THIRTY-NINTH: On the 25th day of September, 1942, a petition for a writ of habeas corpus by Harry Renton Bridges was argued before one of the Judges of the United States District Court for the Northern District of California. Prior to such argument, your petitioner made efforts to be permitted to intervene in the said proceeding and applied by petition and notice of motion for such leave to intervene; said motion was argued orally on the said 25th day of September, 1942, and the said application was denied; the decision by the said Judge in the habeas corpus proceeding was not made until the 8th day of February, 1943; the petitioner has thus sought leave to be heard in an application to the Attorney-General of the United States and to the United States District Court; such leave has been denied, and justice requires that this application for leave to intervene herein be granted by this Circuit Court.

ONE HUNDRED FORTIETH: The interest of the petitioner and of its members is not represented by any party to the proceeding now pending in this Court, nor should the petitioner be required to entrust the defense of its interest to either party in the proceeding.

ONE HUNDRED FORTY-FIRST: The adequate representation of petitioner's interest requires that it be permitted to intervene for the purpose of taking all such steps as may be appropriate for its protection in the proceeding.

ONE HUNDRED FORTY-SECOND: If the findings and order made by the Attorney-General are sustained by a judgment of this Court, the rights of the petitioner will be prejudiced.

ONE HUNDRED FORTY-THIRD: The petitioner's claim and the main proceeding herein have a question of law and fact in common.

WHEREFORE, the petitioner respectfully requests that an order be made granting the petitioner's application to intervene in the proceeding herein, and that an order be made directing the District Court to remand the deportation proceeding to the Immigration and Naturalization Service of the Department of Justice with directions to the said Department to give the petitioner a full and fair opportunity to be heard concerning the objectives of the Communist Party, including the right of confrontation and cross-examination and the right of the petitioner to present evidence, oral and documentary, in its own behalf, and such other and further relief as the Court may direct.

Dated: February 16, 1944.

WILLIAM Z. FOSTER,
National Chairman,
Communist Party, U. S. A.

EARL BROWDER,
General Secretary,
Communist Party, U. S. A.

STATE OF NEW YORK,
COUNTY OF NEW YORK, } ss.:
CITY OF NEW YORK,

WILLIAM Z. FOSTER and EARL BROWDER, being duly sworn, depose and say that they are, respectively, the National Chairman and General Secretary of the Communist Party of the United States of America, the applicant for intervention herein; that they have read the foregoing petition and know the contents thereof; that the same is true to their own knowledge, except as to the matters herein stated to be alleged on information and belief, and as to those matters they believe them to be true.

WILLIAM Z. FOSTER.
EARL BROWDER.

Sworn to before me this
16th day of February, 1944.

MAX KITZES,
Notary Public.
Bronx County No. 159, Register's No. 184-K-5.
Certificate filed in New York County No. 879,
Register's No. 541-K-5.
Commission expires March 30, 1945.

EXHIBIT "A"

The Constitution of the Communist Party of the United States of America adopted May, 1938, as amended.

PREAMBLE

The Communist Party of the United States of America is a working class political party carrying forward today the traditions of Jefferson, Paine, Jackson, and Lincoln, and of the Declaration of Independence; it upholds the achievements of democracy, the right of "life, liberty, and the pursuit of happiness", and defends the United States Constitution against its reactionary enemies who would destroy democracy and all popular liberties; it is devoted to defense of the immediate interests of workers, farmers, and all toilers against capitalist exploitation, and to preparation of the working class for its historic mission to unite and lead the American people to extend these democratic principles to their necessary and logical conclusions:

By establishing common ownership of the national economy, through a government of the people, by the people, and for the people; the abolition of all exploitation of man by man, nation by nation, race by race, and thereby the abolition of class divisions in society; that is, by the establishment of socialism, according to the scientific principles enunciated by the greatest teachers of mankind, Marx, Engels, Lenin, and Stalin, embodied in the Communist International; and the free cooperation of the American people with those of other lands, striving toward a world without oppression and war, a world brotherhood of man.

To this end, the Communist Party of the United States of America established the basic laws of its organization in this Constitution.

ARTICLE I

Name

The name of this organization shall be Communist Party of the United States of America.

ARTICLE II

Party Emblems

The highest Party authority in each State shall have power to select the emblem of the Communist Party of that State, taking into consideration the Statutes of said State applying thereto. Its design shall be in such form as shall represent the idea of the unity of worker and farmer.

ARTICLE III

Membership

Section 1. Any person twenty-one years of age or more, regardless of race, color, national origin, sex, or religious belief, who is a citizen of the United States, and whose loyalty to the working class is unquestioned, shall be eligible for membership.

Section 2. A Party member is one who accepts the Party program as determined by the Constitution and the conventions of the Party, attends the regular meetings of the membership Branch, pays dues regularly and is active in Party work.

Section 3. An applicant for membership shall be endorsed by at least two members of the Communist Party. Applications are subject to discussion and decision by the basic organization of the Party to which the application is presented.

Section 4. There shall be no members-at-large without special permission of the National Committee or of a State Committee.

Section 5. Party members two months in arrears in payment of dues cease to be members of the Party in good standing, and shall be informed thereof.

Section 6. Members who are four months in arrears shall be dropped from Party membership. Every member three months in arrears shall be officially informed of this provision, and a personal effort shall be made to bring such member into good standing. However, if a member whose membership is terminated for those reasons applies for re-admission within six months, he may, on the approval of the next higher Party committee, be permitted to pay up his back dues and keep his standing as an old member.

ARTICLE IV

Initiation and Dues

Section 1. The initiation fee for an employed person shall be 50 cents and for an unemployed person 10 cents.

Section 2. Dues shall be paid every month according to rates fixed by the National Committee.

Section 3. The income from dues shall be distributed to the various Party organizations as determined by the National Committee.

Section 4. Fifty per cent of the initiation fee shall be sent to the National Committee and 50 per cent shall remain with the State Organization.

ARTICLE V

All local or district assessments are prohibited, except by special permission of the National Committee. Special assessments may be levied by the National Convention or the National Committee. No member shall be considered in good standing unless he purchases stamps for such special assessments.

ARTICLE VI

The Party: Right and Duties of Members

Section 1. The Communist Party of the U. S. A. upholds the democratic achievements of the American people. It opposes with all its power any clique, group, circle, faction or party which conspires or acts to subvert, undermine, weaken or overthrow any or all institutions of American democracy whereby the majority of the American people have obtained power to determine their own destiny in any degree. It condemns and opposes all policies and acts of sabotage, espionage, and all other forms of "Fifth Column" activity. The Communist Party of the U. S. A., standing unqualifiedly for the right of the majority to direct the destinies of our country, will fight with all its strength against any and every effort, whether it comes from abroad or from within, to impose upon our people the arbitrary will of any selfish minority group or party or clique or conspiracy.

Section 2. Every member of the Party who is in good standing has not only the right, but the duty, to participate in the making of the policies of the Party and in the election of its leading Committees, in a manner provided for in the Constitution.

Section 3. In matters of state or local nature, the Party organizations have the right to exercise full initiative and

to make decisions within the limits of the general policies and decisions of the Party.

Secton 4. After thorough discussion, the majority vote decides the policy of the Party, and the minority is duty-bound to carry out the decision.

Section 5. Party members disagreeing with any decision of a Party organization or Committee have the right to appeal that decision to the next higher body, and may carry the appeal to the highest bodies of the Communist Party of the U. S. A., its National Committee and the National Conventions. Decisions of the National Convention are final. While the appeal is pending, the decision must nevertheless be carried out by every member of the Party.

Section 6. In pre-Convention periods, individual Party members and delegates to the Convention shall have unrestricted right of discussion on any question of Party policy and tactics and the work and future composition of the leading Committees.

Section 7. The decisions of the Convention shall be final and every Party member and Party organization shall be duty-bound to recognize the authority of the Convention decisions and the leadership elected by it.

Section 8. All Party members in mass organizations (trade unions, farm and fraternal organizations, etc.), shall cooperate to promote and strengthen the given organization and shall abide by the democratic decisions of these organizations.

Section 9. It shall be the duty of Party members to explain the mass policies of the Party and the principles of socialism.

Section 10. It shall be the duty of Party members to struggle against the national oppression of the Negro people; to fight for complete equality for Negroes in all phases of American life and to promote the unity of Negro and white toilers for the advancement of their common interests.

Section 11. All Party members who are eligible shall be required to belong to their respective trade unions.

Section 12. All officers and leading committees of the Party from the Branch Executive Committee up to the highest Committees are elected either directly by the membership or through their elected delegates. Every Committee must report regularly on its activities to its Party organization.

Section 13. Any Party officer may be removed at any time from his position by a majority of the vote of the body which elected him, or by the body to which he is responsible, with the approval of the National Committee.

Section 14. Requests for release of a Party member from responsible posts may be granted only by the Party organization which elected him, or to which he is responsible, in consultation with the next higher Committee.

Section 15. No party member shall have personal or political relationship with confirmed Trotskyites, Lovestoneites, or other known enemies of the Party and of the working class.

Section 16. All Party members eligible shall register and vote in the elections for all public offices.

ARTICLE VII

Structure of the Party

Section 1. The basic organization of the Communist Party of the U. S. A., is the Branch.

The Executive Committee of the Branch shall be elected once a year by the membership.

Section 2. The State Organization shall comprise all Party organizations in one state.

The highest body of the State Organization is the State Convention, which shall convene every two years, and shall be composed of delegates elected by the Conventions of the subdivisions of the Party or Branches in the State. The delegates are elected on the basis of numerical strength.

A State Committee of regular and alternate members shall be elected at the State Convention with full power to carry out the decisions of the Convention and conduct the activities of the State Organization until the next State Convention.

The State Committee may elect from among its members an Executive Committee, which shall be responsible to the State Committee.

Special State Conventions may be called either by a majority vote of the State Committee, or upon written request of the Branches representing one-third of the membership of the state, with the approval of the National Committee.

Section 3. District Organizations may be established by the National Committee, covering two or more states. In such cases, the State Committee shall be under the jurisdiction of the District Committee, elected by and representing the Party Organizations of the states composing these Districts. The rules of convening District Conventions and the election of leading Committees shall be the same as those provided for the State Organization.

Section 4. State and District Organizations shall have the power to establish all necessary subdivisions such as County, City and Section Organizations and Committees.

Section 5. The State Organization shall have full autonomy and power within the framework of the program, policies, and Constitution of the National Organization.

ARTICLE VIII

National Organization

Section 1. The supreme authority in the Communist Party of the U. S. A. is the National Convention. Regular National Conventions shall be held every two years. Only National Conventions are authorized to make political and organizational decisions binding upon the entire Party and its membership, except as provided in Article VIII, Section 6.

Section 2. The National Convention shall be composed of delegates elected by the State and District Conventions. The delegates are elected on the basis of numerical strength of the State Organizations. The basis for representation shall be determined by the National Committee.

Section 3. For two months prior to the convention, discussion shall take place in all Party Organizations on the main resolutions and problems coming before the Convention. During this discussion all Party organizations have the right and duty to adopt resolutions and amendments to the Draft Resolutions of the National Committee for consideration at the Convention.

Section 4. The National Convention elects the National Committee, a National Chairman and General Secretary by majority vote. The National Committee shall be composed of regular and alternate members. The alternate members shall have voice but no vote.

Section 5. The size of the National Committee shall be decided upon by each National Convention of the Party. Members of the National Committee must have been active members of the Party for at least three years.

Section 6. The National Committee is the highest authority of the Party between National Conventions, and is responsible for enforcing the Constitution and securing the execution of the general policies adopted by the democratically elected delegates in the National Convention assembled. The National Committee represents the Party as a whole, and has the right to make decisions with full authority on any problem facing the Party between Conventions. The National Committee organizes and supervises its various departments and committees; conducts all the political and organizational work of the Party; appoints or removes the editors of its press, who work under its leadership and control; organizes and guides all undertakings of importance for the entire Party; distributes the Party forces and controls the central treasury. The National Committee, by majority vote of its members, may call special State or National Conventions. The National Committee shall submit a certified, audited financial report to each National Convention.

Section 7. The National Committee elects from among its members a Political Committee and such additional secretaries and such departments and committees as may be considered necessary for most efficient work. The Political Committee is charged with the responsibility of carrying out the decisions and the work of the National Committee between its full sessions. It is responsible for all its decisions to the National Committee. The size of the Political Committee shall be decided upon by majority vote of the National Committee.

Members of the Political Committee and editors of the central Party organs must have been active members of the Party for not less than five years.

The National Committee shall meet at least once in four months.

The National Committee may, when it deems it necessary, call Party Conferences. The National Committee shall decide the basis of attendance at such Conferences. Such conferences shall be consultative bodies auxiliary to the National Committee.

ARTICLE IX

Disciplinary Procedure

Section 1. Breaches of Party discipline by individual members, financial irregularities, as well as any conduct or action detrimental to the Party's prestige and influence among the working masses and harmful to the best interests of the Party, may be punished by censure, public censure, removal from responsible posts, and by expulsion from the Party. Breaches of discipline by Party committees may be punished by removal of the committee by the next higher Party Committee, which shall then conduct new elections.

Section 2. Charges against individual members may be made by any person—Party or non-Party—in writing, to the Branches of the Party or to any leading committee. The Party Branch shall have the right to decide on any disciplinary measure, including expulsion. Such action is subject to final approval by the State Committee.

Section 3. The State and National Committees have the right to hear and take disciplinary action against any individual member or organization under their jurisdiction.

Section 4. All parties concerned, shall have the fullest right to appear, to bring witnesses and to testify before the Party organization. The member punished shall have

the right to appeal any disciplinary decision to the higher committes up to the National Convention of the Party.

Section 5. Party members found to be strike-breakers, degenerates, habitual drunkards, betrayers of Party confidence, prococateurs, persons who practice or advocate terrorism, sabotage, espionage, and force and violence, or members whose actions are otherwise detrimental to the Party and the working class, shall be summarily dismissed from positions of responsibility, expelled from the Party and exposed before the general public.

ARTICLE X

Amending the Constitution

This Constitution may be amended as follows: (a) by decision of a majority of the voting delegates present at the National Convention; or (b) by the National Committee for the purpose of complying with any law of any state or of the United States or whenever any provisions of this Constitution and By-Laws conflict with any such law. Such amendments made by the National Committee shall be published in the Party Press or Discussion Bulletins of the National Committee and shall remain in full force and effect until acted upon by the National Convention.

ARTICLE XI

By-Laws

Section 1. By-Laws may be adopted, based on this Constitution for the purpose of establishing uniform rules and procedure for the proper functioning of the Party organizations. By-Laws may be adopted or changed by majority vote of the National Convention, or between Conventions by majority vote of the National Committee.

Section 2. State By-Laws not in conflict with the National Constitution and By-Laws may be adopted or changed by majority vote of the State Convention or, between Conventions, by majority vote of the State Committee.

ARTICLE XII

Charters

The National Committee shall issue Charters to State or District Organizations and, at the request of the respective State Organizations, to County and City Organizations, defining the territory over which they have jurisdiction and authority.

JOSEPH R. BRODSKY, Esq.,
Attorney for Intervenor,
Communist Party of the U. S. A.,
100 Fifth Avenue,
New York, New York.

IN THE

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

In the Matter of HARRY RENTON BRIDGES on Habeas Corpus

Communist Party of the United States of America, by William Z. Foster, its National Chairman and Earl Browder, its General Secretary,

Intervenor.

PROPOSED PLEADING UNDER RULE 24

The Communist Party of the United States of America, the intervenor herein, by Joseph R. Brodsky, Esq., its attorney, alleges:

FIRST: The Communist Party of the United States of America, hereinafter referred to as Communist Party, is a political party, a voluntary unincorporated association of citizens of the United States.

SECOND: William Z. Foster has been the National Chairman of the Communist Party since 1929, and Earl Browder has been its General Secretary since 1929.

THIRD: The aforesaid William Z. Foster and Earl Browder are fully familiar with the Constitution and By-Laws of the Communist Party, its organization, the proceedings of its several national conventions, the programs and platforms promulgated therein, the principles and activities of the said Communist Party from its inception to date, and are further familiar with the classic economic and political writings in the field of scientific socialism.

FOURTH: Upon information and belief, on May 28, 1942, Hon. Francis Biddle, Attorney-General of the United States, in a deportation proceeding entitled In re Harry Renton Bridges, found that the Communist Party of the U. S. A., from the time of its inception in 1919 to the present time, is an organization which advocates the overthrow by force and violence of the Government of the United States.

FIFTH: The findings were made by the Attorney-General without a trial or hearing, and without an opportunity being given the intervenor to present evidence, oral and documentary in its behalf.

SIXTH: The findings were made by the Attorney-General without notice to the intervenor.

SEVENTH: The findings made by the Attorney-General are unsupported by any evidence.

EIGHTH: The Attorney-General was without jurisdiction to make the findings.

NINTH: The findings made by the Attorney-General were arbitrary, capricious, and an abuse of administrative discretion, contrary to law, and the result of bias, prejudice and prejudgment.

TENTH: The findings made by the Attorney-General are unfounded and baseless in fact.

ELEVENTH: Upon information and belief, the Attorney-General on the said May 28, 1942, made an order of deportation against the said Harry Renton Bridges.

TWELFTH: Thereafter the said Harry Renton Bridges obtained from this Court an order directing the said Attorney-General and others to show cause why a writ of habeas corpus should not issue, and the said proceeding is now pending in this Court.

THIRTEENTH: That thereafter the application of the Communist Party to intervene in the aforesaid main proceeding was granted and the intervenor made a party to the main proceeding.

FOURTEENTH: The Communist Party does not and never has, from the time of its inception in 1919, to the present time, advocated the overthrow by force and violence of the Government of the United States.

FIFTEENTH: The findings made by the Attorney-General concerning the objectives of the Communist Party deprived the intervenor of its constitutional rights of freedom of speech, freedom to assemble and to petition the government for a redress of grievances, in violation of the First and Fifth Amendments to the Constitution of the United States.

SIXTEENTH: The aforesaid findings made by the Attorney-General denies to the intervenor the equal protection of the laws, in violation of the Fifth Amendment to the Constitution of the United States.

SEVENTEENTH: The aforesaid findings were made by the Attorney-General in violation of the Fifth Amendment to the Constitution of the United States in that it deprived the intervenor of its liberty and property without due process of law.

EIGHTEENTH: As a result of the findings and order made by the Attorney-General concerning the objectives of the Communist Party, the intervenor has suffered and continues to suffer injury and damage, and is threatened with future injury and damage to its liberty and property as guaranteed by the Constitution of the United States.

NINETEENTH: As a result of the findings and order made by the Attorney-General, damage is threatened to the reputation of the intervenor and its members and to the esteem in which they are held by large numbers of the American people.

TWENTIETH: The legal and constitutional rights of the intervenor to disseminate ideas and principles and to promulgate platforms and programs has been violated by the aforesaid findings and order of the Attorney-General, and its ability to nominate and elect candidates of its own choice and to present its views to the electorate, has been obstructed.

TWENTY-FIRST: The findings and order made by the Attorney-General, attacking an American political party, are injurious to national unity and national morale, both essential to winning the war.

TWENTY-SECOND: The intervenor has no adequate or other remedy, in any forum, at law or in equity, to restrain the continuing and threatened damages to its liberty and property.

WHEREFORE, the intervenor respectfully requests that an order be made remanding the deportation proceeding to the Immigration and Naturalization Service of the Department of Justice with directions to the said Department to give the intervenor a full and fair opportunity to be heard concerning the objectives of the Communist Party, including the right of confrontation and cross-examination

and the right of the intervenor to present evidence, oral and documentary, in its own behalf, and such other and further relief as the Court may direct.

JOSEPH R. BRODSKY, Esq.,
Attorney for Intervenor,
Communist Party of the U. S. A.,
100 Fifth Avenue,
New York, New York.

United States Circuit Court of Appeals
for the Ninth Circuit

Excerpt from Proceedings of Saturday, February 26, 1944.

Before: Wilbur, Garrecht, Mathews and Healy, Circuit Judges.

[Title of Cause.]

A Notice of Motion and Motion for Order granting leave to intervene, to be presented on February 28, 1944, has been filed by, or on behalf of, the Communist Party of the U. S. A., together with brief in support of the motion to intervene.

The petition is denied and the propopsed motion is stricken from the calendar.

(Stephens, C.J., absent, not participating.)

United States Circuit Court of Appeals
for the Ninth Circuit

Excerpt from Proceedings of Monday, June 26, 1944.

Before: Wilbur, Garrecht, Mathews, Stephens and Healy, Circuit Judges.

[Title of Cause.]

ORDER DIRECTING FILING OF OPINIONS AND FILING AND RECORDING OF DECREE

By direction of the Court, Ordered That the typewritten opinion, concurring opinion and dissenting

opinion this day rendered by this Court in above cause be forthwith filed by the clerk, and that a decree be filed and recorded in the minutes of this court in accordance with the majority opinion rendered.

[Title of Circuit Court of Appeals and Cause.]

Upon appeal from the District Court of the United States for the Northern District of California, Northern Division

OPINION

Before: Wilbur, Garrecht, Mathews, Stephens and Healy, Circuit Judges.

Wilbur, Circuit Judge:

The appellant, in custody of the respondent under a warrant for deportation, sought release by habeas corpus in the District Court for the Northern District of California. That court issued an order to show cause and, upon the showing made by the return and traverse, denied the petition and remanded the petitioner to the custody of the respondent. From that order the petitioner appeals to this court. The appellant attached to his petition for a writ a transcript of the entire proceedings before the Inspector who ordered deportation, the record of petitioner's appeal before the Appeal Board set up by the Attorney General, which recommended against deportation, and the final order of the Attorney General upon a review of the Appeal Board's decision ordering the deportation of the petitioner.

While the power of the District Court and of this court in such an application is well settled, in view of the wide range of the argument it is well to state again the limits of the court's authority in the premises.

The statute providing for deportation of undesirable aliens by the Attorney General provides that:

"In every case where any person is ordered deported from the United States under the provisions of this chapter, or of any law or treaty, the decision of the Attorney General shall be final." 8 U.S.C.A. § 155 (a).

Thus the court has no power derived from Congress to review or to inquire into the truth of the charge against the alien, nor into the manner in which the decision has been reached by the Attorney General. The right of the court to consider the validity of the order of deportation at all is derived directly from the Fifth Amendment to the Constitution of the United States, which prohibits a deprivation of liberty or property without due process of law.

The Supreme Court, in United States v. Ju Toy, 198 U. S. 253, 255, stated the rule controlling the court in such a case as follows:

"Where the law has confided to a special tribunal authority to hear and determine matters arising in the course of its duties, a decision by it within the scope of its authority as to questions of fact is conclusive against collateral attack. Where the jurisdiction depends upon a question of fact which is

the very gist of the controversy, the determination of that, is generally final. [citing cases]

"Where the decision of questions of fact is committed by Congress to the head of a Department, his decision thereon is conclusive; * * *".

This last statement is subject only to a court review upon the question of due process under the Fifth Amendment to the Constitution.

In Zakonaite v. Wolf, 226 U.S. 272, 275, it is said, (Mr. Justice Pitney writing the opinion):

"It is entirely settled that the authority of Congress to prohibit aliens from coming within the United States and to regulate their coming includes authority to impose conditions upon the performance of which the continued liberty of the alien to reside within the bounds of this country may be made to depend; that a proceeding to enforce such regulations is not a criminal prosecution within the meaning of the Fifth and Sixth Amendments; that such an injury may be properly devolved upon an executive department or subordinate officials thereof and that the findings of fact reached by such officials, after a fair though summary hearing, may constitutionally be made conclusive, as they are made by the provisions of the act in question."

In Tisi v. Tod, 264 U.S. 131, 133, it is said, (Mr. Justice Brandeis writing the opinion):

"We do not discuss the evidence; because the correctness of the judgment of the lower court is

not to be determined by enquiring whether the conclusion drawn by the Secretary of Labor from the evidence was correct or by deciding whether the evidence was such that, if introduced in a court of law, it would be held legally sufficient to prove the fact found.

"The denial of a fair hearing is not established by proving merely that the decision was wrong. Chin Yow v. United States, 208 U.S. 8, 13. This is equally true whether the error consists in deciding wrongly that evidence introduced constituted legal evidence of the fact or in drawing a wrong inference from the evidence. The error of an administrative tribunal may, of course, be so flagrant as to convince a court that the hearing had was not a fair one. Compare United States ex rel. Bilokumsky v. Tod,[1] 263 U.S. 149; Kwock[2] Jan Fat v. White, 253 U.S. 454; Zakonaite v. Wolf, 226 U.S.

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[1] In the cited case [opinion of Justice Brandeis] the alleged alien was being examined in a deportation proceeding and statements made by him while confined by state authorities were introduced in evidence. In a subsequent habeas corpus proceeding it was claimed that this was not legal evidence. The Supreme Court rejected the claim.

[2] In the cited habeas corpus proceeding [opinion by Judge Clarke], had after the subject of the habeas corpus petitions had been denied entry to this country by immigration authorities, it was shown that the transcript sent the Commissioner of Immigration omitted evidence that the subject was confronted by three persons who recognized him as the person he claimed to be. The Supreme Court held the order denying entry void as the subject had not been accorded "due process."

272; Tang Tun v. Edsell, 223 U.S. 673. * * * Under these circumstances mere error, even if it consists in finding an essential fact without adequate supporting evidence, is not a denial of due process of law."

In U.S. ex rel. Vajtauer v. Commissioner of Immigration, 273 U.S. 100, 112, (Mr. Justice Stone, now Chief Justice, writing the opinion) it is said:

"But we find it unnecessary to consider this question, [a question of burden of proof] as we think that the record taken as a whole and without the aid of any statutory presumption prevents some evidence supporting the deportation order."

We have consistently followed the decisions of the Supreme Court in this circuit upon this subject. In Whitty v. Weedin, 68 F.2d., 127, in considering an appeal from a decision of the trial court denying release by habeas corpus where the defendant was held under a deportation warrant, it is said:

"The point to be determined by us is whether the appellant had a fair hearing, and, if it appears from the record that he had, we are not at liberty to disturb the decison of the lower court. The truth of the facts is for the determination of the immigration tribunals, and where its procedure and decision are not arbitrary or unreasonable, and the alien has had a fair hearing, the result must be accepted."

This decision was followed and quoted in a similar case: Monji Uyemura v. Carr, 99 F.2d., 729. See also, our decision in Chin Share Nging v.

Nagle, 27 F.2d., 848; Mui Sam Hun v. U.S., 78 F.2d., 612.

The Supreme Court applied the rule in the late case of Costanzo v. Tillinghast, 287 U.S. 341, 342, wherein it is said:

"The Circuit Court of Appeals properly negatived the asserted absence of any evidence to support the action of the Secretary of Labor, and therefore refused, as we do, to review that office's findings." [citing cases]

Under the Fifth Amendment, as these authorities clearly show, deprivation of liberty in the execution of the deportation statute without due process of law is not countenanced and victims of such practice may come to the courts for relief by filing petitions for the issuance of the writ of habeas corpus. The courts can act in no other manner.

The courts have uniformly held that Congress cannot authorize a deprivation of liberty without due process of law as provided in the Constitution by the device of making the fact findings of an administrative board conclusive on the courts. That is to say, findings made without supporting evidence or without a hearing before the administrative body or officer are held by the courts to be void. Hence, on this purely collateral proceeding in habeas corpus, the validity of the order of the Attorney General for detention for deportation may be questioned but only to the extent necessary to determine whether there has been a denial of due process by the Attorney General. The parties recognize the

rule, but their argument of facts in some instance extends far beyond our power of examination. In effect they ask us to do what is condemned in Federal Trade Commission v. Algona Lumber Co., 291 U.S. 67, "pay lip service" to the statute.

The petitioner claims that the Attorney General applied an erroneous rule as to the Government's burden of proof and argues that the Government should establish its case beyond a reasonable doubt and that we are to judge whether or not this burden has been sustained. This whole contention is erroneous as the authorities hereinbefore cited indisputably show. The case of Schneiderman v. U.S., 320 U.S. 118, cited by appellant does not support this view and that decision has no application here. In that case the Supreme Court was reviewing a decision by a District Court and a Circuit Court of Appeals in equity revoking an order or decree admitting Schneiderman to citizenship. The rule there stated is for the guidance of federal courts exercising equity jurisdiction. The rule there applied by the courts is not applicable to a hearing on habeas corpus to determine whether or not the petitioner has had a fair hearing where the rule is that findings of the administrative body are conclusive if supported by evidence.

Congress, of course, could have given the courts jurisdiction over the subject of ordering aliens from the country as it gave the courts jurisdiction over the subject of naturalization of aliens and of the cancellation of naturalization decrees, but it did not do so. Instead, it set up elaborate official machinery

for the handling of this subject, which formerly was under the operation of other executive departments of the Government but which is now operated by the Department of Justice, of which the Attorney General is the administrative head. Our decision upon this appeal must be against the appellant if we discover in the record any evidence supporting the finding of the Attorney General. Thus his decision as to the weight and effect of the evidence is conclusive.

Congress has provided for the deportation of aliens belonging to or affiliated with certain subversive organizations described in the statute (8 U.S.C.A. § 137), from which we quote as follows:

"Any alien who, at any time, shall be or shall have been a member of any one of the following classes shall be excluded from admission into the United States:

"* * * (c) * * * Aliens who * * * are members of or affiliated with any organization, association, society, or group, that believes in, advises, advocates, or teaches: (1) the overthrow by force or violence of the Government of the United States * * *.

* * *

"(e) * * * Aliens who are members of or affiliated with any organization, association, society, or group, that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue or display, any written or printed matter of the character described in paragraph (d) [advising, advo-

cating, or teaching the overthrow by force or violence of the Government of the United States].

"(f) Definition of advising, advocacy, teaching, or affiliation.—For the purpose of this section: (1) the giving, loaning, or promising of money or anything of value to be used for the advising, advocacy, or teaching of any doctrine above enumerated shall constitute the advising, advocacy, or teaching of such doctrine; and (2) the giving, loaning, or promising of money or anything of value to any organization, association, society, or group of the character above described shall constitute affiliation therewith; but nothing in this paragraph shall be taken as an exclusive definition of advising, advocacy, teaching, or affiliation.

"(g) Deportation.—Any alien who was at the time of entering the United States, or has been at any time thereafter, a member of any one of the classes of aliens enumerated in this section, shall, upon the warrant of the Attorney General, be taken into custody and deported in the manner provided in sections 10, 102, 105, 108, 109, 113, 115, 116, 132, 136, 138, 139, 142-156, 158-166, 168, 169, 171, 173, 175, 177, and 178 of this title. The provisions of this section shall be applicable to the classes of aliens mentioned therein, irrespective of the time of their entry into the United States."

The Attorney General, acting under § 137 (g), supra, issued a warrant for appellant's arrest on February 14, 1941. Hearing was had before the Inspector, beginning March 31, 1941 and ending June 12, 1941, occupying substantially all of forty-

two trial days. Appellant was there represented by three attorneys of his own choice and was accorded full opportunity to subpoena witnesses, introduce evidence, and cross-examine witnesses. Appellant testified extensively in his own behalf and, in addition, presented testimony of twnty-nine other witnesses and numerous exhibits. A shorthand reporter took down the entire proceeding; the transcript of his notes occupies 6972 pages of the printed record before us.

The Inspector decided in favor of the Government and appellant appealed to the Appeal Board which received further briefs and heard oral argument, and reversed the decision of the Inspector. Thereafter the Attorney General, upon the record, reviewed the matter and made the following findings of fact and conclusions of law:

"* * * I make the following Findings of Fact and Conclusions of Law, proposed by Judge Sears, to wit:

"Findings of Fact

"1. That Harry Renton Bridges is an alien, to wit, a native and citizen of Australia;

"2. That said alien entered the United States at the port of San Francisco, California, April 12, 1920, as a member of the crew of the barkentine Ysabel;

"3. That the Communist Party of the U.S.A., from the time of its inception in 1919 to the present time, is an organization that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States;

"4. That the Communist Party of the U.S.A., from the time of its inception to the present time, is an organiaztion that writes, circulates, distributes, prints, publishes, and displays printed matter advising, advocating; or teaching the overthrow by force and violence of the Government of the United States;

"5. That the Communist Party of the U.S.A., from the time of its inception to the present time, is an organization that causes to be written, circulated, distributed, printed, published, and displayed printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States;

"6. That the Communist Party of the U.S.A., from the time of its inception to the present time, is an organization that has in its possession for the purpose of circulation, distribution, publication, issue, and display, printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States;

"7. That the Marine Workers' Industrial Union was a part of the Communist Party, dominated and controlled by it;

"8. That the Marine Workers' Industrial Union was an organization that believed in, advised, advocated, and taught the overthrow by force and violence of the Government of the United States;

"9. That after entering the United States the

alien has been a member of the Communist Party:

"10. That after entering the United States the alien has been affiliated with the Communist Party;

"11. That after entering the United States the alien has been affiliated with the Marine Workers' Industrial Union.

"Conclusions of Law.

"That under the Act of October 16, 1918, as amended by the Acts of June 5, 1920, and June 28, 1940, the alien Harry Renton Bridges, is subject to deportation in that:

"1. After entering the United States he has been a member of an organization, association, society, or group that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States;

"2. That after entering the United States the alien has been affiliated with an organization, association, society, or group that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States;

"3. That after entering the United States the alien has been a member of an organization, association, society, or group that writes, circulates, distributes, publishes, and displays printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States;

"4. That after entering the United States the alien has been affiliated with an organization, association, society, or group that writes, circulates,

distributes, publishes, and displays printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States;

"5. That after entering the United States the alien has been a member of an organization, association, society, or group that caused to be written, circulated, distributed, published, printed and displayed, printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States.

/s/ FRANCIS RIDDLE,

"May 28, 1942. Attorney General."

As it is admitted that petitioner is an alien, a citizen of Australia, the only question before us is as to his membership in on affiliation with proscribed organization. As to that, the question, and the only question which we are authorized to decide, is not whether the petitioner is a member of the Marine Workers' Industrial Union or the Communist Party, or is affiliated with either, or whether such organizations are subversive organizations, but whether or not there was evidence in the hearing before the Inspector, and therefore before the Attorney General, from which inferences could reasonably be drawn in support of the facts found.

Harry Lundeberg, president of the Maritime Federation of the Pacific, testified that the appellant had stated to him in the summer of 1935 that he was then a member of the Communist Party. This evidence was competent as an admission of the appellant. The question of the credibilty of this

witness, and the weight of the suporting and the conflicting evidence, finally lie wholly within the conclusive fact finding power of the Attorney General and are beyond our power of review. For the same reason, if there is evidence to support the finding of affiliation with the Marine Workers' Industrial Union, or the findings that these organizations, or either of them, were subversive, we may not weigh it against the contrary evidence. As to the subversive character of the Communist Party of the United States, there is evidence that in July 1929 "The Communist", a magazine published and circulated by the Communist Party, contained the following statement concerning the purpose of the Communist Party in the United States which clearly shows its purpose to change our government by force and violence:

"When Communists urge strikes and crippling of industry in time of war we are accused of trying to bring about the defeat of 'our own' government. To that charge we plead guilty. That is precisely our aim. A government engaged in warfare is weaker than at other times in spite of the fact that its savage repressions make it appear strong to the superficial observer. At such a moment an organized drive to stop the production of war supplies, to cripple the transportation system may result in creating such difficulties that the imperialist forces may be defeated.

"But it is not sufficient in our drive against imperialist war merely to concentrate upon the war industries. We must be able to reach the masses in

the armed forces of the nation with revolutionary agitation and propaganda calculated to cause defections and mutiny in the ranks.

"We do not indulge in the social, democratic twaddle about disarmament. We will not tell the soldiers in the army to throw away their guns and run home. We tell them to hold their guns in their hands and use them against their own capitalist oppressors. When faced with an imperialist war as an accomplished fact we must be able to popularize definite revolutionary slogans among the armed forces. In case of a war between imperialist nations we raise the slogan of fraternization with the soldiers of the opposing army, refusal to obey commands of officers, mutinies, and other forms of disruptive work. In case of a war against the Soviet Union our main slogan will be different. We will then urge the soldiers in the imperialist armies to desert the army and with their guns and as much ammunition as they can get, go over to the side of the Red Army against the imperialistic forces.

"While the capitalists prepare for another imperialist war, we prepare to utilize the difficulties for capitalism arising out of such a war in order to initate the next stage of the world revolution.

"We realize that such a conflict requires careful preparation under the leadership of a determined Bolshevik party. Turning an imperialist war between nations into a civil war against capitalism is not a simple matter, it is not a game for dilettantes to play. It requires the most highly developed revo-

lutionary strategy and an ability to estimate the relative forces involved in the struggle as well as the precise moment for the launching of the insurrection.

"When a revolutionary situation is developing, as a result of war or from any other cause, the party of the proletariat must lead a direct attack against the capitalist state. The slogan put forth must be of such a nature as to guide the movement in its development, which will take the form at first of mass strikes and armed demonstrations. In that stage there arises the question of arming of the working class and disarming the capitalist class. Finally the highest form of struggle is reached wherein it culminates in the general strike and a merging of large sections of the military forces and the workers for armed insurrection against the capitalist state power."

There is a vast volume of evidence in the record upon this subject which we have painstakingly examined but which we do not discuss for the reason that when we have pointed out this extract from the Communist magazine, we need go no further since it unquestionably constitutes evidence in support of the finding that the Communist Party advocates rebellion. The record thus shows evidence, firstly, that the appellant had been a member of the Communist Party since he entered this country and, secondly, that the Communist Party believes in, advocates and teaches the overthrow by force and violence of the Government of the United States. Congress has authorized the deportation, upon warrant of the Attorney General, of aliens

who belong or have belonged to such an organization. (8 U.S.C.A. § 137, supra)

Prior deportation proceedings were instituted against the appellant in 1938 under 8 U.S.C.A. § 137 as it then stood, providing for deportation of members of subversive organizations. During the progress of the proceedings the Supreme Court interpreted the statute to apply only to those who were members of such organizations at the time deportation proceedings were instituted. (Kessler v. Strecker, 307 U.S. 22). The Inspector who was in charge of the hearing concluded that the appellant had terminated his connection, if any, with the Communist Party prior to the institution of the proceedings and therefore dismissed the proceedings for the warrant of deportation. Thereafter, Congress, on June 28, 1940, modified the act to apply to any alien who was "at the time of entering the United States, or has been at any time thereafter, a member" of an excluded class of aliens, including past or present members or affiliates of subversive organizations. (54 Stat. 673; 8 U.S.C.A. § 137 (g)). Thereafter the proceedings now under attack were inaugurated and were heard before a different Inspector. Such later hearing resulted in the order of deportation now under attack.

We recite this history as an aid to the understanding of a number of legal points raised by appellant which we shall now proceed to treat. It is claimed that the decision by the Inspector in the first proceeding is res judicata on the question now before us. The question before the Inspector in the

earlier case relates only to whether or not the appellant was at the time of the institution of the proceedings a member of or was an affiliate of a proscribed organization and did not cover the question in the present case which is as to whether or not the appellant has been at any time since his arrival in this country a member or affiliate of such an organization.

It is also claimed that the appellant has been subject to double jeopardy in violation of the Constitution of the United States. The principle of double jeopardy applies only to criminal procedings. This is not a criminal proceeding.

It is claimed that the act of 1940 is an ex post factor law in that it permits deportation for conduct prior to the enactment of the amended law. The constitutional prohibition against ex post facto laws applied only to criminal proceedings. A proceeding for deportation is not a criminal proceeding and is not intended nor designed to punish crime.

Appellant argues that the evidence of Lundeberg was so unworthy of credence that it should be held as a matter of law to be of no weight whatever. It is not for us to say whether or not the Attorney General was justified in accepting it as sufficient proof of the facts stated by Lundeberg, namely, that Bridges had stated to him that he was a member of the Communist Party. To assert that the Attorney General was bound to disbelieve the evidence of this witness would be to invade his province and to assume the obligation of determining the facts. Congress, acting within its legislative power, has effectively prohibited the determination of the facts by

any court or any body other than the Attorney General. (8 U.S.C.A. § 155 (a),.supra). We do not mean to say that we would be bound to consider any testimony received in the case as beyond our question. Testimony, of course, could be so inherently impossible or improbable of belief that its receipt or its acceptance as proof would be an abuse of the administrative discretion but we have no such instance here. Because we cannot weigh the credence to be given the testimony of Lundeberg, we do not recite in detail the evidence which is claimed to discredit his testimony. Such evidence is to the effect that Lundeberg was hostile to the appellant, and that he had made prior statements that he did not know whether or not the appellant was a member of the Communist Party.

It was claimed by the immigration authorities that one O'Neil had made statements to them [one a shorthand reporter who claims to have taken the statements in shorthand at the time] that he had seen the appellant pasting stamps in his Party Book, such stamps indicating that the appellant was paying dues to the Communist Party. O'Neil was called as a witness by the immigration authorities and denied that he knew anything about appellant's relation to the Communist Party, although he claims to have told only the truth to the authorities. His contradictory statements made to the authorities were then admitted in evidence, including the transcription of the reporter's shorthand notes. Appellant claims that the admission and consideration of

these asserted statements by O'Neil rendered the deportation proceeding unfair and void. Neither the Inspector nor the Attorney General is bound by the common law rules of evidence, and it is not true that the reception of incompetent or hearsay evidence is a ground for treating the decision of the Inspector and Attorney General as void. There being evidence to support the finding of the Inspector and Attorney General that the appellant was a member of the Communist Party the acceptance of additional evidence of less probative value by the Inspector and the Attorney General cannot avail the appellant in this collateral proceeding. The applicable rule was stated in Bilokumsky v. Tod, 263 U.S. 149, 157, as follows:[3]

"Morever, a hearing granted does not cease to be fair, merely because rules of evidence and of procedure applicable in judicial proceedings have not been strictly followed by the executive; or because some evidence has been improperly rejected or received. Tang Tun v. Edsell, 223 U.S. 673, 681."

We may add with propriety that it is a heavy burden to decide which person told the truth in the direct conflict occurring in the testimony of Lundeberg and Bridges and in the asserted statement of O'Neil and the testimony of Bridges. The statement by Lundeberg that Bridges claimed to be a Communist falls into a class of evidence that is

[3]It must not be assumed that the Lundeberg and O'Neil testimony is the only relevant testimony in the case. We discuss this testimony because of its importance and because of the attack made upon it by appellant.

easily given and hard to refute. In view of the authorities cited the danger of mistake which is undeniably present is for the administrative head and for him alone to take. Under the law that burden fell finally and squarely upon the Attorney General. The district judge, whose judgment we are reviewing, and this court would be exercising power we do not legally possess if we should essay to assume that burden. The courts do not have unlimited sanction to attempt the righting of every governmental act which the judges regard as wrong; their first duty is to act only within their limited power.

During the progress of the deportation proceedings three opinions were written; one by the presiding inspector, Judge Sears, formerly of the Court of Appeals of the State of New York, and another by the Board of Immigration Appeals; and a third by the Attorney General. Each of these sets forth in great detail the reasons and bases for the conclusions reached. The Inspector's findings were against the appellant; those of the Board were in his favor; and those of the Attorney General sustained the Inspector. A considerable part of the briefs deals with the reasoning and pronouncements of these various opinions. We are not concerned with the mental processes by which these conclusions were reached, although it is worthy of mention that the Attorney General stresses the fact that Inspector Sears, with whose determination he agrees, had the witnesses before him and was for that rea-

son better able to adjudge of their credibility than one could be who has merely studied the record.

The briefs before us discuss the question whether or not the appellant was affiliated with the Communist Party or with the Marine Workers' Industrial Union. As the warrant for deportation is supported by the findings of the Attorney General that the appellant was a member of the Communist Party, it is not necessary for us to determine whether there is evidence to support the finding of the Attorney General that appellant was affiliated with that organization or with the Marine Workers' Industrial Union, or whether or not the latter named organization was a part of the Communist Party. However, lest we be misunderstood, we state that we have carefully reviewed all of the evidence regarding the relation of the Marine Workers' Industrial Union with the Communist Party and appellant's relation to these two organizations. This review has convinced us that there is evidence to support the findings of the Attorney General that the Marine Workers' Industrial Union was a part of the Communist Party and that appellant was affiliated with it during the period of the longshoremen's strike. It may be stated arguendo that appellant, in his management of that strike, was attacking most vicious and inhumane practices toward longshoremen and that he was justified in accepting help from any quarter. The very bad conditions referred to were amply established by the evidence but this circumstance does not lessen the fact that the evidence adduced before the Inspector supports

the inference and the finding that appellant was in affiliation with the organization known as the Marine Workers' Industrial Union.

Likewise, we hold that the evidence supports the Attorney General's findings 4, 5 and 6.

A witness named Maurice J. Cannalonga, who testified in favor of the immigration authorities, and subsequently signed statements repudiating his testimony, was again brought before the Inspector by the immigration authorities after demand by the appellant, and again testified, as he had in the first instance, repudiating his conflicting statements on the ground that he was confused for the reason "he had been hitting the booze heavy then." The testimony of this witness was disregarded, as appears from the statement of the Inspector and the Board of Appeals. It is claimed, however, that when he was placed upon the stand the second time the immigration authorities were cognizant of the fact that he was intending to commit perjury on the stand. It is claimed also that the testimony of this witness was fabricated. In support of the suggestion that this invalidates the whole proceeding, the appellant cites the case of Mooney v. Holohan, 294 U.S. 103. That case holds that where the state, through its administrative officers, conspires to use the courts of the state for the purpose of convicting a man known to be innocent, by fabricated testimony, such conduct by the state constitutes a denial by the state of due process.

It is not shown how the government officials could know that a repetition of his testimony theretofore

given was perjury even though it were known that after being interviewed by appellant's counsel he had given a statement contrary to the testimony first made under oath in the deportation proceeding. (See, Chiggeri v. Nagle, 19 F.2d., 875)

This aspersion upon the integrity of the Government's attorneys is wholly gratuitous and without foundation in fact.

Order affirmed.

Stephens, Circuit Judge, concurring:

I concur in the opinion prepared by Judge Wilbur and in the decision reached therein. To decide otherwise, as it seems to me, would be judicial usurpation of power to meet an unusual situation. One of the maxims of the law is that hard cases make bad law. It cannot be denied that the evidence in this case falls far short of the "clear, unequivocal and convincing" rule the Supreme Court has announced for the review of judgments in denaturalization proceedings. Baumgartner v. United States, ... US .... (June 12, 1944); Schneiderman v. United States, 320 US 118.

This proceeding, however, does not originate in a court action as those cases do but from an administrative decision. Not only has the Supreme Court never announced the "clear, unequivocal and convincing" rule for such a proceeding, it has never announced that any court in reviewing such a decision can decide whether or not the mere burden of proof has been or has not been sustained. When some evidence supporting the decision has been

found, the reviewing court's decision is definitely fixed. See the quotations in the main opinion from Tisi v. Tod, 264 US 131, 133, written by Mr. Justice Brandeis, and from United States ex rel. Vajtauer v. Commissioner of Immigration, 273 US 100, 112, written by Mr. Justice Stone.

In no case have I given the evidence more careful attention than in this one. However, such attention has not left in my mind the pleasurable satisfaction that, barring a very slight possibility of error, the truth has been revealed. Such satisfaction is beside the point here. The simple question this court must answer is: Is there some evidence to sustain the charges? There is.

I am authorized to say that Judges Wilbur and Mathews are in agreement with these expressions.

Healy, Circuit Judge, Dissenting

It was not charged nor is there evidence that the alien has advocated the forcible overthrow of the government of the United States. Nor was there charge or proof that he entertained views inimical to constitutional government, or that he at any time possessed or distributed literature subversive of the constitution. The accusation is that he was a member of or was affiliated with an organization, namely, the Communist party, which did those things. This accusation the alien has countered with a flat and unequivocal denial. For those who cherish traditions of American justice it is permissible to believe that the alien should not be deprived of his freedom to remain here unless the truth of the accusation be fairly established. That it was

not so proven must be patent, I think, to any candid person who takes the trouble to examine the record.

I am aware that in a proceeding of this nature the court is powerless to review or weigh the evidence in the ordinary sense. It is not my purpose to do more than consider its adequacy in the light of the whole record. I desire particularly to point out what seems to me to be the fact, namely, that the crucial finding in the case was arrived at in reliance upon incompetent evidence—evidence, moreover, received and considered in violation of a regulation of the Department designed to insure fair hearings and to safeguard the rights of aliens. If this be true, I think it follows that the alien was not accorded due process.

Bridges is a native of Australia. He came to the United States as a sailor in the year 1920.[1] His entry was lawful and he had and has the legal right to remain unless he has transgressed some act of Congress authorizing his expulsion. Some years after his arrival he became a longshoreman in San Francisco where he was active in establishing the International Longshoremen's Association (affiliated with the American Federation of Labor) as opposed to company-controlled unions of longshore-

[1] In 1921 he filed first papers for naturalization. Application for final papers made in 1928 was denied on the ground that the 7-year period for filing had elapsed. He filed first papers again in 1928, but these were again permitted to lapse. He filed first papers for the third time in 1936 and this application was still pending at the time of the trial.

men then functioning on the waterfront.[2] The ILA, as is conceded, was a legitimate union organized to combat practices toward longshoremen which my associates in the majority appropriately characterize as "vicious and inhumane." In the maritime strike of 1934 the union strove effectively to remedy these substandard practices.[3] During the strike the alien was chairman of the joint strike committee of the participating unions. He became, so to speak, a storm-center of bitter industrial controversy, accumulating many enemies and earning the hostility of powerful interests.

For a period of several years following the strike certain volunteer organizations, notably the Portland police and a committee of the American Legion headed by one Knowles, embarked actively on a far-flung search for evidence upon which the alien might be deported. The Immigration Service,

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[2] Bridges was president of this union from 1934 to 1937, when it became affiliated with the CIO, changing its name to International Longshoremen and Warehousemen's Union. Bridges was then elected president of the Pacific Coast district for the CIO and apparently still occupies this post.

[3] The evils giving rise to the strike are described in detail by Presiding Inspector Sears who states that it was the company-controlled, or "Blue-Book Unions," which enabled the employers to perpetuate the practices described. "These company unions," said Inspector Sears, "were in existence on the waterfront until October, 1933, when they were forced out of existence by the newly revived and militant ILA Union, of which Bridges became an early member."

spurred on apparently by complaints of Knowles, itself made investigations and checked on information called to its attention by the private inquisitors. But in 1936 the Service reported its inability to discover grounds for deportation.

In 1938 a deportation warrant was issued on charges identical with those made in the later proceeding with which we are here directly concerned. Before the trial began the Supreme Court decided Kessler v. Strecker, 307 U. S. 22, whereupon the warrant was amended to charge that the alien "both was and is" a member of or affiliated with the proscribed organization. The hearing on the charges, conducted before Dean Landis as trial examiner, continued almost uninterruptedly over a period of eleven weeks, being finally closed in September 1939. In all forty-five days were occupied in the actual taking of testimony. The testimony covered 7,724 pages, exclusive of 274 exhibits. The examiner found that the evidence established neither the alien's membership in nor his affiliation with the Communist party. The report and proposed findings were accepted by the Department and the warrant of arrest was cancelled.

There followed the statutory amendment of June 28, 1949, designed to avoid the holding in Kessler v. Strecker, supra. From the legislative history of the amendment it is evident that its proponents had the Bridges case specifically in mind.[4] A second

[4] A private bill for the deportation of Bridges, "notwithstanding any other provision of law," ac-

warrant was issued in February 1941 and a second hearing had, this time before presiding inspector Sears. This hearing continued over a period of two and a half months, the testimony adduced totaling 7,546 typewritten pages exclusive of 359 exhibits, 297 of which were introduced by the government. Much of the evidence taken at the prior hearing was read into the record, and the two inquiries largely covered the same territory. The trial eventuated as described in the majority opinion, the inspector's findings of membership and affiliation being set aside by the Board of Immigration Appeals and thereafter reinstated by the Attorney General.

It is notable that the alien, in one fashion or another, had been under almost continuous investigation for a period of more than five years. Prior to and during the course of the second trial the Service had enlisted the powerful cooperation of the Federal Bureau of Investigation. The country had been scoured for witnesses, every circumstance of Bridges' active life had been subjected to scrutiny, and presumably no stone left unturned which might conceal evidence of the truth of the charges which the alien so flatly denied. The most significant feature of the inquiry, as it seems to me, is the paucity of the evidentiary product as contrasted with the magnitude of the effort expended in producing it.

The finding of Communist party membership

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tually passed the House. It was rejected in the Senate after a protest by Attorney General Jackson, now a member of the supreme bench. S. Rep. No. 2031; 76th Cong., 3rd Sess.

presents the crux of the case. This finding rests upon two items of evidence. One of these is the testimony of the witness Landeberg concerning his recollection of a remark said to have been made by the alien in a conversation occurring six years before. The other consists of an unsworn and later disavowed oral statement of a man named O'Neil.

Before looking at the testimony of these two men I turn briefly to circumstances said to establish the alien's "affiliation" with the Communist party as distinguished from membership therein. In the main there is no dispute concerning these circumstances. The bulk of them had long been known alike to the authorities and to the general public, and were freely admitted by the alien himself. Nearly all of them had been evaluated and discarded by inspector Landis and by the Department upon the first trial. They relate to the alien's willingness to accept help from Communist quarters during the course of the longshoremen's strike; to the fact that there were Communists among Bridges' associates; to the alien's public denunciation of "redbaiters" as no true friends of labor; to his participation, before and during the strike, in the editing of a mimeographed sheet called the Waterfront Worker in which was printed news relating to the strike and articles designed to inform readers of the economic ills from which the longshoremen suffered. It is not claimed that the contents of this partisan paper were suggestive of Communist doctrine; the significance of the cir-

cumstance is said to rest in the fact that the paper had been started by the Marine Workers Industrial Union (an allegedly Communist organization), shortly abandoned by that group, and thereafter taken over by Bridges and his associates and issued from the former address. There is the related circumstance, heavily stressed by the Service, that Bridges' union and the Marine Workers Industrial Union, both of which were participants in the maritime strike, rendered mutual assistance in the course of it. Hence the finding of affiliation with the MWIU.

The alien, who was nothing if not a forthright witness, made no effort to minimize or excuse the facts. He pointed merely to the reasons impelling his conduct. He would, he said, "probably do the same thing again." His concern was not with the opinions of men, but to win the strike. If a man was a good unionist he was for him, if a bad unionist he was against him. If it is permissible to compare small things with great, one may remark that the bonds which today unite our people with the Soviet Union afford a striking analogy to those which in 1934 linked Bridges with the MWIU. Surely no one would suggest that a liaison dictated by the necessities of a common struggle for survival make of our people or of our government "affiliates" of the Communist party.

On this aspect of the inquiry the problem is not one of conflicting inferences to be drawn from conceded facts. Involved, rather, is the question of the meaning of the term "affiliation" as employed in

the statute. The question is one of law. Dean Landis pertinently observed that "affiliation" means more than sympathy and implies a stronger bond than mere association. One must not here lose sight of the policy of the law. In condemning "affiliation" with a proscribed group it would seem that Congress had in mind a working arrangement of some sort designed, or at least having a substantial tendency, to further the subversive aims of the group. A temporary or occasional joinder of forces for the attainment of an end entirely legitimate in itself, as for example, the betterment of substandard conditions of workers in a given industry, can hardly be thought to fall within the legislative ban. I suppose that in every-day practice even Communists have their constructive moments.

For the most part the cases dealing with the term "affiliation" involve facts so much stronger than the present that they are of little aid to decision. Perhaps the fullest discussion of the term is found in Kettunen v. Reimer, 2 Cir., 79 F. 2d 315, 317. Said Judge Chase, who wrote the opinion: "In deciding this case, we shall not attempt to give a comprehensive definition of the word 'affiliation' as used in the statute. Very likely that is as impossible as it is now unnecessary. It is enough for present purposes to hold that it is not proved unless the alien is shown to have so conducted himself that he has brought about a status of mutual recognition that he may be relied on to cooperate with the Communist Party on a fairly permanent basis. He must be more than merely in sympathy with its

aims or even willing to aid it in a casual intermittent way. Affiliation includes an element of dependability upon which the organization can rely which, though not equivalent to membership duty, does rest upon a course of conduct that could not be abruptly ended without giving at least reasonable cause for the charge of a breach of good faith. So tested we cannot agree that there was evidence to establish that this relator was affiliated with the Communist Party. His application for membership would indicate his then sympathy with its aims, but his reconsideration and failure to join shows his unwillingness to let his sympathy control his action, and there is no proof which shows any mutual recognition that cooperation was to be expected from him."[5]

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[5] In United States ex rel. Yokinen v. Commissioner, 57 F. 2d 707, 708, Judge Augustus Hand said: "It is enough that the alien Yokinen, by pledging himself to perform certain tasks prescribed by the Communist Party in order to secure reinstatement, must be regarded as affiliated with it." And in an unreported opinion, Tolsky v. Wilson (S.D.N.Y.), June 22, 1920, Judge Learned Hand said: "As to affiliation the case is not so clear, and depends upon how one defines that word. I take it to mean a relation of cooperation between the members of two or more organizations. Perhaps it may also include an irregular connection of a single individual with the society, not amounting to membership. However this may be, it seems to me pretty clear that it involves a mutual recognition of permanent cooperation between the organization and the person affiliated and not a spasmodic or casual assistance. Mere sympathy with the aims of the society, even accompanied by efforts to further its aims, does not fall within that word."

The Attorney General was not at pains to explain his understanding of the statutory term. In arriving at his finding of affiliation he appears to have relied indiscriminately on every circumstance which might be thought to spell sympathy or to be indicative of an association however temporary or in pursuit of ends however legitimate. His finding on this issue is without substantial evidentiary support.

I turn now to the evidence of party membership. Lundeberg testified that in a conversation had in 1935 at Bridges' home the alien said "I am a Communist." This witness was the head of a rival union. His attitude toward the alien was admittedly one of implacable hostility. His story, under persistent leading questions, grew more specific with each repetition if it. The four participating members of the Board of Immigration Appeals unanimously rejected it as unworthy of credence. The Board called attention to the avowed enmity of the witness, to the enlargement of his story while on the stand under the prompting of government counsel, to his incurable evasiveness under cross-examination, to the man's prior inconsistent statements made under solemn circumstances and more than once repeated. On the other hand the presiding inspector and the Attorney General thought Lundeberg a credible witness. As a matter of course, the court, whatever its own view, is not at liberty to choose between the conflicting appraisals of credibility by the officials charged with the re-

sponsibility of determining the facts. I point to the disagreement as disclosing how closely the proof here approaches if it does not cross the borderline of inadequacy.

The remaining evidence on the point is that of O'Neil, a man whom the Board of Appeals, not without ample warrant, characterized as "a theatrical, sensation-loving braggart." O'Neil is reported as having said to representatives of the Service, in the course of their investigations, that in 1937 he entered Bridges' office in the middle of an afternoon and found the alien sitting at his desk openly posting stamps representative of Communist party dues. The statement to this effect, assuming it to have been made, was not given under oath, was not signed, nor does any effort appear to have been made to obtain the man's oath or signature. When called by the Service and sworn O'Neil denied having said the things attributed to him. Further, he categorically denied that the incident had ever occurred and declared that he had no information as to Bridges' membership in the Communist party. The alleged statement was thereupon offered and received in evidence over the alien's objection. It was accepted and relied upon by the presiding inspector and by the Attorney General as affording affirmative proof of party membership. The Board of Appeals thought the statement inadmissible for any purpose other than impeachment. That body was doubtful even of its admissibility for impeachment purposes, and I think properly so since the government was obviously not surprised and O'Neil had given no testi-

mony damaging to the government's case. There was no point in impeaching him.

The field of use of ex parte statements in deportation proceedings is carefully delimited by Departmental rules. Such statements, when their possible use as evidence is cotemplated, are required by the rules to be taken under oath or affirmation, "recorded" (i.e. reduced to writing), and signed by the relator.[6] These precautionary requirements are elementary and may be said to prescribe the minimum of fairness.[7]

The rules, adopted as they were under authority and direction of law, are part and parcel of the regulations "governing the arrest and deportation of aliens.[8] They were disregarded here. The At-

[6] Regulations §150.1 [c], [d]; §150.6 [i].

[7] The Board of Appeals, in commenting on the purpose of the rules, said: "Here a written statement at the Schofield interview would have guarded against mistake in hearing, memory or transition. As to both statements, the oath and signature of the maker would at least have shown O'Neil to be, on two occasions, willing to pin himself down, and to do so under oath, thus providing the safeguard of fear of perjury prosecution; and, contrariwise, had he been asked to swear and sign and refused, the fact of his unwillingness, on two occasions, so to pin himself down, would have been of no small weight in evaluating the truth of the statements made."

[8] Fed. Reg. January 4, 1941, p. 68. The revised regulations appear to have been the outgrowth of much study and experience. Consult report of the Committee on Administrative Procedure, Immigration and Naturalization Service, Dept. of Labor, May 1940.

torney General so concedes in his decision. He excused their violation on the specious plea that they "were not called to the attention of the presiding inspector." However, they were called to the Attorney General's attention. One is left to wonder on what ground that high official condoned his own disregard of them. Upon him rested the inescapable responsibility of accepting or rejecting the evidence, as of ordering the deportation. The rules were obligatory on him if on anybody. To toss them aside for reasons deemed expedient in a particular case amounts to the substitution of a government of men for a government of law. There are numerous and persuasive decisions to the effect that the disregard by officials of departmental rules on which the rights of aliens depend amounts to a denial of due process.[9] I have found no au-

[9] Consult particularly Sibray v. United States ex rel. Plichta, 3 Cir. 1922, 282 Fed. 795 (violation of Rule 5[b] relating to the reading to the alien of the evidence of which the warrant was based); United States ex rel. Chin Fook Wah v. Dunton, 288 Fed. 959, decision by Judge Augustus Hand (relating to Rule 3 providing that the alien might have a friend or relative present during the hearing); Mah Shee v. White, 9 Cir., 242 Fed. 868 (relating to Rule 5[c] governing the alien's right to forward new evidence to the Secretary along with the record); Ex parte Radivoeff, 278 Fed. 227 (violation of Rule 22 relating to examination by the alien of evidence on which warrant was issued). Consult, also, Whitfield v. Hanges, 8 Cir., 222 Fed. 745, opinion by Judge Sanborn.

thorities to the contrary.[10]

Apart from non-observance of the regulations, the situation is no better. Of course the mere reception of incompetent evidence does not invalidate a hearing; but error in reliance upon such evidence may, in appropriate circumstances, go to the substance of a fair trial.[11] The real inquiry is whether the practice was "such as might have led to a denial of justice."[12] In this instance the remaining showing of party membership was of so flimsy a character as to lead the Appeals Board to reject it entirely. The Attorney General's acceptance of the O'Neil hearsay as probative evidence might easily have served to tip the scale. I am satisfied it did so.

To be sure, the ordinary rules relating to the

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[10] Cf. Bilokumsky v. Tod, 263 U. S. 149, 155; Tisi v. Tod, 264 U. S. 131, 134. Seif v. Nagle, 14 F. 2d 416, cannot fairly be thought contra.

[11] The majority opinion quotes extensively from the opinion of Justice Brandeis in Tisi v. Tod, 264 U. S. 131. Omitted, however, from the quotation is the following significant passage which is the essence of the decision: "But here no hasty, arbitrary or unfair action on the part of any official, or any abuse of discretion is shown. There is no claim that the lack of legal evidence of knowledge was manifest; or that the finding was made in wilful disregard of the evidence to the contrary; or that settled rules of evidence were ignored. The procedure prescribed by the rules of the Department appears to have been followed in every respect; and the legality of that prescribed is not questioned."

[12] Cf. language of Justice Brandeis in Bilokumsky v. Tod, 263 U. S. 149, 157.

reception of evidence are not generally applied in administrative hearings. The reasons underlying this departure from judicial practice have often been stated.[13] Administrative proceedings are in the main informal, are frequently not conducted with the aid of counsel or heard by men trained in the law, and of necessity they are often of a summary nature. None of these reasons obtained in this instance. The hearing was conducted before a trained judge, and both the Service and the alien were represented by experienced counsel. There was ample time and opportunity to observe the precautions thought by the courts to be essential to a fair trial. Moreover, the case, unlike the mine run of administrative hearings, was one in which the liberty of a human being was at stake. Surely it presented an occasion where "the more liberal the practice in admitting testimony, the more imperative the obligation to preserve the essential rules of evidence by which rights are asserted or defended."[14]

As applied to the situation here presented, arguments predicated on the "protective weapon" of cross-examination are without validity. A witness

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[13] 1 Wigmore on Evidence (3rd ed. 1940) §4(a), (b); Landis, Crucial Issues in Administrative Law, 53 Harvard Law Review 1077 (1940); Davis, An Approach to Problems of Evidence in the Administrative Process, 55 Harvard Law Review 364 (1942).

[14] Interstate Commerce Commission v. Louisville & Nashville R. R. Co., 227 U. S. 88, 93.

who denies ever having made an alleged prior statement and who denies all knowledge of the facts purportedly then stated offers no target against which the weapon may be employed. The infirmity of the O'Neil hearsay cuts across all rules. No amount of philosophizing can serve to make a silk purse out of this obvious sow's ear. Rather than deport the alien on evidence which would be condemned and proscribed without hesitation by any American court it would seem a more forthright procedure to do what was proposed in the first place, deport him by legislative resolution "notwithstanding the provisions of any other law."

I think the judgment should be reversed with directions to grant the petition.

I am authorized to say that Judge Garrecht agrees with this opinion.

[Endorsed]: Opinion, Concurring Opinion and Dissenting Opinion. Filed Jun. 26, 1944. Paul P. O'Brien, Clerk.

United States Circuit Court of Appeals
for the Ninth Circuit

No. 10450

HARRY BRIDGES,

Appellant,

vs.

I. F. WIXON, etc.,

Appellee.

DECREE

Appeal from the District Court of the United States for the Northern District of California, Northern Division.

This Cause came on to be heard on the Transcript of the Record from the District Court of the United States for the Northern District of California, Northern Division, and was duly submitted.

On Consideration Whereof, it is now here ordered, adjudged, and decreed by this Court, that the order of the said District Court in this cause be, and hereby is, affirmed.

[Endorsed]: Filed and Entered June 26, 1944. Paul P. O'Brien, Clerk.

United States Circuit Court of Appeals
for the Ninth Circuit

Excerpt from Proceedings of Wednesday, September 27, 1944.

Before: Wilbur, Garrecht, Mathews, Stephens and Healy, Circuit Judges.

[Title of Cause.]

ORDER DENYING PETITION FOR REHEARING, etc.

Upon consideration thereof, and by direction of the Court, It Is Ordered that the petition of appellant, filed July 26, 1944, and within time allowed therefor by rule of Court, for a rehearing of above cause be, and hereby is denied.

By direction of Stephens, Circuit Judge, Ordered that his opinion on petition for rehearing be forthwith filed by the clerk.

[Title of Circuit Court of Appeals and Cause.]

OPINION OF STEPHENS, C. J.

Upon Petition for Rehearing.

Before: Wilbur, Garrecht, Mathews, Stephens and Healy, Circuit Judges.

Stephens Circuit Judge.

The petition for rehearing stresses the point that the majority and concurring opinions in this case state that there is "evidence" and that there is

"some evidence" which supports the order of deportation. The implication is that these terms were used as including a mere scintilla of evidence.

Federal courts do not regard a mere scintilla of evidence as effective for any purpose, and it is my understanding that in using the word "evidence" the idea of the mere scintilla was never considered.

Where there is evidence, more than a scintilla and not unbelievable upon its face, the administrative head must resolve the doubts as to its credibility. Upon this rule we have ordered enforced numerous orders for the exclusion and for the deportation of aliens without regard to our own views as to the fact finder's discretionary conclusions.

The advisability of liberalizing this rule is currently the subject of much discussion, but whatever the ultimate action may be upon such issue of policy by those having the power to change it, it is clear to me that this intermediary court must adhere to the rule as it presently exists. We cannot make fish of one administrative review and fowl of another. Therefore, I vote to deny the petition for rehearing.

[Endorsed]: Opinion of Stephens, C. J., on denial of Petition for Rehearing. Filed Sep. 27, 1944. Paul P. O'Brien, Clerk.

[Title of Circuit Court of Appeals and Cause.]

ORDER STAYING MANDATE

On reading and filing the Motion and Petition to Stay Issuance of Mandate Pending Petition for Certiorari, and the supporting affidavit of Richard Gladstein attached thereto, and good cause appearing therefor

It Is Hereby Ordered that the mandate in the above cause shall be and hereby is ordered stayed for a period of three months from and after the 27th day of September, 1944.

Dated at San Francisco, California, this 30th day of September, 1944.

FRANCIS A. GARRECHT
Judge of the United States
Circuit Court of Appeals
for the Ninth Circuit.

[Endorsed]: Filed Sep. 30, 1944. Paul P. O'Brien, Clerk.

[Title of Circuit Court of Appeals and Cause.]

CERTIFICATE OF CLERK, U. S. CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT, TO RECORD CERTIFIED UNDER RULE 38 OF THE REVISED RULES OF THE SUPREME COURT OF THE UNITED STATES

I, Paul P. O'Brien, as Clerk of the United States Circuit Court of Appeals for the Ninth Circuit, do hereby certify the foregoing Seventeen volumes, containing seven thousand eight hundred thirteen (7813) pages, numbered from and including 1 to and including 7813, to be a full, true and correct copy of the entire record, excluding certain original exhibits, of the above-entitled case in the said Circuit Court of Appeals, made pursuant to request of counsel for the appellant, and certified under Rule 38 of the Revised Rules of the Supreme Court of the United States, as the originals thereof remain on file and appear of record in my office.

Attest my hand and the seal of the said United States Circuit Court of Appeals for the Ninth Circuit, at the City of San Francisco, in the State of California, this 24th day of October, 1944.

[Seal] PAUL P. O'BRIEN,
Clerk

[fol. 7815] IN THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 10,450

HARRY BRIDGES, Appellant,

vs.

I. F. WIXON, as District Director, Immigration and Naturalization Service, Department of Justice, Appellee

Before Wilbur, Garrecht, Mathews, Stephens and Healy, Circuit Judges

STEPHENS, Circuit Judge:

Paragraph 3, sentence 2, of the opinion of Stephens, Circuit Judge, on Petition for Rehearing of the above-entitled case is hereby amended to read as follows:

"Upon this rule we have determined appeals in habeas corpus proceedings and reviews from administrative orders without regard to our own views as to the fact finder's discretionary conclusions."

In paragraph 4, sentence 2, the word "review" is deleted and the word "order" is inserted.

Albert Lee Stephens, United States Circuit Judge.

(Endorsed:) Filed November 1, 1944. Paul P. O'Brien, Clerk.

A true copy. Attest: Nov. 2, 1944. Paul P. O'Brien, Clerk. (Seal.)

[fol. 7816] SUPREME COURT OF THE UNITED STATES

ORDER ALLOWING CERTIORARI—Filed January 29, 1945

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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FILED
DEC 27 1944
CHARLES ELMORE CROPLEY
CLERK

Supreme Court of the United States

OCTOBER TERM, 1944

No. 788

HARRY BRIDGES,

Petitioner,

against

I. F. WIXON, as District Director, Immigration and Naturalization Service, Department of Justice.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT AND BRIEF IN SUPPORT THEREOF

LEE PRESSMAN,
CAROL KING,
RICHARD GLADSTEIN,
Counsel for Petitioner.

HENRY COHEN,
AUBREY GROSSMAN,
of Counsel.

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Supreme Court of the United States

OCTOBER TERM, 1944

No. .....

HARRY BRIDGES,

Petitioner,

against

I. F. WIXON, as District Director, Immigration and Naturalization Service, Department of Justice.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT

TO THE SUPREME COURT OF THE UNITED STATES:

Your petitioner HARRY R. BRIDGES respectfully alleges:

A

Summary Statement of Matter Involved

Petitioner is an alien who entered legally as an immigrant seaman from Australia in 1920 and who since has continuously resided in the United States (R. 791-2).

In 1938, and after several exhaustive investigations of his status, none of which had resulted in action against him, a Labor Department warrant for petitioner's arrest was issued, charging him with membership in and affiliation with proscribed organizations (R. 503). Hearings on

that warrant were held before Dean James M. Landis of the Harvard Law School beginning in July 1939 (R. 504): Dean Landis declined to credit the testimony offered against the petitioner; his findings of fact and conclusions of law were accepted by the Secretary of Labor; and the warrant was cancelled (R. 75).

In June 1940 the applicable statute was amended (Act of June 28, 1940, 54 Stat. 673)—with petitioner's situation in mind (86 Cong. Rec. 9031). A second warrant for petitioner's arrest in deportation proceedings then issued, on February 12, 1941 (R. 771-2). Hearings were held before Judge Charles B. Sears, who differed from Dean Landis and proposed findings bringing the petitioner within the statute authorizing his deportation: that he had been a member of and affiliated with the Communist Party, which Judge Sears found to advocate violent overthrow of the Government; and that he also had been affiliated with the Marine Workers Industrial Union (MWIU), found to be an affiliate of the Communist Party (R. 337-41).

Exceptions were filed pursuant to the regulations of the Immigration and Naturalization Service; briefs submitted, and the case argued orally before the Board of Immigration Appeals of the Department of Justice (R. 369). On January 3, 1942, the Board unanimously rejected the proposed findings (R. 367-492). The Board delivered a comprehensive written opinion (R. 367-492). The warrant of arrest was ordered cancelled and the case closed. Execution of the order was stayed pending further order of the Attorney General or of the Board (R. 492).

On May 28, 1942 the Attorney General reversed the order of the Board and directed the petitioner's deportation (R. 65-110). The Attorney General had not given notice that he had ever assumed jurisdiction of the case, and the parties had not been given opportunity to present their views to him. A petition for a hearing before him was promptly filed, on May 31, 1942, and was denied by him four days later (R. 679-87).

Appellant then petitioned the United States District Court for the Northern District of California for a writ of habeas corpus (R. 2-17; 21-62). The writ was denied by District Judge Martin I. Welch (R. 758-9). His opinion is reported in 49 F. S. 292 (R. 723-59).

Appeal was then taken to the United States Circuit Court of Appeals for the Ninth Circuit (R. 759). By a divided court (3 to 2), the order of the District Court was affirmed, on June 26, 1944 (R. 7810). Wilbur, J. wrote for affirmance in an opinion in which Matthews, J. concurred (R. 7770-7793). Judge Stephens delivered a separate concurring opinion in which Wilbur and Matthews, JJ. also concurred (R. 7793-4). Judge Healy dissented, in an opinion in which Judge Garrecht concurred (R. 7794-7809). The opinions are reported in 144 F. (2) 927 (also R. 7770-7809).

A petition for a rehearing was filed on July 26, 1944. It was principally addressed to the views expressed by the majority concerning their review of the evidence. The petition was denied in an opinion by Judge Stephens dated September 27, 1941 (R. 7811-2). Thereafter, and on November 1, 1944 Judge Stephens without further application by counsel amended the text of his opinion on rehearing.

Proceedings for deportation are stayed by order of the Circuit Court of Appeals for the Ninth Circuit, pending the present petition (R. 7813).

B

Jurisdiction

The jurisdiction of this Court rests on section 240(a) of the Judicial Code as amended by the Act of February 13, 1925 (28 U. S. C. sec. 347).

C

Statute and Regulations Involved

Section 2 of the Act of October 16, 1918, as amended June 5, 1920, and June 28, 1940, so far as relevant to this proceeding, provides:

> Any alien who was at the time of entering the United States, or has been at any time thereafter, a member of any one of the classes of aliens enumerated in section 1 of this act, shall upon the warrant of the Attorney General, be taken into custody and deported in the manner provided by law. The provisions of this section shall be applicable to the classes of aliens mentioned in this act, irrespective of the time of their entry into the United States. (54 Stat. 673; 8 U. S. C. § 137[g].)

Section 1 of the Act thus referred to, enumerates the following aliens, among others:

> Aliens who * * * are members of or affiliated with any organization, association, society or group that believes in, advises, advocates, or teaches: (1) The overthrow by force or violence of the Government of the United States * * *, (3) The unlawful damage, injury or destruction of property, or (4) Sabotage— (41 Stat. 1009; 8 U. S. C. § 137[c]).
>
> Aliens who are members of or affiliated with any organization, association, society, or group, that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display, any written or printed matter of the character described in paragraph (d). (41 Stat. 1009; 8 U. S. C. § 137[e].)

The text of the statute and of the pertinent Regulations of the Immigration and Naturalization Service appear in the appendix to this petition (*infra*, pp. 53-70).

D

Questions Presented and Reasons Relied on for the Allowance of the Writ

Issues of far-reaching importance to every alien resident in this country are presented. Petitioner has been ordered deported upon evidence so unsubstantial that the finding against him is a denial of due process of law guaranteed by the Fifth Amendment. The order of deportation, moreover, is demonstrably the result of an unrelenting persecution of petitioner extending over almost a decade, in the course of which outstanding infractions of ordinary conceptions of due process of law have been committed. And the decision below in effect denies that the rights of free speech and association guaranteed under the First and Fifth Amendments extend to aliens in deportation proceedings; in fact it denies petitioner those rights.

I

The facts, which will be fully discussed in Point I of the accompanying brief, cannot support any finding against the petitioner of unlawful membership in or affiliation with any proscribed organizations.

The present proceeding is the second large scale trial of the charges against petitioner. Almost forty witnesses have appeared against him in the two proceedings; their testimony has been rejected, as untrustworthy, or false, or mistaken, with only these exceptions:

(a) A witness named Lundeberg, admittedly an enemy of petitioner, gave the evidence now principally relied on. He testified that petitioner had admitted membership in the Communist Party during a conversation with him in 1935. Lundeberg's own prior statements made on three separate occasions and in formal circumstances are in

contradiction of his testimony on the stand, which was extracted from him only with difficulty and through repeated leading questions.

(b) Certain evidence against petitioner was ascribed to a witness named O'Neil, although it was completely repudiated by him on the stand. As we shall show, reliance upon this evidence, even assuming it had any weight, is error so flagrant as to offend due process of law.

(c) Certain actions and declarations by the petitioner, particularly his opposition to red-baiting in the labor union movement—a charge freely admitted by him—, and his association with known Communists were found to constitute a "pattern of conduct" demonstrating affiliation with the Communist Party.

(d) Evidence, also uncontradicted, that the petitioner, during the course of an important strike on the west coast waterfront in 1934 accepted the aid of the Marine Workers Industrial Union (MWIU), was held to show his affiliation with that organization. Evidence that the petitioner was once one of the editors of a newspaper, "The Waterfront Worker" which the MWIU controlled for some eight months was held to support that conclusion. The proof in this respect, which is most involved, is fully analyzed in the opinion of the Board of Immigration Appeals where it is shown that petitioner did not become associated with the paper until MWIU control had ceased.

Such is the sum of the proof—of those fragments which survived unavoidable rejection of most of the Government's proof. The courts below were at pains to avoid endorsement of it; rather they disclaimed judicial responsibility. But an order of deportation must be based upon substantial evidence such as is capable of carrying conviction to a reasonable mind, and cannot consistently with the requirements of due process be justified upon evidence such as is here presented.

The administrative authorities have commented upon the present attitude of this Court in requiring substantial evidence to support findings requiring deportation (p. 23 *infra, fn.*). The courts below have failed to take note of that attitude.

II

Since 1934 when he demonstrated his abilities as an aggressive and effective labor leader, the petitioner has been subject to a series of departmental investigations looking to his deportation. Then in 1939 there was an elaborate trial of the issues before Dean Landis, and petitioner was cleared of all charges.

The matter was not permitted to rest there. The statute was then amended in order to furnish a pretext for further proceedings against him. When those proceedings transpired, they were *res judicata* because they embraced the same issues of fact, the same lines of proof, and even much of the same evidence which had been gone into fully before Dean Landis. Ordinary conceptions of fairness embraced in the due process, *ex post facto* and double jeopardy provisions of the United States Constitution were thus overriden. The bringing of charges based upon the MWIU constituted moreover gross discrimination in fact against petitioner.

The proceedings were conducted by Government counsel in a most prejudicial spirit, and inexcusable tactics were followed. Error was committed in respect of O'Neil so flagrant as itself to constitute a denial of due process of law. And Mr. Attorney General Biddle's manner of assuming jurisdiction of the case and disposing of it without notice or opportunity to be heard constitutes a further offense to accepted principles of common fairness and a violation of due process.

Petitioner was entitled to due process of law in these proceedings to deport him. Viewed in their totality and against their full background, the proceedings violated the due process provision of the Fifth Amendment. The double jeopardy and *ex post facto* provisions are also involved (Const. Art. I, sec. 8).

III

The deportation statute as here construed and applied denies the petitioner rights of freedom of speech and association guaranteed under the First and Fifth Amendments.

The Government expressly disavows any suggestion that the petitioner personally advocated proscribed doctrines. There is no proof that he subscribed to any such doctrines, or indeed understood the Communist Party to entertain them.* There is no suggestion that he committed any overt act. The statute has been applied simply to the bare fact of alleged membership. There is no proof of any clear and present danger, or—further—that the Communist Party advocates violent overthrow of government within the realizable future. To deport for membership in such circumstances, for mere *association* without more, is a denial of the essential liberty guaranteed by the First and Fifth Amendments, which liberty petitioner may not be denied because of his alien status. This Court has not had occasion directly to pass upon the constitutionality of a statute proscribing mere membership in an organization found to advocate violent overthrow of government—whether or not that advocacy threatens imminent danger to our institutions.

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* Petitioner will also argue, if this petition be granted, that the proof does not justify the finding that the Communist Party or the MWIU advocates doctrines which the statute proscribes. The finding expressly rests upon excerpts from four documents, three of which were analyzed in *Schneiderman* v. *United States*, 320 U. S. 118, with conclusions in favor of the petitioner there.

That constitutional question becomes of acute importance in the light of the Government's further position, which the courts below seem to have sustained, that the petitioner may be deported for speech or conduct which in the case of a citizen would constitute an exercise of the rights of free speech and association guaranteed in the First and Fifth Amendments. Thus the status in this country of a large number of aliens is at stake—involving not merely their past associations or memberships, but also the manner in which they today conduct their lives in the community. Indeed the deeper issue is involved, whether the Constitution will thus permit of deportation for exercise of any traditional liberties—religious, political, or economic.

Nor may the order of deportation properly rest upon the findings as to affiliation. The evidence already stated so far as reasonably material, establishes no more than that the petitioner was active in promoting the legitimate ends of his union and that in so doing he cooperated on appropriate occasions with the Communist Party and the MWIU, along with other unions of unchallenged status. If the statute is to be interpreted so broadly as including such activity, then it is unconstitutional in that again it denies the essential liberties of speech and free association guaranteed by the First and Fifth Amendments, as well as the protection of the due process clause of the Fifth Amendment. The court below construed the statute as requiring petitioner's deportation for these activities. The decision is in conflict with the decision of the Circuit Court of Appeals for the Second Circuit in *U. S. ex rel. Kettunen v. Reimer*, 79 F. (2) 315, where the interpretation of the statute was such as to exclude intermittent association undertaken for independent purposes.

WHEREFORE, your petitioner prays that a writ of certiorari issue out of this Court to the Circuit Court of Appeals for the Ninth Circuit requiring that Court to certify

and send to this Court a transcript of all the proceedings of such Circuit Court of Appeals for the Ninth Circuit had in this case; that the order of such Circuit Court of Appeals be reviewed and determined by this Court, and the order finally reversed; and that your petitioner be granted such other and further relief as may be proper.

HARRY R. BRIDGES,
By: CAROL KING,
His Counsel.

Dated: December 27, 1944.

BRIEF IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI

The required references to the opinion of the court below, to the jurisdiction of this Court, and to the applicable statute and regulations are made in the accompanying petition (pp. 3-4, *supra*).

Petitioner was entitled to due process of law in these deportation proceedings (*Kwock Jan Fat* v. *White*, 253 U. S. 454 at 457-8; *Chin Yow* v. *U. S.*, 208 U. S. 8; *The Japanese Immigrant Case*, 189 U. S. 86; *Kessler* v. *Strecker*, 307 U. S. 22 at 34). Action against him may not rest upon arbitrary administrative fiat; evidence upon which the reasonable mind can justify action against him is required. We discuss the evidence and the applicable principles as to the necessary *quantum* of proof in Point I.

Due process embodies other fundamental principles of fairness: to be confronted by the witnesses and to have opportunity to cross-examine; to protection from prejudicial error committed through administrative reliance upon flagrantly incompetent evidence; to be free of the menace of successive trials concerned with the same issue; to equal administration of the law, without discrimination against him alone; to a fair hearing conducted in accordance with the rules of the administrative body; to a fair and dispassionate presentation of the evidence; and to representation by counsel in the tribunal which finally adjudicates his rights. We shall discuss in Point II the successive infringements of these fundamental rights committed against petitioner in the present proceedings.

That the essential liberties of free speech and free association, to which the petitioner as well as the citizen is entitled, were here denied him, is shown in Point III.

POINT I

Deportation upon the evidence presented in these proceedings offends due process of law.

The present proceedings, begun in 1941, have their roots in events antedating the present warrant. It was in 1934 that the petitioner took an active part in the waterfront strike, as chairman of the Joint Committee of the participating unions (R. 237). And it was then that "the interests which he had antagonized" began a relentless and determined effort to deport him.[1] As a result of continuous pressure from these sources, the authorities made several investigations even before 1938. They resulted in petitioner's favor:

> "In short, whenever any legal ground for the deportation of Bridges has been brought to the attention of the Department of Labor, it has been investigated, but invariably it has been found that he was in the clear, and that his status as an immigrant was entirely regular."[2]

Nevertheless a warrant issued for petitioner's arrest in 1938 for alleged membership in and affiliation with proscribed organizations (R. 503).

The hearings on the warrant, before Dean James M. Landis of the Harvard Law School, ran for eleven weeks.

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[1] The phrase quoted is from the report in 1936 of the Immigration Service (R. 659). The wide range of persons and organizations so involved is described in Dean Landis' opinion at R. 551-3: the Associated Farmers; the Industrial Association of San Francisco; the police departments of Los Angeles and Portland; several private undercover agents; a division of the American Legion under Harper Knowles; etc. See also Judge Healy, dissenting below at R. 7795-7.

[2] 1936 Immigration Service Report at R. 661; see also testimony of Commissioner of Immigration MacCormick, 74th Cong., 2nd Sess., in hearings before Appropriations Subcommittee (1936) 99-100.

Twenty witnesses were heard; the testimony taken covers 7,724 pages. Counsel were in attendance (R. 504); and written briefs were submitted. The nature of the proof suggests the reasons for the outcome of the earlier investigations. The evidence was given through a succession of perjurers, chronic liars, renegade Communists, and labor spies.

Dean Landis rejected the testimony of all of them.[1] He found no credible evidence to support the view that the petitioner had ever been a member of the Communist Party and found therefore that he was not a member at the time the warrant issued.

In 1940 the statute was amended so as to give pretext for renewed action against petitioner (see pp. 26-7, *infra*). Accordingly, on February 12, 1941 the present warrant issued.

The hearings, before Judge Sears, were of the same magnitude as before Dean Landis. Eighteen witnesses were heard; and equivalent time was consumed and testimony taken—two and one-half months and 7,546 pages. The subject matter of the testimony was substantially the same as that presented before Dean Landis. On the issue of membership, Judge Sears credited only one witness if we exclude the testimony of two departmental employees concerning the statement of a witness which the witness himself contradicted (*cf.* R. 256-9, 259-71). Nevertheless, Judge Sears drew conclusions bringing petitioner within the statute.

By 1941 the petitioner had been under virtually continuous investigation by efficient and determined if not vindictive groups for some seven years. Yet, out of the

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[1] He described one as a "self-confessed liar" (521); the testimony of another as "almost unique" in "evasion, qualification and contradiction" (R. 549); another as having "almost pathological" tendency "toward prevarication" (R. 612); while another merely "lied when he dared to" (R. 556; see also R. 549, 588, 612, 556, 553, 571-2, 507, 575-6).

volume of evidence presented through two score witnesses in the two hearings, there remains as the basis for the finding against petitioner: (a) the evidence of petitioner's admitted enemy Lundeberg—evidence contradicted by Lundeberg's own prior statements and extracted from him with difficulty through repeated leading questions; (b) the incompetent alleged statement of O'Neil—acceptance of which, we shall show, itself offends due process; (c) certain charges centering on petitioner's part in editing the Waterfront Worker—charges neither supported by facts, nor consistent with a proper understanding of the scope of permissible union activities; (d) some proof of petitioner's cooperation in 1934 with the MWIU and his sympathetic attitude to some of its aims and of the Communist Party—most of which is freely admitted; (e) Mr. Attorney General Biddle's attempt to buttress the finding of membership by taking—"as a whole" and not individually—the testimony of certain other witnesses whose individual testimony had been found by Judge Sears to be (in the words of the Attorney General) "inconclusive, unreliable or contradictory" (R. 97).

It is apparent that, as was said below by Judge Healy, "The most significant feature of the inquiry * * * is the paucity of the evidentiary product as contrasted with the magnitude of the effort expended in producing it" (R. 7798).

It is also apparent that each writer of an opinion below was quick to disclaim any responsibility for the finding upon the evidence here.[4] Instead the majority

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[4] Judge Wilbur said that his conception of the limited function of the Court prevents it from attempting "the righting of every governmental act which the judges regard as wrong" (R. 7790). Judge Stephens, in whose opinion the other two members of the majority concurred, stated that the evidence did not leave with him "the pleasurable satisfaction that * * * the truth has been revealed" (R. 7794).

opinions put forward the *apologia* that the judicial function is limited to determining if "any" evidence (R. 7777) or "some" evidence (R. 7794) has been presented. Judge Healy for the dissenting members of the court below stated bluntly that one part of the evidence crucial to the Attorney General's conclusion "would be condemned and proscribed without hesitation by any American court" (R. 7809).

The Attorney General's position in the administrative process did not invest him with special competence to reach a decision on the facts. Expert judgment upon matters foreign to ordinary judicial experience was not called for; if any expert competence were involved, it would rest with the Board of Immigration Appeals. Nor did the Attorney General see the witnesses; indeed he placed his conclusion in part upon the evidence of seven witnesses taken "as a whole", nothwithstanding that Judge Sears who had seen them had not seen fit to credit their evidence individually.

The finding of membership in the Communist Party.

1. *Lundeberg.* Lundeberg is a prominent west coast labor leader and is head of the union which in maritime affairs on the west coast is rival to the petitioner's. Judge Sears found Lundeberg "is strongly biased" against petitioner (R. 258). On three separate occasions over a period of years prior to the present hearing, he told the federal authorities that he had no information to indicate that petitioner had ever been a Communist (R. 7344-5; 7340-1; 7346; 7349). At the present hearing he gave testimony that in the summer of 1935, at a dinner in Bridges' home, Bridges asserted that he was a member of the Communist Party (R. 7265-7268). The statement is supposed to have been made during the course of an attempt to persuade Lundeberg to join the Communist Party. The petitioner denied any such statement (R. 7576).

Lundeberg related the conversation three times during his direct testimony. The story grew in the retelling. Not until the third version, and only after pointed and obviously leading questions, did he bring forward any assertion by petitioner of Communist Party membership. Discrepancies in his testimony, unnecessary to consider now, are closely considered in the opinion of the Board of Immigration Appeals[5] (R. 468-89).

It is this testimony alone to which the majority of the court below pointed in support of their view that "some" evidence existed for the finding of membership (R. 7782-3, 7787-8).

2. *O'Neil.* The effort to find support for a finding against the petitioner in O'Neil's testimony is itself telling commentary on the nature of the proof.

O'Neil was called as a witness for the Government and was asked whether he had ever seen the petitioner pasting assessment stamps in a Communist Party membership book. O'Neil said he had not. He was then asked whether petitioner had ever reminded him to attend Communist meetings. He said petitioner had not. Thereupon the Government produced two witnesses who testified that O'Neil had made a statement to such effect to them—a statement neither sworn to nor signed by him. One of the witnesses was a stenographer employed by the Federal Bureau of Investigation (R. 3102), the other was the Special Assistant

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[5] The Attorney General deemed it significant that three persons supposed to have been present at the dinner were not called as defense witnesses. The only one of them said by Lundeberg to have been present when the alleged admission was made was Sam Darcy, a prominent Communist. It is difficult to understand why, either as a legal or a practical matter, petitioner rather than the Government should have had the burden of bringing Darcy to the stand—particularly since the record indicates that the Government may have been in possession of evidence showing that Darcy was not present in San Francisco during the summer of 1935 since he was in Russia in July, 1935 (Gov. Ex. 244; R. 2178).

to the Attorney General in charge of the Immigration Service (R. 5255). O'Neil did not deny having made a statement; he denied, however, that he had ever made the particular statement attributed to him, and emphatically asserted that his statement had been to the contrary (R. 2998-3072, 3090).

The Presiding Inspector was able to conclude from this proof that petitioner was a member of the Communist Party (R. 259-271).

Apart from its failure to carry conviction, this evidence seems plainly incompetent when employed as it was as affirmative proof (see p. 33, *infra*). The Board of Immigration Appeals (R. 433-68), and the District Court (R. 752-5), both rejected the evidence as wholly incompetent.

3. *The evidence of membership "as a whole"* (R. 98). Evidence was offered to show that the petitioner had attended Communist meetings. None of it withstood scrutiny at the hearings, and Judge Sears rejected it as "inconclusive, unreliable, or contradictory" (R. 97). Mr. Attorney General Biddle ruled, however, that "because of its volume", this evidence "taken as a whole * * * cannot * * * be completely disregarded", and he relied upon it.

4. There is no other surviving proof as to membership.

The finding of affiliation with the Communist Party

One witness testified that the petitioner had spoken favorably of the American Youth Congress and the National Students Union, in appreciation of their aid to his union in the 1934 strike (R. 1434-5). According to another witness, the petitioner once said that "the only way that a young fellow could get along in the labor movement was to join the Communist Party" (R. 7377). A third witness, supporting the ex parte written statement of her deceased

husband, testified that the petitioner had discussed with some Communists the policy expressed in a telegram to one of his local union officials (R. 1961, 1991). Neither did he object to the publication of Communist releases in a trade union newspaper where the releases were helpful to his union (R. 5870). Admittedly, he has steadfastly opposed red-baiting in the trade union movement (R. 97).

From these circumstances—and particularly from petitioner's opposition to red-baiting which Judge Sears thought was consistent with the alleged Communist policy of "boring from within" (R. 326-8)[6]—Judge Sears drew the inference that the petitioner was affiliated with the Communist Party. In discussing petitioner's "pattern of conduct", Judge Sears did not refer to the many differences in policy—as expressed in action—between the petitioner and the Communist Party. (See the opinion of the Board of Immigration Appeals at R. 427-31.)

Much of this evidence was first introduced at the hearing before Dean Landis (R. 75, n. 6), and was read into the record at the present hearing (R. 3217 ff.). Dean Landis found that it did not establish affiliation for he drew the proper distinction, not drawn in the present proceeding, between a casual intermittent relationship and one involving a continuing cooperation embracing mutual responsibilities (R. 513 and see p. 45, *infra*).

[6] Cf. the report of Dean Landis:

> "Bridges has also refused to adopt any policy whereby his unions would exclude or discriminate against any person upon the ground of membership in the Communist Party. Instead, he has actively sponsored a policy of nondiscrimination. The necessity for adoption of the policy of nondiscrimination arose. Bridges claimed, from employers' activities that charged every militant policy pursued by the unions was communistic. For that reason it was alleged that anti-red-baiting resolutions were commonly adopted by the various unions that Bridges influenced" (R. 627; *cf.* also R. 632-633).

The finding of affiliation with the MWIU

The MWIU was a trade union of American seamen and longshoremen (R. 3257) which went out of existence in 1935 (R. 205). Prior to 1934, because of its affiliation with the Trade Union Unity League (TUUL) which was considered a Communist organization, its members had been held deportable (R. 205-6; *Greco* v. *Haff*, 63 F. (2) 863—C.C.A.9). However, it effected a reorganization in its relations in 1933, and the Immigration Service ruled early in 1934 that membership in the MWIU was no longer ground for deportation (R. 60, 3689 ff. especially 3696). Whatever its dominating influences may have been, there is no question that it was an active trade union until shortly before its dissolution.

The evidence of petitioner's relations with it was in the main read into the record from the transcript of the first proceeding (R. 3245 ff.). It covers two separate items: the incidents of the 1934 strike (R. 421), and the "Waterfront Worker" (R. 380-420).

1. *The 1934 Waterfront Strike.* In 1934 the petitioner was an influential member of the International Longshoremen's Association, an AF of L union (R. 5739) (the Pacific Coast District of which has since been chartered by the CIO as the International Longshoremen & Warehousemen's Union—R. 238). The union participated in the coastwise strike which began May 9, 1934 (R. 5778)—a successful strike resulting in the removal of substantial grievances, the legitimacy of which is not denied (R. 84, 234-5, 325). Petitioner was chairman of the Joint Strike Committee, comprising all the unions involved (R. 5781).

During the course of the strike petitioner enlisted and accepted the cooperation of the MWIU (R. 5778-81, 5783). He similarly had the cooperation of a number of other unions not claimed to have been Communist dominated

(5815, 5785), of Jackson, an MWIU organizer (R. 249, 3266); and of Darcy (R. 250). He accepted the aid of the Communist west coast paper, the Western Worker (R. 251), as he accepted the aid of the Catholic Leader (R. 6485). He urged seamen who were members of the International Seaman's Union, which was recalcitrant in supporting the strike, to leave that union and to join the MWIU (R. 3257, 3258).[7] He opposed a joint resolution of all unions repudiating Communist support, and he discussed his attitude with Darcy (R. 250). He sought to have MWIU delegates on the Joint Strike Committee (R. 6348).

Apart from the evidence as to the "Waterfront Worker," which we next consider, this constitutes the substance of the evidence on the question of affiliation with the MWIU.[8] Petitioner did not deny these facts, on the contrary he asserted that they illustrated his considered philosophy: that he is above all interested in the fortunes of his union; and that he will seek cooperation from any helpful source when its interests are at stake (R. 374-5) because effective trade union management requires no less.

The proof of these facts was also made before Dean Landis (R. 375). His conclusions were opposed to those reached in the present proceeding. "Persons engaged in bitter industrial struggles," he said, "tend to seek help and assistance from every available source" (R. 635). In truth an inference of affiliation can be drawn from them only through a conception of the meaning of affiliation so mistaken as to amount to a denial of liberties constitutionally guaranteed (*cf.* R. 5810-12).

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[7] The petitioner changed his attitude when the ISU joined the strike. Then he was instrumental in the transference of many members from the MWIU to the ISU. In 1935, the MWIU disbanded (R. 3262-4).

[8] Judge Sears also relied upon subsequent writings of Communist apologists who sought to magnify Communist influence in the 1934 strike by claiming intimate association with the petitioner (R. 251-5).

2. *The "Waterfront Worker."* The Waterfront Worker was a mimeographed paper published in San Francisco from December 1932 until some time in 1936 (R. 238). It had no fixed editorial board, and the methods of editing and publishing it were most informal (R. 381n, 3234, 5761). At its start it was edited by members of the MWIU, and it was urged and found below that the petitioner, who admittedly participated in its editing and publication *after* September 1933, had worked with that group from the beginning in December, 1932. Petitioner's evidence was that from the outset and before his connection with it the paper was unsuccessful; that it had lapsed, and had then, around September, 1933, been revived by a group of which the petitioner was a member (R. 3234, 6172), and which neither included any member of the MWIU nor operated with financial or any other aid from the MWIU (R. 5772).

The proof offered on both sides of this simple question was most complicated. The Board of Immigration Appeals undertook the laborious task of unravelling it and by careful analysis of the objective facts, particularly the issues of the Waterfront Worker in evidence, demonstrated the errors of the Presiding Inspector's conclusions (R. 380-420).[9]

3. There is no other surviving proof or alleged proof as to petitioner's affiliation either with the Communist Party or the MWIU.

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[9] A subsidiary finding was also made that the publication was an instrument of the MWIU and hence of the Communist Party until it ceased publication in 1936 (R. 244-5. The date here given by Judge Sears must be incorrect as the MWIU went out of existence in 1935—R. 205). However, the finding admittedly depends upon the numbers published before September 1933. The opinion of the Board of Immigration Appeals examines the subsequent issues of the paper, and dispels all suggestion of support for the finding (R. 384-420).

Substantial Evidence is Required.

There should be no doubt as to the *quantum* of the necessary proof. The due process clause of the Fifth Amendment requires the Court to satisfy itself that substantial evidence, of a quality to carry conviction to a reasonable mind, supports any finding from which deportation follows.[10] Even where the finding of an administrative board is made conclusive "if supported by evidence", the reviewing court has the duty to examine the evidence to determine whether it is "substantial", that is to say, whether it has that quality which makes an impression on reason and can *induce conviction.* As was said in *NLRB* v. *Columbian Enameling & Stamping Co.*, 306 U. S. 292, 299-300:

> "Section 10(e) of the Act provides: '* * * The findings of the Board as to the facts, if supported by evidence, shall be conclusive.' But as has often been pointed out, this, as in the case of other findings by administrative bodies, means evidence which is substantial, that is, affording a substantial basis of fact from which the fact in issue can be reasonably inferred * * * Substantial evidence is more than a scintilla, and must do more than create a suspicion of the existence of the fact to be established. 'It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion,' * * * and it must be enough to justify, if the trial were to a jury, a refusal to direct a verdict when the conclusion sought to be drawn from it is one of fact for the jury."

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[10] The judicial attitude in deportation cases must accommodate the fact that aliens now present in this country are generally of long residence, that they have acquired American families and in general have put their roots down in this soil, and that their deportation should rest only upon adequate evidence and upon findings fairly reached.

There must be "enough evidence to fairly sustain the finding * * *" (*Lewis* v. *Frick*, 233 U. S. 291 at 297). (See also *NLRB* v. *Sun Shipbuilding & Drydock Co.*, 135 F. (2) 15 at 25— C. C. A. 3; "*Administrative Procedure in Government Agencies*", Final Report of the Attorney General's Committee 1941, p. 88.)[11]

Although language may be found in the opinions in deportation cases pointing in varying directions, this requirement for substantial evidence is illustrated in a number of decisions.[12]

Such a requirement is peculiarly acute when important constitutional rights involving fundamental personal liberties are involved[13]—and particularly where as here the hearsay evidence of Lundeberg and the incompetent evidence ascribed to O'Neil is offered in sole support for a

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[11] In a contemporary comment of the Immigration and Naturalization Service, it was recognized that any distinction between deportation and other administrative proceedings if it ever existed no longer obtains—"The Immigration and Naturalization Service", Secretary of Labor's Committee on Administrative Procedure, 1940, at pages 122-3:

> "The reversal in the Supreme Court's attitude toward consideration of the evidence in immigration cases is the single most striking aspect of its general change of approach * * *."

As was said by the Ninth Circuit Court itself, substantial evidence "implies a quality of proof which induces conviction and makes an impression on reason" (*N.L.R.B.* v. *Union Pacific Stages*, 99 F. [2] 153, at 177).

[12] Cf. *Strecker* v. *Kessler*, 95 F. (2) 976—C. C. A. 5, aff'd without modification on this point, 307 U. S. 22, 34; *Ong Chew Lung* v. *Burnett*, 232 F. 853 at 855—C. C. A. 9; *Mason* v. *Tillinghast*, 27 F. (2) 580— C. C. A. 1; *Lisotta* v. *United States*, 3 F. (2) 108, 110-111—C. C. A. 5; *Whitfield* v. *Hanges*, 222 F. 745 at 749, 751—C. C. A. 8; *Ex parte Radivoeff*, 278 F. 227 at 231.

[13] *St. Joseph's Stock Yards Co.* v. *United States*, 298 U. S. 38 at 77; Oppenheimer, Administrative Law, 37 Col. Law Rev. 1 at 30; "Administrative Procedure in Government Agencies", Final Report of the Attorney General's Committee (1941) at 87.

finding (see 2 Pike and Fischer, Administrative Law, 48e, 521-8). Moreover, in the present case there is no occasion for judicial reluctance to intervene on the ground that the administrative findings involved expert judgment in fields foreign to judicial competence.

The Opinions of the Court Below.

The opinions for the majority judges below took a most curious course with respect to the necessary standard of proof. The view originally expressed was that "any" evidence will suffice (p. 15, *supra*). The petitioner then filed a motion for reargument in which the errors of this view were principally urged. Although reargument was denied, the accompanying opinion by Judge Stephens sought to clarify the position originally taken. The opinion states that "there is evidence, more than a scintilla and not unbelievable on its face" (R. 7812)—from which it is said to follow that issues on the evidence do not fall within the judicial province. Under that view, Judge Stephens added, "we have ordered enforced numerous orders for the exclusion and for the deportation of aliens * * *" (R. 7812).

A month later Judge Stephens filed an amendment to this opinion on reargument. The amendment states that the Court was accustomed to applying the views expressed "in habeas corpus proceedings *and reviews from administrative orders*"—i.e. assimilating the scope of review in deportation cases to administrative proceedings generally. But in review of administrative orders even the Ninth Circuit has held that there must be substantial evidence to support the findings (*NLRB* v. *Union Pacific Stages*, 99 F. (2) 153 at 177).

The testimony of Lundeberg alone is relied upon by the majority to sustain the finding of membership, and it is submitted that his testimony does not constitute "substan-

tial" evidence in any intelligible sense of the term. Moreover, the majority overlooked that the Attorney General's findings depended upon *all* the evidence mentioned by him and not upon any single part of the evidence individually. The majority below relied upon Lundeberg alone, making the assumption that the findings must be sustained if *any* of the evidence could be credited, without regard to the fact that the findings were made upon all the evidence. But *Securities and Exchange Commission* v. *Chenery* (318 U. S. 80) establishes that judicial review of an administrative finding may only proceed in the light of the ground actually adopted by the administrative tribunal.

Viewed cumulatively, the surviving evidence relied upon by the Attorney General is only the debris of an elaborate and ambitious structure built upon the testimony of witnesses most of whom were the dregs of the waterfront, and whom the Government should have quickly recognized as such. The Court below was content to accept only a fragment of that debris as sufficient. We submit that the finding against the petitioner upon such evidence or any part of it is arbitrary and violates due process of law.

We turn to the other violations of due process of law committed against the petitioner.

POINT II

Deportation upon the procedures used here offends due process of law.

The making of the findings against the petitioner was not merely without evidence "to fairly sustain" them (*Lewis* v. *Frick*, 233 U. S. 291, 297; *cf. Zakonaite* v. *Wolf*, 226 U. S. 272, 274); it was also accompanied by grave abuses of the fundamental considerations of fairness embodied in our concept of due process.

We have referred to the early departmental investigations of petitioner, in which he was absolved of all charges and to the formal hearing before Dean Landis in which all charges were found baseless, resulting in the cancellation of the warrant of arrest. At the time of the Landis hearings, and because of the decision of this Court in *Kessler* v. *Strecker*, 307 U. S. 22, the deportation statute required a finding that the petitioner was a member or affiliate of a proscribed organization at the time of the issuance of the warrant. Immediately following the final disposition of the first warrant, there was renewed agitation and it resulted in legislative action seeking his deportation.

1. **Legislative action directed to petitioner.** The first attempt was in 1940, through a bill in Congress directing petitioner's deportation "notwithstanding any other provision of law." The bill passed the House, but died in Senate Committee (S. Rep. 2051, 76th Cong., 3rd Sess., H.R. 9766, 76th Cong., 3rd Sess.).

Then on June 29, 1940, Congress adopted the amendment of the law under which the present warrant was issued. Its purpose, both to nullify the ruling in *Kessler* v. *Strecker*, *supra*, and to furnish a ground for further action against petitioner, cannot easily be mistaken. It provides in effect for deportation by reason of *past* membership in or *past* affiliation with a proscribed organization. So far as the petitioner is concerned, the author of the measure, Congressman Hobbs, stated its purpose:

> "It is my joy to announce that this bill will do, in a perfectly legal and constitutional manner, what the bill specifically aimed at the deportation of Harry Bridges seeks to accomplish. This bill changes the law so that the Department of Justice should now have little trouble in deporting Bridges * * *" (86 Cong. Rec. 9031; see also Hearing before a Subcommittee of the

Committee on the Judiciary, U. S. Senate, 76th Cong., 3rd Sess. on H.R. 5138, p. 11).[14]

2. **Successive hearings as denial of due process.** To subject the petitioner, exonerated by Dean Landis, to a second trial before Judge Sears was in the light of the evidence presented a procedure so unfair as in itself to constitute a denial of due process.

The Government has suggested a formal distinction between the two proceedings—that before Dean Landis the issue was the membership or affiliation of the petitioner as of the issuance of the warrant, while before Judge Sears the issue was his membership or affiliation at any time following his admission to this country. The distinction will not survive examination.

No evidence was offered before Dean Landis as to present membership. All the proof was addressed only to past membership and affiliation, and the Government relied specifically upon a legal presumption of continuance to support its claim with respect to the time of petitioner's arrest in 1938.[15] As Dean Landis' opinion shows, his finding denying present membership or affiliation depends entirely upon

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[14] Earlier there had been hearings upon a resolution seeking impeachment of Secretary of Labor Perkins and other officials in the Labor Department for an alleged conspiracy to refrain from enforcing the deportation law against petitioner (H. Res. 67, 76th Cong., 1st (Sess.). The resolution failed of passage (H. Rep. No. 311, 76th Cong., 1st Sess.; filed Mar. 24, 1939).

[15] The Government's own statement of its case before Dean Landis demonstrates the identity of the two proceedings.

"It is the Government's position that it has shown that prior to the arrest of Harry Bridges he was a member of the Communist Party and has continued as such. It contends, and submits it has been proved, that, the alien having been shown to be a member of the Communist Party, the obligation rested upon him to show that he had ceased to be such member, and in the absence of such showing there is a legal presumption he remained a member, and therefore is subject to deportation under the Act of 1918 as amended" (Government's Brief to Dean Landis, p. 100).

his rejection of the Government's evidence of *past* membership and affiliation (R. 634-6).

The proof itself, in each of the proceedings, followed identical lines. In each proceeding, the Government attempted, unsuccessfully, to prove that the petitioner attended Communist Party membership meetings; the witnesses were different persons, but the purport of their testimony the same. Similarly, proof was offered, in each case, of alleged admissions by petitioner of membership in the Communist Party; again, only the witnesses differed. Even more, the same miscellany of items offered as proof of affiliation with the Communist Party was all presented to and passed upon by Dean Landis (R. 604-7, 626-8). The Government saw fit to present a greater volume of testimony before Judge Sears than before Dean Landis, with respect to the further charge of petitioner's affiliation with the MWIU—principally concerning the "Waterfront Worker". But again all the subjects considered were mooted before Dean Landis; in fact most of the testimony in the first proceeding dealing with the MWIU was read into the record of the second proceeding (R. 75, f. 6, 624-8, 635, 3231 ff.). The Board of Immigration Appeals stated its opinion that "the same factual issues" were tried in both proceedings (432, n. 77). We annex in Appendix C a tabular statement showing how the same lines of testimony were given by the different witnesses in the two proceedings—the testimony covering the years 1934-1938 (*infra*, pp. 71-2).

The precise question here is not whether Dean Landis' findings and rulings were either correct or res adjudicata: it is whether, consistent with the requirements of due process of law, petitioner could be subjected to successive proceedings with respect to these identical matters.

The first hearing was no mere perfunctory proceeding, with only tentative conclusions. It was an extended and far-flung investigation in which the parties were represented by counsel; witnesses were subpoenaed, examined,

and cross-examined; arguments heard and briefs submitted. The suggestion of the Government below, that the proceeding before Dean Landis was in the nature of an inconclusive investigation like that before a committing magistrate, is hardly appropriate. Nor is it relevant to urge, as the Government also urged below, that here were administrative proceedings in which the principles of res adjudicata are often said not to apply. Even if they did not—and we submit on the contrary that they do clearly apply[16]—petitioner's rights must be judged under the due process clause. Surely it is an intolerable proposition that there are no legal restraints upon governmental determination to try the same issues of fact against the petitioner, again and again, upon the same thin evidence, until success is achieved. Otherwise, the governmental force must ultimately prevail—regardless of merit.

Beyond this, petitioner is entitled to the protection of the double jeopardy clause (U. S. Constitution, Fifth Amendment). Deportation proceedings are not merely civil proceedings to which the double jeopardy provision is generally considered not to attach; their consequences run far beyond those flowing from ordinary civil litigation. Deportation "may result also in loss of both property and life; or of all that makes life worth living" (*Ng Fung Ho* v. *White*, 259 U. S. 276, 284, per Brandeis, J.). This has

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[16] Two situations should be distinguished—first, where the prior proceeding was not a fully litigated adversary proceeding but was heard "in a summary way" as in *Pearson* v. *Williams*, 202 U. S. 281 at 284; and second, where the administrative body is specifically charged by statute with the obligation to function in the public interest, and so proceeds without immediate emphasis upon questions of private law (compare *N.L.R.B.* v. *Thompson Product*, 130 F. (2) 363—C. C. A. 6).

On technical principles of res adjudicata—the decision under the statute as amended indisputably turns upon the same facts as were actually litigated before Dean Landis, so that his conclusions would plainly seem controlling in the present proceeding (Restatement of Judgments, sec. 68 esp. comment C).

often been judicially pointed out.[17] Indeed it will have that effect in the present case. Regardless of the form of the proceedings, a *penalty* is here sought to be imposed; thus double jeopardy is threatened within the meaning of the Constitution (*United States* v. *Chouteau*, 102 U. S. 603, *cf. Huntington* v. *Attrill*, 146 U. S. 657; *cf. U. S. ex rel. Marcus* v. *Hess*, 317 U. S. 537).

The concepts of double jeopardy and res judicata which in other situations would concededly bar successive proceedings are, we submit, not only specific constitutional protections within their own spheres, however defined, but are inseparable from fundamental due process; as so conceived no ground exists for withholding their protection from petitioner.

3. **Ex post facto operation of the statute as denial of due process.** The proceedings similarly offend common conceptions of fairness embodied in the *ex post facto* clause (Art. I, sec. 9[3]), since the statute was amended on June 28, 1940 with the specific purpose in mind of deporting the petitioner upon grounds admittedly not then existing.

Only upon the frank admission that it proposed to try the same case again, could the Government have renewed proceedings against the petitioner, after Dean Landis' decision. The amendment furnished a pretext for avoiding such an admission. Its effect, however, is not merely *ex post facto* but also retrospective—a distinction the importance of which has been indicated by this Court (e. g., *Bugajewitz* v. *Adams*, 228 U. S. 585). It subjects aliens to

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[17] E. g. *Wallis* v. *Tecchio*, 65 F. (2) 250, C. C. A. 5, classing deportation as "a penalty"; *Browne* v. *Zurbreck*, 45 F. (2) 931, C. C. A. 6; see also Dean Landis at R. 506. "If a banishment of this sort be not * * * among the severest of punishments it would be difficult to imagine a doom to which the name can be applied", Pres. James Madison, 4 Elliott's Debates (1830) p. 363.

deportation for membership in an organization, even though such membership had long since terminated when the amendment was adopted.

It is not necessary to argue here that the *ex post facto* clause applies in full vigor to the case of *any* alien affected by its retrospective operation.[18] It is with respect to this petitioner that the operation of the statute must be viewed. The purpose of the draftsman of the amendment, directed at petitioner, could not be carried out except by reaching back into the past and penalizing a status which, the prior proceedings had established, did not then exist.

Here again considerations of due process of law are clearly involved. Even granting the Government's narrow contentions as to the scope of the *ex post facto* clause, another basic source of the petitioner's protection is the due process clause. "The more limited ex post facto or contract clauses may now be regarded simply as encyclopedic subdivisions of the due process clause" (Shulman, Retroactive Legislation, 13 Encycl. of Soc. Science 355).

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[18] It was ruled below that the *ex post facto* clause applies only to strictly criminal cases. The leading authorities, however, forbid any deprivation of fundamental rights which is based upon conduct antedating the penalizing statute. *Ex parte Garland*, 4 Wall. 333; *Cummings* v. *Missouri*, 4 Wall. 277; *Pierce* v. *Carskadon*, 16 Wall. 234; Cooley, "Constitutional Limitations" (7th Ed. 1903) 375-376; Black, "Handbook of American Constitutional Law" (1927) § 266; Blackstone Commentaries [3d Ed.] 11n.; McAllister, "Ex Post Facto Laws in the Supreme Court of the United States" (1927) 15 Cal. Law Rev. 269, 281-282.

Mahler v. *Eby*, 264 U. S. 32, is relied on as establishing that statutes may apply retrospectively in deportation proceedings. The statute there did not however apply retrospectively, for the decision was that a finding of present undesirability was prerequisite to deportation. The language relied on is therefore *dictum*, which fails moreover to recognize that the consequences of deportation are too serious to permit classifying it as merely a civil judgment (see pp. 29-30, *supra*)—a fact more clear under present day conditions.

4. Resurrection of the MWIU as denial of due process. The charge of affiliation with the MWIU represents a reversal of the Government's settled attitude towards that organization—a reversal made only in the petitioner's case.[19]

Membership in or affiliation with the MWIU has not been deemed cause for deportation since the ruling of the Department of Labor in 1934. Prior to the present proceedings, no alien was ever faced with such a charge—notwithstanding that, before the decision in *Kessler* v. *Strecker*, in 1940, it was believed that either past or present membership constituted cause for deportation; and *since* the proceedings, no alien—except the petitioner—has been charged with past membership in or affiliation with the MWIU (R. 705-715, 733). Only the petitioner has been held deportable for *past* affiliation with an organization which at the time of his affiliation with it had been authoritatively determined not to be included in the ban of the statute.

No legal arguments, however nice, concerning the power of the Department in 1934 to construe the statute so as to exclude any organization now found to be a proscribed organization can obscure the fact that there are today thousands of aliens in the United States who have been members of or affiliated with the MWIU, and other TUUL affiliates.[20] Clearly the statute has here been intentionally applied in a discriminatory manner.

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[19] The warrant was simply in the language of the statute (R. 772-3). It was not until the opening day of trial that the Government disclosed that it was relying upon affiliation with the MWIU (R. 807-8). In prior hearings doubtless because of the Department's 1934 ruling, no such charge was made.

[20] The concept of equal protection is embraced in due process (compare *U. S. v. Yount*, 267 Fed. 861 at 863, D. C. Pa.); and due process of law may be denied equally by administrative interpretation or by legislation. *Yick Wo* v. *Hopkins*, 118 U. S. 356; compare *Sunday Lake Iron Co.* v. *Wakefield*, 247 U. S. 350; *Raymond* v. *Chicago Union Traction Co.*, 207 U. S. 20 at 35-6.

5. **The O'Neil incident as denial of due process.** Judge Sears placed reliance upon the alleged O'Neil evidence (R. 271). No one else has done so, other than the Attorney General (R. 92-6). The Board of Immigration Appeals rejected it (R. 451-461). The District Court ruled it out without hesitation (R. 753-5); and the Court below merely declined to invalidate the order because of the acceptance of this "additional evidence of less probative value" than Lundeberg's testimony (R. 778).[21] Judge Healy's trenchant observations adequately sum up this phase of the case (p. 15, *supra*).

A. The evidence ascribed to O'Neil was incompetent. Plainly the petitioner was deprived of any opportunity to cross-examine: the only testimony that O'Neil gave was that he had never made the statement put to him concerning the petitioner's assertions of membership in the Communist Party. There was nothing here for the petitioner to challenge. Yet the alleged statement, made out of court, not sworn to, repudiated by its alleged author, and originally accepted (even then erroneously) as impeaching evidence only (R. 525-6-7), has been transmuted into affirmative proof against the petitioner.

The Government's contentions as to the competency of this evidence are fully met in the opinion of the Board of Immigration Appeals which made a careful and comprehensive review of the authorities (R. 451-461). There is no decision which suggests that such a statement may be used as evidence where the witness denies having made the statement.

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[21] Mr. Attorney General Biddle took the view that he would accept the findings of Judge Sears because Judge Sears saw and heard the witnesses (R. 96). This is a truism of appellate practice hardly applicable here, for O'Neil's alleged statement upon which Judge Sears relied was not given under Judge Sears' observation. All that Judge Sears heard was O'Neil's denial.

The evidence was more than merely incompetent. The fact is rather that the evidence is vicious in tendency and that to accept it and rely upon it is to commit that "flagrant" error which the present Chief Justice indicated in *Vajtauer* v. *Commissioner of Immigration*, 273 U. S. 103, 106, would demonstrate the essential unfairness of the proceedings (see also *Tang Tun* v. *Edsell*, 223 U. S. 673; *Tisi* v. *Tod*, 264 U. S. 131, and cases cited at pp. 133-4). The practice here followed would obviously permit of outright manufacture of evidence without effective opportunity for challenge.

The evidence is offensive to fundamental conceptions of what constitutes due process of law not only because of the absence of opportunity for effective challenge, —it also had a prejudicial effect which pervaded consideration of the entire case. It purports to be the only surviving *circumstantial* rather than hearsay evidence of the petitioner's membership in the Communist Party. Once credited, it could not fail to cause repercussions far beyond its own immediate purport, affecting the views of the trier of the facts upon the other evidence offered and in relation to the petitioner's own testimony.

The differences between the findings of Judge Sears and Dean Landis may well be ascribed to the prejudicial consequences of this most improper proof. Offered originally only to show that O'Neil was not telling the truth, it has been magnified so that with the evidence of Lundeberg it constitutes the only point upon which the finding of membership rests.

B. Violation by Mr. Attorney General Biddle of the Department's own rules is also clear. Those rules were adopted as part of the recent studied expansion of the administrative powers of the Immigration Service (Rules 150.1(c) and 150.6(i); Appendix, pp. 60, 65-6). They limit

the manner in which *ex parte* statements may be taken and used in deportation proceedings; any statement procured during an investigation must be taken down in writing under oath and signed by the witness who must be informed of its prospective use as evidence. Although the Government argued to the contrary in the court below, the Attorney General conceded that the rules had been violated (R. 95).

The Attorney General sought to dispose of the violation on the ground that the rules were not specifically called to the attention of Judge Sears. But Mr. Attorney General Biddle was not entitled to rule, as an appellate court might do, that therefore the petitioner "waived the right to object" (R. 96). Judge Healy, dissenting below, quite properly observed that the rules

> "were called to the Attorney General's attention. One is left to wonder on what ground that high official condoned his own disregard of them. Upon him rested the inescapable responsibility of accepting or rejecting the evidence, as of ordering the deportation. The rules were obligatory on him if on anybody" (R. 7806).

Due process of law is denied when the Department violates its own rules (*U. S. ex rel. Bilokumsky v. Tod*, 263 U. S. 149 and especially authorities cited at 155 n. 3; *Ohm v. Perkins*, 79 F. (2) 533, C. C. A. 2). Here such violation resulted in the acceptance of evidence, offered without the traditional safeguards for testing truth and necessarily prejudicial to the whole case. Flagrant error was thereby committed.

6. **Rejected evidence "taken as a whole" as denial of due process.** Upon an assumption as to the nature of proof for which we can find neither precedent nor parallel, Mr. Attorney General Biddle also gave weight to the evidence of witnesses whose testimony Judge Sears had declined to credit.

Judge Sears rejected the testimony of seven witnesses who placed the petitioner at Communist meetings. The testimony of one of these was found to be "inherently improbable" (R. 310); of another Judge Sears said he "clearly falsified" (R. 307); and of the rest he held, as Mr. Attorney General Biddle summarized it, their testimony was "inconclusive, unreliable or contradictory" (R. 97).

The Attorney General, nevertheless, ruled as follows:

> "Although Judge Sears concluded that their evidence, for one reason or another, did not establish membership in or affiliation with the Communist Party, taken as a whole, it cannot, because of its volume, be completely disregarded" (R. 98).

The ruling, it is submitted, cannot be explained on any ground consistent with a genuine desire to accord the petitioner the fair consideration required by due process of law.

7. **The Government's conduct as denial of due process.** The atmosphere throughout the proceeding before Judge Sears was inexcusably one of red-baiting. A host of unfounded charges against witnesses and counsel, and attacks on their evidence and documents, were made solely on the basis of alleged Communist domination. We cannot here rehearse the full details. A quotation from the Government's brief will serve to illustrate the obscurantist nature of the Government's approach in the matter:

> "BRIDGES was and is a serpent, slithering into the trade union movement from a dark, unwholesome den of the past to practice in the movement the treacherous tactic of hypocrisy and deceit and to form with his 'comrades' a tyranny therein that might compare in its exercise of power with that most vicious one in Soviet Russia, where 9,000,000 human beings were slaughtered as a single project in

the most cruel and inhuman program in the history of the world." [22] (Gov't Reply Brief to Presiding Inspector, p. 39.)

This attitude was reflected in the proof offered and in the evidence withheld by the Government. (a) It was learned during the course of the trial that witnesses had given statements to the Government inconsistent with the testimony they gave at the hearing (R. 1358; 1360, 1362, 1367; 745). Judge Sears believed he was without power to direct the Government to produce any documents, and he left the production of these statements to the discretion of Government officials. Counsel thereupon refused to produce them. This kind of concealment on the part of the Government, by suppression of documents, has always been condemned (Chief Justice Cooley in *People* v. *Davis*, 52 Mich. 569; *People* v. *Schainuck*, 286 N. Y. 161, 8 Wigmore Evidence, sec. 2224). In the language relied on by Dean Landis "ordinary considerations of fairness" (R. 507, n. 15) required that the Government produce these statements. (b) The Government presented the false testimony of its witness Cannalonga, which evidence was procured during his detention in "protective custody" (R. 6708-17) and in circumstances pointing to foreknowledge of its falsity.[23] (c) It was discovered that the Government was resorting to illegal wire tapping against petitioner after the hearings (R. 341-5).

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[22] Similar attacks were made on the CIO: R. 1232, 1301-2, 2468, 925; compare R. 7687, 1732, 5672, 3803-3, 3921-3, 3960-1, 4551-2, 5059, 7496-7. The Government's briefs were vituperative; see Government's opening brief, pp. 239, 252, 258, 259; reply brief, p. 155. Armed guards were present at the trial, and FBI agents maintained a constant watch over defense attorneys.

[23] Cannalonga testified against the petitioner on April 17 (R. 1769-1909). On May 4 he gave a deposition under oath to petitioner's counsel in which he repudiated his testimony (Alien's Ex. 13, R. 3523-41). On May 7 a subpoena for his forthwith appearance was issued on petitioner's request (Alien's Ex. 48). Cannalonga dis-

(Footnote continued on next page)

8. **Mr. Attorney General Biddle's procedure as denial of due process.** The determination of the Board of Appeals was rendered on January 3, 1942 (R. 367). Mr. Biddle's decision was announced publicly on May 28, 1942 (R. 106). He had given no indication in the interval that he had the matter under consideration. Accordingly, there was no opportunity for counsel to appear before him and present arguments either orally or in writing. Since the oral argument before the Board was not taken down stenographically, the Attorney General could only have acted without benefit of the views of petitioner's counsel except to the extent that he may have had before him one or more of the briefs filed with Judge Sears or the Board of Immigration Appeals. The Attorney General did not confine his consideration to questions of law. He considered the facts in detail and as shown he took into consideration evidence which had theretofore been rejected (R. 97-8).[24] He also enunciated a theory of waiver (R. 94)

appeared, and was not found until May 29 (R. 6969-70). On the following day an FBI agent served him with the subpoena (R. 6694-6701). Instead of producing Cannalonga the FBI took him into "protective custody" for the next four days during which they obtained a statement repudiating his deposition (R. 6704-6717). He was produced by the Government on June 4 and presented as a Government witness (R. 6648). His story was that he had been drunk when he made his first repudiation (R. 6682-3)—a story which Judge Sears found to be clearly false (R. 307). The Government, however, had in its possession evidence showing the falsity (Alien's Exs. 59; see also Alien's Exs. 60, 61): Cannalonga's work slips for the day in question, as well as the record of an interview by Immigration inspectors of the stenographer who took Cannalonga's deposition (R. 7517).

[24] The powers of the Board of Immigration Appeals were recently reconstituted in the departmental reorganization in 1940. In that reorganization: "The title of the Board of Review was changed to that of the Board of Immigration Appeals, and it was made a larger body with quasi-judicial jurisdiction and to a degree independent of this service." (Annual report of the Attorney General of the United States, Fiscal year ended June 30, 1941, at p. 225.) Yet the Attorney General overruled the findings without himself hearing argument on them.

not previously suggested. In these circumstances the petitioner had the right to an opportunity to reach the mind of this public official who undertook to dispose finally of his case upon findings less favorable to him than those to which he had previously had opportunity to address himself (*Morgan* v. *United States*, 304 U. S. 1; 304 U. S. 23; 298 U. S. 468). Petitioner's right to be represented by counsel before the official who finally decides is elementary (compare *Glasser* v. *U. S.*, 315 U. S. 60, at 76). These considerations were emphasized when subsequently Mr. Attorney General Biddle denied a petition for a "hearing or rehearing."

The second *Morgan* case (304 U. S. 1; id. at 23) established that due process of law forbids any administrator from making a final determination against a party without giving him fair opportunity, by service upon him either of an intermediate report or of proposed findings, to learn of any new conclusions proposed to be reached against him and to furnish his arguments in answer. The rules of the Department itself emphasize this requirement for a hearing. In any case in which oral argument has not previously been had, the alien is afforded opportunity to present argument on any finding made by the Board less favorable than the recommendation below (Rule 90.11). Simple fair play dictates such a rule, which should have controlled the deliberations and actions of Mr. Attorney General Biddle.

In sum: the proceedings against this petitioner, viewed in their completeness, constitute a gross and cumulative abuse of due process of law. The petitioner, who has been the object of determined and persistent attention since 1934, was subjected to a trial on charges in 1940 notwithstanding that previous departmental investigations had disclosed no basis for action against him. That trial was conducted in a scrupulously careful and thorough manner, and it too resulted in findings fully in his favor. Nevertheless the underlying statute was amended specifically so as

to permit of further proceedings against him, and as a result of the amendment, the petitioner was subjected to a second trial in which the same issues of fact were tried partly upon identical testimony and for the rest upon identical lines of proof. Plainly these proceedings ignored all considerations of fairness underlying the double jeopardy and *ex post facto* provisions of the Constitution. Moreover they were conducted in an atmosphere of hostility and prejudice. They depended in large measure upon resurrection of charges long overruled with respect to the MWIU; a resurrection, moreover, devised particularly for this case, and not since used against any other of the several thousand aliens in the same situation. The department's own rules were disregarded. The Attorney General did not see fit to hear the petitioner through his counsel. The Government resorted to marginal procedures and dubious evasions of ordinary understanding of due process of law at every step. And although some forty witnesses have appeared in the two proceedings against the petitioner, the case against him on the facts rests essentially upon the admittedly biased and self-contradicted testimony of Lundeberg and upon evidence ascribed to O'Neil which it was flagrant error to accept for any purpose. A finding against petitioner upon such testimony, in view of its paucity and its unreliability, is to substitute arbitrary fiat for reasoned conviction. The petitioner has been denied due process of law.

POINT III

The statute as construed and applied denies petitioner freedom of speech and association guaranteed by the First and Fifth Amendments.

It was denied below that the First and Fifth Amendments protect the petitioner from deportation for his exercise of the rights of freedom of speech and of associa-

tion there guaranteed.[25] It was further urged by the Government that in any event the statute could constitutionally be applied, in the light of the finding of petitioner's membership in and affiliation with the Communist Party and his affiliation with the MWIU.

So far as the adequacy of the finding of membership to support the constitutional application of the statute is concerned—the Government made this explicit concession (R. 1527):

> "* * * we are not charging this witness with believing in the advocacy of the overthrow of the Government of the United States by force and violence.
>
> "We are not charging the alien here with believing in the use of force and violence in the overthrowing of the Government of the United States."

There is, moreover, no proof that the petitioner understood that the Communist Party believed in or advocated violent overthrow of government—and there is no proof that any clear and present danger existed that advocacy by the Communist Party of violent overthrow of government might have been successful. In these circumstances, to deport petitioner for bare *membership* is to find guilt by imputation, for mere association, and is in contravention of the First and Fifth Amendments.

The same conclusions follow from the evidence presented to show petitioner's *affiliation* with the Communist Party and the MWIU (discussed above, pp. 17-21). The statute cannot constitutionally be applied to such proof as here involved. The proof is no more than that petitioner sought cooperation in pursuit of legitimate trade-union

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[25] The District Court wrote paradoxically: "If the result is a curtailment of their [aliens'] freedom of speech while in this country, it is a curtailment consonant with the constitutional guarantees of the Bill of Rights" (R. 737). The court below did not see fit to discuss the constitutional issues here considered.

aims, as indeed Dean Landis determined upon virtually the same proof. "Bridges' aims are energetically radical", he said, but "the proof fails to establish that the methods he seeks to employ to realize them are other than those that the framework of democratic and constitutional government permits" (R. 635).

1. Petitioner's Rights under the Constitution.

According to the Government, "the First Amendment is inapplicable * * *" (brief below, p. 21). Presumably its position would be the same with respect to the Fifth Amendment to the extent that it guarantees liberty of conduct and association. The argument strikes at the tenure of the three and one-half million aliens lawfully resident in this country.

The Government does not challenge that, deportation aside, aliens are fully entitled to the rights guaranteed under the Constitution and specifically to rights of free speech.[26]

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[26] The doctrine was fully stated in *Lem Moon Sing* v. *United States*, 158 U. S. 538:

> "While he lawfully remains here he is entitled to the benefit of the guaranties of life, liberty, and property, secured by the Constitution to all persons, of whatever race, within the jurisdiction of the United States. His personal rights when he is in this country and such of his property as is here during his absence are as fully protected by the supreme law of the land as if he were a native or naturalized citizen of the United States" (p. 547).

For example: *Yick Wo* v. *Hopkins*, 118 U. S. 356 (Fourteenth Amendment); *Wong Wing* v. *United States*, 163 U. S. 228 (Fifth Amendment); *Li Sing* v. *United States*, 180 U. S. 486 (Fifth Amendment); *Downes* v. *Bidwell*, 182 U. S. 244 at 282-3; *Truax* v. *Raich*, 239 U. S. 33 (Fourteenth Amendment); *Terrace* v. *Thompson*, 263 U. S. 197 at 216 (Fourteenth Amendment); *Russian Fleet* v. *United States*, 282 U. S. 481 (deprivation of property only upon just compensation, under Fifth Amendment).

The alien's rights of free speech are recognized in *Abrams* v. *United States*, 250 U. S. 616, and in *Hague* v. *CIO*, 307 U. S. 496.

Because some constitutional guarantees as to judicial procedure are not available in deportation cases,[27] it does not follow that the guarantees of free speech, or of liberty generally, are also precluded.

Congress may "exclude or expel all aliens * * * absolutely or upon certain conditions" (*Fong Yue Ting* v. *United States*, 149 U. S. 698 at 711; *Ng Fung Ho* v. *White*, 259 U. S. 276; *United States* v. *Smith*, 289 U. S. 422). But the exercise of that power, like every other general power expressly or impliedly granted, is necessarily subject to scrutiny as to "whether the manner in which Congress has exercised this right * * * is consistent with the Constitution" (*Fong Yue Ting* v. *United States*, *supra*; *cf. Monongahela Navigation Company* v. *United States*, 148 U. S. 312, 336).

Recent decisions have defined some of the boundaries of free speech—there is the right, in the absence of a showing of clear and present danger to our institutions, to speak freely in public places, however unpopular the views there expressed may be (*Taylor* v. *Mississippi*, 319 U. S. 583; *Hague* v. *CIO*, 307 U. S. 496); to utter religious propaganda (*Cantwell* v. *Connecticut*, 310 U. S. 296); and to distribute handbills or pamphlets, either from house to house, or in public places (*Schneider* v. *State*, 308 U. S. 147; *Martin* v. *Struthers*, 319 U. S. 141). There is the right to picket (*Thornhill* v. *Alabama*, 310 U. S. 88; *Carlson* v. *California*, 310 U. S. 106; *Bakery Drivers Local* v. *Wohl*, 315 U. S. 769); and to criticize the courts (*Bridges* v. *California*, 314 U. S. 252[28]). Is Congress free to deprive an alien of these

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[27] *Wong Wing* v. *United States*, 163 U. S. 228; *Li Sing* v. *United States*, 180 U. S. 486; *Lo Wah Suey* v. *Backus*, 225 U. S. 460; *Zakonaite* v. *Wolf*, 226 U. S. 272; *Ng Fung Ho* v. *White*, 259 U. S. 276; *United States ex rel. Bilokumsky* v. *Tod*, 263 U. S. 149.

[28] This decision involved the present petitioner. The Government's position would seem necessarily to be that Congress would be competent to deport him for the conduct which in that case this Court held was done under the protection of the Constitution.

rights deriving from the First and Fifth Amendments by threatening deportation on pain of surrender of those rights? (Compare *Western Union Tel. Co.* v. *Kansas*, 216 U. S. 1; *Frost* v. *Railroad Commission of California*, 271 U. S. 583).

The Government argues that *Turner* v. *Williams*, 194 U. S. 279, establishes that Congress may do so. This was not, however, a case of deportation, but one in which an alien who had illegally entered the country ten days before the warrant, was excluded. Of course a non-resident alien, illegally here, cannot claim constitutional guarantees. This Court made the distinction clear when it stated that "those who are excluded cannot assert the rights in general obtaining in a land to which they do not belong as citizens *or otherwise*" (p. 292).

The Government's contention that it will be "anomalous" if "Congress could not provide for the deportation of aliens bent on the overthrow of the Government by force • • •" (Gov. brief below, p. 21)[29] not only begs the question, it is also a poorly disguised denial of the fundamental principles underlying the guarantee of free speech. The premises upon which that right has been guaranteed do not admit of a distinction between aliens and citizens. Democratic institutions must stand or fall upon the free exchange of ideas. Our ruling concepts must be capable of surviving the test of free discussion in the market place. The quality of an idea is not affected by whether it is urged by alien or citizen.

In periods of reaction the first point of attack is upon minorities and particularly upon aliens. The argument of the Government in this case can be turned against any group of aliens, and would permit deportation for any form of conduct—religious, political or economic—guaranteed as part of our fundamental liberties.

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[29] Compare the Government's concession with respect to the alien, *supra*, p. 41.

2. "Affiliation" has been Construed so as to Deny the Petitioner Due Process of Law and Free Speech.

Dean Landis recognized (R. 512-3), upon the authorities, that the statute does not interdict either mere association with Communists or the entertaining of beliefs in sympathy with those maintained by the Communist Party; that it does not apply where the connection between the alien and the proscribed organization, even when amounting to cooperation, is casual, spasmodic or intermittent; that affiliation implies some relationship of permanence, of mutual reliance and dependence, "which, though not equivalent to membership duty, does rest upon a course of conduct which could not be abruptly ended without giving at least reasonable cause for the charge of a breach of good faith" (*Kettunen* v. *Reimer*, 79 F. (2) 315, 317, *per* Chase, J.; see also Dean Landis at R. 513 and cases there cited, including *Tolsky* v. *Wilson*, unreported opinion by Judge Learned Hand, June 27, 1920).

In the present proceeding the concept of affiliation has been expounded in a manner not heretofore understood. The element of permanence has particularly been ignored. Judge Sears does not seem to have been guided by any principle, but proceeded simply upon the vague premise that the trier of facts must somehow determine where the weight of the evidence lies (R. 249-51; 326-38). Mr. Attorney General Biddle did not specifically discuss his understanding of the meaning of affiliation; and, as Judge Healy said below, "he appears to have relied indiscriminately on every circumstance which might be thought to spell sympathy or to be indicative of an association however temporary and in pursuit of ends however legitimate" (R. 7803).

We have already stated the substance of those circumstances (pp. 17-21, *supra*)—the petitioner accepted the cooperation of the MWIU; he aided in the editing and

publishing of the Waterfront Worker; he resisted red-baiting in the affairs of his trade union; and he is said to have made statements evincing sympathy with some of the aims and purposes of the Communist Party. He permitted publication of Communist releases in a trade union newspaper—but again, as in all his activities, because those releases worked to the benefit of his union.

The statute must fall, under the First and Fifth Amendments, when it is construed and applied so as to proscribe legitimate activities of this nature. Activity itself legitimate cannot be condemned, under the Constitution, though it be carried on in conjunction with the Communist Party (*DeJonge v. Oregon*, 299 U. S. 353; *Stromberg v. California*, 283 U. S. 359; and *cf.* the concurring opinion of Brandeis, J., in *Whitney v. California*, 274 U. S. 357). Nor does the statute define and measure the offense against which it is directed. It "sweeps within its ambit" (*Thornhill v. Alabama*, 310 U. S. 88, 97) a wide range of legitimate activity. So vague and broad an overhanging threat to the exercise of liberties guaranteed under the Constitution will not be sanctioned; speaking technically, due process of law is denied because the statute is indefinite and so applies ambiguously and indifferently to proper forms of behavior.[30]

Even if it were more precise than it is, it would constitute a practical denial of the right of free speech, since its exposition and its implementation in matters affecting expression of ideas are left to enforcement officers.[31] "The

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[30] *Stromberg v. California*, 283 U. S. 359; *Herndon v. Lowry*, 301 U. S. 242; *Taylor v. Mississippi*, 319 U. S. 583; *cf. DeJonge v. Oregon*, 299 U. S. 353.

[31] *cf. Thornhill v. Alabama*, 310 U. S. 88; *DeJonge v. Oregon*, 299 U. S. 353; *Carlson v. California*, 310 U. S. 106; *Taylor v. Mississippi*, 319 U. S. 583; *Stromberg v. California*, 283 U. S. 359; *Herndon v. Lowry*, 301 U. S. 242.

statute, as construed and applied, amounts merely to a dragnet which may enmesh anyone * * *" (*Herndon* v. *Lowry*, 301 U. S. 242 at 263).

Further, there is missing here the finding of clear and present danger to our institutions, in the absence of which the utterances imputed to petitioner through his associations may not constitutionally be proscribed (*Cantwell* v. *Connecticut*, 310 U. S. 88 at 104-5). The right of free speech "is subject to restriction * * * in order to protect the State from destruction or from serious injury, political, economic or moral." Such a situation arises only where "speech would produce, or is intended to produce, a clear and imminent danger of some substantive evil which the State constitutionally may seek to prevent" (*Whitney* v. *California*, 274 U. S. 357, concurring opinion of Brandeis, J. at 373-4). That situation is not presented here, and no finding was made concerning it.

3. Deportation for Membership only, without Proof of Advocacy, Knowledge or Belief, Violates Freedom of Speech and Association.

It is immaterial whether the statute be judged on its face or as applied to the facts of the present case (*cf. Thornhill* v. *Alabama*, 310 U. S. 88 and *Carlson* v. *California*, 310 U. S. 106). In either event essential elements are lacking: that the petitioner either personally advocated improper doctrines, or believed in them, or at the very least understood the Communist Party so to advocate. There is not even proof that he ever attended a Party meeting. Consequently the statute on its face and as applied goes even further than to attack his right to hold beliefs when unaccompanied by overt action of any nature. It condemns him for the offense of association, and directs his deporta-

tion because of an imputation from the bare finding of membership—itself resting on the flimsiest of evidence.[2]

It is fundamental to our conception of due process of law that "guilt is personal" (*Schneiderman v. United States*, 320 U. S. 118, 154 footnote 41 quoting Chief Justice [then Mr.] Hughes). The observation is most apposite in political matters. The dogma of any party varies from time to time. It is unfair to define it even by the considered utterances of the party leaders, assuming the consistency of their writings. It is for these reasons that the *Schneiderman* case dealt once and for all a death blow to the spurious doctrine of guilt by imputation—even though there the petitioner was secretary of the Party and active in its affairs.

None of the earlier authorities sustains the propriety of such an imputation. In previous cases the accusation has been of personal advocacy of clearly proscribed doctrines (e. g. *Schenck v. United States*, 249 U. S. 47; *Pierce v. United States*, 252 U. S. 239; *Gitlow v. New York*, 268 U. S. 652), or of possession for distribution of proscribed mate-

[2] Some of the decisions in the Circuit Courts of Appeals have gone very far in authorizing deportation for membership in the Communist Party even where the alien did not subscribe to any proscribed doctrines and undertook only legitimate trade-union activities (e. g. *Greco v. Haff*, 63 F. (2) 863—C. C. A. 9; *Jurgans v. Seaman*, 25 F. (2) 35—C. C. A. 8; *United States v. Wallis*, 268 F. 413, S. D. N. Y.; *cf. Murdoch v. Clark*, 53 F. (2) 155—C. C. A. 9; compare however opinion of Hutcheson, J. in *Strecker v. Kessler*, 95 F. (2) 976). All assume the propriety of the imputation in the face of the proof, and none of them treat of the clear and present danger test.

This Court has not passed on the question of whether an alien is deportable for membership in the Communist Party or even any of the T.U.U.L. unions. In the *Boric* case (habeas corpus dismissed, 4 F. Supp. 965, appeal dismissed 67 F. [2] 1020) certiorari had been granted (290 U. S. 623) but was dismissed on request of the alien's attorney (290 U. S. 709) *after* the Immigration Service had reversed itself and determined that the alien should not be deported for membership in the National Miner's Union, one of the T.U.U.L. unions.

rial with knowledge and understanding of its contents (*Tisi* v. *Tod*, 264 U. S. 131; *cf. Taylor v. Mississippi*, 319 U. S. 583). In *Whitney* v. *California*, 274 U. S. 357, the accused was one of the Party's organizers who remained active in its affairs after knowledge of the unlawful purposes to which it was found to have been dedicated. It was in that case that Mr. Justice Brandeis challenged the proposition that "assembling with a political party, formed to advocate the desirability of a proletarian revolution by mass action at some date necessarily far in the future, is not a right within the protection of the Fourteenth Amendment" (274 U. S. at 379).

Petitioner's situation presents that question. He is not personally implicated either by conduct or by belief in any Communist Party doctrine. Bare identification with a proscribed organization—for example by speech-making under Party auspices—cannot constitutionally under the due process clause be deemed culpable (*Stromberg* v. *California*, 283 U. S. 359; *DeJonge* v. *Oregon*, 299 U. S. 353; *cf.* Brandeis, J. in *Whitney* v. *California*, 274 U. S. 357; and *Schaefer* v. *U. S.*, 251 U. S. 466).

There is a further infirmity in the application of the statute. As we have said (p. 47, *supra*), the recent decisions establish the constitutional impropriety of interdicting any form of conduct, by utterance or otherwise, in the absence of "clear and present danger that they will bring about the substantive evils that Congress has a right to prevent."[33] There is no claim here of any imminent or serious threat.

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[33] *Schenck* v. *United States*, 249 U. S. 47 at 52; *Herndon* v. *Lowry*, 301 U. S. 242; *Hague* v. *CIO*, 307 U. S. 496; *Carlson* v. *California*, 310 U. S. 106; *Drivers Union* v. *Meadowmoor Co.*, 312 U. S. 287; *Bridges* v. *California*, 314 U. S. 252; *Chaplinsky* v. *New Hampshire*, 315 U. S. 568; *Bakery Drivers Local* v. *Wohl*, 315 U. S. 769; *Martin* v. *Struthers*, 319 U. S. 141; *Taylor* v. *Mississippi*, *supra*; *cf.* Brandeis, J. in *Whitney* v. *California*, 274 U. S. 357 at pp. 374-8.

The Government is therefore confined to reliance upon the so-called presumption as to the validity of an implied legislative finding that such danger exists (see *Gitlow* v. *New York*, 268 U. S. 652). At the very most such a declaration has only presumptive and not conclusive weight (opinion of Brandeis, J., *Whitney* v. *California*, 274 U. S. 357, 372; see *Hague* v. *CIO*, 307 U. S. 496 at p. 516). It is unavailing, for example, if applied to activity otherwise legitimate even though such activity be carried on under the auspices of a proscribed organization (*Whitney* v. *California*, 274 U. S. 357; *Stromberg* v. *California*, 283 U. S. 359; *DeJonge* v. *Oregon*, 299 U. S. 353; *Fiske* v. *Kansas*, 274 U. S. 380). Actually, as has been repeatedly stated, in matters affecting fundamental rights of free speech, no presumption of constitutionality obtains, and this Court will be "astute to examine the effect of the challenged legislation" (*Schneider* v. *State*, 308 U. S. 147 at 161) "* * * in view of the preferred position the freedoms of the First Article occupy, the statute in its present application must fall. It cannot be sustained by any presumption of validity". (*Prince* v. *Massachusetts*, 321 U. S. 158, 167).

The presumption of legislative validity is in any event not applicable to a statute like the present which must be considered vague and uncertain.[*]

Here is not a statute which has placed a specific class of words "upon an expurgatory index", or indicted "a particular form of doctrine, carefully defined and after such definition denounced on reasonable grounds as fraught with peril to the state" (*Herndon* v. *Georgia*, 295 U. S. 441 at 450). Rather, this statute condemns utterances "by reference to the results that they are likely to induce" (*Herndon* v. *Georgia*, 295 U. S. 441 at 450); "readily lends itself

[*] The statute under consideration here is plainly more uncertain and indefinite than the ordinance classified by this Court as "sweeping and inexact," in *Carlson* v. *California*, 310 U. S. 106, at 112.

to harsh and discriminatory enforcement by local prosecuting officials"; and "results in a continuous and pervasive restraint on all freedom of discussion * * *" (*Thornhill* v. *Alabama*, 310 U. S. 88 at 97-8). Here the statute condemns the bald fact of membership; it embraces any form of words, not actually defined, which may in the opinion of the local official be deemed to have a proscribed content.

Conclusion

This case presents important constitutional issues involving rights of free speech and association. The searching and fundamental question is presented whether aliens lawfully resident in this country are free to conduct themselves in reliance upon the constitutional guarantees concededly extended both to citizens and to aliens not being subjected to deportation proceedings—not merely the guarantees of speech, but also of religious and political beliefs. The case presents the further question, important under present conditions, whether deportation will be permitted to follow upon presentation of "any" evidence. The conclusion to deport petitioner, an end so persistently sought for a decade by vindictive private groups, has been reached through flagrant abuses of due process of law—both in the basic conception of the present proceedings involving successive hearings, dissolved relationships, and discriminatory legislation and administration; and in the manner in which the issues were tried and determined.

Judge Healy, dissenting below, correctly expressed the epitome of these proceedings:

> "Rather than deport the alien on evidence which would be condemned and proscribed without hesitation by any American court, it would seem a more forthright procedure to do what was proposed in the first place,

deport him by legislative resolution 'notwithstanding the provisions of any other law' " (R. 7809).

Respectfully submitted,

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Appendix A—The Statute

Act approved October 16, 1918 as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any alien who, at any time, shall be or shall have been a member of any one of the following classes shall be excluded from admission into the United States:

(a) Aliens who are anarchists;

(b) Aliens who advise, advocate, or teach, or who are members of or affiliated with any organization, association, society, or group, that advises, advocates, or teaches, opposition to all organized government;

(c) Aliens who believe in, advise, advocate, or teach, or who are members of or affiliated with any organization, association, society, or group, that believes in, advises, advocates, or teaches: (1) the overthrow by force or violence of the Government of the United States or of all forms of law, or (2) the duty, necessity or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government, because of his or their official character, or (3) the unlawful damage, injury or destruction of property, or (4) sabotage:

(d) Aliens who write, publish, or cause to be written or published, or who knowingly circulate, distribute, print, or display, or knowingly cause to be circulated, distributed, printed, published, or displayed, or who knowingly have in their possession for the purpose of circulation, distribution, publication, or display, any written or printed matter, advising, advocating, or teaching, opposition to all organized government, or advising, advocating or teaching: (1) the overthrow by force or violence of the Government of the United States or of all forms of law, or (2)

the duty, necessity or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government, or (3) the unlawful damage, injury or destruction of property, or (4) sabotage;

(e) Aliens who are members of or affiliated with any organization, association, society, or group, that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display, any written or printed matter of the character described in subdivision (d).

For the purpose of this section: (1) the giving, loaning or promising of money or anything of value to be used for the advising, advocacy, or teaching of any doctrine above enumerated shall constitute the advising, advocacy, or teaching of such doctrine; and (2) the giving, loaning or promising of money or anything of value to any organization, association, society, or group, of the character above described shall constitute affiliation therewith; but nothing in this paragraph shall be taken as an exclusive definition of advising, advocacy, teaching, or affiliation (40 Stat. 1012; 41 Stat. 1008-9; 54 Stat. 673; 8 U. S. C. 137).

SEC. 2. Any alien who was at the time of entering the United States, or has been at any time thereafter, a member of any one of the classes of aliens enumerated in section 1 of this Act, shall, upon the warrant of the Attorney General, be taken into custody and deported in the manner provided in the Immigration Act of February 5, 1917. The provisions of this section shall be applicable to the classes of aliens mentioned in this Act, irrespective of the time of their entry into the United States. (40 Stat. 1012; 54 Stat. 673; 8 U. S. C. 137.)

* * * * * * * *

Appendix B—The Regulations

Code of Federal Regulations of the United States of America

Part 90—Departmental Organization and Authority

* * * * * * *

§ 90.1 **Commissioner of Immigration and Naturalization and other selected officials; powers.**—Under the general direction of the Attorney General, the Commissioner of Immigration and Naturalization (hereinafter called the Commissioner) shall supervise and direct the administration of the Immigration and Naturalization Service and, subject to the limitations of other provisions of this Part, shall have authority to exercise all powers of the Attorney General relating to the administration of that Service and the administration of the immigration, nationality, and all other laws administered by that Service and shall designate such officers of the Service as he may select, with the approval of the Attorney General, to exercise any power or authority of the Attorney General in the administration of any designated specific provision of such laws. In any instance in which any officer so selected shall be in doubt as to the construction of applicable law or as to the proper principle covering the exercise of discretion, he shall refer the matter to the Commissioner, who shall, after receiving the advice of the General Counsel, either advise as to the appropriate decision, make decision in his own name, or refer the matter to the Attorney General for decision.*

*§§ 90.1 to 90.50, inclusive, issued under the authority contained in sec. 28, 34 Stat. 606, 45 Stat. 1515, 8 U. S. C. 356, sec. 23, 39 Stat. 892, 8 U. S. C. 102; sec. 24, 43 Stat. 166, 8 U. S. C. 222; sec. 1, Reorg. Plan No. V, 5 F. R. 2132, 2223; sec. 37(a), Pub. No. 670, 76th Cong., 3d sess.; sec. 161, 360 R. S., 5 U. S. C. 22, 311.

90.2 Board of Immigration Appeals. The Board of Review of the Immigration and Naturalization Service is transferred to the Office of the Attorney General. The Board shall hereafter be known as the Board of Immigration Appeals. In the exercise of the powers conferred upon it the Board of Immigration Appeals shall be responsible solely to the Attorney General. There shall be attached to the Board of Immigration Appeals in the Office of the Attorney General a Chief Examiner and such number of examiners as the Attorney General, upon the recommendation of the Board, shall from time to time direct. In the absence of a member of the Board, the Chief Examiner shall have authority to act as member. The Board shall have authority to promulgate, with the approval of the Attorney General, rules of practice governing the proceedings before it, including rules as to the admission and conduct of attorneys practicing before it. The Board shall have authority, with the approval of the Attorney General, to disbar any attorney or other person from appearing in a representative capacity before the Board or before any officers of the Immigration and Naturalization Service.*

90.3 Board of Immigration Appeals; powers. (a) Subject to the provisions of § 90.12 of this Part, the Board of Immigration Appeals in behalf of the Attorney General shall have authority:

(1) To issue orders of deportation after proceedings in accordance with law and regulations; to order the cancelation of warrants of arrest issued in such proceedings; and in connection therewith to exercise such of the discretion conferred upon the Attorney General by law as is appropriate to the disposition of deportation proceedings.

* For statutory citation, see note to § 90.1.

(2) To consider and determine appeals from decisions of boards of special inquiry in exclusion or preexamination cases, and to exercise such of the discretion conferred upon the Attorney General by law as is appropriate to the disposition of such appeals.

(3) To consider and determine all cases of fines and penalties against steamship companies or other carriers for violations of the immigration laws, to recommend to the Assistant Attorney General in charge of the Criminal Division the prosecution of violators of section 10 of the Immigration Act of 1917, and to exercise such of the discretion conferred upon the Attorney General by law as is appropriate to the disposition of such cases.

(4) to consider and determine all advance applications for the admission of aliens under the Seventh and Ninth Provisos to section 3 of the Immigration Act of 1917.

(b) In any of the cases enumerated in this section in which no exception has been filed to the proposed action of the Service a single member of the Board of Immigration Appeals shall have authority, subject to the provisions of § 90.12 of this Part, to act for the Board in reviewing and signing the Board's decision. In all other cases decisions shall be by a majority of the Board; and the decision of the Board shall be evidenced by the signature of its chairman. Whenever any member of the Board shall disagree with the majority, he shall record his dissent, together with his reasons therefor.*

* * * * * * *

90.5 [illegible]d of Immigration Appeals; oral argument in deportation cases. Oral argument shall be heard, upon request, by the Board of Immigration Appeals in any deportation case in which exceptions have been taken by or in

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*For statutory citation, see note to § 90.1.

behalf of the alien to the proposed findings of fact, conclusions of law and order of the presiding inspector. At the time of filing such exceptions, an alien or his counsel or representative shall state whether or not an opportunity for oral argument is desired and shall specify a date for such argument. The time for oral argument shall be fixed not less than 3 days nor more than 18 days after the date on which the exceptions are filed, except in cases where the alien is detained at the expense of the Government in which cases oral argument shall be set not more than 5 days from the date of the filing of exceptions. The Board of Immigration Appeals may, in its discretion, upon good cause shown in an application by the alien or his counsel or representative, grant permission to file exceptions and requests for oral argument after the time fixed by the officer in charge for such filing has expired. The Board shall have authority, upon its own motion or upon request, to fix or to change the date upon which oral argument is to be heard.*

90.11 Board of Immigration Appeals; service of proposed findings, conclusions of law and order. Whenever, in any deportation case in which no exceptions have been taken to the proposed findings, conclusions of law and order of the presiding inspector, the Board of Immigration Appeals after consideration of the record believes that an order less favorable to the alien than that proposed by the presiding inspector should be entered, it shall prepare its own proposed findings of fact, conclusions of law, and order and shall forward them to the district director of the district in which the case arose for service upon the alien or his counsel or representative. The alien

* For statutory citation, see note to § 90.1.

or his counsel or representative shall be given opportunity, within a time fixed by the Board of Immigration Appeals, to file exceptions to the proposed findings, conclusions, and order of the Board. If exceptions are filed, further procedure in the case shall be in accordance with the provisions of § 90.5 hereof. If no exceptions are filed within the time prescribed, the proposed findings, conclusions, and order of the Board of Immigration Appeals shall, subject to the provisions of § 90.12 hereof, be made final.*

90.12 Board of Immigration Appeals; reference of cases to the Attorney General. In any case in which a dissent has been recorded; in any case in which the Board shall certify that a question of difficulty is involved; in any case in which the Board orders the suspension of deportation pursuant to the provisions of section 19 (c) of the Immigration Act of 1917, as amended, or in any case in which the Attorney General so directs, the Board of Immigration Appeals shall refer the case to the Attorney General for review of the Board's decision. In any case in which the Attorney General shall reverse the decision of the Board, or in any case in which suspension of deportation is ordered pursuant to the provisions of section 19 (c) of the Immigration Act of 1917, as amended, the Attorney General will state in writing his conclusions and the reasons for his decision.*

* For statutory citation, see note to § 90.1.

Part 150—Arrest and Deportation

* * * * * * * *

§150.1 (a) Investigation of aliens reported, or believed, to be subject to deportation. The case of every alien reported, or believed, to be subject to arrest and deportation, shall be thoroughly investigated by such officer as may be designated for that purpose.

(b) Investigations; purpose. The purpose of the investigation shall be to discover whether or not a prima facie case for deportation exists: that is, whether there is credible evidence reasonably establishing (1) that the person investigated is an alien, and (2) that he is subject to deportation.

(c) Investigations; interrogation of aliens under investigation. All statements secured from the alien or any other person during the investigation, which are to be used as evidence, shall be taken down in writing; and the investigating officer shall ask the person interrogated to sign the statement. Whenever such a recorded statement is to be obtained from any person, the investigating officer shall identify himself to such person and the interrogation of that person shall be under oath or affirmation. Whenever a recorded statement is to be obtained from a person under investigation, he shall be warned that any statement made by him may be used as evidence in any subsequent proceeding.

(d) Investigations; refusal to make recorded statement under oath or affirmation. Whenever, in the course of an investigation, admissions or statements are obtained from an alien or statements are made by any other person which indicate that the alien may be subject to arrest and deportation, but the alien or other person refuses to make

a recorded statement under oath or affirmation or refuses or is unable to sign the recorded statement, by name or by mark, the investigating officer shall make a report in writing to the officer in charge, setting forth the facts admitted or stated as to the alien's status under the immigration laws. This report may be used in support of an application for a warrant of arrest, when the investigating officer certifies that no other evidence to establish the facts stated in the report can be readily obtained. Statements obtained in confidence may be included in such report, without disclosure of their source, only if the officer in charge certifies that in his belief such statements are trustworthy.

(e) Investigations; anonymous information. Information received from a person whose name or address is not disclosed to the investigation officer or is known or appears to be fictitious shall not be used to support an application for a warrant of arrest. Such information shall be used only as a guide to obtaining competent evidence to support the facts alleged.

(f) Investigations; extent of interrogation. Where an alien under investigation, after reasonable questioning, makes no admissions which bring him within a deportable class, interrogation shall cease, and the investigating officer, if he still believes that the alien is subject to deportation, shall attempt to secure from other sources the necessary evidence.*

* * * * * * *

150.6 (a) Hearing; when to be accorded under warrant. After the alien has been taken into custody under a war-

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* §§ 150.1 to 150.14, inclusive, issued under authority contained in sec. 23, 39 Stat. 892, 8 U. S. C. 102; sec. 24, 43 Stat. 166, 8 U. S. C. 222; sec. 1, Reorg. Plan No. V, 5 F. R. 2223; sec. 37 (a), 54 Stat. 675, 8 U. S. C. 458; 8 CFR 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

rant of arrest and has been given a reasonable time to arrange for his defense, including, if desired, representation by counsel, and after the formal warrant of arrest has been received, if arrest was accomplished under a telegraphic warrant, the alien shall be granted a hearing to determine whether he is subject to deportation on the charges stated in the warrant of arrest. A hearing under a telegraphic warrant of arrest, and prior to the receipt of the formal warrant of arrest, shall be held only on the request of the alien or his counsel, or when, in the discretion of the officer in charge, it is deemed impracticable to await the receipt of the formal warrant. The alien shall be informed of his right to request a hearing upon a telegraphic warrant prior to the receipt of the formal warrant.

(b) Hearing; presiding inspector to be other than investigating officer. The immigrant inspector assigned to conduct a hearing under a warrant of arrest shall be referred to as the "presiding inspector." The immigrant inspector who conducted the investigation in the case shall not act as presiding inspector unless the alien consents thereto. The presiding inspector shall rule upon all objections to the introduction of evidence or motions made during the course of the hearing. In cases to which no examining inspector has been assigned pursuant to the provisions of paragraph (n) of this section, the presiding inspector shall conduct the interrogation of the alien and the witnesses in behalf of the Government and shall cross-examine the alien's witnesses and present such evidence as is necessary to support the charges in the warrant of arrest. The presiding inspector shall see that all documentary or written evidence is properly identified and introduced into the record as exhibits by number, unless read into the record. He shall further make sure that, subject to the provisions of paragraphs (d), (e), and (g) of this section, the record is a verbatim report of everything that is stated

during the course of the hearing, including the oaths administered, the warnings given to the alien or the witnesses, and the rulings on objections, except statements made off the record with the consent of the alien or his counsel.

(c) Hearing; procedure; notice of charges. At the beginning of a hearing under a warrant of arrest, the presiding inspector shall (1) permit the alien to inspect the warrant of arrest and inform him of the charges contained therein by repeating them verbatim and explaining them in language which will clearly convey to the alien the nature of the charges he must answer; (2) apprise the alien, if not represented by counsel, that he may be so represented if he desires and require him to state then and there for the record whether he desires counsel; (3) place the alien under oath or affirmation; (4) advise the alien of the penalty for perjury; and (5) enter of record as an exhibit, identified by number, the formal warrant of arrest, or a decoded copy of the telegraphic warrant if hearing is held thereunder. The presiding inspector shall further advise the alien of the provisions of paragraph (g) of this section concerning applications for the privilege of departure in lieu of deportation or for suspension of deportation under the provisions of section 19 (c) of the Immigration Act of 1917, as amended, in all cases except those in which the alien is charged with being subject to deportation upon one of the grounds mentioned in section 19 (d) of the said Act. A continuance of the hearing for the purpose of obtaining counsel shall not be granted more than once, unless sufficient cause for the granting of more time is shown.

(d) Hearing; representation by counsel. If counsel be selected, he shall be permitted to be present during the hearing, to offer evidence to meet any evidence presented or adduced by the Government, and to cross-examine wit-

nesses called by the Government. Counsel shall be permitted to state his objections succinctly, and they shall be entered on the record. Argument of counsel in support of his objections shall be excluded from the record. Counsel, however, may submit such argument in the form of a brief to accompany the record.

(e) Hearing; where representation by counsel waived. If representation by counsel be waived the alien shall be permitted to offer evidence to meet any evidence presented or adduced by the Government, to cross-examine witnesses called by the Government, and to make objections, which shall be entered on the record, but his arguments in support of the objections may, in the discretion of the presiding inspector be excluded from the record, in which event, however, the alien shall be permitted to submit such arguments in writing to accompany the record.

(f) Hearing; interpreters. Where the services of an interpreter are found necessary in the conduct of a hearing, the interpreter, if not an employee of the Service, shall be sworn to interpret and translate accurately.

(g) Hearing; application for departure in lieu of deportation or for suspension of deportation. At any time during the hearing the alien may give notice that he wishes to apply for the privilege of departing from the United States to any country of his choice at his own expense in lieu of deportation or for suspension of deportation under the provisions of section 19 (c) of the Immigration Act of 1917, as amended. Such application may be made in the alternative for either type of relief, and a request for the privilege of preexamination may be made in conjunction with a request for the privilege of departure in lieu of deportation. The alien's application shall be made in writing under oath or affirmation on Form I-255 accompanied by General Information Form I-55, duly verified, which

shall be filed in duplicate with the presiding inspector. The original copy of such application and General Information Form, when received, shall be attached to and made a part of the record. The alien shall be warned that any statements made by him in such application or General Information Form may be used as evidence in any proceeding to determine his right to enter, reenter, pass through or reside in the United States and that false answers to any of the questions in such application or General Information Form may bar him from the relief which he requests. The presiding inspector may in his discretion assist the alien in filling out the General Information Form by explaining the questions to him, or he may ask the alien each question directly and record his answer upon the form, or he may require the alien to fill out the form and submit it to him within a reasonable period of time after the conclusion of the hearing. Explanations during the hearing or the reading of questions from the General Information Form need not be made a part of the record of the hearing.

(h) Hearing; order in which evidence shall be presented. The presiding inspector or examining inspector when interrogating the alien at the hearing, shall develop in order (1) the facts concerning his alienage and (2) the evidence relating to the charges in the warrant of arrest or to any additional charges applicable. If the alien has applied or given notice of intention to apply for the privilege of departure in lieu of deportation or for suspension of deportation as provided in §§ 150.6 (g), 150.8 (b), or 150.10 of this Part, the presiding inspector shall inquire thoroughly into all questions relating to the alien's eligibility to the relief requested insofar as such inquiry is necessary to supplement the General Information Form.

(i) Hearing; use of statements or admissions made during investigation. A recorded statement made by the alien

(other than a General Information Form) or by any other person during an investigation may be received in evidence only if the maker of such statement is unavailable or refuses to testify at the warrant hearing or gives testimony contradicting the statements made during the investigation. An affidavit of an inspector as to the statements made by the alien or any other person during an investigation may be received in evidence, otherwise than in support of the testimony of the inspector, only if the maker of such statement is unavailable or refuses to testify at the warrant hearing or gives testimony contradicting the statement and the inspector is unavailable to testify in person.

(j) Hearing; record to contain personal history. All records of hearings shall fully set forth, either in the General Information Form if filed or otherwise, the name or names of the alien (correctly spelled); place of the alien's birth; the name of the nearest town of importance to such place of birth; the province and country in which such place is located; the alien's religion; the names and locations of churches or schools he has attended; the last address of the alien in his native country, in the country of which he is a citizen or subject, and in the country in which he has last resided; the country in which he embarked for the United States or for foreign contiguous territory; correct names and addresses and the citizenship or nationality of the alien's nearest relatives residing in the country of his birth, and correct names and addresses of all near relatives residing in the United States.

(k) Hearing; physical or mental disability cases; record to contain medical certificate. The record of the hearing accorded an alien who is suffering from any mental or serious physical disability shall be supplemented by a medical certificate showing (a) whether such alien is in condition to be deported without danger to life or health.

and (b) whether he will require special care and attention in case of deportation overseas.

(l) Hearing; additional charges. If, during the hearing, it shall appear to the presiding inspector that there exists a reason additional to those stated in the warrant of arrest why the alien is subject to deportation, he shall notify the alien that such additional charge is lodged against him, and shall proceed with the hearing upon such charge in like manner as on charges contained in a warrant of arrest.

(m) Hearing; alien to be warned of disabilities respecting reentry to the United States. Before the hearing is concluded, the alien shall be warned by the presiding inspector that the Act of March 4, 1929, as amended, provides that any alien who, after arrest and deportation or departure from the United States in pursuance of an order of deportation, enters or attempts to enter the United States, shall be guilty of a felony, and upon conviction shall be liable to imprisonment for not more than two years or a fine of not more than $1,000, or both, such fine and imprisonment, unless such entry or attempted entry is made after one year from the date of such departure or deportation, and the alien, prior to his reembarkation at a place outside of the United States or prior to his application in foreign contiguous territory for admission to the United States, has been granted by the Attorney General permission to reapply for admission to the United States.

(n) Hearing; assignment of examining inspector in addition to presiding inspector; duties of inspectors. The officer in charge of the district in which the hearing is to be held may, in his discretion, assign a second immigrant inspector to act at the hearing as the "examining inspector". The examining inspector shall conduct the actual interrogation of the alien and of the witnesses in

behalf of the Government and the examination or cross-examination of the alien's witnesses, present such evidence as is necessary to support the charges in the warrant of arrest, lodge such additional charges as he may find applicable in the manner hereinbefore directed, and, if the alien has applied for the privilege of departure in lieu of deportation or for suspension of deportation as provided in §§ 150.6 (g), 150.8 (b), or 150.10 of this Part, inquire thoroughly into the alien's eligibility for such relief. The presiding inspector in such cases, shall exercise all functions not herein assigned to the examining inspector, and he may, in addition, take such part in the interrogation of the alien and witnesses as he may deem necessary to assure that a proper hearing is accorded to the alien.* (Sec. 19, 39 Stat. 889, 54 Stat. 671; 8 U. S. C. 155; Sec. 1, 45 Stat. 1551, 46 Stat. 41, 47 Stat. 166; 8 U. S. C. 180, 181.)

150.7 (a) Proposed findings, conclusions and order; preparation by presiding inspector. As soon as practicable after the hearing has been concluded, the presiding inspector shall prepare a memorandum setting forth a summary of the evidence adduced at the hearing, his proposed findings of fact and conclusions of law, and a proposed order.

(b) Proposed findings, conclusions and order; eligibility for departure in lieu of deportation or for suspension of deportation. If the alien has applied for the privilege of departure in lieu of deportation or for suspension of deportation as provided in §§ 150.6 (g), 150.8 (b) or 150.10 of this Part, the presiding inspector shall follow his conclusions of law as to the alien's deportability with a discussion of the evidence relating to the alien's eligibility for such relief and of his reasons for his proposed order. He shall then state in numbered paragraphs his proposed

* For statutory citation, see note to § 150.1.

findings of fact and his proposed conclusions of law as to the alien's eligibility for the relief requested.

(c) Proposed findings, conclusions and order; proposed order. In the proposed order the presiding inspector shall recommend cancelation of the proceedings, deportation, departure under order of deportation, departure in lieu of deportation, or suspension of deportation in accordance with the judgment he has made on the basis of the evidence adduced at the hearing.

(d) Proposed findings, conclusions and order; service of findings of presiding officer. A copy of the presiding inspector's memorandum containing his discussion of the evidence, proposed findings of fact, proposed conclusions of law and proposed order shall be furnished to the alien or his counsel in all instances by personal service, if practicable, otherwise by registered mail, and a return receipt therefor shall be obtained. A copy also shall be furnished to the examining inspector, if an examining inspector has been assigned to the case.

(e) Proposed findings, conclusions and order; filing of exceptions. The alien or his counsel or representatives shall be allowed by the officer in charge a reasonable time (not to exceed 10 days except on showing of good cause that more time is necessary) in which to file exceptions to the proposed findings, conclusions, and order of the presiding inspector and to submit a brief, if desired. Reasonable extensions of time for the filing of exceptions or brief may be granted in the discretion of the officer in charge. The examining inspector shall promptly file exceptions to the proposed findings, conclusions and order of the presiding inspector, or state in writing that he waives the filing of exceptions.*

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* For statutory citation, see note to § 150.1.

For the duration of the War which the United States declared existed against Japan on December 8, 1941, and against Germany and Italy on December 11, 1941, alien seamen who entered the United States on or after September 1, 1939, or who shall hereafter enter the United States and against whom deportation proceedings have been or may be instituted shall be allowed a period of 3 days in which to file exceptions or waive the filing of exceptions to the proposed findings, conclusions, and order of the Presiding Inspector to submit a brief, if desired, in lieu of the time specified in § 150.7 (e) of this title. If oral argument before the Board of Immigration Appeals is requested in behalf of such alien seamen, the time for such argument shall be fixed not more than 3 days from the day notice was given to the alien of the proposed findings, conclusions, and order of the Presiding Inspector in lieu of the time specified in § 90.5 of this title.

Appendix C—Tabular Comparison

First Hearing

Charges: After he entered the United States he became and now is a member of or affiliated with an organization, association, society or group that believes in, advises, advocates and teaches the overthrow by force and violence of the government of the United States" (named as the Communist Party in Government's Bill of Particulars.)

Name of Gov't Witness	Type of Testimony Given*	Years to Which Testimony Relates	Cities to Which Testimony Relates**
Milner	a, c, d, e	1935-6	Se, Po
Leech	a	1936	SF
Sapiro	d, e	1936-7	SF, LA, NY
Humphreys	a	1935-Aug. 1938	SF, LA
Leppold	f	1935-7	SF
Stark	e	1935	Se
Allen	a	1937	SF
Howard	b, e, f	1936-7	SP, Se
Detrich	b, c, d, e, f	1933-6	SF
Engstrom	a	1936-7	SP, Se
Davis	a, d	1935-6	SF, Se
Castor	a	1936	Se
Mrs. Castor	a	1936	Se
Mrs. Davis	a	1934	Se
Marcus	a	1934	SF
Kessler	a	1934	SF
Mickleson	a	1934	SF
Zanazzi	a	1934	SF
Penaat	e	1934	SF
Bridges, (called as witness by Gov't)	c	Dec. 1932-1938	——
Total, 20	a, b, c, d, e, f	Dec. 1932 to Aug. 1938	SF, Se, Po, LA, NY, SP

* Abbreviations used in this column are as follows: a—alleged attendance of Bridges at Communist meetings; b—alleged admission by Bridges of Communist membership; c—associations of Bridges with Communists; d—alleged Communistic remarks by Bridges; e—hearsay statements concerning Bridges; f—opinion evidence of witness.

** Abbreviations used in this column are as follows: Se—Seattle; Po—Portland; SF—San Francisco; LA—Los Angeles; NY—New York; Fr—Fresno; SP—San Pedro.

Charges: "After entering the United States he has been a member of or affiliated with an organization, association, society or group that believes in, advises, advocates or teaches the overthrow by force or violence of the government of the United States" (named as the Communist Party in Government's Opening Statement).*

Name of Gov't Witness	Type of Testimony Given	Years to Which Testimony Relates	Cities to Which Testimony Relates
Lundeberg	b	1935	SF
O'Neil	b, d	1937	SF
Barlow	d	1935	Se
Lovelace (Mr. and Mrs.)	e, f	1935	Po
McCuistion	e	1936	NY
Innis	e	1936	SF
Rushmore	d	1935	NY
Chase	d, e	1937	LA
Diner	a	1934	Fr
Honig	a	1936-7	SF
Lawrence	a	1934	LA
Cannalonga	a	1936-7	SF, Se
St. Clair	a, e	1935-6	SF
Wihuri	a, b, e	Apr. 1938	Po
Thompson	a	1934-5	NY
Kelley	d	1937	Se
Bridges (Govt. introduced in evidence excerpts from Bridges' testimony at first proceeding)**	e	Dec. 1932-1938	—
TOTAL, 18	a, b, e, d, e, f	Dec. 1932 to Apr. 1938***	SF, Se, Po, LA, NY, Fr

* Additional charges lodged against appellant at the hearing, based on his brief membership in 1921 in the Industrial Workers of the World, are now immaterial, inasmuch as the Attorney General found that such membership did not render appellant deportable. (R. 100.) The charge of deportability for affiliation with the MWIU is, while new, a by-product of the Communist charge, and is also subject to other legal infirmities.

** This evidence deals with appellant's association with the MWIU during the 1934 strike, the aid offered to appellant's union by the Int'l Labor Defense, the aid given by the Communists in the 1934 strike, appellant's associations with Communists, and appellant's policy of non-discrimination in labor unions by reason of political beliefs. See R. 431-432, n. 77, referred to in the opinion of the court below. (R. 732.)

*** One item of evidence introduced by the Government, involving a strike at the North American Aviation Company, related to the year 1941. It is immaterial at this time since the Attorney General found that this evidence did not show either membership in or affiliation with the Communist Party, but only a "sympathetic attitude

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Supreme Court of the United States

OCTOBER TERM, 1944

No. 788

HARRY BRIDGES,

Petitioner,

against

I. F. WIXON, as District Director, Immigration and Naturalization Service, Department of Justice.

ON CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT

BRIEF FOR HARRY BRIDGES

LEE PRESSMAN,
CAROL KING,
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Supreme Court of the United States

OCTOBER TERM, 1944

No. 788

HARRY BRIDGES,

Petitioner,

against

I. F. WIXON, as District Director, Immigration and Naturalization Service, Department of Justice.

ON CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT

BRIEF FOR HARRY BRIDGES

INTRODUCTION

This is a petition for a writ of habeas corpus in the District Court for the Northern District of California. Bridges is an alien who entered legally as an immigrant seaman from Australia in 1920, and since then has continuously resided in the United States (R. 791-2).

The Attorney General has ordered Bridges deported on the ground that after entering the United States he "has been" a member and affiliate of the Communist Party of the United States, found to be an organization advocating the violent overthrow of the Government of the United

States and that he "has been" an affiliate of the Marine Workers Industrial Union, found, in turn, to be an affiliate of the Communist Party.[1]

The petition for the writ of habeas corpus charges, in broad, that deportation upon the evidence which survived the hearing and upon the procedures used offends due process, and that the statute, whether viewed on its face or in its application, is unconstitutional. The writ was denied by District Judge Welsh (R. 758-9), whose opinion is reported in 49 F. Supp. 292 (R. 723-59).

THE DECISION BELOW

Appeal taken to the United States Circuit Court of Appeals for the Ninth Circuit led to affirmance of the District Court's order by a 3 to 2 decision (R. 7810). Wilbur, J. wrote for the court in an opinion in which Mathews, and Stephens, JJ. concurred. Judge Stephens delivered a separate concurring opinion in which Wilbur and Mathews, JJ. also concurred. Judge Healy dissented in an opinion in which Judge Garrecht concurred. The opinions are reported in 144 F. (2d) 927 (also R. 7770-7809). A petition for rehearing, addressed principally to the views expressed by the majority as to scope of review was denied in an opinion by Judge Stephens[2] (R. 7811-2).

Proceedings for deportation are stayed by order of the Circuit Court of Appeals for the Ninth Circuit pending the present review (R. 7813).

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[1] There are also charges and findings that the Communist Party circulated printed matter advocating proscribed doctrines (R. 772, 63, 81, 103). In the view we take of the case these charges and findings call for no special treatment.

[2] Thereafter Judge Stephens, without further application by counsel, amended the text of his opinion on denial of rehearing (R. 7815).

JURISDICTION

The jurisdiction of this Court rests on Section 240(a) of the Judicial Code, as amended by the Act of February 13, 1925 (28 U. S. C., Sec. 347). This Court has granted its writ of certiorari for review.

STATUTE AND REGULATIONS INVOLVED

Section 2 of the Act of October 16, 1918, as amended June 5, 1920, and June 28, 1940, so far as relevant to this proceeding, provides:

> Any alien who was at the time of entering the United States, or has been at any time thereafter, a member of any one of the classes of aliens enumerated in section 1 of this act, shall upon the warrant of the Attorney General, be taken into custody and deported in the manner provided by law. The provisions of this section shall be applicable to the classes of aliens mentioned in this act, irrespective of the time of their entry into the United States. (54 Stat. 673; 8 U. S. C. § 137[g].)

Section 1 of the Act thus referred to, enumerates the following aliens, among others:

> Aliens who * * * are members of or affiliated with any organization, association, society, or group, that believes in, advises, advocates, or teaches: (1) The overthrow by force or violence of the Government of the United States * * * (3) The unlawful damage, injury or destruction of property, or (4) sabotage— (41 Stat. 1009; 8 U. S. C. § 137[c]).
>
> Aliens who are members of or affiliated with any organization, association, society, or group, that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed,

published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display, any written or printed matter of the character described in paragraph (d). (41 Stat. 1009; 8 U. S. C. § 137[e].)

The text of the statute and of the pertinent Regulations of the Immigration and Naturalization Service appear in the appendix to this Brief (*infra*, pp. 105-23).

QUESTIONS PRESENTED

The questions presented, in part, reach deeply into the heart of administrative justice, operating—in the treacherous field of belief and advocacy—under a statutory delegation of far-reaching power over the destiny of more than three and a half million aliens. These are whether, in arriving at factual conclusions upon the evidence in this record, on issues of membership and affiliation in organizations supposed to believe in and advocate forbidden doctrine, the standards have been appropriate and appropriately applied; and whether, from a reading of the procedures here used to arrive at the result, there emerges a record that challenges the standards of procedural due process which have become inseparably welded to "the cherished judicial tradition embodying the basic concepts of fair play".[3]

In other part, the questions presented uncover crucial issues of constitutional law. The statute, said to support deportation here, is challenged as invalid in its construction and application because it offends guarantees of free speech, free assembly and of liberty embodied in the Bill of Rights and bears no reasonable relation to the purpose for which governmental power to deport exists. The Government's contention that an alien may be deported "for

[3] *Morgan* v. *United States*, 304 U. S. 1, 22.

utterances, beliefs or associations in which he would be protected from punishment by the First Amendment",[4] strikes decisively at the "area of allowable thought",[5] of allowable assembly and of allowable liberty of three and a half million aliens lawfully resident in this country.

STATEMENT

1

Background of Case

This comes here in the appearance of a proceeding to deport an alien charged with being a member and affiliate of a subversive organization. But its appearance covers over many troublesome facets of American life. These facets have place here because the case against Bridges springs from his emergence more than a decade ago as an important labor leader at a time and on a scene of historic industrial conflict. Hence, to do justice here under the law and the constitution, these must be taken into account. The evidence and the history of this case must be viewed together and in context.

Bridges, prior to 1933, an undistinguished, anonymous longshoreman, is today, as he has been since 1934, an important leader of American labor (R. 84).[6] He first came to authority among workingmen in 1933-4, a turbulent period on the west coast waterfront. In few sectors of American industry were conditions of work as oppressive

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[4] Government Brief below, p. 20.

[5] *Schneiderman* v. *United States*, 320 U. S. 118, 139.

[6] Bridges is president of the International Longshoremen and Warehousemen's Union, director for the State of California of the Congress of Industrial Organizations, a member of the National Executive Board of the CIO, and a member of various CIO committees (R. 5883).

as here to the basic rights of workers. The "black list," the "shape-up", the "kickback", the "company union", the "speed-up" (R. 234-5),—these suggest the industrial jungle of the west coast waterfront in 1933. In June 1933, Bridges joined the International Longshoremen's Association (I.L.A.), a union affiliated with the American Federation of Labor; by October 1933 this Union was newly revived and militant; early 1934 saw the organization of a coast committee for maritime workers' unions, and May of that year, the decisive strike (R. 235-7).

> "The I.L.A., the longshoremen's union of which Bridges was an influential member, was a legitimate union, with legitimate grievances. The strike was legitimately directed to removing the grievances. It did. * * * That much is unquestioned." (R. 421).

Bridges emerged from the strike, settled July 31, 1934, "as a recognized leader in the Pacific Coast labor movement" (R. 237).

But Bridges also emerged as the outstanding target of union haters. "He became, so to speak," observed Judge Healy below, "a storm center of bitter industrial controversy, accumulating many enemies and earning the hostility of powerful interests" (R. 7796). For this the documentation is rich.

On February 2, 1935, the District Director of the Immigration and Naturalization Service of San Francisco reported:

> "* * * I have maintained a very close contact with the crime prevention detail from a period long antedating the general strike in S. F. until the present date. I, therefore, know that the officers of said detail have made constant effort to obtain evidence that would in any way connect the alien with radical organizations, or show his membership therein, but with the results heretofore set forth" (R. 660).

A 1936 memorandum for the Commissioner of Immigration, signed by the legal advisor to the Service, a member of the Board of Review and the Chief Examiner, says:

> "* * * Mr. Knowles reverts again and again to the case of Harry Bridges, leader of the S. F. Waterfront strike and the general strike of 1934, whose deportation was then and later urgently sought by the interests which he had antagonized.[7] His record has been exhaustively investigated * * *" (R. 659).

Commissioner of Immigration David W. McCormack, testifying on February 28, 1936 before a sub-committee of the House Appropriations Committee,[8] said:

> "The San Francisco Police Department has followed him [Bridges] unremittingly for years, and our men have also."

The result of the first,—"constant effort to obtain evidence", the second,—"exhaustively investigated", the third,—"followed him unremittingly"? Simply, "failed to show that he is in any manner connected with the Communist Party or with any radical organization" (R. 660), "invariably * * * found that he was in the clear, and that his status as an immigrant was entirely regular" (R. 661), "there is no shred of evidence in our files or in the files of the San Francisco Police Department to indicate that he is in any way subject to the provisions of the immigration law because of his radical views".[9] Yet,

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[7] The wide range of persons and organizations so involved is described in Dean Landis' opinion (*infra*, pp. 8-9) at R. 551-3; the Associated Farmers; the Industrial Association of San Francisco; the police departments of Los Angeles and Portland; several private undercover agents; a division of the American Legion under Harper Knowles; etc. See also Judge Healy, dissenting below at R. 7796-7.

[8] 74th Cong., 2nd. Sess., in hearings before Appropriations Subcommittee (1936) 99-100.

[9] *Supra*, note 8.

on the issue of affiliation in this case (tried in 1941), virtually every crucial item of testimony as to Bridges' activity is placed in the period 1933-1936, the very period of these constant, exhaustive and unremitting investigations.

But the "hostility of powerful interests," to use Judge Healy's phrase, was irreconcilable. Its influence persisted. The result,—a warrant in March 1938, seeking Bridges' deportation on the ground that he was a member and affiliate of a proscribed organization.

Because in *Kessler* v. *Strecker*; 307 U. S. 22, decided in 1939, this Court held that statutory authority for deportation requires a finding of membership or affiliation at the time of issuance of the warrant, the 1938 warrant was amended to charge that he "was and is" such member or affiliate (R. 503). Before the hearings opened, a resolution was introduced in the House, but failed of passage, to impeach the Secretary of Labor and other officers in her department for supposed conspiracy to refrain from enforcing the deportation law against Bridges.[10]

Beginning in July 1939, hearings on the 1938 warrant were conducted before Dean James M. Landis of the Harvard Law School, as trial examiner. They ran for eleven weeks; twenty witnesses were called by the Government and the testimony taken covers 7724 pages (R. 504). But the testimony of all the witnesses, given, as Dean Landis found, through a succession of perjurers, chronic liars and labor spies, was rejected.[11] He found no

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[10] H. Res. 67, 76th Cong., 1st Sess.; H. Rep. No. 311, 76th Cong., 1st Sess.

[11] He described one as a "self-confessed liar" (R. 521); the testimony of another as "almost unique" in "evasion, qualification and contradiction" (R. 549); another as having "almost pathological" tendency "toward prevarication" (R. 612); while another merely "lied when he dared to" (R. 556; see also R. 549, 588, 612, 556, 553, 571-2, 507, 375-6).

credible evidence for a conclusion that Bridges had *ever* been a member or affiliate of the Communist Party and, therefore, concluded that he was not a member or affiliate at the time the warrant issued. The report of Dean Landis and his proposed findings were accepted by Secretary Perkins and the warrant of arrest was cancelled January 8, 1940. (R. 75).

The "hostility of powerful interests" was still irreconcilable; it joined other like forces in the 1940 Congress. Together they drove first against radical aliens, then against all aliens, and, finally, and logically, against radical citizens.

> "Once Congress had lashed itself into such anger against supposedly subversive aliens, it is small wonder that it made a clean job by throwing citizens into the statute too. Representative T. F. Ford of California remarked during the debate:
>
> > 'The mood of the House is such that if you brought in the Ten Commandments today and asked for their repeal and attached to that request an alien law, you could get it.'"
>
> Chafee, Free Speech in the United States, 1941, p. 446.

Bridges was the unwilling gadfly. Witness: a bill to deport any alien who has used or uses the support of communists so as to interfere "with the good order and happiness of any local community, or with the established democratic, economic or domestic relations within this Republic."[12] Witness: a proposal to name the Communist Party specifically as an organization, membership

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[12] H. R. 8310, 76th Cong., 3d Sess.

in which would be ground for deportation.[13] Witness: a bill actually passed by the House by a vote of 330 to 42 (only to die in Senate committee), splendidly to the point, directing the Attorney General "notwithstanding any other provision of law" forthwith to take into custody and deport Harry Bridges, an Australian, "whose presence in this country the Congress deems hurtful".[14] Finally, witness: a bill that did become law on June 28, 1940, the so-called Alien Registration Act, the first such law since the Alien and Sedition Act of 1798. Among other things (see Chafee, Free Speech in the United States, 1941, pp. 446 *et seq.*) this law in its Section 23 nullified this Court's decision in the *Strecker* case (*supra*) by requiring deportation of an alien who "has at any time" after entry (no longer necessarily at the time of the warrant) been a member or affiliate of a proscribed organization. "* * * after this bill becomes law it will be perfectly clear that any alien * * * if at the time of his entry or at any time thereafter he has been, even for 1 minute a member of such an organization, he shall

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[13] H. R. 3455, 77th Cong., 1st Sess.

[14] H. R. 9766, 76th Cong., 3rd Sess., Senator Russell, Chairman. Committee on Immigration, received a communication from Attorney General (now Mr. Justice) Jackson which said, in part:

> "If this bill were to become law it would be an historical departure from an unbroken American practice and tradition. It would be the first time that an Act of Congress has singled out a named individual for deportation. It would be the first deportation in which the alien was not even accused either of unlawful entry or of unlawful conduct while here. It would be the first time that Congress, without changing the general law, simply suspended all laws which protect a named individual and directed the Attorney General to disregard them and forthwith to deport 'notwithstanding any other provision of law.' And it would be the first time since the Alien and Sedition Laws a century and a half ago that any law would provide for a deportation without a hearing, or without, indeed, the slightest pretense toward giving the accused what our Nation has long known as 'due process of law'." (S. Rep. No. 2031, 76th Cong., 3rd Sess., p. 9.)

be deported." [15] This provision was quite frankly aimed at Bridges. Said Congressman Hobbs, the author of the bill:[16]

> "It is my joy to announce that this bill will do, in a perfectly legal and constitutional manner, what the bill specifically aimed at the deportation of Harry Bridges seeks to accomplish. This bill changes the law so that the Department of Justice should now have little trouble in deporting Bridges. * * * ". (86 Cong. Rec. 9031).

Accordingly, on February 12, 1941, a new warrant of arrest issued,[17] premised on the June 1940 amendment of the deportation statute. This time, it was said, the issue was altogether different, namely, not Bridges' membership or affiliation at the time of the issuance of the warrant, but his membership or affiliation at any time since entry. There was a cavalier oversight—the sweep of the 1939 Landis hearing had, in truth, embraced the whole period of Bridges' residence in this country.

Hearings were held on the new warrant before former Judge Charles B. Sears. They were of the same magnitude as before Dean Landis. Nineteen witnesses were called by the Government and equivalent time was consumed and testimony taken—2½ months and 7546 pages (R. 143-4). New witnesses there were, but the subject matter of the testimony was substantially the same as that presented be-

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[15] Statement by Mr. Hobbs at the time he called up the conference report on the bill, 86 Cong. Rec., p. 9032.

[16] See hearing before a Sub-committee of the Committee on the Judiciary, U. S. Senate, 76th Cong., 3d Sess. on H. R. 5138, p. 11.

[17] This time not by the Department of Labor, but by the Department of Justice. Under the President's Reorganization Plan V, effective June 14, 1940 (8. U. S. C. A. § 102) the Immigration and Naturalization Service was transferred from the Department of Labor to the Department of Justice (5 U. S. C. A. § 133t note; cf. 8 U. S. C. A. § 100 and 101, notes).

fore Dean Landis. On the issue of membership, Judge Sears credited only one witness, if we exclude the testimony of two departmental employees concerning the unsworn, unsigned statement of another witness which that witness himself, when sworn, denied having made. On the issue of affiliation he relied primarily upon incidents rooted in Bridges' leadership of the 1934 waterfront strike, substantially all of which had been before Landis. Nevertheless, Judge Sears—different from Dean Landis—drew conclusions bringing Bridges within the statute.

The recommendations of Judge Sears were reviewed by the Board of Immigration Appeals,[18] Department of Justice, and were rejected by unanimous vote of the Board (R. 367-492). The Board delivered a comprehensive written opinion. The warrant of arrest was ordered cancelled and the case closed. Execution of the order was stayed "pending further order of the Attorney General or of this Board" (R. 492).

The Attorney General, without notice that he assumed jurisdiction of the case, and without providing Bridges an opportunity to be heard, reversed the decision and order of the Board and directed his deportation (R. 67-110). A petition for a hearing before him was promptly filed, and was denied by him four days later (R. 679-87).

We refrain from ourselves characterizing this background. We suggest the characterization made by others:

> "Seldom has an individual in American life been subjected to so relentless a hunt; and so far the law

[18] This Board is in the Office of the Attorney General, independent of the Immigration and Naturalization Service. The Board has authority "in behalf of the Attorney General" "to issue orders of deportation after proceedings in accordance with law and regulations; to order the cancellation of warrants of arrest issued in such proceedings; and in connection therewith to exercise such of the discretion conferred upon the Attorney General by law as is appropriate to the disposition of deportation proceedings." (Rules, § 90.3, See Appendix, p. 108.)

has been one of the most effective weapons at the disposal of Bridges' enemies." *In re Harry Bridges*, 52 Yale Law Journal 108, 129.

We turn to a summary review of the evidence relied on and findings made in the present proceeding.

2

Evidence and Findings

The Attorney General said (R. 90):

> "Judge Sears examines in detail the evidence of fifteen witnesses as bearing on Bridges' membership in or affiliation with the Communist Party. Much of this evidence is rejected as being untrustworthy, contradictory or unreliable. However, the evidence of two witnesses is accepted as showing that Bridges was a member of the party. If this evidence is believed—and Judge Sears believed it—the doubt is decided."

Of these thirteen rejected witnesses, the testimony of six was taken by Judge Sears and the Attorney General as indicating a "sympathetic attitude" towards communists (R. 96-7; 271; 272; 287; 288; 291; 326-7). The remaining seven rejected witnesses had testified to Bridges' supposed attendance at communist meetings; these were characterized by the Attorney General, generally, as "inconclusive, unreliable or contradictory" (R. 97), and by Judge Sears, with particularity, as "not impressive" (R. 295), containing "conflicts" and "not established" (R. 300), "too much chance of mistake in identification" (R. 302), "at times • • • he clearly falsified" and his testimony is "without value"; "I cannot tell where the truth lies in any uncorroborated statement of Cannalonga" (R. 307-8), "inherently improbable", "deep seated and violent bias" (R. 310), "indefinite" and "somewhat self-contradictory" (R.

312) and "not established" (R. 317). As to these last seven witnesses, however, the Attorney General stated (R. 98):

> "Although Judge Sears concluded that their evidence, for one reason or another, did not establish membership in or affiliation with the Communist Party, taken as a whole it cannot, because of its volume, be completely disregarded."

The two witnesses who—out of fifteen—were, according to the Attorney General, "accepted" and found not to be "untrustworthy, contradictory, or unreliable" (R. 90) were:

(a) Harry Lundeberg, a west coast American Federation of Labor labor leader, by his own admission "a biased witness" (R. 474) bearing "embittered" "enmity" (R. 468, 475) towards Bridges, who testified, in flat contradiction of statements he gave to government investigators on three previous occasions, that in the summer of 1935, six years earlier, Bridges had remarked that he was a member; and

(b) James D. O'Neil, who, on the stand, denied he had previously made an unsworn, unsigned statement to government investigators to the effect that he saw Bridges pasting assessment stamps in a party book. O'Neil's denial on the stand, under oath, was found false, but his prior statement, unsworn, unsigned hearsay, untested by cross-examination, admitted in conceded violation of the "published Departmental Regulations" (R. 95), was found true.

The Board of Immigration Appeals, which, naturally, considered in detail only Lundeberg and O'Neil, rejected these two also. Lundeberg was found "not worthy of belief" (R. 375) on the record. With respect to O'Neil his unsigned, unsworn, out of court statement, which on the

stand he denied having made, was found not only "not worthy of belief" (R. 375) on the record, but its admission as affirmative, probative evidence was held a violation of published Departmental regulations and also reversible error on other obvious evidentiary grounds (R. 446).

* * * * *

The pivotal evidence on "affiliation" in the Marine Workers Industrial Union (MWIU) related to Bridges' connection with the "Waterfront Worker", a mimeographed paper published in San Francisco from December 1932 until sometime in 1936, comprising no more than a collection of news items, essays and letters, prepared without headquarters, without consistently supervised policies, and without editing of submitted articles. Its so-called editors, some eight or ten in number, sometimes mailed in their own contributions; the staff did not remain constant, format varied, and publication days were irregular (R. 381 fn., 396, 5766-8, 6130-4, 6163-6, 6173-7). Bridges testified that he had been one of numerous longshoremen who took over this publication in September 1933 after it left MWIU sponsorship, and that this group of longshoremen edited it wholly independently of assistance from the MWIU. This testimony of Bridges is not controverted by any other testimony and there is no claim that the paper's content was subversive. But resting, nevertheless, upon supposed internal inconsistencies in Bridges' testimony and upon inconsistencies thought to appear between that testimony and the character of the paper as revealed by examination of the numbers introduced in evidence, Judge Sears and the Attorney General found that Bridges was an editor of the paper during the period of its conceded sponsorship by the MWIU (December 1932-August 1933); that further, there was no change in affiliation with the MWIU or the Party even after August 1933 until the time of the discontinuance of the paper in 1936; that, consequently, a forbidden affiliation by Bridges is demonstrated.

In contradiction to these findings, the Board of Immigration Appeals found that Bridges became associated with the Waterfront Worker only after it left MWIU sponsorship in September 1933 (R. 402), and that during the period of his association with the paper, it was not involved in any forbidden relationship (R. 420).

The administrative findings of the Attorney General rested also, though in far lesser part, upon other incidents which "in the main * * * cluster about the 1934 West Coast marine strike" (R. 89, 249, 421). The first was evidence of cooperation between the Longshoremen's Union and the MWIU, both of which were on strike; another was Bridges' opposition during the strike to a resolution by his own union "repudiating all Communist Organizations" (R. 250); and the third was the longshoremen's "acceptance of the services of the Western Worker, the Communist Party newspaper, to help the strike by publishing a daily strike bulletin free of charge" (R. 89). Some reliance is also placed upon the fact that in writings of "apologists" for the Communist Party, "its part in the strike is made larger by unsupported insinuation of association with the San Francisco labor leader, Bridges" (R. 425). The Board of Immigration Appeals, on the contrary, found that none of these items amounted to "some substantial evidence pointing toward affiliation or membership" (R. 426), saying:

> "Bridges and his union accepted MWIU support when it was useful to their union ends, helped the MWIU to get members only in order to help themselves, refused MWIU support when in their judgment such support was not helpful to their union ends, and finally, indeed, assisted MWIU only to its grave" (R. 424).

* * * * *

The forbidden membership or affiliation under the statute is not in the Communist Party, as such, but in an or-

ganization "that believes in, advises, advocates or teaches the overthrow, by force or violence, of the Government of the United States." The evidence primarily relied upon by Judge Sears and the Attorney General for proving that membership in the Communist Party of the United States was so forbidden consists of excerpts from three documents: The Communist Manifesto of Marx and Engels, published in Germany in 1848; State and Revolution, by Lenin, first published in Russia in 1917; and The Theses and Statutes of the Third International, first published in Russia in 1920 (R. 80-1). The oral evidence of government witnesses and an issue of the magazine "The Communist" dated July, 1921 were accepted as proving that the teachings of these documents were imparted by the Communist Party of the United States to its members (R. 81). Specifically upon this evidence was rested the general finding of the Attorney General that the Communist Party of the United States, from the time of its inception in 1919 to the present time, has been and is an organization that advocates overthrow, by force or violence, of the Government of the United States (R. 103-4).[19]

Neither the Attorney General, nor Judge Sears had drawn any conclusion or made any finding that advocacy by the Party of supposed forbidden doctrine, at any time during the relevant period, presented a clear and present danger of its realization. Indeed, Judge Sears plainly assumed the remoteness of any such danger. Thus, he concluded (R. 171-2), "the *ultimate* objective of Communism and of the Communist Party of the United States is that society shall be transformed", and that "this transformation can be accomplished only by the overthrow of all Capitalist Governments, the United States Government be-

[19] "Abundant" additional literature was introduced by the Government (R. 174). Of this the Attorney General said it was "to the same effect" (R. 81) as the documents thus referred to, but he made no findings of "underlying facts" with respect to them (*cf. Schneiderman* v. *United States*, 220 U. S. 118, 129-30).

ing in that category." The quotations Judge Sears relies upon from the oral testimony are of identical purport: The Communist Party policy was "to attract and influence this group of people to adopt their principles and *ultimately* join with them in the overthrow of the Government by force and violence" (R. 178); "all its aims are predicated to that *ultimate* aim" (R. 176); "*ultimately* use the unions for the purpose of accomplishing their *ultimate* aim and objective * * * which is—the overthrow of the Government of the United States" (R. 176-7).

* * * * *

The evidence relied upon by Judge Sears and the Attorney General for proving that affiliation with the Marine Workers Industrial Union was a forbidden relationship rested upon (1) this Union's affiliation with the Trade Union Unity League, in turn said to be "controlled directly by the Communist Party" (R. 204-8), and (2) doctrine set forth in the preamble to the membership book of the MWIU (R. 208). A forbidden relationship with this union was not charged in the 1939 hearing and was not charged in the warrant leading to the second hearing; it was first charged in the Government's opening statement in the second hearing (R. 808).

The reason for prior absence of the charge is obvious. The Commissioner of Immigration and Naturalization had ruled as long ago as January 1934, in conformity with the considered opinion of the Solicitor of the Department of Labor, that membership in a trade union was not ground for deportation merely because that union was affiliated with the Trade Union Unity League (R. 205). See *United States ex rel. Boric* v. *Marshall*, 290 U. S. 709 and R. 3689 *et seq.* An offer was made (but rejected) to prove that "despite the presence in the country of many thousands of members of such organizations, * * * since January 3, 1934, no proceeding has been instituted * * * to deport any alien for membership in or affiliation with the

Marine Workers Industrial Union" or any other union affiliated with the Trade Union Unity League (R. 148-9).

However, Judge Sears, in reliance upon testimony by the witness Honig that the Trade Union Unity League had not dissociated itself from the Red International of Labor Unions in 1933, but had only "ceased to acknowledge its affiliation" (R. 206), rejected the authority of the Service which had governed since January 1934.

The doctrinal material from the MWIU membership book independently relied upon for proof of forbidden doctrine had already been considered by Dean Landis in the first hearing; and this is what he said (R. 604):

> "Its constitution spoke in more radical and revolutionary terms of the necessity of remedying the plight of the worker and of the impossibility of doing so other than by resort to at least economic force. It dwelt upon the class struggle and the iniquities of the bosses in sharper and more bitter terms than the manner in which those subjects are today touched upon in the constitution of the American Federation of Labor. * * * It would be impossible on this record to determine the communistic or non-communistic character of the MWIU."[20]

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[20] Compare the preambles of the Constitutions of the MWIU and the American Federation of Labor (R. 604).

The MWIU preamble contains the following:

> "Victory in this struggle (the revolutionary struggle of the whole working class against the capitalist system) can be won only by the most relentless, militant, and revolutionary struggle for the whole working class. * * * It (the M.W.I.U.) rejects and condemns the treacherous class-collaboration policy of the A. F. of L. which seeks to delude the workers into believing that it is possible for them to live 'in peace' with the capitalists. * * *"

The American Federation of Labor preamble contains the following:

> "Whereas the struggle is going on in all the nations of the civilized world between the oppressors and the oppressed of all

(*Continued on following page*)

3

Opinions of the Courts Below

The District Court:

Judge Welsh said (R. 754-5):

"If the statements of James O'Neil had been the only proof upon which depended the attribution of Communist Party membership and affiliation to petitioner, I would not hesitate to find a complete want of substantial evidence to support the order of deportation on that ground. The statements testified to were unsigned and unsworn and there is no proof that O'Neil was asked to sign or swear thereto, or being asked, refused to do so. Consequently, their introduction in evidence, as affirmative proof of the facts allegedly stated was violative of controlling departmental regulations. (Sec. 150.1 (c) of the Regulations of the Department of Justice, Immigration and Naturalization Service). The fact that no objection was made to the use of the statements in evidence on that ground, would not seem to justify their introduction by the Government contrary to its own regulations. Moreover, the statements were pure hearsay. The opportunity of cross-examining O'Neil was entirely lacking because he denied having made any portion of the statements attributed to him which was damaging to petitioner. In my opinion, the requirements of a fair hearing would not have been fulfilled if

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countries, a struggle between the capitalist and the laborer, which grows in intensity from year to year and will work disastrous results to the toiling millions if they are not combined for mutual protection and benefit;

"It, therefore, behooves the representatives of the trade and labor unions of America in convention assembled, to adopt such measures and disseminate such principles among the mechanics and laborers of our country as will permanently unite them to secure the recognition of rights to which they are justly entitled."

> the order of deportation in this case had been based solely on this hearsay evidence, introduced in violation of departmental regulations, and consisting of proof of prior contradictory statements of a witness, offered as affirmative proof of the facts stated, with no opportunity of cross-examination being afforded the alien because the witness denies having made the statements attributed to him."

But the District Court denied the writ because it also found (1) Lundeberg's testimony not "so unsubstantial as to lend no support to a finding based thereon" (R. 756); (2) "other evidence * * * which, while not of itself sufficient to show proscribed membership and affiliation, does tend to lend credence to the testimony of Lundeberg that in 1935 petitioner had admitted to him Communist Party membership" (R. 756); and (3) the conclusion drawn from the evidence that Bridges' association with the Waterfront Worker amounted to a forbidden affiliation was not "unwarranted" (R. 757).

The Circuit Court of Appeals:

The majority opinion (three Judges) found (1) no "abuse of administrative discretion" in basing the finding of membership upon "the statement by Lundeberg that Bridges claimed to be a Communist", although it "falls into a class of evidence that is easily given and hard to refute" and "the danger of mistake * * * is undeniably present" (R. 7789-90), or in accepting the evidence of O'Neil, since there was other evidence (*i. e.*, Lundeberg) to support the finding; and (2) "there is evidence to support the findings of the Attorney General that the Marine Workers' Industrial Union was a part of the Communist Party and that appellant was affiliated with it during the period of the longshoremen's strike",—this notwithstanding the Court's further view, "It may be stated arguendo that appellant, in his management of that strike,

was attacking most vicious and inhumane practices toward longshoremen and *that he was justified in accepting help from any quarter*" (R. 7791, italics supplied).

Circuit Court Judge Stephens delivered a concurring opinion (joined in by Wilbur and Mathews, the other majority Judges) in which he said (R. 7794):

> "In no case have I given the evidence more careful attention than in this one. However, such attention has not left in my mind the pleasurable satisfaction that, barring a very slight possibility of error, the truth has been revealed. Such satisfaction is beside the point here. The simple question this court must answer is: Is there some evidence to sustain the charges? There is."

The dissenting opinion was written by Judge Healy, with concurrence of Judge Garrecht. The opinion observed that the finding of membership "rests upon two items of evidence" (R. 7799), saying as to the first item (Lundeberg), "proof here approaches, if it does not cross, the borderline of inadequacy" (R. 7804), and as to the second item (O'Neil), the admission of his unsworn, unsigned statement was not only incompetent, but "led to a denial of justice" (R. 7807). He concluded (R. 7809):

> "The infirmity of the O'Neil hearsay cuts across all rules. No amount of philosophizing can serve to make a silk purse out of this obvious sow's ear. Rather than deport the alien on evidence which would be condemned and proscribed without hesitation by any American court it would seem a more forthright procedure to do what was proposed in the first place, deport him by legislative resolution 'notwithstanding the provisions of any other law'."

The finding as to affiliation, he found "without substantial evidentiary support" (R. 7803).

4

The Alien, Bridges

There is no claim here that Bridges believed in forbidden doctrine, or that he advocated forbidden doctrine, or that he understood the Communist Party, an apparently legal political party, to believe in or advocate forbidden doctrine.[21] Deportation of Bridges rests only on the ground that he was found to have been associated, vaguely at some time prior to 1938, with a political party which, unknown to him, then believed in and advocated forbidden doctrine. The supposed forbidden beliefs and teachings of that political party are imputed to him.

And this "guilt by imputation" is fixed not at all because the record is barren of proof of doctrine and principles of action held by Bridges himself. On the contrary, Bridges' own trade union faith emerges from these extended hearings boldly. He sought support for his union in the 1934 strike in any quarter, and he took it where he found it; he found it with the MWIU but also he found it with the Teamsters, the Machinists, the Boilermakers (R. 422, 5785); he found it with the Western Worker (R. 6121-6), but he also found it with the Catholic Leader (R. 6485). He has friends and associates who are communists. He consistently attacked "red baiters" in the belief that they "are usually agents of the bosses and are the enemies of true trade unionists and should be treated with distrust" (R. 1130). He opposed purging unions of members simply because they were communists. Such suppression, he believed "tended too frequently to play into the hands of

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[21] The Government stated (R. 1527):

"* * * we are not charging this witness with believing in the advocacy of the overthrow of the Government of the United States by force and violence.

"We are not charging the alien here with believing in the use of force and violence in the overthrowing of the Government of the United States."

those who were outwardly battling against communism but inwardly directing their efforts under that facade toward the destruction of the trade-unionist movement" (R. 632-3).

If it be said, as Judge Sears said and as the Attorney General said, that these associations and expressions of views are "consistent" with the conclusion of forbidden affiliation, it must also be said that, by them, the conclusion is far from proven. But, much more important, they comprise only one segment of the record, which, if taken as a whole, points, with no less persuasion, "the other way" (R. 428). On this point the Board of Immigration Appeals gathered together from the record a valuable summary (R. 4572-7; 4908-9):

> "Bridges supported 'Ham and Eggs', a bitterly fought political issue in California. The Communist Party was opposed to it (6169). In the last election, Bridges supported the position taken by John L. Lewis—contrary to the attitude of the Communist Party (6169). He differed with Walter Stack, a prominent Communist, on the question of affiliating the Maritime Federation of the Pacific (apparently to the C. I. O.). Stack opposed it. Bridges was for it (6163-4). A committee of which Bridges was chairman investigated and rejected, during the 1934 strike, an offer of legal assistance from the International Labor Defense (5917-21), found by the Presiding Inspector (P. I. 71) to be a Communist organization whose 'immediate purpose is to assist and defend Communists who encounter legal difficulties by providing bail, lawyers, and other assistance.' Bridges was opposed to the position of the MWIU that longshoremen, teamsters, engineers and seamen should all be in one union (2578-9). He refused Jackson's invitations to join the MWIU (5754). His stated beliefs are in favor of collaboration between capital and labor (2570) and opposed to the Communist

policy of fomenting strikes (P. I. 46; 212; Gov. Ex. 239, pp. 60-3). Bridges believes in arbitration and direct negotiation to settle labor differences with the strike used only as a last resort (5519-23; 5527; 5530-2). That belief, according to other witnesses, has been practiced by Bridges with consistency."

The Attorney General states in perfect logic,—"Because Bridges was a 'good' labor leader, and thought that a communist could be a good labor man, hardly shows that Bridges was not a communist" (R. 101). The same logic should have kept the Attorney General from resting a finding that Bridges was a communist upon evidence that he was a good labor leader and thought a communist could be a good labor man. Bridges' standing as a good labor leader derives, in the beginning, out of his leadership of the 1934 waterfront strike. "I have no doubt", said even Judge Sears, "that Bridges' leadership was good in the eyes of his fellow-unionist. He helped to establish better employment and working conditions as a result of the 1934 strike. He undoubtedly greatly aided the maritime workers in securing higher wages. He is entitled to credit in these respects" (R. 325). Leadership during a strike comprises the leader's conduct of a strike—the associations and transactions necessary in his judgment to win it. And the record suggests no challenge to his judgment on this. Yet, concludes Judge Sears, from these associations and transactions—the very ones that made his leadership "good in the eyes of his fellow unionist"—"I find that Bridges was affiliated with the MWIU and the Communist Party at the time of the 1934 strike" (R. 255-6). And the Attorney General said: "I think this conclusion is not unwarranted" (R. 90).

On Bridges' political faith and convictions, Dean Landis summed up truly (R. 635):

"Bridges' own statement of his political beliefs and disbeliefs is important. It was given not only with-

out reserve but vigorously as dogma and faiths of which the man was proud and which represented in his mind the aims of his existence. It was a fighting apologia that refused to temper itself to the winds of caution. It was an avowal of sympathy with many of the objectives that the Communist Party at times has embraced, an expression of disbelief that the methods they wished to employ were as revolutionary as they generally seem, but it was unequivocal in its distrust of tactics other than those that are generally included within the concept of democratic methods. That Bridges' aims are energetically radical may be admitted, but the proof fails to establish that the methods he seeks to employ to realize them are other than those that the framework of democratic and constitutional government permits."

5.

Nature of Deportation

We defer discussion of relevant legal and constitutional doctrine, and its springs. Here we would only suggest the considerations of policy that must mould that doctrine.

It has been said, and there is no balder fiction, that deportation is a *mere* executive civil proceeding to determine whether an alien has forfeited the privilege of residence in this country. In the beguiling words of Judge Sears (R. 146):

> "Should he [Bridges] be found to come within a deportable class, he is not thereby adjudged in such a proceeding as this to have been guilty of criminal or even reprehensible conduct. A determination against him and a finding of ground for deportability *simply* means that he is found to have violated a condition of the privilege of remaining in this country, which he has been enjoying." (Italics supplied.)

Hence, it is said, many procedural safeguards included in judicial due process, civil or criminal, are not available. Hence, it is said, findings of fact, if supported by any evidence, are conclusive on the courts. Hence, it is said, the great substantive guarantees of the Bill of Rights are not available.

But life speaks differently. Bridges has lived here twenty-five years,—all his adult life. His ties, his friends, his work,—his roots are here. In the eyes of many good citizens, he has played a useful and important role in American progress. Now he is confronted with final separation from his family, his friends and his livelihood, with loss of all that makes life worth living, with banishment and exile. He is to be uprooted. This—because at some indefinite time in the indefinite past, he is found to have been associated with an organization holding supposed forbidden beliefs. In the determination of issues of belief, this Court has said, "proof is treacherous and objective judgment, even by the most disciplined minds, precarious." (*Baumgartner* v. *United States*, 322 U. S. 665, 675).

Surely, then, there is gravity in the decision, gravity of no less dimension than is implied in an attempt to reduce a person to the status of alien from that of citizen, and, certainly, gravity of no less dimension than is implied in the imposition of a fine or a jail sentence. There are over three million five hundred thousand aliens in this country, making up more than 3% of the total population (16th Census, 1940, Vol. 2, Part 1, p. 10). It is a fair presumption that many of these have been in this country for years, if not for the greater part of their lives. These people are an integral part of our population. They have established themselves and their families here; this is home to them.

We owe obligations to the alien lawfully admitted which the foreigner who has not been admitted cannot claim, and

we exact duties from the alien which we cannot from the unadmitted foreigner. The resident alien is subject to all our laws and, equally with the citizen, is subject to military service in defense of this country. (Selective Training and Service Act; 50 U. S. C. A., Sec. 303).

Is there not strong reason here for full play to "the presuppositions of the democratic faith"? Or shall the illusory promise of an easy formula in deportation cases —"mere executive civil proceeding"—replace the duty of exercising judgment and of searching for solid proof?

6

Assignments of Error

These will be discussed immediately hereafter. In view of that discussion, they will not be repeated here.

For an itemized list of the assignments of error see R. 7747-62.[23]

ARGUMENT

The argument will be under the following heads—representing the three major issues in the case:

I. Deportation upon this evidence offends due process of law.

II. Deportation upon these procedures offends due process of law.

III. The statute as construed and applied offends the Bill of Rights and bears no reasonable relation to the purpose for which governmental power to deport exists.

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[23] See also Exceptions to Proposed Findings, R. 348-365.

I

DEPORTATION UPON THIS EVIDENCE OFFENDS DUE PROCESS OF LAW.

"* * * facts do not assess themselves * * * the decisive element is the attitude appropriate for judgment." *Baumgartner* v. *United States*, 322 U. S. 665, 666-7.

1

What, then, is the attitude appropriate for judgment here? The majority below joined in this formulation of its attitude appropriate for judgment: "The single question this court must answer is: Is there some evidence to sustain the charges? There is" (R. 7794). On denial of the petition for rehearing the majority below amplified this formulation as follows (R. 7812):

> "Where there is evidence, more than a scintilla and not unbelievable upon its face, the administrative head must resolve the doubts as to its credibility."

The attitude appropriate for judgment adopted by the District Court Judge is reflected in this phrase: "the testimony" is not "so unsubstantial as to lend no support to a finding based thereon" (R. 756).

We contend that these are not attitudes appropriate for judgment here.

This is not a review of a judicial proceeding. Nor is it a statutory review from an administrative order. There happens to be no statutory procedure for judicial review from the Attorney General's order of deportation. But in the language of Mr. Justice Stone, speaking for the Court, in *Lloyd Sabaudo Societa* v. *Elting*, 287 U. S. 329, 335-336:

"The action of the Secretary is, nevertheless, subject to some judicial review, as the court below held. The courts may determine whether his action is within his statutory authority, compare *Gonzales* v. *Williams*, 192 U. S. 1, *Gegiow* v. *Uhl*, 239 U. S. 3, whether there was any evidence before him to support his determination, compare *Vajtauer* v. *Commissioner of Immigration*, 273 U. S. 103, and whether the procedure he adopted in making it satisfied elementary standards of fairness and reasonableness, essential to the due administration of the summary proceeding which Congress has authorized. *Compare Kwock Jan Fat* v. *White*, 253 U. S. 454; *Tang Tun* v. *Edsell*, 223 U. S. 673; *Chin Yow* v. *United States*, 208 U. S. 8, 12; *The Japanese Immigrant Case*, 189 U. S. 86, 100, 101; see *United States ex rel. Iorio* v. *Day*, 34 F. (2d) 929; *Whitfield* v. *Hanges*, 222 Fed. 745."

It will be noted that the Chief Justice relied upon no older case than *Vajtauer*, decided in 1927, to support his determination as to sufficiency of evidence. The reason is that the *Elting* and *Vajtauer* cases mark an historic development in the judicial doctrine of this Court. One need only compare them, for example, with *Nishimura Ekiu* v. *United States*, 142 U. S. 651, and *Fong Yue Ting* v. *United States*, 149 U. S. 698, which turned on a conception of the immigration agencies as independent tribunals possessing virtually final authority with respect to all matters of construction and application of the immigration laws.

Thus, the fact now is that, notwithstanding the lack of statutory review in deportation, the powers attributed to its agencies by Mr. Justice Stone in the *Elting* case "are not materially greater than the powers admittedly possessed by many administrative agencies over essential interests of citizens. And the restraints to which they are declared to be subject are not materially less." Report,

The Secretary of Labor's Committee on Administrative Procedure, 1940, page 45.

And the *Elting* case viewed in this context is not static. It is to be read as in conformity with today's standards of judicial review of administrative findings of fact. These are clear. This Court must be satisfied that substantial evidence, of a quality to carry conviction to a reasonable mind, supports the crucial findings. We confine quotation to extracts from one decision in this Court and one decision in the Circuit Court of Appeals for the 9th Circuit.

> "Section 10(e) of the Act provides: '* * * The findings of the Board as to the facts, if supported by evidence, shall be conclusive.' But as has often been pointed out, this, as in the case of other findings by administrative bodies, means evidence which is substantial, that is, affording a substantial basis of fact from which the fact in issue can be reasonably inferred * * * Substantial evidence is more than a scintilla, and must do more than create a suspicion of the existence of the fact to be established. 'It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion,' * * * and it must be enough to justify, if the trial were to a jury, a refusal to direct a verdict when the conclusion sought to be drawn from it is one of fact for the jury." (*NLRB* v. *Columbian Enameling & Stamping Co.*, 306 U. S. 292, 299-300.)

> "It is suggested that this court should accept the findings of the Board; that contradictions, inconsistencies, and erroneous inferences are immune from criticism or attack by Section 10(e) of the Act * * * 29 USCA §160(e), which provides that 'the findings of the Board as to the facts, if supported by evidence, shall be conclusive'. But the courts have not construed this language as compelling the acceptance of

findings arrived at by accepting part of the evidence and totally disregarding other convincing evidence • • •

"'Substantial evidence' means more than a mere scintilla. It is of substantial and relevant consequence and excludes vague, uncertain, or irrelevant matter. It implies a quality of proof which induces conviction and makes an impression on reason. It means that the one weighing the evidence takes into consideration all the facts presented to him and all reasonable inferences, deductions and conclusions to be drawn therefrom and, considering them in their entirety and relation to each other, arrives at a fixed conviction.

"'The rule of substantial evidence is one of fundamental importance and is the dividing line between law and arbitrary power. Testimony is the raw material out of which we construct truth and, unless all of it is weighed in its totality, errors will result and great injustices be wrought.' *National Labor Relations Board* v. *Thompson Products Inc.*, 6 Cir., 97 Fed. (2d) 13, 15." (*NLRB* v. *Union Pacific Stages*, 99 Fed. (2d) 153, 177 (CCA 9).)

For deportation cases in accord, see: *Strecker* v. *Kessler*, 95 F. (2d) 976 (C. C. A. 5), affirmed on another ground, 307 U. S. 22, 34; *Sullivan ex rel. Jee Gim Bew* v. *Tillinghast*, 28 F. (2d) 612 (C. C. A. 1st, 1928); *Mason ex rel. Lee Wing You* v. *Tillinghast*, 27 F. (2d) 580 (C. C. A. 1st 1928); *Lisotta* v. *United States*, 3 F. (2d) 108 (C. C. A. 5th, 1924); *Katz* v. *Commissioner*, 245 Fed. 316 (C. C. A. 9th, 1917); *Lo Pong* v. *Dunn*, 235 Fed. 510 (C. C. A. 8th. 1916); *Ong Chew Lung* v. *Burnett*, 232 Fed. 853 (C. C. A. 9th, 1916); *Whitfield* v. *Hanges*, 222 Fed. 745; *Ex Parte Radivoeff*, 278 F. 227, 231. See 2 Monthly Review, Immigration and Naturalization Service, 87, Jan. 1945.

A consideration which frequently comes into play in a determination to give approval to administrative findings of fact, namely, the assumed expertness and special competence of the fact-finder, operates here only to justify rejection of the administrator's action. The two fact-finders—Judge Sears and the Attorney General, who stand behind the deportation order,—claim neither expertness nor special competence in the field of administration of the deportation statutes. The relevant expertness and competency here may be presumed to lie only with the Board of Immigration Appeals because the Departmental Regulations have assigned to the Board the statutory authority of the Attorney General to issue orders of deportation and to order cancellation of warrants. Thus the fact here is that the only administrative body that may justly be said to have applied especially informed judgment and expertise to the record here has made findings which call for cancellation of the warrant.

Nor may we forget that this is a deportation case and its pivotal issue is imputed belief. *Baumgartner* v. *United States*, 322 U. S. 665, and *Schneiderman* v. *United States*, 320 U. S. 118, involve cancellation of citizenship,—but what were some of the pervading grounds for their rule that the evidence must be "so clear, unequivocal and convincing" as not to leave "the issue in doubt"? These: An attempt to reduce a person to the status of alien from that of citizen is one of utmost "gravity"; revocation of citizenship presents a different problem from denial of citizenship, for "new relationships and new interests flow once citizenship has been granted. All that should not be undone unless the proof is compelling that that which was granted was obtained in defiance of Congressional authority"; finally, when denaturalization turns on issues of belief, especially imputed belief (See *Schneiderman, supra* at p. 154) "proof is treacherous and objective judgment, even by the most disciplined minds, precarious. That is why denaturalization on this score calls for weighty proof * * *" (*Baumgartner supra* at p. 675).

'Need we transpose these considerations—tendered in a denaturalization case—to the case at bar to show that any difference in their application to the case at bar is surely not measurable? Deportation, no less than denaturalization, is a fate of utmost "gravity". ' President Madison, a framer of our Constitution said (4 Elliot, Deb. 555):

> "If the banishment of an alien from a country into which he has been invited as the asylum most auspicious to his happiness,—a country where he may have formed the most tender connections; where he may have invested his entire property, and acquired property of the real and permanent, as well as of the movable and temporary kind; where he enjoys, under the laws, a greater share of the blessings of personal security, and personal liberty, than he can elsewhere hope for; * * *—if a banishment of this sort be not a punishment, and among the severest of punishments, it will be difficult to imagine a doom to which the name can be applied."

Just as denaturalization presents a different problem from naturalization, so deportation presents a different problem from exclusion. Deportation, no less than denaturalization, seeks to undo the "new relationships and new interests" which flow from prolonged residence in this country. Finally, this case, like *Baumgartner* turns on issues of belief and, like *Schneiderman*, on issues of imputed belief. In this case, no less than in those, "proof is treacherous and objective judgment, even by the most disciplined minds, precarious".

But whether the standards be "solid proof which leaves no troubling doubt" or "weighty proof" or "clear, unequivocal and convincing" proof or "sufficiently compelling proof" (as in denaturalization), or "substantial evidence", it has not been applied. Indeed, the court below,

here, unlike the court below in *Baumgartner*, did not even profess to apply it. On this ground alone, its decision must be upset. The situation would, of course, be no different even if the court below had professed to apply it, for ascertainment by the lower courts that an appropriate standard of proof has been satisfied on the whole record is also open to review here (*Baumgartner* v. *U. S. supra*, 671.)

We turn then to a consideration of the evidence "in the context in which that evidence is to be judged". And first, as to alleged membership of Bridges in the Communist Party, upon which the Government acknowledged below, this deportation "order rests basically" (Government Brief, below, p. 23):

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Out of fifteen witnesses, said the Attorney General in adopting the report of Judge Sears, "the evidence of two witnesses is accepted as showing that Bridges was a member of the Party" and "much" of the rest "rejected" as being "untrustworthy, contradictory or unreliable" (R. 90). The surviving testimony was of O'Neil and Lundeberg. We deal first with O'Neil, characterized by the Board of Immigration Appeals and by Judge Healy below as "a theatrical, sensation loving braggart" (R. 7804).

Counsel for the Service read to O'Neil, in the course of his direct examination, a statement alleged to have been made by him to agents of the F. B. I. in an interview on October 7, 1940. The material parts of the statement read into the record are (R. 3109-13):

> "On another occasion I walked into Bridges' office, it always being my privilege to do so after first having assured myself that he was alone, and there on his desk was a new Party book, which had just been issued and into which Bridges was putting assessment stamps.

This was about two o'clock in the afternoon in Bridges' office in the Balboa Building, 593 Market Street, Room 509, in 1937. I expressed amazement that he was doing this openly with the book in plain view on top of his desk; however, he nonchalantly continued to put the stamps in place and then returned the book to his pocket. I knew this was a Communist Party book because I had one myself and it was just like it. It was the general practice to pay your dues to the Communist Party dues collector and, in return, to receive stamps which he tore off from a block and which you inserted in your book at your leisure. There is no doubt in my mind but what that was Bridges' membership book in the Communist Party.

* * * * *

"On several occasions Bridges reminded me that I had not been attending [Communist] Party meetings and asked me, 'What's the score?'.

* * * * * *

"It is my belief that Bridges never at any time attended any Communist Party meetings. He might have met with one or two of the trusted and highest officials of the Party, as that would be all that would be necessary to conduct any business he had with them.

"Bridges never stated to me that he was a member of the Communist Party. It was always tacitly understood and assumed that such was the case * * *

* * * * *

"* * * Bridges said that fraction meetings had been conducted in the room [Bridges' hotel room]. * * * By this he meant top fraction meetings of the Communist Party. * * *"

O'Neil on the stand, under oath, denied making and denied the truth of all the statements above quoted, with the exception of the sentence: "It is my belief that Bridges

never at any time attended any Communist Party meetings" (R. 3024).

Gertrude Segerstrom, an F. B. I. stenographer, testified as to the contents of the statement above quoted, which, she said, she took on dictation from O'Neil in the presence of two F. B. I. agents (R. 3103).

Major Schofield, head of the Service, testified that the following occurred in an interview at the F. B. I. office on April 22, 1941, a few days before O'Neil testified, in the presence of himself and three other representatives of the Department (R. 437):

> "He [O'Neil] was asked whether he had been a Communist and stated he had been a member of the Communist Party and had been active in its behalf here in San Francisco. He was asked whether or not Harry Bridges was a member of the Communist Party, and he said he was. He then said and volunteered this: That he, O'Neil, so far as he knew, was the only man who had visual evidence of the fact that Bridges was a Communist. We asked him what he meant by that, and he said that on one occasion he had actually seen Bridges pasting dues stamps in Bridges' membership book in the Communist Party."

It was found that, notwithstanding O'Neil's denial under oath, these statements were made to the stenographer Segerstrom and to Major Schofield. And it was also found by Judge Sears (who admitted the statements for impeachment only—R. 5256-7)[23] that the testimony of Seger-

[23] To an objection that the Government was improperly impeaching its own witness, the Inspector said: "I will take it. I think they may impeach their own witness. Of course, it isn't original proof of the matter" (R. 5256-7). Because the Inspector later indicated some uncertainty on the point, Bridges' denial was entered to protect him against the possible use of O'Neil's statement as affirmative evidence (R. 5880-3).

strom and Schofield proved O'Neil's prior statements and they constituted affirmative probative evidence in support of the Service's case. Judge Sears considered the O'Neil prior statements as "substantive proof", as "substantial evidence" (R. 269), as "truth" (R. 271) and found "in accordance therewith that Bridges was in 1937, a member of the Communist Party" (R. 271).

The Board of Immigration Appeals held that such use of the statements was forbidden (1) as improper under the published Departmental Regulations (R. 446), (2) as improper because the alien had no opportunity to cross examine as to the truth of the statements denied and so was deprived of "cross examination on highly material evidence at the very heart of the case" (R. 452-3), adding in support of this view (R. 458-9):

> "Some hearsay is undoubtedly permissible in deportation proceedings, to what extent and under what circumstances we need not, and cannot decide here, for the nature of the subject allows of no rule of thumb. Suffice it as to the state of the authorities that no authority is cited, and we find none, that sanctions the reception in administrative deportation proceedings of unsworn, prior contradictory statements the making of which is denied on the stand."

and (3) "in any event, those statements are, on the record here, not credible, and we so find" (R. 462).

The Attorney General rejected the decision of the Board of Immigration Appeals and accepted the recommendation of Judge Sears. Thus, prior unsworn, unsigned hearsay, untested by cross examination, admitted in avowed violation of the published Departmental Regulations, was found true and was found "substantive", "substantial" proof, but denial on the stand under oath by the alleged maker of the statements that he ever did make them, was found false.

But the Attorney General was wrong on his ground and on any grounds. The District Court below has already said so with all the vigor at its command (R. 754, quoted *supra*, pp. 20-1). The majority below did not dispute the District Court's view; and as to the dissenting Judges in the court below, one sentence at least from Judge Healy's opinion justifies repeating:

> "Rather than deport the alien on evidence which would be condemned and proscribed without hesitation by any American court it would seem a more forthright procedure to do what was proposed in the first place, deport him by legislative resolution 'notwithstanding the provisions of any other law'."

The published Regulations of the Department are reprinted in the Appendix to this Brief.

The reading of these provisions by the Board of Immigration Appeals is as authoritative as it is unassailable (R. 449-50):

> "It is clear from the provisions of Section 150.1(c)(d) that the investigating officer in obtaining a 'recorded statement,' that is, a statement 'taken down in writing,' must seek by specific request to obtain the statement over the signature of the maker and by interrogation under oath (or affirmation). When Section 150.6(i)(c)(d) is fairly read in conjunction with Section 150.1 it is such a 'recorded statement,' so safeguarded, that is permitted as evidence under Section 150.6(i) when the maker of the statement gives contradictory testimony on the stand. The O'Neil statement testified to by Major Schofield was received as an oral statement. Neither the O'Neil statement to Major Schofield, nor the O'Neil statement to Segerstrom was by interrogation under oath; neither was signed by O'Neil; and in neither case is there any showing that O'Neil was asked to swear

and sign, or that being asked he refused to swear and sign (2430-1)."

The Attorney General himself agreed with the Board's reading of the Regulations, saying (R. 95):

> "Had the alien raised the question at the time of the hearing, compliance with the Departmental Regulations would have been obligatory and a deliberate rejection of a request to exclude the testimony would have rendered appropriate the objections now raised by the Board."

However, he also said (R. 95-6):

> "No objection having been raised by the alien throughout the hearing, however, he waived the right to object on the technical ground that the statement was not taken in accordance with the rules."[23a]

One answer to the Attorney General's point of waiver is that the defect was more than "technical." Another answer is that even had this specific defect been called to Judge Sears' attention, obviously it could not have been cured. Again, Judge Sears was not unaware of objections on the broadest grounds by the alien's counsel. He said in his report (R. 267):

> "It was strenuously urged by Counsel for the alien at the hearing, and similar argument is made in the alien's brief, that the admission of the statement taken by Mrs. Segerstrom was error and that the statement itself, under the circumstances, was without probative value, and that the testimony of Major Schofield was erroneously received and was without probative value."

Finally, the Board of Appeals, the original *deciding* body (as distinguished from Judge Sears, merely a recommend-

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[23a] The rule is *contra*. *Svarney* v. *United States*, 7 F. (2d) 515, 518, *cf. Ex Parte Radivoeff*, 278 F. 227.

ing body) was made aware of the specific objection. And so, obviously, was the Attorney General. Thus, the conclusive answer to the point of waiver raised by the Attorney General is the one given by Judge Healy, below (R. 780-6):

> "The rules, adopted as they were under authority and direction of law, are part and parcel of the regulations 'governing the arrest and deportation of aliens'. They were disregarded here. The Attorney General so concedes in his decision. He excused their violation on the specious plea that they 'were not called to the attention of the presiding inspector.' However, they were called to the Attorney General's attention. One is left to wonder on what ground that high official condoned his own disregard of them. Upon him rested the inescapable responsibility of accepting or rejecting the evidence, as of ordering the deportation. The rules were obligatory on him if on anybody. To toss them aside for reasons deemed expedient in a particular case amounts to the substitution of a government of men for a government of law."

Disregard of published rules of the Service is error in a fundamental sense. These rules "in so far as consistent with law, are themselves law, and, be it noted, law for government—for the department—as well as for aliens. In connection with the general law of the land, the rules constitute for aliens in deportation proceedings the due process of law guaranteed by the federal Constitution to all men" (*Ex Parte Radivoeff*, 278 F. 227, 229). In *Bilokumsky* v. *Tod*, 263 U. S. 149, 155, Brandeis, J., wrote:

> "It may be assumed that one under investigation with a view to deportation is legally entitled to insist upon the observance of rules promulgated by the Secretary

[of Labor] pursuant to law" (citing many authorities in a footnote).[24]

The Attorney General would not agree with the Board of Appeals "that the fundamental requirement of a fair hearing required that the statements be excluded," saying: "They were not submitted in the absence of the witness but only after he had taken the stand, admitted that he had made them, said he had spoken the truth when he made them, and denied merely that he had been correctly reported" (R. 94). In all deference, the only accurate assertion in this extract is the first clause. O'Neil did not admit he made the statements; he strongly denied he made them (R. 3002-3). O'Neil did not say he had spoken the truth when he made them; he said that the statements he did make to the investigators were the truth, but that the proferred statements were not the statements he made to them and they were not the truth (R. 451). O'Neil's testimony that the statements made to the Government agents were the truth was given on the basis of the twice repeated explanations of Judge Sears that such testimony would not mean the statements that the Service claimed he made (R. 3080-1; 451). As the Board of Immigration Appeals said (R. 451): "O'Neil swore to 'Nay!' No process of reasoning can make it an oath to 'Yea'!" Finally, O'Neil did not deny "*merely* that he had been correctly reported," but as the Board of Appeals said: "O'Neil undeviatingly denied making to Government agents any of the material statements claimed by the Service" (R. 451).

Also, apart from the published Rules of the Department, the O'Neil statements are incompetent as affirmative evi-

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[24] *U. S. ex rel. Ohm* v. *Perkins*, 79 F. (2d) 533; *Colyer* v. *Skeffington*, 265 Fed. 17, 28-30, 46-8; *U. S. ex rel. Chin Fook Wah* v. *Dunton*, 288 Fed. 959, 960; *Sibray* v. *United States, ex rel. Plichta*, 282 Fed. 795, 797.

dence. Certainly, this would be so in judicial proceedings.[25] It is no less so in administrative proceedings[26] and, to the precise point, in deportation proceedings.[27]

O'Neil's denial on the stand that he had made the material parts of the statements prevented the alien from protecting himself by cross-examining as to the truth of the statements denied. As the Board of Appeals said (R. 452-3; 459-61):

> "* * * in the face of a completely favorable denial of the making of the statements, the Alien had no opportunity to cross-examine as to the truth of the statements denied. To receive the statements as affirmative evidence would deprive the Alien of cross-examination on highly material evidence at the very heart of the case.
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> * * * * * *
>
> "Fundamentally, as an administrative agency, we are required in deciding the question of the admissibility as evidence of the O'Neil prior statements to weigh the factors of materiality, reliability, and protection of the Alien.

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[25] *Hickory* v. *United States*, 151 U. S. 303, 309; *United States* v. *Block*, 88 F. (2d) 618, cert. denied 301 U. S. 690; *Bernhardt, Adm'r.* v. *Chicago B. & Q. Railroad Company*, 132 Neb. 346, cert. denied 302 U. S. 685; *Young* v. *United States*, 97 F. (2d) 200, reh. denied 97 F. (2d) 1023; *New York Life Insurance Company* v. *Bacalis*, 94 F. (2d) 200; *Rosenthal* v. *United States*, 248 Fed. 684.

[26] *Interstate Commerce Commission* v. *Louisville & Nashville R. R. Co.*, 227 U. S. 88, 93; *Tri-State Broadcasting Co., Inc.* v. *Federal Communications Com'n*, 96 F. (2d) 564, 566.

[27] *Svarney* v. *United States*, 7 F. (2d) 515; *Ungar* v. *Seaman*, 4 F. (2d) 80; *Ex parte McMahon*, 1 F. (2d) 456; *Ex parte Tom Yuen*, 230 Fed. 951; *United States ex rel. Papa* v. *Day*, 45 F. (2d) 435; *Braden* v. *Zurbrick*, 38 F. (2d) 472; *Browne* v. *Zurbrick*, 45 F. (2d) 931, *Ex parte Radivoeff*, 278 Fed. 227.

> "The O'Neil prior statements were obviously highly material. They were equally unreliable. And there was no effective protection for the Alien. With the factors of high unreliability and lack of protection present, the materiality of the statements all the more requires their exclusion as evidence."

The authorities are uniform that deprivation of cross-examination in deportation cases constitutes reversible error, rendering the hearing unfair.[28]

On the issue of substantial basis for credibility of these statements, assuming them to be admissible, we rely upon the treatment of the point in the decision of the Board of Immigration Appeals (R. 462-8).[29]

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[28] See cases cited in fn. 27 *supra* and *Gonzales* v. *Zurbrick*, 45 Fed. (2d) 934. See also Rule § 150.6 (d) providing that counsel for the alien be permitted "to cross-examine witnesses called by the Government."

[29] The Board's finding against O'Neil's credibility is partly based on the inherent improbabilities (R. 462-5) and the internal inconsistencies (R. 466) of the very statement upon which Government reliance is placed. The inconsistencies include the following: (1) While the statement says that O'Neil saw a Communist Party membership book in Bridges' possession, that he saw the name in the book, and that it was "Bridges' right, his own name", elsewhere the statement says that it was not Bridges' name, but the name of Dorgan; and still elsewhere that O'Neil did not see the name in the book at all; (2) While in one part of the statement O'Neil says that he attended at least five Communist Party meetings with Bridges, that Bridges held top fraction Party meetings in his room, and that Bridges reminded O'Neil that he (O'Neil) was not attending Party meetings, elsewhere in the same statement O'Neil says: "Bridges never at any time attended any Communist Party meetings"; (3) While the statement says that Bridges discussed Bridges' membership in the Party with O'Neil, it also says that Bridges never stated to O'Neil that he (Bridges) was a member of the Party (R. 466).

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The O'Neil incident involves more than the admission of incompetent evidence or of evidence taken in defiance of published Departmental Regulations. The error, in any event, went to the substance of a fair trial.

It is not difficult to see why this is so. Out of this entire record of some 7500 pages, this was the only item of evidence on which Judge Sears was content to rest a specific finding of membership. He said (R. 271):

> "* * *I conclude that it is established that the narrations contained in O'Neil's statement to Mrs. Segerstrom and in his conversation in the presence of Major Schofield are the truth, and I find the fact that *in accordance therewith* that Bridges was in 1937, a member of the Communist Party" (italics supplied).

The Attorney General chose a different form of expression, but only a slightly expanded content (since he bracketed Lundeberg with O'Neil), saying: "If this evidence is believed * * * the doubt is decided" (R. 90).

O'Neil, "the theatrical, sensation loving braggart," was the rock of the entire case. Can there be any question of the pervading quality of this error? Judge Healy below, in writing for the dissenting Judges, said (R. 7807):

> "The real inquiry is whether the practice was 'such as might have led to a denial of justice'. In this instance the remaining showing of party membership was of so flimsy a character as to lead the Appeals Board to reject it entirely. The Attorney General's acceptance of the O'Neil hearsay as probative evidence might easily have served to tip the scale. I am satisfied it did so."

Once credited, the O'Neil statement could not fail to excite repercussions far beyond its immediate purport, affecting the view of the trier of the facts upon the other evidence offered and in relation to Bridges' own testimony. Recall the nature of the statements. He, O'Neil, was "the only man" who "had actually seen Bridges pasting dues stamps in Bridges' membership book in the Communist Party." He, O'Neil, "was the only man who had visual evidence of the fact that Bridges was a Communist" (R. 437). If this is error it is not "mere error"; it is deadly poison to the high concept of fair hearing. "If it is true of juries it is not wholly untrue of judges that they too may be 'impregnated with the environing atmosphere' (Mr. Justice Holmes, in *Frank* v. *Mangum*, 237 U. S. 309, 349)". Mr. Justice Frankfurter, in *Bridges* v. *California*, 314 U. S. 252, 300.

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Harry Lundeberg's is the remaining direct testimony on membership which survived here. Its net content is an alleged admission of membership made by Bridges to Lundeberg in 1935.

Lundeberg occupies a position in the American Federation of Labor somewhat comparable to that occupied by Bridges in the Congress of Industrial Organizations (R. 468). The two men disagreed as early as October, 1935 on fundamental union policy and their differences long ago deepened into bitter enmity (R. 259, 475). On the stand, as Judge Sears noted, Lundeberg "characterized Bridges' labor record with a damaging phrase, saying, 'It stinks'," and expressed the view that the trade union movement would be better off without him (R. 259).

Lundeberg testified that, following a casual invitation by Bridges "to come up to have dinner with him and a friend of his" (R. 7338; 7265), he did so sometime in

the summer of 1935; and that during that evening, he had a conversation with Bridges and the friend, who told Lundeberg his real name was Darcy, a Communist. The examination of Lundeberg by counsel for the Service was fairly presented in the opinion of the Board of Immigration Appeals (R. 470-2):

> "'Q. Will you relate all the conversation that you had in Bridges' home at that time with Darcy, yourself and Bridges?
>
> A. Well, I don't remember the details. We talked about various things on the waterfront, and unions, and so forth. Darcy asked lots of questions. It was a general conversation.'

After a few intervening questions on another point, counsel returned to the subject with a specific question as to whether Darcy asked Lundeberg 'to do anything.' This elicited the information that Darcy asked Lundeberg to join the Communist Party, and stated that the Party would aid him by giving him support (7007). A further specific question as to whether Darcy said 'anything about Bridges' being a member of the Communist Party in Bridges' presence' brought forth the response: 'He mentioned several people who was a member of the Communist Party' (7008). Counsel persisted. The record continues:

> 'Q. What did he [Darcy] say about Bridges?
>
> A. Well, he said he was a member of the Communist Party.
>
> Q. What did Bridges say?
>
> A. Well, he says, "You don't have to be afraid because nobody has to know you are a member of the Communist Party if you join."
>
> Q. Did Bridges join Sam Darcy in urging you to join the Communist Party?

A. No. Sam Darcy is the guy—Sam Darcy was the guy who wanted me to join the Party' (7008).

Lundeberg went on to state that Darcy promised him lots of publicity and to 'make a great labor leader out of' him. Lundeberg replied that he wasn't interested in joining the Party, that he had always belonged to a trade union, and couldn't see why he should belong to the Party (7008-9). After an admonition by the Presiding Inspector that the examination was leading and to be very careful, Mr. Del Guercio, Service Counsel, continued his direct examination (7009-10):

'By Mr. Del Guercio:

Q. Was anything else said by either Sam Darcy or by Harry Bridges at that time?

A. Well, I can't remember. There was a general conversation.

Q. Now, did you join the Communist Party?

A. I should say not.

Q. Can you recall at this time anything else that Bridges may have said in the presence of Darcy and yourself at that time?

Presiding Inspector: That he did say.

A. I can't remember the details. It was a general conversation.

By Mr. Del Guercio:

Q. Generally, in substance, what did Bridges say? We don't expect you, of course, to remember the exact words or the—

Presiding Inspector: Have you given the substance as far as you remember it?

The Witness: Well, the substance was, as I told you, that Darcy asked me to join the Communist Party and Bridges says, "You don't have to be afraid because I am one too," and the old stuff, and the

conversation was friendly all the way through, and I just laughed at it and forgot about it.' "

Bridges testified that Lundeberg was at his home for dinner once, but not Darcy (R. 7576-7); and denied any admission of membership or advice to Lundeberg to join the Party (R. 7709-10).

The meagerness of Lundeberg's contribution to the Department's case needs little pointing.[30]

(a) He gave three successive growing versions of the conversation—all on direct examination by counsel for the Service. The first version touches Bridges not at all. The second touches him slightly. Only in the third version, given in response to highly suggestive, leading questions on direct, and after admonition by the Presiding Inspector to examining counsel that the examination was leading and to be very careful (R. 7267), does Lundeberg say that Bridges said, "You don't have to be afraid because I am one too", adding "I just laughed at it and forgot about it".[31]

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[30] The Attorney General drew against Bridges an inference from his failure to call Mrs. Bridges and Norma Perry as witnesses (R. 91). But as the Board points out (R. 473-4 fn. 105), the Government's burden of proof may not thus be transferred to the alien. Moreover, since Mrs. Bridges and Norma Perry were not present at the conversation in which the alleged admission of membership was made, they cannot even be presumed to have had material testimony to offer (cf. *Mammoth Oil Co.* v. *United States*, 275 U. S. 13, 51-3, and other cases cited (R. 474 fn. 105). As to Norma Perry, the record also indicates her hostility to Bridges (R. 6447-8), and if any inference was appropriate, it was, as suggested by the Board, against the Government.

[31] This last sentence is highly significant. A comment of precisely similar purport made by witness Kelley (R. 317-18) led Judge Sears to conclude: "Inasmuch as it did not impress Kelley as serious at the time, I hold it too equivocal to base a finding of membership or affiliation thereon". Compare the similar effect of such statements upon weight of testimony in the decision of Dean Landis (R. 602). He said: "It is difficult to take seriously hearsay testimony that Detrich himself at the time it was given believed to be mere talk."

(b) Lundeberg gave the Government representatives, on three different occasions, statements in contradiction of his testimony. The first was in 1939, during the first hearing (R. 7344), when Lundeberg told Government prosecutor Shoemaker, who interviewed him as a potential witness, that he had no information to indicate that Bridges had ever been a Communist (R. 7344-5). The second was in the fall of 1940, when he made similar statements to the F. B. I. (R. 7340-1). In the spring of 1941, he again informed Government representatives, including Major Schofield, that he possessed no information to indicate Bridges had ever been a Communist (R. 7347, 7349). These prior statements were made under the most solemn circumstances, during the course of official investigations conducted by representatives of the Government.

(c) The Board of Immigration Appeals found: "On the record here, Lundeberg impresses neither in truthfulness nor in forthrightness" (R. 479); when giving testimony as to his role in an important labor controversy he was "impressive in evasiveness", "unresponsive and at times incredible, backing and filling of a witness who was not forthright" (R. 484).[32]

(d) Value must also be ascribed to improbabilities in Lundeberg's story. Lundeberg says without hesitation (R. 7293) that "absolutely" he has openly fought Communists ever since he became president of the Maritime Federation

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[32] For example, Lundeberg's vagueness concerning the time of the dinner at which Darcy was alleged to have been present (R. 7265, 7334, 7362-5, 7366, 7373). The dinner occurred some time between the end of June and September, 1935 (R. 473 fn; 5902, 5905, 5910; 6445-6; 7576). The date is important, because another Government witness gave uncontradicted testimony that Darcy attended a convention in Moscow from the last week in July until late in August (R. 2175-6). Lundeberg fixed the dinner as occurring in the summer of 1935 after Bridges left the hospital (R. 7265, 7366). He was still in the hospital as late as June 22, 1935 (R. 5902, 5905, 5910).

of the Pacific in April, 1935, which is at least two months before the date of the dinner at which he is supposed to have been invited to join the Communist Party. Considering the alleged policy of concealment pursued by communists in labor organizations, it would be strange indeed that a man openly hostile to the Party should so readily be provided with evidence that Bridges, over whom the threat of deportation proceedings hung, was a member. Indeed, at the time of the conversation, Lundeberg was perhaps the most powerful figure in maritime labor matters on the Pacific Coast. Yet he states that the inducement offered him to join the Party was that he would be "built up" and made "a great labor leader out of" (R. 7267).

What weight then in the scales appropriate for this case is to be ascribed to testimony by a bitter enemy, of an equivocal admission, in the circumstances here described, made six years previously and which at the time it was made the witness "just laughed at it and forgot about it"![33] Even the majority judges below noted the admission falls into a class of evidence that is easily given and hard to refute and fraught with "danger of mistake" (R. 7790). Its unsubstantiality as a matter of law is equally clear.[34]

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[33] Compare the weight given by this Court in *Baumgartner* v. *United States*, 322 U. S. 665, 677 to "the statement of one witness that Baumgartner had told him that he was a member of the Bund."

[34] In *Nagle* v. *Eizaguirre*, 41 F. (2d) 735 (C. C. A. 9), the order of deportation was based upon the uncorroborated testimony of a prostitute who held strong bias against the alien, and had testified falsely to material facts. The Court held that whether her testimony was entitled to any credence was a matter of law. Refusing to be bound by the findings of the Immigration Service, the Court voided the deportation order. See also *Consolidated Edison Co.* v. *N.L.R.B.*, 305 U. S. 197, 230.

As shown, Lundeberg concededly gave testimony fundamentally inconsistent with prior statements he had made to government officials. Since these inconsistencies were upon highly material matters, this fact alone justifies rejection of his testimony. (*Chin Ching* v. *Nagle*, 51 F. [2d] 64, 65 [C. C. A. 9]).

(*Continued on following page*)

Testimony of two other witnesses, Barlow and Kelley, was relied upon by the Government as being of "corroborating significance in relation to Lundeberg's testimony" (Government's Brief below, p. 96).

Barlow's (R. 271-2)—that Bridges remarked to him at the end of the session of the Maritime Federation convention in 1935, in a conversation occurring on the stairway of a hall in the presence of "quite a few" others (R. 7377), that the only way a young fellow could get along in the labor movement today was to join the Communist Party. Bridges denied having made such a remark. Barlow, an official of Lundeberg's union (R. 7390) when sought by agents of the Government as a witness at the 1939 hearing

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The existence of inherent improbabilities in Lundeberg's testimony also militates against acceptance of his word. "There may be such an inherent improbability in the statements of a witness as to induce the court or jury to disregard his evidence, even in the absence of any direct conflicting testimony. He may be contradicted by the facts he states as completely as by direct adverse testimony; and there may be so many omissions in his account * * * as to discredit his whole story." (*Quock Ting* v. *United States*, 140 U. S. 417, 420-1.)

Lundeberg's testimony of a claimed admission of Communist membership by Bridges is subject to the familiar rule that alleged oral admissions should be cautiously regarded. (*Idaho Etc. Co.* v. *Cahill*, 52 F. [2d] 70, 74 [C. C. A. 10].) The reason for this rule, as expressed by Justice Story, is that an alleged admission "is in all cases most unsatisfactory evidence, on account of the facility with which it may be fabricated, and the impossibility of contradicting it. Besides; the slightest mistake or failure of recollection may totally alter the effect of the declaration". (*Smith* v. *Burnham*, 22 Fed. Cas. 465, 466.)

Heflin v. *Heflin*, 216 Ala. 519, 113 S. 535;
Bradley v. *Clarke*, 219 Ky. 438, 293 S. W. 1082;
Jensen v. *Howell*, 75 Utah 64, 282 Pac. 1034;
Jones v. *Harris*, 122 Wash. 69, 210 Pac. 22;
Commercial Importing Co. v. *Wear*, 180 Wash. 669, 41 P. [2d] 777;
Papke v. *Haerle*, 189 Wis. 156, 207 N. W. 261;
Smith v. *Burnham*, *supra*;
Farque v. *Gulf State Utilities Co.* [La. App.], 140 S. 90.

against Bridges, said he had no information tending to show Bridges was a Communist (R. 7385-6). At the 1941 hearing, he testified that up to the moment of taking the witness stand, he had never related his 1935 conversation with Bridges to any representative of the Government (R. 7385-7, 7389, 7392-3). The Board of Immigration Appeals held the remark in question was not made (R. 427-8, fn. 76); Judge Sears held it was, but that it no more than "indicates a sympathetic attitude toward Communism" (R. 272). The Attorney General held only that it "tended to associate Bridges with the Communist Party" and "has some significance in the general picture" (R. 96).

Kelley's—a report of a conversation with Bridges and one Dietrich,[35] supposedly containing an implied jocular admission by Bridges of membership, was held by the Presiding Inspector as not having impressed the witness as "serious at the time" and therefore

> "too equivocal to base a finding of membership or affiliation thereon" (R. 318).

This testimony was not even mentioned in the decision of the Attorney General.

6

We turn to evidence on "affiliation" which, equally with membership, is forbidden by the statute. But here, more is needed than determination of whether the appropriate standard of proof has been satisfied. Also needed is agreement as to the meaning of the statutory words "affiliated with."

Certainly, affiliation means something less than membership (*Kessler* v. *Strecker*, 307 U. S. 22) and it doubt-

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[35] Detrich was a witness in the hearing before Dean Landis. His testimony was not credited (R. 601-2). See *supra*, note 31.

less covers that relationship with an organization which is equivalent to membership but which may fail to constitute membership for technical reasons. Probably, as Dean Landis said: ". . . this was the main purpose underlying the original introduction of the phrase into the statute" (R. 512).

While legislative history of the statute seems to shed no light on this (R. 512) judicial authority is helpful. Thus employment as managing editor of a paper published by the Communist Party, and being an instructor at an official Communist school and soliciting funds for the Party, was held to constitute affiliation (*Branch* v. *Cahill*, 88 F. (2d) 545). Selling the Daily Worker, a Communist paper, copies of which were received directly from the Communist Party, desire to become a member (although thwarted in this desire because considered not sufficiently intelligent to join), membership in the Unemployed Council, an organization indirectly associated with the Communist Party, and finally contributing money to the Communist Party, were held to establish affiliation (*Wolck* v. *Weedin*, 58 F. (2d) 928. An alien who pledged himself to perform certain tasks prescribed by the Party in order to secure reinstatement was held affiliated (*U. S. ex rel. Yokinen* v. *Commissioner*, 57 F. (2d) 707).

On the other hand, the phrase has been regarded as unfulfilled on evidence showing sympathy with a proscribed organization or even willingness to aid the organization in a casual and incidental way. The most satisfactory expression of the line drawn is that of Judge Chase in *U. S. ex rel. Kettunen* v. *Reimer*, 79 F. (2d) 315.[36] This case involved an alien, previously a distributor

[36] Counsel for the Service at the opening of the hearing argued that the doctrine of the *Kettunen* case was unsound: "There is nothing which indicates and supports the conclusion at which Judge Chase arrived" (R. 802).

of the Daily Worker, who attended a meeting of the Communist Party, executed an application for membership, paid the admission fee, but who later changed his mind about becoming a member and asked that his application be not formally submitted. Judge Chase held the facts were insufficient to constitute an affiliation, saying (at page 317):

> "In deciding this case, we shall not attempt to give a comprehensive definition of the word 'affiliation' as used in the statute. Very likely that is as impossible as it is now unnecessary. It is enough for present purposes to hold that it is not proved unless the alien is shown to have so conducted himself that he has brought about a status of mutual recognition that he may be relied on to cooperate with the Communist Party on a fairly permanent basis. He must be more than merely in sympathy with its aims or even willing to aid it in a casual, intermittent way. Affiliation includes an element of dependability upon which the organization can rely which, though not equivalent to membership duty, does rest upon a course of conduct that could not be abruptly ended without giving at least reasonable cause for the charge of a breach of good faith. So tested we cannot agree that there was evidence to establish that this relator was affiliated with the Communist Party."

In an unreported decision, *U. S. ex rel Tolsky* v. *Wilson* (S. D. N. Y., 1920), a similar opinion was expressed by Judge Learned Hand (R. 381):

> "However this may be, it seems to me pretty clear that it [affiliation] involves a mutual recognition of permanent cooperation between the organization and the person affiliated and not a spasmodic or casual assistance. Mere sympathy with the aims of the so-

ciety, even accompanied by efforts to further its aims, does not fall within that word."

Dean Landis offered this statement of his own views after study of these authorities (R. 513):

> "The language of Judge Chase seems appropriate. 'Affiliation' is plainly a word that speaks in terms of a stronger bond than 'association.' In the corporate field its use embraces not the casual affinity of an occasional similarity of objective, but ties and connections that, though less than that complete control which parent possesses over subsidiary, are nevertheless sufficient to create a continuing relationship that embraces both units within the concept of a system. In the field of eleemosynary and political organization the same basic idea prevails. Thus thinking in terms of affiliation as distinguished from membership must have regard to a bond of this general nature existing, explicitly or implicitly, between the alien and the proscribed organization."

Judge Sears, however, did not seem to have been guided by any principle, but proceeded simply on the vague premise that the trier of the facts must somehow determine where the weight of the evidence lies (R. 349-51; 326-38). The Attorney General did not specifically discuss his understanding of the meaning of affiliation at all; and, as Judge Healy said below, "he appears to have relied indiscriminately on every circumstance which might be thought to spell sympathy or to be indicative of an association however temporary or in pursuit of ends however legitimate. His finding on this issue is without substantial evidentiary support" (R. 7803). Judge Healy added (R. 7801):

> "In condemning 'affiliation' with a proscribed group it would seem that Congress had in mind a working

arrangement of some sort designed, or at least having a substantial tendency, to further the subversive aims of the group. A temporary or occasional joinder of forces for the attainment of an end entirely legitimate in itself, as for example, the betterment of substandard conditions of workers in a given industry, can hardly be thought to fall within the legislative ban."

This then, we submit, is the frame of reference on affiliation: Does it show a status of mutual recognition between the Party and Bridges that Bridges could be relied upon to cooperate with the Party for its purposes on a fairly permanent basis? Does it show a relationship of continuing dependability upon which the Party was fairly entitled to rely? And, of course, the evidence needed to answer these questions affirmatively must be no less than "substantial evidence" (*supra*, pp. 31-2).

7

The central evidence on affiliation relates to affiliation with the Marine Workers Industrial Union (MWIU) and, by that cord, affiliation with the Communist Party. The MWIU was held, it will be recalled, by the Immigration and Naturalization Service on January 3, 1934, to be not a proscribed organization (*supra*, p. 18), was liquidated in 1935 (R. 205). Consequently, virtually all this evidence relates to the years preceding that date. That the Communist Party is not a proscribed organization within the statute, we argue later (*infra*, pp. 92-7).

The time span on this evidence, 1933-35, suggests rightly that it all springs from the 1934 maritime strike, its preparation, conduct and consequences.

The most crucial evidence, to the mind of Judge Sears and of the Attorney General, was that relating to Bridges' connection with the mimeographed paper, the

Waterfront Worker (*supra*, p. 15). This paper was avowedly published from December, 1932, to August, 1933, under the auspices or with the assistance of the MWIU, and avowedly published from September, 1933, to its demise in 1936 by an independent group of longshoremen, including Harry Bridges, without any apparent assistance from the MWIU. Judge Sears and the Attorney General concluded, contrary to the flat denial by Bridges (R. 3234), that Bridges was associated with the paper during the period of its avowed sponsorship by the MWIU and, further, that during the subsequent period of avowed sponsorship by Bridges and his group of independent longshoremen, the paper in reality continued an instrument of the MWIU and the Communist Party. There is no testimony in the entire record to support this conclusion. All that is relied upon is the supposed internal inconsistency in Bridges' testimony and supposed internal inconsistencies between his testimony and the paper itself.

Apparently everything turned on whether Bridges and his group took the paper over in December 1932 or, as Bridges testified at the hearing, on September 15, 1933, because four or five of the issues preceding September 15, 1933 acknowledged the assistance of the MWIU, while the September 15, 1933 issue and subsequent ones did not (R. 242). Was Bridges an editor of the paper during the period from December 1932 to August 1933 when it acknowledged assistance of the MWIU—was therefore the crucial question. Bridges said, no, and there is no witness for the Service to contradict him. However, Judge Sears and the Attorney General said, yes. The explanation of how they came to this conclusion is very important.

In the 1939 hearing Bridges had testified as follows (R. 239-40):

> "There was really no start toward real organization until September 1932, when we started our

waterfront paper. The waterfront paper generally dealt with the ills of the longshoremen. In other words, these various straw bosses or gang foremen along the waterfront, who we used to call slave drivers, they were written up in the paper in their various habits. The paper immediately found wide interest among the longshoremen.

Then, of course, we had no set plan. All we used to say in the paper was 'to organize.'

* * * *

Q. Do you know how long the Waterfront Worker had been running at the time when you first took it over?

A. Not very long. It is pretty hard to remember. If I recall, we took it over around September or October 1932, or it was running then and we took it over later. I can't set the exact date. I would have to get the original issues and check it up.

Q. I think you said, Mr. Bridges, in your prior testimony, about September 1932. Something like that. But the point I want to know is about how long it had been running prior to that time.

A. I can't remember. Maybe a month or two. My first recollection of ever seeing it was September of 1932."

This 1939 testimony was read into the 1941 hearing. In his 1941 testimony, however, Bridges said that the September or October 1932 date he had given in the previous hearing was a mistake (R. 6133), and that the date he and his group took the paper over was September or October 1933 (R. 6133). Judge Sears disbelieved the 1941 testimony, but from the 1939 testimony above quoted he selected some phrases, obviously giving them a more precise quality than did the witness, rejected others, and *added* an assumption wholly unwarranted by the record,—coming out with the conclusion that Bridges became an editor in December

1932. Thus, from Bridges' testifying with uncertainty in 1939—"It is pretty hard to remember. If I recall, we took it over later in September or October 1932, or it was running then and we took it over", Judge Sears concluded—with certainty—it had been running in September or October 1932 and taken over by Bridges in December 1932 (R. 241). Bridges' 1939 testimony in answer to an immediately succeeding question to the effect that his group had taken the paper over in September 1932 and it had been running "maybe a month or two prior to that time", Judge Sears rejected. And his amplification —without a shadow of warrant in the record—brought in to make his version fit with Bridges' consistent testimony that the paper had run sometime before he and his group took it over—was that the Waterfront Worker was in existence *before* December 1932. The December 1932 issue was Vol. 1, No. 1 of the Waterfront Worker and was the first issue that appears in the record to have been published by anyone under anyone's sponsorship. Hence, if Bridges' testimony be credited, as Judge Sears did credit it, that there was a lapse in publication before he and his group took the paper over, Bridges, on this record, simply could not be tied to Vol. 1, No. 1 (Dec., 1932).

Judge Sears' (and the Attorney General's) conclusion further is flatly opposed by every item in the record and Bridges' testimony is completely supported. The record is unchallenged that Bridges began to participate in the editorship in connection with his activities in the Longshoremen's Union (R. 388), an organization which did not exist on the coast in 1932 and which he did not join until June 1933 (R. 388). Bridges tied the date of his group's taking over the paper to the Matson strike which occurred in October 1933, and in the September 15 issue that proposed strike is the subject of much of the material (R. 6181-94). The hiatus in publication dates referred to by Bridges did occur just prior to September

1933 .(R. 388-9). The significant change in the masthead of the paper—edited by a rank and file group of the I. L. A. without reference to the MWIU—occurred on September 15, 1933 (R. 6181). There was a sharp drop in the size of the paper on September 15, 1933, to four pages (R. 390) (corresponding, incidentally, to Bridges' statement given earlier in his testimony [R. 760]).

Little wonder that the Board of Immigration Appeals concluded (R. 402):

> "We accordingly conclude that Bridges became connected with the 'Waterfront Worker' on or slightly before September 15, 1933, after the former staff had abandoned the enterprise.
>
> There is then, in our view, no connection between the Alien and the prior publication, admittedly sponsored by the M.W.I.U. And there is no deliberate untruth to impugn other sections of his testimony."

But Judge Sears and the Attorney General concluded that the Waterfront Worker, even after September 1933, remained an instrument of the MWIU. Keeping in mind any fair definition of affiliation, this conclusion is wholly without record support. We need but enumerate the items relied on.

(a) There was similarity in substance in the issues before and after the crucial date (R. 243); but as the Board of Appeals said: "Of such similarities in substance as appear it may be said that they relate almost exclusively to the grievances of the waterfront. And insofar as they do so they have but little relevance" (R. 403).

(b) There was continued "favorable treatment" of the MWIU, TUUL and other Communist sponsored organizations (R. 86) and "extremely cooperative attitude with regard to the MWIU" (R. 243). Again the Board's opposite conclusion is demonstrably plain on the cold record—"They con-

tain no reference to the T.U.U.L. There are fewer and less favorable references to the M.W.I.U. in the period prior to and during the 1934 strike than might have been expected in view of the assistance that organization rendered the I.L.A. in supporting the I.L.A. strike position. After the end of the strike, but one reference to the M.W.I.U. appears, and that is in a letter to the editors" (R. 404-5).

(c) Favorable treatment was accorded "other Communist sponsored organizations" (R. 245, 405). Still less appears to support this, rightly said the Board with conclusive demonstration from the cold Record (R. 405, fn. 43).

(d) "Consistent attacks upon the so-called 'reactionary' leaders of the A. F. of L." (R. 245). This we pass.

(e) "Support of the Communist candidates for political office" (R. 245). On this, the papers in evidence show only one single instance, and there, as the Board said, "the support given • • • was based solely upon the platform on which they ran. No element of that platform had any apparent relation to forbidden doctrine" (R. 407).

(f) The Waterfront Worker advised the reading of Communist literature (R. 245). The three instances of such advice were the Western Worker, the Daily Worker, and a pamphlet of the 1934 strike written by William F. Dunn, supposedly a Communist official. As to these, the Board said (R. 410-11):

> "We find in these three instances no warrant for concluding that the 'Waterfront Worker' advocated the reading of Communist literature generally, or for any purpose other than that stated in its own columns and in the Alien's testimony at both hearings. That purpose, to call attention to publications treating accurately labor matters of

peculiar concern to longshoremen, we cannot hold to be one which shows that the editors who entertained it maintained the forbidden degree, or any degree, of relationship to the Communist Party."

(g) The paper used as mailing addresses (not offices, since it had none) a hall and a post office box, each of which was rented by a Communist. On this point we refer to the treatment by the Board of Immigration Appeals (R. 411-18).[37]

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[37] That even on examination of the thirteen issues (out of no less than eighty published) selected by the Service for the specific purpose of attempting to demonstrate forbidden affiliation there are "specific indicia that point the other way" is shown decisively in the following summary of the Board of Immigration Appeals (R. 418-20):

"The explicit denial of M.W.I.U. sponsorship has been mentioned and it is thought to be not wholly without weight here (see 5391-2). So also the rapid abandonment of foreign news items and discussions of broader theoretical matters in favor of concentration on local and coastwise matters directly affecting the San Francisco union longshoremen is significant. Finally, the paper taken as a whole conveys an impression quite the opposite of that reflected by analysis of the minutiae upon which the Service's case was founded and which were made the basis of the proposed findings. From September 15, 1933, on, it was unquestionably an informal organ only of the I.L.A., which voted confidence in it (6152). Enumeration of the items selected for unfavorable emphasis draws attention from the overwhelming predominance of concern exhibited in the paper's columns for matters of interest only to members of that organization. Infrequent and casual mention of the M.W.I.U., the I.S.U., and other organizations, suspect or otherwise, constitutes an infinitesimal portion of the subject matter treated. And we cannot conclude that it shows on the part of the editors a purpose to subvert their readers through the medium of a trade union paper which was such in seeming only.

"That the paper displayed a militant attitude cannot be questioned, but that its militancy went beyond anything consistent with a legitimate, if embittered, labor viewpoint on the controversies involved in a sharp labor struggle does not appear from the issues in the record. Strident name calling appears in plenty. Incitement of tempers already overheated may have passed the bounds of judgment or taste. But adherence to a broader and deeper philosophy of revolt by violence is not shown."

8

The finding of affiliation rests in some part also on other minor items of evidence. We enumerate all of them elsewhere (*supra*, p. 16 and *infra*, p. 98) and we regard the enumeration as adequate support for our position,—that they fall far short of meeting the test of affiliation.

9

This is the case against Bridges on membership and affiliation. The order rests, as the Government conceded below, "basically upon membership" (Govt's Brief, p. 23). And the finding of membership rests basically upon evidence taken in avowed defiance of published Departmental Regulations and in defiance, not avowed, of every traditional safeguard for testing truth. The finding of "affiliation" rests upon a fundamental misconception of the term. Of this record, we submit, this Court must say, as did Judge Healy below (R. 7798):

> "It is notable that the alien, in one fashion or another, had been under almost continuous investigation for a period of more than five years. Prior to and during the course of the second trial the Service had enlisted the powerful cooperation of the Federal Bureau of Investigation. The country had been scoured for witnesses, every circumstance of Bridges' active life had been subjected to scrutiny, and presumably no stone left unturned which might conceal evidence of the truth of the charges which the alien so flatly denied. The most significant feature of the inquiry, as it seems to me, is the paucity of the evidentiary product as contrasted with the magnitude of the effort expended in producing it."

This is not substantial evidence; this is not evidence which can induce conviction; this is not evidence to sup-

port a determination with consequences so grave as here; and, upon it, deportation may not rest without gross offense to the Fifth Amendment.

II

DEPORTATION UPON THESE PROCEDURES OFFENDS DUE PROCESS.

We begin by reminding that action to deport is subject to judicial review to determine whether the procedures "offend the fundamental principles of justice embraced within the conception of due process of law". See cases cited *supra*, p. 30.

The appropriate object of inquiry here is not alone whether this or that particular point in the procedural history of this case is *the* constitutional vice. Rather, we submit, it is on portrayal of this history in whole purport, whether the final chronicle that emerges is one of vitiating unfairness, whether the atmosphere, in entire, demonstrates the unfairness of its parts. (See *Colyer* v. *Skeffington*, 265 Fed. 17, *Gellhorn*, Cases on Administrative Law, 1940, pp. 525-6). It is, in sum, whether the Attorney General has accredited himself "by acting in accordance with the cherished judicial tradition embodying the basic concepts of fair play" *Morgan* v. *United States*, 304 U. S. 1, 22.

The argument here is deeper than that Bridges has been denied due process—

—because he has been subjected to successive hearings on essentially the same evidence in the face of a prior considered determination of his innocence, or

—because he is being subjected to *ex post facto* and retrospective operation of a statute, or

—because the attempt to deport him on a ground which the Government since January 1934 has avowed to be

no ground for deportation is discriminatory to the point of arbitrariness, or

—because the Department has violated its own rules in acceptance of the most prejudicial and flagrantly improper piece of evidence in the entire case, or

—because the Attorney General gave weight to evidence which he agreed was "inconclusive, unreliable and contradictory" on the theory that "taken as a whole it cannot because of its volume be completely disregarded", or

—because the Attorney General reversed a decision favorable to Bridges rendered by the normally *deciding* body, the Board of Immigration Appeals, without giving Bridges notice or opportunity to reach his mind.

The basic argument is that—whatever may be said in a constitutional sense of each of these elements, singly,—a procedure which exhibits all of them cannot survive this Court's inquiry.

1.

We have referred to the early departmental investigations of Bridges in which he was absolved of all charges and to the formal hearing before Dean Landis in which all charges were found baseless, resulting in the cancellation of the warrant of arrest (*supra*, p. 6 *et seq.*). At the time of the Landis hearings, and because of the decision of this Court in *Kessler* v. *Strecker*, 307 U. S. 22, the deportation statute required a finding that the petitioner was a member or affiliate of a proscribed organization at the time of the issuance of the warrant. Within six months following final disposition of the first warrant, and on June 28, 1940, Congress adopted the amendment of the law under which the present warrant was issued. Its purpose, both to nullify the ruling in *Kessler* v. *Strecker*, *supra*, and to

furnish a ground for further action against Bridges was obvious (*supra*, pp. 10-11). It provides in effect for deportation by reason of *past* membership in or *past* affiliation with a proscribed organization.

The ground thus furnished was availed of; and Bridges, exonerated by Dean Landis, has here been subjected to a second trial before Judge Sears.

The Government has suggested a formal distinction between the two proceedings—that before Dean Landis the issue was Bridges' membership or affiliation as of the issuance of the warrant, while before Judge Sears the issue was his membership or affiliation at any time following his admission to this country. The distinction will not survive examination.

No evidence was offered before Dean Landis as to present membership. All the proof was addressed only to past membership and affiliation, and the Government relied specifically upon a legal presumption of continuance to support its claim with respect to the time of Bridges' arrest in 1938.[38] As Dean Landis' opinion shows, his finding denying present membership or affiliation depends entirely upon his rejection of the Government's evidence of *past* membership and affiliation during the entire period 1932-1938,—precisely the period deemed relevant in the second proceeding (See table, p. 68a, *infra*).

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[38] The Government's own statement of its case before Dean Landis demonstrates the identity of the two proceedings.

"It is the Government position that it has shown that prior to the arrest of Harry Bridges he was a member of the Communist Party and has continued as such. It contends, and submits it has been proved, that, the alien having been shown to be a member of the Communist Party, the obligation rested upon him to show that he had ceased to be such member, and in the absence of such showing there is a legal presumption he remained a member, and therefore is subject to deportation under the Act of 1918 as amended" (Government's Brief to Dean Landis, p. 100).

The proof itself, in each of the proceedings, followed identical lines. In each proceeding, the Government attempted, unsuccessfully, to prove that Bridges attended Communist Party membership meetings; the witnesses were different persons, but the purport of their testimony the same. Similarly, proof was offered, in each case, of alleged admissions by Bridges of membership in the Communist Party; again, only the witnesses differed. Even more, the same miscellany of items offered as proof of affiliation with the Communist Party was all presented to and passed upon by Dean Landis (R. 604-7, 626-8). The Government saw fit to present a greater volume of testimony before Judge Sears than before Dean Landis, with respect to the further charge of Bridges' affiliation with the MWIU—principally concerning the "Waterfront Worker". But again all the subjects considered were mooted before Dean Landis; in fact most of the testimony in the first proceeding dealing with the MWIU was read into the record of the second proceeding (R. 75, fn. 6, 624-8, 635, 3231 ff.). The Board of Immigration Appeals stated its opinion that "the same factual issues" were tried in both proceedings (432, fn. 77), adding, "there is a serious question whether an administrative agency should relitigate time after time the same factual issues in the same type of proceeding" (*ibid.*). We annex in the adjoining pages a tabular statement showing how the same lines of testimony were given by the different witnesses in the two proceedings—the testimony covering the years 1934-1938.

The precise question here is not whether Dean Landis' findings and rulings were either correct or res adjudicata; it is whether, consistent with defensible standards of fairness, Bridges could be subjected to successive proceedings with respect to these identical matters.

The first hearing was no mere perfunctory proceeding, with only tentative conclusions. It was an extended and far-flung investigation in which the parties were repres-

Tabular Comparison of the Charges and Evidence at the Two Hearings.

First Hearing

harges: "After he entered the United States he became and now is a member of or affiliated with an organization, association, society or group that believes in, advises, advocates and teaches the overthrow by force and violence of the government of the United States" (named as the Communist Party in Government's Bill of Particulars).

Name of Gov't Witness	Type of Testimony Given [1]	Years to Which Testimony Relates	Cities to Which Testimony Relates [2]
ilner	a, c, d, e	1935-6	Se, Po
eech	a	1936	SF
apiro	d, e	1936-7	SF, LA, NY
umphreys	a	1935-Aug. 1938	SF, LA
eppold	f	1935-7	SF
ark	e	1935	Se
llen	a	1937	SF
oward	b, e, f	1936-7	SP, Se
etrich	b, c, d, e, f	1933-6	SF
ngstrom	a	1936-7	SP, Se
avis	a, d	1935-6	SF, Se
astor	a	1936	Se
rs. Castor	a	1936	Se
rs. Davis	a	1934	Se
areus	a	1934	SF
essler	a	1934	SF
ickleson	a	1934	SF
anazzi	a	1934	SF
enaat	e	1934	SF
ridges [4]	c	Dec. 1932-1938	——
OTAL, 20	a, b, c, d, e, f	Dec. 1932 to Aug. 1938	SF, Se, Po, LA, NY, SP

Second Hearing

Charges: "After entering the United States he has been a member of or affiliated with an organization, association, society or group that believes in, advises, advocates or teaches the overthrow by force or violence of the government of the United States" (named as the Communist Party in Government's Opening Statement).[3]

Name of Gov't Witness	Type of Testimony Given [1]	Years to Which Testimony Relates	Cities to Which Testimony Relates [2]
Lundeberg	b	1935	SF
O'Neil	b, d	1937	SF
Barlow	d	1935	Se
Lovelace (Mr. and Mrs.)	c, f	1935	Po
McCuistion	c	1936	NY
Innis	c	1936	SF
Rushmore	d	1935	NY
Chase	d, e, f	1937	LA
Diner	a	1934	Fr
Honig	a	1936-7	SF
Lawrence	a	1934	LA
Ryan	e	1934	LA
Cannalonga	a	1936-7	SF, Se
St. Clair	a, e	1935-6	SF
Wilmot	a, b, c	Apr. 1938	Po
Thompson	a	1934-5	NY
Kelley	d	1937	Se
Bridges [4]	c	Dec. 1932-1938	——
TOTAL, 19 [5]	a, b, c, d, e, f	Dec. 1932 to Apr. 1938 [6]	SF, Se, Po, LA, NY, Fr

[1] Abbreviations used in this column are as follows: a—alleged attendance of Bridges at Communist meetings; b—alleged admission by Bridges of Communist membership; c—associations of Bridges with Communists; d—alleged Communistic remarks by Bridges; e—hearsay statements concerning Bridges; f—opinion evidence of witness.

[2] Abbreviations used in this column are as follows: Se—Seattle; Po—Portland; SF—San Francisco; LA—Los Angeles; NY—New York; Fr—Fresno; SP—San Pedro.

[3] Additional charges lodged against Bridges at the second hearing, based on his brief membership in 1921 in the Industrial Workers of the World are now immaterial, inasmuch as the Attorney General found that such membership did not render Bridges deportable. (R. 100) The charge of deportability for affiliation with the MWIU, while new, is largely a by-product of the Communist charge.

[4] In addition to calling Bridges as its witness at both hearings, the Government at the second hearing introduced in evidence excerpts from his testimony at the 1939 hearing. This testimony deals with Bridges' association with the MWIU during the 1934 strike, the aid offered to his union by the Int'l Labor Defense, the aid given by the Communists in the 1934 strike, his associations with Communists, and his policy of non-discrimination in labor unions by reason of political beliefs. See R. 431-2, n. 77.

[5] At least five of these witnesses had been interviewed by the Government as potential witnesses for the 1939 hearing (Chase, R. 1330-2, 1356-9; St. Clair, R. 2480-7; Cannalonga, R. 7171, 7255; Lundeberg, R. 7344; Barlow, R. 7385). A sixth witness, Kelley, testified to hearsay statements made to him by Detrich, who was a Government witness in the 1939 hearing.

[6] One item of evidence introduded by the Government, involving a strike at the North American Aviation Company, related to the year 1941. It is immaterial at this time since the Attorney General found that this evidence did not show either membership in or affiliation with the Communist Party, but only a "sympathetic attitude toward a strike denounced as a Communist maneuver." (R. 99)

ented by counsel; witnesses were subpoenaed, examined, and cross-examined; arguments heard and briefs submitted. The suggestion of the Government below (Government brief, p. 33), that the proceeding before Dean Landis was in the nature of an inconclusive investigation like that before a committing magistrate, is hardly appropriate. Nor is it relevant to urge, as the Government also urged below (*idem.*, pp. 30-1), that here were administrative proceedings in which the principles of res adjudicata are often said not to apply. Even if they did not—and we submit on the contrary that they have vital relevance,—it is an intolerable proposition that there are no legal restraints upon governmental determination to try the same issues of fact in deportation, again and again, upon the same thin evidence, until success is achieved. Otherwise, the governmental force must ultimately prevail—regardless of merit.

Again, deportation proceedings are not merely civil proceedings to which the double jeopardy provision is generally considered not to attach; as we have shown (*supra*, p. 26) their consequences run far beyond those flowing from ordinary civil litigation. Deportation "may result also in loss of both property and life; or of all that makes life worth living" (*Ng Fung Ho* v. *White*, 259 U. S. 276, 284, per Brandeis, J.). Again, the easy formula—"This is not a criminal case"—is "too subtle when the problem is one of safeguarding the humane interests for the protection of which the double jeopardy clause was written into the Fifth Amendment." Frankfurter, J., *U. S. ex. rel. Marcus* v. *Hess*, 317 U. S. 537, 554. Regardless of the form of the proceedings, a *penalty* is here sought to be imposed. "Punitive ends may be pursued in civil proceedings." Frankfurter, J., *U. S. ex rel. Marcus* v. *Hess*, *supra*. Thus it is that double jeopardy is here imposed within the meaning of the Constitution (*United States* v. *Chouteau*, 102 U. S. 603, cf. *Huntington* v. *Attrill*, 146 U. S. 657; cf. *U. S. ex rel. Marcus* v. *Hess*, 317 U. S. 537).

The concepts of double jeopardy and res judicata which in other situations would concededly bar successive proceedings are, we submit, not only specific constitutional protections within their own spheres, however defined, but are inseparable from any concept of fundamental fairness. Double jeopardy in particular is "part of the protection of the Constitution against pressures and penalties that offend civilized notions of justice." Frankfurter, J., *U. S. ex rel. Marcus* v. *Hess*, 317 U. S. 537, 555. The Constitution guards against attempts "to wear the accused out by a multitude of cases with accumulated trials" (*ibid.*).[39]

* * * * *

The proceedings similarly offend common conceptions of fairness embodied in the *ex post facto*[40] (Art. I, sec. 9[3]),

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[39] Even on the Government's theory that it may proceed to a second hearing on the same general charge and the same type of evidence, the least that fairness requires is that the first adjudication be not wholly disregarded. For the administrator to fail, as here, to give appropriate weight to the authority of the prior exoneration partakes of such arbitrariness as to render the second hearing unfair (cf. *Ng Fung Ho* v. *White*, 259 U. S. 276, 283, 284). The lower courts have expressed this principle in terms of a duty to accord *prima facie* weight to the prior determination on pain of violating the Fifth Amendment (*Yuen Boo Ming* v. *United States*, 103 F. [2d] 355 [C. C. A. 9]; *Wong Chow Gin* v. *Cahill*, 79 F. [2d] 854, 857 [C. C. A. 9]; *Wong Yee Toon* v. *Stump*, 233 F. 194, 196 [C. C. A. 4]; *Leung Jun* v. *United States*, 171 F. 413 [C. C. A. 2]).

[40] It was ruled below that the *ex post facto* clause applies only to strictly criminal cases. The leading authorities however forbid any deprivation of fundamental rights which is based upon conduct antedating the penalizing statute. *Ex parte Garland*, 4 Wall. 333; *Cummings* v. *Missouri*, 4 Wall. 277; *Pierce* v. *Carskadon*, 16 Wall. 234; Cooley, "Constitutional Limitations" (7th ed. 1903) 375-376; Black, "Handbook of American Constitutional Law" (1927) § 266; Blackstone Commentaries [3d ed.] 11n.; McAllister, "Ex. Post Facto Laws in the Supreme Court of the United States" (1927) 15 Cal. Law Rev. 269, 281-282.

Mahler v. *Eby*, 264 U. S. 32, is relied on as establishing that statutes may apply retrospectively in deportation proceedings. The statute there did not however apply retrospectively, for the decision

(*Continued on following page*)

and due process clauses since the statute was amended on June 28, 1940 with the specific purpose in mind of deporting Bridges upon grounds admittedly not then existing.

Only upon the frank admission that it proposed to try Bridges on the same charge again, could the Government have renewed proceedings against him, after Dean Landis' decision. The amendment furnished a pretext for avoiding such an admission. Its effect, however, is not merely *ex post facto* but also retrospective—a distinction the importance of which has been indicated by this Court. (e. g., *Bugajewitz* v. *Adams*, 228 U. S. 585). It subjects aliens to deportation for membership in an organization, even though such membership had long since terminated when the amendment was adopted.

It is not necessary to argue here that the *ex post facto* clause applies in full vigor to the case of *any* alien affected by its retrospective operation. It is with respect to the particular circumstances of this case, to which the whole of this brief points, that the retrospective application of the statute to Bridges is unfair. The purpose of the draftsman of the amendment, directed at Bridges, could not be carried out except by reaching back into the past and penalizing a status which, the prior proceedings had established, did not then exist.[41]

* * * * * *

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was that a finding of present undesirability was prerequisite to deportation. The language relied on is therefore *dictum*, which fails moreover to recognize that the consequences of deportation are too serious to permit classifying it as merely a civil judgment—a fact more clear under present day conditions.

[41] As construed below; the amendment of the statute in 1940 deprived Bridges of the immunity from deportation proceedings under the law as it then stood (*Kessler* v. *Strecker*, 307 U. S. 22) and under the facts as ascertained in the 1939 hearing. Statutory constructions with similar effect have been condemned as *ex post facto* in criminal cases (*Lindsey* v. *Washington*, 301 U. S. 397), as when they constitute a new rule of evidence in aid of conviction (*Kring* v. *Missouri*, 107 U. S. 221); and a violation of due process in civil cases, as when they seek to free a cause of action from the bar of a statute of limitations which has run (*Stewart* v. *Keyes*, 295 U. S. 403).

If we leave the essential character of this second proceeding, as such, against Bridges and examine its conduct, the impression of vitiating unfairness is only deepened.

The charge of affiliation with the MWIU represents a reversal of the Government's settled attitude towards that organization—a reversal made only for Bridges.

Membership in or affiliation with the MWIU has not been deemed cause for deportation since the ruling of the Department of Labor in January 1934 (*supra*, p. 18). The warrant was simply in the language of the statute (R. 772-3). It was not until the opening day of trial that the Government disclosed that it was relying upon affiliation with the MWIU (R. 808).[42] In the prior hearing, doubtless because of the Department's 1934 ruling, no such charge was made. Since 1934, no other alien was faced with such a charge—notwithstanding that, before the decision in *Kessler* v. *Strecker*, in 1939, it was believed that either past or present membership constituted cause for deportation; and since the 1941 hearing (as shown before the district court—R. 733-4, 758-9) no other alien has been charged with past membership in or affiliation with the MWIU. Only Bridges has been held deportable for *past* affiliation with an organization which for substantially all the time of his supposed

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[42] "Once again we think that the existing practice is to be condemned. That practice is, in the overwhelming number of cases, to state the charges only in the language of the statute without further particularization. Frequently such charges, as in the case of membership in an organization advocating the overthrow by force or violence of the government of the United States, without mentioning what organization, are not only blind but unnecessarily so. A uniform practice of this character conveys the impression of a wilful—although no doubt actually it is an unthinking—policy of enhancing every possibility of surprise. The very lack of any pretense of legitimate reason for it renders it arbitrary. We recommend that consistent pains be taken to formulate charges with all the exactitude possible, and in greater detail than mere parroting of the general language of the statute." The Secretary of Labor's Committee on Administrative Procedure, p. 85.

affiliation with it had been authoritatively determined not to be included in the ban of the statute.

No legal arguments, however nice, can obscure the fact, which counsel for Bridges offered to prove (*supra*, p. 18) that there are today thousands of aliens in the United States who have been members of or affiliated with the MWIU, and other TUUL affiliates, against whom no proceedings have ever been brought. The statute has here been intentionally applied in a discriminatory manner.

Whether or not the specific guarantee of equal protection is part of the due process guaranteed by the Fifth Amendment, it is certain that a discriminatory application of legislation "may be so arbitrary and injurious in character as to violate the due process clause of the Fifth Amendment". *Detroit Bank* v. *United States*, 317 U. S. 329, 338. And the denial of the guarantee is properly supported on the showing, as here, that Bridges "has been singled out for invidious treatment". See *Hysler* v. *Florida*, 315 U. S. 411, 422. "* * * if there is an existing rule which protects certain rights, it violates every sense of decency which is the very heart of due process, to repeal that protection just for the purpose of the ends of the case which comes before the administrative authority." *Colyer* v. *Skeffington*, 265 Fed. 17, 48, quoting from the argument made by Mr. (now Mr. Justice) Frankfurter.

* * * * *

A like discrimination by virtue of effective repeal of a fundamental rule of evidentiary procedure designed as broad protection for the rights of all aliens, to support a result in this particular case is embodied in the O'Neil incident discussed in an earlier part of this brief (*supra*, pp. 35-46). In the acceptance of the O'Neil statement traditional safeguards for testing truth and published rules of the Department were flagrantly disregarded. Judge Bourquin reminded twenty years ago that the Department's rules "constitute for aliens in deportation proceedings due process of law guaranteed by the Federal Constitution to

all men". *Ex parte Radivoeff*, 278 Fed. 227, 229; See *Bilokumsky* v. *Tod*, 263 U. S. 149, 155; *United States ex rel. Ohm* v. *Perkins*, 79 Fed. (2d) 533.

* * * * *

Consideration of the Attorney General's novel notion of weight to be given to testimony flatly rejected by the presiding Inspector adds more dark shadow to this recital. Seven witnesses testified as to Bridges' proposed attendance at Communist Party meetings. Such testimony, if credited, would properly weigh heavily against Bridges. But this is what the presiding Inspector said about each of these seven witnesses:

1. Diner—"not an impressive witness" and the episode to which he testified "not established" (R. 295-6).

2. Honig—testimony contains "conflicts", and episodes to which he testified "not established" (R. 300).

3. Laurence—"too much chance of mistake in identification" and episode to which he testified "not established" (R. 302-3).

4. Cannalonga—"I cannot tell where the truth lies in any uncorroborated statement of Cannalonga. At times, in my judgment, he clearly falsified * * *" His testimony "is without value" (R. 307-8).

5. St. Clair—"inherently improbable", "deep-seated and violent bias". "His vanity * * * influences him toward the sensational" (R. 310).

6. Wilmot—"indefinite", "somewhat self contradictory" and "not established" (R. 312, 315).

7. Thompson—"not established" (R. 317).

It is with respect to these seven witnesses that the Attorney General, while fully accepting the judgments made

by Judge Sears, nevertheless said "* * * taken as a whole * * * it cannot be completely disregarded" (R. 98).

If one sow's ear cannot be made into a silken purse, several can, if "taken as a whole".

* * * * *

And if there be anything lacking in this mosaic of mischief, we turn attention to the process used by the Attorney General for arriving at his final adverse decision.

The presiding Inspector, Judge Sears, is not a departmental person; he was designated especially for this case to hear evidence and to make recommendations. The Board of Immigration Appeals, on the other hand, is the body created by the Regulations of the Attorney General, expressly vested with the power of the Attorney General. It is vested with power—

> "To issue orders of deportation after proceedings in accordance with law and regulations; to order the cancellation of warrants of arrest issued in such proceedings; and in connection therewith to exercise such of the discretion conferred upon the Attorney General by law as is appropriate to the disposition of deportation proceedings," 8 *Code of Federal Regulations*, Sec. 90.3 (1).

See Appendix, p. 108. This Board possesses "quasi-judicial jurisdiction" with "authority to render final decisions in all cases involving the disposition of deportaton proceedings" (Annual Report of the Attorney General, June 30, 1941, pp. 225, 234). Administrative review of the Board's decisions by the Attorney General is provided for in the following limited cases:

> "In any case in which a dissent [of a Board member] has been recorded; in any case in which the Board shall certify that a question of difficulty is involved; in any case in which the Board orders the suspension

of deportation pursuant to the provisions of Section 19(c) of the Immigration Act of 1917 as amended, or in any case in which the Attorney General so directs • • •." 8 *Code of Federal Regulations*, Sec. 90.12.

In these four categories the Attorney General has the right of review, but "in all other cases the decision of the Board of Immigration Appeals is not subject to administrative review" (Annual Report of the Attorney General, *supra*, p. 235).

The only category of permissible review by the Attorney General applicable in this case was under the heading "in any case in which the Attorney General so directs." No notice of any such direction ever reached Bridges.

Up to the time of adverse decision against Bridges by the Attorney General, the only advice of governmental action which Bridges had received was the wholly favorable public decision of the Board cancelling the warrant of arrest (R. 492). True, execution of the order was stayed "pending further order of the Attorney General or of this Board" (R. 492); but such a stay, by itself, could reasonably have been construed as intended only to provide a period during which the Service, in accordance with its rights under the rules, could request reopening, reconsideration and reargument before the Board (Rules 150.8(a); 90.10), or the Attorney General could consider whether he should, under the rules, direct that the case be referred to him for review. It does not appear anywhere in this record that the Attorney General directed that the case be referred to him for review, or that the Board did so. Yet such referral to the Attorney General, as in fact seems to have occurred, could only have followed upon a direction from the Attorney General that the case be so referred to him. So far as Bridges knows, there never was any such direction by the Attorney General or referral of the case to the Attorney General.

Now Bridges' complaint here goes far beyond the failure to give him advice that the Attorney General directed the Board to pass the case on to him for review. It goes to the very heart of fair procedure:

> Bridges never knew that in his particular case the power of decision had been withdrawn from the Board and had been taken by the Attorney General.
>
> Bridges never knew that the Attorney General was considering reversal of the Board's decision.
>
> Bridges never knew that the Attorney General proposed to reverse the Board's decision.
>
> Bridges never knew that the Attorney General proposed to order his deportation.
>
> Bridges was never given an opportunity to reach the mind of the man who had newly taken to himself the power of decision.

The springs of the *Morgan* cases (298 U. S. 468; 304 U. S. 1) did not water this procedure. "The requirements of fairness are not exhausted in the taking or consideration of evidence but extend to the concluding parts of the procedure as well as to the beginning and intermediate steps." *Morgan* v. *United States*, 304 U. S. 1, 20.

We submit that in application here, this at least is the teaching of the *Morgan* cases,—that when issues are freshly brought to focus before a new deciding officer the specific grounds upon which he proposes to overturn an existing public decision (if such be his disposition) be given the person to be adversely affected and that an opportunity be provided to reach the deciding officer's mind. Otherwise, there is essential unreality in the concept of "fair hearing."

The Rules of the Department itself,—on the level of relationship between the presiding Inspector and the Board of Appeals,—give depth and authority to this view.

Section 90.11 provides as follows:

> "Whenever, in any deportation case in which no exceptions have been taken to the proposed findings, conclusions of law and order of the presiding inspector, the Board of Immigration Appeals after consideration of the record believes that an order less favorable to the alien than that proposed by the presiding inspector should be entered, it shall prepare its own proposed findings of fact, conclusions of law, and order and shall forward them to the district director of the district in which the case arose for service upon the alien or his counsel or representative. The alien or his counsel or representative shall be given opportunity, within a time fixed by the Board of Immigration Appeals, to file exceptions to the proposed findings, conclusions, and order of the Board. If exceptions are filed, further procedure in the case shall be in accordance with the provisions of Sec. 90.5 hereof * * *"

Here is procedure that acknowledges the fundamental condition of fair hearing, namely, that before deciding adversely to decisions theretofore made, fresh opportunity for hearing be given to the person sought to be newly adversely affected.

Advice to Bridges that the Attorney General had directed the case to be referred to him for review, and advice to Bridges as to what the Attorney General proposed to do, and why, with fair opportunity to meet the proposal, would in no way have crippled or embarrassed the exercise of the Attorney General's functions. On the contrary, the Attorney General, by so doing, would have accredited himself "by acting in accordance with the cherished judicial tradition embodying the basic concepts of fair play." *Morgan* v. *United States, supra,* p. 22.

Have the standards appropriate to the performance of quasi judicial functions in the sensitive area of deportation been maintained in this case? We submit no fair reading of this record can sustain the answer yes.

Bridges, who has been the object of determined and persistent attention since 1934 upon grounds only of belief and imputed belief, grounds which cut across the roots of the most profound American traditions, was subjected to a trial on those grounds in 1939, notwithstanding that previous exhaustive departmental investigations had disclosed no basis for action. That trial was conducted carefully and thoroughly and resulted in findings wholly in his favor. Nevertheless, the underlying statute was amended specifically to support new proceedings against him. And he was subjected to new proceedings, a trial in which the same issues of fact were encompassed in part upon identical testimony, and for the rest upon identical lines of proof. Not only were considerations of fairness implicit in the double jeopardy and *ex post facto* provisions of the Constitution and in the concept of res judicata, designed to prevent an accused from being worn out with accumulated trials, ignored, but Bridges was singled out for invidious treatment. Finally, a decision adverse to him was arrived at without true opportunity to be heard by the person who did the deciding.

Is this a chronicle that is "characteristic of democratic rule"? Is this a chronicle in conformity with "the amenities that distinguish a free society"? Is this a chronicle that shows avowed attention to the "necessary and salutary checks on the authority of government * * * (that) provide a standard of official conduct which the courts must enforce"? (Murphy, J., *Goldman* v. *United States*, 316 U. S. 129, 142.) We submit it is not. As Mr. Justice

Murphy said in the *Goldman* case:

> "At a time when the nation is called upon to give freely of life and treasure to defend and preserve the institutions of democracy and freedom, we should not permit any of the essentials of freedom to lose fidelity through legal interpretations that are restrictive and inadequate for the period in which we live."

III

THE STATUTE AS CONSTRUED AND APPLIED OFFENDS THE BILL OF RIGHTS AND BEARS NO REASONABLE RELATION TO THE PURPOSE FOR WHICH GOVERNMENTAL POWER TO DEPORT EXISTS.

The First Amendment provides that Congress shall pass no law abridging the freedom of speech or of the press * * * or the right of the people peaceably to assemble.

The Fifth Amendment provides that no person shall be deprived of life, liberty or property without due process of law.

The Government contends that an alien may be deported "for utterances, beliefs or associations in which he would be protected from punishment by the First Amendment," (Government Brief below, p. 20 and Government Memorandum in opposition to petition for certiorari, p. 3[43]). The Government's contention strikes at "the area of allowable thought" of three and a half million aliens lawfully resident in this country. By this contention, the Govern-

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[43] The District Court, sustaining the Government's contention, wrote paradoxically: "If the result is a curtailment of their [aliens'] freedom of speech while in this country, it is a curtailment consonant with the constitutional guarantees of the Bill of Rights" (R. 737). The court below did not see fit to discuss the constitutional issues here considered.

ment tells these three and a half million aliens—the Bill of Rights is for you as well as for citizens, but if you use it, we can deport you. "Of what avail are such guarantees", asked Mr. Justice Brewer fifty years ago. *Fong Yue Ting* v. *United States,* 149 U. S. 698, 743.

We contend simply, that a ground which would not support punishment because offensive to the great guarantees of the Bill of Rights may not validly be a ground for deportation. If we are right in this, we contend further that the statute in question, as construed and applied here, denies guarantees of the First and Fifth Amendments. In any event the statute as construed and applied bears no reasonable relation to the purpose for which governmental power to deport exists.

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The power of Congress to provide, on any grounds it sees fit, for the expulsion even of aliens with an established domicile here, was asserted in sweeping terms in 1895. *Fong Yue Ting* v. *United States,* 149 U. S. 698. This was a Chinese expulsion case. But even at the moment of decision, three members of the Court—Chief Justice Fuller, Justices Brewer and Field—dissented pr[illegible]ndly. Said the Chief Justice (p. 763):

> "* * * it contains within it the germs of the assertion of an unlimited and arbitrary power, in general, incompatible with the immutable principles of justice, inconsistent with the nature of our government, and in conflict with the written Constitution by which that government was created and those principles secured."

Eight years later, in the *Japanese Immigrant Case,* 189 U. S. 86, 100, this Court rejected the full sweep of *Fung Yue Ting.* Mr. Justice Harlan for the Court, overruling Government contentions strikingly similar to those advanced

here, said:

> "But this court has never held, nor must we now be understood as holding, that administrative officers, when executing the provisions of a statute involving the liberty of persons, may disregard the fundamental principles that inhere in 'due process of law' as understood at the time of the adoption of the Constitution."

That the fundamental principles of procedural due process have full rein in deportation has since become settled doctrine, notwithstanding "the plenary power of Congress to exclude or deport aliens" (quoted phrase taken from Government's brief below, p. 21). *Lloyd Sabaudo Societa* v. *Elting*, 287 U. S. 329, 335. Rejection of the Government's argument of "plenary power" in the *Japanese Immigrant Case*, forty odd years ago, has left the Republic unshaken.

But the Fifth Amendment embodies substantive, as well as procedural guarantees,—and these, "to any person". And the First Amendment prohibits "all laws" abridging freedom of speech and of the press or the right of people peaceably to assemble, "not merely some laws or all except" deportation laws or all except laws within the "plenary power of Congress". See Stone, C.J., in *Jones* v. *Opelika*, 316 U. S. 584, 609.

The Bill of Rights is distorted if we see it only as a bill of privileges that are a good for the person who desires to use them. These rights are called "the great, the indispensable democratic freedoms" (*Thomas* v. *Collins*, 65 S. Ct. 315, 322) for a deeper reason. It is because these freedoms are "indispensable to the effective and intelligent use of the processes of popular government to shape the destiny of modern industrial society". *Thornhill* v. *Alabama*, 310 U. S. 88, 103. It is because through their free use in a free society "the remedial channels of the democratic process remain open and unobstructed". *Minersville School District* v. *Gobitis*, 310 U. S. 586, 599. It is because the exer-

cise of these freedoms is "so vital to the maintenance of democratic institutions". *Schneider* v. *State*, 308 U. S. 147, 161. It is because "the ultimate good desired is better reached by free trade in ideas—that the best test of truth is the power of thought to get itself accepted in the competition of the market.". Holmes, J., dissenting, *Abrams* v. *United States*, 250 U. S. 616, 630. "Therein," said Chief Justice Hughes, "lies the security of the Republic, the very foundation of constitutional government." *DeJonge* v. *Oregon*, 299 U. S. 353, 365.

Surely this foundation for the Bill of Rights does not admit of a distinction between citizen and alien.[*] The quality of an idea "to shape the destiny of modern industrial society" or its possibility of contributing to the "ultimate good" does not turn on whether it springs from alien or citizen.

This case bears no different cast from any other case which, though involving a citizen, confronts this Court with the duty of deciding where an asserted freedom ends and the sovereign's power begins. The proffered phrase—"plenary power of Congress" is no solving phrase. If it were, it "would resolve every issue of power in favor of those in authority and would require us to override every belief thought to weaken or delay execution of their policies". *Board of Education* v. *Barnette*, 319 U. S. 624, 636. The Court there said:

> "Government of limited power need not be anemic government. Assurance that rights are secure tends

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[*] On this question the attitude appropriate for judgment must take into account a fact of broadest implication. The treatment accorded to aliens lawfully resident here is naturally regarded, by the countries of which such aliens are nationals, as an expression of policy. No branch of our Government is warranted in ignoring the international repercussions of a policy of discrimination. (See Wasserman, "The Challenge of Our Immigration Laws" III Journal of Legal and Political Sociology, 100, 112-114.)

to diminish fear and jealousy of strong government, and by making us feel safe to live under it makes for its better support. Without promise of a limiting Bill of Rights it is doubtful if our Constitution could have mustered enough strength to enable its ratification. To enforce those rights today is not to choose weak government over strong government. It is only to adhere as a means of strength to individual freedom of mind in preference to officially disciplined uniformity for which history indicates a disappointing and disastrous end.

* * * Observance of the limitations of the Constitution will not weaken government in the field appropriate for its exercise."

The challenge of "plenary power", sometimes in another guise,—that of "police power"—has faced this Court in every decision involving issues of freedom. Authority confronts freedom. And freedom has a preferred place in our scheme, it has a "sanctity and a sanction not permitting dubious intrusions." *Thomas* v. *Collins*, 65 S. Ct. 315, 322. "And it is the character of the right [i. e., the freedom asserted], not of the limitation [i. e., the State's power], which determines what standard governs the choice." (*ibid.*).

In *Turner* v. *Williams*, 194 U. S. 279, 292, this Court held the First Amendment is not secured to excluded aliens:

"It is, of course, true that if an alien is not permitted to enter this country, or, having entered contrary to law, is expelled, he is in fact cut off from worshipping or speaking or publishing or petitioning in the country, but that is merely because of his exclusion therefrom. He does not become one of the people to whom these things are secured by our Constitution *by an attempt to enter* forbidden by law. To appeal to the Constitution is to concede that this is a land governed

by that supreme law, and as under it the power to exclude has been determined to exist, those who are excluded cannot assert the rights in general obtaining in a land to which they do not yet belong as citizens or otherwise." (Italics ours.)

The reason for the decision appears plain from the extract. An alien who has not yet lawfully entered "does not become one of the people to whom these things are secured by the Constitution". But if he "belongs" as a citizen "or otherwise",[45] he is one of the people to whom these

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[45] Valuable light in this connection is shed in the dissenting opinion of Justice Brewer in *Fong Yue Ting* v. *United States*, 149 U. S. 698, 736:

"Indeed, there is force in the contention of counsel for appellants, that these persons are 'denizens' within the true meaning and spirit of that word as used in the common law. The old definition was this:

'A denizen of England by letters patent for life, entayl or in fee, whereby he becomes a subject in regard of his person.' *Craw* v. *Ramsay*, Vaughan, 278.

And again:

'A denizen is an alien born, but who has obtained *ex donatione regis* letters patent to make him an English subject. * * * A denizen is in a kind of middle state, between an alien and a natural-born subject and partakes of both of them.' 1 Bl. Com. 374.

In respect to this, after quoting from some of the early constitutions of the states, in which the word 'denizen' is found, counsel say: 'It is claimed that the appellants in this case come completely within the definition quoted above. They are alien born, but they have obtained the same thing as letters patent from this country. They occupy a middle state between an alien and a native. They partake of both of them. They cannot vote, or, as it is stated in Bacon's abridgement, they have no "power of making laws," as a native-born subject can, nor are they here as ordinary aliens. An ordinary alien within this country has come here under no prohibition, and no invitation, but the appellants have come under the direct request and invitation and under the "patent" of the Federal government. They have been guaranteed "the same privileges, immunities, and exemptions in respect to * * * residence" (Burlingame Treaty concluded July 28th, 1868)

(*Continued on following page*)

things are secured by our Constitution. That the "otherwise" includes lawfully resident aliens has not been questioned since *Yick Wo* v. *Hopkins*, 118 U. S. 356. See, *Truax* v. *Raich*, 239 U. S. 33; *Abrams* v. *United States*, 250 U. S. 616; *Hague* v. *C. I. O.*, 307 U. S. 496.

And by a dramatic turn, the very alien at bar, Bridges, has been told by this Court that he is one of the people to whom the Bill of Rights is secured by our Constitution. *Bridges* v. *California*, 314 U. S. 252. Is he now to be told that the Government is competent to deport him for the conduct which this Court held was secured by the Bill of Rights? The answer to this question is the full answer to the Government contention in this case that "the First Amendment is inapplicable".

If banishment from the land overhangs free exercise of the Bill of Rights, what did this Court decide in the *Hague* case, in *Truax* v. *Raich*, in *Yick Wo*, in *Bridges* v. *California*? And did this Court *except* the alien in the *Thornhill* case,[46] in the *Pamphlet* cases,[47] in the *Religious Freedom* cases,[48] in *DeJonge* v. *Oregon*, 299 U. S. 353, in *Herndon's Case*, 301 U. S. 242? No person "with such a threat hanging over his head could be free". *Cf. Schneiderman* v. *United States*, 320 U. S. 118, 167.

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as that enjoyed in the United States by the citizens and subjects of the most favored nation. They have been told that if they would come here they would be treated just the same as we treat an Englishman, an Irishman, or a Frenchman. They have been invited here, and their position is much stronger than that of an alien, in regard to whom there is no guaranty from the government, and who has come not in response to any invitation, but has simply drifted here because there is no prohibition to keep him out. They certainly come within the meaning of 'denizen' as used in the constitutions of the states."

[46] *Thornhill* v. *Alabama*, 310 U. S. 88.

[47] *Schneider* v. *State*, 308 U. S. 147; *Lovell* v. *Griffin*, 303 U. S. 444; *Jones* v. *Opelika*, 316 U. S. 584.

[48] *Murdock* v. *Pennsylvania*, 319 U. S. 105; *Board of Education* v. *Barnette*, 319 U. S. 624; *Douglas* v. *City of Jeanette*, 319 U. S. 157; *Martin* v. *Struthers*, 319 U. S. 141.

Assuming then that the substantive freedoms guaranteed by the Bill of Rights are applicable here, we contend they are violated by Sections 1 and 2 of the Act of October 16, 1918, as amended (*supra*, pp. 3-4), if these sections be construed and applied to authorize the Attorney General's order deporting Bridges. We assert offense to the guarantees of free speech and free assembly and of liberty.

The order of deportation rests upon a finding that Bridges "has been" a member of the Communist Party, an organization found to advocate the overthrow of the Government of the United States by force and violence. There is no evidence or finding that Bridges personally believed in or advocated such doctrine, or understood the Communist Party so to advocate, or ever himself subscribed to such views or himself ever committed or attempted to commit any overt act in the direction of realizing any such views. It is proposed to deport Bridges by imputing to him the supposed forbidden doctrine of the Communist Party, and the imputation rests on the ground only of bare membership.

Consequently, the order of deportation, upon the record here, necessarily gives the statute the construction that, for an alien, mere one time membership in the Communist Party, without his having advocated or subscribed to its supposed forbidden doctrine or understood it to hold such doctrine, is ground for deportation. The question is whether this construction and application of the statute deprives Bridges of the right of freedom of speech and of assembly and of the liberty guaranteed by the First and Fifth Amendments.

The constitutional infirmity we urge here is that the statute as construed and applied strikes not at advocacy of forbidden doctrine, but at innocent, even casual, as-

sembly with those who may so advocate. See Mr. Justice Brandeis, *Whitney* v. *California,* 274 U. S. 357, 373.

There is a profound tradition in American life to which all notion of guilt by imputation is abhorrent. It holds that responsibility is personal, that no man shall suffer penalty for the deed of another. No decision of this Court has heretofore rested a conclusion of guilt upon innocent assembly or association. So-called syndicalism laws, when sustained in this Court, have turned decisively on the relation fixed in the statute between membership and knowledge of the unlawful doctrines advocated by the organization. See *Whitney* v. *California, supra; Burns* v. *United States,* 274 U. S. 328, and *cf. Gitlow* v. *New York,* 268 U. S. 652, and *Schenck* v. *United States,* 249 U. S. 47.

By the deportation law of 1918, however, guilt by association alone was introduced for the first time into a federal law. Neither the Sedition Act of 1798 nor the Espionage Acts of 1917 and 1918 had drawn upon such a conception. As Mr. Chafee has said: "We got safely through the Civil War and the World War without finding it necessary to create group guilt outside the limits of an actual conspiracy" (Free Speech in the United States, 1941, p. 470). Professor Chafee has noted significantly that even the two lawyers charged by the Department of Justice with the enforcement of the Espionage Act during the First World War had publicly condemned statutes penalizing men for mere membership in an organization. Alfred Bettman pronounced such a proposal an "absolutely complete departure from our traditional American doctrines," adding "one of the fundamental conceptions of Anglo Saxon law is that guilt is personal and not by association." John Lord O'Brian said: "Abandonment of the doctrine of personal guilt" in our deportation statute presented an "anomaly in our jurisprudence." *The Menace of Administrative Law,* 25 Re-

ports, Maryland State Bar Assn., 1920, p. 163. Chief Justice Hughes reminded in 1920, when opposing the expulsion of the Socialist Assemblymen in New York: "It is the essence of the institution of liberty that it be recognized that guilt is personal" (quoted by this Court in *Schneiderman* v. *United States*, 320 U. S. 118, 154, note 41).

This Court has also drawn lines relevant to judgment here.

DeJonge v. *Oregon*, 299 U. S. 353, brought to this Court a conviction under the Criminal Syndicalist Law of Oregon. The Act made it a criminal offense to preside at or to assist in the conducting of a meeting of an organization which advocates violence as a means of effecting industrial or political change. A finding that the Communist Party as such did advocate the forbidden doctrine was not disputed on this appeal. DeJonge, a member of the Party, was charged with assisting in the conduct of a meeting called under the auspices of the Communist Party, and, on this charge, convicted. The State contended the gist of the offense was conducting a meeting called by an organization that advocated forbidden doctrine, regardless of what was advocated at the particular meeting so conducted, and that proof of illegal advocacy at such meeting was immaterial.

This Court, in an opinion by Chief Justice Hughes, reversed the conviction. Notwithstanding that it was not disputed on the record that the Communist Party was an organization which advocated forbidden doctrine, this Court held that failure to charge or prove that the Party had advocated forbidden doctrine at the particular meeting was fatal. "His sole offense as charged," said the Court, was "that he had assisted in the conduct of a public meeting, albeit otherwise lawful, which was held under the auspices of the Communist Party" (*ibid.* 362).

"• • • consistently with the Federal Constitution • • • [such conduct] cannot be made a crime" (p. 365).

Thus, advocacy of forbidden doctrine by the Communist Party was held not imputable even to a meeting called by it and held under its auspices. Legality of the meeting was not affected by the illegality of the Party which called it and held it. Lawful assembly was not made unlawful by virtue of its having been called or managed by groups or persons who in other relations or in other utterances had unlawful objectives. In short, guilt by association was rejected.

In *Herndon* v. *Lowry*, 301 U. S. 242, Herndon was convicted under a statute making it a crime to induce others to join in violent overthrow of government. He was a member of the Communist Party, assumed in this case to advocate some unlawful tenets. The conduct at the basis of the criminal charge was his holding of meetings for the purpose of recruiting members in the Party, procuring such members and soliciting contributions for the support of the Party. Although some of the tenets of the Party were assumed to be seditious, and although the persons Herndon had induced to become members of the Party "agreed to abide by the tenets of the Party," the conviction was reversed as a constitutional invasion of the right of free speech. Basic among the reasons for reversal was that there was no proof that Herndon "brought the unlawful aims [of the Party] to their notice" or "that he approved them" (at p. 260).

Thus, again we see rejection of all notion of guilt by association. This Court declined to associate Herndon with the unlawful aims of his Party because it was not shown "he approved them." Nor were Herndon's converts, even though they agreed to abide by the tenets of the Party, associated with any of its unlawful tenets because there was "absence of proof that he [Herndon] brought the unlawful aims to their notice."

In *Whitney* v. *California*, 274 U. S. 357, where a conviction was sustained under a state syndicalist law which forbade "knowingly" being a member of a proscribed organization, Mr. Justice Brandeis, with concurrence of Mr. Justice Holmes in a separate opinion, nevertheless said: "The novelty in the prohibition introduced is that the statute aims, not at the practice of criminal syndicalism, nor even directly at the preaching of it, but at association with those who propose to preach it" (p. 373).

The meeting in *DeJonge's* case was not infected with the supposed illegal character of the Party which called it, absent proof of illegal advocacy at the meeting. Herndon's proselytizing of members into an illegal party was not made crime, "absent proof that he brought the Party's unlawful aims to their attention." Even Miss Whitney's knowing membership in a party preaching criminal syndicalism was said by Mr. Justice Brandeis to be "a right within the protection of the Fourteenth Amendment" (274 U. S. 357, 379). The instruction of this Court then can only mean, in application here, that any relationship between Bridges and the Party may not be transmuted into legal sin, that Bridges in assembling with the Party did not exceed the bounds of free assembly marked by the Constitution,—unless at least it be proven in addition that he had knowledge of the Party's forbidden objectives or doctrines and himself subscribed to them.

Freedom of Speech and assembly are "cognate rights." *Thomas* v. *Collins*, 65 S. Ct. 315, 323. As freedom of speech must not be stifled by threats overhanging its exercise, so freedom of assembly must not be paralyzed by one's fear of being tied to some hidden ultimate aims of others. A "liberty-loving society" sees in assembly the same "command of broadest scope" it sees in speech. Cf. *Bridges* v. *California*, 314 U. S. 252, 263.

There is a second, and by itself decisive, constitutional infirmity in the statutory application here by reason of its necessary dependence on the finding that the Communist Party is a proscribed organization under the statute. If the Court reaches this issue, it will be passing upon it for the first time. See *Schneiderman* v. *United States*, 320 U. S. 118, 147-8, and inferior federal court cases there cited.

The Communist Party as such is not proscribed by the statute. Indeed, bills to write a definition of "Communist" into the Immigration and Deportation Act of 1918, as amended, and to provide for the deportation of "Communists," as such, failed of passage in Congress in 1932 and again in 1935. *Schneiderman* v. *United States*, 320 U. S. 118, 132, footnote 8. A similar recommendation by the Attorney General in 1940, the very time of enactment of the operative statute here, got nowhere (*supra*, pp. 9-10). Even the Nationality Act of 1940 (8 U. S. C. § 705) does not in terms make Communist beliefs or affiliation grounds for refusal of naturalization. In 1936 the Communist Party appeared on the political ballots of thirty-three states, including Arkansas, Delaware, Indiana and Tennessee, where statutes exclude from the ballot parties advocating violent overthrow of government. See 48 Yale Law Jnl., 111, 116, footnote 35, and 37 Columbia Law Review, 86.

We are confronted here, however, with an administrative finding of fact that the Communist Party is an organization that believes in and advocates overthrow by force and violence of the Government of the United States. Now this "finding of fact" is plainly in the category of "most general conclusions of ultimate fact" and its significance for this Court turns only upon the "underlying facts" relied upon by the fact-finder. *Schneider-*

man v. *United States*, 320 U. S. 118, 129-130. Indeed, in this case the finding of fact implies not only the application of standards of law, but the application of the Constitution. The fact-finder is not permitted to drain the Constitution of its meaning "while this Court sits." As Mr. Justice Jackson said in *Thomas* v. *Collins*, 65 S. Ct. 315, 330:

> "If this Court may not or does not in proper cases inquire whether speech or publication is properly condemned by association [with some variety of 'sedition'], its claim to guardianship of free speech and press is but a hollow one."

Thus, again, easy formulas will not do. This is not at all an issue of whether an administrative finding is so lacking in evidentiary support as to amount to a denial of due process. The administrative finding we are talking about here goes to the jugular of the Bill of Rights.

This Court has, in a long series of decisions, developed a crucial "working principle" for cases in which the scope of constitutional protection of freedom of expression is in issue. That principle is that to justify restriction upon speech or press or assembly, nothing less must be shown than that the danger apprehended from the exercise of those rights is imminent.

> "What finally emerges from the 'clear and present danger' cases is a working principle that the substantive evil must be extremely serious and the degree of imminence extremely high before utterances can be punished. Those cases do not purport to mark the furthermost constitutional boundaries of protected expression, nor do we here. They do no more than recognize a minimum compulsion of the Bill of Rights. For the First Amendment does not speak equivocally. It prohibits any law 'abridging the freedom of speech, or of the press.' It must be taken as a command of the

broadest scope that explicit language, read in the context of a liberty-loving society, will allow." *Bridges* v. *California*, 314 U. S. 252, 263.

And the justification for restriction must be affirmative. For "the freedoms of the First Article" occupy "the preferred position" and legislation impinging upon these freedoms "cannot be sustained by any presumption of validity". *Prince* v. *Massachusetts*, 321 U. S. 158, 167. These "freedoms * * * are to be presumed to be invulnerable and any attempt to sweep [them] away" is "prima facie invalid" (*ibid.* at p. 173).

The questions here are, has the right "working principle" been applied, and is there substantial ground for believing that it was rightly applied? The only answer possible to the first question, on the record here, is enough to discharge Bridges because it is not even professed by anyone in this case that the clear and present danger test has here been applied to the Communist Party, since it now is and always has been the position of the Government that the Bill of Rights is inapplicable to this case.

Do the fact-finders' subsidiary conclusions nevertheless supply the defect? And may it fairly be said that, although unwittingly, the test has, by them, been met? We have already examined the recommended findings of the presiding inspector adopted by the Attorney General (*supra*, pp. 16-18). Those pages bear re-reading here. Judge Sears, and after him the Attorney General, not only found no imminence of substantive evil, but, on the contrary, affirmatively found its remoteness. Any objective of overthrow of government by force and violence was specifically said in the Sears report time and again to be "ultimate".

"I am unable to assent to the suggestion," said Mr. Justice Brandeis, "that assembling with a political party, formed to advocate the desirability of a proletarian revolution by mass action at some date necessarily in the future,

is not a right within the protection of the Fourteenth Amendment". *Whitney* v. *California;* 274 U. S. 357, 379. And see *Shaw* v. *State,* 76 Okla. Crim. 271, 303-8, 315-16. Nor, we believe, will this Court assent to the suggestion.

If we examine the actual evidence relied upon, the result is no different. The opinion of the Attorney General and the recommendations of Judge Sears disclose (1) specific reliance upon the Communist Manifesto of 1848, Lenin's State and Revolution, first published in 1917, the Theses and Statutes of the Third International (R. 172-4), and (2) general reliance upon "abundant" "similar expressions in Communist literature" (R. 174), and (3) general reliance upon oral testimony of witnesses to corroborate "the documentary expressions of the teaching of the Communist Party" (R. 175).

Little is to be gained by detailed analysis of this material. It has already been studied by this Court in the *Schneiderman* case. The Court there said (pp. 157-8):

> "A tenable conclusion from the foregoing is that the Party in 1927 desired to achieve its purpose by peaceful and democratic means, and as a theoretical matter justified the use of force and violence only as a method of preventing an attempted forcible counter-overthrow once the Party had obtained control in a peaceful manner, or as a method of last resort to enforce the majority will if at some indefinite future time because of peculiar circumstances constitutional or peaceful channels were no longer open.
>
> There is a material difference between agitation and exhortation calling for present violent action which creates a clear and present danger of public disorder or other substantive evil, and mere doctrinal justification or prediction of the use of force under hypothetical conditions at some indefinite future time—prediction that is not calculated or intended to be presently acted upon, thus leaving opportunity for general discussion and the calm processes of thought and reason."

While it is true that in the same opinion, this Court also stated that it was not saying that a reasonable man could not possibly have found that the Party in 1927 actively urged the overthrow of the Government by force and violence (at p. 153), there is a basic distinction that must be kept in mind in any attempt to relate the passage to this case. The narrow question for decision in the *Schneiderman* case was whether advocacy of such doctrine was incompatible with the statutory requirement of attachment to the Constitution at the time the privilege of naturalization was being extended, and not, as here, whether such advocacy, *without more,* transcends the guarantees of the Bill of Rights. The Court by this passage did not mean to say that such advocacy, *without more,* if viewed in the frame of "clear and present danger" or, more largely, in the frame of the Bill of Rights, might reasonably be held outside the area of constitutionally protected speech. The same Court's subsequently drawn line against only "agitation and exhortation calling for present violent action which creates a clear and present danger of public disorder or other substantive evil" (at p. 157) and its suggested comparison with *Bridges* v. *California,* 314 U. S. 352, Justice Brandeis' concurring opinion in *Whitney* v. *California,* 274 U. S. 357, 372-80, and *Taylor* v. *Mississippi,* 319 U. S. 583 (at pp. 589-90), is striking proof that the Court's previous indication that a reasonable man could possibly have found forbidden advocacy on the basis of the relevant documents alone was far removed from an indication that a reasonable man could possibly have found, on the same basis that the "clear and present danger" test had been transcended by the Party.

The *Schneiderman* case did hold, however, that such proof as here did not support denaturalization.

Is it to be said that virtually the identical proof does support deportation of a man who has been here twenty-five years? Like denaturalization, deportation is a fate of ut-

most "gravity", it seeks to undo "new relationships and new interests" which flow from prolonged residence in this country, and when, as here, it turns on issues of belief, the proof is no less "treacherous". See *Baumgartner* v. *United States*, 322 U. S. 665, 675.

4

There is a third, and by itself sufficient, constitutional infirmity in the statutory application to the extent that it rests on the finding that Bridges "has been affiliated with" supposedly proscribed organizations (R. 104).

We have already argued that the conduct of Bridges, even as stated in the findings of fact made by the Attorney General, does not legally satisfy any sound definition of the concept of affiliation (*supra*, pp. 53-64). Here we argue, more basically, that to proscribe such conduct as is here found to constitute affiliation is in any event offensive to freedom of speech and assembly and to due process of law.

As Mr. Justice Jackson recently observed, modern legislative attempts at inroads on the democratic freedoms are not "direct and candid" but avail of a flanking technique. They associate "the speaking with some other factor which the state may regulate so as to bring the whole under official control." *Thomas* v. *Collins*, 65 S. Ct. 315, 330. So, here, exercises of speech and association, if otherwise beyond the reach of government, as we contend, may not be brought within its reach by characterizing them as "affiliation." This Court must inquire whether the particular exercises of speech and assembly shown in the record are properly condemned by such characterization.

We have already summarized the substance of the evidence on this issue (*supra*, p. 16). These, in brief, are the items of speech and conduct which are said to add

up to the forbidden relationship of affiliation: Bridges once spoke favorably of the American Youth Congress and the National Students' League (said to be Communist front organizations) in appreciation of their aid to his union in the 1934 strike (R. 1484-5); he once said (denied by Bridges [R. 7576]) that "the only way that a young fellow could get along in the labor movement today was to join the Communist Party" (R. 7377); he had once discussed with some Communists the policy expressed in a telegram to one of his local union officials (R. 1961, 1991) (denied by Bridges [R. 5849]); he did not object to the publication of Communist releases in a trade-union newspaper where the releases were helpful to his union (R. 5870); he steadfastly opposed red baiting in the trade-union movement (R. 97); he enlisted and accepted the cooperation of the MWIU during the 1934 waterfront strike; he accepted the aid of the Communist West Coast paper, the Western Worker; he urged seamen who were members of the International Seamen's Union, which was recalcitrant in supporting the strike, to leave that union and to join the MWIU (R. 3257-8); he opposed the joint resolution repudiating Communist support and he discussed his attitude with Darcy, a Communist (R. 250); he sought to have MWIU delegates on the joint strike committee (R. 6348); incidental to the preparation for and conduct of the 1934 strike he cooperated in the editing of a mimeographed paper distributed on the waterfront, said to be, but denied by Bridges to be, (R. 3234, 6169-72) published under the auspices of the MWIU (*supra*, pp. 57-63).

Bridges asserted that the above items of speech and conduct which he candidly avowed illustrated his considered philosophy: that he is, above all, interested in the fortunes of his union, that he will seek cooperation from any helpful source when its interests are at stake (R. 374-5), because effective trade union management requires no less.

Dean Landis, confronted with proof of essentially the same character, said (R. 635-6):

> "This evidence * * * falls short of the statutory definition of affiliation. Persons engaged in bitter industrial struggles tend to seek help and assistance from every available source. But the intermittent solicitation and acceptance of such help must be shown to have ripened into those bonds of mutual cooperation and alliance that entail continuing reciprocal duties and responsibilities before they can be deemed to come within the statutory requirement of affiliation. * * * To expand that statutory definition to embrace within its terms *ad hoc* cooperation on objectives whose pursuit is clearly allowable under our constitutional system, or friendly associations that have not been shown to have resulted in the employment of illegal means, is warranted neither by reason nor by law."

The speech and the action here pictured must be seen in the context in which they are set,—the important industrial conflict on the West Coast in 1934, its preparation, conduct and consequences. Of these, too, we have already spoken (*supra*, pp. 5-6). Bridges' strike leadership was surely militant, aggressive and effective. But there is no evidence in this record to call for even slight amendment of the judgment, on this issue, of Dean Landis (R. 635):

> "That Bridges' aims are energetically radical may be admitted, but the proof fails to establish that the methods he seeks to employ to realize them are other than those that the framework of democratic and constitutional government permits."

5

There is a related approach by which it is made equally plain that the statutory application here offends the Con-

stitution. As we have said, the order of deportation upon the record here necessarily gives the statute the construction that for an alien mere one-time membership in the Communist Party "for no matter how short a time or how far in the past so long as it was after the date of entry" (Sen. Rep. No. 1721, p. 3 and Conf. Rep. H. R. 2683, p. 9, 76th Cong. 3d Sess.), without his ever having advocated or subscribed to its supposed forbidden doctrine or understood it to hold such doctrine,[49] is ground for deportation.

Presumably, the power of Congress over deportation is exercised so as to eliminate undesirable aliens. But must not this power of Congress, like any other of its admitted powers, be exercised in a manner showing some reasonable and justifiable relation between the statute and the purpose for which the power exists?

The "reasonable relation doctrine" is firmly established in this Court. It has been applied to determining whether (1) a prima facie presumption declared by a statute is justifiable, and (2) whether the conduct proscribed by a statute bears a reasonable relation to the purpose for which the power to legislate exists. *Bailey* v. *Alabama*, 219 U. S. 219, 238, followed in *Taylor* v. *Georgia*, 315 U. S. 25, and *Pollock* v. *Williams*, 322 U. S. 4; *Tot* v. *United States*, 319 U. S. 463—involving presumptions created by statutes; and *Cummings* v. *State of Missouri*, 4 Wall. 277, 319-20; *Pierce* v. *Society of Sisters*, 268 U. S. 510, 534-35; and *Yu Cong Eng* v. *Trinidad*, 271 U. S. 500, 525—involving the application of the rule of reason to substantive statutory provisions.

Surely this elementary restraint applies as well to deportation statutes. Lest any irrelevant fact be selected as the statutory ground for deportation there must be a

[49] Two of the Government witnesses testified that they were members of the Communist Party for several years before unearthing its alleged basic purpose—the use of force and violence (R. 1523-30, 2228-32).

rational relation between the ground for deportation and the legislative judgment of undesirability.

The proper approach to the statute and its application, in light of its construction, is again found in the approach adopted by this Court in *DeJonge* v. *Oregon*, 299 U. S. 353. Chief Justice Hughes said (pp. 362-3):

> "The broad reach of the statute as thus applied [by the Supreme Court of Oregon] is plain. While defendant was a member of the Communist Party, that membership was not necessary to conviction on such a charge. A like fate might have attended any speaker, although not a member, who 'assisted in the conduct' of the meeting. However innocuous the object of the meeting, however lawful the subjects and tenor of the addresses, however reasonable and timely the discussion, all those assisting in the conduct of the meeting would be subject to imprisonment as felons if the meeting were held by the Communist Party. * * * Thus if the Communist Party had called a public meeting in Portland to discuss the tariff, or the foreign policy of the Government, or taxation, or relief, or candidacies for the offices of President, members of Congress, Governor, or state legislators, every speaker who assisted in the conduct of the meeting would be equally guilty with the defendant in this case, upon the charge as here defined and sustained. The list of illustrations might be indefinitely extended to every variety of meetings under the auspices of the Communist Party although held for the discussion of political issues or to adopt protests and pass resolutions of an entirely innocent and proper character."

Under the statutory application here if an alien became a member of the Communist Party without knowing of its alleged aims, never learned of them, and ceased to be a member many years ago, he would be deported. Again,

if an alien joined the Party ignorant of its alleged purposes but resigned upon learning of them, he also would be deported, although in the eyes of many he would have demonstrated by his conduct his adherence to our constitutional system. In fact, every alien against whom some testimony may be adduced that he was once a "fellow traveler" can be exiled. The statute does not require even membership, and "affiliation," as we have seen, may be a broad term.

See also Chafee, Free Speech in the United States (1941), page 445.

The District Court below concluded that while probably aliens were protected against arbitrary statutes,[50] the statute, as construed, was not unreasonable (49 F. Supp. at 300-301; R. 735-7). The Court supported this conclusion by three grounds: *First*, the Court said that even if the aliens, one time members, have discontinued their affiliation, "they, nevertheless, have manifested a spirit of disloyalty; they have shown a willingness to accept the hospitality and protection offered them by this country, while participating in activities designed * * * toward the eventual revolutionary and violent overthrow of the government whose protection they have enjoyed". But can one fairly charge an individual with "disloyalty" and abuse of "hospitality" in one breath and in another assert that it is immaterial if the alien knew or did not know of the doctrines for which he is condemned? *Second*,

[50] The District Court thought that *Tiaco* v. *Forbes*, 228 U. S. 549, may hold that the legislative branch of the Government may deport individuals by name, or proceed for any arbitrary reason. The Governor General of the Philippines, in the early history of the islands, had ordered the deportation of twelve men of the Chinese colony on the ground that they were dangerous, and his action was specifically ratified by the legislature. They then brought an action for damages against the Governor General. The point was not raised, as the brief shows, that the Governor General and the Philippine Legislature had proceeded against the individuals under a specific and not general act.

the Court found support in decisions sustaining laws which make certain actions criminal without knowledge. No sound analogy can be drawn to such criminal statutes. The ends they serve are different. One of the recognized purposes of criminal laws is to deter the commission of crimes by others, and the effectiveness of the deterrence does not depend upon the knowledge of the man convicted. The purpose of deportation statutes, however, is to eliminate dangerous individuals, and even if deterrence could be regarded also as a purpose, it would hardly be served by a retroactive law. And *third*, the Court urged that proof of knowledge is difficult. It is no more difficult than in scores of other situations in which the law requires it, and the same argument was made and rejected by this Court in *Tot* v. *United States*, 319 U. S. 463, 469, where the attempt was made to sustain a *prima facie* presumption which had been written into the statute. A plea of difficulty does not excuse failure to prove an essential element. See Mr. Justice Murphy *Baumgartner* v. *United States*, 322 U. S. 665, 679-80.

Of the cases above cited, to which this Court has applied the rule of reasonable relation, *Cummings* v. *Missouri*, 4 Wall. 277, is of particular value. After the Civil War, the border state of Missouri sought to punish individuals who had been affiliated with the Confederate cause, and it did so by providing that no one might serve as an attorney, an officer of a corporation, a teacher, or a priest or minister, without first taking oath that he had never aided in the rebellion against the United States. A priest was convicted for performing his duties without first taking the oath, and he challenged the constitutionality of the law. This Court held the bill bad, both because it was an *ex post facto* law and because there was no reasonable relation between the oath required and the purpose for which the legislature alone had any right to legislate. Mr. Justice Field declared (p. 320):

"It is manifest upon the simple statement of many of the acts and of the professions and pursuits; that there is no such relation between them as to render a denial of the commission of the acts at all appropriate as a condition of allowing the exercise of the professions and pursuits. The oath could not, therefore, have been required as a means of ascertaining whether parties were qualified or not for their respective callings or the trusts with which they were charged. It was required in order to reach the person, not the calling. It was exacted, not from any notion that the several acts designated indicated unfitness for the callings, but because it was thought that the several acts deserved punishment, and that for many of them there was no way to inflict punishment except by depriving the parties, who had committed them, of some of the rights and privileges of the citizen."

6

The conclusion on this head of our Brief is that the alien Bridges may not be deported for thought, speech or conduct secured by the Bill of Rights, that the grounds for deporting Bridges comprise thought, speech and conduct secured by the Bill of Rights and bear no reasonable relation to the purpose for which governmental power to deport exists.

Conclusion

The order denying Bridges' petition for habeas corpus should be reversed, his release granted, and the warrant for his deportation cancelled.

Respectfully submitted,

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Appendix A—The Statute

Act approved October 16, 1918 as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any alien who, at any time, shall be or shall have been a member of any one of the following classes shall be excluded from admission into the United States:

(a) Aliens who are anarchists;

(b) Aliens who advise, advocate, or teach, or who are members of or affiliated with any organization, association, society, or group, that advises, advocates, or teaches, opposition to all organized government;

(c) Aliens who believe in, advise, advocate, or teach, or who are members of or affiliated with any organization, association, society, or group, that believes in, advises, advocates, or teaches: (1) the overthrow by force or violence of the Government of the United States or of all forms of law, or (2) the duty, necessity or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals, or of officers generally) of the Government of the United States or of any other organized government, because of his or their official character, or (3) the unlawful damage, injury or destruction of property, or (4) sabotage;

(d) Aliens who write, publish, or cause to be written or published, or who knowingly circulate, distribute, print, or display, or knowingly cause to be circulated, distributed, printed, published, or displayed, or who knowingly have in their possession for the purpose of circulation, distribution, publication, or display, any written or printed matter, advising, advocating, or teaching, opposition to all organized government, or advising, advocating or teaching: (1) the overthrow by force or violence of the Government of the United States or of all forms of law, or (2)

the duty, necessity or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government, or (3) the unlawful damage, injury or destruction of property, or (4) sabotage;

(e) Aliens who are members of or affiliated with any organization, association, society, or group, that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display, any written or printed matter of the character described in subdivision (d).

For the purpose of this section: (1) the giving, loaning or promising of money or anything of value to be used for the advising, advocacy, or teaching of any doctrine above enumerated shall constitute the advising, advocacy, or teaching of such doctrine; and (2) the giving, loaning or promising of money or anything of value to any organization, association, society, or group, of the character above described shall constitute affiliation therewith; but nothing in this paragraph shall be taken as an exclusive definition of advising, advocacy, teaching, or affiliation (40 Stat. 1012; 41 Stat. 1008-9; 54 Stat. 673; 8 U. S. C. 137).

SEC. 2. Any alien who was at the time of entering the United States, or has been at any time thereafter, a member of any one of the classes of aliens enumerated in section 1 of this Act, shall, upon the warrant of the Attorney General, be taken into custody and deported in the manner provided in the Immigration Act of February 5, 1917. The provisions of this section shall be applicable to the classes of aliens mentioned in this Act, irrespective of the time of their entry into the United States. (40 Stat. 1012; 54 Stat. 673; 8 U. S. C. 137.)

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Appendix B—The Regulations

Code of Federal Regulations of the United States of America

Part 90—Departmental Organization and Authority

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§90.1 Commissioner of Immigration and Naturalization and other selected officials; powers.—Under the general direction of the Attorney General, the Commissioner of Immigration and Naturalization (hereinafter called the Commissoner) shall supervise and direct the administration of the Immigration and Naturalization Service and, subject to the limitations of other provisions of this Part, shall have authority to exercise all powers of the Attorney General relating to the administration of that Service and the administration of the immigration, nationality, and all other laws administered by that Service and shall designate such officers of the Service as he may select, with the approval of the Attorney General, to exercise any power or authority of the Attorney General in the administration of any designated specific provision of such laws. In any instance in which any officer so selected shall be in doubt as to the construction of applicable law or as to the proper principle covering the exercise of discretion, he shall refer the matter to the Commissioner, who shall, after receiving the advice of the General Counsel, either advise as to the appropriate decision, make decision in his own name, or refer the matter to the Attorney General for decision.*

* §§ 90.1 to 90.50, inclusive, issued under the authority contained in sec. 28, 34 Stat. 606, 45 Stat. 1515, 8 U. S. C. 356, sec. 23, 39 Stat. 892, 8 U. S. C. 102; sec. 24, 43 Stat. 166, 8 U. S. C. 222; sec. 1, Reorg. Plan No. V, 5 F. R. 2132, 2223; sec. 37(a), Pub. No. 670, 76th Cong., 3d sess.; sec. 161, 360 R. S., 5 U. S. C. 22, 311.

90.2 Board of Immigration Appeals. The Board of Review of the Immigration and Naturalization Service is transferred to the Office of the Attorney General. The Board shall hereafter be known as the Board of Immigration Appeals. In the exercise of the powers conferred upon it the Board of Immigration Appeals shall be responsible solely to the Attorney General. There shall be attached to the Board of Immigration Appeals in the Office of the Attorney General a Chief Examiner and such number of examiners as the Attorney General, upon the recommendation of the Board, shall from time to time direct. In the absence of a member of the Board, the Chief Examiner shall have authority to act as member. The Board shall have authority to promulgate, with the approval of the Attorney General, rules of practice governing the proceedings before it, including rules as to the admission and conduct of attorneys practicing before it. The Board shall have authority, with the approval of the Attorney General, to disbar any attorney or other person from appearing in a representative capacity before the Board or before any officers of the Immigration and Naturalization Service.*

90.3 Board of Immigration Appeals; powers. (a) Subject to the provisions of § 90.12 of this Part, the Board of Immigration Appeals in behalf of the Attorney General shall have authority:

(1) To issue orders of deportation after proceedings in accordance with law and regulations; to order the cancellation of warrants of arrest issued in such proceedings; and in connection therewith to exercise such of the discretion conferred upon the Attorney General by law as is appropriate to the disposition of deportation proceedings.

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* For statutory citation, see note to § 90.1.

(2) To consider and determine appeals from decisions of boards of special inquiry in exclusion or preexamination cases, and to exercise such of the discretion conferred upon the Attorney General by law as is appropriate to the disposition of such appeals.

(3) To consider and determine all cases of fines and penalties against steamship companies or other carriers for violations of the immigration laws, to recommend to the Assistant Attorney General in charge of the Criminal Division the prosecution of violators of section 10 of the Immigration Act of 1917, and to exercise such of the discretion conferred upon the Attorney General by law as is appropriate to the disposition of such cases.

(4) To consider and determine all advance applications for the admission of aliens under the Seventh and Ninth Provisos to section 3 of the Immigration Act of 1917.

(b) In any of the cases enumerated in this section in which no exception has been filed to the proposed action of the Service a single member of the Board of Immigration Appeals shall have authority, subject to the provisions of § 90.12 of this Part, to act for the Board in reviewing and signing the Board's decision. In all other cases decisions shall be by a majority of the Board; and the decision of the Board shall be evidenced by the signature of its chairman. Whenever any member of the Board shall disagree with the majority, he shall record his dissent, together with his reasons therefor.*

* * * * * * *

90.5 Board of Immigration Appeals; oral argument in deportation cases. Oral argument shall be heard, upon request, by the Board of Immigration Appeals in any deportation case in which exceptions have been taken by or in

* For statutory citation, see note to § 90.1.

behalf of the alien to the proposed findings of fact, conclusions of law and order of the presiding inspector. At the time of filing such exceptions, an alien or his counsel or representative shall state whether or not an opportunity for oral argument is desired and shall specify a date for such argument. The time for oral argument shall be fixed not less than 3 days nor more than 18 days after the date on which the exceptions are filed, except in cases where the alien is detained at the expense of the Government in which cases oral argument shall be set not more than 5 days from the date of the filing of exceptions. The Board of Immigration Appeals may in its discretion, upon good cause shown in an application by the alien or his counsel or representative, grant permission to file exceptions and requests for oral argument after the time fixed by the officer in charge for such filing has expired. The Board shall have authority, upon its own motion or upon request, to fix or to change the date upon which oral argument is to be heard.*

* * * * * * * *

90.11 Board of Immigration Appeals; service of proposed findings, conclusions of law and order. Whenever, in any deportation case in which no exceptions have been taken to the proposed findings, conclusions of law and order of the presiding inspector, the Board of Immigration Appeals after consideration of the record believes that an order less favorable to the alien than that proposed by the presiding inspector should be entered, it shall prepare its own proposed findings of fact, conclusions of law, and order and shall forward them to the district director of the district in which the case arose for service upon the alien or his counsel or representative. The alien

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* For statutory citation, see note to § 90.1.

or his counsel or representative shall be given opportunity, within a time fixed by the Board of Immigration Appeals, to file exceptions to the proposed findings, conclusions, and order of the Board. If exceptions are filed, further procedure in the case shall be in accordance with the provisions of § 90.5 hereof. If no exceptions are filed within the time prescribed, the proposed findings, conclusions, and order of the Board of Immigration Appeals shall, subject to the provisions of § 90.12 hereof, be made final.*

90.12 Board of Immigration Appeals; reference of cases to the Attorney General. In any case in which a dissent has been recorded; in any case in which the Board shall certify that a question of difficulty is involved; in any case in which the Board orders the suspension of deportation pursuant to the provisions of section 19 (c) of the Immigration Act of 1917, as amended, or in any case in which the Attorney General so directs, the Board of Immigration Appeals shall refer the case to the Attorney General for review of the Board's decision. In any case in which the Attorney General shall reverse the decision of the Board, or in any case in which suspension of deportation is ordered pursuant to the provisions of section 19 (c) of the Immigration Act of 1917, as amended, the Attorney General will state in writing his conclusions and the reasons for his decision.*

* For statutory citation, see note to § 90.1.

Part 150—Arrest and Deportation

* * * * * * * *

§ 150.1 **(a) Investigation of aliens reported, or believed, to be subject to deportation.** The case of every alien reported, or believed, to be subject to arrest and deportation, shall be thoroughly investigated by such officer as may be designated for that purpose.

(b) Investigations; purpose. The purpose of the investigation shall be to discover whether or not a prima facie case for deportation exists; that is, whether there is credible evidence reasonably establishing (1) that the person investigated is an alien, and (2) that he is subject to deportation.

(c) Investigations; interrogation of aliens under investigation. All statements secured from the alien or any other person during the investigation, which are to be used as evidence, shall be taken down in writing; and the investigating officer shall ask the person interrogated to sign the statement. Whenever such a recorded statement is to be obtained from any person, the investigating officer shall identify himself to such person and the interrogation of that person shall be under oath or affirmation. Whenever a recorded statement is to be obtained from a person under investigation, he shall be warned that any statement made by him may be used as evidence in any subsequent proceeding.

(d) Investigations; refusal to make recorded statement under oath or affirmation. Whenever, in the course of an investigation, admissions or statements are obtained from an alien or statements are made by any other person which indicate that the alien may be subject to arrest and deportation, but the alien or other person refuses to make

a recorded statement under oath or affirmation or refuses or is unable to sign the recorded statement, by name or by mark, the investigating officer shall make a report in writing to the officer in charge, setting forth the facts admitted or stated as to the alien's status under the immigration laws. This report may be used in support of an application for a warrant of arrest, when the investigating officer certifies that no other evidence to establish the facts stated in the report can be readily obtained. Statements obtained in confidence may be included in such report, without disclosure of their source, only if the officer in charge certifies that in his belief such statements are trustworthy.

(e) Investigations; anonymous information. Information received from a person whose name or address is not disclosed to the investigating officer or is known or appears to be fictitious shall not be used to support an application for a warrant of arrest. Such information shall be used only as a guide to obtaining competent evidence to support the facts alleged.

(f) Investigations; extent of interrogation. Where an alien under investigation, after reasonable questioning, makes no admissions which bring him within a deportable class, interrogation shall cease, and the investigating officer, if he still believes that the alien is subject to deportation, shall attempt to secure from other sources the necessary evidence.*

* * * * * * * *

150.6 (a) Hearing; when to be accorded under warrant. After the alien has been taken into custody under a war-

*§§ 150.1 to 150.14, inclusive, issued under the authority contained in sec. 23, 39 Stat. 892, 8 U. S. C. 102; sec. 24, 43 Stat. 166, 8 U. S. C. 222; sec. 1, Reorg. Plan No. V, 5 F. R. 2223; sec. 37 (a), 54 Stat. 675, 8 U. S. C. 458; 8 CFR 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

rant of arrest and has been given a reasonable time to arrange for his defense, including, if desired, representation by counsel, and after the formal warrant of arrest has been received, if arrest was accomplished under a telegraphic warrant, the alien shall be granted a hearing to determine whether he is subject to deportation on the charges stated in the warrant of arrest. A hearing under a telegraphic warrant of arrest, and prior to the receipt of the formal warrant of arrest, shall be held only on the request of the alien or his counsel, or when, in the discretion of the officer in charge, it is deemed impracticable to await the receipt of the formal warrant. The alien shall be informed of his right to request a hearing upon a telegraphic warrant prior to the receipt of the formal warrant.

(b) Hearing; presiding inspector to be other than investigating officer. The immigrant inspector assigned to conduct a hearing under a warrant of arrest shall be referred to as the "presiding inspector." The immigrant inspector who conducted the investigation in the case shall not act as presiding inspector unless the alien consents thereto. The presiding inspector shall rule upon all objections to the introduction of evidence or motions made during the course of the hearing. In cases to which no examining inspector has been assigned pursuant to the provisions of paragraph (n) of this section, the presiding inspector shall conduct the interrogation of the alien and the witnesses in behalf of the Government and shall cross-examine the alien's witnesses and present such evidence as is necessary to support the charges in the warrant of arrest. The presiding inspector shall see that all documentary or written evidence is properly identified and introduced into the record as exhibits by number, unless read into the record. He shall further make sure that, subject to the provisions of paragraphs (d), (e), and (g) of this section, the record is a verbatim report of everything that is stated

during the course of the hearing, including the oaths administered, the warnings given to the alien or the witnesses, and the rulings on objections, except statements made off the record with the consent of the alien or his counsel.

(c) Hearing; procedure; notice of charges. At the beginning of a hearing under a warrant of arrest, the presiding inspector shall (1) permit the alien to inspect the warrant of arrest and inform him of the charges contained therein by repeating them verbatim and explaining them in language which will clearly convey to the alien the nature of the charges he must answer; (2) apprise the alien, if not represented by counsel, that he may be so represented if he desires and require him to state then and there for the record whether he desires counsel; (3) place the alien under oath or affirmation; (4) advise the alien of the penalty for perjury; and (5) enter of record as an exhibit, identified by number, the formal warrant of arrest, or a decoded copy of the telegraphic warrant if hearing is held thereunder. The presiding inspector shall further advise the alien of the provisions of paragraph (g) of this section concerning applications for the privilege of departure in lieu of deportation or for suspension of deportation under the provisions of section 19 (c) of the Immigration Act of 1917, as amended, in all cases except those in which the alien is charged with being subject to deportation upon one of the grounds mentioned in section 19 (d) of the said Act. A continuance of the hearing for the purpose of obtaining counsel shall not be granted more than once, unless sufficient cause for the granting of more time is shown.

(d) Hearing; representation by counsel. If counsel be selected, he shall be permitted to be present during the hearing, to offer evidence to meet any evidence presented or adduced by the Government, and to cross-examine wit-

nesses called by the Government. Counsel shall be permitted to state his objections succinctly, and they shall be entered on the record. Argument of counsel in support of his objections shall be excluded from the record. Counsel, however, may submit such argument in the form of a brief to accompany the record.

(e) Hearing; where representation by counsel waived. If representation by counsel be waived the alien shall be permitted to offer evidence to meet any evidence presented or adduced by the Government, to cross-examine witnesses called by the Government, and to make objections, which shall be entered on the record, but his arguments in support of the objections may, in the discretion of the presiding inspector be excluded from the record, in which event, however, the alien shall be permitted to submit such arguments in writing to accompany the record.

(f) Hearing; interpreters. Where the services of an interpreter are found necessary in the conduct of a hearing, the interpreter, if not an employee of the Service, shall be sworn to interpret and translate accurately.

(g) Hearing; application for departure in lieu of deportation or for suspension of deportation. At any time during the hearing the alien may give notice that he wishes to apply for the privilege of departing from the United States to any country of his choice at his own expense in lieu of deportation or for suspension of deportation under the provisions of section 19 (c) of the Immigration Act of 1917, as amended. Such application may be made in the alternative for either type of relief, and a request for the privilege of preexamination may be made in conjunction with a request for the privilege of departure in lieu of deportation. The alien's application shall be made in writing under oath or affirmation on Form I-255 accompanied by General Information Form I-55, duly verified, which

shall be filed in duplicate with the presiding inspector. The original copy of such application and General Information Form, when received, shall be attached to and made a part of the record. The alien shall be warned that any statements made by him in such application or General Information Form may be used as evidence in any proceeding to determine his right to enter, reenter, pass through or reside in the United States and that false answers to any of the questions in such application or General Information Form may bar him from the relief which he requests. The presiding inspector may in his discretion assist the alien in filling out the General Information Form by explaining the questions to him, or he may ask the alien each question directly and record his answer upon the form, or he may require the alien to fill out the form and submit it to him within a reasonable period of time after the conclusion of the hearing. Explanations during the hearing or the reading of questions from the General Information Form need not be made a part of the record of the hearing.

(h) Hearing; order in which evidence shall be presented. The presiding inspector or examining inspector when interrogating the alien at the hearing, shall develop in order (1) the facts concerning his alienage and (2) the evidence relating to the charges in the warrant of arrest or to any additional charges applicable. If the alien has applied or given notice of intention to apply for the privilege of departure in lieu of deportation or for suspension of deportation as provided in §§ 150.6 (g), 150.8 (b), or 150.10 of this Part, the presiding inspector shall inquire thoroughly into all questions relating to the alien's eligibility to the relief requested insofar as such inquiry is necessary to supplement the General Information Form.

(i) Hearing; use of statements or admissions made during investigation. A recorded statement made by the alien

(other than a General Information Form) or by any other person during an investigation may be received in evidence only if the maker of such statement is unavailable or refuses to testify at the warrant hearing or gives testimony contradicting the statements made during the investigation. An affidavit of an inspector as to the statements made by the alien or any other person during an investigation may be received in evidence, otherwise than in support of the testimony of the inspector, only if the maker of such statement is unavailable or refuses to testify at the warrant hearing or gives testimony contradicting the statement and the inspector is unavailable to testify in person.

(j) Hearing; record to contain personal history. All records of hearings shall fully set forth, either in the General Information Form if filed or otherwise, the name or names of the alien (correctly spelled); place of the alien's birth; the name of the nearest town of importance to such place of birth; the province and country in which such place is located; the alien's religion; the names and locations of churches or schools he has attended; the last address of the alien in his native country, in the country of which he is a citizen, or subject, and in the country in which he has last resided; the country in which he embarked for the United States or for foreign contiguous territory; correct names and addresses and the citizenship or nationality of the alien's nearest relatives residing in the country of his birth, and correct names and addresses of all near relatives residing in the United States.

(k) Hearing; physical or mental disability cases; record to contain medical certificate. The record of the hearing accorded an alien who is suffering from any mental or serious physical disability shall be supplemented by a medical certificate showing (a) whether such alien is in condition to be deported without danger to life or health,

and (b) whether he will require special care and attention in case of deportation overseas.

(l) Hearing; additional charges. If, during the hearing, it shall appear to the presiding inspector that there exists a reason additional to those stated in the warrant of arrest why the alien is subject to deportation, he shall notify the alien that such additional charge is lodged against him, and shall proceed with the hearing upon such charge in like manner as on charges contained in a warrant of arrest.

(m) Hearing; alien to be warned of disabilities respecting reentry to the United States. Before the hearing is concluded, the alien shall be warned by the presiding inspector that the Act of March 4, 1929, as amended, provides that any alien who, after arrest and deportation or departure from the United States in pursuance of an order of deportation, enters or attempts to enter the United States, shall be guilty of a felony, and upon conviction shall be liable to imprisonment for not more than two years or a fine of not more than $1,000, or both such fine and imprisonment, unless such entry or attempted entry is made after one year from the date of such departure or deportation, and the alien, prior to his reembarkation at a place outside of the United States or prior to his application in foreign contiguous territory for admission to the United States, has been granted by the Attorney General permission to reapply for admission to the United States.

(n) Hearing; assignment of examining inspector in addition to presiding inspector; duties of inspectors. The officer in charge of the district in which the hearing is to be held may, in his discretion, assign a second immigrant inspector to act at the hearing as the "examining in-

spector". The examining inspector shall conduct the actual interrogation of the alien and of the witnesses in behalf of the Government and the examination or cross-examination of the alien's witnesses, present such evidence as is necessary to support the charges in the warrant of arrest, lodge such additional charges as he may find applicable in the manner hereinbefore directed, and, if the alien has applied for the privilege of departure in lieu of deportation or for suspension of deportation as provided in §§ 150.6 (g), 150.8 (b), or 150.10 of this Part, inquire thoroughly into the alien's eligibility for such relief.* The presiding inspector in such cases, shall exercise all functions not herein assigned to the examining inspector, and he may, in addition, take such part in the interrogation of the alien and witnesses as he may deem necessary to assure that a proper hearing is accorded to the alien.* (Sec. 19, 39 Stat. 889, 54 Stat. 671; 8 U. S. C. 155; Sec. 1, 45 Stat. 1551, 46 Stat. 41, 47 Stat. 166; 8 U. S. C. 180, 181.)

150.7 (a) Proposed findings, conclusions and order; preparation by presiding inspector. As soon as practicable after the hearing has been concluded, the presiding inspector shall prepare a memorandum setting forth a summary of the evidence adduced at the hearing, his proposed findings of fact and conclusions of law, and a proposed order.

(b) Proposed findings, conclusions and order; eligibility for departure in lieu of deportation or for suspension of deportation. If the alien has applied for the privilege of departure in lieu of deportation or for suspension of deportation as provided in §§ 150.6 (g), 150.8 (b) or 150.10 of this Part, the presiding inspector shall follow his con-

* For statutory citation, see note to § 150.1.

clusions of law as to the alien's deportability with a discussion of the evidence relating to the alien's eligibility for such relief and of his reasons for his proposed order. He shall then state in numbered paragraphs his proposed findings of fact and his proposed conclusions of law as to the alien's eligibility for the relief requested.

(c) Proposed findings, conclusions and order; proposed order. In the proposed order the presiding inspector shall recommend cancellation of the proceedings, deportation, departure under order of deportation, departure in lieu of deportation, or suspension of deportation in accordance with the judgment he has made on the basis of the evidence adduced at the hearing.

(d) Proposed findings, conclusions and order; service of findings of presiding officer. A copy of the presiding inspector's memorandum containing his discussion of the evidence, proposed findings of fact, proposed conclusions of law and proposed order shall be furnished to the alien or his counsel in all instances by personal service, if practicable, otherwise by registered mail, and a return receipt therefor shall be obtained. A copy also shall be furnished to the examining inspector, if an examining inspector has been assigned to the case.

(e) Proposed findings, conclusions and order; filing of exceptions. The alien or his counsel or representatives shall be allowed by the officer in charge a reasonable time (not to exceed 10 days except on showing of good cause that more time is necessary) in which to file exceptions to the proposed findings, conclusions, and order of the presiding inspector and to submit a brief, if desired. Reasonable extensions of time for the filing of exceptions or brief may be granted in the discretion of the officer in charge. The examining inspector shall promptly file exceptions to

the proposed findings, conclusions and order of the presiding inspector, or state in writing that he waives the filing of exceptions.*

For the duration of the War which the United States declared existed against Japan on December 8, 1941, and against Germany and Italy on December 11, 1941, alien seamen who entered the United States on or after September 1, 1939, or who shall hereafter enter the United States and against whom deportation proceedings have been or may be instituted shall be allowed a period of 3 days in which to file exceptions or waive the filing of exceptions to the proposed findings, conclusions, and order of the Presiding Inspector and to submit a brief, if desired, in lieu of the time specified in § 150.7 (e) of this title. If oral argument before the Board of Immigration Appeals is requested in behalf of such alien seamen, the time for such argument shall be fixed not more than 3 days from the day notice was given to the alien of the proposed findings, conclusions, and order of the Presiding Inspector in lieu of the time specified in § 90.5 of this title.

150.8 (a) Reopening the hearing. At any time prior to the forwarding of the record of hearing to the Central Office, the officer in charge of the district may direct that a case be reopened for proper cause; and at any time prior to submission of the record to the Board of Immigration Appeals, the Central Office may direct a reopening thereof for proper cause. After the record has been submitted to the Board of Immigration Appeals, the case may only be reopened upon direction of the Board of Immigration Appeals. Requests by aliens, or their representatives, for a reopening of a hearing must be in writing and set forth the grounds for the application. If a request for a reopen-

* For statutory citation, see note to § 150.1.

ing made prior to the submission of the record to the Board of Immigration Appeals is denied by the Central Office or the officer in charge of the district of origin, a report setting forth the reasons for the denial shall be furnished the Board of Immigration Appeals with the record.

(b) Reopening the hearing; applications for departure in lieu of deportation or for suspension of deportation. After the close of a hearing and prior to the submission of the record to the Board of Immigration Appeals, an application by the alien for the privilege of departure in lieu of deportation or for suspension of deportation under the provisions of Section 19 (c) of the Immigration Act of 1917, as amended, may only be made in conjunction with a request, pursuant to paragraph (a) of this section, that the hearing be reopened. After the submission of the record to the Board of Immigration Appeals, such an application may only be made in conjunction with a motion to reopen the hearing, made pursuant to section 90.9 of this title.* (Sec. 19, 39 Stat. 889, 54 Stat. 671; 8 U. S. C. 155.)

*For statutory citation, see note to § 150.1.

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In the Supreme Court of the United States

OCTOBER TERM, 1944

No. 788

HARRY BRIDGES, PETITIONER

v.

I. F. WIXON, AS DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT

MEMORANDUM FOR THE RESPONDENT

OPINIONS BELOW

The opinion in the circuit court of appeals of Circuit Judge Wilbur (R. 7770–7793), the concurring opinion of Circuit Judge Stephens (R. 7793–7794), and the dissenting opinion of Circuit Judge Healy (R. 7794–7809) are reported at 144 F. (2d) 927.[1] The opinion of Judge Stephens

[1] The appeal was heard before a bench of five circuit judges (R. 7770). Judge Mathews agreed with Judges Wilbur and Stephens (R. 7794); Judge Garrecht agreed with the dissent (R. 7809).

(R. 7811–7812) rendered in connection with the denial of a petition for rehearing is reported at 144 F. (2d) 944.[2] The opinion and order of the district court (R. 723–759) are reported at 49 F. Supp. 292.

JURISDICTION

The judgment of the circuit court of appeals was entered June 26, 1944 (R. 7810). A petition for rehearing was denied September 27, 1944 (R. 7811). The petition for a writ of certiorari was filed December 27, 1944. The jurisdiction of this Court is invoked under Section 240 (a) of the Judicial Code, as amended by the Act of February 13, 1925.

QUESTIONS PRESENTED

1. Whether, by the tests applicable in a habeas corpus proceeding instituted to secure collateral review of a deportation order, the evidence adequately sustained the Attorney General's findings that petitioner, after entering the United States, was a member of the Communist Party and affiliated with that Party and with the Marine Workers Industrial Union.

2. Whether petitioner was denied due process by reason of alleged abuses committed in the institution and conduct of the deportation proceeding.

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[2] Judge Stephens, on November 1, 1944, filed an amendment to his opinion (R. 7815).

3. Whether the deportation statute as construed and applied to petitioner denies him freedom of speech and association in violation of his constitutional rights.

STATUTES INVOLVED

Sections 1 and 2 of the Act of October 16, 1918 (c. 186, 40 Stat. 1012), as amended by the Act of June 5, 1920 (c. 251, 41 Stat. 1008–1009) and the Act of June 28, 1940 (c. 439, Title II, sec. 23, 54 Stat. 673, 8 U. S. C. 137), provide, in pertinent part, as follows:

> That any alien who, at any time, shall be or shall have been a member of any one of the following classes shall be excluded from admission into the United States:
>
> * * * * *
>
> (c) Aliens * * * who are members of or affiliated with any organization, association, society, or group, that believes in, advises, advocates, or teaches: (1) the overthrow by force or violence of the Government of the United States * * *.
>
> * * * * *
>
> (e) Aliens who are members of or affiliated with any organization, association, society, or group, that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, is-

sue, or display, any written or printed matter of the character described in subdivision (d) [advising, advocating or teaching the overthrow by force or violence of the Government of the United States].

For the purpose of this section: (1) the giving, loaning or promising of money or any thing of value to be used for the advising, advocacy, or teaching of any doctrine above enumerated shall constitute the advising, advocacy, or teaching of such doctrine; and (2) the giving, loaning or promising of money or any thing of value to any organization, association, society, or group, of the character above described shall constitute affiliation therewith; but nothing in this paragraph shall be taken as an exclusive definition of advising, advocacy, teaching, or affiliation.

SEC. 2. Any alien who was at the time of entering the United States, or has been at any time thereafter, a member of any one of the classes of aliens enumerated in section 1 of this Act, shall, upon the warrant of the Attorney General,[3] be taken into custody and deported in the manner provided in the Immigration Act of February 5, 1917.[4] The provisions of this sec-

[3] By Reorganization Plan No. V, effective June 14, 1940 (54 Stat. 230, 1238, 5 U. S. C., fol. 133t; 5 U. S. C. 133v), the administration of the immigration and naturalization laws was transferred from the Secretary of Labor to the Attorney General.

[4] The Act of February 5, 1917 (c. 29, 39 Stat. 874–898, 8 U. S. C. 101, et seq.).

> tion shall be applicable to the classes of aliens mentioned in this Act, irrespective of the time of their entry into the United States.

Section 19 of the Act of February 5, 1917 (c. 29, 39 Stat. 889, 8 U. S. C. 155) provides, in pertinent part, as follows:

> In every case where any person is ordered deported from the United States under the provisions of this Act, or of any law or treaty, the decision of the Secretary of Labor shall be final.[5]

STATEMENT

Petitioner is an alien,[6] a native and citizen of Australia (R. 778–780, 7736–7737), who entered the United States in April 1920 (R. 791, 7735). He has been in the United States continuously since that time, apart from several voyages as a seaman on American vessels, the last of which occurred in 1922 (R. 791–792). In March 1938, deportation proceedings were instituted against petitioner under Section 2 of the Act of October 16, 1918, as amended by the Act of June 5, 1920

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[5] Since June 14, 1940, the immigration laws have been administered by the Attorney General. See footnote 3 (p. 4, *supra*).

[6] Petitioner has filed three declarations of intention to become a citizen (Gov. Exs. 277, R. 6070–6074; 279, R. 6089; 296, R. 7735). He allowed the first two to lapse (R. 508), and the last, which was filed on March 28, 1939, apparently is still pending.

(40 Stat. 1012, 41 Stat. 1008–1009)[7] on the ground that after his entry into the United States he had become a member of and affiliated with an organization that advised, advocated and taught the overthrow by force and violence of the Government of the United States and that caused to be written, circulated, distributed, printed, published, and displayed printed matter advising, advocating and teaching the overthrow by force and violence of the Government of the United States (R. 73–74, 503). James M. Landis, Dean of the Harvard Law School, was appointed trial examiner for the purpose of hearing the case, and hearings were

[7] Prior to its amendment by Title II, Section 23, of the Act of June 28, 1940 (c. 439, 54 Stat. 673, pp. 4–5, *supra*), Section 2 of the 1918 Act (40 Stat. 1012) read as follows:

"That any alien who, at any time after entering the United States, is found to have been at the time of entry, or to have become thereafter, a member of any one of the classes of aliens enumerated in section one of this Act, shall, upon the warrant of the Secretary of Labor, be taken into custody and deported in the manner provided in the Immigration Act of February fifth, nineteen hundred and seventeen. The provisions of this section shall be applicable to the classes of aliens mentioned in this Act irrespective of the time of their entry into the United States."

The 1940 Amendment changed only the first paragraph of Section 1 of the 1918 Act, as amended by the Act of June 5, 1920 (c. 251, 41 Stat. 1008–1009). Prior to its amendment, the first paragraph read as follows: "That the following aliens shall be excluded from admission into the United States." This was amended by the 1940 Act to read: "That any alien who, at any time, shall be or shall have been a member of any one of the following classes shall be excluded from admission into the United States:"

held from July 10 to September 14, 1939 (R. 74, 504).

On June 12, 1939, following the decision of this Court in *Kessler* v. *Strecker*, 307 U. S. 22,[8] the warrant upon which the proceedings had been instituted was amended to charge that petitioner both had been and then was a member of or affiliated with the organization described in the warrant (R. 503). At the hearings before Dean Landis, the Government claimed that petitioner was a member of or affiliated with the Communist Party of the United States, and that the party was an organization of the character described in the 1918 Act (R. 503–504, 508). Petitioner denied that he was a member of the Communist Party or had ever been a member (R. 509), and in December 1939 Dean Landis concluded that the evidence established neither that petitioner "is a member of nor affiliated with the Communist Party of the United States of America" (R. 636). Accord-

[8] In the *Strecker* case, which was decided April 17, 1939, the question was whether former membership in an organization described in the 1918 Act, which had ceased, was a ground of deportation. The Court held that it was not, stating (307 U. S. at 30) "* * * we conclude that it is the *present membership*, or *present affiliation*—a fact to be determined on evidence—which bars admission, bars naturalization, and requires deportation." (Italics as in original.) Dean Landis stated (R. 508, fn. 17) that the decision "left uncertain the particular time as of which the facts of membership, etc., have to be proved, though the inference derivable from the opinion is that the significant time is that of the issuance of the warrant of arrest."

ingly, he did not pass upon the question of whether that party was an organization within the Act (R. 497). In January 1940, the Secretary of Labor sustained Dean Landis and dismissed the proceedings against petitioner (R. 75, 139).

On June 28, 1940, Congress amended the deportation statute in question so as to provide for deportation of an alien who was "at the time of entering the United States, or has been at any time thereafter" a member of the classes of aliens specified (Act of June 28, 1940, c. 439, Title II, sec. 23, 54 Stat. 673; see pp. 3–5, *supra*). The sponsors of the amendment stated that it was designed to obviate the construction placed upon the statute by the *Strecker* case that only present membership or affiliation required deportation (86 C. R. 8343, 9031–9032). The Attorney General then directed the Federal Bureau of Investigation to determine whether under the statute, as amended, grounds existed for reopening the deportation proceedings against petitioner, and as a result of this investigation a second deportation proceeding was instituted against petitioner on February 14, 1941 (R. 76).[9] The warrant of arrest charged that petitioner was deportable under the provisions of the Act of October 16, 1918, as amended by the Acts of June 5, 1920, and June 28, 1940 (pp. 3–5, *supra*) in that, after entering the United States, he had been a member of or affiliated with

[9] Petitioner was released under bond of $3,000 (R. 76).

an organization (1) that believes in, advises, advocates or teaches the overthrow by force or violence of the Government of the United States; and (2) that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or (3) that has in its possession for the purpose of circulation, distribution, publication, issue or display, written or printed matter advising, advocating or teaching the overthrow by force or by violence of the Government of the United States (Gov. Ex. 1; R. 771–773; 142–143).

Charles B. Sears, a retired judge of the New York Court of Appeals, was appointed an inspector in the Immigration and Naturalization Service of the Department of Justice to preside over the hearings, take testimony, and make appropriate recommendations (R. 76, 141).[10] At

[10] The Regulations of the Immigration and Naturalization Service provide in respect of deportation proceedings that the alien shall be accorded a hearing before an immigrant inspector to determine whether he is subject to deportation on the charges stated in the warrant of arrest, at which hearing the alien is entitled to representation by counsel and to offer evidence in his behalf. As soon as practicable after the hearing has been concluded, the inspector is required to prepare a memorandum setting forth a summary of the evidence adduced at the hearing, his proposed findings of fact and conclusions of law, and a proposed order, which are to be furnished to the alien or his counsel, who may file exception thereto and submit a brief (8 C. F. R. 150.6, 1941 Supp.). Thereafter, the case is heard by the Board of Immigration Appeals, a body in the office of the Attorney General authorized in his behalf to perform his functions in relation to

the hearings before Judge Sears, petitioner's membership in or affiliation with the Communist Party and subsidiaries or allies of the party, notably the Marine Workers Industrial Union, and his membership in the Industrial Workers of the World constituted the conduct claimed by the Government as grounds for petitioner's deportation (R. 144, 147, 799, 807–808).[11] Judge Sears held hearings in San Francisco from March 31 to June 12, 1941, at which the petitioner was represented by counsel and the public and press were admitted (R. 76, 143–145). The evidence covered 44 volumes of 7546 typewritten pages; and, in addition, the Government introduced 297 exhibits, and the petitioner 62 (R. 76, 143–144).

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deportation, but responsible solely to the Attorney General (8 C. F. R., 1940 Supp., 90.2–90.3). If exceptions have been filed, oral argument before the Board is permitted (ibid., 90.5). Where a member of the Board dissents, where the Board certifies that a question of difficulty is involved, or in any case in which the Attorney General directs, the Board must refer the case to the Attorney General for review, and, if the Attorney General reverses the decision of the Board, the Attorney General must state in writing his conclusions and the reasons for his decision (ibid., 90.12).

[11] During the hearings before Judge Sears, the warrant of arrest was amended to include the charge that petitioner was deportable because of his membership in the I. W. W., an organization claimed by the Government to fall within the provisions of subsection (c) of Section 1 of the 1918 Act, as amended, *supra*, p. 3, relating to organizations advising, advocating, or teaching "(3) the unlawful damage, injury or destruction of property, or (4) sabotage" (R. 144).

On September 26, 1941, Judge Sears transmitted to the Attorney General a Memorandum of Decision, analyzing the evidence which had been adduced, and containing proposed findings of fact, conclusions of law and order (R. 76–77, 134–347). Judge Sears found that the Communist Party of the United States of America was "from the time of its inception in 1919 to the present time * * * an organization that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States;" that it was an organization that "writes, circulates, distributes, prints, publishes, and displays printed matter advising, advocating, or teaching" such overthrow; that it was an organization "that causes to be written, circulated, distributed, printed, published, and displayed printed matter advising, advocating, and teaching" such overthrow; that it was an organization that "has in its possession for the purpose of circulation, distribution, publication, issue and display, printed matter advising, advocating, and teaching" such overthrow; that the Marine Workers Industrial Union "was a part of the Communist Party, dominated and controlled by it" and advocated a similar overthrow of the Government of the United States; and that after entering the United States, petitioner had been a member of the Communist Party and had been affiliated with both the Communist Par-

ty and the Marine Workers Industrial Union (R. 337–338).[12] Accordingly, Judge Sears concluded that petitioner was subject to deportation under the statute involved (R. 338–339) and submitted a proposed order for petitioner's deportation to Australia (R. 340–341). Petitioner filed exceptions to the proposed findings (R. 348–365), and, briefs having been filed, the case was heard on oral argument before the Board of Immigration Appeals (see fn. 10, pp. 9–10, *supra*) on November 24, 1941 (R. 369). On January 3, 1942, the Board rendered an opinion rejecting Judge Sears' proposed findings on the issues of petitioner's membership in or affiliation with the Communist Party and the Marine Workers Industrial Union (R. 367–489), and affirmatively found that petitioner had not been a member of or affiliated with those organizations at any time after he entered the United States (R. 490).

In view of its findings on the issues of membership and affiliation, the Board stated that it was unnecessary to pass upon the issues of whether those organizations were of the nature described in the deportation statute (R. 370–371).

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[12] While Judge Sears in the course of his memorandum stated that petitioner had been a member of the I. W. W. (cf. fn. 11, p. 10, *supra*), for a period of six or seven months beginning June or July 1921 (R. 330), he found, however, that the I. W. W. during that period was not an organization that advocated the illegal destruction or injury of property or circulated documents so advocating (R. 334).

Accordingly, the Board entered an order cancelling the warrant of arrest and closing the proceedings, but stayed execution of the order "pending further order of the Attorney General" (R. 492). The Attorney General reviewed the decision of the Board, and on May 28, 1942, rendered an opinion and decision, in which he made findings in accordance with those proposed by Judge Sears and ordered petitioner's deportation (R. 73–106). Pursuant to the order of the Attorney General, a warrant of deportation was issued May 29, 1942 (R. 62–64), and petitioner surrendered himself to the custody of the respondent on June 2, 1942 (R. 27). On June 4, 1942, the Attorney General denied a petition seeking an opportunity to present argument and briefs to him for the purpose of reconsidering and reversing this decision (R. 678–687).

Petitioner filed a petition for a writ of habeas corpus in the District Court for the Northern District of California on June 2, 1942 (R. 2–17), and an amended petition on July 6, 1942 (R. 21–62). He attacked the legality of his detention on numerous constitutional grounds, claiming that he had not been accorded due process of law in that the deportation order was not supported by substantial evidence (R. 8–10, 53–58) and he had not been given a fair hearing (R. 43–53); that he had been subjected to double jeopardy (R. 11, 39–41); that the 1940 amend-

ment to the deportation statute constituted as to him an *ex post facto* law (R. 11, 41); that he had been denied the equal protection of the laws in that he had been singled out and subjected to discriminatory treatment (R. 12, 28–36); and that the 1940 amendment, providing as a ground for deportation past membership in the described organizations, was an unreasonable limitation of his right to freedom of speech (R. 41–42). Petitioner also asserted that, except for the question of his membership in the I. W. W., the issues in the present deportation proceeding were the same as those in the earlier proceeding before Dean Landis, and those issues having been determined in his favor in that proceeding, the doctrine of *res judicata*, or at least an analogous principle, was applicable (R. 11, 36–39). On February 8, 1943, the district court, in a lengthy opinion (R. 723–759), denied the petition and remanded petitioner to the custody of respondent.[13] On appeal to the Circuit Court of Appeals for the Ninth Circuit, the order of the district court was affirmed (R. 7810), by a vote of three of the five judges

[13] On March 3, 1943, petitioner was admitted to bail by the district court and execution of the order was stayed pending final determination of petitioner's appeal to the circuit court of appeals (R. 763). The mandate of the circuit court of appeals was stayed for three months from September 27, 1944 (R. 7813), and has been further stayed pending final disposition in this Court.

who heard the appeal."[14] The dissenting judges thought that the conclusion that petitioner was a member of or affiliated with the Communist Party was arrived at in reliance upon incompetent evidence received in violation of relevant regulations designed to insure fair hearings and to safeguard the rights of aliens (R. 7794–7809).

The evidence adduced in support of the findings of the Attorney General which are now challenged by petitioner may be summarized as follows:[15]

1. *The finding of petitioner's membership in the Communist Party* (Finding 9, R. 104).—Government witness Lundeberg, Secretary-Treasurer of

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[14] A motion by the Communist Party of the United States of America for leave to intervene was denied (R. 7769). The Communist Political Association has filed a motion in this Court for leave to intervene.

[15] Petitioner does not now challenge the sufficiency of the evidence to support the findings of the Attorney General that the Communist Party and the Marine Workers Industrial Union are organizations within the description of the deportation statute (Findings 3–8; R. 103–104) but states (Pet. 8, footnote) that, if the petition is granted, he will argue that the proof does not justify these findings. The evidence in those respects is summarized in the Memorandum of Judge Sears (R. 157–231) and in the decision of the Attorney General (R. 79–84), and is, we believe, clearly adequate. Excerpts from "The Communist Manifesto" (Gov. Ex. 91, R. 1031–1032), Lenin's "The State and Revolution" (Gov. Ex. 182, R. 1486), and the "Theses and Statutes of the Third (Communist) International" (Gov. Ex. 94, R. 1036–1047) were characterized by this Court in *Schneiderman* v. *United States*, 320 U. S. 118, 153, as lending considerable support to the proposition that the Communist Party advocates the overthrow of the Government by force and violence.

the Sailors Union of the Pacific, head of the Seafarers International Union of North America, Vice President of the California State Federation of Labor, and in 1935 president of the Maritime Federation (R. 7260–7261), testified that in the summer of 1935 he was at petitioner's home through petitioner's invitation, having supper (R. 7264–7265); that among those present were Sam Darcy, an acknowledged Communist, to whom petitioner introduced the witness (R. 7265–7266); and that Darcy, in petitioner's presence, asked Lundeberg to join the Communist Party, stating that petitioner was a member and that if Lundeberg joined the Party, it would build him up as a labor leader (R. 7266–7267). Lundeberg testified that petitioner then said: "You don't have to be afraid because nobody has to know you are a member of the Communist Party if you join" (R. 7267) and "You don't have to be afraid because I am one too" (R. 7268)—"I am a member of the Communist Party" (R. 7339). Petitioner admitted that Lundeberg was at his home in the summer of 1935 (R. 7576) and that he was aware of Darcy's party membership (R. 6091–6092), but denied that Darcy was present at the time (R. 7576–7577) or that he told Lundeberg that he (petitioner) was a member of the Communist Party (R. 7709–7710).

James O'Neil, who had been closely associated with petitioner from 1937 to 1939 as publicity director of the C. I. O. on the West Coast under

petitioner's supervision and who had access to petitioner's office (R. 2993–2994), in a verbal statement made to the F. B. I. on October 7, 1940, said that on one occasion he walked into petitioner's office when petitioner was alone and saw "on his desk * * * a new Party book, which had just been issued and into which Bridges was putting assessment stamps * * * I expressed amazement that he was doing this openly * * *. However, he nonchalantly continued to put the stamps in place and then returned the book to his pocket. I knew this was a Communist Party book because I had one myself * * *. On several occasions Bridges reminded me that I had not been attending Party meetings * * * By this he meant top fraction meetings of the Communist Party" (Gov. Ex. 255, R. 3103–3104, 3145; R. 3109–3110, 3113). These remarks as transcribed by a stenographer present were introduced after O'Neil, called as a witness by the Government, testified that he had never seen petitioner putting assessment stamps in a Communist Party book (R. 2994–2995).[8] Petitioner denied that he ever told O'Neil that he had participated in Communist Party fraction meetings or that he had called to O'Neil's attention that O'Neil had not been attending such meetings (R. 5882–5883).

[8] O'Neil admitted that he was interviewed on October 7, 1940, but denied making the remarks in question (R. 3019–3024, 3076). He also testified that at an interview on April 22, 1941, at which Major Schofield, then Special Assistant to the Attorney General in charge of the Immigration and Naturalization Service (R. 5255) and Mr. Del Guercio, chief

Government witness Kelley, proprietor of the Atwood Hotel in Seattle (R. 1917), testified that while petitioner was at the hotel on May 1, 1937 (R. 1917–1918) he heard one Dietrich say to petitioner at a conversation among the three in Dietrich's room: "Harry, you are one of the swellest guys I have ever known if it wasn't for the Commie outfit that you belong to," and that petitioner replied: "That is all right. You will see the time that you are damned glad to belong to our outfit" (R. 1920). Kelley later asked Dietrich what he had meant and Dietrich responded: "It is the Communists. Didn't you know that Bridges belongs to that outfit?" (R. 1920–1921.) Petitioner did not unequivocally deny having made the statement attributed to him, but testified that, if he did make it, it was

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government counsel, were present, he told them that the statements he had made to the F. B. I. were true and also that what he told Schofield and Del Guercio on April 22nd was true (R. 3032–3036, 3079–3081). He denied, however, that he told Schofield and Del Guercio that petitioner was a Communist and that he had seen him placing stamps in the Party book (R. 3036, 3051–3053). Mrs. Segerstrom, a stenographer in the employ of the F. B. I., testified that she was present at O'Neil's interview on October 7, 1940, and that he dictated a statement which she took down stenographically (R. 3102–3104). She read her stenographic notes of the statement and in these appeared O'Neil's remarks concerning petitioner's putting assessment stamps in a Communist Party book, etc. (R. 3104, 3109–3110, 3113). Schofield testified that at the interview with O'Neil on April 22, 1941, O'Neil stated that he had seen petitioner "pasting dues stamps in Bridges' membership book in the Communist Party" (R. 5255–5256).

not made seriously (R. 5849–5851), while Kelley testified that he was not impressed by the incident at the time it occurred (R. 1937–1938). Government witness Barlow testified that at a convention in Seattle in 1935 of the Maritime Federation of the Pacific petitioner told him "that the only way that a young fellow could get ahead in the labor movement today was to join the Communist Party" (R. 7377). Petitioner denied making this statement to Barlow (R. 7576).

2. *The findings as to petitioner's affiliation with the Communist Party and the Marine Workers Industrial Union* (Findings 10–11, R. 104).—Judge Sears found that the "Waterfront Worker," a mimeographed newspaper published in San Francisco, was an instrument of the M. W. I. U. and the Communist Party from December 1932 until abandonment of the paper in 1936; that petitioner and his group were responsible for its publication during that period; and that this "demonstrates his affiliation with both the M. W. I. U. and the Communist Party, if not actual membership in either, or both, of those organizations" (R. 243–249). These findings the Attorney General accepted (R. 85–90). Four of the five issues of the "Waterfront Worker" published prior to September 15, 1933, expressly acknowledged the assistance of the M. W. I. U. (Gov. Ex. 204, R. 1592, 1591–1603; Gov. Ex. 205, R. 1621, 1638; Gov. Ex. 247, R. 2576, 2575–2593; Gov. Ex. 280, R. 6142–6159). The September 15,

1933, issue and succeeding issues, however, did not make this acknowledgement (Gov. Ex. 248, R. 2595–2618; Gov. Ex. 249, R. 2618–2640; Gov. Ex. 250, R. 2641, 2655; Gov. Ex. 251, R. 2665, 2682; Gov. Ex. 281, R. 6180, 6181; Gov. Ex. 283, R. 6250, 6251; Gov. Ex. 285, R. 6279, 6293; Gov. Ex. 286, R. 6326, 6336). The September 15, 1933, issue described the M. W. I. U. as "the only organization leading the struggles for better conditions" and praised its activities in prompting strikes (Gov. Ex. 281, R. 6180, 6184). In October 1933 the paper advised its readers to vote for Communist Party candidates in the municipal elections in San Francisco (Gov. Ex. 283, R. 6250, 6256, 6270–6274). The paper also recommended the reading of Communist literature in its March and November 1934 issues (Gov. Ex. 285, R. 6279, 6282; Gov. Ex. 286, R. 6326, 6336). In December 1934 it sponsored a meeting to which it invited as speaker William F. Dunne, whom it described as "one of the foremost trade-union authorities in America". (Gov. Ex. 250, R. 2641, 2643). Dunne was a member of the Central Executive Committee of the Communist Party and editor of its official publication, the "Daily Worker" (R. 1500).

The first address of the paper was the headquarters of the Needle Trades Workers Union, a T. U. U. L. affiliate (R. 1559–1561, 6222). The second address was a building occupied by an ad-

mitted Communist, and known by petitioner to be a Communist (R. 6222, 6225–6226; Gov. Ex. 219, R. 2047–2049). The third address was a post office box rented for the paper by an admitted Communist and M. W. I. U. organizer who was closely associated with petitioner (Gov. Exs. 211, 212, R. 1911–1914; R. 6091–6092, 6204, 6231–6242).

In the 1939 hearings before Judge Landis (see pp. 5–8, *supra*), petitioner testified that his group took over the "Waterfront Worker" in September or October 1932, although he was not certain of the exact time (R. 3217, 3231–3232, 3234–3237, 3242–3243). In the instant proceeding, petitioner testified on direct examination that the paper was started by the M. W. I. U. in January 1933, but that his group did not take it over until September 1933 (R. 5761–5764). On cross-examination he testified that the paper was not started until June 1933 and his group did not "first conceive" the idea of taking it over until October 1933 (R. 6160–6161).[17] When shown the September 1933 issue (Gov. Ex. 281), petitioner admitted, however, that this issue was put out by his group (R. 6179). Judge Sears found that the first issue under petitioner's sponsorship was that for December 1932 (R. 241) and the Attorney General accepted Judge Sears' finding (R. 87).

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[17] Petitioner explained that his group consisted of "longshoremen; just the fellows that stood there every morning day in and day out" (R. 6161).

Other additional items of evidence which support the conclusion of Judge Sears (R. 327), in which the Attorney General concurred (R. 100), that petitioner adopted a course of conduct "as an affiliate of the Communist Party, rather than as a matter of chance coincidence" are as follows: Petitioner actively induced seamen to join the M. W. I. U. (R. 6097–6098, 6503–6507). Over the opposition of labor leaders who feared Communist penetration of the labor movement, he unsuccessfully sought to secure the seating of M. W. I. U. delegates on the Joint Strike Committee in the 1934 San Francisco strike (R. 6348). He also opposed, without success, the adoption by the San Francisco Central Labor Council on June 22, 1934, of a resolution disclaiming all connection with Communist organizations, and particularly the M. W. I. U. (R. 6350), and he notified the Communist Darcy before its adoption that such action was contemplated (R. 6351–6352). Petitioner was in frequent contact with well-known Communists (R. 3266–3268, 6091–6092, 6095–6097, 6203–6204, 6353–6354, 6358–6360, 6377–6378, 6450, 6456–6482). On December 16, 1936, he addressed a meeting held in Madison Square Garden in New York (R. 6443). The rental for the Garden had been paid by the treasurer of the Communist Party for the New York District (R. 3488–3493). Government witness Rushmore testified that at an interview with petitioner, petitioner praised the Youth Congress of the Young Communist League, which

was dominated and controlled by the Communist Party (R. 1429–1434). Likewise there is the testimony of Dawn Lovelace, supported by the signed statement of her deceased husband, both of whom were Communists but were not members of a trade union, that in August 1935, petitioner at their apartment, in the presence of the Lovelaces and two other Communist Party members, discussed the contents of a telegram which he proposed to send to an officer of his local union (R. 1949–1951, 1955–1967, 1990–1993, 2002–2003). Petitioner, while admitting that he had been at the apartment, denied discussing the contents of the telegram (R. 5849). He testified that he would not discriminate against union men because of Communist membership (R. 6534–6537), and that he was strongly opposed to "the slander and the publicity that was going on in Los Angeles at that time * * * to the effect that the CIO was a Communist organization" (R. 6028).

There is also the testimony of seven witnesses, all of whom were members of the Communist Party, that petitioner had attended Communist meetings (R. 1545–1559, 1707–1711, 1789–1800, 2158–2167, 2333–2340, 2410–2417, 2520–2525). Petitioner denied attending the meetings described by these witnesses (R. 5840–5841, 5843, 5845, 5853, 5869–5871, 5878, 6003, 6015, 6316, 6430). Judge Sears concluded that their evidence, for various reasons, did not establish petitioner's membership in or affiliation with the Communist

Party (R. 292–317). The Attorney General stated that such evidence "taken as a whole * * * cannot, because of its volume, be completely disregarded" (R. 98).

ARGUMENT

1. *Adequacy of the evidence.*—The controlling statute, Section [illegible] of the Act of February 5, 1917, p. 5, *supra*, provides that the decision of the administrative officers charged with the issuance of deportation orders shall be final. However, it is well settled that though no direct review of such decisions may be had in the courts, a collateral review by way of habeas corpus may be secured to the extent of determining whether the proceeding so lacked the elements of a fair hearing that it can be said that the alien was deprived of due process of law. In such a collateral review, the range of judicial inquiry is closely circumscribed; as this Court said in *United States ex rel. Vajtauer* v. *Commissioner of Immigration*, 273 U. S. 103, at p. 106:

> Upon a collateral review in *habeas corpus* proceedings, it is sufficient that there was some evidence from which the conclusion of the administrative tribunal could be deduced and that it committed no error so flagrant as to convince a court of the essential unfairness of the trial.

And in *Tisi* v. *Tod*, 264 U. S. 131, at pp. 133–134, it was said:

> We do not discuss the evidence; because the correctness of the judgment of the lower

> court is not to be determined by enquiring whether the conclusion drawn by the Secretary of Labor from the evidence was correct or by deciding whether the evidence was such that, if introduced in a court of law, it would be held legally sufficient to prove the fact found. * * * mere error, even if it consists in finding an essential fact without adequate supporting evidence, is not a denial of due process of law.[18]

See also *United States ex rel. Bilokumsky* v. *Tod*, 263 U. S. 149; *Kwock Jan Fat* v. *White*, 253 U. S. 454; *Zakonaite* v. *Wolf*, 226 U. S. 272.

We do not understand that the principles laid down by the foregoing cases have in any way been modified by this Court. The petitioner, relying (see Pet. 22–23) upon more recent decisions under the National Labor Relations Act, insists that they have. But it is beside the point, we submit, to argue whether criteria relevant to the statutory form of judicial review provided by the National Labor Relations Act are applicable with equal force to a collateral review confined to the issue of the presence or absence of due process of law. No reliance was here placed by the courts below on the "mere scintilla of evidence" condemned by

[18] The omitted portion of the passage quoted in the text deals primarily with the effect of lack of procedural due process upon the validity of the order. As we contend below, no substantial question of lack of procedural due process is presented in this case; but in any event that is a question separate from the issue of the adequacy of the evidence to sustain the order.

this Court as insufficient to sustain orders of the Labor Board (see *National Labor Relations Board* v. *Columbian Enameling & Stamping Co.*, 306 U. S. 292, 299–300). The district court concluded in express terms (R. 758) that the order for deportation was made "after a fair hearing on substantial evidence," and Judge Stephens, in his opinion in the court below on denial of petition for rehearing, pointed out specifically (R. 7812) that in both the majority and the concurring opinion "the idea of the mere scintilla was never considered." Both courts below thus held that the order of deportation was supported by "evidence, more than a scintilla and not unbelievable on its face," and that, being so supported, it could not be collaterally impeached in habeas corpus proceedings. In so doing, we believe it clear that they followed applicable principles repeatedly declared by this Court.

With respect to the sufficiency of the evidence to support the order, therefore, we do not believe that any question of law is presented which has not heretofore been unequivocally settled by this Court. In effect, the petition seeks to induce the Court to review the evidence and to determine that by accepted standards it was so inadequate to justify the deportation order that in legal contemplation the petitioner was not accorded a fair hearing. However, the evidence has now been fully considered five times. Judge Sears, the Presiding Inspector, is a noted and

experienced jurist, who before his retirement sat for over twenty years on the New York bench, first as a member of the Supreme Court and later as a member of the Court of Appeals. Both he and the Attorney General regarded the evidence, taken as a whole, as establishing the essential allegations made against petitioner. The two courts below considered that the record at least contained evidence upon which Judge Sears, who saw the witnesses, and the Attorney General were entitled to rely.[19]

In support of the correctness of these conclusions, we respectfully refer the Court to the summary of the pertinent evidence given in our Statement, *supra*, pp. 15–23. After so thorough a process of hearing and review as has been accorded to this case, we submit that the factual issue as to the adequacy of the evidence to support the administrative action taken presents no

[19] Even the Board of Immigration Appeals, which recommended rejection of Judge Sears' findings on the issues of membership and affiliation, did so as an intermediate reviewing body with authority, subject to approval of the Attorney General, to substitute its own judgment for that of the Presiding Inspector. As the courts below held, the Attorney General was fully justified in accepting the views of the Presiding Inspector as to the credibility of witnesses, as against the contrary views of the Board which merely reviewed the written record. Moreover, there is no reason to suppose that the Board would have decided otherwise than did the courts below on the narrower question of due process to which judicial consideration is limited in habeas corpus proceedings.

situation warranting further review by this Court on writ of certiorari.

2. *Procedural due process.*—The petitioner's prayer for a writ of certiorari on the basis of procedural abuses amounting to a denial of due process is, we submit, equally clearly answered by previous decisions of this Court. As the majority of the court below held (R. 7786–7787), neither the principle of *res judicata* nor the constitutional prohibitions against double jeopardy and *ex post facto* laws (see Pet. 27–31) have any place in deportation proceedings.[20] Nor is the scope of these doctrines to be enlarged by attaching them, as petitioner proposes, to the due process clause of the Fifth Amendment. The admission of an alien confers upon him, prior to naturalization, only a license to remain, terminable at the will of Congress. *Fong Yue Ting* v. *United States*, 149 U. S. 698, 713; *Chae Chan Ping* v. *United States*, 130 U. S. 581, 609. As has been said (*Tiaco* v. *Forbes*, 228 U. S. 549, 556–557), "sovereign states have inherent power to deport aliens, and * * * Congress is not deprived of this power by the Constitution of the United States." Petitioner's contention misconceives the nature of the deportation power.

[20] *Res judicata: Pearson* v. *Williams*, 202 U. S. 281; *Flynn ex rel. Ham Loy Wong* v. *Ward*, 95 F. (2d) 742 (C. C. A. 1); *White* v. *Chan Wy Sheung*, 270 Fed. 764, 767 (C. C. A. 9). Double jeopardy: *Sire* v. *Berkshire*, 185 Fed. 967, 970–971 (W. D. Tex.); cf. *Helvering* v. *Mitchell*, 303 U. S. 391, 399. *Ex Post Facto: Mahler* v. *Eby*, 264 U. S. 32, 39; *Bugajewitz* v. *Adams*, 228 U. S. 585, 591.

There is no merit in the suggestion of illegal discrimination against petitioner (Pet. 26–27, 32) in the amendment of the deportation statute following the first hearing before Dean Landis, and in the claimed failure of the authorities to proceed against other aliens on the basis of affiliation with the M. W. I. U. That Congress may be moved to the enactment of general legislation for particular reasons or for the correction of particular abuses which have been brought to its attention is too clear to require argument; and even if the due process clause may embody the equivalent of an equal protection clause (but see *Helvering* v. *Lerner Stores Corp.*, 314 U. S. 463, 468; *Sunshine Coal Co.* v. *Adkins*, 310 U. S. 381, 401), there is no basis in authority for the theory that failure of enforcement officers to proceed against others within the reach of a statute constitutes a denial of the equal protection of the laws to one against whom proceedings are otherwise properly instituted under the same statute.[n]

[n] It should be noted that in any event affiliation with the M. W. I. U. is not the sole basis for the deportation order. The findings as to petitioner's membership in and affiliation with the Communist Party are not dependent upon the evidence of his affiliation with the M. W. I. U., and are separately supported by the evidence. Since deportation was mandatory if any one of the charges should be sustained, there is no room for the doctrine, often applied in judicial review of administrative orders, whereby an administrative body after partial judicial correction is afforded an opportunity to reconsider its action in the light of correct principles.

Petitioner's further objections (Pet. 33–40) to claimed abuses in hearing procedure likewise raise no issue warranting review by this Court.

(a) The evidence as to the witness O'Neil's prior statements was at most cumulative, and even on the theory that its reception was improper, the court below correctly declined to invalidate the order merely because of acceptance of this "additional evidence of less probative value" (R. 7789). Moreover, there was no error, flagrant or otherwise, in accepting the evidence. Whatever may be the rule in judicial proceedings, in exclusion and deportation proceedings prior contradictory statements may be used not only for impeachment purposes, but also as substantive evidence.[22] No right of cross-examination was defeated; the petitioner was given full opportunity to cross-examine the Government witnesses who testified to the prior inconsistent statements, and to cross-examine O'Neil himself as to the circumstances of the interviews which, in spite of his denial of the statements attributed to him, he admitted had taken place (R. 3019–3024, 3076; 3032–3036, 3079–3081). Nor, contrary to petitioner's assertion (Pet. 34–35), was the reception of the statements in violation of the rules of the Immigration and Naturalization Service. Rule

[22] *United States ex rel. Ng Kee Wong* v. *Corsi*, 65 F. (2d) 564, 565 (C. C. A. 2); *Ex parte Ematsu Kishimoto*, 32 F. (2d) 991 (C. C. A. 9); *Johnson* v. *Kock Shing*, 3 F. (2d) 889, 890 (C. C. A. 1).

150.1 (c) (8 C. F. R., 1941 Supp., 150.1 (c)), upon which petitioner relies, is merely directory of the procedure to be followed during the course of an investigation prior to the issuance of a warrant, to the end that warrants shall not be issued unless "there is credible evidence reasonably establishing (1) that the person investigated is an alien, and (2) that he is subject to deportation." Rule 150.1 (b) (8 C. F. R., 1941 Supp., 150.1 (b)). Rule 150.6 (i) (8 C. F. R., 1941 Supp., 150.6 (i)), on the other hand, which deals with hearings as distinct from investigations, specifically recognizes the right of an immigration officer to testify as to statements made to him, and in no way restricts his testimony. The testimony of Major Schofield and Mrs. Segerstrom (see note 16, *supra*) as to prior inconsistent statements made by O'Neil in their presence can scarcely be rendered inadmissible by the fact that it was supported by a stenographic record contemporaneously taken and authenticated to the satisfaction of the Presiding Inspector (R. 270).

(b) The charges of misconduct on the part of Government counsel during the course of the hearing (Pet. 36–37) rest, in part at least, on distortion of the record. Upon only one occasion was a request made for production of a prior statement by a witness, and on that occasion the record shows that Government counsel had no such statement had never seen it, knew nothing about it,

and merely declined to make further inquiry as to the fact of its existence (R. 1360–1362). The charge regarding the presentation of false testimony by one Cannalonga was characterized by the court below as an "aspersion upon the integrity of the Government's attorneys—wholly gratuitous and without foundation in fact" (R. 7793). And a charge of wire-tapping following completion of the hearing, even if established, is so patently irrelevant to any issue of due process in connection with the hearing as to deserve no serious consideration.

(c) There is no substance to the charge that petitioner was deprived of due process by the action of the Attorney General in overruling the determination of the Board of Immigration Appeals without according an opportunity to petitioner to present written or oral argument. The Regulations make no provision for oral or written argument before the Attorney General;[23] and no principle of due process requires them. Oral argument as such is not essential to a fair hearing. *Morgan* v. *United States*, 298 U. S. 468, 481. Written (as well as oral) argument was fully made before the Presiding Inspector and the Board; and the Attorney General had before

[23] Rule 90.12 of the Regulations (8 C. F. R., 1940 Supp., 90.12) provides merely that the Attorney General "will state in writing his conclusions and the reasons for his decision."

him not only the written conclusions of these respective hearing officials, but also the briefs of the parties filed with them. Since petitioner's objections to the findings and conclusions recommended by the Presiding Inspector were fully developed in his brief before the Board, as well as in the Board's own opinion which accepted petitioner's objections, the Attorney General had before him at the time of his decision all material necessary to a complete understanding of petitioner's contentions. Petitioner complains (Pet. 38–39) that the Attorney General in accepting the proposed findings of the Presiding Inspector advanced considerations in support of such findings which had not previously been urged by the parties; but it is a commonplace of judicial procedure that once the issues have been clearly posed by actual or proposed findings below, neither a court nor an administrative tribunal is confined to the arguments of counsel in stating on review the reasons for its decision whether to accept such findings.

3. *Constitutionality of the deportation statute.*—Petitioner contends (Pet. 40–51) that the deportation statute as construed and applied to him violates rights of freedom of speech and association guaranteed to him by the First and Fifth Amendments. We believe that this question also is settled against him by prior decisions of this Court. "It is thoroughly established that Con-

gress has power to order the deportation of aliens whose presence in the country it deems hurtful. The determination * * * is simply a refusal by the Government to harbor persons whom it does not want." *Bugajewitz* v. *Adams,* 228 U. S. 585, 591. Naturalization may be denied to an alien on the ground of utterances, beliefs, or associations for which, by the protection of the First Amendment, he could not be punished (*United States* v. *Schwimmer,* 279 U. S. 644; *United States* v. *Macintosh,* 283 U. S. 605); and it would seem that the sovereign power of deportation (*Tiaco* v. *Forbes,* 228 U. S. 549, 556) would be subject to no greater restraint. *Turner* v. *Williams,* 194 U. S. 279; *United States* v. *Parson,* 22 F. Supp. 149, 154–155 (S. D. Cal.). The *Turner* case, like the case at bar, dealt with what may generally be described as civil liberties; and although, as petitioner points out (Pet. 44), it involved the deportation of an illegal entrant, it has been regarded as authority for the broad scope of the deportation power without any special reference to this asserted distinguishing factor. See *Tiaco* v. *Forbes,* 228 U. S. 549, 557; Douglas, J., concurring, in *Schneiderman* v. *United States,* 320 U. S. 118, at 165. The petitioner cites the doctrine of unconstitutional conditions (Pet. 43–44); but whatever the effect of this doctrine upon the civil rights of a resident alien in his status as such (cf. *Wong Wing* v. *United States,* 163 U. S.

228), we doubt that it extends to protect him against the orderly termination of that status for whatever reasons may seem to Congress necessary or desirable in the public interest. We know of no case in which this Court has denied or suggested limitations upon the plenary authority of Congress to determine the grounds upon which an alien may be deported.

Nevertheless, while we believe that a conclusion in favor of the constitutionality of the deportation statute in its present application flows directly from the previous relevant decisions of this Court, we know of no case in which this Court has squarely passed upon the precise question presented under Point III of the petition. Furthermore, the great number of aliens now lawfully resident in the United States lends importance to the issue involved. Therefore, we do not feel warranted in opposing the issuance of a writ of certiorari to review the decision of the court below in so far as that decision sustained the constitutionality of the deportation act as construed and applied in this case.

CONCLUSION

The petitioner's contentions with respect to the adequacy of the evidence to support the deportation order of the Attorney General, and with respect to asserted denial of due process in the institution and conduct of the deportation proceed-

ing, present no issues warranting further review by this Court. If this Court should regard the constitutional question presented by Point III of the petition as being sufficiently in doubt to justify the issuance of a writ, we believe that the writ should be limited to that question.

Respectfully submitted.

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JANUARY 1945.

U. S. GOVERNMENT PRINTING OFFICE: 1945

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In the Supreme Court of the United States

OCTOBER TERM, 1944

No. 788

HARRY BRIDGES, PETITIONER

v.

I. F. WIXON, AS DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT

BRIEF FOR THE RESPONDENT

OPINIONS BELOW

The opinion in the circuit court of appeals of Circuit Judge Wilbur (R. 7770–7793), the concurring opinion of Circuit Judge Stephens (R. 7793–7794), and the dissenting opinion of Circuit Judge Healy (R. 7794–7809) are reported at 144 F. 2d 927.[1] The opinion of Judge Stephens (R. 7811–7812) rendered in connection with the denial of a

[1] The appeal was heard before a bench of five circuit judges (R. 7770). Judge Mathews agreed with Judges Wilbur and Stephens (R. 7794); Judge Garrecht agreed with the dissent (R. 7809).

petition for rehearing is reported at 144 F. 2d 944.[2] The opinion and order of the district court (R. 723–759) are reported at 49 F. Supp. 292.

JURISDICTION

The judgment of the circuit court of appeals was entered on June 26, 1944 (R. 7810). A petition for rehearing was denied on September 27, 1944 (R. 7811). The petition for a writ of certiorari was filed on December 27, 1944, and was granted on January 29, 1945. The jurisdiction of this Court rests upon Section 240 (a) of the Judicial Code, as amended by the Act of February 13, 1925.

QUESTIONS PRESENTED

1. Whether, by the tests applicable in a habeas corpus proceeding instituted to secure collateral review of a deportation order, the evidence adequately sustains the essential findings of the Attorney General upon which the deportation order rests.

2. Whether petitioner was denied due process by reason of alleged abuses committed in the institution and conduct of the deportation proceeding.

3. Whether the deportation statute as construed and applied to petitioner denies him freedom of speech and association in violation of his constitutional rights.

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[2] Judge Stephens, on November 1, 1944, filed an amendment to his opinion (R. 7815).

STATUTES AND REGULATIONS INVOLVED

The pertinent statutes and regulations are set forth in Appendix A, *infra*, pp. 126–130.

STATEMENT

Petitioner is an alien,[3] a native and citizen of Australia (R. 778–780, 7736–7737), who entered the United States in April 1920 (R. 791, 7735). He has been in the United States continuously since that time, apart from several voyages as a seaman on American vessels, the last of which occurred in 1922 (R. 791–792). In March 1938, deportation proceedings were instituted against petitioner under Section 2 of the Act of October 16, 1918, as amended by the Act of June 5, 1920 (40 Stat. 1012, 41 Stat. 1008–1009)[4] on the ground that after his entry into

[3] Petitioner has filed three declarations of intention to become a citizen (Gov. Exs. 277, R. 6070–6074; 279, R. 6089; 296, R. 7735). He allowed the first two to lapse (R. 508), and the last, which was filed on March 28, 1939, apparently is still pending.

[4] Prior to its amendment by Title II, Section 23, of the Act of June 28, 1940 (c. 439, 54 Stat. 673, Appendix A, pp. 126–127, *infra*), Section 2 of the 1918 Act (40 Stat. 1012) read as follows:

"That any alien who, at any time after entering the United States, is found to have been at the time of entry, or to have become thereafter, a member of any one of the classes of aliens enumerated in section one of this Act, shall, upon the warrant of the Secretary of Labor, be taken into custody and deported in the manner provided in the immigration Act of February fifth, nineteen hundred and seventeen. The provisions of this section shall be applicable to the classes of

the United States he had become a member of and affiliated with an organization that advised, advocated and taught the overthrow by force and violence of the Government of the United States and that caused to be written, circulated, distributed, printed, published, and displayed printed matter advising, advocating and teaching the overthrow by force and violence of the Government of the United States (R. 73–74, 503). James M. Landis, Dean of the Harvard Law School, was appointed trial examiner for the purpose of hearing the case, and hearings were held from July 10 to September 14, 1939 (R. 74, 504).

On June 12, 1939, following the decision of this Court in *Kessler* v. *Strecker*, 307 U. S. 22,[5] the

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aliens mentioned in this Act irrespective of the time of their entry into the United States."

Section 1 of the Act, referred to in the foregoing excerpt, deals with the admission of aliens. The 1940 Amendment changed only the first paragraph of Section 1. Prior to its amendment, the first paragraph read as follows: "That the following aliens shall be excluded from admission into the United States." This was amended by the 1940 Act to read: "That any alien who, at any time, shall be or shall have been a member of any one of the following classes shall be excluded from admission into the United States."

[5] In the *Strecker* case, which was decided on April 17, 1939, the question was whether former membership in an organization described in the 1918 Act, which had ceased, was a ground of deportation. The Court held that it was not, stating (307 U. S. at 30) "* * * we conclude that it is the *present membership*, or *present affiliation*—a fact to be determined on evidence—which bars admission, bars nat-

warrant upon which the proceedings had been instituted was amended to charge that petitioner both had been and then was a member of or affiliated with the organization described in the warrant (R. 503). At the hearings before Dean Landis, the Government claimed that petitioner was a member of or affiliated with the Communist Party of the United States, and that the party was an organization of the character described in the 1918 Act (R. 503–504, 508). Petitioner denied that he was a member of the Communist Party or had ever been a member (R. 509), and in December 1939 Dean Landis concluded that the evidence established neither that petitioner "is a member of nor affiliated with the Communist Party of the United States of America" (R. 636). Accordingly, he did not pass upon the question whether that party was an organization within the Act (R. 497). In January 1940, the Secretary of Labor sustained Dean Landis and dismissed the proceedings against petitioner (R. 75, 139).

On June 28, 1940, Congress amended the deportation statute in question so as to provide for deportation of any alien who was "at the time of entering the United States, or has been at any

uralization, and requires deportation." [Italics as in original.] Dean Landis stated (R. 508, fn. 17) that the decision "left uncertain the particular time as of which the facts of membership, etc., have to be proved, though the inference derivable from the opinion is that the significant time is that of the issuance of the warrant of arrest."

time thereafter" a member of the classes of aliens specified (Act of June 28, 1940, c. 439, Title II, sec. 23, 54 Stat. 673; see Appendix A, pp. 126–127, *infra*). The sponsors of the amendment stated that it was designed to obviate the construction placed upon the statute by the *Strecker* case that only present membership or affiliation required deportation (86 Cong. Rec. 8343, 9031–9032). The Attorney General then directed the Federal Bureau of Investigation to determine whether under the statute, as amended, grounds existed for reopening the deportation proceedings against petitioner, and as a result of this investigation a second deportation proceeding was instituted against petitioner on February 14, 1941 (R. 76).[1] The warrant of arrest charged that petitioner was deportable under the provisions of the Act of October 16, 1918, as amended by the Acts of June 5, 1920, and June 28, 1940 (Appendix A, pp. 126–127, *infra*) in that, after entering the United States, he had been a member of or affiliated with an organization (1) that believes in, advises, advocates or teaches the overthrow by force or violence of the Government of the United States; and (2) that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or (3) that has in its possession for the purpose of circulation, distribution, publication,

[1] Petitioner was released under bond of $3,000 (R. 76).

issue or display, written or printed matter advising, advocating or teaching the overthrow by force or by violence of the Government of the United States (Gov. Ex. 1, R. 771–773; R. 142–143).

Charles B. Sears, a retired judge of the New York Court of Appeals, was appointed an inspector in the Immigration and Naturalization Service of the Department of Justice to preside over the hearings, take testimony, and make appropriate recommendations (R. 76, 141).[1] At the hearings

[1] The Regulations of the Immigration and Naturalization Service provide in respect of deportation proceedings that the alien shall be accorded a hearing before an immigrant inspector to determine whether he is subject to deportation on the charges stated in the warrant of arrest, at which hearing the alien is entitled to representation by counsel and to offer evidence in his behalf. As soon as practicable after the hearing has been concluded, the inspector is required to prepare a memorandum setting forth a summary of the evidence adduced at the hearing, his proposed findings of fact and conclusions of law, and a proposed order, which are to be furnished to the alien or his counsel, who may file exception thereto and submit a brief (8 C. F. R. 150.6, 1941 Supp.). Thereafter, the case is heard by the Board of Immigration Appeals, a body in the office of the Attorney General authorized in his behalf to perform his functions in relation to deportation, but responsible solely to the Attorney General (8 C. F. R., 1940 Supp., 90.2–90.3). If exceptions have been filed, oral argument before the Board is permitted (*ibid.*, 90.5). Where a member of the Board dissents, where the Board certifies that a question of difficulty is involved, or in any case in which the Attorney General directs, the Board must refer the case to the Attorney General for review, and, if the Attorney General reverses the decision of the Board, the Attorney General must state in writing his conclusions and the reasons for his decision (*ibid.*, 90.12).

before Judge Sears, petitioner's membership in or affiliation with the Communist Party and subsidiaries or allies of the party, notably the Marine Workers Industrial Union, and his membership in the Industrial Workers of the World, constituted the conduct claimed by the Government as grounds for petitioner's deportation (R. 144, 147, 799, 807–808).[8] Judge Sears held hearings in San Francisco from March 31 to June 12, 1941, at which the petitioner was represented by counsel and the public and press were admitted (R. 76, 143–145). The evidence covered 44 volumes of 7,546 typewritten pages; and, in addition, the Government introduced 297 exhibits, and the petitioner 62 (R. 76, 143–144).

On September 26, 1941, Judge Sears transmitted to the Attorney General a Memorandum of Decision, analyzing the evidence which had been adduced, and containing proposed findings of fact, conclusions of law and order (R. 76–77, 134–347). Judge Sears found that the Communist Party of the United States of America was "from the time of its inception in 1919 to the present time * * * an organization that believes in,

[8] During the hearings before Judge Sears, the warrant of arrest was amended to include the charge that petitioner was deportable because of his membership in the I. W. W., an organization claimed by the Government to fall within the provisions of subsection (c) of Section 1 of the 1918 Act, as amended, Appendix A, p. 126, *infra*, relating to organizations advising, advocating, or teaching "(3) the unlawful damage, injury or destruction of property, or (4) sabotage" (R. 144).

advises, advocates, and teaches the overthrow by force and violence of the Government of the United States;" that it was an organization that "writes, circulates, distributes, prints, publishes, and displays printed matter advising, advocating, or teaching" such overthrow; that it was an organization "that causes to be written, circulated, distributed, printed, published, and displayed printed matter advising, advocating, and teaching" such overthrow; that it was an organization that "has in its possession for the purpose of circulation, distribution, publication, issue and display, printed matter advising, advocating, and teaching" such overthrow; that the Marine Workers Industrial Union "was a part of the Communist Party, dominated and controlled by it" and advocated a similar overthrow of the Government of the United States; and that after entering the United States, petitioner had been a member of the Communist Party and had been affiliated with both the Communist Party and the Marine Workers Industrial Union (R. 337–338).[9] Accordingly, Judge Sears concluded that petitioner was subject to deportation under the statute involved (R. 338–339) and submitted a proposed order for

[9] While Judge Sears in the course of his memorandum stated that petitioner had been a member of the I. W. W. (cf. fn. 8, p. 8, *supra*) for a period of six or seven months beginning June or July 1921 (R. 330), he found, however, that the I. W. W. during that period was not an organization that advocated the illegal destruction or injury of property or circulated documents so advocating (R. 334).

petitioner's deportation to Australia (R. 340–341). Petitioner filed exceptions to the proposed findings (R. 348–365), and, briefs having been filed, the case was heard on oral argument before the Board of Immigration Appeals (see fn. 7, p. 7, *supra*) on November 24, 1941 (R. 369). On January 3, 1942, the Board rendered an opinion rejecting Judge Sears' proposed findings on the issues of petitioner's membership in or affiliation with the Communist Party and the Marine Workers Industrial Union (R. 367–489), and affirmatively finding that petitioner had not been a member of or affiliated with those organizations at any time after he entered the United States (R. 490). In view of its findings on the issues of membership and affiliation, the Board stated that it was unnecessary to pass upon the issues of whether those organizations were of the nature described in the deportation statute (R. 370–371). Accordingly, the Board entered an order cancelling the warrant of arrest and closing the proceedings, but stayed execution of the order "pending further order of the Attorney General" (R. 492).

The Attorney General reviewed the decision of the Board, and on May 28, 1942, rendered an opinion and decision, in which he made findings in accordance with those proposed by Judge Sears and ordered petitioner's deportation (R. 73–106). Pursuant to the order of the

Attorney General, a warrant of deportation was issued on May 29, 1942 (R. 62–64), and petitioner surrendered himself to the custody of the respondent on June 2, 1942 (R. 27). On June 4, 1942, the Attorney General denied a petition seeking an opportunity to present argument and briefs to him for the purpose of reconsidering and reversing his decision (R. 678–687).

Petitioner filed a petition for a writ of habeas corpus in the District Court for the Northern District of California on June 2, 1942 (R. 2–17), and an amended petition on July 6, 1942 (R. 21–62). He attacked the legality of his detention on numerous constitutional grounds, claiming that he had not been accorded due process of law in that the deportation order was not supported by substantial evidence (R. 8–10, 53–58) and he had not been given a fair hearing (R. 43–53); that he had been subjected to double jeopardy (R. 11, 39–41); that the 1940 amendment to the deportation statute constituted as to him an *ex post facto* law (R. 11, 41); that he had been denied the equal protection of the laws in that he had been singled out and subjected to discriminatory treatment (R. 12, 28–36); and that the 1940 amendment, providing as a ground for deportation past membership in the described organizations, was an unreasonable limitation of his right to freedom of speech (R. 41–42). Peti-

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tioner also asserted that, except for the question of his membership in the I. W. W., the issues in the present deportation proceeding were the same as those in the earlier proceeding before Dean Landis, and those issues having been determined in his favor in that proceeding, the doctrine of *res judicata,* or at least an analogous principle, was applicable (R. 11, 36–39). On February 8, 1943, the district court, in a lengthy opinion (R. 723–759), denied the petition and remanded petitioner to the custody of respondent.[10] On appeal to the Circuit Court of Appeals for the Ninth Circuit, the order of the district court was affirmed (R. 7810), by a vote of three of the five judges who heard the appeal. The dissenting judges thought that the conclusion that petitioner was a member of or affiliated with the Communist Party was arrived at through reliance upon incompetent evidence received in violation of relevant regulations designed to safeguard the rights of aliens (R. 7794–7809).

The evidence relevant to the findings of the Attorney General is summarized in the Argument, *infra,* p. 18 *et seq.*

[10] On March 3, 1943, petitioner was admitted to bail by the district court and execution of the order was stayed pending final determination of petitioner's appeal to the circuit court of appeals (R. 763). The mandate of the circuit court of appeals was stayed for three months from September 27, 1944 (R. 7813), and has been further stayed pending final disposition by this Court.

SUMMARY OF ARGUMENT

I

The deportation statute provides for the deportation of any alien who at the time of his entry into the United States or at any time thereafter has been a member of or affiliated with an organization that believes in, advises, advocates or teaches the overthrow of this Government by force or violence. Congress has entrusted enforcement of the statute to the Attorney General and has provided that his decision shall be final. The courts have no power to review his order, except insofar as they find that it has been issued without due process of law. If upon a fair hearing there is some evidence to sustain the findings of the Attorney General upon which the order rests, the requirements of due process have been satisfied. The record is amply sufficient to demonstrate the presence of the required quantum of proof as to each of the essential findings of the Attorney General.

A. The evidence is sufficient to support the finding that the Communist Party at all times material to the issues was an organization falling within the statutory description. This evidence consists of Party literature and of testimony of former members of the Party acquainted with its aims, teaching methods, and literature. From this evidence, a reasonable man could find that the Communist Party advocated the doctrine of over-

throwing the Government by force and violence. The stricter requirement, applied in a proceeding to set aside a judicial decree of naturalization, that the evidence be "clear, unequivocal, and convincing" is inapplicable in a proceeding for collateral review of a deportation order by writ of habeas corpus: *Schneiderman* v. *United States*, 320 U. S. 118, 125, 153–154.

B. Likewise, the evidence suffices to support an administrative finding that petitioner was a member of the Communist Party after entering the United States. The evidence in this respect consists of testimony and statements, by persons who were concededly acquainted with petitioner, that by words and conduct he had admitted his membership in the Communist Party. The evidence was competent in a deportation proceeding, and the only issues were issues of credibility, as to which the determination by the administrative officer is conclusive in a collateral judicial review.

C. The finding that the Marine Workers Industrial Union was a controlled subsidiary of the Communist Party and that the union advocated doctrines similar to those of the Party has the required evidentiary support. The union was shown to be chartered by the Trade Union Unity League, an organization which openly supported the Party's program and whose leading officials consisted of members of the Communist Party. There was evidence to show that the union itself was established by the Communist Party for revo-

lutionary ends, and that its officials were prominent members of the Communist Party.

D. That the evidence is sufficient to support the finding of petitioner's affiliation with the Communist Party and the Marine Workers Industrial Union is also plain. The term "affiliation" as used in the deportation statute manifestly means something less than membership, and affiliation may be proved circumstantially by such conduct as assisting in the enterprises of an organization, securing members for it, and taking part in meetings organized and directed by or on behalf of the organization. Measured by this standard affiliation was amply proved both as to the Communist Party and the Marine Workers Industrial Union. There was evidence to establish that petitioner was actively connected with a publication of the Marine Workers Industrial Union, and there were additional items of evidence which, while perhaps not separately establishing affiliation with the Communist Party, nevertheless formed a pattern more consistent than otherwise with the conclusion that petitioner followed a course of conduct as an affiliate of the Communist Party, rather than as a matter of chance coincidence. He was well acquainted with Communist Party officials, and worked closely with them. He actively induced seamen to join the Marine Workers Industrial Union and opposed the action of labor organizations in seeking to disavow Communist support.

II

Just as lack of evidentiary support for a deportation order may amount to a denial of due process which may be corrected by habeas corpus, so may procedural abuses also constitute a denial of due process. No such abuses were present here.

A. The institution of the present deportation proceeding against petitioner following the dismissal of an earlier deportation proceeding against him on a similar charge was not in violation of the constitutional prohibition against double jeopardy and the principle of *res adjudicata*. It is settled that a deportation proceeding, not being a criminal case, is not affected by the constitutional provision against double jeopardy. It is also settled that *res adjudicata* is inapplicable to alien exclusion and deportation proceedings by executive agencies. Nor is there any factual basis in the record to support an application of the principle of *res adjudicata*, since neither the issues nor the evidence were the same at the two deportation hearings against petitioner.

B. The constitutional prohibition against *ex post facto* or retrospective laws is likewise inapplicable in deportation proceedings, which are in no sense criminal in nature, but represent merely the exercise of a sovereign power of government to alter or terminate the conditions upon which it chooses to permit aliens to continue to remain.

C. There is no warrant for petitioner's assertion that deportation on the basis of affiliation with the Marine Workers Industrial Union denies him the equal protection of the laws. When in 1934 the Secretary of Labor rendered an advisory opinion to the effect that membership in the Marine Workers Industrial Union was not a basis for deportation, she could not, and did not purport to, bind her successors in the administration of the deportation statute, and the record in this proceeding negates the factual premise upon which her advisory opinion in 1934 was based. A law enforcing agency is not precluded from enforcing the law by the fact that it may have failed to perform its mandatory duty of enforcing the same law against others falling within it.

D. There was no impropriety in the action of the Attorney General in overruling the determination of his intermediate reviewing body without according petitioner an opportunity to present further written or oral argument. The administrative regulations governing the proceeding did not require further argument, and oral argument as such is not a denial of a fair hearing. The requirements of due process were fully satisfied by the fact that the Attorney General had before him at the time of his decision all material necessary to a complete understanding of petitioner's contentions.

III

We do not believe that any constitutional issue of free speech or assembly is raised by petitioner's deportation in this case. Decisions of this Court point clearly to the conclusion that the sovereign power both to exclude and to deport aliens is unaffected by considerations of the extent to which freedom of speech and assembly may in other contexts be constitutionally abridged. Congress in its discretion could have transmuted the substantive constitutional guarantees of the First and Fifth Amendments into legal rights conferred upon aliens lawfully resident in the country, but it has not chosen to do so, and the choice is legislative, not constitutional.

ARGUMENT

I

THE EVIDENCE, TESTED BY APPLICABLE STANDARDS, ADEQUATELY SUSTAINS THE FINDINGS OF THE ATTORNEY GENERAL

Introductory

To authorize the deportation order it was necessary to find that petitioner, at the time of or subsequent to his entry into the United States, was a member of or was affiliated with an organization of one of the classes described by the deportation statute, Appendix A, pp. 126–127, *infra*. The Attorney General found that both the Communist Party and the Marine Workers Indus-

trial Union were such organizations; that subsequent to his entry into the United States, petitioner had been both a member of and affiliated with the Communist Party; and that subsequent to his entry, he had also been affiliated with the Marine Workers Industrial Union. While we believe that each of the findings of the Attorney General has adequate evidentiary support, it is clear that under the deportation statute the deportation order would be valid even if less than all of those findings were held not to be adequately sustained by the evidence. Of course, the evidence must be sufficient with respect either to the finding that the Communist Party is an organization within the statutory description or to the finding that the Marine Workers Industrial Union is such an organization. However, since deportation follows from either membership or affiliation in any one such organization, it is sufficient that the evidence is adequate with respect either (a) to the findings that the Communist Party was an organization within the deportation statute, and that petitioner was either a member of or affiliated with the Communist Party, or (b) to the findings that the Marine Workers Industrial Union was such an organization, and that petitioner was affiliated with that union.

Under the controlling statute (Section 19 of the Act of February 5, 1917, as modified by Re-

organization Plan No. V, effective June 14, 1940, Appendix A, pp. 127–128, *infra*) the decision of the Attorney General, the administrative officer charged with the issuance of deportation orders, is final. However, it is well settled that though no direct review of such decisions may be had in the courts, a collateral review by way of habeas corpus may be secured to the extent of determining whether the proceeding so lacked the elements of a fair hearing that it can be said that the alien was deprived of due process of law. *United States ex rel. Vajtauer* v. *Commissioner of Immigration*, 273 U. S. 103; *Tisi* v. *Tod*, 264 U. S. 131; *United States ex rel. Bilokumsky* v. *Tod*, 263 U. S. 149; *Kwock Jan Fat* v. *White*, 253 U. S. 454; *Zakonaite* v. *Wolf*, 226 U. S. 272. In such a collateral review, the range of judicial inquiry is closely circumscribed; as this Court said in the *Vajtauer* case, 273 U. S. at 106:

> * * * Upon a collateral review in *habeas corpus* proceedings, it is sufficient that there was some evidence from which the conclusion of the administrative tribunal could be deduced and that it committed no error so flagrant as to convince a court of the essential unfairness of the trial.

And in the *Tisi* case, 264 U. S. at 133–134, it was said:

> * * * We do not discuss the evidence; because the correctness of the judgment of the lower court is not to be determined by enquiring whether the conclusion drawn by

> the Secretary of Labor from the evidence was correct or by deciding whether the evidence was such that, if introduced in a court of law, it would be held legally sufficient to prove the fact found. * * * mere error, even if it consists in finding an essential fact without adequate supporting evidence, is not a denial of due process of law."[11]

Nor need the evidence be such as would be technically competent in a court of law. *Tisi* v. *Tod, supra; Bugajewitz* v. *Adams,* 228 U. S. 585, 591; *Jung Yen Loy* v. *Cahill,* 81 F. 2d 809, 812 (C. C. A. 9); *Skeffington* v. *Katzeff,* 277 Fed. 129, 132 (C. C. A. 1); *Hays* v. *Hatges,* 94 F. 2d 67, 68 (C. C. A. 8); *Nicoli* v. *Briggs,* 83 F. 2d 375, 377 (C. C. A. 10). And, while the burden of proving the statutory requisites of deportation was upon the Government (*Palmer* v. *Ultimo,* 69 F. 2d 1 (C. C. A. 7), certiorari denied, 293 U. S. 570; *Werrmann* v. *Perkins,* 79 F. 2d 467, 469 (C. C. A. 7)), that requirement is to be read in the light of the established principle that questions as to the weight of evidence and the credibility of witnesses are "for the administrative officials and will not be reviewed by the courts unless the conduct of such officers reflect unfairness." *Jung Yen Loy* v. *Cahill,* 81 F. 2d 809, 812 (C. C. A. 9); *Lindsey*

[11] The omitted portion of the passage quoted in the text deals with the effect of lack of procedural due process upon the validity of the order, a matter which we treat *infra,* pp. 93–115.

v. *Dobra*, 62 F. 2d 116, 118 (C. C. A. 5), certiorari denied, 288 U. S. 606; *Tisi* v. *Tod*, *supra*.

We do not understand that the principles laid down by the foregoing cases have been modified in any way by this Court. Relying upon decisions under the National Labor Relations Act, petitioner asserts (Br. 31–32) that the issue of the sufficiency of the evidence to support a deportation order is to be determined in accordance with a rule formulated by this Court in cases involving direct review of findings of the National Labor Relations Board. Under the National Labor Relations Act the test was stated by this Court in *National Labor Relations Board* v. *Columbian Enameling & Stamping Co.*, 306 U. S. 292, 299–300, to be whether the evidence is "substantial, that is, affording a substantial basis of fact from which the fact in issue can be reasonably inferred. * * * Substantial evidence is more than a scintilla, and must do more than create a suspicion of the existence of the fact to be established. 'It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion,' *Consolidated Edison Co.* v. *National Labor Relations Board*, *supra*, p. 229, and it must be enough to justify, if the trial were to a jury, a refusal to direct a verdict when the conclusion sought to be drawn from it is one of fact for the jury." But even if criteria relevant to the statutory form of judicial review provided

by the National Labor Relations Act are applicable with equal force to a collateral review confined to the issue of the presence or absence of due process of law, we believe that, judged by those criteria, there is substantial evidence to support the findings of the Attorney General essential to the validity of the deportation order.[12]

A. *The findings as to the Communist Party (Findings 3–6, R. 103–104).*—The Attorney General found that the Communist Party of the United States, from the time of its inception in 1919 to the date of his decision, May 28, 1942, was an organization (1) that believed in, advised, advocated, and taught the overthrow by force and violence of the Government of the United States; (2) that had written, circulated, distributed, printed, published, and displayed printed matter so advising, advocating, or teaching; (3) that had caused such printed matter to be written, circulated, distributed, printed, published, and displayed; and (4) that had such literature in its possession for the purpose of circulation, distribu-

[12] No reliance was placed by the courts below on the "mere scintilla of evidence" condemned by this Court as insufficient to sustain orders of the National Labor Relations Board. The district court concluded in express terms (R. 758) that the order for deportation was made "after a fair hearing on substantial evidence," and Judge Stephens, in his opinion in the court below on denial of petition for rehearing, pointed out specifically (R. 7812) that in both the majority and the concurring opinion in the latter court "the idea of the mere scintilla was never considered."

tion, publication, issue, and display.[13] Any one of these findings, if supported by evidence, is sufficient under the deportation statute to make membership in or affiliation with the Communist Party an adequate basis for deportation.

Petitioner offered no evidence at the hearing to controvert the Government's contention that the Communist Party was an organization within the description of the deportation statute, nor did the petition for a writ of certiorari challenge the sufficiency of the evidence in this respect. The petition did state (Pet. 8, footnote) that if certiorari should be granted petitioner would argue that the proof did not support the findings as to the Communist Party; but as we read his brief it seems doubtful that any such argument is seriously advanced.[14] Nevertheless, since the findings as to the Communist Party lie at the root of the Government's case, we deem it appropriate to state in some detail the more significant portions of the evidence supporting such findings. The evidence consists both of Party literature and of

[13] The Communist Party was dissolved at a national convention of the Party held on May 20, 1944. See petition of the Communist Political Association for leave to intervene in this Court, p. 5.

[14] The discussion at pages 92–97 of petitioner's brief, which comes nearest to the point, appears to be directed to the proposition that the Government failed to establish any such "clear and present danger" from membership in the Communist Party as would constitutionally justify the statute in its proposed application to petitioner. This argument is discussed *infra*, at pp. 115–125.

testimony of former members of the Party acquainted with its aims, teachings, methods, and literature.[15] It may be summarized as follows:

A 1919 Convention in Moscow, representing Communist Parties of eight countries, resulted in the so-called "Third International,"[16] dedi-

[15] These witnesses and their qualifications were as follows: Benjamin Gitlow, a member of the Communist Party from its inception in 1919 to 1929, a member of the Party's Central Executive Committee, General Secretary in 1929, and its candidate for vice-president of the United States in 1924 and 1928 (R. 811–812); Nat Honig, a Party member from 1927 to November 1939, in 1934 Party representative in Moscow to the Red International of Labor Unions, managing editor of the official Party publication on the West Coast, and author of several Party pamphlets (R. 2065, 2067, 2070, 2071); Howard Rushmore, a Party member from the fall of 1934 to December 1939 and during that period managing editor of the official organ of the Young Communist League, organizational secretary of the Party for Iowa, and on the staff of the Daily Worker, official Party publication (R. 1421–1425); and Farrell Schnering, a Party member from January 1930 to May 1930 and from June 1931 to December 1935 (R. 1200–1201), during those periods the Party's State Secretary for Wisconsin and a director of the Milwaukee Workers School, editor of the official publication of the Party for Wisconsin, and in 1934 candidate of the Party for Attorney General of Wisconsin (R. 1167, 1169, 1194, 1200). Judge Sears' summarization of the qualifications of these witnesses appears at pages 164–170 and 296–297 of the record.

The documentary evidence, insofar as it is relied on in the following statement, is described in Appendix B, *infra*, pp. 131–135.

[16] The "Third International" regards itself as the successor of the "First International," which was established at London in 1864 and adopted the "Communist Manifesto" of Marx and Engels (Gov. Ex. 91, R. 1031) for its program. The "Third International" repudiated the "Second International," established at Paris in 1889, as a renegade movement

cated to the creation of "a single World Party of the revolutionary proletariat" (Gov. Ex. 228, p. 8, R. 2089). A second World Congress in Moscow, in 1920, adopted the "Theses and Statutes of the Third (Communist) International" (Gov. Ex. 94, R. 1037). Fundamental tenets set forth therein are that the class struggle is entering the phase of civil war; that Communists can have no confidence in bourgeois laws and must everywhere create a parallel legal apparatus which at the decisive moment will assist the revolution; that Communist groups should be formed in every military organization to carry on persistent and systematic agitation and propaganda fomenting disloyalty; that where such agitation is unlawful it is nevertheless necessary to carry it on unlawfully; that for a Party to be affiliated with the Third International its program must be in accordance with the resolution of that body and approved by it (R. 1037–1046; Gov. Ex. 94, pp. 27–32; R. 1037); and that "The mass struggle means a whole system of developing demonstrations growing ever more acute in form, and logically leading to an uprising against the capitalistic order of Government" (Gov. Ex. 94, p. 47, R. 1037).

The Communist Party in the United States had its inception in 1919 (R. 818–820). From the beginning its aims and objectives "were the revo-

"undermined by opportunism and damaged by the treason of its leaders who have taken the side of the bourgeoisie" (Gov. Ex. 94, p. 4, R. 1037).

lutionary aims and objectives as outlined later by the Communist Internationale. that is. working for organizing the forces to overthrow the Government of the United States and to set up in its place a new form of Government to be known as the Dictatorship of the Proletariat, patterned after the form of the government of Soviet Russia" (R. 819). It became a section of the International, and adopted a program in conformity with the program and policies of the latter, declaring itself to be "the most revolutionary part of the working class" and that it would "systematically and persistently propagate the idea of the inevitability of and necessity for violent revolution and [would] prepare the workers for armed insurrection as the only means of overthrowing the capitalist state" (Gov. Ex. 98, pp. 1, 5, 6–7, R. 1060). Late in 1921 the "Workers Party of America" was formed as the organized expression of Communism in this country, and it continued to function as the American section of the Communist International when in 1923 that body ordered the dissolution of the Communist Party of America (Gov. Ex. 99, p. 484, R. 1061; Gov. Ex. 108, preface and p. 20, R. 1074; Gov. Ex. 109, p. 5, R. 1075; Gov. Ex. 111, p. 5, R. 1077; Gov. Ex. 112, pp. 5–6, R. 1077–1078; Gov. Ex. 135, p. 295, R. 1445; Gov. Ex. 164, p. 795, R. 1476). In 1925 the Workers Party officially took the name "Workers (Communist) Party, the American Section of the Communist International," and

declared its purpose to be the revolutionary overthrow of capitalism and the substitution therefor of a Soviet Government (Gov. Ex. 99, pp. 484–485, R. 1061; Gov. Ex. 104, pp. 26, 27, R. 1069; Gov. Ex. 135, p. 296, R. 1445). Since 1929 it was known as the "Communist Party of the U. S. A.," or simply as the "Communist Party" (R. 822–824; Gov. Ex. 135, pp. 296, 298, 300, R. 1445). To belong to the Party one had to agree to engage actively in its work and to subordinate one's self "to all the decisions of the Comintern and of the Party" (R. 823). A condition of membership was that the candidate "has reached the point where he understands that force and violence must be used to smash and destroy the capitalist Government" (R. 1186).

Government witness Gitlow testified that the interpretation currently placed by the Communist Party upon the "Manifesto" of Marx and Engels was that "in order to overthrow capitalism it is necessary to do it forcibly through a violent revolution" (R. 1032).[17] Use of the ballot by the Party, in order to get its "temporary demands" before the electorate, was regarded by it "as only

[17] In the pamphlet "Why Communism?" (Gov. Ex. 120, R. 1117), more than 60,000 copies of which were published and distributed by the Party in the single year of 1934 (R. 1496), it is stated (R. 1114–1115):

"The capitalist State is a glaring fact. It is flesh and blood of the capitalist system. It stands in the way of the workers' progress towards a new, free life. Can it be abolished by gradual transformation? Those who say it can are the staunchest supporters of the capitalist robbers and the

a make-shift at the best, and [as] only another means of building the influence and membership of the Communist Party" (R. 1989; also R. 1056). Lenin taught that "The replacement of the Bourgeois by the proletarian state is impossible without a violent revolution" (Gov. Ex. 182, pp. 19–20, R. 1486); that if the class struggle results in the sacrifice of "half a million or a million" lives, the sacrifice will be justified (Gov. Ex. 184, "A Letter to American Workers," by V. I. Lenin, p. 18, R. 1491). But a revolution "does not simply *happen;* it must be *made*" (Gov. Ex. 231, "What is Communism?" by Earl Browder, p. 125, R. 2093). To make a revolution "it is essential first that a majority of the workers (or at least a majority of the class-conscious, thinking, politically active workers) should fully understand the necessity for revolution and be ready to sacrifice their lives for it; secondly, that the ruling classes be in a state of governmental crisis which draws even the most backward masses into politics, * * * weakens the government, and makes it possible for the revolutionaries to overthrow it rapidly" (Gov. Ex. 183, pp. 43–44, R. 1490). The Communist Party conceived of itself

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most active promoters of imperialist wars. Their theory is not harmless, indeed. It is a poisonous theory. It is a smoke screen behind which cruel capitalist exploitation is hiding.

"We Communists say that there is one way to abolish the capitalist State, and that is to smash it by force. To make Communism possible the workers must take hold of the State machinery of capitalism and destroy it."

as the General Staff to organize and direct the workers to this end and, by precipitating or taking advantage of a governmental crisis, to bring about a revolution and carry it to a successful conclusion (R. 1174–1175)." "Only the revolutionary party of the proletariat can serve as this General Staff. A working class without a revolutionary party is like an army without a General Staff. The Party is the Military Staff of the proletariat" (Gov. Ex. 183, p. 109, R. 1490)." It

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[18] In the July 1929 issue of "The Communist" (Gov. Ex. 232, R. 2097), a magazine officially published and distributed by the Communist Party, the following passage appears (R. 2099):

"When a revolutionary situation is developing, as a result of war or from any other cause, the Party of the proletariat must lead a direct attack against the capitalist state. The slogans put forth must be of such a nature as to guide the movement in its development, which will take the form at first of mass strikes and armed demonstrations. In that stage there arises the question of arming of the working class and disarming the capitalist class. Finally the highest form of struggle is reached wherein it culminates in the general strike and a merging of large sections of the military forces and the workers for armed insurrection against the capitalist state power."

The foregoing is a portion of a quotation which is set forth more fully in the opinion of Circuit Judge Wilbur, with the comment that "it unquestionably constitutes evidence in support of the finding that the Communist Party advocates rebellion" (R. 7783–7785).

[19] The booklet containing this excerpt ("Foundations of Leninism") was first published in 1934. In the first printing there were 100,000 copies, and there was wide distribution of the booklet by the Communist Party (R. 1488). The January 1938 issue of "The Communist" listed it for distribution and reading (Gov. Ex. 145, R. 1483, 1484, 1488).

was the theory of the Communists that "history has cast them in the role of those particular people who are going to lead, guide and direct this armed uprising which they speak of as the revolution" (R. 1175).

This conception of itself appears to have been the basis of the Party's policy toward the trade union movement. Demands "for better conditions such as shorter hours, higher wages, more relief to the unemployed, and all of the other demands raised in the various struggles organized by or under the leadership of the Communist Party" were merely "temporary demands or aims, and they are brought forward solely for the purpose of increasing the membership of the Communist Party and establishing the Communist Party as the leader of the working class and its allies" (R. 1988). The same purpose lay behind the Party policy of fostering and engaging in strikes (R. 964). "In this warfare of the masses developing into a civil war, the guiding party of the proletariat must, as a general rule, secure every and all lawful positions, making them its auxiliaries in the revolutionary work, and subordinating such positions to the plans of the general campaign, that of the mass struggle" (Gov. Ex. 94, p. 47, R. 1037, 1047). The capture of labor union leadership was regarded as "vitally necessary" to "the ultimate victory of the revolutionary struggle" and was recognized by the Party as its "first and foremost task" (R. 960). It was regarded as "necessary * * *

to go to the whole length of any sacrifice, if need be, to resort to strategy and adroitness, illegal proceedings, reticence and subterfuge, to anything in order to penetrate into the Trade Unions, remain in them, and carry on Communist work inside them, at any cost" (Gov. Ex. 105, p. 50, R. 1070), for the reason that "ultimately, of course, if they [the Communists] control the trade unions, they control the economic lives of the country and if a revolutionary situation should develop they can use the trade unions very effectively to bring about a successful culmination of such revolution" (R. 836).[20]

The Party program contemplated that "where there are no labor unions the Party must take the initiative and form unions" (R. 965). It likewise contemplated the extension of the Party's influence among the unemployed, "in short, to build the revolution and to use, of course, the unem-

[20] According to the testimony of government witness Honig, the objective of the Communist Party regarding trade unions (R. 2131) "was either to utilize existing trade unions, such as the American Federation of Labor Unions, later on the CIO Unions when they came into being, or at various times to create unions in order to obtain a foothold in industries, particularly the basic industries, the heavy industries, such as steel, various mining industries, marine, textile, to obtain a foothold in those industries, and to set up nuclei groups of Communists in these industries to [sic] that when the time was considered right for a seizure of power by the Communist Party that they could already have the Communist Party groups in these industries, very active in these basic industries and, as a result, could move immediately to seize these industries."

ployed organizations" (R. 1184). Unemployed workers were taught that under the capitalist regime "there will be more and more millions of workers condemned to a relief standard of living"; that social insurance and freedom from unemployment in the Soviet Union were made possible only by the workers "having exercised their revolutionary power to overthrow capitalism in Russia and displace the capitalist government with the dictatorship of the proletariat"; and that the conclusion "that the American workers ought to draw was only until [sic] they had followed in the footsteps of the Russian workers and farmers would they be able to reach a solution for the problem of the worker on relief" (R. 1185–1186).

The two principal organizational devices which the Communist Party used in its program towards the trade unions were "fractions" and "front organizations." "Fractions" were described by government witness Gitlow as cells within trade unions which, by their unity of action and militancy, were able to elect candidates for office, direct union policies, and exert an influence disproportionate to their number (R. 838–840; see also R. 1109–1110, 1986). By exploiting grievances they were able to foment dissension and draw to themselves disgruntled elements. "Front organizations" were those whose true purpose of advancing the aims of the Communist Party was screened by ostensibly legitimate purposes (R. 836–837, 915–917, 1107–1112, 1176–1177; Gov. Ex. 120, p. 69,

R. 1117). Two such organizations were the Trade Union Educational League (T. U. E. L.) and its successor, the Trade Union Unity League (T. U. U. L.). These were American affiliates of the Red International of Labor Unions (R. I. L. U.), the international trade union organization of the Communist International, and were dominated by the Communist Party (R. 895, 1176–1181). The T. U. U. L., in addition to the "boring from within" strategy, emphasized the organization of previously unorganized workers into unions (Gov. Ex. 135, p. 218, R. 1445; Gov. Ex. 221, pp. 6–7, R. 2080). It announced that in the event of "an Imperialist War it will mobilize the workers to struggle against American imperialism and to transform this war into a class war against the capitalist system itself" (R. 2079). It became the central organization of a group of revolutionary unions which it chartered,[21] one of these being the Marine Workers Industrial Union (R. 1176–1181; Gov. Ex. 164, pp. 799, 810, R. 1476; Gov. Ex. 220, p. 31, R. 2074). The establishment of fractions and front organizations was regarded as work preparatory for "the time when the Communists believe they can seize power through revolution" (R. 842). For a similar purpose the Party conducted workers' schools, ostensibly as "non-political or-

[21] "The T. U. U. L. coordinates and binds all the revolutionary union forces into one united organization. • • • It is the American section of the Red International of Labor Unions" (R. 2078).

ganizations, interested only in the education of the masses" (R. 1167; see also R. 1118–1120, 2511–2518), but designed "to educate as many workers as possible to the Communist Party without their knowing it" (R. 1167) and to persuade them that there would be no solution of the problems of American workers until they, as the workers had done in Russia, "had destroyed root, stem and branch, and left no stone standing of the old order" (R. 1171). The Party also sent students to the Lenin School in Moscow, established by the Communist International for the purpose of training professional revolutionists (R. 862–864).

To prevent exclusion or expulsion of its members from labor unions and similar organizations used as "front organizations", the Party encouraged such members to conceal the fact of their membership (R. 829, 840–841, 861, 926–928, 933–934, 1454–1456, 2132–2133; Gov. Ex. 9, pp. 2–3, R. 843; Gov. Ex. 15, p. 3, R. 859; Gov. Ex. 20, p. 1, R. 876). This was deemed especially important in the case of government employees, labor leaders, and teachers, whose known membership might cause loss of employment or of influence (R. 841, 927). It was a part of the Party's self-styled "policy of hypocrisy and deceit" (R. 928), which also included the giving of false testimony in "capitalist" courts (R. 927–929, 1156–1157, 1456, 2132–2133). In line with this policy, according to government witness Rushmore, the "Com-

munists decided at the Communist International Convention at Moscow in 1935 that their old tactics weren't getting them very far" (R. 1461), and consequently adopted a self-styled "Trojan horse" policy whereby they "watered down the more revolutionary aspects of their program; at least temporarily" (R. 1472) and "even soft pedaled their attacks on religion" (R. 1462). Rushmore testified that, notwithstanding this change of policy, the Party never abandoned the basic technique and principles on which it was founded, and continued to circulate literature advising the overthrow of the Government by force and violence (R. 1484–1498). Government witness Gitlow likewise so testified (R. 1088–1089).

We submit that the foregoing evidence fully supports the Attorney General's finding that the Communist Party from its inception in 1919 until the date of his decision believed in, advised, advocated, and taught the overthrow by force and violence of the Government of the United States. Administrative findings to this effect have been before the courts many times, and when based on comparable records have, without exception so far as we have been able to discover, been uniformly sustained.[22]

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[22] *Kenmotsu* v. *Nagle*, 44 F. 2d 953, 954–955 (C. C. A. 9), certiorari denied, 283 U. S. 832; *Saksagansky* v. *Weedin*, 53 F. 2d 13, 16 (C. C. A. 9); *Wolck* v. *Weedin*, 58 F. 2d 928, 929 (C. C. A. 9); *Sormunen* v. *Nagle*, 59 F. 2d 398, 399 (C. C. A. 9); *Branch* v. *Cahill*, 88 F. 2d 545, 546 (C. C. A. 9); *Skeffington* v. *Katzeff*, 277 Fed. 129, 131 (C. C. A. 1); *Berkman* v. *Tillinghast*, 58 F. 2d 621, 622–623 (C. C. A. 1);

As stated in *Skeffington* v. *Katzeff*, 277 Fed. 129, 133 (C. C. A. 1), "it would be going far afield to say that, from such statements of purpose, no reasonable man could reach the conclusion that

In re Saderquist, 11 F. Supp. 525, 526–527 (D. Me.), affirmed *sub nom. Sorquist* v. *Ward*, 83 F. 2d 890 (C. C. A. 1); *United States* v. *Curran*, 11 F. 2d 683, 685 (C. C. A. 2), certiorari denied *sub nom. Vojnovic* v. *Curran*, 271 U. S. 683; *United States* v. *Smith*, 2 F. 2d 90, 91 (W. D. N. Y.); *United States ex rel. Abern* v. *Wallis*, 268 Fed. 413, 414 (S. D. N. Y.); *Antolish* v. *Paul*, 283 Fed. 957, 959 (C. C. A. 7); cf. *Rex* v. *Buck* (1932), 3 D. L. R. 97 (Ont. Ct. App., 1932); *Re Worozcyt et al.*, 58 Can. Cr. Cas. 161 (Sup. Ct. Nova Scotia, 1932). It is unnecessary to rely upon those additional cases which go to the extent of holding that the Communist Party as a matter of law will be presumed to advocate force and violence even in the absence of specific evidence. *Murdoch* v. *Clark*, 53 F. 2d 155, 157 (C. C. A. 1); *United States ex rel. Yokinen* v. *Commissioner*, 57 F. 2d 707 (C. C. A. 2), certiorari denied, 287 U. S. 607; *United States ex rel. Fernandas* v. *Commissioner of Immigration*, 65 F. 2d 593 (C. C. A. 2); *United States* v. *Perkins*, 79 F. 2d 533 (C. C. A. 2); *United States* v. *Reimer*, 79 F. 2d 315, 316 (C. C. A. 2); *United States ex rel. Fortmueller* v. *Commissioner of Immigration*, 14 F. Supp. 484, 487 (S. D. N. Y.); *Ungar* v. *Seaman*, 4 F. 2d 80, 81 (C. C. A. 8); *Ex parte Jurgans*, 17 F. 2d 507, 511 (D. Minn.), affirmed, 25 F. 2d 35 (C. C. A. 8). Of the three cases mentioned in the opinion in *Schneiderman* v. *United States*, 320 U. S. 118, at 148, fn. 30, as holding to the contrary, one—*Colyer* v. *Skeffington*, 265 Fed. 17 (D. Mass.)—was, as there noted, reversed on appeal *sub nom. Skeffington* v. *Katzeff*, 277 Fed. 129 (C. C. A. 1); and one—*Strecker* v. *Kessler*, 95 F. 2d 976 (C. C. A. 5)—was affirmed by this Court, with modification, on other grounds, and without consideration of this point. 307 U. S. 22. In the third, *Ex parte Fierstein*, 41 F. 2d 53 (C. C. A. 9), the only evidence adduced in support of the finding was the bare statement of the arresting detective that the Party did so advocate.

force and violence are the necessary instrumentalities for its accomplishment and are contemplated, and that, if consummated, it would overthrow government as now instituted." This Court's decision in the *Schneiderman* case furnishes no support for a contrary view. There the Court was dealing with a proceeding to set aside a judicial decree of naturalization. Such a proceeding, the Court held, was analogous to the setting aside of a public grant of land, for the purpose of which "the evidence must be 'clear, unequivocal, and convincing'—'it cannot be done upon a bare preponderance of evidence which leaves the issue in doubt'" (320 U. S. at 125). Cf. *Baumgartner* v. *United States*, 322 U. S. 665, 670. The distinction between the criteria applicable to such a case and those applicable in habeas corpus proceedings to test the validity of deportation orders was clearly recognized by the Court in the *Schneiderman* case itself:

> * * * On varying records in deportation proceedings some courts have held that administrative findings that the [Communist] Party did so advocate [the overthrow of the Government by force and violence] were not so wanting in evidential support as to amount to a denial of due process, others have held to the contrary on different records, and some seem to have taken the position that they will judicially notice that force and violence is a Party principle. This Court has never

> passed upon the question whether the Party does so advocate, and it is unnecessary for us to do so now.
>
> * * * * *
>
> The bombastic excerpts set forth in Notes 35 to 38 inclusive, upon which the Government particularly relies, lend considerable support to the charge. We do not say that a reasonable man could not possibly have found, as the district court did, that the Communist Party in 1927 actively urged the overthrow of the Government by force and violence. But that is not the issue here. We are not concerned with the question whether a reasonable man might so conclude, nor with the narrow issue whether administrative findings to that effect are so lacking in evidentiary support as to amount to a denial of due process. * * *[23]

In view of the difference in issues, the *Schneiderman* case would thus not be controlling even had the Court there determined, for purposes of the case then before it, that the Communist Party did not advocate the overthrow of the Government by force and violence. But the Court made no such determination; rather, it intimated that the evidence then before it could properly have been held sufficient to sustain a contrary determination in a case involving administrative findings. Here we have such a case,

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[23] 320 U. S. at 147–148, 153–154, footnotes omitted.

and more compelling evidence. The publications containing the four "bombastic excerpts" referred to in the foregoing quotation from the opinion in the *Schneiderman* case are all in evidence here,[24] as likewise are all the other significant documents which were introduced in the *Schneiderman* case on this issue. In addition, the record here contains a mass of similar material which, though not relied on in the *Schneiderman* case because published after the period which was there regarded as critical, is of unquestionable relevance in this proceeding.[25] On this record, which is certainly no less strong than that in the *Schneiderman* case, we do not believe that the propriety of the Attorney General's finding as to the aims of the Communist Party is open to the slightest question.

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[24] "The Communist Manifesto", Lenin's "State and Revolution," the "Theses and Statutes of the Third (Communist) International;" and Stalin's "Foundations of Leninism" (Gov. Ex. 91, R. 1031–1032; Gov. Ex. 182, R. 1486; Gov. Ex. 91, R. 1036–1047; Gov. Ex. 183, R. 1488–1490). The title and translation of the last named work vary somewhat from those used in the edition referred to in the *Schneiderman* opinion (320 U. S. at 151, fn. 38), but the substance of the excerpts quoted by the Court will be found at pp. 53 and 103 of Gov. Ex. 183.

[25] For the convenience of the Court, we have set out in Appendix B *infra*, pp. 131–135, a brief description of each of the documents in the record which have been cited above as tending to establish the character of the Communist Party. Documents which were also introduced in the *Schneiderman* case are indicated in italics.

There can likewise be no doubt on the record that the Communist Party from its inception in the United States in 1919 until the date of the Attorney General's decision published and circulated, caused to be published and circulated, and had in its possession for the purpose of circulation, literature advising, advocating, and teaching the overthrow of the Government of the United States by force and violence. In substantial measure the record consists of such literature, circulated by the Party. The Presiding Inspector has summarized (R. 179–182), with sustaining exhibit and transcript references, the elaborate organization of the Communist Party's editing and publishing activities. As government witness Schnering testified: "The Party has a tremendous press. We used to brag that there was scarcely a language spoken in the country in which a Communist paper was not printed. They had many weekly papers; the Daily Worker which was the official publication of the Communist Party. They published many, many tons of pamphlets, books, through the Workers Library Publishers and the International Publishers. The Central Committee itself from time to time published pamphlets" (R. 1193). With respect to each of the government exhibits of Party literature, its Party sponsorship or approval and the fact of its distribution by the Party were brought out by the particular witness through whom the particular exhibit was intro-

duced.[26] The excerpts from such literature to which we have referred show it to be of an inflammatory character and of general application,

[26] Gitlow testified to the circulation and distribution by the Party of Government Exhibits 91 (R. 1030), 92 (R. 1033), 93 (R. 1035–1036), 94 (R. 1036, 1047), 95 (R. 1050–1051), 96 (R. 1057–1058), 97 (R. 1058–1059), 98 (R. 1059–1060), 99 (R. 1060–1061), 100 (R. 1061–1062), 101 (R. 1065–1066), 102 (R. 1066–1067), 103 (R. 1067–1068), 104 (R. 1068–1069), 105 (R. 1069–1070), 106 (R. 1071–1072), 107 (R. 1072–1073), 108 (R. 1073–1074), 109 (R. 1074–1075), 110 (R. 1075–1076), 111 (R. 1076–1077), 112 (R. 1077–1078), 113 (R. 1078–1079), 114 (R. 1079), 115 (R. 1079–1080), 116 (R. 1080–1084), 117 (R. 1084–1085), 118 (R. 1085–1086), and 119 (R. 1086–1087). Chase testified to the circulation and distribution by the Party of Government Exhibits 102 (R. 1115–1117), 120 (R. 1116–1117), and 121 (R. 1122–1123). Schnering testified to the circulation and distribution by the Party of Government Exhibits 122 (R. 1208–1209), 123 (R. 1209–1210), 124 (R. 1210–1211), 125 (R. 1211–1212), 126 (R. 1212–1213), 128 (R. 1214–1216), 129 (R. 1216–1219), 130 (R. 1219–1220), 131 (R. 1220), and 132 (R. 1220–1221). Rushmore testified to the circulation and distribution by the Party of Government Exhibits 136 (R. 1448–1449), 137 (R. 1449–1451), 139 (R. 1451–1452), 140 (R. 1457), 142, 143, 144 and 145 (R. 1459–1460), 146 (R. 1461–1462), 147 (R. 1462–1463), 148 (R. 1463–1464), 149–154 (R. 1464–1466), 155 (R. 1466–1467), 156 (R. 1468), 158 (R. 1472–1473), 159 (R. 1473–1474), 160 (R. 1474), 161 (R. 1474–1475), 162–165 (R. 1475–1476), 166–169 (R. 1476–1477), 170 (R. 1477–1478), 171 (R. 1478–1479), 172 (R. 1479), 173 (R. 1479–1480), 174 (R. 1480–1481), 175 (R. 1481–1482), 176 (R. 1482), 177–181 (R. 1484–1485), 182 (R. 1486), 183 (R. 1488–1490), 184 (R. 1491), 185 (R. 1492–1493), 186 (R. 1493), 187 (R. 1494–1495), 188 (R. 1495–1496), 189 (R. 1496–1497), 190 (R. 1499), 191 (R. 1499–1501), and 192 (R. 1501). Honig testified to the circulation and distribution by the Party of Government Exhibits 91–93 (R. 2126), 95 (R. 2127), 101 (R. 2128), 102

unmarked by any apparent distinction between advocating and predicting violence (cf. *Schneiderman* v. *United States*, fns. 40, 48, 320 U. S. at 153, 156). Taken in their ordinary sense they import the advising, advocating, and teaching of the forcible overthrow of the Government at an opportune time. Those to whom they were addressed could not reasonably have interpreted them as anything less than militant advocacy of this result. We submit that the findings of the Attorney General that the Communist Party was an organization within the description of the deportation statute are adequately supported by the evidence.

B. *The finding of petitioner's membership in the Communist Party (Finding 9, R. 104).*—There was adduced at the deportation hearings direct evidence of admissions by petitioner, by both words and conduct, of his membership in the Communist Party of the United States after his entry into the country. We outline below the more important of this evidence.

1. *The testimony of Lundeberg.*—Lundeberg, Secretary-Treasurer of the Sailors Union of the

(R. 2127), 105–107 (R. 2127–2128), 116 (R. 2129), 140 (R. 2129), 220 (R. 2073–2074), 221 (R. 2079–2080), 222 (R. 2082), 223 (R. 2082–2083), 225 (R. 2084–2085), 226 (R. 2087), 227 (R. 2088), 228–229 (R. 2089), 231 (R. 2092–2093), 232 (R. 2096–2097), 233 (R. 2108), 234 (R. 2109), 235 (R. 2113), 236 (R. 2113–2114), 237 (R. 2115), 238–240 (R. 2116–2117), 241 (R. 2117–2118), 242 (R. 2122–2123), and 243 (R. 2123–2124).

of the Pacific, head of the Seafarers International Union of North America, Vice President of the California State Federation of Labor, and in 1935 president of the Maritime Federation (R. 7260–7261), testified that in the summer of 1935 he was at petitioner's home through petitioner's invitation, having supper (R. 7264–7265); that among those present were Sam Darcy, an acknowledged Communist, to whom petitioner introduced the witness (R. 7265–7266), petitioner's wife, his secretary Norma Perry, and perhaps his daughter (R. 7335); and that Darcy, in petitioner's presence, asked Lundeberg to join the Communist Party, stating that petitioner was a member and that if Lundeberg joined the Party, it would build him up as a labor leader (R. 7266–7267). Lundeberg testified that petitioner then said: "You don't have to be afraid because nobody has to know you are a member of the Communist Party if you join" (R. 7267) and "You don't have to be afraid because I am one too" (R. 7268)—"Nothing to be afraid of; I am a member of the Communist Party" (R. 7339). Petitioner admitted that Lundeberg was at his home for dinner in the summer of 1935 (R. 7576) and that he was aware of Darcy's party membership (R. 6091–6092), but denied that Darcy was present at the time (R. 7576–7577) and that he had told Lundeberg that he (petitioner) was a member of the Communist Party (R. 7709–7710). He also

testified that his wife, another woman, and his two children were present (R. 7577).

Lundeberg's testimony of petitioner's admission would have been competent evidence in a court of law (*Beckwith* v. *Bean*, 98 U. S. 266, 280; *Harrison* v. *United States*, 42 F. 2d 736, 737 (C. C. A. 10); *Crouch* v. *United States*, 11 F. Supp. 232, 234 (N. D. W. Va.); *Union Mutual Life Ins. Co.* v. *Masten*, 3 Fed. 881, 885–886 (C. C. D. Ind.); cf. *Warszower* v. *United States*, 312 U. S. 342, 348); and, of course, is competent evidence in a deportation proceeding (*Chan Wong* v. *Nagle*, 17 F. 2d 987 (C. C. A. 9)). The question then is purely one of credibility—whether Lundeberg or petitioner was to be believed. On this question the determination made by the Attorney General is conclusive in a collateral judicial review unless Lundeberg's testimony was so inherently improbable that as a matter of law it is not entitled to credence. In this respect the power of the courts differs from the power of the Board of Immigration Appeals to review Judge Sears' recommended findings. The Board was entitled to draw its own conclusions from the evidence. Rule 90.11 of the Regulations of the Immigration and Naturalization Service (8 C. F. R., 1940 Supp., 90.11).[27] So, likewise, was the Attorney

[27] This rule provides that the Board may make an order less favorable to the alien than the order proposed by the presiding inspector if it believes that this should be done "after consideration of the record."

General entitled to draw his own conclusions from the evidence. Rule 90.12, *ibid.*, 8 C. F. R., 1940 Supp. 90.12, Appendix A, *infra*, p. 128.[28] But a court is not entitled to reject Lundeberg's testimony for the reasons relied upon by the Board of Immigration Appeals (R. 468–489), since those reasons provide no legal basis for rejection of such testimony by a tribunal that is not a trier of fact.[29]

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[28] Review by the administrative officer charged with the issuance of deportation orders "is not confined to ascertaining whether there is any evidence to support the board; he exercises a power to examine the whole record and ascertain where the truth lies". *United States ex rel. Hom Yuen Jum v. Dunton*, 291 Fed. 905, 906 (S. D. N. Y.).

[29] The first of such reasons was Lundeberg's conceded bias as a rival labor leader whose relations with petitioner since October 1935 had been unfriendly (R. 475). But such bias was recognized and given full consideration by Judge Sears (R. 258) and the Attorney General (R. 91) in evaluating Lundeberg's testimony. A second reason relied upon by the Board of Immigration Appeals was its conclusion that Lundeberg's testimony included "three successive, growing versions of the conversation at Bridges' home" (R. 475), coupled with the fact that in three different interviews with government agents in the preceding six years he had stated that he had no information that petitioner was a Communist (R. 476–478, 7340–7349, 7367–7368). Lundeberg's testimony on direct examination as to the conversation with petitioner covers less than three pages of the record (R. 7266–7268), and it is inaccurate to describe as "the third version" (see Pet. Br. 49) the answers, consistent with each other, given within such a short space of time to questions that proceeded in normal course from the general to the specific. While some of the questions were leading, we think that the record shows that Lundeberg did not testify to petitioner's admission itself in response to leading questions. The previous statements of Lundeberg to government agents that he had no informa-

We submit that no portion of Lundeberg's testimony in any way calls for its rejection as a matter of law; and that the crediting of such testimony by the Attorney General must be deemed conclusive upon the courts. Moreover, it should be noted that Lundeberg's testimony is corroborated, as Judge Sears and the Attorney General recognized (R. 258–259, 91), by petitioner's failure to call as witnesses any of the other persons admittedly present at his home when the conversation occurred. None of these persons was shown to be unavailable. It is reasonable to assume that petitioner's wife and daughter, as well as Darcy and Norma Perry, petitioner's secretary, were readily available to him as witnesses. Whether petitioner's wife and daughter heard the particular conversation is immaterial; they at least were in a position to corroborate or deny petitioner's assertion that Darcy was not present at his house that evening. Under these circumstances, peti-

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tion that petitioner was a Communist, were given due consideration by Judge Sears in evaluating Lundeberg's testimony (R. 257–258). As emphasized by the Attorney General (R. 92) and Judge Sears (R. 258), Lundeberg had been reluctant to testify against petitioner (R. 7340–7349, 7367–7368). Not until the night before taking the witness stand, when he was already under subpoena, did Lundeberg state to a government representative that petitioner was a Communist, and the statement then made was consistent with his testimony (R. 7340). As the Attorney General commented (R. 92), "anyone who is familiar with witnesses, and their reluctance to testify, as referred to by Judge Sears, knows that such a contradiction frequently occurs."

tioner's failure to call any of these persons as witnesses was properly considered by the Attorney General as an inference corroborative of Lundeberg's testimony. 2 Wigmore, *Evidence* (3d ed., 1940), Sec. 288; *United States* v. *Cotter*, 60 F. 2d 689, 692 (C. C. A. 2), certiorari denied, 287 U. S. 666; *Atchison, T. & S. F. Ry. Co.* v. *Phipps*, 125 Fed. 478, 482–483 (C. C. A. 8).

2. *The testimony of Kelley and Barlow.*—Government witness Kelley, proprietor of the Atwood Hotel in Seattle (R. 1917), testified that while petitioner was at the hotel on May 1, 1937 (R. 1917–1918), he heard one Dietrich say to petitioner at a conversation among the three in Dietrich's room: "Harry, you are one of the swellest guys I have ever known if it wasn't for the Commie outfit that you belong to." According to Kelley, petitioner replied: "That is all right. You will see the time that you are damned glad to belong to our outfit" (R. 1920). Kelley later asked Dietrich what he had meant and Dietrich replied: "It is the Communists. Didn't you know that Bridges belongs to that outfit?" (R. 1920–1921). Petitioner did not unequivocally deny having made the statement attributed to him. He testified that he doubted that he had made it, but that if he had it had not been made seriously (R. 5849–5851). Kelley testified that at the time he "never even gave it a second thought because [he] had no occasion to take it seriously and [he] paid no attention to it" (R. 1938).

Government witness Barlow testified that at a convention of the Maritime Federation of the Pacific in Seattle in 1935, petitioner told him "that the only way that a young fellow could get ahead in the labor movement today was to join the Communist Party" (R. 7377). Petitioner denied making this statement to Barlow (R. 7576).

With respect to the Kelley incident, since it did not impress the witness as serious at the time it occurred, Judge Sears recognized that if it stood alone it was "too equivocal to base a finding of membership or affiliation thereon" (R. 318). It shows, however, that petitioner, on another occasion than that to which Lundeberg testified, not only did not deny but acknowledged the attribution to him of membership in the Communist Party; and therefore the incident, the occurrence of which was not denied, has a corroborating significance in relation to Lundeberg's testimony. Of somewhat similar significance is the Barlow incident which, although denied by petitioner, Judge Sears and the Attorney General found took place (R. 272, 96).

3. *The testimony and prior statements of O'Neil.*—James O'Neil had been closely associated with petitioner from 1937 to 1939 as publicity director of the C. I. O. on the West Coast under petitioner's supervision, and had access to petitioner's office (R. 2993–2994). O'Neil had failed to answer two subpoenas calling for his attendance as a government witness at the hearing; and

he appeared only after he had been cited by a district judge for contempt (R. 2981–2982, 3078–3079). At the hearing the Government questioned him concerning a prior verbal statement he had allegedly made to the F. B. I. on October 7, 1940. O'Neil admitted that he was interviewed on October 7, 1940, but denied making certain remarks concerning petitioner which tended to show that petitioner was a member of the Communist Party (R. 3019–3024, 3076). He also testified that at an interview on April 22, 1941, at which Major Schofield, then Special Assistant to the Attorney General in charge of the Immigration and Naturalization Service (R. 5255), and Mr. Del Guercio, chief government counsel, were present, he told them that the statements he had made to the F. B. I. were true and also that what he told Schofield and Del Guercio on April 22 was true (R. 3032–3033, 3079–3081). He denied, however, having said that petitioner was a Communist or that he had seen him placing assessment stamps in a Communist Party book (R. 3036, 3051–3053).

Mrs. Segerstrom, a stenographer in the employ of the F. B. I., testified that she was present at O'Neil's interview on October 7, 1940, and that he dictated a statement which she took down stenographically (R. 3102–3104). She read her stenographic notes of the statement (R. 3104–3113, 3145) and in them appeared the following remarks of O'Neil (R. 3109–3110, 3113):

On another occasion I walked into Bridges' office, it always being my privilege to do so after first having assured myself that he was alone, and there on his desk was a new Party book, which had just been issued and into which Bridges was puttting assessment stamps. This was about two o'clock in the afternoon in Bridges' office in the Balboa Building, 593 Market Street, Room 509, in 1937. I expressed amazement that he was doing this openly with the book in plain view on top of his desk. However, he nonchalantly continued to put the stamps in place and then returned the book to his pocket. I knew this was a Communist Party book because I had one myself and it was just like it. It was the general practice to pay your dues to the Communist Party dues collector and, in return, to receive stamps which he tore off from a block and which you inserted in your book at your leisure. There is no doubt in my mind but what that was Bridges' membership book in the Communist Party.

* * * * *

On several occasions Bridges reminded me that I had not been attending Party meetings * * *.

* * * * *

* * * Bridges said that fraction meetings had been conducted in the room [in the Multnomah Hotel at which he stayed during a Maritime Federation Convention at Portland, Oregon, in 1937] * * *. By this

he meant top fraction meetings of the Communist Party.

Major Schofield testified that at the interview with O'Neil on April 22, 1941, O'Neil stated that he had seen petitioner "pasting dues stamps in Bridges' membership book in the Communist Party" (R. 5255–5256). Petitioner denied that he ever told O'Neil that he had participated in Communist Party fraction meetings or that he had called to O'Neil's attention that O'Neil had not been attending such meetings (R. 5882–5883).

Judge Sears accepted the statement of O'Neil as affirmative evidence of petitioner's membership in the Communist Party, although he recognized that it was hearsay and had not been made under oath, stating as to the one objection that "the sanction of cross-examination was present," and stating as to the other objection that there was "something equivalent" to an oath since O'Neil testified that he had told the truth in his interview with the F. B. I. and in the interview at which Major Schofield was present (R. 268–271). The Board of Immigration Appeals held that while the O'Neil statements were admissible for purposes of impeachment, they could not be considered as affirmative probative evidence. It also stated that the fundamental requirements of a fair hearing required their exclusion in that they had been received in violation of the regulations of the Immigration and Naturalization Service governing the reception of evidence at deportation hearings

(Rule 150.1 (c), 8 C. F. R., 1941 Supp., 150.1 (c) and Rule 150.6 (i), 8 C. F. R., 1941 Supp., 150.6 (i), Appendix A, *infra*, pp. 128–129, 130) (R. 446–451).[30]

The Attorney General agreed with Judge Sears. With respect to the asserted violation of the regulations, he said: "No objection having been raised by the alien throughout the hearing, * * * he waived the right to object on the technical ground that the statement was not taken in accordance with the rules" (R. 95–96). Likewise, the Attorney General was in accord with Judge Sears' finding that O'Neil's statements were credible (R. 96). For these reasons, he accepted the statements as substantive proof of petitioner's membership in the Communist Party. We submit that he was justified in so doing.[31]

O'Neil's testimony on the witness stand was in direct contradiction of the prior statements. He testified that he had made prior statements on the occasions in question, and that in them he had told the truth (R. 3080–3081), but denied that the statements in evidence represented what he had said (R. 3001–3073). The fact that prior statements were made is thus supported by the oaths of Segerstrom, Schofield, and O'Neil himself; and

[30] These regulations were not considered by Judge Sears, since they had not been called to his attention (R. 451).

[31] For reasons of convenience we treat the question at this point, although it might equally appropriately be considered in our subsequent discussion of petitioner's contention that he was denied a fair hearing by reason of alleged procedural abuses, *infra*, pp. 93–115.

that the statements in evidence represent what he said is supported by the oaths of Segerstrom and Schofield as well as by Segerstrom's original stenographic notes (Gov. Ex. 256, R. 3145). On the record we submit that there can be no doubt that the Attorney General was entitled to conclude that O'Neil made the statements attributed to him, as had similarly been found also by Judge Sears and the Board of Immigration Appeals (R. 92–94, 269–271, 443). The question thus presented is whether the fact of their acceptance by the Attorney General as substantive evidence bearing on the issue of petitioner's membership in the Communist Party constitutes a denial of a fair hearing.

We submit that there is no basis for the contention that prior statements of a witness contradictory of his testimony on the stand are not properly admissible for their substantive worth in an administrative proceeding of this character. That such statements are admissible in strictly judicial proceedings for impeachment purposes is well settled. *Walker* v. *United States,* 104 F. 2d 465, 470 (C. C. A. 4); *United States* v. *Graham,* 102 F. 2d 436, 441 (C. C. A. 2), certiorari denied, 307 U. S. 643; *United States* v. *Block,* 88 F. 2d 618, 620 (C. C. A. 2), certiorari denied, 301 U. S. 690; *London Guarantee & Accident Co.* v. *Woelfle,* 83 F. 2d 325, 333 (C. C. A. 8); *Curtis* v. *United States,* 67 F. 2d 943, 946 (C. C. A. 10); *Di Carlo* v. *United States,* 6 F. 2d 364, 368

(C. C. A. 2), certiorari denied, 268 U. S. 706. In administrative proceedings they are admissible both for impeachment and for such affirmative evidentiary value as the trier of fact may assign to them. Thus the Circuit Court of Appeals for the Second Circuit, while rejecting such a statement for purposes of a criminal case on the ground that the court was "not free so to make over the law," pointed out that in other than criminal cases "such a statement would be accepted as evidence to be weighed against the retraction, and nobody would think it an injustice to make use of it." *United States* v. *Block, supra,* at 620. And in *Ng Kee Wong* v. *Corsi,* 65 F. 2d 564, 565 (C. C. A. 2), the court referred to the distinction between the use of prior contradictory statements for impeachment purposes and their use as substantive evidence as "an artificial doctrine" and refused to apply it to an alien exclusion proceeding, saying: "These administrative boards are not bound by common-law rules of evidence, and we see no reason why they should not be permitted to accept a witness' prior testimony as affirmative proof of the fact then asserted, provided it is thought worthy of credence."

The rule thus applied by the Second Circuit Court of Appeals has been recognized by other circuits in cases involving alien exclusion and deportation proceedings (*Maita* v. *Haff,* 116 F. 2d 337, 338 (C. C. A. 9); *Ex parte Wong Foo Gwong,* 50 F. 2d 360, 361 (C. C. A. 9); *Ex parte*

Ematsu Kishimoto, 32 F. 2d 991, 992 (C. C. A. 9); *Wong Wey* v. *Johnson*, 21 F. 2d 963, 964 (C. C. A. 1); *Moy Said Ching* v. *Tillinghast*, 21 F. 2d 810, 811 (C. C. A. 1); *Ghiggeri* v. *Nagle*, 19 F. 2d 875, 876 (C. C. A. 9); *Johnson* v. *Kock Shing*, 3 F. 2d 889, 890 (C. C. A. 1), certiorari denied, 269 U. S. 558), and petitioner cites no authority to the contrary.[32] Nor is it material to their admissibility that the prior statements may not have been made under oath.[33] That factor does not preclude their admission in judicial proceedings for impeachment purposes, even though the jury may well attribute to them significance beyond that of impeachment alone. "The possibility that the jury may accept as the truth the earlier statements in preference to those made upon the stand is indeed real, but we find no difficulty in it. If, from all that the jury see of the witness, they conclude that what he says now is not the truth, but what he said before, they are

[32] The cases cited at p. 43 of petitioner's brief, fn. 27, merely stand for the proposition that a deportation order cannot validly rest exclusively on unverified ex parte statements of persons who are not produced for cross-examination.

[33] See, e. g., *Chan Wong* v. *Nagle*, 17 F. 2d 987 (C. C. A. 9) (prior statements held admissible although it did not appear that they were made under oath); *Chew Toy* v. *Nagle*, 27 F. 2d 513, 514 (C. C. A. 9):

"The contention that the decision of the Secretary of Labor was unfair, because based on informal statements not taken under oath, and because the appellant's counsel had no opportunity prior to the decision on the appeal to meet the case made against the citizenship of Chew Young, is not sustainable."

none the less deciding from what they see and hear of that person and in court. There is no mythical necessity that the case must be decided only in accordance with the truth of words uttered under oath in court." *Di Carlo* v. *United States*, 6 F. 2d 364, 368 (C. C. A. 2), certiorari denied, 268 U. S. 706. And since the fact that such statements are unsworn does not preclude their admission in judicial proceedings for the proper purpose of impeachment, it should have no greater bearing upon their admissibility for the broader purpose for which it has uniformly been held that they may be admitted in alien exclusion and deportation proceedings. In either case, their unsworn character is a factor going merely to their credibility. Cf. *Edison Co.* v. *National Labor Relations Board*, 305 U. S. 197, 229–230; *National Labor Relations Board* v. *Remington Rand, Inc.*, 94 F. 2d 862, 863 (C. C. A. 2), certiorari denied, 304 U. S. 576; *National Labor Relations Board* v. *Service Wood Heel Co., Inc.*, 124 F. 2d 470 (C. C. A. 1).

Petitioner urges strongly (Br. 38–42) that in any event O'Neil's prior contradictory statements were inadmissible under the regulations of the Immigration and Naturalization Service because not in the form of "recorded statements"—that is, because not made under oath and because O'Neil was not requested to sign the statements which he made. Although this view of the regulations was accepted by the Board of Immigration

Appeals (R. 446–450), the district court (R. 754) and Circuit Judge Healy in his dissent in the court below (R. 7805), we believe that it is erroneous, and is based on a misinterpretation of the pertinent provisions. Rule 150.1 (c) (Appendix A, pp. 128–129, *infra*), it is true, provides that statements secured during an investigation "which are to be used as evidence" shall be made under oath and taken down in writing, and the person interrogated shall be asked to sign the statement. Viewed in its context and in the light of other provisions of the regulations, this requirement is, however, merely directory of the procedure to be followed during the course of an investigation prior to the issuance of a warrant, to the end that warrants shall not be issued unless "there is credible evidence reasonably establishing (1) that the person investigated is an alien, and (2) that he is subject to deportation." Rule 150.1 (b) (8 C. F. R., 1941 Supp., 150.1 (b)). No provision of the regulations specifies that statements other than the "recorded statements" contemplated by Rule 150.1 (c) shall be categorically deemed inadmissible upon a deportation hearing; and, indeed, the contrary affirmatively appears from Rule 150.6 (i) (Appendix A, p. 130, *infra*), which deals with the admissibility of statements at hearings as distinguished from investigations. That rule provides *inter alia* that an inspector's affidavit as to statements made to him may be used to show prior contradictory

statements by a witness at a hearing if the inspector is unavailable to testify in person—thereby clearly intimating that the inspector himself, if available, may testify as to prior contradictory statements made to him. Nor can it be assumed that under the rule the inspector may testify only as to prior "recorded statements" made in writing and under oath, for the same rule makes such "recorded statements" themselves admissible in evidence to show prior contradictory statements of a witness. Rule 150.6 (i) thus makes plain that, whatever limitations may be imposed upon the use, as evidence, of ex parte "recorded statements" and affidavits, no restriction was intended to be placed upon the use of sworn testimony in accordance with the ordinary rules applicable to deportation hearings. Under those ordinary rules, as we have shown, Major Schofield and Mrs. Segerstrom were fully competent to testify as to prior statements made to them by O'Neil in contradiction of his testimony on the stand; and the admissibility of their testimony can hardly be defeated by the fact that it was supported by a stenographic record contemporaneously taken and authenticated to the satisfaction of the Presiding Inspector.

We believe it clear, therefore, that no rule of the Service was violated in the admission of evidence as to prior contradictory statements of the witness O'Neil, either for impeachment purposes or as substantive evidence. Nor can it even be

said that petitioner suffered from the usual vice of hearsay testimony—lack of opportunity for cross-examination to test the truth of the statements admitted in evidence against him. O'Neil, Major Schofield, and Mrs. Segerstrom, the stenographer, were all present at the hearing and available for cross-examination. On the issue of whether the statements were made petitioner had, of course, no reason to cross-examine O'Neil, for his denial of the statements on direct examination afforded petitioner all he could have secured by the most rigid cross-examination. On that issue, however, petitioner not only had but freely exercised the privilege of cross-examining Major Schofield and Mrs. Segerstrom (R. 3116–3156, 5259–5281). Moreover, O'Neil was available for cross-examination as to all the circumstances attending the interviews which he admitted had taken place, and as to any factors which would bear upon the question whether at those interviews he had in fact made the statements attributed to him.

Accordingly, the question, as we see it, is solely whether on the entire record the probability that the prior statements were in fact made and if made were true in fact was so remote that acceptance of them as evidence constituted a denial of a fair hearing. Passing the fact that in any event the acceptance of inadmissible testimony in a deportation hearing does not render the hearing unfair if there is—as there was here—other cred-

ible evidence of the fact in issue (cf. *Seif* v. *Nagle*, 14 F. 2d 416, 417 (C. C. A. 9), certiorari denied, 273 U. S. 737), we submit that there was no such inherent improbability that the statements were made and were true as to require their rejection as a matter of law. That the statements were in fact made was found not only by the Presiding Inspector and the Attorney General, who believed them, but by the Board of Immigration Appeals, which disbelieved them (*supra*, p. 54); and since the issue rested solely on the proper resolution of a square conflict of testimony, the conclusion of the administrative agency should be accepted as final. As to their truth, they are certainly not inherently improbable. O'Neil testified to the closeness of his association with petitioner (R. 2993–2994), as did petitioner likewise (R. 6460), and on this record petitioner's membership in the Communist Party is not so improbable as to make it unlikely that O'Neil should have seen him pasting assessment stamps in a Party book. Nothing in logic or experience suggests that a reasonable mind must necessarily rebel under all circumstances at accepting the truth of a prior unsworn statement later denied under oath. Such acceptance as a matter of fact occurs when the trier of fact accepts the prior statements for impeachment purposes. *Di Carlo* v. *United States*, 6 F. 2d 364, 368 (C. C. A. 2), certiorari denied, 268 U. S. 706, *supra*, pp. 56–57; Sworn denials of prior truthful statements are all too common in

human experience. Moreover, the circumstances of the present case supply affirmative grounds for believing that the prior statements of O'Neil were true and his subsequent denials false. It is significant, as the Presiding Inspector pointed out (R. 268), that O'Neil insisted that what he said on the prior occasions was true, and that he was being misquoted, instead of admitting that he had deliberately made false statements on the prior occasions had that been the case. For had he done the latter, and given some plausible reason for making false statements on the prior occasions, there might be good reason for doubting the truth of the prior statements. But his insistence that he had never made such statements in the face of conclusive evidence that he had done so, coupled with the lengths to which he went to avoid taking the witness stand, properly indicated to Judge Sears and the Attorney General that such statements set forth the truth.

We therefore submit that there was adequate reason to believe the truth of such prior statements; that they are supported by normal guarantees of trustworthiness; that they are not to be excluded as substantive evidence unless this is required by some rule of law or policy stronger than the policy that the truth, as found by the trier of fact on entirely reasonable evidence, shall prevail; and that no such stronger rule or policy applies to this proceeding. It follows that the

prior statements of O'Neil properly constitute substantive evidence in the case.

4. *Supporting testimony.*—We treat at greater length, *infra*, pp. 87–93, the evidence of other witnesses—including evidence by petitioner himself—tending to support the conclusion that petitioner was affiliated with the Communist Party within the meaning of the deportation statute. However, we cannot pass unchallenged petitioner's effort to foster a misconception of the record upon which Judge Sears and the Attorney General relied in determining the issue of membership as distinct from affiliation.

The only direct evidence relied on, it is true, was that of Lundeberg and O'Neil's prior statements. Much other evidence, it is also true, was rejected by the Presiding Inspector as "untrustworthy, contradictory, or unreliable" (cf. R. 90). In the latter category may be included the evidence of Sam Diner, Nat Honig, Thomas Laurence, Maurice J. Cannalonga, Richard A. St. Clair, Robert Wilmot, and John Oliver Thompson (R. 295–6, 300, 302–3, 307–8, 310–311, 315, 317).[34]

On the other hand, it is far from true, as petitioner implies at pp. 13–14 of his brief, that all evidence save that of Lundeberg and O'Neil was

[34] With respect to the circumstances of the Madison Square Garden meeting, sought to be proved by government witnesses McCuistion and Innes, the Presiding Inspector made no finding either way because of an equal mistrust of the McCuistion-Innes version and the Bridges-Curran version (R. 286).

rejected by the Presiding Inspector as "untrustworthy, contradictory, or unreliable." No such comment can fairly be made on the testimony of Kelly and Barlow, outlined above (pp. 48–49). The evidence of the Lovelaces showed a meeting in their apartment at which petitioner sought advice from known non-union Communist Party members as to the contents of a telegram of instructions to be sent to his union. Attacks on their credibility failed, and their evidence was accepted by the Presiding Inspector as "important as evidence of the conduct of Bridges in dealing with Communists, especially nontrade union members," and as showing "a close association with Communists in line with other evidence as to Bridges' membership in or affiliation with the Communist Party" (R. 276). Rushmore, who testified as to petitioner's standing in the Party press, and as to his friendly attitude towards Party organizations, was accepted by the Presiding Inspector "as being forthright and as qualified to testify with regard to the matters disclosed by him" (R. 169). Attacks on the credibility and qualifications of J. Ezra Chase likewise failed (R. 166, 288, 323), and his testimony, with that of John S. Horn, was accepted as establishing petitioner's attendance at and participation in a meeting principally attended by Communists, at which petitioner made a speech laying down a "line for trade unionists, whatever their affiliation," which was parallel with the line

currently advocated by the Communist Party itself (R. 291–292).

We do not suggest that any one of these witnesses standing alone, or all of them together, could be taken to establish petitioner's membership in the Party. Neither the Presiding Inspector nor the Attorney General so took them; the former's comment "that the testimony of Chase and Horn falls short of establishing by itself Bridges' membership" (R. 291) would be equally applicable to each of the others. But each was a reliable, qualified witness, trustworthy and trusted to the extent of his testimony. Separately and together they throw light on issues in the evidence of Lundeberg and O'Neil which might otherwise more readily have been resolved in favor of petitioner. They are not, as petitioner proposes, to be totally disregarded merely because their credible testimony falls short, in itself, of establishing the ultimate fact in dispute. They strongly support the finding of that fact on the basis of the more direct evidence of the principal witnesses.

C. *The findings as to the Marine Workers Industrial Union (Findings 7–8, R. 104).*—The Attorney General found that the Marine Workers Industrial Union was a part of, and was dominated and controlled by, the Communist Party, and that it believed in, advised, advocated, and taught the overthrow by force and violence of the Government of the United States. Reference

has been made (*supra*, pp. 33–35) to the "boring from within" strategy of the Communist Party in relation to the labor movement, and to the Trade Union Educational League (T. U. E. L.) and the Trade Union Unity League (T. U. U. L.) as "front" organizations. The T. U. E. L. was formed in 1921 or 1922 "for the purpose of building up an opposition movement within the American Federation of Labor against the Gompers leadership" and thereby gaining control of the Federation to be used by the Communist Party for purposes of violent revolution (R. 839). The Communist International supplied the funds for getting the T. U. E. L. started (R. 925), and the latter was thereafter controlled, directed, and supplied with funds by the Communist Party (R. 841, 875). It published the "Labor Unity" Magazine, devoted to propaganda having the end in view "of building up a strong block within the unions dominated by the Communist Party" for the purpose of achieving eventually "the overthrow of the Government and the establishment of a dictatorship of the proletarians" (R. 875). In line with the "boring from within" strategy then followed, the T. U. E. L. concealed its objectives and purported to be purely an educational association (R. 1176).

The supplanting of the T. U. E. L. by the T. U. U. L. represented a partial change in strategy resulting from a factional fight within the Party. William Z. Foster and others associated

with him as the Central Committee of the Party felt that the American Federation of Labor was "committed to a policy of class collaboration" and that in any event it was insignificant in numbers in comparison with the vast number of unorganized workers, and would not provide "a sufficient mass base for operation" (R. 1177). They therefore contended "that it would be best to pursue a new policy, to build revolutionary unions in this country," and they "went forth to organize militant, revolutionary, industrial unions" (*ibid.*).[35] This resulted in the formation of the T. U. U. L.[36] The circumstances of its founding and its purposes are told in its own publica-

[35] Government witness Honig testified that the "chief reason" for the formation of the T. U. U. L. "was that it was felt in Moscow, in the Communist International and in the Red International of Labor Unions, that a situation was rapidly occurring where the formation of unions with a dire t revolutionary goal would be essential because, as you know, the Wall Street crash occurred in 1929, and unemployment started to increase, plants began to shut down, and they felt that now with this discontent, that this discontent would mount among the working class, and that was a good opportunity to form revolutionary unions to channelize that discontent" (R. 2102); and that another reason for its formation "was to find a trade union organization for the Communists who had been expelled from the A. F. of L. to belong to" (R. 2101).

[36] As pointed out by the Presiding Inspector (R. 204), the T. U. U. L. policy of emphasizing the organization of previously unorganized workers into revolutionary unions was not intended as an abandonment of the "boring from within" strategy in relation to established unions, but was designed to complement that strategy (Gov. Ex. 221, pp. 6–7, R. 2080; Gov. Ex. 135, p. 218, R. 1445).

tion, "The Trade Union Unity League, Affiliated to R. I. L. U., its Program, Structure, Methods, and History" (Gov. Ex. 220, R. 2073, 2077–2081), as follows:

> The new unionism sets itself a revolutionary goal. * * * The American working class must follow the path beaten out by the Russian workers. * * *
>
> * * * * *
>
> The national center of the revolutionary industrial movement in the United States is the Trade Union Unity League, organized in Cleveland, August 31, 1929. The T. U. U. L. coordinates and binds all the revolutionary union forces into one united organization. It leads and directs the general struggle of the new union movement. It is the American section of the Red International of Labor Unions.
>
> * * * * *
>
> The Trade Union Unity League fights militantly against the impending capitalist war and for the defense of the Soviet Union. * * * In the event of an Imperialist War it will mobilize the workers to struggle against American imperialism and to transform this war into a class war against the capitalist system itself. * * *
>
> * * * * *
>
> * * * Under the leadership of the R. I. L. U., it takes its place, shoulder to shoulder, with the revolutionary workers in the Soviet Union, in China, in Europe,

> in all countries in the world proletarian struggle against imperialism."

Like the T. U. E. L., the T. U. U. L. was dominated by the Communist Party and its governing committees (R. 1176–1181; Gov. Ex. 164, p. 809, R. 1476). Its National Committee was composed chiefly if not entirely of members of the Communist Party and it openly supported that Party's program (Gov. Ex. 135, pp. 218, 220, R. 1445; Gov. Ex. 221, p. 13, R. 2080). In turn the importance attached by the Party to the T. U. U. L. is shown, in the "Thesis and Resolutions from the Seventh National Convention of the Communist Party of U. S. A." (Gov. Ex. 129, R. 1216–1219), as follows (R. 1217):

> The most fundamental task of our Party in mass work is the building of the revolutionary unions of the Trade Union Unity League into broad mass organs of struggle. The recent communications of the Comintern and Profintern have again laid stress upon this elementary necessity. It is in this work that there lies the key to the development of our Party into a mass Communist Party.
>
> The Party must develop a keen sense of responsibility for the building of the revo-

[11] Government Exhibit 220 is one of the documents that the court in *Kjar* v. *Doak*, 61 F. 2d 566, 568 (C. C. A. 7) held to be "quite convincing of the fact that the Communist Party believes in and advocates the use of force and violence whenever and wherever sufficient power is present to accomplish the purpose."

lutionary unions. It must play the leading role in the Trade Union Unity League, not by substituting itself for the T. U. U. L. and actually taking over trade union functions, but by stimulating its entire membership through the fraction system to build the revolutionary unions, to support them in their activities and to give them correct political guidance. The only way the revolutionary unions can grow into powerful mass organs is by the most complete support of the Party. In successfully building the revolutionary unions the Party lays the best basis for its own recruitment and mass leadership.

One of the revolutionary unions chartered by the T. U. U. L. was the Marine Workers Industrial Union (R. 1181–1182, 2103–2104; Gov. Ex. 221, p. 8, R. 2080). It was established pursuant to orders from the Communist Party (R. 2531), for the purpose of "disseminating [its] propaganda, carrying on agitational work, organizing for the revolutionary end" (R. 2564).[38] The officials of

[38] Its constitution stated:

"Victory in this struggle [the revolutionary struggle of the whole working class against the capitalist system] can be won only by the most relentless, militant, and revolutionary struggle for the whole working class. * * * It [the M. W. I. U.] rejects and condemns the treacherous class-collaboration policy of the A. F. of L. which seeks to delude the workers into believing that it is possible for them to live 'in peace' with the capitalists" (R. 604).

See also the preamble in its membership book (Gov. Ex. 276; R. 3245–3252). Petitioner himself testified in the first

the M. W. I. U. were leading members of the Communist Party (R. 2104), and its affiliation with the T. U. U. L. was openly stated in its literature (R. 2233).

Petitioner relied at the hearing upon an advisory ruling of January 3, 1934, made by the Commissioner of Immigration and Naturalization and approved by the Assistant to the Secretary of Labor (Alien's Ex. 15, R. 3695–3696), to the effect that membership in the T. U. U. L. or the M. W. I. U. should not be used as the sole ground for the deportation of an alien. This ruling was based upon an opinion (R. 3689–3695) of the then Solicitor of the Department of Labor and also upon "assurance that the Trade Union Unity League has severed any affiliation it may have had with the International Labor Union" (R. 3695). Petitioner also relied upon a letter (Alien's Ex. 25) of December 19, 1934, from the Commissioner of Immigration and Naturalization to the Chief of Police of Phoenix, Arizona, stating (R. 5248–5249):

> With reference to the Trade Union Unity League and its former connection with the Red International labor unions, we have sworn statements in our files as to the

proceeding before Dean Landis that he was aware that the goal stated by the M. W. I. U. was the establishment of a "Revolutionary Workers Government," although he contended that he construed the union's aim as the securing of such a government "by democratic means" (R. 208–209, fn. 14; R. 3252).

motion adopted at a meeting of that organization in New York City on July 1, 1933 "to discontinue and sever the then existing affiliation with the Red International of Labor Unions, an international organization of trade unions, of the said Trade Union Unity League and of all its constituent parts and associated organizations." It appears that testimony to the same effect was given by Nathaniel Honig, then editor of "Labor Unity," in the case of Chatham Shoe Company v. Shoe Workers Industrial Union at the trial had before Mr. Justice Edward J. McGoldrick in Special Term, Part V, Supreme Court [of New York] on October 6, 1933.[39]

Petitioner apparently relies on these exhibits[40] as evidence in his favor with respect to the character of the T. U. U. L. and the Marine Workers Industrial Union, and as the foundation of his contention that deportation on the basis of his affiliation with the Marine Workers Industrial Union would be an illegal discrimination (Pet. Br. 18–19, 57, 72–73; see pp. 106–110, *infra*).

[39] The Presiding Inspector stated (R. 207): "A request was addressed to L. B. Schofield, head of the Immigration and Naturalization Service that he examine the files of his bureau for the documents or reports referred to in the letter. (Al. Ex. 25.) He reported that a search revealed no records relating to this matter." Tr. 4800–4808 [R. 5245–5254]."

[40] While admitting these exhibits for identification only (R. 3688, 5248), Judge Sears stated that he treated them "in the same manner as if they were actually in evidence" (R. 207).

But the alleged dissociation of the T. U. U. L. from the R. I. L. U., on which the advisory ruling was based and to which the letter of December 19, 1934, referred, was shown by evidence in the present case not to have occurred. Honig here testified that his testimony in the *Chatham Shoe* case was not that a dissociation had occurred, but merely that in 1933 the T. U. U. L. had ceased to acknowledge openly its affiliation with the R. I. L. U. (R. 2221–2222, 2233–2234).[41] As Judge Sears found (R. 206–207), Honig's testimony in the present proceeding is corroborated by the pamphlet "The Trade Union Unity League Today" (Gov Ex. 221), written by him and published by the T. U. U. L. in 1934 (R. 2079–2080). While making no mention of affiliation with the R. I. L. U., it enunciates substantially the same program as the earlier pamphlet, "The Trade Union Unity League, Its Program, Structure, Methods, and History" (Gov. Ex. 220, R. 2074), which had openly announced the affiliation of the T. U. U. L. with the R. I. L. U. The later pamphlet states, for example (R. 2081):

> The Trade Union Unity League * * * is based on the policy of class against class, and T. U. U. L. unions have come out in support of the revolutionary politi-

[41] The stenographic minutes of the trial before Justice McGoldrick were no longer in existence at the time of the hearing, and could not be produced to verify Honig's testimony as to what he had there said (R. 5246).

> cal class struggles led by the Communist Party, because this Party believes in the class struggle. * * * In Germany and Austria the futility of trying to overthrow the system of exploitation of the workers merely through parliamentary means has been shown.

Judge Sears and the Attorney General found that petitioner's affiliation with the Marine Workers Industrial Union commenced prior to the alleged dissociation of the T. U. U. L. from the Red International in July 1933 (R. 238–249), 85–90); and if this finding is sustained (for discussion see *infra*, pp. 77–87), it is immaterial whether such dissociation occurred or not. In any event, however, in view of the uncontradicted evidence as to the affiliation of the M. W. I. U. with the T. U. U. L. and, through it, with the Communist Party, as to the domination and control exercised by the latter, and as to the continuity in the program advocated, we submit that Findings 7 and 8 must be deemed conclusive that the Marine Workers Industrial Union at all times between its organization in 1930 and its dissolution in 1935 was an organization falling within the description of the deportation statute.

4. *The findings of petitioner's affiliation with the Communist Party and the Marine Workers Industrial Union (Findings 10–11, R. 104).*—The Attorney General found that after entering the United States petitioner had been affiliated with

the Communist Party and with the Marine Workers Industrial Union. Although these findings are separately supppрted by independent evidence, affiliation with the Marine Workers Industrial Union was tantamount to affiliation with the Communist Party, because of the latter's domination, control, and use of the union (see *supra*, pp. 34, 65–74).

The statute has not provided a comprehensive definition of affiliation. Section 1 (Appendix A, *infra*, pp. 126–127) specifies that:

> For the purpose of this section: * * * (2) the giving, loaning, or promising of money or anything of value to any organization, association, society, or group of the character above described shall constitute affiliation therewith; but nothing in this paragraph shall be taken as an exclusive definition of * * * affiliation.

The legislative history is not helpful,[42] and we must assume that Congress used the word in its ordinary sense.[43] In *United States* v. *Reimer*, 79 F. 2d 315, 317 (C. C. A. 2), it was held that to prove "affiliation" within the meaning of the statute, other than by the giving of money, it must be shown that the alien "has brought about a status of mutual recognition that he may be relied on to co-operate with the Communist Party on a

[42] See the discussion by Dean Landis at R. 512.

[43] *Woolford Realty Co.* v. *Rose*, 286 U. S. 319, 327; *United States* v. *Wurts*, 303 U. S. 414, 417.

fairly permanent basis." Of course, "affiliation" as such means something less than membership. *Kessler* v. *Strecker,* 307 U. S. 22, 30. In *Wolck* v. *Weedin,* 58 F. 2d 928, 930 (C. C. A. 9), it was observed that "the Standard Dictionary defines the term 'affiliate with' as 'to receive on friendly terms; to associate with; to be intimate with; to sympathize with; to consort with'; and Webster's New International Dictionary defines the term as 'to connect or associate one's self with' "; and it was held that the alien's "sympathy with the aims of the Communist Party and his desire to join that party when allowed to do so; his admission that he had been 'connected' therewith for about a year; his attendance at party meetings; his selling the party organ; his giving money to the Communist Party whenever he could afford it, even though it was only in small amounts—all of these things are, within the meaning of the statute above and particularly subsection (2) quoted, sufficient to establish Wolck's 'affiliation' with the Communist Party." See also *United States ex rel. Fernandas* v. *Commissioner of Immigration,* 65 F. 2d 593 (C. C. A. 2) ("regularly engaged with well-known Communists in their activities").

The views of Judge Sears as to affiliation seem to us correct: "Affiliation may doubtless be shown circumstantially. Assisting in the enterprises of an organization, securing members for it, taking part in meetings organized and directed by or on

behalf of the organization, would all tend to show affiliation" (R. 153). Measured by this standard, we submit that affiliation has been amply proved in relation both to the Communist Party and the Marine Workers Industrial Union.

1. *The "Waterfront Worker."*—Judge Sears found that the "Waterfront Worker," a mimeographed newspaper which circulated on the San Francisco waterfront between 1932 and 1936, was an instrument of the M. W. I. U. and the Communist Party; that petitioner was associated with it as one of its editors from December 1932 until its abandonment; and that this association "demonstrates his affiliation with both the M. W. I. U. and the Communist Party, if not actual membership in either, or both, of those organizations" (R. 249). The Board of Immigration Appeals found that petitioner's association with the "Waterfront Worker" did not commence until September 1933, and that during the period of his association it was not an organ of the M. W. I. U. or the Communist Party (R. 420). The Attorney General upheld Judge Sears' findings (R. 85–90), and we submit that those findings are adequately supported by the evidence.

The issues of the "Waterfront Worker" in evidence, and the policies therein expressed, disclose, we believe, its domination by the M. W. I. U. and the Communist Party. Four of the five issues of the paper published prior to September 15, 1933, expressly acknowledge the as-

sistance and cooperation of the M. W. I. U. (Gov. Exs. 204, R. 1592–1603, 1592; 205, R. 1621–1640, 1638; 247, R. 2576–2593, 2576; 280, R. 6142–6159, 6142). The September 15, 1933, issue and succeeding issues, however, did not make this acknowledgment (Gov. Exs. 248, R. 2595–2618; 249, R. 2618–2640; 250, R. 2641, 2655; 251, R. 2665, 2682; 281, R. 6180, 6194; 283, R. 6250, 6251, 6269; 285, R. 6279, 6302; 286, R. 6326, 6339). The June 1933 issue (Gov. Ex. 204) announced that the paper would send a delegate to the M. W. I. U. convention in New York (R. 1597); the first July 1933 issue (Gov. Ex. 205) stated that the next issue would contain a report of the M. W. I. U. convention (R. 1638) and announced a meeting "called by the Waterfront Worker in co-operation with the Marine Workers Industrial Union" (R. 1637); and the second July 1933 issue (Gov. Ex. 247) contained the promised report of the M. W. I. U. convention (R. 2590). The August 1933 issue (Gov. Ex. 280) published the M. W. I. U.'s proposed codes for longshoremen and seamen (R. 6142–6159). The September 1933 issue (Gov. Ex. 281), which petitioner admits was published under his editorship (R. 6179), described the M. W. I. U. as "the only organization leading the struggles for better conditions" (R. 6184) and praised its activities in promoting strikes in Baltimore and on the *S. S. Cornore* (R. 6182–6184).

The first address of the paper, 830 Market Street, was the headquarters of the Needle Trade

Workers Industrial Union, a T. U. U. L. affiliate (R. 1559–1561, 6222). The second address, 3740 19th Street, used from July 1933 to February 1934 (Gov. Ex. 247, R. 2582, 6224), was a building occupied by Walter Lambert, an admitted Communist, as assembly rooms of the Workers Ex-Service Men's League, of which he was Manager (Gov. Ex. 219, R. 2049). Petitioner knew at the time that Lambert was an official of the Communist Party (R. 6225).[44] The third address, P. O. Box 1158, was rented for the paper by Harry Glickshon, generally known as Harry Jackson, an admitted Communist and M. W. I. U. organizer closely associated with petitioner (Gov. Exs. 211, 212, R. 1911–1914; R. 6091–6092, 6204, 6231–6240).

The October 1933 issue of the paper (Gov. Ex. 283) advised its readers to vote for the candidates of the Communist Party in the municipal elections of San Francisco (R. 6256, 6270–6274). The paper continuously advised the reading of Communist literature. The March 22, 1934, issue (Gov. Ex. 285) urged reading of the Western Worker (R. 6282), which petitioner knew was a Communist paper (R. 6270), and the November

[44] Although not representing any union, Lambert was with petitioner at meetings of the San Francisco Central Labor Council, and at the hearing before Dean Landis petitioner testified that Lambert had more to do with trade union affairs than anyone else he knew and that he had had more contacts with Lambert than with anyone else (R. 6469–6470).

19, 1934, issue (Gov. Ex. 286) urged reading of both the Western Worker and the Daily Worker (R. 6336). The December 31, 1934, issue (Gov. Ex. 250) contained an advertisement urging workers to register for a course in "Fundamentals of Communism" at the San Francisco Workers School (R. 2652). The same issue sponsored, in celebration of the third anniversary of the "Waterfront Worker," a meeting at which the speaker was William F. Dunne, whom it described as "one of the foremost trade-union authorities in America" (R. 2643). Dunne was a member of the Central Executive Committee of the Communist Party (R. 1500); and in his pamphlet "The Great San Francisco General Strike"[43] (Gov. Ex. 191, R. 1501), published in 1934 by the Workers Library Publishers, he gave credit to the M. W. I. U. and petitioner for the calling of the strike and further stated (Gov. Ex. 191, p. 64): "Already in July 1932, under the leadership and guidance of the Party, there began the formation of the nucleus of the great struggle in the San Francisco port. Out of these first beginnings, which took the form of the publication of a longshore bulletin, there grew in the middle of 1933 a local of the I. L. A. in which the militant

[43] The January 28, 1935, issue of the "Waterfront Worker" recommended the reading of this pamphlet by "every worker," and stated that it "can be bought at 37 Grove Street [the Communist Party headquarters in San Francisco], or from the Western Worker salesmen on the Front every day" (R. 6320).

elements played a decisive role." The reference, of course, was to Bridges' union, the International Longshoremen's Association (cf. Pet. Br. 6).

At the 1939 hearing before Dean Landis, petitioner testified that there was "no start toward real organization [among longshoremen] until September 1932, when we started our waterfront paper" (R. 3231–3232); that "we had no set plan. All we used to say in the paper was 'to organize' " (R. 3232); that the paper had been running "maybe a month or two" when his group took it over (R. 3243); and that "we took it over around September or October 1932, or it was running then and we took it over later, I can't set the exact time" (R. 3242). He testified further at the 1939 hearing that the paper had previously been published by the M. W. I. U. (R. 3234); and that "we changed the name of who it was put out by" (R. 3235) to a "group of longshoremen," it not being advisable, for fear of employer discrimination, to make public the names of individual editors (R. 3236–3237).

At the instant hearing, petitioner testified on direct examination that the paper was started by the M. W. I. U. in January 1933 and was put out in the name of "a group of longshoremen with the cooperation of the M. W. I. U."; that his group did not take it over until September 1933, at which time they "changed the name of the people putting out the paper to a group of I. L. A. longshoremen"; and that the paper was out of busi-

ness for "three or four months" before his group revived it (R. 5761–5764). On cross-examination he testified that the "Waterfront Worker" was not started until June 1933 (R. 6133); that it was then put out by a group of "seamen-longshoremen" affiliated with the M. W. I. U. (R. 6134); that it went out of business around July 1933 [46] (R. 6133–6134); that it was out of business for around two months (R. 6136, 6138); and that his group did not "first conceive" the idea of taking it over until October 1933 (R. 6160–6161). When shown the September 1933 issue (Gov. Ex. 281) he admitted, however, that it was put out by his group (R. 6179).

Under the rule of *Kessler* v. *Strecker*, 307 U. S. 22, petitioner's affiliation with the Marine Workers Industrial Union could not have constituted an adequate basis for deportation in the earlier proceeding before Dean Landis, since that union went out of existence in 1935. As Judge Sears points out (R. 243), his findings as to the time at which petitioner's group took over the "Waterfront Worker" are in accord with petitioner's 1939 testimony, given at a time when there was less reason to disclaim association with the paper in its early stages. The discrepancies between petitioner's 1939 and 1941 versions, and the internal inconsistencies of the 1941 version,

[46] Two issues for July 1933 and one for August 1933 are in evidence (Gov. Ex. 205, R. 1621; Gov. Ex. 247, R. 2576; Gov. Ex. 280, R. 6142).

are far too great to justify saying, as did the Board of Immigration Appeals (R. 388), that an adequate explanation may be "predicated upon a slip of the tongue or the memory as to one item only—the year in which the change occurred." That petitioner told the truth in 1939 is strongly corroborated by the following circumstances:

(1) At the second hearing he testified that the first address used by his group in the publication of the paper was 830 Market Street in San Francisco (R. 6195–6196, 6222). This address appears on all the issues in evidence prior to the second July 1933 issue (Gov. Ex. 203, R. 1568; Gov. Ex. 204, R. 1598; Gov. Ex. 205, R. 1627), but beginning with the second July 1933 issue (Gov. Ex. 247), the address that appears is 3740 19th Street (R. 2582), which petitioner testified was the second address used by his group (R. 6224). His testimony as to the addresses used thus is consistent only with the fact of his having been connected with the paper prior to September 1933.

(2) As Judge Sears found (R. 244), the earlier issues of the paper are in complete harmony with petitioner's testimony at the 1939 hearing concerning the emphasis therein upon organization. They also reflect the progress of organization. The issue for February 1933 (Gov. Ex. 203) states (R. 1568): "This paper is issued by a group of longshoremen for longshoremen." The issue for June 1933 (Gov. Ex. 204) states on the masthead (R. 1592): "This paper is issued by a group of

organized longshoremen. We acknowledge the help given us by the M. W. I. U." [Italics supplied.] June 1933 is the month in which Local 38–79 of the International Longshoremen's Association was organized, and in which petitioner joined that union (R. 6339–6340). The first July 1933 issue (Gov. Ex. 205) states (R. 1622): "Like the rest of the stevedores we have signed up in the I. L. A."[47] The second July and August issues for 1933 (Gov. Exs. 247, 280) are full of discussion of the I. L. A.'s activities (R. 2584–2587, 2591–2592, 6142–6144, 6154–6156). This is inconsistent with petitioner's testimony at the 1941 hearing that the paper was published prior to September 1933 by a group of "seamen-longshoremen" and not until that month by a group of I. L. A. longshoremen (R. 6133–6134).

(3) As Judge Sears points out (R. 243–244), the numbering of the issues of the paper continues in the same consecutive series, with no break at the September 1933 issue; the subsequent issues reflect no substantial change in policy but, on the contrary, demonstrate "a striking continuity of program and policy, including an extremely cooperative attitude with regard to the M. W. I. U." There is no such gap in publication just prior to September 1933 as petitioner testified, at both

[47] Petitioner testified (R. 6137) that the use of the word "stevedores" in itself disproved the Government's contentions, since the word was not in good usage among true longshoremen.

hearings, had occurred prior to the taking over of the paper by his group.

The shortest period of time that petitioner placed upon the gap in publication prior to his group taking over was "around two months" (R. 6136, 6138) and the longest was "three or four months" (R. 5763). The Board of Immigration Appeals nevertheless found, from the fact that no issue of the paper is shown to have been published between the August 15 and September 15 issues, that there was a gap just prior to September 1933; and from this it found corroboration of petitioner's testimony that his group commenced publishing the paper at that time (R. 388–392). It bases this conclusion upon the premise that in July 1933 the paper was changed from a monthly to a semi-monthly basis. The only evidence in support of such a premise is that two issues were put out in July, and that the second July issue (Gov. Ex. 247) stated: "We will try to bring the waterfront worker out every two weeks" (R. 2582). Certainly this does not place the paper so definitely on a semi-monthly basis [45] that fail-

[45] The Table of Issues prepared by the Board (R. 390) indicates that prior to February 1934 there were only two occasions at the most on which two consecutive issues appeared less than a month apart. There were the two July 1933 issues, and possibly there was an issue not in evidence that appeared between September 15 and October 15. The latter possibility is based on the fact that the September 15 issue is numbered 10 and the October 18 issue is numbered 12. But the numbering from October to the following February indicates monthly issues.

ure to publish a September 1 issue can be regarded as a gap in publication or as a going-out of business such as petitioner testified had occurred (R. 6133–6134, 6136, 6138). The August 15 and September 15 issues are numbered consecutively, and the September 15 issue (Gov. Ex. 281, R. 6181-6194) contains not the slightest indication that it is a resumption of a previously abandoned publication, and not the slightest reference to or explanation of the absence of a September 1 issue. Even if we assume *arguendo* that the paper had been placed on a semi-monthly basis in July, the gap in publication would be but two weeks, rather than four weeks as found by the Board (R. 391), since no such gap could have begun until the date for publication of the September 1 issue had arrived. Such a gap of two weeks is hardly consistent with petitioner's testimony that the enterprise had been abandoned for from two to four months (R. 5763, 6136, 6138).

The Board further emphasized that in order to accept Judge Sears' finding it would be necessary "to assume that there was a separately numbered series of 'Waterfront Workers' published prior to December of 1932, although no issue in such a series was in evidence and no one testified that it ever existed" (R. 387). But petitioner himself testified at the 1939 hearing to the publication prior to December 1932 of the "Waterfront Worker" (R. 3231–3237); and at the 1941 hearing he testified to methods of publication by the

former group that are entirely consistent with the paper's prior publication in unnumbered issues at irregular intervals.[49] The lack of specific evidence of a prior separately numbered series thus is clearly not sufficient to justify rejection of Judge Sears' finding, approved by the Attorney General, as to the time at which petitioner became associated with the "Waterfront Worker."

We submit that the evidence fully sustains the findings of Judge Sears which were accepted by the Attorney General as to both the significance and the time of petitioner's association with the "Waterfront Worker."

2. *Further evidence of petitioner's affiliation with the Communist Party and the Marine Workers Industrial Union.*—There are additional items of evidence which, while perhaps not separately establishing affiliation with the Communist Party, nevertheless form a pattern "more consistent with the conclusion that the alien followed this course of conduct as an affiliate of the Communist Party, rather than as a matter of chance coincidence" (R. 100, 327).

At the time of the 1934 strike in San Francisco petitioner was already well acquainted with Harry Jackson, organizer for the M. W. I. U. (R. 3266–

[49] Petitioner testified that the former group consisted of men who "for a certain period of time, would be performing longshore work and, really speaking, longshoremen. But next week, or the next couple of weeks, they would be at sea again. They were not permanent resident longshoremen of the port" (R. 5761).

3268, 6091–6092, 6095–6097, 6203–6204),[50] and with Sam Darcy, secretary of the California District of the Communist Party (R. 6091–6092); and he worked closely with them. He was active in inducing seamen to join the M. W. I. U. and personally conducted groups of seamen to its headquarters for that purpose, although he was aware at the time that its goal was establishment of a revolutionary workers government (R. 3252, 6097–6098).[51] Against the opposition of various seamen's unions he unsuccessfully sought to secure the seating of M. W. I. U. delegates on the Joint Strike Committee in 1934 (R. 6347–6349).

Petitioner unsuccessfully opposed the adoption by the San Francisco Central Labor Council, on June 22, 1934, of a resolution repudiating "all Communist Organizations, especially the so-called Marine Workers Industrial Union" and denouncing the efforts of Communists "to inject themselves into an industrial conflict for the sole purpose of making converts to Communism" (R. 250, 6556–6560); and he notified Darcy before its adoption that it was contemplated (R. 6351–6352). He conferred with Darcy "quite a few" times during the 1934 strike (R. 6353–6354, 6358), and testified

[50] As noted *supra*, p. 79, it was Jackson who, under the name of Harry Glickshon, secured for the "Waterfront Worker" its third mailing address under the supervision of petitioner's group (R. 6231–6240).

[51] As noted *supra*, fn. 38, pp. 70–71, he asserted that he construed the union's aim as the securing of such a government "by democratic means" (R. 3252).

that "when we met with him we met with him as a representative of the Communist Party" (R. 6359). He continued to meet with him after the adoption of the resolution repudiating Communist organizations (R. 6360). By his own testimony he was in constant association with well-known Communists (R. 3266–3268, 6091–6092, 6095–6097, 6203–6204, 6353–6354, 6358–6360, 6377–6378, 6450, 6456–6482). Schneiderman, who succeeded Darcy as secretary of the California District of the Communist Party, conferred with him "ten or a dozen" times (R. 6457). It was either Lambert or Schneiderman who, at petitioner's request, introduced him to Earl Browder (R. 6456).

On December 16, 1936, petitioner admittedly addressed a meeting in Madison Square Garden in New York (R. 6443). The arrangements for the lease of the Garden for this occasion were made by David Leeds, the treasurer of the Communist Party for the New York District, who paid in advance the $3500 rental (R. 3488–3493).[32] In September 1937 petitioner admittedly addressed a meeting at 1210½ West Washington Boulevard.

[32] As noted above, fn. 34, p. 63, the Presiding Inspector refused to make findings as to the circumstances under which this meeting took place, due to mistrust of both the McCuistion-Innes testimony and the Bridges-Curran testimony as to petitioner's knowledge of the Communist character of the meeting (R. 286). However, this refusal was not designed to cast any reflection on the undisputed testimony that the meeting took place, that petitioner addressed it, and that the Communist Party paid the rental of the Garden.

in Los Angeles. Government witness Chase, who was at the time a member and organizer of the Upholsterers International Union and also a member of the Communist Party, was instructed by Lou Barron, organizer of the Trade Union Section of the Communist Party in Los Angeles (R. 1127–1128), to attend the meeting. Chase testified that there were twenty-five or thirty people present at the meeting, ten or fifteen of whom he knew to be Communists (R. 1129). Petitioner's own witness, Horn, who was also present at the meeting, described petitioner's speech as tinged with Communism (R. 3651–3652).[53]

Government witness Rushmore testified that at an interview with petitioner, petitioner praised the Youth Congress of the Young Communist League, which was dominated and controlled by the Communist Party (R. 1429–1434). Dawn Lovelace, supported by the signed statement of her deceased husband, both of whom were Communists but were not members of a trade union, testified that in August 1935 petitioner at their apartment, in their presence and the presence of two other Communist Party members, discussed the contents of a telegram which he proposed to send to an officer of his local union (R. 1949–1951, 1955–1967, 1990–1993, 2002–2003). Peti-

[53] The testimony of Chase and Horn, as well as that of Rushmore and the Lovelaces, is touched upon briefly, *supra*, pp. 63–65, in connection with the finding as to petitioner's membership in the Communist Party.

tioner, while admitting that he had been at the apartment, denied discussing the contents of the telegram (R. 5849). He testified that he would not discriminate against union men because of Communist membership (R. 6534–6537), and that he was strongly opposed to "the slander and the publicity that was going on in Los Angeles at that time * * * to the effect that the CIO was a Communist organization" (R. 6028).

No great weight is to be, or has been, attached to the testimony of seven additional witnesses, all of whom were members of the Communist Party, that petitioner had attended Communist meetings (R. 1545–1559, 1707–1711, 1789–1800, 2158–2167, 2333–2340, 2410–2417, 2520–2525; see *supra*, p. 63). Petitioner denied attending the meetings described by these witnesses (R. 5840–5841, 5843, 5845, 5853, 5868–5869, 5878, 6015, 6316, 6430). Judge Sears concluded that their evidence, for various reasons, did not establish petitioner's membership in or affiliation with the Communist Party (R. 292–317). The Attorney General stated that such evidence "taken as a whole * * * cannot, because of its volume, be completely disregarded" (R. 98).

Petitioner strongly protests (Br. 13–14, 74–75) the "weight" which he asserts the Attorney General thus gave to witnesses whose testimony had been rejected by Judge Sears as "untrustworthy, contradictory, or unreliable" (see R. 90). However, it is to be noted that in no instance did Judge

Sears find that the testimony to which the Attorney General referred was false. With respect to each of these witnesses except Cannalonga he found merely that the facts to which the witness testified were not established to his satisfaction by the greater weight of the evidence (R. 295–296, 300, 302, 311, 315, 317). With respect to Cannalonga he concluded that his testimony "is without value" (R. 307–308), but he did not find that even Cannalonga falsified in giving the testimony to which the Attorney General referred.[54] The Attorney General as an original trier of fact on the whole record (*United States ex rel. Hom Yuen Jum* v. *Dunton*, 291 Fed. 905, 906 (S. D. N. Y.)) was not required by the Presiding Inspector's findings to treat the testimony of these witnesses as devoid of any significance whatever to the Government's case. He could, we submit, have properly given it more significance than he did. As it was, he merely alluded to a fact that seems obvious, namely, that the testimony of these witnesses is so consistent with the pattern of petitioner's activities as shown by other evidence that it cannot all be deemed false by virtue of the fact alone that these witnesses may for one reason or another have been not entirely reliable. He based no finding upon such testimony, but gave it, at the most, a significance merely corroborative of

[54] The charges earlier made by petitioner as to misconduct of the Government's attorneys in respect of Cannalonga's testimony are totally without merit, and seem to have been abandoned. See fn. 55, p. 93, *infra*.

his conclusions based upon other evidence. This, we submit, he was fully entitled to do.

II

PETITIONER WAS NOT DENIED DUE PROCESS OF LAW BY REASON OF ALLEGED PROCEDURAL ABUSES

It is unquestionable that procedural abuses, like lack of evidentiary support, may justify the courts in habeas corpus proceedings in setting aside a deportation order as lacking in due process of law. *United States ex rel. Vajtauer* v. *Commissioner of Immigration*, 273 U. S. 103, 106; *Tisi* v. *Tod*, 264 U. S. 131, 133–134; cf. *Chin Yow* v. *United States*, 208 U. S. 8, 11–12. Petitioner enumerates at pp. 65–66 of his brief six asserted abuses[55] either arising out of the institution of the deportation proceeding or occurring in the course of it. Two of these—the action of the Presiding Inspector and the Attorney General in accepting as substantive evidence O'Neil's prior contradictory statements, and the action of the Attorney General

[55] Eight such asserted abuses were enumerated in the petition for certiorari (pp. 26–40), but petitioner now appears to have abandoned his contentions in respect of alleged illegal discrimination against him in the amendment of the statute and in respect of alleged misconduct of the Government's attorneys at the hearing. We refer to our memorandum in response to the petition (pp. 29, 31–32) for a statement of our views on these points. Petitioner's passing references (Br. 10–11, 66, 71, 79) to the amendment of the statute as being specifically directed against him rest on the unwarranted assumption that the views of a few individual Congressmen in favor of pending legislation represent the considered legislative purpose.

in giving "weight" to the testimony of seven allegedly discredited witnesses—have been fully dealt with under Point I of this brief (*supra*, pp. 49–63, 91–93), and will not be further considered here.

Of the remaining four supposed abuses, it is not clear that petitioner claims that any of them is of such a character as should by applicable standards be held to vitiate the deportation order. The question which petitioner seeks to raise is not what "may be said in a constitutional sense of each of these elements, singly", but rather "in sum, whether the Attorney General has accredited himself 'by acting in accordance with the cherished judicial tradition embodying the basic concepts of fair play'" (Pet. Br. 65–66). We believe, and shall argue below, that in none of the respects claimed was petitioner deprived of any right secured to him by the Constitution. If we are correct in this it follows, we submit, that the actions complained of cannot by a mere process of argumentative cumulation be erected into the statute of an unconstitutional invasion of petitioner's liberty.

A. *As to double jeopardy and res adjudicata.*—As set forth in the Statement, *supra*, pp. 3–5, the present deportation proceeding followed an earlier proceeding, instituted under the statute prior to its amendment in 1940. In that earlier proceeding, conducted before Dean James M. Landis as Trial Examiner, the issue, because of

this Court's decision in *Kessler* v. *Strecker*, 307 U. S. 22, had been limited to whether petitioner at the time of the issuance of the warrant [56] was a member of or affiliated with an organization within the meaning of the deportation statute—specifically, as disclosed at the hearing, the Communist Party of the United States. The conclusion of the Trial Examiner was that the evidence "establishes neither that Harry R. Bridges is a member of nor affiliated with the Communist Party of the United States" (R. 636). The institution of the present proceeding, under the amended statute, charging past as well as present membership in not only the Communist Party but also other organizations within the statute, is attacked as offensive both to the double jeopardy clause of the Fifth Amendment and to "the principles of res adjudicata" (Pet. Br. 66–70).[57]

It is clear, we submit, that the doctrine of double jeopardy does not furnish ground for judicial intervention in deportation proceedings. In *Helvering* v. *Mitchell*, 303 U. S. 391, this Court, in an opinion by Mr. Justice Brandeis, distinguished between remedial and penal sanctions, holding the defense of double jeopardy applicable only to the latter. In describing the

[56] See fn. 5, pp. 4–5, *supra*.

[57] It is not clear that petitioner rests upon the doctrine of *res adjudicata* as such: "The precise question here is not whether Dean Landis' findings and rulings were either correct or res adjudicata." Pet. Br. 68.

type of remedial sanction to which the opinion referred, the Court said (303 U. S. at 399):

> Remedial sanctions may be of varying types. One which is characteristically free of the punitive criminal element is revocation of a privilege voluntarily granted.

And by way of footnote illustration the Court added: "Typical of this class of sanctions is the deportation of aliens."

It may be observed that in *Helvering* v. *Mitchell, supra,* the Court was dealing with the imposition of both penal and remedial sanctions for the same act[58] rather than with what petitioner describes as "successive proceedings with respect to * * * identical matters" (Pet. Br. 68). But the inapplicability of the doctrine of double jeopardy to deportation proceedings does not spring from the rationale followed by Mr. Justice Frankfurter in his concurring opinion in *United States ex rel. Marcus* v. *Hess,* 317 U. S. 537, 553–556, but rather from the intrinsic nature of deportation. In *Sire* v. *Berkshire,* 185 Fed. 967, 970–971 (W. D. Tex.), a deportation order was upheld against a claim of double jeopardy based upon a prior discharge after a hearing upon the same issues. The roots of the principle lie in the inherent power of a sovereign state

[58] Cf. *United States ex rel. Zapp* v. *District Director of Immigration, etc.,* 120 F. 2d 762 (C. C. A. 2), holding that deportation may lie notwithstanding the pendency of an indictment based upon essentially the same facts.

(*Tiaco* v. *Forbes*, 228 U. S. 549, 556) to refuse "to harbor persons whom it does not want" (*Bugajewitz* v. *Adams*, 228 U. S. 585, 591). As was said by the Court in *Fong Yue Ting* v. *United States*, 149 U. S. 698, at 709:

> * * * "Deportation" is the removal of an alien out of the country, simply because his presence is deemed inconsistent with the public welfare, and without any punishment being imposed or contemplated, either under the laws of the country out of which he is sent, or under those of the country to which he is taken.

And further, at 730:

> * * * The order of deportation is not a punishment for crime. It is not a banishment, in the sense in which that word is often applied to the expulsion of a citizen from his country by way of punishment. It is but a method of enforcing the return to his own country of an alien who has not complied with the conditions upon the performance of which the government of the nation, acting within its constitutional authority and through the proper departments, has determined that his continuing to reside here shall depend. He has not, therefore, been deprived of life, liberty or property; without due process of law; and the provisions of the Constitution, securing the right of trial by jury, and prohibiting unreasonable searches and seizures,

and cruel and unusual punishments, have no application.

This sovereign power of the Government through its legislative and executive arms to rid itself of those deemed inimical to the national welfare is not, we submit, to be restrained merely by the fact that at some previous time the same course may have been considered and, for whatever reason, abandoned.

Similar considerations, we believe, control the application of the doctrine of *res adjudicata*. It is well settled that *res adjudicata* is inapplicable to alien exclusion and deportation determinations by executive agencies. *Pearson* v. *Williams*, 202 U. S. 281 (where "the proceedings upon both inquiries * * * appear to have been before the same persons, upon the same question" (p. 282)); *Flynn ex rel. Ham Loy Wong* v. *Ward*, 95 F. 2d 742 (C. C. A. 1); *Mock Kee Song* v. *Cahill*, 94 F. 2d 975, 977 (C. C. A. 9); *Wong Chow Gin* v. *Cahill*, 79 F. 2d 854 (C. C. A. 9); *White* v. *Chan Wy Sheung*, 270 Fed. 764, 767 (C. C. A. 9); *Ex parte Stancampiano*, 161 Fed. 164, 165 (S. D. N. Y.). In a field appropriately subject to the complete control of Congress, and in which national interests are so vitally involved, we believe that it would not accord with sound public policy to hold that an alien, however undesirable he may be deemed, acquires a vested right to remain in the country by virtue of a previous determination which may have been erroneously reached or

based upon an inadequate development of the Government's case. Cf. *Federal Communications Commission* v. *Pottsville Broadcasting Co.*, 309 U. S. 134, 145."

Moreover, petitioner's argument under this head rests on the faulty assumption that the two proceedings dealt with "identical matters" and involved the presentation of "essentially the same evidence"[60] (Pet. Br. 68, 65). We may concede that there was some community of issues between the two proceedings, in that establishment of petitioner's membership in or affiliation with the Communist Party as of the date of the warrant of arrest (or as of March 2, 1938, the date of the warrant of arrest in the first proceeding) would have called for an order of deportation in each instance. We may also concede that although past membership or affiliation was not in issue in the first proceeding the Government's case con-

[59] There the Court held (p. 139) that a judicial reversal of an administrative order "for reconsideration in accordance with the views expressed" does not preclude the agency from reconsidering the order from the standpoint of other relevant factors which in its judgment were not previously given adequate weight, saying (p. 145):

"* * * But an administrative determination in which is imbedded a legal question open to judicial review does not impliedly foreclose the administrative agency, after its error has been corrected, from enforcing the legislative policy committed to its charge."

[60] Although we do not understand that diversity of the evidence presented in two proceedings on the same issue bars the principle of *res adjudicata*, it is worth remarking that no witness offered by the Government at the second hearing had testified at the first.

sisted essentially of an effort to show past membership which, it claimed, should be presumed, in the absence of evidence to the contrary, to continue down to the date of the warrant (cf. Pet. Br. 67, fn. 38, 68a). But Dean Landis scrupulously confined his ultimate finding to the existence of present, as distinguished from past, membership or affiliation; and his lengthy Findings and Conclusions (R. 495–654) contain no intimation that he necessarily adopted the Government's view of what would be sufficient to prove its case.[61]

The issues as to petitioner's past connections with the Communist Party were therefore not determined in the prior proceeding, even on a strict application of the doctrine of *res adjudicata*. In any event, it is clear that the issues with respect to petitioner's membership in or affiliation with the Marine Workers Industrial Union were not and could not have been presented at the first hearing. That union was dissolved in 1935, and membership in or affiliation with it could not have been an issue in a proceeding confined to petitioner's status as of March 2, 1938.[62] In this proceeding, how-

[61] At the most the presumption contended for by the Government is a mere permissible inference which the trier of fact is free to accept or reject as he sees fit. 9 Wigmore, *Evidence* (3d ed. 1940), sec. 2530; 2 Wigmore, *ibid.*, sec. 437.

[62] The irrelevance of the Marine Workers Industrial Union to the first proceeding is shown by Dean Landis' comment (R. 604) that it would be impossible on the record before him "to determine the communistic or noncommunistic character of the M. W. I. U.; nor is it necessary to do so."

ever, such membership and affiliation formed basic issues, independent of the issues of membership in or affiliation with the Communist Party (see p. 19, *supra*). The Attorney General's findings adverse to the petitioner on the issue of affiliation with the Marine Workers Industrial Union are, we submit, sufficient of themselves to sustain the order, irrespective of any supposed application of the doctrines of double jeopardy or *res adjudicata* to the proceeding.

B. *As to ex post facto or retrospective application of the statute as amended.*—Petitioner claims (Br. 70–71) that the present proceeding violates due process through its embodiment of the constitutional prohibition against *ex post facto* laws. He asserts that the deportation statute was amended on June 28, 1940, "with the specific purpose in mind of deporting Bridges upon grounds admittedly not then existing" (Br. 71).[63]

It is settled that the prohibition of *ex post facto* laws contained in Section 9 of Article I of the Constitution applies only to criminal laws,[64] and

[63] As noted above, fn. 55, p. 93, we do not understand petitioner now to contend that the amendment of the statute was an unconstitutional discrimination against him, nor do we regard as warranted his assumption that the amendment was adopted "with the specific purpose" of deporting him, except in the minds of individual articulate Congressmen.

[64] *Calder* v. *Bull*, 3 Dall. 386; *Johannessen* v. *United States*, 225 U. S. 227, 242. In this connection, petitioner cites (Pet. Br. 70, fn. 40) cases which involve the deprivation of fundamental rights as penalties for past criminal conduct. To

that deportation statutes are not such laws.[65] This was the answer made by this Court in *Mahler* v. *Eby*, 264 U. S. 32, 39. There the petitioners had been convicted in 1918 of violations of the Selective Service Act of May 18, 1917 (c. 15, 40 Stat. 76), and the Espionage Act of June 15, 1917 (c. 30, 40 Stat. 217). They were subsequently ordered deported by authority of the Act of May 10, 1920 (c. 174, 41 Stat. 593), which provided for the deportation of aliens who had been convicted under various statutes, including the Selective Service and Espionage Acts, if the Secretary of Labor, "after hearing, finds that such aliens are undesirable residents of the United States." To the argument that this increased the punishment for the previously committed criminal acts, thereby rendering the Act of 1920 an *ex post facto* law, this Court replied (264 U. S. at 39):

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urge that these cases are applicable here is inconsistent with the intrinsic nature of the power of deportation. Whether petitioner was ever guilty of criminal conduct is entirely immaterial to this case.

[65] The cases holding that deportation proceedings are not criminal in character, and do not impose punishment for crime, are numerous. *United States ex rel. Bilokumsky* v. *Tod*, 263 U. S. 149, 154; *Bugajewitz* v. *Adams*, 228 U. S. 585, 591; *Hays* v. *Hatges*, 94 F. 2d 67, 68 (C. C. A. 8); *Nicoli* v. *Briggs*, 83 F. 2d 375, 377 (C. C. A. 10). This is true even though the basis for deportation also constitutes criminal conduct punishable as such in appropriate criminal proceedings. *Skeffington* v. *Katzeff*, 277 Fed. 129, 131 (C. C. A. 1); *United States ex rel. Zapp.* v. *District Director of Immigration, etc.*, 120 F. 2d 762, 764 (C. C. A. 2).

> * * * Congress by the Act of 1920 was not increasing the punishment for the crimes of which petitioners had been convicted, by requiring their deportation if found undesirable residents. It was, in the exercise of its unquestioned right, only seeking to rid the country of persons who had shown by their career that their continued presence here would not make for the safety or welfare of society.[66]

The same result necessarily follows in the present case, where deportation does not depend upon past conviction for crime (as it did in *Mahler* v. *Eby*) or upon whether the conduct relied upon was of a criminal character.[67] Whether such conduct was criminal or not is entirely irrelevant.

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[66] Petitioner contends (Br. 70, fn. 40) that the language quoted from *Mahler* v. *Eby* is dicta. But *Mahler* v. *Eby* is, we submit, a direct holding on the point. Had the Court there accepted the petitioners' contention, they would have been entitled to discharge from custody. Instead, the Court directed that they not be discharged "until the Secretary of Labor shall have reasonable time in which to correct and perfect his finding on the evidence produced at the original hearing, if he finds it adequate, or to initiate another proceeding against them" (264 U. S. at 46). It follows that the *ex post facto* principle was held inapplicable. See also *Bugajewitz* v. *Adams*, 228 U. S. 585, 591.

[67] Where deportation is based upon conviction for crime, or upon criminal conduct as such, there is at least a more plausible basis than here for characterizing it as penal. Cf. *Wallis* v. *Tecchio*, 65 F. 2d 250 (C. C. A. 5). But even in such cases it is held not to be penal. *Mahler* v. *Eby*, 264 U. S. 32; *Skeffington* v. *Katzeff*, 277 Fed. 129, 131 (C. C. A. 1); *United States ex rel. Zapp* v. *District Director of Immigration, etc.*, 120 F. 2d 762, 764 (C. C. A. 2).

That being the case, there is no possible basis for the application of a principle confined in its scope to criminal proceedings or to penalties, as such, retroactively imposed for criminal conduct.

But petitioner contends that the *ex post facto* doctrine is only a phase of a broader principle, embodied in the due process clause of the Fifth Amendment, against retroactive legislation, and that the deportation statute as construed is violative of that broader principle. *Apropos* of such a contention, it has been said (*United States* v. *Sui Joy*, 240 Fed. 392, 394 (C. C. A. 9)):

> We are unable to assent to the proposition that Congress cannot authorize the deportation of an alien resident of the United States who became such at a time when there was no statutory condition as to his right to remain. It is now well settled that, while an alien who has acquired a residence in the country with the intention of remaining permanently is entitled to the same protection of life, liberty, and property as a citizen, he acquires no vested right to remain, and the government has the power to deport him if, in the judgment of Congress, the public interests so require.[68]

[68] In accord, see also *Skeffington* v. *Katzeff*, 277 Fed. 129, 131 (C. C. A. 1): "It is too well settled by the decisions of the Supreme Court of the United States to require any citation of authorities that an alien resident in the United States may be deported for any reason which Congress has determined will make his residence here inimical to the best interests of the government;" *Prentis* v. *Manoogian*, 16 F. 2d

The contention that an alien may not be deported except in accordance with the laws in existence at the time of his admission has been rejected as often as it has been advanced.[69] The Constitution contemplates no such limitation of sovereign power. Nor does it contemplate that Congress may not provide for deportation upon the basis of an act that was not a basis for deportation when done.[70] To hold otherwise would be to require surrender of the sovereign power of Congress to decide who are undesirable aliens. We submit that there is no basis in either reason or authority for petitioner's contention that the de-

422, 423 (C. C. A. 6): "There is no constitutional limit to the power of Congress to exclude or expel aliens;" *United States ex rel. Dickman* v. *Williams*, 183 Fed. 904, 905 (S. D. N. Y.): "Congress could provide for the exclusion of every alien in the country or of any class of aliens."

[69] *Chae Chan Ping* v. *United States* (*The Chinese Exclusion Case*), 130 U. S. 581, 609; *Bugajewitz* v. *Adams*, 228 U. S. 585, 591; *Ng Fung Ho* v. *White*, 259 U. S. 276, 279–280; *Mahler* v. *Eby*, 264 U. S. 32, 39; *Chung Yim* v. *United States*, 78 F. 2d 43, 45 (C. C. A. 8); *Chin Shee* v. *White*, 273 Fed. 801, 804 (C. C. A. 9); *Sire* v. *Berkshire*, 185 Fed. 967, 971 (W. D. Tex.).

[70] Though we deem the distinction immaterial, it may be noted that the 1940 amendment did not provide for deportation upon the basis of an act that was not a basis for deportation when done. Petitioner's membership in and affiliation with the Communist Party and his affiliation with the Marine Workers Industrial Union were grounds of deportation at whatever time or times such membership or affiliation occurred. The 1940 amendment simply removed the requirement that such membership or affiliation should have continued to the time of issuance of the warrant of arrest.

portation statute is retrospective legislation offensive to due process. Such a contention is wholly inconsistent with the fundamental nature of the deportation power.

C. *As to illegal discrimination against petitioner in ordering deportation on the basis of past affiliation with the Marine Workers Industrial Union.*—On January 3, 1934, the Commissioner of Immigration and Naturalization, with the approval of the Assistant to the Secretary of Labor, rendered an advisory ruling (Alien's Ex. 15, R. 3695–3696) to the effect that an alien's membership in any one of a number of listed organizations affiliated with the Trade Union Unity League, one of which was the Marine Workers Industrial Union, should not be used as the sole ground of deportation. Petitioner contends (Br. 72–73) that since this ruling no other alien has been ordered deported for membership in or affiliation with the Marine Workers Industrial Union, and that for him to be singled out is a violation of due process in that such action is a denial of equal protection of the laws. Assuming that due process may embrace the concept of equal protection of the laws (see *Hirabayashi* v. *United States*, 320 U. S. 81, 100; *Detroit Bank* v. *United States*, 317 U. S. 329, 337–338, and cases cited) we submit that the contention is nevertheless without merit.

The advisory ruling of January 3, 1934, was based upon an opinion (R. 3689–3695) of the then Solicitor of the Department of Labor to the effect

that an alien ought not to be deported on the basis alone of membership in the National Miners Union, an organization affiliated with the Trade Union Unity League; and it was also based upon assurances received from the Trade Union Unity League that on July 1, 1933, it had severed its affiliation with the Red International of Labor Unions (R. 3695; Alien's Ex. 25, R. 5248–5249). The record in the present case shows (see *supra*, pp. 71–74) that in July 1933 the Trade Union Unity League had merely, for strategical reasons, ceased publicly to avow its affiliation with the Red International, and that no actual severance of affiliation occurred. Moreover, the Solicitor's opinion specifically recognized that the evidence then before him was not "so clear that a reasonable man could not reach a different result" (R. 3691); it discussed the relation of courts to the deportation process (R. 3692–3693), and pointed out that judicial precedents existed whereby a deportation order based on the evidence before him would have to be sustained by the courts (see *Greco* v. *Haff*, 63 F. 2d 863, 864 (C. C. A. 9); *Kjar* v. *Doak*, 61 F. 2d 566, 567 (C. C. A. 7); *Murdoch* v. *Clark*, 53 F. 2d 155, 156 (C. C. A. 1); and it concluded by emphasizing that the Secretary of Labor, as the independent trier of fact on the evidence was not bound by the decisions of her predecessors—that "succeeding Secretaries of Labor and later decades may view the danger as less real and may interpret the facts differently

or weight [sic] the evidence with altered results. It is of cardinal importance that in such close cases the Secretary of Labor should recognize that he is free to decide either way; no court decision even on the very case he is considering can properly be cited to restrain his choice; if he selects deportation he should realize that [it] is because it is his administrative pleasure to perpetuate the policies of his predecessor and not because it is his duty under court decisions" (R. 3693).

But just as the then Secretary of Labor was not bound by the decisions of her predecessors, by the same token succeeding administrators of the deportation laws are not bound by her 1934 ruling; and we submit that the Solicitor's opinion on which that ruling was based makes this clear.

It is thus apparent that the 1934 ruling was merely an advisory ruling based on evidence then before the Department, and that the Presiding Inspector was correct in ruling that it "has no binding effect in this proceeding" (R. 207). It was only an exercise of fact finding and executive, as distinguished from legislative, discretion. It could not be otherwise, for the deportation statute itself determines the kinds of organizations whose alien members or affiliates it requires to be deported; and it delegates to the administrative agency (now the Attorney General) no power to define such organizations or to vary the statutory definitions, but merely the power to determine whether the evidence before the administrator at

a given time brings an individual organization within one of the statutory definitions. Even the latter power is not given as a legislative power to be exercised prospectively, but as a fact-finding power to be exercised from case to case. The Solicitor's opinion on which the advisory ruling was based specifically recognized the lack of any power in the Secretary of Labor to bind her successors, and the fact that her ruling would be merely a factual determination on evidence then before her. As the district court held, the deportation of alien members or affiliates of organizations found on sufficient evidence to fall within the statutory definitions "is mandatory and not discretionary" (R. 734); and the Department of Labor was without power, by its findings as of a given time, to grant a permanent exemption to any such aliens, just as it would have been without power to order the deportation of alien members or affiliates of organizations not falling within any of the statutory definitions.

We know of no authority, and the petitioner cites none, holding that the enforcement of a statute against one falling within its terms constitutes a denial of the equal protection of the laws merely because the enforcing agency may in the past or present have failed to perform its mandatory duty of enforcing it against others in like case. Cf. *Thompson* v. *Spear*, 91 F. 2d 430, 433–434 (C. C. A. 5), certiorari denied, 302 U. S. 762.

The grave consequences of such a doctrine to the power of government to correct a prior erroneous interpretation or past laxity in enforcement are too obvious to require exposition.

D. *The absence of argument before the Attorney General as a denial of due process.*—Petitioner charges (Br. 75–78) that he was denied due process by the action of the Attorney General in overruling the determination of the Board of Immigration Appeals without according him "fresh opportunity for hearing" to enable him "to reach the deciding officer's mind." The regulations of the Immigration and Naturalization Service make no provision for oral or written argument before the Attorney General, but provide merely that the Attorney General "will state in writing his conclusions and the reasons for his decision." Rule 90.12 (8 C. F. R., 1940 Supp., 90.12). Oral argument as such is not essential to a fair hearing (*Morgan* v. *United States,* 298 U. S. 468, 481); even where oral argument is altogether denied, it has been held that it is not an "essential ingredient of procedural due process and a fair hearing," *Peoria Braumeister Co.* v. *Yellowley,* 123 F. 2d 637, 639 (C. C. A. 7). Here, both oral and written argument were fully made before the Presiding Inspector and the Board of Immigration Appeals; and the Attorney General had before him not only the written conclusions of these respective hearing officials, but also the

briefs of the parties filed with them. Since petitioner's objections to the Findings and Conclusions recommended by the Presiding Inspector were elaborately developed in his brief before the Board, as well as in the Board's own opinion which accepted those objections, the Attorney General had before him at the time of his decision all material necessary to a complete understanding of petitioner's contentions.

Nevertheless, petitioner suggests (Br. 77) that "when issues are freshly brought to focus before a new deciding officer the specific grounds upon which he proposes to overturn an existing public decision (if such be his disposition) [must] be given the person to be adversely affected." We do not so understand the responsibilities of reviewing tribunals, whether administrative or judicial. So far as we are aware, it has never been held that once the issues have been clearly posed by actual or recommended findings below, a reviewing tribunal must announce in advance its proposed opinion on such issues and permit argument specifically directed to the contents thereof. It is a commonplace of judicial procedure that in such a case neither a court nor an administrative agency is confined to the arguments of counsel in selecting the grounds of its decision whether or not to accept such findings. See *Garland* v. *Davis*, 4 How. 131, 143.

Much is made (Pet. Br. 75–76) of the fact that the circumstances in which the Attorney General undertook to render final decision in the case did not fall within the categories specified in Rule 90.12 for review by him of the decision of the Board of Immigration Appeals, and that he gave no notice to petitioner that he proposed personally to decide the case. There can be no question that the Attorney General under the deportation statute is the final deciding authority, and that it is within his discretion both to delegate his authority and to revoke such delegation if and when in his judgment the occasion requires. We have stated above our reasons for believing that no consideration of due process required new oral or written argument before the Attorney General as the foundation for his decision, once full argument of all the issues had been made before the tribunals below and the opposing contentions of the parties had been made plain to him by the briefs of counsel filed below and the written Findings and Conclusions of Judge Sears and the Board of Immigration Appeals. If this would have been so had the case been formally referred to him by the Board for final decision pursuant to the regulations, it is no less so in a case where he chose to recall final decisional authority to himself *dehors* the regulations.

Here it has not been—and in view of the Attorney General's careful opinion it could not

reasonably be—claimed that the Attorney General failed to give full and fair consideration to the entire record, as well as to the opposing contentions of counsel. Due process, we believe, requires no more.

* * * * *

As we have pointed out (*supra*, p. 94; cf. fn. 57, p. 95), it is not clear that petitioner claims that any of the supposed procedural abuses touched on above is of such a character as should by applicable standards be held to vitiate the deportation order. Rather it would seem that petitioner seeks to invest the proceeding as a whole with some indefinable aura of unfairness resulting from a series of considerations which would not of themselves warrant judicial intervention. The basic question is, of course, whether in the last analysis, by enlightened standards, petitioner received a full and fair hearing. We submit that a reading of the record admits of no doubt on this question. Seldom, if ever, has an alien been accorded, and taken advantage of, so full an opportunity to develop every possible aspect of his opposition to the Government's charge in a deportation case. Petitioner was represented throughout by counsel who showed themselves thoroughly versed in all elements of deportation law, both substantive and procedural. The Presiding Inspector was a highly qualified judge, experienced in both the

trial and appellate review of litigation,[11] and totally disconnected from the Department of Justice. His impartiality, consideration, and thoroughness stand out brilliantly in the record. Petitioner was allowed the utmost in cross-examination of the Government's witnesses, and produced 29 witnesses of his own, in addition to himself—although, be it noted, no witnesses other than himself to testify directly to his non-membership in the organizations involved.[12] By according petitioner the benefit of the doubt, Judge Sears and the Attorney General resolved issue after issue of fact in his favor, or in such a way as to work him no prejudice. In the end, the case came down to a square issue of credibility as between petitioner and those of the Government's witnesses who still stood unimpeached. Judge Sears, who saw and heard the witnesses, disbelieved petitioner; and the Attorney General sustained Judge Sears. That Judge Sears may have been wrong is of no consequence on the issue of whether

[11] Judge Sears was a Justice of the Supreme Court of the State of New York from 1927 to January 3, 1943, assigned to the Appellate Division, Fourth Department, from 1922 to 1940, and Presiding Justice from 1929 to 1940. He then became an Associate Judge of the Court of Appeals of New York, retiring on December 31, 1942.

[12] The majority of petitioner's witnesses merely testified to facts tending to impeach the character or veracity of the Government's witnesses; a smaller number testified essentially that petitioner, whether or not a Communist, was a "good" labor leader. Some testified that they did not believe he was a Communist.

petitioner received a full and fair hearing. We submit that unquestionably he did.

III

THE DEPORTATION STATUTE AS CONSTRUED AND APPLIED TO PETITIONER DOES NOT VIOLATE PETITIONER'S CONSTITUTIONAL GUARANTEES OF FREE SPEECH AND ASSOCIATION

Relying on the long series of cases in this Court which have set boundaries in a variety of circumstances to federal and state action restricting the constitutional rights of freedom of speech, assembly, and religion, petitioner contends (Br. 80–104) that the deportation statute, as here construed and applied to him, denies to him rights of free speech and free association guaranteed to him by the First and Fifth Amendments. As construed and applied to petitioner the statute calls for his deportation on evidence which shows membership in and affiliation with an organization advocating overthrow of the Government by force and violence.[73] The Government did not claim

[73] The amendment of the 1918 Act (c. 186, 40 Stat. 1012) by the Act of June 5, 1920 (c. 251, 41 Stat. 1008–1009) was for the specific purpose of resolving doubts previously thought to exist and making clear that mere membership in an organization falling within the description of the statute should be "of itself the overt act sufficient to warrant deportation." H. Rep. 504, 66th Cong., 2d Sess., 1919, p. 7.

The 1918 Act itself was in the nature of an amendment to Sec. 3 of the general immigration and deportation statute (Act of February 5, 1917, c. 29, 39 Stat. 874, 875–876) for

that petitioner personally advocated or believed in such a doctrine (see R. 1527). Petitioner testified that he believed in collective bargaining as a device to settle labor disputes and that he favored strikes only after other methods failed (R. 5885–5888); he was opposed to state syndicalism statutes because it was his opinion that they were used against legitimate union activity, although he did not believe in the tenets of syndicalism (R. 6069, 6484–6485). Generally, in discussing Communism with avowed Communists, he argued against it (R. 6095). Nor was the case tried or decided on the theory that the "clear and present danger" test set by *Schenk* v. *United States*, 249 U. S. 47, 52, had application. If, as has never hitherto been held by this Court, the sovereign power of the United States to deport aliens from its shores is deemed to be limited by the same considerations which under the First and Fifth Amendments would preclude criminal prosecution or other forms of public restraint, then only do the deci-

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the specific purpose of resolving doubts previously thought to exist as to whether the phrase "persons who believe in or advocate the overthrow by force or violence of the Government of the United States or of all forms of law," as used in the 1917 Act, had been intended as merely explanatory of and limited by the term "anarchists." H. Rep. 645, 65th Cong., 2d Sess., 1918, p. 1. The legislative history does not establish that the amendment was adopted with Communists particularly in mind, but it is worthy of note that the proposal of the amendment (June 8, 1918) followed not long after the Bolshevik Revolution in Russia.

sions of this Court give force to petitioner's argument that the statute as construed and applied to him violates his constitutional rights. See e. g., *Yick Wo* v. *Hopkins*, 117 U. S. 356, 369; *Lem Moon Sing* v. *United States*, 158 U. S. 538, 547; *Wong Wing* v. *United States*, 169 U. S. 649, 695; *Truax* v. *Raich*, 239 U. S. 33, 39; *Whitney* v. *California*, 274 U. S. 357, esp. Brandeis and Holmes, JJ., concurring, at pp. 372 et seq.; *De Jonge* v. *Oregon*, 299 U. S. 353; *Herndon* v. *Lowry*, 301 U. S. 242; *Thomas* v. *Collins*, No. 14, this Term; cf. *Bridges* v. *California*, 314 U. S. 252. Cf. also *Dunne et al.* v. *United States*, 138 F. 2d 137 (C. C. A. 8), certiorari denied, 320 U. S. 790, rehearing denied, 320 U. S. 814, 815, upholding the conviction of citizens for violation of Title I of the Alien Registration Act, 1940, (c. 439, Title I, 54 Stat. 670–671, 18 U. S. C. 9–13). However, we do not believe that this question is reached,[74] since other decisions of this Court point to the conclusion that the power of Congress to provide for deportation of resident aliens is limited only by the due process requirement of a fair hearing at

[74] Although this question was raised and argued by petitioner in the court below, that court failed to pass upon it. The district court held (R. 735–740) that the deportation statute was not invalid as violating petitioner's rights of freedom of speech and assembly, since its curtailment, if any, of those rights was "a curtailment consonant with the constitutional guarantees of the Bill of Rights."

which the statutory grounds for deportation are established, and is unaffected by considerations which in other contexts might justify the striking down of legislation as an unwarranted abridgment of constitutionally guaranteed rights of free speech and association.

In 1904 this Court in *Turner* v. *Williams*, 194 U. S. 279, considered the application of the Immigration Act of March 3, 1903, 32 Stat. 1213, which provided for the exclusion of alien "anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States or of all government or of all forms of law, or the assassination of public officials." The case arose out of the exclusion of Turner, an Englishman, who admitted that he was an anarchist and an advocate of anarchistic principles. The Court rejected the contention that this statute was unconstitutional because no power "is delegated by the Constitution to the General Government over alien friends with reference to their admission into the United States or otherwise, or over the beliefs of citizens, denizens, sojourners or aliens, or over the freedom of speech or of the press" (194 U. S. at 289). In commenting upon this contention, the Court said (pp. 289–290):

> Repeated decisions of this court have determined that Congress has the power to exclude aliens from the United States; to

prescribe the terms and conditions on which they may come in; to establish regulations for sending out of the country such aliens as have entered in violation of law, and to commit the enforcement of such conditions and regulations to executive officers; that the deportation of an alien who is found to be here in violation of law is not a deprivation of liberty without due process of law, and that the provisions of the Constitution securing the right of trial by jury have no application. *Chae Chan Ping* v. *United States,* 130 U. S. 581; *Nishimura Ekiu* v. *United States,* 142 U. S. 651; *Fong Yue Ting* v. *United States,* 149 U. S. 698; *Lem Moon Sing* v. *United States,* 158 U. S. 538; *Wong Wing* v. *United States,* 163 U. S. 228; *Fok Yung Yo* v. *United States,* 185 U. S. 296; *Japanese Immigrant Case,* 189 U. S. 86; *Chin Bak Kan* v. *United States,* 186 U. S. 193; *United States* v. *Sing Tuck,* 194 U. S. 161.

* * * * *

Whether rested on the accepted principle of international law that every sovereign nation has the power, as inherent in sovereignty and essential to self-preservation, to forbid the entrance of foreigners within its dominions, or to admit them only in such cases and upon such conditions as it may see fit to prescribe; or on the power to regulate commerce with foreign nations, which includes the entrance of ships, the importation of goods, and the bringing of

persons into the ports of the United States, the act before us is not open to constitutional objection.

The Court then addressed itself to the issue of civil liberties (194 U. S. at 292):

> We are at a loss to understand in what way the act is obnoxious to this objection. It has no reference to an establishment of religion nor does it prohibit the free exercise thereof; nor abridge the freedom of speech or the press; nor the right of the people to assemble and petition the government for a redress of grievances. It is, of course, true that if an alien is not permitted to enter this country, or, having entered contrary to law, is expelled, he is in fact cut off from worshipping or speaking or publishing or petitioning in the country, but that is merely because of his exclusion therefrom. He does not become one of the people to whom these things are secured by our Constitution by an attempt to enter forbidden by law. To appeal to the Constitution is to concede that this is a land governed by that supreme law, and as under it the power to exclude has been determined to exist, those who are excluded cannot assert the rights in general obtaining in a land to which they do not belong as citizens or otherwise.

And, finally with respect to the argument that the act was unconstitutional because it applied to all anarchists, including those who are merely

political philosophers, whose teachings are beneficial, the Court said (194 U. S. at 294):

> * * * it would follow that Congress was of opinion that the tendency of the general exploitation of such views is so dangerous to the public weal that aliens who hold and advocate them would be undesirable additions to our population, whether permanently or temporarily, whether many or few, and, in the light of previous decisions, the act, even in this aspect, would not be unconstitutional, or as applicable to any alien who is opposed to all organized government.

So far as we know, there has been no further discussion by this Court of the question whether the power to admit and to deport aliens is subject to the prohibitions of the First Amendment. But that the force of the decision in the *Turner* case has been unaffected by recent decisions is intimated by its citation in the majority opinion and in the concurring opinion of Mr. Justice Douglas in *Schneiderman* v. *United States*, 320 U. S. 118, at 131–132; 165, with reference to the right of Congress to impose such conditions as it sees fit upon the privilege of naturalization. See also *United States ex rel. Volpe* v. *Smith*, 289 U. S. 422, 425: "The power of Congress to prescribe the terms and conditions upon which aliens may enter or remain in the United States is no longer open to serious question. *Turner* v. *Williams*, 194 U. S. 279; *Low Wah Suey* v. *Backus*,

225 U. S. 460, 468; *Bugajewitz* v. *Adams*, 228 U. S. 585, 591." And it is significant that in *United States ex rel. Bilokumsky* v. *Tod*, 263 U. S. 149, and *United States ex rel. Vajtauer* v. *Commissioner of Immigration*, 273 U. S. 103, deportation of aliens on charges of personal advocacy of violent overthrow of the Government was upheld by this Court without discussion of the application of the "clear and present danger" test which has been held to inhere in the application of the First Amendment.

It is true that the Court in *Turner's* case was not dealing with the deportation of a resident alien, but the distinction has not been found significant in other contexts. In the *Bilokumsky* case, *supra*, the alien had been in the United States for nine years prior to the institution of the deportation proceeding, and it does not appear that the proceeding was predicated in any way upon a charge of illegal entrance. "The power to exclude aliens and the power to expel them rest upon one foundation, are derived from one source, are supported by the same reasons, and are in truth but parts of one and the same power." *Fong Yue Ting* v. *United States*, 149 U. S. 698, 713. Furthermore, aliens who have acquired a deportable status through their actions while permitted to remain in this country may be "decidedly more objectionable." Cf. *United States ex rel. Volpe* v. *Smith*, 289 U. S. 422, 425.

The lower federal courts have not granted to

resident aliens any greater right to claim the protection of the First Amendment than was denied to an unlawful entrant in *Turner* v. *Williams, supra.* See *Lopez* v. *Howe,* 259 Fed. 401 (C. C. A. 2), appeal dismissed and certiorari denied, 254 U. S. 613, 650; *Ex parte Pettine,* 259 Fed. 733, 735–736 (D. Mass.); *United States ex rel. Fortmueller* v. *Commissioner of Immigration,* 14 F. Supp. 484, 486–487 (S. D. N. Y.); cf. *United States* v. *Parson,* 22 F. Supp. 149, 155, fn. 2 (S. D. Calif.), reversed on other grounds, 99 F. 2d 746 (C. C. A. 9).[75] And the lower federal courts have likewise not regarded the imminence of changes in government which an alien may advocate as a factor going to the validity of the deportation statutes. See *United States ex rel. Georgian* v. *Uhl,* 271 Fed. 676, 677 (C. C. A. 2), certiorari denied, 256 U. S. 701; *Kjar* v. *Doak,* 61 F. 2d 566, 568–569 (C. C. A. 7); *United States ex rel. Abern* v. *Wallis,* 268 Fed. 413, 416 (S. D. N. Y.).

Since naturalization is, like the right of an alien to remain in the country, a privilege which Congress may extend upon such conditions as it sees fit, it is within the competence of Congress to

[75] In *Colyer* v. *Skeffington,* 265 Fed. 17, 60 (D. Mass.), the court expressed the view that immigration statutes were to be construed with regard to the "First Amendment and its declaration for freedom of speech, press, and assemblage." However, that view may be deemed to have been rejected by the Circuit Court of Appeals for the First Circuit by reason of its reversal of the decision of the district court, *sub nom. Skeffington* v. *Katzeff,* 277 Fed. 129.

deny naturalization to an alien on the ground of utterances, beliefs, or associations for which, by the protection of the First Amendment, he could not be punished. *United States* v. *Schwimmer*, 279 U. S. 644, 649–650; *United States* v. *Macintosh*, 283 U. S. 605, 615–619. It would seem that the sovereign power of deportation (*Tiaco* v. *Forbes*, 228 U. S. 549, 556–557) would be subject to no greater restraint.

In his petition for a writ petitioner cited the doctrine of unconstitutional conditions (Pet. 43–44); but whatever the effect of this doctrine upon the civil rights of a resident alien in his status as such (cf. *Wong Wing* v. *United States*, 163 U. S. 228), it does not, we believe, extend to protect him against the orderly termination of that status for whatever reasons may seem to Congress necessary or desirable in the public interest. The "reasonable relation" doctrine to which petitioner adverts at pp. 99–104 of his brief has likewise never been given application in this area. We know of no case in which this Court has imposed or suggested limitations upon the plenary authority of Congress to determine the grounds upon which an alien may be deported.

By excluding from the impact of the deportation statute an alien's political beliefs or attachments acquired after his entrance, Congress could, in its discretion, have transmuted the substantive constitutional guarantees of the First and Fifth Amendments into legal rights conferred upon

aliens lawfully resident in the country. But the choice has heretofore been deemed to be legislative, not constitutional. Congress has unquestionably chosen to regard as undesirable residents in this country aliens who associate themselves with political beliefs directed to the overthrow of this Government by force or violence.[76] We believe that it had a constitutional right so to choose.

CONCLUSION

It is respectfully submitted that the judgment below should be affirmed.

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MARCH 1945.

[76] See fn. 73, p. 115, *supra*.

APPENDIX A

Statutory Provisions

Sections 1 and 2 of the Act of October 16, 1918 (c. 186, 40 Stat. 1012), as amended by the Act of June 5, 1920 (c. 251, 41 Stat. 1008–1009) and the Act of June 28, 1940 (c. 439, Title II, sec. 23, 54 Stat. 673, 8 U. S. C. 137), provide, in pertinent part, as follows:

> That any alien who, at any time, shall be or shall have been a member of any one of the following classes shall be excluded from admission into the United States:
>
> * * * * * *
>
> (c) Aliens * * * who are members of or affiliated with any organization, association, society, or group, that believes in, advises, advocates, or teaches: (1) the overthrow by force or violence of the Government of the United States * * *.
>
> * * * * * *
>
> (e) Aliens who are members of or affiliated with any organization, association, society, or group, that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display, any written or printed matter of the character described in subdivision (d) [advising, advocating or teaching the overthrow by force or violence of the Government of the United States].

For the purpose of this section: (1) the giving, loaning or promising of money or any thing of value to be used for the advising, advocacy, or teaching of any doctrine above enumerated shall constitute the advising, advocacy, or teaching of such doctrine; and (2) the giving, loaning or promising of money or any thing of value to any organization, association, society, or group, of the character above described shall constitute affiliation therewith; but nothing in this paragraph shall be taken as an exclusive definition of advising, advocacy, teaching, or affiliation.

SEC. 2. Any alien who was at the time of entering the United States, or has been at any time thereafter, a member of any one of the classes of aliens enumerated in section 1 of this Act, shall, upon the warrant of the Attorney General,[77] be taken into custody and deported in the manner provided in the Immigration Act of February, 1917.[78] The provisions of this section shall be applicable to the classes of aliens mentioned in this Act, irrespective of the time of their entry into the United States.

Section 19 of the Act of February 5, 1917 (c. 29, 39 Stat. 889, 8 U. S. C. 155) provides, in pertinent part, as follows:

> In every case where any person is ordered deported from the United States

[77] By Reorganization Plan No. V, effective June 14, 1940 (54 Stat. 230, 1238, 5 U. S. C., fol. 133t; 5 U. S. C. 133v), the administration of the immigration and naturalization laws was transferred from the Secretary of Labor to the Attorney General.

[78] The Act of February 5, 1917 (c. 29, 39 Stat. 874–898, 8 U. S. C. 101, et seq.).

under the provisions of this Act or of any law or treaty, the decision of the Secretary of Labor shall be final."[79]

ADMINISTRATIVE REGULATIONS

Rules 90.12, 150.1 (c), 150.1 (d) and 150.6 (i) of the Regulations of the Immigration and Naturalization Service (8 C. F. R. 90.12, 1940 Supp., 150.1 (c), 150.1 (d), 150.6 (i), 1941 Supp.) provide, in part, as follows:

> 90.12 *Board of Immigration Appeals; reference of cases to the Attorney General.* In any case in which a dissent has been recorded; in any case in which the Board shall certify that a question of difficulty is involved; in any case in which the Board orders the suspension of deportation pursuant to the provisions of section 19 (c) of the Immigration Act of 1917, as amended, or in any case in which the Attorney General so directs, the Board of Immigration Appeals shall refer the case to the Attorney General for review of the Board's decision. In any case in which the Attorney General shall reverse the decision of the Board, or in any case in which suspension of deportation is ordered pursuant to the provisions of section 19 (c) of the Immigration Act of 1917, as amended, the Attorney General will state in writing his conclusions and the reasons for his decision.
>
> 150.1 (c) *Investigations; interrogation of aliens under investigation.* All statements secured from the alien or any other

[79] Since June 14, 1940, the immigration laws have been administered by the Attorney General. See fn. 77, p. 127, *supra*.

person during the investigation, which are to be used as evidence, shall be taken down in writing; and the investigating officer shall ask the person interrogated to sign the statement. Whenever such a recorded statement is to be obtained from any person, the investigating officer shall identify himself to such person and the interrogation of that person shall be under oath or affirmation. Whenever a recorded statement is to be obtained from a person under investigation, he shall be warned that any statement made by him may be used as evidence in any subsequent proceeding.

"150.1 (d) *Investigations; refusal to make recorded statement under oath or affirmation.* Whenever, in the course of an investigation, admissions or statements are obtained from an alien or statements are made by any other person which indicate that the alien may be subject to arrest and deportation, but the alien or other person refuses to make a recorded statement under oath or affirmation or refuses or is unable to sign the recorded statement by name or by mark, the investigating officer shall make a report in writing to the officer-in-charge, setting forth the facts admitted or stated as to the alien's status under the immigration laws. This report may be used in support of an application for a warrant of arrest, when the investigating officer certifies that no other evidence to establish the facts stated in the report can be readily obtained. Statements obtained in confidence may be included in such report, without disclosure of their source, only if the officer in charge certifies that in his belief such statements are trustworthy.

150.6 (i) ***Hearing; use of statement or admissions made during investigation.*** A recorded statement made by the alien (other than a General Information Form) or by any other person during an investigation may be received in evidence only if the maker of such statement is unavailable or refuses to testify at the warrant hearing or gives testimony contradicting the statements made during the investigation. An affidavit of an inspector as to the statements made by the alien or any other person during an investigation may be received in evidence, otherwise than in support of the testimony of the inspector, only if the maker of such statement is unavailable or refuses to testify at the warrant hearing or gives testimony contradicting the statement and the inspector is unavailable to testify in person.

APPENDIX B

The literature introduced by the Government to which reference is made in the Argument, *supra*, pp. 23–43, on the issue of whether the Communist Party was an organization that advocated the overthrow of the Government by force and violence, is as follows:[80]

Ex. 91, R. 1031, *Marx and Engels, "Manifesto of the Communist Party."* This was published in 1932 by International Publishers. See *Schneiderman*, Ex. 7, R. 123.

Ex. 94, R. 1037, *"Theses and Statutes of the Third (Communist) International."* This edition was reprinted by the United Communist Party of America. See *Schneiderman*, Ex. 26, R. 274, 835.

Ex. 97, R. 1059, "The Communist," Vol. I, No. 1, June 12, 1920. This was the official organ of the United Communist Party of America and was published bi-weekly under direction of the Central Executive Committee (p. 2).

Ex. 98, R. 1060, "The Communist," Vol. I, No. 1, July 1921. This was the official organ of the Communist Party of America. The year "1921" appears in pencil. See R. 1059–1060.

Ex. 99, R. 1061, "The Workers Monthly," Vol. V, No. 11, September 1926. This was the official organ of the Workers Communist Party of America.

Ex. 104, R. 1069, "The Party Organization, Workers (Communist) Party of

[80] We have italicized those documents which were also introduced by the Government in the Schneiderman case.

America." This was published about September 1925 (see p. 40) for the Party by the Daily Worker Publishing Co.

Ex. 105, R. 1070, *Lenin; "'Left Wing' Communism, An Infantile Disorder."* This was written by Lenin in 1920 (pp. 103, 115), and this edition was published by the Marxian Educational Society, Detroit, Michigan, in 1921. Other editions were published and distributed by the Communist Party (R. 1069). See *Schneiderman*, Ex. 9, R. 144. The edition in the *Schneiderman* case was published by International Publishers in 1934.

Ex. 108, R. 1074, "*Program and Constitution, Workers Party of America, adopted at National Convention, New York City, December 24-25-26-1921.*" Cf. *Schneiderman*, Ex. 27, R. 276, which is the "Program and Constitution of the Workers Party of America," adopted at National Convention, December 1921, amended at National Convention, 1923–1924.

Ex. 109, R. 1075, "The Worker", Vol. VI, No. 264, March 3, 1923. This was published weekly (p. 1) and was the official organ of the Workers Party (R. 1074).

Ex. 111, R. 1077, "The Worker," Vol. VI, No. 258, January 20, 1923.

Ex. 112, R. 1078, "*The Second Year of the Workers Party of America,*" (including the constitution, program, and the report of the Central Executive Committee to the Third National Convention held December 30, 31, 1923, and January 1, 2, 1924). This work was published by the Literature Department of the Workers Party of America. See *Schneiderman*, Ex. 13, R. 248.

Ex. 120, R. 1117, *Olgin, "Why Communism? Plain Talks on Vital Problems."* This was first published in 1933, and the

present edition in evidence was the second revised edition published by Workers Library Publishers in May 1935 (see inside cover). See *Schneiderman*, Ex. 18, R. 166.

Ex. 129, R. 1219, "Thesis and Resolutions for the Seventh National Convention of the Communist Party of U. S. A., by Central Committee Plenum, March 31–April 4, 1930." This was issued, distributed, and circulated by the Communist Party (R. 1216).

Ex. 130, R. 1220, "Struggles ahead! Thesis on the Economic and Political Situation and the Tasks of the Communist Party, adopted by the Seventh National Convention, June 20–25, 1930." This was published by the Communist Party of the U. S. A. (see inside cover).

Ex. 135, R. 1445, William Z. Foster, "From Bryan to Stalin." This work was published by International Publishers, copyright 1937. It was circulated and distributed by the Communist Party (R. 1444).

Ex. 145, R. 1460, "The Communist," Vol. XVII, No. 1, January 1938. This was a magazine published monthly by the Communist Party of the U. S. A. (see title page).

Ex. 164, R. 1476, "The Communist," Vol. XVIII, No. 9, September, 1939. This issue contains a review of the twenty years' history of the Communist Party of the U. S. A.

Ex. 182, R. 1486, *Lenin, "State and Revolution."* This work was written by Lenin in August and September 1917 (p. 101). This edition was published by International Publishers Co., Inc., copyright 1932, and is the third printing, 1935, 100,000 copies (see page facing table of contents). See *Schnei-*

derman, Ex. 8, R. 129. The edition in the *Schneiderman* case was published by the Daily Worker Publishing Company in April 1924.

Ex. 183, R. 1490, *Stalin, "Foundations of Leninism."* This was published by International Publishers, copyright 1932, Tenth Anniversary Edition 1934, 100,000 copies (see reverse side of title page). See *Schneiderman,* Ex. 11, R. 212, Stalin, "The Theory and Practice of Leninism." These appear to be different translations of the same work.

Ex. 184, R. 1491, Lenin, "A Letter to American Workers." This was written on August 20, 1918 (p. 22), and was published by International Publishers Co., Inc., copyright 1934 (see reverse side of title page and p. 8).

Ex. 220, R. 2074, "The Trade Union Unity League, affiliated to R. I. L. U., its Program, Structure, Methods and History." This was published by the Trade Union Unity League, probably in 1930 (R. 2075).

Ex. 221, R. 2080, Honig, "The Trade Union Unity League Today, its Structure, Policy, Program and Growth." This was published by Labor Unity Publishers, first printing, April 1934; revised edition, June 1934 (see title page).

Ex. 228, R. 2089, "15 Years of the Communist International." This pamphlet was published by Workers Library Publishers (see back cover) in about 1935 (R. 2089) and contains the theses of the Agitprop of the Executive Committee of the Communist International (see inside cover).

Ex. 231, R. 2093, Browder, "What is Communism?" This work was published

by Workers Library Publishers in 1936 (see title page).

Ex. 232, R. 2097, "The Communist," Vol. VIII, No. 7, July 1929.

There are also in evidence the following documents in the *Schneiderman* case to which reference is not made in our Argument:

Ex. 95, R. 1051–1052, "Program of the Communist International," containing the program adopted September 1, 1928, *Schneiderman,* Ex. 6, R. 109; Ex. 101, R. 1066 "The Fourth National Convention of the Workers (Communist) Party of America," held August 21–30, 1925, *Schneiderman,* Ex. 12, R. 241; Ex. 102, R. 1067, "The Platform of the Class Struggle, National Platform of the Workers (Communist) Party, 1928, *Schneiderman,* Ex. 15, R. 264; Ex. 158, R. 1473, "The Constitution and By-Laws of the Communist Party of the U. S. A.," adopted May 1938, *Schneiderman,* Ex. 5, R. 84.

The following documents introduced in the *Schneiderman* case do not appear to have been introduced in this case:

Ex. 10, R. 152, "Program of the Young Communist International;" Ex. 14, R. 255, "Acceptance Speeches of William Z. Foster and Benjamin Gitlow," published in 1928; Ex. 16, R. 187, Bucharin and Preobraschensky, "ABC of Communism;" Ex. 17, R. 270, "The International of Youth," organ of the Executive Committee of the Young Communist International; Ex. 19, R. 273, "New Frontiers," yearbook of the Young Communist League.

U. S. GOVERNMENT PRINTING OFFICE: 1945

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Supreme Court of the United States

OCTOBER TERM, 1944

No. 788

HARRY BRIDGES,
Petitioner,

against

I. F. WIXON, as District Director, Immigration and Naturalization Service, Department of Justice.

ON CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE NINTH COURT

BRIEF OF AMERICAN CIVIL LIBERTIES UNION AS *AMICUS CURIAE*

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Statement of the Case

The background of this deportation proceeding is amply set forth in petitioner's brief (pp. 5-13). We shall, therefore, merely outline the unique history of Harry Bridges as it relates to the continuous efforts of the government, both in the executive and legislative branches, to deport him for alleged membership in or affiliation with organizations purportedly disloyal.

In 1934 efforts were first commenced to deport petitioner, but upon investigation by the Immigration Service

no grounds were shown to exist and the matter was thereupon dropped. Thereafter in March, 1938 a warrant was issued by the Service seeking his removal from the country. In 1939, however, after a full hearing before a special trial examiner, Dean James M. Landis, again no grounds were found to expel Bridges under the law as it existed at that time, which as interpreted by this Court in *Kessler* v. *Stecker*, 307 U. S. 22, permitted deportation only for membership in proscribed organizations at the time of arrest, and the warrant was withdrawn.

The next attempt to banish Bridges was the introduction and passage in the House of Representatives of a special bill (H.R. 9766, 76th Congress, 3rd Session) specifically directing the Attorney General to deport him. Calmer heads prevailed in the Senate, however, where it died in the Committee on Immigration.

As a substitute, however, for that special bill, Congress adopted Section 23 of the Alien Registration Act of June 28, 1940 (54 Stat. 673) which provided for the deportation of any alien who either at the time of entrance into the United States or at any time thereafter was a member of or affiliated with certain proscribed groups and organizations (8 U.S.C.A. Section 137g).

In February 1941 a warrant for Bridges' deportation was issued under color of the new statute, and a new series of hearings held before another special trial examiner, Judge Charles B. Sears. Upon this hearing, grounds were found to expel Bridges, but the recommendations were rejected by a unanimous vote of the Board of Immigration Appeals in January 1942, which in turn was overruled by the Attorney General in May 1942, who thereupon ordered his deportation.

Interest of the American Civil Liberties Union

The American Civil Liberties Union is a nationwide organization, membership in which is open to all, rich and poor, alien and citizen. In our view the protection of the Bill of Rights should be accorded all persons in the United States. Consistently we have maintained that aliens as well as citizens, whether naturalized or native born, alike are entitled to civil liberty. Thus in *Bridges* v. *California*, 314 U. S. 252, we filed a brief *amicus curiae* in this Court, recognizing that aliens no less than citizens should be afforded freedom of speech in criticizing judicial opinions. But even if we did not adopt such a position, which has received the approbation of this Court, we would nevertheless feel constrained to file a brief *amicus* in this case in view of its history as outlined above. For it is apparent that surrounding this proceeding is an aura of persecution for the alleged holding of unpopular beliefs by this petitioner.

In any event to concede the plenary power of Congress to deport aliens within the country for alleged political beliefs for which citizens could not constitutionally be punished is to open the door to the penalty of banishment, which could easily be extended to citizens. It is clear then that if the civil liberties of the alien minority are attacked those of the citizens majority are also in jeopardy.

POINT I

Whether or not the power of Government to exclude aliens is subject to constitutional restraint, the deportation of aliens, lawfully and permanently residing in the United States, is subject to the basic limitation imposed upon governmental action by the Bill of Rights.

The government's basic contention, and indeed the main issue in the present case, is that "the power of deportation has the same basis as the power of exclusion", that the constitutional restraints upon the powers of government embodied in the Bill of Rights and particularly in the First Amendment are "inapplicable" to the exercise of "the plenary power of Congress to exclude or to deport aliens"; and that "the admission of an alien confers upon him, prior to naturalization, *but a license to remain that is terminable at the will of Congress*" (Government's brief below, pp. 17, 21; italics added).

We submit that these contentions are based upon a deep misconception of the true nature of constitutional restraints and of the legal and political positions of aliens lawfully residing in this country.

Whatever the plenitude of congressional power as to the exclusion of aliens, basic sociological as well as legal considerations prevent the identification of the scope of the power to exclude with that of the power to deport. The social structure of this country has, since its foundation, been such that every alien lawfully admitted to its shores for the purpose of permanent residence has of necessity been regarded as a *potential citizen*. This is "a country whose life blood came from an immigrant

stream" (*Ex parte Kumezo Kawato*, 317 U. S. 69, 73), inhabited by "a heterogeneous people" (*Schneiderman* v. *United States*, 320 U. S. 118, 120), "by millions of immigrants who have learned to love the country of their adoption more than the country of their birth" (*Ex parte Kumezo Kawato, supra, ibid.*).

In a country in whose larger cities "a majority of the school children are offspring of parents only one generation, if that far, removed from the steerage of the immigrant ship" (*Schneiderman* v. *United States, supra*, 120), naturalization of aliens must be treated as one of the essential tasks of the community. Nor must naturalization be thought of as an instantaneous act fully accomplished at the moment of the swearing in of an alien. On the contrary, it is a long, complex and delicate process of social adjustment and political education. In this process, governmental action plays as important a role as any social factor making for the success or failure of the process of Americanization. It would be absurd to suppose that during this decisive and formative period of political education of potential citizens, they may be exposed to a governmental action completely free and unrestrained in its exercise. Aliens who have been excluded from the United States, who have never been admitted to the community, may be in some circumstances the victims of crude governmental arbitrariness. As such, they deserve our humanitarian sympathy. But—and this is essential for the distinction between exclusion and deportation—their fate will exercise no direct influence upon the social structure of the American *polis* itself, to whose life they had never been admitted for a single instant.

Totally different is the legal position of immigrants, lawful and permanent residents of the country. Their

exposure to the potentialities of a constitutionally unrestrained governmental action could not fail to exercise a deeply detrimental effect upon an integral part of the national community and thus upon the community at large. Just as the events of prenatal life of an infant may prove decisive in the formation of its physical and psychological traits, pre-citizen years of immigrants may prove decisive for the formation of their political character. Serfdom is no education for freedom.

The facing of the breath-taking alternative between acquisition of "the priceless benefits that derive from the status (of American citizenship)", regarded by many "as the highest hope of civilized men" (*Schneiderman* v. *United States, supra,* 122), and the crushing sanction of deportation—is not the proper training for citizenship of a free country.

American law would not have kept faith with American history and with the realities of American society if it had not reflected and embodied these ideas. This Court has explicitly recognized that despite the sweeping reception of the Common Law of England, some of its rules concerning aliens were never received in this country. One of these rules concerns a very special class of aliens, namely those owing allegiance to countries actually at war with the United States. Still as early as 1813, Chancellor Kent felt that the peculiarities of the American Commonwealth made it unwise to receive the strict English rule barring such aliens from courts (*Clarke* v. *Morey,* 10 Johns. 69). Kent's doctrine has been followed in a number of state and federal decisions. Recently, in a case involving an interned enemy alien who, under the prevailing statute, could never become a citizen (*Ex parte Kumezo Kawato, supra*), Mr. Justice Black applied the same "sound prin-

ciple of the (American) common law" (*Ex parte Kumezo Kawato, supra,* at p. 75). Speaking for a unanimous court, Justice Black predicated the rule upon the contributions "made in peace and war by the millions of immigrants" and placed the decision upon the broadest possible ground, touching the constitutional plane, by asserting that any harsher treatment even of enemy aliens "would be repugnant to sound policy no less than to justice and humanity" (*Ex parte Kumezo Kawato, supra,* at p. 74).

In the light of decisions dealing with the legal position of interned enemy aliens or with the constitutional position of belligerent enemies,[1] it is hardly surprising that a much greater range of constitutional protection, going beyond access to courts or the right to trial by jury, has been accorded to friendly aliens, lawful residents of the country, who have filed—as petitioner Bridges had done three times—their declaration of intention to become a citizen.

The structure of most communities is too complex to admit a clear-cut distinction between insiders and outsiders, citizens and aliens, without the need for some intermediate class or classes of "novitiates". Even a comparatively static society as that of England, for example, has long felt the need for the category of *denizens,* persons in an intermediate position between that of natives and that of aliens (1 Bla. Comm. 374). For the distinction be-

1. Belligerent enemies were granted the right to sue in American courts in *Ex parte Quirin,* 317 U. S. 1. Mr. Chief Justice Stone said that "Neither the Proclamation nor *the fact that they are enemy aliens forecloses consideration by the courts of petitioners, contending that the constitution and laws of the United States constitutionally enacted forbid their trial by military commission*" (at p. 25) and assumed that some acts recognized as offenses against the law of war would not be triable by military commissions here "because they are of that class of *offenses constitutionally triable only by a jury*" (at p. 29). (Italics added.)

tween denization and naturalization see *Dicey, Conflict of Laws*, 164. This Court has drawn an analogous conclusion from American history and from the system of common and statutory law dealing with permanent immigration, requests and grants of "first papers", military and fiscal duties of immigrants, when it spoke of the category of "novitiates" in *Schneiderman* v. *United States, supra*, 158. The constitutional and political necessity to preserve "for novitiates as well as citizens the full benefit of that freedom of thought which is a fundamental feature of our political institutions", amidst which the newcomers have hoped to achieve the status of people "privileged to think and act and speak according to their convictions" (*ibidem*) requires a uniform construction of the congressional intent both in the field of naturalization and in that of deportation. In neither field should we "tread so close to the domain of freedom of conscience without an explicit mandate of Congress." Mr. Justice Douglas, concurring in *Schneiderman* v. *United States, supra* at p. 165. Lest the atmosphere of the community as a whole be poisoned and the process of Americanization frustrated in its initial decisive phases, neither the new citizen nor the "novitiate", the citizen-to-be, must be placed in a situation in which "he could not open his mouth without fear" and in which "his best course would be silence or hypocrisy". Mr. Justice Rutledge, concurring in *Schneiderman* v. *United States, supra*, at p. 167. *Cf.* Mr. Justice Murphy in *Bridgartner* v. *U. S.*, 322 U. S. 665, 679 "the naturalized citizen * * * is not required to imprison himself in an intellectual or spiritual straitjacket." "This is not citizenship" *Schneiderman* v. *U. S., supra*, 167. Nor is it preparation for it.

The enjoyment of the basic constitutional rights must therefore be afforded to natural-born and naturalized, actual and prospective citizens alike. In the light of this principle the Court will assume that Congress did not intend to authorize the deportation for mere belief unless the expression thereof is shown to create a clear and present danger of public disorder or other substantive evil. "Such a construction of the statute is to be favored because it preserves for novitiates as well as citizens the full benefit of that freedom of thought which is a fundamental feature of our political institutions". *Schneiderman* v. *United States, supra,* 158. *A fortiori* should deportation for mere *supposed* membership in or affiliation with *allegedly* subversive organizations be denied on constitutional grounds. *Cf.* Mr. Justice Jackson in *Korematsu* v. *U. S.*, —— U. S. —— (Oct. Term, 1944).

POINT II

Whether or not "deportation of aliens" is always a penalty, the deportation of an alien predicated solely upon §23 of the Alien Registration Act of 1940, is clearly punitive in nature and subject to all constitutional restraints regarding imposition of punishment.

The difficulty of drawing a clear line of distinction between merely civil or administrative sanctions on the one hand and punitive sanctions on the other is equalled by the great importance that the distinction itself possesses for the purposes of constitutional jurisprudence.[2] It has

2. "Civil and criminal law overlap so that it is impossible to say with absolute precision where one begins and the other ends." Morris R. Cohen, "On Absolutisms in Legal Thought" (1936) 84 U. of P. Law Review 681, 686.

long been recognized that "the words 'penal' and 'penalty' • • • are elastic in meaning" (*Huntington* v. *Attrill*, 146 U. S. 657), and that no governmental sanction is *in itself* either a punishment or a non-criminal sanction. Even death may be lawfully inflicted by the agents of government without being a punishment. The killing of a gangster by a policeman while the gangster threatens to kill the victim of a hold-up, is a governmental sanction predicated upon the unlawfulness of the gangster's behavior, but is obviously not a punishment. It is rather the exercise of police power, an action in the nature of an administrative, remedial, measure, clearly distinguishable from the imposition of a death penalty.

Analogous examples can be given with respect to any other governmental action, which is generally used as a means of punishment. Thus, the deprivation of freedom applied to *presently* insane and dangerous persons, the compulsion to do work, the destruction of property, real or personal, because of its *actual* threat to safety or health of a community, the exaction of pecuniary contributions for the purpose of actual reparation of *present* harm can and must be characterized as a non-penal sanction, and distinguished from governmental actions, identical in their physical content imposed, as will be seen, for *past* activity or condition, such as imprisonment, forced labor, confiscation or exaction of a fine.[3]

3. It is true, however, that past performances in themselves are a source of legitimate fears of future dangers. But this type of danger is present in almost every situation in which criminal justice intervenes: incapacitation of criminals is one of the recognized secondary functions of punishment. This is why to take a sanction out of the sphere of punishment, something more than this general fear of a second offence must be present. The sanction must be predicated upon this specific danger, in the sense that its existence must be proved and the application *vel non* of the sanction itself must be made clearly dependent upon the existence of such danger. When, on the other hand, the sanction applies *whenever the past violation is proved*, no evidence of future possibility

Punitive and non-punitive sanctions are thus relational terms, implying some relationship between the given governmental action and the situation in which it operates. The analysis of this relation seems clearly to suggest a basic principle which, without offering a universal test of distinction between punitive and non-punitive sanctions, appears to be well founded in universally accepted concepts and sufficient for the solution of the present controversy. This principle[4] is that the category of punitive sanctions comprises at least those measures that are predicated *exclusively* upon *past* and completed situations or actions, without requiring any special relation of such situations or actions to some present or future state of affairs. The execution of the gangster after conviction is predicated upon his past and not upon his future potentialities. It is punishment, because the state is not required to show that it could not incapacitate him otherwise. The killing of a gangster who is threatening his victim is predicated not upon his past, but upon the fear of the future. It is an administrative, remedial, measure and is justified only to the extent that no other ready means of incapacitation was available.[5]

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of harm being required, the sanction is clearly addressed to the retribution for the past, rather than to the prevention of the future and must be recognized for what it is: a punishment and not an administrative measure. To hold otherwise, would transform *all* punishments into administrative measures because of the presence of some secondary effect of prevention of future violations by the person being punished.

4. To avoid another logical fallacy it may be noted that the offered criterion of distinction provides only a minimum description of the sphere of punitive sanctions. It leaves open the question whether under some circumstances, some sanctions, although expressly predicated upon a present state of affairs, may still be punitive in nature. All it says—and all that is needed for the present case—is that at least where no reference to a presently existing unlawful or dangerous situation is made by the law, the applicable sanction must be characterized as penal.

5. This distinction clearly underlies judicial pronouncements where penalty is to be distinguished from remedial sanctions. Everytime a court finds that a given sanction is *remedial* rather than *penal* in nature it administers it with

This general principle of characterization suffers no exception in respect to deportation. What is true in respect to sanctions consisting in physical destruction of life or property and in deprivation of freedom or values, is equally true with respect to an action consisting in the forcible expulsion of an individual from a country. Like death or detention, deportation may or may not be a penalty. Like the other distinctions between administrative and punitive sanctions, the line of demarcation between "administrative deportation" and "punitive deportation" may not be easy to draw.[6] But logical difficulties should

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regard not to the *past* but to the *present*, and indeed sometimes *future* situation. "Dissolution is not a penalty but a remedy". Judge Learned Hand stated in *U. S.* v. *Aluminum Co.*, decided under §4 of Title 15 U. S. C. A., on March 12, 1945. Therefore, he held dissolution cannot be applied without taking into account "the changes that have taken place", especially "Alcoa's position in the industry after the war." If the industry "will not need it for its protection", dissolution should not be ordered. To do so only because of the past, *i.e.*, only because Alcoa ***had been*** a monopoly ***at some time***, would make dissolution a penalty, not a remedy.

The United States Constitution (Amendment 13) expressly recognizes this ambivalence of sanctions and the possibility that an identical measure might or might not be used as a punishment when it permits "involuntary servitude" as and only as a "punishment for crime". In this situation non-punitive compulsion is forbidden, and the Government contrary to the case at bar, would have to show that the sanction is not applied for remedial purposes. "If the statute in this case had authorized the employing company to seize the debtor and hold him to the service until he paid the fifteen dollars, or had furnished the equivalent in labor, its invalidity would not be questioned". *Bailey* v. *Alabama*, 219 U. S. 219, 244. The test of distinction is still the same; the pursuit of a result to be obtained in a presently existing setting takes the sanction out of the sphere of punishments.

6. This is not the first time that in the field of deportation Congress has been tempted to cross the line between permissible administrative *remedial* action and non-permissible administrative *punitive* action. 27 Stat. at L. 25 §4 (1892) provided that a Chinese unlawfully in this country could (a) be taken into custody by immigration officers and (b) imprisoned for a period not exceeding one year. This Court held that "detention * * * as part of the means necessary to give effect to the provisions for the exclusion or expulsion of aliens would be valid" but that detention unrelated to the administrative needs was a punishment without trial by jury forbidden by the Constitution. *Wong Wing* v. *U. S.*, 163 U. S. 228. In the case at bar this Court is called upon to make a similar distinction, although predicated on other grounds, between remedial and penal features of deportation.

never excuse the neglect of distinctions, upon which the reality of constitutional guarantees hinge.[7]

Whether or not deportation predicated upon *present* membership in, or *present* affiliation with an alleged subversive organization is a merely administrative measure or a punitive sanction may be open to doubt. As we have stated, the relation to present dangers does not necessarily exclude the punitive nature of sanctions. Furthermore expulsion is certainly one of the most ancient forms of punishment known to the recorded history of mankind. "Primitive society had no penalties but death or exclusion from the community and the latter, as Cain reminded the Almighty, was the equivalent to death" (George W. Kirchwey in 4 Enc. Soc. Sc. 571). But be it as it may, it seems certain that deportation *avowedly unrelated to any present state of affairs, ordered in a situation in which all parties expressly concede that even the most tenuous form of vague affiliation of petitioner Bridges, if existing at all, had been severed long before the present action was begun, and that such deportation is predicated exclusively upon the past,* is and can be only punitive in nature. And at least this punitive deportation operating as a criminal sanction for past offences is within the ex post facto prohibition of the Constitution and may not be applied retroactively to the petitioner.

Thus, strictly speaking, the general scope of, and the limitations upon the power of government to deport for

7. For example, the determination that a "tax" is nothing but a disguised penalty allows the Court to intervene where it would otherwise be powerless. Thus in *Grosjean* v. *American Press Co.*, 297 U. S. 233, this Court, in explaining why the Louisiana tax on periodicals of large circulation violated the due process clause, said: "It is bad because, in the light of its present setting, it is seen to be a deliberate and calculated device in the guise of a tax to limit the circulation of information to which the public is entitled." See also, *Carter* v. *Carter Coal Co.*, 298 U. S. 238; *U. S.* v. *Constantine*, 296 U. S. 287; *Bailey* v. *Drexel Furniture Co.*, 259 U. S. 20; *Hammer* v. *Dagenhart*, 247 U. S. 277.

political beliefs, are not before the court at this time. Even the question whether or not Congress may impose the sanction of punitive deportation for past affiliations, severed before the proceedings, need not be decided here. To reverse the decision below it will suffice to hold that deportation avowedly predicated upon facts totally unrelated to any present situation, may not be ordered *retroactively*. In other words, strictly speaking, the constitutionality of "deportation-for-past-affiliation"—amendment, embodied in §23 of the Act of June 28, 1940 is not in question: all that is needed to free the petitioner is to deny the possibility of *retroactive application*.

POINT III

Whether or not deportation of aliens because of their present membership in, or association with certain proscribed associations can be justified by a reliance upon an implied legislative finding that the presence of such aliens is a clear and present danger of substantive evils—the presumption of such finding cannot be applied to the special case provided for in §23 of the Alien Registration Act of 1940, upon which the deportation of the petitioner is solely predicated.

The Government argues that the "clear and present danger" test of *Schenck* v. *United States*, 249 U. S. 47, does not prevent the deportation of aliens based on their affiliation with allegedly subversive organizations because, as in the case of *Dunne* v. *U. S.*, 138 F. (2d) 137 (C.C.A. 8), "Congress has made the determination of clear and present danger" (Government's brief below, p. 21). The gist of the contention is that this Court should construe

the statute authorizing deportation for membership in, or affiliation with, a subversive organization as containing the implied congressional finding of clear and present danger. It is highly doubtful whether the court should accede to the notion that the clear and present danger test is satisfied whenever Congress makes the finding of its existence. The very essence of judicial protection of civil liberties would be destroyed if findings by other branches of government were held conclusive under all circumstances. It is even more doubtful whether in situations involving essential political freedom the court should declare itself satisfied with a mere assumption of *implied* findings of danger, without even requiring the legislature to take the trouble of an explicit statement.[8] The acceptance of a similar principle would ultimately lead to a situation where every act that could be considered constitutional under some circumstances would be held constitutional *always*, the court imputing to the legislature the implied findings of fact necessary under the court's doctrine, to sustain the act.

But even if the contention of the government is accepted with respect to deportation of aliens in general, it is logically impossible to apply it to deportations predicated upon the 1940 amendment, involved in the instant case. No implied finding of clear and *present* danger can be read into a special statute written with the explicit purpose of dispensing the government from the necessity of showing any *present* connection, no matter how trifling or tenuous, between subversive organizations and the alien

8. Where the attack on official actions is on civil liberties grounds, the usual presumptions in favor of their constitutionality or legality have been largely moderated or discarded. See *U. S.* v. *Carolene Products*, 304 U. S. 144, 152, n. 4; *Schneider* v. *State*, 308 U. S. 147; *Thomas* v. *Collins*, —— U. S. —— (Oct. Term, 1944, No. 14).

to be deported. The record of the instant case embodies the final and not challenged findings of Dean Landis to the effect that petitioner Bridges' affiliation with any subversive organizations, if any, had been severed long before any deportation proceeding was commenced against him. It was for the purpose of making possible the deportation of Bridges *despite this accepted finding* that the Act of June 28, 1940 was adopted by Congress. The gist of the statutory scheme consisted in making all reference to present dangers immaterial, irrelevant and non-pertinent to the triable issues. Whatever the possibilities of sustaining the general power of deportation for belief, it is impossible to rescue the very special, indeed private, *ad personam* statute involved in the instant case, by reading into it an *implied* finding of clear and present danger emphatically inconsistent with this statute's *express* aims and purpose. The "present danger" test cannot be read into a statute written by Congress in obvious defiance of the very doctrine that gave it to that test.

CONCLUSION

We respectfully submit that the petitioner be granted the relief sought, that he be ordered discharged and the warrant of deportation quashed.

Respectfully submitted,

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Supreme Court of the United States

No. 788

HARRY BRIDGES

Petitioner

against

I. F. WIXON, as District Director Immigration and Naturalization Service, Department of Justice

ON CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT

BRIEF FOR AMERICAN COMMITTEE FOR PROTECTION OF FOREIGN BORN *AMICUS CURIAE*

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Supreme Court of the United States

No. 788

HARRY BRIDGES

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I. F. WIXON, as District Director Immigration and Naturalization Service, Department of Justice

ON CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT

BRIEF FOR AMERICAN COMMITTEE FOR PROTECTION OF FOREIGN BORN *AMICUS CURIAE*

Statement

The rights of three and a half million aliens who have not yet become citizens are affected by this case. The results arrived at, the safeguards ignored and the contentions of the government in its memorandum in the certiorari proceedings obscure the principles underlying the relation of our government to its friendly resident aliens. We suggest that because of the decision below, a re-statement of those principles and a repudiation of certain assumptions upon which the decision rests are necessary.

The petitioner entered this country lawfully and has lived here for twenty-five years. A vigorous and dynamic labor leader, he has been the storm center of industrial

controversy, has made enemies and has earned the hostility of powerful interests (*Bridges* v. *Wixon*, 144 F. [2d] 927, 939). He has been ordered deported not because of any of his acts as a labor leader or because he has committed any offense. It is not charged that he has advocated the forcible overthrow of the government of the United States. Nevertheless, various legislative and administrative steps have been taken which have finally resulted in the order for his deportation. That order is based upon a finding of past membership in or affiliation with organizations found to advocate the violent overthrow of the government.

One hundred and fifty years ago the Alien and Sedition Acts were passed. The Alien Act permitted the President to arrest or deport any alien whom he should "judge dangerous to the peace and safety of the United States."[1]

The statutes under which petitioner has been ordered deported did not, as did the Alien Act, give the President power to deport petitioner as an undesirable alien. Though a bill was actually passed by the House of Representatives directing the deportation of the petitioner, naming him by name, this bill died in the Senate when the then Attorney General advised against its passage, stating that it would be the first time since the Alien and Sedition Acts that "any law would provide for a deportation without a hearing or without, indeed, the slightest pretense towards giving the accused what our nation has long known as 'due process of law'."[2] Thereafter, there was an amendment to the general deportation law, with the avowed purpose, according to its sponsor[3] of encompassing the deportation of the petitioner. Petitioner

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[1] The Alien Act (Act of June 25, 1798: 1 U. S. Stats. at L. Chapter LVII) expired according to its terms in two years.

[2] S. Rep. No. 2031, 76th Cong., 3rd Sess., p. 9.

[3] 86 Cong. Rec. 9031.

charges that to procure his deportation, various safeguards designed for the protection of individuals against arbitrary governmental action have been disregarded and that his deportation has been ordered in violation of his constitutional rights and of the dictates of fair play embodied in the American notions of due process.

The majority judges in the court below felt uneasy about the matter of proof as to the alien's membership in or affiliation with the proscribed organizations. The record did not leave with them the "pleasurable satisfaction that, barring a very slight possibility of error, the truth has been revealed" (144 F. [2d] 927, 938). They, however, felt bound by the decision of the Attorney General which reversed the decision of the Board of Immigration Appeals. The dissenting judges thought that in the light of the quality of the evidence "it would seem a more forthright procedure to do what was proposed in the first place, deport him (petitioner) by legislative resolution" (144 F. [2d] at p. 943).

No one will dispute that this country has the right and that Congress is empowered to protect the United States against undesirable aliens by deporting them. The exercise of this power is, however, subject to definite limits imposed by Congress in its passage of legislation and upon the officials who are to enforce the statutes. To protect the rights of aliens we ask the Court to sustain the following contentions.

FIRST

The guarantees of freedom of speech and of the press are extended to resident aliens as well as to citizens.

The government, as we read their argument (Certiorari Memorandum, 33-35) implies that resident aliens

are not protected by constitutional guarantees of freedom of speech and of the press,—that the sovereign power of Congress to enact deportation laws is not limited by the First Amendment.

The First Amendment reads:

> "Congress shall make no law * * * abridging the freedom of speech or of the press * * *."

The limitations of the Congressional power under this amendment are now clear.

> "It is now a commonplace that censorship or suppression of expression of opinion is tolerated by our Constitution only when the expression presents a clear and present danger of action of a kind the State is empowered to prevent and punish." *Board of Education* v. *Barnette*, 319 U. S. 624, 633.

This court, in stating where the individual's freedom ends and the state's power begins, said that any attempt to restrict the freedoms secured by the First Amendment

> "must be justified by clear public interest, threatened not doubtfully or remotely, but by clear and present danger. The rational connection between the remedy provided and the evil to be curbed, which in other contexts might support legislation against attack on due process grounds, will not suffice. These rights rest on firmer foundation." *Thomas* v. *Collins*, 65 S. Ct. 315, 322-3.

These, then, are the limits that Congress may not transcend.

The Amendment makes no distinction between citizens and aliens and the purposes of the Amendment preclude any distinction so far as the holding and expression of opinion by resident aliens is concerned.

The guarantees of free speech are designed to protect the community. It is deemed "essential to free government" "that men may speak as they think on matters vital to them and that falsehoods may be exposed through the processes of education". "Those who won our independence had confidence in the power of free and fearless reasoning and communication of ideas to discover and spread political and economic truth. Noxious doctrines in those fields may be refuted and their evils averted by the courageous exercise of the right of free discussion". *Thornhill* v. *Alabama*, 310 U. S. 88, 95.

The experience of our country and the contrast of our institutions with those of totalitarian countries emphasize the wisdom of seeing that the right of Americans to hear and read all points of view are not interfered with.*

No one would, we think, argue that a resident alien may be restrained from expressing his views freely and without fear of deportation on the binomial theorem, the midnight curfew, the doctrine of transubstantiation or the efficacy of vitamins. But he is not limited to these matters. Our institutions protect him in the expression of his opinions as to "political and economic" truths, protect him in the "free and fearless" expression of these views without limit up to the point where his words become in effect acts,—where they become the immediate incentives to actions of the kind that the state is empowered to prevent.

---

* Nearly a century ago John Stuart Mill emphasized that it was for the benefit of the persons to whom the views were communicated that freedom of expression be not interfered with.

"But the peculiar evil of silencing the expression of an opinion is that it is robbing the human race; posterity as well as the existing generation; those who dissent from the opinion still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth; if wrong, they lose what is almost as great a benefit, the clearer reception and livelier impression of truth produced by its collision with error." John Stuart Mill: "On Liberty" (Everyman Ed. p. 79).

This must be true unless there is some express or implied provision in the Constitution distinguishing between citizens and resident aliens. Express difference there is none. Nor can any such distinction be read into the Constitution. For the education of the nation may be advanced as well by the statements of non-citizens as of citizens. Such distinguished aliens as Thomas Mann, Count Sforza and Pierre Cot have resided in our country as non-citizens. Their views on American trends as interpreted by what they had witnessed in their native lands—Germany, Italy and France,—would be at least as potent in averting noxious doctrines as the views of any native American.[5]

But "free and fearless reasoning and communication of ideas", "courageous exercise of the right of free discussion" is withdrawn from aliens if they know that the penalty for expressing or having at any time in the past expressed unpopular views may be deportation. If there were such a threat, the possibility of free discussion would be undermined. The speaker would be compelled either to "hedge and trim" (*Thomas* v. *Collins*, 65 S. Ct. 315, 325); or to keep silent. The only other choice remaining to the speaker would be the baneful one of expressing his views covertly with the danger of creating resentment and evasions that forcing views underground engenders.

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[5] No recent book has perhaps caused more discussion concerning the advantages and limitations of planning and regimentation than "The Road to Serfdom" by the Austrian economist, Hayek.

"* * * all attempts to influence (the mind) by temporal punishments or burdens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness. * * *" (Language of the preamble to the Virginia Statute for Religious Freedom quoted in *Board of Education* v. *Barnette*, 319 U. S. at p. 646).

SECOND

An alien lawfully residing in the United States cannot be made deportable for associating with other persons for legitimate ends.

Where a resident alien may not be penalized directly for his own expressions or conduct he may not be penalized indirectly for associating with others when the association is for unobjectionable ends. Loose terms, such as "affiliation" and "association", will not be permitted to obscure this principle.

In the series of attempts to deport an individual unpopular with certain groups, fundamental personal rights are in danger of being slurred over. The dissenting judges assert that the Attorney General "in arriving at his finding of affiliation" "appears to have relied indiscriminately on every circumstance which might be thought to spell sympathy or to be indicative of an association however temporary in pursuit of ends however legitimate" (144 F. [2d] at 941).

If this statement is borne out by the record, then we submit that the construction of "affiliation" as used in the statute is an improper construction or else it results in the violation of constitutional rights.

A labor leader does nothing to render himself deportable by making common cause with a radical union in a campaign to procure housing for workers or in soliciting their help in winning a strike.[7] Nor would he render him-

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[7] As the majority of the court below said (144 F. [2d] at 938), speaking of the longshoremen's strike and the association of the petitioner with the Marine Workers Industrial Union during the period of that strike:

> "It may be stated arguendo, that appellant in his management of that strike, was attacking most vicious and inhumane practices toward longshoremen and that he was justified in accepting help from any quarter."

self deportable by contributing to a fund for a day nursery for the infant children of the union members.[8]

An alien would not become undesirable and deportable because of such tenuous contacts with a radical union even though the union were proscribed by statute. For this would be an unreasonable interpretation of the word affiliation.[9] If, however, the statute made it clear that such conduct was intended to afford a basis for deportation, then we submit the statute would be violative of the Fifth Amendment in that there would be no rational relation between the contacts that are penalized and the evil that is designed to be curbed. *Tot* v. *U. S.*, 319 U. S. 463; *Cummings* v. *Missouri*, 4 Wall. 277, 319-20; *De Jonge* v. *Oregon*, 299 U. S. 353.

THIRD

A resident alien is denied due process unless he is given a fair hearing before the findings are made ordering his deportation. It is not a fair hearing for an administrative official to reverse a decision cancelling a warrant of deportation without giving the alien an opportunity to know the specific contentions of the Government and to address arguments thereto.

We assume the following propositions to be settled:

That depriving a person who has resided for twenty-five years in the United States of the right to continue

[8] How far the statute went in its attempt to reach anyone who might have any contact with one of the proscribed organizations appears from the section of the statute where it is provided that "the giving, loaning or promising of money or of anything of value to any organization, association, society or group, of the character above described, shall constitute affiliation therewith" (8 U. S. C. Sec. 137 [e]).

[9] Compare on this point the language of the dissenting opinion, 144 F. (2d) at page 941 and especially the discussion there of *Kettunen* v. *Reimer*, 79 F. (2d) 315.

his residence is a deprivation of liberty within the meaning of the Fifth Amendment (*Ng Fung Ho* v. *White*, 259 U. S. 276, 284)[10] and that due process in a quasi-judicial administrative proceeding requires that there be an opportunity to meet contentions before there is a ruling adversely affecting the rights of an individual (*Morgan* v. *United States*, 304 U. S. 1, 18).

The deportation statute involved in this case provides that if an alien is a member of or affiliated with certain proscribed classes he shall "upon the warrant of the Attorney General be taken into custody and deported * * *" (8 U. S. C., § 137). Congress has not implemented the statute. But the Immigration Service has promulgated regulations (8 Code of Federal Regulations, especially Parts 90 and 150) which up to a certain point assure an alien an opportunity to meet charges before the issuance of a final order against him."[11]

Under these regulations there is a Presiding Inspector who conducts hearings and proposes findings (§ 150.7). His proposed findings are subject to review by the Board of Immigration Appeals, the body which is empowered to issue orders of deportation, to cancel warrants of arrest and to exercise the discretion conferred by law upon the Attorney General appropriate to the disposition of deportation proceedings (§§ 90.2, 90.3). Provisions for being apprized of the proposed adverse findings of the Presiding Inspector (§ 150. 7[d]). or—where his deci-

[10] "Deportation, at least of resident aliens, is, in the terms of human consequences, one of the most serious forms of the assertion of governmental power—far more serious than mere denial of entry." (Report of Secretary of Labor's Committee on Administrative Procedure, May 17, 1940, p. 61.)

[11] "The failure of Congress to deal with the problem of how that power [to deport resident aliens] should be exercised imposes upon the Department of Labor a special obligation to erect its own safeguards." (Report of the Secretary of Labor's Committee on Administrative Procedure, May 17, 1940, p. 61.)

sion is not adverse to the alien—to the proposed adverse findings of the Board of Immigration Appeals and of a hearing before these findings can be operative is provided for fully by the regulations (§ 90.11).

There is a loophole in these regulations. In certain special cases the Attorney General may review the decision of the Board of Immigration Appeals. There are no provisions in the regulations safeguarding the rights of the alien if the Attorney General "after consideration of the record believes that an order less favorable to the alien than that proposed" by the Board of Immigration Appeals should be entered.[12]

Thus, where there is a decision of the expert Board of Immigration Appeals[13] holding that an alien is not deportable the Attorney General may, so far as the regulations are concerned, declare the alien deportable without giving him a chance to be heard. We contend that this hiatus in the regulations does not justify the Attorney General, in denying the alien the right to a hearing before findings are altered to his disadvantage. It is true that the Attorney General has the record before him of what the Presiding Inspector has done and what the Board of Immigration Appeals has done but this *ex parte* proceeding does not protect the alien against new arguments being used against him or decisions being made on points that the expert Board of Immigration Appeals has not considered.

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[12] The quoted language is from § 90.11 of the regulations which prescribes a full hearing before the Board of Immigration Appeals when that Board proposes from an examination of the record to issue an order more harmful to the alien than that recommended by the Presiding Inspector.

[13] The Board of Immigration Appeals is the successor of a body that existed under the Department of Labor. When this phase of the Immigration Service was transferred to the Department of Justice under Reorganization Plan V, adopted under the Reorganization Act of 1939 (5 U. S. C. A. § 133t, fn.), the Board instead of being an advisory board became a deciding board (Regulations § 90.3).

That he who determines must hear is the principle required by our notions of due process in administrative proceedings. In the last analysis this means that a person whose right of residence will be destroyed by the decision of an administrative official at any level must have a reasonable opportunity to know the contentions that will be made against him and to meet them before such a decision is made.[14]

The requirements of fairness are not exhausted in the taking or consideration of evidence but extend to the concluding parts of the procedure as well as to the beginning and intermediate steps (*Morgan* v. *United States*, 304 U. S. at p. 20). Unless these wholesome requirements are lived up to there are the dangers that always exist in *ex parte* proceedings. These dangers are accentuated where the record is a long one.

How grave these dangers are is illustrated by what happened in this case. The expert body decided that "the case relied upon by the Service and accepted by the Presiding Inspector is not sustained" (R. 376). The Board rejected the Presiding Inspector's proposed findings as to membership in the Communist Party. The O'Neil statements were rejected by the Board of Immigration Appeals as having been received in evidence in violation of the rules of the Immigration Service (R. 449-50).

The Attorney General held that the statements were admissible enunciating—we understand for the first time—

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[14] "Those who are brought into contest with the Government in a quasi-judicial proceeding aimed at the control of their activities are entitled to be fairly advised of what the government proposes and to be heard upon its proposals before it issues its final command." (*Morgan* v. *U. S.*, 304 U. S. at pp. 18-9.)

The Secretary of Labor's Committee interprets the *Morgan* case as holding it to be "a denial of due process of law for a remote administrative official to render a decision without giving fresh notice of the specific contentions of the government and a chance to address argument thereto." (Secretary of Labor's Committee on Administrative Procedure, Report of May 17, 1940, p. 90.)

the theory that the alien had "waived" objection to the evidence (R.95-6). Whether it is error to decide that objections to the evidence have been waived when the deciding body has sustained the objection and rejected the dence is outside our discussion. The fact is that evidence was received by the Attorney General after it had been rejected by his Board without an opportunity given to the alien to show that there was no waiver.

After the Attorney General had made the decision there was no real possibility for reviewing the adequacy of the evidence. For the majority of the judges in the habeas corpus proceedings held that they were precluded from examining into the sufficiency of the evidence (144 F. [2d] at 938). Whether in the light of the paucity of the evidence (144 F. [2d] at 940) the courts below would have held that the "borderline of inadequacy" had been passed had the O'Neil evidence been removed from the case is a matter of surmise (See the discussion in the dissenting opinion, 144 F. [2d] at 943).

Beside the question of the admissibility and effect of this evidence which the dissenting judges deemed crucial, the failure of the Attorney General to grant a hearing had another result. The regulations envisage the making of decisions in deportation matters by the Board of Immigration Appeals. But that Board never passed upon the question whether the aims and character of the Communist Party and Marine Workers Industrial Union were such as to include them in the groups proscribed by the statute. The Board having decided that the alien was neither a member of the Communist Party or affiliated with the Party or the Marine Workers Industrial Union never went into these issues. The Attorney General, in reversing the Board as to membership and affiliation, did not send the case back to the Board to have it pass upon these issues. He simply accepted the proposed findings of the Presiding Inspector without giving the alien a chance to argue these

questions before they were decided adversely by either the Board or the Attorney General, the authorities vested with final deciding authority.

These significant departures by the Attorney General cannot be viewed as other than a failure to give a fair hearing and accordingly a denial of due process.

Conclusion

The errors—dangerous to alien residents—in the decision below require that the decision be reversed.

Respectfully submitted,

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No. 708

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1944

HARRY BRIDGES,
Petitioner,

Against

I. F. WIXON, AS DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE,
Respondent.

ON CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT

BRIEF OF THE AMERICAN LEGION AMICUS CURIAE

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No. 788

IN THE,

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1944

HARRY BRIDGES,
Petitioner,

Against

I. F. WIXON, AS DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE,
Respondent.

ON CERTIORARI TO THE UNITED STATES OF CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT

BRIEF OF THE AMERICAN LEGION AMICUS CURIAE

AUTHORITY OF THE AMERICAN LEGION TO FILE BRIEF AS AMICUS CURIAE IN THIS CAUSE

The American Legion has filed with the Clerk of this Court the written consent of the parties to this action authorizing it to file a brief as Amicus Curiae herein as required by Section 9 of Rule 27 of this Court. Although

request for permission to file this brief was made in February, 1945, final consent of counsel for the petitioner was not obtained until March 16th, 1945, thus making it impossible to file the brief at an earlier date. Typewritten copies of the brief were forwarded to counsel for both parties immediately upon completion and prior to printing in order that they might have the same at the earliest possible moment. This statement is not made for the purpose of criticism but in explanation of the delay in placing the brief on file with the Clerk of this Court.

PRELIMINARY STATEMENT

The American Legion is a non-political, civilian organization originally chartered by Act of Congress September 16th, 1919 (U. S. C. A. Tit. 36, Sec. 41-51 Incl.) which was amended October 29th, 1942 (U. S. C. A. Tit. 36, Sec. 43 and 45). The Federal Act outlines its purposes[1] and, among other things, fixes eligibility for membership[2] which

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1. PURPOSES OF CORPORATION—The purpose of this corporation shall be: To uphold and defend the Constitution of the United States of America; to promote peace and good will among the peoples of the United States and all the nations of the earth; to preserve the memories and incidents of the two World Wars fought to uphold democracy; to cement the ties and comradeship born of service; and to consecrate the efforts of its members to mutual helpfulness and service to their country. (As amended Oct. 29, 1942, c. 633, Sec. 1, 56 Stat. 1012, U. S. C. A. Title 36, Sec. 43.)

2. PERSONS ELIGIBLE TO MEMBERSHIP—No person shall be a member of this corporation unless he served in the naval or military services of the United States at some time during the period between April 6, 1917, and November 11, 1918, or during the period between December 7, 1941, and the date of cessation of hostilities as fixed by the United States Government, all dates inclusive, or who, being citizens of the United States at the time of enlistment, served in the military or naval services of any of the governments associated with the United States during either of said World Wars; *Provided, however*, That such person shall have an honorable discharge or separation from such service or continue to serve honorably after the date of cessation of such hostilities as determined herein. (As amended Oct. 29, 1942, c. 633, Sec. 2, 56 Stat. 1012, U. S. C. A. Title 36, Sec. 45.)

is composed of veterans of World War I and World War II who have served in the naval or military services of the United States between certain dates or who, being citizens of the United States at the time of enlistment, served in the naval or military services of any of the governments associated with the United States during either of said wars, provided, however, that such person shall have an honorable discharge or separation from such service or continues to serve honorably after the date of cessation of hostilities as fixed by the United States Government.

The Legion is composed of fifty-eight (58) departments and twelve thousand two hundred ninety-eight (12,298) posts, having a total membership of one million three hundred sixty-nine thousand seven hundred one (1,369,701). The local posts are spread throughout the length and breadth of the United States and are engaged in service to the community, state, and nation.

Our organization is neither dominated by capital nor labor, but it is amply represented in every community by a cross-section of both groups. Its membership is not restricted as to race, color, or creed but is only determined by whether the applicant for membership has had honorable service in the two World Wars fought for democracy. We have always opposed foreign "isms" aimed at the destruction or overthrow of our form of government and have championed the cause of Americanism.

The Legion's interest in this case is one of national security, the survival of national sovereignty, and the preservation of the free institutions of our country. Such considerations involve the power of Congress under Clause 4, Section 8 of Article 1 of the Constitution of the United States "to establish an uniform rule of naturalization,"

and under Clause 18 of said section "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States or in any department or officer thereof." This will necessarily require a discussion of the pertinent portions of the Act of Congress, set out at pages 5-7 herein, under which the deportation proceedings against the petitioner were conducted and the measure of proof necessary therein by the tests applicable in habeas corpus proceedings for the purpose of obtaining a collateral review of a deportation order. The relationship of the power of Congress under Section 8 of Article 1 of the Constitution to the rights reserved to the people under the First and Fifth Amendments to the Constitution will also be treated in our argument. We will leave the discussion of the factual issues to counsel for parties in this cause, except our reference to such issues as they may have been considered and determined by the Presiding Inspector, who actually saw and heard all of the witnesses, by the Attorney General, and by the lower courts.

OPINIONS BELOW

The District Court for the Northern District of California denied application for writ of habeas corpus. Ex Parte Bridges, 49 Fed. Supp. 292.

Appeal was taken to the United States Circuit Court of Appeals for the Ninth Circuit, and that court by a divided opinion affirmed the decision of the District Court. *Bridges v. Wixon, District Director, etc.*, 144 Fed. Rep. (2nd) 927.

JURISDICTION

Jurisdiction of this court is predicated on Section 240 (a) of the Judicial Code as amended by the Act of February 13th, 1925 (28 U. S. C. A., Sec. 347). This court has granted a writ of certiorari for review of the decision of the Circuit Court of Appeals.

QUESTIONS PRESENTED

1. Whether the Attorney General's findings, that petitioner was a member of the Communist Party and affiliated with that party and with the Marine Workers Industrial Union after entering the United States, were adequately sustained by the evidence under applicable tests in a habeas corpus proceeding instituted to obtain collateral review of a deportation order.

2. Whether due process of law was denied to the petitioner by reason of alleged abuses in the institution and conduct of the deportation proceedings.

3. Whether the deportation statute as construed and applied to petitioner denied him freedom of speech and assembly in violation of the First Amendment to the Constitution.

STATUTES INVOLVED

Sections 1 and 2 of the Act of October 16, 1918 (c. 186, 40 Stat. 1012), as amended by the Act of June 5, 1920 (c. 251, 41 Stat. 1008-1009) and the Act of June 28, 1940 (c. 439, Title II, sec. 23, 54 Stat. 673, 8 U. S. C. 137), provide, in pertinent part, as follows:

That any alien who, at any time, shall be or shall have been a member of any one of the following classes shall be excluded from admission into the United States:

* * * * * * *

(c) Aliens * * * who are members of or affiliated with any organization, association, society, or group, that believes in, advises, advocates, or teaches: (1) the overthrow by force or violence of the Government of the United States * * *.

* * * * * * *

(e) Aliens who are members of or affiliated with any organization, association, society, or group, that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display, any written or printed matter of the character described in subdivision (d) (advising, advocating or teaching the overthrow by force or violence of the Government of the United States).

For the purpose of this section: (1) the giving, loaning or promising of money or any thing of value to be used for the advising, advocacy, or teaching of any doctrine above enumerated shall constitute the advising, advocacy, or teaching of such doctrine; and (2) the giving, loaning or promising of money or any thing of value to any organization, association, society, or group, of the character above described shall constitute affiliation therewith; but nothing in this paragraph shall be taken as an exclusive definition of advising, advocacy, teaching, or affiliation.

SEC. 2. Any alien who was at the time of entering the United States, or has been at any time there-

after, a member of any one of the classes of aliens enumerated in section 1 of this Act, shall, upon the warrant of the Attorney General, be taken into custody and deported in the manner provided in the Immigration Act of February 5, 1917. The provisions of this section shall be applicable to the classes of aliens mentioned in this Act, irrespective of the time of their entry into the United States.

Section 19 of the Act of February 5, 1917 (c. 29, 39 Stat. 889, 8 U. S. C. 155) provides, in pertinent part, as follows:

> In every case where any person is ordered deported from the United States under the provisions of this Act, or of any law or treaty, the decision of the Secretary of Labor shall be final.[3]

BRIEF STATEMENT OF THE CASE

We assume that the parties to this cause will submit a detailed statement of the case, including the factual issues involved, and with that thought in mind we will restrict ourselves in this portion of the brief to a concise chronological statement of the proceedings now on review before this court.

Petitioner is an alien, a native and citizen of Australia (R. 778-780, 7736-7737), who entered the United States in April 1920 (R. 791, 7735). He has been in the United States continuously since that time, apart from several voyages as a seaman on American vessels, the last of which occurred in 1922 (R. 791-792). Petitioner has filed three declara-

3. By Reorganization Plan No. V, effective June 14, 1940 (54 Stat. 230, 1238, 5 U. S. C., fol. 133t; 5 U. S. C. 133v), the administration of the immigration and naturalization laws was transferred from the Secretary of Labor to the Attorney General, and since June 14, 1940, that official has administered the immigration laws.

tions of intention to become a citizen (Gov. Exs. 277, R. 6070-6074; 279, R. 6089; 296, R. 7735). He allowed the first two to lapse (R. 508), and the last, which was filed on March 28, 1939, apparently is still pending. In March, 1938, deportation proceedings were instituted against petitioner under Section 2 of the Act of October 16, 1918, as amended by the Act of June 5, 1920 (40 Stat. 1012, 41 Stat. 1008-1009) on the ground that after his entry into the United States he had become a member of and affiliated with an organization that advised, advocated and taught the overthrow by force and violence of the Government of the United States and that caused to be written, circulated, distributed, printed, published, and displayed printed matter advising, advocating and teaching the overthrow by force and violence of the Government of the United States (R. 73-74, 503). James M. Landis, Dean of the Harvard Law School, was appointed trial examiner for the purpose of hearing the case, and hearings were held from July 10 to September 14, 1939 (R. 74, 504).

On June 12, 1939, following the decision of this Court in *Kessler v. Strecker*, 307 U. S. 22, the warrant upon which the proceedings had been instituted was amended to charge that petitioner both had been and then was a member of or affiliated with the organization described in the warrant (R. 503). At the hearings before Dean Landis, the Government claimed that petitioner was a member of or affiliated with the Communist Party of the United States, and that the party was an organization of the character described in the 1918 Act (R. 503-504, 508). Petitioner denied that he was a member of the Communist Party or had ever been a member (R. 509), and in December 1939 Dean Landis concluded that the evidence established neither that petitioner "is a member of nor affiliated with the

Communist Party of the United States of America" (R. 636). Accordingly, he did not pass upon the question of whether that party was an organization within the Act (R. 497). In January 1940, the Secretary of Labor sustained Dean Landis and dismissed the proceedings against petitioner (R. 75, 139).

On June 28, 1940, Congress amended the deportation statute in question so as to provide for deportation of an alien who was "at the time of entering the United States, or has been at any time thereafter" a member of the classes of aliens specified (Act of June 28, 1940, c. 439, Title II, sec. 23, 54 Stat. 673; see pp. 5-7, *supra*). The sponsors of the amendment stated that it was designed to obviate the construction placed upon the statute by the Strecker case that only present membership or affiliation required deportation (86 C. R. 8343, 9031-9032). The Attorney General then directed the Federal Bureau of Investigation to determine whether under the statute, as amended, grounds existed for reopening the deportation proceedings against petitioner, and as a result of this investigation a second deportation proceeding was instituted against petitioner on February 14, 1941 (R. 76). The warrant of arrest charged that petitioner was deportable under the provisions of the Act of October 16, 1918, as amended by the Acts of June 5, 1920, and June 28, 1940 (pp. 5-7, *supra*) in that, after entering the United States, he had been a member of or affiliated with an organization (1) that believes in, advises, advocates or teaches the overthrow by force or violence of the Government of the United States; and (2) that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or (3) that has in its possession for the purpose of circulation, distribu-

tion, publication, issue or display, written or printed matter advising, advocating or teaching the overthrow by force or by violence of the Government of the United States (Gov. Ex. 1, R. 771-773; 142-143).

Charles B. Sears, a retired judge of the New York Court of Appeals, was appointed an inspector in the Immigration and Naturalization Service of the Department of Justice to preside over the hearing, take testimony, and make appropriate recommendations (R. 76, 141). At the hearings before Judge Sears, petitioner's membership in or affiliation with the Communist Party and subsidiaries or allies of the party, notably the Marine Workers Industrial Union, and his membership in the Industrial Workers of the World constituted the conduct claimed by the Government as grounds for petitioner's deportation (R. 144, 147, 799, 807-808). Judge Sears held hearings in San Francisco from March 31 to June 12, 1941, at which the petitioner was represented by counsel and the public and press were admitted (R. 76, 143-145). The evidence covered 44 volumes of 7546 typewritten pages; and, in addition, the Government introduced 297 exhibits, and the petitioner 62 (R. 76, 143-144).

On September 26, 1941, Judge Sears transmitted to the Attorney General a Memorandum of Decision, analyzing the evidence which had been adduced, and containing proposed findings of fact, conclusions of law and order (R. 76-77, 134-347). Judge Sears found that the Communist Party of the United States of America was "from the time of its inception in 1919 to the present time * * * an organization that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States;" that it was an organization

that "writes, circulates, distributes, prints, publishes, and displays printed matter advising, advocating, or teaching" such overthrow; that it was an organization "that causes to be written, circulated, distributed, printed, published, and displayed printed matter advising, advocating, and teaching" such overthrow; that it was an organization that "has in its possession for the purpose of circulation, distribution, publication, issue and display, printed matter advising, advocating, and teaching" such overthrow; that the Marine Workers Industrial Union "was a part of the Communist Party, dominated and controlled by it" and advocated a similar overthrow of the Government of the United States; and that after entering the United States, petitioner had been a member of the Communist Party and had been affiliated with both the Communist Party and the Marine Workers Industrial Union (R. 337-338). Accordingly, Judge Sears concluded that petitioner was subject to deportation under the statute involved (R. 338-339) and submitted a proposed order for petitioner's deportation to Australia (R. 340-341). Petitioner filed exceptions to the proposed findings (R. 348-365), and, briefs having been filed, the case was heard on oral argument before the Board of Immigration Appeals on November 24, 1941 (R. 369). On January 3, 1942, the Board rendered an opinion rejecting Judge Sears' proposed findings on the issues of petitioner's membership in or affiliation with the Communist Party and the Marine Workers Industrial Union (R. 367-489), and affirmatively found that petitioner had not been a member of or affiliated with those organizations at any time after he entered the United States (R. 490).

In view of its findings on the issues of membership and affiliation, the Board stated that it was unnecessary to pass upon the issues of whether those organizations were of the

nature described in the deportation statute (R. 370-371). Accordingly, the Board entered an order cancelling the warrant of arrest and closing the proceedings, but stayed execution of the order "pending further order of the Attorney General" (R. 492). The Attorney General reviewed the decision of the Board, and on May 28, 1942, rendered an opinion and decision, in which he made findings in accordance with those proposed by Judge Sears and ordered petitioner's deportation (R. 73-106). Pursuant to the order of the Attorney General, a warrant of deportation was issued May 29, 1942 (R. 62-64), and petitioner surrendered himself to the custody of the respondent on June 2, 1942 (R. 27). On June 4, 1942, the Attorney General denied a petition seeking an opportunity to present argument and briefs to him for the purpose of reconsidering and reversing this decision (R. 678-687).

Petitioner filed a petition for a writ of habeas corpus in the District Court for the Northern District of California on June 2, 1942 (R. 2-17), and an amended petition on July 6, 1942 (R. 21-62). He attacked the legality of his detention on numerous constitutional grounds, claiming that he had not been accorded due process of law in that the deportation order was not supported by substantial evidence (R. 8-10, 53-58) and he had not been given a fair hearing (R. 43-53); that he had been subjected to double jeopardy (R. 11, 39-41); that the 1940 amendment to the deportation statute constituted as to him an ex post facto law (R. 11, 41); that he had been denied the equal protection of the laws in that he had been singled out and subjected to discriminatory treatment (R. 12, 28-36); and that the 1940 amendment, providing as a ground for deportation past membership in the described organizations, was an unreasonable limitation of his right to freedom of

speech (R. 41-42). Petitioner also asserted that, except for the question of his membership in the I. W. W., the issues in the present deportation proceeding were the same as those in the earlier proceeding before Dean Landis, and those issues having been determined in his favor in that proceeding, the doctrine of res judicata, or at least an analogous principle, was applicable (R. 11, 36-39). On February 8, 1943, the district court, in a lengthy opinion (R. 723-759), denied the petition and remanded petitioner to the custody of respondent. On appeal to the Circuit Court of Appeals for the Ninth Circuit, the order of the district court was affirmed (R. 7810), by a vote of three of the five judges who heard the appeal. The dissenting judges thought that the conclusion that petitioner was a member of or affiliated with the Communist Party was arrived at in reliance upon incompetent evidence received in violation of relevant regulations designed to insure fair hearings and to safeguard the rights of aliens (R. 7794-7809).

SUMMARY OF ARGUMENT

I. Under Article 1, Section 8, Clauses 4 and 18, of the Constitution, Congress is vested with the sovereign power, for the preservation of national security, to enact the legislation under which the deportation proceedings were conducted in this case.

II. Deportation under the procedure and upon the evidence does not violate due process of law.

III. Deportation in the instant case does not violate any rights under the First Amendment to the Constitution.

ARGUMENT

I

UNDER ARTICLE I, SECTION 8, CLAUSES 4 AND 18, OF THE CONSTITUTION, CONGRESS IS VESTED WITH THE SOVEREIGN POWER, FOR THE PRESERVATION OF NATIONAL SECURITY, TO ENACT THE LEGISLATION UNDER WHICH THE DEPORTATION PROCEEDINGS WERE CONDUCTED IN THIS CASE.

Sovereignty resides in the people and they have the power to delegate sovereign rights to instrumentalities of government for their protection and benefit. This principle was first enunciated in the case of *M'Culloch v. The State of Maryland et al.*, 4 Wheaton 316, 404-5-6, in the following language:

> "The government of the Union, then (whatever may be the influence of this fact on the case) is, emphatically, and truly, a government of the people. In form and in substance it emanates from them. Its powers are granted by them, and are to be exercised directly on them, and for their benefit.
>
> * * * * * * *
>
> "The government of the United States, then, though limited in its powers, is supreme; and its laws, when made in pursuance of the constitution, form the supreme law of the land, 'anything in the constitution or laws of any state to the contrary notwithstanding.' "

The people delegated to Congress the sovereign power under Article I, Section 8, Clauses 4 and 18, of the Constitution "to establish an uniform rule of naturalization," and "to make all laws which shall be necessary and proper

for carrying into execution the foregoing powers and all powers vested by this constitution in the government of the United States or in any department or officer thereof." This power has long since been recognized by our courts as one for the purpose of maintaining our absolute independence and security. In the case of *Ping v. U. S.*, 130 U. S. 581, p. 604, this sovereign power was expressed as follows:

> "While under our Constitution and form of government the great mass of local matters is controlled by local authorities, the United States, in their relation to foreign countries and their subjects or citizens are one nation, invested with powers which belong to independent nations, the exercise of which can be invoked for the maintenance of its absolute independence and security throughout its entire territory. The powers to declare war, make treaties, suppress insurrection, repel invasion, regulate foreign commerce, secure republican governments to the States, and admit subjects of other nations to citizenship, are all sovereign powers, restricted in their exercise only by the Constitution itself and considerations of public policy and justice which control, more or less, the conduct of all civilized nations."

The authority of Congress to expel or to deport foreigners under its granted powers is absolute and unqualified and was so held in the case of *Ting v. United States*, 149 U. S. 698, p. 707, in the following words:

> "The right of a nation to expel or deport foreigners, who have not been naturalized or taken any steps towards becoming citizens of the Country, rests upon the same grounds, and is as absolute and unqualified as the right to prohibit and prevent their entrance into the country."

It will be noted that the above language makes no distinction between the right to expel or deport foreigners and the right to prohibit and prevent their entrance into the country. This we believe is a complete answer to the argument of petitioner that "deportation presents a different problem from exclusion" (p. 34, Petitioner's brief). Recognizing that the right of deportation involved the "necessities of public welfare," the Court in *Tiaco v. Forbes*, 228 U. S. 549, p. 556-7, stated:

> "It is admitted that sovereign states have inherent power to deport aliens, and seemingly that Congress is not deprived of this power by the Constitution of the United States. * * * Furthermore, the very ground of the power in the necessities of public welfare shows that it may have to be exercised in a summary way through executive officers."

Again in the case of *Bugajewitz v. Adams*, 228 U. S. 585, p. 591, the Court held that:

> "It is thoroughly established that Congress has power to order the deportation of aliens whose presence in the country it deems hurtful."

The complete authority of Congress to regulate naturalization "so vital to the public welfare" was announced in the case of *United States v. Ginsberg*, 243 U. S. 472, p. 474, as follows:

> "An alien who seeks political rights as a member of this nation can rightfully obtain them only upon terms and conditions specified by Congress. Courts are without authority to sanction changes or modifications; their duty is rigidly to enforce the legislative will in respect of a matter so vital to the public welfare."

That the granting of citizenship to aliens "touches the very well being of the nation," thus involving national security, was again expressed in the case of *Baumgartner v. United States*, 88 L. ed. 1155, p. 1161, as follows:

> "We are fully mindful that due observance of the law governing the grant of citizenship to aliens touches the very well being of the Nation. Nothing that we are now deciding is intended to weaken in the slightest the alertness with which admission to American citizenship should be safeguarded."

It would appear that the sovereign power of deportation, as well as the admission to American citizenship of aliens, touches the very well being of the nation, and that the Congressional power was exercised in the passage of the statute involved in the instant case for the "very well being," "welfare," and "security" of the nation as a whole.

It must be remembered that at the time Congress amended the deportation statute in question (June 28, 1940) so as to provide for deportation of an alien who was "at the time of entering the United States or has been at any time thereafter" a member of the classes of aliens specified (Act of June 28, 1940, c. 439, Title II, sec. 23, 54 Stat. 673; see pp. 5-7 *supra*), the major portion of Europe was at war. Feeling was tense, and preparations were being made for the security of our country in the event it was drawn into the conflict. Approximately three months thereafter (September 16, 1940) the Selective Service Act was enacted by Congress (54 U. S. Statutes 885, U. S. C. A. Title 50, App. Sec. 301 et seq.). Subversive agents of foreign nations were active and Congress was on the alert to protect our interests. It was, therefore, pardon-

able if that body adopted the amendment in question to provide for deportation of aliens whose presence in the country it deemed hurtful. *Bugajewitz v. Adams, supra.*

While "Inquiry into the hidden motive of Congress to exercise a power constitutionally conferred upon it is beyond the competency of courts," (*Sonzinsky v. United States*, 300 U. S. 506, pp. 513, 514), yet it is reasonable to assume that Congress was concerned with the welfare and security of our nation in the enactment of the amendment involved in this proceeding following the decision of this court in *Kessler v. Strecker*, 307 U. S. 22, in order to correct the infirmities of the former act which were pointed out by the court in that decision. We sincerely believe that the statute as construed and applied has a very definite relationship to the purpose for which the governmental power of deportation exists, namely, the power to preserve the national existence of this nation and provide for its security.

II

DEPORTATION UNDER THE PROCEDURE AND UPON THE EVIDENCE DOES NOT VIOLATE DUE PROCESS OF LAW

Procedural Processes

In view of the fact that Congress is vested with the absolute sovereign power to deport aliens, it is also clothed with the authority to enact legislation for the execution of this power and may vest it in an administrative or executive agency. This principle is expressed in the case of *Mahler v. Eby*, 264 U. S. 32, p. 40, as follows:

> "Nor is the act invalid in delegating legislative power to the Secretary of Labor. The sovereign

> power to expel aliens is political, and is vested in the political departments of the government. Even if the executive may not exercise it without congressional authority, Congress cannot exercise it effectively save through the executive. It cannot, in the nature of things, designate all the persons to be excluded. It must accomplish its purpose by classification and by conferring power of selection within classes upon an executive agency. *Tiaco v. Forbes,* 228 U. S. 549, 557, 57 L. ed. 960, 965, 33 Sup. Ct. Rep. 585."

In the case of *Sunshine Anthracite Coal Company v. Adkins,* 310 U. S. 381, p. 401, the Court, in discussing "the plenary power conferred by the commerce clause," decided:

> "'It is of the essence of the plenary power conferred' by the commerce clause 'that Congress may exercise its discretion in the use of the power.' *Currin v. Wallace, supra* (306 U. S. p. 14, 83 L. ed. 450, 59 S. Ct. 379). A part of that discretion is the selection of the sanction for the law's enforcement."

The power of Congress to delegate such authority to an executive department was approved in the case of *Zakonaite v. Wolf,* 226 U. S. 272, p. 275, as follows:

> "* * * that such an inquiry' may be properly devolved upon an executive department or subordinate officials thereof, and that the findings of fact reached by such officials, after a fair though summary hearing, may constitutionally be made conclusive, as they are made by the provisions of the act in question."

The proceedings in the instant case were conducted before Judge Sears, who recommended deportation. His findings were approved by the Attorney General. Both of

these officials were clothed with the proper Congressional authority in the performance of their duties in this respect.

It has been contended that the theory of res adjudicata or a like doctrine is applicable due to the fact that a similar prior proceeding was conducted before Dean Landis. This position is untenable. The hearing before Dean Landis was conducted under a former statute which required proof of present membership (see *Kessler v. Strecker*, 307 U. S. 22) in a proscribed organization, whereas the hearing in the case at bar was under a statute which only required proof of membership in or affiliation with a proscribed organization at any time after entry into the United States. Consequently, the question involved in the present hearing was beyond the scope of inquiry in the former proceeding.

Furthermore, it has been decided that the principle of res adjudicata does not obtain in such proceedings. This principle was expressed by Justice Holmes in the case of *Pearson v. Williams*, 202 U. S. 281 at pp. 284-5, as follows:

> "The board is an instrument of the executive power, not a court. It is made up, as we have mentioned, of the immigrant officials in the service subordinates of the commissioner of immigration, whose duties are declared to be administrative by Sec. 23. Decisions of a similar type long have been recognized as decisions of the executive department, and cannot constitute *res judicata* in a technical sense."

It is also contended that the statute is an ex post facto law and is retrospective legislation. A different viewpoint has been expressed by this court on at least two occasions. In the case of *Johannessen v. United States*, 225 U. S. 227, p. 242, it stated:

> "Finally, it is insisted that, if retrospective in form, the section is void, as an *ex post facto* law within the prohibition of art. 1, Sec. 9 of the Constitution. It is, however, settled that this prohibition is confined to laws respecting criminal punishments, and has no relation to retrospective legislation of any other description."

Again in *Bugajewitz v. Adams*, 228 U. S. 585, p. 591, the Court held:

> "The determination by facts that might constitute a crime under local law is not a conviction of crime, nor is the deportation a punishment; it is simply a refusal by the government to harbor persons whom it does not want. The coincidence of the local penal law with the policy of Congress is an accident. * * * The prohibition of *ex post facto* laws in article 1, Sec. 9, has no application (*Johannessen v. United States*, 225 U. S. 227, 242, 56 L. ed. 1066, 1072, 32 Sup. Ct. Rep. 613), and with regard to the petitioner, it is not necessary to construe the statute as having any retrospective effect."

We consider these cases as determinative of this proposition. Nor was the procedure discriminative in character in the claim that the petitioner was singled out for deportation. The case of *Helvering v. Lerner Stores Corp.*, 314 U. S., 463, p. 468, states that:

> "A claim of unreasonable classification or inequality in the incidence or application of a tax raises no question under the Fifth Amendment which contains no equal protection clause."

We do not believe that the Attorney General was required to hear arguments before reaching his final decision. A question of similar character was presented in the case

of *Morgan v. United States*, 298 U. S. 468, and the Court, at page 481 of that opinion, made the following comment:

> "In such a view, it would be possible, for example, for one official to hear the evidence and argument and arrive at certain conclusions of fact, and another official who had not heard or considered either evidence or argument to overrule those conclusions and for reasons of policy to announce entirely different ones."

This case was again considered by this Court (see *Morgan v. United States*, 304 U. S. 1, p. 21) wherein the Court used the following language:

> "The Government adverts to an observation in our former opinion that, while it was good practice —which we approve— to have the examiner, receiving the evidence in such a case, prepare a report as a basis for exceptions and argument, we could not say that that particular type of procedure was essential to the validity of the proceeding."

Under these decisions, we submit that provision for argument was unnecessary either before the examiner or the Attorney General. In view of the fact that the Board of Immigration Appeals was an intermediary body between the hearing inspector and the Attorney General, its decision in the instant case would not in any way be controlling of the Attorney General's action as he is made the final reviewing authority.

It is further contended by the petitioner that he was subjected to double jeopardy, which is prohibited under the Fifth Amendment to the Constitution. Double jeopardy only applies in criminal proceedings (see *Helvering v. Mitchell*, 303 U. S. 391, p. 399), and a deportation pro-

ceeding is not criminal in character. *Zakonaite v. Wolf*, 226 U. S. 272, p. 275."

It would appear that due process of law as afforded under the Fifth Amendment was not violated in the procedural processes provided by Congress and followed in this case.

EVIDENCE REQUIRED

In habeas corpus proceedings no direct review of the decision of the administrative officer ordering deportation may be had but only a collateral review is afforded for the sole purpose of determining whether the proceeding was violative of due process of law. Judicial inquiry is limited.

In the case of *Tisi v. Tod*, 264 U. S. 131, p. 133, the court, in discussing this question, commented as follows:

> "But there was much evidence of other facts from which Tisi's knowledge of the character of the leaflets might reasonably have been inferred. We do not discuss the evidence, because the correctness of the judgment of the lower court is not to be determined by inquiring whether the conclusion drawn by the Secretary of Labor from the evidence was correct, or by deciding whether the evidence was such that, if introduced in a court of law, it would be held legally sufficient to prove the fact found."

Later, in the case of *Vajtauer v. Commissioner of Immigration*, 273 U. S. 103, p. 106, the court confirmed these expressions as follows:

> "But a want of due process is not established by showing merely that the decision is erroneous, *Chin Yow v. United States, supra*, 13 (52 L. ed. 370, 28

Sup. Ct. Rep. 201), or that incompetent evidence was received and considered. See *Tisi v. Tod*, 264 U. S. 131, 133, 68 L. ed. 590, 591, 44 Sup. Ct. Rep. 260. Upon a collateral review in habeas corpus proceedings, it is sufficient that there was some evidence from which the conclusion of the administrative tribunal could be deduced and that it committed no error so flagrant as to convince a court of the essential unfairness of the trial. *Tisi v. Tod, supra.*

"The ultimate question presented by this record, therefore, is one of fact, whether the warrant of deportation was supported by any evidence that the alien when he entered the United States advocated opposition to all organized government or the overthrow of the United States government by force and violence, within the meaning of the statute."

And again at page 110, as follows:

"But we find it unnecessary to consider this question, as we think that the record taken as a whole and without the aid of any statutory presumption presents some evidence supporting the deportation order."

This court, also, in determining the type of evidence necessary to support a finding of the National Labor Relations Board under a similar procedure, stated as follows:

"Substantial evidence is more than a scintilla and must do more than create a suspicion of the existence of the fact to be established. 'It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.' *Consolidated Edison Co. v. National Labor Relations Bd.*, 305 U. S. 197, *ante*, 126, 59 S. Ct. 206, *supra*, and it must be enough to justify, if the trial were to a jury, a refusal to direct a verdict when the con-

> clusion sought to be drawn from it is one of fact for the jury." (*National Labor Relations Board v. Columbian Enameling & Stamping Co., Inc.*, 306 U. S. 292, p. 300.)

We do not understand that evidence "enough to justify, if the trial were to a jury, a refusal to direct a verdict when the conclusion sought to be drawn from it is one of fact for the jury" is any different from the "any evidence" rule as established in *Vajtauer v. Comr. of Immigration, supra.*

The hearing was conducted before an executive agency empowered by Congress to execute its sovereign power of deportation of aliens. If such power could be judicially restricted, the authority vested in Congress by the people would be a supine power.

In the instant case the District Court, in commenting on the evidence, came to the following conclusion:

> "I conclude that the record of the second proceeding inquiring into the deportability of petitioner, Harry Bridges, establishes that the order of deportation against petitioner was made after a fair hearing on substantial evidence, and no error of law occurred which operated to deprive petitioner of due process of law or any other of his constitutional rights." (*Ex parte Bridges*, 49 Fed. Supp. 292, p. 307.)

Judge Stephens in a concurring opinion in the Circuit Court of Appeals, *Bridges v. Wixon*, 144 Fed. Rep. (2nd) 927, p. 938, stated:

> "In no case have I given the evidence more careful attention than in this one. However, such attention has not left in my mind the pleasurable satis-

> faction that, barring a very slight possibility of error, the truth has been revealed. Such satisfaction is beside the point here. The simple question this court must answer is: Is there some evidence to sustain the charges? There is."

Again, on petition for rehearing, at page 944, Judge Stephens said:

> "The petition for rehearing stresses the point that the majority and concurring opinions in this case state that there is 'evidence' and that there is 'some evidence' which supports the order of deportation. The implication is that these terms were used as including a mere scintilla of evidence.
>
> "Federal Courts do not regard a mere scintilla of evidence as effective for any purpose, and it is my understanding that in using the word 'evidence' the idea of the mere scintilla was never considered."

We believe the testimony of Lundeberg that petitioner said, "You don't have to be afraid because nobody has to know you are a member of the Communist Party if you join," (R. 7267) and "You don't have to be afraid because I am one too." (R. 7268)—"I am a member of the Communist Party," (R. 7339) is certainly some evidence coming within the rule as laid down by this court even though he might have made prior conflicting statements, and that no court would ever be justified in removing a case from the jury under similar circumstances. Judge Sears, the Presiding Inspector, who saw and heard the witnesses, found other corroborating evidence. His findings were approved by the Attorney General as well as by the District Court and the Circuit Court of Appeals. In the case of *Baumgartner v. United States of America*, 88 L. ed. 1155, p. 1158, this court held:

> "That the concurrent findings of two lower courts are persuasive proof in support of their judgments is a rule of wisdom in judicial administration. In reaffirming its importance we mean to pay more than lip service."

Some question has been raised as to the propriety of the procedure adopted by the trial examiner in permitting testimony as to a verbal statement made to the F. B. I. by the witness O'Neil which was later repudiated by him at the hearing. The rule applicable was stated in United States Ex rel Bilokumsky vs. Tod, 263 U. S. 149 p. 157, as follows:

> "* * * Moreover, a hearing granted does not cease to be fair merely because rules of evidence and of procedure applicable in judicial proceedings have not been strictly followed by the executive, or because some evidence has been improperly rejected or received."

It has also been contended that the "weighty proof" and "solidity of proof" doctrine laid down in denaturalization cases of *Baumgartner v. United* [illegible], supra, and *Schneiderman v. United States*, 320 [illegible] 118, are equally applicable to deportation proceedings. Upon analysis the distinction is clear. A denaturalization proceeding is judicial in character and has for its purpose the deprivation of citizenship once acquired. Judicial standards are applied in the determination of whether the requirement of "weighty proof" or "solid proof which leaves no troubling doubt" has been met. Such a proceeding presents a question solely for judicial determination. On the other hand, a deportation proceeding is administrative in character (see *Vajtauer v. Comr. of Immigration*, supra). Its purpose is the expulsion of an alien whose fur-

ther presence is deemed hurtful to the best interests of the nation. It is a procedural process under the sovereign power lodged solely in Congress as provided in Article 1 of Section 8 of the Constitution for the security and welfare of the nation. Such a proceeding is conducted by an executive agency, and the final determination of whether the alien shall be deported is delegated to the Attorney General by statute. His decision is an administrative act; consequently, judicial review is circumscribed and cannot be substituted for his judgment if the court finds that some evidence was presented justifying the conclusion reached.

III

DEPORTATION IN THE INSTANT CASE DOES NOT VIOLATE ANY RIGHTS UNDER THE FIRST AMENDMENT OF THE CONSTITUTION

The people, through Congress, may prescribe rules under which aliens may enter, visit, or reside in this country. Aliens can acquire no constitutional right to remain here and may be deported summarily if Congress so chooses.

In *Bugajewitz v. Adams,* supra, at page 591, the court stated that "it is thoroughly established that Congress has power to order the deportation of aliens whose presence in the country it deems hurtful."

This court has denied the right of naturalization to an alien because of stated beliefs for which, by the protection of the First Amendment, he could not be punished. *United States v. Schwimmer,* 279 U. S. 644. Certainly the sovereign power of deportation is not the subject of further restraint.

In *Wong Wing v. United States*, 163 U. S. 228, p. 231, the Court said:

> "As against the validity of this section, it was contended that, whatever might be true as to the power of the United States to exclude aliens, yet there was no power to banish such aliens who had been permitted to become residents, and, that, if such power did exist, it was in the nature of a punishment, and could only be lawfully exercised after a judicial trial.
>
> "But this court held, in the case of *Fong Yue Ting v. United States*, 149 U. S. 698 (37:905), that the right to exclude or to expel aliens, or any class of aliens, absolutely or upon certain conditions, in war or in peace, is an inherent and inalienable right of every sovereign and independent nation; that the power of Congress to expel, like the power to exclude, aliens or any class of aliens from the country may be exercised entirely through executive officers; and that the said 6th section of the act of May 5, 1892, was constitutional and valid."

Thus the right to expel aliens in war and in peace was recognized as an inherent and inalienable right of every sovereign and independent nation.

This nation is now engaged in a struggle for the very survival of its sovereignty, the maintenance of its security; and the preservation of its free institutions. To protect its national life, it moved thousands of aliens and American citizens from the Pacific Coast following Pearl Harbor and herded them into virtual prison compounds. Such action was under its broad war powers as provided in Article 1, Section 8, of the Constitution. The power of Congress to expel aliens under the same article and section of the Constitution is not only applicable in war but

in peace as well. It is empowered at all times, for the security and independence of the nation, to exercise its plenary power of deportation. This right, which is in the public interest, is paramount to any individual right reserved under the First Amendment, and utterances, beliefs, associations, or allowable thoughts, which might otherwise be permitted under that amendment, do not extend to the protection of an alien against the orderly termination of his status for whatever reasons Congress may deem necessary or desirable in the public interest. We have found no decision in which the court has even suggested limitations upon the plenary power of Congress to determine the grounds upon which an alien may be expelled.

In the instant case the hearing examiner, under the evidence adduced, found that the petitioner should be deported. The warrant of arrest which instituted the proceedings alleged that:

> "* * * after entering the United States he has been a member of or affiliated with an organization, association, society, or group that believes in, advises, advocates, or teaches the overthrow by force or violence of the Government of the United States; and that after entering the United States he has been a member of or affiliated with an organization, association, society, or group that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue or display, written or printed matter advising, advocating, or teaching the overthrow by force or violence of the Government of the United States." Ex Parte Bridges, 49 Fed. Supp. 292-297.

These charges were sustained by the Attorney General in his findings and conclusions. They are set forth in full in the opinion of the Circuit Court of Appeals, 144 Federal Reporter (2nd) 927 at page 934. The District Court and the Circuit Court of Appeals found that these conclusions were sustained by the evidence under the measure of proof doctrine established by this court. Surely such conclusions warrant the deportation order in the public interest.

The constitutional power "to establish an uniform rule of naturalization" carries with it the attendant responsibilities to see that it is exercised in the public interest. Since the adoption of the Constitution of the United States, this country has been a haven of refuge for desirable aliens who were interested in fitting themselves to the pattern of government established by our forefathers under that Constitution. The power to permit their entry, no doubt, was predicated on the theory that they would contribute to the well being of our nation and become useful citizens. This has proven true in most instances. Certainly, the permission to enter our country was never extended with the thought that aliens might later become members of or affiliated with any subversive organization which believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States, yet the Attorney General has found, among other things, that after his entry the petitioner has been a member of the Communist Party, has been affiliated with the Maritime Workers Industrial Union, and that it was a part of the Communist Party, dominated and controlled by it. He further found, among other things, 'that the Communist Party of the U. S. A., from the time of its in-

ception in 1919 to the present time, is an organization that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States." It was proven that the petitioner had filed three declarations of intention to become a citizen (Gov. Exs. 277, R. 6070-6074; 279, R. 6089; 296, R. 7735), but permitted the first two to lapse (R. 508), and the last, which was filed on March 28th, 1939, apparently is still pending. Such facts would not indicate that he intended to become a useful citizen. Such facts would also justify Congress in the exercise of its power of deportation to adopt the statute in question in the public interest, especially in view of the fact that at the time the amendment was adopted we were anticipating a war involving our national security, and our national sovereignty. Surely, it was in the purview of the power of Congress to see to it that the public welfare be protected.

By the processes prescribed by Congress, Harry Bridges has been adjudicated a person inimical to the welfare of this country. The alleged fact that he is a powerful leader in any particular movement is beside the point and entitles him to no more consideration than the humblest alien in all the land.

We submit that in view of the fact that Congress, in the interests of public security, is empowered to deport aliens, it has the sole right to determine when and the circumstances under which such powers shall be exercised for the public welfare, and that such power has been exercised properly in the instant case.

CONCLUSION

The order of the Circuit Court of Appeals denying Bridges' petition for a writ of habeas corpus should be affirmed, and the petitioner should be remanded into the custody of the respondent.

Respectfully submitted,

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SUPREME COURT OF THE UNITED STATES.

No. 788.—October Term, 1944.

Harry Bridges, Petitioner,
vs.
I. F. Wixon, as District Director, Immigration and Naturalization Service, Department of Justice.

On Writ of Certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

[June 18, 1945.]

Mr. Justice Douglas delivered the opinion of the Court.

Harry Bridges is an alien who entered this country from Australia in 1920. In 1938 deportation proceedings were instituted against him on the ground that he both had been and then was a member of or affiliated with the Communist Party of the United States and that that party advised and taught the overthrow by force of the government of the United States and caused printed matter to be circulated which advocated that course. Under the statute then in force past membership or past affiliation was insufficient for deportation, present membership or present affiliation being required. *Kessler* v. *Strecker*, 307 U. S. 22. A hearing was had. The examiner, Hon. James M. Landis, concluded that the evidence established neither that Harry Bridges "is a member of nor affiliated with" the Communist Party of the United States. The Secretary of Labor sustained the examiner and dismissed the proceedings. That was in January 1940. By the Act of June 28, 1940, Congress amended the statute so as to provide for deportation of any alien who was "at the time of entering the United States, or has been at any time thereafter" a member of or affiliated with an organization of the character attributed to the Communist Party in the first proceeding.[1] A second deportation pro-

[1] The statute as amended (40 Stat. 1012, 41 Stat. 1008, 54 Stat. 673, 8 U. S. C. § 137) provides in part as follows:

"That any alien who, at any time, shall be or shall have been a member of any one of the following classes shall be excluded from admission into the United States:

"(c) Aliens . . . who are members of or affiliated with any organization, association, society, or group, that believes in, advises, advo-

ceeding was instituted against Harry Bridges under the amended statute on the ground that he had been a member of or affiliated with that organization.[2] Another hearing was had. The inspector designated to conduct the hearings and make a report, Hon. Charles B. Sears, found that the Communist Party of the United States was an organization of the character described in the statute, that the Marine Workers Industrial Union was affiliated with the Communist Party and was an organization of the same character, and that after entering this country Harry Bridges had been affiliated with both organizations and had been a member of the Communist party. He recommended deportation. The case was heard by the Board of Immigration Appeals[3] which found that Harry Bridges had not been a member of or affiliated with either of

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cates, or teaches: (1) the overthrow by force or violence of the Government of the United States . . . .

"(e) Aliens who are members of or affiliated with any organization, association, society, or group, that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display, any written or printed matter of the character described in subdivision (d) [advising, advocating or teaching the overthrow by force or violence of the Government of the United States].

"For the purpose of this section: (1) the giving, loaning or promising of money or any thing of value to be used for the advising, advocacy, or teaching of any doctrine above enumerated shall constitute the advising, advocacy, or teaching of such doctrine; and (2) the giving, loaning or promising of money or any thing of value to any organization, association, society, or group, of the character above described shall constitute affiliation therewith; but nothing in this paragraph shall be taken as an exclusive definition of advising, advocacy, teaching, or affiliation.

"Sec. 2. Any alien who was at the time of entering the United States, or has been at any time thereafter, a member of any one of the classes of aliens enumerated in section 1 of this Act, shall, upon the warrant of the Attorney General, be taken into custody and deported in the manner provided in the Immigration Act of February 5, 1917. The provisions of this section shall be applicable to the classes of aliens mentioned in this Act, irrespective of the time of their entry into the United States."

The Immigration Act of February 5, 1917 is found is found in 39 Stat. 874.

[2] Since June 14, 1940 the immigration laws have been administered by the Attorney General. Reorganization Plan No. V, effective June 14, 1940. 54 Stat. 230, 1238, 5 U. S. C. fol. 133t, 5 U. S. C. 133v.

[3] The Regulations of the Immigration and Naturalization Service provide that the alien shall be accorded a hearing before an immigrant inspector to determine whether he is subject to deportation on the charges stated in the warrant of arrest, at which hearing the alien is entitled to representation by counsel and to offer evidence in his behalf. As soon as practicable after the hearing has been concluded, the inspector is required to prepare a memorandum setting forth a summary of the evidence adduced at the hearing, his proposed findings of fact and conclusions of law, and a proposed order, which are to

those organizations at any time after he entered this country. The Attorney General reviewed the decision of the Board and rendered an opinion in which he made findings in accordance with those proposed by the inspector and ordered Harry Bridges to be deported. A warrant of deportation was issued. Harry Bridges surrendered himself to the custody of respondent and challenged the legality of his detention by a petition for a writ of *habeas corpus* in the District Court for the Northern District of California. That court denied the petition and remanded petitioner to the custody of respondent. 49 F. Supp. 292. The Circuit Court of Appeals affirmed by a divided vote. 144 F. 2d 927, 944. The case is here on a petition for a writ of certiorari which we granted because of the serious character of the questions which are presented.

As we have said, Harry Bridges came here from Australia in 1920. He has not returned to Australia since that time. He was a longshoreman. In 1933 he became active in trade union work on the water front in San Francisco. The Attorney General found that he had "done much to improve the conditions that existed among the longshoremen". He reorganized and headed up the International Longshoremen's Association, an American Federation of Labor union. He led the maritime workers' strike on the Pacific Coast in 1934. He was president of the local International Longshoremen's Association from 1934 to 1936 and was Pacific Coast president in 1936. In 1937 his union broke with the American Federation of Labor, changed its name to International Longshoremen and Warehousemen's Union, and became affiliated with the Committee for Industrial Organization. Bridges was elected Pacific Coast District President of that union and has held the office ever since. He also holds several important offices in the C. I. O.

The two grounds on which the deportation order rests—that Harry Bridges at one time had been both "affiliated" with the

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be furnished to the alien or his counsel, who may file exceptions thereto and submit a brief, 8 C. F. R., 1941 Supp., 150.6, 150.7. The case is then heard by the Board of Immigration Appeals, a body authorized to perform the functions of the Attorney General in relation to deportation, but responsible solely to him. 8 C. F. R., 1940 Supp., 90.2-90.3. If exceptions have been filed, oral argument before the Board is permitted. *Ibid.*, 90.5. Where a member of the Board dissents, where the Board certifies that a question of difficulty is involved, or in any case in which the Attorney General directs, the Board must refer the case to the Attorney General for review. If the Attorney General reverses the decision of the Board, the Attorney General must state in writing his conclusions and the reasons for his decision. *Ibid.* 90.12.

Communist party and a member of it—present different questions with which we deal separately.

Affiliation. The statute defines affiliation as follows:

"For the purpose of this section: (1) the giving, loaning or promising of money or any thing of value to be used for the advising, advocacy, or teaching of any doctrine above enumerated shall constitute the advising, advocacy, or teaching of such doctrine; and (2) the giving, loaning or promising of money or any thing of value to any organization, association, society, or group of the character above described shall constitute affiliation therewith; but nothing in this paragraph shall be taken as an exclusive definition of advising, advocacy, teaching, or affiliation." 41 Stat. 1009, 8 U. S. C. § 137f.

The doctrine referred to is the overthrow of the government by force or violence.[4] The organizations or groups referred to are those which advise and teach that doctrine or which write, circulate, display and the like or have in their possession for such purpose any written or printed matter of that character.

In ruling on the question whether an alien had been "affiliated" with the Communist party and therefore could be deported, the court in *United States* v. *Reimer*, 79 F. 2d 315, 317, said that such an affiliation was not proved "unless the alien is shown to have so conducted himself that he has brought about a status of mutual recognition that he may be relied on to co-operate with the Communist Party on a fairly permanent basis. He must be more than merely in sympathy with its aims or even willing to aid it in a casual intermittent way. Affiliation includes an element of dependability upon which the organization can rely which, though not equivalent to membership duty, does rest upon a course of conduct that could not be abruptly ended without giving at least reasonable cause for the charge of a breach of good faith." The same idea was expressed by Dean Landis in the first Bridges report. After stating that "affiliation" implies a "stronger bond" than "association", he went on to say: "In the corporate field its use embraces not the casual affinity of an occasional similarity of objective, but ties and connections that, though less than that complete control which parent possesses over subsidiary, are nevertheless sufficient to create a continuing relationship that embraces both units within the concept of a system. In the field of eleemosynary and political organization the same basic idea prevails." And he

[4] See note 1, *supra*.

concluded: "Persons engaged in bitter industrial struggles tend to seek help and assistance from every available source. But the intermittent solicitation and acceptance of such help must be shown to have ripened into those bonds of mutual cooperation and alliance that entail continuing reciprocal duties and responsibilities before they can be deemed to come within the statutory requirement of affiliation. • • • To expand that statutory definition to embrace within its terms *ad hoc* cooperation on objectives whose pursuit is clearly allowable under our constitutional system, or friendly associations that have not been shown to have resulted in the employment of illegal means, is warranted neither by reason nor by law."

The legislative history throws little light on the meaning of "affiliation" as used in the statute. It imports, however, less than membership but more than sympathy. By the terms of the statute it includes those who contribute money or anything of value to an organization which believes in, advises, advocates, or teaches the overthrow of our government by force or violence. That example throws light on the meaning of the term "affiliation". He who renders financial assistance to any organization may generally be said to approve of its objectives or aims. So Congress declared in the case of an alien who contributed to the treasury of an organization whose aim was to overthrow the government by force and violence. But he who cooperates with such an organization only in its *wholly lawful activities* cannot by that fact be said as a matter of law to be "affiliated" with it. Nor is it conclusive that the cooperation was more than intermittent and showed a rather consistent course of conduct. Common sense indicates that the term "affiliation" in this setting should be construed more narrowly. Individuals, like nations, may cooperate in a common cause over a period of months or years though their ultimate aims do not coincide. Alliances for limited objectives are well known. Certainly those who joined forces with Russia to defeat the Nazis may not be said to have made an alliance to spread the cause of Communism. An individual who makes contributions to feed hungry men does not become "affiliated" with the Communist cause because those men are Communists. A different result is not necessarily indicated if aid is given to or received from a proscribed organization in order to win a legitimate objective in a domestic controversy. Whether intermittent or repeated the act or acts tending to prove "affiliation" must be of that quality

which indicates an adherence to or a furtherance of the purposes or objectives of the proscribed organization as distinguished from mere cooperation with it in lawful activities. The act or acts must evidence a working alliance to bring the program to fruition.

We are satisfied that the term "affiliation" was not so construed either by Judge Sears or by the Attorney General. The reports made in this case contain no precise formulation of the standard which was employed. But the way in which the term "affiliation" was used and applied convinces us that it was given a looser and more expansive meaning than the statute permits. Judge Sears in his report stated that "Affiliation is clearly a word of broader content than membership, and of narrower content than sympathy. Generally, there will be some continuity of relationship to bring the word into application." But he concluded that that was not necessarily so in view of the statutory definition. And he added: "Affiliation may doubtless be shown circumstantially. Assisting in the enterprises of an organization, securing members for it, taking part in meetings organized and directed by or on behalf of the organization, would all tend to show affiliation. The weight to be given to such evidence is, of course, determined by the trier of the fact." That view was apparently shared by the Attorney General. But the broad sweep which was given the term in its application to the facts of this case is illustrated by the following excerpt from the Attorney General's report:

> "'Judge Sears summarizes Bridges' attitude towards the Communist Party and its policies by saying that the 'isolated instances,' while not evidence to establish membership in or affiliation with the Communist Party, nevertheless show a sympathetic or cooperative attitude on his part to the Party, and form 'a pattern which is more consistent with the conclusion that the alien followed this course of conduct as an affiliate of the Communist Party, rather than as a matter of chance coincidence.' This conclusion, said Judge Sears, was strengthened by his consistently favoring nondiscrimination against union men because of Communist membership; and by his excoriating 'red baiters,' as he called those who took an opposite view, which 'amounted to cooperation with the Communist Party in carrying out its program of penetration and boring from within'."

But when we turn to the facts of this case we have little more than a course of conduct which reveals cooperation with Communist groups for the attainment of wholly lawful objectives.

The associations which Harry Bridges had with various Communist groups seem to indicate no more than cooperative measures to attain objectives which were wholly legitimate. The link by which it is sought to tie him to subversive activities is an exceedingly tenuous one, if it may be said to exist at all. The Trade Union Unity League was found to be a Communist organization. It chartered the Marine Workers' Industrial Union in 1930, which continued until 1935 and was found to be a proscribed organization. That union launched the Waterfront Worker, a mimeographed sheet, in 1932. The Attorney General sustained Judge Sears' finding that Bridges' sponsored it and was responsible for its publication shortly after it first appeared in 1932 and down to its abandonment in 1936. The paper acknowledged the assistance of the MWIU prior to September 15, 1933. The question when Bridges took over the paper was closely contested, the Board of Immigration Appeals finding that Bridges became connected with it about September 15, 1933, after the MWIU had abandoned it. The finding of Judge Sears, approved by the Attorney General, that the paper was an instrument of the MWIU and the Communist Party from December 1932 to its abandonment in 1936 and that it was under the domination and control of those organizations during that period rested primarily on the following grounds: "(1) The acknowledged cooperation with the M.W.I.U., in the early issues of the paper and subsequent favorable treatment of the M.W.I.U., T.U.U.L., and other Communist-sponsored organizations during the paper's entire existence, (2) Consistent attacks upon the so-called 'reactionary' leaders of the A F. of L. (3) Support of the Communist candidates for political office. (4) Advice to read Communist literature. (5) The use of addresses of Communists or Communist-affiliated organizations." But when the evidence underlying these findings is examined it is found to be devoid of any showing that the Waterfront Worker advocated overthrow of the government by force. It was a militant trade union journal. It aired the grievances of the longshoreman. It discussed national affairs affecting the interests of working men. It declared against war. But we have found no evidence whatsoever which suggests that it advocated the overthrow of the government by force. Nor is their any finding that Bridges took over this project with the view of doing more than advancing the lawful cause of unionism. The

advice to support for office certain candidates said to be Communists was based entirely on the platform on which they ran—cash relief; abolition of vagrancy laws; no evictions; gas, water and electricity for the unemployed; and unemployment relief. The advice to read Communist literature was not general; it was specifically addressed to the comparative merits of those publications and other papers on the truthfulness of labor news. The use of addresses of Communist organizations, especially stressed by the Attorney General, was said by Judge Sears to demonstrate "a close cooperation with the Communists and Communist Organizations." But close cooperation is not sufficient to establish an "affiliation" within the meaning of the statute. It must evidence a working alliance to bring the proscribed program to fruition.

It must be remembered that the Marine Workers Industrial Union was not a sham or pretense. It was a genuine union. It was found to have, and we assume it did have, the illegitimate objective of overthrowing the government by force. But it also had the objective of improving the lot of its members in the normal trade union sense. One who cooperated with it in promoting its legitimate objectives certainly could not by that fact alone be said to sponsor or approve of its general or unlawful objectives. But unless he also joined in that overall program, he would not be "affiliated" with the Communist cause in the sense in which the statute uses the term.

Whether one could be a member of that union without becoming "affiliated" with the Communist party within the meaning of the statute, we need not decide. For Harry Bridges was never a member of it. To say that his cooperation with it made him in turn "affiliated" with the Communist party is to impute to him belief in and adherence to its general or unlawful objectives. In that connection, it must be remembered that although deportation technically is not criminal punishment (*Johannessen* v. *United States*, 225 U. S. 227, 242; *Bugajewitz* v. *Adams*, 228 U. S. 585, 591; *Mahler* v. *Eby*, 264 U. S. 32, 39), it may nevertheless visit as great a hardship as the deprivation of the right to pursue a vocation or a calling. Cf. *Cummings* v. *Missouri*, 4 Wall. 277; *Ex parte Garland*, 4 Wall. 333. As stated by Mr. Justice Brandeis speaking for the Court in *Ng Fung Ho* v. *White*, 259 U. S. 276, 284, deportation may result in the loss "of all that makes life worth living".

We cannot assume that Congress meant to employ the term "affiliation" in a broad, fluid sense which would visit such hardship on an alien for slight or insubstantial reasons. It is clear that Congress desired to have the country rid of those aliens who embraced the political faith of force and violence. But we cannot believe that Congress intended to cast so wide a net as to reach those whose ideas and program, though coinciding with the legitimate aims of such groups, nevertheless fell far short of overthrowing the government by force and violence. Freedom of speech and of press is accorded aliens residing in this country. *Bridges* v. *California*, 314 U. S. 252. So far as this record shows the literature published by Harry Bridges, the utterances made by him were entitled to that protection. They revealed a militant advocacy of the cause of trade unionism. But they did not teach or advocate or advise the subversive conduct condemned by the statute.

Inference must be piled on inference to impute belief in Harry Bridges of the revolutionary aims of the groups whose aid and assistance he employed in his endeavor to improve the lot of the workingmen on the water front. That he enlisted such aid is not denied. He justified that course on the grounds of expediency—to get such help as he could to aid the cause of his union.[5] But there is evidence that he opposed the Communist tactics of fomenting strikes; that he believed in the policy of arbitration and direct negotiation to settle labor disputes, with the strike reserved only as a last resort. As Dean Landis stated in the first report:

"Bridges' own statement of his political beliefs and disbeliefs is important. It was given not only without reserve but vigor-

[5] As respects printing releases of the Communist party in a union paper he testified:

"As I understand, the question was my position in regard to printing official Communist releases. I still say it might depend. For example, if—there was a lot of trouble up there at that time, a lot of action and tieups. I believe that if the Communist party happened to send in a statement saying that they would do everything they could to support the particular dispute at that time in behalf of the Union position, my position would be that I wouldn't have any great objection to seeing that carried in the Union paper."

As respects voting for a political candidate known to be a Communist he testified:

"The question of support only goes to whether he is a unionist or not. If he is a bad unionist, we don't care what he is, we are against him; if he is a good one, we don't care what he is, we are for him. His first allegiance must be for the union."

ously as dogma and faiths of which the man was proud and which represented in his mind the aims of his existence. It was a fighting apologia that refused to temper itself to the winds of caution. It was an avowal of sympathy with many of the objectives that the Communist Party at times has embraced, an expression of disbelief that the methods they wished to employ were as revolutionary as they generally seem, but it was unequivocal in its distrust of tactics other than those that are generally included within the concept of democratic methods. That Bridges' aims are energetically radical may be admitted, but the proof fails to establish that the methods he seeks to employ to realize them are other than those that the framework of democratic and constitutional government permits."

That observation is equally pertinent to the record before us. We cannot construe "affiliation" as used in the statute to bring such conduct and attitudes within its reach. Whether the evidence would justify a finding of "affiliation" in the strict sense in which the statute uses the term is not for us to say. An act innocent on its face may be done with an evil purpose. But where the fate of a human being is at stake the presence of the evil purpose may not be left to conjecture. In these *habeas corpus* proceedings we do not review the evidence beyond ascertaining that there is some evidence to support the deportation order. *Vajtauer* v. *Commissioner,* 273 U. S. 103, 106. But detention under an invalid order of deportation is established where an alien is ordered deported for reasons not specified by Congress. *Mahler* v. *Eby, supra.* That is the case here. For our review of the record convinces us that the finding of "affiliation" was based on too loose a meaning of the term.

Membership. The evidence of "affiliation" was used not only to support the finding that Harry Bridges had been "affiliated" with the Communist party but also to corroborate the finding that at one time he had been a member of that organization. We may assume that such evidence, though falling short of the requirements of "affiliation", might be admissible for the latter purpose. But the difficulty is that the finding of membership like the finding of affiliation has an infirmity which may be challenged in this attack on the legality of Harry Bridges' detention under the deportation order.

Rule 150.1(c) of the Regulations of the Immigration and Naturalization Service (8 C. F. R., 1941 Supp., 150.1(c)) provides: "All statements secured from the alien or any other person during the investigation, which are to be used as evidence, shall be taken

down in writing; and the investigating officer shall ask the person interrogated to sign the statement. Whenever such a recorded statement is to be obtained from any person, the investigating officer shall identify himself to such person and the interrogation of that person shall be under oath or affirmation. Whenever a recorded statement is to be obtained from a person under investigation, he shall be warned that any statement made by him may be used as evidence in any subsequent proceeding." And Rule 150.6(i) provides in part: "A recorded statement made by the alien (other than a General Information Form) or by any other person during an investigation may be received in evidence only if the maker of such statement is unavailable or refuses to testify at the warrant hearing or gives testimony contradicting the statements made during the investigation."

O'Neil was a government witness. He was intimate with Harry Bridges. During the course of the examination O'Neil was asked about statements which he allegedly had made to investigating officers some months earlier. These statements were not signed by O'Neil. They were not made by interrogation under oath. And it was not shown that O'Neil was asked to swear and sign or that being asked, he refused. They were read into the record and verified by the stenographer who took them down. And an officer testified that later O'Neil had repeated the statements to him and to other witnesses. These statements were that O'Neil joined the Communist party in December, 1936; that he walked into Bridges' office one day in 1937 and saw Bridges pasting assessment stamps in a Communist party book; and that Bridges reminded O'Neil that he had not been attending party meetings. O'Neil admitted making statements to the investigating officers but denied making those particular statements.

Judge Sears admitted the statements not for purposes of impeachment but as substantive evidence. The Board of Immigration Appeals and the Attorney General both conceded that the statements were admitted in violation of Rules 150.1(c) and 150.6(i).[6] The Board held that it was error to consider the state-

[6] We accept that construction of the Rules. For Rule 150.6(i) when read in conjunction with Rule 150.1(c) fairly means (1) that an investigating officer in obtaining a "recorded statement" must obtain the statement by interrogation under oath and seek to obtain it over the signature of the maker, and (2) that only such a "recorded statement", so safeguarded, may

ments as affirmative, probative evidence. The Attorney General ruled: "Had the alien raised the question at the time of the hearing, compliance with the Departmental Regulations would have been obligatory and a deliberate rejection of a request to exclude the testimony would have rendered appropriate the objections now raised by the Board. No objection having been raised by the alien throughout the hearing, however, he waived the right to object on the technical ground that the statement was not taken in accordance with the rules." One difficulty with that position is that Bridges did protest before Judge Sears over the use of the statement. He maintained that they were erroneously received and were without probative value though he did not rest his objection on the regulations. But there is a more fundamental difficulty. The original deciding body is not the inspector who hears the case. He merely submits a memorandum setting forth the evidence adduced at the hearing, his proposed findings of fact and conclusions of law, and a proposed order.[7] The case then is heard by the Board of Immigration Appeals which is authorized to perform the functions of the Attorney General in relation to deportation. 8 C. F. R., 1940 Supp., §§90.2, 90.3. And the case may then go to the Attorney General for decision. If the objection to evidence on the ground that it violates the governing regulations is made before the agency entrusted with the duty of deciding whether a case for deportation has been established, it is made soon enough. Objection to the use of these statements as probative evidence was made before both the Board and the Attorney General. It was specifically objected that the statements did not qualify under the regulations.

be used as evidence when the maker of the statement gives contradictory testimony on the stand. It is true that Rule 150.6(i) also provides that "An affidavit of an inspector as to the statements made by the alien or any other person during an investigation may be received in evidence, otherwise than in support of the testimony of the inspector, only if the maker of such statement is unavailable or refuses to testify at the warrant hearing or gives testimony contradicting the statement and the inspector is unavailable to testify in person." If we assume that that provision creates an exception from the general rule in case of the inspector who is unavailable to testify in person, we can hardly infer that the exception was designed to swallow the general rule. The deep-rooted policy of the law towards hearsay evidence cautions against such a loose reading of these fundamental procedural safeguards.

[7] See note 3, *supra.*

The rules are designed to protect the interests of the alien and to afford him due process of law. It is the action of the deciding body, not the recommendation of the inspector, which determines whether the alien will be deported. The rules afford protection at that crucial stage of the proceedings or not at all. The person to whom the power to deport has been entrusted is the Attorney General or such agency as he designates. 8 U. S. C. § 155. He is an original trier of fact on the whole record. It is his decision to deport an alien that Congress has made "final". 8 U. S. C. § 155. Accordingly, it is no answer to say that the rules may be disregarded because they were not called to the attention of the inspector.

It was assumed in *Bilokumsky* v. *Tod*, 263 U. S. 149, 155, that "one under investigation with a view to deportation is legally entitled to insist upon the observance of rules promulgated by the Secretary pursuant to law." We adhere to that principle. For these rules are designed as safeguards against essentially unfair procedures. The importance of this particular rule may not be gainsaid. A written statement at the earlier interviews under oath and signed by O'Neil would have afforded protection against mistakes in hearing, mistakes in memory, mistakes in transcription. Statements made under those conditions would have an important safeguard—the fear of prosecution for perjury. Moreover, if O'Neil had been asked to swear to and sign the statements and had refused to do so, the fact of his refusal would have weight in evaluating the truth of the statements.

The statements which O'Neil allegedly made were hearsay. We may assume they would be admissible for purposes of impeachment. But they certainly would not be admissible in any criminal case as substantive evidence. *Hickory* v. *United States*, 151 U. S. 303, 309, *United States* v. *Block*, 88 F. 2d 618, 620. So to hold would allow men to be convicted on unsworn testimony of witnesses[8]—a practice which runs counter to the notions of fairness on which our legal system is founded.[9] There has been some-

[8] We have here quite a different case from that where a prior statement of an alien, contradictory of testimony made at the hearing, is admitted. See Chan Wong v. Nagle, 17 F. 2d 987; Ex parte Kishimoto, 32 F. 2d 991; 4 Wigmore, Evidence (3rd ed.) § 1048.

[9] Dean Wigmore in his third edition of Evidence (1940) § 1018(b) took the other position. But he added, "The contrary view, however, is the orthodox one. It is universally maintained by the Courts that Prior Self-Contradictions are not to be treated as having any *substantive* or *independent testimonial value*."

relaxation of the rule in alien *exclusion* cases. See *United States* v. *Corsi;* 65 F. 2d 564. But we are dealing here with deportation of aliens whose roots may have become, as they are in the present case, deeply fixed in this land. It is true that the courts have been liberal in relaxing the ordinary rules of evidence in administrative hearings. Yet as was aptly stated in *Interstate Commerce Commission* v. *Louisville & Nashville R. Co.*, 227 U. S. 88, 93, "But the more liberal the practice in admitting testimony, the more imperative the obligation to preserve the essential rules of evidence by which rights are asserted or defended."

Here the liberty of an individual is at stake. Highly incriminating statements are used against him—statements which were unsworn and which under the governing regulations are inadmissible. We are dealing here with procedural requirements prescribed for the protection of the alien. Though deportation is not technically a criminal proceeding, it visits a great hardship on the individual and deprives him of the right to stay and live and work in this land of freedom. That deportation is a penalty—at times a most serious one—cannot be doubted. Meticulous care must be exercised lest the procedure by which he is deprived of that liberty not meet the essential standards of fairness.

On the record before us it is clear that the use of O'Neil's *ex parte* statements was highly prejudicial. Those unsworn statements of O'Neil and the testimony of one Lundeberg were accepted by the Attorney General as showing that Bridges was a member of the Communist party. There was other testimony but it was so "untrustworthy, contradictory, or unreliable" as to be rejected by the Attorney General. If the finding as to Lundeberg's testimony was treated by the Attorney General independently of his finding as to O'Neil's, we would have a different case. Then we would have to determine whether the testimony of Lundeberg alone was sufficient to sustain the order. But the Attorney General, unlike Judge Sears, did not separate the testimony of Lundeberg and that of O'Neil for the purpose of his finding as to membership. He lumped them together and found that between them their total weight was sufficient to tip the scales against Harry Bridges. He ruled that if the unsworn statements of O'Neil and the testimony of Lundeberg were believed "the

doubt is decided."[10] It is thus apparent not only that the unsworn statements of O'Neil weighed heavily in the scales but also that it took those unsworn statements as well as Lundeberg's testimony to resolve the doubt on this sharply contested and close question. Whether the finding would have been made on this record from the testimony of Lundeberg alone is wholly conjectural and highly speculative. Not only was Lundeberg admittedly hostile to Bridges. Not only did the Attorney General fail to rule that on the basis of Lundeberg's testimony alone Bridges had been a member of the party. But beyond that, the Board of Immigration Appeals significantly concluded that apart from O'Neil's unsworn statements the evidence of Bridges' membership was too flimsy to support a finding. It is thus idle to consider what the Attorney General might have ruled on the basis of the other evidence before him. Cf. *United States* v. *Dunton*, 291 Fed. 905, 907. The issue of membership was too close and too crucial to the case to admit of mere speculation. Since it was error to admit O'Neil's unsworn statements against Bridges, since they were so crucial to the findings of membership, and since that issue was so close, we are unable to say that the order of deportation may be sustained without them.

In these *habeas corpus* proceedings the alien does not prove he had an unfair hearing merely by proving the decision to be wrong (*Tisi* v. *Tod*, 264 U. S. 131, 133) or by showing that incompetent evidence was admitted and considered. *Vajtauer* v. *Commissioner*, *supra*, p. 106. But the case is different where evidence was improperly received and where but for that evidence it is wholly speculative whether the requisite finding would have been made.

[10] The Attorney General stated, immediately prior to his analysis of the testimony of Lundeberg and O'Neil, the following: "Judge Sears examines in detail the evidence of fifteen witnesses as bearing on Bridges' membership in or affiliation with the Communist Party. Much of this evidence is rejected as being untrustworthy, contradictory, or unreliable. However, the evidence of two witnesses is accepted as showing that Bridges was a member of the party. If this evidence is believed—and Judge Sears believed it—the doubt is decided. The question is substantially one of credibility. The Review Board did not think the evidence credible. But it should be remembered that Judge Sears saw the witnesses on the stand, watched their demeanor and expression, and was in a far better position to judge their truthfulness than the Review Board, dealing with the cold print of the record.

"The two most important witnesses as to membership are Harry Lundeberg and James D. O'Neil."

Then there is deportation without a fair hearing which may be corrected on *habeas corpus*. See *Vajtauer* v. *Commissioner, supra*.

Since Harry Bridges has been ordered deported on a misconstruction of the term "affiliation" as used in the statute and by reason of an unfair hearing on the question of his membership in the Communist party, his detention under the warrant is unlawful. Accordingly, it is unnecessary for us to consider the larger constitutional questions which have been advanced in the challenge to the legality of petitioner's detention under the deportation order.

The judgment below is

Reversed.

Mr. Justice JACKSON took no part in the consideration or decision of this case.

Mr. Justice MURPHY, concurring.

The record in this case will stand forever as a monument to man's intolerance of man. Seldom if ever in the history of this nation has there been such a concentrated and relentless crusade to deport an individual because he dared to exercise the freedom that belongs to him as a human being and that is guaranteed to him by the Constitution.

For more than a decade powerful economic and social forces have combined with public and private agencies to seek the deportation of Harry Bridges, who came to this country in 1920 from Australia. Emerging from the Pacific Coast maritime strike of 1934 as a recognized labor leader in that area, Bridges incurred the hatred and hostility of those whose interests coincided directly or indirectly with the "vicious and inhumane practices toward longshoremen," 144 F. 2d 927, 938, that Bridges was combatting. His personal viewpoint on certain matters also antagonized many people of more conservative leanings. Agitation for his deportation arose. Industrial and farming organizations, veterans' groups, city police departments and private undercover agents all joined in an unremitting effort to deport him on the ground that he was connected with organizations dedicated to the overthrow of the Government of the United States by force and violence. Wiretapping, searches and seizures without warrants and other forms

of invasion of the right of privacy have been widely employed in this deportation drive.

This opposition to Bridges' presence in the United States has been as persistent as it has been undaunted by temporary setbacks to its aims. The Immigration and Naturalization Service, after a thorough investigation of the original charges in 1934 and 1935, was unable to find even a "shred of evidence" warranting his deportation and the matter officially was dropped. But the campaign to banish him continued unabated. Eventually a warrant was issued by the Immigration and Naturalization Service in 1938 seeking his deportation. A clean bill of health was given him, however, after a full hearing before a special examiner, Dean Landis of the Harvard Law School. This only led to demands that the deportation laws be changed to make sure that Bridges was exiled. Thereupon a special bill was introduced and actually passed by the House of Representatives directing the Attorney General "notwithstanding any other provisions of law" forthwith to take into custody and deport Harry Bridges, "whose presence in this country the Congress deems hurtful." H. R. 9766, 76th Cong., 3rd Sess. Fortunately this bill died in a Senate committee after the Attorney General denounced it as inconsistent with the American practice and tradition of due process of law. S. Rep. No. 2031, 76th Cong., 3rd Sess., p. 9.

As a substitute for this direct legislative assault upon Bridges, Congress amended the deportation law by enacting Section 23 of the Alien Registration Act of 1940, 54 Stat. 673. This amendment set aside this Court's decision in *Kessler* v. *Strecker*, 307 U. S. 22, by making it clear that an alien could be deported if, at the time of entering the United States or at any time thereafter, he was a member of or affiliated with an organization advocating the forceful overthrow of the Government. It thus was no longer necessary that the alien be an affiliate or member at the time of the issuance of the warrant of arrest. In the words of the author of this amendment: "It is my joy to announce that this bill will do, in a perfectly legal and constitutional manner, what the bill specifically aimed at the deportation of Harry Bridges seeks to accomplish. This bill changes the law so that the Department of Justice should now have little trouble in deporting Harry Bridges and all others of similar ilk." 86 Cong. Rec. 9031.

This prophecy was quickly realized, to the satisfaction of the vast interests arrayed against Bridges. A warrant for his arrest and

deportation under this new statutory provision was issued in 1941, followed by a hearing before another special examiner, Judge Sears. Evidence was presented by the Government on practically the same matters as in the first proceeding. This time, however, the examiner discovered sufficient grounds for recommending deportation. Although the Board of Immigration Appeals unanimously rejected this recommendation, the Attorney General, without holding a hearing or listening to argument, reversed the Board and ordered the deportation of Bridges.

It is not surprising that the background and intensity of this effort to deport one individual should result in a singular lack of due process of law. Much of the evidence presented by the Government has been described by the Attorney General as "untrustworthy, contradictory, or unreliable." The remaining Government evidence can scarcely be described in more generous terms. And the Court's opinion, in which I join, demonstrates that the proceeding had its validity further undermined by a misconception of the statutory term "affiliation" and by the improper use of hearsay statements.

But the Constitution has been more than a silent, anemic witness to this proceeding. It has not stood idly by while one of its subjects is being excommunicated from this nation without the slightest proof that his presence constitutes a clear and present danger to the public welfare. Nor has it remained aloof while this individual is being deported, resulting in the loss "of all that makes life worth living," *Ng Fung Ho* v. *White*, 259 U. S. 276, 284, on a finding that, regardless of his personal beliefs, he was a member and an affiliate of an organization advocating the forceful overthrow of the Government. When the immutable freedoms guaranteed by the Bill of Rights have been so openly and concededly ignored, the full wrath of constitutional condemnation descends upon the action taken by the Government. And only by expressing that wrath can we give form and substance to "the great, the indispensable democratic freedoms," *Thomas* v. *Collins*, 323 U. S. 516, 530, to which this nation is dedicated.

The unconstitutionality of the statute in issue and the invalidity of the proceeding brought pursuant thereto are obvious. As construed and applied in this case, the statute calls for the deportation of Harry Bridges after a fair hearing in which "some" evidence is established that he was a member or affiliate of an organization advocating the forceful overthrow of the Government. Such a provision rests its claim to legality upon one basic

assumption, an assumption that is obnoxious and intolerable when viewed in light of the supernal heritage and ideals of this nation.

This assumption underlying the statute is that the "plenary" power of Congress to deport resident aliens is unaffected by the guarantee of substantive freedoms contained in the Bill of Rights. In other words, as the Government has urged before us, the deportation power of Congress "is unaffected by considerations which in other contexts might justify the striking down of legislation as an abridgment of constitutionally guaranteed rights of free speech and association." From this premise it follows that Congress may constitutionally deport aliens for whatever reasons it may choose, limited only by the due process requirement of a fair hearing. The color of their skin, their racial background or their religious faith may conceivably be used as the basis for their banishment. An alien who merely writes or utters a statement critical of the Government, or who subscribes to an unpopular political or social philosophy, or who affiliates with a labor union, or who distributes religious handbills on the street corner, may be subjected to the legislative whim of deportation.

I am unable to believe that the Constitution sanctions that assumption or the consequences that logically and inevitably flow from its application. The power to exclude and deport aliens is one springing out of the inherent sovereignty of the United States. *The Chinese Exclusion Case*, 130 U. S. 581. Since an alien obviously brings with him no constitutional rights, Congress may exclude him in the first instance for whatever reason it sees fit. *Turner* v. *Williams*, 194 U. S. 279. The Bill of Rights is a futile authority for the alien seeking admission for the first time to these shores. But once an alien lawfully enters and resides in this country he becomes invested with the rights guaranteed by the Constitution to all people within our borders. Such rights include those protected by the First and the Fifth Amendments and by the due process clause of the Fourteenth Amendment. None of these provisions acknowledges . . distinction between citizens and resident aliens. They extend their inalienable privileges to all "persons" and guard against any encroachment on those rights by federal or state authority. Indeed, this Court has previously and expressly recognized that Harry Bridges, the alien, possesses the right to free speech and free press and that the Constitution will defend him in the exercise of that right. *Bridges* v. *California*, 314 U. S. 252.

Since resident aliens have constitutional rights it follows that Congress may not ignore them in the exercise of its "plenary" power of deportation. As this Court said in a previous exclusion case, "But this court has never held, nor must we now be understood as holding, that administrative officers, when executing the provisions of a statute involving the liberty of persons, may disregard the fundamental principles that inhere in 'due process of law' as understood at the time of the adoption of the Constitution." *The Japanese Immigrant Case*, 189 U. S. 86, 100. No less may a statute on its face disregard the basic freedoms that the Constitution guarantees to resident aliens. The CHIEF JUSTICE, in his dissenting opinion in *Jones* v. *Opelika*, 316 U. S. 584, 609, has stated that "The First Amendment prohibits all laws abridging freedom of press and religion, not merely some laws or all except tax laws." By the same token, the First Amendment and other portions of the Bill of Rights make no exception in favor of deportation laws or laws enacted pursuant to a "plenary" power of the Government. Hence the very provisions of the Constitution negative the proposition that Congress, in the exercise of a "plenary" power, may override the rights of those who are numbered among the beneficiaries of the Bill of Rights.

Any other conclusion would make our constitutional safeguards transitory and discriminatory in nature. Thus the Government would be precluded from enjoining or imprisoning an alien for exercising his freedom of speech. But the Government at the same time would be free, from a constitutional standpoint, to deport him for exercising that very same freedom. The alien would be fully clothed with his constitutional rights when defending himself in a court of law, but he would be stripped of those rights when deportation officials encircle him. I cannot agree that the framers of the Constitution meant to make such an empty mockery of human freedom.

Since the basic assumption of the statute is false, the Bill of Rights must be brought to bear. And when that is done several constitutional infirmities are apparent in this legislation. See 52 Yale L. J. 108. As shown by the record in this case, Harry Bridges has done no more than exercise his personal right to free speech and association. Yet upon proof of that fact, he would be subject to deportation under the statute. The invalidity of legislation of such nature is inescapable.

First. The deportation statute completely ignores the traditional American doctrine requiring personal guilt rather than

guilt by association or imputation before a penalty or punishment is inflicted.

The statute does not require that an alien, to be deportable, must personally advocate or believe in the forceful overthrow of the Government. It is enough if he is a member or an affiliate of an organization which advocates such a doctrine. And in this case the Government admits that it has neither claimed nor attempted to prove that Harry Bridges personally advocated or believed in the proscribed doctrine. There is no evidence, moreover, that he understood the Communist Party to advocate violent revolution or that he ever committed or tried to commit an overt act directed to the realization of such an aim.

The doctrine of personal guilt is one of the most fundamental principles of our jurisprudence. It partakes of the very essence of the concept of freedom and due process of law. *Schneiderman* v. *United States*, 320 U. U. 118, 154. It prevents the persecution of the innocent for the beliefs and actions of others. See Chafee, Free Speech in the United States (1941), pp. 472-475.

Yet the deportation statute on its face and in its present application flatly disregards this rule. It condemns an alien to exile for beliefs and teachings to which he may not personally subscribe and of which he may not even be aware. This fact alone is enough to invalidate the legislation. Cf. *DeJonge* v. *Oregon*, 299 U. S. 353; *Herndon* v. *Lowry*, 301 U. S. 242; *Whitney* v. *California*, 274 U. S. 357.

It is no answer that a deportation proceeding is technically non-criminal in nature and that a deportable alien is not adjudged guilty of a "crime." Those are over-subtle niceties that shed their significance when we are concerned with safeguarding the ideals of the Bill of Rights. The impact of deportation upon the life of an alien is often as great if not greater than the imposition of a criminal sentence. A deported alien may lose his family, his friends and his livelihood forever. Return to his native land may result in poverty, persecution and even death. There is thus no justifiable reason for discarding the democratic and humane tenets of our legal system and descending to the practices of despotism in dealing with deportation.

Second. The deportation statute is further invalid under the "clear and present danger" test enunciated in *Schenck* v. *United States*, 249 U. S. 47.

It is clear that if an organization advocated and was capable of causing immediate and serious violence in order to overthrow the

Government and if an alien member or affiliate personally joined in such advocacy a clear and present danger to the public welfare would be demonstrated and the Government would then have the power to deport or otherwise punish the alien. But the statute in issue makes no attempt to require such proof. It is apparently satisfied if an organization at any time since the alien became a member or affiliate advocated as a theoretical doctrine the use of force under hypothetical conditions at some indefinite future time. It is immaterial whether the organization presently advocates such an abstract doctrine or whether the alien is presently a member or an affiliate or whether he presently adheres to the organization's views. It matters not that an alien member never knew or understood the organization's illegal aim or that he may have resigned in protest upon learning of it. It appears to be enough that the organization at one time advocated the unlawful doctrine and that the alien was a member or affiliate at some time in the past, even if for no longer than one minute. 86 Cong. Rec. 9032. It is not even clear that the organization's advocacy of violent revolution and an alien's membership or affiliation must coincide in point of time. Such a statute fails to satisfy any rational or realistic test. It certainly does not pretend to require proof of a clear and present danger so as properly to negative the presumption that individual rights are supreme under the Constitution. It therefore founders in constitutional waters.

The Government frankly concedes that this case was not tried or decided below on the theory that the "clear and present danger" test had any application. Proof of Bridges' membership and affiliation with the Communist Party was shown by some of the most tenuous and unreliable evidence ever to be introduced in an administrative or legal proceeding. Proof that the Communist Party advocates the theoretical or ultimate overthrow of the Government by force was demonstrated by resort to some rather ancient party documents, certain other general Communist literature and oral corroborating testimony of Government witnesses. Not the slightest evidence was introduced to show that either Bridges or the Communist Party seriously and imminently threatens to uproot the Government by force or violence.

Deportation, with all its grave consequences, should not be sanctioned on such weak and unconvincing proof of a real and imminent threat to our national security. Congress has ample power to protect the United States from internal revolution and anarchy without abandoning the ideals of freedom and tolerance. We as

a nation lose part of our greatness whenever we deport or punish those who merely exercise their freedoms in an unpopular though innocuous manner. The strength of this nation is weakened more by those who suppress the freedom of others than by those who are allowed freely to think and act as their consciences dictate.

Our concern in this case does not halt with the fate of Harry Bridges, an alien whose constitutional rights have been grossly violated. The significance of this case is far reaching. The liberties of the 3,500,000 other aliens in this nation are also at stake. Many of these aliens, like many of our forebears, were driven from their original homelands by bigoted authorities who denied the existence of freedom and tolerance. It would be a dismal prospect for them to discover that their freedom in the United States is dependent upon their conformity to the popular notions of the moment. But they need not make that discovery. The Bill of Rights belongs to them as well as to all citizens. It protects them as long as they reside within the boundaries of our land. It protects them in the exercise of the great individual rights necessary to a sound political and economic democracy. Neither injunction, fine, imprisonment nor deportation can be utilized to restrict or prevent the exercise of intellectual freedom. Only by zealously guarding the rights of the most humble, the most unorthodox and the most despised among us can freedom flourish and endure in our land.

Mr. Chief Justice STONE.

Mr. Justice ROBERTS, Mr. Justice FRANKFURTER and I think that the deportation order should be sustained and the judgment below affirmed.

This case presents no novel question. Under our Constitution and laws, Congress has its functions, the Attorney General his, and the courts theirs in regard to the deportation of aliens. Our function is a very limited one. In this case our decision turns on the application of the long settled rule that in reviewing the fact findings of administrative officers or agencies, courts are without authority to set aside their findings if they are supported by evidence. This Court has not heretofore departed from that rule in reviewing deportation orders upon collateral attack by habeas corpus. *Tisi* v. *Tod*, 264 U. S. 131; *Vajtauer* v. *Commissioner of Immigration*, 273 U. S. 103, 106; *Costanzo* v. *Tillinghast*, 287

U. S. 341, 343, and cases cited, and there is no occasion for its doing so now.

Congress, in the exercise of its plenary power over the deportation of aliens, has directed the deportation of any alien who, at the time of his entry into the United States or at any time thereafter, has been a member of or affiliated with "any organization, association, society, or group, that believes in, advises, advocates, or teaches . . . the overthrow by force or violence of the Government of the United States, . . . [or] that writes, circulates, distributes, prints, publishes, or displays . . . any written or printed matter" advising, advocating or teaching the overthrow by force or violence of the Government of the United States. §§ 1 and 2 of the Act of October 16, 1918, c. 186, 40 Stat. 1012, as amended by the Act of June 5, 1920, c. 251, 41 Stat. 1008-1009, and the Act of June 28, 1940, c. 439, 54 Stat. 673, 8 U. S. C. §137.

Congress has committed the conduct of deportation proceedings to an administrative officer, the Attorney General, with no provision for direct review of his action by the courts. Instead it has provided that his decision shall be "final", 8 U. S. C. § 155, as it may constitutionally do. *Zakonaite* v. *Wolf*, 226 U. S. 272, 275, and cases cited. Only in the exercise of their authority to issue writs of habeas corpus, may courts inquire whether the Attorney General has exceeded his statutory authority or acted contrary to law or the Constitution. *Bilokumsky* v. *Tod*, 263 U. S. 149, 153; *Vajtauer* v. *Commissioner of Immigration, supra.* And when the authority to deport the alien turns on a determination of fact by the Attorney General, the courts, as we have said, are without authority to disturb his finding if it has the support of evidence of any probative value.

In this proceeding, the Attorney General, following the prescribed procedure, issued a warrant for the arrest of petitioner, charging that after his entry into the United States, he had been a member of and affiliated with organizations of the type referred to in the part of the deportation statute we have quoted. The Attorney General, as authorized by the applicable statutes and regulations, appointed the Honorable Charles B. Sears, an experienced judge formerly of the Court of Appeals of New York, to act as an inspector to hear evidence on the charges. The hearings before Judge Sears extended over a period of nearly three months, in the course of which evidence was offered by the Government and by petitioner, who was represented by counsel. The evidence is contained in more than seventy-five hundred type-

written pages of the record and in three hundred and fifty-nine exhibits. The record in this Court covers some seventy-eight hundred printed pages.

At the conclusion of the hearings, Judge Sears made his memorandum decision, in which he found that the Communist Party of the United States and the Marine Workers' Industrial Union were, at all relevant times, each an organization which believed in and advocated the overthrow by force and violence of the Government of the United States, and that the Communist Party also wrote, circulated, distributed, printed, published and displayed printed matter advising, advocating or teaching the overthrow by force and violence of the Government of the United States. Those findings are not challenged here. Judge Sears also found that petitioner was subject to deportation, and recommended that he be deported, on two separate and independent grounds: (a) that he was a member of the Communist Party of the United States, and (b) that he was affiliated with the Communist Party and with the Marine Workers' Industrial Union, which was a part of the Communist Party of the United States.

As we are of opinion that the finding of Bridges' membership in the Communist Party, standing alone, supports the deportation order, and that the finding is supported by evidence, we deem it unnecessary to consider other contentions to which the Court's opinion is principally directed. The evidence of membership is of two kinds, and may be briefly summarized. It consists of background testimony of numerous witnesses, much of it uncontradicted, which Judge Sears found to be true and which showed that Bridges had long and continuously associated with Communists and Communist Party organizations, and had exhibited a sympathetic attitude toward the Communist Party and its program. More important and decisive of the issue now before us is evidence concerning Bridges' interviews with two witnesses which, if true, as to either interview, showed that Bridges, both by his words and conduct, proved his membership in the Party.

One witness, Lundeberg, a prominent labor leader, testified that he had dined at Bridges' home in 1935; that Bridges, along with a member of the Communist Party who was also present, urged the witness to join the Communist Party; and that this took place in the presence of two members of Bridges' family and his secretary. Lundeberg testified that Bridges said on that occasion:

"You don't have to be afraid because nobody has to know you are a member of the Communist Party. . . . . You don't have to be afraid because I am one too. . . . I am a member of the Communist Party."

Bridges denied making these statements, although he admitted that the witness had dined with him at his home in 1935 when several members of his family were present. The others said to be present failed to testify and their absence from the witness stand is unexplained.

The other witness, O'Neil, who was the publicity director of the C. I. O., a member of the Communist Party, and an intimate of Bridges, and who shared offices with him after 1936, made a statement to members of the Federal Bureau of Investigation that in 1937 he saw Bridges in his office pasting assessment stamps (receipts for payment of Communist Party dues) in a Communist Party book, which the witness was certain was petitioner's membership book in the Party, and that Bridges on several occasions reminded the witness that he had not been attending Party meetings. The accuracy of the statement, as given in evidence, was verified by the stenographer who, testifying as a witness, read the statement from her stenographic notes. Major Schofield, a Special Assistant to the Attorney General, testified that O'Neil had repeated substantially the same statement to him in the presence of two witnesses. O'Neil, who had demonstrated his hostility to the Government and his unwillingness to testify, testified, when he was called as a Government witness, that he had made two statements at the times and in the manner indicated, and that they were true statements, but he denied that he had said that Bridges was a Communist or that he had seen him pasting assessment stamps in a Communist Party book.

Judge Sears, who saw and heard the witnesses, ruled that the prior statements of O'Neil were admissible. He declared in his decision that he believed and accepted as true Lundeberg's testimony and O'Neil's prior statements; that each supported his finding that Bridges was a Party member; and that each was corroborated by Bridges' associations with Communist Party members and organizations as well as by other circumstances, appearing in the testimony, and which it is unnecessary to detail. On review the Board of Immigration Appeals proposed findings, which would have rejected the findings of Judge Sears as unsupported by evidence. The Attorney General declined to follow the recom-

mendations of the Board, but instead adopted the findings of Judge Sears. He therefore ordered petitioner's deportation.

On this record we have only a single question to decide. Was there some evidence supporting the findings of Judge Sears and the Attorney General that Bridges was a member of the Communist Party? If there was, then, as we have said, we have no further function to perform and the judgment must be affirmed. To determine that issue we need not look beyond the testimony of Lundeberg. If his testimony is to be believed, Bridges admitted his membership in the Communist Party in circumstances which carry conviction of the truth of the fact admitted. It was for the hearing officer, Judge Sears, and the trier of fact, the Attorney General, not the courts, to say whether Lundeberg was to be believed. In deciding that issue, the administrative officials could take into account, as they did, the facts that four persons, all evidently friendly to Bridges, and who according to the testimony were present at the interview between Lundeberg and Bridges, failed to testify and that Bridges' failure to call them as witnesses stands unexplained. *Interstate Circuit* v. *United States*, 306 U. S. 208, 225-226, and cases cited.

The conclusion which the two administrative officers, charged with finding the facts, have drawn from this testimony, is not to be brushed aside by saying that the O'Neil statements are inadmissible as evidence and that the triers of fact would not or might not have accepted Lundeberg's testimony without O'Neil's. For neither Judge Sears nor the Attorney General made acceptance of the one dependent on acceptance of the other. Not a word in Judge Sears' decision or that of the Attorney General suggests that they did not regard the testimony of Lundeberg or the statements of O'Neil, each without the other, as sufficient to support their finding that Bridges was a member of the Communist Party. On the contrary, each declared that he accepted Lundeberg's testimony and O'Neil's statements, and that he believed each. It can hardly be said, without more, that they did not accept the credited evidence furnished by each witness as sufficient in itself to support their finding of Party membership.

But the record does not stop there. Both Judge Sears and the Attorney General examined the Lundeberg and the O'Neil testimony separately and made separate findings as to the effect to be given to each. The findings of Judge Sears, adopted by the Attorney General, show affirmatively that both officials accepted the

testimony of Lundeberg and the statements of O'Neil, as independently sufficient to support the finding that Bridges was a member of the Communist Party.

Lundeberg's testimony related wholly to his interview with Bridges in 1935. Of Lundeberg's testimony, Judge Sears said:

"The question for me to answer is whether the Government has established that Bridges admitted to Lundeberg at the time specified that he was a member of the Communist Party. If he did so admit, it is in my judgment conclusive evidence of the fact."

After examining Lundeberg's testimony, and considering his demeanor on the witness stand, and the strongly corroborative circumstance that others, who were in a position to deny his testimony, had failed to do so, Judge Sears said:

"I reach the conclusion, therefore, that the conversation did take place substantially as testified by Lundeberg and that Bridges did then and there admit to Lundeberg that he was a member of the Communist party."

Thus Judge Sears clearly stated that Lundeberg's testimony alone was sufficient to sustain a finding that petitioner was a member of the Communist Party in 1935.

At the conclusion of his like examination of O'Neil's statements, which related wholly to O'Neil's interview with Bridges in 1937, Judge Sears said:

"Having thus concluded that O'Neil made the statements attributed to him by Mrs. Segerstrom [the stenographer] and Major Schofield, I am also convinced of their truth. I do not overlook O'Neil's repudiation of the statements or Bridges' denials of the facts recited therein.

"Taking into consideration all the evidence bearing on this phase of the proceeding, I conclude that it is established that the narrations contained in O'Neil's statement to Mrs. Segerstrom and in his conversation in the presence of Major Schofield are the truth, and I find the fact that in accordance therewith that Bridges was in 1937, a member of the Communist Party."

The Attorney General, after a like separate examination of the Lundeberg and O'Neil evidence, made it perfectly clear that he accepted Judge Sears' findings as to each. He too said that the question as to each witness was a matter of his credibility, and that he believed the witness, rather than petitioner, because on this point he accepted Judge Sears' finding that they, and not Bridges, were to be believed. The conclusion is inescapable that the administrative officers, whose concurrent findings we are bound to accept if supported by evidence, did not make their finding,

from the Lundeberg testimony, that Bridges was a Party member in 1935, dependent in any degree upon their finding, from the O'Neil evidence, that Bridges was a member of the Party in 1937, or vice versa. This is particularly the case since Lundeberg's and O'Neil's testimony was not cumulative as to membership in the Communist Party at a single time; each testified as to a different time, some two years apart.

It is true that the Attorney General, in an introductory paragraph in his decision, said: "However, the evidence of two witnesses is accepted as showing that Bridges was a member of the Party. If this evidence is believed—and Judge Sears believed it—the doubt is decided." But he went on to say that the question was one of credibility, and that Judge Sears, who saw the witnesses, was in a far better position to decide that question than the Review Board. He continued with a separate discussion of each witness and his testimony. He concluded as to each, without any reference to the other, that the witness should be believed rather than Bridges, and that Judge Sears' conclusion as to the credibility of each (which was not dependent upon his like conclusion as to the other) should be sustained.

The record thus conclusively shows that both Judge Sears and the Attorney General found, on the Lundeberg testimony alone, that Bridges was a member of the Communist Party in 1935. That finding is supported by the sworn testimony of Lundeberg, which was admissible in evidence and has probative force. As it supports the concurrent findings of Judge Sears and of the Attorney General that Bridges was a Party member at that time, we cannot reject that finding.

What we have said is not to be taken as conceding that O'Neil's prior statements were improperly admitted. The Court rejects them on two grounds, that they were admitted in violation of departmental regulations, and that as hearsay they were so untrustworthy as to make them inadmissible in any event. We think neither ground tenable.

We find nothing in the rules and regulations applicable to deportation cases calling for the exclusion of the testimony concerning O'Neil's prior statements.[1] Rule 150.1 provides that

[1] The opinion of the Court states that the Attorney General conceded that the evidence was admitted in violation of the Rules. The Department of Justice made no such concession in this Court. And we think that the Attorney General's decision, which is quoted by the Court, when fairly read, stated no more than that the objection based on the rules came too late; that had the

statements secured during an investigation "which are to be used as evidence" shall be made under oath, and taken down in writing and signed by the person interrogated. Such a statement is denominated a "recorded statement" by the rule. The purpose of securing recorded statements is obviously to preserve evidence in a readily available form, and to insure that before a warrant of arrest is issued, there is credible evidence that the person investigated is an alien and is subject to deportation. It provides neither explicitly nor by implication that statements other than recorded statements are inadmissible.

It is true that Rule 150.6 excludes "recorded" statements unless the maker of the statement is unavailable, refuses to testify or gives inconsistent testimony. These restrictions on the admissibility of ex parte recorded statements hardly can be strained into a sweeping exclusion of all unrecorded statements, otherwise admissible in the proceeding. Indeed the rule on its face quite clearly permits an inspector to testify as to statements made by persons who are unavailable, refuse to testify or give testimony contradictory to a prior statement.[2] The statements as to which the inspector may testify are not restricted by the terms of the rule to recorded statements. Hence Judge Sears' ruling that Mrs. Segerstrom and Major Schofield could testify, under oath, that O'Neil had made statements to them in contradiction with his testimony on the stand, was not in conflict with the departmental rules.

But it is said that the evidence was in any event inadmissible. That the evidence would be inadmissible in a criminal proceeding is irrelevant here, since a deportation proceeding is not a criminal proceeding. *Bugajewitz* v. *Adams*, 228 U. S. 585, 591 and cases cited; *Bilokumsky* v. *Tod*, *supra*, 154-155; *Mahler* v. *Eby*, 264 U. S. 32, 39. And no principle of law has been better settled than

question been raised in time, compliance with the rules would have been required (it was not stated what compliance with the rules would have entailed); that if the Inspector, after deliberation, then had rejected the objection based on the rules, it would have been "appropriate" to raise the objections before the Board of Immigration Appeals; and that the right to raise the objection had been waived. Plainly he did not state or suggest that objections to their admissibility would have been valid if timely made, and there was no occasion for him to consider that question.

2 Rule 150.6(i) provides, in part: "An affidavit of an inspector as to the statements made by the alien or any other person during an investigation may be received in evidence, otherwise than in support of the testimony of the inspector, only if the maker of such statement is unavailable or refuses to testify at the warrant hearing or gives testimony contradicting the statement and the inspector is unavailable to testify in person."

that the technical rules for the exclusion of evidence, applicable in trials in courts, particularly the hearsay rule, need not be followed in deportation proceedings, *Bilokumsky* v. *Tod*, *supra*, 157, and cases cited; *Tisi* v. *Tod*, *supra*, 133; *Vajtauer* v. *Commissioner of Immigration*, *supra*, 106, more than in other administrative proceedings. *Edison Co.* v. *Labor Board*, 305 U. S. 197, 229-230, and cases cited; *Opp Cotton Mills* v. *Administrator*, 312 U. S. 126, 155, and cases cited. The only objections that can be taken to the evidence in such proceedings are not to its admissibility, but to its probative value. See *Edison Co.* v. *Labor Board*, *supra*, 230.

Judge Sears completely and accurately ruled on the admissibility of Mrs. Segerstrom's and Major Schofield's testimony as to O'Neil's earlier statements to them. He said:

"Whatever may be the common-law rule in relation to the reception of such evidence as that of Mrs. Segerstrom and Major Schofield, in this hearing the parties are not confined to common-law proof. Hearsay is admissible but the character of such evidence is an element to be used in its evaluation. The principal reason for the exclusion of hearsay at common law is that the opportunity for cross-examination is absent. In the present case, the sanction of cross-examination was present. Although the statement given to Mrs. Segerstrom and the statement made in the presence of Major Schofield were not under oath, there is something equivalent, for O'Neil testified on the stand that he told the truth in his interview with the agents of the F. B. I. and in the interview at which Major Schofield was present. There is in my opinion, therefore, every reason why this testimony should be heard and considered as substantive proof. It falls within the definition of substantial evidence heretofore quoted."

He appended in a footnote:

"(1) This view is fully supported by Dean Wigmore in the 3rd edition of his work (3 Wigmore, Evidence, 3rd ed., section 1018(b): 'It does not follow, however, that Prior Self-Contradictions, when admitted, are to be treated as having no *affirmative testimonial* value, and that any such credit is to be strictly denied them in the mind of the tribunal. The only ground for so doing would be the Hearsay rule. But the theory of the Hearsay rule is that an extrajudicial statement is rejected because it was made out of Court by an absent person not subject to cross-examination. . . . Here, however, by hypothesis the witness is present and subject to cross-examination. There is ample opportunity to test him as to the basis for his former statement. The whole purpose of the Hearsay rule has been already satisfied. Hence there is nothing to prevent the tribunal from giving such testimonial credit to the extrajudicial statement as it may seem to deserve. Psychologically of course, the one statement is as useful to con-

sider as the other; and everyday experience outside of court-rooms is in accord."

See also *Opp Cotton Mills* v. *Administrator, supra,* 155, and cases cited.[3]

We think that the O'Neil statements were properly admitted and that, independently of the Lundeberg testimony, they warranted the Attorney General's finding that Bridges was a Party member.

With increasing frequency this Court is called upon to apply the rule, which it has followed for many years, in deportation cases as well as in other reviews of administrative proceedings, that when there is evidence more than a scintilla, and not unbelievable on its face, it is for the administrative officer to determine its credibility and weight. *Warehouse Co.* v. *United States,* 283 U. S. 501, 508; *Trade Commission* v. *Education Society,* 302 U. S. 112, 117; *Consolidated Edison Co.* v. *Labor Board, supra,* 229; *Labor Board* v. *Nevada Copper Co.,* 316 U. S. 105; *Marshall* v. *Pletz,* 317 U. S. 383, 388; *Labor Board* v. *Southern Bell Co.,* 319 U. S. 50, 60; *Medo Corp.* v. *Labor Board,* 321 U. S. 678, 681-682. We cannot rightly reject the administrative finding here and accept, as we do almost each week, particularly in our denials of certiorari, the findings of administrative agencies which rest on the tenuous support of evidence far less persuasive than the present record presents. That is especially the case here, since the Attorney General, the district court and the court of appeals have all concurred in the conclusion that the evidence is sufficient to support the findings. *Coryell* v. *Phipps,* 317 U. S. 406, 411; *United States* v. *Johnson,* 319 U. S. 503, 518; *Mahnich* v. *Southern S. S. Co.,* 321 U. S. 96, 99, and cases cited; *Goodyear Co.* v. *Ray-O-Vac Co.,* 321 U. S. 275, 278.

Petitioner has made a number of other arguments which the Court finds it unnecessary to discuss. We think that they too are without merit. We would affirm the judgment.

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[3] Wigmore concedes that his views have not been accepted by the courts generally. But, as we have said, the technical rules of evidence applied by the courts are not applicable to administrative proceedings. Edison Co. *v.* Labor Board, 305 U. S. 197, 229-230, and cases cited; Opp Cotton Mills *v.* Administrator, 312 U. S. 126, 155, and cases cited. For that reason the considerations suggested by Wigmore are controlling here and the Attorney General and Judge Sears could rightly consider O'Neil's statements as proof of the matters stated. Bilokumsky *v.* Tod, 263 U. S. 149, 157, and cases cited; Tisi *v.* Tod, 264 U. S. 131, 133; Vajtauer *v.* Commissioner of Immigration, 273 U. S. 103, 106.